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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 113<sup>th</sup> CONGRESS, FIRST SESSION

## HOUSE OF REPRESENTATIVES—Thursday, June 27, 2013

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. POE of Texas).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
June 27, 2013.

I hereby appoint the Honorable TED POE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### WHAT A DIFFERENCE A DAY MAKES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIÉRREZ) for 5 minutes.

Mr. GUTIÉRREZ. Mr. Speaker, yesterday, a short time after the Supreme Court ruled that the Defense of Marriage Act violated the Constitution of the United States, an immigration judge in New York stopped the deportation of a man who was legally married to an American citizen.

According to press reports, the bonds of marriage that tied Sean, an American citizen, to Steven, a native of Colombia, were invisible in the eyes of the law before 11 a.m. Eastern Standard Time yesterday; but after the Supreme Court announcement, the bonds of marriage that drew these two indi-

viduals together in love and in the sight of God all of a sudden became visible to the United States Government. They materialized before our eyes, allowing a spouse of a U.S. citizen to live peacefully in the United States with his spouse as our immigration laws intended. What a difference a day makes.

Well, actually, this step towards justice took a great deal longer than a day. I'm proud that the Supreme Court finally caught up to Sean and Steven. I'm glad that the law of the land finally caught up to the American people, who generally feel that marriage equality, like other forms of equality, is a good thing. I'm glad the Supreme Court caught up to the 21st century, and I'm glad the Supreme Court caught up to me. In fact, what does a 21st century Congressman do on such occasions? I tweeted. And what did I tweet? "I told you so."

It was right here on this spot, on July 11, 1996, that the House of Representatives passed DOMA. I came to this well and walked up to the distinguished gentleman from Massachusetts, Barney Frank, who controlled the time on the Democratic side, and I asked him if I could speak on the bill. I had a great deal of respect for the gentleman from Massachusetts, and I have a great deal of respect for him today, now that he's happily retired and happily married. But on that particular day, he said to me, Luis, I have no time for people who are against the bill. Shoo. Go away.

Who knows, maybe it was a mild case of profiling. He saw a Latino Catholic from the Midwest and said he can't be a friend. I assured the gentleman that as a Chicago alderman, as a Congressman—you know something, just as a man—I was against discrimination, bigotry, and unfairness wherever and whenever I saw it and that I had fought in Chicago to pass a groundbreaking ordinance on LGBT equality in the 1980s. The gentleman from Massachusetts smiled, welcomed me to the team, and yielded me 3½ minutes.

I went back to check the RECORD to see what I had said on that night, and

you know what? The 2013 me agrees wholeheartedly with the 1996 me. I pointed out that the supporters of DOMA were wrapping themselves up in family values when, in fact, they were preventing families from being recognized as families.

I don't know many Americans—regardless of their political party, race, religion, or sexual orientation—who don't believe that family values are vitally important. But I also don't know many Americans who want a couple of hundred politicians in Washington to impose their values on everyone else's families.

Let me tell you about some very basic values I think we're talking about when we stand up against this bill: the values of people who love each other; people who share each other's lives; people who care about their future and the future of those around them; people who want to make a commitment that is legal and official and is important to them. To me, that sounds like family values.

I am proud to have spoken up; I am proud to have voted against that bill; and I am proud to have stood shoulder to shoulder with Barney Frank and other heroes who said "no" and today say "I told you so."

Now we need to take another vital step right away. The immigration judge that stopped Steven's deportation because of his legal marriage to an American citizen was absolutely right, but we need to make sure our immigration law reflects the post-DOMA reality across the board. If the Obama administration needs to write regulations to make sure our immigration laws match the Constitution of our Nation, then they better get to work. We can't afford delay.

Same-sex couples form families. Our immigration laws are supposed to honor families. So, Mr. President, please make it clear, from your office on down that family unity means all families. We've waited long enough.

The Highest Court in the land helped us take another step against discrimination. Now we must make sure that the administration of the law catches up with the letter and the spirit of the law. All families, like Steven and Sean, must be recognized as families for the purposes of our immigration law.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

What a difference a day makes.

The SPEAKER pro tempore (Mr. AMODEI). Members are reminded to address their remarks to the Chair.

# HONORING MAX FLEISCHMANN, JR., A GREAT AMERICAN FROM THE GREATEST GENERATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. FLEISCHMANN) for 5 minutes.

Mr. FLEISCHMANN. Mr. Speaker, today I rise to honor my father, Max Fleischmann, Jr.

My dad passed away last Saturday. We buried him Monday in the National Cemetery in Chattanooga, Tennessee, and I wanted to talk to America today about a very special man.

My dad was born in Astoria, New York, on December 29, 1925. He grew up during the Great Depression. His stories were legend. He talked to me about dime movies and penny candy, about radio, about what it was like to grow up in the Great Depression when his father had to take in other families to live with them. This generation was coined, later, as the Greatest Generation, and now I know why.

He would have folks come and visit the house. A fellow by the name of Moe Howard and his wife, Helen, would come by and sing and play the piano. Moe Howard was playing with a little-known group then called The Three Stooges. He would have a lady by the name of Gladys Weiss come and visit their home. Her late brother was a magician, an escape artist who had been deceased, called Harry Houdini. These stories were tremendous. He talked to me about his first Coca-Cola at the 1939 World's Fair and what it was like to drink that.

He was an incredible man. He had one good eye. He stood 5 feet, 2½ inches. He took 7 years to graduate from high school because he quit high school to join World War II.

When he showed up to serve in the United States Army, they said, Young man, you can go home. You're what we call 4-F. You've got one good eye. You've got poor skin. You're short. You can go home. He said, No, I want to serve; I want to serve.

And serve he did. They let him serve. And he went to the China-Burma-India theater. He didn't even know a war was going on in that part of the world because his brother was serving in the South Pacific and he had cousins serving in Europe. But he was 18 years old, and he went on a ship and on a plane and on a train and ended up in Burma. Over 2½ years later, he returned home and he went and finished high school.

My dad was a hardworking man, a company man. He always showed up and gave 100 percent wherever he worked. But he had a lot of hard work and he had a lot of hard luck. Sometimes these companies would go out of business that he worked at.

He did not have a formal education. An education was something that stood out to him.

□ 1010

And the reason I say that is in honoring him today I wanted to talk about the importance of education. I was the first person to get to go to college in my family. He married my mother in 1961. I was born in 1962. But tragically, when I was 9 years old, an only child, my mother got cancer and passed away a few years later. She lost that tragic battle. There were times he had no health insurance, there were times he didn't have a job. He would go all over the country—New York, Philadelphia, Chicago.

But one thing he insisted on. He said: "My son is going to get an education." That was so important. And I did. He put 20 bucks away a week so that I could have an education. I got to go to the University of Illinois at Urbana-Champaign.

But we didn't know that was not going to be the end of the story. Because when I finished up at Illinois he said: "What are you going to do?" He said: "You're bright, you have an education, but what are you going to do?" So he said: "Go to law school." He helped me through law school and paid for law school too. He got to see me get a college education and get a law degree.

He had a lot of hard luck, but he always worked hard and he made a great decision. He retired to Chattanooga, Tennessee. When he retired to Chattanooga, my wife and I started a law firm. In that law firm, we succeeded as a small business. He saw me scrimp and save and work hard 6 and 7 days a week. He always said: "Work hard, make sure your kids get a good education." He did that.

He was a big part in the life of my three sons, Chuckie, Jamie, and Jeffrey. They're 24, 22, and 16 now. They honored him this week with me at the National Cemetery. What a man. He loved this country, he served this country, he never forgot the Greatest Generation who gave so much for this country, and he was a good guy. He was honest to the core.

He got to live to see me elected to this great House. Sometimes we get ratings 6 percent, 10 percent, 11 percent. He loved to watch this House. He really liked it when I got to sit in the Chair. He would call all the relatives: "My son is presiding over the House today." But ladies and gentlemen, we have a great country, a wonderful country. He knew that. Only in America could you do something like this—come from last to first.

So I just wanted to say today: Thank you to my dad. Staff Sergeant Max Fleischmann, Jr., you did well. God bless you.

## SEQUESTER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. I know that I—before I get to my remarks—join all the House in saying thank you to your father and to the Greatest Generation, who not only fought the terrorists of their time but came home and built the greatest economy the world has ever seen and gave us all opportunities of our generation. I'm older than you are, but of our generation. So I thank you for your comments. I know that your father is extraordinarily proud of you and extraordinarily proud of the remarks you just made showing how proud you are of him.

Mr. Speaker, tomorrow, the majority party is set to recess this House for a week, leaving in place their economy-stifling and irrational policy of sequester.

We talked about the Greatest Generation. I fear that this generation is going to be the greediest generation, who are not going to leave our children the great economy that was left to us but will leave an economy that is limping because of the policies that we pursued and the debt that we have incurred.

When sequester took effect 17 weeks ago, it was the culmination of an effort by the extreme wing of the majority party to impose severe and senseless cuts across the Federal Government without regard for the real consequences to our economy, our national security, and our most vulnerable citizens.

Let me review just some of its many consequences.

### Head Start and title I:

We will lose between 70,000 and 130,000 seats in Head Start for some of the most vulnerable children in America; 10,000 teachers' jobs will be at risk in title I to teach some of our most vulnerable children.

### Social Security Administration:

Furloughs will cause delays in processing retirement and disability claims.

### Nutrition for vulnerable populations:

Four million fewer Meals on Wheels for our seniors who rely on them for a daily nutritional meal.

### Housing:

125,000 housing vouchers, perhaps more, will be eliminated for people who need housing.

### Unemployment insurance:

Emergency unemployment insurance past 26 weeks will be cut 11 percent for people who cannot find a job, in part because there has been no jobs legislation put on this floor since we've been here this year.

### FDA:

2,100 fewer food safety inspections, an 18 percent reduction in making sure that the food we eat is safe and healthy.

On top of these, it also erodes our military readiness, with one-third of our combat aircraft on the ground, not being flown, training not being done.

As the Washington Post columnist David Ignatius pointed out last Friday, sequestration is forcing the military to cut back on training programs vital to our defense readiness, and yet we fiddle while Rome is burning.

David Ignatius writes:

The Army is sharply cutting training above the basic squad and platoon level. All but one of the combat training center rotations scheduled for brigades this fiscal year have been canceled. Depot maintenance has been halted for the rest of the fiscal year. The Army will cut 37,000 flying hours from its aviation training.

The list goes on and on, Mr. Speaker.

In February, Army Chief of Staff General Ray Odierno told Congress:

Should a contingency arise, there may not be enough time to avoid sending forces into harm's way unprepared.

On July 12, Mr. Speaker, civilian defense personnel at the Pax River Naval Air Station, which I represent, are scheduled to begin furloughs as a result of the sequester. That's a personal concern to me, it's a concern to their families, but more broadly than that it's a concern to the national security of every American citizen. Those folks are among the hundreds of thousands of civilian defense workers in Maryland and across the country who are set to be furloughed next month unless—unless—Congress acts. Congress can end these arbitrary and irrational cuts by replacing the sequester in its entirety as part of a big and balanced solution to deficits.

We had a deal. It was called the Budget Control Act. OMB now estimates it cut \$1.4 trillion. It's not as if we've ignored the deficit—\$1.4 trillion. But we didn't get all the way to where the Speaker said we needed to be and, therefore, we adopted the sequester, which irrationally cuts across the board the highest priority and the lowest priority.

□ 1020

Our ranking member on the Budget Committee, Democrat CHRIS VAN HOLLEN, has tried seven times to bring to this floor legislation to exactly modify this policy so that we have a rational, national security protecting, vulnerable citizens-protecting alternative while saving and getting to the same budget deficit reducing number—the same. However, our Republican colleagues have refused the opportunity to consider that on this floor.

We hear a lot about the Speaker saying, Let the House work its will. Seven times we have asked this House leadership to give us the opportunity to work our will. The best way to achieve the balanced alternative to the sequester and put America's fiscal house in order would be through a bipartisan agreement on a budget. Leader PELOSI is

going to name our conferees in just a few minutes. This Saturday will be the 100th day since the House passed its budget and after we demanded that the Senate pass a budget, Mr. Speaker. Still, 100 days later, no action on this floor by the majority party to go to conference—to sit down and try to come to an agreement. That's what democracy is about, coming to an agreement. This House should not be going into recess without first appointing conferees.

Ten percent of Americans think we're worth anything. I need to talk to them because they're not sure what's going on here, apparently.

I believe there is a bipartisan majority of Members—I hope that's the case—who will support a balanced approach that restores fiscal discipline and ends this irrational, commonsense-defying sequester. Let the House work its will, Mr. Speaker. It's time to appoint budget conferees. It's time for a balanced alternative to the sequester. As the sequester continues, there is no time to waste; and we ought to stay here and get the job done. Regular order, regular order, regular order—I hear it all the time. The problem is we are not following regular order—to the detriment of our country and our citizens.

#### ATTACK ON SHIITE MUSLIMS IN EGYPT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. First of all, I want to say nice job to CHUCK FLEISCHMANN for his comments on his father.

Then, before my colleague from Maryland leaves, I want to make sure that he understands that we understand the history of this whole budget process.

The Nation is \$16 trillion in debt. It was the President's proposal to sequester; and it was his vote, along with my vote, that passed the Budget Control Act that enacted sequester. So, many of us are not just going to come to the floor and get lectured to on this process of how do you eventually get control of this national debt.

Sequester is a tough process. It's a tough pill to take. It's the first time we've ever cut real dollars. As I tell my colleagues, in the big picture of a \$16 trillion debt, it's pocket lint. It's such a small percentage of our future obligations, and that's where the debate on entitlement programs has to go. It's Medicare, Medicaid, Social Security, and the interest payment on our debt that, if we don't get control actuarially in the out-years, we will continue to have to cut the discretionary budget, which is damaging to all of those things my colleague mentioned.

Yet for him to come down and profess outrage over a proposal that the Presi-

dent presented to this body and then to profess outrage when he voted for the bill, I think it's just the height of hypocrisy.

That's not what I came down to the floor to talk about, but this gives us an opportunity to respond. I did want to talk about the recent occurrences in Egypt which identify persecution.

The Middle East is a continually changing region. We have had citizens protesting their nondemocratic governments numerous times in calling for change and freedom across the region. In 2012, the world would watch incredible change in Egypt following the election of Mohamed Morsi, when he became the President. This country continues to struggle in instituting a democratic government. However, the work of the Morsi government is not met without opposition, and attacks on minority groups are still an ongoing issue.

In the recent past, Coptic Christians have been persecuted; and on Sunday, June 23, Shiite Muslims were attacked by a mob of Sunni Muslims in the village of Zawayat Abu Musalam. Four Shiites died in this attack, and many others were injured. Shiite Muslims make up roughly 2 percent of the Egyptian population of 80 million people.

While President Morsi has condemned these attacks, further steps need to be taken to address the ongoing persecutions of Egypt's religious minorities. Persecution will continue if sentiments towards minorities are not changed. For Egypt to have a successful, lasting democratic government, people of all religions will need to be included.

The United States was created on the principle that all people should have the right to practice their religions freely and openly and without fear of persecution. As a Christian and as a Member of the House of Representatives, which is composed of a vast array of Members with different beliefs, it is my hope that this country will continue to be an example that Egypt can look to.

I urge the Egyptian Government and the people to continue to condemn these religious-based attacks and to take positive steps towards religious freedom. I will continue to keep the country of Egypt and their religious minorities in my prayers, and I ask my colleagues to do the same.

#### END HUNGER NOW

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, I rise once again to address the House on the need to end hunger now. This is the 14th time that I've done so this year.

Next week, the Members of this House will return home to their districts for the 4th of July district work

period. There will be parades and fireworks and picnics for all of us, but for too many of our neighbors there will be no such festivities. They will be too busy working two or three jobs just to make ends meet.

They will be worrying about their children, who, during these summer months, are too often forced to go without enough nutritious food to eat because school is out of session, because in our country, Mr. Speaker, in the richest, most powerful Nation in the history of the world, the reality is that 50 million of our fellow Americans struggle with hunger.

I am also sure that, during the 4th of July activities, many Members will be getting quite an earful from the farmers in their districts. Those farmers are now facing confusion and uncertainty as they prepare for yet another season without a long-term reauthorization of the farm bill. They will wonder why this House of Representatives can't seem to get its act together.

I hope that my colleagues will tell them the truth, which is that the reason the farm bill failed in the House last week is that it would have thrown 2 million people off the SNAP program. It would have caused over 200,000 children to lose access to the free school breakfast and lunch program. It would have made hunger worse in America. It would have forced struggling Americans to jump through all sorts of hoops, like drug testing, while not requiring the same of wealthy farmers who receive Federal subsidies. It would have not only allowed but actually encouraged States to find ways to kick people off the SNAP program. In short, it would have continued the Republican majority's assault on hard-working, struggling poor people; and for many of us on our side of the aisle, that price was simply too high.

As columnist E.J. Dionne wrote after the defeat of the bill:

This is, above all, a story about morality. There is something profoundly wrong when a legislative majority is so eager to risk leaving so many Americans hungry. That's what the bill would have done and why defeating it was a moral imperative.

Mr. Speaker, I want a farm bill. Our farmers deserve a farm bill. I am honored to represent hundreds of small farmers, and I am honored to serve on the Agriculture Committee. I know that Chairman LUCAS and Ranking Member PETERSON worked incredibly hard to thread a very small needle. If the Republican leadership really wants a farm bill, it should do away with these draconian SNAP cuts and bring a bill to the floor that acknowledges the struggles faced by millions of our neighbors.

□ 1030

My fear, however, is they will do just the opposite, that they will go even further, make even deeper cuts to food

and nutrition programs, make even more Americans hungry in a vain attempt to convince some of their more right-wing members to support this bill. Indeed, we see that dynamic at work with the agriculture appropriations bill before us this week, a bill that makes drastic cuts to the Women, Infants and Children program.

I would like to once again urge the White House to take an active leadership role on this. Last week, the administration issued a veto threat against the farm bill because of the devastating SNAP cuts that it contained, and I welcomed that threat. It was a positive sign. It was a positive sign that the White House understands that throwing 2 million people off of SNAP would be devastating not just to those individuals, but to our economy, as well.

But the administration, quite frankly, needs to do more. They need to convene a White House conference on food and nutrition so that we can get everyone in a room, including our farmers, to address the issue of hunger in America. Let's solve this problem. This is a solvable problem, but it needs attention and we need to have a plan.

Mr. Speaker, I urge my colleagues on both sides of the aisle to reflect over the next week about where we should go from here. Do we want to live up to the bipartisan tradition of giants like Bob Dole and George McGovern, who came together and helped create this anti-hunger safety net that we have in this country? Their leadership almost ended hunger in this country in the 1970s. Unfortunately, we have strayed so far away from what they've done that we now find ourselves with 50 million hungry people.

Do we want to unite to provide a circle of protection around our most vulnerable neighbors? I hope so, Mr. Speaker. I hope that this House of Representatives understands that one of our obligations is to make sure that the needy and the poor and the most vulnerable are not forgotten, that we don't sit back and allow them to fall through the cracks.

We can do this. We can end hunger now. All we need is the political will.

#### FREEDOM IN THE BALANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. McCLINTOCK) for 5 minutes.

Mr. McCLINTOCK. Mr. Speaker, three major developments have occurred within the last 6 weeks that are each disturbing by themselves, but extremely alarming when viewed together.

The first was the revelation that for more than 2 years, one of the most powerful and feared agencies of the Federal Government was used to harass and intimidate individual Ameri-

cans into silence because of their political beliefs. Evidence has already established that hundreds of conservative groups were subjected to invasive interrogations when they sought to participate in the political process. This pattern of conduct was not limited to applications under section 501(c) but included audits of established conservative groups and individuals, as well. This conduct reached the highest levels of the IRS. A similar pattern of abuse has been documented in several other agencies, including the Department of Labor and the Environmental Protection Agency. These facts are undisputed, and their implications are utterly toxic to a free society.

The second development was news that the Justice Department had surreptitiously seized the telephone records of some 20 reporters covering Congress for the Associated Press in an obvious attempt to discourage whistleblowers from talking to the press. Fox News reporter James Rosen and his family were stalked by authorities as he tried to get to the bottom of the Benghazi scandal. To obtain the search warrant allowing this, the Attorney General of the United States filed an absolutely spurious claim with the Federal court charging that Rosen had conspired to violate the Espionage Act. That's the same act under which Julius and Ethel Rosenberg was executed in 1953. The message to reporters asking inconvenient questions of this administration could not possibly have been more powerful or terrifying, and this week the head of AP reported that their news sources have indeed dried up in response to these naked acts of intimidation.

The third development is news that the Federal Government has swept up the phone and Internet records of millions of Americans in the name of state security just months after the official in charge categorically denied the existence of this program in sworn testimony to Congress.

The practice of the government searching your personal records without having first established reason to believe that you have committed a crime is expressly forbidden by the Fourth Amendment, adopted in direct response to British officials indiscriminately searching homes and records for evidence of contraband, yet this government has done precisely that on a scale unimaginable in colonial times, in this case searching for evidence of terrorism.

If I know the Web sites that you've visited and what phone numbers you've called, I know a great deal about your political and religious beliefs, your personal relationships, your sexual interests, your mental and physical health and your family finances. And with that information in the hands of officials who already have demonstrated a clear intention and ability to use their



power to intimidate political adversaries into silence or to discourage reporters from asking embarrassing questions, our society could very quickly cross a very bright line between freedom and authoritarianism.

As if to underscore the point, the administration spokesman recently told a national television audience that “the law is irrelevant.” He called these matters “a distraction.” What does that say about a society that once prided itself on being a Nation of laws and not of men?

All around this Capitol, we are surrounded by the trappings of the Roman Republic. They serve as an inspiration, but they should also serve as a warning. The Roman Republic didn’t end because Caesar crossed the Rubicon with his legion. It was because that illegal act was not effectively resisted and led to another usurpation and then another and then another over a period of years. It was the accumulation of many such infringements that brought the inexorable decline of freedom and set the stage for Rome’s age of tyrants. That’s what Jefferson meant when he said the price of liberty is eternal vigilance.

My great fear, as we adjourn tomorrow to celebrate the 237th anniversary of American freedom, is that sometime between the barbecues and the fireworks we shrug off these profound developments and go about as if nothing has happened. The summer of 2013 has brought us to a crossroads, and I rise today to urge the House to give these events its full and undivided attention.

#### “REDSKIN” OFFENSIVE TO NATIVE AMERICANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from American Samoa (Mr. FALEOMAVAEGA) for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, just yesterday on the cover page of The Washington Post newspaper, there was an article written by journalists Jon Cohen and Rick Maese that, according to a recent poll taken among the sports fans of the Washington, D.C. area:

A large majority of area sports fans say the Washington Redskins should not change the team name, even though most supporters of the nickname feel the word “redskin” is an inappropriate term for Native Americans.

Mr. Speaker, not only is the term “redskin” inappropriate, but it is just plain offensive and derogatory towards Native Americans. And I want to share with my colleagues in Congress, and especially the American people, how the word “redskin” came about and its history.

In 1749, it was a standard procedure among settlers who lived in what is now known as Maine and Nova Scotia to kill and scalp as many of the Indians as members of the Micmac Tribe. The same policy was also implemented in

1755 by settlers who lived in what is now known as the State of Massachusetts—that their object was to kill and scalp members of the Penobscot Indian Nation.

Mr. Speaker, the policy was you get paid for killing and/or scalping Native American Indians. And if you kill an Indian boy, you get paid 50 pounds. If you get a scalp of an Indian, you also get paid 40 pounds. For any female, Mr. Speaker, under 12 years old that you killed or scalped, you also get paid 25 pounds. Mr. Speaker, I submit that these scalps were also called “redskins.” Mr. Speaker, this is why this word is so offensive to Native Americans.

Mr. Speaker, there’s a saying in Indian country: “Walk in a man’s moccasins for 2 weeks before you pass judgment on that person.”

□ 1040

Mr. Speaker, my point is what if that scalp belonged to your mother or to your wife or daughter or your brother or sister or to your son or father? Mr. Speaker, it is my sincere hope that our Washington fans and the American public will come to realize why the usage of the word “redskin” has brought nothing but a stark reminder of the horrors of how Native Americans have been treated for centuries.

Mr. Speaker, I honestly believe in the fairness and decency of the American people. I believe that many of our fellow Americans did not know of the history of the word “redskin,” and I sincerely hope many others will come to a better understanding as to why Native Americans feel obviously offended by the use of the word.

I hope Mr. Roger Goodell, commissioner of the National Football League, and all the NFL club owners will seriously raise this matter with Mr. Dan Snyder to try to change the name of his Washington football franchise. The NFL has a moral responsibility to take corrective action on this matter. It is the right thing to do.

Under the mandate of the U.S. Constitution, Mr. Speaker, the U.S. Congress has both a legal and moral responsibility to look after the needs of our Native American nations. It is for this reason that the bill, H.R. 1278, was introduced to not allow or to cancel the registration of the word Redskins as a trademark name simply because it is a derogatory term and a racial slur against Native Americans.

Mr. Speaker, don’t get me wrong. I’m a great supporter and fan of the sport of football. In fact, I played 4 years of football in high school. Many of my relatives played both at the college level and in the NFL: the late Junior Seau of the San Diego Chargers; Troy Polamalu of the Pittsburgh Steelers; Jesse Sapolu of the 49ers, just to name a few. There are many others. My point, Mr. Speaker, is we need to cor-

rect this inequity. We need to show a little more respect for members of the Native American community.

[From the Washington Post, June 26, 2013]

WASHINGTON REDSKINS NAME: WASHINGTON POST POLL FINDS MOST D.C. AREA FANS SUPPORT IT

(By Jon Cohen and Rick Maese)

A large majority of area sports fans say the Washington Redskins should not change the team name, even though most supporters of the nickname feel the word “redskin” is an inappropriate term for Native Americans, according to a new Washington Post poll.

The debate over the team’s name has intensified in recent months as members of Congress, activists and media commentators criticized it as offensive to Native Americans and lobbied for change. But most Washingtonians—61 percent—say they like the team’s name, and two-thirds say the team should not change it, according to the poll.

Among Redskins fans, about eight in 10 say the team should keep its name. Also, there’s some evidence that changing it might undermine support from some of the team’s most ardent backers.

“It’s been associated with the team for so long, I just don’t see any reason to change it now,” said retiree Joseph Braceland, 70. “It was not meant to be derogatory.”

A quarter of all area adults and slightly more than half of self-described Redskins fans say they “love” the team name, yet both groups overwhelmingly say that in general a new name wouldn’t make much difference to them.

Among those who want to keep the Redskins’ name, most—56 percent—say they feel the word “redskin” is inappropriate. Only half as many—28 percent—consider the term as an acceptable one to use.

“I think any word that you deal with, it depends on the context,” said Stephan Bachenheimer, a District resident who works for the World Bank and supports the Redskins’ name. “A lot of people have a hard time separating these issues.”

The name has been subject to much criticism and public debate this offseason, with both local and national leaders urging the team to consider a name change, a request the team has fervently resisted.

In the new poll, 28 percent of all Washingtonians say the team should change its name, far above the 11 percent nationally who said so in a recent Associated Press poll.

“I don’t believe in being super politically correct—I have a sense of humor—but I think this name came about at a time when there was very different awareness about the plight of the American Indians,” said Mary Falvey, 60, who works in communications for the Food and Drug Administration. “I just don’t think it’s appropriate. There’s increased sensitivity about race in this country today—for the good.”

While feelings about the team’s nickname were similar across most demographics, the percentage advocating a shift in the D.C. area peaks at 39 percent among African Americans with college degrees. (There weren’t enough Native Americans among the poll’s 1,106 respondents for meaningful comparison; Native Americans make up less than 1 percent of the population in the region, according to Census data.)

According to poll results, education plays a role more broadly: 34 percent of all area college graduates say change the name, compared with 21 percent of those with less formal education.

“Leave the name alone,” said Eileen Schilling, 52, who works in construction sales.

"It's ridiculous. It's getting completely out of hand. Pretty soon we won't be able to dye our hair because it might offend someone. I'm Irish. Should the Notre Dame Fighting Irish change their name because I don't like it? Hell no. What about the Kansas City Chiefs? The Cleveland Indians? Should the Eagles change their names because it's a national symbol? It's ridiculous."

#### PRESIDENT PANDERING TO ENVIRONMENTAL GROUPS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the President this week declared he's going to unilaterally stop climate change. That's right, he's going to part the oceans and change the temperature to his liking. How's he going to do this? Well, he's declaring war on fossil fuels—again.

This week it's coal. Mr. Speaker, coal counts for 37 percent of our Nation's electricity. How does the President plan to make up for that 37 percent? Well, the ruler doesn't really say. I guess that 37 percent will just have to do without heat come winter. In his radical climate change manifesto, to a room packed full of his environmental lobby, the President issued a edict to the EPA to regulate coal out of existence.

Both Congress and the American people have overwhelmingly rejected this policy in the past. Never mind the will of the people, never mind Congress has said "no" to these ideas. The President is pandering to the environmental groups, and he wants it his way. So he's just going to issue another one of those—what I believe is unconstitutional—executive orders.

Mr. Speaker, there are consequences for such rash actions by the President. The White House war on coal will raise the cost of energy for American families, cripple the economy, and destroy hundreds of thousands of jobs of people who work in the energy industry. The war on coal is really a war on the American people.

Mr. Speaker, maybe the President is not aware that the coal plant over here on South Capitol Street heats part of the Capitol. Is this his way to silence Congress? Who knows. But this is just another day from the administration whose energy policy is "nothing from below." Nothing from below the ground, nothing from below the sea. No oil, no coal, no gas, and no jobs. That's the result of this policy. That's why I've introduced the Ensuring Affordable Energy Act. My bill will put an end to this back-door attempt by this administration to go around Congress and circumvent the will of the people. This bill would prohibit any EPA funds from being used to implement the regulation of greenhouse gases. This has passed in the House, but it has yet to become law.

Now let's talk about natural gas. Down the street from the White House is another marble bureaucratic palace they call the Department of Energy. Sitting on their oak desks are dusty folders holding applications to export liquefied natural gas. In 2010, the oil and gas industry contributed almost \$500 billion to our economy. And over the last 7 years, the amount of recoverable natural gas in our country has skyrocketed. For the first time in our Nation's history, we have more natural gas than we can use here in the United States, even if we tried. America can sell that gas on the global market for billions of dollars, creating thousands of jobs in the process; but we're not doing it, for one simple bureaucratic red-tape reason—the Department of Energy.

In typical Washington-style fashion, we've seen delay, delay, delay by the Department of Energy to approve these permits. Over the last 70 years, this bureaucratic hurdle was hardly noticed as the U.S. was an importer of natural gas, but not so anymore. Technology has changed all of this. There are some 18 export applications sitting over there on those desks in those dusty folders for the DOE to approve. The Department's response: no response. In the last 3 years, the DOE has granted only two applications. Meanwhile, countries that want to buy American natural gas are going to our worldwide competitors, like China and Russia. Isn't that lovely.

Understand this, Mr. Speaker, there is already an agency, FERC, the Federal Energy Regulatory Commission, that is in the pipeline to approve applications such as this. So we have duplication with the DOE and FERC. So what we have to do is remove the DOE from the process, remove this duplication.

Mr. Speaker, we have enough oil, natural gas, and coal in America to make the Middle East turmoil, Middle East politics, and Middle East energy irrelevant if we would just use our own God-given natural resources. Washington bureaucrats sit at their large oak desks sipping on those lattes every day, and they are regulating American energy out of business. It's time to take the padlock off the marble palaces of the EPA and the DOE and remove the bureaucrats from the energy business. Let's use the resources the good Lord has given us to take care of America.

And that's just the way it is.

#### STRUGGLE FOR EQUALITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DANNY K. DAVIS) for 5 minutes.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, the struggle for equality, for justice, for freedom, for democracy is

an awesome force. No force, no historical circumstance has done more to shape our Nation, but that struggle has always been confronted by an endless series of attempts to block, minimize, sidetrack, undo, and weaken our democracy. Through all these struggles, those most oppressed have repeatedly taken the lead to reinforce our democracy and solidify our Nation.

We fought a bloody, wrenching Civil War to end a Nation that was suffocating "half slave and half free." Three million men fought in that war, and 620,000 died. Although African Americans made up 1 percent of the population of the North, they made up 10 percent of the Union Army.

In the aftermath, Congress sought to enshrine in the Constitution, forever, basic democratic rights: in the 14th Amendment, the power to enforce the Bill of Rights, due process, and equal rights; and in the 15th Amendment, voting rights regardless of race, color, or previous condition of servitude. But a violent, terrorist backlash led by the Ku Klux Klan prevented the implementation of our Constitution for a hundred years until a new civil rights struggle, based on nonviolence, but no less powerful, forced our Nation, the courts, and this Congress to recognize those promised constitutional rights.

Among the forms of recognition were the Civil Rights Acts of 1964 and 1965. They transformed the political landscape of America.

□ 1050

But the truth is that, beginning as far back as the Nixon administration, efforts sought to chip away at those rights. Yesterday's Supreme Court decision undermining the enforcement of voting rights is the latest attempt to roll back history.

Shall we go forward or shall we go backwards?

The rapidly changing demographics of our Nation is calling new forces into the struggle for civil and voting rights every day, and our response to yesterday's Supreme Court decision presents a challenge for every Member of this Congress. And we have to ask ourselves: Which side are you on?

For me, the path is clear. We need a Federal right to vote enshrined in our Constitution, one clearly, unambiguously, boldly, proudly asserting that we will not tolerate any infringement on our rights as citizens to express the will of the people.

Those who seek to dilute voting rights, to place barriers on every citizen's right to participate in this government, will find themselves on the wrong side of history and, in the end, will be no more able to stop the movement for equality, for justice, for freedom, for democracy than they're able to stop the sun from rising in the morning or setting in the evening or to stop people who've decided that they love each other from expressing it.

## OFFSHORE ENERGY AND JOBS ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. RIGELL) for 5 minutes.

Mr. RIGELL. Mr. Speaker, before I begin my remarks, I want to just express my appreciation to our colleague, Mr. FLEISCHMANN, and my respect for him and the eloquent tribute that he paid his father. Indeed, his father was a member of the Greatest Generation, and we thank him, his father, for his service to our country.

Mr. Speaker, I rise this morning to talk about my number one priority in serving the Second District of Virginia and this incredible country that we have the privilege to live in, and that's jobs. That's the number one focus for our office.

I rise in strong support of House Resolution 2231, Offshore Energy and Jobs Act, that will come before this House either today or tomorrow. That bill includes language that I authored and introduced, and it creates a clear path, an opportunity that can really change the lives of hardworking Americans.

And I'm awfully proud of what the bill will do—ideally, when it's passed through the Senate and made into law by the President—in job creation.

But before I share with this House what the bill actually does and what the language does, I want to make clear what it's not. It's not a bill that spends more money. In fact, it's just the opposite. It's a bill that actually creates Federal revenue.

Here's how it works:

Right now, there is a moratorium, a full stop, on offshore exploration of energy off the coast of Virginia. And what our bill does and what the language does is it breaks through that, and it opens up that tremendous job-creating potential of Virginia's offshore energy.

The first benefit of this bill, of course, is jobs. Eighteen thousand jobs are estimated to be created by this bill, just in Virginia alone. And, Mr. Speaker, every one of those jobs is a life-changing job.

I'm an entrepreneur in what I refer to as a season of public service, and I've had the privilege, hundreds and hundreds of times—perhaps thousands, I don't know—of being able to look at an applicant and say these incredible words, "You're hired." And I know the person goes home and says, "I got the job." That's what Americans are looking for is opportunity, and that's what this bill advances.

And as we become more energy independent, what happens is we've reduced our need to have our young men and women around the world protecting our sources of energy. It makes America a safer country.

Right now, more money than any one of us would like is going to countries like Venezuela and Saudi Arabia. These countries don't share our values, and

we're fueling their economies. We should be fueling our economy.

It creates the revenue, Mr. Speaker, that we need. I'm a Republican who talks about the need for more revenue, but we get that by growing our economy. This is the way we can invest in our schools and have better roads, make the investments that we need to make into our infrastructure.

And look, it fast-tracks a great renewable—wind. It has tremendous opportunity. Frankly, it's too expensive right now. But we're Americans. We're smart. We can innovate. We can think our way through this and find a way to make wind energy more affordable.

In this very body right here, the President came in and he said, I'm all of the above with respect to energy. Mr. Speaker, that's common ground, and I'm delighted to say it's common ground.

Right now, I'm having difficulty reconciling what he said with this full moratorium off the coast of Virginia, and this bill represents common ground. We've got the Governor of Virginia. We have our two U.S. Senators, interestingly, both Democrats, Senator Kaine and Senator Warner, both support, in principle, this same objective. In fact, they're introducing similar legislation in the Senate. The General Assembly of Virginia wants to move forward. There is a clear consensus in Virginia that this legislation ought to go forward.

Right now, the only thing holding up these jobs, every one of these life-changing jobs, is the administration. We're not asking for a tremendous amount of money. As I mentioned, in fact, we're just asking for the administration to get out of the way.

Mr. Speaker, I didn't mention what tremendous local support this bill has: We have the local NAACP behind the bill. The mayor of Virginia Beach, the largest city in our district, is behind the bill; Hampton Roads Chamber of Commerce, Hampton Roads Planning District Commission, Hampton Roads Global Commerce Council, the Virginia Port Authority.

And we can do this, Mr. Speaker, while meeting the deep obligation that we have, the moral obligation to leave our children with clean air and clean water and clean soil.

To those who put one against the other, that it's either jobs or a good environment, I reject that outright. Why? Because we're Americans. It's in our DNA to innovate and to think through these things. We can have a reliable source of energy. We can help right off the coast of Virginia. We can create the local jobs that we need to give our young people opportunity and our veterans that are exiting the military, so many of whom exit the military right there in Hampton Roads.

Mr. Speaker, I urge my colleagues to vote in favor of the bill.

## THE DEFEAT OF THE FARM BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of Tennessee. Mr. Speaker, last week the 1,200 page farm bill was defeated. I'm told that the Senate's immigration bill is now 1,922 pages.

The previous Speaker of this body, the gentlelady from California (Ms. PELOSI), famously said that we would have to pass the very misnamed Affordable Care Act, we would have to pass it before we could figure out or find out what was in it.

The last issue of the Weekly Standard magazine includes an article entitled, "Our Masters, the Bureaucrats." The article says that today there's only one Member of Congress for each 5,150 Federal bureaucrats and says that this bureaucracy is "too insulated from the people."

This gigantic bureaucracy has produced so many laws, rules, and regulations that they have not even designed a computer that could keep up with all of them, much less a human being.

Almost everyone has violated a Federal law at some point, especially a tax law. An innocent mistake is not supposed to be criminal, but a zealous prosecutor can make almost anything criminal.

A few days ago, a woman who described herself as a progressive or liberal Democrat and, thus, would favor all these regulations testified in one of my committees and said, "at the time each rule was created, it made sense; but over time, the accretion, or accumulation, of rules and regulations ends up costing us money and frustrating the public."

Our Federal Government has grown so big that it is now almost completely out of control, and the people are suffering because of it. Jobs are killed, small businesses go under, and on and on and on.

I started this morning by mentioning the farm bill, so complicated that cost estimates ranged all the way from \$500 billion to \$1 trillion. We didn't even know how much it was going to cost.

Everyone respects and appreciates farmers. We must help small farmers as much as we can. Small farmers are important for our quality of life and our economy.

However, one part of the bill that I want to discuss here briefly this morning is the subsidy for crop insurance.

Every other business in this country, small or large, pays 100 percent of their insurance on their own.

□ 1100

These businesses do not expect or request subsidized Federal insurance. Right now, Federal taxpayers are paying for two-thirds of farmers' subsidies in Federal crop insurance. Most of these subsidies go to the biggest giants

in agriculture. These subsidies also primarily benefit a very few multinational insurance companies. The biggest crop insurer is Wells Fargo. And several of these crop insurance giants are operated by foreign companies based in places like the Bahamas, Japan, and Switzerland. That's who the U.S. taxpayers are subsidizing.

I'm not advocating doing away with the entire crop insurance program. However, the excessive amount of this subsidy just last year cost taxpayers \$6 billion and was one of several reasons the farm bill went down to defeat. Actually, the farm bill should more accurately be called the food stamp bill. I think 20 percent of it dealt with farmers and 80 percent for food.

But I did offer an amendment to the farm bill to eliminate premium subsidies from being paid on any Federal crop insurance policy with what is known as the harvest price option. Under the harvest price option, if the price of the covered crop increases between planting and harvest, the farmer's revenue guarantee is recalculated, using the higher harvest price. In other words, giving the farmer more money—sometimes, significantly more money—than he expected when he first planted the crop. As a result, harvest price options can cause a farmer to receive much more revenue than was guaranteed at planting.

According to the Congressional Budget Office, my amendment would have saved at least \$7.7 billion over the next 10 years, and possibly even much more in years with a severe drought, such as the \$6 billion last year. This amendment was endorsed by the Citizens Against Government Waste, Americans for Tax Reform, the National Taxpayers Union, Heritage Action, Taxpayers for Common Sense, and a slew of other fiscally conservative organizations, as well as the Environmental Working Group.

Professor Bruce Babcock, a professor from Iowa State University who helped invent revenue coverage in the mid-1990s, has said:

Crop insurance is not an insurance program. It's a social program.

And, he says, because of how American agriculture works, it's a social program that helps the biggest agribusinesses the most.

My amendment even got a tacit enforcement from the Farm Bureau because they realized this subsidy has now become too lucrative and too excessive. But the agribusiness lobby was afraid of my amendment and kept it from even being presented on the floor because they were almost certain it would pass.

Mr. Speaker, we have to make changes in the future so too much tax money will not go to Cadillac crop insurance programs.

## COAL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Pennsylvania. Mr. Speaker, in May, more than 130 employees at PBS Coals in Somerset County, Pennsylvania, were laid off. It was the third round of layoffs by the company in less than a year. The men and women of PBS Coals joined more than 5,000 coal miners who lost their jobs in 2012.

With his announcements of "Cap-and-Trade: The Sequel," the President recently declared not just a war on coal but a war on jobs. It won't just be coal miners who lose their jobs or boilermakers who no longer are building and maintaining power plants, but also thousands of laborers, electricians, operating engineers, steamfitters, welders, plumbers, carpenters, machinists, and railroad workers will be out of work—real people, real faces, real families. They'll join the 130 at a Joy Mining factory in Millersburg, Kentucky, who were laid off in March; in Peoria, Illinois, the hundreds of boilermakers at a Komatsu equipment factory who were let go; and, in Erie, Pennsylvania, where GE is laying off 950 workers at its locomotive plants because less coal means less work for the railroads.

These men and women are out of work because, at the country's 600 coal plants, more than 20 percent of all coal-fired units are being shut down in part due to EPA regulations. And that was before the President's speech on Tuesday announcing new global warming regulations. Now, more families will be out of work and struggling to get by. These are American families trying to pay off mortgages, car loans, put their children through school. Real Americans who sweated and toiled, all in hopes that the next generation of their children would climb higher towards the American Dream.

The President's new coal regulations will come at a cost of \$184 billion and 180,000 fewer jobs each year in mining, transportation, manufacturing, and power generation. As coal energy is cut off, it means higher electric bills. Families will spend \$400 more each year on their energy bill. That's on top of the \$2,000 more each year they pay for gasoline. And higher energy bills means higher manufacturing costs, hurting our steel industry even more as it struggles to compete in world markets.

We should be modernizing, not shutting down these coal-powered plants. We can burn coal cleanly. Since 1970, coal has tripled in its use. Meanwhile, sulfur dioxide emissions are down 56 percent and nitrous oxide is down 38 percent. Mercury emissions in the U.S. dropped roughly 60 percent since the 1950s.

Let's bring back the campaign promise made by President Obama for clean

coal and use the talent of our scientists and engineers and our tradesmen for better technology.

This week, families throughout America were startled when a top Obama science adviser was quoted in *The New York Times* saying, "A war on coal is exactly what's needed."

But this is not just a war on coal. It's a war on the American worker and their family. These families want high-paying jobs and lower energy bills. They want doors to open, not to have them slam in their faces. They do not want Washington to surrender American jobs to foreign manufacturers. These fathers, these mothers, and these children will not surrender. They are waking up and saying, Stop the war on our jobs. And they are not going to sit back quietly much longer.

## AMERICAN ENERGY

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. MULVANEY) for 5 minutes.

Mr. MULVANEY. I come before you today to talk a little bit about energy. Later on today, we'll be talking more about the Offshore Energy and Jobs Act, part of the Republican Party's all-of-the-above energy program. It's a good opportunity for us to talk about various different things in energy.

I was home, Mr. Speaker, a couple of weeks ago going through one of my manufacturing facilities in my district, and I asked some of the folks who were working there what we could do here to help create more American manufacturing jobs. And I was struck by the answer. The answer was very clear. They said, Keep our energy costs down.

They also talked about regulation. They also talked about health care. They talked about a lot of the things we hear all over the place. But the first thing that they mentioned to me, which was to keep energy costs down, was very interesting.

I said, Why is it so important? They make rolled rings, they do heavy manufacturing. It's a metal foundry. And they said that not only does lower energy keep their costs of materials down and make them more competitive in the world, but lower energy also keeps their cost of operations down, which makes them more competitive in the rest of the world, and, obviously, kept the cost to their employees down of simply getting back and forth to work.

Low energy costs were the best thing we could do for this heavy manufacturer back in South Carolina. I think that's very instructive to us, Mr. Speaker, when it comes to answering the question of what we're doing for jobs. We're here today to talk about not just energy but about jobs.

One of the big pieces to our all-of-the-above proposal is the Keystone pipeline. Many people have heard about

it. I want to talk for a few minutes about it today.

One of the biggest objections the President made to it originally when it came out was environmental; and many people saw this map from Alberta, Canada, down to the Gulf of Mexico, in which the administration very prominently featured that this went through a large aquifer with a name that I cannot pronounce, in all seriousness. The administration wanted to draw attention to the fact that, Oh, my goodness, this pipeline went through this aquifer and it was going to poison the drinking water in all these Midwestern States and wasn't that a terrible thing. This is the map the administration wanted all of us to see.

□ 1110

This is the map of the real world. This is the map that shows where these pipelines already function and function extraordinarily well. There are pipelines all over the central part of this country, all over this aquifer already, without any harm to any person. Aquifers usually are several hundred feet deep and pipelines are 10 or 20 feet deep. We have the ability, we have the know-how, to do this safely and soundly. We've been doing it for over a century in this country. There are no environmental risks to going in this particular location through this particular aquifer. We know how to do it, and we know how to do it well.

Now we hear a new objection, Mr. Speaker. We hear an objection that the administration doesn't want to backslide. I heard an interview today where a Democrat activist used that word six or eight times in about 2 minutes—didn't want to backslide on carbon, that we couldn't do this pipeline because it would encourage additional use of gasoline. It would make gas cheaper and that would be bad because we would use more of it. That's the administration's current position.

It's absolutely absurd. If you go to Canada, if you go to where the oil sands are, to where this raw material is, who will you see? You'll see the Chinese. If we don't use this oil, if we do not refine this oil, if we do not take advantage of this particular natural resource that is right across our border, the Chinese will; and it will be used in a fashion that would offend the sensibilities of most of the people who care about the environment.

I've been to China. I remember landing at the runway and not being able to see the end of the runway out of the window because the pollution was so bad. That is how this material is going to be used if we allow it to go overseas.

We have the ability now to keep this material in this country. We have the ability now to help keep our energy prices down. We have the ability now to help keep Americans at work and

put additional Americans back to work. And to the extent we keep it out of the hands of the Chinese where there are no rules on how they use this material, we actually have a chance to help the environment.

The Keystone pipeline keeps energy prices down, puts American people back to work, and protects our environment. It is absolutely absurd that it hasn't been approved already, Mr. Speaker, and it needs to be approved now.

#### IN REMEMBRANCE OF THE 150TH ANNIVERSARY OF THE BATTLE OF GETTYSBURG

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. PERRY) for 5 minutes.

Mr. PERRY. Thank you, Mr. Speaker.

I speak today of the forthcoming sesquicentennial recognizing three bloody days that will forever remain emblazoned on our hearts. The battle of Gettysburg was a pivotal turning point in the American Civil War, one of the single most defining moments in American history and one that united the Nation and restored peace and prosperity to our great land.

Therefore, be it known as we reflect and observe the horrific and critical events that took place in July 1863 that the memory of these brave souls who sacrificed their lives is kept alive through the tireless efforts of the National Park Service and the work of countless organizations.

The Sons of the Union Veterans of the Civil War, Allied Orders of the Grand Army of the Republic, the Military Order of the Loyal Legions of the United States, along with the Sons of Confederate Veterans, United Daughters of the Confederacy and other Confederate heritage organizations honor all of the brave warriors lost on the fields of Gettysburg. These organizations work together tirelessly to preserve the hallowed ground upon which these Americans—our brothers and sisters—fought, bled, and perished.

For as long as there is breath in our chests and light in our eyes, we the people of these United States shall keep alive the memory of our ancestors and maintain the peace paid for with their sacrifice during the merciless 4 years of our Nation's history.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 13 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

Chaplain Angel Berrios, 308th Military Intelligence Battalion, Fort Meade, Maryland, offered the following prayer:

Our Father in Heaven, we take time at this moment to acknowledge Your presence with us here in this congressional Chamber. We realize that without You, all our efforts are futile to make good and right decisions for the people of the United States. Your word says that not a sparrow falls to the ground without You being fully aware, so indeed we are convinced of the truth that You govern in the affairs of men.

Divine Holy Spirit, make Yourself real to us by revealing truth about every issue that will be discussed on the floor today. Truth is powerful. Truth is necessary. And truth will bring true liberty of which our country has so long experienced. I rebuke the deceits of darkness that would attempt to deter us from true truth, which is Your holy word.

I ask these things according to Your will; therefore, no doubt You hear this prayer. In Your holy name I pray.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. PAYNE) come forward and lead the House in the Pledge of Allegiance.

Mr. PAYNE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### WELCOMING CHAPLAIN ANGEL BERRIOS

The SPEAKER. Without objection, the gentleman from Maryland (Mr. RUPPERSBERGER) is recognized for 1 minute.

There was no objection.

Mr. RUPPERSBERGER. Mr. Speaker, I am proud to introduce and to welcome to Washington U.S. Army Chaplain Angel Berrios, who is currently stationed at Fort Meade, located in the Second Congressional District of Maryland.

Chaplain Berrios, a captain in the U.S. Army, has been an ordained minister with the Assemblies of God for 24 years. For nearly two decades, he served as a full-time evangelist ministering in 47 countries and 47 States. Chaplain Berrios then joined the Army and was assigned to the 3rd Squadron of the 3rd Armored Cavalry Regiment at Fort Hood.

He was deployed to southern Iraq during operation New Dawn and provided a church in the desert for 850 fellow American soldiers. In addition to regular services and Bible study, Chaplain Berrios counsels soldiers struggling with day-to-day life in a war zone.

His ministry earned him a Bronze Star. His father, a Vietnam veteran, also served in the Army for 20 years.

We welcome Chaplain Berrios and his guests today. I wish to thank him for his many years of service to his community and his country.

I'm honored to call Chaplain Berrios a constituent, and I offer thanks on behalf of this entire body for his delivery of the opening prayer today.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WEBSTER of Florida). The Chair will entertain 15 further requests for 1-minute speeches on each side of the aisle.

#### IMPRISONMENT FOR TAX TARGETING OF AMERICANS ACT OF 2013

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON. Mr. Speaker, I rise today on behalf of my constituents in the Third Congressional District of Texas to introduce the Imprisonment for Tax Targeting of Americans Act of 2013.

On May 10, the IRS admitted to targeting conservative groups. Worse, our broken Tax Code does not make jail time mandatory for criminal offenses such as political targeting.

Mr. Speaker, Americans deserve better.

The bottom line is that the use of the IRS as a political weapon is outrageous and unacceptable. What's worse, this is the same agency that will be enforcing ObamaCare.

As this blatant abuse of power continues to be fully investigated, this commonsense bill sends a loud and clear message to the IRS: if you do the crime, you do the time. No exceptions, no excuses.

The American people want, need and deserve to know the truth and assurance that this never happens again. This bill is a step in that direction.

I urge my colleagues to join my efforts.

#### VOTING RIGHTS ACT

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE. Mr. Speaker, this morning a number of members of the CBC, the Congressional Black Caucus, will speak on the emotions, the value and the gift of the 1965 Voting Rights Act.

I thank our chairwoman, Congresswoman MARCIA FUDGE, and I'm delighted to lead that moment this morning. I will tell the Members of Congress you will hear us over the next couple of weeks and months as we proceed to do what the Supreme Court has said that Congress must do and has the authority to do, and that is to reauthorize the Voting Rights Act of 1965.

I disagree with the court's decision, for that bill was firm. And just a few years ago, as a member of the House Judiciary Committee, with 15,000 pages, 21 hearings, a vote of 390-33 in the House and 98-0 in the United States Senate, we reaffirmed every American's right to vote. In fact, since that passage, Virginia has had 11 of its jurisdictions opt out. Many other jurisdictions have opted out or taken the bailout provision. But yet, that decision now has left bare the soul of so many voters who will now be unable to vote because of the Voting Rights Act elimination or striking down of section 4.

Mr. Speaker, if the Voting Rights Act is wrong, then Fannie Lou Hamer was wrong, the three civil rights workers were wrong, and Martin Luther King, Jr., was wrong.

Today we stand together to encourage our colleagues, Republicans and Democrats, to work with us to reauthorize the Voting Rights Act.

#### OFFSHORE ENERGY AND JOBS ACT

(Mr. GIBBS asked and was given permission to address the House for 1 minute.)

Mr. GIBBS. Mr. Speaker, as of today, 85 percent of the offshore areas have been blocked from offshore drilling by the Obama administration. The energy legislation on the floor this week makes significant strides towards increasing our offshore production.

Additional energy production contributes to lowering fuel prices at a time when gas prices are over 100 percent higher than when President Obama took office.

H.R. 2231, the Offshore Energy and Jobs Act, creates 1.2 million American jobs over the long term by removing Federal barriers to offshore energy production. According to the CBO, the legislation would also generate \$1.5 billion in new Federal revenues over the 10-year period, which helps pay down our outrageous national debt.

This important legislation grows the economy and creates American jobs at

a time of high unemployment and stagnant economic growth. Furthermore, it puts us on a path to energy independence and security by decreasing our dependence on foreign sources of energy.

We need to stand together to support this legislation that addresses our soaring gas prices and our sinking economy.

#### VOTING RIGHTS ACT

(Mr. VEASEY asked and was given permission to address the House for 1 minute.)

Mr. VEASEY. Mr. Speaker, I rise today to call my colleagues to action.

Monday, the Supreme Court handed down its decision regarding the Voting Rights Act, ruling that the current formula for determining covered jurisdictions is outdated. Nearly 2 hours after the SCOTUS ruling, one prominent Texas leader said that they will move immediately to reinstate the State's voter ID laws that were passed in 2011.

Mr. Speaker, in 2011, the Justice Department objected to Texas' voter ID law because the State's own data indicated that the law would have a detrimental impact on minority voters, the poor and the elderly. Why in the world would a State as great as Texas want to implement a law that its own data said would hurt the very citizens in its own State?

For this very reason, me and six other plaintiffs have filed suit in Federal court to bar enforcement of Texas' discriminatory voter ID law. The lawsuit in place is to ensure that we do not disenfranchise voters and to protect the constitutional rights of all Americans.

I refuse to allow Texas or any other State to replicate laws that constrict our American values. I firmly stand here as proof that Texans and Americans need a voice. I call upon my colleagues to work together to ensure voter protections remain. The Supreme Court has overreached, and now it's time for us to act to protect the integrity of democracy.

□ 1210

#### NATIONAL PTSD AWARENESS MONTH

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute.)

Mr. BILIRAKIS. Mr. Speaker, today I rise in recognition of the National Posttraumatic Stress Disorder Awareness Month.

Head injuries are the signature and oftentimes invisible wounds of our recent wars. These injuries are not a sign of weakness or a character flaw but, rather, the potential catalyst of more serious illnesses, like traumatic brain injury and PTSD. Nearly one-third of Iraq and Afghanistan veterans who received VA health care in the decade

after 2001 were diagnosed with PTSD, and the numbers, unfortunately, are only expected to climb.

We must tear down the stigma surrounding head injuries and ensure veterans have timely access to quality care, particularly in situations of TBI and PTSD. As we mark PTSD Awareness Month, let's work together to address these important issues by drawing attention to the real dangers head injuries present and encourage our servicemembers to seek treatment.

#### STUDENT LOAN INTEREST RATE SET TO DOUBLE

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, in 3 short days, the student loan interest rate is set to double from 3.4 percent to 6.8 percent unless Congress takes action. This is unacceptable. College is already too expensive for far too many young people, and doubling the interest rate on student loans will only make things worse. We should be working together to solve this looming crisis.

Regrettably, the only vote we have had on this is a Republican-led bill that would make college more expensive and prevent students from locking in a fixed rate. By the time 2013's freshmen graduate, they will be paying more than double today's current rate for subsidized Stafford loans.

Rather than waging another partisan fight on a bill that will not pass in the Senate and the President is prepared to veto, we should consider legislation that has a chance of becoming law and that will provide real relief to students and their families. I, therefore, strongly urge House Republican leaders to allow a vote on legislation I proudly cosponsored by Congressman COURTNEY of Connecticut to extend the current low rate for an additional 2 years.

It is a moral and economic imperative that we provide a top-notch education to every student in this country regardless of their financial means. Congress must act to fix this problem, and the clock is ticking.

#### CONGRATULATING DUBOIS AREA MIDDLE SCHOOL

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to extend my congratulations as DuBois Area Middle School earns redesignation status as a Pennsylvania "School to Watch." This is quite an achievement, and I highly commend the administrators, teachers, and students for their efforts. It is my understanding that DuBois Area Middle School is one of only three middle

schools that has been redesignated a second time, after originally earning this designation in 2007 and again in 2010.

These selections by State educational leaders exemplify DuBois Area Middle School's outstanding responsiveness to the needs and interests of its students in helping them achieve their greatest potential.

Furthermore, by working together to improve curriculum and foster continuous academic growth, DuBois Area Middle School leadership has gone the extra mile to ensure success. The example your success has set for other schools is an excellent one, and I hope it will be shared widely.

Also, I encourage all people, students and adults, to continue to learn as it is probably the single most significant ingredient in leading a successful and fulfilling life.

#### EQUALITY FOR ALL

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, in a historic decision yesterday, the Supreme Court rightly ruled that all married couples, regardless of gender of the spouses, are deserving of equal protections and rights under the law. In doing so, they recognize what 13 States, including my home State of New York, already knows: that a family is a family and that love is love.

Our Nation was founded on the basic principles of freedom and equality, and any law that discriminates against one group of individuals is an unjust law; and injustice anywhere is a threat to justice everywhere.

Mr. Speaker, the next step is in Congress's hand. We must bring to the floor and pass Congressman JERRY NADLER's Respect for Marriage Act. It is time to get rid of this discriminatory law once and for all and bring us one step closer to full marriage equality.

#### SUPPORT THE ROMEIKE FAMILY

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, one of the most treasured privileges of parents living in the United States is the freedom to choose the means to best educate their children. For many families, including my own, that choice is home schooling.

Unfortunately, for many parents living in countries where freedom of choice and expression is supposedly valued, home schooling can entail punitive fines, jail time, and even seizure of their children.

The Romeike family fled Germany after facing persecution for home schooling their six children and were granted asylum here in the United

States. Now the Romeikes face deportation unless they are granted a hearing before the full Sixth Circuit Court of Appeals and receive a favorable decision.

Mr. Speaker, no parent should be faced with imprisonment, fines, or removal of their children simply for choosing to educate their children at home. I call on the Obama administration to persuade Germany to respect international human rights law that recognizes the authority of parents to direct their children's education. I also call on the administration to grant asylum to the Romeikes so they can be afforded the privilege our country offers to educate their children freely in the manner they choose.

#### BATTLING CLIMATE CHANGE

(Mrs. CAROLYN B. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I agree with President Obama when he said this week that America is uniquely suited to take on the challenge of climate change. Those of us in the Northeast know firsthand what the President meant when he said that Hurricane Sandy's destruction left our mighty city underwater and dark. Sandy destroyed homes, businesses, and, in some cases, entire neighborhoods. It halted our markets and damaged the infrastructure that the country depends on. These costs are real and they are personal.

Now is the time to improve the world our children and grandchildren will inherit. Now is the time to protect our beautiful natural resources. Now is the time to mitigate future natural disasters, and now is the time to take on the battle against climate change.

We know where to start. We need to reduce carbon pollution, utilize more renewable energy, improve energy efficiency, and oppose the Big Oil subsidies on the floor this week.

#### OBAMA'S WAR ON COAL

(Mr. MCKINLEY asked and was given permission to address the House for 1 minute.)

Mr. MCKINLEY. Mr. Speaker, earlier this week, President Obama continued his relentless war on coal. He indicated he would circumvent Congress and use unelected bureaucrats to fulfill his antioil agenda. He implied he had a moral obligation to do so because Congress is not acting. But Congress has, indeed, acted and simply doesn't agree with the President's ambitions. Congress realized that his agenda will destroy jobs and increase the cost of electricity. Electric bills will go up for everyone who uses power. Everyone will pay more.

The President is basing his call for action on flawed theories about what



may happen in the future, but his actions will have an immediate negative impact today.

During his remarks, the President insulted his critics with sophomoric name calling and dismissed the opinions of over 32,000 scientists and physicians who contend that the issue of global warming has not been settled. In the coming months, we will highlight the devastating impact these antiscience policies will have on America's future, its families, and the economy in general. We will point out the flaws in his climate projections.

The President may believe that a war on coal is exactly what's needed, but the thousands who will lose their jobs and the millions who will pay more for electricity beg to differ.

□ 1220

#### THE SUPREME COURT'S VOTING RIGHTS DECISION

(Mr. PAYNE asked and was given permission to address the House for 1 minute.)

Mr. PAYNE. Mr. Speaker, a vote at the ballot box transcends gender, race, religion, and socioeconomic status. Knowing that an 80-year-old veteran, a single mom, or an 18-year-old high school senior voting for the first time has an equal vote and, thus, an equal voice as does a millionaire or billionaire, this is what has separated us and made our Nation great.

Unfortunately, the recent Supreme Court decision to strike down section 4 of the Voting Rights Act is not only a major setback for civil rights and voting rights, but it is a major blow to basic fundamental democracy in this country.

Now is the time for Congress to rise above partisanship and create free and unfettered access to the ballot. Access to the ballot on election day may be one of the only times that the most disadvantaged in our communities have an equal voice, regardless of what they look like or where they come from.

And as a Member who represents some of the most disadvantaged, I am undeterred and will continue to fight so my constituents can have an equal access to the ballot box, from the wealthiest towns to the poorest cities; and I urge my colleagues to do the same.

#### RECOGNIZING THE 70TH ANNIVERSARY OF THE NATIONAL FEDERATION OF INDEPENDENT BUSINESS

(Mr. TIPTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIPTON. Mr. Speaker, in a June survey on business optimism, respondents

cite regulations and red tape as one of their top concerns.

I can speak from experience from my own small business. When government imposes new red tape, it takes away precious resources that are needed for small businesses to create and expand jobs.

Under this administration, regulations have steadily increased. According to the Competitive Enterprise Institute, an annual cost of \$1.8 trillion is inflicted on small businesses as a part of the Federal Regulatory Code that has now reached 174,000 pages.

Since coming to Washington, my priority has been to stand up for small businesses and improve the economic climate so employers and entrepreneurs can succeed and create jobs.

Throughout this fight to remove hurdles to job creation, the National Federation of Independent Business has been a steady ally, providing a voice to it's more than 350,000-member small businesses, and advocating for issues that would enable small businesses to succeed and create jobs.

This month marks the 70th anniversary of NFIB, and I'd like to congratulate the organization for its decades of service to small businesses.

#### REAUTHORIZE THE VOTING RIGHTS ACT

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, the reauthorized Voting Rights Act was passed in a Republican House, a Republican Senate, and signed by a Republican President. Then the House and Senate Republican and Democratic leadership led Members of Congress to the front steps of the Congress to express their collective pride in the passage of the Voting Rights Act.

Yesterday, the Court did not nullify section 4 of the act. It invalidated it, as applied, and advised Congress to update the formula.

The leadership, who so proudly reauthorized the act on the front steps of the Capitol, remains in place today. If the pride they expressed then in the right of all Americans to vote remains, they will now resume their place of leadership to ensure that the entire Voting Rights Act remains proudly the law of the land.

#### OBAMACARE EXCHANGES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last week, on the front page of The Wall Street Journal, we read that the implementation of ObamaCare exchanges is falling behind schedule.

According to the GAO, both State and Federal exchanges have major work to complete before the October 1 start of open season. The administration has predicted some "glitches and bumps."

Would failure to open the exchanges on time be a bump?

Is the fact that some small business exchanges have only a single participant a glitch?

Millions of Americans will be required by the Federal Government to purchase insurance on these exchanges, but they're shaping up to be a train wreck.

GAO tells us that the 17 States running small business exchanges were late on an average of 44 percent of activities that should have been complete in March.

The signals are flashing, the sirens are wailing, but we keep rolling on towards ObamaCare implementation. The only way we can prevent the disaster is by putting a stop to a law that is failing on nearly every count.

#### THE VOTING RIGHTS ACT

(Mr. JEFFRIES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFRIES. Mr. Speaker, the Voting Rights Act has a strong bipartisan history. It was reauthorized by Congress in 2006 with the overwhelming support of both Democrats and Republicans.

Yet the Supreme Court, in striking down a key provision of this historic civil rights legislation 2 days ago, has undermined the integrity of the democratic process.

It was a jurisprudential hijacking of the principle of responsive and representative government. It's a decision that will go down in history, right next to the infamous Dred Scott opinion written way back in 1857.

The unencumbered right to vote is fundamental to the foundation of this democracy. In this regard, the Supreme Court has failed the Nation. Let's make sure that this Congress does not do the same.

#### THE OUTER CONTINENTAL SHELF TRANSBOUNDARY HYDROCARBON AGREEMENTS AUTHORIZATION ACT

(Mr. PITTENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTENGER. Mr. Speaker, year after year, decade after decade, the American people have been held captive to the Middle East for what we pay for the price of gas. Even today, war-torn Syria, with its own civil war, has impacted the price of gas that each of us pays.

In my own city of Charlotte, we pay 14 cents a gallon more this year than we did last year. While families are going on vacation over the 4th of July, throughout the summer, or what they pay at the grocery store is all impacted because America is not energy independent.

Mr. Speaker, that's why I rise in support of H.R. 1613, to make America energy independent. We can develop oil and natural gas off our maritime border in Mexico, while creating new jobs and improving our economy.

Mr. Speaker, it's time for America to be independent and to stand alone and to bring and restore a solid economic period of time for this country. Let's vote today to support gas prices that will be lower for America, with energy independence from America.

#### RESTORE THE VOTING RIGHTS ACT

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, first, let me thank Congressman GREEN for yielding to me the opportunity to speak out of order and to remind this body that, in a recent conversation I had with JOHN LEWIS, our hero and colleague, I asked him the question: Just what drove you to place your body in harm's way and your life in jeopardy for the civil rights movement?

And he said, because he had confidence in this country, the Congress, and he also had confidence in the Supreme Court.

Recently, he had to admit that the Court's action has really plunged a dagger in the heart of this legislation that so many Americans have depended on for fairness, which includes, of course, that basic constitutional right to vote. But that light was dimmed; it wasn't extinguished.

And as I recall the Voting Rights Act that we did pass overwhelmingly in both Chambers, it was the names of JIM SENSENBRENNER and JOHN CONYERS that come to mind. They both are still in this House. They both love the country, love the Congress, and love the Constitution. And I'm confident that, once again, they would bring together that coalition of Republicans and Democrats, that may see things differently as it relates to the ideology, but together they can bring the same forces that we had in 2006 to make certain that we restore the rights that the Supreme Court has taken away from us.

□ 1230

#### HONORING THE LIFE OF LIEUTENANT GENERAL RICHARD J. SEITZ

(Mr. HUELSKAMP asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. HUELSKAMP. Mr. Speaker, today, I rise to pay tribute to the life of Lieutenant General Richard J. Seitz of Junction City, Kansas, who died on June 8 at the age of 95.

A native Kansan and Kansas State University graduate, Dick went through the sixth jump school class the Army ever had, becoming one of its first paratroopers. He was quickly promoted to be the Army's youngest battalion commander and led his battalion throughout its historic combat operations in Europe during World War II.

Dick ended the war with a Silver Star, two Bronze Stars, and the Purple Heart. During his lifelong Army career, including nearly 37 years of active duty, he also received the Distinguished Service Medal and Legion of Merit, among many other awards, promotions, and commands.

Dick retired to Junction City in 1975 but remained active in his community and at Fort Riley. Among other activities, he was on the board of the Eisenhower Presidential Library, president of the Fort Riley-Central Kansas Chapter of the Association of the U.S. Army, and chaired Junction City's Economic Redevelopment Study Commission. Most recently, the General Richard J. Seitz Elementary School was named in his honor on the post at Fort Riley.

In short, General Seitz epitomized what it means when we refer to him and his peers as America's Greatest Generation.

#### THE VOTING RIGHTS ACT

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, we live in a world where it's not enough for things to be right. They must also look right. And while it may be right for the Supreme Court to strike down section 4 of the Voting Rights Act, it doesn't look right, given that just last year we had a multiplicity of cases wherein it was found that insidious discrimination existed such that those cases accorded voters rights that they would not have but for the Voting Rights Act.

Much is said about section 4 in the coverage. Little is said about section 4 and the opt-out, bail-out provision that has allowed many jurisdictions that were under the purview of the Voting Rights Act to extricate themselves.

The Voting Rights Act has functioned efficaciously. I'm so glad that medicine is very much unlike politics. Because in medicine, when a drug functions efficaciously, we market it, we extol the virtues of it, and we keep it. In politics, when a law succeeds, we de-mean it and we eliminate it.

I am here today because of the Voting Rights Act. I never thought I'd sit next to the Honorable CHARLIE RANGEL in the House of the United States Congress. Thank God for the Voting Rights Act. We must revise it. We must extend it. We've got to renew it.

#### STOPPING STUDENT LOAN INTEREST RATES FROM DOUBLING

(Mr. MESSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MESSER. Four days. In 4 days, interest rates on student loans will double if nothing is done. A bill to stop that from happening passed this House last month. But the President and the Senate refused to do anything but posture. The truth is we don't disagree by much. The House plan mirrors a plan put forward by the President. Both plans use market rates. Both plans seek a long-term solution. But politics is getting in the way. And that is wrong.

Our plan gets politicians out of the student loan business. And that is good for students. America's students deserve affordable rates, not schoolyard antics. Let's work together and stop the rate hike.

#### CONGRATULATING ELIZABETH PALAFOX

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, since 1982, the Congressional Art Competition has recognized the special power that arts have in students throughout our country. In my district, the art competition winner this year was Elizabeth Palafox. Her piece has a message for every young woman in the San Joaquin Valley. When describing her work, Elizabeth stated clearly that her art "defines women in our Valley that don't give up on their dreams, and live large, no matter the challenges it brings upon us." Her mother, who raised her as a single parent, has been a strong role model and taught her firsthand the lessons of hard work and life in her own artwork.

Sadly, Elizabeth could not make it to Washington to see her artwork unveiled this week. But she's watching back home. Her self-portrait is representing our Valley well here in the Capitol.

Elizabeth, your work reminds me of the hope that we all have not just in your future but for the future of our women in our Valley and throughout our Nation. Thank you for showing your talent, and congratulations on being chosen as the art winner from the San Joaquin Valley in the 16th District.

### **JOBS IN THE FOREST PRODUCTS INDUSTRY**

(Mr. DUFFY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUFFY. Today, I rise to talk about jobs in America and jobs in Wisconsin. One of the largest centers of our economy in rural Wisconsin is our forest products industry. And that industry is under assault.

One of the largest portions of our forest is held by the Chequamegon-Nicolet National Forest. In fact, from 1986 to 1992 we harvested 150 million board feet of lumber a year, on average. Now, we harvest 98 million board feet a year. We've reduced that by 50 percent. What does that do? That causes thousands of jobs to be lost in rural Wisconsin.

Let's kick-start our economy. Let's put our loggers back to work. Let's open up our saw mills and paper mills. By opening up those mills, we have to open up our National Forests. Let's make sure our National Forests don't rot and burn but that we actually harvest them. They are a renewable resource and have a direct tie-in to jobs in rural Wisconsin.

### **STATISTICS 2013**

(Mr. McNERNEY asked and was given permission to address the House for 1 minute.)

Mr. McNERNEY. Mr. Speaker, I rise today to bring your attention to an exciting global initiative, the International Year of Statistics, or Statistics 2013, which is supported by nearly 2,000 groups in more than 120 countries.

Organized in the U.S. by the American Statistical Association, Statistics 2013's primary objectives are to increase public awareness of the impact of statistical sciences on our society and to nurture an interest in statistics among our youth. Participants of Statistics 2013 are educating the public in how statistical sciences improve our lives in a myriad of ways, such as finding better cancer treatments and informing public policy. Statistics is an incredibly powerful tool that can be used in understanding complex phenomena. It's been used since antiquity.

Congratulations, Statistics 2013. I encourage my colleagues to join me in recognizing the contributions and goals of Statistics 2013.

### **IN MEMORY OF VINCE FLYNN**

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, on Monday of this week, Lysa, her children, and thousands of admirers gathered at St. Paul Cathedral in St. Paul, Minnesota, to bury the legendary author Vince Flynn.

Vince Flynn was known and beloved as a Minnesotan and a great American. He lost his battle with cancer just this last week. He left behind a wonderful family, a beautiful family. He left behind a literary body of work. And, most importantly, he left behind his deep and abiding faith in Jesus Christ. In his hand he held the rosary and also his beloved cell phone.

Vince educated America on the threat of Islamic jihad. We will forever remember his strength, courage, and his faith. He had a life well-lived. We will never forget the contributions to America by the wonderful and legendary Vince Flynn.

□ 1240

### **JUSTICE PREVAILS**

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, our amazing, time-traveling Supreme Court has truly surprised me this week. It was able to take us back to the 1960s on Tuesday and to step into the 21st century the next day by striking down DOMA.

Yesterday's ruling was a long-overdue affirmation that married same-sex couples deserve the same Federal benefits as everyone else. It's a major step towards marriage equality. But this victory comes on the heels of a dangerous blow to voting rights. On Tuesday, the Court struck down a provision that has been vital to guaranteeing the right to vote for all Americans. The Voting Rights Act is a crucial guard against States backsliding on the progress of the civil rights movement, and we must now work to restore its protections.

The struggle for voting rights and marriage equality are not so different. Both have been long fights with victories hard won. And in each we have seen freedoms and progress once thought impossible become inevitable. Yet even as we celebrate a victory for marriage equality, the Voting Rights Act ruling shows us that we cannot take these gains for granted, that maintaining these liberties requires constant vigilance and continued advocacy.

These fights are far from over; but in time, I know we will succeed. In the words of Dr. King: The arc of the moral universe is long, but it bends toward justice.

### **ANOTHER DAY AT THE IRS, ANOTHER SCANDAL**

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, another day, another IRS scandal is revealed.

The Inspector General has identified improper use of taxpayer money by the people who collect taxes—the tax collectors. While the IRS was targeting conservative groups for audits, over 100 IRS employees improperly used government credit cards. “I’m shocked.”

Tax collectors have been sticking it to the taxpayers with spending only the IRS can get away with, including—listen to this—thousands of dollars on diet pills, romance novels, baby bottles, baby clothes, smartphones, a popcorn machine, bandanas, stuffed animals, sunglasses, “swag” like kazoos, and Thomas the Tank Engine wristbands and bathtub toys. There’s a lot more. You can’t make this up, Mr. Speaker. Were they ever disciplined by the IRS? Of course not. This is the IRS. They are the law. They are the government.

Mr. Speaker, it’s time to audit the tax man and the tax collectors. The squandered money should be returned in full to the Treasury—with interest penalty, just like the tax collectors charge citizens when they audit us.

And that’s just the way it is.

### **IMMIGRATION**

(Mr. O’ROURKE asked and was given permission to address the House for 1 minute.)

Mr. O’ROURKE. Mr. Speaker, I rise today to warn my colleagues about the Corker-Hoeven amendment within the Senate’s immigration bill.

To my colleagues who are concerned with the fiscal health of our country, I call your attention to this provision, which will commit \$50 billion to double the size of the Border Patrol, add 700 miles of walls and fencing between the U.S. and Mexico at a time when we have record-low northbound apprehensions and net migration from Mexico is zero.

To my colleagues who cherish our civil liberties and our constitutional rights, can you live with a \$50 billion militarized buildup within the United States where more than 6 million of your fellow citizens live?

And to my colleagues who care about human rights and the sanctity of human life, more than 5,000 people have died crossing the border into the United States over the last 15 years. Let’s not perpetuate this problem; let’s solve it. We need comprehensive reform, but we need comprehensive reform that’s rational, that’s humane, and that’s fiscally responsible.

### **THANK YOU TO CARL MEYER FOR HIS SERVICE TO PARKLAND COLLEGE AND CHAMPAIGN COUNTY**

(Mr. RODNEY DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today to thank Carl

Meyer for his years of service to Parkland College and the Champaign County community.

Carl originally moved to Champaign County in 1971 when he came to the University of Illinois to work as an assistant football coach. Years later, he left to work for the Universities of Arizona and Cincinnati before returning to Champaign County in 1992.

In 1997, Carl was asked by then-Parkland College president Zelema Harris to serve as the executive director of the Parkland College Foundation. Throughout his 16 years with the Parkland College Foundation, Carl oversaw a major gifts campaign, raising more than \$14 million, as well as seeing projects like the Tony Noel Agricultural Technology Applications Center and the Parkland Automotive Technology Center go from inception to completion. This is in addition to the more than 140 scholarships he established and the dozens of partnerships he created with businesses and academic departments.

Words can't express how much Carl means to Parkland College and Champaign County. I would like to thank Carl for his commitment to Parkland College and its students, and for his leadership in the community. Enjoy your retirement, Carl, and know you will be missed. You deserve it.

#### VETERAN SPOUSE EQUAL TREATMENT ACT

(Ms. TITUS asked and was given permission to address the House for 1 minute.)

Ms. TITUS. For far too long, DOMA denied legally married same-sex couples access to Federal benefits, including those provided by the VA. But with yesterday's decisions, the Supreme Court sent a clear message that all Americans, gay or straight, must be afforded equal protection under the law.

There is no question that now we must implement the Court's ruling throughout every department of the Federal Government. Accordingly, I'm proud to introduce the Veteran Spouse Equal Treatment Act to amend the VA's definition of spouse as an individual of the opposite sex. This is a basic matter of aligning the VA with our Nation's laws, of living up to the principles of fairness and equality, of extending benefits to thousands of deserving military spouses, and of defending all those who have proudly worn the uniform of the U.S. armed services and their families.

Yesterday, justice and freedom prevailed over intolerance and hate. So today I ask my colleagues to work with me to see that this legislation is passed without delay, to implement the Supreme Court's decision, and leave no question about equal protection under the law for all Americans.

#### OUTER CONTINENTAL SHELF TRANSBOUNDARY HYDROCARBON AGREEMENTS AUTHORIZATION ACT

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 1613 and H.R. 2231 pursuant to House Resolution 274, amendment numbered 1 printed in part A of House Report 113-131 and amendments numbered 5 and 10 printed in part B of that report be modified by the form I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the modifications.

The Clerk read as follows:

In the amendment numbered 1 printed in part A of the report, strike "Noting" and insert "Nothing".

In the amendment numbered 5 printed in part B of the report, strike "\$1,000,000,000" and insert "\$999,999,999".

In the amendment numbered 10 printed in part B of the report, strike "Noting" and insert "Nothing".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. DEFAZIO. Reserving the right to object, I'd like to understand the reasons—I understand the typographical errors and appreciate that the chair wishes to revise those, but I'm curious about one provision.

As the chair would remember, I came to the committee and asked that they not waive the rule for the Cassidy amendment because the Cassidy amendment will increase the deficit by \$15 billion over 30 years. And of course the rules of the House don't allow us to engage in additional spending without an offset, and there is no offset. But the chair did waive all points of order, so the rules of the House don't apply to this additional \$15 billion of deficit spending.

But now my understanding is that they want to substitute a different amendment, which, instead of \$15 billion of additional deficit over 30 years, would only create \$14,999,999,970 of new deficit.

□ 1250

I would like to understand why we're bothering to do this. I think over the span of 30 years, increasing the deficit by \$14,999,999,970 versus \$15 billion, which is easier to say because it has got a lot of zeros in it, what's the rationale? Why would we do this? Why do we need UC for this? I'm just curious.

Could the gentleman respond.

Mr. SESSIONS. If the gentleman will yield under his reservation, with the adoption of this modification of the explanation of waivers, I would say to him that what is contained in the report is going to be accurate.

What was printed the other day as the final report from the Rules Committee before it came to the floor was, in fact, not accurate. The gentleman knows and does understand that there

were several modifications that were made as a result of the final approval of the Rules Committee print.

Then we discovered there were some typos and some inaccurate figures that were presented. The gentleman knows that there have been previous times when the gentleman's amendment from Louisiana has been offered in reports and has been voted on and we made that consistent.

I appreciate the gentleman asking me.

Mr. DEFAZIO. Continuing to reserve the right to object, so the bottom line here, if I can define it for our colleagues in simple language, is the net difference in waiving the rules of the House of \$30, apparently the total waiving of the rules of the House to allow additional deficit spending. In contradiction of what the other side of the aisle normally proposes, there is somehow a dramatic difference between \$14,999,999,970 of new debt and deficit and \$15 billion, which requires a substitution of this amendment, because it's my understanding it would somehow then violate the Budget Act twice. Is that accurate? Even though you've waived the rule and we can go ahead with the amendment, you would be violating the Budget Act twice. So we just want to say we're only violating the Budget Act once; is that the difference?

Mr. SESSIONS. Once again, yielding to the gentleman's question, I appreciate the gentleman not only coming to the floor, but making sure that we work together on an understanding of what the final package will look like.

I will state once again, and I appreciate the gentleman's clarification, what the Rules Committee did is made an agreement of what would be made in order and there was a mistake therein. We are simply, Mr. Speaker, asking for unanimous consent on a bipartisan basis, we believe with the gentleman who will consent, to modify the report to where it accurately denotes the amendments that were made in order and any wording, including grammatical misspellings. That's what we're trying to do here.

Mr. DEFAZIO. Further reserving the right to object, if you're going to waive the rules of the House to create \$15 billion in new deficit, I don't know why we need unanimous consent to waive the rules yet again to create \$14,999,999,970 in deficit. I guess that makes a difference somewhere to someone, so I would not object.

I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The amendments are modified.

Mr. HASTINGS of Washington. Mr. Speaker, pursuant to House Resolution

274, I call up the bill (H.R. 1613) to amend the Outer Continental Shelf Lands Act to provide for the proper Federal management and oversight of transboundary hydrocarbon reservoirs, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 274, the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, is adopted. The bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

#### H.R. 1613

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act”.*

#### TITLE I—AMENDMENT TO THE OUTER CONTINENTAL SHELF LANDS ACT

##### SEC. 101. AMENDMENT TO THE OUTER CONTINENTAL SHELF LANDS ACT.

*The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:*

##### “SEC. 32. TRANSBOUNDARY HYDROCARBON AGREEMENTS.

“(a) AUTHORIZATION.—After the date of enactment of the Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act, the Secretary may implement the terms of any transboundary hydrocarbon agreement for the management of transboundary hydrocarbon reservoirs entered into by the President and approved by Congress. In implementing such an agreement, the Secretary shall protect the interests of the United States to promote domestic job creation and ensure the expeditious and orderly development and conservation of domestic mineral resources in accordance with all applicable United States laws governing the exploration, development, and production of hydrocarbon resources on the outer Continental Shelf.

“(b) SUBMISSION TO CONGRESS.—

“(1) IN GENERAL.—No later than 180 days after all parties to a transboundary hydrocarbon agreement have agreed to its terms, a transboundary hydrocarbon agreement that does not constitute a treaty in the judgment of the President shall be submitted by the Secretary to—

“(A) the Speaker of the House of Representatives;

“(B) the Majority Leader of the Senate;

“(C) the Chair of the Committee on Natural Resources of the House of Representatives; and

“(D) the Chair of the Committee on Energy and Natural Resources of the Senate.

“(2) CONTENTS OF SUBMISSION.—The submission shall include—

“(A) any amendments to this Act or other Federal law necessary to implement the agreement;

“(B) an analysis of the economic impacts such an agreement and any amendments necessitated by the agreement will have on domestic exploration, development, and production of hydrocarbon resources on the outer Continental Shelf; and

“(C) a detailed description of any regulations expected to be issued by the Secretary to implement the agreement.

“(c) IMPLEMENTATION OF SPECIFIC TRANSBOUNDARY AGREEMENT WITH MEXICO.—The Sec-

retary may take actions as necessary to implement the terms of the Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico, signed at Los Cabos, February 20, 2012, including—

“(1) approving unitization agreements and related arrangements for the exploration, development, or production of oil and natural gas from transboundary reservoirs or geological structures;

“(2) making available, in the limited manner necessary under the agreement and subject to the protections of confidentiality provided by the agreement, information relating to the exploration, development, and production of oil and natural gas from a transboundary reservoir or geological structure that may be considered confidential, privileged, or proprietary information under law;

“(3) taking actions consistent with an expert determination under the agreement; and

“(4) ensuring only appropriate inspection staff at the Bureau of Safety and Environmental Enforcement or other Federal agency personnel designated by the Bureau, the operator, or the lessee have authority to stop work on any installation or other device or vessel permanently or temporarily attached to the seabed of the United States, which may be erected thereon for the purpose of resource exploration, development or production activities as approved by the Secretary.

“(d) EXEMPTION FROM RESOURCES EXTRACTION REPORTING REQUIREMENT.—Actions taken by a public company in accordance with any transboundary hydrocarbon agreement shall not constitute the commercial development of oil, natural gas, or minerals for purposes of section 13(q) of the Securities Exchange Act of 1934 (157 U.S.C. 78m(q)).

“(e) SAVINGS PROVISIONS.—Nothing in this section shall be construed—

“(1) to authorize the Secretary to participate in any negotiations, conferences, or consultations with Cuba regarding exploration, development, or production of hydrocarbon resources in the Gulf of Mexico along the United States maritime border with Cuba or the area known by the Department of the Interior as the ‘Eastern Gap’; or

“(2) as affecting the sovereign rights and the jurisdiction that the United States has under international law over the outer Continental Shelf which appertains to it.”.

#### TITLE II—APPROVAL OF TRANSBOUNDARY HYDROCARBON AGREEMENT

##### SEC. 201. APPROVAL OF AGREEMENT WITH MEXICO.

*The Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico, signed at Los Cabos, February 20, 2012, is hereby approved.*

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part A of House Report 113-131, as modified by the order of the House of today, if offered by the gentleman from Florida (Mr. GRAYSON) or his designee, which shall be considered read and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from Washington (Mr. HASTINGS) and the gentleman from Oregon (Mr. DEFazio) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 1613.

The SPEAKER pro tempore (Mr. SALMON). Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 1613, the Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act.

This bill was introduced by my colleague from South Carolina (Mr. DUNCAN), a member of the Natural Resources Committee, and will provide the certainty needed to move forward with offshore energy development in certain areas of the Gulf of Mexico along our Nation's maritime boundary with Mexico.

Former Secretary of State Hillary Clinton and Mexican Foreign Secretary Espinosa signed this long-awaited agreement February 2012. Since that time, the House Committee on Natural Resources has repeatedly requested draft-implementing legislation from the Obama administration. But it was not until March 19, 2013, when the committee finally received just that—several short sentences to authorize the Secretary of the Interior to promote development of energy resources that lie along the boundary with Mexico.

Despite the Obama administration sitting on this agreement for over a year, that should not in any way downplay the importance of getting this agreement approved. This agreement is good for our economy, and it's good for our American workers.

Opening new acreage for energy exploration and development creates jobs, it creates more American-made energy, and it helps reduce our dependence on foreign countries for our energy needs.

According to the Bureau of Ocean Energy Management and the State Department, this agreement would open up nearly 1.5 million acres in the Gulf of Mexico. These areas are estimated to contain as much as 172 million barrels of oil and 304 billion cubic feet of natural gas.

These areas are ready to be explored and developed, and this bill will give the U.S. job creators the certainty they need to move forward. Activity can begin once this agreement is enacted.

This bill executes the implementation of the U.S.-Mexico agreement, but it also looks to the future—providing a clear and transparent path for how future administrations should go about submitting future agreements with

other countries with which we share international boundaries. Given the fact that this implementing legislation was bogged down within several agencies for over a year, I believe that Mr. DUNCAN's solution is a necessary step to ensure a smoother and more expedient process in the future.

H.R. 1613 also includes language to protect American workers by removing uncertainty surrounding the application of Dodd-Frank Wall Street Reform and Consumer Protection Act disclosure requirements.

The agreement signed by the Obama administration and Mexico specifically provides what royalty payments Mexico would receive from energy developers. However, under current U.S. law, companies that commercially develop oil, natural gas, or minerals are required to disclose payments made to a foreign government. This could create a potential conflict because Mexico has yet to decide how they will collect royalties and could potentially set regulatory measures that prohibit disclosure of payments.

□ 1300

This would then block American workers from being able to develop these resources.

Waiving the Dodd-Frank requirement is necessary in order to help protect American jobs and American-made energy in this instance. Without it, foreign-controlled energy companies could develop this American energy resource. The royalty payments to Mexico would still be undisclosed and kept private, but the net result would be that Americans would lose out on this energy potential.

The Natural Resources Committee and Mr. DUNCAN have worked hard to advance this bill and get it signed into law. It's important to American energy, to American jobs, to American energy security, and it is important in order to support a positive relationship with our neighbor to the south, Mexico. So I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

We could have done this bill as a suspension bill 2 days ago. That is, it probably could have passed the House by unanimous consent, which is very rare, if this provision had not been added.

There is consensus on both sides of the aisle that it's critical that we move forward with this agreement with Mexico to deal with shared resources in the western Gulf of Mexico. However, the Republicans have chosen to use this as a vehicle to launch yet another attack on Wall Street reform, on the Dodd-Frank reforms, which is totally unnecessary. Obviously, it was presented as: it's potentially, possibly, maybe a future problem for American oil companies if the Mexicans change their law.

Under their existing law, there is no problem. We're going to see disclosure, and it will be disclosure by Mexican companies that are bidding or by American companies that are bidding or by any other foreign company that is bidding in the gulf. You will see full disclosure, so no one would be at a commercial or at an economic disadvantage.

But the premise here is that, someday, Mexico might change their law, and therefore our companies would have to disclose and theirs wouldn't. If that did happen at some potential possible future date by some potential possible future Mexican Government, then the Securities and Exchange Commission has adequate authority, even under the Dodd-Frank reforms, to waive that requirement because it would be in the public interest and commercial interest of the United States of America to waive that provision in this instance. Now, that's dealing with Mexico.

The second problem with what they're proposing here is that they actually want to totally repeal this section of Dodd-Frank for any future agreements with any other nations on a transboundary basis, which could certainly include Canada and, likely, with the conflicts that are looming over the Arctic Ocean and the resources up there, with Russia. Now, I get pretty nervous when I start thinking that U.S. companies are going to be negotiating secret agreements with Russia and that somehow these are going to protect our taxpayers, that they're going to protect our shareholders, that they're going to protect our public interest. That, I think, is really a very, very, very disturbing trend with this bill.

So the issue is: do we want to get this done? If we want to get it done, this is not the way to do it, because this bill, as amended by the Republicans to change the agreement and waive the rules for oil companies so they can make secret payments to the Government of Mexico, that will not pass the Senate. So we'll have yet another one-House bill, and we will further delay what the Republican side wants to expedite, which is offshore oil and gas development.

I would suggest that, rather than expediting things here, we're messing them up, and I would suggest to my colleagues that we oppose this bill in this form, that we bring it back as a clean authorization with the existing agreement with Mexico, and that we move forward and get it done. I expect, if we got it done here, we could bring it up again and get it done in a day or under suspension or perhaps, I think, with unanimous consent, even between today and tomorrow. Then the Senate would pass it with unanimous consent, and we'd be done with it.

Instead, we're going to have yet another example of the dysfunction of the

Congress because we're going to pass a version here that cannot pass in the United States Senate, and then, I guess, the Republicans will try and blame the Senate for not wanting to waive the rules and allow oil companies to make secret payments to the Government of Mexico in order to garner commercial deals.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. I am very pleased to yield 5 minutes to the author of this legislation, a member of the Natural Resources Committee and of the Foreign Affairs Committee, the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. I want to thank the chairman of the Natural Resources Committee for his leadership on this issue as well as to thank my friend, Mr. SALMON from Arizona, for his leadership in the Western Hemisphere Subcommittee on this issue because he understands what is at stake.

One thing this bill will do is attract jobs. It will help the United States Government create energy sector jobs. The second thing it will do is help meet our energy needs, and it will help lessen our dependence on foreign sources of energy by producing those energy resources here at home. That's a national security issue. By being less dependent on foreign sources of oil, we are less dependent on what goes on in that part of the world. There can be no national security without energy security, and this is a step in the right direction.

We are willing to say that the Obama administration got something right in forming this agreement and signing it. In February of 2012, Secretary Clinton signed this agreement with the Foreign Secretary from Mexico, Patricia Espinosa, to open up this area known as the "western gap" in the Gulf of Mexico so that both countries—Mexico and the United States—could explore and start producing oil and natural gas from this area.

What it does is to create a broader legal certainty along that U.S.-Mexico boundary area in order to foster more American energy development and job creation. The Bureau of Ocean Energy Management, Regulation and Enforcement estimates that this area contains as much as 172 million barrels of oil and 34 billion cubic feet of natural gas—shared resources. Yet they're shared under a common border, a border between the United States Government and Mexico. If you think of a border, think about it out in the middle of the Gulf of Mexico. It's a maritime boundary, and these resources lie underneath the Earth's Outer Continental Shelf. Underneath that border, who do they belong to? This agreement addresses that they are shared resources. They belong to both countries, and we ought to utilize this agreement in

order to start harvesting those resources.

The gentleman talks about changes to Dodd-Frank and other things, but why is that necessary? Who will benefit? I'll tell you who won't benefit if we don't put this language in there. The people who won't benefit are the American consumers. They are paying almost \$4 a gallon for gasoline. They won't benefit because we won't be producing American resources to meet their energy needs.

So why is this necessary? Without the changes to this agreement, the language in the agreement can create an impossible situation for American companies operating on transboundary hydrocarbon resources.

For example, Mexican confidentiality requirements may forbid the disclosure of the very information that the Dodd-Frank rule requires of American companies. This would lead to a situation in which companies that are regulated by the SEC have at the very least uncertainty about compliance with both Mexican and American disclosure laws. This uncertainty and potential disclosure conflict would place foreign state-owned oil companies, which are not regulated under Dodd-Frank or by the SEC, at a competitive advantage to the companies which operate under the United States' agreement and are regulated.

The change in this language will open up competition and allow American companies to actually go to work without the uncertainty as to which laws they need to comply with and which they don't. This is the right thing. The changes to this language will ensure that American energy development will go forward in the transboundary area and that those resources in that area will be harvested to provide the necessary energy for America, which drives our economy.

This is the right thing for America. We are willing to enact this agreement because we want to harvest those resources, and we want America to move toward American energy independence. Ultimately, we want to put Americans to work. We want to create jobs—good paying, long-term, energy sector jobs. We do that by moving toward American energy independence. We do that by enacting this agreement and by opening up 1.5 million acres in the Gulf of Mexico for energy exploration and development. It's the right thing for America. It's a movement toward an all-American energy policy, utilizing American resources to meet American energy needs and putting Americans to work.

□ 1310

I can only see a win-win for both Democrats and Republicans and for all Americans by moving this agreement forward. We asked, from February 2012 until now, for the United States De-

partment of the Interior to send us the enacting legislation, to send us the enacting ability so that we could vote on something in the last Congress, and they failed to do that. So understanding that we need to do that, the Natural Resources Committee took the bull by the horns and said, We're going to do it. We're going to pass the implementing language to enact that agreement and put Americans to work and provide those resources that are so vital to moving this economy along.

Mr. DeFAZIO. That was very impassioned, and we can agree with the necessity of moving forward with the agreement. The problem is that the gentleman ignored the fact that the United States Senate will not pass this bill as written. They will not waive the Dodd-Frank disclosure rules to allow big oil companies to make secret deals with the Government of Mexico. They're not going to do that. So you're slowing things down by insisting on repealing part of these vital Wall Street reforms.

With that, I yield as much time as she may consume to the gentlelady from California (Ms. WATERS), the ranking member of the Financial Services Committee, who is an expert on this provision of law.

Ms. WATERS. Mr. Speaker, as ranking member of the Financial Services Committee and a member of the conference committee that passed the Dodd-Frank reform legislation, I rise in opposition to H.R. 1613. I oppose the bill because of the exemption it includes for companies from the transparency requirements under section 1504 of Dodd-Frank Act.

Section 1504 of Dodd-Frank requires companies to disclose payments they make to governments for oil, gas, and mining resources. It covers companies listed on U.S. exchanges, including the U.S., Chinese, Brazilian, Canadian, European, Australian and other companies.

Section 1504 has a long legislative history. The Financial Services Committee held its first hearing on extracted industry transparency in 2007. In 2008, our committee held a legislative hearing where we debated the specific provisions that eventually became law. The Senate introduced similar legislation, and they held hearings.

The provision was adopted into the Dodd-Frank Act through a bipartisan amendment. Then, before issuing a rule to implement the law, the Securities and Exchange Commission solicited input, held meetings, and considered hundreds of comments from industry, trade groups, Members of Congress, and civil society. Section 1504 was very carefully considered by Congress over the course of several years, with input from all quarters. It is now the law of the land.

Let me tell you why it's important.

Public disclosure of extractive industry payments help diminish the polit-

ical instability caused by OPEC governance, which is not only a threat to investment, but also to our own national security. Resource revenue transparency also allows shareholders to make better informed assessments of opportunity costs, threats to corporate reputation, and the long-term prospects of the companies in which they invest.

Countries rich in natural resources are often developing countries that are politically unstable, many rife with corruption, with a history of civil conflict fueled, in part, by natural resources.

Opening the extractive industries to greater public scrutiny is key to increasing civil society participation in these countries. This is crucial in order for citizens in resource-rich countries to be able to demand greater accountability from their governments for spending that serves the public interest. This in turn can help reduce poverty and create more stable, democratic governments. It can also help create more stable business environments.

The provision in H.R. 1613 that exempts companies from the disclosure requirements under section 1504 is entirely unnecessary. The bipartisan Senate version of this bill includes no such exemption.

Also, the U.S.-Mexico agreement explicitly respects the domestic laws of both countries, so it already accommodates the Dodd-Frank disclosure requirement. Moreover, there are no laws in Mexico that would prohibit the disclosure of company payments.

Let's also listen to what the administration has to say about this. After all, this administration negotiated the terms of the agreement with Mexico. The administration very much wants legislation to implement the agreement, and they know what they need to do this. And they don't want this bill.

The White House issued a statement strongly opposing H.R. 1613 precisely because of the provision waiving the requirements for the public disclosure of extractive payments to governments. The exemption in this bill is nothing more than an effort to undermine transparency and to undo good public policy that has become an international standard.

I urge my colleagues to oppose this bill in its current form. Members deserve the opportunity to vote on a clean bill that they can support, and I urge the leadership to give the House that opportunity.

Ladies and gentlemen, you have heard talk from both sides of the aisle about how important this bill could be without this exemption. Why would you undo the work of both sides of the aisle, the conference committee, the Senate, and all in working out this agreement by putting this exemption in?



I want you to know that those of us who are working very hard to make sure that we implement reform, those of us who are very much involved with Dodd-Frank, we not only understand all of the ways that people are trying to get around Dodd-Frank, to get under Dodd-Frank, to undo the reforms of Dodd-Frank, why does this exemption show up in this bill? It has no place in this bill. This is another attempt to get around Dodd-Frank and not to comply with the law, and you're messing up a good agreement. It does not make good sense.

I oppose this bill in this form. The administration opposes this bill in this form. And if you want the kind of agreement that you say you want with Mexico, if you're interested in sharing those resources, if you're interested in what you claim can be done creating jobs, you would not move forward with this bill. You would not try to force this exemption on this agreement.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 5 minutes to the gentleman from Arizona (Mr. SALMON), who worked very hard on this agreement.

Mr. SALMON. Mr. Chairman, I appreciate this opportunity to address Congress today.

I'm very pleased, as the chairman of the Subcommittee on the Western Hemisphere for the Foreign Affairs Committee, that we held a hearing on this issue. Afterwards, we decided—after some extensive consultation with folks from the Obama State Department, we worked with the chairman of the Resources Committee and the gentleman from South Carolina (Mr. DUNCAN) to develop this language.

There is an old axiom that says “let no good deed go unpunished.” Nowhere in America could that be more true. Actually, nowhere on Earth could that be more true than here in Washington, D.C.

The fact is that this language reflects the agreement that the Obama administration signed almost a couple of years ago. Maybe there's some buyer's remorse and maybe there's an idea now that we don't like the fact that we agreed to this language a couple of years ago, but this reflects the agreement that was signed.

One other thing I'd like to mention is another great axiom, and that is that “the road to hell is paved with good intentions.” Unfortunately, I didn't know that that road went smack-dab in the middle of Washington, D.C.

The fact is, this is a good bill, and every American out there who is paying too much for their energy costs, paying too much every time you go to the pump and you fill up your car with gasoline or you go on a vacation and you curse those gasoline pumps, knows full well that we are trying to do everything we can on the Republican side of the aisle to lower your gas prices.

□ 1320

We're trying to do that by forming this agreement with Mexico. A win-win. You've heard that term a lot today, because it is. It will create jobs both in Mexico and the United States.

Pemex, the Mexican oil company, does not have the deepwater drilling capabilities that our oil companies do, and so Mexico reached out to us and asked us if we would agree to a treaty to work together with them so that we could jointly drill.

And isn't it about time that America looks to its neighbors, its friends, its allies in the region, like Mexico, instead of having to rely on the thugs in the Middle East for our oil.

I think it is about time that America and the Western Hemisphere become energy independent, that we produce our own oil in this country and in this continent. And when we do so, what's going to happen? We will reduce the likelihood that we will have to get into a war because of some oil issue. We reduce the likelihood that some of these despots from other countries, like Venezuela or other countries in the Middle East, literally hold us—excuse the pun—but hold us over the barrel, and ask us to commit to things that maybe we would rather not commit to, or play their silly games.

Wouldn't you much rather rely on a country and a friend and a neighbor like Mexico to be able to jointly drill, develop that oil, lower gas prices, and create jobs for American and Mexican citizens. This is truly a win/win. Let's not let, in some minds, the perfect be the enemy of the good. The fact is this is the language that Mexico had asked us to agree to, and we're simply trying to move the ball ahead. We can do a lot of gamesmanship today and spout off about this or that, but this is the agreement that was signed almost a couple of years ago. And again, the administration dragged their feet for the last couple of years to get this ultimately to the floor. Thank goodness we have a chairman over here that took the bull by the horns and said, We're going to do this. We're going to do this for the American people because it's a no-brainer. So it's basically time, I agree, for us to do this in a bipartisan fashion, get off our dead derrieres, and get the job done.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

If the gentleman would go to the microphone, I would like to ask the gentleman a question, and I will yield to him.

Your assertion is that Mexico asked the Government of the United States to include a waiver of our financial services reform provisions in section 105 in this agreement, and the Obama administration didn't agree to that but Mexico signed the agreement anyway, and now you're trying to help out the government of Mexico to get some-

thing that you claim they wanted but didn't get from this administration; is that correct?

I yield to the gentleman from Arizona.

Mr. SALMON. Actually, that is not correct.

Mr. DEFAZIO. Well, that's what you just said.

Mr. SALMON. No, that's not what I just said. I don't appreciate having words put in my mouth. That's not what I said.

Mr. DEFAZIO. Well, please clarify.

Mr. SALMON. What I said was that the language that we've agreed to here is the language that I believe embodies the spirit of the agreement between us and Mexico. I believe it's exactly what the President has been asking for.

Mr. DEFAZIO. Okay. With that, I would reclaim my time. I could ask to have the record read back, but I won't because it would delay things. But you said this is what Mexico wanted. You did say that just before as you spoke. Now you're saying that you believe that this is reflecting the spirit of the agreement. Now I will accept that. You believe that changing the agreement by waiving our financial services law is in the spirit of the agreement. I don't believe that. MAXINE WATERS, who serves on the Committee on Financial Services, doesn't agree with that. And, unfortunately, the President of the United States doesn't agree with that, so this bill is going nowhere. It's not going to get out of the Senate. They have a bipartisan bill over there that doesn't waive Dodd-Frank that they could pass by unanimous consent. We could be done with this. But no, we're not going to do that; we're going to play games.

So here's what the President said. He's got something to say about this in the end, he really does:

The administration cannot support H.R. 1613, as reported by the House Committee on Natural Resources because of the unnecessary, extraneous provisions that seriously detract from the bill. Most significantly, the administration strongly objects to exempting actions taken by public companies in accordance with the transboundary hydrocarbon agreements from requirements section 1504 of the Dodd-Frank Act and the Securities and Exchange Commission's natural resource extraction disclosure rule. As a practical matter, this provision would waive the requirement for the disclosure of any payments made by resource extraction companies to the United States or foreign governments in accordance with a transboundary hydrocarbon agreement. The provision directly and negatively impacts U.S. efforts to increase transparency and accountability, particularly in the oil, gas, and minerals sectors.

So if we proceed with this bill in this form, the President will veto the bill, and we'll be back again. And how many months that'll take, I don't know. But to assert that somehow Mexico wanted this, or the administration wanted it, and they just kind of forgot to put it in

the agreement, and now we're helping them out, even though the administration says they don't want it, and I don't know what the government of Mexico says—and then there was another issue raised about confidentiality provisions.

In fact, the SEC has more than adequate capabilities to do general exemptions in sections 12(h) and 36 of the Securities and Exchange Act. They could issue exemptions from this disclosure requirement under this authority, should it be warranted. In fact, the SEC today confirmed with us that there is nothing that would prevent the SEC from issuing exemptions should they be warranted. Now, the objection here is to waiving any and all future agreements from any public disclosure of payments to foreign governments. That's what you're doing here today. It's not about this one agreement or problems that might crop up with Mexico. That could be accommodated by the Securities and Exchange Commission. It's about doing away with a critical section of Dodd-Frank. And if you want to do that, why not bring it up in the Financial Services Committee, have a hearing, have a debate, send us a bill and repeal it. But don't try and do it in the dark of night in the hope that if you attach it to this agreement, which we all agree should be entered into, Mexico wants, U.S. wants, that you're doing anybody a favor.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Florida (Mr. RADEL).

Mr. RADEL. Thank you, Mr. Chair.

Ultimately, we would hope that the Senate can agree on this, and the administration, regardless of what we hear. We would love to have some compromise, although it is important to debate this here today.

Here's what I know, and it's important to you—how much you're paying at the pump every single time you go and fill up. What you're paying at the pump is eating into what you pay for groceries, your rent, your mortgage. But House Republicans, right here, right now, have a plan to help you put more money in your pocket and save on the important stuff like your gas and your grocery bill.

We started by approving the Keystone pipeline, and what we're debating here today is an energy agreement with Mexico. The agreement encourages development of energy resources in both countries—development in the U.S. and in Mexico. You know, it strikes me, right now we have all of this talk about illegal immigration and how we're going to prevent it here in the United States. The best way is to make sure that we have a strong economy south of the border. Not only do I know that as the vice chair on the Sub-

committee on the Western Hemisphere, but I've lived in Mexico.

(English translation of the statement made in Spanish is as follows.)

There are mothers and fathers today looking for opportunities for their children.

Hay madres y padres buscando oportunidad para sus hijos.

Because at the end of the day, this is about jobs, jobs, jobs, and it's about improving our national security. Think about it: In terms of national security, do you really want to send your money to countries who really may not have our best intentions in mind? Or do you want to partner with our energy allies to the north and south of us, making us energy independent for generations to come, working with our neighbors and our friends.

Now Mexico ratified this agreement over a year ago. They sent it to the President. Now we are calling on the President to help us lower your price at the pump. This is as bipartisan as it gets. What we're trying to do here in Washington is just help make everyday life a little easier for you. Our goal is to save you money so you can spend less time worrying about your budget and enjoying more time with your family.

The SPEAKER pro tempore (Mr. MESSER). The gentleman from Florida will provide the Clerk a translation of his remarks, and Members are reminded to address their remarks to the Chair.

□ 1330

Mr. DEFAZIO. I yield such time as she may consume to the gentlewoman from California (Ms. WATERS)

Ms. WATERS. Mr. Speaker and Members, I hear my friends on the opposite side of the aisle keep talking about this is as bipartisan as you can get. It was bipartisan before you sneaked in the exemption that would allow companies to bribe governments and pay under the table and create chaos in other countries. It was a bipartisan agreement.

I keep hearing reference to this having the support of the administration. Let me be clear. This bill, in this form, does not have the support of the administration. It did have before you sneaked in the exemption.

Dodd-Frank made it very clear. It is the law. We worked very hard. Both sides of the aisle, in the conference committee, worked on this part of the bill. And now we have you coming in the dark of the night, one more time trying to undo Dodd-Frank. And this is awful. It is really, really awful because we have the opportunity to have an agreement with Mexico where we could both benefit from the drilling, and we all support that.

But, no, you have decided to undermine the work of both sides of the aisle by putting this exemption in this bill,

and so it does not have the support of the administration. It is no longer bipartisan. We no longer support it. And you have the possibility of a veto on your hands.

Mr. HASTINGS of Washington. I reserve the balance of my time.

Mr. DEFAZIO. May I ask the Chair, how much time remains on either side?

The SPEAKER pro tempore. The gentleman from Oregon has 13½ minutes remaining.

Mr. DEFAZIO. Okay. Does the gentleman have more speakers or would he be closing?

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HASTINGS of Washington. I am prepared to close if the gentleman is prepared to close.

Mr. DEFAZIO. Mr. Speaker, what we've heard here today is that by modifying this agreement, by preventing disclosure of payments by big oil companies to foreign governments which could essentially constitute under-the-table agreements, bribes, however you have it, will somehow lower gas prices for the American people.

Now, I think if you went out and asked the American people, "Do you think allowing ExxonMobil or any of the other big companies to enter into secret agreements with foreign governments to exploit jointly held resources is going to benefit you at the pump?" I think they'd kind of laugh at you. I mean, no offense, but they would.

The bottom line is there's also a further assertion that somehow this possible future development of this area will lower the price at the pump. It won't and it hasn't, and today the prices are excessive.

Why are they excessive?

Well, there's this funny little thing that happens just around Memorial Day every year. The refiners—and the refinery industry has been dramatically consolidated over the last few years because there's been buyouts and closures and everything else—they decide that they've got to do periodic maintenance.

It's got to happen at the beginning of the driving season; and, of course, they all schedule it at the same time and they limit refinery capacity, and then they say there's a shortage and the price jumps up 50 cents a gallon, like it did in Oregon just a month ago—50 cents a gallon in a week.

Whoa, what happened? Did you see anybody waving red flags saying, We don't have any gas, or yellow flags?

Anybody remember the seventies? No. Everybody had gas. They just jacked up the price, because that's the way that the oil companies celebrate the beginning of the summer vacation season for the American people, by increasing their profits with extraordinary and unwarranted increases in the price claiming there's somehow a shortage because somehow they're

cleaning their refineries, or one of them had a problem. They are actually exporting gasoline from the west coast.

What does that mean?

There's actually a glut of oil in the gulf region right now that they can't refine. We've got refineries closed in California with oil sitting in storage tanks that can't be refined. And somehow, if we just had more oil to add to the glut, to add to the full storage tanks because the refineries are shut down to drive up the price—or maybe they're not shut down. There was actually an investigation last year. When they claimed they were shut down, they weren't. So we don't really know.

But to say, well, gee, we trust the oil companies. Let's let them negotiate secret agreements with the Government of Mexico, with Canada, with—ultimately, perhaps with Russia and that will benefit the consumers at the pump, it does not meet the laugh test.

Ms. WATERS. Will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Ms. WATERS. I would like to, if I can, engage you in a little colloquy here.

What reason would the Members of Congress try and protect the oil companies from simply sharing how much they're paying to governments? What reason would they have for doing that?

Mr. DEFAZIO. Reclaiming my time, we heard earlier the assertion that that would protect American workers. I'm not quite certain how that's going to work out. And probably it doesn't even help stockholders, because they might really want to know what's going on. I'm not sure.

Ms. WATERS. Well, I just want to make clear what this exemption is they're trying to do. It's a very simple request that's in law that says just tell us what you're paying. And we have now included in this bill, where there is an agreement, an exemption that will not allow them or keep them from being able to share that information.

As you said, they would now, if this passed, they would be able to make payments in secret. They would be able to make bribes. They would be able to maybe even be disruptive to countries that they are paying bribes to when they get into these conflicts in other countries.

So why would they want to do this? I don't understand it. I thought maybe you may have some additional information that I don't have. But to mess up an agreement simply because you want to protect the oil companies from saying how much they're paying is beyond my comprehension.

Mr. DEFAZIO. I thank the gentleman.

The bottom line here is it's simple. If we pass this bill in this form, the President would veto it if it came out of the Senate. It will not come out of the Senate.

They are actually acting in a true bipartisan way in the Senate, and they have a bill which could receive probably unanimous consent that does not contain this provision, that does not provide this waiver of the Dodd-Frank Act in favor of the big oil companies.

It's simple. I can see, you know, and I can count, and in all probability the Republican side will prevail here, but they are not furthering the cause of expediting the signing of this agreement and the execution of this agreement between Mexico and the United States by sending a bill to the Senate that the Senate will not pass.

With that, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 14½ minutes.

Mr. HASTINGS of Washington. I yield myself the balance of the time.

Let me clarify just a few major points here. First of all, the President did not say he would veto it. He said he had a concern. I accept that. But the President did not say he would veto this legislation. After all, it was his Secretary of State that negotiated the agreement. Why would he veto an agreement negotiated by his Secretary of State?

Secondly, if this could pass so easily out of the Senate, as my friend from Oregon asserts, why hasn't the Senate passed it?

We always ask that question over here. In fact, sometimes we get ourselves in a gridlock because we're so, maybe, frightened of what the Senate may or may not do.

Listen, if the Senate wants to pass this agreement without this provision, do it. Nobody is preventing them from doing it. Nobody.

Now, let me make another observation here that I think is probably more important in this debate than anything else that has been said, and that is, as was pointed out several times—I mentioned it in my opening remarks; Mr. DUNCAN mentioned it; Mr. SALMON mentioned it—in 2012, this agreement was signed. None of the information was given to us because we had to implement it. Now, I wonder why. Could it possibly be that the mindset of this administration, which, by the way, has consistently been nonresponsive to more exploration on the Outer Continental Shelf offshore—if I may, Mr. Speaker, go back just a bit.

When this administration took office, there was no moratoria on the Pacific or Atlantic coasts. One of the first actions of this President was to lock up 85 percent of those potential resources. So maybe they do have a bit of a bias against offshore drilling.

So here's an amendment, here's an agreement that was signed over a year ago. It took over a year for it to come

here. Because of no action on their part, it was going nowhere legislatively until Mr. DUNCAN said, Listen, this is something we ought to do.

So perhaps, Mr. Speaker, perhaps, is the reason why they're taking this one element—and I'll talk about that in a moment—as a reason to oppose this legislation really because they're trying to cover up the fact they don't like any offshore drilling?

□ 1340

I'll let somebody draw whatever conclusions they want. I simply ask the rhetorical question.

Mr. DEFAZIO. Will the gentleman yield?

Mr. HASTINGS of Washington. I will be more than happy to yield to my friend on that point. I assume he wants to talk about that, and I'm more than happy to engage in that debate.

Mr. DEFAZIO. Mr. Chairman, thank you for yielding.

I believe Ms. WATERS stated very clearly that there is substantial, if not unanimous, support on this side for this agreement without this provision, which would ultimately lead to the development of these resources.

Mr. HASTINGS of Washington. Reclaiming my time, I think if you go back and look at the bills that have come in front of this body before in the last Congress—in fact, later on today—you will find that the overwhelming opposition to that legislation, if it's going to mirror what happened in the last Congress, was to oppose offshore development. So I'll just make that observation. Others can draw the conclusion.

But here is something that is very curious about this debate on why we should defeat this legislation because of this provision dealing in disclosure.

Anybody could have offered an amendment to take that provision out of the bill. It would have been perfectly in order. There's no parliamentary problem with striking from a bill. And there was an amendment, by the way, that was offered by a Member from the other body but was withdrawn. Both of my colleagues on the other side of the aisle that are arguing against this because of this provision, they could have offered the amendment. It would have been made in order, and we could have debated it. But the amendment wasn't offered. I don't know why.

Ms. WATERS. Will the gentleman yield?

Mr. HASTINGS of Washington. I will be more than happy to yield to the gentleman from California.

Ms. WATERS. Just as you have come to some conclusion that maybe we are opposing this bill because we're opposed to offshore drilling, which is not true—

Mr. HASTINGS of Washington. Reclaiming my time, I simply said that there is a pattern in this administration and with my friends on the other

side that they oppose that. I'll let others draw that conclusion.

I will be glad to yield to the gentleman.

Ms. WATERS. Thank you very much.

When you raised the question about why didn't we offer an amendment and the Senate can offer an amendment, I have drawn a conclusion. Why are you trying to get credit for putting this in the bill with the oil companies?

Mr. HASTINGS of Washington. Reclaiming my time, we believe that this provision in Dodd-Frank is contrary to the agreement because the only monies—and I'll get to this point. I was going to get to it later, but I'll get to it right now. The only monies that go to Mexico are what the Obama administration agreed to for these royalties or leases. That is the only money that goes to Mexico. So we believe that there's no reason to have this particular requirement in the bill, and that's why we did it.

Now you can disagree with that, of course. You have every right to do it. But if you really believe that this bill should be defeated because of that provision, why didn't you offer an amendment? Wait, there was an amendment that was offered and then withdrawn. Curious? I don't know what their reasons are.

So all I can say, Mr. Speaker, is that this is a good piece of legislation. It deserves bipartisan support. And if the Senate, to conclude, has a different view, let them pass their different view and we'll work it out. Isn't that the reason our Founding Fathers had two bodies? So we can work out the differences?

With that, Mr. Speaker, I yield back the balance of my time.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FINANCIAL SERVICES,  
Washington, DC, June 5, 2013.

Hon. DOC HASTINGS,  
Chairman, Committee on Natural Resources,  
Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN HASTINGS: On May 15, 2013, the Committee on Natural Resources ordered H.R. 1613, the Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act, as amended, to be reported favorably to the House. As a result of your having consulted with the Committee on Financial Services concerning provisions of the bill that fall within our Rule X jurisdiction, I agree to discharge our committee from further consideration of the bill so that it may proceed expeditiously to the House Floor.

The Committee on Financial Services takes this action with our mutual understanding that, by foregoing consideration of H.R. 1613, as amended, at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding with respect to H.R. 1613, as amended, and would ask that a copy of our exchange of letters on this matter be included in your committee's report to accompany the legislation and/or in the CONGRESSIONAL RECORD during floor consideration thereof.

Sincerely,

JEB HENSARLING,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, June 5, 2013.

Hon. JEB HENSARLING,  
Chairman, Committee on Financial Services,  
Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1613, the Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act. As you know, the Committee on Natural Resources ordered reported the bill, as amended, on May 15, 2013. I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Financial Services will forego action on the bill.

The Committee on Natural Resources concurs with the mutual understanding that by foregoing consideration of H.R. 1613 at this time, the Committee on Financial Services does not waive any jurisdiction over the subject matter contained in this or similar legislation. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Financial Services represented on the conference committee. Finally, I would be pleased to include your letter and this response in the bill report filed by the Committee on Natural Resources, as well as in the CONGRESSIONAL RECORD during floor consideration, to memorialize our understanding.

Thank you for your cooperation.

Sincerely,

DOC HASTINGS,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, June 4, 2013.

Hon. DOC HASTINGS,  
Chairman, House Committee on Natural Resources,  
Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN HASTINGS: Thank you for sharing the amended text of H.R. 1613, the Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act, as marked up by your Committee.

Based on the portions of that text within Foreign Affairs jurisdiction, I am writing to confirm the agreement of the Foreign Affairs Committee to be discharged from consideration of H.R. 1613 in order to expedite its consideration on the House floor. In agreeing to waive consideration of that bill, this Committee does not waive any jurisdiction that it has over provisions in that bill or any other matter. This also does not constitute a waiver of the participation of the Committee of Foreign Affairs in any conference on this bill. I ask that you include a copy of this letter and your response in any Committee report on H.R. 1613, and in the Congressional Record during floor consideration of the bill.

Thank you again for your consideration and collegiality in this matter.

Sincerely,

EDWARD R. ROYCE,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, June 4, 2013.

Hon. EDWARD R. ROYCE,  
Chairman, Committee on Foreign Affairs,  
Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1613, the Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act. As you know, the Committee on Natural Resources ordered reported the bill, as amended, on May 15, 2013. I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Foreign Affairs will forego action on the bill.

The Committee on Natural Resources concurs with the mutual understanding that by foregoing consideration of H.R. 1613 at this time, the Committee on Foreign Affairs does not waive any jurisdiction over the subject matter contained in this or similar legislation. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Foreign Affairs represented on the conference committee. Finally, I would be pleased to include your letter and this response in the bill report filed by the Committee on Natural Resources, as well as in the Congressional Record during floor consideration, to memorialize our understanding.

Thank you for your cooperation.

Sincerely,

DOC HASTINGS,  
Chairman.

The SPEAKER pro tempore. All time for debate has expired.

AMENDMENT NO. 1, AS MODIFIED, OFFERED BY  
MR. GRAYSON

Mr. GRAYSON. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment, as modified, is as follows:

Add at the end the following:

**TITLE — MISCELLANEOUS  
PROVISIONS**

**SEC. . STATE RIGHTS AND AUTHORITY NOT  
AFFECTED.**

Nothing in this Act and the amendments made by this Act affects the right and power of each State to prohibit management, leasing, developing, and use of lands beneath navigable waters, and the natural resources within such lands, within its boundaries.

The SPEAKER pro tempore. Pursuant to House Resolution 274, the gentleman from Florida (Mr. GRAYSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. GRAYSON. I want to thank the Rules Committee for ruling that this amendment is in order. I want to also thank the committee chair for giving me the opportunity to discuss this with him briefly before this matter came up before the House.

This amendment should not be controversial. It reads as follows:

Nothing in this Act and the amendments made by this Act affects the right and power of each State to prohibit management, leasing, developing, and use of lands beneath navigable waters, and the natural resources within such lands, within its boundaries.

This language may sound familiar to those who are familiar with the current division of authority between, on the one hand, the Federal Government and, on the other hand, the States. It's a reaffirmation of 434 U.S.C. 1311(a), and 43 U.S.C. 1311 has a very notable title. It's called, "The Rights of the States." That is the guarantee and purpose of the amendment before us today: to make sure and to reaffirm the rights of the States.

The concept is simple. If land, or resources within those lands, falls within a State's boundaries, that State should have the right to manage that land and those resources in a manner that it sees fit. This is a principle that we in Florida hold dear, and it's an important principle in every State, and, in fact, an important principle to federalism itself.

This principle has been enshrined in law since 1953, when the House passed H.R. 5134 to amend the Submerged Lands Act. A majority of Democrats supported that bill, as did an overwhelming majority of the Republicans. The final vote within the Republican caucus that year was 191 in favor and only 12 opposed. It's my hope that we'll see similar bipartisan support—in fact, overwhelming support—today for this amendment to simply reaffirm that principle.

As a member of the Foreign Affairs Committee, I support transboundary agreements in general, and I hope that any dispute between the United States and any adjoining neighboring nation can be settled peacefully.

This bill could be misconstrued without our amendment as potentially disturbing states' rights under the status quo. It calls for the "expeditious . . . development . . . of domestic mineral resources," on page 3, and limiting the "authority to stop work on any installation . . . attached to the seabed of the United States," including those erected "for the purpose of resource exploration, development, or production activities" to "inspection staff" at the Bureau of Safety and Environmental Enforcement, which is on page 6 of the bill. Without our amendment, a future court that is unfamiliar with this subject might wrongly conclude that this statute has, in fact, curtailed State prerogatives.

I don't believe that it was ever the intention of the Natural Resources Committee to make such a dramatic change to the status quo, to the detriment of the States and to states' rights. Therefore, this amendment today should not be controversial. It's merely a reaffirmation of existing law—a section of the United States law entitled, "Rights of States"—and it's an effort to ensure that the States can choose to do within their own boundaries, and that that which they choose to do is that which will happen.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I rise to claim time in opposition to the amendment.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I find this amendment offered on this bill to be rather strange because the amendment usurps itself as an effort to protect states' rights. Well, the underlying bill is about an international agreement between the United States and Mexico, and that boundary is about 200 miles from the nearest shoreline. There is no jurisdiction of any State that goes that far out, particularly in the Gulf of Mexico. So I can assure the gentleman that there is nothing in this bill that would change any existing laws as it relates to states' rights and their waters.

But this amendment isn't necessary. It's simply restating the status quo. The sponsor of the amendment and all those concerned with upholding states' rights can be assured that the existing rights of the individual 50 States are fully respected and in no way undermined by this bill, as I just mentioned. However, adopting this amendment could impact international relations with foreign states. And the reason why is because in foreign law, as I understand it, the term "state" means foreign government. There's no explanation in the amendment about states, so that raises a concern.

□ 1350

So by adopting this amendment, you could potentially destroy the agreement that we have in place. And what will that do? Well, it would delay American energy production, and it would delay the creation of American jobs.

So I urge a "no" vote on the amendment, and I reserve the balance of my time.

Mr. GRAYSON. I appreciate the comments of the committee chair, but I must respectfully disagree with him on the merits.

First, with regard to the Gulf of Mexico, the restrictions on current development stretch 100 miles off the shores of Florida, a matter that is of great import in my State. Furthermore, the fact is that we cannot specifically restrain a future court from deciding contrary to the gentleman's opinion unless we do so in this bill.

Now, we've already had the experience this week that, on Tuesday, a certain number of Members of this body were disappointed by a Supreme Court decision; and on Wednesday, other Members were disappointed by a Supreme Court decision. Both of those decisions had to do with federalism; both those decisions had to do with the construction of legislation. If we want to ascertain and commit to the fact that we're not changing current law, the only way to do that is to say that we

are not changing current law. By not doing so, we would be giving, in effect, a hostage to future courts for the end of time.

It's in the nature of the supremacy clause that unless we say we are not taking away states' rights, we might do so inadvertently. And that's exactly what this amendment would prevent.

Now, with regard to the second point, I don't know what foreign law may provide with regard to States, but I do know what American law provides. In fact, not only in this title, not only in this chapter, but in this subchapter there's a definition of "state," and that definition is as following—this is 43 U.S.C. 1301, under the heading Definitions, and that says, G: "The term 'state' means any state of the union."

Now, while I respect the gentleman's opinion, it's clear—from a clear and plain reading of the statute that we are amending—that in fact his position has no merit. Therefore, I urge the adoption of this amendment so that we can protect states' right, and in particular the rights of coastal States.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HASTINGS of Washington. I yield 1 minute to the sponsor of this legislation, the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. Let's just be clear, America, what we're talking about and where we're talking about.

This chart shows the Western Gap, the only area covered under the transboundary hydrocarbons agreement—the agreement negotiated by the Obama administration—to open up this area; 1.5 million acres in the Gulf of Mexico that's so far away from the shore of Florida that really makes this amendment not applicable.

This is the area we're talking about, this 1.5 million acres that would produce American jobs and American energy resources.

Mr. HASTINGS of Washington. Mr. Speaker, just simply to close, I yield myself the balance of my time.

This amendment is really unnecessary, and I think that chart points that out. You're talking hundreds of miles offshore, and yet the amendment asserts itself to protect states' rights. I'm sorry, Mr. Speaker, I cannot connect the dots on that.

I urge defeat of the amendment, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the bill, as amended, and on the amendment offered by the gentleman from Florida (Mr. GRAYSON), as modified.

The question is on the amendment by the gentleman from Florida (Mr. GRAYSON), as modified.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 1613 is postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair for a period of less than 15 minutes.

Accordingly (at 1 o'clock and 54 minutes p.m.), the House stood in recess.

## □ 1409

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MARCHANT) at 2 o'clock and 9 minutes p.m.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 1613 will now resume.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When the House recessed, the Chair had declared that the noes prevailed on the Grayson amendment, as modified.

Mr. GRAYSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on adoption of the amendment will be followed by 5-minute votes on adoption of a motion to recommit H.R. 1613, if ordered; passage of H.R. 1613, if ordered; and the motion to suspend the rules on H.R. 1613.

The vote was taken by electronic device, and there were—yeas 213, nays 213, not voting 8, as follows:

## [Roll No. 291]

## YEAS—213

Andrews	Cuellar	Hahn
Barber	Cummings	Hanabusa
Bass	Davis (CA)	Hastings (FL)
Beatty	Davis, Danny	Heck (WA)
Becerra	DeFazio	Higgins
Bera (CA)	DeGette	Himes
Bilirakis	Delaney	Hinojosa
Bishop (GA)	DeLauro	Holt
Bishop (NY)	DelBene	Honda
Blumenauer	DeSantis	Horsford
Bonamici	Deutch	Hoyer
Brady (PA)	Diaz-Balart	Huffman
Braley (IA)	Dingell	Israel
Brown (FL)	Doggett	Jackson Lee
Brownley (CA)	Doyle	Jeffries
Buchanan	Duckworth	Johnson (GA)
Bustos	Edwards	Johnson, E. B.
Butterfield	Ellison	Jones
Capps	Engel	Kaptur
Capuano	Enyart	Keating
Cárdenas	Eshoo	Kelly (IL)
Carney	Esty	Kennedy
Carson (IN)	Farr	Kildee
Cartwright	Fattah	Kilmer
Castor (FL)	Foster	Kind
Castro (TX)	Frankel (FL)	Kirkpatrick
Chu	Frelinghuysen	Kuster
Cicilline	Fudge	Lance
Clarke	Gabbard	Langevin
Clay	Gallego	Larsen (WA)
Cleaver	Garamendi	Larson (CT)
Clyburn	Garcia	Lee (CA)
Cohen	Gibson	Levin
Connolly	Grayson	Lewis
Conyers	Green, Al	Lipinski
Courtney	Green, Gene	LoBiondo
Cramer	Grijalva	Loebsack
Crowley	Gutiérrez	Lofgren

Lowenthal	Pallone	Scott, David
Lowey	Pascarella	Serrano
Lujan Grisham (NM)	Pastor (AZ)	Sewell (AL)
Lujan, Ben Ray (NM)	Pelosi	Shea-Porter
Lynch	Perlmutter	Sherman
Maffei	Peters (CA)	Sinema
Maloney,	Peters (MI)	Sires
Carolyn	Pingree (ME)	Slaughter
Maloney, Sean	Pocan	Smith (NJ)
Markey	Polis	Speier
Matsui	Posey	Swalwell (CA)
McCollum	Price (NC)	Takano
McDermott	Quigley	Thompson (CA)
McGovern	Radel	Thompson (MS)
McIntyre	Rahall	Tierney
McNerney	Rangel	Titus
Meeks	Richmond	Tonko
Meng	Rooney	Tsongas
Mica	Ros-Lehtinen	Van Hollen
Michaud	Ross	Vargas
Miller (FL)	Roybal-Allard	Veasey
Miller, George	Ruiz	Vela
Moore	Ruppersberger	Velázquez
Moran	Rush	Visclosky
Murphy (FL)	Ryan (OH)	Walz
Nadler	Sánchez, Linda T.	Wasserman
Napolitano	Sanchez, Loretta	Schultz
Neal	Sarbanes	Walters
Negrete McLeod	Schakowsky	Watt
Nolan	Schiff	Webster (FL)
Nugent	Schneider	Welch
O'Rourke	Schrader	Wilson (FL)
Owens	Schwartz	Yarmuth
	Scott (VA)	Yoho

## NAYS—213

Aderholt	Flores	Lummis
Alexander	Forbes	Marchant
Amash	Fortenberry	Marino
Amodei	Fox	Massie
Bachmann	Franks (AZ)	Matheson
Bachus	Gardner	McCarthy (CA)
Barletta	Garrett	McCauley
Barr	Gerlach	McClintock
Barrow (GA)	Gibbs	McHenry
Barton	Gingrey (GA)	McKeon
Benishek	Gohmert	McKinley
Bentivolio	Goodlatte	Meadows
Bishop (UT)	Gosar	Meehan
Black	Gowdy	Messer
Blackburn	Granger	Miller (MI)
Bonner	Graves (GA)	Miller, Gary
Boustany	Graves (MO)	Mullin
Brady (TX)	Griffin (AR)	Mulvaney
Bridenstine	Griffith (VA)	Murphy (PA)
Brooks (AL)	Grimm	Neugebauer
Brooks (IN)	Guthrie	Noem
Broun (GA)	Hall	Nunes
Bucshon	Hanna	Nunnelee
Burgess	Harper	Olson
Calvert	Harris	Palazzo
Camp	Hartzer	Paulsen
Cantor	Hastings (WA)	Pearce
Capito	Heck (NV)	Perry
Carter	Hensarling	Peterson
Cassidy	Herrera Beutler	Petri
Chabot	Holding	Pittenger
Chaffetz	Hudson	Pitts
Coble	Huelskamp	Poe (TX)
Coffman	Huizenga (MI)	Pompeo
Cole	Hultgren	Price (GA)
Collins (GA)	Hunter	Reed
Collins (NY)	Hurt	Reichert
Conaway	Issa	Renacci
Cook	Jenkins	Ribble
Cooper	Johnson (OH)	Rice (SC)
Costa	Johnson, Sam	Rigell
Cotton	Jordan	Roby
Crawford	Joyce	Roe (TN)
Crenshaw	Kelly (PA)	Rogers (AL)
Culberson	King (IA)	Rogers (KY)
Daines	King (NY)	Rogers (MI)
Davis, Rodney	Kingston	Rohrabacher
Denham	Kinzinger (IL)	Rokita
Dent	Kline	Roskam
DesJarlais	Labrador	Rothfus
Duffy	LaMalfa	Royce
Duncan (SC)	Lamborn	Runyan
Duncan (TN)	Lankford	Ryan (WI)
Ellmers	Latham	Salmon
Farenthold	Latta	Sanford
Fitzpatrick	Long	Scalise
Fleischmann	Lucas	Schock
Fleming	Luetkemeyer	Schweikert

Scott, Austin	Stutzman	Weber (TX)
Sensenbrenner	Terry	Wenstrup
Sessions	Thompson (PA)	Westmoreland
Shimkus	Thornberry	Whitfield
Shuster	Tiberi	Williams
Simpson	Tipton	Wilson (SC)
Smith (MO)	Turner	Wittman
Smith (NE)	Upton	Wolf
Smith (TX)	Valadao	Womack
Southerland	Wagner	Woodall
Stewart	Walberg	Yoder
Stivers	Walden	Young (AK)
Stockman	Walorski	Young (IN)

## NOT VOTING—8

Campbell	McMorris	Smith (WA)
Fincher	Rodgers	Waxman
McCarthy (NY)	Payne	Young (FL)

## □ 1438

Messrs. GRIFFIN of Arkansas, KINGSTON, FORTENBERRY, CONAWAY, COLLINS of Georgia, and ROHRABACHER changed their vote from “yea” to “nay.”

Mr. ISRAEL, Ms. CHU, Messrs. NUGENT, CROWLEY, Ms. FRANKEL of Florida, and Mr. LOEBSACK changed their vote from “nay” to “yea.”

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. WAXMAN. Mr. Speaker. During rollcall vote No. 291 on Grayson Amendment, H.R. 1613, I was unavoidably detained. Had I been present, I would have voted “yes.”

## □ 1440

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mr. GARCIA. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GARCIA. I am opposed to the bill in the current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Add at the end the following:

## TITLE — MISCELLANEOUS PROVISIONS

## SEC. 01. AVOIDING ANOTHER BP DISASTER.

(a) SAFETY REQUIREMENTS.—In implementing a transboundary agreement implemented or approved under this Act, the Secretary of the Interior shall require that drilling operations conducted pursuant to such an agreement meet requirements for—

(1) third-party certification of safety systems related to well control, such as blowout preventers;

(2) performance of blowout preventers, including quantitative risk assessment standards, subsea testing, and secondary activation methods;

(3) independent third-party certification of well casing and cementing programs and procedures;

(4) mandatory safety and environmental management systems by operators on the outer Continental Shelf;

(5) procedures and technologies to be used during drilling operations to minimize the risk of ignition and explosion of hydrocarbons; and

(6) procedures and technologies to protect the health and safety of workers.

(b) **INCREASED LIABILITY FOR SPILL CLEANUP.**—As a condition of any lease issued pursuant to any such agreement, the Secretary may require increased liability for any damages related to an oil spill occurring as a result of activities under such a lease, for activities in water depths of 1000 feet or deeper.

(c) **CIVIL PENALTIES TO ENSURE POLLUTERS PAY.**—

(1) **IN GENERAL.**—

(A) **PENALTY.**—Except as provided in subparagraph (B), any person who fails to comply with any provision of law with respect to any action under any term of such a lease or a license or permit issued under such a lease, or any regulation or order issued under this Act, shall be liable for a civil administrative penalty of not more than \$80,000 for each day of the continuance of such failure

(B) **THREAT OF HARM OR DAMAGE.**—If a failure described in subparagraph (A) constitutes or constituted a threat of harm or damage to life, property, or the marine, coastal, or human environment, a civil penalty of not more than \$150,000 shall be assessed for each day of the continuance of the failure.

(C) **ASSESSMENT AND COLLECTION.**—The Secretary of the Interior may assess and collect any such penalty.

(D) **INCREASE IN MAXIMUM AMOUNT.**—The Secretary of the Interior may increase the maximum amount of any penalty established pursuant to this subsection.

(2) **REVIEW OF MAXIMUM PENALTIES.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of this section, the Secretary of the Interior shall review the maximum amount of each penalty established pursuant to this subsection, including any amount increased under paragraph (1)(D), every 5 years and determine if such maximum amount is appropriate.

(B) **NOTICE OF INCREASES.**—The Secretary shall submit to Congress notice of the reasons for each increase by not later than 60 days after the increase takes effect.

Mr. DUNCAN of South Carolina (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida is recognized for 5 minutes.

Mr. GARCIA. Mr. Speaker, this is a final amendment to the bill. This will not delay or kill or send it back to committee. If adopted, the bill will proceed immediately to final passage, as amended.

Just over 3 years ago, the Deepwater Horizon drilling rig exploded, killing 11 workers and spilling 200 million gallons of oil into the Gulf of Mexico. Our Nation was gripped with images like this and this, of oil gushing into the gulf, washing up on to our shores.

Mr. Speaker, this was the worst environmental disaster in our Nation's history, with economic costs of over \$40 billion.

While other Gulf States suffered more, Florida's tourism and fishing were hurt. Mr. Speaker, it could even be worse, more damaging next time. That's why my amendment that I am offering today is so important. The amendment will prevent another BP oil spill by imposing safety standards for drilling based on what we learned from this terrible accident. If such a disaster is to occur again, this amendment will also make sure that the polluter pays for the cleanup.

As the BP oil accident shows, something happening hundreds of miles away affected Florida's coast and can easily bring oil to our State's shores. In south Florida, we know that these spills are not just a threat to the environment; they are a threat to our economy.

An oil disaster off Florida would affect the lives of millions, including local fishermen, hotels, restaurant owners, small businesses, and families that depend on these businesses for their jobs and livelihoods.

With approximately 90 million visitors per year, Florida is one of the top destinations of the world. Our tourism industry generates nearly \$70 billion annually, supporting over 1 million jobs throughout the State. People from all over the country, in fact, all over the world, travel to Florida to enjoy our incredible beaches, our unparalleled sport fishing, and our State's unique natural treasures.

Anglers from all over the world come to my district, to the village of Islamorada, the sports fishing capital of the world, to enjoy sports fishing that cannot be matched anywhere else in the world. My district also includes the Florida Everglades, the largest wetland in America and a jewel in our National Park System.

In south Florida, we know our economic future depends on preserving our environment. This is why protecting Florida's coast from the dangers of offshore drilling has always drawn support from both sides. This is not a Democratic issue. This is not a Republican issue. It's a Florida issue, and, in fact, it's a national issue.

At a time when we face so many important issues, we here in Congress need to work together to do what's right. While I am new to the ways of Washington, I hope and believe that we can put party pressures aside and put America's people first.

I urge my colleagues to vote "yes" to ensure that we can protect our environment, our economy, our Nation from another disaster like the BP oil spill.

I yield back the balance of my time. Mr. DUNCAN of South Carolina. Mr. Speaker, I claim the time in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. DUNCAN of South Carolina. I urge opposition to this motion, Mr. Speaker.

What we have here in this motion to recommit is just the latest attempt by a few on the other side of the aisle to cater to special interests instead of the needs of the American people.

Behind me, I have a copy of the transboundary area that we're talking about, the Western Gap. You'll notice in that map you don't even see the State of Florida.

This bill enacts an agreement between the United States Government and Mexico to open up a million and a half acres to offshore drilling in the Gulf of Mexico, an agreement negotiated by and signed by the Secretary of State, Hillary Clinton, in February 2012.

We want to make sure this agreement will help create American jobs. We want to make sure that we're developing our resources in a safe and responsible way. We want to make sure that this bill puts us on the path toward North American energy independence.

This bill does all of those things, yet the gentleman that offers the motion says he is against the bill. Actually, he said he's for it, but for a lot of different reasons. But this is an attempt to delay the fact that we need to make changes.

The time for delay is over. The time to come together in a bipartisan way to create jobs through energy is at hand. We want to develop these resources to achieve North American energy independence and end our dependence on Middle Eastern sources of energy, and we want to reduce the cost of fuel for all Americans.

□ 1450

We want this bill to be part of an all-of-the-above, all-American energy strategy. We want to provide the regulatory clarity and the certainty that energy producers need to explore the area, create the jobs, and produce the energy that we need. And for all of you still on the fence about whether or not to support this bill, let us remember that this is the administration's agreement, and we actually want to get it enacted.

So let's get to work creating American jobs while producing American energy. Let's defeat this motion and let's pass this bill to put Americans back to work.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

RECORDED VOTE

Mr. GARCIA. Mr. Speaker, I demand a recorded vote.



A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 232, not voting 8, as follows:

[Roll No. 292]

#### AYES—194

Andrews	Hahn	O'Rourke
Barber	Hanabusa	Owens
Barrow (GA)	Hastings (FL)	Pallone
Bass	Heck (WA)	Pascarell
Beatty	Higgins	Pastor (AZ)
Becerra	Himes	Payne
Bera (CA)	Hinojosa	Pelosi
Bishop (GA)	Holt	Perlmutter
Bishop (NY)	Honda	Peters (CA)
Blumenauer	Horsford	Peters (MI)
Bonamici	Hoyer	Peterson
Brady (PA)	Huffman	Pingree (ME)
Braley (IA)	Israel	Pocan
Brown (FL)	Jackson Lee	Polis
Brownley (CA)	Jeffries	Price (NC)
Bustos	Johnson (GA)	Quigley
Butterfield	Johnson, E. B.	Rahall
Capps	Jones	Rangel
Capuano	Kaptur	Richmond
Cárdenas	Keating	Roybal-Allard
Carney	Kelly (IL)	Ruiz
Carson (IN)	Kennedy	Ruppersberger
Cartwright	Kildee	Rush
Castor (FL)	Kilmer	Ryan (OH)
Castro (TX)	Kind	Sánchez, Linda
Chu	Kirkpatrick	T.
Cicilline	Kuster	Sanchez, Loretta
Clarke	Langevin	Sarbanes
Clay	Larsen (WA)	Schakowsky
Cleaver	Larson (CT)	Schiff
Clyburn	Lee (CA)	Schneider
Cohen	Levin	Schrader
Connolly	Lewis	Schwartz
Conyers	Lipinski	Scott (VA)
Cooper	Loebach	Scott, David
Courtney	Lofgren	Serrano
Crowley	Lowenthal	Shea-Porter
Cummings	Lowe	Sewell (AL)
Davis (CA)	Lujan Grisham	Shea-Porter
Davis, Danny	(NM)	Sherman
DeFazio	Luján, Ben Ray	Sinema
DeGette	(NM)	Sires
Delaney	Lynch	Slughter
DeLauro	Maffei	Speier
DeBene	Maloney,	Swalwell (CA)
Deutch	Carolyn	Takano
Dingell	Maloney, Sean	Thompson (CA)
Doggett	Markey	Thompson (MS)
Doyle	Matheson	Tierney
Duckworth	Matsui	Titus
Edwards	McCollum	Tonko
Engel	McDermott	Tsongas
Enyart	McGovern	Van Hollen
Eshoo	McIntyre	Vargas
Esty	McNerney	Veasey
Farr	Meeks	Velázquez
Fattah	Meng	Visclosky
Foster	Michaud	Walz
Frankel (FL)	Miller, George	Wasserman
Fudge	Moore	Schultz
Gabbard	Moran	Waters
Garamendi	Murphy (FL)	Watt
Garcia	Nadler	Waxman
Grayson	Napolitano	Welch
Green, Al	Neal	Wilson (FL)
Grijalva	Negrete McLeod	Yarmuth
Gutiérrez	Nolan	

#### NOES—232

Aderholt	Bonner	Cassidy
Alexander	Boustany	Chabot
Amash	Brady (TX)	Chaffetz
Amodei	Bridenstine	Coble
Bachmann	Brooks (AL)	Coffman
Bachus	Brooks (IN)	Cole
Barletta	Broun (GA)	Collins (GA)
Barr	Buchanan	Collins (NY)
Barton	Bucshon	
Benishek	Burgess	Cook
Bentivolio	Calvert	Costa
Billirakis	Camp	Cotton
Bishop (UT)	Cantor	Cramer
Black	Capito	Crawford
Blackburn	Carter	Crenshaw

Cuellar	Joyce	Rogers (AL)
Culberson	Kelly (PA)	Rogers (KY)
Daines	King (IA)	Rogers (MI)
Davis, Rodney	King (NY)	Rohrabacher
Denham	Kingston	Rokita
Dent	Kinzing (IL)	Rooney
DeSantis	Kline	Ros-Lehtinen
DesJarlais	Labrador	Roskam
Diaz-Balart	LaMalfa	Ross
Duffy	Lance	Rothfus
Duncan (SC)	Lankford	Royce
Duncan (TN)	Latham	Runyan
Ellmers	Latta	Ryan (WI)
Farenthold	LoBiondo	Salmon
Fitzpatrick	Long	Sanford
Fleischmann	Lucas	Scalise
Fleming	Luetkemeyer	Schock
Flores	Lummis	Schweikert
Forbes	Marchant	Scott, Austin
Fortenberry	Marino	Sensenbrenner
Fox	Massie	Sessions
Franks (AZ)	McCarthy (CA)	Shimkus
Frelinghuysen	McCaul	Shuster
Gallego	McClintock	Simpson
Gardner	McHenry	Smith (MO)
Garrett	McKeon	Smith (NE)
Gerlach	McKinley	Smith (NJ)
Gibbs	Meadows	Smith (TX)
Gibson	Meehan	Southerland
Gingrey (GA)	Messer	Stewart
Gohmert	Mica	Stivers
Goodlatte	Miller (FL)	Stockman
Gosar	Miller (MI)	Stutzman
Gowdy	Miller, Gary	Terry
Granger	Mullin	Thompson (PA)
Graves (GA)	Mulvaney	Thornberry
Graves (MO)	Murphy (PA)	Tiberi
Green, Gene	Neugebauer	Tipton
Griffin (AR)	Noem	Turner
Griffith (VA)	Nugent	Upton
Grimm	Nunes	Valadao
Guthrie	Nunnelee	Vela
Hall	Olson	Wagner
Hanna	Palazzo	Walberg
Harper	Paulsen	Walden
Harris	Pearce	Walorski
Hartzler	Perry	Weber (TX)
Hastings (WA)	Petri	Webster (FL)
Heck (NV)	Pittenger	Wenstrup
Hensarling	Pitts	Westmoreland
Herrera Beutler	Poe (TX)	Whitfield
Holding	Pompeo	Williams
Hudson	Posey	Wilson (SC)
Huelskamp	Price (GA)	Wittman
Huizenga (MI)	Radel	Wolf
Hultgren	Reed	Womack
Hunter	Reichert	Woodall
Hurt	Renacci	Yoder
Issa	Ribble	Yoho
Jenkins	Rice (SC)	Young (AK)
Johnson (OH)	Rigell	Young (IN)
Johnson, Sam	Roby	
Jordan	Roe (TN)	

#### NOT VOTING—8

Campbell	McCarthy (NY)	Young (FL)
Ellison	McMorris	
Fincher	Rodgers	
Lamborn	Smith (WA)	

□ 1457

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. DEFAZIO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 256, noes 171, not voting 7, as follows:

[Roll No. 293]

#### AYES—256

Graves (GA)	Peters (MI)
Graves (MO)	Peterson
Green, Al	Petri
Green, Gene	Pittenger
Griffin (AR)	Pitts
Griffith (VA)	Poe (TX)
Grimm	Pompeo
Guthrie	Posey
Hall	Price (GA)
Hanna	Radel
Harper	Rahall
Harris	Reed
Hartzler	Reichert
Hastings (WA)	Renacci
Heck (NV)	Ribble
Hensarling	Rice (SC)
Herrera Beutler	Richmond
Hinojosa	Rigell
Holding	Roby
Hudson	Roe (TN)
Huelskamp	Rogers (AL)
Huizenga (MI)	Rogers (KY)
Hultgren	Rogers (MI)
Hunter	Rohrabacher
Hurt	Rokita
Issa	Rooney
Jackson Lee	Ros-Lehtinen
Jenkins	Roskam
Johnson (OH)	Ross
Johnson, Sam	Rothfus
Jordan	Royce
Joyce	Ruiz
Kelly (PA)	Runyan
King (IA)	Ryan (WI)
King (NY)	Salmon
Kingston	Scalise
Kinzing (IL)	Schock
Kline	Schweikert
Labrador	Scott, Austin
LaMalfa	Sensenbrenner
Lamborn	Sessions
Lance	Shimkus
Lankford	Shuster
Latham	Simpson
Latta	Sinema
Leahy	Smith (MO)
Leahy	Smith (NE)
Leahy	Smith (NJ)
Leahy	Smith (TX)
Leahy	Southerland
Leahy	Stewart
Leahy	Stivers
Leahy	Stockman
Leahy	Stutzman
Leahy	Terry
Leahy	Thompson (PA)
Leahy	Thornberry
Leahy	Tiberi
Leahy	Tipton
Leahy	Turner
Leahy	Upton
Leahy	Valadao
Leahy	Veasey
Leahy	Vela
Leahy	Wagner
Leahy	Walberg
Leahy	Walden
Leahy	Walorski
Leahy	Weber (TX)
Leahy	Webster (FL)
Leahy	Wenstrup
Leahy	Westmoreland
Leahy	Whitfield
Leahy	Williams
Leahy	Wilson (SC)
Leahy	Wittman
Leahy	Wolf
Leahy	Womack
Leahy	Woodall
Leahy	Yoder
Leahy	Yoho
Leahy	Young (AK)
Leahy	Young (IN)

#### NOES—171

Andrews	Bishop (GA)	Brady (PA)
Bass	Bishop (NY)	Braley (IA)
Beatty	Blumenauer	Brown (FL)
Becerra	Bonamici	Brownley (CA)

Butterfield	Honda	Pallone
Capps	Horsford	Pascrell
Capuano	Hoyer	Pastor (AZ)
Cárdenas	Huffman	Payne
Carney	Israel	Pelosi
Carson (IN)	Jeffries	Pingree (ME)
Cartwright	Johnson (GA)	Pocan
Castor (FL)	Johnson, E. B.	Polis
Castro (TX)	Jones	Price (NC)
Chu	Kaptur	Quigley
Cicilline	Keating	Rangel
Clarke	Kelly (IL)	Roybal-Allard
Clay	Kennedy	Ruppersberger
Cleaver	Kildee	Rush
Clyburn	Kilmer	Ryan (OH)
Cohen	Kind	Sánchez, Linda T.
Connolly	Kirkpatrick	Sánchez, Loretta
Conyers	Kuster	Sarbanes
Cooper	Langevin	Schakowsky
Courtney	Larsen (WA)	Schiff
Crowley	Larson (CT)	Schneider
Cummings	Lee (CA)	Schrader
Davis (CA)	Levin	Schwartz
Davis, Danny	Lewis	Scott (VA)
DeFazio	Lofgren	Scott, David
DeGette	Lowenthal	Serrano
DeLauro	Lujan Grisham	Sewell (AL)
DelBene	(NM)	Shea-Porter
Deutch	Luján, Ben Ray	Sherman
Dingell	(NM)	Sires
Doggett	Lynch	Slaughter
Doyle	Maffei	Speier
Duckworth	Maloney,	Swalwell (CA)
Edwards	Carolyn	Takano
Ellison	Maloney, Sean	Thompson (CA)
Engel	Markey	Thompson (MS)
Enyart	Matsui	Tierney
Eshoo	McCollum	Titus
Esty	McDermott	Tonko
Farr	McGovern	Tsongas
Fattah	McNerney	Van Hollen
Foster	Meeks	Vargas
Frankel (FL)	Meng	Velázquez
Fudge	Michaud	Visclosky
Gabbard	Miller, George	Walz
Garamendi	Moore	Wasserman
Grayson	Moran	Schultz
Grijalva	Nadler	Waters
Hahn	Napolitano	Watt
Hanabusa	Neal	Waxman
Hastings (FL)	Negrete McLeod	Welch
Heck (WA)	Nolan	Wilson (FL)
Higgins	O'Rourke	Yarmuth
Himes	Owens	
Holt		

## NOT VOTING—7

Campbell	McCarthy (NY)	Smith (WA)
Fincher	McMorris	Young (FL)
Gutiérrez	Rodgers	

□ 1504

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CONGRATULATING THE HONORABLE ED MARKEY ON ELECTION TO SENATE

Mr. NEAL asked and was given permission to address the House for 1 minute.)

Mr. NEAL. Mr. Speaker, on Tuesday, June 25, our colleague, ED MARKEY, was elected to the United States Senate.

Mr. Speaker, from the Adams family to the Kennedy family, Massachusetts has sent great talent to the United States Senate, and always a reminder that John Kennedy served in this House and thought it was a privilege before he went to the United States Senate.

I also will just say a couple of personal things about our colleague. No-

body ever walked away from ED MARKEY and said he didn't know what he was talking about or that he was uninformed. He engages the debate fully. And I must tell you, having known him for more than three decades, he is fulfilling a personal ambition—in addition to which he has promised me that he will take the humility of this institution and bring it to the United States Senate.

The last point that I think is very important and a reminder to all of us, in the polling data that led up to ED's victory, by 15 points the people said they thought it was his experience that would serve him well. That was the deciding factor in why they sent him to the United States Senate.

A round of applause for our friend, ED MARKEY.

## INSPECTOR GENERAL INVESTIGATION OF ALLEGATIONS OF RETALIATORY PERSONNEL ACTIONS TAKEN IN RESPONSE TO MAKING PROTECTED COMMUNICATIONS REGARDING SEXUAL ASSAULT

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1864) to amend title 10, United States Code, to require an Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Indiana (Mrs. WALORSKI) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 294]

YEAS—423

Aderholt	Bishop (UT)	Camp
Alexander	Black	Cantor
Amash	Blackburn	Capito
Amodei	Blumenauer	Capps
Andrews	Bonamici	Capuano
Bachmann	Bonner	Cárdenas
Bachus	Boustany	Carney
Barber	Brady (PA)	Carson (IN)
Barletta	Brady (TX)	Carter
Barr	Braley (IA)	Cartwright
Barrow (GA)	Bridenstine	Cassidy
Barton	Brooks (AL)	Castor (FL)
Bass	Brooks (IN)	Castro (TX)
Beatty	Brown (FL)	Chabot
Becerra	Brownley (CA)	Chaffetz
Benish	Buchanan	Chu
Bentivolio	Bucshon	Cicilline
Bera (CA)	Burgess	Clarke
Bilirakis	Bustos	Clay
Bishop (GA)	Butterfield	Cleaver
Bishop (NY)	Calvert	Clyburn
		Coble
		Coffman
		Cohen
		Cole
		Collins (GA)
		Collins (NY)
		Conaway
		Cook
		Cooper
		Costa
		Cotton
		Courtney
		Cramer
		Crawford
		Crenshaw
		Crowley
		Cuellar
		Culberson
		Cummings
		Daines
		Davis (CA)
		Davis, Danny
		Davis, Rodney
		DeFazio
		DeGette
		Delaney
		DeLauro
		DelBene
		Denham
		Dent
		DeSantis
		DesJarlais
		Deutch
		Diaz-Balart
		Dingell
		Doggett
		Doyle
		Duckworth
		Duffy
		Duncan (SC)
		Duncan (TN)
		Edwards
		Ellison
		Ellmers
		Engel
		Enyart
		Eshoo
		Esty
		Farenthold
		Farr
		Fattah
		Fitzpatrick
		Fleischmann
		Fleming
		Flores
		Forbes
		Fortenberry
		Foster
		Fox
		Frankel (FL)
		Franks (AZ)
		Frelinghuysen
		Fudge
		Gabbard
		Galleo
		Garamendi
		Garcia
		Gardner
		Garrett
		Gerlach
		Gibbs
		Gibson
		Gingrey (GA)
		Gohmert
		Goodlatte
		Gosar
		Gowdy
		Granger
		Graves (GA)
		Graves (MO)
		Grayson
		Green, Al
		Green, Gene
		Griffin (AR)
		Griffith (VA)
		Grijalva
		Grimm
		Guthrie
		Gutiérrez
		Hahn
		Hall
		Hanabusa
		Hanna
		Harper
		Harris
		Hartzler
		Hastings (FL)
		Hastings (WA)
		Heck (NV)
		Heck (WA)
		Hensarling
		Herrera Beutler
		Higgins
		Himes
		Hinojosa
		Holding
		Holt
		Honda
		Horsford
		Hoyer
		Hudson
		Huelskamp
		Huffman
		Huizenga (MI)
		Hultgren
		Hunter
		Hurt
		Israel
		Issa
		Jackson Lee
		Jeffries
		Jenkins
		Johnson (GA)
		Johnson (OH)
		Johnson, E. B.
		Johnson, Sam
		Jones
		Jordan
		Joyce
		Kaptur
		Keating
		Kelly (IL)
		Kelly (PA)
		Kennedy
		Kildee
		Kilmer
		Kind
		King (IA)
		King (NY)
		Kingston
		Kinzing (IL)
		Kirkpatrick
		Kline
		Kuster
		Labrador
		LaMalfa
		Lance
		Langevin
		Lankford
		Larsen (WA)
		Larson (CT)
		Latham
		Latta
		Lee (CA)
		Levin
		Lewis
		Lipinski
		LoBiondo
		Loebach
		Lofgren
		Long
		Lowenthal
		Lowe
		Lucas
		Luetkemeyer
		Lujan Grisham
		(NM)
		Luján, Ben Ray
		(NM)
		Lummis
		Lynch
		Maffei
		Maloney,
		Carolyn
		Maloney, Sean
		Marchant
		Marino
		Markey
		Massie
		Matheson
		Matsui
		McCarthy (CA)
		McClintock
		McCollum
		McDermott
		McGovern
		McHenry
		McIntyre
		McKeon
		McKinley
		McNerney
		Meadows
		Meehan
		Meeks
		Meng
		Messer
		Mica
		Michaud
		Miller (FL)
		Miller (MI)
		Miller, Gary
		Miller, George
		Moore
		Moran
		Mullin
		Mulvaney
		Murphy (FL)
		Murphy (PA)
		Nadler
		Napolitano
		Neal
		Negrete McLeod
		Neugebauer
		Noem
		Nolan
		Nugent
		Nunes
		Nunnelee
		O'Rourke
		Olson
		Owens
		Palazzo
		Pallone
		Pascrell
		Pastor (AZ)
		Paulsen
		Payne
		Pearce
		Pelosi
		Perlmutter
		Perry
		Peters (CA)
		Peters (MI)
		Peterson
		Petri
		Pingree (ME)
		Pittenger
		Pitts
		Pocan
		Poe (TX)
		Polis
		Pompeo
		Posey
		Price (GA)
		Price (NC)
		Quigley
		Radel
		Rahall
		Rangel
		Reed
		Reichert
		Renacci
		Ribble
		Rice (SC)
		Richmond
		Rigell
		Roby
		Roe (TN)
		Rogers (AL)
		Rogers (KY)
		Rogers (MI)
		Rohrabacher
		Rokita
		Rooney
		Ros-Lehtinen
		Roskam
		Ross
		Rothfus
		Roybal-Allard
		Royce
		Ruiz
		Runyan
		Ruppersberger
		Rush
		Ryan (OH)
		Ryan (WI)
		Salmon
		Sánchez, Linda T.
		Sanchez, Loretta
		Sanford
		Sarbanes
		Scalise
		Schakowsky
		Schiff
		Schneider
		Schock
		Schrader

Schwartz	Stutzman	Walorski
Schweikert	Swalwell (CA)	Walz
Scott (VA)	Takano	Wasserman
Scott, Austin	Terry	Schultz
Scott, David	Thompson (CA)	Waters
Sensenbrenner	Thompson (MS)	Watt
Serrano	Thompson (PA)	Waxman
Sessions	Thornberry	Weber (TX)
Sewell (AL)	Tiberti	Webster (FL)
Shea-Porter	Tierney	Welch
Sherman	Tipton	Wenstrup
Shimkus	Titus	Westmoreland
Shuster	Tonko	Whitfield
Simpson	Tsongas	Williams
Sinema	Turner	Wilson (FL)
Sires	Upton	Wilson (SC)
Slaughter	Valadao	Wittman
Smith (MO)	Van Hollen	Wolf
Smith (NE)	Vargas	Womack
Smith (NJ)	Veasey	Woodall
Smith (TX)	Vela	Yarmuth
Southerland	Velázquez	Yoder
Speier	Visclosky	Yoho
Stewart	Wagner	Young (AK)
Stivers	Walberg	Young (IN)
Stockman	Walden	

## NOT VOTING—11

Broun (GA)	Fincher	McMorris
Campbell	Lamborn	Rodgers
Connolly	McCarthy (NY)	Smith (WA)
Conyers	McCauley	Young (FL)

□ 1515

Mr. CUMMINGS changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

## OFFSHORE ENERGY AND JOBS ACT

## GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 2231.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 274 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2231.

The Chair appoints the gentleman from Colorado (Mr. GARDNER) to preside over the Committee of the Whole.

□ 1518

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2231) to amend the Outer Continental Shelf Lands Act to increase energy explo-

ration and production on the Outer Continental Shelf, provide for equitable revenue sharing for all coastal States, implement the reorganization of the functions of the former Minerals Management Service into distinct and separate agencies, and for other purposes, with Mr. GARDNER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. HASTINGS) and the gentleman from Oregon (Mr. DEFAZIO) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

I rise today in strong support of H.R. 2231, the Offshore Energy and Jobs Act.

Unlike the President's plan that we heard from this week, which is to impose new energy taxes and Federal red tape that will increase energy prices and cost American jobs, this Republican plan will expand access to our own U.S. energy resources in order to lower energy prices and increase American jobs.

□ 1520

Gas prices have nearly doubled since President Obama took office. The national average today remains above \$3.50 per gallon compared to the \$1.89 it was when he took office. We shouldn't have to accept potentially \$4-a-gallon gas prices, especially when we have the resources right here at home. Higher gas prices mean we are making tough budget choices. For small businesses, it may mean the difference between hiring more workers or having to let some go. For families, it may be the difference between replacing the worn-out household appliance or making due with makeshift repairs. This is why access to affordable energy is so vital.

For decades, most of our Nation's offshore areas were under a moratorium, preventing any offshore development. All of that, Mr. Chairman, changed in the summer of 2008 when outrageously high gas prices made our Nation's energy struggles a regular topic of conversation around the dinner table for American families. Later that year, Congress and then-President Bush lifted those moratoria with the hopes of fostering an era of increased energy production.

President Obama then came into office with a tremendous opportunity. For the first time in more than a generation, he had the ability to open new offshore areas to oil and natural gas production. Sadly, instead, he went out of his way to shut down this opportunity by putting forth a new 5-year offshore leasing plan that locks up 85 percent of our offshore areas. The plan includes no new drilling, which results in no new American jobs. In fact, it in-

cludes the lowest number of lease sales ever offered in an offshore lease plan. Mr. Chairman, that's the worst record since President Jimmy Carter's.

We must do better. That's why we are here today to consider the Offshore Energy and Jobs Act. This legislation puts us back on the right path: one that will open new areas to drilling, one that will create 1.2 million American jobs, one that will lower energy prices, and one that will generate \$1.5 billion in new revenue to the Federal Government. But it's not only energy jobs that will be created; it's associated industries like manufacturing, boating, transportation, and service industries like hotels and restaurants. They, too, will also benefit.

This legislation requires the administration to implement a new 5-year leasing plan that includes areas with the most oil and natural gas, such as the mid-Atlantic and Alaska and off southern California. It's not a “drill everywhere” plan but, rather, a “drill smart” plan that focuses on those areas where the greatest potential lies. It would also require specific lease sales to be held off the coasts of South Carolina and Virginia, the latter of which was originally scheduled to take place in 2011 but was cancelled by the Obama administration. There is bipartisan support in favor of the Virginia lease sale, but, again, this administration canceled it and punted any future sales until after 2017.

The bill also establishes a fair and equitable revenue sharing program with all coastal States that have drilling off their coasts, much like what the Gulf States currently enjoy. Revenue sharing will create new incentives for opening offshore areas to drilling. Again, more American energy production equates to more jobs and a stronger economy.

Finally, Mr. Chairman, the bill includes reforms to further enhance the accountability, efficiency, safety, and ethical standards of offshore energy operations. These reforms will allow for the robust production of our Nation's offshore energy resources while ensuring that all activity is conducted with proper oversight.

Offshore energy production has steadily declined under this administration, and, frankly, Mr. Chairman, it's time to reverse that trend. H.R. 2231 will remove government barriers that are currently blocking access to our American energy resources. It will safely and responsibly unlock our energy and allow us to create over a million new American jobs. I urge my colleagues to support the Offshore Energy and Jobs Act.

With that, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Here we are again. It's kind of a Groundhog Day moment for Congress.

This bill, or individual parts of this bill, passed in the last Congress five times and never went anywhere in the Senate, and it will meet the same fate again.

Now, the premise here is that if we had mandatory offshore oil leasing in the more sensitive areas of the coast—remember, 75 percent of the known recoverable resources are available currently under lease. Currently, there are 5,484 leases on the Outer Continental Shelf that aren't producing. Those leases cover 30 million acres—85 percent of the total acreage currently under lease. We estimate there are 18 billion barrels of oil under these leases and 50 trillion cubic feet of natural gas. When I asked the gentleman from the American Petroleum Institute why they needed to put more acreage under lease when they're sitting on all of this, his answer was, Well, you know, these things take a long time.

If they take a long time, let's encourage them to develop what they've already leased, to go after these 18 billion barrels of oil and 50 trillion cubic feet of natural gas. When they're making progress there, then they might come back and petition for more, and we'll make a decision at that point given the needs of the country; but the premise that somehow by putting more leases out there—with no requirement for them to perform—the price of gas will drop is absolutely untrue. We all know that's untrue. The American consumers know it's untrue.

The principal reason that underlies the 50-cent-a-gallon, one-week run-up in May, which we're still paying, is refineries. Our refineries need to be cleaned and maintained and have periodic maintenance, and, oh, a couple of them have broken down. We have seen incredible consolidation in the refinery industry, and it's always the excuse for jacking up the price on Memorial Day and on the July Fourth weekend and sticking it to the American consumers. Last year, they claimed that all of the refineries were shut down. An investigative reporter went in and got the air pollution records—no. Actually, they were operating, and they were exporting gasoline from the United States to overseas and were claiming there was a shortage here.

Now, we're in a world market. There's not much we can do about that. So the world price is what we pay for oil and gas, and it's a manipulated market; it's a collusive market. If we really wanted to do something, Members on the other side would join me in getting the administration to file a complaint against OPEC for manipulating the markets and for violating the World Trade Organization. You would join in investigating these suspicious refinery shutdowns, which I've asked the Obama administration Energy Task Force to do. You would also join us, instead of giving more latitude

to speculators in the oil companies, in actually reining in the speculators. Hey, the head of ExxonMobil says, Don't blame me for high prices as 75 cents a gallon is due to excess speculation on Wall Street.

So there are some real things we could do that would bring relief very quickly to American families, but those are not giving the oil industry, which is sitting on 5,484 leases, covering 30 million acres and 18 billion barrels of oil and 50 trillion cubic feet of natural gas, more acreage to put under lease, particularly with mandatory leasing in sensitive areas.

That's what this bill would do. We've passed it before. Well, not "we." Collectively, the House has passed it before. I expect, as I said, we will see that happen again today, but nothing will happen with these bills in the United States Senate.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 5 minutes to the chairman of the subcommittee dealing with this legislation, the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. While the U.S. is blessed with an abundance of energy resources, we are also saddled with an administration that is throwing up barriers to our energy security and economic prosperity.

This is why, Mr. Chairman, I rise in strong support of H.R. 2231, the Offshore Energy and Jobs Act. It passed out of the subcommittee I chair on Energy and Mineral Resources.

The bill requires the President to implement a new 5-year plan that includes the areas offshore containing the greatest known oil and natural gas resources. This is a targeted approach that focuses on specific areas in which we know the most energy resources are located. The bill requires lease sales to be held off of Virginia, which were originally scheduled to take place in 2011, and South Carolina.

□ 1530

In both States, there is strong, bipartisan support from the public, the congressional delegations and the Governors for drilling off their coasts.

Finally, the bill implements important reforms to strengthen the safety, accountability and efficiency of the Federal Government's offshore agencies. It establishes a fair revenue-sharing program for all coastal States.

Both provisions would further encourage the safe, expanded production of offshore energy.

Mr. Chairman, high gas prices hurt all of us, and the impacts are felt every day. Families are forced to make tough decisions in their budgets, schools run fewer buses and the costs of businesses go up, forcing companies to hire fewer workers. But the concerns of America's

energy consumers, the Nation's small businesses and families have largely been ignored by this administration.

When President Obama took office, nearly all of the offshore areas were open to energy production. The administration had the tremendous opportunity for the first time in more than a generation to open new areas of the OCS for oil and gas drilling. Available to them for the first time since 1982 was the opportunity to access billions of barrels of oil that have been held closed under lock and key for decades.

Instead of jumping on the opportunity to increase our energy security, President Obama discarded a plan to develop these new areas, canceled lease sales and closed off 85 percent of our Outer Continental Shelf. This crushed the hopes and economic opportunity for the people in States like Virginia. In fact, the Obama plan put forward the lowest number of lease sales since the Jimmy Carter administration.

Nearly one year later, we are here again today to attempt to change the wrong course upon which this administration has set our Nation and our energy future. Recently, the Energy Information Administration issued their report for energy production on Federal lands for fiscal year 2012. It should be no surprise that the sale of crude on Federal lands decreased 5 percent in 2012, with an 8 percent decrease in Federal offshore volumes.

While this administration seems content with the status quo, this legislation is about making the right choices now to foster new access and new energy for the future. H.R. 2231 makes it clear that waiting until 2017, 5 more years, is too long for new energy production.

Increased American energy production is one of the best ways to create new American jobs, strengthen the economy and generate new revenue to help tackle the national debt. We cannot keep ignoring the vast resources potential of the U.S. Outer Continental Shelf. I applaud Chairman HASTINGS for his leadership on this issue, and I encourage all of my colleagues to support this critical legislation.

Mr. DEFAZIO. I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), the ranking member of the Energy and Mineral Resources Subcommittee.

Mr. HOLT. Mr. Chairman, I thank my friend from Oregon.

Each summer as Americans rush to our beaches for fun and relaxation, the majority of the Republicans here in the House rush forward with ill-conceived legislation to open up those same beaches and coastlines to unsafe drilling. Today we have a bill that has been accelerated through the legislative process and has been drafted in a way that limits the opportunity for Members representing coastal States to protect shorelines and coastal economies.

The bill we're considering would allow Big Oil to put drilling rigs off the Atlantic, Pacific, and Alaskan coasts without enacting key drilling safety reforms that we know should be there following the BP Deepwater Horizon disaster. This is bad policy through a bad process, all so this bill can enjoy the same fate that so many irresponsible drilling bills that the majority has rammed through have experienced.

They put these bills forward in apparent ignorance that a law requires passage by both houses and signature by the President. The administration was never given an opportunity to testify on this legislation, and now the President has suggested that he would veto this bill if it ever made it to his desk.

In committee markup, I offered an amendment to protect the Atlantic coastal communities, including my home State of New Jersey, which is strongly opposed to drilling off the Atlantic coast. The amendment was rejected on a party-line vote.

Need I remind my colleagues that about 70 million people live in Atlantic coastal regions. And according to NOAA data, Atlantic commercial fisheries were valued at \$1.8 billion in 2011, and the New Jersey Travel Industry Association says New Jersey's travel and tourism is worth about \$38 billion a year, supporting more than 500,000 jobs. All this depends on the pristine conditions of our beaches and shoreline.

But this isn't just about what New Jersey wants. Energy development of the OCS is a Federal issue. And as we learned during the debate on my amendment, any oil spill off the coast of, let's say, Virginia, will drift quickly to the coast of New Jersey and other northeastern States.

I submitted an amendment this week, but it was ruled not in order. The Rules Committee seems to think it's strange to want to collect fees—rent on drilling plots that belong to the public. Fees should be collected on all leases, producing or not. I think it's worth noting that according to the Bureau of Ocean Energy Management, as of June of this year, there were more than 30 million acres of non-producing leases, five times more than the 5.6 million leased acres where oil production is currently occurring. Oil and gas doesn't need more acreage to drill on. They need to drill on the leases they currently hold.

The CHAIR. The time of the gentleman has expired.

Mr. DEFAZIO. I yield the gentleman from New Jersey an additional 1 minute.

Mr. HOLT. In addition to these leases, we're considering this bill on the heels of the President's speech announcing his plan to reduce carbon pollution and to mitigate the threats of global climate change.

I realize the authors of this bill don't put much stock in what the President had to say the other day. But as elected representatives, we have a moral obligation to act. As the climate changes, there will be stronger superstorms, worse floods, more withering droughts, more intense wildfires. The science is overwhelming, but many of my colleagues in Congress would prefer to deepen our dependence on fossil fuels.

We're considering this bill at the wrong time, in the wrong way, and it's the wrong bill. The crisis is not waning. The crisis of climate change is real. President Obama is doing all he can administratively while Congress fiddles. It is no coincidence that as Democrats work to address climate change, Republicans in the House recklessly pursue a "drill, baby, drill" agenda.

Mr. HASTINGS of Washington. Mr. Chairman, I'm very pleased to yield 2 minutes to the gentleman from South Carolina (Mr. DUNCAN), a member of the committee.

Mr. DUNCAN of South Carolina. Mr. Chairman, this is a jobs bill. It creates American jobs, producing American energy. So it's an energy security bill, as well. And there can be no national security without energy security. So this is a national security bill, as well.

Virginians get it, South Carolinians get it and Americans get it. The first domino is the jobs that are created on the offshore rigs. But if you ride on Highway 90 from Lafayette, Louisiana, down toward New Iberia and Houma, Louisiana, you're going to see on both sides of the road business after business after business that is supporting the offshore industries. These are pipe welders, pipefitters, mechanics and the service industry.

You know what? Those guys contribute to the Chamber of Commerce and the United Way, and they go to church, they tithe and they eat at the local restaurants. This is a true job creator, and the first domino is the domino of putting Americans to work offshore, and that's what this bill does by opening up more areas on the Outer Continental Shelf. And with the trickle down, all the other dominos fall that provide money to the economies that desperately need it in this country in all the offshore areas.

We want it in South Carolina. They want it in Virginia. And Americans want us to meet our energy needs with their own resources. That's why I urge the passage of this legislation, and I thank the chairman for his leadership.

Mr. DEFAZIO. I yield 4 minutes to an outstanding new member of the committee, the gentleman from California (Mr. LOWENTHAL).

□ 1540

Mr. LOWENTHAL. I thank the distinguished gentleman from Oregon.

Mr. Chairman, today we are considering a messy conglomeration of re-

tread ideas that wastes this Chamber's time. The various titles in this bill have been rejected by the Senate, by many of the affected States, and have a zero chance of being signed by the President.

Even when some of the ideas in this bill have merit, such as codifying the reorganization of the former Minerals Management Service, or addressing the temporary nature of Interior's authority to collect inspection fees, these ideas are cobbled together with provisions that are a mess of "drill-baby-drill" slogan-over-substance dead ends. So I get it; this is a message bill.

Well, here's where I think the message is wrong: Americans have a right to weigh in on government actions in their backyard. This bill eliminates that opportunity by mandating lease sales and gagging the National Environmental Policy Act.

Americans should all be able to share in the value of their public lands. This bill, however, takes the sale of a public asset and sends much of the revenue to only a few States, instead of either paying down the deficit or spending it on programs of national benefit to all Americans.

Again, Americans should be told the truth about the nonexistent effect on gas prices of expanded U.S. drilling. As my colleague from Oregon explained so well, the price of crude is set in a global market, one where the countries with the greatest reserves have formed a cartel, which decreases supply to the world when we increase production in order for them to keep the prices propped up. So, unfortunately, we are actually not keeping gas prices down by increasing U.S. production.

I am also very disappointed that an amendment that I filed was not made in order. My amendment would have prevented the Interior Department from doing business with companies that did not have a formal policy preventing discrimination based upon sexual orientation and gender identity. This amendment would have required oil companies that are not in compliance to certify that they would only hire individuals based on merit and not sexual orientation or gender identity, and they would prevent other discriminations and harassments if they want to purchase oil or gas leases.

These policies are not unusual that I'm asking: 88 percent of Fortune 500 companies have formal nondiscrimination policies prohibiting harassment and discrimination on the basis of sexual orientation. In fact, all of the major integrated oil companies have sexual orientation nondiscrimination policies except one, ExxonMobil. In the past, ExxonMobil has explained that they're not in violation of State and local nondiscrimination laws because of the Federal Defense of Marriage Act, and that trumped local statutes. Well, that argument has been vitiated since

the Supreme Court struck down DOMA as unconstitutional.

There is also extensive precedent of the Federal Government requiring contractors to have nondiscrimination policies based on race, color, religion, sex, and national origin. Our government dollars and resources should only be used when we are assured that the most qualified individuals are all equally considered.

Now is the time for ExxonMobil to respect the Constitution and enact a formal policy preventing discrimination based on sexual orientation and gender identity. We Americans should not accept discrimination in any form.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Oklahoma (Mr. MULLIN), a member of the Natural Resources Committee.

Mr. MULLIN. Mr. Chairman, I rise in strong support of the Offshore Energy and Jobs Act. I applaud Chairman HASTINGS for his leadership on this bill that I believe will lower energy prices through the increased production of offshore resources.

This is not only a jobs bill but a path to energy independence and relief to the American consumer's pocketbook—a concept this administration claims they support, but fails to follow through with.

Just this week, the President directed EPA to put more regulations on the energy sector. These regulations will increase costs, which will be passed on to all American consumers and stifle domestic energy production, taking us further off the path to energy independence.

I know my constituents do not believe that this heavy-handed approach to regulations and increasing costs to millions of families across the country is the answer to our problem.

Oklahomans want leadership on energy policy, not hollow promises meant to appease a political party. I believe this bill is just one step of many that can be taken to get America to energy independence.

Mr. Chairman, I stand with my constituents who believe that this path to energy independence begins here at home. I encourage my fellow Members to join me in supporting this bill.

Mr. DEFAZIO. Mr. Chairman, just to inject a few facts into the debate, although we often ignore those around here: oil production from Federal lands is higher now than it was at the end of the Bush administration. We have produced 596 million barrels of oil from Federal lands last year, compared with 565 in 2008; and the Energy Information Administration found that oil production is higher on public lands offshore now than it was at the end of the Bush administration. We have produced 474 million barrels of oil last year, compared to 462 in 2008, but sometimes facts are inconvenient things.

With that, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL), an esteemed member of the Ways and Means and Budget Committees.

Mr. PASCRELL. Mr. Chairman, I have a great deal of respect for Chairman HASTINGS. He's a fair, civil individual. But this bill is off the charts. At least the last one that we voted on had some redeeming qualities—some redeeming qualities.

We know there's more oil been produced in the last 3½ years. The increase is greater than the previous 20 years. So you're trying to target the administration, and the administration can speak for itself and defend itself, but this is not right. This is not right. This is not right.

So let's talk about this. I am opposed to this legislation. This bill would completely rewrite the administration's plan for offshore leasing in a reckless and irresponsible manner. For example, this bill would force the Secretary of the Interior to conduct lease sale 220, located off the shore of Virginia, 70 miles from the beaches of my home State of New Jersey.

Now, look, a lot of the folks that are going to vote for this bill voted against even helping those people in New Jersey respond to the Sandy storm. You know it, and I know it. And here we are on the floor perpetrating untruths about why this is needed now. Look, it's not the amount of land that we've set aside on water or on land for oil exploration and production. We've got plenty of oil coming out of the ground. We don't have any refineries, and this is the same debate we had 25 years ago. How dare anybody stand in this astute body and then claim we don't care if gas prices go up. The fact of the matter is this is an oil Congress and this is an oil economy, and you don't want to bring in—I want to talk about the special interests of the people who are hurting out there.

The CHAIR. The time of the gentleman has expired.

Mr. DEFAZIO. I yield an additional 1 minute to the gentleman.

Mr. PASCRELL. I want to talk about the special interests—not oil companies—us. Let's talk about us and what we get out of this.

In fact, if I'm not mistaken, correct me if I'm wrong, Mr. Chairman, the administration is committed to ensuring that American taxpayers receive a fair return from the sale of public resources, public land. As drafted, as this bill is before us right now, the revenue-sharing provisions of H.R. 2231 would ultimately reduce the net return to the taxpayers from development of Federal resources directed to be leased under this bill.

So, with summer upon us, tourism at the Jersey shore is one of our State's greatest economic drivers. These jobs that are committed, these jobs depend

upon the responsible stewardship of our waters and coasts, and the legislation before us now puts those jobs at risk. For communities across the State still working to rebuild from Sandy, this is not a risk they are willing to take.

Instead of bending over backwards for Big Oil, we need to bend over and help as best we can the average citizen. I ask for a "no" vote on this.

□ 1550

Mr. HASTINGS of Washington. Mr. Chairman, before I yield to my colleague from Virginia, I'd just point out that the CBO estimates that there will be revenue coming into the Federal Government of approximately \$1.5 billion.

At this time I'd like to yield 2 minutes to the gentleman from Virginia (Mr. HURT).

Mr. HURT. Mr. Chairman, I rise today in support of the Offshore Energy and Jobs Act, a bill that will create thousands of new jobs in Virginia while lowering the cost of energy for all Americans.

Last month I traveled throughout my district, visiting local communities to discuss the impact of high energy prices. At each stop the same message rang clear: the cost of energy continues to have a significant negative impact on our small businesses, our farmers and our families.

Not only do we see higher prices at the gas pump, but high fuel prices have triggered higher prices across the board. People are paying more for groceries and are witnessing their utility costs rise at a time when they can least afford it. There is no question Americans continue to suffer from Washington's failure to adopt a sensible energy policy.

The President's consistently failed to lead on this issue. The administration continues to restrict leasing permits for oil and gas exploration off the coast of the Commonwealth, preventing Virginians from utilizing our natural resources.

Reopening the lease sales off our coast enjoys broad bipartisan support in Virginia, yet Washington continues to insist that it knows best what is best for the Commonwealth.

At a time when too many people in my district and across the country are out of work, it is critical that we, in the House, do everything we can to encourage creation of new jobs and reduce the burden on our hardworking families, our farmers and our small businesses.

If adopted, this act will lead to the creation of over a million new American jobs. In addition, this legislation will lead to lower energy prices, economic growth and strengthened national security.

As the House continues to lead on creating a sensible domestic energy policy, it is my hope that the Senate and the President will join us.

I urge my colleagues to support this commonsense legislation. And I thank Chairman HASTINGS for his leadership and his committee for its leadership on this important issue.

Mr. DEFAZIO. I yield 2 minutes to the gentlewoman from New Hampshire (Ms. SHEA-PORTER), another esteemed member of the Natural Resources Committee.

Ms. SHEA-PORTER. Mr. Chairman, I rise in opposition to this poorly conceived and deeply irresponsible legislation. This bill is a clear giveaway to oil companies that are already posting record profits, and it's a dramatic departure from the regionally-targeted offshore drilling strategy that has led to domestic oil production rising to an all-time high. In fact, it's even possible that America will be the world's largest oil exporter within the next 7 years.

To most people, this would indicate that our current policies are working, but apparently, not to the supporters of this bill. Instead, they think taxpayers should give giant subsidies to Big Oil at the likely expense of the economically critical tourism and fishing industries in many States, including my own.

What we should be doing, 3 years after the awful BP spill in the Gulf, is passing legislation that would protect workers, coastal communities, and the environment from devastating spills. In the 3 years since that tragedy, Congress has yet to pass legislative reform to improve the safety of offshore drilling.

I would hope, Mr. Speaker, that we will vote down this unnecessary giveaway to oil companies and, instead, take up legislation to respond to the BP oil spill and protect our coastal communities and workers.

Mr. HASTINGS of Washington. Mr. Chairman, I'm very pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY), a leader in the House here on energy development.

Mr. MURPHY of Pennsylvania. Let me make this simple. We need 20 million barrels of oil each day. We need this for oil and natural gas to make plastics, fertilizer, for transportation, and other feedstock.

Almost 20 percent of our oil comes from OPEC. Our 10-year trade deficit with OPEC is over \$1 trillion. We can buy their oil or we develop our own. Ours or theirs.

OPEC money funds the Taliban, al Qaeda, and terrorism, and thousands of servicemen have been killed and tens of thousands have been wounded by them.

We have vast supplies, more than 86 billion barrels offshore. We can develop our own safely and responsibly, or we can rely on OPEC.

So the real question is this: Where do you want our men and women to work?

Do you want them to wear helmets or hard hats?

Do we want them carrying rifles or wrenches, driving tanks or trucks?

Do you want them to be protecting foreign wells and fighting terrorists paid off with OPEC oil money?

Or do we want our men and women working here in America for American energy?

In my work in the Navy, I have seen too many of our American servicemen and -women wounded. And so now the choice is simple. What do you choose?

I choose American energy.

Mr. DEFAZIO. I yield myself such time as I may consume.

I'd just like to respond to the gentleman who preceded me.

The statistic he used was accurate in 2005, the 20 million barrels a day imported. And that was, of course, when George Bush was President of the United States with the Bush-Cheney energy policy. And that was 57 percent, you know, of the oil we consumed.

Now, due to changes with fleet fuel economy standards and biofuels and other steps taken by the Obama administration, actually, our daily consumption is down to 18.5 million barrels. That's not bad. That's almost an 8 percent decrease in a mere 7 years, with the President only in office for 4½. And we are now only 36 percent dependent on foreign oil.

That trend continues, of course, as I spoke earlier, about the increase in production on Federal lands and Federal offshore lands between the Obama administration and the Bush administration. So actually, we are making significant progress with the new policies that are designed to create less oil dependence, as opposed to the Bush-Cheney energy policy, which was actually designed to increase our dependence on fossil fuels.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I'm very pleased to yield 1 minute to the gentleman from Virginia (Mr. CANTOR), the distinguished majority leader.

Mr. CANTOR. I thank the gentleman from Washington for his leadership on this bill.

Mr. Chairman, I rise today in support of the Offshore Energy and Jobs Act. For too long, our economy has remained stagnant and the unemployment rate high. And for too long, hard-working American families have been suffering the consequences. These tough economic times are, in part, a direct result of our current energy policies.

Over the past several years, the Obama administration has been leading this country in the wrong direction with regard to our domestic energy production by enacting a plan that keeps 85 percent of America's coastal areas off limits to energy exploration. These Federal barriers have cost Americans jobs, surrendered much-needed revenue streams that would benefit the

States, and decreased access to drilling areas that would allow us to become less dependent on foreign oil.

This administration has consistently been hostile to affordable domestic energy. Just this week, a senior advisor to the President said:

The one thing the President really needs to do now is to begin the process of shutting down the conventional coal plants. A war on coal is exactly what's needed.

This should not come as a surprise, since President Obama also has said in the past, "Under my plan of a cap and trade system electricity rates would necessarily skyrocket."

So, Mr. Chairman, we must harness our resources, contrary to these statements, not close them off. This bill reforms our current policy by requiring the administration to submit a 5-year leasing plan by 2015 that contains new offshore areas with the greatest known oil and gas reserves. Some of these areas have been estimated at 2.5 billion barrels of oil, or up to 7.5 trillion cubic feet of natural gas. There's simply no reason not to explore these areas with so much potential.

This legislation also establishes a fair revenue-sharing system among coastal States where energy resources are explored. Whether it's off the coast of California, along the Gulf of Mexico, or the coast of my home State of Virginia, each State will share a percentage of revenue from energy production off their shores.

This bill also ensures environmental protections remain a priority by reorganizing the Interior Department to include the Bureau of Ocean Energy Management, charged with overseeing environmental safety.

Now, studies have indicated that energy production offshore, in my home State of Virginia, if this legislation is put into law, could create almost 2,000 new jobs in Virginia alone and produce 750 million barrels of oil and over 6 trillion cubic feet of natural gas.

Mr. Chairman, the Offshore Energy and Jobs Act will lower gas prices for working families. It will strengthen our national security, and help create up to a million new jobs across America in the long term. The people of this country deserve a government focused on restoring the faith in our economy, and this bill is a step in the right direction.

□ 1600

Again, I want to thank Chairman HASTINGS for his hard work on this measure, and I urge my colleagues in the House to support this legislation.

Mr. DEFAZIO. Does the gentleman have any additional speakers?

Mr. HASTINGS of Washington. If the gentleman is prepared to close, I am prepared to close.

Mr. DEFAZIO. I am prepared to close, and I yield myself such time as I may consume.



The majority leader just put out some very impressive statistics on the possible potential off of the east and west coasts if we opened up these sensitive areas to mandatory leasing; but it's actually smaller than the known reserves under the leases the Federal Government has already let to oil companies, which they have thus far refused to develop: 5,484 leases, 30 million acres, 18 billion barrels of oil—his number was smaller than that—and 50 trillion cubic feet of natural gas. His number was smaller than that.

So it's the premise that by mandatory leasing of these sensitive areas we're going to somehow have some sort of a boon to production as opposed to somehow incentivizing these oil companies not to sit on these leases forever. We have offered legislation previously from our side to require development of leases within a certain period of time, with escalating costs over time, and with the potential of turning those back and letting them be released to companies that actually want to do the work.

People say, Well, these oil companies won't just sit on it. Yeah, they'll sit on it. It's worth more every day. And they don't pay hardly anything to sit on it. Does anybody think the price of oil is going to be cheaper 5 years from now than it is today? So if they sit on a Federal lease—and, oh, maybe we can get some more to sit on for the future—then that resource which they paid for in 1999 when oil was much cheaper is a phenomenally profitable resource.

So to say we must open up these sensitive areas now is disingenuous at best as opposed to incentivizing the industry to use those which are already leased and which have known resources that exceed the speculative resources under these in sensitive areas off California, off the east coast of the U.S., and in Bristol Bay, where there's a \$2 billion a year totally sustainable fishing industry. It's not worth those risks.

The majority leader went on to castigate the administration. I know that many people's speeches are written in advance by their staff and they may not have been listening to the earlier debate and some of the facts I put out, or whatever happened. As I pointed out, during the Bush administration we were importing 20 million barrels of oil a day. That was 2005. And that was 57 percent of our consumption. Under the new policies of the Obama administration, which have led to conservation, more fuel-efficient cars, and biofuels, we are importing only 18.5 million barrels a day. That is 36 percent.

So we have made progress, and we should continue down that path. To lease more fossil fuel resources offshore is not a particularly creative 21st century solution. It may be a grand mid-20th century solution, which was much reflected in the Bush-Cheney en-

ergy policy. Actually, at the time when it passed, I said it would have been embarrassing policy for the 1950s, and it was tragic for the 21st century in terms of the potential we have with conservation, alternate fuels, and other measures we can take.

To rush this bill forward—and it will be rushed forward—to die in the Senate is not going to lower the price at the pump for any American. Again, the majority leader referenced that. And I made a statement on that earlier.

We're experiencing, not an oil shortage, but an artificial refinery shortage in the United States of America, which is used as an excuse to jack up prices and stick it to the American driving public every year in May and June and July when our families want to go on vacation. It's stretching their wallets.

If we took steps against the collusive shutdown of refineries, if we took steps against the collusive behavior of OPEC and other countries through the World Trade Organization, and if we took steps to crack down on the speculation on Wall Street, which even the head of ExxonMobil says, Don't blame me for those sky-high prices; blame Wall Street—75 cents a gallon is due to the Enron loophole created by a former Republican Congress to allow wild speculation in energy futures by Wall Street as opposed to producers and consumers coming together in a regular commodities market. So if we wanted to provide relief today, we'd crack down on speculation.

If we wanted to provide relief in the slightly longer term, we would deal with the issues of collusion and OPEC and refineries. And if we wanted to enhance the oil supply further, even though we're producing near-record amounts today here in the United States of America, we would encourage, incentivize, or disincentivize these oil companies who are sitting on these many, many billion barrels of oil, trillions of cubic feet of natural gas and refusing to develop their existing leases while pandering for more.

With that, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, how much time do I have remaining?

The CHAIR. The gentleman from Washington has 13 minutes remaining.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this has been a very interesting debate and I think it's a good debate, because what's at stake here in the long-run, not only for today but maybe potentially for generations ahead, is the potential energy independence for our country. And I think that's a worthy thing to have a debate about on the floor of the House.

Let me address a few of the issues that were brought up by my friend on the other side of the aisle, and let me focus first on leases.

The argument on the other side leaves one to believe that leases are just given out to anybody that wants them and then they just sit on them. Nothing could be further from the truth. A lease is given out on a potential area where there may be oil or natural gas. Those leases cost money and have certain conditions of a time in which whoever buys the lease has to develop that lease, and that can range anywhere from 5 to 10 years, depending on the depth of the water.

So the fact of the matter is these lease sales cost whoever purchases the lease. Now if it costs, where does the money go? It comes to the Federal Government. This is a source of income for the Federal Government just on the lease sales.

Now, why would any business want to spend money and not try to get a return on it? Many times, these leases then are reverted back to the Federal Government. In fact, the average, depending where you are and the depth, can be as high as 20 percent. It can be as low as 10 percent. On average, it's around 15 percent. So these lease blocks come back to the Federal Government. And guess what. They can be relet again. In fact, in some cases, over 40 percent are relet. What does that mean? That means the Federal Government gets another chance—and still without any energy production, I might add—just on the lease sales.

And then you have a truism, I suppose, and maybe not what is understood by a lot of people, but I've heard this over and over, that when you have a lease, you really don't know if there's oil there until you go through all the technology to find it. But the ultimate last step is to drill. And if you're lucky, then you'll get something that you can develop; but if not, all of that money is spent and you get no return back.

This is a fact from the standpoint of how leases work. Nobody is going to sit on leases unless they felt that there is a potential there. If not, the terms of the lease sale means it goes back to the Federal Government, and that is something that I think we need to probably understand more than we do now.

And then there's the issue of cartels. I think that was mentioned. I think history shows that whenever there is a cartel, I don't care what the commodity is, the very best way to beat the cartel is to outsupply the cartel. And that's precisely what this bill is about, and it's precisely because of the new technology that has been developed by the oil and gas industry to drill smart, which is what this bill does.

The potential resources offshore in this country are huge, enough so, that some people say we could be the premier supplier of crude in the next 20 years—and that includes comparing ourselves to the Middle East.

□ 1610

Now, it has also been stated that since this administration took office, oil and gas production is up. That's true, it is up; but it's not up on Federal lands. And this is precisely what this bill addresses, oil and gas leasing on Federal lands.

Most of that is on private lands and most of it, frankly, is in North Dakota and in west Texas. But if you look at what the results are of this administration as it relates to what their jurisdiction is—which of course is Federal lands and offshore—the Congressional Research Service, a part of Congress, has noted that the recent increase in U.S. oil and natural gas can be attributed to State and private lands, and not Federal. Now, that's what the CRS said, but I can go a step further.

There is a Federal agency within the Department of Energy, the Energy Information Agency. Now, this is an agency within the Obama administration, I might add, Mr. Chairman. They say that total Federal offshore production dropped 8 percent last year and natural gas dropped 19 percent last year. This is on Federal offshore. But it goes even further.

Since the President took office in 2009, Federal offshore production is down 12 percent and natural gas production is down 40 percent. Now, Mr. Chairman, I'm going to repeat, this is information that comes from the Department of Energy, the Energy Information Agency. That is an agency within the Obama administration. So while we have increased oil and gas production in this country, it is, in fact, in spite of this administration, not because of.

The reason why this legislation is so important—again, it's not done for a day; it's done for future generations—it is in our best interests. A growing economy needs a certainty of energy. This bill provides a certainty of energy because we are drilling on Federal offshore areas.

And it has a national security aspect to it all, Mr. Chairman. You know, every day we hear news about the Middle East and the volatility in the Middle East, and yet we talk—OPEC is principally positioned in the Middle East, not wholly, but principally in the Middle East. Is it not in our best interest, therefore, when we know we have these resources, to utilize them from a national security standpoint?

Finally, of course, it's been said over and over—and it's so true—energy jobs are good jobs; they're good-paying jobs. Why don't we want to make sure that we can create more American jobs with American energy for national security purposes? Mr. Chairman, that's precisely what this legislation does, and I urge my colleagues to support it.

I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chair, I rise today in support of H.R. 2231, The Off-

shore Energy and Jobs Act and H.R. 1613, The Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act.

H.R. 2231 directs the Interior Department to develop a new five-year offshore leasing plan that makes available for oil and gas exploration and development at least 50% of the unleased coastal areas with the most potential for energy production, and it creates a nationwide revenue sharing system so coastal states will receive a share of the federal royalties. It also requires that drilling be allowed off the coasts of California, South Carolina and Virginia and statutorily reorganizes the Interior Department agencies that oversee offshore leasing and permitting, safety inspections and revenue collection.

While I do not agree with some of the environmental provisions in this bill, I support it because it is a message bill about the importance of accessing our offshore resources. While leasing and permitting has come back some since the Deepwater Horizon accident, it is not back to the level it was before the spill. Additionally with the President reneging on certain areas originally contained in his 2012–2017 Five Year Offshore Leasing Plan, our future access over the next decade is extremely limited. We need to open new offshore areas up for production instead of producing on the same lands we have for decades.

H.R. 1613 would approve the February 2012 agreement between the United States and Mexico concerning transboundary oil and gas reservoirs in the Gulf of Mexico. It also provides guidelines that the administration must follow in implementing all future transboundary hydrocarbon agreements.

H.R. 1613 is different than H.R. 2231 in that it is not a message bill. It gives the State Department the authority it needs to move forward on an important negotiated agreement with Mexico so that our respective countries can jointly develop in the Gulf of Mexico. I am hopeful we can get this bill to the President's desk for his signature soon.

Mr. PALLONE. Mr. Chair, I oppose H.R. 2231, the Offshore Energy and Jobs Act. By requiring offshore oil and gas drilling in the Atlantic Ocean, this bill threatens New Jersey's coastal environment, fishing, tourism and the associated jobs and economic activity. This bill is the same old failed attempt by the Republican majority to give away public resources to wealthy, multi-national corporations at the cost of American taxpayers and our environment.

In New Jersey, tourism is a top industry, and we rely on our beaches, fisheries and clean ocean to attract that tourism. In 2011, the commercial fishing industry in New Jersey generated \$6.6 billion in sales and contributed \$2.4 billion to gross state product, while supporting 44,000 jobs. At the same time, New Jersey's recreational fisheries generated \$1.7 billion in sales and contributed \$871 million to gross state product, while supporting 10,000 jobs.

I made an effort to give a voice to those Americans living on the Atlantic Coast who want to protect their livelihoods, who want to preserve a clean ocean and who want to ensure the health of marine life. I proposed an amendment to the bill which would have given the House of Representatives an opportunity to vote on whether we should force drilling in

the Atlantic Ocean. However, my amendment was not allowed to even come to a full vote because of Republican opposition.

At a time when domestic energy production is booming under President Obama, this rushed expansion of unsafe drilling into environmentally sensitive areas is completely unwarranted. This legislation unnecessarily rewards wealthy, multi-nationals who are sitting on 30 million acres worth of approved leases, waiting to drill until prices are even higher.

Energy independence is a matter of smart economic progress and national security and the American people deserve real proposals that will move our country forward. The American people deserve better than this same old bill that is sure to go nowhere once again.

Ms. JACKSON LEE. Mr. Chair, the Offshore Energy and Jobs Act, which raises several issues important to every Member of the House:

Energy production and independence  
Environmental protection and preservation;  
and

Job creation for minorities and women  
Given the importance of these issues, I believe the House would have benefitted from a bill I introduced during the 111th and the 112th Congress. H.R. 3710—The Deficit Reduction, Job Creation and Energy Security Act of 2011 and of 2012.

My bill proclaimed a placement for the next generation. The introduction of H.R. 3710 indicated a collaborative approach in response of the call from Americans across the U.S., calling for jobs today. H.R. 3710 will do exactly that plus provide huge benefits to our national and local economies, and increase our energy supply and independence from foreign oil.

The energy bill I offered calls for the secretary of interior to increase the total lease acreage set forth in the proposed outer continental shelf oil & gas leasing program for 2012–2017 by an additional 10 percent.

This 10% increase shall be known as the deficit reduction acreage. As such, the secretary shall lease 20% of the deficit reduction acreage each year from 2012–2017. All proceeds from the deficit reduction acreage shall be deposited into the deficit reduction energy security fund.

For 15 years after issuance of the first lease or receipt of the first payment coming from the deficit reduction energy security fund, all proceeds shall be deposited into an interest bearing account for a period of 2 years. Upon expiration of the 2 year period, these proceeds shall be distributed as follows:

The interest gained during 2 year period shall be placed in the Coastal and Ocean Sustainability and Health Fund (COSH);

And the principle from the deficit reduction energy security fund shall be deposited into the U.S. Treasury and applied directly toward deficit reduction.

The COSH fund will establish grants for States (coastal and disaster grant program and a national grant program) for addressing coastal and ocean disasters, restoration, protection, and maintenance of coastal areas and oceans, including research and programs in coordination with State and local agencies.

My bill also establishes an Office of Ocean Energy Employment and Training at the Bureau of Ocean Energy Management, Regulation and Enforcement, which shall be empowered and directed to oversee the efforts of the

Bureau of Ocean Energy Management, Regulation and Enforcement Ocean Energy Planning, permitting and regulatory activities to carry out the purposes, objectives and requirements of this act.

And my bill establishes the Office of Minority and Women Inclusion that will require the Secretary to take affirmative steps to seek diversity in all levels of such department, and to be responsible for all matters of the Department of the Interior relating to diversity in management, employment, and business activities.

As a representative from Houston, Texas, representing the energy capital of America, I realize that energy is the lifeblood of every economy.

I also realize that the oil and gas industry provides many jobs for many of my constituents and opportunities for small businesses in my district.

Therefore, it is critical that while seeking solutions to secure more energy independence within this country, we must strike a balance that will still support an environment for continued growth in the oil and gas industry that creates millions of jobs across the entire country.

My bill guarantees to pay down the deficit, create grant dollars for local government entities, and creates a job training and employment office for minorities and women at the Bureau of Ocean Energy Management, Regulation and Enforcement.

Mr. Chair, I ask the Chairman and the Ranking Member to work with me on my bill, H.R. 3710, to create a robust job creation bill that pays down the deficit, creates grant dollars and establishes an office for employment and job training for minorities and women.

H.R. 2231 touches the surface but does not penetrate into the crust of a real offshore job creation bill.

My bill, H.R. 3710 requires the department to utilize its authorities regarding the leasing and development of offshore oil and gas resources to accelerate job creation and economic revitalization to the fullest extent practicable, taking into account the department's responsibilities regarding conservation, safety and protection of the environment; promotes expansion of domestic employment opportunities; responds to the Nations increased need for domestic oil and natural gas resources; and supports the utilization of the outer continental shelf for oil and gas production and transmission.

H.R. 2231, does not provide the key components, in which I propose in H.R. 3710, and for these reasons, I am opposed to the bill and cannot support it.

Mr. LEVIN. Mr. Chair, I strongly oppose the offshore drilling bill before the House. Sadly, this legislation is representative of the unbalanced, partisan, and ultimately self-defeating approach that the Republican Majority has taken on energy issues.

H.R. 2231 would mandate lease sales along the east and west coasts and elsewhere with inadequate environmental review and scant attention given to local concerns. In total, leasing would be mandated off the coasts of 14 states, whether they want it or not. If this heavy-handed giveaway to the oil industry seems familiar, that's because it is. Last July, the Republican leadership brought a nearly identical bill before the House. That bill never

advanced beyond the House, and this drilling bill won't either. The Senate won't take it up. The President has said he'd veto it, so other than demonstrating the Majority's fealty to Big Oil, why are we again wasting the House's time on this?

We're told that this bill is about making the U.S. more energy independent. Let the record show that domestic energy production is booming under the current Administration's policies. In 2012, American oil production reached a 20-year high. Natural gas production is at an all-time high. The U.S. is expected to surpass Saudi Arabia as the world's top oil producer within seven years.

We're also told that this bill is all about driving down gas prices for American families. What guarantee do we have that the oil and gas production mandated by this legislation would actually stay in the United States? Over the last decade, U.S. exports of petroleum products like gasoline and diesel fuel have nearly tripled. Every day U.S. refineries export millions of gallons of refined petroleum products, including gasoline and diesel. This is no doubt good for the petroleum industry's bottom line, but it's hard to argue that it helps consumers at the pump.

At the end of the day, the country needs an all-the-above energy strategy, including responsible oil and gas development, increased energy efficiency, support for renewable energy, and investment in advanced energy research and development. Unfortunately, the House Majority remained locked in an oil-above-all policy. The oil drilling bill before the House deserves to be defeated.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee print 113-16. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2231

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Offshore Energy and Jobs Act".*

#### **SEC. 2. TABLE OF CONTENTS.**

*The table of contents for this Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

#### **TITLE I—OUTER CONTINENTAL SHELF LEASING PROGRAM REFORMS**

*Sec. 101. Outer Continental Shelf leasing program reforms.*

*Sec. 102. Domestic oil and natural gas production goal.*

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#### **TITLE II—DIRECTING THE PRESIDENT TO CONDUCT NEW OCS SALES IN VIRGINIA, SOUTH CAROLINA, AND CALIFORNIA**

*Sec. 201. Requirement to conduct proposed oil and gas Lease Sale 220 on the Outer Continental Shelf offshore Virginia.*

*Sec. 202. South Carolina lease sale.*

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#### **TITLE III—EQUITABLE SHARING OF OUTER CONTINENTAL SHELF REVENUES**

*Sec. 301. Disposition of Outer Continental Shelf revenues to coastal States.*

#### **TITLE IV—REORGANIZATION OF MINERALS MANAGEMENT AGENCIES OF THE DEPARTMENT OF THE INTERIOR**

*Sec. 401. Establishment of Under Secretary for Energy, Lands, and Minerals and Assistant Secretary of Ocean Energy and Safety.*

*Sec. 402. Bureau of Ocean Energy.*

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*Sec. 404. Office of Natural Resources revenue.*

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*Sec. 406. Abolishment of Minerals Management Service.*

*Sec. 407. Conforming amendments to Executive Schedule pay rates.*

*Sec. 408. Outer Continental Shelf Energy Safety Advisory Board.*

*Sec. 409. Outer Continental Shelf inspection fees.*

#### **TITLE V—UNITED STATES TERRITORIES**

*Sec. 501. Application of Outer Continental Shelf Lands Act with respect to territories of the United States.*

#### **TITLE I—OUTER CONTINENTAL SHELF LEASING PROGRAM REFORMS**

##### **SEC. 101. OUTER CONTINENTAL SHELF LEASING PROGRAM REFORMS.**

*Section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:*

*"(5)(A) In each oil and gas leasing program under this section, the Secretary shall make available for leasing and conduct lease sales including at least 50 percent of the available unleased acreage within each outer Continental Shelf planning area considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total btu basis) based upon the most recent national geologic assessment of the outer Continental Shelf, with an emphasis on offering the most geologically prospective parts of the planning area.*

*"(B) The Secretary shall include in each proposed oil and gas leasing program under this section any State subdivision of an outer Continental Shelf planning area that the Governor of the State that represents that subdivision requests be made available for leasing. The Secretary may not remove such a subdivision from the program until publication of the final program.*

*"(C) In this paragraph the term 'available unleased acreage' means that portion of the outer Continental Shelf that is not under lease at the time of a proposed lease sale, and that has not otherwise been made unavailable for leasing by law.*

*"(6)(A) In the 5-year oil and gas leasing program, the Secretary shall make available for leasing any outer Continental Shelf planning areas that—*

*"(i) are estimated to contain more than 2,500,000,000 barrels of oil; or*

*"(ii) are estimated to contain more than 7,500,000,000,000 cubic feet of natural gas.*

“(B) To determine the planning areas described in subparagraph (A), the Secretary shall use the document entitled ‘Minerals Management Service Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation’s Outer Continental Shelf, 2006’.”.

**SEC. 102. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.**

Section 18(b) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(b)) is amended to read as follows:

“(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

“(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, and subject to paragraph (2), the Secretary shall determine a domestic strategic production goal for the development of oil and natural gas as a result of that program. Such goal shall be—

“(A) the best estimate of the possible increase in domestic production of oil and natural gas from the outer Continental Shelf;

“(B) focused on meeting domestic demand for oil and natural gas and reducing the dependence of the United States on foreign energy; and

“(C) focused on the production increases achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

“(2) PROGRAM GOAL.—For purposes of the 5-year oil and gas leasing program, the production goal referred to in paragraph (1) shall be an increase by 2032 of—

“(A) no less than 3,000,000 barrels in the amount of oil produced per day; and

“(B) no less than 10,000,000,000 cubic feet in the amount of natural gas produced per day.

“(3) REPORTING.—The Secretary shall report annually, beginning at the end of the 5-year period for which the program applies, to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the progress of the program in meeting the production goal. The Secretary shall identify in the report projections for production and any problems with leasing, permitting, or production that will prevent meeting the goal.”.

**SEC. 103. DEVELOPMENT AND SUBMITTAL OF NEW 5-YEAR OIL AND GAS LEASING PROGRAM.**

(a) IN GENERAL.—The Secretary of the Interior shall—

(1) by not later than July 15, 2014, publish and submit to Congress a new proposed oil and gas leasing program under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) for the 5-year period beginning on such date and ending July 15, 2020; and

(2) by not later than July 15, 2015, approve a final oil and gas leasing program under such section for such period.

(b) CONSIDERATION OF ALL AREAS.—In preparing such program the Secretary shall include consideration of areas of the Continental Shelf off the coasts of all States (as such term is defined in section 2 of that Act, as amended by this Act), that are subject to leasing under this Act.

(c) TECHNICAL CORRECTION.—Section 18(d)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(d)(3)) is amended by striking “or after eighteen months following the date of enactment of this section, whichever first occurs,”.

**TITLE II—DIRECTING THE PRESIDENT TO CONDUCT NEW OCS SALES IN VIRGINIA, SOUTH CAROLINA, AND CALIFORNIA**

**SEC. 201. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 220 ON THE OUTER CONTINENTAL SHELF OFFSHORE VIRGINIA.**

(a) IN GENERAL.—Notwithstanding the exclusion of Lease Sale 220 in the Final Outer Continental Shelf Oil & Gas Leasing Program 2012–

2017, the Secretary of the Interior shall conduct offshore oil and gas Lease Sale 220 under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) as soon as practicable, but not later than one year after the date of enactment of this Act.

(b) REQUIREMENT TO MAKE REPLACEMENT LEASE BLOCKS AVAILABLE.—For each lease block in a proposed lease sale under this section for which the Secretary of Defense, in consultation with the Secretary of the Interior, under the Memorandum of Agreement referred to in section 205(b), issues a statement proposing deferral from a lease offering due to defense-related activities that are irreconcilable with mineral exploration and development, the Secretary of the Interior, in consultation with the Secretary of Defense, shall make available in the same lease sale one other lease block in the Virginia lease sale planning area that is acceptable for oil and gas exploration and production in order to mitigate conflict.

(c) BALANCING MILITARY AND ENERGY PRODUCTION GOALS.—In recognition that the Outer Continental Shelf oil and gas leasing program and the domestic energy resources produced therefrom are integral to national security, the Secretary of the Interior and the Secretary of Defense shall work jointly in implementing this section in order to ensure achievement of the following common goals:

(1) Preserving the ability of the Armed Forces of the United States to maintain an optimum state of readiness through their continued use of the Outer Continental Shelf.

(2) Allowing effective exploration, development, and production of our Nation’s oil, gas, and renewable energy resources.

(d) DEFINITIONS.—In this section:

(1) LEASE SALE 220.—The term “Lease Sale 220” means such lease sale referred to in the Request for Comments on the Draft Proposed 5-Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2010–2015 and Notice of Intent To Prepare an Environmental Impact Statement (EIS) for the Proposed 5-Year Program published January 21, 2009 (74 Fed. Reg. 3631).

(2) VIRGINIA LEASE SALE PLANNING AREA.—The term “Virginia lease sale planning area” means the area of the outer Continental Shelf (as that term is defined in the Outer Continental Shelf Lands Act (33 U.S.C. 1331 et seq.)) that is bounded by—

(A) a northern boundary consisting of a straight line extending from the northernmost point of Virginia’s seaward boundary to the point on the seaward boundary of the United States exclusive economic zone located at 37 degrees 17 minutes 1 second North latitude, 71 degrees 5 minutes 16 seconds West longitude; and

(B) a southern boundary consisting of a straight line extending from the southernmost point of Virginia’s seaward boundary to the point on the seaward boundary of the United States exclusive economic zone located at 36 degrees 31 minutes 58 seconds North latitude, 71 degrees 30 minutes 1 second West longitude.

**SEC. 202. SOUTH CAROLINA LEASE SALE.**

Notwithstanding inclusion of the South Atlantic Outer Continental Shelf Planning Area in the Final Outer Continental Shelf Oil & Gas Leasing Program 2012–2017, the Secretary of the Interior shall conduct a lease sale not later than 2 years after the date of the enactment of this Act for areas off the coast of South Carolina determined by the Secretary to have the most geologically promising hydrocarbon resources and constituting not less than 25 percent of the leaseable area within the South Carolina offshore administrative boundaries depicted in the notice entitled “Federal Outer Continental Shelf (OCS) Administrative Boundaries Extending from the Submerged Lands Act Boundary sea-

ward to the Limit of the United States Outer Continental Shelf”, published January 3, 2006 (71 Fed. Reg. 127).

**SEC. 203. SOUTHERN CALIFORNIA EXISTING INFRASTRUCTURE LEASE SALE.**

(a) IN GENERAL.—The Secretary of the Interior shall offer for sale leases of tracts in the Santa Maria and Santa Barbara/Ventura Basins of the Southern California OCS Planning Area as soon as practicable, but not later than December 31, 2014.

(b) USE OF EXISTING STRUCTURES OR ON-SHORE-BASED DRILLING.—The Secretary of the Interior shall include in leases offered for sale under this lease sale such terms and conditions as are necessary to require that development and production may occur only from offshore infrastructure in existence on the date of the enactment of this Act or from onshore-based, extended-reach drilling.

**SEC. 204. ENVIRONMENTAL IMPACT STATEMENT REQUIREMENT.**

(a) IN GENERAL.—For the purposes of this Act, the Secretary of the Interior shall prepare a multisale environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) for all lease sales required under this title.

(b) ACTIONS TO BE CONSIDERED.—Notwithstanding section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), in such statement—

(1) the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such alternative courses of action; and

(2) the Secretary shall only—

(A) identify a preferred action for leasing and not more than one alternative leasing proposal; and

(B) analyze the environmental effects and potential mitigation measures for such preferred action and such alternative leasing proposal.

**SEC. 205. NATIONAL DEFENSE.**

(a) NATIONAL DEFENSE AREAS.—This Act does not affect the existing authority of the Secretary of Defense, with the approval of the President, to designate national defense areas on the Outer Continental Shelf pursuant to section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)).

(b) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas on the Outer Continental Shelf under a lease issued under this Act that would conflict with any military operation, as determined in accordance with the Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf signed July 20, 1983, and any revision or replacement for that agreement that is agreed to by the Secretary of Defense and the Secretary of the Interior after that date but before the date of issuance of the lease under which such exploration, development, or production is conducted.

**SEC. 206. EASTERN GULF OF MEXICO NOT INCLUDED.**

Nothing in this Act affects restrictions on oil and gas leasing under the Gulf of Mexico Energy Security Act of 2006 (title I of division C of Public Law 109–432; 43 U.S.C. 1331 note).

**TITLE III—EQUITABLE SHARING OF OUTER CONTINENTAL SHELF REVENUES**

**SEC. 301. DISPOSITION OF OUTER CONTINENTAL SHELF REVENUES TO COASTAL STATES.**

(a) IN GENERAL.—Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended—

(1) in the existing text—

(A) in the first sentence, by striking “All rentals,” and inserting the following:

“(c) DISPOSITION OF REVENUE UNDER OLD LEASES.—All rentals,”; and

(B) in subsection (c) (as designated by the amendment made by subparagraph (A) of this paragraph), by striking “for the period from June 5, 1950, to date, and thereafter” and inserting “in the period beginning June 5, 1950, and ending on the date of enactment of the Offshore Energy and Jobs Act”;

(2) by adding after subsection (c) (as so designated) the following:

“(d) DEFINITIONS.—In this section:

“(1) COASTAL STATE.—The term ‘coastal State’ includes a territory of the United States.

“(2) NEW LEASING REVENUES.—The term ‘new leasing revenues’—

“(A) means amounts received by the United States as bonuses, rents, and royalties under leases for oil and gas, wind, tidal, or other energy exploration, development, and production on new areas of the outer Continental Shelf that are authorized to be made available for leasing as a result of enactment of the Offshore Energy and Jobs Act and leasing under that Act; and

“(B) does not include amounts received by the United States under any lease of an area located in the boundaries of the Central Gulf of Mexico and Western Gulf of Mexico Outer Continental Shelf Planning Areas on the date of enactment of the Offshore Energy and Jobs Act, including a lease issued before, on, or after such date of enactment.”; and

(3) by inserting before subsection (c) (as so designated) the following:

“(a) PAYMENT OF NEW LEASING REVENUES TO COASTAL STATES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), of the amount of new leasing revenues received by the United States each fiscal year, 37.5 percent shall be allocated and paid in accordance with subsection (b) to coastal States that are affected States with respect to the leases under which those revenues are received by the United States.

“(2) PHASE-IN.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (1) shall be applied—

“(i) with respect to new leasing revenues under leases awarded under the first leasing program under section 18(a) that takes effect after the date of enactment of the Offshore Energy and Jobs Act, by substituting ‘12.5 percent’ for ‘37.5 percent’; and

“(ii) with respect to new leasing revenues under leases awarded under the second leasing program under section 18(a) that takes effect after the date of enactment of the Offshore Energy and Jobs Act, by substituting ‘25 percent’ for ‘37.5 percent’.

“(B) EXEMPTED LEASE SALES.—This paragraph shall not apply with respect to any lease issued under title II of the Offshore Energy and Jobs Act.

“(b) ALLOCATION OF PAYMENTS.—

“(1) IN GENERAL.—The amount of new leasing revenues received by the United States with respect to a leased tract that are required to be paid to coastal States in accordance with this subsection each fiscal year shall be allocated among and paid to coastal States that are within 200 miles of the leased tract, in amounts that are inversely proportional to the respective distances between the point on the coastline of each such State that is closest to the geographic center of the lease tract, as determined by the Secretary.

“(2) MINIMUM AND MAXIMUM ALLOCATION.—The amount allocated to a coastal State under paragraph (1) each fiscal year with respect to a leased tract shall be—

“(A) in the case of a coastal State that is the nearest State to the geographic center of the leased tract, not less than 25 percent of the total

amounts allocated with respect to the leased tract;

“(B) in the case of any other coastal State, not less than 10 percent, and not more than 15 percent, of the total amounts allocated with respect to the leased tract; and

“(C) in the case of a coastal State that is the only coastal State within 200 miles of a least tract, 100 percent of the total amounts allocated with respect to the leased tract.

“(3) ADMINISTRATION.—Amounts allocated to a coastal State under this subsection—

“(A) shall be available to the coastal State without further appropriation;

“(B) shall remain available until expended;

“(C) shall be in addition to any other amounts available to the coastal State under this Act; and

“(D) shall be distributed in the fiscal year following receipt.

“(4) USE OF FUNDS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a coastal State may use funds allocated and paid to it under this subsection for any purpose as determined by the laws of that State.

“(B) RESTRICTION ON USE FOR MATCHING.—Funds allocated and paid to a coastal State under this subsection may not be used as matching funds for any other Federal program.”.

(b) LIMITATION ON APPLICATION.—This section and the amendment made by this section shall not affect the application of section 105 of the Gulf of Mexico Energy Security Act of 2006 (title I of division C of Public Law 109-432; (43 U.S.C. 1331 note)), as in effect before the enactment of this Act, with respect to revenues received by the United States under oil and gas leases issued for tracts located in the Western and Central Gulf of Mexico Outer Continental Shelf Planning Areas, including such leases issued on or after the date of the enactment of this Act.

#### **TITLE IV—REORGANIZATION OF MINERALS MANAGEMENT AGENCIES OF THE DEPARTMENT OF THE INTERIOR**

##### **SEC. 401. ESTABLISHMENT OF UNDER SECRETARY FOR ENERGY, LANDS, AND MINERALS AND ASSISTANT SECRETARY OF OCEAN ENERGY AND SAFETY.**

There shall be in the Department of the Interior—

(1) an Under Secretary for Energy, Lands, and Minerals, who shall—

(A) be appointed by the President, by and with the advise and consent of the Senate;

(B) report to the Secretary of the Interior or, if directed by the Secretary, to the Deputy Secretary of the Interior;

(C) be paid at the rate payable for level III of the Executive Schedule; and

(D) be responsible for—

(i) the safe and responsible development of our energy and mineral resources on Federal lands in appropriate accordance with United States energy demands; and

(ii) ensuring multiple-use missions of the Department of the Interior that promote the safe and sustained development of energy and minerals resources on public lands (as that term is defined in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.));

(2) an Assistant Secretary of Ocean Energy and Safety, who shall—

(A) be appointed by the President, by and with the advise and consent of the Senate;

(B) report to the Under Secretary for Energy, Lands, and Minerals;

(C) be paid at the rate payable for level IV of the Executive Schedule; and

(D) be responsible for ensuring safe and efficient development of energy and minerals on the Outer Continental Shelf of the United States; and

(3) an Assistant Secretary of Land and Minerals Management, who shall—

(A) be appointed by the President, by and with the advise and consent of the Senate;

(B) report to the Under Secretary for Energy, Lands, and Minerals;

(C) be paid at the rate payable for level IV of the Executive Schedule; and

(D) be responsible for ensuring safe and efficient development of energy and minerals on public lands and other Federal onshore lands under the jurisdiction of the Department of the Interior, including implementation of the Mineral Leasing Act (30 U.S.C. 181 et seq.) and the Surface Mining Control and Reclamation Act (30 U.S.C. 1201 et seq.) and administration of the Office of Surface Mining.

##### **SEC. 402. BUREAU OF OCEAN ENERGY.**

(a) ESTABLISHMENT.—There is established in the Department of the Interior a Bureau of Ocean Energy (referred to in this section as the “Bureau”), which shall—

(1) be headed by a Director of Ocean Energy (referred to in this section as the “Director”); and

(2) be administered under the direction of the Assistant Secretary of Ocean Energy and Safety.

(b) DIRECTOR.—

(1) APPOINTMENT.—The Director shall be appointed by the Secretary of the Interior.

(2) COMPENSATION.—The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) DUTIES.—

(1) IN GENERAL.—The Secretary of the Interior shall carry out through the Bureau all functions, powers, and duties vested in the Secretary relating to the administration of a comprehensive program of offshore mineral and renewable energy resources management.

(2) SPECIFIC AUTHORITIES.—The Director shall promulgate and implement regulations—

(A) for the proper issuance of leases for the exploration, development, and production of nonrenewable and renewable energy and mineral resources on the Outer Continental Shelf;

(B) relating to resource identification, access, evaluation, and utilization;

(C) for development of leasing plans, lease sales, and issuance of leases for such resources; and

(D) regarding issuance of environmental impact statements related to leasing and post leasing activities including exploration, development, and production, and the use of third party contracting for necessary environmental analysis for the development of such resources.

(3) LIMITATION.—The Secretary shall not carry out through the Bureau any function, power, or duty that is—

(A) required by section 403 to be carried out through the Ocean Energy Safety Service; or

(B) required by section 404 to be carried out through the Office of Natural Resources Revenue.

(d) RESPONSIBILITIES OF LAND MANAGEMENT AGENCIES.—Nothing in this section shall affect the authorities of the Bureau of Land Management under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) or of the Forest Service under the National Forest Management Act of 1976 (Public Law 94-588).

##### **SEC. 403. OCEAN ENERGY SAFETY SERVICE.**

(a) ESTABLISHMENT.—There is established in the Department of the Interior an Ocean Energy Safety Service (referred to in this section as the “Service”), which shall—

(1) be headed by a Director of Energy Safety (referred to in this section as the “Director”); and

(2) be administered under the direction of the Assistant Secretary of Ocean Energy and Safety.

(b) DIRECTOR.—

(1) APPOINTMENT.—The Director shall be appointed by the Secretary of the Interior.

(2) COMPENSATION.—The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) DUTIES.—

(1) IN GENERAL.—The Secretary of the Interior shall carry out through the Service all functions, powers, and duties vested in the Secretary relating to the administration of safety and environmental enforcement activities related to offshore mineral and renewable energy resources on the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) including the authority to develop, promulgate, and enforce regulations to ensure the safe and sound exploration, development, and production of mineral and renewable energy resources on the Outer Continental Shelf in a timely fashion.

(2) SPECIFIC AUTHORITIES.—The Director shall be responsible for all safety activities related to exploration and development of renewable and mineral resources on the Outer Continental Shelf, including—

(A) exploration, development, production, and ongoing inspections of infrastructure;

(B) the suspending or prohibiting, on a temporary basis, any operation or activity, including production under leases held on the Outer Continental Shelf, in accordance with section 5(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(1));

(C) cancelling any lease, permit, or right-of-way on the Outer Continental Shelf, in accordance with section 5(a)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(2));

(D) compelling compliance with applicable Federal laws and regulations relating to worker safety and other matters;

(E) requiring comprehensive safety and environmental management programs for persons engaged in activities connected with the exploration, development, and production of mineral or renewable energy resources;

(F) developing and implementing regulations for Federal employees to carry out any inspection or investigation to ascertain compliance with applicable regulations, including health, safety, or environmental regulations;

(G) implementing the Offshore Technology Research and Risk Assessment Program under section 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1347);

(H) summoning witnesses and directing the production of evidence;

(I) levying fines and penalties and disqualifying operators;

(J) carrying out any safety, response, and removal preparedness functions; and

(K) the processing of permits, exploration plans, development plans.

(d) EMPLOYEES.—

(1) IN GENERAL.—The Secretary shall ensure that the inspection force of the Bureau consists of qualified, trained employees who meet qualification requirements and adhere to the highest professional and ethical standards.

(2) QUALIFICATIONS.—The qualification requirements referred to in paragraph (1)—

(A) shall be determined by the Secretary, subject to subparagraph (B); and

(B) shall include—

(i) three years of practical experience in oil and gas exploration, development, or production; or

(ii) a degree in an appropriate field of engineering from an accredited institution of higher learning.

(3) ASSIGNMENT.—In assigning oil and gas inspectors to the inspection and investigation of individual operations, the Secretary shall give

due consideration to the extent possible to their previous experience in the particular type of oil and gas operation in which such inspections are to be made.

(4) BACKGROUND CHECKS.—The Director shall require that an individual to be hired as an inspection officer undergo an employment investigation (including a criminal history record check).

(5) LANGUAGE REQUIREMENTS.—Individuals hired as inspectors must be able to read, speak, and write English well enough to—

(A) carry out written and oral instructions regarding the proper performance of inspection duties; and

(B) write inspection reports and statements and log entries in the English language.

(6) VETERANS PREFERENCE.—The Director shall provide a preference for the hiring of an individual as an inspection officer if the individual is a member or former member of the Armed Forces and is entitled, under statute, to retired, retirement, or retainer pay on account of service as a member of the Armed Forces.

(7) ANNUAL PROFICIENCY REVIEW.—

(A) ANNUAL PROFICIENCY REVIEW.—The Director shall provide that an annual evaluation of each individual assigned inspection duties is conducted and documented.

(B) CONTINUATION OF EMPLOYMENT.—An individual employed as an inspector may not continue to be employed in that capacity unless the evaluation demonstrates that the individual—

(i) continues to meet all qualifications and standards;

(ii) has a satisfactory record of performance and attention to duty based on the standards and requirements in the inspection program; and

(iii) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform inspection functions.

(8) LIMITATION ON RIGHT TO STRIKE.—Any individual that conducts permitting or inspections under this section may not participate in a strike, or assert the right to strike.

(9) PERSONNEL AUTHORITY.—Notwithstanding any other provision of law, the Director may employ, appoint, discipline and terminate for cause, and fix the compensation, terms, and conditions of employment of Federal service for individuals as the employees of the Service in order to restore and maintain the trust of the people of the United States in the accountability of the management of our Nation's energy safety program.

(10) TRAINING ACADEMY.—

(A) IN GENERAL.—The Secretary shall establish and maintain a National Offshore Energy Safety Academy (referred to in this paragraph as the "Academy") as an agency of the Ocean Energy Safety Service.

(B) FUNCTIONS OF ACADEMY.—The Secretary, through the Academy, shall be responsible for—

(i) the initial and continued training of both newly hired and experienced offshore oil and gas inspectors in all aspects of health, safety, environmental, and operational inspections;

(ii) the training of technical support personnel of the Bureau;

(iii) any other training programs for offshore oil and gas inspectors, Bureau personnel, Department personnel, or other persons as the Secretary shall designate; and

(iv) certification of the successful completion of training programs for newly hired and experienced offshore oil and gas inspectors.

(C) COOPERATIVE AGREEMENTS.—

(i) IN GENERAL.—In performing functions under this paragraph, and subject to clause (ii), the Secretary may enter into cooperative educational and training agreements with educational institutions, related Federal academies, other Federal agencies, State governments, safe-

ty training firms, and oil and gas operators and related industries.

(ii) TRAINING REQUIREMENT.—Such training shall be conducted by the Academy in accordance with curriculum needs and assignment of instructional personnel established by the Secretary.

(11) USE OF DEPARTMENT PERSONNEL.—In performing functions under this subsection, the Secretary shall use, to the extent practicable, the facilities and personnel of the Department of the Interior. The Secretary may appoint or assign to the Academy such officers and employees as the Secretary considers necessary for the performance of the duties and functions of the Academy.

(12) ADDITIONAL TRAINING PROGRAMS.—

(A) IN GENERAL.—The Secretary shall work with appropriate educational institutions, operators, and representatives of oil and gas workers to develop and maintain adequate programs with educational institutions and oil and gas operators that are designed—

(i) to enable persons to qualify for positions in the administration of this Act; and

(ii) to provide for the continuing education of inspectors or other appropriate Department of the Interior personnel.

(B) FINANCIAL AND TECHNICAL ASSISTANCE.—The Secretary may provide financial and technical assistance to educational institutions in carrying out this paragraph.

(e) LIMITATION.—The Secretary shall not carry out through the Service any function, power, or duty that is—

(1) required by section 402 to be carried out through Bureau of Ocean Energy; or

(2) required by section 404 to be carried out through the Office of Natural Resources Revenue.

#### SEC. 404. OFFICE OF NATURAL RESOURCES REVENUE.

(a) ESTABLISHMENT.—There is established in the Department of the Interior an Office of Natural Resources Revenue (referred to in this section as the "Office") to be headed by a Director of Natural Resources Revenue (referred to in this section as the "Director").

(b) APPOINTMENT AND COMPENSATION.—

(1) IN GENERAL.—The Director shall be appointed by the Secretary of the Interior.

(2) COMPENSATION.—The Director shall be compensated at the rate provided for Level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) DUTIES.—

(1) IN GENERAL.—The Secretary of the Interior shall carry out, through the Office, all functions, powers, and duties vested in the Secretary and relating to the administration of offshore royalty and revenue management functions.

(2) SPECIFIC AUTHORITIES.—The Secretary shall carry out, through the Office, all functions, powers, and duties previously assigned to the Minerals Management Service (including the authority to develop, promulgate, and enforce regulations) regarding offshore royalty and revenue collection; royalty and revenue distribution; auditing and compliance; investigation and enforcement of royalty and revenue regulations; and asset management for onshore and offshore activities.

(d) LIMITATION.—The Secretary shall not carry out through the Office any function, power, or duty that is—

(1) required by section 402 to be carried out through Bureau of Ocean Energy; or

(2) required by section 403 to be carried out through the Ocean Energy Safety Service.

#### SEC. 405. ETHICS AND DRUG TESTING.

(a) CERTIFICATION.—The Secretary of the Interior shall certify annually that all Department of the Interior officers and employees having regular, direct contact with lessees, contractors,



concessionaires, and other businesses interested before the Government as a function of their official duties, or conducting investigations, issuing permits, or responsible for oversight of energy programs, are in full compliance with all Federal employee ethics laws and regulations under the Ethics in Government Act of 1978 (5 U.S.C. App.) and part 2635 of title 5, Code of Federal Regulations, and all guidance issued under subsection (c).

(b) **DRUG TESTING.**—The Secretary shall conduct a random drug testing program of all Department of the Interior personnel referred to in subsection (a).

(c) **GUIDANCE.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue supplementary ethics and drug testing guidance for the employees for which certification is required under subsection (a). The Secretary shall update the supplementary ethics guidance not less than once every 3 years thereafter.

#### **SEC. 406. ABOLISHMENT OF MINERALS MANAGEMENT SERVICE.**

(a) **ABOLISHMENT.**—The Minerals Management Service is abolished.

(b) **COMPLETED ADMINISTRATIVE ACTIONS.**—

(1) **IN GENERAL.**—Completed administrative actions of the Minerals Management Service shall not be affected by the enactment of this Act, but shall continue in effect according to their terms until amended, modified, superseded, terminated, set aside, or revoked in accordance with law by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(2) **COMPLETED ADMINISTRATIVE ACTION DEFINED.**—For purposes of paragraph (1), the term “completed administrative action” includes orders, determinations, memoranda of understanding, memoranda of agreements, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, registrations, and privileges.

(c) **PENDING PROCEEDINGS.**—Subject to the authority of the Secretary of the Interior and the officers of the Department of the Interior under this Act—

(1) pending proceedings in the Minerals Management Service, including notices of proposed rulemaking, and applications for licenses, permits, certificates, grants, and financial assistance, shall continue, notwithstanding the enactment of this Act or the vesting of functions of the Service in another agency, unless discontinued or modified under the same terms and conditions and to the same extent that such discontinuance or modification could have occurred if this Act had not been enacted; and

(2) orders issued in such proceedings, and appeals therefrom, and payments made pursuant to such orders, shall issue in the same manner and on the same terms as if this Act had not been enacted, and any such orders shall continue in effect until amended, modified, superseded, terminated, set aside, or revoked by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(d) **PENDING CIVIL ACTIONS.**—Subject to the authority of the Secretary of the Interior or any officer of the Department of the Interior under this Act, pending civil actions shall continue notwithstanding the enactment of this Act, and in such civil actions, proceedings shall be had, appeals taken, and judgments rendered and enforced in the same manner and with the same effect as if such enactment had not occurred.

(e) **REFERENCES.**—References relating to the Minerals Management Service in statutes, Executive orders, rules, regulations, directives, or delegations of authority that precede the effective date of this Act are deemed to refer, as appropriate, to the Department, to its officers, employees, or agents, or to its corresponding orga-

nizational units or functions. Statutory reporting requirements that applied in relation to the Minerals Management Service immediately before the effective date of this Act shall continue to apply.

#### **SEC. 407. CONFORMING AMENDMENTS TO EXECUTIVE SCHEDULE PAY RATES.**

(a) **UNDER SECRETARY FOR ENERGY, LANDS, AND MINERALS.**—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to “Under Secretaries of the Treasury (3).” the following:

“Under Secretary for Energy, Lands, and Minerals, Department of the Interior.”

(b) **ASSISTANT SECRETARIES.**—Section 5315 of title 5, United States Code, is amended by striking “Assistant Secretaries of the Interior (6).” and inserting the following:

“Assistant Secretaries, Department of the Interior (7).”

(c) **DIRECTORS.**—Section 5316 of title 5, United States Code, is amended by striking “Director, Bureau of Mines, Department of the Interior.” and inserting the following new items:

“Director, Bureau of Ocean Energy, Department of the Interior.

“Director, Ocean Energy Safety Service, Department of the Interior.

“Director, Office of Natural Resources Revenue, Department of the Interior.”

#### **SEC. 408. OUTER CONTINENTAL SHELF ENERGY SAFETY ADVISORY BOARD.**

(a) **ESTABLISHMENT.**—The Secretary of the Interior shall establish, under the Federal Advisory Committee Act, an Outer Continental Shelf Energy Safety Advisory Board (referred to in this section as the “Board”)—

(1) to provide the Secretary and the Directors established by this Act with independent scientific and technical advice on safe, responsible, and timely mineral and renewable energy exploration, development, and production activities; and

(2) to review operations of the National Offshore Energy Health and Safety Academy established under section 403(d), including submitting to the Secretary recommendations of curriculum to ensure training scientific and technical advancements.

(b) **MEMBERSHIP.**—

(1) **SIZE.**—The Board shall consist of not more than 11 members, who—

(A) shall be appointed by the Secretary based on their expertise in oil and gas drilling, well design, operations, well containment and oil spill response; and

(B) must have significant scientific, engineering, management, and other credentials and a history of working in the field related to safe energy exploration, development, and production activities.

(2) **CONSULTATION AND NOMINATIONS.**—The Secretary shall consult with the National Academy of Sciences and the National Academy of Engineering to identify potential candidates for the Board and shall take nominations from the public.

(3) **TERM.**—The Secretary shall appoint Board members to staggered terms of not more than 4 years, and shall not appoint a member for more than 2 consecutive terms.

(4) **BALANCE.**—In appointing members to the Board, the Secretary shall ensure a balanced representation of industry and research interests.

(c) **CHAIR.**—The Secretary shall appoint the Chair for the Board from among its members.

(d) **MEETINGS.**—The Board shall meet not less than 3 times per year and shall host, at least once per year, a public forum to review and assess the overall energy safety performance of Outer Continental Shelf mineral and renewable energy resource activities.

(e) **OFFSHORE DRILLING SAFETY ASSESSMENTS AND RECOMMENDATIONS.**—As part of its duties

under this section, the Board shall, by not later than 180 days after the date of enactment of this section and every 5 years thereafter, submit to the Secretary a report that—

(1) assesses offshore oil and gas well control technologies, practices, voluntary standards, and regulations in the United States and elsewhere; and

(2) as appropriate, recommends modifications to the regulations issued under this Act to ensure adequate protection of safety and the environment, including recommendations on how to reduce regulations and administrative actions that are duplicative or unnecessary.

(f) **REPORTS.**—Reports of the Board shall be submitted by the Board to the Committee on Natural Resources of the House or Representatives and the Committee on Energy and Natural Resources of the Senate and made available to the public in electronically accessible form.

(g) **TRAVEL EXPENSES.**—Members of the Board, other than full-time employees of the Federal Government, while attending meeting of the Board or while otherwise serving at the request of the Secretary or the Director while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

#### **SEC. 409. OUTER CONTINENTAL SHELF INSPECTION FEES.**

Section 22 of the Outer Continental Shelf Lands Act (43 U.S.C. 1348) is amended by adding at the end of the section the following:

“(g) **INSPECTION FEES.**—

“(1) **ESTABLISHMENT.**—The Secretary of the Interior shall collect from the operators of facilities subject to inspection under subsection (c) non-refundable fees for such inspections—

“(A) at an aggregate level equal to the amount necessary to offset the annual expenses of inspections of outer Continental Shelf facilities (including mobile offshore drilling units) by the Department of the Interior; and

“(B) using a schedule that reflects the differences in complexity among the classes of facilities to be inspected.

“(2) **OCEAN ENERGY SAFETY FUND.**—There is established in the Treasury a fund, to be known as the ‘Ocean Energy Enforcement Fund’ (referred to in this subsection as the ‘Fund’), into which shall be deposited all amounts collected as fees under paragraph (1) and which shall be available as provided under paragraph (3).

“(3) **AVAILABILITY OF FEES.**—

“(A) **IN GENERAL.**—Notwithstanding section 3302 of title 31, United States Code, all amounts deposited in the Fund—

“(i) shall be credited as offsetting collections;

“(ii) shall be available for expenditure for purposes of carrying out inspections of outer Continental Shelf facilities (including mobile offshore drilling units) and the administration of the inspection program under this section;

“(iii) shall be available only to the extent provided for in advance in an appropriations Act; and

“(iv) shall remain available until expended.

“(B) **USE FOR FIELD OFFICES.**—Not less than 75 percent of amounts in the Fund may be appropriated for use only for the respective Department of the Interior field offices where the amounts were originally assessed as fees.

“(4) **INITIAL FEES.**—Fees shall be established under this subsection for the fiscal year in which this subsection takes effect and the subsequent 10 years, and shall not be raised without advise and consent of the Congress, except as determined by the Secretary to be appropriate as an adjustment equal to the percentage by which the Consumer Price Index for the month of June of the calendar year preceding the adjustment



exceeds the Consumer Price Index for the month of June of the calendar year in which the claim was determined or last adjusted.

“(5) ANNUAL FEES.—Annual fees shall be collected under this subsection for facilities that are above the waterline, excluding drilling rigs, and are in place at the start of the fiscal year. Fees for fiscal year 2013 shall be—

“(A) \$10,500 for facilities with no wells, but with processing equipment or gathering lines;

“(B) \$17,000 for facilities with 1 to 10 wells, with any combination of active or inactive wells; and

“(C) \$31,500 for facilities with more than 10 wells, with any combination of active or inactive wells.

“(6) FEES FOR DRILLING RIGS.—Fees for drilling rigs shall be assessed under this subsection for all inspections completed in fiscal years 2013 through 2022. Fees for fiscal year 2013 shall be—

“(A) \$30,500 per inspection for rigs operating in water depths of 1,000 feet or more; and

“(B) \$16,700 per inspection for rigs operating in water depths of less than 1,000 feet.

“(7) BILLING.—The Secretary shall bill designated operators under paragraph (5) within 60 days after the date of the inspection, with payment required within 30 days of billing. The Secretary shall bill designated operators under paragraph (6) within 30 days of the end of the month in which the inspection occurred, with payment required within 30 days after billing.

“(8) SUNSET.—No fee may be collected under this subsection for any fiscal year after fiscal year 2022.

“(9) ANNUAL REPORTS.—

“(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2013, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report on the operation of the Fund during the fiscal year.

“(B) CONTENTS.—Each report shall include, for the fiscal year covered by the report, the following:

“(i) A statement of the amounts deposited into the Fund.

“(ii) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures and the additional hiring of personnel.

“(iii) A statement of the balance remaining in the Fund at the end of the fiscal year.

“(iv) An accounting of pace of permit approvals.

“(v) If fee increases are proposed after the initial 10-year period referred to in paragraph (5), a proper accounting of the potential adverse economic impacts such fee increases will have on offshore economic activity and overall production, conducted by the Secretary.

“(vi) Recommendations to increase the efficacy and efficiency of offshore inspections.

“(vii) Any corrective actions levied upon offshore inspectors as a result of any form of misconduct.”.

#### TITLE V—UNITED STATES TERRITORIES

##### SEC. 501. APPLICATION OF OUTER CONTINENTAL SHELF LANDS ACT WITH RESPECT TO TERRITORIES OF THE UNITED STATES.

Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended—

(1) in paragraph (a), by inserting after “control” the following: “or lying within the United States exclusive economic zone and the Continental Shelf adjacent to any territory of the United States”;

(2) in paragraph (p), by striking “and” after the semicolon at the end;

(3) in paragraph (q), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(r) The term ‘State’ includes each territory of the United States.”.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of House Report 113–131. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

##### AMENDMENT NO. 1 OFFERED BY MR. BRADY OF TEXAS

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 113–131.

Mr. BRADY of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 8, before the period insert “, and shall include and consider all such subdivisions in any environmental review conducted and statement prepared for such program under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2))”.

The CHAIR. Pursuant to House Resolution 274, the gentleman from Texas (Mr. BRADY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BRADY of Texas. Mr. Chairman, our Nation is in the middle of an exciting energy revolution, but we will never truly reach energy security as long as 85 percent of our offshore areas remain off limits to oil and gas manufacturers.

Chairman HASTINGS’ Offshore Energy and Jobs Act on the floor today will open more offshore areas to energy development and bring our Nation closer toward the bipartisan goal of energy independence. This is a great thing.

In particular, Chairman HASTINGS’ innovative bill allows State Governors to request that certain offshore areas be included in the 5-year leasing plan. This gives States more power to unlock offshore energy resources and the jobs and the affordable energy that go along with responsible offshore energy development.

I’m offering an amendment to strengthen that language based on my More Energy, More Jobs legislation recently introduced with my colleagues, Mr. WITTMAN of Virginia and Mr. SHIMKUS of Illinois. It will require the Interior Department to include all these areas requested by State Governors in the environmental review process for the leasing plan.

The National Environmental Policy Act requires all major Federal actions,

including offshore leasing plans, to undergo an environmental review. For offshore leasing, this is an environmental impact statement. Typically, this is a 2-year process at least, and a first step for including any area in an offshore leasing plan. Without environmental impact statements, new areas can’t be leased for offshore drilling.

My amendment will bring more areas into consideration for offshore energy development and move them further along in the leasing process, regardless of whether they are included in the final leasing plan.

More importantly, it will make it easier for future Congresses to pass leasing plans like the underlying bill because more offshore areas will have gone through the necessary environmental review process.

I’d like to thank Chairman HASTINGS for working with me both on this amendment and including some of our ideas in the underlying bill. With this struggling economy and our Nation in the midst of an energy revolution, now is the time to act to unleash more American-made energy and more American jobs.

I urge my colleagues to support this amendment.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. BRADY of Texas. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

I think the gentleman’s amendment adds to this legislation, and we support his amendment.

Mr. BRADY of Texas. Thank you, Chairman HASTINGS.

I reserve the balance of my time.

Mr. DEFAZIO. I claim the time in opposition to the amendment.

The CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, at the end of the general debate we had some creative math and/or cherry-picking of years to make a point that is not accurate.

The point is that oil production from Federal lands today is higher than it was at the end of the Bush administration—596 million barrels compared to 565 in 2008.

Now, in the offshore, when you use a certain number of years, obviously there is some anomaly. The anomaly was the worst oil spill disaster in the history of the United States, which was the Macondo blowup in the gulf, which of course set back leasing activity and development in the gulf for a period of time. However, we have now adopted new regulations. We’re actually requiring blowup preventers that work and a few other sorts of things that the Obama administration has done to make the drilling safer.

Under this administration, there are now more floating rigs in the gulf than before the spill and during the Bush

years; and we approved 112 Deepwater drilling permits last year—the most since 2005. Of course that drilling is being conducted more safely than it has in the past.

So, I mean, we're going to be able to switch around, pick different years, and do all of these things, but these are aggregate, longer-term numbers as opposed to specifying a particular year—and particularly picking a year after the worst oil spill rig disaster in the history of the United States.

With that, Mr. Chairman, we do not object to the amendment by Mr. BRADY, and I reserve the balance of my time.

Mr. BRADY of Texas. I yield 1 minute to the chairman of the committee, the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I thank the gentleman for yielding. I want to respond to my good friend from Oregon's statistics.

What I said is that the production is down from when the President took office. And that, of course, is true. The gentleman makes the argument that there was more production initially in the Obama administration than the Bush administration. I never argued with that. But there's a reason for it. There were more lease sales during the Bush administration, and it takes a while to get these leases producing. They started producing at the first part of the Obama administration; and since then, they have gone down because of the actions of this administration.

So my statistics are correct, and I guess his statistics are correct; but it's not the whole story. The whole story is it takes a lot of time in order to bring a lease sale into production, and that's what the gentleman overlooked.

□ 1620

Mr. BRADY of Texas. Mr. Chairman, I reserve the balance of my time.

I am ready to close whenever the ranking member is.

Mr. DEFAZIO. As I pointed out earlier in the debate, yes, the chairman is correct, it does take time, and there are 5,484 leases, 30 million acres, mostly about 85 percent in the Gulf of Mexico, that have an estimated, according to the Energy Information Administration, 18 billion barrels of oil and 50 trillion cubic feet of natural gas that have not yet been developed.

In any case, I do not oppose the gentleman's amendment. He makes a small improvement in what we consider to be a bad bill by requiring that if States opt into leasing, that there will be a NEPA review. I'm glad that there is some recognition on the other side of the aisle on the value of NEPA reviews to protect our precious natural resources.

With that, I yield back the balance of my time.

Mr. BRADY of Texas. Mr. Chairman, I yield myself such time as I may consume.

This is a commonsense amendment that helps us responsibly develop our traditional energy sources for more jobs, more revenue to help balance this budget, and more affordable energy for America.

I urge my colleagues' support, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BRADY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HASTINGS OF FLORIDA

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 113–131.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 11, beginning at line 3, strike section 204.

The CHAIR. Pursuant to House Resolution 274, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Today, I am offering an amendment to H.R. 2231, the Offshore Energy and Jobs Act. I want to thank my colleagues, Representatives GERRY CONOLLY and JIM MORAN, for working with me to bring this amendment to the floor.

This amendment strikes section 204 of the underlying bill. Section 204 seeks to limit the ability to conduct a comprehensive Environmental Impact Statement, EIS. Given our experience with devastating oil spills such as the BP spill, the Exxon Valdez, and a spill off the coast of Santa Barbara, we should be improving our review processes and strengthening safety requirements.

The combination of reduced resources and shortened timeframes that are mandated by the bill, as well as the expanse of area to be addressed, make the task of preparing a credible EIS difficult, if not impossible.

With these demanding schedules provided by section 204, what information is compelling Congress to seek such swift approval? Oil production, as has been said, is at a 20-year high and natural gas production is also at an all-time high. Furthermore, under President Obama's leadership, our dependence on foreign oil has fallen from 57 percent to 36 percent.

Mr. Chairman, we have a responsibility to the American people to pass legislation that will serve them. Section 204 limits the environmental re-

view to provide for less rigor than a typical review process, which can create huge environmental and economic risks.

I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

I generally do not rise to vote or argue against a Hastings amendment, but in this case I feel I have to. It is the nature of who the author of the amendment is, perhaps, and I think the gentleman understands.

Mr. Chairman, this amendment prioritizes bureaucracy over responsibly increasing energy production. The amendment, as the gentleman noted, would strike a section of the bill, but that bill, that section, requires an Environmental Impact Statement to be conducted prior to any leasing in any lease sale areas.

The gentleman takes issue in the manner in which the Environmental Impact Statement is required to be conducted. However, what he fails to mention is that the administration is required to do yet another environmental review prior to each lease sale and additional reviews on each lease block as part of the leasing process. Then each expiration plan has additional environmental work.

In effect, all of the areas in the underlying bill will be studied and then restudied for the effect that any activity will have on the environment.

Not only that, Mr. Chairman, but all of these lease sales will be subject to the many different laws that still impact the offshore leasing process, such as the Coastal Zone Management Act, the Marine Mammal Protection Act, the Endangered Species Act, and the National Fishing Enhancement Act, just to name a few.

The truth of the matter is that this bill doesn't harm the environment; it goes the extra mile in requiring a multi-sale EIS on all of the lease areas, while still ensuring that leasing does occur because of the certainty in the process.

Support for offshore energy does not mean that you cannot respect a wide range of different environmental needs based upon a lease area.

We want to drill safely and responsibly. I think that is embodied in the underlying bill. For that reason, I urge rejection of the Hastings amendment, the Hastings of Florida amendment.

With that, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, would you be kind enough to tell me how much time I have remaining?

The CHAIR. The gentleman from Florida has 3 minutes remaining. The gentleman from Washington has 2½ minutes remaining.

Mr. HASTINGS of Florida. Thank you. Mr. Chairman, I am very pleased at this time to yield 2 minutes to the cosponsor of this amendment and good friend, the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. Mr. Chairman, maybe Mr. HASTINGS of Washington would be more comfortable calling it the Hastings-Connolly amendment, so that a Virginia name might make him feel more comfortable.

Mr. Chairman, have we already forgotten the consequences of lax regulation? I know the gulf coast hasn't. For many Americans, the image of more than 200 million gallons of oil spilling into the gulf, an area of oil spill and oil slick that if superimposed in this region would have gone from my district in northern Virginia all the way to New York City. It threatened America's largest fishery, jeopardizing tourism, wreaking havoc with the region's entire economy.

Sadly, the magnitude of the Deepwater Horizon oil spill might have been mitigated had BP and Transocean simply been required to do what this amendment requires—to comply with the basic environmental standards established to prevent such disasters from happening in the first place. Yet here we are 3 years later, and this Congress still has not taken a single action to improve drilling safety because the House majority has blocked every attempt. Now they want to make matters worse by gutting NEPA protections.

I am pleased to join my colleague in offering a commonsense amendment to preserve NEPA protections, and at least some modicum of impartiality in this attempt to legislate the majority's motto of "drill, baby, drill" everywhere.

Considering that all other major projects, even transit projects, with clear environmental benefits must undergo an Environmental Impact Statement, it is absurd to exclude from analysis activities that have the potential to destroy entire economies and ecosystems. For example, why is it that northern Virginia's Rail to Dulles project, a public project I oversaw, had to go through an extensive full 2-year environmental review, yet a privately-owned oil rig in the gulf was exempted from that same process? It makes no sense.

The BP spill was preventable, Mr. Chairman. Unfortunately, gulf coast residents will pay that price for that poor decision to waive an environmental review for decades to come as we continue to clean up the worst environmental disaster in our Nation's history.

Let's not allow that to happen. Let's support this amendment.

□ 1630

Mr. HASTINGS of Washington. I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, the impacts of a major oil spill off Florida's coast would be devastating to tourism, travel to nearby beaches, mangroves, and wildlife. This is a truncated process and wrong.

I yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Chairman, what this bill does could have very serious consequences to Virginia's economy. By looking at multiple sales, you lose sight potentially of the harmful impact of individual parcels.

For example, drilling the close-in parcels could have a very adverse impact to the tourism industry in Virginia Beach. Other parcels would affect the absolutely essential shipping channels to Baltimore and Hampton Roads. Opening up other parts of Virginia's waters would have a very serious and consequential impact upon the ability of the Navy to use that area off Virginia's shores. Other parcels would have an adverse impact upon the fishing industry.

So what we are suggesting is to look specifically at these individual parcels. If you look at the entire broad scope of these sales, you're going to lose sight of some of the most serious adverse consequences.

The CHAIR. The time of the gentleman has expired.

The gentleman from Washington has 2½ minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Mr. Chairman, this is an interesting debate just simply on this amendment because I would point out to my colleagues that there has been a lot of reference on the floor today about the Senate's doing something or not doing something. I would just remind my colleagues that their Senators, both of whom are Democrats, support drilling off the Virginia coast. I've found out, too, that their candidate for Governor has switched his position now and that he, too, supports drilling off the coast of Virginia. So I can say here today, I think very honestly, that there is bipartisan support for drilling off the coast of Virginia.

Finally, I want to address the point that my good friend from Virginia (Mr. CONNOLLY) made about no safety. I will just refer him to title IV in this legislation. If his concern is on not having safety and updating rules because of oil spills, then he should support this legislation, because title IV does that through the reorganization process.

So, Mr. Chairman, it hurts me to say vote "no" on a Hastings amendment, but I will in this case for the arguments that I made a moment ago. We simply don't need it because of all of the environmental reviews you have to go through on lease sales.

With that, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Chair announced that the yeas appeared to have it.

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. LAMBORN

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 113-131.

Mr. LAMBORN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following new section:

#### SEC. 104. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to authorize the issuance of a lease under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) to any person designated for the imposition of sanctions pursuant to—

(1) the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note), the Comprehensive Iran Sanctions, Accountability and Divestiture Act of 2010 (22 U.S.C. 8501 et seq.), the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.), section 1245 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a), or the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8801 et seq.);

(2) Executive Order 13622 (July 30, 2012), Executive Order 13628 (October 9, 2012), or Executive Order 13645 (June 3, 2013);

(3) Executive Order 13224 (September 23, 2001) or Executive Order 13338 (May 11, 2004); or

(4) the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note).

The CHAIR. Pursuant to House Resolution 274, the gentleman from Colorado (Mr. LAMBORN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. LAMBORN. Mr. Chairman, this straightforward amendment ensures that the Interior Department will not allow leases under the Outer Continental Shelf Lands Act to go to any person currently subject to sanctions by the U.S. Government under existing Federal laws. This amendment will ensure that no company can benefit from today's legislation if it helps prop up oppressive and destabilizing regimes, such as Iran or Syria.

With the threat from Iran continuing to grow, it is vital that Congress respond with prudent and effective action. We must continue to isolate Iran, promote stability in the Middle East, and protect Israel. Growing our own domestic energy resources is an important part of further isolating Iran. My

amendment ensures that we do not inadvertently or indirectly support the Iranian regime while opening American sources of energy. Iran is an existential threat to our best ally in the region, Israel; and it is a state sponsor of terrorism in addition to Iran's relentless pursuit of nuclear weapons and the abuse it directs to its own citizens.

With regard to Syria, existing sanctions are already helping increase the pressure on President Assad's regime. Thanks to the sanctions, Syrian oil production has decreased as companies have cut ties with the government and exited the country. Despite this pressure, more action is needed. This amendment is a responsible next step to ensure that nothing in this bill will empower President Assad's continuing war against the Syrian people.

The United States should not be rewarding companies that are currently subject to sanctions by the U.S. Government. We must ensure that none of the profit derived from today's legislation will prop up nations that would harm our national security interests or those of our ally, Israel. Israel has a hard enough time surviving in a dangerous neighborhood without letting it get any worse.

With both the Iranian and Syrian regimes threatening our allies in the Middle East and with Iran's proxy, Hezbollah, now directly involved in the fighting in Syria, I believe that Congress must show its unity in the protection of our good friend Israel and with the people of Syria.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. LAMBORN. I yield to the gentleman.

Mr. HASTINGS of Washington. I think the gentleman's amendment adds a great deal to this legislation, and I support your amendment.

Mr. LAMBORN. I thank the chairman for that and for his leadership on the entire bill.

I encourage all of my colleagues to support this simple amendment, and I reserve the balance of my time.

Mr. DEFAZIO. I rise in opposition, although I am not opposed.

The CHAIR. Without objection, the gentleman from Oregon is recognized for 5 minutes.

There was no objection.

Mr. DEFAZIO. At the beginning of the consideration of this bill, I talked about how this was a little bit of "Groundhog Day" because all or parts of this bill passed in the last Congress five times. Now the gentleman is kind of disproving my theory because, well, I guess, at the very end of the movie, they broke out of the "Groundhog Day" cycle's being repetitive; but the gentleman is actually breaking us out of the cycle.

Actually, last year, the ranking member of the Rules Committee, the gentlelady from New York (Ms.

SLAUGHTER), a Democrat, offered this identical amendment for sanctions to one of the many offshore oil drilling bills passed by the Republicans in the last Congress. On that day, which was the 25th of July 2012—almost a year ago today—I would note, on an amendment that does exactly what this amendment does, which we think is extraordinarily meritorious, that every Republican voted no—N-O. That would, of course, include Mr. LAMBORN and the esteemed chairman, Mr. HASTINGS.

So I'm not sure what has changed in the last year. Perhaps they just opposed it the last time because a Democrat was offering it and because the principle and the danger posed by businesses operating in these countries which are hostile to the United States of America wasn't worth dealing with when you could beat a Democratic amendment. I don't know. Maybe there has been a new realization on the other side of the aisle of the dangers of Iran and Syria since that time. Again, I don't know.

Not one Republican Member of the House voted in favor of this amendment 1 year ago despite the fact that the esteemed gentlelady from New York (Ms. SLAUGHTER) offered it as a motion to recommit on a bill. It could be because Republicans lockstep oppose motions to recommit or Democratic amendments, even if they have merit, just to make some sort of a perverse point.

We support this amendment today, as Democrats did last year, and perhaps all of the Republicans will change their positions this year, and it will be a unanimous vote.

With that, I reserve the balance of my time.

Mr. LAMBORN. Mr. Chairman, I look forward to receiving the vote of the ranking member. I suppose that means he is in favor of this amendment, so I appreciate and applaud that.

This is very similar to the amendment last year, though it is not identical as you stated. It is very similar, and this is an example that we can work together in a bipartisan way to commonly work together on good ideas. Motions to recommit, as I will remind you, do sometimes throw up a procedural roadblock that delay the progress of a bill.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. LAMBORN. I yield to the gentleman.

□ 1640

Mr. HASTINGS of Washington. I thank the gentleman for yielding as I want to make this point.

Existing law already exists as it relates to sanctions with the countries we're talking about, but I think it is very important, since we're talking about a national commodity, that we reemphasize—and that's really what

the gentleman's amendment does, it re-emphasizes what is already on the books. I think that needs to be done, especially right now with the volatility that we see in the Middle East.

So I think the gentleman's amendment, as I stated, makes a great deal of sense. I support it, and I thank the gentleman for yielding.

Mr. LAMBORN. As I reclaim my time, Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. The gentleman would have been accurate had the motion to recommit been worded "promptly," but it was worded "forthwith," so it would only have delayed the bill by a total of 10 minutes or 15 minutes, however long the next vote was set for. It would not have sent the bill back to committee, and it would not have disrupted the movement of the legislation. So that part of the statement is not accurate and not a good explanation for why the Republicans uniformly opposed this excellent policy last year, even if it is, as the chairman says, reemphasizing existing law.

We happen to think it's a really great existing law, and we wanted to make that point last year. Your side didn't. I'm glad that you've come around on looking at the companies that do business in Iran and Syria as serious threats to the United States and are going to essentially support the amendment that we offered last year, which you opposed.

That's the best I can do, Mr. Chairman. Sometimes we change our minds around here. We haven't. All the Democrats, I expect, will vote in favor of this amendment, as they did last time. Apparently now, most or all Republicans will vote. That is a privilege we have around here, to change our minds. I just wish they had opposed it on better grounds last time rather than saying, well, it would have delayed the bill by 15 minutes.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. LAMBORN. Mr. Chairman, I do look forward and appreciate the gentleman across the aisle's support of this amendment, and I thank him for his remarks.

Mr. Chairman, this is a good amendment. I urge everyone's support, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. LAMBORN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. FLORES

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 113-131.

Mr. FLORES. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title IV add the following:

**SEC. 410. PROHIBITION ON ACTION BASED ON NATIONAL OCEAN POLICY DEVELOPED UNDER EXECUTIVE ORDER 13547.**

(a) **PROHIBITION.**—The Bureau of Ocean Energy and the Ocean Energy Safety Service may not develop, propose, finalize, administer, or implement, any limitation on activities under their jurisdiction as a result of the coastal and marine spatial planning component of the National Ocean Policy developed under Executive Order 13547.

(b) **REPORT ON EXPENDITURES.**—Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate identifying all Federal expenditures in fiscal years 2011, 2012, and 2013, by the Bureau of Ocean Energy and the Ocean Energy Safety Service and their predecessor agencies, by agency, account, and any pertinent subaccounts, for the development, administration, or implementation of the coastal and marine spatial planning component of the National Ocean Policy developed under Executive Order 13547, including staff time, travel, and other related expenses.

The CHAIR. Pursuant to House Resolution 274, the gentleman from Texas (Mr. FLORES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. FLORES. Mr. Chairman, this amendment is a very simple amendment. It basically says that it prohibits the offshore agencies of the Interior Department from imposing ocean zoning related to the Obama administration's continued attempts to establish the National Ocean Policy under Executive Order 13547 without congressional authorization.

It also requires the administration to submit a report to Congress identifying expenditures for fiscal years 2011 through 2013 by the Bureau of Ocean Energy, the Ocean Energy Safety Service, and their predecessor agencies.

Just as a little background, Executive Order 13547 was signed in 2010, and it requires that various bureaucracies essentially zone the ocean and the sources thereof. This essentially means that a drop of rain that falls on your house could be subject to this overreaching policy because that drop of rain will ultimately wind up in the ocean.

There are concerns that have been raised recently that the National Ocean Policy may not only restrict ocean and inland activities, but it may also have a problem because it has not been given any specific appropriations by this Congress. We have had hearings on this in the Natural Resources Committee, and no agency has told us from which source they're getting the funding for this initiative.

As you can see in chart 1, this light green area shows the area that's covered under ocean zoning. As you can see, that covers a lot more than the blue areas that represent the ocean. There are 26 States just in the Mississippi watershed that would be affected by this executive order.

If we go to chart 2, you can see that the executive order creates a huge new bureaucracy at a time when we're trying to make government smaller, more efficient, and less intrusive. There are 63 agencies involved, as we see on the next chart, in this effort to try to zone the oceans. This looks like more than a planning exercise at this point.

Let me say that you're going to hear from the other side something that says planning is good. Yeah, planning may be good. Planning with the intent to regulate or a backdoor regulation or backdoor rulemaking is not, because here is what the executive order states on its face. It says:

All executive departments, agencies, and offices that are members of the council and any other executive department, agency, or office whose actions affect the ocean, our coasts, and the Great Lakes shall, to the fullest extent consistent with applicable law . . . comply with council certified coastal and marine spatial plans.

That means all these folks are going to have something to say on how we move forward.

This is a very simple amendment, and it was so simple that we offered it as a limitation amendment for the FY13 CJS appropriations bill, and it passed on a bipartisan vote of 246-174.

Let me close by saying that we're not plowing new ground here. This has already been approved in the CJS appropriations bill from last year. This amendment does not stop any existing statute, any existing rule, or any existing regulation. For instance, you may hear that it stops the Rigs-to-Reefs program. That is totally false. It does not get in the way of any existing program.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. FLORES. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding, and I thank the gentleman for his leadership on this issue.

The gentleman knows that I have the same concerns he has on this executive order, and I think his amendment adds a great deal to this bill, and I support his amendment.

Mr. FLORES. Reclaiming my time, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I claim time in adamant opposition.

The CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. This amendment would prohibit the Department of the Interior offshore agencies from using voluntary and commonsense planning as part of the National Ocean Policy to inform decisions they make under existing laws.

It's interesting that the National Ocean Industries Association, which represents offshore energy developers of many kinds, yesterday noted:

This is a great example of the progress that can be made when industry and regu-

lating agencies communicate with each other. It's gratifying to see government and an industry come together to cooperatively and responsibly address these complex and important environmental issues.

And the gentleman's amendment would bring that program to a halt, which obviously the industry actually seems to think is useful.

With that, I yield the balance of my time to the gentleman from California (Mr. FARR).

The CHAIR. Without objection, the gentleman from California will control the time.

There was no objection.

Mr. FARR. Mr. Chairman, I rise in strong opposition to this amendment.

I think the gentleman might be well intended with his thought of what this amendment does, but it's exactly the opposite of what the industry wants.

The gentleman is a relatively new Member to Congress and does not represent a coastal area in his district. But if he were here during the nineties and early 2000, the reason we have a National Ocean Policy is because Congress set up a commission to study the conflicts of the sea brought to us by users of the ocean. That was the petroleum industry. That was the fishing industry. They were in conflict.

We had one agency saying, You can drill for oil, and others were saying, No, those are protected fishing grounds. Crab pots were being swept up by seismic boats going out and looking for oil and other geological issues. We had the Navy not corresponding with buoys. We had just tons of conflicts all within our 200-mile ocean exclusive economic zone, and the industry begged for some kind of collaboration of getting together.

□ 1650

Congress put together a commission; and on that commission Lawrence Dickerson, who was Diamond Offshore, chairman of the International Association of Drilling Contractors and chairman of the National Ocean Industries Association, was appointed by President Bush to sit on that commission. The recommendations of that commission, a commission that Congress created, were to create a national ocean policy. Congress actually introduced bills. The bills were introduced by Republican Members. Congressman Jim Greenwood carried the bill. Others carried the bill. The Resources Committee would never even give them a hearing. Admiral Watkins was chair of the committee, who was first President Bush's Energy Secretary, and also former CNO. All of these Republicans were asking for a national ocean policy.

Now we have it, and the gentleman says let's ignore it, let's ignore it. Let's not allow it to even be involved. This is a setback. If you want to absolutely have fast track in permitting, then do it under planning. That's the way we plan for our military with the

quadrennial review. There isn't anything—health plans. Everything we do, transportation plans, you name it, it's around a big plan. We don't spend any money until the plan is in place.

Now we are in the process of having that plan, which the industry supports, and the gentleman wants to say, no, don't do anything, ignore it. You bring us back to conflicts at sea. You bring back regulatory fights. If you want to delay decisionmaking, then don't have a plan like we have.

This amendment destroys the ability to get the job done.

I reserve the balance of my time.

The CHAIR. The Chair would note that the gentleman does not have the right to close.

Mr. FLORES. Mr. Chairman, I am a newcomer to Congress, but the reason I'm a newcomer to Congress is because before I did this, I had 30 years of experience working offshore. So I have firsthand experience with this. Twenty years of that, it was as a sea level officer for different companies that operated offshore.

Congress studied this issue for 10 years, and took no action. What does that tell us? That means the intent of Congress is to have no statute or regulation to zone the oceans. So the gentleman's issue is a little off base here. And just to make sure we correct the statement about what NOIA said, here's what they're putting out today:

NOIA staunchly supports the good work that Congressman FLORES has done and continues to do to fight back this ill-conceived national ocean policy, and stands in strong support of the Flores amendment on the House floor today.

I want to remind everybody I have this list of folks that support this. This is the fishing industry, both commercial and recreational. It's agriculture. It's home builders. It's the energy industry. We're not trying to stop a niche problem.

The CHAIR. The time of the gentleman has expired.

Mr. FARR. Mr. Chairman, I would like to remind my colleagues that the national ocean policy is the recommendation of a commission that we created, bipartisan commission, appointed by President Bush, to recommend how we might avoid the conflicts of sea. The national ocean policy is that, to have a policy so that when we do activities in the ocean, we know whether those activities are consistent with a policy.

I think the gentleman is completely wrong in thinking that disrupting that policy planning is going to get a faster and more equitable way of drilling for oil. I think he's totally wrong in that, and the administration would probably veto the bill if it's in there. I don't think that it is an amendment that's going to do good. I think it's going to do harm, and I would oppose it.

I yield back the balance of my time.

Mrs. CAPPS. Mr. Chair, I rise in opposition to the Flores Amendment.

This amendment would seriously undermine the smart ocean planning activities called for by the National Ocean Policy. I fail to see why my colleagues on the other side of the aisle oppose smart management of our ocean and coastal resources.

We depend heavily on our oceans. In 2010 alone, maritime economic activities supported 2.7 million jobs and contributed 258 billion dollars to our GDP. But there is increasing competition for the use of our oceans. Offshore energy facilities, commercial fishing, recreation, renewable energy, and shipping are all competing for ocean space and resources.

Yet, despite this complex network of competing interests, our current haphazard system makes planning decisions about each industry individually, rather than looking at the big picture and planning accordingly. Our discussion this week about expanding offshore oil drilling is a perfect example of this piecemeal approach that results in an inefficient use of our ocean resources.

Smart regional planning is one answer to this problem. Planning processes allow us to work together and find the best solutions that offer the most benefits for our oceans and our economies—two systems that we all know are deeply intertwined and highly interdependent. Smart decisions are based on mathematical analyses, ecological assessments, and stakeholder deliberations—not politics. And with the guidance of the National Ocean Policy, these processes will happen at the regional level, which puts ocean management decisions closer to the people on the ground—the industries and jobs that will be impacted by ocean management decisions.

The National Ocean Policy is not a big government initiative, but a mechanism for efficient planning and giving regions and states more control. The amendment in question would disenfranchise states, businesses, and citizens who engage in developing ocean plans.

Mr. Chair, smart ocean planning is the clear way forward to make the most of our ocean resources. The Flores amendment would undercut this process, and I urge my colleagues to oppose it.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. FLORES).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. FARR. I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 5, AS MODIFIED, OFFERED BY  
MR. CASSIDY

The CHAIR. It is now in order to consider amendment No. 5, as modified, printed in part B of House Report 113-131.

Mr. CASSIDY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment, as modified, is as follows:

Add at the end the following:

**TITLE —MISCELLANEOUS PROVISIONS**  
**SEC. . AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.**

Section 105(f)(1) of the Gulf of Mexico Energy Security Act of 2006 (title I of division C of Public Law 109-432; 43 U.S.C. 1331 note) shall be applied by substituting “2023, and shall not exceed \$999,999,999 for each of fiscal years 2024 through 2055” for “2055”.

The CHAIR. Pursuant to House Resolution 274, the gentleman from Louisiana (Mr. CASSIDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. CASSIDY. Mr. Chairman, in 2006 Congress passed the Gulf of Mexico Energy Security Act, or GOMESA. This legislation for the first time allowed States to share in revenues generated from offshore drilling. GOMESA provided 37.5 percent of revenue to the Gulf States, to begin in the year 2017, but arbitrarily placed a \$500 million cap on the collectively shared revenue.

Conversely, the Mineral Leasing Act requires the Federal Government to allocate 50 percent of the energy revenue generated on Federal lands to interior States in which the revenue is generated without an annual cap.

Mr. Chairman, my amendment is straightforward. It simply moves offshore royalty sharing more in line with the benefit onshore interior States experience by moving the GOMESA cap from \$500 million to \$1 billion. This would begin 10 years from now. It's almost \$1 billion, just short of \$1 billion.

My amendment does not impact onshore producing States. If your State is receiving revenue sharing from onshore, my amendment does nothing to change that. It just moves Louisiana, Texas, Mississippi, and Alabama a little bit closer to parity. You can look at this graph right here, and you can see that this graph shows that interior States are receiving 50 percent with no dollar cap. Gulf States, less a percentage and with a cap. And all other States have the same percent with no cap.

The House has previously passed a similar version of this amendment twice: once in the PIONEER Act and second on the Domestic Energy and Jobs Act, both last year, overwhelmingly with bipartisan support. In fact, the House laid the groundwork for this with the landmark passage of the Deep Ocean Energy Resources Act of 2006. This was the first offshore revenue-sharing bill to pass a congressional Chamber, and it did not include an arbitrary cap.

So I ask my colleagues, if you're worried about rising energy prices, I'd recommend a “yes” vote on this amendment. Thirty percent of the Nation's energy comes off the gulf coast. If you're interested in treating Gulf Coast States equally, the way we treat onshore drilling in Federal lands for inland States, I also recommend a “yes.”



And if you're interested in the environment, let me just make the case here that by the Louisiana Constitution, 100 percent of the Federal tax revenue that comes from this will go to coastal restoration. That is important to us because every place you see red is a place where we will lose in Louisiana land over the next 50 years. And where you see red, I see families. I see families and businesses which will no longer exist unless we do something proactively to restore those lands.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. CASSIDY. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding. I just want to tell the gentleman that I support his amendment. I think it adds a great deal to this legislation, and I commend him for it.

Mr. DUNCAN of South Carolina. Will the gentleman yield?

Mr. CASSIDY. I yield to the gentleman from South Carolina.

Mr. DUNCAN of South Carolina. I want to commend the gentleman from Louisiana for his amendment. I think it is the right thing. I think the Gulf Coast States are treated unfairly with the cap. This raises the cap. It's the right thing.

I was talking with a gentleman from an ACC school—I know you're an LSU guy—but he was from Virginia Tech. He said, Go Hokies. I didn't like that, but he understands that Louisiana is treated unfairly when you compare to what is going on in Wyoming where they got a billion dollars last year in revenue.

My State of South Carolina is included in this bill, and they want the revenue-sharing as well. It is the right thing for the States that help produce America's energy. So I commend the gentleman. Let's raise that cap, and let's treat those Gulf Coast States fairly because they are the producers of American energy. And so I commend the gentleman.

Mr. CASSIDY. I reserve the balance of my time.

Mr. FARR. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chairman, I rise in opposition because I can't believe—I am kind of excited that you want to get more money—but I can't believe the Republicans are suggesting that the Treasury of the United States ought to be robbed of another \$11 billion that goes to deficit reduction so it can be spent on the Gulf States because in legislation we just passed we give the Gulf States something no other States get: we give them in law now \$150 billion over the next 60 years in revenue earmarked for the Gulf States. And what this amendment says is that's not enough; we want \$11 billion more. What gall.

□ 1700

Most of us, if we were doing this, would be accused of doing an earmark. And certainly you don't do earmarks anymore in the House of Representatives. So what is it that \$150 billion isn't enough for four States and you need, now, before you even have spent that money, to put into law another \$11 billion?

Could you answer that question?

Mr. CASSIDY. Will the gentleman yield?

Mr. FARR. No, you have the time. I reserve the balance of my time.

Mr. CASSIDY. I reserve the balance of my time.

Mr. FARR. I will yield to the gentleman for a question. Explain to me what is broken that needs \$11 billion more, right now, with the \$150 billion that you've already been given, or will be given.

Mr. CASSIDY. This is what is broken. This is our coastline, which is melting away. This is what increases our risk. We've lost a land mass equal to Rhode Island in Louisiana.

Now, the money that is received, our share will go to this, but it is not adequate to rebuild this coastline. And the other thing which is broken is—

Mr. FARR. You've lost the coastline why?

Mr. CASSIDY. Because we channeled the Mississippi in order to create navigational services for the rest of the inland nation. And so as you channel that Mississippi, the wetlands lost the nourishing sediment that comes to them.

Mr. FARR. And those are the States that have also instate waters and onshore and offshore drilling?

Mr. CASSIDY. Yes, we do have onshore and offshore drilling, absolutely.

Mr. FARR. Which are very lucrative revenues for the State.

Mr. CASSIDY. If we want to speak about lucrative revenue, all I ask is to have the same deal that every other State has. No, I don't even ask for the same deal that every other State has, because every other State, if they're interior, gets 50 percent of the revenue.

Other coastal States, for example, California, have no cap on the amount of royalty sharing that they may have with the Federal Government. It is only in the gulf coast that there is a cap.

Now, if you want to have the same deal for our State that other States have, I would love to have the 50 percent that Wyoming has.

Mr. FARR. That's onshore, not offshore. We actually have caps with offshore, and we have banned further offshore drilling, both State and Federal waters.

Mr. CASSIDY. Well, if you decide to cut off your economic nose to spite your face, I can't help that.

Mr. FARR. The Republicans have been very big on deficit reduction and

very much against earmarks. And now, with this amendment you're proposing it seems to fly in the face of the policy of your own party that you want to take out of the Treasury \$11 billion that could be applied to deficit reduction and give it to the Gulf States, which already have \$150 billion over the next—in revenue coming to you, earmarked for you. That is far more than California or other States.

Mr. CASSIDY. If I may say, I admire your verbal sleight-of-hand because never in the past has royalty sharing been considered earmarks. But if now we're going to start considering royalty sharing earmarks, heck, let's go back and look at every State. But that is, again, a verbal sleight-of-hand. That is not under the definition of an earmark, and I think the gentleman knows that.

Mr. FARR. Well, I'm on the Appropriations Committee, and if this were brought up in the Appropriations Committee, it certainly would be an earmark. And it is a process that should be in the appropriations process and not added to this bill, where you create an \$11 million earmark for four Gulf States.

Mr. CASSIDY. Assuming that the gentleman continues to yield to me, I would say, in that case, we need to go back to every State which has a better royalty sharing arrangement with the Federal Government than we and ask to reconsider that.

We're not even asking to have the 50 percent on the inland or the no cap on the other coastal States. We're just asking that you raise the cap and keep our revenue sharing royalty percent at the same lower level than it is on the inland. Now, I don't know why we're being singled out when those other States do so well.

Mr. FARR. Well, I think the chair of your committee, Mr. HASTINGS, who knows this, that only about 40 percent of the money that comes in for the Land and Water Conservation account, of the revenue that comes from the offshore drilling, only 40 percent of it is given back to the States for land and water conservation purposes. That other 60 amount just goes into the Treasury. That's where this money goes, and what you're doing is getting something that none of the other States have.

If we want to revise the percentage of money that goes into the Land and Water Conservation Fund, I'm all for that.

Mr. CASSIDY. So, when I spoke to someone from Wyoming today, she goes, Oh, you're only getting 37.5? Wyoming gets 48 percent.

The Acting CHAIR (Mr. HULTGREN). The time of the gentleman from California has expired.

Mr. HASTINGS of Washington. Will the gentleman from Louisiana yield to me for 15 seconds?



Mr. CASSIDY. I yield to the gentleman.

Mr. HASTINGS of Washington. I just want to point out, the gentleman, my good friend from California, is talking about revenue loss.

I just want to make this point: the CBO says this legislation will create \$1.5 billion to the Federal Government. I thank the gentleman for yielding.

Mr. CASSIDY. How much time do I have left?

The Acting CHAIR. The gentleman from Louisiana has 1¼ minutes remaining.

Mr. CASSIDY. I yield 45 seconds to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Chairman, I want to thank the gentleman from Louisiana (Mr. CASSIDY) for yielding and for bringing this amendment. I think it's important to point out that this was an arbitrary cap that was put in place based on problems that were really created in the 1950s when initial revenue sharing was done.

For whatever reason, there are various reasons, one State was singled out to not be able to participate in revenue sharing. It just so happens to be the State that produced about 30 percent of the offshore oil and gas. All we're asking for is a little bit closer to fairness.

This amendment's a really important step in the right direction and continues the concept that we've always promoted: to allow States that do participate in producing American energy to also participate in the revenue that's produced to the Federal Treasury. It's an incentive to continue to encourage that kind of American energy exploration.

I support the amendment.

Mr. CASSIDY. Mr. Chairman, I'll just close by saying—and I'm not sure I understand the logic of my friend on the other side of the aisle—apparently, this is going to increase our Federal revenue by \$1.5 billion. But more importantly, it generates dollars for the State of Louisiana to preserve these, the homes of these families. This allows revenue that has been from our Outer Continental Shelf to come back to preserve this coastline, these families, and these businesses to remain in existence. And that's what this is really about, equity, increased revenue for the Federal Government, and families in Louisiana being able to preserve their existence.

I urge support for our amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentleman from Louisiana (Mr. CASSIDY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. LOWENTHAL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further pro-

ceedings on the amendment, as modified, offered by the gentleman from Louisiana will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. CASSIDY

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 113-131.

Mr. CASSIDY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

**TITLE —MISCELLANEOUS PROVISIONS**  
**SEC. —. RULES REGARDING DISTRIBUTION OF REVENUES UNDER GULF OF MEXICO ENERGY SECURITY ACT OF 2006.**

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall issue rules to provide more clarity, certainty, and stability to the revenue streams contemplated by the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note).

(b) CONTENTS.—The rules shall include clarification of the timing and methods of disbursements of funds under section 105(b)(2) of such Act.

The Acting CHAIR. Pursuant to House Resolution 274, the gentleman from Louisiana (Mr. CASSIDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. CASSIDY. Mr. Chairman, this amendment simply stipulates that no later than 60 days after the enactment of H.R. 2231, the Secretary of the Interior shall issue rules to provide clarity, certainty, and stability to the revenue streams we just discussed that were created by GOMESA of 2006.

This Federal law allows the State to use this money for the restoration of coastal areas and the mitigation of damage to natural resources. However, the Bureau of Ocean Energy Management, formerly MMS, has yet to issue the necessary rules and regulations.

In 2009, a letter signed by the Governors of Louisiana, Alabama, Mississippi, and Texas asked for these rules to be published and recommendations incorporated. It's now 2013, over 6 years since Congress passed in 2006, and the rules have still not been published. The lack of clarity in this phase 2 implementation of GOMESA impedes the ability of Gulf States and eligible coastal political subdivisions to conduct and achieve the planning efforts needed to maximize coastal protection.

It's long overdue for these rules to be published. The amendment is simple. It just directs it to do so. I move for approval of the amendment.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. CASSIDY. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

I think his amendment again adds a great deal to this legislation. I support the amendment.

Mr. CASSIDY. I reserve the balance of my time.

Mr. LOWENTHAL. I claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. LOWENTHAL. Mr. Chairman, we do not oppose this amendment at this time.

I yield back the balance of my time.

Mr. CASSIDY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. CASSIDY).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. RIGELL

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 113-131.

Mr. RIGELL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

**TITLE —MISCELLANEOUS PROVISIONS**  
**SEC. —. SEISMIC TESTING IN THE ATLANTIC OUTER CONTINENTAL SHELF.**

Not later than December 31, 2013, the Bureau of Ocean Energy Management shall publish a record of decision on the Atlantic G&G Programmatic Final Environmental Impact Statement.

The Acting CHAIR. Pursuant to House Resolution 274, the gentleman from Virginia (Mr. RIGELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. RIGELL. I yield myself 1 minute.

Mr. Chairman, I rise in support of my amendment to H.R. 2231, which requires the administration to complete its Atlantic Environmental Impact Statement by December 31 of this year, which will pave the way for us to calculate new estimates of the tremendous energy potential that's off our shores.

□ 1710

It's been 30 years since geological and geophysical studies, including seismic studies, have been conducted in Atlantic waters. Those studies used outdated technology, and our current estimates for the energy that is out there are surely inaccurate. And I believe they're low. For example, we collected five times more oil from the Gulf of Mexico than the government estimated to be there in 1983. The study also will allow us to move forward with a critical component of renewable energy—and that's wind.

So for all those reasons, the administration must stay on track here and issue its long-awaited environmental impact statement—and do that on

time. And that's what my amendment ensures happens. It should move forward with energy production and, most importantly, job creation, using the best science available.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. RIGELL. I yield to the gentleman.

Mr. HASTINGS of Washington. I think the gentleman's amendment makes a great deal of sense. We've had discussions in our committee on the accuracy of the data.

The point is that this legislation says that one ought to drill where the resources are. And the gentleman's amendment, I think, goes a long way in that direction. I commend him for that and support it.

Mr. RIGELL. I thank the chairman for your leadership on this bill.

I yield 1 minute to my friend and colleague, the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. I rise in support of the gentleman from Virginia's amendment that sets a deadline for the Bureau of Ocean Energy Management to complete an environmental review to allow offshore Atlantic seismic studies to go forward. I have joined 42 bipartisan House colleagues urging President Obama to move quickly to complete the environmental analysis.

Unfortunately, the Department of Interior is well over a year behind in completing its work. As you know, delays continue to prevent the creation of thousands of good-paying jobs and around \$19.5 billion in Federal, State, and local revenue.

I'm glad to join with Chairman HASTINGS in support of the Offshore Energy and Jobs Act. These measures are important for Virginia and this Nation, supporting domestic energy security, revenue sharing, and job creation. This is about jobs, energy independence, and just plain, old common sense. I urge my colleagues to support this amendment and this important energy bill.

CONGRESS OF THE UNITED STATES,

Washington, DC, March 21, 2013.

Hon. BARACK OBAMA,  
President of the United States of America,  
Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge that your Administration act to diligently complete the long-delayed Environmental Impact Statement (EIS) for the conduct of a safe, environmentally protective seismic assessment of the oil and natural gas resources offshore the Atlantic outer continental shelf (OCS). The gathering of such information represents a critical step toward making science-based decisions with regard to any future commercial or recreational activities in the federal waters off our Atlantic coastline that could provide the nation much needed energy, economic, and environmental benefits.

It has been nearly two generations since seismic testing was last conducted along our eastern seaboard. Since that time, technological advancements have rendered those previous findings nearly irrelevant. For example, while 2-D imaging was restricted by

certain geological characteristics, today's 3-D and 4-D imaging techniques allow us to identify resources previously unknown to exist. By relying solely on outdated technology and information, we are blindly assessing offshore resource potential and making uninformed decisions without the benefit of sound science. To further illustrate this point, in 1987 the Minerals Management Service estimated that there were 9.57 billion barrels of oil within the Gulf of Mexico. In 2011, with more recent seismic data and exploration, they adjusted that estimate to 48.4 billion barrels of oil—roughly a 500% increase.

Contrary to the hyperbolic comments of many opposed to this simple information-gathering process, history tells us it can be done safely with great deference to our valuable ocean ecosystems. Industry employs a number of effective mitigation measures to reduce any potential impacts to wildlife in the seismic survey areas such as ramping up the sound levels to allow animals to leave the area before the full survey begins and placing marine mammal observers onboard the survey vessel to shut down the survey if an animal is spotted in the vicinity. Industry has been performing seismic surveys around the world, including the Gulf of Mexico, for decades and there has never been a documented case where use of an air gun to perform a seismic survey has caused the death of an animal. Similarly, a report by the National Academy of Sciences' National Research Council stated that "No scientific studies have conclusively demonstrated a link between exposure to sound and adverse effects on a marine mammal population." It is past time to continue your Administration's efforts to safely accumulate this information using modern technology.

As you know, the Department of the Interior (DOI) held an initial scoping meeting on their EIS for Atlantic OCS seismic in April 2010. Previous to that in 2009, the FY 2010 House Interior Appropriations bill instructed DOI to indicate their expected timeline for completion of the EIS. DOI's response in February 2010 indicated a Final EIS being issued in April 2012. With nearly a full year having passed beyond this target date, we would urge the swift completion of this environmental analysis so that the many seismic permits already submitted to DOI may be properly considered, along with any future applications.

Finally, in order to ensure a viable market for Atlantic seismic data, we also urge your reconsideration of current policies prohibiting any new oil and gas leasing in the Atlantic OCS. Only the prospect of future leasing provides proper market incentive to make the significant investments needed to obtain this data.

We thank you for your consideration and hope to quickly move forward on Atlantic seismic testing to enable a science-based decision making process with regard to OCS access.

Sincerely,

Jeff Duncan; Doc Hastings; John Fleming; Steve Scalise; Joe Wilson, Morgan Griffith; Robert Wittman; Doug Lamborn; Rob Bishop; Tom Graves; Randy Forbes; Paul Broun.

Mick Mulvaney; Virginia Foxx; Robert Hurt; Tom Rooney; Frank Wolf; Richard Hudson; Trey Gowdy; Glenn Thompson; Tom Rice; Renee Ellmers; Scott Rigell; Bob Goodlatte; Mark Meadows; Robert Pittenger; Lynn Westmoreland; Bill Cassidy.

Cynthia Lummis; Michael Conaway; Steve Stivers; Kevin Cramer; Henry

Cuellar; Gene Green; Blake Farenthold; Bill Flores; Chris Stewart; Mark Amodei; Tim Huelskamp; Charles Boustany; Bill Johnson; Andy Harris.

U.S. DEPARTMENT OF THE INTERIOR,

OFFICE OF THE SECRETARY,

Washington, DC, June 19, 2013.

Hon. ROBERT WITTMAN,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE WITTMAN: Thank you for your letter dated March 21, 2013, to President Barack Obama expressing your support for the completion of the Programmatic Environmental Impact Statement (PEIS) to evaluate potential effects of multiple geological and geophysical (G&G) activities in the Atlantic Outer Continental Shelf (OCS). President Obama has asked me to respond. A similar letter is being sent to each co-signer of your letter.

We share your commitment to ensuring that our resource management decisions are based on the best available science. To that end, the information developed from the PEIS will help guide future decision making regarding the resources available on the Atlantic Coast OCS as well as the social, economic, and environmental impacts of developing those resources.

The Bureau of Ocean Energy Management (BOEM) is in the process of preparing a PEIS under the National Environmental Policy Act (NEPA) to evaluate potential effects of multiple G&G activities in these areas, including seismic surveys using air guns. BOEM was directed to develop this PEIS under the Conference Report for the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

This PEIS is part of a region-specific strategy for oil and gas exploration and development in the Mid and South Atlantic that focuses on the need to update resource information in order to inform future decisions about whether and, if so, where leasing would be appropriate in these areas. Seismic surveys and other G&G activities being evaluated in this PEIS are valuable to understanding the location, extent, and properties of hydrocarbon resources. G&G surveys are also used to identify geologic hazards, archaeological resources, and hard bottom habitats that would need to be avoided during exploration and development. A variety of G&G techniques in addition to air guns are being evaluated in the study. These techniques are also used to understand the potential to site renewable energy structures and locate marine mineral resources, such as sand and gravel used for beach and barrier island restoration.

In preparing the PEIS, BOEM uses the best available science and works with experts and other regulatory agencies, such as the National Marine Fisheries Service. BOEM has contributed close to \$40 million over the last decade on groundbreaking research to better understand the potential for acoustic impacts to marine life from geophysical sound sources. The BOEM has also conducted several expert stakeholder workshops to discuss and identify information needs on acoustic impacts and reasonable measures to manage and mitigate such effects.

We appreciate your interest in potential seismic exploration in the Mid and South Atlantic OCS waters. Please be assured that completion of this important environmental review remains a high priority for us.

Sincerely,

TOMMY P. BEAUDREAU,  
Acting Assistant Secretary—Land  
and Minerals Management.

Mr. LOWENTHAL. I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. LOWENTHAL. As part of the Interior Department's 5-year plan, they are preparing to allow companies to re-evaluate the potential oil and gas resources in the Mid- and South Atlantic using seismic and other testing. The Interior Department is currently going through the process of preparing a programmatic environmental impact statement for that testing because they have received nine permit requests for seismic airgun surveys. They have determined that because of the scope of interest, a programmatic EIS under the National Environmental Policy Act is needed prior to permitting any new, large-scale seismic surveys. The programmatic EIS would establish a framework for future NEPA evaluations of site-specific actions while identifying and analyzing mitigation measures for future programmatic use.

Despite the claims of the majority, Mr. Chair, the Interior Department already intends to finish the programmatic EIS by the end of this year. Bureau of Ocean Energy Management Director Beaudreau testified before the House Oversight and Government Reform Committee on May 16 of this year that:

In the spring of 2012, BOEM released the draft programmatic environmental impact statement, or PEIS, for proposed geological and geophysical activities in the Mid- and South Atlantic for public comment. The completion of this PEIS is part of a region-specific strategy with respect to oil and gas exploration and development that will focus on the need to update information in order to inform future decisions on whether, and where, leasing would be appropriate. The final PEIS is expected to be published this year.

That's just what Interior said just over 1 month ago. Their intention is to finish this work by the end of this year. But if for some reason Interior needs to complete additional surveys, we should not prevent them from doing so. But that's what this amendment would do. It would potentially short-circuit the NEPA process. We should allow the Interior Department to finish its work to ensure that these activities can occur in a way that does not adversely impact the environment and not tie their hands, as the gentleman would do.

I urge defeat of this amendment that would potentially truncate a proper environmental review, and I reserve the balance of my time.

Mr. RIGELL. How much time is remaining?

The Acting CHAIR. The gentleman from Virginia has 2½ minutes remaining, and the gentleman from California has 2½ minutes remaining.

Mr. RIGELL. I yield myself such time as I may consume.

I appreciate the gentleman's argument. I certainly don't agree with it. The concern that we have—that I have personally—is that the administration's willingness to keep the tempo and the cadence of this whole process going forward is real. And if I approach this with a great sense of urgency, it's because people are hurting. We need to diversify our local economy. This bill that the underlying bill supports could create 18,000 jobs in the Hampton Roads area of Virginia alone.

I so appreciate the full support that we have, in principle, from Senators WARNER and KAINE on this very issue. This is a commonsense, common ground, overall initiative to grow revenue that we need for better roads and healthier schools in an environmentally responsible way, moving forward with coastal Virginia energy. Our Governor supports it. Our general assembly supports it. Our two U.S. Senators support it, in principle. I ran on it. And it has the support of so many different groups, including the local chapter of the NAACP, the chambers of commerce. It's just a wonderful and, frankly, diverse group of coalitions that has come together to say this is what is best for Virginia and job creation. We need to move forward with this.

I reserve the balance of my time.

Mr. LOWENTHAL. I thank the gentleman from Virginia for his arguments. And we have no problem with the underlying process. The question is, why should we truncate this process at this time when important work is now being done by the Department of Interior? We do not object to the Department of Interior going forward. The Department has said in a timely manner they will finish this this year. That is appropriate. It is not necessary at this moment to eliminate the environmental process when in fact we know it's moving forward in a fair and a judicious way. If anything comes up, we need to hear that and understand that for future oil leases.

And so I really request that we urge the defeat of this amendment and allow the proper process to go forward because we do not oppose the underlying theme of the bill but we do oppose the truncation of the process.

I reserve the balance of my time.

Mr. RIGELL. How much time do I have remaining, Mr. Chairman?

The Acting CHAIR. The gentleman from Virginia has 1 minute remaining.

Mr. RIGELL. I appreciate the gentleman's argument but my deep concern about the Federal government's real commitment to moving this forward is legitimate. I urge the adoption of the amendment, and I yield back the balance of my time.

Mr. LOWENTHAL. I thank the gentleman from Virginia. But the Federal Government does have a commitment in the Department of Interior to finish

this in a timely manner. It has just been reported in the past month that they are working at this. They will finish it this year. So notwithstanding the very strong arguments of the gentleman from Virginia, we do not support truncating the environmental review process, and I urge a "no" vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. RIGELL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. LOWENTHAL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

Mr. HASTINGS of Washington. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WITTMAN) having assumed the chair, Mr. HULTGREN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2231) to amend the Outer Continental Shelf Lands Act to increase energy exploration and production on the Outer Continental Shelf, provide for equitable revenue sharing for all coastal States, implement the reorganization of the functions of the former Minerals Management Service into distinct and separate agencies, and for other purposes, had come to no resolution thereon.

□ 1720

NOTIFICATION OF INTENT TO SUSPEND DESIGNATION OF BANGLADESH AS A BENEFICIARY DEVELOPING COUNTRY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 113-42)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

*To the Congress of the United States:*

In accordance with section 502(f)(2) of the Trade Act of 1974, as amended (the "1974 Act") (19 U.S.C. 2462(f)(2)), I am providing notification of my intent to suspend the designation of Bangladesh as a beneficiary developing country under the Generalized System of Preferences (GSP) program. Section 502(b)(2)(G) of the 1974 Act (19 U.S.C. 2462(b)(2)(G)) provides that the President shall not designate any country a beneficiary developing country under

the GSP if such country has not taken or is not taking steps to afford internationally recognized worker rights in the country (including any designated zone in that country). Section 502(d)(2) of the 1974 Act (19 U.S.C. 2462(d)(2)) provides that, after complying with the requirements of section 502(f)(2) of the 1974 Act, the President shall withdraw or suspend the designation of any country as a beneficiary developing country if, after such designation, the President determines that as the result of changed circumstances such country would be barred from designation as a beneficiary developing country under section 502(b)(2) of the 1974 Act.

Pursuant to section 502(d) of the 1974 Act, having considered the factors set forth in section 502(b)(2)(G), I have determined that it is appropriate to suspend Bangladesh's designation as a beneficiary developing country under the GSP program because it is not taking steps to afford internationally recognized worker rights to workers in the country.

BARACK OBAMA.  
THE WHITE HOUSE, June 27, 2013.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 22 minutes p.m.), the House stood in recess.

□ 1800

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. WALORSKI) at 6 p.m.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, June 27, 2013.

Hon. JOHN A. BOEHNER,  
Speaker, H-232 U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 27, 2013 at 5:28 p.m.:

That the Senate agreed to S. Res. 189.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

#### OFFSHORE ENERGY AND JOBS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 274 and rule XVIII, the Chair declares the House in

the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2231.

Will the gentleman from Illinois (Mr. HULTGREN) kindly resume the chair.

□ 1802

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2231) to amend the Outer Continental Shelf Lands Act to increase energy exploration and production on the Outer Continental Shelf, provide for equitable revenue sharing for all coastal States, implement the reorganization of the functions of the former Minerals Management Service into distinct and separate agencies, and for other purposes, with Mr. HULTGREN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 7 printed in part B of House Report 113-131 offered by the gentleman from Virginia (Mr. RIGELL) had been postponed.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 113-131 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. HASTINGS of Florida.

Amendment No. 4 by Mr. FLORES of Texas.

Amendment No. 5 by Mr. CASSIDY of Louisiana.

Amendment No. 7 by Mr. RIGELL of Virginia.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 2 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 233, not voting 13, as follows:

[Roll No. 295]

AYES—188

Andrews  
Barber  
Beatty

Becerra  
Bera (CA)  
Bishop (GA)

Bishop (NY)  
Blumenauer  
Bonamici

Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Fitzpatrick  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Garamendi  
Garcia  
Grayson  
Green, Al  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes

Hinojosa  
Holt  
Honda  
Horsford  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeback  
Lofgren  
Lowenthal  
Lowe  
Lujan Grisham (NM)  
Luján, Ben Ray (NM)  
Lynch  
Maffei  
Maloney, Carolyn  
Maloney, Sean  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Pallone  
Pascrell

#### NOES—233

Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Costa  
Cotton  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fleischmann  
Fleming  
Flores

Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reichert  
Richmond  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schneider  
Schradler  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

Forbes

Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallego  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)

Hensarling Miller (FL)  
 Herrera Beutler Miller (MI)  
 Holding Miller, Gary  
 Hudson Mullin  
 Huelskamp Mulvaney  
 Huizenga (MI) Murphy (PA)  
 Hultgren Neugebauer  
 Hunter Noem  
 Hurt Nugent  
 Issa Nunnelee  
 Jenkins Olson  
 Johnson (OH) Owens  
 Johnson, Sam Palazzo  
 Jordan Paulsen  
 Joyce Pearce  
 Kelly (PA) Perry  
 King (IA) Peterson  
 King (NY) Petri  
 Kingston Pittenger  
 Kinzinger (IL) Pitts  
 Kline Poe (TX)  
 Labrador Pompeo  
 LaMalfa Posey  
 Lamborn Price (GA)  
 Lance Radel  
 Lankford Reed  
 Latham Renacci  
 Latta Ribble  
 LoBiondo Rice (SC)  
 Long Rigell  
 Lucas Roby  
 Luetkemeyer Roe (TN)  
 Lummis Rogers (AL)  
 Marchant Rogers (KY)  
 Marino Rogers (MI)  
 Massie Rohrabacher  
 Matheson Rokita  
 McCarthy (CA) Rooney  
 McCaul Ros-Lehtinen  
 McClintock Roskam  
 McHenry Ross  
 McKeon Rothfus  
 McKinley Royce  
 Meadows Runyan  
 Meehan Ryan (WI)  
 Messer Salmon  
 Mica Sanford

## NOT VOTING—13

Bass Grijalva  
 Bishop (UT) Markey  
 Campbell McCarthy (NY)  
 Cárdenas McMorris  
 Fincher Rodgers

□ 1827

Messrs. SAM JOHNSON of Texas, KING of Iowa, MARCHANT, WITTMAN, GRAVES of Missouri, SHUSTER, and GOSAR changed their vote from “aye” to “no.”

Messrs. ANDREWS and SIREs changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. SCHIFF. Mr. Chair, on rollcall No. 295, had I been present, I would have voted “aye.”

AMENDMENT NO. 4 OFFERED BY MR. FLORES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. FLORES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 190, not voting 11, as follows:

[Roll No. 296]

## AYES—233

Aderholt Gosar  
 Alexander Gowdy  
 Amash Granger  
 Amodei Graves (GA)  
 Bachmann Graves (MO)  
 Bachus Green, Gene  
 Barletta Griffin (AR)  
 Barr Griffith (VA)  
 Barrow (GA) Grimm  
 Barton Guthrie  
 Benishek Hall  
 Bentivolio Hanna  
 Bilirakis Harper  
 Bishop (UT) Harris  
 Black Hastings (WA)  
 Blackburn Heck (NV)  
 Bonner Hensarling  
 Boustany Herrera Beutler  
 Brady (TX) Holding  
 Braley (IA) Hudson  
 Bridenstine Huelskamp  
 Brooks (AL) Huizenga (MI)  
 Brooks (IN) Hultgren  
 Broun (GA) Hunter  
 Buchanan Hurt  
 Bucshon Issa  
 Burgess Jenkins  
 Calvert Johnson (OH)  
 Camp Johnson, Sam  
 Cantor Jones  
 Capito Jordan  
 Carter Joyce  
 Cassidy Kelly (PA)  
 Chabot King (IA)  
 Chaffetz Kingston  
 Coble Kinzinger (IL)  
 Coffman Kline  
 Cole Labrador  
 Collins (GA) LaMalfa  
 Collins (NY) Lamborn  
 Conaway Lance  
 Cook Lankford  
 Costa Latham  
 Cotton LaTo  
 Cramer LoBiondo  
 Crawford Long  
 Crenshaw Lucas  
 Cuellar Luetkemeyer  
 Culberson Lummis  
 Daines Marchant  
 Davis, Rodney Marino  
 Denham Massie  
 Dent Matheson  
 DeSantis McCarthy (CA)  
 DesJarlais McCaul  
 Diaz-Balart McClintock  
 Duffy McHenry  
 Duncan (SC) McKeon  
 Duncan (TN) McKinley  
 Ellmers Meadows  
 Farenthold Meehan  
 Fleischmann Messer  
 Fleming Mica  
 Flores Miller (FL)  
 Forbes Miller (MI)  
 Fortenberry Miller, Gary  
 Foxx Mullin  
 Franks (AZ) Mulvaney  
 Frelinghuysen Murphy (PA)  
 Gallego Neugebauer  
 Gardner Noem  
 Garrett Nugent  
 Gerlach Nunnelee  
 Gibbs Olson  
 Gibson Owens  
 Gingrey (GA) Palazzo  
 Gohmert Paulsen  
 Goodlatte Pearce

## NOES—190

Andrews  
 Barber  
 Beatty  
 Becerra  
 Bera (CA)  
 Bishop (GA)  
 Bishop (NY)  
 Blumenauer

Perry  
 Peterson  
 Petri  
 Pittenger  
 Pitts  
 Poe (TX)  
 Pompeo  
 Posey  
 Price (GA)  
 Radel  
 Reed  
 Reichert  
 Ribble  
 Rice (SC)  
 Rigell  
 Roby  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rokita  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Ross  
 Rothfus  
 Royce  
 Runyan  
 Ryan (WI)  
 Salmon  
 Sanford  
 Scalise  
 Schock  
 Schweikert  
 Scott, Austin  
 Sensenbrenner  
 Sessions  
 Shimkus  
 Shuster  
 Simpson  
 Smith (MO)  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Southerland  
 Stivers  
 Stockman  
 Stutzman  
 Terry  
 Thompson (PA)  
 Thornberry  
 Tiberi  
 Tipton  
 Turner  
 Upton  
 Valadao  
 Vela  
 Wagner  
 Walberg  
 Walden  
 Walorski  
 Weber (TX)  
 Webster (FL)  
 Wenstrup  
 Westmoreland  
 Whitfield  
 Williams  
 Wilson (SC)  
 Wittman  
 Wolf  
 Womack  
 Woodall  
 Yoder  
 Yoho  
 Young (AK)  
 Young (IN)

Clarke  
 Clay  
 Cleaver  
 Clyburn  
 Cohen  
 Connolly  
 Conyers  
 Cooper  
 Courtney  
 Crowley  
 Cummings  
 Davis (CA)  
 Davis, Danny  
 DeFazio  
 DeGette  
 Delaney  
 DeLauro  
 DelBene  
 Deutch  
 Dingell  
 Doggett  
 Doyle  
 Duckworth  
 Edwards  
 Ellison  
 Engel  
 Enyart  
 Eshoo  
 Esty  
 Farr  
 Fattah  
 Fitzpatrick  
 Foster  
 Frankel (FL)  
 Fudge  
 Gabbard  
 Garamendi  
 Garcia  
 Grayson  
 Green, Al  
 Grijalva  
 Gutiérrez  
 Hahn  
 Hanabusa  
 Hastings (FL)  
 Heck (WA)  
 Higgins  
 Himes  
 Hinojosa  
 Holt  
 Honda  
 Horsford  
 Hoyer  
 Huffman  
 Israel  
 Jackson Lee  
 Jeffries  
 Johnson (GA)  
 Johnson, E. B.  
 Kaptur  
 Keating  
 Kelly (IL)  
 Kennedy  
 Kildee  
 Kilmer  
 Kind  
 King (NY)  
 Kirkpatrick  
 Kuster  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Lee (CA)  
 Levin  
 Lewis  
 Lipinski  
 Loeb sack  
 Lofgren  
 Lowenthal  
 Lowey  
 Lujan Grisham  
 (NM)  
 Luján, Ben Ray  
 (NM)  
 Lynch  
 Maffei  
 Maloney  
 Carolyn  
 Maloney, Sean  
 Markey  
 Matsui  
 McCollum  
 McDermott  
 McGovern  
 McIntyre  
 McNerney  
 Meeks  
 Meng  
 Michaud  
 Miller, George  
 Moore  
 Moran  
 Murphy (FL)  
 Nadler  
 Napolitano  
 Neal  
 Negrete McLeod  
 Nolan  
 O'Rourke  
 Pallone  
 Pascrell  
 Pastor (AZ)  
 Payne  
 Pelosi  
 Perlmutter  
 Peters (CA)  
 Peters (MI)  
 Pingree (ME)  
 Pocan  
 Polis  
 Price (NC)  
 Quigley  
 Rahall  
 Rangel  
 Richmond  
 Roybal-Allard  
 Ruiz  
 Ruppersberger  
 Rush  
 Ryan (OH)  
 Sánchez, Linda  
 T.  
 Sanchez, Loretta  
 Sarbanes  
 Schakowsky  
 Schiff  
 Schneider  
 Schrader  
 Schwartz  
 Scott (VA)  
 Scott, David  
 Serrano  
 Sewell (AL)  
 Shea-Porter  
 Sherman  
 Sinema  
 Sires  
 Slaughter  
 Speier  
 Swalwell (CA)  
 Takano  
 Thompson (CA)  
 Thompson (MS)  
 Tierney  
 Titus  
 Tonko  
 Tsongas  
 Van Hollen  
 Vargas  
 Veasey  
 Velázquez  
 Visclosky  
 Walz  
 Wasserman  
 Schultz  
 Waters  
 Watt  
 Waxman  
 Welch  
 Wilson (FL)  
 Yarmuth

## NOT VOTING—11

Bass  
 Campbell  
 Fincher  
 Hartzler  
 McCarthy (NY)  
 McMorris  
 Rodgers  
 Nunes  
 Renacci  
 Smith (WA)  
 Stewart  
 Young (FL)

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining on this vote.

□ 1832

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. RENACCI. Mr. Chair, on rollcall No. 296 I was unavoidably detained and missed the vote. Had I been present, I would have voted “yes.”

AMENDMENT NO. 5, AS MODIFIED, OFFERED BY MR. CASSIDY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. CASSIDY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 185, not voting 11, as follows:

[Roll No. 297]

## AYES—238

Aderholt	Gosar	O'Rourke
Alexander	Gowdy	Olson
Amash	Granger	Palazzo
Amodei	Graves (GA)	Paulsen
Bachmann	Graves (MO)	Pearce
Bachus	Grayson	Perry
Barletta	Green, Al	Peterson
Barr	Green, Gene	Petri
Barton	Griffin (AR)	Pittenger
Benishkek	Guthrie	Pitts
Bentivolio	Holding	Poe (TX)
Bilirakis	Hanabusa	Pompeo
Bishop (GA)	Hanna	Possey
Bishop (UT)	Harper	Price (GA)
Black	Harris	Radel
Blackburn	Hastings (WA)	Reed
Bonner	Heck (NV)	Reichert
Boustany	Hensarling	Renacci
Brady (TX)	Herrera Beutler	Ribble
Bridenstine	Hinojosa	Rice (SC)
Brooks (AL)	Holding	Richmond
Brooks (IN)	Hudson	Rigell
Broun (GA)	Huelskamp	Roby
Buchanan	Huizenga (MI)	Roe (TN)
Buchson	Hultgren	Rogers (AL)
Burgess	Hunter	Rogers (KY)
Calvert	Hurt	Rogers (MI)
Camp	Issa	Rohrabacher
Cantor	Jackson Lee	Rokita
Capito	Jenkins	Rooney
Carter	Johnson (OH)	Ros-Lehtinen
Cassidy	Johnson, E. B.	Roskam
Castro (TX)	Johnson, Sam	Ross
Chabot	Jones	Rothfus
Chaffetz	Jordan	Royce
Clyburn	Joyce	Salmon
Coble	Kelly (PA)	Sanford
Coffman	King (IA)	Scalise
Cole	Kingston	Schock
Collins (GA)	Kinzing (IL)	Schweikert
Collins (NY)	Kline	Scott, Austin
Conaway	Labrador	Sessions
Cook	LaMalfa	Sewell (AL)
Cotton	Lamborn	Shimkus
Cramer	Lance	Shuster
Crawford	Lankford	Simpson
Crenshaw	Larson (CT)	Smith (MO)
Cuellar	Latham	Smith (NE)
Culberson	Latta	Smith (TX)
Daines	Long	Southerland
Davis, Rodney	Lucas	Stewart
Denham	Luetkemeyer	Stivers
Dent	Lummis	Stockman
DeSantis	Marchant	Stutzman
DesJarlais	Marino	Terry
Diaz-Balart	Massie	Thompson (MS)
Doggett	Matheson	Thompson (PA)
Duffy	McCarthy (CA)	Thornberry
Duncan (SC)	McCaul	Tiberi
Duncan (TN)	McClintock	Tipton
Ellmers	McHenry	Turner
Farenthold	McKeon	Valadao
Fitzpatrick	McKinley	Veasey
Fleischmann	Meadows	Vela
Fleming	Meehan	Wagner
Flores	Messer	Walberg
Forbes	Mica	Walden
Fortenberry	Michaud	Walorski
Fox	Miller (FL)	Weber (TX)
Franks (AZ)	Miller (MI)	Webster (FL)
Galleo	Miller, Gary	Wenstrup
Gardner	Mullin	Whitfield
Garrett	Mulvaney	Williams
Gerlach	Murphy (PA)	Wilson (SC)
Gibbs	Neugebauer	Wittman
Gingrey (GA)	Noem	Wolf
Gohmert	Nugent	
Goodlatte	Nunnelee	

Womack  
Woodall

Yoder  
Yoho

Young (AK)  
Young (IN)

## NOES—185

Andrews	Hahn	Pastor (AZ)
Barber	Hastings (FL)	Payne
Barrow (GA)	Heck (WA)	Pelosi
Beatty	Higgins	Perlmutter
Becerra	Himes	Peters (CA)
Bera (CA)	Holt	Peters (MI)
Bishop (NY)	Honda	Pingree (ME)
Blumenauer	Horsford	Pocan
Bonamici	Hoyer	Polis
Brady (PA)	Huffman	Price (NC)
Braley (IA)	Israel	Quigley
Brown (FL)	Jeffries	Rahall
Brownley (CA)	Johnson (GA)	Rangel
Bustos	Kaptur	Roybal-Allard
Butterfield	Keating	Ruiz
Capps	Kelly (IL)	Runyan
Capuano	Kennedy	Ruppersberger
Cárdenas	Kildee	Rush
Carney	Kilmer	Ryan (OH)
Carson (IN)	Kind	Ryan (WI)
Cartwright	King (NY)	Sánchez, Linda
Castor (FL)	Kirkpatrick	T.
Chu	Kuster	Sanchez, Loretta
Cicilline	Langevin	Sarbanes
Clarke	Larsen (WA)	Schakowsky
Clay	Lee (CA)	Schiff
Cohen	Levin	Schneider
Connolly	Lewis	Schrader
Conyers	Lipinski	Schwartz
Cooper	LoBiondo	Scott (VA)
Costa	Loebach	Scott, David
Courtney	Lofgren	Sensenbrenner
Crowley	Lowenthal	Serrano
Cummings	Lowe	Shea-Porter
Davis (CA)	Lujan Grisham	Sherman
Davis, Danny	(NM)	Sinema
DeFazio	Luján, Ben Ray	Sires
DeGette	(NM)	Slaughter
Delaney	Lynch	Smith (NJ)
DeLauro	Maffei	Speier
DelBene	Maloney	Swalwell (CA)
Deutsch	Carolyn	Takano
Dingell	Maloney, Sean	Thompson (CA)
Dokita	Markey	Tierney
Doyle	Matsui	Titus
Duckworth	McCollum	Tonko
Edwards	McDermott	Tsongas
Ellison	McGovern	Upton
Engel	McIntyre	Van Hollen
Enyart	McNerney	Vargas
Eshoo	Meeks	Velázquez
Esty	Meng	Visclosky
Farr	Miller, George	Walz
Fattah	Moore	Wasserman
Foster	Moran	Schultz
Frankel (FL)	Murphy (FL)	Waters
Frelinghuysen	Nadler	Watt
Fudge	Napolitano	Waxman
Gabbard	Neal	Welch
Garamendi	Negrete McLeod	Westmoreland
Garcia	Nolan	Wilson (FL)
Gibson	Owens	Yarmuth
Grijalva	Pallone	
Grimm	Pascrell	
Gutiérrez		

## NOT VOTING—11

Bass	Hartzler	Smith (WA)
Campbell	McCarthy (NY)	Young (FL)
Cleaver	McMorris	
Fincher	Rodgers	
Griffith (VA)	Nunes	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining on this vote.

□ 1836

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 7 OFFERED BY MR. RIGELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. RIGELL) on which further proceedings were

postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 191, not voting 9, as follows:

[Roll No. 298]

## AYES—234

Aderholt	Gibson	Neugebauer
Alexander	Gingrey (GA)	Noem
Amash	Gohmert	Nugent
Amodei	Goodlatte	Nunnelee
Bachmann	Gosar	Olson
Bachus	Gowdy	Owens
Barletta	Granger	Palazzo
Barr	Graves (GA)	Paulsen
Barton	Graves (MO)	Pearce
Benishkek	Green, Gene	Perry
Bentivolio	Griffin (AR)	Petri
Bilirakis	Griffith (VA)	Pittenger
Bishop (UT)	Grimm	Pitts
Black	Guthrie	Poe (TX)
Blackburn	Hall	Pompeo
Bonner	Hanna	Possey
Boustany	Harper	Price (GA)
Brady (TX)	Harris	Radel
Bridenstine	Hastings (WA)	Rahall
Brooks (AL)	Heck (NV)	Reed
Brooks (IN)	Hensarling	Reichert
Broun (GA)	Herrera Beutler	Renacci
Buchanan	Hinojosa	Ribble
Buchson	Holding	Rice (SC)
Burgess	Hudson	Rigell
Calvert	Huelskamp	Roby
Camp	Huizenga (MI)	Roe (TN)
Cantor	Hultgren	Rogers (AL)
Capito	Hunter	Rogers (KY)
Carter	Hurt	Rogers (MI)
Cassidy	Issa	Rohrabacher
Chabot	Jenkins	Rokita
Chaffetz	Johnson (OH)	Rooney
Coble	Johnson, Sam	Ros-Lehtinen
Coffman	Jordan	Roskam
Cole	Joyce	Ross
Collins (GA)	Kelly (PA)	Rothfus
Collins (NY)	King (IA)	Royce
Conaway	King (NY)	Ruiz
Cook	Kingston	Ryan (WI)
Cooper	Kinzing (IL)	Salmon
Costa	Kline	Sanford
Cotton	Labrador	Scalise
Cramer	LaMalfa	Schock
Crawford	Lamborn	Schrader
Crenshaw	Lankford	Schweikert
Cuellar	Latham	Scott, Austin
Culberson	Latta	Sensenbrenner
Daines	Long	Sessions
Davis, Rodney	Lucas	Shimkus
Denham	Luetkemeyer	Shuster
Dent	Lummis	Simpson
DeSantis	Marchant	Smith (MO)
DesJarlais	Marino	Smith (NE)
Diaz-Balart	Massie	Smith (TX)
Duffy	Matheson	Southerland
Duncan (SC)	McCarthy (CA)	Stewart
Duncan (TN)	McCaul	Stivers
Ellmers	McClintock	Stockman
Farenthold	McHenry	Stutzman
Fitzpatrick	McKeon	Terry
Fleischmann	McKinley	Thompson (PA)
Fleming	Meadows	Thornberry
Flores	Meehan	Tiberi
Forbes	Messer	Tipton
Fortenberry	Mica	Turner
Fox	Miller (FL)	Upton
Franks (AZ)	Miller (MI)	Valadao
Galleo	Miller, Gary	Vela
Gardner	Mullin	Wagner
Garrett	Mulvaney	Walberg
Gerlach	Murphy (PA)	Walorski
Gibbs	Napolitano	

Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield

Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack

Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

## NOES—191

Andrews  
Barber  
Barrow (GA)  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleave  
Clyburn  
Cohen  
Connolly  
Conyers  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Frelinghuysen  
Fudge  
Gabbard  
Garamendi  
Garcia  
Grayson  
Green, Al  
Grijalva

Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Holt  
Honda  
Horsford  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
LoBiondo  
Loeback  
Lofgren  
Lowenthal  
Lowey  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Markey  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Neal  
Negrete McLeod

Nolan  
O'Rourke  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rangel  
Richmond  
Roybal-Allard  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (NJ)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

## NOT VOTING—9

Bass  
Campbell  
Fincher  
Hartzler

McCarthy (NY)  
McMorris  
Rodgers  
Nunes

Smith (WA)  
Young (FL)

□ 1840

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining on this vote.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mrs. McMORRIS RODGERS. Mr. Chair, on rollcall No. 291 on H.R. 1613, on Agreeing to the Amendment offered by Mr. GRAYSON of

Florida, I am not recorded because I was absent due to a death in the family. Had I been present, I would have voted "nay."

Mr. Speaker, on rollcall No. 292 on H.R. 1613, on Motion to Recommit, the Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act, I am not recorded because I was absent due to a death in the family. Had I been present, I would have voted "nay."

Mr. Speaker, on rollcall No. 293 on H.R. 1613, on Passage, the Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act, I am not recorded because I was absent due to a death in the family. Had I been present, I would have voted "yea."

Mr. Speaker, on rollcall No. 294 on H.R. 1864, on Motion to Suspend the Rules and Pass, to amend title 10, United States Code, to require an Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault, I am not recorded because I was absent due to a death in the family. Had I been present, I would have voted "yea."

Mr. Speaker, on rollcall No. 295 on H.R. 2231, on Agreeing to the Amendment offered by Mr. HASTINGS of Florida Amendment No. 2, I am not recorded because I was absent due to a death in the family. Had I been present, I would have voted "nay."

Mr. Speaker, on rollcall No. 296 on H.R. 2231, on Agreeing to the Amendment offered by Mr. FLORES of Texas Amendment No. 4, I am not recorded because I was absent due to a death in the family. Had I been present, I would have voted "yea."

Mr. Speaker, on rollcall No. 297 on H.R. 2231, on Agreeing to the Amendment offered by Mr. CASSIDY of Louisiana Amendment No. 5, I am not recorded because I was absent due to a death in the family. Had I been present, I would have voted "yea."

Mr. Speaker, on rollcall No. 298 on H.R. 2231, on Agreeing to the Amendment offered by Mr. RIGELL of Virginia Amendment No. 7, I am not recorded because I was absent due to a death in the family. Had I been present, I would have voted "yea."

Mr. HASTINGS of Washington. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MESSER) having assumed the chair, Mr. HULTGREN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2231) to amend the Outer Continental Shelf Lands Act to increase energy exploration and production on the Outer Continental Shelf, provide for equitable revenue sharing for all coastal States, implement the reorganization of the functions of the former Minerals Management Service into distinct and separate agencies, and for other purposes, had come to no resolution thereon.

## STUDENT LOANS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, House Republicans have acted to stop Federal student loan interest rates from doubling on July 1. Our assignment is turned in, while the President and his Democrat Senate are registering an incomplete.

Yesterday, I spoke with high school and college students about our Smarter Solutions for Students Act that removes the distraction of politics from the equation and permanently settles how interest rates are set.

The President requested a solution much like ours, but his own party in the Senate refused to pass the legislation.

July 1 is coming, and students know that means interest rates will double if the President doesn't lead and the Senate doesn't act. Political procrastination is what we are seeing from the President and Senate. It is a good thing they sell Red Bull in the cafeteria, because a Senate all-nighter on student loans might require some.

## SUPREME COURT DECISION ON VOTING RIGHTS ACT

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, I join with the Congressional Black Caucus to talk about this week's Supreme Court decision on the Voting Rights Act, which is a devastating blow to one of our most fundamental rights, and that is the right to vote.

I was born and raised in Texas and I vividly remember the days of Jim Crow, segregation, and the poll tax. The Supreme Court decision could turn the clock back to these very, very tragic days in our American history.

It is truly tragic how the majority of the Court has simply refused to acknowledge these real threats to our voting rights and turned its back on the law that people fought and died for.

Now is the time for urgent, bipartisan congressional action. We must defend the heart and soul of this democracy.

As our drum major for justice, Dr. Martin Luther King, once said, "Voting is the foundation stone for political action."

I am reminded of this every year when I march across the Edmund Pettus Bridge in Selma, Alabama, with our great warrior, Congressman JOHN LEWIS, who really sacrificed so much for justice and for freedom.

Truly, our votes are the bedrock of our democracy.

## BORDER SECURITY

(Mrs. LUMMIS asked and was given permission to address the House for 1 minute.)



Mrs. LUMMIS. Mr. Speaker, today in the Oversight and Government Reform Committee hearing on border security, we heard from border officials that the border is not secure, or more specifically we heard no response when we asked: Is the border secure or not? And they would not answer "yes" and they would not answer "no."

The American people have been asking for a secure border before we engage in comprehensive immigration reform for years. The fact that this administration and, quite frankly, previous administrations have not secured the border, makes it premature to address the Senate bill here in the House.

Comprehensive immigration reform must be preceded by a secure border.

□ 1850

#### VOTING RIGHTS ACT

(Ms. KELLY of Illinois asked and was given permission to address the House for 1 minute.)

Ms. KELLY of Illinois. Mr. Speaker, I rise today to urge my colleagues to right a shameful wrong committed by the Supreme Court and update the Voting Rights Act to restore an essential protection against voter discrimination.

By gutting the Voting Rights Act, the Court greatly dishonored those who fought and died to protect the rights of the disenfranchised, who continue to face pervasive voting discrimination. Recent efforts in parts of the country to impose voter ID laws, to limit access to early voting and to gerrymander districts to hinder the minority vote serve as irrefutable proof that voter discrimination remains a real threat to our democracy. The Voting Rights Act prevented discrimination in these cases, something it can't do as it exists now.

We must act immediately to fix the gaping hole in this vital protection of the right to vote. Each day that passes without a strong Voting Rights Act is another day justice is deferred. We have a moral imperative to act swiftly in a bipartisan manner to get this done. I urge my colleagues to act now.

#### VOTING RIGHTS ACT

(Mr. CARSON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. CARSON of Indiana. Mr. Speaker, earlier this week, the Supreme Court made a decision that threatens the right to vote for millions of Americans.

With this misguided decision, leaders in States with a history of discrimination can proceed unimpeded with plans to obstruct the civil rights of American citizens. Whether through gerrymandering or voter ID laws, like the one in my home State of Indiana, ef-

forts are being made to restrict the voting rights of minorities, low-income families and seniors.

I stand today to ask my colleagues in Congress to recognize the importance of preserving the right to vote for all Americans, regardless of background. As elected Representatives, we understand better than anyone that an open, equitable process is the very foundation and definition of our democracy.

Mr. Speaker, the Supreme Court called on Congress to act for the good of our country and our constituents. We must act boldly and quickly.

#### SAVE THE VOTING RIGHTS ACT OF 1965

(Mr. LEWIS asked and was given permission to address the House for 1 minute.)

Mr. LEWIS. Mr. Speaker, I ask—I beg—of all of our colleagues, Democrats and Republicans, to come together and save the Voting Rights Act of 1965.

I wish somehow, in some way, that members of the United States Supreme Court could come and walk in my shoes. I have seen hundreds and thousands of people stand in a movable line, asked to count the numbers of bubbles in a bar of soap, the number of jellybeans in a jar. I've seen too many of my sisters and brothers denied the right to register, denied the right to vote, simply because of the color of their skin.

We've come too far. We've made too much progress, Mr. Speaker, and we cannot go back—for the vote is precious. It is almost sacred. It is the most powerful, nonviolent tool we have in a democratic society, and no one, but no one—African American, Latino, White, Asian American, Native American—should be denied the right to participate in the democratic process. So let's come together and do what we should do, and what another generation of elected officials did.

#### STUDENT LOAN RATES

(Mr. BARBER asked and was given permission to address the House for 1 minute.)

Mr. BARBER. I am deeply discouraged that as we face the impending doubling of interest rates for student loans that House leadership will send us home tomorrow without a solution.

More than 7 million students, former students and their families in the United States, including more than 450,000 in my home State of Arizona, rely on these loans to help pay for college. Federal student loans are a critical tool for ensuring that educational opportunities remain open to as many Americans as possible.

Higher education is a critical economic engine for my State and for the Nation. Workers age 25 and older, with

a bachelor's degree, we know, earn 63 percent more than those with a high school diploma. These differences will only increase as the world economy becomes more competitive and technologically advanced.

I urge my colleagues on both sides of the aisle to stay here, not go home tomorrow, but stay here and work together to prevent student loan interest rates from doubling in 4 days. D-day is July 1, and we must act now to support the aspiring young Americans to get their college educations.

#### BALDWIN STREET MIDDLE SCHOOL, A SCHOOL TO WATCH

(Mr. HUIZENGA of Michigan asked and was given permission to address the House for 1 minute.)

Mr. HUIZENGA of Michigan. Mr. Speaker, I appreciate the opportunity today to do a little bragging about Baldwin Street Middle School, which came to visit me today from Hudsonville, Michigan. They came to brag about their excellence and success as being designated a School to Watch.

That's a national program that goes in and identifies middle schools around the country that are very focused on innovation and success but also on improvement. Every single day, they are going into that building as administrators and as teachers to improve, not only the students, but themselves. And I think that is what we need more of here in education in the United States. They were also very proud to know that I had a staff member, Nate Bult, who is an alumni of that middle school. They were very, very proud to see him and the success that he has been able to have.

So, again, I just want to congratulate Baldwin Street Middle School in Hudsonville, Michigan, for their dedication to the students of the Second District and for their willingness to put the students and innovation above any of themselves as they serve our community.

#### VOTING RIGHTS ACT

(Mr. HORSFORD asked and was given permission to address the House for 1 minute.)

Mr. HORSFORD. Let me just say it's good to see the freshman class president from the other side at the Speaker's podium this evening.

Mr. Speaker, on Tuesday, the Supreme Court struck down critical parts of the Voting Rights Act, and I, like my colleagues, am deeply disappointed in this decision.

Justice Scalia said the Voting Rights Act is a "racial entitlement."

Voting is not a racial entitlement. It is a right for every eligible voting age citizen. It is an American entitlement.

Voter suppression tactics have become more sophisticated, but they

have not disappeared. The Voting Rights Act blocked more than 1,000 voting law changes between 1982 and 2006, and last year alone, the Voting Rights Act stopped a voter ID law in Texas and a Florida law that eliminated early voting days.

Now it has fallen to Congress to safeguard our most sacred right, and I will work with anyone from either party who understands the need to protect this fundamental right. I urge this body to work together to fix the Voting Rights Act.

#### VOTING RIGHTS ACT

(Ms. SEWELL of Alabama asked and was given permission to address the House for 1 minute.)

Ms. SEWELL of Alabama. Mr. Speaker, I stand today to join with my colleagues in expressing my deep disappointment in the Supreme Court's decision on the Voting Rights Act. I stand not just as a Member of Congress but as a Member of Congress who represents Selma, Alabama. I stand not only as a Member who represents Selma, Alabama, but also as a native of Selma.

I can tell you that, as I think about the Edmund Pettus Bridge each and every time I go home, I think about JOHN LEWIS and of so many foot soldiers who dedicated their lives for the right to vote. I know that I would not be able to stand in this well had it not been for their fight.

So I implore my colleagues: we as elected officials cannot afford to not protect the right to vote. It is sacred, our right to vote. I think that the only way that we, with dignity, can continue as elected officials is if we protect each and every person's right to vote in America. So I implore us to work together to figure out a coverage formula that will work. I also urge all of us to remember what it's like to see JOHN LEWIS in this well. JOHN LEWIS is the face of voting rights in America. I ask us to work together to figure out a formula to protect the right to vote.

□ 1900

#### INVESTIGATING POSSIBLE UNETHICAL ACTIVITIES

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. Mr. Speaker, we've had reports that HHS Secretary Sebelius has been soliciting funds from private companies to go and promote the President's health care law. In fact, there's a committee in Congress that's investigating these reports and how it would either potentially break the law or clearly violate ethics laws. In addition to that, now we're seeing reports that the Obama administration is pressuring the NFL and the NBA to go and promote their health care law.

It is unethical for the Obama administration to pressure organizations that they regulate to try to promote their policies. So if Secretary Sebelius or any other Federal administrator is using their power in the regulatory structure to go and pressure organizations to promote their policies, they need to stop it right now, Mr. Speaker; and we need to continue in the House our oversight investigations into any kind of unethical activities like those that are being reported.

#### STUDENT LOAN RATES

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Education is the key to prosperity in this country. Families know that. That's why they save up for college for their students, but the cost of college has become so expensive that they've had to borrow money. The interest rates now are absolutely ridiculous, but they're about to get even worse on July 1 because Congress has not acted.

Families across our country and in my State of New Hampshire are depending on Congress to fix this problem. We cannot allow these rates to double. These families cannot afford that. I am calling on Congress to stay here until we settle this, to think about those families across this country, put off that vacation, stay right here and work it out.

#### VOTING RIGHTS ACT

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, my friends across the aisle obviously are concerned about section 4 of the Voting Rights Act being struck down.

We debated the extension of the Voting Rights Act in the Judiciary Committee, and I have great respect for then-Chairman JOHN CONYERS. And as I mentioned to him privately, as well, there's no way it's going to avoid being violative of equal protection when you have, as was determined in 2009, five of the six original States that now have less racial disparity than the rest of the country and the worst racial disparity is in Massachusetts. You can't just cram a punishment down on States just because you have a majority when great work has been done by the Voting Rights Act. It has done a good thing, and it was time for a new formula so we could capture the States that showed such racial disparity.

I look forward to working with my friends across the aisle to subjecting Massachusetts and any other violators—I know there aren't any others that bad—to section 5, and I'm sure we can get that done.

#### VOTING RIGHTS ACT

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, my first babysitter was the Reverend Noah Albert Cleaver, my great-grandfather. He took care of me and my oldest sister every day after preschool. He lived to be 103 years old. I was in college when he died.

My grandpa, born in Cherokee County, Texas, who died in Ellis County, Texas, never voted, not one time in 103 years because they had to pay \$3.50 in a poll tax.

When the Supreme Court ruled on Tuesday saying that because of progress we don't need the voting rights any more, it's like having a cruise ship require everyone wear some kind of life vest. The ship goes down, everybody is saved, and they say, Well, because everybody was saved, we don't need life vests any more. It was the life vests that saved them. It was the Voting Rights Act that caused the voter participation to rise.

I will not insult the death and life of my great-grandpa by not being as active as I can to reinstitute section 4 of the Voting Rights Act.

#### VOTING RIGHTS ACT

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker, I want to thank my colleagues for coming to the floor to discuss what I think is one of the most activist Court decisions probably in my lifetime.

When I was elected to Congress in 1992, it was the first time an African American won an election in Florida in 129 years in this body. And I can't stand in this body and not think about what happened in the 2000 election when we had a coup d'etat in this country, when 27,000 voters from my districts, Districts 7, 8, 9 and 10, their ballots were not counted and were thrown out because of poor equipment.

Let's don't talk about what happened 4 years later when Jeb Bush paid \$4 million to a company that took all of the people off the ballot that were not even felons.

In this recent election with this latest Governor, what did he do? They did away with Sunday voting because African Americans and others vote on Sunday.

So our work is cut out for us. The legislature for the first time put together a program that clearly lays out what we need to do to move forward. So I urge my colleagues to move forward in making sure that we reinstate section 4 of the Voting Rights Act.

## VOTING RIGHTS ACT

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute.)

Mr. CUMMINGS. Mr. Speaker, it is with great sadness that I stand here today to remark on the Supreme Court's terrible decision to roll back one of the most effective safeguards to Americans' fundamental right to vote. The Court's decision ignores the current reality that voter suppression is alive and well in the United States. We saw indisputable evidence of its presence just last year. We saw attempts to implement discriminatory and unnecessary voter ID laws. We saw attempts to shorten early vote periods that have had a significant impact on minority voters.

The ball is now in Congress' court. The Senate Judiciary Committee is already taking action to restore essential protections for minority voters, and I call on Speaker BOEHNER to exercise true leadership in the House.

Ladies and gentlemen, this is our watch, and we must guard our rights for ourselves and for generations yet unborn. We must act swiftly and decisively in a bipartisan manner as we did in 2006 to create a new formula to ensure that the Voting Rights Act can continue to be a powerful tool to protect voters from discrimination.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for Special Order speeches without prejudice to the possible resumption of legislative business.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 19. Concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

## HONORING JOHN DINGELL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Maryland (Mr. HOYER) is recognized for 60 minutes as the designee of the minority leader.

## GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1910

Mr. HOYER. Mr. Speaker, I am very pleased and honored to rise tonight to lead a Special Order which honors a great American, a great colleague, and a great legislator whose service to this country and to this institution have been unmatched. It is appropriate that we rise tonight—appropriate particularly in light of the action that was taken and has been discussed today on the Voting Rights Act.

Mr. Speaker, let me observe tangentially that the gentleman from Texas said something about cramming something down somebody's throat—the Voting Rights Act. I will remind my colleagues that it was passed 388-23 in this House and 98-0 in the Senate in 2006.

Let me say we honor a man tonight who not only voted for the Voting Rights Act in 1965, but has voted for every reauthorization of that act since that time. JOHN DINGELL came to Congress as a Member in 1955, winning a special election to fill the seat held by his father, John Dingell, Sr., who himself served from 1933-1955. JOHN DINGELL and his father have represented the people of southeastern Michigan in this House for eight decades. What an extraordinary testimony to the faith of their voters and the constancy and loyalty of their representation.

But very frankly, ladies and gentlemen, JOHN's story in Congress actually began earlier than 1955. It really began in 1938, which is to say JOHN DINGELL, a year before I was born, and I'm one of the older Members. He came here as a young House page. We don't have the pages anymore, but nearly all of us remember seeing the pages, wide-eyed, sitting along the desk up front, sitting in the back, listening to speeches and watching floor proceedings as they waited to carry messages. That was JOHN DINGELL three-quarters of a century ago. The House of Representatives has been part of his life, and he has been part of it, for 75 years.

On December 8, 1941, a day that will live in infamy, 15-year-old JOHN DINGELL was in this Chamber as President Franklin Delano Roosevelt stood at the rostrum and asked Congress to declare war against Japan, whose forces had just attacked Pearl Harbor on that day to which he referred as a "day that will live in infamy." President Roosevelt spoke these words:

With the unbounded determination of our people, we will gain the inevitable triumph.

Throughout his time in this House, as a page, as the son of a Congressman, as a Member himself, as a committee chairman, and as a leader on issues of national importance, JOHN DINGELL has taught us, who have served with him, that America's triumph is only inevitable if we bring to bear the unbounded determination of which President Roosevelt spoke.

In JOHN DINGELL's record 57 years and 188 days as a Member of Congress, he has approached our greatest challenges with his own unrivaled determination. In every Congress, for half a century, he continued his father's work of introducing legislation to expand health care coverage to all Americans, even in the many years when no one thought it possible to do so. But JOHN DINGELL stuck with it.

He stuck with it and eventually had the opportunity to help shape and vote for the Affordable Care Act, which will extend to millions and millions of Americans access to affordable, quality health care. Millions of Americans owe JOHN DINGELL a debt of gratitude for his faithfulness and the advocacy of their best interest.

JOHN, in fact, was presiding over this House when it enacted Medicare in 1965. I told you he voted for the Voting Rights Act in 1965, but he presided over the adoption of Medicare. And he helped write the Endangered Species Act, the Safe Drinking Water Act, and the 1990 Clean Air Act, among many historic pieces of legislation that he has authored, fought for, and seen adopted.

But JOHN has done more in this Chamber than shepherd key legislation to passage. He has been an unwavering voice for the working families and small business owners not just of southeastern Michigan, but of all America. He has been a giant in promoting and preserving the great American automobile industry and the millions of jobs that rely on it. He has been a mentor and a friend to me and so many current and former Members of the House.

My colleagues, JOHN DINGELL is a living link to an era when bipartisan compromise was a practiced reality, not just a slogan, not just something we say we're going to do, but something that was actually done. Members looked to JOHN DINGELL for his quick wit, his tenacious spirit, his extraordinary knowledge of legislation, and of the history of this House, and, yes, his warm heart.

JOHN loves this House and has always worked to preserve its collegiality and its good order. His unrivaled skill as a legislator is matched by his sense of decency, his integrity, and his devotion to country. And he has never lost that determination that was sparked as FDR called our Nation to arms and to service. JOHN DINGELL took up arms. He served in the United States Army from 1944-1946 as a second lieutenant who prepared to take part in the first wave of a planned invasion of Japan. Fortunately, that invasion did not occur; but JOHN DINGELL, as always, was ready, willing, and able.

JOHN DINGELL, my colleagues, as all of you know, has served America and its people for most of his life. But it is not the length of his service that we

honor alone. It is even more importantly the quality of his service, the depth of his commitment, and the strength of his character that we honor tonight, and JOHN DINGELL who we honor always.

We are all better Representatives because of his example. I congratulate my friend on 75 years—75 years—in the House of Representatives, 57 of them as a Member. JOHN DINGELL has, with diligence, faithfulness, extraordinary skill and judgment, courage and fidelity to God and country, lived up to President Roosevelt's words. He has served with unbounded determination, and he has led a triumphant life. What an example for us all.

A triumphant life not because he won every fight, but because he never gave up. He never was unfaithful to his oath of office. He was never unfaithful to his pledge to support working men and women and, yes, everybody in this country.

My colleagues, JOHN DINGELL today is much like Tennyson's Ulysses who said:

We are not now that strength which in old days moved heaven and Earth. That which we are, we are; on equal temper of heroic hearts, made weak by time and fate, but strong in will to strive, to seek, to find, and not to yield.

JOHN DINGELL, he pledged to his people when first elected to strive, to seek, to find, and not to yield.

□ 1920

And he has, indeed, done all of those. He has kept the faith, and we expect him to be keeping the faith for years to come, for that is the spirit of my friend, my colleague, a great legislator, a great American, JOHN DINGELL of Michigan.

At this time, Mr. Speaker, I yield back so Mr. BARROW can have the remaining balance of my time.

#### HONORING JOHN DINGELL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Georgia (Mr. BARROW) is recognized for the remainder of the hour as the designee of the minority leader.

Mr. BARROW of Georgia. Mr. Speaker, I rise today to honor my friend, Representative JOHN DINGELL, who, this month became the longest-serving Member of Congress in our Nation's history.

Representative DINGELL has taught literally thousands of Members of Congress how to do good things for the people we represent, a legacy he continues to build in his 30th term in the people's House.

I've had the honor to serve with Mr. DINGELL on the House Energy and Commerce Committee. As we all know, oftentimes our schedules don't allow us to stick around for an entire com-

mittee meeting, but I always make it a point to stay until Mr. DINGELL is finished. He is such a skilled cross-examiner that, by the time he's finished, we've heard the only questions that are worth asking, and we've got the only answers we're ever likely to get.

JOHN DINGELL's ability to reach across the aisle and find compromise is the cure for what ails this place, and I only hope that thousands more will get the opportunity to learn from the master.

I congratulate Mr. DINGELL on this historic milestone and for his over 57 years of service to our country.

At this time, Mr. Speaker, I'm pleased to yield to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Well, Mr. DINGELL, there are many aspects of life that I could comment on, for example, friendship.

Our families have known each other well over 75 years, going back to the relationship between your father and some of my relatives. It's been a long time. And I could talk about the friendship between yourself and your wife, Debbie, and our family for part of that time.

I could also talk about your accomplishments, and there have been so many. I remember when I first came, how we worked to clean up the Rouge River; and without your efforts, I think today it would be more like it was than it now is.

We could talk about health care and your historical role. We could talk about broader issues of clean water and clean air. We could talk about your devotion to the auto industry of this country and what would have happened all these years except for your dedication. And there are more accomplishments that I could talk about.

But instead, let me just say a few words about what struck me as you spoke a few weeks ago—was it?—as we were celebrating your tenure. And you spoke at some length. The rumor is that Debbie, a few times, said, cut it a bit shorter, but you went on; and the reason I think you did is what I want to speak about.

You began to talk about your years here, not in terms of the number of years, but what you have seen about this institution. And I think all of us who were there were glad that you continued to talk, because you've been here 55 years as a Member, and you've seen the changes, you've seen how there was a greater sense of working together in this place.

You saw and were a key part of sure differences and, with you, sometimes sharp questioning, but there was a greater feel of common purpose in this unparalleled institution, and you spoke how we have lost some of it.

So that's really what I wanted to focus on, because if anybody can speak about the need for all of us who work here and all of us who are Members

here, if there's anybody who can remind us of how the importance of this institution should determine how we relate to each other, it's JOHN DINGELL.

And I must confess, as I listened to your words, I felt that there had been something lost and that you reminded us it was vital that we regain. And it was interesting, you didn't really want to talk about anything else except your love for Debbie and this institution.

So you, in a sense, are Mr. Institution. And your belief in it, your belief in our need to remind ourselves as to how we must try to work together, how we must try to relate, how we must try to take our basic principles—and you really have them—to use them not as a wall, but as an opportunity to proceed.

So we owe you a lot. Your constituents owe you a lot, though you'll deny it. But all of us, I think, owe you immensely for the years you have served here, for your dedication, for your honesty, and for your reminding people in this institution why it was founded.

In that sense, I think you are the exemplar of what sparked this creation in its first place. Keep going, keep reminding, and I hope we'll begin to follow better than we have.

Mr. BARROW of Georgia. I thank the gentleman.

Mr. Speaker, at this time I am pleased to yield to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, Members, I rise tonight to honor a man that I'm proud to call a good friend and a mentor, JOHN DINGELL. Recently, JOHN became the longest-serving Member of the Congress, serving for 57 years, 5 months, and 26 days, surpassing the service record of the late Senator Robert C. Byrd.

JOHN has a storied career in the House of Representatives, and you'll hear a lot about that tonight and already have. He has served with 11 Presidents, congressional icons like Speaker Sam Rayburn from Texas, and had the opportunity to vote on landmark legislation like the 1964 Civil Rights Act.

He is the ultimate legislator for both Michigan and for America. He's also played an integral part in groundbreaking legislation, like the creation of the Medicare program, the National Environmental Policy Act, the Endangered Species Act, and the Clean Air Act, just to name a few.

I always think of him as chairman, though. Since 1996 I've been fortunate to serve on the House Energy and Commerce Committee, with JOHN as our committee leader for much of that time. While most associate JOHN's leadership on the committee with his tenacious government watchdog activities, I saw a leader that did not fall victim to the partisan politics that define the current House, but instead epitomized what we are here to do—the people's business.

□ 1930

He's a true legislator. It has truly been an honor to serve with him and learn from him, and, most importantly, to call him friend. He has a partner in his wonderful wife, Deborah, and a friend who, like my wife, Helen, allows us to serve our respective districts.

JOHN, I look forward to continuing our friendship and our work together.

Mr. BARROW of Georgia. I thank the gentleman.

Mr. Speaker, at this time I yield to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman from Georgia for holding this Special Order. It is truly right and fitting that we honor this legislative giant, this man who represents everything that this institution is all about. I have served with Mr. DINGELL for 37 years on the Energy and Commerce Committee. It has been an honor every day to serve with him.

I want to tell you two stories about Mr. DINGELL. A few years ago, the Energy and Commerce Committee was made a part of a conference committee that was going to create something called Farmer Mac, which was a new security that was going to be issued. Mr. DINGELL and I were not happy that Freddie Mac and Fannie Mae had been exempted from the Securities and Exchange Commission jurisdiction. We were not happy.

And so I arrived a little bit late to this conference, which was an Agriculture Committee conference with the Senate. I arrived and I sat next to Mr. DINGELL. At the time, I was the chairman of the Securities Subcommittee of the Energy and Commerce Committee. Mr. DINGELL had been doing all the negotiating. He turned to me about a half hour into the conference and just wrote out a note and passed it over to me. I read the note, and Mr. DINGELL got up and left the room. So I continued to negotiate on behalf of Mr. DINGELL and the Commerce Committee.

At the end of the day, we won everything that we were looking for. Farmer Mac securities were going to be regulated by the Securities and Exchange Commission. It wasn't going to be like Freddie Mac. It wasn't going to be like Fannie Mae. And so at the end of the conference, I just took the piece of paper and crumbled it up and threw it into the wastepaper basket and I walked out of the conference room.

About an hour later, we were out on the House floor and Kika de le Garza, chairman of the Agriculture Committee, came over to me and he had the piece of paper that was crumbled. He had actually gone into the wastepaper basket to see what was on the note that Mr. DINGELL had passed to me. And here is what the note says, as Kika de le Garza is reading it to me. It said:

Mr. Markey, we have just won the first two out of three issues with the Agriculture

Committee. Do not give an inch to them on the third issue.

And we did not. Chairman de le Garza looked at me and said, You Commerce Committee guys, you're not like the other people here in the House.

And that was JOHN DINGELL. It was an important issue. It was ensuring that the Securities Exchange Commission would in fact monitor these securities.

By the way, would we have not been better off all along than allowing these agencies to escape the scrutiny which they deserved?

And so that then brings me to the second little story. The seven most feared words ever uttered in Congress are words uttered by JOHN DINGELL as a witness is sitting at the table waiting for questioning, and those seven feared words are, "I am just a poor Polish lawyer." Because that's the beginning of a very bad day for a witness as Mr. DINGELL asks for explanations on detailed questions without any mercy shown to an unprepared witness.

For me, it's an honor to be here to honor JOHN DINGELL, who is still at the top of his game, still able to perform those same type of cross-examinations of witnesses as they tremble, knowing that this legislative giant is about to cross-examine.

I thank him for his service. I thank the wonderful Debbie for giving him to us for his service here. I thank him for the honor of being able to serve on that committee for 37 years with a legislative legend who will go down in history.

One of the first things he wants you to know when you got on that committee was that there was a map of the entire world—the globe—over his head; and he just wanted us to know, as we got on the committee, that that was the jurisdiction of the committee—the entire planet. And that is how he acted as that giant over all those years.

It was an honor to have served with you.

Mr. BARROW of Georgia. I want to thank the gentleman from Massachusetts and congratulate him on the be- atification he's received by the voters of his State as he's about to join the other body. I wish him every success in the Senate, to which I can add that the next most feared seven words uttered to any witness is, "Please answer the question 'yes' or 'no.'"

At this time, I am pleased to yield to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Thank you to the gentleman from the great State of Georgia.

It's an honor to lend my voice to that of several of my colleagues as we pay tribute to Representative JOHN DINGELL from the great State of Michigan. I am only in my third term in the House of Representatives so I can't profess to have known JOHN DINGELL as

long as most of my colleagues who have known this great gentleman for quite some time. But as anyone serving in this House soon learns, it doesn't take very much time to know JOHN DINGELL and to assess the greatness of this individual, one who carries himself with great humility, which I believe is his hallmark of representation.

His identity with common folks through our many conversations about the richness of the Polish culture and the embarking upon the American Dream of immigrants of that persuasion and of all persuasions who have tethered that dream for the betterment of individual and family opportunities is, I think, what drives this individual. His motivation to be a public servant is obvious. It's well-documented by his many years of service—57 years in this House and dating back to 1938 as a page.

His service to this Nation through the military, all of that driven, I believe, by the great, deep-rooted sense of opportunity that is borne by this Nation to many of those immigrants who traveled here and then developed that dream through generations to follow.

JOHN DINGELL is a person of greatness and a person whose institutional memory of so many issues in this House is called upon time and time again.

□ 1940

As a recently appointed member to the Energy and Commerce Committee, I marvel at the sense of involvement that he has had and his recall on the development of so many bills, bills that speak to the protection of our environment, making certain that the air we breathe, the water we drink, the soil that we cultivate is there for us for a better future. That resulted from JOHN DINGELL's passion.

His involvement in making certain that the auto industry was not only saved, but made stronger, a great commitment by JOHN DINGELL. His incorporation of the many acts of concern and compassion for those who require access and affordability to quality health care, well documented again; driven by the roots established by his dad that enabled him to bang that gavel when we were passing the Affordable Care Act in 2010.

So many, many stories in just a short time that I learned from this gentleman that empower me. His direction, his instruction, his concern, his guidance, his encouragement and his praise of any of us, routinely done by this very, very generous man, strengthens us and gives us that motivation to go forward. And what he has always taught us, what he has said to me repeatedly: your word is your honor in this business.

I can't help but think what the House would be like if it were filled with JOHN DINGELLS, where there was respect for

your colleagues, where there was drive and passion to make a difference for America's great many working families, where there was a sense of honor and respect for this work, and where there was this attachment to the American Dream that ennobles and empowers this arena. He has taught us the nobility—with a small “n”—of the art and science of politics. He will forever be the measuring stick of quality service and representation, the consummate Representative, JOHN DINGELL.

JOHN, it's an honor to serve with you. I wish you well as you continue to build upon your legacy. And thank you and Debbie for being such a well-respected, much-loved couple in this town, our Nation's Capital, Washington, D.C. God bless you, my friend.

Mr. BARROW of Georgia. I thank the gentleman for participating in this evening's Special Order.

At this time, Mr. Speaker, I'm very pleased to yield to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. I thank the gentleman for yielding.

Let me just say that, while we are obviously here to give honor and recognize the service of Mr. DINGELL, the honor, at least from where I stand, the honor is really all mine to be able to participate in this moment, Mr. Speaker.

I grew up in Michigan. I was born in 1958, 3 years after Mr. DINGELL began his service in this body. I grew up in Michigan politics. And if you come from Michigan and if you're interested in politics or government, you know a lot about JOHN DINGELL. His name is really synonymous not only with politics and government, but is synonymous with all the good that comes with service in government.

We hear so much these days, of course, about the public's opinion of the work that we do and the often cynical nature of public opinion when it comes to government. Well, JOHN really represents all the best in public service and has been a role model for so many people like me, who have had a chance to observe him and watch and learn from the great example that he sets.

He, after 21 years in this body, was joined by my uncle, Dale Kildee, my predecessor, who was elected to serve in the Congress in 1976. For 36 years, the two served together. So while I knew of Mr. DINGELL as an observer of politics as a young man as he and my uncle serving together so closely and so well, I felt like in many ways JOHN became a part, and we became a part, of his extended family. I have often felt that JOHN and Debbie are so close that I can always rely and count on them for counsel and advice and for friendship because it does feel very much like family.

For the whole time during that period that I knew JOHN, I didn't call him

JOHN; I always called him Mr. Chairman or Mr. DINGELL. I will never forget the first day on January 3, just 6 months ago, when I was sworn in Congress. I came over to shake his hand and I called him Mr. Chairman, and he said, No, call me JOHN; we are friends.

We represent an amazing and beautiful State. I always look at JOHN as a role model, as an example of somebody who, in a position of tremendous authority within this institution, understood how to advance the interests of the State of Michigan by balancing the very important need to be a great and protective steward of the natural beauty and natural assets that make Michigan such a unique place that we both love so much, but to also be able to keep and breathe life into the great capacity of the workforce, particularly of our great industry—and particularly the automotive industry, which was born in our State, and which JOHN has been such a careful advocate for and steward on behalf of. He has seen some difficult times and has helped to steer that industry through tough times, and now seeing it obviously have new life and new vitality. Much of that—a great deal of that—is attributable directly to his perseverance and his willingness to take on a fight and see it through to the very end.

There's no other issue more than health care that I think makes it clear the value of perseverance and the perseverance that he had demonstrated for so many years, term in and term out, reintroducing in this body something that his father first brought to the Congress, and that is the basic right of every American citizen to not ever have to go to bed at night worrying about whether their own health would stand between them and the long-term viability of their own family. JOHN was here not only to see that battle fought, but actually see it brought to a successful conclusion.

So 6 months ago, when I walked onto this floor and realized a dream that I had been contemplating for a very long time—to serve in what I think is still and always will be the greatest democratic body in the history of this planet—it was a great honor to become a Member of Congress; but perhaps an even greater honor, to be able to call JOHN DINGELL a colleague—not just a friend, not just a mentor, not just somebody that I had looked up to, but a person with whom I now serve.

I was elected to succeed my own uncle. I would like to think that we have some things in common, Mr. DINGELL. And one of the things is you were elected to represent your district to succeed your very own father. I think that what you've demonstrated is that you obviously have your first obligation to serve your Nation, to serve the interests of the people that you represent, but also to do great service to the legacy of your predecessor. I can

only imagine what your father must think, looking here and now seeing that not only have you taken up the mantle from him, but have served so long, but more importantly so ably in advancing the goals and the values that he embodied when he came here, and that you were able to see them through to fruition.

So thank you so much for allowing me just a few minutes as a freshman—with not a lot of old stories about the House, but with great admiration for the man who has been here for so long.

Mr. BARROW of Georgia. I thank the gentleman for his participation. I would note that he, like our honoree, exemplifies the truth that is written in Proverbs: A good name is rather to be chosen than great riches, and loving favor rather than silver or gold.

At this time, I am pleased to recognize the gentlelady from Maryland (Ms. EDWARDS).

Ms. EDWARDS. I want to thank my colleague, Mr. BARROW, for leading this Special Order.

I am just so honored really to be here to celebrate and honor somebody I call a friend, JOHN DINGELL.

I notice, as we're talking here today and as so many have approached the podium, that everyone who approaches says: JOHN DINGELL, my friend, my colleague, my mentor, someone I look up to, someone I respect. I would just like to say to my good friend from Michigan that I can't really change those words because they echo my own sentiments.

□ 1950

I want to share with you—and so many of us have talked about the long legislative legacy of JOHN DINGELL. As I sat here, Mr. DINGELL, I thought, well, I too, when you came into Congress, I had not been born yet. It was about 3 years before I entered the world. When you took that courageous vote in support of the Voting Rights Act and civil rights, I was 6-years-old. I recall at the time living here in the Washington metropolitan area that my father and mother used to bring us to this Capitol almost every Sunday after church. They would bring us and we would run up and down the east front of the Capitol. We would picnic on the west front of the Capitol.

I am thinking today how wonderful it is to know that there was someone who was in this institution who so valued this institution and who, even when I was a 6-year old, JOHN DINGELL was working to protect my rights. When I think about that, Mr. DINGELL, I think of all of the Members who lined up even before we began this Special Order and talked about the need to work in a bipartisan way to make sure that we create a formula for the Voting Rights Act that the Supreme Court would support, that institutes and puts into place the formula for the way that we

protect our voting rights in section 5 of the Voting Rights Act, and almost to one, including JOHN LEWIS, none of us would be here had you not had the courage to take that vote in 1964.

So it's such an honor to serve with you and to know that while that may have been the battle in 1964, that you are fully prepared to engage in the battle here in 2013, and what an honor that we all have the great privilege of being able to serve with JOHN DINGELL.

I almost think, and Mr. KILDEE mentioned this, but I almost think there is hardly anything that impacts our modern day laws that we can't attribute to the great hard work and public service of JOHN DINGELL. The fact that I got up this morning and turned on a faucet and ran a glass of water and was able to drink it and know that it was clean, was about JOHN DINGELL. That I walked outside today, and even on a stuffy day like this, knew that I could breathe air that was okay—we still have work to do, Mr. DINGELL—but to know that that clean air, and the cleaner we make our air, is attributed to JOHN DINGELL.

I think back to my grandmother who came to live with us at a point as she was aging—and it was actually just prior to the passage of Medicare—and how different families' lives are now because of the protections that they have for health care as they age and are disabled. Those things are attributable to the great work, the legislative legacy and the service of JOHN DINGELL.

So here we are today, and when I first came into Congress, I came in a different kind of way. One day JOHN DINGELL pulled me aside in the cloak room and he said, "Come sit down, I want to talk to you, I want to get to know you." And I was, frankly, afraid of him. I knew his history, I had watched several Energy and Commerce hearings, and I knew that he was a great friend of my predecessor—a great friend of my predecessor.

I sat down and I talked to him, and what I gained from JOHN DINGELL was the kind of honor and dedication that he has, and reverence that he has, for this institution. It is unlike any that we see, and we learn from that. So we talked, and we became friends.

Then a funny thing happened. Barack Obama was elected President of the United States, and an inauguration was coming forward, and again another reminder that JOHN DINGELL's 50 years of service are about this amazing legislative work, but it is also about the people of his district—the children, women, men, families, of his district.

There was a high school in his district—actually, I'm not quite sure it was still in his district, but at one time he represented that high school—and they had gotten the great gift of being able to play in the inaugural parade for President Obama. Somehow or other

things got confused and they were staying in a hotel that was many, many miles, a couple of hours away, from Washington, D.C., and they would have had to get up at 2:00 or 3:00 in the morning to get to the staging area on time. I represent a district just outside of Washington, D.C., in Maryland. JOHN DINGELL reached out to me and he told me this story, and I said, Well, maybe we can figure out something.

We found a high school out in Prince George's County, Maryland, and a parent-teacher organization and the students. They welcomed these students from Michigan that they didn't know at all into their high school. They fed them pizzas and sodas and everything. So the students were able to actually get to the inaugural parade on time.

JOHN DINGELL and I have been locked at the hand and the hip ever since. Those students were so grateful to him. What I saw in this great legislator is that the people of his district really did come first and he looked out for them, and they knew that he looked out for them. Like I said, I don't know whether he still represented them or not. I suppose over that 57 years, the way lines get drawn, at some point or other he did and he didn't, and he did and he didn't.

But whatever, he thought of them as his constituents and they thought of him as their Member of Congress. I thought that that is the kind of Member of Congress that I want to be. I think there are so many of us who serve in this institution who really do value it and who listen, who really listen to the message that JOHN DINGELL gave us about the need to work together and to preserve and protect our democracy by working in a kind of way that gives value and service to all of our communities and to this great Nation. So for that, I want to thank JOHN DINGELL for being such an important part of this institution and important part of the way I have learned to become a Member of Congress.

I want to say, just finally, on health care, when I came to the Congress, I had had an experience of not having had health care and getting very sick and going to an emergency room and having a lot of bills that I couldn't pay because I didn't have health insurance. When we gavelled in that health care bill, the Affordable Care Act, it was JOHN DINGELL sitting as speaker pro tempore who gavelled in the Affordable Care Act with the gavel that he used for Medicare.

Then during the course of that debate, I helped to gavel in the debate on health care. There was one moment that JOHN DINGELL was speaking on the floor about his father's experience and about his experience working on health care. I was sitting in as speaker pro tempore. Mr. DINGELL, I will never forget that picture because for me it was what we do as legislators, but it also

felt very personal, and it felt so wonderful to know that in your service you never stopped not a single day of the 57 years to make sure that millions of Americans like me could have health care that was quality and that was affordable and that was accessible. So I thank you so much for your service, and I am so honored to serve with you.

□ 2000

Mr. BARROW of Georgia. I thank the gentlelady.

At this time, I am pleased to recognize the gentlelady from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Thank you very much.

I would like to add my voice to the others here in speaking about this wonderful man, JOHN DINGELL, who, I'm sure, is quite embarrassed as we talk about him because he has a great deal of humility, which is rather unusual here, so he stands out for that.

When I first won election in 2006 and came in in early 2007, I knew about JOHN DINGELL. I had taught politics and history. I knew his great reputation as a legislator—I knew a lot about him—but what I didn't know about him is what I want to talk about.

When I first arrived, you heard a lot of people call him "friend" because he has a gift for friendship. He uses the words "my friend" all the time, and you believe him. He really has a gift for friendship.

So he said, Sit down here, my friend.

And I sat and I talked to the great JOHN DINGELL, and he asked me about me instead of telling me about him. I, too, was pretty overwhelmed at the idea that I was going to be this wonderful man's colleague. He has taught me a lot through the years, but any time you want a little bit of wisdom, we know you can just go sit with JOHN DINGELL. He sits there very quietly, and people come to him. If you just want to have a quiet chat, JOHN DINGELL is available. If you want to remind yourself that civility exists here in this Chamber, sit next to JOHN DINGELL because he is always civil; he is polite; he is intelligent; he is warm; and he cares about the people.

Now, he has done a wonderful job in representing Michigan, but he has always done a wonderful job in representing New Hampshire and every other State in the country. Through his legislation, we are so much better, but through his presence here, we as Members of Congress look better, too.

So I want to thank you, JOHN DINGELL, for all that you've done for me and for all of our colleagues and for this country. I wish you the best of health and many more years in serving America.

Mr. BARROW of Georgia. I thank the gentlelady.

Mr. Speaker, I recall the words of Thomas Carlyle. He was an advocate of the Great Man theory of history.



Carlyle wrote: "History is but the biography of great men." If that's true, then the legislative history of this country for over half a century has been but the biography of JOHN DINGELL.

With gratitude for the service, for the example, and for the friendship of our honoree and with the greatest of affection for our honoree, I yield to the gentleman from Michigan (Mr. DINGELL), who would like an opportunity at rebuttal.

Mr. DINGELL. I don't know whether to rebut or to agree.

I want to begin by thanking Mr. HOYER, our leader and our whip, and my dear friend Mr. BARROW, a wonderful, courageous gentleman from Georgia, who has to fight very hard to remain here.

I am proud that you are my friend. Thank you.

You, DAN KILDEE, bear a great family name. Your uncle was my dear friend. I am satisfied that he is going to be very, very proud of you, and I am grateful for your friendship.

I want to thank my old friend GENE GREEN from Texas for his kind words about me. He is a wonderful man. He has a wonderful wife. He is concerned with and cares about people.

And I want to say how much the remarks of my colleague from Maryland, DONNA EDWARDS, meant to me.

DONNA, you are a wonderful lady.

There is a story about her. I worked awfully hard to see to it that her predecessor was able to stay here, but, by golly, she was so good that he never stood a chance despite everything I could do to save him. She has made me proud that she is here. She is a great lady and full of goodness. The story she told about the kids was just a story about her goodness, because she saw to it that these wonderful young people had a place to stay here during the President's inauguration when they were going to play and march in the parade.

I want to say to my old friend SANDER LEVIN how grateful I am to him. Our families have been friends and have a history that's interwoven with affection and friendship going back into the 1920s when I was just a glint in my dad's eye.

I want to also say to Mr. MARKEY, our colleague who is going to be leaving us, how much we have cherished his friendship and his valuable service on the Commerce Committee and how proud I am of his service. He and I have had the opportunity of engaging in some fights over the jurisdiction of the committee when they were trying to raid the Commerce Committee, and we found—guess what?—when the fight was over, every time that he and I were involved in it, we had more jurisdiction than we'd had when we went into the fight.

To you, my wonderful friend CAROL SHEA-PORTER, what a wonderful lady

you are, and how proud we are that we have a friend like you here who cares about people and who works so hard for them, and I am proud of the words that you have said.

To my Polish colleague, PAUL TONKO from New York, we Polacks—and I am very proud to be a Pole—are very, very concerned about loyalty and friendship and about homes, and he certainly exemplifies that and the goodness.

I am proud of the little things I've been able to do while I've been here. I am prouder even still more of the people I've been able to serve and help, and I am very grateful for the friendship of the people of southeast Michigan. The legislature has redistricted me so many times that they can't find a place now that they can put me that I haven't served before. So I have a great deal to be grateful for.

My father was a wonderful public servant, and he taught me that we here are public servants. We are not masters of the people—we are their servants. This is reason for us to be particularly proud because that is the highest calling of all.

So to you, my colleagues, who have so graciously and kindly made this rather embarrassing evening possible for me, I express to you my thanks and my gratitude for your friendship and for reminding me that there still is the wonderful warmth of friendship and goodness in this institution. The lovely Deborah, my wife, and I thank you for your friendship and kindness.

To all of the other colleagues whom we are serving with now and those with whom we have served before who are no longer with us, we are grateful to them, and we are proud.

This is the greatest Nation in the world. We are part of the greatest experience and the greatest experiment in the history of mankind—an experiment in government, which gives equality and opportunity to all of us. We are reminded that serving and saving and protecting those people whom we serve and the values that they hold dear is a tremendously important concern, one which we are going to have to go to bat about again to see to it that the Voting Rights Act is extended because the protections of the rights of our people—the greatest of all in the right to vote—are not yet fully assured.

So, to all of my colleagues tonight who have been so gracious and kind to me, I express to you my thanks and gratitude. It's a privilege to serve with you. It's even a greater privilege to have you for friends and to have you be people up to whom I can look for your goodness and decency and concern and for the service which you so gladly and generously give to the people of the United States and to the people you represent in your different districts.

Mr. Speaker, with that, I yield back with great gratitude to my dear friend from Georgia and with my thanks to

all of my colleagues who have spoken excessively kindly about me tonight.

Ms. PELOSI. Mr. Speaker, on December 8, 1941, a page stood on the House floor as President Franklin Roosevelt spoke of a "date which will live in infamy" and asked the Congress to declare war on Japan.

The son of a Congressman, ready and willing to serve his country, this young man enlisted in the Army in 1944 and fought on distant shores in World War II. In 1955, he followed in the family tradition of public service, ran for his father's seat in Congress, and won.

Today, that page, that young man, is the Dean of the House and the longest-serving Member of Congress in history: JOHN DINGELL.

Over the course of nearly six decades, JOHN DINGELL has had a hand in almost every issue vital to the American people: from the air that we breathe and the water that we drink, to how the government serves its citizens, to essential consumer protections.

Yet, among his countless achievements, none hold greater significance than his contributions to the health of the American people. Indeed, it has been the constant theme of his career.

Health care was the family families—as his father had introduced the first-ever national health care legislation. In 1955, carrying forward that legacy, JOHN DINGELL ran for Congress on the platform of health care for all. In 1965, Medicare became the law of the land with the bang of JOHN DINGELL's gavel.

With each new Congress, he would introduce bills, hold hearings, build momentum for health reform. And in 2010, after half-a-century of fighting for his cause, he sat by President Obama's side to see the Affordable Care Act signed into law—a dream long overdue, a dream of the Dingell family, a dream finally realized for all Americans.

To work alongside JOHN DINGELL is to be inspired by his strength and passion, by the history of our institution, by the seriousness of our work. This year, we recognize JOHN DINGELL as the longest-serving Member in Congress. But it is not only about the length of his service—it is about the quality of his leadership.

It is an honor to serve with him as a colleague. It is a privilege to know him as a friend. It is a source of pride to work with this living legend in the Congress of the United States.

May we all continue to be moved and strengthened by the dedication, commitment, and conviction of the great JOHN DINGELL.

Mr. BARROW of Georgia. Mr. Speaker, I yield back the balance of my time.

□ 2010

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. RICE) laid before the House the following privileged concurrent resolution (S. Con. Res. 19) providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

The Clerk read the concurrent resolution, as follows:

S. CON RES. 19

*Resolved by the Senate (the House of Representatives concurring),* That when the Senate recesses or adjourns on any day from Thursday, June 27, 2013, through Friday, July 5, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, July 8, 2013, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, June 28, 2013, through Friday, July 5, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, July 8, 2013, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

#### ADJOURNMENT

Mr. KILDEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, Friday, June 28, 2013, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2005. A letter from the Acting Principal Deputy, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Frank J. Kisner, United States Air Force, and his advancement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

2006. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Robert R. Allardice, United States Air Force, and his advancement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

2007. A letter from the Acting Principal Deputy, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Douglas H. Owens, United States Air Force, and his advancement on the retired list in the grade of lieu-

tenant general; to the Committee on Armed Services.

2008. A letter from the Under Secretary, Department of Defense, transmitting a report on the Defense Production Act (DPA) Title III fund for Fiscal Year 2012; to the Committee on Financial Services.

2009. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations (Harris County, TX); [Internal Agency Docket No.: FEMA-B-1164] [Docket ID: FEMA-2013-0002] received June 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2010. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility (New Haven County, CT, et al.) [Docket ID: FEMA-2013-0002] [Internal Agency Docket No.: FEMA-8285] received June 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2011. A letter from the General Counsel and Agency Ethics Official, National Credit Union Administration, transmitting the Administration's final rule — Supplemental Standards of Ethical Conduct for Employees of the National Credit Union Administration (RIN: 3133-AE10) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2012. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "National Plan to Address Alzheimer's Disease: 2013 Update"; to the Committee on Energy and Commerce.

2013. A letter from the Acting Administrator, Environmental Protection Agency, transmitting the Agency's fifth report on the Drinking Water Infrastructure Needs Survey and Assessment for 2011; to the Committee on Energy and Commerce.

2014. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Energy Labeling Rule (RIN: 3084-AB15) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2015. A letter from the Office Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Revisions to Environmental Review for Renewal of Nuclear Power Plant Operating Licenses [NRC-2008-0608] (RIN: 3150-AI42) received June 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2016. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 13-35, Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2017. A letter from the Director, Defense Security Cooperation Agency, transmitting a notice of a proposed lease with the Government of Iraq (Transmittal No. 03-13) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2018. A letter from the Assistant Secretary, Department of Defense, transmitting Expenditure of Cooperative Threat Reduction Funds; to the Committee on Foreign Affairs.

2019. A letter from the Director, Office of Diversity Management and Equal Opportunity, Department of Defense, transmitting the Department's annual report for FY 2012 prepared in accordance with Section 203 of the Notification and Federal Employee Anti-

discrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2020. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending March 31, 2013; to the Committee on Oversight and Government Reform.

2021. A letter from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting the Department's Fiscal Year 2012 Annual Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002 Report; to the Committee on Oversight and Government Reform.

2022. A letter from the Chairman and Acting General Counsel, National Labor Relations Board, transmitting the Board's semiannual report from the office of the Inspector General for the period October 1, 2012 through March 31, 2013; to the Committee on Oversight and Government Reform.

2023. A letter from the Acting Chief, Division of Restoration and Recovery, Department of the Interior, transmitting the Department's final rule — Marine Mammals; Incidental Take During Specified Activities [Docket No.: FWS-R7-ES-2012-0043] (RIN: 1018-AY67) received June 14, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2024. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions in the Eastern Pacific Ocean [Docket No.: 120814337-3488-02] (RIN: 0648-BC44) received June 24, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2025. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; North and South Atlantic 2013 Commercial Swordfish Quotas [Docket No.: 121101598-3455-02] (RIN: 0648-XC334) received June 24, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2026. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; 5-Year Extension of Moratorium on Harvest of Gold Corals [Docket No.: 130103006-3477-02] (RIN: 0648-BC89) received June 24, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2027. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western Pacific Fisheries; Fishing in the Marianas Trench, Pacific Remote Islands, and Rose Atoll Marine National Monuments [Docket No.: 110819515-3444-02] (RIN: 0648-BA98) received June 24, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2028. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gag Management Measures [Docket No.: 121004516-3498-02] (RIN: 0648-

BC64) received June 24, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2029. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program [Docket No.: 110207108-3430-02] (RIN: 0648-BA82) received June 24, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2030. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Snapper-Grouper Fishery of the South Atlantic; 2013 Recreational Accountability Measure and Closure for South Atlantic Snowy Grouper [Docket No.: 0907271173-0629-03] (RIN: 0648-XC672) received June 24, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2031. A letter from the Attorney General, Department of Justice, transmitting notification that the Department has decided not to seek further review of the decision of the United States Court of Appeals for the Eleventh Circuit in the case of *United States v. Yimmi Bellaizac-Hurtado et al.*, Nos. 11-14049, 11-14227, 11-14310, and 11-14311, 700 F.3d 1245 (11th Cir. Nov. 6, 2012); to the Committee on the Judiciary.

2032. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Modification of Mandatory Label Information for Wine [Docket No.: TTB-2007-0065; T.D. TTB-114; Re: Notice No. 74] (RIN: 1513-AB36) received June 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2033. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Conclusive Presumption of Worthlessness of Debts [Notice 2013-35] received June 18, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2034. A letter from the Deputy Commissioner, Social Security Administration, transmitting a notification of a correction to the "Social Security and Supplemental Security Income (SSI) Statistics by Congressional District" report; to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. TITUS (for herself and Mr. SMITH of Washington):

H.R. 2529. A bill to amend title 38, United States Code, to amend the definition of the term "spouse" to recognize new State definitions of such term for the purpose of the laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. ROSKAM:

H.R. 2530. A bill to improve transparency and efficiency with respect to audits and communications between taxpayers and the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. ROSKAM:

H.R. 2531. A bill to prohibit the Internal Revenue Service from asking taxpayers

questions regarding religious, political, or social beliefs; to the Committee on Ways and Means.

By Mr. ROSKAM:

H.R. 2532. A bill to provide for the establishment of new procedures at the Internal Revenue Service, and for other purposes; to the Committee on Ways and Means.

By Mr. ROSKAM:

H.R. 2533. A bill to impose a moratorium on conferences held by the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. WHITFIELD (for himself and Ms. SCHWARTZ):

H.R. 2534. A bill to provide \$50,000,000,000 in new transportation infrastructure funding through bonding to empower States and local governments to complete significant infrastructure projects across all modes of transportation, including roads, bridges, rail and transit systems, ports, and inland waterways, and for other purposes; to the Committee on Ways and Means.

By Mr. BARR (for himself, Mr. LOEBACK, Mr. STIVERS, Mr. MEADOWS, and Mr. YOHIO):

H.R. 2535. A bill to cause increased seigniorage for the United States Mint leading to enhanced revenue to the Treasury and increased offsets to annual budget deficits in perpetuity, to require the Secretary of the Treasury to mint and issue coins commemorating and celebrating American Liberty, "The Union", and the American values and attributes of freedom, independence, civil governance, enlightenment, peace, strength, equality, democracy, and justice, to provide for the continued and concurrent production and distribution of existing presidentially-themed circulating and numismatic coinage designs, and for other purposes; to the Committee on Financial Services.

By Mrs. BROOKS of Indiana (for herself, Mr. POLIS, Mr. HANNA, Ms. DELBENE, Mrs. McMORRIS RODGERS, Mr. HUNTER, Mr. HONDA, Mrs. DAVIS of California, Mr. LANGEVIN, Mr. JOHNSON of Ohio, Mr. MESSER, and Mr. DELANEY):

H.R. 2536. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen elementary and secondary computer science education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GINGREY of Georgia:

H.R. 2537. A bill to amend title 49, United States Code, with respect to employee protective arrangements, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FITZPATRICK (for himself, Mr. ELLISON, Mr. HINOJOSA, Mr. CAPUANO, Mr. AL GREEN of Texas, Mr. JONES, Mr. RENACCI, and Mr. DUFFY):

H.R. 2538. A bill to amend the Fair Credit Reporting Act to clarify Federal law with respect to reporting positive consumer credit information to consumer reporting agencies by public utility or telecommunications companies, and for other purposes; to the Committee on Financial Services.

By Ms. SCHAKOWSKY (for herself, Mr. BRALEY of Iowa, Mr. CARTWRIGHT, Mr. DELANEY, Mr. ELLISON, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HOLT, Mr. HUFFMAN, Ms. LEE of California, Mr. LOEBACK, Ms. LOFGREN, Ms. MCCOLLUM, Mr. GEORGE MILLER of California, Mr. MORAN, Mr. POCAN, Mr. TAKANO, and Ms. WILSON of Florida):

H.R. 2539. A bill to amend the Internal Revenue Code of 1986 to extend certain provi-

sions of the renewable energy credit, and for other purposes; to the Committee on Ways and Means.

By Mr. CARTWRIGHT (for himself, Mr. ROONEY, Ms. KAPTUR, Ms. JENKINS, Mr. CASSIDY, Mr. RYAN of Ohio, Ms. SHEA-PORTER, Mr. CHABOT, and Ms. DUCKWORTH):

H.R. 2540. A bill to amend title 38, United States Code, to improve the authority of the Secretary of Veterans Affairs to hire psychiatrists; to the Committee on Veterans' Affairs.

By Mrs. HARTZLER (for herself, Mr. BROWN of Georgia, Mr. CHABOT, Mr. COLE, Mr. LUTKEMEYER, Mr. MULVANEY, Mrs. NOEM, Mr. KING of Iowa, Mrs. BLACKBURN, Mr. DESJARLAIS, Mr. FINCHER, Mr. ROE of Tennessee, Mr. LONG, Mr. CASSIDY, Mr. CARTER, Mr. JOHNSON of Ohio, Mr. RADEL, Mr. PALAZZO, Mr. SCHWEIKERT, Mr. BENISHEK, Mr. DESANTIS, Mr. MILLER of Florida, Mr. MEADOWS, and Mr. SMITH of Missouri):

H.R. 2541. A bill to allow certain off-duty law enforcement officers and retired law enforcement officers to carry a concealed firearm to protect children in a school zone; to the Committee on the Judiciary.

By Mr. BACHUS (for himself, Mr. GRAVES of Missouri, Mr. BARROW of Georgia, Mr. MATHESON, Mr. SMITH of Texas, Mr. COBLE, and Mr. ROKITA):

H.R. 2542. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. GRAVES of Missouri, Ms. LOFGREN, Ms. MOORE, and Mr. ISRAEL):

H.R. 2543. A bill to protect consumers from discriminatory State taxes on motor vehicle rentals; to the Committee on the Judiciary.

By Mr. SCHWEIKERT (for himself, Mr. LONG, Mr. SENSENBRENNER, Mr. RODNEY DAVIS of Illinois, and Mr. DESANTIS):

H.R. 2544. A bill to limit United States economic assistance and to oppose World Bank and International Monetary Fund assistance to the Government of Egypt; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT:

H.R. 2545. A bill to amend title XVIII of the Social Security Act to provide for an expert advisory panel regarding relative value scale process used under the Medicare physician fee schedule, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself, Mr. MARCHANT, Mr. SCHOCK, Mr. BOUTSTANY, and Mr. TIBERI):

H.R. 2546. A bill to protect financial transactions in the United States from enforcement of certain excise taxes imposed by any

foreign government, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO (for herself and Mr. MEEKS):

H.R. 2547. A bill to determine appropriate risk based capital requirements for community, mid-size, and regional institutions; to the Committee on Financial Services.

By Mr. ROYCE (for himself, Mr. ENGEL, Mr. SMITH of New Jersey, and Ms. BASS):

H.R. 2548. A bill to establish a comprehensive United States government policy to assist countries in sub-Saharan Africa to develop an appropriate mix of power solutions for more broadly distributed electricity access in order to support poverty alleviation and drive economic growth, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BROWNLEY of California (for herself, Mr. VARGAS, and Mrs. NAPOLITANO):

H.R. 2549. A bill to award grants to States to establish a Seal of Biliteracy program to recognize high-level student proficiency in speaking, reading, and writing in both English and a second language; to the Committee on Education and the Workforce.

By Mr. RUSH:

H.R. 2550. A bill to amend the Small Business Act to enhance services to small business concerns that are disadvantaged, and for other purposes; to the Committee on Small Business.

By Mr. RUSH:

H.R. 2551. A bill to amend the Small Business Act to ensure that certain Federal contracts are set aside for small businesses, to enhance services to small businesses that are disadvantaged, and for other purposes; to the Committee on Small Business, and in addition to the Committees on Financial Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE:

H.R. 2552. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Natural Resources.

By Ms. DELAURO (for herself, Mr. ISRAEL, Mr. ELLISON, Mr. TIERNEY, Mr. CICILLINE, Mr. MCGOVERN, Ms. MENG, Mr. MAFFEI, Mr. TONKO, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Mr. SARBANES, Mrs. CHRISTENSEN, Mr. BRALEY of Iowa, Mr. YARMUTH, Mr. RUSH, Ms. CHU, Ms. PINGREE of Maine, Mr. LARSON of Connecticut, Ms. NORTON, Mr. HONDA, Ms. ESHOO, Mr. LYNCH, Mr. WELCH, Mr. MICHAUD, Mr. SIRE, Ms. BORDALLO, Ms. SHEAPORTER, Ms. SPEIER, Mr. LOWENTHAL, Mr. POCAN, Mr. TAKANO, Mr. RICHMOND, Ms. ESTY, Mr. COURTNEY, Mr. PASCRELL, Mr. DEUTCH, Mr. LANGEVIN, Ms. BONAMICI, Ms. MCCOLLUM, Mrs. CAPPS, Mr. BLUMENAUER, Mr. CONYERS, Mr. AL GREEN of Texas, Mr. WATT, Mr. MORAN, Mr. GRIJALVA, Ms.

LEE of California, Mr. GARAMENDI, Mr. CARSON of Indiana, Mr. KEATING, Mr. VEASEY, Ms. DUCKWORTH, Mr. VAN HOLLEN, Ms. MATSUI, Mrs. KIRKPATRICK, Ms. LINDA T. SANCHEZ of California, Mr. LIPINSKI, Mr. HECK of Washington, Mr. SHERMAN, Mr. HIMES, Mr. PRICE of North Carolina, and Mr. FARR):

H.R. 2553. A bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Development Bank, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENHAM:

H.R. 2554. A bill to increase water storage availability at the New Melones Reservoir to provide additional water for areas served below the reservoir, and for other purposes; to the Committee on Natural Resources.

By Ms. ESTY (for herself and Mr. LARSON of Connecticut):

H.R. 2555. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mr. HONDA:

H.R. 2556. A bill to provide for the establishment of Vertical Centers of Excellence on Cybersecurity to create solutions to, and promote best practices for, industry-specific cybersecurity challenges; to the Committee on Science, Space, and Technology.

By Mr. SAM JOHNSON of Texas:

H.R. 2557. A bill to amend the Internal Revenue Code of 1986 to make imprisonment mandatory for unauthorized disclosure of returns and return information, unauthorized inspection of returns or return information, and willful oppression under color of law by officers and employees of the United States, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MAFFEI:

H.R. 2558. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of small business start-up savings accounts; to the Committee on Ways and Means.

By Mrs. CAROLYN B. MALONEY of New York:

H.R. 2559. A bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Government Reform, House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. TIERNEY, Mr. HINOJOSA, Mrs. CAPPS, Mr. ISRAEL, Ms. WILSON of Florida, Mr. CONYERS, Mrs. NAPOLITANO, Ms. NORTON, Ms. JACK-

SON LEE, Ms. SCHAKOWSKY, Mr. LARSEN of Washington, Ms. ESTY, Ms. BORDALLO, Mr. RYAN of Ohio, Mr. CÁRDENAS, Mr. MCGOVERN, Mr. MORAN, Mrs. NEGRETE MCLEOD, Mr. DINGELL, and Mr. SABLON):

H.R. 2560. A bill to amend the Workforce Investment Act of 1998 to support community college and industry partnerships, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PETERS of Michigan (for himself, Mr. BACHUS, Mrs. CAPITO, Mr. GRIMM, Mrs. CAROLYN B. MALONEY of New York, Mr. PETRI, Mr. POLIS, Ms. VELÁZQUEZ, Mrs. BEATTY, and Mr. STUTZMAN):

H.R. 2561. A bill to provide for the removal of default information from a borrower's credit report with respect to certain rehabilitated education loans; to the Committee on Financial Services.

By Mr. POLIS (for himself, Ms. DELAURO, Mr. MCGOVERN, and Mr. RANGEL):

H.R. 2562. A bill to authorize the Secretary of Agriculture to implement a certain interim final or final rule regarding nutrition programs under the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966; to the Committee on Education and the Workforce.

By Mr. QUIGLEY (for himself and Mr. WALZ):

H.R. 2563. A bill to amend the Internal Revenue Code of 1986 to allow the mortgage interest deduction with respect to boats only if the boat is used as the principal residence of the taxpayer; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 2564. A bill to extend the additional duty on ethanol; to the Committee on Ways and Means.

By Mr. RENACCI (for himself, Mr. MEEHAN, Mr. STIVERS, Mr. CHABOT, Mr. GIBBS, Mr. KELLY of Pennsylvania, Mr. JOHNSON of Ohio, Mr. HUIZENGA of Michigan, Mr. JOYCE, Mr. MASSIE, Mr. BOUSTANY, Mr. TIBERI, Mr. SAM JOHNSON of Texas, Mr. WILSON of South Carolina, Mr. WEBSTER of Florida, Mr. YOUNG of Indiana, Mr. MILLER of Florida, Mr. WENSTRUP, Mr. DELANEY, Mr. CARNEY, Mr. MARCHANT, Mr. ROSKAM, Mrs. BLACK, Mr. LABRADOR, Mr. JORDAN, Mr. NUGENT, Mr. ROTHFUS, Mr. GERLACH, Mr. AMODEI, Mr. MARINO, and Mr. GRIFFIN of Arkansas):

H.R. 2565. A bill to provide for the termination of employment of employees of the Internal Revenue Service who take certain official actions for political purposes; to the Committee on Ways and Means.

By Ms. SPEIER (for herself, Mrs. CAROLYN B. MALONEY of New York, Ms. CLARKE, Ms. BROWN of Florida, Mr. CARTWRIGHT, Mr. TIERNEY, Ms. SHEAPORTER, Mr. HOLT, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. MORAN, Ms. BASS, Ms. FRANKEL of Florida, Mr. PALMONE, Mr. BLUMENAUER, Mr. HONDA, Mr. MCGOVERN, and Mr. FARR):

H.R. 2566. A bill to modify the definition of armor piercing ammunition to better capture its capabilities; to the Committee on the Judiciary.

By Ms. SPEIER (for herself, Mrs. CAROLYN B. MALONEY of New York, Ms. CLARKE, Ms. BROWN of Florida, Mr. CARTWRIGHT, Mr. TIERNEY, Ms. SHEAPORTER, Mr. HOLT, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. MORAN, Ms.

FRANKEL of Florida, Mr. CLAY, Mr. PALLONE, Mr. BLUMENAUER, Mr. HONDA, Mr. MCGOVERN, and Mr. FARR):

H.R. 2567. A bill to require that all handguns manufactured, sold in, or imported into, the United States incorporate technology that precludes the average five year old child from operating the handgun when it is ready to fire; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY:

H.R. 2568. A bill to reauthorize the Essex National Heritage Area; to the Committee on Natural Resources.

By Mr. WELCH:

H.R. 2569. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Missisquoi River and the Trout River in the State of Vermont, as components of the National Wild and Scenic Rivers System; to the Committee on Natural Resources.

By Mr. ROSKAM:

H. Res. 280. A resolution expressing the sense of the House of Representatives regarding a taxpayer bill of rights; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself and Mr. ANDREWS):

H. Res. 281. A resolution expressing concern over persistent and credible reports of systematic, state-sanctioned organ harvesting from non-consenting prisoners of conscience, in the People's Republic of China, including from large numbers of Falun Gong practitioners imprisoned for their religious beliefs, and members of other religious and ethnic minority groups; to the Committee on Foreign Affairs.

By Mr. LEWIS (for himself, Ms. BASS, Mrs. BEATTY, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. BRALEY of Iowa, Ms. BROWN of Florida, Mr. CARSON of Indiana, Mr. CARTWRIGHT, Mrs. CHRISTENSEN, Mr. CICILLINE, Ms. CLARKE, Mr. COHEN, Mr. CONYERS, Mr. COSTA, Mr. CROWLEY, Mr. CUMMINGS, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. ELLISON, Mr. ENYART, Ms. HAHN, Mr. HASTINGS of Florida, Mr. HORSFORD, Ms. JACKSON LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KELLY of Illinois, Mr. KILDEE, Ms. LEE of California, Mrs. CAROLYN B. MALONEY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MEEKS, Ms. MENG, Ms. MOORE, Mr. NADLER, Ms. NORTON, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. RICHMOND, Mr. RUSH, Ms. LINDA T. SANCHEZ of California, Mr. SCHIFF, Mr. SCHOCK, Ms. SPEIER, Mr. THOMPSON of Mississippi, Mr. TONKO, Mr. WATT, and Ms. WILSON of Florida):

H. Res. 282. A resolution expressing the sense of the House of Representatives on Nelson Mandela International Day; to the Committee on Foreign Affairs.

By Mr. LEWIS:

H. Res. 283. A resolution expressing the sense of the House of Representatives that the United States should become an international human rights leader by ratifying and implementing certain core international conventions; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER (for himself, Mr. DAVID SCOTT of Georgia, Mr. SHUSTER, Mr. COHEN, Mr. BRIDENSTINE, Mr. LANCE, Mr. MORAN, Mr. DIAZ-BALART, Ms. JACKSON LEE, Ms. GRANGER, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. COTTON, Mr. MARINO, Mr. POE of Texas, Mr. GUTHRIE, Mr. STIVERS, Mrs. BEATTY, Ms. LORETTA SANCHEZ of California, Mr. MEEKS, Ms. BORDALLO, and Ms. MENG):

H. Res. 284. A resolution expressing the sense of the House of Representatives with respect to promoting energy security of European allies through opening up the Southern Gas Corridor; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. BARR introduced a bill (H.R. 2570) to exempt the vessel John Craig from certain requirements when operating on a portion of the Kentucky River, and for other purposes; which was referred to the Committee on Transportation and Infrastructure.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. TITUS:

H.R. 2529.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution, and Section 5 of Amendment XIV to the Constitution.

By Mr. ROSKAM:

H.R. 2530.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 18, which states "The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. ROSKAM:

H.R. 2531.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 18, which states "The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. ROSKAM:

H.R. 2532.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 18, which states "The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. ROSKAM:

H.R. 2533.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 18, which states "The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. WHITFIELD:

H.R. 2534.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, that grants Congress the power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. BARR:

H.R. 2535.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 5, which gives Congress the power "To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures." This is appropriate because this legislation sets forth new guidelines for designing and minting new "liberty" themed quarters, dimes, and half-dollars.

By Mrs. BROOKS of Indiana

H.R. 2536.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

By Mr. GINGREY of Georgia:

H.R. 2537.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution, which states, "The Congress shall have the power to regulate Commerce with foreign Nations, and among the several states, and with the Indian Tribes."

By Mr. FITZPATRICK:

H.R. 2538.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Ms. SCHAKOWSKY:

H.R. 2539.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII.

By Mr. CARTWRIGHT:

H.R. 2540.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution states "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;"

By Mrs. HARTZLER:

H.R. 2541.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 to prevent the infringement of the Second Amendment

of the United States Constitution which reads: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

By Mr. BACHUS:

H.R. 2542.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 of the United States Constitution, in that the legislation concerns the exercise of legislative powers generally granted to Congress by that section, including the exercise of those powers when delegated by Congress to the Executive; Article I, Sections 8 and 9 of the United States Constitution, in that the legislation concerns the exercise of specific legislative powers granted to Congress by those sections, including the exercise of those powers when delegated by Congress to the Executive; Article I, Section 8, clause 18 of the United States Constitution, in that the legislation exercises legislative power granted to Congress by that clause "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof;" and Article III, in that the legislation defines or affects powers of the Judiciary that are subject to legislation by Congress.

By Mr. COHEN:

H.R. 2543.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Article I, Section 8 of the United States Constitution.

By Mr. SCHWEIKERT:

H.R. 2544.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. McDERMOTT:

H.R. 2545.

Congress has the power to enact this legislation pursuant to the following:

Spending Clause (Art. I, Section 8, cl. 1)

By Mr. PRICE of Georgia:

H.R. 2546.

Congress has the power to enact this legislation pursuant to the following:

This bill makes changes to existing law relating to Article 1, Section 8, which provides that, "The Congress shall have power to lay and collect Taxes, Duties, Imposts, and Excises to pay debts and provide for the common defense and general welfare of the United States; but all Duties, Imposts, and Excises shall be uniform throughout the United States." The Secretary of the Treasury is responsible for collecting taxes at the Federal level. It is the purview of the Congress to determine which taxes the Secretary shall or shall not collect. Clarifying directions to the Secretary in regard to a foreign transaction tax will ease the administrative and compliance burden on the private financial sector and the federal government.

By Mrs. CAPITO:

H.R. 2547.

Congress has the power to enact this legislation pursuant to the following:

The Commerce Clause, Article I, Section 8, Clause 3 of the Constitution states that Congress shall have power to regulate the regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. ROYCE:

H.R. 2548.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution

By Ms. BROWNLEY of California:

H.R. 2549.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII

By Mr. RUSH:

H.R. 2550.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

"The Congress Shall have the Power "to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

By Mr. RUSH:

H.R. 2551.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

"The Congress Shall have the Power "to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

By Ms. DEGETTE:

H.R. 2552.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 and Article IV, section 3 of the Constitution of the United States.

By Ms. DELAURO:

H.R. 2553.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and Clause 3 of the United States Constitution

By Mr. DENHAM:

H.R. 2554.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the common defense and general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

By Ms. ESTY:

H.R. 2555.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. HONDA:

H.R. 2556.

Congress has the power to enact this legislation pursuant to the following:

section 8 of article I of the Constitution.

By Mr. SAM JOHNSON of Texas:

H.R. 2557.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. MAFFEI:

H.R. 2558.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8 of Article I of the United States Constitution which reads: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts, and provide for the common Defense and General Welfare of the United States; but all Duties and Imposts and Excises shall be uniform throughout the United States."

By Mrs. CAROLYN B. MALONEY of New York:

H.R. 2559.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power \*\*\* To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. GEORGE MILLER of California:

H.R. 2560.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

By Mr. PETERS of Michigan:

H.R. 2561.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

The United States Congress shall have power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. POLIS:

H.R. 2562.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress)

Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. QUIGLEY:

H.R. 2563.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to lay and collect taxes, duties, and imposts and excises, as enumerated in Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. RANGEL:

H.R. 2564.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. RENACCI:

H.R. 2565.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. SPEIER:

H.R. 2566.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Ms. SPEIER:

H.R. 2567.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Mr. TIERNEY:

H.R. 2568.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. WELCH:

H.R. 2569.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To...make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers,

and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof..

Mr. BARR:

H.R. 2570.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 14, which gives Congress the power "to make rules for the government and regulation of the land and naval forces." This is appropriate because this legislation involves the U.S. Coast Guard and licensing regulations for the captains of ships.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. GUTIÉRREZ, Mr. HOLT, and Mr. GOODLATTE.

H.R. 36: Ms. JENKINS, Mr. RODNEY DAVIS of Illinois, Mr. SHUSTER, Mr. POMPEO, and Mr. RADEL.

H.R. 107: Mr. NUGENT.

H.R. 129: Mr. NOLAN.

H.R. 140: Mr. PALAZZO.

H.R. 182: Mr. ELLISON.

H.R. 274: Mrs. NEGRETE MCLEOD, Mr. ELLISON, and Ms. BONAMICI.

H.R. 400: Mr. RUIZ and Mr. BRALEY of Iowa.

H.R. 451: Mr. ROSS.

H.R. 460: Mr. MCGOVERN.

H.R. 508: Mr. BACHUS, Mr. MCINTYRE, and Mr. CONNOLLY.

H.R. 533: Mr. COLE, Mr. GEORGE MILLER of California, and Ms. SHEA-PORTER.

H.R. 543: Ms. KAPTUR, Mr. YOUNG of Indiana, Mr. RENACCI, Ms. MOORE, Mr. COLE, and Mr. GRIFFITH of Virginia.

H.R. 556: Mr. DESANTIS.

H.R. 560: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 596: Mr. YOUNG of Alaska, Ms. SINEMA, Mr. SOUTHERLAND, and Mr. BRALEY of Iowa.

H.R. 610: Mr. PETRI.

H.R. 611: Mr. PETRI.

H.R. 632: Mr. CASSIDY.

H.R. 647: Mr. SOUTHERLAND and Mr. WALZ.

H.R. 685: Mr. JONES, Mr. BILIRAKIS, Mrs. NOEM, and Mr. JOHNSON of Ohio.

H.R. 688: Mr. PETERS of California.

H.R. 690: Mr. HOLT and Mr. VEASEY.

H.R. 698: Mr. CARSON of Indiana, Mr. MCKINLEY, and Mr. BENISHEK.

H.R. 721: Mr. MEADOWS, Mr. CARTER, and Mr. LOBIONDO.

H.R. 724: Mr. MARCHANT, Mr. BRADY of Texas, and Mr. MCKINLEY.

H.R. 727: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 755: Mr. POE of Texas, Mr. FLORES, Ms. GRANGER, Mr. SMITH of Texas, Mr. BARLETTA, Mr. MARKEY, and Mr. BRADY of Texas.

H.R. 760: Mrs. NEGRETE MCLEOD.

H.R. 761: Mr. DIAZ-BALART.

H.R. 769: Mr. ENGEL.

H.R. 798: Mr. RUIZ.

H.R. 850: Mr. GALLEGO.

H.R. 851: Mr. RUIZ.

H.R. 855: Mr. WILSON of South Carolina.

H.R. 871: Ms. MCCOLLUM and Mr. PETERSON.

H.R. 872: Mr. PETERSON.

H.R. 873: Ms. MCCOLLUM and Mr. PETERSON.

H.R. 904: Mr. HIGGINS.

H.R. 914: Mr. HARRIS.

H.R. 915: Mr. HIMES and Mr. MCGOVERN.

H.R. 919: Mrs. BUSTOS.

H.R. 924: Ms. HANABUSA.

H.R. 938: Ms. FOXX, Mr. LEWIS, Ms. GABBARD, Mr. COLE, Ms. LINDA T. SÁNCHEZ of California, and Mr. GARCIA.

H.R. 946: Mr. DESJARLAIS, Mr. POMPEO, and Mr. HALL.

H.R. 948: Mr. ROSKAM.

H.R. 1001: Mr. SALMON and Mr. ANDREWS.

H.R. 1014: Mr. TONKO and Mr. LOBIONDO.

H.R. 1078: Mr. WEBER of Texas.

H.R. 1079: Ms. LOFGREN.

H.R. 1129: Mr. KLINE.

H.R. 1179: Mr. NUGENT and Mr. CARSON of Indiana.

H.R. 1187: Mrs. NAPOLITANO.

H.R. 1250: Mr. NUGENT, Mr. TERRY, Mr. PALAZZO, and Mr. HALL.

H.R. 1254: Mr. MESSER, Mrs. BLACKBURN, Mr. GINGREY of Georgia, and Mr. TERRY.

H.R. 1310: Mr. SOUTHERLAND.

H.R. 1334: Mr. COHEN and Mr. LANGEVIN.

H.R. 1354: Mr. HALL and Mr. ROSS.

H.R. 1387: Ms. BONAMICI.

H.R. 1422: Mrs. BACHMANN, Mr. KLINE, Mrs. LUMMIS, Mr. FRANKS of Arizona, Mr. CRAMER, Mr. SCHWEIKERT, Mr. BROUN of Georgia, Mr. YOUNG of Alaska, and Mrs. HARTZLER.

H.R. 1428: Ms. CASTOR of Florida, Ms. MCCOLLUM, and Mr. GRIFFITH of Virginia.

H.R. 1440: Mr. SMITH of Missouri.

H.R. 1493: Mr. NUNNELEE.

H.R. 1507: Mr. PETRI, Mr. HOLT, Mr. YARMUTH, and Mr. PASCRELL.

H.R. 1508: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 1518: Mr. TONKO, Mr. WEBER of Texas, and Ms. WILSON of Florida.

H.R. 1528: Ms. MCCOLLUM.

H.R. 1529: Mr. DOGETT.

H.R. 1566: Mr. GRIMM.

H.R. 1593: Mr. POCAN.

H.R. 1598: Mr. COOPER.

H.R. 1616: Ms. SEWELL of Alabama and Ms. SCHWARTZ.

H.R. 1620: Mr. VEASEY and Mr. JOHNSON of Ohio.

H.R. 1645: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 1663: Mr. JONES.

H.R. 1683: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 1690: Mr. MCGOVERN and Ms. JENKINS.

H.R. 1692: Ms. LOFGREN, Mr. BISHOP of New York, Mr. LANGEVIN, and Mr. GEORGE MILLER of California.

H.R. 1695: Ms. FUDGE and Ms. SCHAKOWSKY.

H.R. 1699: Mr. O'ROURKE and Mr. HIMES.

H.R. 1726: Ms. CLARKE, Mr. NUNNELEE, Mrs. BACHMANN, and Mr. MCNERNEY.

H.R. 1743: Mr. CONNOLLY.

H.R. 1750: Mr. SCHWEIKERT, Mr. ALEXANDER, and Mr. KELLY of Pennsylvania.

H.R. 1764: Mr. LATHAM.

H.R. 1771: Mr. BROUN of Georgia, Mr. COFFMAN, Mr. MORAN, Mr. LAMALFA, Ms. JENKINS, Mr. CARSON of Indiana, and Mr. SHIMKUS.

H.R. 1779: Mr. RAHALL and Mr. LANKFORD.

H.R. 1812: Mr. VAN HOLLEN and Ms. LOFGREN.

H.R. 1823: Mrs. NAPOLITANO and Mr. KILMER.

H.R. 1825: Mr. FLORES and Mr. NUNNELEE.

H.R. 1827: Mr. WELCH.

H.R. 1830: Mr. MCNERNEY, Mr. VEASEY, Ms. MCCOLLUM, Mr. LEVIN, and Mrs. BACHMANN.

H.R. 1833: Mr. COHEN.

H.R. 1842: Mr. DELANEY.

H.R. 1852: Mr. DENHAM and Ms. FUDGE.

H.R. 1856: Mr. MILLER of Florida.

H.R. 1874: Mr. HUIZENGA of Michigan and Mr. HARPER.

H.R. 1878: Ms. LOFGREN and Mr. PASCRELL.

H.R. 1880: Ms. HANABUSA.

H.R. 1890: Mr. PETERS of California.

H.R. 1893: Mr. LEVIN and Mr. HONDA.

H.R. 1897: Ms. ROS-LEHTINEN and Mr. ROHR-ABACHER.

H.R. 1975: Ms. LOFGREN.

H.R. 1979: Mr. GARAMENDI.

H.R. 1998: Mr. GEORGE MILLER of California, Mr. COURTNEY, Mr. MCGOVERN, Mr. HOLT, Mrs. CAROLYN B. MALONEY of New York, and Mr. LEWIS.

H.R. 2000: Mr. CUMMINGS, Mr. MEEKS, and Mr. JEFFRIES.

H.R. 2002: Mr. JONES.

H.R. 2003: Ms. SLAUGHTER.

H.R. 2009: Mr. HENSARLING.

H.R. 2014: Mr. SALMON.

H.R. 2016: Ms. JACKSON LEE and Mrs. CAROLYN B. MALONEY of New York.

H.R. 2019: Mr. MULVANEY, Mr. BARROW of Georgia, Mr. JOHNSON of Ohio, and Mrs. HARTZLER.

H.R. 2023: Ms. LEE of California, Mr. ELLISON, and Ms. PINGREE of Maine.

H.R. 2026: Mr. GRIFFITH of Virginia and Mr. NUNNELEE.

H.R. 2027: Mr. JOHNSON of Ohio.

H.R. 2030: Mr. HOLT and Ms. LOFGREN.

H.R. 2052: Mr. SCHOCK and Mr. PAULSEN.

H.R. 2053: Mr. YOUNG of Indiana, Mrs. BLACK, Mr. GOODLATTE, and Mr. JOHNSON of Ohio.

H.R. 2055: Mr. STEWART.

H.R. 2061: Mr. RENACCI, Mr. CHAFFETZ, and Mr. CONAWAY.

H.R. 2068: Mr. COFFMAN, Ms. TITUS, Mr. GRIJALVA, and Mr. PERLMUTTER.

H.R. 2084: Mr. HONDA, Mr. RUNYAN, and Mr. HECK of Washington.

H.R. 2089: Mr. JOHNSON of Ohio.

H.R. 2125: Mr. WHITFIELD.

H.R. 2132: Mr. PETERS of California.

H.R. 2146: Mr. ISRAEL.

H.R. 2170: Mr. HONDA.

H.R. 2192: Mr. KLINE.

H.R. 2208: Mr. YOUNG of Alaska.

H.R. 2218: Mr. VISCLOSKEY, Mr. TERRY, and Mr. KLINE.

H.R. 2232: Mr. COFFMAN.

H.R. 2237: Ms. LEE of California.

H.R. 2241: Mr. MATHESON.

H.R. 2250: Mr. WELCH and Mr. HIMES.

H.R. 2273: Mr. OWENS.

H.R. 2274: Mr. HECK of Nevada.

H.R. 2288: Mr. CARSON of Indiana and Ms. ESTY.

H.R. 2290: Mr. PETERS of California.

H.R. 2300: Mr. SOUTHERLAND.

H.R. 2310: Mr. COLLINS of New York and Mr. MCGOVERN.

H.R. 2317: Mr. COHEN.

H.R. 2319: Mr. KLINE.

H.R. 2322: Mr. ELLISON.

H.R. 2328: Mr. WALBERG, Mr. RUPPERSBERGER, and Mr. JOHNSON of Ohio.

H.R. 2329: Mr. LONG.

H.R. 2360: Mr. CUMMINGS, Mr. RIGELL, and Mr. MARINO.

H.R. 2368: Mr. TONKO and Ms. ESTY.

H.R. 2369: Mr. CONYERS.

H.R. 2370: Mr. CONYERS.

H.R. 2371: Mr. CONYERS.

H.R. 2372: Mr. CONYERS.

H.R. 2375: Mr. STIVERS, Mr. KING of New York, Mr. RYAN of Ohio, Mr. COBLE, Mr. MEADOWS, and Mr. TERRY.

H.R. 2389: Mr. COBLE.

H.R. 2403: Mr. NUNNELEE.

H.R. 2405: Mr. CONYERS.

H.R. 2407: Mr. KING of New York.

H.R. 2408: Mr. JOHNSON of Ohio.

H.R. 2422: Mr. HONDA.

H.R. 2446: Mr. GARY G. MILLER of California.

H.R. 2455: Mr. YOUNG of Alaska.

H.R. 2458: Mr. ROSKAM.

H.R. 2459: Mr. HOLT and Mr. HIMES.

H.R. 2464: Mr. JEFFRIES, Ms. CLARKE, Mr. RUSH, and Ms. KUSTER.

H.R. 2465: Mr. RICHMOND, Mr. JEFFRIES, Ms. CLARKE, Mr. RUSH, and Ms. KUSTER.



H.R. 2472: Mr. MEADOWS and Mr. HUIZENGA of Michigan.

H.R. 2473: Mr. MEADOWS and Mr. HUIZENGA of Michigan.

H.R. 2479: Mr. HUFFMAN.

H.R. 2492: Mr. NUGENT.

H.R. 2498: Mr. ENYART.

H.R. 2501: Mr. GRIFFIN of Arkansas, Mr. HUNTER, Mr. COLE, Mr. AUSTIN SCOTT of Georgia, Mrs. MILLER of Michigan, Mr. TIP-TON, and Mr. BENISHEK.

H.R. 2504: Mr. BLUMENAUER and Mr. CICILLINE.

H.R. 2507: Mr. POSEY and Mr. DUNCAN of Tennessee.

H.R. 2511: Mr. MEADOWS.

H.R. 2514: Mr. COLLINS of New York.

H.R. 2523: Ms. MICHELLE LUJAN GRISHAM of New Mexico and Mr. MURPHY of Florida.

H.R. 2526: Mr. CONYERS.

H.J. Res. 47: Mr. GRIFFIN of Arkansas and Mr. TERRY.

H. Con. Res. 40: Mr. COBLE.

H. Con. Res. 41: Mr. CONYERS, Mr. COBLE, and Mr. SAM JOHNSON of Texas.

H. Res. 35: Mr. BARLETTA.

H. Res. 75: Mr. NUNNELEE.

H. Res. 111: Mr. COBLE and Mr. WHITFIELD.

H. Res. 112: Mr. FATTAH, Mrs. KIRKPATRICK, Mr. LANGEVIN, Mr. MILLER of Florida, and Mr. MESSER.

H. Res. 129: Mr. GOODLATTE.

H. Res. 131: Mr. ROYCE.

H. Res. 135: Ms. MCCOLLUM and Ms. KUSTER.

H. Res. 190: Ms. ESTY, Mr. CARSON of Indiana, and Mr. HARRIS.

H. Res. 208: Mr. CARTWRIGHT, Ms. SCHA-KOWSKY, Ms. SCHWARTZ, Mr. QUIGLEY, Mr. PETERS of California, Mr. LANGEVIN, Mr. BISHOP of New York, Ms. LOFGREN, and Mr. PASCRELL.

H. Res. 213: Ms. BONAMICI and Mr. COHEN.

H. Res. 222: Mr. KING of New York, Mr. LANGEVIN, Mr. ROYCE, Mr. WILLIAMS, Mr. LAMBORN, Mr. CARSON of Indiana, Mr. MCGOVERN, and Mr. LOWENTHAL.

H. Res. 247: Mr. TIERNEY.

H. Res. 273: Ms. ROS-LEHTINEN, Mr. CHABOT, Mr. MCCAUL, Mr. KINZINGER of Illinois, Mr. WEBER of Texas, Mr. YOHIO, Mr. SMITH of New Jersey, Mr. MARINO, Mr. MCKEON, and Mr. MEEKS.

## SENATE—Thursday, June 27, 2013

The Senate met at 9:30 a.m. and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Now unto You, O Heavenly Father, be all praise and glory, for You have filled our lives with wonderful blessings.

Give to our Senators the blessing of an inward calm that will enable them to thrive during days of gloom. Fill their minds with noble thoughts, energizing them to persevere in fulfilling Your purposes. May Your peace, passing understanding, dwell in their hearts and minds. With deliberate intentionality, help them to seek Your answers to our national problems.

We pray in Your mighty Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 27, 2013.  
TO THE SENATE:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. SCHATZ thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will resume

consideration of the immigration bill. The time until 11:30 will be equally divided between the two managers of the bill, Senators LEAHY and GRASSLEY. At 11:30 there will be three rollcall votes—one on confirmation of the Secretary of Transportation, Anthony Foxx; the next vote will be on adoption of the committee-reported substitute amendment; and then we will have cloture on the final bill, as amended, if amended. We hope to complete action on this immigration bill—I will talk about that in a minute.

Everyone knows we are poised to pass a historic immigration bill. It is landmark legislation that will secure our borders and help 11 million people get right with the law.

I have indicated that we have three votes this morning. We hope to be able to work something out so we can have a vote sometime late afternoon or evening. There is no reason, after these votes today, to delay this. If people want to delay it, they can, but it will point toward the inevitable, which will be about 6 o'clock tomorrow evening. We can either wrap this up today, have some final speeches, vote on it, or wait until tomorrow because during this 30 hours postcloture nothing can happen procedurally.

I once again applaud the Gang of 8 for their work, which is commendable and very important for this institution. Without their diligent efforts, we would never have been able to come this far.

I commend Chairman LEAHY for the work he did in the committee with the markup, which took place over many weeks. I commend him for his work on this bill as manager during the weeks it has been on the floor, and my friend CHARLES GRASSLEY. Senator GRASSLEY and I disagree on occasion about substantive issues but never on a personal issue. He is a very remarkably good Senator and a fine man. I have enjoyed my relationship with him all these many years.

Whenever the vote is scheduled, whether it is tomorrow or today, I am going to ask that Senators be seated for the vote. I have had a number of requests from Democrats and Republicans that we do this. They are absolutely right. This vote is important. No matter how you feel about the legislation, it is important enough that we should do that. When it comes time for the vote, whenever it is worked out, we are going to have Senators here on the floor. If not, I am going to have a live quorum to get everybody here. This is not a vote where people should be straggling in and raising their hands at

the Chair. We should have this in an orderly fashion.

I repeat, whenever we are able to schedule this vote, we are going to have people here before the vote starts or we will have a live quorum and get some activity in the Senate so we can do that.

My friend the Republican leader is not here. I would ask the Chair to announce the business of the day.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

### BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 744, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 744) to provide for comprehensive immigration reform, and for other purposes.

#### Pending:

Boxer/Landrieu amendment No. 1240, to require training for National Guard and Coast Guard officers and agents in training programs on border protection, immigration law enforcement, and how to address vulnerable populations, such as children and victims of crime.

Cruz amendment No. 1320, to replace title I of the bill with specific border security requirements, which shall be met before the Secretary of Homeland Security may process applications for registered immigrant status or blue card status and to avoid Department of Homeland Security budget reductions.

Leahy (for Reed) amendment No. 1224, to clarify the physical present requirements for merit-based immigrant visa applicants.

Reid amendment No. 1552 (to the language proposed to be stricken by the reported committee substitute amendment to the bill), to change the enactment date.

Reid amendment No. 1553 (to amendment No. 1552), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. will be equally divided and controlled between the two managers or their designees, with Senators permitted to speak for up to 10 minutes each.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, at the outset of the debate we have been engaged in, I expressed my hope that we could do something about our Nation's broken immigration system.

Millions of men and women are living among us without any documentation or certainty about what the future will bring for themselves or their families. Many of those who come here legally end up staying here illegally. We have no way of knowing who or where they are. And current law simply does not take into account the urgent needs of a modern rapidly changing economy.

Beyond all of this, it has long been a deep conviction of mine that from our earliest days as a people immigration has been a powerful force of renewal and national strength. Most of the people who have come here over the centuries have come as dreamers and risk-takers, looking for a chance for a better life for themselves and for their children.

I can think of no better example of this than my wife, who came here at age 8 in the cargo hull of a ship because her parents did not have the money for a plane ticket. When she entered the third grade at a public school in New York, she did not speak a word of English. Yet, in just a few short decades, she would be sworn in as a member of the President's Cabinet—an honor and an opportunity she could hardly have guessed at when she was just a little girl. This is the kind of story that has made this Nation what it is. Legal immigration makes that possible.

So, yes, I had wanted very much to be able to support a reform to our Nation's immigration laws. I knew it would be tough, and the politics are not particularly easy either. But the fact is that our constituents did not send us here to name post offices and pass Mother's Day resolutions; they sent us here to tackle the hard stuff too.

Broad bipartisan majorities agree that our immigration system needs updating. In my view we had an obligation to our constituents at least to try to do it, to try to do it together and in the process show the world we can still solve national problems around here and reaffirm the vital role legal immigration has played in our history. So it is with a great deal of regret—for me, at least—that the final bill did not turn out to be something I can support. The reason is fairly simple. As I see it, this bill does not meet the threshold test for success that I outlined at the start of this debate. It just does not say—to me, at least—that we have learned the lessons of 1986 and that we will not find ourselves right back in the same situation we found ourselves in after that reform.

If you cannot be reasonably certain the border is secure as a condition of legalization, there is no way to be sure millions more will not follow the illegal immigrants who are already here. As others have rightly pointed out, you also cannot be sure that further Congresses will not just reverse whatever

assurances we make today that border security will occur in the future. In other words, in the absence of a very firm results-based border security trigger, there is no way I can look at my constituents, look them in the eye and tell them that today's assurances will not become tomorrow's disappointments.

Since the bill before us does not include such a trigger, I will not be able to support it. It does not give any pleasure to say this or to vote against this bill. These are big problems. They need solving. I am deeply grateful to all the Members of my conference and their staffs who have devoted so much of their time and worked so hard over a period of many months to solve these problems. I am grateful to all of them.

While I will not be voting for this bill, I think it has to be said that there are real improvements in the bill. Current immigration policy, which prioritizes family-based immigration, has not changed in decades. This bill would take an important step toward the kind of skills-based immigration a growing economy requires. Through new and reformed visa programs, for instance, this bill would provide many of our most dynamic businesses with the opportunity to legally hire the workers they need to remain competitive and to expand. Some industries, such as construction, could and should have fared better, but on balance I think the improvements to legal immigration contained in the bill are very much a step in the right direction.

We have learned an important lesson in this debate. One thing I am fairly certain about is that we will never resolve the immigration problem on a bipartisan basis either now or in the future until we can prove—prove—that the border is secure as a condition for legalization. This, to me, continues to be the biggest hurdle to reform. Frankly, I cannot understand why there is such resistance to it—almost entirely, of course, on the other side. It seems pretty obvious to me, and I suspect to most Americans, that the first part of immigration reform should be proof that the border is secure. It is simply common sense.

Hopefully, Democrats now realize that this is the one necessary ingredient for success and they will be a little more willing to accept it as a condition for legalization because until they do, I for one cannot be confident that we have solved the problem, and I know a lot of others will not be confident either.

So this bill may pass the Senate today but not with my vote. In its current form, it will not become law. But the good news is this: The path to success, the path to actually making a law is fairly clear at this point. Success on immigration reform runs through the border. Let me say that again. Success on immigration reform runs through

the border. Looking ahead, I think it is safe to say that is where our focus should lie.

#### SENATE RULES

Mr. President, briefly on another matter, another day has passed and the majority leader has still not confirmed that he intends to keep his word, which was given back in January of this year, with regard to the rules of the Senate. To refresh the memory of my colleagues, we had a big discussion at the end of the year about the rules and procedures in the Senate on a bipartisan basis.

Out of those bipartisan discussions came two rules changes and two standing orders that were passed consistent with the current rules of the Senate. In the wake of that bipartisan agreement, the majority leader gave his word to the Senate that the issue of the rules under which we would operate this year was settled.

Regretfully, he continues to suggest to outside groups, and occasionally on the floor as well, that maybe he didn't mean that, and that if our behavior—meaning the minority's behavior—doesn't meet his standards, he is still open to breaking the rules of the Senate to change the rules of the Senate.

We all know how this would occur if it did occur. The Parliamentarian would advise the occupant of the chair the way to change the rules of the Senate is with 67 votes. The majority leader, under that scenario, would move to overrule the Chair and with 51 votes establish a new precedent that would turn the Senate into the House.

It has been suggested maybe that would only apply to nominations, but as Senator ALEXANDER and I pointed out last week, of course, that would not be the case. The next time the other side had a majority—my side—I would have a hard time arguing to my Members we should confine a 51-vote majority to simply nominations, and I would be under intense pressure to say: Why not legislation. Senator ALEXANDER and I laid out what some of the top priorities would be that he would recommend to me—and many of them I agree with—for an agenda I would be setting instead of the majority leader. These are things such as the national right-to-work, repealing ObamaCare, establishing Yucca Mountain, the national nuclear repository. One gets the drift. These are many things the current majority would find abhorrent.

I hope this crisis will be averted. All it requires from my friend the majority leader is simply an acknowledgment that he intends to keep his word.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

#### STUDENT LOAN RATES

Mr. REED. Mr. President, July 1 is less than 1 week away. We need to reassure students who will be taking out

loans for school this fall that their interest rates will not double.

It is safe to say most of us on both sides of the aisle would want to see a long-term approach to setting student loan interest rates rather than a temporary extension of the current rate. We have been working, Senator HARKIN, Senator KING, Senator MANCHIN, Senator BURR, Senator COBURN, Senator WARREN, and many others about finding a way forward.

Unfortunately, all of the proposals that are on the table today would leave students worse off in the future, frankly, worse off than simply allowing the interest rate to double. There is a year or two, perhaps, where interest rates would stay below the rate of 6.8 percent. Then looking at rate trends, it looks quite convincing that these rates would surpass the current fixed rate and go higher.

We can not enact a long-term solution that is going to be bad for students. In fact, student groups and advocates have urged us to reject the so-called deals that are circling around with variable rates that are not capped that could lead to very high interest rates for students in a very short period of time.

One thing we have all been aware of for the last week or two is the dramatic movement of rates based on comments by the Federal Reserve with respect to their elimination of the quantitative easing program. The future looks as though we are going to see increased rates.

If we let them rise on students without any type of cap, I think we are going to, in a very short period of time, regret that we didn't take more time—be more thorough, and look at not just issues of rate structure but also incentives to keep costs down in college, and at refinancing options, because it is a staggering debt load already on students. We haven't done any of this.

As a result, today, I introduce, along with many of my colleagues, the Keep Student Loans Affordable Act. I wish to thank Senators HAGAN, FRANKEN, WARREN, HARKIN, STABENOW, BOXER, and many other colleagues.

This legislation will simply extend the current rate at 3.4 percent, the rate we have today for need-based loans. These are the subsidized loans that go to low- and moderate income students. It would extend them for 1 more year so we do have the time, and let's say we should and must take the time to thoughtfully develop a long-term approach to the student loan program. It is not just coincidental that we must reauthorize the Higher Education Act this Congress. We can use this time properly to ensure that we do, in fact, have a comprehensive solution that will make students better off, not just in the next several months but in the long run.

Instead of charging low and moderate income students more for their student

loans, our legislation would extend the 3.4-percent interest rate by closing a loophole in the tax laws, which allows fairly wealthy individuals to defer taxes on their IRA or 401(K) type accounts. This provision would save taxpayers \$4.6 billion over 10 years, which will more than cover the cost of extending the rate on subsidized student loans.

We are moving forward on a basis where we are not increasing the deficit. What we are doing is giving students another chance to maintain an appropriate loan level at 3.4 percent for an additional year. We have to take action to stop the interest rates from doubling.

Student loan debt is the next big financial crisis facing this country. We already understand from analysts that people in their twenties are putting off home purchases, automobile purchases, and are not doing what their parents' generation did because they have so much debt. They cannot move into the economy as their parents did. It is the second most outstanding household debt behind mortgage debt in the country. It surpassed credit card debt. It is affecting the trajectory of young people's lives.

Again, my generation thought by their late twenties they would own a home, in fact, perhaps moving on, fixing up, and looking at second homes. This has all changed.

Today students are caught between a rock and a hard place as they have all this debt they must carry forward.

The other thing that is so interesting is we are scrambling around here trying to figure out ways to deal with this issue. It turns out, in fact, the Congressional Budget Office has projected the loan program is actually generating revenue more than \$50 billion this year and over \$180 billion between now and 2023. We are actually making money on these loans. Frankly, if we don't look at the program and fix it, the irony will be students will pay more and the government will take in profits. In the long run, I think we will be worse for it because we will be depriving a whole generation of the kind of education opportunity they need.

I think we have to do more. I introduced a long-term solution in April, the Responsible Student Loan Solutions Act, which will set student loans based on the actual cost of financing and administering the program. It will also protect students with a cap. I think that is essential. We have to understand the interest rates might rise to a point where we need to cap them to protect students. It would also allow refinancing, which is something that has not been seriously discussed. We frankly need more time to discuss that. We need the time; let's take the time.

I urge my colleagues to join me. Let's take up and pass the Keep Student Loans Affordable Act. Give stu-

dents the chance to go to school this fall with a 3.4 percent subsidized interest rate. Give us not only the chance but give us the incentives and give us the marching orders to fix this problem comprehensively.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the bill before us, S. 744, 1,200 pages, is promoted with high ideals, but it does not do what is promised. It is fatally flawed. If passed, it will not work—not because of the goals it states to have but because it won't work.

This flawed bill did not come about because of inadvertent errors that were a part of it, chance, ignorance, or mistake. The policies reflected in this piece of legislation came about as a direct result of the fact that the forces that shaped it had goals that were important to them, but these goals are not coterminous with and are not in harmony with the interests of the Nation as a whole.

The real political Gang that put it together seems fine with that. They openly reported for weeks that these interests were in meetings in some room in secret, working through this legislation and their differences. Soon, they said, the Gang of 8 would have a bill that, having been blessed by these powerful special interests they had invited to the meetings, would be delivered to the Senate floor, masters of the universe that they are, all for us to adopt without complaint and with celebration.

They were so proud of this process that the eight would stick together all for one and one for all and defeat any amendment that dared to alter the delicate agreement they talked about. They would consider amendments, of course, oh, certainly. We will consider amendments, but nothing serious that impacts the fundamental agreement that we have. One would not want to disturb that delicate balance, of course, of those very sensitive forces that were in the meetings. The folks who came together only for the common good—who understood the real needs of working Americans who are out of work, who have seen their paychecks decline, who have their spouse, their husband, their wife not able to find a job, their children not able to find a job, their grandchildren not able to find a job—they weren't thinking about them.

They included Mr. Richard Trumka, the top union boss; Mr. Tom Donohue, the top Chamber of Commerce boss; the agribusiness conglomerates; the activist group La Raza. Also there were the immigration lawyers association, high-tech billionaires, having delivered magnificent computers, who now desire to deliver public policy; and the meat packers.

One must know, friends, that when the Gang of 8 said there was a fragile

balance, a delicate agreement, they weren't talking primarily about the agreement they had among themselves as Senators. That was secondary. The agreement they were referring to was the special interest forces that were in that secret room writing that bill.

Those interests, those forces, had signed in blood. The Gang of 8 then signed in blood to fight off any serious objections or ideas that would violate that agreement.

Although the Gang and the cabal that had confederated and combined together to set the immigration policy for the United States of America were desperate to keep it secret, there was another dominant force involved in the legislation, and that was President Obama. His team was there every step of the way. His team, which has done more to undermine law enforcement in the immigration area than any President in history, was there every step of the way. They were surely providing much of the drafting work, the legal work, and the support to get the detail done, which the Senators, of course, didn't have time to do. They didn't have time to study all the language of the bill.

We know about this because this week Ms. Munoz, President Obama's top immigration official, formally a top official in La Raza who said it was immoral for businesses to be checked as to whether they were hiring illegal workers—she couldn't keep it a secret. She made sure to reveal to the New York Times that she and President Obama were there every step of the way, writing the bill, being engaged in it. All of this was, of course, much to the discomfort of the Gang, especially the Republicans, who had been anxious to declare the bill was written by the job creators, entrepreneurs, and the Chamber of Commerce.

It went to the Judiciary Committee for a markup, and a very favorable Judiciary Committee it was. Four of the Gang of 8 are on the committee. They started executing their plan. Senator SCHUMER on occasion would give Republican Gang members on the committee a pass. He was overheard on the mike saying to a staffer that Republicans can have a pass on this vote. They could break ranks—the Republican Gang members—and vote with the people on an issue that came up in Judiciary Committee as long as there were enough votes otherwise to kill that pesky amendment—and so it was in committee.

One other important thing, the money. There would be money to run campaign-like ads all over America to promote the bill, to promote the Senators, and to protect the Senators from criticism. And who knows, maybe to provide some political contribution sometime in the future for those who vote right.

The combine had it all rolling until last week on the floor of the Senate

when the wheels almost came off. Senators and the American people saw that S. 744 had more holes than Swiss cheese. Clearly, the bill lacked the simple conviction that after the amnesty occurred, the lawlessness must end. There was not a conviction anywhere displayed in that legislation that the people who wrote it had a determination not to do more than provide the amnesty and actually provide a lawful system in the future to ensure that lawlessness would not be a part of our future. You can see it in hundreds of different places.

For example, the metrics—the standards for enforcement at the border in the bill—were weakened. Current law had higher standards of enforcement at the border than the new bill, which promised to be so tough—toughest bill ever, those TV ads said. Tough as nails, Senator SCHUMER said. But it weakened the standards for enforcement at the border.

The E-Verify system for the workplace, which can be effective in eliminating the hiring of illegal workers, was pushed back for five years, and a whole new system was designed instead using the one currently in existence. It can occur now. The system is 99 percent effective now. Why would we want to wait 5 years, unless we really weren't interested in seeing it happen?

Interior enforcement was diminished. The ICE officers have written us and told us this will make it worse. They are diminished in their ability to enforce the law. All kinds of discretion is given that will allow lawyers to block deportations and allow politicians to avoid the carrying out of the law.

The citizenship process is deeply damaged and unable to function effectively, according to the Citizenship and Immigration Services officers who process these applications. They say there is no way they can process these applications.

An amendment I offered to have at least face-to-face interviews with many of the people—at least those who may pose some risk—was voted down. They are not even going to have interviews with the people who apply for legal status under this bill.

The entry-exit system, which provides that an individual must be clocked in when they come into the country and clocked out with a biometrics—fingerprint—system, that system was destroyed. Current law requires a biometric entry-exit system at all land, sea, and airports. This bill weakens that dramatically, makes it utterly unenforceable by changing biometric to electronic, whatever that means, and only requiring it to be at air and seaports.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SESSIONS. I ask unanimous consent to have 1 additional minute, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. So, Mr. President, I would say this bill fails at point after point after point after point. It is not a bill that reflects a commitment to a lawful system of immigration in the future. We will admit dramatically more people than we ever have in our country's history at a time when unemployment is high. The Congressional Budget Office has told us that wages, average wages, will go down for 12 years, that the gross national product per capita will decline for 25-plus years, and that unemployment will go up.

This is not the right thing for us to pass because the amnesty will occur, but the enforcement is not going to occur and the policies for future immigration are not serving the national interest.

I urge my colleagues to vote no on cloture, to not let this bill pass today but require that it be subjected to more amendments and more study at a time to come when we can pass legislation that will actually work. This cannot work as it is. We should not let it go to final passage today.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Mr. President, I understand I have 10 minutes allotted; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. CORKER. I want to thank my friend from Alabama, who has been down here vigorously and shows a lot of stamina. I have a sense he is not going to support this legislation.

I do want to talk, though, a little bit about this legislation this morning. I was asked yesterday by a reporter about the folks back home in Tennessee and how they feel about the legislation. No doubt there is a lot of controversy around this legislation. There have been a lot of statements made that, candidly, don't pass the trying-to-get-it-right test.

What I said to this reporter was that I have a lot of faith in Tennesseans. I believe Tennesseans, at the end of the day, will look at this legislation and study it, not just listen to what has been said by numbers of bloggers and people who are trying to spin things in such a way as to create confusion. At the end of the day, I believe when Tennesseans see what is in this legislation, the majority of them, the large majority of them, will believe this legislation improves the conditions from where we are today. I believe they will believe that.

Of course, it is my job to go back home to explain to Tennesseans directly, as I do on all controversial issues, why I support this legislation

and why I think this is good for our country. But let me walk Tennesseans and Americans and people here in the Senate through, from my perspective, where we have been on this piece of legislation.

First of all, this bill was introduced to the Judiciary Committee months ago, and hundreds and hundreds of amendments were added in the process and dealt with during that judiciary markup. It went through regular order, something all of us around here have been hoping would occur with all legislation, which is that it goes through regular order, something all of us around here have been hoping would occur with all legislation, which is that it goes through the committee process and comes to the Senate floor.

The bill has been on the floor now for 3 weeks, and I know a lot of people around here are complaining about the number of amendments. But let's face it, for a long time people on my side of the aisle would not let amendments be heard. It is just the truth. I mean, it is what happens with controversial legislation. A lot of times when people don't want to see something pass or see it improved, there are opponents to actually even hearing amendments.

So we had this ruse on the floor of the Senate yesterday about all this. Look, I would like to have 100 amendments on the floor. I am all for it. Bring it on. But the fact is, let's face it, both sides have been involved in keeping that from happening, and most recently it has been many of my friends on this side of the aisle.

Republicans gathered around the trigger that a Senator offered relative to border security, and it had to do with a 90-percent effectiveness trigger. That is where negotiations around this bill really hung up. But let me talk to people a little about this trigger.

When we look at the trigger that was in the border security bill, that I candidly supported, and many folks on my side did, the trigger was so subjective I would call it the Cheetos bag trigger or the granola wrapper trigger or the plastic bottle trigger. I want to make sure people understand the way this trigger was and why it wasn't acceptable to the majority of people in the Senate.

The way this trigger works is it uses something called sign cuttings. This is a term that is used to track people through the desert and track them through the mountains. It has been used in the country for hundreds of years, especially in places that are less urban. So here is what was happening with that trigger.

Border Patrol agents were going to be able to look at a Cheetos bag or an empty granola bar wrapper or an empty Coca Cola can and say: I don't know, did 10 illegal aliens eat out of that Cheetos bag or did I? I don't know. And it was that very subjectivity that

people realized was going to cause people to be able to move the goalpost.

I am making light of it, but it is just true. This is the way, believe it or not, we keep stats on the border right now, in this very subjective manner. How many people attempted to get through? We didn't see them, but we think maybe 10 people went up through that crevice.

It reminds me of when I go hunting once a year down in Albany, GA. I have a friend who allows me to hunt on his place, and when a covey of birds flies by, he says: I think there were 12, and he marks that down in his hunt log. Now, I am sure at the end of the year he gets somewhat close to how many birds were on his plantation, if you will, but we are looking at something that was going to matter as it relates to green cards, and it was subjective and was put in place, candidly, in such a way many people thought the goalpost was going to be moved.

So Senator HOEVEN and myself, working with a lot of others in the body, came up with tangible—tangible—triggers and not triggers some Border Patrol agent could fudge one way or the other. Not that anyone would attempt to, but one can understand, again, when someone is trying to guess how many people came through that they didn't even see—let me say that one more time.

One of the denominating factors was the Border Patrol agents were going to have to say how many people came through the border that they didn't see. Let's guess. By the way, let's make it exactly 90 percent.

So Senator HOEVEN and I came up with an amendment that everybody could understand with 20,000 Border Patrol agents, a doubling along the southern border—20,000 agents. Every American can know whether that has happened. We added \$4.5 billion worth of technology, and we listed the inventory. Every American can see whether that has happened. We have a fully implemented E-Verify. We don't want employers paying people under the table. We don't want people hiring folks who are here illegally. So that is fully implemented—fully implemented before a green card.

We also have an entry-exit visa program. I think many people know the reason we had the terrorist attack on 9/11. We had people who overstayed their visas. Americans don't want to see that happen. So we have a tangible trigger—a tangible trigger—of making sure we have an entry-exit visa program.

We also have another 350 miles of fencing. Now, a lot of people say that is not required, but it is absolutely required. Anybody who would say that hasn't attempted to read the legislation.

So these are five tangible triggers. It is not a Cheetos bag trigger—not a

Cheetos bag trigger but five tangible triggers that allow people to know whether we have actually met the goals that are in this bill.

There was a lot of discussion yesterday about an E-Verify amendment. As has been said, it is an amendment that could have easily been added to this legislation. It is a fine amendment. I would certainly be glad to support it. Candidly, I think it is an amendment, if it made it to the floor, that would be one of those 100-to-0 or 98-to-2 votes. Maybe it could pass by voice vote. It is not controversial. But the fact is the bill has a lot in there relative to E-Verify, and no doubt the House can make that even stronger.

Some of my friends are saying this is an amnesty bill. I don't know if people have looked at the provisions about people coming in out of the shadows and having to pay taxes—back taxes—and they will have to pay fines. They will have to pay taxes, by the way, into the U.S. system for 10 years and cannot receive a single benefit from the U.S. Government. That is the reason this bill scores so favorably from the standpoint of generating revenues into the Treasury.

But let me just say this. Nobody in this body has offered an amendment that would round up everybody in this country who is here illegally and deport them out of this country. Not a single soul has offered an amendment to do that.

Basically, what we have is a situation where we can cause people to come in out of the shadows, pay fines, pay taxes and receive no benefits and go to the back of the line. Everybody who came here properly or who has applied properly would be processed first. It is going to be a minimum of 10, maybe 13, 14, 15 years before people even have the ability to get a green card.

The option is to vote against this bill and basically say we are not going to do anything about the people who are here; we are OK with employers continuing to pay them under the table; we are OK with them continuing to not pay taxes, because not a single one of my colleagues has offered an amendment to round up these 11 million people in our country and ship them out. I call that *de facto* amnesty.

Some people have talked about the process. One of my closest friends in the Senate said, I don't like the process. We should have been working with the House from the very beginning.

I am not a Member of the Gang of 8, but we had eight Senators who worked for a long time to create a bill. The same thing is happening in the House right now.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. CORKER. I ask unanimous consent for 2 more minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORKER. The process is that the House passes legislation, if they so choose. They may not choose to take up immigration. My sense is they will not take up this bill; they will take up their own bill. The way the process works is we conference those, and we end up with a better piece of legislation.

Fiscally, if this bill passes, we are spending a lot of money on border security—and some people have said it is too much. But, again, I have had no amendments over here trying to lower the standards that were put in place by the Hoeven-Corker amendment. The fact is we would be spending \$46 billion on border security to have these five tangible things occur, and we would be getting \$197 billion back in the Treasury if we do this. I have never been able to vote for a piece of legislation that had this much fiscal benefit for our country that didn't raise anybody's taxes. Then we have seen the whole issue of the economic growth that is going to be created for our country if we pass this bill.

I believe voting against this bill is voting against border security. What that means is that things are going to stay exactly as they are. We are going to have porous borders, no entry-exit visa program, no E-Verify system. I think voting against this bill is voting for the status quo, which is, in essence, *de facto* amnesty.

I believe this bill takes a step forward. I believe it is good for our country in every single way I can imagine, and later today I plan to support this bill. I hope it is improved in the House.

I cannot imagine there is anybody in this body who believes where we are today is satisfactory. I came here to make progress, to solve problems, and I appreciate those involved in allowing me to help with that process.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I ask unanimous consent that all quorum calls prior to the votes at 11:30 a.m. today be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HAGAN. Mr. President, I ask unanimous consent to speak as if in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### NOMINATION OF ANTHONY FOXX

Mrs. HAGAN. Mr. President, I rise to say a few words about Anthony Foxx, the President's nominee to head the Department of Transportation that we will be voting on later this morning. While I am going to be sad to see him leave our local government in Charlotte, I am pleased the entire country will soon benefit from his leadership.

Anthony Foxx earned an undergraduate degree in history from David-

son College in North Carolina and blazed a trail as the school's first African-American student body president. He then received a law degree from New York University and held positions in all three branches of the Federal Government. Beginning as a judicial clerk on the U.S. Court of Appeals for the Sixth Circuit, he served ably as a lawyer for the Department of Justice and counsel for the House Judiciary Committee.

In 2005, Anthony was elected as an at-large member of the Charlotte City Council. During his 4 years of service as a councilman, he chaired the Transportation Committee and was a member of the Economic Development and Planning Committee. Since 2009, he has served as mayor of Charlotte, one of the country's fastest growing cities.

When taking office, Charlotte's unemployment rate was almost 13 percent. Through his tireless efforts, Mayor Foxx helped attract and create more than 8,400 new jobs. Most important, Mayor Foxx has been a true champion of transportation and infrastructure development, securing forward-looking investments in Charlotte's roads, airports, and mass transit. Under his leadership, I-485 has been approved for expansion; he secured funding toward the completion of the Blue Line Light Rail Extension Project, and oversaw the opening of the third runway at Charlotte Douglas International Airport. All of these projects occurred as we worked—and are still working—to climb out of the recession.

These smart investments in infrastructure and transit-oriented development are continuing to fuel Charlotte's economic growth.

Light rail has played an important role in sustaining this growth, with more than 19 million riders since it opened in 2007 and an average of 15,000 riders every day. The light rail is helping to revitalize Charlotte's historic South End neighborhood, which saw the city's first railroad line in 1850. The neighborhood is now home to more than 750 businesses and 11 new residential districts.

Investments at Charlotte airport are establishing the city as an international hub. With direct flights to London and soon Brazil, Charlotte and North Carolina are increasingly connected to businesses across the globe.

The I-85 Corridor Improvement Project, which has been a top priority for the State for many years, I am pleased to say, is finally moving forward. This improvement project relies heavily on support from local leaders, including Mayor Foxx, and is expanding and improving this integral roadway so it can meet the needs of businesses and residents for years to come.

Anthony's direct experience working with the transportation departments at the Federal, State, and local levels

and his proven record of success make him well prepared to serve as the next Secretary of Transportation.

I have worked closely with Mayor Foxx during my time in Washington, and I have the utmost confidence he will serve in this role with great distinction. I thank him for his dedication and willingness to step up when service is needed, and I am pleased the Commerce Committee approved Anthony Foxx's nomination with unanimous bipartisan support.

Mayor Foxx is a true champion of transportation and infrastructure development, and I encourage my colleagues to support his nomination.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the Gang of 8 in their framework for comprehensive immigration reform said the following:

Our legislation will provide a tough, fair, and practical roadmap to address the status of unauthorized immigrants in the United States that is contingent upon our success in securing our borders and addressing visa overstays.

It sounds good, doesn't it? They said their plan would be contingent upon success.

But the bill doesn't do that. The bill doesn't say the border has to be secured. It doesn't say that we need to see results. It only throws more money at the problem and puts more boots on the ground. Of course, that is a good start. But as we have seen before, that is not enough. It is not enough to ensure we will not be back here in the same place 25 years down the road, devising new plans. So I am going to take a few minutes to discuss the legalization program created in this bill.

Since I was here in 1986, I know that loopholes allowed people to gain legalization even if they weren't entitled to it. We had problems with fraud and abuse back then, and I am afraid it will be the same if the bill is passed in its current form.

Time and time again we have been told the bill will allow people here illegally to register and earn legal status, then become contributing members of society. Yet the bill fails to address how to prevent a continued influx of individuals who will replace those currently living in the shadows.

Take the CBO report as an example. CBO said illegal immigration would only be reduced by 25 percent. That is not acceptable, especially given the promise of the Gang of 8 that the bill would "be a successful permanent reform to our immigration system that will not need to be revisited."

The legalization program begins upon the mere admission of a strategy submitted by the Secretary of Homeland Security. So almost immediately, millions of people will come forward and be made lawful.



Remarkably, the bill virtually suspends enforcement during the 2½-year legalization application period. It prohibits law enforcement from detaining or removing anyone claiming eligibility without any requirement to prove they are, in fact, eligible. Law enforcement is even required to inform those here illegally about legalization and give them the opportunity to apply.

Under the bill, undocumented immigrants already here can apply for and receive legal status, even if they have committed document fraud, provided false statements to authorities, and absconded court-ordered removal proceedings.

During this time, there is an enforcement holiday. Enforcement officers would be limited in detaining or removing any individual who merely claims eligibility for RPI status, regardless of whether there is proof to back that up.

Perhaps the enforcement holiday would be mildly concerning if we were dealing with individuals who only violated civil immigration laws. Unfortunately, the bill extends to those with criminal records. This includes individuals who have gang affiliations, even felony arrests, and even multiple misdemeanor criminal convictions.

Moreover, the bill permits individuals who attain legalization to continue criminal behavior, so long as their behavior and subsequent convictions remain below the eligibility threshold. In fact, the bill goes even further and—can you believe this—provides the Secretary with waiver authority in order to dismiss misdemeanor criminal convictions for purposes of determining eligibility for legal status.

The bill does not limit those outside the country from applying for legalization. The bill states that individuals who have previously been deported or otherwise removed from the country are ineligible for RPI status. However, one need only turn a few pages to discover that the Secretary has sole, as well as unreviewable, discretion to waive this provision and permit large classes of individuals to apply for legalization.

There is yet another way of providing and allowing individuals who have been removed or reentered illegally to apply for status, if they are fortunate enough to have a relative who does, in fact, qualify for legalization. This weakens and undermines even current law where Congress has already declared that individuals who reenter illegally are not entitled to immigration benefits.

Amendments to prohibit those ordered removed, those currently in removal proceedings, and those who have absconded and failed to show up for removal proceedings from applying or being granted legal status were voted

down during committee considerations. An amendment to prevent spousal abusers, child abusers, drunk drivers, and other serious criminals from obtaining legal status was also rejected.

I know the public listening or reading these records will not believe that Congress could do those things, that it is OK to have those people with that sort of criminal activity being legalized, but that is what the bill allows. These amendments also could have been voted on during floor debate, but the majority refused to allow their consideration.

Now, the process for obtaining legalization is ripe for abuse and potentially encourages crafty behavior for individuals to game the system.

Under the bill, individuals applying for legal status are permitted to file numerous amended applications in the event their initial application is denied for failure to complete properly or provide required documentation. In practice, one could continue to file numerous amended applications, knowing each application is incomplete, resulting in a perpetual limbo where an individual can remain here for an indeterminate time without any possibility of removal.

Another area of potential abuse permits otherwise ineligible individuals to remain indefinitely in the United States.

The bill provides for a stay of removal until a newly created administrative appellate review process of the application has been exhausted. One need only imagine the vast loophole created that will allow ineligible applicants to remain in the United States pending a typically extremely lengthy review process.

When combined with a never ending application process and an expansive, time consuming appeals process, individuals can remain here for years without ever obtaining legal status, and without any fear of removal.

Under the bill, people with RPI status must prove that they have been employed during the duration of their status. Yet, the bill allows people to prove that employment—which is required to get a green card—using merely a sworn affidavit.

We know from our 1986 experience that sworn affidavits are highly unreliable, and incentivize massive fraud. They are not verifiable or trustworthy.

A New York Times article from 1988 shows just how easy it was for immigrants to get false affidavits. During one investigation, the Immigration and Naturalization Service arrested seven people for selling fraudulent affidavits to new immigrants.

One of these seven fraudsters ran a scheme that sold affidavits to 1,400 people here illegally. They had thousands more applications filled out and waiting for others. In fact, while investigators were on site seizing the evidence,

dozens of individuals arrived to purchase more fraudulent affidavits. Buying and selling fake documents was a thriving business and can be again.

According to the article, one person arrested had 364 fraudulent affidavits on her five-acre farm.

A third of these fraudsters went from farm to farm, offering false affidavits to farmers for prices from \$950 to \$3,000.

The Majority has rejected several amendments that would improve on the 1986 legalization. That is unfortunate. The bill will lead to further fraud. It is my hope these provisions can still be fixed before any bill is sent to the President.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise today to speak in support of the immigration reform bill that we are going to vote on soon. I want to bring a Minnesota perspective to this debate. I want to talk about how this bill will help Minnesota businesses and agriculture while also helping and protecting Minnesota workers. I also want to talk about how this bill will help Minnesota families and communities.

Minnesota was admitted to the Union in 1858. For the first 30 years after Minnesota's founding, no fewer than one-third of Minnesotans were immigrants born abroad. Our State did not suffer from that—it thrived. Our fields were first tilled by Swedish immigrants. Their crops filled 2 million acres. Our iron mines in the north depended on Finnish labor. Norwegians were critical to our logging industry, while the Danes, who came to Minnesota after the Civil War, made our State a leader in dairy farming.

Today, immigrants are about 7 percent of Minnesota's population. Most of them come from Asia, and Latin America, and Africa, rather than Europe. But the contributions of immigrants to Minnesota's economy and to our communities are no less important.

I am going to vote for this bill because of what it will do for Minnesota's economy. This is clearest when it comes to Minnesota's agricultural industry, particularly our dairy farms. Minnesota is the Nation's sixth largest dairy producer. Five percent of our nation's cows are in our State.

But for years, I have been meeting with dairy farmers and they told me they can't get the workforce they need. They can't find enough American workers—and the Nation's agricultural guestworker program is open only to seasonal workers. Unfortunately, you can't milk cows seasonally. If you did, they would just get cranky, the cows.

For years, I have been calling for an immigration bill to fix this problem by opening our guestworker program to dairy farmers. This bill does just that.

This bill will not just help agriculture. A lot of industry in Minnesota

is in the high tech and medical sectors—companies like 3M and Medtronic. Unfortunately, our visa system works against these companies because, while the University of Minnesota is minting new Ph.D.'s in STEM fields, our system sends many of our top foreign graduates right back to their home countries.

Thanks to the work of my fellow Minnesota senator, Senator KLOBUCHAR, this bill will make it easier for Minnesota companies to recruit and hire top minds, regardless of where they come from.

I am also proud that this bill includes two amendments that I wrote that will protect small businesses.

A major component of this bill is to create a mandatory electronic employment verification system called E-Verify. But small businesses in Minnesota were initially concerned about how E-Verify would affect them.

My first amendment creates a special office within the Department of Homeland Security whose sole job will be to give workers and small businesses quick, in-person assistance if E-Verify does not work the way it should. My other amendment will keep pressure on DHS to lower E-Verify error rates that, in the past, have caused major headaches for small businesses and employees alike.

While this bill will help our businesses, it also has solid protections for American workers.

In negotiations, the AFL-CIO demanded that before an American employer can hire a foreign guestworker, that employer has to aggressively advertise for and recruit American workers. If a business breaks these rules, it can get kicked out of the guestworker program. If the protections in this bill prove insufficient, I will fight to improve them. But for now, I think protections negotiated by the AFL-CIO are adequate for moving forward.

So this bill will protect workers today. But it will also help them for decades down the line by bolstering our Nation's safety net. Our changing demographics have put a strain on our Social Security system. More young workers paying into the Social Security system will help ease that, and that is precisely what this bill will provide: Census figures show that 48 percent of immigrants in the U.S. are between the ages of 20 to 44; for native-born workers, that figure is about 31 percent.

Finally, this bill will help our economy by helping our Nation's bottom line. According to the non-partisan Congressional Budget Office, immigration reform will decrease our deficit by \$175 billion over the next decade, and an additional \$700 billion over the following decade. That's \$875 billion dollars—close to a trillion dollars in deficit reduction.

This bill will be a boon to Minnesota's economy, and to our Nation's

economy too. But this bill is not just about economics. It is also about our values. It is about living up to the promise engraved on the base of the Statue of Liberty:

Give me your huddled masses yearning to breathe free. Send these, the homeless, the tempest-tost [sic] to me. I lift my lamp beside the golden door.

Minnesota played a special part in that promise. For decades, Minnesota has welcomed more refugees and asylees than almost any other State.

We have welcomed the Hmong and Somalis and so many others because it is the right thing to do. In the same way, a big part of this bill is about doing the right thing and helping the least of our brothers and sisters.

Last October I traveled to Northfield, MN, where I visited a program for Latino high school students called the "TORCH" program—that stands for Tackling Obstacles and Raising College Hopes. This is an amazing program that has more than doubled the high school graduation rate for Latino students.

During my visit I met many undocumented students who were brought here by their parents as young children—and who were thus undocumented through no fault of their own.

For years, these kids watched their classmates apply to college and plan for their careers, but they knew that was not for them—because they could not work legally or serve in our military.

Then, last June, the President took executive action to protect these kids from deportations and let them work legally. Their teachers told me what an enormous difference it made for these kids. For the first time, they could see they had a future—they could go to college or join the military. And that was just because an executive order that did not have the force of a statute.

With this bill, thanks to the inclusion of the DREAM Act, authored by Senator DURBIN, their hope for the future will be a certainty. Good for those kids. And you know what, good for us, because those kids are going to work wonders.

I am especially proud of a bill I wrote that also helps children and that is included in the larger bill we are debating, and that is the HELP Separated Children Act.

My bill was inspired by what happened in Worthington, MN in December 2006, when Immigration and Customs Enforcement carried out enforcement actions in 6 States and arrested hundreds of unauthorized immigrants. Tragically, those raids also left many children—most of them citizens—without their parents and with no way to find them. One 2nd grader in Worthington came home from school to find his 2-year-old brother alone and his parents gone. For the next week, he cared for his brother while his grand-

mother drove from Texas to meet them.

Over the past 2 years, more than 200,000 parents of citizen children were deported. These children are often abandoned at home or at school and can go for months without speaking with or visiting their parents. My HELP Separated Children Act will lay down basic humanitarian protections for children in immigration enforcement. It will make sure that parents and children can stay in contact, and will make sure that parents can participate in court proceedings relating to their children.

My bill was co-sponsored by Senators GRASSLEY, COONS, CORNYN, HIRONO, CRUZ, FEINSTEIN, LEAHY and BLUMENTHAL. Of the 200 or so amendments that we debated in the Judiciary Committee, this was the only one that was passed on a unanimous 18 to 0 vote.

I am also proud that the bill includes amendments I proposed to help victims of domestic violence, as well as young children who are themselves involved in immigration proceedings.

We have a rare opportunity before us. We have a chance to vote on a bipartisan bill written by a bipartisan group and supported by both the AFL-CIO and the Chamber of Commerce. The bill will help our economy, secure our border, and give millions of undocumented people a tough but fair path to get right with the law. And on top of all of this, this bill will save the American people hundreds of billions of dollars. I am proud to support this bill, and I urge my colleagues to do the same.

Before I close, I want to take a moment to congratulate the members of the Gang of Eight—Senators SCHUMER, MCCAIN, DURBIN, GRAHAM, MENENDEZ, RUBIO, BENNET and FLAKE. This bill is an example of the Senate at its best. It speaks not just to the ability of the Senators in the Gang—but also to their courage.

I would also like to recognize Chairman LEAHY for managing this markup and this debate so expertly.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I just want to speak for a few minutes. I spoke at length earlier this week.

I thank Senator FRANKEN for his kind words and the work he has done on this bill, and also Senator LEAHY, as well as all of those involved with this bill. Managing the bill this morning, it is, again, awe inspiring to see all the work that has been done on both sides of the aisle—whether people will vote for the bill.

I expect we will have a strong bipartisan vote on this bill after the civil debate we have had. This is an incredibly big and important issue for this country. I have been involved in this debate since 2007. We have seen everyone come

together from labor, business, farm groups, migrant workers, immigrant workers, and religious groups. We are finally going to get this incredibly important bill done.

As Senator FRANKEN noted, the piece that has been most important to me—in addition to the DREAM Act and all of the work that had to be done in law enforcement—was the work we have done to improve our legal immigration system. We are a country built on immigration. Thirty percent of our U.S. Nobel Laureates were born in other countries; 90 of our Fortune 500 companies were formed by immigrants. We cannot continue to compete in the global economy if we close our doors to those who think and make things and invent things. In part, that is what most excites me about this bill, the work we have done to improve the legal immigration system.

I thank my colleagues, the Gang of 8, and our great Judiciary Committee that debated and marked up this bill into the night day after day. We should be proud of this bill, and I ask my colleagues to support it.

With that, I yield for Senator LEE.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Mr. President, before beginning my remarks, I would first like to thank my friend and colleague, the distinguished Senator from Iowa, for his tireless efforts in managing this process from the Republican side. It has not been easy, and his effort has reflected a certain level of statesmanship that is to be commended.

I rise today in support of immigration reform. I support strengthening our borders and ensuring that they are secure before beginning a pathway to citizenship because it is the only way we can avoid the mistakes of the past.

I support robust interior enforcement and a biometric visa tracking system because without those things in place, we will not solve the problem of illegal immigration. I support modernizing and streamlining our visa system because we need an efficient process of legal immigration that meets the needs of our economy. I support immigration reform that is tough on those who have chosen to break our laws and fair to those who have obeyed them and have been patiently waiting their turn in line trying to come here legally.

Today there is reason for disappointment, but there is also great cause for encouragement. The bill we have before us is an enormous disappointment. The American people deserve better. As a matter of public policy, this bill fails to meet many of the goals we set at the beginning of the process.

It is full of promises to beef up border security, but it makes no assurances. This legislation cuts the American people out by cutting out any congressional oversight of the opening and

progression of the pathway to citizenship. It remains grossly unfair to those who have languished in our current legal immigration system, unable to get answers for decades in some cases. It transfers enormous authority and discretion to the executive branch, exacerbating an already widespread problem within our Federal Government.

It also fails perhaps the most important test. According to the Congressional Budget Office, this bill will reduce illegal immigration by just a mere 25 percent over the next 10 years. This should be reason alone to scrap the entire bill.

As a matter of process, Members of this body should be embarrassed about how this bill has moved through the Senate. From day one the country was misled about what was in the bill. The talking points never matched the reality of what was in the bill.

We were told if we didn't like what was in it, we would have an opportunity to fix it. But that wasn't true either. During the committee markup, Democrats and the Gang of 8 Republicans voted as a block to defeat virtually all substantive amendments proposed to improve the bill.

They said there would be regular order on the floor of the Senate, but that turned out to be a false promise as well. For a 1,200-page bill, the Senate, including the 92 Members not on the Judiciary Committee or the Gang of 8, was allowed exactly 10 rollcall votes before the process was shut down.

By contrast, during the 2007 debate on immigration reform, the Senate voted 32 times to amend the bill. Some would argue even that was too small. But certainly 10 votes on a 1,200-page bill does not suggest that the proponents of the bill are interested in regular order.

For the grand finale, at nearly the end of this process, the proponents substituted what is effectively a brandnew bill in place of the one we have been debating for over 2 months. They gave us very little time to read it before we had to vote on it. Once we were on the new bill, they did not allow a single vote on any amendments.

This is an embarrassment to this institution, and it is an assault on the principles of democracy, but like a Phoenix rising from the ashes, from this low point in the Senate springs an encouraging path forward for those who, like me, truly want immigration reform.

First, this exercise has laid out in front of the American people all the problems inherent in passing massive pieces of legislation presumed to fix all of our problems at once. The so-called comprehensive approach has been utterly discredited. From denying votes to buying votes with special interest carve-outs, our experience over the last 2 months only reaffirms why the vast majority of Americans don't trust Washington.

The special interests had a huge hand in writing the bill, while the American people had none. Almost all of the discussions and negotiations took place in secret backroom deals. Rather than debate policy differences, the debate was a daily fact check on misleading and outright false claims made by some of the bill's proponents.

The good news is the House appears to have learned this lesson and wants no part of this. Already the Speaker has said the Senate bill is dead on arrival. So today's vote is largely symbolic.

The House Judiciary Committee has recently passed two significant pieces of immigration reform—the one on interior enforcement and another dealing with agricultural workers. It proves that reform can be passed in a step-by-step process. Indeed, the only reason immigration reform is so controversial is because the Senate refuses to pass it one piece at a time. There is simply no legitimate reason we have to pass a one-size-fits-all, 1,200-page take-it-or-leave-it bill.

Although it is likely this bill will pass today, I strongly encourage my colleagues to consider where we started, where we are now and, most importantly, what lies ahead of us. They said it would secure the border; it does not. Congress has been fooled by false promises before. We should not go down that same path again.

They said illegal immigration will be a thing of the past. Under this bill, it will not. The Congressional Budget Office confirmed that under this bill, there will be 6- to 8-million illegal aliens in the country 10 years from now. They said it would be good for the economy. It isn't.

CBO also confirmed that it would lower wages and increase unemployment. They said it would be tough but fair. It is neither. It is not tough on those who have broken the law, and it is not fair for the people who have been trying to come here legally.

If this bill passes today, it will be all but relegated to the ash heap of history as the House appears willing to tackle immigration reform the right way. The sponsors of this bill had the best of intentions but, in my opinion, intentions are not always enough.

As I said at the outset, I stand here today strongly in support of immigration reform, but this bill is not immigration reform. It is big government dysfunction, and that is why I cannot support it and urge my colleagues to vote against it.

Thank you. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. There is 21 minutes remaining.

Mr. CORNYN. Mr. President, I yield myself up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I join my colleague from Utah in many of his remarks, if not all of his remarks. I come here to speak on the pending immigration bill more in disappointment than in anger because of the lost opportunity we had in the Senate to come up with a bill that would actually do the job of restoring legality and order to our broken immigration system, create a system of legal immigration which would benefit our economy, and reflect our basic values.

It has been 5 months since the Gang of 8 first released their framework of principles for immigration reform. At the time, they were saying many of the right things—things that gave me great encouragement that we would come up with a better product than we have today. They promised their bill would secure our borders once and for all.

I live in a border State with 1,200 miles of common border with Mexico. We know that border permits not only illegal entry into the United States because of inadequate resources and personnel there, but also it is a benefit to the United States because of the legitimate trade that passes through the ports of entry that create and support up to 6 million jobs in America.

They promised a tough but fair legalization program. They promised that permanent legalization would be contingent on border security. This is a recurring theme in my remarks because I actually was so naive to believe the representations made by the Gang of 8.

In January 2013 Senator DURBIN, the distinguished majority whip, said: A pathway to citizenship needs to be contingent upon securing the border. That is what he said in January. Instead of a delivery on that promise, what we got was his statement 6 months later in June of 2013: The gang has delinked the pathway to citizenship and border enforcement.

So the American people have been asked to extend an act of common generosity and compassion that is typical of the American people, but what they get in return is no assurance that the system has been restored to order or that the border has been secured. Unfortunately, once again, it is business as usual in Washington, DC.

The promises the Gang of 8 made were encouraging and they raised hopes in me and others that we truly would have a bipartisan immigration bill voted out of the Senate that was worthy of the name. But, unfortunately, the bill now bears little resemblance to the initial promises of the Gang of 8.

I know we talked a lot about border security, but in addition to a national security issue this is a matter of restoring the public's confidence that the

Federal Government will actually do its job.

The fundamental problem with this legislation is that it demands border security inputs but not outputs or results. In other words, the idea is—and the Washington Post editorial seemed to get it today—if you promise to buy enough stuff, then somehow the job will miraculously get done.

This bill asks us to believe that quadrupling the size of the Border Patrol and expanding the border fence will solve the problem of illegal immigration. I certainly agree that what the Border Patrol calls tactical infrastructure or fencing—and particularly in urban areas—can be a tool that is effective. I certainly believe that additional Border Patrol—my proposal was that we add about 5,000 Border Patrol—would be helpful. Once the technology identifies people crossing the border illegally, they have to have somebody go pick them up.

I actually agree with Senator MCCAIN when he initially opposed my amendment to add 5,000 Border Patrol agents, when he said he thought the answer was mainly in the area of improved technology. I agree with that. But imagine my surprise when Senator MCCAIN and Senator SCHUMER, the two main advocates of this surge in the underlying bill for border security, said: We think 5,000 Border Patrol agents is a budget buster, only to come back a few days later and offer 20,000 Border Patrol agents at an increased cost of at least \$30 billion.

So without a coherent strategy or mechanism for ensuring results, adding 20,000 Border Patrol agents—assuming that it ever actually happens—and a few hundred miles of additional fencing could turn out to be a massive waste of taxpayer dollars. Again, there is something fundamentally wrong with the idea that if we throw enough money at the problem, it will somehow miraculously be resolved.

What we need is a plan, and what we need to know is how we can invest in this plan to accomplish measurable results, and this bill does not produce that.

So if a person believes the Federal Government is going to hire 20,000 additional Border Patrol agents and spend all this money over the next 10 years, well, as the song goes, I have some oceanfront property in Arizona I would like to sell you.

My colleagues don't have to take my word for it. In recent days experts from across the political spectrum have told us this bill takes the wrong approach to border security. And contrary to what my good friend from Tennessee says, it is not "this bill or nothing." This is not the only alternative. So one could say this bill is flawed and doesn't accomplish the job but still be for immigration reform and a solution, which I am.

The former Commissioner of the Immigration and Naturalization Service Doris Meissner said the border security provisions in this bill are detached from reality. Former Customs and Border Protection Commissioner Robert Bonner, also formerly head of the Drug Enforcement Administration, said the bill "is simply throwing a phenomenal amount of money at a problem to gain political support"—which it apparently has done—"but is not likely to solve the problem."

Meanwhile, former DHS official John Whitley has reminded us that we should be focusing on border security outputs instead of inputs. In other words, we should be looking at not just what is put into this but what it actually produces in terms of results. That makes sense. Just spending a lot of money on stuff we are going to buy without any plan and without measuring outputs isn't going to get the job done.

An output-based trigger would assure the American people that we will not grant legal status until after our borders are secured. And the reason is because this is not a punitive measure; this is a way of realigning all of the incentives so that Republicans, Democrats, Independents, liberals, and conservatives can all pressure the executive branch and the bureaucracy to actually accomplish the promises set out in the bill rather than just throw money at it.

The Presiding Officer has heard me say that the amendment I offered would have made legalization contingent on 100 percent situational awareness of the U.S.-Mexico border and full operational control of the border. I have been criticized by some of my friends who say that is an unreasonable requirement and then ask: Where in the world did you get those figures? Well, I got that out of the Gang of 8 proposal. The difference is that mine would have guaranteed accomplishing the goal; theirs merely promises it but will never keep that promise.

I would have also made it contingent on a nationwide biometric entry-exit system—something this Federal Government has been promising for 17 years since President Clinton signed that requirement into law, but that promise hasn't been kept either.

I also included in my amendment nationwide E-Verify, which is a way for employers to verify the eligibility of workers who apply for a job, that they can legally work in the United States.

As I said, ironically, the Gang of 8 promised all of these same things, but the only mechanism I have seen that would have actually guaranteed it to happen was the amendment I offered that was tabled.

What I have described is a real border security trigger, not just another promise—the kind of trigger that will

be necessary to get bipartisan immigration reform not just out of the Senate but out of the House of Representatives and on to the President's desk. I don't think we should be so shortsighted as to pat ourselves on the back and say: Hey, the Senate has passed an immigration reform bill, only to find it dead on arrival in the House of Representatives and to make it harder, not easier, to get a consensus bill on the President's desk for him to sign. That is not success.

Not surprisingly, the Congressional Budget Office reports that this bill will have only the slightest impact on illegal immigration.

The American people are not fooled. A recent Rasmussen poll says that only about 28 percent of Americans actually believe this bill will secure America's borders. The American people have been fooled in the past, which is another reason they are skeptical now, and they don't believe this bill will get it, and I don't either.

In short, we are about to vote on a bill that repeats the mistakes of the past and does not learn from them, offering merely promises but no results. But it also makes a few new mistakes as well.

Despite earlier promises of a tough but fair legalization program, this bill grants immediate legal status to people with multiple drunk driving convictions and people with multiple domestic violence convictions. And for people who have actually already committed these crimes and been deported, this bill would allow them to come back and register for RPI status.

I simply do not understand, nor has anyone attempted to explain, how we can in good conscience support legalization, of violent criminals. I am not talking about just people who have come here to work and otherwise been law-abiding citizens; I am talking about people who come here and, in contempt of our laws, have committed crimes of violence, and they are now going to be rewarded under this bill with probationary status and a pathway to citizenship. A few days ago I challenged my colleagues to come to the floor and explain or perhaps defend these provisions. I didn't find any takers.

I also mentioned the tragic stories of husbands and wives, fathers and mothers, brothers and sisters who lost their lives after being hit by an illegal immigrant drunk driver. Just to give some perspective, in 2011 alone Immigration and Customs Enforcement deported nearly 36,000 people with DUI convictions. This bill legalizes people who have committed driving under the influence offenses as well as people with multiple domestic violence offenses.

Some might argue that multiple misdemeanors aren't that big of a deal, but tell that to the family of a loved one who has lost their son, their daughter,

their mother, their father, their brother, or their sister because of drunk driving by people who have illegally entered our country. It is worth remembering that the difference between a misdemeanor and a felony can be just 1 day in custody.

These are not minor offenses. It is worth remembering that, particularly in a domestic violence context, a felony is often pleaded down to a misdemeanor because of challenges getting cooperation from the complaining witness, who frequently lives with the defendant.

No fewer than 23 States classify certain domestic violence offenses as misdemeanors. In Minnesota, misdemeanor domestic violence even includes domestic abuse with a deadly weapon. That law may call it a misdemeanor, but it is a serious crime.

So for one last time, I will issue my challenge: Are there any supporters of this bill who will come to the Senate floor and tell the American people why drunk drivers, domestic abusers, and already deported criminals should be given immediate legal status under this bill? Well, I won't be holding my breath. No one has taken me up on that yet.

I have just a few final points. We have been told this bill reduces the Federal budget deficit over the next 10 years. Amazingly, in some sort of Washington-style accounting, we can spend about \$50 billion and still save money. That is amazing. It is magical. And it is pure fantasy. We were told that previously on the Affordable Care Act, but we know this bill is premised on accounting tricks. The reality is that it will actually increase the on-budget deficit.

This is the amazing thing to me. We have some of our colleagues who are some of the most effective deficit hawks in this Chamber—those who have been champions fighting against special spending projects that tend to corrupt the political process—yet they support this bill and seem to have turned a blind eye to the on-budget deficit and the fact that this bill is littered with de facto earmarks, carve-outs, and pet spending projects.

We have been told this bill modernizes the southern border. Yet it does absolutely nothing to facilitate the flow of lawful trade and commerce across our border and to allow law enforcement to focus on the criminal element, which would represent a tremendous step in the right direction.

I wish to reiterate that I agree with the Gang of 8 and those who support some aspects of this bill that we need a nationwide E-Verify system. I know Senator PORTMAN from Ohio, for example, had an E-Verify improvement amendment, but, like 45 other amendments denied an opportunity to be heard as part of this process wherein we have only seen 10 votes on amend-

ments, he was unable to offer that improvement to this bill.

I agree with the Gang of 8 and those who say we need stricter penalties on employers who hire illegal immigrants. I agree with those who say we need to increase the number of visas for highly skilled immigrants with advanced STEM degrees. I agree with the goal of unifying families. All of these measures enjoy broad bipartisan support, and I want to offer my congratulations to the Gang of 8 for including them in this bill.

However, I can't support a bill that repeats the mistakes of the past by making a promise of future action that will never be kept, particularly on border security, and one that repeats the mistakes of 1986. I certainly can't support a bill that offers immediate legal status to drunk drivers, wife-beaters, and violent criminals.

I was disappointed when my RESULTS amendment was tabled, and I am disappointed that today we are about to pass deeply flawed legislation that will not be taken up by the House of Representatives. But I take some comfort in knowing that while the initial Senate debate is ending, the broader nationwide debate is just beginning. In the weeks and months ahead, I want to continue to play an active and constructive role, particularly working with our colleagues in the House of Representatives, to pass real immigration reform that promotes security and prosperity for the American people.

I note that one of our colleagues in the House called this bill a runaway train in the Senate, but that train is getting ready to slow down, and I think the American people will benefit from the Congress taking its time to make sure that we not simply pass a bill but we pass a good bill, one that reflects our values and one that also benefits our economy. I think they will benefit from a careful discussion and dialog between the Senate and the House about what ultimately will be the bill that goes to the President's desk.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. CORNYN. I will.

Mr. DURBIN. I have noticed on several occasions the affection my friend from Texas has for this poster board that contains this reputed quote from me. I wish to ask the Senator from Texas, since he has used that repeatedly on the floor, is he aware of the fact that when I was asked about the relationship between the path to citizenship and border enforcement, it was in the context of the Cornyn amendment which established a percentage requirement as part of border enforcement? Is the Senator aware that the bill itself includes a dramatic commitment to resources on the border of the Senator's State with the nation of Mexico—literally doubling the number of Border Patrol agents and billions of

dollars being spent to make sure we stop as much as humanly possible illegal immigration—and that before the path to citizenship, the bill requires an E-Verify system as well as an exit-entry visa system? Is the Senator aware that is not included in that reference he has made to my statement?

Mr. CORNYN. Mr. President, I would say to my good friend, the assistant majority leader, I am aware of the promises that are made in the underlying bill. My point is there is no mechanism to guarantee the goals the Gang of 8, on which the assistant majority leader has served—the promises that are made in terms of 100-percent situational awareness and operational control—there is absolutely nothing there that will guarantee the American people that promise will be kept, which is a serious problem, which is the reason why, when I saw the bipartisan framework for comprehensive immigration reform, I was encouraged. Because I could support a bill that did make a pathway to legal permanent residency contingent upon a certification that these goals have been met. But I cannot based on sad experience dating back to 1986 and 1996, and other times in the past, where Congress has made repeated promises of future performance—promises that are never kept.

I would say, in conclusion, the American people are asked to be extraordinarily generous here in terms of providing probationary status and the possibility of legal permanent residency, and maybe even citizenship in the future. That is an act of extraordinary generosity and compassion they are being asked to demonstrate. But to be given just promises that will not be kept by throwing money at the problem, without any real plan to make sure it is going to be effective, this bill falls way short of its promises.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I would notify the assistant Republican leader I will be making a unanimous consent request in a few minutes after my remarks. I do not want him to be surprised by that.

Members representing all corners of this great Nation have been working hard on amendments to improve this comprehensive immigration bill. For a week now we have been trying to negotiate a package of noncontroversial amendments to be included in this legislation.

In my experience over the years, both in the majority and in the minority, for whatever bill you had before the Senate, when you have a list of noncontroversial amendments, they are simply agreed to by everybody and put in a managers' package so as not to take up a day voting on things that are going to pass anyway.

Last week I filed a managers' package of amendments. I removed from this list the ones that have been objected to by other Members. Instead, though, the Republican minority has taken the position that in order to even clear a few noncontroversial amendments—which includes both Republican and Democratic amendments—the majority must agree to vote on dozens of highly contentious measures, including amendments being offered by Senators who have said that no matter what happens they are going to oppose the legislation. In my experience, under both Democratic and Republican leadership in the Senate, that has never been considered reasonable.

Many of my friends on the other side of the aisle have complained we have not had more votes on this bipartisan immigration bill, and I share that frustration. From the outset, Republicans have delayed the bill's consideration and the ability of Members to file amendments by filibustering the motion to proceed to the bill. We all know the bill is going to get cloture, but they still filibustered the motion to proceed—just as one more delaying tactic. In fact, 15 Members refused to even cut off a filibuster, not for a vote on the legislation, but just to bring it on the floor so we could begin to debate it—delay after delay after delay.

Then once we overcame the filibuster and we could debate the legislation, I offered an amendment, and then I agreed to set it aside so Senator GRASSLEY could call up a Republican amendment—again, the comity we usually have in this place. Well, then, when the next set of amendments was ready to be made pending, the Republicans, instead of doing what we Democrats did—allowing them to come up—objected to setting aside the pending amendment and prevented the next two amendments from becoming pending and ready for a vote. Then they objected to time agreements on votes. They even objected to allowing the leader to modify my amendment late last week, last Thursday night.

They complain about delays—why aren't we voting? Every time we try to vote, they object.

The lack of cooperation on this bipartisan bill has been frustrating for Senators on both sides of the aisle. I have had a lot of Republican Senators who have come to me saying they do not agree with these delays. It has been clear since day one that a small minority of Republican Senators is going to do anything to thwart this bill's passage. It is hard to sympathize with those who complain they cannot get a vote on their amendments, when they have objected to even the most minor consent agreements to make progress on the bill. The expression "crocodile tears" comes to mind.

We have tried to find a way forward for votes on both sides, but it has been

thwarted. It makes one wonder whether some would rather have the ability to complain about process rather than take votes to improve the bill. I had hoped we could agree to a reasonable number of votes this week.

Unfortunately, some people here want to vote maybe. They do not want to vote yes or no. We are elected to vote yes or no, not maybe.

Yesterday we proposed votes on 17 Republican amendments and a smaller number—15—of Democratic amendments, but Republicans objected. It is a shame we have not been able to continue the momentum of bipartisan cooperation that marked the Judiciary Committee's process that has brought this bill so far.

In the Judiciary Committee we had 301 amendments filed. We approved around 140 amendments. All but two or three were passed with bipartisan votes—both Democrats and Republicans. And when we finished all those, I asked if anybody wanted to bring up any further amendments. They did not. And we passed the bill out with a bipartisan majority. But we voted. Sometimes we voted a dozen times in 2 hours.

We still have a chance to move a package of noncontroversial amendments. Instead of insisting the Senate vote on dozens of controversial amendments designed to harm the careful balance in this legislation, Republicans should clear the noncontroversial and good ideas on which many Republican and Democratic Senators have worked so hard. The amendments included on my manager's list have widespread support. They have been filed by Senators—both Republicans and Democrats—over the past 3 weeks. Many have already been discussed at length here on the Senate floor.

I will take some examples. This package of noncontroversial amendments contains bipartisan amendments to improve oversight of certain immigration programs. It contains entirely technical amendments to the bill. It contains a bipartisan amendment by Senators NELSON and WICKER to provide for maritime security, as they have so correctly pointed out on this floor that we have a long border—not just our land border; we have very long borders on two oceans. It contains an amendment by a group of northern border Senators, led by Senator HEITKAMP, to ensure border security measures at the northern border. There are several amendments from our colleagues from New Mexico to help facilitate cross-border travel and commerce.

The list includes an amendment by Senator BROWN to ensure that the border fence is constructed of materials made in America. Who could vote against that? The list contains an amendment by Senator COCHRAN and Senator LANDRIEU. She is the chairwoman of the Appropriations Subcommittee on Homeland Security. It

requires increased reporting on the EB-5 program—something that should be a no-brainer. The list contains two amendments championed by Senators COATS, KLOBUCHAR, and LANDRIEU to ease the process for international adoptions—a humanitarian measure that should get strong bipartisan support. But these are just a few examples of what we have in here that we have all agreed should be able to be passed.

I wish the list were longer. Early yesterday morning, I learned there were Republican objections to a number of Democratic amendments that had been on my list, including several that have Republican cosponsors. I was surprised to hear there are concerns about several of these amendments. One of those that has apparently raised Republican concerns is an amendment by Senator HAGAN to authorize a border crime prevention program and reauthorize the Bulletproof Vest Program to protect law enforcement officers. The Bulletproof Vest Program is from the days when Senator Ben Nighthorse Campbell and I first introduced it, and it has gotten overwhelming support because of all the lives of police officers it has saved.

I hope those who are objecting to it will—the next time we have a police memorial here on the Mall in remembrance of those police officers who have died—explain to those police officers in attendance why they are opposed to them having bulletproof vests.

Yet another is an amendment Senator FEINSTEIN, Senator CORNYN, and others have championed to provide the judiciary with the resources to handle the large number of immigration cases.

I do not understand why these are considered controversial. I was disappointed we had to remove the Feinstein-Cornyn amendment from this list because Republicans objected to the Feinstein-Cornyn amendment on resources for the judiciary.

Nonetheless, I took these off, even though I thought they would be noncontroversial. I liked the Feinstein-Cornyn amendment, and the others—the bulletproof vest amendment—but we took them off because Republicans objected.

So now I am going to propose a list—and I want to make sure the Republican leader is on the floor—that contains 32 sensible, noncontroversial amendments that strengthen the bill and makes it better. They deserve to be adopted. I recognize and share the frustration of many Senators who have worked on their amendments and want their chance to influence the bill. Amendments that have broad support should not be held hostage by the partisanship that has impeded our work.

I am going to offer now—incidentally, before I do, I note there are 32 in here; the majority of them—17—have Republican support.

I ask unanimous consent the following amendments be called up en

bloc; that the clerks be authorized to modify the instruction lines, where necessary, to match the intended page and line numbers of the committee-reported substitute, as amended; and the Senate then proceed to vote on adoption of the amendments en bloc: Baucus-Tester No. 1512; Boxer No. 1240; Brown No. 1597; Cardin-Kirk No. 1286; Carper-McCain No. 1558, as modified with changes that are at the desk; Carper No. 1590; Coats No. 1288; Coats No. 1373; Coburn No. 1509; Coons No. 1715; Flake No. 1472; Heinrich No. 1342; Heinrich No. 1417; Heinrich No. 1559; Heitkamp No. 1593; Klobuchar-Landrieu-Coats-Blunt No. 1261; Klobuchar-Coats-Landrieu-Blunt No. 1526; Landrieu-Coats No. 1338; Landrieu-Cochran No. 1383; Leahy No. 1454; Leahy No. 1455; Murphy No. 1451; Murray-Crapo No. 1368; Nelson-Wicker No. 1618; Reed No. 1223; Reed No. 1608; Schatz-Kirk No. 1416; Shaheen-Ayotte No. 1272; Stabenow-Collins No. 1405; Toomey No. 1236; Udall of New Mexico No. 1241; and Udall of New Mexico No. 1242.

The ACTING PRESIDENT pro tempore. Is there objection?

The Republican whip.

Mr. CORNYN. Mr. President, reserving the right to object, I want to compliment the distinguished chairman of the Judiciary Committee for the open process he conducted in committee to process amendments on both sides of the aisle and the open and transparent way that was done. That stands in stark contrast to what has happened here on the floor, where we have only had 10 amendments that have had rollcall votes, compared to 46 rollcall votes the last time we debated comprehensive immigration reform in 2007.

I would point out for my distinguished colleague that of the 32 amendments that are being offered now by unanimous consent to be voted upon, 27 of them are Democratic amendments and 5 of them are Republican amendments.

Senator LEAHY noted that one of my amendments was excluded. Actually all of my amendments have been excluded, including the one that would prohibit legalization of drunk drivers and spouse beaters and other criminals, as well as one that is designed to root out fraud in the program.

On behalf of my ranking member, we object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate the compliments. But I am thinking of Shakespeare, “I came here not to praise Caesar, but to bury him.” Unfortunately these amendments have been buried by the objection.

I would note that yesterday we offered 17 Republican amendments and 15 Democratic amendments to be voted on. That was objected to. Those were offered by the distinguished majority leader. It is frustrating.

I know we are about to go to executive session. I ask unanimous consent that the Senator from Hawaii, Ms. HIRONO, have 2 minutes before the executive session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Hawaii.

Ms. HIRONO. Mr. President, I have talked about how this bill treats immigrant taxpayers, specifically the restrictions on access to Federal safety net programs. The bill prohibits immigrant taxpayers from using programs they helped to fund with the hundreds of billions of dollars of taxes they pay. This is truly unfair. I filed an amendment to correct this unfair treatment. This amendment is No. 1317. My amendment simply says immigrant taxpayers who are lawfully present and working and who have paid all of their tax liabilities should be able to use the Federal programs their taxes pay for. This is simply common sense.

I ask unanimous consent that Senators BOXER, ROCKEFELLER, and SCHATZ be added as cosponsors of amendment No. 1317.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. HIRONO. I thank these Senators for their support.

This amendment is supported by over 180 organizations including the National Immigration Law Center, National Council of La Raza, the Asian Pacific Islander American Health Forum, National Latina Institute for Reproductive Health, the AFL-CIO, U.S. Council of Catholic Bishops, the National Committee to Preserve Social Security and Medicare.

I have several letters from these organizations that attest to their support of my amendment. I ask unanimous consent that one of these letters, which is signed by 179 organizations, be printed in the RECORD following my remarks.

I have also been working with many Senators on an amendment to provide additional opportunities for women in the new merit-based immigration system created in the bill. Amendment No. 1718 would create a new tier 3 category with 30,000 merit-based visas. Tier 3 is structured in a way that allows women a fairer chance to compete for these visas.

The Hirono-Murray-Murkowski amendment currently has 19 cosponsors. I ask unanimous consent that Senators WHITEHOUSE and SCHATZ be added as cosponsors of amendment No. 1718.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. HIRONO. Amendment 1718 is a modified version of amendment No. 1504. I made those modifications after working with Senator GRAHAM, and he



has agreed to support this new amendment. I thank him for his support.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Ms. HIRONO. I ask unanimous consent for 30 additional seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. HIRONO. I also have letters from over 100 organizations in support of amendment Nos. 1718 and 1504. I ask unanimous consent that some of these letters of support be printed in the RECORD following my remarks.

I thank UNITE HERE, the Leadership Conference on Civil and Human Rights, We Belong Together, and the Asian American Justice Center for organizing these letters and for their support. I also thank the AFL-CIO and SEIU for their support.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 18, 2013.

To All Members of the U.S. Senate: We welcome the Senate's consideration of comprehensive immigration reform as the Border Security, Economic Opportunity, and Immigration Modernization Act (S. 744) proceeds to the Senate floor. As advocates for the health of the most vulnerable in our communities, we have deep concerns about provisions in S. 744 that would harm the health and well-being of aspiring citizens and their families. Immigrants on the roadmap to citizenship will be paying taxes, and as taxpayers, aspiring citizens should have access to taxpayer-funded programs like all Americans.

Senator Hirono (D-HI) plans to introduce an amendment to restore taxpayer fairness to aspiring citizens. The amendment provides that all immigrants who are lawfully present, employed, and have satisfied their federal tax liability shall not be prohibited from using any federally-funded program or tax credit solely on the basis of their immigration status. Allowing immigrants to use the programs they pay for will enable them to be more economically successful. We urge you to stand with Senator Hirono and others to correct the unfair restrictions on access to health, nutrition, and economic supports, thereby ensuring that the roadmap to citizenship allows immigrants equal opportunity to succeed in our country.

As currently proposed, S. 744 bars most individuals in RPI status from vital federal health coverage, nutrition assistance, and economic security programs for the entire period they are in provisional status, which would be at least 10 years. When RPIs become Lawful Permanent Residents (LPRs) and earn their green card, current law further restricts LPRs from accessing these vital federal programs for another five years. S. 744 also bars aspiring citizens in RPI status from the premium tax credits and cost-sharing reductions that will allow them to participate in the new health insurance marketplaces established under the Affordable Care Act (ACA). Individuals in blue-card and V visa status are similarly restricted from accessing safety net programs, premium tax credits, and cost-sharing reductions.

The restrictions in S. 744 mean that most aspiring citizens may have to pay into programs for 15 years before they can use them if their kids get sick or if they lose their

jobs. For about half a million children who may soon be on the roadmap to citizenship, these restrictions could impact their development and ability to learn in school. For pregnant women, it could mean no access to prenatal care that is critical to the health of infants and women. For women with undetected breast or cervical cancer, a 15-year wait to see a doctor could be the difference between life and death. These restrictions will result in poorer health outcomes, wider health disparities, lower worker productivity, and higher costs to the healthcare system. The restrictions are also out of line with the views of most Americans: 63% believe those on the roadmap to citizenship should be eligible for Medicaid and 59% believe they should be eligible for affordability options under the ACA. Entrenching struggling parents and families in poverty prevents economic competitiveness and productivity; additionally, these programs exist so people can take economic risks like starting a business. Instead, better immigration policy will facilitate the integration of aspiring citizens into the social and economic fabric of our country.

Moreover, denying aspiring citizens access to the very programs that they pay into with their tax dollars is inherently unfair. Aspiring citizens currently pay \$11.2 billion annually in taxes. Already, immigrants have paid \$115 billion more in taxes into the Medicare system than they have used. As aspiring citizens move forward on the roadmap to citizenship, they will contribute even more to government revenue in fines, fees, and taxes.

Senator Hirono's amendment to restore taxpayer fairness to aspiring citizens will enable those on the roadmap to citizenship to succeed and will promote the health of our families, communities, and economy. We urge you to stand with Senator Hirono to ensure that the roadmap to citizenship is fair and allows aspiring citizens to live with health, dignity, and justice.

Thank you for your time and consideration to these issues.

Sincerely,

9to5, 9to5 Atlanta, 9to5 California, 9to5 Colorado, 9to5 Milwaukee, Abortion Care Network, ACCESS Women's Health Justice, Advocates for Women AFL-CIO, AIDS Alabama, AIDS Foundation of Chicago, AIDS United, Alliance for a Just Society, American Academy of Pediatrics, American Congress of Obstetricians and Gynecologists, American Federation of State, County and Municipal Employees (AFSCME), Americans for Immigrant Justice, formerly Florida Immigrant Advocacy Center, Arkansas Advocates for Children and Families, Asian & Pacific Islander American Health Forum, Asian American Justice Center, Member of Asian American Center for Advancing Justice, Asian Law Alliance, Asian Pacific American Labor Alliance, AFL-CIO, ASISTA Immigration Assistance.

Association of Asian Pacific Community Health Organizations, Association of Farmworker Opportunity Programs, Association of Reproductive Health Professionals (ARHP), Breakthrough, California Latinas for Reproductive Justice, California Primary Care Association, California Rural Legal Assistance Foundation, Campaign for Better Health Care, CASA de Maryland, Center for Community Change (CCC), Center for Independence of the Disabled, NY, Center for Law and Social Policy (CLASP), Center for Medicare Advocacy, Inc., Center on Reproductive Rights and Justice at University of California Berkeley School of Law, Central Ohio Immigrant Justice, Children's Defense Fund,

Church of Our Saviour/Iglesia de Nuestro Salvador, Civil Liberties and Public Policy, CLUE Santa Barbara, Coalition for Asian American Children and Families, Coalition for Humane Immigrant Rights of Los Angeles.

Coalition for Peace Action of Monroe Township, Coalition on Human Needs, COFA Community Advocacy Network, COMGARIGUA, Community Action Partnership, Connecticut Multicultural Health Partnership, CT Asian Pacific American Affairs Commission, Direct Care Alliance, DRUM—Desis Rising Up & Moving, El Concilio/Council for the Spanish Speaking, Empire Justice Center, Fair Immigration Reform Movement (FIRM), Families USA, Farmworker Association of Florida, Feminist Majority, First Focus Campaign for Children, Georgia Rural Urban Summit, Hawai'i Coalition for Immigration Reform, Hawaii State Coalition Against Domestic Violence, Health Care for All Philadelphia, Health Care for America Now, HealthyPacific.Org, HIKITTI Community, HIV Prevention Justice Alliance, Housing Works.

Illinois Coalition for Immigrant and Refugee Rights, Immigrant Law Center of Minnesota, Immigrant Legal Advocacy Project, Immigrant Service Providers Group/Health, International Tribunal of Conscience, Jewish Community Action, Jewish Labor Committee Western Region, Kentucky Coalition for Immigrant and Refugee Rights, Koolauloa Health Center, Korean Community Center of the East Bay, La Clinica del Pueblo, La Raza Centro Legal, Latin American Association, Latino Coalition for a Healthy California, Latino Commission on AIDS, The Leadership Conference on Civil and Human Rights, Leadership Conference of Woman Religious, League of United Latin American Citizens, Lifting Latina Voices Initiative/FWHC, Lowcountry Immigration Coalition, LUMA, Lutheran Immigration and Refugee Service.

Massachusetts Immigrant and Refugee Advocacy Coalition, Methodist Federation for Social Action, Mexican American Legal Defense and Educational Fund, Micronesians United Big Island, Ministry of Health, Moloka'i Community Service Council, MomsRising.Org, Ms. Foundation for Women, National Alliance of Latin American and Caribbean Communities, National Asian Pacific American Women's Forum, National Association of Counsel for Children, National Center for Law and Economic Justice, National Center for Lesbian Rights, National Center for Transgender Equality, National Conference of Puerto Rican Women, Inc., National Council of Jewish Women, National Council of La Raza (NCLR), National Employment Law Project, National Gay and Lesbian Task Force Action Fund, National Health Care for the Homeless Council, National Health Law Program, National Hispanic Medical Association, National Immigrant Justice Center, National Immigration Law Center.

National Latina Institute for Reproductive Health, National Organization for Women, National Physicians Alliance, National Senior Citizens Law Center, National Women's Health Network, National Women's Law Center, NCJW—Maine Section, Nema Hawaii Community Association, New Economics for Women, New Mexico Voices for Children, New York Lawyers for the Public Interest, New Yorkers for Accessible Health Coverage, Ni-ta-nee NOW, North Dallas Chapter of the National Organization for Women, Northern Manhattan Coalition for Immigrant Rights, Northwest Health Law Advocates,

OneAmerica, Pacific Islander Health Partnership, Pennsylvania Council of Churches, PHI PolicyWorks, Physicians for Reproductive Health, Planned Parenthood Federation of America, Pohnpei Fellowship Ministry.

Political Asylum Immigration Representation Project, Project Inform, Raleigh Episcopal Campus Ministry, Ramirez Group, Reformed Church of Highland Park, NJ, Refugio del Rio Grande, Religious for Immigration Reform, Reproductive Health Technologies Project, RESULTS, Rockland Immigration Coalition, Safehouse Progressive Alliance for Nonviolence, Salvadoran American National Network, Sargent Shriver National Center on Poverty Law, Sea Mar Community Health Centers, Silicon Valley Alliance for Immigration Reform, Single Stop USA, Sisters of Mercy West Midwest Justice Team, South Asian Americans Leading Together (SAALT), South Cove Community Health Center, The Black Institute, The Center for APA Women, The Children's Advocacy Institute, The Children's Partnership.

The Hat Project, Unitarian Society of New Haven, Immigration Rights Task Force, United for a Fair Economy, United Migrant Opportunity Services/UMOS Inc., United We Dream, Unity Fellowship Church NYC, University of Hawaii, Violence Intervention Program, Voces de la Frontera, Voices for America's Children, Washtenaw Interfaith Coalition for Immigrant Rights, We Belong Together: Women For Common-Sense Immigration Reform, WI Council on Children and Families, Women Watch Afrika, Inc., Women's Law Project, Worker Justice Center, YWCA, YWCA USA.

JUNE 21, 2013.

Dear Senator: We, the undersigned organizations that advocate on behalf of women, children and families, urge you to support Hirono #1504, co-sponsored by Senators Hirono, Murray, Baldwin, Boxer, Cantwell, Gillibrand, Klobuchar, Landrieu, Leahy, Mikulski, Murkowski, Shaheen, Stabenow and Warren. Hirono #1504 goes to the heart of making the immigration system fair and inclusive by adding a new tier to the proposed merit-based system that is more inclusive of women's contributions.

We are all deeply committed to ensuring that any immigration reform bill treats women fairly and acknowledges the many specific situations and contributions of women. We believe that the proposed merit-based system for employment green cards in S. 744, as currently written, will significantly disadvantage women who want to come to this country, particularly unmarried women. Awarding points primarily for education and employment experience fails to recognize the lack of opportunities and barriers that women face in accessing both education and employment in their home countries, barriers that are significantly worse than for men. This, in effect, cements into U.S. immigration law barriers and inequities that women face in their home countries and inadvertently restricts the opportunities available to women across the globe.

Currently, approximately 70% of immigrant women come to this country through the family-based system. Employment-based visas favor men over women by nearly a four to one margin because U.S. immigration law places a premium placed on male-dominated fields like engineering and computer science. However, women perform essential work as primary caregivers, domestic workers, in-home health care workers and nurses. They also are often the backbone of families, tak-

ing care of those in an extended family who are ill or unable to care for themselves. Economically, women are increasingly the primary breadwinners in immigrant families, making it more likely for the family to open a small business or purchase a home. Women are also the primary drivers of immigrant integration for the entire family, encouraging others to learn English and integrate effectively into the community.

We believe that Hirono #1504 is essential to ensuring that we do not inadvertently cement discrimination against women into U.S. immigration law. The amendment would establish a Tier 3 merit-based point system that would provide a fair opportunity for women to compete for merit-based green cards. Complementary to the high-skilled Tier 1 and the lower-skilled Tier 2, the new Tier 3 would include professions commonly held by women so as not to limit women's opportunities for economic-focused immigration. It would provide 30,000 Tier 3 visas and would not reduce the visas available in the other merit-based Tiers.

America has always held out hope and opportunity to millions of women across the world. Women move here to make life better for themselves and their families. They move seeking freedom and opportunity often denied in other places. As Americans, we honor and celebrate our unique commitment to protecting families and giving equal opportunities and respect to women and girls. We need our immigration system to reflect that commitment, and to provide opportunities to everyone, including women.

We urge you to support Hirono #1504 and help ensure fairness for women in immigration reform. If you have any questions, please contact Pramila Jayapal at We Belong Together: Women for Common-Sense Immigration Reform at [pjayapal@me.com](mailto:pjayapal@me.com) or June Zeitlin at The Leadership Conference for Civil and Human Rights at [zeitlin@civilrights.org](mailto:zeitlin@civilrights.org).

Sincerely,

18Million Rising.org, 9to5, Alianza Nacional de Campesinas, ALIGN New York, Alliance for a Just Society, American Baptist Home Mission Societies, American Jewish Committee, Asian American Justice Center, Asian American Legal Defense and Education Fund, Asian Pacific American Labor Alliance, AFL-CIO, Association of Asian Pacific Community Health Organizations, Breakthrough, California Latinas for Reproductive Justice, Campaign for Community Change (CCC), Capuchin Justice and Peace Office, Carmelites, Vedruna ICJP, Casa de Esperanza: National Latin@ Network for Healthy Families and Communities, Center for Gender & Refugee Studies, Centro de los Derechos del Migrante, Inc., Chinese American planning council, inc., Christian Church (Disciples of Christ) Refugee and Immigration Ministries, Church World Service, CLUE Santa Barbara.

Coalition for Humane Immigrant Rights of Los Angeles, Colorado Organization for Latina Opportunity and Reproductive Rights, Communication Workers of America, Conference of Major Superiors of Men, CUNY Law Immigrant Initiatives, Daughters of Wisdom, Dominican Sisters of Houston, DRUM—Desis Rising Up & Moving, Family Values @ Work Consortium, Farmworker Justice, Feminist Majority, Franciscan Action Network, Georgia Latino Alliance for Human Rights, Good Shepherd Immigration Study Group, Hispanic Center of Western Michigan, IHM Justice, Peace and Sustainability Office, Immigrant Law Center of Minnesota, Immigration Equality Action Fund,

Institute for Women in Migration (IMUMI), International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW).

Japanese American Citizens League, Justice and Peace Committee, Sisters of St. Joseph of West Hartford CT, Korean Americans for Political Advancement (KAPA), LatinoJustice PRLDEF, Leadership Conference of Women Religious, The Leadership Conference on Civil and Human Rights, Lutheran Immigration and Refugee Service, MinKwon Center for Community Action, MomsRising.org, National Advocacy Center of the Sisters of the Good Shepherd, National Asian Pacific American Bar Association (NAPABA), National Asian Pacific American Women's Forum (NAPAWF), National Center for Lesbian Rights, National Day Laborer Organizing Network (NLDON), National Domestic Workers Alliance, National Employment Law Project, National Federation of Filipino American Associations, National Immigrant Justice Center, National Immigration Law Center, National Latina Institute for Reproductive Health, National Women's Law Center.

OCA-NY Asian Pacific American Advocates, OneAmerica, Our Lady of Victory Missionary Sisters, PICO National Network, Presentation Sisters, Religious Sisters of Charity, School Sisters of Notre Dame JPIC Office Atlantic-Midwest Province, Sisters of Mercy, Sisters of Mercy West Midwest Community, Sisters of St. Francis, Tiffin, OH, Sisters of St. Joseph of Rochester, South Asian Americans Leading Together (SAALT), Tahirih Justice Center, Tennessee Immigrant & Refugee Rights Coalition, The Advocates for Human Rights, The Episcopal Church, The New American Leaders Project, Unid@s, Union of sisters of the Presentation of the Blessed Virgin Mary, US Province, United Methodist Church, General Board of Church and Society, United Methodist Women, Violence Intervention Program, West Michigan Coalition for Immigration Reform, We Belong Together Campaign, Women's Refugee Commission.

## EXECUTIVE SESSION

### NOMINATION OF ANTHONY RENARD FOXX TO BE SECRETARY OF TRANSPORTATION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Anthony Renard Foxx, of North Carolina, to be Secretary of Transportation.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 minutes for debate equally divided and controlled in the usual form.

Mr. ROCKEFELLER. Mr. President, I am chairman of the Commerce Committee. Mayor Anthony Foxx, who is absolutely superb, someone as a mayor, which I like, secondly as an expert on transportation, intermodal and otherwise. He understands the lay of the land and he has done it.

He was passed without a single dissenting vote of either party in the

Commerce Committee. That is quite remarkable these days. He is a superb and qualified person who is very much needed to overlook our enormous transportation system which is in trouble. I hope my colleagues will support him.

The ACTING PRESIDENT pro tempore. Who yields time in opposition?

Mr. CORNYN. We yield back all time. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Anthony Renard Foxx, of North Carolina, to be Secretary of Transportation?

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 165 Ex.]

#### YEAS—100

Alexander	Flake	Murkowski
Ayotte	Franken	Murphy
Baldwin	Gillibrand	Murray
Barrasso	Graham	Nelson
Baucus	Grassley	Paul
Begich	Hagan	Portman
Bennet	Harkin	Pryor
Blumenthal	Hatch	Reed
Blunt	Heinrich	Reid
Boozman	Heitkamp	Risch
Boxer	Heller	Roberts
Brown	Hirono	Rockefeller
Burr	Hoeven	Rubio
Cantwell	Inhofe	Sanders
Cardin	Isakson	Schatz
Carper	Johanns	Schumer
Casey	Johnson (SD)	Scott
Chambliss	Johnson (WI)	Sessions
Chiesa	Kaine	Shaheen
Coats	King	Shelby
Coburn	Kirk	Stabenow
Cochran	Klobuchar	Tester
Collins	Landrieu	Thune
Coons	Leahy	Toomey
Corker	Lee	Udall (CO)
Cornyn	Levin	Udall (NM)
Cowan	Manchin	Vitter
Crapo	McCain	Warner
Cruz	McCaskill	Warren
Donnelly	McConnell	Whitehouse
Durbin	Menendez	Wicker
Enzi	Merkley	Wyden
Feinstein	Mikulski	
Fischer	Moran	

The nomination was confirmed.

The PRESIDING OFFICER (Ms. BALDWIN). Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT—Continued

AMENDMENTS NOS. 1552 AND 1553 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the pending amendments Nos. 1552 and 1553 are withdrawn.

The majority leader.

Mr. REID. Madam President, the pending business, then, is the committee-reported substitute amendment, with all postcloture time having been expired; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I raise a point of order that the Reed of Rhode Island amendment is no longer in order due to the adoption of the amendment No. 1183.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

Mr. REID. I raise a point of order that the Cruz amendment is also no longer in order.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

Mr. REID. I raise a point of order that the Boxer amendment is also no longer in order.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

Mr. REID. I ask unanimous consent that the next two votes be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, during these votes we are going to try to work out a time to finish our work today. As I mentioned earlier today, whenever we have the final vote—whether it is tomorrow afternoon or, if we can work something out, today—I want everyone to be here a few minutes before the time expires so we can start the vote. The vote will not start until Senators are in their assigned seats. If they are not here, we will have a live quorum, and all that will do is slow things up. And we are going to do that.

This legislation has been worked on for many years. We have people who believe strongly in this legislation and people who don't. It is a very important piece of legislation. It is historic in nature, and we should be here to vote, and we are going to be here in our chairs to vote. We don't have a time worked out yet. We are going to do our best. As my friend the ranking member said, we would like it sooner rather than later, but we can't get that unless everybody agrees to a time.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question is on agreeing to the committee-reported substitute, as amended.

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 68, nays 32, as follows:

[Rollcall Vote No. 166 Leg.]

#### YEAS—68

Alexander	Gillibrand	Mikulski
Ayotte	Graham	Murkowski
Baldwin	Hagan	Murphy
Baucus	Harkin	Murray
Begich	Hatch	Nelson
Bennet	Heinrich	Pryor
Blumenthal	Heitkamp	Reed
Boxer	Heller	Reid
Brown	Hirono	Rockefeller
Cantwell	Hoeven	Rubio
Cardin	Johnson (SD)	Sanders
Carper	Kaine	Schatz
Casey	King	Schumer
Chiesa	Kirk	Shaheen
Collins	Klobuchar	Stabenow
Coons	Landrieu	Tester
Corker	Leahy	Udall (CO)
Cowan	Levin	Udall (NM)
Donnelly	Manchin	Warner
Durbin	McCain	Warren
Feinstein	McCaskill	Whitehouse
Flake	Menendez	Wyden
Franken	Merkley	

#### NAYS—32

Barrasso	Enzi	Portman
Blunt	Fischer	Risch
Boozman	Grassley	Roberts
Burr	Inhofe	Scott
Chambliss	Isakson	Sessions
Coats	Johanns	Shelby
Coburn	Johnson (WI)	Thune
Cochran	Lee	Toomey
Cornyn	McConnell	Vitter
Crapo	Moran	Wicker
Cruz	Paul	

The committee amendment in the nature of a substitute, as amended, was agreed to.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 744, a bill to provide for comprehensive immigration reform, and for other purposes.

Harry Reid, Patrick J. Leahy, Michael F. Bennet, Charles E. Schumer, Richard J. Durbin, Robert Menendez, Dianne Feinstein, Sheldon Whitehouse, Patty Murray, Debbie Stabenow, Robert P. Casey, Jr., Mark R. Warner, Thomas R. Carper, Richard Blumenthal, Angus S. King, Jr., Christopher A. Coons, Christopher Murphy.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 744, a bill to provide for comprehensive immigration reform and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under this rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 68, nays 32, as follows:

[Rollcall Vote No. 167 Leg.]

#### YEAS—68

Alexander	Begich	Brown
Ayotte	Bennet	Cantwell
Baldwin	Blumenthal	Cardin
Baucus	Boxer	Carper

Casey	Hirono	Nelson
Chiesa	Hoeben	Pryor
Collins	Johnson (SD)	Reed
Coons	Kaine	Reid
Corker	King	Rockefeller
Cowan	Kirk	Rubio
Donnelly	Klobuchar	Sanders
Durbin	Landrieu	Schatz
Feinstein	Leahy	Schumer
Flake	Levin	Shaheen
Franken	Manchin	Stabenow
Gillibrand	McCain	Tester
Graham	McCaskill	Udall (CO)
Hagan	Menendez	Udall (NM)
Harkin	Merkley	Warner
Hatch	Mikulski	Warren
Heinrich	Murkowski	Whitehouse
Heitkamp	Murphy	Wyden
Heller	Murray	

## NAYS—32

Barrasso	Enzi	Portman
Blunt	Fischer	Risch
Boozman	Grassley	Roberts
Burr	Inhofe	Scott
Chambliss	Isakson	Sessions
Coats	Johanns	Shelby
Coburn	Johnson (WI)	Thune
Cochran	Lee	Toomey
Cornyn	McConnell	Vitter
Crapo	Moran	Wicker
Cruz	Paul	

The PRESIDING OFFICER. On this vote, the yeas are 68, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

## TANF

Mr. BAUCUS. Madam President, on July 12, 2012, the Department of Health and Human Services, HHS announced a new initiative to allow States to experiment under the temporary assistance for needy families, TANF, block grant. The HHS initiative would waive some Federal requirements for qualifying states and instead allow them to develop and use "alternative and innovative strategies, policies, and procedures that are designed to improve employment outcomes for needy families." States would be required to improve employment by 20 percent in order to keep one of these waivers. Some of my colleagues object to this approach.

I was a supporter of 1996 welfare reform and stand by the tenets of that reform. However, it has been seventeen years since that debate on welfare produced the TANF program. We would not expect a car to run for 17 years without maintenance. It is time to tune-up our Nation's antipoverty program. It is time to take a look under the hood.

In the past, TANF has provided crucial benefits to struggling Americans. As poverty rates for women and children increase, it is vital to ensure our programs are adequately meeting the needs of this vulnerable population. The Congressional Research Service estimates that in 1995 over 14 million children were living in poverty. After welfare reform, the number of kids living in poverty decreased to about 11 million by 2000. Since then, these gains have been eroded. There were over 13 million kids in poverty by the start of the recession in 2007. Now there are over 16 million children in desperate need of assistance. These numbers do

not indicate a healthy safety net. We must ensure that disadvantaged women and children continue to have access to the vital resources they need.

In 2005, after several attempts to pass a TANF reauthorization bill in "regular order," the TANF program was reauthorized as part of the Deficit Reduction Act. But it was not the comprehensive bipartisan TANF reauthorization voted out of the Finance Committee. Rather, it was a slimmed-down version placed in a budget reconciliation bill that focused on tightening up the work standards and adding grants for marriage promotion and responsible fatherhood. Furthermore, the reauthorization was solely written by Republicans without any Democratic input.

I have nothing but the utmost respect for my distinguished colleague for Utah. I share in my colleague's strong belief that work is honorable and that it should be a cornerstone of our welfare system.

While I certainly share in my colleague from Utah's concern over the unilateral waiver of legislative requirements, I am also a strong supporter of finding ways to improve Federal programs. I agree with the administration that innovation often comes from our partners in the States. As chairman of the Finance Committee, I have provided Montana and the other 49 States numerous opportunities to take initiative and improve our programs. Justice Louis Brandeis said, "It is one of the happy incidents of the federal system that a single courageous state may serve as a laboratory, and try novel social and economic experiments without risk to the rest of the country." Giving the 50 States an opportunity to experiment and improve on Federal programs allows us to determine what works and what doesn't.

Allowing our States to have the flexibility to increase their work rates by 20 percent is a noble goal that improves the very foundation of our welfare system. I understand that there are concerns about how the 20 percent is calculated. However, the goal of increasing employment is my highest priority, a goal that I believe is shared by my friend from Utah.

No matter how noble the goal, I agree that there are better ways to go about making improvements to the TANF program than bypassing the Congress. The Finance Committee has jurisdiction over the TANF program. As a committee, we have never shirked our legislative responsibilities and could have been engaged in a more productive manner.

However, this impasse around TANF waivers has prevented productive dialog on the needs of this Nation's most vulnerable women and children for almost a year. It is time to get back to business. I am willing to work with Senator HATCH to end this impasse.

The American people deserve our best attention on getting people jobs that will support their families.

With an eye toward reform, I asked the Government Accountability Office, GAO, to evaluate TANF. Since 1996, the number of families served by federal welfare programs has dropped from 3.9 million to 1.9 million in 2010. The GAO noted that this decline was not due to an increase in income but a decline in participation. GAO noted that States have erected increasingly more stringent barriers, making it difficult for families and children to qualify for TANF.

The GAO also noted that current policies may be discouraging States from preparing difficult-to-serve families for the road back to work through TANF. Some options suggested for serving families with complex needs include adjustments to state requirements and a focus on employment outcomes. We may need to make some modest changes to ensure that the program runs smoothly, our tax dollars are spent efficiently, and that we provide a useful safety net for Americans.

A safety net that encourages and inspires resiliency in the face of hardship is crucial to our growth and success. We have worked together to provide States with the opportunity to find solutions while maintaining rigorous standards in the child welfare programs. Continuing this trend is important, even more so when it involves lifting families out of poverty. We have had a strong bipartisan relationship on the Finance Committee, and I look forward to working with the ranking member to improve our welfare system.

Women should not be faced with the hard choices like staying in abusive relationships in order to provide for their kids or leaving their children with less than trustworthy guardians to find a job. We can do better. Input from the administration, States, and other stakeholders on what they think might improve the program is welcome and needed. I am looking forward to working with my colleague from Utah on a legislative solution that improves the TANF program in real ways for women and children.

Mr. HATCH. Madam President, last July, in an unprecedented over-reach of executive authority, the Obama administration violated congressional intent and breached over a decade of precedence by granting themselves the authority to waive critical Federal work requirements.

As ranking member of the Senate Finance Committee, which has jurisdiction over the temporary assistance for needy families, or TANF, I strongly opposed this effort of the Executive branch to bypass the legislative branch of government.

It is the sole responsibility of the Senate Finance Committee to develop,

debate, and enact changes to the TANF programs.

The TANF programs have not been fully reauthorized for over 10 years and have been funded by a series of short term extensions since 2010. During this time, poverty and, most distressingly, child poverty have risen. It is imperative to families struggling in this dire economy that the Senate Finance Committee act in a bipartisan manner to reform and improve the TANF programs.

In December of last year, colleagues may remember that I sent a letter to President Obama and then subsequently went to the Senate floor and formally asked the President to instruct the Secretary of Health and Human Services to withdraw their unconstitutional welfare waiver rule and submit a comprehensive welfare reform plan to the Congress. In my letter and my remarks, I made it clear that if the President withdrew this waiver scheme and sent up a proposal to Congress, that I would commit to working with him and other Democrats to enact comprehensive welfare reform.

However, in the months since I sent my letter, I have not gotten a response from the President. The welfare waiver rule remains in effect. The Secretary of Health and Human Services has failed to propose a comprehensive welfare reauthorization.

According to HHS, no State has applied for a welfare work waiver. In their Statement of Administration Policy, to H.R. 890, the "Preserving Work Requirements for Welfare Programs Act of 2013," the Administration writes that the reason no state has applied for a welfare work waiver is due to "inaccurate claims about what the policy involves."

However, the Obama administration has refused to elaborate further on these waiver policies, and Democrats in the Congress have steadfastly resisted any effort to rescind the administration's welfare waiver scheme.

The insistence on the part of the administration that the welfare waiver rule remain intact demonstrates to me that the administration wants the option to waive Federal welfare requirements at some later date.

Therefore, it behooves those of us who support robust welfare work requirement to oppose the administration's welfare work waiver scheme and work to remove the possibility that the Obama administration would approve proposals to gut welfare reform.

This has become even more imperative because, as we learn more about how the Obama administration developed their welfare work waiver rule, the more it becomes apparent that the Obama administration has been disingenuous in its characterization of the policy and its intended outcomes.

HHS initially justified their welfare work waiver scheme by suggesting that

they were merely doing the bidding of the State. They referred to comments solicited by them from my State of Utah, in 2011, requesting administrative flexibility as justification for advancing policies that could undercut key provisions of welfare reform.

However, in exercising the due diligence oversight role of the legislative branch, Ways and Means chairman DAVE CAMP and I were able to compel HHS into providing an internal memo relating to the development of the welfare work waiver rule. I ask unanimous consent to have this memo printed in the RECORD at the conclusion of my remarks.

As my colleagues will see, contrary to claims that the Obama administration was simply capitulating to State's requests for flexibility, this memo reveals that, as far back as 2009, policy makers in the Obama administration were working to determine which provisions of welfare reform could be waived or disregarded. Therefore, the claim that the Obama administration was merely capitulating to states' request for administrative flexibility is disingenuous, at best.

A careful review of this memo further reveals that HHS attorneys have concluded that the Secretary has the authority to allow States to ignore prohibitions on Federal welfare spending which would "permit a state to extend assistance to a family for which assistance would be prohibited under Section 408 of the Social Security Act."

Mr. President, the following individuals and activities are prohibited under section 408 of the Social Security Act: fugitive felons and parole violators, families where the adult has exceeded 5 years of assistance, noncitizens with a five-year ban on assistance as described in title IV of the Personal Responsibility and Work Opportunity Reconciliation Act, and medical services, such as abortion.

Under S. 744, the legislation before the Senate today, the prohibitions detailed in title IV of PRWORA for Federal means-tested public benefits, such as cash welfare, are extended to registered permanent immigrants, blue card holders, and aliens admitted to the United States under 101(a)(15)(V) or 101(a)(15)(Y).

However, under HHS's current interpretation of section 1115 authority, since title IV can be ignored, Federal welfare benefits could be paid to these groups of noncitizens.

I have always wanted to support the current bill before the Senate, and I committed to working with Senator RUBIO and others to try and improve the bill so that it can garner broad bipartisan support.

I initially filed an amendment that would have prevented the Obama administration from potentially gutting welfare reform and explicitly prohib-

ited them from permitting the types of spending outlined in section 408 of the Social Security Act. This amendment was deemed too broad to be relevant to the immigration debate by the Democratic majority.

So, in the spirit of compromise, I agreed to limit my amendment to only apply to the section of 408 dealing with noncitizens—in other words, the ability of Obama administration to waive work requirements and permit Federal welfare spending on certain prohibited individuals and activities remains.

The Obama administration's interpretation of their 1115 waiver authority is and will remain an impediment to successfully improving and reauthorizing the TANF programs. This is because any compromise could be undermined by this or any other administration. I take the chairman at his word that he intends to pursue a bipartisan consensus on improvements to the TANF programs, but I need to stress that consensus will be difficult to reach as long as this or any future administration can waive key features of a compromise reached by the Congress.

This Senator remains baffled why the Obama administration is so reluctant to engage in a discussion of welfare reform.

To this date, nearly a year after the Obama administration went public with their welfare work waiver rule, they have not issued a single clarification on what work or work related activity they wanted to allow states to count as work and why the current flexibility in TANF is insufficient.

It appears that despite my entreaty last year for the Obama administration to engage in a dialogue about improving the TANF programs, their strategy for the immediate future appears to be one in which they will simply let TANF wither on the vine.

I do not want that to happen. TANF provides critical support of working families and helps States provide services to vulnerable children. But too much of TANF spending is unaccounted for, and programs funded by TANF dollars may not be coordinated with other efforts directed towards at risk populations.

The robust welfare-to-work programs from 20 years ago have virtually vanished.

I know that the chairman of the Senate Finance Committee shares my concerns about the future of TANF. I understand he has a different perspective on the administration's intentions relative to their welfare waiver policies.

I hope to be able to work with Chairman BAUCUS and the other members of the Senate Finance Committee to propose commonsense reforms to the TANF programs during this session of Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH  
& HUMAN SERVICES,

Washington, DC, December 15, 2009.

To: Mark Greenberg, Deputy Assistant Secretary for Children and Families.

From: Chief of Litigation, Children, Families and Aging Division.

Subject: Authority Under Section 1115 of the Social Security Act.

This memo responds to your request for a legal opinion regarding the breadth of the Secretary's authorities under section 1115 of the Social Security Act (Act), 42 U.S.C. 1315, with respect to title IV-A of the Act. Specifically, you are interested in better understanding her ability to waive particular state plan requirements for the Temporary Assistance for Needy Families (TA') program and to allow states to spend TANF, Healthy Marriage and/or Responsible Fatherhood program funds for certain purposes beyond those specified in sections 403 and 404 of the Act. As explained below, for a proper section 1115 demonstration project, the Secretary may waive compliance with any state plan requirements in section 402 of the Act, as well as any other requirement incorporated therein. The Secretary also may allow a state to use IV-A Funds for costs that otherwise would be impermissible under that title. Section 1115 does not provide direct relief from state penalties under section 409 of the Act but may factor into the penalty relief available under section 409 itself. Thus, the Secretary may take most of the actions proposed in your November 17, 2009, e-mail, under section 1115 of the Act.

## SECTION 1115 AUTHORITIES

Section 1115(a) of the Act provides the Secretary of Health and Human Services ("the Secretary") with two types of discretionary authority to exempt a State from otherwise-applicable IV-A rules so that it may implement a demonstration project that, in the Secretary's judgment, "is likely to assist in promoting the objectives" of title IV-A. 42 U.S.C. §1315(a).

First, under section 1115(a)(1) of the Act, the Secretary "may waive compliance with any of the requirements of section . . . 402 . . . to the extent and for the period [s]he finds necessary to enable [a] State . . . to carry out" an approved demonstration project. *id.* §1315(0)(1). Section 402 of the Act sets forth state plan requirements for title IV-A. *Id.* §602. "In granting a §1315(a) waiver, the Secretary allows the state to deviate from the minimum requirements which Congress has determined are necessary prerequisites to federal funding." *Beno v. Shalala*, 30 F.3d 1057, 1068 (9th Cir. 1994).

Second, under section 1115(a)(2)(B), "costs of an approved demonstration project] which would not otherwise be a permissible use of funds under part A of title IV . . . shall to the extent and [or the period prescribed by the Secretary, be regarded as a permissible use of funds under such part." 42 U.S.C. §1315(a)(2). This authority permits the Secretary to use IV-A funds for expenditures that would not be allowable under, for example, section 404 of the Act, 42 U.S.C. §604, which prescribes permissible uses of a state's TANF grant.

## PREREQUISITES FOR SECTION 1115 PROJECTS

Section 1115 applies to only (1) experimental, pilot, or demonstration projects that (2) in the judgment of the Secretary are likely to assist in promoting the objectives of, in this case, title IV-A of the Act. (3) to the extent and for the period she finds necessary. Thus, while the Secretary has considerable discretion to decide which projects meet

these criteria, she must, at a minimum, consider each of these issues.

Because Congress enacted section 1115 to "test out new ideas and ways of dealing with the problems of public welfare recipients," S. Rep. No. 1589, 87th Cong., 2d Sess. 20, reprinted in 1962 U.S.C.C.A.N. 1943, 1962, the Secretary must first determine that the project has a research or demonstration value. See *Beno*, 30 F.3d at 1069 ("she must determine that the project is likely to yield useful information or demonstrate a novel approach to program administration").

In addition, the Secretary must determine that the proposed project is likely to further the objectives of title IV-A. These objectives, as identified in section 401 of the Act, 42 U.S.C. §601, are as follows:

(1) provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;

(2) end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;

(3) prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing, and reducing the incidence of these pregnancies; and

(4) encourage the formation and maintenance of two-parent families.

Finally, the Secretary may issue a waiver "to the extent and for the period [s]he finds necessary," *id.* §1315(a)(1), and may regard otherwise impermissible expenditures as permissible "to the extent and for the period [s]he prescribes," *id.* §1315(a)(2)(B). Thus, pilot projects are limited in scope and duration, consistent with their experimental nature.

Section 1115 waivers are subject to judicial review under the Administrative Procedure Act. See *Beno*, 30 F.3d at 1067; *G. v. Hawaii*, 2009 U.S. Dist. LEXIS 39851 (D. Haw. May 11, 2009). Courts have recognized that the Secretary has broad authority under section 1115, and her decision to approve a project under section 1115 should be upheld unless it is arbitrary, capricious, or contrary to law. See *Georgia Hospital Ass'n v. Department of Medical Assistance*, 528 F. Supp. 1348 (N.D. Ga. 1982); *Crane v. Mathews*, 417 F. Supp. 532 (N.D. Ga. 1976); *California Welfare Rights Org. v. Richardson*, 348 F. Supp. 491 (N.D. Cal. 1972); *Aguayo v. Richardson*, 352 F. Supp. 462, 469-70 (S.D.N.Y. 1971), *aff'd* 473 F.2d 1090 (2d Cir. 1973).

Assuming that a state's project satisfies these prerequisites, the Secretary may address the particular IV-A provisions referenced in your e-mail as follows:

Can the Secretary permit a state to operate under a different set of participation rate requirements other than those specified in Section 407, or to be accountable for negotiated outcomes rather than the TANF participation rates?

Yes. Although work participation rates are found in section 407, which may not be waived directly under the terms of section 1115(a)(1), section 402(a)(1)(iii) requires that the State plan "[e]nsure that parents and caretakers receiving assistance under the program engage in work activities in accordance with section 407." Because this section 402 requirement incorporates section 407, "Mandatory Work Requirements," the Secretary's waiver authority may reasonably extend to section 407, as well.

However, the extent to which section 407 may be incorporated for purposes of section 1115 is unclear. Section 402(a)(1)(iii)'s limitation, "in accordance with section 407," could be read to modify or apply only to section 407(d), because section 402(a)(iii) expressly

refers to "work activities" in section 407, which are defined in section 407(d). Thus, a more conservative approach to section 1115(a)(1) would limit a waiver of section 402(a)(1)(iii) to enable a state to define work activities differently than Congress did in section 407(d), but otherwise leave the rest of section 407, including participation rates in section 407(a), intact.

Alternatively, "in accordance with section 407" could be read to modify the entire clause that precedes it, i.e., ensuring that recipients engage in the prescribed work activities. In other words, if section 402(a)(1)(iii) requires not merely that the work activities be those defined in section 407(d) but also that the state have in place section 407's comprehensive scheme to "ensure" that families work, including through the participation rates, then a waiver could reasonably reflect the breadth of the state plan requirement itself. In short, section 402(a)(1)(iii)'s use of "in accordance with section 407" (rather than, for example, "section 407(d)") is sufficiently ambiguous that a broader view of the scope of the potential waiver is a defensible, though perhaps riskier, interpretation.

Can the Secretary permit a state to spend TANF funds for a benefit or service beyond those allowable under Section 404?

Yes. Under section 1115(a)(2), the Secretary may allow a state to use its IV-A funds to pay for costs that would "not otherwise be a permissible use of funds under part A of title IV," regardless of which section of title IV-A would render the cost impermissible.

Can the Secretary broaden allowable expenditures under healthy marriage and responsible fatherhood promotion grants beyond those specified in Section 403?

Yes. Unlike other titles covered by section 1115(a)(2), title IV-A is referenced in its entirety with respect to the otherwise impermissible costs for which Federal program funds may be used. For example, for title IV-D, section 1115(a)(2)(A) only allows the use of IV-D funds to pay for expenditures that would not be allowed under section 455 of the Act, 42 U.S.C. §655. Thus, section 1115(a)(2) would not authorize the use of IV-D funds to pay for costs that would not be allowed under section 469B (Grants to States for Access and Visitation), 42 U.S.C. §669b, even though this latter section is part of title IV-D, too. As stated above, under section 1115(a)(2), the Secretary may allow a state to use its IV-A funds to pay for costs that would "not otherwise be a permissible use of funds under part A of title IV," regardless of which section of title IV-A would render the cost impermissible. Thus, even though section 404 of the Act generally prescribes a state's use of its TANF grant, the Secretary may apply section 1115(a)(2) to other funds and costs under title IV-A, including those in section 403.

Can the Secretary permit a state to extend assistance to a family, or which assistance would otherwise be prohibited under Section 408?

Yes. Section 408 of the Act lists additional (i.e., non-state plan) prohibitions and requirements on the use of IV-A funds. To the extent that this section prohibits the use of IV-A funds for certain purposes, the Secretary may use section 1115(a)(2) to regard a state's expenditures therefor as permissible. For example, section 408(a)(7) prohibits the use of its TANF grant to provide assistance to a family for more than five years. Although this is not a state plan requirement, and thus may not be waived under section 1115(a)(1), the Secretary may allow a state to



use its TANF grant to provide assistance beyond this five-year period as part of a demonstration project, using her authority under section 1115(a)(2).

Can the Secretary provide that a penalty otherwise applicable under Section 409 does not apply?

No. Section 1115 does not reference section 409 of the Act, 42 U.S.C. §609, which provides for penalties against states that violate various provisions of the Act. Section 409 is neither incorporated by section 402 as a state plan requirement that can be waived under section 1115(a)(1) nor reflective of costs that would otherwise be impermissible under title IV-A. However, if the goal is to provide opportunities for a state to avoid a penalty while encouraging experimentation, it may be possible to work within the existing framework of section 409 to find “reasonable cause,” if a state’s section 1115 project were to cause it to incur the penalty.

Depending on the kind of penalty at issue, section 409(b) prohibits the Secretary from imposing a penalty “if the Secretary determines that the State has reasonable cause for failing to comply with the requirement.” To the extent that a state fails to meet a requirement due to its participation in a section 1115 project, it may be appropriate for the Secretary to find “reasonable cause” for the state’s failure. For example, if a State has a section 1115 project that allows it to spend IV-A funds on assistance beyond the five-year period authorized in section 408(a)(7), it may be possible to justify forgoing a penalty under section 409(a)(9) based on the reasonable cause exception, because the State had permission to use the funds in that manner. This is similar to the approach taken with respect to waivers for penalties attributable to providing federally-recognized good cause domestic violence waivers. See 45 C.F.R. §260.58(a) (state must demonstrate that it met work participation rate requirements except with respect to any individuals who received a federally-recognized good cause domestic violence waiver of work participation requirements). Although section 1115 waivers are not expressly referenced in the IV-A “reasonable cause” regulation, see 45 C.F.R. §262.5, the preamble to the rule clarifies that the list of factors in the rule is not exclusive. Temporary Assistance for Needy Families Program, 64 Fed. Reg. 17720, 17805 (Apr. 12, 1999) (“we no longer limit ourselves to considering only these factors. While we do not anticipate routinely determining that a State had reasonable cause based on other factors, we do not want to preclude a State from presenting other circumstances.”).

In addition, section 409(c) of the Act requires that a state have the opportunity to enter into a corrective compliance plan for certain penalties. 42 U.S.C. §609(c). To the extent that a state’s participation in a section 1115 demonstration project adversely impacts its ability to satisfy requirements covered by section 409, the state may take this into account in the corrective compliance plan.

#### CONCLUSION

Most of the proposals identified in your November 17, 2009, e-mail appear to be defensible exercises of the Secretary’s discretion under section 1115 of the Act. However, whether a particular project is legally supportable will depend on the facts and circumstances surrounding that project. We are available to assist you, if you decide to pursue further any of these or other ideas using IV-A funds.

Please contact me at 202-690-8005, if you have any questions.

#### ICHIA

Mr. ROCKEFELLER. Madam President, I would like to take a few moments with my friend Chairman LEAHY to discuss the ongoing importance of the Children’s Health Insurance Program Reauthorization Act’s impact on lawfully residing noncitizen children and pregnant women. In that 2009 legislation, States were given the option to provide Medicaid and State Children’s Health Insurance Program—CHIP—benefits to these populations without first imposing a waiting period, and many did so as an investment in future generations. Throughout the debate on S. 744, some of my colleagues spent a considerable amount of time seeking to deprive lawfully present noncitizens of the protections of our vital safety net programs. I consider these efforts to be contrary to the value that we, as Americans, place on protecting the most vulnerable among us.

Chairman LEAHY’s leadership has been critical to the passage of this historic legislation in the Senate, and I thank him for being a strong voice in favor of protecting health care benefits for children and pregnant women. As you know, children’s health has been one of my top priorities throughout my time in the Senate. Although the immigration reform bill that passed the Senate does limit certain noncitizens’ eligibility for some Federal benefits, I am pleased the Senate chose to preserve States’ rights to extend full Medicaid and State Children’s Health Insurance Program benefits to children and pregnant women granted legal status under the bill, particularly individuals and families granted Registered Provisional Immigrant—RPI, Blue Card, and V-visa status.

Commonly referred to as the Immigrant Children’s Health Improvement Act—ICHIA, the success of this State option cannot be overstated. In the 4 years since its passage, 27 States and territories have decided to exercise the option to extend coverage to lawfully residing noncitizen children or pregnant women under Medicaid or CHIP without first imposing a waiting period: California, Colorado, Connecticut, Northern Mariana Islands, District of Columbia, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, Washington, and Wisconsin. This extension of coverage has literally been a lifeline to children and pregnant women who cannot afford to wait 5 years for immunizations, treatment of infections, prenatal care, and other necessary medical services.

Because the bipartisan immigration bill contains multiple provisions relating to certain noncitizens’ eligibility for federal benefits, including those under means-tested programs, I would

like to take some time to walk through how the Senate-passed immigration bill does not in any way limit a State’s ability under ICHIA to extend coverage to children and pregnant women who receive RPI, Blue Card, or V-visa status.

Under the Centers for Medicare and Medicaid Services’—CMS—guidance on the definition of “lawfully residing” in ICHIA, as long as a noncitizen child or pregnant woman has established residency in a State and is “lawfully present” in this country, he or she may qualify for benefits at the State’s option. Children and pregnant women granted RPI, Blue Card, and V-visa status as part of the bipartisan immigration bill clearly meet this definition. The bill explicitly states that these categories of noncitizens are “lawfully present” in the United States for all purposes, except for specific benefits and obligations under the Affordable Care Act.

I will now turn it over to Chairman LEAHY to provide some additional context from the Senate negotiations and the Judiciary Committee mark-up of S. 744.

Mr. LEAHY. Thank you, Senator ROCKEFELLER. The issues we are discussing today are extremely important, and I appreciate your leadership during CHIPRA to allow States to extend Medicaid and CHIP benefits to pregnant women and children in the first place.

Last week, I came to the floor to express my opposition to amendments that were designed to punish immigrant families who are living on the verge of poverty by preventing them from accessing our Federal safety net. The Judiciary Committee refused to add many of these amendments to the bill, and I am pleased that the Senate heeded my call to reject the harshest of these amendments as well.

Now, I would like to repeat something that Senator ROCKEFELLER just said. The bipartisan immigration reform bill explicitly states that children and pregnant women granted RPI, Blue Card, and V-visa status are considered “lawfully present” in the United States. It is true that the bill contains language making these three categories of immigrants ineligible for “any Federal means-tested public benefits” as “defined and implemented” in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act,—PRWORA, the Federal law that limits some noncitizens’ eligibility for certain Federal programs. However, this language does not eliminate the States’ right to exercise the ICHIA option.

Mr. ROCKEFELLER. Now, I would like to direct a question to my friend Chairman LEAHY. Just to be clear, provisions in the bipartisan immigration reform bill do not eliminate a State’s right to extend Medicaid and CHIP to



any lawfully residing noncitizen child or pregnant woman, including those receiving RPI, Blue Card, or V-visa status. Is this correct, Mr. Chairman?

Mr. LEAHY. Yes, that is correct. Nor was it our intention throughout the negotiations to eliminate this State right.

Mr. ROCKEFELLER. A closer look at the language in PRWORA and the Social Security Act confirms that the immigration reform bill does not eliminate the States' right to use the ICHIA option to provide coverage to lawfully residing children and pregnant women. The States' option to extend coverage to these individuals is not "implemented" in section 403 of PRWORA, the provision of law impacted by the immigration bill, but instead exists independent of PRWORA under sections 1903 and 2107 of the Social Security Act.

I would also like to point out to our colleagues that the Congressional Budget Office—CBO—had a similar interpretation of the language in S. 744. CBO made an assumption that, under this language, Federal agencies would permit some individuals with RPI, Blue Card, or V-visa status to receive benefits from Federal means-tested programs, and specifically incorporated into its estimate of the bill the costs of providing Medicaid and CHIP coverage under ICHIA to children and pregnant women.

Mr. LEAHY. Senator ROCKEFELLER is correct. The Senate had full knowledge of CBO's interpretation and cost estimate when it negotiated a bipartisan amendment that became the text of the final bill. We chose not to modify the provisions relating to the application of benefits under PRWORA, thus retaining the language that permits coverage under ICHIA of individuals with RPI, Blue Card, or V-visa status.

During the negotiations, the Senate did accept an amendment which states that "No officer or employee of the Federal Government may waive" compliance with PRWORA, or the bill's prohibition on accessing benefits that are defined and implemented in PRWORA. But these provisions, too, are inapplicable to a State's option under ICHIA. As my colleague Senator ROCKEFELLER mentioned before, the ICHIA option is not a product of PRWORA. It exists as an independent right under the Social Security Act and is therefore unaffected by this section.

Mr. ROCKEFELLER. Moreover, by using the term "waive" in section 2323, the Senate is attempting to prohibit Federal officials from using their waiver authority under certain means-tested programs—such as those afforded to agencies in relation to demonstration projects—in a way that would result in noncompliance with PRWORA. This narrow prohibition on the use of waivers by Federal officials cannot be con-

strued to prevent the continued implementation of an explicit, independent statutory right afforded to the states under ICHIA. The ICHIA option is not a waiver and remains available for States regardless of any action by an "officer or employee of the Federal Government."

Mr. LEAHY. I would like to point to one final, yet unfortunate, indication of the Senate's intent to preserve benefits under Medicaid and CHIP for children and pregnant women granted RPI, Blue Card, and V-visa status—section 4417. This section was added during negotiations on the amendment that became the final text of the bill. It directly amends ICHIA to prohibit States from covering certain individuals who are lawfully present in the United States on student and tourist visas. Had the Senate intended to similarly exclude from ICHIA individuals granted RPI, Blue Card, and V-visa status, it would have explicitly done so.

Mr. ROCKEFELLER. I share the Chairman's disappointment that the Senate decided to add section 4417 to explicitly exclude students and tourists from ICHIA coverage, but I also agree with him that by not excluding other categories of lawfully residing noncitizens in section 4417, such as those granted RPI, Blue Card, or V-visa status, the Senate intended to preserve their benefits.

One of the hallmarks of our Nation is our willingness to protect the most vulnerable among us. People from all over the world want to be part of America because of our deeply-rooted respect for human dignity.

Although it is not perfect—few laws are—the bipartisan immigration bill passed by the Senate this week lives up to those values in so many ways. It brings millions of hard working people out of the shadows, gives young students an opportunity to earn citizenship by furthering their education or serving in the military, reunites families who yearn to spend time with their loved ones, protects victims of domestic violence, and preserves health care coverage for noncitizen children and pregnant women who earn legal status under the bill.

Immigrants are not under any illusions that they will qualify for lavish benefits under our Federal programs when they arrive on our shores. But under this bill, they at least know that when medical needs arise or a medical disaster strikes, the vast majority of noncitizen children and pregnant women will be covered.

I yield the floor.

Mr. KING. Madam President, I would like to discuss my J-1 visa amendment to the immigration bill, which was incorporated into the Corker-Hoeven amendment. The purpose of the amendment is to increase transparency and accountability of exchange visitor programs that operate under the J-1 visa

category, while ensuring the continued existence of the J-1 program.

I proposed the new subtitle I in title III, with the support of my friend from Wisconsin Mr. JOHNSON. While the original subtitle F protections applied across a range of visas that have a work component, the J-1 visa category is fundamentally different from the other visas originally included in subtitle F. The J-1 category simply required separate treatment to ensure increased protection of J-1 visa holders and the long-term viability of this important diplomatic program.

I appreciate the support of the senior Senator from Connecticut, the original sponsor of subtitle F, and would like to further clarify the intent of our amendment.

Throughout the crafting of our amendment, I acknowledged that there are legitimate concerns with some J-1 programs. There have been instances in the Summer Work Travel Program where student placements have been inappropriate for the purposes of true cultural exchange.

As S.744 was reported from the Judiciary Committee, however, the intended reforms would have made it impossible for high quality sponsors to continue to administer the Exchange Visitor Program. Without an amendment, this important public diplomacy tool would have been lost.

Our amendment strikes "exchange visitors" from the definition of "worker" in subtitle F. Subtitle F is aimed at foreign labor contracting activity and creates important new protections for foreign workers in the U.S.—we did this because J-1 exchange visitors are not primarily workers, but instead cultural exchange participants. We believe this amendment to the bill makes clear that neither exchange visitors nor sponsors of J-1 programs are subject to the new requirements of Subtitle F, and that J-1 sponsors are not considered foreign labor contractors or recruiters.

As with any compromise, subtitle I is not 100 percent perfect. But it includes several important elements. Most vital, the amendment allows these valuable programs to continue and provides key protections to ensure participants remain safe. The Department of State has strengthened its regulations in recent years, and our amendment will help further that process. I believe our amendment makes the exchange visitor program stronger and ensures that international students and American businesses have clearer rules to continue this important public diplomacy tool.

I appreciate the collaborative effort of my colleagues, particularly the Senators from Connecticut and Wisconsin, for helping to craft legislation that improves the J-1 exchange visitor program. I look forward to continuing to work with them as this bill moves forward.

Mr. ENZI. Madam President, I rise to speak about why this body should reject the amended version of the immigration bill. I believe our immigration system is broken. As a matter of fact, I know the Senate could agree unanimously on the fact that our immigration system is broken. This includes both the legal system which allows individuals to visit and work in our country in addition to the failures which continue to allow others to reside illegally within our borders. The intentions of the Senate Judiciary Committee and the sponsors of this bill are correct. Those Senators deserve credit for their work on the bill over the past few months. However, as we approach final passage on this legislation I have to say I respectfully disagree with the final product and its failures to make fixes in several key areas.

The first key fix rests in the fact that the United States remains a place of opportunity. The whole reason why people want to come to the United States is because of jobs. In order for immigration reform to work we must have a strong, workable employment verification system in place. If Congress can ensure that only authorized job seekers gain employment in this country, then we remove the incentive for illegal immigration. Workers who cannot get jobs cannot afford to stay in the United States illegally. This immigration bill works towards making E-Verify mandatory. I agree with this goal, but as a former small business owner familiar with this process, I also recognize that this bill fails to strengthen protections against the fraudulent use of identifiers used in the employment process—particularly Social Security cards and Social Security numbers. Small business owners by nature do a lot. They mop floors, make sales, greet customers, do the accounting, set up computers, and pay the bills. However, you should not have to ask a business owner to act as a customs agent and determine if the government issued documents presented to them are authentic. One recent study suggests that the current E-Verify error rate for unauthorized workers is 54 percent. This is attributed to the fact that even though the system says that a particular person is legal, there is no way for the employer to know for certain if that worker is really who they claim to be.

The proposal before us attempts to address this problem through a photo-matching tool. However, the verification system does not have photos for the more than 60 percent of Americans who do not have a U.S. passport and relies on States to be able to provide driver's license records on a voluntary basis. This legislation allows a fundamental flaw in the E-Verify system to exist, making it even more difficult for employers to ensure that the people they hire are lawful. Several of my col-

leagues have filed amendments to fix these problems. I know that this is something Senator PORTMAN has worked on extensively and I support his efforts. Unfortunately, the necessary changes have not been made to E-Verify and it is difficult for me to support a bill knowing that it fails to provide small business owners with the tools they need to efficiently and accurately verify the identity of new employees.

Another draw to the United States happens to be the Federal welfare and tax benefits that workers receive. My colleague Senator HATCH has been working on several amendments, which I support, that ensures non-citizens do not benefit from these federal programs. Amendment No. 1246 clarifies that the U.S. Department of Health and Human Services cannot undermine welfare reform so that non-citizens receive welfare. Additionally, I support Hatch amendment No. 1247 that ensures back taxes are collected for applicants under the Registered Provisional Immigrant program. Failing to fix these draws to our country undermines immigration reform, incentivizes illegal behavior and adds costs to Americans who lawfully pay their taxes.

Second, dependable border security and interior enforcement is crucial to the entire immigration system. I voted for several amendments in this debate which would enact firm border security and enforcement triggers. One lesson from previous immigration efforts is that we cannot reduce illegal immigration without better border security and entry/exit enforcement measures. I cannot support the amended version of the bill because it offers false promises about border security and enforcement measures. I do not understand how the submission of a border security plan makes our nation safe, particularly when current law is not being enforced. Border agents are added but not before the provisions of the underlying bill go into effect. I think the Senate should take a lesson from history. Failing to secure the border and ignoring enforcement will not reduce illegal immigration.

Finally, I think it is also important to discuss why more hasn't been done to fix the underlying bill. The Senate has been on this bill for nearly 3 weeks. In that time, the Senate has only voted on nine amendments. It appears clear now that few if any more amendments will be considered as we approach final passage which makes it difficult to make some real common sense changes to the bill. I believe that part of the reason is because the bill is being considered as comprehensive reform. Comprehensive bills give everyone reason to oppose the bill. This Senate wants a legitimate fix to immigration. The best way to do that is to focus on it one piece at a time. For example, had more

attention been placed on E-Verify as a standalone bill, I am confident that we could find a way to ensure that the program works effectively for small businesses and helps deter the incentive for illegal behavior.

For these reasons I will be voting against final passage. I understand that we all want to fix our immigration system, but I cannot find the resolve to support legislation that misses the mark on so many levels. I am hopeful that more work will be done on fixing our immigration system in the interest of our economy, national security and moral obligations as a country.

Mrs. MURRAY. Madam President, I rise today to discuss the passage of the comprehensive immigration reform bill. For the first time in a generation, the Senate has passed a bill that brings us one crucial step closer to sensible immigration laws. This is a historic day for the Senate, for our economy, and for families across our country, but there is more work to be done before this bill becomes law.

When we began consideration of the Border Security, Economic Opportunity, and Immigration Modernization Act, I gave a speech in which I quoted from a book that John F. Kennedy wrote while serving in this Chamber. He wrote, "Immigration policy should be generous; it should be fair; it should be flexible. With such a policy we can turn to the world, and to our own past, with clean hands and a clear conscience." Today we can turn to the world proudly, with a clear conscience, and say this bill lives up to our ideals and our American values, to say that it will provide millions of aspiring Americans the opportunity to come out from the shadows, realize their dream of citizenship, and be strong threads in the rich fabric of this great nation.

From the beginning of this process, I have been very clear with my colleagues regarding my priorities for immigration reform, and this bill takes steps to achieve each of them. First, this legislation provides a real pathway to citizenship for the 230,000 undocumented people already living in Washington State. These families already work alongside us, attend our churches, and send their children to our schools—and they deserve the benefits and responsibilities of American citizenship. This bill also makes important reforms to help our economy, from agricultural businesses in central and eastern Washington to our expanding high-tech corridor in the Puget Sound. It can and should do more, but this legislation includes provisions to treat immigrants with dignity and help reunite families separated by our outdated laws. Finally, it provides Washington State's 35,000 DREAMers, children brought to this country at a very young age, with the chance they deserve to succeed in America. This bill

allows thousands of undocumented families in my home State of Washington who work hard and play by the rules to leave the shadows—to no longer live in constant fear of being separated from their loved ones.

I am also pleased this bill offers important reforms in the employment-based immigration system. There is a clear need to expand legal avenues for workers to immigrate to the United States in a safe and orderly manner. The size of this workforce must be flexible to meet the needs of our diverse industries and must be responsive to changes in our economy. This bill is a step in the right direction. It will allow the immigration system to be more responsive to the needs of the marketplace and will enable businesses to attract and retain a capable, stable, and legal workforce.

This bill isn't perfect and it is not the bill I would write on my own, but it is the result of a bipartisan compromise, and I am proud to support it as a strong step in the right direction. Although I have concerns about some elements of the bill, it makes critical changes to our broken system that will strengthen our country and grow our economy.

Over the past weeks, I offered a number of amendments that would have made commonsense improvements to the bill. Importantly, three of my amendments would have made this bill more inclusive of women.

Too often women in the developing world are not offered the same educational and employment opportunities afforded to men in those countries. This fact places women at a competitive disadvantage under a merit-based system that rewards education, job promotion, and career advancement. That is why I worked with my colleagues, Senator MAZIE HIRONO of Hawaii and Senator LISA MURKOWSKI of Alaska, to introduce my first amendment, which would provide 30,000 green cards for occupations held by lower income immigrant women in the United States. Our amendment would accomplish this by creating a third tier in the merit-based point system that would have complemented the highly educated tier one system and the moderate to lower skilled tier two system.

I was deeply disturbed to learn that some pregnant women in immigration detention are shackled, including during labor and delivery. While the Department of Homeland Security recently adopted performance standards that prohibit the shackling of pregnant detainees absent extraordinary circumstances, a significant portion of Immigration and Customs Enforcement, ICE, detainees are held in county jails by local law enforcement. These holding centers are not required to follow the Department's standards.

Shackling during labor, delivery, and postpartum recovery increases the risk

of harm to the fetus, it inhibits medical staff's ability to respond to emergencies, and it increases the discomfort and pain of the childbirth. That is why I introduced my second amendment to extend the prohibition against shackling to include all pregnant women held for immigration purposes, including those held under an immigration detainer issued by a Federal agency. This bipartisan amendment, cosponsored by Senator MIKE CRAPO of Idaho, provided for certain exceptions to the ban due to extraordinary circumstances, while also prohibiting certain types of restraints known to cause tripping, falling, or that stop a mother from using her hands to break her fall. Simply put, a woman should never have to endure the pain, embarrassment and extreme discomfort of being restrained while giving birth to her child, nor should she have to fear she will lose her child because of the way in which she is detained. Our immigration enforcement policy should always uphold our commitment to civil liberties and safeguard the dignity that every mother deserves. My amendment would have done just that.

My third amendment would have extended protections for the most vulnerable, including domestic violence survivors whose visa depends on their abuser's sponsorship. I drafted a comprehensive amendment designed to protect immigrant survivors of domestic violence, sexual assault, human trafficking, stalking, and dating violence. It would have extended judicial review in certain cases, would have modified the Violence Against Women Act, VAWA, cancellation of removal process, and would have provided training for Federal officers on vulnerable populations, among other protections. It would have also extended certain safety-net benefits to immigrant survivors to help them escape violence, gain independence, and recover from physical and emotional abuse.

I am going to keep working to improve this bill as it continues in the legislative process, and when it becomes law, I am going to work to ensure it is implemented in a way that works for families and communities. We must start by pairing unprecedented spending on new border security with responsible oversight, so I will be working closely with the Department of Homeland Security to ensure our efforts to secure the border do not violate the civil liberties of American families and communities. I am proud my amendment to address warrantless stops and searches in broad border zones is included in this bill, but for immediate border communities, we can't stop there.

That is why I offered an amendment that would have strengthened the Department of Homeland Security's Office for Civil Rights and Civil Liberties by amending current law to clarify its

jurisdiction and the scope of its authority to conduct investigations, require greater transparency in its reporting requirements to Congress, and ensure the Department's timely implementation of its recommendations and findings. Essentially, the amendment would have provided the office with the tools it needs to conduct effective oversight, provide substantial and timely responses, and to protect the Department's commitment to civil rights and liberties.

I also authored an amendment that would have required the Department to report on the use of force during immigration enforcement. By better understanding how and why force is being used, the Department would have been better equipped to ensure its policies and training promote and protect effective and humane enforcement practices. While I am committed to proving Federal law enforcement and border security the resources, training, and personnel they require, Congress must also ensure detainees are treated with respect and dignity. I will be working closely with the Department of Homeland Security to ensure our efforts to secure the border don't violate the civil liberties of American families and communities.

I have also introduced a number of other amendments over the past weeks, including an amendment to provide DREAMers access to affordable college education. I was disappointed these amendments were not added to the bill, but I will continue to work with my colleagues to push for these commonsense reforms.

Although I have concerns about some elements of the bill, it makes critical changes to our broken system that will strengthen our country, grow our economy, and finally allow millions of families to gain citizenship and chase their dreams without fear of deportation. This sweeping legislation is a step in the right direction, and I am proud to cast my vote today in support of S. 744, Border Security, Economic Opportunity, and Immigration Modernization Act.

Mr. LEVIN. Madam President, I will support the Border Security, Economic Opportunity, and Immigration Modernization Act.

This comprehensive approach will bring order to the visa program for H-1B applications and H-2A agricultural guest workers, thereby enhancing their contributions to the U.S. economy.

The legislation protects our workforce by ensuring that employers who knowingly hire, recruit, refer, or continue to employ an unauthorized immigrant or fail to comply with E-Verify requirements are appropriately sanctioned.

I believe that it is imperative that those who followed the rules receive legal status before those who didn't, and this bill does that. The bill also

creates a tough but fair legalization process for undocumented immigrants to apply for registered provisional immigrant, RPI status if they have been in the U.S. since December 31, 2011, have not been convicted of a felony or three or more misdemeanors, pay their assessed taxes, pass background checks, and pay penalty fees.

The bill recognizes those who came here as young children illegally, through no fault of their own, and provides them with an expedited pathway to legal permanent residence status.

The bill also includes provisions supported by both labor and business organizations that update the non-immigrant visa processes to respond to workforce needs. It includes important provisions to help unify families and to support adoptions. And it corrects problems that we currently have in the immigration removal, detention, and court processes and increases penalties for those who engage in criminal activity.

It protects refugees, who come to our country seeking protection from persecution. The bill streamlines processing in refugee and asylum cases by eliminating the 1-year asylum filing deadline, eliminating family reunification barriers for asylees and refugees, authorizing streamlined processing of certain high-risk refugee groups, giving trained asylum officers initial jurisdiction over an asylum claim after credible fear is shown, and permits qualified stateless individuals to apply for lawful permanent resident status.

This legislation will help our economy grow. And according to the Congressional Budget Office, the legislation will decrease Federal budget deficits by about \$197 billion over the 2014–2023 period. It will increase Federal revenues by \$459 billion over the 2014–2023 period.

I congratulate and thank my colleagues for all of their hard work on this important legislation. The Senate worked in a bipartisan fashion on a nonpartisan issue. I am hopeful that the House of Representatives will do the same.

#### LOGGING EMPLOYMENT

Ms. COLLINS. Madam President, I rise to speak on an issue of significant importance to the forest products industry in Maine. I am pleased to be joined here by my colleague from Maine, Senator KING. We have both heard from a number of our constituents in Maine who are concerned about the ambiguity in the bill that is currently before the Senate, the Border Security, Economic Opportunity, and Immigration Modernization Act, with regard to the definition of “agriculture employment” for the purposes of the proposed W agriculture visa program. I would like to turn to Senator KING to elaborate on the concerns that we’ve heard from constituents in our State.

Mr. KING. I thank Senator COLLINS for her work on this issue. During the

last logging season, 79 logging workers were granted H-2A visas for work in Maine. They were able to do this because the Department of Labor included logging employment as a covered occupation for the H-2A program by a December 18, 2008 rule. In the rule, the Department noted that they received two comments in support of including logging employment and no comments in opposition for purposes of the H-2A program. The Maine companies we have heard from are not looking for a special carve-out for the logging industry, but they want to make sure that their industry, which currently uses the H-2A program, is not excluded from the new W program that would replace the H-2A program. I ask the Senator from Vermont, who had such a hand in crafting this legislation, whether it is his understanding that the logging industry, specifically logging employment, as defined in title 20 of the Code of Federal Regulations in section 655.103(c)(4), would be able to access the new W agricultural program just as they have the H-2A program.

Mr. LEAHY. I thank the Senators from Maine for raising this issue. I would be glad to clarify that the intent of the legislation is not to exclude logging employment as defined in title 20 of the Code of Federal Regulations in section 655.103(c)(4) from the definition of “agriculture employment” for purposes of the new W agricultural visa, which will eventually replace the H-2A program. Consequently, logging employment would be covered in the definition of “agriculture employment” for purposes of the new W agricultural visa program. I also understand from Senator FEINSTEIN, the author of these provisions, that it was not the intent of the measure to exclude logging employment from the new W visa program for agricultural workers.

Mr. GRASSLEY. I do not support the overall Senate legislation as it is drafted. On this particular matter, I agree with Chairman LEAHY that logging employment would be covered in the definition of “agriculture employment” for purposes of the new W agricultural visa program. Those workers that previously had access to the H-2A program should have access to the new W agricultural visa program.

Ms. COLLINS. I thank my colleagues for this clarification. This will maintain the status quo by allowing loggers, who currently enter the United States under the H-2A program, to enter the United States under the new W agricultural visa program. A reliable supply of labor, when American workers are not available, is critical for downstream industries such as paper mills in Maine.

I now wish to speak on an issue of significant importance to the forest products industry in Maine. The immigration bill before the Senate contains an ambiguity related to the definition

of “agriculture employment” for purposes of the new W agriculture visa program. Currently, logging employment is included in the H-2A visa program, pursuant to a rule adopted by the Department of Labor in 2008. The new W agricultural visa program will replace the H-2A visa program. Therefore, I wanted to make sure the logging workers who are currently eligible for the H-2A visa will be eligible for the new W agricultural visa program. My constituents are not asking for a carve-out or special favor. They are simply asking that the status quo be maintained in the new program.

Consequently, my colleague, Senator KING, and I engaged in a colloquy with the managers of the bill, Senators LEAHY and GRASSLEY, to clarify that the intent of the legislation is not to exclude logging employment, as defined in title 20 of the Code of Federal Regulations in section 655.103(c)(4), from the definition of “agriculture employment” for purposes of the new W agricultural visa program. I am grateful to my colleagues for making this clarification.

In addition, I received a letter from Secretary Vilsack of the U.S. Department of Agriculture on this issue.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

In this letter, Secretary Vilsack said that he is committed to working with Congress on this issue and working “to implement the W Agricultural Visa program so that it covers logging to the extent possible, since those workers have historically been eligible for the prior H-2A agricultural worker program.” I thank Secretary Vilsack for his commitment and look forward to working with him on this topic.

This is an important issue to my State of Maine and I thank my colleagues and Secretary Vilsack for working with me on this issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF  
AGRICULTURE,

Washington, DC, June 26, 2013.

Hon. SUSAN M. COLLINS,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR COLLINS: Thank you for taking the time to meet with me on Monday to discuss S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act and the benefits it brings to agriculture and rural communities. As I mentioned, S. 744 will create a new role for the U.S. Department of Agriculture (USDA) and a new structure for agricultural labor. This new program is the product of extensive bi-partisan negotiations and also reflects a consensus among agricultural and farm worker leaders.

During our meeting, you expressed concern about temporary logging employees and whether they will be included in the new W agricultural visa. As you mentioned, these

workers will no longer be considered agricultural workers because S. 744 uses the definition set forth by the Migrant Seasonal Worker Protection Act, which excludes logging employees.

At my request, USDA staff looked into this and provided clarification and perhaps some good news. Logging employees, to the extent they would be considered non-agricultural workers, would be eligible to enter under the new W non-immigrant visa for low-skilled guest workers. Moreover, I am committed to working with you and members of Congress to address this important issue as legislation moves forward. I would also work to implement the W agricultural visa program so that it covers logging to the extent possible, since those workers have historically been eligible for the prior H-2A agricultural worker program.

I am convinced that S. 744 is essential to the continued success of American agriculture.

Sincerely,

THOMAS J. VILSACK,  
*Secretary.*

#### NATIONAL GUARD

Mr. LEVIN. Madam President, I wish to enter into a colloquy with my distinguished friends, Senator SCHUMER and Senator MCCAIN, concerning a provision in the underlying immigration bill, S. 744. They have both played a crucial leading role in moving this important legislation forward.

Section 1103 of the immigration bill concerns the authority of National Guard forces to provide support to U.S. Customs and Border Protection to assist in the security of the southern border of the United States. The Department of Defense has a number of concerns about this provision and has proposed several ideas for our consideration to address their concerns at the appropriate time.

The Department's concerns are related to language in section 1103 that might have unintended consequences, such as potentially breaching the personnel end-strength levels that are authorized and funded in the annual National Defense Authorization Act or imposing large costs on the Defense Department for a mission of the Department of Homeland Security. The Department would also want to ensure that the authority for Defense Department support for border security, including National Guard support, resides with the Secretary of Defense.

These concerns are entirely consistent with the crucial objective of protecting the security of our southern border and making sure that the Department of Defense can provide support to U.S. Customs and Border Protection to ensure the success of that mission, as the Department has already been doing for more than half a decade.

I would ask my colleagues if they are aware of the concerns of the Department of Defense with respect to section 1103 and of the Department's suggestions to address those concerns. I would also ask if they would be willing, at the appropriate time, to consider

the Department's concerns and its suggestions for potential adjustments to the legislation that would address the Department's concerns.

Mr. SCHUMER. Madam President, I would tell my friend from Michigan, the chairman of the Armed Services Committee, that I am aware that the Department of Defense has some concerns with respect to section 1103 and also that it has some suggestions for our consideration to address those concerns. I would also tell my friend from Michigan that I would be willing, at the appropriate time, to consider such suggestions in order to address the Department's concerns.

Mr. MCCAIN. Madam President, I join my friend from New York in stating that I am aware that the Department of Defense has a number of concerns with section 1103 and some ideas on how to address those concerns while allowing us to take the necessary steps to ensure the security of our southern border. I would also tell my friend from Michigan, with whom I have served for many years on the Armed Services Committee, that I would be willing, at the appropriate point, to consider ideas to address the Defense Department's concerns.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I now ask unanimous consent that at 4 p.m. today all postcloture time be considered expired; the bill, as amended, be read a third time, and the Senate proceed to vote on passage of the bill, as amended; that the time until 4 p.m. be equally divided between the Chair and ranking member or their designees, with the final 20 minutes equally divided, with the majority leader—that's me—controlling the final 10 minutes; further, the following Senators have 8 minutes each from the majority's time: FLAKE, BENNET, RUBIO, MENENDEZ, GRAHAM, DURBIN, MCCAIN, and SCHUMER; and Senator LANDRIEU has 5 minutes from the majority's time; and on all quorum calls, if there is a quorum call, time will be equally divided between the two parties.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, let me begin by thanking the majority leader for his extraordinary leadership on this bill—and both sides, it has been a very tough negotiation. The Gang of 8—Senator FLAKE, Senator BENNET, Senator RUBIO, Senator MENENDEZ, Senator GRAHAM, Senator DURBIN, Senator MCCAIN, and Senator SCHUMER—have worked very hard to bring a bill to the floor that, in my view, is not perfect, but it is balanced. It accomplishes many of the principles of fixing our broken immigration system. They have worked extraordinarily hard.

Let me also thank Senator LEAHY and Senator GRASSLEY as the chair and

ranking member of the Judiciary Committee that considered more than 300 amendments and voted on 121. I am disappointed, as are many people, that we did not get more votes on the floor, but I came to the floor earlier in the week and predicted that would happen. It is unfortunate, but it is not the first time. I have seen this movie.

Members on the other side are disappointed, some of us are disappointed, and we are hoping we can find a more productive way forward. That is why I have spent some time on the floor talking about a step toward a more productive way.

A few of us on both sides of this debate—some of us are voting against the bill, and some of us are voting for the bill—have been working on a small package of amendments that have bipartisan support, no substantive objection, and we are trying to get a short, small list cleared by both sides. We have been working on this all week.

I appreciate the patience of every Member of the Senate because this has been a very tense, very emotional debate for many Members. As I have said, in a goodwill attempt to get the Senate moving in a little bit better direction toward bipartisanship and goodwill, I am not going to ask to push this vote back—which would be my right to do, but I will not. Many Members have important schedules to keep and commitments to keep, as do I.

I will be circulating a list. I believe I will be circulating it with Senator COATS, who is going to be voting against the bill. I am going to be voting for the bill. We are going to be circulating within the next 2 hours a short list of the amendments that we believe have been cleared by both the Judiciary Committee and the majority and minority. I am not going to provide the list at this period because it has been reviewed in various shapes and ways throughout the week.

We are working with Senator LEAHY and working with Senator GRASSLEY. Just so people understand—hopefully, if they are not convinced how sincere I am about this, I want my colleagues to know I am removing my amendments from this list. There will be no Landrieu amendments on this list. This is not an attempt to get Landrieu amendments passed, as important as I think they are. I am fortunate that I got in at least one amendment for adopted kids on the bill. I am not complaining. That is the way it goes. But I don't want people to think I am trying to get a unanimous consent on my amendments, so I am taking my amendments off the list. It will not be circulated.

The list that will be circulated is by leaders, both Republicans and Democrats, who have—could I have order, please?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Louisiana.

Ms. LANDRIEU. The list of amendments that will be circulated has Democratic and Republican sponsors that have been cleared by Senator GRASSLEY and Senator LEAHY. They will work with their individual Members to see if the list can be cleared. There will be no votes, as is the unanimous consent. It will have to be done, as we call it here, hot-lined, and we will have to have 100 of us say yes. But I am asking my colleagues to say yes. I am asking them to say yes, to take a step in the right direction. I am not accusing anyone of anything. I am not blaming the Democrats or the Republicans.

I am just saying I think we should take a small step toward trying to get the Senate back on track. I don't know what is going to happen after the immigration bill, if we are going to engage in any rule change. I have tried not to make any inflammatory statements about that one way or the other.

This is a sincere effort on my part—and Senator COATS has been helpful as well—to try to put forth a small package. I am not asking for a debate or a rollcall vote. It would have to be done by consent in a small package, and I am removing my amendments.

I thank the Senate. I am asking all of my colleagues—it is going to take 100 of us. If one person says no, this will be stopped. I hope we can end on a more positive note. A lot of hard work has gone into this bill. I know there are terrible disappointments. I am not one of those who are disappointed. I am happy with the outcome.

I am trying to help get a small package that people have been working on that will not affect the number of this vote in any way. The vote is going to be the same. It is going to be 68 to 32. Was that the final vote? That is what it is going to be at 4 p.m. It is not going to change a thing. It will solve some problems several people have on subjects that are important to the constituents we represent at home.

Again, I am taking my amendments off the list.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FLAKE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FLAKE. Madam President, I rise today as the Senate is on the verge of passing immigration reform by what may well be a historic bipartisan majority. It has been my honor and privilege to have a role in moving this legislation forward.

We are moving one step closer to fixing our broken immigration system. This is a system Arizonans have dealt with for far too long. The situation

along our southern border has grown increasingly untenable. The Tucson sector just recently lost the dubious distinction of being the most active Border Patrol sector.

The status quo is now a considerable volume of traffic as well as theft, vandalism, and drug smuggling. This has created a situation that is ever more dangerous for Arizona border residents. Never was this more poignant than with the tragic 2010 death of Rob Krentz, a prominent member of the ranching community on the border. He was most likely killed by an incident related to illegal smuggling. I last spoke to Rob's brother Phil just this morning.

Despite claims that the border is now more secure than ever, Arizona ranchers know quite the opposite. Beyond the border area, Arizona remains a State struggling under the weight of a sizeable undocumented population.

As I said before, this situation helps no one. It doesn't help those who are undocumented and living in the shadows, it doesn't help State and local governments that are bearing the burden, and it doesn't help employers who are struggling to find a legal workforce.

It is against this backdrop that the Senate moves toward approving legislation that takes dramatic steps in addressing border security, provides a tough but fair solution for those who are here illegally, and spurs economic growth by modernizing our legal immigration system.

Obviously, this legislation is not without its critics. Opponents will point to the legislative process and claim it was flawed. I must admit that while no process for considering legislation is perfect, this bill was made available early. It was also thoroughly vetted under regular order in the committee. While I share the frustration that there haven't been more amendments considered on the Senate floor, this body has now spent 3 weeks debating the bill on the floor.

We have heard that the bill affords too much discretion to the Secretary of the Department of Homeland Security and does little for border security. The Hoeven-Corker amendment, adopted by a wide bipartisan majority, removes much of that discretion from the Secretary when it comes to border strategy by designating a minimum level of technologies to be deployed per sector.

In addition, the Hoeven-Corker amendment dramatically increases the resources provided to secure the border by requiring double the number of Border Patrol agents and 700 miles of fence. These have to be completed before anyone adjusts status.

We have heard claims the bill weakens existing law. To the contrary, this legislation takes credible steps toward implementing an entry-exit system to tell us who has and who has not left

the country. It makes progress toward achieving the goal of a biometric approach to this system.

At this point it is difficult to take seriously criticism that the bill does not go far enough on border security.

I should point out that the very day the Hoeven-Corker amendment was filed, a CNN headline read "Four Bodies Found in Arizona Desert." Four more deceased immigrants had been located near Gila Bend.

This is an issue that plays for keeps. It is in everyone's interest that we gain control of the border.

The unprecedented level of resources this bill provides, coupled with the mandatory employment verification system and guest worker plans to allow for future flows, is much needed and it takes the right steps to get us there.

As in previous immigration debates, there are those who claim this legislation is amnesty. To the contrary, this legislation provides for a provisional status for those who are already here as a means to bringing undocumented immigrants out of the shadows. It requires them to meet eligibility criteria, pass a background check, make good on any tax liability, and pay a fee and a fine. Before anyone can apply for a green card, they have to pay an additional fee and fine, pass another background check, continue paying taxes, learn English and civics, and prove that they have been employed.

Even then, there is no less than a 10-year waiting period before anyone can begin to apply, and that can only happen if the border agents have been hired, the border strategy has been employed, the mandatory E-Verify system is being used by all employers, 700 miles of fence are on the border, and an entry-exit system is implemented for all air and sea ports of entry.

Much of the focus of the legislation has been on the border security and legalization provisions, but just as important are the critical steps included to modernize our legal immigration system.

The U.S. economy has to stay on the cutting edge of innovation and global competitiveness. When the best and brightest come here to study, we need to allow them to stay.

I am pleased to say the provisions I have previously pushed for as part of the STAPLE Act were included in this legislation. Those with advanced degrees in the so-called STEM fields will be exempt from caps on green card applications.

This bill moves our legal immigration further toward a merit-based approach, increases the cap on H-1B visas significantly, provides an avenue for foreign-born entrepreneurs, and creates better programs for both agricultural and nonagricultural temporary workers.

When asked about the impact of these changes, the Arizona Chamber of



Commerce and Industry president, without missing a beat, said:

These will provide rocket fuel to the economy.

The Congressional Budget Office, in different words, said much the same thing. Over the period of the next 10 years, GDP is estimated to increase by 3.3 percent as a result of this legislation and by 5.4 percent by 2033.

Let me say in the few minutes I have remaining that for me, coming from rural Arizona, there is a personal background for immigration reform. Much of my youth was spent on a 200-acre alfalfa field north of Snowflake, AZ, where I grew up. Along with my father and six brothers, I planted hay, cut hay, hauled hay, and moved sprinkler pipes—miles of sprinkler pipes. I even lost the end of my right index finger on that alfalfa field. The chores we performed changed with the season, but there was one constant: We worked alongside undocumented migrant labor, largely from Mexico, who worked harder than we did under conditions much more difficult than we endured.

Since that time, I have harbored a feeling of admiration and respect for those who have come to risk life and limb and sacrifice so much to provide a better life for themselves and their families.

As I explained earlier in my remarks, there are many who are here in an undocumented status who do not fit the sketch I have just described. It is our lot here in Congress to fashion an agreement that deals with the myriad motives, reasons, intentions, and purposes that have brought people here illegally.

Along those lines, let me close by saying a few words about the path to citizenship included as part of this legislation. I recognize that there are those who are here who hold the position that no one who has entered this country illegally should ever be able to become a U.S. citizen. My own feeling is citizenship should be treasured and valued—and possible—for those who qualify and who are willing to comply with the provisions set forth in this legislation. If someone is going to be in this country for 20 or 30 or 40 or 50 years, I want them to assimilate. I want them to have the rights and, more importantly, the responsibilities that come with citizenship. Such assimilation is what sets our country apart. It is quintessentially American. It is the right policy.

I will be proud to cast my vote in favor of this legislation, and it is my hope it will become law.

I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Colorado.

Mr. BENNET. Mr. President, I wish to start by thanking the able Senator from Arizona for his statement, for his leadership, and for his incredible work

on this bill. I wish to thank all of my colleagues who have been in this so-called Gang of 8, both Democrats and Republicans, including CHUCK SCHUMER and DICK DURBIN and BOB MENENDEZ on the Democratic side. But today I especially want to thank the Republican Members of this group, led by JOHN MCCAIN, and including LINDSEY GRAHAM, JEFF FLAKE, and MARCO RUBIO, for their extraordinary leadership. For reasons everybody in this Chamber understands, their willingness to be at the table and to stay at the table was an act of leadership unlike any other I have seen in this Chamber in the 4 years I have served here. We would never be here today voting to fix our broken immigration system were it not for them. So on behalf of the people I represent in Colorado I thank them.

For me this all started in Colorado, because everywhere I went I heard people talk about how the broken immigration system was affecting them. I would hear the peach growers in Palisades say one thing and the cattle ranchers on the eastern plains say something else. The immigrant rights community, many of whom represented children in my old school district, our high-tech community, our ski resorts—everybody was feeling the pain of a broken immigration system that Washington was refusing to fix and they had actually given up hope that Washington would fix it.

They didn't know each other cared about this issue, so we pulled them together over about a 2-year period. We had hundreds of meetings and traveled thousands of miles in the State to create something called the Colorado Compact, a statement of six principles about what Colorado expected immigration reform to look like.

Now that we have come to the end of this process—we have come to the end of the Gang of 8, finishing the Judiciary Committee proceedings, the work on the floor—I can say this bill is entirely consistent—it is not identical, but it is entirely consistent with those principles.

The first of those principles of the Colorado Compact is immigration is a Federal responsibility. This is not something that should be done State by State by State in this country. The Founders themselves recognized this because they put the regulation of immigration in the Constitution and charged the U.S. Congress as our obligation to deal with it. That was the first principle.

The second principle was ensuring our national security. This bill meets that test as well. It is the strongest border security bill ever passed in the Senate. It doubles the number of Border Patrol agents on the southern border. We build 700 miles of fencing. It adds new technologies. We spend nearly \$50 billion on border security.

I believe we should have a secure border. In Washington this becomes a

trade. For me, it is not a trade. We should have a secure border, and we should have a pathway to citizenship, and this bill accomplishes both.

The people in Colorado who wrote this Colorado Compact called for more effective enforcement of our immigration law, and this bill will give them that. It includes a fully operational, biographic, and biometric entry-exit system, more effective measures to detect fraud and abuse of our visa system, and an employment verification system to be used by all employers. This is all in this bill. That has not been in prior efforts that either passed or failed in the Congress, but it is in this bill, and it is a critical part to making sure we don't end up here again.

The Colorado Compact said we should have a bill that strengthens our economy. This bill meets that test with a visa system much better aligned for our 21st century economy—a merit-based system. We have high-tech and INVEST visas, visas for agriculture that will give our farmers and ranchers a fighting chance to hold on to their farms and to their ranches, and give the people who are working in that industry much-needed relief. There are great benefits for our tourism and ski industry as well. And, on top of everything else, the Congressional Budget Office tells us this bill doesn't increase our deficit but reduces it over the first 10 years by \$197 billion and over the next 10 years by \$700 billion.

Colorado said we want a bill that is focused on families and keeping families together. This bill does that by clearing the green card backlog and ensuring family members are able to reunite more quickly. There is better protection for children in detention and the immigration court system.

Finally, we call for a commonsense approach to the 11 million, and this bill does that with a tough but fair path to citizenship for the 11 million.

As so many people in this Chamber, my life story is a story of immigration because I am the son of an immigrant. My mom was born in Poland in 1938 while Nazi tanks massed at the border. She and her parents miraculously survived one of the worst human events in our history: The Holocaust. After going to Sweden and Mexico City, they were able to come to New York City in 1950. My mom was almost 12 years old. She is the only one in the family who can speak any English at all.

On my first birthday—this is 1965, so 15 years after they came to the country—my grandparents sent me a birthday card. This is the card they wrote. Here is what they said, in English, by the way. They said this in English:

The ancient Greeks gave the world the high ideals of democracy, in search of which your dear mother and we came to the hospitable shores of beautiful America in 1950. We have been happy here ever since, beyond



our greatest dreams and expectations, with democracy, freedom, and love, and humanity's greatest treasure. We hope that when you grow up, you will help to develop in other parts of the world a greater understanding of these American values.

They had only been in this country for 15 years. They didn't speak English when they got here. They had survived the most horrific event of the 20th century, and this was the place that gave them hope and, more than that, it allowed them to rebuild their lives in the only country in the world where they thought they could.

This bill reaffirms we are a Nation that respects the rule of law and reaffirms our history that we are a Nation of immigrants, and it will keep that hope alive for millions of people, both here and abroad, for years to come.

I urge a "yes" vote on this bill.

With that, I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, I wish to ask how much time has been consumed by the proponents of the measure.

The PRESIDING OFFICER. Approximately 23 minutes.

Mr. DURBIN. How much time has been consumed by the opponents of the measure?

The PRESIDING OFFICER. No time has been consumed by the opponents.

Mr. DURBIN. Well, I am going to suggest the absence of a quorum and ask that the time in the quorum call be charged against the opponents' time, up to 23 minutes, so we can have some equalization in terms of use of time on the floor. It is my understanding—unless Senator BLUNT is coming to the floor to speak?

Mr. BLUNT. I am.

Mr. DURBIN. I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

The Senator from Missouri.

Mr. BLUNT. Mr. President, I thank you for the time.

I want to talk about the hard work my colleagues have put in on this bill. It looks as though it is going to get a number of votes today. It will not be getting mine.

I think it is important, as we look at these issues, to understand that once a bill actually gets to the President's desk and gets signed into law, we are probably not going to visit this again for a long time.

I think it does not put border security first or it does not address what I have more and more grown to think of as the other border, which is the hiring desk. The nonpartisan Congressional Budget Office said the underlying Senate bill would only cut illegal immigration by 25 percent. It does not seem to me that is nearly good enough.

I think the estimate was that if this bill did not pass, 10 million people would come into the country in the next 10 years. If it does pass, 7.5 million people would come into the country in

the next 10 years illegally. Some of them will come across the border. A lot of them come here now legally and then they just stay. I do not see anything in this bill that does what we could be doing there.

I voted against proceeding to the amendment this week, the Hoeven-Corker amendment, because I did not think it really focused—as the Cornyn amendment did that I cosponsored—on granting legal status only after we get the border secured rather than doing it before.

In my view, these challenges need to be met. What do we do about the workforce needs of the country? What do we do about people who came here illegally or came here legally and stayed then illegally?

But it is important to understand that as long as it has taken to even get to this point, once a bill passes, we are probably not going to go back and say: Gee, I wish we had done this or I wish we had done that.

In addition, under the bill, the only requirement before legalization can begin is for the Secretary of the Department of Homeland Security to simply submit a border security plan to the Congress. There are lots of plans and a lot of them are talked about in this building. Some of them work; some of them do not work. But this does not require any further approval or verification of the plan.

The amendment I supported that Senator CORKER was the principal sponsor on said you would have to meet some metrics, you would have to have some measures you know you could prove and would be willing to certify.

Everybody seems willing to admit that 100-percent awareness of what goes on on the border is possible. So if 100-percent awareness is possible, why isn't it possible—if you know 100 percent of what is going on and can watch the whole border—why isn't it possible to be able to certify a certain number of people are being stopped every year and that the border is not totally and completely and absolutely secure but meets a level of operational control the American people have a right to expect?

The \$46.3 billion for border security is mandatory funding, but the amendment only requires \$8.3 billion of that \$46 billion to come from fees, leaving taxpayers on the hook for another \$38 billion, again, without the other half of the problem—people who come to our country legally for a short period of time and then stay—being dealt with. If we do not deal with that, we have not dealt with the problem.

Mr. President, 20,000 additional border agents and \$4.5 billion for additional border technology is not a strategic plan. It seems to me it is throwing a lot of money at a plan and hoping it works.

I read lots of people's comments on this who say: Well, we have overdone what needed to be done here, but we have underdone the things you ultimately are going to have to do to fix this problem.

This measure also provides \$1.5 billion over the next 2 years to provide jobs for Americans between the ages of 16 and 24. While jobs for young workers are a priority, it has nothing to do with immigration reform. I think it had something to do with one of the additional votes. If what I read is true, this is something someone insisted be in this bill. I think we have to understand we would do a lot more to put young Americans to work if we had common-sense regulatory policies and common-sense energy policies.

Several editorial boards criticized amendments I cosponsored as poison pills because they considered them too costly to enforce what we were trying to do. One of the amendments I sponsored said we would have 5,000 extra people at the border, and editorial board after editorial board said: Oh, that is too expensive. It is a poison pill that will kill the bill. Those same people are now supportive of the bill that adds 20,000 people working at the border.

During the debate I cosponsored other amendments I sought that were defeated. These amendments were in addition to Senator CORNYN's amendment, the RESULTS amendment, requiring DHS to have situational awareness and control of the border.

Senator LEE had an amendment requiring congressional approval of the border plan that would come from the Department of Homeland Security. What would be wrong with that: congressional approval, so every year Congress continues to be engaged with the funds it takes to do what needs to be done, as well as the plan it takes?

Senator GRASSLEY had an amendment requiring the border would have to be "effectively" secured for 6 months before the Department of Homeland Security Secretary could grant the provisional status. Others have pointed out, and I agree, once you begin to grant that provisional status, I do not see any realistic way a Congress ever goes back and says: We know we told you that you could stay, but now you have to leave.

Senator PAUL had two amendments I supported. One was "trust but verify," much like Senator LEE's amendment, where Congress would have to be sure the integrity of the border was being protected. Another one would protect the integrity of the ballot process from illegal voting. Nobody is here advocating illegal voting. Why we would not get an amendment that did something to ensure it would not happen is surprising to me.

Congress has one shot to address immigration reform in the right way. Unfortunately, I cannot vote for this bill

because I think it fails to prioritize what needs to be prioritized. I also do not think this bill will be a bill that can pass the House of Representatives.

I hope the Senate will now work with the House to find a better solution for long-term immigration reform and we can meet those three criteria of: how do you secure the border, how do you meet the legitimate workforce needs of the country, and what do we do about people who are already here, and in many cases these are people who go to church where we go to church, their kids go to school where our kids go to school.

I, frankly, think those last two issues are pretty easily dealt with if the American people ever believe the government has met its responsibility to control our borders. One way to do that is to look at the actual border. Another way to do that is to give employers the kinds of tools they need so we can clearly identify who is in the United States who is eligible to work and who is not.

I yield back.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, will the Chair inform me how much time has been used on each side?

The PRESIDING OFFICER. The proponents have consumed approximately 23 minutes. The opponents have consumed approximately 9 minutes.

Mr. DURBIN. Unless there are other speakers in opposition, I would—I am sorry. Senator GRASSLEY is here. I once again withdraw and yield the floor to Senator GRASSLEY.

Mr. GRASSLEY. I did not come to speak. I came to object to the Senator's unanimous consent request.

Mr. DURBIN. I say to the Senator, here is the state of play. Unless we can agree to come to the floor and debate the issue, your absence delays the time when you will be speaking until the end of the debate, which creates an advantage for you by staying away.

What we are trying to do is to be fair and give each side a chance to speak on the bill, one side or the other. Senator BLUNT has been here. I would welcome any Senator in opposition. We have used—I think the measure was 23 minutes.

The PRESIDING OFFICER. Twenty-three minutes.

Mr. DURBIN. And your side has used 9. So I wish to offer the opportunity for the Senator to speak in opposition.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I thank the Senator for his courtesy. I think there is an insinuation in his comment that there is a strategy on our part not to speak. That is not true. It is that there is a Republican meeting going on right now. I went to that meeting and said to the people in the meeting they ought to be out here speaking and they had

an opportunity to do it. And, for the group, I have objected for that reason.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, if no time is used at this point, how will the time be taken off, how will it be calculated?

The PRESIDING OFFICER. The time spent in quorum calls is equally divided between the two sides.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I come to the floor at the end of a long but fruitful bipartisan process. I come here thinking of what this bill will mean for families. I come here thinking of my family, of my mother, who came from Cuba, who worked hard and made it possible for me to stand here today as 1 of 100 Senators on the verge of passing a historic piece of legislation that she would have wanted me to vote for.

This is a bipartisan compromise that will finally fix our broken immigration system and bring 11 million immigrants out of the shadows—not just the millions who have been here for years without status, but the millions more who have been waiting in line to be reunified with their families lawfully.

When the moment comes to cast that vote, I will be casting it in memory of my mother and for every immigrant like her who came to this country in the last century to give their families a chance to contribute to America's exceptionalism and for all of those who will now have a chance to contribute to America's exceptionalism in this century.

It will be a vote for the long history of immigrants in America, for the millions of immigrant families: Irish, German, French, Italian, Scandinavian, Jewish, Greek, Polish, Portuguese, and many others whose blood, sweat, and tears ushered in America's industrial age; a vote for the immigrants of the "greatest generation" who brought this Nation through the Depression, fought a World War, and ended the Cold War. It will be a vote for America's new, young, skilled, educated DREAMers and entrepreneurs who will now have a chance to become citizens and help lead this Nation into a brighter, more prosperous, more productive future.

It will be a vote in memory of a long list of immigrants and the children of immigrants who made this Nation great: Marine Cpl Jose Antonio

Gutiérrez, not even a citizen of the United States when he became the first casualty of the Iraq war; Thomas Edison, from my home State of New Jersey, the Wizard of Menlo Park, who has made New Jersey the home of invention in America—and there will be an immigrant who carries on that legacy who will make the next great discovery—Jonas Salk, whose parents came here and gave him the education he needed to go on and discover the vaccine for polio and save millions of lives. There will be a DREAMer who will be the next Jonas Salk. Colin Powell, admired on both sides of the aisle, his was an immigrant family. Be assured, there will be another great military leader and statesman who will be the son or daughter of parents who will become citizens under this legislation.

Madeline Albright is an immigrant who became a citizen and went on to become one of the most respected and admired Secretaries of State. The list goes on: Albert Einstein, Henry Kissinger, Joseph Pulitzer—all immigrants who contributed to America's exceptionalism. This legislation is for all those immigrants and immigrant families who helped make America better.

This is the culmination of a long journey for me. I have been fighting for immigration reform for 20 years between my time in the House and the Senate and have been blazing a pathway to citizenship that will help families stay together and give them a chance at a better life. This bill does that.

The road has been fraught with the same obstacles, the same pitfalls and prejudices that have stood in the way of every generation of immigrants who wanted nothing more than a pathway to acceptance and opportunity. As the saying goes: The hardest steel must go through the hottest fire.

What we are about to do today has been a generation-long drive for justice and tolerance. It has been and remains the civil rights issue of our community. I believe when this legislation finally becomes law, it will make us stronger as a nation, just as the Civil Rights Act strengthened this country. We are on the verge of historic change.

I am proud to have been part of the Gang of 8 that hammered out a strong bipartisan effort. Now, I say to my friends in the other body: Do the right thing for America and for your party. Find common ground. Lean away from the extremes. Opt for reason and govern with us. The time has come to act in the interests of all Americans. I hope that message will be heard loudly and clearly in the House.

In my view the leadership in the other body has a chance to be American heroes, a chance to bring both sides together in an alliance that will ensure passage of this bill. I believe a vast majority of Americans who want

immigration reform to pass will thank them for doing what is right.

I hope they will have the political will and courage to unite the Nation and send this bill to the President's desk, a bill that will increase the gross domestic product, reduce the deficit, promote prosperity, and create jobs. This chart shows the cumulative economic gains of the legislation over 10 years after passage. Look at the numbers.

Fixing the broken immigration system would increase America's gross domestic product by over \$800 billion over the first 10 years, it will increase wages of all Americans by \$470 billion over 10 years, and it will increase jobs by 121,000 per year for 10 years. That is 1.2 million jobs. Immigrants will start small businesses, they will create jobs for American workers. It is time to harness that economic power.

The next chart shows that the CBO report also tells us it will reduce the deficit by \$197 billion over the next decade and by an additional \$700 billion more between 2024 and 2033 through changes in direct spending and revenues. We are talking about almost a trillion in deficit spending that can be lifted off the backs of the next generation of Americans.

What other single piece of legislation increases GDP growth, increases wages for all Americans, increases jobs and lowers the deficit? What we realize now has been confirmed by the numbers; that is, giving 11 million people a clear and defined pathway to citizenship is, in effect, an economic growth strategy and exactly the right thing to do.

It will be a long road for those who have earned the right to become citizens. Citizenship will not be easy. It never is. The new Americans who follow the pathway we lay out will have to have played by the rules. They will have to pass background checks, pay a fine, pay their taxes. But, if they do, there will be no obstacle they cannot overcome to the day when they raise their right hand and take their naturalization oath.

Too many families have waited too long for that day. Too many have waited too long to say those words that will change their lives forever.

They changed my mother's life and, in turn, gave me the chance to stand here today and vote for a pathway to citizenship that can change the lives of millions of others.

Today is a victory, not for me or the Gang of 8. It is not a victory for the Senate or for any one community. By passing comprehensive immigration reform, we will have taken the next historic step on America's long journey to exceptionalism. I am proud to have been part of the process that will continue that journey.

In 2007, when we failed at our last attempt at immigration reform, I quoted the last phrase of Emma Lazarus's

poem emblazoned on the inner wall of the pedestal of the Statue of Liberty which says:

I lift my lamp beside the golden door!

I said then:

That lamp [since we failed] is somewhat dimmer, but it will shine again . . . [that] the course of history is unalterable, the human spirit cannot be shackled forever, the drumbeat for security, economic vitality and, most importantly, justice will only grow stronger until we pass this legislation.

My friends, today when we pass comprehensive immigration reform, the light will shine brighter and it will shine forever.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we have talked a lot about how the immigration bill would or would not prevent illegal immigration in the future. This is a huge concern because we don't want to be back in 25 years proposing the same short-term solutions to the problems.

I wish to take a few minutes about the national security implications of the bill. There are valid concerns that the bill will put public safety and the homeland at risk. I will walk through some of the issues and point out how we tried in committee to change the bill in this effort and, of course, we failed.

First, the bill contains a dangerous national security loophole that would render the U.S. Government unable to share information with foreign governments about immigrants who have had their status revoked. An amendment to preserve the ability of law enforcement to access critical, national security, public safety information and at the same time authorize the Secretary of State to share limited information with a foreign government while protecting legitimate privacy interests was rejected.

Second, the bill provides the Secretary of State with authority to limit in-person interviews of visa applicants abroad. The Secretary of Homeland Security is not required to interview anyone who applies for registered provisional immigrant status.

We learned a valuable lesson after September 11, 2001, because the hijackers were not interviewed and applications were rubberstamped. An amendment to require individuals who may be a threat to national security to submit to an in-person interview with consular officers when applying for a visa was voted down.

Third, there were gaping holes in the student visa process. Yet the committee rejected attempts to delay the expansion of the student visa program until the tracking system in place was improved.

Fourth, the amendment makes it almost impossible to revoke a person's visa when they are on U.S. soil. An

amendment to clarify the authority of the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas when, in the national interest, as was the case with the Christmas Day bomber, was rejected.

Fifth, the bill does not address the concerns brought to the surface by recent events such as the Boston terrorist bombing. We are profoundly troubled with the lack of concern about lessons that can be learned from the failings of the immigration process, which may have contributed to recent events such as the Boston terrorist bombing.

We need to understand and we need to address these failures before proceeding with some of the provisions in this bill, especially the asylum and student visa expansion measures.

Putting revised procedures in place before gaining an understanding of what does not work in our current system is not good stewardship of the trust of the American people and the trust people placed in us as their representatives in Congress.

Our Nation's security is at risk and we cannot ignore it. We need to understand what is wrong with the system to prevent events such as the Boston bombing from happening again. However, an amendment to delay an expansion of asylum and student visa programs until there has been a coordinated review detailing the intelligence and immigration failures of the Boston Marathon terrorist attack was also voted down in committee.

Our national security must be a paramount concern with any immigration reform. Eliminating weaknesses in our system, including along the border and the interior, would make our Nation much safer. Regrettably, this bill falls far short of this goal.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RUBIO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HEITKAMP). Without objection, it is so ordered.

Mr. RUBIO. Madam President, my father had a rough childhood. His mom died just 4 days shy of his ninth birthday. The small catering business his parents ran together had collapsed, so as a young child he was forced to leave school and go to work, and he would work virtually every day for the rest of his life. My mother grew up just as hard. Her father was disabled by polio as a child, and he struggled to provide for his seven daughters.

My parents met at a small store where my mother was a cashier and my father was a security guard. He actually lived and slept in the storage room

of that store. Like all young couples, they had dreams. My mother wanted to be an actress, and my father tried hard to get ahead. In fact, after work he would take correspondence courses to become a TV and radio repairman, but it was hard because he barely knew how to read.

They did everything they could to make a better life, but living in an increasingly unstable country, with limited education and no connections, they just couldn't. So they saved as much as they could, and on May 27, 1956, they boarded a plane to Miami. They came to America in search of a better life.

Like most recent arrivals, life in America wasn't easy either. My father had someone actually phonetically write on a small piece of paper the words "I am looking for work." He memorized those words. Those were literally the first words he learned to speak in English. He took day jobs wherever he could find them.

They both went to work at a factory, building aluminum chairs. My dad started working as a bar boy on Miami Beach, eventually becoming a bartender. He saved money and tried to open some businesses. When that didn't work, they tried Los Angeles and they tried Las Vegas, but that also didn't work. So he found himself back on Miami Beach behind a bar. The truth is that they were discouraged and homesick for Cuba too. In fact, in the early days of Castro's rule, before he came out as a Marxist, they even entertained going back permanently. But, of course, communism took root in Havana, and that became impossible too.

I am sure that on their worst days they wondered if it would ever get better. Then the miracle we know as America began to change their lives. By 1967 they had saved enough money to buy a house within walking distance of the Orange Bowl, where on Sundays they would make extra money by letting people park on their lawn. My older sister was in ballet; my older brother, the star quarterback at Miami High. But it wasn't just their lives that changed, it was also their hearts. They still spoke Spanish at home and kept all the customs they brought with them from Cuba, but with each passing year this country became their own.

My mother recalls how on that terrible November day in 1963 she wept at the news that her President had been slain. She remembers that magical night in 1969 when an American walked on the Moon and she realized that now nothing was impossible, because, you see, well before they ever became citizens in their hearts, they had already become Americans.

It reminds us that sometimes we focus so much on how immigrants can change America, we forget that America has always changed immigrants even more.

But this is not just my story. This is our story. It reminds us of the words etched on the marble above the rostrum of the Senate: "E Pluribus Unum"—out of many, one.

Now, no one should dispute that, like every sovereign nation on this planet, we have a right to control who comes in. But unlike other countries, we are not afraid of people coming in here from other places. Instead, inspired by our Judeo-Christian principles, we Americans have seen the stranger and invited him in, and our Nation has been blessed for it in ways that remind us of these ancient words:

God divided the sea and led them through and made the waters stand up like a wall. By day he led them with a cloud; by night, with a light of fire. He split the rocks in the desert. He gave them plentiful to drink as from the deep. He made streams flow out from the rock and made waters run down like rivers. He commanded the clouds above and opened the gates of heaven. He rained down manna for their food and gave them bread from heaven.

Our history is filled with dramatic evidence that God's hand is upon our land. Who among us would dispute that we Americans are a blessed people? In the harbor of our most famous city, there is a statue of a woman holding a lamp, and at the base of that statue is a poem that reads:

Keep ancient lands, your storied pomp! . . . Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door!

For over 200 years now they have come in search of liberty and freedom for sure but often just in search of a job to feed their kids and a chance at a better life. From Ireland and Poland, from Germany and France, from Mexico and Cuba, they have come. They have come because in the land of their birth, their dreams were bigger than their opportunities. Here they brought their language and their customs, their religions and their music, and somehow they have made them ours as well. From a collection of people from everywhere, we became one people—the most exceptional Nation in all of human history.

Even with all of our challenges, we remain that shining city on the hill. We are still the hope of the world. Go to our factories and our fields, go to the kitchens and construction sites, go to the cafeterias in this very Capitol, and there you will find that the miracle of America is still alive. For here in America, those who once had no hope will give their kids the chance at a life they always wanted for themselves. Here in America, generations of unfulfilled dreams will finally come to pass. And that is why I support this reform—not just because I believe in immigrants but because I believe in America even more.

I yield the floor.

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I appreciate the excellent remarks from the heart of my good friend MARCO RUBIO. He is a great addition to the Senate. And I would say the heart of America is good. The heart of this country is good. For 30 years they have been pleading with Congress to keep a generous immigration policy afoot in America, but at the same time they have been pleading with us to end the illegality that has continued for years now. The people have pleaded with us to do something about it, and year after year after year Congress has refused, the President has refused. That is why we now have 11 million people in the country illegally.

I think the heart of America is good and people are willing to deal compassionately and not try to deport 11 million people. They want to do the right thing about this, but by a 4-to-1 margin they have said they want to see this Congress do what Members of Congress have repeatedly promised and never delivered on—create a lawful system, a system we can be proud of, a system that serves the national interests.

As I explained this morning, rather than working with law enforcement groups and prosecutors and considering the needs of everyday citizens, the sponsors of this bill have spent months in negotiation with special interests and lobbyists to produce a bill that will not work. That is the problem we have before us today. This will create even more lawlessness in the future.

I want my colleague to hear what our Nation's immigration officers—men and women on the frontlines—have to say about this legislation. Shouldn't we listen to them? They asked to be able to participate in these secret negotiations, and they were rebuffed. I asked that they be allowed to participate, but they were rebuffed. Let's hear what they say about the bill—the bill Senator SCHUMER said in committee was tough as nails, and the TV ads running have said it is the toughest bill in history, maybe the history of the world. Is that correct? Is that correct, I have to ask? I think not.

This is a joint statement issued today by the councils representing Immigration and Customs Enforcement officers—the ICE officers—and the U.S. Citizenship and Immigration Service officers, a joint statement of two associations representing these tens of thousands of officers. Shouldn't we listen to what they are saying? Please listen, colleagues.

ICE officers and USCIS adjudication officers have pleaded with lawmakers not to adopt this bill. The Schumer-Rubio-Corker-Hoeven proposal will make Americans less safe, and it will ensure more illegal immigration in the future—especially visa overstays. It provides legalization for thousands of dangerous criminals while making it more difficult for our officers to identify public safety and national security threats. The legislation was guided from the beginning by anti-enforcement special interests and, should it become law, it will have the desired effect of these groups: blocking immigration enforcement.

This is an anti-public safety bill and an anti-law enforcement bill. We urge all lawmakers to oppose the final cloture vote on Thursday and to oppose the bill. We call on all Americans to pick up the phone and call their members of Congress.

So who do we trust on this question of whether we have a bill that will work? Our good political Senators who work hard but haven't been out on the frontlines doing the work or the people we pay who try to do the work every day, putting their lives at risk?

There is something else I would like to touch on. I think it is one of the least-discussed parts of the conversation. I am sure we will have others talk in more detail about enforcement failures of the legislation, but in many ways this could be the most important. I know our friends in the media certainly haven't given a lot of coverage to it, but I hope we will think about it more; that is, the future flow or the legal immigration part of the bill.

The Congressional Budget Office tells us that the bill's large increase in mostly lower skilled legal workers will push down wages and increase unemployment. That needs to be talked about. It must be fully understood. Hundreds of people are hurting today.

There was an article recently in the *New York Times*—I think 700 people camped out for 5 days to get a few jobs as elevator repairmen. They waited in the rain, they camped out, they waited in line hoping to get one of those jobs.

There was an article involving Philadelphia about individuals who had prior convictions and wanted work. They set up an opportunity for them to apply to find a job. They expected 1,000, and 2,000 showed up. They interviewed a number of them, and the stories they gave are heartbreaking.

Don't we need to consider the impact this policy could have on working Americans? It is a sensitive topic but a crucial one.

Here is what David Cameron, the British Prime Minister, said recently:

There are those who say you can't have a sensible debate because it's somehow wrong to express concerns about immigration. Now I think this is nonsense. Yes, of course it needs to be approached in a sensitive and rational manner, but I've always understood the concerns—the genuine concerns of hard-working people, including many in our migrant communities, who worry about uncontrolled immigration. They worry about the pressure it puts on public services, the rapid

pace of change in some of our communities and of course the concerns, deeply held, that some people might be able to come and take advantage of our generosity without making a proper contribution to our country.

Mr. Cameron goes on to say:

It is our failure in the past to reform welfare and training that meant that we left too many of our young people in a system where they didn't have proper skills, they didn't have proper incentives to work, and instead we saw large numbers of people coming from overseas to fill vacancies in our economy. Put simply, our job is to educate and train our youth, not to rely on immigration to fill the skill gaps.

Does that resonate with any of our people today? Have we thought through this as to how we should handle these matters?

Let's look at our own situation right here in America. Twenty-one million Americans are unable to find full-time work. One in three without a high school diploma is unemployed. Forty-seven million Americans are on food stamps. Labor force participation is the lowest since the 1970s.

The percentage of Americans actually working is lower and has been continually falling since the 1970s. It goes back to that date when women were just beginning to enter the workforce.

One in three youth in our Nation's Capital is living in poverty. It appears we are in an era of a new normal—economists have been talking about this—a new normal where we see slower growth in developed economies than we normally would see. There is more robotics, and businesses are looking to contain the growth of employment. Low job creation has been the result.

Madam President, I ask unanimous consent that I be notified after 20 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mr. SESSIONS. Our own Congressional Budget Office has done a 10-year economic projection, as they do every year. They did this in January, unconnected to immigration. They found in the second 5 years of our 10-year window, 2018 to 2023, we would only create 75,000 jobs.

Some have said we are going to bring in workers, and that is going to create jobs. We will talk about what economists really say about that. But what does this legislation do? I think this legislation has not given thought to the plight of these unemployed Americans.

Colleagues, the legislation that is before us today has four times more guest workers. These are people who come only to work. They are not just seasonal workers, they come for years at a time with their families, but they come specifically to take a job—four times more than in the 2007 bill that failed and many objected to on the grounds it would hurt workers.

It also triples the grants of permanent status awarded to legal immi-

grants over the next decade relative to current law. That was the result of the legalization process. Experts who have looked at this and other factors have come to the same conclusion: There would be at least 30 million people who would be given legal status over the next decade, whereas normally we would give 10 million people legal status. Yet to this day the sponsors of the legislation refuse to tell us how many would come into the country.

What we do know is that the plan is not a merit-based plan as promised, but it is mostly lower skilled, meaning it will hurt our poor and working-class citizens the most. We have data that shows that. This will be a hammer blow for working-class Americans.

The Civil Rights Commission had hearings, and members wrote us. They said it is going to devastate poor workers. They said,

We don't have a shortage of lower-skilled workers. We have a glut of lower-skilled workers.

That is a direct quote from their letter. So let's compare our current situation when the legislation was introduced in 2007. Today, 5 million more Americans are unemployed than in 2007; 20 million more Americans are on food stamps; and unemployment among teenagers is 54 percent higher than in 2007. Meanwhile, median household income is 8.9 percent lower than in 1999. That is huge.

Professor Borjas at Harvard, himself an immigrant who studies immigration and economics, has said a large part of that decline is driven by the large immigration flow that comes into our country. This would increase it dramatically. We want to have immigration. We are not going to stop immigration. We are going to maintain a generous immigration flow. But the people need to know this bill increases it dramatically.

CBO did a report on the legislation. This is what they found: Unequivocally, the legal immigration surge in this bill will reduce average wages for a decade. There is a chart in CBO's report. I had it on the Senate floor earlier. Wages will remain lower for many years after that than if the bill had never passed.

What about unemployment, the number of people out of work? According to CBO, it will increase, and per capita, GNP will be lower for the next quarter of a century.

Yes, you are going to have an increase in GDP—and our colleagues are quick to say that—because of the large new group of people. But that increase per person in America doesn't occur. It reduces the per capita GNP. And these are extremely conservative estimates. Dr. Borjas in his report suggests the situation will be worse than this.

To whom do we owe our allegiance? To these groups who want more people in the high-tech world, agriculture

world, meatpacking, or other businesses, or to the American citizens, who work hard, pay their taxes, fight our wars, and obey our laws? Who is speaking up for their legitimate interests?

So the time is long past, as Prime Minister Cameron has said, for a national discussion over illegal immigration policies. We all believe in it. No one proposes ending immigration. It is a deep part of our tradition as a nation. But a nation has not only a right but a duty to establish a responsible flow that promotes assimilation of those who come here, promotes self-sufficiency, rising wages, and helps identify people who can flourish.

The last thing we want to do is to invite people to come to America to work and find out there are no jobs for them here or that they are putting Americans out of work in order to get a job. That doesn't make sense. We have not had the kind of discussion we need. The data indicates, objectively speaking, that this will be a detriment to working Americans.

A great nation needs a policy that promotes its legitimate national interests, that considers the tough time workers are having today as a result of high unemployment and falling wages, a policy that rejects ideas that will pull down even further the wages of hurting workers; that could, as Senator SANDERS has said, create a permanent underclass in America. It is a dangerous thing. We need to do it right.

The legislation before us is a dramatic step. I urge my colleagues to reject the bill and to work on a positive reform plan that serves the national interests of all Americans—immigrant and native born.

Sadly, this legislation advances the interests of those who wrote it—many of them with very special interests—at the expense of the general public.

The vote we are about to have is for final passage. The promises of an open and fair process have been as hollow as the promises that this bill would be the toughest ever and will end the lawlessness in the future forever. It just will not happen. Our law officers have told us this.

This legislation is amnesty first. The legality occurs first. It plainly lacks the kind of mechanisms that are necessary to create a law enforcement system that will work. There is a lack of commitment to that. You can see it throughout the bill. It is not written by people who are out there every day and who know the problems with enforcement. If it were, they would have fixed so many of these problems that are fully shown throughout the bill.

Yes, more money has been promised with the recent amendment for the border, but that is in the distant future. What about the rest of the bill? The E-Verify workplace enforcement system is terribly flawed. It has been

delayed. It could be put to work right now. We don't need to wait 5 years as this bill does. Why it would be delayed that long is beyond me, unless you are not very interested in getting started and making sure that half the people are legalized and others can't come in and take a job who enter illegally.

The entry-exit visa system in this bill, S. 744, this 1,000-page bill, is much weaker than current law. Current law says you must have a biometric entry-exit system at sea, air, and land ports. This bill says you only have to have an electronic system at airports and seaports, making the system incomplete and unable to identify who stays and who has returned home on time.

Interior enforcement is much weaker—read the passionate letters from our law enforcement officers as I read this morning, pleading with us not to pass the bill because, they say, it will hurt enforcement and weaken national security.

The method of processing those given legal status will not work. Citizenship and Immigration Services, which manages this, has one big objection to this bill. They say there is no way they can accomplish what will be asked of them if this bill is passed. They say it will lead to lawlessness, and they will be unable to identify dangerous people who should not be in the country.

The PRESIDING OFFICER. The Senator has consumed 20 minutes.

Mr. SESSIONS. I thank the Chair. I will be wrapping up. Far from having fines pay for the cost of this amnesty as the sponsors promised, this is a huge budget buster—a huge budget buster now. The ObamaCare provision that was supposed to ensure that persons who were given legal status did not get subsidized health care now provides an incentive for businesses not to hire American workers because they will have to pay the ObamaCare premiums but would hire foreign workers, the illegal workers who are now given legal status—they would be having multi-thousand-dollar advantages in hiring them over American workers.

The legislation will not work. Let's continue to work through all these problems together. I do believe that this—our bill's sponsors are clearly correct to say we need to fix this broken system. A bill that will respond to the pleas of the American people for a lawful immigration system that serves our national interest and in which we can take pride is what I will support. How can we vote for a bill our own Congressional Budget Office says will reduce average wages in America for 12 years.

We have in this group of American workers thousands, millions of immigrant workers, millions of minorities and African Americans and others at low wages. This legislation, at a time they are hurting very badly will reduce average wages for 12 years, will in-

crease unemployment, and will reduce per capita GDP for over 25 years. This is policy we have to ask serious questions about, all this at a time of high unemployment, long-term falling wages, surging welfare and disability and dependency.

It is not a healthy trend in America. We have to ask these questions. Our real focus, as Prime Minister Cameron has said, should be to work hard to train our people, our unemployed, our young people for jobs that pay a decent wage, have a health care and a retirement plan. This legislation will not end the lawlessness as our professional officers have repeatedly told us. It will not do so. It will give legality—immunity, if you want to call it that—virtually immediately. There is a promise of enforcement in the future, but our officers say it will not happen. It is not going to happen now.

I believe they are correct. I had the honor to be a Federal prosecutor for quite a long time and I know law officers and I know their difficulties and I totally agree with them.

This was a letter that was written today from the ICE officer head, Mr. Chris Crane, a true patriot. He has worked so hard to do this. He said one of the problems with the bill:

... is a failure to enforce the nation's immigration laws on the interior of the United States. It is not a border issue. It cannot and will not end as a result of increased border security. It must be resolved through increased interior enforcement.

40% of all illegal immigrants currently in the United States did not illegally cross the border, but instead entered legally with a visa and didn't leave when it expired. 40,000 border patrol agents provided in your legislation will never come into contact with these individuals. . . .

Do you hear that, colleagues? These Border Patrol agents are never coming in contact with the people who are in the interior who came on visa and chose not to return. He goes on to say:

Systems like E-Verify and biometric Entry/Exit—still missing from your bill—may identify millions of illegal immigrants and status violators, but ICE officers will not exist to locate and apprehend them rendering the systems useless. The majority of foreign nationals identified by these systems will remain in the United States. . . .

500,000 ICE fugitives are currently at large in the United States. ICE estimates 2 million criminal aliens at large in the United States, 900,000 criminal aliens are arrested by local police each year.

They go on to note there are only 5,000 ICE officers in America. This administration sued State and local governments that try to help the ICE officers get their job done.

Then the joint statement today from the ICE and USCIS Officers Association says this:

ICE officers and USCIS adjudications officers have pleaded with lawmakers not to adopt this bill, but to work with us on real, effective reforms for the American people.

This bill, they say, is an:



... anti-public safety bill and an anti-law enforcement bill. We urge all lawmakers to oppose the final cloture vote today and to oppose the bill.

This legislation will not end the lawlessness. I wish it were different, but those are the facts. It does not create a merit-based future flow as has been promised, and it leaves us in a very difficult position. I feel like there is no choice for us today. Let's vote no on the legislation. It is not going to end the efforts. We are going to have to continue to wrestle with this.

The good news is that the House, at least initially, what I have seen in their work indicates they are giving a far more prudent approach to it. The first bill they produced—I tried to offer it as an amendment, but it did not get brought up—has an effective effort at improving interior law enforcement. That is the kind of thing we need to be doing. Then we can win the confidence of the American people, and we can move past this very difficult time in our history.

I reserve the remainder of the time on this side.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, if I may, I say thank you to my good friend from Alabama. He is consistent. He has conducted himself incredibly well. He is a man of passion, and I agree with David Cameron and JEFF SESSIONS. Let's have a debate about immigration. But I am in the camp of let's stop talking about it and start doing something.

This bill, in my view, is a giant step forward in many ways; No. 1, for the Senate. We are at 10 or 12 percent in approval rating for the Congress. My question is, Who are the 10 or 12 percent and what bill do they like? I am in the body and I don't disapprove of what we have been doing here. But I see this as a significant step toward the Senate being able to work together in a bipartisan fashion to do something that matters.

Is this bill perfect? No. Is it like Senator SESSIONS described? No. It is a good solution to hard problems that can always be made better.

But to the American people, you have to be frustrated by your Congress not being able to do the hard things or sometimes even the simple things. This should give people a little bit of hope that for the first time since 2007, the Senate, in a bipartisan fashion, is about to pass legislation on an important topic that is emotionally tough but needs to be dealt with.

To the critics, I appreciate the debate this time around. It has been so much better, but some of the criticism I am going to address.

Senator RUBIO spoke in the most eloquent fashion about his family's history and about who we are as Americans. But everybody has a story.

Marco's story is an exceptional story. I am the first person in my family to go to college. Neither one of my parents graduated high school. My dad and mom ran a restaurant, a liquor store, and a pool room, and I learned everything I needed to know about politics in the pool room—a great place to learn about people.

But one of the critics of this bill, one of the organizations, said that the average illegal immigrant has a 10th-grade education. All I can tell you is you have a Senator who came from parents who did not have a 10th-grade education.

To those who believe that how long you go to school determines your character, how much money is in the bank determines your worth, they do not understand America. Only in America can you do what Senator RUBIO has done.

My parents have long since passed. When I was 21, my mom died; 17 years younger than my dad. We thought he would go first, but life is not so understandable and predictable. She went first and 15 months later he passed. As my sister was 12, an aunt and uncle helped raise my sister. They never made over \$30,000 in their life. They worked in textile plants. She has turned out great in spite of having an overbearing brother. But I am in the Senate today. Why? Because I live in a country where anything is possible.

There are a lot of self-made people in America. I am not one of them. If it were not for my family and my friends, I would not be here today.

To those who say that among this illegal immigrant population they are just not well educated, you have no idea how offensive that is to a guy like me. So you can take your criticism and—we will just end it at that.

Eighty million baby boomers are going to retire in the next 40 years. To my good friend from Alabama, who believes we have too much legal immigration, I am taking Strom Thurmond's place. He got married and started having kids when he was 67. Unless all of us start doing that, we have a problem because in 1955 there were 16 workers for every Social Security retiree; today there are three and in 20 years there is going to be two. Unless there is a baby boom that I don't see coming—and I am part of problem. I am not married and I don't have any kids. Unless there is a baby boom we don't see, we better hope we can improve our legal immigration system.

To my good friend from Alabama, I could not disagree with him more. We are going to need a lot more legal immigration than is in this bill. I wish we could do more. Who is going to take care of the baby boomers when we retire? Who is going to replace the workers in our economy if we do not have better legal immigration?

What did the CBO say about this bill? If we pass this bill, over the next 20

years we reduce the deficit by \$890 billion. How can that be? That means it is good for the economy. How can you reduce the deficit \$890 billion if you do not create economic activity?

To the American worker, the biggest threat to you is illegal immigration. Tell me how it is better for America to continue amnesty—which is doing nothing and paying people under the table with no regulation. How did that help the American worker to compete against some person who is being paid under the table? This bill stops that. It brings people out of the shadows on our terms, not theirs.

You get to stay here if we decide you can stay. We are regaining our sovereignty that has been lost. How do you get 11 million illegal immigrants in this country? Your system is broken from top to bottom. Every nation, including America, has the right to control its borders and control who gets a job and this bill does that and I am glad to have my name on it—and doing nothing is the worst thing for the American worker.

We are going to stop paying people under the table. We are going to give you access to labor you have today if you can't find it. Have you ever been to a meatpacking plant? You go and find out who is working in that plant. Mostly Hispanics, people from other parts of the world, not because native-born Americans are lazy; we have higher hopes. There are parts of our economy, like it or not, that are dependent upon immigrant labor and our population is declining and our needs for legal immigration are growing. This bill does that.

As it affects the economy, it will increase our GDP by 3.5 percent over time because it is good for America to have legal immigration. As to the 11 million, you will be brought out of the shadows and you will stay on our terms.

If they committed a felony or multiple misdemeanors, they are not eligible. Here is what we are going to allow: They will go through a criminal background check, pay a fine, get right with the law, and then they will have legal status. Here is what they will get to do: They will get to pay taxes, like the rest of us, and get to know the IRS. Welcome to America.

We are going to create order out of chaos. We are going to get people working and paying in rather than taking out under the table. What we are going to do above all else, ladies and gentlemen, is we are going to prove to ourselves that we can work together for the common good.

I have never been more proud to be involved in an issue than I have trying to fix illegal immigration because it is a national security threat, it is an economic threat, and it is a cultural threat.

As to my politics, I am doing great among Hispanics in South Carolina.



The bad news is that there are not very many who vote in the Republican primary. I think the good news for me is I have tried working with my colleagues, the Gang of 8, and our staffs to start a process that will pay great dividends.

To Senators GRASSLEY and LEAHY, thank you.

To the Democratic and Republican Members, thank you so much. I have never been more proud to be in the Senate than I am today.

To my critics, I respect their criticism. I thank them for a healthy debate.

To the American people, slowly but surely we are beginning to come together in your Senate, the greatest deliberative body in history, to do important work.

And to the 11 million, you will have a second chance. Take advantage of it. Embrace the fact that you are being given a second chance.

To the American people, our best days lie ahead, and what makes us special—and I will close with this—is that being French means you are French, being German means you are German. Being an American means nothing about where you come from, your race, religion, background, or ethnic origin. Being an American is an idea that so many people embrace.

Ladies and gentlemen, being an American is something everybody wants to be part of, apparently. Unfortunately, we cannot allow everybody in or it will create a chaotic situation.

I thank Senator DURBIN, who has protected the American worker, but I want to tell my colleagues in the Senate that this is a day I have been hoping and waiting for.

Thank you all so very much.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, first let me thank Senator GRAHAM, Senator MCCAIN, Senator RUBIO, Senator FLAKE, and on our side Senator SCHUMER, Senator MENENDEZ, and my friend Senator BENNET. The eight of us came together to create a bill, and in the end we did a lot more—we created a bond of friendship and trust and a life experience that none of us will ever forget.

Each of us brought our special pleadings to this negotiation. I argued for the protection of refugees, American workers, access to immigration courts and counsel, reforming the flawed H-1B program, a path to citizenship that was a challenge but fair. But my colleagues knew from the start that there was one issue that was more important to me than any other.

It was 12 years ago when I first introduced the DREAM Act. I did it for this young woman, Tereza Lee. They were about to deport her from Chicago back to Korea. She was 18 years old. She didn't know any other country but the United States. She had been accepted

at the Manhattan conservatory of music. She was an outstanding pianist. And she was about to be deported. I thought that was wrong. I introduced the DREAM Act to help her, and it turns out, hundreds of thousands just like her.

Incidentally, this story ends well. She finished her education, and she is now working on a Ph.D. in music. She played in Carnegie Hall. She married an American, and she is a citizen. Would America have been a better place if Tereza Lee had been deported? Of course not.

Over the years the plight of Tereza Lee and this bill, the DREAM Act, became a cause—a national campaign. In the beginning teenagers used to come up to me in Chicago, filled with emotion, in the dark of night, and meet me at my car with tears in their eyes and say: I am a DREAMer. Can you help me? Over time, their numbers grew, and so did their courage. They stood up, as they have so many times and in so many places, and said: I am willing to fight to be part of America's future. It wasn't easy for them.

A few years ago I had a press conference right here in the Capitol. I invited the DREAMers to tell their stories. A hate-filled Congressman from Colorado called the immigration authorities and said: Arrest those kids. Well, they were not arrested. They left that press conference even more determined to see the DREAM Act become a reality.

Time and again we called the bill on the Senate floor and it failed. We couldn't break the filibuster. Two and a half years ago the galleries were filled with DREAMers in caps and gowns. We called the bill for a vote, and we lost. We had 55 votes, and we couldn't break the filibuster.

One of the saddest meetings I ever had took place afterwards. I went downstairs and met with these DREAMers after the bill failed.

Their heads were down and they were crying and they said: What can we do?

I said to them: I am never giving up on you. Don't give up on me.

Well, today I have a message for Gaby, Tolu, and all the DREAMers in the galleries here and all around the country: Your courage inspired us, your determination kept us going, and your faith in the only country you have ever called home has been rewarded. This bill before us has the strongest DREAM Act ever written.

I listened to my colleagues come to the floor and speak about immigration. Those of us who support this bill haven't talked a lot about the details of the bill. We have talked about what this means to us in our personal lives and what immigration means to America. So in full disclosure I have to tell everyone that the first DREAMer in my life was brought to America at the age of 2. She was the child of Lithua-

nian immigrants, and she grew up in poverty but was determined to become a citizen. Her dream came true when she was naturalized at the age of 24. That was my mother, and I dedicate this vote today to her memory.

For anyone in this Chamber who believes this is just another vote, go to a naturalization ceremony. Watch those new citizens with those flags in their hands as they take that oath to be part of this country. One cannot help but feel the emotion that courses through them at that moment.

Let me say a final word about the Senate. I am proud to represent the great State of Illinois, and I am proud to be one of the 1,947 Americans who have ever had this honor—to stand on the floor as a Member of the U.S. Senate. We were elected to make this Nation better.

The eight of us came together across the aisle. We cursed one another, we cheered one another, and we wrote a bill together. Now, to my fellow colleagues in the Senate, it is your turn. Reach across the aisle and show the American people that this Senate can still rise to the challenge. Show this skeptical Nation that their faith in our Founding Fathers will be honored by our generation of Senators.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank Senator DURBIN for his compelling remarks and his deep and abiding concern for many years for the so-called DREAMers. I thank my other my six colleagues for their involvement, and I also thank Senator CORKER and Senator HOEVEN for their effort on this bill. I thank my colleague Senator FLAKE for his outstanding work. I would like to also mention Senator LINDSEY GRAHAM, who gave his own unique perspective, as well as my friend from Colorado Senator BENNET and also Senator SCHUMER, who has played such an important and valuable leadership role.

The word "friend" is tossed around this body quite often, perhaps with not as much sincerity as we would like, but these seven individuals are my friends. More importantly, they are friends of America. They are friends who realize that we were sent here by our constituents to achieve results, and I don't know at this particular time of a greater issue in which we should be involved.

We have heard a lot of personal stories here today, and I am deeply moved by all of them. There is another human story. In fact, there are millions of them. I would like to tell a few of them.

Over the last week the Arizona newspapers have reported that eight bodies were found in the Arizona desert. The Arizona desert today, my friends, is in triple-digit temperatures.

On June 21 the Arizona Republic reported:

Four men may have been dead three days before their bodies were found in the Arizona desert by U.S. Border Patrol agents . . . Two men had Mexican identifications, and the other two didn't have identification.

On June 24 the Associated Press reported:

Maricopa County Sheriff's deputies found another dead body in the Arizona desert near Gila Bend . . . just days after four bodies were found in the same area . . . No identification was found on the body and there were no signs of trauma or foul play.

On June 27, today, the Arizona Daily Star reported:

Three decomposing bodies were found by Tucson Sector Border Patrol agents in the desert in two separate incidents over the weekend.

The Yuma Sun reported yesterday:

There have been 12 people rescued from the desert by Yuma Sector agents. Six others were not located and died in the wilderness.

The list goes on and on.

Since 2007—the last time we tried to pass this legislation—more than 2,425 immigrants have died trying to cross our southwest border. These are people who wanted to come to this country because they wanted to realize the American dream. That is what they wanted. That is what they risked their lives and, in fact, gave their lives for—and, yes, they did so illegally. They were willing to pay a penalty for crossing our border illegally. Shouldn't we give them the same chance we have given generation after generation of immigrants who have come to this country? There has been wave after wave of Irish, Italians, Jews, Poles, and now people from all over the world who want to come to this country. Shouldn't we do that? Isn't it in us to bring 11 million people out of the shadows who are now being exploited and have none of the protections of citizenship?

Well, how do we address that? This legislation does secure the border, and I can tell everyone, from 30 years of being on the border, this bill secures the border, and anyone who says it doesn't does not understand our security needs. I have been there, and I have seen the technology. This is technology that was developed in Iraq and Afghanistan, which will give us surveillance. Yes, there is a bill with 20,000 new Border Patrol agents, but the fact is that the technology that is there now will give us the ability for 100 percent situational awareness and the ability to intercept. I guarantee it to my friends because I saw it work. There are 700 miles of total fencing that will be added—700 miles. As we all know, we will also have additional Border Patrol agents.

What is the key to this bill? The key to this bill is not only that we have the fencing on the border and the Border Patrol, but it is the 40 percent of the

people who are here illegally who came here and overstayed their visas. They didn't cross the southwest border. What do we do about that? We dry up the magnet, and that is the E-Verify program, which makes sure that every person who wants to come to this country illegally will know they cannot get a job here. Within 5 years we will have an E-Verify system that I am confident—and more importantly, so are the people who are really knowledgeable about this—will be a full-proof system with 95 percent effectiveness.

This legislation will not only give us a secure border, but it will address the key element because people who now want to come here illegally will know they cannot. Employers will know that if they hire someone who is here illegally, they will pay a severe penalty for doing so. We have to dry up the magnet.

So today there are 11 million people who are in violation, and they don't have the protection of our laws. I would like to mention again the people who are coming across our borders. There is a thing called coyotes. Does anyone know what coyotes are? They are drug cartel people. They are the most evil people on Earth. They take these people in groups, and they bring them across the border. Many times, the reason we find these bodies in the desert is because they say: We are leaving you here. Tucson is right over the hill. Thousands have died in the desert. Do my colleagues know what they do sometimes when they get them all the way up to Phoenix? They keep them in drop houses jammed together and they hold them for ransom under the most unspeakable conditions. Do my colleagues know what else they do? They abuse the people they bring up. I won't go into the details of how they do that. It is an unacceptable situation.

Fifty thousand Mexican citizens have been killed by the drug cartels. Last year, hundreds of migrants were missing or killed in Mexico, more than 20,000 were kidnapped, and many are regularly beaten. The Mexican Government doesn't know exactly how to handle this situation, and it is all complicated by drugs which we are creating the demand for.

I have had the great opportunity in my life to have many experiences, and the one I will never forget was on July 4 of 2007. Senator LINDSEY GRAHAM, Senator Joe Lieberman, my beloved friend, and I were in Baghdad for the Fourth of July. General Petraeus had requested that we speak at a reenlistment ceremony where about 800 brave young men and women serving in the military were reenlisting to stay and fight. There was another group of some 80-some who were green card holders who, because they had joined the military, had an accelerated path to citizenship. I was honored to be there. I was honored to speak to them. In the

front row, there were four empty seats with boots on them representing men who were green card holders who had lost their lives in combat in the previous 48 hours, men who had been willing to risk their lives and serve our country in order to be citizens of this country. I have never been so deeply moved.

Let's give these 11 million people a chance to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I know the Gang of 8 members who were responsible for the basic framework of this legislation have done tremendous work and have advanced the substance and tone of our discussion immeasurably since 2007, which is the last time we had a major immigration bill on the floor.

I think the American people now understand the status quo is simply unacceptable. We have a broken immigration system which, in the words of my friend from Florida Senator MARCO RUBIO is effectively a *de facto* amnesty, because we have a system that is lawless and it is uncontrolled and it operates neither in the best interests of our country economically nor represents our values.

The American people are famously generous and compassionate. As a society we believe in second chances. All of us have benefited from second chances in life, and I believe the American people believe those who have come here to America in violation of our immigration laws, if they are willing to step up, pay a fine, register, and live in compliance with our laws, should get a second chance as well.

As a matter of fact, polling shows the American people support a permanent legalization program for 11 million immigrants living in the United States but only—if they are convinced the Congress has made sure they will never ever have to do this again. In other words, I believe the American people believe if the borders were controlled; if they believed we had a biometric entry-exit system which would track visitors who enter the country and who never leave, which is 40 percent of illegal immigration; if they believed we actually had an effective E-Verify or employment verification system that would determine at the worksite when someone shows up to work they are legally qualified to work in America—I believe if we had those three legs to the stool in place, the American people would do, once again, the generous thing, the compassionate thing, and give second chances to the 11 million people who are here.

But the problem with this bill—and I say this more out of sadness than anything else—the promises of this bill have simply not been kept. We were

told 6 months ago the pathway to citizenship was contingent upon border security and these other enforcement measures taking place. When it wasn't, I proposed an amendment which would condition the transfer for probationary status to legal permanent residency on a certification that the objectives on operational security of the border had been met. I believed that by doing so, we would realign all of the incentives for the political parties—for Independents, for conservatives, for liberals—everybody would be focused like a laser on how to get this done, how to hit the mark.

I believe, if we had a mechanism in this bill which did not depend on Congress keeping future promises of performance, we could regain the trust and confidence of the American people such that we could get to a successful outcome.

Unfortunately, as the Presiding Officer knows, the proposal I made to do exactly that has been rejected. In fact, the assistant Democratic leader made the point recently in June that permanent legalization has now been delinked from border security.

But I believe the problems of this legislation go well beyond the border. When I offered 5,000 Border Patrol agents, I was told that—even though the Gang of 8 bill offered zero Border Patrol agents, I was told that was a budget-buster. It was simply unaffordable—5,000 new Border Patrol agents. But now we find 20,000 additional Border Patrol agents provided for in this bill. Now we have been told that we have essentially a surge of law enforcement to the border and a huge investment in new technology and boots on the ground.

The only thing missing is a plan to make sure those people are actually effectively deployed and that technology will actually be deployed in a way that secures the border. I know the surge worked in Afghanistan, but I am not so sure we need a military surge in South Texas, and particularly in the absence of any plan to make sure people are going to be effectively utilized.

What is more, I would say I do not believe the promises made in this bill will ever be kept. I do not believe we will ever have an extra 20,000 Border Patrol agents. I do not believe the huge investment in technology will ever be made because it depends not just on this Congress and this administration but future Congresses and future administrations.

So we have, in essence, the American people being asked to grant the gift of a pathway to citizenship, to demonstrate the typical American belief in second chances and demonstrate their compassion. But, in essence, they have been tricked, once again, to trade that in exchange for hollow promises of future action. I think it is an unacceptable deal.

The problems with this legislation also extend beyond that. This bill grants immediate legal status to people with multiple misdemeanors and convictions for driving while intoxicated and spousal abuse. As a matter of fact, a person can have been deported out of the country for having committed a crime yet be eligible for re-entry into the country and eligible for probationary status under this bill. I think that is shocking. I understand why we would want to give people who are economic migrants an opportunity to get right with the law and to get on with their lives, but why in the world would we want to extend that generosity to people who show nothing but contempt for the rule of law?

This bill also hinders law enforcement by making confidential the information contained in applications for probationary status that are rejected. This happened back in 1986. And I remember a quote, I believe it was from the senior Senator from New York after that time, to the effect that that was one of the biggest sources of fraud in the amnesty of 1986. My hope would be we would not repeat that mistake again by keeping that information confidential and away from law enforcement authorities, thereby hindering their efforts to root out fraud and make sure only people who legally qualify for this generosity are able to do so.

The other problem with this bill is it simply is a budget-buster. I was told 5,000 Border Patrol agents that would be paid for out of the \$8.3 billion trust fund created by this bill was too much, but now we have \$30 billion more in additional spending being promised. The argument is that somehow this is free money and it doesn't cost a penny because under the CBO score, there will actually be a reduction in deficits. The problem is that is double-counting the money. It is the money coming into the Treasury because of people who are now registered, who are paying into Social Security and the like. But it takes that money to spend on these other programs and does not appreciate or recognize the fact that money is also going to need to be available to pay future benefits for these same people. That is double-counting. That is phony bookkeeping, and we ought to reject it.

The truth is, this bill adds to the budget deficit an additional roughly \$14 billion as presently written. At a time when our debt is at \$17 trillion, it strikes me as the wrong thing to do to say we are going to add further to that debt and jeopardize our fiscal health for the country as a whole going forward.

I will close with this. It gives me great pain to say that I think this is an opportunity we have failed to take advantage of. I think we could have done better and we should have done better.

This bill is unworthy of my support and it will be unworthy of support by a number of Members. But my hope is the House of Representatives takes up this issue and we can somehow find our way to a conference committee with the House and produce a bill we can eventually put on the President's desk. It will not be like this bill, I am confident of that. The House has far different views. But what we do have that we didn't have in 2007 is I think a true bipartisan consensus that the status quo is unacceptable and we have to do better. Unfortunately, this bill doesn't keep the promises that were made originally, and for that, I truly regret it.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, we are now approaching the final hour of this debate on how to fix our broken immigration system—the debate we have been having for 3 weeks here on the Senate floor, for 7 months among the Gang of 8, and for decades in this Nation. I want to profoundly thank my colleagues in the Gang of 8. I will have more to say about each of them after we vote. I also wish to thank all of my staff who did such a great job.

When I look out my window from my home in Brooklyn, I see the torch of Lady Liberty shining brightly and I can see and feel the promise of America and the covenant of America.

There is an unwritten covenant between America and those who immigrate here. It says if you come here with a dream, with a will to work hard, follow the rules and contribute, we will give you a chance to become an American and, in the process, to make America a better place than it was before you got here.

In choosing this country, whether it is my friend MARCO RUBIO's parents from Cuba or my grandparents and great-grandparents who fled persecution from Europe, immigrants bring an appreciation for the choices and opportunity that are unique to America. They often love America even more than native-born Americans. We take that appreciation for granted.

It is, therefore, not a surprise that CBO says this bill will grow our economy by 3.3 percent over the next 10 years and 5.4 percent over the next 20. CBO has simply enumerated a concept that many of us already knew: Immigrants have always been the greatest engine of economic growth, innovation, and renewal that this country has ever known. There is no greater economic engine than the long hours immigrants work with no complaint for the chance to achieve economic stability and prosperity for themselves and for their families.

According to CBO, it is a far greater engine for economic growth than any spending program Democrats might traditionally propose or any tax cut

Republicans might traditionally propose. Whether it is highly skilled immigrants inventing new technologies or lower skilled immigrants toiling in our fields or all of those in between, immigrants have been an essential component to our American success story.

To reject this basic truth in this vote today would be a direct rebuke to the lady who shines so brightly in New York's harbor.

But just like today, our history has had many other instances where the fate of the American covenant with our immigrants has been tested. And, in the end, it has always survived stronger than it was before.

It has survived because all of us know if America is to remain the greatest Nation in the world, a beacon of hope and freedom for all to aspire to, we must always live up to the covenant that is represented by the great Lady in the Harbor.

This bill is our best chance, and may be our last chance, to maintain that covenant through the next generation of Americans, and to maintain the greatness of America. This bill includes input from almost every Member of this body.

I cannot think of two more vocal critics of the bill than the Senators from Alabama and Iowa, but even they have amended the bill in multiple places to make it better.

That is what makes this bill strong; that is what makes this bill good. It has garnered support from the most diverse coalition of groups any bill has ever seen: U.S. Chamber of Commerce; AFL-CIO; the faith community, including Evangelicals and Catholics; the high-tech community; America's farmers and farm workers; the law enforcement community; the immigrant rights community.

Now, what does this bill do? Simply put, it does three simple things: It will prevent future waves of illegal immigration; it will provide a tremendous boost for the American economy by rationalizing future legal immigration; and it will fairly and conclusively address the status of people currently here illegally.

Let's look at the actual facts of what the bill does to end illegal immigration.

If the bill passes, anyone who wants to try to cross the border illegally will have to get over an 18-foot steel pedestrian fence and past border agents standing every 1,000 feet apart from Brownsville to San Diego.

Future waves of illegal immigration will be prevented if this bill is passed. That is not a wish, it is not a hope, it is a fact.

People have argued that we should not pass this bill because past efforts have failed to prevent illegal immigration. But let's not be so defeatist that we throw up our hands and declare we

are incapable of learning from our past mistakes.

Under their logic, the famous expression would be changed: When you fall off a bicycle, make sure you never ride a bicycle again.

Finally, I do not countenance the way the 11 million undocumented immigrants living in our midst got here. But they are here now, and deporting all of them is impractical, unrealistic, and wrong to consider.

Our bill will tell these individuals if they are willing to keep their end of the covenant, their road may be harder and longer than everyone else's road—a 10-year probationary period, no benefits or assistance of any kind—but it too can end with being given the chance to earn American citizenship if they work hard and pay taxes and play by the rules.

So the bill is the right thing to do from top to bottom. It has more deficit reduction than our best deficit-reducing packages. It will stimulate the economy more than any stimulus bill, and it will make our border more secure than it has ever been in our history.

So now there are simply no more legitimate excuses to vote against this bill. Opponents of the bill have given three stated excuses for opposing the bill, each of which has been resoundingly refuted.

They said the process is unfair, but it has been the most open process we have seen in a long time. They said it was going to bust the budget and take away American jobs. CBO refuted that.

Finally, they said the bill will not secure the border. But we have the toughest border security and enforcement in any immigration bill ever written.

Here is what a vote against this bill says: It says it would be nice to reduce the debt, but not if it helps immigrants. It says it would be nice to grow the economy, but not if it helps immigrants. It says it would be nice to end illegal immigration in our security, but not if it helps immigrants.

Those are the three stated reasons. The only reason left to vote against this bill is the unstated reason—opposition to a path to citizenship for the 11 million.

Make no mistake about it, the support this bill has generated in the Senate will make it impossible to ignore. I believe the support this bill will receive today in the Senate will propel it to pass the House and be placed for signature on the President's desk by the end of the year.

That is because in our hearts we know immigrants have always been part of the fabric of America. While there have always been people who have rejected immigrants—from the know-nothings to the exclusionists—we have always seen the better angels of our nature prevail in the end.

At times like these, when our better angels are tested, to reject this bill would tear the fabric of America asunder. It would declare that America no longer seeks to be the shining city on the hill that attracts and is admired by people around the globe.

Pass this bill, and let's keep the American covenant alive. Pass this bill, and let the bright torch of Lady Liberty continue to shine brightly as a beacon to those around the globe for generations to come.

I yield the floor.

The PRESIDING OFFICER (Ms. WARREN). The Senator from Alabama.

Mr. SESSIONS. Madam President, as I have looked at the legislation—and we have wrestled with what goes in it—I will just share with my colleagues my perspective, having been in charge of enforcing Federal laws as a U.S. attorney in the interior of the country.

We need to understand a couple things. The border is very important. There has been wide open illegality at our borders for years.

San Diego, a number of years ago, was having drugs, crimes, violence. They built a fence and prosperity rose on both sides of the fence. Crime went down. It just had to be done, and they have been very happy with it.

That helps a lot, and it is not at all impossible for us to get our border under control today. It does not require that much more than current capacity, but what we need is an absolute commitment from the President and the Director of Homeland Security to get that done. We have lacked that.

I want to move beyond just the requirements of the border. There are other areas that are critical to having a lawful system of immigration. Those include entry-exit visas, and that includes workplace enforcement.

Under current law, Congress has passed—and actually there have been six laws to this effect in the last 10 years—these laws require that there be an entry-exit biometric visa system at all air, sea, and land ports. The 9/11 Commission recommended that. The 9/11 Commission—when they had a review of what had been done toward accomplishing their recommendations—they went back to it and warned that we had not completed it. It is current law. It requires a biometric entry-exit system.

People who come into our country today are fingerprinted, but when they leave the country they are not checked. So we do not know—when they got their visa and they entered the country—whether they ever left.

There are arguments that have been made that it would cost billions and billions of dollars. But a pilot project, which I just discovered recently—I did not know it was there—was in Atlanta and one of the other airports. In Atlanta, they did this: A person goes through the airport to depart from the

United States, they go by a handheld fingerprint-reading machine—police officers have them in their cars; they can stop a drunk driver and check their fingerprints right on the side of the road—they put their finger on that, they go out of the gate, and you know whether they have departed the country.

So this is a significant technological advancement. It works. In Atlanta, when they did that, they caught over 100 people on the watch list—people for whom there were felony warrants, people on the terrorist watch list. They knew, and we have a record of the people who left the country.

That is critical to our system. We have almost gotten there. But there has been a failure to see it happen because some people do not want it to happen. That is not in this legislation. This bill eliminates the requirement of a biometric system, and it eliminates the requirement that we have an exit system at the border. It is only air and sea. That is a major diminishment of an absolutely critical part of our system. It is going to be even more critical.

Why will it be more critical? Because we are going to have the doubling of the number of people who come to our country on visas, and we are going to have an increased problem of visa overstays. The Congressional Budget Office warned of that in their report. It is obvious. The Citizenship and Immigration Services and the ICE officers have warned of it repeatedly to us in their letters. So this has to be a part of our system. It just has to be. The fact that it is not in there indicates the people who drafted the bill had no real interest in seeing enforcement enhanced, but they actually wanted to allow the enforcement to be weakened. So that is a nonstarter. This has been in the law for over 10 years.

So the ICE officers have told us: Look, 40 percent of the people now who are here illegally came by visa overstays. But that is going to increase dramatically for a lot of reasons. One of them is we are going to double the number of people who come by visas under this bill.

So they have warned us that this concern about a de facto amnesty will continue because we have no people on the interior of the United States to enforce the law. You are going to 40,000 Border Patrol agents, but only 5,000 people inside the interior of the entire United States of America.

This President, as part of his systematic plan to stop enforcement, has sued States and broken the 287(g) agreements with States that allow them to participate and help the ICE officers do their jobs. States cannot prosecute people. States cannot deport people. But States can, as part of their job, when a police officer arrests somebody for a crime or drunk driving—and they

identify them as being illegally in the country—they can take them to the ICE officers and help them do their job. And there are agreements to do this to this effect.

What has happened? This administration has eliminated those agreements and canceled the program. I helped write the program. Lots of States were participating happily in it, and they were not being forced to do anything they did not want to do, but it allowed them to be more effective in doing their job.

So the problem is when you see that missing in this 1,200-page bill, but you see provision after provision after provision that focuses on other issues, focuses on issues important to special interests who helped write the bill. Then you begin to get suspicious about what is happening. That is why the ICE officers and the Citizenship and Immigration Services were so concerned about not being able to participate in the program effectively and to share their views. It is clear they did not want their views.

So President Obama—although it has been maintained pretty carefully that he was not involved in writing the legislation, it appears he quite clearly was. They are not happy with the ICE officers. The ICE officers actually sued Secretary Napolitano for stopping them from enforcing the law they have sworn to enforce. They say they are being required to violate their oath and their commitment to the law by policies from politicians in the Homeland Security Department. They have written it in letter after letter after letter, openly saying the politicians in the Department are overriding the law—directing us and undermining our ability to do what we are sworn to do. They have a lawsuit pending about it. I have never heard of that, that officers would do that.

Then we have the confusion over the E-Verify system. Senator PORTMAN improved the bill dramatically with his amendment—or would have. He was not able to get it up for a vote. But the E-Verify system is in place today and it is utilized by governments and by contractors who do work for the government. I think people who want to voluntarily use it can use it.

You can give a Social Security number to your boss or your employer-to-be and he runs it and checks. What they find is many illegal workers are using the same Social Security number as other people. The computer and the Social Security department catches that. That tells the employer there are six different people using this Social Security number. You should not hire this person until he has been checked out.

So that is the way the E-Verify system works. It takes about 3 minutes. It has a 99-percent accuracy rate, but the forces out there have blocked the legis-

lation for E-Verify. Even this minimum standard that is operating today, we had to fight to get an extension. I had to hold up legislation to guarantee that they would at least extend the current system because there are forces out there that put in big money that do not like this project. They do not like it. They want to end it. They are afraid it will be expanded.

Any plan that pretends to be serious about workplace enforcement has to utilize the E-Verify. Well, this bill, instead of just taking the system and expanding it—which would not take much effort; computers are capable of handling the numbers—instead of just doing that, they have done it in a way that delays it for 5 years. So to me this indicates there is not an intensity of interest after the amnesty has been given.

After people have been given legal status, they will be given a Social Security number. They will not be hurt by having to have their number checked. They will have a legitimate Social Security number. They will be legal. They will take any job out there. But the people who come in later, the people who did not qualify, people who otherwise were criminals and should not be getting a job and do not qualify for this provisional status, they would be identified for years under this system. It indicates a lack of seriousness in the commitment.

I see Senator GRASSLEY is here. I will wrap up by saying that creating a lawful system of immigration requires more than border enforcement. It is important but you have to have interior enforcement. You have to have workplace enforcement. You have to have entry-exit visa enforcement. This is critical.

As I have been stressing, we do not talk about it enough. The bill also sets out in its 1,200 pages the future flow of workers into America. Our colleagues have said it is a merit-based system. We have a points system. Unfortunately, that is not substantially correct. It looks to us like less than 15 percent of the people enter into our country under our plan by a merit-based system. Canada does that. They are very happy with that. I think about 60 percent of their people do so. The more education you have, the more job skills you have, the more fluency you have in the language, you get more points.

Under this merit-based system, it has about 15 percent of the people covered by it in a point system. The fact that your brother is here is equal to 10 points. If you have a 4-year college degree, that is only equal to 5 points. It takes a master's degree to get 10 points, equal to the family connection points. So the point system is still heavily skewed to things other than actual job skills, education level, and the ability to be productive and flourish in our society.

We want to bring people to our country who are going to be able to flourish, do well, be able to find a job, and not be unemployed or the only skill they have is one that Americans are applying for in big numbers and they would take a job from an American, unemploying an American. So we have to create a system that serves the national interest and identifies the kind of workers the country needs and we can absorb as a part of the over 1 million or so people we admit each year lawfully into America.

That makes sense to me. Also, the guest worker programs are exceedingly complex. There are W programs, there are E programs. There are different kinds of programs throughout this whole bill. The net result, the number of people who come not to be permanent citizens, not to be immigrants, but come as guest workers will double under this legislation. That makes it harder for the legal immigrant who is new in America trying to find work to get a job. They are having to compete with the guest workers. So those are the kinds of things we need to be thinking about as we go forward.

I wish to express my appreciation to the ranking member of the Judiciary Committee, Senator CHUCK GRASSLEY. He has been a student of this problem since 1986. He has shared with us his perspective on it. He has a deep conviction that if we go through this process again, it needs to be done in a way that we can be proud of a few years later, not be embarrassed about as we were after 1986.

So we would create a system that allows a lawful flow to occur but stops the illegal flow in the future. That is the problem I think this legislation has, among others.

Senator GRASSLEY, thank you for your efforts. Good work. I have enjoyed working with you and Senator LEAHY, who conducted a tough series of hearings. He let us have votes. We got a lot of votes in the Judiciary Committee. He asked if anybody else had another amendment when we finished. We got it done. That has not happened on the floor today. We have only had nine votes, and three of those were motions to table very important amendments that deserved more consideration than that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I would like to make an inquiry about time. We were supposed to start the last 20 minutes. Is it OK if I start now with my final remarks?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, my colleagues have often heard me speak of my opposition to the legislation that is before us. They have not heard me speak about my opposition to

immigration reform. As I have said so many times on this floor and in committee, or even to the press, I have not heard a single Senator say the existing system status quo ought to be maintained.

There are a lot of opinions about what should be done. So as we have seen over the last few weeks, immigration is an emotional issue that engenders strong feelings on both sides of the aisle. Saying it for a second time: Everyone wants reform, but everyone has their own ideas and different solutions.

Coming into the debate, I think my position has been very clear. I made it very clear because I have the experience of the 1986 legislation. That was legislation legalizing; it did not solve the problem. We screwed up in 1986 by not securing the border first, even though we had the intention that would happen. Today, we are right back at the same place talking about the same problems, proposing the same solutions. Unfortunately, the process has not allowed us to fundamentally improve the bill. We have not been able to vote up or down on commonsense amendments. There has been 550 amendments filed. We have taken up about a dozen.

Despite the fact that the American people want the border secured before we provide a path to legalization, there appears to be a majority of this body who believes legalization must come first. Next Monday and Tuesday I will be holding 11 townhall meetings in Iowa. I know what I am going to hear from my people: Yeah, we need immigration legislation. But first we need to enforce the laws that are already on the books before you consider anything new.

Despite what the Gang of 8 wrote in their framework for immigration reform, legalization is not—emphasis upon “not”—contingent upon our success in securing our borders and addressing visa overstays. The bill will not ensure that a future Congress is not back 25 years from now dealing with the very same problems. We need a bill that insures results. We need a bill that puts security before legalization, not the other way around.

We are a nation based upon the rule of law. We have a right to protect our sovereignty and a duty to protect the homeland. Any border security measures we pass must be real and, more importantly, be immediate, not 10 years down the road.

We also need meaningful interior enforcement, including allowing immigration officers to do their job and work with State and local officials. Enforcement of the immigration laws has been lax and increasingly selective in the last few years because Federal immigration enforcement officers have been handicapped from doing their job.

The States have tried to step in, but every time the States tried to step in

under the 10th Amendment to protect their citizens when the Federal Government would not do it, they have been denied the opportunity to control their own borders. The unfortunate reality is the bill does almost nothing to strengthen interior enforcement efforts. It does nothing to encourage cooperation between Federal, State, and local governments.

The Federal Government will continue to look the other way—look the other way as millions of new people enter this country undocumented. Meanwhile, the bill gives the States no new authority to act when the Federal Government refuses. One of the major reasons immigration is a subject of significant public interest is the failure of the Federal Government to enforce existing laws. Some 11 million people have unlawfully entered the country or overstayed their visas because the Federal Government did not deter them or take action to remove them. The bill subsequently weakens current criminal laws and will hinder the ability of law enforcement to protect Americans from criminal undocumented aliens.

In addition to weakening current law, the bill does very little to deter criminal behavior in the future. It ignores sanctuary cities and increases the threshold required for action of what constitutes a crime. Regrettably, the bill is weak on foreign national criminal street gang members, an amendment that I tried to offer, but we could not get the other side to vote on whether gang members ought to be denied benefits in this immigration law.

Furthermore, the bill falls short in protecting American workers who need and want jobs in this country. While I support allowing businesses to bring in foreign workers, they should only do so when qualified Americans are not available. I have long argued that we must enhance and expand opportunities for people who wish to work legally in the country. Yet as we do that, we cannot forget the American worker. We need to fight for them as well.

Finally, I empathize with people who come into this country to have a better life. We are proud of our country. Those of us born here do not appreciate how great this country is. When I talk at a naturalization ceremony in my State, I tell the new citizens: You are new here. You came from another land where you know things are a lot different than they are here. When you hear Americans bellyaching about our great country, I hope you will tell these Americans who were born here—including this American—that this is the best country in the world, and how it is different in your own country and that you came here for a better life.

We are a compassionate people, and we are also the best country in the world. We are a great country because we have always abided by the rule of law. The rule of law is what makes opportunities that we have possible.

I am going to vote against this bill today. That is no surprise to anybody. I have hopes for a better product to come out of a conference committee. I hope for a bill to go to the President of the United States. My hope is that we will send a bill to the President that will make America stronger, make our borders more secure, and make our immigration system more effective. This is what Americans deserve and what we have a responsibility to deliver.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I am informing all Senators that if they are not in their seats when the time arrives, we are going to have a live quorum. We are going to have everybody here when the vote starts. I know people are anxious to leave, but they better be here or I am going to have a live quorum and it will take a lot of time.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Madam President, if I may have the attention of the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. LEAHY. Will the Senator from Iowa yield for 5 minutes?

Mr. GRASSLEY. I yield to the Senator for 6½ minutes. As far as I know, nobody on my side wants the time, and the Senator may have the time.

Once again, I wish to thank everybody who maybe hasn't heard me say it. The Senator had a fair and open process in our committee. There wasn't a single Member who didn't get a chance to offer amendments. This is the way the process ought to work, and the chairman made it work that way.

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. LEAHY. I thank the distinguished Senator for his comments. He also deserves credit. We worked very closely together on this schedule and everything else to make sure all people were heard, as the Senate completes its work on this historic legislation. I want to recognize Senators and staff members who were instrumental to our effort.

Senator DURBIN, who has championed the DREAM Act for many years, deserves special recognition. I commend him as the Senate approves his hard-fought effort that is included in this bill. Senator DURBIN has helped to bring these compelling stories out of the shadows. He has been dedicated to the young people who will be helped by his legislation, like Gaby Pacheco. These brave and patriotic DREAMers have inspired all of us who support the bill's passage.

Senator SCHUMER's tenacity and commitment to this effort should be commended. He worked hard to build bipartisan support and was relentless

in his advocacy for passage. Senator MENENDEZ fought hard to protect the principles that make this legislation something we can be proud of. Senator BENNET and Senator FEINSTEIN were committed to our agreement between agricultural workers and employers that is fair and that will help America's farmers and farm workers.

Senator MCCAIN, Senator FLAKE, Senator GRAHAM, and Senator RUBIO bravely led the Republican Senators throughout this process. I appreciate that their leadership has been a challenge in their caucus. I thank Senator MCCONNELL for his advice as the Judiciary Committee prepared to consider this legislation.

And I thank Senator WHITEHOUSE, Senator COONS, Senator BLUMENTHAL, Senator KLOBUCHAR, and Senator FRANKEN for their work in the Judiciary Committee and for their amendments to make this legislation better. I especially thank Senator HIRONO for her personal efforts and determination to make sure that the interests of women and families were protected in this legislation. All of these Senators deserve recognition for their dedication.

The work of the Senate could not be successful without the staff members who work behind the scenes. The work of our staff is especially important when the Senate considers legislation of the magnitude that we have completed today. I take a few moments to recognize the many staff members who contributed to this legislation.

I want to recognize and give my thanks to Bruce Cohen and Kristine Lucius. My former Chief Counsel and Staff Director Bruce Cohen, who is well known to many Senators, has been at my side for nearly 20 years. Though Bruce is leaving the Senate, his mark is on this legislation and he leaves his mark on the Senate Judiciary Committee after years of service. His dedication to the Senate, to the people of Vermont, and the United States has been of the highest caliber and he will be missed.

Kristine Lucius, who has so ably and seamlessly taken over as my Chief Counsel and Staff Director on the Judiciary Committee has proven herself many times over during the Judiciary Committee's markup of this legislation, and through the Senate's debate of this legislation. Without her leadership, instincts, and intellect, our Committee process would not have been the example of democracy that it was. Both Bruce and Kristine deserve my deepest gratitude.

My Chief of Staff, JP Dowd and my Legislative Director Erica Chabot were central to this process. In addition to leading my office, JP guided my entire staff with a steady hand as we considered this legislation. And in addition to coordinating the legislative work of my office, Erica made great contribu-

tions to the process this legislation followed through the Committee. Erica's work was only interrupted by the arrival of a baby boy on June 21st.

I thank Adrienne Wojciechowski, Tom Berry, Susan Sussman, Diane Derby, and John Tracy for relating this complex bill to Vermont priorities. Their outreach to Vermont farmers, business owners, law enforcement officials, and Vermonters impacted by our broken immigration system was crucial to my priorities in this bill.

And our work in the Committee could not have been conducted without the incredible efforts of our Chief Clerk Roslyne Turner, Deputy Clerk Theresa Reuss, Hearing Clerk Melanie Kartzmer, and former Hearing Clerk Halley Ross, all of whom make our committee run at the highest standard.

And I thank Brian Hockin, who keeps the Committee's technology running and provided real-time updates during our five Committee markups by posting amendments online as they were modified. I give them my thanks and appreciation for their role in making the Judiciary Committee so productive and transparent.

I want to thank my staff members who worked long and hard on this legislation. My Judiciary Committee counsels Matt Virkstis, John Amaya, Chris Leopold, Alexandra Reeve-Givens, Josh Hsu, April Carson, Emily Livingston, Lara Flint, and Anya McMurray all committed themselves to this process with professionalism and dedication to advancing this important legislation. My team of lawyers carefully negotiated, reviewed, and drafted thousands of pages of amendments. They worked across the aisle to create consensus and improve our proposal.

I thank the Committee's Legislative Staff Assistants Emma Van Susteren, Charles Smith, Kelsey Kobelt, and Clark Flynt for their commitment and passion to making this process run smoothly. And I thank my Communications Director David Carle and my Judiciary Committee Press Secretary Jessica Brady for helping to make our process a transparent one and to tell the story of the Senate's consideration of this legislation.

The staff members of Senators in the group of eight who serve on the Judiciary Committee deserve recognition. Joe Zogby, Mara Silver, Leon Fresco, Stephanie Martz, Chandler Morse, Elizabeth Taylor, and Sergio Sarkany served the Senate well.

I want to recognize the staff of the Judiciary Committee's Ranking Member Senator GRASSLEY, Kolan Davis and Kathy Nuebel. They served Senator GRASSLEY and the Senate with weeks of tireless effort to make our committee process a productive one. I thank Ranking Member GRASSLEY for his cooperation during the Committee's consideration of this legislation.



The floor staff that keep the Senate running deserve special recognition and thanks. The Democratic Secretary Gary Myrick, Assistant Secretary Tim Mitchell, and Reema Dodin serve the Senate admirably and their assistance to Senators is indispensable. The Majority Leader's staff members Bill Dauster and Serena Hoy lent their broad experience and expertise to this process. I thank them all.

I thank the members of President Obama's staff who provided invaluable technical expertise and assistance to the Senate. My former Chief of Staff, Ed Pagano, along with Miguel Rodriguez, led a tremendous effort in the Senate for the President. The President's Director of the White House Policy Council Cecilia Munoz and her team, Felicia Escobar and Tyler Moran were instrumental in this effort.

And I want to especially thank Esther Olavarria. Esther served Senator Kennedy for many years on the Judiciary Committee, and has lent her intellect, her vast knowledge of immigration law, and her genuine sense of humanity to previous efforts in the Senate. I know Senator Kennedy would be very proud of her service to the President.

Finally, I want to recognize the tremendous work done by the Office of the Senate Legislative Counsel. They are the attorneys who serve the United States Senate to turn ideas into legislative text. I especially thank Matt McGhie and Stephanie Easley who moved mountains to meet the requests from Senate offices to draft this legislation. I thank them and all of the attorneys and staff in that office who serve all Senators with tremendous professionalism and skill.

Many other staff members in the Senate contributed to this effort in ways that will be largely unheralded by the public. But it is important to recognize the role that the dedicated men and women who serve Senators play in doing the business of the American people. Their work behind the scenes on this historic bill allowed Members to agree in principle and make their compromise a meaningful reality.

I am proud of the Senate's work today and I thank everyone who made this process a successful one.

Our American story is a story of immigration. It is not only our history, it is our future. Over the last few weeks, many of us have spoken about our own families' immigration stories. We all have such stories. I heard the distinguished Democratic whip, Senator DURBIN, speak of the very moving story of his family and also what he has done with DREAMers. We have talked about our parents and grandparents seeking better lives for us. We can all relate to the most compelling, innate urge to sacrifice for the ones we love.

We are inspired by our forebears who wished better lives for us and for them-

selves, and found those opportunities here in America. They taught us the fundamental values of family, hard work, and fairness. With this legislation, we honor those American values. We honor their search for freedom, for prosperity, and for the promise that America has held out to so many for so long.

I am proud to be a Member of the Senate. Today is a good day for the Senate, and, more importantly, it is a good day for the country. Today, with the help of many Senators, we will address a complex problem that is hurting our families, stifling our economy, and threatening our security.

Several months ago four Democrats and four Republicans began negotiating and drafting immigration reform legislation. They produced a carefully balanced, fair, and humane proposal that at its core is intended to make meaningful improvements to border security and, most importantly, will help millions of people who dream the same dreams our ancestors did.

I am proud of the role the Judiciary Committee has played in this process, and I thank the Senators of both parties who have praised that role.

In late April, with the full participation of all 18 members of the Senate Judiciary Committee, with unprecedented transparency, and with fairness to all members in offering amendments and having the chance to debate them, we held several public markups to consider that legislation. Over 37 hours during the course of 3 weeks, we engaged in vigorous debate in full view of the American public. We considered 212 amendments from Democrats and Republicans. We approved 136 amendments in a room filled with spectators on both sides of the issue. Of the amendments approved in committee, 47 were Republican amendments and all but three were adopted with bipartisan support. Even the staunchest opponents of this legislation have praised that fairness.

The world has never seen such a vibrant, cohesive, economically exuberant, and democratically successful experiment as our country. Every one of us as Americans should be proud of that.

A key ingredient of our successful formula has been and will continue to be immigrants anxious to be part of the American experience. They have helped us to be a Nation in constant renewal, welcoming and using this constant influx of fresh talent and energy. Just as my grandparents and my wife Marcelle's parents made Vermont and America better, they have made us better.

Today is another historic day in the Senate. The Senate will soon complete its work on remedies for a difficult and complex set of issues that has eluded us for years. We passed immigration reform legislation in 2006 under the lead-

ership of the distinguished Presiding Officer's predecessor, Senator Ted Kennedy. After the Senate's work, the House of Representatives declined to take up the Senate bill. I hope that won't happen again. This issue is far too important to ignore or to allow it to languish. We shouldn't play politics with what is quintessentially an American issue.

At this moment I would like to think my dear friend Senator Kennedy is smiling down on this Chamber. He sat right over there. He would be overjoyed to see us pass this legislation on an issue he cared about so deeply. I would like to think our old friend would be proud of what we are doing.

In a very few minutes the Senate will vote to pass a comprehensive solution to our broken immigration system. It will reunite families. It will bring millions of people out of the shadows and into our legal system. It will spur job growth and reduce our deficit. It will make us safer.

I would urge all Senators to join with us to ensure a bright future for this great Nation we all love by passing comprehensive immigration reform. In doing so, you make us an even greater Nation than we are.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. REID. I yield time to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I appreciate both leaders for giving some time for this.

Several of us have been working all week on a package of amendments that were bipartisan and cleared by both Senator GRASSLEY's and Senator HATCH's staff. We appreciate their work so much. We are, unfortunately, not able to get unanimous consent. We tried. I thank them very much for their effort. They stuck with us all the way to the end.

Hopefully this bill will begin to build a bipartisan coalition of Senators who wish to truly solve problems for our country. Our coalition that worked on this is both people for and against the bill. We were not able to get it cleared. We are not discouraged and will continue to work.

I thank Senator HATCH and Senator GRASSLEY.

The PRESIDING OFFICER (Mr. COONS). Mr. Leader.

Mr. REID. Mr. President, we are here today to talk about people, not pages of legislation. This bill represents human beings, real people—yes, immigrants. I am going to talk about two of them today.

Over 20 years ago Astrid Silva crossed the Rio Grande River in a rubber raft wearing a ruffled dress and patent leather shoes. She was 4 years old. She was a baby. She doesn't remember Mexico, the country where she

was born. She does remember the day she left Mexico. She cried. She cried because the only thing she could take with her was her baptismal cross and a doll. Her mother cried because although the river was narrow, she knew the current was swift and dangerous—very dangerous. Mother and daughter survived, ducked under a border fence, and began their new lives in America.

A decade passed before Astrid realized she had come to America illegally, without proper immigration papers. Her parents cautiously, slowly explained this to their daughter.

Astrid's eighth grade class was going to leave Las Vegas and take a trip back here to the Nation's Capital. Astrid couldn't go. She didn't go. Her parents were afraid to let her travel for fear she would be arrested. She was undocumented. Flying, you see, without proper identification meant running the risk of being detained or deported.

A few years later, when Astrid's friends learned to drive, Astrid once again was separated from her friends. She couldn't learn to drive. She didn't have even the right to study for the driver's test because she wasn't eligible.

When Astrid's classmates headed off to school across the country, she stayed home. She couldn't leave, so she went to school at a local community college.

Astrid has accepted every challenge, every setback with grace, knowing the obstacles would never outweigh the advantages of growing up in the United States, her home.

Four years ago Astrid's grandmother died. Neither Astrid nor her father could go to Mexico because her dad was also undocumented. They weren't able to go to the funeral. If she left the United States, she couldn't come back. She couldn't come back to the only country she had ever called home.

Then there came a time, and it came slowly, very cautiously, but finally Astrid knew it was time to raise her voice. In effect, she had had enough. It was time for her to come out of the shadows and share her story with her friends and with others. A lot of her friends were just like her, and she could share the stories with them and they could share the stories with each other. It was time for her, her classmates in many instances, and her community to learn who Astrid Silva really was. She spoke up. She told her story.

She decided to find a public place where I would be at a public event and give me the first of many heartfelt letters. I only have a few of them. A few of them didn't make it to my office, but I appreciate each and every one of those letters. Astrid became, very quickly, a DREAMer.

One of the letters I remember so well. She said in the letter words to this effect: I have never, ever as much as sto-

len even a piece of gum, but I feel like a criminal even though I am not a criminal. I appreciate every one of those letters she sent me because each was a reminder of what is at stake in this debate—a debate that involves our neighbors, friends, and, yes, relatives. Each note, each letter indicates that to me.

This bipartisan legislation the Senate is poised to pass in just a few minutes does not just secure our borders or just mend our broken legal immigration system; this legislation is what Astrid has advocated, what the DREAMers and others have advocated. This legislation is what she and millions have hoped for and, yes, prayed for. The bill paves the way for people just like Astrid—people who are American in all but paperwork—to become full participants in our great society. It acknowledges the contributions of generations of immigrants who founded this country and built it into the superpower it is today, immigrants such as a man named Israel Goldfarb. He left Russia. He was Jewish, and he was being persecuted, he and his family, so he came to America as a boy. This man was my wife's dad.

I often think of him for a lot of reasons. He died as a real young man. Perhaps a lot of people think he didn't contribute much to our society, but he had one child, my wonderful wife, and now we have 16 grandchildren. So he contributed that—5 children, 16 grandchildren. On his deathbed—as I said as a young man—he gave me his ring. I have worn this ring for those many years. I take it off at night and put it on every day. This watch I have—it stopped running a couple of months ago and the jeweler said: It is broken. It is worn out. It is 50 years old. It is an old-fashioned watch. I have to wind it every morning, but they fixed it. I got the watch back and it is good for another 50 years. I could buy a different watch, but I am not one to buy a different watch. These are who I am and they remind me every day of this man who came to America as Israel Goldfarb and, similar to all of his family, changed his name to Earl Gould. My wife, when I met her as a sophomore in high school, was Landra Gould.

So this bipartisan legislation we are poised to pass in just a little while does not just secure our borders or just mend our broken legal system; this legislation that has been advocated paves the way for people such as Astrid and, frankly, people such as my father-in-law, may he rest in peace. It acknowledges the contributions of generations of immigrants who founded this country.

This historic legislation recognizes that today's immigrants came for the right reason—the same reason generations before them, the same as Israel Goldfarb—to achieve a dream we take for granted, a right to live in a land that is free.

Ted Kennedy said it best:

From Jamestown, to the pilgrims, to the Irish, to today's workers, people have come to this country in search of opportunity. They have sought nothing more than a chance to work hard and bring a better life to themselves and their families. They came to our country with their hearts and minds full of hope.

That is what Ted Kennedy said, and the bipartisan legislation before the Senate respects and fulfills that hope—the hope and the prayers of Astrid and millions just like her. It will help 11 million people who are tired of looking over their shoulders and fearing deportation to get right with the law and start down a pathway to citizenship.

That path is going to be very hard, with penalties, fines, work, paying taxes, staying out of trouble, and learning English, but they are willing to do that, every one of them. It will mean going to the back of the line. It is tough, I repeat, but it is fair.

Above all, this legislation is very practical. It makes unprecedented investments in our borders. It cracks down on crooked employers, such as those Senator McCain talked about earlier today, that exploit and abuse immigrant workers, and it reforms our legal immigration system.

This legislation will be good for America's national security as well as its economic security. This will reduce the deficit by \$1 trillion. How is that for economic security?

Six years ago, the last time we considered a sweeping immigration overhaul—led by Senator McCain and, yes, that good man who became Secretary of the Interior, Ken Salazar—it didn't work. The prospects for a bipartisan solution were very dim. On the last day, the immigration bill fell because of a procedural roadblock. But Ted Kennedy urged those of us who believed deeply in its cause to keep the faith. Here is what he said.

We will be back and we will prevail. . . . America always finds a way to solve its problems, expand its frontiers, and move closer to its ideals. It is not always easy, but it is the American way.

That is what Ted Kennedy said.

Because of the Gang of 8—these courageous Senators, four Democrats and four Republicans; SCHUMER, DURBIN, MENENDEZ and, of course, the quiet one who did so much, Senator BENNET, and JOHN MCCAIN, whom I admire so much. He and I came to the Congress together more than 31 years ago. We came to the Senate together. Have we fought with each other? Oh, yes. But we care a great deal about each other. JOHN MCCAIN, no matter what happens, I will be his friend and he will be my friend. I admire what he has done. He was truly a leader, as he has been for so long in this country.

LINDSEY GRAHAM. He is up for reelection. Is this a badge of courage? It sure is. MARCO RUBIO, JEFF FLAKE, I admire every one of them. I am not going to

forget about BOB CORKER. I am not going to forget about mentioning Governor HOEVEN. They allowed us to get votes. I will always admire these two, again, courageous men who stepped forward, stepped out of the crowd and did something that was right.

They are wonderful, all of them. Senator Kennedy knew the day would come when a group of Senators, divided by party but united by a love of country, would see the fight to the finish, and that is what we did. That is what these 10 men allowed us to do.

I am not going to ever forget about the man seated right behind me, Senator LEAHY. His markup will go down in history. It was why we are here today. He is my friend. As always, I will always admire how he handles everything he does but especially what he did on this bill.

So today is the day. While I am sad Senator Kennedy isn't here to see history made, I know he is looking at us proudly and loudly. Remember that voice? And he is not alone. I have no doubt my father-in-law is here in spirit. Astrid Silva is here today. I am sure she is in the gallery someplace, and she will be looking down from where she is seated when the Senate votes to expand this country's frontiers and move closer to its ideals.

But she is not here alone. She is here representing millions of others just like her—people who have hoped and prayed for this day. Their prayers have been answered. But these prayers—their hopes and prayers—have not gotten us to the finish line yet. The finish line is very close to here, down this very long hallway to the House of Representatives.

In closing, I am reminded of a poem, a song. Here is what it says:

I can see a new day, a new day soon to be, when the storm clouds are all past and the sun shines on a world that is free. I can see a new man, a new man standing tall, with his head high and his heart proud and afraid of nothing at all. I can see a new day, a new day soon to be, when the storm clouds are all past and the sun shines on a world that is free.

Colleagues, I am confident the House of Representatives will pass this legislation because I can see a new man, a new man standing tall with his head high, his heart proud, and afraid of nothing at all.

The bill (S. 744), as amended, was ordered to a third reading and was read the third time.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass?

Mr. DURBIN. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The VICE PRESIDENT. Before the Chair announces the vote, expressions

of approval or disapproval are not permitted in the Senate.

The result was announced—yeas 68, nays 32, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—68

Alexander	Gillibrand	Mikulski
Ayotte	Graham	Murkowski
Baldwin	Hagan	Murphy
Baucus	Harkin	Murray
Begich	Hatch	Nelson
Bennet	Heinrich	Pryor
Blumenthal	Heitkamp	Reed
Boxer	Heller	Reid
Brown	Hirono	Rockefeller
Cantwell	Hoeven	Rubio
Cardin	Johnson (SD)	Sanders
Carper	Kaine	Schatz
Casey	King	Schumer
Chiesa	Kirk	Shaheen
Collins	Klobuchar	Stabenow
Coons	Landrieu	Tester
Corker	Leahy	Udall (CO)
Cowan	Levin	Udall (NM)
Donnelly	Manchin	Warner
Durbin	McCain	Warren
Feinstein	McCaskey	Whitehouse
Flake	Menendez	Wyden
Franken	Merkley	

NAYS—32

Barrasso	Enzi	Portman
Blunt	Fischer	Risch
Boozman	Grassley	Roberts
Burr	Inhofe	Scott
Chambliss	Isakson	Sessions
Coats	Johanns	Shelby
Coburn	Johnson (WI)	Thune
Cochran	Lee	Toomey
Cornyn	McConnell	Vitter
Crapo	Moran	Wicker
Cruz	Paul	

The bill (S. 744), as amended, was passed, as follows:

S. 744

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Border Security, Economic Opportunity, and Immigration Modernization Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.  
 Sec. 2. Statement of congressional findings.  
 Sec. 3. Effective date triggers.  
 Sec. 4. Southern Border Security Commission.  
 Sec. 5. Comprehensive Southern Border Security Strategy and Southern Border Fencing Strategy.  
 Sec. 6. Comprehensive Immigration Reform Funds.  
 Sec. 7. Reference to the Immigration and Nationality Act.  
 Sec. 8. Definitions.  
 Sec. 9. Grant accountability.

# TITLE I—BORDER SECURITY AND OTHER PROVISIONS

## Subtitle A—Border Security

Sec. 1101. Definitions.  
 Sec. 1102. Additional U.S. Border Patrol and U.S. Customs and Border Protection officers.  
 Sec. 1103. National Guard support to secure the Southern border.  
 Sec. 1104. Enhancement of existing border security operations.  
 Sec. 1105. Border security on certain Federal land.  
 Sec. 1106. Equipment and technology.  
 Sec. 1107. Access to emergency personnel.  
 Sec. 1108. Southwest Border Region Prosecution Initiative.

Sec. 1109. Interagency collaboration.  
 Sec. 1110. State Criminal Alien Assistance Program.  
 Sec. 1111. Use of force.  
 Sec. 1112. Training for border security and immigration enforcement officers.  
 Sec. 1113. Department of Homeland Security Border Oversight Task Force.  
 Sec. 1114. Ombudsman for Immigration Related Concerns of the Department of Homeland Security.  
 Sec. 1115. Protection of family values in apprehension programs.  
 Sec. 1116. Oversight of power to enter private land and stop vehicles without a warrant at the Northern border.  
 Sec. 1117. Reports.  
 Sec. 1118. Severability and delegation.  
 Sec. 1119. Prohibition on new land border crossing fees.  
 Sec. 1120. Human Trafficking Reporting.  
 Sec. 1121. Rule of construction.  
 Sec. 1122. Limitations on dangerous deportation practices.  
 Sec. 1123. Maximum allowable costs of salaries of contractor employees.

## Subtitle B—Other Matters

Sec. 1201. Removal of nonimmigrants who overstay their visas.  
 Sec. 1202. Visa overstay notification pilot program.  
 Sec. 1203. Preventing unauthorized immigration transiting through Mexico.

# TITLE II—IMMIGRANT VISAS

Subtitle A—Registration and Adjustment of Registered Provisional Immigrants  
 Sec. 2101. Registered provisional immigrant status.  
 Sec. 2102. Adjustment of status of registered provisional immigrants.  
 Sec. 2103. The DREAM Act.  
 Sec. 2104. Additional requirements.  
 Sec. 2105. Criminal penalty.  
 Sec. 2106. Grant program to assist eligible applicants.  
 Sec. 2107. Conforming amendments to the Social Security Act.  
 Sec. 2108. Government contracting and acquisition of real property interest.  
 Sec. 2109. Long-term legal residents of the Commonwealth of the Northern Mariana Islands.  
 Sec. 2110. Rulemaking.  
 Sec. 2111. Statutory construction.  
 Subtitle B—Agricultural Worker Program  
 Sec. 2201. Short title.  
 Sec. 2202. Definitions.

## CHAPTER 1—PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

### SUBCHAPTER A—BLUE CARD STATUS

Sec. 2211. Requirements for blue card status.  
 Sec. 2212. Adjustment to permanent resident status.  
 Sec. 2213. Use of information.  
 Sec. 2214. Reports on blue cards.  
 Sec. 2215. Authorization of appropriations.

### SUBCHAPTER B—CORRECTION OF SOCIAL SECURITY RECORDS

Sec. 2221. Correction of social security records.

## CHAPTER 2—NONIMMIGRANT AGRICULTURAL VISA PROGRAM

Sec. 2231. Nonimmigrant classification for nonimmigrant agricultural workers.  
 Sec. 2232. Establishment of nonimmigrant agricultural worker program.  
 Sec. 2233. Transition of H-2A Worker Program.

Sec. 2234. Reports to Congress on non-immigrant agricultural workers.

#### CHAPTER 3—OTHER PROVISIONS

Sec. 2241. Rulemaking.  
 Sec. 2242. Reports to Congress.  
 Sec. 2243. Benefits integrity programs.  
 Sec. 2244. Effective date.

##### Subtitle C—Future Immigration

Sec. 2301. Merit-based points track one.  
 Sec. 2302. Merit-based track two.  
 Sec. 2303. Repeal of the diversity visa program.  
 Sec. 2304. Worldwide levels and recapture of unused immigrant visas.  
 Sec. 2305. Reclassification of spouses and minor children of lawful permanent residents as immediate relatives.  
 Sec. 2306. Numerical limitations on individual foreign states.  
 Sec. 2307. Allocation of immigrant visas.  
 Sec. 2308. Inclusion of communities adversely affected by a recommendation of the Defense Base Closure and Realignment Commission as targeted employment areas.  
 Sec. 2309. V nonimmigrant visas.  
 Sec. 2310. Fiancée and fiancé child status protection.  
 Sec. 2311. Equal treatment for all stepchildren.  
 Sec. 2312. Modification of adoption age requirements.  
 Sec. 2313. Relief for orphans, widows, and widowers.  
 Sec. 2314. Discretionary authority with respect to removal, deportation, or inadmissibility of citizen and resident immediate family members.

Sec. 2315. Waivers of inadmissibility.  
 Sec. 2316. Continuous presence.  
 Sec. 2317. Global health care cooperation.  
 Sec. 2318. Extension and improvement of the Iraqi special immigrant visa program.  
 Sec. 2319. Extension and improvement of the Afghan special immigrant visa program.  
 Sec. 2320. Special Immigrant Nonminister Religious Worker Program.  
 Sec. 2321. Special immigrant status for certain surviving spouses and children.  
 Sec. 2322. Reunification of certain families of Filipino veterans of World War II.  
 Sec. 2323. Ensuring compliance with restrictions on welfare and public benefits for aliens.

##### Subtitle D—Conrad State 30 and Physician Access

Sec. 2401. Conrad State 30 Program.  
 Sec. 2402. Retaining physicians who have practiced in medically underserved communities.  
 Sec. 2403. Employment protections for physicians.  
 Sec. 2404. Allotment of Conrad 30 waivers.  
 Sec. 2405. Amendments to the procedures, definitions, and other provisions related to physician immigration.

##### Subtitle E—Integration

Sec. 2501. Definitions.

#### CHAPTER 1—CITIZENSHIP AND NEW AMERICANS

##### SUBCHAPTER A—OFFICE OF CITIZENSHIP AND NEW AMERICANS

Sec. 2511. Office of Citizenship and New Americans.

##### SUBCHAPTER B—TASK FORCE ON NEW AMERICANS

Sec. 2521. Establishment.  
 Sec. 2522. Purpose.  
 Sec. 2523. Membership.  
 Sec. 2524. Functions.

#### CHAPTER 2—PUBLIC-PRIVATE PARTNERSHIP

Sec. 2531. Establishment of United States Citizenship Foundation.

Sec. 2532. Funding.  
 Sec. 2533. Purposes.  
 Sec. 2534. Authorized activities.  
 Sec. 2535. Council of directors.  
 Sec. 2536. Powers.  
 Sec. 2537. Initial Entry, Adjustment, and Citizenship Assistance Grant Program.

Sec. 2538. Pilot program to promote immigrant integration at State and local levels.

Sec. 2539. Naturalization ceremonies.

#### CHAPTER 3—FUNDING

Sec. 2541. Authorization of appropriations.

#### CHAPTER 4—REDUCE BARRIERS TO NATURALIZATION

Sec. 2551. Waiver of English requirement for senior new Americans.  
 Sec. 2552. Filing of applications not requiring regular internet access.  
 Sec. 2553. Permissible use of assisted housing by battered immigrants.  
 Sec. 2554. United States citizenship for internationally adopted individuals.  
 Sec. 2555. Treatment of certain persons as having satisfied English and civics, good moral character, and honorable service and discharge requirements for naturalization.

#### TITLE III—INTERIOR ENFORCEMENT

##### Subtitle A—Employment Verification System

Sec. 3101. Unlawful employment of unauthorized aliens.  
 Sec. 3102. Increasing security and integrity of social security cards.  
 Sec. 3103. Increasing security and integrity of immigration documents.  
 Sec. 3104. Responsibilities of the Social Security Administration.  
 Sec. 3105. Improved prohibition on discrimination based on national origin or citizenship status.  
 Sec. 3106. Rulemaking.  
 Sec. 3107. Office of the Small Business and Employee Advocate.

##### Subtitle B—Protecting United States Workers

Sec. 3201. Protections for victims of serious violations of labor and employment law or crime.  
 Sec. 3202. Employment Verification System Education Funding.  
 Sec. 3203. Directive to the United States Sentencing Commission.

##### Subtitle C—Other Provisions

Sec. 3301. Funding.  
 Sec. 3302. Effective date.  
 Sec. 3303. Mandatory exit system.  
 Sec. 3304. Identity-theft resistant manifest information for passengers, crew, and non-crew onboard departing aircraft and vessels.

Sec. 3305. Profiling.

Sec. 3306. Enhanced penalties for certain drug offenses on Federal lands.

##### Subtitle D—Asylum and Refugee Provisions

Sec. 3400. Short title.  
 Sec. 3401. Time limits and efficient adjudication of genuine asylum claims.

Sec. 3402. Refugee family protections.  
 Sec. 3403. Clarification on designation of certain refugees.  
 Sec. 3404. Asylum determination efficiency.  
 Sec. 3405. Stateless persons in the United States.

Sec. 3406. U visa accessibility.

Sec. 3407. Work authorization while applications for U and T visas are pending.

Sec. 3408. Representation at overseas refugee interviews.

Sec. 3409. Law enforcement and national security checks.

Sec. 3410. Tibetan refugee assistance.

Sec. 3411. Termination of asylum or refugee status.

Sec. 3412. Asylum clock.

##### Subtitle E—Shortage of Immigration Court Resources for Removal Proceedings

Sec. 3501. Shortage of immigration court personnel for removal proceedings.

Sec. 3502. Improving immigration court efficiency and reducing costs by increasing access to legal information.

Sec. 3503. Office of Legal Access Programs.

Sec. 3504. Codifying Board of Immigration Appeals.

Sec. 3505. Improved training for immigration judges and Board Members.

Sec. 3506. Improved resources and technology for immigration courts and Board of Immigration Appeals.

Sec. 3507. Transfer of responsibility for trafficking protections.

##### Subtitle F—Prevention of Trafficking in Persons and Abuses Involving Workers Recruited Abroad

Sec. 3601. Definitions.

Sec. 3602. Disclosure.

Sec. 3603. Prohibition on discrimination.

Sec. 3604. Recruitment fees.

Sec. 3605. Registration.

Sec. 3606. Bonding requirement.

Sec. 3607. Maintenance of lists.

Sec. 3608. Amendment to the Immigration and Nationality Act.

Sec. 3609. Responsibilities of Secretary of State.

Sec. 3610. Enforcement provisions.

Sec. 3611. Detecting and preventing child trafficking.

Sec. 3612. Protecting child trafficking victims.

Sec. 3613. Rule of construction.

Sec. 3614. Regulations.

##### Subtitle G—Interior Enforcement

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Sec. 3702. Banning habitual drunk drivers from the United States.

Sec. 3703. Sexual abuse of a minor.

Sec. 3704. Illegal entry.

Sec. 3705. Reentry of removed alien.

Sec. 3706. Penalties relating to vessels and aircraft.

Sec. 3707. Reform of passport, visa, and immigration fraud offenses.

Sec. 3708. Combating schemes to defraud aliens.

Sec. 3709. Inadmissibility and removal for passport and immigration fraud offenses.

Sec. 3710. Directives related to passport and document fraud.

Sec. 3711. Inadmissible aliens.

Sec. 3712. Organized and abusive human smuggling activities.

Sec. 3713. Preventing criminals from renouncing citizenship during wartime.

Sec. 3714. Diplomatic security service.  
 Sec. 3715. Secure alternatives programs.  
 Sec. 3716. Oversight of detention facilities.  
 Sec. 3717. Procedures for bond hearings and filing of notices to appear.  
 Sec. 3718. Sanctions for countries that delay or prevent repatriation of their nationals.  
 Sec. 3719. Gross violations of human rights.  
 Sec. 3720. Reporting and record keeping requirements relating to the detention of aliens.  
 Sec. 3721. Powers of immigration officers and employees at sensitive locations.

Subtitle H—Protection of Children Affected by Immigration Enforcement

Sec. 3801. Short title.  
 Sec. 3802. Definitions.  
 Sec. 3803. Apprehension procedures for immigration enforcement-related activities.  
 Sec. 3804. Access to children, State and local courts, child welfare agencies, and consular officials.  
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 Sec. 3807. Severability.

Subtitle I—Providing Tools To Exchange Visitors and Exchange Visitor Sponsors To Protect Exchange Visitor Program Participants and Prevent Trafficking

Sec. 3901. Definitions.  
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 Sec. 3906. Bonding requirement.  
 Sec. 3907. Maintenance of lists.  
 Sec. 3908. Amendment to the Immigration and Nationality Act.  
 Sec. 3909. Responsibilities of Secretary of State.  
 Sec. 3910. Enforcement provisions.  
 Sec. 3911. Audits and transparency.

TITLE IV—REFORMS TO NONIMMIGRANT VISA PROGRAMS

Subtitle A—Employment-based Nonimmigrant Visas

Sec. 4101. Market-based H-1B Visa limits.  
 Sec. 4102. Employment authorization for dependents of employment-based nonimmigrants.  
 Sec. 4103. Eliminating impediments to worker mobility.  
 Sec. 4104. STEM education and training.  
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 Sec. 4212. Requirements for admission of nonimmigrant nurses in health professional shortage areas.  
 Sec. 4213. New application requirements.  
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 Sec. 4222. Investigation, working conditions, and penalties.  
 Sec. 4223. Initiation of investigations.  
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Sec. 4232. Requirements for information for H-1B and L nonimmigrants.  
 Sec. 4233. Filing fee for H-1B-dependent employers.  
 Sec. 4234. Providing premium processing of employment-based visa petitions.  
 Sec. 4235. Technical correction.  
 Sec. 4236. Application.  
 Sec. 4237. Portability for beneficiaries of immigrant petitions.

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Sec. 4301. Prohibition on outplacement of L nonimmigrants.  
 Sec. 4302. L employer petition requirements for employment at new offices.  
 Sec. 4303. Cooperation with Secretary of State.  
 Sec. 4304. Limitation on employment of L nonimmigrants.  
 Sec. 4305. Filing fee for L nonimmigrants.  
 Sec. 4306. Investigation and disposition of complaints against L nonimmigrant employers.  
 Sec. 4307. Penalties.  
 Sec. 4308. Prohibition on retaliation against L nonimmigrants.  
 Sec. 4309. Reports on L nonimmigrants.  
 Sec. 4310. Application.  
 Sec. 4311. Report on L blanket petition process.

Subtitle D—Other Nonimmigrant Visas

Sec. 4401. Nonimmigrant visas for students.  
 Sec. 4402. Classification for specialty occupation workers from free trade countries.  
 Sec. 4403. E-visa reform.  
 Sec. 4404. Other changes to nonimmigrant visas.  
 Sec. 4405. Treatment of nonimmigrants during adjudication of application.  
 Sec. 4406. Nonimmigrant elementary and secondary school students.  
 Sec. 4407. J-1 Summer Work Travel Visa Exchange Visitor Program fee.  
 Sec. 4408. J visa eligibility.  
 Sec. 4409. F-1 Visa fee.  
 Sec. 4410. Pilot program for remote B nonimmigrant visa interviews.  
 Sec. 4411. Providing consular officers with access to all terrorist databases and requiring heightened scrutiny of applications for admission from persons listed on terrorist databases.  
 Sec. 4412. Visa revocation information.  
 Sec. 4413. Status for certain battered spouses and children.  
 Sec. 4414. Nonimmigrant crewmen landing temporarily in Hawaii.  
 Sec. 4415. Treatment of compact of free association migrants.  
 Sec. 4416. International participation in the performing arts.  
 Sec. 4417. Limitation on eligibility of certain nonimmigrants for health-related programs.

Subtitle E—JOLT Act

Sec. 4501. Short titles.  
 Sec. 4502. Premium processing.  
 Sec. 4503. Encouraging Canadian tourism to the United States.  
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 Sec. 4506. Visa waiver program enhanced security and reform.  
 Sec. 4507. Expediting entry for priority visitors.  
 Sec. 4508. Visa processing.  
 Sec. 4509. B Visa fee.

Subtitle F—Reforms to the H-2B Visa Program

Sec. 4601. Extension of returning worker exemption to H-2B numerical limitation.  
 Sec. 4602. Other requirements for H-2B employers.  
 Sec. 4603. Executives and managers.  
 Sec. 4604. Honoraria.  
 Sec. 4605. Nonimmigrants participating in relief operations.  
 Sec. 4606. Nonimmigrants performing maintenance on common carriers.  
 Sec. 4607. American jobs in American forests.

Subtitle G—W Nonimmigrant Visas

Sec. 4701. Bureau of Immigration and Labor Market Research.  
 Sec. 4702. Nonimmigrant classification for W nonimmigrants.  
 Sec. 4703. Admission of W nonimmigrant workers.

Subtitle H—Investing in New Venture, Entrepreneurial Startups, and Technologies  
 Sec. 4801. Nonimmigrant INVEST visas.  
 Sec. 4802. INVEST immigrant visa.  
 Sec. 4803. Administration and oversight.  
 Sec. 4804. Permanent authorization of EB-5 Regional Center Program.  
 Sec. 4805. Conditional permanent resident status for certain employment-based immigrants, spouses, and children.

Sec. 4806. EB-5 Visa reforms.  
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Sec. 4901. Short title.  
 Sec. 4902. SEVIS and SEVP defined.  
 Sec. 4903. Increased criminal penalties.  
 Sec. 4904. Accreditation requirement.  
 Sec. 4905. Other academic institutions.  
 Sec. 4906. Penalties for failure to comply with SEVIS reporting requirements.  
 Sec. 4907. Visa fraud.  
 Sec. 4908. Background checks.  
 Sec. 4909. Revocation of authority to issue Form I-20 of flight schools not certified by the Federal Aviation Administration.  
 Sec. 4910. Revocation of accreditation.  
 Sec. 4911. Report on risk assessment.  
 Sec. 4912. Implementation of GAO recommendations.  
 Sec. 4913. Implementation of SEVIS II.

TITLE V—JOBS FOR YOUTH

Sec. 5101. Definitions.  
 Sec. 5102. Establishment of Youth Jobs Fund.  
 Sec. 5103. Summer employment and year-round employment opportunities for low-income youth.  
 Sec. 5104. General requirements.  
 Sec. 5105. Visa surcharge.

SEC. 2. STATEMENT OF CONGRESSIONAL FINDINGS.

Congress makes the following findings:

(1) The passage of this Act recognizes that the primary tenets of its success depend on securing the sovereignty of the United States of America and establishing a coherent and just system for integrating those who seek to join American society.

(2) We have a right, and duty, to maintain and secure our borders, and to keep our country safe and prosperous. As a Nation founded, built and sustained by immigrants we also have a responsibility to harness the power of that tradition in a balanced way that secures a more prosperous future for America.

(3) We have always welcomed newcomers to the United States and will continue to do so. But in order to qualify for the honor and privilege of eventual citizenship, our laws must be followed. The world depends on America to be strong—economically, militarily and ethically. The establishment of a stable, just, and efficient immigration system only supports those goals. As a Nation, we have the right and responsibility to make our borders safe, to establish clear and just rules for seeking citizenship, to control the flow of legal immigration, and to eliminate illegal immigration, which in some cases has become a threat to our national security.

(4) All parts of this Act are premised on the right and need of the United States to achieve these goals, and to protect its borders and maintain its sovereignty.

### SEC. 3. EFFECTIVE DATE TRIGGERS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Southern Border Security Commission established pursuant to section 4.

(2) COMPREHENSIVE SOUTHERN BORDER SECURITY STRATEGY.—The term “Comprehensive Southern Border Security Strategy” means the strategy established by the Secretary pursuant to section 5(a) to achieve and maintain an effectiveness rate of 90 percent or higher in all border sectors.

(3) EFFECTIVE CONTROL.—The term “effective control” means the ability to achieve and maintain, in a Border Patrol sector—

(A) persistent surveillance; and

(B) an effectiveness rate of 90 percent or higher.

(4) EFFECTIVENESS RATE.—The “effectiveness rate”, in the case of a border sector, is the percentage calculated by dividing the number of apprehensions and turn backs in the sector during a fiscal year by the total number of illegal entries in the sector during such fiscal year.

(5) SOUTHERN BORDER.—The term “Southern border” means the international border between the United States and Mexico.

(6) SOUTHERN BORDER FENCING STRATEGY.—The term “Southern Border Fencing Strategy” means the strategy established by the Secretary pursuant to section 5(b) that identifies where fencing (including double-layer fencing), infrastructure, and technology, including at ports of entry, should be deployed along the Southern border.

(b) BORDER SECURITY GOAL.—The Department’s border security goal is to achieve and maintain effective control in all border sectors along the Southern border.

(c) TRIGGERS.—

(1) PROCESSING OF APPLICATIONS FOR REGISTERED PROVISIONAL IMMIGRANT STATUS.—Not earlier than the date upon which the Secretary has submitted to Congress the Notice of Commencement of implementation of the Comprehensive Southern Border Security Strategy and the Southern Border Fencing Strategy under section 5 of this Act, the Secretary may commence processing applications for registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by section 2101 of this Act.

(2) ADJUSTMENT OF STATUS OF REGISTERED PROVISIONAL IMMIGRANTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may not adjust the status of aliens who have been granted registered provisional immigrant status, except for aliens granted blue card status under section 2201 of this Act or described in section 245D(b) of the Immigration and Nationality Act, until 6 months after the date on which the Secretary, after con-

sultation with the Attorney General, the Secretary of Defense, the Inspector General of the Department, and the Comptroller General of the United States, submits to the President and Congress a written certification that—

(i) the Comprehensive Southern Border Security Strategy—

(I) has been submitted to Congress and includes minimum requirements described under paragraph (3), (4), and (5) of section 5(a);

(II) is deployed and operational (for purposes of this clause the term “operational” means the technology, infrastructure, and personnel, deemed necessary by the Secretary, in consultation with the Attorney General and the Secretary of Defense, and the Comptroller General, and includes the technology described under section 5(a)(3) to achieve effective control of the Southern border, has been procured, funded, and is in current use by the Department to achieve effective control, except in the event of routine maintenance, de minimis non-deployment, or natural disaster that would prevent the use of such assets);

(ii) the Southern Border Fencing Strategy has been submitted to Congress and implemented, and as a result the Secretary will certify that there is in place along the Southern Border no fewer than 700 miles of pedestrian fencing which will include replacement of all currently existing vehicle fencing on non-tribal lands on the Southern Border with pedestrian fencing where possible, and after this has been accomplished may include a second layer of pedestrian fencing in those locations along the Southern Border which the Secretary deems necessary or appropriate;

(iii) the Secretary has implemented the mandatory employment verification system required by section 274A of the Immigration and Nationality Act (8 U.S.C.1324a), as amended by section 3101, for use by all employers to prevent unauthorized workers from obtaining employment in the United States;

(iv) the Secretary is using the electronic exit system created by section 3303(a)(1) at all international air and sea ports of entry within the United States where U.S. Customs and Border Protection officers are currently deployed; and

(v) no fewer than 38,405 trained full-time active duty U.S. Border Patrol agents are deployed, stationed, and maintained along the Southern Border.

(B) EXCEPTION.—The Secretary shall permit registered provisional immigrants to apply for an adjustment to lawful permanent resident status if—

(i) (I) litigation or a force majeure has prevented 1 or more of the conditions described in clauses (i) through (iv) of subparagraph (A) from being implemented; or

(II) the implementation of subparagraph (A) has been held unconstitutional by the Supreme Court of the United States or the Supreme Court has granted certiorari to the litigation on the constitutionality of implementation of subparagraph (A); and

(ii) 10 years have elapsed since the date of the enactment of this Act.

(d) WAIVER OF LEGAL REQUIREMENTS NECESSARY FOR IMPROVEMENT AT BORDERS.—Notwithstanding any other provision of law, the Secretary is authorized to waive all legal requirements that the Secretary determines to be necessary to ensure expeditious construction of the barriers, roads, or other physical tactical infrastructure needed to fulfill the requirements under this section. Any deter-

mination by the Secretary under this section shall be effective upon publication in the Federal Register of a notice that specifies each law that is being waived and the Secretary’s explanation for the determination to waive that law. The waiver shall expire on the later of the date on which the Secretary submits the written certification that the Southern Border Fencing Strategy is substantially completed as specified in subsection (c)(2)(A)(ii) or the date that the Secretary submits the written certification that the Comprehensive Southern Border Security Strategy is substantially deployed and substantially operational as specified in subsection (c)(2)(A)(i).

(e) FEDERAL COURT REVIEW.—

(1) IN GENERAL.—The district courts of the United States shall have exclusive jurisdiction to hear all causes or claims arising from any action undertaken, or any decision made, by the Secretary under subsection (d). A cause of action or claim may only be brought alleging a violation of the Constitution of the United States. The court does not have jurisdiction to hear any claim not specified in this paragraph.

(2) TIME FOR FILING COMPLAINT.—If a cause or claim under paragraph (1) is not filed within 60 days after the date of the contested action or decision by the Secretary, the claim shall be barred.

(3) APPELLATE REVIEW.—An interlocutory or final judgment, decree, or order of the district court may be reviewed only upon petition for a writ of certiorari to the Supreme Court of the United States.

### SEC. 4. SOUTHERN BORDER SECURITY COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—No later than the date that is 1 year after the date of the enactment of this Act, there is established a commission to be known as the “Southern Border Security Commission” (referred to in this section as the “Commission”).

(2) EXPENDITURES AND REPORT.—Only if the Secretary cannot certify that the Department has achieved effective control in all border sectors for at least 1 fiscal year before the date that is 5 years after the date of the enactment of this Act—

(A) the report described in subsection (d) shall be submitted; and

(B) 60 days after such report is submitted, the funds made available in section 6(a)(3)(A)(iii) may be expended (except as provided in subsection (i)).

(b) COMPOSITION.—

(1) IN GENERAL.—The Commission shall be composed of—

(A) 2 members who shall be appointed by the President;

(B) 2 members who shall be appointed by the President pro tempore of the Senate, of which—

(i) 1 shall be appointed upon the recommendation of the leader in the Senate of the political party that is not the political party of the President; and

(ii) 1 shall be appointed upon the recommendation of the leader in the Senate of the other political party;

(C) 2 members who shall be appointed by the Speaker of the House of Representatives, of which—

(i) 1 shall be appointed upon the recommendation of the leader in the House of Representatives of the political party that is not the political party of the President; and

(ii) 1 shall be appointed upon the recommendation of the leader in the House of Representatives of the other political party; and

(D) 5 members, consisting of 1 member from the Southwestern State of Nevada and 1 member from each of the States along the Southern border, who shall be—

- (i) the Governor of such State; or
- (ii) appointed by the Governor of each such State.

(2) **QUALIFICATIONS FOR APPOINTMENT.**—The members of the Commission shall be distinguished individuals noted for their knowledge and experience in the field of border security at the Federal, State, or local level and may also include reputable individuals who are landowners in the Southern border area with first-hand experience with border issues.

(3) **TIME OF APPOINTMENT.**—The appointments required by paragraph (1) shall be made not later than 1 year after the date of the enactment of this Act.

(4) **CHAIR.**—At the first meeting of the Commission, a majority of the members of the Commission present and voting shall elect the Chair of the Commission.

(5) **VACANCIES.**—Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(6) **RULES.**—The Commission shall establish the rules and procedures of the Commission which shall require the approval of at least 6 members of the Commission.

**(c) DUTIES.**—

(1) **IN GENERAL.**—The Commission's primary responsibility shall be to make recommendations to the President, the Secretary, and Congress on policies to achieve and maintain the border security goal specified in section 3(b) by achieving and maintaining—

(A) the capability to engage in, and engaging in, persistent surveillance in border sectors along the Southern border; and

(B) an effectiveness rate of 90 percent or higher in all border sectors along the Southern border.

**(2) PUBLIC HEARINGS.**—

(A) **IN GENERAL.**—The Commission shall convene at least 1 public hearing each year on border security.

(B) **REPORT.**—The Commission shall provide a summary of each hearing convened pursuant to subparagraph (A) to the entities set out in subparagraphs (A) through (G) of section 5(a)(1).

(d) **REPORT.**—If required pursuant to subsection (a)(2)(B) and in no case earlier than the date that is 5 years after the date of the enactment of this Act, the Commission shall submit to the President, the Secretary, and Congress a report setting forth specific recommendations for policies for achieving and maintaining the border security goals specified in subsection (c). The report shall include, at a minimum, recommendations for the personnel, infrastructure, technology, and other resources required to achieve and maintain an effectiveness rate of 90 percent or higher in all border sectors.

(e) **TRAVEL EXPENSES.**—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(f) **ADMINISTRATIVE SUPPORT.**—The Secretary shall provide the Commission such staff and administrative services as may be necessary and appropriate for the Commission to perform its functions. Any employee of the executive branch of Government may be detailed to the Commission without reim-

bursement to the agency of that employee and such detail shall be without interruption or loss of civil service or status or privilege.

(g) **COMPTROLLER GENERAL REVIEW.**—The Comptroller General of the United States shall review the recommendations in the report submitted under subsection (d) in order to determine—

(1) whether any of the recommendations are likely to achieve effective control in all border sectors;

(2) which recommendations are most likely to achieve effective control; and

(3) whether such recommendations are feasible within existing budget constraints.

(h) **TERMINATION.**—The Commission shall terminate 10 years after the date of the enactment of this Act.

(i) **FUNDING.**—The amounts made available under section 6(a)(3)(A)(iii) to carry out programs, projects, and activities recommended by the Commission may not be expended prior to the date that is 60 days after a report required by subsection (d) is submitted and, in no case, prior to 60 days after the date that is 5 years after the date of the enactment of this Act, except that funds made available under section 6(a)(3)(A)(iii) may be used for minimal administrative expenses directly associated with convening the public hearings required by subsection (c)(2)(A) and preparing and providing summaries of such hearings required by subsection (c)(2)(B).

**SEC. 5. COMPREHENSIVE SOUTHERN BORDER SECURITY STRATEGY AND SOUTHERN BORDER FENCING STRATEGY.**

(a) **COMPREHENSIVE SOUTHERN BORDER SECURITY STRATEGY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Attorney General and the Secretary of Defense, shall submit a strategy, to be known as the “Comprehensive Southern Border Security Strategy”, for achieving and maintaining effective control between and at the ports of entry in all border sectors along the Southern border, to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Homeland Security of the House of Representatives;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Appropriations of the House of Representatives;

(E) the Committee on the Judiciary of the Senate;

(F) the Committee on the Judiciary of the House of Representatives;

(G) the Committee on Armed Services of the Senate;

(H) the Committee on Armed Services of the House of Representatives; and

(I) the Comptroller General of the United States.

(2) **ELEMENTS.**—The Comprehensive Southern Border Security Strategy shall specify—

(A) the priorities that must be met for the strategy to be successfully executed; and

(B) the capabilities required to meet each of the priorities referred to in subparagraph (A), including—

(i) surveillance and detection capabilities developed or used by the various Departments and Agencies for the Federal government for the purposes of enhancing the functioning and operational capability to conduct continuous and integrated manned or unmanned, monitoring, sensing, or surveillance of 100 percent of Southern border mileage or the immediate vicinity of the Southern border;

(ii) the requirement for stationing sufficient Border Patrol agents and Customs and

Border Protection officers between and at ports of entry along the Southern border; and

(iii) the necessary and qualified staff and equipment to fully utilize available unarmed, unmanned aerial systems and unarmed, fixed wing aircraft.

(3) **MINIMUM REQUIREMENTS.**—The Comprehensive Southern Border Security Strategy shall require, at a minimum, the deployment of the following technologies for each Border Patrol sector along the Southern Border:

(A) **ARIZONA (YUMA AND TUCSON SECTORS).**—For Arizona (Yuma and Tucson Sectors) between ports of entry the following:

(i) 50 integrated fixed towers.

(ii) 73 fixed camera systems (with relocation capability), which include Remote Video Surveillance Systems.

(iii) 28 mobile surveillance systems, which include mobile video surveillance systems, agent-portable surveillance systems, and mobile surveillance capability systems.

(iv) 685 unattended ground sensors, including seismic, imaging, and infrared.

(v) 22 handheld equipment devices, including handheld thermal imaging systems and night vision goggles.

(B) **SAN DIEGO, CALIFORNIA.**—For San Diego, California the following:

(i) **BETWEEN PORTS OF ENTRY.**—Between ports of entry the following:

(I) 3 integrated fixed towers.

(II) 41 fixed camera systems (with relocation capability), which include Remote Video Surveillance Systems.

(III) 14 mobile surveillance systems, which include mobile video surveillance systems, agent-portable surveillance systems, and mobile surveillance capability systems.

(IV) 393 unattended ground sensors, including seismic, imaging, and infrared.

(V) 83 handheld equipment devices, including handheld thermal imaging systems and night vision goggles.

(ii) **AT POINTS OF ENTRY, CHECKPOINTS.**—At points of entry, checkpoints the following:

(I) 2 non-intrusive inspection systems, including fixed and mobile.

(II) 1 radiation portal monitor.

(III) 1 littoral detection and classification network

(C) **EL CENTRO, CALIFORNIA.**—For El Centro, California the following:

(i) **BETWEEN PORTS OF ENTRY.**—Between ports of entry the following:

(I) 66 fixed camera systems (with relocation capability), which include Remote Video Surveillance Systems.

(II) 18 mobile surveillance systems, which include mobile video surveillance systems, agent-portable surveillance systems, and mobile surveillance capability systems.

(III) 85 unattended ground sensors, including seismic, imaging, and infrared.

(IV) 57 handheld equipment devices, including handheld thermal imaging systems and night vision goggles.

(V) 2 sensor repeaters.

(VI) 2 communications repeaters.

(ii) **AT POINTS OF ENTRY, CHECKPOINTS.**—At points of entry, checkpoints the following:

(I) 5 fiber-optic tank inspection scopes.

(II) 1 license plate reader.

(III) 1 backscatter.

(IV) 2 portable contraband detectors.

(V) 2 radiation isotope identification devices.

(VI) 8 radiation isotope identification devices updates.

(VII) 3 personal radiation detectors.

(VIII) 16 mobile automated targeting systems.



(D) EL PASO, TEXAS.—For El Paso, Texas the following:

(i) BETWEEN PORTS OF ENTRY.—Between ports of entry the following:

(I) 27 integrated fixed towers.  
(II) 71 fixed camera systems (with relocation capability), which include Remote Video Surveillance Systems.

(III) 31 mobile surveillance systems, which include mobile video surveillance systems, agent-portable surveillance systems, and mobile surveillance capability systems.

(IV) 170 unattended ground sensors, including seismic, imaging, and infrared.

(V) 24 handheld equipment devices, including handheld thermal imaging systems and night vision goggles.

(VI) 1 communications repeater.

(VII) 1 sensor repeater.

(VIII) 2 camera refresh.

(ii) AT POINTS OF ENTRY, CHECKPOINTS.—At points of entry, checkpoints the following:

(I) 4 non-intrusive inspection systems, including fixed and mobile.

(II) 23 fiber-optic tank inspection scopes.

(III) 1 portable contraband detectors.

(IV) 19 radiation isotope identification devices updates.

(V) 1 real time radioscopy version 4.

(VI) 8 personal radiation detectors.

(E) BIG BEND, TEXAS.—For Big Bend, Texas the following:

(i) BETWEEN PORTS OF ENTRY.—Between ports of entry the following:

(I) 7 fixed camera systems (with relocation capability), which include remote video surveillance systems.

(II) 29 mobile surveillance systems, which include mobile video surveillance systems, agent-portable surveillance systems, and mobile surveillance capability systems.

(III) 1105 unattended ground sensors, including seismic, imaging, and infrared.

(IV) 131 handheld equipment devices, including handheld thermal imaging systems and night vision goggles.

(V) 1 mid-range camera refresh.

(VI) 1 improved surveillance capabilities for existing aerostat.

(VII) 27 sensor repeaters.

(VIII) 27 communications repeaters.

(ii) AT POINTS OF ENTRY, CHECKPOINTS.—At points of entry, checkpoints the following:

(I) 7 fiber-optic tank inspection scopes.

(II) 3 license plate readers, including mobile, tactical, and fixed.

(III) 12 portable contraband detectors.

(IV) 7 radiation isotope identification devices.

(V) 12 radiation isotope identification devices updates.

(VI) 254 personal radiation detectors.

(VII) 19 mobile automated targeting systems.

(F) DEL RIO, TEXAS.—For Del Rio, Texas the following:

(i) BETWEEN PORTS OF ENTRY.—Between ports of entry the following:

(I) 3 integrated fixed towers.

(II) 74 fixed camera systems (with relocation capability), which include remote video surveillance systems.

(III) 47 mobile surveillance systems, which include mobile video surveillance systems, agent-portable surveillance systems, and mobile surveillance capability systems.

(IV) 868 unattended ground sensors, including seismic, imaging, and infrared.

(V) 174 handheld equipment devices, including handheld thermal imaging systems and night vision goggles.

(VI) 26 mobile/handheld inspection scopes and sensors for checkpoints.

(VII) 1 improved surveillance capabilities for existing aerostat.

(VIII) 21 sensor repeaters.

(IX) 21 communications repeaters.

(ii) AT POINTS OF ENTRY, CHECKPOINTS.—At points of entry, checkpoints the following:

(I) 4 license plate readers, including mobile, tactical, and fixed.

(II) 13 radiation isotope identification devices updates.

(III) 3 mobile automated targeting systems.

(IV) 6 land automated targeting systems.

(G) LAREDO, TEXAS.—For Laredo, Texas the following:

(i) BETWEEN THE PORTS OF ENTRY.—Between ports of entry the following:

(I) 2 integrated fixed towers.

(II) 69 fixed camera systems (with relocation capability), which include remote video surveillance systems.

(III) 38 mobile surveillance systems, which include mobile video surveillance systems, agent-portable surveillance systems, and mobile surveillance capability systems.

(IV) 573 unattended ground sensors, including seismic, imaging, and infrared.

(V) 124 handheld equipment devices, including handheld thermal imaging systems and night vision goggles.

(VI) 38 sensor repeaters.

(VII) 38 communications repeaters.

(ii) AT POINTS OF ENTRY, CHECKPOINTS.—At points of entry, checkpoints the following:

(I) 1 non-intrusive inspection system.

(II) 7 fiber-optic tank inspection scopes.

(III) 19 license plate readers, including mobile, tactical, and fixed.

(IV) 2 backscatter.

(V) 14 portable contraband detectors.

(VI) 2 radiation isotope identification devices.

(VII) 18 radiation isotope identification devices updates.

(VIII) 16 personal radiation detectors.

(IX) 24 mobile automated targeting systems.

(X) 3 land automated targeting systems.

(H) RIO GRANDE VALLEY.—For Rio Grande Valley the following:

(i) BETWEEN PORTS OF ENTRY.—Between ports of entry the following:

(I) 1 integrated fixed towers.

(II) 87 fixed camera systems (with relocation capability), which include remote video surveillance systems.

(III) 27 mobile surveillance systems, which include mobile video surveillance systems, agent-portable surveillance systems, and mobile surveillance capability systems.

(IV) 716 unattended ground sensors, including seismic, imaging, and infrared.

(V) 205 handheld equipment devices, including handheld thermal imaging systems and night vision goggles.

(VI) 4 sensor repeaters.

(VII) 1 communications repeater.

(VIII) 2 camera refresh.

(ii) AT POINTS OF ENTRY, CHECKPOINTS.—At points of entry, checkpoints the following:

(I) 1 mobile non-intrusive inspection system.

(II) 11 fiberoptic tank inspection scopes.

(III) 1 license plate reader.

(IV) 2 backscatter.

(V) 2 card reader system.

(VI) 8 portable contraband detectors.

(VII) 5 radiation isotope identification devices.

(VIII) 18 radiation isotope identification devices updates.

(IX) 135 personal radiation detectors.

(iii) AIR AND MARINE ACROSS THE SOUTHWEST BORDER.—For air and marine across the Southwest border the following:

(I) 4 unmanned aircraft systems.

(II) 6 VADER radar systems.

(III) 17 UH-1N helicopters.

(IV) 8 C-206H aircraft upgrades.

(V) 8 AS-350 light enforcement helicopters.

(VI) 10 Blackhawk helicopter 10 A-L conversions, 5 new Blackhawk M Model.

(VII) 30 marine vessels.

(4) REDEPLOYMENT OF RESOURCES TO ACHIEVE EFFECTIVE CONTROL.—The Secretary may reallocate the personnel, infrastructure, and technologies required in the Southern Border Security Strategy to achieve effective control of the Southern border.

(5) ALTERNATE TECHNOLOGY.—If the Secretary determines that an alternate or new technology is at least as effective as the technologies described in paragraph (3) and provides a commensurate level of security, the Secretary may deploy that technology in its place and without regard to the minimums in this section. The Secretary shall notify Congress within 60 days of any such determination.

(6) ANNUAL REPORT.—Beginning 1 year after the enactment of this Act, and annually thereafter, the Secretary shall provide to Congress a written report to Congress on the sector-by-sector deployment of infrastructure and technologies.

(7) ADDITIONAL ELEMENTS REGARDING EXECUTION.—The Comprehensive Southern Border Security Strategy shall describe—

(A) how the resources referred to in paragraph (2)(C) will be properly aligned with the priorities referred to in paragraph (2)(A) to ensure that the strategy will be successfully executed;

(B) the interim goals that must be accomplished to successfully implement the strategy; and

(C) the schedule and supporting milestones under which the Department will accomplish the interim goals referred to in subparagraph (B).

(8) IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall commence the implementation of the Comprehensive Southern Border Security Strategy immediately after submitting the strategy under paragraph (1).

(B) NOTICE OF COMMENCEMENT.—Upon commencing the implementation of the strategy, the Secretary shall submit a notice of commencement of such implementation to—

(i) Congress; and

(ii) the Comptroller General of the United States.

(9) SEMIANNUAL REPORTS.—

(A) IN GENERAL.—Not later than 180 days after the Comprehensive Southern Border Security Strategy is submitted under paragraph (1), and every 180 days thereafter, the Secretary shall submit a report on the status of the Department's implementation of the strategy to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

(ii) the Committee on Homeland Security of the House of Representatives;

(iii) the Committee on Appropriations of the Senate;

(iv) the Committee on Appropriations of the House of Representatives;

(v) the Committee on the Judiciary of the Senate;

(vi) the Committee on the Judiciary of the House of Representatives; and

(vii) the Comptroller General of the United States.

(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include—

(i) a detailed description of the steps the Department has taken, or plans to take, to

execute the strategy submitted under paragraph (1), including the progress made toward achieving the interim goals and milestone schedule established pursuant to subparagraphs (B) and (C) of paragraph (3);

(i) a detailed description of—

(I) any impediments identified in the Department's efforts to execute the strategy;

(II) the actions the Department has taken, or plans to take, to address such impediments; and

(III) any additional measures developed by the Department to measure the state of security along the Southern border; and

(iii) for each Border Patrol sector along the Southern border—

(I) the effectiveness rate for each individual Border Patrol sector and the aggregated effectiveness rate;

(II) the number of recidivist apprehensions, sorted by Border Patrol sector; and

(III) the recidivism rate for all unique subjects that received a criminal consequence through the Consequence Delivery System process.

(C) ANNUAL REVIEW.—The Comptroller General of the United States shall conduct an annual review of the information contained in the semiannual reports submitted by the Secretary under this paragraph and submit an assessment of the status and progress of the Southern Border Security Strategy to the committees set forth in subparagraph (A).

(b) SOUTHERN BORDER FENCING STRATEGY.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a strategy, to be known as the “Southern Border Fencing Strategy”, to identify where 700 miles of fencing (including double-layer fencing), infrastructure, and technology, including at ports of entry, should be deployed along the Southern border.

(2) SUBMISSION.—The Secretary shall submit the Southern Border Fencing Strategy to Congress and the Comptroller General of the United States for review.

(3) NOTICE OF COMMENCEMENT.—Upon commencing the implementation of the Southern Border Fencing Strategy, the Secretary shall submit a notice of commencement of the implementation of the Strategy to Congress and the Comptroller General of the United States.

(4) CONSULTATION.—

(A) IN GENERAL.—In implementing the Southern Border Fencing Strategy required by this subsection, the Secretary shall consult with the Secretary of the Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

(B) SAVINGS PROVISION.—Nothing in this paragraph may be construed to—

(i) create or negate any right of action for a State or local government or other person or entity affected by this subsection; or

(ii) affect the eminent domain laws of the United States or of any State.

(5) LIMITATION ON REQUIREMENTS.—Notwithstanding paragraph (1), nothing in this subsection shall require the Secretary to install fencing, or infrastructure that directly results from the installation of such fencing, in a particular location along the Southern border, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain effective control over the Southern border at such location.

## SEC. 6. COMPREHENSIVE IMMIGRATION REFORM FUNDS.

(a) COMPREHENSIVE IMMIGRATION REFORM TRUST FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury a separate account, to be known as the Comprehensive Immigration Reform Trust Fund (referred to in this section as the “Trust Fund”), consisting of—

(A) amounts transferred from the general fund of the Treasury under paragraph (2)(A); and

(B) proceeds from the fees described in paragraph (2)(B).

(2) DEPOSITS.—

(A) INITIAL FUNDING.—On the later of the date of the enactment of this Act or October 1, 2013, \$46,300,000,000 shall be transferred from the general fund of the Treasury to the Trust Fund.

(B) ONGOING FUNDING.—Notwithstanding section 3302 of title 31, United States Code, in addition to the funding described in subparagraph (A), and subject to paragraphs (3)(B) and (4), the following amounts shall be deposited in the Trust Fund:

(i) ELECTRONIC TRAVEL AUTHORIZATION SYSTEM FEES.—Fees collected under section 217(h)(3)(B)(i)(II) of the Immigration and Nationality Act, as added by section 1102(c).

(ii) REGISTERED PROVISIONAL IMMIGRANT PENALTIES.—Penalties collected under section 245B(c)(10)(C) of the Immigration and Nationality Act, as added by section 2101.

(iii) BLUE CARD PENALTY.—Penalties collected under section 221(b)(9)(C).

(iv) FINE FOR ADJUSTMENT FROM BLUE CARD STATUS.—Fines collected under section 245F(a)(5) of the Immigration and Nationality Act, as added by section 2212(a).

(v) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—Fines collected under section 245F(f) of the Immigration and Nationality Act, as added by section 2212(a).

(vi) MERIT SYSTEM GREEN CARD FEES.—Fees collected under section 203(c)(6) of the Immigration and Nationality Act, as amended by section 2301(a)(2).

(vii) H-1B AND L VISA FEES.—Fees collected under section 281(d) of the Immigration and Nationality Act, as added by section 4105.

(viii) H-1B OUTPLACEMENT FEE.—Fees collected under section 212(n)(1)(F)(ii) of the Immigration and Nationality Act, as amended by section 4211(d).

(ix) H-1B NONIMMIGRANT DEPENDENT EMPLOYER FEES.—Fees collected under section 4233(a)(2).

(x) L NONIMMIGRANT DEPENDENT EMPLOYER FEES.—Fees collected under section 4305(a)(2).

(xi) J-1 VISA MITIGATION FEES.—Fees collected under section 281(e) of the Immigration and Nationality Act, as added by section 4407.

(xii) F-1 VISA FEES.—Fees collected under section 281(f) of the Immigration and Nationality Act, as added by section 4409.

(xiii) RETIREE VISA FEES.—Fees collected under section 214(w)(1)(B) of the Immigration and Nationality Act, as added by section 4504(b).

(xiv) VISITOR VISA FEES.—Fees collected under section 281(g) of the Immigration and Nationality Act, as added by section 4509.

(xv) H-2B VISA FEES.—Fees collected under section 214(x)(5)(A) of the Immigration and Nationality Act, as added by section 4602(a).

(xvi) NONIMMIGRANTS PERFORMING MAINTENANCE ON COMMON CARRIERS.—Fees collected under section 214(z) of the Immigration and Nationality Act, as added by section 4604.

(xvii) X-1 VISA FEES.—Fees collected under section 214(s)(6) of the Immigration and Nationality Act, as added by section 4801.

(xviii) PENALTY FOR ADJUSTMENT FROM REGISTERED PROVISIONAL IMMIGRANT STATUS.—Penalties collected under section 245C(c)(5)(B) of the Immigration and Nationality Act, as added by section 2102.

(C) AUTHORITY TO ADJUST FEES.—As necessary to carry out the purposes of this Act, the Secretary may adjust the amounts of the fees and penalties set out under subparagraph (B), except for the fines and penalties referred to in clauses (ii), (iii), (iv), or (xviii) of such subparagraph; provided further that the Secretary shall adjust the amounts of the fees and penalties set out under subparagraph (B), except for the fines and penalties referred to in clauses (ii), (iii), (iv), or (xviii) of such subparagraph to result in no less than \$500,000,000 being available for fiscal year 2014 and \$1,000,000,000 for fiscal years 2015 through 2023 for appropriations for activities authorized under this Act. If the Secretary determines that adjusting the fees and penalties set out under subparagraph (B) will be insufficient or impractical to cover the costs of the mandatory enforcement expenditures in this Act, the Secretary may charge an additional surcharge on every immigrant and nonimmigrant petition filed with the Secretary in an amount designed to be the minimum proportional surcharge necessary to recover the annual mandatory enforcement expenditures in this legislation.

(3) USE OF FUNDS.—

(A) INITIAL FUNDING.—Of the amounts transferred to the Trust Fund pursuant to paragraph (2)(A)—

(i) \$30,000,000,000 shall remain available for the 10-year period beginning on the date specified in paragraph (2)(A) for use by the Secretary in hiring and deploying at least 19,200 additional trained full-time active duty U.S. Border Patrol agents along the Southern Border;

(ii) \$4,500,000,000 shall remain available for the 5-year period beginning on the date specified in paragraph (2)(A) for use by the Secretary to carry out the Comprehensive Southern Border Security Strategy;

(iii) \$2,000,000,000 shall remain available for the 10-year period beginning on the date specified in paragraph (2)(A) for use by the Secretary to carry out programs, projects, and activities recommended by the Commission pursuant to section 4(d) to achieve and maintain the border security goal specified in section 3(b), and for the administrative expenses directly associated with convening the public hearings required by section 3(c)(2)(A) and preparing and providing summaries of such hearings required by section 3(c)(2)(B);

(iv) \$8,000,000,000 shall be made available to the Secretary, during the 5-year period beginning on the date of the enactment of this Act, to procure and deploy fencing, infrastructure, and technology in accordance with the Southern Border Fencing Strategy established pursuant to section 5(b), not less than \$7,500,000,000 of which shall be used to deploy, repair, or replace fencing;

(v) \$750,000,000 shall remain available for the 6-year period beginning on the date specified in paragraph (2)(A) for use by the Secretary to expand and implement the mandatory employment verification system, which shall be used as required by section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by section 3101;

(vi) \$900,000,000 shall remain available for the 8-year period beginning on the date specified in paragraph (2)(A) for use by the Secretary of State to pay for one-time and startup costs necessary to implement this Act; and

(vii) \$150,000,000 shall remain available for the 2-year period beginning on the date specified in paragraph (2)(A) for use by the Secretary for transfer to the Secretary of Labor, the Secretary of Agriculture, or the Attorney General, for initial costs of implementing this Act.

(B) REPAYMENT OF TRUST FUND EXPENSES.—The first \$8,300,000,000 collected pursuant to the fees, penalties, and fines referred to in clauses (ii), (iii), (iv), (vi), (xiii), (xvii), and (xviii) of paragraph (2)(B) shall be collected, deposited in the general fund of the Treasury, and used for Federal budget deficit reduction. Collections in excess of \$8,300,000,000 shall be deposited into the Trust Fund, as specified in paragraph (2)(B).

(C) PROGRAM IMPLEMENTATION.—Amounts deposited into the Trust Fund pursuant to paragraph (2)(B) shall be available during each of fiscal years 2014 through 2018 as follows:

(i) \$50,000,000 to carry out the activities referenced in section 1104(a)(1).

(ii) \$50,000,000 to carry out the activities referenced in section 1104(b).

(D) ONGOING FUNDING.—Subject to the availability of appropriations, amounts deposited in the Trust Fund pursuant to paragraph (2)(B) are authorized to be appropriated as follows:

(i) Such sums as may be necessary to carry out the authorizations included in this Act, including the costs, including pay and benefits, associated with the additional personnel required by section 1102.

(ii) Such sums as may be necessary to carry out the operations and maintenance of border security and immigration enforcement investments referenced in subparagraph (A).

(E) EXPENDITURE PLAN.—The Secretary, in consultation with the Attorney General and the Secretary of Defense, shall submit to the Committee on Appropriations of the Senate, the Committee on the Judiciary of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on the Judiciary of the House of Representatives, in conjunction with the Comprehensive Southern Border Strategy and the Southern Border Fencing Strategy, a plan for expenditure that describes—

(i) the types and planned deployment of fixed, mobile, video, and agent and officer portable surveillance and detection equipment, including those recommended or provided by the Department of Defense;

(ii) the number of Border Patrol agents and Customs and Border Protection officers to be hired, including a detailed description of which Border Patrol sectors and which land border ports of entry they will be stationed;

(iii) the numbers and type of unarmed, unmanned aerial systems and unarmed, fixed-wing and rotary aircraft, including pilots, air interdiction agents, and support staff to fly or otherwise operate and maintain the equipment;

(iv) the numbers, types, and planned deployment of marine and riverine vessels, if any, including marine interdiction agents and support staff to operate and maintain the vessels;

(v) the locations, amount, and planned deployment of fencing, including double layer fencing, tactical and other infrastructure, and technology, including but not limited to fixed towers, sensors, cameras, and other detection technology;

(vi) the numbers, types, and planned deployment of ground-based mobile surveillance systems;

(vii) the numbers, types, and planned deployment of tactical and other interoperable

law enforcement communications systems and equipment;

(viii) required construction, including repairs, expansion, and maintenance, and location of additional checkpoints, Border Patrol stations, and forward operating bases;

(ix) the number of additional attorneys and support staff for the Office of the United States Attorney for Tucson;

(x) the number of additional support staff and interpreters in the Office of the Clerk of the Court for Tucson;

(xi) the number of additional personnel, including Marshals and Deputy Marshals for the United States Marshals Office for Tucson;

(xii) the number of additional magistrate judges for the southern border United States District Courts;

(xiii) activities to be funded by the Homeland Security Border Oversight Task Force;

(xiv) amounts and types of grants to States and other entities;

(xv) amounts and activities necessary to hire additional personnel and for start-up costs related to upgrading software and information technology necessary to transition from a voluntary E-Verify system to mandatory employment verification system under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) within 5 years;

(xvi) the number of additional personnel and other costs associated with implementing the immigration courts and removal proceedings mandated in subtitle E of title III;

(xvii) the steps the Commissioner of Social Security plans to take to create a fraud-resistant, tamper-resistant, wear-resistant, and identity-theft resistant Social Security card, including—

(I) the types of equipment needed to create the card;

(II) the total estimated costs for completion that clearly delineates costs associated with the acquisition of equipment and transition to operation, subdivided by fiscal year and including a description of the purpose by fiscal year for design, pre-acquisition activities, production, and transition to operation;

(III) the number and type of personnel, including contract personnel, required to research, design, test, and produce the card; and

(IV) a detailed schedule for production of the card, including an estimated completion date at the projected funding level provided in this Act; and

(xviii) the operations and maintenance costs associated with the implementation of clauses (i) through (xvii).

(F) ANNUAL REVISION.—The expenditure plan required in (E) shall be revised and submitted with the President's budget proposals for fiscal year 2016, 2017, 2018, and 2019 pursuant to the requirements of section 1105(a) of title 31, United States Code.

(G) COMMISSION EXPENDITURE PLAN.—

(i) REQUIREMENT FOR PLAN.—If the Southern Border Security Commission referenced in section 4 is established, the Secretary shall submit to the appropriate committees of Congress, not later than 60 days after the submission of the review required by section 4(g), a plan for expenditure that achieves the recommendations in the report required by section 4(d) and the review required by section 4(g).

(ii) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In clause (i), the term “appropriate committees of Congress” means—

(I) the Committee on Appropriations, the Committee on the Judiciary, and the Committee on Finance of the Senate; and

(II) the Committee on Appropriations, the Committee on the Judiciary, and the Committee on Ways and Means of the House of Representatives.

(4) LIMITATION ON COLLECTION.—

(A) IN GENERAL.—No fee deposited in the Trust Fund may be collected except to the extent that the expenditure of the fee is provided for in advance in an appropriations Act only to pay the costs of activities and services for which appropriations are authorized to be funded from the Trust Fund.

(B) RECEIPTS COLLECTED AS OFFSETTING RECEIPTS.—Until the date of the enactment of an Act making appropriations for the activities authorized under this Act through September 30, 2014, the fees authorized by paragraph (2)(B) that are not deposited into the general fund pursuant to paragraph (3)(B) may be collected and shall be credited as to the Trust Fund to remain available until expended only to pay the costs of activities and services for which appropriations are authorized to be funded from the Trust Fund.

(b) COMPREHENSIVE IMMIGRATION REFORM STARTUP ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury a separate account, to be known as the “Comprehensive Immigration Reform Startup Account,” (referred to in this section as the “Startup Account”), consisting of amounts transferred from the general fund of the Treasury under paragraph (2).

(2) DEPOSITS.—There is appropriated to the Startup Account, out of any funds in the Treasury not otherwise appropriated, \$3,000,000,000, to remain available until expended on the later of the date that is—

(A) the date of the enactment of this Act; or

(B) October 1, 2013.

(3) REPAYMENT OF STARTUP COSTS.—

(A) IN GENERAL.—Notwithstanding section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), 50 percent of fees collected under section 245B(c)(10)(A) of the Immigration and Nationality Act, as added by section 2101 of this Act, shall be deposited monthly in the general fund of the Treasury and used for Federal budget deficit reduction until the funding provided by paragraph (2) has been repaid.

(B) DEPOSIT IN THE IMMIGRATION EXAMINATIONS FEE ACCOUNT.—Fees collected in excess of the amount referenced in subparagraph (A) shall be deposited in the Immigration Examinations Fee Account, pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), and shall remain available until expended pursuant to section 286(n) of the Immigration and Nationality Act (8 U.S.C. 1356(n)).

(4) USE OF FUNDS.—The Secretary shall use the amounts transferred to the Startup Account to pay for one-time and startup costs necessary to implement this Act, including—

(A) equipment, information technology systems, infrastructure, and human resources;

(B) outreach to the public, including development and promulgation of any regulations, rules, or other public notice;

(C) grants to community and faith-based organizations; and

(D) anti-fraud programs and actions related to implementation of this Act.

(5) EXPENDITURE PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Attorney General and the Secretary of Defense, shall submit to the Committee on Appropriations and the Committee on the Judiciary of the Senate and the Committee on

Appropriations and the Committee on the Judiciary of the House of Representatives, a plan for expenditure of the one-time and startup funds in the Startup Account that provides details on—

(A) the types of equipment, information technology systems, infrastructure, and human resources;

(B) the plans for outreach to the public, including development and promulgation of any regulations, rules, or other public notice;

(C) the types and amounts of grants to community and faith-based organizations; and

(D) the anti-fraud programs and actions related to implementation of this Act.

(c) ANNUAL AUDITS.—

(1) AUDITS REQUIRED.—Not later than October 1 each year beginning on or after the date of the enactment of this Act, the Chief Financial Officer of the Department of Homeland Security shall, in conjunction with the Inspector General of the Department of Homeland Security, conduct an audit of the Trust Fund.

(2) REPORTS.—Upon completion of each audit of the Trust Fund under paragraph (1), the Chief Financial Officer shall, in conjunction with the Inspector General, submit to Congress, and make available to the public on an Internet website of the Department available to the public, a jointly audited financial statement concerning the Trust Fund.

(3) ELEMENTS.—Each audited financial statement under paragraph (2) shall include the following:

(A) The report of an independent certified public accountant.

(B) A balance sheet reporting admitted assets, liabilities, capital and surplus.

(C) A statement of cash flow.

(D) Such other information on the Trust Fund as the Chief Financial Officer, the Inspector General, or the independent certified public accountant considers appropriate to facilitate a comprehensive understanding of the Trust Fund during the year covered by the financial statement.

(d) DETERMINATION OF BUDGETARY EFFECTS.—

(1) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—In the Senate, amounts appropriated by or deposited in the general fund of the Treasury pursuant to this section are designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(2) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—Amounts appropriated by or deposited in the general fund of the Treasury pursuant to this section are designated as an emergency requirement under section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

**SEC. 7. REFERENCE TO THE IMMIGRATION AND NATIONALITY ACT.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

**SEC. 8. DEFINITIONS.**

In this Act:

(1) DEPARTMENT.—Except as otherwise provided, the term “Department” means the Department of Homeland Security.

(2) SECRETARY.—Except as otherwise provided, the term “Secretary” means the Secretary of Homeland Security.

**SEC. 9. GRANT ACCOUNTABILITY.**

(a) DEFINITIONS.—In this section:

(1) AWARDING ENTITIES.—The term “awarding entities” means the Secretary of Homeland Security, the Director of the Federal Emergency Management Agency (FEMA), the Chief of the Office of Citizenship and New Americans, as designated by this Act, and the Director of the National Science Foundation.

(2) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(3) UNRESOLVED AUDIT FINDING.—The term “unresolved audit finding” means a finding in a final audit report conducted by the Inspector General of the Department of Homeland Security, or the Inspector General for the National Science Foundation for grants awarded by the Director of the National Science Foundation, that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 1 year from the date when the final audit report is issued.

(b) ACCOUNTABILITY.—All grants awarded by awarding entities pursuant to this Act shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—

(A) AUDITS.—Beginning in the first fiscal year beginning after the date of the enactment of this section, and in each fiscal year thereafter, the Inspector General of the Department of Homeland Security, or the Inspector General for the National Science Foundation for grants awarded by the Director of the National Science Foundation, shall conduct audits of recipients of grants under this Act to prevent waste, fraud, and abuse of funds by grantees. The Inspector Generals shall determine the appropriate number of grantees to be audited each year.

(B) MANDATORY EXCLUSION.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the first 2 fiscal years beginning after the end of the 1-year period described in subsection (a)(3).

(C) PRIORITY.—In awarding grants under this Act, the awarding entities shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this Act.

(D) REIMBURSEMENT.—If an entity is awarded grant funds under this Act during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (B), the awarding entity shall—

(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) PROHIBITION.—An awarding entity may not award a grant under this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(B) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of

reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the awarding entity, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the awarding entity shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Homeland Security or the National Science Foundation for grant programs under this Act may be used by an awarding entity or by any individual or entity awarded discretionary funds through a cooperative agreement under this Act to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the Department of Homeland Security or the National Science Foundation unless the Deputy Secretary for Homeland Security, or the Deputy Director of the National Science Foundation, or their designee, provides prior written authorization that the funds may be expended to host the conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) REPORT.—The Deputy Secretary of Homeland Security and the Deputy Director of the National Science Foundation shall submit an annual report to Congress on all conference expenditures approved under this paragraph.

(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of the enactment of this subsection, each awarding entity shall submit to Congress a report—

(A) indicating whether—

(i) all audits issued by the Offices of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate individuals;

(ii) all mandatory exclusions required under paragraph (1)(B) have been issued; and

(iii) all reimbursements required under paragraph (1)(D) have been made; and

(B) including a list of any grant recipients excluded under paragraph (1) from the previous year.

**TITLE I—BORDER SECURITY AND OTHER PROVISIONS**

**Subtitle A—Border Security**

**SEC. 1101. DEFINITIONS.**

In this title:

(1) NORTHERN BORDER.—The term “Northern border” means the international border between the United States and Canada.

(2) RURAL, HIGH-TRAFFICKED AREAS.—The term “rural, high-trafficked areas” means rural areas through which drugs and undocumented aliens are routinely smuggled, as designated by the Commissioner of U.S. Customs and Border Protection.

(3) SOUTHERN BORDER.—The term “Southern border” means the international border between the United States and Mexico.

(4) SOUTHWEST BORDER REGION.—The term “Southwest border region” means the area in the United States that is within 100 miles of the Southern border.

**SEC. 1102. ADDITIONAL U.S. BORDER PATROL AND U.S. CUSTOMS AND BORDER PROTECTION OFFICERS.**

(a) U.S. BORDER PATROL.—Not later than September 30, 2021, the Secretary shall increase the number of trained full-time active duty U.S. Border Patrol agents deployed to the Southern border to 38,405.

(b) U.S. CUSTOMS AND BORDER PROTECTION.—Not later than September 30, 2017, the Secretary shall increase the number of trained U.S. Customs and Border Protection officers by 3,500, compared to the number of such officers as of the date of the enactment of this Act. In allocating any new officers to international land ports of entry and high volume international airports, the primary goals shall be to increase security and reduce wait times of commercial and passenger vehicles at international land ports of entry and primary processing wait times at high volume international airports by 50 percent by fiscal year 2104 and screening all air passengers within 45 minutes under normal operating conditions or 80 percent of passengers within 30 minutes by fiscal year 2016. The Secretary shall make progress in increasing such number of officers during each of the fiscal years 2014 through 2017.

(c) AIR AND MARINE UNMANNED AIRCRAFT SYSTEMS CREW.—Not later than September 30, 2015, the Secretary shall increase the number of trained U.S. Customs and Border Protection Air and Marine unmanned aircraft systems crew, marine agent, and personnel by 160 compared to the number of such officers as of the date of the enactment of this Act. The Secretary shall increase and maintain Customs and Border Protection Office of Air and Marine flight hours to 130,000 annually.

(d) CONSTRUCTION.—Nothing in subsection (a) may be construed to preclude the Secretary from reassigning or stationing U.S. Customs and Border Protection Officers and U.S. Border Patrol Agents from the Northern border to the Southern border.

(e) FUNDING.—Section 217(h)(3)(B) (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) in clause (i)—

(A) by striking “No later than 6 months after the date of enactment of the Travel Promotion Act of 2009, the” and inserting “The”;

(B) in subclause (I), by striking “and” at the end;

(C) by redesignating subclause (II) as subclause (III); and

(D) by inserting after subclause (I) the following:

“(II) \$16 for border processing; and”;

(2) in clause (ii), by striking “Amounts collected under clause (i)(II)” and inserting “Amounts collected under clause (i)(II) shall be deposited into the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1) of the Border Security, Economic Opportunity, and Immigration Modernization Act, for the purpose of implementing section 1102(b) of such Act. Amounts collected under clause (i)(III);” and

(3) by striking clause (iii).

(f) CORPORATION FOR TRAVEL PROMOTION.—Section 9(d)(2)(B) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)(2)(B)) is amended by striking “For each of fiscal years 2012 through 2015,” and inserting “For each fiscal year after 2012.”.

(g) RECRUITMENT OF FORMER MEMBERS OF THE ARMED FORCES AND MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.—

(1) REQUIREMENT FOR PROGRAM.—The Secretary, in conjunction with the Secretary of Defense, shall establish a program to actively recruit members of the reserve compo-

nents of the Armed Forces and former members of the Armed Forces, including the reserve components, to serve in United States Customs and Border Protection and United States Immigration and Customs Enforcement.

(2) RECRUITMENT INCENTIVES.—

(A) STUDENT LOAN REPAYMENTS FOR UNITED STATES BORDER PATROL AGENTS WITH A THREE-YEAR COMMITMENT.—Section 5379(b) of title 5, United States Code, is amended by adding at the end the following new paragraph:

“(4) In the case of an employee who is otherwise eligible for benefits under this section and who is serving as a full-time active-duty United States border patrol agent within the Department of Homeland Security—

“(A) paragraph (2)(A) shall be applied by substituting ‘\$20,000’ for ‘\$10,000’; and

“(B) paragraph (2)(B) shall be applied by substituting ‘\$80,000’ for ‘\$60,000’.”.

(B) RECRUITMENT AND RELOCATION BONUSES AND RETENTION ALLOWANCES FOR PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall ensure that the authority to pay recruitment and relocation bonuses under section 5753 of title 5, United States Code, the authority to pay retention bonuses under section 5754 of such title, and any other similar authorities available under any other provision of law, rule, or regulation, are exercised to the fullest extent allowable in order to encourage service in the Department of Homeland Security.

(3) REPORT ON RECRUITMENT INCENTIVES.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report including an assessment of the desirability and feasibility of offering incentives to members of the reserve components of the Armed Forces and former members of the Armed Forces, including the reserve components, for the purpose of encouraging such members to serve in United States Customs and Border Protection and Immigration and Customs Enforcement.

(B) CONTENT.—The report required by subparagraph (A) shall include—

(i) a description of various monetary and non-monetary incentives considered for purposes of the report; and

(ii) an assessment of the desirability and feasibility of utilizing any such incentive.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—The term “appropriate committees of Congress” means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives.

(h) REPORT.—Prior to the hiring and training of additional U.S. Customs and Border Protection officers under subsection (a), the Secretary shall submit to Congress a report on current wait times at land, air, and sea ports of entry, officer staffing at land, air, and sea ports of entry and projections for new officer allocation at land, air, and sea ports of entry designed to implement subsection (a), including the need to hire non-law enforcement personnel for administrative duties.

**SEC. 1103. NATIONAL GUARD SUPPORT TO SECURE THE SOUTHERN BORDER.**

(a) IN GENERAL.—With the approval of the Secretary of Defense, the Governor of a

State may order any unit or personnel of the National Guard of such State to perform operations and missions under section 502(f) of title 32, United States Code, in the Southwest Border region for the purposes of assisting U.S. Customs and Border Protection in securing the Southern border.

(b) ASSIGNMENT OF OPERATIONS AND MISSIONS.—

(1) IN GENERAL.—National Guard units and personnel deployed under subsection (a) may be assigned such operations and missions specified in subsection (c) as may be necessary to secure the Southern border.

(2) NATURE OF DUTY.—The duty of National Guard personnel performing operations and missions described in paragraph (1) shall be full-time duty under title 32, United States Code.

(c) RANGE OF OPERATIONS AND MISSIONS.—The operations and missions assigned under subsection (b) shall include the temporary authority—

(1) to construct fencing, including double-layer and triple-layer fencing;

(2) to increase ground-based mobile surveillance systems;

(3) to deploy additional unmanned aerial systems and manned aircraft sufficient to maintain continuous surveillance of the Southern border;

(4) to deploy and provide capability for radio communications interoperability between U.S. Customs and Border Protection and State, local, and tribal law enforcement agencies;

(5) to construct checkpoints along the Southern border to bridge the gap to long-term permanent checkpoints; and

(6) to provide assistance to U.S. Customs and Border Protection, particularly in rural, high-trafficked areas, as designated by the Commissioner of U.S. Customs and Border Protection.

(d) MATERIEL AND LOGISTICAL SUPPORT.—The Secretary of Defense shall deploy such materiel and equipment and logistical support as may be necessary to ensure success of the operations and missions conducted by the National Guard under this section.

(e) EXCLUSION FROM NATIONAL GUARD PERSONNEL STRENGTH LIMITATIONS.—National Guard personnel deployed under subsection (a) shall not be included in—

(1) the calculation to determine compliance with limits on end strength for National Guard personnel; or

(2) limits on the number of National Guard personnel that may be placed on active duty for operational support under section 115 of title 10, United States Code.

**SEC. 1104. ENHANCEMENT OF EXISTING BORDER SECURITY OPERATIONS.**

(a) BORDER CROSSING PROSECUTIONS.—

(1) IN GENERAL.—From the amounts made available pursuant to the appropriations in paragraph (3), funds shall be made available—

(A) to increase the number of border crossing prosecutions in the Tucson Sector of the Southwest border region to up to 210 prosecutions per day through increasing funding available for—

(i) attorneys and administrative support staff in the Office of the United States Attorney for Tucson;

(ii) support staff and interpreters in the Office of the Clerk of the Court for Tucson;

(iii) pre-trial services;

(iv) activities of the Federal Public Defender Office for Tucson; and

(v) additional personnel, including Deputy United States Marshals in the United States

Marshals Office for Tucson to perform intake, coordination, transportation, and court security; and

(B) reimburse Federal, State, local, and tribal law enforcement agencies for any detention costs related to the border crossing prosecutions carried out pursuant to subparagraph (A).

(2) **ADDITIONAL MAGISTRATE JUDGES TO ASSIST WITH INCREASED CASELOAD.**—The chief judge of the United States District Court for the District of Arizona is authorized to appoint additional full-time magistrate judges, who, consistent with the Constitution and laws of the United States, shall have the authority to hear cases and controversies in the judicial district in which the respective judges are appointed.

(3) **FUNDING.**—There are authorized to be appropriated, from the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1), such sums as may be necessary to carry out this subsection.

(b) **OPERATION STONEGARDEN.**—

(1) **IN GENERAL.**—The Federal Emergency Management Agency shall enhance law enforcement preparedness and operational readiness along the borders of the United States through Operation Stonegarden. The amounts available under this paragraph are in addition to any other amounts otherwise made available for Operation Stonegarden. Grants under this subsection shall be allocated based on sector-specific border risk methodology, based on factors including threat, vulnerability, miles of border, and other border-specific information. Allocations for grants and reimbursements to law enforcement agencies under this paragraph shall be made by the Federal Emergency Management Agency through a competitive process.

(2) **FUNDING.**—There are authorized to be appropriated, from the amounts made available under section 6(a)(3)(A)(i), such sums as may be necessary to carry out this subsection.

(c) **INFRASTRUCTURE IMPROVEMENTS.**—

(1) **BORDER PATROL STATIONS.**—The Secretary shall—

(A) construct additional Border Patrol stations in the Southwest border region that U.S. Border Patrol determines are needed to provide full operational support in rural, high-trafficked areas; and

(B) analyze the feasibility of creating additional Border Patrol sectors along the Southern border to interrupt drug trafficking operations.

(2) **FORWARD OPERATING BASES.**—The Secretary shall enhance the security of the Southwest border region by—

(A) establishing additional permanent forward operating bases for the U.S. Border Patrol, as needed;

(B) upgrading the existing forward operating bases to include modular buildings, electricity, and potable water; and

(C) ensuring that forward operating bases surveil and interdict individuals entering the United States unlawfully immediately after such individuals cross the Southern border.

(3) **SAFE AND SECURE BORDER INFRASTRUCTURE.**—The Secretary and the Secretary of Transportation, in consultation with the governors of the States in the Southwest border region and the Northern border region, shall establish a grant program, which shall be administered by the Secretary of Transportation and the General Services Administration, to construct transportation and supporting infrastructure improvements at existing and new international border crossings necessary to facilitate safe, secure,

and efficient cross border movement of people, motor vehicles, and cargo.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for each of fiscal years 2014 through 2018 such sums as may be necessary to carry out this subsection.

(d) **ADDITIONAL PERMANENT DISTRICT COURT JUDGESHIPS IN SOUTHWEST BORDER STATES.**—

(1) **IN GENERAL.**—The President shall appoint, by and with the advice and consent of the Senate—

(A) 2 additional district judges for the district of Arizona;

(B) 3 additional district judges for the eastern district of California;

(C) 2 additional district judges for the western district of Texas; and

(D) 1 additional district judge for the southern district of Texas.

(2) **CONVERSIONS OF TEMPORARY DISTRICT COURT JUDGESHIPS.**—The existing judgeships for the district of Arizona and the central district of California authorized by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 133 note; Public Law 107-273; 116 Stat. 1788), as of the effective date of this Act, shall be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(3) **TECHNICAL AND CONFORMING AMENDMENTS.**—The table contained in section 133(a) of title 28, United States Code, is amended—

(A) by striking the item relating to the district of Arizona and inserting the following:

“Arizona ..... 15”;

(B) by striking the item relating to California and inserting the following:

“California:	
Northern .....	14
Eastern .....	9
Central .....	28
Southern .....	13”; and

(C) by striking the item relating to Texas and inserting the following:

“Texas:	
Northern .....	12
Southern .....	20
Eastern .....	7
Western .....	15”.

(4) **INCREASE IN FILING FEES.**—

(A) **IN GENERAL.**—Section 1914(a) of title 28, United States Code, is amended by striking “\$350” and inserting “\$360”.

(B) **EXPENDITURE LIMITATION.**—Incremental amounts collected by reason of the enactment of this paragraph shall be deposited as offsetting receipts in the “Judiciary Filing Fee” special fund of the Treasury established under section 1931 of title 28, United States Code. Such amounts shall be available solely for the purpose of facilitating the processing of civil cases, but only to the extent specifically appropriated by an Act of Congress enacted after the date of the enactment of this Act.

(5) **WHISTLEBLOWER PROTECTION.**—

(A) **IN GENERAL.**—No officer, employee, agent, contractor, or subcontractor of the judicial branch may discharge, demote, threaten, suspend, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee to provide information, cause information to be provided, or otherwise assist in an investigation regarding any possible violation of Fed-

eral law or regulation, or misconduct, by a judge, justice, or any other employee in the judicial branch, which may assist in the investigation of the possible violation or misconduct.

(B) **CIVIL ACTION.**—An employee injured by a violation of subparagraph (A) may, in a civil action, obtain appropriate relief.

**SEC. 1105. BORDER SECURITY ON CERTAIN FEDERAL LAND.**

(a) **DEFINITIONS.**—In this section:

(1) **FEDERAL LANDS.**—The term “Federal lands” includes all land under the control of the Secretary concerned that is located within the Southwest border region in the State of Arizona along the international border between the United States and Mexico.

(2) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) **SUPPORT FOR BORDER SECURITY NEEDS.**—To achieve effective control of Federal lands—

(1) the Secretary concerned, notwithstanding any other provision of law, shall authorize and provide U.S. Customs and Border Protection personnel with immediate access to Federal lands for security activities, including—

(A) routine motorized patrols; and

(B) the deployment of communications, surveillance, and detection equipment;

(2) the security activities described in paragraph (1) shall be conducted, to the maximum extent practicable, in a manner that the Secretary determines will best protect the natural and cultural resources on Federal lands; and

(3) the Secretary concerned may provide education and training to U.S. Customs and Border Protection personnel on the natural and cultural resources present on individual Federal land units.

(c) **PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.**—

(1) **IN GENERAL.**—After implementing subsection (b), the Secretary, in consultation with the Secretaries concerned, shall prepare and publish in the Federal Register a notice of intent to prepare a programmatic environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to analyze the impacts of the activities described in subsection (b).

(2) **EFFECT ON PROCESSING APPLICATION AND SPECIAL USE PERMITS.**—The pending completion of a programmatic environmental impact statement under this section shall not result in any delay in the processing or approving of applications or special use permits by the Secretaries concerned for the activities described in subsection (b).

(3) **AMENDMENT OF LAND USE PLANS.**—The Secretaries concerned shall amend any land use plans, as appropriate, upon completion of the programmatic environmental impact statement described in subsection (b).

(4) **SCOPE OF PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.**—The programmatic environmental impact statement described in paragraph (1)—

(A) may be used to advise the Secretary on the impact on natural and cultural resources on Federal lands; and

(B) shall not control, delay, or restrict actions by the Secretary to achieve effective control on Federal lands.

(d) **INTERMINGLED STATE AND PRIVATE LAND.**—This section shall not apply to any



private or State-owned land within the boundaries of Federal lands.

**SEC. 1106. EQUIPMENT AND TECHNOLOGY.**

(a) **ENHANCEMENTS.**—The Commissioner of U.S. Customs and Border Protection, working through U.S. Border Patrol, shall—

(1) deploy additional mobile, video, and agent-portable surveillance systems, and unarmed, unmanned aerial vehicles in the Southwest border region as necessary to provide 24-hour operation and surveillance;

(2) operate unarmed unmanned aerial vehicles along the Southern border for 24 hours per day and for 7 days per week;

(3) deploy unarmed additional fixed-wing aircraft and helicopters along the Southern border;

(4) acquire new rotorcraft and make upgrades to the existing helicopter fleet;

(5) increase horse patrols in the Southwest border region; and

(6) acquire and deploy watercraft and other equipment to provide support for border-related maritime anti-crime activities.

(b) **LIMITATION.**—

(1) **IN GENERAL.**—Notwithstanding paragraphs (1) and (2) of subsection (a), and except as provided in paragraph (2), U.S. Border Patrol may not operate unarmed, unmanned aerial vehicles in the San Diego and El Centro Sectors, except within 3 miles of the Southern border.

(2) **EXCEPTION.**—The limitation under this subsection shall not restrict the maritime operations of U.S. Customs and Border Protection.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated to U.S. Customs and Border Protection such sums as may be necessary to carry out subsection (a) during fiscal years 2014 through 2018.

**SEC. 1107. ACCESS TO EMERGENCY PERSONNEL.**

(a) **SOUTHWEST BORDER REGION EMERGENCY COMMUNICATIONS GRANTS.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the governors of the States in the Southwest border region, shall establish a 2-year grant program, to be administered by the Secretary, to improve emergency communications in the Southwest border region.

(2) **ELIGIBILITY FOR GRANTS.**—An individual is eligible to receive a grant under this subsection if the individual demonstrates that he or she—

(A) regularly resides or works in the Southwest border region;

(B) is at greater risk of border violence due to the lack of cellular service at his or her residence or business and his or her proximity to the Southern border.

(3) **USE OF GRANTS.**—Grants awarded under this subsection may be used to purchase satellite telephone communications systems and service that—

(A) can provide access to 9-1-1 service; and

(B) are equipped with global positioning systems.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary to carry out the grant program established under this subsection.

(b) **INTEROPERABLE COMMUNICATIONS FOR LAW ENFORCEMENT.**—

(1) **FEDERAL LAW ENFORCEMENT.**—There are authorized to be appropriated, to the Department, the Department of Justice, and the Department of the Interior, during the 5-year period beginning on the date of the enactment of this Act, such sums as may be necessary—

(A) to purchase, through a competitive procurement process, P25-compliant radios, which may include a multi-band option, for Federal law enforcement agents working in the Southwest border region in support of the activities of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, including law enforcement agents of the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Department of the Interior, and the Forest Service; and

(B) to upgrade, through a competitive procurement process, the communications network of the Department of Justice to ensure coverage and capacity, particularly when immediate access is needed in times of crisis, in the Southwest Border region for appropriate law enforcement personnel of the Department of Justice (including the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives), the Department (including U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection), the United States Marshals Service, other Federal agencies, the State of Arizona, tribes, and local governments.

(2) **STATE AND LOCAL LAW ENFORCEMENT.**—

(A) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Department of Justice, during the 5-year period beginning on the date of the enactment of this Act, such sums as may be necessary to purchase, through a competitive procurement process, P25-compliant radios, which may include a multi-band option, for State and local law enforcement agents working in the Southwest border region.

(B) **ACCESS TO FEDERAL SPECTRUM.**—If a State, tribal, or local law enforcement agency in the Southwest border region experiences an emergency situation that necessitates immediate communication with the Department of Justice, the Department, the Department of the Interior, or any of their respective subagencies, such law enforcement agency shall have access to the spectrum assigned to such Federal agency for the duration of such emergency situation.

(c) **DISTRESS BEACONS.**—

(1) **IN GENERAL.**—The Commissioner of U.S. Customs and Border Protection, working through U.S. Border Patrol, shall—

(A) identify areas near the Northern border and the Southern border where migrant deaths are occurring due to climatic and environmental conditions; and

(B) deploy up to 1,000 beacon stations in the areas identified pursuant to subparagraph (A).

(2) **FEATURES.**—Beacon stations deployed pursuant to paragraph (1) should—

(A) include a self-powering mechanism, such as a solar-powered radio button, to signal U.S. Border Patrol personnel or other emergency response personnel that a person at that location is in distress;

(B) include a self-powering cellular phone relay limited to 911 calls to allow persons in distress in the area who are unable to get to the beacon station to signal their location and access emergency personnel; and

(C) be movable to allow U.S. Border Patrol to relocate them as needed—

(i) to mitigate migrant deaths;

(ii) to facilitate access to emergency personnel; and

(iii) to address any use of the beacons for diversion by criminals.

**SEC. 1108. SOUTHWEST BORDER REGION PROSECUTION INITIATIVE.**

(a) **REIMBURSEMENT TO STATE AND LOCAL PROSECUTORS FOR FEDERALLY INITIATED**

**CRIMINAL CASES.**—The Attorney General shall reimburse State, county, tribal, and municipal governments for costs associated with the prosecution, pretrial services and detention, clerical support, and public defenders' services associated with the prosecution of federally initiated immigration-related criminal cases declined by local offices of the United States Attorneys.

(b) **EXCEPTION.**—Reimbursement under subsection (a) shall not be available, at the discretion of the Attorney General, if the Attorney General determines that there is reason to believe that the jurisdiction seeking reimbursement has engaged in unlawful conduct in connection with immigration-related apprehensions.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary to carry out subsection (a) during fiscal years 2014 through 2018.

**SEC. 1109. INTERAGENCY COLLABORATION.**

The Assistant Secretary of Defense for Research and Engineering shall collaborate with the Under Secretary of Homeland Security for Science and Technology to identify equipment and technology used by the Department of Defense that could be used by U.S. Customs and Border Protection to improve the security of the Southern border by—

(1) detecting border tunnels;

(2) detecting the use of ultralight aircraft;

(3) enhancing wide aerial surveillance; and

(4) otherwise improving the enforcement of such border.

**SEC. 1110. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.**

(a) **SCAAP REAUTHORIZATION.**—Section 241(i)(5)(C) (8 U.S.C. 1231(i)(5)) is amended by striking "2011." and inserting "2015.".

(b) **SCAAP ASSISTANCE FOR STATES.**—

(1) **ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.**—Section 241(i)(3)(A) (8 U.S.C. 1231(i)(3)(A)) is amended by inserting "charged with or" before "convicted".

(2) **ASSISTANCE FOR STATES INCARCERATING UNVERIFIED ALIENS.**—Section 241(i) (8 U.S.C. 1231(i)), as amended by subsection (a), is further amended—

(A) by redesignating paragraphs (4), (5), and (6), as paragraphs (5), (6), and (7), respectively;

(B) in paragraph (7), as so redesignated, by striking "(5)" and inserting "(6)"; and

(C) by adding after paragraph (3) the following:

"(4) In the case of an alien whose immigration status is unable to be verified by the Secretary of Homeland Security, and who would otherwise be an undocumented criminal alien if the alien is unlawfully present in the United States, the Attorney General shall compensate the State or political subdivision of the State for incarceration of the alien, consistent with subsection (i)(2)."

**SEC. 1111. USE OF FORCE.**

Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Assistant Attorney General for the Civil Rights Division of the Department of Justice, shall issue policies governing the use of force by all Department personnel that—

(1) require all Department personnel to report each use of force; and

(2) establish procedures for—

(A) accepting and investigating complaints regarding the use of force by Department personnel;

(B) disciplining Department personnel who violate any law or Department policy relating to the use of force; and



(C) reviewing all uses of force by Department personnel to determine whether the use of force—

- (i) complied with Department policy; or
- (ii) demonstrates the need for changes in policy, training, or equipment.

**SEC. 1112. TRAINING FOR BORDER SECURITY AND IMMIGRATION ENFORCEMENT OFFICERS.**

(a) IN GENERAL.—The Secretary shall ensure that U.S. Customs and Border Protection officers, U.S. Border Patrol agents, U.S. Immigration and Customs Enforcement officers and agents, United States Air and Marine Division agents, and agriculture specialists stationed within 100 miles of any land or marine border of the United States or at any United States port of entry receive appropriate training, which shall be prepared in collaboration with the Assistant Attorney General for the Civil Rights Division of the Department of Justice, in—

- (1) identifying and detecting fraudulent travel documents;
- (2) civil, constitutional, human, and privacy rights of individuals;
- (3) the scope of enforcement authorities, including interrogations, stops, searches, seizures, arrests, and detentions;
- (4) the use of force policies issued by the Secretary pursuant to section 1111;
- (5) immigration laws, including screening, identifying, and addressing vulnerable populations, such as children, victims of crime and human trafficking, and individuals fleeing persecution or torture;
- (6) social and cultural sensitivity toward border communities;
- (7) the impact of border operations on communities; and
- (8) any particular environmental concerns in a particular area.

(b) TRAINING FOR BORDER COMMUNITY LIAISON OFFICERS.—The Secretary shall ensure that border communities liaison officers in Border Patrol sectors along the international borders between the United States and Mexico and between the United States and Canada receive training to better—

- (1) act as a liaison between border communities and the Office for Civil Rights and Civil Liberties of the Department and the Civil Rights Division of the Department of Justice;
- (2) foster and institutionalize consultation with border communities;
- (3) consult with border communities on Department programs, policies, strategies, and directives; and
- (4) receive Department performance assessments from border communities.

(c) HUMANE CONDITIONS OF CONFINEMENT FOR CHILDREN IN U.S. CUSTOMS AND BORDER PROTECTION CUSTODY.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall establish standards to ensure that children in the custody of U.S. Customs and Border Protection—

- (1) are afforded adequate medical and mental health care, including emergency medical and mental health care, when necessary;
- (2) receive adequate nutrition;
- (3) are provided with climate-appropriate clothing, footwear, and bedding;
- (4) have basic personal hygiene and sanitary products; and
- (5) are permitted to make supervised phone calls to family members.

**SEC. 1113. DEPARTMENT OF HOMELAND SECURITY BORDER OVERSIGHT TASK FORCE.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an independent task force, which shall be

known as the Department of Homeland Security Border Oversight Task Force (referred to in this section as the “DHS Task Force”).

(2) DUTIES.—The DHS Task Force shall—

(A) review and make recommendations regarding immigration and border enforcement policies, strategies, and programs that take into consideration their impact on border and tribal communities;

(B) recommend ways in which the Border Communities Liaison Offices can strengthen relations and collaboration between communities in the border regions and the Department, the Department of Justice, and other Federal agencies that carry out such policies, strategies, and programs;

(C) evaluate how the policies, strategies, and programs of Federal agencies operating along the international borders between the United States and Mexico and between the United States and Canada protect the due process, civil, and human rights of border residents, visitors, and migrants at and near such borders; and

(D) evaluate and make recommendations regarding the training of border enforcement personnel described in section 1112.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The DHS Task Force shall be composed of 33 members, appointed by the President, who have expertise in migration, local crime indices, civil and human rights, community relations, cross-border trade and commerce, quality of life indicators, or other pertinent experience, of whom—

(i) 14 members shall be from the Northern border region and shall include—

- (I) 2 local government elected officials;
- (II) 2 local law enforcement officials;
- (III) 2 tribal government officials;
- (IV) 2 civil rights advocates;
- (V) 1 business representative;
- (VI) 1 higher education representative;
- (VII) 1 private land owner representative;
- (VIII) 1 representative of a faith community; and

(IX) 2 representatives of U.S. Border Patrol; and

(ii) 19 members shall be from the Southern border region and include—

- (I) 3 local government elected officials;
- (II) 3 local law enforcement officials; (aa)
- (III) 2 tribal government officials;
- (IV) 3 civil rights advocates;
- (V) 2 business representatives;
- (VI) 1 higher education representative;
- (VII) 2 private land owner representatives;
- (VIII) 1 representative of a faith community; and

(IX) 2 representatives of U.S. Border Patrol.

(B) TERM OF SERVICE.—Members of the Task Force shall be appointed for the shorter of—

- (i) 3 years; or
- (ii) the life of the DHS Task Force.

(C) CHAIR, VICE CHAIR.—The members of the DHS Task Force shall elect a Chair and a Vice Chair from among its members, who shall serve in such capacities for the life of the DHS Task Force or until removed by the majority vote of at least 16 members.

(b) OPERATIONS.—

(1) HEARINGS.—The DHS Task Force may, for the purpose of carrying out its duties, hold hearings, sit and act, take testimony, receive evidence, and administer oaths.

(2) RECOMMENDATIONS.—The DHS Task Force may make findings or recommendations to the Secretary related to the duties described in subsection (a)(2).

(3) RESPONSE.—Not later than 180 days after receiving the findings and rec-

ommendations from the DHS Task Force under paragraph (2), the Secretary shall issue a response that describes how the Department has addressed, or will address, such findings and recommendations. If the Secretary disagrees with any finding of the DHS Task Force, the Secretary shall provide an explanation for the disagreement.

(4) INFORMATION FROM FEDERAL AGENCIES.—The Chair, or 16 members of the DHS Task Force, may request statistics relating to the duties described in subsection (a)(2) directly from any Federal agency, which shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the DHS Task Force.

(5) COMPENSATION.—Members of the DHS Task Force shall serve without pay, but shall be reimbursed for reasonable travel and subsistence expenses incurred in the performance of their duties.

(c) REPORT.—Not later than 2 years after its first meeting, the DHS Task Force shall submit a final report to the President, Congress, and the Secretary that contains—

(1) findings with respect to the duties of the DHS Task Force; and

(2) recommendations regarding border and immigration enforcement policies, strategies, and programs, including—

(A) a recommendation as to whether the DHS Task Force should continue to operate; and

(B) a description of any duties for which the DHS Task Force should be responsible after the termination date described in subsection (e).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of the fiscal years 2014 through 2017.

(e) SUNSET.—The DHS Task Force shall terminate operations 60 days after the date on which the DHS Task Force submits the report described in subsection (c).

**SEC. 1114. OMBUDSMAN FOR IMMIGRATION RELATED CONCERNS OF THE DEPARTMENT OF HOMELAND SECURITY.**

(a) ESTABLISHMENT.—Title I of the Homeland Security Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding at the end the following new section:

**“SEC. 104. OMBUDSMAN FOR IMMIGRATION RELATED CONCERNS.**

“(a) IN GENERAL.—There shall be within the Department an Ombudsman for Immigration Related Concerns (in this section referred to as the ‘Ombudsman’). The individual appointed as Ombudsman shall have a background in immigration law as well as civil and human rights law. The Ombudsman shall report directly to the Deputy Secretary.

“(b) FUNCTIONS.—The functions of the Ombudsman shall be as follows:

“(1) To receive and resolve complaints from individuals and employers and assist in resolving problems with the immigration components of the Department.

“(2) To conduct inspections of the facilities or contract facilities of the immigration components of the Department.

“(3) To assist individuals and families who have been the victims of crimes committed by aliens or violence near the United States border.

“(4) To identify areas in which individuals and employers have problems in dealing with the immigration components of the Department.

“(5) To the extent practicable, to propose changes in the administrative practices of

the immigration components of the Department to mitigate problems identified under paragraph (4).

“(6) To review, examine, and make recommendations regarding the immigration and enforcement policies, strategies, and programs of U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and U.S. Citizenship and Immigration Services.

“(c) OTHER RESPONSIBILITIES.—In addition to the functions specified in subsection (b), the Ombudsman shall—

“(1) monitor the coverage and geographic allocation of local offices of the Ombudsman, including appointing a local ombudsman for immigration related concerns; and

“(2) evaluate and take personnel actions (including dismissal) with respect to any employee of the Ombudsman.

“(d) REQUEST FOR INVESTIGATIONS.—The Ombudsman shall have the authority to request the Inspector General of the Department of Homeland Security to conduct inspections, investigations, and audits.

“(e) COORDINATION WITH DEPARTMENT COMPONENTS.—The Director of U.S. Citizenship and Immigration Services, the Assistant Secretary of Immigration and Customs Enforcement, and the Commissioner of Customs and Border Protection shall each establish procedures to provide formal responses to recommendations submitted to such official by the Ombudsman.

“(f) ANNUAL REPORTS.—Not later than June 30 of each year, the Ombudsman shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the objectives of the Ombudsman for the fiscal year beginning in such calendar year. Each report shall contain full and substantive analysis, in addition to statistical information, and shall set forth any recommendations the Ombudsman has made on improving the services and responsiveness of U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, and U.S. Customs and Border Protection and any responses received from the Department regarding such recommendations.”

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 452 of the Homeland Security Act of 2002 (6 U.S.C. 272) is repealed.

(c) CLERICAL AMENDMENTS.—The table of contents for the Homeland Security Act of 2002 is amended—

(1) by inserting after the item relating to section 103 the following new item:

“Sec. 104. Ombudsman for Immigration Related Concerns.”; and

(2) by striking the item relating to section 452.

#### SEC. 1115. PROTECTION OF FAMILY VALUES IN APPREHENSION PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) APPREHENDED INDIVIDUAL.—The term “apprehended individual” means an individual apprehended by personnel of the Department of Homeland Security or of a cooperating entity pursuant to a migration deterrence program carried out at a border.

(2) BORDER.—The term “border” means an international border of the United States.

(3) CHILD.—Except as otherwise specifically provided, the term “child” has the meaning given to the term in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)).

(4) COOPERATING ENTITY.—The term “cooperating entity” means a State or local entity acting pursuant to an agreement with the Secretary.

(5) MIGRATION DETERRENCE PROGRAM.—The term “migration deterrence program” means

an action related to the repatriation or referral for prosecution of 1 or more apprehended individuals for a suspected or confirmed violation of the Immigration and Nationality Act (8 U.S.C. 1001 et seq.) by the Secretary or a cooperating entity.

(b) PROCEDURES FOR MIGRATION DETERRENCE PROGRAMS AT THE BORDER.—

(1) PROCEDURES.—In any migration deterrence program carried out at a border, the Secretary and cooperating entities shall for each apprehended individual—

(A) as soon as practicable after such individual is apprehended—

(i) inquire as to whether the apprehended individual is—

(I) a parent, legal guardian, or primary caregiver of a child; or

(II) traveling with a spouse or child; and

(ii) ascertain whether repatriation of the apprehended individual presents any humanitarian concern or concern related to such individual’s physical safety; and

(B) ensure that, with respect to a decision related to the repatriation or referral for prosecution of the apprehended individual, due consideration is given—

(i) to the best interests of such individual’s child, if any;

(ii) to family unity whenever possible; and

(iii) to other public interest factors, including humanitarian concerns and concerns related to the apprehended individual’s physical safety.

(c) MANDATORY TRAINING.—The Secretary, in consultation with the Secretary of Health and Human Services, the Attorney General, the Secretary of State, and independent immigration, child welfare, family law, and human rights law experts, shall—

(1) develop and provide specialized training for all personnel of U.S. Customs and Border Protection and cooperating entities who come into contact with apprehended individuals in all legal authorities, policies, and procedures relevant to the preservation of a child’s best interest, family unity, and other public interest factors, including those described in this Act; and

(2) require border enforcement personnel to undertake periodic and continuing training on best practices and changes in relevant legal authorities, policies, and procedures pertaining to the preservation of a child’s best interest, family unity, and other public interest factors, including those described in this Act.

(d) ANNUAL REPORT ON THE IMPACT OF MIGRATION DETERRENCE PROGRAMS AT THE BORDER.—

(1) REQUIREMENT FOR ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report that describes the impact of migration deterrence programs on parents, legal guardians, primary caregivers of a child, individuals traveling with a spouse or child, and individuals who present humanitarian considerations or concerns related to the individual’s physical safety.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include for the previous 1-year period an assessment of—

(A) the number of apprehended individuals removed, repatriated, or referred for prosecution who are the parent, legal guardian, or primary caregiver of a child who is a citizen of the United States;

(B) the number of occasions in which both parents, or the primary caretaker of such a child was removed, repatriated, or referred for prosecution as part of a migration deterrence program;

(C) the number of apprehended individuals traveling with close family members who are removed, repatriated, or referred for prosecution.

(D) the impact of migration deterrence programs on public interest factors, including humanitarian concerns and physical safety.

(e) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to implement this section.

#### SEC. 1116. OVERSIGHT OF POWER TO ENTER PRIVATE LAND AND STOP VEHICLES WITHOUT A WARRANT AT THE NORTHERN BORDER.

(a) IN GENERAL.—Section 287(a) (8 U.S.C. 1357(a)) is amended—

(1) in paragraph (5), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by redesignating paragraphs (4) and (5) as subparagraphs (F) and (G), respectively;

(4) in the matter preceding subparagraph (A), as so redesignated—

(A) by inserting “(1)” before “Any officer”;

(B) by striking “Service” and inserting “Department of Homeland Security”; and

(C) by striking “Attorney General” and inserting “Secretary of Homeland Security”;

(5) in paragraph (1)(C), as so redesignated, by inserting the following at the beginning: “except as provided in subparagraphs (D) and (E).”;

(6) by inserting after paragraph (1)(C) the following:

“(D) with respect to the Northern border, as defined in section 1101 of the Border Security, Economic Opportunity, and Immigration Enforcement Act, within a distance of 25 air miles from the Northern border, or such distance from the Northern border as may be prescribed by the Secretary pursuant to paragraph (2) of this subsection, to board and search for aliens any vessel within the territorial waters of the United States and any railway car, aircraft, conveyance, or vehicle for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States;

“(E) with respect to the Northern border, as defined in section 1101 of the Border Security, Economic Opportunity, and Immigration Enforcement Act, within a distance of 10 air miles from the Northern border, or such distance from the Northern border as may be prescribed by the Secretary pursuant to paragraph (2) of this subsection, to have access to private lands, but not dwellings, for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States;”;

(7) by inserting after the flush text at the end of subparagraph (F), as so redesignated, the following:

“(2)(A)(i) The Secretary of Homeland Security may establish for a Northern border sector or district a distance less than or greater than 25 air miles, but in no case greater than 100 air miles, as the maximum distance from the Northern border in which the authority described in paragraph (1)(C) may be exercised, if the Secretary certifies that such a distance is necessary for the purpose of patrolling the Northern border to prevent the illegal entry of aliens into the United States, and justified by the considerations listed in subparagraph (B).

“(ii) The Secretary of Homeland Security may establish for a Northern border sector or district a distance less than or greater than 10 air miles, but in no case greater than

25 air miles, as the maximum distance from the Northern border of the United States in which the authority described in paragraph (1)(D) may be exercised, if the Secretary certifies that such a distance is necessary for the purpose of patrolling the Northern border to prevent the illegal entry of aliens into the United States, and justified by the considerations listed in subparagraph (B).

“(B) In making the certifications described in subparagraph (A), the Secretary shall consider, as appropriate, land topography, confluence of arteries of transportation leading from external boundaries, density of population, possible inconvenience to the traveling public, types of conveyances used, reliable information as to movements of persons effecting illegal entry into the United States, effects on private property and quality of life for relevant communities and residents, consultations with affected State, local, and tribal governments, including the governor of any relevant State, and other factors that the Secretary considers appropriate.

“(C) A certification made under subparagraph (A) shall be valid for a period of 5 years and may be renewed for additional 5-year periods. If the Secretary finds at any time that circumstances no longer justify a certification, the Secretary shall terminate the certification.

“(D) The Secretary shall report annually to the Committee on the Judiciary and Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Judiciary and Committee on Homeland Security of the House of Representatives the number of certifications made under subparagraph (A), and for each such certification, the Northern border sector or district and reasonable distance prescribed, the period of time the certification has been in effect, and the factors justifying the certification.”

(b) **TECHNICAL AND CONFORMING AMENDMENTS.—**

(1) **AUTHORITIES WITHOUT A WARRANT.**—In section 287(a) (8 U.S.C. 1357(a)), the undesignated matter following paragraph (2), as added by subsection (a)(5), is amended—

(A) by inserting “(3)” before “Under regulations”;

(B) by striking “paragraph (5)(B)” both places that term appears and inserting “subparagraph (F)(ii)”;

(C) by striking “(i)” and inserting “(A)”;

(D) by striking “(ii) establish” and inserting “(B) establish”;

(E) by striking “(iii) require” and inserting “(C) require”;

(F) by striking “clause (ii), and (iv)” and inserting “subparagraph (B), and (D)”.

(2) **CONFORMING AMENDMENT.**—Section 287(e) (8 U.S.C. 1357(e)) is amended by striking “paragraph (3) of subsection (a),” and inserting “subsection (a)(1)(D),”.

**SEC. 1117. REPORTS.**

(a) **REPORT ON CERTAIN BORDER MATTERS.**—The Secretary shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives that sets forth—

(1) the effectiveness rate (as defined in section 2(a)(4)) for each Border Patrol sector along the Northern border and the Southern border;

(2) the number of miles along the Southern border that are under persistent surveillance;

(3) the monthly wait times per passenger, including data on averages and peaks, for crossing the Northern border and the Southern border, and the staffing of such border crossings;

(4) the allocations at each port of entry along the Northern border and the Southern border; and

(5) the number of migrant deaths occurring near the Northern border and the Southern border and the efforts that have been undertaken to mitigate such deaths.

(b) **REPORT ON INTERAGENCY COLLABORATION.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Homeland Security for Science and Technology shall jointly submit a report on the results of the interagency collaboration under section 1109 to—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the Senate;

(4) the Committee on Armed Services of the House of Representatives;

(5) the Committee on Homeland Security of the House of Representatives; and

(6) the Committee on the Judiciary of the House of Representatives.

**SEC. 1118. SEVERABILITY AND DELEGATION.**

(a) **SEVERABILITY.**—If any provision of this Act or any amendment made by this Act, or any application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of the provisions of this Act and the amendments made by this Act and the application of the provision or amendment to any other person or circumstance shall not be affected.

(b) **DELEGATION.**—The Secretary may delegate any authority provided to the Secretary under this Act or an amendment made by this Act to the Secretary of Agriculture, the Attorney General, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of State, or the Commissioner of Social Security.

**SEC. 1119. PROHIBITION ON NEW LAND BORDER CROSSING FEES.**

(a) **IN GENERAL.**—Beginning on the date of the enactment of this Act, the Secretary shall not—

(1) establish, collect, or otherwise impose any new border crossing fee on individuals crossing the Southern border or the Northern border at a land port of entry; or

(2) conduct any study relating to the imposition of a border crossing fee.

(b) **BORDER CROSSING FEE DEFINED.**—In this section, the term “border crossing fee” means a fee that every pedestrian, cyclist, and driver and passenger of a private motor vehicle is required to pay for the privilege of crossing the Southern border or the Northern border at a land port of entry.

**SEC. 1120. HUMAN TRAFFICKING REPORTING.**

(a) **SHORT TITLE.**—This section may be cited as the “Human Trafficking Reporting Act of 2013”.

(b) **FINDINGS.**—Congress finds the following:

(1) Human trafficking is a form of modern-day slavery.

(2) According to the Trafficking Victims Protection Act of 2000 “severe forms of trafficking in persons” means—

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for

labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(3) There is an acute need for better data collection of incidents of human trafficking across the United States in order to effectively combat severe forms of trafficking in persons.

(4) The State Department’s 2012 Trafficking in Persons report found that—

(A) the United States is a “source, transit and destination country for men, women, and children, subjected to forced labor, debt bondage, domestic servitude and sex trafficking.”; and

(B) the United States needs to “improve data collection on human trafficking cases at the federal, state and local levels”.

(5) The International Organization for Migration has reported that in order to effectively combat human trafficking there must be reliable and standardized data, however, the following barriers for data collection exist:

(A) The illicit and underground nature of human trafficking.

(B) The reluctance of victims to share information with authorities.

(C) Insufficient human trafficking data collection and research efforts by governments worldwide.

(6) A 2009 report to the Department of Health and Human Services entitled Human Trafficking Into and Within the United States: A Review of the Literature found that “the data and methodologies for estimating the prevalence of human trafficking globally and nationally are not well developed, and therefore estimates have varied widely and changed significantly over time”.

(7) The Federal Bureau of Investigation compiles national crime statistics through the Uniform Crime Reporting Program.

(8) Under current law, State and local governments receiving Edward Byrne Memorial Justice Assistance grants are required to share data on part 1 violent crimes with the Federal Bureau of Investigation for inclusion in the Uniform Crime Reporting Program.

(9) The addition of severe forms of trafficking in persons to the definition of part 1 violent crimes will ensure that statistics on this heinous crime will be compiled and available through the Federal Bureau of Investigation’s Uniform Crime Report.

(c) **HUMAN TRAFFICKING TO BE INCLUDED IN PART 1 VIOLENT CRIMES FOR PURPOSES OF BYRNE GRANTS.**—Section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) is amended by adding at the end the following new subsection:

“(i) **PART 1 VIOLENT CRIMES TO INCLUDE HUMAN TRAFFICKING.**—For purposes of this section, the term ‘part 1 violent crimes’ shall include severe forms of trafficking in persons, as defined in section 103(8) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(8)).”.

**SEC. 1121. RULE OF CONSTRUCTION.**

Nothing in this Act may be construed to authorize the deployment, procurement, or construction of fencing along the Northern border.

**SEC. 1122. LIMITATIONS ON DANGEROUS DEPORTATION PRACTICES.**

(a) **CERTIFICATION REQUIRED.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, and every 180 days thereafter, the Secretary, except as provided in paragraph (2), shall submit written certification to Congress that the Department has only deported or otherwise removed a migrant from the United

States through an entry or exit point on the Southern border during daylight hours.

(2) **EXCEPTION.**—The certification required under paragraph (1) shall not apply to the deportation or removal of a migrant otherwise described in that paragraph if—

(A) the manner of the deportation or removal is justified by a compelling governmental interest;

(B) the manner of the deportation or removal is in accordance with an applicable Local Arrangement for the Repatriation of Mexican Nationals entered into by the appropriate Mexican Consulate; or

(C) the migrant is not an unaccompanied minor and the migrant—

(i) is deported or removed through an entry or exit point in the same sector as the place where the migrant was apprehended; or

(ii) agrees to be deported or removed in such manner after being notified of the intended manner of deportation or removal.

(b) **ADDITIONAL INFORMATION REQUIRED.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress a study of the Alien Transfer Exit Program, which shall include—

(1) the specific locations on the Southern border where lateral repatriations have occurred during the 1-year period preceding the submission of the study;

(2) the performance measures developed by U.S. Customs and Border Protection to determine if the Alien Transfer Exit Program is deterring migrants from repeatedly crossing the border or otherwise reducing recidivism; and

(3) the consideration given, if any, to the rates of violent crime and the availability of infrastructure and social services in Mexico near such locations.

(c) **PROHIBITION ON CONFISCATION OF PROPERTY.**—Notwithstanding any other provision of law, lawful, nonperishable belongings of a migrant that are confiscated by personnel operating under Federal authority shall be returned to the migrant before repatriation, to the extent practicable. (1)

#### **SEC. 1123. MAXIMUM ALLOWABLE COSTS OF SALARIES OF CONTRACTOR EMPLOYEES.**

Section 4304(a)(16) of title 41, United States Code, is amended by inserting before the period at the end the following: “, except that in the case of contracts with the Department of Homeland Security or the National Guard while operating in Federal status that relate to border security, the limit on the costs of compensation of all executives and employees of contractors is the annual amount payable under the aggregate limitation on pay as established by the Office of Management and Budget (currently \$230,700)”.

#### **Subtitle B—Other Matters**

#### **SEC. 1201. REMOVAL OF NONIMMIGRANTS WHO OVERSTAY THEIR VISAS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall initiate removal proceedings, in accordance with chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), confirm that immigration relief or protection has been granted or is pending, or otherwise close 90 percent of the cases of nonimmigrants who—

(1) were admitted to the United States as nonimmigrants after the date of the enactment of this Act; and

(2) during the most recent 12-month period, have entered the category of having exceeded their authorized period of admission by more than 180 days.

(b) **SEMIANNUAL REPORT.**—Every 6 months after the date of the enactment of this Act,

the Secretary shall submit a report to Congress that identifies—

(1) the total number of nonimmigrants who the Secretary has determined have exceeded their authorized period of admission by more than 180 days after the date of the enactment of this Act, categorized by—

(A) the type of visa that authorized their entry into the United States;

(B) their country of origin; and

(C) the length of time since their visa expired.

(2) an estimate of the total number of nonimmigrants who are physically present in the United States and have exceeded their authorized period of admission by more than 180 days after the date of the enactment of this Act;

(3) for the most recent 6-month and 12-month periods—

(A) the total number of removal proceedings that were initiated against nonimmigrants who were physically present in the United States more than 180 days after the expiration of the period for which they were lawfully admitted; and

(B) as a result of the removal proceedings described in paragraph (A)—

(i) the total number of removals pending;

(ii) the total number of nonimmigrants who were ordered to be removed from the United States;

(iii) the total number of nonimmigrants whose removal proceedings were cancelled; and

(iv) the total number of nonimmigrants who were granted immigration relief or protection in removal proceedings.

(c) **ESTIMATED POPULATION.**—Each report submitted under subsection (b) shall include a comprehensive, detailed explanation of and justification for the methodology used to estimate the population described in subsection (a).

#### **SEC. 1202. VISA OVERSTAY NOTIFICATION PILOT PROGRAM.**

(a) **ESTABLISHMENT OF PILOT PROGRAM.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a pilot program to explore the feasibility and effectiveness of notifying individuals who have traveled to the United States from a foreign nation that the terms of their admission to the United States are about to expire, including individuals that entered with a visa or through the visa waiver program.

(b) **REQUIREMENTS.**—In establishing the pilot program required under subsection (a), the Secretary shall—

(1) provide for the collection of contact information, including telephone numbers and email addresses, as appropriate, of individuals traveling to the United States from a foreign nation; and

(2) randomly select a pool of participants in order to form a statistically significant sample of people who travel to the United States each year to receive notification by telephone, email, or other electronic means that the terms of their admission to the United States is about to expire.

(c) **REPORT.**—Not later than 1 year after the date on which the Secretary establishes the pilot program under subsection (a), the Secretary shall submit to Congress a report on whether the telephone or email notifications have a statistically significant effect on reducing the rates of visa overstays in the United States.

#### **SEC. 1203. PREVENTING UNAUTHORIZED IMMIGRATION TRANSITING THROUGH MEXICO.**

(a) **IN GENERAL.**—The Secretary of State, in coordination with the Secretary of Home-

land Security, shall develop, in consultation with the relevant Committees of Congress, a strategy to address the unauthorized immigration of individuals who transit through Mexico to the United States.

(b) **REQUIREMENTS.**—The strategy developed under subsection (a) shall include specific steps—

(1) to enhance the training, resources, and professionalism of border and law enforcement officials in Mexico, Honduras, El Salvador, Guatemala, and other countries, as appropriate; and

(2) to educate nationals of the countries described in paragraph (1) about the perils of the journey to the United States, including how this Act will increase the likelihood of apprehension, increase criminal penalties associated with illegal entry, and make finding employment in the United States more difficult.

(c) **IMPLEMENTATION OF STRATEGY.**—In carrying out the strategy developed under subsection (a)—

(1) the Secretary of Homeland Security, in conjunction with the Secretary of State, shall produce an educational campaign and disseminate information about the perils of the journey across Mexico, the likelihood of apprehension, and the difficulty of finding employment in the United States; and

(2) the Secretary of State, in coordination with the Secretary of Homeland Security, shall offer—

(A) training to border and law enforcement officials to enable these officials to operate more effectively, by using, to the greatest extent practicable, Department of Homeland Security personnel to conduct the training; and

(B) technical assistance and equipment to border officials, including computers, document readers, and other forms of technology that may be needed, as appropriate.

(d) **AVAILABILITY OF FUNDS.**—The Secretary of Homeland Security may use such sums as are necessary from the Comprehensive Immigration Trust Fund established under section 6(a)(1) to carry out this section.

### **TITLE II—IMMIGRANT VISAS**

#### **Subtitle A—Registration and Adjustment of Registered Provisional Immigrants**

#### **SEC. 2101. REGISTERED PROVISIONAL IMMIGRANT STATUS.**

(a) **AUTHORIZATION.**—Chapter 5 of title II (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

#### **“SEC. 245B. ADJUSTMENT OF STATUS OF ELIGIBLE ENTRANTS BEFORE DECEMBER 31, 2011, TO THAT OF REGISTERED PROVISIONAL IMMIGRANT.**

“(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of Homeland Security (referred to in this section and in sections 245C through 245F as the ‘Secretary’), after conducting the national security and law enforcement clearances required under subsection (c)(8), may grant registered provisional immigrant status to an alien who—

“(1) meets the eligibility requirements set forth in subsection (b);

“(2) submits a completed application before the end of the period set forth in subsection (c)(3); and

“(3) has paid the fee required under subsection (c)(10)(A) and the penalty required under subsection (c)(10)(C), if applicable.

“(b) **ELIGIBILITY REQUIREMENTS.**—

“(1) **IN GENERAL.**—An alien is not eligible for registered provisional immigrant status unless the alien establishes, by a preponderance of the evidence, that the alien meets the requirements set forth in this subsection.

“(2) PHYSICAL PRESENCE.—

“(A) IN GENERAL.—The alien—

“(i) shall be physically present in the United States on the date on which the alien submits an application for registered provisional immigrant status;

“(ii) shall have been physically present in the United States on or before December 31, 2011; and

“(iii) shall have maintained continuous physical presence in the United States from December 31, 2011, until the date on which the alien is granted status as a registered provisional immigrant under this section.

“(B) BREAK IN PHYSICAL PRESENCE.—

“(i) IN GENERAL.—Except as provided in clause (ii), an alien who is absent from the United States without authorization after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act does not meet the continuous physical presence requirement set forth in subparagraph (A)(iii).

“(ii) EXCEPTION.—An alien who departed from the United States after December 31, 2011, will not be considered to have failed to maintain continuous presence in the United States if the alien’s absences from the United States are brief, casual, and innocent whether or not such absences were authorized by the Secretary.

“(3) GROUNDS FOR INELIGIBILITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an alien is ineligible for registered provisional immigrant status if the Secretary determines that the alien—

“(i) has a conviction for—

“(I) an offense classified as a felony in the convicting jurisdiction (other than a State or local offense for which an essential element was the alien’s immigration status, or a violation of this Act);

“(II) an aggravated felony (as defined in section 101(a)(43) at the time of the conviction);

“(III) 3 or more misdemeanor offenses (other than minor traffic offenses or State or local offenses for which an essential element was the alien’s immigration status, or violations of this Act) if the alien was convicted on different dates for each of the 3 offenses;

“(IV) any offense under foreign law, except for a purely political offense, which, if the offense had been committed in the United States, would render the alien inadmissible under section 212(a) (excluding the paragraphs set forth in clause (ii)) or removable under section 237(a), except as provided in paragraph (3) of section 237(a);

“(V) unlawful voting (as defined in section 237(a)(6));

“(ii) is inadmissible under section 212(a), except that in determining an alien’s inadmissibility—

“(I) paragraphs (4), (5), (7), and (9)(B) of section 212(a) shall not apply;

“(II) subparagraphs (A), (C), (D), (F), and (G) of section 212(a)(6) and paragraphs (9)(C) and (10)(B) of section 212(a) shall not apply unless based on the act of unlawfully entering the United States after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; and

“(III) paragraphs (6)(B) and (9)(A) of section 212(a) shall not apply unless the relevant conduct began on or after the date on which the alien files an application for registered provisional immigrant status under this section;

“(iii) is an alien who the Secretary knows or has reasonable grounds to believe, is engaged in or is likely to engage after entry in any terrorist activity (as defined in section 212(a)(3)(B)(iv)); or

“(iv) was, on April 16, 2013—

“(I) an alien lawfully admitted for permanent residence;

“(II) an alien admitted as a refugee under section 207 or granted asylum under section 208; or

“(III) an alien who, according to the records of the Secretary or the Secretary of State, is lawfully present in the United States in any nonimmigrant status (other than an alien considered to be a nonimmigrant solely due to the application of section 244(f)(4) or the amendment made by section 702 of the Consolidated Natural Resources Act of 2008 (Public Law 110-229)), notwithstanding any unauthorized employment or other violation of nonimmigrant status.

“(B) WAIVER.—

“(i) IN GENERAL.—The Secretary may waive the application of subparagraph (A)(i)(III) or any provision of section 212(a) that is not listed in clause (ii) on behalf of an alien for humanitarian purposes, to ensure family unity, or if such a waiver is otherwise in the public interest. Any discretionary authority to waive grounds of inadmissibility under section 212(a) conferred under any other provision of this Act shall apply equally to aliens seeking registered provisional status under this section.

“(ii) EXCEPTIONS.—The discretionary authority under clause (i) may not be used to waive—

“(I) subparagraph (B), (C), (D)(ii), (E), (G), (H), or (I) of section 212(a)(2);

“(II) section 212(a)(3);

“(III) subparagraph (A), (C), (D), or (E) of section 212(a)(10); or

“(IV) with respect to misrepresentations relating to the application for registered provisional immigrant status, section 212(a)(6)(C)(i).

“(C) CONVICTION EXPLAINED.—For purposes of this paragraph, the term ‘conviction’ does not include a judgment that has been expunged, set aside, or the equivalent.

“(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to require the Secretary to commence removal proceedings against an alien.

“(4) APPLICABILITY OF OTHER PROVISIONS.—Sections 208(d)(6) and 240B(d) shall not apply to any alien filing an application for registered provisional immigrant status under this section.

“(5) DEPENDENT SPOUSE AND CHILDREN.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may classify the spouse or child of a registered provisional immigrant as a registered provisional immigrant dependent if the spouse or child—

“(i) was physically present in the United States on or before December 31, 2012, and has maintained continuous presence in the United States from that date until the date on which the registered provisional immigrant is granted such status, with the exception of absences from the United States that are brief, casual, and innocent, whether or not such absences were authorized by the Secretary; and

“(ii) meets all of the eligibility requirements set forth in this subsection, other than the requirements of clause (ii) or (iii) of paragraph (2)(A).

“(B) EFFECT OF TERMINATION OF LEGAL RELATIONSHIP OR DOMESTIC VIOLENCE.—If the spousal or parental relationship between an alien who is granted registered provisional immigrant status under this section and the alien’s spouse or child is terminated due to death or divorce or the spouse or child has been battered or subjected to extreme cru-

elty by the alien (regardless of whether the legal relationship terminates), the spouse or child may apply for classification as a registered provisional immigrant.

“(C) EFFECT OF DISQUALIFICATION OF PARENT.—Notwithstanding subsection (c)(3), if the application of a spouse or parent for registered provisional immigrant status is terminated or revoked, the husband, wife, or child of that spouse or parent shall be eligible to apply for registered provisional immigrant status independent of the parent or spouse.

“(c) APPLICATION PROCEDURES.—

“(1) IN GENERAL.—An alien, or the dependent spouse or child of such alien, who meets the eligibility requirements set forth in subsection (b) may apply for status as a registered provisional immigrant or a registered provisional immigrant dependent, as applicable, by submitting a completed application form to the Secretary during the application period set forth in paragraph (3), in accordance with the final rule promulgated by the Secretary under the Border Security, Economic Opportunity, and Immigration Modernization Act. An applicant for registered provisional immigrant status shall be treated as an applicant for admission.

“(2) PAYMENT OF TAXES.—

“(A) IN GENERAL.—An alien may not file an application for registered provisional immigrant status under paragraph (1) unless the applicant has satisfied any applicable Federal tax liability.

“(B) DEFINITION OF APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term ‘applicable Federal tax liability’ means all Federal income taxes assessed in accordance with section 6203 of the Internal Revenue Code of 1986.

“(C) DEMONSTRATION OF COMPLIANCE.—An applicant may demonstrate compliance with this paragraph by submitting appropriate documentation, in accordance with regulations promulgated by the Secretary, in consultation with the Secretary of the Treasury.

“(3) APPLICATION PERIOD.—

“(A) INITIAL PERIOD.—Except as provided in subparagraph (B), the Secretary may only accept applications for registered provisional immigrant status from aliens in the United States during the 1-year period beginning on the date on which the final rule is published in the Federal Register pursuant to paragraph (1).

“(B) EXTENSION.—If the Secretary determines, during the initial period described in subparagraph (A), that additional time is required to process applications for registered provisional immigrant status or for other good cause, the Secretary may extend the period for accepting applications for such status for an additional 18 months.

“(4) APPLICATION FORM.—

“(A) REQUIRED INFORMATION.—

“(i) IN GENERAL.—The application form referred to in paragraph (1) shall collect such information as the Secretary determines to be necessary and appropriate, including, for the purpose of understanding immigration trends—

“(I) an explanation of how, when, and where the alien entered the United States;

“(II) the country in which the alien resided before entering the United States; and

“(III) other demographic information specified by the Secretary.

“(ii) PRIVACY PROTECTIONS.—Information described in subclauses (I) through (III) of clause (i), which shall be provided anonymously by the applicant on the application form referred to in paragraph (1), shall be

subject to the same confidentiality provisions as those set forth in section 9 of title 13, United States Code.

“(iii) REPORT.—The Secretary shall submit a report to Congress that contains a summary of the statistical data about immigration trends collected pursuant to clause (i).

“(B) FAMILY APPLICATION.—The Secretary shall establish a process through which an alien may submit a single application under this section on behalf of the alien, his or her spouse, and his or her children who are residing in the United States.

“(C) INTERVIEW.—The Secretary may interview applicants for registered provisional immigrant status under this section to determine whether they meet the eligibility requirements set forth in subsection (b).

“(5) ALIENS APPREHENDED BEFORE OR DURING THE APPLICATION PERIOD.—If an alien who is apprehended during the period beginning on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act and the end of the application period described in paragraph (3) appears prima facie eligible for registered provisional immigrant status, to the satisfaction of the Secretary, the Secretary—

“(A) shall provide the alien with a reasonable opportunity to file an application under this section during such application period; and

“(B) may not remove the individual until a final administrative determination is made on the application.

“(6) ELIGIBILITY AFTER DEPARTURE.—

“(A) IN GENERAL.—An alien who departed from the United States while subject to an order of exclusion, deportation, or removal, or pursuant to an order of voluntary departure and who is outside of the United States, or who has reentered the United States illegally after December 31, 2011 without receiving the Secretary's consent to reapply for admission under section 212(a)(9), shall not be eligible to file an application for registered provisional immigrant status.

“(B) WAIVER.—The Secretary, in the Secretary's sole and unreviewable discretion, subject to subparagraph (D), may waive the application of subparagraph (A) on behalf of an alien if the alien—

“(i) is the spouse or child of a United States citizen or lawful permanent resident;

“(ii) is the parent of a child who is a United States citizen or lawful permanent resident;

“(iii) meets the requirements set forth in clauses (ii) and (iii) of section 245D(b)(1)(A); or

“(iv) meets the requirements set forth in section 245D(b)(1)(A)(ii), is 16 years or older on the date on which the alien applies for registered provisional immigrant status, and was physically present in the United States for an aggregate period of not less than 3 years during the 6-year period immediately preceding the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(C) ELIGIBILITY.—Subject to subparagraph (D) and notwithstanding subsection (b)(2), section 241(a)(5), or a prior order of exclusion, deportation, or removal, an alien described in subparagraph (B) who is otherwise eligible for registered provisional immigrant status may file an application for such status.

“(D) CRIME VICTIMS' RIGHTS TO NOTICE AND CONSULTATION.—Prior to applying, or exercising, any authority under this paragraph, or ruling upon an application allowed under subparagraph (C) the Secretary shall—

“(i) determine whether or not an alien described under subparagraph (B) or (C) has a conviction for any criminal offense;

“(ii) in consultation with the agency that prosecuted the criminal offense under clause (i), if the agency, in the sole discretion of the agency, is willing to cooperate with the Secretary, make all reasonable efforts to identify each victim of a crime for which an alien determined to be a criminal under clause (i) has a conviction;

“(iii) in consultation with the agency that prosecuted the criminal offense under clause (i), if the agency, in the sole discretion of the agency, is willing to cooperate with the Secretary, make all reasonable efforts to provide each victim identified under clause (ii) with written notice that the alien is being considered for a waiver under this paragraph, specifying in such notice that the victim may—

“(I) take no further action;

“(II) request written notification by the Secretary of any subsequent application for waiver filed by the criminal alien under this paragraph and of the final determination of the Secretary regarding such application; or

“(III) not later than 60 days after the date on which the victim receives written notice under this clause, request a consultation with the Secretary relating to whether the application of the offender should be granted and if the victim cannot be located or if no response is received from the victim within the designated time period, the Secretary shall proceed with adjudication of the application; and

“(iv) at the request of a victim under clause (iii), consult with the victim to determine whether or not the Secretary should, in the case of an alien who is determined under clause (i) to have a conviction for any criminal offense, exercise waiver authority for an alien described under subparagraph (B), or grant the application of an alien described under subparagraph (C).

“(E) CRIME VICTIMS' RIGHT TO INTERVENTION.—In addition to the victim notification and consultation provided for in subparagraph (D), the Secretary shall allow the victim of a criminal alien described under subparagraph (B) or (C) to request consultation regarding, or notice of, any application for waiver filed by the criminal alien under this paragraph, including the final determination of the Secretary regarding such application.

“(F) CONFIDENTIALITY PROTECTIONS FOR CRIME VICTIMS.—The Secretary and the Attorney General may not make an adverse determination of admissibility or deportability of any alien who is a victim and not lawfully present in the United States based solely on information supplied or derived in the process of identification, notification, or consultation under this paragraph.

“(G) REPORTS REQUIRED.—Not later than September 30 of each fiscal year in which the Secretary exercises authority under this paragraph to rule upon the application of a criminal offender allowed under subparagraph (C), the Secretary shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report detailing the execution of the victim identification and notification process required under subparagraph (D), which shall include—

“(i) the total number of criminal offenders who have filed an application under subparagraph (C) and the crimes committed by such offenders;

“(ii) the total number of criminal offenders whose application under subparagraph (C) has been granted and the crimes committed by such offenders; and

“(iii) the total number of victims of criminal offenders under clause (ii) who were not provided with written notice of the offender's application and the crimes committed against the victims.

“(H) DEFINITION.—In this paragraph, the term ‘victim’ has the meaning given the term in section 503(e) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)).

“(7) SUSPENSION OF REMOVAL DURING APPLICATION PERIOD.—

“(A) PROTECTION FROM DETENTION OR REMOVAL.—A registered provisional immigrant may not be detained by the Secretary or removed from the United States, unless—

“(i) the Secretary determines that—

“(I) such alien is, or has become, ineligible for registered provisional immigrant status under subsection (b)(3); or

“(II) the alien's registered provisional immigrant status has been revoked under subsection (d)(2).

“(B) ALIENS IN REMOVAL PROCEEDINGS.—Notwithstanding any other provision of this Act—

“(i) if the Secretary determines that an alien, during the period beginning on the date of the enactment of this section and ending on the last day of the application period described in paragraph (3), is in removal, deportation, or exclusion proceedings before the Executive Office for Immigration Review and is prima facie eligible for registered provisional immigrant status under this section—

“(I) the Secretary shall provide the alien with the opportunity to file an application for such status; and

“(II) upon motion by the Secretary and with the consent of the alien or upon motion by the alien, the Executive Office for Immigration Review shall—

“(aa) terminate such proceedings without prejudice to future proceedings on any basis; and

“(bb) provide the alien a reasonable opportunity to apply for such status; and

“(ii) if the Executive Office for Immigration Review determines that an alien, during the period beginning on the date of the enactment of this section and ending on the last day of the application period described in paragraph (3), is in removal, deportation, or exclusion proceedings before the Executive Office for Immigration Review and is prima facie eligible for registered provisional immigrant status under this section—

“(I) the Executive Office of Immigration Review shall notify the Secretary of such determination; and

“(II) if the Secretary does not dispute the determination of prima facie eligibility within 7 days after such notification, the Executive Office for Immigration Review, upon consent of the alien, shall—

“(aa) terminate such proceedings without prejudice to future proceedings on any basis; and

“(bb) permit the alien a reasonable opportunity to apply for such status.

“(C) TREATMENT OF CERTAIN ALIENS.—

“(i) IN GENERAL.—If an alien who meets the eligibility requirements set forth in subsection (b) is present in the United States and has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of this Act—

“(I) notwithstanding such order or section 241(a)(5), the alien may apply for registered provisional immigrant status under this section; and

“(II) if the alien is granted such status, the alien shall file a motion to reopen the exclusion, deportation, removal, or voluntary departure order, which motion shall be granted unless 1 or more of the grounds of ineligibility is established by clear and convincing evidence.

“(ii) LIMITATIONS ON MOTIONS TO REOPEN.—The limitations on motions to reopen set forth in section 240(c)(7) shall not apply to motions filed under clause (i)(II).

“(D) PERIOD PENDING ADJUDICATION OF APPLICATION.—

“(i) IN GENERAL.—During the period beginning on the date on which an alien applies for registered provisional immigrant status under paragraph (1) and the date on which the Secretary makes a final decision regarding such application, the alien—

“(I) may receive advance parole to reenter the United States if urgent humanitarian circumstances compel such travel;

“(II) may not be detained by the Secretary or removed from the United States unless the Secretary makes a prima facie determination that such alien is, or has become, ineligible for registered provisional immigrant status under subsection (b)(3);

“(III) shall not be considered unlawfully present for purposes of section 212(a)(9)(B); and

“(IV) shall not be considered an unauthorized alien (as defined in section 274A(h)(3)).

“(ii) EVIDENCE OF APPLICATION FILING.—As soon as practicable after receiving each application for registered provisional immigrant status, the Secretary shall provide the applicant with a document acknowledging the receipt of such application.

“(iii) CONTINUING EMPLOYMENT.—An employer who knows that an alien employee is an applicant for registered provisional immigrant status or will apply for such status once the application period commences is not in violation of section 274A(a)(2) if the employer continues to employ the alien pending the adjudication of the alien employee's application.

“(iv) EFFECT OF DEPARTURE.—Section 101(g) shall not apply to an alien granted—

“(I) advance parole under clause (i)(I) to reenter the United States; or

“(II) registered provisional immigrant status.

“(8) SECURITY AND LAW ENFORCEMENT CLEARANCES.—

“(A) BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not grant registered provisional immigrant status to an alien or an alien dependent spouse or child under this section unless such alien submits biometric and biographic data in accordance with procedures established by the Secretary.

“(B) ALTERNATIVE PROCEDURES.—The Secretary shall provide an alternative procedure for applicants who cannot provide the biometric data required under subparagraph (A) because of a physical impairment.

“(C) CLEARANCES.—

“(i) DATA COLLECTION.—The Secretary shall collect, from each alien applying for status under this section, biometric, biographic, and other data that the Secretary determines to be appropriate—

“(I) to conduct national security and law enforcement clearances; and

“(II) to determine whether there are any national security or law enforcement factors that would render an alien ineligible for such status.

“(ii) ADDITIONAL SECURITY SCREENING.—The Secretary, in consultation with the Secretary of State and other interagency partners, shall conduct an additional security

screening upon determining, in the Secretary's opinion based upon information related to national security, that an alien or alien dependent spouse or child is or was a citizen or long-term resident of a region or country known to pose a threat, or that contains groups or organizations that pose a threat, to the national security of the United States.

“(iii) PREREQUISITE.—The required clearances and screenings described in clauses (i)(I) and (ii) shall be completed before the alien may be granted registered provisional immigrant status.

“(9) DURATION OF STATUS AND EXTENSION.—

“(A) IN GENERAL.—The initial period of authorized admission for a registered provisional immigrant—

“(i) shall remain valid for 6 years unless revoked pursuant to subsection (d)(2); and

“(ii) may be extended for additional 6-year terms if—

“(I) the alien remains eligible for registered provisional immigrant status;

“(II) the alien meets the employment requirements set forth in subparagraph (B);

“(III) the alien has successfully passed background checks that are equivalent to the background checks described in section 245D(b)(1)(E); and

“(IV) such status was not revoked by the Secretary for any reason.

“(B) EMPLOYMENT OR EDUCATION REQUIREMENT.—Except as provided in subparagraphs (D) and (E) of section 245C(b)(3), an alien may not be granted an extension of registered provisional immigrant status under this paragraph unless the alien establishes that, during the alien's period of status as a registered provisional immigrant, the alien—

“(i)(I) was regularly employed throughout the period of admission as a registered provisional immigrant, allowing for brief periods lasting not more than 60 days; and

“(II) is not likely to become a public charge (as determined under section 212(a)(4)); or

“(ii) is able to demonstrate average income or resources that are not less than 100 percent of the Federal poverty level throughout the period of admission as a registered provisional immigrant.

“(C) PAYMENT OF TAXES.—An applicant may not be granted an extension of registered provisional immigrant status under subparagraph (A)(ii) unless the applicant has satisfied any applicable Federal tax liability in accordance with paragraph (2).

“(10) FEES AND PENALTIES.—

“(A) STANDARD PROCESSING FEE.—

“(i) IN GENERAL.—Aliens who are 16 years of age or older and are applying for registered provisional immigrant status under paragraph (1), or for an extension of such status under paragraph (9)(A)(ii), shall pay a processing fee to the Department of Homeland Security in an amount determined by the Secretary.

“(ii) RECOVERY OF COSTS.—The processing fee authorized under clause (i) shall be set at a level that is sufficient to recover the full costs of processing the application, including any costs incurred—

“(I) to adjudicate the application;

“(II) to take and process biometrics;

“(III) to perform national security and criminal checks, including adjudication;

“(IV) to prevent and investigate fraud; and

“(V) to administer the collection of such fee.

“(iii) AUTHORITY TO LIMIT FEES.—The Secretary, by regulation, may—

“(I) limit the maximum processing fee payable under this subparagraph by a family, in-

cluding spouses and unmarried children younger than 21 years of age; and

“(II) exempt defined classes of individuals, including individuals described in section 245B(c)(13), from the payment of the fee authorized under clause (i).

“(B) DEPOSIT AND USE OF PROCESSING FEES.—Fees collected under subparagraph (A)(i)—

“(i) shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m); and

“(ii) shall remain available until expended pursuant to section 286(n).

“(C) PENALTY.—

“(i) PAYMENT.—In addition to the processing fee required under subparagraph (A), aliens not described in section 245D(b)(A)(ii) who are 21 years of age or older and are filing an application under this subsection shall pay a \$1,000 penalty to the Department of Homeland Security.

“(ii) INSTALLMENTS.—The Secretary shall establish a process for collecting payments required under clause (i) that permits the penalty under that clause to be paid in periodic installments that shall be completed before the alien may be granted an extension of status under paragraph (9)(A)(ii).

“(iii) DEPOSIT.—Penalties collected pursuant to this subparagraph shall be deposited into the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1) of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(11) ADJUDICATION.—

“(A) FAILURE TO SUBMIT SUFFICIENT EVIDENCE.—The Secretary shall deny an application submitted by an alien who fails to submit—

“(i) requested initial evidence, including requested biometric data; or

“(ii) any requested additional evidence by the date required by the Secretary.

“(B) AMENDED APPLICATION.—An alien whose application for registered provisional immigrant status is denied under subparagraph (A) may file an amended application for such status to the Secretary if the amended application—

“(i) is filed within the application period described in paragraph (3); and

“(ii) contains all the required information and fees that were missing from the initial application.

“(12) EVIDENCE OF REGISTERED PROVISIONAL IMMIGRANT STATUS.—

“(A) IN GENERAL.—The Secretary shall issue documentary evidence of registered provisional immigrant status to each alien whose application for such status has been approved.

“(B) DOCUMENTATION FEATURES.—Documentary evidence provided under subparagraph (A)—

“(i) shall be machine-readable and tamper-resistant, and shall contain a digitized photograph;

“(ii) shall, during the alien's authorized period of admission, and any extension of such authorized admission, serve as a valid travel and entry document for the purpose of applying for admission to the United States;

“(iii) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B);

“(iv) shall indicate that the alien is authorized to work in the United States for up to 3 years; and

“(v) shall include such other features and information as may be prescribed by the Secretary.

“(13) DACA RECIPIENTS.—Unless the Secretary determines that an alien who was



granted Deferred Action for Childhood Arrivals (referred to in this paragraph as 'DACA') pursuant to the Secretary's memorandum of June 15, 2012, has engaged in conduct since the alien was granted DACA that would make the alien ineligible for registered provisional immigrant status, the Secretary may grant such status to the alien if renewed national security and law enforcement clearances have been completed on behalf of the alien.

**"(d) TERMS AND CONDITIONS OF REGISTERED PROVISIONAL IMMIGRANT STATUS.—"**

**"(1) CONDITIONS OF REGISTERED PROVISIONAL IMMIGRANT STATUS.—"**

**"(A) EMPLOYMENT.—**Notwithstanding any other provision of law, including section 241(a)(7), a registered provisional immigrant shall be authorized to be employed in the United States while in such status.

**"(B) TRAVEL OUTSIDE THE UNITED STATES.—**A registered provisional immigrant may travel outside of the United States and may be admitted, if otherwise admissible, upon returning to the United States without having to obtain a visa if—

**"(i)** the alien is in possession of—

**"(I)** valid, unexpired documentary evidence of registered provisional immigrant status that complies with subsection (c)(12); or

**"(II)** a travel document, duly approved by the Secretary, that was issued to the alien after the alien's original documentary evidence was lost, stolen, or destroyed;

**"(ii)** the alien's absence from the United States did not exceed 180 days, unless the alien's failure to timely return was due to extenuating circumstances beyond the alien's control;

**"(iii)** the alien meets the requirements for an extension as described in subclauses (I) and (III) of paragraph (9)(A); and

**"(iv)** the alien establishes that the alien is not inadmissible under subparagraph (A)(i), (A)(iii), (B), or (C) of section 212(a)(3).

**"(C) ADMISSION.—**An alien granted registered provisional immigrant status under this section shall be considered to have been admitted and lawfully present in the United States in such status as of the date on which the alien's application was filed.

**"(D) CLARIFICATION OF STATUS.—**An alien granted registered provisional immigrant status—

**"(i)** is lawfully admitted to the United States; and

**"(ii)** may not be classified as a non-immigrant or as an alien who has been lawfully admitted for permanent residence.

**"(2) REVOCATION.—"**

**"(A) IN GENERAL.—**The Secretary may revoke the status of a registered provisional immigrant at any time after providing appropriate notice to the alien, and after the exhaustion or waiver of all applicable administrative review procedures under section 245E(c), if the alien—

**"(i)** no longer meets the eligibility requirements set forth in subsection (b);

**"(ii)** knowingly used documentation issued under this section for an unlawful or fraudulent purpose;

**"(iii)** is convicted of fraudulently claiming or receiving a Federal means-tested benefit (as defined and implemented in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613)) after being granted registered provisional immigrant status; or

**"(iv)** was absent from the United States—  
**"(I)** for any single period longer than 180 days in violation of the requirements set forth in paragraph (1)(B)(ii); or

**"(II)** for more than 180 days in the aggregate during any calendar year, unless the

alien's failure to timely return was due to extenuating circumstances beyond the alien's control.

**"(B) ADDITIONAL EVIDENCE.—**In determining whether to revoke an alien's status under subparagraph (A), the Secretary may require the alien—

**"(i)** to submit additional evidence; or

**"(ii)** to appear for an interview.

**"(C) INVALIDATION OF DOCUMENTATION.—**If an alien's registered provisional immigrant status is revoked under subparagraph (A), any documentation issued by the Secretary to such alien under subsection (c)(12) shall automatically be rendered invalid for any purpose except for departure from the United States.

**"(3) INELIGIBILITY FOR PUBLIC BENEFITS.—"**

**"(A) IN GENERAL.—**An alien who has been granted registered provisional immigrant status under this section is not eligible for any Federal means-tested public benefit (as defined and implemented in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613)).

**"(B) AUDITS.—**The Secretary of Health and Human Services shall conduct regular audits to ensure that registered provisional immigrants are not fraudulently receiving any of the benefits described in subparagraph (A).

**"(4) TREATMENT OF REGISTERED PROVISIONAL IMMIGRANTS.—**A noncitizen granted registered provisional immigrant status under this section shall be considered lawfully present in the United States for all purposes while such noncitizen remains in such status, except that the noncitizen—

**"(A)** is not entitled to the premium assistance tax credit authorized under section 36B of the Internal Revenue Code of 1986 for his or her coverage;

**"(B)** shall be subject to the rules applicable to individuals not lawfully present that are set forth in subsection (e) of such section;

**"(C)** shall be subject to the rules applicable to individuals not lawfully present that are set forth in section 1402(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071); and

**"(D)** shall be subject to the rules applicable to individuals not lawfully present set forth in section 5000A(d)(3) of the Internal Revenue Code of 1986.

**"(5) ASSIGNMENT OF SOCIAL SECURITY NUMBER.—"**

**"(A) IN GENERAL.—**The Commissioner of Social Security, in coordination with the Secretary, shall implement a system to allow for the assignment of a Social Security number and the issuance of a Social Security card to each alien who has been granted registered provisional immigrant status under this section.

**"(B) USE OF INFORMATION.—**The Secretary shall provide the Commissioner of Social Security with information from the applications filed by aliens granted registered provisional immigrant status under this section and such other information as the Commissioner determines to be necessary to assign a Social Security account number to such aliens. The Commissioner may use information received from the Secretary under this subparagraph to assign Social Security account numbers to such aliens and to administer the programs of the Social Security Administration. The Commissioner may maintain, use, and disclose such information only as permitted under section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974) and other applicable Federal laws.

**"(e) DISSEMINATION OF INFORMATION ON REGISTERED PROVISIONAL IMMIGRANT PRO-**

**GRAM.—**As soon as practicable after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, the Secretary, in cooperation with entities approved by the Secretary, and in accordance with a plan adopted by the Secretary, shall broadly disseminate, in the most common languages spoken by aliens who would qualify for registered provisional immigrant status under this section, to television, radio, print, and social media to which such aliens would likely have access—

**"(1)** the procedures for applying for such status;

**"(2)** the terms and conditions of such status; and

**"(3)** the eligibility requirements for such status."

**(b) ENLISTMENT IN THE ARMED FORCES.—**Section 504(b)(1) of title 10, United States Code, is amended by adding at the end the following:

**"(D)** An alien who has been granted registered provisional immigrant status under section 245B of the Immigration and Nationality Act."

**SEC. 2102. ADJUSTMENT OF STATUS OF REGISTERED PROVISIONAL IMMIGRANTS.**

**(a) IN GENERAL.—**Chapter 5 of title II (8 U.S.C. 1255 et seq.) is amended by inserting after section 245B, as added by section 2101 of this title, the following:

**"SEC. 245C. ADJUSTMENT OF STATUS OF REGISTERED PROVISIONAL IMMIGRANTS.**

**"(a) IN GENERAL.—**Subject to section 245E(d) and section 2302(c)(3) of the Border Security, Economic Opportunity, and Immigration Modernization Act, the Secretary may adjust the status of a registered provisional immigrant to that of an alien lawfully admitted for permanent residence if the registered provisional immigrant satisfies the eligibility requirements set forth in subsection (b).

**"(b) ELIGIBILITY REQUIREMENTS.—"**

**"(1) REGISTERED PROVISIONAL IMMIGRANT STATUS.—"**

**"(A) IN GENERAL.—**The alien was granted registered provisional immigrant status under section 245B and remains eligible for such status.

**"(B) CONTINUOUS PHYSICAL PRESENCE.—**The alien establishes, to the satisfaction of the Secretary, that the alien was not continuously absent from the United States for more than 180 days in any calendar year during the period of admission as a registered provisional immigrant, unless the alien's absence was due to extenuating circumstances beyond the alien's control.

**"(C) MAINTENANCE OF WAIVERS OF INADMISSIBILITY.—**The grounds of inadmissibility set forth in section 212(a) that were previously waived for the alien or made inapplicable under section 245B(b) shall not apply for purposes of the alien's adjustment of status under this section.

**"(D) PENDING REVOCATION PROCEEDINGS.—**If the Secretary has notified the applicant that the Secretary intends to revoke the applicant's registered provisional immigrant status under section 245B(d)(2)(A), the Secretary may not approve an application for adjustment of status under this section unless the Secretary makes a final determination not to revoke the applicant's status.

**"(2) PAYMENT OF TAXES.—"**

**"(A) IN GENERAL.—**An applicant may not file an application for adjustment of status under this section unless the applicant has satisfied any applicable Federal tax liability.

“(B) DEFINITION OF APPLICABLE FEDERAL TAX LIABILITY.—In subparagraph (A), the term ‘applicable Federal tax liability’ means all Federal income taxes assessed in accordance with section 6203 of the Internal Revenue Code of 1986 since the date on which the applicant was authorized to work in the United States as a registered provisional immigrant under section 245B(a).”

“(C) COMPLIANCE.—The applicant may demonstrate compliance with subparagraph (A) by submitting such documentation as the Secretary, in consultation with the Secretary of the Treasury, may require by regulation.

“(3) EMPLOYMENT REQUIREMENT.—

“(A) IN GENERAL.—Except as provided in subparagraphs (D) and (E), an alien applying for adjustment of status under this section shall establish that, during his or her period of status as a registered provisional immigrant, he or she—

“(i)(I) was regularly employed throughout the period of admission as a registered provisional immigrant, allowing for brief periods lasting not more than 60 days; and

“(II) is not likely to become a public charge (as determined under section 212(a)(4)); or

“(ii) can demonstrate average income or resources that are not less than 125 percent of the Federal poverty level throughout the period of admission as a registered provisional immigrant.

“(B) EVIDENCE OF EMPLOYMENT.—

“(i) DOCUMENTS.—An alien may satisfy the employment requirement under subparagraph (A)(i) by submitting, to the Secretary, records that—

“(I) establish, by the preponderance of the evidence, compliance with such employment requirement; and

“(II) have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

“(ii) OTHER DOCUMENTS.—An alien who is unable to submit the records described in clause (i) may satisfy the employment or education requirement under subparagraph (A) by submitting to the Secretary at least 2 types of reliable documents not described in clause (i) that provide evidence of employment or education, including—

“(I) bank records;

“(II) business records;

“(III) employer records;

“(IV) records of a labor union, day labor center, or organization that assists workers in employment;

“(V) sworn affidavits from nonrelatives who have direct knowledge of the alien's work or education, that contain—

“(aa) the name, address, and telephone number of the affiant;

“(bb) the nature and duration of the relationship between the affiant and the alien; and

“(cc) other verification or information;

“(VI) remittance records; and

“(VII) school records from institutions described in subparagraph (D).

“(iii) ADDITIONAL DOCUMENTS AND RESTRICTIONS.—The Secretary may—

“(I) designate additional documents that may be used to establish compliance with the requirement under subparagraph (A); and

“(II) set such terms and conditions on the use of affidavits as may be necessary to verify and confirm the identity of any affiant or to otherwise prevent fraudulent submissions.

“(C) SATISFACTION OF EMPLOYMENT REQUIREMENT.—An alien may not be required to

satisfy the employment requirements under this section with a single employer.

“(D) EDUCATION PERMITTED.—An alien may satisfy the requirement under subparagraph (A), in whole or in part, by providing evidence of full-time attendance at—

“(i) an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)));

“(ii) a secondary school, including a public secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

“(iii) an education, literacy, or career and technical training program (including vocational training) that is designed to lead to placement in postsecondary education, job training, or employment through which the alien is working toward such placement; or

“(iv) an education program assisting students either in obtaining a high school equivalency diploma, certificate, or its recognized equivalent under State law (including a certificate of completion, certificate of attendance, or alternate award), or in passing a General Educational Development exam or other equivalent State-authorized exam or completed other applicable State requirements for high school equivalency.

“(E) AUTHORIZATION OF EXCEPTIONS AND WAIVERS.—

“(i) EXCEPTIONS BASED ON AGE OR DISABILITY.—The employment and education requirements under this paragraph shall not apply to any alien who—

“(I) is younger than 21 years of age on the date on which the alien files an application for the first extension of the initial period of authorized admission as a registered provisional immigrant;

“(II) is at least 60 years of age on the date on which the alien files an application for an extension of registered provisional immigrant status or at least 65 years of age on the date on which the alien's application for adjustment of status is filed under this section; or

“(III) has a physical or mental disability (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2))) or as a result of pregnancy if such condition is evidenced by the submission of documentation prescribed by the Secretary.

“(ii) FAMILY EXCEPTIONS.—The employment and education requirements under this paragraph shall not apply to any alien who is a dependent registered provisional immigrant under subsection (b)(5).

“(iii) TEMPORARY EXCEPTIONS.—The employment and education requirements under this paragraph shall not apply during any period during which the alien—

“(I) was on medical leave, maternity leave, or other employment leave authorized by Federal law, State law, or the policy of the employer;

“(II) is or was the primary caretaker of a child or another person who requires supervision or is unable to care for himself or herself; or

“(III) was unable to work due to circumstances outside the control of the alien.

“(iv) WAIVER.—The Secretary may waive the employment or education requirements under this paragraph with respect to any individual alien who demonstrates extreme hardship to himself or herself or to a spouse, parent, or child who is a United States citizen or lawful permanent resident.

“(4) ENGLISH SKILLS.—

“(A) IN GENERAL.—Except as provided under subparagraph (C), a registered provisional immigrant who is 16 years of age or older shall establish that he or she—

“(i) meets the requirements set forth in section 312; or

“(ii) is satisfactorily pursuing a course of study, pursuant to standards established by the Secretary of Education, in consultation with the Secretary, to achieve an understanding of English and knowledge and understanding of the history and Government of the United States, as described in section 312(a).

“(B) RELATION TO NATURALIZATION EXAMINATION.—A registered provisional immigrant who demonstrates that he or she meets the requirements set forth in section 312 may be considered to have satisfied such requirements for purposes of becoming naturalized as a citizen of the United States.

“(C) EXCEPTIONS.—

“(i) MANDATORY.—Subparagraph (A) shall not apply to any person who is unable to comply with the requirements under that subparagraph because of a physical or developmental disability or mental impairment.

“(ii) DISCRETIONARY.—The Secretary may waive all or part of subparagraph (A) for a registered provisional immigrant who is 70 years of age or older on the date on which an application is filed for adjustment of status under this section.

“(5) MILITARY SELECTIVE SERVICE.—The alien shall provide proof of registration under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), if the alien is subject to such registration on or after the date on which the alien's application for registered provisional immigrant status is granted.

“(c) APPLICATION PROCEDURES.—

“(1) IN GENERAL.—Beginning on the date described in paragraph (2), a registered provisional immigrant, or a registered provisional immigrant dependent, who meets the eligibility requirements set forth in subsection (b) may apply for adjustment of status to that of an alien lawfully admitted for permanent residence by submitting an application to the Secretary that includes the evidence required, by regulation, to demonstrate the applicant's eligibility for such adjustment.

“(2) BACK OF THE LINE.—The status of a registered provisional immigrant may not be adjusted to that of an alien lawfully admitted for permanent residence under this section until after the Secretary of State certifies that immigrant visas have become available for all approved petitions for immigrant visas that were filed under sections 201 and 203 before the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(3) INTERVIEW.—The Secretary may interview applicants for adjustment of status under this section to determine whether they meet the eligibility requirements set forth in subsection (b).

“(4) SECURITY AND LAW ENFORCEMENT CLEARANCES.—The Secretary may not adjust the status of a registered provisional immigrant under this section until renewed national security and law enforcement clearances have been completed with respect to the registered provisional immigrant, to the satisfaction of the Secretary.

“(5) FEES AND PENALTIES.—

“(A) PROCESSING FEES.—

“(i) IN GENERAL.—The Secretary shall impose a processing fee on applicants for adjustment of status under this section at a level sufficient to recover the full cost of processing such applications, including costs associated with—

“(I) adjudicating the applications;

“(II) taking and processing biometrics;

“(III) performing national security and criminal checks, including adjudication;

“(IV) preventing and investigating fraud; and

“(V) the administration of the fees collected.

“(ii) **AUTHORITY TO LIMIT FEES.**—The Secretary, by regulation, may—

“(I) limit the maximum processing fee payable under this subparagraph by a family, including spouses and children; and

“(II) exempt other defined classes of individuals from the payment of the fee authorized under clause (i).

“(iii) **DEPOSIT AND USE OF FEES.**—Fees collected under this subparagraph—

“(I) shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m); and

“(II) shall remain available until expended pursuant to section 286(n).

“(B) **PENALTIES.**—

“(i) **IN GENERAL.**—In addition to the processing fee required under subparagraph (A) and the penalty required under section 245B(c)(6)(D), an alien who was 21 years of age or older on the date on which the Border Security, Economic Opportunity, and Immigration Modernization Act was originally introduced in the Senate and is filing an application for adjustment of status under this section shall pay a \$1,000 penalty to the Secretary unless the alien meets the requirements under section 245D(b).

“(ii) **INSTALLMENTS.**—The Secretary shall establish a process for collecting payments required under clause (i) through periodic installments.

“(iii) **DEPOSIT, ALLOCATION, AND SPENDING OF PENALTIES.**—Penalties collected under this subparagraph—

“(I) shall be deposited into the Comprehensive Immigration Trust Fund established under section 6(a)(1) of the Border Security, Economic Opportunity, and Immigration Modernization Act; and

“(II) may be used for the purposes set forth in section 6(a)(3)(B) of such Act.”

(b) **LIMITATION ON REGISTERED PROVISIONAL IMMIGRANTS.**—An alien admitted as a registered provisional immigrant under section 245B of the Immigration and Nationality Act, as added by subsection (a), may only adjust status to an alien lawfully admitted for permanent resident status under section 245C or 245D of such Act or section 2302.

(c) **NATURALIZATION.**—Section 319 (8 U.S.C. 1430) is amended—

(1) in the section heading, by striking **“AND EMPLOYEES OF CERTAIN NON-PROFIT ORGANIZATIONS”** and inserting **“EMPLOYEES OF CERTAIN NONPROFIT ORGANIZATIONS, AND OTHER LONG-TERM LAWFUL RESIDENTS”**; and

(2) by adding at the end the following:

“(f) Any lawful permanent resident who was lawfully present in the United States and eligible for work authorization for not less than 10 years before becoming a lawful permanent resident may be naturalized upon compliance with all the requirements under this title except the provisions of section 316(a)(1) if such person, immediately preceding the date on which the person filed an application for naturalization—

“(I) has resided continuously within the United States, after being lawfully admitted for permanent residence, for at least 3 years;

“(2) during the 3-year period immediately preceding such filing date, has been physically present in the United States for periods totaling at least 50 percent of such period; and

“(3) has resided within the State or in the jurisdiction of the U.S. Citizenship and Immigration Services field office in the United

States in which the applicant filed such application for at least 3 months.”

#### **SEC. 2103. THE DREAM ACT.**

(a) **SHORT TITLE.**—This section may be cited as the “Development, Relief, and Education for Alien Minors Act of 2013” or the “DREAM Act 2013”.

(b) **ADJUSTMENT OF STATUS FOR CERTAIN ALIENS WHO ENTERED THE UNITED STATES AS CHILDREN.**—Chapter 5 of title II (8 U.S.C. 1255 et seq.) is amended by inserting after section 245C, as added by section 2102 of this title, the following:

#### **“SEC. 245D. ADJUSTMENT OF STATUS FOR CERTAIN ALIENS WHO ENTERED THE UNITED STATES AS CHILDREN.**

“(a) **DEFINITIONS.**—In this section:

“(1) **INSTITUTION OF HIGHER EDUCATION.**—The term ‘institution of higher education’ has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), except that the term does not include institutions described in subsection (a)(1)(C) of such section.

“(2) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Homeland Security.

“(3) **UNIFORMED SERVICES.**—The term ‘Uniformed Services’ has the meaning given the term ‘uniformed services’ in section 101(a)(5) of title 10, United States Code.

“(b) **ADJUSTMENT OF STATUS FOR CERTAIN ALIENS WHO ENTERED THE UNITED STATES AS CHILDREN.**—

“(1) **REQUIREMENTS.**—

“(A) **IN GENERAL.**—The Secretary may adjust the status of a registered provisional immigrant to the status of a lawful permanent resident if the immigrant demonstrates that he or she—

“(i) has been a registered provisional immigrant for at least 5 years;

“(ii) was younger than 16 years of age on the date on which the alien initially entered the United States;

“(iii) has earned a high school diploma, a commensurate alternative award from a public or private high school or secondary school, or has obtained a general education development certificate recognized under State law, or a high school equivalency diploma in the United States;

“(iv)(I) has acquired a degree from an institution of higher education or has completed at least 2 years, in good standing, in a program for a bachelor’s degree or higher degree in the United States; or

“(II) has served in the Uniformed Services for at least 4 years and, if discharged, received an honorable discharge; and

“(v) has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

“(B) **HARDSHIP EXCEPTION.**—

“(i) **IN GENERAL.**—The Secretary may adjust the status of a registered provisional immigrant to the status of a lawful permanent resident if the alien—

“(I) satisfies the requirements under clauses (i), (ii), (iii), and (v) of subparagraph (A); and

“(II) demonstrates compelling circumstances for the inability to satisfy the requirement under subparagraph (A)(iv).

“(C) **CITIZENSHIP REQUIREMENT.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), the Secretary may not adjust the status of an alien to lawful permanent resident status under this section unless the alien demonstrates that the alien satisfies the requirements under section 312(a).

“(ii) **EXCEPTION.**—Clause (i) shall not apply to an alien whose physical or developmental

disability or mental impairment prevents the alien from meeting the requirements such section.

“(D) **SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.**—The Secretary may not adjust the status of an alien to lawful permanent resident status unless the alien—

“(i) submits biometric and biographic data, in accordance with procedures established by the Secretary; or

“(ii) complies with an alternative procedure prescribed by the Secretary, if the alien is unable to provide such biometric data because of a physical impairment.

“(E) **BACKGROUND CHECKS.**—

“(i) **REQUIREMENT FOR BACKGROUND CHECKS.**—The Secretary shall utilize biometric, biographic, and other data that the Secretary determines appropriate—

“(I) to conduct national security and law enforcement background checks of an alien applying for lawful permanent resident status under this section; and

“(II) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for such status.

“(ii) **COMPLETION OF BACKGROUND CHECKS.**—The Secretary may not adjust an alien’s status to the status of a lawful permanent resident under this subsection until the national security and law enforcement background checks required under clause (i) have been completed with respect to the alien, to the satisfaction of the Secretary.

“(2) **APPLICATION FOR LAWFUL PERMANENT RESIDENT STATUS.**—

“(A) **IN GENERAL.**—A registered provisional immigrant seeking lawful permanent resident status shall file an application for such status in such manner as the Secretary may require.

“(B) **ADJUDICATION.**—

“(i) **IN GENERAL.**—The Secretary shall evaluate each application filed by a registered provisional immigrant under this paragraph to determine whether the alien meets the requirements under paragraph (1).

“(ii) **ADJUSTMENT OF STATUS IF FAVORABLE DETERMINATION.**—If the Secretary determines that the alien meets the requirements under paragraph (1), the Secretary shall notify the alien of such determination and adjust the status of the alien to lawful permanent resident status, effective as of the date of such determination.

“(iii) **ADVERSE DETERMINATION.**—If the Secretary determines that the alien does not meet the requirements under paragraph (1), the Secretary shall notify the alien of such determination.

“(C) **DACA RECIPIENTS.**—The Secretary may adopt streamlined procedures for applicants for adjustment to lawful permanent resident status under this section who were granted Deferred Action for Childhood Arrivals pursuant to the Secretary’s memorandum of June 15, 2012.

“(3) **TREATMENT FOR PURPOSES OF NATURALIZATION.**—

“(A) **IN GENERAL.**—An alien granted lawful permanent resident status under this section shall be considered, for purposes of title III—

“(i) to have been lawfully admitted for permanent residence; and

“(ii) to have been in the United States as an alien lawfully admitted to the United States for permanent residence during the period the alien was a registered provisional immigrant.

“(B) **LIMITATION ON APPLICATION FOR NATURALIZATION.**—An alien may not apply for naturalization while the alien is in registered provisional immigrant status, except for an

alien described in paragraph (1)(A)(ii) pursuant to section 328 or 329.”.

(c) EXEMPTION FROM NUMERICAL LIMITATIONS.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following:

“(E) Aliens whose status is adjusted to permanent resident status under section 245C or 245D.”.

(d) RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION.—

(1) REPEAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(2) EFFECTIVE DATE.—The repeal under paragraph (1) shall take effect as if included in the original enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208).

(e) NATURALIZATION.—Section 328(a) (8 U.S.C. 1439(a)) is amended by inserting “, without having been lawfully admitted to the United States for permanent resident, and” after “naturalized”.

(f) LIMITATION ON FEDERAL STUDENT ASSISTANCE.—Notwithstanding any other provision of law, aliens granted registered provisional immigrant status and who initially entered the United States before reaching 16 years of age and aliens granted blue card status shall be eligible only for the following assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.):

(1) Student loans under parts D and E of such title IV (20 U.S.C. 1087a et seq. and 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

#### SEC. 2104. ADDITIONAL REQUIREMENTS.

(a) IN GENERAL.—Chapter 5 of title II (8 U.S.C. 1255 et seq.) is amended by inserting after section 245C, as added by section 2102 of this title, the following:

#### “SEC. 245E. ADDITIONAL REQUIREMENTS RELATING TO REGISTERED PROVISIONAL IMMIGRANTS AND OTHERS.

“(a) DISCLOSURES.—

“(1) PROHIBITED DISCLOSURES.—Except as otherwise provided in this subsection, no officer or employee of any Federal agency may—

“(A) use the information furnished in an application for lawful status under section 245B, 245C, or 245D for any purpose other than to make a determination on any application by the alien for any immigration benefit or protection;

“(B) make any publication through which information furnished by any particular applicant can be identified; or

“(C) permit anyone other than the sworn officers, employees, and contractors of such agency or of another entity approved by the Secretary to examine any individual application for lawful status under section 245B, 245C, or 245D.

“(2) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished in an application filed under section 245B, 245C, or 245D and any other information derived from such furnished information to—

“(A) a law enforcement agency, intelligence agency, national security agency, a component of the Department of Homeland

Security, court, or grand jury, consistent with law, in connection with—

“(i) a criminal investigation or prosecution of any felony not related to the applicant's immigration status; or

“(ii) a national security investigation or prosecution; and

“(B) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

“(3) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may—

“(A) audit and evaluate information furnished as part of any application filed under section 245B, 245C, or 245D for purposes of identifying immigration fraud or fraud schemes; and

“(B) use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting, referring for prosecution, or denying or terminating immigration benefits.

“(b) EMPLOYER PROTECTIONS.—

“(1) USE OF EMPLOYMENT RECORDS.—Copies of employment records or other evidence of employment provided by an alien or by an alien's employer in support of an alien's application for registered provisional immigrant status under section 245B may not be used in a civil or criminal prosecution or investigation of that employer under section 274A or the Internal Revenue Code of 1986 for the prior unlawful employment of that alien regardless of the adjudication of such application or reconsideration by the Secretary of such alien's prima facie eligibility determination. Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for registered provisional immigrant status shall not be subject to civil and criminal liability pursuant to section 274A for employing such unauthorized aliens.

“(2) LIMIT ON APPLICABILITY.—The protections for employers and aliens under paragraph (1) shall not apply if the aliens or employers submit employment records that are deemed to be fraudulent.

“(c) ADMINISTRATIVE REVIEW.—

“(1) EXCLUSIVE ADMINISTRATIVE REVIEW.—Administrative review of a determination respecting an application for status under section 245B, 245C, 245D, or 245F or section 2211 of the Agricultural Worker Program Act of 2013 shall be conducted solely in accordance with this subsection.

“(2) ADMINISTRATIVE APPELLATE REVIEW.—

“(A) ESTABLISHMENT OF ADMINISTRATIVE APPELLATE AUTHORITY.—The Secretary shall establish or designate an appellate authority to provide for a single level of administrative appellate review of a determination with respect to applications for, or revocation of, status under sections 245B, 245C, and 245D.

“(B) SINGLE APPEAL FOR EACH ADMINISTRATIVE DECISION.—

“(i) IN GENERAL.—An alien in the United States whose application for status under section 245B, 245C, or 245D has been denied or revoked may file with the Secretary not more than 1 appeal of each decision to deny or revoke such status.

“(ii) NOTICE OF APPEAL.—A notice of appeal filed under this subparagraph shall be filed not later than 90 days after the date of service of the decision of denial or revocation, unless the delay was reasonably justifiable.

“(C) REVIEW BY SECRETARY.—Nothing in this paragraph may be construed to limit the authority of the Secretary to certify appeals for review and final administrative decision.

“(D) DENIAL OF PETITIONS FOR DEPENDENTS.—Appeals of a decision to deny or revoke a petition filed by a registered provisional immigrant pursuant to regulations promulgated under section 245B to classify a spouse or child of such alien as a registered provisional immigrant shall be subject to the administrative appellate authority described in subparagraph (A).

“(E) STAY OF REMOVAL.—Aliens seeking administrative review shall not be removed from the United States until a final decision is rendered establishing ineligibility for status under section 245B, 245C, or 245D.

“(3) RECORD FOR REVIEW.—Administrative appellate review under paragraph (2) shall be de novo and based solely upon—

“(A) the administrative record established at the time of the determination on the application; and

“(B) any additional newly discovered or previously unavailable evidence.

“(4) UNLAWFUL PRESENCE.—During the period in which an alien may request administrative review under this subsection, and during the period that any such review is pending, the alien shall not be considered ‘unlawfully present in the United States’ for purposes of section 212(a)(9)(B).

“(d) PRIVACY AND CIVIL LIBERTIES.—

“(1) IN GENERAL.—The Secretary, in accordance with subsection (a)(1), shall require appropriate administrative and physical safeguards to protect the security, confidentiality, and integrity of personally identifiable information collected, maintained, and disseminated pursuant to sections 245B, 245C, and 245D.

“(2) ASSESSMENTS.—Notwithstanding the privacy requirements set forth in section 222 of the Homeland Security Act (6 U.S.C. 142) and the E-Government Act of 2002 (Public Law 107-347), the Secretary shall conduct a privacy impact assessment and a civil liberties impact assessment of the legalization program established under sections 245B, 245C, and 245D during the pendency of the interim final regulations required to be issued under section 2110 of the Border Security, Economic Opportunity, and Immigration Modernization Act.”.

(b) JUDICIAL REVIEW.—Section 242 (8 U.S.C. 1252) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by inserting “the exercise of discretion arising under” after “no court shall have jurisdiction to review”;

(B) in subparagraph (D), by striking “raised upon a petition for review filed with an appropriate court of appeals in accordance with this section”;

(2) in subsection (b)(2), by inserting “or, in the case of a decision rendered under section 245E(c), in the judicial circuit in which the petitioner resides” after “proceedings”; and

(3) by adding at the end the following:

“(h) JUDICIAL REVIEW OF ELIGIBILITY DETERMINATIONS RELATING TO STATUS UNDER CHAPTER 5.—

“(1) DIRECT REVIEW.—If an alien's application under section 245B, 245C, 245D, or 245F or section 2211 of the Agricultural Worker Program Act of 2013 is denied, or is revoked after the exhaustion of administrative appellate review under section 245E(c), the alien may seek review of such decision, in accordance with chapter 7 of title 5, United States Code, before the United States district court for the district in which the person resides.

“(2) STATUS DURING REVIEW.—While a review described in paragraph (1) is pending—

“(A) the alien shall not be deemed to accrue unlawful presence for purposes of section 212(a)(9);

“(B) any unexpired grant of voluntary departure under section 240B shall be tolled; and

“(C) the court shall have the discretion to stay the execution of any order of exclusion, deportation, or removal.

“(3) REVIEW AFTER REMOVAL PROCEEDINGS.—An alien may seek judicial review of a denial or revocation of approval of the alien's application under section 245B, 245C, or 245D in the appropriate United States court of appeal in conjunction with the judicial review of an order of removal, deportation, or exclusion if the validity of the denial has not been upheld in a prior judicial proceeding under paragraph (1).

“(4) STANDARD FOR JUDICIAL REVIEW.—

“(A) BASIS.—Judicial review of a denial, or revocation of an approval, of an application under section 245B, 245C, or 245D shall be based upon the administrative record established at the time of the review.

“(B) AUTHORITY TO REMAND.—The reviewing court may remand a case under this subsection to the Secretary for consideration of additional evidence if the court finds that—

“(i) the additional evidence is material; and

“(ii) there were reasonable grounds for failure to adduce the additional evidence before the Secretary.

“(C) SCOPE OF REVIEW.—Notwithstanding any other provision of law, judicial review of all questions arising from a denial, or revocation of an approval, of an application under section 245B, 245C, or 245D shall be governed by the standard of review set forth in section 706 of title 5, United States Code.

“(5) REMEDIAL POWERS.—

“(A) JURISDICTION.—Notwithstanding any other provision of law, the United States district courts shall have jurisdiction over any cause or claim arising from a pattern or practice of the Secretary in the operation or implementation of the Border Security, Economic Opportunity, and Immigration Modernization Act, or the amendments made by such Act, that is arbitrary, capricious, or otherwise contrary to law.

“(B) SCOPE OF RELIEF.—The United States district courts may order any appropriate relief in a clause or claim described in subparagraph (A) without regard to exhaustion, ripeness, or other standing requirements (other than constitutionally-mandated requirements), if the court determines that—

“(i) the resolution of such cause or claim will serve judicial and administrative efficiency; or

“(ii) a remedy would otherwise not be reasonably available or practicable.

“(6) CHALLENGES TO THE VALIDITY OF THE SYSTEM.—

“(A) IN GENERAL.—Except as provided in paragraph (5), any claim that section 245B, 245C, 245D, or 245E or any regulation, written policy, or written directive, issued or unwritten policy or practice initiated by or under the authority of the Secretary to implement such sections, violates the Constitution of the United States or is otherwise in violation of law is available exclusively in an action instituted in United States District Court in accordance with the procedures prescribed in this paragraph.

“(B) SAVINGS PROVISION.—Except as provided in subparagraph (C), nothing in subparagraph (A) may be construed to preclude an applicant under 245B, 245C, or 245D from asserting that an action taken or a decision made by the Secretary with respect to the applicant's status was contrary to law.

“(C) CLASS ACTIONS.—Any claim described in subparagraph (A) that is brought as a

class action shall be brought in conformity with—

“(i) the Class Action Fairness Act of 2005 (Public Law 109-2); and

“(ii) the Federal Rules of Civil Procedure.

“(D) PRECLUSIVE EFFECT.—The final disposition of any claim brought under subparagraph (A) shall be preclusive of any such claim asserted by the same individual in a subsequent proceeding under this subsection.

“(E) EXHAUSTION AND STAY OF PROCEEDINGS.—

“(i) IN GENERAL.—No claim brought under this paragraph shall require the plaintiff to exhaust administrative remedies under section 245E(c).

“(ii) STAY AUTHORIZED.—Nothing in this paragraph may be construed to prevent the court from staying proceedings under this paragraph to permit the Secretary to evaluate an allegation of an unwritten policy or practice or to take corrective action. In determining whether to issue such a stay, the court shall take into account any harm the stay may cause to the claimant.”.

(C) RULE OF CONSTRUCTION.—Section 244(h) of the Immigration and Nationality Act (8 U.S.C. 1254a(h)) shall not limit the authority of the Secretary to adjust the status of an alien under section 245C or 245D of the Immigration and Nationality Act, as added by this subtitle.

(D) EFFECT OF FAILURE TO REGISTER ON ELIGIBILITY FOR IMMIGRATION BENEFITS.—Failure to comply with section 264.1(f) of title 8, Code of Federal Regulations or with removal orders or voluntary departure agreements based on such section for acts committed before the date of the enactment of this Act shall not affect the eligibility of an alien to apply for a benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(E) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 245A the following:

“Sec. 245B. Adjustment of status of eligible entrants before December 31, 2011, to that of registered provisional immigrant.

“Sec. 245C. Adjustment of status of registered provisional immigrants.

“Sec. 245D. Adjustment of status for certain aliens who entered the United States as children.

“Sec. 245E. Additional requirements relating to registered provisional immigrants and others.”.

#### SEC. 2105. CRIMINAL PENALTY.

(a) IN GENERAL.—Chapter 69 of title 18, United States Code, is amended by adding at the end the following:

“§ 1430. Improper use of information relating to registered provisional immigrant applications

“Any person who knowingly uses, publishes, or permits information described in section 245E(a) of the Immigration and Nationality Act to be examined in violation of such section shall be fined not more than \$10,000.”.

(b) DEPOSIT OF FINES.—All criminal penalties collected under section 1430 of title 18, United States Code, as added by subsection (a), shall be deposited into the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1).

(c) CLERICAL AMENDMENT.—The table of contents in chapter 69 of title 18, United States Code, is amended by adding at the end the following:

“1430. Improper use of information relating to registered provisional immigrant applications.”.

#### SEC. 2106. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.

(a) ESTABLISHMENT.—The Secretary may establish, within U.S. Citizenship and Immigration Services, a program to award grants, on a competitive basis, to eligible nonprofit organizations that will use the funding to assist eligible applicants under section 245B, 245C, 245D, or 245F of the Immigration and Nationality Act or section 2211 of this Act by providing them with the services described in subsection (c).

(b) ELIGIBLE NONPROFIT ORGANIZATION.—The term “eligible nonprofit organization” means a nonprofit, tax-exempt organization, including a community, faith-based or other immigrant-serving organization, whose staff has demonstrated qualifications, experience, and expertise in providing quality services to immigrants, refugees, persons granted asylum, or persons applying for such statuses.

(c) USE OF FUNDS.—Grant funds awarded under this section may be used for the design and implementation of programs that provide—

(1) information to the public regarding the eligibility and benefits of registered provisional immigrant status authorized under section 245B of the Immigration and Nationality Act and blue card status authorized under section 2211, particularly to individuals potentially eligible for such status;

(2) assistance, within the scope of authorized practice of immigration law, to individuals submitting applications for registered provisional immigrant status or blue card status, including—

(A) screening prospective applicants to assess their eligibility for such status;

(B) completing applications and petitions, including providing assistance in obtaining the requisite documents and supporting evidence;

(C) applying for any waivers for which applicants and qualifying family members may be eligible; and

(D) providing any other assistance that the Secretary or grantees consider useful or necessary to apply for registered provisional immigrant status or blue card status;

(3) assistance, within the scope of authorized practice of immigration law, to individuals seeking to adjust their status to that of an alien admitted for permanent residence under section 245C or 245F of the Immigration and Nationality Act; and

(4) assistance, within the scope of authorized practice of immigration law, and instruction, to individuals—

(A) on the rights and responsibilities of United States citizenship;

(B) in civics and civics-based English as a second language; and

(C) in applying for United States citizenship.

(d) SOURCE OF GRANT FUNDS.—

(1) APPLICATION FEES.—The Secretary may use up to \$50,000,000 from the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1) to carry out this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) AMOUNTS AUTHORIZED.—In addition to the amounts made available under paragraph (1), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2014 through 2018 to carry out this section.

(B) AVAILABILITY.—Any amounts appropriated pursuant to subparagraph (A) shall remain available until expended.

#### SEC. 2107. CONFORMING AMENDMENTS TO THE SOCIAL SECURITY ACT.

(a) CORRECTION OF SOCIAL SECURITY RECORDS.—

(1) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(A) in subparagraph (B)(ii), by striking “or” at the end;

(B) in subparagraph (C), by striking the comma at the end and inserting a semicolon;

(C) by inserting after subparagraph (C) the following:

“(D) who is granted status as a registered provisional immigrant under section 245B or 245D of the Immigration and Nationality Act; or

“(E) whose status is adjusted to that of lawful permanent resident under section 245C of the Immigration and Nationality Act;”;

and

(D) in the undesignated matter at the end, by inserting “, or in the case of an alien described in subparagraph (D) or (E), if such conduct is alleged to have occurred before the date on which the alien submitted an application under section 245B of such Act for classification as a registered provisional immigrant” before the period at the end.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the first day of the tenth month that begins after the date of the enactment of this Act.

(b) STATE DISCRETION REGARDING TERMINATION OF PARENTAL RIGHTS.—

(1) IN GENERAL.—A compelling reason for a State not to file (or to join in the filing of) a petition to terminate parental rights under section 475(5)(E) of the Social Security Act (42 U.S.C. 675(5)(E)) shall include—

(A) the removal of the parent from the United States, unless the parent is unfit or unwilling to be a parent of the child; or

(B) the involvement of the parent in (including detention pursuant to) an immigration proceeding, unless the parent is unfit or unwilling to be a parent of the child.

(2) CONDITIONS.—Before a State may file to terminate the parental rights under such section 475(5)(E), the State (or the county or other political subdivision of the State, as applicable) shall make reasonable efforts—

(A) to identify, locate, and contact (including, if appropriate, through the diplomatic or consular offices of the country to which the parent was removed or in which a parent or relative resides)—

(i) any parent of the child who is in immigration detention;

(ii) any parent of the child who has been removed from the United States; and

(iii) if possible, any potential adult relative of the child (as described in section 471(a)(29));

(B) to notify such parent or relative of the intent of the State (or the county or other political subdivision of the State, as applicable) to file (or to join in the filing of) a petition referred to in paragraph (1); or

(C) to reunify the child with any such parent or relative; and

(D) to provide and document appropriate services to the parent or relative.

(3) CONFORMING AMENDMENT.—Section 475(5)(E)(ii) of the Social Security Act (42 U.S.C. 675(5)(E)) is amended by inserting “, including the reason set forth in section 2107(b)(1) of the Border Security, Economic Opportunity, and Immigration Modernization Act” after “child”.

(c) CHILDREN SEPARATED FROM PARENTS AND CAREGIVERS.—

(1) STATE PLAN FOR FOSTER CARE AND ADOPTION ASSISTANCE.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(A) by amending paragraph (19) to read as follows:

“(19) provides that the State shall give preference to an adult relative over a non-related caregiver when determining a placement for a child if—

“(A) the relative caregiver meets all relevant State child protection standards; and

“(B) the standards referred to in subparagraph (A) ensure that the immigration status alone of a parent, legal guardian, or relative shall not disqualify the parent, legal guardian, or relative from being a placement for a child;”;

and

(B) in paragraph (32), by striking “and” at the end;

(C) in paragraph (33), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(34) provides that the State shall—

“(A) ensure that the case manager for a separated child is capable of communicating in the native language of such child and of the family of such child, or an interpreter who is so capable is provided to communicate with such child and the family of such child at no cost to the child or to the family of such child;

“(B) coordinate with the Department of Homeland Security to ensure that parents who wish for their child to accompany them to their country of origin are given adequate time and assistance to obtain a passport and visa, and to collect all relevant vital documents, such as birth certificate, health, and educational records and other information;

“(C) coordinate with State agencies regarding alternate documentation requirements for a criminal records check or a fingerprint-based check for a caregiver that does not have Federal or State-issued identification;

“(D) preserve, to the greatest extent practicable, the privacy and confidentiality of all information gathered in the course of administering the care, custody, and placement of, and follow up services provided to, a separated child, consistent with the best interest of such child, by not disclosing such information to other government agencies or persons (other than a parent, legal guardian, or relative caregiver or such child), except that the head of the State agency (or the county or other political subdivision of the State, as applicable) may disclose such information, after placing a written record of the disclosure in the file of the child—

“(i) to a consular official for the purpose of reunification of a child with a parent, legal guardian, or relative caregiver who has been removed or is involved in an immigration proceeding, unless the child has refused contact with, or the sharing of personal or identifying information with, the government of his or her country of origin;

“(ii) when authorized to do so by the child (if the child has attained 18 years of age) if the disclosure is consistent with the best interest of the child; or

“(iii) to a law enforcement agency if the disclosure would prevent imminent and serious harm to another individual; and

“(E) not less frequently than annually, compile, update, and publish a list of entities in the State that are qualified to provide legal representation services for a separated child, in a language such that a child can read and understand.”.

(2) ADDITIONAL INFORMATION TO BE INCLUDED IN CASE PLAN.—Section 475 of such Act (42 U.S.C. 675) is amended—

(A) in paragraph (1), by adding at the end the following:

“(H) In the case of a separated child with respect to whom the State plan requires the State to provide services under section 471(a)(34)—

“(i) the location of the parent or legal guardian described in paragraph (9)(A) from whom the child has been separated; and

“(ii) a written record of each disclosure to a government agency or person (other than such a parent, legal guardian, or relative) of information gathered in the course of tracking the care, custody, and placement of, and follow-up services provided to, the child.”;

and

(B) by adding at the end the following:

“(9) The term ‘separated child’ means an individual who—

“(A) has a parent or legal guardian who has been—

“(i) detained by a Federal, State, or local law enforcement agency in the enforcement of an immigration law; or

“(ii) removed from the United States as a result of a violation of such a law; and

“(B) is in foster care under the responsibility of a State.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the 1st day of the 1st calendar quarter that begins after the 1-year period that begins on the date of the enactment of this Act.

(d) PRECLUSION OF SOCIAL SECURITY CREDITS FOR PERIODS WITHOUT WORK AUTHORIZATION.—

(1) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following new subsection:

“(d) INSURED STATUS.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year—

“(A) beginning after December 31, 2003, and before January 1, 2014, with respect to an individual who has been granted registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act; or

“(B) beginning after December 31, 2003, and before January 1, 2014, in which an individual earned such quarter of coverage while present under an expired nonimmigrant visa, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner by the individual, that the individual was authorized to be employed in the United States during such quarter.

“(2) EXCEPTION.—Paragraph (1) shall not apply to an individual who was assigned a social security account number before January 1, 2004.

(3) ATTESTATION OF WORK AUTHORIZATION.—

“(A) IN GENERAL.—For purposes of paragraph (1), if an individual is unable to obtain or produce sufficient evidence or documentation that the individual was authorized to be employed in the United States during a quarter, the individual may submit an attestation to the Commissioner of Social Security that the individual was authorized to be employed in the United States during such quarter and that sufficient evidence or documentation of such authorization cannot be obtained by the individual.

“(B) PENALTY.—Any individual who knowingly submits a false attestation described in subparagraph (A) shall be subject to the penalties under section 1041 of title 18, United States Code.”.

(2) BENEFIT COMPUTATION.—Section 215(e) of the Social Security Act (42 U.S.C. 415(e)) is amended—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and



(C) by adding at the end the following:

“(3) in computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).”.

(3) CONFORMING AMENDMENT.—Section 223(c)(1) of the Social Security Act (42 U.S.C. 423(c)(1)) is amended in the flush matter at the end by inserting “the individual does not satisfy the criterion specified in section 214(d) or” after “part of any period if”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to benefit applications filed on or after the date that is 180 days after the date of the enactment of this Act based on the wages or self-employment income of an individual with respect to whom a primary insurance amount has not been determined under title II of the Social Security Act (42 U.S.C. 401 et seq.) before such date.

#### SEC. 2108. GOVERNMENT CONTRACTING AND ACQUISITION OF REAL PROPERTY INTEREST.

(a) EXEMPTION FROM GOVERNMENT CONTRACTING AND HIRING RULES.—

(1) IN GENERAL.—A determination by a Federal agency to use a procurement competition exemption under section 253(c) of title 41, United States Code, or to use the authority granted in paragraph (2), for the purpose of implementing this title and the amendments made by this title is not subject to challenge by protest to the Government Accountability Office under sections 3551 and 3556 of title 31, United States Code, or to the Court of Federal Claims, under section 1491 of title 28, United States Code. An agency shall immediately advise the Congress of the exercise of the authority granted under this paragraph.

(2) GOVERNMENT CONTRACTING EXEMPTION.—The competition requirement under section 253(a) of title 41, United States Code, may be waived or modified by a Federal agency for any procurement conducted to implement this title or the amendments made by this title if the senior procurement executive for the agency conducting the procurement—

(A) determines that the waiver or modification is necessary; and

(B) submits an explanation for such determination to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(3) HIRING RULES EXEMPTION.—Notwithstanding any other provision of law, the Secretary is authorized to make term, temporary limited, and part-time appointments of employees who will implement this title and the amendments made by this title without regard to the number of such employees, their ratio to permanent full-time employees, and the duration of their employment. Nothing in chapter 71 of title 5, United States Code, shall affect the authority of any Department management official to hire term, temporary limited or part-time employees under this paragraph.

(b) AUTHORITY TO WAIVE ANNUITY LIMITATIONS.—Section 824(g)(2)(B) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)(2)(B)) is amended by striking “2009” and inserting “2017”.

(c) AUTHORITY TO ACQUIRE LEASEHOLDS.—Notwithstanding any other provision of law, the Secretary may acquire a leasehold interest in real property, and may provide in a lease entered into under this subsection for the construction or modification of any fa-

cility on the leased property, if the Secretary determines that the acquisition of such interest, and such construction or modification, are necessary in order to facilitate the implementation of this title and the amendments made by this title.

#### SEC. 2109. LONG-TERM LEGAL RESIDENTS OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Section (6)(e) of the Joint Resolution entitled “A Joint Resolution to approve the ‘Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America’, and for other purposes”, approved March 24, 1976 (48 U.S.C. 1806(e)), as added by section 702 of the Consolidated Natural Resources Act of 2008 (Public Law 110-229; 122 Stat. 854), is amended by adding at the end the following:

“(6) SPECIAL PROVISION REGARDING LONG-TERM RESIDENTS OF THE COMMONWEALTH.—

“(A) CNMI-ONLY RESIDENT STATUS.—Notwithstanding paragraph (1), an alien described in subparagraph (B) may, upon the application of the alien, be admitted as an immigrant to the Commonwealth subject to the following rules:

“(i) The alien shall be treated as an immigrant lawfully admitted for permanent residence in the Commonwealth only, including permitting entry to and exit from the Commonwealth, until the earlier of the date on which—

“(I) the alien ceases to permanently reside in the Commonwealth; or

“(II) the alien’s status is adjusted under this paragraph or section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) to that of an alien lawfully admitted for permanent residence in accordance with all applicable eligibility requirements.

“(ii) The Secretary of Homeland Security shall establish a process for such aliens to apply for CNMI-only permanent resident status during the 90-day period beginning on the first day of the sixth month after the date of the enactment of this paragraph.

“(iii) Nothing in this subparagraph may be construed to provide any alien granted status under this subparagraph with public assistance to which the alien is not otherwise entitled.

“(B) ALIENS DESCRIBED.—An alien is described in this subparagraph if the alien—

“(i) is lawfully present in the Commonwealth under the immigration laws of the United States;

“(ii) is otherwise admissible to the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.);

“(iii) resided continuously and lawfully in the Commonwealth from November 28, 2009, through the date of the enactment of this paragraph;

“(iv) is not a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau; and

“(v)(I) was born in the Northern Mariana Islands between January 1, 1974 and January 9, 1978;

“(II) was, on May 8, 2008, and continues to be as of the date of the enactment of this paragraph, a permanent resident (as defined in section 4303 of title 3 of the Northern Mariana Islands Commonwealth Code, in effect on May 8, 2008);

“(III) is the spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1))), of an alien described in subclauses (I) or (II);

“(IV) was, on May 8, 2008, an immediate relative (as defined in section 4303 of title 3 of the Northern Mariana Islands Common-

wealth Code, in effect on May 8, 2008, of a United States citizen, notwithstanding the age of the United States citizen, and continues to be such an immediate relative on the date of the application described in subparagraph (A);

“(V) resided in the Northern Mariana Islands as a guest worker under Commonwealth immigration law for at least 5 years before May 8, 2008 and is presently resident under CW-1 status; or

“(VI) is the spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1))), of the alien guest worker described in subclause (V) and is presently resident under CW-2 status.

“(C) ADJUSTMENT FOR LONG TERM AND PERMANENT RESIDENTS.—Beginning on the date that is 5 years after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, an alien described in subparagraph (B) may apply to receive an immigrant visa or to adjust his or her status to that of an alien lawfully admitted for permanent residence.”.

#### SEC. 2110. RULEMAKING.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary, the Attorney General, and the Secretary of State separately shall issue interim final regulations to implement this subtitle and the amendments made by this subtitle, which shall take effect immediately upon publication in the Federal Register.

(b) APPLICATION PROCEDURES; PROCESSING FEES; DOCUMENTATION.—The interim final regulations issued under subsection (a) shall include—

(1) the procedures by which an alien, and the dependent spouse and children of such alien may apply for status under section 245B of the Immigration and Nationality Act, as added by section 2101 of this Act, as a registered provisional immigrant or a registered provisional immigrant dependent, as applicable, including the evidence required to demonstrate eligibility for such status or to be included in each application for such status;

(2) the criteria to be used by the Secretary to determine—

(A) the maximum processing fee payable under sections 245B(c)(10)(B) and 245C(c)(5)(A) of such Act by a family, including spouses and unmarried children younger than 21 years of age; and

(B) which individuals will be exempt from such fees;

(3) the documentation required to be submitted by the applicant to demonstrate compliance with section 245C(b)(3) of such Act; and

(4) the procedures for a registered provisional immigrant to apply for adjustment of status under section 245C or 245D of such Act, including the evidence required to be submitted with such application to demonstrate the applicant’s eligibility for such adjustment.

(c) EXEMPTION FROM NATIONAL ENVIRONMENTAL POLICY ACT.—Any decision by the Secretary concerning any rulemaking action, plan, or program described in this section shall not be considered to be a major Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

#### SEC. 2111. STATUTORY CONSTRUCTION.

Except as specifically provided, nothing in this subtitle, or any amendment made by this subtitle, may be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.



**Subtitle B—Agricultural Worker Program****SEC. 2201. SHORT TITLE.**

This subtitle may be cited as the “Agricultural Worker Program Act of 2013”.

**SEC. 2202. DEFINITIONS.**

In this subtitle:

(1) **BLUE CARD STATUS.**—The term “blue card status” means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 2211.

(2) **AGRICULTURAL EMPLOYMENT.**—The term “agricultural employment” has the meaning given such term in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802), without regard to whether the specific service or activity is temporary or seasonal.

(3) **CHILD.**—The term “child” has the meaning given the term in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)).

(4) **EMPLOYER.**—The term “employer” means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(5) **QUALIFIED DESIGNATED ENTITY.**—The term “qualified designated entity” means—

(A) a qualified farm labor organization or an association of employers designated by the Secretary; or

(B) any other entity that the Secretary designates as having substantial experience, demonstrated competence, and a history of long-term involvement in the preparation and submission of application for adjustment of status under title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.).

(6) **WORK DAY.**—The term “work day” means any day in which the individual is employed 5.75 or more hours in agricultural employment.

**CHAPTER 1—PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS****Subchapter A—Blue Card Status****SEC. 2211. REQUIREMENTS FOR BLUE CARD STATUS.**

(a) **REQUIREMENTS FOR BLUE CARD STATUS.**—Notwithstanding any other provision of law, the Secretary, after conducting the national security and law enforcement clearances required under section 245B(c)(4), may grant blue card status to an alien who—

(1)(A) performed agricultural employment in the United States for not fewer than 575 hours or 100 work days during the 2-year period ending on December 31, 2012; or

(B) is the spouse or child of an alien described in subparagraph (A) and was physically present in the United States on or before December 31, 2012, and has maintained continuous presence in the United States from that date until the date on which the alien is granted blue card status, with the exception of absences from the United States that are brief, casual, and innocent, whether or not such absences were authorized by the Secretary;

(2) submits a completed application before the end of the period set forth in subsection (b)(2); and

(3) is not ineligible under paragraph (3) or (4) of section 245B(b) of the Immigration and Nationality Act (other than a nonimmigrant alien admitted to the United States for agricultural employment described in section 101(a)(15)(H)(ii)(a) of such Act.

(b) **APPLICATION.**—

(1) **IN GENERAL.**—An alien who meets the eligibility requirements set forth in subsection (a)(1), may apply for blue card status

and that alien’s spouse or child may apply for blue card status as a dependent, by submitting a completed application form to the Secretary during the application period set forth in paragraph (2) in accordance with the final rule promulgated by the Secretary pursuant to subsection (e).

(2) **SUBMISSION.**—The Secretary shall provide that the alien shall be able to submit an application under paragraph (1)—

(A) if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(B) to a qualified entity if the applicant consents to the forwarding of the application to the Secretary.

(3) **APPLICATION PERIOD.**—

(A) **INITIAL PERIOD.**—Except as provided in subparagraph (B), the Secretary may only accept applications for blue card status for a 1-year period from aliens in the United States beginning on the date on which the final rule is published in the Federal Register pursuant to subsection (f), except that qualified nonimmigrants who have participated in the H-2A Program may apply from outside of the United States.

(B) **EXTENSION.**—If the Secretary determines, during the initial period described in subparagraph (A), that additional time is required to process applications for blue card status or for other good cause, the Secretary may extend the period for accepting applications for an additional 18 months.

(4) **APPLICATION FORM.**—

(A) **REQUIRED INFORMATION.**—The application form referred to in paragraph (1) shall collect such information as the Secretary determines necessary and appropriate.

(B) **FAMILY APPLICATION.**—The Secretary shall establish a process through which an alien may submit a single application under this section on behalf of the alien, his or her spouse, and his or her children, who are residing in the United States.

(C) **INTERVIEW.**—The Secretary may interview applicants for blue card status to determine whether they meet the eligibility requirements set forth in subsection (a)(1).

(5) **ALIENS APPREHENDED BEFORE OR DURING THE APPLICATION PERIOD.**—If an alien, who is apprehended during the period beginning on the date of the enactment of this Act and ending on the application period described in paragraph (3), appears prima facie eligible for blue card status, the Secretary—

(A) shall provide the alien with a reasonable opportunity to file an application under this section during such application period; and

(B) may not remove the individual until a final administrative determination is made on the application.

(6) **SUSPENSION OF REMOVAL DURING APPLICATION PERIOD.**—

(A) **PROTECTION FROM DETENTION OR REMOVAL.**—An alien granted blue card status may not be detained by the Secretary or removed from the United States unless—

(i) such alien is, or has become, ineligible for blue card status; or

(ii) the alien’s blue card status has been revoked.

(B) **ALIENS IN REMOVAL PROCEEDINGS.**—Notwithstanding any other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)—

(i) if the Secretary determines that an alien, during the period beginning on the date of the enactment of this section and ending on the last day of the application pe-

riod described in paragraph (2), is in removal, deportation, or exclusion proceedings before the Executive Office for Immigration Review and is prima facie eligible for blue card status under this section—

(I) the Secretary shall provide the alien with the opportunity to file an application for such status; and

(II) upon motion by the Secretary and with the consent of the alien or upon motion by the alien, the Executive Office for Immigration Review shall—

(aa) terminate such proceedings without prejudice to future proceedings on any basis; and

(bb) provide the alien a reasonable opportunity to apply for such status; and

(ii) if the Executive Office for Immigration Review determines that an alien, during the application period described in paragraph (2), is in removal, deportation, or exclusion proceedings before the Executive Office for Immigration Review and is prima facie eligible for blue card status under this section—

(I) the Executive Office of Immigration Review shall notify the Secretary of such determination; and

(II) if the Secretary does not dispute the determination of prima facie eligibility within 7 days after such notification, the Executive Office for Immigration Review, upon consent of the alien, shall—

(aa) terminate such proceedings without prejudice to future proceedings on any basis; and

(bb) permit the alien a reasonable opportunity to apply for such status.

(C) **TREATMENT OF CERTAIN ALIENS.**—

(i) **IN GENERAL.**—If an alien who meets the eligibility requirements set forth in subsection (a) is present in the United States and has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of this Act—

(I) notwithstanding such order or section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)), the alien may apply for blue card status under this section; and

(II) if the alien is granted such status, the alien shall file a motion to reopen the exclusion, deportation, removal, or voluntary departure order, which motion shall be granted unless 1 or more of the grounds of ineligibility is established by clear and convincing evidence.

(ii) **LIMITATIONS ON MOTIONS TO REOPEN.**—The limitations on motions to reopen set forth in section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(7)) shall not apply to motions filed under clause (i)(II).

(D) **PERIOD PENDING ADJUDICATION OF APPLICATION.**—

(i) **IN GENERAL.**—During the period beginning on the date on which an alien applies for blue card status under this subsection and the date on which the Secretary makes a final decision regarding such application, the alien—

(I) may receive advance parole to reenter the United States if urgent humanitarian circumstances compel such travel;

(II) may not be detained by the Secretary or removed from the United States unless the Secretary makes a prima facie determination that such alien is, or has become, ineligible for blue card status;

(III) shall not be considered unlawfully present for purposes of section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)); and

(IV) shall not be considered an unauthorized alien (as defined in section 274A(h)(3) of

the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

(i) EVIDENCE OF APPLICATION FILING.—As soon as practicable after receiving each application for blue card status, the Secretary shall provide the applicant with a document acknowledging the receipt of such application.

(iii) CONTINUING EMPLOYMENT.—An employer who knows an alien employee is an applicant for blue card status or will apply for such status once the application period commences is not in violation of section 274A(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(2)) if the employer continues to employ the alien pending the adjudication of the alien employee's application.

(iv) EFFECT OF DEPARTURE.—Section 101(g) of the Immigration and Nationality Act (8 U.S.C. 1101(g)) shall not apply to an alien granted—

(I) advance parole under clause (i)(I) to re-enter the United States; or

(II) blue card status.

(7) SECURITY AND LAW ENFORCEMENT CLEARANCES.—

(A) BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not grant blue card status to an alien or an alien dependent spouse or child under this section unless such alien submits biometric and biographic data in accordance with procedures established by the Secretary.

(B) ALTERNATIVE PROCEDURES.—The Secretary shall provide an alternative procedure for applicants who cannot provide the standard biometric data required under subparagraph (A) because of a physical impairment.

(C) CLEARANCES.—

(i) DATA COLLECTION.—The Secretary shall collect, from each alien applying for status under this section, biometric, biographic, and other data that the Secretary determines to be appropriate—

(I) to conduct national security and law enforcement clearances; and

(II) to determine whether there are any national security or law enforcement factors that would render an alien ineligible for such status.

(ii) PREREQUISITE.—The required clearances described in clause (i)(I) shall be completed before the alien may be granted blue card status.

(8) DURATION OF STATUS.—After the date that is 8 years after the date regulations are published under this section, no alien may remain in blue card status.

(9) FEES AND PENALTIES.—

(A) STANDARD PROCESSING FEE.—

(i) IN GENERAL.—Aliens who are 16 years of age or older and are applying for blue card status under paragraph (2), or for an extension of such status, shall pay a processing fee to the Department in an amount determined by the Secretary.

(ii) RECOVERY OF COSTS.—The processing fee authorized under clause (i) shall be set at a level that is sufficient to recover the full costs of processing the application, including any costs incurred—

(I) to adjudicate the application;

(II) to take and process biometrics;

(III) to perform national security and criminal checks, including adjudication;

(IV) to prevent and investigate fraud; and

(V) to administer the collection of such fee.

(iii) AUTHORITY TO LIMIT FEES.—The Secretary, by regulation, may—

(I) limit the maximum processing fee payable under this subparagraph by a family, including spouses and unmarried children younger than 21 years of age; and

(II) exempt defined classes of individuals from the payment of the fee authorized under clause (i).

(B) DEPOSIT AND USE OF PROCESSING FEES.—Fees collected pursuant to subparagraph (A)(i)—

(i) shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m); and

(ii) shall remain available until expended pursuant to section 286(n).

(C) PENALTY.—

(i) PAYMENT.—In addition to the processing fee required under subparagraph (A), aliens who are 21 years of age or older and are applying for blue card status under paragraph (2) shall pay a \$100 penalty to the Department.

(ii) DEPOSIT.—Penalties collected pursuant to clause (i) shall be deposited into the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1).

(10) ADJUDICATION.—

(A) FAILURE TO SUBMIT SUFFICIENT EVIDENCE.—The Secretary shall deny an application submitted by an alien who fails to submit—

(i) requested initial evidence, including requested biometric data; or

(ii) any requested additional evidence by the date required by the Secretary.

(B) AMENDED APPLICATION.—An alien whose application for blue card status is denied under subparagraph (A) may file an amended application for such status to the Secretary if the amended application—

(i) is filed within the application period described in paragraph (3); and

(ii) contains all the required information and fees that were missing from the initial application.

(11) EVIDENCE OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary shall issue documentary evidence of blue card status to each alien whose application for such status has been approved.

(B) DOCUMENTATION FEATURES.—Documentary evidence provided under subparagraph (A)—

(i) shall be machine-readable and tamper-resistant, and shall contain a digitized photograph;

(ii) shall, during the alien's authorized period of admission, and any extension of such authorized admission, serve as a valid travel and entry document for the purpose of applying for admission to the United States;

(iii) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(B)); and

(iv) shall include such other features and information as the Secretary may prescribe.

(c) TERMS AND CONDITIONS OF BLUE CARD STATUS.—

(1) CONDITIONS OF BLUE CARD STATUS.—

(A) EMPLOYMENT.—Notwithstanding any other provision of law, including section 241(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(7)), an alien with blue card status shall be authorized to be employed in the United States while in such status.

(B) TRAVEL OUTSIDE THE UNITED STATES.—An alien with blue card status may travel outside of the United States and may be admitted, if otherwise admissible, upon returning to the United States without having to obtain a visa if—

(i) the alien is in possession of—

(I) valid, unexpired documentary evidence of blue card status that complies with subsection (b)(11); or

(II) a travel document that has been approved by the Secretary and was issued to the alien after the alien's original documentary evidence was lost, stolen, or destroyed;

(ii) the alien's absence from the United States did not exceed 180 days, unless the alien's failure to timely return was due to extenuating circumstances beyond the alien's control; and

(iii) the alien establishes that the alien is not inadmissible under subparagraph (A)(i), (A)(iii), (B), or (C) of section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)).

(C) ADMISSION.—An alien granted blue card status shall be considered to have been admitted in such status as of the date on which the alien's application was filed.

(D) CLARIFICATION OF STATUS.—An alien granted blue card status—

(i) is lawfully admitted to the United States; and

(ii) may not be classified as a non-immigrant or as an alien who has been lawfully admitted for permanent residence.

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary may revoke blue card status at any time after providing appropriate notice to the alien, and after the exhaustion or waiver of all applicable administrative review procedures under section 245E(c) of the Immigration and Nationality Act, as added by section 2104(a) of this Act, if the alien—

(i) no longer meets the eligibility requirements for blue card status;

(ii) knowingly used documentation issued under this section for an unlawful or fraudulent purpose; or

(iii) was absent from the United States for—

(I) any single period longer than 180 days in violation of the requirement under paragraph (1)(B)(ii); or

(II) for more than 180 days in the aggregate during any calendar year, unless the alien's failure to timely return was due to extenuating circumstances beyond the alien's control.

(B) ADDITIONAL EVIDENCE.—

(i) IN GENERAL.—In determining whether to revoke an alien's status under subparagraph (A), the Secretary may require the alien—

(I) to submit additional evidence; or

(II) to appear for an interview.

(ii) EFFECT OF NONCOMPLIANCE.—The status of an alien who fails to comply with any requirement imposed by the Secretary under clause (i) shall be revoked unless the alien demonstrates to the Secretary's satisfaction that such failure was reasonably excusable.

(C) INVALIDATION OF DOCUMENTATION.—If an alien's blue card status is revoked under subparagraph (A), any documentation issued by the Secretary to such alien under subsection (b)(11) shall automatically be rendered invalid for any purpose except for departure from the United States.

(3) INELIGIBILITY FOR PUBLIC BENEFITS.—An alien who has been granted blue card status is not eligible for any Federal means-tested public benefit (as such term is defined and implemented in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613)).

(4) TREATMENT OF BLUE CARD STATUS.—A noncitizen granted blue card status shall be considered lawfully present in the United States for all purposes while such noncitizen remains in such status, except that the noncitizen—

(A) is not entitled to the premium assistance tax credit authorized under section 36B of the Internal Revenue Code of 1986 for his or her coverage;

(B) shall be subject to the rules applicable to individuals who are not lawfully present set forth in subsection (e) of such section;

(C) shall be subject to the rules applicable to individuals who are not lawfully present set forth in section 1402(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(e)); and

(D) shall be subject to the rules applicable to individuals not lawfully present set forth in section 5000A(d)(3) of the Internal Revenue Code of 1986.

(5) **ADJUSTMENT TO REGISTERED PROVISIONAL IMMIGRANT STATUS.**—The Secretary may adjust the status of an alien who has been granted blue card status to the status of a registered provisional immigrant under section 245B of the Immigration and Nationality Act if the Secretary determines that the alien is unable to fulfill the agricultural service requirement set forth in section 245F(a)(1) of such Act.

(d) **RECORD OF EMPLOYMENT.**—

(1) **IN GENERAL.**—Each employer of an alien granted blue card status shall annually provide—

(A) a written record of employment to the alien; and

(B) a copy of such record to the Secretary of Agriculture.

(2) **CIVIL PENALTIES.**—

(A) **IN GENERAL.**—If the Secretary finds, after notice and an opportunity for a hearing, that an employer of an alien granted blue card status has knowingly failed to provide the record of employment required under paragraph (1) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil penalty in an amount not to exceed \$500 per violation.

(B) **LIMITATION.**—The penalty under subparagraph (A) for failure to provide employment records shall not apply unless the alien has provided the employer with evidence of employment authorization provided under subsection (c).

(C) **DEPOSIT OF CIVIL PENALTIES.**—Civil penalties collected under this paragraph shall be deposited in the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1).

(3) **TERMINATION OF OBLIGATION.**—The obligation under paragraph (1) shall terminate on the date that is 8 years after the date of the enactment of this Act.

(4) **EMPLOYER PROTECTIONS.**—

(A) **USE OF EMPLOYMENT RECORDS.**—Copies of employment records or other evidence of employment provided by an alien or by an alien's employer in support of an alien's application for blue card status may not be used in a civil or criminal prosecution or investigation of that employer under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) or the Internal Revenue Code of 1986 for the prior unlawful employment of that alien regardless of the adjudication of such application or reconsideration by the Secretary of such alien's prima facie eligibility determination. Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for blue card status shall not be subject to civil and criminal liability pursuant to such section 274A for employing such unauthorized aliens.

(B) **LIMIT ON APPLICABILITY.**—The protections for employers and aliens under subparagraph (A) shall not apply if the aliens or employers submit employment records that are deemed to be fraudulent.

(e) **RULEMAKING.**—Not later than 1 year after the date of the enactment of this Act,

the Secretary, in consultation with the Secretary of Agriculture, shall issue final regulations to implement this chapter.

**SEC. 2212. ADJUSTMENT TO PERMANENT RESIDENT STATUS.**

(a) **IN GENERAL.**—Chapter 5 of title II (8 U.S.C. 1255 et seq.) is amended by inserting after section 245E, as added by section 2104 of this Act, the following:

**“SEC. 245F. ADJUSTMENT TO PERMANENT RESIDENT STATUS FOR AGRICULTURAL WORKERS.**

“(a) **IN GENERAL.**—Except as provided in subsection (b), and not earlier than 5 years after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

“(1) **QUALIFYING EMPLOYMENT.**—Except as provided in paragraph (3), the alien—

“(A) during the 8-year period beginning on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, performed not less than 100 work days of agricultural employment during each of 5 years; or

“(B) during the 5-year period beginning on such date of enactment, performed not less than 150 work days of agricultural employment during each of 3 years.

“(2) **EVIDENCE.**—An alien may demonstrate compliance with the requirement under paragraph (1) by submitting—

“(A) the record of employment described in section 2211(d) of the Border Security, Economic Opportunity, and Immigration Modernization Act;

“(B) documentation that may be submitted under subsection (e)(4); or

“(C) any other documentation designated by the Secretary for such purpose.

“(3) **EXTRAORDINARY CIRCUMSTANCES.**—

“(A) **IN GENERAL.**—In determining whether an alien has met the requirement under paragraph (1), the Secretary may credit the alien with not more than 12 additional months of agricultural employment in the United States to meet such requirement if the alien was unable to work in agricultural employment due to—

“(i) pregnancy, disabling injury, or disease that the alien can establish through medical records;

“(ii) illness, disease, or other special needs of a child that the alien can establish through medical records;

“(iii) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time; or

“(iv) termination from agricultural employment, if the Secretary determines that—

“(I) the termination was without just cause; and

“(II) the alien was unable to find alternative agricultural employment after a reasonable job search.

“(B) **EFFECT OF DETERMINATION.**—A determination under subparagraph (A)(iv), with respect to an alien, shall not be conclusive, binding, or admissible in a separate or subsequent judicial or administrative action or proceeding between the alien and a current or prior employer of the alien or any other party.

“(4) **APPLICATION PERIOD.**—The alien applies for adjustment of status before the alien's blue card status expires.

“(5) **FINE.**—The alien pays a fine of \$400 to the Secretary, which shall be deposited into

the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1) of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(b) **GROUND FOR DENIAL OF ADJUSTMENT OF STATUS.**—

“(1) **IN GENERAL.**—The Secretary may not adjust the status of an alien granted blue card status if the alien—

“(A) is no longer eligible for blue card status; or

“(B) failed to perform the qualifying employment requirement under subsection (a)(1), considering any amount credited by the Secretary under subsection (a)(3).

“(2) **MAINTENANCE OF WAIVERS OF INADMISSIBILITY.**—The grounds of inadmissibility set forth in section 212(a) that were previously waived for the alien or made inapplicable shall not apply for purposes of the alien's adjustment of status under this section.

“(3) **PENDING REVOCATION PROCEEDINGS.**—If the Secretary has notified the applicant that the Secretary intends to revoke the applicant's blue card status, the Secretary may not approve an application for adjustment of status under this section unless the Secretary makes a final determination not to revoke the applicant's status.

“(4) **PAYMENT OF TAXES.**—

“(A) **IN GENERAL.**—An applicant may not file an application for adjustment of status under this section unless the applicant has satisfied any applicable Federal tax liability.

“(B) **DEFINITION OF APPLICABLE FEDERAL TAX LIABILITY.**—In this paragraph, the term ‘applicable federal tax liability’ means all Federal income taxes assessed in accordance with section 6203 of the Internal Revenue Code of 1986 since the date on which the applicant was authorized to work in the United States in blue card status.

“(C) **COMPLIANCE.**—The applicant may demonstrate compliance with subparagraph (A) by submitting such documentation as the Secretary, in consultation with the Secretary of the Treasury, may require by regulation.

“(c) **SPOUSES AND CHILDREN.**—Notwithstanding any other provision of law, the Secretary shall grant permanent resident status to the spouse or child of an alien whose status was adjusted under subsection (a) if—

“(1) the spouse or child (including any individual who was a child on the date such alien was granted blue card status) applies for such status;

“(2) the principal alien includes the spouse and children in an application for adjustment of status to that of a lawful permanent resident; and

“(3) the spouse or child is not ineligible for such status under section 245B.

“(d) **NUMERICAL LIMITATIONS DO NOT APPLY.**—The numerical limitations under sections 201 and 202 shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

“(e) **SUBMISSION OF APPLICATIONS.**—

“(1) **INTERVIEW.**—The Secretary may interview applicants for adjustment of status under this section to determine whether they meet the eligibility requirements set forth in this section.

“(2) **FEES.**—

“(A) **IN GENERAL.**—Applicants for adjustment of status under this section shall pay a processing fee to the Secretary in an amount that will ensure the recovery of the full costs of adjudicating such applications, including—

“(i) the cost of taking and processing biometrics;

“(ii) expenses relating to prevention and investigation of fraud; and

“(iii) costs relating to the administration of the fees collected.

“(B) **AUTHORITY TO LIMIT FEES.**—The Secretary, by regulation—

“(i) may limit the maximum processing fee payable under this paragraph by a family, including spouses and unmarried children younger than 21 years of age; and

“(ii) may exempt individuals described in section 245B(c)(10) and other defined classes of individuals from the payment of the fee under subparagraph (A).

“(3) **DISPOSITION OF FEES.**—All fees collected under paragraph (2)(A)—

“(A) shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m); and

“(B) shall remain available until expended pursuant to section 286(n).

“(4) **DOCUMENTATION OF WORK HISTORY.**—

“(A) **BURDEN OF PROOF.**—An alien applying for blue card status under section 2211 of the Border Security, Economic Opportunity, and Immigration Modernization Act or for adjustment of status under subsection (a) shall provide evidence that the alien has worked the requisite number of hours or days required under subsection (a)(1) of such section 2211 or subsection (a)(3) of this section, as applicable.

“(B) **TIMELY PRODUCTION OF RECORDS.**—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under subparagraph (A) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

“(C) **SUFFICIENT EVIDENCE.**—An alien may meet the burden of proof under subparagraph (A) to establish that the alien has performed the days or hours of work referred to in subparagraph (A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

“(f) **PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.**—

“(1) **CRIMINAL PENALTY.**—Any person who—

“(A) files an application for blue card status under section 2211 of the Border Security, Economic Opportunity, and Immigration Modernization Act or an adjustment of status under this section and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

“(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

“(2) **INADMISSIBILITY.**—An alien who is convicted of a crime under paragraph (1) shall be deemed inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

“(3) **DEPOSIT.**—Fines collected under paragraph (1) shall be deposited into the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1) of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(g) **ELIGIBILITY FOR LEGAL SERVICES.**—Section 504(a)(11) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321-55) may not be construed to prevent a recipient

of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for blue card status under section 2211 of the Border Security, Economic Opportunity, and Immigration Modernization Act, to an individual who has been granted blue card status, or for an application for an adjustment of status under this section.

“(h) **ADMINISTRATIVE AND JUDICIAL REVIEW.**—Aliens applying for blue card status under section 2211 of the Border Security, Economic Opportunity, and Immigration Modernization Act or adjustment to permanent resident status under this section shall be entitled to the rights and subject to the conditions applicable to other classes of aliens under sections 242(h) and 245E.

“(i) **APPLICABILITY OF OTHER PROVISIONS.**—The provisions set forth in section 245E which are applicable to aliens described in section 245B, 245C, and 245D shall apply to aliens applying for blue card status under section 2211 of the Border Security, Economic Opportunity, and Immigration Modernization Act or adjustment to permanent resident status under this section.

“(j) **LIMITATION ON BLUE CARD STATUS.**—An alien granted blue card status under section 2211 of the Border Security, Economic Opportunity, and Immigration Modernization Act may only adjust status to an alien lawfully admitted for permanent residence under this section, section 245C of this Act, or section 2302 of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(k) **DEFINITIONS.**—In this section:

“(1) **BLUE CARD STATUS.**—The term ‘blue card status’ means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 2211 of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(2) **AGRICULTURAL EMPLOYMENT.**—The term ‘agricultural employment’ has the meaning given such term in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802), without regard to whether the specific service or activity is temporary or seasonal.

“(3) **EMPLOYER.**—The term ‘employer’ means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

“(4) **WORK DAY.**—The term ‘work day’ means any day in which the individual is employed 5.75 or more hours in agricultural employment.”

(b) **CONFORMING AMENDMENT.**—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by section 2103(c), is further amended by adding at the end the following:

“(G) Aliens granted lawful permanent resident status under section 245F.”

(c) **CLERICAL AMENDMENT.**—The table of contents, as amended by section 2104(e), is further amended by inserting after the item relating to section 245E the following:

“Sec. 245F. Adjustment to permanent resident status for agricultural workers.”

#### **SEC. 2213. USE OF INFORMATION.**

Beginning not later than the first day of the application period described in section 2211(b)(3), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this subchapter and the requirements that an alien is required to meet to receive such benefits.

#### **SEC. 2214. REPORTS ON BLUE CARDS.**

Not later than September 30, 2013, and annually thereafter for the next 8 years, the

Secretary shall submit a report to Congress that identifies, for the previous fiscal year—

(1) the number of aliens who applied for blue card status;

(2) the number of aliens who were granted blue card status;

(3) the number of aliens who applied for an adjustment of status pursuant to section 245F(a) of the Immigration and Nationality Act, as added by section 2212; and

(4) the number of aliens who received an adjustment of status pursuant such section 245F(a).

#### **SEC. 2215. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subchapter, including any sums needed for costs associated with the initiation of such implementation, for fiscal years 2013 and 2014.

#### **Subchapter B—Correction of Social Security Records**

#### **SEC. 2221. CORRECTION OF SOCIAL SECURITY RECORDS.**

(a) **IN GENERAL.**—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking “or” at the end;

(2) in subparagraph (C), by inserting “or” at the end;

(3) by inserting after subparagraph (C) the following:

“(D) who is granted blue card status under the Agricultural Worker Program Act of 2013.”; and

(4) by striking “1990.” and inserting “1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted blue card status under section 2211(a) of the Agricultural Worker Program Act of 2013.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

#### **CHAPTER 2—NONIMMIGRANT AGRICULTURAL VISA PROGRAM**

#### **SEC. 2231. NONIMMIGRANT CLASSIFICATION FOR NONIMMIGRANT AGRICULTURAL WORKERS.**

Section 101(a)(15) (8 U.S.C. 1101(a)(15)) is amended by adding at the end the following:

“(W) an alien having a residence in a foreign country who is coming to the United States for a temporary period—

“(iii)(I) to perform services or labor in agricultural employment and who has a written contract that specifies the wages, benefits, and working conditions of such full-time employment in an agricultural occupation with a designated agricultural employer for a specified period of time; and

“(II) who meets the requirements under section 218A for a nonimmigrant visa described in this clause; or

“(iv)(I) to perform services or labor in agricultural employment and who has an offer of full-time employment in an agricultural occupation from a designated agricultural employer for such employment and is not described in clause (i); and

“(II) who meets the requirements under section 218A for a nonimmigrant visa described in this clause.”

#### **SEC. 2232. ESTABLISHMENT OF NONIMMIGRANT AGRICULTURAL WORKER PROGRAM.**

(a) **IN GENERAL.**—Chapter 2 of title II (8 U.S.C. 1181 et seq.) is amended by inserting after section 218 the following:

**“SEC. 218A. NONIMMIGRANT AGRICULTURAL WORKER PROGRAM.**

“(a) DEFINITIONS.—In this section and in clauses (iii) and (iv) of section 101(a)(15)(W):

“(1) AGRICULTURAL EMPLOYMENT.—The term ‘agricultural employment’ has the meaning given such term in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802), without regard to whether the specific service or activity is temporary or seasonal.

“(2) AT-WILL AGRICULTURAL WORKER.—The term ‘at-will agricultural worker’ means an alien present in the United States pursuant to section 101(a)(15)(W)(iv).

“(3) BLUE CARD.—The term ‘blue card’ means an employment authorization and travel document issued to an alien granted blue card status under section 221(a) of the Agricultural Worker Program Act of 2013.

“(4) CONTRACT AGRICULTURAL WORKER.—The term ‘contract agricultural worker’ means an alien present in the United States pursuant to section 101(a)(15)(W)(iii).

“(5) DESIGNATED AGRICULTURAL EMPLOYER.—The term ‘designated agricultural employer’ means an employer who is registered with the Secretary of Agriculture pursuant to subsection (e)(1).

“(6) ELECTRONIC JOB REGISTRY.—The term ‘Electronic Job Registry’ means the Electronic Job Registry of a State workforce agency (or similar successor registry).

“(7) EMPLOYER.—Except as otherwise provided, the term ‘employer’ means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

“(8) NONIMMIGRANT AGRICULTURAL WORKER.—The term ‘nonimmigrant agricultural worker’ means a nonimmigrant described in clause (iii) or (iv) of section 101(a)(15)(W).

“(9) PROGRAM.—The term ‘Program’ means the Nonimmigrant Agricultural Worker Program established under subsection (b).

“(10) SECRETARY.—Except as otherwise specifically provided, the term ‘Secretary’ means the Secretary of Agriculture.

“(11) UNITED STATES WORKER.—The term ‘United States worker’ means an individual who—

“(A) is a national of the United States; or

“(B) is an alien who—

“(i) is lawfully admitted for permanent residence;

“(ii) is admitted as a refugee under section 207;

“(iii) is granted asylum under section 208;

“(iv) holds a blue card; or

“(v) is an immigrant otherwise authorized by this Act or by the Secretary of Homeland Security to be employed in the United States.

“(b) REQUIREMENTS.—

“(1) EMPLOYER.—An employer may not employ an alien for agricultural employment under the Program unless such employer is a designated agricultural employer and complies with the terms of this section.

“(2) WORKER.—An alien may not be employed for agricultural employment under the Program unless such alien is a nonimmigrant agricultural worker and complies with the terms of this section.

“(c) NUMERICAL LIMITATION.—

“(1) FIRST 5 YEARS OF PROGRAM.—

“(A) IN GENERAL.—Subject to paragraph (2), the worldwide level of visas for nonimmigrant agricultural workers for the fiscal year during which the first visa is issued to a nonimmigrant agricultural worker and for each of the following 4 fiscal years shall be equal to—

“(i) 112,333; and

“(ii) the numerical adjustment made by the Secretary for such fiscal year in accordance with paragraph (2).

“(B) QUARTERLY ALLOCATION.—The annual allocation of visas described in subparagraph (A) shall be evenly allocated between the 4 quarters of the fiscal year unless the Secretary determines that an alternative allocation would better accommodate the seasonal demand for visas. Any unused visas in a quarter shall be added to the allocation for the subsequent quarter of the same fiscal year.

“(C) EFFECT OF 2ND OR SUBSEQUENT DESIGNATED AGRICULTURAL EMPLOYER.—A nonimmigrant agricultural worker who has a valid visa issued under this section that counted against the allocation described in subparagraph (A) shall not be recounted against the allocation if the worker is petitioned for by a subsequent designated agricultural employer.

“(2) ANNUAL ADJUSTMENTS FOR FIRST 5 YEARS OF PROGRAM.—

“(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Labor, and after reviewing relevant evidence submitted by agricultural producers and organizations representing agricultural workers, may increase or decrease, as appropriate, the worldwide level of visas under paragraph (1) for each of the 5 fiscal years referred to in paragraph (1) after considering appropriate factors, including—

“(i) a demonstrated shortage of agricultural workers;

“(ii) the level of unemployment and underemployment of agricultural workers during the preceding fiscal year;

“(iii) the number of applications for blue card status;

“(iv) the number of blue card visa applications approved;

“(v) the number of nonimmigrant agricultural workers sought by employers during the preceding fiscal year;

“(vi) the estimated number of United States workers, including blue card workers, who worked in agriculture during the preceding fiscal year;

“(vii) the number of nonimmigrant agricultural workers issued a visa in the most recent fiscal year who remain in the United States in compliance with the terms of such visa;

“(viii) the number of United States workers who accepted jobs offered by employers using the Electronic Job Registry during the preceding fiscal year;

“(ix) any growth or contraction of the United States agricultural industry that has increased or decreased the demand for agricultural workers; and

“(x) any changes in the real wages paid to agricultural workers in the United States as an indication of a shortage or surplus of agricultural labor.

“(B) NOTIFICATION; IMPLEMENTATION.—The Secretary shall notify the Secretary of Homeland Security of any change to the worldwide level of visas for nonimmigrant agricultural workers. The Secretary of Homeland Security shall implement such changes.

“(C) EMERGENCY PROCEDURES.—The Secretary shall establish, by regulation, procedures for immediately adjusting an annual allocation under paragraph (1) for labor shortages, as determined by the Secretary. The Secretary shall make a decision on a petition for an adjustment of status not later than 30 days after receiving such petition.

“(3) SIXTH AND SUBSEQUENT YEARS OF PROGRAM.—The Secretary, in consultation with

the Secretary of Labor, shall establish the worldwide level of visas for nonimmigrant agricultural workers for each fiscal year following the fiscal years referred to in paragraph (1) after considering appropriate factors, including—

“(A) a demonstrated shortage of agricultural workers;

“(B) the level of unemployment and underemployment of agricultural workers during the preceding fiscal year;

“(C) the number of applications for blue card status;

“(D) the number of blue card visa applications approved;

“(E) the number of nonimmigrant agricultural workers sought by employers during the preceding fiscal year;

“(F) the estimated number of United States workers, including blue card workers, who worked in agriculture during the preceding fiscal year;

“(G) the number of nonimmigrant agricultural workers issued a visa in the most recent fiscal year who remain in the United States in compliance with the terms of such visa;

“(H) the number of United States workers who accepted jobs offered by employers using the Electronic Job Registry during the preceding fiscal year;

“(I) any growth or contraction of the United States agricultural industry that has increased or decreased the demand for agricultural workers; and

“(J) any changes in the real wages paid to agricultural workers in the United States as an indication of a shortage or surplus of agricultural labor.

“(4) EMERGENCY PROCEDURES.—The Secretary shall establish, by regulation, procedures for immediately adjusting an annual allocation under paragraph (3) for labor shortages, as determined by the Secretary. The Secretary shall make a decision on a petition for an adjustment of status not later than 30 days after receiving such petition.

“(d) REQUIREMENTS FOR NONIMMIGRANT AGRICULTURAL WORKERS.—

“(1) ELIGIBILITY FOR NONIMMIGRANT AGRICULTURAL WORKER STATUS.—

“(A) IN GENERAL.—An alien is not eligible to be admitted to the United States as a nonimmigrant agricultural worker if the alien—

“(i) violated a material term or condition of a previous admission as a nonimmigrant agricultural worker during the most recent 3-year period (other than a contract agricultural worker who voluntarily abandons his or her employment before the end of the contract period or whose employment is terminated by the employer for cause);

“(ii) has not obtained successful clearance of any security and criminal background checks required by the Secretary of Homeland Security or any other examination required under this Act; or

“(iii) (I) departed from the United States while subject to an order of exclusion, deportation, or removal, or pursuant to an order of voluntary departure; and

“(II) (aa) is outside of the United States; or

“(bb) has reentered the United States illegally after December 31, 2012, without receiving consent to the alien's reapportionment for admission under section 212(a)(9).

“(B) WAIVER.—The Secretary of Homeland Security may waive the application of subparagraph (A)(iii) on behalf of an alien if the alien—

“(i) is the spouse or child of a United States citizen or lawful permanent resident;

“(ii) is the parent of a child who is a United States citizen or lawful permanent resident;

“(iii) meets the requirements set forth in clause (ii) or (iii) of section 245D(b)(1)(A); or

“(iv)(I) meets the requirements set forth in section 245D(b)(1)(A)(ii);

“(II) is 16 years or older on the date on which the alien applies for nonimmigrant agricultural status; and

“(III) was physically present in the United States for an aggregate period of not less than 3 years during the 6-year period immediately preceding the date of the enactment of this section.

“(2) TERM OF STAY FOR NONIMMIGRANT AGRICULTURAL WORKERS.—

“(A) IN GENERAL.—

“(i) INITIAL ADMISSION.—A nonimmigrant agricultural worker may be admitted into the United States in such status for an initial period of 3 years.

“(ii) RENEWAL.—A nonimmigrant agricultural worker may renew such worker's period of admission in the United States for 1 additional 3-year period.

“(B) BREAK IN PRESENCE.—A nonimmigrant agricultural worker who has been admitted to the United States for 2 consecutive periods under subparagraph (A) is ineligible to renew the alien's nonimmigrant agricultural worker status until such alien—

“(i) returns to a residence outside the United States for a period of not less than 3 months; and

“(ii) seeks to reenter the United States under the terms of the Program as a nonimmigrant agricultural worker.

“(3) LOSS OF STATUS.—

“(A) IN GENERAL.—An alien admitted as a nonimmigrant agricultural worker shall be ineligible for such status and shall be required to depart the United States if such alien—

“(i) after the completion of his or her contract with a designated agricultural employer, is not employed in agricultural employment by a designated agricultural employer; or

“(ii) is an at-will agricultural worker and is not continuously employed by a designated agricultural employer in agricultural employment as an at-will agricultural worker.

“(B) EXCEPTION.—Subject to subparagraph (C), a nonimmigrant agricultural worker has not violated subparagraph (A) if the nonimmigrant agricultural worker is not employed in agricultural employment for a period not to exceed 60 days.

“(C) WAIVER.—Notwithstanding subparagraph (B), the Secretary of Homeland Security may waive the application of clause (i) or (ii) of subparagraph (A) for a nonimmigrant agricultural worker who was not employed in agricultural employment for a period of more than 60 days if such period of unemployment was due to—

“(i) the injury of such worker; or

“(ii) a natural disaster declared by the Secretary.

“(D) TOLLING OF EMPLOYMENT REQUIREMENT.—A nonimmigrant agricultural worker may leave the United States for up to 60 days in any fiscal year while in such status. During the period in which the worker is outside of the United States, the 60-day limit specified in subparagraph (B) shall be tolled.

“(4) PORTABILITY OF STATUS.—

“(A) CONTRACT AGRICULTURAL WORKERS.—

“(i) IN GENERAL.—Except as provided in clause (ii), an alien who entered the United States as a contract agricultural worker may—

“(I) seek employment as a nonimmigrant agricultural worker with a designated agricultural employer other than the designated

agricultural employer with whom the employee had a contract described in section 101(a)(15)(W)(iii)(I); and

“(II) accept employment with such new employer after the date the contract agricultural worker completes such contract.

“(ii) VOLUNTARY ABANDONMENT; TERMINATION FOR CAUSE.—A contract agricultural worker who voluntarily abandons his or her employment before the end of the contract period or whose employment is terminated for cause by the employer—

“(I) may not accept subsequent employment with another designated agricultural employer without first departing the United States and reentering pursuant to a new offer of employment; and

“(II) is not entitled to the 75 percent payment guarantee described in subsection (e)(4)(B).

“(iii) TERMINATION BY MUTUAL AGREEMENT.—The termination of an employment contract by mutual agreement of the designated agricultural employer and the contract agricultural worker shall not be considered voluntary abandonment for purposes of clause (ii).

“(B) AT-WILL AGRICULTURAL WORKERS.—An alien who entered the United States as an at-will agricultural worker may seek employment as an at-will agricultural worker with any other designated agricultural employer referred to in section 101(a)(15)(W)(iv)(I).

“(5) PROHIBITION ON GEOGRAPHIC LIMITATION.—A nonimmigrant visa issued to a nonimmigrant agricultural worker—

“(A) shall not limit the geographical area within which such worker may be employed;

“(B) shall not limit the type of agricultural employment such worker may perform; and

“(C) shall restrict such worker to employment with designated agricultural employers.

“(6) TREATMENT OF SPOUSES AND CHILDREN.—A spouse or child of a nonimmigrant agricultural worker—

“(A) shall not be entitled to a visa or any immigration status by virtue of the relationship of such spouse or child to such worker; and

“(B) may be provided status as a nonimmigrant agricultural worker if the spouse or child is independently qualified for such status.

“(e) EMPLOYER REQUIREMENTS.—

“(1) DESIGNATED AGRICULTURAL EMPLOYER STATUS.—

“(A) REGISTRATION REQUIREMENT.—Each employer seeking to employ nonimmigrant agricultural workers shall register for designated agricultural employer status by submitting to the Secretary, through the Farm Service Agency in the geographic area of the employer or electronically to the Secretary, a registration that includes—

“(i) the employer's employer identification number; and

“(ii) a registration fee, in an amount determined by the Secretary, which shall be used for the costs of administering the program.

“(B) CRITERIA.—The Secretary shall grant designated agricultural employer status to an employer who submits a registration for such status that includes—

“(i) documentation that the employer is engaged in agriculture;

“(ii) the estimated number of nonimmigrant agricultural workers the employer will need each year;

“(iii) the anticipated periods during which the employer will need such workers; and

“(iv) documentation establishing need for a specified agricultural occupation or occupations.

“(C) DESIGNATION.—

“(i) REGISTRATION NUMBER.—The Secretary shall assign each employer that meets the criteria established pursuant to subparagraph (B) with a designated agricultural employer registration number.

“(ii) TERM OF DESIGNATION.—Each employer granted designated agricultural employer status under this paragraph shall retain such status for a term of 3 years. At the end of such 3-year term, the employer may renew the registration for another 3-year term if the employer meets the requirements set forth in subparagraphs (A) and (B).

“(D) ASSISTANCE.—In carrying out the functions described in this subsection, the Secretary may work through the Farm Service Agency, or any other agency in the Department of Agriculture—

“(i) to assist agricultural employers with the registration process under this paragraph by providing such employers with—

“(I) technical assistance and expertise;

“(II) internet access for submitting such applications; and

“(III) a nonelectronic means for submitting such registrations; and

“(ii) to provide resources about the Program, including best practices and compliance related assistance and resources or training to assist in retention of such workers to agricultural employers.

“(E) DEPOSIT OF REGISTRATION FEE.—Fees collected pursuant to subparagraph (A)(ii)—

“(i) shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m); and

“(ii) shall remain available until expended pursuant to section 286(n).

“(2) NONIMMIGRANT AGRICULTURAL WORKER PETITION PROCESS.—

“(A) IN GENERAL.—Not later than 45 days before the date on which nonimmigrant agricultural workers are needed, a designated agricultural employer seeking to employ such workers shall submit a petition to the Secretary of Homeland Security that includes the employer's designated agricultural employer registration number.

“(B) ATTESTATION.—An petition submitted under subparagraph (A) shall include an attestation of the following:

“(i) The number of named or unnamed nonimmigrant agricultural workers the designated agricultural employer is seeking to employ during the applicable period of employment.

“(ii) The total number of contract agricultural workers and of at-will agricultural workers the employer will require for each occupational category.

“(iii) The anticipated period, including expected beginning and ending dates, during which such employees will be needed.

“(iv) Evidence of contracts or written disclosures of employment terms and conditions in accordance with the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), which have been disclosed or provided to the nonimmigrant agricultural workers, or a sample of such contract or disclosure for unnamed workers.

“(v) The information submitted to the State workforce agency pursuant to paragraph (3)(A)(i).

“(vi) The record of United States workers described in paragraph (3)(A)(iii) on the date of the request.

“(vii) Evidence of offers of employment made to United States workers as required under paragraph (3)(B).

“(viii) The employer will comply with the additional program requirements for designated agricultural employers described in paragraph (4).

“(C) EMPLOYMENT AUTHORIZATION WHEN CHANGING EMPLOYERS.—Nonimmigrant agricultural workers in the United States who are identified in a petition submitted pursuant to subparagraph (A) and are in lawful status may commence employment with their designated agricultural employer after such employer has submitted such petition to the Secretary of Homeland Security.

“(D) REVIEW.—The Secretary of Homeland Security shall review each petition submitted by designated agricultural employers under this paragraph for completeness or obvious inaccuracies. Unless the Secretary of Homeland Security determines that the petition is incomplete or obviously inaccurate, the Secretary shall accept the petition. The Secretary shall establish a procedure for the processing of petitions filed under this subsection. Not later than 7 working days after the date of the filing, the Secretary, by electronic or other means assuring expedited delivery, shall submit a copy of notice of approval or denial of the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate, as appropriate, if the petitioner has indicated that the alien beneficiary or beneficiaries will apply for a visa or admission to the United States.

“(3) EMPLOYMENT OF UNITED STATES WORKERS.—

“(A) RECRUITMENT.—

“(i) FILING A JOB OPPORTUNITY WITH LOCAL OFFICE OF STATE WORKFORCE AGENCY.—Not later than 60 days before the date on which the employer desires to employ a nonimmigrant agricultural worker, the employer shall submit the job opportunity for such worker to the local office of the State workforce agency where the job site is located and authorize the posting of the job opportunity on the appropriate Department of Labor Electronic Job Registry for a period of 45 days.

“(ii) CONSTRUCTION.—Nothing in clause (i) may be construed to cause a posting referred to in clause (i) to be treated as an interstate job order under section 653.500 of title 20, Code of Federal Regulations (or similar successor regulation).

“(iii) RECORD OF UNITED STATES WORKERS.—An employer shall keep a record of all eligible, able, willing, and qualified United States workers who apply for agricultural employment with the employer for the agricultural employment for which the nonimmigrant agricultural nonimmigrant workers are sought.

“(B) REQUIREMENT TO HIRE.—

“(i) UNITED STATES WORKERS.—An employer may not seek a nonimmigrant agricultural worker for agricultural employment unless the employer offers such employment to any equally or better qualified United States worker who will be available at the time and place of need and who applies for such employment during the 45-day recruitment period referred to in subparagraph (A)(i).

“(ii) EXCEPTION.—Notwithstanding clause (i), the employer may offer the job to a nonimmigrant agricultural worker instead of an alien in blue card status if—

“(I) such worker was previously employed by the employer as an H-2A worker;

“(II) such worker worked for the employer for 3 years during the most recent 4-year period; and

“(III) the employer pays such worker the adverse effect wage rate calculated under subsection (f)(5)(B).

“(4) ADDITIONAL PROGRAM REQUIREMENTS FOR DESIGNATED AGRICULTURAL EMPLOYERS.—

Each designated agricultural employer shall comply with the following requirements:

“(A) NO DISPLACEMENT OF UNITED STATES WORKERS.—

“(i) IN GENERAL.—The employer shall not displace a United States worker employed by the employer, other than for good cause, during the period of employment of the nonimmigrant agricultural worker and for a period of 30 days preceding such period in the occupation and at the location of employment for which the employer seeks to employ nonimmigrant agricultural workers.

“(ii) LABOR DISPUTE.—The employer shall not employ a nonimmigrant agricultural worker for a specific job for which the employer is requesting a nonimmigrant agricultural worker because the former occupant of the job is on strike or being locked out in the course of a labor dispute.

“(B) GUARANTEE OF EMPLOYMENT FOR CONTRACT AGRICULTURAL WORKERS.—

“(i) OFFER TO CONTRACT WORKER.—The employer shall guarantee to offer contract agricultural workers employment for the hourly equivalent of at least 75 percent of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. In this clause, the term ‘hourly equivalent’ means the number of hours in the work days as stated in the job offer and shall exclude the worker’s Sabbath and Federal holidays. If the employer affords the contract agricultural worker less employment than the number of hours required under this subparagraph, the employer shall pay such worker the amount the worker would have earned had the worker worked the guaranteed number of hours.

“(ii) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker’s Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

“(iii) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of a contract agricultural worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in clause (i) is fulfilled, the employer—

“(I) may terminate the worker’s employment;

“(II) shall fulfill the employment guarantee described in clause (i) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment;

“(III) shall make efforts to transfer the worker to other comparable employment acceptable to the worker; and

“(IV) if such a transfer does not take place, shall provide the return transportation required under subparagraph (J).

“(C) WORKERS’ COMPENSATION.—

“(i) REQUIREMENT TO PROVIDE.—If a job referred to in paragraph (3) is not covered by the State workers’ compensation law, the employer shall provide, at no cost to the nonimmigrant agricultural worker, insurance covering injury and disease arising out of, and in the course of, such job.

“(ii) BENEFITS.—The insurance required to be provided under clause (i) shall provide benefits at least equal to those provided under and pursuant to the State workers’ compensation law for comparable employment.

“(D) PROHIBITION FOR USE FOR NON-AGRICULTURAL SERVICES.—The employer may not employ a nonimmigrant agricultural worker for employment other than agricultural employment.

“(E) WAGES.—The employer shall pay not less than the wage required under subsection (f).

“(F) DEDUCTION OF WAGES.—The employer shall make only deductions from a nonimmigrant agricultural worker’s wages that are authorized by law and are reasonable and customary in the occupation and area of employment of such worker.

“(G) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

“(i) IN GENERAL.—Except as provided in clauses (iv) and (v), a designated agricultural employer shall offer to provide a nonimmigrant agricultural worker with housing at no cost in accordance with clause (ii) or (iii).

“(ii) HOUSING.—An employer may provide housing to a nonimmigrant agricultural worker that meets—

“(I) applicable Federal standards for temporary labor camps; or

“(II) applicable local standards (or, in the absence of applicable local standards, State standards) for rental or public accommodation housing or other substantially similar class of habitation.

“(iii) HOUSING PAYMENTS.—

“(I) PUBLIC HOUSING.—If the employer arranges public housing for nonimmigrant agricultural workers through a State, county, or local government program and such public housing units normally require payments from tenants, such payments shall be made by the employer directly to the landlord.

“(II) DEPOSITS.—Deposits for bedding or other similar incidentals related to housing shall not be collected from workers by employers who provide housing for such workers.

“(III) DAMAGES.—The employer may require any worker who is responsible for damage to housing that did not result from normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repairing such damage.

“(iv) HOUSING ALLOWANCE ALTERNATIVE.—

“(I) IN GENERAL.—The employer may provide a reasonable housing allowance instead of providing housing under clause (i). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker or assists a worker in locating housing, which the worker occupies, shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing that is owned or controlled by the employer.

“(II) CERTIFICATION REQUIREMENT.—Contract agricultural workers may only be provided a housing allowance if the Governor of the State in which the place of employment is located certifies to the Secretary that there is adequate housing available in the area of intended employment for migrant farm workers and contract agricultural workers who are seeking temporary housing



while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

“(III) AMOUNT OF ALLOWANCE.—

“(aa) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this clause is a non-metropolitan county, the amount of the housing allowance under this clause shall be equal to the average fair market rental for existing housing in nonmetropolitan counties in the State in which the place of employment is located, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

“(bb) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this clause is a metropolitan county, the amount of the housing allowance under this clause shall be equal to the average fair market rental for existing housing in metropolitan counties in the State in which the place of employment is located, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

“(v) EXCEPTION FOR COMMUTING WORKERS.—Nothing in this subparagraph may be construed to require an employer to provide housing or a housing allowance to workers who reside outside of the United States if their place of residence is within normal commuting distance and the job site is within 50 miles of an international land border of the United States.

“(H) WORKSITE TRANSPORTATION FOR CONTRACT WORKERS.—During the period a designated agricultural employer employs a contract agricultural worker, such employer shall, at the employer's option, provide or reimburse the contract agricultural worker for the cost of daily transportation from the contract worker's living quarters to the contract agricultural worker's place of employment.

“(I) REIMBURSEMENT OF TRANSPORTATION TO THE PLACE OF EMPLOYMENT.—

“(i) IN GENERAL.—A nonimmigrant agricultural worker shall be reimbursed by the first employer for the cost of the worker's transportation and subsistence from the place from which the worker came from to the place of first employment.

“(ii) LIMITATION.—The amount of reimbursement provided under clause (i) to a worker shall not exceed the lesser of—

“(I) the actual cost to the worker of the transportation and subsistence involved; or

“(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

“(J) REIMBURSEMENT OF TRANSPORTATION FROM PLACE OF EMPLOYMENT.—

“(i) IN GENERAL.—A contract agricultural worker who completes at least 27 months under his or her contract with the same designated agricultural employer shall be reimbursed by that employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker came from abroad to work for the employer.

“(ii) LIMITATION.—The amount of reimbursement required under clause (i) shall not exceed the lesser of—

“(I) the actual cost to the worker of the transportation and subsistence involved; or

“(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

“(F) WAGES.—

“(1) WAGE RATE REQUIREMENT.—

“(A) IN GENERAL.—A nonimmigrant agricultural worker employed by a designated agricultural employer shall be paid not less than the wage rate for such employment set forth in paragraph (3).

“(B) WORKERS PAID ON A PIECE RATE OR OTHER INCENTIVE BASIS.—If an employer pays by the piece rate or other incentive method and requires 1 or more minimum productivity standards as a condition of job retention, such standards shall be specified in the job offer and be no more than those which have been normally required (at the time of the employee's first application for designated employer status) by other employers for the activity in the geographic area of the job, unless the Secretary approves a higher standard.

“(2) JOB CATEGORIES.—

“(A) IN GENERAL.—For purposes of paragraph (1), each nonimmigrant agricultural worker employed by such employer shall be assigned to 1 of the following standard occupational classifications, as defined by the Bureau of Labor Statistics:

“(i) First-Line Supervisors of Farming, Fishing, and Forestry Workers (45-1011).

“(ii) Animal Breeders (45-2021).

“(iii) Graders and Sorters, Agricultural Products (45-2041).

“(iv) Agricultural equipment operator (45-2091).

“(v) Farmworkers and Laborers, Crop, Nursery, and Greenhouse (45-2092).

“(vi) Farmworkers, Farm, Ranch and Aquacultural Animals (45-2093).

“(B) DETERMINATION OF CLASSIFICATION.—A nonimmigrant agricultural worker is employed in a standard occupational classification described in clause (i), (ii), (iii), (iv), (v), or (vi) of subparagraph (A) if the worker performs activities associated with that occupational classification, as specified on the employer's petition, for at least 75 percent of the time in a semiannual employment period.

“(3) DETERMINATION OF WAGE RATE.—

“(A) CALENDAR YEARS 2014 THROUGH 2016.—The wage rate under this subparagraph for calendar years 2014 through 2016 shall be the higher of—

“(i) the applicable Federal, State, or local minimum wage; or

“(ii) (I) for the category described in paragraph (2)(A)(iii)—

“(aa) \$9.37 for calendar year 2014;

“(bb) \$9.60 for calendar year 2015; and

“(cc) \$9.84 for calendar year 2016;

“(II) for the category described in paragraph (2)(A)(iv)—

“(aa) \$11.30 for calendar year 2014;

“(bb) \$11.58 for calendar year 2015; and

“(cc) \$11.87 for calendar year 2016;

“(III) for the category described in paragraph (2)(A)(v)—

“(aa) \$9.17 for calendar year 2014;

“(bb) \$9.40 for calendar year 2015; and

“(cc) \$9.64 for calendar year 2016; and

“(IV) for the category described in paragraph (2)(A)(vi)—

“(aa) \$10.82 for calendar year 2014;

“(bb) \$11.09 for calendar year 2015; and

“(cc) \$11.37 for calendar year 2016.

“(B) SUBSEQUENT YEARS.—The Secretary shall increase the hourly wage rates set forth in clauses (i) through (iv) of subparagraph (A), for each calendar year after the calendar years described in subparagraph (A) by an amount equal to—

“(i) 1.5 percent, if the percentage increase in the Employment Cost Index for wages and salaries during the previous calendar year, as calculated by the Bureau of Labor Statistics, is less than 1.5 percent;

“(ii) the percentage increase in such Employment Cost Index, if such percentage increase is between 1.5 percent and 2.5 percent, inclusive; or

“(iii) 2.5 percent, if such percentage increase is greater than 2.5 percent.

“(C) AGRICULTURAL SUPERVISORS AND ANIMAL BREEDERS.—Not later than September 1, 2015, and annually thereafter, the Secretary, in consultation with the Secretary of Labor, shall establish the required wage for the next calendar year for each of the job categories set out in clauses (i) and (ii) of paragraph (2)(A).

“(D) SURVEY BY BUREAU OF LABOR STATISTICS.—Not later than April 15, 2015, the Bureau of Labor Statistics shall consult with the Secretary to expand the Occupational Employment Statistics Survey to survey agricultural producers and contractors and produce improved wage data by State and the job categories set out in clauses (i) through (vi) of subparagraph (A).

“(4) CONSIDERATION.—In determining the wage rate under paragraph (3)(C), the Secretary may consider appropriate factors, including—

“(A) whether the employment of additional alien workers at the required wage will adversely affect the wages and working conditions of workers in the United States similarly employed;

“(B) whether the employment in the United States of an alien admitted under section 101(a)(15)(H)(ii)(a) or unauthorized aliens in the agricultural workforce has depressed wages of United States workers engaged in agricultural employment below the levels that would otherwise have prevailed if such aliens had not been employed in the United States;

“(C) whether wages of agricultural workers are sufficient to support such workers and their families at a level above the poverty thresholds determined by the Bureau of Census;

“(D) the wages paid workers in the United States who are not employed in agricultural employment but who are employed in comparable employment;

“(E) the continued exclusion of employers of nonimmigrant alien workers in agriculture from the payment of taxes under chapter 21 of the Internal Revenue Code of 1986 (26 U.S.C. 3101 et seq.) and chapter 23 of such Code (26 U.S.C. 3301 et seq.);

“(F) the impact of farm labor costs in the United States on the movement of agricultural production to foreign countries;

“(G) a comparison of the expenses and cost structure of foreign agricultural producers to the expenses incurred by agricultural producers based in the United States; and

“(H) the accuracy and reliability of the Occupational Employment Statistics Survey.

“(5) ADVERSE EFFECT WAGE RATE.—

“(A) PROHIBITION OF MODIFICATION.—The adverse effect wage rates in effect on April 15, 2013, for nonimmigrants admitted under 101(a)(15)(H)(ii)(a)—

“(i) shall remain in effect until the date described in section 2233 of the Agricultural Worker Program Act of 2013; and

“(ii) may not be modified except as provided in subparagraph (B).

“(B) EXCEPTION.—Until the Secretary establishes the wage rates required under paragraph (3)(C), the adverse effect wage rates in effect on the date of the enactment of the

Agricultural Worker Program Act of 2013 shall be—

“(i) deemed to be such wage rates; and

“(ii) after September 1, 2015, adjusted annually in accordance with paragraph (3)(B).

“(C) NONPAYMENT OF FICA AND FUTA TAXES.—An employer employing non-immigrant agricultural workers shall not be required to pay and withhold from such workers—

“(i) the tax required under section 3101 of the Internal Revenue Code of 1986; or

“(ii) the tax required under section 3301 of the Internal Revenue Code of 1986.

“(6) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), employers seeking to hire United States workers shall offer the United States workers not less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to nonimmigrant agricultural workers. No job offer may impose on United States workers any restrictions or obligations that will not be imposed on the employer's nonimmigrant agricultural workers.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), a designated agricultural employer is not required to provide housing or a housing allowance to United States workers.

“(g) WORKER PROTECTIONS AND DISPUTE RESOLUTION.—

“(1) EQUALITY OF TREATMENT.—Non-immigrant agricultural workers shall not be denied any right or remedy under any Federal, State, or local labor or employment law applicable to United States workers engaged in agricultural employment.

“(2) APPLICABILITY OF THE MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT.—

“(A) MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT.—Nonimmigrant agricultural workers shall be considered migrant agricultural workers for purposes of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

“(B) ELIGIBILITY OF NONIMMIGRANT AGRICULTURAL WORKERS FOR CERTAIN LEGAL ASSISTANCE.—A nonimmigrant agricultural worker shall be considered to be lawfully admitted for permanent residence for purposes of establishing eligibility for legal services under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) on matters relating to wages, housing, transportation, and other employment rights.

“(C) MEDIATION.—

“(i) FREE MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under this section between nonimmigrant agricultural workers and designated agricultural employers without charge to the parties.

“(ii) COMPLAINT.—If a nonimmigrant agricultural worker files a complaint under section 504 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1854), not later than 60 days after the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute.

“(iii) NOTICE.—Upon filing a request under clause (ii) and giving of notice to the parties, the parties shall attempt mediation within the period specified in clause (iv).

“(iv) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct medi-

ation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives a request for assistance under clause (ii) unless the parties agree to an extension of such period.

“(v) AUTHORIZATION OF APPROPRIATIONS.—

“(I) IN GENERAL.—Subject to clause (II), there are authorized to be appropriated to the Federal Mediation and Conciliation Service \$500,000 for each fiscal year to carry out this subparagraph.

“(II) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized—

“(aa) to conduct the mediation or other dispute resolution activities from any other account containing amounts available to the Director; and

“(bb) to reimburse such account with amounts appropriated pursuant to subclause (I).

“(vi) PRIVATE MEDIATION.—If all parties agree, a private mediator may be employed as an alternative to the Federal Mediation and Conciliation Service.

“(3) OTHER RIGHTS.—Nonimmigrant agricultural workers shall be entitled to the rights granted to other classes of aliens under sections 242(h) and 245E.

“(4) WAIVER OF RIGHTS.—Agreements by nonimmigrant agricultural workers to waive or modify any rights or protections under this section shall be considered void or contrary to public policy except as provided in a collective bargaining agreement with a bona fide labor organization.

“(h) ENFORCEMENT AUTHORITY.—

“(1) INVESTIGATION OF COMPLAINTS.—

“(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—

“(i) PROCESS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a designated agricultural employer's failure to meet a condition specified in subsection (e), or an employer's misrepresentation of material facts in a petition under subsection (e)(2).

“(ii) FILING.—Any aggrieved person or organization, including bargaining representatives, may file a complaint referred to in clause (i) not later than 1 year after the date of the failure or misrepresentation, respectively.

“(iii) INVESTIGATION OR HEARING.—The Secretary of Labor shall conduct an investigation if there is reasonable cause to believe that such failure or misrepresentation has occurred.

“(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, not later than 30 days after the date on which such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (F). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

“(C) FAILURE TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition under subsection (e) or (f), or a material misrepresentation of fact in a petition under subsection (e)(2)—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed \$1,000 per violation) as the Secretary of Labor determines to be appropriate; and

“(ii) the Secretary may disqualify the designated agricultural employer from the employment of nonimmigrant agricultural workers for a period of 1 year.

“(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition under subsection (e) or (f) or a willful misrepresentation of a material fact in an registration or petition under paragraph (1) or (2) of subsection (e)—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed \$5,000 per violation) as the Secretary of Labor determines to be appropriate;

“(ii) the Secretary of Labor may seek appropriate legal or equitable relief; and

“(iii) the Secretary may disqualify the designated agricultural employer from the employment of nonimmigrant agricultural workers for a period of 2 years.

“(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition under subsection (e) or (f) or a willful misrepresentation of a material fact in an registration or petition under paragraph (1) or (2) of subsection (e), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's petition under subsection (e)(2) or during the period of 30 days preceding such period of employment—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed \$15,000 per violation) as the Secretary of Labor determines to be appropriate; and

“(ii) the Secretary may disqualify the employer from the employment of non-immigrant agricultural workers for a period of 3 years.

“(F) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment required under subsections (e)(4) and (f), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or nonimmigrant agricultural worker employed by the employer in the specific employment in question. The back wages or other required benefits required under subsections (e) and (f) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

“(G) DISPOSITION OF PENALTIES.—Civil penalties collected under this paragraph shall be deposited into the Comprehensive Immigration Reform Trust Fund established under

section 6(a)(1) of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(2) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to a petition under subsection (e)(2) in excess of \$90,000.

“(3) ELECTION.—A nonimmigrant agricultural worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action unless a complaint based on the same violation filed with the Secretary of Labor under paragraph (1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

“(4) PRECLUSIVE EFFECT.—Any settlement by a nonimmigrant agricultural worker, a designated agricultural employer, or any person reached through the mediation process required under subsection (g)(2)(C) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

“(5) SETTLEMENTS.—Any settlement by the Secretary of Labor with a designated agricultural worker on behalf of a nonimmigrant agricultural worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under this subsection shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

“(6) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section.

“(7) DISCRIMINATION PROHIBITED.—It is a violation of this subsection for any person who has filed a petition under subsection (e) or (f) to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee, including a former employee or an applicant for employment, because the employee—

“(A) has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of subsection (e) or (f), or any rule or regulation relating to subsection (e) or (f); or

“(B) cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements under subsection (e) or (f) or any rule or regulation pertaining to subsection (e) or (f).

“(8) ROLE OF ASSOCIATIONS.—

“(A) VIOLATION BY A MEMBER OF AN ASSOCIATION.—

“(i) IN GENERAL.—If an association acting as the agent of an employer files an application on behalf of such employer, the employer is fully responsible for such application, and for complying with the terms and conditions of subsection (e). If such an employer is determined to have violated any requirement described in this subsection, the penalty for such violation shall apply only to that employer except as provided in clause (ii).

“(ii) COLLECTIVE RESPONSIBILITY.—If the Secretary of Labor determines that the association or other members of the association participated in, had knowledge of, or reason

to know of a violation described in clause (i), the penalty shall also be invoked against the association and complicit association members.

“(B) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—

“(i) IN GENERAL.—If an association filing an application as a sole or joint employer is determined to have violated any requirement described in this section, the penalty for such violation shall apply only to the association except as provided in clause (ii).

“(ii) MEMBER RESPONSIBILITY.—If the Secretary of Labor determines that 1 or more association members participated in, had knowledge of, or reason to know of the violation described in clause (i), the penalty shall be invoked against all complicit association members.

“(i) SPECIAL NONIMMIGRANT VISA PROCESSING AND WAGE DETERMINATION PROCEDURES FOR CERTAIN AGRICULTURAL OCCUPATIONS.—

“(1) FINDING.—Certain industries possess unique occupational characteristics that necessitate the Secretary of Agriculture to adopt special procedures relating to housing, pay, and visa program application requirements for those industries.

“(2) SPECIAL PROCEDURES INDUSTRY DEFINED.—In this subsection, the term ‘Special Procedures Industry’ means—

“(A) sheepherding and goat herding;

“(B) itinerant commercial beekeeping and pollination;

“(C) open range production of livestock;

“(D) itinerant animal shearing; and

“(E) custom combining industries.

“(3) WORK LOCATIONS.—The Secretary shall allow designated agricultural employers in a Special Procedures Industry that do not operate in a single fixed-site location to provide, as part of its registration or petition under the Program, a list of anticipated work locations, which—

“(A) may include an anticipated itinerary; and

“(B) may be subsequently amended by the employer, after notice to the Secretary.

“(4) WAGE RATES.—The Secretary may establish monthly, weekly, or biweekly wage rates for occupations in a Special Procedures Industry for a State or other geographic area. For an employer in those Special Procedures Industries that typically pay a monthly wage, the Secretary shall require that workers will be paid not less frequently than monthly and at a rate no less than the legally required monthly cash wage for such employer as of the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act and in an amount as re-determined annually by the Secretary of Agriculture through rulemaking.

“(5) HOUSING.—The Secretary shall allow for the provision of housing or a housing allowance by employers in Special Procedures Industries and allow housing suitable for workers employed in remote locations.

“(6) ALLERGY LIMITATION.—An employer engaged in the commercial beekeeping or pollination services industry may require that an applicant be free from bee pollen, venom, or other bee-related allergies.

“(7) APPLICATION.—An individual employer in a Special Procedures Industry may file a program petition on its own behalf or in conjunction with an association of employers. The employer's petition may be part of several related petitions submitted simultaneously that constitute a master petition.

“(8) RULEMAKING.—The Secretary or, as appropriate, the Secretary of Homeland Security

or the Secretary of Labor, after consultation with employers and employee representatives, shall publish for notice and comment proposed regulations relating to housing, pay, and application procedures for Special Procedures Industries.

“(j) MISCELLANEOUS PROVISIONS.—

“(1) DISQUALIFICATION OF NONIMMIGRANT AGRICULTURAL WORKERS FROM FINANCIAL ASSISTANCE.—An alien admitted as a nonimmigrant agricultural worker is not eligible for any program of financial assistance under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Secretary in consultation with other agencies of the United States.

“(2) MONITORING REQUIREMENT.—

“(A) IN GENERAL.—The Secretary shall monitor the movement of nonimmigrant agricultural workers through—

“(i) the Employment Verification System described in section 274A(b); and

“(ii) the electronic monitoring system established pursuant to subparagraph (B).

“(B) ELECTRONIC MONITORING SYSTEM.—Not later than 2 years after the effective date of this section, the Secretary of Homeland Security, through the Director of U.S. Citizenship and Immigration Services, shall establish an electronic monitoring system, which shall—

“(i) be modeled on the Student and Exchange Visitor Information System (SEVIS) and the SEVIS II tracking system administered by U.S. Immigration and Customs Enforcement;

“(ii) monitor the presence and employment of nonimmigrant agricultural workers; and

“(iii) assist in ensuring the compliance of designated agricultural employers and nonimmigrant agricultural workers with the requirements of the Program.”.

(b) RULEMAKING.—The Secretary of Agriculture shall issue regulations to carry out section 218A of the Immigration and Nationality Act, as added by subsection (a), not later than 1 year after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 218 the following:

“Sec. 218A. Nonimmigrant agricultural worker program.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2014.

#### SEC. 2233. TRANSITION OF H-2A WORKER PROGRAM.

(a) SUNSET OF PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraph (2), an employer may not petition to employ an alien pursuant to section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) after the date that is 1 year after the date on which the regulations issued pursuant to section 2241(b) become effective.

(2) EXCEPTION.—An employer may employ an alien described in paragraph (1) for the shorter of—

(A) 10 months; or

(B) the time specified in the position.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF H-2A NONIMMIGRANT CATEGORY.—Section 101(a)(15)(H)(ii) (8 U.S.C. 1101(a)(15)(H)(ii)) is amended by striking subclause (a).

(2) REPEAL OF ADMISSION REQUIREMENTS FOR H-2A WORKER.—Section 218 (8 U.S.C. 1188) is repealed.

(3) CONFORMING AMENDMENTS.—

(A) AMENDMENT OF PETITION REQUIREMENTS.—Section 214(c)(1) (8 U.S.C. 1184(c)(1))

is amended by striking “For purposes of this subsection” and all that follows.

(B) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 218.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 1 year after the effective date of the regulations issued pursuant to section 2241(b).

**SEC. 2234. REPORTS TO CONGRESS ON NON-IMMIGRANT AGRICULTURAL WORKERS.**

(a) ANNUAL REPORT BY SECRETARY OF AGRICULTURE.—Not later than September 30 of each year, the Secretary of Agriculture shall submit a report to Congress that identifies, for the previous year, the number, disaggregated by State and by occupation, of—

(1) job opportunities approved for employment of aliens admitted pursuant to clause (iii) or clause (iv) of section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 2231; and

(2) aliens actually admitted pursuant to each such clause.

(b) ANNUAL REPORT BY SECRETARY OF HOMELAND SECURITY.—Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year, the number of aliens described in subsection (a)(2) who—

(1) violated the terms of the nonimmigrant agricultural worker program established under section 218A(b) of the Immigration and Nationality Act, as added by section 2232; and

(2) have not departed from the United States.

**CHAPTER 3—OTHER PROVISIONS**

**SEC. 2241. RULEMAKING.**

(a) CONSULTATION REQUIREMENT.—In the course of promulgating any regulation necessary to implement this subtitle, or the amendments made by this subtitle, the Secretary, the Secretary of Agriculture, the Secretary of Labor, and the Secretary of State shall regularly consult with each other.

(b) DEADLINE FOR ISSUANCE OF REGULATIONS.—Except as provided in section 2232(b), all regulations to implement this subtitle and the amendments made by this subtitle shall be issued not later than 6 months after the date of the enactment of this Act.

**SEC. 2242. REPORTS TO CONGRESS.**

Not later than 180 days after the date of the enactment of this Act, the Secretary and the Secretary of Agriculture shall jointly submit a report to Congress that describes the measures being taken and the progress made in implementing this subtitle and the amendments made by this subtitle.

**SEC. 2243. BENEFITS INTEGRITY PROGRAMS.**

(a) IN GENERAL.—Without regard to whether personal interviews are conducted in the adjudication of benefits provided for by section 210A, 218A, 245B, 245C, 245D, 245E, or 245F of the Immigration and Nationality Act, or in seeking a benefit under section 101(a)(15)(U) of the Immigration and Nationality Act, section 1242 of the Refugee Crisis in Iraq Act of 2007 (8 U.S.C. 1157 note), section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note), or section 2211 of this Act, the Secretary shall uphold and maintain the integrity of those benefits by carrying out for each of them, within the Fraud Detection and National Security Directorate of U.S. Citizenship and Immigration Services, programs as follows:

(1) A benefit fraud assessment program to quantify fraud rates, detect ongoing fraud

trends, and develop appropriate countermeasures, including through a random sample of both pending and completed cases.

(2) A compliance review program, including site visits, to identify frauds and deter fraudulent and illegal activities.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, U.S. Citizenship and Immigration Services shall annually submit to Congress a report on the programs carried out pursuant to subsection (a).

(2) ELEMENTS IN FIRST REPORT.—The initial report submitted under paragraph (1) shall include the methodologies to be used by the Fraud Detection and National Security Directorate for each of the programs specified in paragraphs (1) and (2) of subsection (a).

(3) ELEMENTS IN SUBSEQUENT REPORTS.—Each subsequent report under paragraph (1) shall include, for the calendar year covered by such report, a descriptions of examples of fraud detected, fraud rates for programs and types of applicants, and a description of the disposition of the cases in which fraud was detected or suspected.

(c) USE OF FINDINGS OF FRAUD.—Any instance of fraud or abuse detected pursuant to a program carried out pursuant to subsection (a) may be used to deny or revoke benefits, and may also be referred to U.S. Immigration and Customs Enforcement for investigation of criminal violations of section 266 of the Immigration and Nationality Act (8 U.S.C. 1306).

(d) FUNDING.—There are authorized to be appropriated, from the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1), such sums as may be necessary to carry out this section.

**SEC. 2244. EFFECTIVE DATE.**

This subtitle and the amendments made by this subtitle, except for sections 2231, 2232, and 2233, shall take effect on the date on which the regulations required under section 2241 are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

**Subtitle C—Future Immigration**

**SEC. 2301. MERIT-BASED POINTS TRACK ONE.**

(a) IN GENERAL.—

(1) WORLDWIDE LEVEL OF MERIT-BASED IMMIGRANTS.—Section 201(e) (8 U.S.C. 1151(e)) is amended to read as follows:

“(e) WORLDWIDE LEVEL OF MERIT-BASED IMMIGRANTS.—

“(1) IN GENERAL.—

“(A) NUMERICAL LIMITATION.—Subject to paragraphs (2), (3), and (4), the worldwide level of merit-based immigrants is equal to 120,000 for each fiscal year.

“(B) STATUS.—An alien admitted on the basis of a merit-based immigrant visa under this section shall have the status of an alien lawfully admitted for permanent residence.

“(2) ANNUAL INCREASE.—

“(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (3), if in any fiscal year the worldwide level of visas available for merit-based immigrants under this section—

“(i) is less than 75 percent of the number of applicants for such fiscal year, the worldwide level shall increase by 5 percent for the next fiscal year; and

“(ii) is equal to or more than 75 percent of such number, the worldwide level for the next fiscal year shall be the same as the worldwide level for such fiscal year, minus any amount added to the worldwide level for such fiscal year under paragraph (4).

“(B) LIMITATION ON INCREASE.—The worldwide level of visas available for merit-based immigrants shall not exceed 250,000.

“(3) EMPLOYMENT CONSIDERATION.—The worldwide level of visas available for merit-based immigrants may not be increased for a fiscal year under paragraph (2) if the annual average unemployment rate for the civilian labor force 18 years or over in the United States, as determined by the Bureau of Labor Statistics, for such previous fiscal year is more than 8½ percent.

“(4) RECAPTURE OF UNUSED VISAS.—The worldwide level of merit-based immigrants described in paragraph (1) for a fiscal year shall be increased by the difference (if any) between the worldwide level established under paragraph (1) for the previous fiscal year and the number of visas actually issued under this subsection during that fiscal year. Such visas shall be allocated for the following year pursuant to section 203(c)(3).”

(2) MERIT-BASED IMMIGRANTS.—Section 203 (8 U.S.C. 1153) is amended by inserting after subsection (b) the following:

“(c) MERIT-BASED IMMIGRANTS.—

“(1) FISCAL YEARS 2015 THROUGH 2017.—During each of the fiscal years 2015 through 2017, the worldwide level of merit-based immigrant visas made available under section 201(e)(1) shall be available for aliens described in section 203(b)(3) and in addition to any visas available for such aliens under such section.

“(2) SUBSEQUENT FISCAL YEARS.—During fiscal year 2018 and each subsequent fiscal year, aliens subject to the worldwide level specified in section 201(e) for merit-based immigrants shall be allocated as follows:

“(A) 50 percent shall be available to applicants with the highest number of points allocated under tier 1 in paragraph (4).

“(B) 50 percent shall be available to applicants with the highest number of points allocated under tier 2 in paragraph (5).

“(3) UNUSED VISAS.—If the total number of visas allocated to tier 1 or tier 2 for a fiscal year are not granted during that fiscal year, such number may be added to the number of visas available under section 201(e)(1) for the following fiscal year and allocated as follows:

“(A) If the unused visas were allocated for tier 1 in a fiscal year, ¾ of such visas shall be available for aliens allocated visas under tier 1 in the following fiscal year and ¼ of such visas shall be available for aliens allocated visas under either tier 1 or tier 2 in the following fiscal year.

“(B) If the unused visas were allocated for tier 2 in a fiscal year, ¾ of such visas shall be available for aliens allocated visas under tier 2 in the following fiscal year and ¼ of such visas shall be available for aliens allocated visas under either tier 1 or tier 2 in the following fiscal year.

“(4) TIER 1.—The Secretary shall allocate points to each alien seeking to be a tier 1 merit-based immigrant as follows:

“(A) EDUCATION.—

“(i) IN GENERAL.—An alien may receive points under only 1 of the following categories:

“(I) An alien who has received a doctorate degree from an institution of higher education in the United States or the foreign equivalent shall be allocated 15 points.

“(II) An alien who has received a master's degree from an institution of higher education in the United States or the foreign equivalent shall be allocated 10 points.

“(ii) An alien who has received a bachelor's degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) shall be allocated 5 points.

“(B) EMPLOYMENT EXPERIENCE.—An alien shall be allocated not more than 20 points as follows:

“(i) 3 points for each year the alien has been lawfully employed in a zone 5 occupation in the United States.

“(ii) 2 points for each year the alien has been lawfully employed in a zone 4 occupation in the United States.

“(C) EMPLOYMENT RELATED TO EDUCATION.—An alien who is in the United States and is employed full-time or has an offer of full-time employment in a field related to the alien's education—

“(i) in a zone 5 occupation shall be allocated 10 points; or

“(ii) in a zone 4 occupation shall be allocated 8 points.

“(D) ENTREPRENEURSHIP.—An alien who is an entrepreneur in business that employs at least 2 employees in a zone 4 occupation or a zone 5 occupation shall be allocated 10 points.

“(E) HIGH DEMAND OCCUPATION.—An alien who is employed full-time in the United States or has an offer of full-time employment in a high demand tier 1 occupation shall be allocated 10 points.

“(F) CIVIC INVOLVEMENT.—An alien who has attested that he or she has engaged in a significant amount of community service, as determined by the Secretary, shall be allocated 2 points.

“(G) ENGLISH LANGUAGE.—An alien who received a score of 80 or more on the Test of English as a Foreign Language, or an equivalent score on a similar test, as determined by the Secretary, shall be allocated 10 points.

“(H) SIBLINGS AND MARRIED SONS AND DAUGHTERS OF CITIZENS.—An alien who is the sibling of a citizen of the United States or who is over 31 years of age and is the married son or married daughter of a citizen of the United States shall be allocated 10 points.

“(I) AGE.—An alien who is—

“(i) between 18 and 24 years of age shall be allocated 8 points;

“(ii) between 25 and 32 years of age shall be allocated 6 points; or

“(iii) between 33 and 37 years of age shall be allocated 4 points.

“(J) COUNTRY OF ORIGIN.—An alien who is a national of a country of which fewer than 50,000 nationals were lawfully admitted to permanent residence in the United States in the previous 5 years shall be allocated 5 points.

“(5) TIER 2.—The Secretary shall allocate points to each alien seeking to be a tier 2 merit-based immigrant as follows:

“(A) EMPLOYMENT EXPERIENCE.—An alien shall be allocated 2 points for each year the alien has been lawfully employed in the United States, for a total of not more than 20 points.

“(B) SPECIAL EMPLOYMENT CRITERIA.—An alien who is employed full-time in the United States, or has an offer of full-time employment—

“(i) in a high demand tier 2 occupation shall be allocated 10 points; or

“(ii) in a zone 1, zone 2, or zone 3 occupation shall be allocated 10 points.

“(C) CAREGIVER.—An alien who is or has been a primary caregiver shall be allocated 10 points.

“(D) EXCEPTIONAL EMPLOYMENT RECORD.—An alien who has a record of exceptional employment, as determined by the Secretary, shall be allocated 10 points. In determining a record of exceptional employment, the Secretary shall consider factors including promotions, longevity, changes in occupations from a lower job zone to a higher job zone,

participated in safety training, and increases in pay.

“(E) CIVIC INVOLVEMENT.—An alien who has demonstrated significant civic involvement shall be allocated 2 points.

“(F) ENGLISH LANGUAGE.—

“(i) ENGLISH PROFICIENCY.—An alien who has demonstrated English proficiency, as determined by a standardized test designated by the Secretary of Education, shall be allocated 10 points.

“(ii) ENGLISH KNOWLEDGE.—An alien who has demonstrated English knowledge, as determined by a standardized test designated by the Secretary of Education, shall be allocated 5 points.

“(G) SIBLINGS AND MARRIED SONS AND DAUGHTERS OF CITIZENS.—An alien who is the sibling of a citizen of the United States or is over the age of 31 and is the married son or married daughter of a citizen of the United States shall be allocated 10 points.

“(H) AGE.—An alien who is—

“(i) between 18 and 24 years of age shall be allocated 8 points;

“(ii) between 25 and 32 years of age shall be allocated 6 points; or

“(iii) between 33 and 37 years of age shall be allocated 4 points.

“(I) COUNTRY OF ORIGIN.—An alien who is a national of a country of which fewer than 50,000 nationals were lawfully admitted to permanent residence in the United States in the previous 5 years shall be allocated 5 points.

“(6) APPLICATION PROCEDURES.—

“(A) SUBMISSION.—During the 30-day period beginning on the first October 1 occurring at least 3 years after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, and during each 30-day period beginning on October 1 in subsequent years, eligible aliens may submit, to U.S. Citizenship and Immigration Services, an application for a merit-based immigrant visa that contains such information as the Secretary may reasonably require.

“(B) ADJUDICATION.—Before the last day of each fiscal year in which applications are filed pursuant to subparagraph (A), the Director, U.S. Citizenship and Immigration Services, shall—

“(i) review the applications to determine which aliens will be granted a merit-based immigrant visa in the following fiscal year in accordance with this subsection; and

“(ii) in coordination with the Secretary of State, provide such visas to all successful applicants.

“(C) FEE.—An alien who is allocated a visa under this subsection shall pay a fee of \$1,500 in addition to any fee assessed to cover the costs to process an application under this subsection. Fees collected under this paragraph shall be deposited by the Secretary into the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1) of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(7) ELIGIBILITY OF ALIENS IN REGISTERED PROVISIONAL IMMIGRANT STATUS.—An alien who was granted registered provisional immigrant status under section 245B is not eligible to receive a merit-based immigrant visa under section 201(e).

“(8) INELIGIBILITY OF ALIENS WITH PENDING OR APPROVED PETITIONS.—An alien who has a petition pending or approved in another immigrant category under this section or section 201 may not apply for a merit-based immigrant visa.

“(9) DEFINITIONS.—In this subsection:

“(A) HIGH DEMAND TIER 1 OCCUPATION.—The term ‘high demand tier 1 occupation’ means

1 of the 5 occupations for which the highest number of nonimmigrants described in section 101(a)(15)(H)(i) were sought to be admitted by employers during the previous fiscal year.

“(B) HIGH DEMAND TIER 2 OCCUPATION.—The term ‘high demand tier 2 occupation’ means 1 of the 5 occupations for which the highest number of positions were sought to become registered positions by employers under section 220(e) during the previous fiscal year.

“(C) SECRETARY.—The term ‘Secretary’ means the Secretary of Homeland Security.

“(D) ZONE 1 OCCUPATION.—The term ‘zone 1 occupation’ means an occupation that requires little or no preparation and is classified as a zone 1 occupation on—

“(i) the Occupational Information Network Database (O\*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

“(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.

“(E) ZONE 2 OCCUPATION.—The term ‘zone 2 occupation’ means an occupation that requires some preparation and is classified as a zone 2 occupation on—

“(i) the Occupational Information Network Database (O\*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

“(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.

“(F) ZONE 3 OCCUPATION.—The term ‘zone 3 occupation’ means an occupation that requires medium preparation and is classified as a zone 3 occupation on—

“(i) the Occupational Information Network Database (O\*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

“(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.

“(G) ZONE 4 OCCUPATION.—The term ‘zone 4 occupation’ means an occupation that requires considerable preparation and is classified as a zone 4 occupation on—

“(i) the Occupational Information Network Database (O\*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

“(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.

“(H) ZONE 5 OCCUPATION.—The term ‘zone 5 occupation’ means an occupation that requires extensive preparation and is classified as a zone 5 occupation on—

“(i) the Occupational Information Network Database (O\*NET) on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; or

“(ii) such Database or a similar successor database, as designated by the Secretary of Labor, after such date of enactment.”

(3) GAO STUDY AND REPORT.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study of the merit-based immigration system established under section 203(c) of the Immigration and Nationality Act, as amended by paragraph (2), to determine, during the first 7 years of such system—

(i) how the points described in paragraphs (4)(H), (4)(J), (5)(G), and (5)(I) of section 203(c) of such Act were utilized;

(ii) how many of the points allocated to people lawfully admitted for permanent residence were allocated under such paragraphs;

(iii) how many people who were allocated points under such paragraphs were not lawfully admitted to permanent residence;

(iv) the countries of origin of the people who applied for a merit-based visa under section 203(c) of such Act;

(v) the number of such visas issued under tier 1 and tier 2 to males and females, respectively;

(vi) the age of individuals who were issued such visas; and

(vii) the educational attainment and occupation of people who were issued such visas.

(B) REPORT.—Not later than 7 years after the date of the enactment of this Act, the Comptroller General shall submit a report to Congress that describes the results of the study conducted pursuant to subparagraph (A).

(b) MODIFICATION OF POINTS.—The Secretary may submit to Congress a proposal to modify the number of points allocated under subsection (c) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153), as amended by subsection (a).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2014.

#### SEC. 2302. MERIT-BASED TRACK TWO.

(a) IN GENERAL.—In addition to any immigrant visa made available under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by this Act, the Secretary of State shall allocate merit-based immigrant visas as described in this section.

(b) STATUS.—An alien admitted on the basis of a merit-based immigrant visa under this section shall have the status of an alien lawfully admitted for permanent residence (as that term is defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))).

(c) ELIGIBILITY.—Beginning on October 1, 2014, the following aliens shall be eligible for merit-based immigrant visas under this section:

(1) EMPLOYMENT-BASED IMMIGRANTS.—An alien who is the beneficiary of a petition filed before the date of the enactment of this Act to accord status under section 203(b) of the Immigration and Nationality Act, if the visa has not been issued within 5 years after the date on which such petition was filed.

(2) FAMILY-SPONSORED IMMIGRANTS.—Subject to subsection (d), an alien who is the beneficiary of a petition filed to accord status under section 203(a) of the Immigration and Nationality Act—

(A) prior to the date of the enactment of this Act, if the visa was not issued within 5 years after the date on which such petition was filed; or

(B) after such date of enactment, to accord status under paragraph (3) or (4) of section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), as in effect the minute before the effective date specified in section 2307(a)(3) of this Act, and the visa was not issued within 5 years after the date on which petition was filed.

(3) LONG-TERM ALIEN WORKERS AND OTHER MERIT-BASED IMMIGRANTS.—An alien who—

(A) is not admitted pursuant to subparagraph (W) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

(B) has been lawfully present in the United States in a status that allows for employment authorization for a continuous period, not counting brief, casual, and innocent absences, of not less than 10 years.

(d) ALLOCATION OF EMPLOYMENT-SPONSORED MERIT-BASED IMMIGRANT VISAS.—In each of the fiscal years 2015 through and including 2021, the Secretary of State shall allocate to aliens described in subsection (c)(1) a number of merit-based immigrant visas equal to  $\frac{1}{2}$  of the number of aliens described in subsection (c)(1) whose visas had not been issued as of the date of the enactment of this Act.

(e) ALLOCATION OF FAMILY-SPONSORED MERIT-BASED IMMIGRANT VISAS.—The visas authorized by subsection (c)(2) shall be allocated as follows:

(1) SPOUSES AND CHILDREN OF PERMANENT RESIDENTS.—Petitions to accord status under section 203(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)(A)), as in effect the minute before the effective date specified in section 2307(a)(3) of this Act, are automatically converted to petitions to accord status to the same beneficiaries as immediate relatives under section 201(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)).

(2) OTHER FAMILY MEMBERS.—In each of the fiscal years 2015 through and including 2021, the Secretary of State shall allocate to the aliens described in subsection (c)(2)(A), other than those aliens described in paragraph (1), a number of transitional merit-based immigrant visas equal to  $\frac{1}{4}$  of the difference between—

(A) the number of aliens described in subsection (c)(2)(A) whose visas had not been issued as of the date of the enactment of this Act; and

(B) the number of aliens described in paragraph (1).

(3) ORDER OF ISSUANCE FOR PREVIOUSLY FILED APPLICATIONS.—Subject to paragraphs (1) and (2), the visas authorized by subsection (c)(2)(A) shall be issued without regard to a per country limitation in the order described in section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), as amended by section 2305(b), in the order in which the petitions to accord status under such section 203(a) were filed prior to the date of the enactment of this Act.

(4) SUBSEQUENTLY FILED APPLICATIONS.—In fiscal year 2022, the Secretary of State shall allocate to the aliens described in subsection (c)(2)(B), the number of merit-based immigrant visas equal to  $\frac{1}{2}$  of the number of aliens described in subsection (c)(2)(B) whose visas had not been issued by October 1, 2021. In fiscal year 2023, the Secretary of State shall allocate to the aliens described in subsection (c)(2)(B), the number of merit-based immigrant visas equal to the number of aliens described in subsection (c)(2)(B) whose visas had not been issued by October 1, 2022.

(5) ORDER OF ISSUANCE FOR SUBSEQUENTLY FILED APPLICATIONS.—Subject to paragraph (4), the visas authorized by subsection (c)(2)(B) shall be issued in the order in which the petitions to accord status under section 203(a) of the Immigration and Nationality Act were filed, as in effect the minute before the effective date specified in section 2307(a)(3) of this Act.

(f) APPLICABILITY OF CERTAIN GROUNDS OF INADMISSIBILITY.—In determining an alien's inadmissibility under this section, section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)) shall not apply.

(g) ELIGIBILITY IN YEARS AFTER 2028.—Beginning in fiscal year 2029, aliens eligible for adjustment of status under subsection (c)(3) must be lawfully present in an employment authorized status for 20 years prior to filing an application for adjustment of status.

#### SEC. 2303. REPEAL OF THE DIVERSITY VISA PROGRAM.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended—

(1) in section 201(a) (8 U.S.C. 1151(a))—

(A) in paragraph (1), by adding “and” at the end;

(B) in paragraph (2), by striking “; and” at the end and inserting a period; and

(C) by striking paragraph (3);

(2) in section 203 (8 U.S.C. 1153)—

(A) by striking subsection (c);

(B) in subsection (e)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraph (3) as paragraph (2);

(C) in subsection (f), by striking “(a), (b), or (c) of this section” and inserting “(a) or (b)”; and

(D) in subsection (g), by striking “(a), (b), and (c)” and inserting “(a) and (b)”; and

(3) in section 204 (8 U.S.C. 1154)—

(A) in subsection (a), as amended by section 2305(d)(6)(A)(i), by striking paragraph (8); and

(B) in subsection (e), by striking “(a), (b), or (c)” and inserting “(a) or (b)”.

(b) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2014.

(2) APPLICATION.—An alien who receives a notification from the Secretary that the alien was selected to receive a diversity immigrant visa under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) for fiscal year 2013 or fiscal year 2014 shall remain eligible to receive such visa under the rules of such section, as in effect on September 30, 2014. No alien may be allocated such a diversity immigrant visa for a fiscal year after fiscal year 2015.

#### SEC. 2304. WORLDWIDE LEVELS AND RECAPTURE OF UNUSED IMMIGRANT VISAS.

(a) EMPLOYMENT-BASED IMMIGRANTS.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

“(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

“(1) IN GENERAL.—

“(A) WORLDWIDE LEVEL.—For a fiscal year after fiscal year 2015, the worldwide level of employment-based immigrants under this subsection is equal to the sum of—

“(i) 140,000; and

“(ii) the number computed under paragraph (2).

“(B) FISCAL YEAR 2015.—For fiscal year 2015, the worldwide level of employment-based immigrants under this subsection is equal to the sum of—

“(i) 140,000;

“(ii) the number computed under paragraph (2); and

“(iii) the number computed under paragraph (3).

“(2) PREVIOUS FISCAL YEAR.—The number computed under this paragraph for a fiscal year is the difference, if any, between the maximum number of visas which may be issued under section 203(a) (relating to family-sponsored immigrants) during the previous fiscal year and the number of visas issued under that section during that year.

“(3) UNUSED VISAS.—The number computed under this paragraph is the difference, if any, between—

“(A) the sum of the worldwide levels established under paragraph (1), as in effect on the day before the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, for fiscal years 1992 through and including 2013; and



“(B) the number of visas actually issued under section 203(b) during such fiscal years.”.

(b) FAMILY-SPONSORED IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

“(C) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—

“(1) IN GENERAL.—

“(A) WORLDWIDE LEVEL.—Subject to subparagraph (C), for each fiscal year after fiscal year 2015, the worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

“(i) 480,000 minus the number computed under paragraph (2); and

“(ii) the number computed under paragraph (3).

“(B) FISCAL YEAR 2015.—Subject to subparagraph (C), for fiscal year 2015, the worldwide level of family-sponsored immigrants under this subsection is equal to the sum of—

“(i) 480,000 minus the number computed under paragraph (2);

“(ii) the number computed under paragraph (3); and

“(iii) the number computed under paragraph (4).

“(C) LIMITATION.—The number computed under subparagraph (A)(i) or (B)(i) may not be less than 226,000, except that beginning on the date that is 18 months after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, the number computed under subparagraph (A)(i) or (B)(i) may not be less than 161,000.

“(2) IMMEDIATE RELATIVES.—The number computed under this paragraph for a fiscal year is the number of aliens described in subparagraph (A) or (B) of subsection (b)(2) who were issued immigrant visas, or who otherwise acquired the status of an alien lawfully admitted to the United States for permanent residence, in the previous fiscal year.

“(3) PREVIOUS FISCAL YEAR.—The number computed under this paragraph for a fiscal year is the difference, if any, between the maximum number of visas which may be issued under section 203(b) (relating to employment-based immigrants) during the previous fiscal year and the number of visas issued under that section during that year.

“(4) UNUSED VISAS.—The number computed under this paragraph is the difference, if any, between—

“(A) the sum of the worldwide levels established under paragraph (1) for fiscal years 1992 through and including 2013; and

“(B) the number of visas actually issued under section 203(a) during such fiscal years.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

#### SEC. 2305. RECLASSIFICATION OF SPOUSES AND MINOR CHILDREN OF LAWFUL PERMANENT RESIDENTS AS IMMEDIATE RELATIVES.

(a) IMMEDIATE RELATIVES.—Section 201(b)(2) (8 U.S.C. 1151(b)(2)) is amended to read as follows:

“(2)(A) Aliens who are immediate relatives.

“(B) In this paragraph, the term ‘immediate relative’ means—

“(i) a child, spouse, or parent of a citizen of the United States, except that in the case of such a parent such citizen shall be at least 21 years of age;

“(ii) a child or spouse of an alien lawfully admitted for permanent residence;

“(iii) a child or spouse of an alien described in clause (i), who is accompanying or following to join the alien;

“(iv) a child or spouse of an alien described in clause (ii), who is accompanying or following to join the alien;

“(v) an alien admitted under section 211(a) on the basis of a prior issuance of a visa to the alien’s accompanying parent who is an immediate relative; and

“(vi) an alien born to an alien lawfully admitted for permanent residence during a temporary visit abroad.

“(C) If an alien who was the spouse or child of a citizen of the United States or of an alien lawfully admitted for permanent residence and was not legally separated from the citizen or lawful permanent resident at the time of the citizen’s or lawful permanent resident’s death files a petition under section 204(a)(1)(B), the alien spouse (and each child of the alien) shall remain, for purposes of this paragraph, an immediate relative during the period beginning on the date of the citizen’s or permanent resident’s death and ending on the date on which the alien spouse remarries.

“(D) An alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) shall remain, for purposes of this paragraph, an immediate relative if the United States citizen or lawful permanent resident spouse or parent loses United States citizenship on account of the abuse.”.

(b) ALLOCATION OF IMMIGRANT VISAS.—Section 203(a) (8 U.S.C. 1153(a)) is amended—

(1) in paragraph (1), by striking “23,400,” and inserting “20 percent of the worldwide level of family-sponsored immigrants under section 201(c)”; and

(2) by striking paragraph (2) and inserting the following:

“(2) UNMARRIED SONS AND UNMARRIED DAUGHTERS OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the unmarried sons or unmarried daughters (but are not the children) of an alien lawfully admitted for permanent residence shall be allocated visas in a number not to exceed 20 percent of the worldwide level of family-sponsored immigrants under section 201(c), plus any visas not required for the class specified in paragraph (1).”;

(3) in paragraph (3)—

(A) by striking “23,400,” and inserting “20 percent of the worldwide level of family-sponsored immigrants under section 201(c)”; and

(B) by striking “classes specified in paragraphs (1) and (2).” and inserting “class specified in paragraph (2).”;

(4) in paragraph (4)—

(A) by striking “65,000,” and inserting “40 percent of the worldwide level of family-sponsored immigrants under section 201(c)”; and

(B) by striking “classes specified in paragraphs (1) through (3).” and inserting “class specified in paragraph (3).”.

(c) TERMINATION OF REGISTRATION.—Section 203(g) (8 U.S.C. 1153(g)) is amended to read as follows:

“(g) LISTS.—

“(1) IN GENERAL.—For purposes of carrying out the orderly administration of this title, the Secretary of State may make reasonable estimates of the anticipated numbers of immigrant visas to be issued during any quarter of any fiscal year within each of the categories under subsections (a), (b), and (c) and may rely upon such estimates in authorizing the issuance of visas.

“(2) TERMINATION OF REGISTRATION.—

“(A) INFORMATION DISSEMINATION.—Not later than 180 days after the date of the en-

actment of the Border Security, Economic Opportunity, and Immigration Modernization Act, the Secretary of Homeland Security and the Secretary of State shall adopt a plan to broadly disseminate information to the public regarding termination of registration procedures described in subparagraphs (B) and (C), including procedures for notifying the Department of Homeland Security and the Department of State of any change of address on the part of a petitioner or a beneficiary of an immigrant visa petition.

“(B) TERMINATION FOR FAILURE TO ADJUST.—The Secretary of Homeland Security shall terminate the registration of any alien who has evidenced an intention to acquire lawful permanent residence under section 245 and who fails to apply to adjust status within 1 year following notification to the alien of the availability of an immigrant visa.

“(C) TERMINATION FOR FAILURE TO APPLY.—The Secretary of State shall terminate the registration of any alien not described in subparagraph (B) who fails to apply for an immigrant visa within 1 year following notification to the alien of the availability of such visa.

“(3) REINSTATEMENT.—The registration of any alien that was terminated under paragraph (2) shall be reinstated if, within 2 years following the date of notification of the availability of such visa, the alien demonstrates that such failure to apply was due to good cause.”.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 101(a)(15)(K)(ii) (8 U.S.C. 1101(a)(15)(K)(ii)) is amended by striking “section 201(b)(2)(A)(i)” and inserting “section 201(b)(2) (other than clause (v) or (vi) of subparagraph (B))”.

(2) PER COUNTRY LEVEL.—Section 202(a)(1)(A) (8 U.S.C. 1152(a)(1)(A)) is amended by striking “section 201(b)(2)(A)(i)” and inserting “section 201(b)(2) (other than clause (v) or (vi) of subparagraph (B))”.

(3) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—Section 201(f) (8 U.S.C. 1151(f)) is amended—

(A) in paragraph (1), by striking “paragraphs (2) and (3),” and inserting “paragraph (2).”;

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(D) in paragraph (3), as redesignated by subparagraph (C), by striking “through (3)” and inserting “and (2)”.

(4) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202(a)(4) (8 U.S.C. 1152(a)(4)) is amended—

(A) by striking subparagraphs (A) and (B);

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A), as redesignated by clause (ii), by striking “section 203(a)(2)(B)” and inserting “section 203(a)(2)”.

(5) ALLOCATION OF IMMIGRANT VISAS.—Section 203(h) (8 U.S.C. 1153(h)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “subsections (a)(2)(A) and (d)” and inserting “subsection (d)”;

(ii) in subparagraph (A), by striking “becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien’s parent),” and inserting “became available for the alien’s parent.”;

(iii) in subparagraph (B), by striking “applicable”;

(B) by amending paragraph (2) to read as follows:



“(2) PETITIONS DESCRIBED.—The petition described in this paragraph is a petition filed under section 204 for classification of the alien's parent under subsection (a), (b), or (c).”; and

(C) by amending paragraph (3) to read as follows:

“(3) RETENTION OF PRIORITY DATE.—

“(A) PETITIONS FILED FOR CHILDREN.—For a petition originally filed to classify a child under subsection (d), if the age of the alien is determined under paragraph (1) to be 21 years of age or older on the date that a visa number becomes available to the alien's parent who was the principal beneficiary of the petition, then, upon the parent's admission to lawful permanent residence in the United States, the petition shall automatically be converted to a petition filed by the parent for classification of the alien under subsection (a)(2) and the petition shall retain the priority date established by the original petition.

“(B) FAMILY AND EMPLOYMENT-BASED PETITIONS.—The priority date for any family- or employment-based petition shall be the date of filing of the petition with the Secretary of Homeland Security (or the Secretary of State, if applicable), unless the filing of the petition was preceded by the filing of a labor certification with the Secretary of Labor, in which case that date shall constitute the priority date. The beneficiary of any petition shall retain his or her earliest priority date based on any petition filed on his or her behalf that was approvable when filed, regardless of the category of subsequent petitions.”

(6) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—

(A) PETITIONING PROCEDURE.—Section 204 (8 U.S.C. 1154) is amended—

(i) by striking subsection (a) and inserting the following:

“(a) PETITIONING PROCEDURE.—

“(1) IN GENERAL.—(A) Except as provided in subparagraph (H), any citizen of the United States or alien lawfully admitted for permanent residence claiming that an alien is entitled to classification by reason of a relationship described in subparagraph (A) or (B) of section 203(a)(1) or to an immediate relative status under section 201(b)(2)(A) may file a petition with the Secretary of Homeland Security for such classification.

“(B) An alien spouse or alien child described in section 201(b)(2)(C) may file a petition with the Secretary under this paragraph for classification of the alien (and the alien's children) under such section.

“(C)(i) An alien who is described in clause (ii) may file a petition with the Secretary under this subparagraph for classification of the alien (and any child of the alien) if the alien demonstrates to the Secretary that—

“(I) the marriage or the intent to marry the citizen of the United States or lawful permanent resident was entered into in good faith by the alien; and

“(II) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.

“(ii) For purposes of clause (i), an alien described in this clause is an alien—

“(I)(aa) who is the spouse of a citizen of the United States or lawful permanent resident;

“(bb) who believed that he or she had married a citizen of the United States or lawful permanent resident and with whom a marriage ceremony was actually performed and

who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such citizen of the United States or lawful permanent resident; or

“(cc) who was a bona fide spouse of a citizen of the United States or a lawful permanent resident within the past 2 years and—

“(AA) whose spouse died within the past 2 years;

“(BB) whose spouse renounced citizenship status or renounced or lost status as a lawful permanent resident within the past 2 years related to an incident of domestic violence; or

“(CC) who demonstrates a connection between the legal termination of the marriage within the past 2 years and battering or extreme cruelty by a spouse who is a citizen of the United States or a lawful permanent resident spouse;

“(II) who is a person of good moral character;

“(III) who is eligible to be classified as an immediate relative under section 201(b)(2)(A) or who would have been so classified but for the bigamy of the citizen of the United States that the alien intended to marry; and

“(IV) who has resided with the alien's spouse or intended spouse.

“(D) An alien who is the child of a citizen or lawful permanent resident of the United States, or who was a child of a United States citizen or lawful permanent resident parent who within the past 2 years lost or renounced citizenship status related to an incident of domestic violence, and who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A), and who resides, or has resided in the past, with the citizen or lawful permanent resident parent may file a petition with the Secretary of Homeland Security under this paragraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Secretary that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen or lawful permanent resident parent. For purposes of this subparagraph, residence includes any period of visitation.

“(E) An alien who—

“(i) is the spouse, intended spouse, or child living abroad of a citizen or lawful permanent resident who—

“(I) is an employee of the United States Government;

“(II) is a member of the uniformed services (as defined in section 101(a) of title 10, United States Code); or

“(III) has subjected the alien or the alien's child to battery or extreme cruelty in the United States; and

“(ii) is eligible to file a petition under subparagraph (C) or (D), shall file such petition with the Secretary of Homeland Security under the procedures that apply to self-petitioners under subparagraph (C) or (D), as applicable.

“(F) For the purposes of any petition filed under subparagraph (C) or (D), the denaturalization, loss or renunciation of citizenship or lawful permanent resident status, death of the abuser, divorce, or changes to the abuser's citizenship or lawful permanent resident status after filing of the petition shall not adversely affect the approval of the petition, and for approved petitions shall not preclude the classification of the eligible self-petitioning spouse or child as an immediate relative or affect the alien's ability to

adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on the approved self-petition under such clauses.

“(G) An alien may file a petition with the Secretary of Homeland Security under this paragraph for classification of the alien under section 201(b)(2)(A) if the alien—

“(i) is the parent of a citizen of the United States or was a parent of a citizen of the United States who, within the past 2 years, lost or renounced citizenship status related to an incident of domestic violence or died;

“(ii) is a person of good moral character;

“(iii) is eligible to be classified as an immediate relative under section 201(b)(2)(A);

“(iv) resides, or has resided, with the citizen daughter or son; and

“(v) demonstrates that the alien has been battered or subject to extreme cruelty by the citizen daughter or son.

“(H)(i) Subparagraph (A) shall not apply to a citizen of the United States who has been convicted of a specified offense against a minor, unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in subparagraph (A) is filed.

“(ii) For purposes of clause (i), the term ‘specified offense against a minor’ has the meaning given such term in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911).

“(2) DETERMINATION OF GOOD MORAL CHARACTER.—Notwithstanding section 101(f), an act or conviction that is waivable with respect to the petitioner for purposes of a determination of the petitioner's admissibility under section 212(a) or deportability under section 237(a) shall not bar the Secretary of Homeland Security from finding the petitioner to be of good moral character under subparagraph (C) or (D) of paragraph (1), if the Secretary finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty.

“(3) PREFERENCE STATUS.—(A)(i) Any child who attains 21 years of age who has filed a petition under paragraph (1)(D) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date assigned to the self-petition filed under paragraph (1)(D). No new petition shall be required to be filed.

“(ii) Any individual described in clause (i) is eligible for deferred action and work authorization.

“(iii) Any derivative child who attains 21 years of age who is included in a petition described in subparagraph (B) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a VAWA self-petitioner with the same priority date as that assigned to the petitioner in any petition described in subparagraph (B). No new petition shall be required to be filed.

“(iv) Any individual described in clause (iii) and any derivative child of a petitioner described in subparagraph (B) is eligible for deferred action and work authorization.

“(B) The petition referred to in subparagraph (A)(iii) is a petition filed by an alien

under subparagraph (C) or (D) of paragraph (1) in which the child is included as a derivative beneficiary.

“(C) Nothing in the amendments made by the Child Status Protection Act (Public Law 107–208; 116 Stat. 927) shall be construed to limit or deny any right or benefit provided under this paragraph.

“(D) Any alien who benefits from this paragraph may adjust status in accordance with subsections (a) and (c) of section 245 as an alien having an approved petition for classification under subparagraph (C) or (D) of paragraph (1).

“(E) For purposes of this paragraph, an individual who is not less than 21 years of age, who qualified to file a petition under paragraph (1)(D) as of the minute before the date on which the individual attained 21 years of age, and who did not file such a petition before such day, shall be treated as having filed a petition under such paragraph as of such day if a petition is filed for the status described in such paragraph before the individual attains 25 years of age and the individual shows that the abuse was at least 1 central reason for the filing delay. Subparagraphs (A) through (D) shall apply to an individual described in this subparagraph in the same manner as an individual filing a petition under paragraph (1)(D).

“(4) CLASSIFICATION AS ALIEN WITH EXTRAORDINARY ABILITY.—Any alien desiring to be classified under subparagraph (I), (J), (K), (L), or (M) of section 201(b)(1) or section 203(b)(1)(A), or any person on behalf of such an alien, may file a petition with the Secretary of Homeland Security for such classification.

“(5) CLASSIFICATION AS EMPLOYMENT-BASED IMMIGRANT.—Any employer desiring and intending to employ within the United States an alien entitled to classification under paragraph (1)(B), (1)(C), (2), or (3) of section 203(b) may file a petition with the Secretary of Homeland Security for such classification.

“(6) CLASSIFICATION AS SPECIAL IMMIGRANT.—(A) Any alien (other than a special immigrant under section 101(a)(27)(D)) desiring to be classified under section 203(b)(4), or any person on behalf of such an alien, may file a petition with the Secretary of Homeland Security for such classification.

“(B) Aliens claiming status as a special immigrant under section 101(a)(27)(D) may file a petition only with the Secretary of State and only after notification by the Secretary that such status has been recommended and approved pursuant to such section.

“(7) CLASSIFICATION AS IMMIGRANT INVESTOR.—Any alien desiring to be classified under paragraph (5) or (6) of section 203(b) may file a petition with the Secretary of Homeland Security for such classification.

“(8) DIVERSITY VISA.—(A) Any alien desiring to be provided an immigrant visa under section 203(c) may file a petition at the place and time determined by the Secretary of State by regulation. Only 1 such petition may be filed by an alien with respect to any petitioning period established. If more than 1 petition is submitted all such petitions submitted for such period by the alien shall be voided.

“(B)(i) The Secretary of State shall designate a period for the filing of petitions with respect to visas which may be issued under section 203(c) for the fiscal year beginning after the end of the period.

“(ii) Aliens who qualify, through random selection, for a visa under section 203(c) shall remain eligible to receive such visa only through the end of the specific fiscal year for which they were selected.

“(iii) The Secretary of State shall prescribe such regulations as may be necessary to carry out this subparagraph.

“(C) A petition under this paragraph shall be in such form as the Secretary of State may by regulation prescribe and shall contain such information and be supported by such documentary evidence as the Secretary of State may require.

“(D) Each petition to compete for consideration for a visa under section 203(c) shall be accompanied by a fee equal to \$30. All amounts collected under this subparagraph shall be deposited into the Treasury as miscellaneous receipts.

“(9) CONSIDERATION OF CREDIBLE EVIDENCE.—In acting on petitions filed under subparagraph (C) or (D) of paragraph (1), or in making determinations under paragraphs (2) and (3), the Secretary of Homeland Security shall consider any credible evidence relevant to the petition. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary.

“(10) WORK AUTHORIZATION.—(A) Upon the approval of a petition as a VAWA self-petitioner, the alien—

“(i) is eligible for work authorization; and

“(ii) may be provided an ‘employment authorized’ endorsement or appropriate work permit incidental to such approval.

“(B) Notwithstanding any provision of this Act restricting eligibility for employment in the United States, the Secretary of Homeland Security shall grant employment authorization to an alien who has filed an application for status as a VAWA self-petitioner on the date that is the earlier of—

“(i) the date on which the alien’s application for such status is approved; or

“(ii) a date determined by the Secretary that is not later than 180 days after the date on which the alien filed the application.

“(11) LIMITATION.—Notwithstanding paragraphs (1) through (10), an individual who was a VAWA petitioner or who had the status of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15) may not file a petition for classification under this section or section 214 to classify any person who committed the battery or extreme cruelty or trafficking against the individual (or the individual’s child), which established the individual’s (or individual’s child’s) eligibility as a VAWA petitioner or for such non-immigrant status.”;

(ii) in subsection (c)(1), by striking “or preference status”; and

(iii) in subsection (h), by striking “or a petition filed under subsection (a)(1)(B)(ii)”.

(B) CONFORMING AMENDMENTS.—The Act (8 U.S.C. 1101 et seq.) is amended—

(i) in section 101(a)—

(I) in paragraph (15)(K), by striking “204(a)(1)(A)(viii)(I)” each place such term appears and inserting “204(a)(1)(H)(i)”;

(II) in paragraph (50), by striking “204(a)(1)(A)(iii)(II)(aa)(BB), 204(a)(1)(B)(ii)(II)(aa)(BB),” and inserting “204(a)(1)(C)(ii)(I)(bb) or”;

(III) in paragraph (51)—

(aa) in subparagraph (A), by striking “204(a)(1)(A)” and inserting “204(a)(1)”;

(bb) by striking subparagraph (B); and

(cc) by redesignating subparagraphs (C), (D), (E), (F), and (G) as subparagraphs (B), (C), (D), (E), and (F), respectively;

(ii) in section 212(a)(4)(C)(i)—

(I) in subclause (I), by striking “clause (ii), (iii), or (iv) of section 204(a)(1)(A), or” and inserting “subparagraph (B), (C), or (D) of section 204(a)(1)”;

(II) by striking subclause (II); and

(III) by redesignating subclause (III) as subclause (II);

(iii) in section 216(c)(4)(D), by striking “204(a)(1)(A)(iii)(II)(aa)(BB)” and inserting “204(a)(1)(C)(ii)(I)(bb)”;

(iv) in section 240(c)(7)(C)(iv)(I), by striking “clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B),” and inserting “subparagraph (C) or (D) of section 204(a)(1)”;

(7) EXCLUDABLE ALIENS.—Section 212(d)(12)(B) (8 U.S.C. 1182(d)(12)(B)) is amended by striking “section 201(b)(2)(A)” and inserting “section 201(b)(2) (other than subparagraph (B)(vi))”.

(8) ADMISSION OF NONIMMIGRANTS.—Section 214(r)(3)(A) (8 U.S.C. 1184(r)(3)(A)) is amended by striking “section 201(b)(2)(A)(i).” and inserting “section 201(b)(2) (other than clause (v) or (vi) of subparagraph (B)).”.

(9) REFUGEE CRISIS IN IRAQ ACT OF 2007.—Section 1243(a)(4) of the Refugee Crisis in Iraq Act of 2007 (8 U.S.C. 1157 note) is amended by striking “section 201(b)(2)(A)(i)” and inserting “section 201(b)(2) (other than clause (v) or (vi) of subparagraph (B)).”.

(10) PROCESSING OF VISA APPLICATIONS.—Section 233 of the Department of State Authorization Act, Fiscal Year 2003 (8 U.S.C. 1201 note) is amended by striking “section 201(b)(2)(A)(i)” and inserting “section 201(b)(2) (other than clause (v) or (vi) of subparagraph (B)).”.

(11) ADJUSTMENT OF STATUS.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

“(a)(1) The status of an alien who was inspected and admitted or paroled into the United States or the status of any other alien having an approved petition for classification as a VAWA self-petitioner may be adjusted by the Attorney General or the Secretary of Homeland Security, in the Attorney General’s or the Secretary’s discretion and under such regulations as the Attorney General or Secretary may prescribe, to that of an alien lawfully admitted for permanent residence (regardless of whether the alien has already been admitted for permanent residence) if—

“(A) the alien makes an application for such adjustment;

“(B) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence; and

“(C) subject to paragraph (2), an immigrant visa is immediately available to the alien at the time the alien’s application is filed.

“(2)(A) An application that is based on a petition approved or approvable under subparagraph (A) or (B) of section 204(a)(1) may be filed without regard to the limitation set forth in paragraph (1)(C).

“(B) An application for adjustment filed for an alien under this paragraph may not be approved until such time as an immigrant visa becomes available for the alien.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

#### SEC. 2306. NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.

(a) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202(a)(2) (8 U.S.C. 1152(a)(2)) is amended—

(1) in the paragraph heading, by striking “AND EMPLOYMENT-BASED”;

(2) by striking “(3), (4), and (5),” and inserting “(3) and (4),”;

(3) by striking “subsections (a) and (b) of section 203” and inserting “section 203(a)”;

(4) by striking “7” and inserting “15”; and

(5) by striking “such subsections” and inserting “such section”.

(b) CONFORMING AMENDMENTS.—Section 202 (8 U.S.C. 1152) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking “both subsections (a) and (b) of section 203” and inserting “section 203(a)”; and

(B) by striking paragraph (5); and

(2) by amending subsection (e) to read as follows:

“(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—If it is determined that the total number of immigrant visas made available under section 203(a) to natives of any single foreign state or dependent area will exceed the numerical limitation specified in subsection (a)(2) in any fiscal year, in determining the allotment of immigrant visa numbers to natives under section 203(a), visa numbers with respect to natives of that state or area shall be allocated (to the extent practicable and otherwise consistent with this section and section 203) in a manner so that, except as provided in subsection (a)(4), the proportion of the visa numbers made available under each of paragraphs (1) through (4) of section 203(a) is equal to the ratio of the total number of visas made available under the respective paragraph to the total number of visas made available under section 203(a).”

(c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the Chinese Student Protection Act of 1992 (8 U.S.C. 1255 note) is amended—

(1) in subsection (a), by striking “subsection (e)” and inserting “subsection (d)”; and

(2) by striking subsection (d) and redesignating subsection (e) as subsection (d).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

#### SEC. 2307. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—

(1) IN GENERAL.—Section 203(a) (8 U.S.C. 1153(a)), as amended by section 2305(b), is further amended to read as follows:

“(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted visas as follows:

“(1) SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are—

“(A) the unmarried sons or unmarried daughters but not the children of citizens of the United States shall be allocated visas in a number not to exceed 35 percent of the worldwide level authorized in section 201(c), plus the sum of—

“(i) the number of visas not required for the class specified in paragraph (2) for the current fiscal year; and

“(ii) the number of visas not required for the class specified in subparagraph (B); or

“(B) the married sons or married daughters of citizens of the United States who are 31 years of age or younger at the time of filing a petition under section 204 shall be allocated visas in a number not to exceed 25 percent of the worldwide level authorized in section 201(c), plus the number of any visas not required for the class specified in subparagraph (A) current fiscal year.

“(2) SONS AND DAUGHTERS OF PERMANENT RESIDENTS.—Qualified immigrants who are the unmarried sons or unmarried daughters of aliens admitted for permanent residence shall be allocated visas in a number not to exceed 40 percent of the worldwide level authorized in section 201(c), plus any visas not required for the class specified in paragraph (1)(A).”

(2) CONFORMING AMENDMENTS.—

(A) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(f)(1) (8 U.S.C. 1154(f)(1)) is amended by striking “section 201(b), 203(a)(1), or 203(a)(3),” and inserting “section 201(b) or subparagraph (A) or (B) of section 203(a)(1)”.

(B) AUTOMATIC CONVERSION.—For the purposes of any petition pending or approved based on a relationship described—

(i) in subparagraph (A) of section 203(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(1)), as amended by paragraph (1), and notwithstanding the age of the alien, such a petition shall be deemed reclassified as a petition based on a relationship described in subparagraph (B) of such section 203(a)(1) upon the marriage of such alien; or

(ii) in subparagraph (B) of such section 203(a)(1), such a petition shall be deemed reclassified as a petition based on a relationship described in subparagraph (A) of such section 203(a)(1) upon the legal termination of marriage or death of such alien's spouse.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the first fiscal year that begins at least 18 months following the date of the enactment of this Act.

(b) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by sections 2103(c) and 2212(d), is further amended by adding at the end the following:

“(H) Derivative beneficiaries as described in section 203(d) of employment-based immigrants under section 203(b).

“(I) Aliens with extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim, if, with respect to any such alien—

“(i) the achievements of such alien have been recognized in the field through extensive documentation;

“(ii) such alien seeks to enter the United States to continue work in the area of extraordinary ability; and

“(iii) the entry of such alien into the United States will substantially benefit prospectively the United States.

“(J) Aliens who are outstanding professors and researchers if, with respect to any such alien—

“(i) the alien is recognized internationally as outstanding in a specific academic area;

“(ii) the alien has at least 3 years of experience in teaching or research in the academic area; and

“(iii) the alien seeks to enter the United States—

“(I) to be employed in a tenured position (or tenure-track position) within a not for profit university or institution of higher education to teach in the academic area;

“(II) for employment in a comparable position with a not for profit university or institution of higher education, or a governmental research organization, to conduct research in the area; or

“(III) for employment in a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 persons full-time in research activities and has achieved documented accomplishments in an academic field.

“(K) Aliens who are multinational executives and managers if, with respect to any such alien—

“(i) in the 3 years preceding the time of the alien's application for classification and admission into the United States under this

subparagraph, the alien has been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof; and

“(ii) the alien seeks to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

“(L) Aliens who have earned a doctorate degree from an institution of higher education in the United States or the foreign equivalent.

“(M) Alien physicians who have completed the foreign residency requirements under section 212(e) or obtained a waiver of these requirements or an exemption requested by an interested State agency or by an interested Federal agency under section 214(1), including those alien physicians who completed such service before the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(N) ADVANCED DEGREES IN A STEM FIELD.—

“(i) IN GENERAL.—An immigrant who—

“(I) has earned a master's or higher degree in a field of science, technology, engineering, or mathematics included in the Department of Education's Classification of Instructional Programs taxonomy within the summary groups of computer and information sciences and support services, engineering, mathematics and statistics, biological and biomedical sciences, and physical sciences, from a United States institution of higher education;

“(II) has an offer of employment from a United States employer in a field related to such degree; and

“(III) earned the qualifying graduate degree during the 5-year period immediately before the initial filing date of the petition under which the nonimmigrant is a beneficiary.

“(ii) DEFINITION.—In this subparagraph, the term ‘United States institution of higher education’ means an institution that—

“(I) is described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) or is a proprietary institution of higher education (as defined in section 102(b) of such Act (20 U.S.C. 1002(b)));

“(II) was classified by the Carnegie Foundation for the Advancement of Teaching on January 1, 2012, as a doctorate-granting university with a very high or high level of research activity or classified by the National Science Foundation after the date of enactment of this subparagraph, pursuant to an application by the institution, as having equivalent research activity to those institutions that had been classified by the Carnegie Foundation as being doctorate-granting universities with a very high or high level of research activity; and

“(III) is accredited by an accrediting body that is itself accredited either by the Department of Education or by the Council for Higher Education Accreditation.”

(2) EXCEPTION FROM LABOR CERTIFICATION REQUIREMENT FOR STEM IMMIGRANTS.—Section 212(a)(5)(D) (8 U.S.C. 1182(a)(5)(D)) is amended to read as follows:

“(D) APPLICATION OF GROUNDS.—

“(i) IN GENERAL.—Except as provided in clause (ii), the grounds for inadmissibility of aliens under subparagraphs (A) and (B) shall apply to immigrants seeking admission or adjustment of status under paragraph (2) or (3) of section 203(b).

“(ii) SPECIAL RULE FOR STEM IMMIGRANTS.—The grounds for inadmissibility of aliens under subparagraph (A) shall not apply to an

immigrant seeking admission or adjustment of status under section 203(b)(2)(B) or 201(b)(1)(N).”.

(C) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TREATMENT OF DERIVATIVE FAMILY MEMBERS.—Section 203(d) (8 U.S.C. 1153(d)) is amended to read as follows:

“(d) TREATMENT OF FAMILY MEMBERS.—If accompanying or following to join a spouse or parent issued a visa under subsection (a), (b), or (c), subparagraph (I), (J), (K), (L), or (M) of section 201(b)(1), or section 201(b)(2), a spouse or child (as defined in subparagraph (A), (B), (C), (D), or (E) of section 101(b)(1)) shall be entitled to the same immigrant status and the same order of consideration provided in the respective provision.”.

(2) ALIENS WHO ARE PRIORITY WORKERS OR MEMBERS OF THE PROFESSIONS HOLDING ADVANCED DEGREES.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(A) in the matter preceding paragraph (1), by striking “Aliens” and inserting “Other than aliens described in paragraph (1) or (2)(B), aliens”;

(B) in paragraph (1), by striking the matter preceding subparagraph (A) and inserting “Aliens described in any of the following subparagraphs may be admitted to the United States without respect to the worldwide level specified in section 201(d)”;

(C) by amending paragraph (2) to read as follows:

“(2) ALIENS WHO ARE MEMBERS OF PROFESSIONS HOLDING ADVANCED DEGREES OR PROSPECTIVE EMPLOYEES OF NATIONAL SECURITY FACILITIES.—

“(A) IN GENERAL.—Visas shall be made available, in a number not to exceed 40 percent of the worldwide level authorized in section 201(d), plus any visas not required for the classes specified in paragraph (5) to qualified immigrants who are either of the following:

“(i) Members of the professions holding advanced degrees or their equivalent whose services in the sciences, arts, professions, or business are sought by an employer in the United States, including alien physicians holding foreign medical degrees that have been deemed sufficient for acceptance by an accredited United States medical residency or fellowship program.

“(ii) Prospective employees, in a research capacity, of Federal national security, science, and technology laboratories, centers, and agencies, if such immigrants have been lawfully present in the United States for two years prior to employment (unless the Secretary of Homeland Security determines, including upon request of the prospective laboratory, center, or agency, that exceptional circumstances exist justifying waiver of the presence requirement).

“(B) WAIVER OF JOB OFFER.—

“(i) NATIONAL INTEREST WAIVER.—Subject to clause (ii), the Secretary of Homeland Security may, if the Secretary deems it to be in the national interest, waive the requirements of subparagraph (A) that an alien’s services in the sciences, arts, professions, or business be sought by an employer in the United States.

“(ii) PHYSICIANS WORKING IN SHORTAGE AREAS OR VETERANS FACILITIES.—

“(I) IN GENERAL.—The Secretary shall grant a national interest waiver pursuant to clause (i) on behalf of any alien physician with respect to whom a petition for preference classification has been filed under subparagraph (A) if—

“(aa) the alien physician agrees to work on a full-time basis practicing primary care,

specialty medicine, or a combination thereof, in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs; or

“(bb) the alien physician is pursuing such waiver based upon service at a facility or facilities that serve patients who reside in a geographic area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals (without regard to whether such facility or facilities are located within such an area) and a Federal agency or a local, county, regional, or State department of public health determines that the alien physician’s work at such facility was or will be in the public interest.

“(II) PROHIBITION.—

“(aa) No permanent resident visa may be issued to an alien physician described in subclause (I) by the Secretary of State under section 204(b), and the Secretary of Homeland Security may not adjust the status of such an alien physician from that of a non-immigrant alien to that of a permanent resident alien under section 245, until such time as the alien has worked full time as a physician for an aggregate of 5 years (not including the time served in the status of an alien described in section 101(a)(15)(J)), in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs, or at a facility or facilities meeting the requirements of subclause (I)(bb).

“(bb) The 5-year service requirement of item (aa) shall be counted from the date the alien physician begins work in the shortage area in any legal status and not the date an immigrant visa petition is filed or approved. Such service shall be aggregated without regard to when such service began and without regard to whether such service began during or in conjunction with a course of graduate medical education.

“(cc) An alien physician shall not be required to submit an employment contract with a term exceeding the balance of the 5-year commitment yet to be served, nor an employment contract dated within a minimum time period prior to filing of a visa petition pursuant to this subsection.

“(dd) An alien physician shall not be required to file additional immigrant visa petitions upon a change of work location from the location approved in the original national interest immigrant petition.

“(III) STATUTORY CONSTRUCTION.—Nothing in this subparagraph may be construed to prevent the filing of a petition with the Secretary of Homeland Security for classification under section 204(a), by an alien physician described in subclause (I) prior to the date by which such alien physician has completed the service described in subclause (II) or in section 214(1).

“(C) GUIDANCE AND RULES.—The Secretary may prescribe such policy guidance and rules as the Secretary considers appropriate for purposes of subparagraph (A) to ensure national security and promote the interests and competitiveness of the United States. Such rules shall include a definition of the term ‘Federal national security, science, and technology laboratories, centers, and agencies’ for purposes of clause (ii) of subparagraph (A), which shall include the following:

“(i) The national security, science, and technology laboratories, centers, and agencies of the Department of Defense, the De-

partment of Energy, the Department of Homeland Security, the elements of the intelligence community (as that term is defined in section 4(3) of the National Security Act of 1947), and any other department or agency of the Federal Government that conducts or funds research and development in the essential national interest.

“(ii) Federally funded research and development centers (FFRDCs) that are primarily supported by a department or agency of the Federal Government specified in clause (i).”.

(3) SKILLED WORKERS, PROFESSIONALS, AND OTHER WORKERS.—

(A) IN GENERAL.—Section 203(b)(3)(A) (8 U.S.C. 1153(b)(3)(A)) is amended by striking “in a number not to exceed 28.6 percent of such worldwide level, plus any visas not required for the classes specified in paragraphs (1) and (2),” and inserting “in a number not to exceed 40 percent of the worldwide level authorized in section 201(d), plus any visas not required for the class specified in paragraph (2).”.

(B) MEDICAL LICENSE REQUIREMENTS.—Section 214(i)(2)(A) (8 U.S.C. 1184(i)(2)(A)) is amended by adding at the end “including in the case of a medical doctor, the licensure required to practice medicine in the United States.”.

(C) REPEAL OF LIMITATION ON OTHER WORKERS.—Section 203(b)(3) (8 U.S.C. 1153(b)(3)) is amended—

(i) by striking subparagraph (B); and

(ii) redesignated subparagraph (C) as subparagraph (B).

(4) CERTAIN SPECIAL IMMIGRANTS.—Section 203(b)(4) (8 U.S.C. 1153(b)(4)) is amended by striking “in a number not to exceed 7.1 percent of such worldwide level,” and inserting “in a number not to exceed 10 percent of the worldwide level authorized in section 201(d), plus any visas not required for the class specified in paragraph (3).”.

(5) EMPLOYMENT CREATION.—Section 203(b)(5)(A) (8 U.S.C. 1153(b)(5)(A)) is amended by striking “in a number not to exceed 7.1 percent of such worldwide level,” and inserting “in a number not to exceed 10 percent of the worldwide level authorized in section 201(d), plus any visas not required for the class specified in paragraph (4).”.

(d) NATURALIZATION OF EMPLOYEES OF CERTAIN NATIONAL SECURITY FACILITIES WITHOUT REGARD TO RESIDENCY REQUIREMENTS.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

“(g)(1) Any person who, while an alien or a noncitizen national of the United States, has been employed in a research capacity at a Federal national security, science, and technology laboratory, center, or agency (as defined pursuant to section 203(b)(2)(C)) for a period or periods aggregating one year or more may, in the discretion of the Secretary, be naturalized without regard to the residence requirements of this section if the person—

“(A) has complied with all requirements as determined by the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Energy, or the head of a petitioning department or agency of the Federal Government, including contractual requirements to maintain employment in a research capacity with a Federal national security, science, and technology laboratory, center, or agency for a period not to exceed five years; and

“(B) has favorably completed and adjudicated a background investigation at the appropriate level, from the employing department or agency of the Federal Government within the last five years.

“(2) The number of aliens or noncitizen nationals naturalized in any fiscal year under

this subsection shall not exceed a number as defined by the Secretary of Homeland Security, in consultation with the head of the petitioning department or agency of the Federal Government.”.

**SEC. 2308. INCLUSION OF COMMUNITIES ADVERSELY AFFECTED BY A RECOMMENDATION OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION AS TARGETED EMPLOYMENT AREAS.**

(a) **IN GENERAL.**—Section 203(b)(5)(B)(ii) (8 U.S.C. 1153(b)(5)(B)(ii)) is amended by inserting “, any community adversely affected by a recommendation by the Defense Base Closure and Realignment Commission,” after “rural area”.

(b) **REGULATIONS.**—The Secretary, in consultation with the Secretary of Defense, shall implement the amendment made by subsection (a) through appropriate regulations.

**SEC. 2309. V NONIMMIGRANT VISAS.**

(a) **NONIMMIGRANT ELIGIBILITY.**—Subparagraph (V) of section 101(a)(15) (8 U.S.C. 1101(a)(15)) is amended to read as follows:

“(V)(i) subject to section 214(q)(1) and section 212(a)(4), an alien who is the beneficiary of an approved petition under section 203(a) as—

“(I) the unmarried son or unmarried daughter of a citizen of the United States;

“(II) the unmarried son or unmarried daughter of an alien lawfully admitted for permanent residence; or

“(III) the married son or married daughter of a citizen of the United States and who is 31 years of age or younger; or

“(ii) subject to section 214(q)(2), an alien who is—

“(I) the sibling of a citizen of the United States; or

“(II) the married son or married daughter of a citizen of the United States and who is older than 31 years of age.”.

(b) **EMPLOYMENT AND PERIOD OF ADMISSION OF NONIMMIGRANTS DESCRIBED IN SECTION 101(A)(15)(V).**—Section 214(q) (8 U.S.C. 1184(q)) is amended to read as follows:

“(q) **NONIMMIGRANTS DESCRIBED IN SECTION 101(A)(15)(V).**—

“(1) **CERTAIN SONS AND DAUGHTERS.**—

“(A) **EMPLOYMENT AUTHORIZATION.**—The Secretary shall—

“(i) authorize a nonimmigrant admitted pursuant to section 101(a)(15)(V)(i) to engage in employment in the United States during the period of such nonimmigrant’s authorized admission; and

“(ii) provide such a nonimmigrant with an ‘employment authorized’ endorsement or other appropriate document signifying authorization of employment.

“(B) **TERMINATION OF ADMISSION.**—The period of authorized admission for such a nonimmigrant shall terminate 30 days after the date on which—

“(i) such nonimmigrant’s application for an immigrant visa pursuant to the approval of a petition under subsection (a) or (c) of section 203 is denied; or

“(ii) such nonimmigrant’s application for adjustment of status under section 245 pursuant to the approval of such a petition is denied.

“(2) **SIBLINGS AND SONS AND DAUGHTERS OF CITIZENS.**—

“(A) **EMPLOYMENT AUTHORIZATION.**—The Secretary may not authorize a nonimmigrant admitted pursuant to section 101(a)(15)(V)(ii) to engage in employment in the United States.

“(B) **PERIOD OF ADMISSION.**—The period of authorized admission as such a nonimmigrant may not exceed 60 days per fiscal year.

“(C) **TREATMENT OF PERIOD OF ADMISSION.**—An alien admitted under section 101(a)(15)(V) may not receive an allocation of points pursuant to section 203(c) for residence in the United States while admitted as such a nonimmigrant.”.

(c) **PUBLIC BENEFITS.**—A noncitizen who is lawfully present in the United States pursuant to section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) is not eligible for any means-tested public benefits (as such term is defined and implemented in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613)). A noncitizen admitted under this section—

(1) is not entitled to the premium assistance tax credit authorized under section 36B of the Internal Revenue Code of 1986 for his or her coverage;

(2) shall be subject to the rules applicable to individuals not lawfully present that are set forth in subsection (e) of such section;

(3) shall be subject to the rules applicable to individuals not lawfully present that are set forth in section 1402(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(e)); and

(4) shall be subject to the rules applicable to individuals not lawfully present set forth in section 5000A(d)(3) of the Internal Revenue Code of 1986.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

**SEC. 2310. FIANCEE AND FIANCEE CHILD STATUS PROTECTION.**

(a) **DEFINITION.**—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), as amended by section 2305(d)(6)(B)(i)(I), is further amended—

(1) in clause (i), by inserting “or of an alien lawfully admitted for permanent residence” after “204(a)(1)(H)(i)”;

(2) in clause (ii), by inserting “or of an alien lawfully admitted for permanent residence” after “204(a)(1)(H)(i)”;

(3) in clause (iii), by striking the semicolon and inserting “, provided that a determination of the age of such child is made using the age of the alien on the date on which the fiancé, fiancée, or immigrant visa petition is filed with the Secretary of Homeland Security to classify the alien’s parent as the fiancée or fiancé of a United States citizen or of an alien lawfully admitted for permanent residence (in the case of an alien parent described in clause (i)) or as the spouse of a citizen of the United States or of an alien lawfully admitted to permanent residence under section 201(b)(2)(A) (in the case of an alien parent described in clause (ii));”.

(b) **ADJUSTMENT OF STATUS AUTHORIZED.**—Section 214(d) (8 U.S.C. 1184(d)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) in paragraph (1), by striking “In the event” and all that follows through the end; and

(3) by inserting after paragraph (1) the following:

“(2)(A) If an alien does not marry the petitioner under paragraph (1) within 3 months after the alien and the alien’s children are admitted into the United States, the visa previously issued under the provisions of section 1101(a)(15)(K)(i) shall automatically expire and such alien and children shall be required to depart from the United States. If such aliens fail to depart from the United States, they shall be placed in proceedings in accordance with sections 240 and 241.

“(B) Subject to subparagraphs (C) and (D), if an alien marries the petitioner described

in section 101(a)(15)(K)(i) within 90 days after the alien is admitted into the United States, the Secretary or the Attorney General, subject to the provisions of section 245(d), may adjust the status of the alien, and any children accompanying or following to join the alien, to that of an alien lawfully admitted for permanent residence on a conditional basis under section 216 if the alien and any such children apply for such adjustment and are not determined to be inadmissible to the United States. If the alien does not apply for such adjustment within 6 months after the marriage, the visa issued under the provisions of section 1101(a)(15)(K) shall automatically expire.

“(C) Paragraphs (5) and (7)(A) of section 212(a) shall not apply to an alien who is eligible to apply for adjustment of the alien’s status to an alien lawfully admitted for permanent residence under this section.

“(D) An alien eligible for a waiver of inadmissibility as otherwise authorized under this Act or the Border Security, Economic Opportunity, and Immigration Modernization Act shall be permitted to apply for adjustment of the alien’s status to that of an alien lawfully admitted for permanent residence under this section.”.

(c) **AGE DETERMINATION.**—Section 245(d) (8 U.S.C. 1255(d)) is amended—

(1) by striking “The Attorney General” and inserting “(1) The Secretary of Homeland Security”;

(2) in paragraph (1), as redesignated, by striking “Attorney General” and inserting “Secretary”; and

(3) by adding at the end the following:

“(2) A determination of the age of an alien admitted to the United States under section 101(a)(15)(K)(iii) shall be made, for purposes of adjustment to the status of an alien lawfully admitted for permanent residence on a conditional basis under section 216, using the age of the alien on the date on which the fiancé, fiancée, or immigrant visa petition was filed with the Secretary of Homeland Security to classify the alien’s parent as the fiancée or fiancé of a United States citizen or of an alien lawfully admitted to permanent residence (in the case of an alien parent admitted to the United States under section 101(a)(15)(K)(i)) or as the spouse of a United States citizen or of an alien lawfully admitted to permanent residence under section 201(b)(2)(A) (in the case of an alien parent admitted to the United States under section 101(a)(15)(K)(ii)).”.

(d) **APPLICABILITY.**—The amendments made by this section shall apply to all petitions or applications described in such amendments that are pending as of the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

(e) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **DEFINITIONS.**—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), as amended by subsection (a), is further amended—

(A) in clause (ii), by striking “section 201(b)(2)(A)(i)” and inserting “section 201(b)(2)”;

(B) in clause (iii), by striking “section 201(b)(2)(A)(i)” and inserting “section 201(b)(2)”.

(2) **AGE DETERMINATION.**—Paragraph (2) of section 245(d) (8 U.S.C. 1255(d)), as added by subsection (c), is amended by striking section “201(b)(2)(A)(i)” and inserting “201(b)(2)”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect on the first day of the first fiscal year beginning

no earlier than 1 year after the date of the enactment of this Act.

**SEC. 2311. EQUAL TREATMENT FOR ALL STEP-CHILDREN.**

Section 101(b)(1)(B) (8 U.S.C. 1101(b)(1)(B)) is amended by striking “eighteen years” and inserting “21 years”.

**SEC. 2312. MODIFICATION OF ADOPTION AGE REQUIREMENTS.**

Section 101(b)(1) (8 U.S.C. 1101(b)(1)) is amended—

(1) in subparagraph (E)—

(A) by striking “(E)(i)” and inserting “(E)”;

(B) by striking “under the age of sixteen years” and inserting “younger than 18 years of age, or a child adopted when 18 years of age or older if the adopting parent or parents initiated the legal adoption process before the child reached 18 years of age”;

(C) by striking “; or” and inserting a semicolon; and

(D) by striking clause (ii);

(2) in subparagraph (F)—

(A) by striking “(F)(i)” and inserting “(F)”;

(B) by striking “sixteen” and inserting “18”;

(C) by striking “Attorney General” and inserting “Secretary of Homeland Security”;

(D) by striking clause (ii); and

(3) in subparagraph (G), by striking “16” and inserting “18”.

**SEC. 2313. RELIEF FOR ORPHANS, WIDOWS, AND WIDOWERS.**

(a) IN GENERAL.—

(1) SPECIAL RULE FOR ORPHANS AND SPOUSES.—In applying clauses (iii) and (iv) of section 201(b)(2)(B) of the Immigration and Nationality Act, as added by section 2305(a) of this Act, to an alien whose citizen or lawful permanent resident relative died before the date of the enactment of this Act, the alien relative may file the classification petition under section 204(a)(1)(A)(ii) of the Immigration and Nationality Act not later than 2 years after the date of the enactment of this Act.

(2) ELIGIBILITY FOR PAROLE.—If an alien was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act based solely upon the alien's lack of classification as an immediate relative (as defined in section 201(b)(2)(B)(iv) of the Immigration and Nationality Act, as amended by section 2305(a) of this Act) due to the death of such citizen or resident—

(A) such alien shall be eligible for parole into the United States pursuant to the Secretary's discretionary authority under section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)); and

(B) such alien's application for adjustment of status shall be considered by the Secretary notwithstanding section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(3) ELIGIBILITY FOR PAROLE.—If an alien described in section 204(l) of the Immigration and Nationality Act (8 U.S.C. 1154(l)) was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act—

(A) such alien shall be eligible for parole into the United States pursuant to the Secretary's discretionary authority under section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)); and

(B) such alien's application for adjustment of status shall be considered by the Secretary notwithstanding section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(b) PROCESSING OF IMMIGRANT VISAS AND DERIVATIVE PETITIONS.—

(1) IN GENERAL.—Section 204(b) (8 U.S.C. 1154(b)) is amended—

(A) by striking “After an investigation” and inserting “(1) After an investigation”;

and

(B) by adding at the end the following:

“(2)(A) Any alien described in subparagraph (B) whose qualifying relative died before the completion of immigrant visa processing may have an immigrant visa application adjudicated as if such death had not occurred. An immigrant visa issued before the death of the qualifying relative shall remain valid after such death.

“(B) An alien described in this subparagraph is an alien who—

“(i) is an immediate relative (as described in section 201(b)(2)(B));

“(ii) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

“(iii) is a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d)); or

“(iv) is the spouse or child of a refugee (as described in section 207(c)(2)) or an asylee (as described in section 208(b)(3)).”.

(2) TRANSITION PERIOD.—

(A) IN GENERAL.—Notwithstanding a denial or revocation of an application for an immigrant visa for an alien due to the death of the qualifying relative before the date of the enactment of this Act, such application may be renewed by the alien through a motion to reopen, without fee.

(B) INAPPLICABILITY OF BARS TO ENTRY.—Notwithstanding section 212(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)), an alien's application for an immigrant visa shall be considered if the alien was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act.

(c) NATURALIZATION.—Section 319(a) (8 U.S.C. 1430(a)) is amended by striking “States,” and inserting “States (or if the spouse is deceased, the spouse was a citizen of the United States).”.

(d) WAIVERS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended by adding at the end the following:

“(v) CONTINUED WAIVER ELIGIBILITY FOR WIDOWS, WIDOWERS, AND ORPHANS.—In the case of an alien who would have been statutorily eligible for any waiver of inadmissibility under this Act but for the death of a qualifying relative, the eligibility of such alien shall be preserved as if the death had not occurred and the death of the qualifying relative shall be the functional equivalent of hardship for purposes of any waiver of inadmissibility which requires a showing of hardship.”.

(e) SURVIVING RELATIVE CONSIDERATION FOR CERTAIN PETITIONS AND APPLICATIONS.—Section 204(l)(1) (8 U.S.C. 1154(l)(1)) is amended—

(1) by striking “who resided in the United States at the time of the death of the qualifying relative and who continues to reside in the United States”; and

(2) by striking “related applications,” and inserting “related applications (including affidavits of support).”.

(f) FAMILY-SPONSORED IMMIGRANTS.—Section 212(a)(4)(C)(i) (8 U.S.C. 1182(a)(4)(C)(i)), as amended by section 2305(d)(6)(B)(iii), is further amended by adding at the end the following:

“(III) the status as a surviving relative under 204(l); or”.

**SEC. 2314. DISCRETIONARY AUTHORITY WITH RESPECT TO REMOVAL, DEPORTATION, OR INADMISSIBILITY OF CITIZEN AND RESIDENT IMMEDIATE FAMILY MEMBERS.**

(a) APPLICATIONS FOR RELIEF FROM REMOVAL.—Section 240(c)(4) (8 U.S.C. 1229a(c)(4)) is amended by adding at the end the following:

“(D) JUDICIAL DISCRETION.—In the case of an alien subject to removal, deportation, or inadmissibility, the immigration judge may exercise discretion to decline to order the alien removable, deportable, or inadmissible from the United States and terminate proceedings if the judge determines that such removal, deportation, or inadmissibility is against the public interest or would result in hardship to the alien's United States citizen or lawful permanent resident parent, spouse, or child, or the judge determines the alien is prima facie eligible for naturalization except that this subparagraph shall not apply to an alien whom the judge determines—

“(i) is inadmissible or deportable under—

“(I) subparagraph (B), (C), (D)(ii), (E), (H), (I), or (J) of section 212(a)(2);

“(II) section 212(a)(3);

“(III) subparagraph (A), (C), or (D) of section 212(a)(10); or

“(IV) paragraph (2)(A)(ii), (2)(A)(v), (2)(F), (4), or (6) of section 237(a); or

“(ii) has—

“(I) engaged in conduct described in paragraph (8) or (9) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102); or

“(II) a felony conviction described in section 101(a)(43) that would have been classified as an aggravated felony at the time of conviction.”.

(b) SECRETARY'S DISCRETION.—Section 212 (8 U.S.C. 1182), as amended by section 2313(d), is further amended by adding at the end the following:

“(w) SECRETARY'S DISCRETION.—In the case of an alien who is inadmissible under this section or deportable under section 237, the Secretary of Homeland Security may exercise discretion to waive a ground of inadmissibility or deportability if the Secretary determines that such removal or refusal of admission is against the public interest or would result in hardship to the alien's United States citizen or permanent resident parent, spouse, or child. This subsection shall not apply to an alien whom the Secretary determines—

“(1) is inadmissible or deportable under—

“(A) subparagraph (B), (C), (D)(ii), (E), (H), (I), or (J) of subsection (a)(2);

“(B) subsection (a)(3);

“(C) subparagraph (A), (C), or (D) of subsection (a)(10);

“(D) paragraphs (2)(A)(ii), (2)(A)(v), (2)(F), or (6) of section 237(a); or

“(E) section 240(c)(4)(D)(ii)(II); or

“(2) has—

“(A) engaged in conduct described in paragraph (8) or (9) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102); or

“(B) a felony conviction described in section 101(a)(43) that would have been classified as an aggravated felony at the time of conviction.”.

(c) REINSTATEMENT OF REMOVAL ORDERS.—Section 241(a)(5) (8 U.S.C. 1231(a)(5)) is amended by striking the period at the end and inserting “, unless the alien reentered prior to attaining the age of 18 years, or reinstatement of the prior order of removal would not be in the public interest or would result in hardship to the alien's United States citizen or permanent resident parent, spouse, or child.”.



**SEC. 2315. WAIVERS OF INADMISSIBILITY.**

(a) ALIENS WHO ENTERED AS CHILDREN.—Section 212(a)(9)(B)(iii) (8 U.S.C. 1182(a)(9)(B)(iii)) is amended by adding at the end the following:

“(VI) ALIENS WHO ENTERED AS CHILDREN.—Clause (i) shall not apply to an alien who is the beneficiary of an approved petition under 101(a)(15)(H) and who has earned a baccalaureate or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), and had not yet reached the age of 16 years at the time of initial entry to the United States.”.

(b) ALIENS UNLAWFULLY PRESENT.—Section 212(a)(9)(B)(v) (8 U.S.C. 1181(a)(9)(B)(v)) is amended—

(1) by striking “spouse or son or daughter” and inserting “spouse, son, daughter, or parent”;

(2) by striking “extreme”; and

(3) by inserting “, child,” after “lawfully resident spouse”.

(c) PREVIOUS IMMIGRATION VIOLATIONS.—Section 212(a)(9)(C)(i) (8 U.S.C. 1182(a)(9)(C)(i)) is amended by adding “, other than an alien described in clause (iii) or (iv) of subparagraph (B),” after “Any alien”.

(d) FALSE CLAIMS.—

(1) INADMISSIBILITY.—

(A) IN GENERAL.—Section 212(a)(6)(C) (8 U.S.C. 1182(a)(6)(C)) is amended to read as follows:

“(C) MISREPRESENTATION.—

“(i) IN GENERAL.—Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or within the last 3 years has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible.

“(ii) FALSELY CLAIMING CITIZENSHIP.—

“(I) INADMISSIBILITY.—Subject to subclause (II), any alien who knowingly misrepresents himself or herself to be a citizen of the United States for any purpose or benefit under this chapter (including section 274A) or any other Federal or State law is inadmissible.

“(II) SPECIAL RULE FOR CHILDREN.—An alien shall not be inadmissible under this clause if the misrepresentation described in subclause (I) was made by the alien when the alien—

“(aa) was under 18 years of age; or

“(bb) otherwise lacked the mental competence to knowingly misrepresent a claim of United States citizenship.

“(iii) WAIVER.—The Attorney General or the Secretary of Homeland Security may, in the discretion of the Attorney General or the Secretary, waive the application of clause (i) or (ii)(I) for an alien, regardless whether the alien is within or outside the United States, if the Attorney General or the Secretary finds that a determination of inadmissibility to the United States for such alien would—

“(I) result in extreme hardship to the alien or to the alien’s parent, spouse, son, or daughter who is a citizen of the United States or an alien lawfully admitted for permanent residence; or

“(II) in the case of a VAWA self-petitioner, result in significant hardship to the alien or a parent or child of the alien who is a citizen of the United States, an alien lawfully admitted for permanent residence, or a qualified alien (as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b))).

“(iv) LIMITATION ON REVIEW.—No court shall have jurisdiction to review a decision

or action of the Attorney General or the Secretary regarding a waiver under clause (iii).”.

(B) CONFORMING AMENDMENT.—Section 212 (8 U.S.C. 1182) is amended by striking subsection (i).

(2) DEPORTABILITY.—Section 237(a)(3)(D) (8 U.S.C. 1227(a)(3)(D)) is amended to read as follows:

“(D) FALSELY CLAIMING CITIZENSHIP.—Any alien described in section 212(a)(6)(C)(ii) is deportable.”.

**SEC. 2316. CONTINUOUS PRESENCE.**

Section 240A(d)(1) (8 U.S.C. 1229b(d)(1)) is amended to read as follows:

“(1) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States shall be deemed to end, except in the case of an alien who applies for cancellation of removal under subsection (b)(2), on the date that a notice to appear is filed with the Executive Office for Immigration Review pursuant to section 240.”.

**SEC. 2317. GLOBAL HEALTH CARE COOPERATION.**

(a) TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.—

(1) IN GENERAL.—Title III (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

“SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.

“(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other health care worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

“(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

“(2) to meet the continuous residency requirements under section 316(b).

“(b) DEFINITIONS.—In this section:

“(1) CANDIDATE COUNTRY.—The term ‘candidate country’ means a country that the Secretary of State determines to be—

“(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

“(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

“(C) qualified to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

“(2) ELIGIBLE ALIEN.—The term ‘eligible alien’ means an alien who—

“(A) has been lawfully admitted to the United States for permanent residence; and

“(B) is a physician or other healthcare worker.

“(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this section.

“(d) PUBLICATION.—The Secretary of State shall publish—

“(1) not later than 180 days after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, a list of candidate countries;

“(2) an updated version of the list required by paragraph (1) not less often than once each year; and

“(3) an amendment to the list required by paragraph (1) at the time any country qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).”.

(2) RULEMAKING.—

(A) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out the amendments made by this subsection.

(B) CONTENT.—The regulations promulgated pursuant to subparagraph (A) shall—

(i) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by subsection (a)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(ii) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(iii) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITION.—Section 101(a)(13)(C)(ii) (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding “except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A,” at the end.

(B) DOCUMENTARY REQUIREMENTS.—Section 211(b) (8 U.S.C. 1181(b)) is amended by inserting “, including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,” after “101(a)(27)(A).”.

(C) INELIGIBLE ALIENS.—Section 212(a)(7)(A)(i)(I) (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting “other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,” after “Act.”.

(4) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 317 the following:

“Sec. 317A. Temporary absence of aliens providing health care in developing countries.”.

(b) ATTESTATION BY HEALTH CARE WORKERS.—

(1) ATTESTATION REQUIREMENT.—Section 212(a)(5) (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following:



“(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

“(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

“(ii) OBLIGATION DEFINED.—In this subparagraph, the term ‘obligation’ means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien's country of origin or the alien's country of residence.

“(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

“(I) the obligation was incurred by coercion or other improper means;

“(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

“(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(3) APPLICATION.—Not later than the effective date described in paragraph (2), the Secretary shall begin to carry out subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act, as added by paragraph (1), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (E), regardless of whether regulations to implement such subparagraph have been promulgated.

#### SEC. 2318. EXTENSION AND IMPROVEMENT OF THE IRAQI SPECIAL IMMIGRANT VISA PROGRAM.

The Refugee Crisis in Iraq Act of 2007 (8 U.S.C. 1157 note) is amended—

(1) in section 1242, by amending subsection (c) to read as follows:

“(c) IMPROVED APPLICATION PROCESS.—Not later than 120 days after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall improve the efficiency by which applications for special immigrant visas under section 1244(a) are processed so that all steps incidental to the issuance of such visas, including required screenings and background checks, are completed not later than 9 months after the date on which an eligible alien applies for such visa.”

(2) in section 1244—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) by amending subparagraph (B) to read as follows:

“(B) was or is employed in Iraq on or after March 20, 2003, for not less than 1 year, by, or on behalf of—

“(i) the United States Government;

“(ii) a media or nongovernmental organization headquartered in the United States; or

“(iii) an organization or entity closely associated with the United States mission in Iraq that has received United States Government funding through an official and documented contract, award, grant, or cooperative agreement.”

(II) in subparagraph (C), by striking “the United States Government” and inserting “an entity or organization described in subparagraph (B)”

(III) in subparagraph (D), by striking “the United States Government.” and inserting “such entity or organization.”

(ii) in paragraph (4)—

(I) by striking “A recommendation” and inserting the following:

“(A) IN GENERAL.—Except as provided under subparagraph (B), a recommendation”

(II) by striking “the United States Government prior” and inserting “an entity or organization described in paragraph (1)(B) prior”

(III) by adding at the end the following:

“(B) REVIEW PROCESS FOR DENIAL BY CHIEF OF MISSION.—

“(i) IN GENERAL.—An applicant who has been denied Chief of Mission approval required by subparagraph (A) shall—

“(I) receive a written decision; and

“(II) be provided 120 days from the date of the decision to request reopening of the decision to provide additional information, clarify existing information, or explain any unfavorable information.

“(ii) SENIOR COORDINATOR.—The Secretary of State shall designate, in the Embassy of the United States in Baghdad, Iraq, a senior coordinator responsible for overseeing the efficiency and integrity of the processing of special immigrant visas under this section, who shall be given—

“(I) sufficiently high security clearance to review Chief of Mission denials in cases that appear to have relied upon insufficient or incorrect information; and

“(II) responsibility for ensuring that an applicant described in clause (i) receives the information described in clause (i)(I).”

(B) in subsection (c)(3), by adding at the end the following:

“(C) SUBSEQUENT FISCAL YEARS.—Notwithstanding subparagraphs (A) and (B), and consistent with subsection (b), any unused balance of the total number of principal aliens who may be provided special immigrant status under this section in fiscal years 2008 through 2012 may be carried forward and provided through the end of fiscal year 2018.”

(3) in section 1248, by adding at the end the following:

“(f) REPORT ON IMPROVEMENTS.—

“(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall submit a report, with a classified annex, if necessary, to—

“(A) the Committee on the Judiciary of the Senate;

“(B) the Committee on Foreign Relations of the Senate;

“(C) the Committee on the Judiciary of the House of Representatives; and

“(D) the Committee on Foreign Affairs of the House of Representatives.

“(2) CONTENTS.—The report submitted under paragraph (1) shall describe the implementation of improvements to the processing of applications for special immigrant visas under section 1244(a), including information relating to—

“(A) enhancing existing systems for conducting background and security checks of persons applying for special immigrant status, which shall—

“(i) support immigration security; and

“(ii) provide for the orderly processing of such applications without delay;

“(B) the financial, security, and personnel considerations and resources necessary to carry out this subtitle;

“(C) the number of aliens who have applied for special immigrant visas under section 1244 during each month of the preceding fiscal year;

“(D) the reasons for the failure to expeditiously process any applications that have been pending for longer than 9 months;

“(E) the total number of applications that are pending due to the failure—

“(i) to receive approval from the Chief of Mission;

“(ii) for U.S. Citizenship and Immigration Services to complete the adjudication of the Form I-360;

“(iii) to conduct a visa interview; or

“(iv) to issue the visa to an eligible alien;

“(F) the average wait times for an applicant at each of the stages described in subparagraph (E);

“(G) the number of denials or rejections at each of the stages described in subparagraph (E); and

“(H) a breakdown of reasons for denials at by the Chief of Mission based on the categories already made available to denied special immigrant visa applicants in the denial letter sent to them by the Chief of Mission.

“(g) PUBLIC QUARTERLY REPORTS.—Not later than 120 days after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, and every 3 months thereafter, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall publish a report on the website of the Department of State that describes the efficiency improvements made in the process by which applications for special immigrant visas under section 1244(a) are processed, including information described in subparagraphs (C) through (H) of subsection (f)(2).”

#### SEC. 2319. EXTENSION AND IMPROVEMENT OF THE AFGHAN SPECIAL IMMIGRANT VISA PROGRAM.

Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by amending clause (ii) to read as follows:

“(ii) was or is employed in Afghanistan on or after October 7, 2001, for not less than 1 year, by, or on behalf of—

“(I) the United States Government;

“(II) a media or nongovernmental organization headquartered in the United States; or

“(III) an organization or entity closely associated with the United States mission in Afghanistan that has received United States Government funding through an official and documented contract, award, grant, or cooperative agreement.”

(ii) in clause (iii), by striking “the United States Government” and inserting “an entity or organization described in clause (ii)”;

(iii) in clause (iv), by striking “the United States Government.” and inserting “such entity or organization.”;

(B) by amending subparagraph (B) to read as follows:

“(B) FAMILY MEMBERS.—An alien is described in this subparagraph if the alien is—

“(i) the spouse or minor child of a principal alien described in subparagraph (A) who is accompanying or following to join the principal alien in the United States; or

“(ii)(I) the spouse, child, parent, or sibling of a principal alien described in subparagraph (A), whether or not accompanying or following to join; and

“(II) has experienced or is experiencing an ongoing serious threat as a consequence of the qualifying employment of a principal alien described in subparagraph (A).”;

(C) in subparagraph (D)—

(i) by striking “A recommendation” and inserting the following:

“(i) IN GENERAL.—Except as provided under clause (ii), a recommendation”;

(ii) by striking “the United States Government prior” and inserting “an entity or organization described in paragraph (2)(A)(ii) prior”;

(iii) by adding at the end the following:

“(ii) REVIEW PROCESS FOR DENIAL BY CHIEF OF MISSION.—

“(I) IN GENERAL.—An applicant who has been denied Chief of Mission approval shall—

“(aa) receive a written decision; and

“(bb) be provided 120 days from the date of receipt of such opinion to request reconsideration of the decision to provide additional information, clarify existing information, or explain any unfavorable information.

“(II) SENIOR COORDINATOR.—The Secretary of State shall designate, in the Embassy of the United States in Kabul, Afghanistan, a senior coordinator responsible for overseeing the efficiency and integrity of the processing of special immigrant visas under this section, who shall be given—

“(aa) sufficiently high security clearance to review Chief of Mission denials in cases that appear to have relied upon insufficient or incorrect information; and

“(bb) responsibility for ensuring that an applicant described in subclause (I) receives the information described in subclause (I)(aa).”;

(2) in paragraph (3)(C), by amending clause (iii) to read as follows:

“(iii) FISCAL YEARS 2014 THROUGH 2018.—For each of the fiscal years 2014 through 2018, the total number of principal aliens who may be provided special immigrant status under this section may not exceed the sum of—

“(I) 5,000;

“(II) the difference between the number of special immigrant visas allocated under this section for fiscal years 2009 through 2013 and the number of such allocated visas that were issued; and

“(III) any unused balance of the total number of principal aliens who may be provided special immigrant status in fiscal years 2014 through 2018 that have been carried forward.”;

(3) in paragraph (4)—

(A) in the heading, by striking “PROHIBITION ON FEES.—” and inserting “APPLICATION PROCESS.—”;

(B) by striking “The Secretary” and inserting the following:

“(A) IN GENERAL.—Not later than 120 days after the date of enactment of the Border Se-

curity, Economic Opportunity, and Immigration Modernization Act, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall improve the efficiency by which applications for special immigrant visas under paragraph (1) are processed so that all steps incidental to the issuance of such visas, including required screenings and background checks, are completed not later than 6 months after the date on which an eligible alien applies for such visa.

“(B) PROHIBITION ON FEES.—The Secretary”;

(4) by adding at the end the following:

“(12) REPORT ON IMPROVEMENTS.—Not later than 120 days after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report, with a classified annex, if necessary, that describes the implementation of improvements to the processing of applications for special immigrant visas under this subsection, including information relating to—

“(A) enhancing existing systems for conducting background and security checks of persons applying for special immigrant status, which shall—

“(i) support immigration security; and

“(ii) provide for the orderly processing of such applications without delay;

“(B) the financial, security, and personnel considerations and resources necessary to carry out this section;

“(C) the number of aliens who have applied for special immigrant visas under this subsection during each month of the preceding fiscal year;

“(D) the reasons for the failure to expeditiously process any applications that have been pending for longer than 9 months;

“(E) the total number of applications that are pending due to the failure—

“(i) to receive approval from the Chief of Mission;

“(ii) for U.S. Citizenship and Immigration Services to complete the adjudication of the Form I-360;

“(iii) to conduct a visa interview; or

“(iv) to issue the visa to an eligible alien;

“(F) the average wait times for an applicant at each of the stages described in subparagraph (E);

“(G) the number of denials or rejections at each of the stages described in subparagraph (E); and

“(H) a breakdown of reasons for denials by the Chief of Mission based on the categories already made available to denied special immigrant visa applicants in the denial letter sent to them by the Chief of Mission.

“(13) PUBLIC QUARTERLY REPORTS.—Not later than 120 days after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, and every 3 months thereafter, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall publish a report on the website of the Department of State that describes the efficiency improvements made in the process by which applications for special immigrant visas under this subsection are processed, including information described in subparagraph (C) through (H) of paragraph (12).”.

#### SEC. 2320. SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM.

Section 101(a)(27)(C)(ii) (8 U.S.C. 1101(a)(27)(C)(ii)) is amended in subclauses (II)

and (III) by striking “before September 30, 2015,” both places such term appears.

#### SEC. 2321. SPECIAL IMMIGRANT STATUS FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.

(a) IN GENERAL.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended in subparagraph (D)—

(1) by inserting “(i)” before “an immigrant who is an employee”;

(2) by inserting “or” after “grant such status”; and

(3) by inserting after clause (i), as designated by paragraph (1), the following:

“(ii) an immigrant who is the surviving spouse or child of an employee of the United States Government abroad killed in the line of duty, provided that the employee had performed faithful service for a total of 15 years, or more, and that the principal officer of a Foreign Service establishment (or, in the case of the American Institute of Taiwan, the Director thereof) in his or her discretion, recommends the granting of special immigrant status to the spouse or child and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect beginning on January 31, 2013, and shall have retroactive effect.

#### SEC. 2322. REUNIFICATION OF CERTAIN FAMILIES OF FILIPINO VETERANS OF WORLD WAR II.

(a) SHORT TITLE.—This section may be cited as the “Filipino Veterans Family Reunification Act”.

(b) EXEMPTION FROM IMMIGRANT VISA LIMIT.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by sections 2103(c), 2212(d), and 2307(b), is further amended by adding at the end the following:

“(O) Aliens who—

“(i) are the sons or daughters of a citizen of the United States; and

“(ii) have a parent (regardless of whether the parent is living or dead) who was naturalized pursuant to—

“(I) section 405 of the Immigration Act of 1990 (Public Law 101-649; 8 U.S.C. 1440 note); or

“(II) title III of the Act of October 14, 1940 (54 Stat. 1137, chapter 876), as added by section 1001 of the Second War Powers Act, 1942 (56 Stat. 182, chapter 199).”.

#### SEC. 2323. ENSURING COMPLIANCE WITH RESTRICTIONS ON WELFARE AND PUBLIC BENEFITS FOR ALIENS.

(a) GENERAL PROHIBITION.—No officer or employee of the Federal Government may—

(1) waive compliance with any requirement in title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.) in effect on the date of enactment of this Act or with any restriction on eligibility for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) established under a provision of this Act or an amendment made by this Act;

(2) waive the prohibition under subsection (d)(3) of section 245B of the Immigration and Nationality Act (as added by section 2101 of this Act) on eligibility for Federal means-tested public benefits for any alien granted registered provisional immigrant status under section 245B of the Immigration and Nationality Act;

(3) waive the prohibition under subsection (c)(3) of section 2211 of this Act on eligibility for Federal means-tested public benefits for any alien granted blue card status under that section;

(4) waive the prohibition under subsection (c) of section 2309 of this Act on eligibility for Federal means-tested public benefits for any noncitizen who is lawfully present in the United States pursuant to section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) (as amended by section 2309(a)); or

(5) waive the prohibition under subsection (w)(2)(C) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184(w)(2)(C)) (as added by section 4504(b) of this Act) on eligibility for any assistance or benefits described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) for any alien described in section 101(a)(15)(Y) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Y)) (as added by section 4504 of this Act) who is issued a nonimmigrant visa.

(b) ENSURING COMPLIANCE WITH FEDERAL WELFARE LAW.—

(1) NO WAIVER OF REQUIREMENTS.—Notwithstanding section 1115(a) of the Social Security Act (42 U.S.C. 1315(a)), the Secretary of Health and Human Services shall not waive compliance by a State, or otherwise permit a State to not comply, with the requirements for the temporary assistance for needy families program referenced in section 408(e) of the Social Security Act (42 U.S.C. 608(e)) and the requirements for that program in section 408(g) of such Act (42 U.S.C. 608(g)).

(2) NO WAIVER OF PENALTIES.—The Secretary of Health and Human Services shall apply section 409 of the Social Security Act (42 U.S.C. 609) to any State that fails to comply with any of the requirements specified in paragraph (1).

#### Subtitle D—Conrad State 30 and Physician Access

##### SEC. 2401. CONRAD STATE 30 PROGRAM.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416; 8 U.S.C. 1182 note) is amended by striking “and before September 30, 2015”.

##### SEC. 2402. RETAINING PHYSICIANS WHO HAVE PRACTICED IN MEDICALLY UNDERSERVED COMMUNITIES.

Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by sections 2103(c), 2212(d)(2), 2307(b), and 2323(b) is further amended by adding at the end the following:

“(P)(i) Alien physicians who have completed service requirements of a waiver requested under section 203(b)(2)(B)(ii), including alien physicians who completed such service before the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act and any spouses or children of such alien physicians.

“(ii) Nothing in this subparagraph may be construed—

“(I) to prevent the filing of a petition with the Secretary of Homeland Security for classification under section 204(a) or the filing of an application for adjustment of status under section 245 by an alien physician described in this subparagraph prior to the date by which such alien physician has completed the service described in section 214(1) or worked full-time as a physician for an aggregate of 5 years at the location identified in the section 214(1) waiver or in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals; or

“(II) to permit the Secretary of Homeland Security to grant such a petition or application until the alien has satisfied all the requirements of the waiver received under section 214(1).”.

##### SEC. 2403. EMPLOYMENT PROTECTIONS FOR PHYSICIANS.

(a) IN GENERAL.—Section 214(1)(1)(C) (8 U.S.C. 1184(1)(1)(C)) is amended by striking clauses (i) and (ii) and inserting the following:

“(i) the alien demonstrates a bona fide offer of full-time employment, at a health care organization, which employment has been determined by the Secretary of Homeland Security to be in the public interest; and

“(ii) the alien agrees to begin employment with the health facility or health care organization in a geographic area or areas which are designated by the Secretary of Health and Human Services as having a shortage of health care professionals by the later of the date that is 90 days after receiving such waiver, 90 days after completing graduate medical education or training under a program approved pursuant to section 212(j)(1), or 90 days after receiving nonimmigrant status or employment authorization, provided that the alien or the alien's employer petitions for such nonimmigrant status or employment authorization within 90 days of completing graduate medical education or training and agrees to continue to work for a total of not less than 3 years in any status authorized for such employment under this subsection, unless—

“(I) the Secretary determines that extenuating circumstances exist that justify a lesser period of employment at such facility or organization, in which case the alien shall demonstrate another bona fide offer of employment at a health facility or health care organization, for the remainder of such 3-year period;

“(II) the interested agency that requested the waiver attests that extenuating circumstances exist that justify a lesser period of employment at such facility or organization in which case the alien shall demonstrate another bona fide offer of employment at a health facility or health care organization so designated by the Secretary of Health and Human Services, for the remainder of such 3-year period; or

“(III) if the alien elects not to pursue a determination of extenuating circumstances pursuant to subclause (I) or (II), the alien terminates the alien's employment relationship with such facility or organization, in which case the alien shall be employed for the remainder of such 3-year period, and 1 additional year for each termination, at another health facility or health care organization in a geographic area or areas which are designated by the Secretary of Health and Human Services as having a shortage of health care professionals; and”.

(b) PHYSICIAN EMPLOYMENT IN UNDERSERVED AREAS.—Section 214(1)(1) (8 U.S.C. 1184(1)(1)), as amended by subsection (a), is further amended by adding at the end the following:

“(E) If a physician pursuing graduate medical education or training pursuant to section 101(a)(15)(J) applies for a Conrad J-1 waiver with an interested State department of health and the application is denied because the State has requested the maximum number of waivers permitted for that fiscal year, the physician's nonimmigrant status shall be automatically extended for 6 months if the physician agrees to seek a waiver under this subsection (except for subparagraph (D)(ii)) to work for an employer in a State that has not yet requested the maximum number of waivers. The physician shall be authorized to work only for such employer from the date on which a new waiver application is filed with the State

until the date on which the Secretary of Homeland Security denies such waiver or issues work authorization for such employment pursuant to the approval of such waiver.”.

(c) GRADUATE MEDICAL EDUCATION OR TRAINING.—Section 214(h)(1), as amended by section 4401(b) of this Act, is further amended by inserting “(J) (if entering the United States for graduate medical education or training),” after “(H)(i)(c).”.

(d) CONTRACT REQUIREMENTS.—Section 214(1) (8 U.S.C. 1184(1)) is amended by adding at the end the following:

“(4) An alien granted a waiver under paragraph (1)(C) shall enter into an employment agreement with the contracting health facility or health care organization that—

“(A) specifies the maximum number of on-call hours per week (which may be a monthly average) that the alien will be expected to be available and the compensation the alien will receive for on-call time;

“(B) specifies whether the contracting facility or organization will pay for the alien's malpractice insurance premiums, including whether the employer will provide malpractice insurance and, if so, the amount of such insurance that will be provided;

“(C) describes all of the work locations that the alien will work and a statement that the contracting facility or organization will not add additional work locations without the approval of the Federal agency or State agency that requested the waiver; and

“(D) does not include a non-compete provision.

“(5) An alien granted a waiver under paragraph (1)(C) whose employment relationship with a health facility or health care organization terminates during the 3-year service period required by such paragraph—

“(A) shall have a period of 120 days beginning on the date of such termination of employment to submit to the Secretary of Homeland Security applications or petitions to commence employment with another contracting health facility or health care organization in a geographic area or areas which are designated by the Secretary of Health and Human Services as having a shortage of health care professionals;

“(B) shall be considered to be maintaining lawful status in an authorized stay during the 120-day period referred to in subsection (A); and

“(C) shall not be considered to be fulfilling the 3-year term of service during the 120-day period referred to in subparagraph (A).”.

##### SEC. 2404. ALLOTMENT OF CONRAD 30 WAIVERS.

(a) IN GENERAL.—Section 214(1) (8 U.S.C. 1184(1)), as amended by section 2403, is further amended by adding at the end the following:

“(6)(A)(i) All States shall be allotted a total of 35 waivers under paragraph (1)(B) for a fiscal year if 90 percent of the waivers available to the States receiving at least 5 waivers were used in the previous fiscal year.

“(ii) When an allocation has occurred under clause (i), all States shall be allotted an additional 5 waivers under paragraph (1)(B) for each subsequent fiscal year if 90 percent of the waivers available to the States receiving at least 5 waivers were used in the previous fiscal year. If the States are allotted 45 or more waivers for a fiscal year, the States will only receive an additional increase of 5 waivers the following fiscal year if 95 percent of the waivers available to the States receiving at least 1 waiver were used in the previous fiscal year.

“(B) Any increase in allotments under subparagraph (A) shall be maintained indefinitely, unless in a fiscal year, the total number of such waivers granted is 5 percent

lower than in the last year in which there was an increase in the number of waivers allotted pursuant to this paragraph, in which case—

“(i) the number of waivers allotted shall be decreased by 5 for all States beginning in the next fiscal year; and

“(ii) each additional 5 percent decrease in such waivers granted from the last year in which there was an increase in the allotment, shall result in an additional decrease of 5 waivers allotted for all States, provided that the number of waivers allotted for all States shall not drop below 30.”

(b) **ACADEMIC MEDICAL CENTERS.**—Section 214(l)(1)(D) (8 U.S.C. 1184(l)(1)(D)) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) in clause (iii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(iv) in the case of a request by an interested State agency—

“(I) the head of such agency determines that the alien is to practice medicine in, or be on the faculty of a residency program at, an academic medical center (as that term is defined in section 411.355(e)(2) of title 42, Code of Federal Regulations, or similar successor regulation), without regard to whether such facility is located within an area designated by the Secretary of Health and Human Services as having a shortage of health care professionals; and

“(II) the head of such agency determines that—

“(aa) the alien physician's work is in the public interest; and

“(bb) the grant of such waiver would not cause the number of the waivers granted on behalf of aliens for such State for a fiscal year (within the limitation in subparagraph (B) and subject to paragraph (6)) in accordance with the conditions of this clause to exceed 3.”

#### **SEC. 2405. AMENDMENTS TO THE PROCEDURES, DEFINITIONS, AND OTHER PROVISIONS RELATED TO PHYSICIAN IMMIGRATION.**

(a) **ALLOWABLE VISA STATUS FOR PHYSICIANS FULFILLING WAIVER REQUIREMENTS IN MEDICALLY UNDERSERVED AREAS.**—Section 214(l)(2)(A) (8 U.S.C. 1184(l)(2)(A)) is amended by striking “an alien described in section 101(a)(15)(H)(i)(b).” and inserting “any status authorized for employment under this Act.”

(b) **SHORT TERM WORK AUTHORIZATION FOR PHYSICIANS COMPLETING THEIR RESIDENCIES.**—A physician completing graduate medical education or training as described in section 212(j) of the Immigration and Nationality Act (8 U.S.C. 1182(j)) as a nonimmigrant described in section 101(a)(15)(H)(i) of such Act (8 U.S.C. 1101(a)(15)(H)(i)) shall have such nonimmigrant status automatically extended until October 1 of the fiscal year for which a petition for a continuation of such nonimmigrant status has been submitted in a timely manner and where the employment start date for the beneficiary of such petition is October 1 of that fiscal year. Such physician shall be authorized to be employed incident to status during the period between the filing of such petition and October 1 of such fiscal year. However, the physician's status and employment authorization shall terminate 30 days from the date such petition is rejected, denied, or revoked. A physician's status and employment authorization will automatically extend to October 1 of the next fiscal year if all visas as described in such section 101(a)(15)(H)(i) authorized to be issued for the fiscal year have been issued.

(c) **APPLICABILITY OF SECTION 212(e) TO SPOUSES AND CHILDREN OF J-1 EXCHANGE VISITORS.**—A spouse or child of an exchange visitor described in section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)) shall not be subject to the requirements of section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)).

#### **Subtitle E—Integration**

##### **SEC. 2501. DEFINITIONS.**

In this subtitle:

(1) **CHIEF.**—The term “Chief” means the Chief of the Office.

(2) **FOUNDATION.**—The term “Foundation” means the United States Citizenship Foundation established pursuant to section 2531.

(3) **IEACA GRANTS.**—The term “IEACA grants” means Initial Entry, Adjustment, and Citizenship Assistance grants authorized under section 2537.

(4) **IMMIGRANT INTEGRATION.**—The term “immigrant integration” means the process by which immigrants—

(A) join the mainstream of civic life by engaging and sharing ownership in their local community, the United States, and the principles of the Constitution;

(B) attain financial self-sufficiency and upward economic mobility for themselves and their family members; and

(C) acquire English language skills and related cultural knowledge necessary to effectively participate in their community.

(5) **LINGUISTIC INTEGRATION.**—The term “linguistic integration” means the acquisition, by limited English proficient individuals, of English language skills and related cultural knowledge necessary to meaningfully and effectively fulfill their roles as community members, family members, and workers.

(6) **OFFICE.**—The term “Office” means the Office of Citizenship and New Americans established in U.S. Citizenship and Immigration Services under section 2511.

(7) **RECEIVING COMMUNITIES.**—The term “receiving communities” means the long-term residents of the communities in which immigrants settle.

(8) **TASK FORCE.**—The term “Task Force” means the Task Force on New Americans established pursuant to section 2521.

(9) **USCF COUNCIL.**—The term “USCF Council” means the Council of Directors of the Foundation.

#### **CHAPTER 1—CITIZENSHIP AND NEW AMERICANS**

##### **Subchapter A—Office of Citizenship and New Americans**

##### **SEC. 2511. OFFICE OF CITIZENSHIP AND NEW AMERICANS.**

(a) **RENAMING OFFICE OF CITIZENSHIP.**—

(1) **IN GENERAL.**—Beginning on the date of the enactment of this Act, the Office of Citizenship in U.S. Citizenship and Immigration Services shall be referred to as the “Office of Citizenship and New Americans”.

(2) **REFERENCES.**—Any reference in a law, regulation, document, paper, or other record of the United States to the Office of Citizenship in U.S. Citizenship and Immigration Services shall be deemed to be a reference to the Office of Citizenship and New Americans.

(3) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 451 of the Homeland Security Act of 2002 (6 U.S.C. 271) is amended—

(A) in the section heading, by striking “BUREAU OF” and inserting “U.S.”;

(B) in subsection (a)(1), by striking “the Bureau of” and inserting “U.S.”;

(C) by striking “the Bureau of” each place such terms appears and inserting “U.S.”; and

(D) in subsection (f)—

(i) by amending the subsection heading to read as follows: “OFFICE OF CITIZENSHIP AND NEW AMERICANS”; and

(ii) by striking paragraph (1) and inserting the following:

“(1) **CHIEF.**—The Office of Citizenship and New Americans shall be within U.S. Citizenship and Immigration Services and shall be headed by the Chief of the Office of Citizenship and New Americans.”

(b) **FUNCTIONS.**—Section 451(f) of such Act (6 U.S.C. 271(f)), as amended by subsection (a)(3)(D), is further amended by striking paragraph (2) and inserting the following:

“(2) **FUNCTIONS.**—The Chief of the Office of Citizenship and New Americans shall—

“(A) promote institutions and provide training on citizenship responsibilities for aliens interested in becoming naturalized citizens of the United States, including the development of educational materials for such aliens;

“(B) provide general leadership, consultation, and coordination of the immigrant integration programs across the Federal Government and with State and local entities;

“(C) in coordination with the Task Force on New Americans established under section 2521 of the Border Security, Economic Opportunity, and Immigration Modernization Act—

“(i) advise the Director of U.S. Citizenship and Immigration Services, the Secretary of Homeland Security, and the Domestic Policy Council, on—

“(I) the challenges and opportunities relating to the linguistic, economic, and civic integration of immigrants and their young children and progress in meeting integration goals and indicators; and

“(II) immigrant integration considerations relating to Federal budgets;

“(ii) establish national goals for introducing new immigrants into the United States and measure the degree to which such goals are met;

“(iii) evaluate the scale, quality, and effectiveness of Federal Government efforts in immigrant integration and provide advice on appropriate actions; and

“(iv) identify the integration implications of new or proposed immigration policies and provide recommendations for addressing such implications;

“(D) serve as a liaison and intermediary with State and local governments and other entities to assist in establishing local goals, task forces, and councils to assist in—

“(i) introducing immigrants into the United States; and

“(ii) promoting citizenship education and awareness among aliens interested in becoming naturalized citizens of the United States;

“(E) coordinate with other Federal agencies to provide information to State and local governments on the demand for existing Federal and State English education programs and best practices for immigrants who recently arrived in the United States;

“(F) assist States in coordinating the activities of the grant programs authorized under sections 2537 and 2538 of the Border Security, Economic Opportunity, and Immigration Modernization Act;

“(G) submit a biennial report to the appropriate congressional committees that describes the activities of the Office of Citizenship and New Americans; and

“(H) carry out such other functions and activities as Secretary may assign.”

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on the date that is 1 year after the date of the enactment of this Act.

### Subchapter B—Task Force on New Americans

#### SEC. 2521. ESTABLISHMENT.

(a) IN GENERAL.—The Secretary shall establish a Task Force on New Americans.

(b) FULLY FUNCTIONAL.—The Task Force shall be fully functional not later than 18 months after the date of the enactment of this Act.

#### SEC. 2522. PURPOSE.

The purposes of the Task Force are—

(1) to establish a coordinated Federal program and policy response to immigrant integration issues; and

(2) to advise and assist the Federal Government in identifying and fostering policies to carry out the policies and goals established under this chapter.

#### SEC. 2523. MEMBERSHIP.

(a) IN GENERAL.—The Task Force shall be comprised of—

(1) the Secretary, who shall serve as Chair of the Task Force;

(2) the Secretary of the Treasury;

(3) the Attorney General;

(4) the Secretary of Commerce;

(5) the Secretary of Labor;

(6) the Secretary of Health and Human Services;

(7) the Secretary of Housing and Urban Development;

(8) the Secretary of Transportation;

(9) the Secretary of Education;

(10) the Director of the Office of Management and Budget;

(11) the Administrator of the Small Business Administration;

(12) the Director of the Domestic Policy Council;

(13) the Director of the National Economic Council; and

(14) the National Security Advisor.

(b) DELEGATION.—A member of the Task Force may delegate a senior official, at the Assistant Secretary, Deputy Administrator, Deputy Director, or Assistant Attorney General level, to perform the functions of a Task Force member described in section 2524.

#### SEC. 2524. FUNCTIONS.

(a) MEETINGS; FUNCTIONS.—The Task Force shall—

(1) meet at the call of the Chair; and

(2) perform such functions as the Secretary may prescribe.

(b) COORDINATED RESPONSE.—The Task Force shall work with executive branch agencies—

(1) to provide a coordinated Federal response to issues that impact the lives of new immigrants and receiving communities, including—

(A) access to youth and adult education programming;

(B) workforce training;

(C) health care policy;

(D) access to naturalization; and

(E) community development challenges; and

(2) to ensure that Federal programs and policies adequately address such impacts.

(c) LIAISONS.—Members of the Task Force shall serve as liaisons to their respective agencies to ensure the quality and timeliness of their agency's participation in activities of the Task Force, including—

(1) creating integration goals and indicators;

(2) implementing the biannual consultation process with the agency's State and local counterparts; and

(3) reporting on agency data collection, policy, and program efforts relating to achieving the goals and indicators referred to in paragraph (1).

(d) RECOMMENDATIONS.—Not later than 18 months after the end of the period specified in section 2521(b), the Task Force shall—

(1) provide recommendations to the Domestic Policy Council and the Secretary on the effects of pending legislation and executive branch policy proposals;

(2) suggest changes to Federal programs or policies to address issues of special importance to new immigrants and receiving communities;

(3) review and recommend changes to policies that have a distinct impact on new immigrants and receiving communities; and

(4) assist in the development of legislative and policy proposals of special importance to new immigrants and receiving communities.

### CHAPTER 2—PUBLIC-PRIVATE PARTNERSHIP

#### SEC. 2531. ESTABLISHMENT OF UNITED STATES CITIZENSHIP FOUNDATION.

The Secretary, acting through the Director of U.S. Citizenship and Immigration Services, is authorized to establish a nonprofit corporation or a not-for-profit, public benefit, or similar entity, which shall be known as the "United States Citizenship Foundation".

#### SEC. 2532. FUNDING.

(a) GIFTS TO FOUNDATION.—In order to carry out the purposes set forth in section 2533, the Foundation may—

(1) solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986;

(2) engage in coordinated work with the Department, including the Office and U.S. Citizenship and Immigration Services; and

(3) accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation.

(b) GIFTS TO OFFICE OF CITIZENSHIP AND NEW AMERICANS.—The Office may accept gifts from the Foundation to support the functions of the Office.

#### SEC. 2533. PURPOSES.

The purposes of the Foundation are—

(1) to expand citizenship preparation programs for lawful permanent residents;

(2) to provide direct assistance for aliens seeking provisional immigrant status, legal permanent resident status, or naturalization as a United States citizen; and

(3) to coordinate immigrant integration with State and local entities.

#### SEC. 2534. AUTHORIZED ACTIVITIES.

The Foundation shall carry out its purpose by—

(1) making United States citizenship instruction and naturalization application services accessible to low-income and other underserved lawful permanent resident populations;

(2) developing, identifying, and sharing best practices in United States citizenship preparation;

(3) supporting innovative and creative solutions to barriers faced by those seeking naturalization;

(4) increasing the use of, and access to, technology in United States citizenship preparation programs;

(5) engaging receiving communities in the United States citizenship and civic integration process;

(6) administering the New Citizens Award Program to recognize, in each calendar year, not more than 10 United States citizens who—

(A) have made outstanding contributions to the United States; and

(B) have been naturalized during the 10-year period ending on the date of such recognition;

(7) fostering public education and awareness;

(8) coordinating its immigrant integration efforts with the Office;

(9) awarding grants to eligible public or private nonprofit organizations under section 2537; and

(10) awarding grants to State and local governments under section 2538.

#### SEC. 2535. COUNCIL OF DIRECTORS.

(a) MEMBERS.—To the extent consistent with section 501(c)(3) of the Internal Revenue Code of 1986, the Foundation shall have a Council of Directors, which shall be comprised of—

(1) the Director of U.S. Citizenship and Immigration Services;

(2) the Chief of the Office of Citizenship and New Americans; and

(3) 10 directors, appointed by the ex-officio directors designated in paragraphs (1) and (2), from national community-based organizations that promote and assist permanent residents with naturalization.

(b) APPOINTMENT OF EXECUTIVE DIRECTOR.—The USCFC Council shall appoint an Executive Director, who shall oversee the day-to-day operations of the Foundation.

#### SEC. 2536. POWERS.

The Executive Director is authorized to carry out the purposes set forth in section 2533 on behalf of the Foundation by—

(1) accepting, holding, administering, investing, and spending any gift, devise, or bequest of real or personal property made to the Foundation;

(2) entering into contracts and other financial assistance agreements with individuals, public or private organizations, professional societies, and government agencies to carry out the functions of the Foundation;

(3) entering into such other contracts, leases, cooperative agreements, and other transactions as the Executive Director considers appropriate to carry out the activities of the Foundation; and

(4) charging such fees for professional services furnished by the Foundation as the Executive Director determines reasonable and appropriate.

#### SEC. 2537. INITIAL ENTRY, ADJUSTMENT, AND CITIZENSHIP ASSISTANCE GRANT PROGRAM.

(a) AUTHORIZATION.—The Secretary, acting through the Director of U.S. Citizenship and Immigration Services, may award Initial Entry, Adjustment, and Citizenship Assistance grants to eligible public or private, nonprofit organizations.

(b) USE OF GRANT FUNDS.—IEACA grants shall be used for the design and implementation of programs that provide direct assistance, within the scope of the authorized practice of immigration law—

(1) to aliens who are preparing an initial application for registered provisional immigrant status under section 245B of the Immigration and Nationality Act and to aliens who are preparing an initial application for blue card status under section 2211, including assisting applicants in—

(A) screening to assess prospective applicants' potential eligibility or lack of eligibility;

(B) completing applications;

(C) gathering proof of identification, employment, residence, and tax payment;

(D) gathering proof of relationships of eligible family members;

(E) applying for any waivers for which applicants and qualifying family members may be eligible; and

(F) any other assistance that the Secretary or grantee considers useful to aliens who are interested in applying for registered provisional immigrant status;

(2) to aliens seeking to adjust their status under section 245, 245B, 245C, or 245F of the Immigration and Nationality Act;

(3) to legal permanent residents seeking to become naturalized United States citizens; and

(4) to applicants on—

(A) the rights and responsibilities of United States citizenship;

(B) civics-based English as a second language;

(C) civics, with a special emphasis on common values and traditions of Americans, including an understanding of the history of the United States and the principles of the Constitution; and

(D) applying for United States citizenship.

**SEC. 2538. PILOT PROGRAM TO PROMOTE IMMIGRANT INTEGRATION AT STATE AND LOCAL LEVELS.**

(a) **GRANTS AUTHORIZED.**—The Chief shall establish a pilot program through which the Chief may award grants, on a competitive basis, to States and local governments or other qualifying entities, in collaboration with State and local governments—

(1) to establish New Immigrant Councils to carry out programs to integrate new immigrants; or

(2) to carry out programs to integrate new immigrants.

(b) **APPLICATION.**—A State or local government desiring a grant under this section shall submit an application to the Chief at such time, in such manner, and containing such information as the Chief may reasonably require, including—

(1) a proposal to meet an objective or combination of objectives set forth in subsection (d)(3);

(2) the number of new immigrants in the applicant's jurisdiction; and

(3) a description of the challenges in introducing and integrating new immigrants into the State or local community.

(c) **PRIORITY.**—In awarding grants under this section, the Chief shall give priority to States and local governments or other qualifying entities that—

(1) use matching funds from non-Federal sources, which may include in-kind contributions;

(2) demonstrate collaboration with public and private entities to achieve the goals of the comprehensive plan developed pursuant to subsection (d)(3);

(3) are 1 of the 10 States with the highest rate of foreign-born residents; or

(4) have experienced a large increase in the population of immigrants during the most recent 10-year period relative to past migration patterns, based on data compiled by the Office of Immigration Statistics or the United States Census Bureau.

(d) **AUTHORIZED ACTIVITIES.**—A grant awarded under this subsection may be used—

(1) to form a New Immigrant Council, which shall—

(A) consist of between 15 and 19 individuals, inclusive, from the State, local government, or qualifying organization;

(B) include, to the extent practicable, representatives from—

(i) business;

(ii) faith-based organizations;

(iii) civic organizations;

(iv) philanthropic organizations;

(v) nonprofit organizations, including those with legal and advocacy experience working with immigrant communities;

(vi) key education stakeholders, such as State educational agencies, local educational agencies, community colleges, and teachers;

(vii) State adult education offices;

(viii) State or local public libraries; and

(ix) State or local governments; and

(C) meet not less frequently than once each quarter;

(2) to provide subgrants to local communities, city governments, municipalities, nonprofit organizations (including veterans' and patriotic organizations), or other qualifying entities;

(3) to develop, implement, expand, or enhance a comprehensive plan to introduce and integrate new immigrants into the State by—

(A) improving English language skills;

(B) engaging caretakers with limited English proficiency in their child's education through interactive parent and child literacy activities;

(C) improving and expanding access to workforce training programs;

(D) teaching United States history, civics education, citizenship rights, and responsibilities;

(E) promoting an understanding of the form of government and history of the United States and the principles of the Constitution;

(F) improving financial literacy; and

(G) focusing on other key areas of importance to integration in our society; and

(4) to engage receiving communities in the citizenship and civic integration process by—

(A) increasing local service capacity;

(B) building meaningful connections between newer immigrants and long-time residents;

(C) communicating the contributions of receiving communities and new immigrants; and

(D) engaging leaders from all sectors of the community.

(e) **REPORTING AND EVALUATION.**—

(1) **ANNUAL REPORT.**—Each grant recipient shall submit an annual report to the Office that describes—

(A) the activities undertaken by the grant recipient, including how such activities meet the goals of the Office, the Foundation, and the comprehensive plan described in subsection (d)(3);

(B) the geographic areas being served;

(C) the number of immigrants in such areas; and

(D) the primary languages spoken in such areas.

(2) **ANNUAL EVALUATION.**—The Chief shall conduct an annual evaluation of the grant program established under this section—

(A) to assess and improve the effectiveness of such grant program;

(B) to assess the future needs of immigrants and of State and local governments related to immigrants; and

(C) to ensure that grantees recipients and subgrantees are acting within the scope and purpose of this subchapter.

**SEC. 2539. NATURALIZATION CEREMONIES.**

(a) **IN GENERAL.**—The Chief, in consultation with the Director of the National Park Service, the Archivist of the United States, and other appropriate Federal officials, shall develop and implement a strategy to enhance the public awareness of naturalization ceremonies.

(b) **VENUES.**—In developing the strategy under subsection (a), the Secretary shall consider the use of outstanding and historic locations as venues for select naturalization ceremonies.

(c) **REPORTING REQUIREMENT.**—The Secretary shall annually submit a report to Congress that contains—

(1) the content of the strategy developed under subsection (a); and

(2) the progress made towards the implementation of such strategy.

**CHAPTER 3—FUNDING**

**SEC. 2541. AUTHORIZATION OF APPROPRIATIONS.**

(a) **OFFICE OF CITIZENSHIP AND NEW AMERICANS.**—In addition to any amounts otherwise made available to the Office, there are authorized to be appropriated to carry out the functions described in section 451(f)(2) of the Homeland Security Act of 2002 (6 U.S.C. 271(f)(2)), as amended by section 2511(b)—

(1) \$10,000,000 for the 5-year period ending on September 30, 2018; and

(2) such sums as may be necessary for fiscal year 2019 and subsequent fiscal years.

(b) **GRANT PROGRAMS.**—There are authorized to be appropriated to implement the grant programs authorized under sections 2537 and 2538, and to implement the strategy under section 2539—

(1) \$100,000,000 for the 5-year period ending on September 30, 2018; and

(2) such sums as may be necessary for fiscal year 2019 and subsequent fiscal years.

**CHAPTER 4—REDUCE BARRIERS TO NATURALIZATION**

**SEC. 2551. WAIVER OF ENGLISH REQUIREMENT FOR SENIOR NEW AMERICANS.**

Section 312 (8 U.S.C. 1423) is amended by striking subsection (b) and inserting the following:

“(b) The requirements under subsection (a) shall not apply to any person who—

“(1) is unable to comply with such requirements because of physical or mental disability, including developmental or intellectual disability; or

“(2) on the date on which the person's application for naturalization is filed under section 334—

“(A) is older than 65 years of age; and

“(B) has been living in the United States for periods totaling at least 5 years after being lawfully admitted for permanent residence.

“(c) The requirement under subsection (a)(1) shall not apply to any person who, on the date on which the person's application for naturalization is filed under section 334—

“(1) is older than 50 years of age and has been living in the United States for periods totaling at least 20 years after being lawfully admitted for permanent residence;

“(2) is older than 55 years of age and has been living in the United States for periods totaling at least 15 years after being lawfully admitted for permanent residence; or

“(3) is older than 60 years of age and has been living in the United States for periods totaling at least 10 years after being lawfully admitted for permanent residence.

“(d) The Secretary of Homeland Security may waive, on a case-by-case basis, the requirement under subsection (a)(2) on behalf of any person who, on the date on which the person's application for naturalization is filed under section 334—

“(1) is older than 60 years of age; and

“(2) has been living in the United States for periods totaling at least 10 years after being lawfully admitted for permanent residence.”

**SEC. 2552. FILING OF APPLICATIONS NOT REQUIRING REGULAR INTERNET ACCESS.**

(a) **ELECTRONIC FILING NOT REQUIRED.**—

(1) **IN GENERAL.**—The Secretary may not require that an applicant or petitioner for permanent residence or citizenship of the



United States use an electronic method to file any application, or access to a customer account.

(2) **SUNSET DATE.**—This subsection shall cease to be effective on October 1, 2020.

(b) **NOTIFICATION REQUIREMENT.**—Beginning on October 1, 2020, the Secretary may not require that an applicant or petitioner for permanent residence or citizenship of the United States use an electronic method to file any application or access to a customer account unless the Secretary notifies the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives of such requirement not later than 30 days before the effective date of such requirement.

**SEC. 2553. PERMISSIBLE USE OF ASSISTED HOUSING BY BATTERED IMMIGRANTS.**

Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking “; or” and inserting a semicolon;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following new paragraph:

“(7) a qualified alien described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)); or”;

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking “paragraphs (1) through (6)” and inserting “paragraphs (1) through (7)”; and

(B) in paragraph (2)(A), by inserting “(other than a qualified alien described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)))” after “any alien”.

**SEC. 2554. UNITED STATES CITIZENSHIP FOR INTERNATIONALLY ADOPTED INDIVIDUALS.**

(a) **AUTOMATIC CITIZENSHIP.**—Section 104 of the Child Citizenship Act of 2000 (Public Law 106-395; 8 U.S.C. 1431 note) is amended to read as follows:

**“SEC. 104. APPLICABILITY.**

“The amendments made by this title shall apply to any individual who satisfies the requirements under section 320 or 322 of the Immigration and Nationality Act, regardless of the date on which such requirements were satisfied.”.

(b) **MODIFICATION OF PREADOPTION VISITATION REQUIREMENT.**—Section 101(b)(1)(F)(i) (8 U.S.C. 1101(b)(1)(F)(i)), as amended by section 2312, is further amended by striking “at least twenty-five years of age, who personally saw and observed the child prior to or during the adoption proceedings;” and inserting “who is at least 25 years of age, at least 1 of whom personally saw and observed the child before or during the adoption proceedings;”.

(c) **AUTOMATIC CITIZENSHIP FOR CHILDREN OF UNITED STATES CITIZENS WHO ARE PHYSICALLY PRESENT IN THE UNITED STATES.**—

(1) **IN GENERAL.**—Section 320(a)(3) (8 U.S.C. 1431(a)(3)) is amended to read as follows:

“(3) The child is physically present in the United States in the legal custody of the citizen parent pursuant to a lawful admission.”.

(2) **APPLICABILITY TO INDIVIDUALS WHO NO LONGER HAVE LEGAL STATUS.**—Notwithstanding the lack of legal status or physical presence in the United States, a person shall be deemed to meet the requirements under section 320 of the Immigration and Nationality Act, as amended by paragraph (1), if the person—

(A) was born outside of the United States;

(B) was adopted by a United States citizen before the person reached 18 years of age;

(C) was legally admitted to the United States; and

(D) would have qualified for automatic United States citizenship if the amendments made by paragraph (1) had been in effect at the time of such admission.

(d) **RETROACTIVE APPLICATION.**—Section 320(b) (8 U.S.C. 1431(b)) is amended by inserting “, regardless of the date on which the adoption was finalized” before the period at the end.

(e) **APPLICABILITY.**—The amendments made by this section shall apply to any individual adopted by a citizen of the United States regardless of whether the adoption occurred prior to, on, or after the date of the enactment of the Child Citizenship Act of 2000.

**SEC. 2555. TREATMENT OF CERTAIN PERSONS AS HAVING SATISFIED ENGLISH AND CIVICS, GOOD MORAL CHARACTER, AND HONORABLE SERVICE AND DISCHARGE REQUIREMENTS FOR NATURALIZATION.**

(a) **IMMIGRATION AND NATIONALITY ACT.**—The Immigration and Nationality Act is amended by inserting after section 329A (8 U.S.C. 1440-1) the following new section:

**“SEC. 329B. PERSONS WHO HAVE RECEIVED AN AWARD FOR ENGAGEMENT IN ACTIVE COMBAT OR ACTIVE PARTICIPATION IN COMBAT.**

“(a) **IN GENERAL.**—

“(1) **IN GENERAL.**—For purposes of naturalization and continuing citizenship under the following provisions of law, a person who has received an award described in subsection (b) shall be treated—

“(A) as having satisfied the requirements in sections 312(a), 316(a)(3), and subsections (b)(3), (c), and (e) of section 328; and

“(B) except as provided in paragraph (2), under sections 328 and 329, as having served honorably in the Armed Forces for (in the case of section 328) a period or periods aggregating one year, and, if separated from such service, as having been separated under honorable conditions.

“(2) **REVOCATION.**—Notwithstanding paragraph (1)(B), any person who separated from the Armed Forces under other than honorable conditions may be subject to revocation of citizenship under section 328(f) or 329(c) if the other requirements of such section are met.

“(b) **APPLICATION.**—This section shall apply with respect to the following awards from the Armed Forces of the United States:

“(1) The Combat Infantryman Badge from the Army.

“(2) The Combat Medical Badge from the Army.

“(3) The Combat Action Badge from the Army.

“(4) The Combat Action Ribbon from the Navy, the Marine Corps, or the Coast Guard.

“(5) The Air Force Combat Action Medal.

“(6) Any other award that the Secretary of Defense determines to be an equivalent award for engagement in active combat or active participation in combat.”.

(b) **CLERICAL AMENDMENT.**—The table of contents of such Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 329A the following:

“Sec. 329B. Persons who have received an award for engagement in active combat or active participation in combat.”.

**TITLE III—INTERIOR ENFORCEMENT**

**Subtitle A—Employment Verification System**

**SEC. 3101. UNLAWFUL EMPLOYMENT OF UNAUTHORIZED ALIENS.**

(a) **IN GENERAL.**—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

**“SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.**

“(a) **MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.**—

“(1) **IN GENERAL.**—It is unlawful for an employer—

“(A) to hire, recruit, or refer for a fee an alien for employment in the United States knowing that the alien is an unauthorized alien with respect to such employment; or

“(B) to hire, recruit, or refer for a fee for employment in the United States an individual without complying with the requirements under subsections (c) and (d).

“(2) **CONTINUING EMPLOYMENT.**—

“(A) **PROHIBITION ON CONTINUED EMPLOYMENT OF UNAUTHORIZED ALIENS.**—It is unlawful for an employer, after hiring an alien for employment, to continue to employ the alien in the United States knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

“(B) **PROHIBITION ON CONSIDERATION OF PREVIOUS UNAUTHORIZED STATUS.**—Nothing in this section may be construed to prohibit the employment of an individual who is authorized for employment in the United States if such individual was previously an unauthorized alien.

“(3) **USE OF LABOR THROUGH CONTRACT.**—For purposes of this section, any employer that uses a contract, subcontract, or exchange to obtain the labor of an alien in the United States while knowing that the alien is an unauthorized alien with respect to performing such labor shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

“(4) **USE OF STATE EMPLOYMENT AGENCY DOCUMENTATION.**—For purposes of paragraphs (1)(B), (5), and (6), an employer shall be deemed to have complied with the requirements under subsection (c) with respect to the hiring of an individual who was referred for such employment by a State employment agency (as defined by the Secretary) if the employer has and retains (for the period and in the manner described in subsection (c)(3)) appropriate documentation of such referral by such agency, certifying that such agency has complied with the procedures described in subsection (c) with respect to the individual's referral. An employer that relies on a State agency's certification of compliance with subsection (c) under this paragraph may utilize and retain the State agency's certification of compliance with the procedures described in subsection (d), if any, in the manner provided under this paragraph.

“(5) **GOOD FAITH DEFENSE.**—

“(A) **DEFENSE.**—An employer, person, or entity that hires, employs, recruits, or refers individuals for employment in the United States, or is otherwise obligated to comply with the requirements under this section and establishes good faith compliance with the requirements under paragraphs (1) through (4) of subsection (c) and subsection (d)—

“(i) has established an affirmative defense that the employer, person, or entity has not violated paragraph (1)(A) with respect to hiring and employing; and

“(ii) has established compliance with its obligations under subparagraph (A) and (B) of paragraph (1) and subsection (c) unless the Secretary demonstrates that the employer had knowledge that an individuals hired, employed, recruited, or referred by the employer, person, or entity is an unauthorized alien.

“(B) **EXCEPTION FOR CERTAIN EMPLOYERS.**—An employer who is not required to participate in the System or who is participating in the System on a voluntary basis pursuant to subsection (d)(2)(J) has established an affirmative defense under subparagraph (A)



and need not demonstrate compliance with the requirements under subsection (d).

“(6) GOOD FAITH COMPLIANCE.—

“(A) IN GENERAL.—Except as otherwise provided in this subsection, an employer, person, or entity is considered to have complied with a requirement under this subsection notwithstanding a technical or procedural failure to meet such requirement if there was a good faith attempt to comply with the requirement.

“(B) EXCEPTION IF FAILURE TO CORRECT AFTER NOTICE.—Subparagraph (A) shall not apply if—

“(i) the failure is not de minimis;

“(ii) the Secretary of Homeland Security has explained to the employer, person, or entity the basis for the failure and why it is not de minimis;

“(iii) the employer, person, or entity has been provided a period of not less than 30 days (beginning after the date of the explanation) to correct the failure; and

“(iv) the employer, person, or entity has not corrected the failure voluntarily within such period.

“(C) EXCEPTION FOR PATTERN OR PRACTICE VIOLATORS.—Subparagraph (A) shall not apply to an employer, person, or entity that has engaged or is engaging in a pattern or practice of violations of paragraph (1)(A) or (2).

“(7) PRESUMPTION.—After the date on which an employer is required to participate in the System under subsection (d), the employer is presumed to have acted with knowledge for purposes of paragraph (1)(A) if the employer hires, employs, recruits, or refers an employee for a fee and fails to make an inquiry to verify the employment authorization status of the employee through the System.

“(8) CONTINUED APPLICATION OF WORKFORCE AND LABOR PROTECTION REMEDIES DESPITE UNAUTHORIZED EMPLOYMENT.—

“(A) IN GENERAL.—Subject only to subparagraph (B), all rights and remedies provided under any Federal, State, or local law relating to workplace rights, including but not limited to back pay, are available to an employee despite—

“(i) the employee's status as an unauthorized alien during or after the period of employment; or

“(ii) the employer's or employee's failure to comply with the requirements of this section.

“(B) REINSTATEMENT.—Reinstatement shall be available to individuals who—

“(i) are authorized to work in the United States at the time such relief is ordered or effectuated; or

“(ii) lost employment-authorized status due to the unlawful acts of the employer under this section.

“(b) DEFINITIONS.—In this section:

“(1) COMMISSIONER.—The term ‘Commissioner’ means the Commissioner of Social Security.

“(2) DEPARTMENT.—Except as otherwise provided, the term ‘Department’ means the Department of Homeland Security.

“(3) EMPLOYER.—The term ‘employer’ means any person or entity, including an agency or department of a Federal, State, or local government, an agent, or a System service provider acting on behalf of an employer, that hires, employs, recruits, or refers for a fee an individual for employment in the United States that is not casual, sporadic, irregular, or intermittent (as defined by the Secretary).

“(4) EMPLOYMENT AUTHORIZED STATUS.—The term ‘employment authorized status’

means, with respect to an individual, that the individual is authorized to be employed in the United States under the immigration laws of the United States.

“(5) SECRETARY.—Except as otherwise specifically provided, the term ‘Secretary’ means the Secretary of Homeland Security.

“(6) SYSTEM.—The term ‘System’ means the Employment Verification System established under subsection (d).

“(7) UNAUTHORIZED ALIEN.—The term ‘unauthorized alien’ means an alien who, with respect to employment in the United States at a particular time—

“(A) is not lawfully admitted for permanent residence; or

“(B) is not authorized to be employed under this Act or by the Secretary.

“(8) WORKPLACE RIGHTS.—The term ‘workplace rights’ means rights guaranteed under Federal, State, or local labor or employment laws, including laws concerning wages and hours, benefits and employment standards, labor relations, workplace health and safety, work-related injuries, nondiscrimination, and retaliation for exercising rights under such laws.

“(c) DOCUMENT VERIFICATION REQUIREMENTS.—Any employer hiring an individual for employment in the United States shall comply with the following requirements and the requirements under subsection (d) to verify that the individual has employment authorized status.

“(1) ATTESTATION AFTER EXAMINATION OF DOCUMENTATION.—

“(A) IN GENERAL.—

“(i) EXAMINATION BY EMPLOYER.—An employer shall attest, under penalty of perjury on a form prescribed by the Secretary, that the employer has verified the identity and employment authorization status of the individual—

“(I) by examining—

“(aa) a document specified in subparagraph (C); or

“(bb) a document specified in subparagraph (D) and a document specified in subparagraph (E); and

“(II) by utilizing an identity authentication mechanism described in clause (iii) or (iv) of subparagraph (F).

“(ii) PUBLICATION OF DOCUMENTS.—The Secretary shall publish a picture of each document specified in subparagraphs (C) and (E) on the U.S. Citizenship and Immigration Services website.

“(B) REQUIREMENTS.—

“(i) FORM.—The form referred to in subparagraph (A)(i)—

“(I) shall be prescribed by the Secretary not later than 6 months after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act;

“(II) shall be available as—

“(aa) a paper form;

“(bb) a form that may be completed by an employer via telephone or video conference;

“(cc) an electronic form; or

“(dd) a form that is integrated electronically with the requirements under subsection (d).

“(ii) ATTESTATION.—Each such form shall require the employer to sign an attestation with a handwritten, electronic, or digital pin code signature, according to standards prescribed by the Secretary.

“(iii) COMPLIANCE.—An employer has complied with the requirements under this paragraph with respect to examination of the documents included in subclauses (I) and (II) of subparagraph (A)(i) if—

“(I) the employer has, in good faith, followed applicable regulations and any written

procedures or instructions provided by the Secretary; and

“(II) a reasonable person would conclude that the documentation is genuine and relates to the individual presenting such documentation.

“(C) DOCUMENTS ESTABLISHING IDENTITY AND EMPLOYMENT AUTHORIZED STATUS.—A document is specified in this subparagraph if the document is unexpired (unless the validity of the document is extended by law) and is 1 of the following:

“(i) A United States passport or passport card issued to an individual pursuant to the Secretary of State's authority under the Act entitled ‘An Act to regulate the issue and validity of passports, and for other purposes’, approved July 3, 1926 (22 U.S.C. 211a).

“(ii) A document issued to an alien evidencing that the alien is lawfully admitted for permanent residence or another document issued to an individual evidencing the individual's employment authorized status, as designated by the Secretary, if the document—

“(I) contains a photograph of the individual, or such other personal identifying information relating to the individual as the Secretary determines, by regulation, to be sufficient for the purposes of this subparagraph;

“(II) is evidence of employment authorized status; and

“(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

“(iii) An enhanced driver's license or identification card issued to a national of the United States by a State, an outlying possession of the United States, or a federally recognized Indian tribe that—

“(I) meets the requirements under section 202 of the REAL ID Act of 2005 (division B of Public Law 109-13; 49 U.S.C. 30301 note); and

“(II) the Secretary has certified by notice published in the Federal Register and through appropriate notice directly to employers registered in the System 3 months prior to publication that such enhanced license or card is suitable for use under this subparagraph based upon the accuracy and security of the issuance process, security features on the document, and such other factors as the Secretary may prescribe.

“(iv) A passport issued by the appropriate authority of a foreign country accompanied by a Form I-94 or Form I-94A (or similar successor record), or other documentation as designated by the Secretary that specifies the individual's status in the United States and the duration of such status if the proposed employment is not in conflict with any restriction or limitation specified on such form or documentation.

“(v) A passport issued by the Federated States of Micronesia or the Republic of the Marshall Islands with evidence of non-immigrant admission to the United States under the Compact of Free Association between the United States and the Federated States of Micronesia or the Republic of the Marshall Islands.

“(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document is specified in this subparagraph if the document is unexpired (unless the validity of the document is extended by law) and is 1 of the following:

“(i) A driver's license or identity card that is not described in subparagraph (C)(iii) and is issued to an individual by a State or an outlying possession of the United States, a federally recognized Indian tribe, or an agency (including military) of the Federal Government if the driver's license or identity card includes, at a minimum—

“(I) the individual’s photograph, name, date of birth, gender, and driver’s license or identification card number; and

“(II) security features to make the license or card resistant to tampering, counterfeiting, and fraudulent use.

“(ii) A voter registration card.

“(iii) A document that complies with the requirements under section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note).

“(iv) For individuals under 18 years of age who are unable to present a document listed in clause (i) or (ii), documentation of personal identity of such other type as the Secretary determines will provide a reliable means of identification, which may include an attestation as to the individual’s identity by a parent or legal guardian under penalty of perjury.

“(E) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION.—A document is specified in this subparagraph if the document is unexpired (unless the validity of the document is extended by law) and is 1 of the following:

“(i) A social security account number card issued by the Commissioner, other than a card which specifies on its face that the card is not valid to evidence employment authorized status or has other similar words of limitation.

“(ii) Any other documentation evidencing employment authorized status that the Secretary determines and publishes in the Federal Register and through appropriate notice directly to employers registered within the System to be acceptable for purposes of this subparagraph if such documentation, including any electronic security measures linked to such documentation, contains security features to make such documentation resistant to tampering, counterfeiting, and fraudulent use.

“(F) IDENTITY AUTHENTICATION MECHANISM.—

“(i) DEFINITIONS.—In this subparagraph:

“(I) COVERED IDENTITY DOCUMENT.—The term ‘covered identity document’ means a valid—

“(aa) United States passport, passport card, or a document evidencing lawful permanent residence status or employment authorized status issued to an alien;

“(bb) enhanced driver’s license or identity card issued by a participating State or an outlying possession of the United States; or

“(cc) photograph and appropriate identifying information provided by the Secretary of State pursuant to the granting of a visa.

“(II) PARTICIPATING STATE.—The term ‘participating State’ means a State that has an agreement with the Secretary to provide the Secretary, for purposes of identity verification in the System, with photographs and appropriate identifying information maintained by the State.

“(ii) REQUIREMENT FOR IDENTITY AUTHENTICATION.—In addition to verifying the documents specified in subparagraph (C), (D), or (E) and utilizing the System under subsection (d), each employer shall use an identity authentication mechanism described in clause (iii) or provided in clause (iv) after it becomes available to verify the identity of each individual the employer seeks to hire.

“(iii) PHOTO TOOL.—

“(I) USE REQUIREMENT.—An employer hiring an individual who has a covered identity document shall verify the identity of such individual using the photo tool described in subclause (II).

“(II) DEVELOPMENT REQUIREMENT.—The Secretary shall develop and maintain a

photo tool that enables employers to match the photo on a covered identity document provided to the employer to a photo maintained by a U.S. Citizenship and Immigration Services database.

“(iv) ADDITIONAL SECURITY MEASURES.—

“(I) USE REQUIREMENT.—An employer seeking to hire an individual whose identity may not be verified using the photo tool described in clause (iii) shall verify the identity of such individual using the additional security measures described in subclause (II).

“(II) DEVELOPMENT REQUIREMENT.—The Secretary shall develop, after publication in the Federal Register and an opportunity for public comment, specific and effective additional security measures to adequately verify the identity of an individual whose identity may not be verified using the photo tool described in clause (iii). Such additional security measures—

“(aa) shall be kept up-to-date with technological advances; and

“(bb) shall provide a means of identity authentication in a manner that provides a high level of certainty as to the identity of such individual, using immigration and identifying information that may include review of identity documents or background screening verification techniques using publicly available information.

“(G) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents specified in subparagraph (B), (C), or (D) does not reliably establish identity or that employment authorized status is being used fraudulently to an unacceptable degree, the Secretary—

“(i) may prohibit or restrict the use of such document or class of documents for purposes of this subsection; and

“(ii) shall directly notify all employers registered within the System of the prohibition through appropriate means.

“(H) AUTHORITY TO ALLOW USE OF CERTAIN DOCUMENTS.—If the Secretary has determined that another document or class of documents, such as a document issued by a federally recognized Indian tribe, may be used to reliably establish identity or employment authorized status, the Secretary—

“(i) may allow the use of that document or class of documents for purposes of this subsection after publication in the Federal Register and an opportunity for public comment;

“(ii) shall publish a description of any such document or class of documents on the U.S. Citizenship and Immigration Services website; and

“(iii) shall directly notify all employers registered within the System of the addition through appropriate means.

“(2) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—An individual, upon commencing employment with an employer, shall—

“(A) attest, under penalty of perjury, on the form prescribed by the Secretary, that the individual is—

“(i) a citizen of the United States;

“(ii) an alien lawfully admitted for permanent residence;

“(iii) an alien who has employment authorized status; or

“(iv) otherwise authorized by the Secretary to be hired for such employment;

“(B) provide such attestation by a handwritten, electronic, or digital pin code signature; and

“(C) provide the individual’s social security account number to the Secretary, unless

the individual has not yet been issued such a number, on such form as the Secretary may require.

“(3) RETENTION OF VERIFICATION RECORD.—

“(A) IN GENERAL.—After completing a form for an individual in accordance with paragraphs (1) and (2), the employer shall retain a version of such completed form and make such form available for inspection by the Secretary or the Office of Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice during the period beginning on the hiring date of the individual and ending on the later of—

“(i) the date that is 3 years after such hiring date; or

“(ii) the date that is 1 year after the date on which the individual’s employment with the employer is terminated.

“(B) REQUIREMENT FOR ELECTRONIC RETENTION.—The Secretary—

“(i) shall permit an employer to retain the form described in subparagraph (A) in electronic form; and

“(ii) shall permit an employer to retain such form in paper, microfiche, microfilm, portable document format, or other media.

“(4) COPYING OF DOCUMENTATION AND RECORDKEEPING.—The Secretary may promulgate regulations regarding—

“(A) copying documents and related information pertaining to employment verification presented by an individual under this subsection; and

“(B) retaining such information during a period not to exceed the required retention period set forth in paragraph (3).

“(5) PENALTIES.—An employer that fails to comply with any requirement under this subsection may be penalized under subsection (e)(4)(B).

“(6) PROTECTION OF CIVIL RIGHTS.—

“(A) IN GENERAL.—Nothing in this section may be construed to diminish any rights otherwise protected by Federal law.

“(B) PROHIBITION ON DISCRIMINATION.—An employer shall use the procedures for document verification set forth in this paragraph for all employees without regard to race, color, religion, sex, national origin, or, unless specifically permitted in this section, to citizenship status.

“(7) RECEIPTS.—The Secretary may authorize the use of receipts for replacement documents, and temporary evidence of employment authorization by an individual to meet a documentation requirement under this subsection on a temporary basis not to exceed 1 year, after which time the individual shall provide documentation sufficient to satisfy the documentation requirements under this subsection.

“(8) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to directly or indirectly authorize the issuance, use, or establishment of a national identification card.

“(d) EMPLOYMENT VERIFICATION SYSTEM.—

“(1) IN GENERAL.—

“(A) ESTABLISHMENT.—The Secretary, in consultation with the Commissioner, shall establish the Employment Verification System.

“(B) MONITORING.—The Secretary shall create the necessary processes to monitor—

“(i) the functioning of the System, including the volume of the workflow, the speed of processing of queries, the speed and accuracy of responses;

“(ii) the misuse of the System, including the prevention of fraud or identity theft;

“(iii) whether the use of the System results in wrongful adverse actions or discrimination based upon a prohibited factor

against citizens or nationals of the United States or individuals who have employment authorized status; and

“(iv) the security, integrity, and privacy of the System.

“(C) PROCEDURES.—The Secretary—

“(i) shall create processes to provide an individual with direct access to the individual’s case history in the System, including—

“(I) the identities of all persons or entities that have queried the individual through the System;

“(II) the date of each such query; and

“(III) the System response for each such query; and

“(ii) in consultation with the Commissioner, shall develop—

“(I) protocols to notify an individual, in a timely manner through the use of electronic correspondence or mail, that a query for the individual has been processed through the System; or

“(II) a process for the individual to submit additional queries to the System or notify the Secretary of potential identity fraud.

“(2) PARTICIPATION REQUIREMENTS.—

“(A) FEDERAL GOVERNMENT.—Except as provided in subparagraph (B), all agencies and departments in the executive, legislative, or judicial branches of the Federal Government shall participate in the System beginning on the earlier of—

“(i) the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, to the extent required under section 402(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a) and as already implemented by each agency or department; or

“(ii) the date that is 90 days after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(B) FEDERAL CONTRACTORS.—Federal contractors shall participate in the System as provided in the final rule relating to employment eligibility verification published in the Federal Register on November 14, 2008 (73 Fed. Reg. 67,651), or any similar subsequent regulation, for which purpose references to E-Verify in the final rule shall be construed to apply to the System.

“(C) CRITICAL INFRASTRUCTURE.—

“(i) IN GENERAL.—Beginning on the date that is 1 year after the date on which regulations are published implementing this subsection, the Secretary may authorize or direct any employer, person, or entity responsible for granting access to, protecting, securing, operating, administering, or regulating part of the critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e))) to participate in the System to the extent the Secretary determines that such participation will assist in the protection of the critical infrastructure.

“(ii) NOTIFICATION TO EMPLOYERS.—The Secretary shall notify an employer required to participate in the System under this subparagraph not later than 90 days before the date on which the employer is required to participate.

“(D) EMPLOYERS WITH MORE THAN 5,000 EMPLOYEES.—Not later than 2 years after regulations are published implementing this subsection, all employers with more than 5,000 employees shall participate in the System with respect to all newly hired employees and employees with expiring temporary employment authorization documents.

“(E) EMPLOYERS WITH MORE THAN 500 EMPLOYEES.—Not later than 3 years after regu-

lations are published implementing this subsection, all employers with more than 500 employees shall participate in the System with respect to all newly hired employees and employees with expiring temporary employment authorization documents.

“(F) AGRICULTURAL EMPLOYMENT.—Not later than 4 years after regulations are published implementing this subsection, employers of employees performing agricultural employment (as defined in section 218A of this Act and section 2202 of the Border Security, Economic Opportunity, and Immigration Modernization Act) shall participate in the System with respect to all newly hired employees and employees with expiring temporary employment authorization documents. An agricultural employee shall not be counted for purposes of subparagraph (D) or (E).

“(G) ALL EMPLOYERS.—Except as provided in subparagraph (H), not later than 4 years after regulations are published implementing this subsection, all employers shall participate in the System with respect to all newly hired employees and employees with expiring temporary employment authorization documents.

“(H) TRIBAL GOVERNMENT EMPLOYERS.—

“(i) RULEMAKING.—In developing regulations to implement this subsection, the Secretary shall—

“(I) consider the effects of this section on federally recognized Indian tribes and tribal members; and

“(II) consult with the governments of federally recognized Indian tribes.

“(ii) REQUIRED PARTICIPATION.—Not later than 5 years after regulations are published implementing this subsection, all employers owned by, or entities of, the government of a federally recognized Indian tribe shall participate in the System with respect to all newly hired employees and employees with expiring temporary employment authorization documents.

“(I) IMMIGRATION LAW VIOLATORS.—

“(i) ORDERS FINDING VIOLATIONS.—An order finding any employer to have violated this section or section 274C may, in the Secretary’s discretion, require the employer to participate in the System with respect to newly hired employees and employees with expiring temporary employment authorization documents, if such employer is not otherwise required to participate in the System under this section. The Secretary shall monitor such employer’s compliance with System procedures.

“(ii) PATTERN OR PRACTICE OF VIOLATIONS.—The Secretary may require an employer that is required to participate in the System with respect to newly hired employees to participate in the System with respect to the employer’s current employees if the employer is determined by the Secretary or other appropriate authority to have engaged in a pattern or practice of violations of the immigration laws of the United States.

“(J) VOLUNTARY PARTICIPATION.—The Secretary may permit any employer that is not required to participate in the System under this section to do so on a voluntary basis.

“(3) CONSEQUENCE OF FAILURE TO PARTICIPATE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the failure, other than a de minimis or inadvertent failure, of an employer that is required to participate in the System to comply with the requirements of the System with respect to an individual—

“(i) shall be treated as a violation of subsection (a)(1)(B) with respect to that individual; and

“(ii) creates a rebuttable presumption that the employer has violated paragraph (1)(A) or (2) of subsection (a).

“(B) EXCEPTION.—

“(i) IN GENERAL.—Subparagraph (A) shall not apply in a criminal prosecution.

“(ii) USE AS EVIDENCE.—Nothing in this paragraph may be construed to limit the use in the prosecution of a Federal crime, in a manner otherwise consistent with Federal criminal law and procedure, of evidence relating to the employer’s failure to comply with requirements of the System.

“(4) PROCEDURES FOR PARTICIPANTS IN THE SYSTEM.—

“(A) IN GENERAL.—An employer participating in the System shall register such participation with the Secretary and, when hiring any individual for employment in the United States, shall comply with the following:

“(i) REGISTRATION OF EMPLOYERS.—The Secretary, through notice in the Federal Register, shall prescribe procedures that employers shall be required to follow to register with the System.

“(ii) UPDATING INFORMATION.—The employer is responsible for providing notice of any change to the information required under subclauses (I), (II), and (III) of clause (v) before conducting any further inquiries within the System, or on such other schedule as the Secretary may prescribe.

“(iii) TRAINING.—The Secretary shall require employers to undergo such training as the Secretary determines to be necessary to ensure proper use, protection of civil rights and civil liberties, privacy, integrity, and security of the System. To the extent practicable, such training shall be made available electronically on the U.S. Citizenship and Immigration Services website.

“(iv) NOTIFICATION TO EMPLOYEES.—The employer shall inform individuals hired for employment that the System—

“(I) will be used by the employer;

“(II) may be used for immigration enforcement purposes; and

“(III) may not be used to discriminate or to take adverse action against a national of the United States or an alien who has employment authorized status.

“(v) PROVISION OF ADDITIONAL INFORMATION.—The employer shall obtain from the individual (and the individual shall provide) and shall record in such manner as the Secretary may specify—

“(I) the individual’s social security account number;

“(II) if the individual does not attest to United States citizenship or status as a national of the United States under subsection (c)(2), such identification or authorization number established by the Department as the Secretary shall specify; and

“(III) such other information as the Secretary may require to determine the identity and employment authorization of an individual.

“(vi) PRESENTATION OF DOCUMENTATION.—The employer, and the individual whose identity and employment authorized status are being confirmed, shall fulfill the requirements under subsection (c).

“(B) SEEKING CONFIRMATION.—

“(i) IN GENERAL.—An employer shall use the System to confirm the identity and employment authorized status of any individual during—

“(I) the period beginning on the date on which the individual accepts an offer of employment and ending 3 business days after the date on which employment begins; or

“(II) such other reasonable period as the Secretary may prescribe.

“(ii) LIMITATION.—An employer may not make the starting date of an individual’s employment or training or any other term and condition of employment dependent on the receipt of a confirmation of identity and employment authorized status by the System.

“(iii) REVERIFICATION.—If an individual has a limited period of employment authorized status, the individual’s employer shall reverify such status through the System not later than 3 business days after the last day of such period.

“(iv) OTHER EMPLOYMENT.—For employers directed by the Secretary to participate in the System under paragraph (2)(C)(i) to protect critical infrastructure or otherwise specified circumstances in this section to verify their entire workforce, the System may be used for initial verification of an individual who was hired before the employer became subject to the System, and the employer shall initiate all required procedures on or before such date as the Secretary shall specify.

“(v) NOTIFICATION.—

“(I) IN GENERAL.—The Secretary shall provide, and the employer shall utilize, as part of the System, a method of notifying employers of a confirmation or nonconfirmation of an individual’s identity and employment authorized status, or a notice that further action is required to verify such identity or employment eligibility (referred to in this subsection as a ‘further action notice’).

“(II) PROCEDURES.—The Secretary shall—

“(aa) directly notify the individual and the employer, by means of electronic correspondence, mail, text message, telephone, or other direct communication, of a nonconfirmation or further action notice;

“(bb) provide information about filing an administrative appeal under paragraph (6) and a filing for review before an administrative law judge under paragraph (7); and

“(cc) establish procedures to directly notify the individual and the employer of a confirmation.

“(III) IMPLEMENTATION.—The Secretary may provide for a phased-in implementation of the notification requirements under this clause, as appropriate. The notification system shall cover all inquiries not later than 1 year from the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(C) CONFIRMATION OR NONCONFIRMATION.—

“(i) INITIAL RESPONSE.—

“(I) IN GENERAL.—Except as provided in subclause (II), the System shall provide—

“(aa) a confirmation of an individual’s identity and employment authorized status or a further action notice at the time of the inquiry; and

“(bb) an appropriate code indicating such confirmation or such further action notice.

“(II) ALTERNATIVE DEADLINE.—If the System is unable to provide immediate confirmation or further action notice for technological reasons or due to unforeseen circumstances, the System shall provide a confirmation or further action notice not later than 3 business days after the initial inquiry.

“(ii) CONFIRMATION UPON INITIAL INQUIRY.—If the employer receives an appropriate confirmation of an individual’s identity and employment authorized status under the System, the employer shall record the confirmation in such manner as the Secretary may specify.

“(iii) FURTHER ACTION NOTICE AND LATER CONFIRMATION OR NONCONFIRMATION.—

“(I) NOTIFICATION AND ACKNOWLEDGMENT THAT FURTHER ACTION IS REQUIRED.—Not later than 3 business days after an employer re-

ceives a further action notice of an individual’s identity or employment eligibility under the System, or during such other reasonable time as the Secretary may prescribe, the employer shall notify the individual for whom the confirmation is sought of the further action notice and any procedures specified by the Secretary for addressing such notice. The further action notice shall be given to the individual in writing and the employer shall acknowledge in the System under penalty of perjury that it provided the employee with the further action notice. The individual shall affirmatively acknowledge in writing, or in such other manner as the Secretary may specify, the receipt of the further action notice from the employer. If the individual refuses to acknowledge the receipt of the further action notice, or acknowledges in writing that the individual will not contest the further action notice under subclause (II), the employer shall notify the Secretary in such manner as the Secretary may specify.

“(II) CONTEST.—Not later than 10 business days after receiving notification of a further action notice under subclause (I), the individual shall contact the appropriate Federal agency and, if the Secretary so requires, appear in person for purposes of verifying the individual’s identity and employment eligibility. The Secretary, in consultation with the Commissioner and other appropriate Federal agencies, shall specify an available secondary verification procedure to confirm the validity of information provided and to provide a confirmation or nonconfirmation. Any procedures for reexamination shall not limit in any way an employee’s right to appeal a nonconfirmation.

“(III) NO CONTEST.—If the individual refuses to acknowledge receipt of the further action notice, acknowledges that the individual will not contest the further action notice as provided in subclause (I), or does not contact the appropriate Federal agency within the period specified in subclause (II), following expiration of the period specified in subclause (II), a nonconfirmation shall be issued. The employer shall record the nonconfirmation in such manner as the Secretary may specify and terminate the individual’s employment. An individual’s failure to contest a further action notice shall not be considered an admission of guilt with respect to any violation of this section or any provision of law.

“(IV) CONFIRMATION OR NONCONFIRMATION.—Unless the period is extended in accordance with this subclause, the System shall provide a confirmation or nonconfirmation not later than 10 business days after the date on which the individual contests the further action notice under subclause (II). If the Secretary determines that good cause exists, after taking into account adverse impacts to the employer, and including time to permit the individual to obtain and provide needed evidence of identity or employment eligibility, the Secretary shall extend the period for providing confirmation or nonconfirmation for stated periods beyond 10 business days. When confirmation or nonconfirmation is provided, the confirmation system shall provide an appropriate code indicating such confirmation or nonconfirmation.

“(V) REEXAMINATION.—Nothing in this section shall prevent the Secretary from establishing procedures to reexamine a case where a confirmation or nonconfirmation has been provided if subsequently received information indicates that the confirmation or nonconfirmation may not have been correct. Any procedures for reexamination shall not

limit in any way an employee’s right to appeal a nonconfirmation.

“(VI) EMPLOYEE PROTECTIONS.—An employer may not terminate employment or take any other adverse action against an individual solely because of a failure of the individual to have identity and employment eligibility confirmed under this subsection until—

“(aa) a nonconfirmation has been issued;

“(bb) if the further action notice was contested, the period to timely file an administrative appeal has expired without an appeal or the contestation to the further action notice is withdrawn; or

“(cc) if an appeal before an administrative law judge under paragraph (7) has been filed, the nonconfirmation has been upheld or the appeal has been withdrawn or dismissed.

“(iv) NOTICE OF NONCONFIRMATION.—Not later than 3 business days after an employer receives a nonconfirmation, or during such other reasonable time as the Secretary may provide, the employer shall notify the individual who is the subject of the nonconfirmation, and provide information about filing an administrative appeal pursuant to paragraph (6) and a request for a hearing before an administrative law judge pursuant to paragraph (7). The nonconfirmation notice shall be given to the individual in writing and the employer shall acknowledge in the System under penalty of perjury that it provided the notice (or adequately attempted to provide notice, but was unable to do so despite reasonable efforts). The individual shall affirmatively acknowledge in writing, or in such other manner as the Secretary may prescribe, the receipt of the nonconfirmation notice from the employer. If the individual refuses or fails to acknowledge the receipt of the nonconfirmation notice, the employer shall notify the Secretary in such manner as the Secretary may prescribe.

“(D) CONSEQUENCES OF NONCONFIRMATION.—

“(i) TERMINATION OF CONTINUED EMPLOYMENT.—Except as provided in clause (iii), an employer that has received a nonconfirmation regarding an individual and has made reasonable efforts to notify the individual in accordance with subparagraph (C)(iv) shall terminate the employment of the individual upon the expiration of the time period specified in paragraph (7).

“(ii) CONTINUED EMPLOYMENT AFTER NONCONFIRMATION.—If the employer continues to employ an individual after receiving nonconfirmation and exhaustion of all appeals or expiration of all rights to appeal if not appealed, in violation of clause (i), a rebuttable presumption is created that the employer has violated paragraphs (1)(A) and (2) of subsection (a). Such presumption shall not apply in any prosecution under subsection (k)(1).

“(iii) EFFECT OF ADMINISTRATIVE APPEAL OR REVIEW BY ADMINISTRATIVE LAW JUDGE.—If an individual files an administrative appeal of the nonconfirmation within the time period specified in paragraph (6)(A), or files for review with an administrative law judge specified in paragraph (7)(A), the employer shall not terminate the individual’s employment under this subparagraph prior to the resolution of the administrative appeal unless the Secretary or Commissioner terminates the stay under paragraph (6)(B) or (7)(B).

“(iv) WEEKLY REPORT.—The Director of U.S. Citizenship and Immigration Services shall submit a weekly report to the Assistant Secretary for Immigration and Customs Enforcement that includes, for each individual who receives final nonconfirmation through the System—

“(I) the name of such individual;

“(II) his or her social security number or alien file number;

“(III) the name and contact information for his or her current employer; and

“(IV) any other critical information that the Assistant Secretary determines to be appropriate.

“(E) OBLIGATION TO RESPOND TO QUERIES AND ADDITIONAL INFORMATION.—

“(i) IN GENERAL.—Employers shall comply with requests for information from the Secretary and the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, including queries concerning current and former employees, within the time frame during which records are required to be maintained under this section regarding such former employees, if such information relates to the functioning of the System, the accuracy of the responses provided by the System, or any suspected misuse, discrimination, fraud, or identity theft in the use of the System. Failure to comply with a request under this clause constitutes a violation of subsection (a)(1)(B).

“(ii) ACTION BY INDIVIDUALS.—

“(I) IN GENERAL.—Individuals being verified through the System may be required to take further action to address questions identified by the Secretary or the Commissioner regarding the documents relied upon for purposes of subsection (c).

“(II) NOTIFICATION.—Not later than 3 business days after the receipt of such questions regarding an individual, or during such other reasonable time as the Secretary may prescribe, the employer shall—

“(aa) notify the individual of any such requirement for further actions; and

“(bb) record the date and manner of such notification.

“(III) ACKNOWLEDGMENT.—The individual shall acknowledge the notification received from the employer under subclause (II) in writing, or in such other manner as the Secretary may prescribe.

“(iii) RULEMAKING.—

“(I) IN GENERAL.—The Secretary, in consultation with the Commissioner and the Attorney General, is authorized to issue regulations implementing, clarifying, and supplementing the requirements under this subparagraph—

“(aa) to facilitate the functioning, accuracy, and fairness of the System;

“(bb) to prevent misuse, discrimination, fraud, or identity theft in the use of the System; or

“(cc) to protect and maintain the confidentiality of information that could be used to locate or otherwise place at risk of harm victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking, and of the applicant or beneficiary of any petition described in section 384(a)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367(a)(2)).

“(II) NOTICE.—The regulations issued under subclause (I) shall be—

“(aa) published in the Federal Register; and

“(bb) provided directly to all employers registered in the System.

“(F) DESIGNATED AGENTS.—The Secretary shall establish a process—

“(i) for certifying, on an annual basis or at such times as the Secretary may prescribe, designated agents and other System service providers seeking access to the System to perform verification queries on behalf of employers, based upon training, usage, privacy,

and security standards prescribed by the Secretary;

“(ii) for ensuring that designated agents and other System service providers are subject to monitoring to the same extent as direct access users; and

“(iii) for establishing standards for certification of electronic I-9 programs.

“(G) REQUIREMENT TO PROVIDE INFORMATION.—

“(i) IN GENERAL.—No later than 3 months after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, the Secretary, in consultation with the Secretary of Labor, the Secretary of Agriculture, the Commissioner, the Attorney General, the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration, shall commence a campaign to disseminate information respecting the procedures, rights, and remedies prescribed under this section.

“(ii) CAMPAIGN REQUIREMENTS.—The campaign authorized under clause (i)—

“(I) shall be aimed at increasing the knowledge of employers, employees, and the general public concerning employer and employee rights, responsibilities, and remedies under this section; and

“(II) shall be coordinated with the public education campaign conducted by U.S. Citizenship and Immigration Services.

“(iii) ASSESSMENT.—The Secretary shall assess the success of the campaign in achieving the goals of the campaign.

“(iv) AUTHORITY TO CONTRACT.—In order to carry out and assess the campaign under this subparagraph, the Secretary may, to the extent deemed appropriate and subject to the availability of appropriations, contract with public and private organizations for outreach and assessment activities under the campaign.

“(v) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph \$40,000,000 for each of the fiscal years 2014 through 2016.

“(H) AUTHORITY TO MODIFY INFORMATION REQUIREMENTS.—Based on a regular review of the System and the document verification procedures to identify misuse or fraudulent use and to assess the security of the documents and processes used to establish identity or employment authorized status, the Secretary, in consultation with the Commissioner, after publication of notice in the Federal Register and an opportunity for public comment, may modify, if the Secretary determines that the modification is necessary to ensure that the System accurately and reliably determines the identity and employment authorized status of employees and maintain existing protections against misuse, discrimination, fraud, and identity theft—

“(i) the information that shall be presented to the employer by an individual;

“(ii) the information that shall be provided to the System by the employer; and

“(iii) the procedures that shall be followed by employers with respect to the process of verifying an individual through the System.

“(I) SELF-VERIFICATION.—Subject to appropriate safeguards to prevent misuse of the system, the Secretary, in consultation with the Commissioner, shall establish a secure self-verification procedure to permit an individual who seeks to verify the individual's own employment eligibility to contact the appropriate agency and, in a timely manner, correct or update the information contained in the System.

“(5) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION

PROVIDED BY THE SYSTEM.—An employer shall not be liable to a job applicant, an employee, the Federal Government, or a State or local government, under Federal, State, or local criminal or civil law for any employment-related action taken with respect to a job applicant or employee in good faith reliance on information provided by the System.

“(6) ADMINISTRATIVE APPEAL.—

“(A) IN GENERAL.—An individual who is notified of a nonconfirmation may, not later than 10 business days after the date that such notice is received, file an administrative appeal of such nonconfirmation with the Commissioner if the notice is based on records maintained by the Commissioner, or in any other case, with the Secretary. An individual who did not timely contest a further action notice timely received by that individual for which the individual acknowledged receipt may not be granted a review under this paragraph.

“(B) ADMINISTRATIVE STAY OF NONCONFIRMATION.—The nonconfirmation shall be automatically stayed upon the timely filing of an administrative appeal, unless the nonconfirmation resulted after the individual acknowledged receipt of the further action notice but failed to contact the appropriate agency within the time provided. The stay shall remain in effect until the resolution of the appeal, unless the Secretary or the Commissioner terminates the stay based on a determination that the administrative appeal is frivolous or filed for purposes of delay.

“(C) REVIEW FOR ERROR.—The Secretary and the Commissioner shall develop procedures for resolving administrative appeals regarding nonconfirmations based upon the information that the individual has provided, including any additional evidence or argument that was not previously considered. Any such additional evidence or argument shall be filed within 10 business days of the date the appeal was originally filed. Appeals shall be resolved within 20 business days after the individual has submitted all evidence and arguments the individual wishes to submit, or has stated in writing that there is no additional evidence that the individual wishes to submit. The Secretary and the Commissioner may, on a case by case basis for good cause, extend the filing and submission period in order to ensure accurate resolution of an appeal before the Secretary or the Commissioner.

“(D) PREPONDERANCE OF EVIDENCE.—Administrative appeal under this paragraph shall be limited to whether a nonconfirmation notice is supported by a preponderance of the evidence.

“(E) DAMAGES, FEES, AND COSTS.—No money damages, fees or costs may be awarded in the administrative appeal process under this paragraph.

“(7) REVIEW BY ADMINISTRATIVE LAW JUDGE.—

“(A) IN GENERAL.—Not later than 30 days after the date an individual receives a final determination on an administrative appeal under paragraph (6), the individual may obtain review of such determination by filing a complaint with a Department of Justice administrative law judge in accordance with this paragraph.

“(B) STAY OF NONCONFIRMATION.—The nonconfirmation related to such final determination shall be automatically stayed upon the timely filing of a complaint under this paragraph, and the stay shall remain in effect until the resolution of the complaint, unless the administrative law judge determines that the action is frivolous or filed for purposes of delay.

“(C) SERVICE.—The respondent to complaint filed under this paragraph is either the Secretary or the Commissioner, but not both, depending upon who issued the administrative order under paragraph (6). In addition to serving the respondent, the plaintiff shall serve the Attorney General.

“(D) AUTHORITY OF ADMINISTRATIVE LAW JUDGE.—

“(i) RULES OF PRACTICE.—The Secretary shall promulgate regulations regarding the rules of practice in appeals brought pursuant to this subsection.

“(ii) AUTHORITY OF ADMINISTRATIVE LAW JUDGE.—The administrative law judge shall have power to—

“(I) terminate a stay of a nonconfirmation under subparagraph (B) if the administrative law judge determines that the action is frivolous or filed for purposes of delay;

“(II) adduce evidence at a hearing;

“(III) compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing;

“(IV) resolve claims of identity theft; and

“(V) enter, upon the pleadings and any evidence adduced at a hearing, a decision affirming or reversing the result of the agency, with or without remanding the cause for a rehearing.

“(iii) SUBPOENA.—In case of contumacy or refusal to obey a subpoena lawfully issued under this section and upon application of the administrative law judge, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt of such court.

“(iv) TRAINING.—An administrative law judge hearing cases shall have special training respecting employment authorized status verification.

“(E) ORDER BY ADMINISTRATIVE LAW JUDGE.—

“(i) IN GENERAL.—The administrative law judge shall issue and cause to be served to the parties in the proceeding an order which may be appealed as provided in subparagraph (G).

“(ii) CONTENTS OF ORDER.—Such an order shall uphold or reverse the final determination on the request for reconsideration and order lost wages and other appropriate remedies as provided in subparagraph (F).

“(F) COMPENSATION FOR ERROR.—

“(i) IN GENERAL.—In cases in which the administrative law judge reverses the final determination of the Secretary or the Commissioner made under paragraph (6), and the administrative law judge finds that—

“(I) the nonconfirmation was due to gross negligence or intentional misconduct of the employer, the administrative law judge may order the employer to pay the individual lost wages, and reasonable costs and attorneys’ fees incurred during administrative and judicial review; or

“(II) such final determination was erroneous by reason of the negligence of the Secretary or the Commissioner, the administrative law judge may order the Secretary or the Commissioner to pay the individual lost wages, and reasonable costs and attorneys’ fees incurred during the administrative appeal and the administrative law judge review.

“(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 120 days after

completion of the administrative law judge’s review described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first. If the individual obtains employment elsewhere at a lower wage rate, the individual shall be compensated for the difference in wages for the period ending 120 days after completion of the administrative law judge review process. No lost wages shall be awarded for any period of time during which the individual was not in employment authorized status.

“(iii) PAYMENT OF COMPENSATION.—Notwithstanding any other law, payment of compensation for lost wages, costs, and attorneys’ fees under this paragraph, or compromise settlements of the same, shall be made as provided by section 1304 of title 31, United States Code. Appropriations made available to the Secretary or the Commissioner, accounts provided for under section 286, and funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund shall not be available to pay such compensation.

“(G) APPEAL.—No later than 45 days after the entry of such final order, any person adversely affected by such final order may seek review of such order in the United States Court of Appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business.

“(8) MANAGEMENT OF THE SYSTEM.—

“(A) IN GENERAL.—The Secretary is authorized to establish, manage, and modify the System, which shall—

“(i) respond to inquiries made by participating employers at any time through the internet, or such other means as the Secretary may designate, concerning an individual’s identity and whether the individual is in employment authorized status;

“(ii) maintain records of the inquiries that were made, of confirmations provided (or not provided), and of the codes provided to employers as evidence of their compliance with their obligations under the System; and

“(iii) provide information to, and require action by, employers and individuals using the System.

“(B) DESIGN AND OPERATION OF SYSTEM.—The System shall be designed and operated—

“(i) to maximize its reliability and ease of use by employers consistent with protecting the privacy and security of the underlying information, and ensuring full notice of such use to employees;

“(ii) to maximize its ease of use by employees, including direct notification of its use, of results, and ability to challenge results;

“(iii) to respond accurately to all inquiries made by employers on whether individuals are authorized to be employed and to register any times when the system is unable to receive inquiries;

“(iv) to maintain appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, misuse by employers and employees, and discrimination;

“(v) to require regularly scheduled refresher training of all users of the System to ensure compliance with all procedures;

“(vi) to allow for auditing of the use of the System to detect misuse, discrimination, fraud, and identity theft, to protect privacy and assess System accuracy, and to preserve the integrity and security of the information in all of the System, including—

“(I) to develop and use tools and processes to detect or prevent fraud and identity theft,

such as multiple uses of the same identifying information or documents to fraudulently gain employment;

“(II) to develop and use tools and processes to detect and prevent misuse of the system by employers and employees;

“(III) to develop tools and processes to detect anomalies in the use of the system that may indicate potential fraud or misuse of the system;

“(IV) to audit documents and information submitted by employees to employers, including authority to conduct interviews with employers and employees, and obtain information concerning employment from the employer;

“(vii) to confirm identity and employment authorization through verification and comparison of records as determined necessary by the Secretary;

“(viii) to confirm electronically the issuance of the employment authorization or identity document and—

“(I) if such photograph is available, to display the digital photograph that the issuer placed on the document so that the employer can compare the photograph displayed to the photograph on the document presented by the employee; or

“(II) if a photograph is not available from the issuer, to confirm the authenticity of the document using such alternative procedures as the Secretary may specify; and

“(ix) to provide appropriate notification directly to employers registered with the System of all changes made by the Secretary or the Commissioner related to allowed and prohibited documents, and use of the System.

“(C) SAFEGUARDS TO THE SYSTEM.—

“(i) REQUIREMENT TO DEVELOP.—The Secretary, in consultation with the Commissioner and other appropriate Federal and State agencies, shall develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the records accessed or maintained by the System. The Secretary, in consultation with the Commissioner and other appropriate Federal and State agencies, shall develop and deploy appropriate privacy and security training for the Federal and State employees accessing the records under the System.

“(ii) PRIVACY AUDITS.—The Secretary, acting through the Chief Privacy Officer of the Department, shall conduct regular privacy audits of the policies and procedures established under clause (i), including any collection, use, dissemination, and maintenance of personally identifiable information and any associated information technology systems, as well as scope of requests for this information. The Chief Privacy Officer shall review the results of the audits and recommend to the Secretary any changes necessary to improve the privacy protections of the program.

“(iii) ACCURACY AUDITS.—

“(I) IN GENERAL.—Not later than November 30 of each year, the Inspector General of the Department of Homeland Security shall submit a report to the Secretary, with a copy to the President of the Senate and the Speaker of the House of Representatives, that sets forth the error rate of the System for the previous fiscal year and the assessments required to be submitted by the Secretary under subparagraphs (A) and (B) of paragraph (10). The report shall describe in detail the methodology employed for purposes of the report, and shall make recommendations for how error rates may be reduced.

“(II) ERROR RATE DEFINED.—In this clause, the term ‘error rate’ means the percentage determined by dividing—

“(aa) the number of employment authorized individuals who received further action notices, contested such notices, and were subsequently found to be employment authorized; by

“(bb) the number of System inquiries submitted for employment authorized individuals.

“(III) REDUCTION OF PENALTIES FOR RECORD-KEEPING OR VERIFICATION PRACTICES FOLLOWING PERSISTENT SYSTEM INACCURACIES.—Notwithstanding subsection (e)(4)(C)(i), in any calendar year following a report by the Inspector General under subclause (I) that the System had an error rate higher than 0.3 percent for the previous fiscal year, the civil penalty assessable by the Secretary or an administrative law judge under that subsection for each first-time violation by an employer who has not previously been penalized under this section may not exceed \$1,000.

“(iv) RECORDS SECURITY PROGRAM.—Any person, including a private third party vendor, who retains document verification or System data pursuant to this section shall implement an effective records security program that—

“(I) ensures that only authorized personnel have access to document verification or System data; and

“(II) ensures that whenever such data is created, completed, updated, modified, altered, or corrected in electronic format, a secure and permanent record is created that establishes the date of access, the identity of the individual who accessed the electronic record, and the particular action taken.

“(v) RECORDS SECURITY PROGRAM.—In addition to the security measures described in clause (iv), a private third party vendor who retains document verification or System data pursuant to this section shall implement an effective records security program that—

“(I) provides for backup and recovery of any records maintained in electronic format to protect against information loss, such as power interruptions; and

“(II) ensures that employees are trained to minimize the risk of unauthorized or accidental alteration or erasure of such data in electronic format.

“(vi) AUTHORIZED PERSONNEL DEFINED.—In this subparagraph, the term ‘authorized personnel’ means anyone registered as a System user, or anyone with partial or full responsibility for completion of employment authorization verification or retention of data in connection with employment authorization verification on behalf of an employer.

“(D) AVAILABLE FACILITIES AND ALTERNATIVE ACCOMMODATIONS.—The Secretary shall make appropriate arrangements and develop standards to allow employers or employees, including remote hires, who are otherwise unable to access the System to use electronic and telephonic formats (including video conferencing, scanning technology, and other available technologies), Federal Government facilities, public facilities, or other available locations in order to utilize the System.

“(E) RESPONSIBILITIES OF THE SECRETARY.—

“(i) IN GENERAL.—As part of the System, the Secretary shall maintain a reliable, secure method, which, operating through the System and within the time periods specified, compares the name, alien identification or authorization number, or other information as determined relevant by the Secretary, provided in an inquiry against such

information maintained or accessed by the Secretary in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and number, whether the alien has employment authorized status (or, to the extent that the Secretary determines to be feasible and appropriate, whether the records available to the Secretary verify the identity or status of a national of the United States), and such other information as the Secretary may prescribe.

“(ii) PHOTOGRAPH DISPLAY.—As part of the System, the Secretary shall establish a reliable, secure method, which, operating through the System, displays the digital photograph described in subparagraph (B)(viii)(I).

“(iii) TIMING OF NOTICES.—The Secretary shall have authority to prescribe when a confirmation, nonconfirmation, or further action notice shall be issued.

“(iv) USE OF INFORMATION.—The Secretary shall perform regular audits under the System, as described in subparagraph (B)(vi) and shall utilize the information obtained from such audits, as well as any information obtained from the Commissioner pursuant to part E of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), for the purposes of this section and to administer and enforce the immigration laws.

“(v) IDENTITY FRAUD PROTECTION.—To prevent identity fraud, not later than 18 months after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, the Secretary shall—

“(I) in consultation with the Commissioner, establish a program to provide a reliable, secure method for an individual to temporarily suspend or limit the use of the individual’s social security account number or other identifying information for verification by the System; and

“(II) for each individual being verified through the System—

“(aa) notify the individual that the individual has the option to limit the use of the individual’s social security account number or other identifying information for verification by the System; and

“(bb) provide instructions to the individuals for exercising the option referred to in item (aa).

“(vi) ALLOWING PARENTS TO PREVENT THEFT OF THEIR CHILD’S IDENTITY.—The Secretary, in consultation with the Commissioner, shall establish a program that provides a reliable, secure method by which parents or legal guardians may suspend or limit the use of the social security account number or other identifying information of a minor under their care for the purposes of the System. The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

“(vii) PROTECTION FROM MULTIPLE USE.—The Secretary and the Commissioner shall establish a procedure for identifying and handling a situation in which a social security account number has been identified to be subject to unusual multiple use in the System or is otherwise suspected or determined to have been compromised by identity fraud.

“(viii) MONITORING AND COMPLIANCE UNIT.—The Secretary shall establish or designate a monitoring and compliance unit to detect and reduce identity fraud and other misuse of the System.

“(ix) CIVIL RIGHTS AND CIVIL LIBERTIES ASSESSMENTS.—

“(I) REQUIREMENT TO CONDUCT.—The Secretary shall conduct regular civil rights and

civil liberties assessments of the System, including participation by employers, other private entities, and Federal, State, and local government entities.

“(II) REQUIREMENT TO RESPOND.—Employers, other private entities, and Federal, State, and local entities shall timely respond to any request in connection with such an assessment.

“(III) ASSESSMENT AND RECOMMENDATIONS.—The Officer for Civil Rights and Civil Liberties of the Department shall review the results of each such assessment and recommend to the Secretary any changes necessary to improve the civil rights and civil liberties protections of the System.

“(F) GRANTS TO STATES.—

“(i) IN GENERAL.—The Secretary shall create and administer a grant program to help provide funding for States that grant—

“(I) the Secretary access to driver’s license information as needed to confirm that a driver’s license presented under subsection (c)(1)(D)(i) confirms the identity of the subject of the System check, and that a driver’s license matches the State’s records; and

“(II) such assistance as the Secretary may request in order to resolve further action notices or nonconfirmations relating to such information.

“(ii) CONSTRUCTION WITH THE DRIVER’S PRIVACY PROTECTION ACT OF 1994.—The provision of a photograph to the Secretary as described in clause (i) may not be construed as a violation of section 2721 of title 18, United States Code, and is a permissible use under subsection (b)(1) of that section.

“(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$250,000,000 to carry out this subparagraph.

“(G) RESPONSIBILITIES OF THE SECRETARY OF STATE.—As part of the System, the Secretary of State shall provide to the Secretary access to passport and visa information as needed to confirm that a passport, passport card, or visa presented under subsection (c)(1)(C) confirms the identity of the subject of the System check, and that a passport, passport card, or visa photograph matches the Secretary of State’s records, and shall provide such assistance as the Secretary may request in order to resolve further action notices or nonconfirmations relating to such information.

“(H) UPDATING INFORMATION.—The Commissioner, the Secretary, and the Secretary of State shall update their information in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information.

“(9) LIMITATION ON USE OF THE SYSTEM.—Notwithstanding any other provision of law, nothing in this subsection may be construed to permit or allow any department, bureau, or other agency of the United States Government or any other entity to utilize any information, database, or other records assembled under this subsection for any purpose other than for employment verification or to ensure secure, appropriate and nondiscriminatory use of the System.

“(10) ANNUAL REPORT AND CERTIFICATION.—Not later than 18 months after the promulgation of regulations to implement this subsection, and annually thereafter, the Secretary shall submit to Congress a report that includes the following:

“(A) An assessment, as submitted to the Secretary by the Inspector General of the Department of Homeland Security pursuant to paragraph (8)(C)(iii)(I), of the accuracy



rates of further action notices and other System notices provided by employers to individuals who are authorized to be employed in the United States.

“(B) An assessment, as submitted to the Secretary by the Inspector General of the Department of Homeland Security pursuant to paragraph (8)(C)(iii)(I), of the accuracy rates of further action notices and other System notices provided directly (by the System) in a timely fashion to individuals who are not authorized to be employed in the United States.

“(C) An assessment of any challenges faced by small employers in utilizing the System.

“(D) An assessment of the rate of employer noncompliance (in addition to failure to provide required notices in a timely fashion) in each of the following categories:

“(i) Taking adverse action based on a further action notice.

“(ii) Use of the System for nonemployees or other individuals before they are offered employment.

“(iii) Use of the System to reverify employment authorized status of current employees except if authorized to do so.

“(iv) Use of the System selectively, except in cases in which such use is authorized.

“(v) Use of the System to deny employment or post-employment benefits or otherwise interfere with labor rights.

“(vi) Requiring employees or applicants to use any self-verification feature or to provide self-verification results.

“(vii) Discouraging individuals who receive a further action notice from challenging the further action notice or appealing a determination made by the System.

“(E) An assessment of the rate of employee noncompliance in each of the following categories:

“(i) Obtaining employment when unauthorized with an employer complying with the System in good faith.

“(ii) Failure to provide required documents in a timely manner.

“(iii) Attempting to use fraudulent documents or documents not related to the individual.

“(iv) Misuse of the administrative appeal and judicial review process.

“(F) An assessment of the amount of time taken for—

“(i) the System to provide the confirmation or further action notice;

“(ii) individuals to contest further action notices;

“(iii) the System to provide a confirmation or nonconfirmation of a contested further action notice;

“(iv) individuals to file an administrative appeal of a nonconfirmation; and

“(v) resolving administrative appeals regarding nonconfirmations.

“(11) ANNUAL GAO STUDY AND REPORT.—

“(A) REQUIREMENT.—The Comptroller General shall, for each year, undertake a study to evaluate the accuracy, efficiency, integrity, and impact of the System.

“(B) REPORT.—Not later than 18 months after the promulgation of regulations to implement this subsection, and yearly thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

“(i) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within the required periods, including a separate assessment of such rate for naturalized United

States citizens, nationals of the United States, and aliens.

“(ii) An assessment of the privacy and confidentiality of the System and of the overall security of the System with respect to cybertheft and theft or misuse of private data.

“(iii) An assessment of whether the System is being implemented in a manner that is not discriminatory or used for retaliation against employees.

“(iv) An assessment of the most common causes for the erroneous issuance of nonconfirmations by the System and recommendations to correct such causes.

“(v) The recommendations of the Comptroller General regarding System improvements.

“(vi) An assessment of the frequency and magnitude of changes made to the System and the impact on the ability for employers to comply in good faith.

“(vii) An assessment of the direct and indirect costs incurred by employers in complying with the System, including costs associated with retaining potential employees through the administrative appeals process and receiving a nonconfirmation.

“(viii) An assessment of any backlogs or delays in the System providing the confirmation or further action notice and impacts to hiring by employers.

“(e) COMPLIANCE.—

“(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

“(A) for individuals and entities to file complaints respecting potential violations of subsections (a) or (f)(1);

“(B) for the investigation of those complaints which the Secretary deems appropriate to investigate; and

“(C) for providing notification to the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice of potential violations of section 274B.

“(2) AUTHORITY IN INVESTIGATIONS.—In conducting investigations and proceedings under this subsection—

“(A) immigration officers shall have reasonable access to examine evidence of the employer being investigated;

“(B) immigration officers designated by the Secretary, and administrative law judges and other persons authorized to conduct proceedings under this section, may compel by subpoena the attendance of relevant witnesses and the production of relevant evidence at any designated place in an investigation or case under this subsection. In case of refusal to fully comply with a subpoena lawfully issued under this paragraph, the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with the subpoena, and any failure to obey such order may be punished by the court as contempt. Failure to cooperate with the subpoena shall be subject to further penalties, including further fines and the voiding of any mitigation of penalties or termination of proceedings under paragraph (4)(E); and

“(C) the Secretary, in cooperation with the Commissioner and Attorney General, and in consultation with other relevant agencies, shall establish a Joint Employment Fraud Task Force consisting of, at a minimum—

“(i) the System's compliance personnel;

“(ii) immigration law enforcement officers;

“(iii) personnel of the Office of Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice;

“(iv) personnel of the Office for Civil Rights and Civil Liberties of the Department; and

“(v) personnel of Office of Inspector General of the Social Security Administration.

“(3) COMPLIANCE PROCEDURES.—

“(A) PRE-PENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a civil violation of this section in the previous 3 years, the Secretary shall issue to the employer concerned a written notice of the Department's intention to issue a claim for a monetary or other penalty. Such pre-penalty notice shall—

“(i) describe the violation;

“(ii) specify the laws and regulations allegedly violated;

“(iii) disclose the material facts which establish the alleged violation;

“(iv) describe the penalty sought to be imposed; and

“(v) inform such employer that such employer shall have a reasonable opportunity to make representations as to why a monetary or other penalty should not be imposed.

“(B) EMPLOYER'S RESPONSE.—Whenever any employer receives written pre-penalty notice of a fine or other penalty in accordance with subparagraph (A), the employer may, within 60 days from receipt of such notice, file with the Secretary its written response to the notice. The response may include any relevant evidence or proffer of evidence that the employer wishes to present with respect to whether the employer violated this section and whether, if so, the penalty should be mitigated, and shall be filed and considered in accordance with procedures to be established by the Secretary.

“(C) RIGHT TO A HEARING.—Before issuance of an order imposing a penalty on any employer, person, or entity, the employer, person, or entity shall be entitled to a hearing before an administrative law judge, if requested within 60 days of the notice of penalty. The hearing shall be held at the nearest location practicable to the place where the employer, person, or entity resides or of the place where the alleged violation occurred.

“(D) ISSUANCE OF ORDERS.—If no hearing is so requested, the Secretary's imposition of the order shall constitute a final and unappealable order. If a hearing is requested and the administrative law judge determines, upon clear and convincing evidence received, that there was a violation, the administrative law judge shall issue the final determination with a written penalty claim. The penalty claim shall specify all charges in the information provided under clauses (i) through (iii) of subparagraph (A) and any mitigation of the penalty that the administrative law judge deems appropriate under paragraph (4)(E).

“(4) CIVIL PENALTIES.—

“(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of subsection (a)(1)(A) or (a)(2) shall—

“(i) pay a civil penalty of not less than \$3,500 and not more than \$7,500 for each unauthorized alien with respect to which each violation of either subsection (a)(1)(A) or (a)(2) occurred;

“(ii) if the employer has previously been fined as a result of a previous enforcement action or previous violation under this paragraph, pay a civil penalty of not less than \$5,000 and not more than \$15,000 for each unauthorized alien with respect to which a violation of either subsection (a)(1)(A) or (a)(2) occurred; and

“(iii) if the employer has previously been fined more than once under this paragraph,

pay a civil penalty of not less than \$10,000 and not more than \$25,000 for each unauthorized alien with respect to which a violation of either subsection (a)(1)(A) or (a)(2) occurred.

“(B) ENHANCED PENALTIES.—After the Secretary certifies to Congress that the System has been established, implemented, and made mandatory for use by all employers in the United States, the Secretary may establish an enhanced civil penalty for an employer who—

“(i) fails to query the System to verify the identify and work authorized status of an individual; and

“(ii) violates a Federal, State, or local law related to—

“(I) the payment of wages;

“(II) hours worked by employees; or

“(III) workplace health and safety.

“(C) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with any requirement under subsection (a)(1)(B), other than a minor or inadvertent failure, as determined by the Secretary, shall pay a civil penalty of—

“(i) not less than \$500 and not more than \$2,000 for each violation;

“(ii) if an employer has previously been fined under this paragraph, not less than \$1,000 and not more than \$4,000 for each violation; and

“(iii) if an employer has previously been fined more than once under this paragraph, not less than \$2,000 and not more than \$8,000 for each violation.

“(D) OTHER PENALTIES.—The Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the remedy provided by paragraph (f)(2).

“(E) MITIGATION.—The Secretary or, if an employer requests a hearing, the administrative law judge, is authorized, upon such terms and conditions as the Secretary or administrative law judge deems reasonable and just and in accordance with such procedures as the Secretary may establish or any procedures established governing the administrative law judge's assessment of penalties, to reduce or mitigate penalties imposed upon employers, based upon factors including, the employer's hiring volume, compliance history, good-faith implementation of a compliance program, the size and level of sophistication of the employer, and voluntary disclosure of violations of this subsection to the Secretary. The Secretary or administrative law judge shall not mitigate a penalty below the minimum penalty provided by this section, except that the Secretary may, in the case of an employer subject to penalty for recordkeeping or verification violations only who has not previously been penalized under this section, in the Secretary's or administrative law judge's discretion, mitigate the penalty below the statutory minimum or remit it entirely. In any case where a civil money penalty has been imposed on an employer under section 274B for an action or omission that is also a violation of this section, the Secretary or administrative law judge shall mitigate any civil money penalty under this section by the amount of the penalty imposed under section 274B.

“(F) EFFECTIVE DATE.—The civil money penalty amounts and the enhanced penalties provided by subparagraphs (A), (B), and (C) of this paragraph and by subsection (f)(2) shall apply to violations of this section committed on or after the date that is 1 year

after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act. For violations committed prior to such date of enactment, the civil money penalty amounts provided by regulations implementing this section as in effect the minute before such date of enactment with respect to knowing hiring or continuing employment, verification, or indemnity bond violations, as appropriate, shall apply.

“(5) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

“(A) EMPLOYER COMPLIANCE.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that it is in compliance with this section, or has instituted a program to come into compliance.

“(B) EMPLOYER CERTIFICATION.—

“(i) REQUIREMENT.—Except as provided in subparagraph (C), not later than 60 days after receiving a notice from the Secretary requiring a certification under subparagraph (A), an official with responsibility for, and authority to bind the company on, all hiring and immigration compliance notices shall certify under penalty of perjury that the employer is in conformance with the requirements of paragraphs (1) through (4) of subsection (c), pertaining to document verification requirements, and with subsection (d), pertaining to the System (once the System is implemented with respect to that employer according to the requirements under subsection (d)(2)), and with any additional requirements that the Secretary may promulgate by regulation pursuant to subsection (c) or (d) or that the employer has instituted a program to come into compliance with these requirements.

“(ii) APPLICATION.—Clause (i) shall not apply until the date that the Secretary certifies to Congress that the System has been established, implemented, and made mandatory for use by all employers in the United States.

“(C) EXTENSION OF DEADLINE.—At the request of the employer, the Secretary may extend the 60-day deadline for good cause.

“(D) STANDARDS OR METHODS.—The Secretary is authorized to publish in the Federal Register standards or methods for such certification, require specific recordkeeping practices with respect to such certifications, and audit the records thereof at any time. This authority shall not be construed to diminish or qualify any other penalty provided by this section.

“(6) REQUIREMENTS FOR REVIEW OF A FINAL DETERMINATION.—With respect to judicial review of a final determination or penalty order issued under paragraph (3)(D), the following requirements apply:

“(A) DEADLINE.—The petition for review must be filed no later than 30 days after the date of the final determination or penalty order issued under paragraph (3)(D).

“(B) VENUE AND FORMS.—The petition for review shall be filed with the court of appeals for the judicial circuit where the employer's principal place of business was located when the final determination or penalty order was made. The record and briefs do not have to be printed. The court shall review the proceeding on a typewritten or electronically filed record and briefs.

“(C) SERVICE.—The respondent is the Secretary. In addition to serving the respondent, the petitioner shall serve the Attorney General.

“(D) PETITIONER'S BRIEF.—The petitioner shall serve and file a brief in connection with

a petition for judicial review not later than 40 days after the date on which the administrative record is available, and may serve and file a reply brief not later than 14 days after service of the brief of the respondent, and the court may not extend these deadlines, except for good cause shown. If a petitioner fails to file a brief within the time provided in this paragraph, the court shall dismiss the appeal unless a manifest injustice would result.

“(E) SCOPE AND STANDARD FOR REVIEW.—The court of appeals shall conduct a de novo review of the administrative record on which the final determination was based and any additional evidence that the Court finds was previously unavailable at the time of the administrative hearing.

“(F) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—A court may review a final determination under paragraph (3)(C) only if—

“(i) the petitioner has exhausted all administrative remedies available to the petitioner as of right, including any administrative remedies established by regulation, and

“(ii) another court has not decided the validity of the order, unless the reviewing court finds that the petition presents grounds that could not have been presented in the prior judicial proceeding or that the remedy provided by the prior proceeding was inadequate or ineffective to test the validity of the order.

“(G) ENFORCEMENT OF ORDERS.—If the final determination issued against the employer under this subsection is not subjected to review as provided in this paragraph, the Attorney General, upon request by the Secretary, may bring a civil action to enforce compliance with the final determination in any appropriate district court of the United States. The court, on a proper showing, shall issue a temporary restraining order or a preliminary or permanent injunction requiring that the employer comply with the final determination issued against that employer under this subsection. In any such civil action, the validity and appropriateness of the final determination shall not be subject to review.

“(7) CREATION OF LIEN.—If any employer liable for a fee or penalty under this section neglects or refuses to pay such liability after demand and fails to file a petition for review (if applicable) as provided in paragraph (6), the amount of the fee or penalty shall be a lien in favor of the United States on all property and rights to property, whether real or personal, belonging to such employer. If a petition for review is filed as provided in paragraph (6), the lien shall arise upon the entry of a final judgment by the court. The lien continues for 20 years or until the liability is satisfied, remitted, set aside, or terminated.

“(8) FILING NOTICE OF LIEN.—

“(A) PLACE FOR FILING.—The notice of a lien referred to in paragraph (7) shall be filed as described in 1 of the following:

“(i) UNDER STATE LAWS.—

“(I) REAL PROPERTY.—In the case of real property, in 1 office within the State (or the county, or other governmental subdivision), as designated by the laws of such State, in which the property subject to the lien is situated.

“(II) PERSONAL PROPERTY.—In the case of personal property, whether tangible or intangible, in 1 office within the State (or the county, or other governmental subdivision), as designated by the laws of such State, in

which the property subject to the lien is situated, except that State law merely conforming to or reenacting Federal law establishing a national filing system does not constitute a second office for filing as designated by the laws of such State.

“(ii) WITH CLERK OF DISTRICT COURT.—In the office of the clerk of the United States district court for the judicial district in which the property subject to the lien is situated, whenever the State has not by law designated 1 office which meets the requirements of clause (i).

“(iii) WITH RECORDER OF DEEDS OF THE DISTRICT OF COLUMBIA.—In the office of the Recorder of Deeds of the District of Columbia, if the property subject to the lien is situated in the District of Columbia.

“(B) SITUS OF PROPERTY SUBJECT TO LIEN.—For purposes of subparagraph (A), property shall be deemed to be situated as follows:

“(i) REAL PROPERTY.—In the case of real property, at its physical location.

“(ii) PERSONAL PROPERTY.—In the case of personal property, whether tangible or intangible, at the residence of the taxpayer at the time the notice of lien is filed.

“(C) DETERMINATION OF RESIDENCE.—For purposes of subparagraph (B)(ii), the residence of a corporation or partnership shall be deemed to be the place at which the principal executive office of the business is located, and the residence of a taxpayer whose residence is outside the United States shall be deemed to be in the District of Columbia.

“(D) EFFECT OF FILING NOTICE OF LIEN.—

“(i) IN GENERAL.—Upon filing of a notice of lien in the manner described in this paragraph, the lien shall be valid against any purchaser, holder of a security interest, mechanic's lien, or judgment lien creditor, except with respect to properties or transactions specified in subsection (b), (c), or (d) of section 6323 of the Internal Revenue Code of 1986 for which a notice of tax lien properly filed on the same date would not be valid.

“(ii) NOTICE OF LIEN.—The notice of lien shall be considered a notice of lien for taxes payable to the United States for the purpose of any State or local law providing for the filing of a notice of a tax lien. A notice of lien that is registered, recorded, docketed, or indexed in accordance with the rules and requirements relating to judgments of the courts of the State where the notice of lien is registered, recorded, docketed, or indexed shall be considered for all purposes as the filing prescribed by this section.

“(iii) OTHER PROVISIONS.—The provisions of section 3201(e) of title 28, United States Code, shall apply to liens filed as prescribed by this paragraph.

“(E) ENFORCEMENT OF A LIEN.—A lien obtained through this paragraph shall be considered a debt as defined by section 3002 of title 28, United States Code and enforceable pursuant to chapter 176 of such title.

“(9) ATTORNEY GENERAL ADJUDICATION.—The Attorney General shall have jurisdiction to adjudicate administrative proceedings under this subsection. Such proceedings shall be conducted in accordance with requirements of section 554 of title 5, United States Code.

“(f) CRIMINAL AND CIVIL PENALTIES AND INJUNCTIONS.—

“(1) PROHIBITION OF INDEMNITY BONDS.—It is unlawful for an employer, in the hiring of any individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring of the individual.

“(2) CIVIL PENALTY.—Any employer who is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) shall be subject to a civil penalty of \$10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the general fund of the Treasury.

“(g) GOVERNMENT CONTRACTS.—

“(1) CONTRACTORS AND RECIPIENTS.—Whenever an employer who is a Federal contractor (meaning an employer who holds a Federal contract, grant, or cooperative agreement, or reasonably may be expected to submit an offer for or be awarded a government contract) is determined by the Secretary to have violated this section on more than 3 occasions or is convicted of a crime under this section, the employer shall be considered for debarment from the receipt of Federal contracts, grants, or cooperative agreements in accordance with the procedures and standards and for the periods prescribed by the Federal Acquisition Regulation. However, any administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding.

“(2) INADVERTENT VIOLATIONS.—Inadvertent violations of recordkeeping or verification requirements, in the absence of any other violations of this section, shall not be a basis for determining that an employer is a repeat violator for purposes of this subsection.

“(3) OTHER REMEDIES AVAILABLE.—Nothing in this subsection shall be construed to modify or limit any remedy available to any agency or official of the Federal Government for violation of any contractual requirement to participate in the System, as provided in the final rule relating to employment eligibility verification published in the Federal Register on November 14, 2008 (73 Fed. Reg. 67,651), or any similar subsequent regulation.

“(h) PREEMPTION.—The provisions of this section preempt any State or local law, ordinance, policy, or rule, including any criminal or civil fine or penalty structure, relating to the hiring, continued employment, or status verification for employment eligibility purposes, of unauthorized aliens. A State, locality, municipality, or political subdivision may exercise its authority over business licensing and similar laws as a penalty for failure to use the System.

“(i) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1) of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(j) CHALLENGES TO VALIDITY OF THE SYSTEM.—

“(1) IN GENERAL.—Any right, benefit, or claim not otherwise waived or limited pursuant to this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

“(A) whether this section, or any regulation issued to implement this section, violates the Constitution of the United States; or

“(B) whether such a regulation issued by or under the authority of the Secretary to implement this section, is contrary to applicable provisions of this section or was issued in violation of chapter 5 of title 5, United States Code.

“(2) DEADLINES FOR BRINGING ACTIONS.—Any action instituted under this subsection

must be filed no later than 180 days after the date the challenged section or regulation described in subparagraph (A) or (B) of paragraph (1) becomes effective. No court shall have jurisdiction to review any challenge described in subparagraph (B) after the time period specified in this subsection expires.

“(k) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

“(1) PATTERN AND PRACTICE.—Any employer who engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined under title 18, United States Code, no more than \$10,000 for each unauthorized alien with respect to whom such violation occurs, imprisoned for not more than 2 years for the entire pattern or practice, or both.

“(2) TERM OF IMPRISONMENT.—The maximum term of imprisonment of a person convicted of any criminal offense under the United States Code shall be increased by 5 years if the offense is committed as part of a pattern or practice of violations of subsection (a)(1)(A) or (a)(2).

“(3) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—Whenever the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment in violation of subsection (a)(1)(A) or (a)(2), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary or Attorney General deems necessary.

“(l) CRIMINAL PENALTIES FOR UNLAWFUL AND ABUSIVE EMPLOYMENT.—

“(1) IN GENERAL.—Any person who, during any 12-month period, knowingly employs or hires, employs, recruits, or refers for a fee for employment 10 or more individuals within the United States who are under the control and supervision of such person—

“(A) knowing that the individuals are unauthorized aliens; and

“(B) under conditions that violate section 5(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654(a) (relating to occupational safety and health), section 6 or 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207) (relating to minimum wages and maximum hours of employment), section 3142 of title 40, United States Code, (relating to required wages on construction contracts), or sections 6703 or 6704 of title 41, United States Code, (relating to required wages on service contracts), shall be fined under title 18, United States Code, or imprisoned for not more than 10 years, or both.

“(2) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit any offense under this section shall be punished in the same manner as a person who completes the offense.”.

(b) REPORT ON USE OF THE SYSTEM IN THE AGRICULTURAL INDUSTRY.—Not later than 18 months after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture, shall submit a report to Congress that assesses implementation of the Employment Verification System established under section 274A(d) of the Immigration and Nationality Act, as amended by subsection (a), in the agricultural industry, including the use of such System technology in agriculture industry hiring processes, user, contractor, and third-party employer agent employment practices, timing and logistics regarding employment verification and reverification processes to

meet agriculture industry practices, and identification of potential challenges and modifications to meet the unique needs of the agriculture industry. Such report shall review—

(1) the modality of access, training and outreach, customer support, processes for further action notices and secondary verifications for short-term workers, monitoring, and compliance procedures for such System;

(2) the interaction of such System with the process to admit nonimmigrant workers pursuant to section 218 or 218A of the Immigration and Nationality Act (8 U.S.C. 1188 et seq.) and with enforcement of the immigration laws; and

(3) the collaborative use of processes of other Federal and State agencies that intersect with the agriculture industry.

(c) **REPORT ON IMPACT OF THE SYSTEM ON EMPLOYERS.**—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report that assesses—

(1) the implementation of the Employment Verification System established under section 274A(d) of the Immigration and Nationality Act, as amended by subsection (a), by employers;

(2) any adverse impact on the revenues, business processes, or profitability of employers required to use such System; and

(3) the economic impact of such System on small businesses.

(d) **GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF THE EFFECTS OF DOCUMENT REQUIREMENTS ON EMPLOYMENT AUTHORIZED PERSONS AND EMPLOYERS.**—

(1) **STUDY.**—The Comptroller General of the United States shall carry out a study of—

(A) the effects of the documentary requirements of section 274A of the Immigration and Nationality Act, as amended by subsection (a), on employers, naturalized United States citizens, nationals of the United States, and individuals with employment authorized status; and

(B) the challenges such employers, citizens, nationals, or individuals may face in obtaining the documentation required under that section.

(2) **REPORT.**—Not later than 4 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under paragraph (1). Such report shall include, at a minimum, the following:

(A) An assessment of available information regarding the number of working age nationals of the United States and individuals who have employment authorized status who lack documents required for employment by such section 274A.

(B) A description of the additional steps required for individuals who have employment authorized status and do not possess the documents required by such section 274A to obtain such documents.

(C) A general assessment of the average financial costs for individuals who have employment authorized status who do not possess the documents required by such section 274A to obtain such documents.

(D) A general assessment of the average financial costs and challenges for employers who have been required to participate in the Employment Verification System established by subsection (d) of such section 274A.

(E) A description of the barriers to individuals who have employment authorized status in obtaining the documents required by such section 274A, including barriers imposed by the executive branch of the Government.

(F) Any particular challenges facing individuals who have employment authorized status who are members of a federally recognized Indian tribe in complying with the provisions of such section 274A.

(e) **REPEAL OF PILOT PROGRAMS AND E-VERIFY AND TRANSITION PROCEDURES.**—

(1) **REPEAL.**—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) are repealed.

(2) **TRANSITION PROCEDURES.**—

(A) **CONTINUATION OF E-VERIFY PROGRAM.**—Notwithstanding the repeals made by paragraph (1), the Secretary shall continue to operate the E-Verify Program as described in section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note), as in effect the minute before the date of the enactment of this Act, until the transition to the System described in section 274A(d) of the Immigration and Nationality Act, as amended by subsection (a), is determined by the Secretary to be complete.

(B) **TRANSITION TO THE SYSTEM.**—Any employer who was participating in the E-Verify Program described in section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note), as in effect the minute before the date of the enactment of this Act, shall participate in the System described in section 274A(d) of the Immigration and Nationality Act, as amended by subsection (a), to the same extent and in the same manner that the employer participated in such E-Verify Program.

(3) **CONSTRUCTION.**—The repeal made by paragraph (1) may not be construed to limit the authority of the Secretary to allow or continue to allow the participation in such System of employers who have participated in such E-Verify Program, as in effect on the minute before the date of the enactment of this Act.

(f) **CONFORMING AMENDMENT.**—Section 274(a) (8 U.S.C. 1324(a)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

#### **SEC. 3102. INCREASING SECURITY AND INTEGRITY OF SOCIAL SECURITY CARDS.**

(a) **FRAUD-RESISTANT, TAMPER-RESISTANT, WEAR-RESISTANT, AND IDENTITY THEFT-RESISTANT SOCIAL SECURITY CARDS.**—

(1) **ISSUANCE.**—

(A) **PRELIMINARY WORK.**—Not later than 180 days after the date of the enactment of this Act, the Commissioner of Social Security shall begin work to administer and issue fraud-resistant, tamper-resistant, wear-resistant, and identity theft-resistant social security cards.

(B) **COMPLETION.**—Not later than 5 years after the date of the enactment of this Act, the Commissioner of Social Security shall issue only social security cards determined to be fraud-resistant, tamper-resistant, wear-resistant, and identity theft-resistant.

(2) **AMENDMENT.**—

(A) **IN GENERAL.**—Section 205(c)(2)(G) of the Social Security Act (42 U.S.C. 405(c)(2)(G)) is amended by striking the second sentence and inserting the following: “The social security card shall be fraud-resistant, tamper-resistant, wear-resistant, and identity theft-resistant.”

(B) **EFFECTIVE DATE.**—The amendment made by subparagraph (A) shall take effect on the date that is 5 years after the date of the enactment of this Act.

(3) **AUTHORIZATION OF APPROPRIATION.**—There are authorized to be appropriated, from the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1), such sums as may be necessary to carry out this section and the amendments made by this section.

(4) **EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.**—In the Senate, amounts made available under this subsection are designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(5) **EMERGENCY DESIGNATION FOR STATUTORY PAYGO.**—Amounts made available under this subsection are designated as an emergency requirement under section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

(b) **MULTIPLE CARDS.**—Section 205(c)(2)(G) of the Social Security Act (42 U.S.C. 405(c)(2)(G)), as amended by subsection (a)(2), is amended—

(1) by inserting “(i)” after “(G)”; and

(2) by adding at the end the following:

“(i) The Commissioner of Social Security shall restrict the issuance of multiple replacement social security cards to any individual to 3 per year and 10 for the life of the individual, except that the Commissioner may allow for reasonable exceptions from the limits under this clause on a case-by-case basis in compelling circumstances.”

(c) **CRIMINAL PENALTIES.**—

(1) **SOCIAL SECURITY FRAUD.**—

(A) **IN GENERAL.**—Chapter 47 of title 18, United States Code, is amended by inserting at the end the following:

#### **“§ 1041. Social security fraud**

“Any person who—

“(1) knowingly possesses or uses a social security account number or social security card knowing that the number or card was obtained from the Commissioner of Social Security by means of fraud or false statement;

“(2) knowingly and falsely represents a number to be the social security account number assigned by the Commissioner of Social Security to him or her or to another person, when such number is known not to be the social security account number assigned by the Commissioner of Social Security to him or her or to such other person;

“(3) knowingly, and without lawful authority, buys, sells, or possesses with intent to buy or sell a social security account number or a social security card that is or purports to be a number or card issued by the Commissioner of Social Security;

“(4) knowingly alters, counterfeits, forges, or falsely makes a social security account number or a social security card;

“(5) knowingly uses, distributes, or transfers a social security account number or a social security card knowing the number or card to be intentionally altered, counterfeited, forged, falsely made, or stolen; or

“(6) without lawful authority, knowingly produces or acquires for any person a social security account number, a social security card, or a number or card that purports to be a social security account number or social security card, shall be fined under this title, imprisoned not more than 5 years, or both.”

(B) **TABLE OF SECTIONS AMENDMENT.**—The table of sections for chapter 47 of title 18, United States Code, is amended by adding after the item relating to section 1040 the following:

“Sec. 1041. Social security fraud.”

(2) **INFORMATION DISCLOSURE.**—

(A) IN GENERAL.—Notwithstanding any other provision of law and subject to subparagraph (B), the Commissioner of Social Security shall disclose for the purpose of investigating a violation of section 1041 of title 18, United States Code, or section 274A, 274B, or 274C of the Immigration and Nationality Act (8 U.S.C. 1324a, 1324b, and 1324c), after receiving a written request from an officer in a supervisory position or higher official of any Federal law enforcement agency, the following records of the Social Security Administration:

(i) Records concerning the identity, address, location, or financial institution accounts of the holder of a social security account number or social security card.

(ii) Records concerning the application for and issuance of a social security account number or social security card.

(iii) Records concerning the existence or nonexistence of a social security account number or social security card.

(B) LIMITATION.—The Commissioner of Social Security shall not disclose any tax return or tax return information pursuant to subparagraph (A) except as authorized by section 6103 of the Internal Revenue Code of 1986.

#### SEC. 3103. INCREASING SECURITY AND INTEGRITY OF IMMIGRATION DOCUMENTS.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the feasibility, advantages, and disadvantages of including, in addition to a photograph, other biometric information on each employment authorization document issued by the Department.

#### SEC. 3104. RESPONSIBILITIES OF THE SOCIAL SECURITY ADMINISTRATION.

Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new part:

##### “PART E—EMPLOYMENT VERIFICATION

##### “RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY

“SEC. 1186. (a) CONFIRMATION OF EMPLOYMENT VERIFICATION DATA.—As part of the employment verification system established by the Secretary of Homeland Security under the provisions of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) (in this section referred to as the ‘System’), the Commissioner of Social Security shall, subject to the provisions of section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), establish a reliable, secure method that, operating through the System and within the time periods specified in section 274A(d) of such Act—

“(1) compares the name, date of birth, social security account number, and available citizenship information provided in an inquiry against such information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided regarding an individual whose identity and employment eligibility must be confirmed;

“(2) determines the correspondence of the name, date of birth, and number;

“(3) determines whether the name and number belong to an individual who is deceased according to the records maintained by the Commissioner;

“(4) determines whether an individual is a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

“(5) determines whether the individual has presented a social security account number that is not valid for employment.

“(b) PROHIBITION.—The System shall not disclose or release social security information to employers through the confirmation system (other than such confirmation or nonconfirmation, information provided by the employer to the System, or the reason for the issuance of a further action notice).”.

#### SEC. 3105. IMPROVED PROHIBITION ON DISCRIMINATION BASED ON NATIONAL ORIGIN OR CITIZENSHIP STATUS.

(a) IN GENERAL.—Section 274B(a) (8 U.S.C. 1324b(a)) is amended to read as follows:

“(a) PROHIBITION ON DISCRIMINATION BASED ON NATIONAL ORIGIN OR CITIZENSHIP STATUS.—

“(1) PROHIBITION ON DISCRIMINATION GENERALLY.—It is an unfair immigration-related employment practice for a person, other entity, or employment agency, to discriminate against any individual (other than an unauthorized alien defined in section 274A(b)) because of such individual’s national origin or citizenship status, with respect to the following:

“(A) The hiring of the individual for employment.

“(B) The verification of the individual’s eligibility to work in the United States.

“(C) The discharging of the individual from employment.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following:

“(A) A person, other entity, or employer that employs 3 or fewer employees, except for an employment agency.

“(B) A person’s or entity’s discrimination because of an individual’s national origin if the discrimination with respect to that employer, person, or entity and that individual is covered under section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2), unless the discrimination is related to an individual’s verification of employment authorization.

“(C) Discrimination because of citizenship status which—

“(i) is otherwise required in order to comply with a provision of Federal, State, or local law related to law enforcement;

“(ii) is required by Federal Government contract; or

“(iii) the Secretary or Attorney General determines to be essential for an employer to do business with an agency or department of the Federal Government or a State, local, or tribal government.

“(3) ADDITIONAL EXCEPTION PROVIDING RIGHT TO PREFER EQUALLY QUALIFIED CITIZENS.—Notwithstanding any other provision of this section, it is not an unfair immigration-related employment practice for an employer (as defined in section 274A(b)) to prefer to hire, recruit, or refer for a fee an individual who is a citizen or national of the United States over another individual who is an alien if the 2 individuals are equally qualified.

“(4) UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES RELATING TO THE SYSTEM.—It is also an unfair immigration-related employment practice for a person, other entity, or employment agency—

“(A) to discharge or constructively discharge an individual solely due to a further action notice issued by the Employment Verification System created by section 274A until the administrative appeal described in section 274A(d)(6) is completed;

“(B) to use the System with regard to any person for any purpose except as authorized by section 274A(d);

“(C) to use the System to reverify the employment authorization of a current employee, including an employee continuing in

employment, other than reverification upon expiration of employment authorization, or as otherwise authorized under section 274A(d) or by regulation;

“(D) to use the System selectively for employees, except where authorized by law;

“(E) to fail to provide to an individual any notice required in section 274A(d) within the relevant time period;

“(F) to use the System to deny workers’ employment or post-employment benefits;

“(G) to misuse the System to discriminate based on national origin or citizenship status;

“(H) to require an employee or prospective employee to use any self-verification feature of the System or provide, as a condition of application or employment, any self-verification results;

“(I) to use an immigration status verification system, service, or method other than those described in section 274A for purposes of verifying employment eligibility; or

“(J) to grant access to document verification or System data, to any individual or entity other than personnel authorized to have such access, or to fail to take reasonable safeguards to protect against unauthorized loss, use, alteration, or destruction of System data.

“(5) PROHIBITION OF INTIMIDATION OR RETALIATION.—It is also an unfair immigration-related employment practice for a person, other entity, or employment agency to intimidate, threaten, coerce, or retaliate against any individual—

“(A) for the purpose of interfering with any right or privilege secured under this section; or

“(B) because the individual intends to file or has filed a charge or a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this section.

“(6) TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS EMPLOYMENT PRACTICES.—A person’s, other entity’s, or employment agency’s request, for purposes of verifying employment eligibility, for more or different documents than are required under section 274A, or for specific documents, or refusing to honor documents tendered that reasonably appear to be genuine shall be treated as an unfair immigration-related employment practice.

“(7) PROHIBITION OF WITHHOLDING EMPLOYMENT RECORDS.—It is an unfair immigration-related employment practice for an employer that is required under Federal, State, or local law to maintain records documenting employment, including dates or hours of work and wages received, to fail to provide such records to any employee upon request.

“(8) PROFESSIONAL, COMMERCIAL, AND BUSINESS LICENSES.—An individual who is authorized to be employed in the United States may not be denied a professional, commercial, or business license on the basis of his or her immigration status.

“(9) EMPLOYMENT AGENCY DEFINED.—In this section, the term ‘employment agency’ means any employer, person, or entity regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such employer, person, or entity.”.

(b) REFERRAL BY EEOC.—Section 274B(b) (8 U.S.C. 1324b(b)) is amended by adding at the end the following:

“(3) REFERRAL BY EEOC.—The Equal Employment Opportunity Commission shall refer all matters alleging immigration-related unfair employment practices filed with

the Commission, including those alleging violations of paragraphs (1), (4), (5), and (6) of subsection (a) to the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice.”

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 274B(1)(3) (8 U.S.C. 1324b(1)(3)) is amended by striking the period at the end and inserting “and an additional \$40,000,000 for each of fiscal years 2014 through 2016.”

(d) **FINES.**—

(1) **IN GENERAL.**—Section 274B(g)(2)(B) (8 U.S.C. 1324b(g)(2)(B)) is amended by striking clause (iv) and inserting the following:

“(iv) to pay any applicable civil penalties prescribed below, the amounts of which may be adjusted periodically to account for inflation as provided by law—

“(I) except as provided in subclauses (II) through (IV), to pay a civil penalty of not less than \$2,000 and not more than \$5,000 for each individual subjected to an unfair immigration-related employment practice;

“(II) except as provided in subclauses (III) and (IV), in the case of an employer, person, or entity previously subject to a single order under this paragraph, to pay a civil penalty of not less than \$4,000 and not more than \$10,000 for each individual subjected to an unfair immigration-related employment practice;

“(III) except as provided in subclause (IV), in the case of an employer, person, or entity previously subject to more than 1 order under this paragraph, to pay a civil penalty of not less than \$8,000 and not more than \$25,000 for each individual subjected to an unfair immigration-related employment practice; and

“(IV) in the case of an unfair immigration-related employment practice described in paragraphs (4) through (7) of subsection (a), to pay a civil penalty of not less than \$500 and not more than \$2,000 for each individual subjected to an unfair immigration-related employment practice.”

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect on the date that is 1 year after the date of the enactment of this Act and apply to violations occurring on or after such date of enactment.

#### SEC. 3106. RULEMAKING.

(a) **INTERIM FINAL REGULATIONS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act—

(A) the Secretary, shall issue regulations implementing sections 3101 and 3104 and the amendments made by such sections (except for section 274A(d)(7) of the Immigration and Nationality Act); and

(B) the Attorney General shall issue regulations implementing section 274A(d)(7) of the Immigration and Nationality Act, as added by section 3101, section 3105, and the amendments made by such sections.

(2) **EFFECTIVE DATE.**—Regulations issued pursuant to paragraph (1) shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(b) **FINAL REGULATIONS.**—Within a reasonable time after publication of the interim regulations under subsection (a), the Secretary, in consultation with the Commissioner of Social Security and the Attorney General, shall publish final regulations implementing this subtitle.

#### SEC. 3107. OFFICE OF THE SMALL BUSINESS AND EMPLOYEE ADVOCATE.

(a) **ESTABLISHMENT OF SMALL BUSINESS AND EMPLOYEE ADVOCATE.**—The Secretary shall establish and maintain within U.S. Citizen-

ship and Immigration Services the Office of the Small Business and Employee Advocate (in this section referred to as the “Office”). The purpose of the Office shall be to assist small businesses and individuals in complying with the requirements of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by this Act, including the resolution of conflicts arising in the course of attempted compliance with such requirements.

(b) **FUNCTIONS.**—The functions of the Office shall include, but not be limited to, the following:

(1) Informing small businesses and individuals about the verification practices required by section 274A of the Immigration and Nationality Act, including, but not limited to, the document verification requirements and the employment verification system requirements under subsections (c) and (d) of that section.

(2) Assisting small businesses and individuals in addressing allegedly erroneous further action notices and nonconfirmations issued under subsection (d) of section 274A of the Immigration and Nationality Act.

(3) Informing small businesses and individuals of the financial liabilities and criminal penalties that apply to violations and failures to comply with the requirements of section 274A of the Immigration and Nationality Act, including, but not limited to, by issuing best practices for compliance with that section.

(4) To the extent practicable, proposing changes to the Secretary in the administrative verification practices of the employment verification system required under subsection (d) of section 274A of the Immigration and Nationality Act to mitigate the problems identified under paragraph (2).

(5) Making recommendations through the Secretary to Congress for legislative action to mitigate such problems.

(c) **AUTHORITY TO ISSUE ASSISTANCE ORDER.**—

(1) **IN GENERAL.**—Upon application filed by a small business or individual with the Office (in such form, manner, and at such time as the Secretary shall by regulations prescribe), the Office may issue an assistance order if—

(A) the Office determines the small business or individual is suffering or about to suffer a significant hardship as a result of the manner in which the employment verification laws under subsections (c) and (d) of section 274A of the Immigration and Nationality Act are being administered by the Secretary; or

(B) the small business or individual meets such other requirements as are set forth in regulations prescribed by the Secretary.

(2) **DETERMINATION OF HARDSHIP.**—For purposes of paragraph (1), a significant hardship shall include—

(A) an immediate threat of adverse action;

(B) a delay of more than 60 days in resolving employment verification system problems;

(C) the incurring by the small business or individual of significant costs if relief is not granted; or

(D) irreparable injury to, or a long-term adverse impact on, the small business or individual if relief is not granted.

(3) **STANDARDS WHEN ADMINISTRATIVE GUIDANCE NOT FOLLOWED.**—In cases where a U.S. Citizenship and Immigration Services employee is not following applicable published administrative guidance, the Office shall construe the factors taken into account in determining whether to issue an assistance order under this subsection in the manner

most favorable to the small business or individual.

(4) **TERMS OF ASSISTANCE ORDER.**—The terms of an assistance order under this subsection may require the Secretary within a specified time period—

(A) to determine whether any employee is or is not authorized to work in the United States; or

(B) to abate any penalty under section 274A of the Immigration and Nationality Act that the Office determines is arbitrary, capricious, or disproportionate to the underlying offense.

(5) **AUTHORITY TO MODIFY OR RESCIND.**—Any assistance order issued by the Office under this subsection may be modified or rescinded—

(A) only by the Office, the Director or Deputy Director of U.S. Citizenship and Immigration Services, or the Secretary or the Secretary's designee; and

(B) if rescinded by the Director or Deputy Director of U.S. Citizenship and Immigration Services, only if a written explanation of the reasons of such official for the modification or rescission is provided to the Office.

(6) **SUSPENSION OF RUNNING OF PERIOD OF LIMITATION.**—The running of any period of limitation with respect to an action described in paragraph (4)(A) shall be suspended for—

(A) the period beginning on the date of the small business or individual's application under paragraph (1) and ending on the date of the Office's decision with respect to such application; and

(B) any period specified by the Office in an assistance order issued under this subsection pursuant to such application.

(7) **INDEPENDENT ACTION OF OFFICE.**—Nothing in this subsection shall prevent the Office from taking any action in the absence of an application under paragraph (1).

(d) **ACCESSIBILITY TO THE PUBLIC.**—

(1) **IN PERSON, ONLINE, AND TELEPHONE ASSISTANCE.**—The Office shall provide information and assistance specified in subsection (b) in person at locations designated by the Secretary, online through an Internet website of the Department available to the public, and by telephone.

(2) **AVAILABILITY TO ALL EMPLOYERS.**—In making information and assistance available, the Office shall prioritize the needs of small businesses and individuals. However, the information and assistance available through the Office shall be available to any employer.

(e) **AVOIDING DUPLICATION THROUGH COORDINATION.**—In the discharge of the functions of the Office, the Secretary shall consult with the Secretary of Labor, the Secretary of Agriculture, the Commissioner, the Attorney General, the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration in order to avoid duplication of efforts across the Federal Government.

(f) **DEFINITIONS.**—In this section:

(1) The term “employer” has the meaning given that term in section 274A(b) of the Immigration and Nationality Act.

(2) The term “small business” means an employer with 49 or fewer employees.

(g) **FUNDING.**—There shall be appropriated, from the Comprehensive Immigration Reform Trust Fund established by section 6(a)(1) of this Act, such sums as may be necessary to carry out the functions of the Office.

**Subtitle B—Protecting United States Workers**  
**SEC. 3201. PROTECTIONS FOR VICTIMS OF SERIOUS VIOLATIONS OF LABOR AND EMPLOYMENT LAW OR CRIME.**

(a) IN GENERAL.—Section 101(a)(15)(U) (8 U.S.C. 1101(a)(15)(U)) is amended—

(1) in clause (i)—

(A) by amending subclause (I) to read as follows:

“(I) the alien—

“(aa) has suffered substantial physical or mental abuse or substantial harm as a result of having been a victim of criminal activity described in clause (iii) or of a covered violation described in clause (iv); or

“(bb) is a victim of criminal activity described in clause (iii) or of a covered violation described in clause (iv) and would suffer extreme hardship upon removal;”;

(B) in subclause (II), by inserting “, or a covered violation resulting in a claim described in clause (iv) that is not the subject of a frivolous lawsuit by the alien” before the semicolon at the end; and

(C) by amending subclauses (III) and (IV) to read as follows:

“(III) the alien (or in the case of an alien child who is younger than 16 years of age, the parent, legal guardian, or next friend of the alien) has been helpful, is being helpful, or is likely to be helpful to—

“(aa) a Federal, State, or local law enforcement official, a Federal, State, or local prosecutor, a Federal, State, or local judge, the Department of Homeland Security, the Equal Employment Opportunity Commission, the Department of Labor, or other Federal, State, or local authorities investigating or prosecuting criminal activity described in clause (iii); or

“(bb) any Federal, State, or local governmental agency or judge investigating, prosecuting, or seeking civil remedies for any cause of action, whether criminal, civil, or administrative, arising from a covered violation described in clause (iv) and presents a certification from such Federal, State, or local governmental agency or judge attesting that the alien has been helpful, is being helpful, or is likely to be helpful to such agency in the investigation, prosecution, or adjudication arising from a covered violation described in clause (iv); and

“(IV) the criminal activity described in clause (iii) or the covered violation described in clause (iv)—

“(aa) violated the laws of the United States; or

“(bb) occurred in the United States (including Indian country and military installations) or the territories and possessions of the United States;”;

(2) in clause (ii)(II), by striking “and” at the end;

(3) by moving clause (iii) 2 ems to the left;

(4) in clause (iii), by inserting “child abuse; elder abuse;” after “stalking;”;

(5) by adding at the end the following:

“(iv) a covered violation referred to in this clause is—

“(I) a serious violation involving 1 or more of the following or any similar activity in violation of any Federal, State, or local law: serious workplace abuse, exploitation, retaliation, or violation of whistleblower protections;

“(II) a violation giving rise to a civil cause of action under section 1595 of title 18, United States Code; or

“(III) a violation resulting in the deprivation of due process or constitutional rights.”.

(b) SAVINGS PROVISION.—Nothing in section 101(a)(15)(U)(iv)(I) of the Immigration and

Nationality Act, as added by subsection (a), may be construed as altering the definition of retaliation or discrimination under any other provision of law.

(c) TEMPORARY STAY OF REMOVAL.—Section 274A (8 U.S.C. 1324a), as amended by section 3101, is further amended—

(1) in subsection (e) by adding at the end the following:

“(10) CONDUCT IN ENFORCEMENT ACTIONS.—If the Secretary undertakes an enforcement action at a facility about which a bona fide workplace claim has been filed or is contemporaneously filed, or as a result of information provided to the Secretary in retaliation against employees for exercising their rights related to a bona fide workplace claim, the Secretary shall ensure that—

“(A) any aliens arrested or detained who are necessary for the investigation or prosecution of a bona fide workplace claim or criminal activity (as described in subparagraph (T) or (U) of section 101(a)(15)) are not removed from the United States until after the Secretary—

“(i) notifies the appropriate law enforcement agency with jurisdiction over such violations or criminal activity; and

“(ii) provides such agency with the opportunity to interview such aliens;

“(B) no aliens entitled to a stay of removal or abeyance of removal proceedings under this section are removed; and

“(C) the Secretary shall stay the removal of an alien who—

“(i) has filed a claim regarding a covered violation described in clause (iv) of section 101(a)(15)(U) and is the victim of the same violations under an existing investigation;

“(ii) is a material witness in any pending or anticipated proceeding involving a bona fide workplace claim or civil rights claim; or

“(iii) has filed for relief under such section if the alien is working with law enforcement as described in clause (i)(III) of such section.”; and

(2) by adding at the end the following:

“(m) VICTIMS OF CRIMINAL ACTIVITY OR LABOR AND EMPLOYMENT VIOLATIONS.—The Secretary of Homeland Security may permit an alien to remain temporarily in the United States and authorize the alien to engage in employment in the United States if the Secretary determines that the alien—

“(1) has filed for relief under section 101(a)(15)(U); or

“(2)(A) has filed, or is a material witness to, a bona fide claim or proceedings resulting from a covered violation (as defined in section 101(a)(15)(U)(iv)); and

“(B) has been helpful, is being helpful, or is likely to be helpful, in the investigation, prosecution of, or pursuit of civil remedies related to the claim arising from a covered violation, to—

“(i) a Federal, State, or local law enforcement official;

“(ii) a Federal, State, or local prosecutor;

“(iii) a Federal, State, or local judge;

“(iv) the Department of Homeland Security;

“(v) the Equal Employment Opportunity Commission; or

“(vi) the Department of Labor.”.

(d) CONFORMING AMENDMENTS.—Section 214(p) (8 U.S.C. 1184(p)) is amended—

(1) in paragraph (1), by striking “in section 101(a)(15)(U)(iii).” both places it appears and inserting “in clause (iii) of section 101(a)(15)(U) or investigating, prosecuting, or seeking civil remedies for claims resulting from a covered violation described in clause (iv) of such section.”; and

(2) in the first sentence of paragraph (6)—

(A) by striking “in section 101(a)(15)(U)(iii)” and inserting “in clause (iii) of section 101(a)(15)(U) or claims resulting from a covered violation described in clause (iv) of such section”; and

(B) by inserting “or claim arising from a covered violation” after “prosecution of such criminal activity”.

(e) MODIFICATION OF LIMITATION ON AUTHORITY TO ADJUST STATUS FOR VICTIMS OF CRIMES.—Section 245(m)(1) (8 U.S.C. 1255(m)(1)) is amended, in the matter before subparagraph (A), by inserting “or an investigation or prosecution regarding a workplace or civil rights claim” after “prosecution”.

(f) EXPANSION OF LIMITATION ON SOURCES OF INFORMATION THAT MAY BE USED TO MAKE ADVERSE DETERMINATIONS.—

(1) IN GENERAL.—Section 384(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367(a)(1)) is amended—

(A) in each of subparagraphs (A) through (D), by striking the comma at the end and inserting a semicolon;

(B) subparagraph (E), by striking “the criminal activity,” and inserting “abuse and the criminal activity or bona fide workplace claim (as defined in subsection (e));”;

(C) in subparagraph (F), by striking “, the trafficker or perpetrator,” and inserting “, the trafficker or perpetrator; or”; and

(D) by inserting after subparagraph (F) the following:

“(G) the alien’s employer; or”.

(2) WORKPLACE CLAIM DEFINED.—Section 384 of such Act (8 U.S.C. 1367) is amended by adding at the end the following:

“(e) WORKPLACE CLAIMS.—

“(1) WORKPLACE CLAIMS DEFINED.—

“(A) IN GENERAL.—In subsection (a)(1), the term ‘workplace claim’ means any claim, petition, charge, complaint, or grievance filed with, or submitted to, a Federal, State, or local agency or court, relating to the violation of applicable Federal, State, or local labor or employment laws.

“(B) CONSTRUCTION.—Subparagraph (A) may not be construed to alter what constitutes retaliation or discrimination under any other provision of law.

“(2) PENALTY FOR FALSE CLAIMS.—Any person who knowingly presents a false or fraudulent claim to a law enforcement official in relation to a covered violation described in section 101(a)(15)(U)(iv) of the Immigration and Nationality Act for the purpose of obtaining a benefit under this section shall be subject to a civil penalty of not more than \$1,000.

“(3) LIMITATION ON STAY OF ADVERSE DETERMINATIONS.—In the case of an alien applying for status under section 101(a)(15)(U) of the Immigration and Nationality Act and seeking relief under that section, the prohibition on adverse determinations under subsection (a) shall expire on the date that the alien’s application for status under such section is denied and all opportunities for appeal of the denial have been exhausted.”.

(g) REMOVAL PROCEEDINGS.—Section 239(e) (8 U.S.C. 1229(e)) is amended—

(1) in paragraph (1)—

(A) by striking “In cases where” and inserting “If”; and

(B) by striking “paragraph (2),” and inserting “paragraph (2) or as a result of information provided to the Secretary of Homeland Security in retaliation against individuals for exercising or attempting to exercise their employment rights or other legal rights;”;

(2) in paragraph (2), by adding at the end the following:



“(C) At a facility about which a bona fide workplace claim has been filed or is contemporaneously filed.”.

**SEC. 3202. EMPLOYMENT VERIFICATION SYSTEM EDUCATION FUNDING.**

(a) **DISPOSITION OF CIVIL PENALTIES.**—Penalties collected under subsections (e)(4) and (f)(3) of section 274A of the Immigration and Nationality Act, amended by section 3101, shall be deposited, as offsetting receipts, into the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1).

(b) **EXPENDITURES.**—Amounts deposited into the Trust Fund under subsection (a) shall be made available to the Secretary and the Attorney General to provide education to employers and employees regarding the requirements, obligations, and rights under the Employment Verification System.

(c) **DETERMINATION OF BUDGETARY EFFECTS.**—

(1) **EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.**—In the Senate, amounts made available under this section are designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(2) **EMERGENCY DESIGNATION FOR STATUTORY PAYGO.**—Amounts made available under this section are designated as an emergency requirement under section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)).

**SEC. 3203. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.**

(a) **IN GENERAL.**—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with subsection (b), the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines to modify, if appropriate, the penalties imposed on persons convicted of offenses under—

(1) section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by section 3101;

(2) section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216); and

(3) any other Federal law covering similar conduct.

(b) **REQUIREMENTS.**—In carrying out subsection (a), the Sentencing Commission shall provide sentencing enhancements for any person convicted of an offense described in subsection (a) if such offense involves—

(1) the intentional confiscation of identification documents;

(2) corruption, bribery, extortion, or robbery;

(3) sexual abuse;

(4) serious bodily injury;

(5) an intent to defraud; or

(6) a pattern of conduct involving multiple violations of law that—

(A) creates, through knowing and intentional conduct, a risk to the health or safety of any victim; or

(B) denies payments due to victims for work completed.

**Subtitle C—Other Provisions**

**SEC. 3301. FUNDING.**

(a) **ESTABLISHMENT OF THE INTERIOR ENFORCEMENT ACCOUNT.**—There is hereby established in the Treasury of the United States an account which shall be known as the Interior Enforcement Account.

(b) **APPROPRIATIONS.**—There are authorized to be appropriated to the Interior Enforcement Account \$1,000,000,000 to carry out this title and the amendments made by this title, including the following appropriations:

(1) In each of the 5 years beginning on the date of the enactment of this Act, the appro-

priations necessary to increase to a level not less than 5,000, by the end of such 5-year period, the total number of personnel of the Department assigned exclusively or principally to an office or offices in U.S. Citizenship and Immigration Services and U.S. Immigration and Customs Enforcement (and consistent with the missions of such agencies), dedicated to administering the System, and monitoring and enforcing compliance with sections 274A, 274B, and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a, 1324b, and 1324c), including compliance with the requirements of the Electronic Verification System established under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by section 3101. Such personnel shall perform compliance and monitoring functions, including the following:

(A) Verify compliance of employers participating in such System with the requirements for participation that are prescribed by the Secretary.

(B) Monitor such System for multiple uses of social security account numbers and immigration identification numbers that could indicate identity theft or fraud.

(C) Monitor such System to identify discriminatory or unfair practices.

(D) Monitor such System to identify employers who are not using such System properly, including employers who fail to make available appropriate records with respect to their queries and any notices of confirmation, nonconfirmation, or further action.

(E) Identify instances in which an employee alleges that an employer violated the employee's privacy or civil rights, or misused such System, and create procedures for an employee to report such an allegation.

(F) Analyze and audit the use of such System and the data obtained through such System to identify fraud trends, including fraud trends across industries, geographical areas, or employer size.

(G) Analyze and audit the use of such System and the data obtained through such System to develop compliance tools as necessary to respond to changing patterns of fraud.

(H) Provide employers with additional training and other information on the proper use of such System, including training related to privacy and employee rights.

(I) Perform threshold evaluation of cases for referral to the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice or the Equal Employment Opportunity Commission, and other officials or agencies with responsibility for enforcing anti-discrimination, civil rights, privacy, or worker protection laws, as may be appropriate.

(J) Any other compliance and monitoring activities that the Secretary determines are necessary to ensure the functioning of such System.

(K) Investigate identity theft and fraud detected through such System and undertake the necessary enforcement or referral actions.

(L) Investigate use of or access to fraudulent documents and undertake the necessary enforcement actions.

(M) Perform any other investigations that the Secretary determines are necessary to ensure the lawful functioning of such System, and undertake any enforcement actions necessary as a result of such investigations.

(2) The appropriations necessary to acquire, install, and maintain technological equipment necessary to support the functioning of such System and the connectivity

between U.S. Citizenship and Immigration Services and U.S. Immigration and Customs Enforcement, the Department of Justice, and other agencies or officials with respect to the sharing of information to support such System and related immigration enforcement actions.

(3) The appropriations necessary to establish a robust redress process for employees who wish to appeal contested nonconfirmations to ensure the accuracy and fairness of such System.

(4) The appropriations necessary to provide a means by which individuals may access their own employment authorization data to ensure the accuracy of such data, independent of an individual's employer.

(5) The appropriations necessary to carry out the identity authentication mechanisms described in section 274A(c)(1)(F) of the Immigration and Nationality Act, as amended by section 3101(a).

(6) The appropriations necessary for the Office for Civil Rights and Civil Liberties and the Office of Privacy of the Department to perform the responsibilities of such Offices related to such System.

(7) The appropriations necessary to make grants to States to support the States in assisting the Federal Government in carrying out the provisions of this title and the amendments made by this title.

(c) **ESTABLISHMENT OF REIMBURSABLE AGREEMENT BETWEEN THE DEPARTMENT OF HOMELAND SECURITY AND THE SOCIAL SECURITY ADMINISTRATION.**—Effective for fiscal years beginning on or after the date of enactment of this Act, the Secretary and the Commissioner of Social Security shall enter into and maintain an agreement that—

(1) provides funds to the Commissioner for the full costs of the responsibilities of the Commissioner under this section, including—

(A) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of the responsibilities of the Commissioner under this section; and

(B) responding to individuals who contest a further action notice provided by the employment verification system established under section 274A of the Immigration and Nationality Act, as amended by section 3101;

(2) provides such funds quarterly in advance of the applicable quarter based on estimating methodology agreed to by the Commissioner and the Secretary; and

(3) requires an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement which shall be reviewed by the Office of the Inspector General of the Social Security Administration and the Department.

(d) **AUTHORIZATION OF APPROPRIATIONS TO THE ATTORNEY GENERAL.**—There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out the provisions of this title and the amendments made by this title, including enforcing compliance with section 274B of the Immigration and Nationality Act, as amended by section 3105.

(e) **AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF STATE.**—There are authorized to be appropriated to the Secretary of State such sums as may be necessary to carry out the provisions of this title and the amendments made by this title.

**SEC. 3302. EFFECTIVE DATE.**

Except as otherwise specifically provided, this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

**SEC. 3303. MANDATORY EXIT SYSTEM.****(a) ESTABLISHMENT.—**

(1) IN GENERAL.—Not later than December 31, 2015, the Secretary shall establish a mandatory exit data system that shall include a requirement for the collection of data from machine-readable visas, passports, and other travel and entry documents for all categories of aliens who are exiting from air and sea ports of entry.

(2) BIOMETRIC EXIT DATA SYSTEM.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall establish a mandatory biometric exit data system at the 10 United States airports that support the highest volume of international air travel, as determined by Department of Transportation international flight departure data.

(3) IMPLEMENTATION REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report the implementation of the biometric exit data system referred to in paragraph (2), the impact of such system on any additional wait times for travelers, and projections for new officer personnel, including U.S. Customs and Border Protection officers.

(4) EFFECTIVENESS REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit a report to Congress that analyzes the effectiveness of biometric exit data collection at the 10 airports referred to in paragraph (2).

(5) MANDATORY BIOMETRIC EXIT DATA SYSTEM.—Absent intervening action by Congress, the Secretary, not later than 6 years after the date of the enactment of this Act, shall establish a mandatory biometric exit data system at all the Core 30 international airports in the United States, as so designated by the Federal Aviation Administration.

(6) EXPANSION OF BIOMETRIC EXIT DATA SYSTEM TO MAJOR SEA AND LAND PORTS.—Not later than 6 years after the date of the enactment of this Act, the Secretary shall submit a plan to Congress for the expansion of the biometric exit system to major sea and land entry and exit points within the United States based upon—

(A) the performance of the program established pursuant to paragraph (2);

(B) the findings of the study conducted pursuant to paragraph (4); and

(C) the projected costs to develop and deploy an effective biometric exit data system.

(7) DATA COLLECTION.—There are authorized to be appropriated, from the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1), such sums as may be necessary to carry out this section

**(b) INTEGRATION AND INTEROPERABILITY.—**

(1) INTEGRATION OF DATA SYSTEM.—The Secretary shall fully integrate all data from databases and data systems that process or contain information on aliens, which are maintained by—

(A) the Department, at—

(i) the U.S. Immigration and Customs Enforcement;

(ii) the U.S. Customs and Border Protection; and

(iii) the U.S. Citizenship and Immigration Services;

(B) the Department of Justice, at the Executive Office for Immigration Review; and

(C) the Department of State, at the Bureau of Consular Affairs.

(2) INTEROPERABLE COMPONENT.—The fully integrated data system under paragraph (1)

shall be an interoperable component of the exit data system.

(3) INTEROPERABLE DATA SYSTEM.—The Secretary shall fully implement an interoperable electronic data system to provide current and immediate access to information in the databases of Federal law enforcement agencies and the intelligence community that is relevant to determine—

(A) whether to issue a visa; or

(B) the admissibility or deportability of an alien.

(4) TRAINING.—The Secretary shall establish ongoing training modules on immigration law to improve adjudications at United States ports of entry, consulates, and embassies.

(5) INFORMATION SHARING.—The Secretary shall report to the appropriate Federal law enforcement agency, intelligence agency, national security agency, or component of the Department of Homeland Security any alien who was lawfully admitted into the United States and whose individual data in the integrated exit data system shows that he or she has not departed the country when he or she was legally required to do so, and shall ensure that—

(1) if the alien has departed the United States when he or she was legally required to do so, the information contained in the integrated exit data system is updated to reflect the alien's departure; or

(2) if the alien has not departed the United States when he or she was legally required to do so, reasonably available enforcement resources are employed to locate the alien and to commence removal proceedings against the alien.

**SEC. 3304. IDENTITY-THEFT RESISTANT MANIFEST INFORMATION FOR PASSENGERS, CREW, AND NON-CREW ONBOARD DEPARTING AIRCRAFT AND VESSELS.**

(a) DEFINITIONS.—Except as otherwise specifically provided, in this section:

(1) IDENTITY-THEFT RESISTANT COLLECTION LOCATION.—The term “identity-theft resistant collection location” means a location within an airport or seaport—

(A) within the path of the departing alien, such that the alien would not need to significantly deviate from that path to comply with exit requirements at which air or vessel carrier employees, as applicable, either presently or routinely are available if an alien needs processing assistance; and

(B) which is equipped with technology that can securely collect and transmit identity-theft resistant departure information to the Department.

(2) US-VISIT.—The term “US-VISIT” means the United States-Visitor and Immigrant Status Indicator Technology system.

(b) IDENTITY THEFT RESISTANT MANIFEST INFORMATION.—

(1) PASSPORT OR VISA COLLECTION REQUIREMENT.—Except as provided in subsection (c), an appropriate official of each commercial aircraft or vessel departing from the United States to any port or place outside the United States shall ensure transmission to U.S. Customs and Border Protection of identity-theft resistant departure manifest information covering alien passengers, crew, and non-crew. Such identity-theft resistant departure manifest information—

(A) shall be transmitted to U.S. Customs and Border Protection at the place and time specified in paragraph (3) by means approved by the Secretary; and

(B) shall set forth the information specified in paragraph (4) or other information as required by the Secretary.

(2) MANNER OF COLLECTION.—Carriers boarding alien passengers, crew, and noncrew subject to the requirement to provide information upon departure for US-VISIT processing shall collect identity-theft resistant departure manifest information from each alien at an identity-theft resistant collection location at the airport or seaport before boarding that alien on transportation for departure from the United States, at a time as close to the originally scheduled departure of that passenger's aircraft or sea vessel as practicable.

**(3) TIME AND MANNER OF SUBMISSION.—**

(A) IN GENERAL.—The appropriate official specified in paragraph (1) shall ensure transmission of the identity-theft resistant departure manifest information required and collected under paragraphs (1) and (2) to the Data Center or Headquarters of U.S. Customs and Border Protection, or such other data center as may be designated.

(B) TRANSMISSION.—The biometric departure information may be transmitted to the Department over any means of communication authorized by the Secretary for the transmission of other electronic manifest information containing personally identifiable information and under transmission standards currently applicable to other electronic manifest information.

(C) SUBMISSION ALONG WITH OTHER INFORMATION.—Files containing the identity-theft resistant departure manifest information—

(i) may be sent with other electronic manifest data prior to departure or may be sent separately from any topically related electronic manifest data; and

(ii) may be sent in batch mode.

(4) INFORMATION REQUIRED.—The identity-theft resistant departure information required under paragraphs (1) through (3) for each covered passenger or crew member shall contain alien data from machine-readable visas, passports, and other travel and entry documents issued to the alien.

(c) EXCEPTION.—The identity-theft resistant departure information specified in this section is not required for any alien active duty military personnel traveling as passengers on board a departing Department of Defense commercial chartered aircraft.

(d) CARRIER MAINTENANCE AND USE OF IDENTITY-THEFT RESISTANT DEPARTURE MANIFEST INFORMATION.—Carrier use of identity-theft resistant departure manifest information for purposes other than as described in standards set by the Secretary is prohibited. Carriers shall immediately notify the Chief Privacy Officer of the Department in writing in the event of unauthorized use or access, or breach, of identity-theft resistant departure manifest information.

(e) COLLECTION AT SPECIFIED LOCATION.—If the Secretary determines that an air or vessel carrier has not adequately complied with the provisions of this section, the Secretary may, in the Secretary's discretion, require the air or vessel carrier to collect identity-theft resistant departure manifest information at a specific location prior to the issuance of a boarding pass or other document on the international departure, or the boarding of crew, in any port through which the carrier boards aliens for international departure under the supervision of the Secretary for such period as the Secretary considers appropriate to ensure the adequate collection and transmission of biometric departure manifest information.

(f) FUNDING.—There shall be appropriated to the Interior Enforcement Account \$500,000,000 to reimburse carriers for their reasonable actual expenses in carrying out their duties as described in this section.

(g) DETERMINATION OF BUDGETARY EFFECTS.—

(1) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—In the Senate, amounts made available under this section are designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(2) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—Amounts made available under this section are designated as an emergency requirement under section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

#### SEC. 3305. PROFILING.

(a) PROHIBITION.—In making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, Federal law enforcement officers may not use race or ethnicity to any degree, except that officers may rely on race and ethnicity if a specific suspect description exists.

(b) EXCEPTIONS.—

(1) SPECIFIC INVESTIGATION.—In conducting activities in connection with a specific investigation, Federal law enforcement officers may consider race and ethnicity only to the extent that there is trustworthy information, relevant to the locality or time frame, that links persons of a particular race or ethnicity to an identified criminal incident, scheme, or organization. This standard applies even where the use of race or ethnicity might otherwise be lawful.

(2) NATIONAL SECURITY.—In investigating or preventing threats to national security or other catastrophic events (including the performance of duties related to air transportation security), or in enforcing laws protecting the integrity of the Nation's borders, Federal law enforcement officers may not consider race or ethnicity except to the extent permitted by the Constitution and laws of the United States.

(3) DEFINED TERM.—In this section, the term "Federal law enforcement officer" means any officer, agent, or employee of the United States authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of Federal law.

(c) STUDY AND REGULATIONS.—

(1) DATA COLLECTION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall begin collecting data regarding the individualized immigration enforcement activities of covered Department officers.

(2) STUDY.—Not later than 180 days after data collection under paragraph (1) commences, the Secretary shall complete a study analyzing the data.

(3) REGULATIONS.—Not later than 90 days after the date the study required by paragraph (2) is completed, the Secretary, in consultation with the Attorney General, shall issue regulations regarding the use of race, ethnicity, and any other suspect classifications the Secretary deems appropriate by covered Department officers.

(4) REPORTS.—Not later than 30 days after completion of the study required by paragraph (2), the Secretary shall submit the study to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Homeland Security of the House of Representatives;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Appropriations of the House of Representatives;

(E) the Committee on the Judiciary of the Senate; and

(F) the Committee on the Judiciary of the House of Representatives.

(5) DEFINED TERM.—In this subsection, the term "covered Department officer" means any officer, agent, or employee of United States Customs and Border Protection, United States Immigration and Customs Enforcement, or the Transportation Security Administration.

#### SEC. 3306. ENHANCED PENALTIES FOR CERTAIN DRUG OFFENSES ON FEDERAL LANDS.

(a) CULTIVATING OR MANUFACTURING CONTROLLED SUBSTANCES ON FEDERAL PROPERTY.—Section 401(b)(5) of the Controlled Substances Act (21 U.S.C. 841(b)(5)) is amended by striking "as provided in this subsection" and inserting "for not more than 10 years, in addition to any other term of imprisonment imposed under this subsection,".

(b) USE OF HAZARDOUS SUBSTANCES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines and policy statements to ensure that the guidelines provide an additional penalty increase of 2 offense levels above the sentence otherwise applicable for a violation of section 401(a) of the Controlled Substances Act (21 U.S.C. 841(a)) if the offense—

(1) includes the use of a poison, chemical, or other hazardous substance to cultivate or manufacture controlled substances on Federal property;

(2) creates a hazard to humans, wildlife, or domestic animals;

(3) degrades or harms the environment or natural resources; or

(4) pollutes an aquifer, spring, stream, river, or body of water.

(c) STREAM DIVERSION OR CLEAR CUTTING ON FEDERAL PROPERTY.—

(1) PROHIBITION ON STREAM DIVERSION OR CLEAR CUTTING ON FEDERAL PROPERTY.—Section 401(b) of the Controlled Substances Act is amended by adding at the end the following:

"(8) DESTRUCTION OF BODIES OF WATER.—Any person who violates subsection (a) in a manner that diverts, redirects, obstructs, or drains an aquifer, spring, stream, river, or body of water or clear cuts timber while cultivating or manufacturing a controlled substance on Federal property shall be fined in accordance with title 18, United States Code."

(2) FEDERAL SENTENCING GUIDELINES ENHANCEMENT.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines and policy statements to ensure that the guidelines provide an additional penalty increase of 2 offense levels for above the sentence otherwise applicable for a violation of section 401(a) of the Controlled Substances Act (21 U.S.C. 841(a)) if the offense involves the diversion, redirection, obstruction, or draining of an aquifer, spring, stream, river, or body of water or the clear cut of timber while cultivating or manufacturing a controlled substance on Federal property.

(d) BOOBY TRAPS ON FEDERAL LAND.—Section 401(d)(1) of the Controlled Substances Act (21 U.S.C. 841(d)(1)) is amended by inserting "cultivated," after "is being".

(e) USE OR POSSESSION OF FIREARMS IN CONNECTION WITH DRUG OFFENSES ON FEDERAL LANDS.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines

and policy statements to ensure that the guidelines provide an additional penalty increase of 2 offense levels above the sentence otherwise applicable for a violation of section 401(a) of the Controlled Substances Act (21 U.S.C. 841(a)) if the offense involves the possession of a firearm while cultivating or manufacturing controlled substances on Federal lands.

#### Subtitle D—Asylum and Refugee Provisions

##### SEC. 3400. SHORT TITLE.

This subtitle may be cited as the "Frank R. Lautenberg Asylum and Refugee Reform Act".

##### SEC. 3401. TIME LIMITS AND EFFICIENT ADJUDICATION OF GENUINE ASYLUM CLAIMS.

Section 208(a)(2) (8 U.S.C. 1158(a)(2)) is amended—

(1) in subparagraph (A), by inserting "or the Secretary of Homeland Security" after "Attorney General" both places such term appears;

(2) by striking subparagraphs (B) and (D);

(3) by redesignating subparagraph (C) as subparagraph (B);

(4) in subparagraph (B), as redesignated, by striking "subparagraph (D)" and inserting "subparagraphs (C) and (D)"; and

(5) by inserting after subparagraph (B), as redesignated, the following:

"(C) CHANGED CIRCUMSTANCES.—Notwithstanding subparagraph (B), an application for asylum of an alien may be considered if the alien demonstrates, to the satisfaction of the Attorney General or the Secretary of Homeland Security, the existence of changed circumstances that materially affect the applicant's eligibility for asylum.

"(D) MOTION TO REOPEN CERTAIN MERITORIOUS CLAIMS.—Notwithstanding subparagraph (B) or section 240(c)(7), an alien may file a motion to reopen an asylum claim during the 2-year period beginning on the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act if the alien—

"(i) was denied asylum based solely upon a failure to meet the 1-year application filing deadline in effect on the date on which the application was filed;

"(ii) was granted withholding of removal pursuant to section 241(b)(3) and has not obtained lawful permanent residence in the United States pursuant to any other provision of law;

"(iii) is not subject to the safe third country exception under subparagraph (A) or a bar to asylum under subsection (b)(2) and should not be denied asylum as a matter of discretion; and

"(iv) is physically present in the United States when the motion is filed."

##### SEC. 3402. REFUGEE FAMILY PROTECTIONS.

(a) CHILDREN OF REFUGEE OR ASYLEE SPOUSES AND CHILDREN.—A child of an alien who qualifies for admission as a spouse or child under section 207(c)(2)(A) or 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A) and 1158(b)(3)) shall be entitled to the same status as such alien if the child—

(1) is accompanying or following to join such alien; and

(2) is otherwise eligible under section 207(c)(2)(A) or 208(b)(3) of the Immigration and Nationality Act.

##### SEC. 3403. CLARIFICATION ON DESIGNATION OF CERTAIN REFUGEES.

(a) TERMINATION OF CERTAIN PREFERENTIAL TREATMENT IN IMMIGRATION OF AMERASIANS.—Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (8 U.S.C. 1101

note) is amended by adding at the end the following:

“(f) No visa may be issued under this section if the petition or application for such visa is submitted on or after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.”.

(b) REFUGEE DESIGNATION.—Section 207(c)(1) (8 U.S.C. 1157(c)(1)) is amended—

(1) by inserting “(A)” before “Subject to the numerical limitations”; and

(2) by adding at the end the following:

“(B)(i) The President, upon a recommendation of the Secretary of State made in consultation with the Secretary of Homeland Security, and after appropriate consultation, may designate specifically defined groups of aliens—

“(I) whose resettlement in the United States is justified by humanitarian concerns or is otherwise in the national interest; and

“(II) who—

“(aa) share common characteristics that identify them as targets of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion; or

“(bb) having been identified as targets as described in item (aa), share a common need for resettlement due to a specific vulnerability.

“(ii) An alien who establishes membership in a group designated under clause (i) to the satisfaction of the Secretary of Homeland Security shall be considered a refugee for purposes of admission as a refugee under this section unless the Secretary determines that such alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

“(iii) A designation under clause (i) is for purposes of adjudicatory efficiency and may be revoked by the President at any time after notification to Congress.

“(iv) Categories of aliens established under section 599D of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167; 8 U.S.C. 1157 note)—

“(I) shall be designated under clause (i) until the end of the first fiscal year commencing after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; and

“(II) shall be eligible for designation thereafter at the discretion of the President, considering, among other factors, whether a country under consideration has been designated by the Secretary of State as a ‘Country of Particular Concern’ for engaging in or tolerating systematic, ongoing, and egregious violations of religious freedom.

“(v) A designation under clause (i) shall not influence decisions to grant, to any alien, asylum under section 208, protection under section 241(b)(3), or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

“(vi) A decision to deny admission under this section to an alien who establishes to the satisfaction of the Secretary that the alien is a member of a group designated under clause (i) shall—

“(I) be in writing; and

“(II) state, to the maximum extent feasible, the reason for the denial.

“(vii) Refugees admitted pursuant to a designation under clause (i) shall be subject to the number of admissions and be admissible under this section.”.

#### SEC. 3404. ASYLUM DETERMINATION EFFICIENCY.

Section 235(b)(1)(B)(ii) (8 U.S.C. 1225(b)(1)(B)(ii)) is amended by striking “asylum.” and inserting “asylum by an asylum officer. The asylum officer, after conducting a nonadversarial asylum interview and seeking supervisory review, may grant asylum to the alien under section 208 or refer the case to a designee of the Attorney General, for a de novo asylum determination, for relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, or for protection under section 241(b)(3).”.

#### SEC. 3405. STATELESS PERSONS IN THE UNITED STATES.

(a) IN GENERAL.—Chapter 1 of title II (8 U.S.C. 1151 et seq.) is amended by adding at the end the following:

##### “SEC. 210A. PROTECTION OF CERTAIN STATELESS PERSONS IN THE UNITED STATES.

“(a) STATELESS PERSONS.—

“(1) IN GENERAL.—In this section, the term ‘stateless person’ means an individual who is not considered a national under the operation of the laws of any country.

“(2) DESIGNATION OF SPECIFIC STATELESS GROUPS.—The Secretary of Homeland Security, in consultation with the Secretary of State, may, in the discretion of the Secretary, designate specific groups of individuals who are considered stateless persons, for purposes of this section.

“(b) STATUS OF STATELESS PERSONS.—

“(1) RELIEF FOR CERTAIN INDIVIDUALS DETERMINED TO BE STATELESS PERSONS.—The Secretary of Homeland Security or the Attorney General may, in his or her discretion, provide conditional lawful status to an alien who is otherwise inadmissible or deportable from the United States if the alien—

“(A) is a stateless person present in the United States;

“(B) applies for such relief;

“(C) has not lost his or her nationality as a result of his or her voluntary action or knowing inaction after arrival in the United States;

“(D) except as provided in paragraphs (2) and (3), is not inadmissible under section 212(a); and

“(E) is not described in section 241(b)(3)(B)(i).

“(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—The provisions under paragraphs (4), (5), (7), and (9)(B) of section 212(a) shall not apply to any alien seeking relief under paragraph (1).

“(3) WAIVER.—The Secretary or the Attorney General may waive any other provisions of such section, other than subparagraphs (B), (C), (D)(ii), (E), (G), (H), or (I) of paragraph (2), paragraph (3), paragraph (6)(C)(i) (with respect to misrepresentations relating to the application for relief under paragraph (1)), or subparagraphs (A), (C), (D), or (E) of paragraph (10) of section 212(a), with respect to such an alien for humanitarian purposes, to assure family unity, or if it is otherwise in the public interest.

“(4) SUBMISSION OF PASSPORT OR TRAVEL DOCUMENT.—Any alien who seeks relief under this section shall submit to the Secretary of Homeland Security or the Attorney General—

“(A) any available passport or travel document issued at any time to the alien (whether or not the passport or document has expired or been cancelled, rescinded, or revoked); or

“(B) an affidavit, sworn under penalty of perjury—

“(i) stating that the alien has never been issued a passport or travel document; or

“(ii) identifying with particularity any such passport or travel document and explaining why the alien cannot submit it.

“(5) WORK AUTHORIZATION.—The Secretary of Homeland Security may authorize an alien who has applied for and is found prima facie eligible for or been granted relief under paragraph (1) to engage in employment in the United States.

“(6) TRAVEL DOCUMENTS.—The Secretary may issue appropriate travel documents to an alien who has been granted relief under paragraph (1) that would allow him or her to travel abroad and be admitted to the United States upon return, if otherwise admissible.

“(7) TREATMENT OF SPOUSE AND CHILDREN.—The spouse or child of an alien who has been granted conditional lawful status under paragraph (1) shall, if not otherwise eligible for admission under paragraph (1), be granted conditional lawful status under this section if accompanying, or following to join, such alien if—

“(A) the spouse or child is admissible (except as otherwise provided in paragraphs (2) and (3)) and is not described in section 241(b)(3)(B)(i); and

“(B) the qualifying relationship to the principal beneficiary existed on the date on which such alien was granted conditional lawful status.

“(c) ADJUSTMENT OF STATUS.—

“(1) INSPECTION AND EXAMINATION.—At the end of the 1-year period beginning on the date on which an alien has been granted conditional lawful status under subsection (b), the alien may apply for lawful permanent residence in the United States if—

“(A) the alien has been physically present in the United States for at least 1 year;

“(B) the alien’s conditional lawful status has not been terminated by the Secretary of Homeland Security or the Attorney General, pursuant to such regulations as the Secretary or the Attorney General may prescribe; and

“(C) the alien has not otherwise acquired permanent resident status.

“(2) REQUIREMENTS FOR ADJUSTMENT OF STATUS.—The Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, may adjust the status of an alien granted conditional lawful status under subsection (b) to that of an alien lawfully admitted for permanent residence if such alien—

“(A) is a stateless person;

“(B) properly applies for such adjustment of status;

“(C) has been physically present in the United States for at least 1 year after being granted conditional lawful status under subsection (b);

“(D) is not firmly resettled in any foreign country; and

“(E) is admissible (except as otherwise provided under paragraph (2) or (3) of subsection (b)) as an immigrant under this chapter at the time of examination of such alien for adjustment of status.

“(3) RECORD.—Upon approval of an application under this subsection, the Secretary of Homeland Security shall establish a record of the alien’s admission for lawful permanent residence as of the date that is 1 year before the date of such approval.

“(4) NUMERICAL LIMITATION.—The number of aliens who may receive an adjustment of status under this section for a fiscal year shall be subject to the numerical limitation of section 203(b)(4).

“(d) PROVING THE CLAIM.—In determining an alien’s eligibility for lawful conditional status or adjustment of status under this subsection, the Secretary of Homeland Security or the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary or the Attorney General.

“(e) REVIEW.—

“(1) ADMINISTRATIVE REVIEW.—No appeal shall lie from the denial of an application by the Secretary, but such denial will be without prejudice to the alien’s right to renew the application in proceedings under section 240.

“(2) MOTIONS TO REOPEN.—Notwithstanding any limitation imposed by law on motions to reopen removal, deportation, or exclusion proceedings, any individual who is eligible for relief under this section may file a motion to reopen proceedings in order to apply for relief under this section. Any such motion shall be filed within 2 years of the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(f) LIMITATION.—

“(1) APPLICABILITY.—The provisions of this section shall only apply to aliens present in the United States.

“(2) SAVINGS PROVISION.—Nothing in this section may be construed to authorize or require—

“(A) the admission of any alien to the United States;

“(B) the parole of any alien into the United States; or

“(C) the grant of any motion to reopen or reconsider filed by an alien after departure or removal from the United States.”.

(b) JUDICIAL REVIEW.—Section 242(a)(2)(B)(ii) (8 U.S.C. 1252(a)(2)(B)(ii)) is amended by striking “208(a).” and inserting “208(a) or 210A.”.

(c) CONFORMING AMENDMENT.—Section 203(b)(4) (8 U.S.C. 1153(b)(4)) is amended by inserting “to aliens granted an adjustment of status under section 210A(c) or” after “level.”.

(d) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act is amended by inserting after the item relating to section 210 the following:

“Sec. 210A. Protection of stateless persons in the United States.”.

**SEC. 3406. U VISA ACCESSIBILITY.**

Section 214(p)(2)(A) (8 U.S.C. 1184(p)(2)(A)) is amended by striking “10,000.” and inserting “18,000, of which not more than 3,000 visas may be issued for aliens who are victims of a covered violation described in section 101(a)(15)(U).”.

**SEC. 3407. WORK AUTHORIZATION WHILE APPLICATIONS FOR U AND T VISAS ARE PENDING.**

(a) U VISAS.—Section 214(p) (8 U.S.C. 1184(p)), as amended by section 3406 of this Act, is further amended—

(1) in paragraph (6), by striking the last sentence; and

(2) by adding at the end the following:

“(7) WORK AUTHORIZATION.—Notwithstanding any provision of this Act granting eligibility for employment in the United States, the Secretary of Homeland Security shall grant employment authorization to an alien who has filed an application for non-immigrant status under section 101(a)(15)(U) on the date that is the earlier of—

“(A) the date on which the alien’s application for such status is approved; or

“(B) a date determined by the Secretary that is not later than 180 days after the date on which the alien filed the application.”.

(b) T VISAS.—Section 214(o) (8 U.S.C. 1184(o)) is amended by adding at the end the following:

“(8) Notwithstanding any provision of this Act granting eligibility for employment in the United States, the Secretary of Homeland Security shall grant employment authorization to an alien who has filed an application for nonimmigrant status under section 101(a)(15)(T) on the date that is the earlier of—

“(A) the date on which the alien’s application for such status is approved; or

“(B) a date determined by the Secretary that is not later than 180 days after the date on which the alien filed the application.”.

**SEC. 3408. REPRESENTATION AT OVERSEAS REFUGEE INTERVIEWS.**

Section 207(c) (8 U.S.C. 1157(c)) is amended by adding at the end the following:

“(5) The adjudicator of an application for refugee status under this section shall consider all relevant evidence and maintain a record of the evidence considered.

“(6) An applicant for refugee status may be represented, including at a refugee interview, at no expense to the Government, by an attorney or accredited representative who—

“(A) was chosen by the applicant; and

“(B) is authorized by the Secretary of Homeland Security to be recognized as the representative of such applicant in an adjudication under this section.

“(7)(A) A decision to deny an application for refugee status under this section—

“(i) shall be in writing; and

“(ii) shall provide, to the maximum extent feasible, information on the reason for the denial, including—

“(I) the facts underlying the determination; and

“(II) whether there is a waiver of inadmissibility available to the applicant.

“(B) The basis of any negative credibility finding shall be part of the written decision.

“(8)(A) An applicant who is denied refugee status under this section may file a request with the Secretary for a review of his or her application not later than 120 days after such denial.

“(B) A request filed under subparagraph (A) shall be adjudicated by refugee officers who have received training on considering requests for review of refugee applications that have been denied.

“(C) The Secretary shall publish the standard applied to a request for review.

“(D) A request for review may result in the decision being granted, denied, or reopened for a further interview.

“(E) A decision on a request for review under this paragraph—

“(i) shall be in writing; and

“(ii) shall provide, to the maximum extent feasible, information on the reason for the denial.”.

**SEC. 3409. LAW ENFORCEMENT AND NATIONAL SECURITY CHECKS.**

(a) REFUGEES.—Section 207(c)(1) (8 U.S.C. 1157(c)(1)) is amended by adding at the end the following: “No alien shall be admitted as a refugee until the identity of the applicant, including biographic and biometric data, has been checked against all appropriate records or databases maintained by the Secretary of Homeland Security, the Attorney General, the Secretary of State, and other Federal records or databases that the Secretary of Homeland Security considers necessary, to determine any national security, law en-

forcement, or other grounds on which the alien may be inadmissible to the United States or ineligible to apply for or be granted refugee status.”.

(b) ASYLEES.—Section 208(d)(5)(A)(i) (8 U.S.C. 1158(d)(5)(A)(i)) is amended to read as follows:

“(i) asylum shall not be granted until the identity of the applicant, using biographic and biometric data, has been checked against all appropriate records or databases maintained by the Secretary of Homeland Security, the Attorney General, the Secretary of State, and other Federal records or databases that the Secretary of Homeland Security considers necessary, to determine any national security, law enforcement, or other grounds on which the alien may be inadmissible to the United States or ineligible to apply for or be granted asylum.”.

**SEC. 3410. TIBETAN REFUGEE ASSISTANCE.**

(a) SHORT TITLE.—This section may be cited as the “Tibetan Refugee Assistance Act of 2013”.

(b) TRANSITION FOR DISPLACED TIBETANS.—Notwithstanding the numerical limitations specified in sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152), 5,000 immigrant visas shall be made available to qualified displaced Tibetans described in subsection (c) during the 3-year period beginning on October 1, 2013.

(c) QUALIFIED DISPLACED TIBETAN DESCRIBED.—

(1) IN GENERAL.—An individual is a qualified displaced Tibetan if such individual—

(A) is a native of Tibet; and

(B) has been continuously residing in India or Nepal since before the date of the enactment of this Act.

(2) NATIVE OF TIBET DESCRIBED.—For purposes of paragraph (1)(A), an individual shall be considered a native of Tibet if such individual—

(A) was born in Tibet; or

(B) is the son, daughter, grandson, or granddaughter of an individual who was born in Tibet.

(d) DERIVATIVE STATUS FOR SPOUSES AND CHILDREN.—A spouse or child (as defined in subparagraphs (A), (B), (C), (D), or (E) of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1))) shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under this section, be entitled to the same status, and the same order of consideration, provided under this section, if accompanying, or following to join, the spouse or parent of such spouse or child.

(e) DISTRIBUTION OF VISA NUMBERS.—The Secretary of State shall ensure that immigrant visas provided under subsection (b) are made available to qualified displaced Tibetans described in subsection (c) or (d) in an equitable manner, giving preference to those qualified displaced Tibetans who—

(1) are not resettled in India or Nepal; or

(2) are most likely to be resettled successfully in the United States.

**SEC. 3411. TERMINATION OF ASYLUM OR REFUGEE STATUS.**

(a) TERMINATION OF STATUS.—Except as provided in subsections (b) and (c), any alien who is granted asylum or refugee status under this Act or the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), who, without good cause as determined by the Secretary or the Attorney General, subsequently returns to the country of such alien’s nationality or, in the case of an alien having no nationality, returns to any country in which such alien last habitually resided, and who applied for such status because of persecution or a well-founded fear of

persecution in that country on account of race, religion, nationality, membership in a particular social group, or political opinion, shall have his or her refugee or asylum status terminated.

(b) **WAIVER.**—The Secretary has discretion to waive subsection (a) if it is established to the satisfaction of the Secretary or the Attorney General that the alien had good cause for the return. The waiver may be sought prior to departure from the United States or upon return.

(c) **EXCEPTION FOR CERTAIN ALIENS FROM CUBA.**—Subsection (a) shall not apply to an alien who is eligible for adjustment to that of an alien lawfully admitted for permanent residence pursuant to the Cuban Adjustment Act of 1966 (Public Law 89-732).

#### **SEC. 3412. ASYLUM CLOCK.**

Section 208(d)(2) (8 U.S.C. 1158(d)(2)) is amended by striking “is not entitled to employment authorization” and all that follows through “prior to 180 days after” and inserting “shall be provided employment authorization 180 days after”.

#### **Subtitle E—Shortage of Immigration Court Resources for Removal Proceedings**

#### **SEC. 3501. SHORTAGE OF IMMIGRATION COURT PERSONNEL FOR REMOVAL PROCEEDINGS.**

(a) **IMMIGRATION COURT JUDGES.**—The Attorney General shall increase the total number of immigration judges to adjudicate current pending cases and efficiently process future cases by at least—

- (1) 75 in fiscal year 2014;
- (2) 75 in fiscal year 2015; and
- (3) 75 in fiscal year 2016.

(b) **NECESSARY SUPPORT STAFF FOR IMMIGRATION COURT JUDGES.**—The Attorney General shall address the shortage of support staff for immigration judges by ensuring that each immigration judge has the assistance of the necessary support staff, including the equivalent of 1 staff attorney or law clerk and 1 legal assistant.

(c) **ANNUAL INCREASES IN BOARD OF IMMIGRATION APPEALS PERSONNEL.**—The Attorney General shall increase the number of Board of Immigration Appeals staff attorneys (including the necessary additional support staff) to efficiently process cases by at least—

- (1) 30 in fiscal year 2014;
- (2) 30 in fiscal year 2015; and
- (3) 30 in fiscal year 2016.

(d) **FUNDING.**—There shall be appropriated, from the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1), such sums as may be necessary to carry out this section.

#### **SEC. 3502. IMPROVING IMMIGRATION COURT EFFICIENCY AND REDUCING COSTS BY INCREASING ACCESS TO LEGAL INFORMATION.**

(a) **CLARIFICATION REGARDING THE AUTHORITY OF THE ATTORNEY GENERAL TO APPOINT COUNSEL TO ALIENS IN IMMIGRATION PROCEEDINGS.**—Section 292 (8 U.S.C. 1362) is amended—

- (1) by inserting “(a)” before “In any”;
- (2) by striking “(at no expense to the Government)”;
- (3) by striking “he shall” and inserting “the person shall”;
- (4) by adding at the end the following:

“(b) The Government is not required to provide counsel to aliens under subsection (a). However, the Attorney General may, in the Attorney General’s sole and unreviewable discretion, appoint or provide counsel to aliens in immigration proceedings conducted under section 240 of this Act.”.

(b) **APPOINTMENT OF COUNSEL IN CERTAIN CASES; RIGHT TO REVIEW CERTAIN DOCUMENTS**

IN REMOVAL PROCEEDINGS.—Section 240(b) (8 U.S.C. 1229a(b)) is amended—

(1) in paragraph (4)—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(B) in subparagraph (A), by striking “, at no expense to the Government.”;

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) the alien shall, at the beginning of the proceedings or at a reasonable time thereafter, automatically receive a complete copy of all relevant documents in the possession of the Department of Homeland Security, including all documents (other than documents protected from disclosure by privilege, including national security information referenced in subparagraph (C), law enforcement sensitive information, and information prohibited from disclosure pursuant to any other provision of law) contained in the file maintained by the Government that includes information with respect to all transactions involving the alien during the immigration process (commonly referred to as an ‘A-file’), and all documents pertaining to the alien that the Department of Homeland Security has obtained or received from other government agencies, unless the alien waives the right to receive such documents by executing a knowing and voluntary waiver in a language that he or she understands fluently.”; and

(D) by adding at the end the following: “The Government is not required to provide counsel to aliens under this paragraph. However, the Attorney General may, in the Attorney General’s sole and unreviewable discretion, appoint or provide counsel at government expense to aliens in immigration proceedings.”; and

(2) by adding at the end the following new paragraph:

“(8) **FAILURE TO PROVIDE ALIEN REQUIRED DOCUMENTS.**—In the absence of a waiver under subparagraph (B) of paragraph (4), a removal proceeding may not proceed until the alien has received the documents as required under such subparagraph.”.

(c) **APPOINTMENT OF COUNSEL FOR UNACCOMPANIED ALIEN CHILDREN AND ALIENS WITH A SERIOUS MENTAL DISABILITY.**—Section 292 (8 U.S.C. 1362), as amended by subsection (a), is further amended by adding at the end the following:

“(c) Notwithstanding subsection (b), the Attorney General shall appoint counsel, at the expense of the Government if necessary, to represent an alien in a removal proceeding who has been determined by the Secretary to be an unaccompanied alien child, is incompetent to represent himself or herself due to a serious mental disability that would be included in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(1)), or is considered particularly vulnerable when compared to other aliens in removal proceedings, such that the appointment of counsel is necessary to help ensure fair resolution and efficient adjudication of the proceedings.”.

(d) **FUNDING.**—There shall be appropriated, from the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1), such sums as may be necessary to carry out this section and the amendments made by this section.

#### **SEC. 3503. OFFICE OF LEGAL ACCESS PROGRAMS.**

(a) **ESTABLISHMENT OF OFFICE OF LEGAL ACCESS PROGRAMS.**—The Attorney General shall maintain, within the Executive Office for Immigration Review, an Office of Legal Access Programs to develop and administer a

system of legal orientation programs to make immigration proceedings more efficient and cost effective by educating aliens regarding administrative procedures and legal rights under United States immigration law and to establish other programs to assist in providing aliens access to legal information.

(b) **LEGAL ORIENTATION PROGRAMS.**—The legal orientation programs—

(1) shall provide programs to assist detained aliens in making informed and timely decisions regarding their removal and eligibility for relief from removal in order to increase efficiency and reduce costs in immigration proceedings and Federal custody processes and to improve access to counsel and other legal services;

(2) may provide services to detained aliens in immigration proceedings under sections 235, 238, 240, and 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1225, 1228, 1229a, and 1231(a)(5)) and to other aliens in immigration and asylum proceedings under sections 235, 238, and 240 of the Immigration and Nationality Act (8 U.S.C. 1225, 1228, and 1229a); and

(3) shall identify unaccompanied alien children, aliens with a serious mental disability, and other particularly vulnerable aliens for consideration by the Attorney General pursuant to section 292(c) of the Immigration and Nationality Act, as added by section 3502(c).

(c) **PROCEDURES.**—The Secretary, in consultation with the Attorney General, shall establish procedures that ensure that legal orientation programs are available for all detained aliens within 5 days of arrival into custody and to inform such aliens of the basic procedures of immigration hearings, their rights relating to those hearings under the immigration laws, information that may deter such aliens from filing frivolous legal claims, and any other information deemed appropriate by the Attorney General, such as a contact list of potential legal resources and providers.

(d) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

(e) **FUNDING.**—There shall be appropriated, from the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1), such sums as may be necessary to carry out this section.

#### **SEC. 3504. CODIFYING BOARD OF IMMIGRATION APPEALS.**

(a) **DEFINITION OF BOARD MEMBER.**—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following:

“(53) The term ‘Board Member’ means an attorney whom the Attorney General appoints to serve on the Board of Immigration Appeals within the Executive Office of Immigration Review, and is qualified to review decisions of immigration judges and other matters within the jurisdiction of the Board of Immigration Appeals.”.

(b) **BOARD OF IMMIGRATION APPEALS.**—Section 240(a)(1) (8 U.S.C. 1229a(a)(1)) is amended by adding at the end the following: “The Board of Immigration Appeals and its Board Members shall review decisions of immigration judges under this section.”.

(c) **APPEALS.**—Section 240(b)(4) (8 U.S.C. 1229a(b)(4)), as amended by section 3502(b), is further amended—

(1) in subparagraph (B), by striking “, and” and inserting a semicolon;

(2) in subparagraph (C), by striking the period and inserting “; and”; and



(3) by inserting after subparagraph (C) the following:

“(D) the alien or the Department of Homeland Security may appeal the immigration judge’s decision to a 3-judge panel of the Board of Immigration Appeals.”

(d) **DECISION AND BURDEN OF PROOF.**—Section 240(c)(1)(A) (8 U.S.C. 1229a(c)(1)(A)) is amended to read as follows:

“(A) **IN GENERAL.**—At the conclusion of the proceeding, the immigration judge shall decide whether an alien is removable from the United States. The determination of the immigration judge shall be based only on the evidence produced at the hearing. On appeal, the Board of Immigration Appeals shall issue a written opinion. The opinion shall address all dispositive arguments raised by the parties. The panel may incorporate by reference the opinion of the immigration judge whose decision is being reviewed, provided that the panel also addresses any arguments made by the nonprevailing party regarding purported errors of law, fact, or discretion.”

**SEC. 3505. IMPROVED TRAINING FOR IMMIGRATION JUDGES AND BOARD MEMBERS.**

(a) **IN GENERAL.**—Section 240 (8 U.S.C. 1229a) is amended by adding at the end the following:

“(f) **IMPROVED TRAINING.**—

“(1) **IMPROVED TRAINING FOR IMMIGRATION JUDGES AND BOARD MEMBERS.**—

“(A) **IN GENERAL.**—In consultation with the Attorney General and the Director of the Federal Judicial Center, the Director of the Executive Office for Immigration Review shall review and modify, as appropriate, training programs for immigration judges and Board Members.

“(B) **ELEMENTS OF REVIEW.**—Each such review shall study—

“(i) the expansion of the training program for new immigration judges and Board Members;

“(ii) continuing education regarding current developments in the field of immigration law; and

“(iii) methods to ensure that immigration judges are trained on properly crafting and dictating decisions.

“(2) **IMPROVED TRAINING AND GUIDANCE FOR STAFF.**—The Director of the Executive Office for Immigration Review shall—

“(A) modify guidance and training regarding screening standards and standards of review; and

“(B) ensure that Board Members provide staff attorneys with appropriate guidance in drafting decisions in individual cases, consistent with the policies and directives of the Director of the Executive Office for Immigration Review and the Chairman of the Board of Immigration Appeals.”

(b) **FUNDING.**—There shall be appropriated, from the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1), such sums as may be necessary to carry out this section and the amendment made by this section.

**SEC. 3506. IMPROVED RESOURCES AND TECHNOLOGY FOR IMMIGRATION COURTS AND BOARD OF IMMIGRATION APPEALS.**

(a) **IMPROVED ON-BENCH REFERENCE MATERIALS AND DECISION TEMPLATES.**—The Director of the Executive Office for Immigration Review shall ensure that immigration judges are provided with updated reference materials and standard decision templates that conform to the law of the circuits in which they sit.

(b) **PRACTICE MANUAL.**—The Director of the Executive Office for Immigration Review shall produce a practice manual describing

best practices for the immigration courts and shall make such manual available electronically to counsel and litigants who appear before the immigration courts.

(c) **RECORDING SYSTEM AND OTHER TECHNOLOGIES.**—

(1) **PLAN REQUIRED.**—The Director of the Executive Office for Immigration Review shall provide the Attorney General with a plan and a schedule to replace the immigration courts’ tape recording system with a digital recording system that is compatible with the information management systems of the Executive Office for Immigration Review.

(2) **AUDIO RECORDING SYSTEM.**—Consistent with the plan described in paragraph (1), the Director shall pilot a digital audio recording system not later than 1 year after the enactment of this Act, and shall begin nationwide implementation of that system as soon as practicable.

(d) **IMPROVED TRANSCRIPTION SERVICES.**—Not later than 1 year after the enactment of this Act, the Director of the Executive Office for Immigration Review shall report to the Attorney General on the current transcription services utilized by the Office and recommend improvements to this system regarding quality and timeliness of transcription.

(e) **IMPROVED INTERPRETER SELECTION.**—Not later than 1 year after the enactment of this Act, the Director of the Executive Office for Immigration Review shall report to the Attorney General on the current interpreter selection process utilized by the Office and recommend improvements to this process regarding screening, hiring, certification, and evaluation of staff and contract interpreters.

(f) **FUNDING.**—There shall be appropriated, from the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1), such sums as may be necessary to carry out this section.

**SEC. 3507. TRANSFER OF RESPONSIBILITY FOR TRAFFICKING PROTECTIONS.**

(a) **TRANSFER OF RESPONSIBILITY.**—

(1) **IN GENERAL.**—All unexpended balances appropriated or otherwise available to the Department of Health and Human Services and its Office of Refugee Resettlement in connection with the functions provided for in paragraphs (5) and (6) of section 235(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)), shall, subject to section 202 of the Budget and Accounting Procedures Act of 1950, be transferred to the Department of Justice. Funds transferred pursuant to this paragraph shall remain available until expended and shall be used only for the purposes for which the funds were originally authorized and appropriated.

(2) **CONTRACT AUTHORITY.**—The Attorney General may award grants to, and enter into contracts to carry out the functions set forth in paragraphs (5) and (6) of Section 235(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.

(b) **CONFORMING AMENDMENTS.**—Section 235(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)) is amended—

(1) in paragraph (5)—

(A) by striking “Secretary of Health and Human Services” each place it appears and inserting “Attorney General”; and

(B) by striking the last sentence; and

(2) in paragraph (6)—

(A) by striking “Secretary of Health and Human Services” each place it appears and inserting “Attorney General”;

(B) in subparagraphs (B)(ii), (D), and (F), by striking “Secretary” each place it appears and inserting “Attorney General”; and

(C) in subparagraph (F), by striking “and Human Services”.

**Subtitle F—Prevention of Trafficking in Persons and Abuses Involving Workers Recruited Abroad**

**SEC. 3601. DEFINITIONS.**

(a) **IN GENERAL.**—Except as otherwise provided by this subtitle, the terms used in this subtitle shall have the same meanings, respectively, as are given those terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(b) **OTHER DEFINITIONS.**—

(1) **FOREIGN LABOR CONTRACTOR.**—The term “foreign labor contractor” means any person who performs foreign labor contracting activity, including any person who performs foreign labor contracting activity wholly outside of the United States, except that the term does not include any entity of the United States Government.

(2) **FOREIGN LABOR CONTRACTING ACTIVITY.**—The term “foreign labor contracting activity” means recruiting, soliciting, or related activities with respect to an individual who resides outside of the United States in furtherance of employment in the United States, including when such activity occurs wholly outside of the United States.

(3) **PERSON.**—The term “person” means any natural person or any corporation, company, firm, partnership, joint stock company or association or other organization or entity (whether organized under law or not), including municipal corporations.

(4) **WORKER.**—The term “worker” means an individual who is the subject of foreign labor contracting activity and does not include an exchange visitor (as defined in section 62.2 of title 22, Code of Federal Regulations, or any similar successor regulation).

**SEC. 3602. DISCLOSURE.**

(a) **REQUIREMENT FOR DISCLOSURE.**—Any person who engages in foreign labor contracting activity shall ascertain and disclose in writing in English and in the primary language of the worker at the time of the worker’s recruitment, the following information:

(1) The identity and address of the employer and the identity and address of the person conducting the recruiting on behalf of the employer, including any subcontractor or agent involved in such recruiting.

(2) All assurances and terms and conditions of employment, from the prospective employer for whom the worker is being recruited, including the work hours, level of compensation to be paid, the place and period of employment, a description of the type and nature of employment activities, any withholdings or deductions from compensation and any penalties for terminating employment.

(3) A signed copy of the work contract between the worker and the employer.

(4) The type of visa under which the foreign worker is to be employed, the length of time for which the visa will be valid, the terms and conditions under which the visa may be renewed, and a clear statement of any expenses associated with securing or renewing the visa.

(5) An itemized list of any costs or expenses to be charged to the worker and any deductions to be taken from wages, including any costs for housing or accommodation, transportation to and from the worksite, meals, health insurance, workers’ compensation, costs of benefits provided, medical examinations, healthcare, tools, or safety equipment costs.



(6) The existence of any labor organizing effort, strike, lockout, or other labor dispute at the place of employment.

(7) Whether and the extent to which workers will be compensated through workers' compensation, private insurance, or otherwise for injuries or death, including work-related injuries and death, during the period of employment and, if so, the name of the State workers' compensation insurance carrier or the name of the policyholder of the private insurance, the name and the telephone number of each person who must be notified of an injury or death, and the time period within which such notice must be given.

(8) A statement, in a form specified by the Secretary—

(A) stating that—

(i) no foreign labor contractor, agent, or employee of a foreign labor contractor, may lawfully assess any fee (including visa fees, processing fees, transportation fees, legal expenses, placement fees, and other costs) to a worker for any foreign labor contracting activity; and

(ii) the employer may bear such costs or fees for the foreign labor contractor, but that these fees cannot be passed along to the worker;

(B) explaining that—

(i) no additional significant requirements or changes may be made to the original contract signed by the worker without at least 24 hours to consider such changes and the specific consent of the worker, obtained voluntarily and without threat of penalty; and

(ii) any significant changes made to the original contract that do not comply with clause (i) shall be a violation of this subtitle and be subject to the provisions of section 3610 of this Act; and

(C) describing the protections afforded the worker by this section and by section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375b) and any applicable visa program, including—

(i) relevant information about the procedure for filing a complaint provided for in section 3610; and

(ii) the telephone number for the national human trafficking resource center hotline number.

(9) Any education or training to be provided or required, including—

(A) the nature, timing, and cost of such training;

(B) the person who will pay such costs;

(C) whether the training is a condition of employment, continued employment, or future employment; and

(D) whether the worker will be paid or remunerated during the training period, including the rate of pay.

(b) **RELATIONSHIP TO LABOR AND EMPLOYMENT LAWS.**—Nothing in the disclosure required by subsection (a) shall constitute a legal conclusion as to the worker's status or rights under the labor and employment laws.

(c) **PROHIBITION ON FALSE AND MISLEADING INFORMATION.**—No foreign labor contractor or employer who engages in any foreign labor contracting activity shall knowingly provide materially false or misleading information to any worker concerning any matter required to be disclosed under subsection (a). The disclosure required by this section is a document concerning the proper administration of a matter within the jurisdiction of a department or agency of the United States for the purposes of section 1519 of title 18, United States Code.

#### **SEC. 3603. PROHIBITION ON DISCRIMINATION.**

(a) **IN GENERAL.**—It shall be unlawful for an employer or a foreign labor contractor to

fail or refuse to hire, discharge, intimidate, threaten, restrain, coerce, or blacklist any individual or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, creed, sex, national origin, religion, age, or disability.

(b) **DETERMINATIONS OF DISCRIMINATION.**—For the purposes of determining the existence of unlawful discrimination under subsection (a)—

(1) in the case of a claim of discrimination based on race, color, creed, sex, national origin, or religion, the same legal standards shall apply as are applicable under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(2) in the case of a claim of discrimination based on unlawful discrimination based on age, the same legal standards shall apply as are applicable under the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.); and

(3) in the case of a claim of discrimination based on disability, the same legal standards shall apply as are applicable under title I of the Americans With Disabilities Act of 1990 (42 U.S.C. 12111 et seq.).

#### **SEC. 3604. RECRUITMENT FEES.**

No employer, foreign labor contractor, or agent or employee of a foreign labor contractor, shall assess any fee (including visa fees, processing fees, transportation fees, legal expenses, placement fees, and other costs) to a worker for any foreign labor contracting activity.

#### **SEC. 3605. REGISTRATION.**

(a) **REQUIREMENT TO REGISTER.**—

(1) **IN GENERAL.**—Subject to paragraph (2), prior to engaging in any foreign labor contracting activity, any person who is a foreign labor contractor or who, for any money or other valuable consideration paid or promised to be paid, performs a foreign labor contracting activity on behalf of a foreign labor contractor, shall obtain a certificate of registration from the Secretary of Labor pursuant to regulations promulgated by the Secretary under subsection (c).

(2) **EXCEPTION FOR CERTAIN EMPLOYERS.**—An employer, or employee of an employer, who engages in foreign labor contracting activity solely to find employees for that employer's own use, and without the participation of any other foreign labor contractor, shall not be required to register under this section.

(b) **NOTIFICATION.**—

(1) **ANNUAL EMPLOYER NOTIFICATION.**—Each employer shall notify the Secretary, not less frequently than once every year, of the identity of any foreign labor contractor involved in any foreign labor contracting activity for, or on behalf of, the employer, including at a minimum, the name and address of the foreign labor contractor, a description of the services for which the foreign labor contractor is being used, whether the foreign labor contractor is to receive any economic compensation for the services, and, if so, the identity of the person or entity who is paying for the services.

(2) **ANNUAL FOREIGN LABOR CONTRACTOR NOTIFICATION.**—Each foreign labor contractor shall notify the Secretary, not less frequently than once every year, of the identity of any subcontractor, agent, or foreign labor contractor employee involved in any foreign labor contracting activity for, or on behalf of, the foreign labor contractor.

(3) **NONCOMPLIANCE NOTIFICATION.**—An employer shall notify the Secretary of the identity of a foreign labor contractor whose activities do not comply with this subtitle.

(4) **AGREEMENT.**—Not later than 7 days after receiving a request from the Secretary, an employer shall provide the Secretary with the identity of any foreign labor contractor with which the employer has a contract or other agreement.

(c) **REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to establish an efficient electronic process for the timely investigation and approval of an application for a certificate of registration of foreign labor contractors, including—

(1) a declaration, subscribed and sworn to by the applicant, stating the applicant's permanent place of residence, the foreign labor contracting activities for which the certificate is requested, and such other relevant information as the Secretary may require;

(2) a set of fingerprints of the applicant;

(3) an expeditious means to update registrations and renew certificates;

(4) providing for the consent of any foreign labor recruiter to the designation by a court of the Secretary as an agent available to accept service of summons in any action against the applicant, if the applicant has left the jurisdiction in which the action is commenced, otherwise has become unavailable to accept service, or is subject to personal jurisdiction in no State;

(5) providing for the consent of any foreign labor recruiter to jurisdiction in the Department or any Federal or State court in the United States for any action brought by any aggrieved individual or worker;

(6) providing for cooperation in any investigation by the Secretary or other appropriate authorities;

(7) providing for consent to the forfeiture of the bond for failure to cooperate with these provisions;

(8) providing for consent to be liable for violations of this subtitle by any agents or subcontractors of any level in relation to the foreign labor contracting activity of the agent or subcontractor to the same extent as if the foreign labor contractor had committed the violation; and

(9) providing for consultation with other appropriate Federal agencies to determine whether any reason exists to deny registration to a foreign labor contractor.

(d) **TERM OF REGISTRATION.**—Unless suspended or revoked, a certificate under this section shall be valid for 2 years.

(e) **APPLICATION FEE.**—

(1) **REQUIREMENT FOR FEE.**—In addition to any other fees authorized by law, the Secretary shall impose a fee, to be deposited in the general fund of the Treasury, on a foreign labor contractor that submits an application for a certificate of registration under this section.

(2) **AMOUNT OF FEE.**—The amount of the fee required by paragraph (1) shall be set at a level that the Secretary determines sufficient to cover the full costs of carrying out foreign labor contract registration activities under this subtitle, including worker education and any additional costs associated with the administration of the fees collected.

(f) **REFUSAL TO ISSUE; REVOCATION.**—In accordance with regulations promulgated by the Secretary, the Secretary shall refuse to issue or renew, or shall revoke and debar from eligibility to obtain a certificate of registration for a period of not greater than 5 years, after notice and an opportunity for a hearing, a certificate of registration under this section if—

(1) the applicant for, or holder of, the certification has knowingly made a material misrepresentation in the application for such certificate;

(2) the applicant for, or holder of, the certification is not the real party in interest in the application or certificate of registration and the real party in interest—

(A) is a person who has been refused issuance or renewal of a certificate;

(B) has had a certificate revoked; or

(C) does not qualify for a certificate under this section;

(3) the applicant for, or holder of, the certification has been convicted within the preceding 5 years of—

(A) any felony under State or Federal law or crime involving robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, prostitution, peonage, or smuggling or harboring individuals who have entered the United States illegally; or

(B) any crime relating to gambling, or to the sale, distribution or possession of alcoholic beverages, in connection with or incident to any labor contracting activities; or

(4) the applicant for, or holder of, the certification has materially failed to comply with this section.

(g) **RE-REGISTRATION OF VIOLATORS.**—The Secretary shall establish a procedure by which a foreign labor contractor that has had its registration revoked under subsection (f) may seek to re-register under this subsection by demonstrating to the Secretary's satisfaction that the foreign labor contractor has not violated this subtitle in the previous 5 years and that the foreign labor contractor has taken sufficient steps to prevent future violations of this subtitle.

#### **SEC. 3606. BONDING REQUIREMENT.**

(a) **IN GENERAL.**—The Secretary shall require a foreign labor contractor to post a bond in an amount sufficient to ensure the ability of the foreign labor contractor to discharge its responsibilities and to ensure protection of workers, including wages.

(b) **REGULATIONS.**—The Secretary, by regulation, shall establish the conditions under which the bond amount is determined, paid, and forfeited.

(c) **RELATIONSHIP TO OTHER REMEDIES.**—The bond requirements and forfeiture of the bond under this section shall be in addition to other remedies under 3610 or any other law.

#### **SEC. 3607. MAINTENANCE OF LISTS.**

(a) **IN GENERAL.**—The Secretary shall maintain—

(1) a list of all foreign labor contractors registered under this subsection, including—

(A) the countries from which the contractors recruit;

(B) the employers for whom the contractors recruit;

(C) the visa categories and occupations for which the contractors recruit; and

(D) the States where recruited workers are employed; and

(2) a list of all foreign labor contractors whose certificate of registration the Secretary has revoked.

(b) **UPDATES; AVAILABILITY.**—The Secretary shall—

(1) update the lists required by subsection (a) on an ongoing basis, not less frequently than every 6 months; and

(2) make such lists publicly available, including through continuous publication on Internet websites and in written form at and on the websites of United States embassies in the official language of that country.

(c) **INTER-AGENCY AVAILABILITY.**—The Secretary shall share the information described in subsection (a) with the Secretary of State.

#### **SEC. 3608. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.**

Section 214 (8 U.S.C. 1184) is amended by adding at the end the following:

“(s) A visa shall not be issued under the subparagraph (A)(iii), (B)(i) (but only for domestic servants described in clause (i) or (ii) of section 274a.12(c)(17) of title 8, Code of Federal Regulations (as in effect on December 4, 2007)), (G)(v), (H), (J), (L), (Q), (R), or (W) of section 101(a)(15) until the consular officer—

“(1) has provided to and reviewed with the applicant, in the applicant's language (or a language the applicant understands), a copy of the information and resources pamphlet required by section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375b); and

“(2) has reviewed and made a part of the visa file the foreign labor recruiter disclosures required by section 3602 of the Border Security, Economic Opportunity, and Immigration Modernization Act, including whether the foreign labor recruiter is registered pursuant to that section.”.

#### **SEC. 3609. RESPONSIBILITIES OF SECRETARY OF STATE.**

(a) **IN GENERAL.**—The Secretary of State shall ensure that each United States diplomatic mission has a person who shall be responsible for receiving information from any worker who has been subject to violations of this subtitle.

(b) **PROVISION OF INFORMATION.**—The responsible person referred to in subsection (a) shall ensure that the information received is provided to the Department of Justice, the Department of Labor, or any other relevant Federal agency.

(c) **MECHANISMS.**—The Attorney General and the Secretary shall ensure that there is a mechanism for any actions that need to be taken in response to information received under subsection (a).

(d) **ASSISTANCE FROM FOREIGN GOVERNMENT.**—The person designated for receiving information pursuant to subsection (a) is strongly encouraged to coordinate with governments and civil society organizations in the countries of origin to ensure the worker receives additional support.

(e) **MAINTENANCE AND AVAILABILITY OF INFORMATION.**—The Secretary of State shall ensure that consulates maintain information regarding the identities of foreign labor contractors and the employers to whom the foreign labor contractors supply workers. The Secretary of State shall make such information publicly available in written form and online, including on the websites of United States embassies in the official language of that country.

(f) **ANNUAL PUBLIC DISCLOSE.**—The Secretary of State shall make publicly available online, on an annual basis, data disclosing the gender, country of origin and state, if available, date of birth, wage, level of training, and occupation category, disaggregated by job and by visa category and subcategory.

#### **SEC. 3610. ENFORCEMENT PROVISIONS.**

(a) **COMPLAINTS AND INVESTIGATIONS.**—The Secretary—

(1) shall establish a process for the receipt, investigation, and disposition of complaints filed by any person, including complaints respecting a foreign labor contractor's compliance with this subtitle; and

(2) either pursuant to the process required by paragraph (1) or otherwise, may investigate employers or foreign labor contractors, including actions occurring in a foreign country, as necessary to determine compliance with this subtitle.

(b) **ENFORCEMENT.**—

(1) **IN GENERAL.**—A worker who believes that he or she has suffered a violation of this subtitle may seek relief from an employer by—

(A) filing a complaint with the Secretary within 3 years after the date on which the violation occurred or date on which the employee became aware of the violation; or

(B) if the Secretary has not issued a final decision within 120 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

(2) **PROCEDURE.**—

(A) **IN GENERAL.**—Unless otherwise provided herein, a complaint under paragraph (1)(A) shall be governed under the rules and procedures set forth in paragraphs (1) and (2)(A) of section 4212(b) of title 49, United States Code.

(B) **EXCEPTION.**—Notification of a complaint under paragraph (1)(A) shall be made to each person or entity named in the complaint as a defendant and to the employer.

(C) **STATUTE OF LIMITATIONS.**—An action filed in a district court of the United States under paragraph (1)(B) shall be commenced not later than 180 days after the last day of the 120-day period referred to in that paragraph.

(D) **JURY TRIAL.**—A party to an action brought under paragraph (1)(B) shall be entitled to trial by jury.

(c) **ADMINISTRATIVE ENFORCEMENT.**—

(1) **IN GENERAL.**—If the Secretary finds, after notice and an opportunity for a hearing, any foreign labor contractor or employer failed to comply with any of the requirements of this subtitle, the Secretary may impose the following against such contractor or employer—

(A) a fine in an amount not more than \$10,000 per violation; and

(B) upon the occasion of a third violation or a failure to comply with representations, a fine of not more than \$25,000 per violation.

(d) **AUTHORITY TO ENSURE COMPLIANCE.**—The Secretary is authorized to take other such actions, including issuing subpoenas and seeking appropriate injunctive relief and recovery of damages, as may be necessary to assure compliance with the terms and conditions of this subtitle.

(e) **BONDING.**—Pursuant to the bonding requirement in section 3606, bond liquidation and forfeitures shall be in addition to other remedies under this section or any other law.

(f) **CIVIL ACTION.**—

(1) **IN GENERAL.**—The Secretary or any person aggrieved by a violation of this subtitle may bring a civil action against any foreign labor contractor that does not meet the requirements under subsection (g)(2) in any court of competent jurisdiction—

(A) to seek remedial action, including injunctive relief;

(B) to recover damages on behalf of any worker harmed by a violation of this subsection; and

(C) to ensure compliance with requirements of this section.

(2) **ACTIONS BY THE SECRETARY OF HOMELAND SECURITY.**—

(A) **SUMS RECOVERED.**—Any sums recovered by the Secretary on behalf of a worker under paragraph (1) or through liquidation of the bond held pursuant to section 3606 shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to

each worker affected. Any such sums not paid to a worker because of inability to do so within a period of 5 years shall be credited as an offsetting collection to the appropriations account of the Secretary for expenses for the administration of this section and shall remain available to the Secretary until expended or may be used for enforcement of the laws within the jurisdiction of the wage and hour division or may be transferred to the Secretary of Health and Human Services for the purpose of providing support to programs that provide assistance to victims of trafficking in persons or other exploited persons. The Secretary shall work with any attorney or organization representing workers to locate workers owed sums under this section.

(B) REPRESENTATION.—Except as provided in section 518(a) of title 28, United States Code, the Attorney General may appear for and represent the Secretary in any civil litigation brought under this paragraph. All such litigation shall be subject to the direction and control of the Attorney General.

(3) ACTIONS BY INDIVIDUALS.—

(A) AWARD.—If the court finds in a civil action filed by an individual under this section that the defendant has violated any provision of this subtitle (or any regulation issued pursuant to this subtitle), the court may award—

(i) damages, up to and including an amount equal to the amount of actual damages, and statutory damages of up to \$1,000 per plaintiff per violation, or other equitable relief, except that with respect to statutory damages—

(I) multiple infractions of a single provision of this subtitle (or of a regulation under this subtitle) shall constitute only 1 violation for purposes of section 3602(a) to determine the amount of statutory damages due a plaintiff; and

(II) if such complaint is certified as a class action the court may award—

(aa) damages up to an amount equal to the amount of actual damages; and

(bb) statutory damages of not more than the lesser of up to \$1,000 per class member per violation, or up to \$500,000; and other equitable relief;

(ii) reasonable attorneys' fees and costs; and

(iii) such other and further relief, including declaratory and injunctive relief, as necessary to effectuate the purposes of this subtitle.

(B) CRITERIA.—In determining the amount of statutory damages to be awarded under subparagraph (A), the court is authorized to consider whether an attempt was made to resolve the issues in dispute before the resort to litigation.

(C) BOND.—To satisfy the damages, fees, and costs found owing under this clause, the Secretary shall release as much of the bond held pursuant to section 3606 as necessary.

(D) APPEAL.—Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code (28 U.S.C. 1291 et seq.).

(E) ACCESS TO LEGAL SERVICES CORPORATION.—Notwithstanding any other provision of law, the Legal Services Corporation and recipients of its funding may provide legal assistance on behalf of any alien with respect to any provision of this subtitle.

(g) AGENCY LIABILITY.—

(1) IN GENERAL.—Beginning 180 days after the Secretary has promulgated regulations pursuant to section 3605(c), an employer who retains the services of a foreign labor contractor shall only use those foreign labor

contractors who are registered under section 3605.

(2) SAFE HARBOR.—An employer shall not have any liability under this section if the employer hires workers referred by a foreign labor contractor that has a valid registration with the Department pursuant to section 3604.

(3) LIABILITY FOR AGENTS.—Foreign labor contractors shall be subject to the provisions of this section for violations committed by the foreign labor contractor's agents or subcontractees of any level in relation to their foreign labor contracting activity to the same extent as if the foreign labor contractor had committed the violation.

(h) RETALIATION.—

(1) IN GENERAL.—No person shall intimidate, threaten, restrain, coerce, discharge, or in any other manner discriminate or retaliate against any worker or their family members (including a former employee or an applicant for employment) because such worker disclosed information to any person that the worker reasonably believes evidences a violation of this section (or any rule or regulation pertaining to this section), including seeking legal assistance of counsel or cooperating with an investigation or other proceeding concerning compliance with this section (or any rule or regulation pertaining to this section).

(2) ENFORCEMENT.—An individual who is subject to any conduct described in paragraph (1) may, in a civil action, recover appropriate relief, including reasonable attorneys' fees and costs, with respect to that violation. Any civil action under this subparagraph shall be stayed during the pendency of any criminal action arising out of the violation.

(i) WAIVER OF RIGHTS.—Agreements by employees purporting to waive or to modify their rights under this subtitle shall be void as contrary to public policy.

(j) PRESENCE DURING PENDENCY OF ACTIONS.—

(1) IN GENERAL.—If other immigration relief is not available, the Attorney General and the Secretary shall grant advance parole to permit a nonimmigrant to remain legally in the United States for time sufficient to fully and effectively participate in all legal proceedings related to any action taken pursuant to this section.

(2) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out paragraph (1).

**SEC. 3611. DETECTING AND PREVENTING CHILD TRAFFICKING.**

The Secretary shall mandate the live training of all U.S. Customs and Border Protection personnel who are likely to come into contact with unaccompanied alien children. Such training shall incorporate the services of child welfare professionals with expertise in culturally competent, trauma-centered, and developmentally appropriate interviewing skills to assist U.S. Customs and Border Protection in the screening of children attempting to enter the United States.

**SEC. 3612. PROTECTING CHILD TRAFFICKING VICTIMS.**

(a) SHORT TITLE.—This section may be cited as the "Child Trafficking Victims Protection Act".

(b) DEFINED TERM.—In this section, the term "unaccompanied alien children" has the meaning given such term in section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(c) CARE AND TRANSPORTATION.—Notwithstanding any other provision of law, the Sec-

retary shall ensure that all unaccompanied alien children who will undergo any immigration proceedings before the Department or the Executive Office for Immigration Review are duly transported and placed in the care and legal and physical custody of the Office of Refugee Resettlement not later than 72 hours after their apprehension absent exceptional circumstances, including a natural disaster or comparable emergency beyond the control of the Secretary or the Office of Refugee Resettlement. The Secretary, to the extent practicable, shall ensure that female officers are continuously present during the transfer and transport of female detainees who are in the custody of the Department.

(d) QUALIFIED RESOURCES.—

(1) IN GENERAL.—The Secretary shall provide adequately trained and qualified staff and resources, including the accommodation of child welfare officials, in accordance with subsection (e), at U.S. Customs and Border Protection ports of entry and stations.

(2) CHILD WELFARE PROFESSIONALS.—The Secretary of Health and Human Services, in consultation with the Secretary, shall hire, on a full- or part-time basis, child welfare professionals who will provide assistance, either in person or by other appropriate methods of communication, in not fewer than 7 of the U.S. Customs and Border Protection offices or stations with the largest number of unaccompanied alien child apprehensions in the previous fiscal year.

(e) CHILD WELFARE PROFESSIONALS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services, shall ensure that qualified child welfare professionals with expertise in culturally competent, trauma-centered, and developmentally appropriate interviewing skills are available at each major port of entry described in subsection (d).

(2) DUTIES.—Child welfare professionals described in paragraph (1) shall—

(A) develop guidelines for treatment of unaccompanied alien children in the custody of the Department;

(B) conduct screening of all unaccompanied alien children in accordance with section 235(a)(4) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(4));

(C) notify the Department and the Office of Refugee Resettlement of children that potentially meet the notification and transfer requirements set forth in subsections (a) and (b) of section 235 of such Act (8 U.S.C. 1232);

(D) interview adult relatives accompanying unaccompanied alien children;

(E) provide an initial family relationship and trafficking assessment and recommendations regarding unaccompanied alien children's initial placements to the Office of Refugee Resettlement, which shall be conducted in accordance with the time frame set forth in subsections (a)(4) and (b)(3) of section 235 of such Act (8 U.S.C. 1232); and

(F) ensure that each unaccompanied alien child in the custody of U.S. Customs and Border Protection—

(i) receives emergency medical care when necessary;

(ii) receives emergency medical and mental health care that complies with the standards adopted pursuant to section 8(c) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15607(c)) whenever necessary, including in cases in which a child is at risk to harm himself, herself, or others;

(iii) is provided with climate appropriate clothing, shoes, basic personal hygiene and

sanitary products, a pillow, linens, and sufficient blankets to rest at a comfortable temperature;

(iv) receives adequate nutrition;

(v) enjoys a safe and sanitary living environment;

(vi) has access to daily recreational programs and activities if held for a period longer than 24 hours;

(vii) has access to legal services and consular officials; and

(viii) is permitted to make supervised phone calls to family members.

(3) **FINAL DETERMINATIONS.**—The Office of Refugee Resettlement in accordance with applicable policies and procedures for sponsors, shall submit final determinations on family relationships to the Secretary, who shall consider such adult relatives for community-based support alternatives to detention.

(4) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress that—

(A) describes the screening procedures used by the child welfare professionals to screen unaccompanied alien children;

(B) assesses the effectiveness of such screenings; and

(C) includes data on all unaccompanied alien children who were screened by child welfare professionals;

(f) **IMMEDIATE NOTIFICATION.**—The Secretary shall notify the Office of Refugee Resettlement of an unaccompanied alien child in the custody of the Department as soon as practicable, but generally not later than 48 hours after the Department encounters the child, to effectively and efficiently coordinate the child's transfer to and placement with the Office of Refugee Resettlement.

(g) **NOTICE OF RIGHTS AND RIGHT TO ACCESS TO COUNSEL.**—

(1) **IN GENERAL.**—The Secretary shall ensure that all unaccompanied alien children, upon apprehension, are provided—

(A) an interview and screening with a child welfare professional described in subsection (e)(1); and

(B) an orientation and oral and written notice of their rights under the Immigration and Nationality Act, including—

(i) their right to relief from removal;

(ii) their right to confer with counsel (as guaranteed under section 292 of such Act (8 U.S.C. 1362)), family, or friends while in the temporary custody of the Department; and

(iii) relevant complaint mechanisms to report any abuse or misconduct they may have experienced.

(2) **LANGUAGES.**—The Secretary shall ensure that—

(A) the video orientation and written notice of rights described in paragraph (1) is available in English and in the 5 most common native languages spoken by the unaccompanied children held in custody at that location during the preceding fiscal year; and

(B) the oral notice of rights is available in English and in the most common native language spoken by the unaccompanied children held in custody at that location during the preceding fiscal year.

(h) **CONFIDENTIALITY.**—The Secretary of Health and Human Services shall maintain the privacy and confidentiality of all information gathered in the course of providing care, custody, placement, and follow-up services to unaccompanied alien children, consistent with the best interest of the unaccompanied alien child, by not disclosing such information to other government agencies or nonparental third parties unless such disclosure is—

(1) recorded in writing and placed in the child's file;

(2) in the child's best interest; and

(3)(A) authorized by the child or by an approved sponsor in accordance with section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) and the Health Insurance Portability and Accountability Act (Public Law 104-191); or

(B) provided to a duly recognized law enforcement entity to prevent imminent and serious harm to another individual.

(i) **OTHER POLICIES AND PROCEDURES.**—The Secretary shall adopt fundamental child protection policies and procedures—

(1) for reliable age determinations of children, developed in consultation with medical and child welfare experts, which exclude the use of fallible forensic testing of children's bone and teeth;

(2) to utilize all legal authorities to defer the child's removal if the child faces a risk of life-threatening harm upon return including due to the child's mental health or medical condition; and

(3) to ensure, in accordance with the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), that unaccompanied alien children, while in detention, are—

(A) physically separated from any adult who is not an immediate family member; and

(B) separated from—

(i) immigration detainees and inmates with criminal convictions;

(ii) pretrial inmates facing criminal prosecution; and

(iii) inmates exhibiting violent behavior.

(j) **REPATRIATION AND REINTEGRATION PROGRAM.**—

(1) **IN GENERAL.**—The Administrator of the United States Agency for International Development, in conjunction with the Secretary, the Secretary of Health and Human Services, the Attorney General, international organizations, and nongovernmental organizations in the United States with expertise in repatriation and reintegration, shall create a multi-year program to develop and implement best practices and sustainable programs in the United States and within the country of return to ensure the safe and sustainable repatriation and reintegration of unaccompanied alien children into their country of nationality or of last habitual residence, including placement with their families, legal guardians, or other sponsoring agencies.

(2) **REPORT ON REPATRIATION AND REINTEGRATION OF UNACCOMPANIED ALIEN CHILDREN.**—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Administrator of the Agency for International Development shall submit a substantive report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on efforts to improve repatriation and reintegration programs for unaccompanied alien children.

(k) **TRANSFER OF FUNDS.**—

(1) **AUTHORIZATION.**—The Secretary, in accordance with a written agreement between the Secretary and the Secretary of Health and Human Services, shall transfer such amounts as may be necessary to carry out the duties described in subsection (f)(2) from amounts appropriated for U.S. Customs and Border Protection to the Department of Health and Human Services.

(2) **REPORT.**—Not later than 15 days before any proposed transfer under paragraph (1), the Secretary of Health and Human Services,

in consultation with the Secretary, shall submit a detailed expenditure plan that describes the actions proposed to be taken with amounts transferred under such paragraph to—

(A) the Committee on Appropriations of the Senate; and

(B) the Committee on Appropriations of the House of Representatives.

#### **SEC. 3613. RULE OF CONSTRUCTION.**

Nothing in this subtitle shall be construed to preempt or alter any other rights or remedies, including any causes of action, available under any other Federal or State law.

#### **SEC. 3614. REGULATIONS.**

The Secretary shall, in consultation with the Secretary of Labor, prescribe regulations to implement this subtitle and to develop policies and procedures to enforce the provisions of this subtitle.

#### **Subtitle G—Interior Enforcement**

#### **SEC. 3701. CRIMINAL STREET GANGS.**

(a) **INADMISSIBILITY.**—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended by inserting after subparagraph (I) the following:

“(J) **ALIENS IN CRIMINAL STREET GANGS.**—

“(i) **IN GENERAL.**—Any alien is inadmissible—

“(I) who has been convicted of an offense for which an element was active participation in a criminal street gang (as defined in section 521(a) of title 18, United States Code) and the alien—

“(aa) had knowledge that the gang's members engaged in or have engaged in a continuing series of offenses described in section 521(c) of title 18, United States Code; and

“(bb) acted with the intention to promote or further the felonious activities of the criminal street gang or maintain or increase his or her position in the gang; or

“(II) subject to clause (ii), who is 18 years of age or older, who is physically present outside the United States, whom the Secretary determines by clear and convincing evidence, based upon law enforcement information deemed credible by the Secretary, has, since the age of 18, knowingly and willingly participated in a criminal street gang with knowledge that such participation promoted or furthered the illegal activity of the gang.

“(ii) **WAIVER.**—The Secretary may waive clause (i)(II) if the alien has renounced all association with the criminal street gang, is otherwise admissible, and is not a threat to the security of the United States.”.

(b) **GROUND FOR DEPORTATION.**—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

“(G) **ALIENS ASSOCIATED WITH CRIMINAL STREET GANGS.**—Any alien is removable who has been convicted of an offense for which an element was active participation in a criminal street gang (as defined in section 521(a) of title 18, United States Code), and the alien—

“(i) had knowledge that the gang's members engaged in or have engaged in a continuing series of offenses described in section 521(c) of title 18, United States Code; and

“(ii) acted with the intention to promote or further the felonious activities of the criminal street gang or increase his or her position in such gang.”.

(c) **GROUND OF INELIGIBILITY FOR REGISTERED PROVISIONAL IMMIGRANT STATUS.**—

(1) **IN GENERAL.**—An alien who is 18 years of age or older is ineligible for registered provisional immigrant status if the Secretary determines that the alien—

(A) has been convicted of an offense for which an element was active participation in

a criminal street gang (as defined in section 521(a) of title 18, United States Code, and the alien—

(i) had knowledge that the gang's members engaged in or have engaged in a continuing series of offenses described in section 521(c) of title 18, United States Code; and

(ii) acted with the intention to promote or further the felonious activities of the criminal street gang or maintain or increase his or her position in such gang; or

(B) subject to paragraph (2), any alien who is 18 years of age or older whom the Secretary determines by clear and convincing evidence, based upon law enforcement information deemed credible by the Secretary, has, since the age of 18, knowingly and willingly participated in a such gang with knowledge that such participation promoted or furthered the illegal activity of such gang.

(2) **WAIVER.**—The Secretary may waive the application of paragraph (1)(B) if the alien has renounced all association with the criminal street gang, is otherwise admissible, and is not a threat to the security of the United States.

**SEC. 3702. BANNING HABITUAL DRUNK DRIVERS FROM THE UNITED STATES.**

(a) **GROUND FOR INADMISSIBILITY.**—Section 212(a)(2) (8 U.S.C. 1182(a)(2)), as amended by section 3701(a), is further amended—

(1) by redesignating subparagraph (F) as subparagraph (L); and

(2) by inserting after subparagraph (E) the following:

“(F) **HABITUAL DRUNK DRIVERS.**—An alien convicted of 3 or more offenses for driving under the influence or driving while intoxicated on separate dates is inadmissible.”

(b) **GROUND FOR DEPORTATION.**—Section 237(a)(2) (8 U.S.C. 1227(a)(2)), as amended by section 3701(b), is further amended by adding at the end the following:

“(H) **HABITUAL DRUNK DRIVERS.**—An alien convicted of 3 or more offenses for driving under the influence or driving while intoxicated, at least 1 of which occurred after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, is deportable.”

(c) **IN GENERAL.**—

(1) **AGGRAVATED FELONY.**—Section 101(a)(43)(F) (8 U.S.C. 1101(a)(43)(F)) is amended by striking “for which the term of imprisonment” and inserting “, including a third drunk driving conviction, for which the term of imprisonment is”.

(2) **EFFECTIVE DATE AND APPLICATION.**—

(A) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(B) **APPLICATION.**—

(i) **IN GENERAL.**—Except as provided in subparagraph (ii), the amendment made by paragraph (1) shall apply to a conviction for drunk driving that occurred before, on, or after such date of enactment.

(ii) **TWO OR MORE PRIOR CONVICTIONS.**—An alien who received 2 or more convictions for drunk driving before the date of the enactment of this Act may not be subject to removal for the commission of an aggravated felony pursuant to section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)(iii)) on the basis of such convictions until the date on which the alien is convicted of a drunk driving offense after such date of enactment.

**SEC. 3703. SEXUAL ABUSE OF A MINOR.**

Section 101(a)(43)(A) (8 U.S.C. 1101(a)(43)(A)) is amended by striking “murder, rape, or sexual abuse of a minor;” and inserting “murder, rape, or sexual abuse of a minor, whether or not the minority of the

victim is established by evidence contained in the record of conviction or by credible evidence extrinsic to the record of conviction;”.

**SEC. 3704. ILLEGAL ENTRY.**

(a) **IN GENERAL.**—Section 275 (8 U.S.C. 1325) is amended to read as follows:

**“SEC. 275. ILLEGAL ENTRY.**

“(a) **IN GENERAL.**—

“(1) **CRIMINAL OFFENSES.**—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

“(A) enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

“(B) eludes examination or inspection by an immigration officer, or a customs or agriculture inspection at a port of entry; or

“(C) enters or crosses the border to the United States by means of a knowingly false or misleading representation or the concealment of a material fact.

“(2) **CRIMINAL PENALTIES.**—Any alien who violates any provision under paragraph (1)—

“(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 12 months, or both;

“(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 3 years, or both;

“(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors with the convictions occurring on different dates or of a felony for which the alien served a term of imprisonment of 15 days or more, shall be fined under such title, imprisoned not more than 10 years, or both; and

“(D) if the violation occurred after the alien had been convicted of a felony for which the alien was sentenced to a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both.

“(3) **PRIOR CONVICTIONS.**—The prior convictions described in subparagraphs (C) and (D) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

“(A) alleged in the indictment or information; and

“(B) proven beyond a reasonable doubt at trial or admitted by the defendant under oath as part of a plea agreement.

“(b) **IMPROPER TIME OR PLACE; CIVIL PENALTIES.**—Any alien older than 18 years of age who is apprehended while knowingly entering, attempting to enter, or crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

“(1) not less than \$250 or more than \$5,000 for each such entry, crossing, attempted entry, or attempted crossing; or

“(2) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

“(c) **FRAUDULENT MARRIAGE.**—An individual who knowingly enters into a marriage for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, fined not more than \$250,000, or both.

“(d) **COMMERCIAL ENTERPRISES.**—Any individual who knowingly establishes a commer-

cial enterprise for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, fined in accordance with title 18, United States Code, or both.”

(b) **CLERICAL AMENDMENT.**—The table of contents is amended by striking the item relating to section 275 and inserting the following:

“Sec. 275. Illegal entry.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

**SEC. 3705. REENTRY OF REMOVED ALIEN.**

Section 276 (8 U.S.C. 1326) is amended to read as follows:

**“SEC. 276. REENTRY OF REMOVED ALIEN.**

“(a) **REENTRY AFTER REMOVAL.**—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not more than 2 years.

“(b) **REENTRY OF CRIMINAL OFFENDERS.**—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

“(1) was convicted for 3 or more misdemeanors, with the convictions occurring on different dates, before such removal or departure, the alien shall be fined under title 18, United States Code, and imprisoned not more than 10 years, or both;

“(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, and imprisoned not more than 15 years, or both;

“(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, and imprisoned not more than 20 years, or both;

“(4) was convicted for 3 felonies, with the convictions occurring on different dates before such removal or departure, the alien shall be fined under such title, and imprisoned not more than 20 years, or both; or

“(5) was convicted, before such removal or departure, for murder, rape, kidnapping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, and imprisoned not more than 20 years, or both.

“(c) **REENTRY AFTER REPEATED REMOVAL.**—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not more than 10 years, or both.

“(d) **PROOF OF PRIOR CONVICTIONS.**—The prior convictions described in subsection (b) are elements of the offenses described in that subsection, and the penalties in such subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

“(1) alleged in the indictment or information; and

“(2) proven beyond a reasonable doubt at trial or admitted by the defendant under oath as part of a plea agreement.

“(e) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

“(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

“(2) at the time of the prior exclusion, deportation, removal, or denial of admission alleged in the violation, the alien had not yet reached 18 years of age and had not been convicted of a crime or adjudicated a delinquent minor by a court of the United States, or a court of a state or territory, for conduct that would constitute a felony if committed by an adult.

“(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING DEPORTATION ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a) or subsection (c) unless the alien demonstrates that—

“(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

“(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

“(3) the entry of the order was fundamentally unfair.

“(g) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry or the alien is prima facie eligible for protection from removal. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

“(h) LIMITATION.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered without compensation or the expectation of compensation.

“(i) DEFINITIONS.—In this section:

“(1) FELONY.—The term ‘felony’ means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

“(2) MISDEMEANOR.—The term ‘misdemeanor’ means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

“(3) REMOVAL.—The term ‘removal’ includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

“(4) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

#### SEC. 3706. PENALTIES RELATING TO VESSELS AND AIRCRAFT.

Section 243(c) (8 U.S.C. 1253(c)) is amended—

(1) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”; and

(2) by striking “Commissioner” each place such term appears and inserting “Secretary of Homeland Security”; and

(3) in paragraph (1)—

(A) in subparagraph (A), by striking “\$2,000” and inserting “\$5,000”; and

(B) in subparagraph (B), by striking “\$5,000” and inserting “\$10,000”; and

(C) by amending subparagraph (C) to read as follows:

“(C) COMPROMISE.—The Secretary of Homeland Security, in the Secretary's unreviewable discretion and upon the receipt of a written request, may mitigate the monetary penalties required under this subsection for each alien stowaway to an amount equal to not less than \$2,000, upon such terms that the Secretary determines to be appropriate.”; and

(D) by inserting at the end the following:

“(D) EXCEPTION.—A person, acting without compensation or the expectation of compensation, is not subject to penalties under this paragraph if the person is—

“(i) providing, or attempting to provide, an alien with humanitarian assistance, including emergency medical care or food or water; or

“(ii) transporting the alien to a location where such humanitarian assistance can be rendered without compensation or the expectation of compensation.”.

#### SEC. 3707. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

(a) TRAFFICKING IN PASSPORTS.—Section 1541 of title 18, United States Code, is amended to read as follows:

##### “§ 1541. Trafficking in passports

“(a) MULTIPLE PASSPORTS.—Subject to subsection (b), any person who, during any period of 3 years or less, knowingly—

“(1) and without lawful authority produces, issues, or transfers 3 or more passports; or

“(2) forges, counterfeits, alters, or falsely makes 3 or more passports; or

“(3) secures, possesses, uses, receives, buys, sells, or distributes 3 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

“(4) completes, mails, prepares, presents, signs, or submits 3 or more applications for a United States passport, knowing the applications to contain any materially false statement or representation, shall be fined under this title, imprisoned not more than 20 years, or both.

“(b) USE IN A TERRORISM OFFENSE.—Any person who commits an offense described in subsection (a) to facilitate an act of international terrorism (as defined in section 2331) shall be fined under this title, imprisoned not more than 25 years, or both.

“(c) PASSPORT MATERIALS.—Any person who knowingly and without lawful authority produces, buys, sells, possesses, or uses any official material (or counterfeit of any official material) used to make 10 or more passports, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.”.

(b) FALSE STATEMENT IN AN APPLICATION FOR A PASSPORTS.—Section 1542 of title 18, United States Code, is amended to read as follows:

##### “§ 1542. False statement in an application for a passport

“(a) IN GENERAL.—Any person who knowingly makes any material false statement or representation in an application for a United States passport, or mails, prepares, presents, or signs an application for a United States passport knowing the application to contain any material false statement or representation, shall be fined under this title, imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 15 years (in the case of any other offense), or both.

“(b) VENUE.—

“(1) IN GENERAL.—An offense under subsection (a) may be prosecuted in any district—

“(A) in which the false statement or representation was made or the application for a United States passport was prepared or signed; or

“(B) in which or to which the application was mailed or presented.

“(2) OFFENSES OUTSIDE THE UNITED STATES.—An offense under subsection (a) involving an application prepared and adjudicated outside the United States may be prosecuted in the district in which the resultant passport was or would have been produced.

“(c) SAVINGS CLAUSE.—Nothing in this section may be construed to limit the venue otherwise available under sections 3237 and 3238 of this title.”.

(c) MISUSE OF A PASSPORT.—Section 1544 of title 18, United States Code, is amended to read as follows:

##### “§ 1544. Misuse of a passport

“Any person who knowingly—

“(1) misuses or attempts to misuse for their own purposes any passport issued or designed for the use of another; or

“(2) uses or attempts to use any passport in violation of the laws, regulations, or rules governing the issuance and use of the passport; or

“(3) secures, possesses, uses, receives, buys, sells, or distributes or attempts to secure, possess, use, receive, buy, sell, or distribute any passport knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

“(4) substantially violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 15 years (in the case of any other offense), or both.”.

(d) SCHEMES TO PROVIDE FRAUDULENT IMMIGRATION SERVICES.—Section 1545 of title 18, United States Code, is amended to read as follows:

##### “§ 1545. Schemes to provide fraudulent immigration services

“(a) IN GENERAL.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under any Federal immigration law or any matter the offender claims or represents is authorized by or arises under any Federal immigration law, to—

“(1) defraud any person; or

“(2) obtain or receive money or anything else of value from any person by means of false or fraudulent pretenses, representations, or promises, shall be fined under this title, imprisoned not more than 10 years, or both.”

“(b) MISREPRESENTATION.—Any person who knowingly and falsely represents that such person is an attorney or an accredited representative (as that term is defined in section 1292.1 of title 8, Code of Federal Regulations (or any successor regulation)) in any matter arising under any Federal immigration law shall be fined under this title, imprisoned not more than 15 years, or both.”

(e) IMMIGRATION AND VISA FRAUD.—Section 1546 of title 18, United States Code, is amended—

(1) by amending the section heading to read as follows:

**“§ 1546. Immigration and visa fraud”;**

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following new subsections:

“(b) TRAFFICKING.—Any person who, during any period of 3 years or less, knowingly—

“(1) and without lawful authority produces, issues, or transfers 3 or more immigration documents;

“(2) forges, counterfeits, alters, or falsely makes 3 or more immigration documents;

“(3) secures, possesses, uses, buys, sells, or distributes 3 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

“(4) completes, mails, prepares, presents, signs, or submits 3 or more immigration documents knowing the documents to contain any materially false statement or representation, shall be fined under this title, imprisoned not more than 20 years, or both.”

“(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, buys, sells, possesses, or uses any official material (or counterfeit of any official material) used to make 10 or more immigration documents, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.”

(f) ALTERNATIVE IMPRISONMENT MAXIMUM FOR CERTAIN OFFENSES.—Section 1547 of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “(other than an offense under section 1545)”;

(2) in paragraph (1), by striking “15” and inserting “20”; and

(3) in paragraph (2), by striking “20” and inserting “25”.

(g) AUTHORIZED LAW ENFORCEMENT ACTIVITIES.—Chapter 75 of title 18, United States Code, is amended by adding after section 1547 the following:

**“§ 1548. Authorized law enforcement activities**

“Nothing in this chapter may be construed to prohibit—

“(1) any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States; or

“(2) any activity authorized under title V of the Organized Crime Control Act of 1970 (Public Law 91–452; 84 Stat. 933).”

(h) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 75 of title 18, United States Code, is amended to read as follows:

“Sec.

“1541. Trafficking in passports.

“1542. False statement in an application for a passport.

“1543. Forgery or false use of a passport.

“1544. Misuse of a passport.

“1545. Schemes to provide fraudulent immigration services.

“1546. Immigration and visa fraud.

“1547. Alternative imprisonment maximum for certain offenses.

“1548. Authorized law enforcement activities.”

**SEC. 3708. COMBATING SCHEMES TO DEFRAUD ALIENS.**

(a) REGULATIONS, FORMS, AND PROCEDURES.—The Secretary and the Attorney General, for matters within their respective jurisdictions arising under the immigration laws, shall promulgate appropriate regulations, forms, and procedures defining the circumstances in which—

(1) persons submitting applications, petitions, motions, or other written materials relating to immigration benefits or relief from removal under the immigration laws will be required to identify who (other than immediate family members) assisted them in preparing or translating the immigration submissions; and

(2) any person or persons who received compensation (other than a nominal fee for copying, mailing, or similar services) in connection with the preparation, completion, or submission of such materials will be required to sign the form as a preparer and provide identifying information.

(b) CIVIL INJUNCTIONS AGAINST IMMIGRATION SERVICE PROVIDER.—The Attorney General may commence a civil action in the name of the United States to enjoin any immigration service provider from further engaging in any fraudulent conduct that substantially interferes with the proper administration of the immigration laws or who willfully misrepresents such provider's legal authority to provide representation before the Department of Justice or the Department.

(c) DEFINITIONS.—In this section:

(1) IMMIGRATION LAWS.—The term “immigration laws” has the meaning given that term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(2) IMMIGRATION SERVICE PROVIDER.—The term “immigration service provider” means any individual or entity (other than an attorney or individual otherwise authorized to provide representation in immigration proceedings as provided in Federal regulation) who, for a fee or other compensation, provides any assistance or representation to aliens in relation to any filing or proceeding relating to the alien which arises, or which the provider claims to arise, under the immigration laws, executive order, or presidential proclamation.

**SEC. 3709. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.**

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

(1) in subclause (I), by striking “, or” at the end and inserting a semicolon;

(2) in subclause (II), by striking the comma at the end and inserting “; or”; and

(3) by inserting after subclause (II) the following:

“(III) a violation of section 1541, 1545, and subsection (b) of section 1546 of title 18, United States Code.”

(b) REMOVAL.—Section 237(a)(3)(B)(iii) (8 U.S.C. 1227(a)(3)(B)(iii)) is amended to read as follows:

“(iii) of a violation of section 1541, 1545, and subsection (b) of section 1546 of title 18, United States Code.”

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date of the enactment of this Act, with respect to conduct occurring on or after that date.

**SEC. 3710. DIRECTIVES RELATED TO PASSPORT AND DOCUMENT FRAUD.**

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—

(1) IN GENERAL.—Pursuant to the authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate or amend the sentencing guidelines, policy statements, and official commentaries, if appropriate, related to passport fraud offenses, including the offenses described in chapter 75 of title 18, United States Code, as amended by section 3707, to reflect the serious nature of such offenses.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the United States Sentencing Commission shall submit a report on the implementation of this subsection to—

(A) the Committee on the Judiciary of the Senate; and

(B) the Committee on the Judiciary of the House of Representatives.

(b) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—

(1) IN GENERAL.—

(A) REQUIREMENT FOR GUIDELINES.—The Attorney General, in consultation with the Secretary, shall develop binding prosecution guidelines for Federal prosecutors to ensure that each prosecution of an alien seeking entry into the United States by fraud is consistent with the United States treaty obligations under Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).

(B) NO PRIVATE RIGHT OF ACTION.—The guidelines developed pursuant to subparagraph (A), and any internal office procedures related to such guidelines—

(i) are intended solely for the guidance of attorneys of the United States; and

(ii) are not intended to, do not, and may not be relied upon to, create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

(2) PROTECTION OF VULNERABLE PERSONS.—A person described in paragraph (3) may not be prosecuted under chapter 75 of title 18, United States Code, or under section 275 or 276 of the Immigration and Nationality Act (8 U.S.C. 1325 and 1326), in connection with the person's entry or attempted entry into the United States until after the date on which the person's application for such protection, classification, or status has been adjudicated and denied in accordance with the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(3) PERSONS SEEKING PROTECTION, CLASSIFICATION, OR STATUS.—A person described in this paragraph is a person who—

(A) is seeking protection, classification, or status; and

(B)(i) has filed an application for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), withholding of removal under section 241(b)(3) of such Act (8



U.S.C. 1231(b)(3)), or relief under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1994, pursuant to title 8, Code of Federal Regulations;

(ii) indicates immediately after apprehension, that he or she intends to apply for such asylum, withholding of removal, or relief and promptly files the appropriate application;

(iii) has been referred for a credible fear interview, a reasonable fear interview, or an asylum-only hearing under section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) or part 208 of title 8, Code of Federal Regulations; or

(iv) has filed an application for classification or status under—

(I) subparagraph (T) or (U) of paragraph (15), paragraph (27)(J), or paragraph (51) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); or

(II) section 216(c)(4)(C) or 240A(b)(2) of such Act (8 U.S.C. 1186a(c)(4)(C) and 1229b(b)(2)).

#### SEC. 3711. INADMISSIBLE ALIENS.

(a) DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.—Section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking “seeks admission within 5 years of the date of such removal (or within 20 years)” and inserting “seeks admission not later than 5 years after the date of the alien’s removal (or not later than 20 years after the alien’s removal”); and

(2) in clause (ii), by striking “seeks admission within 10 years of the date of such alien’s departure or removal (or within 20 years of)” and inserting “seeks admission not later than 10 years after the date of the alien’s departure or removal (or not later than 20 years after”.

(b) BIOMETRIC SCREENING.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

“(C) WITHHOLDING INFORMATION.—Except as provided in subsection (d)(2), any alien who willfully, through his or her own fault, refuses to comply with a lawful request for biometric information is inadmissible.”; and

(2) in subsection (d), by inserting after paragraph (1) the following:

“(2) The Secretary may waive the application of subsection (a)(7)(C) for an individual alien or a class of aliens.”.

(c) PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF SERIOUS CRIMINAL OFFENSES AND DOMESTIC VIOLENCE, STALKING, CHILD ABUSE, AND VIOLATION OF PROTECTION ORDERS.—

(1) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 (8 U.S.C. 1182), as amended by this Act, is further amended—

(A) in subsection (a)(2), as amended by sections 3401 and 3402, is further amended by inserting after subparagraph (J) the following:

“(K) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTIVE ORDERS; CRIMES AGAINST CHILDREN.—

“(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—

“(I) IN GENERAL.—Any alien who has been convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment, provided the alien served at least 1 year imprisonment for the crime, or provided the alien was convicted of offenses constituting more than 1 such crime, not arising out of a single scheme of criminal misconduct, is inadmissible.

“(II) CRIME OF DOMESTIC VIOLENCE DEFINED.—In this clause, the term ‘crime of do-

mestic violence’ means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual’s acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

“(ii) VIOLATORS OF PROTECTION ORDERS.—

“(I) IN GENERAL.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that constitutes criminal contempt of the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued, is inadmissible.

“(II) PROTECTION ORDER DEFINED.—In this clause, the term ‘protection order’ means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as an independent order in another proceeding.

“(iii) APPLICABILITY.—This subparagraph shall not apply to an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship, upon a determination by the Attorney General or the Secretary of Homeland Security that—

“(I) the alien was acting in self-defense;

“(II) the alien was found to have violated a protection order intended to protect the alien; or

“(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime that did not result in serious bodily injury.”; and

(B) in subsection (h)—

(i) by striking “The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)” and inserting “The Attorney General or the Secretary of Homeland Security may waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)”;

(ii) by inserting “or the Secretary of Homeland Security” after “the Attorney General” each place that term appears.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any acts that occurred on or after the date of the enactment of this Act.

#### SEC. 3712. ORGANIZED AND ABUSIVE HUMAN SMUGGLING ACTIVITIES.

(a) ENHANCED PENALTIES.—

(1) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by adding at the end the following:

##### “SEC. 295. ORGANIZED HUMAN SMUGGLING.

“(a) PROHIBITED ACTIVITIES.—Whoever, while acting for profit or other financial gain, knowingly directs or participates in an effort or scheme to assist or cause 5 or more persons (other than a parent, spouse, or child of the offender)—

“(1) to enter, attempt to enter, or prepare to enter the United States—

“(A) by fraud, falsehood, or other corrupt means;

“(B) at any place other than a port or place of entry designated by the Secretary; or

“(C) in a manner not prescribed by the immigration laws and regulations of the United States; or

“(2) to travel by air, land, or sea toward the United States (whether directly or indirectly)—

“(A) knowing that the persons seek to enter or attempt to enter the United States without lawful authority; and

“(B) with the intent to aid or further such entry or attempted entry; or

“(3) to be transported or moved outside of the United States—

“(A) knowing that such persons are aliens in unlawful transit from 1 country to another or on the high seas; and

“(B) under circumstances in which the persons are in fact seeking to enter the United States without official permission or legal authority;

shall be punished as provided in subsection (c) or (d).

“(b) CONSPIRACY AND ATTEMPT.—Any person who attempts or conspires to violate subsection (a) of this section shall be punished in the same manner as a person who completes a violation of such subsection.

“(c) BASE PENALTY.—Except as provided in subsection (d), any person who violates subsection (a) or (b) shall be fined under title 18, imprisoned for not more than 20 years, or both.

“(d) ENHANCED PENALTIES.—Any person who violates subsection (a) or (b) shall—

“(1) in the case of a violation during and in relation to which a serious bodily injury (as defined in section 1365 of title 18) occurs to any person, be fined under title 18, imprisoned for not more than 30 years, or both;

“(2) in the case of a violation during and in relation to which the life of any person is placed in jeopardy, be fined under title 18, imprisoned for not more than 30 years, or both;

“(3) in the case of a violation involving 10 or more persons, be fined under title 18, imprisoned for not more than 30 years, or both;

“(4) in the case of a violation involving the bribery or corruption of a U.S. or foreign government official, be fined under title 18, imprisoned for not more than 30 years, or both;

“(5) in the case of a violation involving robbery or extortion (as those terms are defined in paragraph (1) or (2), respectively, of section 1951(b)) be fined under title 18, imprisoned for not more than 30 years, or both;

“(6) in the case of a violation during and in relation to which any person is subjected to an involuntary sexual act (as defined in section 2246(2) of title 18), be fined under title 18, imprisoned for not more than 30 years, or both; or

“(7) in the case of a violation resulting in the death of any person, be fined under title 18, imprisoned for any term of years or for life, or both.

“(e) LAWFUL AUTHORITY DEFINED.—

“(1) IN GENERAL.—In this section, the term ‘lawful authority’—

“(A) means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations; and

“(B) does not include any such authority secured by fraud or otherwise obtained in violation of law, nor does it include authority sought, but not approved.

“(2) APPLICATION TO TRAVEL OR ENTRY.—No alien shall be deemed to have lawful authority to travel to or enter the United States if such travel or entry was, is, or would be in violation of law.

“(f) EFFORT OR SCHEME.—For purposes of this section, ‘effort or scheme to assist or cause 5 or more persons’ does not require that the 5 or more persons enter, attempt to enter, prepare to enter, or travel at the same time so long as the acts are completed within 1 year.

**“SEC. 296. UNLAWFULLY HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.**

“(a) ILLICIT SPOTTING.—Whoever knowingly transmits to another person the location, movement, or activities of any Federal, State, or tribal law enforcement agency with the intent to further a Federal crime relating to United States immigration, customs, controlled substances, agriculture, monetary instruments, or other border controls shall be fined under title 18, imprisoned not more than 10 years, or both.

“(b) DESTRUCTION OF UNITED STATES BORDER CONTROLS.—Whoever knowingly and without lawful authorization destroys, alters, or damages any fence, barrier, sensor, camera, or other physical or electronic device deployed by the Federal Government to control the border or a port of entry or otherwise seeks to construct, excavate, or make any structure intended to defeat, circumvent or evade any such fence, barrier, sensor camera, or other physical or electronic device deployed by the Federal government to control the border or a port of entry shall be fined under title 18, imprisoned not more than 10 years, or both, and if, at the time of the offense, the person uses or carries a firearm or who, in furtherance of any such crime, possesses a firearm, that person shall be fined under title 18, imprisoned not more than 20 years, or both.

“(c) CONSPIRACY AND ATTEMPT.—Any person who attempts or conspires to violate subsection (a) or (b) of this section shall be punished in the same manner as a person who completes a violation of such subsection.”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents is amended by adding after the item relating to section 294 the following:

“Sec. 295. Organized human smuggling.

“Sec. 296. Unlawfully hindering immigration, border, and customs controls.”.

(b) PROHIBITING CARRYING OR USE OF A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting “, alien smuggling crime,” after “crime of violence” each place that term appears; and

(B) in subparagraph (D)(ii), by inserting “, alien smuggling crime,” after “crime of violence”; and

(2) by adding at the end the following:

“(6) For purposes of this subsection, the term ‘alien smuggling crime’ means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).”.

(c) STATUTE OF LIMITATIONS.—Section 3298 of title 18, United States Code, is amended by inserting “, 295, 296, or 297” after “274(a)”.

**SEC. 3713. PREVENTING CRIMINALS FROM RENOUNCING CITIZENSHIP DURING WARTIME.**

Section 349(a) (8 U.S.C. 1481(a)) is amended—

(1) by striking paragraph (6); and

(2) redesignating paragraph (7) as paragraph (6).

**SEC. 3714. DIPLOMATIC SECURITY SERVICE.**

Paragraph (1) of section 37(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)) is amended to read as follows:

“(1) conduct investigations concerning—

“(A) illegal passport or visa issuance or use;

“(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Secretary of State;

“(C) violations of chapter 77 of title 18, United States Code; and

“(D) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 7(9) of title 18, United States Code);”.

**SEC. 3715. SECURE ALTERNATIVES PROGRAMS.**

(a) IN GENERAL.—The Secretary shall establish secure alternatives programs that incorporate case management services in each field office of the Department to ensure appearances at immigration proceedings and public safety.

(b) CONTRACT AUTHORITY.—The Secretary shall contract with nongovernmental community-based organizations to conduct screening of detainees, provide appearance assistance services, and operate community-based supervision programs. Secure alternatives shall offer a continuum of supervision mechanisms and options, including community support, depending on an assessment of each individual’s circumstances. The Secretary may contract with nongovernmental organizations to implement secure alternatives that maintain custody over the alien.

(c) INDIVIDUALIZED DETERMINATIONS.—In determining whether to use secure alternatives, the Secretary shall make an individualized determination, and for each individual placed on secure alternatives, shall review the level of supervision on a monthly basis. Secure alternatives shall not be used when release on bond or recognizance is determined to be a sufficient measure to ensure appearances at immigration proceedings and public safety.

(d) CUSTODY.—The Secretary may use secure alternatives programs to maintain custody over any alien detained under the Immigration and Nationality Act, except for aliens detained under section 236A of such Act (8 U.S.C. 1226a). If an individual is not eligible for release from custody or detention, the Secretary shall consider the alien for placement in secure alternatives that maintain custody over the alien, including the use of electronic ankle devices.

**SEC. 3716. OVERSIGHT OF DETENTION FACILITIES.**

(a) DEFINITIONS.—In this section:

(1) APPLICABLE STANDARDS.—The term “applicable standards” means the most recent version of detention standards and detention-related policies issued by the Secretary or the Director of U.S. Immigration and Customs Enforcement.

(2) DETENTION FACILITY.—The term “detention facility” means a Federal, State, or local government facility, or a privately owned and operated facility, that is used, in whole or in part, to hold individuals under the authority of the Director of U.S. Immigration and Customs Enforcement, including facilities that hold such individuals under a contract or agreement with the Director.

(b) DETENTION REQUIREMENTS.—The Secretary shall ensure that all persons detained pursuant to the Immigration and Nation-

ality Act (8 U.S.C. 1101 et seq.) are treated humanely and benefit from the protections set forth in this section.

(c) OVERSIGHT REQUIREMENTS.—

(1) ANNUAL INSPECTION.—All detention facilities shall be inspected by the Secretary on a regular basis, but not less than annually, for compliance with applicable detention standards issued by the Secretary and other applicable regulations.

(2) ROUTINE OVERSIGHT.—In addition to annual inspections, the Secretary shall conduct routine oversight of detention facilities, including unannounced inspections.

(3) AVAILABILITY OF RECORDS.—All detention facility contracts, memoranda of agreement, and evaluations and reviews shall be considered records for purposes of section 552(f)(2) of title 5, United States Code.

(4) CONSULTATION.—The Secretary shall seek input from nongovernmental organizations regarding their independent opinion of specific facilities.

(d) COMPLIANCE MECHANISMS.—

(1) AGREEMENTS.—

(A) NEW AGREEMENTS.—Compliance with applicable standards of the Secretary and all applicable regulations, and meaningful financial penalties for failure to comply, shall be a material term in any new contract, memorandum of agreement, or any renegotiation, modification, or renewal of an existing contract or agreement, including fee negotiations, executed with detention facilities.

(B) EXISTING AGREEMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall secure a modification incorporating these terms for any existing contracts or agreements that will not be renegotiated, renewed, or otherwise modified.

(C) CANCELLATION OF AGREEMENTS.—Unless the Secretary provides a reasonable extension to a specific detention facility that is negotiating in good faith, contracts or agreements with detention facilities that are not modified within 1 year of the date of the enactment of this Act will be cancelled.

(D) PROVISION OF INFORMATION.—In making modifications under this paragraph, the Secretary shall require that detention facilities provide to the Secretary all contracts, memoranda of agreement, evaluations, and reviews regarding the facility on a regular basis. The Secretary shall make these materials publicly available.

(2) FINANCIAL PENALTIES.—

(A) REQUIREMENT TO IMPOSE.—Subject to subparagraph (C), the Secretary shall impose meaningful financial penalties upon facilities that fail to comply with applicable detention standards issued by the Secretary and other applicable regulations.

(B) TIMING OF IMPOSITION.—Financial penalties imposed under subparagraph (A) shall be imposed immediately after a facility fails to achieve an adequate or the equivalent median score in any performance evaluation.

(C) WAIVER.—The requirements of subparagraph (A) may be waived if the facility corrects the noted deficiencies and receives an adequate score in not more than 90 days.

(D) MULTIPLE OFFENDERS.—In cases of persistent and substantial noncompliance, including scoring less than adequate or the equivalent median score in 2 consecutive inspections, the Secretary shall terminate contracts or agreements with such facilities within 60 days, or in the case of facilities operated by the Secretary, such facilities shall be closed within 90 days.

(e) REPORTING REQUIREMENTS.—

(1) OBJECTIVES.—Not later than June 30 of each year, the Secretary shall prepare and

submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on inspection and oversight activities of detention facilities.

(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include—

(A) a description of each detention facility found to be in noncompliance with applicable detention standards issued by the Department and other applicable regulations;

(B) a description of the actions taken by the Department to remedy any findings of noncompliance or other identified problems, including financial penalties, contract or agreement termination, or facility closure; and

(C) information regarding whether the actions described in subparagraph (B) resulted in compliance with applicable detention standards and regulations.

**SEC. 3717. PROCEDURES FOR BOND HEARINGS AND FILING OF NOTICES TO APPEAR.**

(a) **ALIENS IN CUSTODY.**—Section 236 (8 U.S.C. 1226) is amended by adding at the end the following:

“(f) **PROCEDURES FOR CUSTODY HEARINGS.**—For any alien taken into custody under any provision of this Act, with the exception of minors being transferred to or in the custody of the Office of Refugee Resettlement, the following shall apply:

“(1) The Secretary of Homeland Security shall, without unnecessary delay and not later than 72 hours after the alien is taken into custody, file the Notice to Appear or other relevant charging document with the immigration court having jurisdiction over the location where the alien was apprehended, and serve such notice on the alien.

“(2) The Secretary shall immediately determine whether the alien shall remain in custody or be released and, without unnecessary delay and not later than 72 hours after the alien was taken into custody, serve upon the alien the custody decision specifying the reasons for continued custody and the amount of bond if any.

“(3) The Attorney General shall ensure the alien has the opportunity to appear before an immigration judge for a custody determination hearing promptly after service of the Secretary's custody decision. The immigration judge may, on the Secretary's motion and upon a showing of good cause, postpone a custody redetermination hearing for no more than 72 hours after service of the custody decision, except that in no case shall the hearing occur more than 6 days (including weekends and holidays) after the alien was taken into custody.

“(4) The immigration judge shall advise the alien of the right to postpone the custody determination hearing and shall, on the oral or written request of the individual, postpone the custody determination hearing for a period of not more than 14 days.

“(5) Except for aliens that the immigration judge has determined are deportable under section 236(c) or certified under section 236A, the immigration judge shall review the custody determination de novo and may continue to detain the alien only if the Secretary demonstrates that no conditions, including the use of alternatives to detention that maintain custody over the alien, will reasonably assure the appearance of the alien as required and the safety of any other person and the community. For aliens whom the immigration judge has determined are deportable under section 236(c), the immigration judge may review the custody determination if the Secretary agrees the alien is

not a danger to the community, and alternatives to detention exist that ensure the appearance of the alien, as required, and the safety of any other person and the community.

“(6) In the case of any alien remaining in custody after a custody determination, the Attorney General shall provide de novo custody determination hearings before an immigration judge every 90 days so long as the alien remains in custody. An alien may also obtain a de novo custody redetermination hearing at any time upon a showing of good cause.

“(7) The Secretary shall inform the alien of his or her rights under this paragraph at the time the alien is first taken into custody.”.

(b) **LIMITATIONS ON SOLITARY CONFINEMENT.**—

(1) **IN GENERAL.**—Section 236(d) (8 U.S.C. 1226(d)) is amended by adding at the end the following:

“(3) **NATURE OF DETENTION.**—

“(A) **DEFINITIONS.**—In this paragraph:

“(i) **ADMINISTRATIVE SEGREGATION.**—The term ‘administrative segregation’ means a nonpunitive form of solitary confinement for administrative reasons.

“(ii) **DISCIPLINARY SEGREGATION.**—The term ‘disciplinary segregation’ means a punitive form of solitary confinement for disciplinary reasons.

“(iii) **SERIOUS MENTAL ILLNESS.**—The term ‘serious mental illness’ means a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

“(iv) **SOLITARY CONFINEMENT.**—The term ‘solitary confinement’ means cell confinement of 22 hours or more per day.

(B) **LIMITATIONS ON SOLITARY CONFINEMENT.**—

“(i) **IN GENERAL.**—The use of solitary confinement of an alien in custody pursuant to this section, section 235, or section 241 shall be limited to situations in which such confinement—

“(I) is necessary—

“(aa) to control a threat to detainees, staff, or the security of the facility;

“(bb) to discipline the alien for a serious disciplinary infraction if alternative sanctions would not adequately regulate the alien's behavior; or

“(cc) for good order during the last 24 hours before an alien is released, removed, or transferred from the facility;

“(II) is limited to the briefest term and under the least restrictive conditions practicable and consistent with the rationale for placement and with the progress achieved by the alien; and

“(III) complies with the requirements set forth in this subparagraph.

“(ii) **CHILDREN.**—Children who are younger than 18 years of age may not be placed in solitary confinement.

“(iii) **SERIOUS MENTAL ILLNESS.**—

“(I) **IN GENERAL.**—An alien with a serious mental illness may not be placed in involuntary solitary confinement due to mental illness unless—

“(aa) such confinement is necessary for the alien's own protection; or

“(bb) if the alien requires emergency stabilization or poses a significant threat to staff or others in general population.

“(II) **MAXIMUM PERIOD.**—An alien diagnosed with serious mental illness may not be placed in solitary confinement for more than 15 days unless the Secretary of Homeland Security determines that—

“(aa) any less restrictive alternative is more likely than not to cause greater harm

to the alien than the solitary confinement period imposed; or

“(bb) the likely harm to the alien is not substantial and the period of solitary confinement is the least restrictive alternative necessary to protect the alien, other detainees, or others.

“(iv) **OWN PROTECTION.**—

“(I) **IN GENERAL.**—Involuntary solitary confinement for an alien's own protection may be used only for the least amount of time practicable and if no readily available and less restrictive alternative will maintain the alien's safety.

“(II) **MAXIMUM PERIOD.**—An alien may not be placed in involuntary solitary confinement for the alien's own protection for longer than 15 days unless the Secretary of Homeland Security determines that any less restrictive alternative is more likely than not to cause greater harm to the alien than the solitary confinement period imposed.

“(III) **PROHIBITED FACTORS.**—The Secretary of Homeland Security may not rely solely on an alien's age, physical disability, sexual orientation, gender identity, race, or religion. The Secretary shall make an individualized assessment in each case.

“(v) **MEDICAL CARE.**—An alien placed in solitary confinement—

“(I) shall be visited by a medical professional at least 3 times each week;

“(II) shall receive at least weekly mental health monitoring by a licensed mental health clinician; and

“(III) shall be removed from solitary confinement if—

“(aa) a mental health clinician determines that such detention is having a significant negative impact on the alien's mental health; and

“(bb) an appropriate alternative is available.

“(vi) **NOTIFICATION; ACCESS TO COUNSEL.**—If an alien is placed in solitary confinement, the alien—

“(I) shall be informed verbally, and in writing, of the reason for such confinement and the intended duration of such confinement, if specified at the time of initial placement; and

“(II) shall be offered access to counsel on the same basis as detainees in the general population.

“(vii) **LONGER SOLITARY CONFINEMENT PERIODS.**—If an alien has been subject to involuntary solitary confinement for more than 14 consecutive days, the Secretary of Homeland Security shall conduct a timely review to determine whether continued placement is justified by an extreme disciplinary infraction or is the least restrictive means of protecting the alien or others. Any alien held in solitary confinement for more than 7 days shall be given a reasonable opportunity to challenge such placement with the detention facility administrator, which will promptly respond to such challenge in writing.

“(viii) **OVERSIGHT.**—The Secretary of Homeland Security shall ensure that—

“(I) he or she is regularly informed about the use of solitary confinement in all facilities at which aliens are detained; and

“(II) the Department fully complies with the provisions under this paragraph.

(C) **DISCIPLINARY SEGREGATION.**—Disciplinary segregation is authorized only pursuant to the order of a facility disciplinary panel following a hearing in which the detainee is determined to have violated a facility rule.

(D) **ADMINISTRATIVE SEGREGATION.**—Administrative segregation is authorized only as necessary to ensure the safety of the detainee or others, the protection of property,

or the security or good order of the facility. Detainees in administrative segregation shall be offered programming opportunities and privileges consistent with those available in the general population, except where precluded by safety or security concerns.”.

(2) ANNUAL REPORT.—The Secretary shall—

(A) collect and compile information regarding the prevalence, reasons for, and duration of solitary confinement in all facilities described in paragraph (3);

(B) submit an annual report containing the information described in subparagraph (A) to Congress not later than 30 days after the end of the reporting period; and

(C) make the data contained in the report submitted under subparagraph (B) publicly available.

(3) RULEMAKING.—The Secretary shall adopt regulations or policies to carry out section 236(d)(3) of the Immigration and Nationality Act, as amended by paragraph (1), at all facilities at which aliens are detained pursuant to section 235, 236, or 241 of such Act.

(c) STIPULATED REMOVAL.—Section 240(d) (8 U.S.C. 1229a) is amended to read as follows:

“(d) STIPULATED REMOVAL.—The Attorney General shall provide by regulation for the entry by an immigration judge of an order of removal stipulated to by the alien (or the alien’s representative) and the Service. An immigration judge may enter a stipulated removal order only upon a finding at an in-person hearing that the stipulation is voluntary, knowing, and intelligent. A stipulated order shall constitute a conclusive determination of the alien’s removability from the United States.”.

**SEC. 3718. SANCTIONS FOR COUNTRIES THAT DELAY OR PREVENT REPATRIATION OF THEIR NATIONALS.**

Section 243(d) (8 U.S.C. 1253(d)) is amended to read as follows:

“(d) DISCONTINUING GRANTING VISAS TO NATIONALS OF COUNTRIES THAT DENY OR DELAY ACCEPTING ALIENS.—Notwithstanding section 221(c), if the Secretary of Homeland Security determines, in consultation with the Secretary of State, that the government of a foreign country denies or unreasonably delays accepting aliens who are citizens, subjects, nationals, or residents of that country after the Secretary asks whether the government will accept an alien under this section, or after a determination that the alien is inadmissible under paragraph (6) or (7) of section 212(a), the Secretary of State shall order consular officers in that foreign country to discontinue granting visas, or classes of visas, until the Secretary of Homeland Security notifies the Secretary of State that the country has accepted the aliens.”.

**SEC. 3719. GROSS VIOLATIONS OF HUMAN RIGHTS.**

(a) INADMISSIBILITY OF CERTAIN ALIENS.—Section 212(a)(3)(E) (8 U.S.C. 1182(a)(3)(E)) is amended by striking clause (iii) and inserting the following:

“(iii) COMMISSION OF ACTS OF TORTURE, EXTRAJUDICIAL KILLINGS, WAR CRIMES, OR WIDESPREAD OR SYSTEMATIC ATTACKS ON CIVILIANS.—Any alien who planned, ordered, assisted, aided and abetted, committed, or otherwise participated, including through command responsibility, in the commission of—

“(I) any act of torture (as defined in section 2340 of title 18, United States Code);

“(II) any extrajudicial killing (as defined in section 3(a) of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note)) under color of law of any foreign nation;

“(III) a war crime (as defined in section 2441 of title 18, United States Code); or

“(IV) any of the following acts as a part of a widespread or systematic attack directed against a civilian population, with knowledge of the attack: murder, extermination, enslavement, forcible transfer of population, arbitrary detention, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; persecution on political racial, national, ethnic, cultural, religious, or gender grounds; enforced disappearance of persons; or other inhumane acts of a similar character intentionally causing great suffering or serious bodily or mental injury,

is inadmissible.

“(iv) LIMITATION.—Clause (iii) shall not apply to an alien if the Secretary of Homeland Security or the Attorney General determine that the actions giving rise to the alien’s inadmissibility under such clause were committed under duress. In determining whether the alien was subject to duress, the Secretary may consider, among relevant factors, the age of the alien at the time such actions were committed.”.

(b) DENYING SAFE HAVEN TO FOREIGN HUMAN RIGHTS VIOLATORS.—Section 2(a)(2) of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note) is amended—

(1) by inserting after “killing” the following: “, a war crime (as defined in subsections (c) and (d) of section 2441 of title 18, United States Code), a widespread or systematic attack on civilians (as defined in section 212(a)(3)(E)(iii)(IV) of the Immigration and Nationality Act), or genocide (as defined in section 1091(a) of such title 18)”;

(2) by striking “to the individual’s legal representative” and inserting “to that individual or to that individual’s legal representative”.

(c) NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.—The President may make public, without regard to the requirements under section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)), with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States, the names of aliens deemed inadmissible on the basis of section 212(a)(3)(E)(iii) of such Act, as amended by subsection (a).

**SEC. 3720. REPORTING AND RECORD KEEPING REQUIREMENTS RELATING TO THE DETENTION OF ALIENS.**

(a) IN GENERAL.—In order for Congress and the public to assess the full costs of apprehending, detaining, processing, supervising, and removing aliens, and how the money Congress appropriates for detention is allocated by Federal agencies, the Assistant Secretary for Immigration and Customs and Enforcement (referred to in this section as the “Assistant Secretary”), the Director of the Executive Office of Immigration Review, and the Commissioner responsible for U.S. Customs and Border Protection (referred to in this section as the “Commissioner”) shall—

(1) maintain the information required under subsections (b), (c), and (d); and

(2) submit reports on that information to Congress and make that information available to the public in accordance with subsection (e).

(b) MAINTENANCE OF INFORMATION BY U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.—The Assistant Secretary shall record and maintain, in the database of U.S. Immigration and Customs Enforcement relating to detained aliens, the following information with respect to each alien detained pursuant to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.):

(1) The provision of law that provides specific authority for the alien’s detention and the beginning and end dates of the alien’s detention pursuant to that authority. If the alien’s detention is authorized by different provisions of law during different periods of time, the Assistant Secretary shall record and maintain the provision of law that provides authority for the alien’s detention during each such period.

(2) The place where the alien was apprehended or where U.S. Immigration and Customs Enforcement assumed custody of the alien.

(3) Each location where U.S. Immigration and Customs Enforcement detains the alien until the alien is released from custody or removed from the United States, including any period of redetention.

(4) The gender and age of each detained alien in the custody of U.S. Immigration and Customs Enforcement.

(5) The number of days the alien is detained, including the number of days spent in any given detention facility and the total amount of time spent in detention.

(6) The immigration charges that are the basis for the alien’s removal proceedings.

(7) The status of the alien’s removal proceedings and each date on which those proceedings progress from 1 stage of proceeding to another.

(8) The length of time the alien was detained following a final administrative order of removal and the reasons for the continued detention.

(9) The initial custody determination or review made by U.S. Immigration and Customs Enforcement, including whether the alien received notice of a custody determination or review and when the custody determination or review took place.

(10) The risk assessment results for the alien, including if the alien is subject to mandatory custody or detention.

(11) The reason for the alien’s release from detention and the conditions of release imposed on the alien, if applicable.

(c) MAINTENANCE OF INFORMATION BY EXECUTIVE OFFICE OF IMMIGRATION REVIEW.—The Director of the Executive Office of Immigration Review shall record and maintain, in the database of the Executive Office of Immigration Review relating to detained aliens in removal proceedings, the following information with respect to each such alien:

(1) The immigration charges that are the basis for the alien’s removal proceedings, including any revision of the immigration charges and the date of each such revision.

(2) The gender and age of the alien.

(3) The status of the alien’s removal proceedings and each date on which those proceedings progress from one stage of proceeding to another.

(4) The statutory basis for any bond hearing conducted and the outcomes of the bond hearing.

(5) Whether each court hearing is conducted in person, by audio link, or by video conferencing.

(6) The date of each attorney entry of appearance before an immigration judge using Form EOIR-28 and the scope of the appearance to which the form related.

(d) MAINTENANCE OF INFORMATION BY U.S. CUSTOMS AND BORDER PROTECTION.—The Commissioner shall record and maintain in the database of U.S. Customs and Border Protection relating to detained aliens the following information with respect to each alien detained pursuant to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.):

(1) The provision of law that provides specific authority for the alien’s detention and

the beginning and end dates of the alien's detention.

(2) The place where the alien was apprehended.

(3) The gender and age of the alien.

(4) Each location where U.S. Customs and Border Protection detains the alien until the alien is released from custody or removed from the United States, including any period of redetention.

(5) The number of days that the alien is detained in the custody of U.S. Customs and Border Protection.

(6) The immigration charges that are the basis for the alien's removal proceedings while the alien is in the custody of U.S. Customs and Border Protection.

(7) The initial custody determination by U.S. Customs and Border Protection, including whether the alien received notice of a custody determination or review, when the custody determination or review took place, and whether U.S. Customs and Border Protection offered the option of stipulated removal to a detained alien.

(8) The reason for the alien's release from detention and the conditions of release to detention imposed on the alien, if applicable.

(e) REPORTING REQUIREMENTS.—

(1) PERIODIC REPORTS.—The Assistant Secretary, the Director of the Executive Office of Immigration Review, and the Commissioner shall periodically, but not less frequently than annually, submit to Congress a report containing a summary of the information required to be maintained by this section. Each such report shall include summaries of national-level data as well as summaries of the information required by this section by State and county.

(2) OTHER REPORTS.—The Assistant Secretary shall report to Congress not less frequently than annually on—

(A) the number of aliens detained for more than 3 months, 6 months, 1 year, and 2 years; and

(B) the average period of detention before receipt of a final administrative order of removal and after receipt of such an order.

(3) AVAILABILITY TO PUBLIC.—The reports required under this subsection and the information for each alien on which the reports are based shall be made available to the public without the need to submit a request under section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act").

(4) PRIVACY PROTECTIONS.—No alien's identity may be disclosed when information described in paragraph (3) is made publicly available.

(f) DEFINITIONS.—In this section:

(1) CASE OUTCOME.—The term "case outcome" includes a grant of relief from deportation under section 240A of the Immigration and Nationality Act (8 U.S.C. 1229b), voluntary departure pursuant to section 240B of that Act (8 U.S.C. 1229c), removal pursuant to section 238 of that Act (8 U.S.C. 1228), judicial termination of proceedings, termination of proceedings by U.S. Immigration and Customs Enforcement, cancellation of the notice to appear, or permission to withdraw application for admission without any removal order being issued.

(2) PLACE WHERE THE ALIEN WAS APPREHENDED.—The term "place where the alien was apprehended" refers to the city, county, and State where an alien is apprehended.

(3) REASON FOR THE ALIEN'S RELEASE FROM DETENTION.—The term "reason for the alien's release from detention" refers to release on bond, on an alien's own recognizance, on humanitarian grounds, after grant of relief, or

due to termination of proceedings or removal.

(4) REMOVAL PROCEEDINGS.—The term "removal proceedings" refers to a removal case of any kind, including expedited removal, administrative removal, stipulated removal, reinstatement, and voluntary removal and removals in which an applicant is permitted to withdraw his or her application for admission.

(5) STAGE.—The term "stage", with respect to a proceeding, refers to whether the alien is in proceedings before an immigration judge, the Board of Immigration Appeals, a United States court of appeals, or on remand from a United States court of appeals.

#### SEC. 3721. POWERS OF IMMIGRATION OFFICERS AND EMPLOYEES AT SENSITIVE LOCATIONS.

Section 287 (8 U.S.C. 1357) is amended by adding at the end the following:

"(i)(1) In order to ensure individuals' access to sensitive locations, this subsection applies to enforcement actions by officers and agents of U.S. Immigration and Customs Enforcement and officers and agents of U.S. Customs and Border Protection.

"(2)(A) An enforcement action may not take place at, or be focused on, a sensitive location, except as follows:

"(i) Under exigent circumstances.

"(ii) If prior approval is obtained.

"(B) If an enforcement action is taking place pursuant to subparagraph (A) and the condition permitting the enforcement action ceases, the enforcement action shall cease.

"(3)(A) When proceeding with an enforcement action at or near a sensitive location, officers and agents referred to in paragraph (1) shall conduct themselves as discreetly as possible, consistent with officer and public safety, and make every effort to limit the time at or focused on the sensitive location.

"(B) If, in the course of an enforcement action that is not initiated at or focused on a sensitive location, officers or agents are led to or near a sensitive location, and no exigent circumstance exists, such officers or agents shall conduct themselves in a discreet manner, maintain surveillance, and immediately consult their supervisor before taking any further enforcement action, in order to determine whether such action should be discontinued.

"(C) This section not apply to the transportation of an individual apprehended at or near a land or sea border to a hospital or healthcare provider for the purpose of providing such individual medical care.

"(4)(A) Each official specified in subparagraph (B) shall ensure that the employees under the supervision of such official receive annual training on compliance with the requirements of this subsection in enforcement actions at or focused on sensitive locations and enforcement actions that lead officers or agents to or near a sensitive location.

"(B) The officials specified in this subparagraph are the following:

"(i) The Chief Counsel of U.S. Immigration and Customs Enforcement.

"(ii) The Field Office Directors of U.S. Immigration and Customs Enforcement.

"(iii) Each Special Agent in Charge of U.S. Immigration and Customs Enforcement.

"(iv) Each Chief Patrol Agent of U.S. Customs and Border Protection.

"(v) The Director of Field Operations of U.S. Customs and Border Protection.

"(vi) The Director of Air and Marine Operations of U.S. Customs and Border Protection.

"(vii) The Internal Affairs Special Agent in Charge of U.S. Customs and Border Protection.

"(5)(A) The Director of U.S. Immigration and Customs Enforcement and the Commissioner of U.S. Customs and Border Protection shall each submit to the appropriate committees of Congress each year a report on the enforcement actions undertaken by U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection, respectively, during the preceding year that were covered by this subsection.

"(B) Each report on an agency for a year under this paragraph shall set forth the following:

"(i) The number of enforcement actions at or focused on a sensitive location.

"(ii) The number of enforcement actions where officers or agents were subsequently led to or near a sensitive location.

"(iii) The date, site, and State, city, and county in which each enforcement action covered by clause (i) or (ii) occurred.

"(iv) The component of the agency responsible for each such enforcement action.

"(v) A description of the intended target of each such enforcement action.

"(vi) The number of individuals, if any, arrested or taken into custody through each such enforcement action.

"(vii) The number of collateral arrests, if any, from each such enforcement action and the reasons for each such arrest.

"(viii) A certification of whether the location administrator was contacted prior to, during, or after each such enforcement action.

"(C) Each report under this paragraph shall be made available to the public without the need to submit a request under section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act").

"(6) In this subsection:

"(A) The term "appropriate committees of Congress" means—

"(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

"(ii) the Committee on the Judiciary of the Senate;

"(iii) the Committee on Homeland Security of the House of Representatives; and

"(iv) the Committee on the Judiciary of the House of Representatives.

"(B) The term "enforcement action" means an arrest, interview, search, or surveillance for the purposes of immigration enforcement, and includes an enforcement action at, or focused on, a sensitive location that is part of a joint case led by another law enforcement agency.

"(C) The term "exigent circumstances" means a situation involving the following:

"(i) The imminent risk of death, violence, or physical harm to any person, including a situation implicating terrorism or the national security of the United States in some other manner.

"(ii) The immediate arrest or pursuit of a dangerous felon, terrorist suspect, or other individual presenting an imminent danger or public safety risk.

"(iii) The imminent risk of destruction of evidence that is material to an ongoing criminal case.

"(D) The term "prior approval" means the following:

"(i) In the case of officers and agents of U.S. Immigration and Customs Enforcement, prior written approval for a specific, targeted operation from one of the following officials:

"(I) The Assistant Director of Operations, Homeland Security Investigations.

"(II) The Executive Associate Director of Homeland Security Investigations.

“(III) The Assistant Director for Field Operations, Enforcement, and Removal Operations.

“(IV) The Executive Associate Director for Field Operations, Enforcement, and Removal Operations.

“(ii) In the case of officers and agents of U.S. Customs and Border Protection, prior written approval for a specific, targeted operation from one of the following officials:

“(I) A Chief Patrol Agent.

“(II) The Director of Field Operations.

“(III) The Director of Air and Marine Operations.

“(IV) The Internal Affairs Special Agent in Charge.

“(E) The term ‘sensitive location’ includes the following:

“(i) Hospitals and health clinics.

“(ii) Public and private schools (including pre-schools, primary schools, secondary schools, postsecondary schools (including colleges and universities), and other institutions of learning such as vocational or trade schools).

“(iii) Organizations assisting children, pregnant women, victims of crime or abuse, or individuals with mental or physical disabilities.

“(iv) Churches, synagogues, mosques, and other places of worship, such as buildings rented for the purpose of religious services.

“(v) Such other locations as the Secretary of Homeland Security shall specify for purposes of this subsection.”.

#### **Subtitle H—Protection of Children Affected by Immigration Enforcement**

##### **SEC. 3801. SHORT TITLE.**

This subtitle may be cited as the “Humane Enforcement and Legal Protections for Separated Children Act” or the “HELP Separated Children Act”.

##### **SEC. 3802. DEFINITIONS.**

In this subtitle:

(1) **APPREHENSION.**—The term “apprehension” means the detention or arrest by officials of the Department or cooperating entities.

(2) **CHILD.**—The term “child” means an individual who has not attained 18 years of age.

(3) **CHILD WELFARE AGENCY.**—The term “child welfare agency” means a State or local agency responsible for child welfare services under subtitles B and E of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(4) **COOPERATING ENTITY.**—The term “cooperating entity” means a State or local entity acting under agreement with the Secretary.

(5) **DETENTION FACILITY.**—The term “detention facility” means a Federal, State, or local government facility, or a privately owned and operated facility, that is used, in whole or in part, to hold individuals under the authority of the Director of U.S. Immigration and Customs Enforcement, including facilities that hold such individuals under a contract or agreement with the Director.

(6) **IMMIGRATION ENFORCEMENT ACTION.**—The term “immigration enforcement action” means the apprehension of 1 or more individuals whom the Department has reason to believe are removable from the United States by the Secretary or a cooperating entity.

(7) **PARENT.**—The term “parent” means a biological or adoptive parent of a child, whose parental rights have not been relinquished or terminated under State law or the law of a foreign country, or a legal guardian under State law or the law of a foreign country.

##### **SEC. 3803. APPREHENSION PROCEDURES FOR IMMIGRATION ENFORCEMENT-RELATED ACTIVITIES.**

(a) **APPREHENSION PROCEDURES.**—In any immigration enforcement action, the Secretary and cooperating entities shall—

(1) as soon as possible, but generally not later than 2 hours after an immigration enforcement action, inquire whether an individual is a parent or primary caregiver of a child in the United States and provide any such individuals with—

(A) the opportunity to make a minimum of 2 telephone calls to arrange for the care of such child in the individual’s absence; and

(B) contact information for—

(i) child welfare agencies and family courts in the same jurisdiction as the child; and

(ii) consulates, attorneys, and legal service providers capable of providing free legal advice or representation regarding child welfare, child custody determinations, and immigration matters;

(2) notify the child welfare agency with jurisdiction over the child if the child’s parent or primary caregiver is unable to make care arrangements for the child or if the child is in imminent risk of serious harm;

(3) ensure that personnel of the Department and cooperating entities do not, absent medical necessity or extraordinary circumstances, compel or request children to interpret or translate for interviews of their parents or of other individuals who are encountered as part of an immigration enforcement action; and

(4) ensure that any parent or primary caregiver of a child in the United States—

(A) absent medical necessity or extraordinary circumstances, is not transferred from his or her area of apprehension until the individual—

(i) has made arrangements for the care of such child; or

(ii) if such arrangements are unavailable or the individual is unable to make such arrangements, is informed of the care arrangements made for the child and of a means to maintain communication with the child;

(B) absent medical necessity or extraordinary circumstances, and to the extent practicable, is placed in a detention facility either—

(i) proximate to the location of apprehension; or

(ii) proximate to the individual’s habitual place of residence; and

(C) receives due consideration of the best interests of such child in any decision or action relating to his or her detention, release, or transfer between detention facilities.

(b) **REQUESTS TO STATE AND LOCAL ENTITIES.**—If the Secretary requests a State or local entity to hold in custody an individual whom the Department has reason to believe is removable pending transfer of that individual to the custody of the Secretary or to a detention facility, the Secretary shall also request that the State or local entity provide the individual the protections specified in paragraphs (1) and (2) of subsection (a), if that individual is found to be the parent or primary caregiver of a child in the United States.

(c) **PROTECTIONS AGAINST TRAFFICKING PRESERVED.**—The provisions of this section shall not be construed to impede, delay, or in any way limit the obligations of the Secretary, the Attorney General, or the Secretary of Health and Human Services under section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

##### **SEC. 3804. ACCESS TO CHILDREN, STATE AND LOCAL COURTS, CHILD WELFARE AGENCIES, AND CONSULAR OFFICIALS.**

At all detention facilities, the Secretary shall—

(1) prominently post in a manner accessible to detainees and visitors and include in detainee handbooks information on the protections of this subtitle as well as information on potential eligibility for parole or release;

(2) absent extraordinary circumstances, ensure that individuals who are detained by the Department and are parents of children in the United States are—

(A) permitted regular phone calls and contact visits with their children;

(B) provided with contact information for child welfare agencies and family courts in the relevant jurisdictions;

(C) able to participate fully and, to the extent possible, in person in all family court proceedings and any other proceedings that may impact their right to custody of their children;

(D) granted free and confidential telephone calls to relevant child welfare agencies and family courts as often as is necessary to ensure that the best interest of their children, including a preference for family unity whenever appropriate, can be considered in child welfare agency or family court proceedings;

(E) able to fully comply with all family court or child welfare agency orders impacting custody of their children;

(F) provided access to United States passport applications or other relevant travel document applications for the purpose of obtaining travel documents for their children;

(G) afforded timely access to a notary public for the purpose of applying for a passport for their children or executing guardianship or other agreements to ensure the safety of their children; and

(H) granted adequate time before removal to obtain passports, apostilled birth certificates, travel documents, and other necessary records on behalf of their children if such children will accompany them on their return to their country of origin or join them in their country of origin; and

(3) where doing so would not impact public safety or national security, facilitate the ability of detained alien parents and primary caregivers to share information regarding travel arrangements with their consulate, children, child welfare agencies, or other caregivers in advance of the detained alien individual’s departure from the United States.

##### **SEC. 3805. MANDATORY TRAINING.**

The Secretary, in consultation with the Secretary of Health and Human Services, the Secretary of State, the Attorney General, and independent child welfare and family law experts, shall develop and provide training on the protections required under sections 3803 and 3804 to all personnel of the Department, cooperating entities, and detention facilities operated by or under agreement with the Department who regularly engage in immigration enforcement actions and in the course of such actions come into contact with individuals who are parents or primary caregivers of children in the United States.

##### **SEC. 3806. RULEMAKING.**

Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to implement sections 3803 and 3804 of this Act.

**SEC. 3907. SEVERABILITY.**

If any provision of this subtitle or amendment made by this subtitle, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this subtitle and amendments made by this subtitle, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

**Subtitle I—Providing Tools To Exchange Visitors and Exchange Visitor Sponsors To Protect Exchange Visitor Program Participants and Prevent Trafficking****SEC. 3901. DEFINITIONS.**

(a) **IN GENERAL.**—Except as otherwise provided by this subtitle, the terms used in this subtitle shall have the same meanings, respectively, as are given those terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203), except that the term “employer” shall also include a prospective employer seeking to hire exchange visitors with which the sponsor has a contractual relationship.

**(b) OTHER DEFINITIONS.**

(1) **EXCHANGE VISITOR.**—The term “exchange visitor” means a foreign national who is inquiring about or applying to participate in the exchange visitor program or who has successfully applied and has completed or is completing an exchange visitor program not funded by the United States Government as governed by sections 2.22, 62.24, 62.30, 62.31, and 62.32 of title 22, Code of Federal Regulations.

(2) **EXCHANGE VISITOR PROGRAM.**—The term “exchange visitor program” means the international exchange program administered by the Department of State to implement the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), by means of educational and cultural programs.

(3) **EXCHANGE VISITOR PROGRAM RECRUITMENT ACTIVITIES.**—The term “exchange visitor program recruitment activities” means activities related to recruiting, soliciting, transferring, providing, obtaining, or facilitating participation of individuals who reside outside the United States in an exchange visitor program including when such activity occurs wholly outside the United States.

(4) **EXCHANGE VISITOR PROGRAM SPONSOR; SPONSOR.**—The term “exchange visitor program sponsor” or “sponsor” means a legal entity designated by the Secretary of State, in the Secretary’s discretion, to conduct an exchange visitor program governed by sections 62.22, 62.24, 62.30, 62.31, and 62.32 of title 22, Code of Federal Regulations.

(5) **FOREIGN ENTITY.**—The term “foreign entity” means a person contracted by a sponsor to engage in exchange visitor program recruitment activities on the sponsor’s behalf and any subcontractors thereof.

(6) **HOST ENTITY.**—The term “host entity” means “host organization”, “primary or secondary accredited educational institution”, “camp facility”, “host family”, or “employer/host employer” as used in sections 62.22, 62.24, 62.30, 62.31, and 62.32 of title 22, Code of Federal Regulations, respectively.

(7) **REGULATIONS.**—Any reference to any provision of regulations shall include any successor provision addressing the same subject matter.

**SEC. 3902. DISCLOSURE.**

(a) **REQUIREMENT FOR DISCLOSURE AT TIME OF EXCHANGE VISITOR PROGRAM RECRUITMENT ACTIVITY.**—Any person who engages in exchange visitor program recruitment activity shall develop certain information, previously approved by and on file with the exchange

visitor program sponsor, to be disclosed in writing in English to the exchange visitor before the exchange visitor pays fees described in section 3904, other than refundable fees and a reasonable non-refundable deposit, or otherwise detrimentally relies on information provided by an exchange program sponsor or foreign entity. This information shall be made available to the Secretary of State, or an exchange visitor requesting his or her own file, within 5 business days of request, consistent with program regulations in part 62 of title 22, Code of Federal Regulations. Not later than 18 months after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Labor, amend such regulations to reflect the information to be disclosed, including the following:

(1) The identity and address of the exchange visitor program sponsor, host entity, and any foreign entity with authority to charge fees and costs under section 3904.

(2) All assurances and terms and conditions of employment, from the prospective host entity of the exchange visitor, including place and period of employment, job duties, number of work hours, wages and compensation, and any deductions from wages and benefits, including deductions for housing and transportation. Nothing in this paragraph shall be construed to permit any charge, deduction, or expense prohibited by this or any other law.

(3) A copy of the prospective agreement between the exchange visitor program sponsor, exchange visitor, and the host entity.

(4) Information regarding the terms and conditions of the nonimmigrant status under which the exchange visitor is to be admitted, and the period of stay in the United States allowed for such nonimmigrant status.

(5) A copy of the fee disclosure form as described in section 3904(d) listing the mandatory and optional costs or expenses to be charged to the exchange visitor.

(6) The existence of any labor organizing effort, collective bargaining agreement, labor contract, strike, lockout, or other labor dispute at the host entity.

(7) Whether and the extent to which exchange visitors will be compensated through workers’ compensation, private insurance, or otherwise for injuries or death, including work-related injuries and death, during the period of employment.

(8) A description of the sanctions the exchange visitor program sponsor is currently subject to, if any, as imposed by the Department of State.

(9) A statement in a form specified by the Secretary of State—

(A) stating that in accordance with guidelines and regulations promulgated by the Secretary—

(i) the costs and fees charged by the exchange program sponsor, foreign entity, and host entity do not exceed those permitted by section 3904 and are legal under the laws of the United States and the home country of the exchange visitor; and

(ii) the exchange visitor program sponsor, foreign entity, or host entity may bear costs or fees not provided for in section 3904, but that fees under that section cannot be passed along to the exchange visitor.

(10) Any education or training to be provided or required, other than education or training provided in accordance with section 62.10 (b) and (c) of title 22, Code of Federal Regulations, as “pre-arrival information” or “orientation” and additional orientation and training requirements as described in each relevant category under sections 62.22, 62.24, 62.30, 62.31, and 62.32 of that title.

(11) A clear statement explaining that—

(A) except as provided in subparagraph (B), no additional significant requirements or significant changes may be made to the original contract signed with a handwritten, electronic, or digital pin code signature by the exchange visitor without at least 24 hours to consider such changes and the specific consent of the exchange visitor, obtained voluntarily and without threat of penalty; and

(B) changes may be made to the conditions of employment contained in the original contract even if the exchange visitor has not had 24 hours to consider such changes, provided the exchange visitor has specifically consented to the changes, voluntarily and without threat of penalty, and such changes must be implemented without giving the exchange visitor 24 hours to consider them in order to protect the health or welfare of the exchange visitor.

(b) **REQUIREMENT FOR RULES.**—The Secretary of State shall define by rule or guidance what constitutes “refundable fees” and a “reasonable non-refundable deposit” for the purpose subsection (a).

(c) **RELATIONSHIP TO LABOR AND EMPLOYMENT LAWS.**—Nothing in the disclosure required by subsection (a) shall constitute a legal conclusion as to the exchange visitor’s status or rights under the labor and employment laws.

(d) **PROHIBITION ON FALSE AND MISLEADING INFORMATION AND CERTAIN FEES.**—No exchange visitor program sponsor, foreign entity, or host entity who engages in any exchange visitor program activity shall knowingly provide materially false or misleading information to any exchange visitor concerning any matter required to be disclosed under subsection (a). Charging fees for services not provided or assessing fees that exceed the amounts established by the Secretary of State pursuant to section 3904 is a violation of this section. The disclosure required by this section is a document concerning the proper administration of a matter within the jurisdiction of a department or agency of the United States for the purposes of section 1519 of title 18, United States Code, and other provisions of such title.

(e) **PUBLIC AVAILABILITY OF INFORMATION.**—The Secretary of State shall amend its regulations at part 62 of title 22, Code of Federal Regulations, to require sponsors to make publicly available, including on their websites and in recruiting materials, information regarding fees, costs, and services associated with their exchange visitor programs, including foreign entity names and contact points, and other factors relevant to exchange visitors’ choice of sponsor or foreign entity.

**SEC. 3903. PROHIBITION ON DISCRIMINATION.**

(a) **IN GENERAL.**—It shall be unlawful for an exchange visitor program sponsor, foreign entity, or host entity to fail or refuse to select, hire, discharge, intimidate, threaten, restrain, coerce, or blacklist any individual or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, creed, sex, national origin, religion, age, or disability.

(b) **DETERMINATIONS OF DISCRIMINATION.**—For the purposes of determining the existence of unlawful discrimination under subsection (a)—

(1) in the case of a claim of discrimination based on race, color, sex, national origin, or religion, the same legal standards shall apply as are applicable under title VII of the



Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(2) in the case of a claim of discrimination based on age, the same legal standards shall apply as are applicable under the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.); and

(3) in the case of a claim of discrimination based on disability, the same legal standards shall apply as are applicable under title I of the Americans With Disabilities Act of 1990 as amended (42 U.S.C. 12111 et seq.).

#### SEC. 3904. FEES.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Labor, shall promulgate regulations to set limits on the mandatory fees charged by exchange visitor program sponsors, host entities, and their foreign entities to the exchange visitor. In promulgating such regulations, the Secretary of State shall conduct public meetings with exchange visitor program sponsors, organizations representing exchange visitors, and members of the public with expertise in public diplomacy, educational and cultural exchange, labor markets, labor relations, migration, civil rights, human rights, and prohibiting human trafficking. The Secretary of State may, in the Secretary's discretion, consider factors including what costs are within the control of sponsors, differences among programs and countries, level and amount of educational and cultural activities included, and services rendered.

(b) MAXIMUM FEES.—It shall be unlawful for any person to charge a fee higher than the maximum allowable fee as established by regulations promulgated under subsection (a), and any person who charges a higher fee shall be liable under this subtitle. If a fee higher than the maximum is charged by a sponsor or foreign entity, the sponsor shall be liable. If a fee higher than the maximum allowable is charged by the host entity or a host entity's agent, the host entity shall be liable.

(c) UPDATE OF MAXIMUM FEES.—The Secretary of State shall update the maximum allowable fees described in subsection (a) in response to changing economic conditions and other factors as needed.

(d) FEE TRANSPARENCY.—The Secretary of State shall amend its regulations at part 62 of title 22, Code of Federal Regulations, to require exchange visitor program sponsors to—

(1) provide the Department of State annually with an itemized list of fees charged to exchange visitor program participants including by their foreign entities, subcontractors, or foreign entity's agents; and

(2) require a 3-party document signed by the exchange visitor, foreign entity, and sponsor that outlines a basic level fee structure and itemizes mandatory and optional fees.

#### SEC. 3905. ANNUAL NOTIFICATION.

(a) ANNUAL EXCHANGE VISITOR PROGRAM SPONSOR NOTIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), prior to engaging in any exchange visitor program activity, any person who seeks to be an exchange visitor program sponsor shall be designated by the Secretary of State pursuant to regulations that the Secretary of State has prescribed or shall prescribe after the date of the enactment of this Act.

(2) NOTIFICATION.—Each exchange visitor program sponsor shall notify the Secretary of State, not less frequently than once every year, of the identity of any third party, agent, or exchange visitor program sponsor

employee involved in any exchange visitor program recruitment activity for, or on behalf of, the exchange visitor program sponsor.

(3) PERSONAL JURISDICTION OVER FOREIGN ENTITIES.—As a condition of initial and continued registration, each program sponsor shall obtain a written and signed agreement from any foreign entity. In that agreement, the foreign entity shall stipulate and agree, as a condition for receiving any payment or compensation for performing any work or service for the program sponsor, that the laws of the United States shall govern any and all disputes among and between the parties or the United States, including any enforcement actions, and that any dispute or enforcement action shall be brought in the United States District Court for the District of Columbia. The agreement shall be in such form and contain such other information as the Secretary of State shall prescribe.

(4) NONCOMPLIANCE NOTIFICATION.—An host entity shall notify the Secretary of State upon gaining knowledge of noncompliance with this subtitle by an exchange visitor program sponsor. An exchange visitor program sponsor shall notify the Secretary of State upon gaining knowledge of noncompliance with this subtitle by a host entity or foreign entity.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall amend its regulations at part 62 of title 22, Code of Federal Regulations, regarding the annual exchange visitor program sponsor notification.

(c) REFUSAL TO ISSUE AND REVOCATION OF DESIGNATION.—The Secretary of State shall amend its regulations at part 62 of title 22, Code of Federal Regulations, to include the following bases for refusing to issue or renew, or for revoking a sponsor's designation for a period of not greater than 5 years:

(1) The applicant for, or holder of, the designation has knowingly made a material misrepresentation in the application for such designation.

(2) The applicant for, or holder of, the designation has committed any felony under State or Federal law or any crime involving fraud, robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, trafficking in persons, assault with intent to kill, assault which inflicts grievous bodily injury, prostitution, peonage, or smuggling or harboring individuals who have entered the United States illegally.

(3) The applicant for, or holder of, the designation has committed any crime relating to gambling, or to the sale, distribution, or possession of alcoholic beverages, in connection with or incident to any exchange visitor recruitment activities.

(4) Such other criteria as the Secretary of State may, in the Secretary's discretion, establish.

#### SEC. 3906. BONDING REQUIREMENT.

(a) IN GENERAL.—The Secretary of State may assess a bond amount sufficient to ensure the ability of a sponsor to discharge its responsibilities and to ensure protection of exchange visitors, including wages or stipends. In requiring a sponsor to post the bond, the Secretary of State shall take into account the degree to which the sponsor's assets can be reached by United States courts.

(b) REGULATIONS.—The Secretary of State, by regulation, shall establish the conditions under which the bond amount is determined, paid, and forfeited, which shall include the sponsor's history of compliance.

(c) RELATIONSHIP TO OTHER REMEDIES.—The bond requirements and forfeiture of the bond

under this section shall be in addition to or, pursuant to court order, in conjunction with, other remedies under 3910 or any other provision of law.

#### SEC. 3907. MAINTENANCE OF LISTS.

(a) IN GENERAL.—The Secretary of State shall work with the Secretary of Homeland Security to ensure that the information described in paragraphs (1) through (4) of subsection (b) is included on the foreign entity list kept and updated pursuant to section 3607 and shall share that list with the Department of Labor.

(b) INFORMATION.—Not later than 1 year after the date of the enactment of this Act, each sponsor shall compile and share with the Secretary of State on a regular basis a list that includes the following information:

(1) The countries from which the sponsor recruits.

(2) The host entities for whom the sponsor recruits.

(3) The occupations for which the sponsor recruits.

(4) The States where recruited exchange visitors are employed.

(c) LIMITATION ON PUBLIC AVAILABILITY.—Neither the Secretary of State nor the Secretary of Homeland Security shall make the information described in paragraphs (1) through (4) of subsection (b) public as part of the list described in section 3607.

#### SEC. 3908. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

Section 214 (8 U.S.C. 1184), as amended by title IV, is further amended by adding at the end the following:

“(bb) A visa shall not be issued under section 101(a)(15) until the consular officer—

“(1) has confirmed that the applicant has received, read, and understood the information and resources pamphlet required by section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375b); and

“(2) has reviewed and made a part of the visa file the exchange visitor program sponsor disclosures required by section 3902 of the Border Security, Economic Opportunity, and Immigration Modernization Act, including whether the exchange visitor program sponsor is designated pursuant to that section.”.

#### SEC. 3909. RESPONSIBILITIES OF SECRETARY OF STATE.

(a) IN GENERAL.—The Secretary of State shall ensure that each United States diplomatic mission has a person who is responsible for receiving information from any exchange visitor who has been subject to violations of this subtitle.

(b) PROVISION OF INFORMATION.—The responsible person referred to in subsection (a) shall ensure that the information received is provided to the Department of State. The Department of State may share that information as necessary with the Department of Justice, the Department of Labor, and any other relevant Federal agency.

(c) MECHANISMS.—The Attorney General and the Secretary of State shall ensure that there is a mechanism for any actions that need to be taken in response to information received under subsection (a).

(d) ASSISTANCE FROM FOREIGN GOVERNMENT.—The person designated for receiving information pursuant to subsection (a) is strongly encouraged to coordinate with governments and civil society organizations in the countries of origin to ensure the exchange visitor receives additional support.

(e) MAINTENANCE AND AVAILABILITY OF INFORMATION.—The Secretary of State shall ensure that consulates coordinate with the Department of State to have access to information regarding the identities of sponsors and

the foreign entities with whom sponsors contract for exchange visitor program recruitment activities. The Secretary of State shall ensure information on the identity of sponsors is publicly available in written form on the Department of State website, and information on the identity of foreign entities in each individual country is publicly available on the websites of United States embassies in each of those countries.

#### SEC. 3910. ENFORCEMENT PROVISIONS.

(a) INVESTIGATIONS.—The Secretary of State shall undertake compliance actions and sanctions against exchange visitor program sponsors in accordance with part 62 of title 22, Code of Federal Regulations.

(b) REPRESENTATION.—Except as provided in section 518(a) of title 28, United States Code, the Attorney General may appear for and represent the Secretary in any civil litigation brought under this paragraph. All such litigation shall be subject to the direction and control of the Attorney General. Exchange visitor sponsors shall be allowed a reasonable period of inquiry and response before civil litigation is initiated.

(c) ENFORCEMENT.—The Secretary of State or an exchange visitor who is subject to any violation of this subtitle may bring a civil action against an exchange visitor program sponsor, foreign entity, or host entity in a court of competent jurisdiction and recover appropriate relief, including injunctive relief, damages, reasonable attorneys' fees and costs, and any other remedy that would effectuate the purposes of this subtitle. Any action must be filed within 3 years after the date on which the exchange visitor became aware of the violation, but under no circumstances more than 5 years after the date on which the violation occurred.

(d) ACTIONS BY THE SECRETARY OF STATE OR AN EXCHANGE VISITOR.—If the court finds in a civil action filed under this section that the defendant has violated any provision of this subtitle (or any regulation issued pursuant to this subtitle), the court may award damages, up to and including an amount equal to the amount of actual damages, and statutory damages of up to \$1,000 per plaintiff per violation, or other equitable relief, except that with respect to statutory damages—

(1) multiple infractions of a single provision of this subtitle (or of a regulation under this subtitle) shall constitute only 1 violation for purposes of section 3902(a) to determine the amount of statutory damages due a plaintiff; and

(2) if such complaint is certified as a class action the court may award—

(A) damages up to an amount equal to the amount of actual damages; and

(B) statutory damages of not more than the lesser of up to \$1,000 per class member per violation, or up to \$500,000;

(C) other equitable relief;

(D) reasonable attorneys' fees and costs; and

(E) such other and further relief, including declaratory and injunctive relief, as necessary to effectuate the purposes of this subtitle.

(e) BOND.—To satisfy the damages, fees, and costs found owing under this section, as much of the bond held pursuant to section 3906 shall be released as necessary.

(f) APPEAL.—Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

(g) SAFE HARBOR.—A host entity shall not have any liability under this section for the actions or omissions of an exchange visitor

program sponsor that has a valid designation with the State Department pursuant to section 3905, unless and to the extent that the host entity has engaged in conduct that violates this subtitle.

(h) LIABILITY FOR FOREIGN ENTITIES.—Exchange visitor program sponsors shall be liable for violations of this subtitle by any foreign employees, agents, foreign entities, or subcontractees of any level in relation to the exchange visitor program recruitment activities of the foreign employees, agents, foreign entities, or subcontractees to the same extent as if the exchange visitor program sponsor had committed the violation, unless the exchange visitor program sponsor—

(1) uses reasonable procedures to protect against violations of this subtitle by foreign employees, agents, foreign entities, or subcontractees (including contractually forbidding in writing any foreign employees, agents, foreign entities, or subcontractees from seeking or receiving prohibited fees from workers);

(2) does not act with reckless disregard of the fact that foreign employees, agents, foreign entities, or subcontractees have violated any provision of this subtitle; and

(3) timely reports any potential violations to the Secretary of State.

(i) WAIVER OF RIGHTS.—Agreements between exchange visitors with sponsors, foreign entities, or host entities purporting to waive or to modify their rights under this subtitle shall be void as contrary to public policy.

(j) RETALIATION.—No person shall intimidate, threaten, restrain, coerce, discharge, or in any other manner discriminate or retaliate against any exchange visitor or his or her family members (including a former exchange visitor or an applicant for employment) because such exchange visitor disclosed information to any person that the exchange visitor reasonably believes evidences a violation of this section (or any rule or regulation pertaining to this section), including speaking with a worker organization, seeking legal assistance of counsel, or cooperating with an investigation or other proceeding concerning compliance with this section (or any regulation pertaining to this section).

(k) PROHIBITION ON RETALIATION.—It shall be unlawful for an exchange visitor program sponsor or foreign entity to terminate or remove from the exchange visitor program, ban from the program, adversely annotate an exchange visitor's SEVIS (as defined in section 4902) record, fire, demote, take other adverse employment action, or evict, or to threaten to take any of such actions against an exchange visitor in retaliation for the act of complaining about program conditions, including housing and job placements, wages, hours, and general treatment, or for disclosing retaliation by an exchange visitor sponsor, exchange visitor foreign entity, or host entity against any exchange visitor.

(l) PRESENCE DURING PENDENCY OF ACTIONS.—If other immigration relief is not available to the exchange visitor, the Secretary of Homeland Security may permit, only on the basis of proof, the exchange visitor to remain lawfully in the United States for the time sufficient to allow the exchange visitor to fully and effectively participate in all legal proceedings related to any action taken pursuant to this section.

(m) ACCESS TO LEGAL SERVICES CORPORATION.—Notwithstanding any other provision of law, the Legal Services Corporation and recipients of its funding may provide legal assistance on behalf of any alien with respect to any provision of this subtitle.

(n) HOST ENTITY VIOLATIONS.—The Secretary, in consultation with the Secretary of Labor, shall maintain a list of host entities against whom there has been a complaint substantiated by the Department of State for significant program violations. Information from that list shall be made available to sponsors upon request.

#### SEC. 3911. AUDITS AND TRANSPARENCY.

(a) COMPLIANCE AUDITS.—

(1) IN GENERAL.—The Secretary of State shall by regulation require audit reports to be filed by exchange visitor program sponsors operating under the following specific program categories, as described under subpart B of part 62 of title 22, Code of Federal Regulations, and any successor regulations:

- (A) Summer work travel.
- (B) Trainees and interns.
- (C) Camp counselors.
- (D) Au pairs.
- (E) Teachers.

(2) AUDIT REPORTS.—Audit reports shall be filed with the Department of State and be conducted by a certified public accountant, qualified auditor, or licensed attorney pursuant to a format designated by the Secretary of State, attesting to the sponsor's compliance with the regulatory and reporting requirements set forth in part 62 of title 22, Code of Federal Regulations. The report shall be conducted at the expense of the sponsor and no more frequently than on a bi-annual basis.

(b) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on the exchange visitor program, which shall detail for each specific program category—

- (1) summary data on the number of exchange visitors and countries participating in that category;
- (2) public diplomacy outcomes; and
- (3) recent sanctions imposed by the Department of State.

#### TITLE IV—REFORMS TO NONIMMIGRANT VISA PROGRAMS

##### Subtitle A—Employment-based Nonimmigrant Visas

#### SEC. 4101. MARKET-BASED H-1B VISA LIMITS.

(a) IN GENERAL.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “(beginning with fiscal year 1992)”;

(B) by amending subparagraph (A) to read as follows:

“(A) under section 101(a)(15)(H)(i)(b) may not exceed the sum of—

“(i) the base allocation calculated under paragraph (9)(A); and

“(ii) the allocation adjustment calculated under paragraph (9)(B); and”;

(2) by redesignating paragraph (10) as subparagraph (D) of paragraph (9);

(3) by redesignating paragraph (9) as paragraph (10); and

(4) by inserting after paragraph (8) the following:

“(9)(A) Except as provided in subparagraph (C), the base allocation of nonimmigrant visas under section 101(a)(15)(H)(i)(b) for each fiscal year shall be equal to—

“(i) the sum of—

“(I) the base allocation for the most recently completed fiscal year; and

“(II) the allocation adjustment under subparagraph (B) for the most recently completed fiscal year;

“(ii) if the number calculated under clause (i) is less than 115,000, 115,000; or

“(iii) if the number calculated under clause (i) is more than 180,000, 180,000.

“(B)(i) If the number of cap-subject nonimmigrant visa petitions accepted for filing under section 101(a)(15)(H)(i)(b) during the first 45 days petitions may be filed for a fiscal year is equal to the base allocation for such fiscal year, an additional 20,000 such visas shall be made available beginning on the 46th day on which petitions may be filed for such fiscal year.

“(ii) If the base allocation of cap-subject nonimmigrant visa petitions accepted for filing under section 101(a)(15)(H)(i)(b) for a fiscal year is reached during the 15-day period ending on the 60th day on which petitions may be filed for such fiscal year, an additional 15,000 such visas shall be made available beginning on the 61st day on which petitions may be filed for such fiscal year.

“(iii) If the base allocation of cap-subject nonimmigrant visa petitions accepted for filing under section 101(a)(15)(H)(i)(b) for a fiscal year is reached during the 30-day period ending on the 90th day on which petitions may be filed for such fiscal year, an additional 10,000 such visas shall be made available beginning on the 91st day on which petitions may be filed for such fiscal year.

“(iv) If the base allocation of cap-subject nonimmigrant visa petitions accepted for filing under section 101(a)(15)(H)(i)(b) for a fiscal year is reached during the 185-day period ending on the 275th day on which petitions may be filed for such fiscal year, an additional 5,000 such visas shall be made available beginning on the date on which such allocation is reached.

“(v) If the number of cap-subject nonimmigrant visa petitions accepted for filing under section 101(a)(15)(H)(i)(b) for a fiscal year is at least 5,000 fewer than the base allocation, but is not more than 9,999 fewer than the base allocation, the allocation adjustment for the following fiscal year shall be -5,000.

“(vi) If the number of cap-subject nonimmigrant visa petitions accepted for filing under section 101(a)(15)(H)(i)(b) for a fiscal year is at least 10,000 fewer than the base allocation, but not more than 14,999 fewer than the base allocation, the allocation adjustment for the following fiscal year shall be -10,000.

“(vii) If the number of cap-subject nonimmigrant visa petitions accepted for filing under section 101(a)(15)(H)(i)(b) for a fiscal year is at least 15,000 fewer than the base allocation, but not more than 19,999 fewer than the base allocation, the allocation adjustment for the following fiscal year shall be -15,000.

“(viii) If the number of cap-subject nonimmigrant visa petitions accepted for filing under section 101(a)(15)(H)(i)(b) for a fiscal year is at least 20,000 fewer than the base allocation, the allocation adjustment for the following fiscal year shall be -20,000.

“(C) An allocation adjustment under clause (i), (ii), (iii), or (iv) of subparagraph (B)—

“(i) may not increase the numerical limitation contained in paragraph (9)(A) to a number above 180,000; and

“(ii) may not take place to make additional nonimmigrant visas available for any fiscal year in which the national occupational unemployment rate for ‘Management, Professional, and Related Occupations’, as published by the Bureau of Labor Statistics each month, averages 4.5 percent or greater over the 12-month period preceding the date of the Secretary’s determination of whether the cap should be increased or decreased.”.

(b) INCREASE IN ALLOCATION FOR STEM NONIMMIGRANTS.—Section 214(g)(5)(C) (8 U.S.C. 1184(g)(5)(C)) is amended to read as follows:

“(C) has earned a master’s or higher degree, in a field of science, technology, engineering, or math included in the Department of Education’s Classification of Instructional Programs taxonomy within the summary groups of computer and information sciences and support services, engineering, mathematics and statistics, biological and biomedical sciences, and physical sciences, from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) until the number of aliens who are exempted from such numerical limitation during such year exceed 25,000.”.

(c) PUBLICATION.—

(1) DATA SUMMARIZING PETITIONS.—The Secretary shall timely upload to a public website data that summarizes the adjudication of nonimmigrant petitions under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) during each fiscal year.

(2) ANNUAL NUMERICAL LIMITATION.—As soon as practicable and no later than March 2 of each fiscal year, the Secretary shall publish in the Federal Register the numerical limitation determined under section 214(g)(1)(A) for such fiscal year.

(d) EFFECTIVE DATE AND APPLICATION.—The amendments made by subsection (a) shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act and apply to applications for nonimmigrant visas under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) for such fiscal year.

**SEC. 4102. EMPLOYMENT AUTHORIZATION FOR DEPENDENTS OF EMPLOYMENT-BASED NONIMMIGRANTS.**

Section 214(c) (8 U.S.C. 1184(c)) is amended—

(1) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”; and

(2) in paragraph (2), by amending subparagraph (E) to read as follows:

“(E)(i) In the case of an alien spouse admitted under section 101(a)(15)(L), who is accompanying or following to join a principal alien admitted under such section, the Secretary of Homeland Security shall—

“(I) authorize the alien spouse to engage in employment in the United States; and

“(II) provide the spouse with an ‘employment authorized’ endorsement or other appropriate work permit.

“(ii) In the case of an alien spouse admitted under section 101(a)(15)(H)(i)(b), who is accompanying or following to join a principal alien admitted under such section, the Secretary of Homeland Security shall—

“(I) authorize the alien spouse to engage in employment in the United States; and

“(II) provide such a spouse with an ‘employment authorized’ endorsement or other appropriate work permit, if appropriate.

“(iii)(I) Upon the request of the Secretary of State, the Secretary of Homeland Security may suspend employment authorizations under clause (ii) to nationals of a foreign country that does not permit reciprocal employment to nationals of the United States who are accompanying or following to join the employment-based nonimmigrant husband or wife of such spouse to be employed in such foreign country based on that status.

“(II) In subclause (I), the term ‘employment-based nonimmigrant’ means an indi-

vidual who is admitted to a foreign country to perform employment similar to the employment described in section 101(a)(15)(H)(i)(b).”.

**SEC. 4103. ELIMINATING IMPEDIMENTS TO WORKER MOBILITY.**

(a) DEFERENCE TO PRIOR APPROVALS.—Section 214(c) (8 U.S.C. 1184(c)), as amended by section 4102, is further amended by adding at the end the following:

“(15) Subject to paragraph (2)(D) and subsection (g) and section 104(c) and subsections (a) and (b) of section 106 of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106-313; 8 U.S.C. 1184 note), the Secretary of Homeland Security shall give deference to a prior approval of a petition in reviewing a petition to extend the status of a nonimmigrant admitted under subparagraph (H)(i)(b) or (L) of section 101(a)(15) if the petition involves the same alien and petitioner unless the Secretary determines that—

“(A) there was a material error with regard to the previous petition approval;

“(B) a substantial change in circumstances has taken place;

“(C) new material information has been discovered that adversely impacts the eligibility of the employer or the nonimmigrant; or

“(D) in the Secretary’s discretion, such extension should not be approved.”.

(b) EFFECT OF EMPLOYMENT TERMINATION.—Section 214(n) (8 U.S.C. 1184(n)) is amended by adding at the end the following:

“(3) A nonimmigrant admitted under section 101(a)(15)(H)(i)(b) whose employment relationship terminates before the expiration of the nonimmigrant’s period of authorized admission shall be deemed to have retained such legal status throughout the entire 60-day period beginning on the date such employment is terminated. A nonimmigrant who files a petition to extend, change, or adjust their status at any point during such period shall be deemed to have lawful status under section 101(a)(15)(H)(i)(b) while that petition is pending.”.

(c) VISA REVALIDATION.—Section 222(c) (8 U.S.C. 1202(c)) is amended—

(1) by inserting “(1)” before “Every alien”; and

(2) by adding at the end the following:

“(2) The Secretary of State may, at the Secretary’s discretion, renew in the United States the visa of an alien admitted under subparagraph (A), (E), (G), (H), (I), (L), (N), (O), (P), (R), or (W) of section 101(a)(15) if the alien has remained eligible for such status and qualifies for a waiver of interview as provided for in subsection (h)(1)(D).”.

(d) INTERVIEW WAIVERS FOR LOW RISK VISA APPLICANTS.—Section 222(h)(1) (8 U.S.C. 1202(h)(1)) is amended—

(1) in subparagraph (B)(iv), by striking “or” at the end;

(2) in subparagraph (C)(ii), by striking “and” at the end and inserting “or”; and

(3) by adding at the end the following:

“(D) by the Secretary of State, in consultation with the Secretary of Homeland Security, for such aliens or classes of aliens—

“(i) that the Secretary determines generally represent a low security risk;

“(ii) for which an in-person interview would not add material benefit to the adjudication process;

“(iii) unless the Secretary of State, after a review of all standard database and biometric checks, the visa application, and other supporting documents, determines that an interview is unlikely to reveal derogatory information; and

“(iv) except that in every case, the Secretary of State retains the right to require an applicant to appear for an interview; and”.

**SEC. 4104. STEM EDUCATION AND TRAINING.**

(a) FEE.—Section 212(a)(5)(A) (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following:

“(v) FEE.—An employer shall submit, along with an application for a certification under this subparagraph, a fee of \$1,000, which shall be deposited in the STEM Education and Training Account established under section 286(w).”.

(b) H-1B NONIMMIGRANT PETITIONER ACCOUNT.—Section 286(s) (8 U.S.C. 1356(s)) is amended by striking paragraphs (3) and (4) and inserting the following:

“(3) LOW-INCOME STEM SCHOLARSHIP PROGRAM.—

“(A) IN GENERAL.—Thirty percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended for scholarships described in section 414(d) of the American Competitiveness and Workforce Improvement Act of 1998 (42 U.S.C. 1869c) for low-income students enrolled in a program of study leading to a degree in science, technology, engineering, or mathematics.

“(B) STEM EDUCATION FOR UNDERREPRESENTED.—The Director shall work in consultation with, or direct scholarship funds through, national nonprofit organizations that primarily focus on science, technology, engineering, or mathematics education for underrepresented groups, such as women and minorities.

“(C) LOAN FORGIVENESS.—The Director may expend funds from the Account for purposes of loan forgiveness or repayment of student loans which led to a low-income student obtaining a degree in science, technology, engineering, mathematics, or other high demand fields.

“(4) NATIONAL SCIENCE FOUNDATION GRANT PROGRAM FOR K-12 SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION.—

“(A) IN GENERAL.—Ten percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support improvement in K-12 education, including through private-public partnerships. Grants awarded pursuant to this paragraph shall include formula based grants that target lower income populations with a focus on reaching women and minorities.

“(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to programs that—

“(i) support the development and implementation of standards-based instructional materials models and related student assessments that enable K-12 students to acquire an understanding of science, technology, engineering, and mathematics, and to develop critical thinking skills;

“(ii) provide systemic improvement in training K-12 teachers and education for students in science, technology, engineering, and mathematics, including by supporting efforts to promote gender-equality among students receiving such instruction;

“(iii) support the professional development of K-12 science, technology, engineering, and mathematics teachers in the use of technology in the classroom;

“(iv) stimulate systemwide K-12 reform of science, technology, engineering, and mathematics in urban, rural, and economically disadvantaged regions of the United States;

“(v) provide externships and other opportunities for students to increase their appreciation and understanding of science, technology, engineering, and mathematics (including summer institutes sponsored by an institution of higher education for students in grades 7 through 12 that provide instruction in such fields);

“(vi) involve partnerships of industry, educational institutions, and national or regional community based organizations with demonstrated experience addressing the educational needs of disadvantaged communities;

“(vii) provide college preparatory support to expose and prepare students for careers in science, technology, engineering, and mathematics; or

“(viii) provide for carrying out systemic reform activities under section 3(a)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).”.

(c) USE OF FEE.—Section 286 (8 U.S.C. 1356) is amended by adding at the end the following:

“(w) STEM EDUCATION AND TRAINING ACCOUNT.—

“(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the ‘STEM Education and Training Account’. Notwithstanding any other section of this title, there shall be deposited as offsetting receipts into the Account all of the fees collected under section 212(a)(5)(A)(v).

“(2) PURPOSES.—

“(A) IN GENERAL.—The purposes of the STEM Education and Training Account are to enhance the economic competitiveness of the United States by—

“(i) strengthening STEM education, including in computer science, at all levels;

“(ii) ensuring that schools have access to well-trained and effective STEM teachers;

“(iii) supporting efforts to strengthen the elementary and secondary curriculum, including efforts to make courses in computer science more broadly available; and

“(iv) helping colleges and universities produce more graduates in fields needed by American employers.

“(B) DEFINED TERM.—In this paragraph, the term ‘STEM education’ means instruction in a field of science, technology, engineering or math included in the Department of Education’s Classification of Instructional Programs taxonomy within the summary groups of computer and information sciences and support services, engineering, mathematics and statistics, biological and biomedical sciences, and physical sciences.

“(3) ALLOCATIONS TO STATES AND TERRITORIES.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of Education shall proportionately allocate 70 percent of the amounts deposited into the STEM Education and Training Account each fiscal year to the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Northern Mariana Islands in an amount that bears the same relationship as the proportion the State, district, or territory received under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the preceding fiscal year bears to the amount all States and territories received under that subpart for the preceding fiscal year.

“(B) MINIMUM ALLOCATIONS.—No State or territory shall receive less than an amount equal to 0.5 percent of the total amount made available to all States from the STEM

Education and Training Account. If a State or territory does not request an allocation from the Account for a fiscal year, the Secretary shall reallocate the State’s allocation to the remaining States and territories in accordance with this paragraph.

“(C) USE OF FUNDS.—Amounts allocated pursuant to this paragraph may be used for the activities described in section 4104(c) of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(4) STEM CAPACITY BUILDING AT MINORITY-SERVING INSTITUTIONS.—

“(A) IN GENERAL.—The Secretary of Education shall allocate 20 percent of the amounts deposited into the STEM Education and Training Account to establish or expand programs to award grants to institutions described in subparagraph (C)—

“(i) to enhance the quality of undergraduate science, technology, engineering, and mathematics education at such institutions; and

“(ii) to increase the retention and graduation rates of students pursuing degrees in such fields at such institutions.

“(B) TYPES OF PROGRAMS COVERED.—Grants awarded under this paragraph shall be awarded to—

“(i) minority-serving institutions of higher education for—

“(I) activities to improve courses and curriculum in science, technology, engineering, and mathematics;

“(II) efforts to promote gender equality among students enrolled in such courses;

“(III) faculty development;

“(IV) stipends for undergraduate students participating in research; and

“(V) other activities consistent with subparagraph (A), as determined by the Secretary of Education; and

“(ii) to other institutions of higher education to partner with the institutions described in clause (i) for—

“(I) faculty and student development and exchange;

“(II) research infrastructure development;

“(III) joint research projects; and

“(IV) identification and development of minority and low-income candidates for graduate studies in science, technology, engineering, and mathematics degree programs.

“(C) INSTITUTIONS INCLUDED.—In this paragraph, the term ‘institutions’ shall include—

“(i) colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326a and 328), including Tuskegee University;

“(ii) 1994 Institutions, as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note);

“(iii) part B institutions (as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)); and

“(iv) Hispanic-serving institutions, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)).

“(D) GRANTING OF BONDING AUTHORITY.—A recipient of a grant awarded under this paragraph is authorized to utilize such funds for the issuance of bonds to fund research infrastructure development.

“(E) LOAN FORGIVENESS.—The Director may expend funds from the allocation under this paragraph for purposes of loan forgiveness or repayment of student loans which led to a low-income student obtaining a degree in science, technology, engineering, mathematics, or other high demand fields.

“(5) WORKFORCE INVESTMENT.—The Secretary of Education shall allocate 5 percent of the amounts deposited into the STEM Education and Training Account to the Secretary of Labor until expended for statewide

workforce investment activities that may also benefit veterans and their spouses, including youth activities and statewide employment and training and activities for adults and dislocated workers described in section 128(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2853(a)), and the development of licensing and credentialing programs.

“(6) AMERICAN DREAM ACCOUNTS.—The Secretary of Education shall allocate 3 percent of the amounts deposited into the STEM Education and Training Account to award grants, on a competitive basis, to eligible entities to enable such eligible entities to establish and administer American Dream Accounts under section 4104(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

“(7) ADMINISTRATION EXPENSES.—The Secretary of Education may expend up to 2 percent of the amounts deposited into the STEM Education and Training Account for administrative expenses, including conducting an annual evaluation of the implementation and impact of the activities funded by the STEM Education and Training Account as required under section 4104(c)(3) of the Border Security, Economic Opportunity, and Immigration Modernization Act.”.

(d) STEM EDUCATION GRANTS.—

(1) APPLICATION PROCESS.—

(A) IN GENERAL.—Each Governor and Chief State School Officer desiring an allocation from the STEM Education and Training Account under section 286(w)(3) of the Immigration and Nationality Act, as added by subsection (b), shall jointly submit a plan, including a proposed budget, signed by the Governor and Chief State School Officer, to the Secretary of Education at such time, in such form, and including such information as the Secretary of Education may prescribe pursuant to subparagraph (B). The plan shall describe how the State plans to improve STEM education to meet the needs of students and employers in the State.

(B) RULEMAKING.—The Secretary of Education shall issue a rule, through a rule-making procedure that complies with section 553 of title 5, United States Code, prescribing the information that should be included in the State plans submitted under subparagraph (A).

(2) ALLOWABLE ACTIVITIES.—A State, district, or territory that receives funding from the STEM Education and Training Account may use such funding to develop and implement science, technology, engineering, and mathematics (STEM) activities to serve students, including students of underrepresented groups such as minorities, economically disadvantaged, and females by—

(A) strengthening the State's STEM academic achievement standards;

(B) implementing strategies for the recruitment, training, placement, and retention of teachers in STEM fields, including computer science;

(C) carrying out initiatives designed to assist students in succeeding and graduating from postsecondary STEM programs;

(D) improving the availability and access to STEM-related worker training programs, including community college courses and programs;

(E) forming partnerships with higher education, economic development, workforce, industry, and local educational agencies; or

(F) engaging in other activities, as determined by the State, in consultation with businesses and State agencies, to improve STEM education.

(3) NATIONAL EVALUATION.—

(A) IN GENERAL.—Using amounts allocated under section 286(w)(7) of the Immigration and Nationality Act, as added by subsection (b), the Secretary of Education shall conduct, directly or through a grant or contract, an annual evaluation of the implementation and impact of the activities funded by the STEM Education and Training Account.

(B) ANNUAL REPORT.—The Secretary shall submit a report describing the results of each evaluation conducted under subparagraph (A) to—

(i) the President;

(ii) the Committee on the Judiciary of the Senate;

(iii) the Committee on the Judiciary of the House of Representatives;

(iv) the Committee on Health, Education, Labor, and Pensions of the Senate; and

(v) the Committee on Education and the Workforce of the House of Representatives.

(C) DISSEMINATION.—The Secretary shall make the findings of the evaluation widely available to educators, the business community, and the public.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to permit the Secretary of Education or any other Federal official to approve the content or academic achievement standards of a State.

(e) AMERICAN DREAM ACCOUNTS.—

(1) DEFINITIONS.—In this subsection:

(A) AMERICAN DREAM ACCOUNT.—The term “American Dream Account” means a personal online account for low-income students that monitors higher education readiness and includes a college savings account.

(B) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(i) the Committee on Health, Education, Labor, and Pensions of the Senate;

(ii) the Committee on Appropriations of the Senate;

(iii) the Committee on Finance of the Senate;

(iv) the Committee on Education and the Workforce of the House of Representatives;

(v) the Committee on Appropriations of the House of Representatives;

(vi) the Committee on Ways and Means of the House of Representatives; and

(vii) any other committee of the Senate or House of Representatives that the Secretary determines appropriate.

(C) COLLEGE SAVINGS ACCOUNT.—The term “college savings account” means a savings account that—

(i) provides some tax-preferred accumulation;

(ii) is widely available (such as Qualified Tuition Programs under section 529 of the Internal Revenue Code of 1986 or Coverdell Education Savings Accounts under section 530 of the Internal Revenue Code of 1986); and

(iii) contains funds that may be used only for the costs associated with attending an institution of higher education, including—

(I) tuition and fees;

(II) room and board;

(III) textbooks;

(IV) supplies and equipment; and

(V) internet access.

(D) DUAL ENROLLMENT PROGRAM.—The term “dual enrollment program” means an academic program through which a secondary school student is able simultaneously to earn credit toward a secondary school diploma and a postsecondary degree or credential.

(E) ELIGIBLE ENTITY.—The term “eligible entity” means—

(i) a State educational agency;

(ii) a local educational agency;

(iii) a charter school or charter management organization;

(iv) an institution of higher education;

(v) a nonprofit organization;

(vi) an entity with demonstrated experience in educational savings or in assisting low-income students to prepare for, and attend, an institution of higher education; or

(vii) a consortium of 2 or more of the entities described in clause (i) through (vi).

(F) ESEA DEFINITIONS.—The terms “local educational agency”, “parent”, and “State educational agency” have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and the term “charter school” has the meaning given the term in section 5210 of such Act.

(G) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(H) LOW-INCOME STUDENT.—The term “low-income student” means a student who is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(2) GRANT PROGRAM.—

(A) PROGRAM AUTHORIZED.—The Secretary of Education is authorized to award grants, on a competitive basis, to eligible entities to enable such eligible entities to establish and administer American Dream Accounts for a group of low-income students.

(B) RESERVATION.—From the amount made available each fiscal year to carry out this section under section 286(w)(6) of the Immigration and Nationality Act, the Secretary of Education shall reserve not more than 5 percent of such amount to carry out the evaluation activities described in paragraph (5)(A).

(C) DURATION.—A grant awarded under this subsection shall be for a period of not more than 3 years. The Secretary of Education may extend such grant for an additional 2-year period if the Secretary of Education determines that the eligible entity has demonstrated significant progress, based on the factors described in paragraph (3)(B)(xi).

(3) APPLICATIONS; PRIORITY.—

(A) IN GENERAL.—Each eligible entity desiring a grant under this subsection shall submit an application to the Secretary of Education at such time, in such manner, and containing such information as the Secretary of Education may require.

(B) CONTENTS.—The application described in subparagraph (A) shall include—

(i) a description of the characteristics of a group of not less than 30 low-income public school students who—

(I) are, at the time of the application, attending a grade not higher than grade 9; and

(II) will, under the grant, receive an American Dream Account;

(ii) a description of how the eligible entity will engage, and provide support (such as tutoring and mentoring for students, and training for teachers and other stakeholders) either online or in person, to—

(I) the students in the group described in clause (i);

(II) the family members and teachers of such students; and

(III) other stakeholders such as school administrators and school counselors;

(iii) an identification of partners who will assist the eligible entity in establishing and sustaining American Dream Accounts;

(iv) a description of what experience the eligible entity or the eligible entity's partners have in managing college savings accounts,

preparing low-income students for postsecondary education, managing online systems, and teaching financial literacy;

(v) a description of how the eligible entity will help increase the value of the college savings account portion of each American Dream Account, such as by providing matching funds or incentives for academic achievement;

(vi) a description of how the eligible entity will notify each participating student in the group described in subparagraph (A), on a semiannual basis, of the current balance and status of the student's college savings account portion of the student's American Dream Account;

(vii) a plan that describes how the eligible entity will monitor participating students in the group described in clause (i) to ensure that each student's American Dream Account will be maintained if a student in such group changes schools before graduating from secondary school;

(viii) a plan that describes how the American Dream Accounts will be managed for not less than 1 year after a majority of the students in the group described in clause (i) graduate from secondary school;

(ix) a description of how the eligible entity will encourage students in the group described in clause (i) who fail to graduate from secondary school to continue their education;

(x) a description of how the eligible entity will evaluate the grant program, including by collecting, as applicable, data about the students in the group described in clause (i) during the grant period, and, if sufficient grant funds are available, after the grant period, including

(I) attendance rates;

(II) progress reports;

(III) grades and course selections;

(IV) the student graduation rate (as defined in section 1111 (b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)));;

(V) rates of student completion of the Free Application for Federal Student Aid described in section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090);

(VI) rates of enrollment in an institution of higher education; and

(VII) rates of completion at an institution of higher education;

(xi) a description of what will happen to the funds in the college savings account portion of the American Dream Accounts that are dedicated to participating students described in clause (i) who have not matriculated at an institution of higher education at the time of the conclusion of the period of American Dream Account management described in clause (viii);

(xii) a description of how the eligible entity will ensure that funds in the college savings account portion of the American Dream Accounts will not make families ineligible for public assistance; and

(xiii) a description of how the eligible entity will ensure that participating students described in clause (i) will have access to the Internet;

(C) **PRIORITY.**—In awarding grants under this subsection, the Secretary of Education shall give priority to applications from eligible entities that—

(i) are described in paragraph (1)(E)(vii);

(ii) serve the largest number of low-income students;

(iii) emphasize preparing students to pursue careers in science, technology, engineering, or mathematics; or

(iv) in the case of an eligible entity described in clause (i) or (ii) of paragraph

(1)(E), provide opportunities for participating students described in clause (i) to participate in a dual enrollment program at no cost to the student.

(4) **AUTHORIZED ACTIVITIES.**—

(A) **IN GENERAL.**—An eligible entity that receives a grant under this subsection shall use such grant funds to establish an American Dream Account for each participating student described in paragraph (3)(B)(i), which will be used to—

(i) open a college savings account for such student;

(ii) monitor the progress of such student online, which—

(I) shall include monitoring student data relating to—

(aa) grades and course selections;

(bb) progress reports; and

(cc) attendance and disciplinary records; and

(II) may also include monitoring student data relating to a broad range of information, provided by teachers and family members, related to postsecondary education readiness, access, and completion;

(iii) provide opportunities for such students, either online or in person, to learn about financial literacy, including by—

(I) assisting such students in financial planning for enrollment in an institution of higher education; and

(II) assisting such students in identifying and applying for financial aid (such as loans, grants, and scholarships) for an institution of higher education;

(iv) provide opportunities for such students, either online or in person, to learn about preparing for enrollment in an institution of higher education, including by providing instruction to students about—

(I) choosing the appropriate courses to prepare for postsecondary education;

(II) applying to an institution of higher education;

(III) building a student portfolio, which may be used when applying to an institution of higher education;

(IV) selecting an institution of higher education;

(V) choosing a major for the student's postsecondary program of education or a career path, including specific instruction on pursuing science, technology, engineering, and mathematics majors; and

(VI) adapting to life at an institution of higher education; and

(v) provide opportunities for such students, either online or in person, to identify skills or interests, including career interests.

(B) **ACCESS TO AMERICAN DREAM ACCOUNT.**—

(i) **IN GENERAL.**—Subject to clause (ii) and (iv), and in accordance with applicable Federal laws and regulations relating to privacy of information and the privacy of children, an eligible entity that receives a grant under this subsection shall allow vested stakeholders described in clause (ii), to have secure access, through the Internet, to an American Dream Account.

(ii) **VESTED STAKEHOLDERS.**—The vested stakeholders that an eligible entity shall permit to access an American Dream Account are individuals (such as the student's teachers, school counselors, counselors at an institution of higher education, school administrators, or other individuals) that are designated, in accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), by the parent of a participating student in whose name such American Dream Account is held, as having permission to access the account. A student's parent may withdraw such designation from an individual at any time.

(iii) **EXCEPTION FOR COLLEGE SAVINGS ACCOUNT.**—An eligible entity that receives a grant under this subsection shall not be required to give vested stakeholders described in clause (ii), access to the college savings account portion of a student's American Dream Account.

(iv) **ADULT STUDENTS.**—Notwithstanding clause (i) through (iii), if a participating student is age 18 or older, an eligible entity that receives a grant under this subsection shall not provide access to such participating student's American Dream Account without the student's consent, in accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(v) **INPUT OF STUDENT INFORMATION.**—Student data collected pursuant to subparagraph (A)(ii)(I) may only be entered into an American Dream Account by a school administrator or such administrator's designee.

(C) **PROHIBITION ON USE OF STUDENT INFORMATION.**—An eligible entity that receives a grant under this subsection may not use any student-level information or data for the purpose of soliciting, advertising, or marketing any financial or nonfinancial consumer product or service that is offered by such eligible entity, or on behalf of any other person.

(D) **LIMITATION ON THE USE OF GRANT FUNDS.**—An eligible entity shall not use more than 25 percent of the grant funds provided under this subsection to provide the initial deposit into a college savings account portion of a student's American Dream Account.

(5) **REPORTS AND EVALUATIONS.**—

(A) **IN GENERAL.**—Not later than 1 year after the Secretary of Education has disbursed grants under this subsection, and annually thereafter, the Secretary of Education shall prepare and submit a report to the appropriate committees of Congress that includes an evaluation of the effectiveness of the grant program established under this subsection.

(B) **CONTENTS.**—The report described in subparagraph (A) shall—

(i) list the grants that have been awarded under paragraph (2)(A);

(ii) include the number of students who have an American Dream Account established through a grant awarded under paragraph (2)(A);

(iii) provide data (including the interest accrued on college savings accounts that are part of an American Dream Account) in the aggregate, regarding students who have an American Dream Account established through a grant awarded under paragraph (2)(A), as compared to similarly situated students who do not have an American Dream Account;

(iv) identify best practices developed by the eligible entities receiving grants under this subsection;

(v) identify any issues related to student privacy and stakeholder accessibility to American Dream Accounts;

(vi) provide feedback from participating students and the parents of such students about the grant program, including—

(I) the impact of the program;

(II) aspects of the program that are successful;

(III) aspects of the program that are not successful; and

(IV) any other data required by the Secretary of Education; and

(vii) provide recommendations for expanding the American Dream Accounts program.

(6) **ELIGIBILITY TO RECEIVE FEDERAL STUDENT FINANCIAL AID.**—Notwithstanding any

other provision of law, any funds that are in the college savings account portion of a student's American Dream Account shall not affect such student's eligibility to receive Federal student financial aid, including any Federal student financial aid under the Higher Education Act of 1965 (20 U.S.C. 1001), and shall not be considered in determining the amount of any such Federal student aid.

(f) CONFORMING AMENDMENT.—Section 480(j) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(j)) is amended by adding at the end the following:

“(5) Notwithstanding paragraph (1), amounts made available under the college savings account portion of an American Dream Account under section 4105(e)(4) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 shall not be treated as estimated financial assistance for purposes of section 471(3).”

#### SEC. 4105. H-1B AND L VISA FEES.

Section 281 (8 U.S.C. 1351) is amended—

(1) by striking “The fees” and inserting the following:

“(a) IN GENERAL.—The fees”;

(2) by striking “: Provided, That non-immigrant visas” and inserting the following: “.

“(b) UNITED NATIONS VISITORS.—Non-immigrant visas”;

(3) by striking “Subject to” and inserting the following:

“(c) FEE WAIVERS OR REDUCTIONS.—Subject to”;

(4) by adding at the end the following:

“(d) H-1B AND L VISA FEES.—In addition to the fees authorized under subsection (a), the Secretary of Homeland Security shall collect, from each employer (except for nonprofit research institutions and nonprofit educational institutions) filing a petition to hire nonimmigrants described in subparagraph (H)(i)(B) or (L) of section 101(a)(15), a fee in an amount equal to—

“(1) \$1,250 for each such petition filed by any employer with not more than 25 full-time equivalent employees in the United States; and

“(2) \$2,500 for each such petition filed by any employer with more than 25 such employees.”.

#### Subtitle B—H-1B Visa Fraud and Abuse Protections

##### CHAPTER 1—H-1B EMPLOYER APPLICATION REQUIREMENTS

#### SEC. 4211. MODIFICATION OF APPLICATION REQUIREMENTS.

(a) GENERAL APPLICATION REQUIREMENTS.—

(1) WAGE RATES.—Section 212(n)(1)(A) (8 U.S.C. 1182(n)(1)(A)) is amended—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by inserting “if the employer is not an H-1B-dependent employer,” before “is offering”;

(ii) in subclause (I), by striking “question, or” and inserting “question; or”;

(iii) in subclause (II), by striking “employment,” and inserting “employment;” and

(iv) in the undesignated material following subclause (II), by striking “application, and” and inserting “application;” and

(B) by striking clause (ii) and inserting the following:

“(ii) if the employer is an H-1B-dependent employer, is offering and will offer to H-1B nonimmigrants, during the period of authorized employment for each H-1B nonimmigrant, wages that are not less than the level 2 wages set out in subsection (p); and

“(iii) will provide working conditions for H-1B nonimmigrants that will not adversely affect the working conditions of other workers similarly employed.”.

(2) STRENGTHENING THE PREVAILING WAGE SYSTEM.—Section 212(p) (8 U.S.C. 1182(p)) is amended to read as follows:

“(p) COMPUTATION OF PREVAILING WAGE LEVEL.—

“(1) IN GENERAL.—

“(A) SURVEYS.—For employers of non-immigrants admitted pursuant to section 101(a)(15)(H)(i)(b), the Secretary of Labor shall make available to employers a governmental survey to determine the prevailing wage for each occupational classification by metropolitan statistical area in the United States. Such survey, or other survey approved by the Secretary of Labor, shall provide 3 levels of wages commensurate with experience, education, and level of supervision. Such wage levels shall be determined as follows:

“(i) The first level shall be the mean of the lowest two-thirds of wages surveyed, but in no case less than 80 percent of the mean of the wages surveyed.

“(ii) The second level shall be the mean of wages surveyed.

“(iii) The third level shall be the mean of the highest two-thirds of wages surveyed.

“(B) EDUCATIONAL, NONPROFIT, RESEARCH, AND GOVERNMENTAL ENTITIES.—In computing the prevailing wage level for an occupational classification in an area of employment for purposes of section 203(b)(1)(D) and subsections (a)(5)(A), (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II) of this section in the case of an employee of—

“(i) an institution of higher education, or a related or affiliated nonprofit entity; or

“(ii) a nonprofit research organization or a governmental research organization; the prevailing wage level shall only take into account employees at such institutions and organizations in the area of employment.

“(2) PAYMENT OF PREVAILING WAGE.—The prevailing wage level required to be paid pursuant to section 203(b)(1)(D) and subsections (a)(5)(A), (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II) of this section shall be 100 percent of the wage level determined pursuant to those sections.

“(3) PROFESSIONAL ATHLETE.—With respect to a professional athlete (as defined in subsection (a)(5)(A)(iii)(II)) when the job opportunity is covered by professional sports league rules or regulations, the wage set forth in those rules or regulations shall be considered as not adversely affecting the wages of United States workers similarly employed and shall be considered the prevailing wage.

“(4) WAGES FOR H-2B EMPLOYEES.—

“(A) IN GENERAL.—The wages paid to H-2B nonimmigrants employed by the employer will be the greater of—

“(i) the actual wage level paid by the employer to other employees with similar experience and qualifications for such position; or

“(ii) the prevailing wage level for the occupational classification of the position in the geographic area of the employment, based on the best information available as of the time of filing the application.

“(B) BEST INFORMATION AVAILABLE.—In subparagraph (A), the term ‘best information available’, with respect to determining the prevailing wage for a position, means—

“(i) a controlling collective bargaining agreement or Federal contract wage, if applicable;

“(ii) if there is no applicable wage under clause (i), the wage level commensurate with the experience, training, and supervision required for the job based on Bureau of Labor Statistics data; or

“(iii) if the data referred to in clause (ii) is not available, a legitimate and recent private survey of the wages paid for such positions in the metropolitan statistical area.”.

(3) WAGES FOR EDUCATIONAL, NONPROFIT, RESEARCH, AND GOVERNMENTAL ENTITIES.—Section 212 (8 U.S.C. 1182), as amended by sections 2312 and 2313, is further amended by adding at the end the following:

“(x) DETERMINATION OF PREVAILING WAGE.—In the case of a nonprofit institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), a related or affiliated nonprofit entity, a nonprofit research organization, or a governmental research organization, the Secretary of Labor shall determine such wage levels as follows:

“(1) If the Secretary of Labor uses, or makes available to employers, a governmental survey to determine the prevailing wage, such survey shall provide at least 4 levels of wages commensurate with experience, education, and the level of supervision.

“(2) If an existing government survey has only 2 levels, 2 intermediate levels may be created by dividing by 3, the difference between the 2 levels offered, adding the quotient thus obtained to the first level and subtracting that quotient from the second level.

“(3) For institutions of higher education, only teaching positions and research positions may be paid using this special educational wage level.

“(4) In computing the prevailing wage level for an occupational classification in an area of employment for purposes of subsections (a)(5)(A), (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II) and section 203(b)(1)(D) for an employee of an institution of higher education, or a related or affiliated nonprofit entity or a nonprofit research organization or a governmental research organization, the prevailing wage level shall only take into account employees at such institutions and organizations in the area of employment.”.

(b) INTERNET POSTING REQUIREMENT.—Section 212(n)(1)(C) (8 U.S.C. 1182(n)(1)(C)) is amended—

(1) by redesignating clause (ii) as subclause (II);

(2) by striking “(i) has provided” and inserting the following:

“(i)(I) has provided”;

(3) by striking “sought, or” and inserting “sought; or”; and

(4) by inserting before clause (ii), as redesignated by paragraph (2), the following:

“(i) has advertised on the Internet website maintained by the Secretary of Labor for the purpose of such advertising, for at least 30 calendar days, a detailed description of each position for which a nonimmigrant is sought that includes a description of—

“(I) the wage ranges and other terms and conditions of employment;

“(II) the minimum education, training, experience, and other requirements for the position;

“(III) the process for applying for the position;

“(IV) the title and description of the position, including the location where the work will be performed; and

“(V) the name, city, and zip code of the employer; and”.

(c) APPLICATION OF REQUIREMENTS TO ALL EMPLOYERS.—

(1) NONDISPLACEMENT.—Section 212(n)(1)(E) (8 U.S.C. 1182(n)(1)(E)) is amended to read as follows:

“(E)(i)(I) In the case of an application filed by an employer that is an H-1B skilled worker dependent employer, and is not an H-1B



dependent employer, the employer did not displace and will not displace a United States worker employed by the employer during the period beginning 90 days before the date on which a visa petition supported by the application is filed and ending 90 days after such filing.

“(II) An employer that is not an H-1B skilled worker dependent employer shall not be subject to subclause (I) unless—

“(aa) the employer is filing the H-1B petition with the intent or purpose of displacing a specific United States worker from the position to be occupied by the beneficiary of the petition; or

“(bb) workers are displaced who—

“(AA) provide services, in whole or in part, at 1 or more worksites owned, operated, or controlled by a Federal, State, or local government entity, other than a public institution of higher education, that directs and controls the work of the H-1B worker; or

“(BB) are employed as public school kindergarten, elementary, middle school, or secondary school teachers.

“(ii)(I) In the case of an application filed by an H-1B-dependent employer, the employer did not displace and will not displace a United States worker employed by the employer within the period beginning 180 days before the date on which a visa petition supported by the application is filed and ending 180 days after such filing.

“(II) An application described in this clause is an application filed on or after the date final regulations are first promulgated to carry out this subparagraph, and before by an H-1B-dependent employer (as defined in paragraph (3)) or by an employer that has been found, on or after the date of the enactment of the American Competitiveness and Workforce Improvement Act of 1998, under paragraph (2)(C) or (5) to have committed a willful failure or misrepresentation during the 5-year period preceding the filing of the application.

“(iii) In this subparagraph, the term ‘job zone’ means a zone assigned to an occupation by—

“(I) the Occupational Information Network Database (O\*NET) on the date of the enactment of this Act; or

“(II) such database or a similar successor database, as designated by the Secretary of Labor, after the date of the enactment of Border Security, Economic Opportunity, and Immigration Modernization Act.”

(2) RECRUITMENT.—Section 212(n)(1)(G) (8 U.S.C. 1182(n)(1)(G)) is amended to read as follows:

“(G) An employer, prior to filing the application—

“(i) has taken good faith steps to recruit United States workers for the occupational classification for which the nonimmigrant or nonimmigrants is or are sought, using procedures that meet industry-wide standards and offering compensation that is at least as great as that required to be offered to H-1B nonimmigrants under subparagraph (A);

“(ii) has advertised the job on an Internet website maintained by the Secretary of Labor for the purpose of such advertising; and

“(iii) if the employer is an H-1B skilled worker dependent employer, has offered the job to any United States worker who applies and is equally or better qualified for the job for which the nonimmigrant or nonimmigrants is or are sought.”

(d) OUTPLACEMENT.—Section 212(n)(1)(F) (8 U.S.C. 1182(n)(1)(F)) is amended to read as follows:

“(F)(i) An H-1B-dependent employer may not place, outsource, lease, or otherwise con-

tract for the services or placement of an H-1B nonimmigrant employee.

“(ii) An employer that is not an H-1B-dependent employer and not described in paragraph (3)(A)(i) may not place, outsource, lease, or otherwise contract for the services or placement of an H-1B nonimmigrant employee unless the employer pays a fee of \$500 per outplaced worker.

“(iii) A fee collected under clause (ii) shall be deposited in the Comprehensive Immigration Reform Trust Fund established under section 6 of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(iv) An H-1B dependent employer shall be exempt from the prohibition on outplacement under clause (i) if the employer is a nonprofit institution of higher education, a nonprofit research organization, or primarily a health care business and is petitioning for a physician, a nurse, or a physical therapist or a substantially equivalent health care occupation. Such employer shall be subject to the fee set forth in clause (ii).”

(e) H-1B-DEPENDENT EMPLOYER DEFINED.—Section 212(n)(3) (8 U.S.C. 1182(n)(3)) is amended to read as follows:

“(3)(A) The term ‘H-1B-dependent employer’ means an employer (other than nonprofit education and research institutions) that—

“(i) in the case of an employer that has 25 or fewer full-time equivalent employees who are employed in the United States, employs more than 7 H-1B nonimmigrants;

“(ii) in the case of an employer that has at least 26 but not more than 50 full-time equivalent employees who are employed in the United States, employs more than 12 H-1B nonimmigrants; or

“(iii) in the case of an employer that has at least 51 full-time equivalent employees who are employed in the United States, employs H-1B nonimmigrants in a number that is equal to at least 15 percent of the number of such full-time equivalent employees.

“(B) In determining the number of employees who are H-1B nonimmigrants under subparagraph (A)(ii), an intending immigrant employee shall not count toward such number.”

(f) H-1B SKILLED WORKER DEPENDENT DEFINED.—Section 212(n)(3) (8 U.S.C. 1182(n)(3)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by inserting after subparagraph (A) the following:

“(B)(i) For purposes of this subsection, an ‘H-1B skilled worker dependent employer’ means an employer (other than nonprofit education and research institutions) that employs H-1B nonimmigrants in the United States in a number that in total is equal to at least 15 percent of the number of its full-time equivalent employees in the United States employed in occupations contained within Occupational Information Network Database (O\*NET) Job Zone 4 and Job Zone 5.

“(ii) An H-1B nonimmigrant who is an intending immigrant shall be counted as a United States worker in making a determination under clause (i).”

(g) INTENDING IMMIGRANTS DEFINED.—Section 101(a) (8 U.S.C. 1101(a)), as amended by section 3504(a), is further amended by adding at the end the following:

“(54)(A) The term ‘intending immigrant’ means, with respect to the number of aliens employed by an employer, an alien who intends to work and reside permanently in the United States, as evidenced by—

“(i) a pending or approved application for a labor certification filed for such alien by a covered employer; or

“(ii) a pending or approved immigrant status petition filed for such alien by a covered employer.

“(B) In this paragraph:

“(i) The term ‘covered employer’ means an employer that has filed immigrant status petitions for not less than 90 percent of current employees who were the beneficiaries of applications for labor certification that were approved during the 1-year period ending 6 months before the filing of an application or petition for which the number of intending immigrants is relevant.

“(ii) The term ‘immigrant status petition’ means a petition filed under paragraph (1), (2), or (3) of section 203(b).

“(iii) The term ‘labor certification’ means an employment certification under section 212(a)(5)(A).

“(C) Notwithstanding any other provision of law—

“(i) for all calculations under this Act, of the number of aliens admitted pursuant to subparagraph (H)(i)(b) or (L) of paragraph (15), an intending immigrant shall be counted as an alien lawfully admitted for permanent residence and shall not be counted as an employee admitted pursuant to such a subparagraph; and

“(ii) for all determinations of the number of employees or United States workers employed by an employer, all of the employees in any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be counted.”

#### SEC. 4212. REQUIREMENTS FOR ADMISSION OF NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS.

(a) EXTENSION OF PERIOD OF AUTHORIZED ADMISSION.—Section 212(m)(3) (8 U.S.C. 1182(m)(3)) is amended to read as follows:

“(3) The initial period of authorized admission as a nonimmigrant under section 101(a)(15)(H)(i)(c) shall be 3 years, and may be extended once for an additional 3-year period.”

(b) NUMBER OF VISAS.—Section 212(m)(4) (8 U.S.C. 1182(m)(4)) is amended by striking “500.” and inserting “300.”

(c) PORTABILITY.—Section 214(n) (8 U.S.C. 1184(n)), as amended by section 4103(b), is further amended by adding at the end the following:

“(4)(A) A nonimmigrant alien described in subparagraph (B) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c) is authorized to accept new employment performing services as a registered nurse for a facility described in section 212(m)(6) upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (c). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

“(B) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

“(i) who has been lawfully admitted into the United States;

“(ii) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Secretary of Homeland Security, except that, if a nonimmigrant described in section 101(a)(15)(H)(i)(c) is terminated or laid off by the nonimmigrant’s employer, or otherwise ceases employment with the employer, such

petition for new employment shall be filed during the 60-day period beginning on the date of such termination, lay off, or cessation; and

“(iii) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.”.

(d) **APPLICABILITY.**—

(1) **IN GENERAL.**—Beginning on the commencement date described in paragraph (2), the amendments made by section 2 of the Nursing Relief for Disadvantaged Areas Act of 1999 (Public Law 106-95; 113 Stat. 1313), and the amendments made by this section, shall apply to classification petitions filed for nonimmigrant status. This period shall be in addition to the period described in section 2(e) of the Nursing Relief for Disadvantaged Areas Act of 1999 (8 U.S.C. 1182 note).

(2) **COMMENCEMENT DATE.**—Not later than 60 days after the date of the enactment of this Act, the Secretary shall determine whether regulations are necessary to implement the amendments made by this section. If the Secretary determines that no such regulations are necessary, the commencement date described in this paragraph shall be the date of such determination. If the Secretary determines that regulations are necessary to implement any amendment made by this section, the commencement date described in this paragraph shall be the date on which such regulations (in final form) take effect.

**SEC. 4213. NEW APPLICATION REQUIREMENTS.**

Section 212(n)(1) (8 U.S.C. 1182(n)(1)) is amended by inserting after clause (iii) of subparagraph (G), as amended by section 4211(c)(2), the following:

“(H)(i) The employer has not advertised any available position specified in the application in an advertisement that states or indicates that—

“(I) such position is only available to an individual who is or will be an H-1B nonimmigrant or an alien participating in optional practical training pursuant to section 101(a)(15)(F)(i); or

“(II) an individual who is or will be an H-1B nonimmigrant or participant in such optional practical training shall receive priority or a preference in the hiring process for such position.

“(ii) The employer has not solely recruited individuals who are or who will be H-1B nonimmigrants or participants in optional practical training pursuant to section 101(a)(15)(F)(i) to fill such position.

“(I)(i) If the employer (other than an educational or research employer) employs 50 or more employees in the United States, the sum of the number of such employees who are H-1B nonimmigrants plus the number of such employees who are nonimmigrants described in section 101(a)(15)(L) may not exceed—

“(I) 75 percent of the total number of employees, for fiscal year 2015;

“(II) 65 percent of the total number of employees, for fiscal year 2016; and

“(III) 50 percent of the total number of employees, for each fiscal year after fiscal year 2016.

“(ii) In this subparagraph:

“(I) The term ‘educational or research employer’ means an employer that is a nonprofit institution of higher education or a nonprofit research organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code.

“(II) The term ‘H-1B nonimmigrant’ means an alien admitted as a nonimmigrant pursuant to section 101(a)(15)(H)(i)(b).

“(III) The term ‘L nonimmigrant’ means an alien admitted as a nonimmigrant pursuant to section 101(a)(15)(L) to provide services to his or her employer involving specialized knowledge.

“(iii) In determining the percentage of employees of an employer that are H-1B nonimmigrants or L nonimmigrants under clause (i), an intending immigrant employee shall not count toward such percentage.

“(J) The employer shall submit to the Secretary of Homeland Security an annual report that includes the Internal Revenue Service Form W-2 Wage and Tax Statement filed by the employer for each H-1B nonimmigrant employed by the employer during the previous year.”.

**SEC. 4214. APPLICATION REVIEW REQUIREMENTS.**

(a) **TECHNICAL AMENDMENT.**—Section 212(n)(1) (8 U.S.C. 1182(n)(1)), as amended by section 4213, is further amended in the undesignated paragraph at the end, by striking “The employer” and inserting the following: “(K) The employer”.

(b) **APPLICATION REVIEW REQUIREMENTS.**—Subparagraph (K) of such section 212(n)(1), as designated by subsection (a), is amended—

(1) by inserting “and through the Department of Labor’s website, without charge.” after “D.C.”;

(2) by striking “only for completeness” and inserting “for completeness and evidence of fraud or misrepresentation of material fact.”;

(3) by striking “or obviously inaccurate” and inserting “, presents evidence of fraud or misrepresentation of material fact, or is obviously inaccurate.”;

(4) by striking “within 7 days of the” and inserting “not later than 14 days after”; and

(5) by adding at the end the following: “If the Secretary’s review of an application identifies evidence of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing in accordance with paragraph (2).”.

(c) **FILING OF PETITION FOR NONIMMIGRANT WORKER.**—Section 212(n)(1) (8 U.S.C. 1182(n)(1)), as amended by section 4213, is further amended by adding at the end the following:

“(L) An I-129 Petition for Nonimmigrant Worker (or similar successor form)—

“(i) may be filed by an employer with the Secretary of Homeland Security prior to the date the employer receives an approved certification described in section 101(a)(15)(H)(i)(b) from the Secretary of Labor; and

“(ii) may not be approved by the Secretary of Homeland Security until the date such certification is approved.”.

**CHAPTER 2—INVESTIGATION AND DISPOSITION OF COMPLAINTS AGAINST H-1B EMPLOYERS**

**SEC. 4221. GENERAL MODIFICATION OF PROCEDURES FOR INVESTIGATION AND DISPOSITION.**

Section 212(n) (8 U.S.C. 1182(n)) is amended—

(1) in paragraph (2)(A)—

(A) by striking “(A) Subject” and inserting “(A)(i) Subject”;

(B) by inserting after the first sentence the following: “Such process shall include publicizing a dedicated toll-free number and publicly available Internet website for the submission of such complaints.”;

(C) by striking “12 months” and inserting “24 months”;

(D) by striking the last sentence and inserting the following: “The Secretary shall issue regulations requiring that employers

that employ H-1B nonimmigrants, other than nonprofit institutions of higher education and nonprofit research organizations, through posting of notices or other appropriate means, inform their employees of such toll-free number and Internet website and of their right to file complaints pursuant to this paragraph.”; and

(E) by adding at the end the following:

“(ii)(I) Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.

“(II) The Secretary may conduct voluntary surveys of the degree to which employers comply with the requirements of this subsection.

“(III) The Secretary shall—

“(aa) conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H-1B nonimmigrants; and

“(bb) make available to the public an executive summary or report describing the general findings of the audits carried out pursuant to this subclause.”; and

(2) by adding at the end the following new paragraph:

“(6) **REPORT REQUIRED.**—Not later than 1 year after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, and every 5 years thereafter, the Inspector General of the Department of Labor shall submit a report regarding the Secretary’s enforcement of the requirements of this section to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on the Judiciary and the Committee on Education and the Workforce of the House of Representatives.”.

**SEC. 4222. INVESTIGATION, WORKING CONDITIONS, AND PENALTIES.**

Subparagraph (C) of section 212(n)(2) (8 U.S.C. 1182(n)(2)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I)—

(i) by striking “a condition of paragraph (1)(B), (1)(E), or (1)(F)” and inserting “a condition under subparagraph (A), (B), (C)(i), (E), (F), (G), (H), (I), or (J) of paragraph (1)”;

and

(ii) by striking “(1)(C)” and inserting “(1)(C)(ii)”;

(B) in subclause (I)—

(i) by striking “\$1,000” and inserting “\$2,000”; and

(ii) by striking “and” at the end;

(C) in subclause (II), by striking the period at the end and inserting a semicolon and “and”; and

(D) by adding at the end the following:

“(III) an employer that violates such subparagraph (A) shall be liable to any employee harmed by such violations for lost wages and benefits.”; and

(2) in clause (ii)—

(A) in subclause (I)—

(i) by striking “may” and inserting “shall”; and

(ii) by striking “\$5,000” and inserting “\$10,000”;

(B) in subclause (II), by striking the period at the end and inserting a semicolon and “and”; and

(C) by adding at the end the following:

“(III) an employer that violates such subparagraph (A) shall be liable to any employee harmed by such violations for lost wages and benefits.”;

(3) in clause (iii)—

(A) in the matter preceding subclause (I), by striking “90 days” both places it appears and inserting “180 days”;

(B) in subclause (I)—

(i) by striking “may” and inserting “shall”; and

(ii) by striking “and” at the end;

(C) in subclause (II), by striking the period at the end and inserting a semicolon and “and”; and

(D) by adding at the end the following:

“(III) an employer that violates subparagraph (A) of such paragraph shall be liable to any employee harmed by such violations for lost wages and benefits.”;

(4) in clause (iv)—

(A) by inserting “to take, or threaten to take, a personnel action, or” before “to intimidate”;

(B) by inserting “(I)” after “(iv)”;

(C) by adding at the end the following:

“(II) An employer that violates this clause shall be liable to any employee harmed by such violation for lost wages and benefits.”; and

(5) in clause (vi)—

(A) by amending subclause (I) to read as follows:

“(I) It is a violation of this clause for an employer who has filed an application under this subsection—

“(aa) to require an H-1B nonimmigrant to pay a penalty for ceasing employment with the employer prior to a date agreed to by the nonimmigrant and the employer (the Secretary shall determine whether a required payment is a penalty, and not liquidated damages, pursuant to relevant State law); and

“(bb) to fail to offer to an H-1B nonimmigrant, during the nonimmigrant’s period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to similarly situated United States workers, benefits and eligibility for benefits, including—

“(AA) the opportunity to participate in health, life, disability, and other insurance plans;

“(BB) the opportunity to participate in retirement and savings plans; and

“(CC) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).”;

(B) in subclause (III), by striking “\$1,000” and inserting “\$2,000”.

#### SEC. 4223. INITIATION OF INVESTIGATIONS.

Subparagraph (G) of section 212(n)(2) (8 U.S.C. 1182(n)(2)) is amended—

(1) in clause (i), by striking “if the Secretary” and all that follows and inserting “with regard to the employer’s compliance with the requirements of this subsection.”;

(2) in clause (ii), by striking “and whose identity” and all that follows through “failure or failures.” and inserting “the Secretary of Labor may conduct an investigation into the employer’s compliance with the requirements of this subsection.”;

(3) in clause (iii), by striking the last sentence;

(4) by striking clauses (iv) and (v);

(5) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(6) in clause (iv), as so redesignated, by striking “meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months” and inserting “comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months”;

(7) by amending clause (v), as so redesignated, to read as follows:

“(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.”;

(8) in clause (vi), as so redesignated, by striking “An investigation” and all that follows through “the determination.” and inserting “If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.”; and

(9) by adding at the end the following:

“(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty under subparagraph (C).”.

#### SEC. 4224. INFORMATION SHARING.

Section 212(n)(2) (8 U.S.C. 1182(n)(2)), as amended by sections 4222 and 4223, is further amended by adding at the end the following:

“(J) The Director of U.S. Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by employers of H-1B nonimmigrants as part of the adjudication process that indicates that the employer is not complying with visa program requirements for H-1B nonimmigrants. The Secretary of Labor may initiate and conduct an investigation related to H-1B nonimmigrants and a hearing under this paragraph after receiving information of noncompliance under this subparagraph. This subparagraph may not be construed to prevent the Secretary of Labor from taking action related to wage and hour and workplace safety laws.

“(K) The Secretary of Labor shall facilitate the posting of the descriptions described in paragraph (1)(C)(i) on the Internet website of the State labor or workforce agency for the State in which the position will be primarily located during the same period as the posting under paragraph (1)(C)(i).”.

#### SEC. 4225. TRANSPARENCY OF HIGH-SKILLED IMMIGRATION PROGRAMS.

Section 416(c) of the American Competitiveness and Workforce Improvement Act of 1998 (8 U.S.C. 1184 note) is amended—

(1) by amending paragraph (2) to read as follows:

“(2) ANNUAL H-1B NONIMMIGRANT CHARACTERISTICS REPORT.—The Bureau of Immigration and Labor Market Research shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains—

“(A) information on the countries of origin of, occupations of, educational levels attained by, and compensation paid to, aliens who were issued visas or otherwise provided

nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) during the previous fiscal year;

“(B) a list of all employers who petition for H-1B visas, the number of such petitions filed and approved for each such employer, the occupational classifications for the approved positions, and the number of H-1B nonimmigrants for whom each such employer files for adjustment to permanent resident status;

“(C) the number of immigrant status petitions filed during the prior year on behalf of H-1B nonimmigrants;

“(D) a list of all employers who are H-1B dependent employers;

“(E) a list of all employers who are H-1B skilled worker dependent employers;

“(F) a list of all employers for whom more than 30 percent of their United States workforce is H-1B or L-1 nonimmigrants;

“(G) a list of all employers for whom more than 50 percent of their United States workforce is H-1B or L-1 nonimmigrants;

“(H) a gender breakdown by occupation and by country of H-1B nonimmigrants;

“(I) a list of all employers who have been approved to conduct outplacement of H-1B nonimmigrants; and

“(J) the number of H-1B nonimmigrants categorized by their highest level of education and whether such education was obtained in the United States or in a foreign country.”;

(2) by redesignating paragraph (3) as paragraph (5);

(3) by inserting after paragraph (2) the following:

“(3) ANNUAL L-1 NONIMMIGRANT CHARACTERISTICS REPORT.—The Bureau of Immigration and Labor Market Research shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains—

“(A) information on the countries of origin of, occupations of, educational levels attained by, and compensation paid to, aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)) during the previous fiscal year;

“(B) a list of all employers who petition for L-1 visas, the number of such petitions filed and approved for each such employer, the occupational classifications for the approved positions, and the number of L-1 nonimmigrants for whom each such employer files for adjustment to permanent resident status;

“(C) the number of immigrant status petitions filed during the prior year on behalf of L-1 nonimmigrants;

“(D) a list of all employers who are L-1 dependent employers;

“(E) a gender breakdown by occupation and by country of L-1 nonimmigrants;

“(F) a list of all employers who have been approved to conduct outplacement of L-1 nonimmigrants; and

“(G) the number of L-1 nonimmigrants categorized by their highest level of education and whether such education was obtained in the United States or in a foreign country.

“(4) ANNUAL EMPLOYER SURVEY.—The Bureau of Immigration and Labor Market Research shall—

“(A) conduct an annual survey of employers hiring foreign nationals under the L-1 visa program; and

“(B) shall issue an annual report that—

“(i) describes the methods employers are using to meet the requirement of taking good faith steps to recruit United States workers for the occupational classification for which the nonimmigrants are sought, using procedures that meet industry-wide standards;

“(ii) describes the best practices for recruiting among employers; and

“(iii) contains recommendations on which recruiting steps employers can take to maximize the likelihood of hiring American workers.”; and

(4) in paragraph (5), as redesignated, by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”.

### CHAPTER 3—OTHER PROTECTIONS

#### SEC. 4231. POSTING AVAILABLE POSITIONS THROUGH THE DEPARTMENT OF LABOR.

(a) DEPARTMENT OF LABOR WEBSITE.—Section 212(n) (8 U.S.C. 1182(n)), as amended by section 4221(2), is further amended by adding at the end following:

“(7)(A) Not later than 90 days after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act, the Secretary of Labor shall establish a searchable Internet website for posting positions as required by paragraph (1)(C). Such website shall be available to the public without charge.

“(B) The Secretary may work with private companies or nonprofit organizations to develop and operate the Internet website described in subparagraph (A).

“(C) The Secretary may promulgate rules, after notice and a period for comment, to carry out the requirements of this paragraph.”.

(b) REQUIREMENT FOR PUBLICATION.—The Secretary of Labor shall submit to Congress and publish in the Federal Register and other appropriate media a notice of the date that the Internet website required by paragraph (6) of section 212(n) of the Immigration and Nationality Act, as amended by subsection (a), will be operational.

(c) APPLICATION.—The amendments made by subsection (a) shall apply to an application filed on or after the date that is 30 days after the date described in subsection (b).

#### SEC. 4232. REQUIREMENTS FOR INFORMATION FOR H-1B AND L NONIMMIGRANTS.

(a) IN GENERAL.—Section 214 (8 U.S.C. 1184), as amended by section 3608, is further amended by adding at the end the following:

“(t) REQUIREMENTS FOR INFORMATION FOR H-1B AND L NONIMMIGRANTS.—

“(1) IN GENERAL.—Upon issuing a visa to an applicant for nonimmigrant status pursuant to subparagraph (H)(i)(b) or (L) of section 101(a)(15) who is outside the United States, the issuing office shall provide the applicant with—

“(A) a brochure outlining the obligations of the applicant's employer and the rights of the applicant with regard to employment under Federal law, including labor and wage protections; and

“(B) the contact information for appropriate Federal agencies or departments that offer additional information or assistance in clarifying such obligations and rights.

“(2) PROVISION OF MATERIAL.—Upon the approval of an application of an applicant referred to in paragraph (1), the applicant shall be provided with the material described in subparagraphs (A) and (B) of paragraph (1)—

“(A) by the issuing officer of the Department of Homeland Security, if the applicant is inside the United States; or

“(B) by the appropriate official of the Department of State, if the applicant is outside the United States.

“(3) EMPLOYER TO PROVIDE IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—

“(A) IN GENERAL.—Not later than 30 days after a labor condition application is filed under section 212(n)(1), an employer shall provide an employee or beneficiary of such application who is or seeking nonimmigrant status under subparagraph (H)(i)(b) or (L) of section 101(a)(15) with a copy the original of all applications and petitions filed by the employer with the Department of Labor or the Department of Homeland Security for such employee or beneficiary.

“(B) WITHHOLDING OF FINANCIAL OR PROPRIETARY INFORMATION.—If a document required to be provided to an employee or beneficiary under subparagraph (A) includes any financial or proprietary information of the employer, the employer may redact such information from the copies provided to such employee or beneficiary.”.

(b) REPORT ON JOB CLASSIFICATION AND WAGE DETERMINATIONS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall prepare a report analyzing the accuracy and effectiveness of the Secretary of Labor's current job classification and wage determination system. The report shall—

(1) specifically address whether the systems in place accurately reflect the complexity of current job types as well as geographic wage differences; and

(2) make recommendations concerning necessary updates and modifications.

#### SEC. 4233. FILING FEE FOR H-1B-DEPENDENT EMPLOYERS.

(a) IN GENERAL.—Notwithstanding any other provision of law, there shall be a fee required to be submitted by an employer with an application for admission of an H-1B nonimmigrant as follows:

(1) For each fiscal year beginning in fiscal year 2015, \$5,000 for applicants that employ 50 or more employees in the United States if more than 30 percent and less than 50 percent of the applicant's employees are H-1B nonimmigrants or L nonimmigrants.

(2) For each of the fiscal years 2015 through 2017, \$10,000 for applicants that employ 50 or more employees in the United States if more than 50 percent and less than 75 percent of the applicant's employees are H-1B nonimmigrants or L nonimmigrants. Fees collected under this paragraph shall be deposited in the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1).

(b) DEFINITIONS.—In this section:

(1) EMPLOYER.—The term “employer”—

(A) means any entity or entities treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986; and

(B) does not include a nonprofit institution of higher education or a nonprofit research organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code that is—

(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); or

(ii) a research organization.

(2) H-1B NONIMMIGRANT.—The term “H-1B nonimmigrant” means an alien admitted as a nonimmigrant pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)).

(3) INTENDING IMMIGRANT.—The term “intending immigrant” has the meaning given that term in paragraph (54)(A) of section

101(a)(54)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(4) L NONIMMIGRANT.—The term “L nonimmigrant” means an alien admitted as a nonimmigrant pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)) to provide services to the alien's employer involving specialized knowledge.

(c) EXCEPTION FOR INTENDING IMMIGRANTS.—In determining the percentage of employees of an employer that are H-1B nonimmigrants or L nonimmigrants under subsection (a), an intending immigrant employee shall not count toward such percentage.

(d) CONFORMING AMENDMENT.—Section 402 of the Act entitled “An Act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes”, approved August 13, 2010 (Public Law 111-230; 8 U.S.C. 1101 note) is amended by striking subsection (b).

#### SEC. 4234. PROVIDING PREMIUM PROCESSING OF EMPLOYMENT-BASED VISA PETITIONS.

Pursuant to section 286(u) of the Immigration and Nationality Act (8 U.S.C. 1356(u)), the Secretary shall establish and collect—

(1) a fee for premium processing of employment-based immigrant petitions; and

(2) a fee for premium processing of an administrative appeal of any decision on a permanent employment-based immigrant petition.

#### SEC. 4235. TECHNICAL CORRECTION.

Section 212 (8 U.S.C. 1182) is amended by redesignating the second subsection (t), as added by section 1(b)(2)(B) of the Act entitled “An Act to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998” (Public Law 108-449 (118 Stat. 3470)), as subsection (u).

#### SEC. 4236. APPLICATION.

(a) IN GENERAL.—Except as otherwise specifically provided, the amendments made by this subtitle shall apply to applications filed on or after the date of the enactment of this Act.

(b) SPECIAL REQUIREMENTS.—Notwithstanding any other provision of law, the amendments made by section 4211(c) shall not apply to any application or petition filed by an employer on behalf of an existing employee.

#### SEC. 4237. PORTABILITY FOR BENEFICIARIES OF IMMIGRANT PETITIONS.

(a) INCREASED PORTABILITY.—Section 204(j) (8 U.S.C. 1154(j)) is amended—

(1) by amending the subsection heading to read as follows:

“(j) INCREASED PORTABILITY.—”;

(2) by striking “A petition” and inserting the following:

“(1) LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS.—A petition”; and

(3) by adding at the end the following:

“(2) PORTABILITY FOR BENEFICIARIES OF IMMIGRANT PETITIONS.—Regardless of whether an employer withdraws a petition approved under paragraph (1), (2), or (3) of section 203(b)—

“(A) the petition shall remain valid with respect to a new job if—

“(i) the beneficiary changes jobs or employers after the petition is approved; and

“(ii) the new job is in the same or a similar occupational classification as the job for which the petition was approved; and

“(B) the employer's legal obligations with respect to the petition shall terminate at the time the beneficiary changes jobs or employers.

“(3) DOCUMENTATION.—The Secretary of Labor shall develop a mechanism to provide the beneficiary or prospective employer with sufficient information to determine whether a new position or job is in the same or similar occupation as the job for which the petition was approved. The Secretary of Labor shall provide confirmation of application approval if required for eligibility under this subsection. The Secretary of Homeland Security shall provide confirmation of petition approval if required for eligibility under this subsection.”.

(b) ADJUSTMENT OF STATUS FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

“(n) ADJUSTMENT OF STATUS FOR EMPLOYMENT-BASED IMMIGRANTS.—

“(1) PETITION.—An alien, and any eligible dependents of such alien, who has filed a petition for immigrant status, may concurrently, or at any time thereafter, file an application with the Secretary of Homeland Security for adjustment of status if such petition is pending or has been approved, regardless of whether an immigrant visa is immediately available at the time the application is filed.

“(2) SUPPLEMENTAL FEE.—If a visa is not immediately available at the time an application is filed under paragraph (1), the beneficiary of such application shall pay a supplemental fee of \$500, which shall be deposited in the STEM Education and Training Account established under section 286(w). This fee shall not be collected from any dependent accompanying or following to join such beneficiary.

“(3) AVAILABILITY.—An application filed pursuant to paragraph (2) may not be approved until the date on which an immigrant visa becomes available.”.

#### Subtitle C—L Visa Fraud and Abuse Protections

#### SEC. 4301. PROHIBITION ON OUTPLACEMENT OF L NONIMMIGRANTS.

Section 214(c)(2)(F) (8 U.S.C. 1184(c)(2)(F)) is amended to read as follows:

“(F)(i) An employer who employs L-1 nonimmigrants in a number that is equal to at least 15 percent of the total number of full-time equivalent employees employed by the employer shall not place, outsource, lease, or otherwise contract for the services or placement of such alien with another employer. In determining the number of employees who are L-1 nonimmigrants, an intending immigrant shall count as a United States worker.

“(ii) The employer of an alien described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the services or placement of such alien with another employer unless—

“(I) such alien will not be controlled or supervised principally by the employer with whom such alien would be placed;

“(II) the placement of such alien at the worksite of the other employer is not essentially an arrangement to provide labor for hire for the other employer; and

“(III) the employer of such alien pays a fee of \$500, which shall be deposited in the STEM Education and Training Account established under section 286(w).”.

#### SEC. 4302. L EMPLOYER PETITION REQUIREMENTS FOR EMPLOYMENT AT NEW OFFICES.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended by adding at the end the following:

“(G)(i) If the beneficiary of a petition under this paragraph is coming to the United States to open, or be employed in, a new of-

fice, the petition may be approved for up to 12 months only if—

“(I) the alien has not been the beneficiary of 2 or more petitions under this subparagraph during the immediately preceding 2 years; and

“(II) the employer operating the new office has—

“(aa) an adequate business plan;

“(bb) sufficient physical premises to carry out the proposed business activities; and

“(cc) the financial ability to commence doing business immediately upon the approval of the petition.

“(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

“(I) evidence that the importing employer meets the requirements of this subsection;

“(II) evidence that the beneficiary of the petition is eligible for nonimmigrant status under section 101(a)(15)(L);

“(III) a statement summarizing the original petition;

“(IV) evidence that the importing employer has complied with the business plan submitted under clause (i)(I);

“(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

“(VI) evidence that the importing employer has been doing business at the new office through regular, systematic, and continuous provision of goods and services;

“(VII) a statement of the duties the beneficiary has performed at the new office during the approval period under clause (i) and the duties the beneficiary will perform at the new office during the extension period granted under this clause;

“(VIII) a statement describing the staffing at the new office, including the number of employees and the types of positions held by such employees;

“(IX) evidence of wages paid to employees;

“(X) evidence of the financial status of the new office; and

“(XI) any other evidence or data prescribed by the Secretary.

“(iii) A new office employing the beneficiary of an L-1 petition approved under this paragraph shall do business only through regular, systematic, and continuous provision of goods and services.

“(iv) Notwithstanding clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security, in the Secretary's discretion, may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the office described in this subparagraph for a period beyond the initially granted 12-month period if the importing employer has been doing business at the new office through regular, systematic, and continuous provision of goods and services for the 6 months immediately preceding the date of extension of petition filing and demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances, as determined by the Secretary in the Secretary's discretion.”.

#### SEC. 4303. COOPERATION WITH SECRETARY OF STATE.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)), as amended by section 4302, is further amended by adding at the end the following:

“(H) For purposes of approving petitions under this paragraph, the Secretary of Homeland Security shall work cooperatively

with the Secretary of State to verify the existence or continued existence of a company or office in the United States or in a foreign country.”.

#### SEC. 4304. LIMITATION ON EMPLOYMENT OF L NONIMMIGRANTS.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)), as amended by sections 4302 and 4303, is further amended by adding at the end the following:

“(I)(i) If the employer employs 50 or more employees in the United States, the sum of the number of such employees who are H-1B nonimmigrants plus the number of such employees who are L nonimmigrants may not exceed—

“(I) 75 percent of the total number of employees, for fiscal year 2015;

“(II) 65 percent of the total number of employees, for fiscal year 2016; and

“(III) 50 percent of the total number of employees, for each fiscal year after fiscal year 2016.

“(ii) In this subparagraph:

“(I) The term ‘employer’ does not include a nonprofit institution of higher education or a nonprofit research organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code that is—

“(aa) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); or

“(bb) a research organization.

“(II) The term ‘H-1B nonimmigrant’ means an alien admitted as a nonimmigrant pursuant to section 101(a)(15)(H)(i)(b).

“(III) The term ‘L nonimmigrant’ means an alien admitted as a nonimmigrant pursuant to section 101(a)(15)(L) to provide services to the alien's employer involving specialized knowledge.

“(iii) In determining the percentage of employees of an employer that are H-1B nonimmigrants or L nonimmigrants under clause (i), an intending immigrant employee shall not count toward such percentage.”.

#### SEC. 4305. FILING FEE FOR L NONIMMIGRANTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the filing fee for an application for admission of an L nonimmigrant shall be as follows:

(1) For each of the fiscal years beginning in fiscal year 2014, \$5,000 for applicants that employ 50 or more employees in the United States if more than 30 percent and less than 50 percent of the applicant's employees are H-1B nonimmigrants or L nonimmigrants.

(2) For each of the fiscal years 2014 through 2017, \$10,000 for applicants that employ 50 or more employees in the United States if more than 50 percent and less than 75 percent of the applicant's employees are H-1B nonimmigrants or L nonimmigrants. Fees collected under this paragraph shall be deposited in the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1).

(b) DEFINITIONS.—In this section:

(1) EMPLOYER.—The term “employer” does not include a nonprofit institution of higher education or a nonprofit research organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code that is—

(A) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); or

(B) a research organization.

(2) H-1B NONIMMIGRANT.—The term “H-1B nonimmigrant” means an alien admitted as a nonimmigrant pursuant to section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)).

(3) L NONIMMIGRANT.—The term “L nonimmigrant” means an alien admitted as a

nonimmigrant pursuant to section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)) to provide services to the alien's employer involving specialized knowledge.

(c) **EXCEPTION FOR INTENDING IMMIGRANTS.**—In determining the percentage of employees of an employer that are H-1B nonimmigrants or L nonimmigrants under subsection (a), an intending immigrant employee (as defined in section 101(a)(54)(A) of the Immigration and Nationality Act shall not count toward such percentage.

(d) **CONFORMING AMENDMENT.**—Section 402 of the Act entitled “An Act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes”, approved August 13, 2010 (Public Law 111-230; 8 U.S.C. 1101 note), as amended by section 4233(d), is further amended by striking subsections (a) and (c).

**SEC. 4306. INVESTIGATION AND DISPOSITION OF COMPLAINTS AGAINST L NON-IMMIGRANT EMPLOYERS.**

Section 214(c)(2) (8 U.S.C. 1184(c)(2)), as amended by sections 4302, 4303, and 4304 is further amended by adding at the end the following:

“(J)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

“(ii)(I) If the Secretary receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection.

“(II) The Secretary may withhold the identity of a source referred to in subclause (I) from an employer and the identity of such source shall not be subject to disclosure under section 552 of title 5, United States Code.

“(iii) The Secretary shall establish a procedure for any person desiring to provide to the Secretary information described in clause (ii)(I) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary and completed by or on behalf of the person.

“(iv) No investigation described in clause (ii)(I) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary receives the information not later than 24 months after the date of the alleged failure.

“(v)(I) Subject to subclause (III), before commencing an investigation of an employer under clause (i) or (ii), the Secretary shall provide notice to the employer of the intent to conduct such investigation.

“(II) The notice required by subclause (I) shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced.

“(III) The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection.

“(IV) There shall be no judicial review of a determination by the Secretary under this clause.

“(vi) If the Secretary, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide the interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

“(vii) If the Secretary, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty under subparagraph (K).

“(viii)(I) The Secretary may conduct voluntary surveys of the degree to which employers comply with the requirements under this section.

“(II) The Secretary shall—

“(aa) conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in 101(a)(15)(L); and

“(bb) make available to the public an executive summary or report describing the general findings of the audits carried out pursuant to this subclause.”.

**SEC. 4307. PENALTIES.**

Section 214(c)(2) (8 U.S.C. 1184(c)(2)), as amended by sections 4302, 4303, 4304, and 4306, is further amended by adding at the end the following:

“(K)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), or (L) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

“(I) the Secretary shall impose such administrative remedies (including civil monetary penalties in an amount not to exceed \$2,000 per violation) as the Secretary determines to be appropriate;

“(II) the Secretary may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants; and

“(III) in the case of a violation of subparagraph (J), the employer shall be liable to the employees harmed by such violation for lost wages and benefits.

“(ii) If the Secretary finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), or (L) or a willful misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

“(I) the Secretary shall impose such administrative remedies (including civil monetary penalties in an amount not to exceed \$10,000 per violation) as the Secretary determines to be appropriate;

“(II) the Secretary may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants; and

“(III) in the case of a violation of subparagraph (J), the employer shall be liable to the employees harmed by such violation for lost wages and benefits.”.

**SEC. 4308. PROHIBITION ON RETALIATION AGAINST L NONIMMIGRANTS.**

Section 214(c)(2) (8 U.S.C. 1184(c)(2)), as amended by sections 4302, 4303, 4306, and

4307, is further amended by adding at the end the following:

“(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

“(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

“(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

“(ii) In this subparagraph, the term ‘employee’ includes—

“(I) a current employee;

“(II) a former employee; and

“(III) an applicant for employment.”.

**SEC. 4309. REPORTS ON L NONIMMIGRANTS.**

Section 214(c)(8) (8 U.S.C. 1184(c)(8)) is amended by inserting “(L),” after “(H),”.

**SEC. 4310. APPLICATION.**

The amendments made by this subtitle shall apply to applications filed on or after the date of the enactment of this Act.

**SEC. 4311. REPORT ON L BLANKET PETITION PROCESS.**

Not later than 6 months after the date of the enactment of this Act, the Inspector General of the Department shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report regarding the use of blanket petitions under section 214(c)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(A)). Such report shall assess the efficiency and reliability of the process for reviewing such blanket petitions, including whether the process includes adequate safeguards against fraud and abuse.

**Subtitle D—Other Nonimmigrant Visas**

**SEC. 4401. NONIMMIGRANT VISAS FOR STUDENTS.**

(a) **AUTHORIZATION OF DUAL INTENT FOR F NONIMMIGRANTS SEEKING BACHELOR'S OR GRADUATE DEGREES.**—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended to read as follows:

“(F)(i) an alien having a residence in a foreign country who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study consistent with section 214(m) at an accredited college, university, or language training program, or at an established seminary, conservatory, academic high school, elementary school, or other academic institution in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn, except that such an alien who is not seeking to pursue a degree that is a bachelor's degree or a graduate degree shall have a residence in a foreign country that the alien has no intention of abandoning;

“(ii) the alien spouse and minor children of any alien described in clause (i) if accompanying or following to join such an alien; and

“(iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien’s qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico.”.

(b) DUAL INTENT.—Section 214(h) (8 U.S.C. 1184(h)) is amended to read as follows:

“(h) DUAL INTENT.—The fact that an alien is, or intends to be, the beneficiary of an application for a preference status filed under section 204, seeks a change or adjustment of status after completing a legitimate period of nonimmigrant stay, or has otherwise sought permanent residence in the United States shall not constitute evidence of intent to abandon a foreign residence that would preclude the alien from obtaining or maintaining—

“(1) a visa or admission as a nonimmigrant described in subparagraph (E), (F)(i), (F)(ii), (H)(i)(b), (H)(i)(c), (L), (O), (P), (V), or (W) of section 101(a)(15); or

“(2) the status of a nonimmigrant described in any such subparagraph.”.

(c) REQUIREMENT OF STUDENT VISA DATA TRANSFER AND CERTIFICATION.—

(1) IN GENERAL.—The Secretary shall implement real-time transmission of data from the Student and Exchange Visitor Information System to databases used by U.S. Customs and Border Protection.

(2) CERTIFICATION.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall certify to Congress that the transmission of data referred to in paragraph (1) has been implemented.

(B) TEMPORARY SUSPENSION OF VISA ISSUANCE.—If the Secretary has not made the certification referred to in subparagraph (A) during the 120-day period, the Secretary shall suspend issuance of visas under subparagraphs (F) and (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) until the certification is made.

#### SEC. 4402. CLASSIFICATION FOR SPECIALTY OCCUPATION WORKERS FROM FREE TRADE COUNTRIES.

(a) NONIMMIGRANT STATUS.—Section 101(a)(15)(E)(8 U.S.C. 1101(a)(15)(E)) is amended—

(1) in the matter preceding clause (i), by inserting “, bilateral investment treaty, or free trade agreement” after “treaty of commerce and navigation”;

(2) in clause (ii), by striking “or” at the end; and

(3) by adding at the end the following:

“(iv) solely to perform services in a specialty occupation in the United States if the alien is a national of a country, other than Chile, Singapore, or Australia, with which the United States has entered into a free trade agreement (regardless of whether such an agreement is a treaty of commerce and navigation) and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t);

“(v) solely to perform services in a specialty occupation in the United States if the alien is a national of the Republic of Korea and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t); or

“(vi) solely to perform services as an employee and who has at least a high school education or its equivalent, or has, during the most recent 5-year period, at least 2 years of work experience in an occupation which requires at least 2 years of training or experience if the alien is a national of a country—

“(I) designated as an eligible sub-Saharan African country under section 104 of the African Growth and Opportunity Act (19 U.S.C. 3703); or

“(II) designated as a beneficiary country for purposes of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.);”.

(b) NUMERICAL LIMITATION.—Section 214(g)(11) (8 U.S.C. 1184(g)(11)) is amended—

(1) in subparagraph (A), by striking “section 101(a)(15)(E)(iii)” and inserting “clauses (iii) and (vi) of section 101(a)(15)(E)”;

(2) by amending subparagraph (B) to read as follows:

“(B) The applicable numerical limitation referred to in subparagraph (A) for each fiscal year is—

“(i) 10,500 for each of the nationalities identified in clause (iii) of section 101(a)(15)(E); and

“(ii) 10,500 for all aliens described in clause (vi) of such section.”.

(c) FREE TRADE AGREEMENTS.—Section 214(g) (8 U.S.C. 1184(g)) is amended by adding at the end the following:

“(12)(A) The free trade agreements referred to in section 101(a)(15)(E)(iv) are defined as any free trade agreement designated by the Secretary of Homeland Security with the concurrence of the United States Trade Representative and the Secretary of State.

“(B) The Secretary of State may not approve a number of initial applications submitted for aliens described in clause (iv) or (v) of section 101(a)(15)(E) that is more than 5,000 per fiscal year for each country with which the United States has entered into a Free Trade Agreement.

“(C) The applicable numerical limitation referred to in subparagraph (A) shall apply only to principal aliens and not to the spouses or children of such aliens.”.

(d) NONIMMIGRANT PROFESSIONALS.—Section 212(t) (8 U.S.C. 1182(t)) is amended by striking “section 101(a)(15)(E)(iii)” each place that term appears and inserting “clause (iv) or (v) of section 101(a)(15)(E)”.

#### SEC. 4403. E-VISA REFORM.

(a) NONIMMIGRANT CATEGORY.—Section 101(a)(15)(E)(iii) (8 U.S.C. 1101(a)(15)(E)(iii)) is amended by inserting “, or solely to perform services as an employee and who has at least a high school education or its equivalent, or has, within 5 years, at least 2 years of work experience in an occupation which requires at least 2 years of training or experience if the alien is a national of the Republic of Ireland,” after “Australia”.

(b) TEMPORARY ADMISSION.—Section 212(d)(3)(A) (8 U.S.C. 1182(d)(3)(A)) is amended to read as follows:

“(A) Except as otherwise provided in this subsection—

“(i) an alien who is applying for a nonimmigrant visa and who the consular officer knows or believes to be ineligible for such visa under subsection (a) (other than subparagraphs (A)(i)(I), (A)(ii), (A)(iii), (C), (E)(i), and (E)(ii) of paragraph (3) of such subsection)—

“(I) after approval by the Secretary of Homeland Security of a recommendation by the Secretary of State or by the consular officer that the alien be admitted temporarily despite the alien’s inadmissibility, may be granted such a visa and may be admitted

into the United States temporarily as a nonimmigrant, in the discretion of the Secretary of Homeland Security; or

“(II) absent such recommendation and approval, be granted a nonimmigrant visa pursuant to section 101(a)(15)(E) if such ineligibility is based solely on conduct in violation of paragraph (6), (7), or (9) of section 212(a) that occurred before the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act; and

“(ii) an alien who is inadmissible under subsection (a) (other than subparagraphs (A)(i)(I), (A)(ii), (A)(iii), (C), (E)(i), and (E)(ii) of paragraph (3) of such subsection), is in possession of appropriate documents or was granted a waiver from such document requirement, and is seeking admission, may be admitted into the United States temporarily as a nonimmigrant, in the discretion of the Secretary of Homeland Security, who shall prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of inadmissible aliens applying for temporary admission under this paragraph.”.

(c) NUMERICAL LIMITATION.—Section 214(g)(11)(B) (8 U.S.C. 1184(g)(11)(B)) is amended by striking the period at the end and inserting “for each of the nationalities identified under section 101(a)(15)(E)(ii).”.

#### SEC. 4404. OTHER CHANGES TO NONIMMIGRANT VISAS.

(a) PORTABILITY.—Paragraphs (1) and (2) of section 214(n) (8 U.S.C. 1184(n)) are amended to read as follows:

“(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) or 101(a)(15)(O)(i) is authorized to accept new employment pursuant to such section upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

“(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

“(A) who has been lawfully admitted into the United States;

“(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Secretary of Homeland Security; and

“(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.”.

(b) WAIVER.—The undesignated material at the end of section 214(c)(3) (8 U.S.C. 1184(c)(3)) is amended to read as follows:

“The Secretary of Homeland Security shall provide by regulation for the waiver of the consultation requirement under subparagraph (A) in the case of aliens who have been admitted as nonimmigrants under section 101(a)(15)(O)(i) because of extraordinary ability in the arts or extraordinary achievement in motion picture or television production and who seek readmission to perform similar services within 3 years after the date of a consultation under such subparagraph provided that, in the case of aliens admitted because of extraordinary achievement in motion picture or television production, such waiver shall apply only if the prior consultations by the appropriate union and management organization were favorable or raised no objection to the approval of the petition.



Not later than 5 days after such a waiver is provided, the Secretary shall forward a copy of the petition and all supporting documentation to the national office of an appropriate labor organization. In the case of an alien seeking entry for a motion picture or television production (i) any opinion under the previous sentence shall only be advisory; (ii) any such opinion that recommends denial must be in writing; (iii) in making the decision the Attorney General shall consider the exigencies and scheduling of the production; (iv) the Attorney General shall append to the decision any such opinion; and (v) upon making the decision, the Attorney General shall immediately provide a copy of the decision to the consulting labor and management organizations.”.

**SEC. 4405. TREATMENT OF NONIMMIGRANTS DURING ADJUDICATION OF APPLICATION.**

Section 214 (8 U.S.C. 1184), as amended by sections 3609 and 4233, is further amended by adding at the end the following:

“(u) TREATMENT OF NONIMMIGRANTS DURING ADJUDICATION OF APPLICATION.—A non-immigrant alien granted employment authorization pursuant to sections 101(a)(15)(A), 101(a)(15)(E), 101(a)(15)(G), 101(a)(15)(H), 101(a)(15)(I), 101(a)(15)(J), 101(a)(15)(L), 101(a)(15)(O), 101(a)(15)(P), 101(a)(15)(Q), 101(a)(15)(R), 214(e), and such other sections as the Secretary of Homeland Security may by regulations prescribe whose status has expired but who has, or whose sponsoring employer or authorized agent has, filed a timely application or petition for an extension of such employment authorization and nonimmigrant status as provided under subsection (a) is authorized to continue employment with the same employer until the application or petition is adjudicated. Such authorization shall be subject to the same conditions and limitations as the initial grant of employment authorization.”.

**SEC. 4406. NONIMMIGRANT ELEMENTARY AND SECONDARY SCHOOL STUDENTS.**

Section 214(m)(1)(B) (8 U.S.C. 1184(m)(1)(B)) is amended striking “unless—” and all that follows through “(ii)” and inserting “unless”.

**SEC. 4407. J-1 SUMMER WORK TRAVEL VISA EXCHANGE VISITOR PROGRAM FEE.**

Section 281 (8 U.S.C. 1351), as amended by section 4105, is further amended by adding at the end the following:

“(e) J-1 SUMMER WORK TRAVEL PARTICIPANT FEE.—In addition to the fees authorized under subsection (a), the Secretary of State shall collect a \$100 fee from each non-immigrant entering under the Summer Work Travel program conducted by the Secretary of State pursuant to the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-761). Fees collected under this subsection shall be deposited into the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1) of the Border Security, Economic Opportunity, and Immigration Modernization Act.”.

**SEC. 4408. J VISA ELIGIBILITY.**

(a) SPEAKERS OF CERTAIN FOREIGN LANGUAGES.—Section 101(a)(15)(J) (8 U.S.C. 1101(a)(15)(J)) is amended to read as follows:

“(J) an alien having a residence in a foreign country which he has no intention of abandoning who—

“(i) is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to

the United States as a participant in a program designated by the Director of the United States Information Agency, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if such alien is coming to the United States to participate in a program under which such alien will receive graduate medical education or training, also meets the requirements of section 212(j), and the alien spouse and minor children of any such alien if accompanying such alien or following to join such alien; or

“(ii) is coming to the United States to perform work involving specialized knowledge or skill, including teaching on a full-time or part-time basis, that requires proficiency of languages spoken as a native language in countries of which fewer than 5,000 nationals were lawfully admitted for permanent residence in the United States in the previous year;”.

(b) REQUIREMENT FOR ANNUAL LIST OF COUNTRIES.—The Secretary of State shall publish an annual list of the countries described in clause (ii) of section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)), as added by subsection (a).

(c) SUMMER WORK TRAVEL PROGRAM EMPLOYMENT IN SEAFOOD PROCESSING.—Notwithstanding any other provision of law or regulation, including part 62 of title 22, Code of Federal Regulations, or any proposed rule, the Secretary of State shall permit participants in the Summer Work Travel program described in section 62.32 of such title 22 who are admitted under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)), as amended by subsection (a), to be employed in seafood processing positions in Alaska.

**SEC. 4409. F-1 VISA FEE.**

Section 281 (8 U.S.C. 1351), as amended by sections 4105 and 4407, is further amended by adding at the end the following:

“(f) F-1 VISA FEE.—

“(1) IN GENERAL.—In addition to the fees authorized under subsection (a), the Secretary of Homeland Security shall collect a \$100 fee from each nonimmigrant admitted under section 101(a)(15)(F)(i). Fees collected under this subsection shall be deposited into the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1) of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(2) RULEMAKING.—The Secretary of Homeland Security, in conjunction with the Secretary of State, shall promulgate regulations to ensure that—

“(A) the fee authorized under paragraph (1) is paid on behalf of all J-1 nonimmigrants seeking entry into the United States;

“(B) a fee related to the hiring of a J-1 nonimmigrant is not deducted from the wages or other compensation paid to the J-1 nonimmigrant; and

“(C) not more than 1 fee is collected per J-1 nonimmigrant.”.

**SEC. 4410. PILOT PROGRAM FOR REMOTE B NON-IMMIGRANT VISA INTERVIEWS.**

Section 222 (8 U.S.C. 1202) is amended by adding at the end the following:

“(i)(1) Except as provided in paragraph (3), the Secretary of State—

“(A) shall develop and conduct a pilot program for processing visas under section 101(a)(15)(B) using secure remote videoconferencing technology as a method for conducting any required in person interview of applicants; and

“(B) in consultation with the heads of other Federal agencies that use such secure

communications, shall help ensure the security of the videoconferencing transmission and encryption conducted under subparagraph (A).

“(2) Not later than 90 days after the termination of the pilot program authorized under paragraph (1), the Secretary of State shall submit to the appropriate committees of Congress a report that contains—

“(A) a detailed description of the results of such program, including an assessment of the efficacy, efficiency, and security of the remote videoconferencing technology as a method for conducting visa interviews of applicants; and

“(B) recommendations for whether such program should be continued, broadened, or modified.

“(3) The pilot program authorized under paragraph (1) may not be conducted if the Secretary of State determines that such program—

“(A) poses an undue security risk; and

“(B) cannot be conducted in a manner consistent with maintaining security controls.

“(4) If the Secretary of State makes a determination under paragraph (3), the Secretary shall submit a report to the appropriate committees of Congress that describes the reasons for such determination.

“(5) In this subsection:

“(A) The term ‘appropriate committees of Congress’ means—

“(i) the Committee on the Judiciary, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

“(ii) the Committee on the Judiciary, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

“(B) The term ‘in person interview’ includes interviews conducted using remote video technology.”.

**SEC. 4411. PROVIDING CONSULAR OFFICERS WITH ACCESS TO ALL TERRORIST DATABASES AND REQUIRING HEIGHTENED SCRUTINY OF APPLICATIONS FOR ADMISSION FROM PERSONS LISTED ON TERRORIST DATABASES.**

Section 222 (8 U.S.C. 1202), as amended by section 4410, is further amended by adding at the end the following:

“(j) PROVIDING CONSULAR OFFICERS WITH ACCESS TO ALL TERRORIST DATABASES AND REQUIRING HEIGHTENED SCRUTINY OF APPLICATIONS FOR ADMISSION FROM PERSONS LISTED ON TERRORIST DATABASES.—

“(1) ACCESS TO THE SECRETARY OF STATE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary of State shall have access to all terrorism records and databases maintained by any agency or department of the United States for the purposes of determining whether an applicant for admission poses a security threat to the United States.

“(B) EXCEPTION.—The head of such an agency or department may only withhold access to terrorism records and databases from the Secretary of State if such head is able to articulate that withholding is necessary to prevent the unauthorized disclosure of information that clearly identifies, or would reasonably permit ready identification of, intelligence or sensitive law enforcement sources, methods, or activities.

“(2) BIOGRAPHIC AND BIOMETRIC SCREENING.—

“(A) REQUIREMENT FOR BIOGRAPHIC AND BIOMETRIC SCREENING.—Notwithstanding any other provision of this Act, the Secretary of State shall require every alien applying for admission to the United States to submit to

biographic and biometric screening to determine whether the alien's name or biometric information is listed in any terrorist watch list or database maintained by any agency or department of the United States.

“(B) EXCLUSIONS.—No alien applying for a visa to the United States shall be granted such visa by a consular officer if the alien's name or biometric information is listed in any terrorist watch list or database referred to in subparagraph (A) unless—

“(i) screening of the alien's visa application against interagency counterterrorism screening systems which compare the applicant's information against data in all counterterrorism watch lists and databases reveals no potentially pertinent links to terrorism;

“(ii) the consular officer submits the application for further review to the Secretary of State and the heads of other relevant agencies, including the Secretary of Homeland Security and the Director of National Intelligence; and

“(iii) the Secretary of State, after consultation with the Secretary of Homeland Security, the Director of National Intelligence, and the heads of other relevant agencies, certifies that the alien is admissible to the United States.”.

#### SEC. 4412. VISA REVOCATION INFORMATION.

Section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by adding at the end the following:

“(j) VISA REVOCATION INFORMATION.—If the Secretary of State or the Secretary of Homeland Security revoke a visa—

“(1) the fact of the revocation shall be immediately provided to the relevant consular officers, law enforcement, and terrorist screening databases; and

“(2) a notice of such revocation shall be posted to all Department of Homeland Security port inspectors and to all consular officers.”.

#### SEC. 4413. STATUS FOR CERTAIN BATTERED SPOUSES AND CHILDREN.

(a) NONIMMIGRANT STATUS FOR CERTAIN BATTERED SPOUSES AND CHILDREN.—Section 101(a)(51) (8 U.S.C. 1101(a)(51)), as amended by section 2305(d)(6)(B)(i)(III), is further amended—

(1) in subparagraph (E), by striking “or” at the end;

(2) in subparagraph (F), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(G) section 106 as an abused derivative alien.”.

(b) RELIEF FOR ABUSED DERIVATIVE ALIENS.—

(1) IN GENERAL.—Section 106 (8 U.S.C. 1105a) is amended to read as follows:

“SEC. 106. RELIEF FOR ABUSED DERIVATIVE ALIENS.

“(a) ABUSED DERIVATIVE ALIEN DEFINED.—In this section, the term ‘abused derivative alien’ means an alien who—

“(1) is the spouse or child admitted under section 101(a)(15) or pursuant to a blue card status granted under section 2211 of the Border Security, Economic Opportunity, and Immigration Modernization Act;

“(2) is accompanying or following to join a principal alien admitted under such a section; and

“(3) has been subjected to battery or extreme cruelty by such principal alien.

“(b) RELIEF FOR ABUSED DERIVATIVE ALIENS.—The Secretary of Homeland Security—

“(1) shall grant or extend the status of admission of an abused derivative alien under section 101(a)(15) or section 2211 of the Bor-

der Security, Economic Opportunity, and Immigration Modernization Act under which the principal alien was admitted for the longer of—

“(A) the same period for which the principal was initially admitted; or

“(B) a period of 3 years;

“(2) may renew a grant or extension of status made under paragraph (1);

“(3) shall grant employment authorization to an abused derivative alien; and

“(4) may adjust the status of the abused derivative alien to that of an alien lawfully admitted for permanent residence if—

“(A) the alien is admissible under section 212(a) or the Secretary of Homeland Security finds the alien's continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest; and

“(B) the status under which the principal alien was admitted to the United States would have potentially allowed for eventual adjustment of status.

“(c) EFFECT OF TERMINATION OF RELATIONSHIP.—Termination of the relationship with principal alien shall not affect the status of an abused derivative alien under this section if battery or extreme cruelty by the principal alien was 1 central reason for termination of the relationship.

“(d) PROCEDURES.—Requests for relief under this section shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(C).”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section is amended by striking the item relating to section 106 and inserting the following:

“Sec. 106. Relief for abused derivative aliens.”.

#### SEC. 4414. NONIMMIGRANT CREWMEN LANDING TEMPORARILY IN HAWAII.

(a) IN GENERAL.—Section 101(a)(15)(D)(ii) (8 U.S.C. 1101(a)(15)(D)(ii)) is amended—

(1) by striking “Guam” both places that term appears and inserting “Hawaii, Guam,”; and

(2) by striking the semicolon at the end and inserting “or some other vessel or aircraft”.

(b) TREATMENT OF DEPARTURES.—In the administration of section 101(a)(15)(D)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(D)(ii)), an alien crewman shall be considered to have departed from Hawaii, Guam, or the Commonwealth of the Northern Mariana Islands after leaving the territorial waters of Hawaii, Guam, or the Commonwealth of the Northern Mariana Islands, respectively, without regard to whether the alien arrives in a foreign state before returning to Hawaii, Guam, or the Commonwealth of the Northern Mariana Islands.

(c) CONFORMING AMENDMENT.—The Act entitled “An Act to amend the Immigration and Nationality Act to permit nonimmigrant alien crewmen on fishing vessels to stop temporarily at ports in Guam”, approved October 21, 1986 (Public Law 99-505; 8 U.S.C. 1101 note) is amended by striking section 2.

#### SEC. 4415. TREATMENT OF COMPACT OF FREE ASSOCIATION MIGRANTS.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by inserting after section 214 the following:

#### “SEC. 214A. TREATMENT OF COMPACT OF FREE ASSOCIATION MIGRANTS.

“Notwithstanding any other provision of law, with respect to eligibility for benefits for the Federal program defined in 402(b)(3)(C) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(3)(C)) (relating to the

Medicaid program), sections 401(a), 402(b)(1), and 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(a), 1612(b)(1), 1613(a)) shall not apply to any individual who lawfully resides in the United States in accordance with the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. Any individual to which the preceding sentence applies shall be considered to be a qualified alien for purposes of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.), but only with respect to the designated Federal program defined in section 402(b)(3)(C) of such Act (relating to the Medicaid program) (8 U.S.C. 1612(b)(3)(C)).”.

(b) CONFORMING AMENDMENTS.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(1) in subsection (f), in the matter preceding paragraph (1), by striking “subsection (g)” and inserting “subsections (g) and (h)”; and

(2) by adding at the end the following:

“(h) The limitations of subsections (f) and (g) shall not apply with respect to medical assistance provided to an individual described in section 214A of the Immigration and Nationality Act.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for items and services furnished on or after the date of the enactment of this Act.

#### SEC. 4416. INTERNATIONAL PARTICIPATION IN THE PERFORMING ARTS.

Section 214(c)(6)(D) (8 U.S.C. 1184(c)(6)(D)) is amended—

(1) in the first sentence, by inserting “(i)” before “Any person”; and

(2) in the second sentence—

(A) by striking “Once” and inserting “Except as provided in clause (ii), once”; and

(B) by striking “Attorney General shall” and inserting “Secretary of Homeland Security shall”; and

(3) in the third sentence, by striking “The Attorney General” and inserting “The Secretary”; and

(4) by adding at the end the following:

“(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien with extraordinary ability in the arts (as described in section 101(a)(15)(O)(i)), an alien accompanying such an alien (as described in clauses (ii) and (iii) of section 101(a)(15)(O)), or an alien described in section 101(a)(15)(P) (other than an alien described in paragraph (4)(A) (relating to athletes)) not later than 14 days after—

“(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

“(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an appropriate opportunity to supply rebuttal evidence.

“(iii) If a petition described in clause (ii) is not adjudicated before the end of the 14-day period described in clause (ii) and the petitioner is an arts organization described in paragraph (3), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code for the taxable year preceding the calendar year in which the petition is submitted, or an individual or entity petitioning primarily on behalf of such an organization, the Secretary of Homeland Security shall provide the petitioner with the premium

processing services referred to in section 286(u), without a fee.”.

**SEC. 4417. LIMITATION ON ELIGIBILITY OF CERTAIN NONIMMIGRANTS FOR HEALTH-RELATED PROGRAMS.**

(a) IN GENERAL.—Section 1903(v)(4)(A) of the Social Security Act (42 U.S.C. 1396b(v)(4)(A)) is amended by inserting “, but not including a nonimmigrant described in subparagraph (B) or (F) of section 101(a)(15) of the Immigration and Nationality Act” after “section 431(c) of such Act”.

(b) CONFORMING CHANGES TO REGULATIONS.—

(1) SECRETARY OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall conform all regulations promulgated by the Secretary of Health and Human Services that reference the term “lawfully present” for purposes of health-related programs administered by the Secretary of Health and Human Services to reflect the amendment made by subsection (a) to the definition of “lawfully residing” in section 1903(v)(4)(A) of the Social Security Act (42 U.S.C. 1396b(v)(4)(A)).

(2) SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall make the same changes to regulations promulgated by the Secretary of the Treasury that reference the term “lawfully present” for purposes of health-related programs administered by the Secretary of the Treasury as the Secretary of Health and Human Services makes under paragraph (1).

**Subtitle E—JOLT Act**

**SEC. 4501. SHORT TITLES.**

This subtitle may be cited as the “Jobs Originated through Launching Travel Act of 2013” or the “JOLT Act of 2013”.

**SEC. 4502. PREMIUM PROCESSING.**

Section 221 (8 U.S.C. 1201) is amended by inserting at the end the following:

“(j) PREMIUM PROCESSING.—

“(1) PILOT PROCESSING SERVICE.—Recognizing that the best solution for expedited processing is low interview wait times for all applicants, the Secretary of State shall nevertheless establish, on a limited, pilot basis only, a fee-based premium processing service to expedite interview appointments. In establishing a pilot processing service, the Secretary may—

“(A) determine the consular posts at which the pilot service will be available;

“(B) establish the duration of the pilot service;

“(C) define the terms and conditions of the pilot service, with the goal of expediting visa appointments and the interview process for those electing to pay said fee for the service; and

“(D) resources permitting, during the pilot service, consider the addition of consulates in locations advantageous to foreign policy objectives or in highly populated locales.

“(2) FEES.—

“(A) AUTHORITY TO COLLECT.—The Secretary of State is authorized to collect, and set the amount of, a fee imposed for the premium processing service. The Secretary of State shall set the fee based on all relevant considerations including, the cost of expedited service.

“(B) USE OF FEES.—Fees collected under the authority of subparagraph (A) shall be deposited as an offsetting collection to any Department of State appropriation, to recover the costs of providing consular services. Such fees shall remain available for obligation until expended.

“(C) RELATIONSHIP TO OTHER FEES.—Such fee is in addition to any existing fee currently being collected by the Department of State.

“(D) NONREFUNDABLE.—Such fee will be nonrefundable to the applicant.

“(3) DESCRIPTION OF PREMIUM PROCESSING.—Premium processing pertains solely to the expedited scheduling of a visa interview. Utilizing the premium processing service for an expedited interview appointment does not establish the applicant’s eligibility for a visa. The Secretary of State shall, if possible, inform applicants utilizing the premium processing of potential delays in visa issuance due to additional screening requirements, including necessary security-related checks and clearances.

“(4) REPORT TO CONGRESS.—

“(A) REQUIREMENT FOR REPORT.—Not later than 18 months after the date of the enactment of the JOLT Act of 2013, the Secretary of State shall submit to the appropriate committees of Congress a report on the results of the pilot service carried out under this section.

“(B) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on the Judiciary, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

“(ii) the Committee on the Judiciary, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.”.

**SEC. 4503. ENCOURAGING CANADIAN TOURISM TO THE UNITED STATES.**

Section 214 (8 U.S.C. 1184), as amended by sections 3609, 4233, and 4405, is further amended by adding at the end the following:

“(v) CANADIAN RETIREES.—

“(1) IN GENERAL.—The Secretary of Homeland Security may admit as a visitor for pleasure as described in section 101(a)(15)(B) any alien for a period not to exceed 240 days, if the alien demonstrates, to the satisfaction of the Secretary, that the alien—

“(A) is a citizen of Canada;

“(B) is at least 55 years of age;

“(C) maintains a residence in Canada;

“(D) owns a residence in the United States or has signed a rental agreement for accommodations in the United States for the duration of the alien’s stay in the United States;

“(E) is not inadmissible under section 212;

“(F) is not described in any ground of deportability under section 237;

“(G) will not engage in employment or labor for hire in the United States; and

“(H) will not seek any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)).

“(2) SPOUSE.—The spouse of an alien described in paragraph (1) may be admitted under the same terms as the principal alien if the spouse satisfies the requirements of paragraph (1), other than subparagraphs (B) and (D).

“(3) IMMIGRANT INTENT.—In determining eligibility for admission under this subsection, maintenance of a residence in the United States shall not be considered evidence of intent by the alien to abandon the alien’s residence in Canada.

“(4) PERIOD OF ADMISSION.—During any single 365-day period, an alien may be admitted as described in section 101(a)(15)(B) pursuant to this subsection for a period not to exceed 240 days, beginning on the date of admission. Unless an extension is approved by the Secretary, periods of time spent outside the United States during such 240-day period shall not toll the expiration of such 240-day period.”.

**SEC. 4504. RETIREE VISA.**

(a) NONIMMIGRANT STATUS.—Section 101(a)(15), as amended, is further amended by inserting after subparagraph (X) the following:

“(Y) subject to section 214(w), an alien who, after the date of the enactment of the JOLT Act of 2013—

“(i)(I) uses at least \$500,000 in cash to purchase 1 or more residences in the United States, which each sold for more than 100 percent of the most recent appraised value of such residence, as determined by the property assessor in the city or county in which the residence is located;

“(II) maintains ownership of residential property in the United States worth at least \$500,000 during the entire period the alien remains in the United States as a nonimmigrant described in this subparagraph; and

“(III) resides for more than 180 days per year in a residence in the United States that is worth at least \$250,000; and

“(ii) the alien spouse and children of the alien described in clause (i) if accompanying or following to join the alien.”.

(b) VISA APPLICATION PROCEDURES.—Section 214 (8 U.S.C. 1184), as amended by sections 3609, 4233, 4405, and 4503, is further amended by adding at the end the following:

“(w) VISAS OF NONIMMIGRANTS DESCRIBED IN SECTION 101(a)(15)(Y).—

“(1) The Secretary of Homeland Security shall authorize the issuance of a nonimmigrant visa to any alien described in section 101(a)(15)(Y) who submits a petition to the Secretary that—

“(A) demonstrates, to the satisfaction of the Secretary, that the alien—

“(i) has purchased a residence in the United States that meets the criteria set forth in section 101(a)(15)(Y)(i);

“(ii) is at least 55 years of age;

“(iii) possesses health insurance coverage;

“(iv) is not inadmissible under section 212; and

“(v) will comply with the terms set forth in paragraph (2); and

“(B) includes payment of a fee in an amount equal to \$1,000.

“(2) An alien who is issued a visa under this subsection—

“(A) shall reside in the United States at a residence that meets the criteria set forth in section 101(a)(15)(Y)(i) for more than 180 days per year;

“(B) is not authorized to engage in employment in the United States, except for employment that is directly related to the management of the residential property described in section 101(Y)(i)(II);

“(C) is not eligible for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)); and

“(D) may renew such visa every 3 years under the same terms and conditions.”.

(c) USE OF FEE.—Fees collected under section 214(w)(1)(B) of the Immigration and Nationality Act, as added by subsection (b), shall be deposited in the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1).

**SEC. 4505. INCENTIVES FOR FOREIGN VISITORS VISITING THE UNITED STATES DURING LOW PEAK SEASONS.**

The Secretary of State shall make publicly available, on a monthly basis, historical data, for the previous 2 years, regarding the availability of visa appointments for each visa processing post, to allow applicants to identify periods of low demand, when wait times tend to be lower.

**SEC. 4506. VISA WAIVER PROGRAM ENHANCED SECURITY AND REFORM.**

(a) DEFINITIONS.—Section 217(c)(1) (8 U.S.C. 1187(c)(1)) is amended to read as follows:

“(1) AUTHORITY TO DESIGNATE; DEFINITIONS.—

“(A) AUTHORITY TO DESIGNATE.—The Secretary of Homeland Security, in consultation with the Secretary of State, may designate any country as a program country if that country meets the requirements under paragraph (2).

“(B) DEFINITIONS.—In this subsection:

“(i) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(I) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

“(II) the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.

“(ii) OVERSTAY RATE.—

“(i) INITIAL DESIGNATION.—The term ‘overstay rate’ means, with respect to a country being considered for designation in the program, the ratio of—

“(aa) the number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visa under section 101(a)(15)(B) whose periods of authorized stay ended during a fiscal year but who remained unlawfully in the United States beyond such periods; to

“(bb) the number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visa under section 101(a)(15)(B) whose periods of authorized stay ended during that fiscal year.

“(II) CONTINUING DESIGNATION.—The term ‘overstay rate’ means, for each fiscal year after initial designation under this section with respect to a country, the ratio of—

“(aa) the number of nationals of that country who were admitted to the United States under this section or on the basis of a nonimmigrant visa under section 101(a)(15)(B) whose periods of authorized stay ended during a fiscal year but who remained unlawfully in the United States beyond such periods; to

“(bb) the number of nationals of that country who were admitted to the United States under this section or on the basis of a nonimmigrant visa under section 101(a)(15)(B) whose periods of authorized stay ended during that fiscal year.

“(III) COMPUTATION OF OVERSTAY RATE.—In determining the overstay rate for a country, the Secretary of Homeland Security may utilize information from any available databases to ensure the accuracy of such rate.

“(iii) PROGRAM COUNTRY.—The term ‘program country’ means a country designated as a program country under subparagraph (A).”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 217 (8 U.S.C. 1187) is amended—

(1) by striking “Attorney General” each place the term appears (except in subsection (c)(11)(B)) and inserting “Secretary of Homeland Security”; and

(2) in subsection (c)—

(A) in paragraph (2)(C)(iii), by striking “Committee on the Judiciary and the Committee on International Relations of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations of the Senate” and inserting “appropriate congressional committees”; and

(B) in paragraph (5)(A)(i)(II), by striking “Committee on the Judiciary, the Com-

mittee on Foreign Affairs, and the Committee on Homeland Security, of the House of Representatives and the Committee on the Judiciary, the Committee on Foreign Relations, and the Committee on Homeland Security and Governmental Affairs of the Senate” and inserting “appropriate congressional committees”; and

(C) in paragraph (7), by striking subparagraph (E).

(c) DESIGNATION OF PROGRAM COUNTRIES BASED ON OVERSTAY RATES.—

(1) IN GENERAL.—Section 217(c)(2)(A) (8 U.S.C. 1187(c)(2)(A)) is amended to read as follows:

“(A) GENERAL NUMERICAL LIMITATIONS.—

“(i) LOW NONIMMIGRANT VISA REFUSAL RATE.—The percentage of nationals of that country refused nonimmigrant visas under section 101(a)(15)(B) during the previous full fiscal year was not more than 3 percent of the total number of nationals of that country who were granted or refused nonimmigrant visas under such section during such year.

“(ii) LOW NONIMMIGRANT OVERSTAY RATE.—The overstay rate for that country was not more than 3 percent during the previous fiscal year.”

(2) QUALIFICATION CRITERIA.—Section 217(c)(3) (8 U.S.C. 1187(c)(3)) is amended to read as follows:

“(3) QUALIFICATION CRITERIA.—After designation as a program country under section 217(c)(2), a country may not continue to be designated as a program country unless the Secretary of Homeland Security, in consultation with the Secretary of State, determines, pursuant to the requirements under paragraph (5), that the designation will be continued.”

(3) INITIAL PERIOD.—Section 217(c) (8 U.S.C. 1187(c)) is amended by striking paragraph (4).

(4) CONTINUING DESIGNATION.—Section 217(c)(5)(A)(i)(II) (8 U.S.C. 1187(c)(5)(A)(i)(II)) is amended to read as follows:

“(II) shall determine, based upon the evaluation in subclause (I), whether any such designation under subsection (d) or (f), or probation under subsection (f), ought to be continued or terminated.”

(5) COMPUTATION OF VISA REFUSAL RATES; JUDICIAL REVIEW.—Section 217(c)(6) (8 U.S.C. 1187(c)(6)) is amended to read as follows:

“(6) COMPUTATION OF VISA REFUSAL RATES AND JUDICIAL REVIEW.—

“(A) COMPUTATION OF VISA REFUSAL RATES.—For purposes of determining the eligibility of a country to be designated as a program country, the calculation of visa refusal rates shall not include any visa refusals which incorporate any procedures based on, or are otherwise based on, race, sex, or disability, unless otherwise specifically authorized by law or regulation.

“(B) JUDICIAL REVIEW.—No court shall have jurisdiction under this section to review any visa refusal, the Secretary of State’s computation of a visa refusal rate, the Secretary of Homeland Security’s computation of an overstay rate, or the designation or nondesignation of a country as a program country.”

(6) VISA WAIVER INFORMATION.—Section 217(c)(7) (8 U.S.C. 1187(c)(7)), as amended by subsection (b)(2)(C), is further amended—

(A) by striking subparagraphs (B) through (D); and

(B) by striking “WAIVER INFORMATION.—” and all that follows through “In refusing” and inserting “WAIVER INFORMATION.—In refusing”.

(7) WAIVER AUTHORITY.—Section 217(c)(8) (8 U.S.C. 1187(c)(8)) is amended to read as follows:

“(8) WAIVER AUTHORITY.—The Secretary of Homeland Security, in consultation with the Secretary of State, may waive the application of paragraph (2)(A)(i) for a country if—

“(A) the country meets all other requirements of paragraph (2);

“(B) the Secretary of Homeland Security determines that the totality of the country’s security risk mitigation measures provide assurance that the country’s participation in the program would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States;

“(C) there has been a general downward trend in the percentage of nationals of the country refused nonimmigrant visas under section 101(a)(15)(B);

“(D) the country consistently cooperated with the Government of the United States on counterterrorism initiatives, information sharing, preventing terrorist travel, and extradition to the United States of individuals (including the country’s own nationals) who commit crimes that violate United States law before the date of its designation as a program country, and the Secretary of Homeland Security and the Secretary of State assess that such cooperation is likely to continue; and

“(E) the percentage of nationals of the country refused a nonimmigrant visa under section 101(a)(15)(B) during the previous full fiscal year was not more than 10 percent of the total number of nationals of that country who were granted or refused such nonimmigrant visas.”

(d) TERMINATION OF DESIGNATION; PROBATION.—Section 217(f) (8 U.S.C. 1187(f)) is amended to read as follows:

“(f) TERMINATION OF DESIGNATION; PROBATION.—

“(1) DEFINITIONS.—In this subsection:

“(A) PROBATIONARY PERIOD.—The term ‘probationary period’ means the fiscal year in which a probationary country is placed in probationary status under this subsection.

“(B) PROGRAM COUNTRY.—The term ‘program country’ has the meaning given that term in subsection (c)(1)(B).

“(2) DETERMINATION, NOTICE, AND INITIAL PROBATIONARY PERIOD.—

“(A) DETERMINATION OF PROBATIONARY STATUS AND NOTICE OF NONCOMPLIANCE.—As part of each program country’s periodic evaluation required by subsection (c)(5)(A), the Secretary of Homeland Security shall determine whether a program country is in compliance with the program requirements under subparagraphs (A)(ii) through (F) of subsection (c)(2).

“(B) INITIAL PROBATIONARY PERIOD.—If the Secretary of Homeland Security determines that a program country is not in compliance with the program requirements under subparagraphs (A)(ii) through (F) of subsection (c)(2), the Secretary of Homeland Security shall place the program country in probationary status for the fiscal year following the fiscal year in which the periodic evaluation is completed.

“(3) ACTIONS AT THE END OF THE INITIAL PROBATIONARY PERIOD.—At the end of the initial probationary period of a country under paragraph (2)(B), the Secretary of Homeland Security shall take 1 of the following actions:

“(A) COMPLIANCE DURING INITIAL PROBATIONARY PERIOD.—If the Secretary determines that all instances of noncompliance with the program requirements under subparagraphs (A)(ii) through (F) of subsection (c)(2) that were identified in the latest periodic evaluation have been remedied by the

end of the initial probationary period, the Secretary shall end the country's probationary period.

“(B) NONCOMPLIANCE DURING INITIAL PROBATIONARY PERIOD.—If the Secretary determines that any instance of noncompliance with the program requirements under subparagraphs (A)(ii) through (F) of subsection (c)(2) that were identified in the latest periodic evaluation has not been remedied by the end of the initial probationary period—

“(i) the Secretary may terminate the country's participation in the program; or

“(ii) on an annual basis, the Secretary may continue the country's probationary status if the Secretary, in consultation with the Secretary of State, determines that the country's continued participation in the program is in the national interest of the United States.

“(4) ACTIONS AT THE END OF ADDITIONAL PROBATIONARY PERIODS.—At the end of all probationary periods granted to a country pursuant to paragraph (3)(B)(ii), the Secretary shall take 1 of the following actions:

“(A) COMPLIANCE DURING ADDITIONAL PERIOD.—The Secretary shall end the country's probationary status if the Secretary determines during the latest periodic evaluation required by subsection (c)(5)(A) that the country is in compliance with the program requirements under subparagraphs (A)(ii) through (F) of subsection (c)(2).

“(B) NONCOMPLIANCE DURING ADDITIONAL PERIODS.—The Secretary shall terminate the country's participation in the program if the Secretary determines during the latest periodic evaluation required by subsection (c)(5)(A) that the program country continues to be in noncompliance with the program requirements under subparagraphs (A)(ii) through (F) of subsection (c)(2).

“(5) EFFECTIVE DATE.—The termination of a country's participation in the program under paragraph (3)(B) or (4)(B) shall take effect on the first day of the first fiscal year following the fiscal year in which the Secretary determines that such participation shall be terminated. Until such date, nationals of the country shall remain eligible for a waiver under subsection (a).

“(6) TREATMENT OF NATIONALS AFTER TERMINATION.—For purposes of this subsection and subsection (d)—

“(A) nationals of a country whose designation is terminated under paragraph (3) or (4) shall remain eligible for a waiver under subsection (a) until the effective date of such termination; and

“(B) a waiver under this section that is provided to such a national for a period described in subsection (a)(1) shall not, by such termination, be deemed to have been rescinded or otherwise rendered invalid, if the waiver is granted prior to such termination.

“(7) CONSULTATIVE ROLE OF THE SECRETARY OF STATE.—In this subsection, references to subparagraphs (A)(ii) through (F) of subsection (c)(2) and subsection (c)(5)(A) carry with them the consultative role of the Secretary of State as provided in those provisions.”

(e) REVIEW OF OVERSTAY TRACKING METHODOLOGY.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the methods used by the Secretary—

(1) to track aliens entering and exiting the United States; and

(2) to detect any such alien who stays longer than such alien's period of authorized admission.

(f) EVALUATION OF ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION.—Not later than 90

days after the date of the enactment of this Act, the Secretary shall submit to Congress—

(1) an evaluation of the security risks of aliens who enter the United States without an approved Electronic System for Travel Authorization verification; and

(2) a description of any improvements needed to minimize the number of aliens who enter the United States without the verification described in paragraph (1).

(g) SENSE OF CONGRESS ON PRIORITY FOR REVIEW OF PROGRAM COUNTRIES.—It is the sense of Congress that the Secretary, in the process of conducting evaluations of countries participating in the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), should prioritize the reviews of countries in which circumstances indicate that such a review is necessary or desirable.

(h) ELIGIBILITY OF HONG KONG SPECIAL ADMINISTRATIVE REGION FOR DESIGNATION FOR PARTICIPATION IN VISA WAIVER PROGRAM FOR CERTAIN VISITORS TO THE UNITED STATES.—Section 217(c) (8 U.S.C. 1187(c)) is amended by adding at the end the following new paragraph:

“(12) ELIGIBILITY OF CERTAIN REGION FOR DESIGNATION AS PROGRAM COUNTRY.—The Hong Kong Special Administrative Region of the People's Republic of China—

“(A) shall be eligible for designation as a program country for purposes of this subsection; and

“(B) may be designated as a program country for purposes of this subsection if such region meets requirements applicable for such designation in this subsection.”

#### SEC. 4507. EXPEDITING ENTRY FOR PRIORITY VISITORS.

Section 7208(k)(4) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(4)) is amended to read as follows:

“(4) EXPEDITING ENTRY FOR PRIORITY VISITORS.—

“(A) IN GENERAL.—The Secretary of Homeland Security may expand the enrollment across registered traveler programs to include eligible individuals employed by international organizations, selected by the Secretary, which maintain strong working relationships with the United States.

“(B) REQUIREMENTS.—An individual may not be enrolled in a registered traveler program unless—

“(i) the individual is sponsored by an international organization selected by the Secretary under subparagraph (A); and

“(ii) the government that issued the passport that the individual is using has entered into a Trusted Traveler Arrangement with the Department of Homeland Security to participate in a registered traveler program.

“(C) SECURITY REQUIREMENTS.—An individual may not be enrolled in a registered traveler program unless the individual has successfully completed all applicable security requirements established by the Secretary, including cooperation from the applicable foreign government, to ensure that the individual does not pose a risk to the United States.

“(D) DISCRETION.—Except as provided in subparagraph (E), the Secretary shall retain unreviewable discretion to offer or revoke enrollment in a registered traveler program to any individual.

“(E) INELIGIBLE TRAVELERS.—An individual who is a citizen of a state sponsor of terrorism (as defined in section 301(13) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C.

8541(13)) may not be enrolled in a registered traveler program.”

#### SEC. 4508. VISA PROCESSING.

(a) IN GENERAL.—Notwithstanding any other provision of law and not later than 90 days after the date of the enactment of this Act, the Secretary of State shall—

(1) require United States diplomatic and consular missions—

(A) to conduct visa interviews for non-immigrant visa applications determined to require a consular interview in an expeditious manner, consistent with national security requirements, and in recognition of resource allocation considerations, such as the need to ensure provision of consular services to citizens of the United States;

(B) to set a goal of interviewing 80 percent of all nonimmigrant visa applicants, worldwide, within 3 weeks of receipt of application, subject to the conditions outlined in subparagraph (A); and

(C) to explore expanding visa processing capacity in China and Brazil, with the goal of maintaining interview wait times under 15 work days on a consistent, year-round basis, recognizing that demand can spike suddenly and unpredictably and that the first priority of United States missions abroad is the protection of citizens of the United States; and

(2) submit to the appropriate committees of Congress a detailed strategic plan that describes the resources needed to carry out paragraph (1)(A).

(b) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on the Judiciary, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on the Judiciary, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(c) SEMI-ANNUAL REPORT.—Not later than 30 days after the end of the first 6 months after the implementation of subsection (a), and not later than 30 days after the end of each subsequent quarter, the Secretary of State shall submit to the appropriate committees of Congress a report that provides—

(1) data substantiating the efforts of the Secretary of State to meet the requirements and goals described in subsection (a);

(2) any factors that have negatively impacted the efforts of the Secretary to meet such requirements and goals; and

(3) any measures that the Secretary plans to implement to meet such requirements and goals.

(d) SAVINGS PROVISION.—

(1) IN GENERAL.—Nothing in subsection (a) may be construed to affect a consular officer's authority—

(A) to deny a visa application under section 221(g) of the Immigration and Nationality Act (8 U.S.C. 1201(g)); or

(B) to initiate any necessary or appropriate security-related check or clearance.

(2) SECURITY CHECKS.—The completion of a security-related check or clearance shall not be subject to the time limits set out in subsection (a).

#### SEC. 4509. B VISA FEE.

Section 281 (8 U.S.C. 1351), as amended by sections 4105, 4407, and 4408, is further amended by adding at the end the following:

“(g) B VISA FEE.—In addition to the fees authorized under subsection (a), the Secretary of Homeland Security shall collect a \$5 fee from each nonimmigrant admitted under section 101(a)(15)(B). Fees collected under this subsection shall be deposited into

the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.”.

**Subtitle F—Reforms to the H-2B Visa Program**

**SEC. 4601. EXTENSION OF RETURNING WORKER EXEMPTION TO H-2B NUMERICAL LIMITATION.**

(a) IN GENERAL.—

(1) IN GENERAL.—Subparagraph (A) of paragraph (10) of section 214(g) (8 U.S.C. 1184(g)), as redesignated by section 4101(a)(3), is amended by striking “fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007.” and inserting “fiscal year 2013 shall not again be counted toward such limitation during fiscal years 2014 through 2018.”.

(2) EFFECTIVE PERIOD.—The amendment made by paragraph (1) shall be effective during the period beginning on the effective date described in subsection (c) and ending on September 30, 2018.

(b) TECHNICAL AND CLARIFYING AMENDMENTS.—

(1) NONIMMIGRANT STATUS.—Section 101(a)(15)(P) (8 U.S.C. 1101(a)(15)(P)) is amended—

(A) in clause (iii), by striking “or” at the end;

(B) in clause (iv), by striking “clause (i), (ii), or (iii),” and inserting “clause (i), (ii), (iii), or (iv)”;

(C) by redesignating clause (iv) as clause (v); and

(D) by inserting after clause (iii) the following:

“(iv) is a ski instructor, who has been certified as a level I, II, or III ski and snowboard instructor by the Professional Ski Instructors of America or the American Association of Snowboard Instructors, or received an equivalent certification in the alien’s country of origin, and is seeking to enter the United States temporarily to perform instructing services; or”.

(2) AUTHORIZED PERIOD OF STAY; NUMERICAL LIMITATION.—Section 214(a)(2)(B) (8 U.S.C. 1184(a)(2)(B)) is amended in the second sentence—

(A) by inserting “or ski instructors” after “athletes”; and

(B) by inserting “or ski instructor” after “athlete”.

(3) CONSTRUCTION.—Nothing in the amendments made by this subsection may be construed as preventing an alien who is a ski instructor from obtaining nonimmigrant status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) if such alien is otherwise qualified for such status.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on January 1, 2013.

**SEC. 4602. OTHER REQUIREMENTS FOR H-2B EMPLOYERS.**

Section 214 (8 U.S.C. 1184), as amended by sections 3609, 4233, 4405, 4503, and 4504, is further amended by adding at the end the following:

“(x) REQUIREMENTS FOR H-2B EMPLOYERS.—

“(1) H-2B NONIMMIGRANT DEFINED.—In this subsection the term ‘H-2B nonimmigrant’ means an alien admitted to the United States pursuant to section 101(a)(15)(H)(ii)(B).

“(2) NON-DISPLACEMENT OF UNITED STATES WORKERS.—An employer who seeks to employ an H-2B nonimmigrant admitted in an occupational classification shall certify and attest that the employer did not displace and will not displace a United States worker em-

ployed by the employer in the same metropolitan statistical area where such nonimmigrant will be hired within the period beginning 90 days before the start date and ending on the end date for which the employer is seeking the services of such nonimmigrant as specified on an application for labor certification under this Act.

“(3) TRANSPORTATION COSTS.—The employer shall pay the transportation costs, including reasonable subsistence costs during the period of travel, for an H-2B nonimmigrant hired by the employer—

“(A) from the place of recruitment to the place of such nonimmigrant’s employment; and

“(B) from the place of employment to such nonimmigrant’s place of permanent residence or a subsequent worksite.

“(4) PAYMENT OF FEES.—A fee related to the hiring of an H-2B nonimmigrant required to be paid by an employer under this Act shall be paid by the employer and may not be deducted from the wages or other compensation paid to an H-2B nonimmigrant.

“(5) H-2B NONIMMIGRANT LABOR CERTIFICATION APPLICATION FEE.—

“(A) IN GENERAL.—To recover costs of carrying out labor certification activities under the H-2B program, the Secretary of Labor shall impose a \$500 fee on an employer that submits an application for an employment certification for aliens granted H-2B nonimmigrant status to the Secretary of Labor under this subparagraph on or after the date that is 30 days after the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.”.

“(B) USE OF FEES.—The fees collected under subparagraph (A) shall be deposited in the Comprehensive Immigration Reform Trust Fund established under section 6 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.”.

**SEC. 4603. EXECUTIVES AND MANAGERS.**

Section 214(a)(1) (8 U.S.C. 1184(a)(1)) is amended by adding at the end the following: “Aliens admitted under section 101(a)(15) should include—

“(A) executives and managers employed by a firm or corporation or other legal entity or an affiliate or subsidiary thereof who are principally stationed abroad and who seek to enter the United States for periods of 90 days or less to oversee and observe the United States operations of their related companies, and establish strategic objectives when needed; or

“(B) employees of multinational corporations who enter the United States to observe the operations of a related United States company and participate in select leadership and development training activities, whether or not the activity is part of a formal or classroom training program for a period not to exceed 180 days.

Nonimmigrant aliens admitted pursuant to section 101(a)(15) and engaged in the activities described in the subparagraph (A) or (B) may not receive a salary from a United States source, except for incidental expenses for meals, travel, lodging and other basic services.”.

**SEC. 4604. HONORARIA.**

Section 212(q) (8 U.S.C. 1182(q)) is amended to read as follows:

“(q)(1) Any alien admitted under section 101(a)(15)(B) may accept an honorarium payment and associated incidental expenses, for a usual academic activity or activities (lasting not longer than 9 days at any single institution), as defined by the Attorney General in consultation with the Secretary of Education, or for a performance, appearance

and participation in United States based programming, including scripted or unscripted programming (with services not rendered for more than 60 days in a 6 month period) if the alien has received a letter of invitation from the institution, organization, or media outlet, such payment is offered by an institution, organization, or media outlet described in paragraph (2) and is made for services conducted for the benefit of that institution, entity or media outlet and if the alien has not accepted such payment or expenses from more than 5 institutions, organizations, or media outlets in the previous 6-month period. Any alien who is admitted under section 101(a)(15)(B) or any other valid visa may perform services under this section without reentering the United States and without a letter of invitation, if the alien does not receive any remuneration including an honorarium payment or incidental expenses, but may receive prize money.

“(2) An institution, organization, or media outlet described in this paragraph—

“(A) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) or a related or affiliated nonprofit entity;

“(B) a nonprofit research organization or a governmental research organization; and

“(C) a broadcast network, cable entity, production company, new media, internet and mobile based companies, who create or distribute programming content.”.

**SEC. 4605. NONIMMIGRANTS PARTICIPATING IN RELIEF OPERATIONS.**

Section 214 (8 U.S.C. 1184), as amended by sections 3609, 4233, 4405, 4503, 4504, and 4602, is further amended by adding at the end following:

“(y) NONIMMIGRANTS PARTICIPATING IN RELIEF OPERATIONS.—

“(1) IN GENERAL.—An alien coming individually, or aliens coming as a group, to participate in relief operations, including critical infrastructure repairs or improvements, needed in response to a Federal or State declared emergency or disaster, may be admitted to the United States pursuant to section 101(a)(15)(B) for a period of not more than 90 days if each such alien has been employed in a foreign country by 1 employer for not less than 1 year prior to the date the alien is so admitted.

“(2) PROHIBITION ON DIRECT PAYMENTS FROM A UNITED STATES SOURCE.—During a period of admission pursuant to paragraph (1), an alien may not receive direct payments from a United States source, except for incidental expenses for meals, travel, lodging, and other basic services.”.

**SEC. 4606. NONIMMIGRANTS PERFORMING MAINTENANCE ON COMMON CARRIERS.**

Section 214 (8 U.S.C. 1184), as amended by sections 3609, 4233, 4405, 4503, 4504, 4602, and 4603, is further amended by adding at the end following:

“(z) NONIMMIGRANTS PERFORMING MAINTENANCE ON COMMON CARRIER.—

“(1) IN GENERAL.—An alien coming individually, or aliens coming as a group, who possess specialized knowledge to perform maintenance or repairs for common carriers, including to airlines, cruise lines, and railways, if such maintenance or repairs are occurring to equipment or machinery manufactured outside of the United States and are needed for purposes relating to life, health, and safety, may be admitted to the United States pursuant to section 101(a)(15)(B) for a period of not more than 90 days if each such alien has been employed in a foreign country by 1 employer for not less than 1 year prior to the date the alien is so admitted.



“(2) PROHIBITION ON INCOME FROM A UNITED STATES SOURCE.—During a period of admission pursuant to paragraph (1), an alien may not receive income from a United States source, except for incidental expenses for meals, travel, lodging, and other basic services.

“(3) FEE.—

“(A) IN GENERAL.—An alien admitted pursuant to paragraph (1) shall pay a fee of \$500 in addition to any fee assessed to cover the costs to process an application under this subsection.

“(B) USE OF FEE.—The fees collected under subparagraph (A) shall be deposited in the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.”.

#### SEC. 4607. AMERICAN JOBS IN AMERICAN FORESTS.

(a) SHORT TITLE.—This section may be cited as the “American Jobs in American Forests Act of 2013”.

(b) DEFINITIONS.—In this section:

(1) FORESTRY.—The term “forestry” means—

(A) propagating, protecting, and managing forest tracts;

(B) felling trees and cutting them into logs;

(C) using hand tools or operating heavy powered equipment to perform activities such as preparing sites for planting, tending crop trees, reducing competing vegetation, moving logs, piling brush, and yarding and trucking logs from the forest; and

(D) planting seedlings and trees.

(2) H-2B NONIMMIGRANT.—The term “H-2B nonimmigrant” means a nonimmigrant described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

(3) PROSPECTIVE H-2B EMPLOYER.—The term “prospective H-2B employer” means a United States business that is considering employing 1 or more nonimmigrants described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

(4) STATE WORKFORCE AGENCY.—The term “State workforce agency” means the workforce agency of the State in which the prospective H-2B employer intends to employ H-2B nonimmigrants.

(c) DEPARTMENT OF LABOR.—

(1) RECRUITMENT.—As a component of the labor certification process required before H-2B nonimmigrants are offered forestry employment in the United States, the Secretary of Labor shall require all prospective H-2B employers, before they submit a petition to hire H-2B nonimmigrants to work in forestry, to conduct a robust effort to recruit United States workers, including, to the extent the State workforce agency considers appropriate—

(A) advertising at employment or job-placement events, such as job fairs;

(B) placing the job opportunity with the State workforce agency and working with such agency to identify qualified and available United States workers;

(C) advertising in appropriate media, including local radio stations and commonly used, reputable Internet job-search sites; and

(D) such other recruitment efforts as the State workforce agency considers appropriate for the sector or positions for which H-2B nonimmigrants would be considered.

(2) SEPARATE CERTIFICATIONS AND PETITIONS.—A prospective H-2B employer shall submit a separate application for temporary employment certification and petition for

each State in which the employer plans to employ H-2B nonimmigrants in forestry for a period of 7 days or longer. The Secretary of Labor shall review each application for temporary employment certification and decide separately whether certification is warranted.

(d) STATE WORKFORCE AGENCIES.—The Secretary of Labor may not grant a temporary labor certification to a prospective H-2B employer seeking to employ H-2B nonimmigrants in forestry until after the Director of the State workforce agency, in each State in which such workers are sought—

(1) submits a report to the Secretary of Labor certifying that—

(A) the employer has complied with all recruitment requirements set forth in subsection (c)(1) and there is legitimate demand for the employment of H-2B nonimmigrants in each of those States; or

(B) the employer has amended the application by removing or making appropriate modifications with respect to the States in which the criteria set forth in subparagraph (A) have not been met; and

(2) makes a formal determination that nationals of the United States are not qualified or available to fill the employment opportunities offered by the prospective H-2B employer.

#### Subtitle G—W Nonimmigrant Visas

#### SEC. 4701. BUREAU OF IMMIGRATION AND LABOR MARKET RESEARCH.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—Except as otherwise specifically provided, the term “Bureau” means the Bureau of Immigration and Labor Market Research established under subsection (b).

(2) COMMISSIONER.—The term “Commissioner” means the Commissioner of the Bureau.

(3) CONSTRUCTION OCCUPATION.—The term “construction occupation” means an occupation classified by the Bureau of Labor Statistics as being within the construction industry for the purposes of publishing the Bureau’s workforce statistics.

(4) METROPOLITAN STATISTICAL AREA.—The term “metropolitan statistical area” means a geographic area designated as a metropolitan statistical area by the Director of the Office of Management and Budget.

(5) SHORTAGE OCCUPATION.—The term “shortage occupation” means an occupation that the Commissioner determines is experiencing a shortage of labor—

(A) throughout the United States; or

(B) in a specific metropolitan statistical area.

(6) W VISA PROGRAM.—The term “W Visa Program” means the program for the admission of nonimmigrant aliens described in subparagraph (W)(i) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), as added by section 4702.

(7) ZONE 1 OCCUPATION.—The term “zone 1 occupation” means an occupation that requires little or no preparation and is classified as a zone 1 occupation on—

(A) the Occupational Information Network Database (O\*NET) on the date of the enactment of this Act; or

(B) such Database or a similar successor database, as designated by the Secretary of Labor, after the date of the enactment of this Act.

(8) ZONE 2 OCCUPATION.—The term “zone 2 occupation” means an occupation that requires some preparation and is classified as a zone 2 occupation on—

(A) the Occupational Information Network Database (O\*NET) on the date of the enactment of this Act; or

(B) such Database or a similar successor database, as designated by the Secretary of Labor, after the date of the enactment of this Act.

(9) ZONE 3 OCCUPATION.—The term “zone 3 occupation” means an occupation that requires medium preparation and is classified as a zone 3 occupation on—

(A) the Occupational Information Network Database (O\*NET) on the date of the enactment of this Act; or

(B) such Database or a similar successor database, as designated by the Secretary of Labor, after the date of the enactment of this Act.

(b) ESTABLISHMENT.—There is established a Bureau of Immigration and Labor Market Research as an independent statistical agency within U.S. Citizenship and Immigration Services.

(c) COMMISSIONER.—The head of the Bureau of Immigration and Labor Market Research is the Commissioner, who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) DUTIES.—The duties of the Commissioner are limited to the following:

(1) To devise a methodology subject to publication in the Federal Register and an opportunity for public comment regarding the calculation for the index referred to in section 220(g)(2)(C) of the Immigration and Nationality Act, as added by section 4703.

(2) To determine and to publish in the Federal Register the annual change to the numerical limitation for nonimmigrant aliens described in subparagraph (W)(i) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), as added by section 4702.

(3) With respect to the W Visa Program, to supplement the recruitment methods employers may use to attract United States workers and current nonimmigrant aliens described in paragraph (2).

(4) With respect to the W Visa Program, to devise a methodology subject to publication in the Federal Register and an opportunity for public comment to designate shortage occupations in zone 1 occupations, zone 2 occupations, and zone 3 occupations. Such methodology must designate Alaskan seafood processing in zones 1, 2, and 3 as shortage occupations.

(5) With respect to the W Visa Program, to designate shortage occupations in any zone 1 occupation, zone 2 occupation, or zone 3 occupation and publish such occupations in the Federal Register. Alaskan seafood processing in zones 1, 2, and 3 must be designated as shortage occupations.

(6) With respect to the W Visa Program, to conduct a survey once every 3 months of the unemployment rate of zone 1 occupations, zone 2 occupations, or zone 3 occupations that are construction occupations in each metropolitan statistical area.

(7) To study and report to Congress on employment-based immigrant and nonimmigrant visa programs in the United States and to make annual recommendations to improve such programs.

(8) To carry out any functions required to perform the duties described in paragraphs (1) through (7).

(e) DETERMINATION OF CHANGES TO NUMERICAL LIMITATIONS.—The methodology required under subsection (d)(1) shall be published in the Federal Register not later than 18 months after the date of the enactment of this Act.

(f) DESIGNATION OF SHORTAGE OCCUPATIONS.—

(1) METHODS TO DETERMINE.—The Commissioner shall—



(A) establish the methodology to designate shortage occupations under subsection (d)(4); and

(B) publish such methodology in the Federal Register not later than 18 months after the date of the enactment of this Act.

(2) PETITION BY EMPLOYER.—The methodology established under paragraph (1) shall permit an employer to petition the Commissioner for a determination that a particular occupation in a particular metropolitan statistical area is a shortage occupation.

(3) REQUIREMENT FOR NOTICE AND COMMENT.—The methodology established under paragraph (1) shall be effective only after publication in the Federal Register and an opportunity for public comment.

(g) EMPLOYEE EXPERTISE.—The employees of the Bureau shall have the expertise necessary to identify labor shortages in the United States and make recommendations to the Commissioner on the impact of immigrant and nonimmigrant aliens on labor markets in the United States, including expertise in economics, labor markets, demographics and methods of recruitment of United States workers.

(h) INTERAGENCY COOPERATION.—At the request of the Commissioner, the Secretary of Commerce, the Director of the Bureau of the Census, the Secretary of Labor, and the Commissioner of the Bureau of Labor Statistics shall—

(1) provide data to the Commissioner;

(2) conduct appropriate surveys; and

(3) assist the Commissioner in preparing the recommendations referred to subsection (d)(5).

(i) BUDGET.—

(1) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of U.S. Citizenship and Immigration Services shall submit to Congress a report of the estimated budget that the Bureau will need to carry out the duties described in subsection (d).

(2) AUDIT.—The Comptroller General of the United States shall submit to Congress a report that is an audit of the budget prepared by the Director under paragraph (1).

(j) FUNDING.—

(1) APPROPRIATION OF FUNDS.—There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$20,000,000 to establish the Bureau.

(2) USE OF W NONIMMIGRANT FEES.—The amounts collected for fees under section 220(e)(6)(B) of the Immigration and Nationality Act, as added by section 4703, shall be used to establish and fund the Bureau.

(3) OTHER FEES.—The Secretary may establish other fees for the sole purpose of funding the W Visa Program, including the Bureau, that are related to the hiring of alien workers.

#### SEC. 4702. NONIMMIGRANT CLASSIFICATION FOR W NONIMMIGRANTS.

Section 101(a)(15)(W), as added by section 2211, is amended by inserting before clause (iii) the following:

“(i) to perform services or labor for a registered nonagricultural employer in a registered position (as those terms are defined in section 220(a)) in accordance with the requirements under section 220;

“(ii) to accompany or follow to join such an alien described in clause (i) as the spouse or child of such alien;”.

#### SEC. 4703. ADMISSION OF W NONIMMIGRANT WORKERS.

(a) IN GENERAL.—Chapter 2 of title II (8 U.S.C. 1181 et seq.) is amended by adding at the end the following:

#### “SEC. 220. ADMISSION OF W NONIMMIGRANT WORKERS.

“(a) DEFINITIONS.—In this section:

“(1) BUREAU.—The term ‘Bureau’ means the Bureau of Immigration and Labor Market Research established by section 4701 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

“(2) CERTIFIED ALIEN.—The term ‘certified alien’ means an alien that the Secretary of State has certified is eligible to be a W nonimmigrant if the alien is hired by a registered employer for a registered position.

“(3) COMMISSIONER.—The term ‘Commissioner’ means the Commissioner of the Bureau.

“(4) CONSTRUCTION OCCUPATION.—The term ‘construction occupation’ means an occupation defined by the Bureau of Labor Statistics as being within the construction industry for the purposes of publishing the Bureau’s workforce statistics.

“(5) DEPARTMENT.—Except as otherwise provided, the term ‘Department’ means the Department of Homeland Security.

“(6) ELIGIBLE OCCUPATION.—The term ‘eligible occupation’ means an eligible occupation described in subsection (e)(3).

“(7) EMPLOYER.—

“(A) IN GENERAL.—The term ‘employer’ means any person or entity hiring an individual for employment in the United States.

“(B) TREATMENT OF SINGLE EMPLOYER.—For purposes of determining the number of employees or United States workers employed by an employer, a single entity shall be treated as 1 employer.

“(8) EXCLUDED GEOGRAPHIC LOCATION.—The term ‘excluded geographic location’ means an excluded geographic location described in subsection (f).

“(9) INITIAL W NONIMMIGRANT.—The term ‘initial W nonimmigrant’ means a certified alien issued a W nonimmigrant visa by the Secretary of State pursuant to section 101(a)(15)(W)(i) in order to seek initial admission to the United States to commence employment for a registered employer in a registered position subject to the numerical limit at section 220(g).

“(10) METROPOLITAN STATISTICAL AREA.—The term ‘metropolitan statistical area’ means a geographic area designated as a metropolitan statistical area by the Director of the Office of Management and Budget.

“(11) REGISTERED EMPLOYER.—The term ‘registered employer’ means a non-agricultural employer that the Secretary has designated as a registered employer under subsection (d).

“(12) SECRETARY.—Except as otherwise specifically provided, the term ‘Secretary’ means the Secretary of Homeland Security.

“(13) SINGLE ENTITY.—The term ‘single entity’ means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

“(14) SHORTAGE OCCUPATION.—The term ‘shortage occupation’ means a shortage occupation designated by the Commissioner pursuant to section 4701(d)(4) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

“(15) SMALL BUSINESS.—The term ‘small business’ means an employer that employs 25 or fewer full-time equivalent employees.

“(16) UNITED STATES WORKER.—The term ‘United States worker’ means an individual who is—

“(A) employed or seeking employment in the United States; and

“(B)(i) a national of the United States;

“(ii) an alien lawfully admitted for permanent residence;

“(iii) an alien in Registered Provisional Immigrant Status; or

“(iv) any other alien authorized to work in the United States with no limitation as to the alien’s employer.

“(17) W NONIMMIGRANT.—The term ‘W nonimmigrant’ means an alien admitted as a nonimmigrant pursuant to section 101(a)(15)(W)(i).

“(18) W NONIMMIGRANT VISA.—The term ‘W nonimmigrant visa’ means a visa issued to a certified alien by the Secretary of State pursuant to section 101(a)(15)(W)(i).

“(19) W VISA PROGRAM.—The term ‘W Visa Program’ means the program for the admission of nonimmigrant aliens described in section 101(a)(15)(W)(i).

“(20) ZONE 1 OCCUPATION.—The term ‘zone 1 occupation’ means an occupation that requires little or no preparation and is classified as a zone 1 occupation on—

“(A) the Occupational Information Network Database (O\*NET) on the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; or

“(B) such Database or a similar successor database, as designated by the Secretary of Labor, after the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

“(21) ZONE 2 OCCUPATION.—The term ‘zone 2 occupation’ means an occupation that requires some preparation and is classified as a zone 2 occupation on—

“(A) the Occupational Information Network Database (O\*NET) on the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; or

“(B) such Database or a similar successor database, as designated by the Secretary of Labor, after the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

“(22) ZONE 3 OCCUPATION.—The term ‘zone 3 occupation’ means an occupation that requires medium preparation and is classified as a zone 3 occupation on—

“(A) the Occupational Information Network Database (O\*NET) on the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; or

“(B) such Database or a similar successor database, as designated by the Secretary of Labor, after the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

“(b) ADMISSION INTO THE UNITED STATES.—

“(1) W NONIMMIGRANTS.—Subject to this section, a certified alien is eligible to be admitted to the United States as a W nonimmigrant if the alien is hired by a registered employer for employment in a registered position in a location that is not an excluded geographic location.

“(2) SPOUSE AND MINOR CHILDREN.—The—

“(A) alien spouse and minor children of a W nonimmigrant may be admitted to the United States pursuant to clause (ii) of section 101(a)(15)(W) during the period of the principal W nonimmigrant’s admission; and

“(B) such alien spouse shall be—

“(i) authorized to engage in employment in the United States during such period of admission; and

“(ii) provided with an employment authorization document, stamp, or other appropriate work permit.

“(c) W NONIMMIGRANTS.—

“(1) CERTIFIED ALIEN.—

“(A) APPLICATION.—An alien seeking to be a W nonimmigrant shall apply to the Secretary of State at a United States embassy

or consulate in a foreign country to be a certified alien.

“(B) CRITERIA.—An alien is eligible to be a certified alien if the alien—

- “(i) is not inadmissible under this Act;
- “(ii) passes a criminal background check;
- “(iii) agrees to accept only registered positions in the United States; and
- “(iv) meets other criteria as established by the Secretary.

“(2) W NONIMMIGRANT STATUS.—Only an alien that is a certified alien may be admitted to the United States as a W nonimmigrant.

“(3) INITIAL EMPLOYMENT.—A W nonimmigrant shall report to such nonimmigrant's initial employment in a registered position not later than 14 days after such nonimmigrant is admitted to the United States.

“(4) TERM OF ADMISSION.—

“(A) INITIAL TERM.—A certified alien may be granted W nonimmigrant status for an initial period of 3 years.

“(B) RENEWAL.—A W nonimmigrant may renew his or her status as a W nonimmigrant for additional 3-year periods. Such a renewal may be made while the W nonimmigrant is in the United States and shall not require the alien to depart the United States.

“(5) PERIODS OF UNEMPLOYMENT.—A W nonimmigrant—

“(A) may be unemployed for a period of not more than 60 consecutive days; and

“(B) shall depart the United States if such W nonimmigrant is unable to obtain employment during such period.

“(6) TRAVEL.—A W nonimmigrant may travel outside the United States and be readmitted to the United States. Such travel may not extend the period of authorized admission of such W nonimmigrant.

“(d) REGISTERED EMPLOYER.—

“(1) APPLICATION.—An employer seeking to be a registered employer shall submit an application to the Secretary. Each such application shall include the following:

“(A) Documentation to establish that the employer is a bona-fide employer.

“(B) The employer's Federal tax identification number or employer identification number issued by the Internal Revenue Service.

“(C) The number of W nonimmigrants the employer estimates it will seek to employ annually.

“(2) REFERRAL FOR FRAUD INVESTIGATION.—The Secretary may refer an application submitted under paragraph (1) or subsection (e)(1)(A) to the Fraud Detection and National Security Directorate of U.S. Citizenship and Immigration Services if there is evidence of fraud for potential investigation.

“(3) INELIGIBLE EMPLOYERS.—

“(A) IN GENERAL.—Notwithstanding any other applicable penalties under law, the Secretary may deny an employer's application to be a registered employer if the Secretary determines, after notice and an opportunity for a hearing, that the employer submitting such application—

“(i) has, with respect to the application required under paragraph (1), including any attestations required by law—

“(I) knowingly misrepresented a material fact;

“(II) knowingly made a fraudulent statement; or

“(III) knowingly failed to comply with the terms of such attestations; or

“(ii) failed to cooperate in the audit process in accordance with regulations promulgated by the Secretary;

“(iii) has been convicted of an offense set out in chapter 77 of title 18, United States

Code, or any conspiracy to commit such offenses, or any human trafficking offense under State or territorial law;

“(iv) has, within 2 years prior to the date of application—

“(I) received a final adjudication of having committed any hazardous occupation orders violation resulting in injury or death under the child labor provisions contained in section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 211) and any pertinent regulation;

“(II) received a final adjudication assessing a civil money penalty for any repeated or willful violation of the minimum wage provisions of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206); or

“(III) received a final adjudication assessing a civil money penalty for any willful violation of the overtime provisions of section 7 of the Fair Labor Standards Act of 1938 or any regulations thereunder; or

“(v) has, within 2 years prior to the date of application, received a final adjudication for a willful violation or repeated serious violations involving injury or death—

“(I) of section 5 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654);

“(II) of any standard, rule, or order promulgated pursuant to section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655); or

“(III) of a plan approved under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667).

“(B) LENGTH OF INELIGIBILITY.—

“(i) TEMPORARY INELIGIBILITY.—An employer described in subparagraph (A) may be ineligible to be a registered employer for a period that is not less than the time period determined by the Secretary and not more than 3 years.

“(ii) PERMANENT INELIGIBILITY.—An employer who has been convicted of any offense set out in chapter 77 of title 18, United States Code, or any conspiracy to commit such offenses, or any human trafficking offense under State or territorial law shall be permanently ineligible to be a registered employer.

“(4) TERM OF REGISTRATION.—The Secretary shall approve applications meeting the criteria of this subsection for a term of 3 years.

“(5) RENEWAL.—An employer may submit an application to renew the employer's status as a registered employer for additional 3-year periods.

“(6) FEE.—At the time an employer's application to be a registered employer or to renew such status is approved, such employer shall pay a fee in an amount determined by the Secretary to be sufficient to cover the costs of the registry of such employers.

“(7) CONTINUED ELIGIBILITY.—Each registered employer shall submit to the Secretary an annual report that demonstrates that the registered employer has provided the wages and working conditions the registered employer agreed to provide to its employees.

“(e) REGISTERED POSITIONS.—

“(1) IN GENERAL.—

“(A) APPLICATION.—Each registered employer shall submit to the Secretary an application to designate a position for which the employer is seeking a W nonimmigrant as a registered position. The Secretary is authorized to determine if the wage to be paid by the employer complies with subparagraph (B)(iv). Each such application shall include a description of each such position.

“(B) ATTESTATION.—An application submitted under subparagraph (A) shall include an attestation of the following:

“(i) The number of full-time equivalent employees of the employer.

“(ii) The occupational category, as classified by the Secretary of Labor, for which the registered position is sought.

“(iii) Whether the occupation for which the registered position is sought is a shortage occupation.

“(iv) Except as provided in subsection (g)(4)(C)(i), the wages to be paid to W nonimmigrants employed by the employer in the registered position, including a position in a shortage occupation, will be the greater of—

“(I) the actual wage level paid by the employer to other employees with similar experience and qualifications for such position; or

“(II) the prevailing wage level for the occupational classification of the position in the metropolitan statistical area of the employment, as determined by the Secretary, based on the best information available as of the time of filing the application.

“(v) The working conditions for W nonimmigrants will not adversely affect the working conditions of other workers employed in similar positions.

“(vi) The employer has carried out the recruiting activities required by paragraph (2)(B).

“(vii) There is no qualified United States worker who has applied for the position and who is ready, willing, and able to fill such position pursuant to the requirements in subparagraphs (B) and (C) of paragraph (2).

“(viii) There is not a strike, lockout, or work stoppage in the course of a labor dispute in the occupation at the place of employment at which the W nonimmigrant will be employed. If such strike, lockout, or work stoppage occurs following submission of the application, the employer will provide notification in accordance with all applicable regulations.

“(ix)(I) The employer has not laid off and will not layoff a United States worker during the period beginning 90 days prior to and ending 90 days after the date the employer files an application for designation of a position for which the W nonimmigrant is sought or hires such W nonimmigrant, unless the employer has notified such United States worker of the position and documented the legitimate reasons that such United States worker is not qualified or available for the position.

“(II) A United States worker is not laid off for purposes of this subparagraph if, at the time such worker's employment is terminated, such worker is not employed in the same occupation and in the same metropolitan statistical area where the registered position referred to in subclause (I) is located.

“(C) BEST INFORMATION AVAILABLE.—In subparagraph (B)(iv)(II), the term ‘best information available’, with respect to determining the prevailing wage for a position, means—

“(i) a controlling collective bargaining agreement or Federal contract wage, if applicable;

“(ii) if there is no applicable wage under clause (i), the wage level commensurate with the experience, training, and supervision required for the job based on Bureau of Labor Statistics data; or

“(iii) if the data referred to in clause (ii) is not available, a legitimate and recent private survey of the wages paid for such positions in the metropolitan statistical area.

“(D) PERMIT.—The Secretary shall provide each registered employer whose application

submitted under subparagraph (A) is approved with a permit that includes the number and description of such employer's approved registered positions.

“(E) TERM OF REGISTRATION.—The approval of a registered position under subparagraph (A) is for a term that begins on the date of such approval and ends on the earlier of—

“(i) the date the employer's status as a registered employer is terminated;

“(ii) 3 years after the date of such approval; or

“(iii) upon proper termination of the registered position by the employer.

“(F) REGISTRY OF REGISTERED POSITIONS.—

“(i) MAINTENANCE OF REGISTRY.—The Secretary shall develop and maintain a registry of approved registered positions for which the Secretary has issued a permit under subparagraph (D).

“(ii) AVAILABILITY ON WEBSITE.—The registry required by clause (i) shall be accessible on a website maintained by the Secretary.

“(iii) AVAILABILITY ON STATE WORKFORCE AGENCY WEBSITES.—Each State workforce agency shall be linked to such registry and provide access to such registry through the website maintained by such agency.

“(iv) CONDITIONS OF AVAILABILITY ON WEBSITE.—

“(I) IN GENERAL.—Each approved registered position for which the Secretary has issued a permit shall be included in the registry of registered positions maintained by the Secretary and shall remain available for viewing on such registry throughout the term of registration referred to in subparagraph (E) or paragraph (5).

“(II) INDICATION OF VACANCY.—The Secretary shall ensure that such registry indicates whether each approved registered position in the registry is filled or unfilled.

“(III) REQUIREMENT FOR 10-DAY POSTING.—If a W nonimmigrant's employment in a registered position ends, either voluntarily or involuntarily, the Secretary shall ensure that such registry indicates that the registered position is unfilled for a period of 10 calendar days, unless such registered position is filled by a United States worker.

“(2) REQUIREMENTS.—

“(A) ELIGIBLE OCCUPATION.—Each registered position shall be for a position in an eligible occupation as described in paragraph (3).

“(B) RECRUITMENT OF UNITED STATES WORKERS.—

“(i) REQUIREMENTS.—A position may not be a registered position unless the registered employer—

“(I) advertises the position for a period of 30 days, including the wage range, location, and proposed start date—

“(aa) on the Internet website maintained by the Secretary of Labor for the purpose of such advertising; and

“(bb) with the workforce agency of the State where the position will be located; and

“(II) except as provided for in subsection (g)(4)(B)(i), carries out not less than 3 of the recruiting activities described in subparagraph (C).

“(ii) DURATION OF ADVERTISING.—The 30 day periods required by item (aa) of (bb) of clause (i)(I) may occur at the same time.

“(C) RECRUITING ACTIVITIES.—The recruiting activities described in this subparagraph, with respect to a position for which the employer is seeking a W nonimmigrant, shall consist of any combination of the following as defined by the Secretary of Homeland Security:

“(i) Advertising such position at job fairs.

“(ii) Advertising such position on the employer's external website.

“(iii) Advertising such position on job search Internet websites.

“(iv) Advertising such position using presentations or postings at vocational, career technical schools, community colleges, high schools, or other educational or training sites.

“(v) Posting such position with trade associations.

“(vi) Utilizing a search firm to seek applicants for such position.

“(vii) Advertising such position through recruitment programs with placement offices at vocational schools, career technical schools, community colleges, high schools, or other educational or training sites.

“(viii) Advertising such position through advertising or postings with local libraries, journals, or newspapers.

“(ix) Seeking a candidate for such position through an employee referral program with incentives.

“(x) Advertising such position on radio or television.

“(xi) Advertising such position through advertising, postings, or presentations with newspapers, Internet websites, job fairs, or community events targeted to constituencies designed to increase employee diversity.

“(xii) Advertising such position through career day presentations at local high schools or community organizations.

“(xiii) Providing in-house training.

“(xiv) Providing third-party training.

“(xv) Advertising such position through recruitment, educational, or other cooperative programs offered by the employer and a local economic development authority.

“(xvi) Advertising such position twice in the Sunday ads in the primary daily circulation newspaper in the area.

“(xvii) Any other recruitment activities determined to be appropriate to be added by the Commissioner.

“(3) ELIGIBLE OCCUPATION.—

“(A) IN GENERAL.—An occupation is an eligible occupation if the occupation—

“(i) is a zone 1 occupation, a zone 2 occupation, or zone 3 occupation; and

“(ii) is not an excluded occupation under subparagraph (B).

“(B) EXCLUDED OCCUPATIONS.—

“(i) OCCUPATIONS REQUIRING COLLEGE DEGREES.—An occupation that is listed in the Occupational Outlook Handbook published by the Bureau of Labor Statistics (or similar successor publication) that is classified as requiring an individual with a bachelor's degree or higher level of education may not be an eligible occupation.

“(ii) COMPUTER OCCUPATIONS.—An occupation in the field of computer operation, computer programming, or computer repair may not be an eligible occupation.

“(C) PUBLICATION.—The Secretary of Labor shall publish the eligible occupations, designated as zone 1 occupations, zone 2 occupations, or zone 3 occupations, on an on-going basis on a publicly available website.

“(4) FILLING OF VACANCIES.—If a W nonimmigrant's employment in a registered position ends, such employer may fill that vacancy—

“(A) by hiring a United States worker; or

“(B) after the 10 calendar day posting period in subsection (e)(1)(F)(iv)(III) by hiring—

“(i) a W nonimmigrant; or

“(ii) if available under subsection (g)(4), a certified alien.

“(5) PERIOD OF APPROVAL.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a registered position shall be approved by the Secretary for a period of 3 years.

“(B) RETURNING W NONIMMIGRANTS.—

“(i) EXTENSION OF PERIOD.—A registered position shall continue to be a registered position at the end of the 3-year period referred to in subparagraph (A) if the W nonimmigrant hired for such position is the beneficiary of a petition for immigrant status filed by the registered employer pursuant to this Act or is returning to the same registered employer.

“(ii) TERMINATION OF PERIOD.—The term of a registration position extended under clause (i) shall terminate on the date that is the earlier of—

“(I) the date an application or petition by or for a W nonimmigrant to obtain immigrant status is approved or denied by the Secretary; or

“(II) the date of the termination of such W nonimmigrant's employment with the registered employer.

“(6) FEES.—

“(A) REGISTRATION FEE.—

“(i) IN GENERAL.—At the time a W nonimmigrant commences employment in the registered position for a registered employer, such employer shall pay a registration fee in an amount determined by the Secretary.

“(ii) USE OF FEE.—A fee collected under clause (i) shall be used to fund any aspect of the operation of the W Visa Program.

“(B) ADDITIONAL FEE.—

“(i) IN GENERAL.—In addition to the fee required by subparagraph (A), a registered employer, at the time a W nonimmigrant commences employment in the registered position for the registered employer, shall pay an additional fee for each such approved registered position as follows:

“(I) A fee of \$1,750 for the registered position if the registered employer, at the time of filing the application for the registered position, is a small business and more than 50 percent and less than 75 percent of the employees of the registered employer are not United States workers.

“(II) A fee of \$3,500 for the registered position if the registered employer, at the time of filing the application for the registered position, is a small business and more than 75 percent of the employees of the registered employer are not United States workers.

“(III) A fee of \$3,500 for the registered position if the registered employer, at the time of filing the application for the registered position, is not a small business and more than 15 percent and less than 30 percent of the employees of the registered employer are not United States workers.

“(ii) USE OF FEE.—A fee collected under clause (i) shall be used to fund the operations of the Bureau.

“(C) PROHIBITION ON OTHER FEES.—A registered employer may not be required to pay an additional fee other than any fees specified in this Act if the registered employer is a small business.

“(7) PROHIBITION ON REGISTERED POSITIONS FOR CERTAIN EMPLOYERS.—The Secretary may not approve an application for a registered position for an employer if the employer is not a small business and 30 percent or more of the employees of the employer are not United States workers.

“(f) EXCLUDED GEOGRAPHIC LOCATION.—No application for a registered position filed by a registered employer for an eligible occupation may be approved if the registered position is located in a metropolitan statistical area that has an unemployment rate that is

more than 8½ percent as reported in the most recent month preceding the date that the application is submitted to the Secretary unless—

“(1) the Commissioner has identified the eligible occupation as a shortage occupation; or

“(2) the Secretary approves the registered position under subsection (g)(4).

“(g) NUMERICAL LIMITATION.—

“(1) REGISTERED POSITIONS.—

“(A) IN GENERAL.—Subject to paragraphs (3) and (4), the maximum number of registered positions that may be approved by the Secretary for a year is as follows:

“(i) For the first year aliens are admitted as W nonimmigrants, 20,000.

“(ii) For the second such year, 35,000.

“(iii) For the third such year, 55,000.

“(iv) For the fourth such year, 75,000.

“(v) For each year after the fourth such year, the level calculated for that year under paragraph (2).

“(B) DATES.—The first year referred to in subparagraph (A)(i) shall begin on April 1, 2015, and end on March 31, 2016, unless the Secretary determines that such first year shall begin on October 1, 2015, and end on September 30, 2016.

“(2) YEARS AFTER YEAR 4.—

“(A) CURRENT YEAR AND PRECEDING YEAR.—In this paragraph—

“(i) the term ‘current year’ shall refer to the 12-month period for which the calculation of the numerical limits under this paragraph is being performed; and

“(ii) the term ‘preceding year’ shall refer to the 12-month period immediately preceding the current year.

“(B) NUMERICAL LIMITATION.—Subject to subparagraph (D), the number of registered positions that may be approved by the Secretary for a year after the fourth year referred to in paragraph (1)(A)(iv) shall be equal to the sum of—

“(i) the number of such registered positions available under this paragraph for the preceding year; and

“(ii) the product of—

“(I) the number of such registered positions available under this paragraph for the preceding year; multiplied by

“(II) the index for the current year calculated under subparagraph (C).

“(C) INDEX.—The index calculated under this subparagraph for a current year equals the sum of—

“(i) one-fifth of a fraction—

“(I) the numerator of which is the number of registered positions that registered employers applied to have approved under subsection (e)(1) for the preceding year minus the number of registered positions approved under subsection (e) for the preceding year; and

“(II) the denominator of which is the number of registered positions approved under subsection (e) for the preceding year;

“(ii) one-fifth of a fraction—

“(I) the numerator of which is the number of registered positions the Commissioner recommends be available under this subparagraph for the current year minus the number of registered positions available under this subsection for the preceding year; and

“(II) the denominator of which is the number of registered positions available under this subsection for the preceding year;

“(iii) three-tenths of a fraction—

“(I) the numerator of which is the number of unemployed United States workers for the preceding year minus the number of unemployed United States workers for the current year; and

“(II) the denominator of which is the number of unemployed United States workers for the preceding year; and

“(iv) three-tenths of a fraction—

“(I) the numerator of which is the number of job openings as set out in the Job Openings and Labor Turnover Survey of the Bureau of Labor Statistics for the current year minus such number of job openings for the preceding year; and

“(II) the denominator of which is the number of such job openings for the preceding year;

“(D) MINIMUM AND MAXIMUM LEVELS.—The number of registered positions calculated under subparagraph (B) for a 12-month period may not be less than 20,000 nor more than 200,000.

“(3) ADDITIONAL REGISTERED POSITIONS FOR SHORTAGE OCCUPATIONS.—In addition to the number of registered positions made available for a year under paragraph (1), the Secretary shall make available for a year an additional number of registered positions for shortage occupations in a particular metropolitan statistical area.

“(4) SPECIAL ALLOCATIONS OF REGISTERED POSITIONS.—

“(A) AUTHORITY TO MAKE AVAILABLE.—In addition to the number of registered positions made available for a year under paragraph (1) or (3), the Secretary shall make additional registered positions available for the year for a specific registered employer as described in this paragraph, if—

“(i) the maximum number of registered positions available under paragraph (1) have been approved for the year and none remain available for allocation; or

“(ii) such registered employer is located in a metropolitan statistical area that has an unemployment rate that is more than 8½ percent as reported in the most recent month preceding the date that the application is submitted to the Secretary.

“(B) RECRUITMENT.—

“(i) IN GENERAL.—Except as provided in clause (ii), an initial W nonimmigrant may only enter the United States for initial employment pursuant to a special allocation under this paragraph if the registered employer has carried out at least 7 of the recruiting activities described in subsection (e)(2)(C).

“(ii) REQUIREMENT TO RECRUIT W NON-IMMIGRANTS IN THE UNITED STATES.—A registered employer may register a position pursuant to a special allocation under this paragraph by conducting at least 3 of the recruiting activities described in subsection (e)(2)(C), however a position registered pursuant to this clause may not be filled by an initial W nonimmigrant entering the United States for initial employment.

“(iii) 30 DAY POSTING.—

“(I) REQUIREMENT.—Any registered employer registering any position under the special allocation authority shall post the position, including the wage range, location, and initial date of employment, for not less than 30 days—

“(aa) on the Internet website maintained by the Secretary of Labor for the purpose of such advertising; and

“(bb) with the workforce agency of the State where the position will be located.

“(II) CONTEMPORANEOUS POSTING.—The 30 day periods required by items (aa) and (bb) of subclause (I) may occur at the same time.

“(C) WAGES.—

“(i) INITIAL W NONIMMIGRANTS.—An initial W nonimmigrant entering the United States for initial employment pursuant to a registered position made available under this

paragraph may not be paid less than the greater of—

“(I) the level 4 wage set out in the Foreign Labor Certification Data Center Online Wage Library (or similar successor website) maintained by the Secretary of Labor for such occupation in that metropolitan statistical area; or

“(II) the mean of the highest two-thirds of wages surveyed for such occupation in that metropolitan statistical area.

“(ii) OTHER W NONIMMIGRANTS.—A W nonimmigrant employed in a registered position referred to in subsection (g)(4)(B)(i) may not be paid less than the wages required under subsection (e)(1)(B)(iv).

“(D) REDUCTION OF FUTURE REGISTERED POSITIONS.—Each registered position made available for a year subject to the wage conditions of subparagraph (C)(i) shall reduce by 1 the number of registered positions made available under paragraph (g)(1) for the following year or the earliest possible year for which a registered position is available. The limitation contained in subsection (h)(4) shall not be reduced by any registered position made available under this paragraph.

“(h) ALLOCATION OF REGISTERED POSITIONS.—

“(1) IN GENERAL.—

“(A) FIRST 6-MONTH PERIOD.—The number of registered positions available for the 6-month period beginning on the first day of a year is 50 percent of the maximum number of registered positions available for such year under paragraph (1) or (2) of subsection (g). Such registered positions shall be allocated as described in this subsection.

“(B) SECOND 6-MONTH PERIOD.—The number of registered positions available for the 6-month period ending on the last day of a year is the maximum number of registered positions available for such year under paragraph (1) or (2) of subsection (g) minus the number of registered positions approved during the 6-month period referred to in subsection (A). Such registered positions shall be allocated as described in this subsection.

“(2) SHORTAGE OCCUPATIONS.—

“(A) IN GENERAL.—For the first month of each 6-month period referred to in subparagraph (A) or (B) of paragraph (1) a registered position may not be created in an occupation that is not a shortage occupation.

“(B) INITIAL DESIGNATIONS.—Subparagraph (A) shall not apply in any period for which the Commissioner has not designated any shortage occupations.

“(3) SMALL BUSINESSES.—During the second, third, and fourth months of each 6-month period referred to in subparagraph (A) or (B) of paragraph (1), one-third of the number of registered positions allocated for such period shall be approved only for a registered employer that is a small business. Any such registered positions not approved for such small businesses during such months shall be available for any registered employer during the last 2 months of each such 6-month period.

“(4) ANIMAL PRODUCTION SUBSECTORS.—In addition to the number of registered positions made available for a year under paragraph (1) or (3) of such section (g), the Secretary shall make additional registered positions available for the year for occupations designated by the Secretary of Labor as Animal Production Subsectors. The numerical limitation for such additional registered positions shall be no more than 10 percent of the annual numerical limitation provided for in such paragraph (1).

“(5) LIMITATION FOR CONSTRUCTION OCCUPATIONS.—

“(A) IN GENERAL.—Subject to subparagraph (B), not more than 33 percent of the registered positions made available under paragraph (1) or (2) of subsection (g) for a year may be granted to perform work in a construction occupation.

“(B) MAXIMUM LEVEL.—Notwithstanding subparagraph (A), the number of registered positions granted to perform work in a construction occupation under subsection (g)(1) may not exceed 15,000 for a year and 7,500 for any 6-month period.

“(C) PROHIBITION FOR OCCUPATIONS WITH HIGH UNEMPLOYMENT.—

“(i) IN GENERAL.—A registered employer may not hire a certified alien for a registered position to perform work in a construction occupation if the unemployment rate for construction occupations in the corresponding occupational job zone in that metropolitan statistical area was more than 8½ percent.

“(ii) DETERMINATION OF UNEMPLOYMENT RATE.—The unemployment rate used in clause (i) shall be determined—

“(I) using the most recent survey taken by the Bureau; or

“(II) if a survey referred to in subclause (I) is not available, using a recent and legitimate private survey.

“(i) PORTABILITY.—A W nonimmigrant who is admitted to the United States for employment by a registered employer may—

“(1) terminate such employment for any reason; and

“(2) seek and accept employment with another registered employer in any other registered position within the terms and conditions of the W nonimmigrant's visa.

“(j) PROMOTION.—A registered employer may promote a W nonimmigrant if the W nonimmigrant has been employed with that employer for a period of not less than 12 months. Such a promotion shall not increase the total number of registered positions available to that employer.

“(k) PROHIBITION ON OUTPLACEMENT.—A registered employer may not place, outsource, lease, or otherwise contract for the services or placement of a W nonimmigrant employee with another employer if more than 15 percent of the employees of the registered employer are W nonimmigrants.

“(1) W NONIMMIGRANT PROTECTIONS.—

“(1) APPLICABILITY OF LAWS.—A W nonimmigrant shall not be denied any right or any remedy under Federal, State, or local labor or employment law that would be applicable to a United States worker employed in a similar position with the employer because of the alien's status as a nonimmigrant worker.

“(2) WAIVER OF RIGHTS PROHIBITED.—

“(A) IN GENERAL.—A W nonimmigrant may not be required to waive any substantive rights or protections under this Act.

“(B) CONSTRUCTION.—Nothing under this paragraph may be construed to affect the interpretation of any other law.

“(3) PROHIBITION ON TREATMENT AS INDEPENDENT CONTRACTORS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law—

“(i) a W nonimmigrant is prohibited from being treated as an independent contractor under any Federal or State law; and

“(ii) no person, including an employer or labor contractor and any persons who are affiliated with or contract with an employer or labor contractor, may treat a W nonimmigrant as an independent contractor.

“(B) CONSTRUCTION.—Subparagraph (A) may not be construed to prevent registered

employers who operate as independent contractors from employing W nonimmigrants.

“(4) PAYMENT OF FEES.—

“(A) IN GENERAL.—A fee related to the hiring of a W nonimmigrant required to be paid by an employer under this Act shall be paid by the employer and may not be deducted from the wages or other compensation paid to a W nonimmigrant.

“(B) EXCLUDED COSTS.—The cost of round trip transportation from a certified alien's home to the location of a registered position and the cost of obtaining a foreign passport are not fees required to be paid by the employer.

“(5) TAX RESPONSIBILITIES.—An employer shall comply with all applicable Federal, State, and local tax laws with respect to each W nonimmigrant employed by the employer.

“(6) PROHIBITED ACTIVITIES.—It shall be unlawful for an employer of a W nonimmigrant to intimidate, threaten, restrain, coerce, retaliate, discharge, or in any other manner, discriminate against an employee or former employee because the employee or former employee—

“(A) discloses information to the employer or any other person that the employee or former employee reasonably believes demonstrates a violation of this section; or

“(B) cooperates or seeks to cooperate in an investigation or other proceeding concerning compliance with the requirements of this section.

“(m) COMPLAINT PROCESS.—The Secretary shall establish a process for the receipt, investigation, and disposition of complaints by an aggrieved applicant, employee, or nonimmigrant (or a person acting on behalf of such applicant, employee, or nonimmigrant) with respect to—

“(1) the failure of a registered employer to meet a condition of this section; or

“(2) the lay off or nonhiring of a United States worker as prohibited under this section.

“(n) ENFORCEMENT.—

“(1) IN GENERAL.—The Secretary shall promulgate regulations for the receipt, investigation, and disposition of complaints by an aggrieved W nonimmigrant respecting a violation of this section.

“(2) FILING DEADLINE.—No investigation or hearing shall be conducted on a complaint concerning a violation under this section unless the complaint was filed not later than 6 months after the date of such violation.

“(3) REASONABLE BASIS.—The Secretary shall conduct an investigation under this subsection if there is reasonable basis to believe that a violation of this section has occurred. The process established under this subsection shall provide that, not later than 30 days after a complaint is filed, the Secretary shall determine if there is reasonable cause to find such a violation.

“(4) NOTICE AND HEARING.—

“(A) IN GENERAL.—Not later than 60 days after the Secretary makes a determination of reasonable basis under paragraph (3), the Secretary shall issue a notice to the interested parties and offer an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code.

“(B) HEARING DEADLINE.—Not later than 60 days after the date of a hearing under this paragraph, the Secretary shall make a finding on the matter.

“(5) ATTORNEY'S FEES.—

“(A) AWARD.—A complainant who prevails in an action under this subsection with respect to a claim related to wages or com-

pensation for employment, or a claim for a violation of subsection (1) or (m), shall be entitled to an award of reasonable attorney's fees and costs.

“(B) FRIVOLOUS COMPLAINTS.—A complainant who files a frivolous complaint for an improper purpose under this subsection shall be liable for the reasonable attorney's fees and costs of the person named in the complaint.

“(6) POWER OF THE SECRETARY.—The Secretary may bring an action in any court of competent jurisdiction—

“(A) to seek remedial action, including injunctive relief;

“(B) to recover the damages described in this subsection and subsection (o); or

“(C) to ensure compliance with terms and conditions described in subsection (1)(6).

“(7) OTHER RIGHTS OF EMPLOYEES.—The rights and remedies provided to W nonimmigrants under this section are in addition to any other contractual or statutory rights and remedies of the workers, and are not intended to alter or affect such rights and remedies.

“(o) PENALTIES.—

“(1) IN GENERAL.—If, after notice and an opportunity for a hearing, the Secretary finds a violation of this section, the Secretary may impose administrative remedies and penalties, including—

“(A) back wages;

“(B) benefits; and

“(C) civil monetary penalties.

“(2) CIVIL PENALTIES.—The Secretary may impose, as a civil penalty—

“(A) for a violation of this subsection—

“(i) a fine in an amount not more than \$2,000 per violation per affected worker and \$4,000 per violation per affected worker for each subsequent violation;

“(ii) if the violation was willful, a fine in an amount not more than \$5,000 per violation per affected worker; and

“(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not more than \$25,000 per violation per affected worker; or

“(B) for knowingly failing to materially comply with the terms of representations made in petitions, applications, certifications, or attestations under this section—

“(i) a fine in an amount not more than \$4,000 per aggrieved worker; and

“(ii) upon the occasion of a third offense of failure to comply with representations, a fine in an amount not to exceed \$5,000 per affected worker and designation as an ineligible employer, recruiter, or broker for purposes of any immigrant or nonimmigrant program.

“(3) CRIMINAL PENALTY.—Any person who knowingly misrepresents the number of full-time equivalent employees of an employer or the number of employees of a person who are United States workers for the purpose of reducing a fee under subsection (e)(6) or avoiding the limitation in subsection (e)(7), shall be fined in accordance with title 18, United States Code, in an amount up to \$25,000 or imprisoned not more than 1 year, or both.

“(p) MONITORING.—

“(1) REQUIREMENT TO MONITOR.—The Secretary shall monitor the movement of W nonimmigrants in registered positions through—

“(A) the Employment Verification System described in section 274A(d); and

“(B) the electronic monitoring system described in paragraph (2).

“(2) ELECTRONIC MONITORING SYSTEM.—

“(A) REQUIREMENT FOR SYSTEM.—The Secretary, through U.S. Citizenship and Immigration Services, shall implement an electronic monitoring system to monitor presence and employment of W nonimmigrants, including a requirement that registered employers update the system when W nonimmigrants start and end employment in registered positions.

“(B) SYSTEM DESCRIPTION.—Such system shall be modeled on the Student and Exchange Visitor Information System (SEVIS) and SEVIS II tracking system of U.S. Immigration and Customs Enforcement.

“(C) INTERACTION WITH REGISTRY.—Such system shall interact with the registry referred to in subsection (e)(1)(F) to ensure that the Secretary designates and updates approved registered positions as being filled or unfilled.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section (8 U.S.C. 1101 et seq.) is amended by adding after the item relating to section 219 the following:

“Sec. 220. Admission of W nonimmigrant workers.”.

**Subtitle H—Investing in New Venture, Entrepreneurial Startups, and Technologies**  
**SEC. 4801. NONIMMIGRANT INVEST VISAS.**

(a) INVEST NONIMMIGRANT CATEGORY.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by sections 2231, 2308, 2309, 3201, 4402, 4504, 4601, and 4702, is further amended by inserting after subparagraph (W) the following:

“(X) in accordance with the definitions in section 203(b)(6)(A), a qualified entrepreneur who has demonstrated that, during the 3-year period ending on the date on which the alien filed an initial petition for nonimmigrant status described in this clause—

“(i) a qualified venture capitalist, a qualified super angel investor, a qualified government entity, a qualified community development financial institution, qualified startup accelerator, or such other type of entity or investors, as determined by the Secretary, or any combination of such entities or investors, has made a qualified investment or combination of qualified investments of not less than \$100,000 in total in the alien's United States business entity; or

“(ii) the alien's United States business entity has created no fewer than 3 qualified jobs and during the 2-year period ending on such date has generated not less than \$250,000 in annual revenue arising from business conducted in the United States; or”.

(b) ADMISSION OF INVEST NONIMMIGRANTS.—Section 214 (8 U.S.C. 1184), as amended by sections 3608, 4232, 4405, 4503, 4504, 4602, 4605, and 4606, is further amended by adding at the end the following:

“(aa) INVEST NONIMMIGRANT VISAS.—

“(1) DEFINITIONS.—The definitions in section 203(b)(6)(A) apply to this subsection.

“(2) INITIAL PERIOD OF AUTHORIZED ADMISSION.—The initial period of authorized status as a nonimmigrant described in section 101(a)(15)(X) shall be for an initial 3-year period.

“(3) RENEWAL OF ADMISSION.—Subject to paragraph (4), the initial period of authorized nonimmigrant status described in paragraph (2) may be renewed for additional 3-year periods if during the most recent 3-year period that the alien was granted such status—

“(A) the alien's United States business entity has created no fewer than 3 qualified jobs and a qualified venture capitalist, a qualified super angel investor, a qualified government entity, a qualified community development financial institution, qualified startup accelerator, or such other type of en-

tity or investors, as determined by the Secretary, or any combination of such entities or investors, has made a qualified investment or combination of qualified investments of not less than \$250,000 in total to the alien's United States business entity; or

“(B) the alien's United States business entity has created no fewer than 3 qualified jobs and, during the 2-year period ending on the date that the alien petitioned for an extension, has generated not less than \$250,000 in annual revenue arising from business conducted within the United States.

“(4) WAIVER OF RENEWAL REQUIREMENTS.—The Secretary may renew an alien's status as a nonimmigrant described in section 101(a)(15)(X) for not more than 1 year at a time, up to an aggregate of 2 years if the alien—

“(A) does not meet the criteria under paragraph (3); and

“(B) meets the criteria established by the Secretary, in consultation with the Secretary of Commerce, for approving renewals under this subsection, which shall include a finding that—

“(i) the alien has made substantial progress in meeting such criteria; and

“(ii) such renewal is economically beneficial to the United States.

“(5) ATTESTATION.—The Secretary may require an alien seeking status as a nonimmigrant described in section 101(a)(15)(X) to attest, under penalty of perjury, that the alien meets the application criteria.

“(6) X-1 VISA FEE.—In addition to processing fees, the Secretary shall collect a \$1,000 fee from each nonimmigrant admitted under section 101(a)(15)(X). Fees collected under this paragraph shall be deposited into the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.”.

**SEC. 4802. INVEST IMMIGRANT VISA.**

Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following:

“(6) INVEST IMMIGRANTS.—

“(A) DEFINITIONS.—In this paragraph, section 101(a)(15)(X), and section 214(s):

“(i) QUALIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ‘qualified community development financial institution’ is defined as provided under section 1805.201 45D(c) of title 12, Code of Federal Regulations, or any similar successor regulations.

“(ii) QUALIFIED ENTREPRENEUR.—The term ‘qualified entrepreneur’ means an individual who—

“(I) has a significant ownership interest, which need not constitute a majority interest, in a United States business entity;

“(II) is employed in a senior executive position of such United States business entity;

“(III) submits a business plan to U.S. Citizenship and Immigration Services; and

“(IV) had a substantial role in the founding or early-stage growth and development of such United States business entity.

“(iii) QUALIFIED GOVERNMENT ENTITY.—The term ‘qualified government entity’ means an agency or instrumentality of the United States or of a State, local, or tribal government.

“(iv) QUALIFIED INVESTMENT.—The term ‘qualified investment’—

“(I) means an investment in a qualified entrepreneur's United States business entity that is—

“(aa) a purchase from the United States business entity or equity or convertible debt issued by such entity;

“(bb) a secured loan;

“(cc) a convertible debt note;

“(dd) a public securities offering;

“(ee) a research and development award from a qualified government entity to the United States entity;

“(ff) other investment determined appropriate by the Secretary; or

“(gg) a combination of the investments described in items (aa) through (ff); and

“(II) may not include an investment from such qualified entrepreneur, the parents, spouse, son, or daughter of such qualified entrepreneur, or from any corporation, company, association, firm, partnership, society, or joint stock company over which such qualified entrepreneur has a substantial ownership interest.

“(v) QUALIFIED JOB.—The term ‘qualified job’ means a full-time position of a United States business entity owned by a qualified entrepreneur that—

“(I) is located in the United States;

“(II) has been filled for at least 2 years by an individual who is not the qualified entrepreneur or the spouse, son, or daughter of the qualified entrepreneur; and

“(III) pays a wage that is not less than 250 percent of the Federal minimum wage.

“(vi) QUALIFIED STARTUP ACCELERATOR.—The term ‘qualified startup accelerator’ means a corporation, company, association, firm, partnership, society, or joint stock company that—

“(I) is organized under the laws of the United States or any State and conducts business in the United States;

“(II) in the ordinary course of business, provides a program of training, mentorship, and logistical support to assist entrepreneurs in growing their businesses;

“(III) is managed by individuals, the majority of whom are citizens of the United States or aliens lawfully admitted for permanent residence;

“(IV)(aa) regularly acquires an equity interest in companies that participate in its programs, where the majority of the capital so invested is committed from individuals who are United States citizens or aliens lawfully admitted for permanent residence, or from entities organized under the laws of the United States or any State; or

“(bb) is an entity that has received not less than \$250,000 in funding from a qualified government entity or entities during the previous 5 years and regularly makes grants to companies that participate in its programs (in which case, such grant shall be treated as a qualified investment for purposes of clause (iv));

“(V) during the previous 5 years, has acquired an equity interest in, or, in the case of an entity described in subclause (IV)(bb), regularly made grants to, not fewer than 10 United States business entities that have participated in its programs and that have—

“(aa) each secured at least \$100,000 in initial investments; or

“(bb) during any 2-year period following the date of such acquisition, generated not less than \$500,000 in aggregate annual revenue within the United States;

“(VI) has its primary location in the United States; and

“(VII) satisfies such other criteria as may be established by the Secretary.

“(vii) QUALIFIED SUPER ANGEL INVESTOR.—The term ‘qualified super angel investor’ means an individual or organized group of individuals investing directly or through a legal entity—

“(I) each of whom is an accredited investor, as defined in section 230.501(a) of title 17, Code of Federal Regulations, or any similar successor regulation, investing the funds owned by such individual or organized group in a qualified entrepreneur’s United States business entity;

“(II)(aa) if an individual, is a citizen of the United States or an alien lawfully admitted for permanent residence; or

“(bb) if an organized group or legal entity, a majority of the individuals investing through such group or entity are citizens of the United States or aliens lawfully admitted for permanent residence; and

“(III) each of whom in the previous 3 years has made qualified investments in a total amount determined to be appropriate by the Secretary, that is not less than \$50,000, in United States business entities which are less than 5 years old.

“(viii) **QUALIFIED VENTURE CAPITALIST.**—The term ‘qualified venture capitalist’ means an entity—

“(I) that—

“(aa) is a venture capital operating company (as defined in section 2510.3-101(d) of title 29, Code of Federal Regulations (or any successor to such regulation)); or

“(bb) has management rights, as defined in, and to the extent required by, such section 2510.3-101(d) (or successor regulation), in its portfolio companies;

“(II) that has capital commitments of not less than \$10,000,000; and

“(III) the investment adviser, that is registered under the Investment Advisers Act of 1940 (15 U.S.C. 80b-2), for which—

“(aa) has its primary office location in the United States;

“(bb) is owned, directly or indirectly, by individuals, the majority of whom are citizens of the United States or aliens lawfully admitted for permanent residence in the United States;

“(cc) has been advising such entity or other similar funds or entities for at least 2 years; and

“(dd) has advised such entity or a similar fund or entity with respect to at least 2 investments of not less than \$500,000 made by such entity or similar fund or entity during each of the most recent 2 years.

“(ix) **SECRETARY.**—Except as otherwise specifically provided, the term ‘Secretary’ means the Secretary of Homeland Security.

“(x) **SENIOR EXECUTIVE POSITION.**—The term ‘senior executive position’ includes the position of chief executive officer, chief technology officer, and chief operating officer.

“(xi) **UNITED STATES BUSINESS ENTITY.**—The term ‘United States business entity’ means any corporation, company, association, firm, partnership, society, or joint stock company that is organized under the laws of the United States or any State and that conducts business in the United States that is not—

“(I) a private fund, as defined in 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2);

“(II) a commodity pool, as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a);

“(III) an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3); or

“(IV) an issuer that would be an investment company but for an exemption provided in—

“(aa) section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)); or

“(bb) section 270.3a-7 of title 17 of the Code of Federal Regulations or any similar successor regulation.

“(B) **IN GENERAL.**—Visas shall be available, in a number not to exceed 10,000 for each fiscal year, to qualified immigrants seeking to enter the United States for the purpose of creating new businesses, as described in this paragraph.

“(C) **ELIGIBILITY.**—An alien is eligible for a visa under this paragraph if—

“(i)(I) the alien is a qualified entrepreneur;

“(II) the alien maintained valid non-immigrant status in the United States for at least 2 years;

“(III) during the 3-year period ending on the date the alien files an initial petition for such status under this section—

“(aa)(AA) the alien has a significant ownership in a United States business entity that has created no fewer than 5 qualified jobs; and

“(BB) a qualified venture capitalist, a qualified super angel investor, a qualified government entity, a qualified community development financial institution, qualified startup accelerator, or such other entity or type of investors, as determined by the Secretary, or any combination of such entities or investors, has devoted a qualified investment or combination of qualified investments of not less than \$500,000 in total to the alien’s United States business entity; or

“(bb)(AA) the alien has a significant ownership interest in a United States business entity that has created no fewer than 5 qualified jobs; and

“(BB) during the 2-year period ending on such date has generated not less than \$750,000 in annual revenue within the United States; and

“(IV) no more than 2 other aliens have received nonimmigrant status under this section on the basis of an alien’s ownership of such United States business entity;

“(ii)(I) the alien is a qualified entrepreneur;

“(II) the alien maintained valid non-immigrant status in the United States for at least 3 years prior to the date of filing an application for such status;

“(III) the alien holds an advanced degree in a field of science, technology, engineering, or mathematics, approved by the Secretary; and

“(IV) during the 3-year period ending on the date the alien files an initial petition for such status under this section—

“(aa)(AA) the alien has a significant ownership interest in a United States business entity that has created no fewer than 4 qualified jobs; and

“(BB) a qualified venture capitalist, a qualified super angel investor, a qualified government entity, a qualified community development financial institution, qualified startup accelerator, or such other entity or type of investors, as determined by the Secretary, or any combination of such entities or investors, has devoted a qualified investment or combination of qualified investments of not less than \$500,000 in total to the alien’s United States business entity; or

“(bb)(AA) the alien has a significant ownership interest in a United States business entity that has created no fewer than 3 qualified jobs; and

“(BB) during the 2-year period ending on such date has generated not less than \$500,000 in annual revenue within the United States; and

“(V) no more than 3 other aliens have received nonimmigrant status under this section on the basis of an alien’s ownership of such United States business entity.

“(D) **ATTESTATION.**—The Secretary may require an alien seeking a visa under this para-

graph to attest, under penalties of perjury, to the alien’s qualifications.”.

#### SEC. 4803. ADMINISTRATION AND OVERSIGHT.

(a) **REGULATIONS.**—Not later than 16 months after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Commerce, the Administrator of the Small Business Administration, and other heads of other relevant Federal agencies and departments, shall promulgate regulations to carry out the amendments made by this subtitle. Such regulations shall ensure that such amendments are implemented in a manner that is consistent with the protection of national security and promotion of United States economic growth, job creation, and competitiveness.

(b) **MODIFICATION OF DOLLAR AMOUNTS.**—

(1) **IN GENERAL.**—The Secretary may from time to time prescribe regulations increasing or decreasing any dollar amount specified in section 203(b)(6) of the Immigration and Nationality Act, as added by section 4802, section 101(a)(15)(X) of such Act, as added by section 4801, or section 214(s), as added by section 4801.

(2) **AUTOMATIC ADJUSTMENT.**—Unless a dollar amount referred to in paragraph (1) is adjusted by the Secretary under paragraph (1), such dollar amount shall automatically adjust on January 1, 2016, by the percentage change in the Consumer Price Index (CPI-U) during fiscal year 2015, and on every fifth subsequent January 1 by the percentage change in the CPI-U during the previous 5 fiscal years, for any petition filed to classify an alien under this paragraph on or after the date of each automatic adjustment.

(c) **OTHER AUTHORITY.**—The Secretary, in the Secretary’s unreviewable discretion, may deny or revoke the approval of a petition seeking classification of an alien under paragraph (6) of section 203(b) of the Immigration and Nationality Act, as added by section 4802, or any other petition, application, or benefit based upon the previous or concurrent filing or approval of a petition for classification of an alien under such paragraph (6), if the Secretary determines, in the Secretary’s sole and unreviewable discretion, that the approval or continuation of such petition, application, or benefit is contrary to the national interest of the United States or for other good cause.

(d) **REPORTS.**—Once every 3 years, the Secretary shall submit to Congress a report on this subtitle and the amendments made by this subtitle. Each such report shall include—

(1) the number and percentage of entrepreneurs able to meet thresholds for non-immigrant renewal and adjustment to green card status under the amendments made by this subtitle;

(2) an analysis of the program’s economic impact including job and revenue creation, increased investments and growth within business sectors and regions;

(3) a description and breakdown of types of businesses that entrepreneurs granted non-immigrant or immigrant status are creating;

(4) for each report following the Secretary’s initial report submitted under this subsection, a description of the percentage of the businesses initially created by the entrepreneurs granted immigrant and non-immigrant status under this subtitle and the amendments made by this subtitle, that are still in operation; and

(5) any recommendations for improving the program established by this subtitle and the amendments made by this subtitle.



**SEC. 4804. PERMANENT AUTHORIZATION OF EB-5 REGIONAL CENTER PROGRAM.**

(a) **REPEAL.**—Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is repealed.

(b) **AUTHORIZATION.**—Section 203(b)(5) (8 U.S.C. 1153(b)(5)) is amended by adding at the end the following:

“(E) **REGIONAL CENTER PROGRAM.**—

“(i) **IN GENERAL.**—Visas under this paragraph shall be made available to qualified immigrants participating in a program implementing this paragraph that involves a regional center in the United States, which has been designated by the Secretary of Homeland Security, in consultation with the Secretary of Commerce, on the basis of a general proposal for the promotion of economic growth, including—

“(I) increased export sales;

“(II) improved regional productivity;

“(III) job creation; or

“(IV) increased domestic capital investment.

“(ii) **ESTABLISHMENT OF A REGIONAL CENTER.**—A regional center shall have jurisdiction over a defined geographic area, which shall be described in the proposal and consistent with the purpose of concentrating pooled investment in defined economic zones. The establishment of a regional center may be based on general predictions, contained in the proposal, concerning—

“(I) the kinds of commercial enterprises that will receive investments from aliens;

“(II) the jobs that will be created directly or indirectly as a result of such investments; and

“(III) other positive economic effects such investments will have.

“(iii) **COMPLIANCE.**—In determining compliance with subparagraph (A)(ii), the Secretary of Homeland Security shall permit aliens admitted under the program described in this subparagraph to establish reasonable methodologies for determining the number of jobs created by the program, including jobs estimated to have been created indirectly through—

“(I) revenues generated from increased exports, improved regional productivity, job creation; or

“(II) increased domestic capital investment resulting from the program, including jobs created outside of the geographic boundary of the regional center as a result of the immigrant's investment in regional center-affiliated commercial enterprises.

“(iv) **INDIRECT JOB CREATION.**—The Secretary shall permit immigrants admitted under this paragraph to satisfy the requirements under subparagraph (A)(ii) with jobs that are estimated to be created indirectly through investment under this paragraph in accordance with this subparagraph.

“(F) **PREAPPROVAL OF BUSINESS PLANS FOR REGIONAL CENTER INVESTMENTS.**—

“(i) **PETITION.**—Before the filing of a petition under this subparagraph by an alien investor, a commercial enterprise affiliated with a regional center may file a petition with the Secretary of Homeland Security to preapprove a particular investment in the commercial enterprise, as provided in—

“(I) a business plan for a specific capital investment project;

“(II) investment documents, such as subscription, investment, partnership, and operating agreements; and

“(III) a credible economic analysis regarding estimated job creation that is based upon reasonable methodologies.

“(ii) **PREAPPROVAL PROCEDURE.**—The Secretary shall establish a process to facilitate the preapproval of business plans under this subparagraph related to investment in a regional center commercial enterprise, which shall include an opportunity for the applicant to address and cure any deficiencies identified by the Secretary in the applicant's business plan, investment documents, or statement regarding job creation prior to a final determination. The Secretary shall impose a fee for the use of the process described in this clause sufficient to recover the costs of its administration.

“(iii) **EFFECT OF PREAPPROVAL OF BUSINESS PLAN FOR INVESTMENT IN REGIONAL CENTER COMMERCIAL ENTERPRISE.**—The preapproval of a petition under this subparagraph shall be binding for purposes of the adjudication of petitions filed under this subparagraph by immigrants investing in the commercial enterprise unless the Secretary determines that there is evidence of fraud, misrepresentation, criminal misuse, a threat to national security, or other evidence affecting program eligibility that was not disclosed by the petitioner during the preapproval process.

“(iv) **EXPEDITED PROCESSING OPTION FOR ALIEN INVESTOR PETITIONS AFFILIATED WITH PREAPPROVED BUSINESS PLANS.**—The Secretary may establish a premium processing option for alien investors who are investing in a commercial enterprise that has received preapproval under this subparagraph and may impose a fee for the use of that option sufficient to recover all costs of the option.

“(v) **CONSIDERATION OF CRIMINAL ACTIVITY IN ESTABLISHING ELIGIBILITY CRITERIA.**—The Secretary shall consider the potential for fraud, misrepresentation, criminal misuse, and threats to national security in establishing eligibility criteria for any program the Secretary may establish under this subparagraph.

“(G) **REGIONAL CENTER FINANCIAL STATEMENTS.**—

“(i) **IN GENERAL.**—Each regional center designated under subparagraph (E) shall annually submit, to the Director of U.S. Citizenship and Immigration Services (referred to in this subparagraph as the ‘Director’), in a manner prescribed by the Secretary of Homeland Security, financial statements, including—

“(I) an accounting of all foreign investor money invested through the regional center; and

“(II) for each capital investment project—

“(aa) an accounting of the aggregate capital invested through the regional center or affiliated commercial enterprises by immigrants under this paragraph;

“(bb) a description of how such funds are being used to execute the approved business plan;

“(cc) evidence that 100 percent of such investor funds have been dedicated to the project;

“(dd) detailed evidence of the progress made toward the completion of the project;

“(ee) an accounting of the aggregate direct and indirect jobs created or preserved; and

“(ff) a certification by the regional center that such statements are accurate.

“(ii) **AMENDMENT OF FINANCIAL STATEMENTS.**—If the Director determines that a financial statement required under clause (i) is deficient, the Director may require the regional center to amend or supplement such financial statement.

“(iii) **SANCTIONS.**—

“(I) **EFFECT OF VIOLATION.**—If the Director determines, after reviewing the financial

statements submitted under clause (i), that a regional center, director, or other individual involved with a regional center (other than an alien investor) has violated any requirement under clause (i) or that the regional center is conducting itself in a manner inconsistent with its designation, the Director may sanction the violating entity or individual under subclause (II).

“(II) **AUTHORIZED SANCTIONS.**—The Director shall establish a graduated set of sanctions for violations referred to in subclause (I), including—

“(aa) fines equal to not more than 5 percent of the total capital invested by immigrant investors in the commercial enterprise's approved business plan;

“(bb) temporary suspension from participation in the program described in subparagraph (E), which may be lifted by the Director if the individual or entity cures the alleged violation after being provided such an opportunity by the Director;

“(cc) permanent bar from program participation for 1 or more individuals affiliated with the regional center; and

“(dd) termination of regional center status.

“(H) **BONA FIDES OF PERSONS INVOLVED IN REGIONAL CENTERS.**—

“(i) **IN GENERAL.**—No person shall be permitted by any regional center to be involved with the regional center as its principal, representative, administrator, owner, officer, board member, manager, executive, general partner, fiduciary, marketer, promoter, or other similar position of substantive authority for the operations, management or promotion of the regional center if the Secretary of Homeland Security—

“(I) determines such person has been found liable within the previous 5 years for any criminal or civil violation of any law relating to fraud or deceit, or at any time if such violation involved a criminal conviction with a term of imprisonment of at least 1 year or a criminal or civil violation of any law or agency regulation in connection with the purchase or sale of a security; or

“(II) knows or has reasonable cause to believe that the person is engaged in, has ever been engaged in, or seeks to engage in any—

“(aa) illicit trafficking in any controlled substance;

“(bb) activity relating to espionage or sabotage;

“(cc) activity related to money laundering (as described in section 1956 or 1957 of title 18, United States Code);

“(dd) terrorist activity (as defined in clauses (iii) and (iv) of section 212(a)(3)(B));

“(ee) human trafficking or human rights offense; or

“(ff) violation of any statute, regulation, or Executive Order regarding foreign financial transactions or foreign asset control.

“(ii) **INFORMATION REQUIRED.**—The Secretary shall require such attestations and information, including, the submission of fingerprints to the Federal Bureau of Investigation, and shall perform such criminal record checks and other background checks with respect to a regional center, and persons involved in a regional center as described in clause (i), as the Secretary considers appropriate to determine whether the regional center is in compliance with clause (i). The Secretary may require the information and attestations described in this clause from such regional center, and any person involved in the regional center, at any time on or after the date of the enactment of the Border Security, Economic Opportunity, and Immigration Modernization Act.

“(iii) TERMINATION.—The Secretary is authorized, in his or her unreviewable discretion, to terminate any regional center from the program under this paragraph if he or she determines that—

“(I) the regional center is in violation of clause (i);

“(II) the regional center or any person involved with the regional center has provided any false attestation or information under clause (ii);

“(III) the regional center or any person involved with the regional center fails to provide an attestation or information requested by the Secretary under clause (ii); or

“(IV) the regional center or any person involved with the regional center is engaged in fraud, misrepresentation, criminal misuse, or threats to national security.

“(I) REGIONAL CENTER COMPLIANCE WITH SECURITIES LAWS.—

“(i) CERTIFICATION REQUIRED.—The Secretary of Homeland Security shall not approve an application for regional center designation or regional center amendment that does not certify that the regional center and, to the best knowledge of the applicant, all parties to the regional center are in, and will maintain, compliance with the securities laws of the United States.

“(ii) TERMINATION OR SUSPENSION.—The Secretary shall terminate the designation of any regional center that does not provide the certification described in subclause (i) on an annual basis. In addition to any other authority provided to the Secretary regarding the regional center program described in subparagraph (E), the Secretary may, in his or her unreviewable discretion, suspend or terminate the designation of any regional center if he or she determines that the regional center or any party to the regional center—

“(I) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction in connection with the purchase or sale of a security;

“(II) is subject to any final order of the Securities and Exchange Commission that—

“(aa) bars such person from association with an entity regulated by the Securities and Exchange Commission; or

“(bb) constitutes a final order based on violations in connection with the purchase or sale of a security; or

“(III) knowingly submitted or caused to be submitted a certification described in clause (i) that contained an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading.

“(iii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to impair or limit the authority of the Securities and Exchange Commission under the Federal securities laws.

“(iv) DEFINED TERM.—For the purpose of this subparagraph, the term ‘party to the regional center’ shall include the regional center, its agents, employees, and attorneys, and any persons in active concert or participation with the regional center.

“(J) DENIAL OR REVOCATION.—If the Secretary of Homeland Security determines, in his or her unreviewable discretion, that the approval of a petition, application, or benefit described in this subparagraph is contrary to the national interest of the United States for reasons relating to fraud, misrepresentation, criminal misuse, or threats to national security, the Secretary may deny or revoke the approval of—

“(i) a petition seeking classification of an alien as an alien investor under this paragraph;

“(ii) a petition to remove conditions under section 216A before granting lawful permanent resident status or any other petition, application, or benefit based upon the previous or concurrent filing or approval of a petition for classification of an alien under this paragraph; or

“(iii) an application for designation as a regional center.”.

(C) ASSISTANCE BY THE SECRETARY OF COMMERCE.—

(1) IN GENERAL.—The Secretary of Commerce, upon the request of the Secretary, shall provide consultation assistance for determining whether—

(A) a proposed regional center should be designated, terminated, or subject to other adjudicative action; or

(B) a petitioner or applicant for a benefit under section 203(b)(5) of the Immigration and Nationality Act, as amended by subsection (b), has met the requirements under such paragraph with respect to job creation.

(2) RULEMAKING.—The Secretary and the Secretary of Commerce may each adopt such rules and regulations as are necessary to carry out the consultation process provided for in paragraph (1).

(3) SAVINGS PROVISION.—Nothing in this subsection shall be construed to require consultation with the Secretary of Commerce to continue the designation of a regional center approved before the date of the enactment of this Act.

(d) EFFECTIVE DATE.—The amendments made by this section—

(1) shall be effective upon the enactment of this Act; and

(2) shall apply to—

(A) any application to designate a regional center, and any person involved with the regional center, that is pending or approved on or after the date of the enactment of this Act; and

(B) any regional center approved before the date of the enactment of this Act, on or after a delayed effective date that is 1 year after such date of enactment with respect to any person involved in the regional center on or after such delayed effective date.

#### SEC. 4805. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN EMPLOYMENT-BASED IMMIGRANTS, SPOUSES, AND CHILDREN.

(a) IN GENERAL.—Section 216A (8 U.S.C. 1186b) is amended to read as follows:

#### “SEC. 216A. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN EMPLOYMENT-BASED IMMIGRANTS, SPOUSES, AND CHILDREN.

“(a) IN GENERAL.—

“(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of this Act, employment-based immigrants (as defined in subsection (f) (1) or (2)), alien spouses, and alien children (as defined in subsection (f)(3)) shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section.

“(2) NOTICE OF REQUIREMENTS.—

“(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an employment-based immigrant, alien spouse, or alien child obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien, spouse, or child respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

“(B) AT TIME OF REQUIRED PETITION.—In addition, the Secretary of Homeland Security shall attempt to provide notice to an employment-based immigrant, alien spouse, or alien child, at or about the beginning of the 90-day period described in subsection (d)(3), of the requirements of subsection (c)(1).

“(C) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to an employment-based immigrant, alien spouse, or alien child.

“(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING EMPLOYMENT IMPROPER.—

“(1) ALIEN INVESTOR.—In the case of an alien investor with permanent resident status on a conditional basis under subsection (a), if the Secretary of Homeland Security determines, before the second anniversary of the alien's obtaining the status of lawful admission for permanent residence, that—

“(A) the investment in the commercial enterprise was intended as a means of evading the immigration laws of the United States;

“(B)(i) the alien did not invest, or was not actively in the process of investing, the requisite capital; or

“(ii) the alien was not sustaining the actions described in clause (i) throughout the period of the alien's residence in the United States; or

“(C) subject to the exception in subsection (d)(4), the alien was otherwise not conforming to the requirements under section 203(b)(5),

the Secretary shall so notify the alien investor and, subject to paragraph (3), shall terminate the permanent resident status of the alien (and the alien spouse and alien child) involved as of the date of the determination.

“(2) EMPLOYEE OF A FEDERAL NATIONAL SECURITY, SCIENCE, AND TECHNOLOGY LABORATORY, CENTER OR AGENCY.—In the case of an employee of a Federal national security, science, and technology laboratory, center, or agency (as defined pursuant to section 203(b)(2)(C)) with permanent resident status on a conditional basis under subsection (a), if the Secretary of Homeland Security, in consultation with the relevant employing department or agency, determines, before the first anniversary of the alien's obtaining the status of lawful admission for permanent residence, that—

“(A) the qualifying employment was intended as a means of evading the immigration laws of the United States;

“(B) the alien has not completed or is not likely to complete 12 months of qualifying continuous employment; or

“(C) the alien did not otherwise conform with the requirements of section 203(b)(2), the Secretary shall so notify the alien involved and, subject to paragraph (3), shall terminate the permanent resident status of the alien (and the alien spouse and alien child) involved as of the date of the determination.

“(3) HEARING IN REMOVAL PROCEEDING.—Any alien whose permanent resident status is terminated under paragraph (1) or (2) may request a review of such determination in a proceeding to remove the alien. In such proceeding, the burden of proof shall be on the Secretary of Homeland Security to establish, by a preponderance of the evidence, that a condition described in paragraph (1) or (2), as appropriate, is met.

“(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—

“(1) IN GENERAL.—

“(A) PETITION AND INTERVIEW.—In order for the conditional basis established under subsection (a) for an employment-based immigrant, alien spouse, or alien child to be removed—

“(i) the employment-based immigrant shall submit to the Secretary of Homeland Security, during the period described in subsection (d)(3), a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information described in paragraph (1) or (2) of subsection (d), as appropriate; and

“(ii) in accordance with subsection (d)(3), the employment-based immigrant must appear for a personal interview before an officer or employee of U.S. Citizenship and Immigration Services respecting such facts and information.

“(B) SEPARATE PETITION NOT REQUIRED.—An alien spouse or alien child shall not be required to file separate petitions under subparagraph (A)(i) if the employment-based immigrant's petition includes such alien spouse or alien child.

“(C) EFFECT ON SPOUSE OR CHILD.—If the alien spouse or alien child obtains permanent residence on a conditional basis after the employment-based immigrant files a petition under subparagraph (A)(i)—

“(i) the conditional basis of the permanent residence of the alien spouse or alien child shall be removed upon approval of the employment-based immigrant's petition under this subsection;

“(ii) the permanent residence of the alien spouse or alien child shall be unconditional if—

“(I) the employment-based immigrant's petition is approved before the date on which the spouse or child obtains permanent residence; or

“(II) the employment-based immigrant dies after the approval of a petition under section 203(b)(5); and

“(iii) the alien child shall not be deemed ineligible for approval under section 203(b)(5) or removal of conditions under this section if the alien child reaches 21 years of age during—

“(I) the pendency of the employment-based immigrant's petition under section 203(b)(5); or

“(II) conditional residency under such section.

“(D) ADDITIONAL FEE.—Notwithstanding any other provision under this section, the Secretary may require the employment-based immigrant to pay an additional fee for a petition filed under subparagraph (A)(i) that includes the alien's spouse and child or children.

“(2) TERMINATION OF PERMANENT RESIDENT STATUS FOR FAILURE TO FILE PETITION OR HAVE PERSONAL INTERVIEW.—

“(A) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if—

“(i) no petition is filed with respect to the alien in accordance with the provisions of paragraph (1)(A); or

“(ii) unless there is good cause shown, the employment-based immigrant fails to appear at the interview described in paragraph (1)(B) (if required under subsection (d)(4)), the Secretary of Homeland Security shall terminate the permanent resident status of the alien (and the alien's spouse and children if it was obtained on a conditional basis under this section or section 216) as of the second anniversary of the alien's lawful admission for permanent residence.

“(B) HEARING IN REMOVAL PROCEEDING.—In any removal proceeding with respect to an

alien whose permanent resident status is terminated under subparagraph (A), the burden of proof shall be on the alien to establish compliance with the conditions of paragraphs (1)(A) and (1)(B).

“(3) DETERMINATION AFTER PETITION AND INTERVIEW.—

“(A) IN GENERAL.—If—

“(i) a petition is filed in accordance with the provisions of paragraph (1)(A); and

“(ii) the employment-based immigrant appears at any interview described in paragraph (1)(B),

the Secretary of Homeland Security shall make a determination, not later than 90 days after the date of such filing or interview (whichever is later), as to whether the facts and information described in paragraph (1) or (2) of subsection (d), as appropriate, and alleged in the petition are true.

“(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—

“(i) HEADER.—If the Secretary of Homeland Security determines with respect to a petition filed by an alien investor that such facts and information are true, the Secretary shall so notify the alien investor and shall remove the conditional basis of the alien's status effective as of the second anniversary of the alien's lawful admission for permanent residence.

“(ii) REMOVAL OF CONDITIONAL BASIS FOR EMPLOYEE OF A FEDERAL NATIONAL SECURITY, SCIENCE, AND TECHNOLOGY LABORATORY, CENTER OR AGENCY.—If the Secretary of Homeland Security determines with respect to a petition filed by an employee of a Federal national security, science, and technology laboratory, center, or agency that such facts and information are true, the Secretary shall so notify the alien and shall remove the conditional basis of the alien's status effective as of the first anniversary of the alien's lawful admission for permanent residence.

“(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary of Homeland Security determines that such facts and information are not true, the Secretary shall so notify the alien involved and, subject to subparagraph (D), shall terminate the permanent resident status of an employment-based immigrant, alien spouse, or alien child as of the date of the determination.

“(D) HEARING IN REMOVAL PROCEEDING.—Any alien whose permanent resident status is terminated under subparagraph (C) may request a review of such determination in a proceeding to remove the alien. In such proceeding, the burden of proof shall be on the Secretary of Homeland Security to establish, by a preponderance of the evidence, that the facts and information described in subsection (d)(1) and alleged in the petition are not true.

“(d) DETAILS OF PETITION AND INTERVIEW.—

“(1) CONTENTS OF PETITION BY ALIEN INVESTOR.—Each petition filed by an alien investor under section (c)(1)(A) shall contain facts and information demonstrating that the alien—

“(A)(i) invested, or is actively in the process of investing, the requisite capital; and

“(ii) sustained the actions described in clause (i) throughout the period of the alien's residence in the United States; and

“(B) except as provided in paragraph (4), is otherwise conforming to the requirements under section 203(b)(5).

“(2) CONTENTS OF PETITION BY EMPLOYEE OF A FEDERAL NATIONAL SECURITY, SCIENCE, AND TECHNOLOGY LABORATORY, CENTER, OR AGENCY.—Each petition under subsection (c)(1)(A) filed by an employee of a Federal national security, science, and technology laboratory,

center, or agency shall contain facts and information demonstrating that the alien is conforming to the requirements of section 203(b)(2).

“(3) PERIOD FOR FILING PETITION.—

“(A) 90-DAY PERIOD BEFORE ANNIVERSARY.—Except as provided in subparagraph (B), the petition under subsection (c)(1)(A) must be filed as follows:

“(i) In the case of an alien investor, during the 90-day period before the second anniversary of the alien's lawful admission for permanent residence.

“(ii) In the case of an employee of a Federal national security, science, and technology laboratory, center, or agency, during the 90-day period before the first anniversary of the alien's lawful admission for permanent residence.

“(B) LATE PETITIONS.—Such a petition may be considered if filed after such date, but only if the alien establishes to the satisfaction of the Secretary of Homeland Security good cause and extenuating circumstances for failure to file the petition during the period described in subparagraph (A).

“(C) FILING OF PETITIONS DURING REMOVAL.—In the case of an alien who is the subject of removal hearings as a result of failure to file a petition on a timely basis in accordance with subparagraph (A), the Secretary of Homeland Security may stay such removal proceedings against an alien pending the filing of the petition under subparagraph (B).

“(4) PERSONAL INTERVIEW.—The interview under subsection (c)(1)(B) shall be conducted within 90 days after the date of submitting a petition under subsection (c)(1)(A) and at a local office of U.S. Citizenship and Immigration Services, designated by the Secretary of Homeland Security, which is convenient to the parties involved. The Secretary, in the discretion of the Secretary, may waive the deadline for such an interview or the requirement for such an interview in such cases as may be appropriate.

“(5) SPECIAL RULE FOR ALIEN INVESTORS IN A REGIONAL CENTER.—Each petition under subsection (c)(1)(A) filed by an alien investor who invests in accordance with section 203(b)(5)(E) shall contain facts and information demonstrating that the alien is complying with the requirements under section 203(b)(5), except—

“(A) the alien shall not be subject to the requirements under section 203(b)(5)(A)(ii); and

“(B) the petition shall contain the most recent financial statement filed by the regional center in which the alien has invested in accordance with section 203(b)(5)(G).

“(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III, in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence, if the alien has had the conditional basis removed pursuant to this section.

“(f) FRAUD, MISREPRESENTATION, CRIMINAL MISUSE, OR THREATS TO THE PUBLIC SAFETY OR NATIONAL SECURITY.—If the Secretary of Homeland Security determines, in his or her sole and unreviewable discretion, that the conditional permanent resident status granted to an employment-based immigrant under subsection (a), or to an alien researcher described in section 203(b)(2)(A)(ii) is contrary to the national interest of the United States

for reasons relating to fraud, misrepresentation, criminal misuse, or threats to national security, the Secretary shall—

“(1) notify the immigrant involved of such determination; and

“(2) terminate the permanent resident status of the immigrant involved (and the alien spouse and alien children of such immigrant) as of the date of such determination.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘alien investor’ means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) under section 203(b)(5).

“(2) The term ‘alien spouse’ and the term ‘alien child’ mean an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) by virtue of being the spouse or child, respectively, of an alien investor or an employee of a Federal national security, science, and technology laboratory, center, or agency.

“(3) The term ‘commercial enterprise’ includes a limited partnership.

“(4) The term ‘employment-based immigrant’ means an alien described in paragraph (1) or (5).

“(5) The term ‘employee of a Federal national security, science, and technology laboratory, center, or agency’ means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) under section 203(b)(2)(A)(ii).”

(b) CONFORMING AMENDMENT.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting before the period at the end the following: “, if the alien has had the conditional basis removed pursuant to this section”.

(c) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 216A and inserting the following:

“Sec. 216A. Conditional permanent resident status for certain employment-based immigrants, spouses, and children.”

#### SEC. 4806. EB-5 VISA REFORMS.

(a) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATION.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by sections 2103(c)(2), 2212(d)(2), 2307(b), and 2402, is further amended by adding at the end the following:

“(P) Aliens who are the spouse or a child of an alien admitted as an employment-based immigrant under section 203(b)(5).”

(b) TECHNICAL AMENDMENT.—Section 203(b)(5), as amended by this Act, is further amended by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”.

(c) TARGETED EMPLOYMENT AREAS.—

(1) IN GENERAL.—Section 203(b)(5)(B) (8 U.S.C. 1153(b)(5)(B)) is amended to read as follows:

“(B) SET-ASIDE FOR TARGETED EMPLOYMENT AREAS.—

“(i) IN GENERAL.—Not fewer than 5,000 of the visas made available under this paragraph in each fiscal year shall be reserved for qualified immigrants who invest in a new commercial enterprise described in subparagraph (A), which—

“(I) is investing such capital in a targeted employment area; and

“(II) will create employment in such targeted employment area.

“(ii) DURATION OF HIGH UNEMPLOYMENT AND POVERTY AREA DESIGNATION.—A designation of a high unemployment or poverty area as a targeted employment area shall be valid for

5 years and may be renewed for additional 5-year periods if the area continues to meet the definition of a high unemployment or poverty area. An investor who has made the required amount of investment in such a targeted employment area during its period of designation shall not be required to increase the amount of investment based upon expiration of the designation.”

(d) ADJUSTMENT OF MINIMUM EB-5 INVESTMENT AMOUNT.—Section 203(b)(5)(C)(i) (8 U.S.C. 1153(b)(5)(C)(i)) is amended—

(1) by striking “The Attorney General” and inserting “The Secretary of Commerce”;

(2) by striking “Secretary of State” and inserting “Secretary of Homeland Security”; and

(3) by adding at the end the following: “Unless adjusted by the Secretary of Commerce, the amount specified in this clause shall automatically adjust, on January 1, 2016, by the percentage change in the Consumer Price Index (CPI-U) during fiscal year 2015, and on every fifth subsequent January 1 by the cumulative percentage change in the CPI-U during the previous 5 fiscal years, for any petition filed to classify an alien under this paragraph on or after the date of each automatic adjustment.”

(e) DEFINITIONS.—

(1) IN GENERAL.—Section 203(b)(5) (8 U.S.C. 1153(b)(5)), as amended by subsections (b) and (c) and section 4804, is further amended—

(A) by striking subparagraph (D) and inserting following:

“(D) CALCULATION OF FULL-TIME EMPLOYMENT.—Job creation under this paragraph may consist of employment measured in full-time equivalents, such as intermittent or seasonal employment opportunities and construction jobs. A full-time employment position is not a requirement for indirect job creation.”; and

(B) by adding at the end the following:

“(K) DEFINITIONS.—In this paragraph:

“(i) The term ‘capital’ means all real, personal, or mixed assets, whether tangible or intangible, owned or controlled by the investor, or held in trust for the benefit of the investor, to which the investor has unrestricted access, which shall be valued at fair market value in United States dollars, in accordance with Generally Accepted Accounting Principles, at the time it is invested under this paragraph.

“(ii) The term ‘full-time employment’ means employment in a position that requires at least 35 hours of service per week, regardless of how many employees fill the position.

“(iii) The term ‘high unemployment and poverty area’ means—

“(I) an area consisting of a census tract or contiguous census tracts that has an unemployment rate that is at least 150 percent of the national average unemployment rate and includes at least 1 census tract with 20 percent of its residents living below the poverty level as determined by the Bureau of the Census; or

“(II) an area that is within the boundaries established for purposes of a Federal or State economic development incentive program, including areas defined as Enterprise Zones, Renewal Communities, Promise Zones, and Empowerment Zones.

“(iv) The term ‘rural area’ means—

“(I) any area other than an area within a metropolitan statistical area or within the outer boundary of any city or town having a population of 20,000 or more (based on the most recent decennial census of the United States); or

“(II) any city or town having a population of fewer than 20,000 (based on the most re-

cent decennial census of the United States) that is located within a State having a population of fewer than 1,500,000 (based on the most recent decennial census of the United States).

“(v) The term ‘targeted employment area’ means a rural area or a high unemployment and poverty area.”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to any application for a visa under section 203(b)(5) of the Immigration and Nationality Act that is filed on or after the date that is 1 year after the date of the enactment of this Act.

(f) AGE DETERMINATION FOR CHILDREN OF ALIEN INVESTORS.—Section 203(h) (8 U.S.C. 1153(h)) is amended by adding at the end the following:

“(5) AGE DETERMINATION FOR CHILDREN OF ALIEN INVESTORS.—An alien admitted under subsection (d) as a lawful permanent resident on a conditional basis as the child of an alien lawfully admitted for permanent residence under subsection (b)(5), whose lawful permanent resident status on a conditional basis is terminated under section 216A, shall continue to be considered a child of the principal alien for the purpose of a subsequent immigrant petition by such alien under subsection (b)(5) if the alien remains unmarried and the subsequent petition is filed by the principal alien not later than 1 year after the termination of conditional lawful permanent resident status. No alien shall be considered a child under this paragraph with respect to more than 1 petition filed after the alien’s 21st birthday.”

(g) ENHANCED PAY SCALE FOR CERTAIN FEDERAL EMPLOYEES ADMINISTERING THE EB-5 PROGRAM.—The Secretary may establish, fix the compensation of, and appoint individuals to, designated critical administrative, technical, and professional positions needed to administer sections 203(b)(5) and 216A of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5) and 1186b).

(h) DELEGATION OF CERTAIN EB-5 AUTHORITY.—

(1) IN GENERAL.—The Secretary of Homeland Security may delegate to the Secretary of Commerce authority and responsibility for determinations under sections 203(b)(5) and 216A (with respect to alien entrepreneurs) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5) and 1186a), including determining whether an alien has met employment creation requirements.

(2) REGULATIONS.—The Secretary of Homeland Security and the Secretary of Commerce may each adopt such rules and regulations as are necessary to carry out the delegation authorized under paragraph (1), including regulations governing the eligibility criteria for obtaining benefits pursuant to the amendments made by this section.

(3) USE OF FEES.—Adjudication fees described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) shall remain available until expended to reimburse the Secretary of Commerce for the costs of any determinations made by the Secretary of Commerce under paragraph (1).

(i) CONCURRENT FILING OF EB-5 PETITIONS AND APPLICATIONS FOR ADJUSTMENT OF STATUS.—Section 245 (8 U.S.C. 1255), as amended by section 4237(b), is further amended—

(1) in subsection (k), in the matter preceding paragraph (1), by striking “or (3)” and inserting “(3), (5), or (7)”; and

(2) by adding at the end the following:

“(o) At the time a petition is filed for classification under section 203(b)(5), if the approval of such petition would make a visa immediately available to the alien beneficiary, the alien beneficiary’s application

for adjustment of status under this section shall be considered to be properly filed whether the application is submitted concurrently with, or subsequent to, the visa petition.”.

#### SEC. 4907. AUTHORIZATION OF APPROPRIATIONS.

(a) FUNDING.—There are authorized to be appropriated from the Trust Fund established under section 6(a) such sums as may be necessary to carry out sections 1110, 2101, 2104, 2212, 2213, 2221, 2232, 3301, 3501, 3502, 3503, 3504, 3505, 3506, 3605, 3610, 4221, and 4401 of this Act.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended unless otherwise specified in this Act.

#### Subtitle I—Student and Exchange Visitor Programs

#### SEC. 4901. SHORT TITLE.

This subtitle may be cited as the “Student Visa Integrity Act”.

#### SEC. 4902. SEVIS AND SEVP DEFINED.

In this subtitle:

(1) SEVIS.—The term “SEVIS” means the Student and Exchange Visitor Information System of the Department of Homeland Security.

(2) SEVP.—The term “SEVP” means the Student and Exchange Visitor Program of the Department of Homeland Security.

#### SEC. 4903. INCREASED CRIMINAL PENALTIES.

Section 1546(a) of title 18, United States Code, is amended by striking “10 years” and inserting “15 years (if the offense was committed by an owner, official, employee, or agent of an educational institution with respect to such institution’s participation in the Student and Exchange Visitor Program), 10 years”.

#### SEC. 4904. ACCREDITATION REQUIREMENT.

Section 101(a)(52) (8 U.S.C. 1101(a)(52)) is amended to read as follows:

“(52) Except as provided in section 214(m)(4), the term ‘accredited college, university, or language training program’ means a college, university, or language training program that is accredited by an accrediting agency recognized by the Secretary of Education.”.

#### SEC. 4905. OTHER ACADEMIC INSTITUTIONS.

Section 214(m) (8 U.S.C. 1184(m)) is amended by adding at the end the following:

“(3) The Secretary of Homeland Security shall require accreditation of an academic institution (except for seminaries or other religious institutions) for purposes of section 101(a)(15)(F) if—

“(A) that institution is not already required to be accredited under section 101(a)(15)(F)(i); and

“(B) an appropriate accrediting agency recognized by the Secretary of Education is able to provide such accreditation.

“(4) The Secretary of Homeland Security, in the Secretary’s discretion, may waive the accreditation requirement in section 101(a)(15)(F)(i) with respect to an accredited college, university, or language training program if the academic institution—

“(A) is otherwise in compliance with the requirements of such section; and

“(B) is, on the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, a candidate for accreditation or, after such date, has been a candidate for accreditation for at least 1 year and continues to progress toward accreditation by an accreditation agency recognized by the Secretary of Education.”.

#### SEC. 4906. PENALTIES FOR FAILURE TO COMPLY WITH SEVIS REPORTING REQUIREMENTS.

Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372) is amended—

(1) in subsection (c)(1)—

(A) by striking “institution,” each place it appears and inserting “institution,”; and

(B) in subparagraph (D), by striking “and” at the end;

(2) in subsection (d)(2), by striking “fails to provide the specified information” and all that follows and inserting “does not comply with the reporting requirements set forth in this section, the Secretary of Homeland Security may—

“(A) impose a monetary fine on such institution in an amount to be determined by the Secretary; and

“(B) suspend the authority of such institution to issue a Form I-20 to any alien.”.

#### SEC. 4907. VISA FRAUD.

(a) IMMEDIATE WITHDRAWAL OF SEVP CERTIFICATION.—Section 641(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(d)) is amended—

(1) in paragraph (1)(A), by striking “institution,” and inserting “institution,”; and

(2) by adding at the end the following:

“(3) EFFECT OF REASONABLE SUSPICION OF FRAUD.—If the Secretary of Homeland Security has reasonable suspicion that an owner of, or a designated school official at, an approved institution of higher education, an other approved educational institution, or a designated exchange visitor program has committed fraud or attempted to commit fraud relating to any aspect of the Student and Exchange Visitor Program, or if such owner or designated school official is indicted for such fraud, the Secretary may immediately—

“(A) suspend such certification without prior notification; and

“(B) suspend such official’s or such school’s access to the Student and Exchange Visitor Information System (SEVIS).”.

(b) EFFECT OF CONVICTION FOR VISA FRAUD.—Section 641(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by subsection (a), is further amended by adding at the end the following:

“(5) PERMANENT DISQUALIFICATION FOR FRAUD.—A designated school official at, or an owner of, an approved institution of higher education, an other approved educational institution, or a designated exchange visitor program who is convicted for fraud relating to any aspect of the Student and Exchange Visitor Program shall be permanently disqualified from filing future petitions and from having an ownership interest or a management role (including serving as a principal, owner, officer, board member, general partner, designated school official, or any other position of substantive authority for the operations or management of the institution) in any United States educational institution that enrolls nonimmigrant alien students described in subparagraph (F) or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).”.

#### SEC. 4908. BACKGROUND CHECKS.

(a) IN GENERAL.—Section 641(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(d)), as amended by section 4907 of this Act, is further amended by adding at the end the following:

“(6) BACKGROUND CHECK REQUIREMENT.—

“(A) IN GENERAL.—An individual may not serve as a designated school official or be

granted access to SEVIS unless the individual is a national of the United States or an alien lawfully admitted for permanent residence and during the most recent 3-year period—

“(i) the Secretary of Homeland Security has—

“(I) conducted a thorough background check on the individual, including a review of the individual’s criminal and sex offender history and the verification of the individual’s immigration status; and

“(II) determined that the individual—

“(aa) has not been convicted of any violation of United States immigration law; and

“(bb) is not a risk to the national security of the United States; and

“(ii) the individual has successfully completed an on-line training course on SEVP and SEVIS, which has been developed by the Secretary.

“(B) INTERIM DESIGNATED SCHOOL OFFICIAL.—

“(i) IN GENERAL.—An individual may serve as an interim designated school official during the period that the Secretary is conducting the background check required by subparagraph (A)(i)(I).

“(ii) REVIEWS BY THE SECRETARY.—If an individual serving as an interim designated school official under clause (i) does not successfully complete the background check required by subparagraph (A)(i)(I), the Secretary shall review each Form I-20 issued by such interim designated school official.

“(7) FEE.—The Secretary is authorized to collect a fee from an approved school for each background check conducted under paragraph (6)(A)(i). The amount of such fee shall be equal to the average amount expended by the Secretary to conduct such background checks.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of the enactment of this Act.

#### SEC. 4909. REVOCATION OF AUTHORITY TO ISSUE FORM I-20 OF FLIGHT SCHOOLS NOT CERTIFIED BY THE FEDERAL AVIATION ADMINISTRATION.

Immediately upon the enactment of this Act, the Secretary shall prohibit any flight school in the United States from accessing SEVIS or issuing a Form I-20 to an alien seeking a student visa pursuant to subparagraph (F)(i) or (M)(i) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) if the flight school has not been certified to the satisfaction of the Secretary and by the Federal Aviation Administration pursuant to part 141 or part 142 of title 14, Code of Federal Regulations (or similar successor regulations).

#### SEC. 4910. REVOCATION OF ACCREDITATION.

At the time an accrediting agency or association is required to notify the Secretary of Education and the appropriate State licensing or authorizing agency of the final denial, withdrawal, suspension, or termination of accreditation of an institution pursuant to section 496 of the Higher Education Act of 1965 (20 U.S.C. 1099b), such accrediting agency or association shall notify the Secretary of Homeland Security of such determination and the Secretary of Homeland Security shall immediately withdraw the school from the SEVP and prohibit the school from accessing SEVIS.

#### SEC. 4911. REPORT ON RISK ASSESSMENT.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a

report that contains the risk assessment strategy that will be employed by the Secretary to identify, investigate, and take appropriate action against schools and school officials that are facilitating the issuance of Form I-20 and the maintenance of student visa status in violation of the immigration laws of the United States.

**SEC. 4912. IMPLEMENTATION OF GAO RECOMMENDATIONS.**

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that describes—

- (1) the process in place to identify and assess risks in the SEVP;
- (2) a risk assessment process to allocate SEVP's resources based on risk;
- (3) the procedures in place for consistently ensuring a school's eligibility, including consistently verifying in lieu of letters;
- (4) how SEVP identified and addressed missing school case files;
- (5) a plan to develop and implement a process to monitor State licensing and accreditation status of all SEVP-certified schools;
- (6) whether all flight schools that have not been certified to the satisfaction of the Secretary and by the Federal Aviation Administration have been removed from the program and have been restricted from accessing SEVIS;
- (7) the standard operating procedures that govern coordination among SEVP, Counterterrorism and Criminal Exploitation Unit, and U.S. Immigration and Customs Enforcement field offices; and
- (8) the established criteria for referring cases of a potentially criminal nature from SEVP to the counterterrorism and intelligence community.

**SEC. 4913. IMPLEMENTATION OF SEVIS II.**

Not later than 2 years after the date of the enactment of this Act, the Secretary shall complete the deployment of both phases of the second generation Student and Exchange Visitor Information System (commonly known as "SEVIS II").

**TITLE V—JOBS FOR YOUTH**

**SEC. 5101. DEFINITIONS.**

In this title:

- (1) **CHIEF ELECTED OFFICIAL.**—The term "chief elected official" means the chief elected executive officer of a unit of local government in a local workforce investment area or in the case in which such an area includes more than one unit of general government, the individuals designated under an agreement described in section 117(c)(1)(B) of the Workforce Investment Act of 1998 (29 U.S.C. 2832(c)(1)(B)).
- (2) **LOCAL WORKFORCE INVESTMENT AREA.**—The term "local workforce investment area" means such area designated under section 116 of the Workforce Investment Act of 1998 (29 U.S.C. 2831).
- (3) **LOCAL WORKFORCE INVESTMENT BOARD.**—The term "local workforce investment board" means such board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832).
- (4) **LOW-INCOME YOUTH.**—The term "low-income youth" means an individual who—
  - (A) is not younger than 16 but is younger than 25;
  - (B) meets the definition of a low-income individual provided in section 101(25) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(25)), except that States and local workforce investment areas, subject to approval in the applicable State plans and local plans,

may increase the income level specified in subparagraph (B)(i) of such section to an amount not in excess of 200 percent of the poverty line for purposes of determining eligibility for participation in activities under section 5103; and

(C) is in one or more of the categories specified in section 101(13)(C) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(13)(C)).

(5) **POVERTY LINE.**—The term "poverty line" means a poverty line as defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902), applicable to a family of the size involved.

(6) **STATE.**—The term "State" means each of the several States of the United States, and the District of Columbia.

**SEC. 5102. ESTABLISHMENT OF YOUTH JOBS FUND.**

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States an account that shall be known as the Youth Jobs Fund (referred to in this title as "the Fund").

(b) **DEPOSITS INTO THE FUND.**—Out of any amounts in the Treasury not otherwise appropriated, there is appropriated \$1,500,000,000 for fiscal year 2014, which shall be paid to the Fund, to be used by the Secretary of Labor to carry out this title.

(c) **AVAILABILITY OF FUNDS.**—Of the amounts deposited into the Fund under subsection (b), the Secretary of Labor shall allocate \$1,500,000,000 to provide summer and year-round employment opportunities to low-income youth in accordance with section 5103.

(d) **PERIOD OF AVAILABILITY.**—The amounts appropriated under this title shall be available for obligation by the Secretary of Labor until December 31, 2014, and shall be available for expenditure by grantees (including subgrantees) until September 30, 2015.

**SEC. 5103. SUMMER EMPLOYMENT AND YEAR-ROUND EMPLOYMENT OPPORTUNITIES FOR LOW-INCOME YOUTH.**

(a) **IN GENERAL.**—From the funds available under section 5102(c), the Secretary of Labor shall make an allotment under subsection (c) to each State that has a modification to a State plan approved under section 112 of the Workforce Investment Act of 1998 (29 U.S.C. 2822) (referred to in this section as a "State plan modification") (or other State request for funds specified in guidance under subsection (b)) approved under subsection (d) and recipient under section 166(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2911(c)) (referred to in this section as a "Native American grantee") that meets the requirements of this section, for the purpose of providing summer employment and year-round employment opportunities to low-income youth.

(b) **GUIDANCE AND APPLICATION OF REQUIREMENTS.**—

(1) **GUIDANCE.**—Not later than 20 days after the date of enactment of this Act, the Secretary of Labor shall issue guidance regarding the implementation of this section.

(2) **PROCEDURES.**—Such guidance shall, consistent with this section, include procedures for—

(A) the submission and approval of State plan modifications, for such other forms of requests for funds by the State as may be identified in such guidance, for modifications to local plans approved under section 118 of the Workforce Investment Act of 1998 (29 U.S.C. 2833) (referred to individually in this section as a "local plan modification"), or for such other forms of requests for funds by local workforce investment areas as may be identified in such guidance, that promote

the expeditious and effective implementation of the activities authorized under this section; and

(B) the allotment and allocation of funds, including reallocation and reallocation of such funds, that promote such implementation.

(3) **REQUIREMENTS.**—Except as otherwise provided in the guidance described in paragraph (1) and in this section and other provisions of this title, the funds provided for activities under this section shall be administered in accordance with the provisions of subtitles B and E of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq., 2911 et seq.) relating to youth activities.

(c) **STATE ALLOTMENTS.**—

(1) **IN GENERAL.**—Using the funds described in subsection (a), the Secretary of Labor shall allot to each State the total of the amounts assigned to the State under subparagraphs (A) and (B) of paragraph (2).

(2) **ASSIGNMENTS TO STATES.**—

(A) **MINIMUM AMOUNTS.**—Using funds described in subsection (a), the Secretary of Labor shall assign to each State an amount equal to  $\frac{1}{2}$  of 1 percent of such funds.

(B) **FORMULA AMOUNTS.**—The Secretary of Labor shall assign the remainder of the funds described in subsection (a) among the States by assigning—

(i) 33 $\frac{1}{3}$  percent on the basis of the relative number of individuals in the civilian labor force who are not younger than 16 but younger than 25 in each State, compared to the total number of individuals in the civilian labor force who are not younger than 16 but younger than 25 in all States;

(ii) 33 $\frac{1}{3}$  percent on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States; and

(iii) 33 $\frac{1}{3}$  percent on the basis of the relative number of disadvantaged young adults and youth in each State, compared to the total number of disadvantaged young adults and youth in all States.

(3) **REALLOTMENT.**—If the Governor of a State does not submit a State plan modification or other State request for funds specified in guidance under subsection (b) by the date specified in subsection (d)(2)(A), or a State does not receive approval of such State plan modification or request, the amount the State would have been eligible to receive pursuant to paragraph (1) shall be allocated to States that receive approval of State plan modifications or requests specified in the guidance. Each such State shall receive a share of the total amount available for reallocation under this paragraph, in accordance with the State's share of the total amount allotted under paragraph (1) to such State.

(4) **DEFINITIONS.**—For purposes of paragraph (2), the term "disadvantaged young adult or youth" means an individual who is not younger than 16 but is younger than 25 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of—

(A) the poverty line; or

(B) 70 percent of the lower living standard income level.

(d) **STATE PLAN MODIFICATION.**—

(1) **IN GENERAL.**—For a State to be eligible to receive an allotment of funds under subsection (c), the Governor of the State shall submit to the Secretary of Labor a State plan modification, or other State request for funds specified in guidance under subsection (b), in such form and containing such information as the Secretary may require. At a minimum, such State plan modification or request shall include—

(A) a description of the strategies and activities to be carried out to provide summer employment opportunities and year-round employment opportunities, including linkages to training and educational activities, consistent with subsection (f);

(B) a description of the requirements the State will apply relating to the eligibility of low-income youth, consistent with section 5101(4), for summer employment opportunities and year-round employment opportunities, which requirements may include criteria to target assistance to particular categories of such low-income youth, such as youth with disabilities, consistent with subsection (f);

(C) a description of the performance outcomes to be achieved by the State through the activities carried out under this section and the processes the State will use to track performance, consistent with guidance provided by the Secretary of Labor regarding such outcomes and processes and with section 5104(b);

(D) a description of the timelines for implementation of the strategies and activities described in subparagraph (A), and the number of low-income youth expected to be placed in summer employment opportunities, and year-round employment opportunities, respectively, by quarter;

(E) assurances that the State will report such information, relating to fiscal, performance, and other matters, as the Secretary may require and as the Secretary determines is necessary to effectively monitor the activities carried out under this section;

(F) assurances that the State will ensure compliance with the requirements, restrictions, labor standards, and other provisions described in section 5104(a); and

(G) if a local board and chief elected official in the State will provide employment opportunities with the link to training and educational activities described in subsection (f)(2)(B), a description of how the training and educational activities will lead to the industry-recognized credential involved.

**(2) SUBMISSION AND APPROVAL OF STATE PLAN MODIFICATION OR REQUEST.—**

(A) **SUBMISSION.**—The Governor shall submit the State plan modification or other State request for funds specified in guidance under subsection (b) to the Secretary of Labor not later than 30 days after the issuance of such guidance.

(B) **APPROVAL.**—The Secretary of Labor shall approve the State plan modification or request submitted under subparagraph (A) within 30 days after submission, unless the Secretary determines that the plan or request is inconsistent with the requirements of this section. If the Secretary has not made a determination within that 30-day period, the plan or request shall be considered to be approved. If the plan or request is disapproved, the Secretary may provide a reasonable period of time in which the plan or request may be amended and resubmitted for approval. If the plan or request is approved, the Secretary shall allot funds to the State under subsection (c) within 30 days after such approval.

(3) **MODIFICATIONS TO STATE PLAN OR REQUEST.**—The Governor may submit further modifications to a State plan modification or other State request for funds specified under subsection (b), consistent with the requirements of this section.

**(e) WITHIN-STATE ALLOCATION AND ADMINISTRATION.—**

(1) **IN GENERAL.**—Of the funds allotted to the State under subsection (c), the Governor—

(A) may reserve not more than 5 percent of the funds for administration and technical assistance; and

(B) shall allocate the remainder of the funds among local workforce investment areas within the State in accordance with clauses (i) through (iii) of subsection (c)(2)(B), except that for purposes of such allocation references to a State in subsection (c)(2)(B) shall be deemed to be references to a local workforce investment area and references to all States shall be deemed to be references to all local workforce investment areas in the State involved.

**(2) LOCAL PLAN.—**

(A) **SUBMISSION.**—In order to receive an allocation under paragraph (1)(B), the local workforce investment board, in partnership with the chief elected official for the local workforce investment area involved, shall submit to the Governor a local plan modification, or such other request for funds by local workforce investment areas as may be specified in guidance under subsection (b), not later than 30 days after the submission by the State of the State plan modification or other State request for funds specified in guidance under subsection (b), describing the strategies and activities to be carried out under this section.

(B) **APPROVAL.**—The Governor shall approve the local plan modification or other local request for funds submitted under subparagraph (A) within 30 days after submission, unless the Governor determines that the plan or request is inconsistent with requirements of this section. If the Governor has not made a determination within that 30-day period, the plan shall be considered to be approved. If the plan or request is disapproved, the Governor may provide a reasonable period of time in which the plan or request may be amended and resubmitted for approval. If the plan or request is approved, the Governor shall allocate funds to the local workforce investment area within 30 days after such approval.

(3) **REALLOCATION.**—If a local workforce investment board and chief elected official do not submit a local plan modification (or other local request for funds specified in guidance under subsection (b)) by the date specified in paragraph (2), or the Governor disapproves a local plan, the amount the local workforce investment area would have been eligible to receive pursuant to the formula under paragraph (1)(B) shall be allocated to local workforce investment areas that receive approval of their local plan modifications or local requests for funds under paragraph (2). Each such local workforce investment area shall receive a share of the total amount available for reallocation under this paragraph, in accordance with the area's share of the total amount allocated under paragraph (1)(B) to such local workforce investment areas.

**(f) USE OF FUNDS.—**

(1) **IN GENERAL.**—The funds made available under this section shall be used—

(A) to provide summer employment opportunities for low-income youth, with direct linkages to academic and occupational learning, and may be used to provide supportive services, such as transportation or child care, that is necessary to enable the participation of such youth in the opportunities; and

(B) to provide year-round employment opportunities, which may be combined with other activities authorized under section 129 of the Workforce Investment Act of 1998 (29 U.S.C. 2854), to low-income youth.

(2) **PROGRAM PRIORITIES.**—In administering the funds under this section, the local board

and chief elected official shall give priority to—

(A) identifying employment opportunities that are—

(i) in emerging or in-demand occupations in the local workforce investment area; or

(ii) in the public or nonprofit sector and meet community needs; and

(B) linking participants in year-round employment opportunities to training and educational activities that will provide such participants an industry-recognized certificate or credential (referred to in this title as an “industry-recognized credential”).

(3) **ADMINISTRATION.**—Not more than 5 percent of the funds allocated to a local workforce investment area under this section may be used for the costs of administration of this section.

(4) **PERFORMANCE ACCOUNTABILITY.**—For activities funded under this section, in lieu of meeting the requirements described in section 136 of the Workforce Investment Act of 1998 (29 U.S.C. 2871), States and local workforce investment areas shall provide such reports as the Secretary of Labor may require regarding the performance outcomes described in section 5104(b)(5).

**SEC. 5104. GENERAL REQUIREMENTS.**

(a) **LABOR STANDARDS AND PROTECTIONS.**—Activities provided with funds made available under this title shall be subject to the requirements and restrictions, including the labor standards, described in section 181 of the Workforce Investment Act of 1998 (29 U.S.C. 2931) and the nondiscrimination provisions of section 188 of such Act (29 U.S.C. 2938), in addition to other applicable Federal laws.

(b) **REPORTING.**—The Secretary of Labor may require the reporting of information relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out with funds provided under this title. At a minimum, recipients of grants (including recipients of subgrants) under this title shall provide information relating to—

(1) the number of individuals participating in activities with funds provided under this title and the number of such individuals who have completed such participation;

(2) the expenditures of funds provided under this title;

(3) the number of jobs created pursuant to the activities carried out under this title;

(4) the demographic characteristics of individuals participating in activities under this title; and

(5) the performance outcomes for individuals participating in activities under this title, including—

(A) for low-income youth participating in summer employment activities under section 5103, performance on indicators consisting of—

(i) work readiness skill attainment using an employer validated checklist;

(ii) placement in or return to secondary or postsecondary education or training, or entry into unsubsidized employment; and

(B) for low-income youth participating in year-round employment activities under section 5103, performance on indicators consisting of—

(i) placement in or return to postsecondary education;

(ii) attainment of a secondary school diploma or its recognized equivalent;

(iii) attainment of an industry-recognized credential; and

(iv) entry into, retention in, and earnings in, unsubsidized employment.

(c) **ACTIVITIES REQUIRED TO BE ADDITIONAL.**—Funds provided under this title



shall only be used for activities that are in addition to activities that would otherwise be available in the State or local workforce investment area in the absence of such funds.

(d) **ADDITIONAL REQUIREMENTS.**—The Secretary of Labor may establish such additional requirements as the Secretary determines may be necessary to ensure fiscal integrity, effective monitoring, and the appropriate and prompt implementation of the activities under this title.

(e) **REPORT OF INFORMATION AND EVALUATIONS TO CONGRESS AND THE PUBLIC.**—The Secretary of Labor shall provide to the appropriate committees of Congress and make available to the public the information reported pursuant to subsection (b).

#### **SEC. 5105. VISA SURCHARGE.**

(a) **COLLECTION.**—

(1) **IN GENERAL.**—Subject to paragraph (2), and in addition to any fees otherwise imposed for such visas, the Secretary shall collect a surcharge of \$10 from an employer that submits an application for—

(A) an employment-based visa under paragraph (3), (4), (5), or (6) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); and

(B) a nonimmigrant visa under subparagraph (C), (H)(i)(b), (H)(i)(c), (H)(ii)(a), (H)(ii)(B), (O), (P), (R), or (W) of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)).

(2) **EXPIRATION.**—The Secretary shall suspend the collection of the surcharge authorized under paragraph (1) on the date on which the Secretary has collected a cumulative total of \$1,500,000,000 under this subsection.

(b) **DEPOSIT.**—All of the amounts collected under subsection (a)(1) shall be deposited in the general fund of the Treasury.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

#### **UNANIMOUS CONSENT REQUEST— S. 1238**

Mr. REED. Mr. President, I am prepared to make a request for consent.

I believe the Republican leader will respond, and at the conclusion of his response I wish to be recognized to make additional comments.

Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. 1238, the Keep Student Loans Affordable Act, the text of which is at the desk, the bill be read three times and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Republican leader is recognized.

Mr. MCCONNELL. I ask unanimous consent the Senate proceed to the con-

sideration of a bill introduced earlier today by Senators MANCHIN, KING, ALEXANDER, COBURN, BURR, and CARPER; further, that there be 1 hour of debate equally divided in the usual form, no amendments be in order to the measure, the bill be subject to any applicable budget point of order, and that following the use or yielding back of time and disposition of any waivers, if necessary, the bill be read a third time and the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Rhode Island.

#### **STUDENT LOANS**

Mr. REED. Mr. President, let me thank the Republican leader for cooperating. We are attempting to move forward legislation with respect to student loans. We will shortly reach July 1. At that point, the student loan rate for subsidized Stafford loans doubles from 3.4 percent to 6.8 percent. The legislation I propose would be a 1-year extension of the 3.4-percent rate, allowing students, low- and middle-income students to continue to benefit from a low interest rate.

Our core principles in advancing this 1-year extension of present law are that we believe—and I think this is shared by all of my colleagues—that talented students deserve access to a college education. They need affordable loans and Pell grants and other financial aid. We also believe interest rates should not be set any higher than necessary to protect the taxpayer and break even on the program; that it should not be a profit center for the Federal Government as it is today.

We also believe very strongly that when students take these loans out, particularly the subsidized loans, they deserve predictability. They should know how much they will have to repay. So if you are going to go for an adjustable rate, there has to be a reasonable cap. In fact, my understanding is in the history of the Federal Student Loan Program there has either been an adjustable rate with a cap or a fixed rate. We have never left students solely at the mercy of the market.

We provide subsidized loans to students because we believe we have to invest in Americans, in their talent, in their ability not only to advance their own lives but also to contribute to the greater life of America. It should not be a program that is designed to generate revenue. The reality is today, wittingly or unwittingly, this program, and indeed as would be true for the proposals that have been put on the table, is generating huge amounts of profits to the Federal Government—it has been estimated more than \$50 billion

this year. We should be investing in the potential of young Americans, not looking at them as profit centers to help us reduce the deficit.

I know there have been great efforts on the part of my colleagues, sincere efforts, thoughtful efforts by many—my colleagues Senator ALEXANDER, Senator MANCHIN, Senator KING, Senator HARKIN—chairman of the committee—Senator WARREN, Senator HAGAN, Senator FRANKEN, Senator STABENOW—to come to a long-term solution. There has been a great effort, but we are not there yet.

I think we need, frankly, at least one more year so we can sit down and do this correctly. If you look at the proposals that are out there, there is a short-run attractiveness because the rates have been configured so they look pretty low. But if you follow the rates out, within 3 or 4 years they are above the statute, the law that goes into effect on July 1. They are above the 6.8-percent rate. It is almost as if we are looking back a few years ago—not about student loans but about mortgages. There were a lot of people sitting on 5-percent fixed-rate mortgages and someone walked in and said: Have I got a deal for you. I can give you 2 years at 3 percent. It goes up, but don't worry because you can readjust it down the road and refinance it.

We found out because of many circumstances, come 2008–2009, there was no getting out. In fact, a lot of people discovered they would have been better off sticking with the fixed loan.

That is an analogy. That is not exactly on point. But if you look at all of these proposals, the arc of the increase in interest rates is going up. And, by the way, it has not fully incorporated what the Federal Reserve has already said publicly. Chairman Bernanke said it very clearly, that they are ending quantitative easing. That means one thing: Interest rates go up, and they might go up a lot faster than we even expect right now.

I think another important point which is critical is that the proposals we have seen so far have not had a cap on them, an adequate cap. There has been some discussion we do not need a cap because if you consolidate a loan there is a cap built into the consolidation program. First of all, there is a problem with that in that except for the subsidized Stafford loans, the other federally supported loans start accruing interest even while you are still in school so you are building up a big mountain of debt. When you consolidate, what you are doing, essentially, is stretching out the payments, making a longer term which adds more interest. It is like the difference between a short-term loan and a long-term loan. You end up paying a lot more interest on your house than you do on a 2- or 3-year loan on your car.

For many reasons, both technical and otherwise, we believe, particularly

as we are several days from July 1, we need to go ahead and give this body the time to deliberate. Frankly, we just passed a historic piece of legislation. That was not done in the waning hours of the session. It was not done without hearings. It was not done without a lot of back and forth. It was not done without a lot of tension on the floor. Yet we are proposing fundamental changes to our Federal Student Loan Program in the waning hours before a recess.

Mr. President, 36 Democrats and counting have joined me and Senator HAGAN to extend this lending rate for 1 more year.

We have in the past been able to come together. In fact, we adopted the 3.4-percent interest rate, fixed rate, in 2007. The vote in this Senate was 79 to 12, Republicans and Democrats saying: A good deal for students, a low interest rate.

I think we still have to look for a much better deal than has been suggested by some of the proposals. Our proposal for a one-year extension is also fiscally responsible because we are offsetting the cost of roughly about \$4.2 billion by closing a tax loophole—which I think should be closed on its own face, but it would allow us to pay for this extension for 1 year. I will remind my colleagues that a year ago we did precisely the same kind of thing.

Some would say we have not used the year well enough. But if you think about the debate we had on background checks and firearms; if you think about this historic debate on immigration; if you think about many of the other serious debates we have had, I think we have been engaged on this floor decisively. But now it is time, again, to move to this education issue and give it the full consideration students and families deserve.

I am disappointed. I am sure my colleagues who are suggesting alternative proposals are disappointed. But I am most disappointed we cannot at least tell students today: We have your back. You are going to be safe for another year, with your loans at 3.4-percent interest. And during that time, we have to fix this—and not just simply changing around interest rates but addressing how to help borrowers pay down the debt that is outstanding. It is a huge problem, a trillion dollar problem. What about the incentives for lowering the costs of college? What about other structural changes we have to make? They will unlikely be made if we somehow sort of leave here with a “fix” that ultimately, in a very short period of time, raises rates beyond the 6.8 percent and also takes off the pressure, legitimate pressure for us not just to treat one part of the problem but comprehensively deal with the issue of the cost of higher education for families.

With that, I have been asked to propose a unanimous consent.

The PRESIDING OFFICER. The Senator may proceed.

#### MORNING BUSINESS

Mr. REED. I ask unanimous consent the Senate proceed to a period of morning business until 7 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### STUDENT LOAN RATES

Mr. MANCHIN. Mr. President, if I may respond to my dear friend from Rhode Island for whom I have the utmost respect. We have a respectful difference as far as how to approach this problem and we are working through it. We really, truly, are working and we will work through it.

We had a charge a year ago to fix it, so we started working on that. The President in a timely fashion gave us a piece of legislation that had a longer term fix, 10 years. We took that and worked off that original proposal given to us by the administration, by the President, and we started working in a bipartisan manner to make this work.

With that being said, we looked at the 3.4 percent and I would say a majority of our Senate colleagues, both Democrats and Republicans, did not understand that the 3.4 percent only affected those that were subsidized loans. That is the smallest amount of loans we have out there. I think the majority of our colleagues, the majority of the people, the majority of the press thought we fixed it at 3.4 percent for everybody who had a student loan. That was not the case.

We wanted to go back and make sure if we do something we do it for everybody, because the person who has income limits and qualified for the subsidized loan, the first year they get that loan it is \$2,500; the second year it is \$3,500; the third year it is \$4,500; and the fourth year it is \$5,500. That is the maximum they can borrow. So you know what. They borrow the non-subsidized. Guess what they have been paying for the non-subsidized: 6.8. Guess what students have been paying for what we call the PLUS loans. They have been paying 7.9. But we are not hearing anything about that.

Put it in perspective as dollars. If we have a 1-year extension, as my dear colleagues have suggested, to try to fix the problem again, that will be about a \$2 billion savings of interest payments that would be put on the backs of students. That is a tremendous amount of money.

Guess what happens if we pass our bipartisan proposal. It saves \$8.8 billion, and everybody participates. Even the subsidized loan for the student who struggled the hardest and needs most of the help, they get most of the help.

Not only do they get help on their subsidized loan, but they get help on their unsubsidized loan. We have looked at everything possible. We have a piece of legislation which we think not only fixes but basically repairs a broken system.

When we look at where we are today and we look at sequestering—and I have been here not quite 3 years—I have watched us kick the can down the street to where my toe is hurting. We kicked this can so much, my toe is hurting, and it is starting to kick back.

We need to start giving the people of this great country the confidence that we can work in a functional and respectful way. Democrats, Republicans, and Independents need to come together and put our country first, put our students first, and stop playing politics.

We agreed—Democrats and Republicans—on this bipartisan bill that not \$1 should go to debt reduction. We do not believe the students trying to get an education to better and improve their quality of life, their economic condition, and the economic condition of our great country should have to be burdened with reducing the debt of this Nation. They can do that by being productive citizens. We agreed on that. That was something that was not agreed on before because there were people who wanted the surpluses to go to debt reduction.

We took out the surpluses and reduced the rate as low as humanly possible. It has been scored. We are bringing rates down. If we look at a top rate of 7.9 percent, that is going to come to 6.21 percent if they have a PLUS loan. If a student has a graduate Stafford loan, that is going to go from 6.8 percent to 5.21 percent. All the undergraduates—if it is a subsidized loan or a non-subsidized loan—will go to 3.6 percent, and that is a tremendous savings. That is the \$8.8 billion, and that is what we are asking for.

I respectfully—and I mean that—disagree with my colleagues who have signed on to a 1-year extension believing we are going to be able to come up with an agreement or a compromise that is better than what we have before us. We have worked this out with Senator CARPER from Delaware, Senator KING from Maine, myself from West Virginia, and Senator ALEXANDER from Tennessee. Those are four former Governors. We knew we had to work together because we had to make things happen immediately. At the end of the year, everything had to balance out. Senator BURR and Senator COBURN also contributed, and they understand financing as well as anybody in this body.

I say to all the students who have loans right now: Don't worry. July 1 will come. We will come back on July 9 or 10, and it will be the first order of

business we will ask to bring up. Both of our bills will be our first order of business.

I assure everyone that we will come up with a compromise we can work out that will give the relief the students—those who desire an education and want to better their lives will have that opportunity and be able to have stability and not have the increased rate passed on because we will make this retroactive.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. COWAN). The Senator from Maine.

Mr. KING. Mr. President, I don't have a great deal to add to Senator MANCHIN's comments except to point out that everyone in this body wants to do best by our students. Everyone understands the importance of education, everyone understands how expensive it is, and everyone understands the problem of the debt burden on our students. We are all trying to search for a solution that can garner bipartisan support and pass the Senate, the House, and go to the President.

The proposal we have put forward before the body today is based upon, in many ways, the proposal made by the President in his budget. It is similar to a provision that has already passed the House. I think a couple of points should be made. One point that should be made is there is a lot of talk about a floating rate. I think people think of mortgages and adjustable rate mortgages where the rate changes from year to year.

Under our proposal, once a student takes out a loan in a given year, at whatever the rate is that year, that rate is fixed for the life of the loan. The following year, if interest rates—and we are talking about the 10-year Treasury bill of the U.S. Government, one of the lowest interest rates there is—go up, then it would go up. That is for next year's loan, not for the loan that has already been taken out.

I think we have learned from our current circumstance the folly of Congress trying to set interest rates. Setting 6.8 percent and 3.4 percent interest rates 5 or 6 years ago looked like a great deal. Today it is generating billions of dollars to the Treasury on the backs of our students.

So I think our solution is a common-sense solution, and that is to base the interest rate for the students at the lowest available rate to virtually anybody in our society, which would be the 10-year Treasury bill, plus 1.85 percent, which protects the Treasury from the costs of administering the program and the risks inherent in the program. If we do that, we will have certainty in the program and the lowest interest rate that would generally be available in this society.

If we started with a blank sheet of paper and said: We want the Federal Government to provide loans to stu-

dents, I believe we would end up where this plan has ended up. It is where the President ended up, it is where the House has ended up, and I think we have an opportunity. The question is, Should we extend this for 1 year and take more time? I am new, but I stood here during the debates on the sequester, where both parties put forward their proposals, neither party got the votes, and we ended up with a sequester.

We said the exact same thing with student loans about 1 month ago. Each party put forward their proposal, neither party got their votes, and here we are just about at the deadline and the rates are going to double for those subsidized Stafford loans.

I don't know what we are going to know 1 year from now that we don't know now. I believe the time is now to try to come to a resolution that meets everybody's requirements, and we are not that far apart. The differences separating us in this body are not that far apart. I believe we have an opportunity not only to solve this problem fairly to our students but to demonstrate to the country that we are able to make decisions and not simply delay them for another 1 or 2 years.

That is why I rise to support the bill that Senator MANCHIN and I, as well as others, including Senator BURR, Senator ALEXANDER—who I think is one of the most respected Members of this body, particularly on education matters—and Senator COBURN. We have a strong bill. I think as people see the details, understand it better, understand the terms, and understand the effects, we will save students in America over the next 3 or 4 years something like \$50 billion. If we don't resolve this problem, it will come into the Treasury on the backs of our students. I don't think that is a result we want.

I think we have a responsible proposal. It is a bipartisan one, and I believe it deserves full and fair consideration. I am sure all of these proposals will have a lot of discussion once we are back in session a week and a half from now, and I hope we can come to a resolution because the students of America deserve to know two things: that Congress has their back on student loans and that their Congress is, in fact, able to make decisions, handle issues, and move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I see that the Senator from New York and the Senator from Colorado are on the floor. I don't know if they seek recognition. I know this has been a terrific day for them as two of the principal architects of the immigration bill we just passed. It has been a landmark achievement.

I am prepared to speak for about 15 minutes on my climate bill, so I am

going to be here for a while. If the Senator from New York would prefer to proceed, then I will allow him to proceed. That will also allow me to relieve the Presiding Officer who I understand needs to go upstairs for a moment.

I will yield to Senator SCHUMER with the hope that upon the conclusion of his remarks, I will be recognized.

#### IMMIGRATION REFORM

Mr. SCHUMER. Mr. President, I wish to thank my colleague from Rhode Island. As usual, he is graceful and thoughtful as well as being an outstanding legislator with a great deal of passion. I know he wants to speak on the issue he is ready to speak about, but, again, his grace and kindness are always present and I appreciate it.

I return to the floor to just say some words of thanks. We had limited time before, so I wanted to speak to the issue. I wish to thank some people.

First I thought I would mention how much a dream this comprehensive bill has been to so many people. At the top of the list, of course, is Ted Kennedy, who was one of the greatest human beings I ever met in my life. He had the immigration subcommittee before me. This wouldn't have happened without his guidance and leadership.

Did we make changes from what he did? Obviously. But did his basic feeling, structure, and knowledge that it had to be bipartisan all carry forward on this bill? Absolutely. We know Ted is smiling as he is looking down on us today. We know he will continue to inspire not only those of us in the Senate but also the country as we move forward.

I wanted to spend a few minutes—and I very much appreciate my colleague from Rhode Island for yielding—to thank my staff. We are lucky to have the leadership of Mike Lynch, our chief of staff. We are a team, and it is an amazing team. Everyone covers each other and everyone looks out for each other.

Sometimes when I am upset and I say: Who did what, nobody did anything wrong. They are all watching each other's back. That is the lesson Lynch has taught all of them, and it is a great lesson. We are close-knit. We socialize. We have fun. They truly like each other. This certainly would not have happened without them.

Before I talk about my staff, I wish to praise each of my colleagues. I have done that repeatedly on the Gang of 8. I mentioned this outside, but I want to mention it on the floor. I can say exactly the same thing for each of the eight in the gang: It would not have happened without their presence. It was an amazing team. Each contributed something in his own way. Each contributed a great deal in his own way, and at impasses different people rose to the floor and lifted us out of

those impasses. It was an amazing group.

I am not going to get into each individual right now, but I do want to thank the Gang of 8. We have bonded, we have become friends, and we have accomplished something that will hopefully carry forward and become law.

Now I wish to thank my staff. My staff, similar to all Americans, are the children or great-grandchildren or great-great-great-great-grandchildren of immigrants. They have shared their stories through this process. I know this was deeply personal for each of them. Every week just about the entire staff got together for an immigration meeting, and everybody contributed.

So I wish to take some time to thank them all. They worked so hard to fix this system. It was not only a dream of so many in this Senate, it was a dream of theirs. One thing is for sure, without them, we wouldn't be here.

In fact, I think everyone in the Gang of 8 grew to respect our staff just as we respected their staffs. That is another great thing that happened, the bonding.

I want to mention some of the individuals. First, my chief counsel, Stephanie Martz. She poured her whole heart and soul into the bill. She has young kids who have soccer games. She has a very busy schedule, but for this bill she missed bedtimes due to late-night meetings or conference calls. How many times on a Saturday did I talk to her when she was at some athletic event for one of her kids. I could hear the cheering and the running up and down in the background.

But Stephanie has a unique ability to help build coalitions. When one group or another was upset—and believe me, that probably happened every 5 minutes in this legislation—there was Stephanie, soothing them, calming them but telling them the truth, so they trusted her. She was an indispensable part of our ability to get this done.

Through the rough patches, she never gave up on our team. I know that Kyle, Nora, and Pip are going to be happy to have mommy back, and maybe there will be another ice hockey tournament in Rochester next year when whatever legislation we are working on then rises to the fore. To the great genius—and I started referring to him at our meetings as my immigration genius—and he was. The intellectual force, the creative force who propelled this effort was one Leon Fresco, the son of Cuban immigrants from Miami. I think it was about 5 years ago he took this job. He was a very successful immigration lawyer, but he took this job because he wanted to do immigration reform. He has worked on many other things. His creativity has shown its mark in “Schumerland” on so many different

issues, but this was his dream, and he put every atom of his body into this.

Like me, he is voluble. During our staff meetings we would yell at each other, and it became a joke because I once said: Shut up, Leon. So JOHN MCCAIN greeted him at each meeting: Shut up, Leon. And we all loved it. But Leon, your fierce determination, your innate intelligence, your deep love of this country, is great. And thanks to Mama Fresco, Leon's mom, who is so proud of her son. It was great to meet your parents who are immigrants, who are the American dream.

The people I spoke about on the floor a few minutes ago are embodied in the Frescos. How about Sofie, Leon's wife. Sofie got pregnant during all of this, so he wasn't devoting 100 percent of his time to immigration reform, but close to it. And there she was, Sofie, indomitable and quiet, doing the job.

Our legislative team is a great team—and everyone pitched in to do immigration—led by Heather McHugh. Heather's advice and counsel were invaluable. She communicated with our colleagues. Each one of our staff has great attributes. Heather is always wary of me going a little too far, a little too fast, or a little too quick, and she will come into the office and say: You know, you better think about this. Then I know I have trouble. But, again, she is incredible.

Because immigration is so multifaceted, all of our staff contributed, including Meghan Taira, whom I consider—no offense to all my colleagues—the best health L.A. on the Hill. She helped create the ACA. But, of course, there were many benefit issues that occurred, and there was Meghan.

Anna Taylor, the only person on our staff with a deep southern Arkansas accent, came from Blanche Lincoln's staff. There were tax issues and there she was, solving them all.

John Jones was incredible. He stepped up and handled many issues. Dan Rudofsky and Veronica Duron drafted summaries and talking points and spreadsheets.

When things got tough, Becca Kelly and Erin Vaughn, each the mother of children less than 1, let nothing get in the way of doing this while at the same time maintaining focus on their kids and the bill.

It might surprise the Presiding Officer to know that I have a very good press team. Brian Fallon, Matt House, Max Young, Meredith Kelly, Lindsay Kryzak, Marisa Kaufman, and Josh Molofsky learned the substance of immigration and spun it into a beautiful web the public could understand.

Our DPCC team, led by Ryan McConaghy, kept policy and press teams singing off the same praise sheet, keeping our caucus up to date.

Then, of course, as every one of us, we have great administrative staffers. Alex Victor, who came to the office as

a young kid from Long Island, as a young helper in the Long Island office, is now my unflappable executive assistant. No matter how tough and tense things get in our office—and they do—she is just as steady as a rock, getting things done. She and her colleagues, Megan Runyan, Alice James, Jessica Bonfiglio, Kristin Mollet, Rob Kelly, Ellen Cahill, Claire Reuschel all kept us administratively going.

I mentioned the Members. They are great. I have so much to say about each of them. I want to thank Chairman LEAHY, who is probably on his way back to his beautiful farm in Vermont, for shepherding this bill through the Judiciary Committee. Everyone has praised his open and inclusive process. It is well known.

I want to thank Bruce Cohen. This is the capstone of his career. We all know how important he is to the Judiciary Committee. His big shoes were ably and elegantly filled by Kristine Lucius as chief council. But J.P. Dowd and Matt Virkstis, John Amaya, Lara Flint, Alex Givens, Chris Leopold, and Anya McMurray all did a great job.

As most people know around here, HARRY REID is one of my best friends in the world, and his unwavering support and confidence that we could get this done was essential. He had the great staff who lent constant help to us: David Krone, Bill Dauster, Serena Hoy, Kate Leone, Bruce King, and Angela Arboleda all did a great job.

The staffs of the other Members, I wish to mention a few of them also. I hope they are listening: Kerri Talbot, Karissa Wilhite, and Molly Groom of Senator MENENDEZ's staff; Joe Zogby, Mara Silver, and Vaishalee Yeldandi with Senator DURBIN; Jonathon Davidson and Sergio Gonzales who work with Senator BENNET. So many staffers.

As I said, we got to know each other very well, through all the meetings. We had a lot of disagreements and tough arguments. We all stuck together. And Senator FEINSTEIN's team—Senator FEINSTEIN put that agriculture section together. Amazing. The growers and the farm workers are for this bill. That is because of the great leadership of Senator FEINSTEIN. Chris Thompson, Neil Quinter, and Kim Alton all did a great job there.

We worked as closely in this endeavor with the Republican staffs as well as the Democratic staffs, and I owe them a great deal of thanks: Cesar Conda, Sally Canfield, Enrique Gonzalez—let me pay him a compliment. He was sort of the equivalent—not quite, in my opinion, but close to the equivalent—of Leon Fresco on the Republican side. Also, John Baselice, Senator RUBIO's staff; Mark Delich and Katherine Zill with Senator MCCAIN; Matt Rinkunas, Sergio Sarkany, and David Glaccum with Senator GRAHAM.

When we had our meetings, all of these staffers were there.

Chandler Morse, at first he was giving Senator FLAKE some tough advice, and just as Senator MCCAIN would talk about Leon, I would talk about Chandler. I now owe him a dinner.

I said: Chandler, I am taking you out to dinner if this bill passes the Senate. Pick your restaurant. Don't make it too expensive.

And Elizabeth Taylor, who also works with Senator FLAKE. Then the great floor staff: Gary Myrick and Tim and Trish and Meredith and Tequia, Dan, Brad, Stephanie—they run the place like clockwork, as recently as today when there were more requests for time and people had to go home at 4 o'clock.

Emma Fulkerson of Senator MURRAY's staff; Reema and MJ on Senator DURBIN's staff who did a great job, and, frankly, Dave Schiappa and the Republican floor staff as well.

We got a lot of help from the Senate appropriations, finance, and budget committees, and I thank them.

I also want to thank the rest of my staff in New York and in DC. They are the wind beneath our wings. If we didn't feel good and safe in New York, we couldn't take the risks we do here Washington, and they make that possible. So I thank them all.

Finally, Leon, always making sure everything goes exactly right. So I want to thank the legislative counsel staff who worked 24/7 to turn these legislative ideas into the 1,000-page bill, as has been remarked about over and over, and it needed that many pages because it was so complicated. But they did a great job as well.

So, once again, to my staff, from Mike Lynch all the way through, I think, as every Member probably thinks, I have the best staff on the Hill. It is certainly the best staff I have ever had in 39 years as a legislator. Without them, we couldn't do it.

So tonight we are going to celebrate the going away and the ascension of one of our old-time staffers, and we will all have a great time together. But I am blessed. I am blessed to have a family, my wife and daughters who put up with me through thick and thin. I am blessed to have two other families, my Senate colleagues, who I do regard as my family, and my staff, who I also regard as my family. So though I am not Irish, I have a big, big, big family, and they are the greatest, all three.

With that, Mr. President, I yield the floor. I thank the Senator from Rhode Island for his graciousness.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I believe under the pending order I have the floor, but I wish to yield to the Senator from Illinois for a few minutes. Then I ask to be recognized at the conclusion of his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I thank the Senator from Rhode Island, and I thank the Presiding Officer. I wish to join my colleague, Senator SCHUMER, first thanking him for his leadership and bringing us together. With Senator MCCAIN, they led the eight-Senator effort to put together this comprehensive immigration bill which was enacted by the Senate today by a vote of 68 to 32. Many thanks go around.

I have acknowledged the other Senators who are part of that gang, but I wanted to give special recognition to four of my staffers who worked overtime and did an extraordinary effort to put this bill together: First and foremost, Joe Zogby, my chief counsel on the Senate Judiciary Committee. He was there at the creation of the DREAM Act, and he has been with me ever since, some 12 years of dedicated effort to pass this legislation on the floor of the Senate, and we did it today. It never would have happened if Joe hadn't devoted so much energy and talent into making this day possible. I also will tell my colleagues that his name is well known among those who are DREAMers. So many times Joe has saved them from deportation when they were just minutes or days away from that happening. He has a heart of gold and a great mind, and I am lucky to have him.

Mara Silver, an extraordinary lawyer who took on aspects of this bill that were tough, including refugee and asylee sections that have virtually no constituency. There are sections of the law that affect some of the most downtrodden people on Earth who face oppression in other countries. She came to it with the heart of a lion and came through with some provisions that will give many of these asylees and refugees their chance to prove they need help and deserve help in the United States.

And Vaishalee Yeldandi and Stephanie Trifone, who sat through meeting after weary meeting putting together the provisions we needed to work out. I can't say enough for the staff people when they do this type of Olympic and heroic effort, as under this comprehensive immigration reform. I am fortunate to have an exceptional staff both in the State and back in Washington.

Those four deserve special recognition today for the extraordinary job they did.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. GRAHAM. Mr. President, I hate to interrupt the Senator. Would the Senator be willing to yield for 2 minutes so I can thank some people on the immigration bill? I promise I will take no more than 2 minutes.

Mr. WHITEHOUSE. Mr. President, let me respond to the distinguished Senator. The answer is yes. I also see our distinguished chairman of the Finance Committee and his ranking

member on the floor. I understand they have a colloquy they wish to engage in. Do they have an estimate as to how long they wish to engage in that colloquy?

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, might I ask the Senator from Rhode Island how much time he wishes to speak?

Mr. WHITEHOUSE. I have about 15 minutes. What I propose to do—I do not know how long the Senators wish to take. What I propose to do is yield to Senator GRAHAM for such time as he may need.

Mr. GRAHAM. Two minutes.

Mr. WHITEHOUSE. And then—

Mr. BAUCUS. Mr. President, I am fine. I think we should wait, let the Senator from Rhode Island proceed with his statement, and if the Senator from South Carolina wants to go ahead—

Mr. GRAHAM. OK. That is fine.

Mr. BAUCUS. Whatever the two Senators work out, great.

Mr. WHITEHOUSE. I yield the floor to Senator GRAHAM.

The PRESIDING OFFICER. The Senator from South Carolina.

#### IMMIGRATION REFORM

Mr. GRAHAM. Mr. President, to all my Senate colleagues, today was a good day, a historic day for the Senate. Thank you all, whether you opposed or supported the bill. It was a great debate.

To the staff, this bill could have died a thousand times. You would not let it.

To Matt Rinkunas, you are awesome. Sergio Sarkany and David Glaccum of my staff, thank you for endless hours of work below minimum wage.

Mark Delich, in Senator MCCAIN's office, thank you for working for Senator MCCAIN. Your reward will be in Heaven.

Chandler Morse, you are awesome working for Senator JEFF FLAKE.

Enrique Gonzalez, you are one of the smartest people I have ever met. Jon Baselice, Senator MARCO RUBIO was a game changer.

Leon Fresco was the star of the show. Stephanie Martz, you kept Leon and Senator SCHUMER from killing each other. Well done.

Joe Zogby, thank you for being a strong voice.

Kerri Talbot, for Senator BOB MENENDEZ, you always reminded us we are dealing with people.

And to Sergio Gonzalez, in Senator MICHAEL BENNET's office, you all were an incredible calming force.

To Senator HATCH, you came into the debate at a time when we needed a lift. ORRIN HATCH, I want to thank you profusely for jumping into the debate, adding to the momentum that was created by the so-called Gang of 8. You provided momentum in committee. It meant a lot.

To KELLY AYOTTE, you jumped on board at a time when people were talking about what was bad with the bill. You came out to give us a No. 5, along with Senator HATCH, to give it momentum. That was an act of tremendous political courage and you did the country a service by standing up and standing out at a time when it was tough.

To Senators HOEVEN and CORKER, you put us over the top. I have never enjoyed working with two people more. But Senator BOB CORKER and Senator JOHN HOEVEN, your efforts to come up with a new amendment, along with Senator HATCH and Senator AYOTTE, really made the difference.

I wanted to recognize these people—that they came along at a time when America needed them—and this bill is the result of the hard work of many people at the staff level, but key Senators who were not in the original bipartisan group came to the aid of the cause at a time we needed it.

I will yield.

Thank you very much for allowing me to say these words.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I want to thank my colleague from South Carolina for his kind remarks. He is right, a lot of these folks came to the forefront on this bill.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, let me also congratulate our friend Senator GRAHAM for his extraordinary leadership.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, it has been an extraordinary day in the Senate. It shows the kind of progress that can be made even on bedeviling issues when persistence and optimism are brought to bear. I hope my continued efforts on climate change will ultimately produce, with the same persistence and optimism, the same success we have seen today on immigration.

This is the 37th time that I will have come to the floor to urge my colleagues to wake up to the threats we face from climate change, to wake up and stop hiding behind the distortions that are spread by the fossil fuel interests, and to start heeding the warnings of scientists, of economists, of insurers, of businesses, of national security officials, of religious leaders. They all say something needs to be done, and fast, to stave off the harm of carbon pollution.

For the first time in this speech, I can say that something at last is being done. This Tuesday President Obama laid out a national plan to reduce carbon pollution and to prepare our country for the effects of climate change. His plan is a bold one, and it is going to challenge the status quo. Most impor-

tantly, the administration will regulate greenhouse gas emissions from new and existing powerplants. If we are going to be serious, we need to strike at the heart of the problem, and regulating these big powerplants is the best first step.

And let's face it, until now these big polluters were getting a free ride. They were harming all of us with their emissions and paying no price for it.

Carbon-driven climate change hurts our economy, damages our infrastructure, and harms our public health. Economists call this price we all pay the "social cost of carbon" because it represents the cost that polluting corporations offload onto the rest of us, onto the rest of society.

Earlier this month the Obama administration revised its estimate of the social cost of carbon to \$36 per ton of carbon dioxide emitted. This new estimate better captures the true harm of carbon pollution to our oceans, to our farmland, to ourselves, and I commend the President for strengthening our economic assessment of climate change.

The administration's measure still falls short of some experts' calculations, however, such as the comprehensive review that prompted far-reaching climate change legislation in the United Kingdom. I think our estimate should be still higher to accurately reflect the costs of climate change, and I think the best way to address the mounting social cost of carbon is a carbon fee.

If we start charging these corporations a fee, based on the social cost of their carbon pollution, that will factor those costs into their business models, and that is economics 101.

A carbon fee, in other words, makes the market work properly by putting the costs of carbon pollution into the price of the product, instead of letting the big polluters freeload on the general public.

It is a simple choice. Do we want the American people—children and seniors, small business owners and homeowners—to pay the price of carbon pollution or do we want to have the corporations behind that pollution take responsibility for the harm, to balance the energy markets, and to encourage American clean energy technologies?

We are already hearing the familiar refrains of the deniers, the skeptics, and the big polluters, trying to scare us into protecting the status quo. A carbon fee "slows down our ability to compete," claimed one of my Republican colleagues. "The cost of nearly everything built in America would go up," declared another.

The Speaker of the House warned that if we put a price on carbon—and I quote—"the United States economy would suffer, millions of family-wage jobs would be lost, and American consumers would incur dramatically-high-

er prices for energy and consumer goods—all without any significant environmental benefit whatsoever."

These are scary predictions, but are they true?

Actually, the World Wildlife Fund and the Carbon Disclosure Project found that investments to reduce carbon pollution yield greater financial returns for companies than do their overall capital investments.

So never mind the huge environmental benefits. Cutting back on greenhouse gas emissions by 3 percent each year would save U.S. businesses up to \$190 billion a year by 2020 or \$780 billion over 10 years. That supports American leadership in new clean energy technologies, powering our economy. So it should overall be good for business.

What about American families? The nonpartisan Congressional Budget Office estimates a carbon fee starting at around \$28 per ton of carbon dioxide emitted—which is within the price range recommended by economists—would result in a 2.5-percent increase in costs for the lowest income households, and a 0.7-percent increase for the richest ones. It is higher for low-income families because they are likely to spend more of their budget on home heating, on gas, and on other energy.

What the carbon fee fearmongers overlook is the substantial revenue generated by a carbon fee. According to CBO, a fee starting at \$20 per ton would raise \$1.2 trillion over the first 10 years. That revenue does not just disappear.

When Senator SCHATZ, Congressman WAXMAN, Congressman BLUMENAUER, and I put forward a carbon fee discussion draft earlier this year, we left the use of the proceeds from the fee open for discussion. We want to work with other Members—particularly with those on the Finance Committee, whose leadership I see here—to find a use for the revenue to put that revenue to work for the American people and to propel the economy. Every penny of that carbon fee revenue could go back to the American people.

There are a lot of ways to do this, so let's consider a few examples. We should start by setting aside about \$140 billion—or 12 percent of the total—to help lower income households pay for their 2.5-percent cost increase. That would leave us with more than \$1 trillion to send back to people in other ways. That is a lot of money, even by Washington standards, and it can do big things.

For starters, \$1 trillion every 10 years would go a long way toward reducing the national debt. Listening to some of the apocalyptic language used by Republicans about our national debt, you would think they might be interested in this.

What are some of the other ways we could return those carbon revenues?



Well, you could send out checks directly to the American people for about \$900 per household or \$360 per citizen every year. I know there are plenty of families in Rhode Island who could use an extra \$900 a year, and these dividends would go right back into the economy because those families would spend it quickly. Or we could give seniors a raise. According to the Census Bureau, as many as one in seven Americans over 65 lives in poverty. In 2010 and 2011, seniors saw no Social Security cost-of-living adjustments, even though their costs for food and medicine and heating oil continued to rise. With the revenues from a carbon fee, we could raise the average benefit by \$1,600 a year or \$130 a month. Last year that would have been an 11-percent raise for every senior. Imagine that. And seniors living on fixed incomes tend to spend every dollar they get, so this money too would come right back into the economy.

What about students? The outstanding government-backed student loan debt in the country rose to a record \$958 billion last year. With \$1 trillion in carbon fee revenues, we could forgive all the Federal student loan debt American families are now carrying—boom, done, gone. Or we could cut every student's and graduate's debt in half, saving Americans \$45 billion a year in loan payments next year alone, and double the maximum Pell grant from \$5,500 to a little over \$11,000, and still have money left over to permanently set the rate on subsidized government loans for undergraduates at 3.4 percent. That is the rate currently set to double next month if Congress does not act.

Or we could use the \$1 trillion to lower the top corporate tax rate from 35 percent to 28 percent. That reduction was Mitt Romney's corporate tax goal, and we could do it, without adding a dime to the deficit. That is why Republicans such as George Schultz, Art Laffer, one of the architects of President Reagan's economic plan, and others have expressed support for a revenue-neutral carbon fee.

I have highlighted these four proposals to show we could do big things with a carbon fee. These proposals, or some combination of them, or other ideas, are all possibilities opened by carbon fee legislation. Shouldn't we have that discussion? Wouldn't that be better and more honest and more productive than trotting out the tired tall tales of climate denial, better than pretending it is a hoax?

President Obama has defined the growing menace of climate change as "the global threat of our time." It is. It is this challenge by which our generation will be judged. The grownups know it, NASA and NOAA and all the major American scientific organizations, the Joint Chiefs of Staff and our military leaders, a who's who of Amer-

ica's top corporate leadership, the property casualty and insurance industry, the Conference of Catholic Bishops—the list goes on.

It is time for us to wake up and meet our solemn responsibility to our country and to its leadership role in the world, and we can do so in a way that allows us to do big things that will help the American people.

As the President said, that is our job. That is our task. We have to get to work.

I thank the distinguished chairman of the Finance Committee and his ranking member for their courtesy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

#### IMMIGRATION REFORM

Mr. BAUCUS. First, I very much thank my colleague from Rhode Island for all his work in many areas, a great Senator, a great statesman, and a great representative to the people in the State of Rhode Island, and also for his work on the resource legislation which he mentioned.

At this point I want to add my thanks to all of those who worked on the recently passed immigration bill. Senator GRAHAM made a point of thanking Senators. I want to also thank all of the so-called Gang of 8: Senator SCHUMER, Senator MENENDEZ, Senator RUBIO, Senator BENNET, Senator DURBIN, Senator GRAHAM, Senator FLAKE, and Senator MCCAIN for their great work. They worked very hard to get that bill together, and of course, Senator CORKER and Senator HOEVEN came up with the key amendment to put the bill over the finish line.

My hat is off to the chairman of the Judiciary Committee Senator LEAHY and of course our leader Senator REID, who marshaled those efforts. They did a great job. There is no end to the commendation they should receive.

#### TAX REFORM

Mr. BAUCUS. The philosopher Bertrand Russell said, "The greatest challenge to any thinker is stating a problem in a way that will allow a solution."

I come to the floor today with my good friend Senator ORRIN HATCH to state our concerns about a national problem that is holding back our economy. We are here to call on our colleagues to provide ideas that will allow a solution.

First, the problem. America's Tax Code is complex, it is inefficient, and it is acting as a brake on our economy. Senator HATCH and I believe it is in need of a serious overhaul. It has been close to three decades since the last major revision to the Tax Code. In that time Congress has made about 15,000 changes to the Tax Code. The Code now

contains nearly 4 million words. Here it is, right here. The Tax Code. This is America's Tax Code, all 24 pounds of it. Paperback. Think how heavy it would be for hard cover. It would take more than 18 days nonstop to read the Tax Code. In fact, it takes the average taxpayer 13 hours to gather and compile the receipts and forms to comply with the code. It costs Americans \$160 billion a year to comply with the code, let alone the taxes Americans pay. This complexity in the code is eroding confidence in our economy and creating uncertainty for America's families and businesses.

Clearly, the Tax Code is broken. That is the problem. It is a serious one. The solution calls for a more simple, more fair Tax Code, one that will allow the economy to grow and to create jobs. For the past few years, Senator HATCH and I have been working closely with all of the members of the Senate Finance Committee to reach that goal of comprehensive tax reform. We have held more than 30 hearings. We have heard from hundreds of experts about how tax reform can simplify the system for families, help businesses innovate, and make the United States more competitive.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I want to thank my friend from Montana for all the hard work he has done with regard to the Senate Finance Committee and of course the tax problems we have in this country. He has been truly dedicated to reforming our Nation's Tax Code and truly dedicated to doing it in a bipartisan manner, which is something I very much appreciate.

Our work together is starting to pay off. Tax reform is building momentum. Over the past 3 months we have issued 10 bipartisan options papers that detail reform proposals in every area of the Tax Code. The full committee has met on a weekly basis to discuss these options. We have made tremendous progress. We are now entering the home stretch, all of this under the leadership of Senator BAUCUS.

Senator BAUCUS and I are here today to call on all of our colleagues—all of our colleagues—in the Senate to now provide their input to help us get tax reform over the finish line. We have a historic opportunity to do tax reform this Congress, to make the code simpler and fairer for the people we serve.

We are determined to make it happen, but we need every Member's participation. In order to make sure we end up with a simpler, more efficient, and fairer Tax Code, we believe it is important to start with a blank slate, a Tax Code without all of the special provisions in the form of exclusions, deductions, credits, and other tax preferences that some refer to as tax expenditures.

Mr. BAUCUS. Mr. President, I might say this blank slate is not, of course,



the end of the discussion. You do not clear the decks and stop. Some of the provisions in the code obviously serve very important objectives. That is why they made it there in the first place. Some we will need to keep, clearly. Why? To make sure the Tax Code is at least as progressive after tax reform as it is today.

I want to emphasize this approach is just a starting point. It is not a proposal. This is a good, fair, balanced way, a good-faith way, of including all Members of the Senate to get started. We believe it is going to lead to a solution, kind of the way Bertrand Russell suggested: You have to state the problem the way that it is going to lead to a solution. We think this is a good way to get to that solution.

Mr. HATCH. Mr. President, we both believe some existing tax expenditures should be preserved in some form, but the Tax Code is also littered with preferences for special interests. To make sure we clear out all of the unproductive provisions and simplify the Tax Code, we plan to operate from an assumption that all special provisions are out unless there is clear evidence that they, No. 1, help grow the economy; No. 2, help make the Tax Code fairer; and, No. 3, effectively promote other important policy objectives.

Mr. BAUCUS. Now that we have a blank slate, we are asking all Senators; that is, all Senators, Senators on the committee, Senators off the committee—to submit detailed legislative proposals; that is tax expenditures, the credits, the deductions, exclusions, which they think should be added back that meet the test for growth and for jobs, as well as any other provisions Senators might have in mind that they think should be added or repealed, that they think make sense or other reforms they think make sense.

In order to help guide our colleagues' submissions, we have released some rough estimates the Joint Committee on Taxation and our staffs have been working on. These estimates show how much the rates would rise, for example, if we add back tax expenditures and keep the current level of progressivity compared to a blank slate.

We put this out today. Why? Because we wanted everybody to know there is a tradeoff involved; that is, when you keep tax expenditures, there is going to be an increase in rates, certainly compared with what otherwise we start with. The more tax expenditures there are, the less revenue there is for a rate reduction and deficit reduction, and the more complicated our Tax Code will end up being.

Mr. HATCH. We are giving Senators 1 month to send us their submissions. We will give preference to bipartisan proposals. This input will make up the foundation of the committee's tax reform proposal. We want to ensure the bipartisan bill we introduce has broad

input and buy-in from across the Senate. We cannot let comprehensive tax reform get bogged down in politics. Only a bipartisan bill can become law.

Mr. BAUCUS. We also need to remember, this is not just about tax expenditures. There is much more to it than confining our discussion to tax expenditures, because at its core tax reform means making the Tax Code more fair, easier to deal with for families all across our country. There are a lot of loopholes, on the other hand, in the code we should get rid of. People who can afford fancy tax advisers should not be able to take advantage of loopholes regular Americans do not have available to them. As chairman and ranking member of the committee, we are determined to complete tax reform this Congress. We cannot afford to be complacent. Improving the Tax Code provides a great opportunity to spark economic growth, to create jobs, and make U.S. businesses more competitive.

I might add at this point, other countries are modernizing their codes. We are going to be left in the dust if we do not modernize ours. We need to hear from our colleagues as to what provisions they think will help us reach those goals.

I have a great partner in this mission, my good friend Senator HATCH. I will keep communicating and working with the administration and the Senate leadership as we move forward.

Working together we can get this done. I believe strongly that nothing of consequence ever happens around here if one person tries to accomplish something alone on his or her behalf; rather, matters of consequence are accomplished when people work together. We clearly want a matter of consequence to pass here. We will do so by working together.

Mr. HATCH. It is a privilege to work with Senator BAUCUS, our chairman, on improving the Tax Code, on updating it for the 21st century. This provides a great opportunity to give families certainty, spark economic growth, create jobs, and make U.S. businesses more competitive. If it is done right, it can provide America with a real shot in the arm.

My friend from Montana began this discussion with a quote. I feel it only appropriate to conclude with one as well. Abraham Lincoln said, "Determine the thing that can and shall be done, and then we shall find the way."

We are determined to craft a fairer and simpler Tax Code. Working together, I think we can find a way.

I want to compliment the distinguished Senator from Montana for the work he has already done, for the work the committee has already done, the hearings we have held, the meetings we have held on these options papers, and for his general zeal in leading the charge here on this question of shall we or shall we not reform our Tax Code.

If you look at that stack of Tax Code books that stood this high, you realize it is time to simplify this doggone mess. I think we can do it, but it is going to take a bipartisan effort. It is going to take all of us working closely. It is going to take everybody on the Finance Committee doing what it takes to bring tax reform alive.

In 1986, it took 3 years to get the 1986 bill done. I do not think we have 3 years. I think we are going to have to do it now or it will not be done.

I want to personally express my admiration and friendship to the distinguished Senator from Montana. I intend to help him every step of the way.

I believe we have a tremendous contingent of Senators on the Finance Committee, as good as any time that committee has been staffed in the history of the Finance Committee. The Senators we have there are all solid. They are all fully embracing this in the sense of trying to come up with the very best reform we can.

I have to say we have the best staff that committee has ever had as well. That is saying something, because it has always had great staff. The Finance Committee has always been one of the greatest committees in the Congress, as it should be. I have to say, under the leadership of the distinguished Senator from Montana, it is no exception this time. We have great people on the staff. We intend to see if we can get this done.

I want to thank my colleague for his great work.

Mr. BAUCUS. I thank Senator HATCH. It is mutual.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

#### STUDENT LOAN INTEREST RATES

Mrs. SHAHEEN. I rise to congratulate all of these people who worked so hard on immigration reform. I think it was a tremendous success for this Senate to address an issue that has long been outstanding in this country and to come to a resolution that received such strong bipartisan support.

Despite that success one of the things we were not able to do is address what is going to happen with student loans which, without any action by Congress, we know that subsidized direct student loans will increase on July 1 from 3.4 percent to 6.8 percent.

There are a number of proposals currently on the table. There are negotiations underway, and I think all of that is positive.

As we think about the challenge our young people face, it is important we think about getting rid of obstacles that prevent them from going on to college and from getting degrees in higher education.

Last month I had the privilege to speak at the commencement ceremony

at Keene State College, one of New Hampshire's great public colleges. The students were celebrating their graduation. They were eager to put their education to work and find meaningful employment. Their optimism, their sense of hope, and their enthusiasm to make a difference was palpable.

As I looked out across the audience that afternoon, I knew that a number of those students, probably up to 66 percent, according to national statistics, had borrowed money to get their degree. These students and their families viewed higher education as so important that they were willing to take on significant loans to get that degree. It made sense for these students, particularly since recent studies have shown that higher education is one of the key factors driving upward mobility in the United States.

Earlier this year the Pew Foundation's Economic Mobility Project showed that even during the most recent economic downturn, a 4-year college degree provided protection in the labor market for recent college graduates.

Making college affordable for our students is essential to growing this country's economy, it is essential to creating jobs, it is essential to protecting the middle class, and it is essential to providing those future opportunities for our young people.

On the one hand we know we have to make higher education more affordable and available to our young people. Yet on the other hand, over the last 30 years, tuition and fees have increased 167 percent at private 4-year colleges and 257 percent at public 4-year colleges. If we adjust that for inflation, that means tuition has increased faster than the cost of gasoline, health care, and other consumer items.

As we are thinking about how to deal with these student loan interest rates, it is important that we provide some protection for our students. If we don't, we are going to price middle-class families out of a higher education.

In my State of New Hampshire the student loan debate is especially critical. Last year, and for several years before that, New Hampshire had the highest average student loan college debt in the country at a little over \$31,000 per student. Not only do we have the highest average loan debt, we also have the second highest percentage of students with debt in the country.

As I listen to these young people, I know the high cost of student loans is financially crippling. We have heard from some of those students who talk about the challenge they face as the result of the cost of their student loans.

Julianne from Gilmanton wrote "her education is crushing her." She earned a master's degree, she works for a New Hampshire State agency, and is an adjunct faculty member at two local col-

leges. To finance her education, one that she thought and people told her would guarantee a job after graduation, Julianne took out more than \$220,000 in loans. Last year alone she paid over \$13,000 on those student loans. She can't buy a house. She can't secure credit. Even though she makes a respectable income, she says she can't pursue being an active member of the community because she has those student loans hanging over her head.

Lauren Beaudin is another young person we have heard from. She graduated from West High School in Manchester a couple of years ago, and she received an undergraduate degree in biology. Her degree is in one of the STEM subjects, one of the things that is so important to this country. When she graduated she looked at her job options. After considering some entry-level jobs that paid \$25,000 to \$30,000, she decided she needed to go on and get a master's degree, which would provide her better opportunities.

She is now 22, enrolled in a master's of biology program, and has accumulated already over \$100,000 in loans. She is concerned about struggling to find a job.

She writes:

I am not alone. This an entire generation of my peers in this country who did the same. We followed our dreams and earned our degrees because this is America, and you can be what you want to be, as long as you work hard. We have worked so hard. We will keep working hard. But will it be enough? What will it be like for our kids when we are still burdened by our loans after we start families and they [our kids] want to go to colleges with even higher tuition and borrowing rates?

Recently, I had a chance to speak with Barbara Ruth Layne, who is the executive director of Financial Aid at Granite State College, one of our other public colleges in New Hampshire.

Last year alone Barbara and her colleagues helped students access \$9 million in Federal loans, significant help for students who want to get that advanced degree and need financial help to do that. Barbara is quick to point out that the number of students helped and the amount of financial aid they have received doesn't illustrate the human cost those loans take on a student.

To illustrate the point, she told me the story of a student who lives in the North Country of New Hampshire. The student is 35, and she has two young children. She struggles to make ends meet. She gets child support sometimes, and she supplements that income with food stamps. She visits the local food pantry. Her children get clothing from the local church. In the winter she gets some fuel assistance, not enough, because we have had to cut the fuel assistance program, so she borrows money from her family to use a kerosene heater on cold nights to heat her home.

This student understands that education is her only way out, the only way she can break the cycle of poverty. She met with counselors at Granite State College and developed an educational plan. Although she is being careful in borrowing, the debt she is going to graduate with is more than she has ever earned in her working years in 1 year. While her education is going to prepare her for the job market, she knows the payoff isn't immediate. She will continue to struggle to make the payments on those student loans and to care for her family.

With a budget such as she is dealing with, any additional cost of those student loans is going to impact this woman and her family.

Similar to so many of us I have been moved by these students who have worked so hard to achieve their education goals and the jobs of their dreams. They recognize education is an investment and higher education is the path to middle-class success and economic opportunity.

I think higher education is one of the best investments we can make in our country. It is important not just to those young people who are getting those degrees to give them the jobs that make them prosperous in the future that they are going to be able to support families on, but it is critical for America to compete in the global economy. We should be doing everything we can to make America a magnet for jobs, to ensure our workers have the skills they need to compete, and to help Americans get ahead.

We have to do everything we can to make sure we keep higher education affordable for our young people. We must address those costs and not try to balance the costs of higher education on the backs of our students.

I am hopeful we will continue to work on how we address the student loan interest rate, that we will be able to come to some agreement on how to do that in a way that is not going to cost our young people their futures, is not going to cost America its future, and is not going to price families out of the cost of higher education.

I yield the floor.

Mr. BENNET. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNET. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THANKING SENATOR COWAN

Mr. BENNET. Mr. President, I first wish to say how wonderful it has been to serve with you in the Senate. As you take your leave to go back to the real

world in Massachusetts, we all wish you well and we thank you for everything you have done while you have been here, especially the good cheer you brought to our caucus. Thank you very much.

#### IMMIGRATION REFORM

Mr. BENNET. In the vein of thank-yous, I wanted to come down after this historic day, passing this historic bill, to say some thank-yous. I have already thanked my colleagues in the Gang of 8 and the other Senators who worked so hard on this bill, and there will be a time to do that on another occasion.

Sometimes people have asked me during the course of my checkered career: How did you get to do this? Why did they let you do this? How did somebody with no apparent skill or aptitude for public education, for example, get to run the Denver Public Schools, one of the most cherished things I have ever done.

My answer has always been the same, which is the key is to find a bunch of people who are better at doing their job than you would ever be at doing their job. Assemble them, organize them around a project, a challenge or an obstacle and let them do their thing.

The Presiding Officer spoke eloquently about this yesterday when he thanked his personal staff and the Senate staff on his way back to Massachusetts.

I ask unanimous consent to submit the list of staff for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Staff Thank Yous:  
 Senator McCain: Mark Delich;  
 Senator Durbin: Joe Zogby, and Mara Silver;  
 Senator Graham: Matt Rimkunas;  
 Senator Menendez: Kerri Talbot, and Molly Groom;  
 Senator Flake: Chandler Morse

Mr. BENNET. Of all the staff in the Senators' offices who worked on this bill, I will take further time tonight to mention a few names. First, I thank people on my staff, Rachel Velasquez and Stefanie Aarthun, who did amazing work, both of them, over many months on this bill and not only here. Also, we worked on the Colorado Compact in the State of Colorado. This was what enabled us to be part of this conversation.

I have thought throughout this process how important the work was that we did in Colorado in preparation for this moment, to get to this moment. It simply would have been impossible to succeed at producing what we call the Colorado Compact, composed of six principles. They were so bipartisan that when we had the press conference, the person who came to read the first of these principles was actually my Republican opponent in the 2010 Senate

race, Ken Buck. I want to thank him for that and the others who were part of the compact.

I especially thank my deputy chief of staff, Sarah Hughes, who did an amazing job of pulling everybody together. She has been with me longer than anybody on my staff. Nothing I could have accomplished in the jobs I have had before and certainly not in this instance could I have done without Sarah Hughes.

The same goes for Jon Davidson, who is my chief of staff and who is a model for what a chief of staff in the Senate should be—or anywhere else, for that matter, but particularly here, where the pressures can be so extraordinary. His ability to attract an incredibly talented team of people who work on all kinds of issues, from immigration, to health care, to education, is incredibly important in the constituent service we do both here and in Colorado. Simply none of it would have happened if somehow I hadn't been lucky enough to hire Jonathan Davidson, who has been around this place, actually, as a young person, for a very long time, having been, among other things, Paul Sarbanes' chief of staff when he was the chair of the Banking Committee.

By my side both before I came to the Senate and in the Senate on this issue has been Sergio Gonzales, who has worked tirelessly. "Tirelessly" doesn't even capture it—24 hours a day, 7 days a week, it has felt like. He certainly looks that way. He won't appreciate my saying that, but it is true, and people who know Sergio will know what I am talking about. He has done an amazing job with a sense of humor and has served not just me during this but the entire Gang of 8, and we will be forever grateful.

There were many times during this process that I have thought about Sergio's grandfather and his grandmother. His grandfather, Corky Gonzales—Rodolfo "Corky" Gonzales—played such an important role in Colorado's history and the history of the West, and a library was just named for him last week. I have wondered what he would think about knowing we live in a country where his grandson has helped to shepherd across the line the most important immigration reform in this country's history. So I thank Sergio Gonzales for his leadership as well.

None of this would have been possible without CHUCK SCHUMER, whom I talked about earlier. None of it would have been possible without his incredible staff: Leon Fresco, Stephanie Martz, Mike Lynch, his chief of staff—all of whom did an extraordinary job of keeping us on track and keeping Chuck on track, and I deeply appreciate that.

The others I wanted to mention while on the floor today are the staffs of the people with whom we negotiated the agriculture provisions of this bill. DIANNE FEINSTEIN did a great job lead-

ing that effort, with Chris Thompson, Neil Quinter, and Kim Alton, who all work for her. I deeply appreciate their work.

From ORRIN HATCH's office, Matt Sandgren did an excellent job all the way through.

I particularly want to say thank you to MARCO RUBIO's staff and their efforts to bring Democrats and Republicans together on this issue. This is the first time we have had an immigration bill where the agriculture provisions in the bill are endorsed by both the growers and the farm workers union. That has never happened before. I thank all of them for doing that. We would not have accomplished that without some very late night meetings, and Enrique Gonzalez was always there along with John Baselice. He will never forgive me for that, and Enrique will never let me forget it, but they did extraordinary work on that part of the bill and other parts of the bill as well.

I thank the leader's staff—Serena Hoy—the Judiciary Committee staff, and the floor staff.

As I say, I have submitted names for the RECORD, but there are names here that are too often not mentioned on the floor of the Senate, so I want to read these names. These are the schedulers for the eight Senators who worked on this bill so hard for so many months.

The day I knew we were actually going to get this done was the day JOHN MCCAIN said in his office some months ago that unless we begin to meet three times a week, we are never going to get this done. As the Presiding Officer knows, that is an enormous commitment of time, to meet three times a week, and we did it week in and week out. Sometimes we weren't even in Washington but back home on the telephone, but we carved out the time to do it, and that could not have happened without the schedulers in our offices—from my perspective, certainly not without Kristin Mollet, who is my extraordinary scheduler. I told her at our first meeting—I don't know if I was interviewing her or she was interviewing me; it was probably a little bit of both—that the scheduler is the heart of the operation. If the schedule doesn't work, the wheels come off and nothing else works. Kristin Mollet has done an extraordinary job getting us through this process.

In no particular order, let me please say thank you to Alice James, with Senator GRAHAM; Megan Runyan, with Senator FLAKE; Rob Kelly, with Senator MENENDEZ; Claire Reuschel, with Senator DURBIN; Jessica Bonfiglio, in Senator RUBIO's office; and a very special thanks to Alex Victor, with Senator SCHUMER, and Ellen Cahill in Senator MCCAIN's office. We could not have done this without them.

In the story I told before about when I was a superintendent and working in

business, not in politics—I had never run for office before when I took this job—I mentioned that the key is finding people a lot better at doing their job than you would ever be at doing their job. Well, that has never been more true than it has been in the Senate, where the quality of the work we do depends entirely on the quality of the staff we have. So I want to say thank you to all the Senate staff for their efforts.

#### FREEDOM OF INFORMATION ACT ANNIVERSARY

Mr. LEAHY. Mr. President, this Independence Day will mark the 47th anniversary of the enactment of the Freedom of Information Act, FOIA. For more than four decades, FOIA has translated our great American values of openness and accountability into practice, by guaranteeing access to government information. In so doing, this premier open government law has helped to guarantee the public's "right to know" for generations of Americans.

The anniversary of the enactment of FOIA is a timely opportunity to take stock of the progress we have made in improving transparency in government, as well as the challenges that remain when citizens seek information from the Federal Government. Today, we are witnessing an erosion of the public's trust in the institutions of government. According to a recent study by the Pew Research Center, trust in the Federal Government is at an historic low. In addition, a majority of Americans believe that the Federal Government threatens their personal rights and freedoms, according to the study.

To be sure, there are many reasons for the decline in the public's trust in the Federal Government. But more importantly, there is a time-proven cure for this troubling trend—an increase in government transparency.

To accomplish this, our Federal agencies must commit to the spirit, as well as the letter, of the President's pledge to keep the Federal Government open and accessible to the American people. While the Obama administration has made significant progress in improving the FOIA process, too many of our Federal agencies are not keeping up with the FOIA reforms that Congress enacted in the OPEN Government Act. A recent audit conducted by the National Security Archive found that more than half of all Federal agencies have not updated their Freedom of Information Act regulations to comply with this law.

Our Federal Government must also do a better job of balancing the need to protect sensitive government information with the equally important need to ensure public confidence in our national security policies. According to the Associated Press, during the past

year, the Obama administration withheld more information for national security reasons in response to FOIA requests than at any other time since the President took office. Of course no one would quibble with the notion that some government information must be kept confidential. But as we have seen in the unfolding events surrounding the unauthorized disclosure of information about the NSA's secret electronic surveillance programs, excessive government secrecy can harm both the public's trust and our own national interests. That is why I have proposed and cosponsored legislation that will provide for greater openness and public reporting with regard to these broad surveillance authorities, as well as the legal opinions that interpret those statutes.

As we mark another FOIA anniversary, I join Americans from across the political spectrum in celebrating all that this law has come to symbolize about our vibrant democracy. After four decades, we have much to celebrate about this open government law. We in Congress also have much more work to do to help ensure that FOIA's values of openness and accountability remain in place for future generations of Americans.

#### AFRICA VISIT

Mr. DURBIN. Mr. President, I rise to discuss President Obama's trip to Africa that began yesterday. There is no shortage of important issues to address on the continent, from continued instability in eastern Congo, Mali, and Somalia, to autocratic government in Zimbabwe, Sudan, and the Gambia.

Yet there is also another story to tell in Africa—that of a growing and more prosperous middle class. In fact, in the past 10 years, 6 of the world's fastest growing economies were located in Sub-Saharan Africa and in the next decade, 7 of the top 10 will also be in Africa. A growing middle class is important not only for political stability and economic well-being, but also for American businesses that export—or want to export—to Africa.

It is an issue I have been trying to draw attention to for some time and one I am glad that the President has on his trip agenda, including by having U.S. Export Import Bank President Fred Hochberg along on his trip.

You see, every time I visit Africa I am struck by the presence of China—Chinese companies, Chinese products, Chinese workers, Chinese roads and bridges. It is not a coincidence.

China has a ravenous appetite for natural resources and also sees the great potential to sell Chinese goods to the burgeoning African market. And China has a strategy. It is aggressively investing resources and energy on the continent. It is offering low interest loans that cannot be refused.

I can remember a meeting a few years ago with the late Ethiopian Prime Minister Meles. Our meeting was almost over and then I asked about China. Meles went on for at least another 30 minutes. He told me what so many others have told me. Africa wants American products and investment—and the business, labor, and environmental standards that come with them—but America doesn't seem to have a plan. China, India and others do. The loss is ours in American jobs and influence in Africa. And the African people lose by not having access to high quality American goods and services.

I can also tell you American companies are eager to get into the African market, but often face a private finance system that is stuck thinking about Africa through the prism of its past—wars, famine, strongmen dictators. I have met with them—American companies big and small—and they all tell me the same thing—the United States doesn't have a sufficiently coordinated export strategy for Africa while our global competitors do. The U.S. system of export promotion and finance is a poorly coordinated patchwork of more than a dozen government agencies that American businesses find too difficult to navigate and does not provide focused or aggressive support.

That is why earlier this year, Senators BOOZMAN, COONS, CARDIN, LANDRIEU, KIRK, BROWN, LEAHY and I introduced the Increasing American Jobs through Greater Exports to Africa Act of 2013. It is a straightforward and commonsense piece of legislation. At its simplest, this bill is about creating jobs—American jobs. It would require a coordinated government strategy to help increase United States exports to Africa.

Responsibility for overseeing the implementation of that strategy would be vested in a single position—no more agencies tripping over themselves, no more competing priorities, no more wasting time. It is supported by the Chamber of Commerce, the AFL-CIO, the Corporate Council on Africa, and the National Small Business Association.

President Obama understands the urgency of this issue. Every day we delay, China, India, and others fill the void created by a lack of American commercial leadership on the continent. The President understands that every \$1 billion in American exports supports over 5,000 jobs here at home, which is why he has advanced his National Export Initiative. Our legislation would build on this effort and seek to expand U.S. exports to Africa by 200 percent in real dollar value over the next 10 years.

Mr. President, yesterday on the cusp of President Obama's trip to Africa,

the Senate Foreign Relations Committee passed this legislation. The timing could not be better. It is good for the American economy by helping U.S. businesses create jobs here at home by tapping into a burgeoning overseas market hungry for our products. It is good for U.S. foreign policy by keeping America in a position to maintain our global leadership in a shifting geopolitical landscape. And it is good for the people of the African continent by making superior American products and business practices more competitive and financially accessible.

I urge my colleagues to sign on to support this critical effort. While we wait, the Chinese are acting and America is falling further and further behind in Africa.

#### TREATMENT OF GRAMEEN BANK

Mr. DURBIN. Mr. President, I rise today to once again voice publicly my concern with actions the Government of Bangladesh has taken and is poised to take with respect to Grameen Bank and the Grameen family of companies.

Grameen Bank has for decades been the pride of Bangladesh and the envy of the world. The brainchild of Professor Muhammad Yunus, the Bank pioneered a concept of lending that helped the very poor help themselves. Uniquely, the Bank was owned and governed by those very borrowers, giving them both an opportunity to succeed individually and a stake in the success of others.

For this, both the Bank and Professor Yunus have been recognized across the globe with awards and honors. Both were jointly awarded the Nobel Peace Prize in 2006. The United States has recognized Professor Yunus with its two highest civilian honors—the Presidential Medal of Freedom and, most recently just this April, with the Congressional Gold Medal.

Sadly, since 2010, instead of showcasing Grameen's efforts to lift countless Bangladeshis out of poverty, the Government of Bangladesh has instead engaged in what seems to amount to nothing more than carrying out a political vendetta against Grameen and Professor Yunus. This has resulted in Professor Yunus' forced removal from his position as Managing Director and changes to the governance of the Bank. I and many of my colleagues in the House and Senate, as well as the Obama administration, have repeatedly raised concerns at all levels of the Bangladesh Government over these moves.

We now understand that in the face of our continued objections and those from a wide swath of the international community, the Government of Bangladesh plans to hold a meeting on July 2 at which it is reported that they will finalize plans to take control of Grameen Bank.

Such a troubling move could jeopardize the stability of the Bank and

put millions of borrowers, mostly women, who depend on it at risk of sliding back into poverty. It would likely gut the self-government that has been such a critical part of the great success of the Grameen experiment.

The Government of Bangladesh should think twice before taking such action.

Today, the U.S. Government took action against Bangladesh over another issue that has caused great concern—safety of the garment industry in Bangladesh. In response to several high profile garment factory accidents, the administration announced today that it will suspend Bangladesh's trade privileges with the United States.

I am certain this is not the image of Bangladesh that Prime Minister Hasina wants the world to see. In the last few years, Bangladesh has made great strides to rude poverty and to develop a vibrant civil society. The country has been contributed significantly to important international peace-keeping missions around the world.

It is a shame that the government's campaign against Grameen and its slow response to critical labor safety issues overshadow such achievements.

I urge the Government of Bangladesh to end this campaign against Grameen Bank and the Grameen family companies. The United States and, truly, the world are watching.

#### VOTING RIGHTS ACT

Mr. DURBIN. Mr. President, last week, the Senate unanimously adopted a resolution honoring the 50th Anniversary of Congressman JOHN LEWIS's leadership of the Student Nonviolent Coordinating Committee at the height of the Civil Rights Movement.

In the early 1960s, America's promise of equality at the ballot box went unfulfilled for African Americans. Literacy tests, poll taxes, and sometimes, angry mobs stood in the way of many African Americans trying to register to vote and cast ballots.

The members of the Student Nonviolent Coordinating Committee—or SNICK as it was called at the time—were inspired by and dedicated to America's promise of equality and democracy for all citizens, regardless of the color of their skin.

These high school and college-aged students led sit-ins. They educated communities about the right to vote. They conducted voter registration drives.

And many of these students marched for civil rights and voting rights with Congressman LEWIS and 600 others in Selma, AL on Sunday, March 7, 1965.

As television cameras rolled and the Nation looked on in horror, these non-violent marchers were chased down by State troopers, beaten, and bruised so badly by police batons that the day was coined "Bloody Sunday."

A few days after "Bloody Sunday," President Johnson addressed the Nation and called on the House and the Senate to pass the Voting Rights Act.

Shortly thereafter, in a moment of bipartisan courage, Congress passed the Voting Rights Act, guaranteeing that the fundamental right to vote would never again be canceled out by clever schemes devised to keep African Americans from voting.

Last week, the Senate honored these heroes of the Civil Rights Movement. On Tuesday, five Supreme Court Justices gutted a key provision of the law for which all of these heroes fought and some of them bled and died.

The Supreme Court's decision in *Shelby County v. Holder* strikes down Section 4 of the Voting Rights Act, which established the formula for those jurisdictions that are covered by the Act's preclearance provisions in Section 5.

This has the effect of gutting Section 5 of the Voting Rights Act. Section 5 required jurisdictions in all or part of 16 States with a history of discrimination to get approval from the Department of Justice or a Federal court before making any changes to congressional districts or voting procedures.

Tuesday was not the first time that the Supreme Court ruled on a challenge to the Voting Rights Act.

Though it has been subject to legal challenges previously, the Voting Rights Act has always emerged intact and on sound legal ground until . . . yesterday.

For almost 50 years, the Voting Rights Act has always received overwhelming, bipartisan support in the Halls of Congress and in the Executive Branch.

Each of the four times that the Voting Rights Act has been reauthorized in 1970, 1975, 1982, and most recently in 2006—Congress has done so with the broad bipartisan super majorities that are all too rare these days.

That is because protecting the right to vote should not be a partisan prerogative. It is not a Democratic or Republican issue. It is a fundamental right for every eligible voter and it is a core value of our American democracy.

In 2006, the House of Representatives voted 390 to 33 in favor of reauthorizing the Voting Rights Act. The Senate voted unanimously, 98 to 0, to reauthorize the law. And the final bill was signed into law by President George W. Bush.

There was good reason for this bipartisan support for reauthorizing the Voting Rights Act. Congress developed an extensive record, holding 21 hearings, reviewing more than 15,000 pages in the CONGRESSIONAL RECORD, and hearing from more than 90 witnesses about the need to reauthorize the law.

On Tuesday, five activist Justices on the Supreme Court decided to completely ignore the extensive record of

current and ongoing discrimination that Congress meticulously assembled just 7 years ago.

And you don't have to take my word for it.

Rep. JIM SENSENBRENNER, a Wisconsin Republican who was Chair of the House Judiciary Committee in 2006 and helped secure reauthorization of the Voting Rights Act, had this to say:

[t]he legislative record accompanying consideration of the Voting Rights Act is among the most extensive in congressional history.

I am disappointed that the Supreme Court ignored the Congressional findings in issuing this decision.

We all acknowledge the progress that our great country has made on civil rights and voting rights issues. Over time, our Nation has indeed grown to be more perfect—and more inclusive in some ways—than just a few generations ago.

But we are not yet a perfect union. And the jurisdictions covered by the Voting Rights Act have both a demonstrated history and a contemporary record of implementing discriminatory restrictions on voting.

The Supreme Court's decision acknowledges the progress our country has made in expanding the franchise. The Court also acknowledges that discrimination remains in our society today.

Nevertheless, five Justices on the Court have taken the extreme position of gutting the very law that has enabled that progress on voting rights and stands guard to ensure that that progress isn't rolled back.

As my Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights found during a series of hearings I chaired last Congress, the Voting Rights Act remains a critical tool in protecting the right to vote.

All one needs to do is look to the last election cycle to understand the ongoing need for the Voting Rights Act.

After a careful analysis of new voter ID laws in Texas and South Carolina, the Department of Justice used its authority under Section 5 of the Voting Rights Act to object to the implementation of new photo identification requirements.

In Texas, according to the State's own data, more than 790,000 registered voters did not have the ID required to vote under the new Texas law.

That law would have had a disproportionate impact on Latino voters because 38.2 percent of registered Hispanic voters did not have the type of ID required by the law.

In South Carolina, the State's own data indicated that almost 240,000 registered voters did not have the identification required to vote under the State's new law.

That included 10 percent of all registered minorities in South Carolina who would not be able to vote under the new law.

That is more than 1 million registered voters who would have been turned away from the polls in Texas and South Carolina last year, if the Department of Justice did not have the authority under the Voting Rights Act to object to those photo identification laws.

Why did the Court neuter the Voting Rights Act?

Chief Justice Robert's opinion claims that the formula used to determine which States should be covered by the Voting Rights Act is not justified by "current conditions" of discrimination at the ballot box.

Had they not completely disregarded the 15,000 page CONGRESSIONAL RECORD, perhaps the Chief Justice and his four colleagues would understand the unfortunate fact that literacy tests and poll taxes may have died in the 1960s, but current, more sophisticated means of diluting minority voting strength are alive and well.

In 2001, for example, the city of Kilmichael, MS canceled an election because "an unprecedented number" of African American candidates decided to run for office. After the Department of Justice used the Voting Rights Act to require that the election move forward, the town elected its first black mayor and its first majority black City Council.

In 2004, officials in Walker County, TX threatened to prosecute two black students after they announced their candidacies for county office. When that threat didn't keep the students off the ballot, county officials tried to limit black turnout by reducing early voting only at polling places near a historically black college.

Not to be outdone, the State of Mississippi, in 1995, tried to reenact a dual voter registration system "which was initially enacted in 1892 to disenfranchise black voters."

As Justice Ginsburg noted in her dissent, "[t]hese examples, and scores like them, fill the pages of the legislative record."

Unfortunately, a majority of the Supreme Court chose to ignore both the extensive legislative record of ongoing discrimination in voting and the critical role of the Voting Rights Act in protecting the right to vote.

If there is any question about the major impact of this decision, just look at the statement released by the Texas Attorney General just hours after the Court's decision. He wasted no time announcing that the State would immediately implement its restrictive voter identification law.

Now that the Supreme Court has gutted the most effective Civil Rights law in our Nation's history, hundreds of thousands of voters in Texas may not be able to cast a ballot in the next election.

After the Court's decision, these 790,000 minority, low income, young,

rural and other voters in Texas can no longer depend on the Voting Rights Act to protect their access to the ballot.

The Voting Rights Act has never been about who wins an election.

It has never been about political advantage.

It has about ensuring every eligible American can vote and have their vote counted.

The Voting Rights Act has done the important work of protecting the right to vote for almost 50 years. Tuesday's Supreme Court decision is a disappointing one that threatens to undermine our democracy.

There is ample evidence today that some people are still being denied the right to vote, so Congress has a moral and Constitutional obligation to remedy that problem.

Congress must act to restore the key provisions of the Voting Rights Act that protect the right to vote for all Americans—regardless of the color of their skin, their net worth, the language they speak, or the community in which they live.

As Chairman of the Judiciary Subcommittee on the Constitution, Civil Rights & Human Rights, I will hold hearings to address this troubling decision, so that we can promptly begin the process of correcting the mistake the Supreme Court made.

#### OBSERVING PTSD AWARENESS DAY

Mr. ROCKEFELLER. Mr. President, on this important day, Post Traumatic Stress Disorder—PTSD—Awareness Day, we must pause to reflect on the contributions of our Nation's veterans and recommit ourselves to a sacred promise that should never be forgotten: that they served this country, and this country will always care for them no matter the challenge.

This year, for the first time, based on a resolution that I cosponsored, the Senate has recognized June as PTSD awareness month. This is a good step in our effort to raise awareness of the invisible wounds our returning servicemembers far too often face. But today in particular, we must recognize that there is so much more to be done to fully heal those wounds, support families, and truly save lives.

I recently had a meeting, one I will never forget, with a number of immensely brave West Virginia veterans and their families who were willing to publicly share the struggles they face every day as a result of PTSD.

The Department of Veterans Affairs and Department of Defense were there for our discussion in West Virginia, and I am glad they were.

We heard from wives who stand firmly by their husbands' sides as the horrors of war manifest at home in frightening ways. We heard from a father

who hurts every day knowing the inner turmoil his son faces. And we heard from veterans who served their country without question, through multiple tours of duty, but have encountered nothing but stress and resistance when seeking the care they unquestionably earned.

They have faced stigma and a lack of understanding about their private struggles. And they have faced untenable—and, truthfully, life-threatening—delays in getting the strong mental health care they need.

This has been the case for two of the veterans who courageously joined our discussion—both of whom had been fighting for the benefits we owe them. I vowed to do everything I could for them, and I celebrate today knowing that with our help their benefits have been approved, and they now have some measure of peace.

But I do not rest—because there are thousands more veterans out there fighting and waiting for that good news.

Without the right care at the right time, things can start to spiral out of control for veterans with PTSD—financial hardship, marital stress, feelings of hopelessness. It is our job to deliver that care.

With the end of the Iraq war, and with tens of thousands of veterans coming home from Afghanistan, the VA and the DOD know the complexities of caring for returning servicemembers with conditions like PTSD and Traumatic Brain Injury—TBI. But as the demand for mental health care increases, we must be prepared to swiftly and strongly answer the call for our newest veterans and those from every generation.

The VA recently announced that it has filled 1,600 mental health positions and the vacancies of more than 2,000 mental health clinical providers. This is an important step, and something I pushed for. But I believe we must do more to deliver the timely, consistent, individualized care our veterans need, including providing highly-skilled doctors and therapists and making sure that care is always available.

We must end the months-long delay that places veterans in limbo when transitioning their paperwork from active duty status at the DOD to the VA. And we can no longer expect veterans tormented by mental health issues to twist and turn through multiple levels of bureaucracy to get the care we owe them.

This is a difficult issue. But we can not let the complexity be an excuse for not delivering care for our veterans. No one is more deserving.

We know the system can work for our veterans when the VA, DOD, vet centers, counselors and support networks get it right. And we know the right kind of care when it is most needed can keep families together. It can also transform and save lives.

Near the end of the Civil War, Abraham Lincoln made a solemn commitment to, “bind up the nation’s wounds; to care for him who shall have borne the battle . . .” We should be relentless in our efforts to uphold that pledge for each and every veteran and their loved ones—today and every day

#### NUCLEAR ARSENAL

Mrs. FISCHER. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the following op-ed from POLITICO.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From POLITICO, June 26, 2013]

MODERNIZE, DON’T ABANDON OUR NUCLEAR ARSENAL

(By: Senator Deb Fischer)

The Brandenburg Gate served as an iconic backdrop for the 20th-century struggle between freedom and oppression. Standing before the gate in the long shadow of Presidents John F. Kennedy and Ronald Reagan, President Barack Obama made a remarkable—and indeed a historic—announcement last week that could drastically alter the course of the 21st century for the United States and our allies.

Before thousands of German citizens, the president announced our nation was effectively abandoning the long-standing policy of “peace through strength.” Instead, Obama pledged to pursue a policy of “peace with justice.” “Peace with justice means pursuing the security of a world without nuclear weapons, no matter how distant that dream might be,” Obama explained. Reducing our nuclear arsenal by one-third, he argued, brought us closer to this lofty goal.

Following the president’s speech, the Pentagon quickly released a report on the new nuclear strategy, which succeeded in making one thing clear: The world is increasingly unstable. It states, “the risk of nuclear attack has increased”; it cites nuclear terrorism and nuclear proliferation as key threats; and it expresses concern with Russian and Chinese nuclear modernization and the “growth of China’s nuclear arsenal.”

In an age of persistent nuclear proliferation, it is puzzling as to why the commander in chief would endorse shedding a third of our deterrent power. Responsible national security policy requires a realistic recognition of the world as it is, not as we hope it to be.

It is naive to believe terrorists and rogue nations will be swayed by the philosophical righteousness some may attach to the president’s new policy. And count me among the skeptics in believing that China or Russia will abandon its own nuclear modernization plans.

Moreover, deep reductions in strategic weapons could actually undermine the stability that characterizes current force levels. Russia is estimated to maintain several thousand tactical nuclear weapons, which are exempted from current arms reduction agreements, compared with a few hundred such devices in U.S. inventories.

The Department of Defense report notes, “large disparities in nuclear capabilities could raise concerns . . . and may not be conducive to maintaining a stable, long-term strategic relationship, especially as nuclear forces are significantly reduced.” In short, as

the number of strategic weapons diminishes, other nuclear weapons become more important. When potential adversaries hold greater numbers of these weapons, the U.S. and our allies are less secure.

Perhaps the president is motivated by cost reductions—a pitch to fiscal conservatives like me—reasoning that fewer weapons could save us tax dollars. This, too, is unconvincing. Testifying earlier this year before the House Appropriations Committee’s Subcommittee on Energy and Water, Don Cook, the deputy administrator for Defense Programs at the National Nuclear Security Administration, stated that “not much savings will be achieved” by nuclear reductions. I received similar assessments from the directors of our national weapons labs.

Some argue deep cuts are necessary because nuclear weapons pose a threat to humanity. Lesser is better, they insist. The president suggested a similar view in his Berlin speech: “So long as nuclear weapons exist, we are not truly safe.” I disagree.

Our freedom, security and prosperity are all contingent upon the United States maintaining a position of unquestioned strength. Since World War II, nuclear weapons have provided the bulwark of American national security. Nuclear deterrence is not academic; it is real. For example, the administration’s recent decision to order a nuclear-capable aircraft to the Korean region earlier this year clearly reaffirmed the power and relevance of our nuclear deterrent.

The president also failed to acknowledge his previous commitments to nuclear modernization. When the Senate ratified New START in 2010, the president pledged to provide critical funding to modernize our aging nuclear forces (some still have 1960s vacuum tubes) and supporting laboratories. The reasoning was clear: As we retain fewer weapons, we must exponentially increase our confidence in their ability to fully function. Deterrence depends on it. This promised funding has not materialized.

The Senate should not consider additional arms reductions when we have not achieved the modernization guaranteed in exchange for the last round of cuts to the arsenal.

Despite the president’s pledge to pursue the “dream” of a world without nuclear weapons, the truth is that dreams don’t always match reality. The frigid reception from Kremlin officials to Obama’s call for further Russian nuclear reductions was telling. Moreover, history has proved the current Russian president isn’t exactly a good-faith negotiator.

It’s no secret that we live in a dangerous world and national security decisions must be made to bolster—not weaken—our ability to counter a growing array of threats. A strong, safe America requires a nuclear deterrent that is modern and effective, not aging and depleted. As former British Prime Minister Margaret Thatcher famously warned, “This is no time to go wobbly.”

#### COMMEMORATING THE 4TH OF JULY

Mr. CARDIN. Mr. President, one week from today—July 4th—we will celebrate our Nation’s 237th birthday. In 1776, our forefathers issued the Declaration of Independence announcing that the 13 Colonies were free from British rule, initiating the most successful experiment in human history. Our forefathers had the revolutionary idea that “all men are created equal”



and “are endowed by their Creator with certain unalienable Rights”. On July 4th, we gather together, at parades on Main Streets across America and at barbecues with family members and friends, to reflect on just how much we have to be thankful for as Americans.

No other country in the world has such a rich past, diverse population, and bright future. Regardless of our fellow citizens’ race, religion or background, we should remember that as Americans we are all eternally bound as countrymen. The novel experiment in democracy our forefathers began more than two centuries ago continues. It continues because we actively strive—in the words of our other foundational document, the Constitution—to “form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity”. For 237 years, we have been working to defend and advance the foundations of freedom and equality that this country was built upon, and to promote them abroad.

Our history is not pristine; slavery and Jim Crow stain it. Our history has been about expanding the franchise and making it possible for more and more people to participate fully in American society, to enjoy the blessings of peace and prosperity and to share in our mutual civic responsibilities. We have endured difficult periods, but every time we quarrel amongst ourselves or are attacked from the outside we regroup stronger and more resolute. History has taught us and the future will show that we are at our best when we work together. On a battlefield, factory line, classroom or Congress, nothing can stop Americans when we are determined to move the country forward.

This 4th of July, let us redouble our resolve to continue our great democratic experiment. Not just for ourselves and our posterity, but for all humankind. As the poet Archibald MacLeish wrote:

There are those who will say that the liberation of humanity, the freedom of man and mind, is nothing but a dream. They are right. It is the American Dream.

#### CELEBRATING LGBT PRIDE MONTH

Mr. CARDIN. Mr. President, I rise today in recognition of Lesbian, Gay, Bisexual, and Transgender, LGBT, Pride Month. This June we recognize the efforts of millions of Americans who have fought to extend liberty and justice to all, regardless of sexual orientation or gender identity. Members of the LGBT community have helped this country become a leader in so many fields.

And today I also rise in celebration as a result of yesterday’s decisions of

the Supreme Court of the United States. Loving families across our great Nation have now been made whole, as the Supreme Court upheld the core principle that all persons must be treated equally under the law.

By striking down as unconstitutional the provision of the Defense of Marriage Act, DOMA, that limited federal marriage benefits to opposite sex couples, the Supreme Court has affirmed that there is no place for discrimination in America based on sexual orientation. Government should not interfere in the ability of men and women to marry the person they love, and they should be entitled to the same benefits as heterosexual couples, including tax benefits, rights of inheritance, health insurance, and legal marriage. The Federal Government—especially Congress and the executive branch—should act quickly to comply with and fully implement this Supreme Court ruling, following the lead of a growing number of States including Maryland that give full recognition and equality to legal marriages of same-sex couples.

Alongside their neighbors, LGBT individuals have been integral in forging this Nation into what it is today. Sadly, many members of the LGBT community encounter prejudice and discrimination on a daily basis. We cannot forget the events at the Stonewall Inn in June of 1969. Shortly thereafter the modern day gay rights movement began to take shape.

In the years since Stonewall, we have made progress in making ours a more just society. I am proud that 13 States—including Maryland by both legislative action and popular referendum—and the District of Columbia have voted to allow two consenting same-sex adults to enjoy all the happiness and privileges that come with marriage. I am proud that our men and women in uniform can no longer be told they cannot serve the country they love because of who they are in love with.

I am proud that we passed legislation, the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, to expand the federal hate crimes law to include crimes motivated by a victim’s actual or perceived gender, sexual orientation, or gender identity. I am proud that everyday more and more people support equal rights for all Americans.

Despite all the progress we have made, we must always work harder to maintain the foundation of human rights on which this country is built. I believe that every American should have the opportunity to fulfill their American Dream. This is only possible when the government can provide robust civil rights for all citizens. There is still much that only we in Congress can do to make sure that every American enjoys the right of equal protection under the law.

Right now in a majority of States, an individual can be fired for their sexual orientation or gender identity and have no legal recourse. The fact that someone can be fired for simply being who they are in the year 2013 cannot be accepted. I chair the U.S. Helsinki Commission and sit on the Foreign Relations Committee, and I can tell you that human rights are directly linked to governmental guarantees and enforcement of equal protection.

This June we should recognize the remarkable contributions LGBT Americans have made to this Nation. We should also take a moment to value all the hard work, sacrifice and determination that has defined the LGBT movement.

The issues facing the LGBT community are important to all Americans. We are all harmed when homophobia trumps civility, and similarly we all succeed when we find strength in our diversity.

We have work to do. Members of the LGBT community should feel free and safe to be who they are. Now is the time for all Americans regardless of sexual orientation or gender identity to come together in the spirit of moving the country forward. The LGBT community has been part of America’s storied past, and will continue to be central to our perpetual goal of building a brighter future.

Fifty years ago this month President Kennedy asked the Nation a simple question as the fight for civil rights raged across the country:

“The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities, whether we are going to treat our fellow Americans as we want to be treated.”

The answer then, as it is now, should be a resounding yes.

#### ON THE 10TH ANNIVERSARY OF PEPFAR

Mr. CARDIN. Mr. President, last week I was honored to celebrate the 10th anniversary of the President’s Emergency Plan for AIDS Relief, PEPFAR, along with Secretary of State John Kerry; Global Aids Coordinator, Ambassador Eric Goosby; Senator MIKE ENZI; Namibian Health Minister D. Richard Kamwi, and Tatu Msangi, a PEPFAR beneficiary and nurse from Tanzania.

Ten years ago, AIDS threatened the very foundation of societies in Africa—creating millions of orphans, stalling economic development, and leaving countries stuck in poverty. Before PEPFAR started in Namibia in 2004, Minister Kamwi explained, nearly one in four pregnant women in Namibia were infected with HIV, yet only a handful of them could access treatment. The circumstances were dire, and it was clear something needed to be done. The visionary leadership of

President George W. Bush and the Congressional Black Caucus, especially the late Congressman Donald Payne Sr. and Congresswoman BARBARA LEE, led to the establishment of the program in 2003 with an initial \$15 billion to fight HIV and AIDS worldwide.

Today, thanks to the ongoing, bipartisan U.S. commitment to PEPFAR, hope has replaced despair, life has replaced death, and productivity has replaced illness and disability. PEPFAR is the largest commitment by any nation to combat a single disease internationally, and it has saved and improved millions of lives. Today Namibia's mother-to-child HIV transmission rate at 6 weeks is less than 3 percent. Thanks to PEPFAR, Ms. Msangi, is healthy enough to help treat and counsel HIV patients, and her daughter Faith was born HIV-free, representing the best of what this remarkable program has to offer.

This bipartisan program is a tremendous success, having exceeded every one of its initial goals. PEPFAR directly supports nearly 5.1 million people on antiretroviral treatment, and has contributed to a 20-percent reduction in new HIV infections globally. This month, the program reached a remarkable milestone when the one-millionth infant was born HIV-free, thanks to PEPFAR. Thirteen countries have reached a crucial tipping point—where annual new adult HIV infections are below the annual increase in adults on antiretroviral drug treatment. And we are building capacity for recipient nations to address the problem. We have helped improve host country health care delivery systems, and countries are now taking ownership in their responsibility to care for their people.

I authored an amendment to PEPFAR's 2008 reauthorization bill that supports in-country health worker training for people like Ms. Msangi, which U.S. universities and NGOs support along with other elements of the program. Research being done by Maryland institutions—including the National Institutes of Health, Johns Hopkins University, and the University of Maryland—is making a difference globally; and Maryland NGO's like Catholic Relief Services of Baltimore are partnering with us in this global fight.

Yet despite the remarkable progress that these partnerships have produced, we still have challenges ahead of us. According to UNAIDS, an estimated 1.7 million people are dying annually from AIDS-related causes. Global health and development resources are being squeezed due to difficult economic times. And issues of stigma and discrimination continue to limit access to treatment and care to those in need.

The U.S. will continue to lead this global fight, but we need the commitment and leadership of partner countries—reinforced with support from

donor nations, civil society, people living with HIV, faith-based organizations, the private sector, foundations, and the Global Fund—in order to see an HIV-free generation in our lifetime.

PEPFAR represents the best of what our government can do when we put aside partisanship for the good of humanity. It represents the very best of America and our commitment to global humanitarian values. It is a testament to the power of thinking big and of dreaming big, and we must continue to do just that to conquer this disease once and for all.

#### SAFE ACT

Mr. WHITEHOUSE. Mr. President, from the beaches of Rhode Island to the glaciers of Montana, natural ecosystems provide us with life's essentials: clean air and water, crops and timber, recreation and lots of local pride.

Rhode Island's oceans and coasts, for example, are spawning grounds, nurseries, and shelters for nutritious and profitable fish and shellfish. Their natural buffers protect our coastal communities from storms and filter our water. They even provide clean, renewable energy. And, of course, the coastline of the Ocean State boasts world-class beaches.

But climate change threatens to rob us of these essentials. The Government Accountability Office confirms what Americans see with their own eyes: our Nation's ecosystems are at risk from ongoing changes, including—and I will quote GAO: "increases in air and water temperatures, wildfires, and drought; forests stressed by drought becoming more vulnerable to insect infestations; rising sea levels; and reduced snow cover and retreating glaciers."

This warning comes from a report released last week on climate change adaptation efforts in Federal agencies. Senator BAUCUS and I requested this report because of the risk climate change poses to our natural resources and our national economy.

Climate change is not something we can fix later, and it is not something that only will happen to future generations, although our children and grandchildren will surely pay a heavier price.

Scientists tell us that the carbon pollution we have already emitted has locked in changes in the coming decades to our atmosphere, oceans, and weather. So while we must take up the challenge to reduce greenhouse gas emissions, we must also begin to adapt, and secure our natural resources against the changes we can no longer avoid.

In this report, GAO examined the U.S. Forest Service, the U.S. Fish and Wildlife Service, the National Park Service, the National Oceanic and Atmospheric Administration, and the Bureau of Land Management.

It found that while planning for changes in resource conditions is a main part of the mission of these agencies, addressing the effects of climate change is not. In fact, BLM, which manages 245 million acres of land, has not yet established a climate change adaptation strategy.

That is why Senator BAUCUS and I introduced the Safeguarding America's Future and the Environment Act, or SAFE Act.

The Federal agencies that manage our natural resources are responsible for protecting, restoring, and conserving the natural resources that underpin our economy. The SAFE Act would require those agencies to adopt climate change adaptation plans that are consistent with the National Fish, Wildlife, and Plants Climate Adaptation Strategy released this year by the administration.

Adaptation—to shifting conditions, to catastrophic events, even to full ecosystem shifts—is not easy work, and resource managers are often constrained by existing laws and regulations. The SAFE Act puts all climate adaptation tools and approaches on the table, and includes State, local, and stakeholder participation.

I want to thank Senator BAUCUS for working so hard to protect Montanans, Rhode Islanders, and all Americans.

The SAFE Act has garnered broad support from sportsmen, the outdoor industry, and conservation groups, including American Forests, the Association of Fish and Wildlife Agencies, Defenders of Wildlife, Earth Justice, the National Parks Conservation Association, Natural Resources Defense Council, the National Wildlife Federation, the Outdoor Alliance, Trout Unlimited, and The Wildlife Society.

Noah Matson of Defenders of Wildlife said, "This bill recognizes that responding to climate change isn't just about cutting carbon emissions. It also means ensuring our wildlife and ecosystems are resilient and can withstand the extreme weather and other climate change impacts we are already experiencing. The two go hand in hand for a safe, healthy environment for wildlife, people and future generations."

I hope the SAFE Act will also garner the support of our colleagues in Congress, and I look forward to working with Democrats and Republicans to pass this important legislation.

#### FREEDOM, MAINE

Ms. COLLINS. Mr. President, I rise today to wish the town of Freedom, ME, a very happy 200th birthday. The people of Freedom are proud of their hometown and the generations of hard-working and caring people who have made it such a wonderful place to live, work, and raise families.

The name of this town is more than a word; it describes its history. Originally part of the Plymouth Patent,

this community can trace its roots to the brave Pilgrims who came to the New World to secure freedom. Its first permanent settler was Stephen Smith, a soldier of the American Revolution who fought for freedom. When the town was incorporated in 1813, American independence was again under attack, and the town's name—first Smithtown, then Beaverhill Plantation—became Freedom.

Decades later, when the Civil War threatened to divide our Nation and condemn millions to continued slavery, many young men from the town enlisted in the Union Army to fight for the freedom of all. One of them, Daniel Franklin Davis, became the 37th governor of our great State of Maine.

And when the town's oldest citizen, Roy Ward, is recognized at the bicentennial celebration on July 5th, his friends and neighbors will honor his courageous Navy service during World War II in freedom's cause.

Through the years, the people who built this community demonstrated the qualities that make freedom possible—determination, energy, and self-reliance. They harnessed the waters of Sandy Stream to power mills for grain, lumber, and textiles. They turned the untilled soil into productive farms. In 1836, they established Freedom Academy, the first secondary school in their region and a milestone in the history of public education in Maine.

The energy that so many have devoted to this year's exciting bicentennial celebration is but one example of the spirit that has been nurtured there for two centuries. The restoration of such landmarks as the Stephen Smith gravesite and the Mill at Freedom Falls, and the dedication of the gazebo at Freedom Academy all demonstrate widespread commitment by the people of Freedom.

Thanks to those who came before, Freedom has a wonderful history. Thanks to those who are there today, it has a bright future.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING THE WESTERN RESEARCH INSTITUTE

• Mr. ENZI. Mr. President, today I wish to offer my sincere congratulations to the Western Research Institute in Laramie, WY. On July 15 to 17, 2013, the Western Research Institute will be hosting the 50th Annual Petersen Asphalt Research Conference. This highly acclaimed international forum promotes understanding of how asphalt chemistry, physical properties and interactions affect the performance of asphalt applications throughout their life cycle.

In 1963, Dr. J. Claine Petersen organized the first asphalt research conference, emphasizing how the chemical

and physical properties of asphalt affect its performance as pavement over time. In 1990, the name of the conference was changed to honor Dr. Petersen's efforts. Dr. Petersen remains an active and vital participant in this event each year.

Partnering with a pavement performance prediction—P3—Symposium has enhanced the ability of the conference to “dive deep” on key topics. This year, the topic for the symposium is “Innovations and Issues in Pavement Preservation and Durability.” The symposium links researchers, highway officials, producers, and others with a need to understand how asphalts may perform in a given application over time.

The Federal Government typically provides between 75 and 90 percent of the costs of federally supported highway projects. Federally supported asphalt research has been proven to yield substantial cost savings and return on investment. The Petersen Asphalt Research Conference continues to enhance this Federal investment by advancing the understanding and production of state-of-the-art materials, which improve pavement performance, durability, and safety.

The Western Research Institute is a nationally recognized research center for transportation and energy projects. The annual Petersen Asphalt Research Conference is one more example of the institute's leadership in transportation and energy research. Congratulations, again, Western Research Institute, and Wyoming is looking forward to hosting many more in the years to come.●

##### CONGRATULATING CLARK HIGH SCHOOL SCIENCE OLYMPIAD TEAM

• Mr. HELLER. Mr. President, today I wish to recognize Las Vegas' Ed W. Clark High School Science Olympiad Team. This group of outstanding high school students from my home State of Nevada recently accomplished something truly extraordinary in the area of environmental science by earning a first-place gold medal in the Science Olympiad National Tournament.

The National Science Olympiad Tournament brings together students from all over the country to test their skills in a variety of scientific disciplines. This year, the competition included nearly 6,000 top science students from across the United States, including 42 students from Clark High School in Las Vegas. Clark High School's Science Olympiad Team, led by students Michael Zhou and Zachary Shattler, and coaches Sidney Lupu, James Miller and Jeffrey Viggato, took first place in the water quality event of the competition, marking the first time any Nevada team has won a gold medal at this national event. It is especially noteworthy that this award was given in an area of science that is of

particular interest to my home State of Nevada, namely water quality.

Without a doubt, this scholastic achievement was earned through significant effort and teamwork on the part of these exceptional students and educators, and they have made the State of Nevada immensely proud. I congratulate Clark High School's Science Olympiad Team, and Principal Jillyn Pendleton and Assistant Principal Joseph Winfield, on earning this well-deserved recognition.●

##### TRIBUTE TO BOB BOWLES

• Mr. Kaine. Mr. President, today I wish to commend a distinguished Virginian, Bob Bowles, for his extensive contributions to the success of the Senate Productivity and Quality Award, SPQA, Program and many Virginia governmental, business, and nonprofit organizations.

In 1982, the Senate passed resolution 502 to promote the creation of State-sponsored programs to improve quality in industry. As part of an effort to fulfill resolution 502's vision, the U.S. Senate Productivity and Quality Award Program, or SPQA, was established to promote quality in Virginia organizations. SPQA is an all-volunteer organization with a mission to promote and recognize high-performance organizations in Virginia. Since its founding 30 years ago, SPQA has recognized more than 200 Virginia city and county organizations, businesses, and nonprofits for their pursuit of organizational excellence. Today, SPQA continues to provide training and an award challenge to thousands of individuals and organizations in the Commonwealth. I am proud to say it is the oldest continuously operating productivity and quality awards program in the United States.

Bob Bowles has served as director and executive director of SPQA since 1994. He has devoted thousands of volunteer hours to SPQA, and his leadership has paved the way for SPQA to continue accomplishing its mission for Virginia into the future. On behalf of the Senate and the people of Virginia, I thank Bob for his invaluable service to SPQA and the Commonwealth.●

##### CLAIRE CITY, SOUTH DAKOTA

• Mr. JOHNSON of South Dakota. Mr. President, today I wish to pay tribute to the 100th anniversary of the founding of Claire City, SD. The charming town of Claire City can be found in the northeastern corner of South Dakota, in Roberts County.

In 1913, a group of local farmers donated their land to establish the town site of Claire City. The town was named for one of the early organizer's wives, Edith Claire Feeney.

Before construction of the railroad, farmers in the area had to haul their

grain greater distances, to Sisseton or Ligerwood. The railroad in Claire City became essential to the growth of the town. Securing the funding and the labor necessary to complete the railroad was a true collective effort. Much of the money came from local farmers and businessmen who bought stock. Early residents labored tirelessly with the aid of horses to build the track. During this time, many of the women of Claire City would sell meals from their homes to help feed weary railroad workers.

After the railroad was completed in the fall of 1913, the town flourished, and many small businesses opened. By the 1930s, Claire City had a grocery store, meat market, drug and general store, a live stable, barbershop, bank, pool hall, and a hardware store. On weekend nights in the summers of the 1930s and 1940s, residents could catch a free movie and businesses stayed open until midnight. When the weather started to get colder, residents could watch a movie at the town hall for only 10 cents.

Residents of Claire City plan to celebrate their centennial this weekend with a full schedule of fun activities that engage the community. Friday night there will be a large supper at the community center, accompanied by dancing and live music. Saturday there will be a number of outdoor activities, including a tractor pull, parade, and rides for children and adults alike. Sunday finishes up the celebration with a church service and brunch served at Deano's.

Claire City embodies the values that make South Dakota a great State. The hard work and determination of its residents, past and present, have made it possible for Claire City to reach its centennial anniversary. I congratulate Claire City on reaching this milestone, and I wish the residents the best in their future endeavors.●

#### WHITEWOOD, SOUTH DAKOTA

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to pay tribute to the 125th anniversary of the founding of Whitewood, SD. Located in Lawrence County, Whitewood is a tightly knit community, known for its rich history and hardworking people.

In 1877, the Pioneer Townsite Company bought an orchard from William Selbie, one of the early settlers of the Black Hills. This land would become the town of Whitewood, and was incorporated in 1888. The new town enjoyed trade from settlers to the north, as it was one of the few towns in existence at the time. Settlers came into town for machinery, feed, food, mail, as well as to ship their wool and livestock. In the early years, Whitewood was a hub of agricultural trade, particularly for wheat.

A railroad terminal opened in 1905 to accommodate the increase in commer-

cial activity. Along with the railroad terminal, a water tank, coal chute, roundhouse, and a section house offered many jobs to town residents.

Whitewood is looking forward to celebrating its quasiquicentennial anniversary. The last weekend of June will be packed with many activities that will bring the community together as they celebrate their humble beginnings. Festivities include children's games at Memorial Park, a 5 kilometer run, a roast pig barbeque, and a historically themed parade through the town.

Whitewood was founded by a group of pioneers with an enterprising spirit. One hundred and twenty-five years after its founding, Whitewood continues to be a vibrant community and a great asset to the State of South Dakota. I am proud to honor the achievements of Whitewood on this memorable occasion.●

#### RECOGNIZING THE SOUTH DAKOTA WHEAT GROWERS

● Mr. THUNE. Mr. President, today I wish to honor the South Dakota Wheat Growers as it celebrates its 90th anniversary. Over the years, the Wheat Growers has faithfully served member-owners by promoting integrity through business transactions, providing customers with reliable markets, and practicing sustainability through the best applications of science and technology. The Wheat Growers aims to meet the food challenges our world faces by coupling the expertise of farmers in the Dakotas with state-of-the-art technology and facilities to improve production agriculture capabilities.

The Wheat Growers was established in 1923 as a response to widespread farm bankruptcies caused by depressed wheat prices. Through their collaboration and commitment to serving South Dakota farmers, the Wheat Growers endured the Great Depression and has since expanded its grain storage capacity and farming supply services. It continues to develop its industry as it seeks new opportunities for expansion and value-added potential for producers.

Today, the Wheat Growers serves 5,400 member-owners in eastern North and South Dakota, markets 160 million bushels annually, and operates in 37 locations. I would like to thank the Leadership Team, the Board, and delegates of the Wheat Growers who have committed their time and energy to helping member-owners succeed in agricultural production. On behalf of the State of South Dakota, I am honored to have this opportunity to congratulate the South Dakota Wheat Growers for 90 successful years of service in providing a healthy market for producers and consumers. Congratulations to the Wheat Growers as it celebrates its 90th

anniversary in Aberdeen, SD, on Friday, June 28th.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### NOTIFICATION OF THE PRESIDENT'S INTENT TO TERMINATE THE DESIGNATION OF BANGLADESH AS A BENEFICIARY DEVELOPING COUNTRY UNDER THE GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM—PM 15

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Finance:

*To the Congress of the United States:*

In accordance with section 502(f)(2) of the Trade Act of 1974, as amended (the "1974 Act") (19 U.S.C. 2462(f)(2)), I am providing notification of my intent to suspend the designation of Bangladesh as a beneficiary developing country under the Generalized System of Preferences (GSP) program. Section 502(b)(2)(G) of the 1974 Act (19 U.S.C. 2462(b)(2)(G)) provides that the President shall not designate any country a beneficiary developing country under the GSP if such country has not taken or is not taking steps to afford internationally recognized worker rights in the country (including any designated zone in that country). Section 502(d)(2) of the 1974 Act (19 U.S.C. 2462(d)(2)) provides that, after complying with the requirements of section 502(f)(2) of the 1974 Act, the President shall withdraw or suspend the designation of any country as a beneficiary developing country if, after such designation, the President determines that as the result of changed circumstances such country would be barred from designation as a beneficiary developing country under section 502(b)(2) of the 1974 Act.

Pursuant to section 502(d) of the 1974 Act, having considered the factors set forth in section 502(b)(2)(G), I have determined that it is appropriate to suspend Bangladesh's designation as a beneficiary developing country under

the GSP program because it is not taking steps to afford internationally recognized worker rights to workers in the country.

BARACK OBAMA,  
THE WHITE HOUSE, June 27, 2013.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

S. 1238. A bill to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes.

S. 1241. A bill to establish the interest rate for certain Federal student loans, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2102. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfoxaflo; Pesticide Tolerances; Technical Correction" (FRL No. 9391-4) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2103. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ethalfuralin; Pesticide Tolerances" (FRL No. 9391-7) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2104. A communication from the Manager of the BioPreferred Program, Office of Procurement and Property Management, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Designation of Product Categories for Federal Procurement, Round 10" (RIN0599-AA16) received in the Office of the President of the Senate on June 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2105. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 relative to the former Liberian regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs.

EC-2106. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to transnational criminal organizations that was declared in Executive Order 13581 of July 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-2107. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Lending Limits" (RIN1557-AD59) received in the Office of the President of the Senate on June 24, 2013; to

the Committee on Banking, Housing, and Urban Affairs.

EC-2108. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report on the competitiveness of the export financing services for the period from January 1, 2012 through December 31, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-2109. A communication from the Acting Assistant Secretary for Insular Affairs, Department of the Interior, transmitting, pursuant to law, reports entitled "Report to Congress: 2013 Compact Analysis" and "Impact of the Compacts of Free Association on Guam: Fiscal Year 2004 through Fiscal Year 2012"; to the Committee on Energy and Natural Resources.

EC-2110. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Pollutant Discharge Elimination System Regulation Revision: Removal of the Pesticide Discharge Permitting Exemption in Response to Sixth Circuit Court of Appeals Decision" (FRL No. 9829-2) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Environment and Public Works.

EC-2111. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois" (FRL No. 9824-9) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Environment and Public Works.

EC-2112. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; California; South Coast Air Basin; Approval of PM10 Maintenance Plan and Redesignation to Attainment for the PM10 Standard" (FRL No. 9826-4) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Environment and Public Works.

EC-2113. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Removal of Consumer and Commercial Products Rules" (FRL No. 9828-2) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Environment and Public Works.

EC-2114. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Requirements for Long Term Care Facilities; Hospice Services" (RIN0938-AP32) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Finance.

EC-2115. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report entitled "Railroad Unemployment Insurance System"; to the Committee on Health, Education, Labor, and Pensions.

EC-2116. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report entitled "Railroad Re-

tirement System"; to the Committee on Health, Education, Labor, and Pensions.

EC-2117. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Small Entity Compliance Guide" (FAC 2005-68) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-2118. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Expansion of Applicability of the Senior Executive Compensation Benchmark" ((RIN9000-AM38) (FAC 2005-68)) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-2119. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-68; Introduction" (FAC 2005-68) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-2120. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period October 1, 2012 through March 31, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-2121. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 13-067, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-2122. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 13-099, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-2123. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-030); to the Committee on Foreign Relations.

EC-2124. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-081); to the Committee on Foreign Relations.

EC-2125. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-066); to the Committee on Foreign Relations.

EC-2126. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-063); to the Committee on Foreign Relations.

EC-2127. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-058); to the Committee on Foreign Relations.

EC-2128. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-053); to the Committee on Foreign Relations.

EC-2129. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-082); to the Committee on Foreign Relations.

EC-2130. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-085); to the Committee on Foreign Relations.

EC-2131. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-057); to the Committee on Foreign Relations.

EC-2132. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-095); to the Committee on Foreign Relations.

EC-2133. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-088); to the Committee on Foreign Relations.

EC-2134. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-070); to the Committee on Foreign Relations.

EC-2135. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-084); to the Committee on Foreign Relations.

EC-2136. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-076); to the Committee on Foreign Relations.

EC-2137. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(d) of the Arms Export Control Act (DDTC 13-083); to the Committee on Foreign Relations.

EC-2138. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to sections 36(c) and 36(d) of the Arms Export Control Act (DDTC 13-091); to the Committee on Foreign Relations.

EC-2139. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to sections 36(c) and 36(d) of the Arms Export Control Act (DDTC

13-049); to the Committee on Foreign Relations.

EC-2140. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2013-0108–2013-0118); to the Committee on Foreign Relations.

EC-2141. A communication from the Chief Operating Officer/Acting Executive Director of the U.S. Election Assistance Commission, transmitting, pursuant to law, the 2011-2012 Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office (NVR A) report; to the Committee on Rules and Administration.

EC-2142. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, a report of proposed amendments to the National Aeronautics and Space Act of 1958, as amended; to the Committee on Commerce, Science, and Transportation.

EC-2143. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled “Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003, as Amended by the Red Flag Program Clarification Act of 2010” (RIN3084-AA94) received in the Office of the President of the Senate on June 19, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2144. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled “Freedom of Information Act” (16 CFR Part 4) received in the Office of the President of the Senate on June 19, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2145. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Regulated Navigation Area, Gulf of Mexico: Mississippi Canyon Block 20, South of New Orleans, LA; Correction” (RIN1625-AA11) (Docket No. USCG-2013-0064) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2146. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Wicomico Community Fireworks Rain Date, Great Wicomico River, Heathsville, VA” (RIN1625-AA00) (Docket No. USCG-2013-0386) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2147. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Delaware River Waterfront Corp. Fireworks Display, Delaware River; Camden, NJ” (RIN1625-AA00) (Docket No. USCG-2013-0496) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2148. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Mississippi River Mile 95.5–Mile 96.5; New Orleans, LA” (RIN1625-AA00) (Docket No. USCG-2013-0188) received in the

Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2149. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zones; Fourth of July Fireworks Displays within the Captain of the Port Charleston Zone, SC” (RIN1625-AA00) (Docket No. USCG-2013-0415) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2150. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Fairport Harbor Mardi Gras, Lake Erie, Fairport, OH” (RIN1625-AA00) (Docket No. USCG-2013-0417) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2151. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Fifth Coast Guard District Fireworks Display, Currituck Sound; Corolla, NC” (RIN1625-AA00) (Docket No. USCG-2013-0421) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2152. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Private Party Fireworks; Lake Michigan, Chicago, IL” (RIN1625-AA00) (Docket No. USCG-2013-0462) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2153. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Queen’s Cup; Lake Michigan; Milwaukee, WI” (RIN1625-AA00) (Docket No. USCG-2013-1463) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2154. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Inbound Transit of M/V TEAL, Savannah River, Savannah, GA” (RIN1625-AA00) (Docket No. USCG-2013-0245) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2155. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Installed Systems and Equipment for Use by the Flightcrew” (RIN2120-AJ83) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2156. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Rochester Yacht Club Fireworks, Genesee River, Rochester, NY” (RIN1625-AA00) (Docket No. USCG-2013-0312) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.



EC-2157. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Ad Club's 100th Anniversary Gala Fireworks Display, Boston Inner Harbor, Boston, MA" ((RIN1625-AA00) (Docket No. USCG-2013-0256)) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2158. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lower Mississippi River, Mile Marker 219 to Mile Marker 229, in the vicinity of Port Allen Lock" ((RIN1625-AA00) (Docket No. USCG-2013-0376)) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2159. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Summer Events; Captain of the Port Lake Michigan Zone" ((RIN1625-AA08) (Docket No. USCG-2013-0327)) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2160. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events, Atlantic City Offshore Race, Atlantic Ocean; Atlantic City, NJ" ((RIN1625-AA08) (Docket No. USCG-2013-0305)) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2161. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations and Safety Zones; Marine Events in Northern New England" ((RIN1625-AA00; AA08) (Docket No. USCG-2012-1057)) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2162. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Marine Events, Wrightsville Channel; Wrightsville Beach, NC" ((RIN1625-AA08) (Docket No. USCG-2013-0118)) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2163. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; ODBA Draggin' on the Waccamaw, Atlantic Intracoastal Waterway; Bucksport, SC" ((RIN1625-AA08) (Docket No. USCG-2013-0102)) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2164. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Heritage Coast Offshore Grand Prix, Tawas Bay; East Tawas, MI" ((RIN1625-AA08) (Docket No. USCG-2013-

0434)) received in the Office of the President of the Senate on June 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2165. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures" (RIN0648-BC98) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2166. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gag Management Measures" (RIN0648-BC64) received in the Office of the President of the Senate on June 20, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2167. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Beeville-Chase Field, TX" ((RIN2120-AA66) (Docket No. FAA-2012-0821)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2168. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Cherokee, WY" ((RIN2120-AA66) (Docket No. FAA-2013-0051)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2169. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Tuba City, AZ" ((RIN2120-AA66) (Docket No. FAA-2013-0147)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2170. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Portland-Hillsboro, OR" ((RIN2120-AA66) (Docket No. FAA-2012-1142)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2171. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Eureka, NV" ((RIN2120-AA66) (Docket No. FAA-2012-0852)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2172. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Easton, PA" ((RIN2120-AA66) (Docket No. FAA-2012-0394)) received in the Office of the President of the Senate on June 17, 2013;

to the Committee on Commerce, Science, and Transportation.

EC-2173. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Kingston, NY" ((RIN2120-AA66) (Docket No. FAA-2012-0831)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2174. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; El Monte, CA" ((RIN2120-AA66) (Docket No. FAA-2011-1242)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2175. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class C Airspace; Nashville International Airport; TN" ((RIN2120-AA66) (Docket No. FAA-2013-0031)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2176. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class B Airspace, Philadelphia, PA" ((RIN2120-AA66) (Docket No. FAA-2012-0662)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2177. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace; Pueblo, CO" ((RIN2120-AA66) (Docket No. FAA-2012-0371)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2178. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (83); Amdt. No. 3535" (RIN2120-AA65) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2179. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (10); Amdt. No. 3536" (RIN2120-AA65) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2180. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (79); Amdt. No. 3533" (RIN2120-AA65) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2181. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,



transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (44); Amdt. No. 3534" (RIN2120-AA65) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2182. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Area Navigation (RNAV) Routes; Washington, DC" (RIN2120-AA66) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2183. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification and Revocation of Air Traffic Service Routes; Jackson, MS" ((RIN2120-AA66) (Docket No. FAA-2013-0016)) received in the Office of the President of the Senate on June 17, 2013; to the Committee on Commerce, Science, and Transportation.

### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-40. A concurrent resolution adopted by the Senate of the State of Louisiana memorializing the Congress of the United States to urge the U.S. Department of State to approve the presidential permit application allowing the construction and operation of the TransCanada Keystone XL pipeline between the United States and Canada; to the Committee on Energy and Natural Resources.

#### SENATE CONCURRENT RESOLUTION NO. 125

Whereas, the United States of America accounts for nearly nineteen percent of the world energy consumption and is the world's largest petroleum consumer with a daily consumption of almost nineteen million barrels of oil; and

Whereas, current imports amount to more than eight million barrels each day that represents approximately fifty percent of this country's requirements; and

Whereas, even with new technology, oil discoveries, alternative fuels and conservation efforts, the United States will continue to remain dependent on imported oil; and

Whereas, the growing production of oil from Canada's oil sands and the Bakken formation in Saskatchewan, Montana, North Dakota and South Dakota has the potential to replace the oil imported from other countries; and

Whereas, the fifty-seven operable refineries of the Petroleum Administration for Defense District 3 that consists of the states of Alabama, Arkansas, Louisiana, Mississippi, New Mexico, and Texas produce 8.7 million barrels of oil per day that represent nearly half of the United States refining capacity and import approximately 5 million barrels of oil per day; and

Whereas, once completed the TransCanada Keystone XL pipeline and the additional Gulf Coast Expansion project could displace about forty percent of the oil the United States currently imports from the Middle East and Venezuela; and

Whereas, the TransCanada Keystone XL pipeline has been the subject of the most thorough public consultation process of any

proposed pipeline, and the subject of multiple environmental impact statements and several United States Department of State studies; and

Whereas, these statements and studies have concluded that it poses the least impact to the environment and is much safer than other modes of transporting oil; and

Whereas, the TransCanada Keystone XL pipeline will support over ten thousand jobs in construction and manufacturing in the United States; Now, therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to urge the U.S. Department of State to approve the presidential permit application allowing the construction and operation of the TransCanada Keystone XL pipeline between the United States and Canada; and be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-41. A concurrent resolution adopted by the Senate of the State of Louisiana memorializing the Congress of the United States to adopt the Constitution Restoration Act; to the Committee on the Judiciary.

#### SENATE CONCURRENT RESOLUTION NO. 88

Whereas, on Monday, June 27, 2005, the United States Supreme Court in two razor-thin majorities of 5-4 in *Van Orden v. Perry* (Texas) and *ACLU v. McCreary County* (Kentucky) concluded that it is consistent with the First Amendment to display the Ten Commandments in an outdoor public square in Texas but not on the courthouse walls of two counties in Kentucky; and

Whereas, American citizens are concerned that the court has produced two opposite results involving the same Ten Commandments, leading to the conclusion that, based on the Kentucky decision, the Ten Commandments may be displayed in a county courthouse provided it is not backed by a belief in God; and

Whereas, Supreme Justice Scalia emphasized the importance of the Ten Commandments when he stated in the Kentucky case, "The three most popular religions in the United States, Christianity, Judaism, and Islam, which combined account for 97.7% of all believers, are monotheistic. All of them, moreover, believe that the Ten Commandments were given by God to Moses and are divine prescriptions for a virtuous life"; and

Whereas, Chief Justice Rehnquist in the Texas case referred to the duplicity of the United States Supreme Court in telling local governments in America that they may not display the Ten Commandments in public buildings in their communities while at the same time allowing these same Ten Commandments to be presented on these specific places on the building housing the United States Supreme Court stating, "Since 1935, Moses has stood holding two tablets that reveal portions of the Ten Commandments written in Hebrew, among other lawgivers in the south frieze. Representations of the Ten Commandments adorn the metal gates lining the north and south sides of the courtroom as well as the doors leading into the courtroom. Moses also sits on the exterior east facade of the building holding the Ten Commandments tablets"; and

Whereas, a recent poll by the First Amendment Center revealed that seventy percent of Americans would have no objection to posting the Ten Commandments in government

buildings and eighty-five percent would approve if the Ten Commandments were included as one document among many historical documents when displayed in public buildings; and

Whereas, the First Amendment of the United States Constitution, which provides in part that "Congress shall make no law respecting an establishment of religion", is a specific and unequivocal instruction to only the United States Congress, and the United States Constitution makes no restriction on the ability of states to acknowledge God, the Supreme Ruler of the Universe; and

Whereas, the United States District Court Southern District of Indiana on November 30, 2005, entered a final judgment and permanent injunction ordering the speaker of the Indiana House of Representatives not to permit sectarian prayers as part of the official proceedings of the House; and

Whereas, the federal judiciary has violated one of the most sacred provisions of the United States Constitution providing for three branches of government and the separation of powers of those branches by overstepping its authority and dictating the activities of the inner workings of the legislative branch of government; and

Whereas, the federal judiciary has overstepped its constitutional boundaries and ruled against the acknowledgment of God as the sovereign source of law, liberty, and government by local and state officers and other state institutions, including state schools; and

Whereas, there is concern that recent decisions of the court will be used by litigants in an effort to remove God from the public square in America, including public buildings and public parks; and

Whereas, there is concern that the federal judiciary will continue to attempt to micromanage the internal workings of the legislative as well as executive branches of government; and

Whereas, Congress has previously filed, but has failed to adopt, the Constitution Restoration Act, which will limit the jurisdiction of the federal courts and preserve the right to acknowledge God to the states and to the people and resolve the issue of improper judicial intervention in matters relating to the acknowledgment of God: Now, therefore, be it

*Resolved*, That the Legislature of Louisiana hereby memorializes the Congress of the United States to adopt the Constitution Restoration Act and, in doing so, continue to protect the ability of the people of the United States to display the Ten Commandments in public places, to express their faith in public, to retain God in the Pledge of Allegiance, and to retain "In God We Trust" as our national motto, and to use Article III, Section 2.2 of the United States Constitution to except these areas from the jurisdiction of the United States Supreme Court; and be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-42. A concurrent resolution adopted by the Senate of the State of Louisiana establishing a task force to study and make recommendations relative to implementation of the federal REAL ID Act of 2005 in Louisiana; to the Committee on the Judiciary.

#### SENATE CONCURRENT RESOLUTION NO. 119

Whereas, Act No. 807 of the 2008 Regular Session of the Legislature directs the Department of Public Safety and Corrections to

not implement the provisions of the federal REAL ID Act of 2005; and

Whereas, Act No. 151 of the 2010 Regular Session of the Legislature directs the Department of Public Safety and Corrections to not implement the provisions of the federal PASS ID Act of 2009; and

Whereas, House Bill No. 395 by Representative Guinn of the 2013 Regular Session of the Legislature, as amended, proposes to enact R.S. 32:412(M) and R.S. 40:1321(M) to require the Department of Public Safety and Corrections, office of motor vehicles, to issue a driver's license or special identification card that bears a United States Department of Homeland Security approved security marking that reflects such credential, meets the standards of the REAL ID Act of 2005 upon request of any individual who is otherwise eligible to be issued a driver's license or special identification card as provided by law and who meets all the requirements of the United States Department of Homeland Security for a REAL ID Act compliant credential; and

Whereas, House Bill No. 395, as amended, further proposes to enact R.S. 32:412(M) and R.S. 40:1321(M) to provide that if a Louisiana resident elects not to be issued a REAL ID Act compliant driver's license or special identification card, the Department of Public Safety and Corrections, office of motor vehicles, shall issue a driver's license or special identification card to any individual who is otherwise eligible to be issued a driver's license or special identification card as provided by law that indicates such driver's license or special identification card is not accepted by federal agencies for official purposes in compliance with the United States Department of Homeland Security rules and the words "Not for federal identification" shall be printed on the driver's license or special identification card: Now, therefore, be it

*Resolved*, That the Legislature of Louisiana establishes the Louisiana REAL ID Act of 2005 Task Force to study all issues and disputes related to implementation of the federal REAL ID Act of 2005, and to report its findings and recommendations on whether or not Louisiana should implement the federal REAL ID Act of 2005; and be it further

*Resolved*, That the Louisiana REAL ID Act of 2005 Task Force shall be comprised of the following members:

- (1) The president of the Senate, or his designee.
- (2) The speaker of the House of Representatives, or his designee.
- (3) The chair of the Senate Committee on Transportation, Highways, and Public Works, or his designee.
- (4) The chair of the House Committee on Transportation, Highways, and Public Works, or his designee.
- (5) The deputy secretary of public safety services of the Department of Public Safety and Corrections, or his designee.
- (6) The commissioner of the office of motor vehicles of the Department of Public Safety and Corrections, or his designee.
- (7) Each member of the Louisiana congressional delegation or the member's designee; and be it further

*Resolved*, That the members of this task force shall serve without compensation, except per diem or expenses reimbursement to which they may be individually entitled as members of the organizations they represent; and be it further

*Resolved*, That the president of the Senate or his designee shall act as chairman of the task force and the speaker of the House of

Representatives or his designee shall act as vice chairman; and be it further

*Resolved*, That a majority of the total membership shall constitute a quorum of the task force and any official action by the task force shall require an affirmative vote of a majority of the quorum present and voting; and be it further

*Resolved*, That the names of the members chosen or designated as provided herein shall be submitted to the chairman of the task force not later than August 15, 2013, and that the chairman shall thereafter call the first meeting of the task force not later than September 15, 2013; and be it further

*Resolved*, That the task force shall meet as necessary, shall submit a written report of its findings and recommendations to the chairmen of the Senate and House committees on transportation, highways, and public works not later than sixty days prior to the 2014 Regular Session of the Legislature, and shall terminate upon submission of its report; and be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the deputy secretary of public safety services of the Department of Public Safety and Corrections, the commissioner of the office of motor vehicles of the Department of Public Safety and Corrections, and each member of Louisiana's congressional delegation.

POM-43. A resolution adopted by the Senate of the State of Louisiana urging and requesting the Louisiana congressional delegation to review the basis for the discontinuance of funding of the Bossier Sheriff's Young Marines Program through a Juvenile Accountability Block Grant with the United States Department of Justice, Office of Civil Rights; to the Committee on the Judiciary.

#### SENATE RESOLUTION NO. 192

Whereas, since 2002, the Bossier Parish Sheriff's Office has successfully administered the Bossier Sheriff's Young Marines Program, a program sanctioned by the United States Marine Corps which provides community-based physical education programs that are designed to teach young men and women, ages 8 to 18, respect for their bodies through physical fitness, which in return will instill resistance to the temptations of illegal drugs, alcohol and tobacco use; and

Whereas, the focus of the program is character-building, along with core values of discipline, leadership, teamwork and commitment and instills into the participants the ideals of honesty, integrity and respect and at-risk youth developing goals for academic success; and

Whereas, the program has been partially funded by the Juvenile Accountability Block Grant (JABG) provided by the Louisiana Commission on Law Enforcement (LCLE); and

Whereas, because of the success of the program, local judges started sentencing court-ordered juveniles to the program as a diversion from jail time; however, the Young Marines Program was never intended to be a "diversion" program and the LCLE staff has recommended that the Bossier Parish Sheriff's Office create a new separate program, specifically for court-ordered juveniles; and

Whereas, in December 2012, the Sheriff's Office submitted a JABG application for the Bossier Youth Diversion Program which was created similar to the Bossier Sheriff's Young Marines Program, while also incorporating "Character Counts" and "The Great Body Shop", as recommended by LCLE staff, for court-ordered juveniles only; and

Whereas, the Sheriff's Office was advised by the LCLE that pursuant to the direction

of the United States Department of Justice, Office for Civil Rights, the program can "NOT include prayer as part of the Diversion program. Any prayer, even if voluntary, needs to be separate in time or location from the Diversion Program activities."; and

Whereas, on February 22, 2013, the Sheriff's Office responded by email to the LCLE, "In response to the prayer issue, the time that was offered for prayer was optional for all of the kids. It was led by any child that wanted to volunteer and if there wasn't a volunteer, it became a few moments of silence."; and

Whereas, on March 7, 2013, LCLE responded, at the direction of the United States Department of Justice, requesting an official letter, "... signed by the Sheriff, which states that there will be no prayer activities conducted during the Diversion program ..." and that the LCLE "... will not be able to issue an award until this letter is received."; and

Whereas, at that time, the Sheriff withdrew the grant request; and

Whereas, on February 6, 2013, the Bossier Parish Sheriff's Office submitted a Program Plan Worksheet requesting the one-time Juvenile Justice Delinquency Prevention funds available for the Bossier Sheriff's Young Marines Program and was denied upon the same grounds involving prayer activities; and

Whereas, at this time, the Sheriff's Office has been divested of funding by the LCLE for both the Bossier Sheriff's Young Marines Program and the Bossier Youth Diversion Program due to prayer and the mention of God in the programs: Now, therefore, be it

*Resolved*, That the members of the Louisiana congressional delegation are hereby urged and requested to review with the United States Department of Justice, Office of Civil Rights, the basis for the discontinuance of funding of the Bossier Sheriff's Young Marines Program with a Juvenile Accountability Block Grant; and be it further

*Resolved*, That a copy of this Resolution be transmitted to each member of the Louisiana congressional delegation, the governor, the Louisiana Commission on Law Enforcement, and the Bossier Parish Sheriff.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. MURRAY, from the Committee on Appropriations, without amendment:

S. 1243. An original bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes (Rept. No. 113-45).

By Mr. PRYOR, from the Committee on Appropriations, without amendment:

S. 1244. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2014, and for other purposes (Rept. No. 113-46).

By Mrs. FEINSTEIN, from the Committee on Appropriations, without amendment:

S. 1245. An original bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes (Rept. No. 113-47).

By Mr. JOHNSON of South Dakota, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2216. A bill making appropriations for military construction, the Department of

Veterans Affairs, and related agencies for the fiscal year ending September 30, 2014, and for other purposes (Rept. No. 113-48).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, without amendment:

S. 27. A bill to clarify authority granted under the Act entitled "An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes" (Rept. No. 113-49).

S. 59. A bill to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California (Rept. No. 113-50).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, with an amendment:

S. 156. A bill to allow for the harvest of gull eggs by the Huna Tlingit people within Glacier Bay National Park in the State of Alaska (Rept. No. 113-51).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, without amendment:

S. 211. A bill to amend certain definitions contained in the Provo River Project Transfer Act for purposes of clarifying certain property descriptions, and for other purposes (Rept. No. 113-52).

S. 225. A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes (Rept. No. 113-53).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 241. A bill to establish the Rio Grande del Norte National Conservation Area in the State of New Mexico, and for other purposes (Rept. No. 113-54).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, with an amendment:

S. 256. A bill to amend Public Law 93-435 with respect to the Northern Mariana Islands, providing parity with Guam, the Virgin Islands, and American Samoa (Rept. No. 113-55).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, without amendment:

S. 284. A bill to transfer certain facilities, easements, and rights-of-way to Fort Sumner Irrigation District, New Mexico (Rept. No. 113-56).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, with amendments:

S. 305. A bill to authorize the acquisition of core battlefield land at Champion Hill, Port Gibson, and Raymond for addition to Vicksburg National Military Park (Rept. No. 113-57).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, without amendment:

S. 312. A bill to adjust the boundary of the Carson National Forest, New Mexico (Rept. No. 113-58).

S. 342. A bill to designate the Pine Forest Range Wilderness area in Humboldt County, Nevada (Rept. No. 113-59).

S. 349. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes (Rept. No. 113-60).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, with an amendment:

S. 368. A bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes (Rept. No. 113-61).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, without amendment:

S. 371. A bill to establish the Blackstone River Valley National Historical Park, to dedicate the Park to John H. Chafee, and for other purposes (Rept. No. 113-62).

S. 447. A bill to provide for the conveyance of certain cemeteries that are located on National Forest System land in Black Hills National Forest, South Dakota (Rept. No. 113-63).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 476. A bill to amend the Chesapeake and Ohio Canal Development Act to extend to the Chesapeake and Ohio Canal National Historical Park Commission (Rept. No. 113-64).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, with amendments:

S. 507. A bill to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington, and for other purposes (Rept. No. 113-65).

S. 609. A bill to authorize the Secretary of the Interior to convey certain Federal land in San Juan County, New Mexico, and for other purposes (Rept. No. 113-66).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 736. A bill to establish a maximum amount for special use permit fees applicable to certain cabins on National Forest System land in the State of Alaska (Rept. No. 113-67).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, without amendment:

S. 757. A bill to provide for the implementation of the multispecies habitat conservation plan for the Virgin River, Nevada, and Lincoln County, Nevada, to extend the authority to purchase certain parcels of public land, and for other purposes (Rept. No. 113-68).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 316. A bill to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects (Rept. No. 113-69).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself and Ms. MURKOWSKI) (by request):

S. 1237. A bill to improve the administration of programs in the insular areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself, Mrs. HAGAN, Mr. FRANKEN, Mr. HARKIN, Ms. STABENOW, Ms. WARREN, Mrs. MURRAY, Mr. REID, Ms. LANDRIEU, Mr. PRYOR, Mr. DURBIN, Mr. WHITEHOUSE, Mr. UDALL of New Mexico, Ms. KLO-

BUCHAR, Mr. BROWN, Mr. MENENDEZ, Mr. LEAHY, Mr. SANDERS, Mrs. SHAHEEN, Mr. SCHATZ, Mr. LEVIN, Ms. HIRONO, Mrs. MCCASKILL, Mr. MURPHY, Mr. BLUMENTHAL, Ms. BALDWIN, Mr. BEGICH, Mr. HEINRICH, Mrs. GILLIBRAND, Mr. CARDIN, Mr. MERKLEY, Mr. ROCKEFELLER, Mr. WYDEN, Mrs. BOXER, Ms. MIKULSKI, Mr. NELSON, Mr. JOHNSON of South Dakota, Mr. CASEY, and Mr. COONS):

S. 1238. A bill to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes; placed on the calendar.

By Mrs. GILLIBRAND:

S. 1239. A bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself, Ms. MURKOWSKI, Mrs. FEINSTEIN, and Mr. ALEXANDER):

S. 1240. A bill to establish a new organization to manage nuclear waste, provide a consensual process for siting nuclear waste facilities, ensure adequate funding for managing nuclear waste, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MANCHIN (for himself, Mr. KING, Mr. ALEXANDER, Mr. COBURN, Mr. BURR, Mr. CARPER, Ms. AYOTTE, and Mr. ISAKSON):

S. 1241. A bill to establish the interest rate for certain Federal student loans, and for other purposes; placed on the calendar.

By Mr. BROWN (for himself, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. COONS, Mr. HARKIN, Mrs. MURRAY, Mr. BLUMENTHAL, Mr. WHITEHOUSE, and Mrs. BOXER):

S. 1242. A bill to amend the Fair Housing Act, and for other purposes; to the Committee on the Judiciary.

By Mrs. MURRAY:

S. 1243. An original bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. PRYOR:

S. 1244. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2014, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mrs. FEINSTEIN:

S. 1245. An original bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. MURPHY (for himself, Mr. BROWN, Mr. MERKLEY, and Mr. BLUMENTHAL):

S. 1246. A bill to amend title 10, United States Code, to require contracting officers to consider information regarding domestic employment before awarding a Federal defense contract, and for other purposes; to the Committee on Armed Services.

By Mr. REED:

S. 1247. A bill to improve and enhance research and programs on childhood cancer survivorship, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. HARKIN):

S. 1248. A bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself, Ms. COLLINS, Mr. PORTMAN, Mr. CRAPO, Mr. KIRK, and Mrs. SHAHEEN):

S. 1249. A bill to rename the Office to Monitor and Combat Trafficking of the Department of State the Bureau to Monitor and Combat Trafficking in Persons and to provide for an Assistant Secretary to head such Bureau, and for other purposes; to the Committee on Foreign Relations.

By Mr. WYDEN (for himself and Mr. HOEVEN):

S. 1250. A bill to provide \$50,000,000,000 in new transportation infrastructure funding through bonding to empower States and local governments to complete significant infrastructure projects across all modes of transportation, including roads, bridges, rail and transit systems, ports, and inland waterways, and for other purposes; to the Committee on Finance.

By Mr. REED (for himself, Mrs. FISCHER, Mr. MENENDEZ, Mr. CASEY, Mr. FRANKEN, and Ms. KLOBUCHAR):

S. 1251. A bill to establish programs with respect to childhood, adolescent, and young adult cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself and Mr. LEAHY):

S. 1252. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Missisquoi River and the Trout River in the State of Vermont, as components of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. MURPHY (for himself and Mr. BLUMENTHAL):

S. 1253. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON (for himself, Mr. PORTMAN, Mr. BEGICH, Mr. ROCKEFELLER, Mr. BLUMENTHAL, Mr. KING, Mr. CARDIN, Ms. CANTWELL, Ms. LANDRIEU, Mr. WICKER, and Mr. MERKLEY):

S. 1254. A bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HELLER:

S. 1255. A bill to amend the Internal Revenue Code of 1986 to provide for a deduction for travel expenses to medical centers of the Department of Veterans Affairs in connection with examinations or treatments relating to service-connected disabilities; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. REED, Ms. CANTWELL, and Mrs. BOXER):

S. 1256. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the ef-

fectiveness of medically important antimicrobials used in the treatment of human and animal diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS:

S. 1257. A bill to protect financial transactions in the United States from enforcement of certain excise taxes imposed by any foreign government, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON of Wisconsin (for himself and Ms. BALDWIN):

S. 1258. A bill to authorize and request the President to award the Medal of Honor posthumously to First Lieutenant Alonzo H. Cushing for acts of valor during the Civil War; to the Committee on Armed Services.

By Mr. MENENDEZ:

S. 1259. A bill to amend the Public Health Services Act to provide research, training, and navigator services to youth and young adults on the verge of aging out of the secondary educational system, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of New Mexico (for himself and Mr. BOOZMAN):

S. 1260. A bill to amend the Internal Revenue Code of 1986 to provide a standard home office deduction; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself and Mr. RISCH):

S. 1261. A bill to amend the National Energy Conservation Policy Act and the Energy Independence and Security Act of 2007 to promote energy efficiency via information and computing technologies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON:

S. 1262. A bill to require the Secretary of Veterans Affairs to establish a veterans conservation corps, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HELLER (for himself and Mr. REID):

S. 1263. A bill to establish a wilderness area, promote conservation, improve public land, and provide for sensible development in Douglas County, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASEY:

S. 1264. A bill to foster market development of clean energy fueling facilities by steering infrastructure installation toward designated Clean Vehicle Corridors; to the Committee on Environment and Public Works.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 1265. A bill to amend title XVIII of the Social Security Act to delay the implementation of round 2 of the Medicare DMEPOS Competitive Acquisition Program for competitive acquisition areas in Tennessee, and for other purposes; to the Committee on Finance.

By Mr. BROWN (for himself, Ms. HEITKAMP, Mr. DURBIN, Mrs. MURRAY, and Mrs. GILLIBRAND):

S. 1266. A bill to provide for the establishment of a mechanism to allow borrowers of private education loans to refinance their loans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW:

S. 1267. A bill to cut taxes for innovative businesses that produce renewable chemicals; to the Committee on Finance.

By Mr. WYDEN (by request):

S. 1268. A bill to approve an agreement between the United States and the Republic of

Palau; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INHOFE (for himself and Ms. LANDRIEU):

S. Res. 190. A resolution expressing the sense of the Senate that foreign assistance for child welfare should adhere to the goals of the United States Government Action Plan on Children in Adversity; to the Committee on Foreign Relations.

By Mr. ENZI (for himself, Mr. BARASSO, Mr. BAUCUS, Mr. CRAPO, Mr. INHOFE, Mr. JOHNSON of South Dakota, Mr. JOHANNES, Ms. HEITKAMP, Mr. MERKLEY, Mr. REID, Mr. RISCH, and Mr. TESTER):

S. Res. 191. A resolution designating July 27, 2013, as "National Day of the American Cowboy"; to the Committee on the Judiciary.

By Mr. CASEY (for himself and Mr. TOOMEY):

S. Res. 192. A resolution commemorating the 150th anniversary of the Battle of Gettysburg and the significance of this battle in the history of the United States; considered and agreed to.

By Mr. REID:

S. Con. Res. 19. A concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 170

At the request of Ms. MURKOWSKI, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 170, a bill to recognize the heritage of recreational fishing, hunting, and recreational shooting on Federal public land and ensure continued opportunities for those activities.

S. 323

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 323, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 381

At the request of Mr. BROWN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 381, a bill to award a Congressional Gold Medal to the World War II members of the "Doolittle Tokyo Raiders", for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

S. 403

At the request of Mr. CASEY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 403, a bill to amend the Elementary and Secondary Education Act of

1965 to address and take action to prevent bullying and harassment of students.

S. 409

At the request of Mr. BURR, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 409, a bill to add Vietnam Veterans Day as a patriotic and national observance.

S. 411

At the request of Mr. ROCKEFELLER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 425

At the request of Ms. STABENOW, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 425, a bill to amend title XI of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing maternity care quality measures and supporting maternity care quality collaboratives.

S. 455

At the request of Mr. TESTER, the name of the Senator from North Dakota (Ms. HETTKAMP) was added as a cosponsor of S. 455, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to transport individuals to and from facilities of the Department of Veterans Affairs in connection with rehabilitation, counseling, examination, treatment, and care, and for other purposes.

S. 541

At the request of Ms. LANDRIEU, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 541, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 559

At the request of Mr. ISAKSON, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 559, a bill to establish a fund to make payments to the Americans held hostage in Iran, and to members of their families, who are identified as members of the proposed class in case number 1:08-CV-00487 (EGS) of the United States District Court for the District of Columbia, and for other purposes.

S. 628

At the request of Mr. TESTER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 628, a bill to amend title 10, United States Code, to extend the duration of the Physical Disability Board of Review and to the expand the authority of such Board to review of the separation of members of the Armed Forces on the basis of mental

condition not amounting to disability, including separation on the basis of a personality or adjustment disorder.

S. 629

At the request of Mr. PRYOR, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 629, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 710

At the request of Mr. TOOMEY, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 710, a bill to provide exemptions from municipal advisor registration requirements.

S. 718

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 718, a bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes.

S. 727

At the request of Mr. MORAN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Kansas (Mr. ROBERTS), the Senator from Texas (Mr. CORNYN), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Nevada (Mr. HELLER), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Wyoming (Mr. BARRASSO), the Senator from South Dakota (Mr. THUNE), the Senator from Ohio (Mr. PORTMAN) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 727, a bill to improve the examination of depository institutions, and for other purposes.

S. 731

At the request of Mr. MANCHIN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 731, a bill to require the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency to conduct an empirical impact study on proposed rules relating to the International Basel III agreement on general risk-based capital requirements, as they apply to community banks.

S. 772

At the request of Mr. NELSON, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 772, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 783

At the request of Mr. WYDEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 783, a bill to amend the Helium Act to improve helium stewardship, and for other purposes.

S. 789

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 789, a bill to grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 877

At the request of Mr. BEGICH, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 877, a bill to require the Secretary of Veterans Affairs to allow public access to research of the Department, and for other purposes.

S. 892

At the request of Mr. KIRK, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 892, a bill to amend the Iran Threat Reduction and Syria Human Rights Act of 2012 to impose sanctions with respect to certain transactions in foreign currencies, and for other purposes.

S. 917

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain qualifying producers.

S. 966

At the request of Mr. CARDIN, the name of the Senator from North Dakota (Ms. HETTKAMP) was added as a cosponsor of S. 966, a bill to amend the Internal Revenue Code of 1986 to increase participation in medical flexible spending arrangements.

S. 971

At the request of Mr. WYDEN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 971, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1013

At the request of Mr. CORNYN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1013, a bill to amend title 35, United States Code, to add procedural requirements for patent infringement suits.

S. 1066

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio

(Mr. BROWN) was added as a cosponsor of S. 1066, a bill to allow certain student loan borrowers to refinance Federal student loans.

S. 1072

At the request of Ms. KLOBUCHAR, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 1072, a bill to ensure that the Federal Aviation Administration advances the safety of small airplanes and the continued development of the general aviation industry, and for other purposes.

S. 1089

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1089, a bill to provide for a prescription drug take-back program for members of the Armed Forces and veterans, and for other purposes.

S. 1093

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1093, a bill to designate the facility of the United States Postal Service located at 130 Caldwell Drive in Hazlehurst, Mississippi, as the "First Lieutenant Alvin Chester Cockrell, Jr. Post Office Building".

S. 1148

At the request of Mr. HEINRICH, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1148, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide notice of average times for processing claims, and for other purposes.

S. 1154

At the request of Mr. ROBERTS, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1154, a bill to provide that certain requirements of the Patient Protection and Affordable Care Act do not apply if the American Health Benefit Exchanges are not operating on October 1, 2013.

S. 1158

At the request of Mr. WARNER, the names of the Senator from Colorado (Mr. BENNET) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1166

At the request of Mr. ISAKSON, the names of the Senator from Idaho (Mr. RISCH) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 1166, a bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

S. 1174

At the request of Mr. BLUMENTHAL, the names of the Senator from Illinois

(Mr. DURBIN), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 1174, a bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

S. 1187

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1187, a bill to prevent homeowners from being forced to pay taxes on forgiven mortgage loan debt.

S. 1195

At the request of Mr. BARRASSO, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1195, a bill to repeal the renewable fuel standard.

S. 1204

At the request of Mr. COBURN, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 1204, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services, to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities, and for other purposes.

S. 1226

At the request of Mr. BROWN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1226, a bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

S. 1229

At the request of Mr. WHITEHOUSE, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Michigan (Mr. LEVIN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1229, a bill to amend the Truth in Lending Act to empower the States to set the maximum annual percentage rates applicable to consumer credit transactions, and for other purposes.

S. 1234

At the request of Mr. INHOFE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1234, a bill to clarify that a State has the sole authority to regulate hydraulic fracturing on Federal land within the boundaries of the State.

S. 1235

At the request of Mr. WYDEN, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1235, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 1236

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1236, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S.J. RES. 19

At the request of Mr. UDALL of New Mexico, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 75

At the request of Mr. KIRK, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. Res. 75, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 153

At the request of Mr. TOOMEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 153, a resolution recognizing the 200th anniversary of the Battle of Lake Erie.

AMENDMENT NO. 1312

At the request of Mr. SANDERS, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of amendment No. 1312 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1317

At the request of Ms. HIRONO, the names of the Senator from California (Mrs. BOXER), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of amendment No. 1317 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1397

At the request of Mr. WHITEHOUSE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 1397 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1453

At the request of Mr. WHITEHOUSE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 1453 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1636

At the request of Mr. BLUMENTHAL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a

cosponsor of amendment No. 1636 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1714

At the request of Mr. BROWN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 1714 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1718

At the request of Ms. HIRONO, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Hawaii (Mr. SCHATZ) and the Senator from Delaware (Mr. COONS) were added as cosponsors of amendment No. 1718 intended to be proposed to S. 744, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Ms. MURKOWSKI, Mrs. FEINSTEIN, and Mr. ALEXANDER):

S. 1240. A bill to establish a new organization to manage nuclear waste, provide a consensual process for siting nuclear waste facilities, ensure adequate funding for managing nuclear waste, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to join my colleagues in introducing the Nuclear Waste Administration Act.

This bipartisan legislation, which has been years in the making, is also cosponsored by Senators RON WYDEN, LISA MURKOWSKI, and LAMAR ALEXANDER.

This legislation represents our best attempt to establish a workable, long term nuclear waste policy for the United States, something our Nation lacks today, by implementing the unanimous recommendations of the Blue Ribbon Commission on America's Nuclear Future.

First, the bill would create an independent entity, the Nuclear Waste Administration, with the sole purpose of managing nuclear waste.

Second, the bill would authorize the siting and construction of three types of waste facilities: a "pilot" waste storage facility for waste from shut down reactors, additional storage facilities for waste from other facilities, and permanent repositories to dispose of nuclear waste.

Third, the bill creates a consent-based siting process for both storage facilities and repositories, based on the successful efforts to build waste facilities in other countries.

The legislation requires that local, tribal, and State governments must

consent to host waste facilities by signing incentive agreements, assuring that waste is only stored in the States and communities that want and welcome it.

Fourth, the bill would direct the fees currently collected from nuclear power ratepayers to fund nuclear waste management, currently about \$750 M annually, into a new Working Capital Fund available to the Nuclear Waste Administration to fund construction of waste facilities.

Finally, the legislation ensures that the new Nuclear Waste Administration will be held accountable for meeting Federal responsibilities and stewarding Federal dollars.

The Nuclear Waste Administrator will be appointed by the President and confirmed by the Senate. The Administration will be overseen by a five-member Nuclear Waste Oversight Board, modeled on the Defense Nuclear Facilities Board. The administration will have an Inspector General. The administration will not be able to access the corpus of the Nuclear Waste Trust Fund until it reaches agreement with a host community. Appropriators may limit the administration's spending, if necessary. Finally, if the agency fails to open a nuclear waste facility by 2025, additional funding will cease.

The United States has 104 operating commercial nuclear power reactors that supply  $\frac{1}{3}$  of our electricity and nearly 75 percent of our emissions-free power.

However, production of this nuclear power has a significant downside: it produces nuclear waste that will take hundreds of thousands of years to decay. Unlike most nuclear nations, the United States has no program to consolidate waste in centralized facilities.

Instead, we leave the waste next to operating and shut down reactors sitting in pools of water or in cement and steel dry casks. Today, approximately 70,000 metric tons of nuclear waste is stored at commercial reactor sites. This total grows by 2,000 metric tons each year.

In addition to commercial nuclear waste, we must also address waste generated from creating our nuclear weapons stockpile and powering our Navy.

The byproducts of nuclear energy represent some of the nation's most hazardous materials, but for decades we have failed to find a solution for their safe storage and permanent disposal. Most experts agree that this failure is not a scientific problem or an engineering impossibility; it is a failure of government.

Although the Federal Government signed contracts committing to pick up commercial waste beginning in 1998, the Federal government's waste program has failed to take possession of a single fuel assembly.

Our government has not honored its contractual obligations. We have been

sued, and we have lost. So today, the Federal taxpayer is paying power plants to store the waste at reactor sites all over the nation. The cost of this liability is forecast to reach \$20 billion by 2020.

As we try to manage our growing national debt, we simply cannot tolerate continued inaction.

In January 2012, the Blue Ribbon Commission on America's Nuclear Future completed a two-year comprehensive study and published unanimous recommendations for fixing our Nation's broken nuclear waste management program.

The commission found that the only long-term, technically feasible solution for this waste is to dispose of it in a permanent underground repository. Until such a facility is opened, which will take many decades, spent nuclear fuel will continue to be an expensive, dangerous burden.

That is why the commission also recommended that we establish an interim storage facility program to begin consolidating this dangerous waste, in addition to working on a permanent repository.

Finally, after studying the experience of all nuclear nations, the commission found that siting these facilities is most likely to succeed if the host states and communities are welcome and willing partners, not adversaries. The commission recommended that we adopt a consent based nuclear facility siting process.

Senators WYDEN, MURKOWSKI, ALEXANDER, and I introduce this legislation in order to begin implementing those recommendations, putting us on a dual track toward interim and permanent storage facilities. The bill also reflects much work by former Senator Bingaman, who put forward a similar proposal as one of the last bills he wrote.

In my view, one of the most important provisions in this legislation is the pilot program to begin consolidating nuclear waste at safer, more cost-efficient centralized facilities on an interim basis. The legislation will facilitate interim storage of nuclear waste in above-ground canisters called dry casks. These facilities would be located in willing communities, away from population centers, and on thoroughly assessed sites.

Some members of Congress argue that we should ignore the need to interim storage sites and instead push forward with a plan to open Yucca Mountain as a permanent storage site.

Others argue that we should push forward only with repository plans in new locations.

But the debate over Yucca Mountain, a controversial waste repository proposed in the Nevada desert, which lacks State approval, is unlikely to be settled any time soon.

I believe the debate over a permanent repository does not need to be settled



in order to recognize the need for interim storage. Even if Congress and a future president reverse course and move forward with Yucca Mountain, interim storage facilities would still be an essential component of a badly needed national nuclear waste strategy.

By creating interim storage sites, a top recommendation of the Blue Ribbon Commission, we would begin reducing Federal liability while providing breathing room to site and build a permanent repository.

Interim storage facilities could also provide alternative storage locations in emergency situations requiring spent nuclear fuel to be moved quickly from a reactor site.

Both short- and long-term storage programs are vital. Permanently disposing of our current inventory of nuclear waste will take several decades.

Because of that long timeline, interim storage facilities allow us to achieve significant cost savings for taxpayers and utility ratepayers by shuttering a number of nuclear plants.

One thing is certain: inaction is the most costly and least safe option.

Our longstanding stalemate is costly to taxpayers, utility ratepayers and communities that are involuntarily saddled with waste after local nuclear power plants have shut down.

It leaves nuclear waste all over the country, stored in all different ways.

It is long overdue for the government to honor its obligation to safely dispose of the Nation's nuclear waste.

This will be a long journey, but we must take the first step.

By Mr. REED (for himself, Mrs. FISCHER, Mr. MENENDEZ, Mr. CASEY, Mr. FRANKEN, and Ms. KLOBUCHAR):

S. 1251. A bill to establish programs with respect to childhood, adolescent, and young adult cancer; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to be joined by Senators FISCHER, MENENDEZ, CASEY, KLOBUCHAR and FRANKEN in the introduction of the Caroline Pryce Walker Conquer Childhood Cancer Reauthorization Act. This legislation is an extension of ongoing bipartisan efforts in the Senate over the past decade to hopefully one day cure cancers in children, adolescents, and young adults.

I first started working on this issue after meeting the Haight family from Warwick, Rhode Island in June of 2004. Nancy and Vincent lost their son, Ben, when he was just 9 years old to neuroblastoma, a very aggressive tumor in the brain. With the strong support of families like the Haight family for increased research into the causes of childhood cancers and improved treatment options, I introduced legislation that eventually was signed into law in 2008

as the Caroline Pryce Walker Conquer Childhood Cancer Act.

Since then, I have worked to secure funding for these efforts, including \$6 million for the Centers for Disease Control and Prevention, CDC, to improve the ability of state cancer registries to rapidly collect information on the diagnosis and treatment information of children with cancer, and \$1 million for the Secretary of Health and Human Services, HHS, to help educate families about treatment options and follow-up care.

Then, last year, I met Grace. Grace, from Providence, RI, is now 10 years old and is a survivor of medulloblastoma, another type of tumor that forms in the brain. Grace and her family reminded me that we must do more to ensure biomedical advances can continue so that better treatments will become available.

With Ben and Grace, and their families, in mind, I have been working to update the original Caroline Pryce Walker Conquer Childhood Cancer Act.

As such, the reauthorization we are introducing today would help create a comprehensive children's cancer biorepository for researchers to use in searching for biospecimens to study, would improve surveillance of childhood cancer cases, and would require a study of ways to encourage the development of novel treatments.

I am also pleased to be reintroducing the Pediatric, Adolescent, and Young Adult Cancer Survivorship Act. Through increased research and advances in medical innovation, the population of survivors of childhood cancer has grown from just four percent surviving more than five years in 1960 to nearly eighty percent today.

Unfortunately, even after beating cancer, as many as ⅓ of survivors suffer from late effects of their disease or treatment, including second cancers and organ damage. This legislation would enhance research on the late effects of childhood cancers, improve collaboration among providers so that doctors are better able to care for this population as they age, and establish a new pilot program to begin to explore models of care for childhood cancer survivors.

We must do more to ensure that children survive cancer and any late effects so they can live a long, healthy, and productive life. I look forward to working with Senator FISCHER, and our colleagues, to see these bills enacted.

By Mr. SANDERS (for himself and Mr. LEAHY):

S. 1252. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Missisquoi River and the Trout River in the State of Vermont, as components of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

Mr. LEAHY. Mr. President, I am pleased today to join my Vermont colleague Senator SANDERS to introduce the Upper Missisquoi and Trout Rivers Wild and Scenic River Designation Act.

The Upper Missisquoi River gathers itself from snowmelt and from pristine springs and cedar bogs in the forests of Vermont's Northeast Kingdom. As it flows from the town of Lowell to the town of Westfield, this lovely mountain brook grows large enough to float a small canoe during its winding journey through Vermont's forests and meadows. A paddler on this section is treated to a stream that runs crystal clear and abounds with trout and other fish as it winds through pine forest and silver maple flood plains, to meadows dotted with grazing Holstein cows.

The beauty and wildness of the river is undiminished as it swells on its journey north through the towns of Westfield, North Troy, and Troy, and crosses into the Canadian Province of Quebec. Not far downstream the river reenters the United States and winds its way across more miles of pastoral countryside in Northern Vermont through Richford, Berkshire, and Enosburg. Along the way it gathers the ice-cold, pristine flow of the Trout River in the town of Montgomery.

The scenery along the Upper Missisquoi and Trout Rivers in these towns is spectacularly beautiful, the water quality is superb, public access is unlimited, and Vermonters along the shores are eager to share these treasures with visitors from near and far. The Upper Missisquoi and Trout Rivers epitomize Wild and Scenic Recreational Rivers of national significance, and I am proud to join Senator SANDERS in introducing this legislation.

A Federal Wild and Scenic Recreational River designation should only be considered after the resource has been closely studied and if this designation is actively sought by people living in the area. We can report to the Senate that both of these tests are met for the Upper Missisquoi and Trout Rivers.

Seven years ago a group of people living along the rivers asked Vermont's delegation to the Congress to request a Wild and Scenic River Study, and for more than 5 years these Vermonters—with tremendous support from their neighbors, the neighboring towns, and the National Park Service—have assessed the river, turn by turn, mile by mile, and they have worked hard to plan for its protection and recreational use. The study committee kept their neighbors along the rivers and local elected leaders fully engaged at every step. Their hard work paid off this past March when the citizens of each of the affected, towns, at Vermont town meetings—those revered democratic institutions of self-government in our State—voted in favor of seeking the Wild and Scenic River designation.

This has been one of the most locally driven and strongly supported resource conservation initiatives to come before the Congress, and I commend the study committee and all of Vermonters in these towns for their hard work and cooperation.

A National Wild and Scenic River designation will help these two rivers reach their full potential as major engines of the Northeast Kingdom's tourism economy and at the same time help to ensure that the ecosystem is protected and enhanced for future generations.

The Upper Missisquoi River and the Trout River meet each of the criteria for a National Wild and Scenic River designation. The management of the rivers has been carefully planned, and the designation is actively sought by Vermonters living in communities along the rivers. I am proud to join Senator SANDERS and PETER WELCH, Vermont's Representative in the other body, in introducing this bill and taking this commendable effort to the next level.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. REED, Ms. CANTWELL, and Mrs. BOXER):

S. 1256. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antimicrobials used in the treatment of human and animal diseases; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Preventing Antibiotic Resistance Act.

This legislation puts in place reasonable safeguards on when and how antibiotics can be used in agriculture.

Few people realize that antibiotics are used in animal agriculture; even fewer realize the scope of the problem.

Last year 29.9 million pounds of antibiotics were sold in the U.S. for meat and poultry production. That is four times what was used in all forms of human medicine.

But there is more to be concerned about. The vast majority of these drugs are fed to healthy livestock and poultry, with little or no veterinary oversight. The drugs are used for growth promotion, to fatten up animals before slaughter.

At these low levels, the doses are not large enough, or powerful enough, to eliminate all the bacteria inside the animal's body. The small dose only kills off the weakest bacteria, leaving the strongest, most resistant bacteria behind to reproduce.

It creates a perfect storm for antibiotic resistance.

This isn't just a problem for the animals. These antibiotic resistant pathogens make their way into our food, our water, and our communities.

A recent study published in the medical journal *Clinical Infectious Dis-*

*eases* found that nearly 50 percent of grocery store meat was contaminated with antibiotic resistant pathogens. Even more concerning, 25 percent of the meat was contaminated with pathogens that were resistant to three or more type of antibiotics.

Antibiotics are the closest thing to a "silver bullet" in human medicine. They are capable of wiping out a wide variety of bacterial infections. But we are in danger of losing this weapon in the fight against infectious diseases.

Tens of thousands of people in the U.S. die each year from antibiotic resistant infections. Unfortunately, we are learning the hard way that these precious, lifesaving drugs no longer work as well as they once did.

That is why I am so committed to this bill, to preserve the efficacy of these drugs that save lives every day.

The Preventing Antibiotic Resistance Act directs the Food and Drug Administration to prohibit the use of antibiotics in ways that accelerate antibiotic resistance.

The bill requires drug companies and producers to demonstrate that they are using antibiotics to treat clinically diagnosable diseases, not just to fatten their livestock.

But the bill takes a nuanced approach; the restrictions only apply to the limited number of antibiotics that are critical to human health. Any drug not used in human medicine is left untouched by this legislation.

The Preventing Antibiotic Resistance Act also preserves the ability of farmers to use all available antibiotics to treat sick animals. If a veterinarian identifies a sick animal, or a herd of animals that are likely to become sick, there are no restrictions on what drugs can be used.

This legislation is not revolutionary. Fifteen years ago Denmark became the first country to ban the routine use of antibiotics in the food and water of livestock. The entire European Union followed suit in 2006. Australia, New Zealand, Chile, Korea, Thailand, the Philippines and Japan have also implemented full or partial bans on non-therapeutic uses of antibiotics.

But the majority of producers in the U.S. have not followed suit; and it is time for a wakeup call.

Put simply—irresponsible use of antibiotics endangers us all. And if the drugs can't be used safely, they shouldn't be used at all.

Some still refuse to accept the facts; they say that there is no evidence that antibiotic use in agriculture leads to infections in humans.

They are wrong.

Rear Admiral Ali S. Khan, MD, MPH, Assistant Surgeon General and Director of the Office of Public Health Preparedness and Response at the Centers for Disease Control and Prevention, testified in the House Energy Committee that "studies related to Sal-

monella as both a human and animal pathogen, including many studies in the United States, have demonstrated that use of antibiotic agents in food animals results in antibiotic resistant bacteria in food animals, resistant bacteria are present in the food supply and are transmitted to humans, and resistant bacterial infections result in adverse human health consequences, e.g., increased hospitalization."

Doctor Joshua Sharfstein, Principal Deputy Commissioner of the Food and Drug Administration, also testified at the hearing and agreed with Rear Admiral Khan. The FDA, he said, "supports the conclusion that using medically important antimicrobial drugs for production purposes is not in the interest of protecting and promoting the public health."

Quantitative evidence from the EU and Canada also support this conclusion. In response to public health concerns about the rise of resistance to the antibiotic cephalosporin in *Salmonella* and *E. coli*, chicken hatcheries in Québec voluntarily stopped using the drug in February 2005. Following the ban, the public health agency of Canada reported a dramatic 89 percent decrease in the incidence of resistant salmonella in chicken meat and 77 percent decrease in related human infections. Once the drug was partially reintroduced in 2007, antibiotic resistant infections in people jumped back up 50 percent.

Unfortunately we are fighting an uphill battle with antibiotic resistant infections. Our tools and resources are diminishing even while the number and severity of these infections are increasing.

One example is Methicillin-resistant *Staphylococcus aureus*, or MRSA. According to the Centers for Disease Control and Prevention, CDC, MRSA infections in 1974 accounted for only two percent of the total number of staph infections; in 1995 it was 22 percent; and by 2004 it was 63 percent.

CDC estimates that by 2005, there were 94,360 MRSA infections in the United States. Tragically, about 19,000 of them, 20 percent, were fatal. The primary reason is that MRSA is virtually immune to almost every antibiotic used in modern medicine.

By comparison, during the same year there were 17,011 deaths due to AIDS; so the scope and consequence of this problem is stunning.

Of course not all MRSA is derived from the overuse of antibiotics on the farm. Many infections are acquired in the hospital, and it is believed that these bacteria became resistant to antibiotics due to the misuse of drugs in human medicine.

But MRSA is infecting individuals who have not been in a hospital setting.

There is strong evidence that at least one strain of MRSA infecting people is

coming directly from livestock. This strain, known as ST398, has been shown to disproportionately infect farmers and their families. Like all MRSA, ST398 is resistant to the antibiotics methicillin and oxacillin. But resistance to other antibiotics is also common among ST398 strains which make treatment especially challenging.

A study by the CDC in December 2009 showed that hospital-acquired MRSA strains and community-acquired MRSA strains such as ST398 are trending in opposite directions.

The study found that community-acquired MRSA, a type of MRSA that did not emerge in the hospital setting and is not contracted there, increased 700 percent between 1999 and 2006.

By contrast, hospital-acquired MRSA cases declined roughly 10 percent over this same time period.

Over the past decade, it has become clear that MRSA is not just a problem for hospital administrators. More and more individuals are acquiring this devastating infection in their homes, at their gyms or in restaurants.

While it is exceedingly difficult to determine the exact extent that antibiotic use in agriculture influences individual MRSA cases, we know for certain that statistical evidence overwhelmingly suggests that a reduction of antibiotic use in agriculture will result in a reduction of highly resistant MRSA cases.

Since the recent data released by the FDA confirm that more than 80 percent of all antibiotics sold in this country are for meat and poultry producing animals, one can reasonably conclude that a reduction of antibiotic use in agriculture will result in a reduction of highly resistant MRSA cases.

This legislation will very likely reduce the number of resistant infections and will very likely save lives.

But some still claim that this legislation may make our food supply less safe. They argue that antibiotics keep our animals healthy, and healthy animals make for healthy food.

But research shows us that these concerns are misguided. More than 375 public, consumer and environmental health groups, including the American Medical Association, the American Public Health Association, and the Infectious Diseases Society of America, support the legislation.

This bill makes incremental changes to ensure that our actions on the farm do not negatively impact the health and well being of our farmers, their families, and every one of us who consume the food they produce.

I look forward to working with my colleagues to pass these critical reforms.

By Mr. WYDEN (by request):

S. 1268. A bill to approve an agreement between the United States and the Republic of Palau; to the Com-

mittee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, I am pleased to introduce legislation to strengthen the relationship between the United States and the Republic of Palau, one of our closest and most reliable allies. This legislation, if enacted, would implement the recommendations of the 15-year review called for under the Compact of Free Association between our two nations.

The Committee on Energy and Natural Resources will be holding a hearing on insular issues on Thursday, July 11, and it is my intention to add this bill to the agenda for that hearing.

Palau is located in the western Pacific about 800 miles south of Guam and 500 miles east of the Philippines. The close ties between the U.S. and Palau date from World War II, when Japanese forces were defeated in the Battle of Peleliu with a loss of nearly 2,000 U.S. marines. In 1947, the islands became a District in the United Nations Trust Territory of the Pacific Islands. The United States was appointed Administering Authority of the Trust Territory with the responsibility to promote economic and political development. Because of the United States' strategic interest in this region, the Trust Territory was established as the only U.N. "Strategic" Trust under the authority of the U.N. Security Council, as opposed to the U.N. General Assembly.

In 1982, Palau signed a 50-year Compact of Free Association that was approved by the U.S. in 1986, P.L. 99-658. The Compact went into effect on October 1, 1994, and the U.N. Trusteeship was subsequently terminated, making Palau a sovereign, self-governing state in free association with the United States. The Compact provides the U.S. with the ability to deny the use of Palauan territory to the military forces of other nations, and to establish military bases in Palau, should the need arise. These security provisions are described by the administration as "vital" to U.S. regional security and diplomatic interests.

The U.S. and Palau completed a formal review of the Compact in 2010 and, on September 10, 2010, signed an agreement with amendments to the Compact based on the conclusions and recommendation of the review. The bill being introduced today would approve this agreement and its appendices and incorporate them into the law which established the Compact.

First, the legislation would extend and phase-out annual financial assistance over 11 years, through 2024, for operations, construction, maintenance and trust fund contributions totaling \$165 million, or an average of \$15 million annually. Second, the legislation significantly enhances accountability of U.S. financial assistance by requiring Palau to undertake financial and management reforms. Third, the bill

would require any Palauan entering the U.S. to have a Palau passport. This would be the same requirement that was imposed on citizens of Micronesia and the Marshall Islands when their Compacts were reviewed and amended in 2003.

This agreement and legislation reaffirms and strengthens the special ties between the U.S. and Palau. Together we will continue our commitment to regional security. The United States will continue to be responsible for the security and defense of Palau, and the U.S. is honored to have the continued service of the men and women of Palau in the U.S. armed services. Strategic denial and the associated base rights provided for under the Compact were originally designed to counter the Cold War threat in the Pacific. While the Cold War has ended, the U.S. continues to face new challenges in the region.

I look forward to working with officials in the administration and in Palau who conducted the Compact Review and concluded this important agreement. I urge my colleagues to join with me in approving this agreement and assuring the continued strength of this historic partnership.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1268

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. APPROVAL OF THE AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF PALAU.**

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term "Agreement" means the Agreement and appendices signed by the United States and the Republic of Palau on September 3, 2010.

(2) COMPACT OF FREE ASSOCIATION.—The term "Compact of Free Association" means the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note; Public Law 99-658).

(b) RESULTS OF COMPACT REVIEW.—

(1) IN GENERAL.—Title I of Public Law 99-658 (48 U.S.C. 1931 et seq.) is amended by adding at the end the following:

**"SEC. 105. RESULTS OF COMPACT REVIEW.**

"(a) IN GENERAL.—The Agreement and appendices signed by the United States and the Republic of Palau on September 3, 2010 (referred to in this section as the 'Agreement'), in connection with section 432 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note; Public Law 99-658) (referred to in this section as the 'Compact of Free Association'), are approved—

"(1) except for the extension of article X of the Agreement Regarding Federal Programs and Services, and Concluded Pursuant to article II of title II and section 232 of the Compact of Free Association; and

"(2) subject to the provisions of this section.

"(b) WITHHOLDING OF FUNDS.—If the Republic of Palau withdraws more than \$5,000,000

from the trust fund established under section 211(f) of the Compact of Free Association in any of fiscal years 2011, 2012, or 2013, amounts payable under sections 1, 2(a), 3, and 4(a), of the Agreement shall be withheld from the Republic of Palau until the date on which the Republic of Palau reimburses the trust fund for the total amounts withdrawn that exceeded \$5,000,000 in any of those fiscal years.

“(c) FUNDING FOR CERTAIN PROVISIONS UNDER SECTION 105 OF COMPACT OF FREE ASSOCIATION.—Within 30 days of enactment of this section, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of the Interior such sums as are necessary for the Secretary of the Interior to implement sections 1, 2(a), 3, 4(a), and 5 of the Agreement, which sums shall remain available until expended without any further appropriation.

“(d) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated—

“(1) to the Secretary of the Interior to subsidize postal services provided by the United States Postal Service to the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia \$1,500,000 for each of fiscal years 2014 through 2024, to remain available until expended.

“(2) to the head of each Federal entity described in paragraphs (1), (3), and (4) of section 221(a) of the Compact of Free Association (including the successor of each Federal entity) to carry out the responsibilities of the Federal entity under section 221(a) of the Compact of Free Association such sums as are necessary, to remain available until expended.”.

(2) OFFSET.—Section 3 of the Act of June 30, 1954 (68 Stat. 330, 82 Stat. 1213, chapter 423), is repealed.

(c) PAYMENT SCHEDULE; WITHHOLDING OF FUNDS; FUNDING.—

(1) COMPACT SECTION 211(f) FUND.—Section 1 of the Agreement shall be construed as though the section reads as follows:

**“SECTION 1. COMPACT SECTION 211(F) FUND.**

“The Government of the United States of America (the ‘Government of the United States’) shall contribute \$30,250,000 to the Fund referred to in section 211(f) of the Compact in accordance with the following schedule—

- “(1) \$11,000,000 in fiscal year 2014;
- “(2) \$3,000,000 in each of fiscal years 2015 through 2017;
- “(3) \$2,000,000 in each of fiscal years 2018 through 2022; and
- “(4) \$250,000 in fiscal year 2023.”.

(2) INFRASTRUCTURE MAINTENANCE FUND.—Subsection (a) of section 2 of the Agreement shall be construed as though the subsection reads as follows:

“(a) The Government of the United States shall provide a grant of \$6,912,000 for fiscal year 2014 and a grant of \$2,000,000 annually from the beginning of fiscal year 2015 through fiscal year 2024 to create a trust fund (the ‘Infrastructure Maintenance Fund’) to be used for the routine and periodic maintenance of major capital improvement projects financed by funds provided by the United States. The Government of the Republic of Palau will match the contributions made by the United States by making contributions of \$150,000 to the Infrastructure Maintenance Fund on a quarterly basis from the beginning of fiscal year 2014 through fiscal year 2024. Implementation of this subsection shall be carried out in accordance with the provisions of Appendix A to this Agreement.”.

(3) FISCAL CONSOLIDATION FUND.—Section 3 of the Agreement shall be construed as though the section reads as follows:

**“SEC. 3. FISCAL CONSOLIDATION FUND.**

“The Government of the United States shall provide the Government of Palau \$10,000,000 in fiscal year 2014 for deposit in an interest bearing account to be used to reduce government arrears of Palau. Implementation of this section shall be carried out in accordance with the provisions of Appendix B to this Agreement.”.

(4) DIRECT ECONOMIC ASSISTANCE.—Subsection (a) of section 4 of the Agreement shall be construed as though the subsection reads as follows:

“(a) In addition to the economic assistance of \$13,147,000 provided to the Government of Palau by the Government of United States in each of fiscal years 2010, 2011, 2012, and 2013, and unless otherwise specified in this Agreement or in an Appendix to this Agreement, the Government of the United States shall provide the Government of Palau \$69,250,000 in economic assistance as follows—

- “(1) \$12,000,000 in fiscal year 2014;
- “(2) \$11,500,000 in fiscal year 2015;
- “(3) \$10,000,000 in fiscal year 2016;
- “(4) \$8,500,000 in fiscal year 2017;
- “(5) \$7,250,000 in fiscal year 2018;
- “(6) \$6,000,000 in fiscal year 2019;
- “(7) \$5,000,000 in fiscal year 2020;
- “(8) \$4,000,000 in fiscal year 2021;
- “(9) \$3,000,000 in fiscal year 2022; and
- “(10) \$2,000,000 in fiscal year 2023.

The funds provided in any fiscal year under this subsection for economic assistance shall be provided in 4 quarterly payments (30 percent in the first quarter, 30 percent in the second quarter, 20 percent in the third quarter, and 20 percent in the fourth quarter) unless otherwise specified in this Agreement or in an Appendix to this Agreement.”.

(5) INFRASTRUCTURE PROJECTS.—Section 5 of the Agreement shall be construed as though the section reads as follows:

**“SEC. 5. INFRASTRUCTURE PROJECTS.**

“The Government of the United States shall provide grants totaling \$40,000,000 to the Government of Palau as follows: \$30,000,000 in fiscal year 2014; and \$5,000,000 annually in each of fiscal years 2015 and 2016; towards 1 or more mutually agreed infrastructure projects in accordance with the provisions of Appendix C to this Agreement.”.

(d) CONTINUING PROGRAMS AND LAWS.—Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) is amended by striking “2009” and inserting “2024”.

(e) PASSPORT REQUIREMENT.—Section 141 of Article IV of Title One of the Compact of Free Association shall be construed and applied as if it read as follows:

**“SEC. 141. PASSPORT REQUIREMENT.**

“(a) Any person in the following categories may be admitted to, lawfully engage in occupations, and establish residence as a non-immigrant in the United States and its territories and possessions without regard to paragraphs (5) or (7)(B)(i)(II) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5) or (a)(7)(B)(i)(II)), provided that the passport presented to satisfy section 212(a)(7)(B)(i)(I) of such Act is a valid unexpired machine-readable passport that satisfies the internationally accepted standard for machine readability—

“(1) a person who, on September 30, 1994, was a citizen of the Trust Territory of the Pacific Islands, as defined in title 53 of the Trust Territory Code in force on January 1,

1979, and has become and remains a citizen of Palau;

“(2) a person who acquires the citizenship of Palau, at birth, on or after the effective date of the Constitution of Palau; or

“(3) a naturalized citizen of Palau, who has been an actual resident of Palau for not less than five years after attaining such naturalization and who holds a certificate of actual residence.

“(b) Such persons shall be considered to have the permission of the Secretary of Homeland Security of the United States to accept employment in the United States.

“(c) The right of such persons to establish habitual residence in a territory or possession of the United States may, however, be subjected to non-discriminatory limitations provided for—

“(1) in statutes or regulations of the United States; or

“(2) in those statutes or regulations of the territory or possession concerned which are authorized by the laws of the United States.

“(d) Section 141(a) does not confer on a citizen of Palau the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, or to petition for benefits for alien relatives under that Act. Section 141(a), however, shall not prevent a citizen of Palau from otherwise acquiring such rights or lawful permanent resident alien status in the United States.”.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 190—EX-PRESSING THE SENSE OF THE SENATE THAT FOREIGN ASSISTANCE FOR CHILD WELFARE SHOULD ADHERE TO THE GOALS OF THE UNITED STATES GOVERNMENT ACTION PLAN ON CHILDREN IN ADVERSITY

Mr. INHOFE (for himself and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on Foreign Relations.:

S. RES. 190

Whereas, as of 2013, there are at least 153,000,000 children in the world who have lost at least 1 parent, and of those children, approximately 17,800,000 have lost both parents;

Whereas more than 400,000,000 children in developing countries are living in extreme poverty;

Whereas more than 115,000,000 children are engaged in hazardous work and more than 5,500,000 children are in situations of forced labor;

Whereas 36 percent of girls and 29 percent of boys around the world have been sexually abused;

Whereas at least 2,000,000, and probably many more, children are raised in institutional care;

Whereas millions of children throughout the world live under conditions of serious deprivation or danger, and children who experience violence or are exploited, abandoned, abused, or severely neglected also face significant threats to their survival and well-being, as well as profound risks that have an impact on their human, social, and economic development;

Whereas children in the most dire circumstances, including children without protective family care, or who are living in abusive households, on the streets, or in institutions, trafficked, participating in armed

groups, or exploited for their labor, face a multitude of risks posed by extreme poverty, disease, disability, conflict, and disaster;

Whereas family reunification, kinship care, and domestic and intercountry adoption promote permanency and stability to a far greater degree than long-term institutionalization;

Whereas permanent family care, transitioning children from institutions into protective family care, and preventing violence within households and in schools are associated with reduced infant and child mortality, decreased grade repetition, decreased future criminal activity, decreased drug use and abuse, fewer teen pregnancies, and higher economic earning potential;

Whereas past efforts by the United States to assist vulnerable children in low- and middle-income countries have not always been coordinated among the Federal agencies responsible for foreign assistance, and that lack of coordination has sometimes resulted in a fragmented response;

Whereas, with the increasing number of children in need, limitations on Federal funding, and multiple Federal agencies involved in efforts to assist children in need, it is more important than ever to improve the coordination and coherence of those efforts in order to maximize the effect on children;

Whereas the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005 (Public Law 109-95; 119 Stat. 2111), which passed the House of Representatives by a vote of 415 to 9 and passed the Senate by unanimous consent, called for a comprehensive, coordinated, and effective response on the part of the Government of the United States to assist the most vulnerable children in the world;

Whereas the Special Advisor for Assistance for Orphans and Vulnerable Children appointed under section 135(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152f(e)), in coordination with 7 Federal agencies, released the United States Government Action Plan on Children in Adversity as the first-ever whole-of-government strategic guidance for foreign assistance for children provided by the United States; and

Whereas the United States Government Action Plan on Children in Adversity seeks to ensure that all activities of the Government of the United States are coordinated among appropriate Federal agencies and integrated into relevant foreign policy initiatives of the United States, with the goal of promoting permanent family care and integrating evidence-based practices that are in the best interest of children: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) a comprehensive action plan for addressing the needs of children living in adversity should be sanctioned by the highest level of the Government of the United States;

(2) Federal funding that currently goes toward projects and research benefitting children in low- and middle-income countries should be coordinated among the Federal agencies that receive it with the goals of—

(A) promoting permanent family care for the most vulnerable children in the world;

(B) reducing the number of children who experience violence, exploitation, or abuse; and

(C) eliminating unnecessary duplication and contradictory approaches within the Government of the United States; and

(3) the United States Government Action Plan on Children in Adversity has the poten-

tial to realize those goals and create a more effective and efficient response by the Government of the United States to assisting the most vulnerable children in the world.

#### SENATE RESOLUTION 191—DESIGNATING JULY 27, 2013, AS “NATIONAL DAY OF THE AMERICAN COWBOY”

Mr. ENZI (for himself, Mr. BARRASSO, Mr. BAUCUS, Mr. CRAPO, Mr. INHOFE, Mr. JOHNSON of South Dakota, Mr. JOHANNES, Ms. HEITKAMP, Mr. MERKLEY, Mr. REID, Mr. RISCH, and Mr. TESTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

##### S. RES. 191

Whereas pioneering men and women, recognized as “cowboys”, helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of many thousands of ranchers across the United States who contribute to the economic well-being of every State;

Whereas millions of fans watch professional and working ranch rodeo events annually, making rodeo one of the most-watched sports in the United States;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of cowboys span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates July 27, 2013, as “National Day of the American Cowboy”; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. ENZI. Mr. President, I am proud to submit a resolution today to designate Saturday, July 27, 2013 as National Day of the American Cowboy. My late colleague, Senator Craig Thomas, began the tradition of honoring the men and women known as “Cowboys” 9 years ago when he introduced the first resolution to designate the fourth Saturday of July as National Day of the American Cowboy. I am proud to carry on Senator Thomas’s tradition.

The national day celebrates the history of Cowboys in America and recog-

nizes the important work today’s Cowboys are doing in the United States. The Cowboy Spirit is about honesty, integrity, courage, and patriotism, and Cowboys are models of strong character, sound family values, and good common sense.

Cowboys were some of the first men and women to settle in the American West and they continue to make important contributions to our economy, Western culture and my home State of Wyoming today. This year’s resolution designates July 27, 2013, as the National Day of the American Cowboy. I hope my colleagues will join me in recognizing the important role Cowboys play in our country.

#### SENATE RESOLUTION 192—COMMEMORATING THE 150TH ANNIVERSARY OF THE BATTLE OF GETTYSBURG AND THE SIGNIFICANCE OF THIS BATTLE IN THE HISTORY OF THE UNITED STATES

Mr. CASEY (for himself and Mr. TOOMEY) submitted the following resolution; which was considered and agreed to:

##### S. RES. 192

Whereas, between July 1 and July 3, 1863, the Battle of Gettysburg in Gettysburg, Pennsylvania, was the turning point for the Union Army in the American Civil War;

Whereas the Battle of Gettysburg was the battle with the largest number of casualties in the American Civil War;

Whereas, on November 19, 1863, President Abraham Lincoln delivered the Gettysburg Address at the dedication of the Soldiers’ National Cemetery;

Whereas over 3,500 soldiers were buried at the Soldiers’ National Cemetery after losing their lives in the battle;

Whereas reconciliation between the North and the South began at Gettysburg through warm and respectful post-war reunions that featured peace walk reenactments of Pickett’s Charge in 1887, 1913, and 1938;

Whereas the Gettysburg battlefield was designated as a National Military Park in 1895;

Whereas the residents of Gettysburg helped to preserve the land that now serves as the Gettysburg National Military Park, including the Soldiers’ National Cemetery and the Gettysburg battlefield; and

Whereas more than 1,000,000 people travel each year to visit the park, museum, and visitor center: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 150th anniversary of the Battle of Gettysburg;

(2) recognizes the historical significance of the outcome of the Battle of Gettysburg, which helped to preserve the United States; and

(3) encourages the people of the United States to visit Gettysburg National Military Park to celebrate and commemorate the 150th anniversary of the Battle of Gettysburg.

SENATE CONCURRENT RESOLUTION 19—PROVIDING FOR A CON-  
DITIONAL ADJOURNMENT OR RE-  
CESS OF THE SENATE AND AN  
ADJOURNMENT OF THE HOUSE  
OF REPRESENTATIVES

Mr. REID submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 19

*Resolved by the Senate (the House of Representatives concurring),* That when the Senate recesses or adjourns on any day from Thursday, June 27, 2013, through Friday, July 5, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, July 8, 2013, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, June 28, 2013, through Friday, July 5, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, July 8, 2013, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, July 11, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the September 10, 2010 Agreement between the United States and the Republic of Palau and S. 1237, the Omnibus Territories Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to danielle\_deraney@energy.senate.gov.

For further information, please contact Isaiah Akin at (202) 224-5360 or Danielle Deraney at (202) 224-1219.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of

the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, August 1, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the November 6, 2012 referendum on the political status of Puerto Rico and the Administration's response.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to danielle\_deraney@energy.senate.gov.

For further information, please contact Allen Stayman at (202) 224-7865 or Danielle Deraney at (202) 224-1219.

AUTHORITY FOR COMMITTEES TO  
MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN  
AFFAIRS

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 27, 2013 at 10:30 a.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC  
WORKS

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 27, 2013 at 10 a.m., in room 406 of the Dirksen Senate office building, to conduct a hearing entitled "Oversight of Federal Risk Management and Emergency Planning Programs to Prevent and Address Chemical Threats, Including the Events Leading Up to the Explosions in West, TX and Geismar, LA."

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 27, 2013, at 11:45 a.m., in S-216 of the Dirksen Senate Office Building, to conduct an executive business meeting.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 27, 2013, at 2:30 p.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL AND  
CONTRACTING OVERSIGHT

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Financial and Contracting Oversight be authorized to meet during the session of the Senate on June 27, 2013, at 10:30 a.m. to conduct a hearing entitled "Contract Management by the Department of Energy."

THE PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. FRANKEN. Mr. President, I ask unanimous consent that my law clerk, Rachel Homer, be granted the privilege of the floor for the remainder of the debate on S. 744.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REGISTRATION OF MASS  
MAILINGS

The filing date for the 2013 second quarter Mass Mailing report is Thursday, July 25, 2013. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC. 20510-7116.

The Senate Office of Public Records will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Senate Office of Public Records at (202) 224-0322.

UNANIMOUS CONSENT AGREE-  
MENTS—EXECUTIVE CALENDAR

(Mrs. SHAHEEN assumed the Chair.)

Mr. REID. Madam President, I ask unanimous consent that at a time to be determined by me, in consultation with Senator McCONNELL, the Senate proceed to executive session to consider Calendar No. 97; that there be 1 hour for debate equally divided in the usual form; that following the use or yielding back of that time, the Senate proceed to vote with no intervening action or debate on the nomination, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now ask unanimous consent that on Monday, July 8 of this



year, at 5 p.m., the Senate proceed to executive session to consider Calendar No. 90, which is a nomination; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote with no intervening action or debate on the nomination; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that at a time to be determined by me, in consultation with Senator McCONNELL, the Senate proceed to executive session to consider Calendar No. 186; that there be 1 hour for debate equally divided in the usual form; that following the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 145, 146, 177, 181, 183, 188, 190, 195, 196, 197, and 198, and all nominations on the Secretary's desk in the Air Force, Army, Coast Guard, and Navy; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; and that President Obama be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF JUSTICE

Sylvia M. Becker, of the District of Columbia, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 2013.

Sylvia M. Becker, of the District of Columbia, to be a Member of the Foreign Claims

Settlement Commission of the United States for the term expiring September 30, 2016.

#### EXECUTIVE OFFICE OF THE PRESIDENT

Brian C. Deese, of Massachusetts, to be Deputy Director of the Office of Management and Budget.

#### COAST GUARD

Pursuant to Section 53(b), Title 14, U.S. Code, the following named officer for appointment to the Director of the Coast Guard Reserve in the grade indicated:

##### *To be rear admiral*

Rear Adm. Steven E. Day, USCGR

#### FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

William S. Jasien, of Virginia, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2015.

#### GENERAL SERVICES ADMINISTRATION

Daniel M. Tangherlini, of the District of Columbia, to be Administrator of General Services.

#### NUCLEAR REGULATORY COMMISSION

Allison M. Macfarlane, of Maryland, to be a Member of the Nuclear Regulatory Commission for a term expiring June 30, 2018.

#### IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### *To be general*

Lt. Gen. Frank Gorenc

#### IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### *To be vice admiral*

Rear Adm. Philip S. Davidson

#### IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

##### *To be lieutenant general*

Maj. Gen. Michael S. Linnington

#### IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

##### *To be rear admiral (lower half)*

Capt. Stephen M. Pachuta

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

#### IN THE AIR FORCE

PN513 AIR FORCE nomination of Daisy Y. Eng, which was received by the Senate and appeared in the Congressional Record of June 3, 2013.

PN514 AIR FORCE nominations (2) beginning JOSEPH N. KENAN, and ending SIRPA T. AUTIO, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2013.

PN515 AIR FORCE nominations (3) beginning SCOTT M. SHEFLIN, and ending ERIC J. TURNEY, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2013.

PN516 AIR FORCE nominations (3) beginning CHRISTOPHER E. CIEURZO, and ending VINH Q. TRAN, which nominations were

received by the Senate and appeared in the Congressional Record of June 3, 2013.

PN575 AIR FORCE nominations (3) beginning ANDREW G. BOSTON, and ending VALERIE G. SAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 20, 2013.

PN576 AIR FORCE nominations (8) beginning LOUIS A. BARTON, and ending EARLYNE L. RODRIGUEZ, which nominations were received by the Senate and appeared in the Congressional Record of June 20, 2013.

PN577 AIR FORCE nominations (11) beginning CRAIG S. BERG, and ending JONATHAN D. TIDWELL, which nominations were received by the Senate and appeared in the Congressional Record of June 20, 2013.

#### IN THE ARMY

PN518 ARMY nominations (9) beginning THOMAS R. BOUCHARD, and ending JOHN A. ZENKER, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2013.

PN519 ARMY nominations (10) beginning GEORGE T. BARIDO, and ending CHARLES J. SIZEMORE, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2013.

PN520 ARMY nominations (33) beginning TIMOTHY BARNARD, and ending KEVIN D. VAUGHN, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2013.

PN521 ARMY nominations (128) beginning JEFFREY S. ACREE, and ending VICKY L. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2013.

PN522 ARMY nominations (137) beginning MAZEN ABBAS, and ending GARY H. WYNN, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2013.

PN523 ARMY nominations (26) beginning EDWARD T. BREECHER, and ending EDWARD M. WISE, JR., which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2013.

PN578 ARMY nomination of Michael D. Payne, which was received by the Senate and appeared in the Congressional Record of June 20, 2013.

PN579 ARMY nomination of Marlon E. Lewis, which was received by the Senate and appeared in the Congressional Record of June 20, 2013.

PN582 ARMY nomination of David R. Maxwell, which was received by the Senate and appeared in the Congressional Record of June 20, 2013.

PN583 ARMY nomination of Thomas A. Jarrett, which was received by the Senate and appeared in the Congressional Record of June 20, 2013.

#### IN THE COAST GUARD

PN286 COAST GUARD nomination of Loring A. Small, which was received by the Senate and appeared in the Congressional Record of April 9, 2013.

PN319 COAST GUARD nomination of Adam R. Williamson, which was received by the Senate and appeared in the Congressional Record of April 11, 2013.

PN320 COAST GUARD nomination of Kevin J. Lopes, which was received by the Senate and appeared in the Congressional Record of April 11, 2013.

#### IN THE NAVY

PN524 NAVY nomination of Kimberly K. Yeager, which was received by the Senate and appeared in the Congressional Record of June 3, 2013.



PN525 NAVY nomination of James D. Harrison, which was received by the Senate and appeared in the Congressional Record of June 3, 2013.

PN526 NAVY nominations (3) beginning KERRIE L. ADAMS, and ending ANTONIA J. HENRY, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2013.

PN585 NAVY nomination of Brent E. Havey, which was received by the Senate and appeared in the Congressional Record of June 20, 2013.

#### NOMINATIONS DISCHARGED

Mr. REID. Madam President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of the following nominations: Presidential Nomination 121 and Presidential Nomination 500; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

#### CONSUMER PRODUCT SAFETY COMMISSION

Marietta S. Robinson, of Michigan, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2010.

Anne Marie Buerkle, of New York, to be a Commissioner of the Consumer Product Safety Commission for a term of 7 years from October 27, 2011.

#### NOMINATION OF HOWARD A. SHELANSKI TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to consider the following nomination: Calendar No. 187; that the Senate proceed to vote without intervening action or debate; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Howard A. Shelanski, of Pennsylvania, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

The PRESIDING OFFICER. If there is no further debate on the nomination,

the question is, Will the Senate advise and consent to the nomination of Howard A. Shelanski, of Pennsylvania, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget?

The nomination was confirmed.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### TAIWAN OBSERVER STATUS ACT

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to Calendar No. 90, H.R. 1151.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1151) to direct the Secretary of State to develop a strategy to obtain observer status for Taiwan at the triennial International Civil Aviation Organization Assembly, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent the bill be read the third time and passed, and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1151) was ordered to a third reading, was read the third time, and passed.

#### STAN MUSIAL VETERANS MEMORIAL BRIDGE

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 2383.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2383) to designate the new Interstate Route 70 bridge over the Mississippi River connecting St. Louis, Missouri, and southwestern Illinois as the "Stan Musial Veterans Memorial Bridge."

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2383) was ordered to a third reading, was read the third time, and passed.

#### GRANTING OF CONGRESSIONAL GOLD MEDAL

Mr. REID. Madam President, I ask unanimous consent the Banking, Hous-

ing and Urban Affairs Committee be discharged from further consideration of H.R. 324 and that the Senate proceed to that measure.

The PRESIDING OFFICER. Without objection it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 324) to grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent the bill be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 324) was ordered to a third reading, was read the third time, and passed.

#### COMMEMORATING THE 150TH ANNIVERSARY OF THE BATTLE OF GETTYSBURG

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 192, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 192) commemorating the 150th anniversary of the Battle of Gettysburg and the significance of this battle in the history of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 192) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID. I ask unanimous consent the Senate proceed to S. Con. Res. 19, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 19) providing for a conditional adjournment or

recess of the Senate and an adjournment of the House of Representatives.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 19) was agreed to.

(The resolution is printed in today's RECORD under "Submitted Resolutions.")

#### MEASURES PLACED ON THE CALENDAR—S. 1238 AND S. 1241

Mr. REID. Madam President, I ask unanimous consent that S. 1238 and S. 1241, both of which were introduced earlier today, be considered read twice and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR PRINTING—S. 744, AS AMENDED

Mr. REID. Madam President, I ask unanimous consent that S. 744, as amended and passed by the Senate, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SIGNING AUTHORITY

Mr. REID. Madam President, I ask unanimous consent that from Friday, June 28, through Monday, July 8, the majority leader and Senators MIKULSKI and REED be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPOINTMENT AUTHORITY

Mr. REID. I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or inter-parliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR FRIDAY, JUNE 28, 2013, THROUGH MONDAY, JULY 8, 2013

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn and convene

for pro forma sessions only with no business conducted on the following dates and times, and that following each pro forma session the Senate adjourn until the next pro forma session: Friday, June 28 at 12:15 p.m.; Tuesday, July 2, at 10:15 a.m.; and Friday, July 5, at 12 noon; and that the Senate adjourn on Friday July 5 until 2 p.m. on Monday, July 8, 2013, unless the Senate receives a message from the House it has adopted S. Con. Res. 19, the adjournment resolution, and that if the Senate receives such a message, the Senate adjourn until 2 p.m. on Monday, July 8; that on Monday, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 5 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate proceed to executive session, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THANKS TO PRESIDING OFFICER AND STAFF

Mr. REID. Madam President, I appreciate the patience of the Presiding Officer and all the staff. I would have come here sooner, had I been able to, but they were still trying to work on this material so we could close for the work period we are going to have at home.

#### PROGRAM

Mr. REID. The next rollcall vote will be at 5:30 p.m. on Monday, July 8.

#### CONDITIONAL ADJOURNMENT UNTIL FRIDAY, JUNE 28, 2013, AT 12:15 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:20 p.m., conditionally adjourned until Friday, June 28, 2013, at 12:15 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF JUSTICE

KENNETH ALLEN POLITE, JR., OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE JAMES B. LETTEN, RESIGNED.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COLONEL CARL A. ALEX  
COLONEL CHRISTOPHER F. BENTLEY  
COLONEL JAMES R. BLACKBURN

COLONEL WILLIAM M. BURLESON III  
COLONEL CHRISTOPHER G. CAVOLI  
COLONEL PAUL A. CHAMBERLAIN  
COLONEL WILLIAM E. COLE  
COLONEL RICHARD B. DIX  
COLONEL JEFFREY A. FARNSWORTH  
COLONEL BRYAN P. FENTON  
COLONEL PATRICIA FROST  
COLONEL DOUGLAS M. GABRAM  
COLONEL JEFFREY A. GABBERT  
COLONEL JOHN A. GEORGE  
COLONEL RANDY A. GEORGE  
COLONEL MARIA R. GERVAIS  
COLONEL DAVID P. GLASER  
COLONEL THOMAS C. GRAVES  
COLONEL JOHN F. HALEY  
COLONEL PETER L. JONES  
COLONEL RICHARD G. KAISER  
COLONEL JOHN S. KEM  
COLONEL ROBERT L. MARION  
COLONEL DENNIS S. MCKEAN  
COLONEL FRANK M. MUTH  
COLONEL LEOPOLDO A. QUINTAS  
COLONEL DAVID W. RIGGINS  
COLONEL KURT J. RYAN  
COLONEL MARK C. SCHWARTZ  
COLONEL SCOTT A. SPELLMON  
COLONEL JOHN P. SULLIVAN  
COLONEL CLARENCE D. TURNER  
COLONEL ROBERT J. ULSES  
COLONEL MICHAEL J. WARMACK  
COLONEL ERIC J. WESLEY

##### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be rear admiral

REAR ADM. (LH) DAVID F. BAUCOM  
REAR ADM. (LH) VINCENT L. GRIFFITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be rear admiral

REAR ADM. (LH) COLIN G. CHINN  
REAR ADM. (LH) ELAINE C. WAGNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be rear admiral

REAR ADM. (LH) PAUL B. BECKER  
REAR ADM. (LH) MATTHEW J. KOHLER  
REAR ADM. (LH) JAN E. TIGHE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be rear admiral

REAR ADM. (LH) DAVID H. LEWIS  
REAR ADM. (LH) THOMAS J. MOORE  
REAR ADM. (LH) JAMES D. SYRING

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be rear admiral

REAR ADM. (LH) JOHN C. AQUILINO  
REAR ADM. (LH) PETER J. FANTA  
REAR ADM. (LH) DAVID J. GALE  
REAR ADM. (LH) PHILIP G. HOWE  
REAR ADM. (LH) WILLIAM K. LESCHER  
REAR ADM. (LH) MARK C. MONTGOMERY  
REAR ADM. (LH) FRANK A. MORNEAU  
REAR ADM. (LH) JEFFREY R. PENFIELD  
REAR ADM. (LH) FREDERICK J. ROEGGE  
REAR ADM. (LH) PHILLIP G. SAWYER  
REAR ADM. (LH) MICHAEL S. WHITE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be commander

DORAN T. KELVINGTON

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

##### To be lieutenant commander

ORENTHAL G. ADDERSON  
MARK J. BECKER  
AMANDA G. BROWNING  
NATHANIEL J. CHASE  
JASON A. CONLEY  
FREDERICK D. CRAYTON  
SCOTT C. DEMARCO  
JARRETT P. DUNN  
DAMON J. FALDOWSKI II  
SHAFFER B. GASTON  
PRESTON W. GILMORE  
EDWARD R. GRADWELL  
JOSEPH GUNTA  
PHILLIP C. HERNDL  
LUKE E. KELVINGTON  
MITCHELL L. MILLER

JEREMY MINER  
BRENDAN ONEILL  
JESSICA C. PACHTER  
JOSEPH A. PETRUCELLI II  
JOSEPH J. PISONI  
TAD J. ROBBINS  
BRADLEY V. SCHOULTZ  
MICHAEL F. SMITH  
JAVED P. SONDEH  
SAMUEL M. SPLETZER  
JEFFREY N. SUEKOFF  
CHRISTOPHER A. VICTOR  
JAMES A. WALKER  
JOHN F. WARNER III

## DEPARTMENT OF AGRICULTURE

ROBERT BONNIE, OF VIRGINIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR NATURAL RESOURCES AND ENVIRONMENT, VICE HARRIS D. SHERMAN, RESIGNED.

KRYSTA L. HARDEN, OF GEORGIA, TO BE DEPUTY SECRETARY OF AGRICULTURE, VICE KATHLEEN A. MERRIGAN, RESIGNED.

## DEPARTMENT OF DEFENSE

SUSAN J. RABERN, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE GLADYS COMMONS, RESIGNED.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KATHERINE M. O'REGAN, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE RAPHAEL WILLIAM BOSTIC.

## DEPARTMENT OF COMMERCE

ELLEN C. HERBST, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE SCOTT BOYER QUEHL, RESIGNED.

ELLEN C. HERBST, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF COMMERCE, VICE SCOTT BOYER QUEHL, RESIGNED.

## FEDERAL ENERGY REGULATORY COMMISSION

RONALD J. BINZ, OF COLORADO, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2018, VICE JON WELLINGHOFF, TERM EXPIRING.

## DEPARTMENT OF STATE

JAMES COSTOS, OF CALIFORNIA, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ANDORRA.

PATRICK HUBERT GASPARD, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

STEVE A. LINICK, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF STATE, VICE HOWARD J. KRONGARD, RESIGNED.

JAMES C. SWAN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

KIRK W.B. WAGAR, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.

ALEXA LANGE WESNER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

## DEPARTMENT OF HOMELAND SECURITY

ALEJANDRO NICHOLAS MAYORKAS, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY, VICE JANE HOLL LUTE, RESIGNED.

## IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. RUSSELL E. ALLEN  
CAPT. WILLIAM M. CRANE  
CAPT. THOMAS W. MAROTTA

## DISCHARGED NOMINATIONS

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

MARIETTA S. ROBINSON, OF MICHIGAN, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2010.

ANN MARIE BUEKLE, OF NEW YORK, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2010.

SION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2011.

## CONFIRMATIONS

## Executive nominations confirmed by the Senate June 27, 2013:

## DEPARTMENT OF JUSTICE

SYLVIA M. BECKER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2013.

SYLVIA M. BECKER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2016.

## EXECUTIVE OFFICE OF THE PRESIDENT

BRIAN C. DEESE, OF MASSACHUSETTS, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

## DEPARTMENT OF TRANSPORTATION

ANTHONY RENARD FOX, OF NORTH CAROLINA, TO BE SECRETARY OF TRANSPORTATION.

## IN THE COAST GUARD

PURSUANT TO SECTION 53(B), TITLE 14, U.S. CODE, THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE DIRECTOR OF THE COAST GUARD RESERVE IN THE GRADE INDICATED:

*To be rear admiral*

REAR ADM. STEVEN E. DAY, USCGR

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

WILLIAM S. JASSEN, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2015.

## EXECUTIVE OFFICE OF THE PRESIDENT

HOWARD A. SHELANSKI, OF PENNSYLVANIA, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET.

## GENERAL SERVICES ADMINISTRATION

DANIEL M. TANGHERLINI, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF GENERAL SERVICES.

## NUCLEAR REGULATORY COMMISSION

ALLISON M. MACFARLANE, OF MARYLAND, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM EXPIRING JUNE 30, 2018.

## IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. FRANK GORENC

## IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. PHILIP S. DAVIDSON

## IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. MICHAEL S. LINNINGTON

## IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. STEPHEN M. PACHUTA

## IN THE AIR FORCE

AIR FORCE NOMINATION OF DAISY Y. ENG, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH JOSEPH N. KENAN AND ENDING WITH SIRPA T. AUTIO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2013.

AIR FORCE NOMINATIONS BEGINNING WITH SCOTT M. SHEFLIN AND ENDING WITH ERIC J. TURNER, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2013.

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTOPHER E. CIEURZO AND ENDING WITH VINH Q. TRAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2013.

AIR FORCE NOMINATIONS BEGINNING WITH ANDREW G. BOSTON AND ENDING WITH VALERIE G. SAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 20, 2013.

AIR FORCE NOMINATIONS BEGINNING WITH LOUIS A. BARTON AND ENDING WITH EARLYNE L. RODRIGUEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 20, 2013.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

CRAIG S. BERG  
MELISSA A. DEWOLFE  
JONATHAN A. FORBES  
HYAHHWAN KIM  
IAN A. MAKEY  
JASON A. MASSIGNAN  
REID N. ORTH  
SCOTT B. PHILLIPS  
DANE H. SALAZAR  
TIMOTHY J. STRIGENZ  
JONATHAN D. TIDWELL

## IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH THOMAS R. BOUCHARD AND ENDING WITH JOHN A. ZENKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2013.

ARMY NOMINATIONS BEGINNING WITH GEORGE T. BARIDO AND ENDING WITH CHARLES J. SIZEMORE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2013.

ARMY NOMINATIONS BEGINNING WITH TIMOTHY BARNARD AND ENDING WITH KEVIN D. VAUGHN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2013.

ARMY NOMINATIONS BEGINNING WITH JEFFREY S. ACREE AND ENDING WITH VICKY L. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2013.

ARMY NOMINATIONS BEGINNING WITH MAZEN ABBAS AND ENDING WITH GARY H. WYNN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2013.

ARMY NOMINATIONS BEGINNING WITH EDWARD T. BREECHER AND ENDING WITH EDWARD M. WISE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2013.

ARMY NOMINATION OF MICHAEL D. PAYNE, TO BE COLONEL.

ARMY NOMINATION OF MARLON E. LEWIS, TO BE COLONEL.

ARMY NOMINATION OF DAVID R. MAXWELL, TO BE MAJOR.

ARMY NOMINATION OF THOMAS A. JARRETT, TO BE MAJOR.

## IN THE NAVY

NAVY NOMINATION OF KIMBERLY K. YEAGER, TO BE COMMANDER.

NAVY NOMINATION OF JAMES D. HARRISON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH KERRIE L. ADAMS AND ENDING WITH ANTONIA J. HENRY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2013.

NAVY NOMINATION OF BRENT E. HAVEY, TO BE LIEUTENANT COMMANDER.

## IN THE COAST GUARD

COAST GUARD NOMINATION OF LORING A. SMALL, TO BE LIEUTENANT COMMANDER.

COAST GUARD NOMINATION OF ADAM R. WILLIAMSON, TO BE LIEUTENANT COMMANDER.

COAST GUARD NOMINATION OF KEVIN J. LOPES, TO BE COMMANDER.

## CONSUMER PRODUCT SAFETY COMMISSION

MARIETTA S. ROBINSON, OF MICHIGAN, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2010.

ANN MARIE BUEKLE, OF NEW YORK, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2010.

## EXTENSIONS OF REMARKS

OPPOSING H.R. 1911, SMARTER  
SOLUTIONS FOR STUDENTS ACT

## HON. TONY CÁRDENAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. CÁRDENAS. Mr. Speaker, I rise today in opposition to H.R. 1911, Smarter Solutions for Students Act.

This is a truly devastating bill for every working and middle class family trying to achieve the American Dream.

If we do nothing before July 1st, we will be passively negligent.

If we pass this will today, we will be actively destroying our competitiveness and economic strength by taking dollars out of the pockets of our workforce.

The bill is as far away from "commonsense legislation" as we get. It makes the situation worse by making college education far more expensive!

According to a Congressional Research Service report, under this proposal, a student borrowing the maximum loan amounts with a 5 year subsidized loan will pay more than \$10,000. Even under the doubled rate of July 1, a student with the same loan would pay less than \$9,000. Under the current rate of 3.4 percent, this student pays just over \$4,000.

Those massive differences in repayment rates show that this bill was not written with students in mind.

The growing student loan-burden in our country is critical and must be addressed.

According to the Consumer Finance Protection Bureau, student loan debt recently surpassed the \$1 trillion mark. The 2010 Survey of Consumer Finances reported that 45 percent of all American families hold outstanding student-loan debt. This was an increase from 33 percent in 2007.

While the majority of student debt is held by people under the age of 35, increasing student debt affects every member of the family, especially in a time when nearly half of bachelor's degree holders under the age of 25 are unemployed.

However, addressing increased interest costs is only part of the solution. We need to begin to address the exorbitant prices of higher education. I understand that universities are trying to cope with the decreases in government funding and declining contributions as a result of the tough economic times. However, these institutions also have a role to play in ensuring that education is accessible and affordable to all students. If these institutions would like the government to continue to invest in students, they should do so as well, by doing everything in their power to keep tuition costs low.

I cannot stress enough the importance of making college education accessible. We all agree that education transforms people's lives.

Education is the key to breaking the cycle of poverty, crime, and violence in any community. It is the engine that will propel our families into the middle class and allow us to reinvigorate and grow our economy. We must act swiftly to remedy this unsustainable situation.

## IN HONOR OF SHEILA STUART

## HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. FARR. Mr. Speaker, I rise today to honor the memory of Sheila Stuart, a dear friend and long time community activist who recently died. Sheila was a remarkable woman who touched the lives of many throughout her years of tireless service to her community.

Sheila was born in Dublin, Ireland on April 24, 1918, the second of six children. Her father, a school teacher and principal, instilled in Sheila a life-long love of learning. At fifteen, after attending Dominican College for three years, Sheila went to work as a clerk to support her family. In 1945, she met and married John "Harry" Stuart. In 1947, the young couple had a son and a year later moved to London and then India, where Harry worked as a mechanical engineer building power plants. While in India, daughter Orla was born. The family left India in 1954, eventually finding their way to Santa Cruz, California, in 1956. They remained in Santa Cruz for the rest of their lives.

Sheila was an active participant in a number of community organizations. Harry and Sheila joined the Pasatiempo Golf Club where Sheila served as President of the Pasatiempo 18-hole Women's Club and won numerous trophies. In the late 1950's she began serving as both "room mother" at her son Orin's school and Cub Scout Den Mother. She was active in the League of Women Voters, as well as in the Santa Cruz Symphony, and Shakespeare Santa Cruz.

Sheila's interest in politics was fueled by her love for fellow Irishman John Kennedy. Sheila walked precincts for Kennedy, handing out pamphlets. She and the children drove to San Jose to watch Kennedy's motorcade and she often recounted how Kennedy turned and smiled directly at her when she shouted the Irish greeting, "cead mile faillte." Sheila continued her involvement in local politics working as Santa Cruz County Assessor for eleven years, where she assisted with the Homeowner's Exemption Program. An avid Democrat, Sheila said one of her greatest achievements was turning her conservative husband into a liberal Democrat! Sheila ran several campaigns in Santa Cruz including Robert Kennedy's 1968 Presidential Primary, Gary Hart's Presidential bid and two campaigns for DIANNE FEINSTEIN. She helped Leon Panetta in

his first Congressional campaign and later volunteered tirelessly for a number of other candidates and issues. After her retirement, she became active in the Democratic Women's Club and The Santa Cruz County Democratic Central Committee, where she became the first Voter Services Chair and later DCC Co-Chair. She was also honored as the first DCC "Democrat of the Year".

Sheila is survived by son Orin and daughter-in-law Arlene of Sutter Creek; daughter Orla of Santa Cruz; grandchildren Jason, Nicole (Ian), Courtney (Ryan), and Trevor; three great-grandchildren, Sophia, Colton and Cayden, numerous nephews and nieces in Ireland and Canada, and many dear friends.

Mr. Speaker, I know I speak for the whole House in honoring Sheila Stuart and the remarkable life she led and in extending our condolences to her family and friends. The civic activism that Sheila Stuart embodied is the lifeblood of our democracy and our nation owes her a debt of gratitude for her efforts.

IN RECOGNITION OF NATIONAL  
REGISTER OF HISTORIC PLACES  
DESIGNATION

## HON. REID J. RIBBLE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. RIBBLE. Mr. Speaker, I rise today to recognize the Divine Temple Church of God in Christ, located in Green Bay, Wisconsin. This historically significant structure, designed by architect George Rockwell for the Christ Episcopal Church, was built in the famous Gothic Revival-style. The site has now been added to the National Register of Historic Places. The church and its members are planning to celebrate this milestone on Friday, June 28th, 2013.

The cornerstone of this church was put in place in 1898, and the structure that stands today was completed one year later. Throughout its long history in downtown Green Bay, this church has served the spiritual needs of the community, and offered congregants a safe place to worship. I congratulate Pastor L.C. Green for his efforts to pursue this designation, and commend the congregation of Divine Temple Church of God in Christ for volunteering their time to preserving this wonderful structure.

There is a quote from Romans 15:7 on the church website that reads: "Wherefore receive ye one another as Christ also received us to the glory of God." May this church continue to receive those seeking spiritual refreshment in the years to come. Again, congratulations to Divine Temple Church of God in Christ for receiving this special recognition.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING ANGIE McDONALD'S  
RETIREMENT AFTER 23 YEARS  
OF TEACHING

**HON. JOE BARTON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. BARTON. Mr. Speaker, I rise today in recognition of Angie McDonald who retired on Friday, June 7, 2013 after 23 years as a public school teacher. Angie, a constituent and resident of Mansfield, TX, was a teacher in the Mansfield Independent School District for 15 years and finished her career as a Reading Specialist serving all of the Mansfield-area high schools. Through her dedicated work teaching students how to overcome reading and writing deficiencies, she gave countless students a greater opportunity to excel academically and succeed professionally. The efforts of teachers like Angie are essential in promoting a more prosperous future for the next generation of Americans and our nation as a whole. I am extremely proud to have her as a constituent and cannot thank her enough for her 23 years of devotion to our children's prosperity.

Mr. Speaker, on behalf of the 6th Congressional District of Texas, I ask all my distinguished colleagues to join me in honoring Angie McDonald and her 23 years of selfless work as an educator. We must always recognize those who dedicate their careers to enriching the lives of our children.

**HONORING AVIS PARMAN**

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Avis Parman, who will celebrate her 90th birthday on July 28, 2013.

Avis has been an important leader in Albany, Missouri for decades, earning the moniker "Miss Albany." While she grew up in Worth County, she moved to Albany in 1943. In 1963, she became a founding member of Albany Community Betterment, an organization dedicated to improving Albany and one of two clubs that have competed in the Missouri Community Betterment program every year of its existence. Albany Community Betterment won the Grand Prize in state community betterment in 2001 and 2010, a feat Avis was instrumental in helping achieve. She has also taken time to serve on parks boards, on the Missouri Agriculture and Small Business Development Authority, serving as chairwoman from 1998 to 2000, on the state Environmental Improvement and Energy Resources Authority, on various library projects and currently as a director emeritus of the Missouri Independent Bankers Association. Whatever Albany or Avis's neighbors in northwest Missouri needed, she answered the call and served to the best of her ability.

Mr. Speaker, I proudly ask you to join me in commending Avis Parman for a life of service

to Albany and northwest Missouri, congratulating her on her 90th birthday and wishing her many more wonderful years to come.

**HONORING DE'ONTAY DE'CAROL  
JONES**

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a determined and eager young man who understands it takes tenacity and self reliance to reach the highest success, Mr. De'Ontay De'Carol Jones.

De'Ontay De'Carol Jones was born May 18, 1994 in Vicksburg, MS to the proud parents of Mr. and Mrs. Robert Jackson. De'Ontay was a part of the May 2012 graduating class of Warren Central High School. De'Ontay is currently enrolled at Jones County Jr. College located in Ellisville, MS.

De'Ontay understands that obtaining a good education, and community and civic involvement is the recipe for a success. While in high school De'Ontay participated in the school choir, student council, yearbook club and Future Teacher's Association.

He is a faithful and active member of Greater Grove M. B. Church where he is an usher and a member of PRIDE, Greater Grove's teen ministry. De'Ontay is also a member of the Kappa League Boy's Club. He enjoys learning about the political process and likes to participate in political campaigns.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. De'Ontay De'Carol Jones for his hard work, dedication and a strong desire to achieve.

**PERSONAL EXPLANATION**

**HON. MARK SANFORD**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. SANFORD. Mr. Speaker, I was absent for votes on Tuesday, June 25, 2013, due to Flight #4042 being delayed by approximately four hours before departing Charleston International Airport. Had I been present, I would have voted in the following manner:

H.R. 2383—To designate the new Interstate Route 70 Bridge over the Mississippi River connecting St. Louis, Missouri, and southwestern Illinois as the "Stan Musial Veterans Memorial Bridge." Vote: "yes."

H.R. 1092—To designate the air route traffic control center located in Nashua, New Hampshire, as the Patricia Clark Boston Air Route Traffic Control Center." Vote: "yes."

MARKETING THE 60TH ANNIVERSARY OF THE END OF THE KOREAN WAR

**HON. KENNY MARCHANT**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. MARCHANT. Mr. Speaker, I rise to mark the upcoming sixtieth anniversary of the end of the Korean War and it is with the utmost respect that I recognize this milestone.

On July 27, 1953, an armistice was signed which brought to a close over three years of terrible war on the Korean Peninsula. In the aftermath of World War II, a newly-divided Korea became the site of global crisis as 75,000 invading North Korean soldiers crossed the 38th parallel on June 25, 1950. The global community was fast to respond, as the United Nations Security Council recommended on June 27 that member states take action. Twenty-one nations heeded the call and collectively sent over 340,000 troops, 88 percent from the United States, to assist the over 600,000 South Koreans fighting for their country.

The three years of tragic bloodshed helped stem communist conquest and secure a people's independence in a dangerous world. Yet it came at a great price. 36,574 Americans lost their lives, and approximately 100,000 were injured. Over 170,000 allied troops were confirmed killed with half of a million wounded and, to this day, many thousands remain missing. By some counts, 2.5 million civilians on both sides, 10 percent of Korea's pre-war population, perished.

No words here, then, can adequately mark our recognition and the deep honor that we owe to the men and women who sacrificed so much in Korea sixty years ago. What we can do is pause to ensure that what they went through and what they accomplished will never be forgotten. And we can give the highest respect to those who survived and that we have with us today—our veterans whom I wish to thank and honor this day for their great service.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in recognizing the sixtieth anniversary of the end of the Korean War, and honoring our veterans and those who lost their lives in that great struggle.

**HONORING KATRINA CLARK, EXECUTIVE DIRECTOR OF THE FAIR HAVEN COMMUNITY HEALTH CENTER ON THE OCCASION OF HER RETIREMENT**

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Ms. DeLAURO. Mr. Speaker, it gives me great pleasure to rise today to join the many family, friends, colleagues, and community members who have gathered in celebration of Katrina Clark who is retiring from her position as Executive Director of the Fair Haven Community Health Center after forty years of dedicated service.

Katrina has been at the helm of this organization for all but its first two years. It has been under her leadership and because of her vision that the Center has grown so successfully over the last four decades. I have had the privilege to know Katrina for many years. Her commitment to the people of the Fair Haven community is only equaled by her determination to ensure that they have access to quality, affordable health care. She is an extraordinary woman and I consider myself fortunate to benefit from her counsel and friendship.

In 1971 a small group of dedicated nurses, doctors, students, and neighborhood volunteers, under the leadership of a community advocacy agency called the Alliance for Latin American Progress, opened the Fair Haven Clinic in a local elementary school. Two nights a week, the Clinic served adults and children on a walk-in basis for minor ailments, immunizations, and family planning services. With a budget of only five thousand dollars, made available through a grant from the Greater New Haven Community Foundation, they were able to accommodate over five hundred visits in their first year.

It was clear that families were not only in need of these basic services, but of expanded health care as well. Over the next decade, guided by Katrina's remarkable leadership, the Clinic worked to expand the services that they were able to provide to more comprehensive primary health care. Today, the Fair Haven Community Health Center has grown into one of our community's most respected non-profit primary health care organizations, providing comprehensive health care—from prenatal and pediatric to adolescent, adult and geriatric care—to hundreds of residents every year.

Katrina's passion for and dedication to providing children and families with access to quality, affordable health care has helped to guide the Fair Haven Community Health Center over the course of its history. Its success and the difference it continues to make in the lives of those it serves is her legacy. She has left an indelible mark on our community, setting a standard of service to which we should all strive. While her physical presence will most certainly be missed, I have no doubt that she will continue to serve as an inspiration to all of those at Fair Haven Community Health Center as they continue her good work.

For her outstanding service to our community and unparalleled dedication to some of our most vulnerable citizens, I am honored to stand today to extend my deepest thanks and appreciation to Katrina Clark as she celebrates her retirement. I wish her, her partner Bonnie, and their children, Jared and Jonathan all the best for many more years of health and happiness.

HONORING DARRIN ARNOLD

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Darrin Arnold. Darrin is a very special young man who has exemplified the finest qualities of citizenship

and leadership by taking an active part in the Boy Scouts of America, Troop 214, and earning the most prestigious award of Eagle Scout.

Darrin has been very active with his troop, participating in many scout activities. Over the many years Darrin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Darrin has contributed to his community through his Eagle Scout project. Darrin repaired 200 feet of a hiking trail inside the Parkville Nature Sanctuary in Parkville, Missouri, removing tree roots and large rocks, overlaying the path with gravel and providing a better walking experience for hikers in the sanctuary.

Mr. Speaker, I proudly ask you to join me in commending Darrin Arnold for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING COLONEL ROBERT L.  
HOWARD-MOH

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the life and accomplishments of Colonel Robert L. Howard and the dedication of the Headquarters Building of the 5th Special Forces Group (Airborne) at Fort Campbell, Kentucky, in his honor.

Colonel Howard retired in 1992 after serving 36 years in the United States Army, with more than 33 years on airborne status, and is considered one of our Nation's most highly decorated veterans. While serving in Vietnam, Colonel Howard received the Medal of Honor on March 2, 1971, for "conspicuous gallantry and intrepidity in action" while on a mission to rescue a missing American soldier in enemy-controlled territory. He passed away on December 23, 2009, in Waco, Texas.

Colonel Howard is one of the most impressive people I have met during my life. I am proud to have had the honor of working with him. Then-Captain Howard was my company commander when I was an instructor at the Army Airborne School at Fort Benning, Georgia.

Even if you did not know that he had been recommended for the Medal of Honor three times, receiving one, he was also a recipient of our Nation's second highest decoration, the Distinguished Service Cross, and was awarded a Silver Star. And even if you did not know he had been wounded fourteen times during 54 months of combat duty and received eight Purple Hearts, you would still know he was a real leader.

Colonel Howard embodied everything there is in a good leader, a fine soldier, and a great American. He was someone you would be happy to follow at the Airborne School or into combat. He had the upmost respect from everyone around him, from junior enlisted personnel, to noncommissioned officers, and senior officers.

In my conversations with him after his retirement from military service, he was even more

impressive, working for the Department of Veterans Affairs as a liaison to other veterans. Combined, he spent 52 years in government service.

It was a high honor to have known him and to have served under him. I have had the unbelievably good fortune to be part of this memorialization process, and to know that his legacy will live on in this building.

Therefore, Mr. Speaker, I believe it is appropriate at this time that we honor Colonel Howard's service to our Nation with the dedication of this building. His commitment to duty and professionalism is an inspiration to all of us.

HONORING CHARKYRIA SAMONE  
EVANS

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable student, Ms. Charkyria Samone Evans.

Charkyria, an aspiring Aerospace Engineer, is the 19-year-old daughter of Mr. and Mrs. D'Andre Williams and Mr. and Mrs. Samuel Evans. As a native of Washington County, Charkyria has witnessed a few troubling moments that occurred in her county and specifically Greenville, Mississippi. These occurrences drew Charkyria's attention even at a young age.

As a fifth grader at Ella Darling Elementary School, Charkyria decided to take the first step in enhancing her community by joining a campus organization called Darling Leaders/Delta Action Coalition. This organization helped Charkyria receive the support she needed to express her enlightening ideas and persuaded her to submit an essay that promoted Greenville's beautification. Charkyria was able to execute her plan of beautification when she and a few other students designed a mural, displayed on the walls of Higher Dimensions Church. Charkyria's determination did not stop there.

Upon entering Coleman Middle School (CMS), her community service efforts were refreshed when she became a CMS cheerleader, student council member and President of the National Junior Honor Society.

Immediately upon entering Greenville-Weston High School, Charkyria took on roles of SGA Senator, Science Olympiad Scholar, Academic Bowl Scholar, Principal's Club Pupil, NSL-ITEST scholar (Mississippi Valley State University), varsity cheerleader, and an eager mentor for students of various ages. Being involved in school only molded her to become even more involved in Washington County.

Additionally, she became an active member in Teenette Art and Civic Club, Delta Center Stage, Washington County's Democratic Caucus, Chi Mu Omega Chapter of AKA's Cotillion, Eta Theta Omega Chapter of AKA's Fashionetta, Mayor's Youth Council, and Old Jerusalem M.B. Church's Youth Ministry.

Now that Charkyria has embarked upon a new journey at Tuskegee University as an ambitious Aerospace Engineering student, she continues to reach out into her world community. She stretches her arms of love out to all

in hopes of inspiring the lives of community members and students through community service.

Charkyria continues to use the skills that she has learned to help nourish the pride of the swift-growing South. With this mindset, she continues to grow with a sense of dignity and nationalism for her local communities and the United States of America because she remembers, "For God so loved the world. . . ."

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Charkyria Samone Evans for her dedication to serving others and giving back to her community.

## SECTION 5 OF THE VOTING RIGHTS ACT

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Ms. JACKSON LEE. Mr. Speaker, I would like to submit the following:

1. How did Congress conclude that Section 5 was still necessary in 2006?

Congress conducted 21 hearings and amassed a record of over 15,000 pages during the 2006 process. The bipartisan vote was the largest to date: the House vote was 390–33 and the Senate vote was 98–0. President Bush signed the measure into law on July 27, 2006.

2. How did Section 5 work to prevent discrimination in 2012?

In South Carolina (Voter ID): The federal court approved the state's voter ID law in future elections only after DOJ's use of Section 5 ensured that the final law would not discriminate against African-American voters.

In Texas (Redistricting): The federal district court denied preclearance to Texas' redistricting plans for Congress, state Senate, and state House, and affirmatively found that the plans for Congress and state Senate were adopted with a racially discriminatory purpose.

In Florida (Early Voting): The federal court denied approval of a reduction in early voting until state agreed to implement plan that would not make it more difficult for minorities to vote.

3. How will Congress respond to the Supreme Court decision?

Congress will work in a measured bipartisan manner to conduct hearings and to deliberate in order to determine the appropriate legislative response to the Court's decision and to ensure that the voting rights of Americans are not violated.

At a threshold level, Congress must hold oversight hearings to determine the current scope of voting discrimination across the country. This bipartisan process would review not only voting discrimination in past covered jurisdictions, but voting discrimination in all other states. This oversight process will necessarily involve the Department of Justice and all parts of the civil rights advocacy community.

We must be careful to maintain a deliberative and bipartisan oversight process. While the process may not yield immediate results,

we must be careful ensure that it yields comprehensive a result that will survive legal scrutiny.

Until a new coverage formula is in place, the Section 5 "preclearance" remedy is inactive, as there are no covered jurisdictions. That will require each of us to maintain vigilance with respect to discrimination, particularly in formerly covered jurisdictions, as Section 5 protections will probably sent during the 2014 election cycle.

1. Supreme Court found the current Section 5 Coverage formula Unconstitutional:

The Court ruled that Section 5 cannot be enforced unless Congress crafts a new formula for determining which states and localities are covered by the "preclearance" mechanism. By a 5–4 vote, the Court found that Congress in the 2006 reauthorization relied on 40-year-old data that does not reflect racial progress and changes in U.S. society. The Court found that Congress must "identify those jurisdictions to be singled out on a basis that makes sense in light of current conditions." The Court recognized that "voting discrimination still exists" and remains a problem that Congress is constitutionally entitled to address through legislation.

The court did not strike down the "preclearance" approval requirement of the law that has been used, mainly in the South, to open up polling places to minority voters in the nearly half century since it was first enacted in 1965. However, the Court noted that Congress must update the formula for determining which parts of the country must seek Washington's approval, in advance, for election changes.

2. What did Section 5 of the Voting Rights Act require?

Required that all or part of 16 states with a history of discrimination in voting submit requests to change election-related procedures for federal approval before they can be implemented.

Requests could be submitted to U.S. Attorney General or to the U.S. District Court for DC.

Freezes voting changes before implemented to stop voting discrimination before it begins. Section 5 reauthorized by Congress in 1970, 1975, 1982, and 2006.

Requires covered jurisdictions to show that a voting change is not discriminatory.

Covers more jurisdictions than the South/Geographic Coverage of Section 5.

Entire State: Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas, Virginia.

Jurisdictions within a State: California, Florida, Michigan, New Hampshire, New York, North Carolina, South Dakota.

IN HONOR OF BRENDA BATTAT  
FOR HER SERVICE TO THE  
HEARING LOSS ASSOCIATION OF  
AMERICA

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. VAN HOLLEN. Mr. Speaker, I am honored to rise today to recognize the accom-

plishments of my constituent, Brenda Battat, and her 24 years of dedicated service to the Hearing Loss Association of America, HLAA. Through her tenure at HLAA, which she has served as Executive Director since 2008, Ms. Battat was instrumental in making HLAA the nation's leading consumer organization for people with hearing loss. Among her many accomplishments, Ms. Battat made significant contributions to raising public awareness on hearing loss and advocating for greater accessibility in public and private venues.

At the HLAA, Ms. Battat worked to ensure that Americans with hearing loss have more and better health care and technology options. She led advocacy efforts to increase consumer choice in the hearing loss marketplace. She assisted people with hearing loss in obtaining more options for communication and entertainment, such as hearing aid-compatible telephones and increased captioning of internet and mobile television programming. By fighting to make hearing aids and hearing technology more affordable and promoting the use of hearing assistive technology with consumer train-the-trainer programs, Ms. Battat has achieved easier and more effective communication for the hard of hearing. Ms. Battat's promotion of hearing assistive technology has removed barriers for those with hearing loss to participate fully in both private and community life.

Ms. Battat, who herself has a profound hearing loss and uses a cochlear implant and hearing aid, has served on many state and national advisory boards, including the National Institute on Deafness & Other Communication Disorders Advisory Council, the National Association of Hearing and Speech Action, the National Center for Deaf Health Research External Committee, the Maryland Telecommunications Relay Advisory Committee, the Federal Communications Commission's Hearing Aid Compatibility Negotiated Rulemaking Committee, and Consumer/Disability Telecommunications Advisory Committee. In short, her efforts have benefitted countless people.

Ms. Battat's outstanding work has earned her well-deserved national recognition. She received the Sheldon Williams Itzkoff Leadership Award in 2010, the Robert H. Weitbrecht Telecommunications Access Award in 2007, the Oticon Focus on People Advocacy Award in 2005, and the Self Help for Hard of Hearing People National Access Award in 2002. Under her leadership, the HLAA maintained financial stability and earned the GuideStar Exchange Seal for transparency.

Mr. Speaker, I am pleased to represent Brenda Battat in the U.S. House of Representatives and to thank her for her outstanding accomplishments on behalf of those with hearing loss. I ask my colleagues to join me in congratulating Ms. Battat on her contributions and in wishing her an enjoyable and fulfilling retirement.



## HOUSE OF REPRESENTATIVES—*Friday, June 28, 2013*

The House met at 9 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: God of the universe, we give You thanks for giving us another day.

As we approach a week away from the Nation's Capitol, we give You thanks for the many blessings we enjoy.

May Americans rightfully celebrate the greatness of our participative form of government and the ongoing pursuit of ever broader freedoms for all people that marks our history.

Bless the Members of this people's House in the coming week and their constituents with whom they meet. And as they complete the work of this week and this day, give them the wisdom they need to be their best selves in seeing to the issues of our day.

May all that is done this day be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WILSON of South Carolina. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WILSON of South Carolina. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. WILLIAMS) come forward and lead the House in the Pledge of Allegiance.

Mr. WILLIAMS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 5 requests for 1-minute speeches on each side of the aisle.

### HAPPY BIRTHDAY, GRANDMA

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, today I stand on the floor of the House of Representatives to recognize a true inspiration, a woman who embodies everything about what makes the United States an exceptional Nation. Today, I rise to wish happy birthday to my grandmother Edna Yoder, who turns 102 today.

Born in the heartland of Kansas in 1911, my grandmother was no stranger to hard work. She spent most of her life milking cows, helping bring in the wheat harvest, raising a family of four, and being a true partner to her husband and my late grandfather, Orie Yoder.

Her faith in God, her love of family, and her belief in hard work and humble living define my grandmother. Her generation saw the Dust Bowl, the Great Depression, and many other difficult times over the past century. Her generation's perseverance and dedication to our country helped build the most prosperous nation the world has ever seen.

Today, on her 102nd birthday, she is happy and healthy. She tells great stories about times past, and her smile still lights up the room.

Grandma, we could learn a lot from you. Happy birthday.

### STUDENT LOANS

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. Speaker, in 2 days, interest rates on student loans are going to double from 3.4 to 6.8 percent. It is outrageous, it is unnecessary, and it is cruel.

Across this country, the things that will happen in Vermont are going to happen to all our kids and their parents. In Vermont, 20,000 kids are going to have their loan's expense go up \$1,000. That's when the cost of edu-

cation has gone up 27 percent in the past 5 years. Vermont has the seventh highest student loan debt in the country. Sixty-three percent of our kids, when they graduate, it's \$29,000 that they start out owing. We are first when it comes to debt-to-income ratio—82 percent. It's brutal.

What is this about? It's about our priorities. In a low interest rate environment, government borrowing at 2 percent, we are going to charge nearly 7 percent to our kids. That's almost like usury. It is also a reflection of our priorities.

There is a way we could extend this, as we should. Why do we shovel taxpayer money to oil companies that have \$1 trillion in profits in the past 10 years? It is unnecessary.

Around kitchen tables in Vermont, people are trying to figure out who is going to college and how our kids are going to get started.

### HOUSE REPUBLICANS PROMOTE JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, according to an editorial in this week's Wall Street Journal:

President Obama's climate speech on Tuesday was grandiose even for him, but its surreal nature was its particular hallmark. Mr. Obama's "climate action plan" adds up to one of the most extensive reorganizations of the U.S. economy imposed through administrative fiat and raw executive power. But over his 6,500-word address, he articulated no such goal for the unemployment rate or GDP.

An energy policy, including higher taxes, more out-of-control spending, and increased government control of our daily lives will not promote jobs. It is a war on jobs. American families need job creation, a clean environment, economic certainty, and hope for future generations.

Today, House Republicans will vote on an all-of-the-above energy bill that will create jobs, increase access to our own energy resources, and stimulate our weak economy. It is time for the Senate and the President to support our efforts for American families to reach their full potential.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

□ 0910

In God we trust.

I think that is exactly what he is doing.

## A WEEK OF MOMENTOUS EVENTS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. This is a momentous week—a path to citizenship passing in the Senate, the Supreme Court striking down DOMA, and, on Tuesday, President Obama recommitted his administration to deal with the moral imperative of climate change.

All around us the evidence is mounting—with extreme weather events, drought, flooding, wildfires, shrinking polar ice caps, invasive plants and pests our farmers have never seen before.

The President outlined new administrative initiatives because Congress is incapable of acting. Sadly, the House of Representatives is led by climate skeptics, climate deniers, and climate cowards.

My hope is, if the Republicans in the House won't allow action, they will at least stay out of the President's way. Protecting the planet and our grandchildren's future ought not to be bringing out the worst in us but the best.

## REPEAL CAFE STANDARDS

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute.)

Mr. WILLIAMS. Mr. Speaker, at a time when millions of Americans are out of work and the cost of living continues to rise, the President could not be more out of touch with reality.

For example, President Obama has continued pushing for car manufacturers to produce vehicles that get 54.5 miles per gallon by 2025 through the EPA's Corporate Average Fuel Economy program. What he doesn't understand is that CAFE standards are expensive for manufacturers, increase the cost for consumers, and have caused a significant decrease in vehicle safety by forcing manufacturers to downsize and to use lighter materials in production.

Fuel efficiency has been and always will be important to consumers. Consumer demand is incentive enough for producers to make fuel-efficient vehicles. Some families might trade off miles per gallon for greater safety or more leg room.

The bottom line is that the people should make these decisions, not the Federal Government. The President needs to understand that Americans can make informed purchases without restricting our freedom to choose. That's why I've introduced H.R. 2445, a bill to repeal the CAFE standards.

I hope my colleagues will join me in standing up for the free market by repealing these destructive government regulations.

## IRS ABUSE OF POWER

(Mr. BARROW of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW of Georgia. Mr. Speaker, it turns out that the targeting of conservative groups by the IRS was just the beginning of a much bigger problem.

Every week since, we learn something new about how the IRS has abused its power, and this week is no different. Wine, diet pills, romance novels, and even X-rated movies were purchased with government credit cards. Lavish spending isn't the only problem. New reports tell us that the IRS sent nearly \$50 million of taxpayer money to "unauthorized aliens."

Mr. Speaker, folks in my district have had enough, and so have I. They work hard for their money, only to have a Federal agency like the IRS run wild with it and offer no apologies. Every person at the IRS should be held accountable for their actions, and we need to put reforms in place to make sure that taxpayer money isn't misused in the future.

## TYRANNY IN THE UNITED STATES OF AMERICA

(Mr. BRIDENSTINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRIDENSTINE. Mr. Speaker, the President decided to raise energy prices on all Americans, which adversely affects the poor the most—and he didn't ask Congress.

The President decided to unilaterally reduce our strategic nuclear deterrent when more countries than ever have nuclear weapons. No treaty. That would require the consent of the Senate.

The President has decided which health insurance plans the people are allowed to have. The President didn't ask Congress—or the people for that matter.

The list goes on.

In America, we are either moving more towards liberty or more towards tyranny. I think we should ask ourselves what tyranny would look like in the United States of America:

An executive branch that picks and chooses which laws it wants to enforce; a judicial branch that would allow it to do so on the grounds that the executive branch did not defend the laws in court; the legislative branch would have very limited power because they turned it all over to the President; and the people would feel like they had no representation.

The President told us he was going to fundamentally transform America, and

## ENVIRONMENTAL MERIT AWARD RECIPIENTS

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, I rise today to honor two dear friends and dedicated public servants—State Representative John Fernandes and State Senator Richard Moore from Milford, Massachusetts.

Representative Fernandes and Senator Moore are being honored this week with a prestigious Environmental Merit Award from the EPA for their tremendous work they have done to combat phosphorus pollution in their communities.

When studies showed that the phosphorus levels in the Charles River at nearly double the healthy standards, these two men immediately recognized the dangerous impact this would have on the region's cities and towns. They came up with a simple, direct, and creative solution that worked for families and businesses alike. Most importantly, they got it through the State house and the executive chamber, delivering real results in record time for their constituents.

That's par for the course for these two local leaders, who have proven time and again that they are the best of the best when it comes to public service.

As dedicated as they are diligent, as creative as they are compassionate, they seek every day to do better and more for their communities they represent. I am honored to work with them, to recognize them, and to call them friends.

## PANCREATIC CANCER

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in recent years, the medical research community has made great strides in treating cancer. However, not every form of cancer has shown the same progress. Some forms remain just as deadly as they were decades ago.

Among the deadliest is pancreatic cancer, with a survival rate of only 6 percent. By comparison, the survival rate of all forms of cancer is now 68 percent, up from 49 percent in 1975. Last year, Congress passed and the President signed the Recalcitrant Cancer Research Act, a bill to focus research on pancreatic cancer and other problematic types of the disease.

With new plans to attack the disease and new resources, we can make progress. I met recently with a constituent who is battling the disease and

with another who has lost multiple family members to it, and they have hope despite the tough road ahead.

With newly focused work, we will hopefully see new therapies and new drugs attack pancreatic cancer in the coming years, greatly improving the rate of survival.

#### SENATE PASSAGE OF IMMIGRATION BILL

(Mr. VARGAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VARGAS. I rise today to speak on the pressing and important issue of immigration reform.

Yesterday, the Senate took a necessary step forward in the effort to enact comprehensive immigration reform. Now it is imperative that the House put politics aside and that we work together to reach a compromise that will benefit our country, strengthen our economy, and allow 11 million people to step out of the shadows.

The House must enact immigration reform that is fair and reflects the highest values of our Nation. We are a country of immigrants, and how we treat those who aspire to be citizens reflects our democracy's commitment to uphold the moral principles upon which our Nation was built.

I urge the Republican leadership to bring the Senate bill to the House so we can finish the crucial work the Senate began and finally fix our immigration system.

I also want to thank all of the faith groups that keep praying for all of us to pass a comprehensive bill. It is obviously working.

#### OFFSHORE ENERGY AND JOBS ACT GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 2231.

The SPEAKER pro tempore (Mr. MCCLINTOCK). Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 274 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2231.

Will the gentleman from Kansas (Mr. YODER) kindly take the chair.

□ 0917

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R.

2231) to amend the Outer Continental Shelf Lands Act to increase energy exploration and production on the Outer Continental Shelf, provide for equitable revenue sharing for all coastal States, implement the reorganization of the functions of the former Minerals Management Service into distinct and separate agencies, and for other purposes, with Mr. YODER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, June 27, 2013, amendment No. 7, printed in part B of House Report 113–131, offered by the gentleman from Virginia (Mr. RIGELL), had been disposed of.

AMENDMENT NO. 8 OFFERED BY MR. DEFAZIO

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 113–131.

Mr. DEFAZIO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

#### TITLE —MISCELLANEOUS PROVISIONS SEC. 01. PROHIBITION ON LEASING IN BRISTOL BAY OFF THE COAST OF ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of this Act or any other law, the Secretary of the Interior may not issue any oil and gas lease for any area of the outer Continental Shelf (as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.)) in Bristol Bay off the coast of Alaska.

(b) OFFSET.—Notwithstanding any other provision of this Act, title III of this Act shall have no force or effect.

The Acting CHAIR. Pursuant to House Resolution 274, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, this amendment is to remove from the bill provisions that would mandate leasing off of the fabulous Bristol Bay area of Alaska.

Now, I've said this bill is a little bit like Groundhog Day because we have passed it before, and we talked about that yesterday, but this is about a bizarre version of Groundhog Day and why I am forced to offer this amendment.

□ 0920

Actually, after the Exxon Valdez oil spill, I traveled up to the spill with then-Subcommittee Chairman GEORGE MILLER and saw what an extraordinary mess had been created, something that in those cold waters is very difficult to deal with and very persistent and caused tremendous damage to the fisheries. Congress chose then, in 1989, under President George H.W. Bush, to revoke the leases in the Bristol Bay area in order to protect this \$2 billion a year fishery.

In fact, the American people, the taxpayers of the United States of America, paid \$100 million to buy back those leases that had been sold in the 1980s. That moratorium remained in place until then-President George W. Bush lifted the moratorium.

The Obama administration has done the right thing and reversed George W. Bush's decision and excluded Bristol Bay from drilling in the 2012–2017 OCS leasing program. So we had the first President Bush agree that a permanent protection of that area was warranted because of the \$2-billion-a-year renewable fishery and other precious resources, the cold water, the difficult conditions. George W. Bush then reversed that, and President Obama has reinstated a moratorium.

Now this bill would mandate leasing off of Bristol Bay. Obviously, there's always division over these issues, but there is strong public opposition to drilling in Bristol Bay—55 tribes, Native Alaskan associations, and fishing organizations are opposed to the drilling in that area. National environmental groups like Trout Unlimited, Wild Salmon Center, and Natural Resources Defense Council also support this amendment.

This is a precious and irreplaceable area. One major spill in that area would devastate the environment, the fishery that supports thousands of jobs in Alaska. Actually jobs all up and down the west coast of the United States are dependent upon the fabulous fishery of Bristol Bay, both the commercial and the sport fishing. I have guides in Oregon who spend their summers in Alaska guiding in the Bristol Bay area. It attracts people from around the world.

We should not put this extraordinary resource at risk in this bill for some possible, potential future oil revenues in a State which is already quite rich in oil, where the former Naval Petroleum Reserve has been leased but, as in the case of many leases that the oil industry holds, is not developed. That is why it was the Naval Petroleum Reserve. There are known and large resources under that area of Alaska. The balance is clearly in favor of protecting this area, not another area to drill given the resources already available in Alaska.

I had to do a so-called “pay-for.” Last night we passed the Cassidy amendment, which increases the Federal deficit by \$15 billion—excuse me, \$14,999,999,970—over 30 years by lifting the cap on revenue sharing with the Gulf States. That's costing, they say, \$1 less than \$500 million a year. That didn't have to be paid for. They waived the rules. But because I want to protect this fabulous resource, they're saying you're forgoing potential possible future revenues for the government, you must pay for it. So unfortunately, given that, I had to move to

strike title III so we could protect this resource.

With that, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

My good friend from Oregon talked about Groundhog Day as to the nature of this bill. I can say, "Well, here we go again."

Instead of debating ways to create jobs, to enhance revenues, and to secure our Nation from a national security standpoint, we are back to debating a moratorium on offshore drilling that will lock away America's energy resources. Specifically, this amendment would close a wide area of Federal waters from drilling off the State of Alaska. But this amendment doesn't just lock away America's resources, it also eliminates State revenue-sharing provisions in the bill.

President Obama has already closed the North Aleutian Basin through Presidential moratorium, closing off jobs and economic diversity to the people of Alaska through 2017. The underlying legislation does not in any way modify this unscientific Presidential closure or modify the existing Presidential authority. It does, however—and this is important, Mr. Chairman—provide that if this region contains some of our Nation's greatest potential for energy, that we should open that area for the future. I know that logic is sometimes lost in this town, but in all honesty, Mr. Chairman, we should be drilling offshore in those areas where we know the most resources are located or potentially located.

The Natural Resources Committee has heard testimony time and time again about young people leaving Alaska to chase jobs elsewhere. We have also heard from the Aleutians, such as the Aleutians East Borough mayor Stanley Mack, who spoke of how the opportunity for drilling in the southern portion of the North Aleutian Basin could be a real economic benefit for their communities.

This economic diversification is even more important when you consider the petitions of extreme environmental groups proposing massive fishery closures across Bristol Bay and the region, or the potential for the declaration of a no-fishing national monument in those areas, or the grave threat posed to fishing in Alaska in the north Pacific by President Obama's executive order on ocean zoning, where bureaucrats in Washington, D.C., will decide what happens and what doesn't happen in ocean areas off Alaska and other States.

Finally, this amendment also eliminates revenue sharing for all coastal

States, preventing Alaska, Virginia, South Carolina, California, and others from receiving a share of any energy development off their shores.

This important provision is about bringing fairness to the Outer Continental Shelf revenue sharing instead of limiting it to only four States. Right now, only the Gulf States have that privilege.

When gas prices climbed to \$4 a gallon in 2008, the American people strongly supported lifting the Nation's offshore drilling bans, and that support ran across the political spectrum, from Independents, to Republicans, to Democrats. And that broad support for expanding offshore drilling, frankly, continues to this day in this country.

This amendment would start us down the road of imposing new moratoriums on America's offshore, which is the opposite of what Americans want. And let me make this point, Mr. Chairman, and I said this several times in the committee. If there is a poster child of a State that was promised something when they got statehood and the reverse is being done, it's got to be Alaska.

I know there's controversy surrounding the potential in the Bristol Bay, but it's not unanimous on either side. But those in Alaska certainly should be the ones that are integrally involved in that decisionmaking process. But, no, here we have today an amendment from a Member of Congress, who has every right to do it, but from the Lower 48, dictating what's going to go on in Alaska. Again, that to me solidifies the poster child of a State really not getting what it should be getting from its resources after statehood.

I urge my colleagues on both sides of the aisle to defeat this amendment. And as I understand the gentleman from Oregon has yielded back his time, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

□ 0930

AMENDMENT NO. 9 OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 113-131.

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

#### TITLE —JUDICIAL REVIEW

##### SEC. .01. TIME FOR FILING COMPLAINT.

(a) IN GENERAL.—Any cause of action that arises from a covered energy decision must be filed not later than the end of the 60-day period beginning on the date of the covered energy decision. Any cause of action not filed within this time period shall be barred.

(b) EXCEPTION.—Subsection (a) shall not apply to a cause of action brought by a party to a covered energy lease.

##### SEC. .02. DISTRICT COURT DEADLINE.

(a) IN GENERAL.—All proceedings that are subject to section .01—

(1) shall be brought in the United States district court for the district in which the Federal property for which a covered energy lease is issued is located or the United States District Court of the District of Columbia;

(2) shall be resolved as expeditiously as possible, and in any event not more than 180 days after such cause or claim is filed; and

(3) shall take precedence over all other pending matters before the district court.

(b) FAILURE TO COMPLY WITH DEADLINE.—If an interlocutory or final judgment, decree, or order has not been issued by the district court by the deadline described under this section, the cause or claim shall be dismissed with prejudice and all rights relating to such cause or claim shall be terminated.

##### SEC. .03. ABILITY TO SEEK APPELLATE REVIEW.

An interlocutory or final judgment, decree, or order of the district court in a proceeding that is subject to section .01 may be reviewed by the U.S. Court of Appeals for the District of Columbia Circuit. The D.C. Circuit shall resolve any such appeal as expeditiously as possible and, in any event, not more than 180 days after such interlocutory or final judgment, decree, or order of the district court was issued.

##### SEC. .04. LIMITATION ON SCOPE OF REVIEW AND RELIEF.

(a) ADMINISTRATIVE FINDINGS AND CONCLUSIONS.—In any judicial review of any Federal action under this title, any administrative findings and conclusions relating to the challenged Federal action shall be presumed to be correct unless shown otherwise by clear and convincing evidence contained in the administrative record.

(b) LIMITATION ON PROSPECTIVE RELIEF.—In any judicial review of any action, or failure to act, under this title, the Court shall not grant or approve any prospective relief unless the Court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of a Federal law requirement, and is the least intrusive means necessary to correct the violation concerned.

##### SEC. 05. LEGAL FEES.

Any person filing a petition seeking judicial review of any action, or failure to act, under this title who is not a prevailing party shall pay to the prevailing parties (including intervening parties), other than the United States, fees and other expenses incurred by that party in connection with the judicial review, unless the Court finds that the position of the person was substantially justified or that special circumstances make an award unjust.

##### SEC. .06. EXCLUSION.

This title shall not apply with respect to disputes between the parties to a lease issued pursuant to an authorizing leasing statute regarding the obligations of such lease or the alleged breach thereof.

##### SEC. .07. DEFINITIONS.

In this title, the following definitions apply:

(1) COVERED ENERGY DECISION.—The term “covered energy decision” means any action or decision by a Federal official regarding the issuance of a covered energy lease.

(2) COVERED ENERGY LEASE.—The term “covered energy lease” means any lease under this Act or under an oil and gas leasing program under this Act.

The Acting CHAIR. Pursuant to House Resolution 274, the gentleman from Georgia (Mr. BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROWN of Georgia. Mr. Chairman, the bill before us today has great potential to create jobs, to boost our economy, and provide our country with new, much-needed sources of energy. But as written, it also has the potential to invite frivolous, duplicative lawsuits filed by outside entities with no real tie to the individual contracts stemming from this legislation.

Mr. Chairman, we have seen it happen time and time again: situations in which the community, the developer, and the Federal Government are all on the same page, but plans are ultimately ground to a halt by activist environmental groups that file lawsuit after lawsuit in order to stop the development in its tracks.

My amendment would stop this cycle as it relates to projects begun under this bill. It would allow individuals and groups not party to a lease under this bill to file a suit once—only once—within 60 days of an official action under the bill. Should a suing entity lose, it would be allowed an appeal to the U.S. Court of Appeals for the District of Columbia Circuit, and final resolution would have to be reached within 180 days.

Finally, my amendment would also include a “loser pays” standard, meant to protect taxpayers and discourage the filing of a suit without true legal merit.

Mr. Chairman, the underlying bill would do much to move our country ahead, but I fear that we will not reach our full potential unless this important language is included.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. BROWN of Georgia. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding, and I just simply want to say that I think the amendment adds to this legislation, and I support the legislation.

Mr. BROWN of Georgia. Mr. Chairman, I thank the gentleman.

I urge support of my amendment, and I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise to claim the time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in strong opposition to this amendment.

To begin with, this amendment creates a major obstacle for parties such as States, municipalities, local entities, and nonprofit organizations from challenging unsound licensing decisions in the courts.

It does this by requiring the losing side in these disputes to pay the legal costs, not just of the prevailing party, but for every intervening party as well. Just imagine what this would mean.

How could a local beach community risk bringing an action knowing that it may have to pay for its own legal costs, let alone the legal costs of all of the parties in the case, which could include some of the Nation’s largest oil and gas producers. Without question, this draconian cost-shifting regime will have a chilling effect on the right of individuals, municipalities, and nonprofit organizations to challenge licensing decisions that could have devastating effects on their communities.

Sure, the provision allows the losing party to argue that its position was substantially justified or that special circumstances make such an award unjust, but even meeting that standard could require extensive litigation.

This savings provision offers the tiniest of fig leaves. It is clear that the real intent of this provision is to ensure that only the wealthiest members of society will be able to litigate these issues.

Second, this amendment is not necessary. Current law already authorizes a Federal court to sanction a party for filing frivolous actions or for engaging in wrongful conduct. Federal rule of Civil Procedure 11 deems every pleading, motion, and any other paper filed by a party in a Federal proceeding to be a certification by such party: that it is not being presented for an improper purpose; that the claims and legal contentions asserted in the pleadings are warranted by existing law; and that the factual contentions made in the pleading have evidentiary support.

And should the court find that any of those requirements have been violated, the court may impose an appropriate sanction, including requiring the offending party to pay all of the prevailing party’s reasonable attorneys’ fees and other expenses arising from the violation.

In addition, the court, under certain circumstances, may also impose monetary sanctions against a party who violates rule 11. So, in sum, this amendment is simply not necessary.

Third, this amendment is not only an affront to the independence of the Federal judiciary, but it could seriously disrupt the ability of the courts to meet its obligations to litigants in other pending matters. The amendment does this by setting hard-and-fast deadlines that ignore the complexities of the individual case or the court’s schedule. And it requires the court to prioritize these actions over all other pending matters before the court.

Not surprisingly, the Judicial Conference of the U.S. has long opposed legislative efforts to impose specific deadlines and mandate that certain actions be prioritized over others for some very important reasons. By imposing rigid deadlines, measures such as this amendment undermine the effective civil case management and unduly hamper the court’s discretion in managing and prioritizing its case docket. Each case should be considered on its own merits without the imposition of artificial deadlines.

Worse yet, this amendment specifically provides that if the district court fails to meet this deadline, the case must be dismissed with prejudice and terminates all rights relating to cause or claim. Just imagine how a defendant could use this provision to its advantage by running the clock through delaying tactics such as employing a multiplicity of procedures and time-consuming discovery demands. This amendment is anti-justice. It must be opposed.

I yield back the balance of my time.

Mr. BROWN of Georgia. Mr. Chairman, I’m not advocating for “loser pays” in all civil cases. My amendment relates only to these specific cases, in which an extremist environmental group files suit after suit simply to stop the development of natural resources and energy resources on American soil. Under my amendment, parties to a lease aren’t subject to this standard.

Furthermore, my amendment does not undo the ability for members of the community who are concerned about a particular lease to petition the government—State or Federal—during the NEPA process.

Finally, while I understand the concern that “loser pays” harms complainants with the least amount of disposable income, I would simply say that near-record gas prices are harming them and are hurting the most vulnerable in our society, poor people and senior citizens on limited income. In fact, my colleague from Georgia, my good friend, was saying it’s unnecessary. But if it’s unnecessary, he shouldn’t be afraid of this amendment. This is a commonsense amendment, and I urge its support.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROWN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. JOHNSON of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

□ 0940

AMENDMENT NO. 10, AS MODIFIED, OFFERED BY  
MR. GRAYSON

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 113–131, as modified by the order of the House on June 27, 2013.

Mr. GRAYSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment, as modified, is as follows:

Add at the end the following:

**TITLE —MISCELLANEOUS PROVISIONS**  
**SEC. —. STATE RIGHTS AND AUTHORITY NOT AFFECTED.**

Nothing in this Act and the amendments made by this Act affects the right and power of each State to prohibit management, leasing, developing, and use of lands beneath navigable waters, and the natural resources within such lands, within its boundaries.

The Acting CHAIR. Pursuant to House Resolution 274, the gentleman from Florida (Mr. GRAYSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. GRAYSON. Mr. Chairman, this is a simple savings clause amendment of the kind that we include typically, frequently, in almost every bill that's a major bill that passes this House. It says as follows:

Nothing in this Act and the amendments made by this Act affects the right and power of each State to prohibit management, leasing, developing, and use of lands beneath navigable waters, and the natural resources within such lands, within its boundaries.

The simple purpose of this is to avoid any implication by this statute that it is taking away any rights of any State, including my State of Florida, where drilling rights are a matter of extreme controversy.

Now, why do we do this? Because of the Constitution, because the supremacy clause in the Constitution says the Federal law is the highest law of the land. And whenever we're dealing with any area, any area at all of the law, where there are states' rights and there are Federal rights, it's incumbent upon us to explain that we are preserving those State rights, not just in this bill but in every bill.

In fact, we are shoring up the provision that exists already in 43 U.S.C. 1311, entitled "Rights of States."

And why do we need to do that?

Because this is a comprehensive scheme to regulate offshore drilling in this country, and when you establish any comprehensive scheme, you run the risk that a court will determine that you have obliterated, you have annihilated, you have eliminated states' rights. That is what happens when you pass a law that is a comprehensive Federal scheme.

Now, yesterday, we had a similar amendment come up. In that case the

vote was a very exciting 213–213 tie vote. And the arguments that were made against the amendment yesterday today simply do not apply.

Yesterday, if you may recall, Mr. Chairman, a map was provided by the opposition to that amendment. The map pointed out that the drilling in that area was limited to offshore drilling on the U.S.-Mexico border.

Well, today, we're dealing with drilling from sea to shining sea, dealing with all of our shores. So that limitation that was promoted yesterday doesn't apply.

Yesterday, there was an argument made at the last minute that, somehow or other, the definition of States in this amendment applied to Mexican states, which was absurd and ridiculous, and yet, it was made against that amendment. All you had to do is look at the definition, not just in the title, but in the chapter and the subchapter of the word "States," and you would see that the word "States" is defined as limited to the United States of America.

Now, today's bill provides a much greater threat to Federal preemption of State law than yesterday's bill did. In fact, this bill explicitly entangles Federal and State law together in this area under section 1344(a)(2)(F) of this bill. This actually establishes a consultation regarding the States which could be construed as being in lieu of and extinguishing states' rights.

It's a clear error in the drafting of this bill, and my amendment is necessary to protect it. My amendment is necessary to prevent a preemption, through this bill, of states' rights.

This bill clearly, as drafted, conflates Federal and states' rights and would lead to a disastrous preemption of states' rights based upon section 1344(a)(2)(F) alone.

Now, today we have new arguments that have been made against this simple savings provision, and neither one of those arguments carries any weight. One argument that we've already heard is that this bill couldn't possibly preempt states' rights.

Well, in fact, it could possibly preempt states' rights. I've explained to you how that could happen. Any Federal court could look at this bill, reach the conclusion, particularly with regard to the presence of 1344(a)(2)(F), that this is a comprehensive Federal scheme, and it preempts states' rights.

We've never heard any explanation from anyone opposing this amendment as to how it could not preempt states' rights.

Secondly, we've heard an argument which, respectfully, verges on the specious, that this amendment somehow would negate individual rights, and that is completely false, completely without any merit.

In fact, I would venture to say that there has never been a case where a

statute or an amendment or a bill that contains the phrase "Nothing in this Act affects the right and power of each State"—I don't know how that could ever be construed as somehow negating individual rights.

Clearly, on its own terms, explicitly, this amendment simply preserves states' rights.

We are in a fundamentally different situation today than we were yesterday because of the presence of section 1344(a)(2)(F) in this bill. There is a far greater need today than there was yesterday with the tie vote to have this amendment here as a savings clause.

I would call, respectfully, upon the chairman of the committee to agree to this amendment today and let us move on.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Chairman, here we go again with unnecessary amendments designed to delay the work of Congress in enacting important legislation that would expand U.S. offshore energy production in order to create, once again, millions of new American jobs, to lower energy prices, to grow our economy, and strengthen our national security.

H.R. 2231 is similar to legislation passed last Congress and fully upholds existing states' rights within their boundaries and offshore areas. Nothing in this bill changes the fundamental 60-year-old relationship between States and the Federal Government enshrined in the Submerged Lands Act or the Outer Continental Shelf Lands Act.

This bill is focused on activity in Federal waters and respects States' abilities to control and govern their waters. States' authority is in no way limited or affected by this bill. Existing Federal law protects states' rights over their waters, and boundaries are not changed or amended in this bill. I've now repeated that three times.

The gentleman's amendment is asserted as a simple restatement of these states' rights, though its sponsor admits the principle is not a restatement of existing law, but of the principle—big difference in that, Mr. Chairman, which is where the amendment then raises several serious questions that leads me to oppose its adoption in the form that it is written.

As drafted, the amendment purportedly reflects current law with regards to management of natural resources, but it could effectively usurp the individual private property rights of individuals in favor of State control.

The amendment reads that it is the right and power of each State to prohibit management, leasing, developing

the natural resources within such lands within its boundaries.

States have the right to regulate natural resources, but not outright prohibit development of private property. That's the point here, Mr. Chairman.

In the United States, unlike much of the remainder of the world, natural resources are owned both by the government and private individuals. The right to private property is one of the foundations of our Constitution. Natural resources property rights include the right to own minerals, timber rights, water rights, and those are just a few examples.

Congress should not be endorsing a policy that gives the States sole power to prohibit the development of these rights, and that's what this amendment could do. Such an action, like that embodied in this amendment, could be construed as a massive taking, in violation of the Constitution.

The government can't take property without compensation. The courts have held, including this week, in the gentleman's State of Florida, a Florida case at the Supreme Court that the State taking property or impinging on its fair use requires fair compensation.

Even if a State may not be inclined to fully exercise such authority granted by this amendment, should it become law, simple passage could open the door to lawsuits challenging private property rights. It's for these reasons that I urge a "no" vote on the Grayson amendment.

And Mr. Chairman, at a time when our Nation's economy continues to struggle, we should avoid erecting new barriers to economic activity and private freedoms.

Again, this amendment is unnecessary, as H.R. 2231 fully upholds and it does not change or diminish or impinge existing states' rights.

How much time do I have left, Mr. Chairman?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. HASTINGS of Washington. I'd like to yield 45 seconds to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. I thank the chairman of the full committee, Representative HASTINGS. And I'll just reinforce the last point he was making.

And I don't believe that the gentleman from Florida intended his language to do this. But it says it is the right and power of each State to prohibit management, leasing, developing of the natural resources within such lands within its boundaries.

I don't believe it was intended, but this could have the dangerous consequence of trampling on private property rights.

□ 0950

It's been tried in the Fifth Amendment, and that is a vital core principle in our Bill of Rights. And I know that

you didn't intend that, but this language could lead to that. For that reason alone, we should reject this amendment. This could have dangerous consequences.

So I agree with the full chairman, the gentleman from Washington. Let's reject this amendment.

The Acting CHAIR. The gentleman from Washington has 15 seconds remaining.

Mr. HASTINGS of Washington. I just want to make this point in the 15 seconds I have left.

The gentleman from Florida referenced 1334(a)2(f). That is not amended or referenced in this bill. So the gentleman's argument that that could somehow play a part in that is simply not true because it's not referenced; it is not amended.

I urge rejection of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentleman from Florida (Mr. GRAYSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GRAYSON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 11 OFFERED BY MRS. CAPPS

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part B of House Report 113-131.

Mrs. CAPPS. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

**TITLE —MISCELLANEOUS PROVISIONS**  
**SEC. . PROVISIONS NOT EFFECTIVE.**

Notwithstanding any other provision of this Act, section 203 and title III shall have no force or effect.

The Acting CHAIR. Pursuant to House Resolution 274, the gentlewoman from California (Mrs. CAPPS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. CAPPS. I yield myself such time as I may consume.

Mr. Chairman, this is a straightforward amendment that is overwhelmingly supported by my constituents, and I hope we can all agree to it. The amendment strikes a harmful and unnecessary provision in the bill that actually mandates new drilling in the sensitive waters off Santa Barbara and Ventura Counties in my district. Whatever the reasons behind this provision, the fact remains that the people most affected—my constituents—don't want new drilling.

My colleagues have heard me before invoke Santa Barbara's devastating 1969 oil spill, and that's because it galvanized central coast residents and actually the entire State of California against more offshore drilling. We were outraged by the damage to the environment, wildlife, and our economy.

We understood the havoc that similar blowouts could wreak on our economy, especially our tourism and our fishing industries. That's why California permanently banned new oil and gas leasing in State waters in 1994. It's why some 24 city and county governments, including both Santa Barbara and Ventura Counties, have passed measures banning or requiring voter approval before any new onshore facilities to support offshore drilling can be built. And it's why in 2008, then-Republican Governor Schwarzenegger told President Bush and Congress to oppose new drilling off the west coast. Even the Pentagon has expressed concerns with new drilling in the area.

Mr. Chair, Californians have spoken loud and clear. We do not want more drilling off our shores. I urge my colleagues to join us in striking these harmful and unnecessary provisions from the bill and support the Capps-Brownley-Lowenthal amendment.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield 3 minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Mr. Chairman, when Juan Cabrillo first sailed up the Santa Barbara Channel in 1542, he noted a massive natural oil slick. That's how vast California's petroleum resources are.

Today, we hear much about the Bakken shale oil formation that has produced unparalleled prosperity for North Dakota. Yet California's Monterey oil deposit is nearly five times the size of the Bakken field in North Dakota. California also has 1.6 billion barrels of untapped offshore oil in unleased acreage right now that can be reached with slant drilling from onshore. But California's resources are placed off limits by the ideological extremism that is now on full display courtesy of the amendment offered by my colleagues from California. They have had their way in California for a full generation, and I've watched their folly take what once could boast of being America's Golden State and turn it into an economic basket case and a national laughingstock.

California's unemployment rate is the second highest in the Nation at 8.6 percent. North Dakota's is the lowest at 3.2 percent. Yesterday, the average price per gallon of gas in California was



\$4.03. In North Dakota, it was \$3.69. Since 2000, California's reliance on foreign oil imports has literally doubled as a percentage and tripled as a volume. They're not helping the environment.

When I grew up in Ventura County 50 years ago, everyone on the coast kept pans of turpentine in their garages to wash off the globs of natural tar that you couldn't avoid as you walked on the beach. The offshore oil development of that era relieved the natural pressure that had polluted the waters of Santa Barbara Channel for centuries, and over several decades the tar disappeared and the beaches have never been cleaner.

Those were also the days when California literally led our Nation's economy. People had high-paying jobs, low energy bills, and families from across America seeking a better future for their children flocked to California. Now those same families flee from California.

Mr. Chairman, if I sound a little bitter, it's because I am. I have watched their policies destroy the promise and prosperity of my Golden State for my children. For God's sake, don't let them destroy our country.

Mrs. CAPPS. I'll just make the quick comment that the suggestion that oil seeps are good for the environment or that more oil drilling would reduce oil seeps is simply bad science. Even the authors of the one study that suggested this might be possible have repudiated its use before Congress.

I am pleased now to yield 2 minutes to my colleague, the gentleman from coastal California (Mr. LOWENTHAL).

Mr. LOWENTHAL. I thank the gentlewoman from California, who has been an outstanding champion of ocean protection.

Mr. Chairman, I rise in support of this amendment. It would not only honor the wishes of the Governor of California, but also the vast majority of the Federal and State representatives, especially all those that are closest to where this misguided bill would not only authorize, but would force the sale of offshore oil and gas leases. These are the people who would bear the greatest risk of any oil spill, which, as we all know, has already occurred in the past in these waters.

As I just said, the underlying bill we are considering today not only just authorizes, but it mandates lease sales in vast portions of the Outer Continental Shelf, including southern California, forcing the Interior Department and the States to accept leases in their backyards, regardless of the opposition from potential impacts. And it not only does that, it bars citizens from properly participating in the process.

What do I mean? This bill lacks meaningful environmental review and a chance for Americans to voice their informed consent by not allowing any

consideration of any nonleasing alternative in the NEPA process.

Instead, what does the bill do? It dictates to the public, it dictates to the States, it dictates to the Interior Department, without any of their input, where oil and gas leases will be held. This would occur regardless of whether the public has legitimate concerns or not. Too bad. They're going to drill in our backyard.

Mr. Chair, instead of focusing on dead-end legislation, this body should be preparing for our energy future, which I believe the public will demand more and more.

I urge a "yes" vote on the amendment.

Mr. HASTINGS of Washington. I reserve the balance of my time.

The Acting CHAIR. The gentlewoman from California has 1 minute remaining.

Mrs. CAPPS. I yield myself the balance of my time.

Mr. Chair, this amendment simply ensures that the express will of my constituents and the people of California is respected. I find it ironic that some of the same people in this body who decry the overarching Federal Government seem to have no qualms about forcing new drilling upon a local population directly against its wishes.

□ 1000

The American people are tired of these political games, especially those that put our coasts, our communities, and our way of life at risk. Instead of expanding oil and gas drilling, we should be working together on a responsible, sustainable energy policy for the future.

We can't end our dependence on oil overnight, but we can certainly do more to encourage innovation and clean energy technologies like solar, wind, and biofuels. We can enact better efficiency standards to make the resources we do have last longer, and we can end the billions of dollars in giveaways for Big Oil and finally level the playing field for all types of energy technology.

A clean energy future is good for jobs, it's good for our environment, and it's good for the American people. This bill is just another recycled bad idea designed to go nowhere.

Doubling down on oil drilling may be good policy for oil companies, but it's terrible policy for the American people. This amendment would help stop these games and stop the reckless expansion of oil drilling off the southern California coast.

I urge my colleagues to respect the will of California's voters and support this amendment.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. HASTINGS of Washington. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Mr. Chairman, I just want to make this point. The fundamental reason for H.R. 2231 is to expand energy production in American waters. This amendment would put another moratorium; it goes the opposite direction. Furthermore, this amendment would eliminate revenue sharing, which has worked so well in the gulf coast.

But here's the point I want to make specifically about California that was not made by my two colleagues on the other side of the aisle from California. This legislation directs that any offshore drilling should come from existing rigs onshore. That is possible to do, Mr. Chairman, because of the new technologies—horizontal drilling—that the oil industry has done for several years. It works. As a matter of fact, Mr. Chairman, the Governor of the State of California, Jerry Brown, has proposed precisely that for State waters.

Now, my colleagues on the other side of the aisle from California didn't mention that—I don't know why they didn't mention it, because their Governor is in favor of that process. What this bill does is simply mirror that by saying we'll do that in Federal waters.

I think my colleague from California (Mr. MCCLINTOCK) put it in a very good way: California, like the United States, needs a jump-start in the economy. The best way to do that is through energy production, providing a certainty of energy for a growing economy in the future.

With that, I urge rejection of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. CAPPS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 113-131 on which further proceedings were postponed, in the following order:

Amendment No. 8 by Mr. DEFazio of Oregon.

Amendment No. 9 by Mr. BROWN of Georgia.

Amendment No. 10 by Mr. GRAYSON of Florida.

Amendment No. 11 by Mrs. CAPPS of California.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

## AMENDMENT NO. 8 OFFERED BY MR. DEFAZIO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 235, not voting 16, as follows:

[Roll No. 299]

## AYES—183

Andrews	Green, Al	O'Rourke
Bachmann	Grijalva	Pallone
Barber	Gutiérrez	Pascarell
Beatty	Hahn	Pastor (AZ)
Becerra	Hanabusa	Payne
Bera (CA)	Hastings (FL)	Pelosi
Bishop (NY)	Heck (WA)	Peters (CA)
Blumenauer	Herrera Beutler	Peters (MI)
Bonamici	Higgins	Pingree (ME)
Brady (PA)	Himes	Pocan
Braley (IA)	Holt	Polis
Brown (FL)	Honda	Price (NC)
Brownley (CA)	Horsford	Quigley
Bustos	Hoyer	Rahall
Butterfield	Huffman	Rangel
Capps	Israel	Reichert
Capuano	Jackson Lee	Roybal-Allard
Cardenas	Jeffries	Ruiz
Carney	Johnson (GA)	Ruppersberger
Carson (IN)	Johnson, E. B.	Rush
Cartwright	Keating	Ryan (OH)
Castor (FL)	Kelly (IL)	Sánchez, Linda T.
Castro (TX)	Kennedy	Sanchez, Loretta
Chu	Kildee	Sarbanes
Cicilline	Kilmer	Schakowsky
Clarke	Kind	Schiff
Clay	Kirkpatrick	Schneider
Cleaver	Kuster	Schrader
Clyburn	Larsen (WA)	Franks (AZ)
Cohen	Larson (CT)	Frelinghuysen
Connolly	Lee (CA)	Gallego
Conyers	Levin	Gardner
Cooper	Lewis	Garrett
Courtney	Loeb	Gerlach
Crowley	Lofgren	Gibbs
Cummings	Lowe	Gibson
Davis (CA)	Lujan Grisham	Gingrey (GA)
Davis, Danny	(NM)	Gosar
DeFazio	Luján, Ben Ray	Gowdy
DeGette	(NM)	Granger
Delaney	Lynch	Graves (GA)
DeLauro	Maffei	Graves (MO)
DelBene	Maloney,	Green, Gene
Deutch	Carolyn	Griffin (AR)
Dingell	Markey	Griffith (VA)
Doggett	Matsui	Grimm
Doyle	McCollum	Guthrie
Duckworth	McDermott	
Edwards	McGovern	
Ellison	McNerney	
Engel	Meeks	
Enyart	Meng	
Eshoo	Michaud	
Esty	Miller, George	
Farr	Moore	
Fattah	Moran	
Foster	Murphy (FL)	
Frankel (FL)	Nadler	
Fudge	Napolitano	
Gabbard	Neal	
Garamendi	Negrete McLeod	
Garcia	Nolan	
Grayson		

## NOES—235

Aderholt	Amash	Bachus
Alexander	Amodei	Barletta

Barr	Hall	Pitts
Barrow (GA)	Hanna	Poe (TX)
Barton	Harper	Pompeo
Benish	Harris	Posey
Bentivolio	Hartzler	Price (GA)
Bilirakis	Hastings (WA)	Radel
Bishop (GA)	Heck (NV)	Reed
Black	Hensarling	Renacci
Blackburn	Hinojosa	Ribble
Bonner	Holding	Rice (SC)
Boustany	Hudson	Richmond
Brady (TX)	Huelskamp	Rigell
Bridenstine	Huizenga (MI)	Roby
Brooks (AL)	Hultgren	Roe (TN)
Brooks (IN)	Hunter	Rogers (AL)
Broun (GA)	Hurt	Rogers (KY)
Buchanan	Issa	Rogers (MI)
Bucshon	Jenkins	Rohrabacher
Burgess	Johnson (OH)	Rokita
Calvert	Johnson, Sam	Rooney
Camp	Jones	Ros-Lehtinen
Cantor	Jordan	Roskam
Capito	Joyce	Ross
Carter	Kelly (PA)	Rothfus
Cassidy	King (IA)	Royce
Chabot	King (NY)	Runyan
Chaffetz	Kingston	Ryan (WI)
Coffman	Kinzing (IL)	Salmon
Cole	Kline	Sanford
Collins (GA)	Labrador	Scalise
Collins (NY)	LaMalfa	Schock
Conaway	Lamborn	Schweikert
Cook	Lance	Scott, Austin
Costa	Lankford	Sensenbrenner
Cotton	Latham	Sessions
Cramer	Latta	Shimkus
Crawford	Lipinski	Shuster
Crenshaw	LoBiondo	Simpson
Cuellar	Long	Smith (MO)
Culberson	Lucas	Smith (NE)
Daines	Luetkemeyer	Smith (NJ)
Davis, Rodney	Lummis	Smith (TX)
Denham	Maloney, Sean	Southerland
Dent	Marchant	Stewart
DeSantis	Marino	Stivers
DesJarlais	Massie	Stockman
Diaz-Balart	Matheson	Stutzman
Duffy	McCarthy (CA)	Terry
Duncan (SC)	McCaul	Thompson (PA)
Duncan (TN)	McClintock	Thornberry
Ellmers	McHenry	Tiberi
Farenthold	McIntyre	Turner
Fleischmann	McKeon	Upton
Fleming	McKinley	Valadao
Flores	Meadows	Vela
Forbes	Meehan	Wagner
Fortenberry	Messer	Walberg
Fox	Mica	Walden
Franks (AZ)	Miller (FL)	Walorski
Frelinghuysen	Miller (MI)	Weber (TX)
Gallego	Miller, Gary	Webster (FL)
Gardner	Mullin	Wenstrup
Garrett	Mulvaney	Westmoreland
Gerlach	Murphy (PA)	Whitfield
Neugebauer		Williams
Noem		Wilson (SC)
Nugent		Wittman
Nunnelee		Wolf
Olson		Womack
Owens		Woodall
Palazzo		Yoder
Paulsen		Yoho
Pearce		Young (AK)
Perry		Young (IN)
Peterson		
Petri		
Pittenger		

## NOT VOTING—16

Bass	Gohmert	McMorris
Bishop (UT)	Goodlatte	Rodgers
Campbell	Kaptur	Nunes
Coble	Langevin	Perlmuter
Fincher	McCarthy (NY)	Smith (WA)
Fitzpatrick		Young (FL)

□ 1035

Mr. MEEHAN changed his vote from “aye” to “no.”

Ms. LINDA T. SÁNCHEZ of California and Ms. HERRERA BEUTLER changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. LANGEVIN. Mr. Chair, on rollcall 299, had I been present, I would have voted “yes.”

## AMENDMENT NO. 9 OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 202, not voting 15, as follows:

[Roll No. 300]

## AYES—217

Aderholt	Forbes	Marchant
Alexander	Fortenberry	Marino
Amodei	Fox	Massie
Bachmann	Franks (AZ)	Matheson
Bachus	Frelinghuysen	McCarthy (CA)
Barletta	Garamendi	McCaul
Barr	Gardner	McClintock
Barton	Garrett	McHenry
Benish	Gerlach	McKeon
Bentivolio	Gibbs	McKinley
Bilirakis	Gingrey (GA)	Meadows
Black	Gohmert	Meehan
Blackburn	Gosar	Messer
Bonner	Gowdy	Mica
Boustany	Granger	Miller (FL)
Brady (TX)	Graves (GA)	Miller (MI)
Bridenstine	Graves (MO)	Miller, Gary
Brooks (AL)	Griffin (AR)	Mullin
Brooks (IN)	Guthrie	Mulvaney
Broun (GA)	Hall	Murphy (PA)
Buchanan	Hanna	Neugebauer
Bucshon	Harper	Noem
Burgess	Harris	Nugent
Calvert	Hartzler	Nunnelee
Camp	Hastings (WA)	Olson
Cantor	Heck (NV)	Palazzo
Capito	Hensarling	Paulsen
Carter	Herrera Beutler	Pearce
Cassidy	Holding	Perry
Chabot	Hudson	Peterson
Chaffetz	Huelskamp	Petri
Coffman	Huizenga (MI)	Pittenger
Cole	Hultgren	Pitts
Collins (GA)	Hunter	Pompeo
Collins (NY)	Hurt	Posey
Conaway	Issa	Price (GA)
Cook	Jenkins	Radel
Cotton	Johnson (OH)	Reed
Cramer	Johnson, Sam	Reichert
Crawford	Jordan	Renacci
Crenshaw	Joyce	Ribble
Culberson	Kelly (PA)	Rice (SC)
Daines	King (IA)	Rigell
Davis, Rodney	Kingston	Roby
Denham	Kinzing (IL)	Roe (TN)
Dent	Kline	Rogers (AL)
DeSantis	Labrador	Rogers (KY)
DesJarlais	LaMalfa	Rogers (MI)
Diaz-Balart	Lamborn	Rohrabacher
Duffy	Lance	Rokita
Duncan (SC)	Lankford	Rooney
Duncan (TN)	Latham	Ros-Lehtinen
Ellmers	Latta	Roskam
Farenthold	Long	Ross
Fleischmann	Lucas	Rothfus
Fleming	Luetkemeyer	Royce
Flores	Lummis	Runyan

Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (TX)  
Southernland

## NOES—202

Amash  
Andrews  
Barber  
Barrow (GA)  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DeBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garcia  
Gibson  
Grayson  
Green, Al  
Green, Gene

## NOT VOTING—15

Bass  
Bishop (UT)  
Campbell  
Coble  
Farr  
Fincher

Stewart  
Stivers  
Stockman  
Stutzman  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)

Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

□ 1040

So the amendment was agreed to.  
The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. GOODLATTE. Mr. Chair, I regret that I was detained at the beginning of the vote series on June 28, 2013 during votes on amendments to H.R. 2231, the Offshore Energy and Jobs Act. Had I been present, my intention was to vote “no” on the DeFazio Amendment and “yes” on the Broun amendment. Again, I regret that I was detained.

AMENDMENT NO. 10, AS MODIFIED, OFFERED BY MR. GRAYSON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. GRAYSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 209, noes 210, not voting 15, as follows:

[Roll No. 301]

## AYES—209

Andrews  
Barber  
Beatty  
Becerra  
Bera (CA)  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney

DeLauro  
DeBene  
Deutch  
Diaz-Balart  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Fattah  
Foster  
Frankel (FL)  
Frelinghuysen  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Gibson  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Holt  
Honda  
Horsford  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.

Nadler  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascarella  
Pastor (AZ)  
Payne  
Pelosi  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Posey  
Price (NC)  
Quigley  
Radel  
Rahall  
Rangel  
Rice (SC)  
Richmond  
Ros-Lehtinen

Aderholt  
Alexander  
Amash  
Amodei  
Bachmann  
Bachus  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cotton  
Cramer  
Crawford  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar

Roybal-Allard  
Ruiz  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (NJ)  
Speier

## NOES—210

Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lankford  
Latham  
Latta  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Massie  
Matheson  
McCarthy (CA)  
McCauley  
McClintock  
McHenry  
McKeon  
McKinley  
Meadows  
Meehan  
Messer  
Mica  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem

Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth  
Yoho

Nugent  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Price (GA)  
Reed  
Reichert  
Renacci  
Ribble  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Roskam  
Ross  
Rothfus  
Royce  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield

Williams  
Wilson (SC)  
Wittman

Wolf  
Womack  
Woodall

Yoder  
Young (AK)  
Young (IN)

Maloney,  
Carolyn  
Markey  
Matsui  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Meng  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Peters (CA)  
Peters (MI)

Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter

Sinema  
Sires  
Slaughter  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Velazquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry

Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Vela  
Wagner  
Walberg  
Walden  
Walorski  
Waters  
Weber (TX)  
Webster (FL)  
Wenstrup

Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

## NOT VOTING—15

Bass  
Bishop (UT)  
Campbell  
Coble  
Farr  
Fincher

Fitzpatrick  
Kaptur  
McCarthy (NY)  
McMorris  
Rodgers  
Napolitano

Nunes  
Perlmutter  
Smith (WA)  
Young (FL)

□ 1046

Mr. BROOKS of Alabama changed his vote from “aye” to “no.”

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. FARR. Mr. Chair, on rollcall No. 300—Brown (GA) Amendment 301—Grayson (FL) Amendment. Had I been present, I would have voted “no” on rollcall No. 300 on Brown; “yes” rollcall No. 301 on Grayson.

## AMENDMENT NO. 11 OFFERED BY MRS. CAPPS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 241, not voting 17, as follows:

[Roll No. 302]

## AYES—176

Andrews  
Barber  
Beatty  
Becerra  
Bera (CA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Ciilline  
Clarke  
Clay  
Clever  
Clyburn  
Cohen  
Connolly  
Conyers  
Courtney  
Crowley  
Cummings  
Davis (CA)

Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Garamendi  
Garcia  
Grayson  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa

Holt  
Honda  
Horsford  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowey  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei

Aderholt  
Alexander  
Amash  
Amodei  
Bachmann  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishke  
Bentivolio  
Bilirakis  
Bishop (GA)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cooper  
Costa  
Cotton  
Cramer  
Crawford  
Cuellar  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxe  
Franks (AZ)  
Frelinghuysen

## NOES—241

Gallego  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Maloney, Sean  
Marchant  
Marino  
Massie  
Matheson  
McCarthy (CA)

McCauley  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
Meadows  
Meehan  
Messer  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce  
Perry  
Peterson  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus

## NOT VOTING—17

Bachus  
Bass  
Bishop (UT)  
Campbell  
Coble  
Fincher

Fitzpatrick  
Kaptur  
Levin  
McCarthy (NY)  
McMorris  
Rodgers

Napolitano  
Nunes  
Perlmutter  
Sherman  
Smith (WA)  
Young (FL)

□ 1050

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. SHERMAN. Mr. Chair, on rollcall No. 302 Capps Amendment. Had I been present, I would have voted “yes.”

Mr. LEVIN. Mr. Chair, I was unavoidably absent earlier today during rollcall vote 302. Had I been present, I would have voted “yea” on rollcall vote 302, the Capps amendment to H.R. 2231, the Offshore Energy and Jobs Act.

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WESTMORELAND) having assumed the chair, Mr. YODER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2231) to amend the Outer Continental Shelf Lands Act to increase energy exploration and production on the Outer Continental Shelf, provide for equitable revenue sharing for all coastal States, implement the reorganization of the functions of the former Minerals Management Service into distinct and separate agencies, and for other purposes, and, pursuant to House Resolution 274, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mr. SCHNEIDER. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SCHNEIDER. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Add at the end the following:

**TITLE —MISCELLANEOUS PROVISIONS**  
**SEC. 01. PROHIBITION ON DRILLING FOR OIL OR GAS UNDERNEATH THE GREAT LAKES.**

Nothing in Act and the amendments made by this Act affects the prohibition on issuance of oil and gas leases for new oil and gas slant, directional, or offshore drilling in or under one or more of the Great Lakes established by section 386 of the Energy Policy Act of 2005 (Public Law 109-58; 42 U.S.C. 13368 note).

**SEC. 02. BUY AMERICAN REQUIREMENT AND PROHIBITION ON OUTSOURCING OF AMERICAN JOBS.**

Each oil and gas leasing program issued pursuant to this Act, and each lease issued pursuant to this Act or such a program, shall encourage each major integrated oil company (as defined in section 167(h)(5)(B) of the Internal Revenue Code of 1986) that obtains such a lease—

- (1) to use only materials made in the United States in drilling operations; and
- (2) to avoid outsourcing American jobs.

Mr. FLORES (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. SCHNEIDER. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

I rise to offer this motion to recommit to ensure, first, that one of our Nation's most important natural resources, our Great Lakes basin, is protected from untenable energy exploitation risk; and, second, that as we explore additional ways to boost domestic energy production, we do so with an appropriate emphasis on creating jobs here in America.

Our Great Lakes are truly unique. Within these lakes sit 95 percent of the United States' surface water and 20 percent of the world's surface water. Straddling the United States and Canada, the Great Lakes—Superior, Michigan, Huron, Ontario and Erie—have more than 10,000 miles of coastline, touching eight States: Minnesota, Wisconsin, Illinois, Indiana, Michigan, Pennsylvania, and New York.

Not only a critical source of drinking water, the lakes are integral to the country for transportation, power gen-

eration, and recreational opportunity. Over 30 million Americans in cities, towns, and rural communities depend on the Great Lakes for their lives and livelihoods.

In fact, according to the Great Lakes Restoration Initiative Action Plan, taken as a whole, the Great Lakes region economy would be the second largest economy in the world, second only to that of the United States.

The Great Lakes support an incredible biodiversity, including almost 200 species of native fish and scores of species found nowhere else in the world. In short, as one of our Nation's greatest treasures, we cannot put the Great Lakes at risk from oil and gas drilling of any kind.

My amendment is quite simple and straightforward. With it, I only seek to ensure that the Great Lakes will remain protected and off-limits from unjustifiable environmental risk. It safeguards Lake Michigan, Lake Huron, Lake Superior, Lake Erie, and Lake Ontario from potentially detrimental and irreversible harm and provides necessary protections against potentially irresponsible exploitation of our natural resources.

In my own State, the Great Lakes annually contribute over \$200 billion in economic activity for Illinois. Lake Michigan alone provides drinking water for 7 million Illinois residents. It brings 20 million visitors annually to Illinois, supports 33,000 jobs, and generates \$3.2 billion in economic activity.

As we explore ways for the United States to become more energy independent, we cannot lose sight of the importance of protecting our environment and establishing commonsense rules of where and how we can effectively, safely utilize our natural resources.

Preserving the prohibition on drilling the Great Lakes provides economic security to thousands of businesses, large and small, that depend on the lakes every day for trade, recreation, and tourism. It also protects the health of our communities and the health of our wildlife.

Let me be clear: the underlying legislation, while focusing on drilling in the Outer Continental Shelf, has other provisions that relate to domestic energy production and may, when implemented, have implications for the Great Lakes.

The bill specifically restricts oil and gas leasing in the eastern Gulf of Mexico and should also include a restriction on new oil and gas leasing in the Great Lakes basin. This clarifying amendment is, therefore, necessary to ensure that our energy policy does not compromise our Great Lakes ecosystem, does not threaten our single greatest fresh water supply, and does not unduly put our Great Lakes basin economy at unwarranted risk.

In addition to protecting the Great Lakes, the amendment I am proposing

today would also encourage companies seeking leases to drill for oil and gas found in America to use materials and products made in America.

□ 1100

This additional provision will ensure that U.S. oil and gas resources will benefit American workers, as well as provide new business opportunities for American manufacturers. As we pursue a diversified energy portfolio, we must continue to ensure that America's natural resources benefit the American people and are not unfairly diverted to the benefit of foreign suppliers and foreign workers.

Mr. Speaker, the essential provisions of this amendment will only improve the underlying bill, while protecting Americans' jobs and our environment. I strongly urge my colleagues to support these commonsense changes.

I yield back the balance of my time.

Mr. FLORES. Mr. Speaker, I claim time in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. FLORES. I rise in strong opposition to this motion. This motion epitomizes what's wrong with Washington Democrats' energy and economic plan.

Let's start with the obvious: the Great Lakes are not part of the Outer Continental Shelf. The second thing is current law already provides for offshore drilling to be done, using America's goods and service wherever practical. So their empty argument doesn't make any sense at all.

But more importantly, Mr. Speaker, this week offers a true contrast between two visions for how to fuel our economy and to build manufacturing jobs. One vision was laid out by the President earlier this week. While we are currently in the midst of a transformation in the way we produce American energy cleanly, affordably, abundantly, and responsibly through the use of new and improving technology, how does the administration respond? By declaring a war on coal and picking winners and losers in energy production, both of which have been an assault on job creators, especially for American manufacturing.

Even as we've been debating this bill, my colleagues on the other side of the aisle have responded by attempting to drown offshore production with more regulations and declarations that make it more difficult to achieve energy independence by 2020, thus, killing tens of thousands of American jobs that could be created.

But, Mr. Speaker, there is another vision of how we can energize America through the responsible production of our resources and create American jobs. That vision does not include ill-advised regulations that ignore the effects on the pocketbooks of hard-working American families. It does not

include programs where political appointees and bureaucrats can decide who can and cannot produce energy at the expense of hardworking taxpayer dollars. And, most importantly, it does not include administrative attempts to implement a backdoor cap-and-trade regime to fulfill the President's original goal, where "electricity rates would necessarily skyrocket."

This new vision, our vision, builds off what the private sector has done in revolutionizing how oil and can be produced. It takes stock of what laws this Congress has passed and the regulations this administration has promulgated, and then we ask ourselves: What can we do to make America truly energy independent? What can we do to make it easier for the job creators to actually create jobs that grow healthy American families?

This House is working to achieve this vision now, offering solutions to take advantage of the innovative, job-creating, and cost-reducing energy resurgence that is going on across America to fuel the next generation of American manufacturing. We have passed hydropower bills out of this house. We passed the popular Keystone XL pipeline bill. Today, we will pass a bill for responsible offshore energy production. And this is just the beginning. This House, through the leadership of my good friend from Washington, Chairman DOC HASTINGS, will continue to bring bills through committee and to the House floor that will embrace American resources and that will get the government out of the way of producing them.

By producing American energy, we are just starting. We must harness these same technological advances to achieve even greater economic opportunity and job creation through the distribution of this energy and, most importantly, creating an environment where we can start making things in America again.

We know that the cost of energy is one of the most important factors that determine where plants are built and if jobs are created. So we know that cheaper energy means higher-paying American jobs.

I often see my colleagues on the other side of the aisle on this floor with a big sign that says, "Make It in America." We agree. So instead of standing next to a slogan or getting behind the same rhetoric as the President, I urge my colleagues to work toward a vision, a vision of jobs and energy security and a greater standard of living that all Americans are desperately seeking. This is how we really take action for our kids, as compared to the empty rhetoric of the White House.

The American people want us to create results-oriented solutions of what America can do, not the tired liberal rhetoric of what America can't do. We

will not sit idly by as the President lays down his vision of new regulations, producing uncertainty for American energy workers and American families that could stamp back our Nation's energy and economic revolution.

Remember the results of the President's last energy plan:

Number one, greatly reduced access to offshore areas and public lands;

Number two, programs like Solyndra, where he "invested" \$26 billion of money from hardworking taxpayers to produce only 2,300 jobs, at a cost of \$11.5 million per job;

Number three, the shutdown of 20 percent of our coal-fired electricity generation and the loss of paychecks for thousands of American families.

His latest energy plan is more of the same types of action that he wants to do to destroy the futures of our kids and grandkids.

Mr. Speaker, we will work toward energy security, and I urge a "no" vote on the motion to recommit and a "yes" vote on the underlying legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. SCHNEIDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 225, answered "present" 1, not voting 13, as follows:

[Roll No. 303]

#### AYES—195

Andrews  
Barber  
Barrow (GA)  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline

Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison

Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Holt

Honda  
Horsford  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loebach  
Lofgren  
Lowenthal  
Lowe  
Lujan Grisham (NM)  
Luján, Ben Ray (NM)  
Lynch  
Maffei  
Maloney, Carolyn  
Maloney, Sean  
Markey  
Matheson  
Matsui  
McCollum

McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Richmond  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.

Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

#### NOES—225

Aderholt  
Alexander  
Amash  
Amodel  
Bachmann  
Bachus  
Barletta  
Barr  
Barton  
Bentivolio  
Bilirakis  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Costa  
Cotton  
Cramer  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)

Duncan (TN)  
Elliems  
Farenthold  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)

King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Massie  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)

Radel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon

Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi

Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

## ANSWERED "PRESENT"—1

Benishek

## NOT VOTING—13

Bass  
Bishop (UT)  
Campbell  
Coble  
Fincher

Fitzpatrick  
Kaptur  
McCarthy (NY)  
McMorris  
Rodgers

Nunes  
Perlmutter  
Smith (WA)  
Young (FL)

□ 1114

Mr. PETERSON changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. DEFAZIO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 186, not voting 13, as follows:

[Roll No. 304]

AYES—235

Aderholt  
Alexander  
Amash  
Amodei  
Bachmann  
Bachus  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (GA)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter

Cassidy  
Chabot  
Chaffetz  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cooper  
Costa  
Cotton  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)  
Eilmers  
Farenthold  
Fleischmann  
Fleming

Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Gallego  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)

Heck (NV)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lankford  
Latham  
Latta  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Massie  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
Meadows  
Meehan  
Messer  
Mica

Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce  
Perry  
Peterson  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Rahall  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Ryan (WI)  
Salmon

Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (TX)  
Southerland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Vela  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

## NOES—186

Andrews  
Barber  
Beatty  
Becerra  
Bera (CA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownlie (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Ceballos  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Courtney  
Crowley  
Cummings  
Davis, Danny  
Davis, Canny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutsch  
Dingell  
Doggett  
Doyle

Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Frelinghuysen  
Fudge  
Gabbard  
Garamendi  
Garcia  
Grayson  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Holt  
Honda  
Horsford  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Lance

Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
LoBiondo  
Loebsock  
Lofgren  
Lowenthal  
Lowey  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Markey  
Matsui  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Pallone  
Pascarelli  
Pastor (AZ)  
Payne  
Pelosi

Peters (CA)  
Peters (MI)  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rangel  
Roybal-Allard  
Ruiz  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanford  
Sarbanes

Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (NJ)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)

Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

## NOT VOTING—13

Bass  
Bishop (UT)  
Campbell  
Coble  
Fincher

Fitzpatrick  
Kaptur  
McCarthy (NY)  
McMorris  
Rodgers

Nunes  
Perlmutter  
Smith (WA)  
Young (FL)

□ 1120

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mrs. McMORRIS RODGERS. Mr. Speaker, on rollcall No. 299 on H.R. 2231, on Agreeing to the Amendment offered by Mr. DEFAZIO of Oregon Amendment No. 8, I am not recorded because I was absent due to a death in the family. Had I been present, I would have voted "nay."

Mr. Speaker, on rollcall No. 300 on H.R. 2231, on Agreeing to the Amendment offered by Mr. Broun of Georgia Amendment No. 9, I am not recorded because I was absent due to a death in the family. Had I been present, I would have voted "yea."

Mr. Speaker, on rollcall No. 301 on H.R. 2231, on Agreeing to the Amendment offered by Mr. Grayson of Florida Amendment No. 10, I am not recorded because I was absent due to a death in the family. Had I been present, I would have voted "nay."

Mr. Speaker, on rollcall No. 302 on H.R. 2231, on Agreeing to the Amendment offered by Ms. Capps of California Amendment No. 11, I am not recorded because I was absent due to a death in the family. Had I been present, I would have voted "nay."

Mr. Speaker, on rollcall No. 303 on H.R. 2231, on Motion to Recommit with Instructions, the Offshore Energy and Jobs Act, I am not recorded because I was absent due to a death in the family. Had I been present, I would have voted "nay."

Mr. Speaker, on rollcall No. 304 on H.R. 2231, on Passage, the Offshore Energy and Jobs Act, I am not recorded because I was absent due to a death in the family. Had I been present, I would have voted "yea."

## THE JOURNAL

The SPEAKER pro tempore (Mr. SALMON). The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.



Pursuant to clause 1, rule I, the Journal stands approved.

#### AUTHORIZING THE CLERK TO MAKE TECHNICAL CORRECTIONS IN ENGROSSMENT

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2231, the clerk is authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 324. An act to grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

H.R. 1151. An act to direct the Secretary of State to develop a strategy to obtain observer status for Taiwan at the triennial International Civil Aviation Organization Assembly, and for other purposes.

H.R. 2383. An act to designate the new Interstate Route 70 bridge over the Mississippi River connecting St. Louis, Missouri, and southwestern Illinois as the "Stan Musial Veterans Memorial Bridge".

#### PUT POLITICS ASIDE AND ACT ON STUDENT LOAN RATES

(Mr. HULTGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HULTGREN. Mr. Speaker, student loan rates are set to double on Monday. It has been a month since the House passed the Smarter Solutions for Students Act that would stop this doubling of rates.

At a time when we need to restore people's faith in government, the Senate adjourned last night and failed to prevent this from happening. This is extremely harmful to the students in Illinois and across the Nation. Student loan rates should not be held hostage by Members of Congress to advance their own political agendas.

The House's solution takes Washington politics out of the equation and is a long-term fix that moves student loans to a market-based interest rate. It even echoes the President's plan.

Speaking to students in my district, I have heard their concerns about the rising costs of education. Jeni, a student from Batavia, told me that she would like to expand on the education she has received at Northern Illinois University but is already concerned about loan payments when she graduates.

She is not alone. This is a crisis that will further cripple our economy's recovery.

I call on the President to step up and provide the leadership needed. Let's urge the Senate to act. Join the House and take Washington politics out of students' wallets and stand up for tomorrow's economy.

#### HONORING SHEA GOULDD

(Ms. FRANKEL of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FRANKEL of Florida. Mr. Speaker, I am so pleased today to recognize a remarkable high school student who was recently named the "Young Entrepreneur of the Year" by the National Federation of Independent Business.

At age 14, Shea Gould made a cheesecake that caused a sensation in her neighborhood. One cheesecake led to another, and Shea's bakery was born in Delray Beach, Florida.

Today, Shea is a successful small business owner and a standout student, balancing calculus and chemistry at Spanish River High School with measuring cups and mixing bowls at her bakery.

Headed to college at Washington University this fall, we cannot wait to see the next great step for this young entrepreneur's career.

Congratulations, Shea, on your well-deserved recognition. You have made your family and community proud and we wish you the very best.

#### WELCOME, KADEN—THE NEWEST MEMBER OF THE WOMACK FAMILY

(Mr. WOMACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOMACK. Mr. Speaker, I rise today to welcome the newest member of the Womack family—the birth of Kaden Houston Womack, late Thursday. He is the son of Phillip and Kaylee, and the grandson of Kathy Vance and Earl Vance and STEVE and Terri Womack.

At 5 pounds and 10 ounces, Kaden entered this world completely oblivious to the difficult and complex issues facing our Nation and, indeed, the world. Like every newborn in America, Kaden should have a clear path to life, liberty, and the pursuit of happiness. But Mr. Speaker, instead he inherits about \$50,000 of debt that he had absolutely nothing to do with in its creation.

That's a challenge we must overcome. It is simply unacceptable—downright irresponsible—for these innocent babies to face growing up paying for our extravagance.

This grandpa is grateful Kaden was born to good personal health, and this

grandpa will continue to do his part in Congress to ensure a bright and sustainable future for his generation.

To my newest grandson: Welcome, Kaden. Happy birthday.

#### CLIMATE CHANGE

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, as a member of the Sustainable Energy and Environment Coalition and the Safe Climate Caucus, I rise to call for urgent congressional action on climate change.

This week, President Obama released a Climate Action Plan. While it makes important steps toward reversing the trend on carbon pollution, congressional action is necessary to get the job done.

Climate change continues to affect our communities through severe events like extreme heat, floods, and superstorms.

For so many African Americans and communities of color, the impact of climate change is real and present. They bear the brunt of the effects of pollution, toxic dump sites, and greenhouse gas emissions, leading to higher rates of asthma and a greater vulnerability to natural disasters.

Yet, instead of working with Democrats to address climate change and promote job creation, Republicans voted on a bill to expand unsafe drilling and make Big Oil even bigger.

That is exactly the wrong approach. Domestic energy production is already booming. The American people are waiting for real action on climate issues. We owe it to our children and future generations to act now on climate change.

□ 1130

#### EMILY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, Emily Whitehead is a young girl from Philipsburg, Centre County, Pennsylvania. Emily wants to be a veterinarian when she grows up. She loves writing and her dog, Lucy.

At the age of 5, Emily was diagnosed with leukemia. She worked through multiple different treatments. Unfortunately, in 2011, she relapsed. Emily received chemotherapy for months and was scheduled for a bone marrow transplant in 2012, but she relapsed just 2 weeks before the transplant date. Unable to get back into remission, doctors told Emily's parents there were no options left.

The family decided to take a chance. They traveled across the State to enroll her in a clinical trial at the Children's Hospital of Philadelphia. Emily

would be the first child in the world to receive modified trained cells, or T-cells, to fight her cancer. By May of 2012, Emily was in remission. The treatment had worked.

I want to thank Emily and her family for making it to Capitol Hill last week. This body needed to hear her story and about the medical research and innovation that saved Emily's life.

#### VOTING RIGHTS ACT

(Mrs. BEATTY asked and was given permission to address the House for 1 minute.)

Mrs. BEATTY. I rise today to remind us that, on Tuesday, the Supreme Court struck down a critical part of the Voting Rights Act—some would say the heart of that act.

I also remind us that it was almost 50 years ago that President Johnson echoed across this Congress and this Nation for us to open our polling places to all people, to allow all men and women regardless of their skin color to be able to vote, to extend the rights to vote to every citizen in this land, because, as he so eloquently stated, this was not a constitutional issue.

So I ask this Congress, this year, to express our discontentment with what has happened to the Voting Rights Act through the Supreme Court.

#### IT'S THE FOURTH OF JULY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, there were 56 of them. They pledged their lives, their fortunes, their sacred honor in the signing of the document that proclaimed that all people are endowed by their Creator with certain, absolute rights—life, liberty, the pursuit of happiness—and governments are instituted to preserve those rights.

It was Philadelphia.

It was July 4, 1776.

It was the Declaration of Independence.

Then, after 8 years of war, this “rabble,” as the British called the colonists, defeated King George III.

We went our own way.

“Independence”—I like the sound of that word. It means that we the people have rule over government, and government will be our servant rather than our being government's serf.

Liberty, freedom, independence. These three noble words are a reality in this, the greatest of all nations. As a Son of the American Revolution, I thank the patriots who gave us independence.

So, Mr. Speaker, next week on this special day, fly the flag, listen to the band play “Stars and Stripes Forever,” and thank the good Lord for shedding His grace on the United States of America.

And that's just the way it is.

#### HUMAN RIGHTS ARE BIRTHRIGHTS

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, none of us get to where we are by ourselves.

I was very proud to see the former chairperson of the Financial Services Committee, Chairperson Frank, who is no longer with Congress, not only address DOMA, but also address section 5 of the Voting Rights Act by way of section 4 and the importance of it.

Human rights are birthrights. They are rights that courts can recognize they should not deny. What the Court did with DOMA was correct. I support the dignity of human beings to have equal opportunities in the greatest country in the world.

I thank Chairman Frank, and I want him to know that he stands with us, and I stand with him, and I stand with all persons who are being discriminated against in an invidious way. Human rights cannot be denied, because they are birthrights.

#### LEAVE NOBODY BEHIND

(Mr. NUGENT asked and was given permission to address the House for 1 minute.)

Mr. NUGENT. Mr. Speaker, this Sunday marks the fourth year since Sergeant Bowe Bergdahl was reported missing in action in Afghanistan.

It is on this sober occasion that veterans and concerned citizens across the United States will appeal to their government, asking those who have the means to find every unaccounted soldier, sailor, airman, marine, or guardsman and bring them home.

Currently, less than 1 percent of the American population serves in the Armed Forces at any time. Though their sacrifice is great, many Americans are not touched by this on a personal level because the numbers of our servicemembers are so few.

The men and women who step between us and those who would harm us are young, but they are brave and they are strong, so it's easy to forget that they are so young, filled with an ambition, passion, honor—and a full life ahead of them with unrestrained potential.

Our troops are the children of concerned parents. Many of them are also parents of scared children, and that collective fear is endured by every family left behind. When warfighters do not come home, when they are held as captives or their whereabouts are unknown, the strain on loved ones is unbearable.

All three of my sons are highly capable and well-trained soldiers, but every

time they deploy, I worry about when they are away.

My wife and I know the anxiety of Blue Star parents. Our hearts and prayers go out to Gold Star parents, but I cannot imagine what it is to not know the condition or fate of a child missing in action or held as a prisoner of war. So it is today that we recognize the solemn responsibility a Nation has to servicemembers and their families.

Congressman ANDREWS and I join with our Senate colleagues in this bipartisan, bicameral resolution: to support the military's efforts to rescue or recover every warfighter; to remind the American people and their elected representatives of our national responsibility to the families of those who protect us; and to assure every member of the Armed Forces—past, present, and future—that we leave nobody behind.

Mr. Speaker, I ask that those here remember Sergeant Bowe Bergdahl.

#### STUDENT LOAN INTEREST RATES

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, in 2 days, at midnight, by law, the interest rates for the subsidized Stafford student loan program will double, from 3.4 percent to 6.8 percent, raising interest rates for 7.5 million college students at exactly the time they are taking out loans for next fall's semester.

What a terrible statement about this Congress that we failed to move forward with legislation to protect those rates. My legislation, H.R. 1595, which had 195 discharge signatures, would have protected that rate.

Again, the leadership of this House turned a deaf ear and insisted that their bill, passed on May 23, somehow protected those college students. The Congressional Budget Office looked at that bill that passed that day, and it concluded that that bill was worse than doing nothing and allowing the rates to double to 6.8 percent. It is, again, a bill which will put kids into a variable rate system that, over time, we know will be higher than 6.8 percent.

I think of the disgust that America will feel on July 1 when they see that a critical need—higher education—was overlooked and ignored on top of the failure to turn off sequester and to pass a farm bill. It is time for this Congress to act and to protect the lower interest rates for America's college students.

#### THE WEEK IN REVIEW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Thank you, Mr. Speaker.

At this time, I would like to yield as much time as he may consume to my good friend from Texas (Mr. FLORES).

HONORING LIEUTENANT COLONEL TODD CLARK

Mr. FLORES. I thank Mr. GOHMERT for yielding to me for a very special few minutes.

Mr. Speaker, on June 8, America lost Army Lieutenant Colonel Todd Clark in the war on terror. Lieutenant Colonel Clark was killed in action during an attack at an Army base in Afghanistan.

Lieutenant Colonel Todd Clark was a native of New York, and he attended college in Texas. His father, Jack, was also an Army colonel. Todd was in Junior ROTC while in high school, and, upon graduation, he attended Texas A&M University, where he joined Company B-2 of the Corps of Cadets.

At the time of his tragic death, he was a brigade level advisor for the 10th Mountain Division. During his Army career, he would serve on five separate deployments in support of Operation Enduring Freedom. During his 17 years of service to our country, Lieutenant Colonel Clark earned many awards and decorations, including the following:

Three Bronze Star Medals; the Purple Heart; two Meritorious Service Medals; the Army Commendation with combat distinguishing device "V"; four Army Commendation Medals; three Army Achievement Medals; the Army Reserve Components Achievement Medal; the National Defense Service Medal with Bronze Service Star; the Armed Forces Expeditionary Medal; the Kosovo Campaign Medal with Bronze Service Star; two Afghanistan Campaign Medals with Bronze Service Star; four Iraq Campaign Medals with Bronze Service Star; the Global War on Terrorism Expeditionary Medal; the Global War on Terrorism Service Medal; the Korea Defense Service Medal; the Army Service Ribbon; three Overseas Service Ribbons; the NATO Medal—Kosovo; the NATO Medal—Combat Action Badge; and the Basic Parachutist Badge.

□ 1140

At the conclusion of his current tour, Lieutenant Colonel Clark's next assignment was to come back to Texas. He was thrilled to be chosen to be the executive officer, or essentially the second-in-command, of the Corps of Cadets' ROTC program at his alma mater, Texas A&M University.

On Friday, June 21, Lieutenant Colonel Todd Clark was laid to rest at the Fort Sam Houston National Cemetery in San Antonio, Texas.

Our thoughts and prayers are with the family and friends of Lieutenant Colonel Clark. He will forever be remembered as an outstanding soldier, husband, and father. We thank him and his family for their service and sacrifice for our country.

His sacrifice reflects the words of Jesus in John 15:13, where Jesus said:

Greater love hath no man than this, that a man will lay down his life for his friends.

I ask that everyone remember to pray often for our country during these difficult times. Please pray for our military men and women who protect us from threats abroad, and please pray for our first responders who protect us from threats here at home.

God bless our military men and women and God bless America.

And I thank my good friend from Texas (Mr. GOHMERT).

Mr. GOHMERT. Thank you, Mr. FLORES.

Colonel Clark was a great American. He was a great Aggie. He was just a great man. And I appreciate that tribute to him.

Now, my friend from Texas from the Houston area wished to do a 1-minute, so I will yield to my friend from Texas (Ms. JACKSON LEE) for such time as she may consume.

#### VOTING RIGHTS ACT

Ms. JACKSON LEE. I want to thank my colleague from Texas publicly for his commitment to the United States military and certainly for work that we collaborated on to work with a young soldier. We are always interested in making sure that our soldiers and their families have justice and access to justice. So thank you, Congressman, for your leadership on that issue.

And let me thank you for the brief time that I will utilize today and to indicate that I am so proud to be an American. I wish America, as we celebrate our birthday, that we become even more unified, more grateful of the red, white, and blue, and to take that day even to acknowledge our public servants, first responders, to acknowledge the men and women who serve in government, local governments, to those who serve in the United States Government and take every day and opportunity to celebrate those who are in uniform on this soil or places beyond. Let us congratulate them.

That causes me to indicate that the Voting Rights Act was a part of America. Many people are not aware that this Congress, with 398 votes-plus in the House and 98 votes in the Senate, reauthorized a bill that really means the right to vote for everyone. We take our instruction from the Supreme Court seriously, and what we will intend to do is seek a bipartisan effort to strengthen and to ensure that no vote is denied.

I do express great disappointment in the immediacy of the implementation of the Texas voter ID law and pray for the spiritual community to come together and pray for this Congress, of which we will do on this coming Sunday, June 30. We will pray for the Congress in Houston. And I ask that we pray across America that we will have

the opportunity to do this very challenging effort together. The question of voting rights is not one of color; it is one of the freedom of this Nation.

I also want to add the recognition that all marriages are equal and free, and we ask that those who have been so positively impacted by the decision that the Supreme Court issued on DOMA likewise will continue to now recognize their freedom to find that marriage is in respect to all.

Let me conclude by raising this question so that you can see the reality of what the Voting Rights Act stands for. An immediate casualty of the elimination of the Voting Rights Act of 1965—when I say that, it's enforcement provision 4—was the closing of the last African American majority-minority school district, 50 years of history, teachers and workers and police officers and students who graduated and came back to contribute. The North Forest Independent School District, on the very day that the Supreme Court decision was rendered, had been in court ready to be protected by the Voting Rights Act, but now seven trustees of which this community voted for and cherished were eliminated on that Tuesday because of the undermining of the Voting Rights Act.

As a human factor, students who love teachers, teachers who love students, teachers were fired, doors were locked, administrators were thrown out, through no fault of their own. They had progress. They had, as many of us have had, years of some unfortunate history, but look at them now, because of the unfortunate history, the whole district, the community, the homes, the people who invested in this school district. Now, as I leave this podium to my good friend, I have to say that schoolteachers and others who are cut off from any form of health care, individuals who are on dialysis, kidney issues, of course, if they have diabetes, they are shut off, doors locked, papers thrown out, no ability to give recommendations for teachers. What a dastardly circumstance.

I'm prayerful that I can go to the commissioner of education to ask for a pause so that these individuals can continue their health insurance, so that mothers and fathers can get their students in regular order into another school system and so that we can find common ground just out of our own humanity.

I am prayerful as I leave this podium that one America will commemorate its great holiday together on July 4, and that when we come back, this Congress will expeditiously move to restore an anchor in the name of JOHN LEWIS, who shed his blood on the Edmund Pettus Bridge, who has continued to be a peacemaker in this Congress, that we reauthorize this wonderful legislative initiative so that incidents like North Forest Independent

School District and others that have fallen victim to now this nonenforceability of the Voting Rights Act can be restored and we come together as a great and wonderful Nation.

With that, I thank the gentleman for yielding.

Mr. GOHMERT. Mr. Speaker, I thank my friend from Texas, and I was quite impressed and pleased to work with Ms. JACKSON LEE in our effort in helping one of our servicemen.

Some people around the country say, Why can't people get along on both sides of the aisle? When we disagree on issues, we say that. But when we work together, because of our common goal to make the country better and to help those who have been unfairly treated, we work together. It's a pleasure to do so. So I thank my friend from Texas (Ms. JACKSON LEE).

I would like to comment today on the good that the Voting Rights Act did. Back in the 1960s there was racial disparity. There were far too many African Americans who percentagewise were not voting when compared with the majority of Euro White Americans, and something needed to be done.

The Supreme Court said, because there has been such impropriety, then we will allow this punitive measure to try to force things into being right to where there's not racial disparity, racial discrimination in preventing people of minority races from getting to the polls and being able to vote. Over 45 years later, it has worked. As the Supreme Court pointed out, of the original six States, five of those States have less racial disparity in voting than the whole rest of the country. That's great progress.

But over those four to five decades of time, things change. The Voting Rights Act, as I pointed out to my friend and fellow Republican, the chairman of the Judiciary Committee at the time, Mr. SENSENBRENNER, who had worked so hard to have it extended previously and was working on the reauthorization or the reextension—and to my friend across the aisle that I have great respect for—we have wonderful conversations—Mr. JOHN CONYERS—as I pointed out, you have a problem with equal protection in this extension.

□ 1150

You are punishing States who have cleaned up their act. Now, I don't know of anybody—anybody—in any of those States who was forced under the 40-plus-year-old formula to be punished who had anybody in their government who was there when racial inequality and discrimination was going on, who's still there. So this act that's done great good refused to acknowledge that good had been done. And even though things had changed and we had gone from Southern States having racial discrimination to now having those Southern States that had less racial

disparity, and in fact in numerous cases had more African American turnout than they had white turnout percentage-wise, so things had corrected themselves. I would submit that it won't totally be corrected until we have a much higher percentage of all Americans who are eligible to vote coming out and voting. That's what's supposed to happen.

Anyway, things have changed, and now the most discriminatory State in the Union, ironically, has become Massachusetts. Even Wisconsin has a district with significant racial disparity, indicating a potential for discrimination in that area; and perhaps Massachusetts should be an area that we focus on for trying to eliminate the racial discrimination there. Let's look at the numbers and see where racial disparity exists, determine what the reason is. And if there's racial discrimination, we need to address that because as we've seen, the Voting Rights Act has actually done a great good.

So it's a work in progress. I don't know how many of the two Senators and Representatives from Massachusetts would be willing to join with me to put—to agree to put Massachusetts under the punitive section 5, but I'm certainly willing to go along and do that so that Massachusetts can benefit and get rid of racial discrimination and work toward the day when their racial disparity is back in line with where it should be. It's normally been a forward-thinking State, so it's very sad that it's regressed in that regard. But certainly we can work together on helping improve Massachusetts to the point that, say, Texas is now. I know they would like to be. I know that there are people in Massachusetts that do not want to be the most racially discriminating State, so I'm sure it shouldn't be that difficult a thing to accomplish. So there should be a tribute to the Voting Rights Act.

I happen to represent east Texas. Nacogdoches' paper, after the vote on the Voting Rights Act, had unfairly said I was a throwback to Democrats in the fifties because they had not bothered to read my floor speeches to see my own Gohmert amendment that would have required a formula that would apply across the country so the act would apply to everywhere in the country. That was the fair thing to do. I would have voted for the amendment if we had been able to get the Gohmert amendment in, but it was not accepted. So I knew the act would have to go down.

Anyway, the great thing about being in east Texas, most people there are quite fair. And when it was pointed out to the Nacogdoches paper back then, my speech and my amendment, then they did a retraction and corrected themselves. That's the great thing about America.

Now, I'm not expecting the AP to do a correction and the misrepresentation

of things I said this week. In fact, I'm quite tickled that after the AP experienced the full force of the executive branch coming after them, grabbing their records, grabbing phone records from up here in the area in which the reporters work and make calls to Congressmen and other things, what a violation, what an atrocious violation of the AP's rights. And I'm glad the AP doesn't feel like they owe me any obligation in being more accurate in their reporting of me. This is America. The AP is totally free to mess up stories as they wish, totally free to slant stories as they want to. That's their prerogative. That's the great thing about America. But I hope that they'll start being a little more vigilant about the abuses by this administration since now they've been the victim of such abuses. We'll see. But, hopefully, they won't continue to be so defensive for the administration and be a little more objective in their reporting.

I did want to address the Windsor decision regarding the Defense of Marriage Act because as a former prosecutor, a former judge—I've been a litigator and a former chief justice—I read these opinions with interest and look for the reasoning, look for the consistency in the citation of the facts, the recitation to prior law, prior precedent, and the reasoning of the Court. And as I read through this Windsor decision regarding Defense of Marriage Act, I was very concerned as I read through, they go through here in the majority opinion, Justice Kennedy wrote, and they've got about 12 pages here where they're talking about, most of the discussion is about standing, because under this case, the administration refused to do their job. They refused to have the Department of Justice defend the law, and it shouldn't be any surprise.

We have the President goes out, including here recently, and says: I don't like the law that Congress passed and prior Presidents have signed, so here's the new law. As recently as the last few days, he didn't like the law as it stands on carbon issues. So as any good monarch would do, he just came up with a new law and espoused that. Unfortunately, it's not appropriate and the Constitution has the wherewithal to stop this kind of overreach and unconstitutional activity by a President that just refuses to enforce laws in being, creates new laws out of whole cloth while ignoring the laws that are in place. That's a problem.

The Founders recognize that it's possible some day, some President, some administration could do that; and if they do, then the Congress has the powers of the purse, and they can step up and say you're abusing the Constitution, you're abusing people's rights. And, therefore, we as a House and Senate refuse to fund any department that is acting extra-constitutionally. We have the power to do that.

I have people here in my party, the majority party in the House say: You know, we've no leverage. Are you kidding? There is nobody in this entire government in the whole executive branch that can get paid, that can have any money to do their job unless we vote to allow them to have money from the Treasury.

□ 1200

They can't get it. We have that authority. And if we wanted to take a hard line when the Justice Department is refusing to investigate matters properly, they're covering up matters, they come to Congress and misrepresent things, we have the power to stop them from continuing such abuses.

When they, potentially, commit a fraud on the Court and say somebody is a criminal, like James Rosen, and they swear to that before a judge, and swear that he's a flight risk, when apparently they knew all along he wasn't, and now they say, no, no, no, they were never going to prosecute, we have the power to stop that kind of stuff.

We have the power to stop the abuses of going after the AP or Rosen, or any reporters inappropriately abusing and breaching the freedom of the press.

I saw my friend, Mr. NADLER, walk across the back. We have disagreed on so many things, but I have come to appreciate very much his position on the need to hold every administration accountable, and I'm hoping that we're going to be able to work out some legislation that reins in the abuses.

Yes, I know that an administration needs to monitor some things, but I'm quite concerned about the extent to which this administration has moved even farther than the prior administration in monitoring people. I mean, basically, in such an incredibly Orwellian fashion, it's a little scary to those of us that have watched this happen. So I'm hoping we'll be able to work together.

But when you look at this opinion and you see, well, gee, the administration is refusing to defend a law that was duly passed, signed into law by President Clinton, it's a problem. Somebody has to defend the law.

And I was grateful that the Supreme Court, after they analyzed this and got over around page 12 or so, and say, that similarly, with respect to the legislative power—this is on page 12 of the majority opinion—when Congress has passed a statute and a President has signed it, it poses grave challenges to the separation of powers for the executive, at a particular moment, to be able to nullify Congress' enactment, solely on its own initiative, and without any determination from a court.

Of course, then they go through and say, on page 13, they refer to the bilateral legislative group that decided to defend the Defense of Marriage Act when the administration refused to do the job that was required constitu-

tionally, they refused to defend it, as they have other laws that have been duly passed and signed.

But the Court says, in part—which is one of immediate importance to the Federal Government and to hundreds of thousands of persons—well, they have no basis in fact to make that reference; but, as we've seen, particularly in recent years, the Court has strayed off into areas where they do not have facts to justify their opinions, and they make bad decisions, as they did in the horrendous Dred Scott case.

It happens, when the Court becomes the fact-finder, the, basically, judge, jury and executioner. I mean, they just seem to want to do it all and make references to facts that are not before the Court. And, in fact, they say these circumstances support the Court's decision to proceed on the merits.

So the Court's saying, okay, the administration refuses to do their constitutional job to defend duly passed and signed legislation, so the Members of Congress that passed this law, that pushed it through and voted for it, in essence, they will have standing to defend it.

So it took them a long time to get here, clear over to 13, but they eventually say, okay, we will recognize that, since these people passed the law, they pushed it through, it's their group that got it passed and made it into a law. We'll recognize that they have a legitimate standing to come before this Court and defend the law.

And now, basically, the Court says, now that we've found that the people that passed this law have a right to defend it, significant enough that they have standing, that gives us jurisdiction, as a Supreme Court; and so now we will proceed on the merits.

So then they go through and they analyze, and I had some trouble with some of their representations. You know, King Solomon, many, including me, believe, was the wisest man who ever lived. Of course, then he had too many wives, and that always messes up anybody's wisdom, but he was wise at the time he said there is nothing new under the Sun.

Well, the Supreme Court, apparently, at least the new holy quintet, believes they're wiser than Solomon, even though they show some ignorance. They say here, page 13, for marriage between a man and a woman, no doubt had been thought of by most people as essential to the very definition of that term and to its role and function throughout the history of civilization.

Now, parenthetically, I'd like to insert that shows some wisdom that they would make that comment. And throughout the history of mankind, though many won't acknowledge it, marriage between a man and a woman coming together, or as the Bible says, a man will leave his mother and a woman leave her home and the two will

come together and be one person, one flesh, that's been recognized as a good, healthy building block for a society. And that's been recognized throughout the history of the United States as a good, healthy building block.

And what some seem to not recognize, even though they acknowledge they believe in evolution and how a species evolves by having better and more adaptable offspring, and the strongest produce more and better offspring that evolve the species to a higher level, interestingly, throughout the history of mankind, it, apparently, was not the joinder of a man and a man or a woman and a woman that was able to produce a better and more evolved species.

From best we can tell, you still need a sperm from a man, an egg from a woman. Even if you say, well, yeah, we can clone, if you don't have something that was created by the joinder of something from a man and something from a woman, then you have nothing to clone. So as smart as we think we are, it still comes back to what the Bible says as the two people becoming one person, one flesh.

Anyway, the Court says, and I quote:

That belief for many who long have held it, became even more urgent, more cherished when challenged. For others, however, came the beginnings of a new perspective, a new insight.

There is nothing new under the Sun. This kind of assertion has been made, and it's often found toward the end of great civilizations. It doesn't bring about the end of the civilization; but it's often found at the end of a great civilization as, basically, a mile marker that a civilization passes on the way to the dustbin of history.

No nation lasts forever. None does. This country won't. But it's my hope and prayer that we can at least double the length of the short time that this country has existed, since 1775, when the war started, the Declaration of Independence in 1776, the Treaty of Paris in 1783.

So, anyway, the Supreme Court says, talks about this new perspective and new insight. And then they say this:

The limitation of lawful marriage to heterosexual couples which, for centuries, had been deemed both necessary and fundamental, came to be seen in New York and certain other States as an unjust exclusion.

And they go on and they mention, you know, there are 11 States that had adopted this. There are not 11 States that have had the entire State vote to recognize marriage between two men or two women.

But once you move marriage beyond the scope of a man and a woman, you really don't end up with a good place to put a limit, because now that the Court has pushed this boundary out there and eliminated it, then—I think polygamy is wrong, bigamy is wrong. And it's a crime in many places. But how will

that be justifiable, even though I believe it's wrong, how will that be justifiable, now that the Court has removed this?

□ 1210

There's some that believe polygamy is the way to go. I do not think it's healthy, overall, for a society, and I certainly don't think it helped Solomon. I think it helped him lose his wisdom.

But the Court goes on and says this at page 16. And its operation is directed to a class of persons that the laws of New York and 11 other States have sought to protect. Again, that's not 11 or 12 States that have had the entire State vote on what marriage is. Most of those have been legislatures. And in some States where legislatures have said one thing, the people have come from the whole State and said, You're not representing our interests, and we're a government of the people, by the people, and for the people, and therefore we're correcting you and fixing the law.

The Court said, at page 17:

The definition of marriage is the foundation of the States' broader authority to regulate the subject of domestic relations with respect to the protection of offspring, property interests, and the enforcement of marital responsibilities. The States, at the time of the adoption of the Constitution, possessed full power over the subject of marriage and divorce, and the Constitution delegated no authority to the Government of the United States on the subject of marriage and divorce.

So if you've read plenty of opinions and you read that at page 17, you realize this Court is about to do what, for many of us, is unthinkable—become a holy quintet, the five Justices—and basically try to rewrite the laws of nature and nature's God, as most of the Founders believed.

But as I read that—and I had not read the Proposition 8 case from the Supreme Court regarding California's law—I thought, well, I don't like where this is going, but based on this reasoning, I know the Supreme Court will have to be intellectually honest and consistent enough that since they've said Members of Congress that passed a law have standing to defend that law, when the Attorney General and the executive branch doesn't, they'll have to uphold the standing of the group in California who pushed through and voted for and passed—just as Congress does the laws here—through referendum, the law in California, saying that marriage was between a man and a woman.

And when I read this, I said, Oh, this doesn't sound good for the Defense of Marriage Act by the Federal Congress because they're saying it's only the States that can decide what marriage is. And these 11, 12 States have decided for themselves what it is, and so the Federal Government doesn't have any

power to say what it is. I still contend the Federal Government does have a nexus and power to say what it is for purposes of certain Federal benefits, but the Court, as the new holy quintet, saw otherwise.

They go on to say in this opinion that which shows that the holy quintet was either totally dishonest or totally inconsistent—totally ignorant, actually—when they make this statement. This is page 22. "The principal purpose"—talking about the Defense of Marriage Act—"is to impose inequality, not for other reasons like governmental efficiency."

And that's a lie. And anybody who will be intellectually honest will have to understand that is a lie by the new holy quintet at the Supreme Court.

The principal purpose was to protect the greatest foundational building block of any society since the dawn of mankind: the home, where a mother and father are there; a home, where the species has offspring and they're nurtured by a mother and father.

Now, certainly, I saw it in the Soviet Union back in the seventies when I was there as an exchange student. I was shocked. I was actually mortified, because at these day care centers they were saying, yes, the children are the government's. They're the state's. Seems like I saw that on MSNBC recently. They're the state's. And the parents are only the brief caregivers, so long as the state allows them to take care of the state's children. But if they ever say anything inappropriate that the state finds out about, they'll yank the children out and put them with somebody more deserving.

I was mortified because, even in the seventies, I realized as a young person that, wow, the family is so important. Some of our greatest people have come from single-parent homes, and that will also continue. Thank God, since we've now passed over 40 percent, heading towards 50 percent, of individuals being born today to a single-parent home. But that's not, statistically, the most secure and the best home, generally speaking, for a child to grow up in. Obviously, there are exceptions. You have abusive parents. You have parents that I sent to prison who were an aberration. That can happen in anybody's home. So I sent them to prison for committing crimes. Well, obviously, a two-parent home, where one of them is committing crimes, is not healthy to a child.

But overall, for the history of this country, the States, Members of Congress, the original Founders, they would never have dreamed we would get to a point where the judiciary, the unelected branch—the only unelected branch—would say, We're going to rewrite the laws of nature and nature's God. But that's, in essence, what they say.

At page 25, the Court says that:

The Federal statute is invalid, for no legitimate purpose overcomes the purpose and effect to disparage and injure those whom the State, by its marriage laws, sought to protect in personhood and dignity.

That's a tragic decision, and it's heartbreaking that it will help to generate society as we move forward with fewer and fewer people paying income tax, as this society becomes more and more narcissistic, more focused on ourselves. How else can you explain one generation saying this generation is so valuable that we are going to force future generations, some who have not even been born, to pay for our narcissism and to be engorging ourselves on the money of future generations?

We're the first in American history that's ever been so self-absorbed, and it's heartbreaking. We've got to change this. All the generations before had a majority of that generation that would sacrifice whatever we have to so that our children will have a better Nation than we have. I've been the beneficiary of that, and I will work until I take my dying breath to try to change the direction we're headed, toward national bankruptcy, both financially and morally. But this is a disingenuous opinion, and either the Court realizes it, which makes it dishonest, or they don't realize it, and it makes them very ignorant.

So, nonetheless, when I finished reading that majority opinion, I knew that surely, as bad as that opinion is, incorporating things that simply aren't true, disingenuous, when they take up the Proposition 8 case from California, number one, they'll have to say that the people that pushed through the law and passed it have standing to defend the law that they pushed through and passed and voted for themselves by referendum, just as the Members of Congress were allowed to have standing to defend the bill.

In California's case, the executive branch, their attorney general, refused to defend the law that was passed by a majority of the Californians. And so I thought, okay, that will be an easy one for the Supreme Court. They can just reference the Windsor case, as these people have the right, they have standing; therefore, we have jurisdiction to take up the merits of the case.

□ 1220

They could cite Windsor, the DOMA case, for the proposition, as they say in the DOMA case, that the States have a right to determine what marriage will be in their State.

Here's the amazing part: for people, many of whom have educations from Ivy League institutions—I'm not sure, they may all come from Ivy League institutions—sounds like we need some diversity on the Court, though, if that's the case. They hold that the people that passed the law in California, voted for the law in California do not have standing to defend the law, so

we're not even going to take up the issue that we said clearly, in the case we just decided on DOMA, that only the States have a right to decide what marriage is within their States. So they kick it back to a lower court to dismiss.

It is tragic when people who are supposed to be our best educated have such false reasoning based on a fiction that the law saying marriage is a man and a woman has no other purpose—the primary purpose at least being to create inequality. That is tragic. It does not bode well for this Nation when the only unelected branch decides that they will rewrite the laws of nature and nature's God.

And why do I mention that is because those are terms that the Founders used. When my pastor, David Dykes, was up here with his wife, Cindy, it was the first time I had gone over to the State Department. I mean, I majored in history; I loved history. I owed the Army 4 years for my scholarship at A&M, and I enjoyed history so I majored in it.

I knew all about the Revolution, the Treaty of Paris, but I never actually looked at the Treaty of Paris or a copy of it. Under glass in the State Department building they have an incredible copy of the original Treaty of Paris of 1783. And I was shocked by the big bold letters that start the Treaty of Paris. I had to think about why would they start with those words.

Then you put yourself back in the place of the Founders, those who were negotiating with the British Government in Paris to force them to recognize that the United States of America was a free and independent country, totally free of Great Britain, and totally independent to do what it wished as its own sovereign Nation. So they had to get representatives from Great Britain to sign that. Well, what would keep them from just breaking their oath? I mean, we see it here among politicians. They'll swear one thing and then they'll go do something else. What would keep the representatives of Great Britain from doing the same thing?

And the Founders wanted something so profound under which they would make the Great Britain diplomats sign that they would be afraid to ever break that oath. So I thought about it. Well, what in the world would I put in the document to make them sign under? I don't think having a notary is going to quite do the trick, especially if it's an American notary. They'd say, well, it wasn't a British notary.

So what would you do? What would you put in the document to make them swear under? That's where they came up with the first words of the Treaty of Paris that for the first time truly recognized the independence of the United States by Great Britain. France had already recognized us, but this was the

one we had been in revolts with and war with. So the first words, the biggest, boldest words in all the Treaty of Paris were these:

In the Name of the Most Holy and Undivided Trinity.

Now, they knew, both the British and the Americans, that the Trinity represented the Father, Son and the Holy Ghost. They put that as the biggest words in there:

In the Name of the most Holy and undivided Trinity.

They figured if the British will sign this document with those in big bold letters, they will not want to face their Judge some day if they break that oath.

It's the very reason that John Quincy Adams—a great advocate for abolition, the only man in American history who had been elected President, 1824, defeated in 1828, he decides God's calling him to bring an end to slavery, like William Wilberforce was trying to do in England. So he did the unthinkable. After he was President, he ran to be a Representative in the House of Representatives of the U.S. Congress and was elected. And he indicated to someone that he was prouder being elected to Congress after being President than he was being elected President, which seems a little strange. But if you think about it, it means after he was elected President, his neighbors still liked him. So that was a big deal.

But over and over he preached sermons on the evils of slavery just down the Hall here. But in the Amistad case that came before the Supreme Court, down in what we call the Old Supreme Court Chamber downstairs, he argued before the Supreme Court—and you can find his whole argument online. Fortunately, they didn't put two-plus days of oral argument in the movie Amistad—Anthony Hopkins, a good Longview, Texas guy named Matthew McConaughey, he argued the case. And you find at the end of his argument—and I don't have it committed verbatim, but basically he goes through asking, Where is Justice so-and-so and Chief Justice John Marshall? Where is the solicitor who last argued the case against me when I was here before? Even the judge that started this case, he had died one night during the days of oral arguments. He ends up concluding, basically, they've gone to meet their Judge. And the most important question that they were asked is will they hear: Well done, good and faithful servant?

Now, if I had had a lawyer argue that before me in the court of appeals or the district bench, I mean, I had gotten the message, you got a lawyer there saying if you don't decide for me, you're going to have to face God Almighty some day, and he's going to judge you and he's going to come down on you if you don't do the right thing in this case. I might not have appreciated it, but the

Court found appropriately for John Quincy Adams' side of the case. And those free Africans were allowed to leave as free Africans, as they should have been.

So back then, the lead abolitionist, he knew, he believed with all his heart some day people are going to meet their maker. He's going to be their Judge. I might have enjoyed if John Quincy Adams were able to come back as Lazarus did, when Jesus raised him, and go before the Supreme Court and say, let me tell you, I've been there. You are going to go before your Judge some day. And you better not pretend to be God himself because you're going to meet God himself some day. But this Supreme Court did not have that benefit, so the holy quintet decided to rewrite the law.

Now, I want to touch on briefly a law that was just passed down in the Senate. I really appreciated my good friend Senator TED CRUZ's statement down the Hall. I'm quoting from his statement:

Unfortunately, all of the concerns that have been repeatedly raised about this bill remain; it repeats the mistakes of the 1986 immigration bill; it grants amnesty first; it won't secure the border; and it doesn't fix our broken legal immigration system.

This bill doesn't solve the problems because the process it went through was fatally flawed—it was written behind closed doors with special interests; in the Judiciary Committee, the Gang of Eight Democrats blocked all substantive amendments because of a previously cooked deal; and on the Senate floor, the majority blocked any attempts to fix the bill.

Further, in conjunction with ObamaCare, the Gang of Eight bill creates a tax penalty on employers—effectively, up to \$5,000—for hiring U.S. citizens or legal immigrants. But that penalty does not apply to those with RPI—which is registered provisional immigrant—status, giving a powerful incentive for job creators to hire illegal immigrants instead of U.S. citizens or legal immigrants. That is indefensible.

□ 1230

TED says:

I filed an amendment to fix this defect but was blocked by Senate Democrats from receiving a vote on that solution. Sadly, this bill won't fix the problem with our immigration system and will only encourage more illegal immigration and human suffering.

Quite tragic. Quite tragic.

Senator CRUZ explains it well.

Dr. TOM COBURN, a good friend—hopefully, he would acknowledge that—from Oklahoma, Senator TOM COBURN said this—I won't read the whole statement, there's not adequate time, but a wonderful statement he summarizes very well. He said:

It is a \$48 billion border stimulus package that grants amnesty to politicians who want to say they are securing the border when, in fact, they are not.

Further he quotes Reagan. He said Reagan said:



It was a tall, proud city built on rocks stronger than oceans, windswept, God-blessed, and teeming with people of all kinds living in harmony and peace; a city with free ports that hummed with commerce and creativity. And if there had to be city walls, the walls had doors and the doors were open to anyone with the will and the heart to get here.

"Walls with doors" is an immigration policy that can unite our Nation. But today, Democrats sound like they want only doors; Republicans want only walls. The truth is we have neither. We have chaos.

Well said.

But the Republicans I know want doors. We want immigration. We want the fresh water flowing into this incredible lake. It's a healthy good thing.

I love the fact that, generally speaking, most Hispanics I know have a faith in God, a devotion to their family, and a hard work ethic. That's what I think made America great. It's a great thing. We need more of that. That's a good thing.

But it has to be done legally, and it is heartbreaking that this got pushed through the Senate to what many of us believe will be the detriment of this country.

In *The Weekly Standard*, John McCormack wrote an article that five Senators who support the immigration bill don't know the answer to a key question about it. A great article there in *The Weekly Standard*.

There are plenty of good articles if our friends down the hall had bothered to read them. *Eagle Forum* has a great article, a great newsletter, on the Gang of Eight and what they've done to America.

What my friend TED CRUZ was pointing out, under ObamaCare, there is a penalty that could be \$3,000 per employee. For those over 50 you deduct 30. It's a formula. But basically, in most cases it's a \$2,000 penalty for any employer that has over 50 employees that does not provide the level of health care that is required under ObamaCare. So TED CRUZ makes a point I haven't heard anybody else make—it's an excellent point: that under ObamaCare, if you're an employer and you've got 1,000 people working for you, certainly you're under ObamaCare, so you're going to pay a tax of \$2,000 per person on your employees if you don't give them the highest level required of health insurance, so they will end up being under ObamaCare.

Well, businesses compete to stay in business. If someone else has a lower overhead, then they have to try to get down to that level of overhead.

Under the Senate bill, they create these registered provisional immigrants. By that law, the registered provisional immigrants are not under ObamaCare. So if an employer that has, say, 1,000 employees wants to save \$200,000 or so, that employer can fire all of the American citizens and all the legal immigrants that he has working

in that manufacturing plant and hire the RPIs, the registered provisional immigrants. Then that employer doesn't have to provide them health care, and he doesn't have to pay the \$2,000 fine per employee and save a couple hundred thousand. If you have 10,000 employees, then you would save a couple million dollars.

It is really profound the detrimental effect it will have on legal immigrants and American citizens.

I see that my dear friend from Minnesota (Mrs. BACHMANN) is here.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Texas has 2 minutes.

Mr. GOHMERT. Mr. Speaker, I yield the balance of my time to the gentleman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Speaker, I was watching in my office what the gentleman from Texas was saying, and I was moved so profoundly because this week changed history. It changed history with the definition of America and the United States, but it also changed our constitutional Republic.

When the Supreme Court of the United States denied equal protection rights to every American by taking away our ability to elect our representatives, have them give voice to what our opinion is, and then the Supreme Court decides to substitute their morality for that of the people's duly elected people, as they did also in California, now we're looking at a supreme betrayal. Not only did the Supreme Court betray us on the issue of marriage, we've been betrayed by the Senate and also by Republicans in the Senate. We have a fake border security bill that is about to give amnesty to millions and millions of illegal immigrants, and we are about to see that bill now come to the House of Representatives.

People are very worried about what they've seen happen this week. One woman was crying to me this morning, saying that, MICHELE, our country is falling down around our eyes. So what I told her what we need to do is we need to pray, we need to pray, we need to confess our sins as a Nation, and we need to pray and ask God for his holy intervention and for his forgiveness.

We are not over as a Nation, there is a future, there is a hope. But we need to recognize that this week was historic and, Mr. Speaker, the words of Mr. GOHMERT were exactly right. This is a very, very important decision. It went at kicking out the fundamental building block of this Nation, which is the family. The hub of the family is the marriage between a mom and a dad. That was hurt this week by the Supreme Court. Now we are looking at violating the fundamental rule of law by legalizing millions of illegal immigrants with this fake border security

bill that will never ever come into place.

The gentleman has said it well, he said it very well. I want to come up and thank him and congratulate him for his remarks. But to let the American people know there is a future, there is a hope, and we're going to continue to fight here in the House of Representatives.

#### ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR PRIVATE CALENDAR FOR 113TH CONGRESS

The SPEAKER pro tempore. On behalf of the majority and minority leaderships, the Chair announces that the official objectors for the Private Calendar for the 113th Congress are as follows:

For the majority:

Mr. GOODLATTE, Virginia  
Mr. SENSENBRENNER, Wisconsin  
Mr. GOWDY, South Carolina

For the minority:

Mr. SERRANO, New York  
Mr. NADLER, New York  
Ms. BASS, California

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FITZPATRICK (at the request of Mr. CANTOR) for today on account of an unavoidable obligation.

#### BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on June 21, 2013, she presented to the President of the United States, for his approval, the following bill:

H.R. 475. To amend the Internal Revenue Code of 1986 to include vaccines against seasonal influenza within the definition of taxable vaccines.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, pursuant to Senate Concurrent Resolution 19, 113th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 39 minutes p.m.) the House adjourned until Monday, July 8, 2013, at 2 p.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2035. A letter from the Manager, BioPreferred Program, Department of Agriculture, transmitting the Department's final rule — Designation of Product Categories for Federal Procurement (RIN: 0599-AA16) received June 24, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2036. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Requirements for Acquisitions Pursuant to Multiple Award Contracts (DFARS Case 2012-D047) (RIN: 0750-AH91) received June 25, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2037. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Solicitation Provisions and Contract Clauses for Acquisition of Commercial Items (DFARS Case 2011-D056) (RIN: 0750-AH63) received June 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2038. A letter from the Under Secretary, Department of Defense, transmitting a response to the Inspector General Report "DoD Efforts to Meet the Requirements of the Improper Payments Elimination and Recovery Act in FY 2012"; to the Committee on Armed Services.

2039. A letter from the Acting Under Secretary, Department of Defense, transmitting authorization of 4 officers to wear the authorized insignia of the grade of major general in accordance with title 10, United States Code, Section 777; to the Committee on Armed Services.

2040. A letter from the Acting Chairman, Appraisal Subcommittee, transmitting the 2012 Annual Report of the Appraisal Subcommittee; to the Committee on Financial Services.

2041. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations; Maricopa County, Arizona, and Incorporated Areas [Docket ID: FEMA-2013-0002] received June 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2042. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations; Iberville Parish, Louisiana, and Incorporated Areas [Docket ID: FEMA-2013-0002] received June 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2043. A letter from the Chairman and President, Export-Import Bank, transmitting the Bank's report on export credit competition and the Export-Import Bank of the United States for the period January 1, 2012 through December 31, 2012; to the Committee on Financial Services.

2044. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to WestJet Airlines Limited of Calgary, Canada, pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2045. A letter from the Department of the Treasury, Regulatory Specialist, transmitting the Department's final rule — Lending Limits [Docket ID: OCC-2012-0007] (RIN: 1557-AD59) received June 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2046. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Federal Pell Grant Program [Docket ID: ED-2012-OPE-0006] (RIN: 1840-AD11) received June 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2047. A letter from the Assistant General Counsel for Regulatory Services, Depart-

ment of Education, transmitting the Department's final rule — Final Priority. National Institute on Disability and Rehabilitation Research--Disability and Rehabilitation Research Projects and Centers Program--Rehabilitation Engineering Research Centers [CFDA Number: 84.133E-3.] received June 21, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2048. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Final Priority. National Institute on Disability and Rehabilitation Research--Rehabilitation Research and Training Centers [CFDA Number: 84.133B-1.] received June 21, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2049. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Final Priority. National Institute on Disability and Rehabilitation Research--Disability and Rehabilitation Research Projects and Centers Program--Rehabilitation Engineering Research Centers [CFDA Number: 84.133E-4.] received June 21, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2050. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Final Priority. National Institute on Disability and Rehabilitation Research--Advanced Rehabilitation Research Training Program [CFDA Number: 84.133P-1.] received June 21, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2051. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Final Priorities. National Institute on Disability and Rehabilitation Research--Disability and Rehabilitation Research Projects and Centers Program--Rehabilitation Engineering Research Centers [CFDA Numbers: 84.133E-5; 84.133E-6; 84.133E-7; and 84.133E-8.] received June 21, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2052. A letter from the Deputy Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's final rule — William D. Ford Federal Direct Loan Program [Docket ID: ED-2013-OPE-0066] (RIN: 1840-AD13) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2053. A letter from the Director, Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule — Updating OSHA Standards Based on National Consensus Standards; Signage [Docket No.: OSHA-2013-0005] (RIN: 1218-AC77) received June 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2054. A letter from the Acting Chief Policy Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2055. A letter from the Chair, Community Preventive Services Task Force, transmitting the Annual Report to Congress for 2013; to the Committee on Energy and Commerce.

2056. A letter from the Director, Regulations Policy and Management Staff, Depart-

ment of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Mica-Based Pearlescent Pigments [Docket No.: FDA-2012-C-0224] received June 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2057. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Orphan Drug Regulations [Docket No.: FDA-2011-N-0583] (RIN: 0910-AG72) received June 20, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2058. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Patient Protection and Affordable Care Act; Establishment of Exchanges and Qualified Health Plans; Small Business Health Options Program [CMS-9964-F2] (RIN: 0938-AR76) received June 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2059. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Patient Protection and Affordable Care Act; Exchange Functions: Eligibility for Exemptions; Miscellaneous Minimum Essential Coverage Provisions [CMS-9958-F] (RIN: 0938-AR68) received June 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2060. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "Report to Congress on Traumatic Brain Injury in the United States: Understanding the Public Health Problem among Current and Former Military Personnel"; to the Committee on Energy and Commerce.

2061. A letter from the Acting Administrator, Environmental Protection Agency, transmitting a report on the Implementation of the Energy Independence and Security Act; to the Committee on Energy and Commerce.

2062. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule Fees (RIN: 3084-AA98) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2063. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles (RIN: 3084-AB21) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2064. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Used Motor Vehicle Trade Regulation Rule received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2065. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Regulatory Guide 5.29 Special Nuclear Material Control and Accounting Systems for Nuclear Power Plants received June 27, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2066. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Regulatory Guide 1.185 Standard Format and Content for Post-Shutdown Decommissioning Activities Report received

June 27, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2067. A letter from the Office Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Miscellaneous Corrections [NRC-2013-0019] (RIN: 3150-AJ23) received June 10, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2068. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Regulatory Guide 1.68 Initial Test Programs for Water-Cooled Nuclear Power Plants received June 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2069. A letter from the Director, International Broadcasting Bureau, Broadcasting Board of Governors, transmitting the agency's FY 2013 Program Plan and Sequestration Summary; to the Committee on Foreign Affairs.

2070. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 13-31, Notice of Proposed Issuance of Letter of Offer and Acceptance pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2071. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 13-40, Notice of Proposed Issuance of Letter of Offer and Acceptance, pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2072. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Wassenaar Arrangement 2012 Plenary Agreements Implementation: Commerce Control List, Definitions, and Reports [Docket No.: 121207691-3383-02] (RIN: 0694-AF83) received June 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2073. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-083, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2074. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment (Transmittal No. DDTC 13-074); to the Committee on Foreign Affairs.

2075. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-087, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2076. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-091, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2077. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-049, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2078. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-042, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2079. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-077, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2080. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-069, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2081. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-072, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2082. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-068, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2083. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-064, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2084. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-026, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2085. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-076, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2086. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-084, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2087. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-056, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2088. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-095, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2089. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-088, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2090. A letter from the Acting Assistant Secretary, Legislative Affairs, Department

of State, transmitting Transmittal No. DDTC 13-070, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2091. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-073, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2092. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-085, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2093. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-057, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2094. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-081, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2095. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-066, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2096. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-063, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2097. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-058, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2098. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-053, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2099. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-082, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2100. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-030, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2101. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

2102. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a determination pursuant to Section 451 of the Foreign Assistance Act; to the Committee on Foreign Affairs.

2103. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the 2012 annual report on the operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act; to the Committee on Foreign Affairs.

2104. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a letter regarding the Israeli-Palestinian Fund; to the Committee on Foreign Affairs.

2105. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to the former Liberian regime of Charles Taylor that was declared in Executive Order 13348 of July 22, 2004; to the Committee on Foreign Affairs.

2106. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to transnational criminal organizations that was declared in Executive Order 13581 of July 24, 2011; to the Committee on Foreign Affairs.

2107. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period October 1, 2012 through March 31, 2013; to the Committee on Oversight and Government Reform.

2108. A letter from the Assistant Secretary for Civil Rights, Department of Agriculture, transmitting the Department's fiscal year 2012 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2109. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Privacy Act; Implementation [Docket No.: NIH-2011-0001] received June 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2110. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Privacy Act, Exempt Record System; Implementation [Docket No.: FDA-2011-N-0252] received June 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2111. A letter from the Inspector General, Department of Health and Human Services, transmitting a report entitled, "U.S. Department of Health and Human Services Met Many Requirements of the Improper Payments Information Act of 2002 but Was Not Fully Compliant"; to the Committee on Oversight and Government Reform.

2112. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2013; to the Committee on Oversight and Government Reform.

2113. A letter from the Chief Operating Officer/Acting Executive Director, Election Assistance Commission, transmitting Semiannual Report of the Inspector General for the period October 1, 2012 through March 31, 2013; to the Committee on Oversight and Government Reform.

2114. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Inspector General's Semiannual Report to Congress for the period ending March 31, 2013; to the Committee on Oversight and Government Reform.

2115. A letter from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting the 2012 management report of the Federal Home Loan Bank of Dallas, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2116. A letter from the Acting Senior Procurement Executive, GSA, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Expansion of Applicability of the Senior Executive Compensation Benchmark [FAC 2005-68; FAR Case 2012-017; Docket 2012-0017, Sequence 1] (RIN: 9000-AM38) received June 27, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2117. A letter from the Acting Senior Procurement Executive, GSA, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-68; Small Entity Compliance Guide [Docket: FAR 2013-0078, Sequence 4] received June 27, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2118. A letter from the Acting Senior Procurement Executive, GSA, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-68; Introduction [Docket: FAR 2013-0076, Sequence 4] received June 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2119. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's semiannual report from the Office of the Inspector General during the 6-month period ending March 31, 2013; to the Committee on Oversight and Government Reform.

2120. A letter from the Director, Office of Civil Rights, International Broadcasting Bureau, transmitting the Board's FY 2012 report, pursuant to the requirements of section 203(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No Fear Act); to the Committee on Oversight and Government Reform.

2121. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the Commission's audited Seventy-Second Financial Statement for the period of October 1, 2011 to September 30, 2012 pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

2122. A letter from the Deputy Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2012 through March 31, 2013; to the Committee on Oversight and Government Reform.

2123. A letter from the Administrator, Small Business Administration, transmitting the Administration's semiannual report

from the office of the Inspector General for the period October 1, 2012 through March 31, 2013; to the Committee on Oversight and Government Reform.

2124. A letter from the HR Specialist, Small Business Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2125. A letter from the Chief Operating Officer/Acting Executive Director, Election Assistance Commission, transmitting the Commission's report entitled, "The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2011-2012"; to the Committee on House Administration.

2126. A letter from the Secretary, Department of Health and Human Services, transmitting Fiscal Year 2012 Report to Congress on Funding Needs for Contract Support Costs of Self-Determination Awards, corrected; to the Committee on Natural Resources.

2127. A letter from the Senior Management Analyst, Department of the Interior, transmitting the Department's final rule — Addresses of Regional Offices [Docket No.: FWS-HQ-BPHR-2012-0089; FXGO16600954000-134-FF09B30000] (RIN: 1018-AY13) received June 14, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2128. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery and Northeast Multispecies Fishery; Framework Adjustment 24 and Framework Adjustment 49 [Docket No.: 121129661-3389-02] (RIN: 0648-BC81) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2129. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Alaska Plaice in the Bering Sea and Aleutian Islands Management Area [Docket No.: 121018563-3418-02] (RIN: 0648-XC687) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2130. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the 2012 Report to Congress on Apportionment of Membership on the Regional Fishery Management Councils; to the Committee on Natural Resources.

2131. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ending June 30, 2012, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

2132. A letter from the Clerk, Court of Appeals, transmitting an opinion of the United States Court of Appeals for the Seventh Circuit, *Commodity Futures Trading Commission v. Worth Bullion Group, Inc., Mintco LLC, and Diamond State Depository, LLC*, No. 12-3372, (May 29, 2013); to the Committee on the Judiciary.

2133. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers employed at Brookhaven National Laboratory in Upton, New York, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy

Employees Occupational Illness Compensation Program Act of 2000 (EEIOCPA); to the Committee on the Judiciary.

2134. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Definition of Form I-94 to Include Electronic Format [USCBP-2013-0011] (RIN: 1651-AA96) received March 22, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2135. A letter from the Department of Justice, transmitting the annual report of the Office of Justice Programs' Bureau of Justice Assistance for Fiscal Year 2011, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

2136. A letter from the Secretary, Department of Transportation, transmitting the Department's report of obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs for Fiscal Year 2012; to the Committee on Transportation and Infrastructure.

2137. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries GmbH Powered Gliders [Docket No.: FAA-2012-1172; Directorate Identifier 2012-CE-040-AD; Amendment 39-17447; AD 2013-04-08 R1] (RIN: 2120-AA64) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2138. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-1231; Directorate Identifier 2011-NM-088-AD; Amendment 39-17418; AD 2013-08-01] (RIN: 2120-AA64) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2139. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0808; Directorate Identifier 2010-NM-170-AD; Amendment 39-17380; AD 2013-05-08] (RIN: 2120-AA64) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2140. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Revo, Incorporated Airplanes [Docket No.: FAA-2012-0845; Directorate Identifier 2012-CE-013-AD; Amendment 39-17431; AD 2013-08-14] (RIN: 2120-AA64) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2141. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-1068; Directorate Identifier 2011-NM-073-AD; Amendment 39-17443; AD 2013-09-02] (RIN: 2120-AA64) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2142. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-1161; Directorate Identifier 2011-NM-277-AD; Amendment 39-17442; AD 2013-09-01] (RIN: 2120-AA64) received June 17, 2013, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2143. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-1316; Directorate Identifier 2012-NM-186-AD; Amendment 39-17429; AD 2012-18-13 R1] (RIN: 2120-AA64) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2144. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2012-1072; Directorate Identifier 2012-NM-141-AD; Amendment 39-17449; AD 2013-09-07] (RIN: 2120-AA64) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2145. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Twin Commander Aircraft LLC Airplanes [Docket No.: FAA-2013-0393; Directorate Identifier 2012-CE-025-AD; Amendment 39-17446; AD 2013-09-05] (RIN: 2120-AA64) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2146. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2008-0614; Directorate Identifier 2007-NM-351-AD; Amendment 39-17450; AD 2013-09-08] (RIN: 2120-AA64) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2147. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Slingsby Sailplanes Ltd. Sailplanes [Docket No.: FAA-2013-0220; Directorate Identifier 2013-CE-002-AD; Amendment 39-17451; AD 2013-09-09] (RIN: 2120-AA64) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2148. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Spectrolab Nightsun XP Searchlight [Docket No.: FAA-2012-0221; Directorate Identifier 2010-SW-082-AD; Amendment 39-17454; AD 2013-10-01] (RIN: 2120-AA64) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2149. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30899; Amdt. No. 3534] received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2150. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Installed Systems and Equipment for Use by the Flightcrew [Docket No.: FAA-2010-1175; Amdt. No. 25-138] (RIN: 2120-AJ83) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2151. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Air-

worthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-1109; Directorate Identifier 2011-NM-172-AD; Amendment 39-17455; AD 2013-10-02] (RIN: 2120-AA64) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2152. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30898; Amdt. No. 3533] received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2153. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; El Monte, CA [Docket No.: FAA-2011-1242; Airspace Docket No. 11-AWP-16] received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2154. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation (RNAV) Routes; Washington, DC [Docket No.: FAA-2013-0081; Airspace Docket No. 12-AEA-5] (RIN: 2120-AA66) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2155. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Kingston, NY [Docket No.: FAA-2012-0831; Airspace Docket No. 12-AEA-13] received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2156. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Modification of Class C Airspace; Nashville International Airport, TN [Docket No.: FAA-2013-0031; Airspace Docket No. 12-AWA-7] received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2157. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Modification of Class B Airspace; Philadelphia, PA [Docket No.: FAA-2012-0662; Airspace Docket No. 08-AWA-2] (RIN: 2120-AA66) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2158. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Easton, PA [Docket No.: FAA-2012-0394; Airspace Docket No. 12-AEA-8] received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2159. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Modification and Revocation of Air Traffic Service Routes; Jackson, MS [Docket No.: FAA-2013-0016; Airspace Docket No. 12-ASO-33] (RIN: 2120-AA66) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2160. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters [Docket No.: FAA-

2013-0445; Directorate Identifier 2012-SW-098-AD; Amendment 39-17458; AD 2013-10-05] (RIN: 2120-AA64) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2161. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-1163; Directorate Identifier 2011-NM-246-AD; Amendment 39-17456; AD 2013-10-03] (RIN: 2120-AA64) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2162. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aircraft Industries a.s. Airplanes [Docket No.: FAA-2013-0456; Directorate Identifier 2013-CE-011-AD; Amendment 39-17462; AD 2013-11-02] (RIN: 2120-AA64) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2163. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0855; Directorate Identifier 2011-NM-136-AD; Amendment 39-17452; AD 2013-09-10] (RIN: 2120-AA64) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2164. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; Portland-Hillsboro, OR [Docket No.: FAA-2012-1142; Airspace Docket No. 12-ANM-25] received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2165. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Cherokee, WY [Docket No.: FAA-2013-0051; Airspace Docket No. 13-ANM-2] received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2166. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace; Pueblo, CO [Docket No.: FAA-2012-0371; Airspace Docket No. 12-ANM-11] received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2167. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Eureka, NV [Docket No.: FAA-2012-0852; Airspace Docket No. 12-AWP-5] received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2168. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Tuba City, AZ [Docket No.: FAA-2013-1470; Airspace Docket No. 13-AWP-1] received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2169. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Beeville-Chase, TX [Docket No.: FAA-2012-0821; Airspace Docket No. 12-ASW-8] received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Com-

mittee on Transportation and Infrastructure.

2170. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30900; Amdt. No. 3535] received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2171. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30901; Amdt. No. 3536] received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2172. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Helicopters [Docket No.: FAA-2012-0695; Directorate Identifier 2011-SW-031-AD; Amendment 39-17448; AD 2013-09-06] (RIN: 2120-AA64) received June 17, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2173. A letter from the Clerk of the House of Representatives, transmitting annual compilation of financial disclosure statements of the members of the members of the Office of Congressional Ethics, pursuant to Rule XXVI, clause 3, of the House Rules; (H. Doc. No. 113-43); to the Committee on Rules and ordered to be printed.

2174. A letter from the Chief, Office of Regulatory Affairs, Department of Justice, transmitting the Department's final rule — Importation of Defense Articles and Defense Services — U.S. Munitions Import List (2011R-20P) [Docket No.: ATF-50F; AG Order No. 3383-2013] (RIN: 1140-AA46) received April 23, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2175. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Incentives for Nondiscriminatory Wellness Programs in Group Health Plans [TD 9620] (RIN: 1545-BL07) received June 25, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2176. A letter from the Branch Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure: Purchase Price Safe Harbors for sections 143 and 25 (Rev. Proc. 2013-28) received June 28, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2177. A communication from the President of the United States, transmitting notification of the suspension of Bangladesh as a beneficiary developing country under the Generalized System of Preferences program; (H. Doc. No. 113-42); to the Committee on Ways and Means and ordered to be printed.

2178. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Extension of Border Zone in the State of New Mexico [Docket No.: USCBP-2012-0030] (RIN: 1651-AA95) received June 10, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

2179. A letter from the Acting Under Secretary for Personnel and Readiness, Department of Defense, transmitting Extremity

Trauma and Amputation Center of Excellence Report to Congress for 2012; jointly to the Committees on Armed Services and Veterans' Affairs.

2180. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Requirements for Long Term Care Facilities; Hospice Services [CMS-3140-F] (RIN: 0938-AP32) received June 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

2181. A letter from the Inspector General, Department of Health and Human Services, transmitting a memorandum report, "Part D Plans Generally Include Drugs Commonly Used by Dual Eligibles: 2013"; jointly to the Committees on Energy and Commerce and Ways and Means.

2182. A letter from the Acting Assistant Secretary for Insular Areas, Department of the Interior, transmitting the Department's report to Congress: "2013 Compact Impact Analysis"; jointly to the Committees on Natural Resources and Foreign Affairs.

2183. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's 2013 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

2184. A letter from the Board Members, Railroad Retirement Board, transmitting the Annual Report required by the Railroad Retirement Act of 1974 and Railroad Retirement Solvency Act of 1983, pursuant to 42 U.S.C. 231u(b)(1); jointly to the Committees on Ways and Means and Transportation and Infrastructure.

2185. A letter from the Chairman and Vice-Chairman, U.S.-China Economic and Security Review Commission, transmitting notification of a public hearing held on "Trends and Implications of Chinese Investment in the United States"; jointly to the Committees on Ways and Means, Armed Services, and Foreign Affairs.

2186. A letter from the Assistant Secretary, Department of Defense, transmitting proposed legislation, titled "National Defense Authorization Act for Fiscal Year 2014"; jointly to the Committees on Armed Services, Foreign Affairs, Agriculture, and Natural Resources.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HENSARLING: Committee on Financial Services. H.R. 1341. A bill to require the Financial Stability Oversight Council to conduct a study of the likely effects of the differences between the United States and other jurisdictions in implementing the derivatives credit valuation adjustment capital requirement, with amendments (Rept. 113-134 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Agriculture discharged from further consideration. H.R. 1341 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.



## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DUFFY:

H.R. 2571. A bill to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to require the Bureau of Consumer Financial Protection to notify and obtain permission from consumers before collecting nonpublic personal information about such consumers, and for other purposes; to the Committee on Financial Services.

By Mr. GARY G. MILLER of California:

H.R. 2572. A bill to improve the regulation of credit unions and depository institutions and to provide regulatory relief, and for other purposes; to the Committee on Financial Services.

By Mr. FLORES (for himself and Mr. CUELLAR):

H.R. 2573. A bill to amend the Internal Revenue Code of 1986 to allow qualified scholarship funding corporations to access tax-exempt financing for alternative private student loans; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Mr. COURTNEY, Mr. BISHOP of New York, Mrs. MCCARTHY of New York, Mr. SCOTT of Virginia, Mr. LOEBACK, Mr. SABLAN, Ms. FUDGE, Mrs. DAVIS of California, Ms. WILSON of Florida, Ms. BONAMICI, Mr. POLIS, Mr. ANDREWS, Mr. TIERNEY, Mr. HINOJOSA, Mr. HOLT, and Mr. YARMUTH):

H.R. 2574. A bill to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Indiana (for himself, Mr. OLSON, Mr. KELLY of Pennsylvania, Mr. WALBERG, Mr. GRIFFIN of Arkansas, Mr. RIGELL, Mr. HARRIS, Mr. SOUTHERLAND, Mr. DUNCAN of South Carolina, Mr. MCHENRY, Mr. BARR, Mr. YODER, Mr. GOODLATTE, Mr. SAM JOHNSON of Texas, Mr. TIBERI, Mr. BOUSTANY, Mr. MARCHANT, Mr. GERLACH, Mr. REICHERT, Mr. CAMP, Mr. SCHOCK, Mr. NUNES, Mr. PAULSEN, Mr. VALADAO, Mr. JONES, Mr. BROUN of Georgia, Mr. FARENTHOLD, Mr. FORBES, Mr. YOHO, Mr. AUSTIN SCOTT of Georgia, Mr. BRADY of Texas, Mr. GUTHRIE, Mr. RIBBLE, Mr. BUCSHON, Mr. HUIZENGA of Michigan, Mr. MESSER, Mr. MCKINLEY, Mr. ROONEY, Mr. ROKITA, Mrs. BLACK, Mr. CHABOT, Ms. JENKINS, Mr. SMITH of Nebraska, Mr. GRAVES of Missouri, Mr. GRAVES of Georgia, Mr. REED, Mr. PALAZZO, Mr. BUCHANAN, Mr. SENSENBRENNER, Mr. DUFFY, Mr. WITTMAN, Mr. PITTENGER, Mr. FLORES, Mrs. BLACKBURN, Mr. LONG, Mr. NUNNELEE, Mr. CRAMER, Mrs. WALORSKI, Mr. HALL, Mr. RADEL, Mr. SALMON, Mr. HANNA, Mr. BENISHEK, Mr. COLLINS of New York, Mr. PRICE of Georgia, Mr. WILSON of South

Carolina, Mr. RENACCI, Mr. HOLDING, Mr. RODNEY DAVIS of Illinois, Mr. WOMACK, Mr. KLINE, Mr. FLEMING, Mr. GINGREY of Georgia, Mr. FRANKS of Arizona, Mr. JORDAN, Mr. ISSA, Mr. LUETKEMEYER, Mr. CRAWFORD, Mr. COLLINS of Georgia, Mr. POMPEO, Mr. NUGENT, Mr. MULLIN, Mr. MILLER of Florida, Mr. HUDSON, Mr. ROE of Tennessee, Mr. HUELSKAMP, Mr. CALVERT, Mr. SESSIONS, Mr. AMODEI, Mr. KINZINGER of Illinois, Mrs. BROOKS of Indiana, Mr. CONAWAY, Mr. JOHNSON of Ohio, Mr. COLE, Mr. YOUNG of Alaska, Mr. KING of New York, Mr. BROOKS of Alabama, Mr. ROGERS of Michigan, Mr. CHAFFETZ, Mr. HUNTER, Mr. POE of Texas, Mr. LAMALFA, Mr. FRELINGHUYSEN, Mr. BACHUS, Ms. GRANGER, Mr. WEBSTER of Florida, Mr. WEBER of Texas, Mr. THORNBERRY, Mr. PEARCE, Mr. PITTS, Mr. PERRY, and Mr. ROTHFUS):

H.R. 2575. A bill to amend the Internal Revenue Code of 1986 to repeal the 30-hour threshold for classification as a full-time employee for purposes of the employer mandate in the Patient Protection and Affordable Care Act and replace it with 40 hours; to the Committee on Ways and Means.

By Mr. DENHAM (for himself, Ms. BROWN of Florida, Mr. SHUSTER, and Mr. RAHALL):

H.R. 2576. A bill to amend title 49, United States Code, to modify requirements relating to the availability of pipeline safety regulatory documents, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MESSER (for himself and Mr. YOUNG of Indiana):

H.R. 2577. A bill to amend the Internal Revenue Code of 1986 to modify the definition of applicable large employer for purposes of the employer mandate in the Patient Protection and Affordable Care Act; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa:

H.R. 2578. A bill to amend title XVIII of the Social Security Act to extend for one year the hold harmless provision for small rural hospitals and sole community hospitals under the Medicare prospective payment system for hospital outpatient department services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KELLY of Pennsylvania (for himself, Mr. MARINO, Mr. RENACCI, Mr. GRIFFIN of Arkansas, Mr. ROSKAM, Mr. YOUNG of Indiana, Mr. FARENTHOLD, Mr. DENHAM, Mr. GOSAR, Mr. BARLETTA, Mr. BENISHEK, Mr. THOMPSON of Pennsylvania, Mr. AMODEI, Mr. GERLACH, Mr. PAULSEN, Mr. HENSARLING, Mrs. BLACKBURN, Mr. BROOKS of Alabama, Mr. CALVERT, Mr. REED, Mr. JOHNSON of Ohio, and Mr. AUSTIN SCOTT of Georgia):

H.R. 2579. A bill to amend title 5, United States Code, to provide for investigative leave requirements with respect to Senior Executive Service employees, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. GRIJALVA (for himself, Mr. CARSON of Indiana, Ms. CLARKE, Mr. CLAY, Mr. CONYERS, Mr. ELLISON, Mr. HINOJOSA, Mr. HOLT, Ms. JACKSON LEE, Ms. KAPTUR, Ms. LEE of California, Ms. NORTON, Mr. PAYNE, Mr. RUSH, and Ms. WILSON of Florida):

H.R. 2580. A bill to allow homeowners of moderate-value homes who are subject to mortgage foreclosure proceedings to remain in their homes as renters; to the Committee on Financial Services.

By Mr. HURT (for himself, Mr. COSTA, and Mr. MICHAUD):

H.R. 2581. A bill to amend the Federal Water Pollution Control Act with respect to permit requirements for dredged or fill material; to the Committee on Transportation and Infrastructure.

By Mr. HONDA (for himself, Ms. LOFGREN, and Ms. ESHOO):

H.R. 2582. A bill to end the application of sequestration to the United States Patent and Trademark Office, and for other purposes; to the Committee on the Budget.

By Mr. BARROW of Georgia:

H.R. 2583. A bill to reauthorize the matching grant program for school security in the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. CARSON of Indiana:

H.R. 2584. A bill to require institutions of higher education to provide students with information from the Occupational Employment Statistics program and the Occupational Outlook Handbook of the Bureau of Labor Statistics, and for other purposes; to the Committee on Education and the Workforce.

By Ms. JACKSON LEE (for herself, Mr. HONDA, Mr. HOLT, and Mr. HINOJOSA):

H.R. 2585. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the use of Juvenile Accountability Block Grants for programs to prevent and address occurrences of bullying and to reauthorize the Juvenile Accountability Block Grants program; to the Committee on the Judiciary.

By Mr. COHEN:

H.R. 2586. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to provide for the designation of Foreign Intelligence Surveillance Court judges by the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority and minority leaders of the Senate, and the Chief Justice of the Supreme Court, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONNOLLY (for himself and Mr. KILMER):

H.R. 2587. A bill to provide for Federal agencies and employees to support science, technology, engineering, and mathematics (STEM) activities in classrooms; to the Committee on Oversight and Government Reform, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUFFY:

H.R. 2588. A bill to reauthorize and expand authorities used by the Forest Service and the Bureau of Land Management for hazardous fuels reduction, forest health, forest restoration, and watershed restoration, and



for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT:

H.R. 2589. A bill to prohibit the Transportation Security Administration from performing security screening operations for surface transportation, and for other purposes; to the Committee on Homeland Security.

By Mr. GIBSON (for himself, Mr. BERA of California, Mr. COOK, Mr. RUIZ, and Mr. COFFMAN):

H.R. 2590. A bill to amend the Wounded Warrior Act to establish a specific timeline for the Secretary of Defense and the Secretary of Veterans Affairs to achieve integrated electronic health records, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIMM (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DEFazio, Mr. HANNA, Mr. BISHOP of New York, Mr. ROSKAM, and Mr. BURGESS):

H.R. 2591. A bill to amend certain provisions of the FAA Modernization and Reform Act of 2012; to the Committee on Ways and Means.

By Mr. HONDA (for himself, Ms. LEE of California, Mr. LOWENTHAL, Mr. McDERMOTT, Mrs. NAPOLITANO, Mr. POLIS, Mr. SIREs, and Mr. LANGEVIN):

H.R. 2592. A bill to authorize the Secretary of Education to make grants for the establishment of State Networks on Science, Technology, Engineering, and Mathematics Education; to the Committee on Education and the Workforce.

By Mr. HUNTER (for himself and Mr. RAHALL):

H.R. 2593. A bill to require reports on the results of and methods used to calculate any cost-benefit or regulatory impact analysis, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 2594. A bill to provide that a former Member of Congress receiving compensation as a highly-paid lobbyist shall be ineligible to concurrently receive Federal retirement benefits; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself and Ms. KAPTUR):

H.R. 2595. A bill to help ensure that all items offered for sale in any gift shop of the National Park Service or of the National Archives and Records Administration are produced in the United States, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of

such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. ANDREWS, Mr. LOBIONDO, Mr. PASCRELL, Mr. ROSKAM, and Mr. ISRAEL):

H.R. 2596. A bill to amend title 28, United States Code, to authorize the Attorney General to share information with agencies of State and local governments that conduct criminal background checks when issuing licenses to taxi drivers, chauffeurs, and other public passenger vehicle operators; to the Committee on the Judiciary.

By Mr. LAMBORN:

H.R. 2597. A bill to prohibit Federal funding of National Public Radio and the use of Federal funds to acquire radio content; to the Committee on Energy and Commerce.

By Mr. LANGEVIN (for himself, Mr. BLUMENAUER, and Mr. WELCH):

H.R. 2598. A bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery periods for energy efficient commercial buildings, and for other purposes; to the Committee on Ways and Means.

By Ms. LEE of California (for herself, Ms. CLARKE, Mr. RANGEL, Ms. WILSON of Florida, Mr. SERRANO, Ms. NORTON, Ms. JACKSON LEE, Mr. ELLISON, Mr. LEWIS, and Ms. WATERS):

H.R. 2599. A bill to reduce the spread of sexually transmitted infections in correctional facilities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. NADLER, Mr. GRIMM, and Mr. MCHENRY):

H.R. 2600. A bill to amend the Interstate Land Sales Full Disclosure Act to clarify how the Act applies to condominiums; to the Committee on Financial Services.

By Mr. PALLONE (for himself and Mrs. CAPPS):

H.R. 2601. A bill to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. POE of Texas (for himself, Mr. GOODLATTE, Mr. GOWDY, Mrs. BLACK, and Mr. SMITH of Texas):

H.R. 2602. A bill to provide for sanctions on countries that have refused or unreasonably delayed repatriation of an alien who is a national of that country, or that have an excessive repatriation failure rate, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS:

H.R. 2603. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to allow access to certain business records only if an investigation relates to a specific individual or specific group of individuals; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROYBAL-ALLARD:

H.R. 2604. A bill to amend part E of title IV of the Social Security Act to ensure that im-

migration status alone does not disqualify a parent, legal guardian, or relative from being a placement for a foster child, to authorize discretion to a State, county, or other political subdivision of a State to delay filing for termination of parental rights in foster care cases in which an otherwise fit and willing parent or legal guardian has been deported or is involved in (including detention pursuant to) an immigration proceeding, unless certain conditions have been met, and for other purposes; to the Committee on Ways and Means.

By Ms. SCHWARTZ:

H.R. 2605. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for patent box profit from the use of United States patents; to the Committee on Ways and Means.

By Mr. STOCKMAN:

H.R. 2606. A bill to establish the United States Office for Contingency Operations, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself, Mr. MCCAUL, Mr. UPTON, Ms. SPEIER, Mr. REICHERT, Ms. CASTOR of Florida, Mr. KING of New York, Mr. WAXMAN, and Mr. HARPER):

H.R. 2607. A bill to establish programs with respect to childhood, adolescent, and young adult cancer; to the Committee on Energy and Commerce.

By Mr. HUELSKAMP (for himself, Mr. BROUN of Georgia, Mr. PITTS, Mr. JORDAN, Mr. WESTMORELAND, Mr. PITTENGER, Mr. SAM JOHNSON of Texas, Mr. BARTON, Mr. GOHMERT, Mr. BROOKS of Alabama, Mr. FRANKS of Arizona, Mr. JONES, Mr. MEADOWS, Mr. PEARCE, Mr. DUNCAN of South Carolina, Mr. FLEMING, Mr. NEUGEBAUER, Mr. HARRIS, Mr. WALBERG, Mr. PALAZZO, Mr. SHUSTER, Mr. HALL, Mr. BRIDENSTINE, Mr. SCHWEIKERT, Mr. WOLF, Mr. SMITH of New Jersey, Mr. STOCKMAN, Mr. HULTGREN, and Mr. LANKFORD):

H.J. Res. 51. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. DINGELL, Mr. LEVIN, Mr. HUIZENGA of Michigan, Mr. WALBERG, Mr. BENTIVOLIO, Mr. PETERS of Michigan, Mr. CAMP, and Mr. KILDEE):

H. Con. Res. 42. Concurrent resolution recognizing and congratulating the Detroit brand on the occasion of its 75th anniversary in Michigan; to the Committee on Oversight and Government Reform.

By Mr. BUCHANAN (for himself, Mr. HUFFMAN, Mr. FARR, Mr. GRIMM, Mrs. CAROLYN B. MALONEY of New York, Mr. NADLER, Mr. HASTINGS of Florida, Mr. CRENSHAW, Mr. YOUNG of Florida, Mr. MURPHY of Florida, Ms. WILSON of Florida, Mr. MORAN, Ms. MCCOLLUM, Ms. TITUS, Mr. DEFazio, Mr. CICILLINE, Mr. GRIJALVA, Ms. LINDA T. SANCHEZ of California, Mr. LOWENTHAL, Mr. Cárdenas, Ms. SPEIER, Ms. BROWNLEY of California, Ms. LOFGREN, Mr. GEORGE MILLER of California, Ms. BORDALLO, and Ms. MENG):

H. Res. 285. A resolution expressing the sense of the House of Representatives that

the United States should ban and prevent the import of shark fins from sharks caught through the practice of finning, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUGENT (for himself and Mr. ANDREWS):

H. Res. 286. A resolution expressing the sense of the House of Representatives that the United States should leave no member of the Armed Forces unaccounted for during the drawdown of forces in Afghanistan; to the Committee on Armed Services.

By Mr. SWALWELL of California (for himself, Mr. PEARCE, and Mrs. LUMMIS):

H. Res. 287. A resolution amending the Rules of the House of Representatives to permit absent Members to participate in committee hearings using video conferencing and related technologies and to establish a remote voting system under which absent Members may cast votes in the House on motions to suspend the rules; to the Committee on Rules.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

72. The SPEAKER presented a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 175 memorializing the Congress to codify into law a Department of Defense standard for religious freedom that would be applied to all uniformed services; to the Committee on Armed Services.

73. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 91 memorializing the Congress to prevent unnecessary and unintended harm to coastal communities, individuals, and businesses by immediately amending the Biggert-Waters Act; to the Committee on Financial Services.

74. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 114 memorializing the Congress to prevent unnecessary and unintended harm to coastal communities, individuals, and businesses by immediately amending the Biggert-Waters Act; to the Committee on Financial Services.

75. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 143 memorializing the Congress to give "qualified mortgage" status of all balloon loans held in portfolio by a bank; to the Committee on Financial Services.

76. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 141 memorializing the Congress to take such actions as are necessary to undertake the amendment or repeal of all relevant provisions of the Biggert-Waters Flood Insurance Reform Act of 2012; to the Committee on Financial Services.

77. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 13 supporting the congressional action to reverse the suspension of new student enrollments in the Job Corps; to the Committee on Education and the Workforce.

78. Also, a memorial of the Senate of the State of Arizona, relative to Senate Concur-

rent Memorial No. 1001 urging the Congress to amend the Clean Air Act and to fully consider the impact of new regulations; to the Committee on Energy and Commerce.

79. Also, a memorial of the Senate of the State of Maine, relative to Senate Joint Resolution No. 567 urging the President and the Congress to realize the major problems of corn ethanol as a fuel additive; to the Committee on Energy and Commerce.

80. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Joint Memorial No. 3 requesting that the Congress allocate moneys generated from federal marine and fishery product import tariffs for the domestic marketing of Oregon seafood; to the Committee on Energy and Commerce.

81. Also, a memorial of the House of Representatives of the State of Michigan, relative to Senate Concurrent Resolution No. 5 urging the Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste; to the Committee on Energy and Commerce.

82. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 5 encouraging the Congress to enact legislation to amend the Toxic Substances Control Act of 1976 to strengthen chemical management through policy reforms; to the Committee on Energy and Commerce.

83. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 132 memorializing the Congress to take such actions as are necessary to enact legislation that promotes growth of domestic alternative fuel sources; to the Committee on Energy and Commerce.

84. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 145 designating the month of May 2013 as "Amyotrophic Lateral Sclerosis Awareness Month"; to the Committee on Energy and Commerce.

85. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 58 urging Canadian officials to thoroughly review the proposed underground nuclear waste repository in Ontario, Canada; to the Committee on Foreign Affairs.

86. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 138 supporting the enacted trade and investment opportunities between member countries of the Trans-Pacific Partnership; to the Committee on Foreign Affairs.

87. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 120 memorializing the Congress to study the causes, effects, prevention and treatment of early mortality syndrome in the national and international shrimp industry; to the Committee on Natural Resources.

88. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Concurrent Resolution No. 135 urging the Congress to enact federal legislation or propose a constitutional amendment granting full voting rights to the District of Columbia; to the Committee on the Judiciary.

89. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Concurrent Resolution No. 108 urging the Congress to include citizens of the Freely Associated States who lawfully reside in the United States as "qualified aliens"; to the Committee on the Judiciary.

90. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 96 urging the Congress to enact leg-

islation or propose a constitutional amendment granting full voting rights to the residents of the District of Columbia; to the Committee on the Judiciary.

91. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 74 urging the Congress to include citizens of the Free Associated States who lawfully reside in the United States as "qualified aliens"; to the Committee on the Judiciary.

92. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 20 urging the Congress to enact legislation to ensure that the amounts credited to the Harbor Maintenance Trust Fund are used solely for the dredging, infrastructure, operation, and maintenance of federally-authorized ports, harbors, and waterways; to the Committee on Transportation and Infrastructure.

93. Also, a memorial of the Senate of the State of Colorado, relative to Senate Joint Resolution No. 13-020 urging the Executive and Legislative Branches to take action to preserve and ensure the United States' leadership in space; to the Committee on Science, Space, and Technology.

94. Also, a memorial of the House of Representatives of the State of Maine, relative to House Joint Resolution No. 1111 requesting that the President and the Congress support the adoption of the Veterans Remembered Flag; to the Committee on Veterans' Affairs.

95. Also, a memorial of the House of Representatives of the State of Maine, relative to House Joint Resolution No. 1129 requesting that future trade policy include reforms to improve the process of consultation; to the Committee on Ways and Means.

96. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 41 requesting the Department of Health and Hospitals examine the benefits of routine nutritional screening and therapeutic nutrition treatments for those who are malnourished or at risk for malnutrition; jointly to the Committees on Energy and Commerce and Ways and Means.

97. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Joint Resolution 14 urging the Congress to enact legislation permitting negotiation of drug prices and rebates on behalf of Medicare recipients; jointly to the Committees on Energy and Commerce and Ways and Means.

98. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 53 urging the United States Congress to take necessary action to repeal the portion of the federal health care reform legislation which imposes a health insurance tax; jointly to the Committees on Energy and Commerce and Ways and Means.

99. Also, a memorial of the House of Representatives of the State of Oregon, relative to House Joint Memorial 15 urging the Congress to support passage of the Postal Service Act of 2013; jointly to the Committees on Oversight and Government Reform and the Judiciary.

100. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 7 urging the Congress and the President to exclude social security, Medicare, and Medicaid from being a part of any legislation to reduce the federal deficit; jointly to the Committees on Ways and Means and Energy and Commerce.

101. Also, a memorial of the House of Representatives of the Commonwealth of Kentucky, relative to House Resolution No. 122

calling upon the President to support the increased importation of oil from Canadian oil sands; jointly to the Committees on Energy and Commerce, Transportation and Infrastructure, and Natural Resources.

102. Also, a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 6 supporting the continued and increased development and delivery of oil derived from North American oil reserves to American refineries; jointly to the Committees on Energy and Commerce, Transportation and Infrastructure, Natural Resources, and Foreign Affairs.

103. Also, a memorial of the House of Representatives of the State of Missouri, relative to House Concurrent Resolution No. 19 supporting continued and increased development and delivery of oil derived from North American oil reserves; jointly to the Committees on Transportation and Infrastructure, Energy and Commerce, Natural Resources, and Foreign Affairs.

104. Also, a memorial of the Senate of the State of Ohio, relative to Senate Concurrent Resolution No. 7 urging the Department of State to approve the presidential permit application allowing the construction and operation of the TransCanada Keystone XL Pipeline; jointly to the Committees on Transportation and Infrastructure, Energy and Commerce, Natural Resources, and Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. DAVIS of California introduced a bill (H.R. 2608) for the relief of Flavia Maboloc Cahoon; which was referred to the Committee on the Judiciary.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. DUFFY:

H.R. 2571.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the Constitution: "To regulate Commerce with foreign nations, and among several States, and with the Indian Tribes."

Article 1, Section 8, Clause 18 of the Constitution: "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof."

By Mr. GARY G. MILLER of California:

H.R. 2572.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3, the Commerce Clause, of the United States Constitution.

By Mr. FLORES:

H.R. 2573.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1. The Congress shall have Power to lay and collect Taxes,

Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. GEORGE MILLER of California:

H.R. 2574.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

By Mr. YOUNG of Indiana:

H.R. 2575.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, §8, cl. 1.

Within the Enumerated Powers of the U.S. Constitution, Congress is granted the power to lay and collect taxes. This provision grants Congress the authority over this particular piece of legislation.

By Mr. DENHAM:

H.R. 2576.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 3 (related to regulation of Commerce among the several States).

By Mr. MESSER:

H.R. 2577.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1, which empowers Congress, in part, to "lay and collect Taxes" and "provide for the common Defence and general Welfare of the United States . . ." The bill will exempt certain employers from taxes imposed by Public Law 111-148, as amended. Congress has the power to repeal such taxes and provide for the general welfare of those who have been and will be harmed by their imposition.

By Mr. BRALEY of Iowa:

H.R. 2578.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. KELLY of Pennsylvania:

H.R. 2579.

Congress has the power to enact this legislation pursuant to the following:

Article I

By Mr. GRIJALVA:

H.R. 2580.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, §§1 and 8.

By Mr. HURT:

H.R. 2581.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States.

By Mr. HONDA:

H.R. 2582.

Congress has the power to enact this legislation pursuant to the following:

section 8 of article I of the Constitution.

By Mr. BARROW of Georgia:

H.R. 2583.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8 of the United States Constitution.

By Mr. CARSON of Indiana:

H.R. 2584.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Clause 1 of section 8 of Article I of the Constitution.

By Ms. JACKSON LEE:

H.R. 2585.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. COHEN:

H.R. 2586.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. CONNOLLY:

H.R. 2587.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. DUFFY:

H.R. 2588.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the Constitution:

"To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States or in any Department or Officer thereof."

Article IV, Section 3, Clause 2 of the Constitution:

"The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State."

By Mr. GARRETT:

H.R. 2589.

Congress has the power to enact this legislation pursuant to the following:

The Fourth Amendment to the Constitution ("The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath of affirmation, and particularly describing the place to be searched, and the persons or things to be seized.")

By Mr. GIBSON:

H.R. 2590.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. GRIMM:

H.R. 2591.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

Specifically Clause 1, Clause 3, Clause 18

By Mr. HONDA:

H.R. 2592.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of article I of the Constitution.

By Mr. HUNTER:

H.R. 2593.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under article I of the United States Constitution, including the power granted to Congress under article I, section 8, clauses 3 and 18, of the United States Constitution.

By Mr. ISRAEL:

H.R. 2594.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 6 of the United States Constitution.

By Mr. ISRAEL:

H.R. 2595.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article 1, Sec. 8, Clause 3 of the United States Constitution

By Mr. KING of New York:

H.R. 2596.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 6

The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. LAMBORN:

H.R. 2597.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Mr. LANGEVIN:

H.R. 2598.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Ms. LEE of California:

H.R. 2599.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mrs. CAROLYN B. MALONEY of New York:

H.R. 2600.

Congress has the power to enact this legislation pursuant to the following:

The Commerce Clause, Article I, Section 8 clause 3.

By Mr. PALLONE:

H.R. 2601.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. POE of Texas:

H.R. 2602.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 Clause 4, which states that Congress has the power to establish a uniform Rule of Naturalization and Clause I of Section 8 or Article I which states that Congress has the power to provide for the common Defense and general Welfare of the United States.

By Mr. ROSS:

H.R. 2603.

Congress has the power to enact this legislation pursuant to the following:

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

By Ms. ROYBAL-ALLARD:

H.R. 2604.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Ms. SCHWARTZ:

H.R. 2605.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the Constitution of the United States

By Mr. STOCKMAN:

H.R. 2606.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power conferred by the United States Constitution upon each house of Congress by:

(a) Article I, Section 1, to exercise the legislative powers vested in Congress as granted in the Constitution; and

(b) Article I, Section 8, Clause 18, to make all laws that shall be necessary and proper for executing the legislative power granted to Congress in the Constitution.

This bill is also enacted to bring the operation of the federal government into compliance with the Fifth Amendment guarantee that no person be deprived of his life, liberty or property without due process of law.

By Mr. VAN HOLLEN:

H.R. 2607.

Congress has the power to enact this legislation pursuant to the following:

clause 1 of section 8 of article I of the Constitution

clause 2 of section 5 of article I of the Constitution

clause 18 of section 8 of article I of the Constitution

Mrs. DAVIS of California:

H.R. 2608.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. HUELSKAMP:

H.J. Res. 51.

Congress has the power to enact this legislation pursuant to the following:

Article V of the Constitution.

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 38: Mr. SCHOCK.

H.R. 60: Ms. MCCOLLUM and Ms. JENKINS.

H.R. 127: Mr. LONG.

H.R. 176: Mr. GINGREY of Georgia.

H.R. 207: Mr. THOMPSON of Pennsylvania.

H.R. 303: Mr. WAXMAN and Mr. LANGEVIN.

H.R. 351: Mr. RADEL.

H.R. 400: Ms. ESTY and Ms. SHEA-PORTER.

H.R. 435: Ms. DELBENE.

H.R. 460: Mr. BISHOP of New York and Ms. TSONGAS.

H.R. 494: Ms. GABBARD and Mr. PETERS of Michigan.

H.R. 529: Mr. JOHNSON of Georgia and Mr. KILMER.

H.R. 556: Mr. HENSARLING.

H.R. 574: Mr. HECK of Washington.

H.R. 594: Mr. ENYART, Mr. STIVERS, Mr. DUNCAN of Tennessee, and Ms. LOFGREN.

H.R. 647: Mr. NADLER.

H.R. 664: Ms. KAPTUR.

H.R. 685: Mr. BENISHEK.

H.R. 712: Ms. ESTY.

H.R. 719: Mr. BENISHEK.

H.R. 744: Ms. WILSON of Florida.

H.R. 755: Mr. DENHAM.

H.R. 761: Mrs. MILLER of Michigan.

H.R. 792: Mr. PASCRELL and Mr. MULVANEY.

H.R. 797: Mr. FORTENBERRY.

H.R. 847: Ms. BORDALLO and Ms. SINEMA.

H.R. 850: Mr. RAHALL.

H.R. 851: Ms. ESTY and Ms. SHEA-PORTER.

H.R. 855: Ms. DELBENE.

H.R. 901: Mr. BARR, Mr. AMODEI, Mr. KLINE, and Ms. ESTY.

H.R. 920: Mr. WILSON of South Carolina.

H.R. 937: Ms. ESTY.

H.R. 942: Ms. MCCOLLUM, Mr. COURTNEY, and Ms. TSONGAS.

H.R. 952: Mr. SEAN PATRICK MALONEY of New York.

H.R. 958: Ms. GABBARD.

H.R. 974: Mr. LIPINSKI.

H.R. 1014: Mr. CASSIDY.

H.R. 1015: Mrs. DAVIS of California, Mr. OWENS, and Mr. RYAN of Ohio.

H.R. 1020: Mr. SCALISE.

H.R. 1024: Mr. GUTHRIE.

H.R. 1065: Mr. AMASH.

H.R. 1077: Mr. BENISHEK and Mr. CALVERT.

H.R. 1150: Mr. ELLISON.

H.R. 1155: Mr. AMODEI.

H.R. 1179: Mr. HECK of Washington, Ms. TSONGAS, Mr. HOLT, and Mr. SCHIFF.

H.R. 1180: Mr. NEAL, Mr. REED, and Mr. TIERNEY.

H.R. 1199: Mr. CÁRDENAS, Mr. DOYLE, and Mr. SERRANO.

H.R. 1201: Mr. REED.

H.R. 1210: Mr. HORSFORD.

H.R. 1213: Mr. LOWENTHAL.

H.R. 1226: Mrs. MILLER of Michigan, Mr. FINCHER, Mr. LAMALFA, Mr. JONES, and Mr. HECK of Nevada.

H.R. 1250: Mr. DUNCAN of South Carolina, Mr. DAVID SCOTT of Georgia, and Mr. HOLT.

H.R. 1252: Mr. PERLMUTTER, Mr. OWENS, Mr. STIVERS, Mr. LOWENTHAL, and Ms. HERRERA BEUTLER.

H.R. 1288: Mr. HUFFMAN.

H.R. 1303: Mr. JOYCE.

H.R. 1384: Mr. PERLMUTTER.

H.R. 1389: Ms. KUSTER.

H.R. 1415: Mr. RUIZ.

H.R. 1428: Mr. CONYERS and Mr. BENISHEK.

H.R. 1461: Mr. PALAZZO and Mr. MEADOWS.

H.R. 1462: Mr. MEADOWS.

H.R. 1518: Mr. ENGEL, Mr. POSEY, Mr. HORSFORD, and Ms. TSONGAS.

H.R. 1565: Mr. PETERS of Michigan and Mr. BRALEY of Iowa.

H.R. 1590: Mr. HUFFMAN.

H.R. 1595: Ms. GABBARD and Mr. PASCRELL.

H.R. 1598: Ms. GABBARD.

H.R. 1620: Mr. O'ROURKE.

H.R. 1653: Mr. LEUTKEMEYER.

H.R. 1654: Mr. KILMER.

H.R. 1661: Ms. LOFGREN, Mr. LYNCH, Mr. PIERLUISI, and Mr. HASTINGS of Florida.

H.R. 1692: Mr. VARGAS and Ms. FRANKEL of Florida.

H.R. 1705: Mr. KINZINGER of Illinois.  
 H.R. 1708: Mr. KILMER.  
 H.R. 1732: Mr. O'ROURKE.  
 H.R. 1733: Mr. BENISHEK.  
 H.R. 1749: Ms. SHEA-PORTER.  
 H.R. 1771: Mr. DESJARLAIS, Mr. MILLER of Florida, Mr. JOHNSON of Ohio, Mr. SABLAN, Mr. GENE GREEN of Texas, Mr. MULVANEY, Mr. STEWART, and Mr. BENISHEK.  
 H.R. 1775: Mr. CUMMINGS and Mr. RIGELL.  
 H.R. 1779: Mr. DENT.  
 H.R. 1787: Mr. HALL.  
 H.R. 1798: Ms. BROWNLEY of California, Mr. PERLMUTTER, and Mr. TURNER.  
 H.R. 1801: Mr. HOLT.  
 H.R. 1812: Mr. CONYERS.  
 H.R. 1814: Mr. HARRIS, Mr. LANGEVIN, Mr. GINGREY of Georgia, Mr. WITTMAN, and Mr. CALVERT.  
 H.R. 1827: Mr. DAVID SCOTT of Georgia.  
 H.R. 1838: Mr. BARR, Mr. HECK of Washington, Ms. JENKINS, and Mr. DAVID SCOTT of Georgia.  
 H.R. 1897: Ms. LORETTA SANCHEZ of California, Mr. CICILLINE, and Ms. JACKSON LEE.  
 H.R. 1920: Mr. ENYART, Mrs. BUSTOS, Mr. VEASEY, Mr. HECK of Washington, and Mr. HOLT.  
 H.R. 1965: Mr. DUNCAN of South Carolina.  
 H.R. 1978: Mr. YARMUTH.  
 H.R. 1991: Mr. HASTINGS of Florida and Mr. PAYNE.  
 H.R. 2000: Ms. EDDIE BERNICE JOHNSON of Texas.  
 H.R. 2009: Mr. BENISHEK and Mr. GIBBS.  
 H.R. 2016: Ms. NORTON and Mr. SENSENBRENNER.  
 H.R. 2020: Mr. RODNEY DAVIS of Illinois.  
 H.R. 2026: Mr. ROGERS of Alabama and Mr. SANFORD.  
 H.R. 2027: Mr. BARTON.  
 H.R. 2028: Mr. RYAN of Ohio.  
 H.R. 2053: Mr. DUNCAN of South Carolina and Mr. RYAN of Wisconsin.  
 H.R. 2056: Ms. TSONGAS.  
 H.R. 2058: Mr. MCGOVERN.  
 H.R. 2064: Mr. LOWENTHAL, Mr. KILMER, Ms. TITUS, and Mr. ENYART.  
 H.R. 2066: Ms. NORTON.  
 H.R. 2094: Mr. WELCH, Mr. JOHNSON of Ohio, Mr. TONKO, Mr. RUSH, Mr. BUTTERFIELD, Mr. BARROW of Georgia, and Ms. SCHAKOWSKY.  
 H.R. 2101: Mr. HOLT.  
 H.R. 2125: Mr. DUNCAN of Tennessee and Mr. YOHO.  
 H.R. 2144: Mr. COURTNEY.  
 H.R. 2159: Mr. CICILLINE.  
 H.R. 2172: Mr. ELLISON and Mr. LANGEVIN.  
 H.R. 2189: Mr. NUGENT.  
 H.R. 2195: Mr. CUMMINGS and Mr. CLEAVER.  
 H.R. 2222: Mr. LONG.  
 H.R. 2273: Mr. JOHNSON of Ohio.  
 H.R. 2296: Mrs. HARTZLER and Mr. OWENS.  
 H.R. 2310: Mr. YOHO.  
 H.R. 2328: Mr. SESSIONS and Mr. GERLACH.  
 H.R. 2332: Ms. SHEA-PORTER.  
 H.R. 2333: Ms. DELBENE.  
 H.R. 2338: Mr. ENYART.  
 H.R. 2346: Mr. WALBERG.  
 H.R. 2347: Mr. DUNCAN of South Carolina.

H.R. 2359: Mr. DOGGETT.  
 H.R. 2361: Mr. ALEXANDER, Mr. COLLINS of New York, Mr. SMITH of Missouri, Ms. JENKINS, Mrs. BLACKBURN, and Mr. WILSON of South Carolina.  
 H.R. 2377: Mr. FARENTHOLD and Mr. LIPINSKI.  
 H.R. 2384: Mr. SABLAN.  
 H.R. 2398: Mr. GOSAR, Mrs. LUMMIS, Mr. CHAFFETZ, Mr. STEWART, and Mr. SESSIONS.  
 H.R. 2403: Mr. DUNCAN of Tennessee.  
 H.R. 2412: Mr. BUCHSHON and Mr. CARNEY.  
 H.R. 2419: Ms. TSONGAS, Ms. NORTON, Mr. MCGOVERN, and Mr. CICILLINE.  
 H.R. 2426: Mr. HONDA.  
 H.R. 2429: Mr. HURT, Mr. KLINE, Mr. ROE of Tennessee, Mr. WITTMAN, Mr. TERRY, Mr. SHIMKUS, Mr. COLLINS of New York, and Mrs. BROOKS of Indiana.  
 H.R. 2443: Mr. BUCHSHON.  
 H.R. 2445: Mr. SAM JOHNSON of Texas.  
 H.R. 2446: Mr. STIVERS and Ms. JENKINS.  
 H.R. 2475: Ms. MCCOLLUM and Mr. PRICE of North Carolina.  
 H.R. 2479: Mr. CARTWRIGHT, Mr. COHEN, and Mr. SCOTT of Virginia.  
 H.R. 2482: Mr. PASCRELL and Mr. PETERSON.  
 H.R. 2484: Ms. SINEMA.  
 H.R. 2506: Mr. MATHESON.  
 H.R. 2519: Ms. BORDALLO.  
 H.R. 2527: Mrs. LOWEY and Mrs. NEGRETE MCLEOD.  
 H.R. 2540: Ms. SINEMA, Mr. PASCRELL, Mr. ISRAEL, Mr. BISHOP of New York, Mr. ENYART, Mr. LOEBSSACK, and Mr. O'ROURKE.  
 H.R. 2542: Mr. DUNCAN of Tennessee.  
 H.R. 2547: Mr. PITTENGER, Mr. HUIZENGA of Michigan, Mr. LUCAS, Mr. PEARCE, Mr. GARY G. MILLER of California, and Mr. MURPHY of Florida.  
 H.R. 2553: Mr. HOLT and Mr. THOMPSON of California.  
 H.R. 2560: Mr. O'ROURKE, Mr. CICILLINE, Mr. ENYART, and Ms. TSONGAS.  
 H.R. 2561: Mr. DUFFY.  
 H.R. 2562: Mr. ENGEL.  
 H.R. 2565: Mr. HENSARLING and Mr. LATTI.  
 H.J. Res. 34: Mr. HONDA.  
 H. Con. Res. 24: Mr. SMITH of Missouri and Mr. RYAN of Wisconsin.  
 H. Con. Res. 28: Mr. BISHOP of New York.  
 H. Con. Res. 34: Mr. SWALWELL of California.  
 H. Res. 35: Mr. RADEL.  
 H. Res. 72: Mr. KELLY of Pennsylvania and Mr. PRICE of North Carolina.  
 H. Res. 90: Ms. SHEA-PORTER, Mr. MURPHY of Florida, and Mr. ENGEL.  
 H. Res. 109: Mr. BENISHEK.  
 H. Res. 229: Mr. BISHOP of New York.  
 H. Res. 247: Mr. STIVERS.  
 H. Res. 265: Ms. ROYBAL-ALLARD, Mr. MCGOVERN, and Mr. CARSON of Indiana.  
 H. Res. 272: Mr. CALVERT.  
 H. Res. 282: Ms. WATERS, Mr. LOWENTHAL, Mr. HONDA, Mr. CLEAVER, Mr. GRIJALVA, Ms. SLAUGHTER, Mr. McDERMOTT, Mr. MORAN, Ms. WASSERMAN SCHULTZ, Mr. VEASEY, Mr. PASCRELL, Ms. EDWARDS, Mr. DANNY K. DAVIS of Illinois, Ms. SCHAKOWSKY, Ms. PIN-

GREE of Maine, Mr. GUTIÉRREZ, Mr. BRADY of Pennsylvania, Mr. DOGGETT, Mr. SMITH of Washington, and Ms. ESTY.  
 H. Res. 284: Mr. ENYART.

#### PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

35. The SPEAKER presented a petition of City Council of Carson City, relative to Resolution No. 13-034 supporting the adoption of the Comprehensive Immigration Reform by the 113th Congress; to the Committee on the Judiciary.

36. Also, a petition of City Council of Santa Ana City, CA, relative to Resolution No. 2013-023 supporting comprehensive Federal Immigration Reform; to the Committee on the Judiciary.

37. Also, a petition of the City of Sumter, South Carolina, relative to a Joint Resolution No. 578 supporting the preservation of the tax-exempt status of municipal bonds for state and local governments; to the Committee on Ways and Means.

38. Also, a petition of Sumter School District, South Carolina, relative to a Joint Resolution supporting the preservation of the tax-exempt status of municipal bonds for state and local governments; to the Committee on Ways and Means.

39. Also, a petition of Sumter County, South Carolina, relative to a Joint Resolution supporting the preservation of the tax-exempt status of municipal bonds for state and local governments; to the Committee on Ways and Means.

40. Also, a petition of New Jersey State Federation of Women's Clubs of GFWC, New Brunswick, NJ, relative to a resolution in opposition to the Safe and Efficient Transportation Act of 2013; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

#### DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2 by Mr. COURTNEY on H.R. 1595: Bobby L. Rush.

Petition 3 by Mr. VAN HOLLEN on House Resolution 174: Louise McIntosh Slaughter, Rick Larsen, Pete P. Gallego, Michael M. Honda, John K. Delaney, Richard E. Neal, Edward J. Markey, Collin C. Peterson, John Barrow, Marcy Kaptur, John Garamendi, Raúl M. Grijalva, Sam Farr, John F. Tierney, Eliot L. Engel, Jerry McNerney, Bennie G. Thompson, Cedric L. Richmond, Jackie Speier, and Bradley S. Schneider.

## EXTENSIONS OF REMARKS

HONORING CHESTER H. STANFORD

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a challenge-oriented young man who understands that it takes tenacity and self-reliance to reach the highest success, Mr. Chester H. Stanford.

Chester H. Stanford was born November 26, 1995 in Chicago, IL, to the proud parents of Travis and Nora Stanford. He attended St. Elizabeth Catholic School in Chicago, IL, for two years, kindergarten and first grade. It was at this institution that he credits for giving him an advanced perspective of what knowledge is and what can be done to obtain it.

In September 2003 Chester and his mother relocated to Vicksburg, MS to care for his grandmother. Chester believes the responsibility of caring for his grandmother in the absence of his mother is what taught him the value in giving and caring for others.

Chester is a member of the The Vicksburg High School JROTC which he credits for molding his character. Chester has climbed the ranks in JROTC: starting his freshmen year he went from being a cadet private to cadet corporal. In his sophomore year he progressed from cadet corporal to cadet second lieutenant and gained the position of the battalion training officer; and currently during his junior year he has climbed to cadet captain from cadet second lieutenant. Through this program Chester has learned what service truly is. He has led several community projects at nursing homes, the elementary schools, community outreach events. He has also participated in charity events for the local Child Abuse Prevention (CAP) Center through the culinary arts program, in which he, along with twenty other students prepared thousands of hot meals that were sold to gain money for the organization.

Chester credits his mother for being the backbone of the family and directing his path. His motto is, "that all things can be done through the love and service of your fellow man."

Chester is a member of Mt. Carmel M.B. Church where he has served as secretary of the Sunday School Department since 2008 and in 2011 became a Sunday School Teacher.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Chester H. Stanford for his hard work, dedication and a strong desire to achieve through adversity.

STUDENT LOANS

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Ms. BROWN of Florida. Mr. Speaker, I would like to submit the following:

UNIVERSITY OF FLORIDA,  
STUDENT GOVERNMENT,  
Gainesville, FL, June 5, 2013.

Hon. CORRINE BROWN,  
Rayburn House Office Building,  
Washington, DC.

DEAR CONGRESSWOMAN BROWN: A well-educated workforce is essential to the growth of our country. I firmly believe that higher education is what drives our economy and gives our country its competitive advantage in the current global economy. As the colleges and universities in the United States make progress towards curing cancer and finding alternative energy sources, the cost of a college degree has increased progressively.

According to the SFA Funds Management Report from the University of Florida, over 10,000 students have received \$37,122,091 in subsidized Stafford Loans. Across the board, the cost of a college degree has increased by more than 1,000 percent in the past 35 years and many students simply cannot bear the cost of a college degree.

I do not want to see student loan rates increase, but I recognize the need for long-term solutions to the problems that students face. I, along with the 50,000+ students at the University of Florida, support a bipartisan solution that will contribute to the success of students and support them in today's economy. This is an issue that we care about and it is a discussion that we want to be a part of.

Economics teaches us that stability is one of the greatest influences in any market. Students need to be able to plan for the financial responsibilities of college and a stable loan market is crucially important to providing stability and security. I think that everyone can agree that students should be focused on their education and college graduates should be focused on their career. Unfortunately, the current loan crisis has students and graduates focused on the amount of money they owe instead of studying and contributing to the nation's economy.

Ensuring that all stakeholders' voices are heard during the discussion is our main priority in finding a long-term solution to student loan rates. We are receptive to entertaining different possible solutions until the best one is found. Students and their families deserve financial stability instead of crippling adjustments or rate increases that would hinder their success. I look forward to discussing this issue with members from the state of Florida, and would gladly share my viewpoint with other Members of Congress.

Go Gators,

CHRISTINA BONARRIGO,  
Student Body President,  
University of Florida.

HONORING CAMERON MILLER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Cameron Miller. Cameron is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 214, and earning the most prestigious award of Eagle Scout.

Cameron has been very active with his troop, participating in many scout activities. Over the many years Cameron has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Cameron has contributed to his community through his Eagle Scout project. Cameron reconstructed a hiking trail inside the Parkville Nature Sanctuary in Parkville, Missouri, overlaying the path with mulch and providing a better walking experience for hikers in the sanctuary.

Mr. Speaker, I proudly ask you to join me in commending Cameron Miller for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN APPRECIATION OF MS. LAVENA PACE

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. ALEXANDER. Mr. Speaker, it is with great pride that I have the opportunity to recognize the remarkable career of Ms. Lavena Pace as an integral member of my staff. After 10 years of service in my Monroe District Office, my staff and I wish her the best on her retirement.

Ms. Pace's kind-hearted and Christian character made her a natural in assisting the constituents of the 5th Congressional District. During her tenure, Ms. Pace has helped countless individuals, earning the respect and admiration of everyone she has met along her journey.

Over the years, I have watched Ms. Pace give tirelessly to her work. Ms. Pace's dedication, positive attitude, and work ethic will be deeply missed.

I ask my colleagues to join me in honoring Ms. Lavena Pace on an exemplary career as she celebrates her retirement.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING BERKLEY CHARTER  
SCHOOL, RECIPIENT OF THE  
SUPPORTMUSIC MERIT AWARD

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. WEBSTER of Florida. Mr. Speaker, it is my pleasure to congratulate Berkley Charter School of Polk, Florida on earning the SupportMusic Merit Award for academic excellence. The SupportMusic Merit Award is a national designation sponsored by the National Association of Music Merchants Foundation (NAMM Foundation), which acknowledges communities throughout America that support and advance musical education curriculum.

In order for communities and schools to be awarded this designation, they must first complete a rigorous application process. Berkley Charter School was selected by the National Association of Music Merchants Foundation due to their high quality music education program. The Central Florida community is blessed to have an educational institution such as Berkley Charter School that is committed the educational development and successes of its students.

On behalf of the Central Florida community, I am pleased to recognize Berkley Charter School, and I congratulate the students and faculty on their accomplishment of achieving excellence in musical education. May their hard work and dedication inspire others to follow in their footsteps.

HONORING SHANNON GUNIER OF  
LAKE COUNTY, CALIFORNIA

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Mrs. Shannon Gunier, who is retiring after 20 years of service to the Lake County Winegrape Commission.

Shannon Grunier and her husband, Rick Gunier, moved from Southern California to Lake County in 1991, where she began as the Executive Director of the Lake County Winegrape Commission. Without any prior experience in grapegrowing or winemaking, her strong marketing background and her resolve to learn about wine helped her become one of the most successful promoters of the Lake County Winegrape region. Mrs. Gunier has cultivated the image of Lake County as a producer of premium quality wines.

In the time since Mrs. Gunier began as Executive Director, the Lake County Winegrape Commission has spent over three million dollars in marketing Lake County wines. In her role with the Commission, Mrs. Gunier helped Lake County's wineries expand from three in her first year to 40 and growing today. Today the wine industry employs over 900 people in Lake County and pays over \$26 million dollars in annual wages.

Though Mrs. Gunier moved on from the Commission in February 2013, she is still ac-

tive in promoting the Lake County winegrape growing region. She and her husband co-own North Coast Winegrape Brokers, a winegrape broker sales and marketing firm which services Lake County's independent growers. Additionally, in 2000, Mr. and Mrs. Gunier worked on the first Lake County Revitalization Grant.

Mrs. Gunier has received several awards for her leadership and service in the region, including an award of merit from the U.S. Forest Service, a certificate of appreciation from the Lake County Board of Supervisors, a Stars of Lake County award, a Kelseyville Business Association certificate of appreciation, and a Certificate of Special Congressional Recognition. In addition to her work with winegrapes, Mrs. Gunier has also served as a teacher at Yuba Community College, a consultant for the Small Business Center, and an author of a forthcoming book: *You're Fired, I Quit—The Art of Being Married and Working Together*.

Mr. Speaker, Mrs. Gunier has a long and distinguished career of service to Lake County, most notably to the Lake County Winegrape Commission. It is therefore appropriate that we acknowledge Mrs. Gunier today and wish her well in her future endeavors.

50TH ANNIVERSARY OF THE NA-  
TIONAL DRAFT GOLDWATER  
RALLY

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. WILSON of South Carolina. Mr. Speaker, a week from today is the 50th anniversary of an historic event in Washington, which helped launch a successful political revolution resulting in the development of the two-party system in the South.

On July 4, 1963, I participated with a busload of Republican activists and Teen Age Republicans, TARS, for the National Draft Goldwater Rally at the DC Armory addressed by Senator John Tower of Texas, Congressman John Ashbrook of Ohio, and Governor Paul Fannin of Arizona. The bus was organized by the visionary J. Drake Edens, a key founder of the modern Republican Party.

This event galvanized a movement, which has transformed the South culminating in 2012 with Republican legislative majorities in all states from Virginia to Texas and Oklahoma. Under the current President, the Southern states evolved from 49 percent population with Republican majorities to 100 per cent, 51 per cent Democrat for a century to zero, completing a 50-year shift. In 1961, State Representative Charlie Boineau of Richland County was the first Republican elected to any State office in the 20th Century in the State of South Carolina. In 1962, State Representative Floyd Spence of Lexington County became the first elected official of the Century to courageously switch parties explaining he felt more comfortable with Northern Republican philosophy than Southern Democrats. In 1964, U.S. Senator Strom Thurmond of Aiken County switched parties to support Barry Goldwater for President and he hired Tom Moss of

Orangeburg as the first African-American staff member of a deep south U.S. Senator. Aiken County was a pioneer promoting local Republican candidates because of a high percentage of transplants from the Northeast and Midwest who worked at the Savannah River Site. South Carolina led the way for the South's first Republican legislative Speaker electing David Wilkins in 1994.

On the national level, this movement fulfilled the dream of Senator Barry Goldwater in his 1962 book *Why Not Victory?* with the defeat of the world-wide communist threat and the liberation of dozens of nations inspired by Ronald Reagan's peace through strength.

On the state level, South Carolina is a symbol of Republican achievement with the first Republican Governor, James Edwards, recruiting Michelin Tire Corporation of France that has resulted in South Carolina being the nation's leading exporter of tires. Governor Carroll Campbell attracted BMW to build a German manufacturing facility in Greer, S.C., which led to South Carolina to becoming America's number one automobile exporter and Governor Nikki Haley promoted Boeing for South Carolina to be a major exporter of 787 jetliners worldwide.

In 2010, for the first time in 130 years, all statewide elected officials shifted to the Republican Party. The success was diverse with Governor Nikki Haley being the first female governor of South Carolina in 340 years and only the second Indian-American governor in American history. TIM SCOTT was elected to Congress as the second African-American in 100 years, and with Alan Wilson, age 37, being elected the youngest Attorney General in America. The Republican Party today is a broad coalition inclusive for limited government and expanded freedom.

I am grateful to have lived the Southern Republican Revolution, which has been so successful promoting a positive philosophy of limited government and expanded freedom abroad and at home. The future is bright for the principles of limited government as inspired by the Draft Goldwater Rally because it works. Equally we know that whenever big government is imposed, it fails and the freedoms of citizens are at risk.

COMMENDING THE GOVERNMENT  
OF KAZAKHSTAN

**HON. ENI F. H. FALEOMAVEAGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. FALEOMAVEAGA. Mr. Speaker, I rise today to welcome Kazakhstan's Foreign Minister Erlan Idrissov back to Washington.

I also want to commend the Government of Kazakhstan for hosting the international talks between Iran and five permanent members of the UN Security Council plus Germany, namely the P5+1 group, on Iran's nuclear program. Thanks to the voluntary abandonment of nuclear arms and firm adherence to enhancement of global non-proliferation, Kazakhstan is a perfect location for such talks. I hope that the parties will find constructive solutions in the best interests of the region and the whole world.



I thank the Government of Kazakhstan for its support of international efforts to stabilize Afghanistan and the constructive role played by Kazakhstan in developing the Northern Distribution Network, NDN, and its assistance to Afghanistan's security forces. Kazakhstan plays an important role in rebuilding Afghanistan, both in the provision of humanitarian, financial and technical aid to the Afghan government, and through regional initiatives aimed at stabilizing and developing Afghanistan's economy.

Kazakhstan's role in promoting the "New Silk Road" initiative and in developing regional confidence-building measures through the Conference on Interaction and Confidence Building Measures in Asia, CICA, as well as its participation in the Istanbul Process on Afghanistan should be recognized and applauded.

I appreciate the work Foreign Minister Idrissov is doing to promote President Nazarbayev's initiatives and, once more, I welcome him back to Washington on his first official visit as Foreign Minister having previously served as Kazakhstan's Ambassador to the United States.

#### HONORING ANTWANETTE KEYS

##### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable student, Antwanette Keys. Ms. Keys is the daughter of Ms. Thelma West of Shelby, Mississippi and Mr. Alex McRae of Rosedale, Mississippi.

She began school at an early age, attending the Shelby Head Start Center in Shelby, Mississippi from 1998–2000. Noticeably excelling, she was promoted to elementary school in 2001 attending Brooks Elementary in Duncan, Mississippi. She quickly found a place inside her new school by becoming a member of the Girl Scouts Club.

In 2004 she had to adapt to a different kind of school, Shelby Middle School. At Shelby Middle School she held numerous titles including: Miss Fourth Grade, Miss Seventh Grade, and Miss Shelby Middle School. While upholding these titles she remained academically successful maintaining all A's and B's. Middle school had definitely paved the way for her new found interest in dance. A lifelong passion, she has diligently sought the strength to go above and beyond with the talent that God has blessed her with.

Performing a wide range of dances, she can choreograph anything from Jazz to Hip Hop to Contemporary. Being taught by the best has instilled in her the ability to always strive for the best. In doing so, she swiftly walked the halls of Broad Street High School with an upright attitude and focal point based on success. Knowing that her work never stops, she became Freshman Class President in 2009 followed by Miss Homecoming in 2010. Determined to create a positive image she became Miss Student Council in 2011 and went on to achieve her biggest accomplishment, Miss Broad Street High. She was a member of the

Broad Street High School Marching Band for four years and member of D.R.E.A.M.S. Step team. She is a member of the National Technical Honor Society and the Student Council at Broad Street High School.

Antwanette works for the Bolivar Community Action Senior Select Program, which assists high school seniors in finding work while encouraging school attendance and community service. She has also worked for Peer Power for 3 years. This is a program dedicated to providing after school tutorials and enrichment activities for young scholars.

Antwanette currently attends Christian Union Missionary Baptist Church in Drew, Mississippi where she boldly embraces her faith as a Christian. She is active in the Youth Choir, a member of the CUC Praise team and secretary of Sunday School Department.

Antwanette is a mentee in a program through Coahoma Community College Tri-County Workforce Alliance in Clarksdale, Mississippi. Since community service is essential to her, in 2010 she and other students participated in Students Involved for Community Change summer school. It is a highly selective summer leadership program focusing on civil rights, community organization, and educational advancement. Upon graduating, she plans to further her education and major in nursing to become a Registered Nurse. After completing nursing school she will pursue medical school to become a Gynecologist.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Antwanette Keys for her dedication in being an outstanding student.

#### FEDERAL UNEMPLOYMENT INSURANCE BENEFITS: 4 MILLION MORE REASONS TO END THE SEQUESTER

##### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Ms. SCHAKOWSKY. Mr. Speaker, like many of my colleagues, I am hearing from constituents who are looking but unable to find jobs, and who are now faced with cuts to their Federal unemployment insurance (UI) benefits because of the sequester.

These are people like Janice in Chicago, who last month wrote me, "Yesterday, I received an email from the Illinois Department of Employment Security stating that starting in June and through the month of September, my unemployment benefits will be reduced by 16.8%" because of the budget sequester.

Or Mary in Arlington Heights, who emailed me, "I am currently unemployed. These cuts will cost me \$200 a month. This is a lot of money for a single woman living on her own. These effects are real. They're more than just numbers on a piece of paper."

Mary is right—the effects of the sequester are happening to real people—people like her and Janice and their families. The Department of Labor estimates that by October 1, as many as 3.8 million unemployed workers could see reductions in their federal Emergency Unemployment Compensation benefits as a result of the sequester.

For these families, the sequester means that they will have less money available to pay their mortgage or rent, doctor's and grocery bills. UI cuts ripple out into local communities, since unemployed workers will spend less on goods and services. Experts tell us that a \$1 spent on UI benefits results in higher consumer spending and increased economic activity of between \$1.50 and \$2.00—so a \$1 cut from UI benefits means an even greater loss in the effort to strengthen local economies. As Mark Zandi, chief economist at Moody's Analytics says, "if you cut unemployment insurance, then the economic impact is outsized." ("Unemployment Benefit Cut Adds to Drag on U.S. Spending: Economy," Bloomberg News, May 6, 2013.)

The National Employment Law Project has released an excellent analysis, "The Sequester's Devastating Impact on Families of Unemployed Workers and the Struggling Unemployment Insurance System." It estimates that, if the sequester continues for the rest of FY2013, federal EUC benefits could be cut by more than \$2.3 billion—an average of more than \$400 per family.

The NELP analysis also points out that the sequester's impacts do not stop at federal UI cuts—they also mean cuts to the training, job matching and reemployment initiatives designed to help unemployed workers get back to work. Those cuts, too, impose real harm on families and our economy by making it harder for unemployed men and women to get back into the workforce.

I am a cosponsor of H.R. 900, the Cancel the Sequester Act, because it will stop these very harmful cuts to Federal UI benefits and job creation efforts. I urge my colleagues to come together now so that we can stop these across-the-board, meat-ax sequester cuts that are so damaging to our constituents.

#### PERSONAL EXPLANATION

##### HON. THOMAS J. ROONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. ROONEY. Mr. Speaker, on rollcall No. 287, 288: my flight from Florida was canceled; the next flight arrived after first votes. Had I been present, I would have voted "yes," on both.

#### INTRODUCTION OF THE FLEXIBILITY FOR WORKING FAMILIES ACT

##### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, across all sectors and industries, flexible work arrangements are a key to meeting the 21st century's diverse workforce needs. Such voluntary arrangements have been shown to boost employee satisfaction and their physical and mental health as well as improve businesses bottom line by helping

to retain key talent, reduce absenteeism, and enhance employee productivity.

Flexible workplace policies are a win-win for business and workers. To help promote these policies, I am introducing the Flexibility for Working Families Act. This legislation guarantees employees the right to request flexible work arrangements and provides employers with flexibility by encouraging them to review these requests, propose changes, and even deny them if they are not in the best interest of the business. Such voluntary arrangements between employees and employers include changing the time, amount, and/or place that work is conducted.

Over the last 50 years the American workforce and demographics have shifted tremendously. Last month, Pew Research found that "breadwinner moms" are the sole or primary provider in more than four in ten households with children under age 18. Furthermore, more households are caring for older relatives as medical advances mean people are living longer, with studies showing that almost 60 percent of those who provide unpaid care to an adult or to a child with special needs are employed. It's important that this workforce have options such as flexibility to help them handle even the most basic demands of work and family.

I urge my colleagues to support the Flexibility for Working Families Act, and I thank Senator BOB CASEY for introducing Senate companion legislation.

#### HONORING A'MYA IREANNA DAVIS

##### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. A'Mya Ireanna Davis, who is a remarkable student that is making a difference in her community.

A'Mya Ireanna Davis, a Crystal Springs, MS native, is the daughter of Mr. Roderick and Monica Davis. She is the eldest of two siblings, Malik Jones and Eunicesia Jones.

A'Mya is a ninth grade honor student at Crystal Springs High School where she serves as President of the Freshman Class. Known as a busy-body, A'mya is very active in her school, church, and community. She is a member of the Crystal Springs High School Band, the Soccer team, the Track and Field team, Student Council, the Drama Club, a member of My Sister's Keeper, an Usher, member of the church choir at Brushy Creek MB Church and serves as Youth Secretary and Treasurer for the Fran's Branch New Hope Sunday School Institute.

A'Mya is very passionate about her city and community. In 2012, she became the youngest person to serve on the Crystal Springs Mayor's Youth Council. While on the Council, she was involved in community organizing, performing at youth summits and serving as a representative for the youth in Crystal Springs at state-wide leadership conferences. Throughout all of her accomplishments at the very tender age of 14, A'Mya is a normal teen who loves to sing, dance, write music and po-

etry, and recite speeches. After high school, A'mya plans on attending Harvard University to become a prominent attorney.

Mr. Speaker, I ask my colleagues to join me in recognizing an energetic and dedicated student, Ms. A'Mya Ireanna Davis, for her determination to make a difference in the Crystal Springs community.

#### RECOGNIZING GEORGE WASHINGTON MIDDLE SCHOOL

##### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize George Washington Middle School in Lyons, Illinois, for being named to the list of top performing middle grades schools in the country by the National Forum to Accelerate Middle Grades Reform.

George Washington represents one of only 103 middle grades schools from around the United States that were recognized as a "School to Watch" by the National Forum to Accelerate Middle Grades Reform. To achieve this honor, George Washington had to prove that they are academically excellent, developmentally responsive, and socially equitable. They are among the best schools in the country in those regards, and I am glad to see these schools recognized for their excellence.

Achieving such a high level of performance is not easy. Schools must establish an educational culture that creates structures, norms, and organizational support to sustain their improving trend toward excellence. Principal Johnny Billingsley has demonstrated a sense of purpose that drives his decision making. Further this performance could not be possible without teachers who work tirelessly for their students and communities, and administrators, who work to provide a professional atmosphere to let teachers do what they do best. This hard work and dedication has created an exemplary learning atmosphere.

This achievement is made possible through the hard work and dedication of the students, and the loving guidance by their parents and guardians. The students' work ethic and the values that their parents have instilled within them made this award attainable.

Mr. Speaker, I ask my colleagues to join me in recognizing the outstanding faculties and students at George Washington Middle School, and congratulating them for being recognized as one of the outstanding middle grades schools in the country. May they continue to exhibit excellence and create one of the best learning environments in the country for our future leaders.

#### HONORING THE LIFE AND LEGACY OF ANN DEMATTEO

##### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Ms. DELAURO. Mr. Speaker, it is with a heavy heart that I rise today to take a moment

to pay tribute to a very special member of the Greater New Haven community, Ann DeMatteo, who was taken from us much too soon when she lost her battle with breast cancer. Daughter, sister, aunt, colleague, mentor, and friend, Ann was a remarkable woman whose passion, good nature, and infectious laugh touched the lives of many and will long be remembered by all of those fortunate enough to have known her.

Ann was a journalist spending the majority of her career as a reporter for the New Haven Register but also serving as the editor of the Middletown Press during the last years of her life. Anyone who has ever worked with Ann or been interviewed by her will tell you that no one knew more about the towns or issues they covered than she did. She delved into any story she was covering and served as a mentor to many up-and-coming reporters at the New Haven Register. Tough, but fair, Ann earned a distinguished reputation among her colleagues and in the community.

When Ann was diagnosed with breast cancer, she did what she did best—shared the story. The result was her column, "Inspirations," which she continued until the very end. She not only wrote about her own battle but shared the stories of others as well. Ann did not just write about breast cancer, she was actively involved in the fight to find a cure. She assisted local charities, serving as honorary chairwoman of the annual Silver Bullets Hamden Police Benefit game as well as Hamden Lights for Life, raising thousands of dollars for much needed research. She was named the New Haven Register's "Person of the Year" in 2008 and I was honored to join the National Organization of Italian American Women in recognizing her as one of the 2012 Wise Women.

Her friends and family will tell you that as dedicated as she was to her professional and charitable work, Ann was also known as the life of the party. She loved karaoke and was always ready to dance. But it is her compassion, generosity, and kind heart that they will remember most. Her friend and colleague, Helen Bennett Harvey, may have put it best when she recently said of Ann, "In the end, what she gave so many of us also was an example of true grace under fire. Cancer took Ann's body, but it did not take the beauty and love that emanated from within her."

As I stand today to pay tribute to Ann DeMatteo and honor her legacy, I extend my heartfelt sympathies to her family—her mother, Ann; her brother and sister-in-law, Joseph and Patricia; her nephew and godson, John; and her niece, Rebecca. Put simply, Ann was one of a kind and her presence in our lives will be deeply missed, however, the indelible mark that she left on our community and on our souls will continue to inspire us every day.

HONORING COMPASS, THE GAY AND LESBIAN COMMUNITY CENTER (GLCC) OF PALM BEACH COUNTY FOR THEIR 25TH ANNIVERSARY

**HON. LOIS FRANKEL**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Ms. FRANKEL of Florida. Mr. Speaker, I rise today to honor Compass, the Gay and Lesbian Community Center (GLCC) of Palm Beach County for their 25th anniversary and for their continued advocacy on behalf of the LGBT community.

On Saturday, June 29, Compass will hold its annual Stonewall Ball, a party that attracts over 1,000 attendees each year. This ball connects public leaders and elected officials with members of the LGBT community, an essential step in creating opportunities for LGBT citizens of South Florida to participate in public life.

Since its inception, Compass has acted as a true champion of the LGBT community. As the largest gay and lesbian community center in Florida, Compass is visited by more than 25,000 individuals each year. It provides social and health-related support groups for LGBT people and case workers who help obtain treatment for those living with HIV/AIDS. Compass also organizes the Pride Business Alliance, a group that promotes gay-owned and gay-friendly local businesses.

In honor of Compass GLCC's 25th anniversary, I am proud to recognize the entire Compass community for their achievements in promoting awareness and sensitivity to LGBT issues in South Florida.

HONORING MS. ALKEIRA GOOCH

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a future leader of this country. She is currently a student making a difference in her school and hometown of West Tallahatchie High School, Ms. Alkeira Gooch.

Throughout her life, Alkeira says she has been nothing less than determined to succeed and I quote her, "I was only given one life to live, to not take chances, accomplish the impossible, and take advantage of everything that is available to me." You see, sometimes things that are not so good can be great inspirations. Alkeira lives in a community that is limited in resources and opportunities.

So, let me share with you why Alkeira is a student making a difference. In school she is involved in many organizations that reach out to others. She participates in a group that reads to younger children and donates gifts during Christmas. Alkeira is a member of the Student Government Association, Future Business Leaders of America, and the Senior Beta Club. In her evening hours she makes time to tutor other students and volunteers at the local

community center. Alkeira's well rounded participation has given her the experience that will help her become that future leader and pediatrician she wants to be.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Alkeira Gooch for her current active role as a student making a difference.

RECOGNIZING CHRIS WALLS

**HON. STEVE STIVERS**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. STIVERS. Mr. Speaker, I rise today to recognize Chris Walls, one of my constituents from Wilmington, Ohio. Mr. Walls pulled his community together to help the 33,000 victims from the May 2013 tornadoes in Oklahoma.

Many of those affected by the tornadoes lost their homes and all of their possessions. When Mr. Walls found out about the extensive damage done, it reminded him of the time his home was ruined by a fire. Mr. Walls remembered how much he appreciated the support of his community when he lost so much and felt it was his job to help the tornado victims.

The way Mr. Walls felt he could best help the victims was by starting a drive for needed supplies. He called upon our community in Wilmington and opened up his tattoo shop as a drop-off point for the drive. The Wilmington community donated many supplies including bandages, bottled water and toothpaste. Then, on June 10, 2013, Mr. Walls and his wife drove out to Oklahoma to personally deliver supplies to the tornado victims.

I am very thankful for Chris Walls' hard work in helping the people of Moore, Oklahoma. I ask that all Members of Congress stand with me to recognize Mr. Walls and the people of Wilmington, Ohio, for their acts of selflessness and kindness.

OUR UNCONSCIONABLE NATIONAL DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,738,580,905,836.39. We've added \$6,111,703,856,923.31 to our debt in 4 and a half years. This is \$6 trillion in debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

RECOGNIZING EVERGREEN ACADEMY MIDDLE SCHOOL

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize Evergreen Academy Middle School

in Chicago, Illinois, for being named to the list of top performing middle grades schools in the country by the National Forum to Accelerate Middle Grades Reform.

Evergreen Academy represents one of only 103 middle grades schools from around the United States that were recognized as a "School to Watch" by the National Forum to Accelerate Middle Grades Reform. To achieve this honor, Evergreen Academy had to prove that they are academically excellent, developmentally responsive, and socially equitable. They are among the best schools in the country in those regards, and I am glad to see these schools recognized for their excellence.

Achieving such a high level of performance is not easy. Schools must establish an educational culture that creates structures, norms, and organizational support to sustain their improving trend toward excellence. Principal Marian L. Strok has demonstrated a sense of purpose that drives her decision making. Further, this performance could not be possible without teachers who work tirelessly for their students and communities, and administrators who work to provide a professional atmosphere to let teachers do what they do best. This hard work and dedication has created an exemplary learning atmosphere.

This achievement is made possible through the hard work and dedication by the students, and the loving guidance by their parents and guardians. The students' work ethic and the values that their parents have instilled within them made this award attainable.

Mr. Speaker, I ask my colleagues to join me in recognizing the outstanding faculty and students at Evergreen Academy Middle School, and congratulating them for being recognized as one of the outstanding middle grades schools in the country. May they continue to exhibit excellence and create one of the best learning environments in the country for our future leaders.

HONORING MAYOR WILLIE JAMES JONES

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable civil servant, Mayor Willie James Jones. The Honorable Mayor Willie J. Jones is a resident of Coahoma, Mississippi and he is affectionately known to many as Mayor W.J. Jones.

He has devoted his entire adult life providing selfless service, energy and resources to ensure that others fare well. When Mayor Jones initially came to the tiny town of Coahoma, Mississippi, many of its residents lived in two room shacks with no indoor plumbing. As Mayor of the town of Coahoma since 1981, and one of the longest running tenures in the State of Mississippi, he has launched multiple efforts to improve the living conditions of its residents and revitalize the community. Under his leadership and armed with the motto of "Go and Grow", the community began to change. Today, with a cadre consisting of concerned World Vision, Habitat

for Humanity, and volunteer residents, over half the town's families now live in HUD approved two, three, or four bedroom homes.

Mayor Jones skillfully led a coalition composed of Coahoma Utilities, Coahoma Community Development Corporation, and Coahoma Habitat for Humanity to pull the community together. In addition, through Mayor Jones' lobbying efforts, the Town of Coahoma has been the beneficiary of federal funding for a sewage system to replace open sewers and a well and water tank to improve its drinking supply. Because of these efforts, Mayor Jones has been honored by the Mississippi Conference of Black Mayors.

In addition to improving the living conditions of the town, Mayor Jones has a dedicated interest in the education of all. After graduating Rust College in 1954 and serving two years in the U.S. Army, Mayor Jones and his wife, Vivian Virginia Moore, moved to the Mississippi Delta and worked in the Coahoma County School system for 40 years before retiring in 1996. He has a vested interest in education. In 1956, he was among those fighting for equal salaries for all educators, for equal school funding and for equal treatment in use of public facilities.

While serving as principal of Hull Elementary and Jonestown Middle Schools he saw that all students were clothed and fed in addition to receiving an education. For his contributions toward making the 1966 merger of the National Education Association (NEA) and the Black American Teachers Association a success, Jones was recognized in 2006 at the 40 Year Merger Anniversary Celebration. On the college level he promotes access to higher education for students of all ethnicities. He received the 1990 Rust College Alumnus of the Year and has received annual Outstanding Contribution Appreciation Awards at his alma mater since 1997.

In 1996, as an educator, human and civil rights activist, Jones was among only a dozen veteran educators recognized nationwide and honored by the National Education Association at its annual Human and Civil Rights dinner. He was presented the H. Council Trenholm Memorial Award for his efforts to free the education system of inequities based on race and his leadership in advancing intergroup understanding within the education profession. On the state level the Mississippi Association of Educators (MAE) has presented him with the Lifetime Achievement Award, the MAE Humanized Education Award and the 1996 Member of the Year Award.

Through the years as a community servant, Mayor Jones has served as Chairman of Diversified March of Dimes, Chairman and Member of the Board of Directors of Coahoma Opportunities, Inc., President of Third District Teachers Association and North Delta Uniserv-MAE, and Representative of the Board Scouts of America. He is also affiliated with NAACP; Tri-County Workforce Alliance Board of Directors, Mississippi Delta Council for Farm Workers, Inc., local, state and national education associations, the Mississippi Conference of Black Mayors, the National Conference of Black Mayors, the Mississippi Municipal League, and the Mississippi Black Caucus of Local Elected Officials.

Despite his many achievements, affiliations and recognition, Mayor Jones' focus remains

the town of Coahoma. He is currently working on a drainage and street improvement project with federal and state support. He believes that the largest room in the world is the room of improvement and is continuously seeking ways and funds to improve the quality of life for his citizens in all areas—educationally, economically and socially.

Mr. Speaker, I ask my colleagues to join me in recognizing Mayor W.J. Jones for his dedication to serving others.

#### ACCURACY IN MEDICARE PHYSICIAN PAYMENT ACT OF 2013

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. McDERMOTT. Mr. Speaker, I rise today to introduce the Accuracy in Medicare Physician Payment Act of 2013. This bill will give the Centers for Medicare and Medicaid Services (CMS) important tools and resources to continue alleviating our dire shortage of primary care physicians. As Congress tries to come together around the challenges of how to repeal and replace the broken Sustainable Growth Rate formula, I want to make sure that we do not neglect the Medicare physician fee schedule and the impact it has on our physician workforce.

It is no mystery that relatively depressed salaries are driving new doctors away from primary-care fields like family medicine and pediatrics and into more lucrative specialties and subspecialties like radiology and orthopedic surgery. I don't begrudge anyone for making that choice; when I graduated from medical school 50 years ago I could not have fathomed being loaded down with six figures of medical school debt. And to be sure, we need talented specialists. But we have a stubbornly small proportion of primary care doctors—just over 30 percent, when most experts agree that 50 percent is the "sweet spot" in terms of maximizing quality and minimizing cost.

I am proud that Congress gave primary care a shot in the arm in the Affordable Care Act, under which Medicaid pays higher Medicare rates for primary care through 2015, and Medicare makes quarterly incentive payments to primary care physicians through 2017. The ACA also expanded the National Health Service Corps, which eases the steep cost of medical education for doctors and allied health practitioners willing to practice in an underserved area after graduation. These are meaningful steps, but to make more enduring progress in this area, I believe that Medicare must repair structural inaccuracies in the Medicare physician fee schedule that have eroded the value of primary care. Simply put, Medicare contributes to this imbalance by underpaying for the critical yet undervalued job of managing complex patients with multiple chronic conditions and keeping them out of the emergency room and hospital.

A major obstacle to reform is Medicare's continued reliance on a committee of mostly specialist physicians to help set payment rates for the 7,400 services on the Medicare physi-

cian fee schedule. Since 1991, Medicare has outsourced its work of appraising the value of these services to the AMA's Relative Value Scale Update Committee (RUC)—a 31-member panel of physicians who decide how services should be valued and updated. Only a handful of the 31 committee members perform primary care. The RUC meets in private and provides limited release of the minutes of its proceedings. In formulating its recommendations, the RUC also relies heavily on anecdotal and self-serving surveys, rather than forensic evidence.

CMS has begun to update misvalued codes in the fee schedule, but it needs more muscle and resources to do the job. This bill would establish a panel of independent experts within CMS that would identify the distortions in the fee schedule and develop evidence to justify more accurate updates. Medicare could continue to request work from the RUC, but the expert panel would both initiate such requests and review RUC's work product. The panel members would not have a direct interest in the fee schedule, and would include beneficiary representatives. It would be subject to the Federal Advisory Committee Act, which requires advisory bodies to hold open meetings and publish the minutes of such meetings.

In addition to payment accuracy and fairness, this is also about reining in a conflict of interest. After looking at this for several years I believe that we give the physician specialty societies, through the RUC, an undue influence on their own payments. In no other area—whether it be hospitals, skilled nursing facilities, or any other setting—does Medicare ask the providers to play such an active role in setting their own reimbursement amounts. Medicare certainly needs clinical expertise to evaluate the resources necessary to perform physician services but should not look to an outside organization whose members directly benefit from the fee schedule to apportion some \$70 billion in annual public spending, without some checks and balances. No matter how well-intentioned, such a system contains structural biases that need safeguards to prevent abuse.

Medicare is not only one of America's most important social insurance programs and a bulwark of the middle class, it also establishes economic incentives that ripple through all of health care and contribute to our shortage of primary care physicians. As we continue to pursue a permanent doc fix, let's also talk about how we will use Medicare to incentivize the appropriate mix of physicians in the workforce to serve beneficiaries and the public health.

#### PERSONAL EXPLANATION

**HON. YVETTE D. CLARKE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Ms. CLARKE. Mr. Speaker, I was unavoidably detained in my district and missed the votes on Tuesday, June 25, 2013 and Wednesday, June 26, 2013.

Had I been present, I would have voted "yea" on rollcall No. 287, H.R. 2383—To designate the new Interstate Route 70 bridge over

the Mississippi River connecting St. Louis, Missouri, and southwestern Illinois as the "Stan Musial Veterans Memorial Bridge";

"Yea" on rollcall No. 288, H.R. 1092—To designate the air route traffic control center located in Nashua, New Hampshire, as the "Patricia Clark Boston Air Route Traffic Control Center";

"No" on rollcall No. 289, Motion on Ordering the Previous Question on the Rule providing for consideration of H.R. 1613, H.R. 2231, and H.R. 2410—Democrats are urged to vote no on the Previous Question so that Mr. HASTINGS of Florida can offer his amendment to the Rule, which allows for Mr. COURTNEY of Connecticut's bill, H.R. 1595—Student Loan Relief Act of 2013, to be considered under an open Rule. H.R. 1595 would amend the Higher Education Act of 1965, extending the freeze on subsidized student loan interest rates for two years, which would prevent rates from doubling from 3.4% to 6.8% on July 1. Immediate action is necessary to protect college students and families, given the short time remaining before rates double. Republicans should not allow the House to go into its 8th full week of recess this year without addressing this critical issue with a bipartisan solution that can become law; and

"No" on rollcall No. 290, H. Res. 274—Rule providing for consideration of H.R. 1613—Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act, H.R. 2231—Offshore Energy and Jobs Act, and H.R. 2410—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2014.

HONORING AURELIO HURTADO OF  
ST. HELENA, CALIFORNIA

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Aurelio Hurtado of St. Helena, California, on the occasion of his retirement as the Director of the Farmworker Services Program for California Human Development, after 45 years of advocacy work.

Mr. Hurtado left his small town of Jerez, Mexico in 1955 to work in the agricultural fields of Texas and New Mexico. When he moved to Northern California to work in the vineyards of St. Helena, Mr. Hurtado fell in love with the region and decided to make it his home. It was a conference with farmworker advocate Cesar Chavez that pushed Mr. Hurtado to dedicate his life to improving educational, social, and economic aspects of the Napa Valley community.

In 1967, Mr. Hurtado was one of the founders of the North Bay Human Development Corporation, currently known as California Human Development Corporation, whose core services include job training, affordable housing, criminal justice services, community services and training, and community integration for individuals with disabilities. In 1968, he became the Director of the On the Job Training and Adult Work Experience Programs where he served migrant and seasonal farmworker

families in Napa, Sonoma, and Solano Counties. In 1982, he joined the Farmworker Services Division as a Deputy Director, advocating on behalf of Northern California farmworkers' rights.

Mr. Hurtado is an integral member of our community and has worked diligently toward its improvement. He formed and was involved in several community organizations including Organización Latinoamericana de Liberación Económica de Napa County, Credit Union "El Porvenir" of Napa County, Community Health Clinic Ole and Bronze Development Corporation. He has also worked with the Comité Mexicano de Beneficencia, Legal Aid of Napa Valley, the Napa Valley Migrant Farmworker Housing Committee, and the Instituto de los Mexicanos en el Exterior, among others.

Mr. Hurtado received his degrees in Accounting and Business Administration in Mexico. He has shared the majority of his life with his wife, Mrs. Rogelia M. Hurtado.

Mr. Speaker, it is appropriate at this time that we acknowledge Mr. Hurtado for his extraordinary work as a lifelong community organizer who works to bring equity to the lives of Latinos throughout the Napa Valley.

HONORING ELAINE BAKER

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable Civil Rights leader Dr. Elaine Baker. Dr. Baker is a resident of Mound Bayou, Mississippi.

She is the only child to the late Joseph and Louise Marjorie Baker. She was born on June 30, 1949 in the historical independent black community of Mound Bayou, Mississippi, which was founded in 1887 by former slaves led by Isaiah Montgomery. Growing up in this community she was nurtured by a community of proud, loving and generous elders and peers and teachers.

She was influenced by a socio-cultural environment in Mound Bayou that had great expectations and surrounding communities that communicated messages of dual citizenship for people who looked like her. For example, the separate waiting room in the doctor's office in Merigold in stark contrast to the openness of Friendship Clinic in Mound Bayou. The "colored only" water fountains in Cleveland spoke a deafening sound of discrimination. And the "colored only" bathrooms in Clarksdale, which reinforced that something was not right.

The violent death of Emmett Till, as memorialized in the Jet magazine photo story remains indelibly etched in the forefront of her reality that danger could be lurking anywhere for people who looked like her. The news stories about bombings and lynchings and murders and arrests that Jet, Ebony and other Afro-American news media carried either in print or through audio media brought home the chilling messages of "less than" and "more than" solely, it seemed, based on skin color. These incidents and family discussions let her know that she could not sit back and not become an advocate for change.

The importance of education was always at the forefront of discussions in her home. Her grandmother, with an elementary education reminded her to get an education. She told her with an education it will matter how you look or what you have or don't have, you'll know." Her mother, a 1944 graduate of Bolivar County Training School, was an avid reader and teacher. Both of these women set the reading example for her—whether it was the Bible, various news media, or other options including the catalogs. From Mound Bayou to Tougaloo College the meaning of civil rights took on very significant meanings. Those meanings led her to Brown University where she was a semester exchange student from Tougaloo to Atlanta University now known as the Whitney M. Young School of Social Work to the University of Georgia. There she was exposed to socio-economic and racial divides that urged her into action and she became part of change.

Her love of people and a desire to understand human behavior in the social environment underpinned her selected academic majors: Sociology at Tougaloo College where she was a B.A., Cum Laude graduate, earned a Master of Social Work and Public Administration Ph.D., with emphasis in Organization Development, Health Resources Administration and General Public Administration. Her involvement in community-based organizations was transformative in focus and diverse in the individuals engaged.

She knows life is the gift that keeps on giving and memories of civil engagement include Fannie Lou Hamer, Unita Blackwell, Marian Wright Edelman, and many others. She believes that what she has been gifted which is not hers to keep. She is truly an advocate for change.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Elaine Baker for her dedication to civil rights.

HONORING REGINALD MAYO, PH.D.  
ON THE OCCASION OF HIS RETIREMENT

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Ms. DeLAURO. Mr. Speaker, it is with my heartfelt thanks and appreciation that I rise today to recognize an outstanding member of our community and my good friend, Dr. Reginald Mayo, Superintendent of Schools as he celebrates his retirement from the New Haven Public School system. In a career that has spanned 46 years, Reggie has dedicated a lifetime to education, quietly touching the lives of thousands by providing our young people with a strong foundation on which to build their future success.

Reggie Mayo has devoted most of his professional career to the New Haven Public School system. He began as a science teacher at Troup Middle School in 1967 and rose through the ranks serving as Assistant Principal of Troup and then Principal of Jackie Robinson Middle School. He was promoted to K-8 Director of Schools and later Executive

Director of School Operations until his appointment as Superintendent in 1992. During his tenure, Reggie earned a distinguished reputation for his commitment and vision.

As superintendent, Reggie has steadily guided the District to set new standards in education. One of his earliest accomplishments was making New Haven the first school district in Connecticut to effectively end the practice of social promotion. As the State was rocked by the school desegregation case *Sheff v. O'Neill*, Reggie quietly and effectively built the largest interdistrict magnet program in Connecticut—with 1,300 suburban students enrolled it is a model program of urban-suburban exchange. Partnering with the city's mayor, John DeStefano, Reggie undertook a master plan which included the renovation or reconstruction of every school—every school—in the district. And in what will likely come to be known as his crowning achievement as superintendent, in 2010 Reggie, in cooperation with the Board of Education, teachers unions, and the city administration, launched what has become a nationally recognized school reform plan. This outstanding initiative, collaboratively built by administrators and educators, involves evaluating schools and teachers as well as intervening and implementing improvement plans in poor-performing schools.

Over the course of the last two decades, Reggie Mayo, along with Mayor John DeStefano, has transformed the educational environment in New Haven. Schools have been rebuilt, outfitted with the latest in technology and resources, curriculum has been rewritten, graduation rates have risen dramatically while drop-out rates dropped significantly, and real education reform has been launched. His is a remarkable legacy that will continue to inspire learning and nurture creativity for many years to come.

I would be remiss if I did not extend a personal note of thanks to Reggie for his many years of friendship and support. During my tenure in Congress and before, I have had many opportunities to work with him and am always inspired by his unwavering energy and commitment. His presence in the New Haven Public School system will most certainly be missed, however, I have no doubt that he will continue to serve our community and enrich the lives of others.

For his invaluable service to our city—but most importantly our children—I am proud to stand today and join the many family, friends, and colleagues who have gathered in extending my deepest thanks and sincere congratulations to Dr. Reginald Mayo. His vision, leadership, and contributions have changed the face of education in New Haven and made all the difference in the lives of our young people. We owe him a great debt of gratitude for the indelible mark that he has left on our community. I wish him, his wife, Patsy; their children, Reggie, Jr., Shawn, and Lisa, and his grandchildren, Reginald III, Ryland, Riece, and Shawn Jr., all the best for many more years of health and happiness.

IN RECOGNITION OF 50 YEARS OF SERVICE OF AMBASSADOR GEORGE W. LANDAU AND ON THE OCCASION OF HIS RECEIVING THE 2013 AMERICAN FOREIGN SERVICE ASSOCIATION DIPLOMACY AWARD

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. VAN HOLLEN. Mr. Speaker, I rise to recognize Ambassador George W. Landau for his 50 years of service to our Nation and to congratulate him for receiving the American Foreign Service Association 2013 Lifetime Contributions to American Diplomacy Award. This award is bestowed in recognition of extraordinary contribution to diplomacy and to recognize the recipient's continued contribution in retirement to the advancement of the profession of diplomacy and U.S. foreign policy.

Ambassador George Landau served as U.S. Ambassador to Paraguay, Venezuela, and Chile, where he played a crucial role in solving the murder of Chilean politician Orlando Letelier, who died in a car bombing in Washington, DC in 1976. By preserving evidence which led to the identification of the organizers of the bombing, Ambassador Landau helped to expose a large, concerted effort to kill South American rebels and dissidents. His efforts helped to bring to justice those responsible for the crimes. Following his retirement, he served as the President of the Americas Society and Council of the Americas, and as President of the Council of Advisors, Latin America, of Guardian Industries (AS/COA).

During his tenure as president of AS/COA, Ambassador Landau worked tirelessly to persuade Congress to grant "fast track" negotiating authority to the president in support of the North American Free Trade Agreement. His efforts helped to lay the foundation for the U.S.-Chile Free Trade agreement of 2004 and the current Trans-Pacific Partnership negotiations. As an acknowledgment of his service and key role in the promotion of trade, Ambassador Landau was twice appointed to the board of the Export-Import Bank and received decorations from the governments of Argentina, Chile, Colombia, Peru, and Venezuela.

Ambassador George W. Landau personifies the ideals and values that are the basis of the U.S. Foreign Service. On behalf of a grateful nation I thank him for his long service to our country and congratulate him on his award.

CONGRATULATING THE BOCA RATON COMMUNITY HIGH SCHOOL SCIENCE OLYMPIAD TEAM

### HON. LOIS FRANKEL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Ms. FRANKEL of Florida. Mr. Speaker, I rise today to congratulate the Boca Raton Community High School Science Olympiad

team and their incredible achievements in the 2013 National Science Olympiad Tournament.

The team has won the Southeast Regional Championship in each of its five years in existence, as well as three consecutive Florida State Championships. This year, the National Tournament happened to occur on the same day as graduation. Six graduating seniors chose to miss the ceremony in order to represent their school, demonstrating their extraordinary commitment and leading the team to a top 25 national ranking. Two team members, Montita Sowapark and Brian Lopez, followed their 2012 national first place ranking in the "Water Quality" event with an outstanding second place finish, emphasizing the amazing scientific talent at the high school.

Once again, I would like to congratulate everyone involved with the remarkable Boca Raton Community High School Science Olympiad team, and I look forward to their continued success. To the seniors, I wish the best of luck in college and all their future endeavors.

RECOGNIZING FLEET MARINE FORCE NAVY CORPSMAN JOHN J. CROWLEY

### HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. STIVERS. Mr. Speaker, I rise today on behalf of a grateful nation to recognize Fleet Marine Force Navy Corpsman John J. Crowley from Hilliard, Ohio, for his selfless acts of bravery and valor while deployed to Afghanistan for Operation Enduring Freedom. A true American hero, Crowley risked his life to ensure the safety of others in his squad when he aided them after the explosion of two Improvised Explosive Devices (IEDs).

Corpsman Crowley has served in the Marines since 2009 where he has rightfully received numerous honors including the valor-designated Bronze Star and a Purple Heart. On June 13, 2012, his squad was on night patrol and struck by two IEDs. The first strike resulted in a dual-amputee casualty, which Corpsman Crowley promptly stabilized. The second explosion occurred as Marines swept a path toward the original casualty, resulting in three additional casualties. Corpsman Crowley was in close proximity to the second device and suffered wounds to his face and a ruptured eardrum.

Despite his injuries, Corpsman Crowley maintained composure and treated an additional double amputee, as well as the squad leader, who had severe fragmentation wounds to his hands, body and face. He then helped move the Marines with casualties to a collection point and provided life-saving updates on the patients' status until the medical emergency evacuation helicopter arrived. His decisive actions were instrumental in saving the lives of three critically injured Marines. By his guidance, initiative, and dedication to duty, Corpsman Crowley reflected great credit upon himself and upheld the highest traditions of the United States Naval Service.

I ask that all Members of Congress join me in offering our appreciation for Fleet Marine

Force Navy Corpsman John J. Crowley and his meritorious service to this great nation. He went to the greatest extent in order to secure our freedom here at home, which deserves the highest of recognitions.

HONORING DR. JUNIPER YATES  
TRICE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable Civil Servant, Dr. Juniper Yates Trice. Dr. Juniper Trice is a resident of Rosedale, Mississippi and has been an exceptional and inspirational figure in the City of Rosedale. He has devoted his life to community service and community development. He is affectionately known to many as Dr. J.Y. Trice.

Throughout the course of his career, Dr. Trice contributed to job creation as Founder and Chief Executive Officer of the Bolivar County Council on Aging which provides transportation services to rural residents. Since opening the Bolivar County Council on Aging in 1975 the organization has received national recognition from the Community Transportation Association of America, and the Mississippi Department of Public Transportation for outstanding service and leadership in serving residents of Bolivar, Sunflower, Washington and Yazoo counties. He has received numerous awards and accolades for his service to humanity.

Dr. Trice has been instrumental and a driving force in the political arena; he served as Mayor of the City of Rosedale for 16 years, and stressed to others the importance of being involved in the political process for progressive change. He has held other prestigious positions such as being the first black appointed President of the South Delta Economic Planning and Development District, and first black Chairman of the State Educational Finance Commission.

Through his dedicated work in education Dr. Trice has touched lives with his teaching abilities in Prentiss, Tishomingo, Itawamba and Bolivar Counties School Districts; and as Assistant Superintendent in Itawamba and Bolivar Counties School Districts. Dr. Trice has had a profound impact over the years in many people lives through his love of the Lord and as Presiding Elder over 41 churches throughout the State of Mississippi. His compassion has been a source of comfort and inspiration throughout his life's work.

He has traveled extensively throughout the United States and foreign countries promoting the State of Mississippi. Dr. Trice has been, and continues to be a tremendous gift to the people of Rosedale, Bolivar County and the State of Mississippi.

Mr. Speaker, I ask my Colleagues to join me in recognizing Dr. Juniper Y. Trice for his dedication to serving others.

TRIBUTE TO NANYA FRIEND OF  
THE CHARLESTON DAILY MAIL

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mrs. CAPITO. Mr. Speaker, I rise today to recognize Nanya Friend, a resident of Charleston, West Virginia. Friend has greatly contributed to the tradition of journalism in the Mountain State during her tenure as Editor of the Charleston Daily Mail.

The Charleston Daily Mail is a Pulitzer-winning publication, and under the direction of Friend it has served a vital role in updating and informing West Virginians. Under the direction of Friend, the Daily Mail has maintained high standards of journalism, while adapting to the challenges and technologies of the digital age.

Friend, a graduate of the Virginia Polytechnic Institute and State University, has served as editor of the publication since 1996, and its publisher since 2004. Friend's intellect, unwavering devotion to the truth, and high standards of journalistic integrity have made a mark in West Virginia. They have also earned her the West Virginia Press Association's Adam R. Kelly Premier Journalist Award in 2009, which is the association's highest honor.

Nanya Friend and her husband Rod have been married for 36 years, and together they have two children Kara and Keith. She is also a proud grandmother to Lydia and Meredith.

Mr. Speaker, I ask our colleagues to join me in recognizing Nanya Friend for her extraordinary service to the people of West Virginia and for the advances she has made in her field.

TRIBUTE TO LT. GENERAL  
RICHARD J. SEITZ

HON. TIM HUELSKAMP

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. HUELSKAMP. Mr. Speaker, today I rise to honor and pay tribute to the life of Lt. General Richard J. Seitz of Junction City, Kansas. On June 8th, 2013, General "Dick" Seitz completed a storied life at the age of 95.

Born in Leavenworth, Kansas on February 18th, 1918, he grew up in that city and then attended Kansas State University where in 1939 he began dating his first wife, Bettie Jean Merrill. That same year Dick, foreseeing World War II looming on the horizon, accepted a commission as a 2nd Lieutenant in the Army. He went through the sixth jump school class the Army ever had—thus becoming one of its first paratroopers.

With the advent of the war, Dick rose rapidly. At the age of only 25 in March 1942, as a Major, he was given command of the 2nd Battalion of the 517th Parachute Infantry Regimental Combat Team. Thereafter, he was promoted to Lieutenant Colonel and, as the Army's youngest battalion commander, led his battalion throughout its historic combat operations in Europe with the personal radio call sign of "Dangerous Dick."

The 517th was flung into combat at Anzio at the time of the breakout from that beachhead followed by fighting up the Italian peninsula. They then made the combat jump into the southern invasion of France at 4 a.m., on August 15th, 1944 as the airborne element of Operation Dragoon with its subsequent heavy combat in the French Maritime Alps. Finally, put in reserve in Northeastern France in December 1944, Dick was drawing up Paris leave rosters for his men when Adolf Hitler launched the Battle of the Bulge.

At that point, Dick's 2nd Battalion was married with a Regiment of the 7th Armored Division to form what became known as "Task Force Seitz." It was pushed in to plug the gaps on the north slope of the "Bulge" every time the Germans tried to make a breakout. In doing so, his battalion went from 691 men to 380 through combat losses in some of the worst fighting of the second World War. The battalion went on from the "Bulge" to see even further bloody combat in the subsequent battles of the Huertigen Forest.

Before shipping out to Europe, Dick and Bettie continued to see each other whenever they had a chance to do so. In 1942, after graduating from Kansas State, Bettie joined the Red Cross and was subsequently sent to England in late 1943 to support the bomber groups of the Army Air Corp's 8th Air Force. In the fall of 1944, she was moved to Holland to run an Army rest and rehabilitation center. There, in January 1945, she read in Stars and Stripes that Task Force Seitz was heavily engaged in the fighting around St. Vith. By herself, she drove from Holland to the front in Belgium and managed to find the Regimental HQ of the 517th. But they would not allow her to go onto the very front lines where Dick was. However, this put them back in personal touch which led to their marriage in June 1945 in Joigny, France with one Red Cross bridesmaid and 1,800 paratroopers in attendance in one of the greatest love stories of the war.

Dick ended the war with the Silver Star, two Bronze Stars, and the Purple Heart plus, besides his Parachute Wings, what he most treasured—the Combat Infantryman's Badge. Thereafter, during his lifelong Army career including nearly 37 years of active duty he also received numerous other decorations and awards including the Distinguished Service Medal, Legion of Merit and the French Croix de Guerre and Legion of Honor. Along with these awards, his commands included the 2nd Airborne Battle Group, 503rd Infantry Regiment and the 82nd Airborne Division, which he led into Detroit and Washington, DC in 1967 to quell those cities' riots. He also commanded the XVIII Airborne Corps and was Chief of Staff U.S. Army Vietnam in 1965 through 1967 under General Westmoreland. As a Portuguese speaker he served two tours in Brazil, the last as Chief of the Joint U.S./Brazilian Military Commission and one year in Iran as a military advisor. He likewise served in Japan with the occupation forces immediately after World War II.

Dick and Bettie retired to Junction City in 1975. Unfortunately, Bettie died of a heart attack June 1, 1978. Thereafter, Dick was blessed to marry Virginia Crane, a widow, in 1980. She also predeceased him in 2006. In retirement, Dick remained extremely active



with the Army through Ft. Riley as well as in the Junction City Community and in Kansas generally. During the Iraqi and Afghanistan Wars he would go out to Ft. Riley to see off and greet the deploying and redeploying units from those fights, no matter the hour day or night. He was past Chairman of the Ft. Riley National Bank, very active with the Coronado Council of the Boy Scouts, a Trustee of St. John's Military Academy, on the Board of the Eisenhower Presidential Library, President of the Fort Riley-Central Kansas Chapter of the Association of the U.S. Army, and Chaired Junction City's Economic Redevelopment Study Commission among many other activities. He was also honored as an Outstanding Citizen of Kansas, received the prestigious AUSA Creighton Abrams Award, and most recently had the General Richard J. Seitz Elementary School named in his honor on the post at Ft. Riley. He felt a particular affection for the faculty and students of that school whom he visited as often as he could. The best way to describe Dick is that he lived his life "Airborne all the way!" to the very end.

Last year my family and I had the privilege to meet General Dick Seitz when he served as the Grand Marshal at the Independence Day parade in Junction City. I quickly came to understand why General Seitz was admired by so many. Not only was he revered for his extraordinary military service, but also for the care, generosity and affection he offered others throughout his life. General Seitz epitomized what it means when people refer to his generation as "The Greatest Generation."

#### WAYZATA BOYS WIN STATE TENNIS TITLE

#### HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. PAULSEN. Mr. Speaker, I rise today to recognize the members of the Wayzata Boys Tennis Team, which recently won the Boys Minnesota State High School Tennis Championship title.

The team had a phenomenal season. After finishing second the past two years, this victory—which marks Wayzata's first boys tennis state title since becoming part of the Class 2A division—was especially rewarding. And everyone can honestly say it was a team effort, with freshman Nicholas Beaty securing the championship for the team and senior Dustin Britton, who was forced to sit out the previous season with a shoulder injury, ending his high school career with a win and a team state title.

Their dedication included running miles even after victorious matches and shoveling off the courts during our frigid and extended Minnesota winter. Their success this season is a tribute to their unparalleled determination, one that I am sure they will continue to display in all aspects of their lives.

It is truly an honor to congratulate and represent these hard-working student-athletes. Go Trojans!

#### RECOGNIZING THE VOLUNTEERS FOR SIX WEEKS TO MAKE A DIFFERENCE PROGRAM

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. CONNOLLY. Mr. Speaker, I rise today to recognize the volunteers for Six Weeks to Make a Difference program.

These dedicated volunteers for Six Weeks to Make a Difference program helped seven conservation projects from March 16 through April 27 at local natural areas. Many of the families volunteered at several of the sites. Through the projects, they improved trails, disposed of tons of debris, tires and invasive plants, planted over 1000 trees and bushes, corrected erosion problems, and left our community better than the way they found it.

It is my honor to submit the names of volunteers for the Six Weeks to Make a Difference Program: Adam Family, Adams Family, Assefa Family, Awtry Family, Bean Family, Bebar Family, Bolton Family, Bradley Family, Bresnahan Family, Brown Family, Chenault Family, Chesonis Family, Cohen Family, Ferrufino Coronel Family, Cooper Family, Connors Family, Cunningham Family, Ekoh Family, Furman Family, Fyock Family, Gates Family, Gonzalez Family, Guidry Family, Hileman Family, Johnson Family, Johnston Family, Jones Family, LeBlanc Family, Marcucci Family, Martinez Family, McGhee Family, McNary Family, Melusen Family, Mitchell Family, Porterfield Family, Rosendale Family, Sanchez Family, Smallwood Family, Sullivan Family, Svetlecic Family, Verosko Family, Warner Family, Walther Family, Wright Family, Yeboah Family, York Family, Young Family.

Mr. Speaker, I ask that my colleagues join me in commending these families for their service and in thanking them for their dedication to environmental conservation in our community.

#### TRIBUTE TO JOHANNA MAURICE OF THE CHARLESTON DAILY MAIL

#### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mrs. CAPITO. Mr. Speaker, I rise today to recognize Johanna Maurice, a resident of Charleston, West Virginia. I wish to congratulate Maurice on her retirement, and the contributions she has made to editorial journalism during her outstanding career.

Johanna Maurice has served as Editorial Page Editor of the Charleston Daily Mail, a Pulitzer-winning newspaper, since 1986. During that time period, Maurice has contributed greatly to the political discussion throughout the state of West Virginia. We have all benefited from her ability to foster meaningful and respectful discussions. She has also served as a strong voice for fiscal conservancy and business economic growth.

A proud Mountaineer, Maurice graduated from the West Virginia University with a de-

gree in journalism. Before joining the Daily Mail in 1978, she worked as a reporter with the Beckley Register-Herald. Her remarkable tenure as opinion editor underscores the value of having an informed and challenging discussion in the public forum.

Mr. Speaker, I ask our colleagues to join me in recognizing Johanna Maurice for her contributions and service to the people of the Mountain State.

#### RECOGNIZING ST. MARK'S UNITED METHODIST CHURCH TEENS OP- POSING POVERTY PROGRAM

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. CONNOLLY. Mr. Speaker, I rise today to recognize the volunteers of the St. Mark's United Methodist Church Teens Opposing Poverty (T.O.P.s) Program.

St. Mark's United Methodist Church T.O.P.s Program is a youth ministry initiative that teaches youth the true meaning of volunteerism through service to others. On the third Sunday of each month, Prince William County T.O.P.s program volunteers donate prepared meals and clothing to a Washington, D.C. homeless shelter. Spreading the goodwill of Prince William County in the Nation's capital, these teen volunteers learn the true value in serving others by humbly aiding those in need.

It is my honor to submit the names of volunteers for St. Mark's United Methodist Church Teens Opposing Poverty Program: Pam Bryan, John Tyler Cumberland, Shelly Cumberland, Allysa Hartman, Michell Housum, Maureen Kopp, Alexis Liller, Bill Liller, Bernie Posey, Rachel Rannebarger, Brittany Ripper, Robin Russell, Andrea VanPelt, Joel VanPelt, Cody UnThank, Michell Housum.

Mr. Speaker, I ask that my colleagues join me in commending the volunteers for the St. Mary's Methodist Church Teens Opposing Poverty Program for their efforts to assist those who are less fortunate. They faithfully promote a church without walls and we would do well to follow their example.

#### RECOGNIZING THE VOLUNTEER PRINCE WILLIAM BOARD OF DI- RECTORS AND SPECIAL EVENTS VOLUNTEERS

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. CONNOLLY. Mr. Speaker, I rise today to recognize the Volunteer Prince William Board of Directors and special events volunteers.

Founded in 1981, Volunteer Prince William connects generous and selfless citizens throughout the county with volunteer opportunities and charity work. The program fosters a civically engaged public sensitive to community needs and ready to donate their time and

energy when needed. Dozens of nonprofits are able to fill out their ranks of volunteers using the connections and referrals made by Volunteer Prince William.

It is my honor to submit the names of the members of the Board of Directors of Volunteer Prince William: JP Godoy, Sarah Harrover, Michael Higgins, Nora Jewell, Uriah Kiser, Nancy Lindgren, Mark Mason, Eileen Pugh, Lianetta Ruettgers.

The Un-Trim-A-Tree Holiday Gift Program is one example of how Volunteer Prince William leverages individual volunteers into organized programs that have an impact on the community. In October 2012, the Ladies of the Blue and Gray Ball organized the first annual Boo Ball fundraiser. The Ladies were able to provide gifts to over 100 children at the Boo Ball and aid in the funding of 7,540 gifts for children at the Un-Trim-A-Tree Holiday Gift Program.

It is my honor to submit the names of the Ladies of the Blue and Gray Ball who organized the Boo Ball to support the Un-Trim-A-Tree Holiday Gift Program: Sarah Harrover, Nora Jewell, Nancy Lindgren, Sandie Myers, Bridget Mullins, Andrea Oswald, Sharon Owen.

Additionally, it is also my honor to submit the names of the volunteers who volunteered their time and efforts for the Un-Trim-A-Tree Holiday Gift Program: Nyeem Braxton, Barbara Breyfogle, Steven Breyfogle, Birdie Carrier, Kaleil Cherry, David Cobb, Shiayn Cooper, Kelly Cooper, Ashley Dennie, Maria DiBisceglie, Dominique Fontenot, Michael Hale, Mary Hull, Chris Kennedy, Natalie Kennedy, Wendy Minke, Keiona Morris, Dasha Quinn, Karen Raiford, Mitze Roman, Kim Roman, Jody Senna, Kathy Simmons, Jacki Tinsley, Shirley Vance, Adam Will, Kathy Wortman.

Mr. Speaker, I ask that my colleagues join me in commending the members of the Board of Directors of Volunteer Prince William, the Ladies of the Blue and Gray Ball, and the volunteers who assisted with the Un-Trim-A-Tree Holiday Gift Program.

#### CONGRATULATING MINNETONKA TRACK AND FIELD STATE CHAMPIONS

#### HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. PAULSEN. Mr. Speaker, I rise today in recognition of the members of the Minnetonka Girls Track and Field Team, which recently won the Girls Minnesota State High School League Track and Field championship.

Minnetonka didn't hold the top rank going into the championship meet, but they quickly showed that they deserved it as they secured first-place finishes in both the 4x800 relay and the long jump on the first day of competition. Rising senior Elizabeth Endy also broke a school record with her second-place finish in the 400-meter race. Some of the team's stars may be graduating, but others—like freshman Lucy Hoelscher, who was a part of two championship relays—are only beginning their high school careers.

I look forward to tracking their progress in the upcoming years. Their success this season is a tribute to their high level of commitment, one that I am sure they will continue to display in all aspects of their lives.

I am proud to honor these hard-working student athletes. Go Skippers!

#### RECOGNIZING THE PRINCE WILLIAM COUNTY RETIRED AND SENIOR VOLUNTEER PROGRAM

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. CONNOLLY. Mr. Speaker, I rise today to recognize the Prince William County Retired and Senior Volunteer Program (RSVP).

RSVP is a federally funded program with over 750 chapters nationwide, with approximately 1/2 million senior volunteers giving more than 81 million hours annually to their communities. Retired and Senior Volunteer Program volunteers work on many different jobs. RSVP is the nation's largest network of volunteers 55 and over. The volunteers contribute to our community in a variety of ways including tutoring at eight elementary schools, providing literacy skills to adults, helping with cultural events, working with the Sheriff's office, and volunteering with the Hospital Auxiliary and Red Cross.

It is my honor to submit the names of volunteers for the Prince William County RSVP:

Kathy Adams, Marjorie Adams, Joann Amidon, Martha Andrews, Lynn Ashe, George Ashley, Louis Balboni, Marie Balboni, Ruby Bellinger, Bertram Benson, Margaret Binning, Nancy Bireley, Doris Bodwin, Dena Bost, Marge Brault, Carol Brauzer, Barbara Breyfogle, Steven Breyfogle, Dorothy Brooks, Matthew Brooks, Chester A. Burke, Jr., Kathryn Burns, Keating Carrier, Nancy Chen Tsou, Noma Chittenden, Roger Chittenden, Cynthia Colborn, Phyllis Coleman, Gwendolyn Coles, Lillian Coney, Iris Cooper, Marlys Daack, Ronald Daack, Anna May Davis, Rick Davis, Gretchen Day, Dorothy Dimartino.

Lawrence Earl, Betty Edenhart, Mary Jane Ellis, George Fahmy, Bob Finch, Carol Fischer-Nickum, Claire Flaherty, Suzann Flatequal, David Forcier, David Ford, Glorious Ford, Jayne Frelin, Joan Galvin, Susan Gillion, Sidney Goldsby, Ethel Gorham, Helen Graves, Beulah Green, Alane Greyson, Ronald Grieff, Sieglinde Hall, Joan Haneklau, Barbara Harris, George Harris, Richard Harris, Carol Henderson, Clydie Hinton, Iris Hodges, Geraldine Hogan, Nancy Holland, Norma Holmgren, Patricia Hoyle, Elizabeth Hudson, John Hull, Mary Hull, Elizabeth Irvin, Larry Jackson, Marina Jackson, Sandra Jackson, Ellen Jaeger, Harold Jenkinson, Michael Johnson, Janet Jones, Marie Kelleher, Margaret Kirby, Robert Kirby.

Adenia Kitt, Frederick Knox, Theresa Koger, Carol Korb, Rainer Korb, Martin Kruger, Terence Kuszewski, Therese Lang, Mary Larned, Ron Lawray, Jane Lehman, Rene Lehman, Susan Levin, Carolyn Lewis, Linda Ligon, Patricia Lozinak, Lawrence Lum, Irma Machado, Donald Macintosh, Carolyn Maghan, George

Maghan, Ellie Marshall, Annie Mason, Mary McCabe, Teresa McCall, Dianne Metzler, Wendy Minke, Murray Minster, Sadhna Minter, Mary Anne Money, Esther Moniba, Dorothy Moore, James Moore, Leo Moore, Virginia Morales, Constance Mosakowsky, Sue Murphy, Sandra Myers, Susan Myint, Ruth Natale, Susan Nestor, Ellen Newdorf, Martin Newdorf, John Nirich, Carol Ann Nolan.

Clifford Nolan, Phyllis Norling, Clancy Olson, Susie O'Neal, Al Osborne, Nancy Osborne, Margaret Palomares, John Parker, Dinubhai Patel, Edith Peel, Linda Perry, Wayne Perry, Dianne Peyton, Joseph Phoenix, Marie Phoenix, Joyce Pieritz, Kathleen Plutz, Jacqueline Potter, Velma Pridemore, Patricia Prochnow, Eileen Pugh, Marlene Puglisi, Linda Pulley, Wanda Pulliam, Doris Quick, Anita Rasmusson, Sanae Richardson, Sandra Richmond, Charles Rigby, Mary Jo Rigby, James Riley, Valerie Ritter, William Ritter, Stephen Rodkey, Willow Rolfe, Edward Roman, Mitzi Roman, Nanette Ross, Suzanne Rucker, Lianetta Ruettgers, Bertha Russ, Gwen Ryfinski, Anna Ryman, Mohinder Saini, E.L. Schneider, Andrea Schu, Joseph Schu, Shirley Shaffer, Raj Singla, Trudy Slater, Sam Slowinski, Sal Smeraglio, Cheryl Smith.

Eleonore Smith, Ellen Smith, Philip Smith, Sandra Smith, Michael Somma, Penny Spatzer, Cyme Spicer, Sharon Steffl, Anita Steidel, Marianne Stevens, Ruth Storaker, Dyanne Street, Ralph Sutherland, Mary Sweesy, Helen Tang, Shirley Temple Van Ess, Michael Timko, Lana Tobey, Sharon Tomochak-Owen, Charles Trepel, Alan Turner, Marilyn Turner, Ronald Turner, Wilma Turner, James Van Ess, Patricia Venti, Sally Vincent, Sherry Wagenbach, Claudette Warner, William Warner, Marianne Warren, Anna Mae Washington, Helen Wells, Janis White, David Whitman, Patricia Whitman, Doris Wiesenbahn, Pearl Wilson, Mary Wingard, Theresa Winiesdorffer, Bruce Wood, Kathy Wortman, Sherri Wussow, Susan Young.

Mr. Speaker, I ask that my colleagues join me in commending these dedicated volunteers. I would like to extend my personal appreciation to the men and women who participate in the Retired and Senior Volunteer Program. We all owe a debt of gratitude to these selfless community activists.

#### RECOGNIZING THE RECIPIENTS OF THE 2013 FAIRFAX COUNTY CHAMBER OF COMMERCE OUTSTANDING CORPORATE CITIZENSHIP AWARDS

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the recipients of the 2013 Fairfax County Chamber of Commerce Outstanding Corporate Citizenship Awards.

For more than 85 years, the Fairfax County Chamber of Commerce has provided a strategic link between local businesses and the region through participation in community activities, networking opportunities, marketing,

support and education. Fairfax County has witnessed extraordinary growth, and the Chamber of Commerce has been a consistent, guiding voice for business.

Fairfax County is considered by many to be one of the best communities in the country in which to live, work and raise a family. A significant factor in that distinction is the thriving partnership between the public and private sectors. Corporations, non-profit organizations, and educational institutions work hand-in-hand with their counterparts in local, state and federal government agencies. A thriving business community is essential to maintaining a high quality of life for all residents, just as ensuring strong community institutions and educational opportunities for all residents are essential to fostering continued economic growth.

The Fairfax County Chamber of Commerce annually recognizes individuals and businesses that have demonstrated exceptional leadership and have excelled in their efforts to better our community through social responsibility. More than 44 nominees were considered for the 2013 awards, and each is deserving of recognition and appreciation.

It is my honor to submit the names of the recipients of the 2013 Fairfax Chamber of Commerce Outstanding Corporate Citizenship Awards:

Emerging Influential of the Year: Gayle Bailey.

Non-Profit of the Year: Girls on the Run.

Executive Leader of the Year: Todd Rowley, Capital One Bank, N.A.

Woman Owned Business of the Year: Transformation Systems, Inc. (TSI).

Outstanding Corporate Citizen of the Year—Large Business: Balfour Beatty Construction.

Outstanding Corporate Citizen of the Year—Mid-Size Business: Excella.

Outstanding Corporate Citizen of the Year—Small Business: Integrity Management Consulting.

In addition to the Corporate Citizenship Awards, the Fairfax Chamber of Commerce also bestows awards in three unique categories: the Chairman's Awards which recognize extraordinary leadership by companies and individuals within the Fairfax Chamber, the James M. Rees Award which recognize lifelong leadership and service to the Northern Virginia business community, and the NOVAForward Award which is presented to an individual for extraordinary efforts to move Virginia forward. This year's honorees are:

Chairman's Awards: Fran Fisher, President, Revenue Recovery Consultants, Inc.; Bruce Gemmill, SVP & Chief Marketing Officer, John Marshall Bank; Arthur E. (Bud) Morrisette, IV, Group President, Interstate Relocation Services, Inc. and Interstate International, Inc.

James M. Rees Award: Donna S. Morea, CEO, Adesso Group & Former President, U.S., Europe and Asia, CGI; Milton V. Peterson, Principal and Founder, The Peterson Companies.

NOVAForward Award: Bob Chase, President, Northern Virginia Transportation Alliance.

Mr. Speaker, I ask my colleagues to join me in congratulating the recipients of the 2013 Fairfax County Chamber of Commerce Outstanding Corporate Citizenship Awards and in thanking them for their many contributions that have supported not only our high quality of life

but also the robust business community we enjoy in Fairfax County.

#### CONGRATULATING EDEN PRAIRIE LACROSSE STATE CHAMPS

**HON. ERIK PAULSEN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. PAULSEN. Mr. Speaker, I rise today in recognition of the members of the Eden Prairie Boys Lacrosse Team, which recently won the Minnesota State High School League Lacrosse Tournament.

The Eden Prairie Boys had a phenomenal season. Not only did they win the state championship, they also finished the year going undefeated, with a record of 18–0. Their championship game against second-ranked and defending state champion Eastview was won on a last-second goal by freshman J.D. Spielman. This year's team was lead by senior attackman Brooks Armitage, who ended up with 50 points this season. The Eden Prairie lacrosse team persevered through multiple second-place finishes in the state tournament to truly earn this year's state title.

Adding to the pressure of the final game was that it was a rematch of last year's championship. The Eagles started off strong with a 3–0 lead, but by the end of the second quarter, the game was a tight 5–4 in favor of Eden Prairie. The teams traded goals throughout the second half, until the game was tied 8–8 with only a few minutes remaining. Spielman called for the ball and scored with just 12.4 seconds left in the game.

Our community is proud of this team earning the state's highest collective achievement. Their success this season is a tribute to their high level of commitment, one that I am sure they will continue to display in all aspects of their lives.

Go Eagles!

#### IN HONOR OF THE 2013 LITERACY COUNCIL OF NORTHERN VIR- GINIA AWARD RECIPIENTS

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. CONNOLLY. Mr. Speaker, I rise today to congratulate the recipients of the 2013 Literacy Council of Northern Virginia Community Partner Awards and Volunteer of the Year Awards. Founded in 1962, the Literacy Council of Northern Virginia (LCNV) is a non-profit educational organization that recruits and trains volunteers to teach adults who need help reading, writing, speaking, and understanding the English language.

The mission of LCNV is to empower adults by providing a wide range of programs that teach the basic literacy skills needed in order to become self-sufficient and full participants in society. These programs include Basic Adult Literacy Tutoring, which works with adults who speak and understand English but

are beginning readers and writers, and ESOL tutoring programs that teach reading, writing, listening comprehension, and speaking to those in our community for whom English is not their native language. In addition, LCNV offers two classroom programs: The ESOL Learning Center program, which serves low-income immigrant adults and teaches life skills important in the work place and community, and Family Learning Programs, which teach English proficiency to parents while their children participate in separate literacy-related activities.

Over the course of the last 50 years, thousands of people and families have been helped through LCNV programs. This would not have been possible without the dedication and commitment of the many volunteers and community partners. It is my great honor to recognize the following recipients of the 2013 Literacy Council of Northern Virginia Awards:

Recipients of the Community Partners Awards: Acumen Solutions, City of Alexandria, and the Meyer Foundation.

Recipients of the Volunteer of the Year Awards: Susan Kral, Anne Spear, Audrey Lipps, and Mark Troppe.

This year, LCNV learners were invited to submit writings around the theme for this year's Annual Recognition Event: "New Beginnings." Learners worked with tutors, teachers, and classmates to formulate ideas, construct drafts, edit, and polish their writing in order to create final products that were published in LCNV's annual report. I commend each of the learners who submitted a writing and congratulate them on the incredible progress that they have made.

Mr. Speaker, I ask that my colleagues join me in recognizing the contributions of the Literacy Council of Northern Virginia and in congratulating each of the 2013 Award Recipients. Their dedication, hard work, and commitment improves the quality of life for the students, as well as the community, by providing program participants with the life skills that are necessary to become active and productive members of society.

#### RECOGNIZING THE RECIPIENTS OF THE 2013 TOWN OF DUMFRIES VOLUNTEER AWARDS

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the recipients of the 2013 Town of Dumfries Volunteer Awards.

The Town of Dumfries was chartered on May 11, 1749, by the Virginia General Assembly, eventually becoming Virginia's oldest continuously chartered town. The Town covers a land area of 1.6 square miles in eastern Prince William County, and it is located 31 miles southwest of Washington, D.C. Dumfries served as a busy tobacco port for the Virginia Colony during the 17th and 18th centuries until the onset of the American Revolution. Today, more than 4,900 residents call the Town of Dumfries home. Several of these residents have volunteered their time and energy

over the past year to help the town government organize a wide variety of activities and events, and the work of these volunteers deserves recognition.

It is my honor to submit the names of the 2013 Town of Dumfries Volunteer Awards honorees:

Volunteer of the Year Award: Sonia Hoehn.

Spirit of Community Service Award: Melonie Bennett.

Partner in Community Service Award: Pillar Church.

Community Hero Award: Dumfries-Triangle Rescue Squad.

Friend to the Community Award: Quantico Marine Corps Band.

UnSung Hero Award: William O'Kelly Russell.

Further, it is my honor to submit the names of the volunteers for the Town of Dumfries:

Joann Baron, Richard Bell, Jill Borak, Ericka Bridges, Nigel A. Clay, Lakesha Clements, Danny Cosner, Gina Critchley, Matt Critchley, Derek Ester, Carmella Foreman, Michael Futrell, Ana Garcia, Colby Garman of Pillar Church, Gunnery Sergeant Kevin A. Glave of the Quantico Marine Corps Band, Dr. Amy Goodwine, Becky Guy, Bill Hoehn, Teriyaki Jefferson, Jen Jones, Persephone Jones of Brownie Troop 5894, Uriah Kiser, Marc Lamelin, Sandra Lamelin, Carrie M. Lee, Meredith Lopez, Lisa Manion, Michael McDonald, Tishami Clay McDonald, Ed McGlothlin, Mike, Selonia Miles, Lisa Miller of Cub Scout Pack 176, Shawn Miller of Cub Scout Pack 176, Amir Nehemiah Neville-Majeed, William Noaker, Mr. Pack, Nicole Pack, Kristina Padberg, Mary Padberg, Thomasina Perkins-Washington, Paul Peterson, Bruce Potter, Potomac Senior High School NJROTC, Bob Price, Chase Rivers of DMV Dynasty, Pequitte Schwerin, Mike Sheperd, Pete Singh, Sue Stalder, Kayla Straub, Terry Swirchak, Liletta Thompson, Eileen Thrall, Danya Tolpolcai, John Tolpolcai, Penny Toney, Sharon Turner, Glenn Vickers, James Vincent, Gary West, Kenya Whitener, Raymond Williams Sr., Ronald Wilson.

Mr. Speaker, I ask that my colleagues join me in thanking the volunteers for the Town of Dumfries and in congratulating our award recipients. These volunteers appreciate the value of community action and work tirelessly to support the long-standing civic mission of the Town of Dumfries.

#### RECOGNIZING THE EDEN PRAIRIE BOYS GOLF TEAM ON STATE TITLE

##### HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. PAULSEN. Mr. Speaker, I rise today to recognize and congratulate the Eden Prairie Boys golf team for winning the 2013 Boys Minnesota State High School Golf Championship. Their efforts were nothing short of excellent and their victory was earned through hard work and commitment.

The boys team worked hard to improve their skills throughout the season. The winning 10-

foot putt was sunk by junior Zach Peters, allowing the Eagles to win over the defending state champion by a single point, truly marking the Eden Prairie team as worthy champions. Together, this team has exemplified perseverance and dedication.

I would also like to commend the coaches for leading this Eagles squad to the state title. This is the first time the Eagles have secured the state title since their initial championship in 1999, and Head Coach Ty Armstrong has promised the team that they can throw him into a pond to celebrate.

It is a noteworthy achievement to win a state championship title, and the team members and coaches of the Eden Prairie boy's golf team should be proud. They set a great example to fellow students and athletes. Congratulations to these student athletes, their parents, and the coaches. Go Eagles!

#### SUPPORT EUROPE/EURASIA ENERGY SECURITY AND HELP STRENGTHEN OUR STRATEGIC ALLIANCES—THE SOUTHERN GAS CORRIDOR RESOLUTION

##### HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. TURNER. Mr. Speaker, as Chairman of the U.S. Delegation to the North Atlantic Treaty Organization Parliamentary Assembly, I am introducing a bipartisan resolution expressing the sense of the House of Representatives that it is in our national interest to support and enhance Europe's energy security through opening of the Southern Gas Corridor.

Many of our allies in Europe are heavily dependent on natural gas supplies from one country or from unstable regions. For example, several European countries have experienced natural gas supply disruptions from Russia, the largest supplier of natural gas to Europe, over various disputes. In addition, Turkey relies on Iran for 20 percent of its natural gas imports. And earlier this year, Islamist militants attacked a natural gas facility in Algeria, which is the third largest exporter of natural gas to Europe.

The Caspian Sea region holds significant energy resources and proven natural gas reserves. In particular, the Shah Deniz field in Azerbaijan is one of the world's largest gas fields, with over 30 trillion cubic feet of recoverable gas. The Southern Gas Corridor will help our European allies diversify their energy resources by providing an alternative and reliable source of natural gas. This will bolster their energy security and help improve geopolitical stability in the region. Specifically, the pipeline will route natural gas from Azerbaijan through Georgia and Turkey to Europe.

Current and past administrations have expressed support for the Southern Gas Corridor. At the U.S.-Azerbaijan Convention in late May 2013, U.S. Ambassador to Azerbaijan Richard Morningstar stated:

"... Azerbaijan's importance to European energy security will remain strong, helping to guarantee that our European partners are not overly reliant on any suppliers. Azer-

baijan is now in the final stages of establishing a southern corridor for natural gas.

"... our overriding interest is that Azerbaijani gas reaches vulnerable markets in Europe..."

Additionally, a December 2012 report by Senator Richard Lugar's Foreign Relations Committee staff entitled "Energy and Security from the Caspian to Europe" states:

"... the Southern Corridor would advance several U.S. and NATO foreign policy objectives: it would further isolate Iran, assist in cultivating partners in the Caucasus and Central Asia and bolster their sovereign independence, and perhaps most importantly, curtail Russia's energy leverage over European NATO allies."

Mr. Speaker, the Southern Gas Corridor will contribute to regional energy security for our allies in Europe and Eurasia, and help to strengthen our strategic partnership.

I urge all my colleagues to support this important resolution.

#### RECOGNIZING CAPTAIN JOHN MCLAIN FOR HIS SERVICE WITH THE UNITED STATES NAVY

##### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. CONNOLLY. Mr. Speaker, I rise today to thank and commend Captain John McLain of Woodbridge, Virginia, on the occasion of his retirement after 25 years of honorable service with the United States Navy.

Captain McLain graduated from Florida State University with a Bachelors Degree in International Relations and English in 1987. He attended Aviation Officer Candidate School and was commissioned an Ensign in March 1988.

Designated a Naval Aviator in June 1989, Captain McLain was assigned to the Helicopter Anti-Submarine Squadron (Light) Forty-Three (HSL-43), where he deployed twice to the Persian Gulf, participating in Operation Desert Shield with the USS *Chancellorsville* (CG 63) and as Detachment Maintenance Officer with the USS *Paul F. Foster* (DD 964).

In April 1993, Captain McLain was assigned to Air Test and Evaluation Squadron One (VX-1) in Patuxent River, Maryland, where he served as Operational Test Director for all SH-60B programs.

In April 1996, he reported to USS *Boxer* (LHD 4), in San Diego, as the Assistant Air Officer, deploying again to the Arabian Gulf and Red Sea with the 15th MEU (SOC).

Following refresher training in the SH-60B, Captain McLain reported to the "Easy Riders" of HSL-37 in NAS Barber's Point, Hawaii. He served as Officer in Charge of the LAMPS detachment aboard the USS *Port Royal* (CG 72) with the USS *John C. Stennis* Battle Group and as the squadron Maintenance Officer.

Captain McLain reported to the Naval War College in Newport, Rhode Island, where he graduated with honors from the College of Naval Command and Staff with a Master's degree in National Security Affairs. Following graduation, he was selected as an Associate Fellow with the Chief of Naval Operations'

Strategic Studies Group (CNO SSG) during SSG XXII.

After SSG, Captain McLain was assigned to the Joint Staff in Washington, D.C. where he worked in the Directorate for Intelligence, Deputy Directorate for Intelligence Capabilities and Requirements (J2P).

He was selected for command in August 2005 and reported to NAS Whiting Field, Florida, where he served as Executive Officer of Helicopter Training Squadron Eighteen (HT-18) and as the first Commanding Officer of Helicopter Training Squadron Twenty-Eight (HT-28).

Captain McLain reported to the Center for Naval Analyses (CNA) as a Federal Executive Fellow in August 2008. After completing his fellowship, he reported to the Strategy Branch, Strategy and Policy Division, Office of the Deputy Chief of Naval Operations for Operations, Plans and Strategy (OPNAV N513) where he completed his 25 years of service in the United States Navy.

Mr. Speaker, I ask that my colleagues rise to join me in recognizing and thanking John McLain for his committed and selfless service to his colleagues and our country. We are fortunate to have among us veterans with Captain McLain's sense of duty and continued commitment to our national security. We wish Captain McLain, his wife, June, and their two sons, Jack and Finn, well during this next chapter of their lives.

IN RECOGNITION OF A LANDMARK COURT RULING RECOGNIZING CONGRESSIONAL AUTHORITY TO GRANT CITIZENSHIP TO PERSONS BORN IN U.S. TERRITORIES

**HON. ENI F. H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in recognition of a landmark decision handed down yesterday by the District Court for the District of Columbia in *Tuaua v. United States*. The decision reaffirms the plenary authority of Congress to grant citizenship to people born in the U.S. territories. The plaintiffs in the lawsuit are five non-citizen U.S. nationals born in American Samoa and the Samoan Federation of America, a nonprofit organization serving the Samoan community in Los Angeles. The defendants are the United States, the State Department, the Secretary of State, and the Assistant Secretary of State for Consular Affairs. The plaintiffs brought the lawsuit seeking a declaratory judgment that would assert that the Fourteenth Amendment's Citizenship Clause extends to American Samoa. I submitted an amicus curiae brief in support of the defendants. The Court granted the defendants' motion to dismiss on June 26, 2013 after finding that the plaintiffs failed to state a claim.

Mr. Speaker, the plaintiffs in the Citizenship lawsuit sought to reverse years of legal precedent and usurp Congressional authority to bestow citizenship to people living in the U.S. territories. The Court correctly found the plaintiffs' arguments unpersuasive and held, "To date, Congress has not seen fit to bestow

birthright citizenship upon American Samoa, and in accordance with the law, this Court must and will respect that choice." When the people of American Samoa vote in favor of citizenship, I will work with Congress to ensure that the people of American Samoa become U.S. citizens. However, the people of American Samoa have yet to vote on whether they want to become U.S. citizens.

Mr. Speaker, in the early 20th century the Supreme Court in a series of cases known as the Insular Cases, firmly established the extent to which the Constitution applies to the territories. In these cases the Court defined "incorporated" territories as territories that are expressly made part of the United States by an act of Congress and "unincorporated territories" as territories that had not yet become part of the United States and were not on a path toward statehood. The Insular Cases established that only "fundamental" constitutional rights are extended to persons born in unincorporated territories.

The plaintiffs argued that citizenship is a "fundamental" right that applied to unincorporated territories. Recent federal court cases have not supported this argument. Similarly, Judge Richard Leon in his opinion in *Tuaua v. U.S.* correctly reasoned that the Insular Cases suggested that citizenship was not a "fundamental right" that applied to unincorporated territories. Judge Leon found the plaintiffs' evidence too speculative in the face of contrary overwhelming legal precedent and constitutional authority. The plaintiffs were unable to provide a single federal court case that has recognized birthright citizenship as a guarantee in unincorporated territories.

Mr. Speaker, I would like to thank Michael Williams, Thea Cohen and Michael Fragoso and their law firm of Kirkland & Ellis, LLP for their generous support in working collaboratively with my office in support of the people of American Samoa.

In conclusion Mr. Speaker, I thank the Court for its well reasoned opinion in *Tuaua v. U.S.* and for reaffirming the authority of Congress to grant citizenship to the people of American Samoa. This decision will allow the people of American Samoa to decide whether they want to become citizens. Once the people make a decision I can work with my colleagues in Congress to grant citizenship to the people of American Samoa.

REGARDING SUPREME COURT DECISION IN SHELBY COUNTY VS. HOLDER

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Ms. JACKSON LEE. Mr. Speaker, in the case of *Shelby County v. Holder*, decided this past Tuesday, the justification relied upon by the conservative majority of the Supreme Court to strike down Section 4 of the Voting Rights Act today essentially comes down to this: "Times change." Chief Justice Roberts is right, times have changed. What he neglects to add is that the change is due almost entirely to the existence and vigorous enforcement of the Voting Rights Act.

In the same way that the vaccine invented by Dr. Jonas Salk in 1953 eradicated the crippling effects but did not eliminate the cause of polio, the Voting Rights Act has succeeded in stymying the practices that resulted in the wholesale disenfranchisement of African Americans in the southern region of our country but not in eliminating the motivations underlying them. And that is why the vaccine of the Voting Rights Act is needed as much today as Dr. Salk's vaccine is needed to prevent another polio epidemic.

In his opinion, the Chief Justice applauds this remarkable progress brought about by the Voting Rights Act and concludes it was so successful in preventing the states with the worst and most egregious records of voter suppression, intimidation from disenfranchising minority voters that those States should no longer be subject to the federal supervision responsible for the success he celebrates.

But in a record exceeding 15,000 pages in length compiled after holding 21 hearings and receiving testimony from more than 150 witnesses, Congress carefully and meticulously documented why the covered States could not yet be trusted to refrain from a return to their days of shame. And because of Section 5, they could not do so even if they tried.

Without Section 5, Congress recognized that many of the advances of the past decades could be wiped out overnight with new schemes and devices, such as the mid-decade redistricting conducted in my home State of Texas, which the U.S. Supreme Court struck down in part in *LULAC v. Perry*, 546 U.S. 399 (2006) or the attempt to eliminate the North Forest Independent School District in my congressional district.

I call upon the leadership of the Congress and President Obama to follow the example of their predecessors during the 109th Congress and begin immediately to work together to come up with the legislative remedy needed to repair the damage caused by the Supreme Court's misreading of history and disregard of its own settled precedents when it comes to Congress's power to protect the right to vote guaranteed by the 15th Amendment.

While the Congress works to come up with the pre-clearance legislative fix, the administration in the meantime should begin redirecting its resources to wage the many "post-clearance" battles that lay ahead.

RECOGNIZING RECIPIENTS OF THE 2013 GREATER RESTON CHAMBER OF COMMERCE AWARDS FOR CHAMBER EXCELLENCE

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 27, 2013*

Mr. CONNOLLY. Mr. Speaker, I rise today to recognize recipients of the 2013 Greater Reston Chamber of Commerce Awards for Chamber Excellence.

The Greater Reston Chamber of Commerce was founded in 1982 as a business roundtable in the growing community of Reston, Virginia. For more than 30 years, the Reston Chamber has facilitated business growth and entrepreneurship through its programming, advocacy

and engagement throughout the community. The Reston Chamber currently has more than 600 member businesses that together employ more than 10,000 people. It is the 6th largest chamber of commerce in the Washington DC-metropolitan region and is deeply embedded in the community.

The Reston Chamber hosts annual events such as Taste of Reston, Oktoberfest Reston, and Best of Reston, and it has received national recognition for its Ethics Day, a workshop for high school students on ethical decision making. Members use the INC.spire Education Foundation and free SCORE business coaching programs to help create and grow their enterprises. INC.spire has assisted more than four dozen entrepreneurs create 500 jobs and \$45 million of business investment.

The Chamber was recognized by Fairfax County Public Schools for its involvement in local classrooms, received the Community Service Award from the Reston Community Center, and received the Best of Reston Corporate Philanthropy Award in 2012.

Each year, through the Awards for Chamber Excellence, the Chamber recognizes member companies, individuals, and volunteers who have demonstrated excellence, innovation and exceptional dedication to the Reston community. I am pleased to join the Greater Reston Chamber of Commerce in recognizing the following Awards for Chamber Excellence (ACE) recipients:

Committee of the Year: Business Education Committee, Angela Inzerillo and Cindy Simons-Bennett (co-chairs).

Small Business of the Year: Conversion Pipeline.

Medium Business of the Year: Atrium Catering and Design.

Large Business of the Year: Access National Bank.

Member of the Year: Cynthia Hyland, Northrop Grumman.

New Member of the Year: Lindsay Mensch, Volunteer of the Year: Laura Lee Spatzer.

First Responder of the Year Award: Sally Dickinson, North Point Fire Station 439.

Joe Ritchie Pinnacle Award: Marion Myers, Myers Public Relations.

President's Award: Bill Byers, First Virginia Community Bank.

Mr. Speaker, I ask that my colleagues join me in congratulating this year's award recipients and in thanking them for their contributions to the local economy and outstanding service to our community. I also commend the Greater Reston Chamber of Commerce for its role as an invaluable partner to local businesses, nonprofits and schools. The efforts of the Chamber, the member businesses, and volunteers have helped make Reston a truly special place live, work and raise a family.

#### PERSONAL EXPLANATION

#### HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. NEUGEBAUER. Mr. Speaker, due to an unforeseen death in my family, I was absent for rollcall votes 287–290. Had I been present, I would have voted:

“Yea,” rollcall No. 287 H.R. 2383. To designate the new Interstate Route 20 bridge over the Mississippi River connecting St. Louis, Missouri, and southwestern Illinois as the Stan Musial Veterans Memorial Bridge.

“Yea,” rollcall No. 288 H.R. 1092. To designate the air traffic control center located in Nashua, New Hampshire, as the Patricia Clark Boston Air Route Traffic Control Center.

“Yea,” rollcall No. 289. On Ordering the Previous Question.

“Yea,” rollcall No. 290. Providing for consideration of H.R. 1613, Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act; providing for consideration of H.R. 2231, Offshore Energy and Jobs Act; and providing for consideration of H.R. 2410, making appropriations for Agriculture, FY 2014.

#### RECOGNIZING THE RECIPIENTS OF THE 2013 SHELTER HOUSE, INC. VOLUNTEER AWARDS

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the remarkable efforts of Shelter House, Inc., and to congratulate the recipients of the 2013 Volunteer Awards. Shelter House is a community-based, non-profit organization that works to break the cycle of homelessness by offering support to those most in need in the Northern Virginia community. Shelter House provides crisis intervention, temporary, transitional and permanent housing, training, counseling, and programs to support self-sufficiency. Of course, none of this would be possible without the hard work of dedicated volunteers.

Shelter House was founded in 1981 by several faith groups, which came together to better serve low-income individuals and families. Shelter House operates three shelters: The Katherine K. Hanley and the Patrick Henry family shelters, which provide temporary housing for local families who become homeless, and Artemis House, Fairfax County's only emergency shelter for families and individuals fleeing domestic and sexual violence and human trafficking. In 2013, Shelter House added permanent housing to its portfolio by partnering with Falls Church Presbyterian Church to open the Ives House to three homeless/unstably housed families to provide additional case management support to increase their self-sufficiency.

The programs operated by Shelter House have contributed greatly to breaking the cycle of homelessness. In FY2012, Shelter House decreased the average length of stay for families in its shelters by 30 percent, and 72 percent of families at the Katherine K. Hanley Family Shelter and Patrick Henry Family Shelter moved into permanent housing, representing a 12% increase over the previous fiscal year. At Artemis House, 67% of households moved to safe and stable housing—an increase of 5% from FY2011. In FY2012, Shelter house prevented 40 households from becoming homeless, and 80 percent of families staying in its transitional and permanent

supportive housing programs increased their employment income by an average of more than \$650 per month. Volunteers and community partners are essential to this success, as they provide the tools necessary to combat homelessness. Their time, money, and effort compose the foundation of Shelter House's commendable work.

This year, Shelter House has recognized the following individuals and partners for their outstanding commitment to ending homelessness in our community: Changing Lives Awards—Passion 4 Community, Lord of Life Lutheran Church, and St. Luke's United Methodist Church. Community Champions—Falls Church Presbyterian Church, Madison Ridge, and McLean Bible Church. Ending Homelessness & Domestic Violence Awards—Pat Kuehnelt, Keller Williams Fairfax Gateway Office, and Lori Tagami. Youth Volunteer Award—Natalie Hancher, Molly Sullivan, Charlotte Lackey, Girl Scout Troop #1732, and Rock Spring UCC YORS (Youth of Rock Spring). These individuals and organizations certainly deserve special recognition for their dedication to Shelter House. However, we also must acknowledge the importance of all Shelter House volunteers, as well as the private sector and government partners who constantly strive to better our community through efforts to provide secure, structured environments, as well as indispensable support, for families in need.

Mr. Speaker, I ask my colleagues to join me in expressing our sincere appreciation to Shelter House and its many volunteers and community partners. Their selfless work benefits the entire Northern Virginia community and improves the lives of many of our neighbors.

#### COMMEMORATING THE 50TH ANNIVERSARY OF THE LAKEWOOD 4TH OF JULY PARADE

#### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 2013

Mr. HENSARLING. Mr. Speaker, today I would like to commemorate the 50th anniversary of the Lakewood 4th of July Parade. On July 4, 1964, the Lakewood 4th of July Parade consisted of two children riding their bikes down the sidewalk on a block of Lakewood Boulevard. From these humble beginnings, the parade has expanded to become an institution of the Lakewood neighborhood.

For the past 50 years, the Lakewood 4th of July Parade has worked hard to promote a sense of community for its residents. While the parade has grown tremendously over the past five decades, it remains true to its purpose of having a parade for the benefit of kids of all ages. The Lakewood 4th of July Parade is truly helping make our community a better place to live.

My wife, Melissa, and our two young children enjoy participating in the Lakewood 4th of July Parade. The annual event is important, not just to those who live on the neighboring streets, but to all who come to Lakewood to enjoy the patriotic festivities.

On behalf of all Lakewood residents, I would like to congratulate the Lakewood 4th of July

Parade organizers and volunteers on their tremendous accomplishments and thank them for their continued valuable service to our community and country.

ADDRESSING THE NEGLECTED  
DISEASES TREATMENT GAP

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. SMITH of New Jersey. Mr. Speaker, yesterday, the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, which I chair, held a hearing that examined the neglected diseases that affect a relatively small but significant number of children around the world.

These diseases are not only debilitating for their victims but are too often fatal when untreated. Such diseases largely impact poor people in poor countries. They are not only small in numbers, but they are unable to pay market prices for treatments and are unlikely to lead social movements to force action on their diseases. That means that research on detection, vaccines and drug treatment for their ailments does not receive the priority that diseases such as HIV/AIDS, often seen in pandemic levels, are given.

The World Health Organization has identified 17 neglected tropical diseases or NTDs. The list ranges from chagas to rabies to leprosy to dengue fever. However, there are others not on this list of 17 diseases that also receive less attention. These include such diseases as polio and smallpox, which have largely been eliminated from the planet, and fatal, fortunately rare NTDs such as kuru and ebola.

This hearing will consider the current U.S. government handling of these neglected diseases to determine what more can or should be done to address this situation. Current U.S. law favors research on those diseases threatening the American homeland, but in today's world, diseases can cross borders as easily as those affected by them or the products imported into the United States. For example, chagas is most prevalent in Latin America, but it has been identified in patients in Texas, and cases of dengue fever have recently been reported in Florida. We cannot afford to assume that what may seem to be exotic diseases only happen to people in other countries. Ten years ago, West Nile Virus, another NTD, was not seen in the United States or anywhere else outside the East African nation of Uganda, but in less than a decade, it has spread across this country and much of the rest of the world. Last year, 286 people died from West Nile Virus in the United States alone. As recently as the mid-1990s, this disease was seen only sporadically and was considered a minor risk for human beings.

Generally, NTDs affect the health of the poor in developing countries where access to clean water, sanitation, and health care is limited. Roughly 2 billion people are being treated for at least one NTD, although most individuals are infected with several NTDs at once. Several NTDs are difficult to control by drug

treatment alone because of their complicated transmission cycles that involve non-human carriers such as insects. Furthermore, some of the drugs have significant side effects (including death) and cannot be used by young children or pregnant women.

A study done in 2001 found that research and development of drugs to treat infectious diseases had ground to a near-standstill. From 1975 to 1999, the report stated, 1,393 new drugs were brought to the market globally, but only 16, or 1.1 percent, were for tropical diseases (including malaria) and even tuberculosis, although these diseases represented 12% of the global disease burden. A 2012 update of that study found that the gap between the percentage of research and development on NTDs and their percentage of the global disease burden had narrowed, but there is still a long way to go to reach an adequate balance. Of the 756 new drugs approved between 2000 and 2011, 29 (or 3.8 percent) were for neglected diseases, although the global burden of such diseases was estimated at 10.5 percent. Of these, only four were new chemical creations, three of which were for malaria, but none for tuberculosis or neglected tropical diseases.

It is unprofitable for companies to create treatments for diseases with few victims and no certain way to recover research and development costs. Our heart goes out to those who suffer from these neglected diseases, and we want our government to speed up research and development in cooperation with universities and private companies. However, research and development take time and effort and costs money that private companies cannot easily justify to their stockholders, including many of us, without incentives. We should consider such incentives and look at the system in place to forge successful efforts to deal with NTDs.

We had with us representatives from the National Institutes of Health, which was established to understand, treat, and ultimately prevent the many infectious, immunologic and allergic diseases that threaten millions of human lives. Their government partner in the system for developing solutions to the problem of NTDs and other diseases is the Food and Drug Administration, which, among other responsibilities, is charged with protecting and promoting public health through the regulation and supervision of prescription and over-the-counter pharmaceutical medications, vaccines and biopharmaceuticals.

Also joining us yesterday were representatives from a network specializing in providing medicines at the lowest possible cost to those suffering from NTDs, a major pharmaceutical company that develops new drugs for the treatment of diseases rare and otherwise, and a new organization seeking to extend the benefits of proven interventions to improve the lives of the poor in developing countries. If a solution to the gap between existing research and development and successful strategies to meet the challenges of NTDs is to be found, it will take the collaboration of the organizations represented here today, as well as numerous others.

What yesterday was a disease affecting a tiny population in a remote area of the world can tomorrow become an unexpected, global

epidemic. We must be better prepared to deal with new challenges to public health.

IN RECOGNITION OF PLYMOUTH'S  
SIX FALLEN HEROES

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. KEATING. Mr. Speaker, I rise today to honor the service and sacrifice of six fallen heroes hailing from the great town of Plymouth, Massachusetts.

Since September 11, 2001, Plymouth has lost six of its own citizens who answered the call to defend their Nation. These selfless individuals will now be memorialized by family, friends, and neighbors in their hometown when Plymouth's Fallen Heroes Memorial is officially unveiled next week. Today, I would like to express my gratitude for their service by presenting the names of the fallen to the CONGRESSIONAL RECORD:

Sergeant First Class Robert E. Rooney, Army National Guard;

Killed in action September 25, 2003 in Kuwait.

Lance Corporal Jeffrey C. Burgess, United States Marine Corps;

Killed in action March 25, 2004 in Fallujah, Iraq.

Private First Class Kevin J. King, United States Army;

Killed in action April 18, 2007 during a training exercise at Fort Campbell, Kentucky.

Sergeant Benjamin W. Sherman, United States Army;

Killed in action November 10, 2009 in Western Afghanistan.

Staff Sergeant Matthew A. Pucino, Army National Guard;

Killed in action November 23, 2009 in Pashay Kala, Afghanistan.

Specialist Steven E. Gutowski, United States Army;

Killed in action September 28, 2011 in Ghanzi Province, Afghanistan.

These courageous, distinguished men embodied the best ideals of our country and dedicated their lives to its security. I sincerely thank these six Plymouth natives for all that they have given in the line of duty.

Mr. Speaker, it is a great honor to recognize the outstanding sacrifice that these veterans made for their country. I ask that my colleagues join me in this remembrance, and in thanking all of our servicemembers deployed across the globe.

RECOGNIZING ALEXANDER  
MIRANDA AND ANGEL VALVERDE

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. WEBSTER of Florida. Mr. Speaker, I am pleased to recognize two students, Alexander Miranda of Davenport, Florida, and Angel Valverde of Orlando, Florida, on their acceptance to attend a People to People World



Leadership Forum next week in Washington, D.C.

The People to People Leadership Ambassadors program brings together middle and high school students from over 140 countries and offers unique, hands on educational experiences that prepare students to assume the mantle of leadership in the future. While in Washington, D.C., students will participate in daily educational activities constructed around a leadership development-focused curriculum to assist students in identifying and applying their personal leadership style.

To be selected for a People to People World Leadership Forum, these students have demonstrated the requirements of academic excellence, leadership potential and exemplary citizenship. Their commitment of time and dedication to their education and future is outstanding. I wish the best for Alexander and Angel as they continue to advance toward even higher pursuits.

On behalf of the citizens of Central Florida, I am pleased to congratulate Alexander Miranda and Angel Valverde on their acceptance to a People to People World Leadership Forum this summer. May their hard work and steadfastness inspire many to follow in their footsteps.

H.R. 1947 THE FEDERAL AGRICULTURE REFORM AND RISK MANAGEMENT ACT OF 2013

**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. PETERS of Michigan. Mr. Speaker, I rise today in opposition to the harmful "King Amendment" to the Federal Agriculture Reform and Risk Management Act of 2013 (H.R. 2217). I believe it will negatively impact Michigan's agricultural industry and hinder states' ability to maintain high dairy standards and to protect its citizens from livestock diseases and invasive pests.

I am disappointed that the U.S. House Committee on Agriculture adopted the controversial King amendment and that floor amendments to strip this harmful provision were not allowed to be voted on by the full House. The King Amendment precludes positive state regulation because it authorizes the federal government to nullify state laws and to change current animal welfare standards.

I have consistently made animal protection a priority. In 2010, I co-authored the Animal Crush Video Prohibition Act that was later signed into law by President Obama. During my time in Congress I have supported and championed legislation aimed at protecting the welfare of animals. I will continue to fight to uphold ethical animal welfare standards.

While I have deep concerns with the substance of the King amendment and a legislative process that barred full House consideration thereof, I believe it is critical to provide necessary resources to our agricultural producers in Michigan and across our nation. I look forward to working with my colleagues in both the House and Senate to enact a farm bill that supports our agricultural industry while maintaining high animal welfare standards.

A TRIBUTE TO DENNIS P. ZINE,  
MEMBER OF THE LOS ANGELES  
CITY COUNCIL

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. SHERMAN. Mr. Speaker, I rise today to honor the extraordinary leadership and public service of Dennis P. Zine, Member of the Los Angeles City Council. For the last twelve years, Councilmember Zine has represented the interests of the San Fernando Valley on the Los Angeles City Council, expanding recreation opportunities for Valley residents, fighting against waste and abuse in public agencies and supporting law enforcement efforts to keep our streets safe.

Councilman Zine has a well-earned reputation in the San Fernando Valley for his deep commitment to local community and non-profit groups as well as his lively presence at community events. Every year I look forward to sharing the stage with the Councilman at the appropriately titled "Dennis P. Zine 4th of July Fireworks Extravaganza at Warner Center."

Before his election to the City Council, Dennis served for 28 years on the front lines of the Los Angeles Police Department. During that time, Dennis rose to the rank of Sergeant, was honored as officer of the year by the California Highway Patrol and was elected three times to the Board of Directors of the Police Protective League.

Always working to improve the quality of life for the residents of the San Fernando Valley, Councilman Zine formed P.O.S.S.E. (People Organizing a Safe, Secure Environment), a volunteer group in which hundreds of concerned citizens can work to rid their communities of graffiti, neglected properties, abandoned cars and other nuisances.

Dennis is blessed with two sons, Chris and Eric. Like his father before him, Chris is a Sergeant with the LAPD while Eric is a champion race pilot and flight instructor.

Mr. Speaker, I wish to extend my gratitude to Dennis Zine and thank him for his tenure of outstanding public service to the residents of the San Fernando Valley. Dennis Zine is an extraordinary leader whose service deserves to be recognized for all that he has done and will continue to do for our community.

CELEBRATING THE HUNTERDON  
MEDICAL CENTER

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. LANCE. Mr. Speaker, I rise today to celebrate the Hunterdon Medical Center for sixty years of excellence in medicine. The Hunterdon Medical Center is a product of community initiative, with county residents petitioning the Hunterdon County Board of Agriculture to build a hospital—the last county in the state without one. In 1953, the medical center opened its doors and has since built an esteemed reputation providing expert care.

The Hunterdon Medical Center attracts excellent doctors from our finest medical schools. They come to practice in Hunterdon and to live and work in one of the most beautiful areas in the country. The Family Practice Residency Program is among the oldest in the Nation, and one of the most respected.

New Jersey is a world leader in medical and biopharmaceutical research and development and the Hunterdon Medical Center is a proud partner in this distinction. I commend the physicians, nurses, support staff and community of the Hunterdon Medical Center for sixty years of fine work.

PERSONAL EXPLANATION

**HON. VICKY HARTZLER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mrs. HARTZLER. Mr. Speaker, on Thursday, June 27, 2013, I was unable to vote. Had I been present, I would have voted as follows: on rollcall No. 296, "yea, on rollcall No. 297, yea, on rollcall No. 298, yea.

HONORING CARL BENNETT, A  
FOUNDING FATHER OF MODERN  
PROFESSIONAL BASKETBALL  
AND THE NATIONAL BASKETBALL  
ASSOCIATION

**HON. SUSAN W. BROOKS**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mrs. BROOKS Indiana. Mr. Speaker, I rise today to pay tribute to Carl Bennett. I was honored to know Carl for over two decades and will mourn his passing. He passed away on May 15, 2013, at the age of 97½, but his legacy will continue to inspire basketball coaches, players, and fans for generations to come.

Carl Bennett was born in Rockford, Indiana, in 1915. He began his illustrious career first by playing for Fred Zollner's Pistons softball team and later served as the head coach and general manager of the Fort Wayne Pistons professional basketball team, also owned by Zollner. Under his leadership, the Pistons were invited to leave the National Basketball League and become part of the Basketball Association of America. This meeting in Carl's Fort Wayne home led to the merger of the two leagues and, ultimately, to the modern National Basketball Association. As a result of his involvement, Carl served on the NBA's executive committee and is considered one of the founding fathers of professional basketball.

Carl's influence led to many changes in the way basketball, Indiana's favorite game, is played. He encouraged Zollner to buy a team plane, a first for a sports franchise, and his coaching of the Pistons in a 1950 win over the Minneapolis Lakers led to the introduction of the 24-second shot clock. This major change resulted in a dramatic increase in average game scores. One of Carl's foremost contributions to the game was widening the lane from

six feet to twelve feet, a change that is still in effect today. He also successfully campaigned for Fred Zollner's enshrinement in the Basketball Hall of Fame.

Carl Bennett was a man of vision and determination. My condolences and well wishes go out to his wife, Mrs. Carol Popp Bennett, his children Kirk and Gary Bennett, Sandra Dodane, Catherine Popp Hoffman, their spouses, his sister Bertha Bennett Christie, his eleven grandchildren, thirty great-grandchildren, and five great-great grandchildren. His loving touch will be missed by everyone who knew him, and he will be always remembered for transforming so many lives through the wonderful sport of basketball.

#### INTRODUCTION OF THE INTERSTATE LAND SALES UPDATE ACT OF 2013

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I rise to introduce the Interstate Land Sales Disclosure Act Update of 2013.

The Interstate Land Sales Disclosure Act was enacted in 1969 to protect consumers from being sold property where the property's description in the contract and related materials was not what was to be delivered to the buyer.

It was intended to protect out-of-state buyers who were sold land that was not what was advertised and provides a right of action to rescind the contract and walk away from the deal. However, Courts have ruled over the years that ISLA applies to condominiums, and developers are required to file redundant paperwork that is unnecessary and out of keeping with modern condominium development.

During the economic downturn, some buyers have used the recording requirements of ISLA to rescind otherwise valid contracts for economic reasons, an unintended consequence of the act and its intent. The law now needs a technical fix to distinguish condominium sales from other types of land sales and to recognize the unique conditions under which these units are sold in today's market.

I fully support the consumer protections that were enacted through ISLA, and this proposed legislation does nothing to affect those protections. But I also believe that we need to make distinctions for condominiums in order to allow the condominium development industry to rebound from the recession. The bill would only exempt condominiums from ISLA's registration requirements but will maintain the consumer protections to ensure consumers still have the right to rescind contracts in cases of fraud. Developers would, of course, still be required to comply with state laws that require specific disclosures.

As we recover in this still fragile economy, we want to encourage, not discourage, buyers and sellers to enter into real estate deals responsibly.

That is why this bill is important to ensure development and the return of an important industry in our country, residential condominium

sales. I urge my colleagues to support this legislation.

#### HONORING MONTICELLO MIDDLE SCHOOL

### HON. RODNEY DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today to honor the outstanding achievement of the Monticello Middle School in Monticello, Illinois, a town of 5,500 people located in my district.

Monticello Middle School has been recognized as one of only 103 institutions throughout the country as a School to Watch by the National Forum to Accelerate Middle Grades Reform in 2013.

The National Forum to Accelerate Middle-Grades Reform is an alliance of over 60 educators, researchers, national associations, and officers of professional organizations and foundations.

The Schools to Watch program dates back to 1999 when the Forum selected its first schools.

There are numerous criteria which schools on this distinguished list must meet.

Among them, all students are expected to meet high academic standards, teachers use a variety of methods to assess and monitor student progress, the faculty and master schedule provide time to meet rigorous academic standards, and teachers know what each student has learned and still needs to learn.

This dedication to success is why I am proud to stand up and recognize the Monticello Middle School. Go Sages.

#### HONORING THE GRADUATION OF JOSHUA OLIN WILLIAMS FROM THE UNITED STATES AIR FORCE ACADEMY

### HON. STEVEN M. PALAZZO

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. PALAZZO. Mr. Speaker, I would like to take this opportunity to recognize Mr. Joshua Olin Williams as a member of the United States Air Force Academy Class of 2013.

Joshua graduated from the U.S. Air Force Academy with a degree in English and a minor in Russian, and he received a commission as a Second Lieutenant in the United States Air Force on May 29th.

His career in the service has just begun, but it is a testament to Joshua's unselfish devotion to the people of this great nation. The challenges will be many and the time, although it may seem like an eternity, will fly by almost unnoticed. The challenge for this young man will be to retain as much as possible, pass what he learns to others, and live life for every moment.

South Mississippi is proud of Joshua and his accomplishments, and we look forward to

his continuing to represent not only Mississippi, but also the entire nation, as a United States Air Force officer.

As Joshua embarks on a new chapter in life, it is my hope that he may always recall with a deep sense of pride and accomplishment graduating from a program as prestigious as the Air Force Academy. I would like to send Joshua my best wishes for continued success in his future endeavors, thank him for his service, and congratulate him on this momentous occasion.

#### PANCREATIC CANCER

### HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. LEWIS. Mr. Speaker, I rise today to share my concerns about the future of an essential cancer research program which suffered dreadful cuts from sequestration.

As you know, our country made great strides in overall cancer research efforts, but we must do more. There is a long way yet to go in the pancreatic cancer battle in particular. There is still no way to detect the disease early, or to treat it effectively after diagnosis. Pancreatic cancer is the only major cancer where less than ten percent of those affected live for five years, and this is heartbreaking.

Last year, Congress passed the Recalcitrant Cancer Research Act, a bipartisan bill which I was proud to support. In doing so, we tasked the National Cancer Institute with the responsibility of developing a strategy for fighting pancreatic and other deadly cancers. The Recalcitrant Cancer Research Act will support new research programs and will help find diagnostic tools and more effective treatments for pancreatic cancer and similar diseases.

Unfortunately, Mr. Speaker, none of that progress will be realized without protecting the resources which allow the National Institutes of Health and the National Cancer Institute to accomplish this law's life-saving goals. With sequestration in effect, the NIH has already lost \$1.55 billion in funding necessary for grant programs and other projects.

Mr. Speaker, I urge my colleagues to protect these resources. We must come together to fight one of our greatest health challenges, and finding a positive, sustainable solution to sequestration. Too many people, too many families are praying and expecting a solution. Sequestration must come to an end. We must come together, and we must end this terrible reality now.

#### IN HONOR OF MARINO BERTINI

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. ANDREWS. Mr. Speaker, I rise today to honor the service of Marino Bertini on his 80th birthday. Mr. Bertini began his career working at the Portsmouth Naval Hospital. After a ten month stint at the hospital, he spent the remainder of his career as a medic aboard the

USS *Randolph*. While in the Navy, Mr. Bertini traversed the globe, visiting Europe, North Africa, Turkey, India, Madagascar, Zanzibar, Cuba, and Hong Kong. Over the course of his service he dealt with a variety of injuries and assisted in saving many lives.

In addition to his service to his country, Mr. Bertini is a loving family man. He married the love his life, Sylva, and the couple have three wonderful daughters: Lisa, Vanessa, and Sonya. Mr. Bertini has always given them unwavering love, support, and dedication. Mr. Bertini is proud of his Italian heritage, a trait he showcases through his penchant for storytelling and his love of history.

Mr. Speaker, on behalf of the first district of New Jersey, I would like to thank Mr. Bertini for his service and wish him the very best on his 80th birthday. Happy Birthday, Marino.

**THE OUTER CONTINENTAL SHELF  
TRANSBOUNDARY HYDROCARBON  
AGREEMENTS AUTHORIZATION  
ACT (H.R. 1613) AND THE OFF-  
SHORE ENERGY AND JOBS ACT  
(H.R. 2231)**

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. VAN HOLLEN. Mr. Speaker, while I support the responsible development of our nation's resources, this week's legislation prioritizes drilling over protecting investors, improving rig safety, respecting coastal communities and conducting appropriate environmental review. For these reasons, I will be voting no and encouraging my colleagues do the same.

The Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act (H.R. 1613) provides specific authorization for the recently negotiated U.S.-Mexico transboundary agreement and establishes standards for all future offshore oil and gas agreements with potential foreign partners like Canada, Russia, the Bahamas and Bermuda. If H.R. 1613 were a clean bill, it would be completely non-controversial. Instead, H.R. 1613 also proposes to waive a provision of the Dodd-Frank Act requiring disclosure of otherwise secret payments made to foreign governments in connection with oil and gas development. Repealing this right-to-know protection is harmful to investors and has no place in this otherwise non-controversial legislation.

The so-called Offshore Energy and Jobs Act (H.R. 2231) would seek to open huge swaths of the Atlantic and Pacific coasts to drilling—including waters off my home state of Maryland—as well as a number of sensitive areas in Alaska. It would do this without implementing any key safety reforms recommended by the bipartisan BP Oil Spill Commission and without proper environmental review. Furthermore, it would do so at a time when domestic oil production is at a 20-year high, domestic gas production is at an all time high, and the oil and gas industry is already sitting on 30 million acres of offshore leases containing an estimated 17.9 billion barrels of oil and 49.7 trillion cubic feet of natural gas it is not yet

producing. Rather than focusing on a real "all of the above" strategy that strengthens our energy security through diversifying our energy mix with more clean, homegrown renewables, H.R. 2231 reverts to the same reckless "drill, baby, drill" approach to energy policy that has already been summarily rejected by the Senate and is certain to be rejected again.

**IN RECOGNITION OF SERGEANT  
MAJOR JOHN K. GILSTRAP**

**HON. DUNCAN HUNTER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. HUNTER. Mr. Speaker, I rise today to recognize the service of Sergeant Major John K. Gilstrap, who is retiring from his service to the United States Marine Corps on October 1, 2013.

For three decades, SgtMaj Gilstrap faithfully served this country in various capacities, rising to the highest enlisted rank of Sergeant Major. He began his Marine Corps career entering basic training in September 1983 at Parris Island, South Carolina. From there he went on to serve at Camp Pendleton, and Okinawa with his Marine Attack Helicopter Squadron. SgtMaj Gilstrap then participated in Operation Desert Shield/Desert Storm, Operation Sea Angel, and Operation Restore Hope.

In the spring of 1996, then a Staff Sergeant, Gilstrap had the distinct honor of personally building and shaping young men into harden Marine warriors as a Drill Instructor and Senior Drill Instructor at Marine Corps Recruit Depot San Diego. In the Marine Corps, there are few honors higher than being a Drill Instructor, having the responsibility of training the next generation of Marines to defend this great nation—Gilstrap did this with great honor.

In May 2001, SgtMaj Gilstrap reported to 1st Battalion, 11th Marines and its during this time that I had the distinct honor as a new Marine Lieutenant to serve with him overseas. While with 1st Battalion, 11th Marines, SgtMaj Gilstrap deployed to Iraq where he held the billet of Battery 1stSgt for Battery A and Headquarters Battery. At this time, he was also promoted to his current rank of SgtMaj.

While serving in Iraq, SgtMaj Gilstrap was awarded the Purple Heart when his vehicle was hit by an IED. Other decorations SgtMaj Gilstrap has received include the Meritorious Service Medal with gold star, the Air Medal with 1st Strike Flight Award, the Navy and Marine Corps Commendation Medal with gold star and combat Distinguishing Device, the Navy and Marine Corps Achievement Medal with gold star, and the Combat Action Ribbon.

SgtMaj Gilstrap currently serves as the Senior Advisor to the Chief Operating Officer at the Marine and Family Programs Division at Marine Corps Base, Quantico, Virginia. Throughout his career, SgtMaj Gilstrap has displayed the very traits and principles that are the core of the Marine Corps. Thank you for you and your family's devoted service to this country.

I am honored to share in the celebration of SgtMaj Gilstrap's military career, recognizing both his extraordinary leadership and his distinguished military service. Semper Fi!

**IN HONOR OF AITKIN BUCKLER**

**HON. ANDY BARR**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. BARR. Mr. Speaker, I rise to recognize the accomplishments of a Kentucky native, Aitkin Buckler, who will be the first inductee to the Bath County Agriculture Hall of Fame.

Mr. Buckler was a lifelong tobacco and beef cattle farmer in Bath County, and was an agriculture leader in the community. He served as President and Vice President of the Bath County Farm Bureau Board, as well as President of the Bath County Cattleman's Board, and was an active member of both organizations for over 20 years. Additionally, Mr. Buckler volunteered on the Bath County Soil Conservation Board for 20 years while serving as vice-chair for seven years. Mr. Buckler recently passed away, but his contributions to Bath County remain.

Mr. Speaker, I ask that my colleagues join me in expressing our condolences to Mr. Buckler's family for their loss, but also join them in the celebration of a life well lived. I would also like to extend my personal gratitude to Mr. Buckler for all that he did to better our community and our Commonwealth.

**HONORING THE REVEREND MOSES  
L. HARVILL AS HE CELEBRATES  
HIS 60TH BIRTHDAY**

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Ms. DeLAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many family, friends, community leaders, and congregants of Cross Street AME Zion Church in Middletown, Connecticut as they gather to celebrate the 60th birthday of and pay tribute to Reverend Moses L. Harvill. Marking six decades of life and faith, this is certainly a remarkable milestone!

Born in Birmingham, Alabama, Pastor Harvill attended Alabama A&M University receiving his undergraduate, degree in business management and later attended Rensselaer Polytechnic Institute where he received his MBA in Human Resources. Almost a decade later, he was called to a different mission. When he decided to pursue the ministry, Pastor Harvill attended Yale University's Divinity School where he earned a Master of Divinity in Parish Ministry.

Pastor Harvill began his ministry at Middletown's Cross Street AME twenty years ago and it has been under his guidance and through his leadership that the Church has grown in every way—spiritually, numerically, and economically. Envisioning a Church where people would not only turn to for comfort but that could serve the community as well. In 2007 construction was complete on what can only be described as a stunning facility with a beautiful sanctuary as well as space to accommodate the more than forty ministries offered at the Church as well as serve as a

gathering and meeting space for other community organizations.

Always inspired by his faith, Pastor Harvill's deep commitment to the community extends far beyond his spiritual work within the Cross Street congregation. He is the founder and co-president of Home Ownership Providing Empowerment (HOME), a program that assists families in becoming first-time homeowners; chair of the City of Middletown Jones Fund, where he has been instrumental in raising and distributing funds to area residents in need; and he was actively involved in the organization and development of the Amazing Grace Food Pantry, an effort which continues today to meet the needs of the hungry. Pastor Harvill also hold a deep concern for education which is why he organized and developed Back to School Day, a program that provides school supplies and accessories to more than three hundred families in the Middletown community.

As a religious leader, advocate, and friend, Pastor Harvill have touched the lives of thousands—helping to shape public policy and improving the quality of life for those most in need. Through all of his good work he has inspired others to join in his efforts—instilling hope and promise in those who had long since lost their way. His spiritual guidance has nourished the souls of many and his compassion has encouraged others to give more of themselves through civic service. Pastor Harvill has left an indelible mark on our community and I am proud to stand today to join his wife, Eledia, and all of those gathered in wishing him a very happy 60th birthday and extending my very best wishes for many more years of health and happiness. Happy Birthday!

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE MONMOUTH MUSEUM

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. PALLONE. Mr. Speaker, I rise today to recognize The Monmouth Museum as it celebrates its 50th Anniversary this year. Founded in 1963 as a "Museum of Ideas," The Monmouth Museum continues to bring art, culture and vitality to the community it serves.

The Monmouth Museum has grown immensely since its founding. Originally housing exhibits in storefronts and temporary spaces, the museum is now one of the largest private museums in New Jersey, boasting an annual attendance of over 50,000 visitors. It has been housed in its permanent location on the Brookdale Community College campus in Lincroft since 1974. It is one of only 778 nationwide museums to earn the American Association of Museums accreditation, the highest honor a museum can receive.

Today, The Monmouth Museum maintains four galleries that host changing exhibitions and programs. In addition to serving as an outlet for the arts, the museum also offers programs on science and history. Its broad collections present educational and cultural experi-

ences for the diverse community to enjoy and provide a means for local creative expression. The Monmouth Museum reaches audiences young and old and of varying backgrounds with its extensive program offerings. It has also recently hosted my district office's judging night for the Congressional Art Competition and provides a wonderful atmosphere to display the students' artwork. The Monmouth Museum is a valuable addition to the community and I commend them for the work they do in promoting artistic, historic and scientific appreciation.

Once again, please join me in congratulating The Monmouth Museum on its 50th Anniversary. The museum enriches the quality of life of Monmouth County and brings new visitors and economic development to the community.

PRIVATE CALENDAR

**HON. BOB GOODLATTE**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. GOODLATTE. Mr. Speaker, my colleagues, F. JAMES SENSENBRENNER, TREY GOWDY, JERROLD NADLER, JOSÉ SERRANO, KAREN BASS and I would like to take this opportunity to set forth some of the history behind, as well as describe the workings of the Private Calendar. We hope this might be of some value to the Members of this House, especially our newer colleagues.

Of the four House Calendars, the Private Calendar is the one to which all Private Bills are referred. Private Bills deal with specific individuals, corporations, institutions, and so forth, as distinguished from public bills, which deal with classes only.

Of the 108 laws approved by the First Congress, only 5 were Private Laws. But their number quickly grew as the wars of the new Republic produced veterans and veterans' widows seeking pensions and as more citizens came to have private claims and demands against the Federal Government. The 49th Congress, 1885 to 1887, the first Congress for which complete workload and output data is available, passed 1,031 Private Laws, as compared with 434 Public Laws. At the turn of the century the 56th Congress passed 1,498 Private Laws and 443 Public Laws—a better than three to one ratio.

Private bills were referred to the Committee on the Whole House as far back as 1820, and a calendar of private bills was established in 1839. These bills were initially brought before the House by special orders, but the 62nd Congress changed this procedure by its rule XXIV, clause six which provided for the consideration of the Private Calendar in lieu of special orders. This rule was amended in 1932, and then adopted in its present form on March 27, 1935.

A determined effort to reduce the private bill workload of the Congress was made in the Legislative Reorganization Act of 1946. Section 131 of that Act banned the introduction or the consideration of four types of private bills; first, those authorizing the payment of money for pensions; second, for personal or property

damages for which suit may be brought under the Federal tort claims procedure; third, those authorizing the construction of a bridge across a navigable stream, or fourth, those authorizing the correction of a military or naval record.

This ban afforded some temporary relief but was soon offset by the rising postwar and Cold War flood for private immigration bills. The 82nd Congress passed 1,023 Private Laws, as compared with 594 Public Laws. The 88th Congress passed 360 Private Laws compared with 666 Public Laws.

Under rule XV, clause five, the Private Calendar is called the first and third Tuesday of each month. The consideration of the Private Calendar bills on the first Tuesday is mandatory unless dispensed with by a two-thirds vote. On the third Tuesday, however, recognition for consideration of the Private Calendar is within the discretion of the Speaker and does not take precedence over other privileged business in the House.

On the first Tuesday of each month, after disposition of business on the Speaker's table for reference only, the Speaker directs the call of the Private Calendar. If a bill called is objected to by two or more Members, it is automatically recommitted to the committee reporting it. No reservation of objection is entertained. Bills un-objected to are considered in the House in the Committee of the Whole.

On the third Tuesday of each month, the same procedure is followed with the exception that omnibus bills embodying bills previously rejected have preference and are in order regardless of objection.

Such omnibus bills are read by paragraph, and no amendments are entertained except to strike out or reduce amounts or provide limitations. Matters so stricken out shall not be again included in an omnibus bill during that session. Debate is limited to motions allowable under the rule and does not admit motions to strike out the last word or reservation of objections. The rules prohibit the Speaker from recognizing Members for statements or for requests for unanimous consent for debate. Omnibus bills so passed are thereupon resolved in their component bills, which are engrossed separately and disposed of as if passed separately.

Private Calendar bills unfinished on one Tuesday go over to the next Tuesday on which such bills are in order and are considered before the call of bills subsequently on the calendar. Omnibus bills follow the same procedure and go over to the next Tuesday on which that class of business is again in order.

Mr. Speaker, we would also like to describe to the newer Members the Official Objectors Committee, the system the House has established to deal with Private Bills.

The Majority Leader and the Minority Leader each appoint three Members to serve as Private Calendar Objectors during a Congress. The Objectors are on the Floor ready to object to any Private Bill which they feel is objectionable for any reason. Should any Member have a doubt or question about a particular Private Bill, he or she can get assistance from objectors, their staff, or from the Member who introduced the bill.

The amount of private bills and the desire to have an opportunity to study them carefully

before they are called on the Private Calendar has caused the six objectors to agree upon certain ground rules. The rules limit consideration of bills placed on the Private Calendar only shortly before the calendar is called. With this agreement of June 28, 2013, the members of the Private Calendar Objectors Committee have agreed that during the 113th Congress, they will consider only those bills which have been on the Private Calendar for a period of seven (7) legislative days, excluding the day the bill is placed on the calendar and the day the calendar is called. Reports must be available to the Objectors for three (3) calendar days. It is agreed that the majority and minority clerks will not submit to the Objectors any bills which do not meet this requirement.

This policy will be strictly enforced except during the closing days of a session when the House rules are suspended.

This agreement was entered into by: The gentleman from Virginia (Mr. GOODLATTE), the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from South Carolina (Mr. GOWDY), the gentleman from New York (Mr. NADLER), the gentlewoman from California (Ms. BASS), and the gentleman from New York (Mr. SERRANO).

We request all Members to enable us to give the necessary advance considerations to private bills by not asking that we depart from the above agreement unless absolutely necessary.

#### HONORING THE CONSERVATION TRUST FUND OF PUERTO RICO

**HON. MATT SALMON**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. SALMON. Mr. Speaker, I rise today to honor the Conservation Trust Fund of Puerto Rico and specifically one of their renowned scientists, Lee Ann Rodriguez. Since it was established in 1971 with a Memorandum of Understanding between the Secretary of the Interior and the Governor of Puerto Rico, the Conservation Trust Fund of Puerto Rico has been dedicated to conservation efforts throughout the island. The Secretary and the Governor jointly appoint the trustees. Since that time they have become one of the pre-eminent conservation groups the Western Hemisphere and the leader in the Caribbean.

Under the leadership of Fernando Lloveras, the Trust Fund has continued the legacy started by the original Executive Director, Francisco Javier Blanco. On an island that is only 35 miles wide and 100 miles long and is home to over four million people they have been able to carve out some magnificent examples of both historical and ecological conservation. The Trust currently has over 18,000 acres under protection and collaborates on a number of projects with government agencies.

The Las Cabezas de San Juan Nature Preserve near Fajardo is a wonderful example of both nature and historical preservation. The site has a bioluminescent lagoon as well as a mangrove forest that allows for visitors to walk through it on a series of boardwalks without disturbing the natural habitat. It also has one

of the original Spanish lighthouses, which has been restored and serves as a museum and dormitory for visiting research students.

The Hacienda Buena Vista outside of Ponce is a testament to man's imagination. Built in the 1850's as a coffee plantation it is run on hydropower where the water is drawn from the mountain stream, used to power the plantation, and returned to the stream. It contains a wonderful water turbine engine that was manufactured in West Point, NY and shipped to Puerto Rico.

The Trust is currently restoring a sugar plantation near Manati. It totals 2300 acres and gives a glimpse into the past of Puerto Rico when the sugar industry was a vibrant part of the economy.

Ms. Lee Ann Rodriguez has been a leader at the Trust in educating others on the importance of land preservation and particularly the importance of having clean water. She is being honored, along with three other scientists, for her leadership in developing citizen science groups under a program funded by the National Science Foundation.

Both Ms. Rodriguez and the Conservation Trust Fund of Puerto Rico are to be commended for their exemplary work in the field of conservation.

Mr. Speaker, I submit an article from the Caribbean Business noting this honor for Ms. Rodriguez.

#### PR SCIENTIST HONORED AT WHITE HOUSE

Conservation Trust of Puerto Rico development manager Lee Ann Rodriguez is among four scientists who lead citizen science groups funded by the National Science Foundation (NSF) being honored in a White House ceremony on Tuesday.

Rodriguez is currently training hundreds of residents of Puerto Rico to lead citizen groups that will study the impacts of urbanization on the biodiversity and cultural resources of the Manati River watershed.

Ultimately, Rodriguez's trainees, who range in age from teenagers to retirees, will cumulatively lead thousands of other citizen scientists, many of whom would otherwise have minimal exposure to science. The data they produce will support long-term watershed monitoring and inform land use decision-making in Puerto Rico.

Rodriguez, the other three NSF-funded Champions of Change, along with eight other Citizen Scientist Champions of Change will be recognized for their exemplary leadership in involving the broader, non-expert community in research on science, technology, engineering or mathematics (STEM).

The Citizen Science Champions of Change are leaders in a field that is currently exploding in popularity—partly because the Internet and new applications afford quick and effective communication between citizen scientists and scientists. More than 600 citizen science groups are currently engaging more than 100,000 worldwide volunteers.

In addition, data from citizen scientists has been incorporated into more than 1,000 scientific papers in peer reviewed journals. In fact, much of our current understanding about the distribution of plants and animals, the quality of water in streams and rivers, observed astronomy and the evidence of global climate changes was derived from data produced by citizen science projects.

Operating as a private, nonprofit organization, the Conservation Trust manages a number of the island's environmentally sensitive areas, while promoting the concepts of

conservation to schools and the general public through volunteer programs, reforestation projects and various community workshops and events. In this way, the Conservation Trust, founded more than 40 years ago, works toward its goal of protecting and enhancing the precious natural resources of Puerto Rico.

#### IN HONOR OF "AUNTY" MARY BOURDUKOFSKY

**HON. DON YOUNG**

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. YOUNG of Alaska. Mr. Speaker, I rise today in memory of a devoted wife and mother, a respected spiritual and community leader, and most importantly, a great Alaskan. On June 2, 2013, the Alaskan community of St. Paul Island lost one of its most revered elders, Mary Nicolai Bourdukofsky.

"Aunt" Mary, as she was affectionately known throughout her community, was a staunch supporter for the continuation and preservation of Aleut culture, language and tradition.

To paraphrase Mary's life in a few sentences would serve only to cheapen it, for her accomplishments were widespread and varied as they were valued. She was an advocate for her Aleut community during years of involuntary internment during World War II, served as a delegate to the Alaska Federation of Natives, and assisted with the development of cultural exhibits at the Alaska Native Heritage Center and for the Smithsonian's Alaska Native Collections. Mary also taught at three universities throughout the state and promoted the importance of cultural education.

Her memory will continue to live on in the hearts and minds of those who had the privilege of knowing her, and the great many that were touched by her tireless efforts and countless deeds. For those who did not, I pray that they too have the opportunity to know someone like Mary, a person whose unrelenting dedication and resolute sense of character cannot be easily duplicated.

Mr. Speaker, today I mourn with Mary's family and community and share my sadness at the loss of one of Alaska's most dedicated daughters. In the words of Thomas Campbell: "To live in the hearts we leave behind is not to die."

#### IN HONOR OF DR. CHRIS GODDARD FOR HIS EXCEPTIONAL SERVICE TO THE GREAT LAKES

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. DINGELL. Mr. Speaker, as co-chair of the Great Lakes Task Force, I rise today to honor Dr. Chris Goddard, executive secretary of the Great Lakes Fishery Commission, who retires this month after nearly 20 years of exceptional service to the organization and a career of commitment to the health of our treasured Great Lakes.

The Great Lakes Fishery Commission is a U.S./Canadian institution established by the 1954 Convention on Great Lakes Fisheries, a treaty between the two nations. Under the treaty, the commission advances science; helps the States, the province of Ontario, and the U.S. tribes work together to manage the Great Lakes fishery; and carries out the essential sea lamprey control program, an effort upon which the very existence of the \$7 billion Great Lakes fishery depends.

Because the commission stands alone in the Great Lakes basin as the locus for multi-lateral fishery management, its executive secretary must be a savvy leader and must motivate cooperation. Chris is enthusiastic, passionate, dedicated to the institution, committed to science, and driven by a deep-seated motivation to simply do what is right for the Great Lakes.

During his tenure, Chris led the commission into the new millennium with a positive vision for the future of the fishery and a plan to create a commission capable of responding to the basin's biggest challenges. He made it a priority to acquire the funds necessary to increase the control of sea lamprey—a destructive, invasive fish that changed the way of life in the basin but is now suppressed by 90 percent. In doing so, he helped create the conditions necessary for a thriving and healthy fishery. Perhaps most notably, he helped the commission make prominent and essential contributions to the President's Great Lakes Restoration Initiative by focusing commission projects on native species recovery and invasive species control.

Chris' time at the commission is the culmination of a long and productive career. A native of Canada, he grew up in Virginia Beach (his father was stationed there while serving NATO), was educated in Toronto, and managed Ontario's fishery assessment, fishery research, client services, and remote sensing programs. He was the district manager of Algonquin Provincial Park and was responsible for Canada's freshwater fishery program. I am proud to note that he lives and works in Ann Arbor, Michigan, part of my district.

Mr. Speaker, Dr. Chris Goddard is largely responsible for the active, vibrant, and respected Great Lakes Fishery Commission that we see today. I honor Chris for all he has done for the commission, for the two nations, and for the Great Lakes. Please join me in thanking Chris for his unparalleled leadership. We wish him well in his retirement.

#### IN RECOGNITION OF SCLERODERMA AWARENESS MONTH

**HON. PETER T. KING**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. KING of New York. Mr. Speaker, I rise today in recognition of Scleroderma Awareness Month.

On behalf of the thousands of patients impacted by this disease in my district and throughout the State of New York, I am honored to join Congresswoman CAPPS as the lead co-sponsor of H.R. 1429, the Scleroderma Research and Awareness Act.

Research supported by the National Institutes of Health has led to groundbreaking discoveries in possible treatments and has enhanced the medical community's understanding of the progression of this disease. As physicians and medical researchers have yet to find a cure or a disease-specific treatment, physicians are left offering treatments that minimize the impact of the disease's progression and alleviate patient symptoms. This legislation provides for continued federal investment at the National Institute of Arthritis, Musculoskeletal and Skin diseases in basic and clinical research related to scleroderma.

I rise today to encourage my colleagues to join us in supporting H.R. 1429 and to participate in the many scleroderma awareness activities organized by patient and community groups in their communities. Please join me in supporting the efforts of the 300,000 patients and their families to bring awareness to this disease and hopefully, one day a cure.

#### IN HONOR OF THE BLUE AND GRAY

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. FITZPATRICK. Mr. Speaker, I rise today to acknowledge the service and sacrifice of the brave heroes who fought at the Battle of Gettysburg. As we approach the 150th anniversary of one of the most crucial battles of the Civil War I have been highlighting the unique personal stories of soldiers from my district of Pennsylvania who served at Gettysburg. Each day leading up to the anniversary we recognize that these citizen soldiers were regular people, just like us, who rose to extraordinary challenges in defense of liberty and freedom for all. Today, in the honor of those brave men, I am proud to submit this tribute poem written Albert Carey Caswell.

BLUE AND GRAY

Blue . . .  
Blue and Gray . . .  
As a coming storm,  
before our Nation so lay!  
So surely one of her darkest of all nights!  
Darkest of all days!  
Blue . . .  
Blue and Gray!  
When, it was Brother versus Brother . . .  
Taking up arms against one another,  
marching out into that darkness of,  
all of those most dreadful of days!  
From the battle of Bull Run,  
to "Pickett's Charge" . . .  
as so gallantly moving forth,  
were but all of America's Sons!  
As we so look back,  
at all of that heartache begun,  
and all of their graves!  
So contemplating,  
all of their bright futures they gave!  
As all of those grieving Mothers,  
so cried and so prayed!  
So cried and so prayed!  
While, all of those tears,  
ran down their most quivering face,  
as upon them now lay!  
Blue . . .  
Blue and Gray,  
as some of America's darkest of nights . . .

So surely,  
some of her darkest of all days!  
As the blood flowed and poured . . .  
With all of that death and so gore!  
That which time can not so erase,  
nor so ever ignore!  
The ones,  
Who So Gave Those Last Full Measures,  
one's life is but the greatest of treasures!

Blue . . .  
Blue and Gray!  
As with all of its scars,  
our Nation so lives with this day!  
All in its loss!  
All in its cost!  
Of such a magnitude so very grave!

Blue . . .  
Blue and Gray . . .  
As dark evil slavery,  
so held our Nation at bay!  
And States Rights,  
were but the talk of the day!  
As it was North vs South!  
As a Nation's future,  
so hung all in the balance!

Blue!  
Blue and Gray!  
As this war would so take,  
eventually this great President to his grave!  
And all of the burdens he bore,  
so made him so age!  
Each year was ten as you looked at his face!  
When Succession and Sumner,  
exploded all on that day!  
With a coming great battle up ahead,  
but still on its way!  
Which would so determine this war's fate!  
For "a house divided can not so stand",  
in any way!

Blue!  
Blue and Gray!  
As the children so cried both night and day!  
As now without Fathers,  
their futures were paved!  
And then three days in July,  
all in the midst of such hell,  
as they so battled two sides!  
As for victory they were all so trying to vie!  
As they all so moved forth,  
with but tears in their eyes . . .  
Knowing full well,  
that all in this hell,  
that death before them now lie!  
And yet still,  
with all of their iron wills they so heroically,  
marched into the darkness!  
as the fields turned to red . . .  
All on this day,  
and to the South what it all had to say . . .  
With bodies strewn into pieces,  
which now all so beseech us!  
As everywhere the smell of death as so  
greet us!

Of which now so lies beneath us!  
And all about their faith and courage,  
of what it so teaches!  
As The South had so lost the future,  
and now eventually the war,  
as victory they would never so see again so  
for sure!  
In three days over 51,000 most magnificent  
men died,  
and over 27,000 were wounded . . .  
as our Nation so wept and so cried!  
As they gave up their strong arms and once  
legs,  
and all of those most precious of all eyes,  
and their bright futures they gave!  
In places like Little and Big Round Top,  
as they fell and would not so stop,  
in Gulp's Hill where the blood flowed and  
poured,  
where they all so gave all the more!

From Oak's to McPherson's Ridge,  
and from Seminary to Cemetery all of their  
gifts,  
and heard all of their last final cries . . .  
to Devil's Den where face down they so lie!  
As one and all so gave up their most precious  
lives!  
As the Mothers cried!  
As the first innocent died,  
as her name was Ginnie Wade!  
As why,  
we should all so hate most evil war on this  
day!  
But, the ones who so hate war but the most!  
Are all of those magnificent's,  
who must take all of those lives while fight-  
ing close!  
And so watch all of their Brothers die in  
their arms,  
who meant the most!  
And leave all their loved ones so far behind,  
all in such tears now all as ghosts!  
But where would we all be,  
if it were but not for the likes of all of these?  
From this The Home of The Brave,  
and this The Land of The Free . . .  
And then into a future,  
such a most magnificent moment so came to  
be!  
As now all so etched in time,  
is but a sheer work of art and beauty!  
Serving as a blessing to all of Mankind and  
history!  
As the beginning of a healing that a Nation  
would need!  
With a President's Gettysburg Address . . .  
Which so brought tears to history's eyes all  
in its behest!  
"To bind up our Nation's wounds",  
as Abraham so spoke these words which  
would bless! "That this nation, by the  
people, for the people,  
shall not perish from the earth" as was this  
test!  
So simple!  
So sure!  
So perfect and pure!  
272 words, that which said . . . so . . . so . . .  
so much more!  
Then, all the volumes of books in a library  
so ever stored!  
As each word was so built upon the next!  
Like a pyramid,  
all in its strength as out into a future as  
etched!  
As was Lincoln's Gettysburg Address, no  
less!  
A Gift To The Ages that he so left!  
Blue . . .  
Blue and Gray!  
Some of our Nation's darkest of nights,  
darkest of days!  
And let us not forget,  
all of their light that which they so was left!  
"That these dead shall not have died in  
vain" . . .  
By remembering,  
all their life's embers,  
as we so walk through these hallowed fields  
. . .  
All in what they so faced!  
And what was so said,  
all in this most hallowed place where they  
bled!  
All in their most precious blood,  
which so turned all of those fields into red,  
from their heroic bodies which raced!  
All in what was so heard and so done!  
By all of these most selfless of all ones!  
All so help a war to be won!  
In this town called Gettysburg,  
please listen to what was so said all in his-  
tory heard!  
Close your eyes and now listen!

As you can hear the cannons exploding,  
as by you head the bullets are hissing!  
As you can feel and hear their last most val-  
iant cries,  
as your listening!  
And feel all of their loved ones tears,  
who will forever be missing!  
Blue . . .  
Blue and Gray!  
As why we have all so enshrined this most  
hallowed place!  
Where valor and courage were but the words  
of the day!  
So take the time,  
to homage to so pay,  
to so concert crate what they all gave!  
So that as a Nation we may long well re-  
member,  
all of those most heroic moments in July  
and November . . .  
and what it all so says about America Face!  
As we now so reflect back in awe,  
and so reflect back in splendor at all of their  
grace!  
At Their Last Full Measures they were so to  
render,  
all in this place!  
And take stock in all of their courage and  
faith!  
All of their strong hearts of steel,  
as to our Nation what was all so revealed!  
So that never may again such heartache we  
feel,  
and so let such a dark day begin!  
Of Brother versus Brother,  
as so ever happen again!  
As we have so set aside this most sacred  
land,  
to preserve and protect and never neglect,  
but to so ever honor The Valor of Man!  
And remember that "a house divided can not  
stand!"  
Blue . . .  
Blue and Gray . . .  
as somehow . . .  
from out of all of this darkness we all found  
our way!  
Blue . . .  
Blue and Gray!

RECOGNIZING THE RETIREMENT  
OF FLORIDA HOUSE OF REP-  
RESENTATIVES SERGEANT AT  
ARMS EARNEST W. SUMNER

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. WEBSTER of Florida. Mr. Speaker, it is my pleasure to take this opportunity to recognize a close friend of mine and a highly regarded public servant of the Florida House of Representatives, Sergeant at Arms Earnest "Ernie" W. Sumner. Mr. Sumner will retire from his post this summer after a long and accomplished career in the Florida Legislature.

The past and present Florida House of Representatives and entire Florida Legislature has been fortunate to have such a dedicated and compassionate colleague and friend. In 1971, Ernie began his career with the Florida House of Representatives. As Speaker of the Florida House of Representatives, I was pleased to have had the privilege to appoint Mr. Sumner as Sergeant at Arms of the Florida House of Representatives on July 1, 1998. A committee meeting room, 404 House Office Building, has

been named "Sumner Hall" in honor of Mr. Sumner.

The intangible guidance and skillfulness that Mr. Sumner has displayed to the Florida House of Representatives, its Members, its staff, and the public is to be commended. His leadership has influenced many through his devotion, fortitude, and kindness, and will be set apart in the years to come.

Mr. Sumner has had an outstanding career, and he deserves special recognition for this achievement. I am honored to recognize him for the distinguished service and counsel he has provided the State of Florida, and thank him for his hard work and many contributions. After more than four decades and 138 legislative sessions, his commitment to excellence, leadership and service is to be admired. My sincerest wishes and congratulations to Ernie and his family on his retirement.

RECOGNIZING THE INTER-  
NATIONAL SWEETHEART OF THE  
SIGMA CHI FRATERNITY, SYD-  
NEY MADISON BINNINGTON

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. GERLACH. Mr. Speaker, I rise today to recognize Sydney Madison Binnington, a true goodwill ambassador who concludes her two-year term as the International Sweetheart of the Sigma Chi Fraternity on June 29th upon the conclusion of the Sigma Chi Fraternity's 79th Grand Chapter here in Washington, DC.

Since 1946, the International Sweetheart of the Sigma Chi Fraternity has been a role model to the Fraternity's undergraduate and alumni members and a liaison to non-members throughout the world. In 2011, Sydney was selected from hundreds of nominees to receive this honor—and since that time, she has dedicated herself to her role as a leader and ambassador of the Fraternity—having traveled thousands of miles from her hometown of Toronto, Ontario to visit more than thirty undergraduate chapters, attend numerous international alumni events, and raise awareness for the Fraternity and its designated charity, the Huntsman Cancer Foundation.

A 2012 graduate of the University of Western Ontario, Sydney was a campus leader during her time there, excelling in academics as a student in the University's Baccalaureate Honors Program and serving her campus community as a member of the Pi Beta Phi Sorority, a bible study leader, a literacy advocate, and a fundraising volunteer for the Huntsman Cancer Institute.

For the past two years, Sydney has dedicated herself to the Fraternity's core values of "Friendship, Justice and Learning" and fulfilled her duties with strong character and personality, poise, and grace.

Mr. Speaker, on behalf of the Sigma Chi Fraternity and fellow Sigma Chi brothers serving in the U.S. House of Representatives, I ask my colleagues to join me in recognizing Sydney Madison Binnington for her tireless and dedicated service to the Sigma Chi Fraternity and wishing her all the best in her future endeavors.



**THANKING JAMIE FLEET FOR HIS  
SERVICE TO THE U.S. HOUSE OF  
REPRESENTATIVES**

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Ms. LOFGREN. Mr. Speaker, I rise today to commend the outstanding work of Mr. Jamie Fleet as Democratic Staff Director for the Committee on House Administration as he departs the House of Representatives next week for service in the U.S. Senate.

During his tenure at the Committee, Jamie has used his wide-ranging skills to steadfastly guide the operations of the House with an eye on history while embracing the evolving operations of the House required in the 21st century. Jamie helped oversee the expansion of House technology options for personal and committee offices and a needed upgrade to the House's information security infrastructure. Whether the matter involved contested federal elections or contested parking spots, Jamie has worked to solve the multi-faceted issues facing the House with an informed touch. And, he has done so in a way that brought bipartisan applause while never losing sight of his commitment to the values of the Democratic Party. For that, Jamie has earned the respect of Members and staff on both sides of the aisle, as well as the officers of this House, for his fair approach to managing this often partisan institution.

Mr. Speaker, I can say that Jamie has proven to be one of the most competent staffers I have had the privilege of working with during

my more than twenty years working and serving in the House of Representatives. On behalf of my colleagues on the Committee on House Administration and in the House of Representatives, I thank Jamie for his dedicated and loyal service to this institution and wish him well in all his future endeavors.

**ON THE RETIREMENT OF DOUG  
ROGERS**

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to honor Mr. Doug Rogers and his 24 impressive years of service as the executive director of the Association of Texas Professional Educators. His many years of service to Texas education and his career leading ATPE are to be commended—it represents the highest level of enthusiasm and dedication to the educators and students of the State of Texas.

A native of Fort Worth, Texas, Mr. Rogers attended North Texas State University, where he earned multiple education degrees and certificates. Rogers served as a teacher and administrator for nine years in both elementary and secondary schools. He began his service with ATPE in 1981, spent two years with the Texas Association of School Boards, and re-joined the ATPE staff before accepting the position of Executive Director in June of 1989.

During Mr. Roger's tenure, the membership of ATPE has more than doubled, reaching its

highest enrollment at 116,000 members, and is today the leading educators' association in the State and the largest independent association for public school educators in the Nation. The ATPE Foundation was established in 2000 and has since benefitted more than 23,000 Texas school children. ATPE recently honored Mr. Rogers by naming its office building in Austin, Texas, the ATPE Rogers Building.

Mr. Speaker, this month Mr. Rogers will retire after a long and distinguished career serving educators and students in Texas. While his time as Executive Director of ATPE may be coming to an end, his impact on the association will long remain. I would like to thank him for his many decades of service to Texas education and wish him a "splendid" retirement.

**OUR UNCONSCIONABLE NATIONAL  
DEBT**

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 28, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,738,629,048,819.09. We've added \$6,111,751,999,906.01 to our debt in 4.5 years. This is \$6 trillion in debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

**SENATE—Monday, July 8, 2013**

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God, our refuge and strength, continue to shower Your blessings upon humanity. Turn sorrow into gladness, doubt into faith, and despair into hope.

May our Senators use all the circumstances of their lives to produce fruits of integrity. Lord, let them use disappointment as material for patience, danger as material for courage, praise as material for humility, and pain as material for perseverance. Guide their thinking as You bind them together in unity, for You, O God, are peace in our pressure, guidance in our confusion, and hope in our helplessness.

We pray in Your merciful Name. Amen.

**PLEDGE OF ALLEGIANCE**

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**RECOGNITION OF THE MAJORITY LEADER**

The PRESIDENT pro tempore. The majority leader is recognized.

**KEEP STUDENT LOANS AFFORDABLE ACT OF 2013—MOTION TO PROCEED**

Mr. REID. I move to proceed to Calendar No. 124, S. 1238, the student loan bill offered by Senator REED of Rhode Island.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1238) to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes.

**SCHEDULE**

Mr. REID. Mr. President, at 5 p.m. the Senate will proceed to executive session to consider the nomination of Gregory Phillips of Wyoming to be U.S. circuit judge for the Tenth Circuit. At 5:30 p.m. this evening there will be a rollcall vote on confirmation of the Phillips nomination.

**PASSING BIPARTISAN LEGISLATION**

Mr. REID. I welcome back the Presiding Officer, the President pro tempore of the Senate. I hope he and all of my colleagues had a restful and productive week with the instate work that was done during the 10 days we were gone.

It was a pleasure to meet and spend time with my constituents in Nevada over the break and with my family. I had a wonderful time with my family. Four of my children were there—actually, five were there for a short period of time, all five of them. We had a wonderful Fourth of July at my son's home. Everyone was there—neighbors. There was a great party. My grandson set off the fireworks. I am not going to ask where he got them, but there were a lot of fireworks and there was a lot of fun. It was a real celebration.

Everywhere I went I saw immense enthusiasm for this historic bipartisan immigration reform bill we passed before the Fourth of July. Often I heard how pleased Nevadans were to finally see bipartisanship in the Senate. They saw bipartisanship blossom. This has happened far too rarely in recent years. Americans of all political stripes are united behind the need for common-sense reform. Even a large majority of Republicans believes immigration reform will be good for the economy and good for national security.

As everyone here knows, I don't often tout the accomplishments of President Bush—Bush No. 2—but I really appreciate what he did at the first public event at his new library in Texas. It was an event honoring into our country new immigrants to become citizens. After the event, the President spoke about the need for passing the Senate bill. When he was President, to his credit, he did everything he could to try to get it done, but Republicans would not follow the direction he felt we should go. Senate Republicans did follow that in the last vote. We had 68 votes, and 14 of my Republican colleagues voted with us. I appreciate that, and I appreciate what President Bush did to focus his attention on this again.

I appreciate all the groups around the country, from the chamber of commerce to other conservative groups, who are running paid advertisements on television saying they—the Republicans here in the House—should pass the legislation we passed here. The only Republicans who aren't yet convinced are in Washington in the House of Representatives. Republicans around the country believe it is important that we do this immigration reform

legislation. As I indicated, 68 Senators voted for this historic reform, but our responsibility didn't end with that vote. It is our duty to convince our colleagues in the House that, yes, they should vote with us.

Bipartisan immigration reform that includes a pathway to citizenship makes economic sense as well as political sense. Unfortunately, over the last few weeks Speaker BOEHNER has taken a different route that is one of ignoring the needs of the American people. Rather than moving to the center and advancing a bill that would appeal to moderates on both sides of the Capitol, Speaker BOEHNER has repeatedly tried to pass legislation with only Republican votes.

The Hastert rule, named after a recent Republican Speaker—passing only bills that have the support of the majority of the majority, the only thing they are going to let happen—doesn't work, and it is bad for the country. Any major legislation passed by the House of Representatives with only Republican votes has no hope of advancing here or being signed into law by the President.

I hope the Speaker has learned his lesson from recent high-profile failures of his shortsighted Hastert rule—post office, farm bill, online sales tax, immigration. Eventually he will be forced to take up the bill we passed here or the country will be left with no immigration reform at all, which will be a bad outcome.

The Speaker should dispense with the posturing and delay and do the right thing, and he should do it now. He should take up the Senate farm bill on which Chairman STABENOW worked so hard. They should pass that bill. They should take it up over there and pass it. Farmers are waiting, and all the nutrition groups around the country are waiting. He should do that right now.

He should take up the Senate immigration bill. I say that for the second or third time today. This measure—a farm bill that passed overwhelmingly on bipartisan votes in this Chamber—the passing of the farm bill would create jobs and reduce the debt by some \$23 billion. And it is important to note that there are reforms both in the farm and food stamp programs without balancing the budget on the backs of hungry Americans. In fact, it goes a long way toward reducing our debt.

Passing the immigration bill would help 11 million people who are already contributing to our economy and our society to get right with the law. It would boost our economy and make

our country safer, all the while reducing the deficit by about \$1 trillion over the next two decades.

I remind the Speaker that there is no shame in passing bills that moderates from both parties can support. Americans want their elected officials to work together to fix the Nation's problems. This is what we did in the Senate. I promise the formula will work in the House of Representatives as well. The Speaker should try that.

Sticking to the Hastert rule has prevented the House from passing legislation to reform the ailing Postal Service. Postal reform passed over here on an overwhelmingly bipartisan vote. The Speaker refused to even consider it last Congress, didn't even take it up.

Sticking to the Hastert rule prevented the House from passing a measure that would give brick-and-mortar stores parity with online competitors. We passed that on a bipartisan vote. It is heartbreaking all over America. I see it in Nevada when I go by these strip malls and see places that, if they had the advantage of not having to pay sales tax—which is what happens online—they would be in business. They would go back into business if the sales tax would have to be paid by the people who sell their goods over the Internet. It is unfair. Why the Speaker doesn't take that up I don't know.

We already know that sticking to the Hastert rule prevented the House from passing a farm bill last month and last year.

This month sticking to the Hastert rule prevented the House from passing immigration reform that would become law.

Insisting on the Hastert rule also prevented Speaker BOEHNER from reaching across the aisle to find a sensible solution to our rising student loan interest rates. Right now, what they have done on the other side is worse for students than doing nothing at all. The legislation passed by the House would balance the budget on the backs of struggling students—would attempt to balance it, at least. The House legislation is worse for students than doing nothing at all. Under the House plan, as interest rates start to rise, student loan rates will rise with them. Soon loan rates will be more than double. I met with the White House, one of the President's assistants. I said: Tell me what happens in 3 years. He had to acknowledge that the rates would be well over 6.8 percent.

To find a responsible solution to the student loan issue and every other major issue facing this Congress, the Speaker should work with us and his Democratic colleagues in the House instead of against them. He should remember that the only way to pass meaningful legislation in either Chamber is to do so with votes from both reasonable Democrats and reasonable Republicans.

I am told the Speaker is going to come out with a statement today saying: We passed our student loan legislation. Now why can't the Senate pass it?

I repeat, the Speaker's student loan legislation that passed the House is worse than doing nothing. The Hastert rule has been bad for this country, and Speaker BOEHNER should get away from it.

#### MORNING BUSINESS

Mr. REID. I ask unanimous consent that we now proceed to a period of morning business and that Senators be allowed to speak for up to 10 minutes each prior to the executive session at 5 p.m., with the exception of Senator SCOTT, who is giving his maiden speech today.

The PRESIDING OFFICER (Mr. MURPHY). Without objection, it is so ordered.

#### RESERVATION OF LEADER TIME

Mr. REID. Would the Chair announce the business for the day.

THE PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### ORDER OF BUSINESS

The PRESIDING OFFICER. The Senate will be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from South Carolina.

Mr. SCOTT. I ask unanimous consent that I be allowed to speak as in morning business.

#### UNLEASHING OPPORTUNITIES

Mr. SCOTT. It is indeed a humbling honor to serve the great people of South Carolina in the Senate. I am so grateful for the support I have received from South Carolinians.

The success of the Palmetto State can be measured in many ways, but today, let me share the success of our economic engine. From insourcing jobs from other countries, jobs such as Otis Elevators in Florence, SC, or the high-tech boom that is happening throughout South Carolina, companies such as BMW in the upstate continue to expand. Michelin, in Anderson County expands. Continental Tires finds a home in Sumter, SC, and there are more than 5,000 new jobs on the coast of South Carolina because of Boeing. And let's not forget Aiken, SC, where Bridgestone has made a new home. South Carolina is and will continue to be a leading manufacturing engine for America.

I stand before you today on the shoulders of two very amazing Americans. One has gone home to be with the

Lord. The other is my hero, my mother, Frances Scott.

Growing up in a single-parent household, my mother would have to work sometimes 16-hour days in order to keep me and my brother off of welfare. She wanted us to have a good example of someone who believed in hard work for us to follow.

My mother used to tell me all the time that if you shoot for the Moon and you miss, you will be among the stars. But I didn't always listen to my mother. By the time I was a freshman in high school, I was drifting. Have you ever noticed that you don't really drift in the right direction? As a freshman in high school, I failed out. I failed world geography. I think I am the only U.S. Senator to fail civics. I also failed Spanish and English.

When you fail Spanish and English, they don't call you bilingual. They call you bi-ignorant because you can't speak in any language.

That's where I found myself. I found myself in a very strong and hard position, but good fortune strikes. I had two blessings. One was a mother who believes that sometimes love has to come at the end of the switch. For those of you who are not aware of what a switch is, it is a motivational apparatus, and it encouraged me a lot. I will say that, along with my mentor John Moniz, who came along at the right time—I was a sophomore—I found my way back on the path. John Moniz was a Chick-fil-A operator who made such a major impact in my life over the last three decades.

John came along as I was a sophomore in high school, and he taught me some very, very valuable lessons. A couple of those lessons John started teaching me very early on were about being a business owner. John believed that you could literally think your way out of poverty. You didn't have to be an entertainer or an athlete, but you could become an entrepreneur. So John started teaching me some of the lessons of being a business owner. He said having a job is a good thing, but creating jobs is even better.

John would teach me later that in earning an income, you have done well. But if you can learn to create a profit, you have done fantastically. He taught me some other lessons about individual responsibility. John once told me: If you don't like where you are, look in the mirror. Blame yourself. John was trying to teach me some very valuable lessons about individual responsibility.

I learned very quickly from John that if you were a part of the problem, you were also part of the promise; that in fact if you saw yourself as a part of your obstacle, you may have found the key ingredient to your opportunities. It took a little time before the lessons of my mentor and the strong discipline of my mother started to germinate in my soul, but it finally did.

After 4 years of having John as my mentor, something very tragic happened. At the young age of 38, John suddenly passed away. I remember the day before his funeral as though it were yesterday. I sat down and wrote out my mission statement: to positively impact the lives of a billion people with the message of hope and opportunity—hope being my faith in Christ Jesus and opportunity being the lessons of financial literacy and financial independence I learned from my mentor John Moniz.

I decided to follow in the footsteps of my mentor John. I started my own business, and I learned very quickly the challenges of signing the front of the paycheck when you could not sign the back for yourself. Over the last two decades, as a business owner and as an elected official—whether it was as a member of the county council or a member of the South Carolina House of Representatives or being elected to the U.S. Congress—I have used as my foundation the lessons I learned from my mentor and my mother.

During my time here in the Senate I will focus on a few key issues, including education, economic empowerment, and controlling our spending addiction. As a small business owner over the last 15 years I can tell you firsthand that our Tax Code is broken. With the highest corporate tax rate in all the world, and the taxing of small and family-owned businesses at an alarming rate, we will continue to produce a slow-growth economy.

The regulatory nightmare facing our small business owners today is only worsened by the “Unaffordable Care Act,” as my good friend Congressman Kucinich said yesterday.

Further, with over 70,000 pages of new regulations in the last 5 years, the compliance cost for small business is staggering. We do not simply need a delay in the employer mandate, we need a repeal of the employer mandate.

On education, I can tell you as a poor kid, by the time I was in the fourth grade, I had already attended four schools. It is very difficult for us to fund the right school with the sometimes transient nature of poverty where you have to move a lot. I believe the system and the people closest to the child are in the best position to provide the highest quality of education for that child. So there is no way a bureaucrat in Washington, DC, can better educate a child in Lexington County than that child's parents and the teachers who are so involved in that education.

We need a national debate on education. Parents need more choices so their kids will have a chance. So let's debate it. Let's debate charter schools, let's debate public school choice, private school choice, tax credits, home schools. Whatever it takes to improve our education system should be on the table for discussion.

Let me close with this. If we create a competitive Tax Code and a fair, sensible regulatory environment, as well as a world-class education system, we will create the best economy known to man, as we have in times past. You see, the best and the brightest days are still ahead for America. Our strongest moments, our strongest stands, are still in our future. I believe in the greatness of America because I have experienced the goodness of her people. In America, an ordinary guy like me can be blessed with an extraordinary opportunity like this. Thank you, and God bless America.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I congratulate our good friend from South Carolina on his maiden speech and the opportunity, obviously, to learn more about his inspirational early life and the bilingual nature of his beginning and the way he interpreted those lessons both from his mother and from his mentor into the extraordinary success he has had both in the private sector and the public sector. I wish to say, on behalf of my colleagues, it is an honor to serve with him.

Mr. SCOTT. I thank the Leader.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I want to join the Republican leader in expressing my appreciation of Senator SCOTT today, not just for his maiden speech but because we have new pages on the Senate floor and so it is their first time, and I see the bright eyes of these young people looking up to the Senator as he gives his maiden speech as he talks about the next generation.

I was thinking a bit, because I saw an editorial the Senator had written published Sunday a week ago—“IRS targeting scandal shows need for reform”—and so I was happy to hear the Senator talking about some of the things happening there, because he talks about responsibility, accountability, and the kinds of things we heard in his maiden speech today. He writes in a concise way, also a courageous way, so I want to join the Republican leader in welcoming the new Senator and his comments, and I look forward to working with him for many years to come.

I thank the Chair.

Mr. SCOTT. I thank my colleague.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I join my colleagues in congratulating our recently arrived colleague from South Carolina on his maiden speech. It strikes me we all want the same thing pretty much. We want an opportunity and we want to make sure our kids get the best quality education so they can compete in a global economy. But to be honest about it, we do have different

approaches on how to achieve those goals, it strikes me, across the aisle.

There are those who believe the government should play a bigger, more expansive role, and they have their own ideas and approach; and there are those of us who believe in limited government, and that that is most consistent with individual freedom and the opportunity to strive, to work hard, and to succeed. It is that notion of earned success. So we have a different approach, and I know the Senator from South Carolina agrees with that.

I also believe the Senator from South Carolina has been a tremendous addition because of his background and his upbringing. Some people might say we don't need more lawyers in the Senate, and he certainly is not one of those, but he is somebody who has succeeded in the private sector, been marvelously successful now both in the House and here in the Senate. So it is great to have him as part of the Senate and contributing his unique perspective and being able to articulate as he does so well how small-government, limited-government principles apply to that concept of earned success that all of us want not only for ourselves but for our families as well.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I join my colleagues in complimenting the Senator from South Carolina, No. 1, because of his work ethic. I have the privilege of being the ranking Republican member of the committee that has maybe the broadest jurisdiction, the most diversity of any of our committees—Health, Education, Labor, and Pensions—and I have observed how hard Senator SCOTT has worked and how well prepared he has been in his first several months as a Senator. He has spoken out on labor issues, he has made a major contribution to the debate we had on whether we need a national school board or local control on elementary and secondary education. When other Senators are doing other things, he is right there at the committee hearings. So he has made a quiet, effective, principled, studious contribution to the Senate, in my experience, these first few months, and I am delighted to have him here.

He has done so well I have invited him to come to Tennessee on Friday to speak to one of the largest gatherings we have annually in the State, and he has agreed to come, and we are grateful for that.

Finally, I would compliment him on one other thing. Sometimes I like to tell stories about the person for whom I came to the Senate to work—Senator Howard Baker. When Senator Baker first came in 1967, I would say to the Senator from South Carolina, the Republican leader was his father-in-law Everett Dirksen. Senator Baker made his maiden speech, probably from a

back row about like Senator SCOTT is making his, and his father-in-law was sitting right where Senator McCONNELL sits, listening to the whole thing. It went on, and it went on, and it went on for nearly an hour. After it was over, Senator Dirksen came over to Senator Baker, and Senator Baker said to his father-in-law: Well, how did I do? Senator Dirksen, the Republican leader, said to the new Senator: Maybe, Howard, you should occasionally try to enjoy the luxury of an unexpressed thought.

So I congratulate Senator SCOTT for his succinct maiden address. He is not only effective, studious, and diligent, he knows how to speak his words clearly and succinctly, and it is wonderful to see him.

Mr. SCOTT. I thank the Senator.

Mr. CORNYN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOOZMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

#### HONORING OUR ARMED FORCES

SPECIALIST ROBERT A. PIERCE

Mr. BOOZMAN. Mr. President, my colleagues and I are often at odds when trying to solve some of our Nation's most pressing and difficult problems. However, one thing we can all agree on is that the men and women who wear our Nation's uniforms are selfless heroes who embody the American spirit of courage and patriotism. We must continue to honor the sacrifice and service of our troops who have fought to protect and defend our freedoms. Today, I am here to pay my respects to Army SPC Robert A. Pierce, an Arkansas soldier who gave his life while in support of Operation Enduring Freedom.

Specialist Pierce graduated from Mansfield High School and spent his free time perfecting his steak cooking abilities at the Bulldog Diner in Greenwood, AR. A former coworker described these as "the best steaks ever."

Specialist Pierce's friends say the money he earned at his part-time job went to fixing his truck. His love of auto mechanics led him to do most of the work himself. Specialist Pierce's family said he joined the military in 2011 to make a difference.

He served in South Korea before his assignment at Fort Campbell. He was a member of A Company, 1st Battalion, 506th Infantry Regiment, 101st Airborne Division, Fort Campbell, KY. SPC Robert Pierce was only 20 when he gave his life for his country last month

while on patrol in Afghanistan. Specialist Pierce is a true American hero who made the ultimate sacrifice.

I ask my colleagues to keep his wife Christian and the rest of his family and friends in their thoughts and prayers.

On behalf of a grateful Nation, I humbly offer my sincerest gratitude for his patriotism and selfless sacrifice.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO JOSEPH C. McQUAID

Mr. HARKIN. Mr. President, on Monday, July 1, 2013, Joseph C. McQuaid was laid to rest, with full military honors, in the Fort Logan National Cemetery in Denver, CO.

A proud World War II veteran, Joseph "Big Joe" McQuaid will rest beside his brother John "Hootcher" McQuaid, also a World War II veteran. Joe was one of the most unique, memorable persons I have known in my lifetime. He was also my brother-in-law.

Joe was born on March 16, 1919 in the family farmhouse near Stuart, IA. A proud Irishman, Joe always noted that his birthday was one day before St. Patrick's Day. Joe, his two brothers, and sister were born and raised in a loving, but very poor, family. His father "Willie" was a self-taught, accomplished musician, playing the fiddle and piano in local bands around Iowa.

From an early age, Joe was known as "Big Joe" because he was a big bear of a man, standing 6 feet 4 inches and tipping the scale around 240 pounds, all muscle and bone. He used to show off his strength by tearing phonebooks and decks of cards in half as if they were pieces of paper. This always impressed a lot of young kids.

Joe also liked to balance heavy, unwieldy objects, such as lawnmowers, on his chin. It wasn't only heavy objects he could balance. He is the only person I have ever seen who could balance a straw broom on his nose. He could entertain a group of kids for hours by doing his balancing tricks.

When the Great Depression hit the Midwest, Joe's family, like so many others, was in dire economic straits. So Joe, at the age of 16, went to work in the Civilian Conservation Corps, the CCC. The legal age was 18, but because of Joe's size and the poverty at home, Joe said he was 18 and thus joined the CCC. Young men left home, lived in CCC camps, worked on building dams and dikes, cleared roads in winter, cleaned up after floods, and created State parks and recreation areas. CCC camps were run in a semi-military fashion.

Joe worked at the CCC camps for 3 years and was paid \$36 a month. As Joe remembered, he sent \$30 home and kept \$6 for himself. He often said the CCC was President Roosevelt's best program.

The day after the attack on Pearl Harbor, Joe went right down to the recruiting office and signed up for military duty. He joined the Navy and spent most of the war years as a Boatswain Mate First Class on destroyer escorts, escorting troop ships and cargo ships the United States to Russia, England, and North Africa.

His ship, the USS *Marchand*, sank several German U-boats and rescued survivors of cargo and troopships sunk by enemy torpedoes. Joe was present at Normandy on D-day, again protecting the troopships and big cruisers from enemy submarines.

After the war in Europe ended, Joe was sent to the Pacific as a Boatswain Mate on a troopship headed to the Philippines. During his voyage, Joe's ship was attacked by Japanese kamikaze planes. As the acting Chief Boatswain Mate, Joe got all the anti-aircraft guns manned, taking a 50 caliber mount himself. They brought down all the enemy aircraft, and not one hit the ship. Joe remembered how one crashed in the water so close that ocean spray and parts of the aircraft landed on the ship's deck.

Sometime after that, on their way to the Philippines, Joe ordered—through his boatswain pipe—all hands on deck for an important announcement from the captain. The captain said that after dropping two atom bombs on Japan that wiped out two cities, President Harry S. Truman said the Japanese surrendered and the war was over. There was unrestrained cheering and backslapping among the troops and sailors. Joe asked the captain if he should use his boatswain pipe to call them to order, and the captain said "No, no, let them go." They refueled at sea, and headed back to Honolulu.

After nearly 4 straight years at sea, dodging and sinking U-boats in the North Atlantic, surviving kamikaze attacks in the Pacific, "Big Joe" was back in Iowa with a chest full of medals and his beloved boatswain pipe.

For his life thereafter, Joe could keep you entranced with his war stories and what shipboard life was like in the frigid waters of the North Atlantic.

Joe was so proud of his service and his fellow World War II comrades. He was truly one of the "Greatest Generation" of young Americans.

Joe passed away on January 31, 2013, with his loving wife June by his side. He was just about 2 months shy of his 94th birthday.

Up to his 93rd birthday, Joe always marched every year in the Veteran's Day parade wearing his original World War II Navy blues, a white sailor's cap jauntily placed on his head, a chest full

of ribbons and medals, and his cherished boatswain's pipe hung around his neck. At age 88 he participated in one of the honor flights from Denver to Washington, DC, for World War II veterans to see the World War II Memorial.

After my mother died and Joe had married my sister Sylvia, I went to live with them, and Joe became almost a surrogate father to me. I was 13 years old. As we both grew older, we took many trips together and he became more like my older brother. Joe was so unique. He was a gifted observer of human behavior and interactions. He could fix anything. He made beautiful objects out of wood, some of which I still have in my home. He was also the best storyteller I have ever met.

Many years after my sister died of cancer, Joe met and married June, a talented artist in her own right, and they had a wonderful, loving life together.

Joe is survived by his wife June; his sister Mary Ann; his four children, Theresa, Joe Kelly, Danny, and Mary; four grandchildren, Sean, Ryan, Erin, and Ciera; and four step grandchildren, Terry, Kristen, Shauna, and Dawn.

"Big Joe" led a full, challenging, and interesting life. He was truly one of our "Greatest Generation," a true patriot who loved his country, his family, and his many friends.

He helped to make America a better nation for all.

Mr. President, with that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURPHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

#### GUN VIOLENCE

Mr. MURPHY. Madam President, we are now deep in the heart of summer vacation for millions of families and students all across this country. It is a wonderful time, something families look forward to—maybe some parents more so than others. But it is a very strange summer in Newtown, CT. It is the first summer that 20 families are waking up every morning without a 6- or 7-year-old they planned on spending days at the beach or afternoons at the park with or mornings getting ready for what would have been their second-grade year. It is a very different summer, this summer in Newtown, CT.

A lot of people ask me: How is the community recovering? How are they coming back? And while there is some rebound happening, it is still very much a community in crisis. When students go back to school in the fall,

they are not going to be going back to Sandy Hook Elementary School. That school is going to be knocked down. There is no way families, teachers, and administrators can return to that place. So once again this fall the students of Sandy Hook Elementary School will be bused one town over to a school that was, up until January of this last year, a place none of them had seen, and they will once again be in a year of transition—once again, for many families, still a year of crisis.

I am not sure any of those families could imagine in the days and weeks after the shooting on December 14 of last year that when they sent their kids back to school—their surviving brothers and sisters—in the fall of 2013, that in that intervening time, in response to the most vicious mass school shooting in this country's history, the response from the Congress would be nothing, zip, zero.

This is a summer of crisis in Newtown. It will be another difficult fall. But what leaves people in Newtown shaking their heads is that this place has done absolutely nothing; that when their kids return back to school, the laws of this Nation will be no different, will do nothing more to protect their sons and daughters when they and millions of other kids across the country return to school in September.

And it is not as though we have not seen since Newtown more evidence for why we need to change our laws. I have come to the floor virtually every week since this horrific incident to remind people that the tragedy has not ended; that since December 14, 5,893 people have been senselessly killed by guns. Since December 14, 5,893 people have been killed through gun violence.

I think we should continue to talk about who these people are; that we should give voices to these victims, so that it is not just the 20 6-year-old and 7-year-old children we have all heard so much about—about Jack Pinto and Dylan Hockley, and Noah Pozner and Grace McDonnell. We know these kids, and I will continue to talk about who they were and who they could have been, but every single day we lose about 30 more people to gun violence.

Last June we saw a mass shooting that was eerily similar to the one in Newtown—a mass shooting in Santa Monica, CA, in which five people were killed; the father and the brother of the gunman, but also three completely unrelated and innocent bystanders who just happened to be in and around the school when this young man, 23 years old, deeply disturbed, started firing, almost indiscriminately and randomly, on his way to and at the campus.

It was eerily similar because, once again, it was an assault weapon, an AR-15 model, the weapon of choice for mass assailants in this country these days. And once again he had high-capacity magazines. Reportedly, 1,300

rounds of ammunition were on his person. Every case is unique, but over and over these mass shootings are occurring with the same type of weapons and the same type of high-capacity ammunition. Yet we do nothing to acknowledge this trend.

Let me talk a second about who these people were who were killed that day in California, because they have stories that are not unlike the 5,800-plus stories I could tell on the floor, if we had time, with respect to the people who have died since December 14.

Carlos Navarro Franco was 68 years old. He was the groundskeeper at the college for 22 years. He was dedicated to two things above all—that college and his family. That is what the president of the college said after his death—everything Carlos did was for the college and for his family. He was truly a family man, the president of the college said. He was a dedicated husband, a father, and an integral part of Santa Monica's college family. He dedicated his work to the campus grounds and was enjoyed by students and visitors for two decades.

He was with his daughter that day. Marcela Franco was 26 years old and pursuing a degree in psychology at California State University. She had registered to take summer classes at the school where her father worked and she was on her way with her father to buy textbooks that day. She initially survived the gunfire but she never regained consciousness after the attack. She was described by her aunt as smart, beautiful, and outgoing. Her aunt said, "She was daddy's girl." So the blessing is they went together.

Margarita Gomez was the same age as Carlos Navarro Franco. She lost her life that day. She was fondly referred to on campus as the "recycle lady" because she could be seen almost every weekday walking around campus, rolling her cart, picking up used bottles and cans. She would plop them in her cart and then take them to get recycled. Obviously, most people thought she was homeless and that she was collecting these bottles and cans as a means to be able to survive, but that wasn't the case. Margarita had actually been diagnosed with diabetes, and it was her doctor's recommendation that she exercise more. She was also an active member of a senior Latino club that met every Thursday at the Virginia Avenue park and she was very interested in the St. Jude's Children's Research Hospital cause—a charity the senior Latino club happened to give money to. So she put these two things together—a recommendation she should exercise more and an interest in helping this club and the charity it was affiliated with—and decided she would take this cart around town for exercise, pick up cans and bottles, recycle them, and then donate the money to charity.

The “recycle lady,” Margarita Gomez, was walking around campus that day picking up cans and bottles so she could donate the money to help sick kids, and she was gunned down by an assailant using an assault weapon with high-capacity ammunition clips. It is a pretty unbelievable story. These three special individuals, along with the father and the son, are among the 5,893.

But it is not just the mass shootings that we are talking about. Frankly, the vast majority of these killings are one-off deals over some of the most petty arguments or disputes one could imagine. But because guns are so easily found, so readily accessible in our neighborhoods, these silly arguments end up in deaths, such as one that happened in my State of Connecticut just a couple weeks ago on June 16.

Isaac Smith was a couple days away from graduating from New Britain High School. He was a great athlete, played football and baseball, and he was hoping to continue playing those sports after high school when he went to college. He apparently talked to his friends a lot about how proud he was going to be to graduate.

On the night of June 16, police received a call around midnight about gunshots. They arrived at the scene and found Isaac Smith—a couple days away from graduation—in his driveway with a gunshot wound to the back of his head. Police are still trying to figure out what happened. Apparently, he was involved in a transaction for a pair of high-end sneakers when something went wrong and the other guy he was either selling the sneakers to or buying the sneakers from, 26-year-old Jonathan Gibbs of Meriden, shot him—over a pair of sneakers.

These are who these 5,893 people are: They are victims of mass violence, they are victims of senseless gunfire, and they all share something in common. They deserve a response from the Senate and the House of Representatives. They deserve us doing something more than nothing.

At least the Senate brought up a bill on the floor earlier this year. We got 55 votes for a bill that wasn't perfect, but it at least said criminals shouldn't have guns and that we should have a system that makes sure that is the case; that gun trafficking—when someone buys a messload of guns legally and then sells them illegally on the streets of our cities—should probably be a Federal crime; that we should have more resources in our mental health system to take care of people who want and need help. We got 55 votes for that, which is pretty unbelievable given the fact that 90 percent of the American public support all of those things. One would think we could have gotten more than 55 votes.

The House of Representatives has done nothing. It hasn't even had a debate.

These numbers will continue to mount. Next week I will be down here, and the number will probably be north of 6,000. Then, after the August recess, it will be creeping up to 7,000. We can't get rid of every single one of these deaths.

I will admit to you that Jonathan Gibbs who shot Isaac Smith was a legal gun owner. He didn't even actually have a criminal history. The fact is, while not every single one of these deaths is preventable, many of them are.

So I will continue to come down and talk about these victims with the hope that someday—perhaps this fall, perhaps next year, perhaps the year after—we can take action in the Senate that will maybe not stop the growth of this number but will at least slow its acceleration.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. WARREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### STUDENT LOANS

Ms. WARREN. The interest rate on student loans doubled on July 1. Because Congress failed to act, our lowest income students are now paying twice as much on these new loans. While students are paying more, the Federal Government is boosting its own profits—\$51 billion in profits from the student loan programs in 2013 alone. This is just plain wrong.

The government is making obscene profits on these loans—profits we can and should cut back on to help our kids who are struggling to pay for college. But Republicans have repeatedly blocked our efforts to pass a short-term fix that would save students from higher interest rates.

This week the Senate will vote to fix this problem. The bill, Keep Student Loans Affordable Act, was introduced by Senators JACK REED and KAY HAGAN. It would drop the rate on direct student loans back down to 3.4 percent for 1 year, retroactively as of July 1, and give Congress time to develop a plan to do the three things we need to do: Reform student loan interest rates on new loans, refinance \$1 trillion in existing debt, and lower college costs for all of our kids.

Republicans have a different approach. Despite the obscene profits of the current program, they propose to make even more money from students. Their current proposal would bring in an extra \$1 billion in profits off the backs of our students.

Listen to the numbers. New loans will produce \$184 billion in profits for

the U.S. Government over the next 10 years. That includes the 6.8 percent interest on direct loans, all the borrowing costs, all the administrative costs, and all the bad debt losses for the program.

Let me say that again: The new student loans, including direct loans at 6.8 percent, will make \$184 billion in profits for the government over the next 10 years—and the Republican solution is to increase those profits for the U.S. Government. In other words, their solution to the rising interest rate problem is to make students pay even more.

Some of my colleagues are telling students the plan they have is a great deal. But their argument is the same argument that was used by the slick operators who sold teaser rate mortgages and the ones who sold zero interest rate credit cards. Sure, the first couple of years will be cheaper, but they don't want anyone to look at what happens after that.

Fortunately, our students are smarter than that. They read the fine print. They know in the end this debate boils down to simple math—math that our students understand, even if some people in Congress wish they didn't.

Our students sent a letter to Majority Leader REID and Minority Leader MCCONNELL with a clear message: A bad deal is worse than no deal at all. Our students need a plan that costs them less money, not a plan that costs them more.

I talk a lot about math, but the Senate's decision about student loans is a decision about our values and a decision about how we build a future. Investing in our students will allow them to get good jobs and give them a shot to make it in America, but that same investment will also create new industries and grow the economy for everyone.

We shouldn't treat our students like a profit center. We shouldn't ask them to pay an extra tax to go to school. And we shouldn't try to trick them by shuffling numbers around, hitting them with teaser rates, and declaring a problem is solved while the students just keep paying more and more.

There are real problems in higher education today: Skyrocketing college costs, historic levels of student debt, and high borrowing rates. It is going to take time to develop a solution that works, and there is no magic math that will make student loan profits disappear or make college tuition shrink without some sacrifice. But right now, students are the only ones who are sacrificing. They are giving up the dream of owning a home or being able to retire just so they can keep paying for college.

Congress can ease the burden on our students, and we should be committed to doing just that because this is how we build a stronger middle class. This



is how we build a better future for our entire country. It is a first step, but it is a good one.

Congress can pass the Keep Student Loans Affordable Act. It is a short-term patch to keep interest rates on new loans from doubling for 1 year while Congress develops a plan to reform student loans and to make college more affordable. I support the measure, and I urge my colleagues to do the same.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. MANCHIN). Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF GREGORY ALAN PHILLIPS TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The assistant legislative clerk read the nomination of Gregory Alan Phillips, of Wyoming, to be a United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided and controlled in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I don't wish to in any way cut into the time of the senior Senator from Wyoming, but I hope once he and Senator BARRASSO have finished speaking—once their time is consumed—we might agree that the vote will still be at 5:30, if possible, or as close to that time as possible.

Our Constitution provides the Senate an important role to play in providing advice to the President and in voting on whether to confirm nominees for our third branch of government. Last month, we were reminded of the importance of these confirmation votes when the Supreme Court handed down several narrowly-decided opinions that are already impacting millions of Americans. As a senior member of this chamber, I have voted on the confirmation of every one of the nine justices currently serving. Since only a tiny percentage of cases brought in Federal court ever end up at the Supreme Court, the Federal courts of appeal are often the courts of last resort for most

disputes. I am glad that today we are finally voting to confirm another appellate nominee.

Before the Memorial Day recess, the minority leader asked during a floor debate when Gregory Phillips, the Wyoming nominee to the Tenth Circuit, would receive a vote. When the majority leader immediately offered a vote on that nominee, the minority leader demurred without giving any reason. Senate Republicans have now finally decided to allow the vote on Gregory Phillips to move forward, but there was no reason for this delay in his confirmation vote.

Gregory Phillips is currently the attorney general of Wyoming, a position to which he was appointed by Wyoming's Republican Governor. From 2010 to 2011 he worked in the Wyoming attorney general's office as the special assistant to the Governor for legislative affairs. Prior to working in the Wyoming attorney general's office, he was an assistant U.S. attorney in Wyoming, and spent 14 years in private practice. Attorney general Phillips has also served as a part-time deputy county attorney, an assistant municipal judge and as a state senator. Following law school, he served as a law clerk to the Honorable Alan B. Johnson of the U.S. district court for the District of Wyoming. The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Phillips "well qualified," its highest rating.

At his Judiciary Committee hearing, Attorney General Phillips was introduced by his two Republican home State Senators, Senator ENZI and Senator BARRASSO, both of whom strongly support his nomination. He was reported unanimously by the Judiciary Committee nearly 3 months ago. While his confirmation vote has not been delayed quite as long as votes on most of President Obama's nominees, he could and should have been confirmed last May when the majority leader offered.

With the confirmation of Attorney General Phillips, there will be 10 active judges on the Tenth Circuit. According to the most recent data, this means that the number of pending appeals per active judge on that court will drop from 150 to 135. I mention this because another appellate court, the DC Circuit, currently has 177 pending appeals per active judge. Despite that higher caseload, some Senate Republicans argue that the DC Circuit's caseload is too low, and that three of its judgeships should be eliminated. I suspect that many, if not all, of these Senators will vote to confirm Attorney General Phillips, even though his confirmation means that the Tenth Circuit will now have the lowest caseload in the country, just as earlier this year they supported the confirmation of Jane Kelly to the Eighth Circuit, which gave that court the lowest caseload in the country, and just as they supported the con-

firmation of Robert Bacharach to the Tenth Circuit, which gave that court the lowest caseload in the country. I hope those Senators will reconsider their double standard and not play politics with an independent branch of government.

Some of the same Senate Republicans who are opposing President Obama's three nominees to the DC Circuit are also criticizing him for making too few nominations and somehow claiming that many vacancies without a nominee cannot possibly be the fault of Senate Republicans. I recall that before President Obama made a single judicial nomination, all Senate Republicans sent him a letter threatening to filibuster his nominees if he did not consult Republican home State Senators. They cannot have it both ways.

I take very seriously my responsibility to make recommendations when we have vacancies in Vermont, whether the President is a Democrat or a Republican, and other Senators should do the same. After all, if there are not enough judges in our home States, it is our own constituents who suffer. It should be only a matter of weeks or months, not years, for Senators to make recommendations.

Unfortunately, in some States it appears as if there is no effort being made to recommend qualified nominees to the administration. There are three district vacancies in Georgia without nominees, and the oldest is over 4 years old. There are three district vacancies in Kentucky without nominees, and the oldest is over a year and a half old. There are seven district vacancies in Texas without nominees, and the oldest is over 4½ years old. Three months ago the Senators from Texas announced a nominations commission, but it is my understanding that it is still not accepting applications. If Senators want new judgeships in their States, they should be working especially hard to ensure that all existing ones are filled. Republican Senators who demanded to be consulted on nominations should live up to their responsibilities and fulfill their constitutional obligation to advise the President on nominations. They should follow the example of Democratic Senators: the administration has received recommendations for all current district vacancies in States represented by two Democratic Senators.

Moreover, the failure of some Republican Senators to help fill vacancies in their own States does not excuse their unwillingness to complete action on the nominations the President has made. I regret that I must correct the record, again, on how Senate Republicans have obstructed judicial nominees over the past 4 years. The continued assertion by Senate Republicans that 99 percent of President Obama's nominees have been confirmed is not accurate. President Obama has nominated 243 individuals to be circuit or

district judges, and 197 have been confirmed by the Senate. That is 81 percent, not 99 percent. By way of comparison, at the same point in President Bush's second term, July 8 of his fifth year in office, President Bush had nominated 10 fewer people to be circuit or district judges, but had seen 215 of them confirmed, which is 18 more confirmations. The truth is that 92 percent of President Bush's judicial nominees had been confirmed at the same point, 11 percentage points more than have been allowed for President Obama. That is an apples-to-apples comparison, and it demonstrates the undeniable fact that the Senate has confirmed a lower number and a lower percentage of President Obama's nominees than President Bush's nominees at the same time in their Presidencies.

I noted at the end of last year, while Senate Republicans were insisting on delaying confirmations of 15 judicial nominees that should have taken place in wrap up, we would not likely be allowed to complete work on them until May. That was precisely the Republican plan. So when Senate Republicans now seek to claim credit for their confirmations in President Obama's second term, they are inflating the confirmation statistics. The truth is that only 11 circuit and district confirmations have taken place this year that are not attributable to those nominations Senate Republicans needlessly held over from last year. To use a baseball analogy, if a baseball player goes 0 for 9, and then gets a hit, we do not say he is an all star because he is batting 1.000 in his last at bat. We recognize that he is just 1 for 10, and not a very good hitter, nor would a fair calculation of hits or home runs allow a player to credit those that occurred in one game to the next because it would make his stats look better.

If President Obama's nominees were receiving the same treatment as President Bush's, today's vote would bring us to 215 confirmations, not 198, and vacancies would be far lower. The non-partisan Congressional Research Service has noted that it will require 29 more district and circuit confirmations this year to match President Bush's 5-year total. Even with the confirmations finally concluded during the first 6 months of this year, Senate Republicans have still not allowed President Obama to match even the record of President Bush's first term. Even with an extra 6 months, we are still eight confirmations behind where we were at the end of 2004.

The assertion by some Senate Republicans that "there is no difference in how this President's nominees are being treated versus how President Bush's nominees were treated" is simply not supported by the facts. Compared to the same point in the Bush administration, there have been more nominees filibustered, fewer confirma-

tions, and longer wait times for nominees, even though President Obama has nominated more people and there are more vacancies. And while Senate Republicans have taken to comparing President Obama's fifth year to President Bush's fifth year, the fact is that there were fewer confirmations then because we had done such good work in President Bush's first term, in particular the 100 confirmations we achieved during the 17 months in 2001 and 2002 when I was chairman of the Judiciary Committee. In fact, from June 9, 2005, until October 20, 2005, there were no consensus judicial nominees on the Executive Calendar. So the only reason there have been more votes this year than in 2005 is that, contrary to Republicans' assertions, we have had more nominees this year, mostly because they were held over from last year by Senate Republicans.

While the routine and sustained delays over the past 4 years are without precedent, Republicans point to June 2004 as the one time that there were a number of President Bush's nominees pending on the floor. I recall that in early 2004, President Bush had bypassed the Senate and recess appointed two controversial nominees to be circuit judges and that around that time we learned that Republican committee staff hacked into a shared server to pilfer Democratic files. Still, we were able to clear nominations by confirming more than 20 consensus nominees in just 1 month. There is nothing like that to explain the years of backlogged judicial nominees during this administration.

Context matters. Anyone can point to this example or that example, but when you look at the whole picture, it is clear that President Obama's nominees have faced unprecedented delays on the Senate floor and that his nominees have been less likely to be confirmed than President Bush's at the same point.

But the context of these statistics also matters. Judicial nominations should not be about partisan tit for tat. Judicial vacancies impact millions of people, all across America, who depend on our Federal courts for justice. When you compare the Senate's record from 2001 to 2005, and from 2009 to 2013, it is clear that we are not meeting the standard we set for how quickly the Senate can act to fill judicial vacancies. Throughout my career, whether as a prosecutor or as chairman of the Judiciary Committee, I have fought for justice, and to ensure that people have access to justice and can have their day in court. That is why my recent statements have discussed not only the delays in the nominations process, but also the impact of sequestration cuts on our legal system. I continue to hear from judges and other legal professionals about the serious problems sequestration either has caused or will cause if we do not fix it.

Chief Justice John Roberts recently noted that sequestration "hit [the judiciary] particularly hard. . . . When we have sustained cuts that means people have to be furloughed or worse and that has a more direct impact on the services that we can provide." I ask unanimous consent that this article titled "Chief Justice Roberts: Sequester cuts hitting federal judiciary 'hard'" be printed in the RECORD at the conclusion of my statement. We should all be doing everything we can to help our co-equal branch meet the Constitution's promise of justice for all Americans.

The impact of sequestration on the third branch is compounded by the high level of judicial vacancies. I know we can do better because we have done better. Each day that Senate Republicans refuse to confirm the qualified judicial nominees who have been reviewed and voted on by the Judiciary Committee is another day that a judge could have been working to resolve disputes. Hard-working Americans should not have to wait years to have their cases decided.

Even if it were true, it is not good enough to say that the Senate is treating President Obama's nominees the same as it treated President Bush's. The real question is whether the Senate is meeting its duty to do everything it reasonably can to ensure the American people have access to justice. When Senate Republicans refuse to make recommendations for nominees, and then delay votes on consensus nominees, they are not somehow hurting the President, they are hurting the American people and our justice system.

Today, Attorney General Phillips will finally be confirmed by the Senate, and there are many more nominees the Senate should consider in the coming weeks. Tomorrow, the Senate Judiciary Committee will hear from James Comey, who President Obama has nominated to serve as FBI Director. Later this week the committee will begin the process of considering the first of three current nominees to the DC Circuit. The Judiciary Committee is also scheduled this week to vote on the nomination of B. Todd Jones to serve as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives. The ATF has been without a Senate-confirmed Director since 2006. Senate Republicans refused to allow a vote on President Bush's nominee to lead the ATF and I hope they will not attempt to do the same again. Nominees to lead the Labor Department and the Environmental Protection Agency are also awaiting our consideration. I hope the Senate will be able to come together and confirm these worthy nominees without the delay that has befallen so many nominees in the past 4 years.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Hill, June 29, 2013]

CHIEF JUSTICE ROBERTS: SEQUESTER CUTS  
HITTING FEDERAL JUDICIARY "HARD"

(By Ben Geman)

Supreme Court Chief Justice John Roberts on Saturday said the sequester is hurting the judicial branch and that he's hopeful Congress will provide flexibility.

Roberts, speaking at a conference in West Virginia, noted that the judicial branch of government overall is less than one percent of the federal budget.

"You get a whole branch of government under the Constitution for relative pennies, and the idea that we have to be swept along because it is good public policy to cut everybody—I am not commenting on that policy at all—but the notion that we should just be swept along with it I think is really unfounded," Roberts said of the across-the-board budget cuts.

"The cuts hit us particularly hard because we are made up of people. That is what the judicial branch is. It is not like we are the Pentagon where you can slow up a particular procurement program or a lot of the other agencies. When we have sustained cuts that mean people have to be furloughed or worse and that has a more direct impact on the services that we can provide," he added, speaking at the Fourth Circuit Judicial Conference.

Roberts said the Administrative Office of the U.S. Courts is working with congressional appropriators "to get them to go to bat for us," and that he's hopeful. "I hope we are able to make an effective case for why need a little bit more flexibility than others," Roberts said.

And, in a bit of humor, he tried some obvious flattery.

"I just want to say publicly, that I think our appropriators in Congress are the best legislators since Henry Clay and Daniel Webster, and you can quote me on that if you'd like," Roberts said.

In other remarks, Roberts said the Supreme Court justices are asking too many questions from the bench during oral arguments.

"We do overdo it," Roberts said. "The bench has gotten more and more aggressive." He noted that lawyers trying to present their arguments "feel cheated sometimes."

He said that justices do not talk about cases before the arguments. So they use questions as a way to "bring out points that we think our colleagues ought to know about," and debate one another through questions to lawyers making arguments.

But he said, "That is an explanation. It is not meant as an excuse."

"I do think we have gone too far," Roberts said. "It is too much and I think we do need to address it a little bit."

Roberts comments came after a busy week for the court, with justices handing down rulings striking down a key portion of the Voting Rights Act and ruling the Defense of Marriage Act unconstitutional.

Mr. GRASSLEY. Mr. President, I support the nomination of Gregory Alan Phillips to be United States Circuit Judge for the Tenth Circuit. This is the 27th judicial confirmation this year. With today's confirmation, the Senate will have confirmed 198 lower court nominees; we have defeated two. That is 198-2, which is an outstanding record. That is a success rate of 99 percent.

We have been doing these at a fast pace. During the last Congress, we confirmed more judges than any Congress since the 103rd Congress, which was 1993-1994.

This year, the beginning of President Obama's second term, we have already confirmed more judges than were confirmed in the entire first year of President Bush's second term. Let me emphasize that again—we've already confirmed more nominees this year than we did during the entirety of 2005, the first year of President Bush's second term.

After today, only four article III judges remain on the executive calendar—three district nominees and one circuit nominee. Yet somehow Senate Democrats cite this as evidence of obstructionism.

Compare that to the calendar of June 2004, when 30 judicial nominations were on the calendar—10 circuit and 20 district. I don't recall any Senate Democrats complaining about how many nominations were piling up on the calendar.

Nor do I remember protestations from my colleagues on the other side that judicial nominees were moving too slowly. Some of those nominees had been reported out more than a year earlier and most were pending for months. Some of them never got an up or down vote.

The bottom line is that the Senate is processing the President's nominees exceptionally fairly. President Obama certainly is being treated more fairly in the beginning of his second term than Senate Democrats treated President Bush in 2005. It is not clear to me how allowing more votes so far this year than President Bush got in an entire year amounts to "unprecedented delays and obstruction." Yet that is the complaint we hear over and over from the other side.

After today's votes, there will be 84 vacancies in the Federal judiciary. But 53 of those spots are without a nominee. How is it Republicans' fault that the President has not sent 53 nominees to the committee? Obviously, common sense ought to tell you that we can't act on nominees who are not presented to the Senate.

I just wanted to set the record straight—again—before we vote on this nomination.

Mr. Phillips received his B.S. in 1983 and his J.D. in 1987, both from the University of Wyoming. Upon graduation, he served as a law clerk from 1987 to 1989 to the Honorable Alan B. Johnson, U.S. district judge for the District of Wyoming. After completion of his clerkship, he worked in private practice in the town of Evanston. There he practiced a wide variety of civil law, including personal injury, wills and estates, real property, contracts, worker's compensation, employment, domestic relations, and bankruptcy. For

a few months during this time, Mr. Phillips served as a part-time deputy county attorney, mostly prosecuting misdemeanor crimes until a new county attorney could be elected.

In 1998, Mr. Phillips and Matthew H. Mead, presently serving as Governor of Wyoming, opened a law practice in Cheyenne, focusing on Medicaid, insurance, banking, and Federal tort claims law. Mr. Phillips served as a special attorney general during this period, handling a Medicaid third-party and estate reimbursement for Wyoming.

Mr. Phillips joined the U.S. Attorney's office in 2003 as an assistant U.S. attorney, where he first worked on both civil and criminal issues before shifting to exclusively criminal work. In 2011, Mr. Phillips was appointed by Governor Mead to be attorney general of the State of Wyoming. As attorney general, he manages five law divisions, overseeing arguments before the Wyoming Supreme Court and the Tenth Circuit Court of Appeals.

Mr. LEAHY. So I can help speed up things, I yield back all time on the Democratic side and yield to the senior Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the chairman of the Judiciary Committee for expediting the confirmation of Greg Phillips.

I rise this afternoon to add strong support for the confirmation of Gregory Alan Phillips to serve as a judge on the Tenth Circuit Court of Appeals. I believe Mr. Phillips has all the characteristics necessary to serve as a Federal appellate judge. I worked with Mr. Phillips in the Wyoming Legislature and can say with confidence that he is recognized throughout the Wyoming legal community as a talented, respected, and thoughtful attorney.

This vote is also important because the Tenth Circuit Court of Appeals has experienced a number of judicial vacancies recently. In February the Senate confirmed Judge Bacharach of Oklahoma to the panel, and we now have the opportunity to fill another vacancy so the Tenth Circuit can continue its work.

Mr. Phillips has served as Wyoming's attorney general since 2011. The attorney general is not an elected position in Wyoming, and it is important to note that Mr. Phillips was appointed by Governor Mead, although they do not share the same party affiliation. This speaks tremendously to Mr. Phillips' talent and legal reputation. Governor Mead and former U.S. attorney comments that Greg is a "first-rate legal thinker, a tireless worker and has an abiding sense of fair play." Governor Mead goes on to say that if confirmed, all those who appear before Mr. Phillips will find "a judge fully prepared, engaged, and respectful to all."

Mr. Phillips was reported out of the Senate Judiciary Committee with a

unanimous vote on April 18. The fact that he now stands for a vote after only being nominated in January is a credit to his abilities and strong bipartisan support. I thank Chairman LEAHY, Ranking Member GRASSLEY, and members of the Judiciary Committee for reviewing and moving this nomination along so quickly.

It is no surprise that the American Bar Association unanimously gave Mr. Phillips its highest rating. Greg has extensive experience practicing law as a deputy county attorney and in private practice. Before becoming Wyoming's attorney general, Mr. Phillips served 7 years as an assistant U.S. attorney for the District of Wyoming, handling criminal prosecutions and appeals. Greg has extensive experience arguing in Federal court, including taking nearly 20 cases before the Tenth Circuit.

Mr. Phillips studied economics at the University of Wyoming and graduated with honors from the Wyoming College of Law, where he was on the Law Review. Immediately following law school Mr. Phillips served as a clerk for U.S. district judge Alan Johnson of Wyoming. Judge Johnson writes that Greg is "devoted to the rule of law and will honor the remarkable judicial officers who preceded him." Specifically, Judge Johnson notes that Mr. Phillips' thorough study of the U.S. sentencing guidelines, experience as a Federal criminal prosecutor, and understanding of State and Federal legal issues will serve him well on the Tenth Circuit.

Mr. Phillips also has strong support from his colleagues from around the Nation. Thirty-four attorneys general wrote the Senate Judiciary Committee in March expressing their support for the nomination. I am told there would have been more signatures on that letter, but the nomination was advanced so diligently that some did not get a chance to sign the letter before Greg's hearing.

I would like to conclude by saying that I can personally attest to Mr. Phillips' qualifications to serve as a Federal judge. Greg was on the senate Judiciary Committee when we served together in the Wyoming Legislature. On the senate floor, we sat across the aisle from each other—and I do not mean just across the Republican-Democratic aisle, I mean right next to each other across the aisle—and got to visit a lot. He was a part of formulating my 80 percent rule for legislating.

Greg and his family are highly respected in their Wyoming community, and Wyoming is proud to call Greg one of our own. He will be an outstanding judge to follow Terry O'Brien, another longtime friend of mine. Terry and I, when he was a Wyoming District Court judge and I was in the Wyoming State senate, used to have dinner together to solve the world's problems. Then I be-

came a U.S. Senator and he became a U.S. circuit court judge. I know his successor will honorably fill that seat.

Mr. Phillips is highly qualified to serve on the Tenth Circuit Court of Appeals, and I call on my colleagues to also support his confirmation. Let's get this man to work in his new job.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Wyoming.

Mr. BARRASSO. Mr. President, I join Senator ENZI in strongly supporting the nomination of Greg Phillips to a seat on the Tenth Circuit Court of Appeals. Greg Phillips will be an outstanding judge. He graduated with honors, as you heard from Senator ENZI, from the University of Wyoming College of Law. He has worked in private practice, he has worked in the Office of the U.S. Attorney for Wyoming, and he currently serves as attorney general for the State of Wyoming. The breadth of his experience, his understanding of the law and the role of a judge, as well as the thoroughness with which he approaches his responsibilities—well, they will serve him well.

The people who know him best—his peers—uniformly praise his intellect, his diligence, and his fairness. His former boss, U.S. district judge Alan Johnson, said this in a recent letter to Senator ENZI:

Again and again, local defense attorneys have expressed their appreciation for the fair handed, respectful, and even tempered treatment they have received from Greg Phillips.

We are very fortunate in Wyoming to have Greg Phillips nominated for the bench. I have no doubt that as his career continues, he will become a successful and a respected member of the Tenth Circuit Court of Appeals. I strongly encourage all Members of the Senate to join Senator ENZI and me in voting to confirm Greg Phillips.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I yield back the remainder of any of our time and ask for the yeas and nays.

The PRESIDING OFFICER. All time is yielded back.

Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Gregory Alan Phillips, of Wyoming, to be United States Circuit Judge for the Tenth Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANT-

WELL), the Senator from North Dakota (Ms. HEITKAMP), and the Senator from Maine (Mr. KING) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Indiana (Mr. COATS), the Senator from Texas (Mr. CRUZ), the Senator from Arizona (Mr. FLAKE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Florida (Mr. RUBIO), and the Senator from Pennsylvania (Mr. TOOMEY).

The PRESIDING OFFICER (Mr. DONNELLY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 169 Ex.]

#### YEAS—88

Alexander	Fischer	Murray
Ayotte	Franken	Nelson
Baldwin	Gillibrand	Paul
Barrasso	Grassley	Portman
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Hatch	Reid
Blumenthal	Heinrich	Risch
Blunt	Heller	Roberts
Boozman	Hirono	Rockefeller
Boxer	Hoeven	Sanders
Brown	Isakson	Schatz
Burr	Johanns	Schumer
Cardin	Johnson (SD)	Scott
Carper	Johnson (WI)	Sessions
Casey	Kaine	Shaheen
Chambliss	Kirk	Shelby
Chiesa	Klobuchar	Stabenow
Coburn	Landrieu	Tester
Cochran	Leahy	Thune
Collins	Lee	Udall (CO)
Coons	Levin	Udall (NM)
Corker	Manchin	Vitter
Cornyn	McCaskill	Warner
Cowan	McConnell	Warren
Crapo	Menendez	Whitehouse
Donnelly	Merkley	Wicker
Durbin	Mikulski	Wyden
Enzi	Moran	
Feinstein	Murphy	

#### NOT VOTING—12

Cantwell	Graham	McCain
Coats	Heitkamp	Murkowski
Cruz	Inhofe	Rubio
Flake	King	Toomey

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President shall be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader.

#### KEEP STUDENT LOANS AFFORDABLE ACT OF 2013—MOTION TO PROCEED—Continued

Mr. REID. Mr. President, it is my understanding a motion to proceed to S. 1238 is now pending; is that correct?

The PRESIDING OFFICER. That is correct.

## CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to calendar No. 124, S. 1238, a bill to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes.

Harry Reid, Tom Harkin, Jack Reed, Kirsten E. Gillibrand, Patrick J. Leahy, Amy Klobuchar, Tom Udall, Sheldon Whitehouse, Ron Wyden, Benjamin L. Cardin, Richard Blumenthal, Christopher A. Coons, Sherrod Brown, Robert P. Casey Jr., Elizabeth Warren, Al Franken, Richard J. Durbin, Debbie Stabenow.

Mr. REID. I ask unanimous consent the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Mr. President, as I understand it, the majority leader has just filed cloture on a bill that would keep us at a 3.4-percent student loan rate for Stafford loans, which impact about 7 million Americans, for a year. Am I correct on that?

The PRESIDING OFFICER. The cloture motion is on the motion to proceed.

Mrs. BOXER. That is a very important cloture motion. I hope we will move forward on this bill in a bipartisan way. As of now, student loan rates have doubled on Stafford loans. In my State of California, 550,000 Californians are facing a doubling of their student loans, from 3.4 percent to 6.8 percent. I have asked my students to contact me and talk to me about their real-world stories and what it means to them to see a doubling of their student loan interest rate.

I will tell you they are more eloquent than I could ever be. They talk about how they look at their dreams and maybe they will become fantasy dreams. They talk about what it would be to believe you are in a ball and chain of student loan debt that is so large it overwhelms you.

In the name of those students and all the students across the country, I hope the majority leader's move to resolve this for at least a year and keep those loans at 3.4 percent—I hope that motion to proceed will go forward and that the bill itself will pass.

What are the alternatives? Every alternative I have heard from the Republicans leads to higher interest rates

with no cap. I don't know if you remember the years that interest rates rose after a period of low rates, and they went up to 7, 8, 9, 10, double digits—12 percent. I remember those days. It is hard for our people to remember that, but those were crushing interest rates.

If we do not have a cap on student loan interest rates, we are facing a real problem in the future, a problem that is going to impact the quality of life of our families. We are already seeing the Fed put out statements saying the crush of the burden of student loans without these high interest rates is having an impact on our economic recovery. I have read stories of young people who were putting off marriage and having families because of the crush of student loan debt.

I am very pleased we are moving forward on this commonsense proposal to keep these rates at 3.4 percent. We offset the costs by closing tax loopholes that hardly affect anybody at all. It has to do with inheritance on a 401(k), and it will pay for this proposal.

I am very supportive of the immigration bill, but at the last minute my Republican friends came forward with an enormous proposal to build an even bigger fence and wider fence and stronger fence. I guess the song "Don't Fence Me In"—it is an old song—doesn't apply anymore. We are going to be fenced in. The cost of that is \$20 billion, \$30 billion, \$40 billion. Surely we can find \$4 billion for a year to make sure our students do not have to face a doubling of these rates.

## MCCARTHY NOMINATION

I also come to the floor to speak about Gina McCarthy. For those people who have not followed this debate, Gina McCarthy has been nominated by President Obama to lead the Environmental Protection Agency. To me she is the poster child of bipartisanship and one of the best qualified candidates I have ever seen for this position.

She is experienced; she is smart; she understands the law; she understands energy; she understands everything she has to understand to undertake this job; she understands court decisions; she understands the health impacts of dirty air; she also understands that without a clean environment and a healthy environment we cannot have economic growth.

I often retell the story that when the walls came down in Eastern Europe, the air was so thick you could not even see the people. One of the first things they did is ask us how to clean up their air. We have made great strides, and we will continue to do that.

Yes, we have to face carbon pollution and the President is taking a stand to say he wants to preserve this planet and he is going to follow the signs. Some people have said: We do not like that. Therefore, maybe we should not vote for Gina McCarthy.

Can I just say this? The President has his policies, and you do not have to agree with them—or you can. I do. If you do not, that is fair. That is fine. But somebody has to run the Environmental Protection Agency. If you have a problem with those policies, you are going to have to go to someone who is intelligent and wise and bipartisan in nature to talk to, and Gina McCarthy is one of those people.

This is the second time Gina McCarthy has been nominated for a top position at the EPA. She was confirmed by the Senate for her current position, which is the Assistant Administrator for the Office of Air and Radiation, without one "no" vote. Let me reiterate that. No one stood up and said no. Everyone supported her.

The Senate Environment and Public Works Committee reported out her nomination on May 16. It is July. This is the longest period that EPA has ever gone without an Administrator, and the full Senate should confirm this nominee as soon as possible.

When I say Gina McCarthy is the poster child for bipartisanship, I mean what I say. She has over three decades of public service at the local, State, and Federal levels. She has demonstrated a record of working with Republicans and Democrats. Let me just run through the Republicans: The Republican Governor of Connecticut Jodi Rell, four Republican Governors of Massachusetts, William Weld, Paul Cellucci, Jane Swift, and Mitt Romney; and then a Democratic President, Barack Obama.

Let's look at what former Republican Governor Jane Swift said about Gina McCarthy in an opinion piece that ran in the Boston Globe. Remember, this is a former Republican Governor. She said:

Gina McCarthy . . . would bring competence, fairness and bipartisanship to Washington. . . .

And:

McCarthy's track record of accomplishment and her collaborative, pragmatic approach to policymaking are the reason she enjoys such [strong] support.

This former Republican Governor goes on to say:

[T]he Senate has an immediate opportunity to strike a blow for good government and bureaucratic competence by swiftly approving McCarthy's nomination.

The title of Governor Swift's article in support of Gina reads, "A qualified nominee for the EPA." This was written on May 23, 2013.

Christine Todd Whitman—we all know her, she was the former EPA Administrator, a Republican—called for a fair confirmation process.

You can look at 59 businesses, health officials, environmental organizations, scientists—they all support Gina McCarthy. For example, Dr. Georges Benjamin, Executive Director of the American Public Health Association, said:

Ms. McCarthy has been a true champion for public health and has consistently demonstrated her leadership in developing sensible safeguards to protect the public's health from pollution. . . . [She] is well respected by both the public health community and industry and has a solid record of working across the aisle with Democrats and Republicans. . . .

That is a very strong statement. Then there is Gloria Bergquist, vice president of the Alliance of Automobile Manufacturers. Here is an EPA Administrator nominee getting the support of the vice president of the Alliance of Automobile Manufacturers. That is a rarity. This is what she said:

She's a pragmatic policymaker. She has aspirational environmental goals, but she accepts real-world economics.

That is why this nominee should be embraced by everyone. Yes, she has aspirational environmental goals for her grandchildren—someday when she has them—she wants them to breathe clean air and so on, drink clean water, but she understands the pragmatics that go into making policy. I believe Gina will lead the EPA to transparency, she will follow the science and the law, and, yes, she will be straight from the shoulder and she will tell Republicans and Democrats alike how she sees the issue; when we do not agree, how we can reach agreement. By the way, Gina has answered more than 1,000 questions from Republicans on the EPW employment.

The EPA has provided extensive information to Members of the Senate in connection with this nomination. This is the longest the EPA has gone without an Administrator. How is this the right thing to do? This is the United States of America. This President deserves to have his people in place the same as a Republican President.

Gina McCarthy has a deep understanding that the health and safety of the American people and a growing economy go hand in hand. She will lead the EPA in a manner consistent with her past track record of success.

From my perspective, approving Gina McCarthy to head the EPA is a very important step toward helping the health of our children as well as future generations, and that is our most sacred obligation. We need her strong bipartisan approach to lead the EPA.

It is no great secret that in this last election both parties were fighting for the votes of women. It was a knock-down, drag-out battle. The Democrats won the women's vote, which helped to elect President Obama—by a lot. The Republicans said: You know what, we have to change, we have to reach out. This is their chance.

This woman deserves a promotion. There is nothing in her record that should make anyone fear her. She is a good woman and a hard-working person. She has won unanimous support from this body before, and there is no reason why we should not confirm her.

I am going to continue to speak out for Gina. I really do believe my colleagues are hearing the truth about Gina. I think they are getting the message that she is quite bipartisan. She has strong support in the business community as well as among scientists and others in the health community.

I am very hopeful, first of all, that there will not be a filibuster. This woman deserves an up-or-down vote. Secondly, my colleagues will think long and hard, and they will agree with so many Republican lawmakers and former Governors who served with Gina and will stand up and say: She is a good woman and deserves this promotion.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I wish to thank my colleague from California Senator BOXER for her very eloquent and powerful words on behalf of my client and friend Gina McCarthy and her appointment as Administrator of the EPA. I don't make any pretense of matching the persuasiveness of her statement on behalf of Gina McCarthy, but I am going to be speaking throughout this week and for as long as it takes about Gina McCarthy because she is not only a client and friend, she is a consummate public servant and environmental protector.

I have known Gina McCarthy for many years. In fact, I was her lawyer, which is why I say she was a client. As her lawyer, as attorney general of the State, she became a friend, not just because of her personal qualities of integrity and intelligence but because of her professionalism as an environmental protector who has sought always to recognize the need for a balance between environmental activism and economic growth. She recognizes a balance involving ardent and passionate protection of environmental values as much as anyone could possibly bring to this task. She also brings a willingness to listen, a willingness to hear all sides and consider all facts and, in fact, act as a passionate fact finder and lawyer as well as someone who respects the letter and spirit of the law.

I wish to speak to my colleagues about her respect for the law. It isn't just the letter of the law she follows; it is the spirit and intent of the legislature. I think that is important and should be important to this body because she has reflected throughout her career, working for two Republican Governors in Massachusetts and Connecticut, her dedication to public interests and to the legislative intent of the laws she fulfills.

She is truly an environmental protector for all seasons. She is a woman for all seasons and a public servant for all seasons. Over the years we worked together she was consistently tough, fair, and smart as an environmental law enforcer. She recognized the need to balance environmental activism with economic growth, and she also understood that the two are almost always mutually supportive.

I am proud and delighted she has demonstrated her willingness to assume this critical position and to face the kind of difficult path this confirmation process has imposed. Achieving confirmation, which I actively support, should be truly bipartisan. Blocking a vote on her nomination is disappointing and destructive. It is paralyzing partisan gamesmanship at its worst.

My former colleague is well respected in the environmental and business community in my State of Connecticut and around the country for her dedication to listening and developing public leadership and practical solutions to environmental challenges. She protects environmental values and policies while enhancing economic opportunity. She is no foe of the business community or economic progress and job creation. In fact, she sees how protecting economic values is complementary and supportive to environmental activism.

The President couldn't have picked a more qualified person to lead the EPA at this critical time. The combination of her experience, intelligence, energy, and unquestioned expertise will make Gina McCarthy an effective EPA Administrator. She has a deep understanding that the health and safety of the American people depends on clean air and clean water. The American people, more than ever, understand that fact. She is the right person for this job at this time.

I urge my colleagues to move forward with her confirmation, to avoid obstructionist tactics, and to embrace this nomination as good for all of the American people, for all of the interests she has sought to represent. I urge us to move forward as quickly as possible so this critical agency will have the kind of leadership that is so important at this point in our history.

I urge my colleagues to support my friend and the President's choice to lead the EPA. I assure my colleagues they will not be disappointed.

I thank the Chair. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.



## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO RONALD L. FANN

Mr. REID. Mr. President, I rise today in recognition of the service of Ronald L. Fann, who will be retiring August 1, 2013, after 42 years of dedicated service to the Federal Government. Mr. Fann demonstrated great dedication to enhancing the safety and security of the U.S. Senate, its staff, and visitors.

Mr. Fann began his career in 1969, as a military intelligence officer in the U.S. Army, where he performed counterintelligence operations against East Germany and the Soviet Union. He continued his intelligence work in Germany as a U.S. Army civilian, protecting our Nation during the height of the Cold War, serving in Bremerhaven and Frankfurt. Mr. Fann went on to work at the Pentagon for the U.S. Army Assistant Chief of Staff for Intelligence, supervising intelligence operations worldwide.

In 1986 Mr. Fann was assigned to an important classified program that supported the Nation's national security and emergency preparedness operations. During his 27-year assignment to this project, he was appointed to the National Security Agency's Senior Cryptologic Executive Service in 1991, serving as its deputy and later as program director.

Mr. Fann is a proud Texas A&M Aggie alumnus and a graduate of the National War College.

I commend Mr. Fann's contributions and longstanding career in public service. I, along with my colleagues from both sides of the aisle, congratulate him on his well-earned retirement and wish him all the best in his future endeavors.

## WASHAKIE COUNTY, WYOMING

Mr. BARRASSO. Mr. President, it is my pleasure to honor the residents of Washakie County, WY as they celebrate their Centennial.

Located in northern Wyoming, and nestled in the Big Horn Basin, Washakie County is a great place to live and work. Nearly 8,500 residents call Ten Sleep and Worland and the surrounding rural areas home. This unique county offers a glimpse into Wyoming's traditions and proud culture.

Washakie County got its start when Wyoming Gov. Joseph M. Carey signed the enabling act on April 19, 1911. Worland was chosen over Ten Sleep in the election for county seat in Novem-

ber 1912 by a vote of 582 to 245. County officers took their positions to launch the county in January 1913.

Washakie County was named for the head chief of the Shoshone people, Chief Washakie. He was so important to our State and Nation that Wyoming chose to commemorate his leadership by placing a sculpture of him by Dave McGary in the U.S. Capitol Visitor Center's Emancipation Hall.

World-class archaeological sites are plentiful throughout the Big Horn Basin. Worland boasts one of the finest interpretive centers for geology, archaeology, and paleontology at the Washakie Museum and Cultural Center. Exhibits portray the historical people first inhabiting Wyoming's northern area. The Colby Mammoth Site near the Big Horn River contained some of the earliest known evidence of human activity in the Cowboy State. One of Washakie County's most famous citizens is George Frison. This world-renowned archeologist began a lifelong love of archeology when he found stone tools, rock shelters, and rock art on his family ranch near Ten Sleep. His study of the prehistoric hunters of the high plains earned him a place on the National Academy of Sciences.

In the past 100 years, Washakie County has seen a variety of industries thrive and evolve. Agriculture has long been the backbone of the area. Pioneering irrigation districts made it possible for hard-working operations to survive off the Big Horn River, fed by Wyoming's steep mountain snow runoff. Farmers spend their summer tending to the fields for a variety of crops, including barley for the hops component in MillerCoors and Budweiser products. A number of farms produce sugar beets that are processed by Wyoming Sugar Company LLC, which is owned by producer-investors. Other crops grown in the area include alfalfa, beans, beets, and corn.

Residents of Washakie County have worked hard to ensure a healthy relationship between energy, natural resources, and agriculture. Oil reserves were discovered as far back as 1914. Coal bed methane has also boomed over the years, helping the United States move toward our goal of energy independence. Bentonite is abundant throughout the Basin, helping make Wyoming the leading bentonite supplier in the world.

Ten Sleep currently holds the honor of Wyoming's "Best Tasting Drinking Water" proclaimed by the Wyoming Association of Rural Water Systems. Water from the Madison Aquifer is not only bragged about, it also provides the opportunity for a niche industry. Relied upon for decades by local farmers and ranchers, Aquavista 100% Pure Artesian Drinking Water is bottled locally. Admiral Beverage Corporation also utilizes the water source. Operations began in Worland in 1945 and

they have become the primary supplier of carbonated soft drinks throughout the region.

Washakie County welcomes all adventure seekers, young and old. In the winter, the Meadowlark Ski Lodge hosts skiers and snowboards within the boundaries of the Big Horn National Forest. Endless recreation opportunities can be found on over 900,000 acres of Bureau of Land Management public land access, including hunting, fishing, hiking, horseback riding, rock climbing, photography, and wildlife watching. In fact, you can still observe horses roaming the rolling hills and rugged canyons and badlands within the Fifteenmile Herd Management Area, established in 1985. US highway 16's Scenic Byway is an ideal route for travelers headed to Yellowstone. The majestic vistas, seen while driving through Ten Sleep Canyon, are unparalleled.

It is an honor to recognize the residents of Washakie County as they celebrate their 100th anniversary. This year, the Washakie County Centennial Committee has planned a countywide celebration on July 12 and 13 to commemorate this milestone. A committee of dedicated citizens spearheaded this celebration and deserves recognition. A big thank you goes to Cheri Shelp, Dustin Fuller, Lauree Schmeltzer, Phyllis Lewis, Bert Bresach, Linda Abell, and Sherryl Ferguson. I invite my colleagues to visit the communities of Washakie County. The county's rich heritage, geological wonders, and genuine cowboy hospitality provide a truly wonderful experience to visitors from all over the world.

## ADDITIONAL STATEMENTS

## TRIBUTE TO KRYSS BART

• Mr. HELLER. Mr. President, today I wish to recognize Kryss Bart, president and CEO for the Reno-Tahoe Airport Authority. After 14 years as president and CEO of the Reno-Tahoe Airport Authority and directing operations at Reno-Tahoe International Airport, RNO, Kryss is retiring. She has demonstrated commendable leadership during her tenure and service to the people of the State of Nevada.

As the principal director of Reno-Tahoe International Airport, Kryss has established a reputation for efficiency and excellence. Her role required her to manage a multi-million dollar budget, and under her leadership, Reno-Tahoe International Airport has twice been recognized by the Air Transport Research Society as one of the five most efficient airports in North America. She was named the 2007 Airport Director of the Year by the Airport Revenue News Magazine, and her dedication to the aviation industry has earned her the Distinguished Service Award from



the American Association of Airport Executives, AAAE.

Her dedication as a business executive is no less impressive. In 2004, Krys was named one of the seven most respected CEOs in Nevada by the Nevada Business Journal, and was inducted into the Reno Business Leaders Hall of Fame the following year. Krys is also heavily involved in her local community, serving on the board of directors for the Economic Development Authority of Western Nevada, as well as on the Nevada Humane Society Board.

I want to thank Krys for her many lasting contributions to aviation and air travel in the State of Nevada, as well as for her dedicated efforts in business and community development. I congratulate her on the special occasion of her retirement, and join with all Nevadans in wishing her many successful and fulfilling years to come.●

#### MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 3, 2013, the Secretary of the Senate, on June 28, 2013, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, without amendment;

S. Con. Res. 19. Concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

#### ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 2013, the Secretary of the Senate, on June 28, 2013, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 324. An act to grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

H.R. 1151. An act to direct the Secretary of State to develop a strategy to obtain observer status for Taiwan at the triennial International Civil Aviation Organization Assembly, and for other purposes.

H.R. 2383. An act to designate the new Interstate Route 70 bridge over the Mississippi River connecting St. Louis, Missouri, and southwestern Illinois as the "Stan Musial Veterans Memorial Bridge".

Under authority of the order of the Senate of January 3, 2013, the enrolled bills were signed on July 2, 2013, during the adjournment of the Senate, by the Acting President pro tempore (Mr. REED).

#### MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1613. An act to amend the Outer Continental Shelf Lands Act to provide for the proper Federal management and oversight of transboundary hydrocarbon reservoirs, and for other purposes.

H.R. 1864. An act to amend title 10, United States Code, to require an Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault.

H.R. 1960. An act to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 2231. An act to amend the Outer Continental Shelf Lands Act to increase energy explorations and production on the Outer Continental Shelf, provide for equitable revenue sharing for all coastal States, implement the reorganization of the functions of the former Minerals Management Service into distinct and separate agencies, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1613. An act to amend the Outer Continental Shelf Lands Act to provide for the proper Federal management and oversight of transboundary hydrocarbon reservoirs, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1864. An act to amend title 10, United States Code, to require an Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault; to the Committee on Armed Services.

H.R. 2231. An act to amend the Outer Continental Shelf Lands Act to increase energy exploration and production on the Outer Continental Shelf, provide for equitable revenue sharing for all coastal States, implement the reorganization of the functions of the former Minerals Management Service into distinct and separate agencies, and for other purposes; to the Committee on Energy and Natural Resources.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1960. An act to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2184. A communication from the Acting Under Secretary of Defense (Personnel and

Readiness), transmitting the report of two (2) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2185. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of four (4) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2186. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a semiannual report entitled, "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account"; to the Committee on Armed Services.

EC-2187. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13441 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC-2188. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to Counterterrorism Sanctions Regulations Implemented by OFAC" (31 CFR Parts 594, 595, and 597) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-2189. A communication from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting, pursuant to law, the Bank's management report for fiscal year 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-2190. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Patient Protection and Affordable Care Act; Exchange Functions: Eligibility for Exemptions; Miscellaneous Minimum Essential Coverage Provisions" (RIN0938-AR68) received in the Office of the President of the Senate on June 26, 2013; to the Committee on Finance.

EC-2191. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-042); to the Committee on Foreign Relations.

EC-2192. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to sections 36(c) and 36(d) of the Arms Export Control Act (DDTC 13-087); to the Committee on Foreign Relations.

EC-2193. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled "Federal Pell Grant Program" (RIN1840-AD11) received during adjournment of the Senate in the Office of the President of the Senate on June 28, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-2194. A communication from the Program Manager, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Privacy Act, Exempt Record System; Implementation" (45 CFR Part 5b) received during adjournment of the

Senate in the Office of the President of the Senate on June 28, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-2195. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on Traumatic Brain Injury in the United States: Understanding the Public Health Problem among Current and Former Military Personnel"; to the Committee on Health, Education, Labor, and Pensions.

EC-2196. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Audit of the Accrued Sick and Safe Leave Act of 2008"; to the Committee on Homeland Security and Governmental Affairs; to the Committee on Homeland Security and Governmental Affairs.

EC-2197. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's fiscal year 2012 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-2198. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report entitled "Federal Voting Assistance Program's (FVAP) 2012 Post-Election Report to Congress"; to the Committee on Rules and Administration.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FRANKEN (for himself, Mr. SCHATZ, and Mr. DURBIN):

S. 1269. A bill to amend the Workforce Investment Act of 1998 to support community college and industry partnerships, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 194

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 194, a bill to amend the Internal Revenue Code of 1986 to provide tax rate parity among all tobacco products, and for other purposes.

S. 346

At the request of Mr. TESTER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 346, a bill to amend title 10, United States Code, to permit veterans who have a service-connected, permanent disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces entitled to such travel.

S. 373

At the request of Mrs. SHAHEEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 373, a bill to amend titles 10, 32, 37, and 38 of the United States

Code, to add a definition of spouse for purposes of military personnel policies and military and veteran benefits that recognizes new State definitions of spouse.

S. 397

At the request of Mr. NELSON, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 397, a bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement.

S. 398

At the request of Ms. COLLINS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 398, a bill to establish the Commission to Study the Potential Creation of a National Women's History Museum, and for other purposes.

S. 422

At the request of Mr. BLUMENTHAL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 422, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services, and for other purposes.

S. 462

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 541

At the request of Ms. LANDRIEU, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 541, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 602

At the request of Mr. TESTER, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 602, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 623

At the request of Mr. CARDIN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 623, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 635

At the request of Mr. BROWN, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Minnesota (Mr. FRANKEN) were added as co-

sponsors of S. 635, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 669

At the request of Mr. PRYOR, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 669, a bill to make permanent the Internal Revenue Service Free File program.

S. 731

At the request of Mr. MANCHIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 731, a bill to require the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency to conduct an empirical impact study on proposed rules relating to the International Basel III agreement on general risk-based capital requirements, as they apply to community banks.

S. 734

At the request of Mr. NELSON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 734, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 769

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 769, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 813

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 813, a bill to require that Peace Corps volunteers be subject to the same limitations regarding coverage of abortion services as employees of the Peace Corps with respect to coverage of such services, and for other purposes.

S. 878

At the request of Mr. FRANKEN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 878, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 892

At the request of Mr. KIRK, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 892, a bill to amend the Iran Threat Reduction and Syria Human Rights Act of 2012 to impose sanctions with respect to certain transactions in foreign currencies, and for other purposes.

S. 896

At the request of Mr. BEGICH, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 896, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 934

At the request of Mr. MERKLEY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 934, a bill to amend the Fair Labor Standards Act of 1938 regarding reasonable break time for nursing mothers.

S. 993

At the request of Mr. CORNYN, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 993, a bill to authorize and request the President to award the Medal of Honor to James Megellas, formerly of Fond du Lac, Wisconsin, and currently of Colleyville, Texas, for acts of valor on January 28, 1945, during the Battle of the Bulge in World War II.

S. 1084

At the request of Mr. UDALL of Colorado, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1084, a bill to amend the Energy Policy and Conservation Act to establish the Office of Energy Efficiency and Renewable Energy as the lead Federal agency for coordinating Federal, State, and local assistance provided to promote the energy retrofitting of schools.

S. 1114

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1114, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1130

At the request of Mr. MERKLEY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1130, a bill to require the Attorney General to disclose each decision, order, or opinion of a Foreign Intelligence Surveillance Court that includes significant legal interpretation of section 501 or 702 of the Foreign Intelligence Surveillance Act of 1978 unless such disclosure is not in the national security interest of the United States and for other purposes.

S. 1159

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1159, a bill to amend the Equal Credit Opportunity Act to prohibit discrimination on account of sexual orientation or gender identity when extending credit.

S. 1163

At the request of Mr. CARPER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a co-

sponsor of S. 1163, a bill to amend the Internal Revenue Code of 1986 to include automated fire sprinkler system retrofits as section 179 property and classify certain automated fire sprinkler system retrofits as 15-year property for purposes of depreciation.

S. 1181

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1181, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1195

At the request of Mr. BARRASSO, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1195, a bill to repeal the renewable fuel standard.

S. 1211

At the request of Mrs. BOXER, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1211, a bill to amend title 38, United States Code, to prohibit the use of the phrases GI Bill and Post-9/11 GI Bill to give a false impression of approval or endorsement by the Department of Veterans Affairs.

S. 1215

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1215, a bill to strengthen privacy protections, accountability, and oversight related to domestic surveillance conducted pursuant to the USA PATRIOT Act and the Foreign Intelligence Surveillance Act of 1978.

S. 1238

At the request of Mr. REED, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1238, a bill to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes.

S. 1241

At the request of Mr. MANCHIN, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 1241, a bill to establish the interest rate for certain Federal student loans, and for other purposes.

S. 1256

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1256, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antimicrobials used in

the treatment of human and animal diseases.

S. RES. 164

At the request of Mr. UDALL of Colorado, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 164, a resolution designating October 30, 2013, as a national day of remembrance for nuclear weapons program workers.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN (for himself, Mr. SCHATZ, and Mr. DURBIN):

S. 1269. A bill to amend the Workforce Investment Act of 1998 to support community college and industry partnerships, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRANKEN. Mr. President, I rise to speak about legislation that I am introducing called the Community College to Career Fund Act. This legislation is aimed at closing what is called the skills gap—the gap between the skills that businesses need to fill open positions, and the skills that workers have. Closing the skills gap will mean more Americans get jobs and businesses get the workforce they need. It is key to the future prosperity and economic competitiveness of our Nation.

When I travel around Minnesota and talk to employers, the single biggest thing they tell me they need is a workforce capable of handling the jobs of the 21st century. Finding qualified employees is particularly a problem for our manufacturers. Recent surveys in Minnesota show that 1/3 to 1/2 of manufacturers have job openings that they can't fill. They want to hire people, but they can't, because they can't find employees with the skills they need.

Meanwhile, unemployment continues to be far too high. With so many Americans still looking for jobs, and employers seeking to fill open positions, this is a problem that we have to solve.

Minnesota and many other States are working to address this problem by bringing businesses and community colleges together. There is a lot we can learn from these efforts, and my legislation supports and builds on what has been working in Minnesota.

Take, for example, Hennepin Technical College in Minnesota. Local manufacturers have joined with Hennepin Tech to form the M-Powered Program, which trains students in manufacturing skills so they can fill open jobs. When I met with them recently, they told me that 93 percent of the program's nearly 300 graduates have permanent jobs. That is a program that's working.

In Alexandria, MN, businesses and community colleges have been working together for years and offer another powerful example of success. Douglas County is like the Silicon Valley of

packaging machines, and businesses there work with Alexandria Technical and Community College, which is ranked one of the best in the country. The manufacturers have donated machinery to train the students so that they can gain the skills needed for jobs at those businesses. When they graduate, students get snapped up by one of the companies. In fact, at the height of the recession in 2009–2010, Douglas County's unemployment rate was a good 3 points lower than the rest of the State.

There is the Right Skills Now program, which is a partnership between the Manufacturing Institute, ACT, the National Institute of Metalworking Skills and the President's Job council. This program started as a pilot program in Minnesota, and has since expanded to Nevada and Michigan. I visited the program at South Central College in Faribault, MN, and held a roundtable with participating businesses. I asked each of them how many jobs they were ready to hire for, and between them, there were 40 or 50 jobs that needed to be filled. There were only 17 students in the first term that this program was offered, and the numbers are obviously in those students' favor to find a job.

There are many other examples of this approach working in Minnesota, as well as across the country. It is happening in Rochester, Brainerd, and Duluth, Minnesota. The Employment and Workplace Safety Subcommittee of the HELP Committee held a hearing last year where we heard about four great examples of these partnerships from all over the country. This approach is putting Americans back to work and helping businesses grow nationwide, and we need to support those efforts.

That is exactly what my bill would do. It would create a Community College to Career Fund, which would offer competitive grants for partnerships between businesses and community colleges aimed at closing the skills gap. The partnerships would compete by demonstrating how they would fill in-demand jobs.

This bill rewards what works, giving flexibility for the partnerships to determine the strategy that best fits their needs, including apprenticeships, paid internships, partnerships with high schools, or updating training equipment. My bill also leverages private investments, rewarding those partnerships that bring outside resources to the table.

I hear all the time from businesses that are desperate to hire people, if only they could find the right talent. This is a tremendous opportunity to get Americans back to work by helping them get the skills that they need. The Community College to Career Fund Act would seize that opportunity, allow our businesses to grow and expand, and position our workforce, and our country,

for prosperity into the future. I urge my colleagues to support this bill.

#### NOTICES OF HEARINGS

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, July 10, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to mark-up S. 815, Employment Non-Discrimination Act of 2013 and any nominations cleared for action.

For further information regarding this meeting, please contact the Committee at (202) 224-5375.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, July 11, 2013, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider S. 1237, the Omnibus Territories Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [danielle\\_deraney@energy.senate.gov](mailto:danielle_deraney@energy.senate.gov).

For further information, please contact Isaiah Akin at (202) 224-5360 or Danielle Deraney at (202) 224-1219.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 16, 2013, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to explore how U.S. gasoline and fuel prices are being affected by the current boom in domestic oil production and the restructuring of the U.S. refining industry and distribution system.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [Lauren\\_Goldschmidt@energy.senate.gov](mailto:Lauren_Goldschmidt@energy.senate.gov).

For further information, please contact Dave Berick at (202) 224-2209 or Lauren Goldschmidt at (202) 224-5488.

##### SUBCOMMITTEE ON WATER AND POWER

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 16, 2013, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on the Bureau of Reclamation's Colorado River Basin Water Supply and Demand Study.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [John\\_Assini@energy.senate.gov](mailto:John_Assini@energy.senate.gov).

For further information, please contact Sara Tucker at (202) 224-6224 or John Assini at (202) 224-9313.

#### PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Rachel Murphy, Alexandra Pena, and Lissandra Villa of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORGANIZATION OF AMERICAN STATES REVITALIZATION AND REFORM ACT OF 2013

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 87, S. 793.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 793) to support revitalization and reform of the Organization of American States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 793) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 793

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Organization of American States Revitalization and Reform Act of 2013".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) The Charter of the Organization of American States recognizes that—

(A) representative democracy is indispensable for the stability, peace, and development of the Western Hemisphere; and

(B) a purpose of the Organization of American States is to promote and consolidate representative democracy, with due respect for the principle of nonintervention.

(2) The United States supports the purposes and principles enshrined in—

(A) the Charter of the Organization of American States;

(B) the Inter-American Democratic Charter; and

(C) the American Declaration on the Rights and Duties of Man.

(3) The United States supports the Organization of American States in its efforts with all member states to meet our commitments under the instruments set forth in paragraph (2).

(4) Congress supports the Organization of American States as it operates in a manner consistent with the Inter-American Democratic Charter.

**SEC. 3. STATEMENT OF POLICY.**

It is the policy of the United States—

(1) to promote democracy and the rule of law throughout the Western Hemisphere;

(2) to promote and protect human rights and fundamental freedoms in the Western Hemisphere; and

(3) to support the practices, purposes, and principles expressed in the Charter of the Organization of American States, the American Declaration on the Rights and Duties of Man, the Inter-American Democratic Charter, and other fundamental instruments of democracy.

**SEC. 4. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the Organization of American States (OAS) should be the primary multi-lateral diplomatic entity for regional dispute resolution and promotion of democratic governance and institutions;

(2) the OAS is a valuable platform from which to launch initiatives aimed to benefit the countries of the Western Hemisphere;

(3) the Summit of the Americas institution and process embodies a valuable complement to regional dialogue and cooperation;

(4) the Summit of the Americas process should be formally and more effectively integrated into the work of the OAS, the Inter-American Development Bank, and other Members of the Joint Summit Working Group, and the OAS should play a central role in overseeing and managing the Summit process;

(5) the OAS General Assembly and the Summit of the Americas events should be combined geographically and chronologically in the years in which they coincide;

(6) to ensure an appropriate balance of priorities, the OAS should review its core functions no less than annually and seek opportunities to reduce the number of mandates not directly related to its core functions;

(7) key OAS strengths lie in strengthening peace and security, promoting and consolidating representative democracy, regional dispute resolution, election assistance and monitoring, fostering economic growth and development cooperation, facilitating trade, addressing migration, combating illicit drug trafficking and transnational crime, and support for the Inter-American Human Rights System;

(8) the core competencies referred to in paragraph (7) should remain central to the

strategic planning process of the OAS and the consideration of future mandates;

(9) any changes to OAS mandates should be accepted by the member states only after an analysis is conducted and formally presented consisting of a calculation of the financial costs associated with the mandate, an assessment of the comparative advantage of the OAS in the implementation of the mandate, and a description of the ways in which the mandate advances the organization's core mission;

(10) any new mandates should include, in addition to the analysis described in paragraph (9), an identification of the source of funding to be used to implement the mandate;

(11) the OAS would benefit from enhanced coordination between the OAS and the Inter-American Development Bank on issues that relate to economic development;

(12) the OAS would benefit from standard reporting requirements for each project and grant agreement; and

(13) the OAS would benefit from effective implementation of—

(A) transparent and merit-based human resource standards and processes; and

(B) transparent hiring, firing, and promotion standards and processes, including with respect to factors such as gender and national origin.

**SEC. 5. ORGANIZATION OF AMERICAN STATES REVITALIZATION AND REFORM STRATEGY.**

(a) STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a multiyear strategy that—

(A) identifies a path toward the adoption of necessary reforms that prioritize and reinforce the OAS's core competencies described in section 4(7);

(B) outlines an approach to secure from the OAS effective adoption of—

(i) a results-based budgeting process in order to strategically prioritize, and where appropriate, reduce current and future mandates; and

(ii) transparent hiring, firing, and promotion practices; and

(C) reflects the inputs and coordination from other Executive Branch agencies, as appropriate.

(2) POLICY PRIORITIES AND COORDINATION.—The Secretary of State shall—

(A) carry out diplomatic engagement to build support for reforms and budgetary burden sharing among OAS member states and observers;

(B) promote donor coordination among OAS member states; and

(C) help set priorities for the OAS.

(b) BRIEFINGS.—The Secretary of State shall offer to the committees referred to in subsection (a)(1) a quarterly briefing that—

(1) reviews assessed and voluntary contributions;

(2) analyzes the progress made by the OAS to adopt and effectively implement a results-based budgeting process in order to strategically prioritize, and where appropriate, reduce current and future mandates;

(3) analyzes the progress made by the OAS to adopt and effectively implement transparent and merit-based human resource standards and practices and transparent hiring, firing, and promotion standards and processes, including with respect to factors such as gender and national origin;

(4) analyzes the progress made by the OAS to adopt and effectively implement a practice of soliciting member quotas to be paid on a schedule that will improve the consistency of its operating budget; and

(5) analyzes the progress made by the OAS to review, streamline, and prioritize mandates to focus on core missions and make efficient and effective use of available funding.

**ORDERS FOR TUESDAY, JULY 9, 2013**

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, July 9, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that the majority leader then be recognized and that following the remarks of the two leaders, the time until 11 a.m. be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first half and the Republicans controlling the second half; further, that at 11 a.m. the Senate proceed to executive session to consider Calendar No. 97, the nomination of Jennifer Dorsey to be a U.S. district judge for the District of Nevada, and that there be 1 hour of debate equally divided and controlled in the usual form and all other provisions of the previous order remain in effect; and finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PROGRAM**

Mr. REID. Mr. President, there will be a vote on the Dorsey nomination at noon tomorrow.

**ADJOURNMENT UNTIL 10 A.M. TOMORROW**

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:03 p.m., adjourned until Tuesday, July 9, 2013, at 10 a.m.

**CONFIRMATION**

Executive nomination confirmed by the Senate July 8, 2013:

**THE JUDICIARY**

GREGORY ALAN PHILLIPS, OF WYOMING, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT.

## HOUSE OF REPRESENTATIVES—Monday, July 8, 2013

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. WOMACK).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 8, 2013.

I hereby appoint the Honorable STEVE WOMACK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving and gracious God, we give You thanks for giving us another day.

As the Members of this assembly return from days away celebrating our Nation's birth, grant them safe journey. May they return ready to assume a difficult work which must be done.

We pray for the needs of the Nation and world and all of creation. Bless those who seek to honor You and serve each other and all Americans in this House through their public service. May the words and deeds of this place reflect an earnest desire for justice, and may men and women in government build on the tradition of equity and truth that represents the noblest heritage of our people.

May Your blessing, O God, be with us this day and every day to come, and may all we do be done for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. ISRAEL) come forward and lead the House in the Pledge of Allegiance.

Mr. ISRAEL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### AMERICAN ENERGY INDEPENDENCE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, it's time to get serious about American energy independence.

Removing barriers to safe offshore energy production is a necessary component of a serious American energy strategy. Our country has been blessed with an abundance of resources; and if we utilize those resources responsibly rather than ignore them, we can reduce dependence on foreign oil by creating 1 million new jobs.

During the same week an Obama global warming adviser stated that a "war on coal is exactly what's needed," Republicans worked to lower energy prices, to move our country away from dependence on foreign oil, and to create jobs. This stands in stark contrast to President Obama's energy priorities. Under his Environmental Protection Agency, 17 North Carolina coal units are being shut down; gas prices remain high; and the shovel-ready Keystone XL pipeline remains stalled.

Jobless Americans and working families deserve better. The President would do well to follow the all-of-the-above energy strategy we led with in the House.

### THE RESILIENCE OF OUR FAITHS

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Mr. Speaker, with so many challenges in the world today—student loan rates, turmoil in Egypt and in Syria, and jobs at home—I think it's important for us to remind ourselves of the resilience of our faiths.

Recently, in New York, I joined Monsignor Brendan Riordan and the congregation of the St. Aloysius Church in Great Neck to celebrate their centennial jubilee.

St. Aloysius was established in 1876. In 1913, ground was broken for the beautiful church that stands today. It stands today with 1,200 families, worshipping in English, in Spanish, and in Korean, with food banks and immigration counseling and human services and interfaith partnerships.

I am privileged to represent St. Aloysius Church in Great Neck, Mr. Speaker, and I am especially privileged to talk about it on the floor of this Congress today.

### OBAMACARE EMPLOYER MANDATE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, ObamaCare's long-term care insurance program has been abandoned and repealed. Its preexisting conditions insurance program has been shut down. Its small business exchanges have been delayed—and on and on with this train wreck.

Last week, the President chose to blatantly ignore his own law by putting off the employer mandate until 2015. There is no waiver procedure in the bill. I guess Senator REID didn't think it important when he was crafting the bill behind closed doors.

Businesses across the country are confused about ObamaCare, and this does nothing to clear up that confusion. It just puts it off to a more politically convenient time—beyond the 2014 midterm elections. The mandate has already reduced working hours for many Americans and has discouraged the creation of full-time jobs. Businesses have already spent billions in getting ready to comply. ObamaCare is already a failure—harming businesses, workers, and American health care.

The President has chosen to break his own law by his actions. Let's stop the extralegal waivers. Give every American a waiver by repealing the law completely.

### ELIMINATING VERIFICATION

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, last week, the administration once again adjusted the Affordable Care Act in an effort to try to save this takeover of the Nation's health care.

On Friday, the latest change was announced: The new health care exchanges will not verify an individual's income for the year as was originally planned.

By eliminating the verification requirement, how will the government determine who gets health care subsidies? They're going to use the honor system—because no one would lie about something like that.

This will open the exchanges to a staggering amount of potential fraud. It is also clearly a political move. The administration has made it clear that they want as many people as possible to sign up for the exchanges so they

can reap the public relations benefits of talking about the popularity of said exchanges.

All of this comes at a time when the Federal health programs are already stricken with fraud, and now the administration wants to introduce a new program. This new program is based on self-attestation. Whatever happened to "trust, but verify"?

#### HUMAN RIGHTS FAILURES OF THE OBAMA ADMINISTRATION

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. When President Obama was awarded the Nobel Prize for his commitment to human rights, the decision was based on a misplaced hope rather than actual record. In fact, the Obama administration has been silent or inept in country after country when it comes to advocating for the oppressed, the marginalized, and the vulnerable.

On Obama's watch, more than 118 Tibetans have set themselves aflame, and yet human rights was barely mentioned at the recent U.S.-China summit. On Obama's watch, genocide persists in Darfur, and thousands are starving in the Nuba Mountains, and yet the Sudan special envoy position has been vacant for nearly 4 months. On Obama's watch, Christians, including Egypt's ancient Coptic Christian community, have experienced escalating persecution throughout the Middle East, and yet religious freedom is relegated to the back burner in our dealings with Islamist governments.

In the days ahead, I will highlight this administration's abject failure to champion human rights and religious freedom around the world.

#### PRESIDENT PLAYING POLITICS WITH HEALTH CARE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the President is playing politics with the American people's health care.

According to an editorial published in *The Wall Street Journal*:

The White House seems to regard laws as mere suggestions, including the laws it helped to write. On the heels of last week's 1-year suspension of the Affordable Care Act's employer mandate to offer insurance to workers, the administration is now waiving a new batch of its own ObamaCare prescriptions. These disclosures arrived inside a 606-page catchall final rule that the Health and Human Services Department published on Friday, July 5—a classic Friday news dump, with extra credit for the holiday weekend. HHS now says it will no longer attempt to verify individual eligibility for in-

surance subsidies and instead will rely on self-reporting, with minimal efforts to verify if the information consumers provide is accurate.

House Republicans have warned for years of the failure of ObamaCare—that it is too unworkable, too overreaching, and too destructive for American families. House Republicans have voted 37 times to repeal or to defund ObamaCare. The American people deserve a health care system based on the doctor-patient relationship, not on one mandated by a government.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### EFFECTS OF SEQUESTRATION

(Mr. GALLEGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GALLEGO. Mr. Speaker, I rise today to speak out against the effects of sequestration on the Department of Defense employees and their families.

Starting this week, 650,000-or-so Department of Defense employees across the country will go a day a week without pay for 11 weeks. I am appalled that the previous Congress would authorize such a measure. Here is what these furloughs mean for Texas families and our State as a whole:

Approximately 45,000 Department of Defense civilian employees in Texas will be furloughed. The cuts will specifically hurt families in the 23rd Congressional District who work at Joint Base San Antonio, Fort Bliss in El Paso, and Laughlin Air Force Base in Del Rio. Today, in fact, the *El Paso Times* reported that furloughs will affect 11,000 civilian employees at Fort Bliss and at Beaumont Army Medical Center.

One day a week for 11 weeks, that results in \$3,300 in lost wages per employee; and it means that, on average, most of these workers will effectively receive a 20 percent salary cut each pay period for the rest of the fiscal year. Do the math, and that's nearly \$149 million lost in Texas.

Mr. Speaker, with every passing day, thousands of jobs are at risk. We have to put politics aside and work through the issue of sequestration.

#### VETERANS ADMINISTRATION BACKLOG

(Mr. HOLDING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLDING. Mr. Speaker, last week, our Nation celebrated 237 years of independence.

It is the dedication and sacrifice of the members of our armed services that allows us to celebrate this each year. Yet it is troubling that our serv-

icemembers are struggling to utilize the job retraining and placement programs that they deserve.

After returning home, a veteran seeking health and education benefits runs into over 600 forms that he or she must fill out from over 18 Federal agencies. This is not only burdensome for them, but it has created an enormous backlog at the Department of Veterans Affairs. As of March, the agency had roughly 70 percent of its claims pending over 125 days.

House Republicans have passed several bills this year to improve veterans' work programs and to decrease the VA backlog through funding for technological improvements like digital scanning and paperless claims processing. This is a start, but we need to do more.

Our troops put their lives on the line for our country. We must do whatever we can to help veterans obtain the benefits they have so honorably earned.

#### COMMUNICATION FROM DISTRICT DIRECTOR, THE HONORABLE DAVID SCOTT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Chandra Harris, District Director, the Honorable DAVID SCOTT, Member of Congress:

JUNE 27, 2013.

Hon. JOHN A. BOEHNER,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena, issued by the Superior Court of Clayton County, Georgia, requiring that I appear to testify in that court at the trial of a particular civil case.

After consultation with the Office of General Counsel, I have determined under Rule VIII that the subpoena (i) is not "a proper exercise of jurisdiction by the court," (ii) seeks information that is not "material and relevant," and/or (iii) is not "consistent with the privileges and rights of the House." Accordingly, I intend to move to quash the subpoena.

Sincerely,

CHANDRA HARRIS,  
*District Director for the Hon. David Scott.*

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by Speaker pro tempore Thornberry on Friday, June 28, 2013:

H.R. 1151, to direct the Secretary of State to develop a strategy to obtain observer status for Taiwan at the triennial International Civil Aviation Organization Assembly, and for other purposes;

H.R. 324, to grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of



its superior service during World War II;

H.R. 2383, to designate the new Interstate Route 70 bridge over the Mississippi River connecting St. Louis, Missouri, and southwestern Illinois as the "Stan Musial Veterans Memorial Bridge".

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 5:30 today.

Accordingly (at 2 o'clock and 14 minutes p.m.), the House stood in recess.

□ 1730

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 5 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## FINANCIAL COMPETITIVE ACT OF 2013

Mr. FINCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1341) to require the Financial Stability Oversight Council to conduct a study of the likely effects of the differences between the United States and other jurisdictions in implementing the derivatives credit valuation adjustment capital requirement, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1341

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Financial Competitive Act of 2013".

### SEC. 2. STUDY OF IMPLEMENTATION OF BASEL III CAPITAL REQUIREMENTS RELATED TO DERIVATIVES EXPOSURES.

(a) STUDY.—The Financial Stability Oversight Council shall conduct a study of the likely effects that differences between the United States and other jurisdictions in implementing the derivatives credit valuation adjustment (in this section referred to as "CVA") capital requirement would have on—

(1) United States financial institutions that conduct derivatives transactions and participate in derivatives markets;

(2) end users of derivatives; and

(3) international derivatives markets.

(b) CONTENT.—The study required by subsection (a) shall include—

(1) an assessment of—

(A) the extent to which there are differences in the approaches that the United States and other jurisdictions are taking regarding implementation of the CVA capital requirement, and the nature of the differences;

(B) the impact that the differences would have on—

(i) United States financial institutions that conduct derivatives transactions and participate in derivatives markets, including their ability to serve end users of derivatives;

(ii) pricing and other costs of, and services available to, end users of derivatives in the United States and other jurisdictions; and

(iii) the competitiveness of United States financial institutions and United States derivatives markets, including the extent to which differences in the CVA capital requirement could shift derivatives business among jurisdictions; and

(C) the interaction between differing CVA capital requirements and margin rules; and

(2) recommendations regarding steps that the Congress and the Federal financial regulatory agencies that comprise the Financial Stability Oversight Council should take to—

(A) minimize any expected negative effects on United States financial institutions, derivatives markets, and end users [and];

(B) encourage greater international consistency in implementation of internationally agreed capital, liquidity, and other prudential standards.[and];

(C) ensure that the Financial Stability Oversight Council fulfills its statutory mandate to identify risks and respond to emerging threats to financial stability.

(c) REPORT.—No later than 90 days after the date of the enactment of this Act, the Financial Stability Oversight Council shall submit a written report containing the results of the study to the Chairman and ranking minority member of the Committees on Agriculture and Financial Services of the House of Representatives, and the Chairman and ranking minority member of the Committees on Agriculture, Nutrition, and Forestry, and Banking, Housing, and Urban Affairs of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. FINCHER) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

### GENERAL LEAVE

Mr. FINCHER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and submit extraneous materials for the RECORD on H.R. 1341, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. FINCHER. Mr. Speaker, I yield myself such time as I may consume.

I want to thank Chairman JEB HENSARLING, Chairman FRANK LUCAS, and Chairman SCOTT GARRETT for working with both Congressman DAVID SCOTT

and me to bring H.R. 1341 to the floor for consideration today.

I am pleased that we are considering H.R. 1341, the Financial Competitive Act of 2013. Mr. SCOTT and I have worked in a bipartisan manner to move this measure forward to ensure America remains competitive in the global marketplace. We need folks around the world to know America is open for opportunity, advancement, and upward mobility. In this country, we promote opportunity, not unfair regulations that punish business and kill jobs here. I introduced the Financial Competitive Act with my friend Mr. SCOTT for one reason—to ensure the law of unintended consequences does not place America at a disadvantage globally.

Our bill simply requires the Financial Stability Oversight Council to conduct a study of the impacts implementing the credit valuation adjustment capital requirement, or CVA, will have on the U.S. consumers, end users, and U.S. financial institutions. This study is in response to the recent Basel 3 Accord, which is a global regulatory standard for capital requirements for banks.

Unfortunately, European Union Basel 3 regulators decided to exempt their own European banks from complying with certain provisions of Basel 3. Specifically, European regulators have decided to exempt transactions with sovereign pension funds and corporate counterparties, which are also exempt from clearing obligations from CVA-risk-weighted assets. This means European banks will not have to put up capital like American banks.

I have some serious questions about the impact the European exemption will have on U.S. financial institutions, consumers, and the larger U.S. economy. To me, this exemption will provide a significant financial and business advantage to European banks, European customers, and European end users at the expense of American business, banks, and end users.

Mr. SCOTT and I are not alone. Canada recently announced it will delay its CVA capital requirement for 1 year even though it implemented the rest of the Basel 3 package on schedule. Canada's decision to delay the implementation of the CVA requirement was simple. It was driven by concerns that Canadian banks would be at a competitive disadvantage because of the European CVA exemption. U.S. financial institutions and consumers share those same concerns and will be competitively disadvantaged, which will affect how these institutions serve consumers and the derivatives business as well as the commercial loan business.

Our bill will clarify the impact the CVA exemption for European financial institutions will have on the U.S. economy. The U.S. economy can't afford to wait while Europe takes valuable market share away from U.S. companies. If

the U.S. doesn't act, this disadvantage could potentially cost the U.S. economy billions of dollars and lead to jobs moving overseas.

It's simple: this bill is about America versus Europe. I urge you to support me in passing the Financial Competitive Act in order to ensure the law of unintended consequences doesn't place U.S. consumers, end users, and financial institutions at a disadvantage.

I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Just last week, the government made an important step towards repairing our financial system after the worst financial crisis since the Great Depression. The Federal Reserve adopted final rules implementing Basel 3, including new capital requirements intended to bolster capital throughout the financial system. As losses mounted during the financial crisis, the woefully inadequate capital cushions at banks and others nearly brought our entire economy to a halt.

I also appreciate that the bank regulators have taken a commonsense approach, for which I had strongly advocated, related to community banks, including the treatment of residential mortgages. I applaud the banking regulators for finalizing these critical rules, which, along with the other Dodd-Frank reforms, will create the conditions for a robust and resilient financial sector.

This legislation before us today, H.R. 1341, requires the Financial Stability Oversight Council, or FSOC, to conduct a study of the potential effects of any differences between the U.S. and other jurisdictions' implementation of one aspect of the Basel 3 Accords—the credit valuation adjustment capital requirement related to derivatives transactions. The Basel signatory countries rightly agreed that banks should hold capital against the possibility that their counterparties, be they airlines or other banks, would default.

However, despite agreeing to do so under Basel 3, the European Union has made a preliminary decision to exclude the credit valuation adjustment from the calculation of European banks' capital requirements. As a result of the EU dropping this requirement, some U.S. banks think that they may be disadvantaged relative to their international counterparts.

Under the bill, the FSOC will study these and other differences between the regulators' implementation of this requirement. I agree that it is important for U.S. regulators to ensure that the way by which the CVA is calculated for domestic financial institutions includes an appropriate methodology that will not inadvertently create an unlevel playing field relative to foreign competitors. At the same time, we must be mindful not to engage in a global race to the bottom when it

comes to capital requirements for our largest, most globally interconnected financial institutions. After all, the strength of the U.S. financial system is and will be based on its stability and transparency.

Importantly, during consideration of the bill, Mrs. BEATTY of Ohio added language balancing the study's scope. As a result, the FSOC study will also consider the effects that failing to implement the CVA would have on the stability of U.S. financial markets in a period of market stress as well as how the regulators are fulfilling their statutory mandate to respond to emerging threats to financial stability.

With the addition of this language, the bill's study now balances not just the implications for derivatives market participants of this specific capital charge but also the effects on our economic stability. Undercapitalized derivatives exposures were one of the major drivers of the 2008 financial crisis. Market participants should hold capital against the risk of a counterparty defaulting or entering bankruptcy.

We can certainly consider how the implementation of the CVA could best be accomplished; but, again, we cannot engage in a global race to the bottom when it comes to capital rules. It is my hope that the FSOC will use the findings from this study to urge the other global regulators to expeditiously adopt standards that are as strong as ours.

I yield back the balance of my time.

Mr. FINCHER. Mr. Speaker, I urge the passage of H.R. 1341, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. FINCHER) that the House suspend the rules and pass the bill, H.R. 1341, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FINCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### AUDIT INTEGRITY AND JOB PROTECTION ACT

Mr. HURT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1564) to amend the Sarbanes-Oxley Act of 2002 to prohibit the Public Company Accounting Oversight Board from requiring public companies to use specific auditors or require the use of different auditors on a rotating basis, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1564

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Audit Integrity and Job Protection Act".

#### SEC. 2. LIMITATION ON AUTHORITY RELATING TO AUDITORS.

Section 103 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7213) is amended by adding at the end the following:

"(e) LIMITATION ON AUTHORITY.—The Board shall have no authority under this title to require that audits conducted for a particular issuer in accordance with the standards set forth under this section be conducted by specific registered public accounting firms, or that such audits be conducted for an issuer by different registered public accounting firms on a rotating basis."

#### SEC. 3. STUDY OF MANDATORY ROTATION OF REGISTERED PUBLIC ACCOUNTING FIRMS.

(a) STUDY AND REVIEW REQUIRED.—The Comptroller General of the United States shall update its November 2003 report entitled "Study on the Potential Effects of Mandatory Audit Firm Rotation", and review the potential effects, including the costs and benefits, of requiring the mandatory rotation of registered public accounting firms. In addition, the update shall include a study of—

(1) whether mandatory rotation of registered public accounting firms would mitigate against potential conflicts of interest between registered public accounting firms and issuers;

(2) whether mandatory rotation of registered public accounting firms would impair audit quality due to the loss of industry or company-specific knowledge gained by a registered public accounting firm through years of experience auditing the issuer; and

(3) what affect the Sarbanes-Oxley Act of 2002 has had on registered public accounting firms' independence and whether additional independence reforms are needed.

(b) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the results of the study and review required by this section.

(c) DEFINITION.—For purposes of this section, the term "mandatory rotation" refers to the imposition of a limit on the period of years in which a particular registered public accounting firm may be the auditor of record for a particular issuer.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. HURT) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

#### GENERAL LEAVE

Mr. HURT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and submit extraneous materials for the RECORD on H.R. 1564, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HURT. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1564, the Audit Integrity and Job Protection Act, a bipartisan bill I introduced with my colleague, Representative MEEKS. I thank him for his leadership on this issue.

If enacted, this bill would eliminate the threat of mandatory audit firm rotation by prohibiting the Public Company Accounting Oversight Board, which is the self-regulatory organization charged with overseeing the auditors of public companies, from moving ahead with a potential rulemaking that would have serious negative consequences for American businesses, investors, and consumers.

In 2011, the PCAOB issued a concept release to impose mandatory audit firm rotation, which is a directive requiring public companies to change their independent auditors every few years.

Implementing this proposal would significantly impair the quality of public audits, reduce the supervision and oversight of audit committees, and impose significant, unnecessary costs that impede investment and harm investors and consumers. In fact, a GAO study conducted pursuant to Sarbanes-Oxley found that initial-year audit costs under mandatory audit firm rotation would increase by more than 20 percent over subsequent-year costs in order for the new auditor to acquire the necessary knowledge of the public company.

Additionally, the GAO noted concerns about negative effects on audit quality during the initial years of a new audit firm's tenure. The consequences of the costs imposed by audit firm rotation would decrease access to capital and investments in our communities that help our local businesses and get people back to work.

Beyond harming the competitive position of American public companies, I have heard from private companies in Virginia's Fifth District, including from many of our biotech firms and our banks, that mandatory audit firm rotation would create one more disincentive to go public in light of the increased costs and an already complex regulatory scheme.

Both the SEC and Congress have previously rejected mandatory audit firm rotation. Most recently, the JOBS Act explicitly banned audit firm rotation for emerging growth companies. In exerting its legislative prerogative to ensure this harmful policy was not enacted on these emerging companies, Congress took away this disincentive from companies exploring accessing the public markets.

Now Europe is considering imposing an audit firm rotation regime, in part, because it believes that the United States will move forward on the

PCAOB's concept draft. Despite the overwhelming opposition to the concept release—over 90 percent of the more than 700 comments filed—the PCAOB has left this issue unresolved. To my knowledge, the concept release has not been withdrawn nor have there been any statements from the PCAOB that it will not be moving forward with a proposal. This continued uncertainty is having a detrimental effect on American businesses. The decision of changing an audit firm is best left to companies' audit committees, not regulators, who are trying to impose a one-size-fits-all approach.

□ 1745

H.R. 1564 will make clear that Congress does not believe that mandatory audit firm rotation will provide additional protections to investors or consumers and will stifle growth of job-creating small businesses while decreasing audit quality.

I would like to thank Chairman HENSARLING and Ranking Member WATERS of the Financial Services Committee for their support and leadership on this issue as we were able to achieve a unanimous, bipartisan vote from the committee.

I ask my colleagues to join me in voting "yes" on H.R. 1564 and pass this good bill from the House so that we may strengthen audit quality, remove the threat of unnecessary costs, and refocus the PCAOB on its mission to protect investors and the public interest by promoting informative, accurate, and, most important, independent audit reports.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the 2008 financial crisis cost Americans more than \$13 trillion, leaving many families unable to make ends meet as they lost their jobs and saw their nest eggs disappear. Five years later, as we began to pick up the pieces of the mess largely caused by deregulation, the American investing public is now much more cautious when investing its valuable savings. As a member of the Financial Services Committee, I see my job to ensure that there are appropriate rules in place that will hopefully prevent such a debacle from ever happening again.

One such initiative to improve the functionality of our markets is to improve the independence of the market's fact checkers—the public company auditors. These companies play a vital role of validating the authenticity of a company's financial statements and keep all public companies honest when reporting to investors how they have performed.

I applaud the government regulator of the auditors, the Public Company Accounting Oversight Board, or PCAOB, for its persistent efforts to

identify structural changes in the current system that may improve auditor independence. After all, we know that auditors generally performed poorly leading up to the 2008 financial crisis, failing to warn investors of the outsized risk posed by banks' bets on the housing market.

Having said that, I understand that one such proposal floated by the PCAOB, the mandatory rotation of auditors, has raised serious concerns that will significantly increase costs for companies, as well as diminish the quality of information upon which investors base their investment decisions. For these reasons, I support H.R. 1564, which prohibits this proposal from being implemented.

It is not clear to me that requiring a public company to change auditors every so many years would contribute to auditor independence. What's more, given the time it takes an auditing firm to truly understand the business of a company, there will be at least a few years of less than ideal audits as an auditor has to learn everything they need to know about the new firm.

Additionally, the small number of major auditing firms, coupled with specialization within the auditing industry, means that requiring rotation, in many cases, will not leave companies with much choice at all. In my view, while enhancing auditor independence is a crucial goal, I do feel there may be better ways to accomplish it.

I would also note that this bill does not in any way limit the ability of a company's audit committee to rotate its auditors. Such committees, as some investors have pointed out, are best suited to select their own auditors.

Having said that, I do have concerns about tampering with the authority of a regulator when it raises an issue that we disagree with. The PCAOB asked the public for feedback on a range of proposals all targeting the concern that auditors have become too close and dependent on the companies they are supposed to examine. It's not unreasonable for the PCAOB to include this as one of a large range of issues it's examining.

To address this concern with the bill, I offered an amendment during our markup of H.R. 1564 that requires the GAO to update its previous study regarding auditor rotation. The previous GAO study, completed shortly after the passage of the Sarbanes-Oxley Act of 2002, found that "mandatory audit firm rotation may not be the most efficient way to strengthen auditor independence and improve auditor quality." However, the GAO also noted that "several years' experience with implementation of the Sarbanes-Oxley Act's reforms is needed before the full effect of the act's requirements can be assessed." The GAO needs to update this outdated study.

This amendment requires the GAO again to evaluate the potential costs

and benefits of mandatory audit firm rotation, now that more than 10 years have passed since the passage of Sarbanes-Oxley. The amendment requires consideration of various factors, including whether rotation would actually mitigate against conflicts of interest between audit firms and issuers and whether audit quality could suffer due to audit firm rotation. And the study would also include an assessment of the impact of Sarbanes-Oxley on audit firm independence and whether additional reforms are needed.

Importantly, this study will inform a future Congress as to the wisdom of the statutory prohibition on auditor rotation in H.R. 1564.

With the adoption of my amendment, I and every member of the committee voted for this bill.

Let me reiterate, I am supportive of the role and mission of the PCAOB but believe that the regulator would do well to look at the benefits to investors as it examines auditor independence. Doing so will take the PCAOB away from focusing on auditor rotation and towards other areas that provide more meaningful improvements in auditing and financial reporting.

Mr. Speaker, I reserve the balance of my time.

Mr. HURT. Mr. Speaker, as we are prepared to close, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield as much time as he may consume to the gentleman from New York (Mr. MEEKS), who has put so much time and work into researching this whole issue about auditor rotation. He's worked very closely with Mr. HURT and helped to educate the members of the committee about the difficulties and the complications of this whole issue of auditor rotation.

Mr. MEEKS. I want to thank the gentelady from California for all of her hard work.

I rise to support H.R. 1564, which I co-introduced with my colleague, the gentleman from Virginia (Mr. HURT). This bill will ensure we maintain strict auditing standards without imposing overly burdensome and ill-conceived rotation requirements on our public companies.

I also want to point out the hard work the gentelady from California put in with regards to the GAO study and why it is important so that we can continue to make sure that our markets are strong and sturdy; and that amendment, as she so indicated, is what enabled us to have a unanimous agreement coming out of our committee. It was us working together across the aisle to make sure that that happened. I think it was good for our markets. It helps to remove the uncertainty that the markets certainly would have right now had we not had this removed and had this study going forward.

I think it's important for me to emphasize that this bill does not, first, weaken our auditing and accounting standards which were reinforced 10 years ago under the Sarbanes-Oxley Act, and that this bill does not weaken—nor do I want to weaken—or remove the regulatory powers of PCAOB, but we do want to remove the uncertainty.

This bill does not, in any circumstance, provide an opportunity for more fraudulent accounting gimmicks. In fact, I want to remind my colleagues that we have supported and we have enacted here in the United States one of the toughest pieces of legislation against accounting fraud and that our existing laws already embrace the concept of rotation by requiring the replacement of the lead auditing partner. This selective rotation ensures that the opinions and interpretations of the reviews remain unbiased and do not remain under the authority of the same individual for prolonged periods. This provision puts us ahead of most developed countries when it comes to anti-fraud accounting rules, and I believe that it remains the right and smart approach.

Imposing mandatory rotation of the entire auditing firm in the industry where companies often have none or, at best, one or two credible options to rotate to is simply unworkable, it is disruptive, and it imposes undue expenses on our public companies. In fact, studies conducted here in the United States show that requiring mandatory rotation would increase cost by 20 percent in the subsequent year and an additional 17 percent cost for selection process alone. In addition to cost, it is possible that it may actually force public companies to select less credible auditing firms that may not have the required expertise, or it may encourage the auditing firm to charge excessively high fees because mandatory rotation may impose the selection of the single remaining qualified auditing firm.

Mr. Speaker, as I stated before, we did not introduce this bill simply because we're against the principle of rotation; but, rather, we introduced this bill because imposing rotation at all costs, by any means, regardless of market conditions, would simply be irresponsible and detrimental.

Many of my colleagues, me included, do favor a more competitive auditing industry where companies can have more choices in selection of their auditing firms. Eventually, market conditions may evolve and we may have new auditing firms that emerge and gain the confidence of marketers and investors. As that happens, firm rotation, I believe, will naturally happen through market forces, but not through legislation. It is for that reason, Mr. Speaker, that I urge my colleagues to vote in support of H.R. 1564 and to support this commonsense regulation of our auditing industry.

I thank both the chairman and the ranking member and my colleague, Mr. HURT, who cosponsored this, for bringing this piece of legislation forward.

Ms. WATERS. Mr. Speaker, as I have no additional speakers, I yield back the balance of my time.

Mr. HURT. Mr. Speaker, I would just simply close by saying I think this is a good bill, a bill that not only strengthens investor protection, but also reduces unnecessary costs. It reduces uncertainty in the marketplace. We need certainty in the marketplace. This helps reduce that for public companies. So it is my request that this body pass this piece of legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. HURT) that the House suspend the rules and pass the bill, H.R. 1564, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. HURT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### FORMERLY OWNED RESOURCES FOR VETERANS TO EXPRESS THANKS FOR SERVICE ACT OF 2013

Mr. DESANTIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1171) to amend title 40, United States Code, to improve veterans service organizations' access to Federal surplus personal property.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1171

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Formerly Owned Resources for Veterans to Express Thanks for Service Act of 2013" or the "FOR VETS Act of 2013".

#### SEC. 2. VETERANS ACCESS TO FEDERAL EXCESS AND SURPLUS PERSONAL PROPERTY.

Section 549(c)(3) of title 40, United States Code, is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B)—

(A) in clause (viii), by adding "or" at the end; and

(B) by striking clause (x); and

(3) by adding at the end the following:

"(C) for purposes of providing services to veterans (as defined in section 101 of title 38), to an organization whose—

"(i) membership comprises substantially veterans; and

"(ii) representatives are recognized by the Secretary of Veterans Affairs under section 5902 of title 38."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. DESANTIS) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. DESANTIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1800

Mr. DESANTIS. Mr. Speaker, I yield myself such time as I may consume.

Our Nation's veterans serve our country and make sacrifices for the freedom and protections we enjoy every day. I am deeply grateful for the brave and heroic service of all who defend our Nation. H.R. 1171 permits veterans service organizations to obtain surplus Federal personal property, such as electronic equipment and vehicles, to provide services to our Nation's veterans.

There are countless individuals and organizations who want to help our veterans, but sometimes the law and bureaucracy present stumbling blocks to these individuals and groups doing all they can on behalf of our veterans. We can never truly repay our Nation's veterans for the work they do, but this bill is a small and necessary step to provide essential services to those who serve.

I reserve the balance of my time.

Mr. CONNOLLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I value and appreciate the sacrifices made by the men and women in our Armed Forces. For that reason, I am happy to rise in support of this legislation. The bill would simply amend current law to provide qualified veterans service organizations with greater access to Federal surplus property. The bill enjoys bipartisan support and is noncontroversial. In fact, in May of this year it was considered by the Oversight and Government Reform Committee and passed unanimously, a rarity in our history.

In December, 2010, President Obama signed the original FOR VETS Act into law. That legislation established the eligibility of veterans service organizations to receive surplus property under the Federal surplus property program. The wording of the statute suggests that those organizations should also demonstrate they are acquiring the property for the purposes of education or public health. The narrow construction of that language really hurts veterans service organizations, who are not always equipped to administer pub-

lic health or educational programs, that not being their core mission. They have thus been prevented in some cases from accessing the Federal surplus property Congress intended them to access.

This legislation simply corrects any confusion and, if you will, that error to allow veterans organizations access to Federal surplus property to benefit veterans.

Mr. Speaker, we need to do better for our veterans, and I think this bill, H.R. 1171, is a good step forward. I urge Members to support the bill.

I reserve the balance of my time.

Mr. DESANTIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. BENISHEK).

Mr. BENISHEK. Mr. Speaker, I thank the gentleman from Florida, and I rise today in support of H.R. 1171, the FOR VETS Act of 2013.

This bipartisan legislation will allow veterans service organizations access to Federal surplus property. In December, 2010, President Obama signed the original FOR VETS Act into law. This legislation added qualified VSOs to the list of organizations eligible to receive Federal surplus property under the Federal surplus property program. However, the wording of the statute requires all organizations to demonstrate that they are acquiring the property for purposes of public health or education.

Unlike many of the other organizations on the list, most VSOs are not set up to administer a health or education program. A strict interpretation of the law by the General Services Administration has prevented these VSOs from accessing Federal surplus as Congress intended.

Our bill would simply correct the error in current law and ensure that qualified VSOs will have the access to Federal surplus that our veterans have earned. This bill has been scored by the CBO as having no significant impact on spending. In this difficult economy, veterans service organizations can use valuable service items that are considered surplus property to better serve those who have given so much to our Nation. Some of these items could be a refrigerator for everyday use at a local post or even a vehicle to be used to take disabled veterans to appointments.

Last year I spoke to a veteran in Elk Rapids, Michigan, who told me that the error in current law was preventing his AMVETS post from using Federal surplus computers for unique veteran service tasks. This bill will help him and so many others like him put Federal surplus property to work for our Nation's veterans. I am very proud to be part of this effort.

I am grateful to Chairman ISSA and Ranking Member CUMMINGS and the members of the Oversight and Govern-

ment Reform Committee for the unanimous support this bill received during markup on June 25.

I also want to thank the National Association of State Agencies for Surplus Property, as well as the American Legion and the Disabled American Veterans, for their support and assistance in getting this legislation to this point.

I urge the House to adopt this bipartisan legislation that will help veterans service organizations in every State better serve our Nation's veterans.

Mr. CONNOLLY. Before I yield back, I just want to congratulate the gentleman on his legislation. It is correcting an error, and it will make a very positive benefit for so many veterans organizations, including the ones he enumerated. I am proud to support the legislation.

I yield back the balance of my time.

Mr. DESANTIS. Mr. Speaker, we have no further speakers, and I urge all Members to support the passage of H.R. 1171.

I yield back the balance of my time.

Mr. GINGREY of Georgia. Mr. Speaker, I rise in support of H.R. 1171, the FOR VETS Act. This straightforward piece of legislation simply amends current law to allow Veterans Service Organizations—VSOs—access to federal surplus property.

VSOs are valuable partners in providing for our veterans, and can provide critical services including transport to medical appointments and other support services. H.R. 1171 ensures that VSOs are eligible for federal surplus property that could help to carry out their mission.

Our brave men and women in uniform put their lives on the line to protect our freedoms, and we must do everything in our power to demonstrate our gratitude for their dedication and sacrifice. Our veterans deserve support, and this bill takes a step to showing them that we recognize their contributions and would like to give back.

Mr. Speaker, I urge my colleagues to vote to help veterans by supporting H.R. 1171.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. DESANTIS) that the House suspend the rules and pass the bill, H.R. 1171.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DESANTIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 6:30 p.m. today.

Accordingly (at 6 o'clock and 6 minutes p.m.), the House stood in recess.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WEBSTER) at 6 o'clock and 30 minutes p.m.

# REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2609, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

Mr. BURGESS, from the Committee on Rules, submitted a privileged report (Rept. No. 113-144) on the resolution (H. Res. 288) providing for consideration of the bill (H.R. 2609) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1341, by the yeas and nays;

H.R. 1564, by the yeas and nays;

H.R. 1171, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## FINANCIAL COMPETITIVE ACT OF 2013

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1341) to require the Financial Stability Oversight Council to conduct a study of the likely effects of the differences between the United States and other jurisdictions in implementing the derivatives credit valuation adjustment capital requirement, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. FINCHER) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 353, nays 24, not voting 57, as follows:

[Roll No. 305]

YEAS—353

Aderholt  
Alexander  
Amash  
Amodei

Andrews  
Bachmann  
Bachus  
Barber

Barr  
Barrow (GA)  
Barton  
Bass

Beatty  
Benishak  
Bentivoglio  
Bera (CA)  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonamici  
Bonner  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Brownley (CA)  
Bucshon  
Burgess  
Bustos  
Butterfield  
Calvert  
Camp  
Cantor  
Capito  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Carter  
Cartwright  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chu  
Cicilline  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Connolly  
Cook  
Cooper  
Cotton  
Courtney  
Cramer  
Crawford  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Daines  
Davis (CA)  
Delaney  
DeLauro  
DelBene  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Dingell  
Doggett  
Doyle  
Duckworth  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Engel  
Enyart  
Eshoo  
Esty  
Farenthold  
Fattah  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foster  
Fox

Frankel (FL)  
Frelinghuysen  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Gardner  
Gerlach  
Gibbs  
Gibson  
Gohmert  
Goodlatte  
Gowdy  
Granger  
Graves (GA)  
Green, Al  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hahn  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Heck (NV)  
Heck (WA)  
Hensarling  
Herrera Beutler  
Himes  
Hinojosa  
Holding  
Hoyer  
Hudson  
Huelskamp  
Huffman  
Huizenga (MI)  
Hultgren  
Hurt  
Israel  
Issa  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kaptur  
Keating  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Kildee  
Kilmer  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Kuster  
Labrador  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
Levin  
Lewis  
Lipinski  
LoBiondo  
Loebbeck  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lujan Grisham (NM)  
Lummis  
Lynch  
Maffei  
Maloney  
Maloney, Carolyn  
Maloney, Sean  
Marchant  
Marino  
Massie  
Matheson

Matsui  
McCarthy (CA)  
McCauley  
McClintock  
McCollum  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meadows  
Meehan  
Meeks  
Messer  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran  
Mullin  
Mulvaney  
Murphy (PA)  
Napolitano  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Pascarella  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Perry  
Peters (CA)  
Peters (MI)  
Peterson  
Petri  
Pittenger  
Pitts  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Radel  
Rahall  
Rangel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Roybal-Allard  
Royce  
Ruiz  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanford  
Sarbanes  
Scalise  
Schiff  
Schneider  
Schrader  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Sessions  
Sewell (AL)

Shea-Porter  
Sherman  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Stewart  
Stivers  
Stockman  
Swalwell (CA)  
Takano  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry

Tiberi  
Tierney  
Tipton  
Titus  
Tonko  
Tsongas  
Turner  
Upton  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wagner  
Walden  
Walorski  
Walz  
Waters

Watt  
Waxman  
Weber (TX)  
Webster (FL)  
Welch  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yarmuth  
Yoder  
Yoho  
Young (IN)

## NAYS—24

Becerra  
Cohen  
Conyers  
DeFazio  
Edwards  
Ellison  
Farr  
Grayson  
Green, Gene

Grijalva  
Honda  
Lee (CA)  
Loftgren  
Lowenthal  
Lujan, Ben Ray (NM)  
Markey  
McDermott

McGovern  
Nadler  
Nolan  
Pingree (ME)  
Schakowsky  
Serrano  
Slaughter

## NOT VOTING—57

Barletta  
Brown (FL)  
Buchanan  
Campbell  
Castro (TX)  
Clarke  
Costa  
Cummings  
Davis, Danny  
Davis, Rodney  
DeGette  
Deutch  
Franks (AZ)  
Garrett  
Gingrey (GA)  
Gosar  
Graves (MO)  
Gutiérrez  
Higgins  
Holt

Horsford  
Hunter  
Johnson (GA)  
Johnson, E. B.  
Kirkpatrick  
LaMalfa  
Lamborn  
Latta  
McCarthy (NY)  
Meng  
Miller, George  
Moore  
Murphy (FL)  
Neal  
Negrete McLeod  
Pallone  
Pastor (AZ)  
Pocan  
Poe (TX)  
Rigell

Rohrabacher  
Rush  
Salmon  
Schock  
Schwartz  
Schweikert  
Shimkus  
Sinema  
Sires  
Southerland  
Speier  
Stutzman  
Valadao  
Walberg  
Wasserman  
Schultz  
Young (AK)  
Young (FL)

□ 1853

Mr. NOLAN, Ms. LEE of California, and Ms. PINGREE of Maine changed their vote from "yea" to "nay."

Ms. KELLY of Illinois changed her vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BARLETTA. Mr. Speaker, on rollcall vote No. 305 for the Financial Competitive Act of 2013, I was unavoidably detained. I would have voted "aye."

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 305 had I been present, I would have voted "yea."

Stated against:

Mr. POCAN. Mr. Speaker, on rollcall No. 305 had I been present, I would have voted "no."

## AUDIT INTEGRITY AND JOB PROTECTION ACT

The SPEAKER pro tempore (Mr. PETRI). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1564) to

amend the Sarbanes-Oxley Act of 2002 to prohibit the Public Company Accounting Oversight Board from requiring public companies to use specific auditors or require the use of different auditors on a rotating basis, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. HURT) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 321, nays 62, not voting 51, as follows:

[Roll No. 306]

YEAS—321

Aderholt	Dent	Johnson (GA)
Alexander	DeSantis	Johnson (OH)
Amash	DesJarlais	Johnson, Sam
Amodei	Diaz-Balart	Jones
Andrews	Duckworth	Jordan
Bachmann	Duffy	Joyce
Bachus	Duncan (SC)	Kaptur
Barber	Duncan (TN)	Kelly (IL)
Barletta	Ellmers	Kelly (PA)
Barr	Enyart	Kildee
Barrow (GA)	Esty	Kilmer
Barton	Farenthold	Kind
Beatty	Fincher	King (IA)
Benishek	Fitzpatrick	King (NY)
Bentivolio	Fleischmann	Kingston
Bera (CA)	Fleming	Kinzinger (IL)
Bilirakis	Flores	Kline
Bishop (NY)	Forbes	Kuster
Bishop (UT)	Fortenberry	Labrador
Black	Foster	Lance
Blackburn	Fox	Langevin
Bonner	Frankel (FL)	Lankford
Boustany	Frelinghuysen	Larsen (WA)
Braley (IA)	Fudge	Larsen (CT)
Bridenstine	Gabbard	Latham
Brooks (AL)	Gallego	Lewis
Brooks (IN)	Garcia	Lipinski
Brown (GA)	Gardner	LoBiondo
Brownley (CA)	Garrett	Loeb sack
Bucshon	Gerlach	Long
Burgess	Gibbs	Lowe
Bustos	Gibson	Lucas
Butterfield	Gingrey (GA)	Luetkemeyer
Calvert	Gohmert	Lujan Grisham
Camp	Goodlatte	(NM)
Cantor	Gowdy	Lummis
Capito	Granger	Lynch
Cardenas	Graves (GA)	Maffei
Carney	Green, Al	Maloney,
Carson (IN)	Griffin (AR)	Carolyn
Carter	Griffith (VA)	Maloney, Sean
Cassidy	Grimm	Marchant
Castor (FL)	Guthrie	Marino
Chabot	Hall	Massie
Chaffetz	Hanabusa	Matheson
Clay	Hanna	McCarthy (CA)
Cleaver	Harper	McCaul
Clyburn	Harris	McClintock
Coble	Hartzler	McCollum
Coffman	Hastings (FL)	McHenry
Cole	Hastings (WA)	McIntyre
Collins (GA)	Heck (NV)	McKeon
Collins (NY)	Heck (WA)	McKinley
Conaway	Hensarling	McMorris
Connolly	Herrera Beutler	Rodgers
Cook	Himes	McNerney
Cooper	Hinojosa	Meadows
Cotton	Holding	Meehan
Courtney	Hoyer	Meeks
Cramer	Hudson	Meng
Crawford	Huelskamp	Messer
Crenshaw	Huizenga (MI)	Mica
Cuellar	Hultgren	Michaud
Daines	Hurt	Miller (FL)
Davis (CA)	Israel	Miller (MI)
Delaney	Issa	Miller, Gary
DeLauro	Jackson Lee	Moore
DelBene	Jeffries	Moran
Denham	Jenkins	Mullin

Mulvaney	Rogers (AL)	Thompson (MS)
Murphy (PA)	Rogers (KY)	Thompson (PA)
Neugebauer	Rogers (MI)	Thornberry
Noem	Rokita	Tiberi
Nolan	Rooney	Tipton
Nugent	Ros-Lehtinen	Titus
Nunes	Roskam	Turner
Nunnelee	Ross	Upton
O'Rourke	Rothfus	Valadao
Olson	Royce	Van Hollen
Owens	Ruiz	Veasey
Palazzo	Runyan	Vela
Paulsen	Ruppersberger	Velázquez
Payne	Ryan (WI)	Visclosky
Pearce	Sanford	Wagner
Perlmutter	Scalise	Walden
Perry	Schiff	Walorski
Peters (CA)	Schneider	Walz
Peters (MI)	Schrader	Wasserman
Peterson	Schwartz	Schultz
Petri	Scott (VA)	Waters
Pittenger	Scott, Austin	Watt
Pitts	Scott, David	Webster (FL)
Polis	Sensenbrenner	Welch
Pompeo	Sessions	Wenstrup
Posey	Sewell (AL)	Westmoreland
Price (GA)	Shea-Porter	Whitfield
Price (NC)	Sherman	Williams
Quigley	Shuster	Wilson (FL)
Radel	Simpson	Wilson (SC)
Rahall	Smith (MO)	Wittman
Rangel	Smith (NE)	Wolf
Reed	Smith (NJ)	Womack
Reichert	Smith (TX)	Woodall
Renacci	Southerland	Yoder
Ribble	Stewart	Yoho
Rice (SC)	Stivers	Young (AK)
Rigell	Stockman	Young (IN)
Roby	Swalwell (CA)	
Roe (TN)	Terry	

NAYS—62

Bass	Garamendi
Becerra	Grayson
Blumenauer	Green, Gene
Bonamici	Grijalva
Brady (PA)	Hahn
Capuano	Honda
Cartwright	Huffman
Chu	Keating
Cicilline	Kennedy
Cohen	Lee (CA)
Conyers	Levin
Crowley	Lofgren
DeFazio	Lowenthal
Dingell	Luján, Ben Ray
Doggett	(NM)
Doyle	Markey
Edwards	Matsui
Ellison	McDermott
Engel	McGovern
Eshoo	Nadler
Farr	Napolitano
Fattah	Pascrell

NOT VOTING—51

Bishop (GA)	Graves (MO)
Brady (TX)	Gutiérrez
Brown (FL)	Higgins
Buchanan	Holt
Campbell	Horsford
Capps	Hunter
Castro (TX)	Johnson, E. B.
Clarke	Kirkpatrick
Costa	LaMalfa
Culberson	Lamborn
Cummings	Latta
Davis, Danny	McCarthy (NY)
Davis, Rodney	Miller, George
DeGette	Murphy (FL)
Deutch	Neal
Franks (AZ)	Negrete McLeod
Gosar	Pallone

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1901

Ms. LORETTA SANCHEZ of California and Mr. CICILLINE changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, on rollcall Nos. 305, 306 flight delays made me unavoidably detained. Had I been present, I would have voted “yes.”

# FORMERLY OWNED RESOURCES FOR VETERANS TO EXPRESS THANKS FOR SERVICE ACT OF 2013

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1171) to amend title 40, United States Code, to improve veterans service organizations access to Federal surplus personal property, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. DESANTIS) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 1, not voting 46, as follows:

[Roll No. 307]

YEAS—387

Aderholt	Capuano	Dingell
Alexander	Cárdenas	Doggett
Amash	Carney	Doyle
Amodei	Carson (IN)	Duckworth
Andrews	Carter	Duffy
Bachmann	Cartwright	Duncan (SC)
Bachus	Cassidy	Edwards
Barber	Chabot	Ellison
Barletta	Chaffetz	Ellmers
Barr	Chu	Engel
Barrow (GA)	Cicilline	Enyart
Barton	Clay	Eshoo
Bass	Cleaver	Esty
Beatty	Clyburn	Farenthold
Becerra	Coble	Farr
Benishek	Coffman	Fattah
Bentivolio	Cohen	Fincher
Bera (CA)	Cole	Fitzpatrick
Bilirakis	Collins (GA)	Fleischmann
Bishop (GA)	Collins (NY)	Fleming
Bishop (NY)	Conaway	Flores
Bishop (UT)	Connolly	Forbes
Black	Conyers	Fortenberry
Blackburn	Cook	Foster
Blumenauer	Cooper	Fox
Bonamici	Cotton	Frankel (FL)
Bonner	Courtney	Frelinghuysen
Boustany	Cramer	Fudge
Brady (PA)	Crawford	Gabbard
Brady (TX)	Crenshaw	Gallego
Braley (IA)	Crowley	Garamendi
Bridenstine	Cuellar	Garcia
Brooks (AL)	Culberson	Gardner
Brooks (IN)	Daines	Garrett
Brown (GA)	Davis (CA)	Gerlach
Brownley (CA)	Davis, Rodney	Gibbs
Bucshon	DeFazio	Gibson
Burgess	Delaney	Gingrey (GA)
Bustos	DeLauro	Gohmert
Butterfield	DelBene	Goodlatte
Calvert	Denham	Gowdy
Camp	Dent	Granger
Cantor	DeSantis	Graves (GA)
Capito	DesJarlais	Grayson
Capps	Diaz-Balart	Green, Al



Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guthrie  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Heck (NV)  
Heck (WA)  
Hensarling  
Herrera Beutler  
Himes  
Hinojosa  
Holding  
Honda  
Hoyer  
Hudson  
Huelskamp  
Huffman  
Huizenga (MI)  
Hultgren  
Hurt  
Israel  
Issa  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kaptur  
Keating  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Kildee  
Kilmer  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Kuster  
Labrador  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
Lee (CA)  
Levin  
Lewis  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren  
Long  
Lowenthal  
Lowey  
Lucas  
Luetkemeyer  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lummis  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Marchant  
Marino

Markey  
Massie  
Matheson  
Matsui  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meadows  
Meehan  
Meeks  
Meng  
Messer  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moore  
Moran  
Mullin  
Mulvaney  
Murphy (PA)  
Nadler  
Napolitano  
Neugebauer  
Noem  
Nolan  
Nugent  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Pascrell  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Perry  
Peters (CA)  
Peters (MI)  
Peterson  
Petri  
Pingree (ME)  
Pittenger  
Pitts  
Pocan  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Radel  
Rahall  
Rangel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus

Roybal-Allard  
Royce  
Ruiz  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schneider  
Schradler  
Schwartz  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell (AL)  
Shea-Porter  
Sherman  
Simpson  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Stewart  
Stivers  
Stockman  
Swalwell (CA)  
Takano  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Titus  
Tonko  
Tsongas  
Turner  
Upton  
Valadao  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wagner  
Walden  
Walorski  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weber (TX)  
Webster (FL)  
Welch  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yarmuth  
Yoder  
Yoho  
Young (AK)  
Young (IN)

## NAYS—1

Sanford

## NOT VOTING—46

Brown (FL)  
Buchanan  
Campbell  
Castor (FL)  
Castro (TX)  
Clarke  
Costa  
Cummings  
Davis, Danny  
DeGette  
Deutch  
Duncan (TN)

Franks (AZ)  
Gosar  
Graves (MO)  
Gutiérrez  
Higgins  
Holt  
Horsford  
Hunter  
Johnson, E. B.  
Kirkpatrick  
LaMalfa  
Lamborn  
Latta  
McCarthy (NY)  
Miller, George  
Murphy (FL)  
Neal  
Negrete McLeod  
Pallone  
Pastor (AZ)  
Poe (TX)  
Rohrabacher  
Rush  
Salmon  
Schock  
Schweikert  
Shimkus  
Shuster  
Sinema  
Sires  
Speier  
Stutzman  
Walberg  
Young (FL)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1908

Ms. CHU changed her vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. SINEMA. Mr. Speaker, due to my attendance at the memorial service in Arizona for the Prescott Fire Department's Granite Mountain Hotshots who lost their lives in the Yarnell Fire, I will miss votes this evening, July 8, 2013. Had I been present, I would have voted “yea” on all three measures, H.R. 1341—Financial Competitive Act of 2013, H.R. 1564—Audit Integrity and Job Protection Act, and H.R. 11711—FOR VETS Act of 2013, under consideration this evening.

Mrs. KIRKPATRICK. Mr. Speaker, due to my attendance at the memorial service in Arizona for the Prescott Fire Department's Granite Mountain Hotshots, I will miss votes this evening, July 8, 2013. Had I been present, I would have voted the following way on these suspension votes: H.R. 1341 Financial Competitive Act of 2013—I would have voted “yes”; H.R. 1564 Audit Integrity and Job Protection Act—I would have voted “yes”; H.R. 1171 FOR VETS Act of 2013—I would have voted “yes.”

## MOMENT OF SILENCE IN REMEMBRANCE OF WILLIAM H. GRAY

(Mr. FATTAH asked and was given permission to address the House for 1 minute.)

Mr. FATTAH. Mr. Speaker, thousands and thousands of Members have served in this body. For almost each of them, it was an honor to serve; but for a very small portion of those who had the honor to serve in this House, they have literally honored this institution by their service.

I rise today to reference one of them, William H. Gray, who served in the United States Congress. He was an extraordinary public servant, but this was not his only place where he served. I want to reference his leadership here in the House as a Member and then chair of the Budget Committee, rising all the way to majority whip, an accomplished lawmaker; but he also served as a senior pastor of the church

where his father and grandfather had served back home in Philadelphia.

He served when he left the House, providing opportunities for hundreds of thousands of young people to go on to college as the head of the oldest nationwide scholarship fund, the UNCF.

Bill Gray served in so many different capacities, but he did it extraordinarily well. So I rise today to ask for a moment of silence in the House to honor this life of service.

Mr. HOYER. Will the gentleman yield?

Mr. FATTAH. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman from Pennsylvania—Philadelphia, in particular.

I had the great honor of serving as vice chairman of the Democratic Caucus when Bill Gray was chairman of the Democratic Caucus, and I had the honor of succeeding Bill Gray as chairman of the Democratic Caucus when he became the whip, the Democratic whip of our caucus.

Bill Gray was a very good friend of mine. I had the honor of serving with him, saw him as chairman of the Budget Committee, and all the roles that the gentleman from Philadelphia said. I will have further things to say later in the week.

I want to thank the gentleman for rising to honor a historic American, first African American leader in our party; but much more than that, an extraordinary individual, as the gentleman from Philadelphia has pointed out.

I join in a moment of silence in honor of our friend, a great American, a great Member of this body, and a great leader in his church and, as the gentleman has pointed out, United Negro College Fund, which gave so many opportunities to so many millions of young people in this country.

I thank the gentleman for his remarks.

Mr. FATTAH. Thank you. I ask for the House to stand for a moment of silence.

□ 1915

## FLOODING IN PENNSYLVANIA

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. In the time since this body last adjourned, storms and extreme weather have ravaged large portions of the Commonwealth of Pennsylvania. The resulting floods have devastated communities across the Fifth District of Pennsylvania, including—but quite possibly not limited to—Venango, Jefferson, Clearfield, Clinton, and Centre Counties, all of which I represent.

In the days following these events, I joined with State and local officials

and others in the impacted communities to help those coping with loss to assess the damage and to begin the process of rebuilding. Though so many individuals and families are faced with loss and despair, it was truly inspiring to witness these communities come together to help fellow neighbors in need.

I take the floor today to offer my thoughts and prayers to those affected by these events, especially to those grieving over the loss of a loved one. These individuals need our support and the care of a helping hand more than ever.

#### A MOMENT OF SILENCE IN THE MEMORY OF ARLAN STANGELAND

(Mr. PETERSON asked and was given permission to address the House for 1 minute.)

Mr. PETERSON. Mr. Speaker, I rise today to announce to the House the loss of another of our former Members of the House of Representatives, the Honorable Arlan Stangeland, who served the Seventh District of Minnesota prior to me, from 1977 to 1990. He passed away last Tuesday in our district.

He lived about 20 miles south of where I live. Before he came to Congress, he was in the Minnesota House of Representatives. Arlan served on the Agriculture Committee, and he served on the Transportation Committee. He rose to senior level on both of those committees, and he did a tireless job in working for the farmers and for the rural people in the Seventh District of Minnesota. Since 1990, he had been enjoying living in the lake country of Minnesota. He loved to play bridge and loved to spend time with his family, including his sons and daughters and grandchildren.

So I wanted to let the House of Representatives know that one of their former Members had passed, and would it be appropriate for us to have another moment of silence?

The SPEAKER pro tempore (Mr. RODNEY DAVIS of Illinois). The Chair would look to the gentleman from Minnesota to lead any moment of silence.

Mr. PETERSON. Mr. Speaker, I ask the Members to rise for a moment of silence.

#### RELAY FOR LIFE: REMEMBERING CANCER SURVIVORS AND VICTIMS

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise today to celebrate a cancer survivor and a true inspiration—Minnesota's own Kayla Shroeck. Later this week, I plan to attend Eden Prairie's Relay for Life where Kayla will share her story as an honorary survivor.

Kayla, who just graduated from Eden Prairie High School, was diagnosed

with a Wilms' tumor when she was just 2 years old. After undergoing chemotherapy and numerous surgeries, Kayla heroically survived her struggle with cancer. Through the ups and downs, Kayla has remained resilient and has never lost hope. As she puts it, "I choose to focus on what I can do rather than on what I can't do." She will now turn this focus to raising awareness and supporting cancer funding to benefit cancer patients throughout the country.

She and thousands of other cancer survivors are absolute testaments to the value and importance of cancer research and treatment. I want to commend Kayla for her courage. She is now an inspiration for all of those who are struggling with cancer.

#### RECOGNIZING CASTRO VALLEY PRIDE

(Mr. SWALWELL of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWALWELL of California. This weekend in Castro Valley, in my district, we have a lot to celebrate. We will be celebrating Castro Valley Pride. I am pleased to recognize Castro Valley Pride and its organizer, Billy Bradford.

We will be celebrating the sweet sound of the wedding bells that will be ringing in our district now that our friends and loved ones in the LGBT community, after the Supreme Court ruling, will again be allowed to marry. I was thrilled to know, as many were across my State, that the Supreme Court recently allowed same-sex marriage to resume in California. Love is love, and this decision allows loving gay and lesbian couples to be treated the same as everyone else. These couples and married couples across the country will also benefit from the Supreme Court's decision to strike down DOMA. No longer will the Federal Government be able to treat all same-sex couples as second-class citizens.

But the fight is not over.

We must make sure that once you are legally married in a State, you don't lose your Federal benefits just because you move to a State that does not recognize same-sex marriage. We also have to make sure that people are not discriminated against because of their sexual orientation or gender identity. This includes protecting against housing and job discrimination, for example. More broadly, we want to make sure that everyone is embraced and valued for who one is. No one should suffer hate, bullying, or rejection for being gay or lesbian.

Our diversity is our strength, and we must never forget that. I look forward to celebrating it during Castro Valley Pride this weekend.

#### A TRIBUTE TO A COMMUNITY LEADER, A MOTHER, A GRANDMOTHER, AND A TEXAS WOMAN—BEV CARTER

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, we lost an icon back home this past Saturday—Bev Carter.

Every Thursday, Bev's paper, the Fort Bend Star, would be laying in my driveway. Usually, on page 3, Bev had a weekly column called "Bev's Burner," in which she would light a fire under a public official with whom she disagreed. Occasionally, I was one of those public officials, but I enjoyed and respected Bev because we shared and still share a common bond—we both love Sugar Land; we both love Fort Bend County; and we both love the great State of Texas.

As we say in the Navy, Bravo Zulu, Bev. May you enjoy the peace you've earned.

#### SAFE CLIMATE CAUCUS

(Mr. WAXMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAXMAN. My colleagues, on behalf of the Safe Climate Caucus, I want to commend the President for his Climate Action Plan he announced on June 25. As the President recognized, we have a moral obligation to our children and our grandchildren to protect this planet for future generations.

The history of the Clean Air Act shows that we can have both a clean environment and a strong economy. Since its adoption in 1970, the Clean Air Act has reduced air pollution by two-thirds while our economy has tripled in size. In 2010 alone, the Clean Air Act prevented over 160,000 premature deaths and millions of respiratory illnesses. The Clean Air Act has also made the U.S. a world leader in clean energy technology. In 2008, the U.S. pollution control industry generated \$300 billion in revenues, \$44 billion in exports, and over 1.5 million jobs.

This time will be no different. In fact, a new study shows the President's plan could create hundreds of thousands of jobs.

#### AMERICA AND A NEW ERA OF PROSPERITY

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, we just celebrated our Nation's Independence Day. As I reflected on this holiday, I wondered if our Founding Fathers would recognize America

today. When I read over the weekend that fewer than half of the American adults currently have no full-time jobs, I realized the answer is no.

How is it that fewer than half of the adults in this country don't have full-time jobs? Is it for lack of wanting? Have we lost our work ethic or entrepreneurial spirit?

Absolutely not. No.

What is standing between the American people and a new era of prosperity is a Federal Government that thinks it knows how to spend folks' money better than they do.

That's why we need to embrace the free market principles articulated in the House Republican plan: we need to reduce health care costs by repealing ObamaCare; we need to reduce energy costs by responsibly tapping into our Nation's natural oil and gas reserves; we need to stop wasteful spending and reduce Federal bureaucracy; finally, we need to protect economic freedom.

This plan will help make America the most vibrant and productive economy in the world—and that's what we need to do.

#### IN MEMORY OF AN AMERICAN HERO, DORIS MARIE JONES HUBBARD

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE. Last week, Houston lost a wonderful daughter and a great leader by the name of Doris Marie Jones Hubbard. This morning, we buried her, finally, in the Houston Veterans Cemetery.

I rise today to pay tribute to someone who truly believed in democracy, who was an advocate for the poor and for people who did not have. She shared her talents, was a pioneer in her own right by integrating and forcing opportunity in the Democratic Party of Texas. Some would think that it's party politics. I would think simply that that is making sure that everyone has an opportunity to participate and to share in the opportunities that this country gives you to have your voice heard. More importantly, she loved her daughter, Kqisha, and she was a valiant champion in the Acres Homes community.

We will sorely miss Doris for she shared, she mentored, she gave, and she believed in America with her husband, Ernest, who served in the United States Marines. She was honored today by being buried in the Houston Veterans Cemetery alongside her beloved late spouse.

Together, I call them American heroes.

#### REPEALING THE EMPLOYEE MANDATE

(Mrs. CAPITO asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, in May, I came to the floor to highlight the concerns that small businesses in my State have with the looming implementation of ObamaCare. I spoke about a daycare center that had 73 employees and that had been in business for 24 years. It had been struggling mightily with the uncertainty on how to meet the employer mandate.

Last week, the administration announced that they will postpone the job-killing employer mandate until 2015. They admitted that after 3 years of bureaucratic work that the fatally flawed employer mandate is unworkable.

While the President's announcement is welcome news for small businesses in the short term, it signals just how problematic ObamaCare will be to implement. The employer mandate was forcing businesses, like the daycare center in my district, to lay off workers, to cut employee hours, and to potentially close their doors depending on their financial statuses.

Businesses don't need a temporary reprieve to ObamaCare. They need a permanent one. A recent poll found that, as a result of ObamaCare, 41 percent of businesses have put off hiring and 19 percent have reduced the number of employees in their businesses.

Pushing off one of ObamaCare's worst provisions for a year will do nothing but prolong the pain and increase the uncertainty. Instead, we should repeal and have a workable bill with patient-centered reforms that will improve the affordability, access, and quality of medical care.

□ 1930

#### WE SHOULD DO AWAY WITH OBAMACARE AND THE WAR ON COAL

(Mr. GRIFFITH of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRIFFITH of Virginia. Mr. Speaker, I would say that tonight has been interesting. We have talked about ObamaCare and we have talked about clean air and having these things; yet what we have are two different things coming out of the administration.

On the one hand, approximately 2 weeks ago, the administration proposed large, new increases in the regulations on coal. As one of his aides said, "The war on coal is something that we need." Obviously, coming from southwest Virginia and representing central Appalachia and the coalfields there, this is not a good idea.

Then, as we were about to leave town, the President came out with a new plan on ObamaCare, and that was to delay the employer mandate—not

the individual mandate, but the employer mandate—because they haven't been able to make the program work.

That's not the only thing. On Friday, right after the Fourth of July, the President's folks came out with 606 pages of new regulations, and in there there was delay, delay, delay because they can't seem to make the program work.

ObamaCare was drafted poorly. How do we think these new regulations on coal are going to work? They're going to be drafted just as poorly.

Mr. Speaker, we should do away with ObamaCare, and we should do away with the regulations and the war on coal.

#### CELEBRATING BILL GRAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Pennsylvania (Mr. FATTAH) is recognized for 60 minutes as the designee of the minority leader.

Mr. FATTAH. Mr. Speaker, let me first thank the House for setting aside this time to appropriately reflect on and to celebrate the life of service of William H. Gray—Bill Gray, as we know him—who represented my hometown of Philadelphia so very well in this Congress. But as we're going to have a number of speakers, I'll have ample opportunity to talk. So I want to move to a process in which we can acknowledge some others who want to say a few words.

#### GENERAL LEAVE

Mr. FATTAH. I first ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material into the RECORD on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FATTAH. I now yield to the gentlelady from Ohio (Ms. FUDGE), who chairs the Congressional Black Caucus, for an opportunity to talk about Bill Gray and his service to our Nation.

Ms. FUDGE. I thank the gentleman for yielding, and I thank him for leading this Congressional Black Caucus Special Order hour to honor a man that was a friend to so many of us, former Congressman William H. Gray, III.

On behalf of the CBC, I send condolences to the Gray family. As you celebrate Congressman and Reverend Gray's life, know that we, too, will miss a great man. We mourn the loss of Congressman Gray and celebrate the legislator, the advocate, and the statesman, a man whose accomplishments you will hear a great deal about this evening.

But if one word defined Bill Gray's life, it is "service." He served God, his Philadelphia community, our Nation,

and the world with dedicated hard work, strong leadership, and a commitment to equity and justice. He broke new ground as the first African American to chair the House Budget Committee and again as the first African American majority whip in the House of Representatives.

Although I did not have the personal privilege and pleasure to serve with him, our history supports the fact that he was a brilliant negotiator, bipartisan consensus builder, and courageous policymaker.

Mr. FATTAH. I thank the gentlelady.

Representing the city of Philadelphia was something that Bill Gray was born to do. He was just an extraordinary Member.

We have one of my colleagues who knew Congressman Gray and worked with him from her earliest days in public service, so I yield to my colleague, Congresswoman ALLYSON SCHWARTZ.

Ms. SCHWARTZ. I thank my colleague for setting up this Special Order.

Bill Gray was a total guy. He would have been able to handle this; that's for sure.

I do want to start by offering my condolences to the family, to Bill Gray's religious family, his community, and actually all Philadelphians who knew him and not only respected him, but loved him and admired him for the work that he did on behalf of Philadelphia and on behalf of the Nation and on behalf of the world.

I think we've all heard a bit about his extraordinary public service both here, of course, in the House and also then when he went on to, of course, help lead the United Negro College Fund.

What I wanted to say was a little more personal. I think my colleague knows this. Congressman FATTAH knows some of this history. But when I first decided to run for elected office, I went first to City Councilwoman Marian Tasco, who was part of the northwest coalition of elected officials who came out of the community that was Bill Gray and the people who he supported and provided inspiration to. She was interested in helping me run for the State senate, and she said, Well, ALLYSON, I'm going to help you out, but there's one really important person you're going to need to be on your side.

It's an interesting district. My district in the State senate represented northwest Philadelphia mostly and where Bill Gray lived, his house there, and much of the northwest coalition and also part of northeast Philadelphia and then eventually part of the suburbs, as well. So it is a really interesting and integrated community. It is about 40 percent African American.

I went first to see one of his chief aides. I went to see Jerry Mondesire. I'm not sure you're supposed to name names here, but it's a Special Order

and we can do some of that. I went to talk with him about who I was and why I wanted to run and what I hoped to accomplish in the State senate. He thought it made some sense and gave me the opportunity to set up that meeting with Congressman Gray. I came to see him here at the Capitol actually to meet him. I think he was in the whip's office at the time, a very grand office. He was a grand man of real stature. It was a good meeting. It was actually a very good meeting, and he did agree to be supportive. We ended up working together and worked hard and won a very competitive primary. I was not the only one running in that primary who went on to win in the general election.

Congressman Gray always was supportive and encouraging, particularly when I decided to run for Congress. When I got elected to Congress, the district was very different. It didn't represent the northwest. It was a very different coalition I had to build for that. But he met with me and gave me some good advice about what to do here as a Member of Congress. He said I should serve on the Budget Committee. I'm not even sure I understood at the time that he was the chair of the Budget Committee, the first African American chair of the Budget Committee and the power he lent to that. I took his advice, and I think it was good advice. It gave me a chance to really rise here fairly quickly in Congress.

What I really want to say is that he was a man who brought great intellect, great commitment to public service, a real understanding of relationships between people and how you forge those relationships and you build on those relationships to find common ground and get things done. He did that for Philadelphia, and he did that here in Congress. He was, as I say, a spiritual leader and really made such a difference to the city.

I did get to hear him preach a couple of times; and when I went to Bright Hope to hear him preach, it was Easter morning. That's kind of a special time to be at Bright Hope, as in many churches across this country. I remember that I brought my son, who is now well-grown, and he was only about 11 or 12 at the time. I asked my son afterwards what he thought of the service and what he thought of the preacher, and my son, good Jewish boy that he is, he said, You know, Mom, it kind of makes you want to believe.

And I have to say that Bill Gray made us all want to believe not only spiritually, but believe in this country and the greatness of this country and what we could accomplish. For that, I will be always indebted and grateful to have known him, to honor his memory, and to share in the sadness at his loss and to wish his family not only condolences, but great memories of the man Bill Gray was.

Mr. FATTAH. Let me ask that we place into the RECORD a number of letters from local elected officials back home in Philadelphia: Councilwoman Marian Tasco, State Senator Vincent Hughes, State Senator Anthony Williams, City Councilwomen Blondell Reynolds Brown and Cindy Bass, and State Representative Dwight Evans.

MARIAN B. TASCO, CITY OF PHILADELPHIA, CITY COUNCIL.

TO THE MEMBERS OF THE 113TH CONGRESS: Respectfully, I join with friends, family and my constituents to submit this letter for The Congressional Record memorializing a world-class citizen, with a keen sense of purpose, a man of God, a champion at the forefront of ending apartheid in South Africa, and a man who humbly served the least of these. Over the past 40 years, I have called The Honorable William H. Gray III many things: pastor, my candidate, a mentor, my congressman, and of greatest importance to me, my friend.

Undoubtedly, Bill Gray lived a beautiful life. Having succeeded his father as pastor of Bright Hope Baptist Church in Philadelphia in 1972, I came to know Bill Gray very well. He knew best how to engage the people he was charged to lead. And, he knew how to help individuals identify their best qualities and develop and expand upon them. I credit Bill Gray for helping me to recognize my own ability to organize. Compelled to be his campaign manager when he ran for congress, and later his director of constituent services, he was a mentor to me and others locally and nationally who sought public office. He was instrumental in my run for office and election as Philadelphia's first African American City Commissioner, and strongly supported me in my bid to become council person for the Ninth District. I am forever indebted to him and grateful for his vision.

Admired for his commitment to the city of Philadelphia, Bill Gray was a powerbroker who used his influence to provide federal resources and opportunities to often underserved communities. And though he walked amongst kings, queens and heads of nations, he was never too busy to meet with his constituents, return a phone call or help someone in need.

The passing of this gentle giant is untimely, yet I hope all that mourn him will find comfort in knowing that Bill Gray leaves behind a legacy of goodness that surely withstands the test of time.

God bless Bill Gray and God bless America!

MARIAN B. TASCO,  
Ninth District Councilwoman.

DEMOCRATIC APPROPRIATIONS  
CHAIRMAN, SENATE OF PENNSYLVANIA,

July 8, 2013.

Hon. CHAKA FATTAH,  
Congressman,  
Washington, DC.

DEAR CONGRESSMAN FATTAH: I was deeply saddened to learn of the sudden passing of Congressman William H. Gray. He was a giant in Philadelphia politics, a spiritual leader for hundreds of thousands, and a powerful force for good in Washington DC. He was also a mentor to many public officials including myself. Congressman Gray's tremendous spirit will be impossible to replace.

He was a leader in so many areas, but one of the biggest ways that Congressman Gray inspired me personally was his work against apartheid in South Africa. Congressman Gray was the sponsor of one of the first bills

to prohibit loans and economic investment in that troubled country, which laid the groundwork for the eventual toppling of the regime. I started my own political activism around this issue and his work was a shining example of the good that someone can accomplish in elected office.

Congressman Gray will be missed. Now, it is the responsibility of the next generation to pick up the torch and try to follow in his footsteps. Serving from his pastorate of Bright Hope Baptist Church in Philadelphia, he had a focus that was not limited to that North Philadelphia neighborhood, but was international in scope. He always concentrated on transformational change, whether it was in his 2nd Congressional District, Washington, DC, South Africa, or the World. We have truly lost a giant.

Most people will see Congressman Gray through the lens of politics. I certainly was one of the people who benefitted from his crafting of an independent progressive political movement in Philadelphia. Without his work to create a viewpoint that elected office was essentially the next step for the civil rights movement, I along with many others, probably would not have ever thought about running for political office. I sit as Democratic Chairman of the PA Senate Appropriations Committee because he had the courage to seek and to sit as Chairman of the Budget Committee of the US Congress. His willingness to grasp for what was then an unattainable high prize, gave me the confidence to seek and accomplish the same in my place of service. For that, I will always be grateful for his vision and leadership. But he also influenced a generation of young people to become community leaders, public servants, and business leaders, and to not be limited by the traditions of their profession, but to see themselves also as transformative servant leaders, who never forgot their roots, but who always reached for the broader mission.

Congressman Gray had a unique ability to reach the common humanity that exists in all of us, in order to bring people together from varied, often times from widely diverging backgrounds. That singular talent allowed him to travel and be comfortable in almost any setting. It also allowed him to accomplish some of his greatest achievements. From his South Africa Anti-Apartheid work, to his rise to the position as the first African-American to serve as Whip in the US Congress, to his leadership of the United Negro College Fund, his ability to connect with people from the board room, the barrio, and the backwater, served him and all of us well.

Congressman Gray never thought, nor acted small. He was local in his pastorate, and his congressional district, always there to preach the word or to attend a community meeting, and to bring home the "bacon" to his constituents. But his transformational vision and service was big and impactful on the grandest of stages—the world. Those of us who have followed in his footsteps have been deeply influenced by his trail blazing path. It remains our hope that we can have the same intensely deep, and wide ranging impact that he has had. It remains our job to truly make a difference in the lives of the people we serve, never settling for less either in ourselves or in others. On behalf of myself, my family, the constituents of the 7th Senatorial District, and for the countless faceless people who he never knew, and for those generations yet to come whose lives he have impacted, we thank Bill, our good and

faithful servant. His race has been run, and it has been run so very well.

Sincerely,

STATE SENATOR VINCENT HUGHES,  
*Democratic Chairman of the PA Senate  
Appropriations Committee.*

DEMOCRATIC WHIP,  
SENATE OF PENNSYLVANIA,  
July 8, 2013.

ANDREA GRAY AND FAMILY: It was with deep sadness that I learned of the passing of the Rev. William H. Gray III, a man whose imprint on our spiritual, social, and political worlds has been unmatched in the modern era. While Bill had transitioned to a more restful and relaxing life in recent years, his influence could still be felt. His death comes as a great loss for generations, not just in Philadelphia, but across the nation.

Do accept my family's deepest condolences.

Certainly, Bill had a springboard to the success he achieved, with solid examples and expectations presented by his father, and his father before him. But what he managed to erect during his time with us deserves lasting admiration and appreciation. From his ground-breaking post in the U.S. Congress to helming the storied Bright Hope Baptist Church to steering the venerable United Negro College Fund, he helped to cement opportunity and guided the aspirations for countless people. My father and I, as did our entire organization, held Bill in great esteem because of the selfless public service to which he dedicated much of his life.

Above all, he was a man who cherished his family, and without a doubt you will miss him the most.

Do know that if I can be of any service to you during this difficult time, please feel free to call on me.

Sincerely,

ANTHONY H. WILLIAMS,  
*State Senator—8th District.*

CITY OF PHILADELPHIA  
CITY COUNCIL,  
July 5, 2013.

TO THE FAMILY, FRIENDS AND COLLEAGUES OF THE HONORABLE WILLIAM H. GRAY, III: I am still in a state of shock. Congressman Bill Gray really made a mark on my political career. It was Congressman Gray who first mentioned, inspired and urged me to go to my first Democratic National Convention in 1984. Because of that "nudging" I have been to 7 of the last 8 DNC Conventions.

I was also astonished by his gift as a Pastor, having been a longtime member of Bright Hope Baptist Church. If you had the privilege of hearing his sermons, you know that his knowledge of the Bible equaled his knowledge of the Constitution.

I join the legions of adoring admirers who will miss his footprint. He was a leader who distinguished himself as a minister, educator, Congressman and father. In all these roles, he made excellence his standard while never losing the common touch.

My heart and prayers go out to his family. We thank them for sharing him with the City of Philadelphia and the nation.

We must all remember that God gives us work to do on earth and then he calls us home.

In Service,

BLONDELL REYNOLDS BROWN,  
*Councilwoman At-Large.*

CITY OF PHILADELPHIA  
CITY COUNCIL,  
July 3, 2013.

GRAY FAMILY AND BRIGHT HOPE BAPTIST CHURCH CONGREGANTS: It is with deep regret

that I express to your family and friends my sincere sympathy on the passing of the beloved former U.S. Rep. William H. "Bill" Gray, 3rd.

Congressman Gray was a progressive leader unlike any other we have seen, or are likely to ever see again. He was a political titan, a man committed to his community, and a man of faith. Bill Gray was a leader in Philadelphia during a difficult time in its history, determined to help our city become better and stronger.

Many politicians in Philadelphia owe their careers to Bill Gray, as he was known for encouraging people to become active in politics. I join them, Congressman Gray's family, and countless others whose lives he touched in mourning this great man.

My sincere sympathy,  
CINDY BASS, MEMBER,  
*Philadelphia City Council, 8th District.*

HOUSE OF REPRESENTATIVES,  
COMMONWEALTH OF PENNSYLVANIA,  
July 3, 2013.

DEAR GRAY FAMILY: It is with profound sorrow that I extend my condolences to you on the passing of your loved one, the Honorable William H. Gray. Honorable was not just part of his title, Honorable was the man. A staunch supporter and protector of the underdog, the disenfranchised and the unprotected, Congressman Gray's passing will long be felt by those who benefited from his tenacity.

Congressman Gray blazed trails and set precedents that those of us who follow in his stead will spend our entire careers attempting to emulate. He was a fighter, a bold strategist who understood the workings of government and used that knowledge for the betterment of those that he represented.

I can imagine that these next upcoming days and weeks will be difficult for you. However, I can only hope that the great legacy that Congressman Gray leaves behind will bring you comfort. Defending ones belief in the face of adversity, never allowing limitations to limit you, being committed to a principle and a people in spite of popular beliefs, and winning against impossible odds, is what the Honorable Congressman William H. Gray stood for and the mantle that he has left for the rest of us to take up.

Wishing you peace and blessings.

Sincerely,  
DWIGHT EVANS,  
*203rd Legislative District.*

Mr. FATTAH. I now yield to the gentleman from Georgia, SANFORD BISHOP.

Mr. BISHOP of Georgia. I thank the gentleman for yielding, and I thank him so much for having this Special Order so that we can celebrate the life of our friend and mentor, Bill Gray.

Shakespeare wrote:

All the world's a stage, and all the men and women merely players; they have their exits and their entrances, and one man in his time plays many parts.

So it was with Reverend-Director-Congressman Bill Gray. He was a son, a husband, a father, a grandfather, a preacher—Union Baptist in Montclair, New Jersey, Bright Hope in Philadelphia. He pastored my great, great aunt, Aunt Mini, for whom my mother was named. He was a businessman. He was a mentor. He was a servant. He was a legislator. You've heard budget chairman, majority whip of this House of

Representatives. He was a bridge builder, particularly in education, understanding that education is an escalator to upward mobility. And he made it possible for thousands and thousands of young people to get a college education. He was a great corporate citizen.

He was my friend, a confidant. He gave many items of sage advice and counsel. He was an avid supporter in coming to Georgia to support me when I was a State legislator. He supported me when I ran for Congress and continued to support me for reelection. And, of course, he was a wonderful friend, and we developed a wonderful relationship. I will miss him greatly.

His 71 years are but a minute in eternity, but I have to just reflect and say that he did so much with his minute. The poet wrote:

I have only just a minute,  
Only 60 seconds in it.  
Forced upon me, can't refuse it.  
Didn't seek it, didn't choose it.  
But it's up to me to use it,  
I must suffer if I lose it,  
Give account if I abuse it.  
Just a tiny little minute,  
But an eternity lives in it.

We're so thankful that Bill Gray passed this way and touched all of our lives and made such a difference, because he certainly did so much for so many for so long with his minute on the stage of this life.

Mr. FATTAH. I thank the gentleman for that recitation of God's prayer.

Now you'll hear from someone who actually served with Bill Gray, who was his colleague in more ways than one, because Bill Gray was also a member of the greatest college fraternity. He was an Alpha. I now yield to the gentleman from New York, Congressman RANGEL.

Mr. RANGEL. Let me first congratulate and thank my colleague, Congressman FATTAH, for putting together this moment. I know this is going to be one of a series of tributes that we're going to have that reminds me how we all feel as we lose a dear friend, that we could have done more, we should have done more, we could have kept in touch a lot more.

My chief of staff, Patrick Swygert, was a good friend of Pastor Bill Gray, and he got me involved in a couple of campaigns for Congress. One was not too successful and very embarrassing, and the other one, of course, brought him to the House.

Bill Gray, even though he was known throughout the world, he had a personality that once you started talking with him, his charm, his wit would allow you to believe that you had known him all of his life.

He invited me a couple of times to visit Bright Hope, and I listened to one of his sermons. It was the first time that I felt so utterly proud of being a Member of Congress, being a Democrat, and knowing Bill Gray. Because as he

took this spiritual sermon and wrapped it around, he reminded me, and should remind so many others in public service, that there was hardly anything that was in that Bible, that no matter what your religion was, that you shouldn't have some compassion for: the children that are just a miracle of life that are born; the older people that have served and are now among the most vulnerable; the sick, the disabled; those that have emotional problems; being able to get a decent education so at least you have some of the tools that are necessary to negotiate what is sometimes called an "unfair world."

□ 1945

And among all of the Biblical things that he was talking about, how he tied that into the educational projects that you became a leader in, Congressman FATTAH, which nobody in the country has done more for education than you have, and he spins right off with the United Negro College Fund organization, to make certain that education was such an important factor. When it came to Medicaid and Medicare, when it came to programs providing food for those people that were starving, all of this in that sermon, it made it sound like he was saying that these are the things that we've campaigned for, these are the things that we've fought for.

So I guess instead of just feeling guilty that we had not kept in touch on a daily, weekly, or monthly basis, the work that he has really started, in Philadelphia, in the United States Congress, in South Africa and throughout the world, there is so much that has not been completed. And because such a great leader has succeeded him and comes out of that same family that brought people together in Philadelphia, and you try so hard to do it right here in this House of Representatives, this work is still not completed, the mission has not been accomplished. So those of us who knew and loved him so much, if we missed saying good-bye when he was well, we can pick up where he left off and make certain that his destination is reached by as many people as he brought over the line.

Thank you so much for having this Special Order.

Mr. FATTAH. I thank the gentleman.

It is true that Bill Gray traveled a great distance in his life—born in Baton Rouge, Louisiana, to his date of expiration in London—but he did so much in that period of time to make this world a better place.

I want to yield to the gentlewoman from California (Ms. WATERS) so she can talk about the life and legacy in service, the extraordinary public service, of our former colleague, Bill Gray.

Ms. WATERS. Thank you so very much. I would like to first take a moment to thank you, Congressman CHAKA FATTAH, for putting together

this moment for us to reflect on the life and legacy of Bill. I want you to know that we are so pleased that you're carrying on in his style and his tradition. Thank you so very much for this evening.

I rise today deeply saddened by the sudden passing of my friend and former colleague, Congressman Bill Gray. He was loved by everyone, and his legacy will continue to inspire all who knew him. I feel fortunate to have had the distinct honor of working with him over the years as both a colleague and a dear friend. I join the people of Philadelphia and Americans across the Nation in mourning the loss of an effective leader and passionate advocate of the public good. Bill Gray will certainly be missed.

First elected in 1978, Congressman Gray's 12 years in Congress were marked by extraordinary achievement. Not only was he the first African American to serve as chairman of the House Budget Committee, he was also the first African American to serve as majority whip. In addition to his outstanding leadership, Congressman Gray's skill as a politician and orator raised awareness about the talent of the Congressional Black Caucus.

During his tenure, Congressman Gray also authored legislation that implemented economic sanctions against South Africa during apartheid. As our thoughts and prayers are with Nelson Mandela, we must remember and appreciate the fact that it was Congressman Gray who spearheaded Federal efforts to eradicate apartheid.

Bill Gray was a close friend both to my husband and me long before I entered Congress. At Bill's invitation, I was honored to serve as guest speaker at Bright Hope Baptist Church in Philadelphia, where Bill served as pastor until his retirement in 2007. My husband regularly played tennis with Bill in Washington, D.C., and many cities across this Nation.

Bill was a strong and influential advocate for his constituents in Philadelphia and Americans around the country. I extend my sincerest condolences to his wife, Andrea, and their three sons, William, IV, Justin, and Andrew, during this difficult time.

I would just like to share with you—when I first came to the Congress of the United States, Bill embraced me and he took me on my first codel. We went to the Middle East. Here's a picture of us in Israel. It was the first codel that I went on. I watched Bill, how he conducted himself, how he dealt with the dignitaries and the heads of states, and I've tried to model him all of these years. So I have a lot to be thankful for. We are saddened, but I am so pleased that I had the opportunity to learn from him, and I certainly admired him so very much.

Thank you very much for organizing this opportunity for us to share our



thoughts about him today. Thank you, CHAKA.

Mr. FATTAH. I thank the gentlelady. I didn't get a chance to travel with Bill Gray as a Member because obviously he was here before I arrived, and by the time I got here, he was gone. But I do remember flying on Air Force One with President Clinton, and we flew into the heart of Africa, and we walked into a meeting with President Nelson Mandela. And in talking with the President, I explained that I represented Philadelphia. He said, Bill Gray's seat. That will resonate for all of time that Bill Gray had such an impact that this man was able to walk out of prison after 27 years and become President in part because of the leadership on this House floor to do away with constructive engagement and say, No, we need as a Nation to take the right moral position, along with Congressman Dellums and others. RANGEL was in it. It was indispensable to helping South Africa make that transition.

So I want to move from California now to another little, small, tiny State—I'm sorry, excuse me, Texas. Let me yield to the great gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Let me thank my classmate, and we certainly owe him a debt of gratitude for the respect that he is allowing us to show on the floor of the House in honor of the Honorable William H. Gray, III. I, too, want to offer my sympathy to his wife, Andrea, to Bill Gray, who we often saw with him, and he would be really at his side. Bill and Andrea and Justin and Andrew, I offer to them enormous concern for the loss of this great, great champion.

I, too, want to lift my voice and say that Bill Gray wore many hats. On behalf of the faith community in Houston, the faith community in Texas, I want the Gray family to know that my pastors recognize and respected Bill Gray. In fact, when we would see each other, and I did not, as CHAKA has said, have an opportunity to serve with him, but when we would see each other, he would ask about this pastor or that pastor, and it gave me a sense of friendship but also a sense of connectedness to Bill by saying, oh, they like you, too, or they said hello as well, because Bill was so respected.

If I might say on this floor, Bill Gray was a child of God. Although we are going to say so many things about him, I think it is appropriate to say that he loved his church and his ministry. My pastors across Texas are praying for his family.

I want to cite a few things that I think are so much a part of his DNA and his legacy, to be able to be a son of a mother and father who were premier educators in the life of historically black colleges, to be able to see him carry their leadership and move it to the United Negro College Fund, which

is where I first came to know him, having not served with him in his work, but I knew him earlier because he and Mickey Leland were dear friends. And you can be assured that Mickey never left Washington up here. Whenever he would come home, he would share his stories with us, who looked up and thought these stories of grandeur, of leadership, of good fights to make things better, and we would hear about Bill Gray, his friend.

I remember Mickey leading the Congressional Black Caucus and bringing them to Houston. Bill Gray was there, and they were talking about what a challenge it was to leave Washington, but they were glad to come to then not really the fourth-largest city in the Nation, but to come down South and show what the Congressional Black Caucus represented.

So I want to say that we are grateful for the courage but also the astuteness of his success: 56 years in the United Negro College Fund, \$1.6 billion, \$1.5 billion, one-half of that was raised under Bill Gray. He was serious about his work.

Sometimes we don't understand, and this is, of course, for the CONGRESSIONAL RECORD, because my Members do, but first are to be respected. And it should be known that our colleague, Bill Gray, was the first African American to rise to the level of leadership which he did. We say the words "majority leader," we say the words "chairman of the Budget Committee," we say the words "chair of the Democratic Caucus," but he was the first. He will forever be in the annals of history, and I think it is absolutely key that that is the case.

I want to cite the bills, as my colleague from California said, I want to call them out: H.R. 1460, the Anti-Apartheid Action Act of 1985; and the Comprehensive Anti-Apartheid Act of 1986, H.R. 4868. Those were the guys who came together—we've mentioned Ron Dellums and the whole expanse of Members at that time who stood resolved that this Nation would not diminish its democratic ideals by engaging with South Africa. And I think courageously he took a stand that we are so proud of.

He was, of course, respected in Washington and appointed by the President as an adviser and received a Medal of Honor from the Haitian President Aristide. He took leadership and he took it with a great sense of dignity.

Let me conclude my comments by indicating that Bill Gray always had a smile on his face. He never stopped working. There were many times he came to my office not as a former majority leader but for an issue that he may have had. As I know he went into many Members' offices, particularly members of the Congressional Black Caucus. It was always uplifting, but Bill Gray always had a story of encour-

agement. He always had a smile and a deep laugh. He was a good man, and I want to leave this floor by saying good men, good people die young. But what we will always remember is that Bill Gray walked in giant steps, not because of his height but because of his service to America, his love of God, his love of people, and his love of his family. He will be forever missed, and he will be forever remembered. God bless him. God bless his family, and God bless his service.

Mr. Speaker, I rise today in remembrance of a great American, Congressman William "Bill" Gray, who served more than a decade in this great body.

Today, Members of both the House and the Senate and people around this great Nation mourn the passing of a legislator, a politician, a pastor, a teacher, a public servant and most of all a larger-than-life patriot.

The United States, the State of Pennsylvania and Congress have lost a true hero in Congressman Bill Gray. My heart went out to his family, and the constituents he represented upon learning of his passing last week. Congressman Gray was a true patriot and devoted his time here on earth to serving others in his district, state, country, and around the world. His presence with us will be deeply missed, but I know that his legacy will live on for decades to come.

Congressman Bill Gray was born on August 20, 1943 in Baton Rouge, Louisiana, but he spent most of his childhood in Florida, where his father served as the president of Florida Normal and Industrial College, which later became Florida A&M University.

Congressman Gray, like his father, was a strong supporter of education and leading advocate for strengthening America's educational systems. He earned several degrees: a bachelor's degree in 1963 from Franklin and Marshall College, a Master's of Divinity in 1966 from Drew Theological Seminary, and another Master's in Church History from Princeton Theological Seminary in 1970. Additionally, he was awarded more than 65 honorary degrees from America's leading colleges and universities.

Born into a family of ministers and educators, Congressman Gray carried on his family traditions until his death. At an early age, he accepted his calling to become a preacher, and from that day, he proclaimed the Gospel of Jesus in the church, in the community, and even in the halls of Congress. His faith was unshakable and undeniable; it was evident that he lived his life based upon what he preached.

Congressman Gray was the pastor of Bright Hope Baptist Church in Philadelphia for more than 25 years, a church pastored by his father and grandfather. Under his leadership, the congregation grew to more than 5,000 plus members, and the church served tens of thousands citizens in the community.

In addition to his church ministry, Congressman Gray served as a faculty member and professor of history and religion at St. Peter's College, Jersey City State College, Montclair State College, Eastern Baptist Theological Seminary, and Temple University. He spent countless hours outside of the classroom preparing students for success.



Elected to the United States House of Representatives in 1978, Congressman Gray was a persistent voice for equal rights, educational access, and opportunity for all persons, in the United States and abroad. He pushed tirelessly for more economic aid for Africa and was a leading critic of the South African apartheid.

In 1985, Congressman Gray was elected as the first African American Chair of the House Budget Committee where he introduced H.R. 1460, the "Anti-Apartheid Action Act of 1985", which prohibited loans and new investment in South Africa and imposed sanctions on imports and exports with South Africa. This bill was an instrumental precursor to the Comprehensive Anti-Apartheid Act of 1986 (H.R. 4868). Congressman Gray played a leading role in shaping United States policy toward South Africa, and awakening America to the moral imperative of ending apartheid and other injustices abroad.

In 1989, Congressman Gray was elected to serve as the chairman of the Democratic Caucus and later that year was elected Majority Whip. He was the first African American to hold these positions and his success inspired a generation of African American elected officials.

In 1991, Congressman Gray resigned from Congress to become the president and chief executive officer of the United Negro College Fund, UNCF, America's oldest and most successful black higher education assistance organization. As president, Congressman Gray led the UNCF to new fund-raising records while cutting costs and expanding programs and services. Approximately one-half of the more than \$1.6 billion raised in UNCF's history was collected during Congressman Gray's tenure.

During the Clinton Administration, Congressman Gray served as President Clinton's special adviser on Haiti. He assisted President Clinton in developing and carrying out policy to restore democracy to Haiti. As a result of his commitment to Haiti, Congressman Gray and President Clinton received the Medal of Honor from Haitian President Jean-Bertrand Aristide.

Congressman Gray will always be, in a word, a giant—of Philadelphia, of Congress, and of our country. He was a leader and a trailblazer for the people he represented. His mission was to help people live better lives, to do the work of his Christian faith, to advance the moral evolution of humankind, to make public policy that provided education, and to bring justice and joy to all human beings one decent act at a time.

Congressman Gray's strong, powerful, and influential voice will be missed. Philadelphia, the United States and the world have lost a great statesman in Congressman William "Bill" Gray. My thoughts and prayers go out to his family.

Mr. FATTAH. Thank you.

All of us have expressed our condolences to the Gray family, his lovely wife and three sons, but I want the Members to take note that we have with us this evening a number of Bill Gray's former staff members who are here and they are in the gallery, and I would just ask that we appropriately acknowledge their presence.

I would like to yield to the gentleman from the great State of New York, Congressman MEEKS.

Mr. MEEKS. I want to thank the gentleman for organizing the opportunity to say thank you. First, thank you to God for sending us Bill Gray. Thank you to God for having an individual who understands who he was, where he came from, and how he got here, and never forgetting about those least than he. Bill Gray knew what his purpose was in life. Many individuals go through this thing that we call life and never find out what our purpose is. But all you have to do is to look at the works of Bill Gray, and you know his purpose was to serve people, to serve people who needed a hand up, to serve people who sometimes are forgotten about, to serve people to make sure that their tomorrow was better than their yesterday.

When I think of Bill Gray, one of the first things that I was told when I got elected to Congress, by an individual who looked up to him, my predecessor, the Reverend Floyd H. Flake, said that Reverend Gray inspired him because, like Reverend Gray, Reverend Flake had a large congregation.

□ 2000

And he understood how he could take that skill, being a minister, and help the masses.

In fact, I can recall a statement made by Representative Gray when he was appointed, when he was elected the chair of the Budget Committee. They asked him, What do you know about budgets?

He said, Have you ever been the pastor of a Baptist church? And he showed that he did understand budgets and money, and how to deal with it, and he did it in such a masterful way.

He also understood the world, and the global world. Even the last few conversations I had with him were about the world, were about going out to countries, whether they be on the continent of Africa or right here in North America, whether it was in the Western Hemisphere, and how he could help people, all people, but especially people of African descent, so that they too can rise and see and accomplish all that they could be.

So death is always—and I send my condolences to the family—it's a sad thing. But when one has had such a stellar life, when one has made the kind of contributions, it's a celebration. It's a celebration that we need to thank God for, and we need to thank the fact that God sent him here so that he could be that bright and shining star for all to see and many to follow.

He leaves a legacy for us to follow. We will follow. We will miss him, but we thank him for his service to mankind.

Mr. FATTAH. I thank the gentleman and also would like to thank all who

have assisted the family at this time, including the United States Department of State, which assisted in dealing with some of the issues around the death of Bill Gray in another country. And I want to thank them.

I yield to the gentlewoman from California (Ms. LEE).

We have about 20 minutes left. The gentlelady's going to have 2 minutes, the speaker that follows her is going to have 2 minutes, and then we're going to be going down towards 1½ minutes from that point forward in order to make sure that everyone has a chance to make comments. And I will reserve the last 4 minutes for myself.

Ms. LEE of California. I want to thank the gentleman for yielding time and for leading our efforts tonight to celebrate the life of our beloved Bill Gray.

I first want to extend my condolences to his loving wife, Andrea, and his three sons.

My thoughts and prayers are with Bill's family, his extended family, friends, the Bright Hope Baptist Church family in Philadelphia and, of course, the residents of Philadelphia.

I know that tonight, Bill's friend and colleague, my predecessor and good friend, Ron Dellums, also sends his sympathy and prayers to Bill's family and friends.

When Congressman Gray was elected to Congress in 1978, I was a member of then-Congressman Ron Dellums' staff. Congressman Gray hit the ground running, became chair of the Democratic Caucus, majority whip, and chair of the Budget Committee.

As the first African American in many of his positions, he was truly a trailblazer and paved the way for many of us to follow.

As a congressional staffer, I worked closely with his staff, and thank you so much for recognizing them. I worked with almost every one of them who are here tonight, and we worked so closely on so many issues, especially education, and his efforts with Congressman Dellums to put the United States on the right side of history relating to sanctions against then-racist apartheid South Africa.

Congressman Gray treated staff with respect, and he valued their counsel and their hard work. And so I know that all of Congressman's Gray's staff, former staff, those who are here, and others, mourn his loss and send their sympathies.

In recalling so many wonderful memories of Bill, one stands out for me like no other. In 1980, Congressman Bill Gray led a congressional delegation to Sierra Leone in West Africa to participate in what was then the Africa-America Institute's conference.

I was privileged to represent my boss, Ron Dellums, on this mission, and Singleton McAllister, his staffer, was on that visit. Now, this was my first visit

to the land of my ancestors, so it was exciting, and it was a moving visit for me.

On the plane were many dignitaries, including Ambassador Andrew Young.

Now, the leader of congressional delegations had input into the menus served on the plane. In Bill's typical way, he decided the delegation should have soul food on the journey to Africa. We had fried chicken, greens, sweet potatoes, macaroni and cheese, and peach cobbler.

We visited several countries on this trip, and I was amazed and so proud of Congressman Gray's command of the issues in each country and his diplomacy with African leaders.

I had the privilege to worship at the Bright Hope Baptist Church in Philadelphia and learned what a great, prophetic, and Spirit-filled preacher he was. And I also marveled at how every weekend he was in his church preaching.

I had many memorable talks with him about religion and politics. He was dedicated to his country, his church, his constituents and, most importantly, his God, and he understood very clearly the importance of the separation of church and state.

What an incredible human being he was. I have so many memories that I could share, but in the interest of time, I cannot do that tonight.

But I just want to say that when Bill Gray learned I was running for Congress in '98, he became one of my most consistent supporters and my dear, dear friend. We had many conversations on the phone, many meetings; and I'll always remember his words of encouragement and wisdom.

I will miss the Honorable Congressman Reverend Bill Gray tremendously. He touched my life in so many ways, and for that he will always have a place in my heart.

May his legacy live. May he rest in peace.

Mr. FATTAH. Mr. Speaker, I will place in the RECORD a number of letters from local elected officials: State Senator LeAnna Washington, State Senator Stack, and a number of State legislators, including my own, Vanessa Brown, and J.P. Miranda.

SENATE OF PENNSYLVANIA,

July 3, 2013.

DEAR MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES: It was with sadness an shock that I received the news of the untimely passing of The Honorable William H. Gray, III.

Former Congressman Gray was a leader to African-American elected officials throughout Pennsylvania, but he was first and foremost a native son of Philadelphia. There is no elected official in the city of Philadelphia that has not been mentored or inspired by Congressman Gray. His legacy—that of serving his constituents through not only his Christian faith, but as an elected official—and his dedication to ensuring a brighter future for young African-American students through the United Negro College Fund—will not be one repeated in our lifetime.

My condolences to all those who knew, respected, and loved Philadelphia's Bill Gray. He will truly be missed on many levels.

Sincerely,

LEANNA M. WASHINGTON,  
4th Senatorial District, Philadelphia &  
Montgomery Counties.

SENATE OF PENNSYLVANIA,

July 3, 2013.

TO ALL MEMBERS OF CONGRESS: I was deeply saddened by the passing of former Congressman, Rev. William H. Gray. Congressman Gray served his country, his community and his family with grace, honor and integrity. I will never forget his spirit and how he treated everyone with kindness, respect and dignity. He was a pillar in Washington and in the community. He will be sorely missed.

Reverend Gray represented the Second Congressional District of Pennsylvania and rose to become Majority Whip of the House of Representatives, the first African American to earn that post. My family has a long history in Philadelphia politics and Bill Gray was always there for Philadelphia; standing up for what is right and using his position of power for equality. As the Chairman of the Budget committee, Congressman Gray made sure Philadelphia was properly represented on all issues. He was a pioneer in the legislature, bridging the needs of many different people and constituencies on many different issues. As a minister, Rev. Gray preached about brotherhood and unity. As a father, Bill was a gentle soul whose family always came first.

The memory of William H. Gray will live on not only in written history, but in all of the lives that he touched. Whether it was a foreign dignitary or a constituent, Bill Gray was a gracious man, a caring man, and a leader. Our lives are richer for having known him.

Sincerely,

SENATOR MIKE STACK,  
5th Senatorial District.

PENNSYLVANIA LEGISLATIVE BLACK

CAUCUS,

July 5, 2013.

Hon. CHAKA FATTAH,  
2301 Rayburn HOB,  
Washington, DC.

DEAR CONGRESSMAN FATTAH: As you are aware, our nation lost one of its greatest and most esteemed political figures last week, former Congressman William H. Gray III. The many superlatives and praises upon which is due to this statesman pales in comparison to the overall impact and influence that his life has had upon me personally, as well as upon the Pennsylvania Legislative Black Caucus' (PLBC) membership collectively.

One of the many lessons gleaned from former Congressman Gray was that greatness is not born, but is instead nurtured, fostered and developed. It is with this particular principle that Congressman Gray inspired countless of our nation's leaders, politicians and captains of industry to aspire for greatness and success. However, most importantly, Congressman Gray was keen on emphasizing that prosperity is devoid of true meaning unless one is inclined to share that path to success with others.

Congressman Gray's life, through his words and actions, serves as a veritable testament to the unlimited possibility of what can be achieved through faith, hard work and determination, irrespective of race or ethnicity. Therefore, the Pennsylvania Legislative Black Caucus would like to take this

opportunity to formally recognize and honor his life and innumerable contributions to the African-American community, as well as to our society-at-large.

Sincerely,

VANESSA LOWERY BROWN,  
Chairwoman, Pennsylvania Legislative  
Black Caucus, State Representative,  
190th Legislative District.

HOUSE OF REPRESENTATIVES,  
COMMONWEALTH OF PENNSYLVANIA,

Harrisburg, July 4, 2013.

DEAR SPEAKER OF THE HOUSE: Thank you for allowing me the opportunity to express my humble gratitude. I cannot tell you enough on how much I appreciated having a great role model during my life time such as the late former Congressman William H. Gray III.

In every generation there is always some great person who has contributed so much to society but what distinguished Congressman Gray out from all the rest was not only did he impact our generation but he also done it during some very crucial and critical moments in history.

Congressman William H. Gray III has done many great things as a leader for me and other individuals and for the community as a whole. Growing up in northern Philadelphia it was extremely an honor to have been able to have someone that you could admire and respect as a leader and father figure.

Congressman Gray stood above all the rest for me because he has help to open the doors to many opportunities; one in particular was the supporting efforts that ended Apartheid in South Africa in addition to his huge contribution and support of education, especially towards the Negro College Fund which has given many young men and women a chance to soar into vibrant and productive leaders into society.

Again, I thank you for allowing me the opportunity to express my condolences on behalf of the late former Congressman William H. Gray III and let it be known that on this day the 4th of July 2013, that he will never be forgotten.

Sincerely,

J. P. MIRANDA,  
State Legislator—197th District.

LEGISLATIVE REFERENCE BUREAU

CONDOLENCES

In the Senate,  
Whereas, The Senate of Pennsylvania mourns the loss of the Honorable William Herbert Gray III, a former member of the United States House of Representatives, who passed away on July 1, 2013, at the age of seventy-one; and

Whereas, Born in Baton Rouge, Louisiana, on August 20, 1941, Mr. Gray was a graduate of Franklin and Marshall College, Drew Theological Seminary and Princeton Theological Seminary. He became the senior minister at the Bright Hope Baptist Church in Philadelphia in 1972 and represented the 2nd Congressional District in the United States House of Representatives from 1978 until 1991. Lauded as the first African-American to serve as Majority Whip, Mr. Gray was also the first to chair the House Budget Committee, during which time he introduced an influential anti-apartheid bill. President and Chief Executive Officer of the United Negro College Fund from 1991 until 2004, he served as a special advisor to the President and Secretary of State for Haitian Affairs in 1994

and was named to the PoliticsPA list of Pennsylvania's Top Political Activists. A co-founder of Gray Loeffler LLC, Mr. Gray served as a Director of Dell, J.P. Morgan Chase and Company, Rockwell International Corporation, Pfizer, Visteon Corporation and Prudential Financial, Inc. He retired from the Bright Hope Baptist Church in 2007; and Whereas, Mr. Gray represented many things to many people, among them a beloved family member, dedicated worker and avowed community steward who generously gave of his heart and time to enhance the quality of life of his family and community; now therefore be it

*Resolved*, That the Senate of the Commonwealth of Pennsylvania note with great sadness the passing of the Honorable William Herbert Gray III, whose life greatly benefited all those who lived, served and worked with him; and extend heartfelt condolences to his wife, Andrea Dash Gray; three sons, William IV, Justin and Andrew; and many other family members and friends; and be it further

*Resolved*, That a copy of this document, sponsored by Senators Shirley M. Kitchen, Lawrence M. Farnese, Jr., Vincent J. Hughes, Michael J. Stack, Christine M. Tartaglione, LeAnna M. Washington and Anthony Hardy Williams, be transmitted to Andrea Dash Gray.

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF THE AUDITOR GENERAL,

Harrisburg, PA, July 3, 2013.

It is fitting that we honor the life and accomplishments of the late Congressman William H. Gray, III. As the first African American to chair the House Budget Committee and serve as Majority Whip in Congress, Congressman Gray was an inspiration to other politicians across the Commonwealth of Pennsylvania, as well as the nation. In these roles, he used his skills as a negotiator and coalition builder to work with members on many issues of importance, including spending cuts that did not affect the most vulnerable in our nation. Throughout his life, he was a staunch supporter of strengthening our educational system; supporting black colleges and universities and, during his time as President of the United Negro College Fund, working diligently to help minority students receive a college education.

His strong faith permeated his entire life and career. Serving as a spiritual advisor to many, his combined role as pastor and public servant allowed him to preach to both his congregation and his constituents. He directed his life towards service to God and country and he demonstrated it in everything he did. Congressman Gray will be remembered for his everlasting commitment to public service and empowering people to reach new heights.

I am deeply saddened by the loss of this great man and extend my condolences to his family and friends.

EUGENE A. DePASQUALE,  
*Auditor General.*

TRIBUTE TO WILLIAM H. GRAY, III  
(By Ralph Nurnberger)

Former House Majority Whip William H. Gray, III, who passed away on July 1 while visiting London, was my colleague in the firm Gray Global, my tennis buddy for almost thirty years and most important, my friend.

Three weeks before his fateful trip, Bill Gray's 97 year old mother was able to meet President Barack Obama for the first time. She told him that she never thought she would live to see the day when an African American could be elected President.

President Obama responded by telling her how much he respected and admired her son. In this, he is not alone.

The key to understanding the life of this extraordinary man was his sense of mission, essentially a commitment to helping others and making the world a better and more peaceful place.

After graduating from Franklin and Marshall University and earning Master of Divinity degrees at Drew University Theological Seminary and Princeton Theological Seminary, Bill became a minister at Union Baptist Church in Montclair, New Jersey. While pastoring at Union, Bill was also a professor of religion and history at St. Peter's College. He later taught at Jersey City State College, Montclair State, Eastern Baptist Theological Seminary, and Temple University.

Bill spent thirty-five years as the Pastor of Bright Hope Baptist Church in Philadelphia. He succeeded his father, who had, in turn succeeded his father as the Pastor.

Shortly after assuming this pulpit, Martin Luther King, Jr. advised Bill never to stop his work at the Church, regardless of whatever else he might do in life. When the Church grew and opened its new facility, Bill and his father and King and his father all preached on the same Sunday. This was the only time that King and his father both preached at the same place on the same day outside of Atlanta.

Bill never forgot King's admonition and continued his leadership at the Church, going to Philadelphia to preach almost every Sunday.

Bill was first elected to Congress in 1978 and served as the Representative from the Second Congressional District of Pennsylvania for thirteen years.

He was the first African American to head his Party's Caucus in the House of Representatives; the first to Chair a financial committee (Budget) in the House; and the highest ranking African American in U.S. legislative history (to date) when he became the Majority Whip. He still has the distinction of being the highest ranking Member of the Pennsylvania Congressional Delegation to serve in the House. In 1988, his Party selected him to chair the Presidential Platform writing committee.

Bill Gray's political accomplishments have been well documented, but it is significant that he saw personal achievements mainly as a means to enable him to help others. In a 1991 interview with the New York Times, Gray stated that "My concept of power is different from other people's. I come from a background of ministry and education in which power is the ability to impact on people's lives."

Although he was fiercely partisan, Gray was able to work with enough Republicans to secure passage of a budget prepared by his committee; one which contained funding for numerous social and educational programs.

Gray's finest moment in Congress came when he joined with former Representatives Steve Solarz (D-NY) and Howard Wolpe (D-MI) to draft a bill imposing sanctions on the apartheid regime in South Africa. Gray was able to use an even tougher sanctions bill introduced by Representative Ron Dellums (D-CA) as leverage in negotiations with Senate conferees, which resulted in both chambers accepting the Gray-Solarz-Wolpe bill.

President Ronald Reagan vetoed this bill and gave a nationally televised address to explain his actions. Speaker Tip O'Neill (D-MA) then asked Gray to deliver the nationally televised response to the President's

veto message. Congress subsequently overrode the veto, marking the first time that any of Reagan's foreign policy vetoes had not been sustained.

The impact of this legislation was immediately felt in South Africa, where the pro-apartheid government soon collapsed and Nelson Mandela was freed from prison. When Mandela later spoke to a joint session of Congress, Bill Gray accompanied him to the podium. Mandela subsequently spoke to Gray's congregation at Bright Hope Baptist Church. Appropriately, Gray was part of the official United States Delegation to attend Mandela's inauguration as President of South Africa in 1994.

He was aware that many Jews played significant roles in the Civil Rights movement and thus did all he could to improve Black-Jewish relations. Together with George Ross, in 1985 Gray founded "Operation Understanding" an organization designed to bring young Jewish and African Americans together to promote respect, understanding and cooperation while working to eradicate racism, anti-Semitism and all forms of discrimination.

At the height of his political career, in the late 1980's and early 90's, there was speculation that Gray would eventually become Speaker of the House. Others encouraged him to run for Governor or Senator from Pennsylvania. There was even talk that he might become the first serious African American Presidential candidate.

Gray surprised everyone when he announced that he would leave Congress—and politics—in 1991, in mid-term, to become the President and CEO of the United Negro College Fund.

He explained that: "I can do more to help more people than I can even if I became Speaker." Between 1991 and 2004, Gray raised over \$2.6 billion in new funds for UNCF. Thus, there are thousands of young people who would never have had the opportunity to go to college if it were not for his efforts and the quality of education offered at historically Black Colleges and Universities has dramatically improved.

President Bill Clinton appointed Gray in 1994 to be Special Advisor to the President on Haiti. Gray was able to help promote stability, reduce the number of potential casualties and restore the democratically elected government.

Gray served on a number of major corporate boards, including Dell, Pfizer, Prudential Financial and Prudential Insurance Company of America, and JPMorgan Chase & Co. John Strangfeld, Prudential's Chairman and CEO stated: "Bill was a highly respected member of our board and a leader in all aspects of his life—a preacher, a legislator, a businessman and a board director."

After retiring from UNCF, together with his son Justin, Bill Gray founded a government relations and business advocacy firm, now called Gray Global.

Gray spent the past years seeking to bring about a resolution of the conflict concerning the status of the Western Sahara region of Morocco. He supported a solution initially proposed by the Clinton administration that the Western Sahara should remain under Moroccan sovereignty but that the residents be granted autonomy over their own affairs. Gray was particularly concerned about the fate of tens of thousands of refugees who are still "warehoused" in camps on the Algerian side of the border by the Polisario Front. Gray worked to secure freedom for these refugees, currently living under horrible conditions in the Sahara Desert.

It is significant that Bill Gray's most recent foreign policy effort underscores his life-long commitment to assist those in need, especially people who are denied basic human rights and dignity.

Bill Gray was a decent and caring man, who spent his life surrounded by a loving family and a wide range of friends and admirers.

Mr. FATTAH. I yield to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. I thank you, Congressman FATTAH, for convening this Special Order this evening, and I thank you for doing so much for so many.

Mr. Speaker, I rise to pay tribute to my friend and great American, William Herbert Gray, III.

I spoke by email today, Mr. Speaker, with a family friend in Cincinnati, her name is Barbara Bond, whose deceased late husband, LaVelle, was Bill's friend. She informed me that Bill's closest of friends called him Herb, and that Herb always insisted on paying for the meal and telling his friends where to sit at the dinner table.

Mr. Speaker, I first met Bill Gray many years ago. He was a dear friend of a mutual friend, Attorney Ralph Stephens, of Raleigh, North Carolina, who was also a minister and a lawyer. Bill and Ralph's relationship was very deep. When Ralph passed away some years ago, Bill came to Raleigh, consoled the family, and delivered the eulogy.

In fact, when Ralph's older brother, Dr. Claude Stephens, of Fayetteville, passed away, Bill chartered a flight from Washington to Fayetteville and then flew back to Washington. He was that type of human being, compassionate and caring for his friends.

On Monday of last week, June 24, Bill Gray telephoned me to say that he wanted me to meet the former Ambassador to Morocco. I agreed, and we met at noon the following day in the Members' dining room here in the Capitol for a delightful 1-hour meeting.

During the meeting, Bill reminisced about his days here in the House of Representatives and talked about his work as majority whip. He reminded me, Mr. FATTAH, that he'd never lost a vote during his tenure. But he went on to talk about how Democrats and Republicans worked together on the big issues of that day and solved problems. And he mused about how that approach to governance would be so valuable today.

Bill also reminded me that when I was first elected in 2004, he and Andrea invited me to their Virginia home to meet CEO Michael Dell of Dell, Incorporated.

Well, Mr. Speaker, as we departed from the lunch last week, Bill gave me a big hug and said something that men generally don't say to other men. He said to me, BUTTER, I love you, man, and we walked away.

Well, Bill Gray, we love you and will celebrate your life and your work.

To Andrea and the entire Gray family, I extend to you my warmest condolences as you reflect on the life and work of your loved one. May God bless each of you.

Mr. FATTAH. I thank the gentleman. Bill Gray, for myself and my wife, for my parents, for tens of thousands of Philadelphians, was just a wonderful human being who did so much to help so many.

And I think it is appropriate that the Democratic leader has come to the floor to address us on the occasion of recognizing the service of someone whom she served with, and they were great friends. And so I yield to the gentlewoman from California (Ms. PELOSI), the Democratic leader.

Ms. PELOSI. I thank the gentleman from Philadelphia for yielding and for giving us this opportunity to sing the praises of a great man, Chairman Bill Gray, Democratic Whip Bill Gray.

Mr. Speaker, I had the privilege just a few weeks ago of receiving a call from Bill Gray. And I said, oh, it was just out of the blue, wanting to know how my family was doing, challenging my husband to tennis, as always, telling him is he ready to get beaten by me, and this or that.

He said, I just want to know how things are. And he asked me how things were going here, just a call of friendship. And it was just so remarkable to me that about 2 weeks later we had the word.

He told me he was going to Wimbledon, he was taking his sons to Wimbledon. He was going to go. He loved tennis.

And then when we got the word, it was just so strange, and I felt that God had really truly blessed me because I had that opportunity to speak with him, just out of the blue and within a matter of weeks before his passing.

I did have the privilege of serving with him. As I look around and see all these much younger Members, maybe they didn't all serve with him, but they knew of his great leadership for our country.

Anybody who did serve with him, or knew of the leadership of Bill Gray, knew that he was, in a word, a giant, a giant of Philadelphia, a giant of the Congress, a giant of our country. He was a leader and a trailblazer, a proud Representative of the people of Philadelphia. He just loved his district, a man who left his mark on the history of his city.

His time in Congress was an extension of his family business, public service, serving the community, acting on the values of his faith, giving back to his neighbors and the less fortunate.

Others have spoken about how he made this choice. This is a man who could have done anything in life. He had the talent. He had the stamina. He

had the energy, the values and the rest. He was a success in anything he strove to do, but he chose the path that his family had laid out for him, ministering to the needs of people.

In the House of Representatives, Congressman Gray will forever stand as a first. He was the first African American to serve as chair of the Budget Committee, a very big deal, the first African American to serve as the majority whip in the House.

He sounded the alarm, not only about the injustices of apartheid in South Africa, but about what America and Congress could do to end it.

He broadened the reach of his public service beyond Congress, helping send more young people to college, as president and CEO of the United Negro College Fund, and how excited he was about that.

He did everything with gusto, whether it was serving as a Member, as a chairman, as the whip, and then to have his values be the focus of his work at the United Negro College Fund.

To serve alongside Bill Gray, I'm sure all of my colleagues will attest, was to be inspired by his passion and his commitment, by his focus on the future, and by his belief in the common good. It was an honor and privilege to know him as a colleague, a special privilege for any of us who had that privilege to call him friend.

We only hope it is a comfort to his wife, Andrea, whom he adored. I hope it is a comfort to Andrea and to William IV, to Justin, and to Andrew, that so many people mourn their loss, are praying for them at this sad time.

Well, he went doing what he enjoyed, at Wimbledon. Watching Wimbledon all weekend, all I could think of was Bill Gray being there.

So many people loved him. So many people share the grief of the Gray family. All I can say is that, knowing him over all of these years, he lived life to the fullest.

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Though he left us too soon, what he packed into his years of life and service and leadership was something so remarkable. So that's why I thank the gentleman for recognizing Bill Gray and giving us the opportunity to do so on the floor with the admiration and affection that you have brought to this meeting this evening through all of the voices of our colleagues.

I'm sure we'll be saying more and more about Bill Gray. He wasn't into titles. He liked having the titles, but he liked the friendship of being called Bill Gray.

Mr. FATTAH. I thank the gentlelady, and I thank her for her leadership in this House and her own extraordinary career that continues as we go forward.

I yield to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Thank you, Mr. FATTAH, for convening us here and for coordinating this.

I'd like to rise and pay tribute to the memory of Bill Gray also. Unlike our leader, I never had the pleasure of serving with Bill Gray. Maybe people will wonder why so many people have flocked to the floor to pay tribute to him. We put him in the same category that we put Shirley Chisholm, with whom I never served, or George H. White, with whom I never served, or many other people who came before us; because we stand on their shoulders and recognize that, but for the contributions that they made, we would not be here.

And I come because Bill Gray was a friend, even though I never served with him. He regularly checked in with those of us who served just to call and say hello and encourage us to stay committed to the task that we are sent here to undertake. He regularly checked in with me because he knew I also played tennis and loved tennis and that I'd been to Wimbledon before. So I guess the great thing about it is that he died in the middle of making a trip to do something and observe something that he really loved—and with a member of his family.

I want to thank Representative FATTAH for convening this Special Order, and I extend my condolences to Bill Gray's family. We'll remember him forever and ever. Amen.

Mr. FATTAH. I thank the gentleman.

The Sunday after Bill Gray left Congress, he preached a sermon, where he said that he was chasing his mission. And his mission wasn't money. It wasn't being in Congress. It was serving people. And he was leaving the Congress to go lead this fine scholarship organization, the UNCF. He did an extraordinary thing in terms of convincing people of the likes of Bill Gates to write a billion-dollar check at one sitting. No one had ever gotten a check that large on behalf of young people in our country who seek an education. Bill Gray had the gift of being a Baptist preacher who was always optimistic.

I yield to the gentleman from Minnesota, KEITH ELLISON.

Mr. ELLISON. I thank the gentleman from Pennsylvania.

Mr. Speaker, young people often say, I'm interested in politics; I'm interested in public service. Who might I look at to model myself after?

I can think of very few people who would be better than someone like Mr. William Gray, Congressman Gray, Reverend Gray. He held so many titles.

I did have the pleasure of meeting him. Of course, I never served with him, but I did get to know him, and I got to know him in a strange way. He just called me up at my office. I said, Bill Gray is calling me? I was a brand new Member. I was just happy to be here. But Bill Gray thought, Hey, you're a Member of Congress. I'm welcoming you to this institution, and I want to have a relationship with you.

I sat down with him, got to know him, and he actually spent his time and gave me the honor of his presence on many occasions. I thought to myself, Bill Gray is an excellent role model because:

One, he has a spirit of optimism. He was always, whenever I was around him, happy, smiling, upbeat, and believing it can be done;

Two, he was never too important—though he was very important—to give his time to people. No matter who those folks might be, even a freshman Congressman like I was when he called me;

Three, he's a person who had a certain sense of self-possession. He was sure that a college education for kids was right. And because he was sure that he was right about it, his enthusiasm for the subject kind of infected people around him. It doesn't surprise me that Bill Gates would write the check, because he's talking to Bill Gray.

And so if you really want to be successful, look and study Bill Gray. None of us are going to be here forever. May we all leave the legacy of a great man like Bill Gray.

Mr. FATTAH. I thank the gentleman.

It was said by Ben Hooks on one occasion that we're all passing one by one and we should not get caught with our work undone. So Bill got his work done.

I yield to the gentlelady from the great State of New York, YVETTE CLARKE, who was born on the best day on the calendar. We share birthdays. But she is much more beautiful and brilliant than I.

Ms. CLARKE. To my colleague, Congressman CHAKA FATTAH, it was a great day, November 21.

But let me just say this: I want to thank you for your leadership. It is very appropriate that we're here on the House floor, a place where Mr. Gray's power was most profoundly felt, and that you, being his successor in office, would lead us through what, for many of us, is a day of celebration and commemoration of his life.

On behalf of the people of the Ninth Congressional District, I'm here to express our most profound condolences to the family of Congressman Bill Gray and, as I've said, to celebrate his life and the legacy that he's left for all of us.

Trailblazer, man of God, outstanding husband, father, preacher, skilled negotiator, consensus builder, majority whip, and servant leader, these are just a few of the words that describe the Honorable William H. Gray.

As a pioneering Member of Congress, William H. Gray III was an industrious public servant who worked diligently to provide equal rights, education, and service to the people of his district and, indeed, our Nation. He was a trailblazer for so many who have followed

in his footsteps in the House of Representatives, including myself, and paved the way for many more to follow.

Congressman Gray represented the Second District of Pennsylvania from 1979 to 1991. He was the first African American to become majority whip of the House of Representatives in 1989, the third-ranking House leadership position. He also served as the first African American to serve as the chair of the Budget Committee of the House of Representatives and was a member of the House Appropriations Subcommittee on Transportation and Foreign Operations.

Congressman Gray, along with many of the CBC at that time, led the effort back in the mid-1980s to end U.S. support of apartheid. When he retired from the House of Representatives, he went on to become president and CEO of the United Negro College Fund, where he led the efforts to raise more than \$2.3 billion for HBCUs, which was extraordinary.

I'm sure my colleagues have recounted over and over and over all that he has done. I'm just putting an exclamation point because I think it's worth repeating that the people of this Nation need to know what an outstanding servant, Congressman, and preacher Congressman Bill Gray III was. We miss him dearly.

He was passionate about education and believed it was the greatest tool towards a brighter future. I believe my colleague, Congressman FATTAH, and he must have melded DNA—or maybe it's a Philly thing. I don't know. But certainly I know that this is the legacy that he has left for Congressman FATTAH, for all of us to follow.

Congressman Gray hails from a long lineage of preachers. Before coming to Congress, Congressman Gray served as the pastor of Bright Hope Baptist Church in north Philadelphia, where he served as pastor for 35 years. He was a real renaissance man who had been able to manage several careers throughout his lifetime. He succeeded his father, William H. Gray, Jr., who preached there for 22 years, and his grandfather, William H. Gray, Sr., who served there for 24 years. While in Congress, he returned to Philadelphia on weekends just to preach. He leaves an amazing legacy that will never be forgotten and that will be a part of our Nation's history for generations to come.

During this time of grief, I hope that his family and all of us will find solace in our memories and comfort will be bestowed upon the family and loved ones at this time of their bereavement. I will continue to keep the family and his parishioners and those who hold him dear in my prayers and hope that the Lord will continue to be with them at this time.

Mr. FATTAH. Let me thank the gentlelady.

I yield to my fraternity brother and colleague from the great Commonwealth of Virginia.

November 21 is a great day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the Members that the rules do not allow references to occupants of the gallery.

Mr. SCOTT of Virginia. Mr. Speaker, I thank my Alpha brother for yielding.

It was with great sadness that I learned of the passing of our Alpha Phi Alpha brother, the Honorable William Herbert Gray III, on July 1, 2013. My thoughts and prayers are with Reverend Gray's family during this difficult time.

Reverend Gray was a public servant in the truest sense of the word. He found many ways to effect change in the lives of the citizens of Philadelphia and, later, citizens across the country and the world. After his father stepped down as senior pastor of Bright Hope Baptist Church, he succeeded him and served as senior pastor for more than 35 years.

Well-known as a consensus-builder in the Philadelphia community, Reverend Gray leveraged those relationships into an opportunity to represent the Second Congressional District of Pennsylvania and the U.S. House of Representatives. During his tenure, he rose to the influential positions of chairman of the Budget Committee and majority whip of the House of Representatives. He was the first African American ever to assume the position of majority whip. He wielded these positions of power to advance an agenda of social justice for all Americans and social justice for those who suffered under the apartheid in South Africa.

After his departure from Congress, he found opportunities to further advocate for social equality through his service as president and CEO of the United Negro College Fund. During his tenure, he helped raise over \$2.3 billion so students could continue their dream of affording and achieving a college education.

He will be missed by his former colleagues in the House of Representatives and the many people who were positively affected by his life's work. He will also be missed by his congregation at Bright Hope Baptist Church. His dedication to his congregation was always apparent, as evidenced by his continued preaching throughout his tenure in Congress and his tenure with the United Negro College Fund.

Reverend Gray was a shining example of what it means to be a public servant, and his strong, influential voice will be sorely missed.

Mr. FATTAH. I thank the gentleman.

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There are many who are honored to serve in this House. There are few who honor the House through their service.

Bill Gray honored the House through his service.

But I knew Bill Gray as a preacher from north Philadelphia. He constructed the Philadelphia Mortgage Plan, the Philadelphia Insurance Plan, the guard against red-lining neighborhoods and green-lining neighborhoods in north Philadelphia and northwest Philadelphia. I saw him deal with the challenges of bringing resources for transportation and infrastructure and job training into Philadelphia as a member of the Appropriations Committee—which no one actually normally talks about. They talk about his chairmanship of the Budget Committee, but as an appropriator, he did a great deal to move our country forward.

So as I move to close, I want to thank his family for sharing Bill Gray with the rest of the world. Not just here in the Congress, but all around the world Bill Gray worked to make a difference.

And I want to thank his church family. Because on this Saturday, when he's funeralized, there will be people flying in from all over. But the people who he married and baptized, the people who he consoled on their sick beds, to them, he was their pastor.

For those who served with him in the House, they learned a great deal from Bill Gray's service here, which is that it's not the length or the number of terms, it's what we do when we have the power to make a difference. He was truly an impact player.

As a tennis player, he had a great, aggressive net game. He played aggressively, and he always played to win. I thank the House and I thank my colleagues for taking out this time to recognize his service, his life, his legacy, and his leadership.

I yield back the balance of my time.

Mrs. BEATTY. Mr. Speaker, I would also like to thank my colleague, Mr. FATTAH, for leading the CBC's celebration of Congressman William H. Gray, III's life and legacy. Our nation has lost a strong community leader and devoted public servant.

Elected to the House of Representatives in 1978, Congressman Bill Gray proudly served the citizens of Pennsylvania's Second Congressional District for over ten remarkable years. As a Member of Congress, he was a tireless advocate for the people of Philadelphia and a pioneer for a new generation of African-American elected officials.

He was a trailblazer who fought to protect the most vulnerable individuals in his community, in our country, and around the world.

During his tenure in Congress, Congressman Gray later became Chairman of the Democratic Caucus and Majority Whip for the party. With these Leadership positions, he became the highest-ranking African American ever to serve in Congress. His congressional record and service continues to inspire us all. During the four years he served as Chair of the House Budget Committee, Congressman Gray was the chief point man in budget nego-

tiations between the Democratic Congress and the Reagan Administration. He was no stranger to reaching across the aisle to build consensus and work in a bipartisan manner.

He wielded his Budget Committee gavel for the good of the international community pressing for more economic aid for Africa and leading the critique of South African apartheid.

As a staunch supporter of education, he was a key advocate for strengthening and improving our nation's schools.

Upon his retirement from Congress, Representative Gray became president and chief executive officer of the United Negro College Fund from 1991 to 2004, where he led the Fund to new fund-raising records while cutting costs and expanding programs and services.

Congressman Gray was truly transformative for our communities and especially for our young people.

In 1994, President Clinton appointed Congressman Gray as a special advisor to Haiti and in that role he assisted President Clinton in developing and carrying out policy to restore democracy to Haiti. Due to his service, in 1995, the Congressman received the Medal of Honor from the Haitian government.

Congressman Gray's lifelong commitment to his community, to public service, and to his family was truly admirable and inspirational. To his wife, Andrea, his three sons and his many grandchildren, know that you are in our hearts and our prayers. And, I say to you, celebrate Bill's life, because he lived a life that was full of honor and integrity. Not only did he inspire each one of us with his service, he inspired the Nation.

I am truly privileged to be able to stand here and honor Congressman Gray.

Ms. NORTON. Mr. Speaker, Bill Gray lived the very definition of a fulfilled life—full of family, friends, history making as a public man and above all, as a public servant. The first African American House Majority Whip, third in rank in the House, first African American chair of the House Budget Committee, Member of the House from Pennsylvania, author of the 1985 and 1986 South Africa sanction bills, a storied leader who broke fundraising records as the Chief Executive Officer of the United Negro College Fund, and pastor of Bright Hope Baptist Church for 25 years. At his premature death, Bill was co-chairman of his own consulting firm, GrayLoeffler and Corp.

However, the highlights of Bill's life of public service did not fully define the man. Bill Gray left the Congress before I was elected and many were convinced that he would become the first African American Speaker of the House, had he chosen to remain in Congress. However, you did not have to be a member of Congress to get to know Bill Gray, so wide-ranging were his contributions, activities and his friendships.

Bill was gifted with an agile mind, a magnetic personality, and a generous spirit. The shock, regret, and profound sadness Bill's loss leaves are mitigated only by the certain knowledge of a life fully, richly, and generously lived.

Mr. PAYNE. Mr. Speaker, today we honor someone who truly embodied what it means to be a "public servant," former Congressman Bill Gray. Whether it was during his time as a professor, as a Member of Congress, or as



President of the United Negro College Fund, Congressman Gray spent his entire life selflessly serving others.

He exemplified the characteristics of a true leader and was a model for all of us here in this chamber. More than anything, Congressman Gray loved Philadelphia, he loved the people he served, and every day he dedicated himself to making the lives of those less fortunate just a little bit better.

Congressman Gray's affinity for education began long before he became President of the United Negro College Fund, when he was teaching in my home State of New Jersey. As a professor of history and religion at St. Peter's College, Jersey City State College, and Montclair State College, he helped change the lives of hundreds of young men and women throughout my district.

This passion for education continued throughout his life as Congressman Gray became a leading advocate in changing the American educational system.

To Congressman Gray, adversity was a welcome challenge. He broke down racial barriers as the first African-American Majority Whip Leader and Chairman of the House Budget Committee. He also led the charge to help end apartheid.

These remarkable achievements paved the way for me and other African American leaders to follow.

Despite his incredible accomplishments in Congress, Congressman Gray never stopped serving and always believed he could do more.

Returning to his true passion—education—Congressman Gray became President of the United Negro College Fund. There, he remarkably helped raise more than half of UNCF's \$1.6 billion in funds to help open the door for thousands of African-American students who merely had a dream and the drive to go to college. With Congressman Gray's help, those dreams have been turned into reality.

I am incredibly grateful for Congressman Gray's tireless years of civil service and for being a model of true leadership. My condolences and prayers go out to his family and the people of Philadelphia during this difficult time. Congressman Gray will certainly be missed, but has left a mark on this Nation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to a remarkable man, a former Committee Chair, Majority Whip of this distinguished body and an outstanding American, Congressman Bill Gray.

In 1972, Congressman Gray succeeded his father to serve as the Senior Pastor of Bright Hope Baptist Church in Philadelphia, a position he held until 2007. It was through the church and his family where he first learned the benevolence of kindness and value of public service.

Congressman Gray, first elected to Congress from Pennsylvania's 22nd District in 1979, worked tirelessly to promote the civil rights of all people. His dedication to this cause extended further than the boundaries of our country and touched countless lives. In Congress, Congressman Gray was instrumental in passing legislation aimed at ending apartheid practices in South Africa.

Throughout his tenure in Congress, Congressman Gray achieved many firsts. Most notably,

he rose to become Chairman of the Budget Committee, a first by an African American. He also served as Majority Whip, the top three job in the House leadership and the highest position occupied by an African American elected official up to that point.

Congressman Gray was a strong advocate for educational policies, and later led the United Negro College Fund, which supports scholarship programs for African American students and more than three dozen private historically black colleges. In 1999, Congressman Gray helped to secure a \$1 billion pledge from the Bill and Melinda Gates Foundation for scholarships to be administered by the fund. This is believed to be the largest single act of philanthropy in the history of American higher education.

I had many opportunities to personally speak with Congressman Gray.

Congressman Gray was an advocate of strong family values, as he displayed in his marriage with his wife, Andrea, and three sons, William IV, Justin and Andrew.

Mr. Speaker, it is incumbent upon this body to acknowledge Congressman Gray's achievements and life of public service which have improved our Nation.

On behalf of the people of the 30th Congressional District of Texas and the United States Congress, I extend my heartfelt sympathy and celebrate his life of service.

Mrs. CHRISTENSEN. Mr. Speaker, we were all shocked and saddened to hear of the sudden and untimely passing of former Congressman William "Bill" Gray, a former member of the Congressional Black Caucus who represented Philadelphia in the House of Representatives for many years in stellar fashion.

William Gray was a trailblazer for African Americans and other minorities in Congress, an inspirational pastor, a persuasive advocate for education of minorities and the poor and for causes where often others feared to tread. He was a steadfast friend to countless of us and the epitome of a servant-leader.

My first recollection of meeting him personally was poolside at the then St. John Virgin Grande Hotel with his and my long time friends Orville and Julie Kean. He had a home in St. John at the time.

We talked late into the night and he often referred to me as a St. Croix Nationalist many times after that. I was also always proud of his calling me his Congresswoman, even after he sold the St. John home. And it was just days before he was suddenly taken from us that in the Members Dining room he remarked that he would be visiting our Islands in the near future. Sadly that will not happen.

Although we did not serve together, I consider that it was a privilege to be able to work with him on many of the issues he championed as only he could—from the United Negro College Fund, to his work on telecommunications advances or on relations with the foreign governments he represented. Whenever he called we responded because he was always there to support us when needed. We never even had to ask.

We will miss exuberant presence and his booming raspy voice, but not just the sound. What the CBC, I, our Nation and the world will truly miss is the strong unrelenting voice that he was for a better country and world and for

opportunity, equality and justice for all. We have lost a great public servant.

To his son Justin who was always with him, his wife Andrea and the other children, his church family and the people of Philadelphia who loved him dearly on behalf of my family, staff and the people of the Virgin Islands I extend my condolences. We are a better place that he lived. May he rest in peace.

Mr. CARTER. Mr. Speaker, I rise to join the chorus of those honoring the late William Herbert Gray III. Congressman Gray's 21 years in the House saw him rise to the Chairmanship of the Budget Committee as well as being elected Democratic Whip. While many have honored Bill for his contributions to public affairs, I would like to recognize his distinguished service in the corporate world.

Following his career in the House, Gray served on the Board of Dell Inc. for 13 years and was an integral part of Dell's global success. In the corporate setting, Bill took his duties as a Board member very seriously. Not only did he actively participate in Board meetings, but he also brought his vast knowledge and experience to the daily workings of the company.

During his tenure at Dell, he regularly met with Government Affairs and Human Relations teams, among other employee groups, to provide insight, guidance, and counsel. As Dell grew globally, Bill underscored the importance of the company engaging in a dialogue with government leaders in markets from the US to Europe to China. He understood that corporate success globally meant more jobs in the United States.

Bill's passing was sudden and unforeseen, and a great loss to U.S. business and government. Michael Dell, the founder and CEO of Dell, shared that, "Bill was a great friend and trusted advisor to me and our Board members. He brought a unique and distinctive perspective on our business and our industry. I valued his wisdom and insight on public policy matters, and benefitted greatly from his sage counsel for so many years."

I appreciate the opportunity to pause for a moment to remember the many ways Bill Gray served his country. Erika and I extend our deepest sympathies to his family, friends, and colleagues.

Mr. CLAY. Mr. Speaker, I rise today to recognize former Congressman William H. Gray III, who suddenly passed away last week in London. As politicians, we all have certain people that we looked up to as role models and mentors so that we could carry out our duties in a dignified manner. For myself, I had my father, former Congressman Bill Clay, and Mr. Gray. During my youth, I served as a doorman for the House of Representatives where I had the opportunity to speak with Mr. Gray on numerous occasions. Over time, I had developed profound respect for Mr. Gray. He was a man that had a sincere interest in the concerns of his constituents and a man that fought for minorities across the country during a time when racial tensions were still high.

Mr. Gray was elected to the Congress in 1978, representing Pennsylvania's 2nd Congressional District. Many remember Mr. Gray for his quick rise within the Democratic Party. From 1985 to 1989, Mr. Gray was the chairman of the House Budget Committee—the



first African American to do so. He used his power as chairman to influence legislation and economic sanctions against the apartheid regime of South Africa, which sparked a close friendship between him and Nelson Mandela. In 1989, he was the first African American to serve as the Majority Whip and many saw this as his stepping stone to becoming the first African American Speaker of the House.

Aside from the powerful roles that he assumed in Congress, Mr. Gray is remembered most for his contributions to the city of Philadelphia, through his preaching and leadership. Since 1972, Mr. Gray served as the pastor at Bright Hope Baptist Church in Philadelphia. Even while serving in Congress, Mr. Gray never lost sight of his role as the spiritual leader of his community. On numerous occasions, Mr. Gray would say, "First and foremost, I am a Baptist preacher." Through his leadership in Congress, Mr. Gray secured needed funding for Philadelphia's transportation and school systems. His success in Congress was secured by his ability to reach across party lines in order to build strong bipartisan coalitions.

Mr. Gray's story began at Simon Gratz High School in Philadelphia. One day, Mr. Gray's father was invited to speak to the students. Before taking the stage, the principal told Mr. Gray's father, "Don't worry, you can keep it short; these kids aren't going anywhere." His father replied, "I don't know about these other kids, but I know one kid who is going somewhere." His father's intuition proved to be more than accurate. A gifted basketball player, Mr. Gray accepted a scholarship to play at Franklin and Marshall College. After receiving his bachelor's degree, he went on to receive master's degrees from Drew Theological Seminary and Princeton Theological Seminary as well as spending time abroad studying at Oxford University in England. Education was held in a high regard to Mr. Gray. During the prime of his political career, Mr. Gray resigned from Congress to assume a "higher calling" as president of the United Negro College Fund. While many politicians abruptly resign in light of scandal, Mr. Gray resigned in order to "open the door to higher education for a million more black men and women." During his time as president, Mr. Gray successfully raised over \$2 billion for the UNCF.

Mr. Speaker, on behalf of my colleagues of the Congressional Black Caucus and on behalf of Congressmen, past and present that were influenced by Mr. Gray's leadership, I would like to express my gratitude for his service to minorities, Congress, and to the United States of America. Thank you.

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor my friend and Congressman, Bill Gray. Reverend Gray was an historic figure in Philadelphia and in this country. His contributions to this Nation are well known to all of us. So, I'd like to take a moment and just focus on his impact in my own life.

Bill represented my community in the House for many years. He was one of my most important mentors and supporters as I rose through the ranks in Philadelphia politics. I was a ward leader in his district and was proud to return his support every two years. I leaned on Bill for his wise counsel on how to serve my constituents. He helped me to be a

better ward leader, a better party chair, and a better congressman. But the best counsel I got from Bill was not professional advice. His best advice was about how to be a better father and a better husband while doing this job. He demonstrated that philosophy by his close business relationship with his son, who was by his side at almost every meeting.

During our frequent dinners, Bill would make sure I understood that I had to get back to Philadelphia as much as I can. He told me to put my family and my neighborhood first and to make sure that I didn't ever forget why I came to Washington in the first place.

Bill never lost his love for Philadelphia. He and I were working together until the last weeks of his life. He was doing all he could to help our Free Libraries, to build jobs at Comcast and to protect the people of his beloved North Philadelphia.

Mr. Speaker, Philadelphia, this country and this House will be much poorer for Bill Gray's passing. I urge my colleagues to join the entire Pennsylvania delegation in honoring him today.

Mr. AL GREEN of Texas. Mr. Speaker, today I would like to honor the memory of a noble public servant and trailblazer, Congressman William Herbert Gray, III. Congressman Gray served in Congress, representing Pennsylvania's Second Congressional District, with exceptional distinction and preeminence. He eventually became the first African American to be both the Chairman of the House Committee on the Budget and Majority Whip of the House of Representatives.

As a leader in Congress and proud member of the Congressional Black Caucus, Congressman Gray used his compassion and experience to boldly fight for those considered the least the world over. Congressman Gray's impassioned fight against Apartheid in South Africa and for assistance to the poor were the hallmarks of his time in the House of Representatives.

Mr. Speaker, I am fortunate enough to say that I figuratively stand on the shoulders of pioneers like Congressman Gray. I would not be where I am today without the work and sacrifice of individuals like him. I believe that when history records the legacy of Congressman Gray, it will honor his role as a trailblazer and passionate advocate for the least.

#### IMMIGRATION

The SPEAKER pro tempore (Mr. VALADAO). Under the Speaker's announced policy of January 3, 2013, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BACHMANN. Mr. Speaker, I appreciate the opportunity that we have in this body to be able to come before the American people and talk about issues of the day that impact all of us. We're talking about one today, and that's really dealing more than anything with the economy and the problems that we're having with job creation. What we want to do in this economy is make sure that everyone who's in the middle class has a chance and an opportunity for a job, and for work and for employment.

It was really troubling because there was a story that came out recently that said that over half of all of the adults in the United States—over half—don't have a full-time job. That's what people need. We all know that people want to be self-supporting, they want to be able to support their families, but right now we have a real problem because too many adults don't even have a full-time job.

For a lot of Americans who are watching tonight, a full-time job isn't even enough to be able to begin to pay for the bills, let alone put aside some money and save some money to pay for important things, like maybe college for your children, maybe just even to be able to save up and buy a car, or pay off a few bills.

People have lowered their expectations, Mr. Speaker, to a point that we haven't seen for a long, long time because people have just, frankly, gotten discouraged. They're discouraged now, and they don't know where the economy is going to lead.

In the midst of all of that, we're talking about new impediments that are coming to job creation, one of those being ObamaCare, the fact that the President's health care law is coming into effect. The law says very clearly that the law is to come into effect and that the provisions of the law are to be followed by this upcoming next year, in 2014.

Well, we saw that the President of the United States—unilaterally—effectively waved a magic wand. And as he has been wont to do lately, he is making laws and decrees, really by a press conference or by a press release or just by going to a microphone. And so no longer do the American people even know what the law is or what the law says. Because we presume when a law is passed that we're supposed to follow it—at least that's what the IRS tells us. If a law is passed, they tell us that they're supposed to enforce it. So that's the expectation that people have, that they're supposed to follow the law.

Yet the President of the United States said that he's going to put some of these provisions away so that people won't have to follow them. Well, I think our recommendation would be to the President: let's not follow any of ObamaCare; let's put it all in abeyance. Because, as we know, one of the bill's chief authors, Senator BAUCUS, has said the bill is, in effect, a "train wreck." And that's what's coming down the pike.

So we know, according to the U.S. Chamber of Commerce, that ObamaCare is the number one reason, Mr. Speaker, why employers aren't creating jobs, another reason why the middle class is suffering.

So in the middle of all that, now we're hearing another layer of burden heaped on the middle class, and it's

this: now we hear from not only the President, but also from the Senate and some of our colleagues in the Senate on the Republican side, that what we need to do next is offer amnesty to millions of illegal aliens. And it isn't just a few million, Mr. Speaker. At minimum, we're looking at 11 million illegal aliens. In fact, Mr. Speaker, there are estimates that we will be allowing into this country, conservatively speaking, 33 million new illegal aliens into the United States in the next 10 years. That's more illegal aliens than we've allowed into the United States in the last 40 years.

If we allow in 33 million new illegal aliens, Mr. Speaker, when we already have 24 million Americans who are without a job—we have 24 million Americans that are unemployed right now in this country, and we're looking, through amnesty for illegal aliens, at allowing in another 33 million. Where are those 24 million Americans supposed to go, Mr. Speaker, when they have to compete not only with the current population but an additional 33 million?

Well, if there's anything that we know, it is this: it is that amnesty costs a fortune. Conservatively speaking, we're looking at \$6 trillion in costs. And of that \$6 trillion, nearly half of that amount is to go to pay out retirement benefits for illegal aliens—at the worst possible time, Mr. Speaker.

When all of the baby boomers are looking at having to draw down what they've spent their life paying into Social Security, when millions of baby boomers are looking at drawing down what they've paid in to Medicare, now we're looking at potentially 33 million more illegal aliens coming into the United States also competing for those benefits. But the difference is, Mr. Speaker, they haven't paid in to get those benefits out.

We have a lot to talk about tonight. Joining me tonight are some other very concerned colleagues who are also concerned about this issue of illegal aliens coming in to the United States.

We have with us tonight the gentleman from the State of Florida (Mr. YOH), and at this time I'd like to yield to the gentleman. And we have other Members who would like to be heard on this issue this evening.

Mr. YOH. I would like to thank the gentlelady from Minnesota, my home State, for allowing me to speak tonight on this very important topic.

This is a perfect example where Congress has failed to lead on immigration for the last 30 years, and it's unacceptable. It's not just an economic issue; it's also a national security issue when we have open borders like this. Somebody said, well, you just want to exclude everybody. No, I don't.

You know, if we look at our own homes, we lock the doors at night for a

reason. The job of a mayor is to keep a city safe. The job of a Governor is to keep her State safe. The job of us in Congress is to legislate to keep our country safe.

What we have right now is a situation that the American people are fed up with. They're fed up with the fact that Congress is not leading on this. This is a moment in time where we do need to lead and set some policies out front that are not Democratic policies, they're not Republican policies; these policies need to be what's best for America. If our policies are best for America, everybody wins. If we cater to a certain group or this group or this industry or that industry, what we miss is the mark. And again, that mark is to protect what is sacred about America, and that is the opportunity that people flock to this country for. That opportunity, if we put the work behind it, we all know that becomes the American Dream. And that really is what's under attack here. So us, as legislators, we need to come out with a policy that's best for America.

I think if our Founding Fathers looked at where we are today, I think they would be outraged. Because, again, we have failed to act for the last 30 years. We have, you know, the estimate is—pick your number, 11, 12, 20, 30 million people here illegally. It's weakening our economy. It's also diluting that opportunity.

I think all of us here are in agreement that if we don't protect that opportunity, there will not be a place that is that beacon on top of the hill that other people aspire to come to. So I'm happy to be here as part of this discussion.

I think the worst thing that we can do is to pass a bill and that bill not be well thought out or not read. It would be like some of the bills in the past where I feel there was legislative malpractice when they passed bills and they said, we have to pass it to see what's in it, we have to pass it to see how it's going to work. We don't want to go there again. We want a bill that, when we pass it, our children and the children of the future can say, You know what? They did a great job. I'm glad they stood up and took their time to make a bill that was good for America and that protected that opportunity that we hold so dearly.

Mrs. BACHMANN. I thank the gentleman from Florida. We will continue to have this discussion back and forth as we yield to one another.

I think you've raised an excellent point, and that's really going back to 1986, when President Reagan told the country that we would have a one-time deal—one time only; this would never be extended again. Only one time will we ever have amnesty. And he assured the country that there would only be amnesty given to about 1 million illegal aliens. It ended up being 3.6 million

illegal aliens. Why? Because all of a sudden people realized the door is open, we can go in, and they all flooded across the border. And rather than 1 million people being given amnesty, it was 3.6 million. Then of course this chain migration that expanded beyond that, that goes again to the issue of dealing with the rule of law.

What we were told in '86 is that we would once and for all secure that border. Let's see, 1986, 1996, 2006. Where are we now? Oh, yeah, 2013. Over 25 years later, that promise of a secure border is unfulfilled.

So I say to you, Mr. Speaker, what in the world are we doing talking about amnesty again when we haven't seen the fulfillment of the promise by President Reagan from 1986?

Well, people were so angry and belligerent about that, actually, in 2006, that this Congress passed a bill that authorized building a fence across all 700 miles on the southern border. And they paid for it. They completely funded it. That's something when you get Congress to pay for something, but they did. Well, that was '06. What is it again, 2013? Seven years later this very body passed a bill to build a fence. Where's the fence? There used to be a commercial on TV that was "Where's the Beef?" We're saying: Where's the fence?

So what we're saying is: No bill. None. No bill. The middle class has had it up to here. They're fed up. They're saying, I don't want my government to lie to me anymore. I want my government to do what I sent them to do, and that is secure the border.

With that, I would like to yield to the gentleman from Louisiana (Mr. FLEMING).

Mr. FLEMING. I want to thank my friends tonight that we're all sharing this hour with, and Mrs. BACHMANN in particular for leading us.

You know, Milton Friedman, the famous economist, said that you can have open borders if you don't have a welfare state. But if you have a welfare state, you're going to have to close your borders, and you're going to have to seal them. You see, we didn't have a problem with illegal immigration until we developed a robust welfare system in this country.

Now, make no mistake about it, people who come here legally and illegally come here for opportunity. I get that. Our forefathers came here for opportunity. The problem is that so many of them who come here illegally come so ill-prepared for success. They come with lack of education; they come with lack of skill; they come with lack of ability or unwillingness to assimilate into the culture. So what happens is they can't find success. So instead of returning back home where maybe they can work within their culture, they settle for our welfare state, and as such it has grown quite a bit.

So what does that mean when it comes to the amnesty that we're talking about tonight that's contained within the Senate bill? Well, the problem with that—and Heritage Foundation has done a great study on this. Robert Rector, as we know, is the guru, is the master when it comes to understanding the whole issue of our welfare state and the reform thereof and the need for that reform. What he tells us is, that as soon as we grant amnesty to folks, there will be chain migration. There will be votes for more and more entitlement programs and more and more safety net programs.

□ 2045

And so you will have millions of people who will be putting something into the system that are taking much more out, especially after the 10-year budget window, which is why it looks so good when it is actually put on paper. But we all know that what will happen is that this Nation, even though we are already \$17 trillion in debt, will be much more in debt as a result of those people then getting onto Social Security and Medicare and all these other programs.

So what does that mean? We do have a problem. It all began with our inability to patrol our borders; and yet you have a giant Senate bill which is to immigration what ObamaCare is to health care—a giant, unwieldy, complicated bill that law, if it's ever passed into law, will be unenforceable.

So I've heard so many times—I've been here almost 5 years, my good friend from Minnesota—and do you know what, I've heard so many times that we've got to do something, we've got a problem so we've got to do something. So what do we do? We slam through a terrible bill, we get a terrible law, and we are worse off than we ever were.

So I say tonight, and I join with my friends to say, no, if we're going to pass something, let's pass something good. And what is that going to be? It's going to be border security, both external and internal border security. It begins there. We do nothing else until we have complete border security.

It is already in law, as the gentlelady has already expressed. We just simply ask the President to enforce the laws we already have. If we are not a Nation of laws, then we are a Nation of chaos and lawbreakers.

With that, I would just say in summation that we need to join together in this body and let's stop this terrible Senate amnesty bill. I don't know, it's about 1,200 pages, I believe. It is for immigration what ObamaCare is for health care. Let's stop these crazy, giant bills that nobody reads until they are passed. Let's begin to do it right. Let's start right now doing it right by fixing immigration by making our borders secure once again.

Mrs. BACHMANN. I want to thank Dr. FLEMING from Louisiana, because you hit on a great point. That's why we have such a credibility problem right now as the United States Congress, because we say we are going to do something and we don't.

I think the only way the American people are going to believe us on this border security is if we in the House declare that if we pass a border security bill, it is only going straight to the Senate and that's it. We are not going to send any bill to a conference committee where we know it's going to get ripped up and turned to something that doesn't even resemble border security. There will be full-blown amnesty buried somewhere in that bill. We know it.

How do we know that? Because Senator SCHUMER on the Senate side said that that's their deal breaker. And that's what President Obama said, that's a deal breaker. I think it's time that this body says that amnesty is our deal breaker—we are not doing amnesty, no way, no how, not until you secure the border. We are a one-track mind. We are going to listen to what we are hearing the people say.

I would like to have my colleagues weigh in on that too about what you've been hearing at home. What I've been hearing people say to me is, MICHELE, we don't get why in the world you don't just secure the border. What are you talking about amnesty for? Just secure the border. That's what I'm hearing. I would just like to ask very quickly—I know we've been joined by Mr. GOHMERT and we also have Mr. BROOKS here as well—I would like to ask Mr. FLEMING, is that what you've been hearing at home?

Mr. Speaker, I yield to the gentleman from Louisiana.

Mr. FLEMING. Thank you, my good friend from Minnesota.

That's precisely what I'm hearing in Louisiana, north Louisiana. Again, they go, why is it so complicated, fix the border, secure the border.

It's not just about the external border. Remember, 40 percent of those here illegally are because of their visa overstay. So we've also got to have internal security too.

This doesn't count all the other issues: the crime, the criminal elements, the terrorists and others that come across the border.

Yes, my constituents are 100 percent behind us on that.

Mrs. BACHMANN. Mr. Speaker, I now yield to the gentleman from Florida.

Is that what you are hearing as well from your constituents?

Mr. YOHO. Yes, ma'am. I'm hearing the same thing: close the border, secure the border. Somebody said, well, what percent would you want it secured: 70, 80, 90 percent? I said, well, if you were in an airplane and they only

had 90 percent of the fuel to get from point A to point B, would you get on the plane? We want 100 percent security. I mean, secure is secure.

You brought up the rule of law. I think this is really what we need to talk about because we are a country of laws and we are supposed to follow those laws. But when you think back what happened prior to the election with President Obama—as you said, he waved his pen—now, think about that. That's one man in a country of 330 million of us that chose to change our immigration laws and how we implement them and how we enforce them. One man in a country of 330 million without a debate, without a discussion, and without a vote. That's not acceptable.

The American people are telling us that. In my district they say secure the borders, no amnesty, absolutely not. And it goes back up. What are we doing? Are we trying to protect a certain group or a certain business or are we trying to protect America? Again, our job is to protect this country. It's a national security issue.

When I hear—like you brought up, Dr. FLEMING—“comprehensive,” when we hear that word “comprehensive,” I think we all kind of run and hide because it reminds us of comprehensive health care reform, comprehensive financial reform. I think when I talk to the people in our district, and you guys will probably mimic this, I don't have anybody against immigration; they want it done properly.

So I think what we need to talk about is responsible immigration reform, but that can't happen until we secure the borders and enforce the rules on the law.

Mrs. BACHMANN. I want to thank the gentleman from Florida for saying that because I think what I fear is that if we combine these issues in so-called comprehensive reform, what's going to happen is you're going to have selective enforcement, and you're going to pick and choose. Because, again, we saw the President of the United States this week twice say that he is not going to enforce certain parts of ObamaCare. Hey, fine with me, don't enforce any of it, as far as I'm concerned. But do it through the rule of law. Do it through this body.

I ran for office, and it was tough to do, and I got here. But my voice counts, just like your voice counts, just like your voice counts, just like the Senate's voice counts. Because we are a constitutional Republic. We are not a dictatorial State. We don't have a king; we shouldn't have a tyrant. And yet we are seeing that the President decides, well, I'm going to support something today and maybe I won't.

I guess that should give us a clue, shouldn't it, that maybe if we get so-called comprehensive reform that the President may say, well, I'm not going

to secure the border because I don't have the political will to secure the border, but I am going to go ahead and maybe speed up amnesty for illegal aliens. So maybe I'll just give them voting rights today because I want to, and I'm just going to go ahead and give them access to ObamaCare today because I want to, and I'm going to give them access to the 80 different means-tested welfare programs because I want to, and plus it will help me in that 2014 election. These are the kinds of things that we need to think about.

I now yield to the gentleman from Texas. I would like you to weigh in also. What are you hearing from people back home about amnesty versus border security? Did they want it in the same bill? They don't want it in the same bill? What are you hearing? And this is LOUIE GOHMERT from Texas.

Mr. GOHMERT. I appreciate my friend from Minnesota yielding.

It is pretty overwhelming. It's not just Texas. There's a 2010 Rasmussen poll that says 68 percent of likely voters think that securing the border is more important than granting amnesty to illegals. So this is nothing new.

Yet the President himself has promised that he would secure the U.S. border with Mexico. But then again, he also made a speech in May of this year in Mexico condemning the sale of guns in the U.S. that have gone to Mexico. And of course we know his administration required that to be done.

So you can't just go by what's being said. The President promised to secure the border. It hasn't. The American people are sick of promises not being kept, and they want the border secure. I know that none of us want the border closed. We appreciate immigration as wonderful fresh water coming into this great lake, but it's going to sink the boat if it comes too fast. Anyway, I'm mixing my metaphors.

But the 1986 Immigration Reform and Control Act promised it would secure the border. Not only that, it said that "it would prevent and deter the illegal entry of aliens in the United States and the violation of the terms of their entry." That has not happened. In 27 years that has not happened. The American people are not stupid. Lincoln pointed out "you can fool some of the people some of the time" or "some of the people all of the time." But regardless, here it's like this administration thinks they're going to fool enough of the people enough of the time to continue to pass things that hurt America.

It is interesting, though, the immigration bill that was passed previously and then in 2006, we had another bill that was supposed to actually get enforcement done, and it didn't happen. I'm not sure if my friend from Louisiana was here at the time, but we were told there would be a fence, virtual fence, walls where needed, all this

would be taken care of, and this was under the Bush administration, and there were billions of dollars appropriated for that.

And if my friends will recall, it wasn't all that long ago, the Secretary of Homeland Security just out of the blue announced, I've decided not to do the virtual fence. So we're just going to blow that off. The money had been appropriated. It's in the law. Here's what you do. And this administration just decided, we don't care it's in the law; we don't care there's money there to do it. We're not going to do it.

Mrs. BACHMANN. The Secretary of Homeland Security also testified before Congress when she was asked about whether or not the border was secure, she had testified that they didn't even have a metric to know if the border was secure. So what are we doing here? What are we doing here if the Secretary of Homeland Security doesn't even have any possible way to even measure whether the fence is secure?

Mr. GOHMERT. If the gentlelady will yield, we do have one metric from the Government Accountability Office. They have certified or indicated in their recent report that of the approximate 2,000-mile border between the U.S. and Mexico that 129 miles are under full control, to use their words; 129 miles out of 2,000 are under full control, and this administration is saying, Let's just go ahead and provide amnesty to everybody that's here and then we'll eventually secure the border.

We are going to have to keep doing this kind of amnesty bill every couple of years—or maybe we wait 10 years and do it in lumps every 10 years—unless we do what the law already requires: secure the border.

I would like to see us adopt a resolution that just says basically until the United States' southern border is secured as confirmed, not by Janet Napolitano because we know we can't trust that, but as confirmed by the Governors and the legislatures in the four southern border States, the House of Representatives shall not bring any legislation, including any conference report, regarding immigration before the House for a vote. I think that's what we ought to do.

We've got Americans upset and concerned about the IRS, upset and concerned about Benghazi, upset about this administration snooping. Of course, we have to say, though, as MATT SALMON said, the people finally have a President who will listen to them, or at least his administration listening to these things.

But anyway, there are all these other issues that need to be taken up, and I think our position ought to be very clear to the White House: you do your job and then we'll get an immigration bill.

And one other thing on the comprehensive, since the gentlelady mentioned that, since I got elected in November of 2004, it's my experience that when somebody in either the House or the Senate down here says we want a comprehensive bill on anything, that is code meaning—you break down the code—we've got a lot of really bad stuff that we want to get passed and nobody will ever vote for it if it stands up and people see what it is. So we need such a massive bill that we can hide the bad stuff in there we want passed so people won't see it until long after the bill has been passed. That's what "comprehensive" has come to mean.

□ 2100

Mrs. BACHMANN. And that's absolutely true, because "comprehensive" is code language for this is really, really bad what's in this bill. Take a look at comprehensive sex education. That's all you need to know. This is really really bad, and it's not going to help anyone.

I know we have the gentleman from Alabama (Mr. BROOKS), who would also like to weigh in. He has been a marvelous voice also on this issue and has been very thoughtful and has a tremendous amount of background on this issue and has participated in a tele-townhall with numerous individuals and has a great deal of information. So I would yield to the gentleman from Alabama (Mr. BROOKS).

Mr. BROOKS of Alabama. Thank you. I very much appreciate this opportunity and the work that you put forth in getting us together this evening.

I want to emphasize a few points about America's immigration situation. The first point of emphasis is this: America is now and has been far and away the most generous Nation in world history when it comes to allowing foreigners to come on to our soil, when it comes to allowing foreigners to receive our most cherished right, that of citizenship.

In that vein, I would like to share with each of you some information from the Department of Homeland Security's Office of Immigration Statistics. This covers data from 2011 and going backwards.

First, with respect to legal status, the numbers of people that we as a country allow to have permanent legal status in the United States of America, in 2011, it was 1,062,000 foreigners in that 1 year that were given legal status who previously had not had previous legal permanent resident status. To put that into perspective, let's go back 50 years to 1963. It was 306,260 that were given legal permanent resident status; i.e., today, we're even more generous than we were half a century ago. Today we're giving three times as many legal permanent resident status than we did a half century ago.

Forty years ago in 1973, 398,000 foreigners were given legal permanent

resident status. That's still twice today, what we're giving, than we gave 40 years ago. In 1983, it was up to 550,000, meaning that today roughly twice, again, what we are giving than we did as recently as 30 years ago. Then in 1993, it was 903,000. In 2003, it was 703,000. Again, today it's more generous than any time in American history. That's with respect to legal status of permanent residency for foreigners.

A bigger issue is how many petitions for naturalization were filed by foreigners and how many foreigners did Americans give naturalization to, i.e., our most cherished right in the United States of America.

Over the last few years, in 2011, 694,000 foreigners were naturalized in the United States of America; in 2010, 620,000 foreigners were naturalized; in 2009, 744,000 foreigners were naturalized; in 2008, a little over a million were naturalized; and in 2007, 660,000 were naturalized. Those are huge numbers. Probably more so than any nation on Earth. Not probably, but definitely more so than any nation on Earth and probably more so than all the rest of the world put together. That's how generous America has been with respect to foreigners.

If you put that into perspective, a decade ago, 462,000, meaning we're roughly giving 50 percent more now than we did just a decade ago naturalization. In 1993, 20 years ago, it was 313,000, meaning today we're giving twice as much naturalization as we gave 20 years ago. Thirty years ago in 1983, it was 178,000, meaning today there are four times more today than there were in 1983, just 30 years ago.

But it goes further, and this is important.

How many foreigners lawfully come into the United States of America? Bear in mind that we as a country have a total population of a little over 300 million people. But let's look at what's happened since 2003. The total of all admissions—again, this is according to the Department of Homeland Security—in 2003, 180 million foreigners came into the United States of America lawfully. They may be tourists coming and going, they may be students on student visas coming and going, they may have work permits or work visas, they may be part of trade delegations, but 180 million foreigners figured out how to do it the right way, the lawful way.

In 2004, 180 million again. In 2005, another 175 million foreigners came into America the right way. In 2006, another 175 million foreigners came into America the right way. In 2007, 171 million foreigners came into America lawfully. In 2008, 175 million; in 2009, 162 million; in 2010, 160 million; and in 2011, 159 million came into America lawfully.

Now, why do I emphasize these numbers? It's because the number of people

whose first act on American soil is to break our laws is minuscule compared to the big picture, compared to those who know how to come into America lawfully, compared to those that America welcomes into the United States lawfully.

Those are numbers that I want to emphasize, and basically what that tells you is that there are hundreds of millions of foreigners around the world that want to come into our country and we generously and compassionately allow them into the United States of America. What we are focusing on today are the lawbreakers. And we have people in this body, people in the United States Congress, people in the White House who want to give amnesty to lawbreakers.

Let's bear in mind that there are reasons why we should not be doing that. First and foremost, we can have the choice of whomever we want out of these hundreds of millions that want to come to the United States of America and immigrate and become citizens of our great land. In that kind of perspective, what we need to be doing is choosing those who best fit America's needs. In that perspective, let's bear in mind our financial condition as a country.

We have had four consecutive trillion-dollar deficits, the worst deficits in the history of our country. We are now about to rush through the \$17 trillion mark in total debt. We are not a country that can afford to stay on this path. We are not a country that can afford to allow into our Nation immigrants who are going to be tax consumers rather than tax producers.

When you have the pick of hundreds of millions of people around the world, we should be smart and we should have a smart immigration policy that brings in people who are going to be tax producers, not tax consumers. That's going to help us with our deficit situation, help us with our accumulated debt, and hopefully reduce or minimize the risk of an American tragedy, that tragedy being a debilitating insolvency and bankruptcy of our great Nation. So, in that vein, our foreign policy, our immigration policy should focus on those who are going to come here and produce more revenue than they're going to consume.

I'm for allowing immigration in the United States of America. It's a cherished privilege and it's a historical fact of our country. But smart immigration means that the people we allow into the United States of America need to bring wealth with them if that's going to help produce more in tax revenue than they're going to consume. We need to allow people into our country who are going to bring skill sets with them if it's going to empower them to produce more in tax revenue than they're going to consume. We need to allow them to bring in their intellectual capacity that's going to enable

them to produce more revenue than they're going to consume.

Yes, our immigration policy is broken in part because we have laws that need to be better. Yes, our immigration policy is broken in part because we have a President of the United States who refuses to enforce the laws that are on the books.

Me, personally, I see no need whatsoever to engage in an immigration law debate until we have a White House that's going to enforce the laws that we already have on the books. In the absence of a White House, in the absence of a President that is going to enforce the laws on the books, then new immigration law is meaningless because it has no force and effect as long as we've got a President of the United States who, instead of being the chief law enforcement officer of this great land, instead of being the chief executive officer of the executive branch ends up being the person who is in charge of more lawlessness than anybody else in the United States of America because, so long as you encourage lawlessness by refusing to enforce the laws, you're giving a wink of the eye and a nod and a tacit admission that it's okay to break our laws. And as long as we have a President of the United States that refuses to enforce our laws, that refuses to come forth with a sound immigration policy that he will abide by, then it does no good for us to have this kind of immigration law debate.

□ 2110

But that having all been said, I want to emphasize a few other things. As pointed out earlier, the Senate Gang of Eight's amnesty and open borders bill legalizes or brings in 40 million foreigners over the next decade. You put the two numbers together, 11 million who are unlawfully here, who have broken our laws, whose first step on American soil was to thumb their nose at our law enforcement and America's laws, and we have another 10 million that this Senate Gang of Eight's amnesty and open borders bill is going to admittedly bring into the United States of America—think about the impact of that on our economy. Think about the impact of 40 million job seekers on the wages of Americans who are struggling to survive.

There's a study by George Borjas, a Harvard University professor, not exactly a conservative think tank, Harvard University, that indicates that this huge influx of illegal immigration is going to have a definite and adverse effect on the wages of Americans. For example, people who have only a high school degree, illegal immigration is already impacting them to the tune of a loss of \$800 per year. Now to a lot of folks who are wealthy, \$800 is not much. But to a lot of people who are struggling to make ends meet, \$800 is a lot of money.

With respect to the average American, not just the least among us, but the average American, the cost to the average American household is over \$1,000 from these immigration policies that are in existence now from a White House who refuses to enforce our immigration laws and refuses to protect American workers from this huge supply of cheap foreign labor that is competing with struggling, hardworking American families.

Minorities are also dramatically hurt. I would highly encourage everyone to look at the reports that have come out by the Black American Leadership Alliance.

Finally, I want to focus on a passage from "America the Beautiful." This really is about the rule of law. If we do not enforce our laws, we have no laws, we have anarchy, we have open borders. In that vein, many of you have heard the first stanza, but let me cover it in the second:

O beautiful for spacious skies,  
For amber waves of grain,  
For purple mountain majesties  
Above the fruited plain!  
America! America!  
God shed His grace on thee,  
And crown thy good with brotherhood  
From sea to shining sea!  
O beautiful for pilgrim feet  
Whose stern, impassioned stress  
A thoroughfare of freedom beat  
Across the wilderness!  
America! America!  
God mend thine every flaw,  
Confirm thy soul and self control  
Thy liberty in law.

This has been America's heritage for decades, for centuries. The rule of law is paramount.

I can't speak for the rest of this House of Representatives, I can't speak for the United States Senate. I can't speak for the White House. But I can speak for one voice from the Alabama Fifth Congressional District, and that voice is this: I will never, never reward and ratify illegal conduct by supporting amnesty for people whose first step on American soil was to violate American law. We can do better than that. We should do better than that. And we must, must respect the rule of law or else we will descend into chaos and anarchy.

Mrs. BACHMANN. I thank the gentleman from Alabama. That was a tour de force. I thank you for that. I think the context you gave was wonderful, the fact that we have been extremely generous because one of the numbers you mentioned, that I had heard as well, that the United States of America allows in more foreigners into the United States than all of the countries of the world combined. We are so extremely generous. This year alone I believe the figure was a million people that we allowed into the United States legally.

Mr. BROOKS of Alabama. For citizenship.

Mrs. BACHMANN. For citizenship.

Mr. BROOKS of Alabama. A remarkable number.

Mrs. BACHMANN. It's a remarkable number, and when you consider the bill that came from the Senate would double the figure for legal immigration.

We're having a hard time assimilating the number of people that we have when we have 24 million Americans who are unemployed right now, we're still allowing a million people in legally, let alone all the other numbers of people who found legal venues to be able to get in, but another number that you mentioned—you talked about the study that came out earlier from Harvard. And in that study which I read at your recommendation, what we are looking at is the average household is looking at a reduction in income and wages of \$1,300 a year. That's an enormous amount of money for the average American household because just consider when Barack Obama became President of the United States, the average income per household in the United States was about \$55,000 a year. That number has dropped while he's been President. It didn't go up, it has gone down. It has gone from about \$55,000 a year down to close to \$50,000. And now we know that about \$1,300 a year has come in because of the amount of penetration of illegal aliens that are in the United States and how that's bringing down wages.

I would add to your comments as well, Mr. BROOKS, that as a Member of Congress, I can't vote for anything that's going to take away jobs from legal American citizens. That's what we're talking about when we're talking about amnesty. We're talking about taking away jobs from legal American citizens. From the middle class. Why in the world would we do that?

I yield to the gentleman.

Mr. BROOKS of Alabama. Let me focus on a news release by the Black American Leadership Alliance, and I encourage all Americans to Google that phrase, Black American Leadership Alliance, and look at their news releases. They focus specifically on the impact of the Senate Gang of Eight amnesty and open borders bill on the Black community, and I'm going to quote. Everything I say is a quote, but I'm not going to read the whole new release:

Given the fact that more than 13 percent of all Blacks are unemployed, nearly double that of the national average, it is our position that each Member of Congress must consider the disastrous effect that Senate bill S. 744 would have on low-skill workers of all races, while paying particular attention to the potential harm to African Americans. Credible research indicates that Black workers will suffer the greatest harm if this legislation were to be passed.

Many studies have shown that Black Americans are disproportionately harmed by mass immigration and amnesty. Most policymakers who favor the legalization of nearly 11 million aliens fail to acknowledge

that decades of high immigration levels has caused unemployment to rise significantly, most particularly among Black Americans. They further fail to consider how current plans to add 33 million more legal workers within 10 years will have an enormously disastrous effect on our Nation's jobs outlook.

The National Bureau of Economic Research recently issued a report asserting that 40 percent of the decline in employment rates for low-skilled Black men in recent decades was due to immigration.

Let me repeat that:

The National Bureau of Economic Research recently issued a report asserting that 40 percent of the decline in employment rates for low-skilled Black men in recent decades was due to immigration.

Studies by Borjas and Katz, professors from Harvard University, found that immigration reduced the earnings of certain native born laborers by as much as 8 percent and other demographic groups by 2 to 4 percent. According to research conducted by University of California San Diego economics Professor Gordon H. Hanson, immigration has accounted for 40 percent of the 18 percentage point decline in Black employment rates, and current immigration proposals are sure to substantially raise these numbers.

Many Blacks compete with immigrants, particularly illegal immigrants, for low-skilled jobs due to skill level and geography, and there are simply not enough of these jobs to go around. Consider the fact that nearly 51 percent of African Americans do not have a higher education. In 2011, 24.6 percent of Blacks without a high school diploma were unemployed. Even Blacks with a high school diploma were unemployed at a rate of 15.5 percent that same year.

We are firmly convinced that such an expansion of the labor force during one of the most protracted periods of high unemployment in decades will result in suppressed wages for all Americans, but the effects on African Americans will be the most devastating.

This is the Black American Leadership Alliance. If you pull up the news release, you can see the Black leadership around the country that is saying no, that this is hurting Americans. And in particular, it is hurting us the most.

Mrs. BACHMANN. I thank the gentleman, and I believe the next population most hurt is actually the legal Hispanic population in the United States.

□ 2120

It's their wages that are suppressed. So if you're thinking of a Hispanic mother who's working as a hotel maid, if we have legalization, she could be competing with seven other people who are vying for her job as well. That's what we're looking at right now.

And I thank you for bringing that research to our attention. It's very important because, again, what we're looking at is hurting the job prospects of those who are the most vulnerable. And that's one thing that we've seen from the President's policies. He is hurting the people who are on the very economic edge.

I'll yield quickly to you.

Mr. BROOKS of Alabama. The issue before us is, who are we, as Representatives and Senators, going to represent



and vote for, American workers or foreigners? It's just that simple.

Mrs. BACHMANN. That is the point. And with that, I'll yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentlelady from Minnesota for pulling this together and for yielding.

And, Mr. Speaker, I'm listening to the presentation by the gentleman from Alabama (Mr. BROOKS), about the rule of law and the application of the rule of law. And he concluded that segment with "thy liberty in law."

And I look around this Chamber and I see a doctor, a lawyer, a doctor of all species except homo sapiens in the animal kingdom, a tax lawyer, and a lawyer and a judge who wanted to legislate, left the bench and ran for Congress, and got it right, Mr. GOHMERT.

Now that might appear, Mr. Speaker, to the people that are watching in on C-SPAN that this is too hard for maybe some folks that don't fit those categories to understand. So I want to make the point that I stand here, I'm a ditch digger, and I understand this.

It is not complicated. All you have to do is understand that this is a great country, and we have a role to play here, each one of us, and it is to defend, preserve, protect and, in the case of the modern world, refurbish the pillars of American exceptionalism.

And an essential pillar of American exceptionalism is, as Mr. BROOKS articulated so well, the rule of law. You are not going to have liberty without law, the application of the law.

And as one of the members of the Judiciary Committee said to some people that wanted amnesty, as surely as you are crying out for the non-application of the law today, you'll be crying out for the full application of the law tomorrow in some other venue for some other reason.

But some of these points that we need to think about, and I just want to list them, because I think I've got an opportunity to pick up at the bottom of this hour, maybe add another 30 minutes to our discussion here, but there seems to be a belief in the Senate, and some of the Republicans in the House, Mr. Speaker, there seems to be a belief that if we do business with the President on immigration, we can write laws that he will enforce.

I remember one of the self-appointed leaders of the secret Gang of Eight, now eight minus one, said to us, you know, if we determine that we are not going to legalize the people that are here illegally, then we will never get the borders secure.

Oh, really?

Well, that means then that they've got to be talking to the President, and the President is saying, I'm not going to enforce the law unless you legalize these people here. And that's got to be the calculus that's taking place, that he's not going to enforce the law unless we legalize the people that are here.

So I look at this and I say, okay, the Gang of Eight's bill. I don't know what's all going to emerge here in the House. Nothing is a better answer.

But over there on that side, it is perpetual and retroactive amnesty. Perpetual is this, it goes on forever. You could never enforce the rule of law again if you exempt people that came into the United States illegally or those that overstayed their visa.

Here's the exception, and that is, if they committed a felony, if they committed three of the mysterious, the correct mysterious misdemeanors, that disqualifies them, then they apparently embarrass the administration enough that they would send them back to their home country.

But other than that, other those exceptions, the felony three mysterious misdemeanors, everybody that came into America before December 31, 2011, gets to stay and they get legalized. Anybody that would come after that date, or admit that they came in after that date, they don't get legalized immediately, but what they do get is the implicit promise that they will be legalized eventually.

And anybody that has been deported in the past for anything other than a felony or three mysterious misdemeanors, any of these people get an invitation in the bill that says reapply, come on back.

So it's perpetual and retroactive amnesty. That's what this bill does, Mr. Speaker, and that's one of the things that's got to be blocked.

Now, the belief that the President would give his word and keep it, it's appalling to me to think that anyone would simply accept that statement on its face. We know that the President took his oath of office, the Constitution itself, and it says to take care that the laws be faithfully executed.

And what the President has done, instead, is executed the law when he didn't like it. I mean, death penalty to a law that he doesn't like, including immigration law.

So we know here that our word is the only thing we have with each other. We give our word; we keep our word. It is the coin of the realm.

And yet they're willing to stake the destiny of the realm of the United States of America on the anticipation that the President will give and keep his word and enforce immigration laws, when he's proven that he won't even keep his word on the law that bears his name, ObamaCare. He said, no, I'm going to change it. Even though the law specifically says it shall be implemented in the first month of 2014, now he wants to add a year to that.

So I suggest, instead, what they're doing is they're betting the future of America on the President's word that he'll enforce laws that he may not like if we send them to his desk. He might sign them anyway, because he doesn't intend to enforce them.

The coin of the realm is our word. And it says on our currency, "In God We Trust." Are they ready to place on our currency, "In Obama We Trust"? Because that's what's at stake here, Mr. Speaker.

And there are a number of other topics that I would bring up. However, I notice that there is a focus here on bringing this thing around to a logical conclusion, and I believe I'll have another opportunity, so I would yield back to the gentlelady from Minnesota.

I thank all the people that came here to speak and, hopefully, we'll have another opportunity to take it up in a few minutes.

Mrs. BACHMANN. I thank Mr. KING.

And we do have a little bit more time. I'm thankful to talk about this topic because this isn't just a 1-hour topic.

As a matter of fact, there's a colleague that we were with earlier today who said that we need to talk about this for a full day because, just from a process point of view, for people who are tuning in tonight on C-SPAN, Mr. Speaker, we think it's very important that we don't just go through this topic glibly, because we know this bill wasn't read in the Senate.

We were betrayed by our colleagues in the Senate on this bill. This border security isn't border security. It's a fake border security bill that came through.

We're not interested in that. The American people aren't interested in that, and we need to have a real debate.

We don't want to see, here in the House of Representatives, that the People's Representatives are beguiled or have a boondoggle put in front of them or have a Trojan horse given to us, because one thing that could happen is we could have a great-sounding bill that we're given, and then we're supposed to vote for it.

We could pass that bill. We could talk about it for maybe 10 minutes on the floor. Actually, it would be a little bit longer, not much, but talk about that bill here on the floor, pass this Trojan horse, sounds like a really good bill, pass it.

And then it could go to a conference committee, where a Senate bill goes into a conference committee, and then that bill, all of a sudden, gets a legalization thrown into it. It can come back to this Chamber, and then that's what we're all told that we have to vote for.

And my guess is a lot of conservatives on this side would say, I'm not going to vote for this bill. It has an amnesty in it. And so then what we could see happen is that all of the liberals in this Chamber could vote for that bill because it has amnesty, and just enough Republicans could vote for that bill that it would pass, and it would go to the President's desk.



And guess what?

It would be Republicans who would be responsible for helping the President pass his number one political agenda action item early in his second term before he's even been sworn in for how long?

And it's Republicans that would help pass the amnesty bill?

May it never be.

I think that the American people right now are just wringing their hands saying, who's going to listen to me?

And I think one thing, Mr. Speaker, that at least we've been able to demonstrate is that we have Mr. KING from Iowa, we have Dr. FLEMING from Louisiana, we have the judge over there, LOUIE GOHMERT, from Texas, we have Mr. BROOKS from Alabama, we have Mr. YOHO from Florida.

We've got six people here in this Chamber who are going to say, no amnesty no how. What we're going to do is demand border security.

We're going to demand that this government finally live up to the promise that it's made to the American people, because we've got to get back to what Representative KING talked about, and what each of these Members has talked about, the rule of law, because we think it means something. In fact, we think it's everything. We think, without the rule of law, you have nothing.

And that's why I'm so grateful, Mr. Speaker, that we've had this time tonight to be able to be together and talk about this topic.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentlewoman from Minnesota has a couple of minutes remaining.

Mrs. BACHMANN. Oh, we do have a couple of minutes.

Well, then we're going to go full tilt.

Let me yield to the gentleman from Florida (Mr. YOHO). He has something on his mind, I can just tell.

□ 2130

Mr. YOHO. I appreciate the gentlewoman from Minnesota yielding.

You were talking about the rule of law, and we heard about it over and over again and what the people back home think. I think the biggest thing is they're going to hold us accountable. They expect us to be accountable and they will hold us accountable, and the only way we can do that is by holding the President accountable. We must hold the President accountable and demand that he enforces the laws on the book, and if not, explain to us and to the American people why he chooses not to enforce the laws on the books. And if he is the chief executive officer of this country and he chooses not to do that, what would you do in business if you had the executive of your business not enforcing and running the company the way you are supposed to? I think we all know what would happen.

And I'd like to end with this. There were three Presidents in the 1900s that handled immigration differently. They did what was best for Americans. They sent people home—the Presidents did—because they were looking out for the American citizens. And I have to admire Presidents that would look out for the American citizens.

I always like to refer back to Theodore Roosevelt when he gave that speech at Ellis Island standing on the soapbox overlooking a crowd, realizing and acknowledging that we are a country with a lot of immigrants here. He said, We welcome all immigrants. After all, we are a country of immigrants. But what we expect you to do is this. There's room but for one flag. It's the American flag. You need to learn to honor and respect it. There's room but for one language. It's English. And you need to learn it. You need to assimilate and become Americans in our culture. We'll respect your cultures.

I agree with that, and I am so proud to have a President that would stand up and do what's best for this country. In the end, I think we need to make English the national language.

Mrs. BACHMANN. Mr. Speaker, I yield back the balance of my time.

#### IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Iowa (Mr. KING) for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the opportunity to be recognized here on the floor of the House of Representatives, and I'm hopeful that we can carry on some of this dialogue that Mrs. BACHMANN has led over the past hour.

I wanted to make a point about the fact we are a Nation of immigrants. Yes, we are. And we're certainly the Nation that has the most vitality that comes from immigrants. It's one of those things that is embodied in the Statue of Liberty. When you talk about Ellis Island and you look across to the Statue of Liberty, the image that's embodied within her is the image of American exceptionalism, the pillars of American exceptionalism. You see them all. Freedom of speech, religion, the press, the rule of law. Those are central pillars. And property rights, and you face a jury of your peers but you don't have to face them twice. There's no double jeopardy. And states' rights. The list goes on and on. Free enterprise capitalism. It is a Judeo-Christian culture and society that founded this country.

You take out anything that I've said, you pull that out from underneath, and the Shining City on the Hill crumbles. But when you look at the Statue of Liberty and the people that love liberty all over the world see that statue,

they find a way to come here because they realize that they can be the best they can be if they can just get to America. That's why we have, in this country, so much vigor and vitality. We have not just the pillars of exceptionalism that I've listed, but also the vigor that comes with people who have dreams.

So they see the statue and they think, I've got a dream to come there. And if I can freely speak and worship and preserve the rule of law, I can operate in a free enterprise society, I can be inspired. If you put that all together, it's a natural filter that goes across the world. It isn't because we screened all of them here. We screened a lot of them at Ellis Island. About 2 percent didn't make the grade, even after they were screened in the old country. They came and landed at Ellis Island and went through the filter and about 2 percent got sent back to the old country. But we got the dreamers. It was almost all dreamers that got on the ship to come here.

So we didn't get just a cross-section of every civilization from Norway to Germany to Ireland to Italy, or wherever it might be, name your country anywhere in the world. We got the vigor of every civilization. We got some of the best and the most energy that came from any civilization to America. So when you coupled that and think of a giant petri dish with all of those rights there and all of the freedoms and the pillars of exceptionalism that I listed, then you put the best people possible in that environment—it doesn't mean they're the smartest; it doesn't mean they're the richest; it doesn't mean they're the best educated; but it means that they are the doers that take that combination of brains and ambition and education and instinct and know-how, and that's what built this great Shining City on the Hill, this America that we are. We cannot let this be torn down. We cannot let them chisel away with their word processor jackhammers, their verbal jackhammers, or their legislative chicanery in order to produce something that undermines this.

I know one of the people that understands that very well is the gentleman from Louisiana, Dr. FLEMING. I would be happy to yield to the gentleman from Louisiana.

Mr. FLEMING. Well, I thank my good friend from Iowa for yielding and for his words. And I'd like to build a little bit upon what you were saying, and that is that everyone speaking in this room this evening opposes amnesty—we've already said that each and every one of us opposes amnesty—but we all celebrate immigration. We come from immigrants. We're a Nation of immigrants.

Going all the way back to the 1700s, my forefathers were immigrants from Scotland. They farmed the land. They

were farmers all the way up until my dad left the farm to go to World War II. I'm very proud of that fact, and I'm very proud that other people want to come to this country. I celebrate that. And I want to encourage them to come, as long as they come lawfully.

We have a place for migrant workers, for guest workers to come. We need them. They will do jobs that many Americans won't do, and it benefits them and advantages their families back home, and they send that money back. It's a great working relationship, but it must be done legally.

And then we have the high-end STEM workers who come either with high degrees or earn high degrees here. They bring them with them oftentimes their capital. They start businesses. They start companies. And we want to attract those and keep those. We don't want them taking back our innovations to other countries and then competing with us. We just simply ask that they come here legally. We, of course, as Members of Congress have a responsibility to make sure that we do what's in the best interest of the citizens who are here, whether they were born here or naturalized here.

But I want to shift just slightly to this, and we've touched upon this. One of the biggest fears we have about the Senate amnesty bill—and there's no question about it, it's amnesty by any measure, by any metric—is that we can't trust the President. We can't trust him. Whatever we pass into law, we know he's going to cherry-pick.

How do we know that? Well, look at the Defense of Marriage Act. He refused to defend that to the courts. Appointees to the NLRB, he did that when, of course, the Senate was actually not in session. It's against the Constitution to do that. ObamaCare, he's picking and choosing the parts of the law that he wants to implement.

So I think we can create a long list here tonight of the fact that this President is doing something I have never seen a President do before. In a tripartite government with its checks and balances, we have lost the balances. We have a President that picks and chooses the laws that he wants to obey and enforce. We have a head of the Department of Justice who does exactly the same, even to the point that Congress has held him in contempt.

And so for lack of any better term, that makes him a ruler. He's not a President; he's a ruler. Because if he can just pass whatever laws that are going to be passed and then pick and choose the laws that he's going to enforce and he's going to obey, then we no longer have the checks and balances that go along with the Presidency.

The SPEAKER pro tempore. The Chair would remind all Members to refrain from engaging in personalities toward the President.

□ 2140

Mr. KING of Iowa. Mr. Speaker, personally, I like the President. And I will refrain from those kind of comments; although I will continue to disagree with him on his approach to this.

I wanted to make a comment in response to the discussion here by Dr. YOHO and Dr. FLEMING.

Yes, we're a Nation of immigrants. I have continually heard that testimony before the Immigration Subcommittee for over a decade now. And so one day I just had this thought that was a little bit off the wall. I just asked this question: Can you name me a nation—I had this panel of experts in front of me—name me a nation that is not a nation of immigrants. And the witness said, well, let's see, that would be—well, name me a people that is not a nation of immigrants, a nation that's not a nation of immigrants. She said, well, that would be the Incas and the Aztecs. The Incas and the Aztecs are not immigrants. I said who, according to anthropologists, came across the Bering Sea about 12,000 years ago? Would you like to try again? Of course that was it for her. She didn't want to try again.

I've asked that question a number of times, and I've been challenged to do a little bit of research. I haven't found a nation that is not a nation of immigrants. Some will say Japan is about as indigenous a population as you can find, but even they, there are a couple of definitions on where they come from. There are two distinct groups for the Japanese, and some of their roots go down to the Polynesian islands, they think—that they might have arrived there. Some of them might have arrived from Asia. And their language and even their appearance differs from the north to the south—I don't know that, but they do.

So if Japan isn't a nation of immigrants, if they did come at one time, name your country around the world. We're all nations of immigrants. The history of the world has been about the migration of human population. That doesn't mean that nations shouldn't exist or shouldn't have borders. Look back over the last couple hundred years and name for me an institution more successful than the nation-state. The nation-states emerged from the city-states, which emerged from the castles in the feudal era, where they had to build a castle and get inside the moat to defend themselves from the marauding hordes that traveled the countryside to rape and pillage.

So then the castles became the city-states, the city-states joined together and became the nation-states, and the nation-states defended themselves against the other nation-states. Nations have borders. You can't be a nation without a border, and you can't call it a border if you don't defend the border.

So if people are willing to argue against a nation-state—that's true

with the globalists. They argue against a nation-state. They think they should be able to trade—buy, sell, trade, make gain, and move human population wherever it suits their economy.

So I started to wonder about this. The nation-state is a successful institution. There's nothing wrong with a border; you must have it. It's Biblical as well. When St. Paul gave his famous sermon on Mars Hill in Acts 17, he said: And God made all nations on Earth, and He decided when and where each nation would be.

Well, this is the United States of America—a very blessed nation, a nation that was formed with this religious concept, driven also by a lot of other forces of manifest destiny. This country was formed and shaped from the Atlantic to the Pacific Ocean, from sea to shining sea, in the blink of an historical eye. How did that happen? How did that happen that we happen to have all of these rights that come from God? Not accidental.

We are an extraordinary nation for a lot of exceptional reasons, and we've talked about those exceptional reasons. But nations should be proud of the nations that they are, and no nation could be more proud than the United States of America. We are the unchallenged, greatest nation in the world, and we risk a decline if some of the people in this Congress don't come back around to embrace the pillars of American exceptionalism.

So I ask myself, what is it that the people on my side of the aisle, but also across the country, what is in the Gang of Eight's bill that's good for America and Americans? Who has benefited when you look across the country? First I looked at it and my serious thought was, well, nobody. Then I dug a little deeper, and I said I'm going to be challenged if I say nobody in America is benefited by this. So I produced a complete list. I think this is a complete list of the Americans that are benefited by the Gang of Eight's bill.

First, the elitists—the elitists being those people that want to hire cheap labor to take care of their gardens and their lawns and clean their houses and their toilets and do those things that people say Americans won't do or don't want to do. So they want to be able to hire cheap labor to take care of themselves, and maybe paint the gate in their gated community and oil the hinges for them and then lock the gate outside, or however they might do that. Elitists benefit from cheap labor.

The next group of people that benefit are Democrat power brokers—not the blue collars, not, in the short term, the unions, not the workers, but Democrat power brokers who have a long-term strategy—which isn't very far down the line—to capitalize politically on the massive votes that they would bring in if the Gang of Eight bill is passed.

You don't have to ask Democrats what they think—it's very, very clear:

they're political beneficiaries; if they're power brokers, they want this done. Elitists and Democrat power brokers.

Third, employers of illegals, whatever their party might be. They want to be able to hire cheap labor. And they would say, well, if you legalize them, the cost of wages are going to go up. Well, they want to have a continual supply of cheap, illegal labor coming in. That's why this is perpetual and retroactive amnesty. It doesn't stop the flow of illegal immigration, it just lets those that want to legalize themselves get right with the law. It gives amnesty to the illegal employers—they can't go back on them after the Gang of Eight's bill might become law.

So that's the three groups of people that benefit from the Gang of Eight's bill—elitists, Democrat power brokers, and employers of illegals. By the way, go to any of those groups of people and ask them: Do you want those folks to go back to where they are legal? Just challenge them. I would tell you the elitists don't. They want their cheap labor to clean their toilets and cut their grass and take care of their gardens, their flower gardens for them. Democrat power brokers surely don't. By the way, they understand this—that they have political power anyway, legal or illegal, because the census counts the people, not the citizens, for purposes of apportionment and reapportionment. So what that means is there are 9 to 11 congressional seats in America that would change hands politically if we counted citizens instead of people. Because some of these districts are way overloaded with illegal populations, they're counted. I didn't see how many votes it took for—well, I'd better not get personal with this. I'll just tell you it takes me 120,000 votes at least to get elected before we redistricted. And there are seats here that it only takes 40,000 to win. That's because there are a lot of illegals in the district that are counted. They have representation in this Congress.

So who doesn't want them to go home? Just ask them. Do the elitists want them to go back to their home country? No. They're beneficiaries. Democrat power brokers? No. They're beneficiaries. Then what about employers of illegals? Certainly not. They're beneficiaries. They get a continuing supply of illegal labor—a labor that is going to be legalized. And then those folks that come in afterwards, that deadline, they're going to be legalized too. That's the three groups. Otherwise, there isn't anybody in America that's a beneficiary from this that I can come up with. The rest of Americans are disadvantaged by this idea.

If you have two jobs and three people that are qualified to do that work, then you've got at least somebody that can bid that work down. If there are only two people available for that job or

meet the qualifications, they name their price. Well, multiply that out into the millions and see what happens with the no-skilled and the low-skilled workers. That's where you get double-digit unemployment, no-and-low skilled.

Why would you bring in more no-and-low-skilled people—especially those illiterate in their own language—to come in and do more of this work when you've got an overload there anyway? And the supply and demand piece of this tells it.

We listen to the numbers of 24 million unemployed Americans—that would be those that are unemployed and those that are underemployed I think that number adds to, if I'm not mistaken. But I know that Stuart Varney said that there are 88 million who are simply not in the workforce. That number now goes to 92 million. If I understand the data right, you add the raw unemployed number to that. However you do that, we end up with more than 100 million Americans of working age who are simply not in the workforce.

Now, what kind of a nation would you have to be to decide that even though you've got double-digit unemployment in the no-and-low-skilled jobs, that you would go find a few more people that—go bring in millions more to add them to the unemployment rolls and add Americans or legal immigrants to the rolls as a consequence.

This is an appalling miscalculation on the part of the people that advocate for this. They apparently have not done the math or they don't care, or they fit within the category of elitists, Democrat power brokers, or employers of illegals, or those who are, I'll say, influenced by their opinions.

I want to yield to the gentlelady from Minnesota and then to the gentleman from Texas.

Mrs. BACHMANN. I will just be brief.

It seems like you have the power brokers in this country act like this is such a difficult issue to solve, that this is some big, perplexing issue with immigration.

The fact is immigration policy worked beautifully for hundreds of years in this country. And as recently as 1950, when my in-laws immigrated to the United States from Switzerland, it was pretty simple. You had to show that you were physically fit when you came into the country; you didn't have a transmittable disease that other people in America could pick up. That's pretty self-explanatory. You had a little bit of money in your pocket. You didn't have to be wealthy, but you had to show that you had a little bit of money on you. You also had to have a sponsor. You had to have someone here in the United States who would vouch and say if anything happens to that person, I'm the one who will be responsible, I'm the one who will answer. And

the person coming in had to verify that they would not become a burden on the taxpayers of America. Because they knew when they came in, they had to come in as a net plus for the country. They couldn't take more out than what they were bringing in. That was the agreement.

The other part of the agreement is, whoever came into the country had to swear under oath they would learn to speak the English language—as Mr. Yoho indicated—and they would learn the Constitution of the United States and a little bit of the American history. They had to know that.

□ 2150

My in-laws took that very seriously. They were farmers in Wisconsin. They've been net plus to this country, proud Americans. They've fed thousands of people with the work that they've done in Wisconsin. But they kept their end of the bargain. America kept its end of the bargain to my in-laws, but they kept their end of the bargain also.

Again, I think Dr. FLEMING hit it earlier when he quoted Dr. Milton Friedman, You can't have an open border in a welfare state. Because, you see, in 1950 there was no modern welfare state. That is our problem.

We have to deal with our current reality, don't we? Our current reality is we have a gigantic welfare state. Knowing that, we cannot bring people into this country who will not add to the economy. Why would we import into the country people who are going to consume more revenue than what they bring in when they are \$17 trillion in debt?

This adds up. That's why this is not very difficult to figure out. It is actually fairly simple. All we have to do is abide by the policies that we embraced in 1950, and you've got a solution; you've got a solution to the problem.

Mr. KING of Iowa. Reclaiming my time for a moment, some of the institutions out here that advocate for open borders will argue that no matter who comes into this country, if they do an hour's worth of work, they've contributed to the GDP; therefore, they're a net asset to our economy. How would a tax attorney respond to such a statement?

Mrs. BACHMANN. What I would say is this: Who is benefiting? The studies all confirm that it is the illegal immigrant who is the recipient of that money. It isn't going to the taxpayers.

What we do know from a tax point of view is that illegal immigrants on average pay somewhere about \$10,000 in taxes, but they receive over \$30,000 in taxpayer-subsidized revenue benefits; therefore, they are a net negative to the American Treasury of \$20,000 a year.

Now, why in any universe would you import people into the United States

that cost us on average, not just \$20,000 one time, \$20,000 every year? As a matter of fact, Robert Rector has said in his work that the average illegal immigrant cost the United States Treasury over the course of their lifetime about \$1 million. Why would we do that? Why would we do that? Because we are robbing from our children. That's why it doesn't make sense. We are hurting the American middle class who are here legally.

Mr. KING of Iowa. I thank the gentlelady from Minnesota.

Reclaiming my time, I would be happy to yield to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Thank you. I too want to follow up on something Dr. FLEMING was referring to. The Senate bill was considered some great panacea. It's going to solve all the problems. We are finally going to get border security, we are told.

But I can think of at least a couple of times when this President has said, if the Congress doesn't change the law, I will. Basically he said, if they don't act by changing the law, then I'll act.

We've seen him do that. When he didn't like the law on immigration, he changed the law just by his own decree. We've seen with regard to even ObamaCare—his signature bill from his first administration—it's not going well. He wouldn't come ask Congress, uh-oh, it's not going well so let's change the law. So he just gave "so as I speak so shall it be," which is not reminiscent of normal Presidential conduct.

It is important that a President enforce the law, advocate for changes in the law, but under no circumstances is the President supposed to change the law to fit his own desires. I mean, you advocate, but the checks and balances which are the real genius behind the Constitution that do create gridlock, that create tensions between the different branches are what keeps this place from becoming a monarchy.

This President, when he says, If Congress doesn't act to change the law, then I will take care of it, well, we've seen that with gun control. He didn't like the fact that Congress was not changing the law when we were demanding that he enforce the laws that are there. All of these killers that have just been a plague on society, they violated plenty of laws. But this administration may be the worst at enforcing the gun laws. Certainly this administration has really been wanting in the area of enforcing the gun laws; and instead they come around and say, we want new gun laws. Well, that's not the way to do it.

I know that Republicans say, look, look, it's important we get this off the table, let's just get it off the table so let's pass something and that will get it off the table and then we can get on to the other things. I have already

mentioned I think the thing to do is say, Resolved: the House is not going to take up an immigration bill until the President, the executive branch, Homeland Security, secures the border. Woodrow Wilson—and I'm not a fan of his historically—but in 1916 when Americans were threatened by rage across the border and Americans killed, that President secured the border, pure and simple. He secured the border, and he didn't go run around demanding that a new immigration bill be passed and we give amnesty to people.

There is a great article that National Review had from Fred Bauer. He said:

Any argument that says the GOP should support such a measure to remove immigration as a political issue should be treated with immediate suspicion. Millions would be left as illegal immigrants under the Senate plan and most other legalization plans a million more illegal immigrants, according to the Congressional Budget Office, would arrive over the next 10 years. Many provisions of the Senate bill, from the law wait time for citizenship to the status of guest workers, provide plenty of opportunities for the left to demagog this issue. Any changes to U.S. immigration law also change the future composition of the body politic. Immigration as a national policy question has not been "off the table" since 1789. Don't expect the latest link of congressional sausage to change that.

I think that's well said.

This is not going to be off the table. The way that we should deal with it responsibly is hold the administration accountable. You enforce the law and then we'll get an immigration bill done very quickly after that. I know we will.

All my colleagues here know there are parts of the immigration law that need to be fixed. But until the border is secure, not closed, but secured, we are wasting our time talking about a comprehensive immigration bill, or even good bills like TREY GOWDY or other bills that people have had; we shouldn't even be talking about them. Let the immigration secure the border and then we can work these things out very quickly. It's like a huge flood in your basement. If you run down and start with a mop while the water is still pouring in, you're making a mistake. You first stop the flood, and then you can clean up the problems after that.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman from Texas. I just think of Congressman PHIL GINGREY, another doctor that engages in policy here, who once on this floor, probably at least once, said that when he is working in the emergency room and a patient comes in on a gurney and there's blood pouring off the gurney, you don't just go get the mop and the bucket and start to mop up the floor; you stop the bleeding first. Let's stop the bleeding at the border.

I think how hard is it to secure this border? It is not that hard. With the resources that we have, we are spending today—this is a 2,000-mile border, it's

not just a rounded number, I mean, it is right at 2,000 miles—we are spending over \$6.5 million a mile on the southern border each and every year. So I look at that and I think, what are the economics of this? This is one of the advantages of being a ditch digger, a construction guy, because I figure this stuff out on what it cost to build things.

We are building interstate highway through expensive Iowa cornfields for \$4 million a mile, buying the right-of-way, doing the engineering, the archeological, environmental, the fencing, the seeding, the paving, the shouldering and the painting. All of that gets done for \$4 million a mile, and we are spending \$6.5 million a mile to guard a long barren desert that a lot of it doesn't even have one barbed wire fence on it. It's just got a concrete pile on from horizon to horizon—\$6.5 plus million a mile.

So think of that. What would it take to build a fence, a wall and a fence if we can build interstate for \$4 million a mile and we are spending \$6.5 million a mile to—I guess they interdict perhaps 25 percent of the people that try? Instead, we can build a fence, a wall and a fence, we can secure the border, and we can do it with the resources that we have. We just have to want to. It has got to be about the rule of law, it has got to be secure the border first, it has got to be and who's going to be the metric. Let it be the border State Governors, the border State legislatures passing a resolution that the border is secure. Then let's have the balance of this conversation, not until, not unless.

It's like your teenager coming to you saying, Dad, I need the keys to the car. I know I've never mowed the lawn or carried out the garbage, I promise I will, just let me have the car tonight. I'll be back tomorrow. Is he going to keep his word? He hasn't even fired up the lawnmower yet. He doesn't know where the gas is. He probably doesn't know where the mower is.

Do the job first and then come back to us and talk to us, but let's not destroy this rule of law that's an essential pillar of American exceptionalism. Whatever it takes, we must block amnesty.

Thank you, Mr. Speaker. I appreciate your attention and all of the people that spoke here tonight for this hour and a half to preserve and protect the rule of law, and I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHWEIKERT (at the request of Mr. CANTOR) for tomorrow on account of attending the funeral service for the firefighters who were killed in the Arizona wildfire.

Mr. WALBERG (at the request of Mr. CANTOR) for today on account of flight delays due to mechanical issues and weather.

Mr. YOUNG of Florida (at the request of Mr. CANTOR) for today and tomorrow on account of the birth of his grandson.

Mr. HORSFORD (at the request of Ms. PELOSI) for today on account of medically mandated recovery.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Ms. PELOSI) for today.

Mr. PASTOR of Arizona (at the request of Ms. PELOSI) for today and the balance of the week.

#### PUBLICATION OF BUDGETARY MATERIAL

REVISIONS TO THE ALLOCATIONS OF THE FISCAL YEAR 2014 BUDGET RESOLUTION RELATED TO LEGISLATION REPORTED BY THE COMMITTEE ON APPROPRIATIONS

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE BUDGET,  
Washington, DC, July 8, 2013.

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to section 314(a) of the Congressional Budget Act of 1974, I hereby submit for printing in the Congressional Record revisions to the aggregate budget levels and committee allocations set forth pursuant to H. Con. Res. 25, the Concurrent Resolution on the Budget for Fiscal Year 2014, as put into effect by H. Res. 243. The revisions are for new budget authority and outlays consistent with a technical correction to the FY2014 discretionary spending caps allowed under the Budget Control Act of 2011 as published by the Office of Management and Budget on May 20, 2013. A corresponding table showing the revised budget aggregates and allocations is attached. A letter from the Director of the Office of Management and Budget that further explains the technical correction is also attached.

This revision represents an adjustment for purposes of enforcing sections 302 and 311 of the Budget Act. For the purposes of the Budget Act, these revised allocations are to be considered as allocations included in the levels of the budget resolution, pursuant to

section 101 of H. Con. Res. 25 and H. Rept. 113-17, as adjusted.

Sincerely,

PAUL D. RYAN OF WISCONSIN,  
Chairman, House Budget Committee.

#### BUDGET AGGREGATES

(On-budget amounts, in millions of dollars)

	Fiscal year	
	2014	2014–2023
Current Aggregates:		
Budget Authority .....	2,760,943	1
Outlays .....	2,811,260	1
Revenues .....	2,310,972	31,089,081
Adjustment for Technical Correction to BCA		
Discretionary Spending Cap:		
Budget Authority .....	549	1
Outlays .....	308	1
Revenues .....	0	0
Revised Aggregates:		
Budget Authority .....	2,761,492	1
Outlays .....	2,811,568	1
Revenues .....	2,310,972	31,089,081

<sup>1</sup>Not applicable because annual appropriations acts for fiscal years 2015–2023 will not be considered until future sessions of Congress.

#### ALLOCATION OF SPENDING AUTHORITY TO HOUSE COMMITTEE ON APPROPRIATIONS

(In millions of dollars)

	2014
Base Discretionary Action	
BA .....	966,924
OT .....	1,117,675
Adjustment for Disaster Designated Spending	
BA .....	5,626
OT .....	281
Global War on Terrorism	
BA .....	92,289
OT .....	48,010
Adjustment for Technical Correction to BCA Spending Caps	
BA .....	549
OT .....	308
Total Discretionary Action	
BA .....	1,065,388
OT .....	1,166,274
Current Law Mandatory:	
BA .....	749,400
OT .....	738,140

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT AND BUDGET,  
Washington, DC, June 5, 2013.

Hon. PAUL RYAN,  
Chairman, Committee on the Budget,  
House of Representatives,  
Washington, DC.

DEAR MR. CHAIRMAN: This letter responds to your May 21, 2013, request for additional information on the corrections made to the OMB Sequestration Preview Report to the President and Congress for Fiscal Year 2014 and the OMB Report to the Congress on the Joint Committee Reductions for Fiscal Year 2014. The corrections addressed computational errors OMB identified in some of the underlying calculations and resulted in no net change in the total reduction required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA), as amended.

The attached table lists, for each direct spending account that was corrected, the originally calculated baseline and sequester amounts, the corrected baseline and sequester amounts, and the amount of the change. As shown at the bottom of Table 3 of the corrected version of the OMB Report to the Congress on the Joint Committee Reductions for Fiscal Year 2014, the corrections have the net effect of increasing the sequestration of non-defense direct spending outlays for Fiscal Year (FY) 2014 to \$18.058 billion. The corrections also expand the sequesterable base, which lowers the sequestration percentage for non-defense direct spending from 7.3 percent to 7.2 percent.

Finally, I can confirm that as a result of these corrections, the non-defense discretionary cap for FY 2014 is \$469.391 billion. The defense discretionary cap for FY 2014 is \$498.082 billion. These amounts are shown in Table 2 of the corrected version of the OMB Sequestration Preview Report to the President and Congress for Fiscal Year 2014.

If you have any questions, please contact Kristen J. Sarri, Associate Director for Legislative Affairs, at (202) 395-4790.

Sincerely,

SYLVIA M. BURWELL,  
Director.

Enclosure.

#### ACCOUNTS WITH TECHNICAL CORRECTIONS IN THE FY2014 OMB JC SEQUESTRATION PREVIEW REPORT

(Millions of dollars)

	April 10th		Corrected		Change	
	Base	Sequester	Base	Sequester	Base	Sequester
Department of Justice						
Crime Victims Fund (011-21-5041)						
Budget authority .....	800	58	11,431	823	10,631	765
Outlays .....	720	53	10,287	741	9,567	688
Accounts with Duplicative Records						
Department of Labor						
Federal Unemployment Benefits and Allowances (012-05-0326)						
Budget authority .....	978	71	656	47	-322	-24
Outlays .....	910	66	588	42	-322	-24
Department of Homeland Security						
Immigration and Customs Enforcement (024-55-0540)						
Budget authority .....	690	50	345	25	-345	-25
Outlays .....	684	50	342	25	-342	-25
Department of the Treasury						
Santee Sioux Tribe Development Trust Fund (015-12-8626)						
Budget authority .....	4	*	2	*	-2	*
Outlays .....	4	*	2	*	-2	*
Yankton Sioux Tribe Development Trust Fund (015-12-8627)						
Budget authority .....	18	1	9	1	-9	*
Outlays .....	18	1	9	1	-9	*

\* Less than \$500,000

#### ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills

of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 324. An act to grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

H.R. 1151. An act to direct the Secretary of State to develop a strategy to obtain observer status for Taiwan at the triennial International Civil Aviation Organization Assembly, and for other purposes.

H.R. 2383. An act to designate the new Interstate Route 70 bridge over the Mississippi River connecting St. Louis, Missouri, and southwestern Illinois as the "Stan Musial Veterans Memorial Bridge".

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 9, 2013, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2187. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 20-91, "Fiscal Year 2013 Revised Budget Request Temporary Adjustment Act of 2013"; to the Committee on Oversight and Government Reform.

2188. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 20-92, "Saving D.C. Homes from Foreclosure Enhanced Temporary Amendment Act of 2013"; to the Committee on Oversight and Government Reform.

2189. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 20-93, "Teachers' Retirement Amendment Act of 2013"; to the Committee on Oversight and Government Reform.

2190. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 20-94, "Attendance Accountability Amendment Act of 2013"; to the Committee on Oversight and Government Reform.

2191. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 20-95, "Fire and Casualty Amendment Act of 2013"; to the Committee on Oversight and Government Reform.

2192. A letter from the Assistant Secretary, Army, Civil Works, Department of Defense, transmitting the Freeport Harbor Channel Improvement Project, Brazoria County, Texas Feasibility Report and Environmental Impact Statement; (H. Doc. No. 113-44); to the Committee on Transportation and Infrastructure and ordered to be printed.

2193. A letter from the Assistant Secretary, Army, Civil Works, Department of Defense, transmitting the Wood River Levee System Reconstruction, Illinois, Post Authorization Change Report; (H. Doc. No. 113-45); to the Committee on Transportation and Infrastructure and ordered to be printed.

2194. A letter from the Assistant Secretary, Army, Civil Works, Department of Defense, transmitting the Louisiana Coastal Area, Barataria Basin Barrier Shoreline Restoration Project Lafourche, Jefferson, and Plaquemines Parishes, Louisiana Final Report; (H. Doc. No. 113-46); to the Committee on Transportation and Infrastructure and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[Pursuant to the provisions of H. Res. 274, the following reports were filed on July 2, 2013]*

Mr. FRELINGHUYSEN: Committee on Appropriations. H.R. 2609. A bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes (Rept. 113-135). Referred to the Committee of the Whole House on the state of the Union.

Mr. LATHAM: Committee on Appropriations. H.R. 2610. A bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes (Rept. 113-136). Referred to the Committee of the Whole House on the state of the Union.

*[Filed July 8, 2013]*

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 697. A bill to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes; with an amendment (Rept. 113-137). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 761. A bill to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness; with an amendment (Rept. 113-138 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1411. A bill to include the Point Arena-Stornetta Public Lands in the California Coastal National Monument as a part of the National Landscape Conservation System, and for other purposes; with an amendment (Rept. 113-139). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1497. A bill to amend title 36, United States Code, to ensure that memorials commemorating the service of the United States Armed Forces may contain religious symbols, and for other purposes; with amendments (Rept. 113-140). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1574. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992 to rename a site of the part (Rept. 113-141). Referred to the House Calendar.

Mr. HENSARLING: Committee on Financial Services. H.R. 1564. A bill to amend the Sarbanes-Oxley Act of 2002 to prohibit the Public Company Accounting Oversight Board from requiring public companies to use specific auditors or require the use of different auditors on a rotating basis; with an amendment (Rept. 113-142). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Kentucky: Committee on Appropriations. Revised Suballocation of Budget Allocations for Fiscal Year 2014

(Rept. 113-143). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURGESS: Committee on Rules. House Resolution 288. Resolution providing for consideration of the bill (H.R. 2609) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes (Rept. 113-144). Referred to the House Calendar.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on the Judiciary discharged from further consideration. H.R. 761 referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. NORTON:

H.R. 2611. A bill to designate the headquarters building of the Coast Guard on the campus located at 2701 Martin Luther King, Jr., Avenue Southeast in the District of Columbia as the "Douglas A. Munro Coast Guard Headquarters Building"; and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BARLETTA (for himself, Ms. NORTON, Mr. SHUSTER, and Mr. RAHALL):

H.R. 2612. A bill to amend title 40, United States Code, to improve the functioning and management of the Public Buildings Service; to the Committee on Transportation and Infrastructure.

By Mr. BARROW of Georgia:

H.R. 2613. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide the President with the authority to exempt civilian Department of Defense personnel accounts from sequestration; to the Committee on the Budget.

By Mr. BARROW of Georgia:

H.R. 2614. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide the President with the authority to exempt civilian Department of Defense personnel accounts from sequestration; to the Committee on the Budget.

By Mr. SMITH of Nebraska (for himself, Mr. MCINTYRE, Mrs. LUMMIS, and Mr. ENYART):

H.R. 2615. A bill to amend title 39, United States Code, to cap rural post office closures at no more than 5 percent of total closures in any given year, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. EDWARDS (for herself, Ms.

EDDIE BERNICE JOHNSON of Texas, Ms. WILSON of Florida, Mr. KENNEDY, Mr. GRAYSON, Mr. PETERS of California, Ms. BONAMICI, Mr. MAFFEI, Mr. SWALWELL of California, Mr. VEASEY, Ms. KELLY of Illinois, and Mr. KILMER):

H.R. 2616. A bill to authorize the programs of the National Aeronautics and Space Administration for fiscal years 2014, 2015, and 2016, and for other purposes; to the Committee on Science, Space, and Technology.

By Ms. EDWARDS (for herself and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2617. A bill to establish the Apollo Lunar Landing Sites National Historical Park on the Moon, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on

Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 2618. A bill to allow certain State and local government employees to elect to treat employment as medicare qualified government employment for purposes of entitlement to Medicare coverage; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS:

H.R. 2619. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of pulmonary self-management education and training services furnished by a qualified respiratory therapist in a physician practice; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 2620. A bill to revise the composition of the Board of Regents of the Smithsonian Institution so that all members are individuals appointed by the President from a list of nominees submitted by the leadership of the Congress, and for other purposes; to the Committee on House Administration.

By Ms. NORTON:

H.R. 2621. A bill to prohibit the Secretary of the Smithsonian Institution from charging a fee for admission to any exhibit which is part of the permanent collection of any museum or facility which is part of any bureau established in or under the Smithsonian Institution, and for other purposes; to the Committee on House Administration.

By Ms. NORTON:

H.R. 2622. A bill to provide for the application of sections 552, 552a, and 552b of title 5, United States Code (commonly referred to as the Freedom of Information Act and the Privacy Act), and the Federal Advisory Committee Act (5 U.S.C. App.) to the Smithsonian Institution, and for other purposes; to the Committee on House Administration.

By Ms. NORTON:

H.R. 2623. A bill to amend title 40, United States Code, to require public notice of excess real property, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. ROYBAL-ALLARD (for herself and Ms. ROS-LEHTINEN):

H.R. 2624. A bill to provide for enhanced protections for vulnerable unaccompanied alien children and female detainees; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Foreign Affairs, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STOCKMAN:

H.R. 2625. A bill to protect the rights of children; to the Committee on Education and the Workforce.

By Ms. TITUS:

H.R. 2626. A bill to extend funding for the Corporation for Travel Promotion under the Travel Promotion Act of 2009; to the Committee on Energy and Commerce.

By Mr. WHITFIELD (for himself, Mr. MCKINLEY, and Mrs. CAPITO):

H.R. 2627. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to protect the health care benefits of our Nation's miners; to the Committee on Natural Resources.

By Ms. WATERS:

H. Con. Res. 43. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony honoring the life and legacy of Nelson Mandela on the occasion of the 95th anniversary of his birth; to the Committee on House Administration.

By Ms. NORTON (for herself and Mr. BARLETTA):

H. Con. Res. 44. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; to the Committee on Transportation and Infrastructure.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. ELLISON, Mr. CARSON of Indiana, Ms. MCCOLLUM, Ms. LEE of California, Mr. GRIJALVA, Mr. CONYERS, Ms. JACKSON LEE, Ms. MOORE, Mr. SHERMAN, Mr. MORAN, Mr. KILDEE, Mr. HONDA, and Mr. LEWIS):

H. Res. 289. A resolution recognizing the commencement of Ramadan, the Muslim holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith; to the Committee on Foreign Affairs.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. FRELINGHUYSEN:

H.R. 2609.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. LATHAM:

H.R. 2610.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the

Debts and provide for the common Defence and general Welfare of the United States . . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Ms. NORTON:

H.R. 2611.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution.

By Mr. BARLETTA:

H.R. 2612.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress) and clause 17 (relating to authority over the district as the seat of government), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. BARROW of Georgia:

H.R. 2613.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. BARROW of Georgia:

H.R. 2614.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. SMITH of Nebraska:

H.R. 2615.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post Roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Ms. EDWARDS:

H.R. 2616.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Ms. EDWARDS:

H.R. 2617.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. GENE GREEN of Texas:

H.R. 2618.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 1

By Mr. LEWIS:

H.R. 2619.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Ms. NORTON:

H.R. 2620.

Congress has the power to enact this legislation pursuant to the following:



section 1 of article I, and clause 18, section 8 of article I of the Constitution.

By Ms. NORTON:

H.R. 2621.

Congress has the power to enact this legislation pursuant to the following:

section 1 of article I, and clause 18, section 8 of article I of the Constitution.

By Ms. NORTON:

H.R. 2622.

Congress has the power to enact this legislation pursuant to the following:

section 1 of article I, and clause 18, section 8 of article I of the Constitution.

By Ms. NORTON:

H.R. 2623.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution.

By Ms. ROYBAL-ALLARD:

H.R. 2624.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. STOCKMAN:

H.R. 2625.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

“The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

By Ms. TITUS:

H.R. 2626.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1; The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. WHITFIELD:

H.R. 2627.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. ENYART and Mr. SMITH of Texas.

H.R. 62: Ms. NORTON.

H.R. 69: Mr. KEATING.

H.R. 107: Ms. FOXX.

H.R. 129: Ms. ROYBAL-ALLARD.

H.R. 140: Mr. KINGSTON.

H.R. 164: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 274: Mr. O'ROURKE, Mr. HASTINGS of Florida, and Mr. LIPINSKI.

H.R. 303: Mr. CRAMER.

H.R. 309: Mrs. BACHMANN and Mr. FLORES.

H.R. 310: Mr. GRIFFIN of Arkansas and Mr. LOWENTHAL.

H.R. 367: Mr. FLEISCHMANN.

H.R. 375: Ms. ESTY and Ms. SHEA-PORTER.

H.R. 401: Mr. POCAN and Mr. JOHNSON of Georgia.

H.R. 523: Mr. WOLF.

H.R. 535: Ms. SHEA-PORTER and Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 543: Ms. GABBARD, Mr. PETERS of Michigan, and Mr. JOHNSON of Georgia.

H.R. 556: Mr. GOHMERT, Mr. RIBBLE, and Mr. RENACCI.

H.R. 604: Ms. SHEA-PORTER.

H.R. 611: Mr. CONNOLLY.

H.R. 621: Mr. AMODEI.

H.R. 628: Mr. PAYNE, Mr. JOHNSON of Georgia, Ms. ESHOO, and Mr. RYAN of Ohio.

H.R. 630: Mr. DOGGETT.

H.R. 637: Mr. HENSARLING.

H.R. 647: Mr. DOYLE, Mr. BLUMENAUER, Mrs. CAROLYN B. MALONEY of New York, Ms. SPEIER, Mr. DOGGETT, Ms. MICHELLE LUJAN GRISHAM of New Mexico, and Mr. SCHOCK.

H.R. 675: Mr. BRADY of Pennsylvania, Mrs. NAPOLITANO, and Mr. LEWIS.

H.R. 683: Mr. HOLT, Mr. KIRKPATRICK, Ms. ESTY, and Ms. MCCOLLUM.

H.R. 685: Mr. SOUTHERLAND, Mr. COLLINS of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WITTMAN, Mr. GRAVES of Georgia, Ms. PINGREE of Maine, Mr. COTTON, Mrs. BLACK, Mr. SIRES, Ms. DELAURO, and Mr. RIGELL.

H.R. 690: Mr. ENYART, Ms. SHEA-PORTER, Mr. CRAMER, and Mr. LOEBSACK.

H.R. 698: Mr. LEVIN.

H.R. 718: Mr. GOWDY.

H.R. 719: Ms. MOORE.

H.R. 755: Mr. SHERMAN and Mr. GRAVES of Georgia.

H.R. 761: Mr. ROHRBACHER.

H.R. 763: Mr. WOLF.

H.R. 794: Mr. YOUNG of Alaska, Mr. ENYART, and Mr. COOPER.

H.R. 800: Mr. MICHAUD.

H.R. 805: Mr. COTTON.

H.R. 846: Mr. BUCHANAN, Mr. KILMER, Mr. BENISHEK, Mr. COLLINS of Georgia, Mr. FARENTHOLD, Mr. ROTHFUS, Mr. MURPHY of Pennsylvania, Mr. KELLY of Pennsylvania, Mr. LONG, Mr. HIGGINS, Mr. GRIMM, Mr. JOYCE, Mrs. MCMORRIS RODGERS, Mr. LANGEVIN, and Mrs. WALORSKI.

H.R. 850: Mr. RUPPERSBERGER and Mr. DENT.

H.R. 851: Mr. BISHOP of New York.

H.R. 902: Ms. GABBARD.

H.R. 904: Mr. COTTON.

H.R. 920: Mr. RYAN of Ohio and Ms. DELBENE.

H.R. 924: Mr. CONYERS.

H.R. 940: Mr. THORNBERRY and Mr. WOODALL.

H.R. 946: Mr. COLLINS of Georgia, Mr. PRICE of Georgia, and Mr. SAM JOHNSON of Texas.

H.R. 949: Ms. SHEA-PORTER and Mr. TONKO.

H.R. 980: Mr. BRADY of Pennsylvania and Ms. SCHWARTZ.

H.R. 983: Mr. HOLT.

H.R. 984: Mr. SCHOCK.

H.R. 1014: Mr. MARINO, Mr. WILSON of South Carolina, Mr. FORBES, Mr. BONNER, Mr. THOMPSON of Mississippi, and Mr. AUSTIN SCOTT of Georgia.

H.R. 1020: Mr. NUGENT, Mr. DUFFY, Mr. MCKEON, and Mr. LOWENTHAL.

H.R. 1024: Mr. AMODEI, Mr. JOYCE, Mr. HECK of Washington, Mr. KILMER, Mr. DIAZ-BALART, Mr. CRAWFORD, Mr. CASSIDY, Mr. BEN RAY LUJAN of New Mexico, and Mr. COTTON.

H.R. 1030: Mr. SCHNEIDER and Mr. CARSON of Indiana.

H.R. 1074: Mr. HOLT, Mr. POSEY, and Mr. MURPHY of Pennsylvania.

H.R. 1077: Mr. BENTIVOLIO and Ms. JACKSON LEE.

H.R. 1091: Mr. PITTS, Mr. FLORES, and Mr. HARRIS.

H.R. 1102: Mrs. BUSTOS.

H.R. 1148: Mr. HECK of Washington and Mr. NUNNELEE.

H.R. 1175: Mr. MCGOVERN.

H.R. 1178: Mr. HASTINGS of Florida.

H.R. 1199: Mr. HINOJOSA.

H.R. 1250: Mr. NEUGEBAUER, Mrs. ROBY, Mr. KILMER, Mrs. BUSTOS, and Mr. GUTIÉRREZ.

H.R. 1263: Mr. KING of New York, Ms. ESHOO, Mr. TONKO, and Mr. KEATING.

H.R. 1276: Mr. MAFFEI, Mr. DENT, and Mrs. BUSTOS.

H.R. 1281: Mr. MATHESON.

H.R. 1309: Mr. YOUNG of Alaska, Mr. BENISHEK, Mr. BUCHANAN, Mr. LOEBSACK, Mr. LATHAM, Mr. SCALISE, and Mr. NUNNELEE.

H.R. 1310: Mr. MCCAUL.

H.R. 1329: Mr. SABLAN.

H.R. 1339: Mrs. BEATTY.

H.R. 1351: Mr. TONKO.

H.R. 1363: Mr. AMODEI.

H.R. 1384: Ms. SHEA-PORTER, Ms. SLAUGHTER, Mr. HOLT, Mr. PIERLUISI, and Ms. KAPTUR.

H.R. 1385: Mr. TIERNEY and Mr. MCGOVERN.

H.R. 1394: Mr. COFFMAN, Mr. GOSAR, and Mr. DUNCAN of South Carolina.

H.R. 1427: Mr. STIVERS.

H.R. 1443: Mr. WALZ.

H.R. 1465: Mr. CÁRDENAS, Mr. GALLEG0, and Mr. WELCH.

H.R. 1470: Mr. HONDA.

H.R. 1494: Mr. GALLEG0, Mr. O'ROURKE, and Ms. BROWNLEY of California.

H.R. 1496: Mr. CASSIDY.

H.R. 1502: Mrs. HARTZLER.

H.R. 1518: Mr. SEAN PATRICK MALONEY of New York, Mr. VEASEY, Mr. STIVERS, Mr. ENYART, Mr. DELANEY, and Mr. WAXMAN.

H.R. 1524: Mr. GALLEG0, Mr. BRALEY of Iowa, Mr. ENYART, and Mr. HUFFMAN.

H.R. 1552: Mr. COTTON.

H.R. 1563: Mr. NUGENT, Mr. JOHNSON of Ohio, Mr. ROONEY, Mr. GERLACH, and Mr. SCOTT of Virginia.

H.R. 1564: Mr. HUIZENGA of Michigan, Mr. ROYCE, Mr. ROSS, Mr. MULVANEY, Mr. BACHUS, Mr. STIVERS, Mr. GARRETT, Mr. LUETKEMEYER, Mr. MURPHY of Florida, Ms. MOORE, Mr. DAVID SCOTT of Georgia, and Mr. PETERS of Michigan.

H.R. 1579: Mr. HOLT.

H.R. 1620: Ms. MICHELLE LUJAN GRISHAM of New Mexico and Mr. COLE.

H.R. 1621: Mr. FARENTHOLD.

H.R. 1623: Mr. GRIJALVA.

H.R. 1634: Mr. BUCHANAN.

H.R. 1690: Ms. SLAUGHTER.

H.R. 1692: Mr. DEUTCH, Mr. ENGEL, Ms. MICHELLE LUJAN GRISHAM of New Mexico, and Mr. O'ROURKE.

H.R. 1696: Ms. PINGREE of Maine, Ms. SHEA-PORTER, Mr. SCHIFF, and Mr. CICILLINE.

H.R. 1699: Mr. MCGOVERN.

H.R. 1717: Ms. SHEA-PORTER.

H.R. 1726: Mr. SABLAN and Mr. ENYART.

H.R. 1729: Ms. CASTOR of Florida, Ms. TITUS, Mr. PASTOR of Arizona, Mr. LOEBSACK, and Mr. MCNERNEY.

H.R. 1736: Mr. ENYART.

H.R. 1737: Mr. ISRAEL.

H.R. 1750: Mr. MCINTYRE, Mr. LOEBSACK, and Mr. OWENS.

H.R. 1771: Mrs. NOEM, Mr. RAHALL, Mr. HARPER, Mrs. WAGNER, Mr. STIVERS, Mr. NEUGEBAUER, Mrs. BLACK, Mr. MCHENRY, Mr. PETERS of California, Ms. WILSON of Florida, Mr. MICHAUD, and Mr. KINGSTON.

H.R. 1772: Mr. HALL.

H.R. 1779: Mr. COTTON, Mrs. BLACK, Mr. SIMPSON, Mrs. WALORSKI, and Mr. MULVANEY.

H.R. 1796: Mr. HIMES and Mr. PERLMUTTER.

H.R. 1801: Mr. LATHAM.

H.R. 1809: Mr. GRIJALVA.

H.R. 1821: Mr. SCHRADER.

H.R. 1825: Mr. SOUTHERLAND, Mr. GALLEGO, Mr. GARDNER, Mr. FINCHER, Mr. COLLINS of Georgia, and Mr. ROE of Tennessee.

H.R. 1844: Ms. BONAMICI, Mr. ELLISON, and Mr. WAXMAN.

H.R. 1848: Mr. COLLINS of New York, Mr. WEBSTER of Florida, and Mr. SCHOCK.

H.R. 1874: Mr. YOUNG of Indiana and Mr. SCHOCK.

H.R. 1878: Mr. STIVERS and Mr. ANDREWS.

H.R. 1892: Mr. ISRAEL.

H.R. 1900: Mr. CRAMER, Mr. MURPHY of Pennsylvania, Mr. BARTON, Mr. CASSIDY, and Mr. TERRY.

H.R. 1907: Ms. BROWN of Florida.

H.R. 1918: Ms. JENKINS, Mr. SAM JOHNSON of Texas, Mr. WILSON of South Carolina, Mr. RANGEL, and Mr. TIPTON.

H.R. 1920: Mr. PETERS of California, Mr. KEATING, Mr. DANNY K. DAVIS of Illinois, and Ms. SEWELL of Alabama.

H.R. 1931: Mrs. LUMMIS and Ms. SHEA-POR-TER.

H.R. 1943: Mr. HASTINGS of Florida.

H.R. 1950: Mr. MARCHANT.

H.R. 1962: Mr. NEUGEBAUER.

H.R. 1981: Mr. LOEBSACK.

H.R. 1982: Mr. LOEBSACK.

H.R. 1991: Mr. GARCIA.

H.R. 1999: Mr. FOSTER.

H.R. 2002: Mr. CUMMINGS and Mr. MEEKS.

H.R. 2009: Mrs. CAPITO, Mr. GOWDY, and Mr. SMITH of Missouri.

H.R. 2011: Ms. SINEMA.

H.R. 2014: Mr. ROE of Tennessee.

H.R. 2016: Ms. SCHAKOWSKY, Ms. DELAULO, Ms. ESTY, and Mrs. BEATTY.

H.R. 2020: Mr. PETERS of California.

H.R. 2041: Mr. AMODEI, Mr. WOMACK, Mr. GRIFFIN of Arkansas, Mr. CONAWAY, Mr. RENACCI, and Mr. BARR.

H.R. 2053: Mr. BENISHEK, Mrs. ROBY, Mr. PRICE of Georgia, Mr. FORTENBERRY, Mr. WOLF, and Mr. WOMACK.

H.R. 2058: Mr. CONNOLLY and Mrs. BEATTY.

H.R. 2073: Mr. NEAL.

H.R. 2076: Ms. MCCOLLUM and Mr. STEWART.

H.R. 2085: Mr. GRIFFIN of Arkansas.

H.R. 2087: Mr. COTTON.

H.R. 2088: Mr. CICILLINE.

H.R. 2093: Mr. PETERSON and Mr. COLLINS of New York.

H.R. 2094: Mr. MCGOVERN.

H.R. 2137: Mr. TONKO, Mr. HIGGINS, Mr. HANNA, and Mr. HIMES.

H.R. 2139: Mrs. LOWEY and Mr. HUFFMAN.

H.R. 2169: Mr. JONES.

H.R. 2199: Ms. ROS-LEHTINEN and Mr. THOMPSON of Mississippi.

H.R. 2201: Mr. HONDA and Mr. DEFazio.

H.R. 2220: Mr. COTTON.

H.R. 2224: Mr. SMITH of New Jersey.

H.R. 2241: Mr. LUETKEMEYER.

H.R. 2273: Mr. STIVERS, Mr. RYAN of Ohio, and Mr. COLLINS of New York.

H.R. 2282: Mr. CAPUANO.

H.R. 2288: Mr. CICILLINE.

H.R. 2300: Mr. HENSARLING, Mr. JOHNSON of Ohio, and Mr. COTTON.

H.R. 2305: Mr. GRIFFIN of Arkansas, Mrs. BLACK, and Ms. DUCKWORTH.

H.R. 2309: Mr. LUCAS, Mr. KILMER, Mr. MCGOVERN, Mr. ROSKAM, Mr. PETERS of California, Ms. SCHWARTZ, and Mr. HINOJOSA.

H.R. 2316: Ms. WILSON of Florida and Mr. ELLISON.

H.R. 2322: Mrs. NAPOLITANO.

H.R. 2329: Mr. FARENTHOLD.

H.R. 2332: Mr. RUIZ.

H.R. 2346: Mr. CASSIDY.

H.R. 2347: Mr. HUNTER and Mr. COLE.

H.R. 2368: Mr. TAKANO and Mr. SABLAN.

H.R. 2385: Mr. CRAMER, Mr. RENACCI, and Mr. HUIZENGA of Michigan.

H.R. 2399: Mr. DUNCAN of South Carolina.

H.R. 2408: Mr. FARENTHOLD.

H.R. 2412: Mr. RENACCI.

H.R. 2422: Mr. CONYERS, Ms. SLAUGHTER, Mr. GRAYSON, Ms. ESTY, Mr. MURPHY of Florida, Ms. LEE of California, and Ms. SINEMA.

H.R. 2428: Ms. DELAULO and Mr. SEAN PATRICK MALONEY of New York.

H.R. 2449: Ms. MENG.

H.R. 2454: Mr. O'ROURKE.

H.R. 2457: Mr. TAKANO, Mr. PETERS of California, and Ms. MENG.

H.R. 2458: Mr. CRAMER.

H.R. 2459: Mr. LOWENTHAL and Mr. FATTAH.

H.R. 2494: Mr. HOLT and Mr. POCAN.

H.R. 2495: Ms. LEE of California and Mr. BEN RAY LUJÁN of New Mexico.

H.R. 2511: Mr. LABRADOR and Mr. KINGSTON.

H.R. 2516: Mr. HINOJOSA.

H.R. 2517: Mr. HINOJOSA.

H.R. 2519: Mr. TAKANO.

H.R. 2520: Mr. CARTWRIGHT.

H.R. 2536: Mr. YOUNG of Indiana.

H.R. 2539: Mr. TONKO.

H.R. 2540: Mr. RUSH, Mr. SABLAN, Mr. HASTINGS of Florida, Mr. BUCHANAN, and Ms. LEE of California.

H.R. 2542: Mr. HANNA and Mr. HUELSKAMP.

H.R. 2544: Mr. GOHMERT.

H.R. 2546: Mr. SAM JOHNSON of Texas and Mr. RADEL.

H.R. 2553: Mrs. LOWEY, Mr. SCHIFF, and Mrs. BEATTY.

H.R. 2560: Ms. DELBENE.

H.R. 2565: Mr. BARLETTA and Mr. LUETKEMEYER.

H.R. 2571: Mr. RENACCI and Mr. HUIZENGA of Michigan.

H.R. 2574: Mr. GRIJALVA.

H.R. 2575: Mr. NEUGEBAUER, Mr. SMITH of Texas, and Mr. STOCKMAN.

H.R. 2590: Mr. OWENS, Mr. LOWENTHAL, Mr. MATHESON, and Mr. THOMPSON of Pennsylvania.

H.R. 2604: Ms. BASS and Mr. O'ROURKE.

H.J. Res. 28: Mr. HARPER.

H.J. Res. 43: Mr. CARDENAS, Ms. CASTOR of Florida, Mr. HASTINGS of Florida, Mr. HOLT, Mr. BISHOP of New York, and Ms. SLAUGHTER.

H. Con. Res. 23: Mrs. ROBY.

H. Con. Res. 24: Mr. ROSS and Mr. SMITH of Nebraska.

H. Con. Res. 34: Mr. OWENS.

H. Res. 63: Mr. CARTWRIGHT.

H. Res. 89: Mr. PETRI, Ms. MATSUI, Mr. HONDA, Mr. PETERS of Michigan, Mr. PETERSON, and Mr. MAFFEI.

H. Res. 109: Ms. JENKINS, Ms. PINGREE of Maine, Mr. REICHERT, Mr. WELCH, Mr. HINOJOSA, Mr. SCHNEIDER, Mr. PRICE of North Carolina, Mr. HUFFMAN, Mr. DUNCAN of Tennessee, and Mr. WAXMAN.

H. Res. 112: Ms. GABBARD.

H. Res. 131: Ms. DELAULO, Mr. VAN HOLLEN, and Ms. SCHWARTZ.

H. Res. 134: Mr. MURPHY of Pennsylvania.

H. Res. 137: Mr. SWALLOW of California.

H. Res. 147: Mr. COLLINS of Georgia.

H. Res. 190: Mr. JOHNSON of Georgia and Mr. LATHAM.

H. Res. 197: Mr. GEORGE MILLER of California and Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H. Res. 213: Mrs. CAROLYN B. MALONEY of New York.

H. Res. 250: Mr. GOODLATTE.

H. Res. 273: Mr. STOCKMAN.

H. Res. 276: Ms. LEE of California.

H. Res. 282: Mrs. CAPPS.

H. Res. 284: Mr. LARSON of Connecticut.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2609

OFFERED BY: MR. MORAN

AMENDMENT No. 1: Page 11, beginning on line 8, strike section 107.

H.R. 2609

OFFERED BY: MR. MORAN

AMENDMENT No. 2: Page 13, beginning on line 1, strike section 112.

H.R. 2609

OFFERED BY: MR. TIPTON

AMENDMENT No. 3: Page 60, after line 6, insert the following:

SEC. 512. None of the funds made available in this Act maybe used for the National Blueways System.

H.R. 2609

OFFERED BY: MR. CHAFFETZ

AMENDMENT No. 4: Page 23, line 24, after the dollar amount, insert "(reduced by \$100,000,000)".

Page 60, line 12, after the dollar amount, insert "(increased by \$100,000,000)".

H.R. 2609

OFFERED BY: MS. SPEIER

AMENDMENT No. 5: Page 23, line 24, after the dollar amount, insert "(reduced by \$30,000,000)".

Page 60, line 12, after the dollar amount, insert "(increased by \$30,000,000)".

H.R. 2609

OFFERED BY: MR. PETERS OF MICHIGAN

AMENDMENT No. 6: Page 28, line 10, after the dollar amount, insert "(reduced by \$15,000,000)".

Page 60, line 12, after the dollar amount, insert "(increased by \$15,000,000)".

H.R. 2609

OFFERED BY: MR. TAKANO

AMENDMENT No. 7: Page 22, line 5, after the dollar amount insert "(increased by \$245,000,000)".

Page 29, line 21, after the dollar amount insert "(reduced by \$245,000,000)".

H.R. 2609

OFFERED BY: MR. TAKANO

AMENDMENT No. 8: Page 3, line 16, after the dollar amount insert "(increased by \$7,000,000)".

Page 29, line 21, after the dollar amount insert "(reduced by \$7,000,000)".

H.R. 2609

OFFERED BY: MS. JACKSON LEE

AMENDMENT No. 9: Page 28, line 10, after the dollar amount, insert "(increased by \$1,000,000)".

Page 49, line 3, after the dollar amount, insert "(reduced by \$1,000,000)".

## EXTENSIONS OF REMARKS

### JULY 4, 2013 NATURALIZATION CEREMONY IN HAMMOND

#### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and sincerity that I take this time to congratulate the individuals who took their oaths of citizenship on July 4, 2013. In true patriotic fashion, on the day of our great Nation's celebration of independence, a naturalization ceremony took place, welcoming new citizens of the United States of America. This memorable occasion, coordinated by the League of Women Voters of the Calumet Area and presided over by Magistrate Judge Andrew Rodovich, was held at The Pavilion at Wolf Lake in Hammond, Indiana.

America is a country founded by immigrants. From its beginning, settlers have come from countries around the globe to the United States in search of better lives for their families. The oath ceremony is a shining example of what is so great about the United States of America—that people from all over the world can come together and unite as members of a free, democratic nation. These individuals realize that nowhere else in the world offers a better opportunity for success than here in America.

On July 4, 2013, the following people, representing many nations throughout the world, took their oaths of citizenship in Hammond, Indiana: Chong Ran Embury, Weiping Zhong, Boyanka Radeva, Odiseeva, Olena Mykhailivna Rogers, Izabela Zuzanna Mazur, Kavita Goyal, Pooja Goyal, Yoshiko Tonosaki Simpson, Nora Mardi, Margarita Figueroa De Cornejo, Syed Durvesh Mohiuddin, Eunice Childress, Rafael Navarro Gomez, Justyna Ksiazek, James Lisitsas, Yvonne Monalisa Odemba, Dragoljub Martinovic, Elizabeth Anne Robinson, Danute Jackson, Daniela Gotis, Edgardo Reyes Eliscupides, Sergio Hernandez Romo, Lynn Bouziotis, Nancy Alondra Gallardo, Jose Guadalupe Gonzalez Zambrano, Fadma Alburei, Maria Nazare Barros Bezerra, Liliana Guadalupe Brady, Norma Angelica Camarillo, Adrian Ferrer, Angel Giron, Vandana Mona Graham, Michael Ikechukwu Ibekie, Marija Klechkaroski, Maria Leanos Mota, Guillermina Lopez, Mauricio Lopez, Himelda Morua, Syeda Vajahath Muhiuddin, Antonio Ochoa, Cristina Pellegrini Rath, Amrit Pal Singh Sarai, Amela Spahic, Salvador Tinoco, Angela Arutunovna Tonoyan-Hopkins, Huseyin Salih Usak, Ana Luisa Vargas, Genoveva Viramontes, and Jennifer Zhang.

Though each individual has sought to become a citizen of the United States for his or her own reasons, be it for education, occupation, or to offer their loved ones better lives, each is inspired by the fact that the United

States of America is, as Abraham Lincoln described it, a country “. . . of the people, by the people, and for the people.” They realize that the United States is truly a free nation. By seeking American citizenship, they have made the decision that they want to live in a place where, as guaranteed by the First Amendment of the Bill of Rights, they can practice religion as they choose, speak their minds without fear of punishment, and assemble in peaceful protest should they choose to do so.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating these individuals, who became citizens of the United States of America on July 4, 2013, the day of our Nation's independence. As American citizens, they are guaranteed the inalienable rights to life, liberty, and the pursuit of happiness. We, as a free and democratic nation, congratulate them and welcome them.

### TRIBUTE TO DICK WAYBRIGHT

#### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mrs. CAPITO. Mr. Speaker, I rise today to recognize Richard “Dick” Waybright on the occasion of his retirement as Executive Director of the West Virginia Forestry Association, after thirty-three years of service. Mr. Waybright's work with the Forestry Association has earned him the respect and admiration of colleagues, association members, and many others who have worked with him throughout his many years with the organization.

Mr. Waybright began his career in public service in 1968 as a teacher in the Mason County school system, later becoming a coach then Assistant Principal. He continued to serve the public by later joining West Virginia University's Extension Services as a 4-H Agent in Kanawha County, where he coordinated county 4-H programs, directed Camp Virgil Tate and the Kanawha County Fair. In 1980, Mr. Waybright joined the West Virginia Forestry Association as Executive Director and has been serving in that position since that time.

Throughout his tenure, Mr. Waybright has worked with seven governors and countless legislators on behalf of the association. These relationships allowed Mr. Waybright and the Forestry Association to achieve great legislative successes, including the Managed Timberland Tax, Logging Sediment Control Act, defeating the Excess Acreage Privilege Tax, resolved Tier 2.5 Water Pollution Control issue, among many other initiatives important to the forestry industry.

On July 31, 2013, Dick Waybright will retire from his position with the Forestry Association. Though his colleagues, association membership, and many others will miss working with him, Dick leaves the association in a strong position to continue his legacy.

Dick Waybright currently resides in Ripley, Jackson County with his wife, Linda. Together Dick and Linda have two daughters, three grandsons, and one granddaughter. In addition to his role with the Forestry Association, Dick serves his community as a member of the Jackson County Commission. He is also active in his church, serving as a Sunday school teacher and chair of Ripley Calvary United Methodist Church's Administrative Board.

Mr. Speaker, the State of West Virginia owes Richard “Dick” Waybright a tremendous debt of gratitude for his many years of past and current community service. It is my honor to thank Mr. Waybright for his devotion and congratulate him on his retirement. I am proud to call him friend and fellow Mountaineer.

### HONORING MR. JAMAL BROCK

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor an outstanding young man making a difference in his school, Charleston High School in Tallahatchie County, MS, Mr. Jamal Brock.

At the age of thirteen, Jamal started his own tutoring program right in his backyard called, “Jamal's Backyard Tutoring.” He had the help and support of Ms. Gerline Garvin a well respected mother and grandmother also in the community. He said it was tough but felt the biggest need of this community was to educate the children, feeling it was their only hope to change the community and individual lives.

Jamal's tutoring program taught basic life skills, in addition to helping students with homework. The program operated year round that included summer and holidays. During the holidays he would work the students on community projects of giving back, sowing the seeds of community and support. While in school, Jamal is just as active as the Senior Class President. They plan and carryout fundraising activities to pay for planned projects and trips. Jamal is currently in the process of spear heading active participation in the community relations project for racial reconciliation with the William Winters Institute. I am proud to have Jamal Brock as a citizen of the Second Congressional District of Mississippi.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Jamal Brock for his current active role as a student making a difference.

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SMITHSONIAN FREE ADMISSION  
ACT OF 2013

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Ms. NORTON. Mr. Speaker, today I introduce the Smithsonian Free Admission Act of 2013 to reinforce 170 years of consistent Smithsonian Institution policy of admitting the public to all permanent exhibits without charge. This policy has served the nation well. Families come to Washington, D.C. to learn about their country through its public monuments and sites. While the private amenities here can be costly for the average family, Americans have looked forward to the free museums and other official offerings for generations. The Smithsonian's free admission policy reflects the intent of its founder, John Smithson, whose gift to the federal government carried the condition that the Smithsonian be established to increase the knowledge of the public, free of charge. The bill establishing the Smithsonian, introduced by Senator William C. Preston on February 17, 1841, stated explicitly that the Smithsonian would "preserve and exhibit with no fee" all works of art and science. This intent and tradition was interrupted by the Smithsonian's Board of Regents, which, without notice to Congress, said casually that it would charge an admission fee for a permanent exhibit for the first time in its history, and on January 29, 2007, the Smithsonian instituted a fee for admission to the National Museum of Natural History's Butterfly Pavilion. Congress, of course, not the Board of Regents, should decide so basic a policy, especially when it departs from long-standing public policy. This admission fee sets a harmful precedent for future permanent exhibits, making it difficult to deny the other Smithsonian entities that right and may encourage other Smithsonian entities to structure their exhibits to fit the Butterfly Pavilion model.

The Butterfly Pavilion opened on February 14, 2008. Although the Smithsonian had previously charged fees for films and shows, such as IMAX films, the National Air and Space Museum's Planetarium, and the National Zoo's Christmas Lights special, the \$6 admission fee for the Butterfly Pavilion marked the first time an admission fee was charged for a permanent exhibit. My bill requires a report to Congress in advance of any proposed fees and requires the Secretary of the Smithsonian to submit a plan for funding the Butterfly Pavilion without an admission fee.

The Smithsonian Modernization Act, which I am also introducing today, addresses the Smithsonian's fundraising capacity by restructuring and expanding the Smithsonian's Board of Regents, from a board almost half of whose members are public officials to a board consisting solely of private citizens, who have greater experience and fundraising capacity than public officials. The fundraising ability of the Smithsonian was clear in the opening of the National Portrait Gallery, for example, where, according to a Congressional Research Service (CRS) report (RL 33560), donors contributed funds for the new auditorium and roof over the courtyard of the National

Portrait Gallery. This private fundraising capability would be enhanced by my bill.

The Smithsonian Modernization Act and similar measures, not admission fees, provide the most realistic vehicles to raise funds for the Smithsonian without cost to the government or to the public. Admission fees can bring in only token amounts. According to CRS, the Smithsonian has long prided itself on "free access." Admission fees are not the answer for taxpayers, who have already paid through the federal government's 70 percent contribution to this public institution's annual budget. Federal taxpayers do not expect to pay again through an admission fee to a federally financed institution.

I urge my colleagues to support this bill.

COMMEMORATING NATIONAL  
WOMEN'S HEALTH WEEK

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. RANGEL. Mr. Speaker, today I am pleased to join the rest of the country in observing National Women's Health Week during the week of May 12th through the 18th. As the well-being of all Americans is important, our women have been and will always be the backbone of this country. We must continue to protect and encourage women in their efforts to stay healthy.

National Women's Health Week was initiated by President Barack Obama in 2012 as a result of the Affordable Care Act, which I proudly sponsored. The President believes in honoring women by demanding gender equality in the health arena. Reportedly, women pay higher health insurance premiums than men. The Affordable Care Act prohibits discrimination against women, including making it illegal for insurance companies to deny coverage for women who have preexisting conditions such as cancer or pregnancy.

I encourage all women to make their health a priority this year and schedule professional, health care visits for regular check-ups and preventative screening. Many times, women are often caring for others that they pay less attention to their health—physically, mentally, and emotionally. I commend organizations that provide women with preventative services, such as New York's own Harlem Healthy Living and Community Healthy Network.

We must recommit ourselves to caring for the well-being of women everywhere. This year, I stand with my fellow colleagues in Congress to continue providing services that protect and secure women and their well-being.

HONORING DONOVAN MITCHELL

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mr. Donovan Mitchell, a dedicated student, who is making the difference in his community.

Growing up in Holmes County, one does not usually hear many success stories involving education; however, there are some exceptions. Donovan Mitchell is one of them.

Education has always been one of the most important things in his life, mostly due to the fact that he was raised by a family of educators. His grandparents, mother, aunt, and uncle have all served as teachers in elementary and/or high schools. From a young age, they made sure that he understood the importance of obtaining a good education.

Throughout elementary and high school he received stellar grades. He even went so far as to score the highest mark on the ACT test out of his entire graduating class. At that time, his grandmother worked for the Community Students Learning Center. After noticing Donovan's constant educational success, she suggested that he volunteer as a tutor at the center. As a result, Donovan spent the majority of his senior year tutoring younger students in mathematics. Eventually, the center established a division where he specifically tutored students who were preparing to take the ACT test. The tutoring sessions were very beneficial by improving their ACT scores and positioned students to attend their colleges of choice. Also while volunteering, Donovan participated in various community service events. The most notable event was his portrayal of the former Rep. Robert Clark in a play about his life. He continued working with the center until he graduated. Afterwards the Community Students Learning Center hired him to assist in teaching mathematics for their summer program. He spent the entire summer working with the center, and positioned himself to be the recipient of a scholarship from the Congressional Black Caucus.

Donovan attends Jackson State University where he is a senior political science major. While in college he has continued his educational success. He has received numerous awards such as Most Outstanding Student in Political Science both his sophomore and junior year, and being recognized on the Dean's List every year. Last summer, Donovan was accepted to study public policy at Princeton University in the Public Policy and International Affairs program. Upon completion of this program, he received many scholarships to Ivy League schools such as Harvard and Princeton. Donovan is currently finishing his last semester and will be obtaining his B.A. in Political Science. He has also received a scholarship to attend the University of Mississippi School of Law. After graduation, he will be pursuing a career as an attorney.

Donovan owes all of his success to how his journey began. Coming from a small town, and being humbled through his volunteer service has made him the person he is today. He loves to tell his story in hope that it will motivate other young people traveling down a similar path.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Donovan Mitchell, for his humble dedication and determination in making a difference in his community.

RECOGNIZING THE SEVENTY-FIFTH ANNIVERSARY OF OLYMPIC NATIONAL PARK

**HON. DEREK KILMER**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. KILMER. Mr. Speaker, I rise today to recognize the 75th anniversary of Olympic National Park located on the Olympic Peninsula in the great State of Washington. Seventy-five years ago, on June 29, 1938, President Franklin D. Roosevelt signed legislation that established the Olympic National Park. In the intervening years, the Olympic National Park has become one of the most beloved and visited national parks in the country.

In establishing Olympic National Park, Congress defined the park's purpose as to: "... preserve for the benefit, use and enjoyment of the people, the finest sample of primeval forests of Sitka spruce, western hemlock, Douglas fir, and western red cedar in the entire United States; to provide suitable winter range and permanent protection for the herds of native Roosevelt elk and other wildlife indigenous to the area; to conserve and render available to the people, for recreational use, this outstanding mountainous country, containing numerous glaciers and perpetual snow fields and a portion of the surrounding verdant forest together with a narrow string along the beautiful Washington coast."

The park combines three different communities into one—an extensive old-growth rain forest, mountains topped with glaciers, and miles of untarnished Pacific Ocean coast. In recognition of these areas, the World Heritage Convention named Olympic National Park as a World Heritage Site, and the United National Educational, Scientific, and Cultural Organization heralded the park as an International Biosphere Reserve.

Olympic National Park has something that both tourists and scientists alike can marvel at—more than 650 archeological spots detailing 12,000 years of human life.

The Olympic National Park stands as a testament to the diverse heritage of America. As it has been for the last 75 years, Olympic National Park will be protected and preserved for generations.

Mr. Speaker, our country is a better place because of the special landscapes like Olympic National Park. I commend the work of M. Sarah Creachbaum, the Superintendent of Olympic National Park, park staff, National Park Service, and all fellow citizens who have dedicated time, resources, and energy to protect and preserve this biological and historical treasure. I am pleased today to recognize the Olympic National Park in the United States Congress.

HONORING ALBERT RAMSEY

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. ENGEL. Mr. Speaker, Albert Ramsey has led the Yonkers Department of Veterans

Services since 2000 modernizing an office and bringing new services to help the approximately 18,000 veterans and their dependents in the City of Yonkers. And today I am proud to join with Yonkers in honoring Albert Ramsey as a veteran who served 28 years in the United States Air Force.

Our nation's freedom has been preserved by members of the Armed Forces, and they continue to do so today. As a Member of Congress, I have consistently supported veterans and our servicemen and women. They deserve no less from us. We owe the preservation of our freedoms and our way of life to the veterans who proudly served their country.

Albert Ramsey advocates for and assists veterans and their families helping them to access services and benefits and to receive their deserved recognition. He strives to educate the community about veterans' needs and their many contributions to and sacrifices for our nation.

Prior to his joining the City of Yonkers, he was a Service Officer at the New York State Division of Veteran's Affairs and a board member of the Veterans Coalition of the Hudson Valley. His work was recognized by the New York American Legion who awarded him their Service Officer of the Year Award.

He joined the Air Force upon graduating from high school. He earned three Associate Degrees and completed both the Non-Commissioned Officers Academy and the Senior NCO Academy during his service. He retired from the USAF in 1990 and graduated with Distinction from Nyack College with a G.P.A. of 3.86 in 1995. He lives with his wife of eleven years Charlene.

I am proud to join with the City of Yonkers in honoring Albert Ramsey on Veterans Appreciation Day for his service to his country and his outstanding work in helping his fellow veterans and their families.

HONORING MS. BRENDA LASHAY TURNER-BUCK

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Brenda Lashay Turner-Buck, a remarkable worker, who is changing her community.

Brenda Lashay Turner-Buck was born September 30, 1966 to Rev. and Mrs. Percy Turner. She is the second of three children. Brenda does have an older brother, Vincent, and a younger sister, Tammie. Brenda learned the importance of independence since she was a middle child.

Brenda graduated from Jefferson High School as Salutatorian of her class in 1984. She enrolled at Alcorn State University in Agriculture Economics and received her B.S. in 1987, followed by her Master's in 1992.

Throughout Brenda's entire life, she has truly lived and breathed the importance of "community." Being a "Preacher's Kid," it was hard not to be surrounded by people with so many needs and the opportunity to gain extended family. During high school she took on

the role of President of the FFA and helped to coordinate many outreach projects. College was not different because it was an opportunity to spread her wings and learn more to bring back to the community.

For over a span of 18 years, Brenda worked at Alcorn State University in different capacities. She started as a recruiter for the university in 1988 and served as Director of the Center for Rural Life and Economic Development until 2006. She feels that God led her to her alma mater to serve as a beacon of light for many young people and families. During her tenure at the university, she was able to recruit hundreds of students and become one of the founders of AG-HOPE (Agriculture—Helps Our People Earn). The program allowed over 275 young people from rural America the opportunity to see the other side of Agriculture, Food Science, and Technology.

Today, many of them are outstanding employees of Fortune 500 companies and the USDA. In 2000, the late President Clinton Bristow, Jr., made an administrative appointment and named Ms. Buck as Director of the Center for Rural Life and Economic Development and Executive Director of Traceway Community Development Corporation. This appointment took her to another stepping stone in her career. Being a part of the Institutional Advancement, Planning and Research under the leadership of Dr. Franklin Jackson, Brenda was part of writing over 3 million dollars in grants for outreach in Southwest Mississippi. Many of the dollars provided better living conditions for families and spurred economic growth through small business development.

For years, Brenda prayed that God would show her true calling and purpose. Little did she know that she was already living it every day by making a difference in the lives of those that were less fortunate.

After six years of traveling through Southwest Mississippi, Brenda saw the need to return to her home and roll up her sleeves. October 2, 2006, Brenda returned to Jefferson County as Administrator. The six year journey has been a goal of hers to bring opportunities to the communities. Being a part of over 4 million dollars in funded grants, the community now has a new walking track, funds for a new library, and many other community services. Modest in her doing, Brenda always believes that it was God who placed her to serve the public and she's going to do just that.

Brenda didn't stop in Jefferson County. In October 2012, she was selected as the County Administrator of Claiborne County, Mississippi. She has always considered it as a second home.

Brenda is the mother of four wonderful children—Vincent Delon, Brittany, Brandy, and Tyrese.

She is a dedicated member of the Greenleaf Baptist Church, where she serves in the choir and as president of the Youth Department. She believes in the order of God first, then family and third, her career. Brenda is a team player and encourages everyone around her to reach their greatest given potential because they are unique creations of God. At the end of the day, it's not about the title she wears, but the ability to know that someone in the community is living just a little bit better because of her efforts.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Brenda Lashay Turner-Buck for her dedication and determination to take on the challenges of her community.

INTRODUCTION OF THE OPEN AND  
TRANSPARENT SMITHSONIAN  
ACT OF 2013

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Ms. NORTON. Mr. Speaker, today I introduce the Open and Transparent Smithsonian Act of 2013 to further ensure that the Smithsonian Institution is accountable to the public for the taxpayer funds it receives. The bill provides that, for the purposes of the Freedom of Information Act (FOIA) and the Privacy Act, the Smithsonian shall be considered a federal agency.

The bill complements my Smithsonian Modernization Act and my Smithsonian Free Admission Act. I introduce these three bills today to make the Smithsonian accountable for the annual federal appropriations it receives, which account for 70 percent of its budget. Although the Smithsonian was created by Congress as a federal trust, it receives the great majority of its funding from the federal government, much like federal agencies, and has always been treated as a federal agency. However, in the 1990s, the U.S. Court of Appeals for the District of Columbia Circuit found that the Smithsonian is not a federal agency for purposes of FOIA and the Privacy Act. Indeed, the Smithsonian's website clearly states that it is "not an Executive Branch agency, and FOIA does not apply to the Smithsonian."

This lack of transparency is of great concern, particularly in light of the Smithsonian's recent history of secrecy and corruption. In 2007, an independent review found that the Smithsonian Board of Regents had violated many principles of good management during the tenure of Lawrence Small as Secretary of the Smithsonian. The report indicated that the Board had failed to provide desperately needed oversight, had overcompensated the Secretary, and had allowed the creation of an "insular culture." The report further found that the Smithsonian's deputy secretary and chief operating officer, Sheila Burke, had frequent absences from her duties because of outside activities, including service on corporate boards, for which she earned more than \$1.2 million over six years. Importantly, the report indicated that Smithsonian leaders took great measures to keep secret these missteps and mismanagement.

While the Smithsonian now has new leaders, who are moving away from the mistakes of the past, its transparency should not depend on who is in charge. An entity supported primarily by the federal government must be accountable to the American people. The American people have a right to know that their interests are being served.

I urge my colleagues to support this measure.

LETTER WRITTEN BY CHRISTINA  
BONARRIGO

**HON. CORRINE BROWN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Ms. BROWN of Florida. Mr. Speaker, I submit the following letter.

UNIVERSITY OF FLORIDA  
STUDENT GOVERNMENT,  
Gainesville, FL, June 5, 2013.

Hon. CORRINE BROWN,  
Rayburn House Office Building,  
Washington, DC.

DEAR CONGRESSWOMAN BROWN: A well-educated workforce is essential to the growth of our country. I firmly believe that higher education is what drives our economy and gives our country its competitive advantage in the current global economy. As the colleges and universities in the United States make progress towards curing cancer and finding alternative energy sources, the cost of a college degree has increased progressively.

According to the SFA Funds Management Report from the University of Florida, over 10,000 students have received \$37,122,091 in subsidized Stafford Loans. Across the board, the cost of a college degree has increased by more than 1,000 percent in the past 35 years and many students simply cannot bear the cost of a college degree.

I do not want to see student loan rates increase, but I recognize the need for long-term solutions to the problems that students face. I, along with the 50,000+ students at the University of Florida, support a bipartisan solution that will contribute to the success of students and support them in today's economy. This is an issue that we care about and it is a discussion that we want to be a part of.

Economics teaches us that stability is one of the greatest influences in any market. Students need to be able to plan for the financial responsibilities of college and a stable loan market is crucially important to providing stability and security. I think that everyone can agree that students should be focused on their education and college graduates should be focused on their career. Unfortunately, the current loan crisis has students and graduates focused on the amount of money they owe instead of studying and contributing to the nation's economy.

Ensuring that all stakeholders' voices are heard during the discussion is our main priority in finding a long-term solution to student loan rates. We are receptive to entertaining different possible solutions until the best one is found. Students and their families deserve financial stability instead of crippling adjustments or rate increases that would hinder their success. I look forward to discussing this issue with members from the state of Florida, and would gladly share my viewpoint with other Members of Congress.

Go Gators,

CHRISTINA BONARRIGO,  
Student Body President,  
University of Florida.

HONORING FRANK R. SULLO

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. ENGEL. Mr. Speaker, throughout our nation's history our freedom has been preserved by members of the Armed Forces, and they continue to do so today. As a Member of Congress, I have consistently supported veterans and servicemen and women. They deserve no less from us. We owe the preservation of our freedoms and our way of life to the veterans who proudly served their country.

Today I join the City of Yonkers at its annual Veterans Appreciation Day in honoring Frank R. Sullo, who served his country as an Army infantryman in Vietnam and who received the Bronze Star, Army Commendation Medal, National Defense Service Medal, Vietnam Service Medal, and the Vietnam Campaign Medal.

He is a long time resident of Yonkers who attended Public School 18 and graduated from Yonkers High School. He is an active member of the Empire Veterans of Foreign Wars, Post 375, and is a member of the American Legion and the Disabled American Veterans.

With his wife, Pearl, and their children, Nicole and Frank, he has a lifetime of accomplishments that has enhanced his city. I am proud to join the City of Yonkers in honoring Frank Sullo, and thank him for his heroic service to our country.

TRIBUTE TO DEUNTAE SHEARD

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mr. Deuntae Sheard, a dedicated student, who is making the difference in his community.

Deuntae Sheard was born in Jackson, MS, on May 23, 1993, to the proud parents of Freddie and Elaine Sheard. Elaine is a head-start teacher and Freddie is a deputy for the local sheriff's department. Deuntae is the youngest of three children, Freddie Jr. and Spartel.

Deuntae was raised in Lexington, MS. He went to Lexington Elementary School (LES) and Jacob J. McClain High School and graduated in the top 10 from both schools. He is currently a student at Jackson State University, majoring in mathematics. His goal is to become a math teacher.

While growing up, Deuntae had a desire to teach children, probably because his mother has been a teacher all his life. He became certain in his senior year in high school that he could teach children. During high school, Deuntae joined a group called TATU (Teens Against Tobacco Use). TATU is an organization that teaches students about the effects of using tobacco, the substances in tobacco, and the signs of peer pressure coming from friends and role models. It was then that Deuntae realized that he could be a good role model and

that this was the key to being a good teacher and leader. Whenever he was out in the community around his peers and children, he led by example. If the smaller children wanted to play on the basketball court, he would either convince his peers to let them play on half the court or let them play with them while perhaps helping them improve their skills.

Living in the house with a teacher and a deputy taught Deuntae two important things: respect and education. Deuntae's father always told him to respect others and good things will happen and stressed to him the importance of making good grades in school. These teachings helped mold Deuntae into a respectable person and thus respecting all others.

Deuntae believes that if he had the power to help anyone he would do it. When his peers or even elementary kids asked him to help them with the classwork, he did and he was ecstatic whenever a child came back to tell him "Thank you."

Deuntae spent his high school summers at the Community Students Learning Center in Lexington, MS, where he got a head start on his learning before school started in August. At the center, he interacted with the children by playing games, talking with them, and helping them with their work, if asked.

Deuntae is now in his second semester as a junior at Jackson State University. He plans to come back home after graduation for a few years and help teach at one of the local schools or the Community Students Learning Center. His passion for teaching has heightened and he is anxious to start.

Mr. Speaker, I ask my colleagues to join me in recognizing a talented student, Mr. Deuntae Sheard, for his zest for teaching and making a difference in his community.

HONORING THE 30TH  
ANNIVERSARY OF RONDO DAYS

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Ms. McCOLLUM. Mr. Speaker, today I rise to pay tribute to the families of the Rondo neighborhood in Saint Paul, Minnesota on the 30th anniversary of the Rondo Days festival. Rondo Days offers a remembrance of this historically African-American community that was dramatically altered by the construction of U.S. Interstate 94 in the mid-1960s. More importantly, Rondo Days is a celebration of the perseverance and tenacity of the modern Rondo community, which remains a vibrant, diverse and thriving neighborhood.

For many decades, Rondo Avenue was the lively center of the African-American community in Saint Paul. Construction of U.S. Interstate 94 in the 1960s resulted in the removal of the avenue along with hundreds of homes and businesses, shattering the tight-knit community. Many families were displaced and the appearance of the neighborhood was forever changed, but the spirit of Rondo lived on. Capturing a strong desire for a community revival, in 1982, Marvin "Roger" Anderson and Floyd Smaller founded a new festival to re-

store the sense of kinship, stability, and community values of the old Rondo neighborhood. Rondo Days was born, growing into a major annual weekend festival drawing together thousands of residents in celebration of the community. Each year, neighbors and families come together for activities including a senior dinner, 5K walk and run, drill team competition, and the Grand Parade.

The rich legacy of old Rondo Avenue is also the foundation for the future of the new Rondo neighborhood. For decades, many families called Rondo Avenue home, and many new residents from the South were welcomed on doorsteps along the avenue. Residents were proud of their neighborhood and planted deep roots, branching out to start businesses to serve the community and create new opportunity. During a time of segregation and harsh racial disparities, Rondo Avenue allowed many African-Americans to dream big and believe in a brighter future. This pride and these dreams remain undiminished today. As Saint Paul gathers for the 30th time to celebrate Rondo Days, families and neighbors will be reunited, new friends welcomed, and everyone will be looking to an even brighter future.

Mr. Speaker, in honor of the community, history, and legacy of the Rondo neighborhood, and as a neighbor myself, I am pleased to submit this statement for the CONGRESSIONAL RECORD recognizing the 30th Anniversary of Rondo Days in Saint Paul, Minnesota.

HONORING THE MIAMI HEAT ON  
THEIR THIRD NBA CHAMPIONSHIP

**HON. FREDERICA S. WILSON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Ms. WILSON of Florida. Mr. Speaker, I submit the following:

Whereas, The Miami Heat won their third National Basketball Association (NBA) Championship in franchise history on Thursday, June 20, 2013, by defeating the San Antonio Spurs with a score of 95 to 88 in the seventh game of the NBA finals, in Miami, Florida at the American Airlines Arena;

Whereas, During the 2013 NBA playoffs, the Miami Heat defeated the Milwaukee Bucks, Chicago Bulls, Indiana Pacers, and San Antonio Spurs;

Whereas, The Miami Heat are the second team in five years to win back-to-back championships, and the Miami Heat are the first to defeat the San Antonio Spurs in the NBA finals;

Whereas, Since its founding in 1988, the Miami Heat has won three world championships, four conference titles, nine division titles, and made 17 playoff appearances;

Whereas, The 2012–2013 Miami Heat organization is comprised of players: Ray Allen, Chris Anderson, Joel Anthony, Shane Battier, Chris Bosh, Mario Chalmers, Norris Cole, Udonis Haslem, Juwan Howard, LeBron James, James Jones, Rashard Lewis, Mike Miller, Jarvis Varnado, Dwyane Wade;

Whereas, LeBron James was named the NBA Most Valuable Player during the 2012–2013 regular season, was named the NBA

Most Valuable Player during the 2013 finals, and joined Michael Jordan and Bill Russell as the only players in NBA history to win back-to-back NBA finals and regular season MVP awards;

Whereas, The San Antonio Spurs were seconds away from winning the NBA finals until Ray Allen hit a clutch three-pointer, sending the game into overtime and forcing a decisive game seven;

Whereas, The Miami Heat coaching staff exhibited exemplary leadership and guidance; Whereas, The Miami Heat coaching staff, included: Erik Spoelstra, Head Coach; Bob McAdoo, Assistant Coach; Ron Rothstein, Assistant Coach; David Fizdale, Assistant Coach; Chad Kammerer, Assistant Coach; Octavio De La Grana, Assistant Coach; Bill Foran, Strength and Conditioning Coach; Jay Sabol, Athletic Trainer; Rey Jaffet, Assistant Trainer; Rob Pimental, Assistant Trainer;

Whereas, The Miami Heat management has shown a positive commitment to the Miami Heat franchise by successfully acquiring, assembling, and maintaining a team of high-quality, winning players;

Whereas, The Miami Heat Organization consists of executive staff, including: Micky Arison, Managing General Partner; Nick Arison, Chief Executive Officer; Pat Riley, President; Erik Spoelstra, Head Coach; Eric Woolworth, President, Business Operations; Michael McCullough, Executive Vice President/CMO; Mike Walker, Executive Vice President, HEAT Group Enterprises; Alonzo Mourning, Vice President, Player Programs; Stephen Weber, Executive Vice President, Sales; Kim Stone, Executive Vice President/General Manager, American Airlines Arena; Sammy Schulman, Executive Vice President/CFO; Raquel Libman, Executive Vice President/General Counsel;

Whereas, The Miami Heat players have been outstanding role models on and off the court;

Whereas, The Miami Heat organization has enriched the South Florida community through public service programs, including: Heat Academy; Heat Scholarships; Miami Heat Read to Achieve; Miami Heat Fund-Raiser; Miami Heat Wheels; Shoot for the Stars; Books and Basketball Summer Clinics; Heat Youth Basketball; Miami Heat Learn to Swim Program;

Whereas, The Miami Heat fans have been an integral part of this championship by providing unwavering support throughout the entire season, and each and every season prior;

Whereas, The Miami Heat performance against the San Antonio Spurs during the 2013 NBA finals will go down as one the greatest series in NBA history;

Resolved, that the House of Representatives honors the entire Miami Heat organization for winning the 2013 NBA World Championship.

HONORING JAVARIS DEON  
RODGERS

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mr. Javaris Deon



Rodgers, a dedicated student, who is making the difference in his community.

Javaris Deon Rodgers was born and raised in Lexington, Mississippi. He is an only child of two very wonderful parents, Andrew and Shirley Rodgers.

Javaris began school around 6 or 7 years of age. Throughout elementary school he has always had perfect attendance and has been on either the Dean or Principal's List. He also received the Superintendent's Award because he excelled so well in academics. He is a very active child, taking Taekwondo and playing baseball until middle school.

Javaris joined J.J. McClain Middle School Marching Band and found a real passion for it. He knew that it was something that he wanted to do long term. Throughout high school, he continued to be a part of the marching band, maintained top grades, and keep his perfect attendance record. In high school, Javaris was also a part of the Yearbook Committee and Prom Committee. During his Junior Year in high school, he received the title "Mr. Junior", elected Senior Class President for the following year and nominated for the Who's Who Among American Scholars. Javaris graduated in the top ten of his high school class in May of 2010 and began his journey on to college that fall. He is currently in college working on a Bachelor of Science in Biology and a Bachelor of Arts in Spanish at Ole Miss in Oxford, MS. He is also a member of the Alpha Phi Omega Community Service Fraternity, Tau Beta Sigma Honorary Band Service Fraternity, and Phi Beta Sigma Fraternity, Inc.

Javaris still does community service in the Holmes County community during his breaks. He plans to graduate in May of 2014 with honors.

Mr. Speaker, I ask my colleagues to join me in recognizing this student, Mr. Javaris Deon Rodgers, for his dedication in making a difference in his community.

IN RECOGNITION OF THE 30TH ANNIVERSARY OF "MAMA, I WANT TO SING" THE LONGEST RUNNING OFF-BROADWAY SHOW IN AMERICAN HISTORY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 8, 2013

Mr. RANGEL. Mr. Speaker, I rise today to honor, recognize, and celebrate the MAMA Foundation's 30th Anniversary of the gospel musical "Mama, I Want to Sing." On Saturday, March 23, 2013, The Dempsey Theater hosted the 30th Anniversary Gala Celebration for "Mama, I Want to Sing," the longest running Black Off-Broadway show in American history, which debuted as a gospel musical in 1983. This Gala event, took place exactly 30 years to the day from when the original production opened in Harlem to great acclaim.

The Gala began with a very special performance that included musical highlights from "Mama, I Want to Sing" and "Sing, Harlem, Sing!", as well as a performance from the Gospel for Teens Choir. Lesley Stahl, who received an Emmy award for her "60 Minutes"

profile on Gospel for Teens, was honored for her contributions to journalism and for her support of the Mama Foundation for the Arts. The 30th Anniversary celebration will include a gala featuring the best of Harlem's renowned restaurants including Sylvia's, Spoonbread, The Red Rooster, Corner Social, Chez Lucien, Jacob's Soul Food, Melba's and Make My Cake. The spiritually uplifting evening culminated in a spontaneous church-inspired closing with R&B divas Cissy Houston, Dionne Warwick, Angie Stone, Valerie Simpson and Crystal Aiken individually joining the Gospel for Teens Choir in a rousing version of "This Little Light of Mine" that brought the sold-out crowd to its feet.

In 1979, Vy Higginsen and her husband, Ken Wydro wrote the book and lyrics for Mama. It was rejected by every major producer in New York. Not one producer believed that the story was worth telling or that an audience could be found for a gospel-based production. Vy and Ken pushed forward and produced the now internationally-acclaimed "Mama, I Want to Sing" gospel musical that tells the story of a talented young girl who dreams of leaving her church choir to pursue a life in popular music, despite strong objections from her mother. A tribute to the many African American artists with church choir roots who rose to fame in the 1950s, 60s, and 70s, creator Higginsen based her musical on the life of her sister Doris Troy whose 1963 hit "Just One Look" launched her to international fame. The show, featured original music by Wesley Naylor opened at Harlem's Hecksher Theater (at El Museo del Barrio) in 1983 and since then has become the "little red engine that could" of Off-Off Broadway productions.

In 1998, Vy Higginsen created the Mama Foundation for the Arts to present, preserve, and promote Gospel, Jazz, and R&B as art forms for current and future generations. The Mama Foundation for the Arts (MFA) has been internationally acclaimed for rebuilding Harlem as an artistic cultural center featuring entertainment and arts education. The Mama Foundation has produced a dozen theater productions, which have been performed on several continents, including its best known musical, "Mama, I Want to Sing."

In 2003, Higginsen created the School of Gospel, Jazz, and R&B Arts. Three years later, she formed the award-winning Gospel for Teens program to train youth and "save the music." According to Lesley Stahl from CBS's "60 Minutes," "The Gospel for Teens program is not just teaching gospel, it is saving these kids." Mama Foundation members have performed at numerous special events including the TED2012 Full Spectrum conference, the Congressional Black Caucus' Annual Legislative Conference, The Stellar Awards, and a reception for Archbishop Desmond Tutu of South Africa. Madonna, Chaka Khan, opera singer Jessye Norman and gospel artist Shirley Caesar are among the many stars that have shared the stage with the Gospel for Teens Choir.

In 2006, she founded Gospel for Teens, a free educational program that offers a substitute for the arts programs removed from many inner city schools. For her outstanding contributions to gospel music, she was presented with the Thomas A. Dorsey Most Nota-

ble Achievement Award at the 2012 Stellar Gospel Music Awards. The Schomburg Center for Research in Black Culture proclaimed Vy a Harlem Hero in "Harlem Is" a public art and education project of Community Works.

Vocalist and Instructor Ahmaya Knoelle Higginsen, daughter of Vy Higginsen, is the current lead in "Mama, I Want to Sing: The Next Generation." She began her professional career at seven years old starring in 'Sing! Mama 2' with Shirley Caesar at the Theatre at Madison Square Garden and during its world tour in Japan. Ahmaya Knoelle has performed in Gospel Is . . . ! and Sing, Harlem, Sing! Internationally, as well as recording on several albums. She studied at the Manhattan School of Music and the American Dramatic and Music Academy in New York. Ahmaya Knoelle also teaches private vocal instruction at the Mama Foundation for the Arts and trains young students in the Foundation's Gospel For Teens program.

The Mama Foundation's mission is to present, preserve, and promote the history and fundamentals of gospel, jazz, and rhythm and blues music for current and future generations. The Foundation has established a cultural space in Harlem where youth and adults have access to quality training and employment as performing artists. The Foundation was inspired by the worldwide success of our award-winning musical, "Mama, I Want to Sing." A combination of arts education, public workshops, and live events contribute to Harlem's resurgence as an artistic and cultural destination. I am so very appreciative for the many contributions of Vy Higginsen and the Mama Foundation. The dedication and devotion to the arts of our community is most commendable and deserving of Congressional Recognition. I ask my colleagues and our Nation to join me in this special celebration of the 30th Anniversary of "Mama, I Want to Sing."

HONORING LOUIS NAVARRO

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 8, 2013

Mr. ENGEL. Mr. Speaker, throughout our nation's history our freedom has been preserved by members of the Armed Forces, and they continue to do so today. As a Member of Congress, I have consistently supported veterans and servicemen and women. They deserve no less from us. We owe the preservation of our freedoms and our way of life to the veterans who proudly served their country. Today I join the City of Yonkers at its annual Veterans Appreciation Day in honoring Louis Navarro for his long-time service and participation in the community.

He was born in Puerto Rico, but is a long-time resident of Yonkers, and is the First Vice Commander of the Central Committee of Veterans Organization, where as Parade Chairman for the 2013 Memorial Day Parade, he led it to its largest participation in recent years.

Louis Navarro served in the United States Army for nearly thirty years of active and reserve duty, receiving the Bronze Star Medal, the Combat Infantry Badge, the Vietnam Campaign Medal, the Good Conduct Medal, Expert Rifle Award, and the Army Service Ribbon.

He is a member of the Vietnam Veterans of America, Veterans of Foreign Wars and the American Legion, and is active in numerous associations throughout our City, including the Puerto Rican Day Parade Committee, serving as Past Chairman. He is president of his consulting firm of Navarro and Shoub. He and his wife, Donna, have two children, Kaylan and James.

I am proud to join the City of Yonkers in honoring Louis Navarro for his service to his country and his contributions to his fellow veterans and his city.

HONORING EMANUEL D. WILLIAMS

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable student, Mr. Emanuel D. Williams.

Emanuel was born August 29, 1995 as the youngest of four children in Jackson, MS to Rev. Calvin Williams and Evg. Dorothy Williams. Though he has always participated in his church, community, and school in some form, he really began to get involved in his school and community during his freshman year. That's when he served as the Chaplain of the Student Government Association, and also the Organizer of daily inspirational services for the students at Weston's 9th Grade Academy in Greenville, MS. That same year he was elected the President of the House of Delta Youth Leadership Initiative, where he tutored a kindergarten student from Ray Brooks Elementary School in Benoit, MS, for two full school terms.

Furthermore, Emanuel was elected the Secretary of the Esquire Art and Civic Club, an organization that promotes and encourages young men to be active in their communities and recognize their civic duties. He continues to serve as Vice President, where he has adopted a local nursing home, thereby visiting and truly enjoying the great personalities of the elderly.

During his sophomore year, Emanuel became a member of the Mayor's Youth Council, a committee of local young people who serve as examples for peers. He participates in different community projects such as the annual clean up that boosts the removal of litter and supports the beautification of Greenville, MS. Emanuel is a member of SOARS (Schools Obtaining Academic Results for Success), a team of community stakeholders who discuss and strategize for the betterment of the school, community, state, and world. He also continues to make his mark in the world by volunteering in his community and local elections where he promotes the exercising of the right to vote. As a graduating senior of the class of 2013, he looks forward to attending college where he can pursue a law career advocating for education, and creating policies and laws as a public servant to make education better and affordable for all.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Emanuel D. Williams for his determination and dedication to serving others and giving back to his community.

HONORING MRS. MARY L. HARVEY

**HON. C. A. DUTCH RUPPERSBERGER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to recognize Mrs. Mary L. Harvey—who devoted her long career in Baltimore County government to preserving and improving communities—on the occasion of the posthumous dedication of the “Center-Piece Family Arts Center” in her name.

A lifelong resident of Perry Hall, Mrs. Harvey graduated from Perry Hall High School in 1976 and from the Community College of Baltimore County in Dundalk in 1986. She became active in eastern Baltimore County politics and worked as a legislative aide to the Baltimore County Council for eight years.

After witnessing first-hand her tireless drive and passion for helping people, I appointed Mrs. Harvey to the position of Eastern Sector Coordinator within the Office of Community Conservation during my tenure as Baltimore County Executive. Her excellent work twice earned her promotions: first, as manager of revitalization efforts and then director of the office. Mrs. Harvey was reappointed to the position and retained it until 2010.

Mrs. Harvey was a true visionary. Under her leadership, Baltimore County embraced the concept of the “Urban Design Assistance Team,” which encourages input from community members. She also oversaw the construction of three new community centers and developed partnerships with local businesses that lead to safer affordable living communities for thousands of county residents. Her constant goal was to create neighborhoods that were vibrant, attractive and family-friendly. She had a special compassion for the homeless and coordinated a 10-year plan to eradicate it in Baltimore County.

Mrs. Harvey's accolades were many. She was the Baltimore County Commission for Women's “Woman of the Year” in 1995 and received the “Renaissance Milestone Award” from the Dundalk Renaissance Corporation in 2010. She served on the boards of the Essex Community College Foundation, the Essex-Middle River-White Marsh Chamber of Commerce and the Family Crisis Center of Baltimore County.

Mr. Speaker, I ask that you join with me today to honor Mrs. Mary L. Harvey, whose legacy of service to the families of Baltimore County continues today. I have many happy memories of working with Mrs. Harvey and wish to thank her family for their support during her years in county government. I could not think of a more appropriate or well-deserved namesake for this beautiful new facility in one of Mrs. Harvey's favorite communities.

OUR UNCONSCIONABLE NATIONAL  
DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took of-

fice, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,738,281,074,058.77. We've added \$6,111,404,035,145.69 to our debt in 4 and a half years. This is \$6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

THE INTRODUCTION OF A BILL TO  
REQUIRE NOTICE OF EXCESS  
REAL PROPERTY

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Ms. NORTON. Mr. Speaker, today I am introducing a bill to make the General Services Administration (GSA) a more transparent federal agency.

This bill would require GSA to provide public notice of excess properties as soon as they are identified by federal agencies as such. Although excess properties will continue to be offered to other federal agencies before going through the normal property disposal process, this early notice to all, including federal agencies, the larger community and Congress, will increase transparency in how the federal government manages its property. The Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings, and Emergency Management has had difficulty ensuring that GSA acts as soon as possible to dispose of properties it has determined to be excess. GSA's practice of delaying notice of unused properties to the public while it informs federal agencies only furthers existing delay by GSA in moving either to use or dispose of property for the benefit of taxpayers. Importantly, the early public notice required by this bill also will provide the opportunity for local communities to plan for possible disposal of the property.

Recent hearings held by two different subcommittees documented how delayed notice had resulted in inaction by GSA, which did not move on the problem until the hearings were called. With silence from GSA about a long-vacant but large and valuable property, residents in the burgeoning M Street Southeast area of the District of Columbia went to the trouble of creating a professional proposal for redeveloping the property, as revealed in the hearing.

Both the Administration and the House, where two property disposal bills are pending, have weighed in on GSA's poor asset management and missed market opportunities, which continue to cost taxpayers significant sums of money. There are significant costs associated with GSA's vacant or underperforming assets, including for operation, maintenance and security. For this reason, in 2003, the Government Accountability Office (GAO) placed real property management on its list of “high risk” government activities, where it remains today. GAO conducts biennial reviews of the federal government to highlight specific areas needing added attention and oversight. Programs are identified as “high risk” due to their greater vulnerabilities to fraud, waste,

abuse, and mismanagement or due to the need for broad-based transformation to address major challenges.

Still, the periodic GAO reviews, executive orders and memoranda issued during this and the prior administration, and acts of Congress have not brought significantly improved management of federal real property. My bill would ensure that Congress, local communities and federal agencies have the earliest notice that federal properties may become available, and would be a further tool to foster earlier and more efficient property disposal.

TRIBUTE TO MISS GABRIELLE  
NICOLE TERRETT

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a multi-talented young lady, Miss Gabrielle Nicole Terrett.

Gabrielle Nicole Terrett is the 14 year old daughter of Dr. Andre' and Attorney Toni Terrett. She is the eldest of five and a 9th grader at Warren Central High School in Vicksburg.

Gabrielle is an all around student that has excelled in both academics and extracurricular activities. She is a member of the Warren Central Big Blue Band flute section. She also plays the violin and has performed at local nursing homes over the years. Gabrielle has received several awards including placing 1st in Jewelry in the Hobbs-Freeman Art Competition-2012, 2nd place in the Hobbs-Freeman Art competition-2012, 2nd place in the 2013 Blacks in Government Oratorical Contest, 3rd in the 2012 NAACP essay contest, and 2nd Runner Up in the 2013 Miss Southland Pageant.

Gabrielle volunteers at the Mountain of Faith Women's Shelter Retail Store. As a volunteer she helps stock shelves, organize the store and assist customers to the store. She is very pleasant to work with and supports the Women's Shelter as often as possible. In her spare time she enjoys quiet time reading, preparing for pageants, and shopping.

She is a faithful member of Pleasant Green Baptist Church in Vicksburg, MS where she is active in Sunday school.

Mr. Speaker, I ask my colleagues to join me in recognizing Miss Gabrielle Nicole Terrett for her hard work, dedication and a strong desire to achieve.

FEDERAL AGRICULTURE REFORM  
AND RISK MANAGEMENT ACT OF  
2013 (H.R. 1947)

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Ms. McCOLLUM. Mr. Speaker, I remain in strong opposition to the House Federal Agriculture Reform and Risk Management Act of 2013 (H.R. 1947) otherwise known as the

'Farm Bill'. On June 20, 2013, I along with the majority of my colleagues voted against House Republican's extreme bill. Now farmers in Minnesota and across this country are depending on Congress to reach a bipartisan agreement that will continue to grow our agricultural economy and enable us to best meet our future agriculture needs.

In the past, the Farm Bill has received strong bipartisan support. Members of Congress from both rural and urban districts found common ground to support our agriculture sector, keep food affordable, and continue investments in agricultural research. However, this year the House Republican Leadership chose to put partisan politics before the best interests of our farmers, ranchers, and communities.

The bill that I voted against included an unprecedented cut to the Supplemental Nutrition Assistance Program (SNAP). Of the almost \$40 billion in cuts, more than half come from a devastating reduction to the nutrition assistance for poor children, seniors, and persons with disabilities. An estimated 38,000 Minnesotans and nearly 2 million Americans would lose their SNAP benefits entirely and 210,000 children would no longer receive free meals at school.

In June, along with Congressman ELLISON, I hosted a listening discussion on the impact that these cuts would have on Minnesotans. The audience heard from state and county officials, faith leaders, community service providers, and individuals that receive SNAP. The testimony, often emotional, demonstrated the clear need for SNAP to ensure individuals are able to access healthy food.

Patricia Lull, Executive Director of the Saint Paul Area Council of Churches, spoke of the growing need that churches in Minnesota have witnessed. She told us, "We come from Christian, Jewish, Muslim, Unitarian, and Quaker backgrounds, but every one of our faith traditions agrees with this conviction—No more hungry neighbors!"

Evelyn, a Minnesota senior and diabetic, recently began receiving SNAP benefits. She told us about how the rising cost of her medications had thrown her into Medicare Part D's donut hole and forced her to cut her expenses as low as she could. According to Evelyn, without SNAP she would be unable to afford the healthy meals she needs to keep her diabetes in check. She was already worried about how she would cope with the estimated 4% reduction that will take effect this November. If she was no longer eligible for SNAP, she told us she wouldn't know what to do.

In addition to the cuts already included in the bill, Tea-Party Republicans added polarizing amendments that would make it even more difficult to qualify for SNAP. One of the amendments would give states the ability to require all SNAP applicants to submit to drug testing. Another allowed states to require parents and some persons with disabilities to meet work requirements in order to qualify for SNAP. These destructive amendments would create new barriers for struggling Americans to access nutrition assistance, while doing nothing to improve efficiency or reduce fraud. Simply, Tea-Party Republicans voted to make a bad bill even worse.

After failing to pass their own bill, the House Republican Leadership has an obligation to

move forward a bipartisan Farm Bill that does not harm our poorest Americans. I call on the House Republican Majority to bring the Senate passed bipartisan Farm Bill (S. 954) to the floor for an up or down vote. While not perfect, the Senate-passed bill includes common-sense reforms to outdated programs, makes modest changes to SNAP, reaffirms our commitment to conservation, and eliminates wasteful spending.

Minnesota farmers are depending on Congress to act swiftly and pass a long-term Farm Bill before the current extension expires. Together, Democrats and Republicans can pass the Senate's Farm Bill before summer's end and give certainty to America's farmers, ranchers, and consumers.

TRIBUTE TO JOCELYN TAYLOR

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable student, Jocelyn Taylor.

Ms. Taylor is the daughter of Mr. Marlin and Mrs. Rosalind Taylor of Mound Bayou, Mississippi.

Ms. Taylor is a senior at John F. Kennedy Memorial High School in Mound Bayou, Mississippi. As a child she has been focused, outgoing and dedicated to whatever she desires to achieve. During her tenure at I.T. Montgomery Elementary School in Mound Bayou, Mississippi her endeavors were to always better herself and become more than a statistic and has carried that mindset during her journey through high school.

Ms. Taylor is active in the Future Business Leaders of America which is a non-profit organization of high school and college students as well as professional members' who primarily assist students' in transitioning in the business/entrepreneur environment. As a member she has participated in various competitions and has won numerous recognitions and awards.

Ms. Taylor is active in the Bolivar County Community Action Agency's Senior Select Program. This program gives senior high school students the opportunity to intern at various community businesses to learn professional skills and techniques and to showcase their skills, while encouraging the importance of school attendance and giving back to their respective communities. I have had the honor of having her intern in my Mound Bayou District Office and found her to be a dedicated and outstanding intern and volunteer.

Ms. Taylor strives to be a positive example for her two younger siblings Joshua and Jordan. She credits her parents for their influence in her life as they encourage her to reach her full potential. Her late grandmother, Ms. Mary Alice Sinclair, was an inspiration in her life and gave her great tips on life and how to survive as a young lady.

Ms. Taylor has received numerous educational certificates and awards. Upon graduating in May 2013, she will further her education at Delta State University in Cleveland,

Mississippi to pursue a degree in Business Administration and become an entrepreneur.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Jocelyn Taylor for her dedication in being an outstanding student.

RECOGNIZING KITSAP COUNTY  
BUSINESSWOMAN AMY IGLOI ON  
RECEIVING THE COMMUNITY  
SERVICE AWARD FROM THE AS-  
SOCIATION OF WASHINGTON  
BUSINESS

**HON. DEREK KILMER**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. KILMER. Mr. Speaker, I rise today to congratulate Amy Igloi of Kitsap County for receiving the "Community Service Award" from the Association of Washington Business. Ms. Igloi is the General Manager of "Amy's on the Bay Restaurant and Bar" in downtown Port Orchard, WA.

Amy Igloi has owned and operated her business in Port Orchard for seven years and currently employs 22 local residents. "Amy's on the Bay" feeds approximately 70,000 customers annually and is a cornerstone business on the Port Orchard waterfront. "Amy's on the Bay" is widely known throughout the Puget Sound region as having some of the finest cuisine in the area—especially the crab cakes and burgers.

Ms. Igloi and her business have been recognized this year by the Association of Washington Business for their dedication to Port Orchard, Kitsap County, and its residents. Numerous community organizations have directly benefitted from the donations generated by Ms. Igloi and her team, including those that serve the homeless, special needs, and elderly populations.

Mr. Speaker, in our economic situation, communities depend on citizens like Amy Igloi to help ensure that vulnerable populations are taken care of in tough times.

As I close, Mr. Speaker, I can say with confidence that residents of Port Orchard and Kitsap County have greatly benefitted from the civic and philanthropic contributions of Amy Igloi and her staff. I applaud her recent award and am grateful that she continues to serve wonderful meals and employ citizens in Kitsap County, Washington.

TRIBUTE TO JOHN WILLIAMS, SR.

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a public servant, who is no stranger to hard work, Mr. John Williams, Sr.

John Williams, Sr. is a lifelong resident of Rolling Fork, Mississippi and was born on July 15, 1953 to David and Mary Brown. He is a graduate of Henry Weathers High School located in Rolling Fork, MS.

John has been employed with the City of Rolling Fork for about 24 years. He is a volunteer fireman for the City of Rolling Fork.

John is married to DeLinda Williams and they have five children: John, Jr., Lee Odoms, Renea Flood, Keith Flood and Wanda Jackson.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. John Williams, Sr. for his dedication to serving others and giving back to the community in which he was born and raised.

THE INTRODUCTION OF THE  
SMITHSONIAN MODERNIZATION  
ACT OF 2013

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Ms. NORTON. Mr. Speaker, today, I introduce three bills to modernize the Smithsonian Institution and to enhance its governance and fundraising capabilities, in keeping with the recommendations of a number of experts, including the Smithsonian Independent Review Committee, chaired by former U.S. Comptroller General Charles Bowsher. This bill, the Smithsonian Modernization Act, makes changes to the Smithsonian's governance structure by expanding and changing the composition of its Board of Regents, from 17 members, which includes six Members of Congress, the Vice President of the United States, and the Chief Justice of the U.S. Supreme Court, to 21 members, comprised solely of private citizens. This change will strengthen both the Smithsonian's governance and fundraising capacity, and it is the first significant change in this old and revered institution since it was established in 1846. The second bill, the Smithsonian Free Admission Act of 2013, seeks to preserve the long-standing free admission policy for permanent exhibits at an institution that is largely funded by the federal government, as envisioned by James Smithson, its founder. Finally, the Open and Transparent Smithsonian Act of 2013 will apply the Freedom of Information Act and the Privacy Act to the Smithsonian in the same manner they apply to federal agencies.

The Smithsonian Institution is an irreplaceable cultural, scientific, historical, educational and artistic complex without any public or private counterpart in the world. Since its founding, the Smithsonian has developed an extraordinary array of world-class museums, galleries, educational showplaces and unique research centers, including 19 museums and galleries, nine research facilities, the National Zoo, and the forthcoming National Museum of African American History and Culture, which is now under construction. The Smithsonian has grown with private funding and donations from American culture and life, but most of its funding continues to come from federal appropriations. Despite receiving 70 percent of its funding from the federal government, the Smithsonian has long had serious infrastructure and other needs.

Congress must help the Smithsonian strengthen its ability to build resources beyond

what taxpayers are able to provide. The most important step Congress could take today is to rescue the Smithsonian from its 19th-century governance structure, which keeps it from accessing needed and available private resources and limits close and critical oversight. The Smithsonian Modernization Act provides a governance structure befitting the Smithsonian's unique complexity. The difficulties the Smithsonian has faced result in part from the limitations inherent in its antiquated governance structure. The existing structure may have fit the Smithsonian over 170 years ago, but today the structure has proven to be a relic that does a disservice to the Smithsonian. The present governance structure places immense responsibility on dedicated but over-extended Members of the House and Senate, the Vice President of the United States and the Chief Justice of the United States Supreme Court. These federal officials comprise almost half of the Smithsonian Board of Regents, and must perform their fiduciary duties as board members while giving first priority to their sworn responsibilities as important federal officials.

In 2007, an independent review committee found that the Board had violated principles of good management during the tenure of former Secretary of the Smithsonian Lawrence Small allowing him to create an "insular culture." The committee's report indicated that the Board had failed to provide desperately needed oversight and had overcompensated Mr. Small. The report also found that Sheila P. Burke, the Smithsonian's then-deputy secretary and chief operating officer, had frequent absences from her duties because of outside activities, including service on corporate boards, for which she earned more than \$1.2 million over six years. Further, the Smithsonian's then-business ventures chief, Gary Beer, was dismissed for financial indiscretions. This crisis, caused by unprecedented controversies and irresponsible risks, put into sharp focus the need for new revenue streams and for a modern governance structure. The first full-blown scandal in the Smithsonian's history, replete with embarrassing media coverage, damaged its reputation and perhaps the confidence of potential contributors. The poor judgment and overreaching of Smithsonian personnel during that period requires new and concentrated oversight by citizens for whom the Smithsonian would command priority attention.

The Board, of course, has taken some important action on its own. After irregularities were uncovered by the media, the Board responded to the controversies by creating a governance committee, chaired by Patty Stonesifer, a Regent and former chief executive officer of the Bill & Melinda Gates Foundation, with a mandate to comprehensively review the policies and practices of the Smithsonian and how the Board conducts its oversight of the institution. The Board also established an Independent Review Committee (IRC), chaired by former U.S. Comptroller General Charles A. Bowsher, to review the issues arising from an Inspector General's report and the Board's response, and related Smithsonian practices.

The IRC was forthright in its investigation and recommendations. The IRC stated explicitly that the root cause of the problems at the

Smithsonian was an antiquated governance structure, which led to failures in governance and management. According to the IRC, the Board must assume a fiduciary duty that carries a "major commitment of time and effort, a reputational risk, and potentially, financial liability." The IRC further argued that the Smithsonian, with a budget of over \$1 billion a year, must have Board members who "act as true fiduciaries and who have both the time and the experience to assume the responsibilities of setting strategy and providing oversight." The IRC cited a lack of clarity in the roles of the Vice President of the United States and Chief Justice of the U.S. Supreme Court on the Board, and said that "it is not feasible to expect the Chief Justice to devote the hours necessary to serve as a fiduciary agent." The same observation could be made of the Members of the House and Senate who serve on the Board. The IRC recommended that the Board increase the level of expertise and the number of members to ensure that the Board has sufficient time and attention to dedicate to the Smithsonian.

The Smithsonian's own governance committee identified several Board weaknesses, concluding that the Board did not receive or demand the reports necessary for competent decision-making, that the staff whom the Board depended upon for oversight inquiries did not have direct access to information, and that the inability of staff to communicate red flags "crippled" internal compliance and oversight.

Only Congress, with the concurrence of the president, can amend the Smithsonian Charter. The last change to the Board's structure occurred over 30 years ago, but it only increased the number of private citizens on the Board from six to nine.

The number of Regents, however, is not the root problem. Although the bill expands the Board from 17 to 21 members, most importantly, it brings the Board into alignment with modern public and private boards by requiring all Regents to be private citizens. The search for private funds by Smithsonian management was a major cause of the recent controversy. Faced with crippling budget problems, the Regents must be free to give new and unprecedented attention and energy to finding and helping to raise substantially more funds from private sources. The new structure envisioned by the bill will improve oversight and the capacity for fundraising from private sources. Unlike federal officials on the Board, private citizens on the Board are entirely free to assist in private fundraising. Most importantly, private citizens have sufficient expertise to serve on the Board, and are able to devote the personal time and attention necessary to fulfill the fiduciary responsibility that comes with serving such a venerable and complex institution.

The bill preserves and strengthens the traditional role of the Speaker of the House and the President of the Senate in selecting Board members while eliminating the self-perpetuating role of the Board in selecting private citizens for the Board. The Speaker of the House and the President of the Senate will each send 12 recommendations to the President of the United States, who will select the 21 members of the Board from those recommendations.

Considering the seriousness of the findings of the Board's own governance committee and of the IRC, the changes prescribed by the bill are nothing short of necessary. The reform of the fiduciary and governance issues that have brought public criticism to this iconic American institution must begin with the indispensable step of making the Smithsonian's governance consistent with that of other institutions today. Only congressional attention can reassure the public that the controversies that recently besieged the Smithsonian will not recur. In the face of an unprecedented public controversy, Congress would be remiss if it left the Smithsonian to its own oversight and devices alone for improvement.

I urge my colleagues to support the bill.

HONORING MS. MARKEISHA S. ROBINSON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 8, 2013

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable student, Ms. Markeisha S. Robinson.

In May 2012, Markeisha received her high school diploma as an Honor Graduate from Greenville Weston High School, in Greenville, MS. Additionally, she was crowned Miss Kappa Alpha Psi 2012–2013. During her senior year, she was afforded the opportunity to complete collegiate courses. She accepted the opportunity, worked extremely hard to not only complete the advanced level courses, but to do so with a 3.89 GPA. The fruit of her labor paid off, when she arrived at Jackson State University (JSU) with eighteen hours, being classified as a second semester freshman.

Although brief, Markeisha's tenure at JSU has been filled with challenges, successes and retrospect. She has come to appreciate the results of hard work. She joined MADDDRAMA, a JSU performing arts group. The rigors of preparation and rehearsals coupled with determination and drive have proven to be her foundation.

Markeisha is a sophomore and Dean's List Scholar from Greenville, Mississippi. She is a public speaker majoring in Communicative Disorders. Upon completion of her degree, she plans to become a speech pathologist providing tips, techniques and skills to enable the speech impaired to overcome such disorders through individualized sessions at her private practice.

As a student, her strengths are dedication and determination. She is dedicated to her class work and extracurricular activities. Also, she is determined to reach her goals, graduate from college in three years, and continue her education by pursuing a Master's Degree in Speech Pathology.

Markeisha is a very optimistic person. Her favorite scripture in The Bible is "Philippians 4:13, I can do all things through Christ who strengthens me."

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Markeisha S. Robinson for her determination and dedication to serving others and giving back to her community.

RECOGNIZING MR. JOHN B. CARTER, JR.

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 8, 2013

Mr. WEBSTER of Florida. Mr. Speaker, it is my pleasure to recognize a close friend, former classmate and fraternity brother of mine, Mr. John B. Carter, Jr. on his recent retirement. On June 30, 2013, John retired as President and Chief Operating Officer of the Georgia Tech Foundation (GTF). The Georgia Tech Foundation is a not-for-profit corporation which manages the philanthropic gifts given to the Georgia Institute of Technology by alumni, corporations, foundations, staff, faculty, students, family, and friends in support of academic excellence and tradition.

John graduated from the Georgia Institute of Technology in 1970. For the past 14 years, he has led the Foundation's day-to-day operations and has been responsible for 175,000 alumni data records, accounting and financial reporting, legal issues and negotiations, administration, and Executive, Committee, Board, and Trustee relations. Prior to leading the Foundation, John served 16 years as Vice President and Executive Director of the Georgia Tech Alumni Association and served our nation for six years in the U.S. Navy. His 30 years of dedicated service to our alma mater is rare and to be commended. John's leadership has influenced many through his devotion, fortitude, and kindness, and will be set apart in the years to come. I am grateful for his example of service and for his friendship.

The Georgia Institute of Technology and the Georgia Tech Foundation are fortunate to have such dedicated and innovative alumnus professionals as John B. Carter, Jr. His commitment to excellence, leadership and service is to be admired, and may it inspire others to follow in his footsteps. My sincerest wishes and congratulations to him on his retirement.

HONORING RICHARD MICHALSKI

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 8, 2013

Mr. RYAN of Ohio. Mr. Speaker, I rise today to honor the extraordinary career of my friend Richard P. Michalski. After over four decades of loyal and dedicated service, Mr. Michalski has retired from his position as General Vice President of the International Association of Machinists and Aerospace Workers (IAM).

Mr. Michalski is an example of an American success story. He began his long time association with IAM in 1968 as member of the IAM Local Lodge 1916 while working as a welder with General Electric in Milwaukee, Wisconsin. He climbed the ranks and moved up to Local Lodge President.

Rich Michalski has dedicated his life to promoting workers as he served in various positions with the IAM. In 1992, he became IAM's Director of Legislative and Political Action Department. It was in this position that he served

as a champion of the rights of working men and women by advocating for their concerns with Members of Congress and relentlessly pursuing their interests in Congress.

Mr. Michalski became a member of IAM's Executive Board in 2006 where he served as the General Vice President and continued to fight for the advancement of workers across the United States.

I want to extend my warmest and most sincere thanks to Rich for his lifelong devotion to American Labor. Thank you for your friendship and your counsel. Truly the great cause of our time is to help protect the American Dream for working men and women who built this nation. I am proud to have joined with Rich in the cause. Rich's long and illustrious career from humble beginnings as a welder to the leadership of one of the world's great unions will not be forgotten and I congratulate him and wish him all the best in his well-deserved retirement.

IN HONOR OF U.S. ARMY  
SERGEANT JAVIER SANCHEZ, JR.

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. FARR. Mr. Speaker, I rise today to honor the life of U.S. Army Sergeant Javier Sanchez, Jr., 28, of Greenfield, California, who died when an improvised explosive device hit his vehicle on a combat patrol on June 23, 2013 in Sar Rowzah, Afghanistan.

Javier was a graduate of the Greenfield High School and joined the Army in August 2006 serving in Baumholder, Germany, Fort Irwin, California and most recently in Fort Drum, New York. Javier was an infantryman and had previously deployed in support of Operation Iraqi Freedom from 2007 to 2008 with 1-6 Infantry of the 1st Armored Division. In his current assignment Javier was with the Special Troops Battalion, 2nd Brigade Combat Team based at Fort Drum, New York.

He is a hero to his family, the city of Greenfield, the State of California, and the people of the United States and we express our deepest gratitude for his service to our country. As his uncle most recently stated, "He always had this 'country first' attitude and I think that's what made him sign up." In the face of war, this is the truest definition of courage and character, an example that all soldiers should strive emulate. His selfless act is one that will never be forgotten.

Mr. Speaker, on behalf of the entire House, I would like to extend the nation's deepest sympathies to Javier's wife Cassandra Sanchez, his mother Margarita Sanchez, and his father Javier Sanchez, Sr. Sergeant Javier Sanchez, Jr. served his nation honorably, and sacrificed his life. He is an American hero.

### PERSONAL EXPLANATION

### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Ms. SPEIER. Mr. Speaker, I was unfortunately unable to cast votes on Monday, July 8, 2013 due to inclement weather that prevented me from making it to Washington, DC.

### THE INTRODUCTION OF A BILL TO NAME THE U.S. COAST GUARD HEADQUARTERS

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Ms. NORTON. Mr. Speaker, today, I am introducing a bill, at the request of the U.S. Coast Guard, to direct the General Services Administration to name the new U.S. Coast Guard headquarters, on the St. Elizabeths West Campus, the "Douglas A. Munro Coast Guard Headquarters Building." Signalman First Class Douglas Albert Munro is the U.S. Coast Guard's only Medal of Honor recipient. Signalman First Class Munro died heroically on Point Cruz, Guadalcanal after succeeding in his assignment, for which he had volunteered, to evacuate a detachment of Marines that had been overwhelmed by the enemy.

On September 27, 1942, after making preliminary plans for the evacuation of nearly 500 beleaguered Marines from Point Cruz, Guadalcanal, Signalman First Class Munro, under attack by enemy machineguns on the island, led five small boats toward the shore. As he closed onto the beach, he signaled the other boats to land. Then, in order to draw the enemy's fire from a western attack and protect the boat heavily loaded with the Marines, he placed his boat as a shield between the beachhead and the enemy. When the evacuation was nearly completed, Signalman First Class Munro was killed by enemy fire. Due to his outstanding leadership and willingness to sacrifice his own life, Signalman First Class Munro and his fellow members of the U.S. Coast Guard undoubtedly saved the lives of many servicemen that otherwise would have been killed in the line of duty.

Signalman First Class Munro was educated at South Cle Elum Grade School in Washington state, and graduated from Cle Elum High School in 1937. He attended Central Washington College of Education for a year and left to enlist in the U.S. Coast Guard in 1939. He had an outstanding record as an enlisted man and was promoted rapidly through the various ratings to a Signalman First Class. In addition to being a Medal of Honor recipient, Signalman First Class Munro was also posthumously awarded the Purple Heart Medal, and was eligible for the American Defense Service Medal, the Asiatic-Pacific Area Campaign Medal, and the World War II Victory Medal.

The new U.S. Coast Guard headquarters building, which I propose to be named for Signalman First Class Douglas A. Munro, will be

1.1 million square feet and will house up to 3,700 U.S. Coast Guard employees. The U.S. Coast Guard headquarters building represents the first phase of the eventual consolidation of 4.5 million square feet of office space scattered around the National Capital Region to the West Campus of the old St. Elizabeths Hospital, located in the Anacostia neighborhood of Washington, D.C. The Department of Homeland Security headquarters consolidation construction project marks the first time the federal government will locate a federal agency east of the Anacostia River.

I believe that Signalman First Class Douglas A. Munro's outstanding service to his country and his unique status as the only member of the U.S. Coast Guard to earn the Medal of Honor ensure that it is particularly fitting to name the new U.S. Coast Guard headquarters the "Douglas A. Munro Coast Guard Headquarters Building."

### PERSONAL EXPLANATION

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 8, 2013*

Mr. PERLMUTTER. Mr. Speaker, due to unforeseen personal reasons, on June 28, 2013 I was not present to vote on final passage of H.R. 2231—the "Offshore Energy and Jobs Act." If present I would have voted "nay."

Domestic energy production is thriving under the Obama Administration's "all of the above" energy strategy. In 2012, American oil production reached the highest level in two decades, and natural gas production reached an all-time high while U.S. oil imports fell to the lowest level in nearly 20 years. Our current energy policies are leading to U.S. energy independence and reducing our reliance on Middle East oil. I am committed to promoting safe and responsible domestic oil and gas development, but H.R. 2231 is an irresponsible plan to expand offshore drilling without proper environmental protections and considerations.

### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 9, 2013 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## JULY 10

10 a.m.  
 Committee on Commerce, Science, and Transportation  
 Subcommittee on Consumer Protection, Product Safety, and Insurance  
 To hold hearings to examine stopping fraudulent robocall scams, focusing on if more can be done. SR-253

Committee on Finance  
 To hold hearings to examine repealing the Sustainable Growth Rate (SGR) and the path forward, focusing on a view from the Centers for Medicare and Medicaid Services (CMS). SD-215

Committee on Health, Education, Labor, and Pensions  
 Business meeting to consider S. 815, to prohibit the employment discrimination on the basis of sexual orientation or gender identity, and any pending nominations. SD-430

Committee on Homeland Security and Governmental Affairs  
 To hold hearings to examine lessons learned from the Boston Marathon bombings, focusing on preparing for and responding to the attack. SD-342

Committee on the Judiciary  
 To hold hearings to examine the nominations of Patricia Ann Millett, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, Gregory Howard Woods, to be United States District Judge for the Southern District of New York, Elizabeth A. Wolford, to be United States District Judge for the Western District of New York, and Debra M. Brown, to be United States District Judge for the Northern District of Mississippi. SD-226

Joint Economic Committee  
 To hold hearings to examine building job opportunities for veterans. SH-216

2 p.m.  
 Special Committee on Aging  
 To hold hearings to examine diabetes research, focusing on reducing the burden of diabetes at all ages and stages. SDG-50

2:30 p.m.  
 Committee on Agriculture, Nutrition, and Forestry  
 To hold hearings to examine Smithfield, focusing on foreign purchases of American food companies. SD-562

JULY 11

9:30 a.m.  
 Committee on Armed Services  
 To receive a closed briefing on Department of Defense operations conducted pursuant to the 2001 Authorization for Use of Military Force and the presidential policy guidance on counterterrorism. SVC-217

Committee on Energy and Natural Resources  
 To hold hearings to examine S. 1237, to improve the administration of programs in the insular areas. SD-366

10 a.m.  
 Committee on Appropriations  
 Business meeting to markup proposed budget estimates for fiscal year 2014 for Labor, Health and Human Services, Education, and Related Agencies. SD-106

Committee on Foreign Relations  
 To hold hearings to examine assessing the transition in Afghanistan. SD-419

11 a.m.  
 Committee on Banking, Housing, and Urban Affairs  
 To hold hearings to examine mitigating systemic risk through Wall Street reforms. SD-538

Committee on the Judiciary  
 Business meeting to consider the nominations of Byron Todd Jones, of Minnesota, to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives, and Stuart F. Delery, of the District of Columbia, to be an Assistant Attorney General, both of the Department of Justice, Todd M. Hughes, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit, Colin Stirling Bruce, to be United States District Judge for the Central District of Illinois, Sara Lee Ellis, and Andrea R. Wood, both to be a United States District Judge for the Northern District of Illinois, and Madeline Hughes Haikala, to be United States District Judge for the Northern District of Alabama. SD-226

2:15 p.m.  
 Committee on Foreign Relations  
 To hold hearings to examine the nominations of Victoria Nuland, of Virginia, to be Assistant Secretary for European and Eurasian Affairs, Douglas Edward Lute, of Indiana, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador, and Daniel Brooks Baer, of Colorado, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador, all of the Department of State. SD-419

2:30 p.m.  
 Select Committee on Intelligence  
 To hold closed hearings to examine certain intelligence matters. SH-219

## JULY 15

3 p.m.  
 Committee on Homeland Security and Governmental Affairs  
 To hold hearings to examine strategic sourcing, focusing on leveraging the government's buying power to save billions. SD-342

## JULY 16

9:30 a.m.  
 Committee on Armed Services  
 To receive a closed briefing on the situation in Syria. SVC-217

10 a.m.  
 Committee on Energy and Natural Resources  
 To hold an oversight hearing to examine how United States gasoline and fuel prices are being affected by the current boom in domestic oil production and the restructuring of the United States refining industry and distribution system. SD-366

Committee on Foreign Relations  
 To hold hearings to examine S. 980, to provide for enhanced embassy security. SD-419

2:30 p.m.  
 Committee on Energy and Natural Resources  
 Subcommittee on Water and Power  
 To hold hearings to examine the Bureau of Reclamation's Colorado River Basin Water Supply and Demand Study. SD-366

## JULY 17

9:30 a.m.  
 Committee on Armed Services  
 Subcommittee on SeaPower  
 To receive a closed briefing on the major threats facing Navy forces and the Navy's current and projected capabilities to meet those threats. SVC-217

2:30 p.m.  
 Committee on Agriculture, Nutrition, and Forestry  
 To hold hearings to examine reauthorization of the Commodity Futures Trading Commission. SH-216

Committee on Indian Affairs  
 To hold hearings to examine S. 235, to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium, and S. 920, to allow the Fond du Lac Band of Lake Superior Chippewa in the State of Minnesota to lease or transfer certain land. SD-628

3 p.m.  
 Committee on Small Business and Entrepreneurship  
 To hold hearings to examine small business tax reform, focusing on making the tax code work for entrepreneurs and startups. SR-428A

## JULY 18

9:30 a.m.  
 Committee on Armed Services  
 To hold hearings to examine the nominations of General Martin E. Dempsey, USA for reappointment to the grade of general and reappointment as Chairman of the Joint Chiefs of Staff, and Admiral James A. Winnefeld, Jr., USN for reappointment to the grade of admiral and reappointment as Vice Chairman of the Joint Chiefs of Staff, both of the Department of Defense.



	SH-216	SEPTEMBER 11	To hold hearings to examine proposed budget estimates and justification for fiscal year 2014 for the Federal Communications Commission.	
AUGUST 1		10:30 a.m.		
9:30 a.m.		Committee on Appropriations		
Committee on Energy and Natural Resources		Subcommittee on Financial Services and General Government		SD-138
To hold hearings to examine the November 6, 2012 referendum on the political status of Puerto Rico and the Administration's response.				
	SD-366			

**SENATE—Tuesday, July 9, 2013**

The Senate met at 10 a.m. and was called to order by the Honorable TAMMY BALDWIN, a Senator from the State of Wisconsin.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God almighty, recreate our hearts to love You above all. Rule our lives, creating in us a passion to do Your will. Give our lawmakers renewed strength and resilience to honor You in their work. May they do their best today as an expression of love and gratitude to You. Lord, replace weariness with well-being, anxiety with assurance, and caution with courage.

We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 9, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TAMMY BALDWIN, a Senator from the State of Wisconsin, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Ms. BALDWIN thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**KEEP STUDENT LOANS AFFORDABLE ACT OF 2013—MOTION TO PROCEED**

Mr. REID. I move to proceed to Calendar No. 124, S. 1238, Senator REED's student loan bill.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1238) to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes.

**SCHEDULE**

Mr. REID. Madam President, following my remarks and those of my Republican counterpart, the time until 11 a.m. will be equally divided and controlled, with the majority controlling the first half and the Republicans controlling the final half.

At 11 a.m. the Senate will proceed to executive session to consider the nomination of Jennifer Dorsey to be U.S. district judge for the District of Nevada. At noon there will be a rollcall vote on confirmation of the Dorsey nomination. I would add that the chairman of the Judiciary Committee has asked that we hold that vote open until 12:30 p.m. today because they are having a confirmation hearing on the new Director of the FBI, Mr. Comey. We will do that, and the vote will end at 12:30 p.m. rather than 12:15 p.m. or 12:20 p.m.

Following that vote, the Senate will recess from 12:30 p.m. to 2:15 p.m. for our weekly caucus meetings.

In America, this great country of ours, a quality education is the surest path to the American dream. When I was a boy, we always looked at that American dream as getting a college education, which, from where I came from, wasn't going to happen very often. Now the American dream is more than just getting an associate's degree or a bachelor's degree. It involves many other occupations, all of the things available in health care now, such as nursing, nursing assistants, all of the technicians, the people who do physical therapy—not physical therapists but people who help doctors do what they need to do. We have programs to become a physician's assistant. There are many programs that are important to be able to fulfill that American dream. There are all different kinds of programs for computer training separate and apart from getting a bachelor's degree. Those programs are extremely important. The reason they are important is we as Americans have decided that with the cost of education skyrocketing as it is, students should get some help, whether they are seeking a degree in engineering or getting into a program to begin some computer training to have jobs they want for the rest of their lives.

College has never been more expensive and further out of reach for American families. That is why it is critical that we keep interest rates low on Federal student loans so more promising students can realize their dream of an education.

Last month Republicans rejected the Democrats' plan to freeze student loan interest rates at current levels for 2 years without adding a penny to the deficit. Because of this obstruction, loan rates doubled on July 1, piling thousands of dollars more on debt that more than 7 million students owe. Republicans are instead pushing a plan to balance the budget on the backs of struggling students. But if either the legislation passed by House Republicans or the plan proposed by Senate Republicans becomes law, student loan rates will more than double over the next few years as interest rates increase.

Speaker BOEHNER says that the House has acted and now the ball is in the Senate's court. We talked about that yesterday. What is he talking about—they have acted and now we should act? I guess we could talk about what they didn't do last year on the farm bill. I guess we could talk about what they didn't do last year on post offices. I guess we could talk about what they haven't done this year on the farm bill. We could talk about what they haven't done that is so devastating to small businesses around America, and that is having people who are online and don't build a single building, rent a single building—they get a different rate of return than do those in brick-and-mortar buildings. They do that because they don't have to pay sales tax. We could talk about why the Speaker is refusing to take up something that is meaningful.

As I say about this student loan issue—and I just had a meeting that ended a few minutes ago—if you can explain to me why these proposals the Republicans have are better than just having the rates double, please do that. But they go into all these gyrations about whether it is a T-bill, overnight T-bill, or 30 days or 6 months or—all this complicated stuff, and it is factual. I met with someone from the White House. I said, OK, tell me what happens in 3 years. The response was, oh, well, the rates will be above 6.8 percent. That is appalling. If someone can show me how all these programs they are coming up with are better than just letting things double, tell me.

We have a better proposal. Instead of pushing a plan to balance the budget on the backs of struggling students, I

think we should support a plan that would be better for students, not worse for students. I repeat, we can't support a plan that would be worse for students than doing nothing at all.

They have to take action. The rising price of higher education means too many young people are deferring higher education. I hear all the stories. College education used to be cheaper. Well, because of what has happened here in Washington with the obstruction, we have to help people. There has been less support of higher education from the States. Tuition costs have risen significantly because of this. Students need help. We have to take action. The rising price of higher education means too many young people are deferring higher education, and it has saddled many who do get a degree with unsustainable debt—debt that causes them to delay buying their first home, having children, or starting a business. Americans have more than \$1 trillion in student loan debt. The average graduate owes more than \$25,000. In fact, Americans have more student loan debt than credit card debt. They simply can't afford to pile on even more.

We are going to continue to fight to keep the student loan rates low and hold back the rising price of education. Tomorrow the Senate will vote on whether to even begin debate on our plan to keep loan rates low for an additional year.

I very much admire the work done by Senator STABENOW, the chairman of the Agriculture Committee. She is someone who is very effective in conveying a message. She has led the message for Democrats as to why we shouldn't let these rates double, and she will continue to do that.

As I indicated earlier, we made a proposal to keep rates where they are for 2 years. We have made changes to our proposal in an effort to meet Republicans in the middle while protecting students. Our plan shortens the extension from 2 years to 1 year, and it doesn't add a penny to the debt.

I spoke with the chairman of the Finance Committee today. I said: MAX, explain how we are paying for this. It is so simple. It is inherited IRAs, that people would pay after 5 years—they wouldn't get the tax deduction after 5 years. What our program does is it closes this obscure tax loophole that allows a few very wealthy individuals to avoid paying taxes on inherited retirement accounts. This is why Senator BAUCUS came up with this as a pay-for.

So I hope Senate Republicans won't block a second commonsense plan in investing in our economy by keeping college affordable. We have reduced it to 1 year from 2 years. It would be great if we had a long-term solution to this, but we can't do something that hurts students very quickly. Some have said: Well, it is going to be for a

year or two, and there will be lower interest rates. Yes, but after that it will be "Katy, bar the door." We all know interest rates are going to go up.

#### DORSEY NOMINATION

Before the lunch, as I have indicated, we will consider the nomination of Jennifer Dorsey to be U.S. district judge for the District of Nevada. She will be a valuable addition to the Federal court system. She is a Las Vegas native. Her father was stationed at Nellis Air Force Base and after Vietnam decided that was where he wanted to make his home. He started his family there.

Ms. Dorsey graduated from Chaparral High School and graduated cum laude from the University of Nevada, Las Vegas. She was also the first member of her family to graduate from college. She served as a congressional intern for my friend and former colleague Senator Richard Bryan. She attended Pepperdine University School of Law, where she was a member of the Pepperdine Law Review.

After graduation she returned to Las Vegas and excelled, first as an associate and now as a partner, at the firm Kemp, Jones & Coulthard, a longtime brave, proud Nevada law firm. She is the first and only female partner in that firm. She specialized in civil litigation, complex commercial disputes, appeals, and class actions.

I am very impressed with her dedication to the State of Nevada, her community, and the legal profession. She will make an outstanding Federal judge for Nevada. I look forward to her confirmation.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### STANDING FOR DEMOCRATIC RIGHTS

Mr. MCCONNELL. Over the years we have seen repeated instances of indifference to the rule of law on the part of this administration. It is a consistent and worrisome path. The most recent example, of course, was last week's announcement that the President had simply decided not to enforce a major piece of his health care law—that is, until after the midterm election. What the President was saying in effect was that if he doesn't want to implement the law he has signed, he doesn't have to.

I agree it is a terrible law. I understand why people harmed by it would want it changed. In fact, I think we ought to repeal it altogether and opt instead for real reforms that actually would lower costs. But the fact is—for now, at least—it is the law and it is the President's constitutional duty to enforce the law. Yet, instead of fulfilling this basic duty of his office, the President seems to believe he gets to decide who is subject to the law. He gets to decide who is subject to the law and

who gets a pass. So last week businesses had their ObamaCare sentences delayed. Maybe next week it will be some other group, but it is his call. He will decide what the law is. He did it with immigration, he did it with welfare work requirements, and he did it with the NLRB when he took it upon himself to tell another branch of government when it was in recess. He is doing it again with his own signature health care law.

Imagine that the current occupant of the White House was not President Obama but a Republican. Imagine that. Pretend that this Republican had come to office promising an era of inclusion and accountability, but as the years wore on he simply had grown tired of the democratic process.

Imagine that this President, despite securing confirmation for nearly every nominee he submitted, couldn't understand why the elected Senate didn't simply rush them all through even quicker. He couldn't understand why Senators insisted on fulfilling their constitutional obligations to scrutinize each nominee.

Visualize for a moment that this President decided to urge Members of his party to break the rules of the Senate so that he could appoint whomever he wanted regardless of checks and balances. Imagine the outrage in the media, online, and especially on the other side of the aisle. They would claim the President was a dictator. They would say he was ripping the Constitution to shreds, basically everything they said for so many years about President Bush. But, of course, President Obama isn't a Republican, and so Washington Democrats seem just fine with it. In fact, it appears they are even ready to help this President—actually help him—in his partisan power grab.

I know Washington Democrats are getting a lot of pressure from big labor bosses and from other far-left elements of their base to do this. These folks have told Democrats it is time to pay up, and they do not have much time for things such as the democratic process or the rule of law. They have raised a ton of money for the Democrats and now they want the special interest treatment they believe is owed to them. That is why we see the other side cooking up phony nomination fights. They are cooking up a phony nomination fight because they want to go nuclear, but they know the facts simply aren't on their side to justify doing so. They know their core argument, that President Obama's nominees are being treated less fairly than those of President Bush, is essentially at odds with reality. It is a complete fiction. They have gotten burned by the fact checkers already. President Obama's nominees for Secretary of Transportation and Energy were unanimously confirmed. Secretary of State?

Confirmed. Treasury? Confirmed. Interior, Defense, Commerce? Check, check, check.

Already in this Congress the Senate has approved 27 of President Obama's lifetime appointments. That compares to just 10 at a comparable period in President Bush's second term. And, by the way, my party controlled the Senate at this point in President Bush's second term. He got 10, President Obama has 27. In other words, President Obama has just settled back into office and already he has secured nearly three times—three times—more comparable judicial confirmations.

Look, to justify doing something as extreme as the left wants, you better be prepared to make a rock-solid case, and this is the best they can come up with, that we need to change the rules of the Senate because big labor bosses say so; that the left should be allowed to fundamentally change our democracy because the President is only getting nearly everything he wants—nearly everything he wants—rather than everything he wants at the exact moment he wants it? Let's get real here. This is not how a democracy functions.

If this were a Republican President and the shoe were on the other foot, does anyone seriously believe Washington Democrats would be going along with something so utterly preposterous? Of course not. Remember, the current majority leader once said the nuclear option would "ruin our country." That was said by the fellow who sits right over here, the current majority leader of the Senate. And a former Senator from Illinois named Obama said if the Senate broke the rules to change the rules "the fighting, the bitterness and the gridlock [would] only get worse." Boy, he was right about that.

What I am saying to President Obama and his friends on the far left is this: The facts show you are getting treated pretty darn well on nominations as it is. But if you would like more confirmed, if, for instance, you want the Senate to confirm your nominees to the NLRB, then don't send us nominees who have already been declared illegal by the courts. We have already said that is not going to happen. You know you can't look Americans in the eye and say you would vote for such a thing if you were in the minority so don't expect us to. But if you send us fresh picks, we will happily give them a fair hearing, just as we have been doing all along with all of the rest of the President's nominees. Almost all of them have been confirmed. Most have been confirmed almost unanimously, because we in America know that majorities of either party will never get absolutely everything they want. That push and pull is the hallmark of a healthy democracy. And one day—maybe not in the too-distant future—when our Democratic

friends in the majority are invariably returned to the minority, they will thank us for standing up for those democratic rights.

Madam President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11 a.m. will be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first half.

The Senator from Michigan.

Ms. STABENOW. Madam President, I rise today because tomorrow in the Senate Chamber we will vote on whether to let student interest rates double from 3.4 percent to 6.8 percent. This should not be controversial. This should have been done before July 1. Now we are trying to retroactively fix this.

We have attempted to bring this to the floor and vote on it before on a number of occasions. We have seen a Republican filibuster blocking us from doing that. This week I am hopeful we can get the necessary bipartisan vote to overcome the filibuster and be able to send a very strong message to students across the country that we understand this is a huge issue for them and their families, a huge cost, and that raising the rates will only be another barrier to creating opportunity for students in the future and, frankly, having a middle class in this country.

What is happening to the students and the debt involved is very serious, and it is stopping many young people from being able to move ahead and achieve their dreams. At a time when interest rates for everything else are at historic lows, why in the world would we double the interest rates for young people or older people going back to school who are trying to get an education and the work skills they need? Why would we allow that when we can get mortgage rates right now from 3½ to 4 percent or a car loan for about 4 percent? I could go on and on.

Here is the shocking thing. If the rates are doubled—if in fact what kicked in on July 1 is allowed to stand—it will mean a huge profit for the Federal Government. That also makes no sense. It will mean some \$50 billion for the Federal Government, according to the Congressional Budget Office. Why should the government profit off the backs of students who are struggling to get an education so they can get ahead?

We have a fundamental disagreement in this body between the majority of Democrats and the majority of Republicans on that question. It is a fundamental difference about what we

should pick as a priority for our country. Frankly, for nearly 300,000 students in Michigan who will be forced to pay an extra \$1,000 on their loans this year, it makes no sense.

I remember growing up in a little town in northern Michigan, working hard, getting good grades in my small class of 93 people, being at the top of the class, and wanting to go to college. But my dad became very ill and we couldn't afford for me to go to school. I was the first one to get a college degree in my family. I managed to go to school because the State of Michigan and the Federal Government at that time placed a value on educating kids like me, who didn't have a lot of money but had worked hard and had good grades and thought we ought to have a shot. I had a tuition and fee scholarship, and so I was able to go to college.

I put that scholarship together with working on campus and with student loans and I was able to get a bachelor's degree. I was then able to go on and get a master's degree and came out of school having to pay off the student loans. But because some folks—who didn't know this redheaded, freckle-faced kid from Clare—decided this was an important value for America, this was an important value for our State, I had a chance to work hard and follow the rules and make it. And who would have thought then I would have the opportunity to be here today?

I want that same opportunity for every young person in Michigan and every person going back to school in this country. Fundamentally that is what this is about. It is not about numbers. It is not about numbers. It is about whether, when we subsidize all kinds of other things—banks, and even the farmers I fight for, to help them with their crop insurance, and subsidizing rates for insurance to do things because it is good for the economy—why in the world would we walk away from that most basic set of values when it comes to our students?

Colleagues on the other side of the aisle say: Let's do something where we peg a rate. It is like a credit loan teaser rate. Sign up now at zero interest or 3 percent, let's put it there, and then over time it balloons like crazy and you are stuck. Those are the kinds of proposals we have gotten from the other side of the aisle. It sounds good now, but it is horrible later. I know a lot of folks who signed up for variable rate mortgages and balloon mortgages who ended up in the same situation. We are saying: No, we want a fixed rate. We want it low and we want to make sure students are placed as a priority.

So after all kinds of negotiations, we have said: OK, you don't want to continue the rate for 2 years. Let's do this: Let's continue it for 1 year at the low rate of 3.4 percent, and then let's all get together to figure out what to do about helping out with this \$1 trillion

in student loan debt right now. That is the student loan debt across this country. We need to help them figure out how to refinance that lower rate and then we can deal with the long-term cost. That is what we are trying to do. It doesn't make sense, when student loan debt in the country is over \$1 trillion, when students are already sacrificing and scraping together the money to get an education, to double the rates on those student loans.

So when we look at this, we are looking not only at today but over time. In every proposal that has been put forward—and there are a lot of folks working, and I know there are conversations going on with folks who want to solve this problem—they all end up with the rates going up higher than even doubling the rate to 6.8. Why does that make any sense? Why would folks propose that? We have a fundamental difference in how we view this issue of the cost of college and whether there is a role for the Federal Government.

Do we as a country have a stake in keeping costs as low as possible, interest rates as low as possible? I would argue, yes, we do. And if we want to stop subsidizing things, I can think of a whole long list of what we could stop subsidizing. We could stop subsidizing the top five wealthiest oil companies in the country, which have more profits than anyone in the world. We could stop subsidizing them. We could stop the loopholes that are taking our jobs overseas. We could stop doing that. There are a lot of things we could stop that would save money. We should not put all this on the backs of students. We should not say that somehow we should make a profit to pay down the debt on the backs of students, when in fact there are so many other areas where we should be asking people to chip in a little bit more, not those who are already working hard to get a basic education.

We know we have to have a comprehensive approach, but until that work is done we should keep interest rates low. We should keep them where they are. And I have great confidence in Chairman HARKIN and his committee, and Senator JACK REED, who has taken so passionately the lead on this. Senator KAY HAGAN and Senator REED are our leaders on the bill we will be voting on tomorrow. Senator WARREN, and so many others—Senator BOXER I know has spoken out so many times, as has Senator SANDERS, and on and on, as well as the Presiding Officer. We all care passionately about creating a long-term solution for students that keeps costs low so we can keep dreams high and success high in achieving those dreams.

I wish to thank so many for signing petitions and sharing their stories with us. I would urge folks to get involved in the conversation by joining us on

Twitter, with the hash tag “don't double my rate.” There is a lot of conversation going on and information that folks can find out about what we are doing.

I want to read two e-mails from constituents of mine. Corey, a student at Central Michigan University, sent me an e-mail about how this would make it difficult for him to continue his education.

As one of the taxpayers that you represent, I am asking you to please not allow my student loan rates to be doubled. I am a hard-working and respectful student. I make all of my payments. I go to class and do well. I work hard and am grateful for the chance to get a higher education, but if student loan rates go up I would be left to make a decision whether or not school will be affordable.

From the time we first start learning, we are encouraged to attend college and get a good job so that we can be a part of helping this country grow. I am simply asking you to help continue to make this an affordable option for me, and many others like me.

That story can be replicated all across Michigan and all across the country: Will young people be able to stay in school? Will they be able to come out of school and get the job they want versus aiming for a job that relates to their ability to pay back their student loans?

Then an e-mail from Matthew in Royal Oak:

Students are not asking for a bailout like the one that Wall Street got, just an opportunity to obtain an affordable education so we can compete in the global economy.

That is what this vote is about tomorrow. The Keep Student Loans Affordable Act simply says we are going to tackle this very serious issue for families across the country in two steps: keep the interest rates low where it is for a year, and then make a commitment to work together to fix the larger issue of the cost of college going forward.

I don't think there is a more important issue for the future of maintaining or recreating a middle class in this country than making sure we can allow everyone who wants to go on to college and get the skills they need to be successful in tackling and meeting their dreams than to make sure that college is affordable. A big piece of that is the interest rate on the loans that millions of students are taking out right now and counting on us to make sure they are affordable.

Tomorrow the question will be whether a filibuster continues on this issue. I think folks probably scratch their heads. We had a majority of people who voted—all Democrats—before to continue the interest rates at the current level of 3.4 percent. Because of the nature of the Senate and how things work, if there is an objection we have to go through this process to be able to overcome what is essentially a filibuster and we have to get 60 votes. So tomorrow we are going to have to

get 60 votes, which means we need a handful of Republican colleagues to join with us to make a statement that we should continue interest rates at the low level while we work together in a bipartisan way to solve the long-term problem.

We have over \$1 trillion in this country in student loan debt. It is more than credit card debt. I was surprised to see that. We have to help families tackle that debt. I would like to see refinancing options when interest rates are so low, and many of those are much higher interest rates. We need to tackle that. We need to tackle the overall costs of going to college and what is happening for low-income students as well as middle-class students.

There is a lot to get done, but it has to start by doing no harm. And that is the vote tomorrow: Do no harm. Let's make sure we at least keep the rates low now. We know there is a philosophical difference about whether we should actually help subsidize student loans. I think, of all the things we could subsidize, I would start with education.

Tomorrow the question is, Do we do no harm? Do we keep the interest rate where it is while we work out a long-term solution? Do we make a very strong statement that if we are going to set something as a priority for this country, if we are going to outcompete and outeducate in a global economy, it has to start with making sure advanced higher education is affordable for everyone who wants to work hard and play by the rules and go to college?

That is what the fight is about. That is what the vote is about tomorrow. I hope we will have an overwhelming bipartisan vote. If not, we are going to continue to do everything possible to tackle this issue because I think families across America are counting on us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. SANDERS. Madam President, over the July 4th recess I had the opportunity to talk with a number of young families about the crisis of student debt. Without exception, this is what they said: Please do not double the interest rates on subsidized Stafford loans from 3.4 to 6.8 percent. Please make college financing more affordable, not more expensive.

This is an issue which not only impacts millions of families, it impacts our entire future as a nation and our economy. Right now, working-class families all over this country are asking themselves a very simple question: Does it make sense for them to go \$40,000, \$50,000, \$100,000 in debt in order to get a college education? Many of these young people and families are saying: No, it doesn't make sense.

So in a competitive global economy, we are saying to families all over this country that we do not want their kids

to get a college education. We don't want them to become doctors, nurses, businesspeople, scientists, and teachers. We don't want them to expand their intellectual capabilities and make us a competitive nation in this highly competitive global economy.

Now, if that makes sense to somebody, it surely does not make sense to me. The doubling of student loan interest only makes an existing crisis even worse. According to a report by the Consumer Financial Protection Agency, the total student loan debt in the United States now exceeds \$1.1 trillion, which is nearly triple what it was in 2004. The average loan balance for American graduates has increased by 70 percent since 2004.

Average student debt is near \$27,000. In Vermont, it is even higher—over \$28,000.

The burden of student loans is making it much harder for young people to get mortgages and buy homes. Home ownership rates for young adults are among the lowest in decades. Young people are putting off marriage and having children partly because of the burden of student debt.

Over the last several months I have asked Vermonters—and people, in fact, all over the country—to send me their experiences, to tell me what this crushing debt of student loans means to their lives. We received over 700 responses from all over America. What I would like to do is very briefly read to you some of the responses I received from the State of Vermont.

Emily Decker from Colchester, VT writes:

Watching the interest eat away my savings every month is hard to swallow. To the point where we are not saving any money because we put anything extra toward my loans so we can pay them back ASAP. This is putting our plans for having a family on hold because we want to have our finances in better order before doing so.

In other words, Emily writes they are hesitating having kids because they can't afford to do so at the current time.

Andrew Craft from Burlington, VT writes:

I am a 25 year old full-time college student at Champlain College. I am a single mother. I am already \$20,000 in debt and I still have one more year to go before I graduate. I am currently at an internship working part-time on top of school and parenting, but I often feel like I am not ever going to be able to "get ahead" and "make it" in spite of my advantages.

Allison LaFlamme from Johnson, VT writes:

I cannot refinance my house, because even though my cars, home, and credit cards are perfect on my credit score our debt to income is too high because of our student loans.

Melissa Weber from Rutland, VT writes:

I have found myself struggling to survive independently as a 25 year old with a Mas-

ter's Degree. Yes I have achieved a degree, of which I am proud, but I have also accumulated an immense amount of debt that will likely haunt me for the majority of my life. As a result of my daunting loan payments I find myself barely surviving on an income that should easily support a small family.

Evan Champagne from St. Albans, VT writes:

My wife and I both have \$50K-\$60K of loan debt each. We both have good jobs, but a large percentage of our income is used to pay back student loans. There are no low interest consolidation options available. If there were, that would also help. The education process should be rewarding and create opportunities. For my wife and I, it did the opposite.

The American people want us to come together and solve this problem now, not make the situation worse. When we tell people who are struggling with these horrendous debts that the Stafford subsidized loan rate is going to double and there are proposals out there that make a bad situation worse, they respond in disbelief. They remember in 2009 when Wall Street collapsed because of their greed and illegal behavior, we bailed them out. They understand that today we are providing large Wall Street institutions with interest rates of less than 1 percent. They are asking: If you can bail out Wall Street—people whose greed caused the current recession—how come you can't protect working-class and middle-class families and enable their kids to get an affordable college education?

The Republicans in the House passed a proposal. Unfortunately, it is a proposal which makes a bad situation worse. Under the House Republicans' proposal, all student loans would have variable interest rates, exposing graduates to market conditions. Even though the House Republicans' proposal caps interest rates, the Congressional Research Service estimates that students who take out the maximum subsidized student loan amount will pay nearly \$6,000 more over the life of that loan than they would if rates are kept where they are today.

The so-called bipartisan student loan bill being discussed in the Senate would also be a terrible deal for students, especially in the coming years. It provides no cap to protect students for the first time in the history of the student loan program. If this proposal were to pass, according to CBO projections of interest rates, by 2018 student loan rates will go up significantly.

Short term, we have to keep student loan interest rates at 3.4 percent. Long term, we need a national solution to make sure college is affordable for all Americans.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

#### HEALTH CARE

Mr. BARRASSO. Madam President, last week our Nation celebrated America's Independence Day, and the Obama

administration took advantage of the holiday to slip out a couple of announcements about its health care law. The first one came late one day as the media and most of the Nation were distracted by their plans for the Fourth of July. The administration finally had to admit to all of America that their health care law is unraveling before their eyes. Several months ago Senator BAUCUS predicted that the law was headed for what he called a train wreck, and last week we saw the train go off the rails. What happened was the Treasury Department put out a blog post, written by an assistant secretary late in the day on July 2, that said it would postpone the implementation of the employer mandate part of the health care law until 2015.

This was one of the signature parts of the President's health care law. Under the law, every employer with more than 50 people working 30 hours or more a week was going to have to offer expensive government-mandated health insurance. Now we have a 1-year delay of this extremely unpopular and damaging Washington mandate. Anytime you see the Obama administration leak news like that late in the day right before a holiday with the President out of the country, you can bet it is bad news for him and for them. Presidents do not delay things that are popular and that actually people want and like. When you see them try to hide it in a blog post, that is another sign. Here is what the New York Times said, front page:

Crucial mandate delayed a year for health law.

Large companies won't need to offer plans until 2015. GOP seizes on shift.

The Washington Post ran a headline, page 1:

Health-care rule is delayed a year. A setback for Obama law.

The Wall Street Journal said:

Health law penalties delayed.

The Obama administration has tried to hide its bad news, but it failed. It also tried to spin the collapse of one of the law's most important features as good news. But as we see it here, Washington Post, "A setback for Obama law."

The Treasury Department's blog post claimed it was implementing the law "in a careful, thoughtful manner." If they were interested in careful and thoughtful, Washington Democrats never would have pushed through this reckless law in the first place, a law that many of them admit they never even read. Using that much Washington spin when it tries to sneak out bad news is another sure-fire sign that the White House is trying to hide the train wreck. The President and his supporters have been bragging about this part of the law for years. Now here they are quietly dropping it for a year and pretending things are going well for the law.

What does this announcement mean? First of all, this is a clear admission that the President's health care law is unaffordable, unworkable, and unpopular. Second, it may be too late. Here is a headline from CNN Money yesterday. They wrote:

For Fatburger and others, Obamacare delay came too late.

The article says for many small businesses such as fast-food franchises, they have already begun adjusting to the law's burdensome requirements. One business owner said the delay won't help his employees. He said:

All it's doing is causing confusion, anxiety, and the workers are paying the price.

The workers are paying the price. Now the mandate's a moving target. It's very, very challenging.

For a lot of businesses, the adjustments they had to make included cutting back workers' hours. Let's look at the latest employment numbers released last Friday. In June, the number of people working part time—these are people who actually want to work more—soared by over 322,000. There are now 8.2 million Americans working part-time jobs because their hours were cut back or because they could not find full-time work. Republicans have been warning this would happen because of the Democrats' health care law and that is exactly what has been happening for months now. The White House admitted as much when it said employers needed relief from the logistical mess the law created.

If the law makes it so bad for businesses that they can't handle it in 2014, I will tell you it is still going to be bad for them in 2015. If it is bad for employers, it is going to be bad for men and women on the street, the hard workers of America. When do they get relief? Will the administration now postpone the requirements that every man, woman, and child in America has to buy expensive government-mandated insurance? I hope they do. You can bet labor unions and other special interest groups are going to step up their lobbying to postpone the parts of the law that hurt them. Even the Commonwealth of Massachusetts is asking for a waiver from portions of the law.

Let me be clear. I think it is a good thing for employers that they will not have to face this job-killing mandate next year, but why should they have to face it at all? Is the Obama administration finally seeing the light on what a disaster it will be to implement or is it another gimmick? Well, as Ronald Reagan once said:

They only come around on your side when they want to get their hands on your wallet.

This 1-year postponement is not a real solution. It is not designed to help job creators or taxpayers. It is designed to delay the train wreck until after the 2014 elections. This 1-year postponement, in my opinion, is a cynical political ploy to try to fool the voters one more time.

Don't just take my word for it, because CNBC asked Peter Orszag about it the other day. People know he headed President Obama's Office of Management and Budget in the President's first term. He was a big proponent and supporter of the law. He told CNBC that White House officials "by definition," he said, thought that delaying the employer mandate would help them politically "or they wouldn't have done it."

"By definition," therefore, they thought it would help them "or they wouldn't have done it."

If they didn't expect it to help them politically, "they wouldn't have done it." That is an incredible admission by a member of the Obama administration, his inside team. Just because the President thinks this is good for him politically doesn't mean it is good for the country.

On Friday, the Obama administration also tried to sneak out another admission that its health care law is not working. Remember, even though employers have another year before their mandate kicks in, all the people still have to buy expensive Washington-approved, Washington-mandated insurance and they have to do that by this upcoming January 1. To try to hide some of the costs, taxpayers are going to subsidize the higher premiums some people have to pay.

The Wall Street Journal just last Monday:

Insurance Costs Set For A Jolt. For the healthy, rates could soar under new law.

Insurance Costs Set For A Jolt.

To try to hide some of the cost, taxpayers are going to subsidize the higher premiums some people would have to pay, but the prices are going to go up so high subsidies may cover some but not all. If someone wanted the subsidy, the government, of course, will have to verify those people deserve the subsidy.

Not anymore, because now, under the administration's new policy, buried away in 606 pages of regulations, on Friday, they said nobody is going to check those answers.

In an editorial yesterday, the Wall Street Journal called these "ObamaCare's liar subsidies." The paper agreed that managing the law's rules and regulations was complicated:

"Yet," the editors of the Wall Street Journal wrote, "this is the system Democrats installed when they passed the law, which is not supposed to be optional due to administrative incompetence."

Administrative incompetence is exactly what this is. It is also a recipe for rampant waste, fraud, and abuse. And it is an abuse in the taxpayer subsidies.

I have criticized the complicated process the administration was setting up to verify people's subsidy applications. That is because I think it is a tremendous example of government overreach and because Washington bu-

reaucrats at the IRS and other agencies have shown they can't be trusted with that kind of information. The solution now, apparently, is to scrap the verification system. We should be cutting the cost of insurance. That is what people wanted. That is why we had health care reform, to get down the cost of care, not driving up the costs, giving subsidies to a select few people and giving Washington more power to watch over the whole system. The American people do not need to put off the wreck until the train goes around one more bend. They want to stop the train wreck from happening at all.

The American people want more than a temporary delay of one part of this terrible health care law. They want a permanent repeal of the whole thing. Now that the Obama administration has admitted its law is too complicated and would have too many negative side effects, it is time for it to set aside the political games and do what is best for the country. It is time to repeal this bad law and replace it with health care reform that will work.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHATZ). Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I come to the floor to ask my Democratic colleagues to take another look at the student loan issue that will be before us tomorrow. We are playing with real lives here. These are about 11 million students who are going to college in the fall. They will be taking out 18 million loans for this year. Taxpayers will be loaning them over \$100 billion. The only proposal we are going to be voting on tomorrow appears to be one that will leave over 7 million middle-income college students swinging in the wind, paying about twice as much in interest rates as they should be paying.

At the same time, we have a proposal that is based upon a recommendation by President Obama that is like legislation already passed by the Republican House of Representatives that is supported by an Independent and two Democratic Senators and three Republican Senators that would lower student loan interest rates on every single one of the 18 million new loans that would be taken out next year and cut nearly in half the interest rates on loans for undergraduate students, which make up two-thirds of the loans.

I ask the question, why would we do a 1-year political fix that only helps students taking 40 percent of the loans, when we have before us a bipartisan



proposal that is close to the idea of the President and the House that would help every single student, and especially why would we do that when we leave middle-income students twisting in the wind, paying hundreds of millions of dollars more in interest rate than they should be paying over the next 10 years?

The student loan issue is becoming like what we call the doc fix, where Congress, for political reasons, every year rushes around and makes a temporary patch. There is no need to do that here, no need whatsoever.

I ask my friends on the Democratic side to look at what the President has proposed and the reasoning behind it. It was in his budget. Look at what the House of Representatives has done. They actually passed a bill that lowers rates. Then look at the proposal by Senator MANCHIN, Senator CARPER, Senator KING, Senator BURR, Senator COBURN, and myself in the Senate. What our proposal would do is provide a long-term solution: if you are an undergraduate student at the University of Tennessee, instead of your rate being 6.8 percent, it would be 3.66 percent. The Democratic proposal, I repeat, does nothing for over 7 million middle-income students who are going to be paying 6.8 percent when they should be paying, if they are undergraduates, 3.66 percent under our proposal. That is nearly half as much. There is no need for that.

This is like other political situations, we have some misinformation going back and forth across the aisle. I hope my colleagues will take a look at the Burr-Manchin proposal. The right thing for us to do is to say to these 10 million students, all of them, every single one of them, that when you go to take out your 18 million loans this year you are going to be paying a rate that is fair to taxpayers and fair to students. It is fair to taxpayers because it will not be costing the government any money and it is fair to students because the government will not be making any money. It will not be reducing the deficit on the back of the students. That is the principle upon which we can agree—fair to taxpayers, fair to students; doesn't cost the taxpayers, doesn't balance the budget on the backs of students. On that basis we can say to students: Take advantage of these low rates. You can get a 10-year loan if you are an undergraduate at 3.66 percent. There is no need to pretend we are helping students when the alternative proposal only addresses 40 percent of the students. These are the subsidized loans. These are the loans for the low-income students, who already get, for the most part, Pell grants, who already have their interest paid while they are in school—that is a big subsidy. It is over \$50 billion in the next 10 years. We leave the middle-income students over 7 million of them—over the

next 10 years paying hundreds of millions of dollars they shouldn't be paying. I don't know why my friends on the other side want to leave the middle-income students of America twisting in the wind, paying higher interest rates than they should.

So let's step back and look at the facts. Let's look at the President's proposal, look at what the House passed, and look at the bipartisan Burr-Manchin proposal. I respectfully urge the majority leader to allow us to vote on that. I urge my colleagues on the other side to coalesce around that idea. Let's say to the students of America: As the Senate, we know a good idea when we see one, and the Burr-Manchin proposal is such an idea.

#### EXECUTIVE SESSION

##### NOMINATION OF JENNIFER A. DORSEY TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Jennifer A. Dorsey, of Nevada, to be United States District Judge for the District of Nevada.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate equally divided in the usual form.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### STUDENT LOANS

Mrs. MURRAY. Mr. President, we are here today because, unfortunately, the financial burden on our Nation's college students dramatically spiked overnight 8 days ago, including for over 100,000 students across my home State of Washington, where 56 percent of college graduates leave school with a student loan debt, and the average amount they owe is more than \$22,000. Just when they are getting started on their careers, instead of buying a house or buying a car or just paying the bills, their student loan bills are piling up with interest.

Now interest rates for Federal student loans, which have been kept at a low rate of 3.4 percent, have doubled to 6.8 percent. For these students and for millions of students across the country, that is a tax hike of \$1,000. That is not fair to students, and it is certainly not good for our economy. Congress has to act to fix it.

This isn't just an abstract issue for me; it is very personal. Pell grants and student loans were what allowed my

six brothers and sisters and I to go to college after my dad got sick and had to leave his job. They are what made college affordable, and they are what allowed each one of us to pursue a career and give back to our communities. Because our government was there to help my family and help us through hard times, those seven kids in my family grew up to be a firefighter, a lawyer, a computer programmer, a sports writer, a homemaker, a middle school teacher, and a Senator. In my book, that was a good investment by our country and our government.

My family's story is far from unique. In fact, last week I traveled around my home State of Washington listening to student after student after student describe the real-life impact this rate hike would have on them. Students such as Elizabeth from Vancouver, WA: She is a sophomore at the University of Washington. She comes from a family of five children with immigrant parents who work hourly low-wage jobs.

She told me growing up, the idea of paying for college was overwhelming, but thanks to scholarships and grants and loans she is able to pursue her dream of becoming a broadcast journalist. However, her part-time work-study position barely covers her bills, and she says she is constantly plagued by stress as she worries about how she is ever going to overcome what she calls her "debt sentence."

The reality is this is a simple issue. College is already too expensive for students such as Elizabeth, and Congress shouldn't make it worse. So I am very proud to join my colleagues in supporting the Keep Student Loan Rates Affordable Act to extend the 3.4 percent interest rate, and I urge our friends on the other side of the aisle to join us and pass it.

With student loan debt now exceeding \$1 trillion, students and their families deserve due process and thoughtful consideration of issues such as financial aid. Students have already contributed billions to deficit reduction, but the problem is the Senate Republican leadership has insisted in all of their proposals that we balance the budget on the backs of struggling students and their families. So far, they have refused to put the interest of students and tomorrow's middle class ahead of Tax Code spending that benefits the wealthy.

What they have introduced is a bill that includes no cap on how high student loan rates could go—something CBO tells us would mean students could be locked in at rates over 8 percent in just a few short years. In effect, it would be better to do absolutely nothing now than to take up and pass the Republican bill.

I bet everybody listening knows a family member or a coworker who is up to their neck in student debt. It is a weight that keeps them from helping

to grow our economy or start a family or take risks with their careers, and it is a weight that is not easily shed.

We can't continue to do this to generation after generation of college students and expect to be able to compete in the 21st-century economy. We have to do everything we can to remove barriers to education, not erect new ones.

The clock has run out. We need to act now because for millions of Americans, affordable college has been the ticket to the middle class, and we can't allow it to slip away. We can't allow access to college to become unattainable for so many of our families.

I urge our Republican colleagues to join us in investing in America's future by reversing this student loan increase and making college more affordable for America's middle class.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am glad I stayed to hear the Senator from Washington speak because I think this highlights the issue. That is a terrific political speech, but it bears no resemblance to what is actually happening in the student loan debate.

The distinguished Senator from Washington talked about rates going up. Rates are going up for over 7 million—7 million—middle-income students in America who are going to be taking out loans this year, and the Democratic proposal does nothing for them. Their proposal does nothing for them.

All the Democrats are trying to do is a political fix for 1 year for students taking out 40 percent of the loans who are already the beneficiary of Pell grants, as she so ably expressed, who have their interest paid while they are in college. These students are borrowing subsidized loans. These students may receive a Pell grant of up to \$5,550. They have their interest paid while they are in college. This accounting system used by the Congressional Budget Office is very generous to students as opposed to taxpayers, because it is done under the Federal Credit Reporting Act, which is more generous to students, in this case, than taxpayers.

What about the over 7 million middle-income students who are just swinging in the wind under the Democratic proposal? It does nothing for them.

On the other hand, we have the President of the United States, a Democrat, and we have the House of Representatives, a majority of Republicans, and they fundamentally agree on one idea: Let's have a permanent solution. Let's figure out what it costs the taxpayer to allow the government to issue loans—the government is lending over \$100 billion a year—and loan it to the students at no profit—at no profit—so the students can use it—all of them, not 40 percent of them, not just low-income

students but middle-income students as well—and all of them will have their rates lowered.

So what will the effect be? Their proposal would fix at 3.4 percent for 1 year the student loan interest rate on 40 percent of the loans. Our bipartisan proposal would fundamentally—as does the President's proposal and the proposal passed by the House of Representatives—lower the rate to 3.66 percent for all undergraduates. It would be not just for the students borrowing 40 percent of the loans but for all middle-income students and graduate students as well. Their rates would be lower than 6.8 percent.

What is good about a short-term political fix that makes middle-income students and graduate students pay hundreds of millions of dollars more over the next 10 years? What is good about that? All it does is provide an opportunity to make a well-rehearsed political speech about student loans.

We all want to encourage students to go to college. We are looking for a way to give them some predictability and some certainty so students don't have to worry, when they graduate from Maryville High School in Tennessee where I went, that Congress isn't going to do its job. All the other side is going to do is stand up and make political speeches that have nothing to do with the issue.

In this case, the President has done his job by recommending a long-term solution. The Republican House of Representatives has done its job. It passed a long-term solution that lowers rates for everybody. A group of six Senators are doing our jobs. We have introduced a bipartisan proposal that reduces rates for everybody, and it is a long-term solution, while a number of the Democratic Senators are playing political games. They are ignoring reality. They are going to freeze for 10 years higher interest rates on loans for over 7 million—7 million—middle-income students across this country who are headed to college—rates that are nearly twice as high as the bipartisan proposal here, which is fundamentally like the proposal by the President and the proposal by the House of Representatives.

What is the wisdom in that? I don't see it, and I don't think the students will see it.

As far as balancing the budget on the backs of students, the only people around here who have done that are the Democrats when they passed the health care law. They put in that law a takeover of the Federal student loan program and, according to the CBO, they had an amount of savings of \$55 billion, and they used part of it to reduce the debt.

So the CBO says these are savings because the Democrats took over student loans and the Democrats said they will use it to reduce the debt, use it for the

Pell grant program, and they used it to help pay for the health care law. Every single year for the next several years, students are being overcharged to help pay for the health care law.

So if we want to get into a big political discussion about who is overcharging students in order to reduce the deficit or pay for the health care law, we can have that. But that is not what we want to do. We want a result, and we have suggested to the Senate—and I am going to say it one more time: Instead of a 40-percent political fix for 1 year, we have suggested a long-term solution for 100 percent of the students. It reduces their rates. It cuts nearly in half the interest rate for every single undergraduate loan—every single one, which is two-thirds of the loans—and it is based on an idea that was in the President's budget, that has already been passed by the House of Representatives, and that has been introduced by three on that side of the aisle and three on this side of the aisle.

A Senate that is interested in a result instead of political gamesmanship would be sitting down and trying to work that out. That is what we want to do.

We can play games, too, I suppose. I can go get my statistics and come back to the floor and say those over on the Democratic side, when they passed the health care bill, did it on the backs of students. When they balanced the budget—which they haven't done—they tried to do it on the backs of students. And when they found some money for Pell grants, they overcharged the students to whom they were loaning money. That is true. I could do that, and I could say that, but I didn't come here to spend all my time saying that. I came here to get results.

So this is not a game for 11 million students across this country. They are trying to figure out how they are going to pay for college. Just as the Senator from Washington said, it is not easy to do. They expect us to come here with our backgrounds and say: We are going to do the best we can. Instead of making this similar to what we call the doctors fix, where every year we play a little politics and add a little money to pay doctors who work with Medicare patients—that is a terrible thing to do, but we do it every year—and now we are going to treat student loans in the same way. In a Presidential election year, everybody will make a big speech about it. Eleven million students will sit around wondering how they are going to pay for college, waiting for the people in Washington to make a decision about that. We should not be doing that.

We have great promise here. We have a President making a long-term solution, the House of Representatives of a different party agreeing with him, and six of us on both sides of the aisle proposing a solution that is a permanent

solution for 100 percent for the 11 million people who will be borrowing over \$100 billion this year.

Why would they on the other side of the aisle insist on a solution that forces 7 million mostly middle-income students to pay 6.8 percent when they could be paying 3.66 percent? Why would you do that? Because you have not thought about it, I think.

A lot has been going on. We have had an immigration debate and a number of other things, so maybe Senators have not taken a look at that. I have. I have had a chance to do that. I have been the president of a university. I have been the Education Secretary. I know something about the student loan program. I did not like it when the Federal Government took it over. I admire our U.S. Secretary of Education. I do not think he ought to be the banker of the year. I think we have banks to make loans, but that is not the way it is. The taxpayers now make all the government loans—over \$100 billion a year.

Students are making their plans. They are going to be arriving at colleges in August and September. We have a bipartisan proposal that will lower interest rates for every single student taking out a student loan. Yet our friends on the other side want to leave middle-income students out of it, force them to pay twice as much as they should be in interest rates for the next 10 years. That makes no sense. We ought not do that.

Tomorrow what we ought to do is pass the Burr-Manchin proposal that is supported on both sides of the aisle. To the extent it differs with the President's proposal—which is very slight—and with the proposal of the House of Representatives—which is not much—we should then sit down, work something out over the next 3 days, pass it and send it to the President and go on to the next issue. Instead, we have political speeches about how hard it is to go to college. We all know how hard it is to go to college. It is difficult to do. We all want to help. But if we have a solution, we ought to adopt it.

I could play politics too. I know how. Every one of us in this room knows how, otherwise we would not be here. This is not a time for playing politics. This is serious business; 11 million students getting 18 million loans, \$100 billion-plus from the American taxpayers. We have a proposal before us that is fair to the taxpayers—it will not cost them any money—it is fair to the students—it does not balance the budget or pay for the health care program or any other thing on the students' backs—and it gives students, many of whom who have no credit rating, no other way to get money, a chance to get several thousand dollars a year at one of the lowest possible rates available in the country. The proposal that is before the Senate that is bipartisan

is a permanent solution. It says to the student going to the University of Tennessee or Alaska or Minnesota: If you get a loan this year from the government and you are an undergraduate, the interest rate is 3.66 percent. Your rate on that loan won't change. If you are a middle-income student, the Democrats' plan says it is 6.8 percent, and they say: Wait. Wait for what? Wait for rates to go up?

Why don't we establish this program for students at a time when rates are low? That is to their advantage. Let's have a permanent solution at a time when rates are low. They may go up and, therefore, students may pay more, but they will pay a lot less than they would in the private market. They will have a lot more certainty than if we just come around and play politics with this every year to try to gain some advantage with this student group or that student group.

So we have an opportunity before us. The immigration bill passed before the recess. It showed a good deal of the ability of people on both sides of the aisle to work together. We did that with the farm bill. We did that with the water resources bill. I would submit this is 100 times easier than any of those bills.

When I went home to Tennessee before the Fourth of July recess, I said to somebody who asked me: We are that far apart and we have the President and the Republican House and a bipartisan group of Senators all in about the same place. This ought to be easy to do.

It is still easy to do, but I would implore my Senators to look at the facts—those on the other side of the aisle—and realize I do not think they want to go home and explain why they are leaving over 7 million middle-income students twisting in the wind, paying twice as much on interest rates for the next year as the proposal that they are about to vote against tomorrow. I think that will be pretty hard to explain, and I will bet there will be a lot of explaining to do if that is the end result.

So I pledge—as I have been working with Secretary Duncan, with the White House, with Democrats and Republicans—to try to get a result here. I think we can still do it in the next few days. I would hope we can have a vote on both proposals tomorrow. My guess would be both would fail at this point, but at least that would show we are seriously working toward a solution, and we can sit down and merge these small differences that exist between the bipartisan group here, the Republican House, and the President of the United States.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IMMIGRATION

Mr. NELSON. Mr. President, I wish to speak about the immigration bill we passed a couple weeks ago. It was a significant achievement. I have already congratulated all of those in the so-called Gang of 8 who put together the initial draft. It was an example of bipartisanship and recognizing that the other fellow has a point of view—that you respect that—and then you work out your differences. That was an example of the Senate at its finest and what we ought to be doing on every piece of legislation around here.

The final result: 68 votes to 32 votes. Its prospects we know not what because of the different approach in the House and the inability on so many things we have passed here to go to the conference committee to iron out the differences between the House and the Senate.

So I am very appreciative, and I have given my congratulations to all of those who have participated in that immigration bill.

There is a huge flaw. It is a huge flaw in not recognizing that when we want to secure the border, as supposedly was done in order to gain 14 Republican votes to get us to the huge vote of 68 votes for the bill, a major amount of money was added for border security. That is not the flaw. Some may question the amount of money. Indeed, there was \$6.5 billion in the initial Gang of 8 compromise for border security. But when it came with the Corker-Hoeven amendment, there was \$46.3 billion more, of which over \$44 billion was for border security. That is not what is the flaw, although one can argue it.

The flaw is that the amendment that was offered by the Senator from Mississippi and me was not even allowed to be considered, which was to increase not some \$50 billion-plus for border security—which was the land border—but to add a mere \$1 billion for maritime security. That is the flaw. As a matter of fact, if you want border security, it is a fatal flaw. Why? You put up an impenetrable wall—whether it be a fence, an electric fence, an electronic fence, whether it be UAVs, more Border Patrol agents—as a matter of fact, in the Corker-Hoeven amendment, \$30 billion of that additional border security was just for Border Patrol agents—all of which is going to make it fairly effective in border security of not allowing people to pass, but it is the land border.

So what is going to happen? You go right around the land border on the maritime border.

It is either going to be on the west coast, on the Pacific, or it is going to

be on the east coast, either the Gulf of Mexico and all the Gulf States or the Atlantic, including Puerto Rico and the Virgin Islands. Because if someone can be smuggled into one of them and therefore get an identity, then they have free access. Puerto Ricans are American citizens. They have free access to get to the rest of the United States.

So maritime security becomes paramount. But we could not get people here who wanted to spend over \$50 billion on border security, which is the land border, which, in fact, is in the bill—they would not allow a Republican Senator, Mr. WICKER, and me to add \$1 billion for maritime security.

Specifically, under our amendment, it would have addressed just that part of border security with regard to the Department of Homeland Security. But if we want an effective border security, we have to then get into a whole host of things other than Customs and Border Patrol. We have to get additional resources for the Coast Guard. We have to consider not only UAVs being flown by the Department of Homeland Security, through Customs, et cetera, over the maritime border, we have to put more Coast Guard out there.

I would suggest a new platform that would be very effective would be what the Navy is testing right now, which is blimps. It is a very cost-effective, long dwell time, that gives enormous coverage at sea by one blimp. I have ridden in those blimps.

The Navy is testing them. I went with the Navy out of Fernandina Beach as they were doing the testing for Mayport Naval Station. It is incredible what you can do on the dwell time of a blimp. Of course, the fuel used is de minimus. The cost of an entire mission for a blimp, some 24 hours of fuel, is the same as cranking up an F-16 taxiing out to the runway. That amount of energy, fuel spent is what would be spent on a blimp for an entire 24-hour period as it is doing surveillance.

So if we are going to be sincere about border effectiveness, then, in fact, we are going to have to pay attention to the maritime border as well as the land border. Why are Senator WICKER and I concerned about this? He comes from a Gulf Coast State, Mississippi. I come from the State that has the longest coastline of any State save for the State of Alaska.

My State of Florida has over some 1,500 miles of coast. It is a place that will be a haven for smugglers of people and drugs. If we think we are tightening border security by over \$50 billion being applied to the land border, where are the smugglers going to go? They are going to go right around. It is just like water will flow and it will meet the place of least resistance. It will continue to flow. So, too, will the smugglers.

I wish to say I am disappointed that people on that side of the aisle would

not allow Senator WICKER's and my amendment to be considered in the last minute. It obviously is not controversial. Yet, for whatever reason, it was denied. I hope as we proceed on the immigration bill—and I hope we are able to proceed if the House will act—I hope in the final product it will be considered and added so we can truly have a secure border, a maritime border as well as a land border.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, soon we will be voting on a district court nominee. I rise in opposition to the nomination of Jennifer Dorsey. That is for the U.S. district judgeship for the District of Nevada. Before I outline the basis for my opposition, I wish to inform my fellow Senators and the American public regarding facts on judicial nominations.

We continue to hear from my colleagues on the other side of the aisle about how we are obstructing nominees or treating this President differently. Those complaints are without foundation. I will quantify my answer to prove my point. There is no crisis in the manner in which we are confirming nominees. This is all part of a larger strategy to justify breaking the rules of the Senate to change the rules of the Senate.

The fact is that after today the Senate will have confirmed 199 lower court nominees. We have defeated two. That is 199 to 2. Who can complain about that record? The success rate happens to be 99 percent for the nominees sent by President Obama, considered on the floor of the Senate.

We have been doing it at a very fast pace as well. During the last Congress we confirmed more judges than any Congress since the 103rd Congress. That Congress sat from 1993 through 1994. This year we have already confirmed more judges than were confirmed in the entire first year of President Bush's second term.

So far this year we have confirmed 27 judges. If confirmed today, Ms. Dorsey will be the 28th confirmation this year. Let's compare this with a similar stage, which would be President Bush's second term, when only 10 judicial nominees had been confirmed. So we are now at a 28-to-10 comparison, with President Obama clearly ahead of where President Bush was. But somehow we are hearing complaints.

As I said, we have already confirmed more nominees this year, 28, than we did during the entirety of the year 2005, the first year of President Bush's second term, when 21 lower court judges were confirmed. After today only three Article III judges remain on the Senate's Executive Calendar; two district nominees and one circuit nominee.

Yet we hear the same old story. Somehow our friends on the other side

of the aisle, the Senate majority, the Senate Democrats, cite this as evidence of obstructionism. Compare that to June 2004, when 30 judicial nominations were on the calendar, 10 circuit, 20 district.

I do not recall any Senate Democrat complaining about how many nominations were piling up on the calendar, nor do I remember protests from my colleagues on the other side that judicial nominees were moving too slowly.

Some of those nominees had been reported out of committee more than 1 year earlier and most were pending for months. Some of them never did get an up-or-down vote. The bottom line is that the Senate is processing the President's nominees exceptionally fairly. I do not know why that message cannot get through. It is an excuse to abuse the rules of the Senate to change the rules of the Senate.

President Obama certainly is being treated more fairly in the beginning of his second term than Senate Democrats treated President Bush in the first year of his last term in office. It is not clear to me how allowing more votes so far this year than President Bush got in an entire year amounts to "unprecedented delays and obstruction." Yet that is the complaint we hear over and over and over again from the other side.

I wanted to set the record straight. It is a sad commentary that I have to spend so much time when figures speak for themselves. But I will set the record straight again before we vote on the nomination of Ms. Dorsey.

I have concerns with this particular nominee. I think all Members are aware of the press accounts of campaign contributions which were made at the time this nomination was under consideration. We have not received a full explanation of what happened. Nevertheless, I am concerned about the appearances of these contributions and how such actions might undermine the public confidence that our citizenry must have in the judicial branch of our government.

I also have concerns about Ms. Dorsey's qualifications to be a Federal judge. She has no criminal law experience. She has participated in only six trials, one as a sole counsel, one as first chair, and four as second chair. I am concerned that her lack of experience will be a problem when she gets to the bench.

It is not surprising to me that the American Bar Association's Standing Committee on the Federal Judiciary gave her a partial "not qualified" rating. I am also concerned with her understanding of the proper role of a judge.

While in law school, she wrote a note that praised the Justices who wrote *Roe v. Wade*. She praised them for the willingness to "forge ahead to create a just outcome without regard to the

usual decisional restraints." Then, she said, "The majority made the just decision and then forced history and stare decisis to fit that decision."

Ms. Dorsey praised judges who made their decision—and I want to use her words—"without regard to the usual decisional restraints." Those words are not the kind of words judges should be using. That is not the kind of judges we want, those who are activist judges who impose their own policy preferences rather than in following enacted law or precedent.

What do we want? We want judges who will be restrained by precedent and by the laws Congress passes. Although Ms. Dorsey said she no longer supports what she once wrote, I am unconvinced she will be able to lay her policy preferences aside when they conflict with what the law dictates she ought to do.

For all the reasons I mentioned above, I cannot support the nominee. I have two news articles that describe the campaign contribution issue I discussed earlier. I ask unanimous consent that those articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Las Vegas Review-Journal, May 3, 2013]

**DONATIONS TO REID-CONNECTED PACS LEGAL,  
BUT DON'T SEEM QUITE RIGHT**  
(By Jane Ann Morrison)

U.S. Senate Majority Leader Harry Reid didn't break laws when he asked Las Vegas attorney Will Kemp to donate to the Senate Majority PAC to help elect Democrats in the 2012 cycle.

The senator, a lawyer himself, knew Kemp and Robert Eglet had won a huge verdict of \$182 million from Teva Pharmaceutical Industries in a case in which large vials of Propofol were partially blamed for a hepatitis outbreak.

Kemp wasn't new to donating to Reid. He had been a donor to Friends for Harry Reid in the past 2010 cycle and had given \$4,800. According to [opensecrets.org](http://opensecrets.org), Kemp's largest donation in the past three years was for \$8,500 to the Democratic Party of Nevada. And while he leaned Democratic, he also gave to some Republicans.

However, ethical questions abound about whether Reid's latest judicial nominee, Jennifer Dorsey, a partner in Jones, Kemp and Coulthard, could have seen—or hoped to see—her chances for an appointment enhanced by a series of contributions from Kemp and his partner, J. Randall Jones.

It's the time line and the size of the amounts that are creating that sewage smell.

Despite that, Reid said Friday he believed she would be confirmed by the U.S. Senate. Check out what happened when:

October 2011: Kemp wins his big Teva case, not his first big payday as a longtime trial attorney.

Jan. 9, 2012: Kemp donates \$8,500 to the Democratic Party of Nevada, generally considered the party designed to elect Reid first and foremost and other Democrats as an afterthought.

Sometime in January or February 2012, according to Kemp's statements to political

analyst Jon Ralston, Reid asks Kemp and his partners to donate to the Senate Majority PAC. It's unclear whether his donation to the party fell before or after Reid's request. Kemp didn't return a call Friday to clarify the time line.

March 31, 2012: Dorsey donates \$2,500 to Friends for Harry Reid. Sometime that month she expressed her interest in a federal judgeship. The same day, Kemp contributes \$2,500 to the Friends of Harry Reid.

April 30, 2012: Reid returns her money but keeps Kemp's.

May 1, 2012: The day after Dorsey's money is returned, Kemp donates \$100,000 to the Senate Majority PAC, and law partner Jones donates \$5,000 to the Democratic Party of Nevada.

May 14, 2012: Two weeks later, Jones donates \$50,000 to the Senate Majority PAC.

June 12, 2012: Reid recommends Dorsey to the White House.

Aug. 23, 2012: Jones donates \$8,000 to the Democratic Party of Nevada.

Sept. 19, 2012: She is nominated by President Barack Obama.

Oct. 23, 2012: Jones makes a \$10,000 contribution to the Democratic Party of Nevada.

At a meeting at the Las Vegas Review-Journal on Friday, I asked Reid to address the perception that the donations were made for a purpose.

He answered, "It's too bad that her being a member of that law firm is causing some problems for her." He noted he had known Kemp for decades. "He's one of the finest trial lawyers in the country, and that's not just hyperbole, that's true."

Reid went on to condemn the Citizens United decision in January 2010, which allows unlimited corporate and labor money in campaigns as independent expenditures. Reid called it one of the four or five worst decisions in the history of the U.S. Supreme Court.

Reid said he abides by the rules and does not control the Senate Majority PAC. He asked Kemp to donate, but PAC officials dealt with the lawyer after that.

By my tally, based on the Open Secrets website, in 2012, Kemp and Jones between them gave \$150,000 to the Senate Majority PAC and \$28,500 to the Democratic Party of Nevada, and Kemp gave an extra \$2,500 to Friends of Reid, for a total of \$181,000.

In previous years, Kemp and Jones had given but not at that level.

In 2010, Kemp gave Reid \$4,800; Jones gave him \$11,700. Kind of a big jump from \$16,500 to Friends for Reid in one cycle to \$181,000 to Reid, the Majority PAC and the Democratic Party in the 2012 cycle.

That's a lot of Democratic lovin'. Especially for two lawyers who also pony up for Republicans.

Reid mentioned the nearly \$150 million that Las Vegas Sands Corp. boss Sheldon Adelson had given to elect Republicans in 2012 and how a Rhode Island man made a federal judgeship though he and his wife donated \$700,000 to Democrats since 1993.

While \$150,000 sounds like a lot to me, Reid said it's all relative because the Senate Majority PAC raised more than \$60 million.

Reid must be conflicted. He competes successfully at raising money, whether it's for his own campaign, the party or various PACs. Yet he says, "I think this whole campaign finance thing has gotten way out of hand."

Later he mused, "It may not corrupt people, but it is corrupting."

Dorsey, 42, said she doesn't talk to reporters. But if she knew her partners were donat-

ing all this money at the time she was seeking a judgeship (and how could she not know), she should have stopped it. But then she did donate \$2,500 after asking for the job. Maybe she thought it was expected. Or maybe the judicial candidate's judgment about perception isn't so keen.

When her partners had never donated in such large sums before, it smacks of old-style payola. It may be legal, but it's not right.

However, I suspect the canny Reid is correct, Dorsey will get confirmed. Senators of both parties won't want to see their own donations restricted as they themselves race for the almighty dollar.

[From [www.reviewjournal.com](http://www.reviewjournal.com), Apr. 26, 2013]  
**JUDICIAL NOMINEE'S LAW FIRM GIVES \$150,000  
TO PAC LINKED TO HARRY REID**

(By Steve Tetreault, Stephens Washington  
Bureau)

WASHINGTON.—As U.S. Sen. Harry Reid was considering Las Vegas attorney Jennifer Dorsey for a federal judgeship in May, two senior partners at her law firm made \$150,000 in contributions to a political action committee associated with the Nevada senator, records show.

While apparently legal, the donations were called "problematic" by a legal expert, who said they could be perceived as attempting to buy a judicial appointment as Dorsey's confirmation is pending before the Senate.

Dorsey also made a personal contribution of \$2,500 to Reid's campaign committee in March 2012, shortly after they initially spoke about her interest in becoming a federal judge, according to Senate records. Reid returned that contribution a month later, as he proceeded to check out her credentials and experience as a litigator.

In June, Reid agreed to recommend Dorsey to the White House for a post on the U.S. District Court, and she was nominated by President Barack Obama in September.

Reid in a statement said Dorsey's "academic background and courtroom experience speak for themselves. She has great respect from her peers and colleagues in Nevada and I am confident she will serve the bench with distinction."

As Dorsey was being vetted by Reid, senior partners at her firm, Kemp, Jones & Coulthard, made contributions to Senate Majority PAC, a super PAC created by former Reid strategists to elect Democrats to the U.S. Senate. Reid, the Senate majority leader, and other leading Democrats traveled extensively last year to raise money for the PAC, which is co-chaired by a former Reid chief of staff.

Founding partner Will Kemp made a \$100,000 contribution on May 1, 2012, according to campaign finance records. Founding partner J. Randall Jones made a \$50,000 contribution on May 14, 2012.

Reid declined comment on the firm's contributions to the political action committee. His spokeswoman, Kristen Orthman, emphasized that Dorsey's personal contribution to Reid's campaign was returned as the senator weighed her possible nomination and wanted to avoid an appearance of conflict.

Dorsey did not respond to requests for comment Thursday and Friday. A secretary at her office said the attorney usually does not comment to reporters.

Neither Kemp nor Jones responded to calls or to email queries made through their secretaries on Friday.

Lawyers making contributions to politicians and their causes is commonplace. Nor is it unusual for lawyers to want to see

friends and legal partners ascend to the prestigious federal bench.

It's then the two appear to mix that problems can arise, legal experts said.

"This feels problematic to me," said Charles Geyh, John F. Kimberling professor of law who teaches and writes on ethics at the University of Indiana Maurer School of Law. "There's no denying a perception problem here. Politically it seems like a dangerous thing to undertake."

Carl Tobias, the Williams Professor of Law at the University of Richmond, cautioned against jumping to conclusions.

"I can't draw a cause-and-effect relationship" between the partners' donations and Dorsey's nomination, said Tobias, a former professor at the Boyd School of Law at the University of Nevada, Las Vegas. "I think people could ask whether it appears that they were trying to promote one of their partners. You'd like to have the answers to those questions."

Sen. Dean Heller, R-Nev., declined to comment on Friday. In recent weeks he has declined comment on Dorsey's nomination, saying he prefers to let the confirmation process move forward before saying how he would vote.

This week Heller declined an invitation to appear at Dorsey's confirmation hearing. Although Dorsey was nominated in September, only last month did Heller return the customary "blue slip" to the Senate Judiciary Committee, signalling that he did not object to a confirmation hearing.

Heller and Reid clashed earlier over Clark County District Judge Elissa Cadish, whom Reid had nominated to a federal judgeship but whom Heller had blocked over a gun rights dispute. Heller allowed Dorsey's nomination to proceed a few weeks after Cadish withdrew her nomination, leading to speculation that he and Reid had struck a deal.

Dorsey, who turned 42 on Friday, appeared Wednesday before the Senate Judiciary Committee for her confirmation hearing. The Las Vegas native obtained degrees from UNLV and Pepperdine University School of Law. She became a partner at Kemp, Jones and Coulthard in 2004, where she has specialized in complex civil litigation.

Dorsey answered questions about her experience and her approach to the law posed by Sens. Mazie Hirono, D-Hawaii, Charles Grassley, R-Iowa, and Mike Lee, R-Utah. The senators seemed satisfied with her performance, said Tobias, who watched a webcast of the session.

Dorsey was introduced to the committee by Reid, who called her a "fine woman who will be a great addition to the bench in Nevada. She has really a sterling reputation among her peers."

Reid said Dorsey's nomination was in line with his desire to place more women on the federal bench. If confirmed, Dorsey would join District Judges Miranda Du and Gloria Navarro as Reid-backed Nevada federal court appointees.

In 1998, Reid backed attorney Johnnie Rawlinson for a District Court judgeship in Nevada, and two years later promoted her confirmation to the 9th U.S. Circuit Court of Appeals.

Dorsey has received a mixed rating from the American Bar Association's Standing Committee on the Federal Judiciary, a 15-member panel that rates federal judge nominees on integrity, professional competence and judicial temperament, and on a scale of "well qualified," "qualified" and "not qualified."

In Dorsey's case, the ABA said a "substantial majority" (10-13 members) rated her

"qualified" while a minority rated her "not qualified."

Reid declined this week to comment on the rating, which matched ratings for Du and Navarro when they were under Senate consideration. He had made no secret of his disdain for the ratings, which he said rely too heavily on prior judicial service as opposed to "real world" qualifications.

In 2010, Reid said the examiners should "get a new life and start looking at people for how they are qualified and not whether they have judicial experience."

Mr. GRASSLEY. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. HEITKAMP. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO WILLIAM M. "MO" COWAN

Ms. HEITKAMP. Mr. President, I rise today to say a few words about my friend who is leaving the Senate this week, Massachusetts Senator MO COWAN. I have to admit that when he first arrived I was excited because I was no longer going to be 100th in seniority. That job went to Mo, and I would be 99. However, quickly after he was sworn in, I realized he was one of the nicest and smartest Members of this body. During his recent farewell speech, MO referred to me as the North Dakota sister he never knew he had. I already have six siblings, but I would welcome him into the Heitkamp family any day.

In all seriousness, Mo was an excellent addition to this body. After the Boston massacre tragedy, he showed incredible leadership skills. He was a source of guidance and comfort to countless folks from Massachusetts in the weeks and months that followed that horrific act of terrorism.

During his short tenure, Mo has distinguished himself in this body. First, Mo listens more than he talks. His acute observation skills have made him a trusted adviser to many. Equally important, Mo's observations are without judgment; rather, Mo listens and tries to understand how he can advance the issue and not judge the speaker's motivations.

Mo is a serious thinker, always trying to find a path forward to resolve the important issues of our time. I can only imagine the important and great legislation Mo would have advanced if he had more time here.

Although Mo is a serious guy, he also loves to laugh—mostly at his own expense. Mo's desk in the Senate was often the gathering site for many freshman Senators because everyone was just a little happier and a little smarter after spending time with Mo.

Mo is also an extraordinarily humble human being—not the false modesty of a seasoned politician but the humility

that comes from a deep faith and a lifetime of self-reflection. One should never mistake that humility for a lack of self-confidence. Mo is very sure-footed and anchored in the one great belief that his job is and always will be to make the world a more just place for his sons and for all the children of our country.

So beyond the ritual of carving a name in a desk and his recorded roll-call votes on important issues like immigration, what will be MO COWAN's Senate legacy? History may mark his time here in a footnote, but Mo's impact has been much greater. I cannot speak for others in this body, but because I served with MO COWAN, I will be a better Senator. I will listen more and talk less. I will always remember not to judge the motivations of others; instead, seek solutions with others. I will redouble my efforts to make our great country a more just place for our children.

I will miss you, Senator MO COWAN. You are a great Senator, but more importantly, you are a wonderful and kind human being. Thank you for your service to our country.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HAGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, today the Senate will vote on the nomination of Jennifer Dorsey to be a judge on the U.S. District Court for the District of Nevada.

Jennifer Dorsey has spent her entire legal career at the Las Vegas, NV firm of Kemp, Jones & Coulthard, LLP, where she has been partner for the past 9 years. She has diverse experience in civil and criminal matters, trial and appellate work, and State and Federal courts, and has tried more than a dozen trials to verdict. The committee has heard from Judge Deanell Tacha, who was nominated by President Reagan to the Tenth Circuit and is now the dean of Pepperdine University School of Law, in support of Jennifer Dorsey. She wrote:

I am well acquainted with Ms. Dorsey and can say, with full confidence, that she is an outstanding candidate for the federal judiciary who would serve with great distinction . . . She is a distinguished lawyer, a highly respected member of her community, and a true servant of the public good.

Her qualifications notwithstanding, Jennifer Dorsey has been the target of a false controversy over political donations made by her law firm colleagues. It is ironic that the same Senate Republicans who have filibustered any attempt to regulate or scrutinize political donations, and who objected to my



request during the Bush administration to include political campaign contributions by nominees in the committee questionnaire, are now using donations by a nominee's colleagues to smear the nominee. These donations that the ranking member claimed he was concerned about were not even known to the nominee until they were reported in local newspapers. Ms. Dorsey has answered the ranking member's questions on this issue under oath and I consider it settled. Senate Republicans did not ask such questions of President Bush's nominees, even nominees who themselves made donations to President Bush or their home State Republican Senators after they knew that they were being considered for a judgeship. Perhaps now Senate Republicans think we should look at donations made by nominees' friends and neighbors?

This is just one more example of Senate Republicans playing games with President Obama's judicial nominees, rather than actually looking at the nominees' records. False controversies about nominees like Paul Watford, Patty Schwartz, Andrew Hurwitz, Caitlin Halligan, and Jeffrey Helmick over who they represented, or who they clerked for, demean the confirmation process.

Jennifer Dorsey is one of the 33 judicial nominees who needed to be renominated this year. Unfortunately, the Senate is not able to consider another district of Nevada nominee, Judge Elissa Cadish, whose nomination was withdrawn after the Republican Senator from Nevada refused to return his blue slip on her nomination. The concern with Judge Cadish seemed to be that in 2008 she had accurately stated existing Second Amendment jurisprudence. Judge Cadish was originally appointed to the Nevada bench by a Republican Governor, and in a 2011 judicial performance evaluation, conducted by the Las Vegas Review-Journal, 88 percent of the lawyers who responded said she should be retained on the bench, which was among the highest of all judges evaluated. So I remain disappointed that her nomination was withdrawn and that the Judiciary Committee and the Senate were not permitted to consider it, especially since the vacancy to which Judge Cadish was nominated is now a judicial emergency vacancy.

In addition to the 33 renominations at the start of this year, President Obama has nominated another 28 individuals to be circuit and district judges this year, and has now had more nominees at this point in his presidency than his predecessor did at the same point. Senate Republicans are nonetheless criticizing President Obama for making too few nominations while protesting that the fact that many vacancies do not have nominees cannot possibly be the fault of Senate Repub-

licans. These Senators are saying that they have no role in the process. Of course, only a few years ago, before President Obama had made a single judicial nomination, all Senate Republicans sent him a letter threatening to filibuster his nominees if he did not consult Republican home State Senators. They cannot have it both ways.

I take very seriously my responsibility to make recommendations when we have vacancies in Vermont, whether the President is a Democrat or a Republican, and other Senators should do the same. After all, if there are not enough judges in our home States, it is our own constituents who suffer. It should be only a matter of weeks or months, not years, for Senators to make recommendations. Republican Senators who demanded to be consulted on nominations should live up to their responsibilities, and fulfill their constitutional obligation to advise the President on nominations. They should follow the example of Democratic Senators: the administration has received recommendations for all current district vacancies in States represented by two Democratic Senators. When Senate Republicans refuse to make recommendations for nominees, and then delay votes on consensus nominees, they are not somehow hurting the President, they are hurting the American people and our justice system.

Mrs. HAGAN. Mr. President, I ask unanimous consent that all remaining time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAGAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Jennifer A. Dorsey, of Nevada, to be United States District Judge for the District of Nevada?

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Indiana (Mr. COATS), the Senator from Arizona (Mr. FLAKE), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Ms. HEITKAMP). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 170 Ex.]

YEAS—54

Baldwin	Boxer	Carper
Baucus	Brown	Casey
Bennet	Cantwell	Collins
Blumenthal	Cardin	Coons

Cowan	Klobuchar	Reid
Donnelly	Landrieu	Rockefeller
Durbin	Leahy	Sanders
Feinstein	Levin	Schatz
Franken	Manchin	Schumer
Gillibrand	McCaskill	Shaheen
Hagan	Menendez	Stabenow
Harkin	Merkley	Tester
Heinrich	Mikulski	Udall (CO)
Heitkamp	Murphy	Udall (NM)
Hirono	Murray	Warner
Johnson (SD)	Nelson	Warren
Kaine	Pryor	Whitehouse
King	Reed	Wyden

#### NAYS—41

Alexander	Enzi	Murkowski
Ayotte	Fischer	Paul
Barrasso	Grassley	Portman
Blunt	Hatch	Risch
Boozman	Heller	Roberts
Burr	Hoeven	Rubio
Chambliss	Inhofe	Scott
Chiesa	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Thune
Corker	Kirk	Toomey
Cornyn	Lee	Vitter
Crapo	McConnell	Wicker
Cruz	Moran	

#### NOT VOTING—5

Begich	Flake	McCain
Coats	Graham	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table. The President will be immediately notified of the Senate's actions.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

#### KEEP STUDENT LOANS AFFORDABLE ACT OF 2013—MOTION TO PROCEED—Continued

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Madam President, I ask unanimous consent that at the conclusion of my remarks, the Senator from Utah be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REED. I wish to thank the Senator from Utah for graciously allowing me to proceed.

While the Republicans failed to join us in an effort to avert the doubling of the interest rate on need-based student loans, there is still time to act to make things right for students. On July 1, the interest rate on subsidized Stafford loans doubled from 3.4 percent to 6.8 percent. Instead of allowing us to take



up a vote on an extension of the lower rate, the other side continues to push a so-called long-term solution that would saddle students with even more debt in the future.

Students and advocates from across the country have been very clear. On June 21, they wrote to Senate leadership, and in their words: "A bad deal that is permanent for student borrowers is worse than no deal at all."

We need time to work together to develop a good deal for students—one that is comprehensive, one that touches not on just rates but on incentives to lower the costs of a college education and on ways in which students can refinance their existing debt and their future debts. As we all understand, we have reached a point where student debt has exceeded credit card debt. It is the second largest household debt—\$1 trillion—and it is saddling this generation and future generations with burdens they well might not be able to discharge.

In the meantime, at this moment, we should take up and pass the Keep Student Loans Affordable Act which I have offered, along with Senator HAGAN and 41 of our colleagues, to ensure that students with the greatest financial need do not see the interest rate on their loans double. Again, at the heart of our student lending program has been a special concern to allow young men and women with talent from low and moderate incomes to go to college. That is why we created the subsidized Stafford loan program. That is what we have to keep our focus and emphasis on today. Forty-nine organizations representing students, educators, colleges and universities, and workers from across the country have asked us to do this. These are the students, the universities, and the people who have most at stake and they are telling us, again, that a bad deal is worse than no deal at all.

We should take a step back and remember why we offer student loans in the first place. When President Lyndon Johnson signed the Higher Education Act into law in 1965, he said: "And it is a truism education is no longer a luxury. Education in this day and age is a necessity."

His words are truer today than they were in 1965. According to Georgetown University Center on Education and the Workforce, we will fall 5 million short of the workers with postsecondary credentials we will need by 2020. We already know there is going to be a gap between the workers we need with advanced degrees and the jobs available by 2020. Nearly two-thirds of new jobs will require a college degree or similar credential. So by saddling this generation with additional costs and thereby inhibiting those who may well have the talent but not the resources to go to college, we are going to create an even bigger divergence between the

demand for skilled workers and the talent Americans need to develop to fill those jobs.

President Johnson again referred to the Higher Education Act as a promise the Nation was making to its young people for generations to come. The promise was that this Nation was not going to allow financial barriers to keep willing and able young people from a college education. But, today, that promise is at risk.

As I have indicated, the job market increasingly demands postsecondary education simply to achieve middle-class earnings. At the same time, college is getting more and more expensive. As I said also, student loan debt is accelerating, second only to mortgage debt for American households. This is going to have a huge impact on the overall economy of this country. It is not going to be just individual students and families struggling. The Federal Reserve of New York and others have reported that this debt is dragging down our economy especially for young families as they try to establish themselves.

The primary tools in the Higher Education Act to help students pay for college are grants, work study, and low-cost loans. The Pell grant, which I must say we are so proud of because it was authored and championed by our great Senator Claiborne Pell, is less and less able to fund a college education. In the 1970s, it covered a large part of tuition and fees for a year in college. Today, the percentage of costs it covers is shrinking, even as we try to expand it. As a result, more and more students have had to rely on loans, and that is why we have seen this huge explosion of debt.

Today, instead of aiding students with low-cost loans, the Federal Government, ironically, is reaping profits from these students. We have to change this.

The Congressional Budget Office estimates that between now and 2023, student loans will generate \$184 billion in revenue for the Federal Government. At a time when students are struggling and when they are seeing their debt explode, we are making money off of them—not investing in them but putting them under a huge financial burden.

As we seek to solve these complex problems, I think the most sensible and the wisest thing to do is to keep the subsidized loan rate at 3.4 percent and use the year to engage and successfully complete the complex task of looking at several different aspects of this problem.

However, we are blocked from doing so because our budget rules basically require us to replace the revenue and the other side has been unwilling to consider revenue from other sources. We propose to offset the cost by closing a tax loophole. We have to look care-

fully not only at what we will do to make the student loan programs cheaper and more effective for students but also how we will pay for it.

We also have to recognize that for many years our colleagues on the other side of the aisle have targeted some of these subsidized loans, wanting to make them more expensive. From the Contract With America in the 1990s to the Ryan budgets, they have suggested things such as, for example, eliminating the in-school interest subsidy on student loans. For subsidized student loans, we pay the interest while the student is in college pursuing their educational goals, and they have suggested eliminating that. These are some of the reasons why I think we have to be skeptical of proposals that are being advanced in order to provide relief for students.

The so-called Bipartisan Student Loan Certainty Act would add nearly \$1 billion in additional revenues from student loans to the government coffers. It may be a short-term fix, but it creates a much larger long-term problem: The teaser rates in the first few years mask the uncapped rates students would face in the following decades.

This chart is very revealing. This demonstrates the undergraduate Stafford loan interest rates under the so-called Bipartisan Student Loan Certainty Act. This green line is the graduate Stafford loan, and this is the PLUS loan for parents. As we can see, they accelerate dramatically because of the 10-year Treasury bill rate chosen by supporters of the other proposal and because of the likely increase in that rate. It reaches the point here where interest rates exceed current law in 2016. So by 2016, these loans will be much more expensive. This is a classic case of enjoying 2 or 3 years of low interest, but having to be prepared to pay a lot more for education in the future. It is eerily reminiscent of those proposals to refinance one's house with an adjustable rate uncapped mortgage and get rid of that old-fashioned fixed rate which was so prevalent in the first decade of the 2000s and which caused so much havoc, and still is causing so much havoc.

CBO estimates that if we look from 2017 to 2023 alone, students will pay \$37.8 billion more under the so-called Bipartisan Student Loan Certainty Act.

Students are smart. They can figure it out. But I think there is something else we have to add to the mix. This chart shows an estimate of the rates that was made a few weeks ago on the previous chart. Here is the change in the daily yield for the 10-year T-note. This is the benchmark rate. We can see where it begins on May 1 of 2013. It is going from about 1.6 percent all the way up to about 2.6 percent. This rate is rising dramatically. Why? Well, for

one reason, the Federal Reserve has indicated they are going to begin to taper off their quantitative easing program. One reason is as we see signs of growth in the economy, interest rates will rise naturally. So what we could find is that this chart actually underestimates the potential growth in interest rates and students could end up paying maybe much more.

In the Republican proposal, there is no cap on these rates.

They talk about the fact that there is a consolidation process, but that consolidation process can only be entered into after a student has gone through school, begun repayment, accumulated interest at increasing rates each year, and then, indeed, when a student goes into the consolidation phase, all of the interest is capitalized and the loan is stretched out over many years, meaning they end up paying more. So it is not a rate cap at all. Frankly, without a rate cap, I think we are exposing students and their families to vast uncertainty. In fact, the only thing that seems to be certain is these rates are going up.

We have to approach this problem in a thoughtful way. That is why I introduced the Responsible Student Loan Solutions Act with Senator DURBIN. It is a long-term proposal. It would base student loan interest rates on the actual cost of running the student loan programs—not on arbitrary rate but the actual cost to the government—and it will protect students by capping interest rates on each of the individual loan programs. Our proposal would, in effect, pass on the savings to students that the Federal Government accrues from the low cost of borrowing relative to other borrowers, our ability to absorb risk relative to others, and the economies of scale for loan servicing for students across this country.

Additionally, by increasing in this legislation the loan limits on subsidized loans, we will allow students of low and moderate income to receive more help and not require them to borrow unsubsidized loans at higher interest rates and, as a result, I think, help bring down the whole cascading issue of student debt.

Finally, our legislation would provide relief to students with outstanding loans—that is upwards of \$1 trillion nationally—by allowing them to refinance to a lower interest rate.

These are some of the key elements for a true long-term solution.

We also need to address the cost of college, which is going up astronomically. The institutions have to have a lot more at stake. They have to be very careful that they are not only selecting well-qualified students, but also that they are preparing them for the workforce of this century and that they can have certainty, and the students can have certainty, that the skills they master in college will be rewarded with a job in our economy.

Finally, we have to establish a true Federal-State partnership. Federal grants and loans can't keep pace with these rising college costs. We have to work with every level of government to try to address these issues.

What I would suggest is that we work together. First, we extend the 3.4-percent interest rate, then, consciously, deliberately, and expeditiously, I hope, move forward to fix these complex issues, protect our students, allow education to be once again the engine that moves the country ahead, and allow every American, regardless of their wealth, to get aboard that train and go forward.

Madam President, I ask unanimous consent that Senators be permitted to speak for up to 10 minutes each and that Senator HATCH be permitted to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Utah is recognized. Mr. HATCH. I thank the Chair.

(The remarks of Senator HATCH pertaining to the introduction of S. 1270 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I take the floor today to follow up on what my good friend and colleague Senator REED from Rhode Island just spoke about; that is, the looming interest rate hike on student loans that is confronting us in this country.

To recap a little bit, in 2002 the Congress passed a fixed rate. We had variable rates before, but it passed a fixed rate on student loans of 6.8 percent. In 2007 it was lowered. That lasted for about 5 years, and then it was going to go back up to the fixed rate of 6.8 percent last year. The Congress passed a 1-year extension of that at 3.4 percent. It is that 1-year extension which expired on July 1 of this year. So if the Congress does nothing, the interest rates go back up to 6.8 percent.

In the midst of all of this, a lot of ideas have been floating around about what to do on student loans and the interest rates. Well, I think we have to keep in mind that if we go from 3.4 percent to 6.8 percent, that is a doubling. More than 7.2 million college students will be required to pay an average of \$1,000 more in interest per loan if we let it go back to 6.8 percent. Again, that is real money for our Nation's students.

Student loan debt currently exceeds \$1 trillion. It is second only to mortgage debt in the United States, and it is higher than credit card debt. The average student now graduates with more than \$26,000 in student loan debt. So now is really not the time to make them pay even more.

Now, luckily, we again have a window of time to act before the doubling

causes any real harm. It doubled on July 1, but we had the Fourth of July week, so if we were to again extend the 3.4 percent for another year, it would do no harm. It would do no harm to anyone.

That is why I am urging my colleagues to support S. 1238, the Keep Student Loans Affordable Act of 2013. This responsible, fully paid for legislation, introduced by Senator REED of Rhode Island, Senator HAGAN, Senator FRANKEN, myself, and many others, is a viable solution to keeping student loan rates affordable for our middle-class students and families struggling to afford college.

I might add that this bill is supported by 49 student, youth, consumer, civil rights, and educational organizations across the country. Here is a letter they sent to Leader REID and Senator MCCONNELL dated June 28 to support S. 1238. They said:

We applaud this bill, which creates a workable solution to maintaining current low rates while Congress seeks to reauthorize the Higher Education Act to reach a comprehensive solution to the student loan crisis that is good for students. We expect a vote on S. 1238 on July 10, 2013, allowing the proposal to take effect in time to protect incoming and returning students this fall.

That is what is happening tomorrow. Tomorrow we will vote on cloture on this bill—cloture, so that then we can get an up-or-down vote on whether we are going to extend the 3.4-percent interest rates until next July. I will in a moment say why that is so important.

The letter goes on to say:

Many of the other proposals being discussed would result in even higher costs to students than if interest rates were simply allowed to double.

That is, to go to 6.8 percent.

The bipartisan Student Loan Certainty Act put forth by Senators Manchin, Burr, Coburn, Alexander, King and Carper would drive up borrower costs by \$1 billion and tie interest rates to the market without a cap to protect students. This proposal would pay down the deficit on the backs of students, trading national debt for student debt. It is unacceptable to use student loans as a vehicle for deficit reduction, especially when the Federal Government is projected to make \$51 billion on student loans just this year.

So that will be the vote tomorrow.

I ask unanimous consent that this letter, along with the list of the organizations supporting the 1-year extension, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 28, 2013.

Support S. 1238, the Keep Student Loans Affordable Act of 2013.

Senator HARRY REID,  
Hart Senate Office Building,  
Washington, DC.

Senator MITCH MCCONNELL,  
Russell Senate Office Building,  
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: We the undersigned

student, youth, consumer, civil rights and education organizations urge you to support S. 1238, the Keep Student Loans Affordable Act of 2013, put forth by Senators Jack Reed (D-RI), Kay Hagan (D-NC) and 36 others, which will keep interest rates low for millions of students going to school this fall. If Congress fails to act by July 1, interest rates on federally subsidized Stafford student loans will double from 3.4 percent to 6.8 percent, and over 7 million students across the country will see the cost of college increase by \$1,000 per student, per loan.

Considering the enormity of the student debt problem and the significant number of students and borrowers impacted, it is clear that we need a comprehensive overhaul of federal student loan policy. However, with just 3 days left until the deadline, it is unlikely that Congress can come to an agreement on comprehensive reform that is better for student loan borrowers than if the rate doubled to 6.8 percent.

We applaud this bill, which creates a workable solution to maintain current low rates while Congress seeks to reauthorize the Higher Education Act and to reach a comprehensive solution to the student loan crisis that is good for students. We expect a vote on S. 1238 on July 10, 2013, allowing the proposal to take effect in time to protect incoming and returning students this fall.

Many of the other proposals being discussed would result in even higher costs to students than if interest rates were simply allowed to double. The Bipartisan Student Loan Certainty Act put forth by Senators Joe Manchin (D-WV), Richard Burr (R-NC), Tom Coburn (R-OK), Lamar Alexander (R-TN), Angus King (I-ME), and Tom Carper (D-DE), would drive up borrower costs by \$1 billion and tie interest rates to the market without a cap to protect students. This proposal would pay down the deficit on the backs of students, trading national debt for student debt. It is unacceptable to use student loans as a vehicle for deficit reduction, especially when the federal government is projected to make \$51 billion on student loans this year alone.

We continue to advocate for a long-term, comprehensive solution that ensures affordable rates for students. If Congress cannot find an acceptable long-term solution before students are forced to pay even more this fall, it must act to prevent subsidized Stafford loan rates from doubling.

Sincerely,

All Education Matters; AFL-CIO; Institute for Asian Pacific American Leadership & Advancement, AFL-CIO; American Association of University Professors (AAUP); American Association of University Women (AAUW); American Federation of State, County, and Municipal Employees; American Federation of Teachers; Asian Pacific American Labor Alliance; Center for Responsible Lending; Council for Opportunity in Education; Democracy for America; Demos; Department for Professional Employees, AFL-CIO; Generational Alliance; Hispanic Association of Colleges and Universities (HACU); Leadership Conference for Civil and Human Rights; League of United Latin American Citizens (LULAC); Minnesota Public Interest Group (MNPIRG); Minnesota State University Student Association; MoveOn; National Association of State Student Grant and Aid Programs (NASSGAP); National Council for LaRaza (NCLR); National Education

Association; National Federation of Federal Employees.

National Priorities Project; National Urban League; New Jersey Students United; New York Public Interest Research Group (NYPIRG); Oregon Student Association; Our Time; One Wisconsin Now; Progress Now; Roosevelt Institute Campus Network; Sierra Student Coalition; Student Debt Crisis; The Education Trust; The Institute for College Access & Success; The University of California Student Association; UNCF; United Council of UW Students; United States Public Interest Research Group (USPIRG); United States Student Association (USSA); USAction; Vote Mob; Working Families Organization; Rebuild the Dream; Young Democrats of America; Young Invincibles; YP4 Action.

Mr. HARKIN. That is really the vote tomorrow. Are we going to keep 3.4 percent or are we going to allow it to double? That is the essence of the vote tomorrow.

There are a lot of different ideas floating around here about what to do and how to do this, but in just about every single case, every one of those bills, if you project out over the next couple of years, will raise interest rates higher than 6.8 percent. So, again, that is why extending it for 1 year is so important.

The proper place to address this issue is in the reauthorization of the Higher Education Act. That expires this year. Our committee will be having hearings. We have had some already. We are going to have more this fall. We expect to be able to put together a reauthorization bill for early next year. This is where it belongs. This is where the student loan provision belongs—in the Higher Education Act. Here is why. College affordability is more than just what your loans are costing you; college affordability also has to do with the tuitions being charged by colleges. Why are the tuitions what they are? It also has to do with the lack of transparency from one college to another. What do courses here cost? What do courses there cost?

What is built into that cost per course hour, for study hour at this college compared to this other college?

There are a lot of other costs that go into college affordability other than just the cost of student loans. So to separate out a student loan and treat it as some kind of a separate entity is to kind of ignore all of the other things that affect the cost of college education. That is why it really needs to be part of a comprehensive solution, including Pell grants. Maybe we want to change some of the structure of Pell grants. Maybe we want to take a look at exactly what it is that we as a society want to do in terms of making college more affordable. What kind of interest rate base do we want? Do we want a rate based on the 91-day T-bill, which we have had in the past, or, as others are proposing now, do we want

to go to a 10-year T-note rate? What does that mean? That has never been fully fleshed out. That only comes out through hearings conducted by the committee. Should it be based on the 3-month Treasury note? There are all kinds of different ideas floating around, and no one really knows what is the best solution.

I pointed out the necessity for a cap on these loans. I think about my own experience when I started college in 1958 when there wasn't such a program. But in 1959 and after that we had what was called the Eisenhower loan program, the National Defense Education Act. I went to a window at Iowa State University and I borrowed money. I borrowed money at 2 percent. I recently looked up the interest rate during that period of time, the 10-year Treasury note at that time, in 1959, 4.43 percent, 4.12 percent, 3.88, 3.95—all the years I was in college. Yet I borrowed money at 2 percent. So our government, our representatives, decided it was worth it for America to subsidize the loans I had, not charging the 10-year Treasury note but actually half of that—almost half of that. Think about that.

Not only did our society, our government, say: We want to have a fixed rate of 2 percent no matter what the market rate is, all the time I was in college—when I was a sophomore, junior, senior—there were no interest charges. The interest rate clock did not run. Well, then I went in the military for 5 years. During the 5 years I spent in the military, there was no interest rate clock. I then got out of the military and went to law school. I spent 3 years in law school—no interest rate clock. Then after I got out of law school, I had a 1-year grace period of no interest rate. So add it up—almost 10 to 12 years that I had no interest rate charges. Not until after I was out of law school for 1 year did the interest rate clock start to run. Then I had to pay back the loans.

That is what our society, our government, our people decided to do for me and for students of our generation in the late fifties and sixties and seventies. That is what they decided to do. Now we hear, well, no, now we have to go to a market rate. We have to go to a Treasury note of 10 years plus something.

I only talk about this to show the contrast between what our country was willing to do for students of my generation and what we are trying to do for students of this generation. We are going to sock them with higher interest rates. That is why student debt is so high. That is why it exceeds credit card debt in this country—because we got away from understanding that subsidized rate was an investment in the future of our country. It was an investment in getting kids through college and not putting a mountain of debt on

their heads so that when they got out, they could get married and raise families, start to make money and buy good consumer items such as cars and homes and all kinds of things rather than paying back their debts for the next 10 to 20 years. So we have gotten away from that.

These are the kinds of things we have to kind of think about as we reauthorize the Higher Education Act. What is it that we are willing to do to invest in this new generation of students in terms of getting them an affordable college education?

In moving forward, I appreciate the efforts of others who have come forward with ideas, but there is still a divide here. Here is the divide. I think those of us in our caucus, in the Democratic caucus, have said we have two key principles we want to uphold: Any deal on interest rates should not reduce the deficit on the backs of students. We should not trade national debt for student debt. No. 2, we need to keep in place an interest rate cap—an interest rate cap—as a key consumer protection to shield students from exorbitant rates in the future.

I have the highest respect for our President. I served with him here; he was on our committee. I only wish that perhaps they had talked to us a little bit before they came out with their proposal, but President Obama came out with a proposal on student loans. He was the first President—not Democratic, but the first President, Democrat or Republican—to propose going from a 91-day T-bill rate to a 10-year Treasury note. No other President ever suggested doing that.

Secondly, no President since 1958 has advocated removing the cap. President Obama, in his proposal, proposed removing the cap.

I believe it is safe to say our caucus has said no, we are not going to do that. We are not going to lift this key consumer protection of having an interest rate cap. If we are going to go to a 10-year Treasury note, then what is it that we do? Do we do it as they did for me where they subsidize it below it? Do we add something onto it, and how much do we add onto it?

Again, we have, as I said, two key items. Interest rates should not reduce the deficit on the backs of students, and we need to keep in place an interest rate cap as a key consumer protection.

I might point out, this has happened before. We had an interest rate cap in the 1990s when we had a variable rate. The cap was at 8.25 percent. Five times in the 1990s interest rates went above that. The cap protected students five times.

That is why the bill that has been put up by the Republican side, S. 1241, fails to meet both those principles. Their bill, like the House GOP bill and S. 1003, is worse for students over the

long term than if we let rates double. S. 1241 would raise nearly \$1 trillion by charging students higher interest rates over 10 years, using net revenue for deficit reduction. This bill lacks an interest rate cap, an essential protection for students, as I said, that has been in place since 1958.

According to the CBO projections of the 10-year Treasury note—and that is what we have to live with, the CBO projections—under the proposal of S. 1241, which I think Senator ALEXANDER and others have put forward, graduate students relying on Stafford and PLUS loans will see higher interest rates starting in 2016, right here.

I saw a card about this that said under this bill the graduate student loans would be 5.21 percent. That is true here. Then it goes up in 2014, 2015, and then in 2016 it goes above the fixed rate of 6.8 percent and keeps going up to 8.6 percent from then on.

Students understand this. They looked at this and said: Well, gee, here, this is kind of like bait and switch. We get a couple, 3 years here where they are lower, and from then on everything is higher for us. We don't want this.

By 2018, on the undergraduate loans, subsidized and unsubsidized loans, it is at 7.1 percent. It is even more than the 6.8 percent that is in permanent law.

Again, I repeat, we have always had an interest rate cap. For as long as we have had student loans, we have had an interest rate cap. Even when we had a variable interest rate from 1992 to 2006, as I pointed out, five times we bumped up against that cap, so students were protected.

I have read in S. 1241 the authors stated there is a cap. Does this plan have a cap? It says yes.

There is a consolidation cap which we already have in law, by the way. We already have a consolidation cap in law. They keep it. But a consolidation cap is not a substitute for an interest rate cap. It is apples and oranges. One is a repayment mechanism. That is a consolidation cap. The other is a consumer protection called an interest rate cap. A consolidation cap is not a real cap.

Look at it this way. Let's say interest rates go to 10 percent, 11 percent, 12 percent. It is not unheard of. We have had that in the recent past. A student is in college, and that student takes out loans at 10 percent, 11 percent, or 12 percent when they are a freshman, a sophomore, junior, or senior. During the time they are in school, interest is accruing on their loan at 10 percent, 11 percent, or 12 percent. They can't consolidate until after they graduate. Then they say they can consolidate all of their loans at an interest rate that is equal to 8.25 percent or the weighted interest rate of their loans, whichever is lower.

I pointed out that under S. 1241, the Republicans' bill, if you took out a

basic loan under the basic program we have had for 10 years, at the maximum, under present law, you would pay back about \$21,000 in interest and payments. Under S. 1241 you would pay back \$28,000, \$7,000 more. Get this—for the same loan under consolidation you pay back \$69,000.

Consolidation—and that is why a lot of students aren't consolidating, because they know they are going to pay a lot more in interest charges for a longer period of time. Think about a 15-year mortgage versus a 30-year mortgage on your house.

Maybe a student would say: OK, I will consolidate. My monthly payments will be lower, but the total amount I pay back will be three, four, five times more than what it would be if I don't consolidate.

Consolidation may be useful to some students as a repayment mechanism, but it is not the same as a cap on interest rates.

The bottom line is that an interest rate cap is the only way to ensure all borrowers are shielded from exorbitant rates in the future, and consolidation is simply not a substitute.

Let's take a look at the base rate in S. 1241. That is the 10-year Treasury note. I asked my staff to take the provisions of the Alexander bill, S. 1241, and let's go back in time. What would students have been paying in interest rates? I looked at 1980, 1990, and 2000, every 10 years. Under S. 1241, undergraduate Stafford is 13.31, graduate Stafford is 14.86, and 15.86 on the PLUS loans. For 1990, undergraduate Stafford is 10.4, graduate Stafford is 11.9, and PLUS loans are 12.9. In 2000, undergraduate Stafford is 7.88, graduate Stafford is 9.43, and PLUS loans are 10.43. All of them are above the 6.8 percent that is permanent law right now, permanent in every single case because there is no cap. We have seen in the past 10-year Treasury notes as high as 14 percent.

There is no cap, so you take the 10-year Treasury note plus 1.85 percent or 2 percent, and you can see where students without a cap are going to be paying a lot more money. The 10-year Treasury note is already on the rise as the economy gets stronger. We know those interest rates are going up and that is what CBO tells us. Without a cap in place, students are highly vulnerable to this.

Again, I want to go back to this chart here. This is why consolidation is something students need to think about. This is \$41,000 in Stafford loans borrowed over 2 years by a graduate student enrolling in 2018. Under current law, they would pay back \$21,716 in interest payments. Under S. 1241, they would pay more, \$28,607.

But then they say: Well, you can consolidate. If you consolidate, you are going to pay \$69,185. Look at the difference.

As I say, a consolidation cap is just a way to stretch out your repayments, which means you are going to pay a lot more money over time. I am not certain that is what we wish to do to students over the next 20 to 30 years, burden them with even more debt for over 20 to 30 years.

Again, as I have said before, I think S. 1241 is not good for our students, it is not good for the middle class, and for America's competitiveness in the future. I think we ought to take the time to do it right.

People say: Well, gee, we had an extension of this last year until this year and you didn't do anything, so we should not extend it again. There are probably a lot of reasons why Congress didn't do it. Last year was an election year. We were gone a lot of time in the fall for people to campaign for reelection for both the House and the Senate, and it was a Presidential election year. Nothing was done, basically, from October on.

Then there was the whole deficit reduction measure that had everybody tied up in knots, and the sequester. We were trying to work that out the first of the year, and the budget bill, getting that done. There are a lot of reasons why this was not high on the agenda. There was a lot of significant legislation going on here, plus, as I said, last year was an election year and a campaign year.

What is different about next year is this: The Higher Education Act expires this year. We need to reauthorize it. We need to reauthorize it in a timely fashion.

As I said, this whole issue of student loans is only one part of it. There are a lot of other parts, such as college accountability. What are their graduation rates? What is their charge for per-course study hour? How do they figure that amount of money? What are colleges doing to keep tuition rates low? What are States doing to support higher education?

We have had a number of hearings in our committee already on the increasing cost of college education and what is causing it. There are a lot of different factors, but the one factor that overrode them all, the one consistent, overriding factor of why college costs are going up, Federal costs—why Federal costs of college education are going up—is because over the last 20 to 30 years States were reducing their support for higher education.

State legislatures have figured this out. They figured out that if our State government doesn't put more money into higher education, students are going to get Pell grants. They will get these loans. The Federal Government will back them up. What has happened is States have reduced their support for higher education and shifted it to the Federal Government.

What should be the States' responsibility in higher education? What

should be our partnership with the States in supporting higher education? That is, again, an issue for the reauthorization of the Higher Education Act, and what we are going to do about student loans in the future is a part of that.

That is why I argued for an extension for 1 year, because we can look at it in a comprehensive, systemic way as to what we ought to do about college affordability. This is why I say the best course of action to follow right now, both for students, for middle-class families, and for our country, for getting a better higher education bill that addresses all of this—the best thing to do is a 1-year-more extension.

As Senator REED said earlier, there is a loophole in the law that deals with individual retirement accounts. IRAs were meant for retirement, but now there is a loophole in the law that allows millionaires and billionaires to take IRAs and give them to a younger generation, which they then take over a period of years—and a lot of times escape paying taxes for years and maybe even for decades. Everyone agrees it is a loophole. It was never intended to be there for IRAs. By closing that loophole, we can pay for the 1-year extension at 3.4 percent. It seems to me the students need this loophole in IRAs more economic-wise than the top one-tenth of 1 percent in our country. So that is why I think we just need to take a deep breath and quit trying to rush to judgment.

There has been more bad legislation in my 39 years here that has happened because we wanted to rush to judgment on a deadline rather than taking the time to go through the committee structure, having the hearings, working things out on both sides of the aisle through our committee, and then bringing decent legislation to the floor.

Quite frankly, I think we can point to the immigration bill. That is what was done there. This immigration bill didn't just pop up on the floor. It went through a long process in committee, with hearings and witnesses and debate and amendments.

That is what we need to do here. Don't rush to judgment. I am afraid if we rush to judgment the losers will be the students and middle-class families and, quite frankly, our economy in the future if we move to a system that is going to cause higher and higher interest rates way out into the future for students just entering college.

So I plead with my colleagues to support the cloture vote tomorrow to give us this 1-year extension. Let the committee do its work properly and bring a proper bill to the floor that will be open for amendment. People will be able to amend it at that time. I believe that is the deliberate, thoughtful, and the responsible way to address this issue—not just to vote something out that is separate and apart from every-

thing else that adds to the burden of student debt in this country.

So I plead with my colleagues to do the responsible thing and extend the 3.4 percent for 1 year, and we will address this next year in the Higher Education Act.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Ohio.

Mr. BROWN. Mr. President, I want to echo the words of my colleague from Iowa about the upcoming vote this week, which is so important. We know a lot of what has happened with student loan debt, which now exceeds \$1 trillion—that is 1,000 billion dollars. It is more than credit card debt in this country. It is more than auto loan debt. It is also second only to mortgage debt of 300 million people of this great country.

According to the Wall Street Journal, the average student loan debt for a college graduate who borrowed to finance a bachelor's degree this year is nearly \$30,000.

My wife, who graduated some years ago from Kent State University—the first of her family to go to college—graduated with just \$1,200 in debt. Her father carried a union card, worked at the local utility company in Ash-tabula. Her mother was a home care worker. They had no real money to put into her education or the education of her two younger sisters and younger brother. Yet she graduated with only \$1,200 in debt, getting a 4-year degree from Kent State University and going on to a very good career in journalism.

For students such as the young man named Amish Patel, who works two jobs to pay tuition at that same university, Kent State, Stafford loans are important. Stafford loans are essential to helping students such as Amish achieve their goal of obtaining a college degree.

Just 7 days ago, because of inaction by Congress—as we know so well from the comments of Senator HARKIN and others on the floor—the Stafford interest rate doubled from 3.4 percent to 6.8 percent.

We have a chance to address this private student loan market today also. My legislation, introduced not so long ago, helps those 2.9 million students across the country with more than \$150 billion in private student loan debt. Overall, student loan debt is \$1 trillion. Most of that is with the direct lending program—the Stafford loan program from the Federal Government. But \$150 billion, or about 15 percent, which burdens about 2.9 million students, is private student loan debt. Private loans typically have higher interest rates, sometimes topping 15, 16, 17, 18 percent. They are more difficult to refinance, and they offer fewer payment options than those loans administered by the U.S. Department of Education.

Recent graduates with private loans, such as Lynsay Spratlen of Macedonia, a community in northeast Ohio, are living with their parents because their heavier debt burden often means they are unable to buy a home, to start a business, to buy a car, or to go on to graduate school. So along with Senator HEITKAMP, I am introducing legislation to help stop the fleecing of college graduates who are stuck under a mountain of private student loan debt.

Often these banks will not refinance these loans. They are paying much higher interest rates. Sometimes they are cosigned, other times they are not cosigned, by a family member, by a parent, typically. But either way they are a huge burden, and a significantly lower interest rate would be available if they could refinance these loans.

The legislation authored by Senator HEITKAMP and myself—Refinancing Education Funding to Invest for the Future Act—addresses this problem by authorizing the Treasury Department to make the private student loan market more efficient.

I want to read a couple of letters. We come to the floor of the Senate and talk about statistics, but we don't often enough illustrate or recite notes and letters and stories and discussions from people we meet or who write our office or we meet on college campuses or around our States.

This is a letter from Chad, age 25 from Toledo. He is from the University of Toledo:

I am currently pursuing a Bachelor's Degree in electrical engineering at the University of Toledo. I live 15 minutes away from there so I am a commuter living at home. My parents don't have the funds to help me pay for college, so in order to attend I must work full time to cover expenses. The Federal aid I receive helps me cover a good portion of the tuition costs. Increasing the interest rate for my loans would be devastating to me on a financial level. It is hard enough to pay them at the rate they are now; increasing them would only make things a lot worse.

They are now at 3.4 percent. He wrote this before it had gone up to 6.8.

Mr. Brown, if there is anything you can do to prevent this from happening please do so. I am not the only one that will feel the major effects.

That is why this upcoming vote is so important.

Let me share one other letter from Oregon, OH, also near Toledo. It is from Mlynek:

I have been a single mother of twin boys since 1989. They were born October 1, 1986. I co-signed on loans for both of them so they could further their education in the field they love "music." Jason Mlynek went to Ball State University for 2 years and then transferred to Carnegie Mellon University for his BA and obtained his Master's Degree in arts management. Jason is working in New York City for Distinguished Concerts International, but due to the loans he incurred and the cost of living barely has enough to buy food. He is paying \$1,300 a month on his loans.

Shawn Mlynek received his BA from Carnegie-Mellon and then went to the University of Miami 1 year and then transferred back to the University of Cincinnati Music Conservatory and received his Master's Degree in vocal performance. He works as a singing waiter and has voice students but is in the same situation. His income for 2012 was under \$20,000, but he is paying over \$900 a month on his loans.

I work full time, have been at the same company 19 years, make \$35,000 a year, have good credit, own my own home . . . and wanted to refinance. I was told I have too much outstanding debt due on the loans I cosigned for my children. Too much debt to ratio so I cannot refinance to lower my payments.

So not only do these burdensome student loans with interest rates too high—if they double to 6.8 percent, but with costs already too high—affect the student when she or he graduates and wants to buy a house or start a business, but they affect the whole economy, and they also affect the debt burden of parents, such as this mother—Jason and Shawn's mother—who couldn't refinance her own mortgage because of the debt burden she was carrying because she cosigned on student loans for her sons.

Finally, she writes this:

The American Way is to help our children and they would not have been able to accomplish their dream of an education in the music field if I hadn't cosigned for their educational loans.

Mr. President, I think that sums it up. These two letters—the one from the University of Toledo student and from the mother of the twins—sum up in so many ways why this issue is so important and why the Senate needs to act, and act quickly, because the interest rates on student loans doubled last week.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NUCLEAR OPTION

Mr. CORNYN. Mr. President, it seems as if the majority leader and some others are rattling the cage once again in favor of the so-called nuclear option. For those who may not follow this topic closely, this is simply breaking the Senate rules in order to impose majority will on the minority party by changing the procedures by which the Senate functions. In other words, it refers to a process by which the rules of the Senate are broken in order to change the rules themselves.

As the distinguished majority leader has pointed out in the past—right here on the Senate floor in front of his colleagues and constituents and all the American people, Senator REID affirmed that the proper way to change the Senate rules was through the pro-

cedure laid out in those rules. The majority leader, Senator REID of Nevada, went on to say that he would oppose any effort in this Congress or the next to change the Senate rules other than through the regular order, and he recommitted himself to this proposition in a colloquy with the Republican leader earlier this year.

So I would ask the majority leader: Do you plan on keeping your word or are you going to resort to brute political force and break the Senate rules in order to change the rules and fundamentally transform the nature of the U.S. Senate?

Should the majority leader break his promise, I believe he will inflict lasting and perhaps irreparable damage to this institution. And during a time when cooperation is very important—as it always is—to try to actually solve some of the Nation's biggest problems, poisoning the well by exercising this so-called nuclear option would be the opposite of what we ought to be doing, which is coming together in a bipartisan way to address some of the Nation's biggest challenges.

I would also ask my Democratic colleagues, how do you reconcile your desire for a filibuster-free Senate with the simple fact that Democrats will not always be in the majority in the Senate? As we know, what goes around comes around, and the shoe will always be on the other foot. I can think of a number of legislative proposals that Republicans on this side of the aisle would happily advance with a simple majority—let's say, for example, a full repeal of ObamaCare. That would be a good place to start. As the senior Senator from Tennessee Mr. ALEXANDER recently pointed out, we could finally establish the Yucca Mountain nuclear waste facility in Nevada. But the truth is that prudence and a healthy respect for the fleeting nature of power in the Senate, as well as a healthy respect for the voices represented by the minority in the Senate, compel a different course of action because, as we know, the shoe will always be on the other foot at some day in the future.

I think it is worth pausing to examine the source of the majority leader's renewed interest in the so-called nuclear option. On the heels of the President's judicial nominations, many of our friends across the aisle are renewing their wayward cries of Republican obstructionism in the Senate, but the facts simply don't bear this out. The facts do not support this conclusion.

Indeed, as the Washington Post Fact Checker recently pointed out, from nomination to confirmation, President Obama's district court nominees have moved through the Senate at only a marginally slower pace than his predecessors, while his appeals court nominees have sailed through at a much faster clip than President Bush's. The Senate has confirmed 28 of the President's judicial nominees so far this



year. By this point in President Bush's second term, this body had confirmed only 10. Twenty-eight under President Obama and 10 under President Bush at this point in their second term. In total, 199 of President Obama's judicial nominees have been confirmed and only 2 have been defeated. That doesn't sound like obstructionism to me.

Meanwhile, the President has failed to produce nominees for 65 percent of the vacant judicial seats, many of which are in my home State in Texas. As the distinguished Presiding Officer knows and as the American people know, it is the President who nominates Federal judges, and then it is the responsibility of the Senate to advise and consent on those confirmations. That is in the Constitution. But if the President doesn't nominate people for these vacancies, then the Senate's role is never engaged on those 65 percent of vacant judicial seats where the President has not even nominated an individual to serve. I would argue that is the true reason for the majority of vacancies and one that calls for the President's immediate attention.

So I hope that during the remaining few weeks here in July before the August recess, we don't see a manufactured crisis over how the Senate operates on nominees. We have some very controversial nominees—for example, three of whom were unconstitutionally recess-appointed by the President. And don't take my word for it. In the case of the National Labor Relations Board, the court of appeals held that those were unconstitutionally appointed in order to circumvent the Senate's constitutional role.

It is true that the U.S. Supreme Court has taken those cases, and we will soon hear—perhaps by next summer—what the Supreme Court's view of the recess appointment authority of a President might be. But we know that at least three of them—two at the National Labor Relations Board and the so-called Consumer Financial Protection Bureau nominee—were recess-appointed and, I think it is pretty clear, in violation of at least the court of appeals' view of what the President's constitutional authority would and should be.

We also have other nominees, some of whom are more controversial than others. We have Gina McCarthy, who has been nominated for the Environmental Protection Agency. We have James Comey, who was this morning before the Senate Judiciary Committee and who I believe will enjoy broad bipartisan support as the next FBI Director. We have other more controversial nominees, such as Thomas Perez to the Department of Labor. That is in part due to his activities as head of the Civil Rights Division of the Justice Department, where he was harshly criticized by the inspector general for politicizing what should be a nonpolitical

position, enforcing the civil rights laws of the United States.

So we are going to have plenty to talk about and a lot to do, but this should not be used as an excuse by the majority leader to break his word when it comes to changing the Senate rules through this nuclear option process. That would be a disservice to the country. It would certainly irreparably damage the Senate as a deliberative body. It would poison the well when we need to work together as much as we can to try to get other important work done. And it would be extremely shortsighted because majorities can be fleeting, and those who are in the majority today will find themselves in the minority in the future. I think that recognition would caution prudence and temper the political ambitions of the majority leader when it comes to jamming through some of these nominees.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BLUNT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Mr. President, I would ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AFFORDABLE CARE ACT

Mr. BLUNT. Mr. President, I would like to talk about the Affordable Care Act. I have long been concerned that this is an act that simply won't work. I think the premise the bill was built around is a premise that won't work.

I know things like guaranteed insurance sound very popular—that you can get health insurance no matter what your health condition is—but the problem with getting insurance after the fact as one of the potentials is that it discourages getting insurance before the fact. Getting insurance after you are sick is like getting fire insurance after your house is on fire. You could probably get fire insurance after your house is on fire, but it would sure cost a lot more than it would have cost under what we would see as traditional insurance. So I have always thought that premise was a problem.

I have always thought the requirements in the bill that depend heavily on young people who are healthy buying insurance at higher rates than young people have ever looked at before—and remember, that is probably the biggest uninsured component in this society because young and healthy people think they are young and healthy, and the truth is that they normally are young and healthy, and they don't need insurance like many members of this body might need insurance

because they just simply don't and they know it.

Frankly, now that the least likely to be healthy among us can't pay more than three times the most healthy—we have never had that requirement before—doesn't mean the cost of insurance goes down for unhealthy people as much as it means it goes up in cost for people who are healthy. And I think those young healthy people will be smart enough to figure out that it is probably not in their best interests, either their health or their finances, to buy the insurance they don't need rather than to have the ability later to buy insurance if it turns out they need it. It just never made much sense to me.

Meanwhile, as we see that happening, from insurers to doctors to employers, people are looking at this law and figuring out if this is a place where they still want to focus their energies. I met with a number of doctors this morning who talked about how doctors are selling their private practices to hospitals and how specialty doctors are not going into specialty medicine because the cost is too high for the reward they might get.

I have talked to employer after employer who said: We have done all we could to provide the insurance we have provided, but we can't meet these new benefits and still stay in business. And even more employers have said: We may not let anybody go who is a full-time employee, but in the future we are going to hire more part-time employees because we don't have to cover those part-time employees under the law.

Then, as people are leaving health care behind and they are leaving their obligation to help provide health care behind, they keep getting different messages from the Federal Government itself. Not too long ago the supporters of this act—and I have never been one of them, I will admit that right upfront—but the supporters of this act are saying we are going to stick with this, we are going to implement it, we are going to stay fully committed to it. But while we were gone last week, the administration announced that in fact—they did it on a blog post, which I suppose is a way to announce something that is as consequential as this. It certainly got a lot of attention. But the blog posting said the insurance reporting rules and penalties for employers would be delayed for another year.

Suddenly, one of the wheels on this bicycle is gone. The employer who was going to have to provide insurance or pay a penalty now does not have to do it. But apparently the individuals who are going to have to buy insurance for themselves, if it is not provided at work, have to.

At the same time the administration announced the income verification to have taxpayers help pay for a person's



insurance would be waived. Remember, the income verification for any person or family at less than 400 percent of poverty—which is a pretty big number; it is around \$90,000 for a family of 4—you get some taxpayer assistance to pay for your insurance. But now you do not even have to verify your income to get that. You can just say here is my income and whatever it is I want to have the taxpayer insurance based on what I believe my level of income would be that I am willing to tell you about.

Suddenly the money the Government is spending is going to people who are getting taxpayer-paid insurance. There is no penalty for people who do not provide insurance at work as the law requires. So, for a law I have had problems with all along, I have even more problems with it now. It is like: Never mind the employer mandate. Never mind the individual income verification to get taxpayer assistance. How could you take those two principles out of that law and expect it to be implemented in a fair way?

The new plan apparently is let the Government sign up as many new people as they can for government-assisted insurance. I understand why that might be the most popular aspect of this bill. One of the great principles of society and people is when somebody is giving you something you are usually more glad to get it than you are when somebody is taking something away from you. But in this case you are taking money away from taxpayers to give to individuals to pay for their insurance and not fulfilling the rest of the commitments of the bill.

The administration obviously believes that paying the bill will make an unpopular piece of legislation more popular. In fact, many of the administration's advocates are talking about how politically smart it is to put off the implementation of this bill for employer-based insurance until after the next election. You can hardly find a story about this without it talking about how shrewd it is, putting this off until people have voted one more time before they find out what is in it.

There were no real rules that came out until after the 2012 election, and then suddenly after the 2012 election, between then and the end of the year, there are 20,000 pages of rules, rules that nobody saw before election day, but suddenly the 20,000 pages of rules, 7½ feet high—7½ feet of rules that will be challenging to comply with but, more importantly, nobody saw them before the 2012 election—now nobody has to have a penalty as an employer until after the 2014 election.

I think I am getting to see a pattern develop here and the pattern is when people find out what is in this law they are not going to like it. If it was believed they were going to like it, I think we would be rushing to imple-

ment the law before the 2014 election, not after. I think we would be rushing to have the 20,000 pages of regulations out before the 2012 election, not after it. They had 3 years to get the regulations out before the 2012 election, 3 years, but they all come out after November. Now we are told we do not have time to implement this. It has been 3½ years since the bill was signed into law. If this is ever going to work, how much time is it going to take to implement it?

This is a determined effort to get further and further down what I think may be the wrong road before people find out what has happened to their insurance, before people know what has happened to their doctor, before people know what has happened to their health care. And when they find out, I think they are not going to like it.

Since the passage of the bill, the law has had 8 interim final rules, 3 final rules, 20 requests for comment, 21 proposed rules—according to the Wall Street Journal, 1 information collection request, 2 amendments to the interim final rules, 6 requests for information, and 1 frequently-asked-questions document.

The administration announced about a year ago that the long-term care provisions of the bill, the so-called CLASS Act, simply wouldn't work. I remember when this was before the committee in the House of Representatives, when it was said: Look, there is no way this can possibly work. The advocates said no, this is actually going to make money. But once the bill was signed into law and was out there for about a year, the Department of Health and Human Services said this long-term care thing was not going to work; even though it is in the law, we are not going to implement it.

Then they announced we are not going to have the small business exchange available in January 2015; it will be at least another year for that. The very same week they said we are not going to have income verification, we are not going to have the employer mandate, there is another 606 or so pages of new rules and regulations. The rules and regulations seem to come out, but nobody seems to want to implement the law. There were 3½ years to get ready. Now they can't get ready until after the next election.

If employers should have a delay, so should individuals and so should families. In fact, I think what we should have is a permanent delay while we look for a plan that works, that can be implemented, that makes sense, that is based on good health care and good health care decisionmaking. I hope this Senate and this Congress and this administration will try to find a plan that works instead of constantly saying: You know, we are not ready to make this plan—which has been out there for 3½ years now—work and work

to meet the needs of the American people.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SYRIA

Mr. WICKER. Mr. President, last week I led a bicameral delegation that visited the Syrian border with Turkey. What we witnessed on the ground highlighted the critical nature of events and the desperate need for American leadership and eventually a negotiated resolution to the Syrian civil war.

This civil war is now in its 29th month. More than 100,000 people have been killed, including at least 36,000 civilians, and 1.7 million people have been forced from their homes, fleeing for their lives as the chaos escalates. To describe this conflict as anything less than a regional disaster is to ignore the magnitude of its impact.

According to the United Nations High Commissioner for Refugees, the violence has pushed over 400,000 refugees to Turkey, almost 500,000 refugees to Jordan, 160,000 to Iraq, 587,000 to Lebanon, and 88,000 refugees to Egypt—a stunning development. The people of Turkey and Jordan, including Prime Minister Erdogan and King Abdullah, should be specifically applauded for their generous support of these refugees.

I also point out there are now secure locations inside Syria where refugees can be housed within their own country.

There is noted international support to prevent the spillover of violence. At the request of the Turkish Government and in fulfillment of our NATO obligations, the U.S. Patriot missile batteries at Gaziantep are one example of efforts to deter the threat of ballistic missiles beyond the Syrian border. Additionally, the Dutch and Germans have deployed batteries to Turkey.

American troops are working diligently to strengthen our regional security and protect innocent lives in harm's way. Our delegation was able to meet and visit with troops in Gaziantep last week. These highly educated and motivated men and women are proudly serving American interests, and I commend them for their dedication to a critical mission.

Turkey must have the support it needs to defend its population and territory from the raging civil war next door. Without robust cooperation among NATO allies, the stability of this entire region is at risk.

During our visit to a refugee camp in the town of Killis near the Syrian-Turkish border, roughly 40 miles from

Gaziantep, we saw firsthand the dire situation facing the countries that have accepted Syrian refugees and the challenges these individuals now face. At the refugee camp, our delegation met with a women's group, children in school, and with the elected camp council. Our conversations were insightful—and heartbreaking. Over and over, the same question emerged: Why aren't the Americans helping to bring down Asad? Why are the nations of the world allowing the slaughter of innocent people to continue? Is there no outrage over the displacement of more than 1.5 million people from their homes?

Frankly, these questions are very difficult to answer.

So far, the Obama administration has been reluctant to help in contrast to the aggressive military and humanitarian aid provided by some of our NATO allies such as Britain, France, and Turkey. I wish to emphasize: No one is asking for American boots on the ground. No one is asking President Obama to put troops in Syria. America is understandably war-weary from Iraq and Afghanistan, but our hesitation to provide adequate arms to the anti-Asad rebels is hard to justify, especially when multiple red lines have been crossed.

Those who share President Obama's reluctance to assist opposition forces point to the uncertainty surrounding those who might assume control of Syria if the rebels win. They ask: Which faction will emerge? The more moderate rebels under the Free Syrian Army or a radical Islamist band of opposition rebels?

While caution is definitely called for in this dangerous and volatile situation, our reluctance to act reminds me of Shakespeare's Hamlet who once observed that men "rather bear those ills we have, than fly to others that we know not of."

I would remind Members—and the administration—that Hamlet's hand wringing and indecision ultimately led to his demise. In bowing to a fear of uncertainty and choosing disengagement, the implication is essentially that the world is somehow better off with a known quantity—even a known quantity in the person of Bashar al-Asad. I disagree.

Here are a few facts about the "ills" we know regarding the Syrian dictator known as Bashar al-Asad:

No. 1, Asad is supported by the extreme Islamist regime in Iran, with a supply of Iranian Revolutionary Guards to embolden his rampage.

No. 2, his grip on power has been serviced by Syria's client-state relationship with Russia, which continues to defend its military aid to him. President Vladimir Putin refused to join other nations at last month's G8 Summit in explicitly calling for an end to the Asad regime.

No. 3, Asad has tolerated—if not overseen—the killing of at least 36,000 civilians in his own country, and this is according to numbers from the Syrian Observatory for Human Rights. More than 3,000 of these have been women and more than 5,000 were under the age of 16.

No. 4, under Bashar al-Asad's rule, the number of refugees has topped 1.7 million, with thousands more seeking safety every day.

No. 5, Bashar al-Asad has targeted the villages of his enemies in a merciless attempt to eradicate any who oppose him.

No. 6, following in his father's ruthless footsteps, he has shown that he is willing to use every tool at his disposal to hang on to power, and that includes the use of chemical weapons, a development President Obama once called a red line, as well as rocket attacks on his own people.

No. 7, we have every reason to conclude that Bashar al-Asad is a calculating strategist and student of history who has learned from what he views as the mistakes of Iraq's Saddam Hussein or Libya's Muammar Qadhafi.

With Russian and Iranian assistance and arms, Asad has succeeded in stopping the momentum of the rebels. But with sufficient military support, the pendulum can, in fact, swing back toward the rebels.

I strongly disagree with those who suggest that the opposition rebels could somehow turn out to be worse than the nightmare that has unfolded.

Increasing America's assistance to Syrian rebels, short of boots on the ground, must be decisive and strategic in order to be effective. That does not mean we send arms freely to all rebels. I challenge the notion that in sending military aid, we forfeit the authority to choose which rebel leaders to support. I would also point out to Members that both the Chairman of the Joint Chiefs of Staff, Martin Dempsey, and former Defense Secretary Leon Panetta have testified before the Senate Armed Services Committee that within the administration, they argued in favor of arming the rebels.

General Salim Idris, chief of staff of the U.S.-backed Supreme Military Council, has emerged as anything but a radical Islamist in presiding over the armed opposition and serving as a conduit for military aid. A New York Times profile described him as "soft-spoken and humble compared with many military men." He defected from the Syrian military after an attack on his village last year—the same village where he and his eight siblings were raised by a grain farmer.

In a recent letter to the United Nations Security Council, General Idris's pleas for the Syrian people were clear and simple: "Syria should not be allowed to become the Rwanda of the 21st century."

As I emphasized when speaking with Syrian refugees at the camp in Killis, a negotiated settlement will ultimately require reconciliation by representatives of all factions of the Syrian society—Alawites, Sunni, Shia, and Christians. They must be prepared to negotiate with and eventually forgive their fellow Syrians who have made war against them. But I do not believe that can happen as long as Asad and his Russian and Iranian backers see the momentum going their way. Russia will never agree to back a meaningful peace negotiation if the Russian leadership thinks Asad can win outright. A leading-from-behind strategy will not expedite the overthrow of the Asad regime. There is still an urgent need for American leadership.

There is no peaceful future for the Syrian people if Asad remains in power—only one of more violence, oppression, and regional instability. Should he prevail, the impact could have drastic implications on America's national security interests, including the prospect of increased sectarian violence in the region, the rise of al-Qaida-affiliated groups in Syria, and the expansion of Iran's extremist influence. The United States must not shy away from our potential to make a meaningful difference.

Our Nation led an international coalition to act in Bosnia and Kosovo, and we did so with success. We did not do so, regrettably, in Rwanda—a mistake President Clinton has called his greatest regret.

I do not suggest that one visit to a refugee camp is by any means a comprehensive assessment of U.S. foreign policy in Syria. Military assistance would be fraught with difficulties, and it produces a host of conflicting viewpoints among people for whom I have great respect. But my visit to the refugee camps does have a profound effect, and my observations of what is happening on the ground certainly bring home the enormity of human suffering and devastation this conflict has caused.

Most of those unfairly caught in the crossfire just want to get on with their lives and protect their families. Instead, they have been forced from their homes and from their livelihoods—their entire way of life ripped apart by the bloodshed that no human should endure.

I invite the American press to visit Gaziantep and the refugee camps nearby. The American people are entitled to know what is happening to 1.7 million people. After more than 100,000 deaths, with so many people left without a home, we should not stand by as the horrors continue to mount. The administration's hesitation leaves the fate of Syria's war-torn people to a regime willing to kill and destroy to stay in power.

In summary, we know too much about Bashar al-Asad to maintain the

status quo. Backed by Russia and Iran, he has overseen the massacre of innocent lives, boldly crossed red lines, and violently suppressed any who challenged him. To suggest we cannot do any better—that Asad is somehow more acceptable than the opposition forces—falls short of taking an honest, realistic look at what is happening.

The question now is not whether America puts boots on the ground. We should not and will not do that. The question is whether the administration will strengthen the capabilities of Asad's adversaries. The question is whether the administration will trade its reluctance for resolve and—like that of our NATO allies—respond with robust military aid. So far, efforts in Geneva have failed to bring about a consensus among major world powers that outlines a lasting political transition. Without changing the momentum back to the rebels, the current situation will not change, and the threat to regional stability and to American interests will continue.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, on July 1, interest rates on subsidized Stafford loans rose from 3.4 percent to 6.8 percent. This means for students across the country, the annual cost of their student loans will go up by as much as \$1,000 a year. This makes no sense. The cost to the government is not 6.8 percent. In other words, the government will be making money on the student loans. That was never our intent, and that makes absolutely no sense.

I hear many of my colleagues talk about how we do not want to increase tax burdens on American families. Now we are taking our most vulnerable—students who need affordable higher education—and telling them they are going to have to pay more money for their student loans. And, by the way, the government is going to make money off of that? We have to do something about that.

Let me talk a little bit about the size of student loans today. Total student debt passed the \$1 trillion mark last year. There is more debt in student loans than there is in credit cards in America. Sixty percent of the students must borrow money in order to afford a college education. Thirty-five percent of America's 35 million students are behind on their loan payments. This is an enormous problem, and on July 1 it became a more difficult burden for American families because of the higher interest rates.

Senator HARKIN, the chairman of the education committee, is absolutely correct that we should take up a revision of how we charge students for loans and the availability of loans and the cost of education when we take up the Higher Education Act reauthoriza-

tion. That committee will be taking it up shortly. But in the meantime, we should take action to prevent the increase in these student loans from going forward. That is why I am a co-sponsor and urge my colleagues to support S. 1238, the Keep Student Loans Affordable Act of 2013. That act is pretty simple. It just says we are going to extend the 3.4 percent for another year. In other words, the government will not make that money off the backs of our students. I hope all of us would agree that we need to get that done now so the increased burden, the increased costs, and the unnecessary costs to students are avoided.

Now, because of our budget scoring rules, S. 1238 needed to be paid for. It is fully paid for. In other words, because current law would allow interest rates on subsidized loans to go up to 6.8 percent, to take it back to 3.4 percent, the budget scorekeepers say we have to pay the cost of that difference, even though the government would be making money at the 6.8 percent. So S. 1238 is fully paid for. We take a provision that the Senate Finance Committee has been looking at, known as the stretch IRAs that basically deal with inherited individual retirement accounts, and we require that those funds be taxed in a more timely way than they are today—a noncontroversial provision. It provides the money.

I must tell you that I do not necessarily agree that the 3.4-percent continuation should not be baselined. Why do I say that? I hear so many of my colleagues say, when we have a tax bill and we extend tax relief, that if we do not extend that tax relief, that is raising taxes on individuals. In other words, what they are saying is that the temporary tax relief is really baselined and that if we do not extend that, we are increasing taxes. Well, here, for students, the 3.4 percent was the law. Why now, just extending that, do we all of a sudden have to come up with a different standard on how we pay for it? That being said, S. 1238 is fully paid for.

What I think is wrong is for us to allow interest rates to go up where the government is making money off the backs of our students. We should not be doing that. Higher education is already too expensive. We should be looking at ways to make college education more affordable for American families. For generation after generation, we have been telling our children that the American dream is achievable to those individuals willing to pursue an education and work hard. Are we now prepared to tell millions of students that we are pushing the American dream beyond their grasp?

Let me give one example. Amanda McIntosh wrote me a letter. She is a first-generation college student who holds a college degree from Christopher Newport University, a master's degree

from Columbia University, and a graduate certificate from Johns Hopkins University. Amanda is not from a wealthy family, so she has over \$100,000 in student loan debt. Amanda would like to earn her doctoral degree so that she can conduct research that influences policy regarding access to higher education for historically underrepresented populations, but she is buried under student loans and unable to continue her education, unable to afford a car or make a downpayment on a home or otherwise invest in the economy. She simply cannot afford to take on more loans.

What is the message here? What are we telling the future generations of Americans? We are saying: You need education in order to succeed. You need education so we can have a competitive workforce. And then we tell them that the cost of education is out of their reach. And then we are going to tell them that the loans are going to be more expensive.

In Amanda's case, she would like to do something with her future that could be extremely helpful to our country and to herself. She may not be able to do that because of the cost of higher education. And then so many students graduate with such large debt today that they have to look at paying off their debt and it affects their career choice. These might be gifted scientists who could really do something to help discover the answer to dread diseases, how we could cure them, but instead they have to opt out for a short-term career decision to pay off their student loans.

We need to have a policy that makes higher education more affordable, not more costly. Yet increasing the cost of the Stafford loans from 3.4 percent to 6.8 percent will make it more expensive for families to be able to afford a college education.

Obtaining a college degree is not a luxury; it is an economic imperative. Affordable access to higher education means more scientists, doctors, nurses, engineers, computer programmers, and other highly skilled workers our economy will need to fill the high-tech jobs of the future. A well-educated, highly skilled workforce is vital to sustain our national security and prosperity in a globalized 21st-century job market.

So I urge my colleagues to support S. 1238, the Keep Student Loans Affordable Act of 2013, as a commonsense approach to protecting students at no additional cost to the taxpayer. As I said earlier, this bill would simply allow the 3.4 percent to remain in effect until our committee has the time to pass reauthorization of the Higher Education Act, and they could then take into consideration not just the availability and the cost of student loans but the cost of higher education, the transparency in the cost of higher education, the concerns we have about different types

of schools and whether we are getting value for the dollar. All that can be done as we reauthorize the Higher Education Act. But in the meantime we should keep the loan cost to students at 3.4 percent and not allow it to increase as it did on July 1. We will have the opportunity to do that, I understand, tomorrow on the bill on the floor. I would urge my colleagues to support that effort.

TRIBUTE TO JODI SCHWARTZ

On a personal note, let me point out that a very valuable member of my staff, Jodi Schwartz, will be leaving us at the end of this week. She is our education person in my office who has been so helpful to me not just on the student loan issue but on all educational issues—affordability of education, the quality of education, the opportunity for everyone to have the great dream of America. She has been a very valuable asset to our staff. I will certainly miss her in my Senate office, and I wish her only the best.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. WARREN). Without objection, it is so ordered.

OBAMACARE

Mr. THUNE. Last week on July 2, the Tuesday before the Fourth of July Independence Day on Thursday, the administration made an announcement that they were going to delay implementation of a key component of the ObamaCare law. I think that came as a surprise to a lot of people because the expectation has been all along that in January of this next year many of the provisions in that law were going to go into effect.

Tomorrow, a majority of the Senate Republican conference will be sending a letter to President Obama asking for a permanent delay of the employer mandate. I say permanent delay because they talked about delaying it for 1 year. In making the announcement about the delay of the employer mandate, the administration unilaterally acted and failed to work with Congress on what is a very significant decision.

This action finally acknowledges some of the many burdens this law will place on job creators. I believe the rest of this law should be permanently delayed for all Americans in order to avoid significant economic harm to American families.

In response to questions about the administration's decision, the President's senior adviser Valerie Jarrett said, "We are listening," while referring to the concerns of the business community over the onerous employer

mandate that will result in fewer jobs and employees working fewer hours.

We have been listening as well. As more employers have attempted to understand the burdensome requirements in the President's health care law, the louder their outrage has become. In particular, small- to medium-sized businesses are simply drowning, drowning in their efforts to understand all of the regulations.

We are also listening to the views of the American people. A recent Gallup poll from this week showed that a majority of Americans still disapprove of the health care law. The survey showed that 55 percent of respondents disapprove of ObamaCare. A Gallup survey last month revealed for every one person who believes they will be better off under ObamaCare, two believe they will be worse off.

Opposition to the health care law is growing and it will continue to grow as more Americans realize the law is built upon broken promises and will result in higher health care costs and more taxes.

Under the individual mandate, the IRS, which is still under multiple investigations for unfairly targeting conservative groups, will play a central role in the implementation of the health care law in our country. Last fall the Congressional Budget Office estimated nearly 6 million Americans, primarily in the middle class, will have to pay a tax under the individual mandate, which was 2 million more than were initially estimated.

When the Affordable Care Act is fully implemented, the average individual mandate tax will be nearly \$1,200, which clearly—clearly—contradicts the President's previous statement that the individual mandate is "absolutely not a tax increase."

Further, families are facing significant increases in premiums. The Wall Street Journal recently published an analysis of premiums and concluded under the health care law some Americans will see their premiums double or even triple, which is the opposite of the promise that was made by the President that premiums would go down by \$2,500 for American families.

Given the widely held belief by the American people the Affordable Care Act will not fulfill its promises and will result in higher costs for American families, I believe this law should be permanently delayed. This law is unworkable, harmful to the economy and to American families, and action to delay the employer mandate is an acknowledgment of that very fact.

Public opinion about the Affordable Care Act has been consistently low. Perhaps Americans don't like it because it is affecting their jobs. Four in ten small business owners say they have held back in hiring, and one in five owners says they have let employees go due to the health care costs as-

sociated with the Affordable Care Act. As implementation of the law continues, the number of small business owners who take these steps could increase.

Employers are also cutting back on hours in anticipation of the mandate. Even though enforcement of the employer mandate may be delayed, employers still know this is coming down the pike and will continue to make adjustments to their workforce in anticipation of the new mandates.

A new mandate will also be imposed on individual Americans. On January 1, Americans will be forced by their government to buy a product—health insurance—for the first time ever. This mandate will be enforced by tax penalties administered through the Internal Revenue Service. The Obama administration has requested over \$400 million in funding and nearly 2,000 bureaucrats for the IRS to implement the individual mandate and 46 other statutory provisions.

The blizzard of ObamaCare rules and regulations continues. Regulators have now written over 20,000 pages of ObamaCare-related rules and notices in the Federal Register. And just this last week another 606 pages of new regulations were released that were designed to assist in implementing this massive law. It is no wonder the public outcry from employers was so loudly opposed to the employer mandate.

American families are also struggling to understand how this complex, burdensome law will affect them. It is critical the President and his administration listen to the American people and permanently delay this law.

I would add that if we look at the impact on the economy, not only is this about higher premiums for middle-class families in this country, not only is it about higher taxes that are going to be imposed upon medical device manufacturers, on health insurance plans, pharmaceutical companies—all of which, by the way, will be passed on to individual consumers—it is also about the impact this will have on jobs and the economy. If we look at the numbers that came out last week and what they said about the impact of policies coming out of Washington, DC, and the impact they are having on jobs in this country, the number of people working part time for economic reasons—sometimes referred to as involuntary part-time workers—increased by 322,000 people to 8.2 million total people in the month of June. These are people who are working part time because their hours have been cut back or because they were unable to find a full-time job.

The real unemployment rate, or what we call the U-6 rate, is 14.3 percent for June of 2013, which is an increase of one-half percentage point over the previous month. That is the total percentage of unemployed and underemployed

workers, making the real number of unemployed Americans in this country 22.6 million people. These are people who are unemployed, want work but have stopped searching for a job, or are working part time simply because they can't find full-time employment.

I would add that when policies coming out of Washington, exemplified by the ObamaCare mandates, are imposed on the American economy, it makes it harder for job creators and employers in this country to create the jobs necessary to affect these numbers in a positive way, to get Americans back to work, and back to work in a full-time way and back to work in a way where they are actually increasing their take-home pay rather than having it decreased by higher costs for everything they have to spend their income on, including the cost of health insurance coverage.

We have been saying for a long time and there is study after study that comes out that talks about how the health care law is going to cause health insurance premiums to rise, and there have been a lot of people who have gotten up here in the Senate, others in the administration, in an attempt to defend the ObamaCare law who have said: Oh, no, no, no, that is not going to be the case; it is actually going to drive premiums down. We continue to hear that, but more and more evidence comes in, and not just studies being done out there but real-life examples of the impact this law is having on insurance premiums.

In fact, there are some actuarial studies that have estimated premiums in various States around the country and what the impact on premiums would be. For the State of Colorado, in the individual market, the estimate by the actuaries is that the insurance premium rates are going to go up by 19 percent; the State of Indiana by 95 percent in the individual market, by 10 percent in the small group market; the State of Maine, the estimates are the individual market premiums are going to go up by 40 percent, 9 percent in the small group market; the State of Minnesota, in the individual market, a 42-percent increase in premiums and 20 percent in the small group market; the State of Wisconsin, a 30-percent increase in the individual market. In the State of Ohio, last month the Department of Insurance announced the average individual market health insurance premium in 2014 will cost 88 percent more. According to Ohio insurance regulators, the department's initial analysis of the proposed rate shows consumers will have fewer choices and pay much higher premiums for their health insurance starting in the year 2014.

Well, it shouldn't be any big surprise when we look at the requirements in the new health care law. The new health care law says you have to have a certain kind of coverage. You can't

continue to offer coverage available to people who might want to have different choices about what types of things they want covered, what they want their copays or their deductibles to be. Basically, the law says if you are going to offer a plan, you have to offer this plan, it is a government-approved plan, and it has to have these sorts of coverages and these sorts of things and these bells and whistles.

The new law also says you can get insurance after you get sick. It is called the guarantee issue. No longer is there any requirement to go out and get insurance to protect yourself and prevent yourself from having to be in that situation when illness strikes. Now, if you get sick, you can go out and buy insurance.

It also requires community rating, which changes the way in which health care costs are distributed across the range of people who are covered by health care premiums in this country, making it more expensive for younger people to get their health insurance coverage. That is why we are seeing these steep increases in the individual market.

Madam President, I ask unanimous consent to continue for a couple of minutes.

The PRESIDING OFFICER. Two minutes?

Without objection, it is so ordered.

Mr. THUNE. So when we look at all the mandates, the new requirements in the legislation, the new taxes in the legislation, and when we look at all the States trying to deal with and cope with this, and all the small businesses—and small businesses, obviously, weighed in heavily, which is why, as I mentioned earlier, the White House said, look, we are listening, we got the message, and so they waived this, they delayed this at least for 1 year for the small businesses under the employer mandate—all we are simply saying is: Look, there are lots of problems associated with this law. This was a bad law. It is based upon broken promises. It promised lower premiums; we are seeing higher premiums. It includes higher taxes. We are going to see effects all across the economy when it comes to jobs as people cut back and start forcing people into part-time jobs so they are not hit with the employer mandates under this legislation.

So the law affects jobs and it affects the economy. We have a sluggish economic growth rate that has now been adjusted down to 1.8 percent in the last quarter, and we continue to sort of muddle along. One of the reasons for that is because we here in Washington, DC, continue to pile more and more costs on employers trying to do business. So until we understand that to create jobs and grow the economy we have to make it less difficult and less expensive for employers and job creators to create jobs, we will continue to see this trend in the future.

I would simply say to my colleagues here in the Senate, and to the administration, if we are going to delay implementation of the employer mandate for a year, let's delay the individual mandate as well, and let's not just do it for a year, let's permanently delay this. Let's start over and do this the right way, in a way that actually reduces premiums and health care costs for people in this country, that makes it less expensive and less difficult for small businesses to create jobs and grow the economy, and to get Americans back to work in good jobs that pay well, that increase the take-home pay so they can provide in a better way for their families.

Madam President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I wanted to speak in a little detail on another topic, and that is the direction we are going on the student loan crisis, I guess. It is a shame we have come to this. A year ago, I voted for the extension. We were told at that time that due to the political atmosphere, we had the big election year coming up, that we couldn't get into the details and fix it the way it maybe needed to be fixed and should have been fixed back then. So a lot of us went ahead and voted for the extension, and now we find ourselves in the same position this year as we were last year. There will be another election in 2014. So it seems as though we are always in an election cycle, and if we allow that to continue to direct what we do and how we do it, we would get little done here, which is what the public is getting frustrated with.

A few of us got together, myself, Senators ALEXANDER, CARPER, and KING, and we decided maybe we could come together and work on something. There is no perfect fix for anything here, I have found, and this is complicated and confusing if you don't delve into it. So I started looking into it more this year than I had before.

I think a lot of our colleagues, and a lot of people in the country, believe the so-called "doubling of the rates" from 3.4 to 6.8 meant everybody's rates had doubled. First of all, there was just a small percentage of the loans we loaned out that were getting the advantage of the 3.4 if we extend it. Seventy-five percent of the loans—75 percent of the money out there—is at the higher rate of 6.8 or above.

I have tried to understand, the best I can, all the different aspects of the loans we have out there. We have the subsidized loans. Because of family income and participation someone is able to get a subsidized loan. What that means, if we break it down, is the first year you qualify for a subsidized loan you can borrow up to \$3,500, and \$3,500 in today's higher education world

doesn't go very far. You are also allowed to borrow \$2,000 of unsubsidized money, which means you would have been paying 3.4 percent on the \$3,500 and 6.8 percent on the unsubsidized.

So as you can see, it is not all clear-cut. Then, in the second year, you can borrow \$4,500 subsidized and \$2,000 in unsubsidized; and then it goes to \$5,500 and stays at \$5,500 for the fourth year.

The thing that happens is the unsubsidized loans, if we are looking at the unsubsidized loans at 6.8 percent, they are staying. We have had some say it is better to leave it alone, do nothing. Let it go ahead and double at 6.8 and leave it where it is. We worked out a proposal along the lines of the President's proposal. Also, we had the so-called House Republican proposal.

Our proposal is much different. This is not a Republican or Democratic piece of legislation. It is a bipartisan piece. We looked at all aspects of what we have to deal with in today's market.

On July 1 the rates went up. If we are able to come to agreement this week or maybe the first of next week, we can retroactively bring those back so that when you go to school this fall you will know exactly what your rates will be. We came to a bipartisan agreement that those rates could be 3.66 percent, and that is for all undergraduates.

Now if you are getting a subsidized or unsubsidized loan, a 1-year extension goes from 3.4 percent to 6.8 percent. Under our proposal, everything is at 3.66 percent. That will save about \$9 billion this year in interest that students would be responsible for paying—\$9 billion for the youth of this country trying to get a higher education. If we just do the 1-year extension, that is only a savings of \$2 billion. So there is a \$7 billion savings beyond what the 1-year extension would do. We are just dealing with the facts that we have in front of us.

So let's say you are going to a graduate unsubsidized Stafford loan, which many people in graduate school get. Right now, that is at 6.8 percent. Under our proposal, that goes to 5.21 percent.

If you have a PLUS loan—that is parents and graduate students—today you are paying 7.9 percent, and you have been paying 7.9 percent. Our bill takes that to 6.21 percent. You can see the savings.

Some might say, well, the interest rates will go up after 3 or 4 years, and then you will be at a higher rate. We put also, the same as in the law right now, an 8.25 percent cap. So if you borrow money this year at 3.66 percent, that is locked in for the life of the loan. That is what you pay for the money you borrow this year for the life of that loan. Now, next year it could be 4.5 percent. It could go up with inflation.

When I was in school, and later on, inflation kicked up to 16 or 17 percent. That is outrageous.

In the Senate, Republicans and Democrats have come to an agreement that we don't think the policy of this country should be that we should make a profit on the loans that students are receiving to educate themselves to have a better quality of life and opportunity. We have come to that agreement. That is not the bill we got from the House. They want to use profits to pay down debt.

Now, I understand there is a lot more that needs to be done on the profit end of it and how we get to the true cost. The Presiding Officer has been working hard on that, and I am willing to work with her. But the agreement we have in front of us today is that we are not going to make any profit that will go to debt reduction. If there is a so-called profit, it should go to reduce and give the lowest rate we could possibly offer. That is what we have agreed on. We agreed on fixing the rates for the life of the loan. That is not what came from the House.

So when I say it is a bipartisan bill, these are things we are agreeing on that make a better piece of legislation.

People might say: But 4 years from now it might go up higher than 6.9 percent. In the 3 or 4 years that we know we will have tremendous savings, there is a difference of \$36 billion versus maybe \$8 billion if you just keep extending 1 year at a time. A \$2 billion savings here, a \$9 billion savings here. It is not hard to do the math.

Then, talk about a comprehensive education bill, I pray to God that we can get a comprehensive education bill, but I am not sure the American public believes we are able to get any type of a consensus on any type of comprehensive bill.

When I first got here, they told me we were trying to get our financial house in order. Then we had the sequester coming at us. The sequester basically was a penalty we voted on, but no one ever thought we would let it get that Draconian, to the point we couldn't come to an agreement and we would have to have this type of a punishment put on ourselves. So we put a supercommittee together for the purpose of getting a superdeal so we could get our financial house in order. It wasn't that super. It didn't work.

So then the sequester kicked in and the Draconian cuts across the board. You don't run your life that way, your business that way, whether it is small or large. You don't cut everything. You have your priorities and necessities you have to maintain in your life on a daily basis. Then you have excesses you can do without. So you make adjustments and you pick and choose.

That is not working right now, and what is happening is people are suffering needlessly because we cannot come to an agreement to get our financial house in order, to find a budget that works for this country, to find a

tax system that is fair and equitable that people believe in. We haven't been able to do that.

We are being told: Let's go ahead and extend the 3.4 percent for the smallest portion of the amount of loans that we loan out, and everyone else can pay the higher rate.

I am not willing to do that. I think we can do better. I think we are better than that—on both sides of the aisle. Chastising each other and saying one wants to raise rates and one is insensitive toward students, and it is a Republican or Democrat plan, doesn't fix anything around here. It hasn't since I have been here, and I don't think it is going to. It will if we put our country first. And we know one thing: By putting our country first, we put our students first.

Without educating the populous, we have nothing. We can't compete in the world of economics. We can't compete in the world of science and technology. We just can't.

The best investment we can make is in our youth. The best investment we can make is in education. We might buy a car and think that is a great investment. We might buy a piece of property or a house and think that is a great investment. The best investment we will ever make is in education. We want to make it as affordable and doable as humanly possible, and that is what we have worked on together, on a bipartisan basis. We are hoping we can find common ground.

We have talked about caps. The caps are inherently built in. Let's say you graduate, get a degree, and find a job that pays \$40,000—which is not a lot in today's market for the money invested—and get married and have a child or two. With the system we have built in right now, you only pay 15 percent of your disposable income. That breaks down to about \$142 a month that you will pay on your student loan to make it affordable. If you are not able to pay that off at the end of 25 years, it is exonerated and wiped out.

Pell grants. If a person is in need because of their income, they can get up to \$5,645 a year free. Those are grants we give out, which are excellent, helping students who don't have an opportunity or chance, with any support from their family, to be able to get a higher education. We are doing an awful lot of things to help. The bottom line is that we have come to an agreement that it shouldn't be subsidized, there shouldn't be a profit made, and it should be affordable—and it has to run efficiently.

I think \$36 billion in savings over 4 years is pretty substantial compared to us doing nothing. I also think those who say let the rates go up to 6.8 percent are misinformed. I don't think they have been told the facts or the truth.

What we are asking for is basically a level playing field, looking at what we

can do that is positive, getting more groups to sit down and sincerely work toward what I think is going to be a good outcome and a good process.

Extending what we have doesn't work. Not being able to come together to make sure our loans are affordable is not acceptable. I think if we continue to strive to work toward finding a reasonable outcome, we will be able to succeed.

Tomorrow we will have a vote, and there will be more discussions about student loans. The bottom line is we want rates to come down for everybody. Every student in every category should have the benefit of the lower rates that are available to the public today.

Madam President, I yield the floor

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, over this past week I had the opportunity to visit with many students, many faculty and staff of our colleges, both private and public, all around the State of Connecticut.

I know the Presiding Officer has led very strongly in this effort. What I found is that students and teachers of Connecticut and around the country absolutely understand how destructive and lastingly harmful this doubling of interest rates will be for people of all ages in America.

Never before has higher education meant more to earning potential and employment, now and in the future. Never before have the faculty, staff, and students of America been more united in their understanding of how critical higher education is—not only to them but to our economy. Our students are the ones who will buy homes, build families, start businesses, and contribute to our economy. They will do more to give back and contribute if they have the great advantages of higher education spared from the financially crippling debt that threatens them now.

In fact, financially crippling debt is a reality for more than 73,000 people who owe an average of \$29,000 in Connecticut alone. That debt is a burden for our entire economy as much or more as it is for those individuals. So there is a strong societal and national interest in this issue.

I didn't need to tell the students of Connecticut what the consequences are of doubling the interest rates, and I didn't need to tell them what it would mean for their future. They told me.

They told me at Middlesex Community College, where I spoke to the community college sector—I discussed the issue with the president of that college, Anna Wasescha, along with public officials, students, and financial aid people.

They told me at Northwestern Connecticut Community College, where I spoke with the president Barbara

Douglass and individuals there, students and faculty, who noted to me that 51 percent of their students received some kind of financial aid, including Stafford loans.

All around Connecticut I spoke to faculty and students, such as Sam Chaney, who is a 2010 graduate of Quinnipiac. He said to me when students graduate:

... you're not just paying rent, you're paying as much or more in student loans. ... I hope they're not in the position I was in, being told not to worry about the sticker price of college.

I heard from Irene Mulvey, the president of the Connecticut chapter of the American Association of University Professors. Her organization is constantly in touch with student borrowers and knows just how much subsidized Stafford loans mean to them. As she said to me, "As faculty members, we see the impact that student loan debt has on our students and their families every day." She called this doubling of interest rates "indefensible."

She is correct. It is indefensible, unconscionable, unacceptable. Even at 3.4 percent, as the Presiding Officer well knows, our Federal Government profits from the student loan program. It profits in the amount of \$51 billion a year. Doubling the interest rate simply means more profits for the Federal Government.

There is a fundamental principle at stake; that is, whether our Nation is going to continue profiting from student loans, which should be regarded not as a benefit to the students but an investment in our Nation, not as a charitable or eleemosynary program but as a vital investment in the skills and talents and the major resource our Nation has as a free and democratic society, the talents and skills of our people.

Freedom from student debt should be a fundamental national interest as important as any that this body addresses. It is as vital to the future of the country as our national defense.

I did not need to tell the students of Connecticut what this doubling of interest rates would mean to them—\$31 a month, \$1,000 a year. They know. They do the math. They get it better than people in this Chamber or in the House of Representatives. They told me what the \$1,000 would mean to them. Elizabeth Tomasco: "Textbooks and start saving for my very own car."

Gina: "I would use \$1,000 to pay for books. Don't double my rate."

Across Connecticut, students are telling us: Don't double my rate.

I did not need to tell them as well that there are a lot of borrowers in this country who get a pretty good rate, a lot better than 3.4 percent. In fact, those borrowers are the biggest financial institutions, the big banks who borrow from the Federal Reserve at a

discount window at less than 1 percent—.75 percent often.

They are angry about it; that they are worth less in these financial markets, in the view of our Federal Government that loans money, than the big banks and big institutions that, in fact, are sometimes regarded as too big to fail. Students are failing to pay back those debts, but the nation is failing our students and it is failing itself because our national interest is in the student loans and talents and skills and opportunity it provides, not just in the next year or couple of years but for a lifetime and for the long term of our Nation.

I am a proud supporter of the Bank on Student Loan Fairness Act, which would give them the same kind of fairness, equivalent fairness that our big banks enjoy when they borrow from the Federal Reserve. But in the meantime, we need a solution for this next year, and it is the Keep Student Loans Affordable Act. It is a remedy of short duration, I hope, that will in the end be accompanied and followed by longer term reforms that will give students the benefit of those lower rates, lower even than 3.4 percent, so our Federal Government ceases to use students as a profit center and ceases to take advantage of them.

I am not against smart cuts to reduce our debt and our deficit. These kinds of burdens on students, using them as a deficit solution, is not a smart cut. That is an understatement. In the long term, we need to reduce the cost of higher education, which has increased over the last few decades by 1,000 percent. That is the result of year after year overinflationary increases in tuition which over time have managed to make a college degree unaffordable to all but the most well off unless they use that kind of financially crippling debt to attend.

The age of supporting oneself through a 4-year college degree is past for most. This unfortunate trend has been coupled with more and more employers requiring a bachelor's degree for even consideration in the hiring pool. So the doubling of interest rates is indeed indefensible, as Irene Mulvey told me. It is indeed unacceptable in the greatest nation in the history of the world—which must continue the quality and affordability of higher education if we are to remain the greatest nation in the history of the world.

I hope my colleagues will join the Members of this Senate who have supported the Keep Student Loans Affordable Act and will support a reasonable measure keeping these rates at 3.4 percent. To allow variable rates and, in effect, teaser loan levels that can rise beyond affordability, without caps, without protection is, in fact, against the national interest. This measure will help us keep students in school and spare them the kind of financially crippling debt that all too many of our



young people have when they leave college.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. I ask I be permitted to speak in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME TO WAKE UP

Mr. WHITEHOUSE. Madam President, I am here for my 38th weekly "Time to Wake Up" speech, and today I want to ask the question: What if?

What if climate change is real? What if the 30-plus gigatons of carbon pollution mankind is dumping into the atmosphere every year makes a difference? What if it is warming the planet and changing the weather? What if it is warming the seas and raising their level and making them more acidic? What then? What if this is serious?

What if this is serious and we are not? What if this is serious and we are sleepwalking when we should be awake? What if this is deadly serious and we are reckless when we should be responsible?

What if we are completely missing this moment in history? Winston Churchill talked about "sharp agate points upon which . . . destiny turns." What if our destiny will turn based upon what we do about carbon? What if we have been warned? What if we have been thoroughly and convincingly and reliably warned? What if we have been warned by virtually every climate scientist—at least 95 percent of them—by the scientists who work for the United States of America at the National Oceanic and Atmospheric Administration, at the National Aeronautics and Space Administration, by the vast majority of scientific societies, such as the American Association for the Advancement of Science, the American Geophysical Union, and the American Meteorological Society, among others?

I ask unanimous consent to have a letter from a great number of those organizations printed at the conclusion of my remarks.

What if we have been thoroughly and convincingly and reliably warned by thorough, convincing, and reliable scientists and have chosen instead to listen to the cranks and the polluters?

Let's play this out a bit. Foresight is supposed to be a capability of our species. What if it turns out the world will care about this? We Americans have held ourselves out as a beacon of light to other nations. We have proclaimed

we are a shining city on a hill. What if that is true? What if President Clinton was right; that the power of our American example is, indeed, greater than any example of our power? What if Daniel Webster was right; that if the example of our great democratic experiment ever became an argument against that experiment, it would sound the knell of popular liberty throughout the world? What if our political and moral failure to address carbon pollution became, in fact, an argument against our American example, an argument against our American example punctuated by the exclamation points of local climate change happening right there in towns and barrios, hills and hamlets, on coasts and farms all around the world?

What if the world takes notice of that? What if the world takes notice of what is already happening all around them and takes notice of how we blew it at dealing with carbon pollution and, as a result, turns away from our great American experiment because of this conspicuous and consequential failure of American democratic governance and leadership?

Let's really push it here. What if Abraham Lincoln was right, was not just making it up when he said America was "the last best hope of Earth." The last best hope of Earth. He was not alone. Thomas Jefferson too in his first inaugural said this American Government was "the world's best hope."

What if we are, indeed, the last best hope of Earth, a hope which it is up to each American generation to, as Lincoln said, "nobly save or meanly lose"? What if we in this generation of Americans meanly lose such a measure of that American light and hope in the world? What if we, the children of the "greatest generation," were to blunder into history as the "vilest generation" because we failed so badly at this plain and present duty?

In sum, what if the deniers, the mockers, and the scoffers are wrong? What if they are wrong? Someone has to be. There are two sides to this. What if it is the deniers and the scoffers and the mockers who are wrong? What if the evidence keeps piling up and the tide of public opinion keeps going out and the deniers are left stranded with their inadequacies plainly visible?

Please, let's look at the two sides. On the side of waking up and doing something about carbon pollution: the President of the United States of America, the Joint Chiefs of Staff and our military leaders, the U.S. Conference of Catholic Bishops, the National Council of the Churches of Christ, and many faith groups and leaders. On the side of waking up: icons of our American corporate community, including GM, Ford, Coke, Pepsi, Nike, Apple, Walmart, and hundreds of others. Also on the side of waking up: the property casualty insurance and rein-

surance industry and many in the electric utility industry and the vast majority of national scientific societies. In particular, I wish to mention the scientists at NASA who right now are driving an SUV-sized rover around on the surface of Mars. That might be an organization whose scientists actually know what they are talking about.

What if it turns out that the other side of the argument is actually phony?

What if it turns out that the other side of the argument is a few cranks, a lot of people and organizations on the payroll of the polluters, and a cynical propaganda campaign intended to mislead and deceive?

What if it is the argument that climate change is a hoax—which we hear around here—what if it is that argument that is the real hoax?

What if the so-called climategate scandal was no fraud at all, but the whipped-up allegations were the fraud and the so-called climategate was really climategate-gate?

What if that cynical, polluter-driven propaganda campaign is one of the biggest and most successful frauds ever perpetrated on the public—a fraud that, when it is ultimately exposed for what it is, will change the way we think about political information and trust in corporations, just as my generation seeing the Cuyahoga River burn changed the way we thought about the environment?

What if the great climate denial fraud will stand in the annals of American scandal beside Watergate and Teapot Dome and the corruption leading up to the great crash of 1929 as a dark smear across the pages of our American history?

There was an iconic recruiting poster for World War I. I wish I had it with me, but I don't. It is a picture of a fellow sitting in his armchair with two little children, and they are asking him: "Daddy, what did you do in the Great War?" And he is looking sadly out at the viewer of the poster because clearly he had not done his part in the great war. That was the message of that poster—"Daddy, what did you do in the Great War?" What if we have to be asked by our children and grandchildren, when they are studying this disgraceful episode in their history classes, "Mommy, what did you do in the great climate fraud? Grandpa, what did you do in the great climate fraud?"

Why do I come every week to give these speeches? Because these questions stick in my craw. These are the questions that haunt me and that I can't shake. And upon the answer to these questions, to these what-ifs, the future may depend, destiny may turn. I have asked them today as questions, but many of the answers are already clear. Many of the answers are crystal clear. Many of the answers are so likely clear that no rational person would

bet against them. And many of the answers carry stakes so high that they cry out for prudent choices to be made.

Many of the answers are crystal clear—as clear as measurement. For at least 800,000 years the concentration of carbon dioxide in the Earth's atmosphere held between 170 and 300 parts per million of carbon dioxide—for 800,000 years, always in that range. Now it is 400 parts per million and climbing. That is a measurement. Oceans are already 30 percent more acidic than before the Industrial Revolution and getting more so. That is a measurement. The winter water temperature of Narragansett Bay has risen 4 degrees since the 1960s. That is a measurement. Millions of acres of western pine forest, once protected by cold, have been ravaged by the pine beetle. That is a measurement. Thirteen of the past 15 years are among the hottest 15 years on record. That is a measurement. Being against science is one thing. Being against measurement, that takes us to a new extreme.

Many of the answers are so likely clear that no rational, prudent person would bet against them. The principle that carbon dioxide and water vapor in the atmosphere create a greenhouse effect that warms the planet goes back to the time of the American Civil War. It is firmly established science.

The head of the World Bank recently said, "If you disagree with the science of human-caused climate change, you are not disagreeing that there is anthropogenic climate change; what you are disagreeing with is science itself."

I submit that my denier colleagues in their own personal lives would never take the wild risks, the reckless risks they are asking us to take on carbon. If they went to 100 doctors and 95 or more of the doctors told them that their child or grandchild needed treatment and it was urgent, I doubt very much they would go with the three or four who didn't. In fact, it would probably be a matter for their State child welfare services if they ignored that kind of warning about the health of a child or a grandchild. But that is what they want us to do on carbon pollution.

Many of the answers carry stakes so high that they plead for prudent and rational choices. The downside is so deep that the balance has to be toward precaution if we are indeed a rational species. We are talking about fundamental changes in the habitability of our planet, with considerable human dislocation and disorder a likely result. We are talking about measurements of basic planetary conditions veering outside the entirety of human experience, to measurements whose antecedents are found only in geologic time and which we find there in the geologic record, associated with massive disruptions, upheavals, and die-offs.

The facts are clearly measured, the principles are solid and sound, and the

stakes are very high. Yet we sleepwalk on the precipice, refusing to listen, refusing to speak of it, refusing to act when duty calls us to act. It is time to wake up—or perhaps I should say, what if it really is time to wake up and we are just missing it, sleepwalking on the lip of the precipice, listening to the lullabies of the polluters, and ignoring the facts and consequences that are plain to our sight and reason, plain in front of our faces? What then?

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION FOR THE  
ADVANCEMENT OF SCIENCE,  
*Washington, DC, October 21, 2009.*

DEAR SENATOR: As you consider climate change legislation, we, as leaders of scientific organizations, write to state the consensus scientific view.

Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver. These conclusions are based on multiple independent lines of evidence, and contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science. Moreover, there is strong evidence that ongoing climate change will have broad impacts on society, including the global economy and on the environment. For the United States, climate change impacts include sea level rise for coastal states, greater threats of extreme weather events, and increased risk of regional water scarcity, urban heat waves, western wildfires, and the disturbance of biological systems throughout the country. The severity of climate change impacts is expected to increase substantially in the coming decades.<sup>1</sup>

If we are to avoid the most severe impacts of climate change, emissions of greenhouse gases must be dramatically reduced. In addition, adaptation will be necessary to address those impacts that are already unavoidable. Adaptation efforts include improved infrastructure design, more sustainable management of water and other natural resources, modified agricultural practices, and improved emergency responses to storms, floods, fires and heat waves.

We in the scientific community offer our assistance to inform your deliberations as you seek to address the impacts of climate change.

<sup>1</sup>The conclusions in this paragraph reflect the scientific consensus represented by, for example, the Intergovernmental Panel on Climate Change and U.S. Global Change Research Program. Many scientific societies have endorsed these findings in their own statements, including the American Association for the Advancement of Science, American Chemical Society, American Geophysical Union, American Meteorological Society, and American Statistical Association.

Alan I. Leshner, Executive Director, American Association for the Advancement of Science; Timothy L. Grove, President, American Geophysical Union; Keith Seitter, Executive Director, American Meteorological Society; Tuan-hua David Ho, President, American Society of Plant Biologists; Lucinda Johnson, President, Association of Ecosystem Research Centers; Thomas Lane, President, American

Chemical Society; May R. Berenbaum, President, American Institute of Biological Sciences; Mark Alley, President, American Society of Agronomy; Sally C. Morton, President, American Statistical Association; Kent E. Holsinger, President, Botanical Society of America; Kenneth Quesenberry, President, Crop Science Society of America; William Y. Brown, President, Natural Science Collections Alliance; Douglas N. Arnold, President, Society of Industrial and Applied Mathematics; Paul Bertsch, President, Soil Science Society of America; Mary Power, President, Ecological Society of America; Brian D. Kloeppel, President, Organization of Biological Field Stations; John Huelsenbeck, President, Society of Systematic Biologists; Richard A. Anthes, President, University Corporation of Atmospheric Research.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, before my friend from Rhode Island leaves the floor, I wish to thank him for coming to the floor of the Senate every week to give a message that we need to hear all the time about a serious worldwide crisis. I thank him for his passion and for calling on us to remember that when it is time for our children and grandchildren to ask where we were, I want to say I was with Senator SHELDON WHITEHOUSE and those of us who care deeply about solving these problems. So I thank the Senator from Rhode Island very much.

I thank all of our colleagues who have come to the floor today and have spoken on the issue of keeping student loan rates low. I know Senator BLUMENTHAL was here a few minutes ago. Our chairman, Senator HARKIN, has come to the floor, as well as Senator BROWN, Senator SANDERS, and Senator REED, who has been such a passionate advocate and leader on this issue. I thank as well our Presiding Officer from Massachusetts for her passion in keeping us on point. I thank Senator BOXER and Senator MURRAY and others who have come to the floor, including Senator KAY HAGAN, who is leading this fight with Senator JACK REED in what we intend to do tomorrow, which is focus on a very simple issue: Let's not do harm to students as it relates to student loan rates going up, while we fix the larger problem of affordability of college.

Let's be very clear. The majority of the Senate voted on June 6 to keep student loan rates at 3.4 percent—the majority. When we run for office, if one person gets one more vote than the other person, that person wins the election, and that is a majority. So it is unfortunate that a majority could not have ruled here, but because of the rules of the Senate, because of the rights of the minority and the filibuster and so on, there have been objections from Republican colleagues, and we have had to now go through this other process to overcome a filibuster.

We had the vote, and the majority of the Senate voted to keep rates low for students. Let's make that very clear. However, in order to overcome a Republican filibuster, we need 60 votes to block that filibuster. So tomorrow is about that vote.

We all know that on July 1 the interest rate for students jumped from 3.4 to 6.8 percent. Let's all look at what is happening around in our communities with our families right now as well. Keep in mind, you can get a mortgage or a car loan for about 4 percent. So we are now seeing student loan interest rates higher than that. Under proposals we have seen predominantly coming from the other side of the aisle that would have those rates go up and up based on "the market," we could see those rates go to 7, 8, 9, 10 percent in the future. It makes no sense.

If you can get a car loan, if you can get a mortgage for about 4 percent, what about students? Why are we now in a situation where college students are seeing their interest rates on their student loans double—double—or higher, which has been proposed by many in this body?

To add insult to injury, if we do not fix this the Federal Government will start to gain huge profits, as our Presiding Officer has reminded us over and over—more than \$50 billion just this year on the backs of students and families.

So what we are looking at right now is billions of dollars in profits on the backs of students if the rate is doubled. If it goes higher, if it goes to the 7 or 8 percent being talked about in the Republican proposals or the 8.5 percent that was passed in the House, we are looking at over \$100 billion—more than that—in profits by the Federal Government on the backs of students and families, right at a time when they are just trying to hold it together.

They want to go to college. We want them to go to college. We want them to get an education. We benefit as a country from making sure we can outcompete and outeducate the competition around the world. Yet those who say they care about students are proposing options that would increase costs for students and profits for the Federal Government. We should not be making profits on the backs of students who are trying to go to college. So our proposal that we will be voting on tomorrow would lock in the 3.4-percent interest rate on student loans to make sure students and families can afford college.

I would like to share a couple of e-mails I have received out of thousands. I want to thank students and families all across Michigan who have engaged in this effort, who have gone to DontDoubleMyRate to get information and tell their story, who have come to my Facebook page and have called us and e-mailed us to tell us how this impacts them.

Corey, a student right now at Central Michigan University in Mount Pleasant, MI, wrote to me about this issue and said:

I am asking you to please not allow my student loan rates to be doubled. I am a hard-working and respectful student. I make all of my payments. I go to class and do well. I work hard and am grateful for the chance to get a higher education, but if student loan rates go up I would be left to make a decision whether or not school would be affordable.

Whether or not school would be affordable—that is what this issue comes down to.

If we do not fix this, and fix it in a responsible way that keeps costs low, students like Corey and 7 million students across our country will have to rethink their college plans.

This issue should not be controversial. This is not a partisan issue. If I were to pick a partisan issue on the floor of the Senate, it would not be student loan interest rates and the cost of college. I would think this is one of the areas on which we could come together.

Just last year we kept the interest rate low. We passed, for a year, an extension of the 3.4-percent rate. It was good enough to do last year; I do not know why we cannot keep that going while we tackle the long-term solutions. This should not be partisan. I know there are people of goodwill on both sides of the aisle trying to figure out something. But, unfortunately, because of the desire of the other side of the aisle and the desire of the House to have this market based and float with the marketplace and go up with market interest rates, we find ourselves in the situation where it is even worse to pass one of the proposals that has been made rather than just allow the rates to go back up to the fixed rate of 6.8 percent, which is really crazy.

Republicans, in what we see in the House of Representatives, cap the rates at 8.5 percent and 10.5 percent. Now, again, remember, right now you can get a car loan—you know, 15, 20 years, however long you finance your car: 10, 15, 20 years—at 4 percent; have a 30-year mortgage at 3.5, 4 percent, 4.5 percent, 5 percent—all less than what we are talking about for a student to be able to get a loan to be able to go to college, which we all say we want them to do.

We are lending to banks at a much lower rate, as our Presiding Officer has reminded us over and over. I do understand it is a 24-hour lending rate. I do understand it is a different structure. But, still, if we can lend to banks at 0.75 percent, we cannot even fix a rate of 3.4 percent for students, when we have a tremendous stake in their willingness to go to school and work hard and be successful?

So under the plans we are seeing on the other side of the aisle and the plan we have seen in the House of Rep-

resentatives, we would see rates go to 7, 8, 9 percent; some of them tapped out at 10.5 percent—10.5 percent. It makes no sense.

Corey from Central continues with his e-mail:

From the time we first start learning, we are encouraged to attend college and get a good job so that we can be a part of helping this country grow. I am simply asking you to help continue to make this an affordable option for me, and many others like me.

Our country will not grow without a strong middle class, and we will not have a middle class if people cannot get an education to get the skills they need, go to college, dream big dreams, and know they can be successful in attaining those dreams.

We are saying we need to do everything possible to make sure students can afford to go to college and that they do not come out with \$20,000, \$30,000, \$50,000 of debt. I talk to medical students coming out with \$100,000, \$150,000 of debt. You could buy a house for that. Then, rather than making a decision maybe to go into primary care, where we certainly need doctors, they have to decide to go into a specialty because they have to pay off their student loans. There are stories like that all across our country—judgments being made.

So I have a very different view in terms of how we go about this—not just in the short run but what we lock in for the long term. The proposals on the other side lock in rates that will go up as interest rates go up. I do not think we should be doing that.

Here is another e-mail from Matthew in Royal Oak:

Students are not asking for a bailout like the one Wall Street got, just an opportunity to obtain an affordable education so we can compete in a global economy.

That is what we are talking about: Corey and Matthew and 7 million other people.

Let me conclude by saying that for me, this is very personal because I would not have been able to go to college, I would not have been able to be the first one to get a 4-year college degree in my own family if people I did not know in Michigan and in Washington had not decided that an affordable education was important to have.

My dad was very ill when I was in high school. I had great grades, but we did not have very much money. Because of a tuition-and-fees scholarship I received and student loans I was able to go to college. I want to make sure that every young person who wants to go to college can do that, and that whether we know them or not—we know their name, we know where they live—it does not matter. Nobody knew this red-headed, freckle-faced kid from Clare, and yet because somebody put a value on education and its importance to our country, I have had the opportunities I have had in my life.

I think that is what this vote is about. Tomorrow is about keeping the rates low, giving us time to address the broader issues around affordability. There is a lot of work to do. We can do that on a bipartisan basis, but first we need to start by doing no harm. That is the vote tomorrow.

I hope we will see a "yes" vote on the Keep Student Loans Affordable Act.

Thank you, Madam President.

THE PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I wonder if I might ask, through the Chair, the Senator from Michigan a question. I notice her chart on 7 million students, and I wonder which 7 million students she is talking about.

My understanding is there are 11 million students who will take out new student loans this year, I believe that 2 million of them are low-income students who get subsidized loans, and that the Democratic Senator's proposal would help those 2 million students by keeping their rate at 3.4 percent instead of 6.8 percent. So who are the 7 million students the Senator from Michigan is talking about?

Ms. STABENOW. Madam President, if I might respond, this number comes from the Joint Tax Committee. I would be happy to follow up with the Senator on that, but that is where the number comes from.

Mr. ALEXANDER. I thank the Senator from Michigan.

It could be my numbers are wrong. I think the 7 million student figure is actually a very good billboard for why not to support the Democratic proposal but to support the bipartisan proposal because what the proposal of the Senator from Michigan will do is keep rates high for 7 million middle-income students whom her proposal does not help.

There are 11 million students across this country who are going to college this fall. They will take 18 million loans out. They will borrow over \$100 billion. What happened on July 1 was that the rate went back up to 6.8 percent for the loans that are for the lower income students—only those. For the loans that go to the middle-income students—and my understanding is there are about 7 million of those—it stays right where it is: 6.8 percent.

Under the bipartisan proposal, their rates would be 3.66 percent. In other words, the bipartisan proposal would not only create a permanent solution, but it would lower rates—it would lower rates almost half—for the 7 million middle-income students who otherwise would be twisting in the wind for the next 10 years paying higher rates—hundreds of millions of dollars of higher rates.

So the number 7 million, I believe, is correct, I would say to the Senator from Michigan, but that is the number of middle-income students who are

going to be paying higher interest rates under her proposal. I am glad she brought up the number. If I am mistaken about that, I need to know it before tomorrow's vote because I believe there are 2 million students with subsidized loans. That is who the Senator seeks to help. There are 7 million students who are undergraduates who have loans that are unsubsidized. Those are middle-income undergraduates. They are going to be paying 6.8 percent under the Senator's proposal. They are going to be paying 3.66 percent under the bipartisan proposal.

Ms. STABENOW. Would my friend from Tennessee yield for a question?

Mr. ALEXANDER. I would be happy to, Madam President.

Ms. STABENOW. I thank the Senator. First, in prefacing this in terms of the number the Senator asked me about before, we will check. I do know there are about 300,000 students in Michigan affected, over 500,000 in California. So that is almost 1 million. So the 2 million the Senator is talking about seems low if those two States together have about 850,000. But certainly we will check. We want to make sure the numbers are right.

My question would be: The number the Senator quotes as the interest rate in his proposal, is that a fixed rate or will that go up?

Mr. ALEXANDER. It is a fixed rate for the students who borrow the money this year.

Ms. STABENOW. For next year, though?

Mr. ALEXANDER. Well, if you are 1 of the 11 million students who borrow money under the bipartisan proposal—let's say you are an undergraduate, and that is two-thirds of the loans—your rate would be 3.66 percent this year, next year, and for the next 10 years.

Next year it will be whatever it costs the government to borrow money. The government will loan it to the student, without overcharging the student, in order to reduce the debt to pay for government programs or any other reason. So the formula would be that we would not add any cost to the taxpayers, but we would not overcharge the students to reduce the debt or to pay for a program. Next year the interest rate might be higher. The next year it might be higher. But those would be for new loans.

Then, of course, there are already two caps in the law that would be continued under the bipartisan proposal. One says that any student at any time can consolidate his or her loan at 8.25 percent. So the loan cannot go higher than that.

The second says while you are paying off your loan, you will not pay more than about 10 percent of your income. If after 20 years or so you have not paid off your loan, it is forgiven. So these are two caps that are already in the law.

Ms. STABENOW. Do I understand correctly, though, that for a student next year who took out a loan, it might be higher? If a student took out a loan in year 3, it might be higher? It is my understanding that over time, over the next 3, 4, 5 years, we are looking at rates at least of doubling, if not more. The Senator is saying cap it at 8.25. That is a lot more than doubling of the rates that will happen right now.

But is it accurate to say if the year in which you are taking out the loan, depending on whether it is next year, the year after, the year after, that it would be in anticipation that the interest rate would rise?

Mr. ALEXANDER. I would say to the Senator through the Chair, she is correct. The idea of this is instead of Congress playing political "fix it" during every election, we have turned this into a sort of doc fix where we are treating students the same way we treat doctors who serve Medicare patients. We run in here and have a big political fight about what we should be paying. Instead of doing that, we have a permanent solution that is based on what the market rate actually is. We say whatever it costs the government, whatever it costs the taxpayer, we loan it to the students at that level.

The Senator is correct; if it costs the government more to borrow the money because the rates are higher that year, the rate will be higher that year. But there is the 8.25-percent cap. Throughout the history of the student loan program, there have been caps in the past. There was a 10-percent cap for about 15 years. There was a 9-percent cap for about 20 years. If the Senator is suggesting there be a cap on the loan at a lower level than that, then the Senator will have to raise a lot of money.

For example, if we had a 6.8-percent cap on all loans going forward, my guess would be that it would cost \$50 billion or \$60 billion over a 10-year period of time. I do not know where we will get that money. So the President made the proposal that we have a permanent solution. He suggested that we take the amount of money—ask the Congressional Budget Office. This is not some Republican or Democratic figure. Ask the Congressional Budget Office: What does it cost to borrow the money and to make the loans? Let's then loan it to the students. Let's not overcharge them for any purpose. That is the proposal.

So my question would be, why would we do a short-term fix for 1 year that benefits a small percent of students, and leave 7 million middle-income students twisting in the wind, paying an interest rate that is nearly twice as much as they would pay under the bipartisan permanent solution that is based on the very same idea the President proposed, that the House of Representatives has passed, and that a bipartisan group here has proposed?

I think the more Senators look into this and understand the cost of it, they will agree the goal is to say, we do not want to add any cost to the taxpayers, and we certainly do not want to overcharge the students on a loan, that they will come out with something about like what the bipartisan proposal is and what the House passed and what the President proposed.

If I could make one other comment, the Senator from Michigan was talking about large loans for students. I agree that is a problem. I am a former university president. I am a former Education Secretary. I have watched this for a long time. I think a lot of students are borrowing too much money. We need to think about ways to change that. Right now, they are entitled to borrow certain amounts, even if the college thinks it is unwise for them to do that. Maybe we need to change that. Maybe colleges need to have some skin in the game when they make a loan, whether they are a public, or nonprofit or a for-profit college. That is something we ought to look into.

But what we are debating this week is a simple question of what is a fair rate? What is a fair rate? The bipartisan proposal is an 8-page bill that says: Let's take what it costs the government to borrow the money, that is whatever the Congressional Budget Office says it is, let's loan it to the students without any profit, and let's have two caps on it going forward. One would be 8.25 percent. Any student could consolidate any loans at that level if it goes higher. The other would be a cap on how much you have to pay each year as you pay your loan back. I hope my friends on the other side recognize that unless I am mistaken, their proposal does help, for 1 year, 2 million low-income students who already have their interest paid by subsidy by the taxpayers, who also are eligible, for the most part, for Pell grants. But it does nothing for 7 million middle-income undergraduates whose rates on new loans will stay at 6.8 percent.

The bipartisan proposal would lower those rates to nearly half that level. Why would we leave those middle-income students—those 7 million middle-income students—twisting in the wind, paying twice as much in interest rates as they need to pay? That is the question. I hope after the vote tomorrow that we can sit down, talk this through, and come to a result. We should not be having political gamesmanship about this. We are talking about 11 million families here, 18 million loans, over \$100 billion. We are talking about people who are making their plans to go to college. It is not easy to go. Many Senators have talked about that.

People might have \$100,000 in loans, but they cannot get it through the subsidized loan program. You can only receive up to \$23,000 that way. We can

look at all of that at some point. But we need to pass this 8-page bill, set a fair rate, spare the taxpayers, spare the students. There is no need to deal with "some of the loans," when we can lower rates for "all of the loans" and put it on a permanent fair basis, very much in the way the President recommended in his budget, very much in the way the House of Representatives passed it, and very much in the way the bipartisan group has suggested.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I am going to be brief, because things went a little longer. First, I have a great deal of respect for my good friend, and he truly is my good friend, the Senator from Tennessee. I understand what he is getting at. I certainly agree with one part of his comments that the unsubsidized and subsidized students should be given good treatment. We should not just aim at 2 million when there are 7 million more. I am on board with that.

I would make three points in reference to my colleague's comments and in reference to the bill, and why I am a sponsor of the Jack Reed bill. First, the bottom line is, we here are in this mystical world of baselines. Under present law, the government actually will make about \$180 billion from students over the next 10 years. It is revenue neutral in the budgetary sense, but not in the family sense, in the sense that families are actually going to end up paying more.

My good friend from Tennessee and many on his side—and they are budget hawks—say they do not want to see that baseline changed. So they have come up with a fine proposal if you believe that you should not change that baseline. But if you believe, as I do, that actually the government should not be making extra money from the students as they pay, even if it means dipping into our Federal accounts to make that happen, then it is not such a fine proposal. But let's not confuse budget neutrality with neutrality between what the government does and what students get.

The proposal is indeed budget neutral, as would be letting things expire. The proposal is not family neutral. Students end up paying more, more than the government's cost. That is point No. 1. I know my colleague understands, and that is the dilemma we are in because there are different values here. To me, if I had to do one thing, one of my highest priorities and where the Federal Government ought to help out families, middle-class families, is helping pay for the cost of college.

Revenue neutrality, particularly at an artificially high baseline, 6.8 percent, does not help out families, does not make it worse than the present

baseline, does not make it better. I would like to make it better.

Second point. I have spent much of my time in the Senate helping middle-class families pay for college. I am the author of the American Opportunity Tax Credit which gives every middle-class family up to \$180,000. So I agree with my colleague's point about the middle class, gives them—I know he is going to want to ask me a question, but I cannot. I will come back. I have a meeting on this issue with some of the people from the White House right now, so I am not going to be able to answer a question. I do not want my colleague to stay.

I believe in this strongly. The tax credit is something I am proud of. That is on the books for 5 years, \$2,500 in the pockets of middle-class families to help pay for college. But one of the problems we face is, every time we give the students a break, the colleges raise tuition. So the family is not any easier off paying for college. We need something to deal with that issue. I do not know what it is, but it will not be in any plan we are going to pass in the next week or two. So my view, to extend the present 3.4-percent rate for 1 year, to keep the situation the way it was before July 1 for a year while we come up with that type of solution, makes sense, makes a good deal of sense.

Third. We have another problem. A lot of these for-profit colleges have a high default rate. They raise the rates for everyone else. What are we going to do about those? Some of those are not for-profit. But any college that helps students get a lot of loans, and then has a huge default rate, low graduation rate, makes all the rest of us pay. It is a little like health care, where a few people are making the rest of us pay quite a bit. That was through no fault of their own. Who knows what this is. What do we do about them?

I agree with my good friend from Tennessee, we do not want to keep doing this year to year, like the doc fix. It would be a lot better, just like the doc fix, if we had a permanent solution that deals with these two issues instead of brushes over them. A 1-year extension keeping the present situation, not raising anybody's rates at all, makes sense, because while students will gain some, not probably as much as under present law, under the Reed law, now they may lose a lot later, because there are no caps except for the 8.25 percent when you refinance. But otherwise, the caps are each year. You can be 3.4 this year, and if interest rates go up 3 percent, you will be at 6.4 next year. If they go up 2 percent after that, you will be at 8.4. If they go up 2 percent after that, you will be at 10.4 for your 4 years in college.

We do not know what interest rates will be. It is anybody's guess. But that is why caps are a good thing, so when it gets too high, we have some limit. I

am not sure a cap simply on consolidation is a good enough cap.

I respect my friend from Tennessee, but I would argue there are two reasons that the proposal Senator STABENOW talked about is better: One, it does not make money from students to pay the government, which using the present baseline and being budget neutral we would have to continue to do.

No. 2, it doesn't allow us to get to a long-term solution, which we must do and should do, and maybe now that we are in this dilemma we are importuned for doing.

I wish to have a colloquy with my colleague from Tennessee. I will be back after this meeting if he is still around. I respect him, and I know he is trying to come up with a fair and good solution—one that ideologically or substantively I might disagree with, but I hope we keep moving toward one another so we can gain a good solution.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from New York. I understand he has a previous meeting. I don't want to make him late because maybe it will produce some result. I hope it will produce a result—I don't see an issue that benefits either political party or any Senator.

The questions we who have been working on this have asked the Congressional Budget Office are very simple. We have said our goal is to create a permanent solution along the lines the President recommended, that the House of Representatives has now passed, that neither costs the taxpayers additional money or overcharges the student. Please give us what the interest rates would be and what the type of loan should be.

The Congressional Budget Office, the nonpartisan Congressional Budget Office, goes through all of this and they suggest a variety of options that we have.

What they have told us is that the proposal of the bipartisan group comes as close to being equal as one can get. It is about nearly \$1 billion over 10 years which, when you are loaning \$100 billion a year, is sort of a rounding error.

The intention is to loan it to the students for what it costs the government to borrow the money, but we are not going to overcharge the students and we are not going to ask the taxpayers to pay an additional subsidy.

Within that, if you accepted that idea, then you could say there are a variety of ways to do that. You could do it as the bipartisan group has suggested or you could try to put a cap on it. Whenever you put a cap on, it costs a lot more to students. A cap at 10 doesn't cost very much because the interest rates aren't estimated to be that high for undergraduates especially. But

as you go down to 9, 8, 7 or 6.8, it balloons very rapidly. We could meet that principle, fair to taxpayers and fair to students, but we are going to have to raise a lot of money to do it. I haven't heard anybody suggest where \$50 million or \$60 million more is going to come from.

I think it is better to go ahead and amend the House bill, get a better bill, put the Senate's imprint on it, and send it to the President. Let's let all of today's students take advantage of today's low rates and pass a permanent solution that would reflect what the actual cost is. It may go up; it may go down. That is the reality.

As we know, with low-income students, those eligible for subsidized loans, the taxpayer already pays the interest on those loans while the student is in college. That is about \$50 billion over 10 years. Those students are also eligible for Pell grants, most of them are, and that is about \$350 billion over 10 years. This is a substantial subsidy.

The Senator mentioned the Federal Credit Reform Act. The Federal Credit Reform Act is the way the Congress has said the CBO should count when it is making these computations, so it does that. It also does it according to a fair value method of accounting. Maybe the simplest way to explain it is to say the Federal Credit Reform Act actually favors students pretty heavily in this computation. The fair market value accounting is more realistic, and favors the taxpayers' point of view. We are using the accounting system—or the CBO is—for this bill that is more generous to students.

I still, after listening respectfully to all I have heard, don't see why in the world we are going to insist that for the next year several million middle-income students are going to have to pay 6.8 percent when they could be paying 3.66. This is what I can't understand. I hope we continue this debate and tomorrow we will have at least one vote on it. I hope after that we have more discussion and that we come to a result because there are a lot of families waiting for us to make a decision.

The President has weighed in. The House of Representatives has passed a bill. We have a bipartisan bill on the floor. We need to come to a result, send it to the President so families can make their decisions about how they are going to pay the college bills.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Last year the most profitable company in America was ExxonMobil. ExxonMobil made about \$44.9 billion in profit last year. America's student loan program did better. America's student loan program last year made a profit of right around \$50 billion, eclipsing the profit of ExxonMobil, of Apple, of JPMorgan

Chase. In fact, of every U.S.-based company, none of them ran a profit as high, as steep, as generous as the U.S. student loan program did.

Why I am coming down to the floor to support a 1-year freeze on student loan rates is because, as you have led this argument, that is the discussion we should be having. Why on Earth do we allow our student loan program to make profits greater than any other American company makes today? Why are our students being asked, more so than almost any other population in our country, to bear the burden of paying down our deficit? It doesn't make any sense.

It is time then that in the context of the Higher Education Act, which we are hopefully going to debate later this year, we have that broader conversation. This bill on the floor now, giving us a 1-year freeze to keep students where they are today, paying a 3.4-percent interest rate, just makes sense—both in the short term to try to make sure students don't have to pay upward of \$5,000 over the course of the repayment of their loan but then allows us to start to have a conversation with ourselves as to whether we want to allow the student loan program to be the most profitable company in the United States on the backs of students.

This matters to me because I am one of the millions of young Americans who is still paying back my student loans. My wife and I are paying them back as we speak. Of course, with two young little boys at home, we are also scurrying to save as much as we can to pay for their future college costs.

I am not going to stand here and complain because between my wife and I we make a pretty good salary. We can afford to pay back our student loans, and we can afford to squirrel a little bit away for our two little kids. But our story is not the reality for millions of other young families who can't afford to do both of those things.

The average college graduate in this country has a much lower unemployment rate than other Americans, somewhere around 4 or 5 percent. Young college graduates today stand at an 8.8-percent unemployment rate and an 18.3-percent underemployment rate. That is the stuff we don't talk about enough. There are a lot of young people who are working part-time or temporary jobs that don't bring in enough money in order to pay back their student loans, which on average today are somewhere around \$30,000. That is the average. Everybody can point to a neighbor or a friend who is walking out of their undergraduate education today with \$100,000 or more.

The fact is there are millions of families in the position of my family. We are squeezed between paying back the debt we owe and trying to put away money so our kids don't have to have the same kind of debt we do. That is



money that doesn't go into the main street of our economy, doesn't go to fix up your house and put a carpenter to work, and doesn't go to the local grocery store or to the restaurant around the corner. Instead, it is money that gets sent, by and large, to the big banks. It doesn't make sense. This bill on the floor allows us to have this bigger, broader conversation.

I will say this though. We are fooling ourselves if we think the solution to our higher education affordability crisis is only the interest rate we pay on loans. It is not. Shame on us if coming out of the resolution of this debate, which I hope comes in the next couple of weeks, we don't step back and say there is so much more that this Senate and this Congress can be doing to take on the broader issue of affordability.

Students took out about \$113 billion in student loans this last year. That is double what they took out just 10 years ago. We can't afford to have the amount of money being taken out in student loans double on a decade-by-decade basis. That will bankrupt not only our students, but it will bankrupt our country no matter what interest rate we put on these loans.

In the context of the Higher Education Act, we ought to start challenging schools to think out of the box when it comes to assessing the cost of education. Wesleyan University in Connecticut has given the option to students to get a degree in 3 years instead of 4. More and more schools are moving to cheaper but still high-value online education.

It is probably time we stepped back and asked even tougher questions about whether it makes sense to award degrees based on a largely arbitrary number of credits, rather than an assessment of the skills you have gained, maybe over 4 years but, frankly, maybe even over 2½ or 3 years.

If college is about preparing students for the workforce, then maybe we should be awarding degrees and costing out degrees based on whether you are ready to enter the workforce, not just based on if you have gone the requisite number of years or taken the requisite number of courses. Maybe 50 years ago we could afford the system we have, but we can't any longer. We can't have that conversation if we don't settle this one.

My hope is we will be able to extend the 3.4-percent interest rate for the time being and that we can have a serious conversation about the issue of profitability in the long run.

Lastly, I will just say this. Senator ALEXANDER has left the floor, but the Republican proposal is temporary as well. He is right to point out that for a certain subset of individuals who don't qualify today for the 3.4-interest rate, the Republican proposal may, in the short run, provide a different lower interest rate. But we know interest rates

are going up. We know their proposal is no less temporary than the 1-year freeze we offered, because ultimately in the long run or, frankly, in the medium run, those students who today might qualify for a lower rate are going to be paying a much higher rate in the not-so-distant future.

We are kidding ourselves if we think the benefit of the Republican proposal is that in the long run students are all of a sudden going to gain the benefit of today's interest rates, which is not how things work. It is not how the trend line is going.

Lastly, about 1 month ago I was sitting with a group of counselors at a local afterschool program in Danbury, CT. They were all sort of working part-time jobs and counseling kids at this afterschool program because they believed in the program. These were community-minded kids. They were the salt-of-the-Earth kids who truly cared about trying to help out disadvantaged youth in their neighborhood, but none of them were going to college.

I asked them: Are you not going to college because of the cost?

They looked at me as if I had three heads. They said: Of course, the reason we are not going to college is the cost. We would love to be in college today, but there is no way we can afford it.

The fact is we are looking at 4.4 million students over the next 10 years who are likely to not be able to afford college simply because of the cost. The difference between 3.4 and 6.8 percent can be \$5,000 for some students over the course of the repayment of their loan. That is the difference maker for students. We are kidding ourselves if we don't think that 18- and 19-year-old kids aren't doing the math when they are deciding whether they can afford to go to college. They are much more sophisticated than people on this floor think they are. They understand the deal we are potentially giving them on the floor of the Senate is one that will make college unaffordable for tens, if not hundreds, of thousands of students. Shame on us if we don't have a better answer for those kids in Danbury, CT, and millions of others similar to them across the country who just want a shot at college and wish to make sure that they alone are not asked to pick up the burden of paying down the deficit of the United States.

I yield the floor.

THE PRESIDING OFFICER (Mr. MURPHY). The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise this evening in support of Keep Student Loans Affordable, the bill that has been introduced by Senators REED and HAGAN. We have been talking a lot in the last few hours about student loans, about the cost of student loans, and we have talked particularly about subsidized loans.

I just want to start this by pointing out that "subsidized loans" is not the

right term. No one is subsidizing any of our students. The lowest cost loans the U.S. Government issues today produce a profit for the government. In other words, who is doing the subsidizing? Our students are doing the subsidizing. They are the ones who are creating the profits for the U.S. Government.

Let's talk about those profits. This year those profits, as the Presiding Officer rightly pointed out, will be more than \$50 billion. Those are profits made on the student loans that are already outstanding and the profits we are going to start making off the new loans when the interest rate doubles at 6.8 percent.

Under this bill, Keep Student Loans Affordable Act, we are talking about how to prevent making even more profits off our students—a short-term patch to hold interest rates steady for all of our students while we try to attack the core problems.

The problem we have as we deal with this, and the problem with the Republican proposal, is right now the new loans are scheduled to produce \$184 billion in profits for the U.S. Government over the next 10 years.

Let me say that again. At the current interest rate of 6.8 percent, which is where it went as of July 1 since Congress didn't act, the U.S. Government will make \$184 billion in profits off our students over the next 10 years.

The Republicans have put forward a plan, and they have said in their plan that they want to be "budget neutral" or "deficit neutral." They have used both terms. But understand what that means. The proposal they are putting forward, in fact, produces \$184 billion in profits for the U.S. Government. In fact, the Republican plan goes just a little beyond that and produces an extra \$1 billion in profits for the U.S. Government. That is what the Republicans are putting forward.

How can you sell something that says we are going to make \$185 billion off the backs of our students? The answer is, according to the Republicans, to offer them a teaser rate. Tell them that just next year we are going to keep that interest rate low. The year after that, well, it might be a little bit higher, and the year after that it might just be a little higher than that, and don't ask any questions about the years going forward.

But understand this: Senator ALEXANDER, for whom I have deep respect, made the point he just wanted to use the CBO's scoring numbers. That is the neutral arbiter of what things cost. What does the CBO say about the Republican plan? The answer is it will produce more—that is just a little bit more—than the same \$184 billion in profits that come from doubling the student loan interest rate to 6.8 percent.

In other words, what the Republicans are proposing is the same thing you got



in the mail when you got this zero percent interest teaser rate credit card. Boy, we will give you something cheap up front, but don't read the fine print, and don't see what is going to happen on down the line—or the same thing that happened with the teaser-rate mortgages. They were nice low payments at the beginning, until the whole thing exploded later on.

That is the Republican plan. It is not a fix, it is just a different way to make \$184 billion in profits off the backs of our students.

What the Democrats are proposing is a plan that says: Don't raise the interest rates on anybody. Just keep them where they are, including 3.4 percent on our Stafford loans. Let's keep it there.

Here is a point I want to make that I haven't heard anybody talking about. What the Democratic proposal has in it is an acknowledgement that the U.S. Government is going to make less money doing that because there is no back end to make this up. Because the U.S. Government is going to lose money—it is not going to make as much money by doing that—this plan has something in it to pay for it, to offset the cost to the budget. We have proposed closing a tax loophole, raising about \$4 billion in new revenues so we don't make that \$4 billion in revenues off our kids immediately.

In other words, if we are going to reduce the profits we are trying to make from our kids, there has to be a way to pay for it. The plan proposed by the Democrats is short term. It is a 1-year fix, and it has a proposal to pay for it because it actually proposes reducing the profits the U.S. Government makes.

Take a look at the Republican plan. There is no pay in the Republican plan because it proposes to continue to make that \$184 billion over the next 10 years.

So that is what this is about. We know what we need in the long term is to solve two big problems: The first is the \$1 trillion in outstanding student loan debt. We have to find a better way to deal with it, a way that is not continuing to produce profits for the U.S. government. The second is the rising cost of college. We have to address that, and it is going to be a hard problem to tackle. We can't solve it in a matter of a few days. It takes time to do it.

So the Democrats propose: Don't raise interest rates on anyone. Don't double my rate. Keep them where they are, and let's buy a year with a short-term patch in order to address the systemic problems we need to address—the outstanding student loan debt and the rising cost of college for all of our students.

This is our chance to help our students. This is a small downpayment. It is a small help for some of our students

and a real commitment that we are going to make a difference in the future. It is not a proposal that says we are going to try to fool them, that we are going to reduce prices just for a little while and then sock somebody else on the back end. That is not what this should be about. That is not what the U.S. Government should be doing. It is our responsibility, it is our opportunity to invest in our students.

The Democrats propose we get started on that and we get started on it tomorrow. I support the Keep Student Loans Affordable Act, and I commend Senator REED and Senator HAGAN for their work. I hope tomorrow this body will come together and pass it for our students and for our country.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. WARREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DONNELLY). Without objection, it is so ordered.

#### MORNING BUSINESS

Ms. WARREN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONGRATULATING JOHN BREITFELDER

Mr. BLUMENTHAL. Mr. President, today I wish to congratulate John Breitfelder of New Canaan, who was selected to represent Connecticut in this year's Healthy Lunchtime Challenge contest hosted by First Lady Michelle Obama.

Today, John joins 54 students, ages 8 to 12, at the White House for a Kids' State Dinner. These winners hailing from all 50 States, 3 U.S. territories, and the District of Columbia will share a healthy lunch featuring their winning recipes. John's creation, a quinoa "risotto" with shrimp and kale was selected from over 1,300 recipes evaluated by a panel of judges, which included representatives from the First Lady's Let's Move!, the U.S. Department of Agriculture, the U.S. Department of Education, DC Central Kitchen, and two student graduates of the Share Our Strength's Cooking Matters Program. The contest "invited a parent or guardian to work with their child ages 8–12 to create a lunchtime recipe that is healthy, affordable, original, and delicious." The winning recipes adhere to the USDA's MyPlate guidelines, featuring each of the food groups.

I applaud John for taking the initiative to enter this contest to explore how healthy foods can also be delicious, and the support of his family. This innovative competition not only combats childhood obesity, but also raises awareness of the importance of cooking for overall health as well as success in the classroom. Children are taught personal responsibility, encouraged to express their creativity, and are inspired to continue to make responsible choices and bring consciousness to each meal. I also thank the First Lady for hosting a Kids' State Dinner to celebrate the importance of parents and guardians spending time together in the kitchen and then sitting around a table and sharing food with each other. This month, Epicurious will offer a cookbook featuring these winning recipes free of charge. I invite my Senate colleagues to join me in recognizing John and his fellow junior chefs for inspiring countless students across the country to try their own recipes and share the gift of healthy eating with their families and communities.

#### ADDITIONAL STATEMENTS

##### OUTSTANDING LAW ENFORCEMENT OFFICERS

• Mr. COONS. Mr. President, Delaware's law enforcement officers do their jobs day in and day out with exceptional courage and dedication.

When the worst happens in our community, our emergency responders rush toward danger while everyone else is rushing away.

It is my honor to congratulate four outstanding law enforcement officers on receiving the Lieutenant Joseph L. Szczerba Service Award, presented to Delawareans who go above and beyond the call of duty.

It is hard to think of more deserving public servants than these four heroes: Officer Justin Wilkers of the Wilmington Police Department and Officers Steven Rinehart, Michael Manley, and Arlene Redmond of the Capitol Police.

Each of their stories is heroic.

On February 3 of this year, Officer Wilkers and his partner pulled over an SUV for a motor vehicle violation. In what should have been a routine traffic stop, the suspect instead raised a gun and fired at Officer Wilkers, hitting him in the face.

Officer Wilkers was treated at Christiana Hospital for his injuries, and when he was released a week later, Delaware police officers lined up outside the hospital in applause.

With typical modesty, he said, "I don't understand what the big deal is."

The truth is, this kind of service and sacrifice is a big deal. Just 3 days after Officer Wilkers was injured in the line

of duty, we saw once again how our law enforcement officers give us their best in the very worst of situations.

February 12 began like any other day at the New Castle County Courthouse, but that morning, a suspect in the lobby began shooting. Capitol police officers jumped into action and were immediately targeted by the shooter.

Officers Steven Rinehart and Michael Manley were hit in the chest. Thankfully they were wearing bullet-resistant vests that saved their lives. Along with Officer Arlene Redmond, they showed courage when it counted the most.

I will keep working to ensure Delaware's law enforcement officers have all of the tools they need to do their jobs and stay safe, including the kind of bullet-resistant vests that saved the lives of Officers Rinehart and Manley in the Wilmington courthouse that day.

These brave men and women put their lives at risk every time they put on a uniform to protect Delawareans. Almost 2 years ago, my friend, Lieutenant Joe Szczerba, was taken from us in a senseless crime, an act of cowardice dwarfed by Joe's extraordinary courage and sacrifice.

The Lieutenant Joseph L. Szczerba Service Award helps to ensure that his memory lives on for years to come.

This year, there could be no recipients more deserving than Officers Wilkers, Rinehart, Manley, and Redmond. They have my congratulations and my deepest gratitude for their service and sacrifice.●

#### ESCANABA, MICHIGAN

● Mr. LEVIN. Mr. President, the city of Escanaba celebrates its sesquicentennial anniversary this year. This great occasion will be marked by a host of festivities. Escanaba, like many cities and towns across the Upper Peninsula in Michigan, has added greatly to our State's rich history and cultural heritage. It is through active communities like Escanaba that the spark of innovation and ingenuity has been nurtured for generations.

Escanaba is a city with a natural charm that is impossible to miss. The city is named after the Escanaba River, a 52-mile winding river that is central to the formation and growth of the city. Lured by the majestic river of flat rocks, travelers settled in this region to cultivate the area's many natural features and to live alongside the Little Bay de Noc. These waterways are the lifeblood of this community. The city is full of wonder and opportunity for the families who make this community home. It is also a fertile ground for wildlife and an inviting host for fishermen and outdoor enthusiasts alike.

The first permanent settlement dates back to the 1830s to Louis Roberts, a

fur trader. A steady stream of families would follow Mr. Roberts to the area, and soon after, sawmills would eventually spring up along the river. The area that would become Escanaba was surveyed by Eli P. Royce and formally established in 1863. It is from these humble beginnings that this city by the river was formed. The sawmills fueled investment and industry, and the city's population grew as a result. Today, the area is home to manufacturing, lumbering, hardwood flooring, commercial fishing, paper making, and more. As with many cities and towns in the Upper Peninsula, Escanaba's history is both fascinating and full of character. It is steeped in family, faith, and perseverance.

There are many reasons to visit this part of Michigan and to enjoy what makes this area special. In addition to the striking natural wonder that abounds, Escanaba also offers a number of historically significant landmarks, including the House of Ludington, Ludington Park, William Bonifas Fine Arts Center, and Sandy Point Lighthouse. The Sandy Point Lighthouse was built in 1867 to welcome travelers to the city by boat. This vital structure predates the railroad and would serve an integral role in the city's development for seven decades.

The 150th anniversary of Escanaba is a celebration of the important place this proud community holds in the ever-evolving story of our great State of Michigan. It is, indeed, a tribute to the strength and perseverance of its citizens and emblematic of America's working families who form the foundation of sprawling and vibrant communities across our Nation. I know my colleagues in the Senate join me in saluting the residents of Escanaba as they celebrate the sesquicentennial anniversary of this fine city. I wish them centuries more opportunity, advancements, and individual achievement.●

#### TRIBUTE TO DR. BARRY L. BOOTH

● Mr. SESSIONS. Mr. President, today I wish to pay tribute to Dr. Barry L. Booth of Spanish Fort, AL. I have had the great fortune to work with Dr. Booth on a variety of projects in South Alabama, including the Honor Flight South Alabama program, the Vietnam Veterans Memorial at the USS *Alabama* Battleship Memorial Park, and the creation of the Alabama State Veterans Memorial Cemetery in Spanish Fort, AL. They have been remarkable successes, in great part through the leadership of Dr. Booth.

Barry Booth was born and raised in humble conditions in West Virginia. He worked hard, took care of his grades, and was admitted to Auburn University. He hitchhiked to Auburn where he says he arrived with "empty pockets." He enrolled in the Naval ROTC and was commissioned as a lieutenant in the

U.S. Navy Reserve upon his graduation from the University of Alabama, School of Dentistry in 1966 and that same year he volunteered for active duty, signed with the Marine Corps in San Diego, and in 1967 volunteered to go to Vietnam as a medical civil action patrol dental officer with the 3rd Marine Division and the U.S. Army 5th Special Forces.

Dr. Booth earned a Gold Parachutist Device, the U.S. Navy Unit Commendation, and the Vietnam Service Medal, among others. He was honorably discharged in July 1969. It is clear that his patriotism has continued to grow since joining the Marine Corps. In fact, in the wake of the terrible events of September 11, 2001, Dr. Booth attempted to rejoin the Marine Corps, at age 60, and had to be officially denied.

Dr. Booth has been a busy and invaluable servant to the veterans in South Alabama. He was vital to the establishment of the Honor Flight South Alabama program. Honor Flight South Alabama has brought over a thousand veterans and their companions to the memorials they earned, including the World War II Memorial, here in Washington, D.C. I have taken great pleasure in having the chance to share in the fellowship of these veterans. They are truly a remarkable breed of patriots. They endured and survived the biggest war in the history of the world, and truly deserve such a great memorial in their honor. I appreciate the considerable good work Dr. Booth, and the rest of his team, have done to bring these wonderful veterans to our Nation's Capital.

Dr. Booth also helped develop the Vietnam Veterans Memorial at the USS *Alabama* Battleship Memorial Park. Because of this memorial, many people in the Mobile region have had the opportunity to learn more about the sacrifices made by our Vietnam veterans. This memorial will serve as an important reminder of what these servicemembers endured.

In addition, Dr. Booth was pivotal in the creation of the Alabama State Veterans Memorial Cemetery. In addition to his time and resources, he even donated 3 acres of family land for the now-active cemetery at Saluda Hill near Historic Blakely State Park. For 50 years before this, the State of Alabama had not had the space to bury new veterans in a State veteran's cemetery. The new cemetery provides South Alabama veterans a proper, dignified, and peaceful burial area.

Lastly, Dr. Booth has contributed to a number of veteran and service organizations through his active membership. He is a member of the Vietnam Veterans of America Chapter 864, the Navy League, the Military Officers Association of America, the Sons of the American Revolution, and is a life member of both American Legion Post 199 and the Veterans of Foreign Wars.

For his commitment, he was named 2009 Veteran of the Year by the Mobile Bay Area Veterans Day Commission and Fairhope, Alabama's Veteran of the Year for 2011.

For years I have enjoyed the kindness and warmth of Barry's friendship. He has been critical to the success of a number of projects we have worked on together. He is a true patriot, and a good man who expects nothing in return for his efforts. He simply understands what our military personnel are called upon to do for their country, he has seen it first hand, he knows the pain of loss and injury, and his loyalty to them compels him to do all he can to honor their service. I would like to thank him for his service to his fellow veterans, to the State of Alabama, and to his country.●

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TRIBUTE TO MR. AND MRS. JOHN VICK

● Mr. SESSIONS. Mr. President, I wish today to recognize Mr. and Mrs. John Vick of Andalusia, Alabama, and the recent opening of the John & Faye Vick Collection of Alabama & Civil War Postal History at Auburn University's Ralph Brown Draughon Library. This exhibit was unveiled on April 19th and will be on display through the month of August.

Mr. Vick has had a lifelong interest in Civil War, naval, and U.S. Postal Service history. He developed his interest for these subjects while attending Auburn University, where he graduated in 1962. The items he has assembled over his lifetime represent a broad range of our country and Alabama's history, and the exhibit represents the finest items in the Vick collection. On display is a vast assortment of historic American and international postal stamps, marks, and correspondence, and includes letters from Confederate Marine Corps Lt. Edward Crenshaw of Butler County and Raphael Semmes, captain of the C.S.S. *Alabama*. These items, numbering in the thousands, will be invaluable to researchers for years to come.

This exhibit is currently being displayed in the Special Collections and Archives Department of the Ralph Brown Draughon Library, and is a fantastic showcase of both the generosity of the Vicks and their love for Auburn University. I encourage anyone with an interest in the history of Alabama to visit the exhibition. Again, I thank John and Faye for their kind gift to Auburn University and the people of Alabama.●

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TRIBUTE TO LIEUTENANT GENERAL WILLIE J. WILLIAMS

● Mr. SESSIONS. Mr. President, I wish to recognize Lt. Gen. Willie Williams for his exceptional service to our Nation of over 39 years in the military

and to congratulate him on his retirement tomorrow from the U.S. Marine Corps.

General Williams has had nearly four decades of distinguished and honorable service to our Nation's defense. He joined the Marine Corps with a commission in 1974 from the Platoon Leaders Course after receiving his bachelor of arts degree in business administration from Stillman College in Tuscaloosa, AL. He started out as a supply officer with 11th Marines, an artillery regiment, but would go on to serve in numerous command and staff positions throughout his exemplary career in the Marine Corps.

In the late 1980s, near the end of the Iran-Iraq war, General Williams was handpicked to lead the logistics element in the Marine air-ground task force that was a part of Operation Earnest Will, the mission to escort and protect oil tankers in the Persian Gulf. Lessons learned from that operation laid the foundation for how the corps would approach resupply into the region during the first Persian Gulf war and later during the occupation of Iraq.

General Williams once said that the assignment during the Iran-Iraq war defined him as an "operational logistician." He then went on to command the 31st Marine Expeditionary Unit's Service Support Group followed by Brigade Service Support Group 1, both during the mid-1990s. Then, after serving a year as the commanding general of Camp Butler in Okinawa, General Williams took command of 3rd Force Service Support Group in 2001.

From there, he was selected for the top job at Marine Corps Logistics Command in Albany, GA, a hub for the service's worldwide supply chain and equipment maintenance efforts. This hub helped with the logistical operation for as many as 25,000 Marines in Iraq's Anbar province at the time of his command.

For his last assignment, the Commandant of the Marine Corps, then Gen. James T. Conway, called General Williams back to Washington in 2009 to become the director of Marine Corps Staff. He was appointed by President Obama and pinned on his third star, placing him among the select group of only 16 lieutenant generals in the Marine Corps. In this new capacity, General Williams was the principal assistant and advisor to the Commandant and Assistant Commandant of the Marine Corps. Additionally, General Williams also maintained influential communication with his counterparts in the Army, Navy and Air Force for the crucial advancement of the Corps' point of view on matters in which all have vested interest.

General Williams embodies everything that it means to be a U.S. Marine. The time he has spent in the Marine Corps has not only had a great impact on the institution, but he also

helped professionally develop countless marines over his nearly 40 years of selfless service. Through his example, those marines have come to know and appreciate that only by sacrifice will the freedoms of others, with honor, courage and commitment be secured.

Furthermore, General Williams has been a tremendous asset to me and my staff. He was a reliable source of information and advice in resolving a number of issues that affected Alabama. I got to know him then and to learn of his love for his home State and for her people. I will miss his guidance and leadership with the Marine Corps, but am very thankful that he will be bringing his considerable talents to Huntsville, AL.

On behalf of the State of Alabama and the U.S. Senate, I congratulate Lt. General Willie J. Williams on his retirement from the U.S. Marine Corps and wish General Williams only the best as he takes off the uniform and begins a new chapter in his life of service in Huntsville.●

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REMEMBERING DANIEL JOHN MEADOR

● Mr. SESSIONS. Mr. President, I would like to pay tribute today to Daniel John Meador, who was born in 1926 in Selma, AL. Mr. Meador attended the Citadel and graduated from Auburn University and the University of Alabama Law School, and received a master of laws from Harvard Law School in 1954. He served in the U.S. Army, first in artillery, then in the Judge Advocate General's Corps in Korea during that conflict. Following the war, he returned to the United States and served as a law clerk to Justice Hugo L. Black of Alabama, then on the U.S. Supreme Court. He practiced law in Birmingham, AL, for a short time before joining the faculty at the University of Virginia. In 1965-66 he was a Fulbright lecturer in England, and from 1966 to 1970 was the dean of the University of Alabama, School of Law, departing just as I was starting law school there. In 1970, he rejoined the University of Virginia law faculty as James Monroe Professor of Law, a position he held until his retirement in 1994. At the University of Alabama, he was a true reformer who wanted the school to be one of national stature. He also was a strong and principled leader for racial progress during those difficult times of discord. We can take pride in the fact that his work paved the way for the school to be one of the very best public law schools in America.

Dean Meador's major professional interest was the State and Federal appellate courts, and he was involved in numerous projects and studies designed to strengthen and improve them. From 1971 to 1975, he served on the Advisory Council for Appellate Justice and in 1977-79 he was an assistant attorney

general in the Department of Justice where, at the request of Attorney General Griffin Bell, he organized a new office in the Department—the Office for Improvements in the Administration of Justice. Its mission was to identify problems in the Federal and State courts and develop solutions. In addition, he served on numerous boards and committees working to further improve the Court system in our Nation. He was a good writer. I enjoyed his novel, *His Father's House*, set in Marengo County, Alabama, and Germany.

Few lawyers have been held in higher esteem, or have received more honors, or participated in more projects for the betterment of the profession than Dean Meador. While Alabama has perhaps produced a few lawyers better known than Dean Meador, few have given more brilliant and sustained service in so many ways to the nurturing and development of the law and the courts than he. The great American rule of law system was enriched by him throughout his life.

He is best remembered by those who knew him as a masterful teacher with a passion for history, friends and family. He leaves behind his wife, Alice, brother, three children, and seven grandchildren. They have been given a great legacy indeed. Dean Daniel John Meador was a great Alabama native, one of its greatest servants of the law, and I am honored to be able to pay tribute to his many contributions to education, the law, and the courts.●

#### TRIBUTE TO MAJOR GENERAL RAYMOND REES

● Mr. WYDEN. Mr. President, today I wish to pay tribute to MG Raymond F. Rees, one of Oregon's most remarkable military leaders. After 51 years of service to our Nation and the State of Oregon, General Rees will retire from the Oregon National Guard and the U.S. Army next week. I know I speak for Oregonians across the State in thanking him for his service.

General Rees hails from the small eastern Oregon town of Helix, which boasts a proud population of 184. He learned the importance of hard work at an early age, putting in long hours on the family ranch. After graduating from West Point in 1966, he completed airborne and Ranger training, preparing himself for a tour in Vietnam with the 101st Airborne Division. Upon leaving the active Army, he joined the Oregon National Guard where he commanded at every level, serving both within the State and across the country.

Those who know him were not surprised that General Rees held a number of impressive titles over his long and distinguished career. He served as the director of the Army National Guard, the vice chief of the National Guard

Bureau, and as the acting chief of the entire National Guard. He also served as the chief of staff for U.S. Northern Command and the North American Aerospace Defense Command at Peterson Air Force Base in Colorado. This month, he steps down as Oregon's Adjutant General, a job he held twice before. In fact, General Rees is the longest serving Adjutant General in the United States, with over 17 years of service to four different Oregon Governors.

General Rees has always been a champion of the Guard, both locally and nationally. Policy decisions he helped shape in the early 1990s enabled the National Guard to better respond after the horrible attacks of September 11, 2001. Under his leadership, the Oregon Guard deployed to Afghanistan and Iraq. And Oregon units were able to respond rapidly in the wake of Hurricane Katrina, sending nearly 2,000 servicemembers within 72 hours.

Nobody worked harder to strengthen the synergy between the Guard and communities across our State than General Rees, or to make sure that our returning men and women receive the vital services they earned. He helped establish the Yellow Ribbon Reintegration Program, providing critical, sustaining support for Guardsmen and their families before, during, and after deployments. He led modernization efforts across Oregon, providing Guardsmen with the best equipment and facilities. He opened or improved projects across the State, including readiness centers in Pendleton, La Grande, Hermiston, Klamath Falls, Ontario, The Dalles, St. Helens, Clackamas, Gresham, Dallas and Salem. He was instrumental in helping us sign a new lease for the Portland Air National Guard Base, allowing the Air Guard to train and keep the skies safe along the west coast.

Building bridges between the Guard and foreign militaries is another legacy that General Rees will leave behind, and the Guard's State Partnership Program enjoyed no stronger supporter. Under this initiative, State Guard folks are partnering with more than 60 nations to improve regional and cultural awareness, increase security cooperation, and help prevent threats from emerging. I am proud to say that under General Rees' leadership, Oregon has become one of the few States to partner with two countries simultaneously: Bangladesh and Vietnam.

I could go on and on about the contributions General Rees made on behalf of servicemembers, their families, our citizens, and the State of Oregon. So today I want to join folks across the State and the country to stand and offer our congratulations to General Rees on his distinguished career. Whether as a cavalry troop commander, a cobra gunship pilot, or the

Adjutant General of the Oregon National Guard, General Rees always shouldered more than his share of the task. We will miss this dedicated soldier, talented leader, and gifted diplomat—but his is a retirement well earned. I commend General Rees for his service to our country, and I want to thank his wife, Mary Len, for her tireless support along the way. After decades of service, I wish Major General Rees a long and relaxing retirement. Well done!●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1171. An act to amend title 40, United States Code, to improve veterans service organizations access to Federal surplus personal property.

H.R. 1341. An act to require the Financial Stability Oversight Council to conduct a study of the likely effects of the differences between the United States and other jurisdictions in implementing the derivatives credit valuation adjustment capital requirement.

H.R. 1564. An act to amend the Sarbanes-Oxley Act of 2002 to prohibit the Public Company Accounting Oversight Board from requiring public companies to use specific auditors or require the use of different auditors on a rotating basis.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1171. An act to amend title 40, United States Code, to improve veterans service organizations access to Federal surplus personal property; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1341. An act to require the Financial Stability Oversight Council to conduct a study of the likely effects of the differences between the United States and other jurisdictions in implementing the derivatives credit valuation adjustment capital requirement; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1564. An act to amend the Sarbanes-Oxley Act of 2002 to prohibit the Public Company Accounting Oversight Board from requiring public companies to use specific auditors or require the use of different auditors on a rotating basis; to the Committee on Banking, Housing, and Urban Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 1270. A bill to amend the Internal Revenue Code of 1986 to provide for reform of public and private pension plans, and for other purposes; to the Committee on Finance.

#### ADDITIONAL COSPONSORS

S. 234

At the request of Mr. REID, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 234, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 323

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 323, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 325

At the request of Mr. TESTER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 325, a bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes.

S. 327

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 327, a bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services.

S. 346

At the request of Mr. TESTER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 346, a bill to amend title 10,

United States Code, to permit veterans who have a service-connected, permanent disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces entitled to such travel.

S. 395

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 395, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 403

At the request of Mr. CASEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 403, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 415

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 415, a bill to clarify the collateral requirement for certain loans under section 7(d) of the Small Business Act, to address assistance to out-of-State small business concerns, and for other purposes.

S. 424

At the request of Mr. BROWN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 424, a bill to amend title IV of the Public Health Service Act to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions.

S. 462

At the request of Mrs. BOXER, the names of the Senator from Indiana (Mr. DONNELLY) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 535

At the request of Mr. RUBIO, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 535, a bill to require a study and report by the Small Business Administration regarding the costs to small business concerns of Federal regulations.

S. 539

At the request of Mrs. SHAHEEN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 539, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes.

S. 541

At the request of Ms. LANDRIEU, the names of the Senator from Rhode Island (Mr. REED) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 541, a bill to prevent human health threats posed by

the consumption of equines raised in the United States.

S. 557

At the request of Mrs. HAGAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 557, a bill to amend title XVIII of the Social Security Act to improve access to medication therapy management under part D of the Medicare program.

S. 569

At the request of Mr. BROWN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 629

At the request of Mr. PRYOR, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 629, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 642

At the request of Mr. ENZI, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 642, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 783

At the request of Mr. WYDEN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 783, a bill to amend the Helium Act to improve helium stewardship, and for other purposes.

S. 913

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 913, a bill to amend the National Oilheat Research Alliance Act of 2000 to reauthorize and improve that Act, and for other purposes.

S. 971

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 971, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 999

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 999, a bill to amend the Older Americans Act of 1965 to provide social service agencies with the resources to provide services to meet the urgent needs

of Holocaust survivors to age in place with dignity, comfort, security, and quality of life.

S. 1068

At the request of Mr. BEGICH, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1068, a bill to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes.

S. 1072

At the request of Ms. KLOBUCHAR, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1072, a bill to ensure that the Federal Aviation Administration advances the safety of small airplanes and the continued development of the general aviation industry, and for other purposes.

S. 1158

At the request of Mr. WARNER, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1166

At the request of Mr. ISAKSON, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1166, a bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

S. 1171

At the request of Mr. MORAN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1171, a bill to amend the Controlled Substances Act to allow a veterinarian to transport and dispense controlled substances in the usual course of veterinary practice outside of the registered location.

S. 1181

At the request of Mr. ENZI, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1181, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1229

At the request of Mr. WHITEHOUSE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1229, a bill to amend the Truth in Lending Act to empower the States to set the maximum annual percentage rates applicable to consumer credit transactions, and for other purposes.

S. 1238

At the request of Mr. REED, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Mas-

sachusetts (Mr. COWAN) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 1238, a bill to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes.

S. 1241

At the request of Mr. MANCHIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1241, a bill to establish the interest rate for certain Federal student loans, and for other purposes.

S. 1251

At the request of Mr. REED, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1251, a bill to establish programs with respect to childhood, adolescent, and young adult cancer.

S. RES. 151

At the request of Mr. CASEY, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Res. 151, a resolution urging the Government of Afghanistan to ensure transparent and credible presidential and provincial elections in April 2014 by adhering to internationally accepted democratic standards, establishing a transparent electoral process, and ensuring security for voters and candidates.

S. RES. 191

At the request of Mr. ENZI, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. Res. 191, a resolution designating July 27, 2013, as "National Day of the American Cowboy".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1270. A bill to amend the Internal Revenue Code of 1986 to provide for reform of public and private pension plans, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise to speak about the pension reform legislation I am introducing today. I am taking this step for a simple reason: America cannot continue sleepwalking into the financial disaster that awaits us if we do not get the public pension debt crisis under control.

The bill I introduce today is called The Secure Annuities for Employee Retirement Act of 2013—the SAFE Retirement Act, for short. In addition to public pension underfunding, the SAFE Retirement Act addresses two other critically important aspects of retirement policy: 401(k) plan coverage and access to professional investment advice for workers and retirees. I will briefly address each part in turn.

I have been working on the public pension underfunding problem, which I

call the pension debt crisis, for some time. Two years ago, I stood before this Senate and described the financial challenge public pension plans pose to Americans. I described how the gap between the pensions that have been promised to workers by State and local governments and the money set aside was as much as \$4.4 trillion short by some estimates, more than the total amount of municipal bond debt nationwide.

I explained that the problem of public pension underfunding existed before the 2008 recession and any attempt to lay blame for the problem at the feet of Wall Street or big business or some other group was just blame shifting.

I observed how the business world long ago recognized that traditional pension plans—defined benefit plans—had become unsustainable for most private companies and that most had moved toward 401(k)-style plans—or defined contribution plans—because costs are lower and more predictable and they fit well within an increasingly mobile and dynamic workforce. As usual, governments have been slow to innovate, slow to adapt, and when they have acted, their actions have been too limited to solve the problem.

I said at the time I had not settled on the best solution, but that I was working hard and talking to the experts about the best way to proceed. That is what we did.

Last year, after extensive study, I delivered a report about the public pension debt problem titled "State and Local Government Defined Benefit Plans: The Pension Debt Crisis that Threatens America." The study showed that public pension underfunding is a longstanding problem and that the current pension debt crisis goes back more than a decade, if not further. The report explained why public pension debt is a Federal concern, reviewed previous Federal attempts at legislation and more recent State legislative measures focused almost exclusively on new employees and the attempt by the Government Accounting Standards Board to restore a level of discipline to public pension accounting.

At the end of the report, I laid out four essential goals for public pension reform. First, public pension plans must be affordable for public employers and taxpayers. Second, plans must be structured so taxpayers in the future have no liability for past years of employee service. Third, public plans should provide retirement income security for employees. Finally, fourth, a Federal bailout of the States must be avoided at all costs.

As you will see, I listened to people on all sides of the public pension debate, including employee groups who want public plans to provide lifetime income. I could have merely recommended that State and local governments move to a 401(k)-style plan, but

I settled instead on a policy of trying to achieve retirement income security as well.

Despite numerous legislative initiatives enacted at the State and local level, the public pension debt crisis has gotten worse, not better. In my report, I warned that examples such as Prichard, AL, Vallejo, CA, and Central Falls, RI, were only the beginning. Sadly, I was right. Since that time, we have witnessed the pension debt crisis descend on much larger cities such as San Jose, CA, Stockton, CA, San Bernardino, CA, and Detroit, MI. Does anyone doubt that a State could be next? How many times does the credit rating of Illinois have to be downgraded before we act? How long can Rhode Island hold out when it is expected to save its struggling cities while it struggles with its own State pension crisis?

The problem is getting more serious every day, and the four goals I outlined in my report cannot be reached merely by fine-tuning the existing pension structures available to public employers. A new public pension design is needed, one that provides cost certainty for State and local taxpayers, retirement income security for State and local employees, and does not include an explicit or implicit government guarantee.

I am pleased to say I believe I have designed such a plan. Title I of the SAFE Retirement Act creates a new pension plan called an annuity accumulation retirement plan. I call it the SAFE Retirement Plan.

The concept of the SAFE Retirement Plan is simple: take advantage of the lifetime income that fixed annuities can provide while mitigating the volatile effect of interest rates on pension levels by purchasing an annuity contract for each worker every year during their career so a worker builds a solid pension year by year during their entire working life.

With a SAFE Retirement Plan, employees receive a secure pension at retirement for life that is 100-percent vested, fully portable, and cannot be underfunded. Employers and taxpayers receive stable, predictable, and affordable pension costs. Underfunding is not possible. The life insurance industry pays the pensions and bears all of the investment risk. Unlike current public pension plans, the SAFE Retirement Plan will be protected by a robust and multi-faceted State insurance regulatory system built to ensure financial strength and solvency and backed by a State law-based consumer safety net. Rather than repairing their pension plans, States that adopt the SAFE Retirement Plan will be upgrading their pension plans.

Remember, there is no Pension Benefit Guaranty Corporation backing State and local pension plans, and there never will be. Corporations that

sponsor pension plans pay premiums to the PBGC, and their workers and retirees receive a level of insurance in the event the plan does not have assets sufficient to pay promised benefits.

State and local workers enjoy no such protection, so another solution is needed. The SAFE Retirement Plan, in my opinion, is the answer. It is supported by a well-regulated, highly solvent State insurance system and has a built-in financial backstop that does not rely on State or Federal taxes. Honestly, regardless of which side of the debate Senators have been on to date, they must acknowledge that from a solvency perspective, this is a big improvement over the current public pension system.

I know some will argue my bill will give too much new business to the life insurance industry. That is not how I look at it. The way I see it, my bill takes advantage of the life insurance industry to help Americans solve a serious pension problem. After all, the life insurance industry is the only industry in the world designed from the ground up to manage longevity risk.

Annuity contracts purchased through a SAFE Retirement Plan will be competitively bid upon, on a group contract basis, so the workers receive the highest possible pension in retirement. Government finance officers will be involved in the bidding process to ensure best practices, and life insurance companies will be supervised by their respective State insurance departments. The life insurance industry is reliably solvent because State insurance regulations are strict, with stringent reserve requirements and conservative investment standards. In fact, State-licensed life insurance carriers survived the 2008 stock market meltdown in far better condition than any other part of the financial sector.

The status quo is no longer acceptable. In fact, maintaining the status quo comes with a very high cost. In 2011, S&P downgraded the United States in part because of the enormous debt represented by underfunded State and local pension plans. The credit rating agencies have downgraded Illinois multiple times, and Moody's has begun scrutinizing State and local pension obligations more closely. What will happen when the credit rating agencies see that most State and local governments have no serious plan to address the crisis?

A pension is insurance against outliving the money you have available to pay your monthly bills. It cannot be denied that people are living longer. As wonderful as that is, it also means we need to find new ways to stretch our monthly pension dollars over longer lifetimes. The SAFE Retirement Plan can meet the test.

In addition to public pension reform, title II of the legislation I introduce today has several important private

pension reforms. The centerpiece is the Starter 401(k), a new type of 401(k) plan that allows employees to save for retirement while placing minimal burdens on employers. Starter 401(k) plans allow employees to save up to \$8,000 each year but do not require employer contributions. This plan will be especially useful to small companies that do not have a retirement plan and startup companies that must devote all of their resources to building their business in the early years.

The Finance Committee has received evidence in hearings that access to a retirement plan at work is the best way to ensure that individuals save for retirement. The policy goal of Congress, therefore, should be to encourage employers to establish and maintain a workplace retirement plan. The corollary is that Congress should not adopt policies that discourage employers from maintaining a retirement plan.

The Starter 401(k) is a winner on all counts. It is targeted at businesses that do not already have a plan for their employees, it allows employers to help employees save their own money in amounts greater than they could on their own, and it has none of the expensive and burdensome testing and contribution obligations for employers associated with other retirement plans. As one of the many supporters of this bill told me: "[T]he Starter 401(k) is an idea whose time has come."

In addition to the Starter 401(k), the private pension reforms I introduce today will help employers by simplifying reporting rules, easing discrimination testing safe harbor rules, allowing modernized electronic disclosure options, and encouraging the provision of lifetime income options for employees. These are commonsense and long-overdue reforms to our Nation's retirement savings laws, especially with regard to small- and mid-sized employers.

Last but not least, title III of the legislation I introduce today will ensure that retirees continue to have affordable access to professional investment advice.

The Acting Secretary of Labor is set to rewrite a 1975 regulation and dramatically expand the ERISA fiduciary duty and prohibited transaction rules applicable to 401(k) plans. The Acting Secretary also intends to apply the new and restrictive rules to IRAs, which will cause investment advisers to stop providing advice to many IRA owners.

I have written to the Secretary of Labor in the past about the issue, but my concerns have not been addressed. In fact, there have been a number of letters from Members in both Houses of Congress and on both sides of the aisle imploring the Department of Labor to reconsider the issuance of the expansive and burdensome regulations.



Forty Members of Congress have written the Labor Secretary on this issue just since February, to no avail. In light of the DOL's—the Department of Labor's—intransigence, my bill includes a legislative solution to the problem.

The IRA prohibited transaction rules are codified solely in the Internal Revenue Code and address transactions that involve self-dealing and conflicts of interest. Prior to the issuance of a 1978 Executive Order, Treasury had jurisdiction over the IRA prohibited transaction rules governing investment advice. The 1978 order transferred Treasury's jurisdiction to the DOL.

The SAFE Retirement Act restores jurisdiction for IRA prohibited transaction rules to the Treasury Department. In addition, Treasury will be required to consult with the Securities and Exchange Commission when prescribing rules relating to the professional standard of care owed by brokers and investment advisers to IRA owners.

The 1978 Executive Order also transferred to the DOL some of the Treasury Department's joint jurisdiction over the prohibited transaction rules applicable to retirement plans. The bill I introduce today restores joint jurisdiction to Treasury and the DOL.

Joint jurisdiction makes sense in light of the DOL proposal to expand the 1975 regulation because Treasury must enforce prohibited transaction violations through the assessment of excise taxes. Treasury should have a role to play in any expansion of the rules because expanded rules will mean more excise tax cases for the IRS to process.

If the Acting Secretary of Labor believes that the 1975 fiduciary regulation that has governed retirement investment advice for nearly four decades should be revisited, then the 1978 decision to grant the Secretary of Labor additional ERISA regulatory authority also should be revisited.

After all, we do not know that the DOL would have been granted additional authority in 1978 if the sensible 1975 regulations had not been issued.

Make no mistake, the position I take today regarding IRA investment advice is not a partisan position. In the last Congress, 124 Members from both sides of the aisle and from both Chambers—including 75 Democrats, I might add—wrote to the Labor Secretary asking her not to take this course of action. The Secretary finally withdrew the proposal last year. But now that the Acting Secretary is again threatening to introduce this ill-conceived rule, dozens of Members of Congress have again written the Acting Secretary asking that IRAs be protected.

I ask unanimous consent that I be able to complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I would like to submit for the RECORD two letters written in March and June of this year by a total of 40 Members of the House Democrat caucus once again asking the DOL to avoid the mistake it is about to make.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,

Washington, DC, March 15, 2013.

Hon. SETH D. HARRIS,  
Acting Secretary, U.S. Department of Labor,  
Washington, DC.

DEAR SECRETARY HARRIS: As Members of the Congressional Black Caucus and the House Financial Services Committee, we are following-up on the Department of Labor's progress on a re-proposal defining the term "fiduciary" under the Employment Retirement Income Security Act of 1974 (ERISA). We appreciate the Department's efforts to examine this issue and protect investors from misleading investment advice. However, we maintain concerns that if the re-proposal reflects the Department's initial fiduciary proposal it could disparately impact retirement savers and investment representatives in the African American community.

The African American community has been hurt to a larger degree by the economic crisis and the challenge of day-to-day expenses is making long-term saving difficult. The service that an investment representative provides to these traditionally underserved families is critical for them to feel confident to understand and invest in the long-term retirement vehicles intended by Congress to help them. In fact, a Prudential study finds that for those African Americans who use a financial advisor, "product ownership and detailed financial planning increase, and confidence in meeting key financial goals typically doubles."

We are particularly concerned about the effects these regulations will have on savers in individual retirement accounts (IRAs). If brokers who serve these accounts are subject to ERISA's strict prohibitions on third-party compensation, they may choose to exit the market rather than risk the potentially severe penalties under ERISA for violations. If that occurs, it could cause IRA services to be unattainable by many retirement savers in the African American community.

Due to these concerns, we urge the Department to take full consideration of the rule's impact on African American communities in its economic impact study. Also, it is critical that the Department continue to work together with appropriate agencies and stakeholders on a balanced approach to both protect investors and maintain affordable access to retirement savings products during this time of economic uncertainty.

Thank you for your consideration of our concerns. We look forward to continue working with you on this critical issue.

Sincerely,

Gregory W. Meeks; Gwen Moore; Emanuel Cleaver; Al Green; Maxine Waters; Wm. Lacy Clay; Terri Sewell; David Scott.

CONGRESS OF THE UNITED STATES,

Washington, DC, June 14, 2013.

Hon. SETH HARRIS,  
Acting Secretary, U.S. Department of Labor,  
Washington, DC.

DEAR SECRETARY HARRIS: We are writing to discuss the Department of Labor's proposed rule to amend the definition of "fiduciary" for purposes of the Employee Retirement In-

come Security Act of 1974 (ERISA). We applaud the Department's efforts to engage on this important subject, but we are concerned that the re-proposal will disadvantage those it aims to help.

One of our goals as Members of Congress is to work together on issues that affect the minority communities we represent. We write this letter because of our joint concern the re-proposed fiduciary definition could restrict our constituents' access to professional financial advisors.

At a time when many Americans are struggling to ensure a secure retirement, we have concerns that the Department's re-proposal could severely limit access to low cost investment advice. After years of hard work, often for long hours and at low wages, many of our constituents face the challenge of planning for their retirement without access to professional investment advice and services. We are concerned that a new, more restrictive definition of fiduciary would add yet another barrier to accessing qualified retirement planning services. As you know, studies have shown that even savers with small IRA and 401k balances benefit greatly from the ability to sit with a trusted adviser to help plan for their future. We believe the Department should adopt policies that expand access to advice, particularly in light of the racial and gender disparities that currently exist in retirement savings.

We cannot overstate our desire to ensure that this re-proposed rule enhances investor protection without reducing investor access to affordable retirement advice, products and services. As many of us have expressed to the Department, any attempt to change the existing regulatory structure governing the fiduciary standard should be executed carefully, prudently, and in conjunction with the SEC to avoid uncertainty and disruption in the marketplace. We encourage the Department to learn from its earlier experience by ensuring that the reproposal addresses the concerns raised by a bipartisan, bicameral Congress that caused the Department to withdraw the original proposal in September 2011.

Thank you for consideration of our concerns, and we look forward to closely working with you on this issue.

Sincerely,

Frederica S. Wilson; Corrine Brown; Barbara Lee; Wm. Lacy Clay; Danny K. Davis; Donna M. Christensen; Cedric L. Richmond; Emanuel Cleaver; James E. Clyburn; Bobby L. Rush; Hakeem Jeffries; Gregory W. Meeks; Scott DesJarlais; Maxine Waters; Sanford D. Bishop, Jr.; Bennie G. Thompson.

Hank Johnson; Robin L. Kelly; Marcia L. Fudge; Karen Bass; Joyce Beatty; Jim Costa; Elijah E. Cummings; David Scott; G.K. Butterfield; Yvette D. Clarke; Charles B. Rangel; Eleanor H. Norton; Pedro R. Pierluisi; Ed Pastor; Terri Sewell; Tulsi Gabbard.

Mr. HATCH. These letters are proof positive that opposition to the Labor Department's fiduciary regulation continues to be both bipartisan and bicameral.

As I close, I also wish to have printed in the RECORD copies of the many letters I have received in support of the SAFE Retirement Act of 2013.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN BENEFITS COUNCIL,  
July 8, 2013.

Re SAFE Retirement Act of 2013.

Hon. ORRIN G. HATCH,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR HATCH: On behalf of the American Benefits Council, I am writing to thank you for your leadership regarding the critical challenges facing our private employer-sponsored retirement plan system. Your bill, the SAFE Retirement Act of 2013, includes many provisions that would address important private retirement plan issues and builds on the success of the current system.

Your bill contains provisions that would broaden coverage, increase retirement adequacy, and make plan delivery of information more effective. In particular, the bill provision facilitating electronic communication would allow employers to use forms of disclosure that are far more effective in communicating with participants. Your bill would also facilitate greater use of automatic enrollment, which is critical to increasing the level of retirement savings. There are also many provisions that would broaden plan coverage among small employers, including an enhanced credit for establishing a plan. We believe these proposals are important to further strengthening the private employer-sponsored retirement system and helping workers obtain personal financial security.

We applaud your leadership and we look forward to the opportunity to work with you on this bill.

Sincerely,

LYNN D. DUDLEY,  
Senior Vice President, Retirement  
and International Benefits Policy.

ALLIANCE BENEFIT GROUP—  
ROCKY MOUNTAIN,  
June 24, 2013.

Hon. ORRIN HATCH,  
Senate Finance Committee,  
Washington, DC.

DEAR SENATOR HATCH: On behalf of the Alliance Benefit Group (ABG), Alliance Benefit Group—Rocky Mountain (ABGRM), and our affiliates, we hereby would like to offer our sincere support of the SAFE Pension Act of 2013.

ABG is a national association of record keepers, third party administrators, and financial advisors dedicated to the goal of helping Americans securely retire through a strong system of public and private retirement programs. Alliance Benefit Group works with over 14,000 Defined Contribution and Defined Benefit plans across the country representing over \$51 Billion in retirement savings and 1 million plan participants. We have been serving retirement and welfare plan participants in Utah since our foundation locally in 1980.

As a trusted service provider we deal firsthand with the challenges facing plan sponsors, plan fiduciaries, and plan participants across a wide spectrum. Many of these concerns are addressed by your legislation. We are especially encouraged by the provisions of the Act designed to increase auto enrollment and auto escalation, allow for new timing allowances designed to increase adoption of qualified plans, increase portability, address longevity risks, and provide for a more flexible safe harbor 401k environment.

Thank you for supporting the retirement system that all Americans depend on for their future to come.

Sincerely,  
W. JEFFREY ZOBELL, QPA, QKA,  
Chief Executive Officer,  
Alliance Benefit Group—Rocky Mountain.

ACLI,  
July 3, 2013.

Re Safer Pension Act of 2013.

Hon. ORRIN G. HATCH,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR HATCH: We want to express our appreciation for your leadership on retirement security issues. ACLI member companies offer insurance contracts and other investment products and services to qualified retirement plans, including defined benefit pension, 401(k) and 403(b) arrangements, and to individuals through individual retirement arrangements (IRAs) or on a non-qualified basis. For many years our members and their products have helped Americans accumulate retirement savings and turn those savings into guaranteed lifetime income.

Our members will be eager to study the provisions of the Safer Pension Act of 2013. We support enhancements to the current employer sponsored system with the goal of increasing simplification, coverage, and facilitating lifetime income options. We look forward to working with you on a number of enhancements including:

Facilitating electronic delivery of participant statements;

Expanding the ability of employers to offer annuities in defined contribution plans;

Encouraging multiple employer defined contribution plans; and

Expanding autoenrollment/autoescalation opportunities for workers.

As Congress considers tax reform, we appreciate your continued support of the current retirement security system. ACLI and its member companies look forward to working with you and your staff to improve retirement security for all Americans.

Sincerely,

WALTER C. WELSH.

ASPPA—WORKING FOR  
AMERICA'S RETIREMENT,  
June 24, 2013.

Re Letter of Support for the SAFE Retirement Act of 2013.

Hon. ORRIN HATCH,  
Ranking Member, Senate Finance Committee,  
Washington, DC.

DEAR RANKING MEMBER HATCH: On behalf of the American Society of Pension Professionals & Actuaries (ASPPA) and its affiliates, we hereby express our strong support for the SAFE Retirement Act of 2013.

ASPPA is a national organization of more than 15,000 retirement plan professionals who provide consulting and administrative services for qualified retirement plans covering millions of American workers. ASPPA members are retirement professionals of all disciplines including consultants, investment advisors, administrators, actuaries, accountants, and attorneys. The large and broad-based ASPPA membership gives it unusual insight into current practical problems with the Employee Retirement Income Security Act and qualified retirement plans with a particular focus on the issues faced by small- to medium-sized employers. ASPPA membership is diverse and united by a common dedication to the private retirement plan system.

The private retirement system provisions in Title II of the SAFE Act will dramatically

simplify the operation of qualified retirement plans by eliminating unnecessary paperwork and traps for the unwary, as well as providing new approaches to expanding the availability of workplace savings through qualified retirement plans, especially small business retirement plans. These common sense proposals will go a long way toward improving the retirement security of millions of working Americans.

ASPPA commends your offering of these proposals, and applauds your commitment to enhancing the private retirement system and the retirement security of our nation's workers.

Sincerely,

BRIAN H. GRAFF, ESQ., APM,  
ASPPA Executive Director/CEO.

AMERICANS FOR TAX REFORMS,  
June 26, 2013.

Hon. ORRIN HATCH,  
United States Senate,  
Washington, DC.

DEAR SENATOR HATCH: On behalf of Americans for Tax Reform, I write today in support of your new bill, the "Secure Annuities for Employees (SAFE) Retirement Act of 2013." I would urge all senators to support this commonsense, job-creating legislation.

The SAFE Retirement Act provides net tax relief for retirement savings. Title II of the legislation spells out a host of commonsense and long-overdue reforms to our nation's retirement savings laws, especially with regard to small- and mid-sized employers. Pending a final score from the Joint Committee on Taxation, it seems self-evident that this section alone makes the SAFE Retirement Act a net tax cut for American families and employers.

The SAFE Retirement Act is good public policy for state and local taxpayers. Title I of the bill allows states to opt into an annuity-based alternative (a "SAFE Retirement Plan") to today's underfunded legacy defined benefit pension regime. A state wisely choosing to do so would give taxpayers the assurance that government employees won't strain state government funding obligations into perpetuity—the harsh reality facing many states today as they struggle with meeting the pension promises of an earlier era.

The SAFE Retirement Act builds upon the modernization efforts of the Pension Protection Act of 2006. This bill gives ordinary employers what they've been looking for—a cost-effective, easy to administer, and lower-hassle retirement planning structure they can work with. Common sense reforms like extending elective dates, providing safe harbors, and simplifying paperwork should be able to get broad support. In particular, the "Starter 401(k)" is an idea whose time has come.

The "Secure Annuities for Employees (SAFE) Retirement Act of 2013" is a great example of good, solid legislative blocking and tackling. I look forward to working with you on this legislation as it winds its way through the lawmaking process.

Sincerely,

GROVER NORQUIST.

Mr. HATCH. These letters come from businesses and organizations representing employers, life insurance companies, State insurance commissioners, State guarantee associations, and tax policy groups. These letters demonstrate that the SAFE Retirement Act is good policy and will make good law. America's retirement system deserves no less.

## NOTICE OF HEARING

## COMMITTEE ON INDIAN AFFAIRS

Ms. CANTWELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on July 17, 2013, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a legislative hearing to receive testimony on the following bills: S. 235, to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium and S. 920, to allow the Fond du Lac Band of Lake Superior Chippewa in the State of Minnesota to lease or transfer certain land.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 9, 2013, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 9, 2013, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 9, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Ms. WARREN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 192, 193, 194; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

## DEPARTMENT OF STATE

Daniel R. Russel, of New York, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

Geoffrey R. Pyatt, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

Tulinabo Salama Mushingi, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

## ELECTIONS IN AFGHANISTAN

Ms. WARREN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 94, S. Res. 151.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 151) urging the Government of Afghanistan to ensure transparent and credible presidential and provincial elections in April 2014 by adhering to internationally accepted democratic standards, establishing a transparent electoral process, and ensuring security for voters and candidates.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations with an amendment to strike all after the resolving clause and insert the part printed in italic and strike the preamble and insert the part printed in italic.

## S. RES. 151

*[Whereas Afghanistan's Independent Election Commission has affirmed that Afghanistan will hold presidential and provincial elections in April 2014 and parliamentary elections in 2015;*

*[Whereas Afghanistan's current electoral process was established in 2004 by the Constitution of Afghanistan;*

*[Whereas the Tokyo Mutual Accountability Framework conditions some international assistance to Afghanistan on the holding of credible, inclusive, and transparent elections in 2014 and 2015, among other measures to improve governance;*

*[Whereas Afghanistan lacks a comprehensive and accurate voter registry, and previous voter registration drives have resulted in duplicate or fraudulent registrations, according to a report by the National Democratic Institute;*

*[Whereas security concerns and voter intimidation have impeded the ability of people in Afghanistan to cast votes reliably and safely in past elections;*

*[Whereas Afghan women in particular are prevented from meaningful participation in the electoral process due to the security environment, the scarcity of female poll workers, and lack of awareness of women's political rights and opportunities, according to the Free and Fair Election Foundation of Afghanistan;*

*[Whereas Afghanistan's 2009 presidential election was characterized by inadequate se-*

*curity for voters and candidates, low voter turnout, and widespread fraud, according to the National Democratic Institute;*

*[Whereas Afghan officials, including President Karzai and Attorney General Mohammad Ishaq Aloko, disputed the results of Afghanistan's 2010 parliamentary elections and established a Special Election Tribunal to investigate allegations of fraud;*

*[Whereas, following the 2010 parliamentary elections, Democracy International's Afghanistan Election Observation Mission concluded that comprehensive electoral reform is necessary to ensure a free, fair, and credible election process in 2014;*

*[Whereas the Honorable Hamid Karzai is the first democratically elected president of modern Afghanistan and has served two terms in that position;*

*[Whereas the Constitution of Afghanistan states, "No one can be elected as president for more than two terms.";*

*[Whereas President Karzai stated on January 11, 2013, alongside President Barack Obama, "The greatest of my achievements [ . . . ] will be a proper, well-organized, interference-free election in which the Afghan people can elect their next president.";*

*[Whereas, on several occasions since the late 1970s, civil war has broken out in Afghanistan over the legitimacy of the Afghan government;*

*[Whereas United States taxpayers have invested more than \$89,500,000,000 in reconstruction and humanitarian assistance to Afghanistan since October 2001, according to the Special Inspector General for Afghanistan Reconstruction (SIGAR);*

*[Whereas a democratically elected and legitimate government that reflects the will of the Afghan people is in the vital security interests of Afghanistan, the United States, its partners in the NATO International Security Assistance Force (ISAF), and Afghanistan's neighbors; and*

*[Whereas the most critical milestone for Afghanistan's future stability is a peaceful and credible transition of power through presidential elections in 2014: Now, therefore, be it]*

*Whereas Afghanistan's Independent Election Commission has affirmed that Afghanistan will hold presidential and provincial elections in April 2014 and parliamentary elections in 2015;*

*Whereas Afghanistan's current electoral process was established in 2004 by the Constitution of Afghanistan;*

*Whereas the Tokyo Mutual Accountability Framework conditions some international assistance to Afghanistan on the holding of credible, inclusive, and transparent elections in 2014 and 2015, among other measures to improve governance;*

*Whereas Afghanistan lacks a comprehensive and accurate voter registry, and previous voter registration drives have resulted in duplicate or fraudulent registrations, according to a report by the National Democratic Institute;*

*Whereas security concerns and voter intimidation have impeded the ability of people in Afghanistan to cast votes reliably and safely in past elections;*

*Whereas Afghan women in particular are prevented from meaningful participation in the electoral process due to the security environment, the scarcity of female poll workers, and lack of awareness of women's political rights and opportunities, according to the Free and Fair Election Foundation of Afghanistan;*

*Whereas Afghanistan's 2009 presidential election was characterized by inadequate security for voters and candidates, low voter turnout, and widespread fraud, according to the National Democratic Institute;*

Whereas Afghan officials disputed the results of Afghanistan's 2010 parliamentary elections and established a Special Election Tribunal to investigate allegations of fraud;

Whereas, following the 2010 parliamentary elections, Democracy International's Afghanistan Election Observation Mission concluded that comprehensive electoral reform is necessary to ensure a free, fair, and credible election process in 2014;

Whereas the current president of Afghanistan is serving a second elective term and the Constitution of Afghanistan states, "No one can be elected as president for more than two terms.";

Whereas the current president of Afghanistan has committed to not seeking another term in office;

Whereas, on several occasions since the late 1970s, civil war has broken out in Afghanistan over the legitimacy of the Afghan government;

Whereas United States taxpayers have invested more than \$89,500,000,000 in reconstruction and humanitarian assistance to Afghanistan since October 2001, according to the Special Inspector General for Afghanistan Reconstruction (SIGAR);

Whereas a democratically-elected and legitimate government that reflects the will of the Afghan people is in the vital security interests of Afghanistan, the United States, its partners in the NATO International Security Assistance Force (ISAF), and Afghanistan's neighbors; and

Whereas one of the most critical milestones for Afghanistan's future stability is a peaceful and credible transition of power through presidential elections in 2014: Now, therefore, be it

Resolved, *That the Senate—*

[(1) affirms that the electoral process in Afghanistan should be determined and led by Afghan actors, with support from the international community, and should not be subject to internal and external interference;

[(2) expresses its strong support for credible, inclusive, and transparent presidential and provincial elections in April 2014;

[(3) urges the Government of Afghanistan to conduct the elections in full accordance with the Constitution of Afghanistan, to include maintaining the quota for women's parliamentary participation;

[(4) honors the sacrifice of United States, coalition, and Afghan servicemembers who have been killed or injured since October 2001 in defense of the democratic rights of the Afghan people;

[(5) recognizes the substantial investment made by the United States taxpayers in support of stability and democracy in Afghanistan;

[(6) recognizes the contributions made by the government of President Hamid Karzai to the democratic progress of Afghanistan, including statements by President Karzai committing to hold presidential elections in 2014 and not seek a third term;

[(7) recognizes that transparent and credible elections will safeguard the legitimacy of the next Afghan government and will help prevent future violence by groups that may be ready to contest a process perceived as rigged or dishonest;

[(8) recognizes that a democratically elected and legitimate government is as important to ensuring the long-term stability of Afghanistan as the successful training and fielding of the Afghan National Security Forces;

[(9) urges the Government of Afghanistan to recognize the independence and impartiality of the Independent Electoral Commission (IEC) and an elections complaints mechanism with clear jurisdiction over the final results, and urges all parties not to interfere with their deliberations;

[(10) urges the Parliament of Afghanistan to pass legislation that will establish a consultative and inclusive process for appointing elections commissioners and allowing election disputes to be resolved transparently and fairly;

[(11) urges the IEC to adopt measures to better mitigate fraud, include marginalized groups, and improve electoral transparency of the polling and counting process and communicate these measures clearly and consistently to the people of Afghanistan;

[(12) urges the Government of Afghanistan to support a credible and effective electoral complaints mechanism whereby its members are perceived as impartial, it is given the ultimate authority on deciding whether a ballot or candidate is disqualified, and it has the time and resources to do its work;

[(13) urges close and continuing communication between the IEC and the Afghan National Security Forces to identify and provide security for vulnerable areas of the country during the election period;

[(14) urges the Afghan National Security Forces to make every necessary effort to ensure the safety of voters and candidates;

[(15) expresses its support for the full participation of Afghan civil society in the election process; and

[(16) urges the Secretary of State to condition financial, logistical, and political support for Afghanistan's 2014 elections based on the implementation of reforms in Afghanistan including—

[(A) increased efforts to encourage women's participation in the electoral process, including provisions to ensure their full access to and security at polling stations;

[(B) the implementation of measures to prevent fraudulent registration and manipulation of the voting or counting processes, including—

[(i) establishment of processes to better control ballots;

[(ii) vetting of and training for election officials; and

[(iii) full accreditation of and access for international and domestic election observers; and

[(C) prompt passage of legislation through the Parliament of Afghanistan that codifies the authorities and independence of the IEC and an independent and impartial election complaints mechanism.]

*That the Senate—*

(1) affirms that the electoral process in Afghanistan should be determined and led by Afghan actors, with support from the international community, and should not be subject to internal or external interference;

(2) expresses its strong support for credible, inclusive, and transparent presidential and provincial elections in April 2014;

(3) urges the Government of Afghanistan to conduct the elections in full accordance with the Constitution of Afghanistan, to include maintaining the constitutionally-mandated allocation of seats for women's parliamentary participation;

(4) honors the sacrifice of United States, coalition, and Afghan service members who have been killed or injured since October 2001 in defense of the democratic rights of the Afghan people;

(5) recognizes the substantial investment made by the United States taxpayers in support of stability, democracy, and the rule of law in Afghanistan, including efforts to end public corruption;

(6) recognizes the commitment of the Government of Afghanistan to hold presidential elections in 2014 and the current president's commitment not to seek a third term;

(7) recognizes that transparent and credible elections will help safeguard the legitimacy of the next Afghan government and will help prevent future violence by groups that may be ready to contest a process perceived as rigged or dishonest;

(8) recognizes that a democratically-elected and legitimate government is important to ensuring the long term stability of Afghanistan, as is the successful training and fielding of the Afghan National Security Forces;

(9) urges the Government of Afghanistan to respect and support the independence and impartiality of the Independent Electoral Commission (IEC) and the need for an independent and impartial elections complaints mechanism with clear jurisdiction over the final results, and urges all parties not to interfere with their deliberations;

(10) urges the Parliament of Afghanistan to pass legislation that will establish a consultative and inclusive process for appointing elections commissioners and allowing election disputes to be resolved transparently and fairly;

(11) urges the IEC to adopt measures to better mitigate fraud, include marginalized groups, and improve electoral transparency of the polling and counting process and communicate these measures clearly and consistently to the people of Afghanistan;

(12) urges the Government of Afghanistan to support a credible and effective electoral complaints mechanism whereby its members are perceived as impartial, it is given the ultimate authority on deciding whether a ballot or candidate is disqualified, and it has the time and resources to do its work;

(13) urges close and continuing communication between the IEC and the Afghan National Security Forces to identify and provide security for vulnerable areas of the country during the election period;

(14) urges the Afghan National Security Forces to make every necessary effort to ensure the safety of voters and candidates;

(15) expresses its support for the full participation of Afghan civil society in the election process;

(16) urges the President of the United States to ensure that all United States Government efforts in Afghanistan are well-coordinated and are fully consistent with the American taxpayers longstanding commitment to stability, democracy, and the rule of law in Afghanistan, including efforts to end public corruption; and

(17) urges the Secretary of State to condition financial, logistical, and political support for Afghanistan's 2014 elections based on the implementation of reforms in Afghanistan including—

(A) increased efforts to encourage women's participation in the electoral process, including provisions to ensure their full access to and security at polling stations;

(B) the implementation of measures to prevent fraudulent registration and manipulation of the voting or counting processes, including—

(i) establishment of processes to better control ballots;

(ii) vetting of and training for election officials; and

(iii) full accreditation of and access for international and domestic election observers; and

(C) prompt passage of legislation through the Parliament of Afghanistan that codifies the authorities and independence of the IEC and an independent and impartial election complaints mechanism.

Ms. WARREN. I further ask that the committee-reported substitute amendment be agreed to; the resolution, as amended, be agreed to; the committee-reported amendment to the preamble

be agreed to; the preamble, as amended, be agreed to; and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The resolution (S. Res. 151), as amended, was agreed to.

The committee amendment in the nature of a substitute to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

#### S. RES. 151

Whereas Afghanistan's Independent Election Commission has affirmed that Afghanistan will hold presidential and provincial elections in April 2014 and parliamentary elections in 2015;

Whereas Afghanistan's current electoral process was established in 2004 by the Constitution of Afghanistan;

Whereas the Tokyo Mutual Accountability Framework conditions some international assistance to Afghanistan on the holding of credible, inclusive, and transparent elections in 2014 and 2015, among other measures to improve governance;

Whereas Afghanistan lacks a comprehensive and accurate voter registry, and previous voter registration drives have resulted in duplicate or fraudulent registrations, according to a report by the National Democratic Institute;

Whereas security concerns and voter intimidation have impeded the ability of people in Afghanistan to cast votes reliably and safely in past elections;

Whereas Afghan women in particular are prevented from meaningful participation in the electoral process due to the security environment, the scarcity of female poll workers, and lack of awareness of women's political rights and opportunities, according to the Free and Fair Election Foundation of Afghanistan;

Whereas Afghanistan's 2009 presidential election was characterized by inadequate security for voters and candidates, low voter turnout, and widespread fraud, according to the National Democratic Institute;

Whereas Afghan officials disputed the results of Afghanistan's 2010 parliamentary elections and established a Special Election Tribunal to investigate allegations of fraud;

Whereas following the 2010 parliamentary elections, Democracy International's Afghanistan Election Observation Mission concluded that comprehensive electoral reform is necessary to ensure a free, fair, and credible election process in 2014;

Whereas the current president of Afghanistan is serving a second elective term and the Constitution of Afghanistan states, "No one can be elected as president for more than two terms.";

Whereas the current president of Afghanistan has committed to not seeking another term in office;

Whereas, on several occasions since the late 1970s, civil war has broken out in Afghanistan over the legitimacy of the Afghan government;

Whereas United States taxpayers have invested more than \$89,500,000,000 in reconstruction and humanitarian assistance to Afghanistan since October 2001, according to

the Special Inspector General for Afghanistan Reconstruction (SIGAR);

Whereas a democratically-elected and legitimate government that reflects the will of the Afghan people is in the vital security interests of Afghanistan, the United States, its partners in the NATO International Security Assistance Force (ISAF), and Afghanistan's neighbors; and

Whereas one of the most critical milestones for Afghanistan's future stability is a peaceful and credible transition of power through presidential elections in 2014: Now, therefore, be it

*Resolved*, That the Senate—

(1) affirms that the electoral process in Afghanistan should be determined and led by Afghan actors, with support from the international community, and should not be subject to internal or external interference;

(2) expresses its strong support for credible, inclusive, and transparent presidential and provincial elections in April 2014;

(3) urges the Government of Afghanistan to conduct the elections in full accordance with the Constitution of Afghanistan, to include maintaining the constitutionally-mandated allocation of seats for women's parliamentary participation;

(4) honors the sacrifice of United States, coalition, and Afghan service members who have been killed or injured since October 2001 in defense of the democratic rights of the Afghan people;

(5) recognizes the substantial investment made by the United States taxpayers in support of stability, democracy, and the rule of law in Afghanistan, including efforts to end public corruption;

(6) recognizes the commitment of the Government of Afghanistan to hold presidential elections in 2014 and the current president's commitment not to seek a third term;

(7) recognizes that transparent and credible elections will help safeguard the legitimacy of the next Afghan government and will help prevent future violence by groups that may be ready to contest a process perceived as rigged or dishonest;

(8) recognizes that a democratically-elected and legitimate government is important to ensuring the long term stability of Afghanistan, as is the successful training and fielding of the Afghan National Security Forces;

(9) urges the Government of Afghanistan to respect and support the independence and impartiality of the Independent Electoral Commission (IEC) and the need for an independent and impartial elections complaints mechanism with clear jurisdiction over the final results, and urges all parties not to interfere with their deliberations;

(10) urges the Parliament of Afghanistan to pass legislation that will establish a consultative and inclusive process for appointing elections commissioners and allowing election disputes to be resolved transparently and fairly;

(11) urges the IEC to adopt measures to better mitigate fraud, include marginalized groups, and improve electoral transparency of the polling and counting process and communicate these measures clearly and consistently to the people of Afghanistan;

(12) urges the Government of Afghanistan to support a credible and effective electoral complaints mechanism whereby its members are perceived as impartial, it is given the ultimate authority on deciding whether a ballot or candidate is disqualified, and it has the time and resources to do its work;

(13) urges close and continuing communication between the IEC and the Afghan Na-

tional Security Forces to identify and provide security for vulnerable areas of the country during the election period;

(14) urges the Afghan National Security Forces to make every necessary effort to ensure the safety of voters and candidates;

(15) expresses its support for the full participation of Afghan civil society in the election process;

(16) urges the President of the United States to ensure that all United States Government efforts in Afghanistan are well-coordinated and are fully consistent with the American taxpayers longstanding commitment to stability, democracy, and the rule of law in Afghanistan, including efforts to end public corruption; and

(17) urges the Secretary of State to condition financial, logistical, and political support for Afghanistan's 2014 elections based on the implementation of reforms in Afghanistan including—

(A) increased efforts to encourage women's participation in the electoral process, including provisions to ensure their full access to and security at polling stations;

(B) the implementation of measures to prevent fraudulent registration and manipulation of the voting or counting processes, including—

(i) establishment of processes to better control ballots;

(ii) vetting of and training for election officials; and

(iii) full accreditation of and access for international and domestic election observers; and

(C) prompt passage of legislation through the Parliament of Afghanistan that codifies the authorities and independence of the IEC and an independent and impartial election complaints mechanism.

#### ORDERS FOR WEDNESDAY, JULY 10, 2013

Ms. WARREN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, July 10, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized and that following the remarks of the two leaders, the time until 12 p.m. be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each; further, that at 12 p.m. the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to S. 1238, the student loan bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Ms. WARREN. At noon tomorrow, there will be a cloture vote on the motion to proceed to the student loan bill.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. WARREN. If there is no further business to come before the Senate, I

ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7 p.m., adjourned until Wednesday, July 10, 2013, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### EXPORT-IMPORT BANK OF THE UNITED STATES

WANDA FELTON, OF NEW YORK, TO BE FIRST VICE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2017. (REAPPOINTMENT)

### DEPARTMENT OF STATE

MARK BRADLEY CHILDRESS, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

TOMASZ P. MALINOWSKI, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR, VICE MICHAEL H. POSNER, RESIGNED.

CARLOS ROBERTO MORENO, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELIZE.

EVAN RYAN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS), VICE JUDITH ANN STEWART STOCK, RESIGNING.

### DEPARTMENT OF DEFENSE

DENNIS V. MCGINN, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE JACKALYNE PFANNENSTIEL, RESIGNED.

### FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

KATHLEEN M. ADAMS, OF FLORIDA  
CHARLES J. ADDISON, OF VIRGINIA  
STERLING K. AINSWORTH, OF VIRGINIA  
CLAUDIA A. ALVAREZ, OF VIRGINIA  
NAVDEEP AUJLA, OF WASHINGTON  
ROBERT N. BADENHOP, OF VIRGINIA  
BETHANY BARRIENTEZ, OF VIRGINIA  
KATHRYN M. BOSWELL, OF MARYLAND  
ANNA MARIE BOULOS, OF NEW HAMPSHIRE  
DORCAS D. BRANNOCK, OF VIRGINIA  
DAVID BYRNES, OF VIRGINIA  
JUAN C. CACERES, OF VIRGINIA  
KARN L. CARLSON, OF TEXAS  
CARRINGTON R. CARTER, SR., OF MARYLAND  
FLACELIA CELSULA, OF VIRGINIA  
TAMARA SAITO CHAO, OF CALIFORNIA  
CHRISTOPHER M. CLOSE, OF VIRGINIA  
KEVIN M. COATS, OF FLORIDA  
CHIANA N. COLEMAN, OF THE DISTRICT OF COLUMBIA  
KATHLEEN L. COLGAN, OF VIRGINIA  
STEVEN CUPIC, OF VIRGINIA  
MATTHEW T. DAVIS, OF VIRGINIA  
MICHAEL DAVIS, OF VIRGINIA  
BYRON H. DENNEY, OF VIRGINIA  
MICHAEL R. DISNER, OF VIRGINIA  
SEAN DOHERTY, OF VIRGINIA  
COCO DOWNEY, OF VIRGINIA  
LEON PAUL D'SOUZA, OF VIRGINIA  
KEVIN Q. DUONG, OF VIRGINIA  
FRANZ W. DURDLE, OF VIRGINIA  
STACEY C. DUVALL, OF MARYLAND  
KATHRYN EDWARDS, OF PENNSYLVANIA  
KURT M. EILHARDT, OF THE DISTRICT OF COLUMBIA  
THOMAS ELMONT, OF THE DISTRICT OF COLUMBIA  
RANDALL T. EVERS, OF MARYLAND  
KAYLAN M. FILLINGHAM, OF MARYLAND  
JACOB K. FISHER, OF FLORIDA  
SARAH LINDSEY FLEWELLING, OF MAINE  
DAVE E. FOGLER, OF VIRGINIA  
RAPHAEL A. GARCIA, OF FLORIDA  
JENNIFER K. GORMAN, OF VIRGINIA  
KEVIN GRIFFITH, OF MARYLAND  
LEKISHA R. GUNN, OF ALABAMA  
ERIC C. HAMMARSTEN, OF OKLAHOMA  
KINGSPRIDE HAMMOND, OF VIRGINIA  
BRETT ETHAN HANSEN, OF VIRGINIA  
JOSHUA D. HATCH, OF TEXAS  
CALVIN HAYES, OF FLORIDA  
GABRIEL LAVON HURST, OF NEW YORK  
BRIAN JEFFREY HUSAR, OF ILLINOIS  
CHEN-TZE GEORGE HWANG, OF VIRGINIA  
GREGORY A. JENTZSCH, OF OREGON  
DAMION R. JOHNSON, OF NEW YORK  
BRANDON W. KAPPUS, OF VIRGINIA  
KEVIN J. KELLENBERGER, OF VIRGINIA  
KATHERINE KIGUDE, OF CALIFORNIA  
CAITLYN KIM, OF NEW YORK  
AMY ELIZABETH KORNBLUTH, OF FLORIDA  
JULIE A. LABORDE, OF NEVADA  
MARIANNE E. LEE, OF FLORIDA  
ADAM A. LUND, OF OREGON  
JESSE LYNCH, OF FLORIDA

NICHOLE L. MADDEN, OF PENNSYLVANIA  
TIMOTHY A. MILLER, OF VIRGINIA  
CAROLYN I. MOORE, OF MISSOURI  
KARA M. MOORE, OF VIRGINIA  
JESSICA A. MORRIS, OF NEW YORK  
KENT MULLEN, OF VIRGINIA  
STEVEN MULLEN, OF MARYLAND  
EMILY M. R. NELSON, OF NEW YORK  
PHOEBE J. NEWMAN, OF MAINE  
BRUNO E. NOJIMA, OF VIRGINIA  
LAUREN FORBES O'DOHERTY, OF NORTH CAROLINA  
ALEXANDER JOZEF PARCAN, OF PENNSYLVANIA  
WILLIAM HAIGH PAYNE, OF VIRGINIA  
MARY JO ANN PHAM, OF MASSACHUSETTS  
ROBYN A. PUCKETT, OF GEORGIA  
GREGORY W. QUICK, OF PENNSYLVANIA  
SEONG HEON RA, OF VIRGINIA  
VALERIE M. REED, OF VIRGINIA  
EILEEN R. REQUENA, OF VIRGINIA  
NATHAN W. RHOADS, OF VIRGINIA  
AMANDA J. RIVERS, OF VIRGINIA  
SARAH K. G. ROGERS, OF CALIFORNIA  
JOSEPH AARON ROZENSSTEIN, OF NEW YORK  
PATRICK RUMLEY, OF FLORIDA  
WILBER N. SAENZ, OF VIRGINIA  
SARA E. SAKAS, OF VIRGINIA  
ROBERT ALLEN SCOTT, OF IOWA  
JOSEPH J. SENCHYSHYN, OF NEW YORK  
JOSEPH F. SKRTIC, OF VIRGINIA  
JOSEPH B. SOLLENBERGER, OF THE DISTRICT OF COLUMBIA  
SUSAN SKODA SOLLENBERGER, OF THE DISTRICT OF COLUMBIA  
ANDREA R. STARKS, OF MARYLAND  
JOEL STEWART, OF THE DISTRICT OF COLUMBIA  
DANIEL STREITFELD, OF TEXAS  
ELLEN TAMARKIN, OF THE DISTRICT OF COLUMBIA  
KIMBERLY S. TIGHEARNAIN, OF VIRGINIA  
JEFFERY ALAN TOMASEVICH, OF THE DISTRICT OF COLUMBIA  
VALERIE L. ULLRICH, OF NEW HAMPSHIRE  
LAURA J. VERBISKY, OF MICHIGAN  
ERIC WASHABAUGH, OF VIRGINIA  
RYAN MICHAEL WAYE, OF GEORGIA  
MICHAEL A. WELCH, OF VIRGINIA  
MARK A. WELLS, OF VIRGINIA  
REBECCA R. WHITE, OF THE DISTRICT OF COLUMBIA  
JOHN F. WIEDOWER, OF THE DISTRICT OF COLUMBIA  
DAVID LEE WILLEY, OF SOUTH DAKOTA  
TIARA WILLIAMS, OF VIRGINIA  
ODESSA M. WORKMAN, OF THE DISTRICT OF COLUMBIA  
HAENIM YOO, OF CALIFORNIA  
SEAN YOUNG, OF VIRGINIA

### IN THE COAST GUARD

THE FOLLOWING OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. COAST GUARD PURSUANT TO THE AUTHORITY OF SECTION 271(D), TITLE 14, U.S. CODE:

#### To be rear admiral

RICHARD T. GROMLICH

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

LT. GEN. JAMES M. KOWALSKI

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be vice admiral

VICE ADM. KURT W. TIDD

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

#### To be lieutenant colonel

DEAN C. ANDERSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be colonel

CHRISTOPHER D. PERRIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

#### To be major

SHEENA L. ALLEN  
MICHAEL M. ARMSTRONG  
DAVID A. AYALA  
ANDREW M. BAKER  
MICHAEL D. BARNO  
MICHAEL J. BEKE  
BRENT H. BETHERS

BERNARDO F. BIANCO  
JENNIFER D. BRITT  
MICHAEL J. BROWNING  
AARON G. CAMPBELL  
STEVEN W. CAMPBELL  
CHRISTOPHER K. CHANG  
MILES R. CONE  
MATTHEW J. COZBY  
PETER K. CUDJOE  
KIRK R. DAHLKE  
MINDY M. M. DAUGHERTY  
EDUARDO A. DECARDONAJULIA  
CANDACE K. DEVEAUX  
JEFFREY D. FLETCHER  
GREGORY S. FURDEK  
JOHN O. GREEN  
KYLE R. GRIFFITH  
JONATHAN M. HARDY  
MICHAEL A. HOFFMAN  
FREDWIN R. HOLLOMON  
BRYAN L. HORSPPOOL  
MIGUEL A. JUSINOPEREZS  
YONG S. KIM  
MITCHELL P. KREUZE  
KWAME O. KWATENG  
KHAI Q. LE  
DONG S. LEE  
MEGAN E. LICHTWARDT  
NATHAN R. LUND  
MATTHEW D. MORRIS  
JADELIN M. S. MORTON  
RUTH A. NELSON  
RYAN L. OLSON  
BRETT R. POTTER  
JENNIFER S. PRITTS  
DEMARCIO L. REED  
ALEXANDRA M. RIHANI  
RYAN P. ROMERO  
SHETEKA K. ROSSGOODLETT  
MATTHEW D. SCHAFFER  
RUSSELL K. SEARLE  
REZA J. SHARIFI  
CLINT T. SHELLEY  
AARON D. SIMMONS  
JONATHAN D. SPENN  
MARY S. STUART  
NATHAN R. THOMPSON  
STEVEN J. TODD  
ERNESTO M. VERA, JR.  
NAM T. VO  
DOUGLAS N. WATERMAN  
LEAH M. WIGER  
GARRETT G. WOOD  
MIAO X. ZHOU

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant colonel

COURTNEY L. ABRAHAM  
ROBERT S. ADCOCK  
ANDREW J. AIELLO III  
AMANDA B. AKERS-VORNHOLT  
EVERARDO ALANIS  
TROY V. ALEXANDER  
TODD J. ALLISON  
LUIS M. ALVAREZ  
JASON M. ALVIS  
MATTHEW K. ANASTASI  
CHRISTIAN O. ANDERSON  
BRANDY M. ANDREWS  
JUDY C. ANTHONY  
AUGUST A. ARDUSSI  
JOHN L. ARGUE  
WILLIAM C. ARNOLD  
CARLA J. AUGUSTINE  
CARMEN M. AVILESECHEVARRIA  
MICHAEL A. BAKER  
ROBERT E. BAKER  
BRAD A. BANE  
MARCUS L. BATES  
LOYD BEAL III  
BRIAN D. BEINER  
CHICO D. BENNETT  
DEREK A. BIRD  
CATHERINE M. BLACK  
SETH T. BLAKEMAN  
KENYA M. BOOKER  
FREDA V. BOUCHELAGHEM  
KEVIN D. BOUREN  
TERRY D. BRANNAN  
GARY W. BROCK, JR.  
CHRISTOPHER M. BROWN  
CAPRISSA S. BROWNSLADE  
LAHAVIE J. BRUNSON  
THOMAS A. BUCHHOLZ  
ZACHARY J. BUETTNER  
JAMES M. BUNYAK, JR.  
PETER Q. BURKE  
SHAWN R. BURTON  
WOODWARD H. CALDWELL  
LAWRENCE F. CAMACHO  
CHAD M. CARLSON  
ROGER D. CARROLL, JR.  
MATTHEW P. CASHDOLLAR  
ANTHONY J. CASSINO  
GLOVER H. CASTRO  
SANDRA L. CHAVEZ  
EDWIN L. CHILTON II  
MICHAEL J. CHRISTIANSEN  
STEVEN M. CLARK  
NILE L. CLIFTON, JR.

KEVIN R. CLINE  
SCOTT T. CLUTTER  
PATRICK L. COBB  
OCTAVIA T. COLEMAN  
MANUEL COLON  
JASON R. CONDE  
TRENTON J. CONNER  
STEPHEN D. COOK  
DOUGLAS W. COPELAND  
MYRTA I. CRESPO  
MARTIN L. CROUSE  
FRANKIE J. CRUZ  
HERMINIO N. CRUZ  
SHANE R. CUELLAR  
BRADLEY T. CULLIGAN  
PAUL J. CURRYS  
BENJAMIN K. DENNARD  
JOEL L. DILLON  
KEVIN S. DIXON  
GARRY DODARD  
STEVEN M. DOWGIELEWICZ, JR.  
SARA E. DUDLEY  
FELICIA R. EADDY  
JAMES S. EDWARDS  
DANIELLE L. ELEY  
LUKE E. EMERSON  
CHRISTOPHER ENDERTON  
MELISSA R. ESLINGER  
MICHAEL E. FELLURE  
MICHAEL P. FITZGERALD  
TEVINA M. FLOOD  
RUSSELL J. FOSTER  
JACOB H. FREEMAN  
DANIEL P. FRESH  
KIMBERLY K. FUHRMAN  
JOHN R. GAIVIN  
TIMOTHY M. GALLAGHER  
JAMES E. GANNON  
SAFIYYA GAYTON  
JOEL A. GEGATO, JR.  
MILES T. GENGLER  
ANTHONY R. GIBBS  
PETER L. GILBERT  
JASON D. GOOD  
SETH C. GRAVES  
LACHER M. GREEN  
RONNARD GREEN  
GYLES E. GREGORY III  
JEREL R. GRIMES  
MICHAEL J. HALLEY  
TODD W. HANDY  
JASON J. HANIFIN  
DIANA B. HARE  
CURTIS N. HARPER  
ALFRED L. HARRIS, JR.  
FREDERICKA R. HARRIS  
JON C. HAVERON  
TIMOTHY W. HAYLETT  
PRESTON J. HAYWARD  
JASON H. HEARN  
ROY E. HEFFNER  
RAPHAEL S. HEFLIN  
MARK P. HENDERSON  
CARL L. HENNEMANN  
JUSTIN S. HERBERMANN  
WAYNE F. HIATT  
RALPH G. HILLMER III  
GREGORY J. HIRSCHHEY  
RUSSELL V. HOFF  
SCOTT E. HOLDEN  
JONATHAN R. HOLLAND  
JOEL R. HOLMSTROM  
WANDA I. HUDDLESTON  
IAN W. HUMPHREY  
ROBERT W. HUMPHREYS  
DAVINA L. HUNT  
CURTIS L. JOHNSON  
LEE M. JOHNSON  
KEITH JONES, JR.  
LATONYA N. JORDAN  
LOUIS J. KARNES  
GLEN P. KEITH  
CHRISTOPHER S. KENNEDY  
RYAN R. KING  
TROY T. KIRBY  
RUSSELL W. KLAUMAN  
JOHN W. KREDO  
BRIAN D. KUHN  
MICHAEL F. LABRECQUE  
KEIRYA R. LANGKAMP  
STACEY L. LEE  
ROBERT L. LEIATO  
MICHAEL L. LINDLEY  
BENJAMIN M. LIPARI  
TODD R. LITTLE  
STEVEN S. LITVIN  
MICHAEL E. LUDWICK  
RYAN P. LUEDERS  
SCOTT A. MADDRY  
SCOTT J. MADORE  
JOHN J. MAHER  
TRAHON T. MASHACK  
CARL E. MASON  
CHRISTINE A. MASSEY  
AMBROSE U. MBONU  
MICHAEL D. MCBRIDE  
MICHAEL R. MCBRIDE  
JEFFREY A. MCCARTNEY  
PATRICK J. MCCLELLAND  
WADE M.  
COLLIN  
ERIC A. MCCOY

CHRISTOPHER M. MCCREERY  
JAMES T. MCDONALD  
TIMOTHY D. MCDONALD  
BEN P. MCFALL III  
KYLE A. MCFARLAND  
MARK T. MCGOVERN  
SHAWANA J. MCKNIGHT-BRAZZLE  
CHARLES W. MCPHAIL  
IVAN K. MCPHERSON  
ROBB A. MEERT  
ADAM MELNITSKYS  
LUKE J. MEYERS  
BURR H. MILLER  
DOUGLAS M. MILLER  
ERIN C. MILLER  
SAMUEL S. MILLER  
DANIEL MISGOY  
JARRETT S. MOFFITT  
ERIC J. MOLFINO  
ROBIN W. MONTGOMERY  
GORDON R. MOON  
LATASSHA R. MOORE  
JAMES J. MORGAN  
COLETTE M. MOSES  
JARRETT R. MOSES  
CHAD M. NANGLE  
GEORGE G. NASIF  
DAVID L. NELSON, JR.  
PATRICK NIESTZCHE  
ALThERIA M. NILES, JR.  
DONNIE NOWLIN  
MICHAEL T. NUCKOWSKI  
RYAN P. OQUINN  
DENNIS J. ORTIZ  
LESLEY G. ORTIZ  
ROBERT M. OVERGAARD, JR.  
ADALBERTO PAGANFIGUEROA  
CHRISTOPHER L. PAONE  
MICHAEL N. PARENT  
JONATHAN M. PATRICK  
JASON D. PEREZ  
LETSY A. PEREZ-MARSDEN  
RICHARD H. PFEIFFER, JR.  
WAYNE N. PICKETT  
JASON D. PIKE  
JOHN S. PIRES  
REGINA PISTONE  
WILLIAM J. PONTES  
MICHAEL P. POST  
JOHN W. PRATT  
JOHN E. PRICE  
CLYDELLIA S. PRICHARD ALLEN  
CLYDEA M. PRICHARD-BROWN  
GARY J. PRUIETT, JR.  
BRUCE R. PULVER  
RYAN L. RAYMOND  
MARK D. REA II  
SCOTT M. REED  
ERIN D. REEDER  
RYAN L. REID  
DARIN S. REILING  
NICOLE U. REINHARDT  
CHRISTINE H. RICE  
TRINA RICE  
DANNY L. ROBINSON  
PERNELL A. ROBINSON  
ROBERT B. ROCHON  
HECTOR ROMAN  
CHRISTINE D. RONEY  
EVANGELINE G. ROSEL  
JOHN P. T. ROUB  
EDWARD K. ROWSEY  
JAY C. SAWYER  
BRYANT L. SCHUMACHER  
RICARDO L. SIERRAGUZMAN  
ROBERT W. SLEASMAN  
JACQUELINE A. SMITH  
CHRISTOPHER W. SNIPES  
BRIAN E. SOUHAN  
GREGORY S. SOULE  
LYNNA M. SPEIER  
JONATHAN W. SPURLOCK  
MICHAEL D. STEALEY  
KELLY K. STEELE  
TONEY R. STEPHENSON  
JAYSON L. STEWART  
MARK W. SUSNIS  
LARRY A. SWINTON  
MATTHEW D. TATMAN  
STEPHEN R. TAUTKUS  
MARK R. TAYLOR  
CHESLEY D. THIGPEN  
DOUGLAS C. THOMPSON  
HERB L. THOMPSON  
KENNETH D. THOMPSON  
FRANCIS P. TOBIN  
ANNA C. TRUESDALE  
JASON A. TUCKER  
MICHAEL K. J. TYLER  
BRIAN T. UNGERER  
LAURA C. UPDEGRAFF  
ERIC J. VANDEHEY  
ERIC D. VANDEWEG  
CHAD E. VAUGHN  
STEPHEN F. VENSOR  
MATTHEW H. VINING  
DEREK M. VINSON  
WAYNE A. VORNHOLT  
TRACY L. WADLE  
RONALD D. WALCK  
LISA K. WALSH  
JASON B. WAMSLEY

SHAWN P. WARD  
MARIO A. WASHINGTON  
JASON WEHRMAN  
JAMES R. WILEY  
ARCHIE L. WILLIAMS, JR. S  
HURCHEL L. WILLIAMS  
JAY J. WILLIAMS  
JOHN M. WILLIAMS  
ONEAL A. WILLIAMS, JR.  
SCOTT L. WILLIAMS  
BRIAN N. WITCHER  
AARON M. WOLFE  
BRIAN P. WOLFORD  
AUDREY S. L. WOO  
JUSTIN M. ZIMMER  
ANTHONY E. ZUPANCIC  
D003084  
D003915  
D010505  
D010567  
D010658  
D010859  
D010897  
D010955  
D011115  
D011386  
D011394  
D011398  
D011476

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES ARMY  
MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624  
AND 3064:

*To be major*

CHRISTOPHER L. AARON  
ROMAN A. ACIERTO  
JOSHUA A. ADAMS  
ATIF U. AHMED  
TROY W. AKERS  
JASON B. ALISANGCO  
DAVID M. ANDERSON  
MARK R. ANDERSON  
ALLAN A. ANDRES  
PETER S. ARMANAS  
JUSTIN M. ATKINS  
SARKIS BABIKIAN  
MEGAN L. BARNWELL  
ROBERT M. BARNWELL  
KATE L. BARRONMICHEL  
NATHAN S. BECKERMAN  
KELLY E. BEKEN  
ADRIANE E. BELL  
JAIME L. BELLAMY  
CHRISTOPHER J. BERMUDEZ  
JOHN C. BERRY  
ADAM J. BEVEVINO  
TODD A. BIALOWAS  
MARK A. BLACK  
JAMES A. BLAIR  
BRITTONY L. BLAKEY  
ANDREW F. BOGNANNO  
LESLIE B. BOOTHBY  
DANTAE L. BOWIE  
JOSEPH M. BOYER  
JACQUELINE BRADEN  
SAMANTHA L. BRANDON  
DEAN M. BREWER  
RACHEL M. BREWSTER  
ANDREW T. BRIGG  
JOEL R. BROCKMEYER  
STERLING L. BRODNIAK  
JIM A. BROOKS  
JOHN A. BROOKS  
GREGORY S. BROWN  
KRISTEN P. BUNCH  
SCOTT R. BUNKER  
KRISTINA G. BURGERS  
JASON M. CAGE  
DAVID M. CALLENDER  
ANTHONY P. CARDILE  
PAUL A. CAREY  
MICKEY S. CHABAK  
DAVID M. CHAMBERS  
CHRISTOPHER P. CHANEY  
WILLIAM T. CHANG  
ANDREW W. CHAPMAN  
LISA M. CHAPMAN  
GRIGORY CHARNY  
TONY T. CHOI  
SCOTT R. CHRISTENSEN  
VITO V. CIRIGLIANO  
GREGORY C. CLAIBORN  
JACOB R. CLAWSON  
BRIAN M. COHEE  
JOHN C. COLEMAN  
SUSAN M. COLLA  
DHRUTI CONTRACTOR  
DANIEL G. CONWAY  
STEVEN C. CORDERO  
DANIEL J. CORREA  
LUIZ F. CORREA  
DEVEN D. COX  
JAMES A. COX  
JERIS M. COX  
MICHAEL J. CRIMMINS  
BETHANY S. CUNNINGHAM  
BENJAMIN D. DAGGETT  
CASY A. DANIELSEN  
MIA D. DEBARROS  
ERIK A. DEDEKAM  
MICHAEL A. DEMARCANTONIO



KATHERINE L. DENGLE  
LAURA L. DESADIER  
JOHNNY A. DIAS  
JEFFREY M. DIFFENDERFER  
MICHAEL S. DIGBY  
MICHAEL A. DIMEOLA  
PETER Q. DINH  
MARY S. DOELLMAN  
JOSEPH W. DOMBROWSKY  
MICHAEL S. DONOVAN  
DANIEL R. DOUCE  
MARIT C. DUFFY  
SEAN P. DUFFY  
CHRISTOPHER R. ENGLAND  
GRANT H. EVANS  
J. R. L. EVANSON  
JAMES A. FALCON  
CHRISTOPHER A. FARABAUGH  
ALLYSON E. FEWELL  
KELLY V. FITZPATRICK  
CHRISTOPHER M. FORBUSH  
JILLIAN M. FRANKLIN  
TRACY L. FRANZOS  
DEREK M. FRAZIER  
ESTEPHAN J. GARCIA  
BRANDON I. GARDNER  
JENNIFER M. GARRISON  
ROBERT B. GAYLE  
SARAH K. GIBBONS  
JOSEPH E. GILLHAM  
JOHN L. GLOMSET III  
RONALD P. GOODLETT  
CHASE A. GRAMES  
RACHEL A. GRAVEL  
KATHLEEN A. GREEN  
RICHARD N. GREENE, JR.  
JESSE D. GREER  
LAUREN T. GREER  
LESTER L. GREER  
SAMUEL L. GRINDSTAFF  
BRIAN GROGAN  
KELLY L. GROOM  
ROBERT J. GRUMBO  
LOUIS K. HAASE  
JOSH E. HANSEN  
MEGAN M. HANSON  
CHRISTOPHER B. HARTNESS  
FREDERICK A. HAUSER  
KATHERINE M. HETZ  
CATON L. HILL  
CHAD A. HILLS  
ELIZABETH C. HINES  
ZACHARY S. HOFFER  
JASON L. HOKE  
LINCOLN A. HOLDAWAY  
CARL F. HOOGESETER  
MARK E. HOOSTE  
MICHELLE B. HORNBAKER PARK  
SONYA B. HORWELL  
DAVID C. HOSTLER  
JOHN E. HOUK  
CHARLES T. HOUNSHELL  
AICHA M. HULL  
DAVID W. HUMPHREY  
APRIL J. HURLSTON  
MARIAN N. HYATT  
DMITRI IGONKIN  
BENJAMIN J. JABARA  
KEITH L. JACKSON  
POOJA B. JASANI  
JOSEPH D. JENKINS  
LESLIE A. JETTE  
GABRIEL H. JOHNSON  
LYNNETTE M. JOHNSON  
SYLVIA B. JOHNSON  
WARREN P. JOHNSON  
CHRISTOPHER P. JORDAN  
CONOR M. KAIN  
JOSEPH H. KAMERATH  
DANIEL G. KANG  
MADEERA KATHPAL  
MICHAEL J. KELLY  
DIANA L. KENYON  
JESSICA J. KEPCHAR  
OWEN R. KIERAN  
JONATHAN K. KIM  
JAMES W. KOCH  
MONIKA A. KRZYZEK  
GINA D. KUBICZ  
EDWARD Y. KWON  
CHRISTIAN A. LABRA  
MARIO D. LAGIGLIA  
SHERRELL T. LAM  
MILES C. LAYTON  
DARA S. LEE  
EARL LEE  
JOSEPH S. LEE  
THERESA M. LONG  
AMBER A. LOVELACE  
LUIS E. LOZADAMARRERO  
MYRO A. LU  
JASON A. MACDONNELL  
CRISTIAN S. MADAR  
HOWARD K. MAHONEY  
ANNA MAKELAS  
JULIAN G. MAPP  
KEVIN D. MARTIN  
DEANNA L. MASCHOCRAWLEY  
RYAN M. MASCIO  
AARON G. MATLOCK  
JENNIFER L. MCCAIN  
JOHN P. MCCALLIN III

KAREN M. MCGRANE  
ADAM B. MEHRING  
JASPER K. MESARCH  
MATTHEW E. MILLER  
CHRISTOPHER A. MITCHELL  
JUSTIN S. MITCHELL  
JACQUELINE D. MOORE  
MATTHEW B. MOTE  
MARVIN S. MOUL  
RITA P. MUNSON  
KRISTEN E. NATALE  
JESS T. NELSON  
MARSHALL S. NICKEL  
MICHAEL D. NICKERSON  
CHRISTOPHER M. NOVAK  
BENNETT J. OBERG  
ARTHUR C. OKWESILI  
RYAN T. OLESZEWSKI  
JONATHAN R. OLIVA  
MICHAEL I. ORESTES  
NICHOLAS H. ORR  
PATRICK D. OWSIAK  
NATHALIE D. PAOLINO  
JAMES R. PASCUAL  
JEANNE C. PATZKOWSKI  
MICHAEL S. PATZKOWSKI  
ZAAL H. PAYMASTER  
SAMUEL M. PEIK  
JENNIFER M. PENA  
DANIEL L. PERRAULT  
SHANNA B. PETTIE  
TYLER A. PEZALSKI  
NATALIE W. PHILBRICK  
BRANDON N. PHILLIPS  
BRUCE D. PIER  
RICHARD A. PIERRE  
JUSTIN D. PILGRIM  
WALDA S. PINN  
ZACHARY J. PLOTZ  
DANIEL R. POSSLEY  
AARON M. PROFFITT  
JASON S. RADOWSKY  
UMA E. RAMADORAI  
ENRIQUEZ E. RAMIREZ  
RICHARD H. RAWSON  
JASON M. REESE  
ELIZABETH A. RHYNE  
MARK L. RIDDLE  
JULIE A. RIZZO  
RYAN L. ROBERTS  
SCOTT H. ROBINSON  
ERIK Q. ROEDEL  
LUIS O. ROHENA  
IVAN R. ROHENAQUINQUILLA  
NATHAN J. ROHLING  
PHILIP A. ROSEN  
CLARK M. ROSENBERY  
MARK J. ROSENGREN  
KEVIN D. ROWLEY  
LAURA RUBINATE  
DAWN M. RUMINSKI  
CHRISTOPHER A. RUMSEY  
RYAN C. RUSNOK  
SCOTT R. SANDERSON  
KENT A. SAUNDERS  
ANDREW T. SCHLUSSEL  
DONALD A. SCHULTZ  
WILLIAM F. SCULLY III  
ALAN K. SEARS  
AARON A. SEE  
REBECCA M. SEIFRIED  
JERRY P. SEILER  
DANIEL J. SESSIONS  
OMAR SHAMI  
JAMES R. SHAUBERGER  
RICHARD SHERIDAN  
MICHAEL J. SHIGEMASA  
EMILY H. SHIN  
TERRY SHIN  
RYAN N. SIEG  
EMILY A. SIMMONS  
TYSON J. SJULIN  
JASON M. SMALLEY  
JENNIFER M. SMITH  
JONATHAN K. SMITH  
MORI S. SPEAKMAN  
JAY M. STANLEY  
JUSTIN P. STERNE  
CHRISTOPHER B. SUGALSKI  
RACHEL M. R. SULLIVAN  
JONATHAN P. SWISHER  
ROBERTO TAAREA  
MELINDA A. THIAM  
DIMITRI M. THOMAS  
DUSTIN M. THOMAS  
KENDRA L. THOREN  
JEFFREY THORMEYER  
JOHN S. THURLOW  
EVAN T. TRIVETTES  
SANDRA A. VANHORN  
KRISTEN E. VINES  
DRUMMOND G. VOGAN  
MARC R. WALKER  
JONATHAN M. WALSH  
ROBERT J. WALTER  
MATTHEW A. WESTHOFF  
AARON B. WICKLEY  
DOUGLAS B. WIDENER  
INDY M. M. WILKINSON  
MOLLY E. WILLIAMS  
NICOLE A. WILLIAMSON  
CHRISTOPHER E. WILSON

KRISTOPHER C. WILSON  
BRIAN P. WINSTON  
WAYNE O. WOLVERTON  
MATTHEW S. WRIGHT  
AHMAD H. YASSIN  
CHONG K. YI  
JOSHUA C. ZINNER  
NATHAN P. ZWINTSCHER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES ARMY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

RICHARD R. ABELKIS  
JEFFREY W. ADAMS  
CHRISTOPHER G. ALESHIRE  
ERIC A. ANDERSON  
TERRI L. ANDREONI  
GREG W. ANK  
VALERO R. AQUINO, JR.  
DAVID C. ASHCRAFT II  
CHARLES L. ASSADOURIAN  
ROBERT L. ATTENZA  
CHRISTOPHER A. BACHL  
STEPHANIE A. BAGLEY  
TAMIKA B. BAILEY  
JAMES W. BAKER  
ERIK S. BARKEI  
TIMOTHY S. BEAN  
TIA L. BENNING  
JAMES K. BJERKAAS  
ERIC R. BJORKLUND  
BRIAN S. BLACKSTONE  
JAMES N. BLAIN, JR.  
REX L. BLAIR, JR.  
CRAIG M. BLANDO  
MICHAEL A. BONURA  
MARIA C. BORBON  
RANDY BOUCHER  
ALEXANDER BRASZKO, JR.  
SEAN M. BRATTON  
CHRISTOPHER T. BRIDGES  
CARL R. BROOKS  
JAMES D. BROWN, JR.  
STEPHEN C. BROWNE  
TIMOTHY T. BRUCE  
MICHAEL C. BURGOYNE  
MICHAEL L. BURGOYNE  
JONATHAN D. BURNETT  
ERIC D. BUTLER  
CHRISTOPHER J. BYRD  
KEVIN G. CAHILL  
ADISA O. CARTER  
CARL T. CARTER, JR.  
BRIAN D. CASTELLANI  
CHRISTOPHER B. CHAMBLISS  
PETER H. CHAPMAN  
JAMES M. CHASTAIN  
JOSEPH B. CHESTNUT II  
JOHN A. CHISOLM  
ARI A. CLAIBORNE  
JASON P. CLARK  
RONALD H. COHEN  
KACI H. COLE  
PAUL B. COLE IV  
ALEXANDER D. CORBIN  
JACULYN R. COSEY  
JEFFREY A. COULON  
DAVID F. COY  
MICHAEL P. CULLINANE  
BRIAN H. CUNNINGHAM  
NICOLE H. CURTIS  
ANDREW J. CYCKOWSKI  
LAN T. DALAT  
WILLIAM R. DANIEL II  
MARC D. DANIELS  
BRANDON J. DARBY  
BENJAMIN A. DAWSON  
KEITH W. DEGREORY  
MATTHEW A. DELOIA  
MICHAEL F. DEROSIER  
THOMAS M. DEVEANS  
GARRETT S. DEWITT  
JERRY W. DIAMOND, JR.  
ROBERT T. DIXON  
DANIEL K. DORADO  
ROBERT F. DUFFY, JR.  
BRIAN E. DUGAN  
JONATHAN S. DUNN  
REGINAL K. DYKES  
PAMELA L. DZIEDZIC  
MATTHEW D. EBERHART  
ERIC J. EBERLINES  
BRIT K. ERSLEV  
BENTON J. FABER  
ADAM T. FAIN  
JEFFREY J. FAIR  
TYLER K. FAULK  
CARLOS K. FERNANDEZ  
EFRAIN FERNANDEZANAYA  
MARCUS M. FERRARA  
JAY D. FINE  
MICHAEL J. FLENTIE  
DOUGLAS M. FLETCHER  
MARC J. FRANCISZKOWICZ  
JAMIE GARCIA  
BENJAMIN A. GARDNER  
RICHARD E. GARNER, JR.  
JIMMY T. GAW  
DOUGLAS F. GIBSON  
BRIAN C. GOINGS  
JEREMY J. GRAY

THOMAS D. GREENE  
 JASON P. GRESH  
 MARCUS W. GRIMES  
 JACQUELINE A. GUILLORY  
 CHRISTIAN A. HAFFEY  
 MICHAEL L. HALL  
 ROBERT E. HAMILTON  
 STEPHEN S. HAMILTON  
 KURT A. HAMMOND  
 JOSEPH A. HARRIS, JR.  
 CHRISTOPHER W. HARTLINE  
 HEATH D. HARTSOCK  
 ERIC HARTUNIAN  
 CHRISTOPHER J. HEATHERLY  
 ROBERT M. HEFFINGTON  
 RYAN C. HELLERSTEDT  
 COURTNEY L. HENDERSON  
 CORA D. HENRY  
 RANDAL E. HICKMAN  
 TIMOTHY M. HILL  
 WILLIAM R. HOGAN  
 BRYAN E. HOOPER  
 JONATHAN W. HUGHES  
 CAROLYN E. HUNT  
 EARL J. HUNTER  
 PAMELA S. HUNTER  
 TERENCE M. HUNTER  
 GUY C. HUNTSINGER  
 AMANDA L. IDEN  
 JAMES D. JACKSON  
 KEE Y. JEONG  
 ALTON J. JOHNSON  
 MARK H. JOHNSON  
 DIKILA L. JONES  
 ROBERT L. JONES III  
 ROBERT M. KAM  
 GALEN R. KANE  
 DEXTER J. KELLY  
 EDWARD W. KENDALL  
 MARVIN L. KING III  
 JOSEPH A. KLING  
 NED A. KRAFCHICK  
 JACOB M. KRAMER  
 JOHN P. KUNSTBECK  
 DAVID C. LAMBERT, JR.  
 GARRETT L. LANDERS  
 MICHAEL E. LEE  
 SHANE E. LEE  
 KURTIS A. LEFFLER  
 ANDREW M. LEONARD  
 DENE R. LEONARD III  
 MICHAEL LEWCZAK  
 JORIN C. LINTZENICH  
 LISA J. LIVINGOOD  
 JONATHAN E. LONG  
 CHRISTOPHER J. LONGO  
 JEFFREY T. LOPEZ  
 DIANA C. LOUCKS  
 GARY A. LOUCKS  
 CRAIG R. LOVE  
 GARY A. LOVE  
 SETH T. LUCENTE  
 FERNANDO M. LUJAN  
 CHARLES C. LUKE  
 RODOLFO U. LUNASIN  
 KIRK E. MACDONALD  
 BRIGHAM J. MANN  
 CHRISTOPHER D. MARCHETTI  
 CRAIG A. MARTIN  
 MICHAEL W. MARTIN  
 RODOLFO MARTINEZ, JR.  
 LATASHA M. MATTHEWS  
 RANDALL D. MCCAULEY  
 HEATH L. MCCORMICK  
 KEVIN M. MCKIERNAN  
 MATTHEW L. MCMLLEN  
 WILLIAM S. MCNICOL  
 PATRICIA E. MCPHILLIPS  
 ALEXANDER S. MENTIS  
 SHAWN E. MERGES  
 DANIEL R. MILLER  
 JOHN T. MILLER  
 BRADLEY W. MILLS II  
 ROGER MIRANDA  
 JAMES F. MONTGOMERY  
 SHON R. MOORE  
 JARROD P. MORELANDS  
 GREGORY MORRIS  
 ANDREW A. MORRISON  
 STEVEN D. MOSELEY  
 SHANE A. MOYER  
 JEFFREY A. MUIR  
 DAVID J. MULACK  
 JOHN J. MYERS  
 THOMAS J. NAGLE, JR.  
 JOSHUA R. NAGTZAAM  
 TODD A. NAPIER  
 ERIC P. NEBEKER  
 ANTHONY W. NELSON  
 KEVIN M. NEUMANN  
 ANTHONY J. NEWTSON  
 CHI K. NGUYEN  
 THO D. NGUYEN  
 SEAN C. NOWLAN  
 CHRISTY L. H. NYLAND  
 PAUL S. H. OH  
 GREGORY G. ORRELL  
 GARY S. OSCAR  
 TIMOTHY R. OSULLIVAN  
 JONATHAN A. OTTO  
 DAVID P. OWEN  
 IVAN A. PALACIOS

RONNIE PARK  
 MICHAEL D. PARKER  
 STEPHEN M. PARRISH, SR.  
 STACEY D. PATTERSON  
 LIVIA A. PAYNE  
 JASON B. PERIATT  
 STEPHEN J. PETERS  
 DWIGHT E. PHILLIPS, JR.  
 SHAW S. PICK  
 WILLIAM L. PLATTE  
 JAMES J. POCHOPIEN  
 GEORGE POLOVCHIK III  
 DALLAS A. POWELL, JR.  
 THOMAS S. PUGSLEY  
 DOUGLAS M. PULLEY  
 JORN A. PUNG  
 CHAD B. QUAYLE  
 KAREN F. RADKA  
 FRANCISCO J. RANEROGUZMAN  
 PETER J. RASMUSSEN  
 STANLEY M. REED, SR.  
 GREG C. REESON  
 SHANE R. REEVES  
 RANDALL L. ROCKROHR  
 ALFREDO RODRIGUEZ III  
 MICHAEL J. RODRIGUEZ  
 MATTHEW A. ROSS  
 ROBERT K. ROSS  
 DAVIDMICHAEL P. ROUX  
 CHADDRIK L. RUSSELL  
 DARCY R. SAINTAMANT  
 NATHAN T. SAMMON  
 SCOTT M. SANFORD, SR.  
 BRIAN J. SCHMANSKI  
 MATTHEW J. SCHREIBER  
 CHRISTOPHER L. SCHREINER  
 THOMAS A. SCOTT  
 SCOTT B. SEIDEL  
 JESSE T. SESSOMS  
 MICHAEL T. SHAW  
 COREY N. SHEA  
 JEFFREY A. SHEEHAN  
 NICHOLAS R. SIMONTIS  
 WILLIAM L. SKIMMYHORN  
 BRENT O. SKINNER  
 JONATHAN P. SLOAN  
 ACETRION L. SMALLWOOD  
 CHARLES D. SMITH  
 CHRISTOPHER M. SMITH  
 DENNIS A. SMITH  
 JAY B. SMITH  
 MICHAEL L. SMITH  
 TRACEY E. SMITH  
 TRAVIS A. SMITH  
 WALLACE N. SMITH  
 THOMAS W. SPAHR  
 CHRISTOPHER J. SPRINGER  
 WILLIAM J. STARR, JR.  
 HUBERT L. STEPHENS  
 SHARON STEPHENS  
 KEVIN C. STEYER  
 KIM A. STONE  
 DANIEL A. STRODE  
 WILLIAM E. SUMNER  
 AARON C. SWAIN  
 JAMES M. SWARTZ  
 CHRISTOPHER R. SYBERT  
 MOMOEVI S. TAWAKE  
 MATTHEW A. TEMPLEMAN  
 CHRISTIAN G. TEUTSCH  
 GINA A. THOMAS  
 MICHAEL S. TOKAR  
 ERNEST TORNABELL IV  
 STEVEN J. TOTH  
 JOHN S. TRANSUE, JR.  
 JOHN J. TRYLCH  
 RONALD E. TURNAGE  
 MELANIE C. VINTON  
 BRIAN D. VOGT  
 JOSEPH C. WALCHKO  
 ERIC M. WALTHALLS  
 CHRISTOPHER D. WASHINGTON  
 AARON S. WELCH  
 BRIAN K. WELCH  
 RICHARD D. WELLMAN, JR.  
 EDWIN B. WERKHEISER II  
 CHRISTIAN L. WERNER  
 JOHN F. WHITFIELD, JR.  
 ROBERT S. J. WHITTINHAM  
 ANNE M. R. WIERSGALLA  
 KENNETH J. WILKINSON  
 DEMITRA L. WILLIAMSON  
 JAMES E. WINLAND  
 JASON P. WRIGHT  
 CHRISTOPHER M. YOUNG  
 WALTER D. ZACHERL  
 MARK M. ZAIS  
 SEAN L. ZINN  
 LORI L. P. ZUBIETA  
 D001295  
 D001743  
 D010096  
 D010156  
 D010175  
 D010330  
 D010347  
 D010728  
 D010910  
 D011007  
 D011232  
 D011293  
 D011311

D011392  
 D011397  
 D011530  
 D011694  
 D011712  
 G001129  
 G001133  
 G001316  
 G001345  
 G001407

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES ARMY  
 UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

JOSEPH H. ALBRECHT  
 JOSEPH M. ALBRIGHT  
 JAMES G. ALDEN  
 JORDAN A. ALEXANDER  
 MATTHEW S. ALLISON  
 CHRISTOPHER T. ALTAVILLA  
 EDGAR J. ALVAREZ  
 RICHARD F. AMADON  
 MICHAEL T. ANDERS  
 MARK C. ANDRES  
 AARON ANGELL  
 MATTHEW T. ARCHAMBAULT  
 LUIS R. ARZUAGAMALAVE  
 JAMES M. ASHBURN  
 ARIEYEH J. AUSTIN  
 MICHAEL S. AVEY  
 MICHAEL T. BAILEY  
 MICHAEL D. BAJEMA  
 RODNEY S. BAKER  
 MATTHEW S. BALINT  
 JULIE A. BALTEN  
 ELLIS H. BARNES IV  
 DALE E. BARNETT, JR.  
 SAMUEL L. BATTAGLIA  
 JEFFREY R. BAVIS  
 MARC P. BECKAGE  
 CALMER R. BEESON  
 MARK D. BELINSKY  
 SUNSET R. BELINSKY  
 JEREMY D. BELL  
 LAWSON F. BELL  
 ANDREW T. BELLOCCHIO  
 DEREK J. BELLOWES  
 BENJAMIN A. BENNETT  
 MICHAEL A. BERDY  
 LARRY J. BERGERON, JR.  
 AUGUSTO J. BERNARDO  
 STEVEN A. BESEDA  
 STEPHEN M. BESINAIZ  
 JOSEPH B. BETHEL  
 ANDREW M. BEYER  
 DANIEL D. BLACKMON  
 MATTHEW R. BOCKHOLT  
 LEE E. BOKMA  
 ROY L. BOLAR  
 JOSHUA R. BOOKOUT  
 JARED D. BORDWELL  
 KENRIC F. BOURNE  
 DAVID D. BOWLING  
 SILAS R. BOWMAN  
 RYAN P. BOYLE  
 JEFFREY A. BRACCO  
 JAMES A. BRADY  
 KENNETH J. BRAEGER  
 JEFFERY J. BRAGG  
 KARST K. BRANDSMA  
 BRUCE A. BREDLOW  
 MATTHEW P. BREWSTER  
 CHRISTOPHER D. BRINGER  
 KIRK E. BRINKERS  
 WENDY E. BRINSON  
 BRIAN D. BROBECK  
 MICHELLE B. BRONELL  
 COLIN N. BROOKS  
 MERVIN G. BROTT  
 ALAN S. BROWN  
 WADE D. BROWN  
 ELDRIDGE D. BROWNE  
 COREY A. BRUNKOW  
 ROBERT K. BRYANT  
 FRANK M. BUCHHEIT  
 TERRENCE H. BUCKEY  
 MICHAEL E. BUGAJ  
 ALEXANDER L. BULLOCK  
 MATHEW F. BUNCH  
 DAVID R. BUNKER  
 JASON T. BURGESS  
 JEFFREY T. BURGOYNE  
 JOHN M. BUSHMAN  
 DARREN W. BUSS  
 JEFFREY S. BUTLER  
 TODD S. BZDAFKA  
 TYLER G. CANTER  
 STEPHEN E. CAPEHART  
 BRIAN F. CARLIN  
 JASON A. CARR  
 BRUCE J. CARTER  
 DANIEL A. CASTRO  
 WILLIAM C. CAVIN  
 ADAM M. CHALMERS  
 CHRISTOPHER N. CHAPMAN  
 JEREMY J. CHAPMAN  
 CARL A. CHASTEN  
 FRITZ B. CHERILUS  
 DANIEL V. CHERRY  
 VARMAN S. CHHOEUNG  
 CURRAN D. CHIDESTER

CRAIG S. CHILDS  
 KYUNGHO CHO  
 DOMINIC J. CIARAMITARO  
 WILLIAM C. CLARK, JR.  
 BRENT A. CLEMMER  
 MICHAEL K. COLE  
 BRENNAN F. COOK  
 KATRINA S. COOLMAN  
 AARON K. COOMBS  
 EDWARD C. COONEY  
 GEORGE I. CORBARI  
 ELVIS CORONADO  
 SEAN D. COULTER  
 WILLIAM N. CRAIG III  
 JAMES R. CRANE  
 MICHAEL P. CRANE  
 JESSICA L. CRANFORD  
 KENNETH T. CRAWFORD  
 ERIC D. CRISPINO  
 LARRY J. CROUCHER  
 PAUL B. CULBERSON  
 JOHN K. CURRY  
 MATTHEW W. DALTON  
 JASON S. DAVIS  
 JASON W. DAVIS  
 MICHAEL E. DAVIS  
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 RYAN C. DICKERSON  
 NICHOLAS J. DICKSON  
 HANNON A. DIDIER  
 TIMOTHY J. DILEY  
 NATHAN T. DIVELBESS  
 HANSJORG W. DOCHTERMANN  
 JAYSON B. DODGE  
 ROBERT J. DUCHAINE  
 ANTWAN L. DUNMYER  
 WILLIAM M. DUNN  
 JAMES R. DUNWOODY  
 RAFAEL A. DURANMARIOT  
 SONJA G. DYER  
 JASON A. EDDY  
 THOMAS P. EHRHART  
 RYAN R. EHRLER  
 ROBERT C. ELDRIDGE  
 KIMBERLY A. ELNIFF  
 JAMES R. EMBRY  
 JASON S. ENYART  
 GEORGE S. EYSTER V  
 CHRISTOPHER T. FAHRENBACH  
 STEPHEN A. FAIRLESS  
 BRIAN K. FEDDELER  
 MARK D. FEDEROVICH  
 LEE S. FENNEMA  
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 DEREK S. FINISON  
 BRADLEY C. FOOSE  
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 LAWRENCE E. FOULKS II  
 PAUL A. FOWLER  
 ADAM B. FREDERICK  
 WILL B. FREDDS  
 ALEXANDER S. FUERST  
 JOHN A. GAGAN  
 BRADY A. GALLAGHERS  
 ROBERT M. GAMBRELL, JR.  
 MANUEL R. GARCIA  
 THOMAS M. GENTER  
 JOSEPH C. GERACI III  
 JOHN E. GIANELLONI  
 JEREMY A. GILKES  
 JUDSON B. GILLET  
 RYAN R. GILLOGLY  
 KELVIN L. GLASS  
 PETER C. GLASS  
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 TIMOTHY A. GODWIN  
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 CHARLES B. GRAY  
 JOSEPH E. GRAY  
 ROBERT E. GRAY  
 DEMETRIUS A. GREEN  
 STUART C. GREER  
 MICHAEL E. GRISWOLD  
 JEANMICHEL T. GUERIN  
 EDDIE J. GUERRERO  
 ROBERT K. GUNTHER  
 TRAVIS M. HABHAB  
 SAMUEL HALL  
 ERIC R. HANES  
 MICHAEL A. HARDING  
 MATTHEW J. HARDMAN  
 MATTHEW F. HARMON  
 REGINALD R. HARPER  
 DAMON K. HARRIS  
 MATTHEW B. HASH  
 DAVID J. HASKELL  
 IRVIN R. HAWKINS  
 DAVID L. HAYNES  
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 MARK E. HEROLD  
 BRIAN L. HERZIK  
 WILLIAM O. HICKOK

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 JOHN E. HILL  
 MARK R. HIMES  
 JOSEPH E. HISSIM  
 RUSSELL G. J. HOGAN, JR.  
 CARSON S. HOKE  
 TODD W. HOOK  
 BARRY L. HORSEY  
 BRIAN C. HOWARD  
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 JAMES D. HOYMAN  
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 MATTHEW L. INGRAHAM  
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 JOSEPH A. JACKSON  
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 ROBERT G. JENKINS, JR.  
 ROBERT L. JENKINS  
 MICHAEL C. JENSIK  
 JENEEN G. JOHNSON  
 MATTHEW K. JOHNSON  
 MICHAEL S. JOHNSON  
 JASON A. JOHNSTON  
 MICHAEL A. JOHNSTON  
 LARRY R. JORDAN, JR.  
 MELVIN D. JUAN  
 JACKIE K. KAINA  
 THEODORE J. KAISER  
 JENNIFER J. KASKER  
 SUNG K. KATO  
 CHARLES W. KEAN  
 WILLIAM R. KEATING  
 JAMES D. KEMTER  
 WALTER E. KENT III  
 GARY A. KERR  
 DON M. KING  
 PHILLIP J. KINIERY III  
 BRYAN G. KIRK  
 SPRING A. KIVETT  
 JAMES S. KLEAGER  
 THEODORE W. KLEISNER  
 MICHAEL F. KLOEPPER  
 VANCE J. KLOSINSKI  
 JASON M. KNIFFEN  
 TIMOTHY G. KNOTH  
 ERIK K. KOBER  
 AARON T. KOHLER  
 STEPHEN J. KOLOUCH  
 KEITH A. KRAMER  
 PETER N. KREMZAR  
 MICHAEL R. KUHN  
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 JASON A. LACROIX  
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 GERALD S. LAW  
 AYODELE O. LAWSON  
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 EDDY J. LEE  
 RANCE A. LEE  
 BRENT L. LEGREID  
 JOHN C. LEMAY  
 RICHARD D. LENCZ  
 AARON M. LEONARD  
 HEATHER A. LEVY  
 MATTHEW P. LILLBRIDGE  
 BRENT W. LINDEMAN  
 RAFAEL E. LINERARIVERA  
 GARY L. LLOYD  
 JOSEPH E. LONG  
 THOMAS C. LONG  
 MICHAEL S. LONGACRE  
 ERIC D. LOPEZ  
 JOHN LOPEZ  
 BRIAN F. LOVE  
 CHRISTOPHER T. LOWMAN  
 KAREN LUGODEAN  
 KURT W. LUMBERT  
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 JOHN D. LYBARGER  
 LARRY J. LYLE, JR.  
 DOUGLAS LYNCH  
 CHRISTOPHER S. MAHAFFEY  
 RICHARD W. MALTBIE, JR.  
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 ANGEL M. MARTINEZRODRIGUEZ  
 ALICIA M. MASSON  
 DAVID N. MAYO, JR.  
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 RYAN D. MCAFEE  
 JAMES S. MCCULLAR  
 KERNAA D. MCFARLIN III  
 MATTHEW A. MCGREW  
 KEVIN E. MCHUGH  
 TRAVIS L. MCINTOSH  
 WILLIAM B. MCKANNAY  
 JOSEPH P. MCCLAIN  
 JOHN A. MCCLAUGHLIN  
 DONALD R. MEEKS, JR.  
 TROY A. MEISSEL  
 JUSTIN T. MEISSNER  
 BILLY MEREDITH, JR.  
 JOHN D. MILLAY  
 BRYAN M. MILLER  
 DANIEL G. MILLER  
 FRED W. MILLER

HAROLD E. MILLER  
 JABARI M. MILLER  
 JEFFREY S. MILLER  
 YVONNE C. MILLER  
 KENNETH D. MITCHELL  
 JACOB A. MONG  
 JASON G. MONTGOMERY  
 FERNANDO MONTOKA  
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 CLAY A. MORGAN  
 CORNELIUS L. MORGAN  
 MATTHEW T. MORGAN  
 RYAN J. MORGAN  
 JAMERSON W. MOSES  
 KELVIN E. MOTE  
 JAMES A. MOYES  
 MATTHEW W. MULARONI  
 CHRISTOPHER J. MULLIGAN  
 JOSEPH D. MUNGER  
 ALEXANDER C. MURRAY  
 CHAD T. MURRAY  
 JEREMY S. MUSHTARE  
 DARREN E. MUSICO  
 WILLIAM B. NELSON  
 JEFFREY J. NERONE  
 ROBERT P. NESBIT  
 MICHAEL C. NICHOLSON  
 DAVID W. NOBLE  
 DENNIS E. NUTT  
 JEREMY J. O'DONNELL  
 RICHARD N. OJEDA II  
 JONATHAN L. OLSON  
 NATHANIEL J. ORLOWSKI  
 CHRISTOPHER T. OWEN  
 STEPHEN W. OWEN  
 MICHAEL D. OWENS  
 IAN C. PALMER  
 JOSEPH H. PARKER  
 NEIL T. PARKS  
 GITTIPOONG PARUCHABUTR  
 DAVID J. PASQUALE  
 SEBASTIAN A. PASTOR  
 RYAN W. PATNODE  
 CHRISTOPHER D. PAYANT  
 CHRISTOPHER A. PAYEUR  
 BRANDON Y. PAYNE  
 MIKE L. PEARCE  
 JEREMY L. PEIFER  
 ROBERT S. PERRY  
 STEPHEN T. PETERSON  
 MATHIEU N. PETTRATIS  
 STEPHEN C. PHILLIPS  
 GARY L. PINA  
 MICHAEL G. POIRIER  
 JOHN M. POOLE  
 WILLIAM H. POOLE IV  
 SANTEL H. POWELL IIS  
 WILLIAM R. PRAYNER, JR.  
 CHARLES E. PRICE  
 MATTHEW K. PROHM  
 JAYSON H. PUTNAM  
 CASEY M. RANDALL  
 LYNN W. RAY  
 JAMES V. RECTOR  
 KENNETH J. REED  
 JAMES C. REESE  
 JUSTIN Y. J. REESE  
 MONICA M. REID  
 JACQUELINE M. REINI  
 DANIEL T. REMPPER  
 JENNIFER A. REYNOLDS  
 PHILIP W. REYNOLDS  
 JASON R. RIDGEWAY  
 BRIAN G. RIDLEY  
 KURT D. RITTERFUSCH  
 BENJAMIN RIVERAOTERO  
 ROBERT A. ROBINSON II  
 PATRICK M. RODDY, JR.  
 CHAD M. ROEHRMAN  
 JAMES J. ROGERS, JR.  
 MATTHEW B. ROGERS  
 CURTIS L. ROWLAND, JR.  
 MICHAEL S. RUPPERT  
 JAMES D. RYE  
 ROY C. SABALBORO, JR.  
 JASON M. SABAT  
 IVAN SALGADO  
 CHRISTOPHER A. SAMPLES  
 JANE W. SANDER  
 ERIC F. SAUER  
 DEAN S. SCALETITA  
 JAMES N. SCHAFER  
 JEFFREY S. SCHMIDT  
 MICHAEL D. SCHOENFELDT  
 BRYAN D. SCHOTT  
 JOE M. SCHOTZKO  
 BRADD A. SCHULTZ  
 CONRAD A. SCHUPAY  
 MICHAEL S. SCIOLETTI  
 SEAN A. SCOTT  
 JAMES D. SCROGIN  
 RYAN D. SEAGREAVES  
 JOHN R. SEGO  
 JOHNNY D. SELLERS, JR.  
 DARON L. SETTLES  
 MATTHEW J. SHEFFER  
 WILLIAM C. SHEPHERD, JR.  
 CHADWICK W. SHIELDS  
 RICHARD K. SHOWALTER  
 BENJAMIN F. SIEBOLD  
 THOMAS J. SIEBOLD  
 PETER M. SITTENAUER

BRIAN S. SMITH  
KENNETH E. SMITH  
KENRIC M. SMITH  
NIEL A. SMITH  
RANDALL M. SMITH  
THOMAS B. SMITH  
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BRIAN L. SPEARS  
GARY J. SPIVEY  
NATHAN R. SPRINGER  
PAUL W. STAEHELI  
KURT N. STEPHAN  
JEREMY A. STERMER  
DAVID C. STEVENSON  
DONALD E. STEWART  
RUSSELL C. STEWART  
CHAD A. STOVER  
JOSHUA U. STRINGER  
MICHAEL C. STULL  
STEPHEN A. SUHR  
JOSEPH A. SULLIVAN  
DARREN A. SUNDYS  
ERIC R. SWENSON  
PATRICK D. SYLVESTRE  
ANDREW S. TACKABERRY  
FRED W. TANNER  
SHANE L. TARRANT  
RHETT A. TAYLOR  
TIMOTHY A. TERESE  
ROBERT M. THELEN  
PHILLIP W. THOMAS  
RHETT D. THOMPSON  
SONNY A. THOMPSON, JR.  
JUSTIN L. TICKNOR  
KEVIN R. TONER  
MICHELLE G. TOPE  
KEVIN L. TURPIN  
EDWARD S. TWADDELL III  
SHAWN M. UMBRELL  
SHAWN P. UNDERWOOD  
ERIC A. VANEK  
JOSE M. VASQUEZ  
BENEFESHEH D. VERELL  
TONY K. VERENNA  
GREGORY S. VINCIGUERRA  
SCOTT M. VIRGIL  
MICHAEL P. WAGNER  
FOY S. WALDEN  
EUGENE M. WALDENFELS  
LELAND W. WALDRUP II  
GREGORY H. WALLS  
BRIAN L. WALLACE  
CHRISTOPHER L. WALLS  
EDWARD S. WALTON  
WILLIAM J. WARD  
CHRISTOPHER A. WASHINGTON  
MATTHEW W. WEBER  
RYAN K. WELCH  
STEVEN B. WELIVER  
GABRIEL D. WELLS  
MICHAEL R. WEST  
JOHN T. WETTACK  
ANDREW D. WHISKEYMAN  
JOSHUA D. WHITE  
JASON M. WHITTEN  
SCOTT R. WHITTENBURG  
DAVID C. WILLETTE  
EDWIN A. WILLIAMS IV  
JOHN D. WILLIAMS  
SEAN P. WILLIAMS  
STEVEN M. WILLIAMS  
TROY A. WILLIAMS  
JAMES WILLS  
JOHN M. WILSON  
KEITH W. WILSON  
JEFFERY E. WINEGAR  
MATTHEW H. WINTERS  
JEFFREY L. WITHERS II  
CHRISTOPHER L. WONG  
ADLAI B. WOOD  
STEVEN A. WOOD  
EARL D. WRIGHT, JR.  
RYAN B. WYLIE  
JASON A. YANDA  
JAMES R. YASTRZEMSKY  
PHILIP A. YOUNG  
TIMOTHY M. ZAMORA  
JUAN C. ZAPATA  
MARK C. ZIMMERMAN  
MICHAEL A. ZOPFI  
D001284  
D001378  
D002253  
D005492  
D005731  
D006286  
D010055  
D010251  
D010369  
D010537  
D010675  
D010975  
D011309

## IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

PHILIP B. BAGROW  
CARL M. BARNES

CARLA M. BARRY  
JOSEPH S. BLAIR  
LYNN W. CHRISTENSEN  
BRYAN K. CRITTENDON  
MICHAEL E. FOSKETT  
TIMOTHY D. GAULT  
BRANDON S. HARDING  
PATRICK S. JOYNER  
JOSEPH KOCH  
STEVEN D. MILLS  
RICHARD H. RYAN, JR.  
BENNETT C. SANDFORD  
CLIFFORD A. STUART  
DAVID B. THAMES  
DAVID M. TODD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

TANYA CRUZ  
KATHLEEN A. ELKINS  
NELL O. EVANS  
BRIAN J. HALLIDEN  
JAMES R. HOFFMAN  
JASON L. JONES  
THERON R. KORSAK  
JASON M. LEVY  
JEROD L. MARKLEY  
ANNE Y. MARKS  
WAYNE A. MIANI, JR.  
MEGAN K. SMITH  
SARAH A. STANCATI  
SCOTT W. THOMAS  
JEFFREY G. TRANSTROM  
WILLIAM H. WEILAND  
DANIEL WERNER  
EDWARD K. WESTBROOK II  
CHRISTOPHER M. WILLIAMS  
JEANINE B. WOMBLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander S*

RENE J. ALOVA  
PETER R. BARNDT  
THOMAS E. BERCHTOLD  
TROY W. BROOKS  
JEFFREY D. DOMARK  
MARTIN E. EVERS  
JENNIFER E. FERREIRA  
MICHAEL D. FERREIRA  
BRIAN M. GILLEN  
JAMES L. HARRIS III  
JEFFREY L. HOCKETT  
JOHN B. HOYOS  
BRADLEY E. JONES  
NIMA A. KHORASSANI  
ROBERT M. LAUGHLIN  
THU N. LUU  
JAMES H. MACDOWELL  
MICHAEL T. MOONEY  
ZHENGSHI SONG  
JAMES M. THOMPSON, JR.  
JOYCE Y. TURNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

JAMES ALGER  
WILLIAM R. BUTLER  
JASON CHUNG  
JASON A. CROSBY  
BOBBY D. DASHER, JR.  
STEPHEN J. FICHTER  
JOSHUA J. GAMEZ  
LUKE B. GREENE  
LUIS A. HOLKON, JR.  
JEFFREY D. JASINSKI  
DAVID M. JAYNE  
CARL V. KIRAR  
JASON G. KRANZ  
WARREN R. LEBEAU  
BENJAMIN D. LEPPARD  
BRIAN J. LONGBOTOM  
MICHAEL W. MENO, JR.  
NATHAN R. PAUKOVITS  
BRENT C. PAUL  
ANGEL L. SANTIAGO  
JESUS M. SANTIAGO  
GRIFFIN K. STAUFFER  
JOEL R. STRAUS  
OMARR E. TOBIAS  
SUSANNE M. WIENRICH  
MARCUS E. WILLIAMSON  
WILLIAM E. WINDUS  
JASON N. WOOD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

CHRISTOPHER W. ABBOTT  
ZIAD T. ABOONA  
MARIA L. BAREFIELD  
KEITH M. BASS  
DANIEL E. BIBLE  
KELLY M. BOARDWAY

JORI S. BRAJER  
DAVID M. BURKE  
THOMAS F. BURKE III  
JOHN H. CALLAHAN  
SCOTT D. COON  
KATHLEEN K. COOPERMAN  
MICHAEL J. GREGONIS  
JAMES R. HAGEN  
BRIAN C. HATCH  
HEATHER D. HELLWIG  
MARC D. HERWITZ  
S. J. KENTON  
MICHAEL J. KLEMMANN  
ANGELICA A. KLINSKI  
DAVID G. LANG  
COREY J. LITTEL  
JOHN L. MELTON  
JAIME L. MONTILLA  
RAYMOND C. NAIRN  
MARCELLA R. ODEN  
NICHOLE A. OLSON  
HENRY L. PHILLIPS IV  
MARY A. PILIWALE  
MARGARET M. READ  
LESLIE E. RIGGS, JR.  
THOMAS E. SATHER  
LORENZO TARPLEY, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

MARY R. ANKER  
JESSICA S. BAIN  
ERIC J. BOPP  
GARRY P. CLOSAS  
CATHERINE B. CORBETT  
LAURI T. DEWITT  
TIMOTHY S. DRILL  
MELINDA R. EWING  
TRACY L. FAHEY  
KEITH L. FERGUSONS  
JOHN A. FLEMING  
CHRISTINA E. FRIX  
MARIA P. FUENTEBELLA  
URSULA V. GALVEZ  
RALPH J. GARGIULO  
KAREN M. GRAY  
STEPHEN L. GUIDRY  
ANNE S. H. HOLLIS  
JEREMY M. KILDAY  
BRIAN A. KING  
ROBERT W. KREJCI  
RICHARD B. LAWRENCE  
JOHN E. LENAHA  
JEANNE M. LEWANDOWSKI  
LORRIE L. MEYER  
TARA K. MOORE  
JAMES R. MORRIS  
ERLINA P. NAVAL  
REBECCA L. NAVARRETE  
KATHERINE E. NOEL  
THOMAS OLIVERO  
JASON T. PENFOLD  
MARY E. PHILLIPS  
PROTEGENIE REED  
DORA O. REID  
BRENDA K. RESETER  
MATTHEW D. SEYMOUR  
DETRIK F. SIMMON  
VORACHAI SRIBANDITMONGKOL  
ANDREW D. TARRANT  
MARK A. THOMAS  
CRAIG T. VASS  
ALLECIA V. WEBSTER  
WALTER D. WILLIAMSON  
JENNIFER M. ZICKO  
GEORGINA L. ZUNIGA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

LILLIAN A. ABUAN  
DON N. ALLEN, JR.  
CIELO I. ALMANZA  
SEAN M. ANDREWS  
AARON K. AYERS  
SPENCER L. BAKER  
WILLIAM J. BARICH  
WILLIAM T. BENHAM  
PAUL R. BENISHEK  
MATTHEW L. BOLLS  
DANIEL D. BROWN  
MICHAEL S. CARL  
VICTOR J. CINTRONNATAL  
DOYNE D. CLEM  
ANTHONY R. COCA  
ROBERT M. CORLEY  
JAYSON L. CRAMER  
RUSSELL A. CZACK  
MARTIN L. EDMONDS  
JASON W. ENDRESS  
MATTHEW J. FAHNER  
MATTHEW GEISER  
LA H. A. GRAHAM  
MATTHEW J. JACOBS  
CHRISTOPHER T. KOVACK  
MICHELE M. LAPORTE  
ROBERT S. MCMASTER  
JEFFREY S. MILLS

ERNUEL MIRANDAROSARIO  
 THOMAS P. MOORE  
 RYAN M. PERRY  
 SAMUEL T. RISER  
 CAMERON W. ROGERS  
 DAVID M. ROZZELL  
 AARON B. SIKES  
 SCOTT D. STAHL  
 JOSEPH B. SYMMES, JR.  
 PHOEBE U. TAMAYO  
 RONALD K. TERRY  
 ELIZABETH A. TRAVIS  
 NOLASCO L. VILLANUEVA  
 MICHELLE M. WILLIAMS  
 MICHAEL R. WILSON  
 JAMES Y. WONG  
 GLENN A. WRIGHT  
 JEFFERY S. YOUNG  
 CHRISTOPHER R. ZEGLEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
 UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

ERIN G. ADAMS  
 AFSHIN K. AFARIN  
 MICHAEL J. ARNOLD  
 ANGELA M. BACHMANN  
 TIMOTHY W. BARKDOLL  
 RHETT A. BARRETT  
 MARGARET A. BAYARD  
 ERIKA S. BEARDIRVINE  
 BRENT R. BECKER  
 MONTE K. BELL  
 RANDY S. BELL  
 RYAN A. BELL  
 WILLIAM E. BENNETTS  
 CATHERINE A. BORJA  
 STEPHANIE A. BRAGG  
 MATTHEW L. BRECKENRIDGE  
 KIMBERLY L. BROOM  
 COLEMAN J. BRYAN, JR.  
 CYNTHIA M. BRYANT  
 CHRISTOPHER J. BURNS  
 CRAIG G. CARROLL  
 JONATHAN L. CHADWICK  
 RICHARD C. CHILDERS  
 CHONG H. CHOE  
 JEAN CHRETIEN  
 DOUGLAS J. CRAGIN  
 KANTI R. CRAIG  
 COLIN V. CRICKARD  
 SAMYA V. CRUZ  
 JENNIFER A. CURRY  
 ANJA DABELIC  
 JASON G. DAILY  
 RUPA J. DAINER  
 MARK N. DAMIANO  
 ERIC C. DEUSSING  
 HAMMA A. DIALLO  
 GLENN A. DOWLING  
 JOSH L. DUCKWORTH  
 ERIN E. DUFFY  
 JASON M. DURBIN  
 KENDALL M. EGAN  
 KELLY O. ELMORE

CHRISTOPHER S. ENNEN  
 GORDON L. FIFER  
 DAVID B. FOX  
 GREGORY H. FREITAG, JR.  
 CORY P. GACONNET  
 ROGER M. GALINDO  
 SAM W. GAO  
 WENDY C. GAZA  
 HAROLD J. GELFAND  
 THERESA M. GILLE  
 JONATHAN S. GLASS  
 CHRISTINA J. GONDUSKY  
 JUSTIN S. GREEN  
 MIGUEL A. GUTIERREZ  
 ROBERT J. HACKWORTH  
 KENT S. HANDFIELD  
 JOHN D. HARRAH, JR.  
 NATHAN C. HAWKES  
 DANIEL B. HAWLEY  
 AMY E. HENNING  
 CAMILLE A. HENNINGER  
 MARION C. HENRY  
 DAVID D. HESSERT  
 JOHN A. HODGSON  
 MERLENE V. HORAN  
 NICOLE D. HURST  
 ADNAN A. JAIGIRDAR  
 ELLIOT M. JESSIE  
 MICHAEL G. JOHNSTON  
 JEFFREY M. KANG  
 MICHEL J. KEARNS  
 MICHAEL L. KENT  
 BUDDY G. KOZEN  
 DAVID A. LALLI  
 MATTHEW W. LAWRENCE  
 JEFFREY L. LESTER  
 NELLE A. LINZ  
 PETER N. LOMBARD  
 JOSEPH R. LYNCH  
 MARCEL A. MACGILVRAY  
 VINH Q. MAI  
 MAUREEN F. MCCLLENAHAN  
 SEAN A. MCKAY  
 EUGENE A. MILDER  
 JEFFREY H. MILLEGAN  
 ANDREW G. MORTIMER  
 JOSHUA P. MOSS  
 JUSTIN R. MOY  
 DAVID P. MULLIN  
 ANDREW D. MULLINS  
 JAMES C. NEDEROSTEK  
 MATTHEW NEEDLEMAN  
 CORMAC J. OCONNOR  
 JOSEPH A. ODANIEL, JR.  
 ROWENA E. PAPSON  
 BRETT J. PARTRIDGE  
 JOHN A. PAYTON  
 LISA A. PETERSON  
 JULIO PETILON  
 THOMAS A. PLUIM  
 SUNEL R. RAMCHANDANI  
 JEFFREY C. RICKS  
 BENJAMIN RODRIGUEZ  
 SHERRI L. RUDINSKY  
 NEIL N. S. SALDUA  
 KRISTIAN E. SANCHACK

MICHAEL G. SANTOMAURO  
 PAUL D. SARGENT  
 CRAIG I. SCHRANZ  
 RICHARD H. SCHRECKENGAUST  
 ROBERT M. SELVESTER  
 TARA M. SHERIDAN  
 PETER D. SNYDER  
 ROBERT A. STATEN  
 JOHN H. STEELY  
 GEORGIA A. G. STOKER  
 THEOPHIL A. STOKES  
 DARYL J. SULIT  
 MATTHEW D. TADLOCK  
 MICHAEL S. TERMINI  
 KATHY D. TIEU  
 MICHAEL M. TILLER  
 BRENDAN T. TRIBBLE  
 MICHAEL S. TRIPP  
 DAVID L. TROWBRIDGE  
 DANIEL J. TRUEBA, JR.  
 TOMMY H. TSE  
 PAULETTE R. TUCCiarONE  
 IAN L. VALERIO  
 HEATHER J. VENTURA  
 BINH V. VO  
 SCOTT C. WALLACE  
 BENJAMIN D. WALRATH  
 BRUCE A. WATERMAN  
 REBECCA M. WEBSTER  
 DANIEL R. WEIS  
 DYLAN E. WESSMAN  
 SHARESE M. WHITE  
 MICHAEL E. WILLIAMS  
 EUGENE K. WILSON III  
 TARA B. WILSON  
 LUKE A. ZABROCKI

## CONFIRMATIONS

Executive nominations confirmed by  
 the Senate July 9, 2013:

### THE JUDICIARY

JENNIFER A. DORSEY, OF NEVADA, TO BE UNITED  
 STATES DISTRICT JUDGE FOR THE DISTRICT OF NE-  
 VADA.

### DEPARTMENT OF STATE

DANIEL R. RUSSEL, OF NEW YORK, TO BE AN ASSIST-  
 ANT SECRETARY OF STATE (EAST ASIAN AND PACIFIC  
 AFFAIRS).

GEOFFREY R. PYATT, OF CALIFORNIA, A CAREER MEM-  
 BER OF THE SENIOR FOREIGN SERVICE, CLASS OF MIN-  
 ISTER-COUNSELOR, TO BE AMBASSADOR EXTRAOR-  
 DINARY AND PLENIPOTENTIARY OF THE UNITED STATES  
 OF AMERICA TO UKRAINE.

TULINABO SALAMA MUSHINGI, OF VIRGINIA, A CAREER  
 MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF  
 COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND  
 PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA  
 TO BURKINA FASO.

## HOUSE OF REPRESENTATIVES—Tuesday, July 9, 2013

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. COLLINS of New York).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 9, 2013.

I hereby appoint the Honorable CHRIS COLLINS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, I'm going to be on the floor again talking about the failed policy in Afghanistan.

Mr. Speaker, most people in my district know that I've signed over 11,000 letters. They're condolence letters to families who've lost loved ones in Afghanistan and Iraq because of the unnecessary war we fought in Iraq. In the last 2 weeks, we were home for the July 4 break. There were two weekends. I've signed 16 letters to families in this Nation who have lost loved ones in Afghanistan.

Mr. Speaker, it's almost like we in Congress don't know we're still at war; yet there are young men and women dying in Afghanistan and being wounded every day. The American people do not understand why we continue to fund this failed policy in Afghanistan. Each and every day the failures become clearer and clearer to the American people, but not to Congress.

Most recently, Special Inspector General for Afghanistan Reconstruction

John Sopko warned that the Pentagon is moving ahead with plans to spend \$771 million on aircraft, including 30 Russian helicopters for an Afghan military team. This purchase comes despite the fact that only seven of 47 Afghan Air Force pilots are qualified to fly the helicopters. As reported by CNN, an audit by Mr. Sopko explained that the reason so few pilots are able to fly the aircraft is that "it's difficult to find literate recruits who don't have links to insurgents or criminals."

Mr. Speaker, that should wake up the Congress, if nothing else.

Unfortunately, this is only one of many examples of American money being wasted in Afghanistan. I've written multiple letters requesting a hearing to allow Mr. Sopko to testify before the House Armed Services Committee regarding this and other findings that he has made in Afghanistan and the abuse of American funds, but to my knowledge a hearing has not been scheduled. I will continue to push the chairman of the Armed Services Committee, which I serve on.

Mr. Speaker, what is so sad, truthfully, is for the American taxpayer, that their Representatives in Washington will continue to spend money in Afghanistan with very little accountability. The American people are tired of this war in Afghanistan, and they're tired of seeing young men and women coming back in flag-draped coffins.

While this administration is in the final stages of negotiating a bilateral security agreement with Afghanistan, Congress has had no debate on this strategic agreement. I realize that the President is not required to come before Congress for approval, but it is that we in Congress should have the concern that we would bring up the issue itself and debate it and vote up or down whether we should stay in Afghanistan for 10 more years.

Mr. Speaker, before closing, I want to remind that in these 16 letters that I signed in the last 2 weeks, some of these letters were addressed to children, whether it be two, three, four children, to say that I'm sorry that your father, your brother, your sister, or your mother has been killed in Afghanistan.

Mr. Speaker, in closing, I ask God to please bless the men and women in uniform, to bless the families of our men and women in uniform, in His loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq.

I ask God to bless the House and Senate, that we will do what is right in the

eyes of God. I will ask God to bless the President and give him the courage to do what is right for the American people.

And three times I will say, with the greatest respect, God, please, God, please, God, please, continue to bless America.

### GUN VIOLENCE IN CHICAGO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, entire neighborhoods in my city of Chicago are being torn apart by violence.

Last week, from Wednesday evening through Sunday evening, more than 70 people were shot in Chicago, 11 of whom died. Last year, over 500 people were murdered in my city. Of these murders, 80 percent were gang related, and nearly 90 percent were at the hands of a gun. The numbers speak for themselves. The city of Chicago is facing an epidemic of violence and the reasons behind it are clear.

There are many ideas to solve this problem. One—rounding up 18,000 members of the Gangster Disciples—is simply not legally or financially feasible. What is feasible and a significant way to stop gun violence in my city is to stop the flow of illegal guns into Chicago.

One reason the violence is at record levels is because gang members have such easy access to illegal guns. It's time for the Federal Government to step in and do something about it.

Despite the city's tough gun laws, Chicago cops are recovering illegal guns at nine times the rate of their counterparts in New York City. That's nearly three times the number of weapons in a city one-third the size. These outrageous numbers call for nothing short of a Federal response. We need a renewed effort at the Federal level to prosecute gun traffickers who put illegal weapons in the hands of gang members. We need to give our law enforcement the tools they need to put these guys away.

Last year, Chicago ranked last among Federal jurisdictions and Federal gun prosecutions. This is simply unacceptable. Gun traffickers should know that if you traffic illegal weapons in the city of Chicago, you will be spending a long time in a Federal penitentiary. We can no longer let these criminals be charged with mere paperwork violations.

I welcome the nomination of Zachary Fardon as Chicago's new Federal prosecutor and urge him to prosecute more

of these cases in Federal court. But to try more gun traffickers in Federal court, we need to give law enforcement the tools and funding they need to do so. That means finally passing a Federal law making gun trafficking illegal, with stiffer penalties for those who violate the law; that means increasing funding for Federal COPS grants to put more police on our streets instead of ignoring municipalities across the country that have been forced to cut their public safety budgets in these difficult economic times; and that means finally giving law enforcement the proper tools to go after corrupt gun dealers.

One percent of gun dealers are responsible for half the guns used in crimes in this country; yet current law foolishly limits things like inventory inspections. If law-abiding dealers reported inventories, the ATF would be much more effective in identifying lost and stolen weapons and combating corrupt gun dealers. That's why I introduced the TRACE Act this Congress, which would allow the ATF to require dealers to perform inventory checks and to report lost and stolen guns.

Mr. Speaker, people are being gunned down in my city every day. And while we continue to spend billions of dollars on nuclear weapons, tanks, and wars overseas, we're ignoring the gang war that is happening here at home. It's time for the Federal Government to step up to the challenge by stopping gun violence where it starts.

#### DOD CIVILIAN FURLOUGHES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. TURNER) for 5 minutes.

Mr. TURNER. Mr. Speaker, yesterday over 14,000 civilian Department of Defense employees at Wright-Patterson Air Force Base in my community were furloughed as a result of sequestration. For 11 days, over the next few months, these hardworking members of my community will see their pay cut by 20 percent.

I voted against this mess. I knew the effects of sequestration on our national security and our community and its citizens would be significant and for many devastating. These vital members of our national security structure have essentially been told they are expendable. Morale at Wright-Patterson Air Force Base and DOD facilities around the United States is suffering because of this.

I've spoken to not just these civilian employees, but to car dealers, restaurant owners, small businesses, all of who feel the pain and frustration because of inaction here in Washington. It doesn't have to be this way. The House has passed an act to avert sequestration. The Senate has failed to pass a single bill to avert sequestration. The President, who promised the

American people that this would not happen, has done nothing. Meanwhile, families and businesses, not only in Ohio but across the country, are suffering. It's time for the President to keep his promise that he made during his election campaign and to work to set aside sequestration.

Mr. Speaker, I voted against sequestration. The House has passed legislation to halt it, and it's time that the Senate and the President come to the table and work to find a way to avert these furloughs and their devastating impact on the lives and businesses of hardworking Americans and its impact upon our national security.

#### PERSONALIZE YOUR CARE ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I would ask my colleagues a very simple question: Can this Congress approve legislation that is supported by over 85 percent of the American public that is truly bipartisan legislation, with distinguished Republican cosponsors, and will not cost anything and, in fact, could even save billions of dollars? Can we give the American public something they not only want, but they need and to which they're entitled?

I would hope so. I would hope that Congress could act on the Personalize Your Care Act, H.R. 1173, which I've introduced along with Dr. ROE, Mr. REED, Mr. HANNA, Dr. McDERMOTT, and Dr. BERA.

I would make part of the Record survey research by the Regence Foundation and the National Journal that shows overwhelming public support for this type of protection for families. Ninety-six percent of Americans surveyed said it was important that these health and end-of-life issues be a top priority for our health care system; 97 percent agree that it's important that patients and their families be educated about palliative care and end-of-life option treatments available, along with curative treatment; and 86 percent agree that these discussions about palliative care and end-of-life treatment should be fully covered by health insurance.

Americans agree that people need to know what faces them in difficult situations approaching end of life or when people are temporarily unable to make medical decisions for themselves. But Medicare, which will pay tens of thousands of dollars for a full hip replacement for a 93-year-old woman with terminal cancer, will not authorize a couple hundred dollars for her and her family to have medical consultation about her personal choices and circumstances for the future. Our legislation will change that.

There have been fascinating studies about how doctors die differently from

the rest of us because they know what works and what doesn't. Doctors, it turns out, tend to consume health care much differently and often less in their final year of life. It's not that they don't understand. It's not that they don't have access to health care. They can afford it. They just know their situation better than the rest of us, they know what works, they know what they want, and usually that means comfort and quality of life and more control.

Our legislation will be a small, but important, step to make sure that every American is treated like a doctor in their last year of life: knowing their choices, knowing their prospects, being able to identify what they want, and make sure that their wishes are known and respected.

I don't think there are any of us on the floor of the House who has not felt some frustration. Can't we get something done? Here's an opportunity that doesn't depend upon what your view of ObamaCare is. Whether it's implemented, delayed, or repealed doesn't matter.

□ 1015

This is legislation that doesn't need to cost anything. It actually will end up saving money, but money is not the point.

Can we act together to do something for the public, show that we're not paralyzed, that we can work together, that we can make progress in a difficult environment?

I would urge my colleagues to join the bipartisan and growing list of Members who have cosponsored the Personalize Your Care Act, H.R. 1173. Some day Congress is going to deal with the vast looming crisis we face. In the meantime, helping patients understand their choices and make their wishes known and respected is an important step to start.

#### SURVEY RESEARCH FROM THE REGENCE FOUNDATION AND THE NATIONAL JOURNAL

AMERICANS AGREE THAT DISCUSSIONS ABOUT PALLIATIVE CARE AND END-OF-LIFE CARE TREATMENT OPTIONS SHOULD BE FULLY COVERED

Now, please tell me whether you agree or disagree with the following statements regarding these health and life issues.

Discussions about palliative care and end-of-life care treatment options should be fully covered by health insurance: 86% agree.

Discussions about palliative care and end-of-life care treatment options should be fully covered by Medicare: 81% agree.

AMERICANS OF ALL STRIPES SAY IT'S IMPORTANT FOR THESE ISSUES TO BE A TOP PRIORITY FOR THE HEALTH CARE SYSTEM

Now that you've heard some more information, how important is it that these health and life issues be a top priority for the health care system in this country?

96%: important.

72%: very important.



AMERICANS WIDELY AGREE ON THE IMPORTANCE OF EDUCATING PATIENTS ABOUT THEIR OPTIONS AND THE VALUE OF A PUBLIC DEBATE

Now, please tell me whether you agree to disagree with the following statements regarding these health and life issues.

It is important that patients and their families be educated about palliative care and end-of-life care options available to them along with curative treatment: 97% agree.

A public dialogue and debate about these health and life issues will help patients and their families by providing them with more information about their treatment options: 86% agree.

### IMMIGRATION BILLS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. BARLETTA) for 5 minutes.

Mr. BARLETTA. Mr. Speaker, I rise today in the wake of the passage of the Senate amnesty bill to shed light on two important elements of illegal immigration that the Senate has grossly overlooked. As we know, the Senate bill pairs border security with amnesty. This makes no sense. You would never replace your carpet at home if you still had a hole in the roof.

I am hopeful that the House will put border security first, but I still have concerns. That's why today I'm introducing two pieces of legislation. One will address the problem of visa overstays, and the other will ask for a full accounting of what went wrong with the 1986 amnesty deal that led to our current illegal immigration problem.

The first bill, the Visa Overstay Enforcement Act of 2013, will, for the first time, make staying in the country after your visa has expired a felony criminal offense instead of just a civil offense. Upon a first offense, the visa overstay would bring a \$10,000 fine and 1 year in jail. The illegal immigrant may not be legally admitted to the United States for 5 years from the date of conviction and may not apply for a visa for 10 years after the date of conviction. A second offense would be subject to a fine of \$15,000 and up to 5 years in jail. The illegal immigrant would be banned from entering the United States for life.

Most of the talk about this issue has been focused on the southern border, but that won't solve our illegal immigration problem alone. If we fix our broken visa system, we can take care of nearly half of our illegal immigration concerns.

The second part of this bill requires the Secretary of Homeland Security to submit a plan to Congress detailing a biometric exit program involving the taking of fingerprints of those leaving the country at all land, sea, and air ports.

As I have often said, since 40 percent of illegal immigrants here today are

here on an expired visa, it is obvious that if your State is home to an international airport, then you effectively live in a border State.

And we should learn from history. In 1986, we were told that if we just granted amnesty to 1.5 million illegal immigrants, the problem would go away. That didn't happen. Instead, 3 million people came here to take advantage of amnesty. We need to know what effect the 1986 amnesty program had on the American worker and whether the effects still linger today. Were wages depressed? Were jobs taken away from legal workers because so many received amnesty? We should learn our lesson.

My second piece of legislation is the 1986 Amnesty Transparency Act. It requires a comprehensive report on the failures of the Immigration Reform and Control Act of 1986, which are many.

Speaking of 1986, let's remember in that year, one of the bombers in the 1993 World Trade Center attack was granted amnesty. He had originally arrived on an agricultural visa. He was really a taxi driver, and all he ever planted was a bomb.

The real losers in this debate are the legal immigrants who have followed the rules. Here is a clear example:

Under the ObamaCare employer mandate, any company with 50 or more employees must provide health insurance to their employees or pay a fine of \$3,000 per employee, but illegal immigrants granted amnesty under the Senate bill are exempt from ObamaCare. So I ask you: What is the incentive to hire a legal American worker who would come with a health care price tag over an illegal worker who would not? None.

We have immigration laws for two reasons: to protect our national security and to protect American jobs. The Senate bill violates both of those principles. So tell me, why would we do this?

I ask the House to consider my commonsense bills and put border security first. Let's put the safety of the American citizens first.

### FAILURES OF OBAMACARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, last week while the American people were preparing to celebrate the 237th birthday of the Nation, the Obama administration announced, via a blog post, that it will provide an additional year before the employer reporting requirements and the employer shared responsibility requirements of ObamaCare take effect.

There are few issues as personal and significant in the lives of individuals

and families as health and well-being, which is why the irony of reminding Americans that government now controls their health care during the week we celebrate our country's independence did not go unnoticed. Despite efforts to quietly buy time and obfuscate responsibility for this fatally designed health care law, most Americans rightfully view this delay as an admission of failure.

Mr. Speaker, the businesses that provide the jobs and the source of health care coverage for most Americans were not surprised by this announcement. Most are well aware that this law was thoughtlessly rammed through Congress in the middle of the night with a litany of technology flaws and other blatant failures.

Unfortunately, employers have been struggling with high health care costs since before the law passed. Given the combined pressure of new taxes and regulations, businesses are hurting exponentially worse now that the law's provisions have begun to take effect. These new government mandates incentivize businesses to reduce their workforce to under 50 full-time equivalency employees. To avoid financial penalties, the incentive under ObamaCare is to reduce individual hours to avoid these mandates. Employees now face the redefinition of "full-time" down to just 35 hours per week.

This law denies opportunities for growth that could and should be available and promoted. This is fundamentally counter to what a vibrant and robust American economy demands. Fewer jobs and reduced individual hours are not good for individuals, for families, for businesses, or for our economy. Nonetheless, employees and employers alike are experiencing the consequences of "Obama-sizing" both businesses and jobs.

By the time the law is fully implemented in 2023, the Congressional Budget Office estimates that the President's health care law will still leave 30 million Americans uninsured. At the same time, the law is massively driving up the cost of care for both employers and employees. In fact, 17 of the Nation's largest insurance companies indicate that health insurance premiums will grow an average of 100 percent under this law.

The evidence is overwhelmingly conclusive, Mr. Speaker: ObamaCare is not only unaffordable, but it also fails to address access to care in any meaningful way. In the process, we're damaging everything that is good and effective about the current system. To boot, we're undermining growth and stalling our economic recovery. Effectively, we've thrown the baby out with the bathwater. The fact that the White House used a blog post to announce the employer mandate change reveals just how desperate the administration is to

cover up the flaws of this fatally flawed bill. Unfortunately, this is not something the White House was willing to admit until after the midterm election.

#### CYRUS CYLINDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. ROYCE) for 5 minutes.

Mr. ROYCE. Mr. Speaker, I rise in recognition of a document of great significance, the Cyrus Cylinder, that will be touring the United States for the duration of this year and will be on display in museums across this country. On October 2, the Cyrus Cylinder will be displayed to the public at the Getty Museum in Malibu, California.

In what historians call the “first bill of human rights,” the Cyrus Cylinder, out of Persia, remains important, particularly as the Cylinder’s inheritors, the people of Iran, continue to suffer under the repressive Islamic Republic in Iran.

Jews, Babylonians, and Greeks left laudatory accounts of Cyrus’ actions. The Cyrus Cylinder is widely considered to be not only the first human rights document, but a document to protect other cultures. In the Torah, it is written:

King Cyrus issued a decree concerning the house of God in Jerusalem, let the house be rebuilt. The cost will be paid from the cost of the King.

In what now can be considered a defining moment in history, Cyrus permitted the Jews to take their statues, their ceremonial vessels, and important cultural and religious objects back with them to Jerusalem and rebuild their temple.

Cyrus the Great holds a special position in the history of civilization. His humanitarian values of freedom for all people, respect for culture and religious diversity, and recognition of the fact that it is better to be loved than feared are remarkable attributes for any ruler.

But as Ali Razi, who left Iran in the wake of the Iranian Revolution, shares with us, for someone who lived 2,600 years ago, such beliefs are truly exceptional. Ali Razi makes a second point about the document’s influence on Persian and Greek culture, and on the European Enlightenment. Cyrus’ values and ideas for governance have long inspired political thinkers and leaders of men, including the Founding Fathers of this country, who wove these same ideals into the very Constitution of the United States. Thomas Jefferson owned two copies of “Cyropedia,” a book of histories by the Greek historian Xenophon that told the story of King Cyrus—Cyrus the Great, as the Persians call him. Such was Jefferson’s admiration for this work that Jefferson wrote to his own grandson:

I would advise you, go first through the Cyropedia, and then read Herodotus and Thucydides.

Unfortunately, contrary to the traditions of the Cyrus Cylinder, the Iranian Government continues to engage in widespread human rights abuses. While the Cyrus Cylinder highlighted peace and acceptance as its ideals, the current regime in Iran has steadily increased its discriminatory practices and repression of the country’s ethnic and religious minority populations—from Azerbaijanis to Baluchis, to Kurds and Arabs, to the Baha’is and Christians and Zoroastrians. Iranian authorities routinely deny its citizens the most basic human rights through harassment, intimidation, detention, and violence.

And for those minorities who have served in the prison system in Iran, they can tell you the stories of how horrible that violence can be. Actions that often violate Iran’s own international obligations routinely occur there in that country, and I hope that the tour of the Cyrus Cylinder across the United States brings attention to the oppressiveness of the Iranian regime and serves as a symbol, a symbol that promotes human rights around the world, a symbol to remind people of what that culture once stood for under Cyrus the Great.

So, in 2013, on the occasion of the first-ever visit of the Cyrus Cylinder from the British Museum to the United States, and to the Getty Museum in Malibu from October 2 to December 2, we call attention to this important historical document for the example it set over two millennia ago.

#### MOURNING LOSS OF LIFE ON ASIANA FLIGHT 214

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. PELOSI) for 1 minute.

Ms. PELOSI. Mr. Speaker, this past weekend as the Nation celebrated the Fourth of July, the birth of our country, tragedy struck. As all the world knows, a plane crash landed at the San Francisco airport, something very uncommon, but something that shared a common interest.

□ 1030

Our thoughts and prayers today rest with the passengers and the crew who were on board Asiana Airlines Flight 214, with the families of the victims of the horrific tragedy, the men and women recovering in hospitals across the Bay Area.

Our prayers are with the families of the two young girls, Ye Mengyuan and Wang Linjia, who lost their lives on Saturday. Indeed, we know that no words can console their loved ones today. All of San Francisco shares in their shock and grief. We will do everything we can do to care for those affected and their families.

The sudden crash shook the grounds of San Francisco International Airport,

testing the training, strength and courage of those who would be the first on the scene.

As a Representative of San Francisco in the Congress, a privilege I share with Congresswoman JACKIE SPEIER—the airport is actually in Congresswoman SPEIER’s district—we will join together to observe and mourn the losses tomorrow when some more of our Members are here, back from the Arizona tragedy.

But for now, I wanted not another day to go by before commending the crew. They performed so heroically. The crew was so magnificent, and a reminder to us that the first responsibility of the crew is safety, that they are trained for it, and they performed magnificently. And the flight attendant, the lead flight attendant was the last person to leave the plane, not until everyone else was off.

First responders responded in characteristic fashion, with bravery, with valor, without regard for their own safety, with their sights set only on the safety of others. Their stories are so remarkable. Their stories are so remarkable about what they saw on the plane and how people responded.

And it was also the coolness and the cooperation, not only of the crew, but of many of the passengers, that enabled so many people to be saved. Seeing the sight of the plane and the crash, it was almost miraculous to think that so many people would survive the crash.

There was only minutes to react, and within minutes, the flight crew and the San Francisco and San Mateo police officers and fire departments were climbing up the rescue chutes, running through smoke-filled aisles and leading passengers out to safety.

Within minutes, Fire Rescue Captain Tony Molloy and his team had set up a triage-and-treatment area so they could immediately evacuate the most severely injured.

Within minutes, the air traffic controllers and airport staff were effectively diverting traffic and travelers to secure the area.

Within minutes, local hospital staff had prepared, made ready and visited to provide the injured with the necessary care and support.

As we speak, the injured are recovering at San Francisco General Hospital, the source of pride to us in San Francisco. It is a major trauma center. And if you have to go to a trauma center, San Francisco General is the gold standard.

UCSF Medical Center, Stanford Hospital and Clinics, Lucile Packard Children’s Hospital, St. Francis Memorial Hospital, St. Francis Medical Center, California Pacific Medical Center.

The swift and fearless response of each of the men and women who responded—each of these are heroes—saved the lives of many on the Asiana flight. Their actions are a hallmark of

their professions and a testimony to the strength and selflessness that defines the San Francisco Bay Area.

The story of Asiana Flight 214 is not over. Long after the news of the tragedy fades from the front pages and nightly news reports, the National Transportation Safety Board will continue to investigate what happened, and we will all work to ensure that it never happens again.

I want to particularly commend the Board and Chairwoman Deborah Hersman for being on the scene immediately with an investigative team in the most professional, thorough manner.

We will continue to work with the Federal Aviation Administration and San Francisco International Airport to ensure that our planes are secure, our passengers are safe, our U.S. aviation remains the safest way to travel.

It's been decades since we had any incident at the San Francisco airport. I can't remember any.

We will honor the acts of the first responders, the flight crew, the flight crew, the flight crew—weren't they magnificent, weren't they all—the traffic controllers, the hospital staffs.

We will remember those lost in the tragedy and will do what we can to always ensure the safety and security of all travelers in America.

Again, our prayers are with those who suffered through that tragedy and the trauma that many experienced that is beyond physical but, hopefully, comforted by the prayers and interest of others.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 35 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving God, we give You thanks for giving us another day.

Stir our spirits, O Lord, that we may praise You with full attention and be wholehearted in all the tasks You set before us this day.

We ask Your blessing upon our Muslim brothers and sisters as they begin observation of the holy month of Ramadan. May their dedication to You as You have revealed Yourself to them,

and their commitment to grow in relationship to You, redound to the benefit of our Nation.

Bless the Members of this people's House with wisdom this day. As they continue the work of this assembly, guide them to grow in understanding in attaining solutions to our Nation's needs that are imbued with truth and justice.

May all that is done here this day be for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WILSON of South Carolina. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WILSON of South Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Kentucky (Mr. GUTHRIE) come forward and lead the House in the Pledge of Allegiance.

Mr. GUTHRIE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

#### HEALTH CARE

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Mr. Speaker, the Obama administration last week announced that it would delay until 2015 the employer health mandate, a crucial provision of its signature health care law. This is of questionable legality.

Days after that announced delay, the White House said that it would roll back requirements for new State online insurance marketplaces to verify the income and health coverage status of

people who apply for subsidized coverage.

And this week it was reported that the Obama administration has quietly notified insurers that a computer system glitch will limit penalties that the law says companies may charge smokers.

These disclosures underscore the fact that ObamaCare is unaffordable, unworkable, and isn't what the American people were promised. It is time for President Obama to work with House Republicans to repeal the Affordable Care Act and replace it with effective, commonsense reforms that actually lower health care costs for working families and small businesses while protecting jobs and our economy.

#### STUDENT LOAN RATES

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I rise today because every American deserves access to an affordable education. Unfortunately, high costs keep too many students from realizing this dream. Last Monday, the interest rates on subsidized student loans doubled to 6.8 percent. We have the ability to fix this, and the time to act is now.

This week, the Senate will vote on a plan to lower interest rates to 3.4 percent for another year. Authored by my friend and colleague from Rhode Island, Senator JACK REED, this bill is a commonsense solution to another self-imposed crisis. I realize, as does my colleague from Rhode Island (Mr. CICILLINE), that over 40,000 Rhode Island students receive subsidized Stafford loans and will soon be making financial decisions for the upcoming school year.

If education is truly the great equalizer, if it's the thing that's going to help our students achieve their own path to success and truly grow our economy, then how can we justify making it less accessible to the most economically disadvantaged?

Mr. Speaker, we must act today to help students access higher education. I urge the Senate to pass this bill and the House to take it up without delay.

#### IRS IS AN AGENCY OUT OF CONTROL

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Mr. Speaker, after spending the past week meeting constituents across my district, I come to the floor to remind my colleagues that the American people are incensed over the unwarranted targeting and mistreatment by the IRS.

Without the administration's help, the House has done its due diligence to

get to the bottom of this issue, but it seems as though a new scandal comes to light every day. Most recently, we learned about the purchase of wine, romance novels, and even illicit material on IRS credit cards. Add lavish conferences, improper contracting practices, singling out of adoptive families, and, of course, the systematic targeting of conservative and religious groups, it is apparent that the IRS is an agency out of control.

Mr. Speaker, the Fourth of July causes our entire Nation to pause and reflect on the vision of liberty our Founders valued when they declared our independence. Liberty is jeopardized when Federal agencies abuse the trust granted by the people. It must end, and the administration and the IRS must show Congress and the American people that it will never happen again.

#### REPLACE SEQUESTRATION

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, Washington's failure to replace sequestration is imposing real penalties on families all across our country. This week, in my home State of Rhode Island, more than 3,000 civilian Department of Defense employees at the Naval Undersea Warfare Center and the U.S. Naval War College were furloughed, imposing the equivalent of a roughly 20 percent pay cut through the end of the fiscal year. And it doesn't stop there.

Sequestration is expected to cost the American economy 750,000 jobs this year alone, according to the Congressional Budget Office. Americans have had enough of dysfunction, gridlock, and political posturing between Republicans and Democrats in Washington. It's time for Congress to start getting things done for working families, and that's why I'm calling on the House Republican leadership to immediately bring H.R. 2060 to the House floor for an up-or-down vote so we can replace sequestration with smart, targeted spending cuts and new sources of revenue by eliminating subsidies for big oil companies and closing tax loopholes for corporations that ship American jobs overseas, commonsense solutions that all of us in this Chamber should agree on.

#### REPEAL AND REPLACE OBAMACARE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, according to a recent editorial in the Washington Times:

The promise of ObamaCare was that it would make health insurance both universal and affordable.

It was obvious from the beginning that President Obama's scheme, a fantasy of politics and palaver, wouldn't work. The folly of the health care takeover becomes ever more clear with the appearance of the markers for implementation. Robust economic growth is crucial, and ObamaCare threatens to make a bad economy much worse. Congress must listen to the whistle of that speeding train bearing down on us and step on the brakes and avoid the wreck while there's still time to come.

The wheeling and dealing of the dishonest ObamaCare campaign has finally caught up with the President. Delaying the employer mandate while still requiring individuals to comply with the government health care takeover bill is wrong and will place a burden on American families. We must repeal ObamaCare in its entirety and replace it with a plan to preserve the doctor-patient relationship before this unworkable law destroys more jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### SECURITY AT OUR PORTS

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, as a representative of our Nation's busiest port complex and the cofounder and cochair of the Ports Caucus, I understand the unique security challenges that ports pose to our economic and national security. Ports are a crucial piece of our economy, and a potential attack or disruption to trade operations could have a disastrous impact on the American economy.

Last week, the Brookings Institution released a study highlighting troubling cybersecurity weaknesses at our Nation's ports, an all too often overlooked area of infrastructure vulnerability.

We need to do better and finally take a comprehensive examination of the security of our Nation's ports facilities and develop a plan to address any gaps or vulnerabilities.

This is why I urge my colleagues to support the GAPS Act, my legislation that directs the Department of Homeland Security to conduct a comprehensive classified study of potential gaps in port security and prepare a plan to address them. After all, think tanks aren't the only ones looking for security weaknesses at our ports.

#### STOP OBAMACARE

(Mr. GUTHRIE asked and was given permission to address the House for 1 minute.)

Mr. GUTHRIE. Mr. Speaker, just last week the administration chose to delay implementation of the employer mandate by 1 year. While this delay grants

business owners more time to determine their options, it is not the repeal that we need.

The House majority leadership sent a letter to President Obama today asking him to explain what prompted a delay in the employer mandate. The American people—families like yours and mine—are left wondering what led to this decision and why the individual mandate, which will be just as costly, remains in place. I join my colleagues in requesting this vital information.

The requirements of the health care law have always left more questions than answers. I continue to hear from Kentuckians who wonder if they will lose their coverage, be forced to choose different providers, or be saddled with enormous new costs. ObamaCare continues to be the train wreck that will destroy jobs, and we have to stop it.

#### SCHOOL-BASED HEALTH CENTERS ACT

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today to call attention to legislation I'm reintroducing, the School-Based Health Centers Act.

My bill is simple and straightforward. It reauthorizes the only source of Federal support dedicated to the operations of school-based health centers. These centers provide vital, preventive, and primary health services to over 2 million students nationwide. They are often the only source of health care for children and adolescents, and they are easily accessible, keeping students healthy, in school, and learning.

Yet, in the current economic climate, many of the nearly 2,000 centers are at risk of cutting services, jobs, or even closing. That's why I've reintroduced legislation to ensure that these important health centers not only remain open, but can expand to serve even more students.

Students deserve reliable access to quality comprehensive health care services, and at school-based health centers, they can find one of the best ways to do just that.

I strongly urge my colleagues to join me in cosponsoring the School-Based Health Centers bill.

#### COLLECTION AND USE OF DATA

(Mr. LUETKEMEYER asked and was given permission to address the House for 1 minute.)

Mr. LUETKEMEYER. Mr. Speaker, earlier today the Financial Services Subcommittee on Financial Institutions and Consumer Credit held a hearing on the Consumer Financial Protection Bureau's widespread collection and use of data.

At this time, Washington is flooded with scandals over mass surveillance and political targeting. Over the past few months, Americans have seen and continue to see the potential for personal information to be misused and compromised by the government.

Now another government agency that has touted itself as being transparent is spending millions of dollars to collect and store information on potentially millions of U.S. citizens.

Even more troubling is that in today's hearing, the Acting Deputy Director of the CFPB couldn't even give a broad estimate of the number of Americans having their data monitored.

Americans have a right to know that their government has gone too far. It is time for the CFPB and the administration to answer questions from Congress, allow for greater transparency, and safeguard the privacy and constitutional rights of American citizens.

#### OUR NATIONAL PARK SYSTEM

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, this month we celebrate one of America's best ideas, our national park system, and what it means for millions of our families each year to be able to enjoy the park system throughout our country. As we mark National Parks and Recreation Month, we remember that the parks in America belong to all of us.

We have some wonderful parks in California. Yosemite National Park is in my backyard, and it brings millions of Americans to California, who stand in awe of Half Dome and Yosemite Falls, Toulumne Grove and the Mariposa redwoods.

I have introduced legislation before this House that would protect Yosemite's vulnerable western boundary by expanding the park to include 1,600 acres that was originally intended by John Muir. This would ensure that we continue to preserve the park for future generations of Americans as it was originally envisioned almost 150 years ago.

It has been said that nothing is more American than our national park system. My bill would guarantee that we're protecting one of the crown jewels of this truly American treasure.

□ 1215

#### OBAMACARE DELAYS EMPLOYER MANDATE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Three and a half years and hundreds of millions in taxpayer dollars later, this ad-

ministration still hasn't figured out how to implement their healthcare law. What more proof do they need?

More now than ever, it's clear that this law is too complicated, too expensive, and worst, failing American families.

Last week, the Obama administration announced they would no longer require businesses to offer health insurance to workers next year, nor require States to verify residents' income before signing them up for insurance.

While these actions provide much-needed relief to our job creators, who have been forced to shrink paychecks and freeze hiring, it still requires individuals and families to obtain insurance. It also opens the door to more waste, fraud, and abuse of precious taxpayer dollars.

American families want, need, and deserve patient-centered care, not the government-knows-best healthcare system.

It's time to repeal and shred this broken law into ribbons. Let's start over with real, commonsense reform before it's too late.

#### HONORING THE ACHIEVEMENTS OF KAITLYN KIRCHNER

(Mr. WALZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ. Mr. Speaker, I rise today to congratulate Kaitlyn Kirchner, a constituent of mine from Madelia, Minnesota. She created the winning recipe in the White House's second annual Healthy Lunchtime Challenge and won an invitation to today's Kids' State Dinner hosted by the First Lady.

Yesterday, I had the honor of meeting Kaitlyn and her family, and what an impressive young woman. At age 9, she created not only a healthy recipe that would make any chef proud, she did it making it healthy with 100 calories or less in the dish.

Since she's been 3 years old, Kaitlyn has been helping her mother handpick vegetables and cook seasonal dishes.

Her recipe for the competition was a garden stir fry featuring Minnesota homegrown carrots, broccoli, yellow summer squash, sugar snap peas, red bell peppers, and onions.

There's no doubt that Kaitlyn has a bright future ahead of her in whatever she decides to do. It's an honor for me to meet Kaitlyn and her family and congratulate her on this high honor and her contribution to making America a healthier Nation.

#### OUR MANTRA SHOULD BE: JOBS, JOBS, JOBS

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute.)

Ms. WILSON of Florida. Mr. Speaker, it's now been 919 days since I arrived in

Congress—919 days—and the Republican leadership has still not allowed a single vote on serious legislation to address our unemployment crisis.

After learning of Friday's lackluster job numbers, many pundits and politicians actually cheered. It could have been worse, they said. They also said things are returning to normal.

Try telling that to any of the 11.8 million Americans who are still out of work, or to the millions more who are underemployed or have given up looking for work.

According to Friday's job numbers, the average length of unemployment is now at 35 weeks. Before the Great Recession, the average was just 16 weeks.

Mr. Speaker, it's no wonder people are losing hope. It's our obligation to restore that hope.

As we begin this July session, let's commit to passing a comprehensive bill to restore unemployment for young people, recent grads, and the long-unemployed.

Mr. Speaker, our mantra should be: jobs, jobs, jobs.

#### THE NEXT CHAPTER IN THE WAR ON WOMEN

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. When the majority leader announced a list of bills that the House may consider over the next few weeks, I was disappointed to hear that, in July, instead of focusing on significant challenges that face our Nation, House Republicans will begin the next chapter in their war on women.

We may consider, we heard, appropriations bills and another farm bill that would have drastic cuts to vital programs like SNAP and WIC that disproportionately devastate low-income women and families.

We may, yet again, vote on legislation to repeal or gut the Affordable Care Act, which has provided millions of women with access to preventive care and ensured, finally, that being a woman is not a preexisting condition.

What's equally troubling is what we didn't hear, what's missing from the list. Where is a budget to replace the sequester, which is prohibiting access to lifesaving programs for victims of domestic violence?

Where is legislation to create jobs, put Americans back to work, and strengthen economic opportunities for the middle class?

And where is the Paycheck Fairness Act to finally ensure that women get equal pay for equal work?

I say we need another list.

# CONDOLENCES TO THOSE AFFECTED BY THE CRASH OF ASIANA AIRLINES FLIGHT 214

(Ms. SPEIER asked and was given permission to address the House for 1 minute.)

Ms. SPEIER. Mr. Speaker, I rise to join Leader PELOSI in expressing my condolences to all those affected by the crash of Asiana Airlines Flight 214 on Saturday morning at San Francisco International Airport in my district.

My thoughts and prayers are with the families of the two victims of the crash on their way to a summer camp in southern California. My thoughts and prayers are with all those who were seriously injured and face months or years of recovery.

The miracle of Flight 214 is that 305 passengers and crew survived this horrific tragedy. That is due, in no small part, to the many heroes of that day: crew, fellow passengers, valiant first responders, SFO staff, everyone who evacuated the plane, even when fire was burning in the fuselage; the crewmember who carried a young passenger off the plane on her back because he was too frightened to escape; the firefighters and San Francisco Police Officer Jim Cunningham, who was wearing no protective gear, who entered the plane and helped four passengers escape, including one who was trapped. It was nothing short of heroic and remarkable.

Plane travel is safer than it ever has been, but this crash is a reminder that we need never stop the focus on safety. Thankfully, the National Transportation Safety Board, under the leadership of Chairman Deborah Hersman, is there to fully investigate and determine exactly what happened.

Mr. Speaker, this was a horrible tragedy, but we have much to be thankful for.

## THE NEED FOR COMPREHENSIVE IMMIGRATION REFORM

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, I rise today to call upon this body to pass comprehensive immigration reform.

Moments ago, I was at a mock graduation of hundreds of Dreamers. These are young, de facto Americans, Americans who are as American as you or I, grew up, played on the sports team, were cheerleaders, in some cases valedictorians in their high schools, and yet they lack the paperwork to prove that they are Americans.

They are as American in their hearts as any of us and have so much to give to the great country in which they grew up. And yet they are prevented from doing so by the failure of this body to act.

I applaud President Obama's deferred action program, at least a temporary

solution to allow these young de facto Americans to have the paperwork they need to get a job or get a driver's license. But there's no certainty there.

What becomes of them in 2 years, in 4 years?

How do they know that the time that they spend investing and earning a college degree will be able to pay off with a good job down the road?

It's time for this body to take up action on the Senate bill or pass a comprehensive House bill. We have a unique window of opportunity to do something very important for our economy, creating jobs for Americans, important for our national security, and important for the future of our country.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. HULTGREN) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, July 9, 2013.

Hon. JOHN A. BOEHNER,  
Speaker, U.S. Capitol, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 9, 2013 at 10:50 a.m.:

That the Senate passed S. 793.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

## PROVIDING FOR CONSIDERATION OF H.R. 2609, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 288 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 288

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2609) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During con-

sideration of the bill for amendment, the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. BURGESS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. House Resolution 288 provides for an open rule for consideration of H.R. 2609, making appropriations for energy and water development and related agencies for fiscal year 2014.

This rule contains the tradition reinstated by the Republican majority in the last Congress that appropriations bills should come to the floor in a manner that allows every Member of the House, both Republican and Democrat, to amend those bills and to have their voices heard.

Mr. Speaker, I rise today in support of this rule and the underlying bill, making appropriations for the Department of Energy and the United States Corps of Engineers. The bill provides for \$30.4 billion for these agencies, which is \$2.9 billion below fiscal year '13 enacted and \$4.1 billion below the President's request, at a time of fiscal constraint, when government, like our constituents, must make tough choices on where to smartly spend the money the American taxpayers have trusted it to oversee.

The bill provides critical funding for our energy needs, making \$450 million available for advanced coal, natural gas, oil and fossil fuel technologies. Moreover, the bill provides \$5.5 billion for environmental cleanup activities, funds to safely clean sites contaminated by nuclear weapons production.

The underlying bill before us has been carefully crafted by the Appropriations Committee under the leadership of Chairman ROGERS, Ranking

Member LOWEY, Subcommittee Chairman FRELINGHUYSEN, and Subcommittee Ranking Member KAPTUR.

Funding for energy programs is cut by \$1.4 billion, while simultaneously prioritizing funds to advance our goal of an all-of-the-above solution to energy independence.

Further, the House continues its commitment to achieve a long-term storage facility for nuclear waste, providing support activities in support of the opening of Yucca Mountain, a solution long overdue.

The House energy and water bill furthers this majority's commitment to spending taxpayer money wisely, cutting waste and inefficiencies wherever they may be.

Once again, Mr. Speaker, I rise in support of the rule and the underlying legislation. I encourage my colleagues to vote "yes" on the rule and "yes" on the underlying bill.

I reserve the balance of my time.

Mr. POLIS. I yield myself such time as I may consume.

I thank the gentleman for yielding me the customary 30 minutes.

Mr. Speaker, I rise in opposition to the underlying bill, H.R. 2609, the fiscal year 2014 Energy and Water Appropriations Act.

Having this bill on the floor this week is another example of how we, as a body, our Congress, has its priorities wrong. It's why Congress has an approval rating of 12 percent.

Rather than fixing our broken immigration system and replacing it with one that works for our country, rather than doing something about the fact that student loan rates just doubled for students that are incurring new loans, here we are sacrificing our renewable energy future while simultaneously increasing spending for new and unneeded nuclear weapons far above even the sequestration level of funding.

□ 1230

It's no wonder this institution has the disapproval rating that it does.

This legislation is fundamentally flawed. It underfunds programs that not only grow our Nation's clean energy sources but also create jobs, promote emerging technologies, and maintain critical infrastructure. Yet, while making these cuts, it increases weapons activities by \$97.7 million above the 2013 enacted levels. Here we have a bill that prioritizes unnecessary weapons and defense programs at the expense of our Nation's innovation and international competitiveness.

The underlying bill slashes program funding for a valuable program called the Advanced Research Projects Agency-Energy, or ARPA-E. Yesterday, in our Rules Committee, both the ranking member and the subcommittee chair agreed that they were fans of this critical program; yet it cuts funding by \$215 million below last year's funding

level. ARPA-E was modeled after DARPA, the Department of Defense's Defense Advanced Research Projects Agency, which has led to so many great, innovative technologies that improve our security as a country. In its few short years of existence, ARPA-E has funded 285 projects in 33 States that promise to transform the energy future for our country.

ARPA-E's rigorous program design and competitive project selection process show that our taxpayer dollars are being used wisely, and the program has paid off. Since 2009, at least 17 ARPA-E programs have leveraged the government's small initial investment of approximately \$70 million into what is typically \$500,000, \$1 million, or up to \$2 million in private sector capital.

I was a founder of several startup companies before I came to Congress, and I understand the value of risk-taking and the role the government has in promoting innovation in basic technology. I represent a district with two major research universities that receive a combined Federal research investment of about \$700 million. Many of these basic technologies which we as a country invest in lead to the jobs and the companies and the consumer technologies of the future. And what could be more critical than putting our Nation on a path to sustainable energy development?

Just this last February, I met with an ARPA-E project team from my district. Within the first year of receiving ARPA-E funding, this University of Colorado project team has demonstrated important energy yield improvements and cost-reducing potential in solar photovoltaic power systems. That's an example of an ARPA-E project that will help boost our economic well-being as a country and lead to our energy independence and national security far more than a few more unneeded nuclear missiles.

My colleagues on both sides of the aisle know that this program is essential to protecting our energy future; and that's why this program, ARPA-E, has been lauded by Democrats and Republicans alike, as it was in our Rules Committee yesterday evening.

Mr. Speaker, this bill also disproportionately cuts from science and clean energy programs while bolstering wasteful spending for fossil fuel subsidies, continuing to have our country subsidize oil and gas, to subsidizing nuclear weapons, while making cuts in our energy future. By maintaining these fossil fuel subsidies while cutting clean energy research, we're prioritizing fossil fuels over innovative technologies that actually hold the key to our clean, sustainable energy independence.

While I appreciate that this bill has some decreases to the amount of Federal subsidies going to the fossil fuel accounts compared to last year—and I

think it's high time that we end these subsidies to one of America's most profitable industries—the report language from the committee seems to be searching for a reason to spend our precious taxpayer dollars at a time of sequestration and at a time of deficits. How can we spend more on fossil fuels when we should be spending less?

In addition, this bill needlessly increases the funding for weapons activities and defense programs at a time when we're winding down our involvement in two wars that have been very costly in lives and dollars in this last decade. That's why I'm offering an amendment with Representative QUIGLEY that would reduce the B61 Life Extension Program back to the agency's request level, which would save \$23.7 million in taxpayer dollars and reduce the deficit. This bill actually increases funding by over \$20 million for these ongoing missile programs in an era where Americans should expect our government to be more transparent about how this money is invested.

While some of these missiles represent a strategic commitment we have to our NATO allies, there have been growing concerns raised by the Air Force's own Blue Ribbon Review Panel about the effectiveness and security vulnerabilities of the B61. That's why the price for this program has continued to rise dramatically and confidence in the missile program has dropped. In fact, some of our NATO allies, like Germany, have actually called for the B61s to be removed from their borders.

Again, given our fiscal constraints, it's a time of choices. It's not to have it all, but I think we need to ensure that taxpayer money is not wasted on programs that fail to sufficiently protect our national security and that in fact some of our allies don't even support.

Another unneeded increase in this funding bill, throwing more government money after more government money, is for the W76 Life Extension Program. The current bill requests \$248 million—\$13 million more than the administration requested—because of a fear of a lack of nuclear deterrence capability if we reduce our stockpile below the levels required in the New START Treaty. To put that in perspective, the START Treaty requires us to have no more than 1,550 nuclear weapons. Isn't that enough, Mr. Speaker? How many times can we completely obliterate not only our enemies but the entire world with 1,500 weapons?

Even this lower stockpile of nuclear weapons is, frankly, a relic of our foreign policy during the Cold War and can be drastically reduced. Unfortunately, this bill increased it. In fact, the Arms Control Association identified over \$39 billion in savings to the taxpayer if it reduced our nuclear weapons stockpile to 1,000 nuclear weapons—more than enough to deter



any threat to the United States, more than enough to obliterate humanity from the planet. We can save \$39 billion by going down to 1,000 nuclear weapons.

These are some of the many reasons why I oppose the underlying bill. I'm very supportive of this rule coming forward from our committee that will allow for a full and open debate. I hope that many of these ideas that I have presented, as well as other ideas from Members on both sides of the aisle, will prevail so the end work product of this House is something that Democrats and Republicans can join together in supporting—something that no longer sacrifices our renewable energy future for yet more and more nuclear weapons today.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself 1 minute.

I do feel obligated to point out that the object under discussion currently is the rule that will allow us to debate the energy and water appropriations bill. The rule is an open rule. If the gentleman has disagreements with the language in the underlying bill, it's an open rule. He's free to bring those amendments to the floor, have a full and fair debate, both sides, one opposed, one in support; and the will of the House will prevail. That is the way it should be under an open rule.

Let me just state that I have, for the record, amendments that I will be placing before the House. I hope they're accepted, but I will accept the underlying bill even in the absence of those amendments. And I hope the gentleman from Colorado will approach it in a similar spirit.

I reserve the balance of my time.

Mr. POLIS. I was going to comment to the gentleman that the committee work product, the bill before us, is a highly flawed bill. I certainly hope that the open process and the will of the House will significantly alter and improve upon this bill. We will find that out in the days ahead.

It is my honor, Mr. Speaker, to yield 3½ minutes to the gentlewoman from California, a former colleague on the Rules Committee (Ms. MATSUI).

Ms. MATSUI. I thank the gentleman from Colorado for yielding.

Mr. Speaker, my district of Sacramento is one of the leading clean energy economies in the country. The sharp cuts to clean energy initiatives in this bill are deeply troubling. It will no doubt hurt American innovation and American jobs, particularly as other nations continue to invest in clean energy technologies. It is also not reflective of an all-of-the-above energy strategy that our Nation desperately needs.

At the same time, this bill addresses some of the important flood protection priorities for my district. Sacramento is the most at-risk metropolitan area

for major flooding, as it lies at the confluence of the American and Sacramento Rivers. We have a great deal at risk. As the home of the State capital and half a million people, a major flood event in Sacramento would have economic damages of up to \$40 billion.

I am pleased that this bill includes nearly \$70 million in funding for Sacramento's flood protection priorities, including more than \$66 million to continue construction on the Folsom Dam Joint Federal Project. In addition, this bill includes report language, which I requested, expressing concern with the Corps' current levee vegetation policy. Sacramento is ground zero for the impact of the Corps' vegetation policy. Instead of a one-size-fits-all solution, the Corps should consider regional variances and local input, as called for under bipartisan legislation I introduce in H.R. 399, the Levee Vegetation Review Act.

The bill also includes report language that I also requested expressing concern with the Corps' decision to end its section 104 crediting policy, which has halted flood protection projects from moving forward, particularly one in west Sacramento.

Mr. Speaker, moving forward, we must also be cognizant that there are other much-needed public safety projects that remain unfunded and unbuilt due to a lack of a WRDA bill. We urgently need to improve America's crumbling levee infrastructure. In Sacramento, my constituents have taxed themselves twice and \$350 million of construction work is well under way for the Natomas Levee Improvement Project, all while awaiting congressional authorization for over 2 years after receiving a chief's report from the Army Corps of Engineers.

Mr. Speaker, on May 15 the Senate passed a robust WRDA bill with clear bipartisan support of 83-14. It is my sincere hope that the House will soon follow suit. We cannot wait until the next disaster takes lives and wrecks our economy. This is a bipartisan issue that must be addressed immediately in Congress.

Mr. BURGESS. Mr. Speaker, I yield myself 30 seconds.

I want to respond to something that was said in the initial opening by the minority. The student loan bill passed this House over a month ago. It has been sitting in the Senate for the entire month of June. The problem with student loans could have been addressed by the other body. It could have been addressed prior to the July 1 deadline, which was a deadline, after all, that the Democrats had set when they were in the majority.

So to say that the House has not done its work is in fact not correct. The House has done its work. We await the other body to act.

I reserve the balance of my time.

Mr. POLIS. I yield myself such time as I may consume.

To further address the student loan issue, this body did pass a bill to prevent the increase in the student loan rates that just occurred. However, that bill—a very similar bill—failed in the Senate. So the Kline bill failed in the Senate. So, too, a Democratic bill to provide a 2-year extension of the student loan rates also failed in the Senate.

So at this point, the victims of all this are students in our country who are going back to school and will be forced to borrow at twice the rate—6.8 percent—if Congress can't get its act together. And that's why if we defeat the previous question, I'll offer an amendment to the rule to bring up H.R. 2574, the Keeping Student Loans Affordable Act, sponsored by Representative GEORGE MILLER, Representative RUBÉN HINOJOSA, myself, and several others, which would undue the recent doubling of student loan interest rates.

It's that simple. While we work towards a market-oriented solution along the parameters President Obama has spelled out, making sure we have the protections in place like caps for students everywhere, we need to at least make sure that students returning to school this fall are not borrowing at a rate twice the rate of last year.

To discuss this bill, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA), my colleague on the Education and Workforce Committee.

Mr. HINOJOSA. Mr. Speaker, I rise to urge my colleagues to support H.R. 2574, entitled Keeping Student Loans Affordable Act of 2013, legislation that would extend and fully pay for an additional year of the 3.4 percent interest rate on subsidized Federal direct Stafford loans.

Given that millions of students and families are struggling to afford the skyrocketing cost of a college education, it's shocking to me that this Congress allowed interest rates to double on July 1. I'm afraid that this Republican-majority Congress is making college more expensive for millions of students. With student debt surpassing \$3 trillion, another increase of \$1,000 of debt would be damaging to millions of student already struggling to afford basic expenses like rent and food.

□ 1245

The student loan debt crisis is crushing the dreams and aspirations of students and college graduates. High levels of debt are creating obstacles for young people who hope to start a family, purchase a home, and save for retirement. At this rate, they cannot accomplish those standard goals that every American should be able to achieve.

In my view, student loan debt sets our country backward, not forward. Without Congress' swift action, more

than 7 million low- and moderate-income students working towards a college degree will have to pay an additional \$1,000 for each loan that they borrow.

The Keep Student Loans Affordable Act of 2013 will secure low interest rates for an additional year as Congress works on a long-term and sustainable approach for the Federal student loan program that works for both students and taxpayers.

Importantly, this bill will help ensure that college remains within reach for students who rely on Federal loans to pay for their education. In stark contrast, the GOP student loan plan is irresponsible and puts students in a yearly-adjustable student loan, which will result in great unpredictability and skyrocketing costs. What's more, the GOP bills add more debt onto students, even more than the doubling of the interest rates.

In a globally competitive economy, an education is clearly a necessity. This Congress should be helping students afford a college education, not saddling them with student loan debt.

As ranking member of the Subcommittee on Higher Education and Workforce Training, I ask my colleagues on both sides of the aisle to do what is right and pass H.R. 2574 to reverse the student loan rate increase.

Mr. BURGESS. Mr. Speaker, I yield myself 30 seconds to respond.

Again, if I recall correctly, the bill that the gentleman from Texas just referenced has only Democratic sponsors. It is not a bipartisan bill.

The other body, completely controlled by Democrats in the majority, has within its power to pass a bill, conference with the Republican-passed bill here in the House, and work out the problem. They have failed to do so.

The House has done its work. The House-passed bill was received in the Senate on the 3rd of June. It has been there for over a month. The other body certainly has within its power to act.

I reserve the balance of my time.

Mr. POLIS. Again, to respond to that, the bill that the House passed failed in the United States Senate. So, too, did a 2-year delay in keeping the student loan rates low; that has failed in the Senate. So we can simply say, oh, we're just not going to do anything and let student loan rates double, or we can take it upon ourselves in this body to try to find a new way. That's what the Democrats and Ranking Member MILLER have put forward, a way to say, look, we couldn't agree on 2 years, we couldn't agree on a long-term solution. Let's give us a 1-year window where the kids coming back to school in a month aren't going to be borrowing at twice the rate that they were last year.

We have the chief sponsor of the bill here to speak about it. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), the

ranking member of the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

As we debate this rule, it has now been a little over a week since interest rates on loans for millions of the neediest college students doubled thanks to Republican obstructionism. With that doubling, those who can afford it least will continue to be burdened under a mountain of debt with no end in sight. Because Congress has not acted in a responsible way, this rate increase will cost borrowers an additional \$1,000 per student per loan.

The doubling of interest rates did not have to happen. Rather than making it more affordable for students and families to pay for college, House Republicans decided to pass a bill that would make college more expensive.

The bill was dead on arrival in the Senate. It was dead on arrival in the Senate because it was worse for students than the doubling of the interest rates, and it left the students without an option other than the doubling of the interest rates. That's why we must act today. We must defeat the previous question so that we can deliberate this and get a solution until we can work on a long-term, bipartisan agreement on this one.

The Republican plan that passed the House was totally irresponsible. It was simply not a smart solution. It has been advertised by my friends on the other side as a long-term fix, but we all know the truth. The Republican bill adds more debt onto the students, even more than doubling the interest rates.

The Republican bill also puts students in a yearly-adjustable student loan, which will result in great unpredictability and soaring loan costs to the students and to their families. And the insistence from the GOP that the students pay down the national debt is outrageous and offensive.

The student loan program is a program that the Federal Government makes \$50 billion off the back of the students, and the Republicans' response is that the students should pay higher interest rates so they can pay down the national deficit. The student loan program itself is paying down the national deficit because of the profit the Federal Government makes. It's time to stop that and make student loans affordable for students and for their families.

This Congress simply has not done right by students. They are forcing these students to continue to graduate with an increasing mountain of debt while, at the same time, they lament that students are graduating with increased debt.

That's what the Republicans offered. That's why, as my colleague from Colorado said, it was dead on arrival when it went to the Senate. It was dead on a bipartisan basis when it went to the Senate.

The time has come now to defeat the previous question so that we can bring the 1-year fix to make sure that students are protected from the doubling of the interest rate that is now occurring because of the inaction by the Republicans in the House of Representatives.

Mr. BURGESS. Mr. Speaker, again, just a bit of a history lesson.

In 2007, Democratically-controlled House, Democratically-controlled Senate passed the student loan rates. They built into the law an expiration date of last July. Last July, a 1-year extension was passed. This year, the Republican House passed a responsible extension. The Senate, the other body, needs to do its work. When they do, we're here to talk.

I now wish to yield 2 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON. Mr. Speaker, I rise in support of the rule for the energy and water appropriation bill.

This, historically, has been one of the first appropriation bills brought to the floor. I'd like to inform the Members that, as is the practice of the Republicans in the majority, it's an open rule, and there are a number of amendments that will be made. It's my understanding that any individual who wishes to offer an amendment can come to the floor and do so.

The bill is coming in at \$30.4 billion, which is \$2.9 billion below fiscal 2013 enacted and \$4 billion below the President's request, so the Appropriations Committee is operating in compliance with the House budget that we passed several months ago.

This is a good rule. It's a good bill. I would hope that we can support the rule and obviously support the bill.

I would like to also add an editorial comment on the student loan rate issue.

Obviously, we want those interest rates to be as low as possible. But I would point out to my friends on the other side of the aisle that the House passed a bill; it's waiting to be brought up in the other body. They can bring it up tomorrow and vote it, send it to the President for his signature.

Apparently, the great sin in the House-passed bill appears to be that it moves towards an adjustable rate interest rate as opposed to a fixed rate that is below market rates. We would all like to have zero percent interest, obviously.

Mr. POLIS. Will the gentleman yield?

Mr. BARTON. I'm told you have all kinds of time, so I will not yield, but I appreciate you wanting to ask me to.

Mr. POLIS. Mr. Speaker, I yield myself such time as I might consume.

I thank the gentleman. I just know that there have been less speakers on the other side, and I was hoping that we might be able to use some of the "all kinds of time" in a bipartisan way.

The gentleman from Texas was not accurate in saying that the House bill awaits action in the Senate. It had a vote in the Senate; it did not pass. So, too, a 2-year extension did not reach the cloture vote.

So, again, here we are. We can either start blaming each other—the folks on the other side of the building—or we can actually do something and get to work to keep student loan rates low for America's college students.

And of course Democrats are open to tying something into market-based rates; President Obama even proposed such. So, if that's what the gentleman wants to do, let's engage in a discussion about that. In the meantime, let's pass a 1-year extension so the rates don't double—which they already did 2 weeks ago—when the kids come back to school in the fall.

Mr. Speaker, I would like to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), a leader on this issue and a colleague of mine on the Education and the Workforce Committee.

Mr. ANDREWS. Mr. Speaker, I thank my friend for the time.

A lot of American families are getting their financial aid notices for the new academic year. Much to their chagrin, they're opening these envelopes and finding out that the student loan that cost them 3.4 percent last year is going to cost them 6.8 percent starting this year. This is a huge problem for the millions of American families who borrow money to educate their children or themselves.

Now, what Congress has produced on this thus far is blame and finger-pointing. So here's what happened:

The Republican majority passed a bill on this floor that actually made the problem worse, that actually would cost more than just going up to the 6.8 percent by about \$4,000 per student over a 5-year period. They actually poured kerosene on the fire. They sent that bill over to the Senate. The Senate rejected the bill and didn't pass anything else.

Now, I regret all of that, but, ladies and gentlemen, we have two choices in front of us today. We can quit on the issue and quit on America's students, or we can try to do something about it. I think we should try to do something about it. Here's the something:

Mr. MILLER has a proposal that would keep the rates at 3.4 percent for 1 more year. It would pay for this and not add a dime to the deficit by closing a tax loophole that exists for fairly wealthy people. Our proposal is we should put that bill on the floor and take a vote on it. I hope that a majority of Members would vote "yes" to help American students in this way, but we're not even requiring that. We're simply saying that what we should do this afternoon on this floor is put that proposal up for a vote.

In a couple of minutes, we're going to take a vote on whether to take a vote on that question. Now, as is often the case around here, the rules are a little backward. Those who vote "no" on the next vote are voting in favor of bringing this up so that Congress can work its will. Those who vote "yes" are saying we should not do that.

The choice is clear: we either take a vote and try to fix this problem, or we quit on America's students and America's families. Let's do our job and take a vote on this bill.

Mr. BURGESS. Mr. Speaker, may I inquire from the other side as to whether or not they have additional speakers?

Mr. POLIS. We're not aware of any at this time. There might be one more coming, but if they're not here, I'm prepared to close.

Mr. BURGESS. I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

Again, we wonder why this body has an approval rating of 12 percent. Instead of tackling issues that Americans want us to tackle—like finally fixing our broken immigration system, which, by the way, a bill received more than two-thirds support in the Senate, Democrats and Republicans. It's hard to get two-thirds of anybody to agree on anything, and yet 70 percent of Americans support comprehensive immigration reform, two-thirds of the United States Senate. Let's bring that bill up and pass it.

Student loans? Sure, we can cast blame on the Senate. We can cast blame on whomever we feel like. But the fact is American families are borrowing at 6.8 percent instead of 3.4 percent—now, this fall, student loans. So we can either just say, okay, it's not our fault, we passed something, let's go home, or we can actually try to reach a solution.

If we can defeat the previous question today, we can bring Representative MILLER's bill right to the floor to allow a 1-year window for Congress to work this out and keep the student loan rate at 3.4 percent and prevent our next generation of college kids from having their backs broken under the weight of high-interest student loans.

Mr. Speaker, with regard to this bill—again, not the bill that America wants us to be discussing; instead, a bill that cuts our renewable energy future, puts even more money into nuclear weapons—I can't support this committee report on the energy and water spending bill. I hope that through this process the will of the House changes this bill dramatically. If not, then we're simply making the wrong decisions for our energy future.

The bill slashes critical funding that would create jobs, grow our economy, lead to energy security, and increase our competitiveness. At the same time,

the bill adds spending to increase our nuclear weapons stockpiles.

□ 1300

How can we expect to keep nuclear weapons out of the hands of terrorists if we cut the nuclear nonproliferation activities by \$600 million under this bill?

While the bill increases funding for our weapons programs and continues funding for fossil fuel subsidies, it guts many of our renewable energy programs, like ARPA-E, the Department of Energy's Office of Science, and investing in the Office of Energy Efficiency and Renewable Energy.

This bill threatens to increase our reliance on foreign oil, reduce job growth, increase pollution, and damage the health of American families. If we don't act to reverse this legislation's deep cuts to science programs and energy research, the United States will have many, many missiles armed with nuclear warheads, but we will fall behind our global competitors who are investing heavily in renewable and next-generation energy technologies.

I strongly urge that we defeat the previous question. I urge a "no" vote on the underlying bill, and I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself the balance of my time.

I cannot recall a place in the Constitution where it says the House passes a bill, the Senate can't pass it, so the House comes back and tries to find a better bill that maybe the Senate will now take up. Boy, I wish that had happened on that health care stuff back in 2009 and 2010. We would have a lot better world today.

But the fact of the matter is, the House has passed the student loan bill and the Senate has the obligation to act. The deadline of July 1 was, in fact, provided to us by a funding cliff that the Democrats enacted back in 2007 when they started this process.

The deadline was self-imposed by a Democratic majority in the House of Representatives and a Democratic majority in the Senate. Democrats in the other body are fully aware of that deadline, we are fully aware of that deadline, and they were the ones that let it lapse. The House had done its work. They were fully capable of passing something and sending it back to us so that it could either be passed or adjusted prior to the July 4 recess.

In regards to the legislation we are currently considering, we do continue the Republican commitment to maintaining an open and transparent nature to the appropriations process. This rule balances our commitment to energy independence and national security with good stewardship of taxpayer money.

I want to, again, commend Chairman ROGERS, Ranking Member LOWEY, Chairman FRELINGHUYSEN, and Ranking Member KAPTUR for working together to craft a bill that balances our

spending priorities with our concerns over the deficit and our climbing national debt.

At this point, I ask for an “aye” on the previous question and an “aye” on the underlying resolution.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 288 OFFERED BY  
MR. POLIS OF COLORADO

At the end of the resolution, add the following new sections:

Sec. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2574) to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Ways and Means and the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

Sec. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 2574.

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition.

Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

The Republican majority may say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BURGESS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 288, if ordered, and approval of the Journal.

The vote was taken by electronic device, and there were—yeas 220, nays 182, not voting 32, as follows:

[Roll No. 308]

YEAS—220

Aderholt  
Alexander

Amash  
Amodei

Bachmann  
Bachus

Barletta  
Barr  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cotton  
Cramer  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)

Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Massie  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry

Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Price (GA)  
Radel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Sanford  
Scalise  
Schock  
Scott, Austin  
Sensenbrenner  
Sessions  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

NAYS—182

Andrews  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brownley (CA)  
Bustos  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)

Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
DeFazio  
DeGette  
Delaney  
DeLauro

DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia

Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Honda  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowey  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch

Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Markey  
Matheson  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meng  
Michaud  
Miller, George  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Nolan  
O'Rourke  
Owens  
Pascrell  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Loeb sack  
Price (NC)  
Quigley  
Rahall  
Richmond  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Ryan (OH)

Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Barletta  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

## NOT VOTING—32

Barber  
Brown (FL)  
Buchanan  
Butterfield  
Campbell  
Davis, Danny  
Franks (AZ)  
Gosar  
Holt  
Horsford  
Hoyer

Hunter  
Hurt  
Johnson, E. B.  
Kirkpatrick  
McCarthy (NY)  
Meadows  
Meeks  
Moore  
Moran  
Negrete McLeod  
Pallone

Pastor (AZ)  
Posey  
Rangel  
Rogers (KY)  
Salmon  
Schweikert  
Sherman  
Shimkus  
Sinema  
Young (FL)

□ 1331

So the previous question was ordered.  
The result of the vote was announced  
as above recorded.

Stated for:

Mr. POSEY. Mr. Speaker, I was unavoidably detained in a meeting in my office and didn't make it to the floor before the gavel came down for the first vote (rollcall Vote 308) in this series. I did vote for the subsequent rollcall votes in this series. Had I been present, I would have voted "yes."

Stated against:

Mr. SHERMAN. Mr. Speaker, on rollcall No. 308, I was at the White House for a discussion on U.S. economy. Had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURGESS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 178, not voting 30, as follows:

[Roll No. 309]

YEAS—226

Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Heck (NV)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Connolly  
Cook  
Cotton  
Cramer  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
Matheson  
McCarthy (CA)  
McCauley  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce

Perlmutter  
Perry  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Radel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Ruiz  
Runyan  
Ryan (WI)  
Sanford  
Scalise  
Schock  
Scott, Austin  
Sensenbrenner  
Sessions  
Shuster  
Simpson  
Long  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Mica  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (IN)

## NAYS—178

Andrews  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brownley (CA)  
Bustos

Capps  
Capuano  
Cárdenas  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Clever  
Clyburn  
Cohen

Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene

Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Honda  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kuster  
Langevin

Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maloney,  
Carolyn  
Maloney, Sean  
Markey  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Nolan  
O'Rourke  
Owens  
Pascrell  
Payne  
Pelosi  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall

Richmond  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

## NOT VOTING—30

Barber  
Brown (FL)  
Buchanan  
Butterfield  
Campbell  
Davis, Danny  
Franks (AZ)  
Gosar  
Holt  
Horsford  
Hoyer  
Hunter  
Hurt  
Johnson, E. B.  
Kirkpatrick  
McCarthy (NY)  
Meadows  
Meeks  
Moore  
Negrete McLeod

Horsford  
Pastor (AZ)  
Rangel  
Rogers (KY)  
Salmon  
Schweikert  
Shimkus  
Sinema  
Yoho  
Young (FL)

□ 1340

So the resolution was agreed to.

The result of the vote was announced  
as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GARDNER. Mr. Speaker, I was absent for the following vote. Had I been present, I would have voted as follows: "yes" on adoption of the rule for Energy and Water Appropriations.

## PERSONAL EXPLANATION

Mr. MEADOWS. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

Rollcall vote 308: on ordering the previous question to H. Res. 288—I would have voted "aye."

Rollcall vote 309: on agreeing to the resolution H. Res. 288—I would have voted "aye."

## PERSONAL EXPLANATION

Ms. MOORE. Mr. Speaker, I rise today regarding my absence from the House for votes on the afternoon of July 9, 2013. I was unfortunately absent due to a medical appointment. I would like to submit how I would have voted

had I been in attendance for the following votes:

Rollcall No. 308, on the motion on ordering the previous question on the rule providing for consideration of H.R. 2609, I would have voted “no.”

Rollcall No. 309, on agreeing to the resolution (H. Res. 288), I would have voted “no.”

### THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 262, nays 138, answered “present” 1, not voting 33, as follows:

[Roll No. 310]  
YEAS—262

Aderholt	Doggett	Kline
Alexander	Doyle	Kuster
Amodei	Duncan (SC)	Labrador
Bachmann	Duncan (TN)	LaMalfa
Bachus	Ellison	Lamborn
Barletta	Ellmers	Langevin
Barr	Engel	Lankford
Barrow (GA)	Enyart	Larsen (WA)
Barton	Eshoo	Larson (CT)
Beatty	Esty	Levin
Becerra	Farenthold	Lipinski
Bentivolio	Farr	Loebsack
Bera (CA)	Fattah	Lofgren
Bilirakis	Fincher	Long
Bishop (UT)	Fleischmann	Lowe
Black	Forbes	Lucas
Blackburn	Fortenberry	Luetkemeyer
Blumenauer	Foster	Lujan Grisham
Bonamici	Frankel (FL)	(NM)
Bonner	Frelinghuysen	Lujan, Ben Ray
Brady (TX)	Gallego	(NM)
Bridenstine	Garrett	Lummis
Brooks (AL)	Gibbs	Marino
Brooks (IN)	Gingrey (GA)	Massie
Brown (FL)	Goodlatte	McCarthy (CA)
Brownley (CA)	Gowdy	McCauley
Bustos	Granger	McClintock
Calvert	Graves (GA)	McCollum
Camp	Grayson	McHenry
Cantor	Green, Al	McKeon
Capito	Grimm	McKinley
Capps	Guthrie	McMorris
Cárdenas	Hahn	Rodgers
Carney	Hall	McNerney
Carter	Hanabusa	Meadows
Cartwright	Harper	Meehan
Cassidy	Harris	Meeks
Castro (TX)	Hartzler	Meng
Chabot	Hastings (FL)	Mica
Chaffetz	Hastings (WA)	Michaud
Cicilline	Heck (WA)	Miller (MI)
Clay	Hensarling	Miller, Gary
Coble	Higgins	Moran
Cole	Himes	Mullin
Collins (NY)	Hinojosa	Murphy (FL)
Connolly	Huelskamp	Murphy (PA)
Cook	Huffman	Nadler
Cooper	Huizenga (MI)	Neugebauer
Cramer	Hultgren	Noem
Crawford	Issa	Nunes
Crenshaw	Jackson Lee	O'Rourke
Culberson	Jeffries	Olson
Daines	Johnson (GA)	Palazzo
Davis (CA)	Johnson, Sam	Pascarell
Davis, Danny	Jones	Payne
DeGette	Kaptur	Pelosi
Delaney	Kelly (PA)	Perlmutter
DeLauro	Kennedy	Peters (CA)
DelBene	Kildee	Petri
Dent	King (IA)	Pingree (ME)
DesJarlais	King (NY)	Pocan
Deutch	Kingston	Polis

Pompeo	Schock	Upton
Posey	Schrader	Van Hollen
Price (NC)	Schwartz	Vargas
Quigley	Scott (VA)	Vela
Ribble	Scott, Austin	Wagner
Rice (SC)	Scott, David	Walden
Richmond	Sensenbrenner	Walorski
Roby	Serrano	Walz
Rogers (AL)	Sessions	Wasserman
Rogers (MI)	Sewell (AL)	Schultz
Rohrabacher	Shea-Porter	Waters
Rokita	Sherman	Watt
Rooney	Shuster	Waxman
Ros-Lehtinen	Simpson	Webster (FL)
Roskam	Smith (NE)	Welch
Ross	Smith (NJ)	Wenstrup
Rothfus	Smith (TX)	Westmoreland
Royce	Smith (WA)	Whitfield
Ruiz	Speier	Williams
Runyan	Stewart	Wilson (FL)
Ruppersberger	Stutzman	Wilson (SC)
Ryan (OH)	Takano	Wolf
Ryan (WI)	Thornberry	Womack
Sanford	Tiberi	Yarmuth
Scalise	Titus	Yoho
Schiff	Tonko	Young (IN)
Schneider	Tsongas	

### NAYS—138

Amash	Graves (MO)	Nugent
Andrews	Green, Gene	Paulsen
Bass	Griffin (AR)	Pearce
Benishak	Griffith (VA)	Perry
Bishop (GA)	Gutiérrez	Peters (MI)
Bishop (NY)	Hanna	Peterson
Brady (PA)	Heck (NV)	Pittenger
Braley (IA)	Herrera Beutler	Pitts
Broun (GA)	Holding	Poe (TX)
Bucshon	Honda	Price (GA)
Burgess	Hudson	Radel
Capuano	Israel	Rahall
Carson (IN)	Jenkins	Reed
Castor (FL)	Johnson (OH)	Reichert
Chu	Jordan	Renacci
Clarke	Joyce	Rigell
Cleaver	Keating	Roe (TN)
Clyburn	Kelly (IL)	Roybal-Allard
Coffman	Kilmer	Rush
Cohen	Kind	Sánchez, Linda
Collins (GA)	Kinzinger (IL)	T.
Conaway	Lance	Sanchez, Loretta
Conyers	Latham	Sarbanes
Costa	Latta	Schakowsky
Cotton	Lee (CA)	Sires
Courtney	Lewis	Slaughter
Crowley	LoBiondo	Smith (MO)
Cuellar	Lowenthal	Southerland
Cummings	Lynch	Stivers
Davis, Rodney	Maffei	Stockman
DeFazio	Maloney,	Swalwell (CA)
Denham	Carolyn	Thompson (CA)
DeSantis	Maloney, Sean	Thompson (MS)
Dingell	Marchant	Thompson (PA)
Duckworth	Markey	Tierney
Duffy	Matheson	Tipton
Edwards	Matsui	Turner
Fitzpatrick	McDermott	Valadao
Fleming	McGovern	Veasey
Flores	McIntyre	Velázquez
Foxx	Messer	Visclosky
Gabbard	Miller (FL)	Walberg
Garamendi	Miller, George	Weber (TX)
Garcia	Mulvaney	Wittman
Gardner	Napolitano	Woodall
Gerlach	Neal	Yoder
Gibson	Nolan	

### ANSWERED “PRESENT”—1

Owens

### NOT VOTING—33

Barber	Holt	Pallone
Boustany	Horsford	Pastor (AZ)
Buchanan	Hoyer	Rangel
Butterfield	Hunter	Rogers (KY)
Campbell	Hurt	Salmon
Diaz-Balart	Johnson, E. B.	Schweikert
Franks (AZ)	Kirkpatrick	Shimkus
Fudge	McCarthy (NY)	Sinema
Gohmert	Moore	Terry
Gosar	Negrete McLeod	Young (AK)
Grijalva	Nunnelee	Young (FL)

□ 1348

So the Journal was approved.

The result of the vote was announced as above recorded.

### PERSONAL EXPLANATION

Mr. HURT. Mr. Speaker, I was not present for rollcall vote No. 308 on ordering the previous question on H. Res. 288, providing for consideration of the bill (H.R. 2609) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes. Had I been present, I would have voted “yea.”

Mr. Speaker, I was not present for rollcall vote No. 309 on H. Res. 288, providing for consideration of the bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes. Had I been present, I would have voted “yea.”

Mr. Speaker, I was not present for rollcall vote No. 310 on approval of the journal. Had I been present, I would have voted “yea.”

### AUTHORIZING USE OF EMANCIPATION HALL FOR CEREMONY HONORING NELSON MANDELA

Mr. HARPER. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Concurrent Resolution 43, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. WEBSTER). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The text of the concurrent resolution is as follows:

### H. CON. RES. 43

*Resolved by the House of Representatives (the Senate concurring),*

### SECTION 1. USE OF EMANCIPATION HALL FOR CEREMONY HONORING NELSON MANDELA.

Emancipation Hall in the Capitol Visitor Center is authorized to be used on July 18, 2013, for a ceremony honoring the life and legacy of Nelson Mandela on the occasion of the 95th anniversary of his birth. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

### ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

### GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on consideration of H.R. 2609, and that I might include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 288 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2609.

The Chair appoints the gentleman from Illinois (Mr. HULTGREN) to preside over the Committee of the Whole.

□ 1352

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2609) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes, with Mr. HULTGREN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself such time as I may consume.

It is my honor to bring the fiscal year 2014 Energy and Water Development bill before the membership of the House.

However, before I go through its highlights, I would like to thank my ranking member, Ms. KAPTUR, for her partnership on this bill and hard work and friendship. It's been a real honor to work with you, and I look forward to working with you to get through the entire process. I would also like to thank all the members of our committee on both sides of the aisle for putting this bill so quickly together and so responsibly.

I would also like to recognize the hard work of Chairman ROGERS and Ranking Member LOWEY to bring this bill, and several others before it, to the floor under an open rule.

The bill for fiscal year 2014 totals \$30.4 billion, \$2.9 billion below last year's levels and more than \$4 billion below the President's request.

The budget allocation we received this year made for some very difficult decisions, but in our bipartisan tradition, we worked hard to incorporate priorities and perspectives from both sides of the aisle.

Mr. Chairman, we placed the greatest priority on national defense, our nuclear deterrent, also the critical work of the Army Corps of Engineers and other activities on which the Federal Government must take the lead. The reductions we had to make to the applied energy research and development programs will shift more of their work to the private sector.

The bill provides \$7.6 billion, an increase of \$98 million above the fiscal year 2013 amount, to modernize the Nation's nuclear weapons stockpile and its supporting infrastructure, excluding rescissions.

I would also like to note that the recommendation contains no funding to implement the President's recently announced plans in Berlin to reduce the nuclear stockpile. No funding for such purposes will be available until Congress has judged that these plans will fully support our national defense.

The recommendations increase the Corps of Engineers by \$50 million above the President's request and redirects funds to ensure our waterways and harbors keep America open for business and economically competitive. These waterways and harbors handled foreign commerce valued at more than \$1.7 trillion last year alone. As in previous fiscal years, the bill maintains the constitutional role of Congress in the appropriations process by ensuring that all worthy Corps of Engineers projects have a chance to compete for funding.

Basic science programs total \$4.7 billion, just above last year's post-sequestration levels.

Environmental cleanup programs to address the legacy of the Manhattan Project and other contaminated sites are funded at \$5.5 billion, approximately \$185 million above the post-sequester levels for fiscal year 2013.

In order to find room for the bill's core priorities, applied energy research and development had to be cut. The recommendation prioritizes funding in this area for programs which truly support American manufacturing jobs, stable energy prices, and diversity of energy supplies.

Our bill includes \$450 million for fossil energy technologies and \$650 million for nuclear energy activities. Both of these programs are cut below the fiscal year 2013 post-sequester level.

The bill combines the electricity delivery program and the energy efficiency and renewable energy program, and provides \$983 million for these activities, excluding rescissions. The recommendation orients these programs to focus on electricity infrastructure resilience—to include cybersecurity—and gasoline prices.

Finally, on Yucca Mountain, our recommendation includes \$25 million to sustain the program, along with similar language as last year's prohibiting activities which keep that facility from being usable in the future. It also includes support for the Nuclear Regulatory Commission to get that Yucca license application finally finished. No funding is included for requested activities to move past the Yucca Mountain repository program. If and when Congress authorizes changes to the program of record, the committee will consider funding for alternatives.

Mr. Chairman, this bill recognizes our fiscal realities and makes the tough decisions to ensure we get our spending under control without sacrificing our most critical of Federal functions. I'm expecting a vigorous and open debate during an open process over the coming days so all can have a chance to contribute to this legislation.

Before I reserve the balance of my time, I want to thank those who helped bring this bill on the floor. On the majority side: our clerk, Rob Blair; Angie Giancarlo; Ben Hammond; Loraine Heckenberg; Perry Yates; Adam Borrelli. On the minority side: Taunja Berquam. From our personal offices, Ms. KAPTUR's: Nathan Facey, her deputy chief of staff; and Ryan Steyer. From my staff: Nancy Fox, my chief of staff; and Katie Hazlett.

All of these individuals and others behind the scenes make this process work, one that we can be proud of, and I think we have a bill that, indeed, we can be proud of.

I reserve the balance of my time.



ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FY 2014 (H.R. 2609)  
(Amounts in thousands)

	FY 2013 Enacted	FY 2014 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
Investigations.....	125,000	90,000	90,000	-35,000	---
Supplemental (P.L. 113-2) (emergency).....	50,000	---	---	-50,000	---
Subtotal.....	175,000	90,000	90,000	-85,000	---
Construction.....	1,674,000	1,350,000	1,343,000	-331,000	-7,000
Supplemental (P.L. 113-2).....	3,461,000	---	---	-3,461,000	---
Subtotal.....	5,135,000	1,350,000	1,343,000	-3,792,000	-7,000
Mississippi River and Tributaries.....	252,000	279,000	249,000	-3,000	-30,000
Operations and Maintenance.....	2,410,000	2,588,000	2,682,000	+272,000	+94,000
Supplemental (P.L. 113-2) (emergency).....	821,000	---	---	-821,000	---
Subtotal.....	3,231,000	2,588,000	2,682,000	-549,000	+94,000
Regulatory Program.....	193,000	200,000	193,000	---	-7,000
Formerly Utilized Sites Remedial Action Program (FUSRAP).....	109,000	104,000	104,000	-5,000	---
Flood Control and Coastal Emergencies.....	27,000	28,000	28,000	+1,000	---
Supplemental (P.L. 113-2) (emergency).....	1,008,000	---	---	-1,008,000	---
Subtotal.....	1,035,000	28,000	28,000	-1,007,000	---
Expenses.....	185,000	182,000	182,000	-3,000	---
Supplemental (P.L. 113-2) (emergency).....	10,000	---	---	-10,000	---
Subtotal.....	195,000	182,000	182,000	-13,000	---
Office of Assistant Secretary of the Army (Civil Works).....	5,000	5,000	5,000	---	---
=====					
Total, title I, Department of Defense - Civil... Appropriations.....	10,330,000 (8,441,000)	4,826,000 (4,826,000)	4,876,000 (4,876,000)	-5,454,000 (-3,565,000)	+50,000 (+50,000)
Emergency appropriations.....	(1,889,000)	---	---	(-1,889,000)	---
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah Project construction.....	---	---	6,425	+6,425	+6,425
Fish, wildlife, and recreation mitigation and conservation.....	---	---	1,000	+1,000	+1,000
Central Utah Project Completion Account.....	19,700	---	---	-19,700	---
Subtotal.....	19,700	---	7,425	-12,275	+7,425
Program oversight and administration.....	1,300	---	1,300	---	+1,300
Total, Central Utah project completion account..	21,000	---	8,725	-12,275	+8,725
Bureau of Reclamation					
Water and Related Resources.....	895,000	791,135	812,744	-82,256	+21,609
Central Valley Project Restoration Fund.....	53,068	53,288	53,288	+220	---
California Bay-Delta Restoration.....	39,651	37,000	30,000	-9,651	-7,000
Policy and Administration.....	60,000	60,000	60,000	---	---
Indian Water Rights Settlements.....	---	78,661	---	---	-78,661
San Joaquin River Restoration Fund.....	---	26,000	---	---	-26,000

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FY 2014 (H.R. 2609)  
(Amounts in thousands)

	FY 2013 Enacted	FY 2014 Request	Bill	Bill vs. Enacted	Bill vs. Request
Central Utah Project Completion Account.....	---	3,500	---	---	-3,500
Total, Bureau of Reclamation.....	1,047,719	1,049,584	956,032	-91,687	-93,552
	=====	=====	=====	=====	=====
Total, title II, Department of the Interior.....	1,068,719	1,049,584	964,757	-103,962	-84,827
	=====	=====	=====	=====	=====
TITLE III - DEPARTMENT OF ENERGY					
Energy Programs					
Renewable Energy, Energy Reliability and Efficiency...	---	---	982,637	+982,637	+982,637
Energy Efficiency and Renewable Energy.....	1,814,091	2,775,700	---	-1,814,091	-2,775,700
Electricity Delivery and Energy Reliability.....	139,500	169,015	---	-139,500	-169,015
Nuclear Energy.....	759,000	735,460	656,389	-102,611	-79,071
Fossil Energy Research and Development.....	534,000	420,575	450,000	-84,000	+29,425
Naval Petroleum and Oil Shale Reserves.....	14,909	20,000	14,909	---	-5,091
Strategic Petroleum Reserve.....	192,704	189,400	189,400	-3,304	---
Northeast Home Heating Oil Reserve.....	10,119	8,000	8,000	-2,119	---
Rescission.....	-6,000	---	---	+6,000	---
Subtotal.....	4,119	8,000	8,000	+3,881	---
Energy Information Administration.....	105,000	117,000	100,000	-5,000	-17,000
Non-defense Environmental Cleanup.....	235,721	212,956	194,000	-41,721	-18,956
Uranium Enrichment Decontamination and Decommissioning Fund.....	472,930	554,823	545,000	+72,070	-9,823
Science.....	4,876,000	5,152,752	4,653,000	-223,000	-499,752
Advanced Research Projects Agency-Energy.....	265,000	379,000	50,000	-215,000	-329,000
Race to the Top for Energy Efficiency and Grid Modernization.....	---	200,000	---	---	-200,000
Title 17 Innovative Technology Loan Guarantee Program	38,000	48,000	22,000	-16,000	-26,000
Offsetting collection.....	-38,000	-22,000	-22,000	+16,000	---
Subtotal.....	---	26,000	---	---	-26,000
Advanced Technology Vehicles Manufacturing Loans program.....	6,000	6,000	6,000	---	---
Departmental Administration.....	237,623	226,580	187,863	-49,760	-38,717
Miscellaneous revenues.....	-108,000	-108,188	-108,188	-188	---
Net appropriation.....	129,623	118,392	79,675	-49,948	-38,717
Office of the Inspector General.....	42,000	42,120	42,000	---	-120
Total, Energy programs.....	9,590,597	11,127,193	7,971,010	-1,619,587	-3,156,183
Atomic Energy Defense Activities					
National Nuclear Security Administration					
Weapons Activities.....	7,577,341	7,868,409	7,675,000	+97,659	-193,409
Defense Nuclear Nonproliferation.....	2,434,303	2,140,142	2,100,000	-334,303	-40,142
Naval Reactors.....	1,080,000	1,246,134	1,109,000	+29,000	-137,134
Office of the Administrator.....	410,000	397,784	382,000	-28,000	-15,784
Total, National Nuclear Security Administration.	11,501,644	11,652,469	11,266,000	-235,644	-386,469
Environmental and Other Defense Activities					
Defense Environmental Cleanup.....	5,023,000	4,853,909	4,750,000	-273,000	-103,909
Defense Environmental Cleanup (legislative proposal)...	---	463,000	---	---	-463,000

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FY 2014 (H.R. 2609)  
(Amounts in thousands)

	FY 2013 Enacted	FY 2014 Request	Bill	Bill vs. Enacted	Bill vs. Request
Other Defense Activities.....	823,364	749,080	830,000	+6,636	+80,920
Total, Environmental and Other Defense Activities.....	5,846,364	6,065,989	5,580,000	-266,364	-485,989
Total, Atomic Energy Defense Activities.....	17,348,008	17,718,458	16,846,000	-502,008	-872,458
Power Marketing Administrations /1					
Operation and maintenance, Southeastern Power Administration.....	8,428	7,750	7,750	-678	---
Offsetting collections.....	-8,428	-7,750	-7,750	+678	---
Subtotal.....	---	---	---	---	---
Operation and maintenance, Southwestern Power Administration.....	45,010	45,456	45,456	+446	---
Offsetting collections.....	-32,308	-33,564	-33,564	-1,256	---
Subtotal.....	12,702	11,892	11,892	-810	---
Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration.....	285,900	299,919	299,919	+14,019	---
Offsetting collections.....	-194,000	-203,989	-203,989	-9,989	---
Subtotal.....	91,900	95,930	95,930	+4,030	---
Falcon and Amistad Operating and Maintenance Fund.....	4,169	5,331	5,331	+1,162	---
Offsetting collections.....	-3,949	-4,911	-4,911	-962	---
Subtotal.....	220	420	420	+200	---
Total, Power Marketing Administrations.....	104,822	108,242	108,242	+3,420	---
Federal Energy Regulatory Commission					
Salaries and expenses.....	304,600	304,600	304,600	---	---
Revenues applied.....	-304,600	-304,600	-304,600	---	---
Total, title III, Department of Energy.....	27,043,427	28,953,893	24,925,252	-2,118,175	-4,028,641
Appropriations.....	(27,049,427)	(28,953,893)	(24,925,252)	(-2,124,175)	(-4,028,641)
Rescissions.....	(-6,000)	---	---	(+6,000)	---
TITLE IV - INDEPENDENT AGENCIES					
Appalachian Regional Commission.....	68,263	64,618	70,317	+2,054	+5,699
Defense Nuclear Facilities Safety Board.....	29,130	29,915	29,915	+785	---
Delta Regional Authority.....	11,677	11,319	11,319	-358	---
Denali Commission.....	10,679	7,396	7,396	-3,283	---
Northern Border Regional Commission.....	1,497	1,355	1,355	-142	---
Southeast Crescent Regional Commission.....	250	---	250	---	+250
Nuclear Regulatory Commission:					
Salaries and expenses.....	1,027,240	1,043,937	1,043,937	+16,697	---
Revenues.....	-899,726	-920,721	-920,721	-20,995	---
Subtotal.....	127,514	123,216	123,216	-4,298	---
Office of Inspector General.....	10,860	11,105	11,105	+245	---
Revenues.....	-9,774	-9,994	-9,994	-220	---
Subtotal.....	1,086	1,111	1,111	+25	---
Total, Nuclear Regulatory Commission.....	128,600	124,327	124,327	-4,273	---
Nuclear Waste Technical Review Board.....	3,400	3,400	3,400	---	---

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FY 2014 (H.R. 2609)  
(Amounts in thousands)

	FY 2013 Enacted	FY 2014 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects.....	1,000	1,000	1,000	---	---
	=====	=====	=====	=====	=====
Total, title IV, Independent agencies.....	254,496	243,330	249,279	-5,217	+5,949
Appropriations.....	(254,496)	(243,330)	(249,279)	(-5,217)	(+5,949)
	=====	=====	=====	=====	=====
TITLE V - GENERAL PROVISIONS					
Sec. 508 Rescissions:					
Corps of Engineers.....	---	-100,000	-200,000	-200,000	-100,000
Department of Energy: Energy Efficiency and Renewable Energy.....	---	---	-157,000	-157,000	-157,000
Department of Energy: Weapons Activities.....	---	---	-142,000	-142,000	-142,000
Department of Energy: Defense Nuclear Nonproliferation.....	---	---	-20,000	-20,000	-20,000
	-----	-----	-----	-----	-----
Total, Title V, General Provisions.....	---	-100,000	-519,000	-519,000	-419,000
	=====	=====	=====	=====	=====
Grand total.....	38,696,642	34,972,807	30,496,288	-8,200,354	-4,476,519
Appropriations.....	(36,813,642)	(35,072,807)	(31,015,288)	(-5,798,354)	(-4,057,519)
Rescissions.....	(-6,000)	(-100,000)	(-519,000)	(-513,000)	(-419,000)
	=====	=====	=====	=====	=====

1/ Totals adjusted to net out alternative financing costs, reimbursable agreement funding, and power purchase and wheeling expenditures. Offsetting collection totals only reflect funds collected for annual expenses, excluding power purchase wheeling.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

I appreciate Chairman FRELINGHUYSEN's able and collegial leadership throughout this process and efforts to assemble a bill in an inclusive manner in our subcommittee. I also want to say what a pleasure it was to work with him, and I wish all subcommittees could work as effectively.

I want to thank Chairman ROGERS and Ranking Member LOWEY for their efforts to restore a semblance of regular order to this House in consideration of our appropriations bills, and I want to thank all members of our subcommittee for their thoughtful deliberation in considering the best interests of our Nation as they relate to energy and water development and, importantly, America's nuclear security.

I appreciate the dedication, hard work, and sound judgment of our committee staff on both sides of the aisle. On the majority committee staff side: Rob Blair, Ben Hammond, Loraine Heckenberg, Angie Giancarlo, Perry Yates, and Adam Borrelli. And on the minority committee staff side: Taunja Berquam; from the Chairman's personal office, Katie Hazlett and Nancy Fox; and finally my staff, Ryan Steyer, Nathan Facey, and Steve Fought.

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While Chairman FRELINGHUYSEN's worthy efforts are to be commended in the highest way, the allocation imposed on our subcommittee by the Republican leaders of this House, and its Budget Committee, move America backwards in a global economy where our Nation's future is at stake.

The Budget Committee's directive to us reminds me of a seafaring expression: "If you don't know which way your ship is headed, you're bound to run aground or die at sea."

This bill runs America aground. It says to future generations, we'll risk your lives floating lost at sea. It's simply inadequate to meet the needs of our Nation.

America's budget deficit spiked because high unemployment, resulting from Wall Street's abandon and over a decade of war, caused high unemployment that reduced Federal revenues.

This bill will not embrace the future, nor create the necessary jobs to reverse that trend and lift up America's working families. Our focus has to be on the future, on creating jobs and opportunity, with every single measure that comes before this House.

Foreign energy dependence is our Nation's chief strategic vulnerability. This bill abandons America's quest for energy independence, which has the potential to create millions of new jobs.

For every American life lost in pursuit of our Nation's national security, now dependent on energy imports, I dedicate my work on this bill today. And I also dedicate my work on the

floor in memory of Judge Francis "Buddy" Restivo, a World War II veteran who passed this weekend, and just a phenomenal citizen of our country.

This bill not only guts funding for alternative energy research and development, it officially heralds the Republican majority's embrace of sequestration.

Sequestration is the most vivid symbol of congressional negligence. With that one dreadful bill, the Republican majority manages not only to turn its back on energy independence, but also to surrender its congressional responsibility to manage the budget of our country responsibly. The majority has waved the white flag.

This year, in the Lake Erie region, we are celebrating the heroics of Commodore Oliver Hazard Perry, hero of the pivotal battle of Lake Erie in the War of 1812. Oliver Hazard Perry's motto was "Don't give up the ship."

The majority's motto is "We just give up." We give up trying to perform our constitutional responsibilities with respect to fiscal affairs. We give up trying to create the much-needed jobs that will restore our fiscal footing. We give up trying to help America break free of its dependence on imported petroleum. We just give up. Let the mindless sequester be the status quo.

It's no mystery why Congress' approval ratings have hit an all-time low. This policy is running our economic ship of state aground when we need full sail ahead.

The allocation for the energy and water bill is \$30.4 billion, which is \$4.1 billion below the administration's request and \$2.8 billion below last year's level. There are further allocation cuts beyond even sequestration levels, resulting in deep and severe reductions made to important priorities within the bill.

The chairman worked to include resources for many Federal priorities, including the Corps of Engineers, the Advanced Manufacturing Office, nuclear safety and cleanup, and the bill also prioritizes some of the nuclear security programs.

But funding these programs came at the expense of others so vital to future energy systems for our Nation, including renewable energy, cut by nearly 60 percent, and advanced energy research at ARPA-E, which received an 81 percent reduction.

Shortchanging critical energy and infrastructure investments will slow economic growth and job creation, hindering America's competitiveness.

Let us look at the water accounts. We must continue to invest in America. The scope of damage caused by natural disasters like Hurricane Sandy have laid bare the inadequacies of our water infrastructure.

The Corps of Engineers budget currently has a backlog of authorized projects in excess of \$60 billion from

coast to coast. But this bill continues a steady decline in water resources infrastructure, reducing the construction account by \$304 million from 2013.

Communities across our country will continue to erode as they experience, firsthand, this decreased investment. The risks illustrated by the failure of flood control projects that the American people endured in the wake of Katrina are not gone. Communities across our country are in desperate need of investment, but this bill short-cuts that.

Take St. Louis, Missouri, or Sacramento, California, where a levee break could leave residents with as little as 20 minutes to flee before the water gets 1 foot deep, are just two examples of major metropolitan areas where the Corps must work harder and faster toward more comprehensive protection.

What sense does cleaning up after natural disasters make when preventive measures could prevent destruction and loss of life?

We should be doing more to build infrastructure and create jobs, not less. Investments now will yield future benefits that will far outweigh repayment costs. That is what the Hoover Dam was all about. That is what our Mississippi River lock and dam system is all about. That is what electrifying our Nation, rural and urban, was all about, great visions for a great Nation, not Lilliputian surrender.

On future energy systems, this bill would slash funding for applied energy research and development by more than half, even as foreign competition doubles down to develop 21st century technology while undermining our markets through illegal dumping and intellectual property theft.

Renewable energy is a vital leg of future energy independence beyond the fossil fuel age. It will achieve cost competitiveness, but the question is, which countries will develop and own those technologies?

The United States has spent \$2.3 trillion importing foreign petroleum since 2003, representing thousands and thousands of dollars out of the pockets of every hardworking American family. These are dollars diverted not to much-needed American job creation but overseas, assisting our competitors in developing their economies and their energy futures. We are ceding millions of jobs and trillions in income from this country to undemocratic kingdoms far from home.

Wake up, America. Wake up, Congress.

In 2012, every billion dollars of U.S. exports supported nearly 5,000 jobs here at home. But can you imagine what \$2.3 trillion in our energy trade deficit translates into lost jobs in America over the last 10 years?

It's a hemorrhage. Our Republic will not compete in this 21st century and

beyond if we further reduce investments in this area and cede our energy future to other countries.

Predatory foreign competition in energy poses a real security threat to our country. I view it as the chief security threat to our country. I appreciate the chairman's commitment to ensure that technology developed with taxpayer dollars benefits our Nation first.

The Department of Energy, however, must do more to ensure that intellectual property supported by Federal dollars furthers the interests of the United States economy. And I'm concerned with the level of funding, but I appreciate the chairman's commitment to American manufacturing in this bill.

Manufacturing remains one of the most important job drivers in our economy, and there is little merit in using Federal dollars to foster technological advances or breakthroughs for products that are not ultimately made in America and manufactured domestically.

America must do more to reverse the trend of domestic firms shifting production overseas because, to put it simply, domestic manufacturing drives domestic innovation and jobs here in America.

Tragically, the science account critical to the competitiveness of our Nation is reduced by 5 percent from 2012. And, with an 81 percent reduction, 81 percent reduction in the new ARPA-E program, this bill would effectively end the most advanced research our Nation can launch. That is not a formula for success.

We are beginning to see the initial payment from the ARPA-E, which advances high-potential, high-impact energy technology so advanced it is too early for private sector investment. Return on investment from our publicly-funded research and development ranges from 20 to 67 percent. It's a home run.

With this rate of return, Congress should be increasing our investment in science. This bill moves us exactly in the opposite direction.

Finally, I remain concerned this bill increases spending for nuclear weapons upgrades at the expense of nuclear non-proliferation and cleanup. I support the funding to maintain our nuclear arsenal at acceptable levels, and I appreciate the efforts to improve program and project management, including the reporting requirement on Life Extension Programs at the National Nuclear Security Administration.

However, nonproliferation programs are on the front lines of our defense. They are the most cost-effective way to achieve the urgent goal of securing and reducing the amount of vulnerable bomb-grade material. But this bill cuts these critical efforts by \$559 million.

What sense does that make?

Further, I am concerned that the funding the bill includes for environ-

mental management activities is insufficient to meet the Federal Government's legal obligations to clean up its defense nuclear waste.

In sum, this bill should achieve critical investments in our country. It fails to do so. It should promote job creation. It fails to do so. It should ensure national energy security and national security. It fails to do so. It should protect and promote vital infrastructure. It fails to do so. And it should advance American competitiveness, and it fails to do so.

Unfortunately, Republicans on the Budget Committee continue to push the outrageous notion that we can balance our budget through cuts to non-defense discretionary spending, which accounts for only 17 percent of Federal spending. In so doing, they harm America's future in a very major way.

Again, I commend the chairman's effort, however the allocation for this bill is insufficient and irresponsible and I cannot, in good conscience, support it.

It is my firm hope that the committee will be provided a workable path toward the fiscal 2014 appropriation bills, and I look forward to the day we will return allocations to acceptable levels and to working with the chairman to draft a bill worthy of support.

Let me, before reserving the balance of my time, read that quote right up there above the Speaker's rostrum.

Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered.

That is our charge in this bill, and this bill fails.

Madam Chair, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I reserve the balance of my time.

Ms. KAPTUR. Madam Chair, I yield 5 minutes to the gentlewoman from New York (Mrs. LOWEY), our very able ranking member of the Appropriations Committee.

Mrs. LOWEY. Well, I first want to thank the chair, and I appreciate your important work on this bill. And I would like to thank the chairman of the full committee, and the ranking member, for your leadership and for your eloquent statement on this bill. It has been a pleasure for me to work with you, and I thank you so very much.

I rise in strong opposition to this woefully inadequate bill. With an allocation of \$30.4 billion, \$2.8 billion less than the FY 2013 enacted level, when adjusted for Sandy reconstruction, and a little more than \$4 billion below the request, the consequences of following the majority's budget are crystal clear: the erosion of America's high-tech and

scientific workforce, the loss of clean and renewable energy breakthroughs to countries like China, the abandonment of communities along our Nation's coastlines and waterways.

And with an 81 percent reduction in ARPA-E and a 60 percent, or \$700 million, reduction to energy efficiency, renewable energy and energy delivery and reliability programs compared to last year, this bill will leave our scientific and technological workforce ill-equipped to tackle the great challenges of our time. Such drastic cuts will force the Federal Government to withdraw critical support for clean energy and renewable investments on the cusp of their maturity.

□ 1415

These funding levels will inflict great pain on the American people, who will be left jobless with the exportation of America's clean energy and innovation economy to China and other foreign competitors.

The consequence of allowing our competitors to gain ground is already evident. Last month, China's newest supercomputer, which was built almost entirely from Chinese parts, was deemed the fastest in the world, clocking in about twice as fast as the best American machine. If supercomputing is a measure of our scientific innovation, we are losing badly.

This bill also dramatically underinvests by \$300 million below last year in our Nation's water resource infrastructure, leaving homes, businesses, and communities vulnerable to damage from natural disasters like Superstorm Sandy. This decrease would compound prior cuts in 2011, 2012, and 2013, totaling \$769 million, of which \$688 million was cut from the Army Corps' construction account for projects we all know need to be done. Over 300 projects were suspended between 2011 and 2012. Are we going to abandon these projects forever? As a Member whose district was affected by Hurricane Sandy, I can attest that prevention is cheaper and smarter than paying for reconstruction later.

Additionally, decreasing investments in water infrastructure inhibits construction job creation, and local businesses and individuals will not reap the indirect economic benefits that encourages critical investments in their communities.

It is my firm hope that the majority will recognize that this bill does not provide a workable path forward and return to the spending levels agreed to under the Budget Control Act. To do otherwise is to purposely undermine efforts to support American job creation and economic growth.

I urge my colleagues to oppose the bill.

Mr. FRELINGHUYSEN. I continue to reserve the balance of my time.

Ms. KAPTUR. Madam Chair, I yield 2 minutes to the gentleman from California, Representative BERA.

Mr. BERA of California. I rise today to applaud the committee for addressing a critical issue not just to my own hometown but to our Nation.

Most know Sacramento as the capital of the Golden State. What many don't know is that the Sacramento region, which sits at the confluence of the Sacramento and American Rivers, where they converge near the bay delta, has the second highest flood risk in the United States. Only New Orleans is at greater risk for flooding. And we know what happened in Hurricane Katrina.

The Folsom Dam Joint Federal Project is vital to protecting the region from disaster. We must continue to fund these improvements to take pressure off our overburdened levees and keep people who work and live in the region safe. A flood in Sacramento would be devastating to the 1.4 million residents in our metropolitan area. The flood risk could result in closures of evacuation routes like Interstate 5 and Interstate 80, a shutdown of our international airport, and destruction of homes and hospitals, not to mention the irreversible tragic loss of life. Additionally, flooding could result in billions of dollars in potential damage, and it could take weeks or months to pump the water out of the region.

Another area of crucial importance that I hope this body will soon address is the Sacramento-American River levee system. Many of the levees in my area date from the 1870s, when farmers began building nearly 1,100 miles of protection around the Sacramento-San Joaquin Delta to control floodwaters and create farmland. Today, these levees are in desperate need of critical repair to help prevent a catastrophic disaster.

We all witnessed the devastation caused by Superstorm Sandy this past November. However, unlike a slow-moving hurricane, a breach of the levees could occur with little or no warning. In fact, Robert Bea, professor of engineering at the University of California, Berkeley, warns:

In terms of damage, deaths, and long-term costs, a rupture in the delta levees would be far more destructive than what happened in Hurricane Katrina. This is a ticking bomb.

The Acting CHAIR (Mrs. MILLER of Michigan). The time of the gentleman has expired.

Ms. KAPTUR. I yield the gentleman an additional 1 minute.

Mr. BERA of California. In 2006, Governor Arnold Schwarzenegger declared a state of emergency for California's levees. He signed an executive order directing agencies to identify, evaluate, and repair the levees. The citizens in Natomas levied themselves a tax; and they've already paid, along with the State of California, for 35 percent of the work. But we now need this body to allocate the rest to keep our region safe.

As the ranking member said, it is better to prevent a catastrophe than wait for that tragic loss of life. Addressing vital projects like the Sacramento-American River levees is crucial. It's what we should be doing. It puts people to work. It is time for us to come together as a body and get America working again and fund vital projects like the Sacramento-American River levees.

Mr. FRELINGHUYSEN. I continue to reserve the balance of my time.

Ms. KAPTUR. Madam Chair, I yield 2 minutes to the gentlewoman from California, Representative JANICE HAHN.

Ms. HAHN. I'm disappointed that, once again, we're shortchanging American ports, businesses, and consumers by failing to fully utilize the receipts and surplus of the Harbor Maintenance Trust Fund on our ports.

When our ports aren't well maintained, when we fail to support their infrastructure and their dredging, we threaten more than \$3 trillion of economic output and over 13 million jobs. American consumers face higher costs and American businesses have a harder time competing globally.

Decades ago, Congress created a tax on the value of the goods imported through our ports to ensure that no American port would suffer underdredging. Yet, for years, Congress has failed to fully use the receipts of this tax on keeping our ports in good order. It has gotten so bad that the American Association of Port Authorities estimates that the full channel dimensions of our Nation's ports and harbors are available less than 35 percent of the time. Ships are constantly forced to light load or wait for high tide to enter U.S. harbors. Those inefficiencies and added costs ripple all the way back to the wallets of average Americans. I don't think it's right to make Americans pay for a tax and pay again for our failure to use that tax that we promised.

We may be increasing the amount of the Harbor Maintenance Trust Fund we are spending on ports in this bill, but it still \$700 million less than what our ports are owed. By the start of FY 2015, we will owe our ports nearly \$9 billion that should have gone to investments in our ports that would create jobs and keep us globally competitive. We can't wait anymore. We need to fully utilize the Harbor Maintenance Trust Fund as soon as possible.

Mr. FRELINGHUYSEN. Madam Chair, may I ask if the ranking member, Ms. KAPTUR, is prepared to close.

Ms. KAPTUR. Madam Chair, we have no further requests for time, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. I yield back the balance of my time.

Mr. RAHALL. Madam Chair, the Energy and Water Subcommittee is to be commended for its efforts to present a more balanced and reasoned approach to America's energy needs,

particularly with respect to numerous provisions that recognize coal's key role in our Nation's energy supply. I strongly support, for example, provisions in the bill that would block agency efforts to redefine fill and jurisdictional waters of the United States—both of which would have severe consequences for coal mining in my home state.

I am grateful to the Subcommittee for providing \$450 million for Fossil Energy Research and Development at the Department of Energy—a figure that is \$20 million above the President's request. That bump up represents the realization that coal is and will continue to be a vital part of America's energy portfolio throughout the foreseeable future. It is particularly significant given the overall budgetary constraints with which the Appropriations Committee is confronted and against the backdrop of anti-coal political fervor that seems to have taken hold in much of Washington these days.

As much as I welcome this additional funding, I feel it important to make the case for even more funding for coal research and development. Just this week, in testimony before the Committee on Natural Resources, a representative for the Institute for Energy Research noted that coal continues to be an abundant domestic energy resource; that it provides more than 40 percent of energy production worldwide; and that other nations—including China and Germany—are ramping up coal-fired electricity generation. In fact, according to the Energy Information Administration, coal use in China has grown by 40 percent over the last decade.

However much the legions of wishful thinkers believe they can merely fantasize coal away, coal is real, it is here, and its use is on the rise globally.

Given that truth—one thing that coal supporters and coal opponents ought to agree on is that we should continue pursuing every avenue to find more and better ways to burn coal more cleanly and efficiently. Through the fossil energy program, public-private partnerships have led to huge improvements in the efficiency of coal power as well as dramatic reductions in the environmental effects of burning coal.

I believe that effort ought to continue and that the United States ought to continue leading that effort, but to do that we need to fund research and development robustly and better position our Nation to shape worldwide energy advances.

Mr. VAN HOLLEN. Madam Chair, I rise in strong opposition to this Energy and Water Appropriations bill, which is a poster child for why this House needs to get serious about replacing the sequester with a balanced, long-term budget agreement that keeps faith with our values and funds critical to national priorities.

According to data compiled by Bloomberg New Energy Finance for the Pew Charitable Trusts, China overtook the United States in the 21st century's clean energy race last year, attracting \$65.1 billion in clean energy investment compared to just \$35.6 billion in the U.S. Rather than responding aggressively to this challenge, today's legislation effectively proposes to throw in the towel and slashes clean energy funding by 60 percent. As a result,



America's families and businesses will be forced to pay more than they otherwise would on their utility bills as fewer homes are weatherized, deployment of cost-effective clean energy technologies is delayed and smart grid modernization is postponed.

The Advanced Research Projects Agency—Energy, or ARPA-E, faces an even more devastating 81 percent cut. This early stage, high-impact program created by the bipartisan America Competes Act has already leveraged more than \$450 million in private sector investment from \$70 million in funding to game-changing opportunities in areas like energy storage, advanced biofuels and smart grid technology. ARPA-E—and the transformational breakthroughs it is driving—would be all but shut down under this legislation.

From basic research at DoE's Office of Science to environmental cleanup at our nation's nuclear defense sites to tackling the current \$60 billion backlog at the Army Corps of Engineers, this legislation shrinks from America's challenges and shortchanges America's future.

We can and should do better.

Mr. WAXMAN. Madam Chair, I rise today on behalf of the Safe Climate Caucus to continue our effort to end the conspiracy of silence in this body surrounding the issue of our time: the growing threat posed by climate change.

We have a moral obligation to be responsible stewards of the environment for our children and future generations. History will not judge the House of Representatives kindly if we continue to ignore the mounting danger and act like the last refuge of the Flat Earth Society.

Yet that is what we are doing. The Republican strategy amounts to a conspiracy of silence. Despite our repeated requests for hearings and debate, the Republican majority refuses to hold hearings, continues to deny the science, and passes legislation that recklessly endangers our atmosphere.

In the last Congress, the Republican-led House voted 53 times to block any action on climate change. The Energy and Water Appropriations bill on the floor this week guts funding for research and development for energy efficiency and renewable energy.

It is still not too late to stop the rising CO<sub>2</sub> levels in our atmosphere. The United States can still be the world leader in the clean energy technologies of the future. But we must act now.

Mr. GENE GREEN of Texas. Madam Chair, I represent areas of North and East Harris County and Houston, including a large portion of the Port of Houston and the Houston Ship Channel. Water development projects at the Army Corps of Engineers are critical to our economy and to our safety. We rely on flood control and dredging projects in the Houston/Harris County, Texas area. Flood control projects protect lives and property every year in our district. However, without adequate Army Corps money, necessary maintenance and new projects will be neglected putting our area at risk.

The Energy and Water Appropriations bill is important to us. This bill needs to provide more funding for the Army Corps.

The Port of Houston is the largest foreign tonnage port and the largest petrochemical

port in the country. In fact, it moves the second largest amount of cargo in the country, as 8.5% of our nation's cargo moves through the Port of Houston. The commerce that occurs at our port is critical to our nation's energy and chemical sectors and to our country's ability to trade and move goods throughout our country. It is a port of national significance, but has not received the attention that is necessary to answer the challenges we face in the near future.

Despite the national importance of our port, it is facing a dredging crisis.

The President's budget request funded dredging at the Port at around half the actual need. The Energy and Water Appropriations bill doesn't even get us to the President's request level. Infrastructure is a key component of commerce and it is time the House of Representatives starts passing legislation recognizing this important fact.

Additionally, by cutting New Starts completely, this bill prevents funding for a vital project in Houston that will explore widening and deepening the shipping channel to the Turning Basin. This funding is critical to preparing our Port for the years ahead.

In 1998, the Federal Government and the Port of Houston invested \$700 million over the course of years, to deepen and widen the Ship Channel. An investment we have benefited from tremendously.

As the years have passed silt has settled and reduced the draft in the channel significantly. Today, only a small portion of the channel is dredged to its proper depth across the entire width of the channel. That is astounding. Our nation's investment is rapidly deteriorating. Currently, the Houston Ship Channel is dredged to a depth of 43 feet, but it should be 45 feet. The Panama Canal is expanding and when it is completed, the Port of Houston should be at a minimum of 45 feet and we could take advantage of additional depth.

As we confront the dual challenges of adopting policies that create jobs and reduce the debt, funding for dredging projects is an item that, while costly, will have more of a positive impact on our economy than a negative impact on our deficit. The Texas Transportation Institute performed a study and determined that a direct economic impact of the loss of 1 foot of draft is \$373 million. The majority of this impact is lost business opportunities due to light loading of non-containerized vessels. As the dredging crisis at the port continues to worsen, the opportunity cost will quickly increase.

The time to increase our investment in our infrastructure is now. We can't wait until the economy improves because strengthening our infrastructure is integral to growing our economy.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment who has caused it to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2609

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes, namely:

#### TITLE I—CORPS OF ENGINEERS—CIVIL DEPARTMENT OF THE ARMY

##### CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

##### INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration, projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations, and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$90,000,000, to remain available until expended.

##### CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction), \$1,343,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund.

##### MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$249,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

##### OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and

harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$2,682,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104-303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities.

#### REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$193,000,000, to remain available until September 30, 2015.

#### FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$104,000,000, to remain available until expended.

#### FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, \$28,000,000, to remain available until expended.

#### EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, \$182,000,000, to remain

available until September 30, 2015, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in this title shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

#### OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), \$5,000,000, to remain available until September 30, 2015.

#### ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

#### GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

- (1) creates or initiates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act;
- (4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;
- (5) increases funds for any program, project, or activity by more than \$2,000,000 or 10 percent, whichever is less; or
- (6) reduces funds for any program, project, or activity by more than \$2,000,000 or 10 percent, whichever is less.

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948, section 14 of the Flood Control Act of 1946, section 208 of the Flood Control Act of 1954, section 107 of the River and Harbor Act of 1960, section 103 of the River and Harbor Act of 1962, section 111 of the River and Harbor Act of 1968, section 1135 of the Water Resources Development Act of 1986, section 206 of the Water Resources Development Act of 1996, or section 204 of the Water Resources Development Act of 1992.

(c) The Corps of Engineers shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

Ms. KAPTUR. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. In looking at our bill and looking at some of the accounts, especially for the energy and water accounts and the general provisions, there was an excellent article in this

week's International Herald Tribune. It talks about sound investments. I will read portions of it very briefly here. It talks about how the rate of economic growth in Germany is surpassing our own just now, and the unemployment rate as a result has dropped to 5.3 percent, and falling further—much lower than in the United States. It investigates why that is the case. It talks quite a bit here about the German economy having made investments whose future benefits will far outweigh repayment costs. This bill and its accounts, essentially, should be doing that; but, unfortunately, it cuts back on some of the most significant job growth.

The article goes on to say that the U.S. economy is still in doldrums. And that's because many of the needed workers and machines are now idle. If the country waits, it will need to bid them away from other tasks. Also, because of the sluggish economy, the materials required for the work are now relatively inexpensive. So this is really the time to encourage investment in our economy to lift the entire system.

The article goes on to talk about the fact that in Germany there had been certain austerity backers, they call them, and it says:

Now austerity backers urge—preposterously—that infrastructure repairs be postponed until government budgets are in balance. But would they also tell an indebted family to postpone fixing a leaky roof until it paid off all of its debts? Not only would the repair grow more costly with the delay, but the water damage would mount in the interim. Families should pay off debts, yes, but not in ways that actually increase their indebtedness in the longer term.

I found this article particularly instructive as we move amendments to the floor and move this bill forward.

In the article it says:

Austerity advocates object that more deficit spending now will burden grandchildren with crushing debt. That might be true if the proposal were to build bigger houses and stage more lavish parties with borrowed money.

But, in fact, the dollars were being invested in the nation in projects that were creating opportunity and infrastructure that would advance the worth of the nation in decades hence.

□ 1430

So I think that we ought to think about this as we proceed title by title in this bill and ask ourselves the question why it is that many of the important accounts, such as the Corps of Engineers—and several of our speakers today have referenced those—has been cut by \$104 million compared to this year's enacted level and falls far short of the investments that we need in one of the fundamentals in the country, and that is in water systems.

Madam Chair, I will place this article in the RECORD from the International Herald Tribune.

I also want to point out and place in the RECORD some of the severe cutbacks in this bill with more specificity:

The Renewable Energy, Energy Reliability, and Efficiency account is \$971 million less than the 2013 enacted level and \$1.96 billion less than the President's request;

The Department of Energy Office of Science is \$223 million less than 2013's enacted level and \$499.8 million less than the President's request;

The Advanced Research Projects Agency is \$215 million less than the 2013 enacted level and \$329 million less than the President's request;

The funding for environmental cleanup is \$243 million less than the 2013 enacted level and \$133 million less than the President's request;

The Nuclear Nonproliferation account is \$334 million less than the 2013 enacted level and \$40 million less than the President's request;

In terms of the Army Corps of Engineers, it is \$104 million less than the 2013 enacted level;

In the water resources projects within the Department of the Interior, there is a \$104 million reduction less than the 2013 enacted level and \$85 million less than the President's request.

So when we think about the cumulative impact of it, it is just extraordinary. And I will place this data in the RECORD as well.

I yield back the balance of my time.

[From the Global Edition of the New York Times, July 6-7, 2013]

#### WHEN DEBT IS A SOUND INVESTMENT

(By Robert H. Frank)

I recently spent a week in Berlin, where the entire city seemed under construction. In every direction, cranes and other heavy equipment dominated the landscape. Although many projects are in the private sector, innumerable others—including bridge and highway repairs, new subway stations, and other infrastructure work are financed by taxpayers.

But wait. Hasn't Germany been one of the most outspoken advocates of fiscal austerity after the financial crisis? Yes, and that's not a contradiction. Fiscally responsible businesses routinely borrow to invest, and, until recently, so did most governments.

Lately, however, fears about growing government debt have caused wholesale cuts in U.S. public investment. The Germans, of course, yield to no one in their distaste for indebtedness. But they also understand the distinction between consumption and investment. By borrowing, they have made investments whose future benefits will far outweigh repayment costs. There's nothing foolhardy about that.

The German experience suggests how Americans might move past the stalled debate about economic stimulus policy. In the aftermath of the financial crisis, the policy discussion began with economists in broad agreement that unemployment remained high because total spending was too low. Keynesian stimulus proponents argued that temporary tax cuts and additional government spending would bolster hiring. Austerity advocates countered that additional government spending would merely displace private spending and that Americans already

had too much debt in any event. And the debate has languished there.

A preponderance of evidence suggests that Keynes was right. But as the German experience illustrates, progress is possible without settling that question. The Germans are investing in infrastructure, not to provide short-term economic stimulus, but because those investments promise high returns. Yet their undeniable side effect has been to bolster employment substantially in the short run.

Not all German public investments have met expectations. Berlin's new consolidated airport, for example, has experienced several delays and cost overruns, and parts of the city's recently constructed central rail station will be closed this autumn for major repairs. But private investment projects undergo occasional setbacks, too, and no one argues that businesses should stop investing on that account.

The Germans didn't become bogged down in a debate over stimulus policy, and they didn't explicitly portray their infrastructure push as stimulus. But that didn't hamper their strategy's remarkable effectiveness at putting people to work. The unemployment rate in Germany, at 5.3 percent and falling, is now substantially lower than that in the United States, where it ticked up to 7.6 percent in May and held there in June. (By contrast, in March 2007, before the financial crisis, the rate in Germany was 9.2 percent, about five percentage points higher than what it had been in the United States.)

A prudent investment is one whose future returns exceed its costs—including interest costs, if the money is borrowed. Opportunities meeting that standard abound in the infrastructure domain. According to the American Society of Civil Engineers, the United States has a backlog of about \$3.6 trillion in overdue infrastructure maintenance. No one in Congress seriously proposes that the country just abandon crumbling roads and bridges, and everyone agrees that the repair cost will grow sharply the longer we wait.

The case for accelerated infrastructure investment becomes more compelling with the U.S. economy still in the doldrums. That is because many of the needed workers and machines are now idle. If the country waits, it will need to bid them away from other tasks. Also because of the sluggish economy, the materials required for the work are now relatively inexpensive. If the country waits, they will cost more. And long-term interest rates for the money to pay for the work continue to hover near record lows. They, too, will be higher if the country waits.

Austerity advocates object that more deficit spending now will burden grandchildren with crushing debt. That might be true if the proposal were to build bigger houses and stage more lavish parties with borrowed money—as Americans, in fact, were doing in the first half of the past decade. But the objection makes no sense when applied to long-overdue infrastructure repairs. A failure to undertake that spending will gratuitously burden the country's grandchildren.

In 2009, austerity proponents in the United States argued against stimulus, predicting that the economy would recover quickly and spontaneously. It didn't. Later, they said the country tried stimulus and it didn't work. But in the face of a projected \$2 trillion shortfall in the spending needed for full employment, Congress enacted a stimulus bill totaling only \$787 billion, spread over three years. And much of that injection was offset by cuts in state and local government spending.

Now austerity backers urge—preposterously—that infrastructure repairs be postponed until government budgets are in balance. But would they also tell an indebted family to postpone fixing a leaky roof until it paid off all its debts? Not only would the repair grow more costly with the delay, but the water damage would mount in the interim. Families should pay off debts, yes, but not in ways that actually increase their indebtedness in the longer term.

Austerity advocates, who have been wrong at virtually every turn, are unlikely to change their minds about stimulus policy. But with continued slow growth in the outlook, it's time to re-frame the debate. The best available option, by far, is to rebuild tattered infrastructure at fire-sale prices. If the austerity crowd disagrees, it should explain why in plain English.

#### HIGHLIGHTS OF 2014 ENERGY & WATER APPROPRIATIONS ACT

2014 mark: \$30.426 billion.

2014 budget request: \$34.483 billion.

2013 enacted (including Sandy reconstruction): \$36.744 billion.

2013 enacted (excluding Sandy reconstruction): \$33.240 billion.

The 2014 Energy & Water Appropriations Act would provide:

\$982.6 million for Renewable Energy, Energy Reliability, and Efficiency (not including a \$157 million rescission to 2013 funding), which is \$971 million less than the 2013 enacted level and \$1.96 billion less than the President's request for the same activities.

\$4.653 billion for the Department of Energy Office of Science, which is \$223 million less than the 2013 enacted level and \$499.8 million less than the President's request.

\$50 million for the Advanced Research Projects Agency—Energy (ARPA-E), which is \$215 million less than the 2013 enacted level and \$329 million less than the President's request.

\$5.5 billion for environmental cleanup activities, which is \$243 million less than the 2013 enacted level and \$133 million less than the President's request.

\$7.675 billion for Weapons Activities (not including a \$142 million rescission), which is \$97.7 million more than the 2013 enacted level and \$193.4 million less than the President's request.

\$2.1 billion for Nuclear Nonproliferation (not including a \$20 million rescission), which is \$334 million less than the 2013 enacted level and \$40 million less than the President's request. The House bill also includes \$245 million in activities previously appropriated within the weapons account, as requested by the Administration.

\$1.109 billion for Naval Reactors, which is \$29 million more than the 2013 enacted level and \$137.1 million less than the President's request.

\$4.876 billion for the Army Corps of Engineers (not including a \$200 million rescission), which is \$104 million less than the 2013 enacted level and \$50 million more than the President's request.

\$965 million for water resources projects within the Department of Interior, which is \$104 million less than the 2013 enacted level and \$85 million less than the President's request.

#### SEQUESTRATION IMPACT ON ENERGY & WATER ACCOUNTS

This bill fails to address the sequester, ensuring it will harm our ability to meet energy and water needs next year, on top of the following impacts that are already taking hold.

Forgone hiring by Department of Energy of 300 full-time employees; reduced contractor labor by estimated 1,200 employee-years through furloughs, layoffs, and hiring deferrals; furlough of approximately 60 employee-years affecting approximately 3,600 contractor employees; and layoff or voluntary separation of more than 300 contractor employees.

Severe cuts to renewable energy and efficiency research, including \$16 million from advanced vehicle technologies, \$14 million from solar energy, \$10 million from biofuels, \$5 million from wind, \$3 million from hydropower, \$3 million from weatherization assistance, and \$5 million from electrical grid modernization.

Cuts to Office of Science delaying or cancelling laboratory construction, maintenance, and upgrades; and reducing math, computing, physics, atmospheric, and cytogenics research at labs and universities around the country.

Cuts to Environmental Management resulting in furloughs, terminated activity and forgone work at Hanford Site (WA), Idaho National Laboratory, Oak Ridge Reservation (TN), Savannah River Site (GA), and Waste Isolation Pilot Plant (NM).

Mr. UPTON. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Madam Chair, I rise to commend the Committee on Appropriations for its leadership in resolving the nuclear waste issue. This is certainly a very crucial issue for all Americans.

Last year, I would remind us that the House voted 326–81 in favor of the Shimkus amendment to increase the bill's funding for Yucca Mountain license review. This year, the committee has once again reflected the will of the House not just by funding the license review, but also providing the Department of Energy the authority to transfer funds to the NRC, the Nuclear Regulatory Commission. It's my understanding that this provision gives both DOE and the NRC the flexibility to make sure that the Yucca Mountain licensing case gets optimum resources, where needed, to make real progress in meeting our Nation's need for a safe repository to isolate our spent nuclear fuel and high-level defense waste.

I yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. The gentleman from Michigan is correct: the Department of Energy would have the flexibility to transfer funds, as needed, to the Nuclear Regulatory Commission either from funds appropriated in our bill or from funds previously appropriated for this purpose that remain unspent. This language would also allow the Department of Energy to reprogram funds and subsequently transfer them to the NRC for this purpose, if necessary, to ensure that no one could claim that access to adequate funds is a barrier to completing the review of the Yucca Mountain license application.

Mr. UPTON. Well, I thank the gentleman from New Jersey. This ap-

proach really does build on last year's momentum to get the job done.

Consumers and taxpayers have paid over \$15 billion—that's "b" as in "big"—to find out whether Yucca Mountain would be a safe repository for civilian spent nuclear fuel and defense nuclear waste. They deserve an answer, yes, they do; and under this bill, they're going to get one.

I commend all the members of the Appropriations Committee for this. And I would urge all Members to vote "yes" on this appropriation bill for FY 2014 so that we can make additional resources available to perform the critical work.

I yield again to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for his comments. I would also like to recognize his leadership on this issue as the chairman of the House Energy and Commerce Committee. He has worked hard with his colleagues to ensure that the will of the people is heard. The administration must apply the law that Congress already enacted and get this job done.

We look forward to working with the gentleman to get this appropriation enacted and to get this license wrapped up at the Nuclear Regulatory Commission.

Mr. UPTON. I just want to say again, I want to compliment you and your staff. This has been a major issue for us for a good number of years, something that needs to get done. I look forward to continuing that strong relationship as we look to the future.

I yield back the balance of my time.

Mr. BLUMENAUER. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. BLUMENAUER. Madam Chair, the dispatch with which the committee has moved forward made it not possible for me to offer the amendment that I was going to offer formally, but I just intend to deal with the issue very briefly for the committee and look forward to trying to work with the committee going forward.

Six years ago, in section 2032 of WRDA 2007, Congress directed the President to issue a report describing the vulnerability of the United States to damage from flooding. In addition to examining the risk to public health and property, Congress instructed the President to undertake an assessment of existing programs to address flooding, the effectiveness of those programs, and recommendations about how to improve them. Unfortunately, despite almost daily reminders that we see about flooding in the news, this report has yet to be written.

The President has requested funding for this study in its annual budget requests for the Corps of Engineers. The fiscal year 2014 budget calls this study

a "high priority evaluation of the Nation's vulnerability to inland and coastal flooding and of the effectiveness, efficiency, and accountability of existing programs and strategies." I agree. And the amendment that I would have offered would seek to provide funding for the Corps to finally undertake the study.

The need is clear. Flooding is America's most common natural disaster. From 2002 to 2011, total flood insurance claims averaged more than \$2.9 billion a year. Last month, a new FEMA report indicated that rising sea levels and increasingly severe weather are expected to increase the areas of the United States at risk by 45 percent by the end of this century.

The Federal Government, led by FEMA and the Corps of Engineers, plays a significant role in flood damage reduction and emergency response. Reducing flood damage is one of the core missions of the Corps. It builds levees, floodwalls, shore protection projects, and restores natural floodplains. However, our current understanding of the actions necessary to reduce vulnerability to flooding and, therefore, reduce the amount that we spend to respond to flooding is lacking.

If we could do this report, it would be very helpful. The Corps of Engineers spent \$1.5 billion annually on flood control activities for the last decade, and Congress has provided over \$26 billion in additional supplemental appropriations responding to flooding and other natural disasters over the same period.

Despite massive expenditures on flood control, flood damages have increased at alarming rates. Long-term average flood damages are more than double what they were earlier this century. Obviously, we're not doing everything right.

The cost of this study would only be \$1 million. The Investigations program is being funded at \$90 million. In order to reduce government spending, we need to know how much money we are continuing to throw at projects that may or may not help.

I would hope that we could work with the committee to make sure that we have the best information available before the Corps commits to even more projects. I would hope that we could work to make sure that this comes to pass. It will make the job of the committee easier and will make a difference for Americans across the country.

I yield back the balance of my time. The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 102. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

Mr. GARAMENDI. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. The rapidity with which this process is moving, we might be dealing with the Transportation rather than the Energy and Water appropriations; therefore, my amendment apparently passed without an opportunity to present it.

We just heard our colleague from Oregon speak to the issue of flooding. I represent 200 miles of the Sacramento River, yet this bill ignores the need for this Congress to protect human life. This bill spends \$7.67 billion on nuclear weapons and cuts the money for levee protection.

Human life is at risk in my district, and yet this bill ignores the reality of flooding. When a flood occurs in my district, it's not in the summertime; it is not warm water. It is very, very cold water and thousands of lives are at risk. Yet the majority cannot seem to find the money necessary to protect human life, but plenty of money for nuclear weapons. Is this the priority, \$7.6 billion for nuclear weapons and not enough money to protect the lives of the citizens of this Nation from real danger, real floods? It's really going to happen, gentlemen and ladies of the majority.

The Corps of Engineers' budget is decimated, and for the last 3 years we have not been able to get one new project even though human life is at risk. Is that the priority? Apparently, human life is not.

Projects in my district: the Hamilton project for the last 3 years has been in the President's budget, yet no New START prohibitions place us in a dangerous situation in my district. Apparently, we need more nuclear weapons but not more levees. Is that the majority's position? \$7.6 billion for nuclear weapons, and not enough for a \$15 million project to protect the citizens of Hamilton City. You should be ashamed that that's your priority.

This particular appropriation bill is an abomination. It is a disgrace. It is a representation of the wrong priorities. But yet that's what you want to do. I suppose if this had not been a railroad and you weren't moving things so fast, I would have had an amendment opportunity to simply say that New START vital to the life and well-being of citizens in this Nation should be in this bill, but I didn't have a chance to do that because of the railroad you're operating here.

Run it as you will, but at the end of the day there will be human life at stake, at risk, and, quite likely—quite likely—floods in the 200 miles of the Sacramento River and its tributary that I represent.

This is wrongheaded. This is wrong. Your priorities could not be worse. You

should be ashamed that this is the priority you put. Levees will not be built. Human life will be at risk. But, presumably, that's what you want.

Ms. KAPTUR. Will the gentleman yield?

Mr. GARAMENDI. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I wonder, for those that don't come from your part of the country, Congressman GARAMENDI, talk about what it's like to face that possibility of nonrepair of the facilities that you are discussing.

The Acting CHAIR. Members are reminded to direct their comments through the Chair.

Mr. GARAMENDI. I would be happy to address my comments through the Chair.

Madam Chair, the priorities that are in this bill are dead wrong. Natomas in Sacramento, 20-foot potential water in the wintertime, with the water temperature somewhere in the 40 to 50 degree range, perhaps human life can last 10 minutes—maybe—but that's the priority.

Hamilton City, the same situation. Yuba City, Marysville, the same situation. A winter storm in California and a levee break is deadly. This is not New Orleans, where you can stay in the water for a few hours. This is cold water temperature. And yet, Madam Chair, the majority's position is to build more nuclear weapons and not to build levees.

□ 1445

When the flood occurs, and it will, what will happen? Could we not take \$100 million out of the nuclear weapons account and put it into the levees account in the Army Corps of Engineers? Apparently not.

I yield back the balance of my time.

Mr. CALVERT. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. CALVERT. Madam Chair, I rise today in support of the Energy and Water appropriations bill on the floor, which I think appropriately reflects the need to spend taxpayer dollars responsibly in light of our current budgetary problems.

Total funding in this bill represents a decrease of \$2.9 billion below the fiscal year 2013 enacted level and \$700 million below the post-sequester level. While funding is reduced, this bill still provides critical resources for important projects and programs that ensure our Nation continues to have access to affordable, reliable, and clean water and energy.

The bill also provides much-needed funding for our country's flood control projects that are constructed by the Army Corps of Engineers. My own district, California's 42nd District, is home to the Santa Ana River

Mainstem project, which is one of the largest Corps projects west of the Mississippi River. I am pleased that the Corps and the Energy and Water Subcommittee continue to recognize the project's importance to providing adequate flood protection to the southern California region.

Additionally, in southern California, we recently lost 2,200 megawatts of power generation with the permanent shutdown of the San Onofre nuclear power plant. A significant generation shutdown of this nature creates tremendous uncertainty for ratepayers through our region.

Of course, energy production challenges are by no means exclusive to southern California. That is exactly why the energy programs funded in this bill are necessary. I am particularly pleased that our subcommittee has funded energy programs by taking an all-of-the-above approach that includes renewable, nuclear, and fossil fuels.

Americans rightfully expect affordable access to clean, affordable, and reliable energy and water. As a member of the Energy and Water Subcommittee, I believe we have done our best to meet those expectations with this bill, and I encourage all of my colleagues to support the bill.

In closing, I just want to thank Subcommittee Chairman FRELINGHUYSEN, as well as Chairman ROGERS, for their leadership and crafting a good, responsible bill.

I yield back the balance of my time.

Mr. LYNCH. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. LYNCH. Madam Chair, I would just like to raise an issue here with the amount of money in this bill that we are appropriating for the U.S. Army Corps of Engineers construction account. I have heard several of my colleagues here speak earlier on individual projects in their districts that affect their constituencies, and I am totally in agreement with that on both sides of the aisle.

But I do want to acknowledge the priority that should be recognized in this bill, and that is recognizing the impacts of these large coastal storms. I happen to represent the port of Boston and the community south of Boston along the south shore; a beautiful area that has a great number of towns with great history there. While they were not affected to the degree that New York and New Jersey were during Hurricane Sandy—Superstorm Sandy—a lot of their infrastructure was damaged to the point of near collapse. So there is a great need for seawall reconstruction. They withstood that impact. They did the job that they were intended to do at the time that they were constructed. But I feel that this bill in

its current form continues to undermine the ability of the Army Corps of Engineers to keep pace with the needed maintenance and reconstruction of our infrastructure.

I just want to call to mind the whole initiative here and what our priorities should be. We are, in many cases across the country, the beneficiaries of people who came before us and made the necessary investments in infrastructure. They saw the need, and we today, and up to today, have enjoyed a competitive advantage against some of our international neighbors because our infrastructure is there.

There is a definite increase in the number of these catastrophic storms. It seems like in my area we have 100-year storms every 3 or 4 years now. There is definitely something going on with climate change and the intensity of these storms.

It seems appropriate that we try to recognize the need here. I notice we are putting an awful lot of money into fossil fuel research and not nearly enough money to recognize the impact that climate change has already had on a lot of our coastal areas. We should be reinvesting in that infrastructure so that we are not faced with the total collapse that we saw in New York and New Jersey with Superstorm Sandy.

I just would call on my colleagues across the aisle in a request for bipartisanship and for recognizing the long-term interests of Americans across the country, Democrats and Republicans, and making sure that we use a commonsense approach in this bill. I think that we are off course with respect to the defunding of the construction account for the Army Corps of Engineers, not just for my district—I'm not saying that just for the communities that I represent who do have considerable need because of recent storms—I'm talking about all across the country. I'm talking about Republican districts as well as Democratic districts.

We have a wonderful organization here in the U.S. Army Corps of Engineers. They do fantastic jobs. We get more than our money's worth. We put \$1 into the U.S. Army Corps of Engineers and we get \$5 back or \$7 back, depending on the project. I think it is just wise stewardship to make sure they have the resources necessary to perform the reconstruction in some cases and maintenance in other cases of the seawalls along the east and west coast to make sure that we are indeed prepared for these storms that are inevitably coming.

I have an amendment later on at the appropriate time in this bill where I will be asking for additional money for the construction account of the U.S. Army Corps of Engineers.

I yield back the balance of my time.

Mr. BOUSTANY. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. BOUSTANY. Madam Chair, this is a fiscally responsible bill. It cuts \$2.9 billion below the fiscal year 2013 enacted level and it is \$4.1 billion below the President's request. That is an impressive achievement working in this very difficult fiscal environment that we are in today.

What I really find impressive about the bill and the work that's been done by the subcommittee chairman and the chairman and the Appropriations Committee is the fact that this bill sets some very good priorities. In fact, there is \$2 billion for navigation projects and studies to advance American competitiveness in our ability to export, which is critical for growth in the U.S. economy.

It includes \$1 billion of appropriation from the Harbor Maintenance Trust Fund. This is a record level. This is \$200 million more than what we saw in fiscal year 2013, something that is absolutely critical, because we know that our Federal ports, our harbors, are essential if we are going to be able to ship goods overseas. Getting the dredging funds is absolutely necessary because we lose economic efficiency. In fact, on the Mississippi River, every time we lose a foot of draft it is about \$1 million per ship, per day, in lost economic activity.

If we are going to get this economy growing, create value, create jobs, we have to export. To export, we have to have the waterways that allow us to do that. According to the Army Corps of Engineers, nearly 1,000 Federal ports and harbors have not been adequately maintained due to inadequate budgetary allocations over time.

This bill now takes a strong step forward to correct that. I want to thank Chairman ROGERS for this encouraging step forward for bringing attention to the fact that America's infrastructure—its ports, its locks, its dams, its inland waterways—are old and have not received the appropriate investment and have often been ignored. It has cost us time, it has cost us money, it has cost us economic growth, and it has cost us jobs.

Clearly, if we are expanding these trade agreements, looking at the Pacific with the Trans-Pacific Partnership, looking at a transatlantic agreement, we have to have our ports, our harbors, our waterways working at maximum efficiency if we are going to grow this economy.

Also, I want to compliment the chairman of the subcommittee and full committee as well for including language from my colleague, Congressman RODNEY ALEXANDER. This is language included in the bill requiring the Department of Energy to report on its plans to address the backlog of natural gas export applications, liquefied nat-

ural gas export applications, and to encourage the timely completion of this approval process.

Given the fact that so many of these applicants have been waiting for well over a year to get a decision from the Department of Energy, it is just unacceptable to have this kind of a backlog at a time when this is going to help us expand trade, help improve our trade deficit, it will help create jobs, it will help us with—actually, interestingly, help stabilize the price of natural gas so we will see more drilling, and help our energy security in the long-run.

So expediting this process, getting the Department of Energy to be held to account on the backlog of these permits is critically important because these companies have invested millions of dollars in this permitting process. To be sitting in limbo is just simply unacceptable.

I am very, very happy that Congressman ALEXANDER's language has been included in this base bill, and I want to thank the chairman for doing this.

I yield back the balance of my time.

Ms. KAPTUR. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Madam Chair, I yield to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Madam Chair, a few moments ago, I talked about priorities; \$7.6 billion plus for nuclear weapons.

We just heard the gentleman discuss the issue of locks and levees and ports, projects in my district for the ports, for deepening the channels, for rebuilding and expanding. The economic activity in this Nation is not going to be funded.

Do we really need to spend an additional \$7.6 billion-plus on nuclear weapons when we have over 8,000 of them—Russia 7,000, China 250—do we really need to spend the money there, or do we need to spend it on our economic activity, as the gentleman just said?

There is not enough money in the Corps of Engineers' budget to provide for all of the ports, all of the improvements that are needed, so that our ports on the west coast, the east coast, gulf coast can be competitive. Apparently, we have enough money.

Why don't we take some money out of this program and put it where it will be immediately beneficial? It's a matter of priorities. Where your money is is where your heart is. Okay. That's not where my heart is.

You talked about all-of-the-above energy. We ought to talk about all-of-the-above energy. Yet, ARPA-E, where we create the new science, the new technology, the new programs that will provide us with new energy sources, improved energy sources, and the improvement of all energy sources—gutted, gutted; an 87 percent reduction.



The Office of Science, where we do real research, where we really can do all-of-the-above, whether it is coal or oil or renewables—gutted; a 73 percent reduction.

Where are our priorities? Where are the priorities of the House of Representatives? Is it to build more nuclear weapons that by the grace of God we will never use—8,000 of them? Or is it to build a levee? Or is it to make sure the researchers at our universities and laboratories have the money that they need to really deal with the problem of the future, which is climate change?

□ 1500

It's about priorities.

Madam Chair, it's about priorities, and through you, of course, I ask my colleagues: What are the priorities? They are listed very clearly in your legislation.

Ms. KAPTUR. I would just like to reclaim a couple of seconds here and place on the record that, as to the Army Corps of Engineers, the gentleman is correct. If we look back to the years 2011 and 2012, the bills terminated or suspended over 300 projects across this country. That is not an insignificant number. That is a very significant number. It's one of the reasons that we weren't able to put in New START, because we've got so many other wounded and casualties standing in line, waiting for assistance across the country, including the communities you represent.

Mr. GARAMENDI. Thank you.

I might just point out that, with sequestration this year, we took \$250 million out of the Corps of Engineers' budget, so we're building on a lower base. This is going to be tragedy and tragic—but, Madam Chair, these are our priorities. Oh, excuse me. These are not my priorities. These are the majority's priorities.

Ms. KAPTUR. I yield back the balance of my time.

Mr. HUIZENGA of Michigan. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HUIZENGA of Michigan. Madam Chair, I appreciate the opportunity to come down and speak about a very important issue that I know is important to you as well as to myself.

The Great Lakes are facing a crisis right now. The Great Lakes Navigation System is a critical international waterway that extends from the western part of Lake Superior. In fact, that point in the western part of Lake Superior is further west than St. Louis, Missouri—the Gateway to the West—and it extends all the way along the Saint Lawrence Seaway to the Atlantic Ocean, which is a distance of over 2,400 miles.

The U.S. portion of the system includes 140 harbors, 60 of which are

deemed as commercial and 80 as recreational and harbors of refuge, and it includes over 600 miles of maintained navigation channels. The system can handle 200 million tons of cargo that generate and sustain nearly 130,000 good-paying jobs in the eight Great Lakes States, not to mention what happens to our friends to the north and east and in the Canadian provinces and how important that relationship is with the trade that goes on. While the Army Corps of Engineers' national Operations and Maintenance account has increased by 20 percent from 1995 through 2012, the annual budget for the Corps' maintenance of harbors and navigation channels in the Great Lakes has remained virtually unchanged during that same period.

We all know of the challenges we are facing as a Nation financially—fiscally—but that, Madam Chair, does not seem right or fair to me, and it certainly is not an acknowledgment of the importance of the Great Lakes to our vital economy.

There are 18 million cubic yards of sediment right now clogging the Great Lakes' ports and waterways, which has reduced the amount of cargo shipped by over 500,000 tons over the course of the navigation season. To put this number into context, I own a gravel pit. I have dump trucks that go out and around. A normal-sized, standard dump truck is 10 yards. To put it in context, 18 million yards of sediment would be like 1.8 million dump truck loads of sediment that is out there right now.

In fiscal year '12, the Corps received \$45 million for maintenance dredging and \$95 million for navigation structure maintenance in the Great Lakes, but it's going to cost more than \$200 million to restore ports and waterways to what their designed depths and widths are. In order to make up that shortfall, the State of Michigan recently authorized over \$20 million—State funds only—in emergency dredging funds to ensure that commerce, tourism, and jobs remained available in port cities, big and small.

I commend the State of Michigan. However, the Federal Government has a constitutional requirement to maintain interstate commerce through those ports in and among the States as well as internationally. The funds that come from the Harbor Maintenance Trust Fund are paid for as a user fee of 0.125 percent on the value of cargo shipped. In the previous year, that equated to \$1.7 billion which was paid into the fund, but only \$804 million was used for the dredging and maintenance of our harbors because the trust fund, frankly, has been raided over the years to pay for other projects and unrelated projects sometimes.

I would like to thank my colleague for working towards a solution to this problem by reprioritizing spending, which is really what this is all about.

We know that we have to reprioritize and reflect a \$1 billion disbursement from the Harbor Maintenance Trust Fund to the bill and encourage funding in the future.

I know that there is some specific language. Madam Chair, had I been able to have been down here, I would have offered an amendment that would have clarified our making sure that \$30 million that is put in for small ports and subsistence ports would have been more clear. In the meantime, we must act before the crisis in the Great Lakes grows worse.

So I thank my friend from New Jersey for the work that he has done on this bill. While I would prefer more clarity, I am satisfied with the intent of the committee to help our ports, big and small.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I want to thank the gentleman from Michigan for being a strong advocate for sufficiently maintaining his waterways and the Nation's waterways. These ports and channels are very important, not only to the Great Lakes' economy, but to our national economy, and I want to commend him for his attention to the needs of his constituents. He is extremely knowledgeable from a professional point of view and certainly as a Member of Congress, who voted to the needs of his constituents.

The committee has heard from many Members, including from those from the Great Lakes, who are concerned that the administration's budget processing has left small, remote, subsistence ports across the Nation unable to continue to conduct business due to inadequate or oftentimes nonexistent maintenance. These are what prompted the committee to include a minimum of \$30 million to be made available to such ports. The Great Lakes' ports will certainly be eligible for this funding. I believe our bill addresses his concerns to the greatest priority possible in light of other priorities which he mentioned in our bill, which are, obviously, balancing the Federal budget and controlling spending.

I want to thank our colleague for bringing the concerns of the Great Lakes' ports to our attention. We will do our level best to work with the gentleman. We honor his request.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 103. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance



revenues in this Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99-662) is enacted.

SEC. 104. Not later than 120 days after the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. During the fiscal year period covered by this Act, the Secretary of the Army is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1121) or in interim reports, with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

AMENDMENT OFFERED BY MR. KELLY OF PENNSYLVANIA

Mr. KELLY of Pennsylvania. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 21, after the period insert the following: "Further, the Army Corps of Engineers, in coordination with the Director of the United States Fish and Wildlife Service, the National Park Service, and the United States Geological Survey, shall lead a multi-agency effort to slow the spread of Asian Carp in the Ohio River basin and tributaries by providing high-level technical assistance, coordination, best practices, and support to State and local government strategies to slow, and eventually eliminate, the threat posed by Asian Carp. To the maximum extent practicable, the multiagency effort shall apply lessons learned and best practices such as those developed under the Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States, November 2007, and the Asian Carp Control Strategic Framework."

Mr. FRELINGHUYSEN. I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. KELLY of Pennsylvania. Madam Chair, part of the district that I represent is Lake Erie. I also have the Ohio River Watershed. My amendment would have allowed the Army Corps to combat the Asian carp in the Ohio River.

There are over 30 States affected by Asian carp, and this invasive fish is already throughout the Midwest. This is about protecting our regional economy, the fishing industry, and the livelihoods of all of us who rely on the water for our jobs.

This invasive species significantly alters the habitat. It crowds out native fish, and it is also a threat to boaters. I've worked very closely with Senator TOOMEY, with the Pennsylvania Fish and Boat Commission, as well as with

legislators who represent that potentially affected area, to both study and develop plans of action to deal with this invasive species. This is what we understand:

Under just one measure, the Great Lakes fisheries generate U.S. economic activity of approximately \$7 billion annually, and our native fish populations, like walleye, perch, and lake herring, would be devastated by the Asian carp establishment, threatening this industry and the livelihoods of all of those who depend on this ecosystem's health.

I want to thank you, Mr. Chairman, for allowing me to bring this forward, and I hope, in the future, we can take a look at it.

Madam Chair, I ask unanimous consent to withdraw the amendment, and I yield back the balance of my time.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

Ms. KAPTUR. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Madam Chair, I seek to identify my side with the gentleman's remarks on the importance of the Asian carp issue to the freshwater lakes of our country and certainly to Lake Erie. He and I share that. The lake is neither Republican nor Democratic. It is the largest fishery in the entire Great Lakes system, which contains 20 percent of the world's fresh surface water, and Lake Erie actually has more fish than all of the other Great Lakes combined.

Honestly, this Asian carp threat is truly a nightmare for those people and the multibillion-dollar industries—the maritime industry, our fisheries, our tourism centers. I especially appreciate the gentleman's desire to have a multi-agency effort and more dispatch within the executive branch to deal with the possibility of these fish, these very destructive fish, coming in and destroying our perch, our walleye—our native fish. It is a very, very worrisome invasive species to our lakes.

Mr. KELLY of Pennsylvania. Will the gentlelady yield?

Ms. KAPTUR. I yield to the gentleman.

Mr. KELLY of Pennsylvania. I want to thank you very much for your comments. The gentlelady from Minnesota (Ms. MCCOLLUM) is also very aware of this.

I think all of us who represent the Great Lakes area understand the danger that this fish is bringing into our Great Lakes and into the fishing industry. It is unbelievable the amount of damage that's being done, not only to the fishing industry, but also to boaters. For anybody who has seen film, this is a fish that actually comes out of the water and goes after boaters. It gets very easily aggravated. Now, you don't have to have a motor on the

boat—you can be paddling the boat—and this fish will come out of the water and hit people. I have seven grandchildren whom I take out with me from time to time. The oldest one is 8 years old. These are small people. This fish is 70 pounds when it reaches its full maturity. It is a voracious eater. It is going to totally take over the Great Lakes, and it will ruin our fishing industry.

So I can't tell you how much I appreciate your comments and your concern. Also, I know this is not a Republican or a Democratic issue. This is an American issue that has to be looked into, and I thank you very much for your comments.

Ms. KAPTUR. In reclaiming my time, I have the desire to work with the gentleman in any way possible.

Literally, the gentleman is right. This fish is like a guided missile except there are millions of them, and until you actually see it happen, you don't believe it. It's like some kind of movie—"The Twilight Zone"—except it's real. It came from the aquaculture industry down in Mississippi, which had an accident, and they brought these fish in to do the cleaning in the fish tanks. Yet, when the walls were breached, they started swimming north in the Mississippi River, and now they are about 30 miles from the Chicago harbor and through the ship canal there. They are about 30 miles from there, but they're coming up into the St. Joseph River in Indiana. They've caught some there. We don't know about the Ohio River, but the Maumee River, which I represent—the largest river that flows into the Great Lakes—is a spawning area for walleye, for example, and this species is really a predator, one that could wipe out our entire multibillion-dollar fishing industry in the Great Lakes.

□ 1515

There is no scientific solution at this point. So I hope the administration is hearing us. I hope the Army Corps and the Department of the Interior and others are hearing us. Our country needs a real solution to prevent the spread of this predator into our freshwater lakes, and it is an unsolved challenge for the Nation.

So I thank the gentleman so much for coming to the floor today. You have my full support. I know the chairman of the full committee, Mr. FRELINGHUYSEN, will work with us in any way possible.

With that, I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 106. As of the date of enactment of this Act and each fiscal year hereafter, the Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, such funds as the Secretary and the Director

of the Fish and Wildlife Service determine to be necessary to mitigate for fisheries lost due to Corps of Engineers projects, except that in no event may the amount of funds transferred pursuant to this section during any fiscal year exceed the amount identified for such purpose in the report accompanying the appropriations for that fiscal year.

SEC. 107. None of the funds made available in this Act or any other Act making appropriations for Energy and Water Development may be used by the Corps of Engineers to develop, adopt, implement, administer, or enforce any change to the regulations and guidance in effect on October 1, 2012, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including the provisions of the rules dated November 13, 1986, and August 25, 1993, relating to such jurisdiction, and the guidance documents dated January 15, 2003, and December 2, 2008, relating to such jurisdiction.

AMENDMENT NO. 1 OFFERED BY MR. MORAN

Mr. MORAN. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 11, beginning on line 8, strike section 107.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Madam Chairwoman, I just want to say Asian carp, is a very troubling situation. In fact, we've got the snakeheads in this part of the country that can walk on dry land from river to river and pond to pond. Something's happening, and it's not good. But I'm glad that the issue was raised.

Madam Chairwoman, I do have an amendment with our colleague, JOHN DINGELL. The amendment simply strikes section 107 of this bill. The reason for doing that is that section 107 would prevent the Corps of Engineers from updating regulations and guidance defining what waters and wetlands are subject to the Clean Water Act.

Even though everyone, including the building industry, agrees there's confusion regarding what waters fall under Federal jurisdiction, section 107 would deliberately continue this confusion. In fact, many private commercial interests have gone on record in support of clarifying the term "waters of the United States," but that clarification would be prohibited under section 107 of this bill.

Madam Chairwoman, there have been two Supreme Court cases on this subject: Solid Waste Agency of Northern Cook County in 2001 and Rapanos in 2006. Combined, these two rulings have created confusion and uncertainty regarding the limits of the Federal jurisdiction under the Clean Water Act. In layman's terms, the Court called into question the Federal Government's jurisdiction the further away the water was from where you could float a boat

all year long. In both cases, though, a majority of the Court could not agree on where Federal jurisdiction should end. Intermittent streams and rivers that only flow seasonally, are they under Federal jurisdiction? Sixty percent of all stream miles in the lower 48 States fall into the category of intermittent or ephemeral; in other words, they don't exist for some part of the year, yet they receive 40 percent of all individual wastewater discharges.

Even more importantly, more than 117 million Americans get some of their drinking water from these very streams that don't flow year round. Section 107 of this bill, though, would ensure that these sources of drinking water remain at increased risk of pollution. And with rising temperatures, more severe droughts and climate change, the protection of our waters and wetlands are a greater concern than ever. That's why I mentioned the Asian carp and the snakeheads. Extreme things are happening, but the most important thing that's happening is that climate change is creating a very extreme threat to every American, and we're seeing it in bodies of water across the country.

Before my colleague suggests that we shouldn't worry about climate change, that the States have authority in the absence of Federal authority, I should tell my friends that that argument doesn't hold water in States that use the Federal definition to run their program. Forty-eight States share common water bodies. Without Federal jurisdiction, no State can tell an upstream State what to do unless we have a baseline minimum Federal standard that all States must abide by.

Through a public comment process and appropriate congressional oversight, we can allow the administration to finalize its guidance and eventually move forward on a formal rulemaking process, or Congress could define navigable water ourselves. But why would this Congress do its job when it can complain about the administration not doing its job?

Madam Chairwoman, 2 years ago, the Court and EPA issued a draft guidance to provide additional clarity on this issue. They took public comment on the draft for 90 days and received over 230,000 comments on the guidance, comments that were overwhelmingly favorably. The draft guidance provides a more predictable and consistent procedure for identifying waters and wetlands protected under the Clean Water Act. It focuses on protecting smaller waterways that keep downstream water safe from upstream pollutants and on protecting adjacent wetlands that filter pollution and store waters and help keep communities safe from floods. The guidance also maintains all of the existing exemptions for agricultural discharges and identifies specific types of water bodies to which it does

not apply, areas like artificial lakes and ponds and many types of drainage and irrigation ditches.

It does not extend Federal protection to any waters not historically protected under the Clean Water Act, and it's fully consistent with the law and the decisions and instructions of the Supreme Court. So I think we should let the administration go forward, provide greater clarity, and we can only do that by striking section 107.

I yield back the balance of my time.

Mr. GIBBS. Madam Chairwoman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. GIBBS. Madam Chair, I rise in strong opposition to the gentleman's amendment to strike section 107 of the Energy and Water Development appropriations bill.

Section 107 prohibits the Corps of Engineers from developing, adopting, implementing, administering, or enforcing any change to the Corps and EPA rules and guidance defining the waters of the United States. This provision is aimed at the so-called "guidance" which the Environmental Protection Agency and the Corps of Engineers have developed to expand the extent of waters covered by the Clean Water Act. This so-called guidance goes far beyond merely clarifying the scope of waters subject to the Clean Water Act programs. This guidance has been sitting around for nearly 3 years and is acting as de facto law.

By the agency's own admission, the guidance would substantially change Federal policy with respect to which waters fall under the jurisdiction of the Clean Water Act and significantly increase the scope of the Federal Government's power to regulate waters and land associated with those waters.

The effect of the guidance will be to reverse the decisions by the United States Supreme Court that recognized limits to the Federal Government's regulatory authority and to undermine the longstanding Federal-State partnership in the regulation of waters. This expansion has resulted in confusion, permitting delays, and added costs and burdens for communities, farmers, small businessmen, industries, and other Americans.

The administration has issued this so-called "guidance" and has refused to go to the rulemaking process, which violates the principles of the Administrative Procedures Act, the APA, and the intent of Congress when they enacted the law. The APA sets the standards for the activities and rulemaking for all Federal regulatory agencies and is designed to ensure those Federal agencies use open, uniform, and fair procedures. The requirements of the APA are not mere formalities.

In unilaterally developing its guidance, the administration has ignored calls from the State agencies and environmental groups, as well as Members

of Congress, including almost half the Members of the House of Representatives, to proceed through the normal rulemaking procedures and has avoided consulting with the States, which are the Federal agency partners, in implementing the Clean Water Act.

This amendment condones the administration's willingness to ignore the requirements of the APA and supports the administration's Federal jurisdictional power grab under the Clean Water Act.

I urge Members to oppose this amendment, and I yield back the balance of my time.

Mr. DINGELL. Madam Chairwoman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. DINGELL. Madam Chairwoman, if you like confusion, keep the status quo and oppose the amendment.

If you want to get clarity and you want to understand and you want to get investment and progress and if you want to have people understand what the law is, support the amendment.

The proposal that has been put forward by the Corps of Engineers is clarity itself. It does not change the decision wrongly made by the Supreme Court, no matter how much I might dislike that decision. What it does is it allows people to know what the law is as set forth by the Supreme Court. Foreclosing the Corps of Engineers from carrying out its proper responsibilities under the law going back before 1899 is an act of extraordinary unwisdom and stupidity. My colleagues on the other side do not understand the issue. The simple fact of the matter is all this does is to allow the Corps of Engineers to tell the people of the United States what the law is with regard to what is navigable waters that may be affected by pollution, ditching, draining, and doing other things.

So when you vote to strike this section, you are not changing the law; you are allowing the Corps of Engineers to set forth what the rules happen to be, and you're allowing the Supreme Court to bring clarity to the decisionmaking of the United States and seeing to it that people may then go forward and invest and do the other things that are necessary in the light of the decision of the Supreme Court, which again, I repeat, is not changed, not by the amendment which is offered by my friend from Virginia.

I urge my colleagues to support the amendment offered by Mr. MORAN of Virginia because it brings clarity to a confused situation, and it makes plain and apparent what the law is.

So if you want to get progress so that people will know how they're going to invest in doing things that affect their property and the waters of the United States, supporting the amendment is

the way to do it; and failing to support the amendment is to ensure that confusion will continue to exist and that businesses, industry, and the communities of the United States that need to act upon the waters to see to it that they are protected and that they are preserved, you're seeing to it by opposing the amendment that that cannot be done.

The Supreme Court was wrong in the decision which they made. I was here on the floor when we agreed that the navigable waters are all of the waters of the United States. The Supreme Court was either too ignorant or too lazy to bother reading that particular debate, but the legislative history of the law is clear. And I repeat, this does not move us back to the old way, and it does not change the unfortunate decision of the Supreme Court. What it does is it ensures that for the first time since this kind of amendment was offered on the floor, that we are able to finally begin to move forward to deal with the law as it affects navigability, the Clean Water Act, and the other things which are so important both to protecting our waters and to ensuring that business and industry may invest with a clear understanding of what the law is.

To oppose this amendment is to ensure that there will be more litigation, which will cause more obfuscation and delay and more difficulty in terms of achieving our purpose of having American citizens be able to enjoy the water in accordance with the law as the Corps of Engineers will set it out so that everyone will know what the law is rather than the Congress stultifying the law and seeing to it that we're incapable of having a clear pronouncement of what the law is as made by the agency which has the responsibility to do so under the law.

□ 1530

I urge you to support the amendment. I urge you to strike section 107, and I urge you to get this country going forward on a very important matter which is being thoroughly obfuscated by a lot of people who know nothing about the matter. I urge adoption of the amendment and the striking of the section.

I yield back the balance of my time.

Madam Chair, I rise in support of the Moran-Dingell amendment which will protect not only the Clean Water Act but also the power and integrity of the United States Congress.

When the Clean Water Act was passed, I stood on the floor of this House and explained the intent of the Conference Report on the Clean Water Act. I said, "the conference bill defines the term 'navigable waters' broadly for water quality purposes. It means all 'the waters of the United States' in a geographical sense. It does not mean the 'navigable waters of the United States' in the narrow technical sense we sometimes see in some laws."

In 2006, the Supreme Court wrongly restricted the original Congressional intent of the Federal government's authority under the Clean Water Act. The Supreme Court completely ignored Congress' intent to provide a broader definition of "U.S. waters" and instead upended 35 years of precedence simply because they refused to review the facts.

But the issue before us today is not whether or not you agree with the Clean Water Act. The question is, simply: Is the Corps of Engineers going to be able to tell people what the law is and how it is to be interpreted by the Corps and how citizens will then have to behave?

Under the law, our amendment simply says the Corps may inform people of what the law, as set forth in the Supreme Court's rulings, means. I think that is something which is important in terms of seeing to it that people may go forward with their planning, with economic development and everything of that sort.

In light of the Supreme Court's misguided decision, the Army Corps of Engineers is working on updated guidelines that will take into account the decision of the Court and define what their new jurisdiction will be under the Clean Water Act. This is not a massive expansion of power by the Corps as some would have you believe. This is simply attempting to comply with the Supreme Court's decision.

By preventing the Corps from spending any funds to implement these new guidelines, this House would be casting a pall of uncertainty over the country. If someone wants to build a home or new business near a wetland or other body of water, do they need to consult with the Army Corps of Engineers before doing so? The language in this bill would not answer that question and would likely lead to more costs on that homeowner or businessperson in legal and court fees. The language in this bill would certainly lead to more court battles and create a wonderful mess that would lead to lawyers making plenty of money.

To say anything else about this legislation is either to be misled or to mislead. I would beg my colleagues to vote in favor of the intelligent approach of seeing to it that we are going to allow people to know what the law is and allow the Corps of Engineers to set out what the law is for the benefit of business, industry, and people.

Mr. SIMPSON. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Madam Chair, Mr. MORAN and I have had this discussion six or seven times on this very amendment over the past few years; and, once again, I rise to oppose it. Contrary to what the gentleman from Michigan just said, I do understand the issue; and, frankly, understanding it is why I am opposed to it.

In 2006, the Supreme Court determined that the EPA and the Corps of Engineers did not have the authority to regulate nonnavigable waters under the Clean Water Act. Now, you might disagree with that Supreme Court decision. Tough luck. They made the decision, and we follow the decisions of the Supreme Court.

In accordance with this decision, the term “navigable waters” has long been the phrase used to limit Federal intrusion with regard to the Clean Water Act’s authority. Nonnavigable waters are currently regulated by the States. Everybody who stands up and talks assumes that if it is a nonnavigable water that nobody is regulating it. In fact, the States are regulating those things.

However, last year the Corps of Engineers and the EPA issued guidance that would expand the jurisdiction of the Clean Water Act to nonnavigable, intrastate waters, effectively resulting in a massive expansion of the Federal Government’s authority to increase the number of waters subject to the water quality standards—including irrigation canals, ponds, drainage ditches, and other things.

Deciding how water is used should be the responsibility of State and local officials who are familiar with the people and local issues. If all intrastate waters are regulated by the Federal Government, the language could be broadly interpreted to include everything within a State, including groundwater.

As a result, the reach of the Federal jurisdiction would be so broad that it could significantly restrict landowners’ ability to make decisions about their own property and local government’s ability to plan for their own development.

The language in the bill protects the authority of the States to prevent the Army Corps from expanding its regulations to include intrastate bodies of water under the Clean Water Act for any reason other than drinking water standards.

Clarity is needed on this issue, and the gentleman from Michigan mentioned clarity. But I will tell you, clarity simply for clarity’s sake is not an answer. Death is a clarity. It’s not necessarily the outcome you want, though.

So doing this just so you have clarity in it is not the right direction to go. Congress does need to provide that clarity, but not the agencies through the regulatory process. The Supreme Court has already determined that the Army Corps does not have the authority to do what it is proposing, and I would urge my colleagues to oppose the amendment offered by my good friend from Virginia (Mr. MORAN).

I yield back the balance of my time.

Mr. CULBERSON. I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Madam Chair, I hope to provide some clarity to this by quoting directly from the guidance that the agency has given us. Now, it’s important to remember that this is guidance, not a rule. The Obama administration, President Obama has re-

peatedly and proudly said that if Congress won’t act, he will. Last week he said he was going to stand up and, through executive order, do all that he can to try to bring carbon emissions under the jurisdiction of the Federal Government and try to restrict CO<sub>2</sub> by executive order.

Here the Obama administration is doing what the law says it can’t do, and that is expand the jurisdiction of the EPA and the Army Corps by guidance, not by using a rule. The law says they have to issue a rule, get public input, have hearings. Here they simply got a bunch of their lawyers together and issued guidance to their agencies around the country. And to quote directly from the guidance, the Obama administration directs:

The agencies to interpret waters in the region to be the watershed boundary defined by the geographic area that drains to the nearest downstream traditional navigable water or interstate water through a single point of entry.

The geographic boundary, every stream, every rivulet, no matter how vertical it is, the Supreme Court and the statute said the EPA is limited to regulating navigable waters. The way this reads, literally, the EPA and the Army Corps now, through this guidance, have the authority to regulate every single stream of water that drains in the geographic area, in the watershed boundary, that drains to the nearest traditional navigable water.

That is an incredible expansion of Federal power. As the gentleman from Idaho quite correctly said, this was done outside of the normal rulemaking process because the Obama administration knew that the public would overwhelmingly disapprove of this, that the Congress would disapprove of this, that this goes beyond what the Supreme Court intended, that this goes beyond what the law allows, so they did it through the back door using lawyers and bureaucrats to write a 33-page document that you literally have to go to the back end of to learn that they are attempting to exercise jurisdiction over every stream of water in the geographic area that drains to the nearest navigable waterway.

That’s why Chairman FRELINGHUYSEN and Chairman ROGERS included this language to cut off funding for the implementation of this rule, because we’ve discovered that the Obama administration will do whatever they want, regardless of the Constitution. They ignore subpoenas. They ignore congressional hearings. They ignore letters from Congress. They ignore everything except when you cut off the money. That’s the only way to make the Obama administration follow the law.

Vote against this amendment to ensure that the Obama administration follows the law and that we protect private property rights and keep the EPA

and the Army Corps of Engineers off of people’s private property across America. I urge Members to oppose the gentleman’s amendment.

I yield back the balance of my time. Ms. KAPTUR. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Madam Chair, I support the gentleman’s amendment. I have been listening to the debate and thinking we’re a great Nation because we figured out how to build a nation. We had 13 Colonies. And then, miraculously, somehow, through the Northwest Ordinance and other means, we added more States and we figured out where their boundaries were. Sadly, Michigan and Ohio had to fight a little war on a piece of territory between us, but we even got that figured out. Then, golly, you know, we sort of expanded. Even Alaska became a State. As we became more adult as a Nation, we figured out where the watersheds were. We even have maps for watersheds in our country. We’ve always been a country that is a can-do Nation, not a can’t-do Nation.

So I believe the amendment takes America in an important direction by allowing the Corps the needed flexibility to deal with real confusion that has reigned in the wake of two Supreme Court decisions and, frankly, climate change. As water distribution changes around our country, we are moving into a different era, if anybody cares to open their eyes and look at what is happening across our country.

Without this amendment, the bill would result in increased implementation costs to Federal and State resource agencies, as well as to the regulated community, increased delays in the implementation of important public works projects, and protracted litigation on the disparity between existing Federal regulations and the two court decisions.

Further, the current provision does not apply to just this year; it applies to any subsequent energy and water development act, ensuring the uncertainty continues indefinitely.

How is that good for anything? Why is can’t do better than can do?

Let’s provide clarity. Let’s provide some certainty to the market. We should be allowing the Corps to take actions that address the Supreme Court’s rulings, bringing clarity and certainty to the regulatory process, not prolonging the confusion, further delay, further uncertainty. How does that help anything, regardless of what region of the country you live in? I urge my colleagues to support this amendment.

I yield back the balance of my time. Mr. VALADAO. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. VALADAO. This amendment puts a lot of my district in jeopardy. My district relies heavily on irrigation and canals and other types of water projects. When you see a government agency, an unelected government agency come in and take jurisdiction without any of us in this body, 435 Members in this body who have a responsibility to represent our constituents and make sure that their voices are heard, when you take that power away and you give it to a bureaucracy in the dark of night where there's not an opportunity to speak their minds and have their voices heard, you set up a pretty bad precedent.

When you look at a constituency that feeds the country like we do in California on my part of the valley, we do feed a good portion of the country. We grow 350 different crops. We produce a lot of beef, poultry, and pork. All of these different products go to feed the Nation.

When you look at an idea like this which a lot of my constituents or most of my constituents all oppose, we're setting up for a really bad idea. So this should be presented and it should be talked about amongst the 435, not one agency, not one President pushing an idea. So, obviously, I rise in opposition to this amendment.

I yield back the balance of my time.

Mr. KINGSTON. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. Madam Chair, I rise to oppose the amendment offered by my friend from Virginia, and I do so for three reasons, and I believe that the previous speakers on our side have listed these reasons, but I wanted to just drive these points. There are three of them.

Number one, it does cede a tremendous amount of power to the executive branch. It is clear that this administration prefers to bypass Congress every chance it gets and cede things to an unelected bureaucracy. And in this case, this is a tremendous decision that the bureaucracy would be making instead of the elected representatives in the House and the Senate.

Mr. CULBERSON actually quoted part of it. He said that the agencies will interpret in the regions such proximate other waters to be the watershed boundary defined by the geographic area that drains to the nearest downstream navigational or interstate water through a single point of entry.

So in my district where we have the Savannah River and the St. Mary's River, the Ogeechee River, the Altamaha River and the Ochopee, it would appear that the entire district, which I represent in coastal Georgia, would come under this new permitting process if the bureaucrats and if Mr. MORAN had his way. I'm against that. If that's

going to happen, let the legislative branch debate it and then send it to the executive branch.

Number two, if you do so, all you're going to do is have more busybody bureaucrats in our lives interfering with job creation and interfering with progress in general.

You know, my area of the Savannah River was authorized in the 1999 WRDA Act to dredge the river. It took 13 years for four Federal agencies to sign off on the dredging even though we have been dredging the Savannah River ever since Oglethorpe sailed up it in 1733; but it took our government, four Federal agencies, 13 years to give us a record of decision.

During that period of time, China started to build a port that is now bigger than the Port of Savannah. They started from scratch to finish, and here we are supposed to be competing in a world marketplace, but that's the kind of permitting process and delays that the bureaucracies cause us.

I would rather leave these waters under State jurisdiction than the Federal Government.

Number three and finally, it's vague. It's totally vague. Anytime the Federal bureaucrats with their unlimited bank accounts get involved in rulemaking, they can run the clock. They can charge up the permitting, the lawyer fees, do everything they want.

I will ask a question of my friend from Virginia. Can you tell me what "significant nexus to navigable waters" means? Does anybody know what that means? I can promise you, 435 people in this body would have a different definition as to what a "significant nexus to navigable waters" means.

We do not need this executive branch and this administration to have more power. This is the crowd that brought you the IRS and the AP scandals. This is the crowd that brought you Fast and Furious. Do you really want them to have more power to interpret laws? I think not. I fear they would use that kind of authority to reward their friends and punish their enemies.

For these three reasons, Madam Chair, I oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MORAN. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

□ 1545

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 108. Section 3(a)(6) of the Water Resources Development Act of 1988 (Public Law 100-676; 102 Stat. 4013) is amended by striking "\$775,000,000" each place it appears and inserting "\$2,918,000,000".

SEC. 109. (a) Section 1001(17)(A) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1052) is amended—

(1) by striking "\$125,270,000" and inserting "\$152,510,000";

(2) by striking "\$75,140,000" and inserting "\$92,007,000"; and

(3) by striking "\$50,130,000" and inserting "\$60,503,000".

(b) The amendments made by subsection (a) shall take effect as of November 8, 2007.

SEC. 110. The authorization under the heading "Little Calumet River Basin (Cady Marsh Ditch), Indiana", in section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4115), as modified by section 127 of Public Law 109-103 (119 Stat. 2259), is further modified to authorize completion of the project at a total cost of \$269,988,000 with an estimated Federal cost of \$202,800,000 and an estimated non-Federal cost of \$67,188,000.

SEC. 111. During fiscal year 2014, the limitation relating to total project costs in section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall not apply with respect to any project that receives funds made available by this title.

SEC. 112. None of the funds made available in this or any other Act making appropriations for Energy and Water Development for any fiscal year may be used by the Corps of Engineers to develop, adopt, implement, administer, or enforce any change to the regulations in effect on October 1, 2012, pertaining to the definitions of the terms "fill material" or "discharge of fill material" for the purposes of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

AMENDMENT NO. 2 OFFERED BY MR. MORAN

Mr. MORAN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 13, beginning on line 1, strike section 112.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Madam Chair, my colleague, JOHN DINGELL and I have another amendment that strikes, in this case, section 112 of this bill because section 112 would prevent the Corps of Engineers from updating regulations defining the terms "fill material" or "discharge of fill material" for the purposes of the Clean Water Act.

Presently, the Army Corps issues a section 404 permit if the "fill material" discharged into a water body raises the bottom elevation of that water body or converts an area to dry land.

When Congress first enacted the Clean Water Act, and that's why Mr. DINGELL is so concerned about this, the 404 permit process was supposed to be used for certain construction projects, like bridges and roads, where raising the bottom elevation of a water body

or converting an area into dry land was simply unavoidable.

But then, some clever attorneys in the George W. Bush administration found a way to allow mining waste to be dumped into rivers and streams without a rigorous environmental review process. They simply changed the definition of what qualifies as “fill material.”

Under a 2002 rule change, the Bush administration broadened that definition to, and I’d put this in quotes, “include rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities.”

Now, these guidelines are simply not well-suited for evaluating the environmental effects of discharging hazardous waste, such as mining refuse and similar materials, into a water body or wetland.

When Congress first enacted the Clean Water Act, and for the first 30 years of its passage, the law helped keep America’s lakes, rivers and streams safe from mining pollution, protected wildlife and drinking water. But that’s no longer the case today.

Perhaps it would come as no surprise to many that, in 2009, the Supreme Court upheld this newer, broader definition of “fill material” that was adopted by the executive branch in 2002. The Court allowed this new definition to be used for a Kensington mining operation near Lower Slate Lake in Alaska.

I want to point out this anecdotal example, although it’s a very important one. So the permit allowed the discharge of toxic wastewater from a gold ore processing mill to go, untreated, directly into the lake, despite the fact that the discharge violates EPA standards for the mining industry. Today, all of Lower Slate Lake’s fish and aquatic life is gone, dead.

Now, Madam Chair, that’s why we raise this amendment to strike section 112, which would permanently preclude the Corps from considering any regulatory changes to the current definition and permit process. I would note that, to much of the environmental community’s frustration, the Corps hasn’t issued any regulations to change the definition of “fill material” or “discharge of fill material.”

You can go back to that language that came about as a result of that clever change in 2002. You can find no effort by the Corps to change it, and the Corps hasn’t expressed any plans to do so. That’s disappointing.

But since there is no time limit on the provision in this appropriations bill, it would not only block the current administration but any future administration from considering any changes, even one less sympathetic to the adverse health and environmental consequences of discharging hazardous waste into our drinking water.

Madam Chair, this provision that’s in this bill is intended to be a preemptive strike against protecting our drinking water. We should not be putting this kind of legislation onto an appropriations bill, particularly when it has such adverse consequences to the future health of our population. And that’s why I would urge my colleagues to join me in removing this section from this appropriations bill.

I yield back the balance of my time.

Mr. KINGSTON. I move to strike the last word.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. Madam Chair, I stand in opposition to the amendment offered by my friend from Virginia, and I want to start out by clarifying something that was said a minute ago, that this was done by clever Bush administration lawyers. In fact, it was a rule proposed by President Clinton. That would be Democrat President Clinton, a rule proposed by Democrat President Clinton.

Now, there was a public comment period. It wasn’t done in the dark of the night, but it was done with public comments, and the rule was changed in 2002, which is true that President Bush would have been the President during that time period. But it was an ongoing and a slow and deliberate process, and it was simply a commonsense need that was something that I think was probusiness, which I understand is offensive to some people.

But it also streamlines the bureaucracy and helps the private sector create jobs. And all it simply did was get the Corps of Engineers and the EPA to have the same definition of fill. That’s not a radical concept. That’s common sense. And again, if we’re going to compete in the world marketplace, we should have common sense, even with Washington bureaucrats.

Now, the definition includes materials that, when placed into the waters of the U.S., have the effect of replacing or changing the bottom elevation of any portion of that water. Therefore, it includes rock, sand, soil, clay, plastics, construction debris, wood chips, and overburden from mining.

These are regulated right now. They’re not exempt from this. It simply says that the EPA and the Corps of Engineers would use the same definition. So I stand in opposition to this.

And I do not think that this is the purpose of the gentleman’s amendment, but I do worry that, as this administration seems to have an open war going on on coal, is this perhaps part of it? Not necessarily this amendment, but the thinking that two different agencies can now get on a different sheet in terms of what a definition is and, therefore, one agency can be more proactive in slowing up progress and activities of which you don’t approve.

There is an estimation that if this was to happen, 375,000 jobs in the mining business could be jeopardized. Now, I understand, this administration doesn’t like mining, but for the rest of us who use the products in the United States of America, this is something that is significant and disturbing; 375,000 jobs in what we have called an anemic recovery already.

So I believe that the responsible thing for us to do is to reject this amendment and say that, if this definition does need to be changed, let it not be done by bureaucrats, and let it not be done by lawyers either, but let it be done by the elected representatives, both Democrat and Republican, of the American people, and let 218 of us in the House have a “yes” or a “no” vote, and then 51 in the Senate, and then send it to the White House for signature, rather than have unelected bureaucrats whom no one knows make these very important significant legal decisions for us.

I yield back the balance of my time.

Mr. DINGELL. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. DINGELL. Madam Chairman, I urge my colleagues to support the amendment offered by my good friend from Virginia. I urge them to strike section 112.

There’s no one in this Chamber that owns this world. We borrow it from those who come behind us in the future, and we owe them a duty to see to it that we return it in proper form.

The bill, as drafted, forbids the Federal Government from seeing to it that all manner of defilement is not dumped into the navigable waters of the United States. This is having an appalling consequence, destroying waters, killing fish, polluting the water sources of our communities and cities. But beyond that, it’s doing something else.

A race of unscrupulous people are sawing the tops off our mountains in the Appalachians and other places, and they’re taking that spoil and dropping it in river valleys and filling them up, the result of which is that the water flowing through that valley becomes highly acidic, and it produces severe danger, not just to fish and wildlife, but to human beings. These are the waters of the United States that are being defiled.

The amendment would at least afford a moderate level of authority to the Federal Government, which has always been that authority of the Federal Government, to protect one of the greatest treasures this Nation has: its flowing waters.

My colleagues on the other side think that that is a question of jobs. We’re going to mine, and we should, but we should do it carefully and wisely and well, with due attention to the



future and to our trusteeship of the world that we love.

We do not have the right to defile our waters. We have a duty to protect this land and to see to it that it is returned to future generations of Americans in as good a shape as we have found it, and perhaps, if we can, in a better shape.

What they have done is to change the situation, where now almost anything goes, and the result is a calamity for the future of the United States.

Water is one of the next coming great shortages of this Nation. It's something that is going to be very much missed by our future generations because we have, by adopting this bill without this amendment, defiled those waters, made them unsafe to drink and to recreate in, made them unsafe for all kinds of purposes, including even industrial use of those waters.

I urge my colleagues to support the amendment offered by my good friend from Virginia. I urge you, my dear friends and colleagues, to look to the future of the country whose custodians and trustees we are, to see to it that we return this beautiful Nation of ours to the future generations in the condition in which we found it and which is suitable and fitting to the greatest Nation in the world.

We can have mining, we can have all of the other things we need, but all we have to do, under the law, as it has been, is to do it wisely, carefully, prudently and well, with due regard for the future.

This language in the bill stricken by the amendment offered by my colleague from Virginia would defile those waters and defile the future of this Nation.

I beg you, support the amendment. I beg you, strike the section. I beg you, be good trustees of the future and of the great gifts that God has given this Nation, and to strike section 112 so that we can properly protect one of the great blessings that this Nation has, an abundance of water, which the language of the bill, as now drawn, will defile and destroy.

And people in the Appalachians will curse us for what we have done to them by filling stream valleys with muck and corruption, by defiling the waters and the rivers and the streams and the lakes of the United States.

□ 1600

This is not good custodianship. This is a disregard of the greatest opportunity that we have, and that is to return to our future generations this Nation in the shape in which they will want it to be and we want it to be.

Madam Chairman, I rise in support of the Moran-Dingell amendment that gives this and future administrations the flexibility they need should they decide to address the issue of "fill material."

While the Clean Water Act has been a success, we still have a long way to go to fulfill

the promise of the Act. According to the EPA, for the first time in many years, the Nation's waters have actually started to get dirtier. The response to this disturbing news should be a renewal of the Nation's commitment to clean water. Unfortunately, the previous administration charted a different course and worked to dismantle the very tools that make the Clean Water Act work.

Through regulatory changes, the previous administration eliminated a 25-year-old ban on dumping mining and other industrial wastes into streams and wetlands, and adopted policies abandoning the long-standing national "no net loss of wetlands" goal. That administration also proposed weakening the Clean Water Act's program that guides the cleanup of polluted waters.

Congress made it clear that the Clean Water Act covers all of these waters. I know this because I was there. In 1972, I spoke on the floor of the House about Clean Water Act and stated for the legislative history that that the bill covers all the waters of the United States. What we in Congress said when the law was passed remains true today: in order for the goal of clean water to be met, all waters must be protected for water pollution to be eliminated at its sources.

We in the Congress knew in 1972, as we know now, that the purposes of the Act—to restore and maintain the integrity of the country's waters—could not be achieved if any of the nation's vital waters are removed from the law's scope.

As a conservationist, hunter and avid sportsman, I see a pressing need to protect and restore our Nation's waterways and wetlands. These valuable systems support a diverse array of migratory birds, as well as many other species of wildlife. These waters are also an integral part of the landscape that serves mankind. Wetlands help prevent floods and are natural filters, removing pollutants from drinking water.

I was proud to play a part in enacting the Clean Water Act. Prior to that landmark legislation, rivers were catching on fire and fishermen dubbed Lake Erie the Dead Sea. We have come too far to allow a roll-back. I ask my colleagues to support both Moran-Dingell amendments.

Mr. GIBBS. I move to strike the last word.

The Acting CHAIR (Mr. POE of Texas). The gentleman from Ohio is recognized for 5 minutes.

Mr. GIBBS. I rise in strong opposition to the gentleman's amendment to strike section 112 of the Energy and Water appropriations bill. The current regulatory definition of the term "fill material" is consistent with EPA and the Corps' longstanding practice and ensures that necessary placement of excess rock and soil generated by construction and development projects in waters in the United States are regulated by the Corps under section 404 of the Clean Water Act. This current rule brings certainty and protects the environment.

Both the EPA and the Corps have stated they are considering revising the definition of fill material. If

unelected bureaucrats redefine this important definition, it would have a significant impact on the ability of all earth-moving industries, road and highway construction projects, and private and commercial enterprises to obtain vital Clean Water Act section 404 permits.

Changing the definition of fill material could result in the loss of up to 375,000 high-paying mining jobs and further this administration's assault on over 1 million jobs that are dependent on the economic output generated by these operations. Congress should therefore reject any attempts to add a new, inappropriately narrow definition of the term "fill material" that will not only harm existing operations but would also halt many new job-creating projects.

I urge all Members to oppose this amendment, and I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I rise in support of Congressman MORAN's amendment to strike section 112 and to protect the fresh waters of our Nation for future generations.

I note that many of those who have spoken in opposition to the Moran amendment do not live in parts of the country that actually would be affected by the burial of this material.

Section 112 would prohibit the Corps from amending its regulations to change the definition of fill material and discharge of fill material so that discharges of mine wastes and similar materials into the waters of the United States would be regulated under the more environmentally protective regulations and standards issued under the National Pollutant Discharge Elimination System permit program in section 402 of the Clean Water Act and administered by the States, along with EPA.

I don't know how many Members actually have had to deal with cleaning up messes in their districts. But I didn't know that, once I became a Member of Congress, how significant the work would be and what I would have to do just in my region of the country to clean up the mess from the past. Well, I've learned too much.

Maybe the districts of those who are standing up in opposition to Mr. MORAN's amendment have never had to do this. But let me tell you there are dead freshwater lakes in Ohio that are very close, in fact, to the gentleman who just spoke in opposition to Mr. MORAN's amendment. There are lakes that have been polluted and no one knows how to clean them up. I have actually had the task of representing a river that is dead with waste that's in the bottom of the river that washed out into adjoining streams in the lake



and all the scientists are trying to figure out how to cap it, how to do this, how to do that with the PCBs and everything else. There are Love Canals all across this country. We have to change the way we live for the future generations of this country.

How about trying to clean up beryllium that's moving in streams and washing out and you see rising cancer rates? And why are cancer rates in certain parts of the country more than in other parts of the country? Well, it's the legacy of the past and the messes that aren't cleaned up.

How about unexploded ordnance on the bottoms of streams and rivers and lakes across this country? If you get the Department of Defense charts on what exists in this country that needs to be cleaned up, the defense cleanup costs that are necessary just across this Nation, including in some of our freshwater lakes, is staggering.

If you don't know about the problems, I'm sorry that you don't. But I don't see how adding mine waste to the rest of this mess is going to make the future better than the past.

If you think about the population of the country, we had 146 million people in the country 50, 60 years ago. Today, we have 310 million. By 2050, it's going to be 500 million. But do you know what's not going to increase? The amount of water we have. The amount of fresh water is not an infinite resource. It is absolutely finite. And it's used once and maybe it drops down again in the rain. But nobody is going to give us more water. It's either going to be snowfall or it's going to be rain, and it's going to wash into our streams and rivers. There's not going to be anymore. We're going to have five, six, seven times more people than we had in the past.

Why would we risk burying more junk in our rivers, in our streams, and throwing it out in these riverbeds around the country? If you haven't faced the task of trying to clean it up, then you shouldn't even be voting on this bill. The cost of past cleanups is enormous.

I wish I didn't have to deal with it in my region of the country. I came here to make the parks better. I came here to build better housing. I came here to create jobs. And I'm finding I have these billion-dollar cleanup jobs for which we have no money, no money to clean them up. Why would we add to the problem?

Under the current definition, such discharges are evaluated under the Clean Water Act section 404(b)(1) guidelines, which are not well suited for evaluating the environmental effects of discharging hazardous wastes like mining refuse and similar materials into jurisdictional wetlands and waters. Further, the current provision does not apply to just this year. It applies to any subsequent energy and water de-

velopment act, precluding potential changes that may be necessary to protect public health or the environment.

If you haven't seen babies that have tumors in their brains because some company buried waste in parks that those children played in, then somebody better wake up around here and change the way that we do business in this country, because we cannot do this. We cannot continue the bad practices of the past. We have to make life better for future generations that will have more pressures on them simply because of the population growth in this country.

I urge my colleagues to support the Moran amendment, and I commend him for offering it on this bill today.

I yield back the balance of my time.

Mrs. CAPITO. I move to strike the last word.

The Acting CHAIR. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. I rise today in opposition to the Moran amendment.

Basically, at a May Transportation and Infrastructure Subcommittee hearing on water, I specifically asked the EPA's Acting Assistant Administrator for Water, Nancy Stoner, what specific problems with the current definition of fill material was prompting the agency and the Corps to examine changing their current definition. Administrator Stoner at that time did not identify any problem—this was just recently, in May—with the current definition and instead told me there were no active discussions with the Corps on revising the 2002 definition of fill material.

I do live in an area that this greatly affects. We've got a lot of water in West Virginia, by God's good grace. Given that the EPA official charged with overseeing water problems did not identify any problems with the current definition of fill material in response to a specific question from me, it is difficult for me to see why the EPA and the Corps would attempt to change an established definition.

The current definition of fill material has been in place for over a decade and provides a fair standard for protecting our water while allowing for economic activity. The 2002 definition was the result of a very lengthy rule-making process that began under President Clinton's administration and was finalized under the Bush administration.

A balance between our economy and the environment is absolutely essential. A balance between protecting our environment and creating jobs is essential. The current definition does just that.

The Federal Government must provide regulatory certainty to job creators and not change definitions without adequate justification. If the administrator had responded differently to the question that I posed to her, I

might not be standing here today with this type of opposition. But, in my view, I think that we need to oppose this amendment and keep the current definition of fill material. It's been well researched, well used. It is in effect in the State of West Virginia and is used quite a bit to continue our mining operations and to continue to keep good, solid West Virginians working.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MORAN. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 113. As of the date of enactment of this Act and thereafter, the Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, at a water resources development project covered under section 327.0 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), if (1) the individual is not otherwise prohibited by law from possessing the firearm; and (2) the possession of the firearm is in compliance with the law of the State in which the water resources development project is located.

Mr. LARSEN of Connecticut. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. LARSEN of Connecticut. I want to commend the gentlelady from Ohio and the gentleman from New Jersey for the debate, in general, that we've witnessed on this floor. I think we can all agree in so many respects that infrastructure is not a Republican or a Democratic issue. It's an American issue.

I come here this afternoon to reason, which is a funny word here, I guess, in Congress, but in fact is something that I think we need to do more of. I come here disheartened to see this bill come to the floor that is underinvesting in something that is as critical to the Nation as flood protection. Amongst the many infrastructure issues, it's one that imperils many districts, including my own. We have systems that are 75 years old and have not been addressed in a way that they need to be. All around us, whether it's in my district or anywhere across this country, infrastructure problems abound, whether it's roads, whether it's bridges, whether it's airports, whether it's deep harbors, whether it's school systems, or whether it's levees. They are in need of repair. They are in need of our investment as a Nation.

The great irony is that in these difficult economic times what we need is to put the country back to work. What is required for the country to go back to work is to improve the very infrastructure over which our commerce grows and flows that provides our economy with the kind of boost that it needs that puts our people back to work.

I have heard person after person on the other side get up and cite China, talking about their vast development. How has China moved forward, if not in developing its own infrastructure? Yet here in our country the neglect continues.

Congress cannot continue to sleep while our infrastructure erodes from underneath us. The levees between Hartford and East Hartford have been cited in study after study as needing attention, and the local municipalities have put in their own funding for it, but cannot possibly match what the Federal Government has required. And this is not just in my State and in my district, but all across this country.

A case in point can be made with Hurricane Sandy, where the government spent \$60 billion in disaster relief by funding projects, which was the prudent thing to do. But we know that for every \$1 spent in preserving and making our districts safe by improving the infrastructure, it's \$4 saved in this country.

It's hard for people back in my district, and especially people who gather at Augie and Ray's, a local stand in my district where they serve hot dogs and hamburgers and coffee and breakfast in the morning, to understand why it is that Congress can't get together and reason and understand that by funding the infrastructure, not by cutting back on the Army Corps, not by continuing to cut programs that will provide funding for jobs, but by actually investing in Americans, instead of sitting idly by and watching as other nations, especially our chief competitors, invest in their own infrastructure, improve their own security, while Congress sleeps and watches the slow erosion of what was once the greatest system in the world—and still can be—if we come together and reason and invest in our systems, invest in our people, invest in our security, invest in the protection that will make sure that the American people are safe, secure and, most importantly, back to work.

□ 1615

It's neither Democrat nor Republican. It's fundamentally American.

I yield back the balance of my time.

Ms. HERRERA BEUTLER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Ms. HERRERA BEUTLER. Mr. Chairman, I will not take 5 minutes.

I actually wanted to come down here in support of this bill, the Energy and Water Development appropriations bill. I would like to commend Chairman FRELINGHUYSEN and the entire subcommittee on developing a strong bill that balances the needs of our Nation with fiscal responsibility.

This bill cuts spending by nearly \$3 billion from FY13 enacted levels while maintaining critical funding for navigation, infrastructure, and our Nation's domestic energy needs.

One issue of particular importance to me and my home in southwest Washington is the maintenance of our waterways and small ports. Sediment buildup has essentially blocked commerce, leaving communities in Wahkiakum County, Chinook, and Ilwaco without their largest and most critical industries.

When one of these channels is blocked for communities in my district, it's no different than if a town's main highway were completely blocked or washed away. We need to treat the maintenance of our Nation's small ports with the same level of urgency.

The underlying bill makes great strides to alleviate these challenges by including \$1 billion from the Harbor Maintenance Trust Fund for Army Corps dredging and no less than \$30 million specifically for small ports and waterways. While this will not completely fulfill all of our Nation's needs, it certainly illustrates the chairman's dedication and our dedication to our ports in towns and counties and States across the country like my home in southwest Washington.

As a member of the Appropriations Committee, I am proud to have played a role in securing this funding. I strongly support the bill and encourage all of my colleagues to do the same.

I yield back the balance of my time.

Mr. SWALWELL of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SWALWELL of California. Mr. Chairman, it has been an honor to be in this Chamber and listen to the debate that's going on.

My colleagues on the other side, their bill seeks to reduce the role that the Environmental Protection Agency would play. I hear words and phrases like "an unelected body that makes decisions in the night for no one to see or hear." But, Mr. Chairman, it is not an unelected body. We have elections in our country, and we had a Presidential election; and elections have consequences. The EPA is an arm of the administration, an arm of a President who was elected with a commanding victory this past November. And to hear that this is an unelected body and work being done in the dead of night for no one else to know about is just not the case.

I urge my colleagues on the other side—I was a prosecutor. We would have a trial. I would pick a jury. We would put on evidence. I would give a closing argument. The jury would deliberate, and then we would all accept the verdict. We had the same thing for over a year. We had Presidential debate after debate, TV ads that we were all tired of. Now we have a President who was reelected and an agency that the President is charged with administering. And it really does disturb me, Mr. Chairman, to think that these agencies shouldn't have any teeth or enforcement to protect our children and the future.

But I also rise today to express my concern about the impact that this Energy and Water appropriations bill will have on the important work that our national laboratories are doing. We depend on our national laboratories for the basic scientific research that keeps our country safe and keeps us on the cutting edge of technology.

Our national labs are home to some of the greatest minds in the country, and we all benefit greatly when we allow these great researchers the freedom to do what they were trained to do and to explore the scientific questions that they are passionate about.

I am fortunate that I am able to represent Lawrence Livermore Laboratory and Sandia National Laboratories, which are NNSA laboratories and work on maintaining our nuclear stockpile, but also are participating in research that will provide an all-of-the-above energy solution for our future.

Right now, however, this bill reduces what the laboratories call laboratory directed research and development. Laboratory directed research and development, LDRD, allows the scientists at the laboratory to work on their own experiments in addition to the work that they do at the lab. Now, in the private sector, Google really was the first company to innovate with this, they call it 20 percent time. One day out of the week an employee at Google would be able to work 20 percent of the work, 1 day, on their own projects for Google. Some of the programs that we all use, like Gmail or Picasa or Google documents came from Google's 20 percent time.

Well, the laboratory, their 20 percent time is actually, today, 8 percent time. It's LDRD. This is a way to recruit top talent and retain its scientists with a promise of being able to do publishable work in addition to their classified work. But this bill foolishly cuts LDRD time from 8 percent to 4.5 percent. This will result in less independent science research. It will hurt the ability of our classified labs to recruit and retain top talent and will surely deprive the Nation of scientific discoveries.

Additionally, I am concerned about the cuts to the Lawrence Livermore National Laboratory's National Ignition Facility, also known as NIF. Over

the long term, NIF is a fundamental part of providing our Nation with energy security. It also, in light of international treaties that prevent us from conducting nuclear tests below or above ground, allows us to use laser science to test and maintain our stockpile while also participating in non-proliferation programs, which makes our stockpile leaner and meaner.

America should be a leader in the area of fusion research. Russia, China, and France have accelerated investments in their efforts to compete in inertial confinement fusion, but they remain behind this premier U.S. endeavor. Ceasing support for NIF would be ceding to those countries or others American leadership in what could be the energy industry of the future. Considering our national security threats and limited domestic energy sources, this is no time to be cutting its capabilities.

Unfortunately, jobs at NIF have already been cut and the capacity has been curtailed because of reductions in fiscal year 2013 and the sequester. The funding levels in this bill would make the situation much worse.

We must ensure that the United States does not fall behind our competitors and continues to build upon the investments already begun. It is crucial that NIF gets the funding it needs to continue this crucial work.

Mr. Chairman, I urge my colleagues to carefully consider the damage that these cuts would do at our national laboratories and consider the value of preserving our country's leadership and our role in maintaining our nuclear stockpile and investments in the future of our country through laboratory directed research and development.

I yield back the balance of my time. The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF THE  
INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$7,425,000, to remain available until expended, of which \$1,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,300,000, to remain available until September 30, 2015.

For fiscal year 2014, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES  
(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural re-

sources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$812,744,000, to remain available until expended, of which \$28,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$8,401,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of the amounts provided herein, funds may be used for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

AMENDMENT OFFERED BY MRS. NOEM

Mrs. NOEM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 4, after the dollar amount, insert "(increased by \$25,000,000)".

Page 22, line 5, after the dollar amount, insert "(reduced by \$15,000,000)".

Page 28, line 10, after the dollar amount, insert "(reduced by \$15,000,000)".

The Acting CHAIR. The gentlewoman from South Dakota is recognized for 5 minutes.

Mrs. NOEM. Mr. Chair, my amendment would ensure that we're placing a higher priority on completing some ongoing rural water projects in the Great Plains region and in the West.

My amendment takes \$15 million from the Department of Energy's administration budget and \$15 million from the solar energy programs. \$25 million of this would go into the Bureau of Reclamation's Rural Water Projects; the remaining \$5 million would be left for deficit reduction.

Mr. Chair, I recognize that we have limited funds to go around. This is why we need to work so hard to make sure that our priorities are addressed. It's why we make sure that we can agree that water should be a priority, that drinking water for people that live in this country should be a priority.

There are places in this country, especially in the rural areas, that people are still waiting for a stable water supply. There are towns that would like to grow, but they don't have enough water or basic infrastructure to find

new businesses and bring new families in. They're waiting for the Federal Government to complete projects that have already been authorized, that have already been started, and that those communities have already invested in.

As we go through the appropriations process, I think supplying our rural areas with water should be a top priority. I think it is shocking; it's shocking that some of these authorized projects have been waiting years to see the promised Federal dollars to complete the projects. Many of these local communities have already funded their share of the projects. Some of the administration's funding proposals for these projects don't even keep up with inflation.

So as representatives, we absolutely need to be responsible with taxpayer dollars. When the Federal Government makes a promise to provide basic infrastructure, they need to follow through. This amendment is just a small step in getting where we need to be.

It is common sense to make sure that something as basic as water supply is available in all areas, urban and rural. I urge my colleagues to vote "yes" on the amendment to ensure that these very essential projects are on their way to completion.

I would like to thank the chairman and the committee for their hard work on this bill. I certainly appreciate the opportunity to speak on this amendment, and I would urge all of my colleagues to support this amendment.

With that, Mr. Chair, I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, I rise in opposition to Representative NOEM's amendment.

I think that there is a worthy objective of providing freshwater to all parts of our country. We talked about that earlier today. The problem is her amendment takes funds from other accounts to try to move some of those dollars to rural America.

Frankly, our fundamental problem is that this bill is \$2.8 billion under what was being expended in this fiscal year of 2013, and it's \$4 billion under the administration request. So what she's essentially doing is taking money from something else in order to move it to rural areas of the country. I represent some of those. They're very worthy. Some of them do receive funds through the Department of Agriculture. Some smaller communities also have associations with the Environmental Protection Agency. But to cut funds, to take money from the Renewable Energy account—\$15 million from there—and from other water-related accounts and to cut departmental administration really is sort of picking off very scarce

bones. And I have to oppose the amendment on that basis.

The Renewable Energy accounts, which are America's future—they're a major part of our downpayment on the future—have been cut 60 percent. You are withdrawing additional funds from those accounts to try to move toward needed rural water needs. But, frankly, these accounts have been severely cut, and the gentlelady's amendment harms them more. We simply can't cut more from those accounts.

I support more funding for the rebuilding of America's urban water systems, which are leaking all over this country. In fact, we just had a collapse in my home community. For some reason, a major intersection just imploded because the water systems underneath weren't properly attended to. This is happening from coast to coast.

So our urban water systems are severely constricted. There are all kinds of problems there. And in parts of rural America, obviously we are still trying to extend lines, trying to clean water, trying not to pollute water anymore in order to make sure that citizens who live there and the livestock that is there has sufficient freshwater resources.

So I identify with what you're trying to do, but not where you are taking the funds from. Those dollars simply can't be cut any further. So I have to oppose the amendment, and I urge my colleagues to join me in opposition to the gentlelady's amendment.

Perhaps we can work in other ways in the future, but the fundamental problem is the bill has been cut \$2.8 billion, and some of that is coming from the dollars that would be available for rural water programs.

So I strongly oppose the amendment, not because it isn't worthy, but simply because she's raiding other accounts that are cut, literally, to the bone.

Mr. Chairman, I yield back the balance of my time and urge my colleagues to vote "no" on the Noem amendment.

□ 1630

Mr. CRAMER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from North Dakota is recognized for 5 minutes.

Mr. CRAMER. Mr. Chairman, I thank my colleague and neighbor from South Dakota for authoring and offering this amendment, which I support and urge my colleagues to support. It really re-prioritizes the spending and the good work that the Appropriations Committee has already done just a few million dollars. It re-prioritizes it in a way that recognizes the changing of our Nation in recent years because so much of the policy and the appropriations of our Energy Department are based on an old order that recognizes our country as having a scarcity of natural resources for energy development.

That, Mr. Chairman, is no longer the case. We are now a Nation of abundant energy resources, but we are still, especially in the West, a Nation of scarce water resources, water resources that are important to the development of many of our rural communities and our tribes and our farms and ranches, water for drinking, water for industrial growth, water for irrigation. So I think this re-prioritization of a few million dollars is appropriate and recognizes how different our world is.

With that, I urge a "yes" vote on the amendment, and yield back the remainder of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from South Dakota (Mrs. NOEM).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

#### CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$53,288,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

#### CALIFORNIA BAY-DELTA RESTORATION (INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$30,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

#### POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2015, \$60,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

#### ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to

exceed five passenger motor vehicles, which are for replacement only.

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits:

(A) 15 percent for any program, project or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or

(B) \$300,000 for any program, project or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category; or

(7) transfers, when necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term "transfer" means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds

by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Notwithstanding any other provision of law, until the pipeline reliability study required in the Consolidated Appropriations Act, 2012, is completed, and any necessary changes are made to Technical Memorandum No. 8140-CC-2004-1, the Bureau of Reclamation shall not deny approval, funding, or assistance to any project, nor disqualify any material from use, based, in whole or in part, on the corrosion control used, if the corrosion control meets the requirements of a published national or international standard promulgated by the American Water Works Association ("AWWA"), ASTM International, the American National Standards Institute ("ANSI"), NACE International ("NACE") or the American Society for Testing and Materials ("ASTM"). The Bureau shall allow any project initiated during the study to use any corrosion control meeting the above standards.

### TITLE III—DEPARTMENT OF ENERGY ENERGY PROGRAMS

#### RENEWABLE ENERGY, ENERGY RELIABILITY, AND EFFICIENCY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities, and electricity delivery and energy reliability activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$982,637,000, to remain available until expended: *Provided*, That of the amount provided under this heading, \$76,926,000 shall be available until September 30, 2015, for program direction.

#### AMENDMENT OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 5, after the dollar amount, insert "(reduced by \$9,518,000)".

Page 28, line 10, after the dollar amount, insert "(reduced by \$20,000,000)".

Page 31, line 16, after the dollar amount, insert "(increased by \$22,586,500)".

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, nuclear weapons production played a pivotal role in our Nation's defense for decades, helping to end the Second World War and to end the Cold War. Implementing these programs resulted in a large volume of radioactive waste that the Federal Government has a legal responsibility to clean up.

Today, there are indications that nuclear waste is leaking out of the underground tanks at Hanford in my congressional district, with higher levels of contamination now being detected in the surrounding soil.

The amendment that I offer, Mr. Chairman, would restore a portion of

the reduction for the Environmental Management program that would so greatly impact the Richland Operations Office and help enable the clean-up to move forward safely, efficiently, and in a timely manner.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. HASTINGS of Washington. I would be happy to yield to the subcommittee chairman.

Mr. FRELINGHUYSEN. I appreciate your longstanding commitment to Hanford, and I support this amendment, which is aimed at strengthening environmental management in the Richland Operations Office. EM is a priority for the subcommittee. I look forward to returning to Hanford, as I have in the past, to get a firsthand look at the latest challenges and progress, and we know there are lots of challenges.

As you know, Representative HASTINGS, the Department of Energy has not yet provided confirmation of probable tank leaks, a Record of Decision on the potential for tank TRU waste, or a plan for the waste treatment plant. This information will be required as Congress completes the appropriations process for the Office of River Protection.

Mr. HASTINGS of Washington. Reclaiming my time, Mr. Chairman, thank you for your support for this amendment and for your position on Yucca Mountain in the underlying bill, which is the ultimate solution for Hanford's high-level tank waste.

I would like to remind the chairman, I am meeting with Secretary Moniz later this week, and I will reiterate the need for this information that you have just outlined for WTP.

I also recognize the discrepancy in allocations between the House and Senate bills.

I want to ask the gentleman: How do you anticipate that these differences will be resolved, particularly as they pertain to EM, in the event of a continuing resolution?

I yield to the chairman.

Mr. FRELINGHUYSEN. In the event of a continuing resolution, the Department of Energy has the flexibility in determining funding levels for individual programs and projects, including EM.

Mr. HASTINGS, I am pleased to support your amendment and I wish its success.

Mr. HASTINGS of Washington. Reclaiming my time, Mr. Chairman, I hope we don't get to a CR, but thank you very much for that information.

At this time, I would like to yield to my colleague from southwest Washington (Ms. HERRERA BEUTLER), the gentlelady from the Appropriations Committee.

Ms. HERRERA BEUTLER. Hanford, as the gentleman mentioned, was the reactor used for the Manhattan Project

and was used to build the U.S. nuclear arsenal during the Cold War.

I recently had an opportunity to tour Hanford with the gentleman and so firmly believe in this amendment because this is a Federal Government responsibility, this wasn't a choice by a local community. The cleanup just is simply beyond the scope of the communities involved. This matters to people in my district and up and down the Columbia River, which is adjacent to your area.

I would urge my colleagues, this isn't somebody's pet project, this isn't somebody's good idea. This is a responsibility. The gentleman said "a legal responsibility"—I would add to that a moral responsibility—of the Federal Government to put this money here and help aid the cleanup at Hanford.

Mr. HASTINGS of Washington. I thank the gentlelady for her remarks.

Again, I urge adoption of this amendment because this is a legal obligation.

With that, Mr. Chairman, I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, I would say to Congressman HASTINGS that I rise with sympathy toward the situation you face at Hanford, but must oppose your amendment.

The amendment essentially would cut funding from energy efficiency and renewable energy, specifically the weatherization program, which affects dozens and dozens of communities across this country, many of them very low income, as well as departmental administration, which has already been cut to the bone, to move money to Hanford.

It is true that the communities that contributed to the Manhattan Project cannot be left with the remnants of that war effort. We have a moral obligation to clean up these sites. Without question, the bill is inadequate to meet the commitments to States and local communities faced with cleanup.

However, we cannot take those dollars out of the hides of elderly people who might live in Newark, New Jersey, in the wintertime, or in Portland, Oregon, or places where they can't afford their energy bills, or we can't divert money from administration, which is already cut to such a low level at the Department in order to move dollars to Hanford.

Hanford already receives over \$2 billion a year—\$2 billion. I wish my community received \$2 billion. I wish your communities received \$2 billion a year.

Those dollars come from the River Protection program, over \$1.2 billion, plus an additional \$877 million, well over \$2 billion a year. That's more than most communities represented by Members here can even imagine coming to their region of the country.

The defense waste cleanup in Ohio is extraordinary. We don't get \$2 billion a year. So to say to senior citizens across this country we are going to take it out of your weatherization program so you can't put plastic around your windows in the wintertime and try to retrofit your houses, or we are going to take it out of departmental administration where we risk accounting for the funds properly for all of these programs that the Department has to administer, including the cleanup, some of these contracts that we've had problems with in that Department, I simply can't support the manner in which the gentleman and the gentlelady have identified where they are taking the money from.

So while I agree with their intent, as I've said many times, the allocation for this bill is \$2.8 billion under last year and \$4 billion under the administration's request and is simply insufficient. We can't keep picking the bones off the most needy parts of our country to try to divert additional dollars to efforts at Hanford that are spending well over \$2 billion a year already.

I would ask my colleagues to oppose the amendment. I reluctantly oppose the gentleman's amendment. But in being fair and looking at all the accounts, we simply can't keep picking from the bones of other programs at the Department.

I ask my colleagues to vote against the Hastings amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 5, after the dollar amount, insert "(increased by \$992,620,780)".

Page 26, line 12, after the dollar amount, insert "(increased by \$430,029,400)".

Page 26, line 18, after the dollar amount, insert "(increased by \$233,250,000)".

Page 31, line 16, after the dollar amount, insert "(reduced by \$1,655,900,180)".

Ms. EDDIE BERNICE JOHNSON of Texas (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading of the amendment.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Texas?

Mr. FRELINGHUYSEN. I object.

Would the gentlewoman be able to identify the amendment which she is proposing?

The Acting CHAIR. Objection is heard.

The Clerk will read.

The Clerk continued to read.

Mr. FRELINGHUYSEN. I withdraw my objection.

The Acting CHAIR. The objection is withdrawn.

Without objection, the reading is dispensed with, and the gentlewoman from Texas is recognized for 5 minutes.

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I am offering this amendment to restore the significant cuts to the critical science and energy research and development programs that were made in this bill, including an 80 percent cut to ARPA-E and a 50 percent cut to the Office of Energy Efficiency and Renewable Energy. These programs, along with the Department of Energy's Office of Science, are vital to our national security, our economy, and our environment in the decades to come.

It is really worth us thinking about the fact that we have seen how government research can pay off when it comes to energy development. DOE-supported research was key to the development of high-efficiency gas turbines, for coal plants, nuclear reactors developed at Federal labs, and the directional drilling and hydraulic fracturing practices that have led to the shale gas boom today. But we should remember that those achievements require decades of Federal investment, the overwhelming majority of which was focused on fossil and nuclear energy.

I continue to support research to make today's technologies cleaner and more efficient, but I believe that it is time for a level playing field. I introduce a real competition to our markets. That is where the priorities set by Congress come into play. We have to find the greatest value for our investment of the taxpayer dollar. Today, it is the emerging energy technology sectors that can most benefit from government support.

I have heard it said that this bill has been cut to the bone, and I know that. It is important that DOE's Office of Science is actually the largest supporter of basic research in the physical sciences in the country, and it 30 national scientific user facilities whose applications go well beyond energy innovation.

□ 1645

Our Nation's top researchers from industry, academia, and other Federal agencies use these facilities to examine everything from new materials, which will better meet our military's needs, to new pharmaceuticals, which will better treat disease, to even examining the fundamental building blocks of the universe. I believe that this stewardship of unique scientific research, which includes the Nation's major national user facilities, is another important role that I hope the Department

will continue to make one of its highest priorities.

It is no secret that Congress' inability to date to come to an agreement on a sensible budget plan has led to some devastating cuts to many of these important programs, with serious impacts on our Nation's future. To restore these research funds, I certainly would not wish to make these proposed cuts in my amendment which may slow down our ability to meet the Nation's defense environmental cleanup obligations this year. However, I believe that these research programs are the seed corn of our future. Some things we know we have to wait to do, and perhaps we can prolong that cleanup.

Yet, Mr. Chairman, I sincerely plead that we not cut this type of money from the research we have going. Research is our Nation's future. We cannot give up on our Nation's future, so I am hoping that we can support this amendment and allow some of this research to go forward, and I ask for support.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. This amendment increases funding for science, ARPA-E, and renewable energy, energy reliability and efficiency by a total of \$1.7 billion, using defense environmental cleanup as an offset.

Defense environmental cleanup provides funding to clean up the legacy of the Manhattan Project, as we discussed earlier, which is a huge task that will take years to do. It will be a major expense and will take significant resources. We heard part of the Washington State story, but there is part of it in other parts of the country as well.

The Federal Government has an inherent responsibility to address this legacy and to ensure that the materials created to build our nuclear weapons stockpile do not endanger the public health and the environment. There are also some other daunting technical challenges in cleaning up this waste, and this amendment would, frankly, completely gut those types of programs. It is doubtful that this level would even sustain the basic operation and maintenance of the facilities, let alone allow for any progress in the cleanup effort. The cleanup effort needs to be sustained.

Our allocation has made, as I said earlier in the afternoon, for very tough choices. We placed the highest priority on activities on which the Federal Government must take the lead. While the applied energy and advanced research programs are down substantially, admittedly, there is a strong interest in advancing these areas of research, and the responsibility for conducting that



research can shift, in many ways, to the private sector. Therefore, I strongly oppose the amendment, and I urge other Members to do the same.

Ms. EDDIE BERNICE JOHNSON of Texas. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentlelady.

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you for your explanation. I don't disagree with you, but I do feel that we cannot cut our research and think that we will have a prosperous future.

So I would ask you to help me find a spot in which we, perhaps, can use the dollars and postpone some of the cleanup. This is urgent and it is needed, and I would ask you to agree to assist in our restoring some of this research.

Mr. FRELINGHUYSEN. In reclaiming my time, we know that the gentlewoman's heart is in the right place. We know of your heartfelt views. We would be happy to work with you to see what we can do to assist in these other areas, but this environmental cleanup, in some respects, is court-ordered besides there being, obviously, the potential for human health to be adversely affected.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I, too, rise in strong opposition to this amendment.

I do appreciate the gentlelady's concerns, particularly about science funding. However, Mr. Chairman, increasing funding for optional programs, as valuable as they may be, cannot come at the expense of the Federal Government's meeting its existing legal obligations to clean up the waste created by our Nation's nuclear defense programs. I might add, Mr. Chairman, that these were programs that won World War II and that largely won the Cold War.

At Hanford, in my district, the Federal Government has 56 million gallons of radioactive nuclear waste stored in 177 underground tanks. Today, it appears likely that some of these tanks are leaking, and higher levels of contamination have now been detected in the areas surrounding one of the most recent leakers. In addition, there is also a large quantity of radioactive waste at Hanford that was never put into tanks. That, too, must be dealt with as well as the nuclear waste at other sites across the country, like at the Savannah River, Oak Ridge, and Idaho.

Again, it is nuclear waste that was created by programs of the Federal Government for defense purposes. Cutting \$1.7 billion from the EM program would essentially halt most nuclear waste cleanup work, and it would put

the safety of our cleanup sites at risk and end any chance of the Federal Government's meeting its existing legal cleanup commitments to the States.

Mr. Chairman, let me be more specific about Hanford. I mentioned 56 million gallons of nuclear hazardous waste stored in 177 underground tanks. Those tanks range in size from a half a million gallons to a million gallons. Now, when you go out to the site, of course you can't see the tanks because they're underground. All you see are gauges on top that monitor what activity is going on in those tanks. If you want to quantify how much 56 million gallons is, picture this: if one were to put 56 million gallons here, it would take over 21 House Chambers to fill 56 million gallons of waste. That's how much radioactive waste is at Hanford, which needs to be cleaned up. It's the result of the defense weapons program.

Now, the distinguished subcommittee chairman and I and others have mentioned the legal obligation. In Washington State, that legal obligation is called a tri-party agreement. It has set deadlines for cleaning up Hanford, including the waste that I just mentioned. It's a legal agreement between the Federal EPA, between the Federal Department of Energy, and between the State Department of Ecology. It's a legal agreement with time lines, and if you don't meet the agreements, of course you're going to be sued. Every time there has been a threat to be sued or there has been a disagreement on the time lines, the State has always won.

So why would we want to defund this program and put all of that at risk, which, of course, would cost a whole lot more money in the future?

While I recognize the gentlelady and her passion for science funding—and I, too, understand that as I have a national lab in my district, for example—56 million gallons, or over 21 House Chambers, of nuclear hazardous waste needs to be cleaned up, and it's the responsibility of the Federal Government. So I oppose the gentlelady's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. TAKANO. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. TAKANO. Mr. Chairman, I rise in support of the amendment of my colleague's, the gentlewoman from Texas.

It is vital we support our basic scientific research. As the ranking member of the Science Committee, she carries great weight in these matters, and I yield to the gentlelady.

Ms. EDDIE BERNICE JOHNSON of Texas. I clearly understand the explanation.

This amendment does not strike all of the funds. It strikes about a third. I

know the dangers of having all of the waste that needs to be cleaned up, but I also think that it's important not to close the doors on the future of this Nation while we do it. I really think that research has been the element that has brought us here thus far and that it is going to be research and innovation that carry us forward. We cannot close the door on research while we talk about cleaning up waste. We are only asking for a third of that money.

So I want to make another appeal that we not close the door on the future of our Nation by shutting down our research.

Mr. TAKANO. I yield back the balance of my time.

Mr. FLEISCHMANN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. FLEISCHMANN. To my colleagues in this great House, my name is CHUCK FLEISCHMANN. I represent the Third District of Tennessee, which has a great city. That city is Oak Ridge, the birthplace of the Manhattan Project.

My colleagues, Oak Ridge has a great history. We won the Cold War there, and we won World War II there, but this was a time that the Federal Government in the manufacturing of nuclear weapons was not as careful as it could have been. We didn't know. We had to win those wars—and we did—but as a result of that legacy, we have a problem.

DOC HASTINGS, my colleague from Washington, talked about the problem in Hanford—and there are 500 square miles in Hanford that need to be cleaned up—but in my community in Oak Ridge, Tennessee, there are populations of churches, schools, people all around in a highly condensed area. We have there, across the DOE complex, a tremendous legacy that needs to be cleaned up, and I want to talk about that briefly.

We've got nuclear waste that needs to be cleaned up across the complex, and that's being done. We also have a mercury problem. There is an estimated 2 million pounds of mercury in the soil and in the water. This is a real problem for American citizens. This is a Federal obligation to clean this legacy up. There is no question about that.

Across this great Nation, whether it's in Oak Ridge, at the Savannah River, in Hanford, or in Idaho, we have an obligation to the American people to clean this up. We won World War II and we won the Cold War, but we must do this. This waste is dangerous. It's expensive to clean these things up. It's not a matter of "if"; it's a matter of "when." The longer we take to do this, we expose the people in these communities all across America to the hazards of this nuclear waste.



So, Mr. Chairman, as an advocate for Oak Ridge and as an advocate for environmental cleanup, we must get this done. We have decades' worth of work to go. We have got to do this. As we honor Oak Ridge and other communities with a great national park, which is coming forward and which was voted for in this great House, we can never forget the legacy that's left behind. Environmental cleanup is a must. It is a Federal obligation.

I yield back the balance of my time.

Mr. PERLMUTTER. I move to strike the last word, Mr. Chairman.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. PERLMUTTER. I appreciate the comments of my friends from Tennessee and Washington.

In Colorado, in my district, we have two of those plants which are World War II and Cold War legacy plants—Rocky Flats and the Rocky Mountain Arsenal—so I appreciate the comments and the need to clean these sites up. It is long overdue. I agree with you, and I look forward to that.

The problem we have here, on the one hand, are substantial cuts to the Energy Department's budget and, on the other hand, an increase to this line item above and beyond the President's request. As I understand it, the committee recommends to the House \$345 million, which is \$23.5 million over the administration's request.

Although I agree completely with the need to clean up, the majority party is requesting more than is needed at this point, and it is to the detriment of the rest of the budget of the Energy Department. Particularly, the one that I'm concerned about is renewable energy, such as the National Renewable Energy Lab, and I will have an amendment to that point coming up later.

So, to my friends, I agree with you that the cleanup needs to go forward. It should be done at the full amount the President requested and not at the \$23 million more that has been suggested by the committee.

I yield back the balance of my time.

□ 1700

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. This debate is a perfect example of why this bill's funding is so inadequate.

What is really being debated is whether we are going to trade off the science of the future, which is so essential to America's competitiveness in the global economy, to take care of necessary past cleanup. Who can make that choice? They are both essential. Are we going to sacrifice the future for the past? That's really what this debate is about.

We know that this bill is \$4 billion under the administration's request and

over \$2 billion under what we spent in this fiscal year of 2013. So we really have an argument that nobody wins. If we fund the past cleanup, we sacrifice the future. If we sacrifice the future, do we really take care of all the past cleanup? We hardly do what's necessary, even with current funding.

So I think it's a perfect example of where the sequestration process is so counterproductive and moves America backwards. We have very imperfect choices here and actually very dangerous choices that we're being forced to make. I think the majority would be much better suited to come back to us with a budget that allows us to do the job that the Energy and Water Subcommittee is charged with doing.

We simply can't try to solve the problem internal to the resources we've been given. It's an impossibility. So somebody is going to lose; and I guarantee you in the past amendment that just came up, some of the people that were the losers have no lobbies here in Washington. The poorest people in our country, who are getting weatherization assistance in order to stay a little bit warmer in the wintertime, they just lost money. They've got no lobby here. They've got none of those people from these various nuclear sites to come in here and lobby for them. Yet they just lost out in a prior amendment.

They have a right to an existence in this country, but we are seeing inside the strictures of this set of choices that we've been given that somebody is always a loser. Actually, the country is a loser because of sequestration and the fact that our subcommittee has been given a mark so far below what is reasonable and frankly what we could do if we had a budget that allowed us to move the country forward, rather than create a can't-do Nation. We can't do science, we can't do cleanup because of what we were handed by, what, a Budget Committee whose members don't even appear on the floor to argue their positions during this debate?

I feel sorry for our country, and I feel sorry for those who have to come down here and take from one another during this debate and hurt people across this country because our allocation is simply too insufficient to meet the needs of the Nation.

So I want to thank the gentlelady for rising on this very important point of science of the future versus cleanup of the past, but we simply don't have the funds in this bill to do both and it puts us in a very destructive position for the interests of our Nation.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was rejected.

AMENDMENT NO. 7 OFFERED BY MR. TAKANO

Mr. TAKANO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, line 5, after the dollar amount insert "(increased by \$245,000,000)".

Page 29, line 21, after the dollar amount insert "(reduced by \$245,000,000)".

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. TAKANO. Mr. Chairman, I rise today to offer an amendment to the fiscal year 2014 Energy and Water appropriations bill to increase funding for the Department of Energy's advanced manufacturing program. My amendment increases funding for the renewable energy, energy reliability, and efficiency account by \$245 million to meet the President's budget request for advanced manufacturing.

If we are to remain competitive in the global marketplace, we must fully invest in, develop, and commercialize the emerging technologies that will create high-quality manufacturing jobs in the United States. These investments are crucial to accelerate the advancement of ideas and allow American manufacturers to continue to innovate and compete. By matching the President's request, the Department of Energy will be able to move forward with plans to develop interagency manufacturing innovation institutes that will develop best practices and help manufacturers meet common challenges. These institutes will enable innovation, create a dependable talent pipeline, and improve the overall business climate.

It requires a diverse array of partners if advanced manufacturing is to accelerate and thrive in the United States. A Federal commitment to these emerging and efficient technologies is the catalyst that will help bring educators, workers, and businesses, as well as local and State partners, to the table. Federal investments in advanced manufacturing will help create more jobs, increase our competitiveness, and allow the United States to continue to be a leader in advancing energy-efficient technologies.

I urge my colleagues to support my amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the gentleman's amendment, and I understand he may be offering some other amendments similarly related later on the floor. Suffice it to say that my remarks here will also pertain to those amendments.

This amendment would unacceptably strike funding for the National Nuclear Security Administration's weapon activity by \$245 million in order to increase funding for renewable energy,

energy reliability, and efficiency activities. Ensuring funding to maintain our nuclear stockpile is our highest priority in our Energy and Water development bill. Historically, it always has been and will continue to be. We have put off for too long the investments that are needed to ensure that we maintain our nuclear weapons stockpile in the future.

Because of this historical underfunding, there's been strong bipartisan support for increasing weapons activities. Our bill takes a responsible approach to meeting those needs, reducing funding \$193 million below the request for nonessential activities within the weapons activities account that are not required to maintain the nuclear weapons stockpile, but there are no further savings available. A reduction of this magnitude would severely impact the National Nuclear Security Administration's ability to ensure the continued reliability of our weapons, something which the Secretary of Energy has to do to our Commander in Chief each and every year.

I support the programs championed by my colleague. That's why we worked hard to increase the advanced manufacturing program by \$5 million over fiscal year 2013 within an account that is cut by \$971 million.

I oppose the amendment and urge Members to do likewise, and I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Let me say to the gentleman from California that I am sympathetic toward his efforts on the renewable energy activities at the Department of Energy as they are critical for America's energy future, and I'm torn as I listen to his arguments.

I just wanted to demonstrate a chart here that shows the relative superiority of the United States in the nuclear weapons field, the largest total inventory in the world, with Russia right behind. We have a significant nuclear capacity, much greater than nations that follow: France, China, the United Kingdom, Pakistan, North Korea. The United States has quite significant nuclear complexes, and we must maintain them, and we must provide security for them.

I think that the President's negotiations with Russia provide us with a very important opportunity to cut the systems and to do so in a responsible way that continues our superiority and our security, while bringing down the possibilities of reducing these weapons globally.

The gentleman's amendment would actually move funds—\$335 million from our weapons accounts—and move them to energy efficiency and renewable energy, which is a move that I would like to support at a future date—the sooner,

the better. I appreciate him offering the amendment.

Though I agree with his intent, as I've said many times before, the allocation for this bill is simply insufficient, and we're robbing one account to try to put funds in another account.

I must very reluctantly oppose the gentleman's amendment. I think he's moving in the right direction, and I think that this helps our Nation move in a more constructive direction for the future. We have a responsibility on the nuclear security front. Hopefully, with ongoing negotiations, we'll be able to make this move in the very near future.

I want to thank him for his leadership in moving the country forward and showing us a new path. Let's hope that with the administration's engagement, we can move to that path sooner rather than later.

I yield back the balance of my time. Mr. ROGERS of Alabama. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Alabama. The NNSA's weapons activities program is the core of the U.S. nuclear modernization efforts. Reductions of this magnitude, the \$245 million being proposed in this amendment, will endanger the nuclear deterrent by delaying or canceling key warhead life-extension programs and facilitate modernization programs. These cuts will also cost taxpayers more in the future because the modernization program that the Obama administration has requested must be done and will only get more expensive with time.

President Obama committed to request robust funding for nuclear modernization to win Senate ratification of his New START treaty program. But unfortunately, to date, he's \$1.6 billion behind in that commitment for FY 12 through FY 14. Without these robust funding levels, our ability to safely reduce the New START levels is in question.

The President's 2010 nuclear posture review says:

These investments are essential to facilitating reductions while sustaining deterrents under the New START and beyond.

With this tight budget, we must provide every dollar we can to nuclear modernization efforts and prevent the draconian further reductions required by this amendment.

NNSA is the only national security spending in this bill. Taking money from NNSA to pay for renewable energy directly undermines our national security to subsidize energy technologies that can't stand on their own in the market.

With that, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. TAKANO).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. TAKANO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. PERRY

Mr. PERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 5, after the dollar amount, insert "(increased by \$31,000,000)".

Page 28, line 10, after the dollar amount, insert "(reduced by \$31,000,000)".

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PERRY. Mr. Chairman, we've had a continuing debate about American energy independence. One way for America to achieve real energy independence is to utilize our own renewable and clean energy resources.

Currently, there are over 800 dams across the Nation waiting to generate power. The dams are already sitting there, sitting on our Nation's rivers all across the country, waiting to generate power, just waiting. From Sacramento to Savannah and right on the Susquehanna River where I live, the power and the consistency of the water flow on these rivers is truly impressive and, as I said, consistent.

The energy created from this immense water flow is something that America should harness for the use of individual and commercial power. In that vein, this amendment would increase the water power energy program by \$31 million. Again, this applies only to the water power energy program.

The Water Power Program is a vitally important program to reducing our dependence on Middle Eastern oil or fossil fuels for many folks on the other side of aisle and the administration who seem desperately opposed to it.

□ 1715

It will allow us to become a more energy independent Nation and do so in an environmentally sound manner. While you sleep, while you work, while you drive, while you talk to your family and watch TV, the rivers are flowing, the tides are moving in and out; power can be generated without any more than that. It doesn't take us digging anything up, dumping anything in, dredging anything up. It just happens.

The water power program is designed to develop water technologies and address barriers to hydropower, barriers like the permitting process that we currently undergo in this Nation which takes companies that want to do this

10 years, minimum, 10 to 15 years to receive a permit. Who invests in something that takes that long, that kind of money? The problem is that increasingly no one does. So what's right under our feet, what's going right past us in our homes, our towns, our rivers, is not being utilized, and it's right there. Eight hundred dams currently in this Nation could be generating power at this moment.

Hydropower is available in every region of the country and is America's largest source of clean, renewable electricity. It accounts for 67 percent of domestic renewable generation and 7 percent of total electricity generation. And it creates good-paying jobs. I mean from the bottom to the top, everyplace on the spectrum of job creation, hydropower creates work for people. It's reliable, proven, and domestic technology that can expand in environmentally responsible ways. It can be put to work in rivers, harbors, and coastal areas to capture energy from currents and tides. Harnessing this energy will create a truly renewable and green source of energy.

I would like to thank the chairman and the committee for the work they have done to bring this bill to the floor, and I ask all of my colleagues to support this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I reluctantly rise to oppose the gentleman from Pennsylvania's amendment. First of all, I want to salute him for being a strong advocate for water power. I think those of us on the committee are as well.

His amendment would increase, as we're aware, funding for energy efficiency and renewable energy by \$31 million using the Department's administration account as an offset to restore the water power program to the requested level. Our allocation, as I've said a number of times, made for some really tough choices. Our bill cuts applied energy and advanced research programs to allow more funding for inherently Federal responsibilities.

While I support the program championed by my colleague, we can simply not afford to increase energy reliable activities so significantly by diverting funding from other essential activities within the Department of Energy. One of the issues within the Department of Energy is they've had management issues. They need money to better manage a lot of the activities. They have a new Secretary of Energy. He needs the resources to do it. If we keep tapping from this account, there will be no money to pay for the management and operation and the accountability we expect from the chief execu-

tive of this Department. Therefore, I reluctantly oppose his amendment and urge Members to do likewise.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, I rise to oppose the gentleman's well-intentioned amendment and again reiterate that our budget is simply insufficient in our subcommittee to meet all of the needs of the country.

What the gentleman is proposing is to take an additional \$31 million out of the Department's administrative accounts and to shift them to renewable energy systems relating to dams and small dam construction. That is a very worthy objective. However, if you know anything about the Department of Energy, one of the challenges we face in the administrative accounts is getting them to manage their contracts in a way that properly oversees taxpayer dollar expenditures. That Department has had some of the worst cost overruns I have ever seen in my career in Congress, on the nuclear side and on the nonnuclear side. So when the gentleman wants to cut administrative costs, my worry is that we will not have the kind of rigor that the chairman and I have been trying to reinfuse in the Department to better manage the dollars that we allow them to spend. And so I think the gentleman's amendment runs a real risk of creating mismanagement there simply because they don't have the personnel to do the job.

And so I think that your end purpose is a very, very worthy one. And, frankly, we have some small dams in Ohio that would benefit from the gentleman's amendment, but I have to come down on the side of rigor and proper administration by the Department in all of their accounts, and the amount of mismanagement and cost overruns in some of their programs is into the billions.

The administrative accounts overall are only \$187 million to manage a Department that is over \$30 billion worth of expenditures and all kinds of contractors, all kinds of cleanup programs that stand on that thin reed of \$187 million for nationwide contract administration and personnel administration.

So I rise in opposition to the gentleman's amendment. I understand what he's trying to do, but we simply can't risk improper contract management in that Department at this time. I urge opposition to the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PERRY).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. PERRY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT OFFERED BY MS. CASTOR OF FLORIDA

Ms. CASTOR of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 5, after the dollar amount, insert "(increased by \$1,127,954,000)".

Page 22, line 8, before the period, insert the following:

*Provided*, That the amount made available under this heading shall be allocated between programs, projects, and activities previously funded under the heading "Energy Efficiency and Renewable Energy" and programs, projects, and activities previously funded under the heading "Electricity Delivery and Energy Reliability" in the same proportion as such funds were allocated between such accounts in fiscal year 2013 by division F of Public Law 113-6

Ms. CASTOR of Florida (during the reading). Mr. Chairman, I ask unanimous consent to waive the reading.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Florida?

Mr. FRELINGHUYSEN. Mr. Chairman, I object to waiving the reading, and I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. Objection is heard. A point of order is reserved.

The Clerk will read.

The Clerk continued to read.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. CASTOR of Florida. Mr. Chairman, I rise today to offer an amendment that would restore funding for America's renewable energy, energy efficiency, and energy conservation initiatives, restore it to the very modest levels of the last year, 2013. These relate to the Department of Energy's energy efficiency and renewable energy initiatives, the Department's electricity delivery and energy reliability initiatives as well.

The problem with the Republican bill is it slashes, it eviscerates America's commitment to renewable energy and energy conservation. They also have something that I characterize, maybe a term of art, rearranging the deck chairs on the *Titanic*, because they take these various accounts and squeeze them in a vise down into a single account; and when you take it all together, it is a 57 percent reduction in energy efficiency and renewable energy. This is outrageous. It is shortsighted, and it is very poor public policy.

The Republican bill slashes clean energy initiatives that are critical to the all-of-the-above energy strategy that I thought we all agreed on is needed for

U.S. energy independence, ranging from solar to wind power and new technologies for more energy-efficient buildings and advanced vehicles.

So I have to say, Mr. Chairman, if I hear any of my Republican colleagues say they are for an all-of-the-above approach on energy policy, this Energy and Water appropriations bill belies that. It really pulls the curtain back on what the plan really is on the other side of the aisle.

The administration has objected, and I agree with them. They write:

The Republican bill would leave U.S. competitiveness at risk in new markets for clean energy industries such as advanced vehicles, advanced manufacturing, energy efficiency for homes and businesses, and domestic renewable energies such as wind, solar, and biomass.

They do this at a time when they are content to leave huge taxpayer subsidies going to the big oil companies, meanwhile slashing very modest investments in renewable energy, energy efficiency, and energy conservation.

Specifically, the impact of these cuts will reduce by 50 percent the homes weatherized to help our neighbors back home reduce their energy bills. And Ranking Member KAPTUR was absolutely correct: those working class neighbors back home do not have big lobbyists here in Washington, D.C. This bill would also significantly delay research on next generation technologies that save energy in our homes, our schools, our hospitals, and businesses.

The Republican bill will hinder the development of cost-effective new technologies and appliance standards that save Americans money by increasing energy productivity. This bill spells a likely demise and ends solar energy job training for students and military veterans at 261 community colleges. The Republican bill will slow efforts to modernize and secure the electricity delivery grid and respond to energy emergencies.

I ask simply that we return the funding levels to the very modest levels of last year. The amendment also directs that funds be allocated in the same proportion as they were in fiscal year 2013.

These clean energy initiatives are critical to achieving energy independence, boosting our economy, creating jobs, and maintaining global leadership. Ranking Member KAPTUR was absolutely right during this debate. She said we are sacrificing our future and not living up to the standards of this great country because you're slashing the investments that make this country go: investing in innovation and technology.

I'm afraid that it really highlights the broader issue, and that is the fact that the Republicans refuse to negotiate on the budget. They passed the budget 100 days ago. The Democrats have appointed conferees. I don't know

what the holdup is, why my Republican colleagues are afraid to negotiate on the budget. But in the meantime, here on this amendment, we have an opportunity to stand up for jobs, for clean energy and the future of our great Nation. I ask support of the Castor amendment.

I yield back the balance of my time.

#### POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. FRELINGHUYSEN. Mr. Chairman, the amendment proposes a net increase in budget authority in the bill. The amendment is not in order under section 3(d)(3) of House Resolution 5, 113th Congress, which states:

It shall not be in order to consider an amendment to a general appropriation bill proposing a net increase in budget authority in the bill unless considered en bloc with another amendment or amendments proposing an equal or a greater decrease in such budget authority pursuant to clause 2(f) of rule XXI.

The amendment proposes a net increase in the budget authority in the bill in violation of such section. I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order? The gentlewoman is recognized.

Ms. CASTOR of Florida. I appreciate that there is a point of order brought up, but I think there is a major point of order that faces this House of Representatives, and that's the fact that the Democrats have appointed conferees to negotiate the budget, and my Republican colleagues appear to be afraid to come together and discuss the budget.

The Acting CHAIR. The gentlewoman will confine her remarks to the point of order.

Ms. CASTOR of Florida. Mr. Chair, at this time, I will insist upon a vote on the point of order.

The Acting CHAIR. The Chair is prepared to rule.

The gentleman from New Jersey makes a point of order that the amendment offered by the gentlewoman from Florida violates section 3(d)(3) of House Resolution 5.

Section 3(d)(3) establishes a point of order against an amendment proposing a net increase in budget authority in the pending bill.

As persuasively asserted by the gentleman from New Jersey, the amendment proposes a net increase in the budget authority in the bill. Therefore, the point of order is sustained. The amendment is not in order.

Ms. CASTOR of Florida. Mr. Chairman, I move to appeal the ruling of the Chair.

□ 1730

The Acting CHAIR. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and the Acting Chair announced that the ayes had it.

So the decision of the Chair stands as the judgment of the Committee.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk. The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

In the item relating to "Department of Energy—Energy Programs—Renewable Energy, Energy Reliability, and Efficiency", after the first dollar amount, insert "(reduced by \$9,826,370)".

In the spending reduction account, after the dollar amount, insert "(increased by \$9,826,370)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Chairman, the bill before us today cuts significant amounts from a number of programs which I have traditionally targeted for spending reductions.

Now, I commend my friends, the full committee chairman, HAL ROGERS, and the subcommittee chairman, also a good friend, Mr. FRELINGHUYSEN, for these cuts, and I congratulate them on such.

That being said, we're at a time of a real fiscal emergency. Congress has allowed the sequester to happen, and we can see some of the effects of the sequester in this underlying bill. I opposed the use of the sequester from the get-go because I believe that governmentwide, across-the-board cuts are not a wise way of cutting spending. I believe that it's bad policy.

Instead of furloughing civilian DOD employees and cutting our military, we ought to make targeted cuts where there's room to do so. This amendment, Mr. Chairman, would do just that. It would trim just a small additional 1 percent, or about \$9.8 million, from programs relating to renewable energy and energy efficiency, and put that amount toward spending reduction.

The committee report for the underlying bill notes that funding for these programs prioritizes reducing gas prices and supporting American manufacturing. And absolutely, we must be doing those things. Yet, these funds are focused on technologies which are still emerging, like new vehicle technology, hydrogen and fuel cell technology, and bio-energy.

Mr. Chairman, I'm not arguing that these technologies aren't worth studying. What I'm suggesting is that we—and I'm not suggesting that we completely defund them. I'm suggesting we make a mere 1 percent cut towards the proposed spending level.

What I'm saying is that we make this small additional cut and work towards getting our fiscal house in order before pouring scarce funding into new, unproven technology.

I urge support of my amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word, and oppose the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. The gentleman from Georgia's amendment would further cut funding for renewable energy and energy reliability and efficiency program by an additional 1 percent from the levels contained in our bill.

The Energy and Water Development bill cuts levels by \$2.9 billion below last year's level, including \$971 million from renewable energy and energy-efficient activities. In just those accounts alone, that's 50 percent below fiscal year 2013, and 67 percent below the President's request.

To that end, the funding the bill preserves is just as important as the funding it cuts. Our bill focuses the vast majority of remaining funds within this account on programs that can address high gas prices and help American manufacturers compete in the global marketplace. These programs can reduce American manufacturing costs, help companies compete in that market, creating jobs here at home.

Reducing Federal spending is critical. That's why the bill reduces funding for this account to half its current levels. But we also must make strategic investments to address high gas prices and help America compete.

The amendment would eliminate these important programs. I urge Members to oppose it.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I rise in opposition to the Broun amendment, and really find it somewhat incredible that, in the bill that the majority brought forward, the renewable energy accounts have been cut by over half, over 60 percent already. This gentleman proposes an amendment to cut it by an additional 1 percent. And that equals \$9,826,370 to an account that has already just been drubbed.

Now, I want to say something here. Here's a chart that shows America's trade deficit. And energy, imported energy, comprises the largest account. We haven't had a balanced trade deficit since the 1970s, when the job hemorrhage started in this country. And it gets worse every year.

America's future depends on innovation. We can't continue to live like this. Every community you go to in this country, they say, will we have to move somewhere because my child can't find a job?

Or gosh, I just had to get another job and I had my salary cut in half.

It's pretty obvious what's been happening. The major category of trade deficit is energy imports, energy, because we are not self-sufficient in energy production in this country.

Part of the answer lies in new energy systems, systems that even NASA has helped us to begin to invent, yes, in the solar field, yes, in new hydrogen technologies like cryogenic hydrogen, yes, in natural gas.

Thank goodness, the Department invested in fossil fuel technologies. That's where the fracking technologies came from. It came from thinking about the future, not living in the past.

So the gentleman's cutting even further into the bone. We've already cut to the bone, now you're sort of whacking the spine in half and saying, well, let's cut some more there.

Well, either you live in the future or you live in the past. And I, sadly, view the gentleman's amendment as a retreat to the past.

I want to live in an America that's a can-do nation, an America that invents new technologies. And literally, the renewable technologies are going to have to be there when the finite resources of carbon-based fuels aren't there anymore, because they are finite. They're finite globally.

And I stand here also today for every single soldier in our country that's died in the line of duty trying to protect the sea lanes to bring that stuff in here because they're trying to help America hold it together while she isn't energy-independent here at home.

So these investments in the future are vital to the future, if one is capable of thinking forward about what that future might look like.

I've seen a technology, sir, that can take a thin filament invented by the best scientists this country has. They float it in a nitrogen bath and, from point of generation of power to point of use it's 100 percent energy-efficient, unlike the current transmission technologies that we have today, where we lose 25 to 80 percent of our power.

There has to be a majority in here, 218, that are capable of thinking about living in the future and not just the past.

I oppose the gentleman's amendment. I think that he's trying to be a good budgeteer, I guess, but in so doing, he cuts off the nose to spite his face.

America deserves to have an energy future, and it won't happen with amendments like this one.

So I oppose the gentleman's amendment, ask my colleagues to vote "no," and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. KAPTUR. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT OFFERED BY MR. COHEN

Mr. COHEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 5, after the dollar amount, insert "(increased by \$50,000,000)".

Page 29, line 21, after the dollar amount, insert "(reduced by \$50,000,000)".

Mr. COHEN (during the reading). I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Tennessee?

Mr. LAMBORN. I object.

The Acting CHAIR. Objection is heard.

The Clerk will read.

The Clerk continued to read.

Mr. COHEN (during the reading). I ask unanimous consent, again, that we consider it as read. I think my friend from Colorado who shares my birth date doesn't understand what is going on. He doesn't want to listen to this. Nobody wants to listen to this.

The Acting CHAIR. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. COHEN. My amendment, which is worthy of being considered and passed, but not necessarily to be heard, would re-appropriate \$50 million from the Weapons Activities account to the Renewable Energy, Energy Reliability, and Efficiency account, kind of a compromise about what we've been hearing. It doesn't take too much from nuclear. It gives some back to solar. It's a compromise where we work together.

In this bill, the Weapons Activities account, which had been funded at \$7.7 billion, that's more than \$190 million over the President's request, and over \$95 million more than the account had in 2013. And to offset this increase, which the committee voted, the committee decided to do so by funding the Renewable Energy, Energy Reliability and Efficiency account at only \$982 million, slashing that account by almost 50 percent in this budget.

While ensuring the security of the United States is certainly very, very important, the consequences of ignoring climate change trends and data is resulting in a serious and ever-growing threat right here on our own soil.

I know that the goal of everybody here in the House is energy independence, and it's a paramount concern to all of us. However, in order to achieve this goal, we must dedicate ourselves and our budget to the serious business of securing that energy future.

Ensuring that our renewable energy research program is adequately funded is one of the most effective and climate-neutral ways to achieve this goal. For example, solar power is the most abundant energy resource available to the planet, and demand for solar power in the United States is at an all-time high.

As solar prices continue to fall, Americans are reassessing their energy resources. Cutting funding to projects that make this clean energy even more affordable is not prudent, and out of line with the priorities of clean-energy minded Americans.

Renewable energy is secure and domestic, and energy-efficient programs not only result in greater resource supplies but savings for families and businesses alike.

According to the Alliance to Save Energy, the President's climate plan to double domestic energy production by utilizing methods like renewable energy could save the average family household more than \$1,000 every year on energy bills.

Investing in renewable energy will result in safer domestic energy, job creation in the clean energy sector, and lower heating and cooling bills across the country.

For these reasons and others, and in the best interest of our Nation's energy security, I urge my colleagues to vote "yes" on this amendment. I would ask you to spend money on finding research to see ways we can come up with renewable energy and improve the savings, and save about the future, save it and yet not cut too much from the nuclear program, which we already have funded higher than the President requested or last year.

I would ask for a "yes" vote on this amendment, a compromise amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word and speak in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized 5 minutes.

Mr. FRELINGHUYSEN. The gentleman's amendment, as he said, would increase funding for this EERE account and by cutting weapons activities in the NNSA administration and using that as an offset.

Our bill not only cuts the renewable energy and energy efficiency accounts, it also cuts fossil energy by \$84 million, 16 percent, nuclear energy by 14 percent.

As I said earlier, Mr. Chairman, our allocation made for some tough choices. We've placed highest priority on activities in which the Federal Government must take the lead. One of those, of course, the most critical mass is assuring funding for national security. It's our highest priority.

While I support the programs that he outlines, we should not divert to programs from national security. Therefore, I oppose his amendment and ask Members to do so as well.

I yield back the balance of my time.

□ 1745

Mr. LAMBORN. I move to strike the last word.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. LAMBORN. I rise in opposition to this amendment. I object to where this money is being cut. The amendment would take another \$50 million away from already low amounts for modernizing our nuclear stockpile. The President agreed several years ago that he would modernize our nuclear stockpile in order to secure ratification of the New START Treaty. Under that treaty, both Russian and U.S. forces are being reduced; but we have to modernize the force so that we maintain a credible deterrent with the remaining weapons after the reductions take place.

The President is not fully funding that obligation. That's troubling enough. This committee has lowered what the President recommended to an even lower level, and that's even more troubling. If we take this amendment for a further reduction, we're really getting into serious cuts.

The trouble with not modernizing our nuclear capability is that we will no longer have an effective deterrent. These weapons degrade over time. They lose their effectiveness and reliability. If we have allies who can't depend on our nuclear deterrent, what are they going to want to do? They're going to want to go out and start their own nuclear programs. Countries like Korea and Japan are already talking about that, by the way. Unless you want more nuclear proliferation in the world, you want the U.S. to maintain a serious and credible deterrent and have an effective nuclear arsenal.

So this amendment takes us in the wrong direction. It's not good strategically for the United States. It's not a good savings of money, and I would urge strong rejection of this amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. KAPTUR. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Mrs. KAPTUR. I yield to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. We've had these discussions. We've got enough money in nuclear weapons to destroy the world thousands and thousands of times. And I understand defense, but I also understand the future. And the future is energy self-reliance. And that comes from the Sun. It's not

going to be taken out of the Earth. It's going to come from the solar energy that God has given us to harness and use for mankind.

So the amendment, in my opinion, is a sound amendment and budgetary use. But even more so—and it's getting off the path—the reality is the distinguished gentleman made his remarks and said there's nothing more important than our Defense Department. I submit to you that we're cutting \$1.6 billion from the National Institutes of Health. That's my defense department and your defense department and everybody else's defense department. Because cancer, heart disease, stroke, diabetes, Parkinson's, Alzheimer's, and AIDS, that's the enemy that's going to get each one of us. And we're cutting \$1.6 from NIH, which is our defense department.

Ms. KAPTUR. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. COHEN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. COHEN. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

In the item relating to "Department of Energy—Energy Programs—Renewable Energy, Energy Reliability, and Efficiency", after the first dollar amount, insert "(reduced by \$4,751,000)".

In the spending reduction account, after the dollar amount, insert "(increased by \$4,751,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. This amendment would reduce the appropriations that are suggested for the energy programs relating to renewable energy, energy reliability, and efficiency by \$4.751 million and increase the spending reduction account by that same amount. It is meant to eliminate the committee-recommended increase to funding for facilities and infrastructure under this section of the bill.

Mr. Chairman, we must do everything that we can to rein in spending. We're facing an economic emergency as a Nation. My friends, particularly on the other side, seem to not face the fact that we're headed for an economic meltdown if we don't stop this uncontrolled spending that I believe is irresponsible.

My amendment is not a cut to funding, but to simply eliminate a proposed

increase, keeping the appropriated amount at the current level we have right now today.

I believe this is a commonsense amendment, I urge my colleagues to support it, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the gentleman's amendment. Our bill already cuts the National Renewable Energy Lab, or NREL, within the Department of Energy. We cut it by \$15 million below the President's request. That's a 33 percent reduction. Quite honestly, I don't think the facility could take any further reductions that undermine this budget consolidation, which is something we've sought, something which the Department of Energy has gone ahead with. Therefore, I oppose the amendment, and urge others to do the same.

I yield back the balance of my time. Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I rise to oppose the amendment of the gentleman from Georgia. This is a chart showing U.S. imports of oil since 1973, where America is more vulnerable in every succeeding decade. We know that if gas prices in this country go over \$4 a gallon, we go into deep recession.

We live at the edge every year, and we've seen what happens. So I repeat what I've said in prior debates today: either you live in the past or you attempt to live in the future and build a future.

I think that the gentleman's amendment, though it might be well intentioned, is moving America backwards. We simply have to address the fact that we are not energy independent as a country, and the renewable energy accounts are part of that future. We must embrace it. We must move our Nation away from complete dependence on foreign sources of energy and stand on our own two feet here at home.

I oppose the gentleman's amendment, ask my colleagues to do the same, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will

now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. MORAN of Virginia.

Amendment No. 2 by Mr. MORAN of Virginia.

Amendment No. 7 by Mr. TAKANO of California.

Amendment by Mr. PERRY of Pennsylvania.

First amendment by Mr. BROUN of Georgia.

The Chair will reduce to 5 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. MORAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. MORAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 236, not voting 21, as follows:

[Roll No. 311]

AYES—177

Andrews	Engel	Lowenthal	Sánchez, Linda T.	Sires	Veasey
Beatty	Eshoo	Lowey	Sanchez, Loretta	Slaughter	Vela
Becerra	Esty	Lujan Grisham	Sarbanes	Smith (WA)	Velázquez
Bera (CA)	Farr	(NM)	Schakowsky	Speier	Visclosky
Bishop (NY)	Fattah	Luján, Ben Ray	Schiff	Swalwell (CA)	Walz
Blumenauer	Fitzpatrick	(NM)	Schneider	Takano	Wasserman
Bonamici	Frankel (FL)	Lynch	Schrader	Thompson (CA)	Schultz
Brady (PA)	Fudge	Maffei	Schwartz	Thompson (MS)	Waters
Braley (IA)	Gabbard	Maloney,	Scott (VA)	Tierney	Watt
Brown (FL)	Galleo	Carolyn	Serrano	Titus	Waxman
Brownley (CA)	Garamendi	Maloney, Sean	Sewell (AL)	Tonko	Welch
Bustos	Grayson	Markey	Shea-Porter	Tsongas	Wilson (FL)
Butterfield	Green, Al	Matsui	Sherman	Van Hollen	Yarmuth
Capps	Green, Gene	McCollum		Vargas	
Capuano	Gutiérrez	McDermott			
Cárdenas	Hahn	McGovern			
Carney	Hanabusa	McNerney			
Carson (IN)	Hastings (FL)	Meeks			
Cartwright	Heck (WA)	Meng			
Castor (FL)	Higgins	Michaud			
Castro (TX)	Himes	Miller, George			
Chu	Hinojosa	Moore			
Cicilline	Holt	Moran			
Clarke	Honda	Murphy (FL)			
Clay	Huffman	Nadler			
Cleaver	Israel	Napolitano			
Clyburn	Jackson Lee	Neal			
Cohen	Jeffries	Nolan			
Connolly	Johnson (GA)	O'Rourke			
Cooper	Johnson, E. B.	Pallone			
Courtney	Kaptur	Pascarell			
Crowley	Keating	Payne			
Cummings	Kelly (IL)	Pelosi			
Davis (CA)	Kennedy	Perlmutter			
Davis, Danny	Kildee	Peters (CA)			
DeFazio	Kilmer	Peters (MI)			
DeGette	Kind	Pingree (ME)			
Delaney	Kuster	Pocan			
DeLauro	Langevin	Price (NC)			
DelBene	Larsen (WA)	Quigley			
Deutsch	Larson (CT)	Rangel			
Dingell	Lee (CA)	Richmond			
Doggett	Levin	Roybal-Allard			
Doyle	Lewis	Ruiz			
Duckworth	Lipinski	Ruppersberger			
Edwards	Loebsock	Rush			
Ellison	Lofgren	Ryan (OH)			
			Aderholt	Gowdy	Paulsen
			Alexander	Granger	Pearce
			Amash	Graves (GA)	Perry
			Amodei	Graves (MO)	Peterson
			Bachmann	Griffin (AR)	Petri
			Bachus	Griffith (VA)	Pittenger
			Barletta	Grimm	Pitts
			Barr	Guthrie	Poe (TX)
			Barrow (GA)	Hall	Pompeo
			Barton	Hanna	Posey
			Benishak	Harper	Price (GA)
			Bentivolio	Harris	Radel
			Bilirakis	Hartzler	Rahall
			Bishop (GA)	Hastings (WA)	Reed
			Bishop (UT)	Heck (NV)	Reichert
			Black	Hensarling	Renacci
			Blackburn	Herrera Beutler	Ribble
			Bonner	Holding	Rice (SC)
			Boustany	Hudson	Rigell
			Brady (TX)	Huelskamp	Roby
			Bridenstine	Huizenga (MI)	Roe (TN)
			Brooks (AL)	Hultgren	Rogers (AL)
			Brooks (IN)	Hurt	Rogers (KY)
			Broun (GA)	Issa	Rogers (MI)
			Buchanan	Jenkins	Rohrabacher
			Buchson	Johnson (OH)	Rokita
			Burgess	Johnson, Sam	Rooney
			Calvert	Jones	Ros-Lehtinen
			Camp	Jordan	Roskam
			Cantor	Joyce	Ross
			Capito	Kelly (PA)	Rothfus
			Carter	King (IA)	Royce
			Cassidy	King (NY)	Runyan
			Chabot	Kingston	Ryan (WI)
			Chaffetz	Kinziger (IL)	Sanford
			Coble	Kline	Scalise
			Coffman	Labrador	Schock
			Cole	LaMalfa	Scott, Austin
			Collins (GA)	Lamborn	Scott, David
			Collins (NY)	Lance	Sensenbrenner
			Conaway	Lankford	Sessions
			Cook	Latham	Shuster
			Costa	Latta	Simpson
			Cotton	LoBiondo	Smith (MO)
			Cramer	Long	Smith (NE)
			Crawford	Lucas	Smith (NJ)
			Crenshaw	Luetkemeyer	Smith (TX)
			Cuellar	Lummis	Southerland
			Culberson	Marchant	Stewart
			Daines	Marino	Stivers
			Davis, Rodney	Massie	Stockman
			Denham	Matheson	Stutzman
			Dent	McCarthy (CA)	Terry
			DeSantis	McCarl	Thompson (PA)
			DesJarlais	McClintock	Thornberry
			Diaz-Balart	McHenry	Tiberti
			Duffy	McIntyre	Tipton
			Duncan (SC)	McKeon	Turner
			Duncan (TN)	McKinley	Upton
			Ellmers	McMorris	Valadao
			Enyart	Rodgers	Wagner
			Farenthold	Meadows	Walberg
			Fincher	Meehan	Walden
			Fleischmann	Messer	Walorski
			Fleming	Mica	Weber (TX)
			Flores	Miller (FL)	Webster (FL)
			Forbes	Miller (MI)	Wenstrup
			Fortenberry	Miller, Gary	Westmoreland
			Foster	Mullin	Whitfield
			Fox	Mulvaney	Williams
			Frelinghuysen	Murphy (PA)	Wilson (SC)
			Gardner	Neugebauer	Wittman
			Garrett	Noem	Wolf
			Gerlach	Nugent	Womack
			Gibbs	Nunes	Woodall
			Gibson	Nunnelee	Yoder
			Gingrey (GA)	Olson	Yoho
			Gohmert	Owens	Young (AK)
			Goodlatte	Palazzo	Young (IN)



## NOT VOTING—21

Barber	Grijalva	Pastor (AZ)
Bass	Horsford	Polis
Campbell	Hoyer	Salmon
Conyers	Hunter	Schweikert
Franks (AZ)	Kirkpatrick	Shimkus
Garcia	McCarthy (NY)	Sinema
Gosar	Negrete McLeod	Young (FL)

## □ 1821

Messrs. BRADY of Texas, CULBERSON, ENYART, and DAVID SCOTT of Georgia changed their vote from “aye” to “no.”

Ms. TITUS, Mr. ELLISON, Ms. SCHWARTZ, and Mr. SCHRADER changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 2 OFFERED BY MR. MORAN

The Acting CHAIR (Ms. ROSELEHTINEN). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. MORAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 226, not voting 20, as follows:

[Roll No. 312]

## AYES—188

Andrews	DeLauro	Jeffries
Bass	DelBene	Johnson (GA)
Beatty	Deutch	Johnson, E. B.
Becerra	Dingell	Kaptur
Bera (CA)	Doggett	Keating
Bishop (NY)	Doyle	Kelly (IL)
Blumenauer	Duckworth	Kennedy
Bonamici	Edwards	Kildee
Brady (PA)	Ellison	Kilmer
Braley (IA)	Engel	Kind
Brown (FL)	Enyart	Kuster
Brownley (CA)	Eshoo	Langevin
Bustos	Esty	Larsen (WA)
Butterfield	Farr	Larson (CT)
Capps	Fattah	Lee (CA)
Capuano	Fitzpatrick	Levin
Cárdenas	Foster	Lewis
Carney	Frankel (FL)	Lipinski
Carson (IN)	Fudge	LoBiondo
Cartwright	Gabbard	Loebsack
Castor (FL)	Galleo	Loftgren
Castro (TX)	Garamendi	Lowenthal
Chu	Gibson	Lowe
Cicilline	Grayson	Lujan Grisham
Clarke	Green, Al	(NM)
Clay	Green, Gene	Luján, Ben Ray
Cleaver	Grijalva	(NM)
Clyburn	Gutiérrez	Lynch
Cohen	Hahn	Maffei
Connolly	Hanabusa	Maloney
Conyers	Hastings (FL)	Carolyn
Cooper	Heck (WA)	Maloney, Sean
Courtney	Higgins	Marchant
Crowley	Himes	Markey
Cummings	Hinojosa	Matsui
Davis (CA)	Holt	McCollum
Davis, Danny	Honda	McDermott
DeFazio	Huffman	McGovern
DeGette	Israel	McNerney
Delaney	Jackson Lee	Meeks

Meng	Roibal-Allard	Takano
Michaud	Ruiz	Thompson (CA)
Miller, George	Ruppersberger	Thompson (MS)
Moore	Rush	Tierney
Moran	Ryan (OH)	Titus
Murphy (FL)	Sánchez, Linda	Tonko
Nadler	T.	Tsongas
Napolitano	Sanchez, Loretta	Van Hollen
Neal	Sarbanes	Vargas
Nolan	Schakowsky	Veasey
O'Rourke	Schiff	Vela
Pallone	Schneider	Velázquez
Pascarell	Schwartz	Visclosky
Payne	Scott (VA)	Walz
Pelosi	Scott, David	Wasserman
Perlmutter	Serrano	Schultz
Peters (CA)	Sewell (AL)	Waters
Peters (MI)	Shea-Porter	Watt
Pingree (ME)	Sherman	Waxman
Pocan	Sires	Welch
Price (NC)	Slaughter	Wilson (FL)
Quigley	Smith (NJ)	Wolf
Rangel	Smith (WA)	Yarmuth
Reichert	Speier	
Richmond	Swalwell (CA)	

## NOES—226

Aderholt	Gardner	Messer
Alexander	Garrett	Mica
Amash	Gerlach	Miller (FL)
Amodei	Gibbs	Miller (MI)
Bachmann	Gingrey (GA)	Miller, Gary
Bachus	Gohmert	Mullin
Barletta	Goodlatte	Mulvaney
Barr	Gowdy	Murphy (PA)
Barrow (GA)	Granger	Neugebauer
Barton	Graves (GA)	Noem
Bonner	Graves (MO)	Nugent
Bentivolio	Griffin (AR)	Nunes
Bilirakis	Griffith (VA)	Nunnelee
Bishop (GA)	Grimm	Olson
Bishop (UT)	Guthrie	Owens
Black	Hall	Paulsen
Blackburn	Hanna	Pearce
Bonner	Harper	Perry
Boustany	Harris	Peterson
Brady (TX)	Hartzler	Petri
Bridenstine	Hastings (WA)	Pittenger
Brooks (AL)	Heck (NV)	Pitts
Brooks (IN)	Hensarling	Poe (TX)
Broun (GA)	Herrera Beutler	Pompeo
Buchanan	Holding	Posey
Bucshon	Hudson	Price (GA)
Burgess	Huelskamp	Radel
Calvert	Huizenga (MI)	Rahall
Cantor	Hultgren	Reed
Capito	Hurt	Renacci
Carter	Issa	Ribble
Cassidy	Jenkins	Rice (SC)
Chabot	Johnson (OH)	Rigell
Chaffetz	Johnson, Sam	Roby
Coble	Jones	Roe (TN)
Coffman	Jordan	Rogers (AL)
Cole	Joyce	Rogers (KY)
Collins (GA)	Kelly (PA)	Rogers (MI)
Collins (NY)	King (IA)	Rohrabacher
Conaway	King (NY)	Rokita
Cook	Kingston	Rooney
Costa	Kinzinger (IL)	Ros-Lehtinen
Cotton	Kline	Roskam
Cramer	Labrador	Ross
Crawford	LaMalfa	Rothfus
Crenshaw	Lamborn	Royce
Cuellar	Lance	Runyan
Culberson	Lankford	Ryan (WI)
Daines	Latham	Sanford
Davis, Rodney	Latta	Scalise
Dentham	Long	Schock
Dent	Lucas	Schrader
DeSantis	Luetkemeyer	Scott, Austin
DesJarlais	Lummis	Sensenbrenner
Diaz-Balart	Marino	Sessions
Duffy	Massie	Shuster
Duncan (SC)	Matheson	Simpson
Duncan (TN)	McCarthy (CA)	Smith (MO)
Ellmers	McCauley	Smith (NE)
Farenthold	McClintock	Smith (TX)
Fincher	McIntyre	Southerland
Fleischmann	McKeon	Stewart
Fleming	McKinley	Stivers
Flores	McMorris	Stockman
Forbes	Morris	Stutzman
Fortenberry	Rodgers	Terry
Fox	Meadows	Thompson (PA)
Frelinghuysen	Meehan	Thornberry

Tiberi	Walorski	Wittman
Tipton	Weber (TX)	Womack
Turner	Webster (FL)	Woodall
Upton	Wenstrup	Yoder
Valadao	Westmoreland	Yoho
Wagner	Whitfield	Young (AK)
Walberg	Williams	Young (IN)
Walden	Wilson (SC)	

## NOT VOTING—20

Barber	Hoyer	Polis
Camp	Hunter	Salmon
Campbell	Kirkpatrick	Schweikert
Franks (AZ)	McCarthy (NY)	Shimkus
Garcia	Negrete McLeod	Sinema
Gosar	Palazzo	Young (FL)
Horsford	Pastor (AZ)	

## □ 1829

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. PALAZZO. Madam Chair, on rollcall No. 312, I was in conversation with the chairman of the Armed Services Committee discussing matters important to the Mississippi National Guard. Had I been present, I would have voted “no.”

## AMENDMENT NO. 7 OFFERED BY MR. TAKANO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. TAKANO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 152, noes 264, not voting 18, as follows:

[Roll No. 313]

## AYES—152

Andrews	DeGette	Higgins
Bass	Delaney	Himes
Beatty	DeLauro	Hinojosa
Becerra	DelBene	Holt
Bera (CA)	Deutch	Honda
Bishop (NY)	Dingell	Huffman
Blumenauer	Doggett	Jackson Lee
Bonamici	Doyle	Jeffries
Brady (PA)	Duckworth	Johnson (GA)
Braley (IA)	Edwards	Johnson, E. B.
Brown (FL)	Ellison	Keating
Brownley (CA)	Engel	Kelly (IL)
Butterfield	Enyart	Kennedy
Capps	Eshoo	Kildee
Capuano	Esty	Kilmer
Cárdenas	Farr	Kind
Carney	Fattah	Kuster
Carson (IN)	Foster	Larsen (WA)
Cartwright	Frankel (FL)	Larson (CT)
Castor (FL)	Fudge	Levin
Castro (TX)	Gabbard	Lewis
Chu	Garamendi	Lipinski
Clarke	Gibson	Loebsack
Cohen	Grayson	Lowenthal
Conyers	Green, Al	Lowe
Cooper	Green, Gene	Lynch
Courtney	Grijalva	Maloney
Crowley	Gutiérrez	Carolyn
Cummings	Hahn	Markey
Davis (CA)	Hanabusa	Matsui
Davis, Danny	Hastings (FL)	McDermott
DeFazio	Heck (WA)	McGovern

McNerney  
Meeks  
Meng  
Mica  
Michaud  
Miller, George  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Nolan  
O'Rourke  
Pallone  
Pascarell  
Payne  
Pelosi  
Peters (CA)  
Peters (MI)  
Pingree (ME)

Pocan  
Price (NC)  
Quigley  
Rahall  
Rangel  
Roybal-Allard  
Rush  
Sánchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott, David  
Serrano  
Shea-Porter  
Sherman  
Sires

Smith (WA)  
Speier  
Takano  
Thompson (CA)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Velázquez  
Walz  
Waters  
 Waxman  
Welch  
Wilson (FL)  
Yarmuth

Sensenbrenner  
Sessions  
Sewell (AL)  
Shuster  
Simpson  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stewart  
Stivers  
Stockman  
Stutzman  
Swailwell (CA)  
Terry

Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Vela  
Visclosky  
Wagner  
Walberg  
Walden  
Walorski  
Wasserman  
Schultz  
Watt

Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

Nadler  
Napolitano  
Neal  
Nolan  
Pascarell  
Perry  
Peters (MI)  
Pingree (ME)  
Pitts  
Poe (TX)  
Posey  
Radel  
Reichert  
Rice (SC)  
Roe (TN)  
Rokita  
Roskam

Rothfus  
Ruppersberger  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Scott (VA)  
Scott, David  
Sensenbrenner  
Shuster  
Southerland  
Speier  
Stewart  
Terry  
Thompson (CA)  
Tierney

Tipton  
Tonko  
Tsongas  
Upton  
Van Hollen  
Vargas  
Vela  
Velázquez  
Walz  
Wasserman  
Schultz  
Waxman  
Welch  
Wilson (SC)  
Yarmuth  
Young (AK)

## NOES—264

Aderholt  
Alexander  
Amash  
Amodei  
Bachmann  
Bachus  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Bustos  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Cicilline  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Connolly  
Cook  
Costa  
Cotton  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes

Fortenberry  
Foxy  
Frelinghuysen  
Gallego  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzer  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hurt  
Israel  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kaptur  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Langevin  
Lankford  
Latham  
Latta  
Lee (CA)  
LoBiondo  
Lofgren  
Long  
Lucas  
Luetkemeyer  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lummis  
Maffei  
Maloney, Sean  
Marchant  
Marino  
Massie

Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moore  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce  
Perlmutter  
Perry  
Peterson  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Ruiz  
Runyan  
Ruppersberger  
Cuellar  
Ryan (OH)  
Ryan (WI)  
Sanchez, Loretta  
Sanford  
Scalise  
Schock  
Scott (VA)  
Scott, Austin

Barber  
Campbell  
Franks (AZ)  
Garcia  
Gosar  
Horsford

## NOT VOTING—18

Hoyer  
Hunter  
Kirkpatrick  
McCarthy (NY)  
Negrete McLeod  
Pastor (AZ)

Polis  
Salmon  
Schweikert  
Shimkus  
Sinema  
Young (FL)

□ 1836

Mr. CICILLINE changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. PERRY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. PERRY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 140, noes 275, not voting 19, as follows:

[Roll No. 314]

## AYES—140

Barletta  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Bera (CA)  
Bishop (NY)  
Bishop (UT)  
Blumenauer  
Bonamici  
Braley (IA)  
Camp  
Capps  
Capuano  
Carson (IN)  
Cartwright  
Castro (TX)  
Chaffetz  
Cicilline  
Connolly  
Cooper  
Cramer  
Cuellar  
Daines  
Davis, Rodney  
DeGette  
Delaney  
DelBene  
Denham  
Dent  
Deutch

Duckworth  
Engel  
Eshoo  
Fitzpatrick  
Foster  
Gallego  
Garamendi  
Lofgren  
Gerlach  
Gibson  
Gohmert  
Green, Gene  
Grijalva  
Hahn  
Hanna  
Harris  
Heck (NV)  
Heck (WA)  
Herrera Beutler  
Himes  
Huffman  
Israel  
Johnson (GA)  
Johnson (OH)  
Jones  
Jordan  
Keating  
Kelly (PA)  
Kennedy  
Kilmer  
Kind  
King (IA)

Kuster  
Lamborn  
Langevin  
Larsen (WA)  
Lipinski  
LoBiondo  
Lofgren  
Lowenthal  
Luetkemeyer  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney,  
Carolyn  
Marino  
Markey  
Massie  
Matsui  
McCaul  
McCollum  
McDermott  
McGovern  
McHenry  
McNerney  
Meehan  
Messer  
Mica  
Michaud  
Miller (MI)  
Miller, George

Aderholt  
Alexander  
Enyart  
Amash  
Amodei  
Andrews  
Bachmann  
Bachus  
Barr  
Bass  
Beatty  
Becerra  
Bilirakis  
Bishop (GA)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (PA)  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Brown (FL)  
Brownley (CA)  
Buchanan  
Bucshon  
Burgess  
Bustos  
Butterfield  
Calvert  
Cantor  
Capito  
Cárdenas  
Carney  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman  
Cohen  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Conyers  
Cook  
Costa  
Cotton  
Courtney  
Crawford  
Crenshaw  
Crowley  
Culberson  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeLauro  
DeSantis  
DesJarlais  
Diaz-Balart  
Dingell  
Doggett  
Doyle  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison

## NOES—275

Ellmers  
Alexander  
Enyart  
Amash  
Amodei  
Andrews  
Bachmann  
Bachus  
Barr  
Bass  
Beatty  
Becerra  
Bilirakis  
Bishop (GA)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (PA)  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Brown (FL)  
Brownley (CA)  
Buchanan  
Bucshon  
Burgess  
Bustos  
Butterfield  
Calvert  
Cantor  
Capito  
Cárdenas  
Carney  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman  
Cohen  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Conyers  
Cook  
Costa  
Cotton  
Courtney  
Crawford  
Crenshaw  
Crowley  
Culberson  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeLauro  
DeSantis  
DesJarlais  
Diaz-Balart  
Dingell  
Doggett  
Doyle  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison

Lowey  
Lucas  
Lujan Grisham  
(NM)  
Lummis  
Maloney, Sean  
Marchant  
Matheson  
McCarthy (CA)  
McClintock  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meeks  
Meng  
Miller (FL)  
Miller, Gary  
Moore  
Moran  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Pallone  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Peters (CA)  
Peterson  
Petri  
Pittenger  
Pocan  
Pompeo  
Price (GA)  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reed  
Renacci  
Ribble  
Richmond  
Rigell  
Roby  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Ross  
Roybal-Allard  
Royce  
Ruiz  
Runyan  
Rush  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanford  
Scalise

Schock	Stockman	Waters
Schwartz	Stutzman	Watt
Scott, Austin	Swallow (CA)	Weber (TX)
Serrano	Takano	Webster (FL)
Sessions	Thompson (MS)	Wenstrup
Sewell (AL)	Thompson (PA)	Westmoreland
Shea-Porter	Thornberry	Whitfield
Sherman	Tiberi	Williams
Simpson	Titus	Wilson (FL)
Sires	Turner	Wittman
Slaughter	Valadao	Wolf
Smith (MO)	Veasey	Womack
Smith (NE)	Visclosky	Woodall
Smith (NJ)	Wagner	Yoder
Smith (TX)	Walberg	Yoho
Smith (WA)	Walden	Young (IN)
Stivers	Walorski	

## NOT VOTING—19

Barber	Hunter	Salmon
Campbell	Kirkpatrick	Schweikert
Franks (AZ)	McCarthy (NY)	Shimkus
Garcia	McIntyre	Sinema
Gosar	Negrete McLeod	Young (FL)
Horsford	Pastor (AZ)	
Hoyer	Polis	

□ 1843

Mr. RUSH changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Ms. PELOSI was allowed to speak out of order.)

## CONGRATULATING THE HONORABLE EDWARD MARKEY

Ms. PELOSI. Madam Chairman, I rise with the greatest respect, admiration, and appreciation to congratulate the distinguished gentleman from Massachusetts (Mr. MARKEY), who has served nearly 4 decades in the House of Representatives.

Two weeks ago, in their wisdom, the people of Massachusetts elected him to the United States Senate. I'm pleased to yield to the skillful leader, this person of great vision, a legislative virtuoso, a person who has served with great values. It is a bittersweet moment for me to yield for the last time to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman very much.

Thirty-seven years ago, I stepped off a plane here, and it was my first visit in my life to Washington, D.C. I had never been here before, and I was sworn in as a Congressman on my first visit to this city 37 years ago.

I am so proud to have been a Congressman here in this Chamber along with all of you. For me, the House is democracy in action, all of us declaring our love of country and our desire for a better future for all of our constituents and for our Nation.

I am honored to have served here. I am blessed to have made so many wonderful friends here. And I am humbled by the dedication of all of you to this great Nation. As I have represented Massachusetts, so too have each of you represented your States with your conscience.

I now go to serve in the Senate, but there is a big part of me that will always be a man of the House after 37 years having served here in this great body.

With that, for the last time, I say: Madam Chair, I yield back the balance of my time.

## AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the first amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 257, not voting 24, as follows:

[Roll No. 315]

AYES—153

Aderholt	Guthrie	Pittenger
Amash	Hall	Pitts
Amodei	Harris	Poe (TX)
Bachmann	Hartzler	Pompeo
Barr	Hensarling	Posey
Barton	Holding	Price (GA)
Bentivolio	Hudson	Radel
Bilirakis	Huelskamp	Renacci
Bishop (UT)	Huizenga (MI)	Ribble
Black	Hultgren	Rice (SC)
Blackburn	Hurt	Rigell
Boustany	Johnson (OH)	Roe (TN)
Brady (TX)	Johnson, Sam	Rogers (AL)
Bridenstine	Jones	Rogers (MI)
Brooks (AL)	Jordan	Rohrabacher
Broun (GA)	Kelly (PA)	Rokita
Buchanan	King (IA)	Roskam
Bucshon	Kingston	Ross
Burgess	Kinzing (IL)	Rothfus
Camp	Kline	Royce
Cantor	Labrador	Ryan (WI)
Chabot	LaMalfa	Sanford
Chaffetz	Lamborn	Scalise
Coble	Lankford	Schock
Coffman	Latta	Scott, Austin
Collins (GA)	Long	Sensenbrenner
Conaway	Luetkemeyer	Shuster
Cotton	Lummis	Smith (MO)
Culberson	Marchant	Smith (NE)
Daines	Marino	Smith (TX)
Davis, Rodney	Massie	Southerland
DeSantis	McCaul	Stockman
DesJarlais	McClintock	Stutzman
Duffy	McHenry	Thornberry
Duncan (SC)	Meadows	Tiberi
Farenthold	Messer	Upton
Fincher	Mica	Wagner
Fleming	Miller (FL)	Walberg
Flores	Miller (MI)	Walorski
Fox	Mullin	Weber (TX)
Garrett	Mulvaney	Webster (FL)
Gibbs	Murphy (PA)	Wenstrup
Gingrey (GA)	Neugebauer	Westmoreland
Gohmert	Noem	Whitfield
Goodlatte	Nugent	Williams
Gowdy	Nunnelee	Wilson (SC)
Granger	Olson	Wittman
Graves (GA)	Palazzo	Woodall
Graves (MO)	Paulsen	Yoder
Griffith (VA)	Pearce	Yoho
	Perry	Young (IN)

NOES—257

Alexander	Barletta	Becerra
Andrews	Barrow (GA)	Benishke
Bachus	Bass	Bera (CA)

Bishop (GA)	Grijalva	Owens
Bishop (NY)	Grimm	Pallone
Blumenauer	Gutiérrez	Pascarell
Bonamici	Hahn	Payne
Bonner	Hanabusa	Pelosi
Brady (PA)	Hanna	Perlmutter
Braley (IA)	Harper	Peters (CA)
Brooks (IN)	Hastings (FL)	Peters (MI)
Brown (FL)	Hastings (WA)	Peterson
Brownley (CA)	Heck (NV)	Petri
Bustos	Heck (WA)	Pingree (ME)
Butterfield	Herrera Beutler	Pocan
Calvert	Higgins	Price (NC)
Capito	Himes	Quigley
Capps	Hinojosa	Rahall
Capuano	Holt	Rangel
Cárdenas	Honda	Reed
Carney	Huffman	Reichert
Carson (IN)	Israel	Richmond
Cartwright	Issa	Roby
Cassidy	Jackson Lee	Rogers (KY)
Castro (TX)	Jeffries	Rooney
Chu	Jenkins	Ros-Lehtinen
Cicilline	Johnson (GA)	Roybal-Allard
Clarke	Johnson, E. B.	Ruiz
Clay	Joyce	Runyan
Cleaver	Kaptur	Ruppersberger
Clyburn	Keating	Rush
Cohen	Kelly (IL)	Ryan (OH)
Cole	Kennedy	Sánchez, Linda T.
Collins (NY)	Kildee	Sanchez, Loretta
Connolly	Kilmer	Sarbanes
Conyers	Kind	Schakowsky
Cook	King (NY)	Schiff
Cooper	Kuster	Schneider
Costa	Lance	Schrader
Courtney	Langevin	Schwartz
Cramer	Larsen (WA)	Scott (VA)
Crawford	Larson (CT)	Scott, David
Crenshaw	Latham	Serrano
Crowley	Lee (CA)	Sewell (AL)
Cuellar	Levin	Shea-Porter
Cummings	Lewis	Sherman
Davis (CA)	Lipinski	Simpson
Davis, Danny	LoBiondo	Sires
DeFazio	Loeb sack	Slaughter
DeGette	Lofgren	Smith (NJ)
Delaney	Lowenthal	Smith (WA)
DeLauro	Lowe	Speier
DelBene	Lucas	Stewart
Denham	Lujan Grisham (NM)	Stivers
Dent	Luján, Ben Ray (NM)	Swalwell (CA)
Deutch	Lynch	Takano
Diaz-Balart	Maffei	Terry
Dingell	Maloney,	Thompson (CA)
Doggett	Carolyne	Thompson (MS)
Doyle	Maloney, Sean	Thompson (PA)
Duckworth	Markey	Tierney
Edwards	Matheson	Tipton
Ellison	Matsui	Titus
Ellmers	McCarthy (CA)	Tonko
Engel	McCollum	Tsongas
Enyart	McDermott	Turner
Eshoo	McGovern	Valadao
Esty	McKeon	Van Hollen
Farr	McKinley	Vargas
Fattah	McMorris	Veasey
Fitzpatrick	Rodgers	Vela
Fleischmann	McNerney	Velázquez
Forbes	Meehan	Visclosky
Fortenberry	Meeks	Walden
Foster	Meng	Walz
Frankel (FL)	Michaud	Wasserman
Frelinghuysen	Miller, Gary	Schultz
Fudge	Miller, George	Waters
Gabbard	Moore	Watt
Gallegho	Moran	Waxman
Garamendi	Murphy (FL)	Welch
Gardner	Nadler	Wilson (FL)
Gerlach	Napolitano	Wolf
Gibson	Neal	Womack
Grayson	Nunes	Yarmuth
Green, Al	O'Rourke	Young (AK)
Green, Gene		
Griffin (AR)		

## NOT VOTING—24

Barber	Horsford	Pastor (AZ)
Beatty	Hoyer	Polis
Campbell	Hunter	Salmon
Castor (FL)	Kirkpatrick	Schweikert
Duncan (TN)	McCarthy (NY)	Sessions
Franks (AZ)	McIntyre	Shimkus
Garcia	Negrete McLeod	Sinema
Gosar	Nolan	Young (FL)

□ 1855

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. DUNCAN of Tennessee. Madam Chair, on rollcall No. 315 I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. FRELINGHUYSEN. Madam Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DAINES) having assumed the chair, Ms. ROS-LEHTINEN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2609) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes, had come to no resolution thereon.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 761, NATIONAL STRATEGIC AND CRITICAL MINERALS PRODUCTION ACT OF 2013

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 113-147) on the resolution (H. Res. 292) providing for consideration of the bill (H.R. 761) to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness, which was referred to the House Calendar and ordered to be printed.

#### ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

The SPEAKER pro tempore. Pursuant to House Resolution 288 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2609.

Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) kindly resume the chair.

□ 1900

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes, with Ms. ROS-LEHTINEN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Georgia (Mr. BROWN) had been disposed of and the bill had been read through page 22, line 9.

#### AMENDMENT OFFERED BY MR. SWALWELL OF CALIFORNIA

Mr. SWALWELL of California. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 5, after the dollar amount, insert "(increased by \$1,000,000)".

Page 28, line 10, after the dollar amount, insert "(reduced by \$1,000,000)".

Mr. SWALWELL of California (during the reading). Madam Chair, I ask unanimous consent to waive reading of the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SWALWELL of California. Madam Chair, I rise in support of my amendment, which would transfer \$1 million to the Department of Energy's Office of Energy Efficiency and Renewable Energy, or EERE, from administrative funds.

I recently organized a letter, joined by almost 80 of my colleagues, calling for robust and sustained funding for this crucial program. EERE's research, development, and deployment programs focus on three major fields: renewable electricity generation; sustainable transportation; and energy-saving homes, buildings, and manufacturing.

This program plays a key role in advancing America's all-of-the-above energy strategy, and we must set priorities and make smart, strategic decisions about Federal funding. This is the only way to ensure that this country is prepared for whatever changes the markets may experience.

And I thank our ranking member for yielding me the time and allowing me to speak about the amendment, and I appreciate her comments about either you look backward or you look forward or you act forward when it comes to how we get our energy supply. She has talked on the floor today and articulated that our country right now faces a trade deficit, and she's right.

Every month, by about \$40 billion, we are importing more goods and services than we are exporting. In many cases, that is because of the crude oil that we have to import month after month after month because we are not meeting our own energy needs. And the United States, at our peak production, optimal peak production, we only have about 3 percent of the world's crude oil. However, our country, our consumers,

our people, we consume about 22 percent of the world's crude oil.

There's a supply problem in this country. We need to not drill our way out of this but invent our way out of this, innovate our way out of this, and the EERE program allows us to do that.

Unfortunately, this bill consolidates the Office of Electricity Delivery and Energy Reliability and the Office of Energy Efficiency and Renewable Energy within DOE and funds the combined programs at about \$983 million. The result is a cut to these programs of \$971 million below fiscal year 2013.

I am honored to serve as ranking member on the Science, Space and Technology Subcommittee on Energy because I believe that the Federal Government has a role to play in encouraging energy innovation in this country. This bill does just the opposite by gutting the EERE program. Instead of innovating our way out, rather than drilling our way out, we are doing the opposite. We gut crucial EERE funds.

As Washington bickers, our competitors are pulling out all of the stops to capitalize on the booming clean energy program. By cutting the EERE program so drastically now, we all but ensure that the United States will miss out on scientific discoveries that could change the world and transform our economy.

With scientific research, nothing is guaranteed, and so we need to be willing to take risks. Scientific progress, after all, has never been a straight line. I come from the bay area, which includes Silicon Valley, where risk-taking is critical to the region's economy. Taking risks means sometimes you will not succeed, but scientific progress requires us to continue to take risks and invest in the future. Only by taking risks and charging forward, as our ranking member continues to emphasize, can we ever hope to reach goals which today may seem out of reach.

The United States should be leading the world in the search for better, safer, more affordable energy. Instead, we have a bill before us that makes unacceptable, shortsighted cuts to EERE. While my amendment does not close the gap by any means, it is a signal to our scientists and engineers that we support renewable energy.

An overreliance on a limited range of fuel technologies and finite resources is shortsighted. Our strength lies in our ability to transition to a new, cleaner, more sustainable and more innovative source of energy. We must be competitive and not let ourselves get behind, and I urge my colleagues to support this amendment.

With that, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I move to strike the last word.

The Acting Chair. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Madam Chair, I rise to oppose the gentleman's amendment.

This amendment offers, as he said, a \$1 million gesture of support for renewable energy, energy reliability and efficiency activities in the Department of Energy. It would increase funding by \$1 million using the departmental administration as its offset.

While I support my colleague's good intention, what he calls his signal gesture of support, we simply cannot afford to increase energy efficiency and renewable energy by diverting funding from other essential activities. Therefore, I oppose the amendment and urge others to do so as well.

I yield back the balance of my time.

Ms. KAPTUR. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Madam Chair, let me say that the gentleman's amendment takes a step in the right direction. It is a modest step, but one that signals a view towards the horizon that is ahead of us, and I rise in support of his very responsible amendment that would make an investment in our future and move to a more diversified energy portfolio. It does nick an account, our administrative account, which is a bit troubling, but it is not at the level that some of the prior amendments today did, so I support the gentleman's amendment.

I thank him for all of the time he spent on the floor today waiting his turn. Talk about a gentleman of the House, you surely are. So I want to thank Congressman SWALWELL for his leadership and for trying to take a step toward the future in offering his amendment today. I urge my colleagues to vote for the Swalwell amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. SWALWELL).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. SWALWELL of California. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 5, after the dollar amount, insert "(reduced by \$731,600,000)".

Page 22, line 20, after the dollar amount, insert "(reduced by \$362,329,000)".

Page 23, line 24, after the dollar amount, insert "(reduced by \$450,000,000)".

Page 23, line 25, after the dollar amount, insert "(reduced by \$115,753,000)".

Page 60, line 12, after the dollar amount, insert "(increased by \$1,543,929,000)".

Mr. MCCLINTOCK (during the reading). Madam Chair, I ask unanimous consent that the reading be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Madam Chair, I applaud the committee's decision to cut the failed Energy Efficiency and Renewable Energy program by half. My amendment simply completes the very good work of the committee and cuts it by the other half, along with similar subsidies that we provide to nuclear and fossil fuel industries, saving an additional \$1.5 billion.

If we're serious about an all-of-the-above energy policy, we have got to stop using taxpayer money to pick winners and losers based on their political connections and, instead, require every energy company to compete on its own merits as decided by the customers it attracts by offering better products at lower cost and by the investors it attracts, as well.

For too long we've suffered from the conceit that politicians can make better energy investments with taxpayer money than investors can make with their own money. It is this conceit that has produced the continuing spectacle of collapsing energy scandals epitomized by the Solyndra fiasco. At least Solyndra was funded from a loan program in which the public has a chance to get some of its money back when these dubious schemes go bankrupt.

My amendment eliminates direct spending that funds research and development and commercialization projects for politically favored firms, money that taxpayers have no chance of recovering after it's spent.

Let me emphasize that any breakthroughs financed with the research and development money paid by the taxpayers under these programs does not go into the public domain, where everyone can benefit. These innovations, if there are any, are financed by taxpayers and yet are owned, lock, stock, and barrel, by the private companies. This is a gift of public funds, pure and simple.

My amendment protects taxpayers from being forced into paying the research and development budgets of these companies. It gets government out of the energy business and requires all energy companies and all energy technologies to compete equally on their own merits and with their own funds.

This amendment cuts all such subsidies.

About half go to fossil fuel and nuclear industries, which are capable of doing very well on their own, and about half goes to the so-called alternative energy technologies. We've been told for years, of course, that's necessary to nurture these new and promising programs, but they are not new and they are not promising. Photovoltaic cells, for example, were invented in 1839; and in nearly 175 years of technological research and innovation and billions of dollars of taxpayer subsidies, we have not yet invented a more expensive way to generate electricity, so we hide its true cost to consumers through subsidies taken from their taxes.

Nor is there any earthly reason why taxpayers should be forced to serve as the R&D program for General Motors or any other company or technology. The actual research and development should be paid for by the companies that will profit from these long-promised breakthroughs. And if they're not willing to finance them with their own money, we have no business forcing our constituents to finance them with theirs.

All we have accomplished with these programs is to take dollars that would have naturally flowed into the most effective and promising technologies and diverted them into those that are politically favored. This misallocation of resources not only destroys jobs in productive ventures, it ends up minimizing our energy potential instead of maximizing it and destroying our wealth instead of creating it.

Let every energy technology rise or fall on its own merits. If the technology is promising, it doesn't need our help; and if it isn't promising, it doesn't deserve our help.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Madam Chair, I rise in opposition to the amendment.

The amendment would eliminate all renewable energy and energy efficiency activities, fossil energy activities, and severely reduce funding for nuclear energy in favor of deficit savings. And, of course, the committee has done a lot; we have done a lot of cutting. We are way below the 2008 level. I think we have made a commitment in our committee to reduce spending and contribute to reducing the deficit.

Nuclear energy research does keep American innovation at the forefront of the technology that we invented. I think we need to continue that leadership.

Fossil energy, whether people like it or not, provides 82 percent of our Nation's energy needs, and we need to find ways to refine and make it even more productive.

Lastly, renewable energy addresses high gas prices and helps America's manufacturers compete in the global marketplace. Maybe not all of those activities are imperative, but renewable energy is part of that equation, and our bill supports diversity of energy supply. Therefore, I oppose the amendment and urge Members to do likewise.

I yield back the balance of my time.  
Mr. GARAMENDI. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. I thank the gentleman from New Jersey for raising opposition to the amendment. I'm glad he gave me a few moments, Madam Chair, to slow down a bit before I would comment on the amendment.

□ 1915

The author of the amendment would probably want to take a few steps more. To carry out the full intent of what he's proposing would be to eliminate all subsidies for everything. Then where would we be?

I suppose if we're going to be consistent in this, if we were to adopt this amendment, we ought to go to the oil and gas industry and eliminate all of the subsidies that they have, which are tax breaks, direct subsidies, by reducing their taxes to the tune of well over \$10 billion a year. Probably not a bad idea. And then to go on, as the chairman of the committee has suggested, to take on all of the other subsidies.

Where would we be?

It's a long history of America, dating back, really, to the Founding Fathers, in which Alexander Hamilton presented to the Congress, at the request of George Washington, a plan on manufacturers in which was stated a policy then and carried forward ever since that time, some 230-plus years, in which the Federal Government has been directly involved in the development of the American industries.

For example, at that time, Alexander Hamilton suggested that the Federal Government ought to support the development of roads, ports, and canals, and, in fact, one not far from here received that assistance, the Potomac Canal. And ports were built, eventually lighthouses were put up, all of them to benefit commerce.

Abraham Lincoln subsidized, with the consent of Congress and the Senate, the Transcontinental Railroad that has helped the gentleman's State of California, and my State of California.

There's a long, long history of America in which the Federal Government has directly, indirectly, subsidized the creation of industry. We went to the Moon, but we created enormous numbers of businesses as a direct result. And in the gentleman's pocket is an

iPhone or some other device that was directly subsidized by the Federal Government.

Now, if you want to go back and simply forget about progress, then carry out this amendment to its fullest extent. I don't think any of us want to go there.

I'd ask for a "no" vote on the amendment.

I yield back the balance of my time.  
Ms. KAPTUR. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Madam Chair, I rise in opposition to this amendment. And I listened to the gentleman's arguments, and I just want to point something out. The gentleman is saying that private industry will do this in any case.

I have been very engaged in our part of the country with the local companies and inventors that are trying to lead America into the future. And what's interesting about the start of some of these new technologies is, many of these inventors don't have the deep pockets of huge multinational corporations.

And when smaller, high-tech companies start out, maybe these inventors have 10, 20, 30 patents to their name, sometimes they launch from a cooperative effort with a university base. They don't have the funds to do the kind of basic research that's necessary to move their technology forward. They need the help of entities like the Department of Energy.

And so it just doesn't happen by magic that one moves a technology forward. Most businesses don't have the interest or the funding to put into this direct research, basic research. So, for example, with solar, which is something our region of the country knows quite a bit about because it spun off of the glass industry, just getting seven layers of material to adhere takes incredible effort.

If you are a small inventor, if you are a smaller company, I defy you to roll steel so thin, and then find adherents to go with it that will hold electrical charges, and then to invent the electrical materials that go through there.

And by golly, over the last 30 years, they have done it. They have brought the cost of panels down to a competitive rate. Where we are now is storage capacity, moving the electricity from those plates to storage systems that will actually be more efficient, and then onto the grid.

So please don't say that the work that they go through, the Americans who really do invent our future, who often are blocked by the people that sit in this Chamber and can't even imagine what they are up against technologically, don't think that what they do doesn't matter.

And while they're doing this, what do they face, just in the solar industry?

The Chinese dumping 2 million panels globally and pushing down the price, a country that's a Communist country, whose economy is a Marxist market system, a Leninist market system.

And we ask our individual inventors to compete with that, and we do nothing to help them out?

By golly, I'd fight for these Americans any day of the year because I know the next generation will be more independent than today's generation because of what they are doing, and I will do anything in my power to help them.

That is the role of the Government of the United States, to lift up those who are trying to make this country free again and separate us from those countries and those interests that don't share our political values.

And so I want to be a champion for those who are out there fighting for the future. And they're not all big multinationals who have these deep pockets they can just reach into, but they're individual Americans who are taking what they've learned in their company.

And they can't finance it alone. Banks won't necessarily do it because the technology isn't fully developed. They need a partnership. And we're the one partnership at the Federal level that can help lift their technology and bring it forward. I'm proud of them.

And, sir, I oppose your amendment. I think it's a well-intentioned amendment. But you know what?

It doesn't lead us forward, and it really doesn't help those inventors and those companies around this country who are leading us into the future.

I ask the membership to oppose the gentleman's amendment, and I yield back the balance of my time.

Mr. CONNOLLY. I move to strike the last word.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. CONNOLLY. I rise in opposition to this amendment, and I think that, in many ways, this amendment—and I give credit to its author—encapsulates a debate that's going on, not only between the parties, but in America.

It's premised on a narrative that is utterly ahistorical. It is a false narrative. If it's worth doing, the private sector will do it. That flies in the face of 237 years of this Republic's history.

George Washington understood that. He understood that there were investments only the Federal Government could make, and he made them.

Thomas Jefferson, an advocate for small government, also understood that. He subsidized the Rogers and Clark expedition that opened up the West and created an enormous enterprise for science.

Mr. GARAMENDI mentioned the 37th Congress and Abraham Lincoln. In the

middle of the worst catastrophe this country's experienced, a civil war, that Congress understood that we had to make investments as a Federal Government if this country was going to prosper and grow, and allowed the private sector to take up where we left off.

And that's why they invested in the Transcontinental Railroad. That's why they created the Homestead Act. That's why they created the United States Department of Agriculture. That's why they created the land grant college/university system.

The idea that the private sector can do it, we don't need to do it—well, the Internet was 100 percent a Federal investment. It was called ARPANET, and it stayed a Federal investment for 25 years, until the commercial application was clear, and then it went private. Whatever we invested in ARPANET was worth every penny in how it's transformed American life.

GPS, entirely a Federal investment, not a private sector investment. And it's the private sector that's understood the commercial applicability.

That's the partnership that has characterized all of our history, not some of it. And to substitute a false narrative for that involvement will guarantee that the Chinese will clean our clock in the next generation.

I sat here hours ago and listened to our Republican colleagues from Washington and Tennessee say, without fear of understanding their own contradiction, we need the Federal Government to clean up these nuclear sites, not the private sector, the Federal Government.

This isn't just a bad amendment. This is about a profound philosophical disagreement about the future role of the Federal Government.

Investments have returns. Not all spending is the same, and we need to be enhancing investments in this bill, not cutting them back, if we want to hand over to the next generation a competitive America that still helps provide a shining light upon a hill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCCLINTOCK. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. PETERS OF CALIFORNIA

Mr. PETERS of California. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 5, after the dollar amount, insert "(increased by \$10,000,000)".

Page 28, line 10, after the dollar amount, insert "(reduced by \$10,000,000)".

Mr. PETERS of California (during the reading). Madam Chair, I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PETERS of California. Madam Chair, 2 years ago, on September 8, 2011, San Diego and much of southern California, Arizona, and parts of Mexico suffered a huge electric power failure. This was the biggest electric power failure in the history of California.

Millions of people were left without electricity when a 500-kilovolt high-voltage transmission line from Arizona to California failed, knocking a major nuclear power plant offline. The electricity outage led to school and business closures, flight cancellations, suspended water service, and dark traffic lights.

And when the power goes out, it's not just our lights that are affected. In the heat without air-conditioning, we're putting the health of our seniors and vulnerable populations at risk of health failures. So the risks to public safety and health increase, and economic disruptions can be hard to recover from.

We are putting greater load on our grid each day, and the grid faces also threats to its cybersecurity. In addition, we've seen extreme weather events wreak havoc on the grid. DOE is making great strides to strengthen our grid and make it more resilient to all threats, and we need to protect this critical infrastructure.

The Appropriations Committee has recommended \$80 million for electricity delivery and energy reliability, which is a cut of \$32.49 million from FY '13 levels. My amendment would increase electric delivery and energy reliability by \$10 million, with an equal offset reduction to the DOE's Departmental Administration account. This increase will strengthen the electric grid and provide greater power reliability for all Americans.

And the amendment would support the research and technology to improve grid strength and reliability. These are more important investments than this particular Departmental Administration account.

This is spending reduction in the long run. The cost of energy outages are much greater than what we put in to modernizing and strengthening the grid. Every dollar that we put towards making our infrastructure more resilient yields \$4 in future savings.

When power goes out, there are huge economic costs. Our modern world can't function and perform business transactions without electricity, and we need to ensure that the power's there. If it goes out, we need to make sure that it gets back on quickly.

A better grid will save taxpayers money. A better, smarter, more modern grid will lead to fewer outages, getting power back faster, and savings in costs.

Madam Chair, I ask for the support of my colleagues, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Madam Chair, I rise to oppose the gentleman's amendment. The amendment would increase Renewable Energy, Energy Reliability and Efficiency by \$10 million using, once again, as others have before him, the Departmental Administration account as an offset.

As I said earlier, our allocation did make for some tough choices. One thing we know is that you can't operate a Department of Energy unless you have staff doing oversight and doing the tough work of reviewing contracts to make sure the money we give them is well spent.

So with all due respect, I have to oppose the gentleman's amendment. We cannot divert more money from the essential department activities.

I yield back the balance of my time.

□ 1930

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. PETERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. PETERS of California. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. PERLMUTTER

Mr. PERLMUTTER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 5, after the dollar amount insert "(increased by \$15,000,000)".

Page 29, line 21, after the dollar amount insert "(reduced by \$15,000,000)".

Mr. PERLMUTTER (during the reading). Madam Chair, I move to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.



Mr. PERLMUTTER. To the ranking member and the chairman of the subcommittee, thank you for your work. H.R. 2609 appropriates \$30.4 billion for fiscal year 2014 for the Energy Department and Federal water projects, which is \$4.1 billion below the President's request and \$6.3 billion, or 17 percent, below the enacted level for 2013.

The reductions in H.R. 2609 undermine America's strategic energy investments and remove vital funding for laboratories such as the National Renewable Energy Lab in Golden, Colorado. Facilities such as NREL are leading proponents in energy research and innovation. The clean energy market has grown exponentially from \$1 billion a year to \$211 billion per year over the past decade. This number continues to grow.

Congress should be funding facilities which help to bring next-generation renewable technologies to market. These technologies are not only helping local energy entrepreneurs but are also helping business owners drive down energy costs.

The Energy Systems Integration Facility, otherwise known as ESIF, located at the National Renewable Energy Lab, is a perfect example of this kind of partnership. ESIF is the Nation's only facility to model on a megawatt scale how clean energy technologies such as wind and solar interact on the electrical grid with traditional energy sources such as coal and natural gas. The facility is aimed at overcoming generation transmission distribution and end-use challenges to support a cleaner, affordable, and more secure U.S. energy mix, including research into next-generation building technologies, microgrids, energy storage batteries, and utility-scale renewable energy.

As the cost of clean energy technologies continues to come down, seamless and efficient grid integration will help make these resources and products even more affordable. Funding for programs like ESIF and labs like the National Renewable Energy Lab is good for our utilities and our consumers. It's good for our economy, and it's good for energy security. Yet the majority continues to believe that cuts to our Energy Department will provide us a brighter future. I say, No way.

Lastly, while I believe the funding in the entirety of this bill is wholly inadequate, I cannot allow our energy investments to be reduced to rubble. My amendment would transfer \$15 million to the Office of Renewable Energy, Energy Reliability and Efficiency, with an equal offsetting reduction from the Production Support for the W76-(1) Life Extension Program under the Weapons Activities account.

While I appreciate the committee's attempt to support the National Re-

newable Energy Lab, the proposed funding of \$31 million is \$15 million below the budget request. Thus, my amendment seeks to fully fund the Facilities and Infrastructure line item. The committee recommends to the House we fund \$345 million for Production Support, which is an additional \$23.5 million over the administration's request. The administration sites a lower level of funding from fiscal year 2013 to 2014 due to the completion of a modern manufacturing floor process. So what the committee has done is raise \$23.5 million over the President's request. I'm asking that that be backed up by \$15 million so that the National Renewable Energy Lab and EERE is increased by \$15 million.

I ask for an "aye" vote on my amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the gentleman's amendment. This amendment would increase funding for Renewable Energy, Energy Reliability and Efficiency activities of the Department of Energy by \$15 million using Weapons Activities within the Nuclear National Nuclear Security Administration as an offset. While I and I think all the committee members support the programs championed by my colleague, we simply cannot afford to increase efficiency and renewable energy activities by diverting funding from inherently Federal responsibilities. The focus and primary responsibility of the Department of Energy is indeed to make sure that we have a modern nuclear weapons stockpile, even if we don't need to use it. It has to be verified by the Secretary to the President. So this would divert funds from that essential mission.

I oppose the amendment, urge Members to do likewise, and I yield back the balance of my time.

Ms. KAPTUR. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Madam Chair, I am quite reluctant to shift funds from the weapons accounts to other purposes within the Department. But I rise in support of this gentleman's amendment. Congressman PERLMUTTER of Colorado has made a reasonable proposal here. I agree with his interest in advancing our work in renewable energy technologies.

In working with the Department, we also know the incredible cost overruns that we see occur year after year after year in these nuclear weapons accounts. I think that the gentleman's amendment is a modest amendment. I think it signals movement in the proper direction for our country.

It also says to those managing our nuclear weapons accounts that we're paying attention to the fact that you probably wasted more money and have not done oversight on your contracts more than almost any other department in the Government of the United States.

The need for investment in new energy technologies is important to the country. I think the gentleman has done something that I think moves us down the road of new technology and takes a very modest amount from the weapons accounts, and my own position generally supports the administration's efforts not to touch the weapons accounts unless we do so within the context of nuclear arms reduction negotiations. But the amount of funds that you are transferring, I think, is very, very reasonable, and therefore I wish to support you in your amendment, and I would urge my colleagues to support the Perlmutter amendment. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. PERLMUTTER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. PERLMUTTER. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT OFFERED BY MR. CONNOLLY

Mr. CONNOLLY. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 5, after the dollar amount, insert "(increased by \$15,500,000)".

Page 29, line 21, after the dollar amount, insert "(reduced by \$15,500,000)".

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. CONNOLLY. I have wracked my brain to try to find a Democratic amendment that the distinguished Republican manager could support, and I know I have hit upon it. It's a low-impact amendment, modest in the extreme, but with high payoff and gravy: a \$3 million net savings, according to the scoring.

As we've learned time and time again, Madam Chairman, from weather disasters and other emergencies, having a reliable and resilient energy structure is absolutely vital to national security, our economy, and to the stability of the community. I appreciate the committee acknowledging in its report the current strain being placed on our aging power infrastructure and the need for more modern, efficient systems. In fact, I and other members of the Sustainable Energy

and Environmental Caucus have been advocating for increased Federal investments to meet those very needs for some time.

The Energy Efficiency and Renewable Energy Research and Development account—a mouthful, I admit—which supports the very technologies that will help modernize our power grid, unfortunately, is cut in this bill by 50 percent. I'm offering, as I said, this simple, modest, commonsense amendment I know will appeal to the Republican manager by transferring a mere \$15.5 million from the Nuclear Weapons Activity Account, which received a \$98 million increase above last year. This also would reduce outlays actually by \$3 million, according to the CBO.

One of the energy-efficient initiatives that has a proven track record of improving power reliability, reducing electric costs, and creating jobs is combined heat and power, for example. It provides simultaneous production of electricity and heat from a single fuel source such as natural gas, biomass, coal, or oil.

During conventional power generation, up to two-thirds of the energy from the fuel used to generate power is lost as wasted heat. In contrast, combined heat and power systems capture that thermal heat that would otherwise be lost, making these systems twice as efficient. Thanks to that on-site generation, there's less risk of power disruption and improved efficiency.

We've already seen the success of such systems. When Superstorm Sandy knocked out power to 8.5 million residents in the Northeast, including the distinguished Republican manager's home State of New Jersey, those facilities with combined heat and power systems had working electricity and heat. South Oaks Hospital on Long Island, for example, which includes a nursing home and an assisted living center, was able to maintain power during the storm and its aftermath. Similarly, during Katrina, Mississippi Baptist Medical Center was the only hospital in the Jackson, Mississippi, area to remain 100 percent operational during and after the hurricane.

Combined heat and power systems are currently used across the Nation and generate 82 gigawatts of electricity. That's about 9 percent of the total. That's the equivalent of 130 coal plants. Analysts say we can double that figure; and with the lower price of natural gas and new interest from the States that have suffered from natural disasters, the timing is ripe. These investments not only lead to a more efficient use of power but they also help create jobs. It's estimated that for each gigawatt of combined heat and power capacity, we can expect more than 2,000 jobs to be created.

The Federal Government has supported deployment of combined heat

and power systems primarily in the manufacturing sector; but we need to expand that success to commercial and residential settings, especially after the experiences of Katrina and Sandy.

This is, as I said, a simple, commonsense amendment largely crafted to try to help the Republican manager find a Democratic amendment he can enthusiastically support.

With that, Madam Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Let me say it may be the relative lateness of the hour, but I welcome the comity with which you put forward your amendment.

May I just say for the record that having handled the Hurricane Sandy supplemental, I can make you aware that our power was off in our very modern part of northern New Jersey for the vast number of my constituents for over 2½ weeks. Even despite the best minds in the Nation, some of which still circle around the remains of Bell Laboratories, we still didn't get it right. But having said that, I appreciate your intent and your good humor.

Our primary focus has been national defense and nuclear security. I don't think this is the time when we should be taking away from that modernization project, which is important and something which has to be certified in terms of being reliable to the President by the Secretary of Energy.

So I oppose the amendment, and I yield back the balance of my time.

Ms. KAPTUR. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I just want to briefly extend support to the Connolly amendment for the same reason as in the prior amendment offered by Mr. PERLMUTTER. And though I generally support nuclear security issues in the context of arms reduction talks, this is a modest amendment. It is a \$15.5 million transfer from the weapons account, where we have seen huge cost overruns.

□ 1945

I think it's important to send a little smoke signal their way that we're paying attention and to support the cause of renewable energy in the Connolly amendment. I would urge my colleagues to support it and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. CONNOLLY. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT OFFERED BY MR. TONKO

Mr. TONKO. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 5, after the dollar amount, insert "(increased by \$145,000,000)".

Page 22, line 20, after the dollar amount, insert "(reduced by \$50,000,000)".

Page 23, line 24, after the dollar amount, insert "(reduced by \$40,000,000)".

Page 29, line 21, after the dollar amount, insert "(reduced by \$55,000,000)".

Mr. TONKO (during the reading). Madam Chair, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FRELINGHUYSEN. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. First, I would like to thank Representative WELCH and Representative SABLON for working with me on this amendment, and I thank the gentlelady from Ohio for the opportunity to chair the amendment in the House.

Madam Chair, this bill would be fine if we were still living in the 1950s, in a world where we had few energy limitations, no knowledge of the fact that burning fossil fuels would alter the chemistry of our atmosphere and the trajectory of our Earth's climate. We lived in a world where energy was much more affordable and a world where the United States was the dominant economic and manufacturing power. It was also a time when there were two nuclear powers, and we believed that nuclear weapons were a guarantee of security.

Well, it is not the 1950s, and this bill does not meet our present or future needs. The overall funding level is too small, and the funding distribution reflects the wrong priorities. Our amendment addresses just two of the important programs that are grossly underfunded in this bill: the Weatherization Assistance Program and the State Energy Program.

Energy is a significant part of families' budgets, and its cost is especially burdensome for low-income families and the elderly who live on fixed incomes. Burning fossil fuels generates emissions that are leading us into a much warmer future and one with unstable, unusual weather patterns. We cannot afford to reduce our support of energy efficiency.

Our amendment provides additional funds in the Energy Efficiency account to raise the funding for the State Energy Program from the \$12 million in the bill to \$50 million. In addition, it provides an increase of \$107 million for the Weatherization Assistance Program to restore this program to \$184 million, a level that will provide benefits to homeowners across this country.

The Weatherization Assistance Program is the largest residential efficiency program in the Nation. The sequestration and low allocation for fiscal year 2013 have put this important program at risk in many of our States.

The demand has not gone away. Individual consumers are still faced with significant energy bills, and those who are elderly or disabled or whose income is not sufficient to make investments in weatherization themselves rely heavily on this program for assistance.

The amendment also restores funds for the State Energy Program. SEP is a cost-shared program, a partnership between the Federal Government and the States. The State Energy Program enables States to assist with the development of energy efficiency and renewable energy projects, such as improving the efficiency at our hospitals and our schools, working with utilities and energy service companies to install clean energy and energy efficiency projects, and supporting private sector energy innovations through business incubators and job training.

Each dollar of SEP funding produces significant returns. A study by the Oak Ridge National Laboratory found that every dollar of SEP Federal funds are leveraged by \$10.71 of State and private funds and results in \$7.22 in energy cost savings.

The modest investments we have made in these two programs have paid for themselves many times over throughout the country. They have produced benefits in the form of better insulated, more comfortable homes, jobs, savings on energy bills, product improvements, and greater energy security.

We continue to ignore problems, neglect our infrastructure, and disinvest in our communities at our peril. These programs make a modest but important contribution to job creation and energy security. I urge you to support this amendment and keep the important work done through these programs moving forward.

With that, I yield back the balance of my time.

#### POINT OF ORDER

Mr. FRELINGHUYSEN. Madam Chair, I insist on my point of order.

The Acting CHAIR. The gentleman from New Jersey may state his point of order.

Mr. FRELINGHUYSEN. Madam Chair, the amendment proposes to amend portions of the bill not yet read.

The amendment may not be considered en bloc under clause 2(f) of rule

XXI because the amendment proposes to increase the level of outlays in the bill.

The object being increased has first year outlays of \$72,500,000. The objects being decreased have decreased first year outlays of \$71,250,000, leading to a net outlay increase of \$1,250,000.

I ask for a ruling of the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from New York proposes a net increase in the level of outlays in the bill—as argued by the chairman of the Subcommittee on Appropriations—it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is sustained. The amendment is not in order.

#### AMENDMENT OFFERED BY MR. TAKANO

Mr. TAKANO. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 5, after the dollar amount insert “(increased by \$20,000,000)”.

Page 29, line 21, after the dollar amount insert “(reduced by \$20,000,000)”.

Mr. TAKANO (during the reading). Madam Chairman, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

Mr. FRELINGHUYSEN. Madam Chair, I would ask that the reading continue.

The Acting CHAIR. Objection is heard.

The Clerk will read.

The Clerk continued to read.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. TAKANO. Madam Chair, I rise today to offer an amendment to the fiscal year 2014 Energy and Water appropriations bill to increase funding for the Vehicles Technologies Program. My amendment increases funding for the Renewable Energy, Energy Reliability, and Efficiency account by \$20 million to fully fund the Zero Emission Cargo Transport grant program.

The Vehicle Technologies Program is an important asset in the effort to decrease the impact of high gas prices on American drivers by investing in technologies that make vehicles more fuel efficient and less harmful to air quality. One critical piece of this program is the Zero Emission Cargo Transport grant program that helps to incentivize zero emission goods movement, especially in areas with high air pollution and traffic congestion, such as my district in Riverside, California, which is

a logistics hub for southern California. I believe these funds are better spent reducing our emissions, improving air quality, and investing in energy-efficient technologies.

The bill does take from the National Nuclear Security Administration's account, which is funded at \$11 billion. The modest reduction we're asking in that account to fully fund this program is an investment we believe is wise. More efficient freight will save money, create jobs, and make products cheaper. Cleaner air improves quality of life and lowers the cost of health care.

If we pay for this today by decreasing spending on our bloated nuclear weapons programs, we will see major savings down the road. This is a smart investment, and I urge my colleagues to support my amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR (Mr. COLLINS of Georgia). The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

As I said on other occasions, ensuring adequate funding for the modernization of our nuclear weapons stockpile is our highest priority in our Energy and Water Development bill. This amendment unacceptably strikes funding for these very critical national security investments, and therefore I oppose the amendment and ask others to do as well.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. TAKANO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TAKANO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

#### AMENDMENT OFFERED BY MR. TAKANO

Mr. TAKANO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 5, after the dollar amount, insert “(increased by \$40,000,000)”.

Page 29, line 21, after the dollar amount, insert “(reduced by \$40,000,000)”.

Mr. TAKANO (during the reading). I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. TAKANO. Mr. Chairman, I rise today to offer an amendment to the fiscal year 2014 Energy and Water appropriations bill to increase funding for the Department of Energy's Weatherization Assistance Program.

My amendment increases funding for the Renewable Energy, Energy Reliability and Efficiency account by \$40 million to ensure we provide adequate weatherization assistance.

The Weatherization Assistance Program provides much-needed funding that enables low-income families, homeowners with disabilities, and seniors to permanently reduce their energy bills, making their homes more energy efficient.

For 36 years, the Weatherization Assistance Program has provided weatherization services to more than 7.3 million low-income households. The energy conservation efforts promoted through this program have helped our country reduce our dependence on foreign oil, while lowering the cost of energy for families in need.

This program benefits households across the Nation, from my district in Riverside, California, where temperatures can rise to over 100 degrees Fahrenheit in the summer, to the Northeast, where it is below freezing in the winter.

The Weatherization Assistance Program has helped reduce the energy bills for America's neediest families by hundreds of dollars, which can be used to purchase more groceries, daily necessities, and child care.

The reduction in funding for nuclear weapons means that a larger investment can be made in our Weatherization Assistance Program to help American families reduce their energy costs. The underlying bill provides more than \$11 billion for the National Nuclear Security Administration. I believe the modest reduction of \$40 million to the nuclear weapons account is money that is better spent on programs like the Weatherization Assistance Program. It supports jobs, businesses, homeowners, and reduces our energy dependence.

I urge my colleagues to support my amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Again, our committee's priorities are well known. The modernization of our nuclear stockpile is a national security issue. We need to continue to make those investments.

I oppose the amendment and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. TAKANO).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. TAKANO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

The Clerk will read.

The Clerk read as follows:

#### NUCLEAR ENERGY

##### (INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 10 buses and 2 ambulances, all for replacement only, \$656,389,000, to remain available until expended, of which such sums as may be necessary shall be derived from the Nuclear Waste Fund, to be made available only to support the high-level waste geological repository at Yucca Mountain: *Provided*, That of the amount provided under this heading, \$87,500,000 shall be available until September 30, 2015, for program direction: *Provided further*, That of the amount provided under this heading, \$5,000,000 shall be made available to affected units of local government, as defined in section 2(31) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(31)), to support the Yucca Mountain high-level waste geological repository, as authorized by such Act: *Provided further*, That funds derived from the Nuclear Waste Fund may be transferred to "Independent Agencies—Nuclear Regulatory Commission—Salaries and Expenses" to support the Yucca Mountain high-level waste geological repository license application.

##### AMENDMENT OFFERED BY MR. HECK OF NEVADA

Mr. HECK of Nevada. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 20, after the dollar amount insert "(reduced by \$25,000,000)".

Page 26, line 12, after the dollar amount insert "(increased by \$25,000,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HECK of Nevada. Mr. Chairman, my amendment builds on the committee's work in support of scientific research and development within the Department of Energy.

More than 30 years have elapsed since Congress passed the Nuclear Waste Policy Act, and over that same time, technology and scientific knowledge have evolved significantly. However, Congress still clings to outdated technology and policy prescriptions to address today's nuclear waste issues.

The fact, Mr. Chair, is that sticking our country's highly radioactive nuclear waste in a hole in the ground for perpetuity is a 21st century solution.

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Instead, we must encourage the use of 21st century technology to address this issue.

My amendment redirects the \$25 million designated for the Yucca Mountain High-Level Waste Geological Repository into the High Energy Physics program within the Department of Energy's Office of Science for the development of a 21st century solution to this problem.

The High Energy Physics program is currently researching and developing ways to use accelerator technology to reduce the toxicity of nuclear waste, transforming it into a more stable, less hazardous form.

According to a report released by the Department of Energy, "The United States, which has traditionally led the world in the development and application of accelerator technology, now lags behind other Nations in many cases, and the gap is growing." The report concludes that "to achieve the potential of particle accelerators to address national challenges will require a sustained focus on developing transformative technological opportunities, accompanied by changes in national programs and policy."

Other countries have already made significant investments in the research and development of accelerator technology that will help make long-term storage facilities, like the facility supported in this bill, obsolete. It is time that the United States begins to make up the ground it is losing to the rest of the world when it comes to accelerator technology and begin focusing on 21st century solutions to deal with nuclear waste.

For Nevada, the site of Yucca Mountain and the State with one of the highest unemployment rates in the country, this 21st century solution has the potential to create countless new high-paying R&D jobs utilizing existing regional technology capabilities. We cannot allow our Nation to continue falling further behind other developed countries in fully funding and implementing these types of projects—21st century solutions that are critical to maintaining our Nation's economic and technological superiority.

I urge my colleagues to embrace the future of nuclear waste disposal and support my amendment to help create jobs and restore the United States role as a leader in science and technology development, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to oppose the gentleman from Nevada's amendment.

First of all, while I appreciate the concerns that he has raised about the Office of Science, just for the record, the Office of Science has been funded at \$32 million above the current post-sequester levels, so they have plenty of money.

I rise, more importantly, on the second issue. This money comes from \$25 million that we've set aside to address Yucca Mountain where we, as taxpayers, have put well over \$12 billion to \$15 billion of investment as a repository for high-level nuclear waste. We understand the dynamics of the State and resistance on the part of many there, but we also know that if we are ever to recoup that investment in the future, since consumers and taxpayers pay for that facility, that we are going to need some money to reopen Yucca Mountain.

I strongly oppose the gentleman's amendment, urge others to do so as well, and I yield back the balance of my time.

Mr. GARAMENDI. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Mr. Chairman, the gentleman from Nevada is on to a very, very important issue here: What are we going to do with spent nuclear fuel? Our current light water reactors consume maybe 3 percent of the energy in the nuclear fuel. You can reprocess it once and you get another 3 percent, and so now you've got 93, 92 percent, or 94 percent, of the energy that you now consider as waste, in this case to be permanently stored at Yucca Mountain.

We actually have a 20th century solution. We spent some \$10 billion to \$12 billion on it in the '60s, '70s, '80s, and in 1993 we put that solution aside. We need to bring that solution back into place, and the gentleman's amendment would further us in dealing with this issue of spent nuclear fuel. It is not a waste; it is an extraordinary asset, and it's one that we should be utilizing. In doing so, we can dispose of it through multiple recyclings, all of which has been proved by the United States, readily available today.

We need to take it out of the closet, put it back on the front burner, and use the accelerator technologies in our reactors to adequately dispose of these very dangerous wastes. In doing so, we can not only dispose of the total longevity, we can take it from a couple of hundred thousand years down to a couple of hundred years of dangerous radioactive emissions.

We need to move on this. The gentleman's amendment allows us to do that. It solves a major problem that the entire world has. Spent nuclear fuel is an international problem.

The United States Government in the 1960s recognized this as a problem, set out to solve it, did solve it with what is known as the integral fast reactor—integral fast reactor. That is the accelerator reactor integral in that the reprocessing is a metallurgic process, not an aqueous process that can only be used once. This can be used multiple

times, and in so doing eliminate much of the problem that we have with spent nuclear fuels.

I urge an "aye" vote on this very, very important amendment.

I yield back the balance of my time.

Ms. TITUS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Nevada is recognized for 5 minutes.

Ms. TITUS. Mr. Chairman, I rise to speak in support of this amendment as well, which would strike language from the bill that mandates more wasteful spending on the defunct Yucca Mountain project and would redirect the funding to the Office of Science High Energy Physics program to support research in reducing nuclear waste.

The bill requires that DOE spend \$25 million on activities at Yucca Mountain, located less than 100 miles from one of the Nation's most popular tourist destinations.

Now, let me remind you that the Department of Energy has already wasted \$15 billion on this project with nothing to show for it but a big hole in the ground in the desert. In fact, had the Department of Energy not terminated the Yucca project in 2010, we would be throwing away at least another \$67 billion with no guarantee that the project would ever be completed or functional.

All of this, let me remind you again, despite findings by the GAO that over the past 20 years the proposed site has suffered from gross mismanagement, faulty science and research, and contract violations. Even more troubling to the people of Nevada and those living along the transportation route, questions about the safety and design of the site and its impacts on the surrounding environment and populations have never, never been satisfactorily addressed.

Yet, while cutting ARPA-E, which is vital to our competitiveness in the global economy, stripping investments in energy efficiency, and renewable energy development, this legislation mandates that millions be squandered in an effort to restart a boondoggle that has been doomed from the start.

Now, why, I ask you, are we throwing good money after bad ideas? We should not be turning back the clock, we should be moving forward. So I would say to my colleagues, please support this amendment. It will eliminate economic waste and allow Congress instead to have a proper discussion about how to dispose of the Nation's nuclear waste.

I yield back the balance of my time.

Mr. BARTON. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON. Mr. Chairman, I want to rise in support of Chairman FRELINGHUYSEN's opposition to the Heck amendment.

We have heard quite a bit of rhetoric on the floor the last 10 minutes about Yucca Mountain, and I understand my colleagues from Nevada's opposition to a project in their State or their district that was somewhat unilaterally sited there. I will accept that the process by which Yucca Mountain was initially chosen was a political process and was not done the way the original Nuclear Waste Policy Act of 1982 said it should be done.

Having said that, we have collected about \$30 billion over the last 30-some-odd years from ratepayers whose electricity is generated by safe, efficient, clean nuclear power—\$30 billion. We have spent upwards of \$20 billion drilling a tunnel in Yucca Mountain, studying the geology, the hydrology, the environment. My understanding is that the tunnel is completed.

In 2010, unilaterally, the Obama administration decided to shut the project down. It is debatable whether they did that legally or not.

Having said that, the bill that's coming out of the Appropriations Subcommittee, all it does is allocate money that has already been collected to go ahead and finish the site review at Yucca Mountain to determine whether it is, in fact, a safe place to store high-level nuclear waste.

Now, keep in mind that we have over 100 operating nuclear reactors around the country today, and the waste that they generated is stored onsite—stored onsite. There's good security. Most of it is stored in what are called "wet pools." Almost everybody agrees that that's not a long-term solution.

I think the Congress on a bipartisan basis can agree that we ought to go ahead and finish the review of the Yucca Mountain site—\$25 million does it. It has also allocated some funding in the bill to help the local government entities out there. Let's finally put this thing to rest.

The gentleman's amendment is well intentioned, but we need a centralized high-level repository. As of now, the most likely place is at Yucca Mountain. We have spent billions—billions of dollars—on that site. Let's spend another \$25 million and finish the job.

I join Chairman FRELINGHUYSEN in opposing the Heck amendment and hope the House also does that.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, I rise in reluctant opposition to the amendment.

While I understand our colleague's position, our Nation has spent upwards of \$10 billion to \$15 billion on Yucca Mountain as a repository.

When we first voted on Yucca Mountain many years ago, I opposed it. Now our Nation has made this enormous investment and one does question whether we know what we are doing and

whether what we are left with is a monument to wasted resources.

Admittedly, the court cases have not been finalized. The former Secretary of Energy has stated many times that the administration would follow any direction that resulted from ongoing litigation. The bill provides funds should that eventuality occur.

At a minimum, we should learn if the licensing process can work. It was not that many years ago that completing the licensing process was the stated plan of the Department.

So again, I reluctantly oppose the amendment being offered tonight. America has to reach a decision about what we do with spent nuclear waste. I think this amendment takes us in the wrong direction at this time.

We also respect the sensitivities of the people of Nevada. They have a right to have their voices heard in this process. But as a country, we have to recognize the amount of money that's been spent by taxpayers from all of the States and the need that we have at these power plants and facilities to process this material.

I reluctantly rise in opposition to the amendment in hopes that we can reach agreement as a country on this important issue, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Mr. HECK).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HECK of Nevada. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nevada will be postponed.

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AMENDMENT OFFERED BY MS. BROWNLEY OF CALIFORNIA

Ms. BROWNLEY of California. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 20, after the dollar amount, insert "(reduced by \$5,000,000)".

Page 25, line 14, after the dollar amount, insert "(increased by \$5,000,000)".

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman is recognized for 5 minutes.

Ms. BROWNLEY of California. Mr. Chair, I rise to offer an important amendment that would provide a \$5 million increase in funding for the Department of Energy Non-Defense Environmental Cleanup account.

My amendment is offset by reducing a small portion of funds for nuclear en-

ergy research programs. I believe this offset is appropriate because the contamination that must be cleaned up was directly caused by past Department of Energy nuclear energy research programs.

In the past, inadequate safety protocols and lax environmental standards resulted in severe soil and groundwater contamination at sites across the Nation. The DOE Office of Environmental Management is responsible for cleaning up 107 sites across the country whose areas are equal to the combined area of Rhode Island and Delaware. A few of these sites the DOE is responsible for cleaning up include: the Oak Ridge National Laboratory in Tennessee, of which we've spoken today; the Santa Susana Field Laboratory in California, which is adjacent to my district and to many of my constituents impacted by this facility; the Brookhaven National Laboratory in New York; and the Los Alamos National Laboratory in New Mexico.

The President's fiscal year 2014 budget requested \$212 million for environmental remediation and site cleanup. However, this bill provides only \$194 million for these environmental cleanup activities.

I understand that the Energy and Water Subcommittee was forced to make difficult choices due to an inadequate budget allocation. However, I believe that the cleanup of these sites should be a top priority. We should not continue to fund new nuclear energy research while communities across the country are told to wait for the cleanup of our past mistakes.

For instance, the Energy Technology Engineering Center, which is part of the Santa Susana Field Laboratory, is highly contaminated due to a partial nuclear meltdown of a sodium reactor in 1959. This partial nuclear meltdown, which was covered up until 1989, contaminated the soil and groundwater in the entire area and has resulted in cancer clusters among nearby residents and my constituents. In fact, many of those who worked at the facility or who lived nearby died due to illnesses caused by the widespread nuclear fallout of the 1959 meltdown. Cleaning up the soil and groundwater contamination at Santa Susana and at other sites across the country is our responsibility to our constituents who suffer from the effects of these past mistakes.

My amendment simply increases this cleanup account by \$5 million for a total of \$199 million, which is still below the \$212 million requested by the President.

I urge my colleagues to support my commonsense amendment to increase funds for the Department of Energy Non-Defense Environmental Cleanup account. As I conclude, I believe it is critically important that Congress provide funding to clean up areas contaminated by past Department of Energy

activities and mistakes. I urge Members to support my amendment.

I yield back the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I insist on my point of order.

The amendment proposes to amend portions of the bill not yet read.

The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill: Non-Defense Environmental Cleanup outlays at 65 percent, an increase in outlays of \$3,250,000; and nuclear energy outlays at 55 percent, a decrease in outlays of \$2,750,000, resulting in a net increase in outlays of \$500,000.

I ask for a ruling from the Chair at this time.

The Acting CHAIR. Does any other Member wish to be heard? If not, the Chair will rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentlewoman from California proposes a net increase in the level of outlays in the bill—as argued by the chairman of the Subcommittee on Appropriations—it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is sustained. The amendment is not in order.

Ms. BROWNLEY of California. Mr. Chair, I move to appeal the ruling of the Chair.

The Acting CHAIR. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and the Acting Chair announced that the ayes had it.

So the decision of the Chair stands as the judgment of the Committee.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$450,000,000, to remain available until expended: *Provided*, That \$115,753,000 shall be available until September 30, 2015, for program direction: *Provided further*, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States.

AMENDMENT OFFERED BY MR. BUTTERFIELD

Mr. BUTTERFIELD. Mr. Chairman, I have an amendment at the desk.



The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 24, after the dollar amount, insert “(reduced by \$29,000,000)”.

Page 26, line 18, after the dollar amount, insert “(increased by \$127,000,000)”.

Page 29, line 21, after the dollar amount, insert “(reduced by \$98,000,000)”.

Mr. BUTTERFIELD (during the reading). Mr. Chairman, I ask that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. BUTTERFIELD. Mr. Chairman, I rise in support of this amendment.

H.R. 2609 seems to decimate funding for the Advanced Research Projects Agency-Energy programs.

In reading the bill, it appears that the bill cuts ARPA-E funding by some \$215 million—that’s 81 percent—effectively terminating this program. At the same time, the bill provides \$98 million in additional funds for nuclear weapons activities, and it even provides \$29 million beyond the President’s budget request for fossil fuels energy and research development. My amendment would shift that extra funding to fund ARPA-E and continue important investments in innovation that keep our Nation globally competitive.

ARPA-E is modeled after the successful Defense Advanced Research Projects Agency, which helped develop global positioning systems and stealth fighter technologies. Since 2009, ARPA-E has helped fund 275 innovative energy technology projects, and we are beginning to see the positive benefits. ARPA-E projects have doubled energy density for rechargeable lithium-ion batteries and have developed microbes to use hydrogen and carbon dioxide to make liquid transportation fuel. The many important innovations made possible by ARPA-E have resulted in millions of dollars of economic activity in the private sector.

In my district in North Carolina, the Research Triangle Institute in Durham has developed technologies to dramatically reduce the cost of carbon capture to coal-fired power plants. This valuable technology will increase our energy efficiency, reduce climate change, and create jobs. RTI has also received funding to enhance economic and energy security by converting biomass resources, such as leaves and corn husks, into transportation fuel. They have developed some of these fuels already and intend to test them at a local military facility in the very near future.

Mr. Chairman, we can all agree that we must remain globally competitive in energy industries to continue to cre-

ate the jobs of the future. ARPA-E provides critical funding for new technologies, which will strengthen our economy and lead us to energy sustainability. Eliminating the ARPA-E program will harm our competitiveness and will cost jobs in emerging energy industries, so I urge my colleagues tonight to support this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the gentleman’s amendment. His amendment would increase funding for ARPA-E by \$127 million, using offsets from weapons activities and our Fossil Energy account.

While I support the ARPA-E program personally, we simply cannot afford to divert funds from our highest priorities, which are the nuclear weapons modernization program. The Fossil Energy account has been cut already, and I don’t think it should sustain any further cuts, so I oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. BUTTERFIELD).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. BUTTERFIELD. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

The Clerk will read.

The Clerk read as follows:

#### NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, \$14,909,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

#### STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), \$189,400,000, to remain available until expended.

#### NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), \$8,000,000, to remain available until expended.

#### ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$100,000,000, to remain available until expended.

#### NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and ac-

quisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$194,000,000, to remain available until expended.

#### AMENDMENT OFFERED BY MR. REED

Mr. REED. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 25, line 14, after the dollar amount, insert “(increased by \$18,956,000)”.

Page 28, line 10, after the dollar amount, insert “(reduced by \$9,478,000)”.

Page 31, line 1, after the second dollar amount, insert “(reduced by \$9,478,000)”.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. REED. Mr. Chair, I rise today in support of my amendment involving the Non-Defense Environmental Cleanup programs for America.

What I seek to do with this amendment is to increase this line by \$19 million. I recognize the hard work of the subcommittee and of the subcommittee chairman in addressing the fiscal needs of our country and in reducing the overall spending in this appropriations bill. In regard to this line in particular, it is presently scheduled, as proposed, to be reduced by \$42 million. I recognize the fiscal crisis that we face in America, but this amendment reestablishes \$19 million to that line because it is a wise investment.

It is a wise investment because of sites such as that in my district, the West Valley Demonstration facility, which is dealing with the issue of non-defense environmental waste cleanup. By reestablishing this \$19 million, it has been reported to our office that, essentially, what we will save in the long term is approximately \$262 million over the next 5 years. That is because of the positive steps that these facilities have made. With a significant reduction in spending, as proposed by the subcommittee and under the proposed legislation, that positive progress will cease, and what we will end up doing is making larger investments over a longer period of time to recover and clean up this nuclear waste that is at these facilities across America.

I would like to note, Mr. Chairman, that we have worked in a bipartisan manner on this bill. My colleague from New York, BRIAN HIGGINS, has helped our office, working hand in hand with us on this effort—as well as with Mr. MATHESON from Utah and BILL JOHNSON on our side of the aisle—to try to come together and just make a wise, commonsense investment while recognizing the fiscal difficulty that we face across America.

I applaud our subcommittee chairman for the work that he has done in



regard to this bill, and I ask our subcommittee chairman to support this amendment as well as for all fellow Members on both sides of the aisle to stand with this amendment in a commonsense way in order to save taxpayer dollars in the long term and, at the same time, get rid of a true problem, which is this non-defense nuclear waste that is now located at facilities across America. With that, I ask my colleagues to support the amendment.

I yield back the balance of my time.

Mr. HIGGINS. I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. HIGGINS. Mr. Chairman, I rise in strong support of this bipartisan amendment, which seeks to adequately fund the Non-Defense Environmental Cleanup program. Our amendment ensures that nuclear cleanup sites get the funding they need to protect communities, including western New York, from radioactive contamination.

The West Valley Nuclear Waste Reprocessing plant, established in response to a Federal call to reprocess spent nuclear fuel, has since ceased operations, leaving behind more than 600,000 gallons of high-level radioactive waste. To say this is a public safety and environmental hazard is a massive understatement.

□ 2030

We have already seen a leak develop into a plume of radioactive groundwater. And if this radioactive waste makes its way into the Great Lakes, the environmental and economic implications would be devastating.

It is the responsibility of the Federal Government to not let funding shortfalls delay further cleanup. For West Valley alone, further delays would add an additional \$30 million in maintenance costs per year. Like paying a minimum on a credit card, not committing adequate funding only delays progress and adds cost.

I am proud to join my friend and colleague, Congressman TOM REED, on this very important issue, and I urge bipartisan support for this important amendment.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I want to commend both gentlemen for offering this amendment, and also Congresswoman BROWNLEY for being down on the floor on the same subject of nondefense cleanup.

As I can't speak for the chairman, I think that we share a concern for cleaning up these sites. I think one of the problems with the amendment is the offsets from departmental administration and the office of the adminis-

trator. I think you're calling attention to a very important unaddressed issue in our country. From coast to coast, we have these sites that need to be cleaned up. I think the problem with this amendment is where the money is being taken from, from our standpoint, departmental administration. There have been other nicks to that diminishing account as we've gone through the bill today, and I truly have heard the concerns expressed by the gentleman from New York that we are not adequately investing in cleaning up contaminated sites not just in New York, but in California and Ohio and other places around our country.

Without question, the chairman was given an inadequate allocation, and the choices he made on levels of funding were for the most part very thoughtful. I think it's fair to say that overall this bill is truly inadequate in meeting the needs of the Nation. We talked about that earlier today. And these accounts are among those that are terribly underfunded.

We keep picking off the bones of this spine, and there aren't sufficient funds to go around. So I'm very torn on the gentleman's amendment, and I am quite concerned about cleaning up these sites. If we could find other offsets, I would probably be very favorably inclined; but I am very concerned about where the Members have identified funding, and I am very constrained to support it because of that.

But I do want to thank the gentlemen for offering their amendment, and hopefully we can find a better solution working together in the weeks ahead.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. REED).

The amendment was agreed to.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Chair would advise the Member that we have not read to that point yet.

The Clerk will read.

The Clerk read as follows:

#### URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, \$545,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

#### SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 25 passenger motor vehicles

for replacement only, including one law enforcement vehicle, one ambulance, and one bus, \$4,653,000,000, to remain available until expended: *Provided*, That \$174,862,000 shall be available until September 30, 2015, for program direction.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, line 12, after the dollar amount, insert “(reduced by \$158,309,900)”.

Page 60, line 12, after the dollar amount, insert “(increased by \$158,309,900)”.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Chairman, my amendment would reduce funding for basic energy science research by cutting 10 percent out of its \$1.5 billion budget. It would apply those funds to the spending reduction account.

Basic energy science is a worthy goal to explore fundamental phenomena and create scientific knowledge to keep our technologies and ideas on the global, leading edge. However, it is not the Federal Government's function to act as a venture capitalist for science theory research. I believe that this endeavor is instead best left to our world-renowned universities and private institutions.

My amendment does not stop this research. It would simply put it on balance with the reductions that have already been applied in the bill to our present energy resources.

In this bill, general science is cut by only 5 percent, while research on fossil fuels and nuclear energy is cut by 17 percent and 14 percent respectively.

We're in an economic emergency, Mr. Chairman. Our Nation is facing an economic meltdown, and Federal dollars are very scarce. As we face this huge budget deficit together, we've got to look at every option available to meet the challenges of doing more with less.

I urge my colleagues to support my amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I oppose the amendment of the gentleman from Georgia.

His amendment would cut \$158 million from the Office of Science within the Department of Energy in favor of deficit savings. I should say for the record we cut approximately \$220 million from last year's number. So we've substantially reduced this account.

Let me just say, too, that the basic science program within the Department conducts research with a staggering potential for benefits for our Nation. Cutting the program further,

which is what he seeks, threatens our long-term energy security, hurts American scientists and industry, and I think to some extent blemishes our credibility as a worldwide leader in basic science programs.

I therefore oppose this amendment, urge others to do likewise, and I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, I rise in opposition to the gentleman's amendment.

I will say he has been very consistent today. But if we get off the subject of this bill just for a second and we think about every single chamber of commerce that talks to us, every single economic growth team that exists around this country, what do they tell us? They tell us we need to invest in STEM—science, technology, engineering, and math—because America is falling behind.

In fact, in the immigration debate, what are they asking us for? They're asking us for more visas to bring in people from other countries who have all the requisite skills that we don't have, where we can't provide enough scientists, enough engineers, enough specialists to the marketplace for the companies that want to surge ahead.

So for the gentleman to be suggesting that we reduce our science accounts even more flies in the face of reality. The science account is \$223 million below this year's level and \$500 million below the budget request. Innovation is an area where we as a Nation should be leading, and reducing investment in basic science risks world leadership. We are already at the edge.

Investment from publicly funded research yields a 20 percent to 67 percent return. With that kind of return, we should be investing more in science so that we produce the requisite talent that we need to meet the needs of the future, not the past. We can't ride on past laurels. We have to be producing the new knowledge, new innovation that can produce answers for us, certainly in the fields of energy where America is truly in deep deficit and having to import so many of the resources that propel this economy forward.

I can't imagine why the gentleman is proposing this. But in the areas of science, engineering, math, and technology, we have to measure up. If you look at a nation like China, with billions of people producing all those engineers, you don't have to be a rocket scientist to understand that we better open our eyes to what we need to do here at home. All you have to do is look at our negative energy accounts to understand that we're falling behind and that these investments in science are for the sake of the Nation and the future.

Daniel Webster's quote up there on the wall tells us to develop the resources of our land and calls us forth to do something really great in our time and generation. To not invest in science, to not invest in the future really takes America backwards.

So I strongly oppose the gentleman's amendment, would urge my colleagues to do so, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROWN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, line 12, after the dollar amount, insert "(increased by \$223,000,000)".

Page 29, line 21, after the dollar amount, insert "(reduced by \$223,000,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Florida. Mr. Chairman, my anxiousness is probably perpetuated by the 6 hours that I've sat here waiting to offer this amendment.

That said, over the Fourth of July holiday, when persons working with me sent me the summary of the Rules Committee and I read that we were taking \$233 million out of science, I most immediately contacted people working with me and asked if they would prepare an amendment that may very well cause some of the membership to feel a remedy.

Let me say most immediately, Mr. Chairman, that Chairman FRELINGHUYSEN and Ranking Member KAPTUR, I have newfound appreciation not just for them, but for all appropriators in working within the framework that they have been given. And certainly my amendment does not address either of them or their respective staffs who are deserving of extraordinary commendations on both sides for having done the best you can with what you have. I appreciate that.

Today, I offer a modest amendment that makes a profound statement about our country's priorities.

Federally supported basic research at the Department of Energy has helped to lead the development of lithium ion batteries, digital recording technology, communications satellites, and water-purification techniques, among other vital and incredible advances. I might add, some of this work would not be done by the private sector. It may come as a surprise to some to know that some of the research that led to Google came out of the National Science Foundation.

Many of my Republican colleagues' insistence on cutting everything except defense spending ignores the realities of our modern world. China, South

Korea, and Australia are but three examples that are increasing their percentage of their GDP that's spent on research.

If we continue to cut, cut, cut, pretty soon we're going to cut ourselves right out of the equation in innovation and technology. Yet this bill provides \$223 million, 5 percent less than the fiscal year 2013 enacted levels, and \$500 million, 10 percent less than the administration's request for basic scientific research.

The amendment that I'm offering restores basic science research to the enacted levels, and it offsets this change with funds from the \$7.7 billion appropriated for nuclear weapons, which is an increase of \$98 million, 1 percent over the enacted level. The Congressional Budget Office says that this amendment has zero impact on budget authority and actually reduces 2014 outlays by \$22 million.

Bombs will not end our dependence on foreign fossil fuel. Bombs don't stop trains and underground pipelines from exploding around this country. Bombs don't prevent oil from washing up on our beaches. And bombs certainly won't put food on the tables of working poor Americans.

□ 2045

Mr. Chairman, our country has real needs. Adequately funding basic research is one of them. Basic research will help to ensure that our country continues to be a world leader in research and development, keeping jobs where they belong, here in America.

We can no longer afford to spend money on weapons programs that were conceived in the Cold War era. We don't need more bombs. We need to fund programs that will help move this Nation forward and spur economic growth. Congress can and should do better.

I want to cite one specific in particular. The B61 life extension program is a perfect example of misplaced Republican priorities. The B61 is the oldest bomb in our nuclear arsenal—almost as old as I am. The committee recommended \$561 million, \$23.7 million above the budget request for the B61 program.

The Senate version assumes a cheaper adjustment, the "triple alt," than this bill. That still extends the program for 10 years. That assumption alone would save \$191 million and almost restore research funding to the enacted levels by itself.

Mr. Chairman, I am reluctant to yield my time because I waited so long, but I will yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the gentleman's amendment, but

let me salute the gentleman from Florida for his patience—I know he has been in the Chamber at least 5 or 6 hours waiting for his mark in this bill so he could get up—and also for the kind words, but most especially those directed towards our staff, which, as you know, have been dealing with an open rule, which is part of our process here, and juggling quite a few amendments which continue to come over the transom and will be coming over the transom all night. Indeed, I wanted to thank you for that recognition.

I do oppose the amendment because it would increase funding for the Office of Science, not because I don't support the Office of Science, but it would hit our National Nuclear Security Administration's weapons activity account. I do support the basic science programs championed by our colleague. We worked hard in our committee to prioritize basic science. As I said earlier, this bill actually increases the Office of Science's budget by \$32 million above the current post-sequester level, but we still make national defense the first priority in our bill, and so I oppose this amendment and urge others to do likewise.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, first of all, I want to thank Congressman HASTINGS for working with us and obviously participating in these debates for the entire day today. He is such an able and well-intentioned Member. His brilliance continues to inspire all of us on many issues, including this one.

I wanted to just say that I agree with the gentleman's intent in offering this amendment. And as I've said many times today, the allocation we were given as a subcommittee is simply insufficient to meet all of the needs that the Nation has certainly in this area of science.

The gentleman is correct that there is a \$223 million—which is not insignificant—reduction from 2013 levels. So as we look to the future, there is less emphasis on science. I agree with the gentleman's intent. I wish we could restore all those dollars this evening.

I would also say that there's a constraint on us because we know that the President very much wants to engage in nuclear weapons reduction talks with other nations around the world, and I think it is important that he be able to negotiate from a position of strength. That is one of the reasons that the chairman and I are working so very hard to allow him to achieve the ultimate objective of nuclear arms reduction. So to take dollars from those accounts at this level really does create a bit of a pressure for us that would cause me to oppose the gentleman's amendment at this time. But I do so

very reluctantly and with full understanding of what he is trying to achieve, and I want to thank him very much for waiting the entire day to offer this very, very important amendment that I hope some day to be able to support.

I urge my colleagues to consider however they may wish to vote on this.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

#### AMENDMENT OFFERED BY MR. FOSTER

Mr. FOSTER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, line 12, after the dollar amount, insert "(increased by \$500,000,000)".

Page 29, line 21, after the dollar amount, insert "(reduced by \$500,000,000)".

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. FOSTER. Mr. Chairman, I rise today to present an amendment that addresses an imbalance in our efforts to promote the long-term economic and national security interests of the United States.

This amendment reverses the deep and harmful cuts to the Department of Energy's Office of Science and balances this by a corresponding reduction—amounting to 6 percent—in the nuclear weapons production and life extension accounts.

The greatest long-term threat that our country faces on both the military and economic fronts is the threat of losing our role as world leaders in innovation in science and technology. Nothing is more crucial to preserving that role than the fundamental and applied scientific research, at both universities and national laboratories, supported by the DOE Office of Science. This appropriations bill would cut funding for the Office of Science by \$500 million below the President's request for the next fiscal year.

As a physicist who worked at Fermi National Accelerator Laboratory for over 20 years and collaborated with universities and other national labs all over the United States, I understand the productivity and the potential of the Department of Energy's national lab system and the wide range of basic scientific research that they support.

The Office of Science is responsible for supporting university-based research, but it also supports basic re-

search facilities that are too big for any single company or university to develop.

The Chicago area that I represent is home to a number of scientific centers, including Fermilab, Argonne National Laboratory, and university-based centers. The economic impact of Argonne and Fermilab in Illinois alone is estimated to be more than \$1.3 billion annually, and there are thousands of good-paying jobs that are supported by those investments.

Our national labs are a critical research tool to academics and industry alike. For example, Eli Lilly conducts nearly half of its drug discovery research in conjunction with the Advanced Photon Source at Argonne.

The Office of Science is also home to one of the Department's newest ventures, the innovation hubs, which seek to discover and develop the next generation of energy delivery. Programs like the Joint Center for Energy Storage Research, headquartered at Argonne, and the Fuels from Sunlight Hub, headquartered at the California Institute of Technology, bring together multiple teams of researchers who are working to develop energy advancements that have the potential to transform our energy systems.

The Office of Science also invests in fusion, a safe, clean, and sustainable energy source that has the scientific potential to provide the United States with energy independence and a nearly limitless zero-emissions energy supply.

Currently, the Princeton Plasma Physics Laboratory is building the most powerful fusion facility of its type in the world. Through the Office of Science's Biological and Environmental Research programs, we have become world leaders in biofuels research. This research is laying the foundation for a revolution in biofuel production that will help to lessen our dependence on foreign oil.

Study after study has shown that there are few investments that government can make that provide as high a return on investment as scientific research and development. The cuts proposed by Republicans in this underlying bill will have a wide-ranging impact, both to the local economy in Illinois and to our national economy. And with wages as a percentage of our economy at a record low, it is not time to retreat and to stop investing in American innovation. We need to maintain a competitive advantage now more than ever.

Mr. Chairman, I rise today because we must continue to invest in American innovation and to fully fund the research and development conducted through the DOE Office of Science.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to oppose the amendment, but I do salute the gentleman for his work at the Fermilab, one of the finest labs in the Nation. Obviously, we appreciate his knowledge, and I would salute his contributions to science during his career before he came here.

Nevertheless, Mr. Chairman, I oppose his amendment. A cut of this magnitude to the weapons activities would seriously endanger our ability to carry out the modernization work that I talked about earlier, and so I oppose the amendment.

I yield back the balance of my time.

Mr. QUIGLEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. QUIGLEY. I yield to the gentleman from Illinois (Mr. FOSTER).

Mr. FOSTER. I would actually like to respond a little bit about the offset for this amendment. This amendment is offset by reducing the \$7.7 billion budget for the NNSA nuclear weapons account by \$500 million. This is a 6.5 percent reduction.

I want to make it clear that the intent of this amendment is not to reduce the large amount of high-quality research that goes on in NNSA-supported programs; but a large fraction of the funding in this account goes to production and future production facilities for weapons systems that serve no clearly defined strategic purpose in today's geopolitics, or they go to programs for which the cost estimates, the project management, or both have come under repeated criticism when they come under external independent review.

To take two examples, the underlying bill funds the B61 life extension program at \$23 million more than requested. This program has ballooned in cost, from \$4 billion 2 years ago to over \$10 billion. A recent independent cost estimate commissioned by the Pentagon called even this estimate into question.

Another example is the overall size of the nuclear weapons stockpile. We have, today, more than 5,000 nuclear weapons. Even if the United States and Russia were to cut our arsenals by a factor of 10, our countries would still have significantly more nuclear weapons than our nearest competitors. The reason you spend money on nuclear deterrence is to deter rational actors and to reassure our allies.

To those who oppose this 6 percent cut, I would ask: Is there any example of a rational actor who would not be adequately deterred by a stockpile of, for example, 1,000 deployed and deployable nuclear weapons? Is there any one of our allies who would not consider our ability to release, say, 10 percent of that arsenal in retaliation to an attack on them to be a sufficient

ability to respond? Yet we are redesigning production facilities and spending money on them when the strategic quantities required to be produced have not been established.

Earlier this year, the GAO added that NNSA was:

again included on GAO's high-risk list in recognition of the potential for vulnerabilities to fraud, waste, abuse, and mismanagement in contract administration and management of major projects.

And the cost remains uncertain. From the text of this very Energy and Water Committee report accompanying this bill:

The committee notes that the full extent of the consequences of the NNSA's project management problems, especially at the largest of the NNSA's construction projects, is still coming to light. As the administration gains a more complete understanding of cost increases and construction delays, it must take the lead to determine whether a new long-term budget plan is needed to meet the Nation's strategic objectives.

Mr. QUIGLEY. Mr. Chairman, I yield back the balance of my time.

Ms. JACKSON LEE. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON LEE. Mr. Chairman, I rise to support the amendment of the gentleman from Illinois (Mr. FOSTER), and I rise belatedly to support the amendment of the gentleman from Florida (Mr. HASTINGS) as well.

Let me speak from the layman's perspective, although I served for a number of years on the Science Committee and presently serve on Homeland Security, which many of us know that when we deal with the issues of national security, we're dealing with technology, we're dealing with science. In essence, we secure this Nation by being victors of science.

Let me use layman's terms. Let me use what children are studying in their classrooms, maybe Alexander Bell, maybe they're studying Albert Einstein, but maybe they are studying and admire the Nation's astronauts.

For a number of years, I served, as I said, on the Science Committee and the Subcommittee on Space and Aeronautics, and I could see how science permeated not only what we do here on Earth, but obviously space science. It seems to me, although I appreciate the heavy lifting of the chairman and the ranking member of this subcommittee on making determinations and going forward, what is America if we cannot invest in science?

□ 2100

Science is the job creator of the 21st century and the centuries beyond. Science provides jobs by creating new technology, new discoveries, and I, frankly, believe that it is suffering—that we have to subject America to the drastic cuts in science, the drastic cuts that will result in less research in labs,

less private research, less teaching on science, and less growth and expansion on scientific inventions and obviously productivity.

So I would hope that, as the gentleman from Illinois has explained, it is a minute aspect of the funding source, and that we could balance our weaponry needs with the idea of advancing science. That's what I see these amendments as doing, both Mr. HASTINGS' and Mr. FOSTER's, attempting to not allow America to take a back seat or a second-class position on research and science.

It is clear that our best days are in front of us, and that America has grown and advanced because we have allowed the genius of science to be able to promote, not only our democracy, but our creativity and the curers of diseases, and also the finding of technology and the creation of invention that have made the quality of life better. That's what science is; it is human, it is humanity.

And so I would ask my colleagues to consider the amendment.

I rise to support science. I think it is valuable, I think it is important. And I think this is a difficult challenge for our committee, for this committee, but I do think that, as we proceed, we need to find a way to increase the funding for science, for us to be able to go forward in the greatness of this Nation in many, many ways.

But science has been a way that America has proven her greatness because we've allowed those with talent and opportunity to be able to share that talent in advancing the quality of life, not only for Americans, but humankind.

I'd ask my colleagues to support the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. FOSTER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FOSTER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

The Clerk will read.

The Clerk read as follows:

ADVANCED RESEARCH PROJECTS AGENCY—  
ENERGY

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES Act (42 U.S.C. 16538), \$50,000,000, to remain available until expended.

AMENDMENT OFFERED BY MR. GARAMENDI

Mr. GARAMENDI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, line 18, after the dollar amount insert "(increased by \$329,000,000)".

Page 29, line 21, after the dollar amount insert "(reduced by \$329,000,000)".

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Mr. Chairman, I offer this amendment together with Mr. POLIS. We've heard discussion repeatedly about the value of science. But if we back up a few moments, we also need to understand our values as Representatives of this Nation.

There's been an interesting subset of debates here over the last several hours and, on the one hand, it's the issue of, we must maintain our nuclear weapon superiority, and the committee has taken up that value, that goal, and has put a lot of money into that area while moving money out of the science.

Unfortunately, the committee couldn't take a larger view of the overall budget and the appropriations and deal with, perhaps, the fact that we're spending \$82 billion in Afghanistan this year and maybe move some of that money over into these accounts. But that wasn't possible.

But if you stand back and take a look at what has happened throughout the course of this day, you'll see that there have been repeated efforts on the part of the Democrats to rebuild the science, the research budget of the United States.

This appropriation bill simply decimates that budget, that critical investment in today and tomorrow, and in the economy of the future. Our ability to deal with climate change, our ability to deal with energy, are just stripped, gutted and actually set aside as a result of this appropriation bill.

The Office of Energy Efficiency and Renewable Energy, a \$2 billion reduction, 73 percent, ARPA-E, the subject of this amendment, a \$329 million reduction, an 87 percent reduction. The Office of Science, 25,000 researchers across this Nation are likely to be laid off, thousands of research projects will simply not be funded. They will simply die on the vine.

The Office of Electricity Delivery and Energy Reliability, an \$80 million reduction. It goes on and on.

This is so backward, this is so backward. What this Nation needs to do is to build its research capabilities, build its science. We do not need to build more bombs. But yet, that's what we are doing here.

This amendment replaces the \$329 million dollar cut to the ARPA-E program, a program that has actually created many new opportunities, which my colleagues will be discussing here in the next few moments, but a program based upon the Defense Department's DARPA program, that has, through arguments that we've heard over the last several hours, developed extraordinary technology that has now

found its way into the world's economy, for example, the Internet.

We really must restore this money, and we must restore the science budget and research budget for the Department of Energy. We can't fail. If it's a choice between building more nuclear weapons and replacing our nuclear weapons or creating tomorrow's economy, it's a simple choice.

But this bill doesn't do that. It deals with yesterday. Yes, we're going to need nuclear weapons, but not 5,500 of them. We don't need to rebuild all of them. We don't need to spend \$7.7 billion on that enterprise while gutting the research and the science future of this Nation.

I yield back the balance of my time. Mr. POLIS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. Mr. Chairman, you know, the funding priorities of this bill are simply upside down. This bill prioritizes nuclear weapons funding over research for innovative technologies that will lead to energy independence and launch a future for sustainable energy and job growth in our country.

This bill before us underfunds programs that not only will grow our Nation's clean energy sources but also will promote jobs and emerging technologies and maintain critical infrastructure. At the same time it makes the cut in the ARPA-E program that you've heard so much about here today, the bill increases weapons activities by \$97.7 million above the 2013 enacted level.

As I mentioned earlier in my Rules Committee discussion time, this past February I had the privilege of meeting with an ARPA-E project team from my district in Colorado, a joint project between the University of Colorado at Boulder and the National Renewable Energy Laboratory, which demonstrated significant energy yield improvements and cost reduction potential in solar photovoltaic power systems.

The team leaders were very excited about the challenges in clean energy, and there are examples of projects like this which ARPA-E has helped fund, and would not even exist without ARPA-E, across our country that are leading and will lead to countless benefits for consumers and for our national energy security.

But despite the success of ARPA-E, which was even acknowledged by the subcommittee chair and ranking committee member before our Rules Committee yesterday, the underlying bill disproportionately cuts from clean energy programs, 81 percent cuts, while bolstering wasteful spending for weapons.

We need to restore the ARPA-E funding to the President's budget levels.

That's why Mr. GARAMENDI and I are offering this amendment to provide \$329 million in funding to ARPA-E. This amendment is offset with a corresponding cut to the NNSA Weapons Activities account.

This amendment provides an amount of support that ARPA-E needs to ensure that our country keeps moving towards energy independence and can sustain job growth.

I strongly encourage my colleague on both sides of the aisle to support the Garamendi-Polis amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the gentleman's amendment. This amendment would unacceptably strike funding for NNSA's weapons activities by \$325 million in order to increase funding for ARPA-E at the Department of Energy.

I am supportive of ARPA-E, but a reduction of this magnitude in the National Nuclear Security Administration's Weapons Activities account would seriously affect their ability to ensure the continued reliability of our weapons.

These weapons have to be certified by the Secretary of Energy to the President, our Commander-in-Chief. The Secretary's ability to do that would be hurt by cuts of this magnitude.

And for this, and other reasons, I oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GARAMENDI).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. POLIS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, line 18, after the dollar amount, insert "(increased by \$20,000,000)".

Page 28, line 10, after the dollar amount, insert "(reduced by \$20,000,000)".

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. SCHIFF. Mr. Chairman, I offer this amendment, along with my colleague, Representative WOODALL of Georgia, and my colleague, Representative POLIS of Colorado. It would increase funding for the Advanced Research Projects Agency-Energy, otherwise known as ARPA-E.

The bill provides only \$50 million for ARPA-E, a reduction of \$215 million, or 81 percent, from fiscal year 2013. Moreover, the bill would reduce ARPA-E by 87 percent compared to the 2014 budget request.

This amendment would increase the funding by \$20 million, with the increase offset by a reduction in the Department Administration account. This is a very modest investment for an agency whose work has the potential to remake our economy.

While the amendment would leave us a long way short of where the funding for this program should be, as well as where it is in the Senate bill and in the President's budget, passing it would send a strong signal that there's bipartisan support for this kind of research.

In 2011, I offered a similar amendment to restore funding to ARPA-E, which was adopted by a bipartisan majority in the House.

Started in 2009, ARPA-E is a revolutionary program that advances high-potential, high-impact energy technologies that are too early for private sector investment. This is an innovative agency modeled on DARPA, which has spearheaded incredible breakthroughs in the Defense Department, with both military and civilian applications.

ARPA-E was created to bring that same kind of innovative thinking to the energy sector. That includes a focus on high-risk, high-reward R&D and a quick-moving culture made up of experts who stay for just a few years to ensure that new ideas are continually being brought forward. Its philosophy, much like a tech startup, is to hire the best technical staff and then hire the managers and leadership that can get the most out of them.

As the committee report notes, ARPA-E works on "developing energy technologies whose development and commercialization are too risky to attract significant private sector investment but are capable of significantly changing the energy sector to address our critical economic and energy security challenges."

That's a great description of ARPA-E, and I'd ask the House to consider whether it sounds like something we should be cutting by 81 percent.

Mr. Chair, there are cuts I can support in this bill, but a cut to our investment in new generations of energy technology is shortsighted in the extreme.

As we cut spending to return the budget to balance, we must not cut those programs that are vital to our economic future and our national security. ARPA-E is just such an agency. Even if we cannot make the investment the President called for in his budget, let's at least not destroy an agency that is pointing the way toward a more energy-secure future.

Cutting programs like ARPA-E so severely is akin to shutting them down

completely. No agency can absorb an 81 percent cut to its budget in a single year, but even less so an agency that relies on attracting elite scientists and engineers.

Energy is a national security issue, it's an economic imperative, it's a health issue, and it's an environmental issue. And to invest in the kind of cutting-edge research that's going on at ARPA-E is exactly the direction we need to go.

We want to lead the energy revolution. We don't want to see that leadership go to China, India or any other nation. But if we're serious about it, we need to invest in cutting edge research, and that means ARPA-E.

Our competitiveness in a global economy where we have to compete with labor that costs a fraction of what American workers costs depends on research and development.

□ 2115

I can't understand why we'd want to give away that big advantage. So I urge support for this amendment to support cutting-edge investments in our energy future, and I yield back the balance of my time.

Mr. POLIS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. I know my colleague from Georgia will be speaking on this shortly. I appreciate him and Representative SCHIFF working on this amendment, and I will be very brief to voice my support for Congressman WOODALL and Congressman SCHIFF in their efforts to restore some of the funds in ARPA-E.

As we discussed, the underlying bill cuts ARPA-E by 81 percent. We live in times of fiscal austerity. We have the sequestration. We know it's time for cuts. Eighty-one percent is clearly singling it out.

What this amendment does is restores \$20 million in funding to ARPA-E. Even \$20 million goes a long way when we're talking about ARPA-E. We're talking about early-stage investments. It could be \$500,000, \$1 million, \$2 million—very high leverage, very high return. And \$70 million is not enough to fund the program. But, yes, it will make great strides even at this funding level, because investment in early-stage companies is all about risk-taking. That's why the government has a critical role in promoting innovation and making sure that we do the basic research to even get it ready for tech transfer, to get it ready for venture capital, to get it ready for the private sector to commercialize it. In order for ARPA-E to be successful, investors need to see that the government is willing to invest in risky, but high-reward, projects that can truly alter the course of energy independence for our country.

So I strongly salute Representatives WOODALL and SCHIFF for bringing forward this amendment. I encourage my colleagues to adopt this as a step forward, and I deeply appreciate everybody on both sides of the aisle who said great things about the ARPA-E project and how it can help lead to energy independence.

I yield back the balance of my time. Mr. WOODALL. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. WOODALL. I also want to thank the gentleman from California and the gentleman from Colorado for their enthusiasm about this important project. The amendment that my colleague from California is bringing forward is modest in scope. I'll say to my colleagues who want to see spending reduced, we're talking about the difference between an 81 percent cut, as is in the chairman's mark today, to a 74 percent cut, if we add this \$20 million back in. It's a modest number, but it's an important number because the committee could only do what the committee could do. And I thank the gentleman from New Jersey, the chairman. I know he is committed to this research.

I hate to hear folks describe the commitment to advancement, Mr. Chairman, the commitment to next-generation technologies as a Republican or a Democrat commitment. I think it's an American commitment. It's certainly a House commitment, and it's one that the chairman and the ranking member tried their best within their allocations to satisfy.

What are you going to take the money away from, Mr. Chairman? Look at what we're dealing with in this appropriations bill. We're talking about nuclear security. We're talking about environmental cleanup. We're talking about uranium enrichment, decontamination, and decommissioning. The choices we have here are tough choices. And the amendment that's before us now, knowing that we want to put the money where it's going to do the most good, says let's take the money out of administration. That's not to say that there doesn't have to be administration. That's not to say phones don't have to be answered and electricity doesn't have to be turned on. But when you have to make tough choices, the one that the gentleman from California is asking us to make today is: Are we going to invest in the bureaucracy or are we going to invest in that opportunity to make tomorrow so much more different than today?

If my colleagues haven't had a chance, look at those project teams like the one my colleague from Colorado mentioned and what they are researching. Mr. Chairman, I come from coal-burning country. And the work



that ARPA-E is doing on carbon sequestration could change the debate about American energy independence forever.

ARPA-E isn't working on what is going to happen tomorrow. They're working on what's going to happen in the next generation; what is it going to be that changes the debate forever. Those are the kinds of ideas that this \$21 million will support.

Mr. Chairman, it's the commitment to fundamental research, the commitment to game-changing ideas that is a bipartisan commitment. It's one that goes from coast-to-coast, from north to south, and on both sides of the aisle.

Again, I'm grateful to the gentlelady from Ohio and the chairman from New Jersey for all they have done to try to support these accounts. It is my great hope that my colleagues here in the House will support the gentleman from California's amendment and we'll get this \$20 million plus-up.

I yield back the balance of my time.

Mr. MCNERNEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCNERNEY. I rise in support of the Schiff amendment, which makes sure that we continue investing in quality energy research programs that will benefit the United States.

Energy innovation, research and development are essential for our country, especially if we truly want to move forward with reducing our energy dependence on fossil fuels. One important component of this goal is the Advanced Research Projects Agency-Energy, or ARPA-E. Since 2009, ARPA-E has funded over 275 potentially transformational energy technology projects. Many of the research projects are occurring in my own State of California.

These companies, national labs, and educational institutions are working on items that will greatly benefit the energy security of our country. Some projects include Distributed Power Flow Control Using Smart Wires for Energy Routing; Low-Cost Biological Catalyst to Enable Efficient CO<sub>2</sub> Capture; Large-Scale Energy Reductions Through Sensors, Feedback, and Information Technology; Highly Dispatchable and Distributed Demand Response for the Integration of Distributed Generation; and Carbon Nanotube Membranes for Energy-Efficient Carbon Sequestration.

Our Nation faces significant energy challenges in the years ahead, both from a production and reliability standpoint, but also from the effects of climate change. Climate change's effects include severe storms, sea level rise, and the extremely poor air quality that continually plagues California's Central Valley. We must become more energy efficient, reduce the release of

CO<sub>2</sub> and other harmful greenhouse gases into the atmosphere, and improve our electric grid and its ability to meet peak demands. ARPA-E projects aim to solve these problems and at the same time will help reduce blackouts, reduce energy costs, and improve both environmental and public health.

ARPA-E initiatives help facilitate future private investments by helping companies reach their potential in the early stages. In fact, the American Energy Innovation Council, which consists of some of America's largest companies, like Lockheed Martin and Microsoft, has called for ARPA-E to be funded at 10 times the proposed level. Unfortunately, the bill today provides only \$50 million for ARPA-E, which is \$215 million less than what was enacted the last fiscal year and \$329 million less than the President's request.

ARPA-E project successes have attracted more than \$450 million in private investments. It's this return on investment that must be continued, not cut back. The Schiff amendment aims to correct this error in the underlying bill.

The only reason I can think of to reduce ARPA-E funding is to help prop up fossil fuel industries, and that's going to get us more global warming and cause us more problems. We need to reduce global warming. Global warming is a threat to our national security. We need to fight it. ARPA-E is going to give us the tools to do that.

So I encourage my colleagues to support this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

**TITLE 17 INNOVATIVE TECHNOLOGY LOAN  
GUARANTEE PROGRAM**

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(1)(B) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That, for necessary administrative expenses to carry out this Loan Guarantee program, \$22,000,000 is appropriated, to remain available until September 30, 2015: *Provided further*, That \$22,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2014 appropriation from the general fund estimated at not more than \$0: *Provided further*, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated: *Provided further*, That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) or subordinate any

Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10, Code of Federal Regulations.

**ADVANCED TECHNOLOGY VEHICLES  
MANUFACTURING LOAN PROGRAM**

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, \$6,000,000, to remain available until September 30, 2015.

AMENDMENT OFFERED BY MR. BROUN OF  
GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 1, after the dollar amount, insert "(reduced to \$0)".

Page 60, line 12, after the dollar amount, insert "(increased by \$6,000,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Chairman, my amendment eliminates the remaining funding for the Advanced Technology Vehicles Manufacturing Loan program, transferring \$6 million to the Spending Reduction Account. Since 2008, the U.S. Government has been in the business of lending money to build cars that no one wants to buy. For instance, \$50 million went to the Vehicle Production Group for natural gas minivans. That company failed. Meanwhile, \$190 million went to Fisker Automotive to make electric cars that catch on fire. For instance, the Karma, Fisker's hybrid-electric luxury sedan, which cost around \$100,000 apiece, was recalled to fix a hose connection that allowed coolant leaks into the battery chamber, causing an electrical short. Fortunately, no one was hurt before production was ended. Unfortunately, taxpayers got back only a fraction of the payout.

Mr. Chairman, I'm 100 percent supportive of the automobile industry producing more fuel-efficient automobiles. However, there's simply no good reason that the Federal Government should be subsidizing billion-dollar companies at a time when our Nation is broke. It is time that we begin to reverse this disturbing trend of energy loan programs for companies and let the automobile industry succeed or fail in the marketplace on its own merits. We have to stop these kinds of subsidies, particularly in these hard times when our Nation is in an economic emergency.

I urge support of this commonsense amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to oppose the amendment. While I appreciate the gentleman's position on the Advanced Technology Vehicles Manufacturing Loan program—and certainly some of his knowledge of the program is entirely accurate—the



elimination of this funding would hurt Federal oversight of the more than \$8 billion in loans already given. As our committee report states, there are no new applications for this program, and the Department of Energy doesn't expect any. The committee recommendation includes the \$6 million as a reasonable amount to provide oversight and direction to the existing loan portfolio, and no more.

So I must oppose the gentleman's amendment in order to ensure proper oversight of taxpayers' funding that's already out there in the form of loans, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

#### DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, \$187,863,000, to remain available until September 30, 2015, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$108,188,000 in fiscal year 2014 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2014 appropriation from the general fund estimated at not more than \$79,675,000.

#### AMENDMENT OFFERED BY MS. JACKSON LEE

Ms. JACKSON LEE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 10, after the dollar amount, insert "(increased by \$1,000,000)".

Page 29, line 21, after the dollar amount, insert "(reduced by \$1,200,000)".

The Acting CHAIR. The gentlewoman from Texas is recognized for 5 minutes.

□ 2130

Ms. JACKSON LEE. Mr. Chairman, I, too, want to add my appreciation to

the committee's work. It's tough work. It's important work because this is how we serve the American people.

I ask my colleagues to discuss with me—or follow my discussion on the importance of the amendment that I offer because it is an amendment that takes its funding from a source of funding that has been discussed previously, and that is the Atomic Energy Defense Activities, National Nuclear Security Administration. But it does take these moneys and it uses them in a very constructive manner. It is moneys to maintain for environmental justice that go to Historically Black Colleges and Universities, minority-serving institutions, tribal colleges, and other organizations. This is imperative in preserving sustainability and growth of a community and environment.

Mr. Chairman, that is the intent, the simple intent, that alongside of the important work of this appropriation of the Energy and Water there is a constant need to be assured that our communities are protected. Let me cite just a few examples as we proceed.

Many of us understand the recent tragedy that occurred—not in this country, but recently occurred in Canada where areas were wiped out. This is an important highlight for what environmental justice is all about.

Many of us have heard in the years past of the Buffalo Creek disaster. This is what environmental justice does; it is to fund programs that are vital to ensuring that minority groups are not placed at a disadvantage when it comes to the environment and the continued preservation of their homes.

But it goes further. It is underserved areas. It is as much important to preserve areas in Appalachia, in the Delta, in places where poor communities cannot, if you will, represent themselves. Through education about the importance of environmental sustainability, we can promote a broader understanding of science and our citizens can improve their surroundings.

What better group than Historically Black Colleges, minority-serving institutions that include Hispanic-serving institutions and tribal colleges; why are they the best to move in that direction? Primarily because they communicate with those underserved communities.

Funds that would be awarded to this important cause would increase youth involvement in STEM fields and also promote clean energy, weatherization cleanup, and asset revitalization. These improvements will provide protection to our most vulnerable groups.

Many people believe environmental justice has to do with lawsuits. It has to do with outreach and information. This is simply a small program that allows the Department of Energy to focus on this constituency and ensure the coverage and the protection.

This program provides better access to technology for underserved commu-

nities. Together, the Department of Energy and Department of Agriculture distributed access to information which generates a recognition of protecting the environment. Community leaders are able as well to participate in environmental justice.

In our communities, in urban areas, there's a need for environmental justice. Again, what better institutions than those institutions that draw their population from the communities, that draw their population from the reservations or from the communities that our Native Americans are engaged in?

So I ask my colleagues to look at this program, look at the, if you will, fiscal responsibility that I've utilized in drawing from the program to invest in environmental justice. It's a fair way to give resources to these vital institutions that, to be frank with you, Mr. Chairman, they don't have the resources, but they do good work.

Texas Southern University had an environmental justice clinic located in Houston in the 18th Congressional District. But let me be very clear, this is not an earmark. These are resources that can be used by the Department of Energy that will respond to this broad depth of universities, Historically Black Colleges, tribal institutions, minority-serving—which include, of course, the Hispanic-serving institutions.

Let me quickly say that since 2002, the Tribal Energy Program has also funded 175 energy projects. But again, this is limited to environmental justice. I believe this is an effective utilization of these funds and would ask my colleagues to ensure that we have the funds to ensure the good work of these particular entities.

Let me conclude by asking my colleagues to support the education of our young people in the environmental protection area that enhances the communities from which they have come, making America better. I ask my colleagues to support the Jackson Lee amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I must oppose the gentlelady's amendment. This is, though, a very important program, and I support it, our committee supports it. But this program is primarily funded within the Office of Legacy Management. That office receives substantive funding in this bill under the account for other defense activities.

Funding for the Legacy Management increases \$3.4 million over fiscal year 2013. The Office of Legacy Management is the correct office to provide stewardship for the legacy sites. They are the experts. And I am happy to help ensure

that this very important program receives support within available funding for Legacy Management.

I look forward to working with Ms. JACKSON LEE to support this program as we move on through the appropriations process, but I oppose the amendment and yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I would like to yield to the gentlelady from Texas.

Ms. JACKSON LEE. I thank the gentlelady, and I thank my good friend from New Jersey. But I do want to cite that nearly 10 years ago, President Clinton produced Executive Order 12898, thereby highlighting the importance of not only giving greater attention to our underserved communities, but also how we can help our citizens by educating them on the areas in which they live. That falls under the particular account that I'm utilizing, and I would therefore like to go forward in this instance.

Let me just be very appreciative of my good friend, the chairman of this subcommittee, and the ranking member. I am very appreciative of how difficult it is under sequester. But what I would say is that these entities—Historically Black Colleges, minority-serving and tribal colleges—in the course of what we're trying to do, these resources, added to what the gentleman has already indicated, the \$3.2 million, \$3.4 million is meager in what they could do with protecting communities, educating communities about their environmental needs.

So that's environmental justice. It is expanding the reach so that communities are far more protected than those that we've seen.

I thank the gentlelady for yielding.

Ms. KAPTUR. Mr. Chairman, I want to thank the gentlelady for bringing this issue before us during this debate.

You know, when I look at the executives that come and appear before our subcommittee from the Department, I would have to say that the gentlelady brings a very important concern to our subcommittee.

I would not say that if I look at those who have come, they are completely representative of our country. So I'm not sure that the consciousness exists at the highest level for assuring that all communities in America are engaged in the activities of the Department.

I don't know—I heard the chairman, and there is a concern about which accounts have been included in the gentlelady's amendment. I would hope that, as this legislation moves forward, we could find a way to accomplish the gentlelady's objectives in a way that would not raise concerns on the other side.

So I think that she has really brought an important proposal before us here, and I would hate to see that it would not be considered simply because a wrong account has been identified, for example. So I would just like to remain open to the gentlelady's proposal in a manner in which it could be considered and ultimately approved.

Ms. JACKSON LEE. Will the gentlewoman yield for a moment if you still have time?

Ms. KAPTUR. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE. Let me sort of clarify, because the chairman has made a point about a certain area where it is referencing Historically Black Colleges. They are referencing several areas. I am speaking specifically to environmental justice, which is represented in the Departmental Administration account. So I'm focusing on the important work that these colleges can do as it relates to educating our poor, impoverished communities and communities of which they have a direct ability to communicate with.

I will tell you, bringing forth environmental experts out of these jurisdictions—tribal colleges, minority-serving, and Historically Black—is a great asset to improving the quality of life of all Americans. So I would ask my colleagues to support the amendment.

So mine is one of the references. There are many references where Historically Black Colleges are, but this is specifically dealing with environmental justice.

Ms. KAPTUR. I would also say to the gentlelady that in many communities that are contaminated around this country and have problems, oftentimes they are in neighborhoods and places where people who are minority, who are tribal, people who are not necessarily represented broadly within the Department live. So I think that we have to be conscious in all parts of the Department, that there should be an inclusivity.

So I think that the gentlelady has done a service, as always, by raising our consciousness to all of the activities of the Department and that they be sensitive to all parts of America, including environmental justice. So I would hope that as we move forward, we could find a way to support the gentlelady's concerns.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentlewoman from Texas will be postponed.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 10, after the dollar amount, insert "(reduced by \$9,500,000)".

Page 60, line 12, after the dollar amount, insert "(increased by \$9,500,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Chairman, this amendment would reduce the appropriations for the Department of Energy's salaries and expenses by \$9.5 million and place that amount in the spending reduction account. When combined with the reduction included in the underlying bill, this amount would represent a 25 percent cut from current levels.

Mr. Chairman, I understand that this may seem somewhat drastic. However, I've spoken again and again today about the fiscal emergency facing our country.

There are legitimate constitutional functions of the Federal Government which must be funded, particularly those that relate to our national defense. Yet even those functions are facing cuts—deep cuts. This means that prioritization is necessary so that we may determine our wants versus our needs.

We need to open up access to new sources of energy. We need to stop being dependent on foreign oil. The Department of Energy has done very little to further either of these goals. In fact, according to its original purpose of being stood up, it has been a dismal failure.

Certainly, there are advances to be made in current technology. But in the here and now, we know that we are sitting on vast resources that are so tied up in red tape it could be decades before they could come to fruition.

The House has passed several bills—and will continue to pass bills—to lighten the Federal burden and bring true energy freedom to this country. But the Senate and the administration disagree with us. They would rather throw millions upon millions towards new sources of clean energy, some of which have turned into highly publicized wastes of taxpayer dollars.

Mr. Chairman, we need to prioritize developing the resources that we have now. Unfortunately, the Department of Energy has proven time and again it is out of touch with the needs of our country. The bureaucrats responsible for putting the Solyndras of the world above traditional sources of energy pull in more than \$100,000 a year on average, all the while doing little to lighten costs for American families. In fact, despite a supposed hiring freeze,

the Department of Energy's Web site, right now today, is currently advertising 31 job openings paying over \$105,000 per year.

□ 2145

This is ridiculous, Mr. Chairman, and it must stop.

My amendment would force the Department of Energy to reevaluate its priorities and put our current needs first rather than hoping that new, clean sources of energy will pan out eventually.

I urge my colleagues to support my amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, our bill had many competing priorities with a low allocation, and I appreciate my colleague's commitment to finding more savings in the bill. He is ever persistent, and I salute his willingness to challenge us each year on the floor when we do this energy and water bill, and we are not the only bill where he makes these challenges.

However, the Department Administration account in our recommendation was already suffering a \$49 million cut from last year's level. Earlier amendments that we did this afternoon and this evening have taken another \$60 million. There is not a lot of money left to run the department.

While some may want to close down the department, the department has some pretty incredible responsibilities in terms of nuclear safety and national defense and things that relate to cleanups and things of this nature. If they had to respond—if you will pardon the expression—to some of the emergencies that we might have as a Nation, and we know our deficit is an emergency situation, they might not be able to respond on our behalf.

Therefore, I oppose this amendment, and I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, I rise to oppose the gentleman's amendment.

I kind of think back to the movie "Titanic". There is one scene where the captain—evidently the captain—comes out on the deck just about as the *Titanic* is going to hit the iceberg. I can remember the blank look on his face and thinking what had he been doing before all this happened. We saw the tragedy that occurred. Sometimes if you don't have captains in the pilot house you can really run aground, you can really have trouble.

Already, the majority this evening has cut—I think we are down to \$146

million in administration in the Department of Energy, a vast department. That kind of level of cut is going to cause big mistakes. There will be accounting mistakes, there will be contracts that won't be overseen. In a way, you are seeding a very bad future for the management of the funds that we do vote for here tonight.

I think the gentleman, perhaps, isn't really familiar with everything the Department does. You can come down here and be kind of cavalier and propose amendments, but in the end, we can't absorb these cuts at the Department because you're going to have problems that are caused by no captains being at the helm.

I think that's really a big mistake, because this Department has to manage over \$30 billion—billion dollars—of tax dollars on the energy and water front. These are big contracts, they are major projects that are undertaken by this Department, and to act otherwise is to really, I think, perform naively.

I think the gentleman has an objective, but I really think that he is going to cause great harm to the Republic by this amendment. Obviously, I oppose it, urge my colleagues to oppose it, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROWN).

The amendment was rejected.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

#### OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$42,000,000, to remain available until September 30, 2015.

#### ATOMIC ENERGY DEFENSE ACTIVITIES NATIONAL NUCLEAR SECURITY ADMINISTRATION WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulance, \$7,675,000,000, to remain available until expended.

#### AMENDMENT OFFERED BY MR. QUIGLEY

Mr. QUIGLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 29, line 21, after the dollar amount, insert "(reduced by \$23,700,000)".

Page 60, line 12, after the dollar amount, insert "(increased by \$23,700,000)".

Mr. QUIGLEY (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading of the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. QUIGLEY. Mr. Chairman, I rise to offer an amendment with my friend from Colorado (Mr. POLIS).

Our amendment is very straightforward. It simply cuts the \$23.7 million from the B61 nuclear bomb not requested by the Department of Energy.

The National Nuclear Security Administration requested a 45 percent increase for a gold-plated upgrade plan for the B61 nuclear bomb. The committee provided the 45 percent increase in funding for a portion of the most expensive \$10 billion upgrade plan. Then they provided an additional \$23.7 million. Our amendment simply cuts these additional funds provided beyond what the agency requested.

Let me back up for a minute and explain what the \$560 million in this bill is actually going to pay for. At a time when we are slashing funds for research at the NIH, failing to fund our crumbling infrastructure, and underinvesting in our children's education, we are increasing funding to keep hundreds of nuclear bombs in operation that we will never use.

The Cold War is over. Mr. Chairman, I thought today that I was back in a "Twilight Zone" episode—well, they're all like this—where you woke up in the morning and it is 50 years earlier—it's 1963. The Cold War is still raging.

Despite the fact that security experts of all political stripes, including conservatives Henry Kissinger and George Shultz, have called for deep cuts to our outsized nuclear stockpile.

General Cartwright, former vice chairman of the Joint Chiefs of Staff, said the "military utility" of the B61 is "practically nil."

As the U.S. and Russia work to reduce their nuclear stockpiles and shift funds to meet today's threats, the B61 in Europe will be one of the first weapons cut. Just last month in Berlin, the President stated that he wants to "seek bold reductions in tactical weapons," aka the B61, in Europe.

My friends on the other side of the aisle claim they want to reduce the deficit. I agree, but if we are actually going to reduce spending, everything has to be on the table, including defense. This amendment is a tiny, thoughtful cut to an outsized nuclear budget for weapons that do little to keep us safe.

I hope my colleagues will join me in cutting funds not requested by the Department of Energy for nuclear upgrades not needed.

Mr. Chairman, I yield to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, I want to thank Mr. QUIGLEY for bringing forward this important amendment. There

has been growing concerns, in fact, raised by the Air Force's 2008 Blue Ribbon Review regarding the effectiveness and vulnerabilities of the B61s.

The B61 bomb was originally developed and placed in Europe during the Cold War for Cold War-era threats. Today, according to General James Cartwright, former vice chairman of the Joint Chiefs of Staff, the military utility of the B61 is "practically nil." Let me repeat that: According to General James Cartwright, the military utility of the B61 is practically nil.

Despite the lack of utility, the price tag continues to rise. As it rises, some of our allies, like Germany, have called for the B61s to be removed from their borders. There is no reason that we should spend more and more taxpayer dollars on programs that aren't even needed or wanted by our NATO allies and don't contribute to our national security.

These missiles are a kind of saving opportunity that we need to take advantage of. Given our fiscal restraints, we need to ensure that taxpayer dollars are not wasted on programs that don't protect our national security.

This amendment is simple: it cuts the B61 program back to the agency's own request level, saving \$23.7 million. To me, this is about as much of a no-brainer of a cut that we can find. Let's do it.

I encourage my colleagues on both sides of the aisle to vote "yes" on the Quigley-Polis amendment.

Mr. QUIGLEY. Mr. Chair, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

Our bill provides \$560 billion for the B61 Life Extension Program, \$23.7 million above the request.

I understand there are concerns about the cost of the refurbishment of the B61 and the committee shares those concerns. As a result, this bill contains a provision that requires that NNSA provide a full analysis of the alternatives that were considered. But failing to move forward without the full support of the B61 refurbishment will put that program even further behind what is already a tight schedule.

The Government Accountability Office conducted a study of the B61 Life Extension Program in 2011 and reported there was no room left in the refurbishment schedule. If the Life Extension Program slips further behind, there will be gaps in the United States commitment to our NATO allies.

In fiscal year 2012, NNSA performed a full cost estimate for the B61 refurbishment, and the Department of Defense

Office of Cost Assessment and Program Evaluation validated those costs. This was the most comprehensive and accurate performed by the NNSA on a life extension to date—aka the administration was behind the most comprehensive and accurate report on the program to date—and the costs, by everybody's admission, were admittedly staggering.

Those costs were ultimately verified and provided to the committee in a cost report. The amount of funding in this bill is consistent with that cost report and provides \$23.7 million above the amount requested, which fell slightly short of the validated figures.

The National Nuclear Security Administration explained the shortfall away by stating they would find unspecified "efficiencies in the program," hence the additional money.

While I do support a concerted effort that will lower the cost of this program to the taxpayer, we never received any plan on how the NNSA—aka the administration—proposes to find savings. This is not the first time this has happened.

The administration has as a stated goal to reduce the overall cost of the W76 Life Extension Program. The Department of Energy's inspector general reported there was no credible plan to make savings and that the lower funding levels being requested would simply lead to delays in the refurbishment.

We cannot allow the B61 Life Extension Program to be further delayed given the important role it serves in providing a nuclear umbrella to our allies.

I urge my colleagues to vote "no" on this amendment, and yield back the balance of my time.

Mr. LAMBORN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. LAMBORN. Mr. Chairman, I want to agree with what the gentleman from New Jersey, the chairman of the subcommittee, has just said, and I rise in opposition to this amendment.

As a member of the Armed Services Committee, we have debated similar concepts recently and we rejected them. This would be harmful to our national security. The reason, besides what the chairman from New Jersey has already said, these weapons are forward deployed in Europe to support NATO and are employed also by U.S. strategic forces in the continental United States.

If we do not extend the life of the B61, here is what the Department of Defense has said:

Failure to fully fund the B61 Life Extension Program will be viewed by NATO and other allies as a weakening in the overall U.S.-extended deterrence commitment, potentially prompting certain allies to pursue their own nuclear program.

Unless you want other countries in the world to start their own nuclear

programs from scratch to develop their own weapons systems, increasing proliferation, then you want to reject this amendment, because that will potentially be the result if the U.S. deterrence is weakened. That's what this amendment does.

It is important that we do the Life Extension Program also because under New START, which this country entered into recently with Russia, it was determined that we would be upgrading the remaining weapons. We are making dramatic reductions in the amount of the nuclear weapons in our stockpile, so those that remain have to be more reliable or we made a bad deal.

To make sure that those remaining weapons are more reliable we do the Life Extension Programs. The B61 weapons we are talking about are 30 years or more old. They are degrading. They are using sometimes obsolescent parts, so they are not as secure as they could be. We need to do the Life Extension Program for that reason as well.

For all these reasons, I would ask that we strongly oppose and reject this amendment.

Mr. Chairman, I yield back the balance of my time.

□ 2200

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I yield to my colleague from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Chairman, I respect and have enjoyed this thoughtful debate that we've had in the last few minutes about this issue, particularly because it raises critical issues about our relationships with our NATO allies, but let's look at the big picture here.

The 2010 START Treaty with Russia, which passed the Senate in 2009, requires that Russia and the United States reduce their stockpiles to a maximum of 1,550 nuclear weapons by 2018. Let's look at what people are talking about now, people we respect.

General James Cartwright, retired vice chairman of the Joint Chiefs of Staff and former commander of the U.S. nuclear forces; Richard Burt, a former chief nuclear arms negotiator; Chuck Hagel, current Secretary of Defense; Thomas Pickering, a former ambassador to Russia; and General John J. Sheehan, a former senior NATO official, all issued a report noting that the United States' nuclear deterrence could be guaranteed with 900 nuclear weapons.

According to General Cartwright:

The world has changed, but the current arsenal carries the baggage of the Cold War . . . What is it we're really trying to deter? Our current arsenal does not address the threats of the 21st century.

Let's talk about our NATO allies.

Steve Andreasen, the Director for Defense Policy and Arms Control on the

Bass	DeGette	Jeffries	Coffman	Kinzinger (IL)	Ros-Lehtinen
Beatty	Delaney	Johnson (GA)	Collins (GA)	LaMalfa	Roskam
Becerra	DeLauro	Johnson, E. B.	Collins (NY)	Lamborn	Rothfus
Bera (CA)	DelBene	Keating	Conaway	Lance	Royce
Bishop (GA)	Deutch	Kelly (IL)	Cook	Lankford	Ruiz
Bishop (NY)	Dingell	Kennedy	Cotton	Latta	Ryunan
Blumenauer	Doggett	Kildee	Cramer	LoBiondo	Ruppersberger
Bonamici	Doyle	Kilmer	Crawford	Lofgren	Ryan (OH)
Brady (PA)	Duckworth	Kind	Crenshaw	Long	Ryan (WI)
Braley (IA)	Edwards	Kuster	Cuellar	Lucas	Sanchez, Loretta
Brown (FL)	Ellison	Langevin	Culberson	Luetkemeyer	Sanford
Brownley (CA)	Engel	Larsen (WA)	Daines	Lujan Grisham	Scalise
Bustos	Enyart	Larson (CT)	Davis, Rodney	(NM)	Schock
Butterfield	Eshoo	Latham	Denham	Lujan, Ben Ray	Scott, Austin
Capps	Esty	Lee (CA)	Dent	(NM)	Sensenbrenner
Capuano	Farr	Levin	DeSantis	Lummis	Sessions
Cárdenas	Fattah	Lewis	DesJarlais	Maffei	Shuster
Carney	Foster	Lipinski	Diaz-Balart	Maloney, Sean	Simpson
Carson (IN)	Frankel (FL)	Loebstack	Duffy	Marino	Slaughter
Cartwright	Fudge	Lewenthal	Duncan (SC)	Massie	Smith (MO)
Castor (FL)	Gabbard	Lowey	Duncan (TN)	Matheson	Smith (NE)
Castro (TX)	Gallego	Lynch	Elmers	McCarthy (CA)	Smith (NJ)
Chu	Garamendi	Maloney,	Farenthold	McClintock	Smith (TX)
Cicilline	Gibson	Carolyn	Fincher	McCollum	Southerland
Clarke	Grayson	Markay	Fitzpatrick	McHenry	Stewart
Clay	Green, Al	Matsui	Fleischmann	McIntyre	Stivers
Cleaver	Grijalva	McGovern	Fleming	McKeon	Stockman
Clyburn	Gutiérrez	McNerney	Flores	McKinley	Stutzman
Cohen	Hahn	Meeks	Forbes	McMorris	Swalwell (CA)
Connolly	Hanabusa	Meng	Fortenberry	Rodgers	Terry
Conyers	Hastings (FL)	Michaud	Fox	Meadows	Thompson (PA)
Cooper	Higgins	Miller, George	Frelinghuysen	Meehan	Thornberry
Costa	Himes	Moore	Gardner	Messer	Tiberi
Courtney	Hinojosa	Moran	Garrett	Mica	Tipton
Crowley	Holt	Murphy (FL)	Gerlach	Miller (FL)	Turner
Cummings	Honda	Nadler	Gibbs	Miller (MI)	Upton
Davis (CA)	Huffman	Napolitano	Gingrey (GA)	Miller, Gary	Valadao
Davis, Danny	Israel	Neal	Gohmert	Mullin	Vela
DeFazio	Jackson Lee	Nolan	Goodlatte	Mulvaney	Visclosky

Wagner  
Walberg  
Walden  
Walorski  
Wasserman  
Schultz  
Weber (TX)

Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf

Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

Mica  
Miller (FL)  
Miller (MI)  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel

Renacci  
Ribble  
Rice (SC)  
Rigell  
Roe (TN)  
Rogers (AL)  
Rogers (MI)  
Rohrabacher  
Rokita  
Ross  
Rothfus  
Royce  
Ryan (WI)  
Sanford  
Scalise  
Scott, Austin  
Sensenbrenner  
Sessions  
Shuster  
Smith (MO)  
Smith (NE)  
Smith (TX)

Southerland  
Stockman  
Stutzman  
Thornberry  
Upton  
Wagner  
Walberg  
Walorski  
Weber (TX)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

Schiff  
Schneider  
Schwartz  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Simpson  
Sires  
Slaughter  
Smith (NJ)  
Smith (WA)  
Speier

Stewart  
Stivers  
Swalwell (CA)  
Takano  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tiberi  
Tierney  
Tipton  
Titus  
Tonko  
Tsongas  
Turner  
Valadao  
Van Hollen

Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walden  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Wolf  
Yarmuth

## NOT VOTING—25

Barber  
Campbell  
Cole  
Franks (AZ)  
Garcia  
Gosar  
Heck (WA)  
Horsford  
Hoyer

Huizenga (MI)  
Hunter  
Kirkpatrick  
Kline  
Marchant  
McCarthy (NY)  
McCaull  
McDermott  
Negrete McLeod

Pastor (AZ)  
Salmon  
Schweikert  
Shimkus  
Sinema  
Webster (FL)  
Young (FL)

□ 2228

Ms. SLAUGHTER, Ms. WASSERMAN SCHULTZ, Mr. VISCLOSKY, Mrs. CAPITO, and Mr. POSEY changed their vote from “aye” to “no.”

Mr. POCAN changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROWN OF  
GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. BROWN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 256, not voting 20, as follows:

[Roll No. 317]

AYES—158

Amash  
Amodei  
Bachmann  
Barr  
Barton  
Benishke  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Camp  
Cantor  
Capito  
Cassidy  
Chabot  
Chaffetz  
Coble  
Collins (GA)  
Collins (NY)  
Conaway  
Cotton

Crawford  
Culberson  
Daines  
Davis, Rodney  
DeSantis  
DesJarlais  
Duffy  
Duncan (SC)  
Duncan (TN)  
Farenthold  
Fincher  
Fleischmann  
Fleming  
Flores  
Foxy  
Garrett  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Guthrie  
Hall  
Harris  
Hartzler  
Hensarling

Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hurt  
Issa  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly (PA)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lankford  
Latta  
Long  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Massie  
McCaull  
McClintock  
McHenry  
Meadows  
Messer

Aderholt  
Alexander  
Andrews  
Bachus  
Barletta  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Bonner  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Calvert  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Carter  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Coffman  
Cohen  
Cole  
Connolly  
Conyers  
Cook  
Cooper  
Costa  
Courtney  
Cramer  
Crenshaw  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Denham  
Dent  
Deutch  
Diaz-Balart  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Elmiers  
Engel  
Enyart

## NOES—256

Eshoo  
Farr  
Fattah  
Fitzpatrick  
Forbes  
Fortenberry  
Foster  
Frankel (FL)  
Frelinghuysen  
Fudge  
Gabbard  
Gallego  
Garamendi  
Gardner  
Gerlach  
Gibson  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Grimm  
Gutiérrez  
Hahn  
Hanabusa  
Hanna  
Harper  
Hastings (FL)  
Hastings (WA)  
Heck (NV)  
Herrera Beutler  
Higgins  
Himes  
Hinojosa  
Holt  
Honda  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (GA)  
Johnson, E. B.  
Joyce  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
King (IA)  
King (NY)  
Kuster  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
Lee (CA)  
Levin  
Lewis  
Lipinski  
LoBiondo  
Loebach  
Lofgren  
Lowenthal  
Lowey  
Lucas  
Lujan Grisham  
(NM)

Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney, Carolyn  
Maloney, Sean  
Markey  
Matheson  
Matsui  
McCarthy (CA)  
McCollum  
McDermott  
McGovern  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Meng  
Michaud  
Miller, Gary  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Nolan  
Nunes  
O'Rourke  
Owens  
Pallone  
Pascarelli  
Payne  
Pelosi  
Perlmutter  
Perry  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reed  
Reichert  
Richmond  
Roby  
Rogers (KY)  
Rooney  
Ros-Lehtinen  
Roskam  
Roybal-Allard  
Ruiz  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky

## NOT VOTING—20

Barber  
Campbell  
Esty  
Franks (AZ)  
Garcia  
Gosar  
Heck (WA)

Horsford  
Hoyer  
Hunter  
Kirkpatrick  
McCarthy (NY)  
Negrete McLeod  
Pastor (AZ)

Salmon  
Schweikert  
Shimkus  
Sinema  
Webster (FL)  
Young (FL)

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2232

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. ESTY. Mr. Chair, on rollcall No. 317, had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MR. SWALWELL OF  
CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. SWALWELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 213, not voting 20, as follows:

[Roll No. 318]

AYES—201

Andrews  
Barrow (GA)  
Barton  
Bass  
Beatty  
Becerra  
Benishke  
Bera (CA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Conyers  
Carson (IN)  
Cartwright

Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
Davis, Rodney  
DeFazio  
DeGette  
Delaney

DeLauro  
DeBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Fitzpatrick  
Fortenberry  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi

Gibson	Maloney,	Sánchez, Linda	Nunes	Rohrabacher	Tiberi	Hultgren	Nugent	Sensenbrenner
Grayson	Carolyn	T.	Nunnelee	Rokita	Tipton	Jenkins	Olson	Sessions
Green, Al	Maloney, Sean	Sanchez, Loretta	Olson	Rooney	Turner	Johnson, Sam	Palazzo	Shuster
Green, Gene	Markey	Sarbanes	Palazzo	Ros-Lehtinen	Upton	Jones	Paulsen	Smith (MO)
Grijalva	Matheson	Schakowsky	Paulsen	Roskam	Valadao	Jordan	Perry	Smith (TX)
Gutiérrez	Matsui	Schiff	Pearce	Ross	Wagner	Kingston	Petri	Southerland
Hahn	McCollum	Schneider	Perry	Rothfus	Walberg	Labrador	Pittenger	Stewart
Hanabusa	McDermott	Schrader	Petri	Royce	Walden	LaMalfa	Pitts	Stockman
Hastings (FL)	McGovern	Schwartz	Pittenger	Ryan (WI)	Walorski	Lankford	Poe (TX)	Stutzman
Higgins	McNerney	Scott (VA)	Pitts	Sanford	Weber (TX)	Latta	Pompeo	Thornberry
Himes	Meeks	Scott, David	Poe (TX)	Scalise	Wenstrup	Long	Posey	Tiberi
Hinojosa	Meng	Sensenbrenner	Pompeo	Schock	Westmoreland	Marchant	Price (GA)	Walberg
Holt	Mica	Serrano	Posey	Scott, Austin	Whitfield	Massie	Radel	Weber (TX)
Honda	Michaud	Sewell (AL)	Price (GA)	Sessions	Williams	McClintock	Ribble	Westmoreland
Huffman	Miller, George	Shea-Porter	Radel	Simpson	Wilson (SC)	McHenry	Rice (SC)	Whitfield
Israel	Moore	Sherman	Reed	Smith (MO)	Wittman	Meadows	Rigell	Williams
Jackson Lee	Murphy (FL)	Sires	Renacci	Smith (NE)	Wolf	Messer	Rohrabacher	Womack
Jeffries	Nadler	Slaughter	Ribble	Smith (NJ)	Womack	Mica	Rokita	Woodall
Johnson (GA)	Napolitano	Smith (TX)	Rice (SC)	Stewart	Woodall	Miller (FL)	Ross	Yoder
Johnson, E. B.	Neal	Smith (WA)	Rigell	Stivers	Yoder	Miller (MI)	Royce	Yoho
Kaptur	Nolan	Speier	Roby	Stockman	Yoho	Mullin	Sanford	Young (IN)
Keating	O'Rourke	Swalwell (CA)	Roe (TN)	Stutzman	Young (AK)	Mulvaney	Scalise	
Kelly (IL)	Owens	Takano	Rogers (AL)	Thompson (PA)	Young (IN)	Neugebauer	Scott, Austin	
Kennedy	Pallone	Terry	Rogers (KY)	Thornberry				
Kildee	Pascarell	Thompson (CA)	Rogers (MI)					
Kilmer	Payne	Thompson (MS)						
Kind	Pelosi							
Kuster	Perlmutter		Barber	Hoyer	Schweikert	Aderholt	Dent	Kildee
Langevin	Peters (CA)		Campbell	Hunter	Shimkus	Alexander	DesJarlais	Kilmer
Larsen (WA)	Peters (MI)		Franks (AZ)	Kirkpatrick	Shuster	Amodei	Deutch	Kind
Larson (CT)	Peterson		Garcia	McCarthy (NY)	Sinema	Andrews	Diaz-Balart	King (IA)
Lee (CA)	Pingree (ME)		Gosar	Negrete McLeod	Webster (FL)	Barletta	Dingell	King (NY)
Levin	Pocan		Heck (WA)	Pastor (AZ)	Young (FL)	Barr	Doggett	Kinzing (IL)
Lewis	Polis		Horsford	Salmon		Barrow (GA)	Doyle	Kline
Lipinski	Price (NC)					Barton	Duckworth	Kuster
LoBiondo	Quigley					Bass	Edwards	Lamborn
Loeb sack	Rahall					Beatty	Ellison	Lance
Lofgren	Rangel					Becerra	Ellmers	Langevin
Lowenthal	Reichert					Benishek	Engel	Larsen (WA)
Lowey	Richmond					Bera (CA)	Enyart	Larson (CT)
Lujan Grisham	Roybal-Allard					Bishop (GA)	Eshoo	Latham
(NM)	Ruiz					Bishop (NY)	Esty	Lee (CA)
Luján, Ben Ray	Runyan					Black	Farr	Levin
(NM)	Ruppersberger					Blumenauer	Fattah	Lewis
Lynch	Rush					Bonamici	Fincher	Lipinski
Maffei	Ryan (OH)					Bonner	Fitzpatrick	LoBiondo
						Boustany	Fleischmann	Loeb sack
						Brady (PA)	Forbes	Lofgren
						Braley (IA)	Fortenberry	Lowenthal
						Brooks (IN)	Foster	Lowey
						Brown (FL)	Frankel (FL)	Lucas
						Brownley (CA)	Frelinghuysen	Luetkemeyer
						Buchanan	Fudge	Lujan Grisham
						Buchson	Gabbard	(NM)
						Bustos	Gallego	Luján, Ben Ray
						Butterfield	Garamendi	(NM)
						Calvert	Gardner	Lummis
						Camp	Gerlach	Lynch
						Capito	Gibbs	Maffei
						Capps	Gibson	Maloney,
						Capuano	Goodlatte	Carolyn
						Cárdenas	Grayson	Maloney, Sean
						Carney	Green, Al	Marino
						Carson (IN)	Green, Gene	Markey
						Cartwright	Griffith (VA)	Matheson
						Cassidy	Grijalva	Matsui
						Castor (FL)	Grimm	McCarthy (CA)
						Castro (TX)	Gutiérrez	McCaul
						Chu	Hahn	McCollum
						Cicilline	Hanabusa	McDermott
						Clarke	Hanna	McGovern
						Clay	Harper	McIntyre
						Cleaver	Hartzler	McKeon
						Clyburn	Hastings (FL)	McKinley
						Coffman	Hastings (WA)	McMorris
						Cohen	Heck (NV)	Rodgers
						Cole	Herrera Beutler	McNerney
						Connolly	Higgins	Meehan
						Conyers	Himes	Meeks
						Cook	Hinojosa	Meng
						Cooper	Holt	Michaud
						Costa	Honda	Miller, Gary
						Courtney	Huffman	Miller, George
						Cramer	Hurt	Moore
						Crenshaw	Israel	Moran
						Crowley	Issa	Murphy (FL)
						Cuellar	Jackson Lee	Murphy (PA)
						Cummings	Jeffries	Nadler
						Davis (CA)	Johnson (GA)	Napolitano
						Davis, Danny	Johnson (OH)	Neal
						Davis, Rodney	Johnson, E. B.	Noem
						DeFazio	Joyce	Nolan
						DeGette	Kaptur	Nunes
						Delaney	Keating	Nunnelee
						DeLauro	Kelly (IL)	O'Rourke
						DelBene	Kelly (PA)	Owens
						Denham	Kennedy	Pallone

## NOES—300

Aderholt	Dent	Kildee
Alexander	DesJarlais	Kilmer
Amash	Diazh-Balart	Kind
Amodei	Dingell	King (IA)
Bachmann	Doggett	King (NY)
Bachus	Doyle	Kinzing (IL)
Barletta	Duckworth	Kline
Barr	Edwards	Kuster
Bentivolio	Ellison	Lamborn
Bilirakis	Ellmers	Lance
Bishop (GA)	Engel	Langevin
Bishop (UT)	Enyart	Larsen (WA)
Black	Eshoo	Larson (CT)
Blackburn	Esty	Latham
Bonner	Farr	Lee (CA)
Boustany	Fattah	Levin
Brady (TX)	Fincher	Lewis
Bridenstine	Fitzpatrick	Lipinski
Brooks (AL)	Fleischmann	LoBiondo
Brooks (IN)	Forbes	Loeb sack
Broun (GA)	Fortenberry	Lofgren
Buchanan	Foster	Lowenthal
Buchson	Frankel (FL)	Lowey
Burgess	Frelinghuysen	Lucas
Burgess	Fudge	Luetkemeyer
Calvert	Gabbard	Lujan Grisham
Camp	Gallego	(NM)
Cantor	Garamendi	Luján, Ben Ray
Capito	Gardner	(NM)
Carter	Gerlach	Lummis
Cassidy	Gibbs	Lynch
Chabot	Gibson	Maffei
Chaffetz	Goodlatte	Maloney,
Coble	Grayson	Carolyn
Coffman	Green, Al	Maloney, Sean
Cole	Green, Gene	Marino
Collins (GA)	Griffith (VA)	Markey
Collins (NY)	Grijalva	Matheson
Conaway	Grimm	Matsui
Cook	Gutiérrez	McCarthy (CA)
Cotton	Hahn	McCaul
Cramer	Hanabusa	McCollum
Crawford	Hanna	McDermott
Crenshaw	Harper	McGovern
Culberson	Hartzler	McIntyre
Daines	Hastings (FL)	McKeon
Denham	Hastings (WA)	McKinley
Dent	Heck (NV)	McMorris
	Herrera Beutler	Rodgers
	Higgins	McNerney
	Himes	Meehan
	Hinojosa	Meeks
	Holt	Meng
	Honda	Michaud
	Huffman	Miller, Gary
	Hurt	Miller, George
	Israel	Moore
	Issa	Moran
	Jackson Lee	Murphy (FL)
	Jeffries	Murphy (PA)
	Johnson (GA)	Nadler
	Johnson (OH)	Napolitano
	Johnson, E. B.	Neal
	Joyce	Noem
	Kaptur	Nolan
	Keating	Nunes
	Kelly (IL)	Nunnelee
	Kelly (PA)	O'Rourke
	Kennedy	Owens
		Pallone

## NOT VOTING—20

Barber  
Campbell  
Franks (AZ)  
Garcia  
Gosar  
Heck (WA)  
Horsford

Hoyer  
Hunter  
Kirkpatrick  
McCarthy (NY)  
Negrete McLeod  
Pastor (AZ)  
Salmon

Schweikert  
Shimkus  
Shuster  
Sinema  
Webster (FL)  
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 2235

So the amendment was rejected.  
The result of the vote was announced  
as above recorded.

Stated against:  
Mr. PERRY. Mr. Chair, on rollcall No. 318,  
had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MR. MCCLINTOCK  
The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from California (Mr.  
MCCLINTOCK) on which further pro-  
ceedings were postponed and on which  
the noes prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.  
The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 115, noes 300,  
not voting 19, as follows:

[Roll No. 319]

## AYES—115

Amash	Coble	Garrett
Bachmann	Collins (GA)	Gingrey (GA)
Bachus	Collins (NY)	Gohmert
Bentivolio	Conaway	Gowdy
Bilirakis	Cotton	Granger
Bishop (UT)	Crawford	Graves (GA)
Blackburn	Culberson	Graves (MO)
Brady (TX)	Daines	Griffin (AR)
Bridenstine	DeSantis	Guthrie
Brooks (AL)	Duffy	Hall
Broun (GA)	Duncan (SC)	Harris
Burgess	Duncan (TN)	Hensarling
Cantor	Farenthold	Holding
Carter	Fleming	Hudson
Chabot	Flores	Huelskamp
Chaffetz	Fox	Huizenga (MI)



Bass	Blumenauer	Bustos
Beatty	Bonamici	Butterfield
Becerra	Brady (PA)	Capps
Bera (CA)	Braley (IA)	Capuano
Bishop (GA)	Brown (FL)	Cárdenas
Bishop (NY)	Brownley (CA)	Carney

Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Duncan (TN)  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Gibson  
Grayson  
Green, Al  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Higgins

## NOES—238

Aderholt  
Alexander  
Amash  
Amodi  
Andrews  
Bachmann  
Bachus  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishke  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)

Himes  
Hinojosa  
Holt  
Honda  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lowenthal  
Lowey  
Lynch  
Maloney,  
Carolyn  
Markey  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Nolan  
O'Rourke  
Pallone  
Pascrell  
Payne  
Pelosi

Perlmuter  
Peters (CA)  
Peters (MI)  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Richmond  
Roybal-Allard  
Ruiz  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sires  
Smith (WA)  
Speier  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tipton  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Velázquez  
Visclosky  
Walz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth  
Young (AK)

Graves (MO)  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford

Latham  
Latta  
LoBiondo  
Lofgren  
Long  
Lucas  
Luetkemeyer  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lummis  
Maffei  
Maloney, Sean  
Marchant  
Marino  
Massie  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson

## NOT VOTING—19

Barber  
Campbell  
Franks (AZ)  
Garcia  
Gosar  
Heck (WA)  
Horsford

Hoyer  
Hunter  
Kirkpatrick  
McCarthy (NY)  
McGregor  
McLeod  
Pastor (AZ)  
Salmon

Sessions  
Shuster  
Simpson  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stewart  
Stivers  
Stockman  
Stutzman  
Swalwell (CA)  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Turner  
Upton  
Valadao  
Vela  
Wagner  
Walberg  
Walden  
Walorski  
Wasserman  
Schultz  
Weber (TX)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (IN)

Schweikert  
Shimkus  
Sinema  
Webster (FL)  
Young (FL)

[Roll No. 322]

## AYES—174

Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Duncan (TN)  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)

Fudge  
Gabbard  
Garamendi  
Gibson  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Holt  
Rangel  
Richmond  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sires  
Smith (WA)  
Speier  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Velázquez  
Visclosky  
Walz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

## NOES—242

Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cotton  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann

Fleming  
Flores  
Forbes  
Fortenberry  
Foss  
Frelinghuysen  
Gallego  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 2246

Mr. WESTMORELAND changed his  
vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

## AMENDMENT OFFERED BY MR. CONNOLLY

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Virginia (Mr. CON-  
NOLLY) on which further proceedings  
were postponed and on which the noes  
prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 174, noes 242,  
not voting 18, as follows:

Holding Meadows Runyan  
Hudson Meehan Ryan (WI)  
Huelskamp Messer Sanchez, Loretta  
Huizenga (MI) Mica Sanford  
Hultgren Miller (FL) Scalise  
Hurt Miller (MI) Schock  
Issa Miller, Gary Scott, Austin  
Jenkins Miller, George Sensenbrenner  
Johnson (OH) Mullin Sessions  
Johnson, Sam Mulvaney Shuster  
Jones Murphy (PA) Simpson  
Jordan Neugebauer Slaughter  
Joyce Noem Smith (MO)  
Kelly (PA) Nugent Smith (NE)  
King (IA) Nunes Smith (NJ)  
King (NY) Nunnelee Smith (TX)  
Kingston Olson Southerland  
Kinzinger (IL) Owens Stewart  
Kline Palazzo Stivers  
Labrador Paulsen Stockman  
LaMalfa Pearce Stutzman  
Lamborn Perry Swalwell (CA)  
Lance Peterson Terry  
Lankford Petri Thompson (PA)  
Latham Pittenger Thornberry  
Latta Pitts Tiberi  
LoBiondo Poe (TX) Tipton  
Lofgren Pompeo Turner  
Long Posey Upton  
Lucas Price (GA) Valadao  
Luetkemeyer Radel Vela  
Lujan Grisham Reed Wagner  
(NM) Reichert Walberg  
Luján, Ben Ray Renacci Walden  
(NM) Ribble Walorski  
Lummis Rice (SC) Wasserman  
Maffei Rigell Schultz  
Maloney, Sean Roby Weber (TX)  
Marchant Roe (TN) Wenstrup  
Marino Rogers (AL) Westmoreland  
Massie Rogers (KY) Whitfield  
Matheson Rogers (MI) Williams  
McCarthy (CA) Rohrabacher Wilson (SC)  
McCaul Rokita Wittman  
McClintock Rooney Wolf  
McHenry Ros-Lehtinen Womack  
McIntyre Roskam Woodall  
McKeon Ross Yoder  
McKinley Rothfus Yoho  
McMorris Royce Young (AK)  
Rodgers Ruiz Young (IN)

## NOT VOTING—18

Barber Hoyer Salmon  
Campbell Hunter Schweikert  
Franks (AZ) Kirkpatrick Shimkus  
Garcia McCarthy (NY) Sinema  
Gosar Negrete McLeod Webster (FL)  
Horsford Pastor (AZ) Young (FL)

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 2249

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

## AMENDMENT OFFERED BY MR. TAKANO

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the first amendment offered by  
the gentleman from California (Mr.  
TAKANO) on which further proceedings  
were postponed and on which the noes  
prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 164, noes 252,  
not voting 18, as follows:

Bass Fudge  
Beatty Gabbard  
Beckerra Gallego  
Bera (CA) Garamendi  
Bishop (NY) Gibson  
Blumenauer Grayson  
Bonamici Green, Al  
Brady (PA) Grijalva  
Braley (IA) Gutiérrez  
Brown (FL) Hahn  
Brownley (CA) Hanabusa  
Bustos Hastings (FL)  
Butterfield Heck (WA)  
Capps Higgins  
Capuano Himes  
Cárdenas Hinojosa  
Carney Holt  
Carson (IN) Honda  
Cartwright Huffman  
Castor (FL) Israel  
Castro (TX) Jackson Lee  
Chu Jeffries  
Cicilline Johnson (GA)  
Clarke Johnson, E. B.  
Clay Kaptur  
Cohen Keating  
Connolly Kelly (IL)  
Conyers Kennedy  
Cooper Kildee  
Costa Kilmer  
Courtney Kind  
Crowley Kuster  
Cummings Langevin  
Davis (CA) Larsen (WA)  
Davis, Danny Larson (CT)  
DeFazio Lee (CA)  
DeGette Levin  
Delaney Lewis  
DeLauro Lipinski  
DelBene Loebsack  
Deutch Lowenthal  
Dingell Lowey  
Doggett Lynch  
Doyle Maloney,  
Duckworth Carolyn  
Duncan (TN) Markay  
Edwards McDermott  
Ellison McGovern  
Engel McNeerney  
Enyart Meeks  
Eshoo Meng  
Esty Michaud  
Farr Moore  
Fattah Moran  
Foster Murphy (FL)  
Frankel (FL) Nadler

[Roll No. 323]

## AYES—164

Napolitano  
Neal  
Nolan  
O'Rourke  
Pallone  
Pascarell  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Roybal-Allard  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sires  
Smith (WA)  
Speier  
Takano  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Velazquez  
Visclosky  
Walz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Lofgren  
Long  
Lucas  
Luetkemeyer  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lummis  
Maffei  
Maloney, Sean  
Marchant  
Marino  
Massie  
Matheson  
Matsui  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Miller, George  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce  
Perry  
Peterson  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Rangel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Ruiz  
Runyan  
Ruppersberger  
Ryan (WI)  
Sanchez, Loretta

Sanford  
Scalise  
Schock  
Scott, Austin  
Sensenbrenner  
Sessions  
Shuster  
Simpson  
Slaughter  
Nunes  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stewart  
Stivers  
Stockman  
Stutzman  
Swalwell (CA)  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Vela  
Wagner  
Walberg  
Walden  
Walorski  
Wasserman  
Schultz  
Weber (TX)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

## NOT VOTING—18

Barber Hoyer Salmon  
Campbell Hunter Schweikert  
Franks (AZ) Kirkpatrick Shimkus  
Garcia McCarthy (NY) Sinema  
Gosar Negrete McLeod Webster (FL)  
Horsford Pastor (AZ) Young (FL)

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 2252

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

## AMENDMENT OFFERED BY MR. TAKANO

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the second amendment offered  
by the gentleman from California (Mr.  
TAKANO) on which further proceedings  
were postponed and on which the noes  
prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
minute vote.

## NOES—252

Chabot  
Chaffetz  
Cleaver  
Clyburn  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cotton  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hurt

The vote was taken by electronic device, and there were—ayes 166, noes 250, not voting 18, as follows:

[Roll No. 324]

**AYES—166**

Bass	Frankel (FL)	Moran
Beatty	Fudge	Murphy (FL)
Becerra	Gabbard	Nadler
Bera (CA)	Gallego	Napolitano
Bishop (NY)	Garamendi	Neal
Blumenauer	Gibson	Nolan
Bonamici	Grayson	O'Rourke
Brady (PA)	Green, Al	Pallone
Braley (IA)	Green, Gene	Pascarell
Brown (FL)	Grijalva	Payne
Brownley (CA)	Gutiérrez	Pelosi
Bustos	Hahn	Perlmutter
Butterfield	Hanabusa	Pingree (ME)
Capps	Hanna	Pocan
Capuano	Hastings (FL)	Polis
Cárdenas	Heck (WA)	Price (NC)
Carney	Higgins	Quigley
Carson (IN)	Himes	Rahall
Cartwright	Hinojosa	Roybal-Allard
Castor (FL)	Holt	Ruiz
Castro (TX)	Honda	Rush
Chu	Huffman	Sánchez, Linda T.
Ciilline	Israel	Sarbanes
Clarke	Jackson Lee	Schakowsky
Clay	Jeffries	Schiff
Cleaver	Johnson (GA)	Schneider
Cohen	Johnson, E. B.	Schrader
Connolly	Keating	Schwartz
Conyers	Kelly (IL)	Scott (VA)
Cooper	Kennedy	Scott, David
Costa	Kildee	Serrano
Courtney	Kilmer	Sewell (AL)
Crowley	Kind	Shea-Porter
Cummings	Kuster	Sherman
Davis (CA)	Langevin	Sires
Davis, Danny	Larsen (WA)	Smith (WA)
DeFazio	Larson (CT)	Speier
DeGette	Lee (CA)	Takano
Delaney	Levin	Tierney
DeLauro	Lewis	Titus
DelBene	Lipinski	Tonko
Deutch	Loebach	Tsongas
Dingell	Lowenthal	Van Hollen
Doggett	Lowe	Vargas
Doyle	Lynch	Veasey
Duckworth	Maloney,	Vela
Edwards	Carolyn	Velázquez
Ellison	Markey	Visclosky
Engel	McCollum	Walz
Enyart	McDermott	Waters
Eshoo	McGovern	Watt
Esty	McNerney	Waxman
Farr	Meeks	Welch
Fattah	Meng	Wilson (FL)
Fitzpatrick	Michaud	Yarmuth
Foster	Moore	

**NOES—250**

Aderholt	Cantor	Ellmers
Alexander	Capito	Farenthold
Amash	Carter	Fincher
Amodei	Cassidy	Fleischmann
Andrews	Chabot	Fleming
Bachmann	Chaffetz	Flores
Bachus	Clyburn	Forbes
Barletta	Coble	Fortenberry
Barr	Coffman	Fox
Barrow (GA)	Cole	Frelinghuysen
Barton	Collins (GA)	Gardner
Benishkek	Collins (NY)	Garrett
Bentivolio	Conaway	Gerlach
Bilirakis	Cook	Gibbs
Bishop (GA)	Cotton	Gingrey (GA)
Bishop (UT)	Cramer	Gohmert
Black	Crawford	Goodlatte
Blackburn	Crenshaw	Gowdy
Bonner	Cuellar	Granger
Boustany	Culberson	Graves (GA)
Brady (TX)	Daines	Graves (MO)
Bridenstine	Davis, Rodney	Griffin (AR)
Brooks (AL)	Denham	Griffith (VA)
Brooks (IN)	Dent	Grimm
Brown (GA)	DeSantis	Guthrie
Buchanan	DesJarlais	Hall
Bucshon	Diaz-Balart	Harper
Burgess	Duffy	Harris
Calvert	Duncan (SC)	Hartzler
Camp	Duncan (TN)	Hastings (WA)

Heck (NV)	McMorris	Royce
Hensarling	Rodgers	Runyan
Herrera Beutler	Meadows	Ruppersberger
Holding	Meehan	Ryan (OH)
Hudson	Messer	Ryan (WI)
Huelskamp	Mica	Sanchez, Loretta
Huizenga (MI)	Miller (FL)	Sanford
Hultgren	Miller (MI)	Scalise
Hurt	Miller, Gary	Schock
Issa	Miller, George	Scott, Austin
Jenkins	Mullin	Sensenbrenner
Johnson (OH)	Mulvaney	Sessions
Johnson, Sam	Murphy (PA)	Shuster
Jones	Neugebauer	Simpson
Jordan	Noem	Slaughter
Joyce	Nugent	Smith (MO)
Kaptur	Nunes	Smith (NE)
Kelly (PA)	Nunnelee	Smith (NJ)
King (IA)	Olson	Smith (TX)
King (NY)	Owens	Southerland
Kingston	Palazzo	Stewart
Kinzie (IL)	Paulsen	Stivers
Kline	Pearce	Stockman
Labrador	Perry	Stutzman
LaMalfa	Peters (CA)	Swalwell (CA)
Lamborn	Peters (MI)	Terry
Lance	Peterson	Thompson (CA)
Lankford	Petri	Thompson (MS)
Latham	Pittenger	Thompson (PA)
Latta	Pitts	Thornberry
LoBiondo	Poe (TX)	Tiberi
Pompeo	Pompeo	Tipton
Posey	Posey	Turner
Price (GA)	Price (GA)	Upton
Radel	Radel	Valadao
Rangel	Rangel	Wagner
Reed	Reed	Walberg
Reichert	Reichert	Walden
Renacci	Renacci	Walorski
Ribble	Ribble	Wasserman
Rice (SC)	Rice (SC)	Schultz
Richmond	Richmond	Weber (TX)
Rigell	Rigell	Wenstrup
Roby	Roby	Westmoreland
Roe (TN)	Roe (TN)	Whitfield
Rogers (AL)	Rogers (AL)	Williams
Rogers (KY)	Rogers (KY)	Wilson (SC)
Rogers (MI)	Rogers (MI)	Wittman
Rohrabacher	Rohrabacher	Wolf
Rokita	Rokita	Womack
Rooney	Rooney	Woodall
Ros-Lehtinen	Ros-Lehtinen	Yoder
Roskam	Roskam	Yoho
Ross	Ross	Young (AK)
Rothenfus	Rothenfus	Young (IN)

**NOT VOTING—18**

Barber  
Campbell  
Franks (AZ)  
Garcia  
Gosar  
Horsford  
Hoyer  
Hunter  
Kirkpatrick  
McCarthy (NY)  
Negrete McLeod  
Pastor (AZ)  
Salmon  
Schweikert  
Shimkus  
Sinema  
Webster (FL)  
Young (FL)

**ANNOUNCEMENT BY THE ACTING CHAIR**

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 2257

So the amendment was rejected.  
The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HECK OF NEVADA  
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Nevada (Mr. HECK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

**RECORDED VOTE**

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.  
The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 81, noes 325, not voting 18, as follows:

[Roll No. 325]

**AYES—81**

Amodei	Hastings (FL)	Nadler
Becerra	Heck (NV)	Pallone
Bishop (GA)	Holt	Pascarell
Bishop (NY)	Honda	Payne
Bishop (UT)	Huffman	Pelosi
Blumenauer	Israel	Pocan
Capuano	Jackson Lee	Polis
Cartwright	Johnson (GA)	Rohrabacher
Chaffetz	Johnson, E. B.	Ruiz
Chu	Jones	Ryan (OH)
Clarke	Kennedy	Sanchez, Loretta
Cohen	Lee (CA)	Schakowsky
Conyers	Levin	Scott, David
Crowley	Lewis	Serrano
DeFazio	Lipinski	Smith (WA)
DeGette	Lofgren	Speier
Doggett	Lowenthal	Takano
Duckworth	Lujan Grisham (NM)	Thompson (CA)
Edwards	Luján, Ben Ray (NM)	Tierney
Ellison	Lynch	Titus
Engel	Markey	Tonko
Enyart	Matheson	Tsongas
Eshoo	Matsui	Vargas
Foster	McDermott	Velázquez
Frankel (FL)	McGovern	Wasserman
Garamendi	McKeon	Schultz
Grayson		Waters
Grijalva		Waxman

**NOES—335**

Aderholt	Connolly	Graves (MO)
Alexander	Cook	Green, Al
Amash	Cooper	Green, Gene
Andrews	Costa	Griffin (AR)
Bachmann	Cotton	Griffith (VA)
Bachus	Courtney	Grimm
Barletta	Cramer	Guthrie
Barr	Crawford	Gutiérrez
Barrow (GA)	Crenshaw	Hahn
Barton	Cuellar	Hall
Bass	Culberson	Hanabusa
Beatty	Cummings	Hanna
Benishkek	Daines	Harper
Bentivolio	Davis (CA)	Harris
Bera (CA)	Davis, Danny	Hartzler
Bilirakis	Davis, Rodney	Hastings (WA)
Black	Delaney	Heck (WA)
Blackburn	DeLauro	Hensarling
Bonamici	DelBene	Herrera Beutler
Bonner	Denham	Higgins
Boustany	Dent	Himes
Brady (PA)	DeSantis	Hinojosa
Brady (TX)	DesJarlais	Holding
Braley (IA)	Deutch	Hudson
Bridenstine	Diaz-Balart	Huelskamp
Brooks (AL)	Dingell	Huizenga (MI)
Brooks (IN)	Doyle	Hultgren
Brown (GA)	Duffy	Hurt
Brown (FL)	Duncan (SC)	Issa
Brownley (CA)	Duncan (TN)	Jeffries
Buchanan	Ellmers	Jenkins
Bucshon	Esty	Johnson (OH)
Burgess	Farenthold	Johnson, Sam
Bustos	Farr	Jordan
Butterfield	Fattah	Joyce
Calvert	Fincher	Kaptur
Camp	Fitzpatrick	Keating
Cantor	Fleischmann	Kelly (IL)
Capito	Fleming	Kelly (PA)
Capps	Flores	Kildee
Cárdenas	Forbes	Kilmer
Carney	Fortenberry	Kind
Carson (IN)	Fox	King (IA)
Carter	Frelinghuysen	King (NY)
Cassidy	Fudge	Kingston
Castor (FL)	Gabbard	Kinzie (IL)
Castro (TX)	Gallego	Kline
Chabot	Gardner	Kuster
Ciilline	Garrett	Labrador
Clay	Gerlach	LaMalfa
Cleaver	Gibbs	Lamborn
Clyburn	Gibson	Lance
Coble	Gingrey (GA)	Langevin
Coffman	Gohmert	Lankford
Cole	Goodlatte	Larsen (WA)
Collins (GA)	Gowdy	Larson (CT)
Collins (NY)	Granger	Latham
Conaway	Graves (GA)	Latta

LoBiondo  
Loeb sack  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lummis  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Marchant  
Marino  
Massie  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McHenry  
McIntyre  
McKinley  
McMorris  
Rodgers  
McNerney  
Meadows  
Meehan  
Meeks  
Meng  
Messer  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Napolitano  
Neal  
Neugebauer  
Noem  
Nolan  
Nugent  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce

## NOT VOTING—18

Barber  
Campbell  
Franks (AZ)  
Garcia  
Gosar  
Horsford

## □ 2301

Messrs. DUNCAN of South Carolina and MORAN changed their vote from “aye” to “no.”

Ms. LEE of California and Ms. CLARKE changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BUTTERFIELD

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. BUTTERFIELD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

Sessions  
Sewell (AL)  
Shea-Porter  
Sherman  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Chu  
Cicilline  
Clarke  
Cleaver  
Cohen  
Connolly  
Conyers  
Cooper  
Crowley  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego

Salmon  
Schweikert  
Shimkus  
Sinema  
Webster (FL)  
Young (FL)

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 150, noes 266, not voting 18, as follows:

[Roll No. 326]

## AYES—150

Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Chu  
Cicilline  
Clarke  
Cleaver  
Cohen  
Connolly  
Conyers  
Cooper  
Crowley  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego

## NOES—266

Aderholt  
Alexander  
Amash  
Amodei  
Andrews  
Bachmann  
Bachus  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito

Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler  
Hinojosa  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jordan  
Joyce  
Kaptur  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Langevin  
Lankford  
Larson (CT)  
Latham  
Latta  
LoBiondo  
Lofgren  
Long  
Lucas  
Luetkemeyer  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lummis  
Maffei  
Maloney, Sean  
Marchant  
Marino  
Massie  
Matheson  
McCarthy (CA)

Barber  
Campbell  
Franks (AZ)  
Garcia  
Gosar  
Horsford

## NOT VOTING—18

Hoyer  
Hunter  
Kirkpatrick  
McCarthy (NY)  
Negrete McLeod  
Pastor (AZ)

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

## □ 2304

So the amendment was rejected.  
The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FOSTER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. FOSTER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

Rothfus  
Royce  
Ruiz  
Runyan  
Ruppersberger  
Ryan (WI)  
Sanchez, Loretta  
Sanford  
Scalise  
Schock  
Schwartz  
Scott, Austin  
Sensenbrenner  
Sessions  
Sewell (AL)  
Shuster  
Simpson  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Swalwell (CA)  
Terry  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Visclosky  
Wagner  
Walberg  
Walenski  
Walorski  
Wasserman  
Schultz  
Watt  
Weber (TX)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 143, noes 273, not voting 18, as follows:

[Roll No. 327]

**AYES—143**

Bass	Garamendi	Nolan
Beatty	Grayson	O'Rourke
Becerra	Grijalva	Pallone
Bera (CA)	Gutiérrez	Pascarell
Bishop (GA)	Hahn	Payne
Bishop (NY)	Hanna	Pelosi
Blumenauer	Hastings (FL)	Perlmutter
Bonamici	Heck (WA)	Pingree (ME)
Brady (PA)	Higgins	Pocan
Braley (IA)	Himes	Polis
Brown (FL)	Holt	Price (NC)
Brownley (CA)	Honda	Quigley
Butterfield	Huffman	Rangel
Capps	Hultgren	Roybal-Allard
Capuano	Jackson Lee	Rush
Carney	Jeffries	Sánchez, Linda
Carson (IN)	Johnson (GA)	T.
Cartwright	Johnson, E. B.	Sarbanes
Castor (FL)	Jones	Schakowsky
Chu	Keating	Schiff
Ciциlline	Kelly (IL)	Schneider
Clarke	Kennedy	Schrader
Cleaver	Kildee	Schwartz
Cohen	Kind	Scott (VA)
Connolly	Kuster	Scott, David
Conyers	Larsen (WA)	Serrano
Cooper	Larson (CT)	Shea-Porter
Crowley	Lee (CA)	Sherman
Cummings	Levin	Sires
Davis (CA)	Lewis	Smith (WA)
Davis, Danny	Lipinski	Speier
DeFazio	Loeb sack	Takano
DeGette	Lowenthal	Thompson (CA)
DeLauro	Lowey	Tierney
DelBene	Maloney,	Titus
Deutch	Carolyn	Tonko
Dingell	Markey	Van Hollen
Doggett	Matsui	Vargas
Duckworth	McCollum	Veasey
Edwards	McDermott	Velázquez
Ellison	McGovern	Walz
Engel	Meeke	Waters
Enyart	Michaud	Watt
Eshoo	Moore	Waxman
Farr	Moran	Welch
Fattah	Murphy (FL)	Wilson (FL)
Foster	Nadler	Yarmuth
Frankel (FL)	Napolitano	
Fudge	Neal	

**NOES—273**

Aderholt	Carter	Duncan (TN)
Alexander	Cassidy	Ellmers
Amash	Castro (TX)	Esty
Amodei	Chabot	Farenthold
Andrews	Chaffetz	Fincher
Bachmann	Clay	Fitzpatrick
Bachus	Clyburn	Fleischmann
Barletta	Coble	Fleming
Barr	Coffman	Flores
Barrow (GA)	Cole	Forbes
Barton	Collins (GA)	Fortenberry
Benishek	Collins (NY)	Fox
Bentivolio	Conaway	Frelinghuysen
Bilirakis	Cook	Gabbard
Bishop (UT)	Costa	Gallo
Black	Cotton	Gardner
Blackburn	Courtney	Garrett
Bonner	Cramer	Gerlach
Boustany	Crawford	Gibbs
Brady (TX)	Crenshaw	Gibson
Bridenstine	Cuellar	Gingrey (GA)
Brooks (AL)	Culberson	Gohmert
Brooks (IN)	Daines	Goodlatte
Broun (GA)	Davis, Rodney	Gowdy
Buchanan	Delaney	Granger
Buchson	Denham	Graves (GA)
Burgess	Dent	Graves (MO)
Bustos	DeSantis	Green, Al
Calvert	DesJarlais	Green, Gene
Camp	Diaz-Balart	Griffin (AR)
Cantor	Doyle	Griffith (VA)
Capito	Duffy	Grimm
Cárdenas	Duncan (SC)	Guthrie

Hall	McKeon	Ruiz
Hanabusa	McKinley	Runyan
Harper	McMorris	Ruppersberger
Harris	Rodgers	Ryan (OH)
Hartzler	McNerney	Ryan (WI)
Hastings (WA)	Meadows	Sanchez, Loretta
Heck (NV)	Meehan	Sanford
Hensarling	Meng	Scalise
Herrera Beutler	Messer	Schock
Hinojosa	Mica	Scott, Austin
Holding	Miller (FL)	Sensenbrenner
Hudson	Miller (MI)	Sessions
Huelskamp	Miller, Gary	Sewell (AL)
Huizenga (MI)	Miller, George	Shuster
Hurt	Mullin	Simpson
Israel	Mulvaney	Slaughter
Issa	Murphy (PA)	Smith (MO)
Jenkins	Neugebauer	Smith (NE)
Noem	Nugent	Smith (NJ)
Johnson (OH)	Nunes	Smith (TX)
Johnson, Sam	Nunnelee	Southerland
Jordan	Olson	Stewart
Joyce	Owens	Stivers
Kaptur	Palazzo	Stockman
Kelly (PA)	Paulsen	Stutzman
Kilmer	Pearce	Swalwell (CA)
King (IA)	Perry	Terry
King (NY)	Peters (CA)	Thompson (MS)
Kingston	Peters (MI)	Thompson (PA)
Kinzinger (IL)	Peterson	Thornberry
Kline	Petri	Tiberi
Labrador	Pittenger	Tipton
LaMalfa	Pitts	Tsongas
Lamborn	Poe (TX)	Turner
Lance	Pompeo	Upton
Langevin	Posey	Valadao
Lankford	Price (GA)	Vela
Latham	Radel	Visclosky
Latta	Rahall	Wagner
LoBiondo	Reed	Walberg
Lofgren	Reichert	Walden
Long	Renacci	Walorski
Lucas	Ribble	Wasserman
Luetkemeyer	Rice (SC)	Schultz
Lujan Grisham	Richmond	Weber (TX)
Lujan, Ben Ray	Rigell	Weintraub
(NM)	Roby	Westmoreland
Lummis	Roe (TN)	Whitfield
Lynch	Rogers (AL)	Williams
Maffei	Rogers (KY)	Wilson (SC)
Maloney, Sean	Rogers (MI)	Wittman
Marchant	Rohrabacher	Wolf
Marino	Rokita	Womack
Massie	Rooney	Woodall
Matheson	Ros-Lehtinen	Yoder
McCarthy (CA)	Roskam	Yoho
McCaul	Ross	Young (AK)
McClintock	Rothfus	Young (IN)
McHenry	Royce	
McIntyre		

**NOT VOTING—18**

Barber	Hoyer	Salmon
Campbell	Hunter	Schweikert
Franks (AZ)	Kirkpatrick	Shimkus
Garcia	McCarthy (NY)	Sinema
Gosar	Negrete McLeod	Webster (FL)
Horsford	Pastor (AZ)	Young (FL)

**ANNOUNCEMENT BY THE ACTING CHAIR**

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 2307

So the amendment was rejected.

The result of the vote was announced as above recorded.

**AMENDMENT OFFERED BY MR. HECK OF NEVADA**

Mr. HECK of Nevada. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 29, line 21, after the dollar amount, insert “(increased by \$14,000,000)”.

Page 30, line 6, after the dollar amount, insert “(reduced by \$16,546,000)”.

The Acting CHAIR. The gentleman from Nevada is recognized for 5 minutes.

Mr. HECK of Nevada. Mr. Chairman, I want to thank the chairman of the subcommittee and the ranking member for the work they've done on this bill; but I especially want to thank the Appropriations Committee staff for helping me fine-tune this amendment very quickly at the last minute.

My amendment transfers \$60 million from the International Material Protection and Removal Activities within the Global Threat Reduction Initiative to a program that will help secure our nuclear materials here at home. This year's budget request included funding for a project to construct a security perimeter around the Nevada National Security Site. Additionally, this funding was authorized by this House when we voted to pass H.R. 1960, the National Defense Authorization Act of 2014. However, the bill under consideration fails to provide funding for this critical project.

I agree that we must work with other nations to ensure their nuclear material does not fall into the wrong hands, and applaud the committee's efforts on this front. However, we should not neglect priorities to secure nuclear material on our own soil while providing \$20 million in excess of what was requested to help foreign countries secure their nuclear materials.

I'm simply requesting we transfer a relatively small sum—\$16 million out of a total \$2.1 billion—from a portion of the bill that provides funding to other countries to secure their nuclear materials and instead use that money to secure our own facilities containing nuclear materials. This funding will be used for the DAF/Argus project, which will provide a state-of-the-art perimeter intrusion detection and assessment system at the Nevada National Security Site's Device Assembly Facility.

As I mentioned, this project is a priority for the Nevada National Security Site and was included in the President's budget request and authorized by this House just last month. I urge my colleagues to support this amendment which will prioritize national security concerns here at home while still providing adequate funding to ensure nuclear material in other countries does not fall into the hands of those who wish to do us harm.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise in reluctant opposition to the gentleman's amendment and I salute, obviously, his desire to protect all of our nuclear sites. I certainly share the gentleman's concern for the security of nuclear weapons infrastructure.

The security incursion at Y-12 in Oak Ridge in July of 2012 revealed some disturbing problems with Federal oversight that directly impacted the effectiveness of the protective forces. In particular, a botched security upgrade project caused an excessive number of false alarms, which distracted the security forces. And poor maintenance practices meant the security cameras where the protesters entered the high-security area were not working.

There is also a second security upgrade project at Los Alamos that was installed incorrectly. The National Nuclear Security Administration is still working on getting that project back on track.

We need to be able to upgrade our security systems, but I have concerns that taking on a third project in 2014 will lead to more problems.

□ 2315

Our report has directed NNSA to wait a year before starting the project at Nevada. Given the problems, I feel this is the most prudent path forward and will give the administration some time to implement the reforms that are so urgently needed in security oversight and project management. So I must reluctantly oppose the amendment at this time.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. While the amendment is a modest one in terms of the funding in the account, which is over \$400 million, I cannot support further cuts in this program.

The budget already has cut \$16 million from the Global Threat Reduction Initiative, and that means nuclear material that exists globally in places that we know we need to remove it. So even though the gentleman's amendment is well intended, I think that we can't predict the consequences of this in terms of what we face globally to remove this material.

I think it's very important to recognize that there are some unfriendly actors on the face of this Earth. And we want to remove material as best as possible, working with others around the world, as the program indicates, to reduce global threats that might result from those who shouldn't have this material in the first place.

So I don't think that this is moving us in the right direction globally. I don't really think it's necessary. I thank the gentleman for bringing it to the attention of the body, but I think that nonproliferation in general is \$600 million below last year's activities when you compare it to past accounts.

So I think that this is not in the best interest of the country and not in the best interest of national security. So I

oppose the gentleman's amendment and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Mr. HECK).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HECK of Nevada. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nevada will be postponed.

AMENDMENT OFFERED BY MR. POLIS

Mr. POLIS. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 29, line 21, after the dollar amount, insert "(reduced by \$13,072,000)".

Page 60, line 12, after the dollar amount, insert "(increased by \$13,072,000)".

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. Mr. Chairman, I'm offering an amendment that will reduce the funding level for the W76 by \$13 million, back down to what the agency requested.

The W76 is a 1970s-era submarine-launched ballistic missile that was first introduced into the stockpile by the Navy in 1978. This bill actually increases funding by \$13 million to increase funding levels above those required by the New START Treaty.

If the New START Treaty levels are in effect, it requires us to have 1,550 nuclear weapons—plenty to deter any nuclear threat, plenty to obliterate any enemy, plenty to end life on Earth as we know it. Even if we were to reduce our stockpile to 1,000 nuclear weapons, the Arms Control Association stated that it would save over \$39 billion. Now, this amendment doesn't even come close to going that far, but this puts that in perspective. If we reduced our number of nuclear weapons from 1,500, enough to obliterate any enemy and destroy life as we know it on Earth, to 1,000, enough to obliterate any enemy and end life as we know it on Earth, it would save \$39 billion. This amendment very simply reduces funding by \$13 million, back to what the agency itself requested. It doesn't detract from nuclear preparedness at all.

These missiles are a continuing relic of Cold War policies that spend billions of taxpayer dollars every year. And it's a great opportunity for Congress to save taxpayer money while maintaining our national security. In fact, the current bill actually spends millions more than the military needs, and passage of my amendment will encourage a focused, agile, lean military policy.

In fact, a total of \$1.8 billion is projected to be spent on W76 by 2016. That's a lot of money to support a very

dated set of preparedness. My amendment makes a small dent in that by reducing the funding back to what the agency itself has requested.

When we have these kinds of opportunities to maintain our national security and create savings for our country and reduce our budget deficit, we need to take it.

Hans Kristensen of the Federation of American Scientists has argued that while the W76 is important for national security, we could "probably reduce the refurbishment production by half and still retain enough W76 warheads on the submarines for a credible retaliatory capability." Again, my amendment doesn't even come close to the marker that was set by Hans Kristensen. It simply returns funding to the level that the agency itself has asked for and reduces funding by \$13 million.

The GAO has been critical of the cost, schedule, and risk involved with the W76 program. It is an area that is ripe for a relatively minor cut like this, which will help reduce our budget deficit by \$13 million.

My amendment would create \$13 million in savings for taxpayers while maintaining our national security. I strongly urge my colleagues on both sides of the aisle to support it.

The primary goals of the extension program extends the life of the original warheads from 20 to 60 years, addresses the aging issues, and refurbishes the system in a managed fashion. However, all these goals are accomplished under the funding levels that have been requested by the agency. And yet here in Congress, we're second-guessing the agency's own funding requirements and saying let's give you more money, take a few million more, take a few million more—a few million more while we cut ARPA-E, a few million more while we cut science programs, a few million more while we shortcut our own Nation's renewable energy future. And yet here's a few million more, \$13 million more than an agency is even requesting, to maintain nuclear deterrents at the level of 1,550 nuclear weapons, and maintaining these particular W76 warheads from the 1970s, deployed by submarines, that we don't even need the \$13 million to accomplish.

So, again, I think this is some commonsense savings. I encourage my colleagues on both sides of the aisle to support this smart cut, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the gentleman's amendment.

The W76 life extension program is a critical ongoing program to extend the life of that warhead. This warhead supports the mission of our Navy's ballistic missile submarines, the most survivable leg of our nuclear deterrent.



Our nuclear deterrent posture relies heavily on this Navy mission, but the President's budget request proposed to cut production of the W76 by nearly 20 percent. I'm very concerned that these reductions to the W76 were proposed without fully explaining the force structure implications or the impacts to national security.

Therefore, this bill restores full funding for the W76 to the levels previously provided to the committee last year in the NNSA's last acquisition report. Even the Department of Energy's inspector general provided a report that stated that the National Nuclear Security Administration's plans to try to reduce costs of the ongoing W76 program would not be achieved. That IG concluded the NNSA would need additional funds above the request to stay on track with their production requirements. This bill resolves those funding problems by increasing funding \$13 million above the request.

I strongly oppose the gentleman's amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POLIS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

The Clerk will read.

The Clerk read as follows:

#### DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$2,100,000,000, to remain available until expended: *Provided*, That the Secretary of Energy may make available from funds provided under this heading in this Act not more than \$48,000,000 for the purpose of carrying out domestic uranium enrichment research, development, and demonstration activities.

#### AMENDMENT OFFERED BY MR. BURGESS

Mr. BURGESS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 30, line 6, after the dollar amount, insert "(reduced by \$48,000,000)".

Page 60, line 12, after the dollar amount, insert "(increased by \$48,000,000)".

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. Mr. Chairman, at a time when the Federal Government is having to make tough, painful choices

on how to prioritize taxpayer dollars, this Congress has yet to learn the lessons of the past as to where we waste the most money. In fact yet again this year, as in so many years past, the bill before us insists on throwing good money after bad. It's time to put an end to that wasteful habit.

This amendment would strike \$48 million from the Nuclear Nonproliferation account, which is an earmark for a bailout to a failing uranium enrichment company, the United States Enrichment Corporation, known as USEC. This \$48 million would be put towards deficit reduction.

Look, opponents of the amendment are going to claim that this money is necessary, vitally necessary, for national security when, in fact, that could not be further from the truth. In fact, the question of whether the United States Enrichment Corporation is truly necessary for our national security needs is actually being reviewed right now by the Government Accountability Office, which is expected to release a report on both the national security question as well as the economics of sending further taxpayer dollars to the United States Enrichment Corporation.

Because the report is pending, it is in the best interests of hard-earned taxpayer dollars that we suspend any further aid to USEC until we have more information as to what the company is doing with the money that it is receiving.

Indeed, the United States Enrichment Corporation is so poorly run that, last May, the New York Stock Exchange threatened to delist USEC due to its desperate financial health. Articles over the years have documented USEC's financial woes, including the near-monthly collapse of its stock prices. During the June shareholders meeting just a few weeks ago, 80 percent of USEC's shareholders voted to approve a reverse stock split due to its rock-bottom share prices. It's shocking to most observers that the company has avoided bankruptcy thus far, and it's only done so because of the continued bailout by Congress year after year in the Energy and Water appropriations bill.

As if USEC's financial troubles were not enough, just last month the company filed a Federal lawsuit against the United States for more than \$38 million. This House is contemplating giving \$48 million to USEC; they've got a lawsuit for \$38 million.

Two decades ago, Congress created, by charter, the United States Enrichment Corporation, believing that USEC could better run the uranium enrichment facilities than the government itself. But by now, it should be intuitively obvious to the casual observer that Congress was wrong.

Since its inception, USEC has squandered billions of dollars in Federal bail-

outs, running its operations to near insolvency because of poor decisions. Yearly, they come to the Congress and the executive branch, hat in hand, begging for millions of dollars in bailouts to continue operation sites that are technologically out of date.

It is time that the Federal Government stop the endless bailouts to a failing enterprise.

Moreover, USEC has been a bad-faith actor in its negotiations with the uranium mining industry, which provides the needed raw materials to be enriched at these facilities. And what motivation does USEC have to negotiate in good faith with the miners when it knows that if it doesn't get everything it wants from the miners it can simply go to the Department of Energy and receive a handout, time and again, either in the form of a direct cash payment or in the form of spent uranium tails?

The Department of Energy has had a longstanding agreement with the uranium mining industry not to dump more than 10 percent of the market's worth of uranium in handouts to USEC at any given time. Yet it has become increasingly clear that the Department of Energy is willing to ignore that agreement and provide any bailout that USEC requests or desires.

This betrayal of the mining industry threatens thousands of jobs across the western United States—States like Texas, Nevada, New Mexico, Illinois, and Wyoming, to name a few. Arguments that USEC is the only facility that can supply tritium to the Department of Defense ignores the plain language of the Washington Treaty and the U.S.-India Nuclear Agreement, known as the 123 Agreement.

□ 2330

The Department of Energy has in its possession enough highly enriched uranium and tritium to last for 15 years, costing hundreds of millions of dollars less than the continued bailouts that USEC is currently receiving from the country.

It is time that Congress stood up against the continual bailouts of a failed business model. Propping up one failed company at the expense of an entire industry is not how we should operate in Congress. Let's end the bailout, let's return the money to the Treasury, let's give the hardworking taxpayer a break. It is time we did the right thing.

I yield back the balance of my time.  
Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment. This is the final year of funding to a project to construct a limited number of centrifuges

in order to demonstrate this technology can provide a domestic capability for enriching uranium. This capability is needed to ensure adequate supplies of enriched uranium for our defense needs.

Domestically enriched uranium is needed to supply tritium for the nuclear weapons stockpile and will eventually be needed to fuel the nuclear reactors on board our submarines and aircraft carriers. Even though we have found a way to supply all our needs for the next few years, there is still no plan on how we will fulfill our defense requirements after the limited amount of fuel has been expended.

In every future scenario, we will ultimately need to make an investment to ensure unencumbered enriched uranium is available. There is no reason to cut off funding for a project that is showing progress.

The total cost of this project was originally estimated to cost \$300 million, but the project is proceeding extremely well, it remains on budget, and is on schedule for completion this December. Because of these and other expected cost savings from uranium transfers, the overall cost to the taxpayer has been reduced and could be reduced further.

The bill provides the Department with special reprogramming authority to fund the final \$48 million installment, instead of direct funding. Providing the Department with flexibility on how to fulfill its portion of the cost-sharing agreement could reduce the overall costs of the program if that same progress continues and the full funding amount is not ultimately needed.

This is a responsible approach that meets our defense needs while potentially saving taxpayer dollars.

I urge my colleagues to vote "no" on the amendment, and I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, I rise in opposition to the amendment offered by our distinguished colleague, the gentleman from Texas.

First of all, the American centrifuge project is the only source of domestic enriched uranium—the only source. I think that is important for us to understand America is fighting for its manufacturing future on many fronts, including this one.

One needs enriched uranium in order to make tritium. Tritium is essentially for our nuclear weapons complex and enriched uranium is necessary for commercial operations. This single facility is really important because our country is running out of what we would call "U.S. flag material," material that can be used for these distinct purposes.

As Chairman FRELINGHUYSEN has said, this program is currently on schedule and within budget. That is in stark contrast to some of the other programs that we've been trying to get control of in our subcommittee.

While foreign-owned facilities exist, and there are some in this Chamber who represent those facilities, there is a true need for a domestic supplier. The program in question was proposed by the Department of Energy to meet crucial national security and non-proliferation needs, and DOE has certified completion of two of the five program technical milestones. There are remaining three and they, as the chairman has said, are scheduled for completion in December and are completely on track.

This is an important program, I would say an essential program, to our country. I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

Mr. JOHNSON of Ohio. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. JOHNSON of Ohio. Mr. Chairman, today, I rise in strong opposition to the amendment offered by my good friend from Texas.

First and foremost, my opposition to this amendment is about national security. Since the 1940s, the United States has had a U.S.-owned and -operated uranium enrichment entity in place. This allows the U.S. to control its uranium stockpile, to be a signatory to nuclear weapons treaties, and make sure that we do not rely solely on foreign-owned companies for our uranium needs.

This amendment would put this streak of nearly 70 years in jeopardy if it were to pass and would leave the U.S. without any domestic producer of enriched uranium.

Some will say that we can rely on a foreign-owned company in New Mexico to supply our uranium needs. First, the National Nuclear Security Administration and the Department of State have made it clear that we will never be able to rely on a foreign-owned company for our nuclear weapon triggers, to fuel our nuclear military fleet, or for any other national security purpose, period, end of story.

Even if we could rely on a foreign-owned company for these purposes, I have serious concerns about this company. This company in question is the former employer of AQ Khan, the man responsible for giving away nuclear secrets to North Korea, Iran, and Pakistan. The company did not have the controls in place to safeguard their secrets. As we now know, Pandora's box was opened because of AQ Khan and the lack of oversight of this company.

How can we now consider giving them sole control of our country's uranium enrichment process? This would

put our national security at risk if we ever changed our laws to allow foreign-owned outsourcing of uranium enrichment.

Furthermore, if this amendment passes, it will likely cost the taxpayers billions more in the long-run. The United States Enrichment Corporation is a publicly-owned corporation that has invested and will invest billions of private sector money into developing new and improved enrichment technology. If USEC is not able to finish their research program and goes belly up, the Federal Government will be forced to start a new enrichment program from scratch and spend hundreds of millions, if not billions, of dollars to start up its own uranium enrichment program.

So we can either spend \$40 million plus now and leverage billions of dollars of private investment, or we can be here a year from now appropriating billions of dollars more. I will take \$40 million today over billions of dollars tomorrow any day.

In addition, the taxpayer is protected from failure of this research program. The Department of Energy is both the owner of the intellectual property of the centrifuge machines and even of the machines themselves. DOE will be able to recoup any taxpayer money that goes into the project. But make no mistake: if this project is stopped, DOE will have to spend billions more of taxpayer money to get the project up to scale as opposed to billions of dollars coming from the private sector.

Finally, this amendment, if passed, would be a jobs killer. The American Centrifuge Project currently employs over 1,000 people in multiple States. Furthermore, the project utilizes over 160 American supplier companies in at least 28 States. All of that would go away if this amendment were to pass.

I would also like to remind my colleagues that a similar amendment was offered last year on the Energy and Water appropriations bill with my friend from Texas and the new Senator from Massachusetts, ED MARKEY. It was easily defeated because of all of these very same reasons. Nothing has changed in the last year.

I urge all of my colleagues to again defeat this amendment.

I yield back the balance of my time.

Mr. TURNER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. TURNER. Mr. Chairman, I join with the chairman and ranking member, a fellow Ohioan, in opposition to this amendment.

I strongly oppose the gentleman from Texas' amendment, as it would seriously undermine our national security.

Specifically, this amendment would strike a provision providing the Department of Energy with the authority to use existing funds for domestic uranium enrichment technology development. Let me emphasize that there is

no direct funding in the bill for the project. The provision simply provides the authority to transfer existing funds from other Department of Energy programs.

In the last Congress, as we have previously spoken, the Congress beat two amendments that were offered that were similar, both with strong opposition to these amendments.

According to the National Nuclear Security Administration, in the near future, the United States will need a fully domestic source of unrestricted enriched uranium, based on domestically-developed technology, to support the nuclear weapons program and Navy nuclear reactors program.

The United States is prohibited from seeking this material internationally. Regardless of the agreements, the United States must never rely on foreign companies for such a critical component of our nuclear deterrent. Simply stated, we need U.S.-owned domestic supply of enriched uranium, and the use of a foreign supplied material would violate these long-standing policies and agreements.

This has been defeated twice before, and this is really simple. It has been defeated because this is a critical component of our nuclear deterrent. Do we want to depend on foreign or do we want to have a domestic source? Congress has twice said it would be crazy to jeopardize our nuclear deterrent and rely on foreign sources. Congress should again for the third time defeat this amendment because we need to rely on domestic in protecting the United States nuclear deterrent.

I urge my colleagues to once again oppose this amendment.

I yield back the balance of my time.

Mr. WENSTRUP. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. WENSTRUP. Mr. Chairman, I rise in opposition to this amendment.

This funding, which supports our Nation's domestic uranium enrichment capabilities, is vital for our national security and our energy security and independence. The RD&D program, located in the American Centrifuge Plant in Piketon, Ohio, is the cornerstone for a domestic source of enriched uranium.

American Centrifuge is necessary to support our national defense program needs, including supporting tritium production requirements for the U.S. nuclear stockpile. USEC has received no bailouts. It is inaccurate and misleading to use this politically-charged term in connection with an important national and energy security technology. I strongly believe that American Centrifuge is too important to our Nation's national and energy security to abandon now.

It is vital that the United States maintain a domestic technology to provide enriched uranium for national security purposes.

We must have a U.S.-owned domestic supply of enriched uranium. With the closure of the 1950s-era Paducah enrichment plant, American Centrifuge is the only available technology to meet the Nation's future national security needs for enriched uranium.

Thankfully, we don't have to rely on foreign sources. The RD&D program is within budget and on schedule for completion by December 2013. This funding is not an earmark, as it was included in the budget request and there is no direct funding in the bill for the project. The provision simply provides the authority to transfer existing funds from other DOE programs.

The Burgess amendment would remove the final piece of funding needed to complete the RD&D program, shutting down operations and essentially wasting the \$200 million that has already been spent.

I urge you to support domestic uranium enrichment technology and oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BURGESS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BURGESS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

#### AMENDMENT OFFERED BY MR. BURGESS

Mr. BURGESS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 30, line 6, strike the colon and all that follows through "activities" on line 11.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. Mr. Chairman, this is a continuation of the previous amendment. I was advised by the Parliamentarian it had to be split into two parts. So not to belabor the issue because of the lateness of the hour, the first amendment that was just voted on will remove the funding. This removes the language from the bill, the words "provided that the Secretary of Energy may make available from funds provided under this heading in this act not more than \$48 million for the purposes of carrying out domestic and uranium enrichment research development and demonstration activities."

It is apparently necessary to remove that language as a separate amendment. It could not be included in a single amendment. So this is a continuation of the discussion that we just had.

Recognizing the lateness of the hour, I will yield back the balance of my time.

□ 2345

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Following the doctor's lead, for the reasons I opposed this amendment the last time, I oppose this.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BURGESS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BURGESS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

#### AMENDMENT OFFERED BY MR. GARAMENDI

Mr. GARAMENDI. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 30, line 6, after the dollar amount, insert "(reduced by \$1,000,000) (increased by \$1,000,000)".

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Mr. Chairman, the committee has done a considerable amount of work on one of the very expensive facilities we have in the nuclear arena. This is the MOX facility in South Carolina.

In the current report language, the committee deals with the problem that this facility has. It's over budget, isn't going anywhere, will ultimately produce a product that nobody wants. So what I'm trying to do with this amendment is to take this thing one step further in order to try to find a solution to this very, very expensive problem. If I might just quote the committee's report here:

Despite the influx of additional funding, the NNSA has been unable to recover its schedule and is now facing another \$2.8 billion in additional costs. Instead of its fulfilling its responsibility to address these rising costs through reforming its management of the project and conducting an independent cost estimate to quantify these cost increases, the NNSA wrote "TBD"—which I suspect means "to be determined"—in its budget justification and removed all project funding from its 5-year plan while it carries out a strategic pause.

This program is in deep trouble, and it is a hole into which the U.S. taxpayers continue to pour money. I am pleased that the committee is taking steps, but I'd like the bill to take an additional step, and that's what this amendment does. Let me explain what it is all about.

Technically, the bill takes \$1 million from the Defense Nuclear Nonproliferation and reinserts the same amount

into that account. This is done in order to avoid a point of order. The legislative intent of the amendment is therefore to remove the \$1 million from the funding from the MOX facility at the Savannah River site and then direct the NNSA to instead use these funds for:

One, an independent report to analyze the potential cost-effective alternatives for plutonium disposition, including a detailed assessment of technologically feasible costs; and, two, a study examining whether there are other potential uses for the facilities already built and for the Savannah River site more generally.

While not legally binding, the Agency should comply with this legislative intent if this amendment is adopted.

The amendment is consistent with an amendment that I offered earlier with regard to the NDAA, and the language would be similar. I would urge the adoption of this. We really need to try to figure out the very best way to deal with this sinkhole of taxpayer money.

With that, I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

Our bill supports the most responsible path forward for dealing with this ongoing and troubled project.

The National Nuclear Security Administration has stated it is conducting a strategic pause to pursue other alternatives to the MOX plant in light of what are very large cost increases. However, it has not provided any information on what new alternatives are available which have not already been exhaustively considered. While there are considerable and valid concerns about the project's management and cost growth, the United States must fulfill its end of the plutonium disposition agreement, and more delays will only raise costs.

It is time for the Department of Energy to fix these issues and to get back on track with meeting its commitments. There is no value in prolonging this study into fiscal year 2014.

I urge Members to oppose this amendment, and I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Let me just say that I normally agree with the gentleman from California on many issues. On this particular one, we will part company, but I certainly appreciate his commitment.

In the report, we state that we provide no additional funding to continue

studying the alternatives to the MOX plant and that the NNSA has not described any alternatives which have not already been exhaustively considered or which are likely to resolve in any substantial cost savings to justify this pause, particularly with no permanent nuclear waste repository available after the Department's decision to unilaterally terminate Yucca Mountain.

So there are reasons for the MOX facility. We have made an enormous investment in it, and thousands of jobs are at stake. I am very sorry that we have to part company on this, but I have the highest respect for you and your work.

I yield to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I appreciate the respect. You and the chairman have made a very good argument for my amendment, and I thank you for that.

My amendment doesn't do anything that you're not already trying to do. It simply gives some more specific direction to the Department, specifically to seek outside analysis of the alternatives that might be available.

Clearly, the Department has not been successful in running this project, and they are not in the process of seeking outside help. They're going to try to do it inside. I think that would be a mistake. There are people out there—there are companies and there are actually researchers outside—who could provide that outside view of what's going on.

Secondly, there are other ways of dealing with this problem. This is an aqueous process that's being used there, and it simply isn't working. There are other ways of disposing of the plutonium and of the highly enriched uranium that are proven to work—I discussed this earlier this day—and we need to study whether that can be used at this facility. We're not talking about jobs. We are actually talking about making this facility work and possibly using a different technology, but we really need to have somebody outside take a look at this whole thing.

Both you and the ranking member and the chair have adequately explained why my language should be adopted. I thank you for the committee's looking at this thing in a very hard, structured way. It has to be dealt with.

Ms. KAPTUR. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GARAMENDI).

The amendment was rejected.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

#### NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization

Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$1,109,000,000, to remain available until expended: *Provided*, That \$43,212,000 shall be available until September 30, 2015, for program direction.

#### OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$382,000,000, to remain available until September 30, 2015.

Mr. FRELINGHUYSEN. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 46, line 15 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of that portion of the bill is as follows:

#### ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

##### DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one sport utility vehicle, three lube trucks, and one fire truck for replacement only, \$4,750,000,000, to remain available until expended: *Provided*, That \$280,784,000 shall be available until September 30, 2015, for program direction.

##### OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$830,000,000, to remain available until expended: *Provided*, That of such amount, \$122,734,000 shall be available until September 30, 2015 for program direction.

#### POWER MARKETING ADMINISTRATION

##### BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for construction of, or participating in the construction of, a high voltage line from Bonneville's high voltage system to the service areas of requirements customers located within Bonneville's service area in southern Idaho, southern Montana, and western Wyoming; and such line may extend to, and interconnect in, the Pacific Northwest with lines between the Pacific Northwest and the Pacific Southwest, and for John Day Re-programming and Construction, the Columbia River Basin White Sturgeon Hatchery,

and Kelt Reconditioning and Reproductive Success Evaluation Research, and, in addition, for official reception and representation expenses in an amount not to exceed \$5,000: *Provided*, That during fiscal year 2014, no new direct loan obligations may be made.

#### OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, and including official reception and representation expenses in an amount not to exceed \$1,500, \$7,750,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to \$7,750,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2014 appropriation estimated at not more than \$0: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to \$78,081,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

#### OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$45,456,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$33,564,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2014 appropriation estimated at not more than \$11,892,000: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to \$42,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available

until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That, for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

#### CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500; \$299,919,000, to remain available until expended, of which \$292,019,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to \$203,989,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2014 appropriation estimated at not more than \$95,930,000, of which \$88,030,000 is derived from the Reclamation Fund: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$230,738,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

#### FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$5,330,671, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to \$4,910,671 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2014 appropriation estimated at not more than \$420,000: *Provided further*, That for purposes of this appropriation, an-

ual expenses means expenditures that are generally recovered in the same year that they are incurred: *Provided further*, That for fiscal year 2014, the Administrator of the Western Area Power Administration may accept up to \$865,000 in funds contributed by United States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund, and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such purpose: *Provided further*, That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, repairing, rehabilitating, replacing, or upgrading the hydroelectric facilities at these Dams in accordance with agreements reached between the Administrator, Commissioner, and the power customers.

#### FEDERAL ENERGY REGULATORY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed \$3,000, \$304,600,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$304,600,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2014 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2014 so as to result in a final fiscal year 2014 appropriation from the general fund estimated at not more than \$0.

#### GENERAL PROVISIONS, DEPARTMENT OF ENERGY

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of the House of Representatives and the Senate at least 3 full business days in advance, none of the funds made available in this title may be used to—

(A) make a grant allocation or discretionary grant award totaling \$1,000,000 or more;

(B) make a discretionary contract award or Other Transaction Agreement totaling in excess of \$1,000,000, including a contract covered by the Federal Acquisition Regulation;

(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

(2) The Secretary of Energy shall submit to the Committees on Appropriations of the

House of Representatives and the Senate on the first business day of each quarter a report detailing each grant allocation or discretionary grant award totaling less than \$1,000,000 provided during the previous quarter.

(3) The notification required by paragraph (1) and the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, the account and program, project, or activity from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading "Department of Energy—Energy Programs", enter into a multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless—

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of the House of Representatives and the Senate at least 3 days in advance.

(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the "Bill" column in the "Department of Energy" table or the text included under the heading "Title III—Department of Energy" in the report of the Committee on Appropriations accompanying this Act.

(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 30 days prior to the use of any proposed reprogramming which would cause any program, project, or activity funding level to increase or decrease by more than \$5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a require-

ment or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

SEC. 302. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2014 until the enactment of the Intelligence Authorization Act for fiscal year 2014.

SEC. 304. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Health, Safety, and Security to ensure the project is in compliance with nuclear safety requirements.

SEC. 305. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds \$100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 306. Section 20320 of the Continuing Appropriations Resolution, 2007, Public Law 109-289, division B, as amended by the Revised Continuing Appropriations Resolution, 2007, Public Law 110-5, is amended by striking in subsection (c) "an annual review" after "conduct" and inserting in lieu thereof "a review every three years".

SEC. 307. None of the funds made available by this or any subsequent Act for fiscal year 2014 or any fiscal year hereafter may be used to pay the salaries of Department of Energy employees to carry out the amendments made by section 407 of division A of the American Recovery and Reinvestment Act of 2009.

SEC. 308. Notwithstanding section 307 of Public Law 111-85, of the funds made available by the Department of Energy for activities at Government-owned, contractor-operated laboratories funded in this or any subsequent Energy and Water Development appropriation Act for any fiscal year, the Secretary may authorize a specific amount, not to exceed 4.5 percent of such funds, to be used by such laboratories for laboratory directed research and development.

SEC. 309. Notwithstanding section 301(c) of this Act, none of the funds made available under the heading "Department of Energy—Energy Programs—Science" may be used for a multiyear contract, grant, cooperative agreement, or Other Transaction Agreement of \$1,500,000 or less unless the contract, grant, cooperative agreement, or Other Transaction Agreement is funded for the full period of performance as anticipated at the time of award.

SEC. 310. Not later than June 30, 2014, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a tritium and enriched uranium management plan that provides—

(a) an assessment of the national security demand for tritium and low and highly enriched uranium through 2060;

(b) a description of the Department of Energy's plan to provide adequate amounts of tritium and enriched uranium for national security purposes through 2060; and

(c) an analysis of planned and alternative technologies which are available to meet the supply needs for tritium and enriched uranium for national security purposes, including weapons dismantlement and down-blending.

The Acting CHAIR. Are there any amendments to that section of the bill? Hearing none, the Clerk will read.

The Clerk read as follows:

SEC. 311. (a) The Secretary of Energy shall submit to the Committees on Appropriations of the House of Representatives and the Senate not later than December 1, 2013, a report which provides an analysis of alternatives for each major warhead refurbishment program that reaches Phase 6.3, including—

(1) A summary of the overall cost, scope, and schedule planning assumptions for the major refurbishment activity;

(2) A full description of alternatives considered prior to the award of Phase 6.3;

(3) A comparison of the costs and benefits of each of those alternatives, to include an analysis of trade-offs among cost, schedule, and performance objectives against each alternative considered;

(4) An assessment of the risks, costs, and scheduling needs for each military requirement established by the Department of Defense and/or any requirement established to enhance safety, security, or maintainability;

(5) Identification of the cost and risk of critical technology elements associated with each refurbishment alternative, including technology maturity, integration risk, manufacturing feasibility, and demonstration needs; and

(6) Identification of the cost and risk of capital asset and infrastructure capabilities required to support production and certification of each refurbishment alternative.

(b) The Secretary of Energy or the Secretary's designee shall certify to the Committees on Appropriations of the House of Representatives and the Senate that—

(1) No less than three feasible and distinct alternatives are considered prior to the award of milestone Phase 6.3 for any major warhead refurbishment program; and

(2) Appropriate trade-offs among cost, schedule, and performance objectives have been made to ensure that the program is affordable when considering the per unit cost and the total acquisition cost in the context of the total resources available during the period covered by the most recent stockpile stewardship and management plan and the future-years nuclear security plan submitted during the fiscal year in which the certification is made.

(c) In this section, the term "major warhead refurbishment program" includes all nuclear weapons life extension programs, alterations, and modifications carried out for the life cycle management of the nuclear weapons stockpile, and all non-routine nuclear weapons stockpile activities that are estimated to cost over \$1,000,000,000.

AMENDMENT OFFERED BY MR. FRELINGHUYSEN  
Mr. FRELINGHUYSEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 46, beginning on line 16, amend section 311 to read as follows:

SEC. 311. The Secretary of Energy shall submit to the congressional defense committees (as defined in 10 U.S.C. 101(a)(16)) not



later than December 1, 2013, a report that provides an analysis of alternatives for each major warhead refurbishment program that reaches Phase 6.3, including—

(1) a summary of the overall cost, scope, and schedule planning assumptions for the major refurbishment activity;

(2) a full description of alternatives considered prior to the award of Phase 6.3;

(3) a comparison of the costs and benefits of each of those alternatives, to include an analysis of trade-offs among cost, schedule, and performance objectives against each alternative considered;

(4) an assessment of the risks, costs, and scheduling needs for each military requirement established by the Department of Defense or any requirement established to enhance safety, security, or maintainability;

(5) identification of the cost and risk of critical technology elements associated with each refurbishment alternative, including technology maturity, integration risk, manufacturing feasibility, and demonstration needs; and

(6) identification of the cost and risk of capital asset and infrastructure capabilities required to support production and certification of each refurbishment alternative.

Mr. FRELINGHUYSEN (during the reading). I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, this is a noncontroversial amendment, worked out jointly with the minority and the authorizing committees.

It would amend the existing section 311 to require only the report on analysis of alternatives for major weapons programs to be submitted to both the authorizers and appropriators. This is a change requested by the authorizers, and I am happy to be able to include it. I ask that this amendment be supported.

I yield back the balance of my time.

Ms. KAPTUR. We have no objection to the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. FRELINGHUYSEN).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

#### TITLE IV—INDEPENDENT AGENCIES

##### APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, notwithstanding 40 U.S.C. 14704, and for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$70,317,000, to remain available until expended.

##### DEFENSE NUCLEAR FACILITIES SAFETY BOARD SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out

activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$29,915,000, to remain available until September 30, 2015: *Provided*, That of the amount provided under this heading, \$850,000 shall be made available to procure Inspector General services from the Inspector General of the Nuclear Regulatory Commission.

##### DELTA REGIONAL AUTHORITY SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, \$11,319,000, to remain available until expended.

##### DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, \$7,396,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105-277), as amended by section 701 of appendix D, title VII, Public Law 106-113 (113 Stat. 1501A-280), and an amount not to exceed 50 percent for non-distressed communities.

##### NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$1,355,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

Mr. FRELINGHUYSEN. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 59, line 9 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of that portion of the bill is as follows:

##### SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$250,000, to remain available until expended.

##### NUCLEAR REGULATORY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, including official representation expenses (not to exceed \$25,000), \$1,043,937,000, to remain available until expended: *Provided*, That of the amount appropriated herein, not more than \$9,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, to remain available until September 30, 2015, of which, notwithstanding section 201(a)(2)(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure shall only be approved

by a majority vote of the Commission: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$920,721,000 in fiscal year 2014 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2014 so as to result in a final fiscal year 2014 appropriation estimated at not more than \$123,216,000: *Provided further*, That of the amounts appropriated under this heading, \$10,000,000 shall be for university research and development in areas relevant to their respective organization's mission, and \$5,000,000 shall be for a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

##### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$11,105,000, to remain available until September 30, 2015: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$9,994,000 in fiscal year 2014 shall be retained and be available until September 30, 2015, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2014 so as to result in a final fiscal year 2014 appropriation estimated at not more than \$1,111,000.

##### NUCLEAR WASTE TECHNICAL REVIEW BOARD SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,400,000, to be derived from the Nuclear Waste Fund, to remain available until September 30, 2015.

##### OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act, \$1,000,000, to remain available until September 30, 2015: *Provided*, That any fees, charges, or commissions received pursuant to section 106(h) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720d(h)) in fiscal year 2014 in excess of \$2,402,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

##### GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 401. The Chairman of the Nuclear Regulatory Commission may not terminate any program, project, or activity without a majority vote of the Commissioners of the Nuclear Regulatory Commission approving such action.

SEC. 402. The Chairman of the Nuclear Regulatory Commission shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 1 day after the Chairman begins performing functions under the authority of section 3 of Reorganization Plan No. 1 of 1980, or after a member of the Commission who was delegated emergency functions



under subsection (b) of that section begins performing those functions. Such notification shall include an explanation of the circumstances warranting the exercise of such authority. The Chairman shall report to the Committees, not less frequently than once each week, on the actions taken by the Chairman, or a delegated member of the Commission, under such authority, until the authority is relinquished. The Chairman shall notify the Committees not later than 1 day after such authority is relinquished. The Chairman shall submit the report required by section 3(d) of the Reorganization Plan No. 1 of 1980 to the Committees not later than 1 day after it was submitted to the Commission.

**TITLE V—GENERAL PROVISIONS**  
(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available by this Act may be used to eliminate or reduce funding for a program, project, or activity as proposed in a President's budget request for a fiscal year until such proposed change is subsequently enacted in an appropriations Act, or unless such change is made pursuant to the reprogramming and transfer provisions of this Act.

SEC. 503. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 504. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 505. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriation Act for any fiscal year, transfer authority referenced in the report of the Committee on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality

of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriation Act for any fiscal year, transfer authority referenced in the report of the Committees on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of the House of Representatives and the Senate a semi-annual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

SEC. 506. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations").

SEC. 507. None of the funds made available under this Act may be expended for any new hire by any Federal agency funded in this Act that is not verified through the E-Verify Program as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 508. (a) Of the unobligated balances available from prior year appropriations for the following accounts, the following amounts are hereby permanently rescinded:

(1) Under the heading "Corps of Engineers—Civil—Department of the Army", \$200,000,000, to be derived by the Secretary of the Army from funds made available for "Construction, General", "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee", "General Investigations", "Construction", "Investigations", and "Mississippi River and Tributaries".

(2) "Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy", \$157,000,000.

(3) "Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities", \$142,000,000.

(4) "Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Defense Nuclear Nonproliferation", \$20,000,000.

(b) No amounts may be rescinded under this section from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

The Acting CHAIR. Are there any amendments to this section?

Hearing none, the Clerk will read.

The Clerk read as follows:

SEC. 509. None of the funds made available in this Act may be used to conduct closure of adjudicatory functions, technical review, or support activities associated with the Yucca Mountain geologic repository license appli-

cation, or for actions that irrevocably remove the possibility that Yucca Mountain may be a repository option in the future.

AMENDMENT OFFERED BY MS. TITUS

Ms. TITUS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 59, lines 10 through 16, strike section 509.

Ms. TITUS (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

The Acting CHAIR. The gentlewoman from Nevada is recognized for 5 minutes.

Ms. TITUS. Mr. Chairman, I rise tonight to ask my colleagues to join me in protecting the fiduciary interests of the American taxpayer and in preserving the safety of my constituents in southern Nevada as well as of all of those who live along the proposed route for Yucca Mountain waste.

My amendment would remove misguided language included in this bill that injects politics into a very serious and consequential debate surrounding the issue of nuclear waste disposal. This amendment would simply strike the language included in this bill that tries to restart the failed Yucca Mountain project by prohibiting the DOE from moving forward with plans to close Yucca Mountain and develop proposals for its alternative use.

When the Department of Energy made the correct decision to put an end to the misguided Yucca Mountain project in 2010, they did so after decades of debate with nothing to show for it except for \$15 billion wasted and a big hole in the ground. According to the Government Accountability Office, had the project been completed, it would have cost more than \$80 billion. Those figures don't even take into account the cost of transporting 75,000 metric tons of highly radioactive nuclear waste thousands of miles across the country, through nearly every State in the Union.

Now, this waste wouldn't just magically appear in Nevada. It would travel through many of your congressional districts—through backyards all across the country, near schools, homes, parks, and businesses—nor does this enormous cost figure account for the significant security expenditures required to protect the contents of Yucca Mountain from those seeking to cause our Nation harm.

Mr. Chairman, if a nun with a pair of bolt cutters were able to break into one of the most secure nuclear facilities in the world, how can we ever expect to protect all of the Nation's waste in just one location?

Let's not forget that Yucca Mountain is less than 100 miles from one of the

Nation's largest cities that hosts more than 40 million visitors a year.

In January of 2012, the Department of Energy's bipartisan Blue Ribbon Commission on America's Nuclear Future, led by former Congressman and 9/11 Commission Vice Chairman Lee Hamilton and former National Security Advisor Lieutenant General Brent Scowcroft stated in its final report: "The need for a new strategy is urgent."

The key concept here is "new," but, instead, this bill tries to turn back the clock, back to an old, flawed strategy. It's Groundhog Day here in the United States House of Representatives.

On the subject of Yucca, Congressman Hamilton stated: "Nuclear waste storage at Yucca Mountain is not an option."

General Scowcroft said the Commission will "look forward, not back."

It appears that that message didn't make it all the way up the steps of the Capitol and that some Members of Congress have not gotten the message that Yucca is dead.

□ 0000

We cannot continue to throw good money after bad ideas and go down the same failed path that Congress put us on when politics targeted the people of Nevada in the development of the Yucca Mountain project decades ago.

Although I don't agree with everything that's included in the bill, I applaud the bipartisan group of Senators who have introduced legislation to enact the recommendations of the Commission and have an actual debate that doesn't target communities like Nevada.

I urge my colleagues to join me in support of this amendment. It's time to have a serious debate over the safe disposal of the Nation's nuclear waste and develop an alternative plan that doesn't throw away billions of taxpayer dollars, endanger citizen safety, or threaten economic development projects in southern Nevada.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to oppose the gentleman's amendment.

The House has repeatedly had overwhelming votes in support of continuing the Yucca Mountain Repository. The language that this amendment would strike, we have been carrying for years as a way to keep the will of the House alive, and the American people support what we're doing.

I urge a "no" vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Ms. TITUS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. TITUS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nevada will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 510. The Commissioner of the Bureau of Reclamation and the Assistant Secretary of the Army (Civil Works) shall submit to the Committees on Appropriations of the House of Representatives and the Senate, at the time that the President's budget proposal for fiscal year 2015 is submitted pursuant to section 1105(a) of title 31, United States Code, a comprehensive report compiled in conjunction with the Government Accountability Office that details updated missions, goals, strategies, and priorities, and performance metrics that are measurable, repeatable, and directly linked to requests for funding.

SEC. 511. It is the sense of the Congress that the Congress should not pass any legislation that authorizes spending cuts that would increase poverty in the United States.

#### SPENDING REDUCTION ACCOUNT

SEC. 512. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is \$0.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ADERHOLT) having assumed the chair, Mr. COLLINS of Georgia, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2609) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes, had come to no resolution thereon.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HORSFORD (at the request of Ms. PELOSI) for today on account of a medical mandated recovery.

Mrs. KIRKPATRICK (at the request of Ms. PELOSI) for today on account of attending the memorial service in Arizona for the Prescott Fire Department's Granite Mountain Hotshots.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 793. An act to support revitalization and reform of the Organization of American

States, and for other purposes, Committee on Financial Services.

#### ADJOURNMENT

Mr. FRELINGHUYSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until today, Wednesday, July 10, 2013, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2195. A letter from the Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 657. A bill to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, and for other purposes; with an amendment (Rept. 113-145 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 819. A bill to authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area, and for other purposes (Rept. 113-146 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 292. Resolution providing for consideration of the bill (H.R. 761) to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness (Rept. 113-147). Referred to the House Calendar.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Agriculture discharged from further consideration. H.R. 657 referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. NUNNELEE (for himself, Mr. HARPER, Mr. THOMPSON of Mississippi, and Mr. PALAZZO):

H.R. 2628. A bill to amend title 23, United States Code, with respect to United States

Route 78 in Mississippi, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FITZPATRICK:

H.R. 2629. A bill to provide an exemption for low-revenue companies from certain SEC regulations; to the Committee on Financial Services.

By Mr. BARLETTA:

H.R. 2630. A bill to require a report from the Comptroller General of the United States regarding implementation of the Immigration Reform and Control Act of 1986, and for other purposes; to the Committee on the Judiciary.

By Mr. BARLETTA:

H.R. 2631. A bill to amend the Immigration and Nationality Act to criminalize unlawful presence; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mrs. NAPOLITANO, Mr. RANGEL, Ms. LEE of California, Ms. ROYBAL-ALLARD, Mr. MCGOVERN, Mr. SARBANES, Ms. BROWNLEY of California, Mr. FARR, Mr. GRIJALVA, Mr. LEVIN, Ms. DELAULO, Ms. SCHAKOWSKY, Mr. POLIS, Mr. HONDA, and Ms. ESTY):

H.R. 2632. A bill to amend section 399Z-1 of the Public Health Service Act to extend for 5 years the authorization of appropriations for operational grants under the school-based health centers program; to the Committee on Energy and Commerce.

By Mr. DANNY K. DAVIS of Illinois (for himself and Mr. SHIMKUS):

H.R. 2633. A bill to require the Treasury to mint coins in commemoration of the Sesquicentennial Anniversary of the adoption of the Thirteenth Amendment to the United States Constitution, which officially marked the abolishment of slavery in the United States; to the Committee on Financial Services.

By Mr. FORBES (for himself and Mr. SCOTT of Virginia):

H.R. 2634. A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. BONNER):

H.R. 2635. A bill to award a Congressional Gold Medal to Hank Aaron, in recognition of his contributions to the national pastime of baseball and his perseverance in overcoming discrimination and adversity to become a role model for all Americans; to the Committee on Financial Services.

By Mrs. LOWEY (for herself, Mr. SEAN PATRICK MALONEY of New York, Mr. ENGEL, and Mr. TONKO):

H.R. 2636. A bill to authorize the Secretary of the Interior to conduct a special resource study of the Hudson River Valley, New York; to the Committee on Natural Resources.

By Mr. BENISHEK (for himself, Mr. DINGELL, Mr. PETERS of Michigan, Mrs. MILLER of Michigan, Mr. BENTIVOLIO, Mr. LEVIN, Mr. HUIZENGA of Michigan, Mr. ROGERS of Michigan, Mr. KILDEE, Mr. WALBERG, and Mr. CAMP):

H. Res. 290. A resolution recognizing the centennial of Camp Grayling Joint Maneuver Training Center in the State of Michigan; to the Committee on Armed Services.

By Mr. SMITH of New Jersey (for himself and Mr. DESANTIS):

H. Res. 291. A resolution expressing the sense of the House of Representatives that the Republic of Argentina's membership in the G20 should be conditioned on its adherence to international norms of economic relations and commitment to the rule of law; to the Committee on Foreign Affairs.

By Mr. LAMALFA (for himself, Mrs. ROBY, Ms. SINEMA, and Mr. SWALWELL of California):

H. Res. 293. A resolution expressing support for designation of August 2013 as "Blue Star Mothers of America Month"; to the Committee on Armed Services.

By Ms. WILSON of Florida (for herself, Ms. ROS-LEHTINEN, Mr. HASTINGS of Florida, Mr. DIAZ-BALART, Ms. WASSERMAN SCHULTZ, Mr. GARCIA, Ms. FRANKEL of Florida, and Mr. DEUTCH):

H. Res. 294. A resolution congratulating the Miami Heat for winning the 2013 National Basketball Association Championship; to the Committee on Oversight and Government Reform.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. NUNNELEE:

H.R. 2628.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Article I, Section 8, Clause 17.

By Mr. FITZPATRICK:

H.R. 2629.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. BARLETTA:

H.R. 2630.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18. This is the 'necessary and proper clause' that grants Congress the authority to make all laws necessary for enforcing the Constitution.

By Mr. BARLETTA:

H.R. 2631.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18. This is the 'necessary and proper clause' that grants Congress the authority to make all laws necessary for enforcing the Constitution.

By Mrs. CAPPS:

H.R. 2632.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority in which this bill rests is the power of the Congress to regulate Commerce, as enumerated by Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. DANNY K. DAVIS of Illinois:

H.R. 2633.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 5

The Congress shall have Power to coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures.

By Mr. FORBES:

H.R. 2634.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 and Article I, Section 8, Clause 18

By Mr. KIND:

H.R. 2635.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8.

By Mrs. LOWEY:

H.R. 2636.

Congress has the power to enact this legislation pursuant to the following:

Article 1

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 55: Mr. LATHAM.

H.R. 127: Mr. YOHO and Mr. PERRY.

H.R. 176: Mr. POE of Texas.

H.R. 207: Mr. HULTGREN.

H.R. 269: Mr. COURTNEY.

H.R. 303: Ms. BROWN of Florida.

H.R. 310: Mr. NOLAN.

H.R. 352: Mr. ADERHOLT, Mr. DIAZ-BALART, Mr. CHAFFETZ, and Mr. WOMACK.

H.R. 449: Mr. BISHOP of Utah.

H.R. 460: Mr. LATHAM, Mr. THOMPSON of Mississippi, Mr. RYAN of Ohio, Mr. SCOTT of Virginia, and Mr. CUMMINGS.

H.R. 495: Mr. CARNEY, Mr. MATHESON, Mr. LARSON of Connecticut, Mr. HENSARLING, Mr. NUNNELEE, Mr. MEEKS, Mr. NUGENT, Ms. BROWNLEY of California, and Mr. AMODEI.

H.R. 498: Ms. MCCOLLUM, Ms. SPIER, Mr. BEN RAY LUJAN of New Mexico, Ms. LOFGREN, Ms. NORTON, and Mr. POE of Texas.

H.R. 523: Mr. SMITH of Nebraska.

H.R. 526: Ms. DEGETTE.

H.R. 543: Ms. HANABUSA.

H.R. 556: Mr. WHITFIELD and Mr. POMPEO.

H.R. 574: Mr. BRALEY of Iowa.

H.R. 647: Ms. ROYBAL-ALLARD.

H.R. 679: Mr. CRAMER, Mr. SEAN PATRICK MALONEY of New York, Mr. MCGOVERN, Mr. MCINTYRE, and Mrs. BROOKS of Indiana.

H.R. 685: Ms. MCCOLLUM, Mr. FLEISCHMANN, Mr. NUNES, and Mr. GIBSON.

H.R. 690: Mr. LAMBORN.

H.R. 702: Ms. CASTOR of Florida.

H.R. 721: Mr. VELA, Mr. WILLIAMS, Mr. ROSS, Mr. GOWDY, Ms. HAHN, and Mr. CUELLAR.

H.R. 724: Mr. VEASEY.

H.R. 755: Mr. MCCLINTOCK, Mr. GRIMM, Ms. MENG, Mr. JEFFRIES, and Ms. VELÁZQUEZ.

H.R. 760: Mr. SMITH of Missouri.

H.R. 769: Ms. GABBARD, Mr. JEFFRIES, Ms. KUSTER, Mr. RAHALL, Mrs. BUSTOS, Ms. NORTON, and Mr. KILMER.

H.R. 792: Mr. GOODLATTE and Mr. RIBBLE.

H.R. 805: Mr. BENTIVOLIO.

H.R. 822: Mr. PRICE of North Carolina.

H.R. 831: Mrs. CHRISTENSEN.

H.R. 855: Mr. FOSTER.

H.R. 874: Mr. SIRE and Mr. HOLT.

H.R. 963: Ms. TITUS.

H.R. 975: Mr. CONYERS and Mr. COLE.

H.R. 991: Mr. SENSENBRENNER.

H.R. 997: Mr. ROTHFUS.

H.R. 1010: Ms. SCHWARTZ.

H.R. 1014: Mr. HUIZENGA of Michigan, Mr. ALEXANDER, Mr. CONAWAY, Mr. BOUSTANY, Mr. WEBER of Texas, Mr. MCINTYRE, Ms. SEWELL of Alabama, and Mr. NUNNELEE.

H.R. 1020: Mr. FRELINGHUYSEN, Mr. PEARCE, and Mr. COTTON.  
 H.R. 1024: Ms. SEWELL of Alabama, Mr. BARTON, and Ms. TITUS.  
 H.R. 1025: Mr. GRIJALVA and Mrs. NAPOLITANO.  
 H.R. 1101: Mr. BISHOP of Georgia.  
 H.R. 1129: Mr. DUNCAN of South Carolina.  
 H.R. 1176: Mr. DELANEY.  
 H.R. 1179: Mr. KEATING, Ms. CASTOR of Florida, Mr. DEUTCH, Mr. YOUNG of Alaska, and Ms. HANABUSA.  
 H.R. 1209: Mr. MULVANEY, Mr. YOHO, and Mr. BUCHANAN.  
 H.R. 1248: Mr. TERRY.  
 H.R. 1254: Mr. GUTHRIE and Mrs. ROBY.  
 H.R. 1274: Mr. MURPHY of Pennsylvania.  
 H.R. 1309: Mr. GOODLATTE and Mr. WITTMAN.  
 H.R. 1318: Ms. ESTY.  
 H.R. 1354: Mr. RIBBLE.  
 H.R. 1386: Mr. PAULSEN.  
 H.R. 1394: Mr. MEADOWS.  
 H.R. 1414: Mr. BRALEY of Iowa, Mr. NOLAN, and Mr. LEVIN.  
 H.R. 1416: Mr. FRELINGHUYSEN and Mr. PAULSEN.  
 H.R. 1428: Mr. GRIFFIN of Arkansas and Ms. SCHAKOWSKY.  
 H.R. 1463: Mr. COHEN.  
 H.R. 1473: Mr. STIVERS and Mr. RUIZ.  
 H.R. 1494: Mr. CARTWRIGHT.  
 H.R. 1502: Mr. YOUNG of Indiana.  
 H.R. 1521: Mr. DEUTCH.  
 H.R. 1527: Mr. COHEN and Mr. PETERS of California.  
 H.R. 1528: Mrs. WALORSKI and Mr. HULTGREN.  
 H.R. 1582: Mr. BARR.  
 H.R. 1595: Mr. GUTIÉRREZ.  
 H.R. 1620: Ms. SEWELL of Alabama.  
 H.R. 1629: Mr. LOWENTHAL, Mr. TAKANO, and Mr. PRICE of North Carolina.  
 H.R. 1692: Mr. CONNOLLY and Mr. SIREs.  
 H.R. 1717: Mr. DUNCAN of Tennessee.  
 H.R. 1731: Mr. LIPINSKI, Mr. PAYNE, and Mr. FRELINGHUYSEN.  
 H.R. 1748: Ms. JACKSON LEE and Ms. HAHN.  
 H.R. 1756: Mr. BENISHEK and Mr. CARTWRIGHT.  
 H.R. 1759: Mr. GRIJALVA.  
 H.R. 1761: Mr. WHITFIELD.  
 H.R. 1771: Mr. OWENS, Mr. KING of New York, Mr. ENYART, and Mr. WALBERG.  
 H.R. 1775: Mr. RUNYAN.  
 H.R. 1779: Mr. GRIJALVA and Mr. DUNCAN of Tennessee.  
 H.R. 1781: Mr. CARTWRIGHT.  
 H.R. 1784: Mr. SMITH of Washington.  
 H.R. 1789: Mr. WHITFIELD.  
 H.R. 1790: Mr. LOEBACK.  
 H.R. 1795: Mr. KINZINGER of Illinois, Mr. DUNCAN of Tennessee, Mr. RUIZ, Mr. FOSTER, and Mr. NEUGEBAUER.  
 H.R. 1806: Mr. POCAN.  
 H.R. 1814: Mr. COTTON.  
 H.R. 1824: Mr. GRIJALVA.  
 H.R. 1825: Mr. RIBBLE, Mr. BARR, and Mr. POE of Texas.  
 H.R. 1827: Mr. PERLMUTTER, Mr. DEFazio, and Mrs. CAPPS.  
 H.R. 1830: Mr. GARDNER, Ms. MENG, Mr. BEN RAY LUJÁN of New Mexico, Mr. BUCHANAN, and Mr. GRAYSON.  
 H.R. 1842: Mr. CARTWRIGHT.  
 H.R. 1848: Mrs. BUSTOS.  
 H.R. 1852: Mr. LUETKEMEYER, Mr. BURGESS, Mr. KILMER, Mr. WALBERG, Ms. NORTON, Ms. SPEIER, Mr. MCINTYRE, Mr. SENSENBRENNER, and Mr. CARTWRIGHT.  
 H.R. 1869: Mr. BERA of California.  
 H.R. 1875: Mr. MAFFEI.  
 H.R. 1920: Mr. SHERMAN, Mr. PIERLUISI, and Mr. BEN RAY LUJÁN of New Mexico.

H.R. 1921: Ms. LOFGREN.  
 H.R. 1940: Mr. CARTWRIGHT.  
 H.R. 1974: Mr. MICHAUD.  
 H.R. 1980: Mr. GRIJALVA, Mr. BILIRAKIS, and Mr. BENISHEK.  
 H.R. 1992: Mr. NUNNELEE.  
 H.R. 2000: Mr. HUFFMAN, Mr. CASTRO of Texas, and Mr. MARINO.  
 H.R. 2009: Mr. TERRY, Mr. HARPER, Mr. WEBSTER of Florida, and Mr. BILIRAKIS.  
 H.R. 2011: Mr. ENYART.  
 H.R. 2019: Mr. AMODEI, Mr. MULLIN, Mrs. WAGNER, and Mr. CRAWFORD.  
 H.R. 2022: Mr. WOMACK.  
 H.R. 2027: Mr. CRAWFORD and Mr. WOMACK.  
 H.R. 2028: Ms. CASTOR of Florida, Mr. LEVIN, Mr. DELANEY, and Mr. CARTWRIGHT.  
 H.R. 2044: Ms. LEE of California.  
 H.R. 2051: Mr. CASTRO of Texas.  
 H.R. 2053: Mr. BARR, Mr. TERRY, and Mr. WILSON of South Carolina.  
 H.R. 2085: Mr. YODER.  
 H.R. 2088: Mr. GRIJALVA.  
 H.R. 2122: Mr. SESSIONS, Mr. FRANKS of Arizona, Mr. HOLDING, Mr. KLINE, Mrs. NOEM, Mrs. BACHMANN, Mr. TERRY, Mr. CALVERT, and Mr. COTTON.  
 H.R. 2157: Mr. CARTWRIGHT.  
 H.R. 2164: Mr. BROUN of Georgia.  
 H.R. 2184: Mr. CARTWRIGHT.  
 H.R. 2221: Mrs. BLACKBURN and Mr. FRANKS of Arizona.  
 H.R. 2224: Mr. LANGEVIN, Mr. MORAN, Mr. PASCRELL, Mr. BUCHANAN, Ms. SCHWARTZ, Ms. TSONGAS, Mr. PRICE of North Carolina, Mr. TIERNEY, and Ms. LOFGREN.  
 H.R. 2238: Mr. GERLACH.  
 H.R. 2239: Mr. CRAMER.  
 H.R. 2268: Mr. CARTWRIGHT.  
 H.R. 2283: Mr. PITTS, Mr. ROSKAM, and Mr. SENSENBRENNER.  
 H.R. 2300: Mr. WALBERG.  
 H.R. 2305: Mr. WHITFIELD, Mr. RIBBLE, Mr. WOMACK, Ms. BROWNLEY of California, and Mr. MULLIN.  
 H.R. 2315: Mr. MCKINLEY.  
 H.R. 2328: Mr. DEFazio, Mr. GARDNER, Mr. TERRY, and Mr. MARCHANT.  
 H.R. 2360: Mr. BARLETTA and Mr. DOYLE.  
 H.R. 2361: Mr. RODNEY DAVIS of Illinois and Mr. PALAZZO.  
 H.R. 2385: Mr. COTTON and Mr. MULVANEY.  
 H.R. 2407: Mr. TONKO.  
 H.R. 2423: Mr. HOLT and Mr. WALZ.  
 H.R. 2424: Ms. BORDALLO, Mr. GENE GREEN of Texas, Mr. CÁRDENAS, Mr. MCGOVERN, and Ms. BROWNLEY of California.  
 H.R. 2429: Mr. CRAWFORD, Mr. WEBSTER of Florida, Mr. DESANTIS, Mr. WILLIAMS, Mr. THORNBERRY, Ms. JENKINS, Mrs. BLACKBURN, Mr. AMODEI, Mr. WESTMORELAND, Mr. GRAVES of Missouri, Mr. PALAZZO, Mr. JORDAN, Mr. WOMACK, Mr. YOHO, Ms. ROS-LEHTINEN, Mr. GARDNER, Mr. KING of Iowa, Mr. ROGERS of Alabama, Mr. FLORES, Mr. FITZPATRICK, and Mr. COOK.  
 H.R. 2445: Mr. LANKFORD and Mr. MULLIN.  
 H.R. 2449: Mr. WEBER of Texas.  
 H.R. 2458: Mr. RICE of South Carolina.  
 H.R. 2482: Ms. SLAUGHTER.  
 H.R. 2501: Mr. CHAFFETZ.  
 H.R. 2506: Mr. GRIFFIN of Arkansas, Mr. MULVANEY, and Mr. PETRI.  
 H.R. 2507: Mr. SANFORD.  
 H.R. 2510: Mr. ISRAEL.  
 H.R. 2511: Mr. HUELSKAMP.  
 H.R. 2520: Ms. SLAUGHTER.  
 H.R. 2541: Mr. BURGESS, Mr. DUNCAN of Tennessee, and Mr. CRAMER.  
 H.R. 2546: Mr. HUIZENGA of Michigan.  
 H.R. 2560: Mr. CARTWRIGHT.  
 H.R. 2565: Mr. DUFFY, Ms. JENKINS, Mr. COOK, Mrs. BLACKBURN, Mr. COLE, Mr. HECK of Nevada, Mr. FINCHER, Mr. SOUTHERLAND,

Mr. TIPTON, Mr. REED, Mr. HANNA, Mr. MCHENRY, Mr. SCALISE, Mr. COLLINS of New York, Mr. BRADY of Texas, Mr. FITZPATRICK, and Mr. PITTS.  
 H.R. 2571: Mr. COTTON, Mr. MULVANEY, and Mr. WESTMORELAND.  
 H.R. 2574: Mr. GUTIÉRREZ and Ms. KELLY of Illinois.  
 H.R. 2575: Mr. WHITFIELD and Mr. TERRY.  
 H.R. 2578: Mr. OWENS.  
 H.R. 2579: Mr. COLLINS of New York and Mr. WOMACK.  
 H.R. 2590: Mr. MULVANEY, Mr. GRIFFIN of Arkansas, Mr. HUFFMAN, Mr. PETRI, and Mr. NOLAN.  
 H.R. 2611: Mr. HUNTER and Mr. GARAMENDI.  
 H.R. 2615: Mr. THOMPSON of Pennsylvania.  
 H.R. 2616: Mr. TAKANO, Mr. BERA of California, Ms. BROWNLEY of California, and Ms. ESTY.  
 H.R. 2618: Ms. JACKSON LEE.  
 H.J. Res. 1: Mr. SMITH of Missouri, Mr. MURPHY of Pennsylvania, and Mr. GINGREY of Georgia.  
 H.J. Res. 2: Mr. MURPHY of Pennsylvania.  
 H.J. Res. 28: Mr. HALL.  
 H.J. Res. 51: Mr. MARCHANT and Mr. LATHAM.  
 H. Con. Res. 23: Mr. JOYCE.  
 H. Con. Res. 40: Mr. STIVERS.  
 H. Con. Res. 41: Ms. BORDALLO and Mr. HONDA.  
 H. Res. 30: Ms. SINEMA.  
 H. Res. 36: Mr. SMITH of Missouri.  
 H. Res. 109: Ms. HANABUSA.  
 H. Res. 112: Mr. SMITH of Washington.  
 H. Res. 187: Mr. VAN HOLLEN.  
 H. Res. 213: Ms. FRANKEL of Florida.  
 H. Res. 222: Mr. CICILLINE, Mr. VAN HOLLEN, Mr. ENYART, Mr. ROHRBACHER, Mr. STOCKMAN, and Mr. ELLISON.  
 H. Res. 231: Mrs. BUSTOS and Mr. CRAMER.  
 H. Res. 236: Mr. CÁRDENAS, Mr. DEFazio, and Mr. GENE GREEN of Texas.  
 H. Res. 238: Mr. ELLISON.  
 H. Res. 272: Mr. HOLDING.  
 H. Res. 282: Mr. SIREs, Ms. FRANKEL of Florida, and Ms. FUDGE.  
 H. Res. 284: Mr. GENE GREEN of Texas, Mr. CONAWAY, Mr. OLSON, and Mr. KINGSTON.  
 H. Res. 285: Mr. MILLER of Florida, Ms. CASTOR of Florida, Mr. DEUTCH, Ms. JACKSON LEE, Ms. BONAMICI, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Ms. NORTON, Mr. PETERS of California, Mrs. CAPPS, Mr. SWALWELL of California, Ms. HAHN, and Mr. GARAMENDI.  
 H. Res. 289: Mr. TAKANO and Mr. VISCLOSKEY.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

### H.R. 2609

OFFERED BY: Mr. TURNER

AMENDMENT No. 10: At the end of the bill (before the short title), insert the following:  
 SEC. \_\_\_\_ None of the funds made available by this Act may be used to reduce the nuclear forces of the United States in contravention of section 303(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b)).

### H.R. 2609

OFFERED BY: Ms. CASTOR OF FLORIDA

AMENDMENT No. 11: Page 22, line 5, after the dollar amount, insert "(increased by \$1,127,954,000)".

Page 22, line 8, before the period, insert the following:

: *Provided*, That the amount made available under this heading shall be allocated between programs, projects, and activities previously funded under the heading "Energy

Efficiency and Renewable Energy” and programs, projects, and activities previously funded under the heading “Electricity Delivery and Energy Reliability” in the same proportion as such funds were allocated between such accounts in fiscal year 2013 by division F of Public Law 113-6

H.R. 2609

OFFERED BY: MR. REED

AMENDMENT No. 12: Page 3, line 4, after the dollar amount, insert “(reduced by \$1)”.

Page 25, line 14, after the dollar amount, insert “(increased by \$18,956,000)”.

Page 28, line 10, after the dollar amount, insert “(reduced by \$9,478,000)”.

Page 31, line 1, after the second dollar amount, insert “(reduced by \$9,477,999)”.

H.R. 2609

OFFERED BY: MR. REED

AMENDMENT No. 13: Page 25, line 14, after the dollar amount, insert “(increased by \$18,956,000)”.

Page 28, line 10, after the dollar amount, insert “(reduced by \$9,478,000)”.

Page 31, line 1, after the second dollar amount, insert “(reduced by \$9,478,000)”.

H.R. 2609

OFFERED BY: MR. GRAYSON

AMENDMENT No. 14: At the end of the bill (before the short title), add the following new section:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to enter into a contract with any offeror or any of its principals if the offeror certifies, as required by Federal Acquisition Regulation, that the offeror or any of its principals:

(A) within a three-year period preceding this offer has been convicted of or had a civil judgment rendered against it for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property; or

(B) are presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated above in subsection (A); or

(C) within a three-year period preceding this offer, has been notified of any delinquent Federal taxes in an amount that exceeds \$3,000 for which the liability remains unsatisfied.

H.R. 2609

OFFERED BY: MR. GRAYSON

AMENDMENT No. 15: Page 6, line 15, after the dollar amount, insert “(increased by \$10,000,000)”.

Page 29, line 21, after the dollar amount, insert “(reduced by \$10,000,000)”.

H.R. 2609

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT No. 16: Page 22, line 8, before the period, insert the following:

*Provided*, That the amount made available under this heading shall be allocated between programs, projects, and activities previously funded under the heading “Energy Efficiency and Renewable Energy” and programs, projects, and activities previously funded under the heading “Electricity Delivery and Energy Reliability” in the same proportion as such funds were allocated between

such accounts for fiscal year 2013 by division F of Public Law 113-6.

H.R. 2609

OFFERED BY: MR. BURGESS

AMENDMENT No. 17: At the end of the bill, before the short title, insert the following new section:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used—

(1) to implement or enforce section 430.32(x) of title 10, Code of Federal Regulations; or

(2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)) with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps.

H.R. 2609

OFFERED BY: MR. BURGESS

AMENDMENT No. 18: Page 30, line 6, after the dollar amount, insert “(reduced by \$48,000,000)”.

Page 30, line 9, after the dollar amount, insert “(reduced by \$48,000,000)”.

Page 60, line 12, after the dollar amount, insert “(increased by \$48,000,000)”.

H.R. 2609

OFFERED BY: MR. KELLY OF PENNSYLVANIA

AMENDMENT No. 19: Page 3, line 16, after the dollar amount, insert “(increased by \$3,000,000)”.

Page 17, line 15, after the dollar amount, insert “(reduced by \$3,000,000)”.

H.R. 2609

OFFERED BY: MR. KELLY OF PENNSYLVANIA

AMENDMENT No. 20: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to develop or submit a proposal to expand the authorized uses of the Harbor Maintenance Trust Fund described in section 9505(c) of the Internal Revenue Code of 1986.

H.R. 2609

OFFERED BY: MR. KELLY OF PENNSYLVANIA

AMENDMENT No. 21: Page 10, line 21, after the period insert the following: “Further, the Army Corps of Engineers, in coordination with the Director of the United States Fish and Wildlife Service, the National Park Service, and the United States Geological Survey, shall lead a multiagency effort to slow the spread of Asian Carp in the Ohio River basin and tributaries by providing high-level technical assistance, coordination, best practices, and support to State and local government strategies to slow, and eventually eliminate, the threat posed by Asian Carp. To the maximum extent practicable, the multiagency effort shall apply lessons learned and best practices such as those developed under the Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States, November 2007, and the Asian Carp Control Strategic Framework.”.

H.R. 2609

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 22: Page 22, line 5, after the dollar amount, insert “(reduced by \$731,600,000)”.

Page 22, line 20, after the dollar amount, insert “(reduced by \$362,329,000)”.

Page 23, line 24, after the dollar amount, insert “(reduced by \$450,000,000)”.

Page 23, line 25, after the dollar amount, insert “(reduced by \$115,753,000)”.

Page 60, line 12, after the dollar amount, insert “(increased by \$1,543,929,000)”.

H.R. 2609

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

AMENDMENT No. 23: Page 22, line 5, after the dollar amount, insert “(increased by \$992,620,780)”.

Page 26, line 12, after the dollar amount, insert “(increased by \$430,029,400)”.

Page 26, line 18, after the dollar amount, insert “(increased by \$233,250,000)”.

Page 31, line 16, after the dollar amount, insert “(reduced by \$1,655,900,180)”.

H.R. 2609

OFFERED BY: MR. GRAYSON

AMENDMENT No. 24: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. The amounts otherwise provided by this Act are revised by reducing the amount made available for “National Nuclear Security Administration—Weapons Activities”, and increasing the amount made available for “Corps of Engineers—Civil—Flood Control and Coastal Emergencies”, by \$10,000,000.

H.R. 2609

OFFERED BY: MR. QUIGLEY

AMENDMENT No. 25: Page 29, line 21, after the dollar amount, insert “(reduced by \$23,700,000)”.

Page 60, line 12, after the dollar amount, insert “(increased by \$23,700,000)”.

H.R. 2609

OFFERED BY: MR. BARROW OF GEORGIA

AMENDMENT No. 26: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to implement, administer, or enforce any authority, in any preceding provision of this Act, to use funds for the purchase or hire of motor vehicles.

H.R. 2609

OFFERED BY: MR. GARAMENDI

AMENDMENT No. 27: Page 30, line 6, after the dollar amount, insert “(reduced by \$1,000,000) (increased by \$1,000,000)”.

H.R. 2609

OFFERED BY: MR. GARAMENDI

AMENDMENT No. 28: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. The amounts otherwise provided by this Act are revised by reducing the amount made available for “Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities”, and increasing the amount made available for “Corps of Engineers—Civil—Construction”, by \$100,000,000.

H.R. 2609

OFFERED BY: MS. BASS

AMENDMENT No. 29: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to implement, administer, or enforce, with respect to hydraulic fracturing operations in the Inglewood Oil Field—

(1) the exclusion in section 1421(d)(1)(B) of the Safe Drinking Water Act (42 U.S.C. 300h(d)(1)(B));

(2) section 261.4(b)(5) of title 40, Code of Federal Regulations; or

(3) the limitation in section 402(l)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1342(l)(2)).

H.R. 2609

OFFERED BY: MR. KELLY OF PENNSYLVANIA

AMENDMENT No. 30: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to develop or submit

a proposal to expand the authorized uses of the Harbor Maintenance Trust Fund described in section 9505(c) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)).

H.R. 2609

OFFERED BY: MR. HIGGINS

AMENDMENT NO. 31: At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to relocate or consolidate general and administrative functions, personnel, or resources of the Buffalo and Chicago Districts of the Corps of Engineers Great Lakes and Ohio River Division.

H.R. 2609

OFFERED BY: MR. WALBERG

AMENDMENT NO. 32: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to carry out section 801 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17281).

H.R. 2609

OFFERED BY: MR. GARAMENDI

AMENDMENT NO. 33: Page 30, line 6, after the dollar amount, insert “(reduced by \$1,000,000) (increased by \$1,000,000)”.

H.R. 2609

OFFERED BY: MR. LYNCH

AMENDMENT NO. 34: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. The amounts otherwise provided by this Act are revised by reducing the amount made available for “Department of Energy—Energy Programs—Fossil Energy Research and Development” and by increasing the amount made available for “Corps of Engineers-Civil—Department of the Army—Corps of Engineers-Civil—Construction” by \$29,425,000 and \$19,425,000, respectively.

H.R. 2609

OFFERED BY: MS. TITUS

AMENDMENT NO. 35: Page 59, lines 10 through 16, strike section 509.

## EXTENSIONS OF REMARKS

TRIBUTE TO DANIEL PULINSKI  
AND STEPHANIE URBANCZYK ON  
THEIR 50TH WEDDING ANNIVER-  
SARY

## HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. HIGGINS. Mr. Speaker, I rise today to congratulate Mr. Daniel B. Pulinski and Mrs. Stephanie M. Urbanczyk, lifelong residents of Lackawanna, on the occasion of their 50th wedding anniversary.

The couple was wed on August 10, 1963 in a ceremony at St. Michael's Church, now Queen of Angels, in Lackawanna, New York.

Daniel attended St. Barbara's elementary school and St. Francis High School, after which he nobly enlisted in the United States Army. After his service, he worked in the Bethlehem Steel plant, rising through the ranks to become a foreman. A dedicated family man, Daniel worked several more jobs to support his wife and children after the plant closed. He retired after working as a custodian in the auto tech division of Erie Community College.

Stephanie attended St. Michael's elementary school and Lackawanna High School. After completing her education, she became a secretary for a Buffalo insurance company. While starting a family, she became a stay-at-home mother for a few years, returning to work at Hills Department Store. The store became Ames, where she rose to the position of Manager. Stephanie continues to work to this day, currently at Dollar General.

Daniel and Stephanie raised four children together, Anita, Ronald, Denise, and Daniel. They are grandparents to eight beautiful grandchildren: Stephanie, Alanna, James, Rebecca, Danielle, Brandon, Nicholas, and Matthew.

The couple enjoys spending family time with their grandchildren and traveling across the globe with their many friends. They continue to reside in Lackawanna, and are still active in Queen of Angels Church and the Buffalo Polish community.

Mr. Speaker, it is a great honor for me to offer my sincerest congratulations to Daniel, Stephanie, and their family on this most joyous occasion. I ask my colleagues to join me to acknowledge their commitment to each other as they celebrate their Golden Anniversary, and offer our best wishes for continued happiness.

TRIBUTE ON THE 50TH WEDDING  
ANNIVERSARY OF MR. AND MRS.  
ANDREW SEWELL

## HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Ms. SEWELL of Alabama. Mr. Speaker, I rise today to recognize and pay tribute on the occasion of the 50th wedding anniversary of Andrew and Nancy Sewell, my beloved parents who celebrated this special event on July 2, 2013. This phenomenal couple celebrates love, marriage and family on this momentous occasion that began on June 15, 1963. They instilled family values to so many others as well to me. This golden wedding anniversary is a special day and it marks a half of a century of commitment and love for one another. We honor this milestone of marriage and a life well lived together.

Their love story begins with the attraction of an outstanding football player in college who was Captain of the team to his beautiful classmate Nancy. My father says lovingly that my mother met him on the steps of the library and that she barely gave him the time of day. He remembers being drawn to her outer beauty as well as inner beauty noting her friendly spirit. He also said that she was studious. My mother recalls that my father was "the jock of the campus" and especially remembers that he was athletic and gregarious.

After graduating college, their romance blossomed in the summer of 1961 when Andrew was recruited as the Head Coach for Council Training School in Huntsville, Alabama. His future bride was already employed at the school as the Head Librarian. When Andrew saw Nancy in the Library on the school tour before he signed the contract he immediately knew that he wanted to work there telling the principal yes, he would take the job!

The romance led to a Valentine's Day marriage proposal in 1962 as Andrew asked for Nancy's hand in marriage at the Old American Legion Club in Huntsville, Alabama. Prior to the proposal as was custom, my father asked permission for my mother's hand in marriage from my grandfather, Reverend Tom Gardner, Jr. of Lowndes County, Alabama. This tradition of respect for elders in our family continues today. The Gardner family is a family of Christian religious leaders and this value of spirituality permeates our family life as my father is Catholic and my mother is Methodist.

For 50 years, this exceptional couple has built a life of love together. They were married on June 15, 1956 and have served as a pillar to the communities where they have lived. Their first home was in Huntsville, Alabama and my mother was the Head Librarian and my father was the Head Coach for Council Training School. Their leadership, values, commitment to community, work, and family

are demonstrable through their actions and accomplishments.

As first born child of my parents, I am pleased to say that while Coach Sewell wanted a future football player, he was thrilled with the addition of his "cheerleader" on New Year's Day in 1965. During this time my father was recruited to return to his beloved R. B. Hudson High School as Head Basketball Coach and Assistance Football, Track and Baseball Coach. Nancy became the Assistant Librarian and history teacher at R. B. Hudson High School.

Life continued to blossom as my parents became the parents of twins on July 21, 1967. My parents encouraged and supported their children to maximize their potential, to achieve excellence, to have a strong work ethic and to be a blessing to others. My parents have often said that to those who are blessed it is their obligation to be a blessing to others. Through their inspiration, motivation, prayers, and strength my brothers are college level athletic coaches and I am serving my 2nd term in Congress as a Member of the U.S. House of Representatives. They cherish three beautiful grandchildren: Neshambia, Taylor and Carter. Neshambia is a sophomore at the University of Alabama, Taylor will be in 6th grade and Carter will be in 3rd grade this year.

Andrew and Nancy Sewell continue to be excellent role models that lead by example. They reach out to family, friends and community teaching their children and now grandchildren the importance of doing the same. This becomes part of the fabric of our lives, interwoven into who the children are and what they will become. Families work together to solve problems, and they believe in the importance of passing their values and skills on to the next generation.

Andrew's successful and productive career as a Coach continued for 33 years in Huntsville and Selma, Alabama. Nancy, in addition to being Head Librarian in the school system, she was the first African-American woman elected to the Selma City Council, serving 12 years; the Alpha Kappa Alpha (AKA) South Eastern Regional Director for 4 years; and AKA International Secretary for 4 years.

Marriage is a bond that lasts a lifetime. For my parents it is based on a foundation of love, spiritual belief, common goals and family values. Their love story nourishes one in understanding that this sacred union brought together their hearts, minds and souls. The laughter, love and joy continue today as we acknowledge with a grateful heart the 50th Wedding Anniversary of my parents, Andrew and Nancy Sewell.

On behalf of the State of Alabama, and this nation, I ask my colleagues in the United States House of Representatives to join me in celebrating the Golden Anniversary of my parents who are extraordinary Americans and Alabama treasures!

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



HONORING CHIEF TODD HOUDE'S  
RETIREMENT

**HON. ADAM KINZINGER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. KINZINGER of Illinois. Mr. Speaker, I rise today to honor Cherry Valley Police Chief Todd M. Houde, and to recognize his service to the Cherry Valley community.

Chief Houde began his career in law enforcement as a deputy sheriff with the Winnebago County Sheriff's Office in 1981 after graduating from Memphis State University with a degree in criminal justice. He became a full-time police officer with the Cherry Valley Police Department in August 1986.

Throughout his years with the department, he has protected the Cherry Valley Community through his work on multiple task forces. From 1987 to 1990, Chief Houde was assigned to the State Line Area Narcotics Task Force and in 1995 he was assigned to the Northern Illinois Auto Theft Task Force.

On June 28, Police Chief Todd M. Houde retired from the Cherry Valley Police Department after thirty-two years of service.

Mr. Speaker, on behalf of the 16th District of Illinois, I wish to express our deepest thanks to Chief Houde for devoting his life's work to protecting and serving his community.

HONORING LT. COL. ADAM J.  
KIMMICH, U.S. ARMY

**HON. PHIL GINGREY**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to recognize the promotion of Major Adam J. Kimmich, to the rank of Lieutenant Colonel.

This Thursday, July 11, 2013, it will be my great honor to preside over his promotion ceremony and celebrate his exceptional accomplishment of service and dedication to this great nation.

Though he currently works as an Operations Officer at U.S. Special Operations Command, Kimmich has served in many capacities throughout the world. In 1997, he began his career in the Army as an Infantry Officer at Schofield Barracks in Hawaii, and has since been promoted to positions including Rifle Platoon Leader, Assistant Battalion Operations Officer, Commander, Operations Officer in Special Operations Command, and Battalion Operations Officer in the Philippines, South Asia, and Southeast Asia. Kimmich also served in Operation Iraqi Freedom, and Operation Enduring Freedom.

His awards and decorations include the Combat Infantryman's Badge, Bronze Star, Defense Meritorious Service Medal, Meritorious Service Medal with Oak Leaf Cluster, multiple Army Commendation Medals and Army Achievement Medals, as well as the Iraq Campaign Medal, GWOT Campaign and GWOT Expeditionary Medals, and 5 Overseas Service Ribbons. He has earned the Special

Forces Tab, Ranger Tab, Parachutists Badge, Air Assault Badge, and Expert Infantryman's Badge.

Adam's parents, John and Barbara Kimmich of Kennesaw, Georgia, should be proud to know that their guidance has led their son to stand for the principles this country cherishes most, and the freedom of its people. His path has not been easy, but Adam's valor and sense of duty have led him to overcome obstacles that most of us could never imagine.

Mr. Speaker, on behalf of the 11th District of Georgia, I extend my deepest gratitude to Lieutenant Colonel Kimmich for devoting his life to upholding the Constitution of the United States and making the world a safer place. Again, I congratulate him on this well-deserved promotion.

HONORING RICHARD MICHALSKI

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. SHERMAN. Mr. Speaker, I rise today to honor the extraordinary career of my friend Richard Michalski. Rich is retiring after over 40 years of service with the International Association of Machinists and Aerospace Workers (IAM).

I had the pleasure of first meeting Rich when I was elected to Congress nearly 20 years ago. I have always appreciated his honesty, straightforward approach, and wise counsel.

Rich was first initiated into IAM Local Lodge 1916 and worked as a welder at General Electric in Milwaukee, Wisconsin in 1968. He held several positions in his local lodge, including steward, chairman of the bargaining committee, and president.

Rich has always been involved at the grass roots level, volunteering many hours promoting the rights and representation of all workers.

Rich became the Director of the Legislative and Political Action Department at IAM in 1992. In this capacity, he was involved on a daily basis with legislation that affects working men and women.

Rich joined the ranks of the IAM's Executive Board as the General Vice President in charge of IAM Headquarters in 2006.

I want to thank Rich for his lifelong commitment to supporting labor rights, promoting fair trade and boosting U.S. exports. I congratulate Rich and wish him the best in his much deserved retirement.

IN HONOR OF ALAN BALDRIDGE

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. FARR. Mr. Speaker, I rise today to honor the 80th birthday of Alan Baldrige, a leading environmental conservationist, naturalist, educator and dedicated community activist in my Central California Coast district.

Alan Baldrige and his wife Sheila immigrated to the United States from England in 1962 so that Alan could work as a history and literature reference librarian in Portland, Oregon's public library. Four years later, the couple moved to Pacific Grove, CA to allow Alan to take over the library at Stanford University's Hopkins Marine Station. Through his tireless work as a librarian, Alan has been able to use his expansive scientific expertise to inspire and assist countless marine biologists and researchers. An expert on ecology, biology and conservation, Alan wrote *The Bird Year* published in 1980; co-authored the definitive book on Monterey Bay birds, and co-authored *Gray Whales* in 1991 and 2006.

Alan's careful observation of seabirds and marine mammals made him not only an educator and librarian, but also a naturalist and local authority on the incredible array of animals that fly, swim and wash up on the shores of Monterey Bay. He has served as a naturalist on a number of Stanford alumni trips to the Sea of Cortés, Alaska, and ice sheets off eastern Canada. Alan has readily shared his vast knowledge with countless members of the community, including scientists, students, government officials and reporters. Throughout his time in Monterey, Alan served as a liaison to the fishing community, and many records of rare seabirds first came to the attention of researchers and birders alike through Alan's efforts to acquire and pass on information. Alan's other work as a Regional Editor for Audubon Field Notes/American Birds for Northern California, seabird editor for the Middle Pacific Coast Region for 12 seasons and member of the editorial board for the first three volumes of California Birds, made Alan an integral contributor to the birding community.

A long-time leading environmental activist, Alan has utilized his expertise in order to support conservation movements in the area. A leading advocate for establishing the Elkhorn Slough National Marine Estuarine Reserve, the Monterey Bay National Marine Sanctuary, the Monterey Peninsula Regional Park District, the Monarch Grove Sanctuary, and an instrumental asset in raising funds for the construction of the Harold A. Miller Library of Marine Biology, Alan's dedication to protecting the marine environment of his community has been unrivaled.

After 23 years as librarian at Hopkins Marine Station, Alan retired in 1994. He and his wife Sheila continue to promote educational efforts to create an understanding of the marine environment of their community.

Mr. Speaker, I know I speak for the whole House in wishing Alan Baldrige well and to thank him for his invaluable and tireless work on behalf of his community.

TRIBUTE TO WILLIE E.  
ROBINSON, JR.

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable, well-

rounded, and highly driven young man, Mr. Willie E. Robinson, Jr. (affectionately known as J.R.)

Born to Mr. and Mrs. Willie E. Robinson, Sr. and Vickie Robinson on February 3, 1988, J.R. was raised in the small, close-knit town of Bolton, Mississippi. As a child, he was an outstanding young man who was deeply involved in his community and church home. He regularly attended Hill of Zion Missionary Baptist Church and was active in Sunday school and various other auxiliaries.

J.R. was not only a well-mannered young man, but also exceptionally bright. His academic ambitions were accomplished and exceeded during his matriculation at Clinton High School, where he graduated in May 2006. He furthered his education at the University of Southern Mississippi (USM) in Hattiesburg, Mississippi, ultimately receiving his B.A. in Administration of Justice and a M.S. in Economic Development. During his time at USM, he was well known among his peers, faculty and administrators. He became Student Government Association President and also served as president of the Mississippi Student Government Board of President's Council. While serving on the council, he was instrumental in implementing a number of policies geared towards assisting the student body with their matriculation at USM, including reducing the cost of textbooks through a consorted effort with textbook manufacturers and USM campus officials.

While obtaining his Master's degree, J.R. served as a graduate assistant for the Trent Lott National Center for Excellence in Economic Development and Entrepreneurship. His commitment to the USM campus earned him induction into the Centennial Student Hall of Fame.

In addition to his valuable contributions to USM, J.R.'s passion for helping others reaches far into the surrounding Hattiesburg community. He serves as Guide Right Director, which allows him to mentor over 20 young men. Many in the area attribute the economic growth of the area to J.R. because of his skillfulness in helping to coordinate the placement of a General Dynamics facility, which brought 250 jobs to the community. He also was instrumental in negotiations for fiscal expansion of an existing company in Hattiesburg, leading to the retention of 120 jobs and the addition to 10 within that company. As a result of his hard work and dedication, he was named "2012 Up and Coming Black Professional" in the Greater Hattiesburg area.

Currently, J.R. serves on the Board of Directors of the Mississippi Young Professionals, to which he was appointed by Governor Phil Bryant. He is also employed as the Business Development Director with Area Development Partnership in Hattiesburg, Mississippi. He is an active member of Kappa Alpha Psi Fraternity, Inc. and continues to dedicate time to help those in need in his growing community.

Mr. Speaker, I ask my colleagues to join me in recognizing Willie E. Robinson, Jr. for his remarkable contributions as a young adult to the Greater Hattiesburg area.

## PERSONAL EXPLANATION

### HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. GINGREY of Georgia. Mr. Speaker, on rollcall No. 305 on suspending the Rules and passing H.R. 1341, the Financial Competitive Act of 2013, I am not recorded because I was unavoidably detained. Had I been present, I would have voted "yea."

## HONORING THE LIFE OF FRANCIS RESTIVO

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Ms. KAPTUR. Mr. Speaker, as our nation celebrated its liberty and independence last week, a champion of liberty has passed away in our home community of Toledo, Ohio. Judge Francis "Buddy" Restivo passed from this life at the age of 91 on July 2, 2013. We extend deepest sympathy, heartfelt prayers, and gratitude from our community to his family for sharing him with us these many years. Truly, he was a generous, kind, and wise "buddy" to all who knew him. His gleeful presence never failed to inspire anyone who met him. His smile was infectious, his humor ever-flowing.

Judge Restivo came from humble beginnings yet graduated from Toledo's Central Catholic High School and the University of Toledo, earning his law degree. The economic circumstances from which he arose in his early years were not easy and then he served during World War II, where he was a member of the Air Force 136th Radio Intelligence Squadron. He married his wife, Jane, with whom he celebrated 70 years of marriage. Together they built a strong family and raised four children.

Buddy Restivo dedicated his life to public service and to our community. He was an assistant Ohio attorney general and assistant Lucas County prosecutor. He served on Toledo City Council in 1957 to 1960, and then served as solicitor for Sylvania, Walbridge, and Northwood. In 1971 Ohio Governor John Gilligan appointed him to the Toledo municipal court. He was elected later that year, and re-elected to six-year terms in 1973 and 1979. In 1980, he was elected to a vacancy on Lucas County Common Pleas Court and re-elected in 1982. He retired in 1986 and worked until 2000 as a visiting judge and as a hearing officer for mental health commitment cases for Lucas County Probate Court.

Judge Restivo was a fair and compassionate judge with a keen understanding of both people and the law. Lucas County Probate Court Judge Jack Puffenberger said of Judge Restivo, he "was considerate of everyone in his courtroom. He was an excellent judge. He had good legal knowledge and he knew people and he just knew how to be fair. He was a great mentor . . ." Toledo lawyer Jerome Phillips perhaps expressed it best when he

said, "I would classify him as a people's judge. He had a wonderful understanding of people and how to try to deal with the problems they had."

After retirement, though he kept in touch with the lives of colleagues and the law, his focused turned to fishing, family, and University of Toledo basketball. His son explained, "He went on numerous fishing trips with family members. He was a big UT Rockets fan, especially basketball. He had season tickets probably 40 years."

If the measure of a man can be counted by the lives he touched, then Judge Restivo was a great man indeed. He has shared his love of life, good heart, and generous spirit as husband, father, grandfather, and great grandfather for his wonderful family, as well as our community and country. He shall be missed by all who knew the pleasure of his company. How fortunate each of us is to have known him, been blessed by his happy spirit, love of life, respect for the "common man," and his even-handed dispensing of the law. His good measure lifted us all. May his family and friends draw strength and comfort from his example of living life to its fullest as he helped countless others along life's way. His life made us all better as people and as a community.

## HONORING MS. KAVONYA WALKER

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a student making a difference in her school West Tallahatchie High School, Ms. KaVonya Walker.

The difference KaVonya is making in her school comes in the form of art. Her home town is Webb, MS. It's a small community of about five hundred citizens. Like many other small rural towns, it too has its challenges to meet the needs of its citizens in more ways than one. The one I am speaking of is recreational which is why she turned to art when it comes to KaVonya making a difference. Art is an expression, it's a way to release, relax, communicate, and to beautify. And that is what KaVonya does, she's an artist. She turns eyesores into beautiful eye pieces to look at. Right now she has been given the charge to lead the effort at her school to paint murals to represent the school spirit. This meant presenting herself as a leader in a way that other students would follow and listen to. She had the task of all the preliminary planning, choosing fellow artists that could help her complete this awesome responsibility. This project is scheduled to be completed May 1, 2013. KaVonya has plans to attend college to study art. She says, "Life is too short to not pursue your dreams. I dream of art, academic achievement, and completing my college degree . . ." I wish her much success.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. KaVonya Walker for her current active role as a student making a difference as an artist.

## CONGRATULATIONS TO U.S. BANK

**HON. ERIK PAULSEN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. PAULSEN. Mr. Speaker, I rise today to recognize and offer congratulations to U.S. Bank, who was awarded the prestigious Secretary of Defense Employer Support Freedom Award from the Employer Support of the Guard and Reserve (ESGR) organization.

The Freedom Award was instituted in 1996 to recognize exceptional support of the U.S. Armed Forces from the employer community, and is the highest honor given by the U.S. government to employers for outstanding support of employees who serve in the National Guard and Reserve.

U.S. Bank is one of only 15 honorees out of nearly 2,900 nominated companies. Through U.S. Bank's companywide initiative called Proud to Serve, thousands of veterans have been hired and supported over the past five years.

The numbers are impressive. U.S. Bank committed to hiring 1,000 service members and veterans between 2012 and 2013 and surpassed its 2012 goal by hiring 597 new veterans.

Minnesota is home to many great corporate citizens like U.S. Bank who are dedicated to supporting those who have made great sacrifices to defend freedom, liberty and our country. Congratulations to U.S. Bank for receiving the Employer Support Freedom Award and thank you for your support of our nation's veterans.

A TRIBUTE TO FLOYD SEARS, A  
LEADER OF THE MILITARY RETIREE  
GRASSROOTS MOVEMENT**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. VAN HOLLEN. Mr. Speaker, I rise to pay tribute to Floyd Sears of Ocean Springs, Mississippi. Floyd passed away on June 5, 2013 at the age of 82.

Floyd Sears was a national leader of grassroots military retirees who achieved remarkable legislative success in righting what they knew was a wrong. He represented the best of the military retirees whom we all represent.

I am grateful to Floyd Sears, a great American citizen in the truest sense, who joined the military in his youth when duty called and devoted his career to defending our freedoms, and then, in his retirement, exercised those freedoms to help make our country a better place.

Health care for our military community is a priority for me as it was for Floyd, and it is a privilege to represent the district that is home to the Walter Reed National Military Medical Center. Walter Reed is the crown jewel of military medicine, serving our country's active and retired military and especially the wounded who have suffered greatly in the most difficult circumstances. Congress has provided the re-

sources that were necessary to ensure that the new Walter Reed can provide world-class health care to our uniformed service personnel.

However, Floyd's generation did not always receive that level of attention. Floyd became a leader in the effort to restore retiree health care benefits that his generation of enlistees was losing. These individuals had been promised health care upon their retirement when they enlisted in the military services in their youth. But those benefits were pulled out from under them when they retired after a career of at least 20 years due to unintended consequences of legislative and administrative changes in military health care.

Floyd recognized how these legal changes were stripping him and his colleagues of the retiree health care benefits that they earned and richly deserved. Nearly 20 years ago, he began his personal crusade to amend the law and restore those promised benefits. What began as one man sending letters to his local newspaper and representative in Congress became a nationwide grassroots effort connected by the Internet. Ultimately, Floyd, his good friend Jim Whittington and others, on behalf of their grassroots army, inspired the introduction of the "Keep Our Promise to America's Military Retirees Act," which led to the enactment of Tricare for Life, a great leap towards fulfilling Floyd's dream of full restoration of the benefits he had been promised.

Floyd never intended to draw attention to himself. But with his passing we can admire what one person can accomplish when he puts his mind, his heart, and his energy into it.

I ask my colleagues to join me in expressing our gratitude for the extraordinary contributions that Floyd Sears, a truly great American, made to our nation.

HONORING MODESTO REGIONAL  
FIRE AUTHORITY CHIEF GARY  
HINSHAW**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Modesto Regional Fire Authority Chief Gary Hinshaw, who announced his retirement after serving 35 years in the fire service.

Currently serving as the Fire Chief of the Modesto Regional Fire Authority, Gary Hinshaw also serves as the Fire Warden and Assistant Director of Emergency Services for Stanislaus County. Prior to joining the County team in June 2002, Gary enjoyed a long-term career in the fire service starting as a wildland firefighter with the United States Forest Service in 1973 on the Stanislaus National Forest. His first full-time position as a firefighter was with the Modesto Fire Department, beginning on November 21, 1978. He remained in that position for two years and was promoted through the ranks; four years as a Fire Engineer, seven years as a Captain, four years as a Battalion Chief and nine years as a Division Chief. He was appointed Interim Fire Chief of

Modesto Regional Fire Authority on April 20, 2012.

During his career, Chief Hinshaw has championed the concept of a close and effective working relationship between the fire service and the pre-hospital medical community; he served as the Chair of the Stanislaus County Emergency Medical Care Committee.

Chief Hinshaw's assignments within the Office of Emergency Services have included: Chair of Stanislaus County Domestic Terrorism Task Force, President of Stanislaus County Fire Chief's Association, Operational Area Coordinator for the Stanislaus Operational Area Council, Stanislaus County Mutual Aid Coordinator, Operational Coordinator for Stanislaus County Arson Task Force, Region IV Representative to Cal EMA Standardized Emergency Management, Administrator of the Homeland Security Grant Programs, and Manager Stanislaus County Emergency Operations Center.

Chief Hinshaw has been involved in numerous instructional opportunities within the community, including instructor at Modesto Junior College Fire Science Program, County Public Information Officer Training, Weapons of Mass Destruction for First Responder Agencies, Incident Command System/Standardized Emergency Management System, High Rise Strategy and Tactics, and Strike Team Leader.

Chief Hinshaw has been recognized by his colleagues with many awards and accolades. He is well respected on a state and local level in the fire service and CalEMA arenas.

Chief Hinshaw is married and has a daughter, a son-in-law and a grandson. He is active in his church and enjoys photography, boating and the outdoors.

Mr. Speaker, please join me in honoring and commending the outstanding contributions made to fire service and Stanislaus County by Modesto Regional Fire Authority Chief Gary Hinshaw and hereby wish him continued success in his retirement.

## HONORING VICTOR MOORE

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable student, Victor Moore.

Victor is the son of Ms. Linda Moore and Mr. Vicky Ivy of Clarksdale, Mississippi.

Victor was raised by his loving grandmother, Ms. Reola Moore who he cherishes. She encouraged him to reach for the stars and become a success story in his own right. He excelled in elementary school and upon graduating he entered Coahoma County High School. During his freshmen year, he was sent to the Alternative School twice, failed and was retained. After making it to his sophomore year, he returned to the Alternative School and made it through his junior and senior year of high school without any disciplinary problems, and was a team member of the basketball and football teams.

Victor has successfully overcome his struggles, and in May 2013 will be the first to graduate high school in his family.

Victor has learned the importance of an education, and plans to further his education at Coahoma Community College in Clarksdale, Mississippi to become a licensed barber. Upon completing his degree he desires to open his own barber shop where he will be able to give back to his community and assist his family.

Victor credits his teachers, Mr. John Howard, Ms. Tonja Taylor, Ms. Wilma Bays, Ms. Sonya Rockett and his school guidance counselor, Ms. LaTasha Stringer, for seeing what he can become and not giving up on him.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Victor Moore for his dedication in being an outstanding student.

**HONORING DOMAINE CHANDON'S  
40TH ANNIVERSARY**

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor the Domaine Chandon Winery on the occasion of their 40th year in production in the Napa Valley. Founded in 1973, it was the first winery in America established by a French wine and spirits producer.

The Moët & Chandon partnership sought prime growing locations in the Napa Valley, and selected vineyards in Mt. Veeder, Carneros, and Yountville to carry on their tradition of excellence. Today, Domaine Chandon continues as a leader in the winemaking field, using sustainable farming practices to maintain their 1,000 acres in the Napa Valley.

The Domaine Chandon Winery has served as a training ground for many industry leaders in the areas of winery management, winemaking, grapegrowing, the culinary arts, restaurant management and farming. The company released their first sparkling wine in 1976, and today their innovative practices in sparkling wine production are followed by sparkling wine producers throughout the world.

Domaine Chandon's history of excellence does not stop at sparkling wine. More than a quarter of its employees have been with the winery for more than 20 years, and the company hired the first sparkling wine maker in the United States. The winery's culture maintains high standards of excellence and innovation.

Mr. Speaker, it is appropriate at this time that we acknowledge Domaine Chandon for their immense contribution to the Napa Valley.

**PERSONAL EXPLANATION**

**HON. ROBERT E. LATTA**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. LATTA. Mr. Speaker, on rollcall Nos. 305, 306, and 307, on July 8, 2013, I was unable to be on the floor for votes. Due to weather delays and aircraft problems at the Detroit Airport. Had I been present, I would have voted "aye."

**IN MEMORY OF CINDY ANN  
KOSSER DUBOIS**

**HON. KEVIN BRADY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. BRADY of Texas. Mr. Speaker, I stand today to honor the memory of a bright light for the arts that my community lost on Tuesday, July 2nd. But more importantly, Andy DuBois and their children, Madeline, 15, and Hunter, 11, lost a wonderful wife and a special mother.

From her birth in Austin she grew up in New Braunfels where she was class president and homecoming queen at Canyon High School. She graduated from the University of Texas where she met the love of her life, Andy. At every step in her life Cindy DuBois put her heart and soul into everything she did.

She started her career deep in the Rio Grande Valley at a PBS station in Harlingen and went on to manage public relations for South Padre Island before her family moved to The Woodlands and she found her calling in the arts. From helping grow major events like The Woodlands Children's Festival and the Waterway Arts Festival, Cindy DuBois will always be remembered for her smile and her determination to bring the arts to everyone.

It's fitting that her CEO called her a "driving force" for the arts, because under Cindy DuBois' leadership, attendance nearly tripled for art events at The Woodlands' famed Cynthia Woods Mitchell Pavilion. From the Houston Symphony to performances by the Houston Ballet and the Houston Grand Opera and many more artists, the growing enthusiasm for the arts in The Woodlands is a testament to Cindy DuBois. The outreach, savvy marketing/public relations efforts, and many smiles from this 2007 graduate of Leadership Montgomery County moved mountains.

That same spirit, determination and grace sustained her during a lengthy battle with cholangiocarcinoma, a rare cancer. At her touching and emotional funeral service held July 5th at The Woodlands Pavilion, where her remarkable children, sisters, friends and family paid tribute to her, it's clear The Woodlands and all who know her have been touched forever by Cindy's positive attitude and infectious glass half-full philosophy.

As Andy, Madeline, and Hunter begin a much different phase as a family, they have wonderful memories of bowls of homemade salsa, scary movies and board games and her cheers at Rush soccer and ORWALL baseball. While the community is heartbroken, we are so grateful for all Cindy has given us to remember her by. In every concert, in every fine arts performance, I'm confident she will always be there.

**TRIBUTE TO MISS STEPHANIE  
MICHELLE COLLUM**

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a bright young lady, Miss Stephanie Michelle Collum.

Stephanie Michelle Collum, a lifelong resident of Benton, Mississippi, was born on September 22, 1994. She is a part of the 2013 Yazoo County High School graduating class.

Stephanie believes in the old adage, "a mind is a terrible thing to waste," and for this reason she strives for excellence. She is active in both school and community activities. She is a member of the American Legion, National Honor Society, and both the volleyball and softball teams at school. Recently, Stephanie was selected to attend the Lock Heed Martin 5th Information Technology Day because of her academic achievements. Also she is a member of the JROTC where she was promoted to the leadership of 1st Sergeant and received the National Fitness Award.

Stephanie is a faithful member of Pleasant Grove Baptist Church in Benton, MS where she sings in the choir. Recognizing that each day is a gift from God, she strives to live each day with purpose.

Mr. Speaker, I ask my colleagues to join me in recognizing Miss Stephanie Michelle Collum for her hard work, dedication and a strong desire to achieve.

**PERSONAL EXPLANATION**

**HON. GWEN MOORE**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Ms. MOORE. Mr. Speaker, I rise today regarding my absence from the House for the first vote on the evening of July 8, 2013. I would like to submit how I would have voted had I been in attendance for the following vote:

Rollcall No. 305, on Agreeing to On Motion to Suspend the Rules and Pass, as Amended, H.R. 1341. I would have voted "yea."

**PERSONAL EXPLANATION**

**HON. LOIS CAPPS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall vote on July 8, 2013 and would like the record to reflect that I would have voted as follows:

Rollcall No. 306: "no."

**PERSONAL EXPLANATION**

**HON. ANN KIRKPATRICK**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mrs. KIRKPATRICK. Mr. Speaker, due to my attendance at the memorial service in Arizona for the Prescott Fire Department's Granite Mountain Hotshots, I will miss votes today, July 9, 2013.

HONORING MS. QUIN'NITA COBBINS

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Quin'Nita Cobbins who is a dedicated worker making changes to the Holmes County community.

Quin'Nita Cobbins is a native of Mississippi and has completed her primary and secondary education in the Holmes County School District. In 2010, she graduated Summa Cum Laude with a Bachelor's Degree in history from Fisk University and completed a master's degree in history at the University of Georgia in 2012.

Ms. Cobbins has served Holmes County by working with the Community Students Learning Center in equipping students with tools needed to expand their worldview, enriching their knowledge on academic subjects, and encouraging college prep. Working with school age children and adults, she used her study abroad experience to construct a class that exposed students to the history, culture, and language found in Spain. Students learned the history of Spain's expansion and colonization in the supposedly "New World" and why we have a growing Spanish-speaking population. In addition, students, both young and old, learned how to form simple conversations in Spanish that will be beneficial to them as the U.S. demographics change. Students not only became new "bilingual" speakers but were able to think more globally.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Quin'Nita Cobbins for her sincere dedication and determination in bringing back knowledge to our community.

HONORING MR. JULIUS CIACCIA ON BECOMING PRESIDENT OF THE NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Ms. KAPTUR. Mr. Speaker, I wish to congratulate Mr. Julius Ciaccia, Executive Director of the Northeast Ohio Regional Sewer District, on his election as President of the National Association of Clean Water Agencies, NACWA.

Mr. Ciaccia is an accomplished leader and committed environmental steward who has played a prominent role in the water industry, exemplifying what it means to be a public servant. He is ideally suited to serve as President of one of the Nation's leading proponents of responsible policies that advance clean water. Mr. Ciaccia has served the people of the Cleveland area for decades, and in this new role, will continue to ensure that the Nation's clean water agencies continue to protect public health and improve the environment.

Mr. Ciaccia began his career in public utilities in 1977 when he was appointed as Assistant Director of the Public Utilities Department

for the City of Cleveland. In 1979 he joined the leadership of the City's Division of Water where he served as both Deputy Commissioner and Commissioner until 2004.

During his over 30 years with the City of Cleveland's Division of Water, Mr. Ciaccia oversaw the management of over \$1 billion worth of capital improvement projects and maintained the agency's very favorable financial position. He was appointed Director of the City's Department of Public Utilities in 2004 exercising oversight of the water, sewer collection and public power systems, with a focus on developing comprehensive financial plans and supporting revenue enhancement initiatives.

Mr. Ciaccia began his current role at the Northeast Ohio Regional Sewer District (NEORS) in 2007. At the Regional Sewer District In his current role at the District, he oversees all aspects of managing one of the nation's largest wastewater management utilities. Under his leadership, the District has received two awards from the Commission on Economic Inclusion including a 2009 award for Supplier Diversity which highlights the success of his initiative to craft and implement a supplier inclusion program. In 2012 the NEORS was awarded by the Commission for Senior Management Inclusion, recognizing the diversity of senior staff.

As the District's Executive Director, Mr. Ciaccia was responsible for confirming their consent decree for a long-term control plan to significantly reduce overflows from combined sewers, as well as the successful development and implementation of a new Regional Stormwater Management Program. Among Mr. Ciaccia's many accomplishments as Executive Director of NEORS is the transformation of the District's culture to one of transparency and exceptional financial management.

As a member of NACWA's Board of Directors, Mr. Ciaccia has served as the Secretary, Treasurer, and Vice President. Mr. Ciaccia has selflessly shared his time, passion, energy and ideas to carry out the objectives of the Clean Water Act.

It is my sincere pleasure to congratulate Julius Ciaccia on becoming President of NACWA. I am certain his actions will ensure continued water quality progress for the Cleveland area, the State of Ohio and the Nation.

## PERSONAL EXPLANATION

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent during the week of June 17, 2013. If I were present, I would have voted on the following.

Monday, June 17, 2013:

Rollcall No. 245: Motion to Suspend the Rules and Pass H.R. 876, "yea."

Rollcall No. 246: Motion to Suspend the Rules and Pass H.R. 253, "yea."

Rollcall No. 247: Motion to Suspend the Rules and Pass H.R. 862, "yea."

Tuesday, June 18, 2013:

Rollcall No. 248: Motion on Ordering the Previous Question on the Rule for H.R. 1947 and 1797, "nay."

Rollcall No. 249: Motion on Agreeing to the Resolution on the Rule for H.R. 1947 and 1797, "nay."

Rollcall No. 250: Motion to Suspend the Rules and Pass H.R. 1151, "yea."

Rollcall No. 251: Final Passage of H.R. 1797—Pain-Capable Unborn Child Protection Act, "nay."

Rollcall No. 252: H.R. 1896—To amend part D of title IV of the Social Security Act to ensure that the United States can comply fully with the obligations of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, "nay."

Wednesday June 19, 2013:

Rollcall No. 253: Motion on Ordering the Previous Question on the Rule for H.R. 1947, "nay."

Rollcall No. 254: Motion on Agreeing to the Resolution on the Rule for H.R. 1947, "nay."

Rollcall No. 255: Motion on Approving the Journal, "yea."

Rollcall No. 256: McGovern of Massachusetts Part B Amendment No. 1, "aye."

Rollcall No. 257: Foxx of North Carolina Part B Amendment No. 3, "no."

Rollcall No. 258: Broun of Georgia Part B Amendment No. 5, "no."

Rollcall No. 259: Blumenauer of Oregon Part B Amendment No. 8, "aye."

Rollcall No. 260: Blumenauer of Oregon Part B Amendment No. 9, "aye."

Rollcall No. 261: Kaptur of Ohio Part B Amendment No. 14, "aye."

Rollcall No. 262: Royce of California Part B Amendment No. 15, "no."

Rollcall No. 263: Chabot of Ohio Part B Amendment No. 16, "no."

Thursday June 20, 2013:

Rollcall No. 264: Brooks of Alabama Part B Amendment No. 18, "no."

Rollcall No. 265: Butterfield of North Carolina Part B Amendment No. 25, "aye."

Rollcall No. 266: Marino of Pennsylvania Part B Amendment No. 26, "no."

Rollcall No. 267: Schweikert of Arizona Part B Amendment No. 30, "no."

Rollcall No. 268: Tierney of Massachusetts Part B Amendment No. 32, "aye."

Rollcall No. 269: Polis of Colorado Part B Amendment No. 37, "aye."

Rollcall No. 270: Garamendi of California Part B Amendment No. 38, "aye."

Rollcall No. 271: Marino of Pennsylvania Part B Amendment No. 41, "no."

Rollcall No. 272: McClintock of California Part B Amendment No. 43, "no."

Rollcall No. 273: Gibson of New York Part B Amendment No. 44, "aye."

Rollcall No. 274: Walorski of Indiana Part B Amendment No. 45, "no."

Rollcall No. 275: Courtney of Connecticut Part B Amendment No. 46, "aye."

Rollcall No. 276: Kind of Wisconsin Part B Amendment No. 47, "no."

Rollcall No. 277: Carney of Delaware Part B Amendment No. 48, "aye."

Rollcall No. 278: Goodlatte of Virginia Part B Amendment No. 99, "no."

Rollcall No. 279: Radel of Florida Part B Amendment No. 49, "no."

Rollcall No. 280: Walberg of Michigan Part B Amendment No. 50, "no."

Rollcall No. 281: Pitts of Pennsylvania Part B Amendment No. 98, "aye."

Rollcall No. 282: Fortenberry of Nebraska Part B Amendment No. 100, "aye."

Rollcall No. 283: Huelskamp of Kansas Part B Amendment No. 101, "no."

Rollcall No. 284: Southerland of Florida Part B Amendment No. 102, "no."

Rollcall No. 285: Motion to Recommit with Instructions for H.R. 1947, "aye."

Rollcall No. 286: Final Passage of H.R. 1947—Federal Agriculture Reform and Risk Management Act, "no."

#### PERSONAL EXPLANATION

##### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. GEORGE MILLER of California. Mr. Speaker, I was unavoidably detained yesterday and missed Roll Nos. 305, 306 and 307. Had I been present, I would have voted "nay" on Roll Nos. 305 and 306, and I would have voted "yea" on Roll No. 307.

#### COMMEMORATING THE LIFE AND SERVICE OF STEVEN PEZENIK

##### HON. GRACE MENG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Ms. MENG. Mr. Speaker, I rise today to commemorate the life and service of Steven Pezenik, who passed away at age 57 on May 26, 2013 after a long battle with cancer.

Steven Pezenik began his distinguished career as a Consumer Service Specialist with the New York State Public Service Commission, where he served with distinction for 14 years. He then joined United Way New York City/AFL-CIO as a Constituent Liaison, before moving on to the United Food and Commercial Workers/Retail Wholesale Department Store Union. There, he proudly served the working men and women of Local 338 as Director of Special Projects, coordinating the local's public relations, and writing in and editing a quarterly newspaper. In his most recent position as Deputy Director of Constituent Services for New York State Senator Jose Peralta, Steve acted as a liaison between government agencies to help secure services for constituents.

Mr. Speaker, Steven Pezenik was a tireless public servant and advocate for the underserved and most in need. He helped raise over \$11 million for the United Way and organized AFL-CIO toy, blood, and food drives, including a large-scale effort after September 11, 2001. With work that spanned almost three decades, he exemplified the meaning of public service. As a board member of the Queens Jewish Community Council, Steve always put first those most in need. Steve's commitment to working families functioned as the foundation for his activism and commitment to social justice.

The legacy he leaves behind reflects the love he had for his community. Yet, nothing was more important to Steve than his love for his family, his wife Lisa and daughter Sasha.

Mr. Speaker, I ask all of my colleagues in the House of Representatives to join me now in honoring Steven Pezenik for his service to the people of Queens County, New York City and New York State.

#### OUR UNCONSCIONABLE NATIONAL DEBT

##### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,738,249,094,798.80. We've added \$6,111,372,045,885.72 to our debt in 4 and a half years. This is \$6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### TRIBUTE TO NATHANIEL WILLIAMS

##### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a jovial and ambitious man, Mr. Nathaniel Williams. Nathaniel has shown what can be done through hard work, dedication and a desire to serve others.

Nathaniel, a native of Vicksburg, Mississippi, was born March 1, 1960 to Charles Williams and Martha M. Nash Williams. He graduated from the Vicksburg Warren School District and later attended Hinds Community College and Jackson State University.

Currently, Nathaniel is a Tax Field Representative for the Mississippi Department of Employment Security where he has worked for several years.

Nathaniel is the President and Founder of the Mighty Train of Gospel Community Choir. Currently, he serves on the board for Make a Promise Coalition of Vicksburg, President of the Vicksburg Junior High PTO, Youth Choir Director for both Mt. Carmel Baptist Church and Mercy Seat Baptist Church, member of the Riverfest Board of Directors, mentor and sponsor for the United Way of West Central MS (TEEN HELP) and volunteer at the YMCA. He has served on several other boards as president and member.

Nathaniel is also the recipient of several awards such as the Alpha Phi Alpha Fraternity, Inc. 2010 Community Service Award, The Governor's Initiative for Volunteer Excellence 2008 Award and the Vicksburg Family Development 2007 Male Image Award to name a few.

Nathaniel is married to Esther Bell Williams and to that union they have five children: Nathaniel, Derrick, Roderick, Sederick and Jessica Reese.

Nathaniel lives by the motto: "Whatever you do for the Master, do all you can while you

can, but let it be real." He is a faithful member of Ebenezer Baptist Church where he is the Vice President of the choir.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Nathaniel Williams for his unwavering dedication to serving others.

#### PERSONAL EXPLANATION

##### HON. LUIS V. GUTIÉRREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House chamber for votes on July 8, 2013. Had I been present, I would have voted "yea" on rollcall vote 305, "yea" on rollcall vote 306, and "yea" on rollcall vote 307.

#### 75TH ANNIVERSARY OF THE OMAHA STAR

##### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. TERRY. Mr. Speaker, I rise today to honor the Omaha Star on the occasion of their 75th anniversary.

The Omaha Star was founded by the late Mildred D. Brown on July 9th, 1938. Brown was believed to be the first female, certainly the first African-American woman, to have founded a newspaper. Later the paper was placed in the hands of Brown's niece, Dr. Marguerita Washington, who now heads the newspaper.

Since 1938, the policy the Omaha Star has been to print only positive news and to be a vigilant champion for African-American progress. The circulation of the Omaha Star is 30,000 and its archives are a miniature history of Omaha's Black community. Its work for equal rights for all Americans are legendary.

Two significant accomplishments of the Omaha Star are leading the charge to open public accommodations to African-Americans and working with the public school system of Omaha to ensure that Black teachers have equal participation. Over the years, the Omaha Star has received many awards and was inducted into the Chamber of Commerce Business Hall of Fame on July 9th, 1996.

Currently, the Omaha Star concentrates of news coverage that is relevant to the particular market that they have continued to serve proudly for decades. It has been Nebraska's largest African-American newspaper and the Omaha's most effective publican highlighting ways to improve the lives of African-Americans. The Omaha Star has stood the test of time and continues to provide relevant information, education and positive motivation to Omaha's citizens.

Mr. Speaker, please join me in congratulating the Omaha Star on their 75th anniversary. I know that Omahans join me in hoping the Omaha Star continues providing positive information to the African-American community for many years to come.

HIGH ON A HILL: IN HONOR OF AMERICA'S BIRTHDAY AND THE 33RD ANNIVERSARY OF THE CAPITOL CONCERTS ON THIS 4TH OF JULY, BY THE COLBERT FAMILY AND PBS

### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in celebration of America's birthday, on this Fourth of July. Also, in honor of the Colbert family who created the Capitol Concerts annual Fourth of July celebration broadcast to millions across our Nation each year on PBS. This year marks its 33rd anniversary. I ask every American to take the time to remember all of our families in harm's way and their loved ones. And to reflect upon all of those who have fallen on battlefields of honor, and all of our wounded warriors across the Nation, so that we may be here this day. I submit this poem, penned by Albert Carey Caswell.

#### HIGH ON A HILL

High!  
High on a Hill!  
As once each year,  
Our Nation is given so such a thrill. . .  
As so appears. . .  
America's great Birthday Party so here. . .  
As all out across this County Tis of Thee,  
This celebration so PBS!  
Broadcasting to young and old,  
Yea Jerry and Michael, they the Men, presenting broadcast gold!  
And out to all of our Armed Forces, All in Harm's Way,  
As from where America's Greatest Honor so comes this day!  
As for all of them and their families we now so pray!  
And as the music starts,  
It so urges us all to so get up and so dance!  
To so celebrate this great romance,  
Of America's Birthday as another year does so advance!  
While all in the front rows,  
Are all of those, America's Greatest Heroes!  
Her Wounded Warriors,  
Who for all of us all have such selfless magnificence so chose!  
As it's all so here in our Nation's Capitol!  
A place where history now so rules!  
As PBS and The Capitol Concerts,  
Brings to us the entertainment world's real who's who!  
All in Democracy's home,  
Asking us all to towards Freedom and Independence to so let all our hearts so roam!  
As it all so began,  
When a great Boston family, the Colberts', so lent their helping hand!  
To so create The Capitol Concerts celebration,  
33 years ago they created this great sensation!  
As high up on this Hill,  
As where they so broadcast to so give all a thrill!  
And the reception's better here still!  
So that all out across the heartland,  
America's homes are no so filled!  
So filled,  
With Rock and Roll, Country Western,  
To Classical music to inspire our very souls!

For you will never so see,  
Such a more inspiring sight than all of these. . .  
All in the shadow of The United States Capitol,  
And The Washington Monument with fireworks exploding all in DC!  
As your heart so begins to rule!  
As we all celebrate our Nation's Birthday,  
With all of our families so very cool!  
And maybe next year on your bucket list,  
Come to this city surrounded by consequence and so join all of us!  
Come and sing and dance,  
And let Freedom ring as you fall for its romance!  
But, in the meantime. . .  
Turn on your flat screen, as a Nation we all so unite!  
As all of our Yankee Doodle Dandy Hearts,  
Climb up to such new heights!  
High on a Hill!  
For you will not so find a greater thrill!  
Than, America's Birthday all on The Fourth of July,  
All up on Capitol Hill!  
Happy Birthday, America,  
As Our Best is Yet to Come Still!

#### 40 YEARS OF OUR LADY OF THE ASSUMPTION OF THE PORTUGUESE CHURCH

### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the rich heritage of Our Lady of the Assumption of the Portuguese Church as they celebrate 40 years of worship and friendship in Turlock, California.

Our Lady of the Assumption of the Portuguese Church in Turlock is the most recent of Portuguese national churches in the United States. Its origins go back to a small church blessed and dedicated on Monday, June 11, 1973. With the influx of thousands of Portuguese immigrants to California in the 1800s, after the eruptions of the Capelinhos volcano in 1957-1958, the stage was set for the development of a new parish with a clear mission to Portuguese immigrants in the Central Valley of California. Although relatively young, Our Lady of the Assumption has a rich history, shaped by several important events in the second half of the 20th century.

In the 1960s Father Manuel Vieira Alvernaz, pastor of Sacred Heart Catholic Church in Turlock, invited two young Portuguese missionaries to stay in his parish and minister to the Portuguese community. The two, Fathers Ivo Dinis Rocha and José Carlos Vieira Simplicio, officially began their ministry on March 1, 1969. One of the first things the missionaries noticed was that the Portuguese youth yearned for places of belonging and meaning; they reached out to the young by forming a youth group in 1969.

On June 1, 1972, 12 individuals acquired the original five acre property at 2602 S. Walnut Road. This became the site of the Portuguese Cultural Center and eventually, the home of Our Lady of the Assumption of the Portuguese Church. On June 11, 1973, the chapel of the Portuguese Cultural Center was

dedicated and blessed; this is considered the beginning of the parish of Our Lady of the Assumption. On June 22, 1973 the Feast of St. John the Baptist was celebrated for the first time. The first parish festival in honor of the Patroness Our Lady of the Assumption took place on Sunday, August 19, 1973, i.e., the third Sunday of the month.

In 1975, the Portuguese Cultural Center purchased an additional five acre parcel to accommodate growth and expansion. The parcel was purchased for \$38,000. Escrow was closed on March 25th and corresponded with the Feast of the Annunciation of Blessed Virgin Mary by the angel St. Gabriel. A large parish hall was built in 1984 and has become the gathering place for many beautiful celebrations including weddings and receptions.

In September of 1982, Father Rocha invited Father Richard Forti, who was also campus minister at Stanislaus State College, to celebrate a Sunday Mass in English and serve as a part-time youth minister and confirmation coordinator. By welcoming Father Ford, Our Lady of the Assumption was opening itself to the larger church and society. The Sunday Mass in English at 9 a.m. would become a magnet attracting members from neighboring parishes and from non churchgoers in the area setting the stage for future conflict and growth. By 1986, approximately one thousand people participated at Sunday Mass at Our Lady of the Assumption in both languages.

Over the years, the church continued to grow from the original five acre parcel consisting of a small house, garage and chicken coop. In 1992, plans were started for a new church. With the help of over 2,000 donors the new church was consecrated on August 16, 1998. The property now includes 18.2 acres with two community halls, two houses, three soccer fields, the original chapel, and the new church.

Our Lady of the Assumption maintains a strong presence among the sick in the Central Valley with a team of 20 ministers who visit local hospitals. In July of 2006, with the leadership of Margaret Santiago, Michaleen Klee and Father Manuel Sousa, the parish embraced Stephen Ministry. A team of 11 trained listeners, with over 50 hours of classroom instruction and on-going supervision, are available to accompany people suffering from depression, loneliness, isolation and difficult life transitions. Parishioners and non-parishioners alike have benefitted from this competent, faith-based, extended hand of friendship and prayer.

Currently, the parish roster contains 1,300 families, approximately 85% with Portuguese surnames. Sunday Mass attendance is over 1,000 in the winter months, with 60 percent of Sunday participation being in English services and 40 in Portuguese.

Mr. Speaker, please join me in celebrating with the Our Lady of the Assumption of the Portuguese Church in Turlock and the tremendous opportunities that lay ahead in their efforts to fulfill a vision for the future. Congratulations on the past 40 years, and I wish them the best success in the years to come.



HONORING MS. DANEISHA  
DOMINIQUE MCGOWAN

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Daneisha Dominique McGowan, a dedicated student, who is making the difference in her community.

Daneisha Dominique McGowan, a Georgetown, MS native. She is the granddaughter of Mr. W.C. and Lula Bickham. As an only child, Daneisha was raised in a household that placed education as a top priority. Daneisha has maintained the honor list since entering 9th grade and now she is 12th grade at Crystal Springs High School and still going strong on that list. She has scored exceptionally on all of her state test.

Daneisha strives hard in the classroom and also the community. She is a member of the Drama Club, S.A.D.D. (Students Against Drunk Driving), Mu Alpha Theta, and serves as president of the 2012–2013 Crystal Springs Mayor's Youth Council. As president of the Mayor's Youth Council, Daneisha has lead her peers in a City-wide voters registration campaign, Anti-Bullying Workshops for children, School Supply Drives, Breast Cancer Awareness Walk and Runs, Youth Summits, and much more.

To be only 18 years old, Daneisha has accomplished quite a bit. She is driven by a deep passion for helping others. After high school, Daneisha plans on obtaining a Master's Degree in Business and desires to create a business in the fashion industry.

Mr. Speaker, I ask my colleagues to join me in recognizing a talented and dedicated student, Ms. Daneisha Dominique McGowan, for her determination in making a difference in her community.

#### PERSONAL EXPLANATION

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. SMITH of Washington. Mr. Speaker, on Tuesday, June 25; Wednesday, June 26; Thursday, June 27; and Friday, June 28, I was unable to be present for recorded votes. Had I been present, I would have voted:

"yes" on rollcall vote No. 287 (on the motion to suspend the rules and pass H.R. 2383);

"yes" on rollcall vote No. 288 (on the motion to suspend the rules and pass H.R. 1092);

"no" on rollcall vote No. 289 (on ordering the previous question on H.Res. 274);

"no" on rollcall vote No. 290 (on agreeing to H.Res. 274);

"yes" on rollcall vote No. 291 (on agreeing to the Grayson Amendment to H.R. 1613);

"yes" on rollcall vote No. 292 (on the motion to recommit H.R. 1613 with instructions);

"no" on rollcall vote No. 293 (on passage of H.R. 1613);

"yes" on rollcall vote No. 294 (on the motion to suspend the rules and pass H.R. 1864);

"yes" on rollcall vote No. 295 (on agreeing to the Hastings of Florida Amendment to H.R. 2231);

"no" on rollcall vote No. 296 (on agreeing to the Flores Amendment to H.R. 2231);

"no" on rollcall vote No. 297 (on agreeing to the Cassidy Amendment to H.R. 2231);

"no" on rollcall vote No. 298 (on agreeing to the Rigell Amendment to H.R. 2231);

"yes" on rollcall vote No. 299 (on agreeing to the DeFazio Amendment to H.R. 2231);

"no" on rollcall vote No. 300 (on agreeing to the Broun Amendment to H.R. 2231);

"yes" on rollcall vote No. 301 (on agreeing to the Grayson Amendment to H.R. 2231);

"yes" on rollcall vote No. 302 (on agreeing to the Capps Amendment to H.R. 2231);

"yes" on rollcall vote No. 303 (on the motion to recommit H.R. 2231 with instructions); and

"no" on rollcall vote No. 304 (on passage of H.R. 2231).

CONGRATULATING POLICE CHIEF  
JIM GRADDON ON HIS RETIREMENT

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. SMITH of Washington. Mr. Speaker, I rise to honor and congratulate Jim Graddon, Police Chief of SeaTac, Washington, on his retirement. Jim has served 39 years in law enforcement, including the past 34 years with the King County Sheriffs Office.

A native of South King County, Chief Graddon is a graduate of Burien's Kennedy High School. His father, Lawrence James Graddon, spent 20 years with the King County Sheriffs Office and retired as a Lieutenant.

After first serving in the Seattle Police Department, Jim joined the King County Sheriffs office. As a Sergeant, he became adjutant to the Chief of the new SeaTac Police Department. He then went on to become co-supervisor of the Sheriffs Office's Major Crimes Unit.

Jim Graddon served as a leader in the task force established to investigate one of the most notorious criminal cases in our nation's history—that involving the Green River Killer. Through his efforts and those of others, the suspect in the case eventually pled guilty to multiple murders, bringing closure to the families and friends of the victims.

Since 2007, Jim has served as a Major in the Sheriffs Office and as the City of SeaTac's Chief of Police. He is also a Commander of the Sheriff's Office Southwest Precinct, which polices unincorporated areas throughout Southwest King County as well as in the cities of Burien and SeaTac. Further, Chief Graddon has supported victims of human trafficking with compassion and led various youth violence prevention efforts.

Mr. Speaker, it is with great pleasure that I congratulate Police Chief Jim Graddon on his retirement. The city of SeaTac, King County, and our region are extremely grateful for his many years of service keeping our community safe.

THE INTRODUCTION OF "THE  
APOLLO LUNAR LANDING LEGACY ACT"

**HON. DONNA F. EDWARDS**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Ms. EDWARDS. Mr. Speaker, in 1969, led by the late Apollo Astronaut Neil Armstrong, American ingenuity changed history as humanity took a giant leap forward on the surface of the moon. That history, as preserved on the lunar surface, is now in danger, as spacefaring commercial entities and foreign nations begin to achieve the technical capabilities necessary to land spacecraft on the surface of the moon.

The United States must be proactive in protecting our unique cultural heritage left by the seven *Apollo* lunar landings. I am excited to have introduced H.R. 2617, "the Apollo Lunar Landing Legacy Act," which would expand and enhance the protection and preservation of the *Apollo* lunar artifacts while providing for greater recognition and public understanding of this achievement for generations to come. I would like to thank EDDIE BERNICE JOHNSON, Ranking Member of the Committee on Science, Space, and Technology, for her commitment to the space program and for being an original cosponsor of this bill. It is also significant that we have introduced H.R. 2616, "the National Aeronautics and Space Administration (NASA) Authorization Act of 2013," legislation that reauthorizes NASA and ensures the Agency remains a multi-mission agency with a balanced and robust set of core missions in science, aeronautics, space technology, and human space flight and exploration.

The Apollo Lunar Landing Legacy Act will ensure that the scientific data and cultural significance of the *Apollo* artifacts remains unharmed by future lunar landings. This Act will endow the artifacts as a National Historic Park, thereby asserting unquestioned ownership rights over the *Apollo* lunar landing artifacts. The legislation will additionally require the Secretary of the Interior to pursue nominating the historic *Apollo* 11 lunar landing site, where humanity left its first steps on the moon, as a World Heritage Site. The bill builds on the recommendations of the 2011 report, "NASA's Recommendations to Space-Faring Entities: How to Protect and Preserve the Historic and Scientific Value of U.S. Government Lunar Artifacts."

Mr. Speaker, in conclusion, this Act addresses an increasingly important aspect of our cultural heritage that I want to be available for future generations. I hope that all Members will join me in supporting "the Apollo Lunar Landing Legacy Act" by cosponsoring H.R. 2617.

#### PERSONAL EXPLANATION

**HON. DOUG LAMBORN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Mr. LAMBORN. Mr. Speaker, I was unavoidably detained due to a flight delay and was

unable to vote on rollcall No. 305, rollcall No. 306 and rollcall No. 307.

Had I been present, I would have voted "yea" on rollcall No. 305, "yea" on rollcall No. 306 and "yea" on rollcall No. 307.

THE INTRODUCTION OF "THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2013"

**HON. DONNA F. EDWARDS**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 9, 2013*

Ms. EDWARDS. Mr. Speaker, I rise today to discuss H.R. 2616, "the National Aeronautics and Space Administration Authorization Act of 2013."

The National Aeronautics and Space Administration, NASA, is the nation's crown jewel for spurring innovation, highly-skilled and good paying jobs, and inspiring the next generation of scientists. Since the Apollo era, NASA has been a cornerstone of domestic innovation, economic growth, and international competitiveness. Unfortunately, in the past few years, Congress has not funded NASA adequately in a way that reflects its unique role and its many contributions. Simply put, recent flat and reduced funding had required NASA to do too much with too little.

The Committee on Science, Space, and Technology's Space Subcommittee, on which I proudly serve as the Ranking Member, has historically been known for its bipartisanship and commitment to a strong and vibrant space and aeronautics program at NASA. Last Wednesday, Committee leadership released a committee print of its authorization bill. Notwithstanding the fact that this current version of the Committee leadership's legislation incorporates some positive clarifications from the version initially circulated for discussion two weeks ago, it still cuts NASA's funding in Fiscal Year 2014 (FY14) by over \$1 billion from the requested level.

The Committee leadership's bill does not contain funding commensurate with the tasks

NASA is already being asked to undertake while also adding NASA unfunded mandates. In particular, the majority's legislation amends existing law to create the milestone of enabling humans to land on the Moon, while maintaining deep sequestration cuts over the life of the bill. I regret to say that if enacted, it would not help NASA meet the challenges facing the Agency.

That is why I, along with 11 original cosponsors of the National Aeronautics and Space Administration Authorization Act, wish to provide an alternative which I hope will be the foundation for bipartisan support. This legislation is a pragmatic path forward that will give NASA a clear sense of purpose and direction in a way that also recognizes the nation's need for fiscal restraint. NASA is and should remain a multi-mission agency with a balanced and robust set of core missions in science, aeronautics, space technology, and human space flight and exploration.

Mr. Speaker, H.R. 2616 does a number of important and necessary things by:

Preserving NASA's purchasing power relative to FY12 enacted levels by authorizing \$18.1 billion for FY14 with inflationary increases over the three year authorization period of FY14 through FY16;

Providing a clear goal of a crewed mission to the surface of Mars and requiring a roadmap which identifies intermediate destinations and activities that contribute to enabling the effective achievement of that goal;

Recognizing the Space Launch System (SLS) and Orion crew vehicle as the highest priorities for carrying out the Mars goal and authorizing increases that bring SLS funding to \$1.8 billion by FY16;

Emphasizing congressional commitment to safety in NASA's human spaceflight activities by requiring an independent review of NASA's commercial crew safety processes and procedures and providing for other measures to enable full government insight and oversight in ensuring safety;

Providing robust funding for commercial crew system development of \$700 million per year;

Maintaining our commitment to International Space Station, ISS, operations through 2020 and initiating a process for determining if and how long ISS should operate beyond 2020;

Authorizing increases for ISS research to augment discovery-based science and maximize the full and productive utilization of this unique laboratory;

Restoring Planetary Science to \$1.5 billion annual funding, following recent cuts to the program;

Maintaining a sound Earth Sciences program that ensures observing systems development, and advances research, knowledge, and applied data uses that benefit society;

Sustaining a stable aeronautics research program, consistent with FY12 enacted levels, that supports research priorities, strategic initiatives, and flight demonstrations;

Recognizing the importance of investing in space technology to enable future missions, spur innovation, and contribute to economic growth and job-creation;

Sustaining NASA's Science, Technology, Engineering and Mathematics, STEM, Education Activities and continues current agency education and outreach activities supported by scientists and engineers; and

Including a number of "good government" provisions such as establishing measures to strengthen NASA's cost estimating and fiscal management practices to minimize cost overruns in projects and assessing the capabilities and resources needed to expand NASA's Near-Earth Objects program to include smaller objects.

In closing Mr. Speaker, this fiscally responsible bill puts NASA back on track to greatness and provides flexibility in how the agency is to implement engineering and scientific details. This Authorization bill is a vitally important opportunity to set the policy direction and authorize funding needed to both sustain NASA's global excellence and preeminence in space and aeronautics and provide a clear and inspiring path forward for the nation's human exploration of outer space.

**SENATE—Wednesday, July 10, 2013**

The Senate met at 10 a.m. and was called to order by the Honorable JOE DONNELLY, a Senator from the State of Indiana.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and ever blessed God, we thank You for Your divine grace that sustains us and for each evidence of Your Spirit's leading in our Nation and world.

Lord, inspire our Senators to walk in Your light, as they grow in grace and develop a greater knowledge of You. Make them this day human channels through which Your love can flow to bring harmony where there is discord and hope where there is despair. Empower them to lift high the lamp of truth to illuminate our Nation and world. Incline their hearts to follow Your leading, knowing that in due season they will reap if they persevere.

We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 10, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOE DONNELLY, a Senator from the State of Indiana, to perform the duties of the Chair.

PATRICK J. LEAHY,  
*President pro tempore.*

Mr. DONNELLY thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**NEVADA FIRES**

Mr. REID. Mr. President, I returned from Nevada this Sunday. On Saturday I had a briefing by the head of the Forest Service in Nevada. We thought things were going very well with the fires in Nevada, and they were. Progress was being made—limited but progress was being made. But since that time the fires have gotten much worse.

Not everyone can see this, but I have a picture—of course, I didn't get this until early this morning and didn't have a chance to enlarge it so we could put it on an easel—but this is the beginning of the Las Vegas strip. This is downtown Las Vegas. It is called the Carpenter fire. You can see it burning.

It is only about 10 miles from Las Vegas, maybe 12 at the most. We can see Mount Charleston, a 12,000-foot mountain. The flames are shooting above that. We don't get many clouds in southern Nevada, but the smoke cloud here is intense. One of my staff indicated that where she lives it is raining ash. This is a very devastating fire, and the firefighters are doing the very best they can in a very difficult situation.

My thoughts go out to the thousands who have been evacuated from their homes in southern Nevada's Mount Charleston area—I think hundreds would be a better way to say this. Out where the Carpenter 1 fire is, as it is called, it has burned more than 30 square miles of forest and desert.

My heart goes out to the first responders. They are working very hard in extremely rugged terrain. They are doing a lot in the air with helicopters and large airplanes. A couple of areas have been saved because these firefighters have been able to cut waves so the flames don't jump over into these houses. Yesterday the wind changed, and one of the roads going up to Mount Charleston, Kyle Canyon—it jumped that road, burning there, getting closer to some of the homes we are so concerned about.

Lives have been saved as a result of what the firefighters are doing. They have been working around the clock to contain the blaze and protect their communities. Unfortunately, this is southern Nevada where we had heat last week virtually every day of 112 to 117 degrees. It is hot in Las Vegas without this fire; we don't get much rain. In the entire year we get 4 inches of rain. The summer heat, these dry conditions, and the winds are really working against the firefighters, but they are working very hard.

The progress we were making was erased yesterday. The fire jumped Kyle

Canyon Road, as I said, and spread to new forest and new desert land. We thought everyone would be able to return to their homes in Kyle Canyon yesterday, but with the fire having spread the way it did, we hope they can get back in their homes soon. We have had a number of hotels in Las Vegas that allowed people who have been displaced to have free lodging.

As I indicated, smoke can be seen everywhere. We have 2 million people now in Las Vegas. Everybody can see the fire. These flames, one can see them well over the 12,000-foot mountain.

The Bureau of Land Management and the Forest Service are all working with other Federal agencies and State agencies. They are assisting firefighters in containing the blaze and helping residents to move.

There is also a fire burning in Reno, south of Reno. It is called the Bison fire. It is the largest fire ever recorded in western Nevada. People have been—especially in the Pipeline Canyon area—urged to evacuate. I am going to continue to monitor both of these fires because they are disasters.

I appreciate all the work done at the State level. My office has extended support to Governor Sandoval to do everything we can to assist the State in anything they need, and I will do everything I can to ensure every Federal resource that is available will be made available to support local officials and fire crews.

There are currently more than 20 active fires in 11 States, including Nevada's neighbors: California—and we all know about the fire in Arizona, but there are others—Oregon, Idaho, and Utah. There are thousands of firefighters working around the clock to save lives and to save property. I will do everything I can, I repeat, to help them.

**STUDENT LOANS**

Mr. REID. In a couple of hours we will vote on whether to begin debate on our plan to keep loan rates low for students for an additional year. Last month Republican obstruction forced interest rates to double from 3.4 percent to 6 percent for about 7 million college students.

If we fail to roll back this increase, those students will each pile on lots of new debt to get a college education. These rates will be particularly harmful to low- and middle-income families that rely on these Federal loans more than anyone else.

We have the Pell grants, which go to low-income people, but people who are

middle class have to do these loans; schools have become so expensive. States have cut back on the support they give to colleges, so this is a very difficult situation.

Students shouldn't suffer because some Senators are standing in the way of that compromise. That is why we have proposed a 1-year extension of last year's 3.4 percent rate. We don't want it to double. The extension will allow us to craft a long-term solution to mounting college debt without harming students in the short term. However, a number of Senators met at my direction this morning at 9 o'clock, and there is progress being made. Maybe we can come up with a compromise. It will be imperfect, like a lot of things that happen legislatively, but it will be a way for us to move forward. The meeting went very well. It was done in Senator DURBIN's office. Democrats and Republicans attended that meeting. I think we are making some progress.

#### KEEP STUDENT LOANS AFFORDABLE ACT OF 2013—MOTION TO PROCEED

Mr. REID. I move to proceed to Calendar No. 124, S. 1238, Senator REED's student loan bill.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1238) to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes.

#### SCHEDULE

Mr. REID. Mr. President, following the remarks of Senator MCCONNELL, the time until noon will be equally divided and controlled between the two leaders, with each Senator permitted to speak for up to 10 minutes each.

At noon there will be a cloture vote on the motion to proceed on S. 1238, the student loan bill.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. For more than a month, I have been coming to the floor to talk about student loan reform. I have said that to an outside observer, this is an issue that should have been an easy bipartisan slam dunk. I have noted that the proposals put forward by both President Obama and congressional Republicans have been strikingly similar. We both agree on the need for a permanent reform, and we agree on the need to help all students and not just some of them. Yet here we are after the July 1 deadline and Democrats are still blocking bipartisan student loan reform.

You have to ask yourself why. It is because they have prioritized politics

over helping students. There are basically two different Democratic groups battling for supremacy: a more responsible reform-permanently faction and a more political campaign-permanently faction.

In the first group are the sensible Democratic Senators who agree with both President Obama and Republicans that it is time to finally solve this issue. Washington should actually help students and stop using them as pawns in a political chess match. They support the bipartisan compromise plan put forward by Democratic, Republican, and Independent Senators alike.

Unfortunately, this faction is opposed and outnumbered by the campaign-permanently Democrats. They are the ones whom I suspect would actually prefer to see rates lapse so they can manufacture another campaign issue. To hear the musings of some top Democrats, one would have to conclude that the Democratic leadership is on the side of campaigning permanently and against helping students.

As the majority leader put it a few weeks ago: "[We're] not looking for compromise."

Another Democratic Senator in leadership boasted a goal in this debate was to show "the difference between the two parties on a key issue."

I mean, this is just the kind of thing that makes people so cynical about Washington. Washington Democrats yell and wave their arms about the need for something, and then they appear to do everything possible behind the scenes to sabotage it, apparently so they can manufacture a politically convenient crisis. They are doing it on student loans, and they have been doing it with nominations too.

All week it seems they have been breathlessly telling any reporter who will listen that we have a nominations crisis around here; that Republicans are holding up the President's nominees. It is really laughable.

To hear some of the over-the-top rhetoric, one would think Republicans have blocked all of the President's second-term Cabinet nominees. But then, of course, you would be entirely wrong.

The truth is, since the President swore his oath of office in January, the Senate has confirmed every single Cabinet pick that has been brought up for a vote—every single one of them.

Let me repeat that. Every single one that has been brought up for a vote, all of them have been confirmed. Many of them have been confirmed on unanimous or nearly unanimous votes. Yesterday, the ranking Republican on the Environment and Public Works Committee announced his support for an up-or-down vote on Gina McCarthy's nomination to be EPA Administrator. So there is no question she is going to be confirmed.

It is clear that facts are getting in the way of the Democrats' arguments,

which is why they are forced to gin up this fake—absolutely fake—nominations "crisis." It is why we see them bringing out all the nominees who have been appointed to office either illegally or who are exceedingly controversial. Democrats themselves have delayed consideration of these nominees literally for months—because the majority leader determines the timing—so they could pull them all out of the woodwork at the same time, in the hopes the Senate would reject them.

Democrats are out there daring the Senate to do it. They want it so badly it appears to be their goal. And there is a reason for this. It is because the far-left base seems to be getting fed up with the democratic process. The big labor bosses are sick of waiting for the special interest legislative kickbacks they must feel they are owed, and now they know that altering the rules of our democracy is the only way to get what they want.

This isn't going to work. The facts show the truth, and the truth is that any crisis over nominations is a crisis of Washington Democrats' own making—one they have stirred up intentionally—an absolutely manufactured crisis by any objective analysis.

As of last night, there were 140 nominees pending in various committees. These nominees are under the control of the majority, not us. And there are a little over two dozen or so eligible for expedited floor consideration, many of whom Republicans have already said we would pass unanimously. Why hasn't the majority leader called for votes on any of these folks? Clearly, if anyone is obstructing here, it is the majority leader, because this whole conversation isn't about making the Senate work better, and he knows it. It is all about his power grab. Well, let me caution him again to think long and hard about what he is doing.

As one of the most senior members of the Democratic Party said yesterday, deploying the nuclear option would mean breaking the rules to change the rules—breaking the rules to change the rules. As the majority leader himself once said, it would "ruin our country." And we all know why. Once the trigger is pulled, there would be no limit to the consequences, not just for Republicans or for our country but for Democrats too. They should think very carefully about the ramifications for them when a future Republican President makes his own appointments to the Cabinet and to the Federal bench.

Look, we know Senate Democrats are not serious about implementing student loan reform. They have already demonstrated that by blocking just about every bipartisan effort to do so. But on the nuclear option, it is certainly my hope that cooler heads will prevail. I have to believe they will choose the long-term health of our democracy and of their party over what

frankly amounts to the narrowest—the narrowest—of short-term political considerations. Pulling the nuclear trigger is not something the history books will look favorably on, and they know it. And, of course, there will be consequences.

When the President was in the Senate back in 2005, and the then-Republican majority was thinking about something akin to this, this is what the President had to say. “If they choose to change the rules and put an end to the democratic debate, then the fighting, the bitterness, and the gridlock will only get worse.” The President was entirely correct.

Senator REID said in 2009, a couple of years ago, “There is no way I would employ the use of the nuclear option. No way.” He said it would “ruin our country.” He said, “It would have destroyed the Senate as we know it.”

Hopefully, that was not then and there is some different standard now. And, of course, we know we had this debate at the beginning of the year. Actually, we have had it at the beginning of the last two Congresses, and the Senate—the occupant of the Chair had newly arrived here—voted on two rules changes and two standing orders, after which the majority leader said, “The rules issue for this Congress is over.”

He gave his word in January of this year. We are waiting to see if that word will be kept.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 p.m. will be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURR. Mr. President, I come to the floor today to talk about the future of student loans for America's students. When I say students, I have to define who that is because, as we know, today we have students of all ages.

We have a category of students where a financial impact requirement is applied, such as for a 19-year-old who has entered their freshman year, and depending upon where the income of their family is, under the current system they may get a subsidized loan. The

maximum they can receive under that subsidized loan as an undergraduate is \$3,500.

I would be willing to bet the President pro tempore and I both can't pick an institution in any of our States where the tuition on an annual basis is \$3,500. It doesn't happen today, and that is the reality that has been left out of the debate so far. This debate has been all about politics and it has not been about students and how to apply affordability as broadly as we can in the marketplace.

Let me describe where we are today. Between 1965 and 1992 the cap on the student loan program in this country was 10 percent—10 percent. In the mid-2000s, Congress, very politically, said: You know what. We are going to adjust it, and subsidized loans are going to be at 3.4 percent and unsubsidized loans are going to be at 6.8 percent, graduate loans are going to be at 7.9 percent, and if you are a parent borrowing, you are going to have an even higher rate, in the 8-plus percent range.

That strikes me as incredibly unfair. We are taking two undergraduates—two 19-year-old freshmen—entering the same institution with the same financial obligation and we are saying to one: We are going to give you a rate on your student loan that is half of the person who sits in the seat next to you—half. In this chair, the student will pay 3.4 percent, and the student sitting in the chair next to him will pay 6.8 percent. Understand, the parents of the person sitting in this chair, depending upon the cost of the institution, may have an income over \$100,000. Yet they may qualify for a Federal subsidy.

Let me suggest to you that the marketplace is the thing that ought to dictate and decide what the rate is. That is the only thing that is fair to the taxpayers in this country—the predictability of knowing it is tied to something.

Let me suggest that the bill we are going to take up—and we are going to vote on a motion to proceed at 12 noon today—is a bill that was created in the 2000s. Two years ago we kicked the can down the road and said we are going to extend this inequitable student loan program at 3.4 percent for some, 6.8 percent for others, 7.9 percent, and 8-plus percent for parents. Why? Because we are overcharging some to subsidize others. Let me say that again. We are overcharging some—we are overcharging some 19-year-old undergraduate freshmen in college—at 6.8 percent so they will subsidize the 3.4 percent we are charging on the subsidized loans.

Let me point to a chart I have here which shows undergraduates under the student loan program. This is a comparison. Actually, let me move to a different chart, because this one best displays what I am talking about.

Twenty-six percent of our Nation's kids are undergraduates and are subsidized, and 55 percent of the eligible students are either undergraduates or graduate students who fall under a 6.8-percent interest rate. So when the Senate majority leader came to the floor and said some were upstairs trying to negotiate a deal, he was 100-percent accurate. But the reality is we are still only going to have a vote on one plan at 12 o'clock. There is no option for Members of Congress.

What I would suggest is that this displays why, at best, there should be two options and, at worst, we ought to vitiate the motion to proceed and see if we can come up with another bipartisan agreement.

You see, another option—the Manchin bill—is a bipartisan approach.

It is Democrats and Republicans coming together and saying we can agree on something that we think is fair and equitable and financially sustainable.

But this is the plan we are going to have a vote on at 12. Fifty-five percent of the population of students, quite frankly, are being screwed. They are overpaying. They are paying 6.8 percent for interest, when a home mortgage for 15 years is 3.8 percent. Yet we are charging students 6.8 percent, and we are saying that to go to this is an injustice to our students, where all of a sudden we take 64 percent of the kids and we treat them all alike and we charge them 3.66 percent. Something is inherently wrong in the debate we are having.

If this is about kids and about affordability, this is the plan on which we should be having the motion to proceed, not this one. This plan merely kicks the can down the road for 12 more months.

Let me say this plan wasn't created by JOE MANCHIN or RICHARD BURR or TOM COBURN or Senator KING or Senator ALEXANDER. This plan was created by the Congressional Budget Office. The Congressional Budget Office in their March 2011 report to Congress came up with the idea of tying the interest rate to the 10-year Treasury bond, except the CBO says it should be the 10-year Treasury bond plus 3 percent. That is what Senator COBURN and I introduced. When Senator MANCHIN, Senator KING, Senator ALEXANDER, Senator CARPER, and others got involved, we decided what we needed to do was continue to have a blended rate. We all agreed that an undergraduate student shouldn't face an interest rate schedule that is not equitable to all undergraduates.

So instead of applying it to 26 percent, we applied it to 100 percent of the undergraduates. We said: If you are an undergraduate in college, we are going to give you the best rate, which is the 10-year bond plus 1.85. It is fair. It is understandable. It is predictable. It is

consistent. One year in advance you know exactly what your rate is going to be because it is determined on the 10-year bond every May.

My good friend Senator HARKIN, whom I have great affection for, came to the floor and said we were balancing the budget on the back of the student loan program. The student loan program is a \$1.3 trillion program. Based upon the CBO score on this bill, it had a 0.7-percent surplus. By Washington standards, in a \$1 billion program, 0.7 would be a rounding error. This is a \$1.3 trillion program. Let me assure the President and my colleagues, this is a rounding error. I can't look everybody in the face and say it might not cost us \$100 billion. It might save us \$100 billion. But we are certainly not balancing a \$17 trillion deficit debt on the back of the student loan program. Let me assure you of that, and for any who suggest we are, that is, in fact, disingenuous.

This is the first time I have been accused of balancing the budget on the backs of our kids. But in 2010, as part of the health care reform act, Democrats ended the Federal Family Education Loan Program, FFEL, at a savings of \$61 billion. Of that, the Democrats directed \$19 billion to deficit reduction and the rest to help pay for ObamaCare, the Affordable Care Act.

If I am being accused of balancing the budget on 0.7 percent, determined by CBO, and in 2010 the Democrats voted to eliminate the FFEL Program and save \$61 billion and applied \$19 billion to deficit reduction and the rest to help the Affordable Care Act, then they plowed this ground long before I did.

As a matter of fact, in 2007, as part of the College Cost Reduction and Access Act, the Democrats found \$21 billion in savings and spent a good amount of it on new programs—and then directed \$1 billion to deficit reduction.

I said earlier, I have great affection for Senator HARKIN. Senator HARKIN said this should be part of the Higher Education Reauthorization Act—that may or may not happen next year.

We made changes to the interest rate on student loans outside of the higher education reauthorization in 2012 with a 1-year extension of the 3.4 percent. We did it in 2010 with the elimination of the FFEL Program. We did it in 2005 under the CCRAA, the Deficit Reduction Act. Senator HARKIN's Appropriations Committee has made changes to the eligibility rules for Pell grants each of the past several years outside of the higher education authorization, including the elimination of summer eligibility, ability to benefit, and lowering of the automatic enrollment for low-income students.

It is not fair to come and say to me that I am doing it outside of higher education reauthorization when there is continually a track record of the person who accused us of doing it of doing it himself.

Mr. MANCHIN. Would the Senator yield?

Mr. BURR. I would be happy to yield. Mr. MANCHIN. I thank the good Senator for working in such a bipartisan manner. I think this truly is a bipartisan bill.

This bill has been described as belonging to one party or the other, and that is wrong. Senator BURR, Senator ALEXANDER, Senator COBURN, Senator KING, Senator CARPER, and I sat down and looked at how we could fix something. We looked at it from the standpoint that this deadline has hit. One year ago we extended it. They said it was the political atmosphere and we had to extend it. We knew that year would come and, similar to everything else that has happened here for the last 2 or 3 years, nothing gets done. We just said: Enough is enough. It has to be fixed, and if we want to fix it, to understand the program, we have to look at the whole program.

I think now they are making accusations that students are paying profits so we can pay down the debt. Whether there is profit built in depends on the accounting procedures used by our Federal Government. It was built in. You can blame whomever you want to blame, but it is built into it. We have to deal with the facts in front of us.

What I would ask the Senator, all of us have agreed in a bipartisan manner that no profit will be made on the backs of students, what we can determine through the bill we are working on, right?

Mr. BURR. That is 100 percent correct.

Mr. MANCHIN. So we have all come to that agreement—Democrats and Republicans—no profit in debt reduction. It should go to lowering the rate.

Mr. BURR. That is correct.

Mr. MANCHIN. We agreed on that. We have agreed on a long-term fix, 10 years, rather than kicking it down the road another year, knowing another year will come and go and we are probably going to be standing here debating. That is the conclusion we have come to, which is different than what the House sent us. I applaud the Senator for working with us to put in a fixed rate.

So if it is at 3.66 this year and I am able to qualify and I am subsidized at \$3,500 of a subsidized loan the taxpayer will be paying, that 3.66 is fixed for the full life of the loan. We agreed on that, correct?

Mr. BURR. That is correct.

Mr. MANCHIN. So when they say it is a Republican bill or a Democratic bill, that is erroneous. That is not fair. This is truly a bipartisan effort, and we are working with all of our colleagues in my caucus—and I know the Senator is in his caucus—to understand that if I have a subsidized Stafford loan, that means the Federal Government—the taxpayers of this country—will pay my interest while I am in school, correct?

Mr. BURR. That is correct.

Mr. MANCHIN. At the end of that, then I pick up whatever interest rate has accumulated while I was in school, and I take it from that day forward.

What I think a lot of our colleagues don't understand, I can't make it just on that \$3,500. I have to borrow more money. So now, if I go with my colleagues on the Democratic side, if I borrow more money, I have to borrow that at 6.8 percent.

We were able, in a bipartisan way, to bring that to 3.66 percent for all undergraduates, correct?

Mr. BURR. The Senator is correct. I might add to my good friend, this chart shows exactly what we talked about. Under the plan on which we will vote at 12, because of the need for students in the subsidized category to borrow additional money at 6.8 percent, at the end of their process, they owe \$78 a month, where under the bipartisan bill, where every undergraduate is treated the same, they owe \$75. It is actually cheaper, even for the undergrads who are subsidized.

Mr. MANCHIN. So the money I would have to borrow, even though I qualify because of my income for a subsidized loan, I don't have to pay the interest on an annual basis. So by bringing it down to one low rate, I am making much lower payments. So that is less obligation and less hardship on me as a college student to make that lower payment than it would be to make that higher payment.

We want to help the subsidized, very poor kids. I might be poor, but I can't make it on just what you give me because I am poor. I have to have a little more help. Then, on top of that, I want to go to graduate school after I get my college degree. So then I am at 6.8 again. Ours brings it down to 5.21, which is more savings, which I know the Senator agrees to.

If I may ask my colleague from Tennessee, right now we know we have a consolidated cap at 8.25 percent. Let's say I graduate and I went to school during the high recession times. At the end, I have an 8.75-percent accumulative interest I owe. I can cap that and consolidate at 8.25, correct?

Mr. ALEXANDER. Madam President, if I may respond to the Senator from West Virginia.

First, I wish to congratulate Senators MANCHIN and BURR for helping the full Senate understand this issue. This is similar to a lot of issues we have to face. They are not simple. I used to be a college president and the U.S. Secretary of Education. I had to re-educate myself on this legislation. I still made some mistakes.

I was saying last night, for example, that there were only 2 million subsidized loans. What I was forgetting was the point that the Senator from West Virginia makes, which is that 80 percent of the students who have subsidized loans, the low-income students,

also have unsubsidized loans. So when we only take care of these subsidized loans, we are leaving 7 million students with unsubsidized loans out here hanging high and dry, and nobody is taking care of them. So we are hurting both the middle-class families and the low-income families when we have an incomplete solution.

The Senator from West Virginia posed a question. Let's say I graduated from the University of Tennessee and I had two loans; I had a subsidized loan, which means the government paid my interest while I was in college. Typically, if I am similar to four out of five students, I also had an unsubsidized loan, so I accrued that interest. Suddenly the interest rates have gone up for me because the country's interest rates have gone up to 10 percent. What I can do is take all my government loans at once and turn them into an 8.25-percent loan. So that is, in effect, a cap on my loan, and then I would have the choice.

I would say this to the Senators from West Virginia and North Carolina. I have heard some Senators say that when I consolidate my loan at 8.25 percent, that means the student is going to have to pay a lot of interest because it spreads the loan out over a long period of time.

But does not the student have that choice? Isn't it similar to a 15-year mortgage, where you have higher monthly payments, but you pay less interest because you pay it off quicker?

Mr. MANCHIN. I think what they are referring to—and I might have misunderstood, but I think I am accurate on this. Everyone will take the loans for the longest period of time, and I just got out of school so I want the smallest payment. Four or five years out I have a better job. Instead of paying \$150 a month, I can afford to pay \$300 or \$400.

There is no penalty for me to shorten that, as it would be in a conventional market. Is that how the Senator understands it?

Mr. ALEXANDER. Madam President, I ask consent that the Senators from North Carolina and West Virginia and I be permitted to engage in a colloquy for a few minutes.

The PRESIDING OFFICER (Ms. HEITKAMP). Without objection, it is so ordered.

Mr. ALEXANDER. That is how I understand it. I would say to the Senator from North Carolina,—I would presume a graduate of the University of North Carolina would be smart enough to make that decision for herself or himself?

Mr. BURR. I think they would. I think one of the agreements we came to was that students ought to be in control of their decision about their loan rate based upon what is available to them. If students go through the next 4 years and they have a combined

interest rate of about 4.5 percent for the life of the loan, why in the world would they be excited at 8.25? If for some reason 10 years from now somebody got out of school and their combined interest rate was 9 percent, we give them the option of going back to 8.25.

I think the Senator from West Virginia made an extremely good point. For the most subsidized students, they can only borrow \$3,500. Think of the institutions that are out there—none of them have an annual tuition of \$3,500. We know they are going to borrow out of the 6.8-percent pot. What we are offering is that the pots are the same and that the subsidy is that—for students who qualify for the subsidy—they are not responsible for the interest rate while they are in school. That subsidy still exists. It is just that we are not overcharging one group and we are certainly not overcharging the ones we just subsidized because they have to borrow more money to complete their college education.

Mr. MANCHIN. To both of my friends, let me say that I graduate from college—no matter what the interest rates are, no matter what they might have been—I graduate and economic times are tough. I find a job that is not what I think my value is, but I find a job at \$40,000—\$40,000. I am married now, and I have a child or two. Don't we have in our bill a protection which has been in place for a long time—both Democrats and Republicans have supported this protection—which is called income-based repayment? By law, I can only pay 15 percent of my disposable income. I think that breaks down to my payment can only be \$142. Isn't that a subsidy too? Wouldn't we be subsidizing that to an extent? I am also understanding that if my economic condition does not improve and that is all I pay, by the end of 25 years it is exonerated. I pay nothing. I am done.

Mr. ALEXANDER. If I could respond to the Senator who suggested that,—the answer is yes. I think it is fair to say that the consolidation option that a student has in case the rates go up, at 8.25 percent can be called a cap. It is not a hard cap, but it is a cap. And the second cap is the income repayment provision of which the Senator speaks. If you are making \$40,000 a year, after they apply the formula you probably are not spending more than about 10 percent of your income—it is something called disposable income—to pay for your student loan. Loan repayment then continues for about 20 years. If at the end of 20 years you have not paid your loan off, the loan is forgiven.

Any student who has a loan has that opportunity. They can consolidate at 8.25 percent, and income repayment limits the amount they have to pay each year. So they have that.

One of the things I noticed about the Manchin-Burr bill that I would like to

ask the Senators to talk about is that you have come up with—what I am beginning to understand, as I study this more and more—a very significant contribution: the idea that all of the undergraduate student loans—which, as I understand it, are about two out of three of the loans—should have the same interest rate. First, it is confusing the way undergraduate loan interest rates are now, but the other reason is that about 80 percent of the people who have subsidized loans, the low-income students, also have unsubsidized loans. So your contribution is to say: Let's simplify it, provide certainty over a long period of time, and treat all undergraduates the same. Otherwise, it seems to me, you are leaving 7 million middle-income students who have unsubsidized loans high and dry, and the 80 percent of the low-income students who also have these unsubsidized loans, you are not helping them either.

I wonder if the Senator could comment on this idea? I notice, without a cap, you are able to get the interest rate for all undergraduate loans down to about 3.66 percent, which is a pretty low rate.

Mr. MANCHIN. Let me say very quickly—and I will use \$10 million hypothetically that is borrowed every year—\$10 billion, \$10 million, whatever you want to use—25 percent of that money goes to the subsidized, just 25 percent. I understand that it is close to about 40 percent of the students who participate in borrowing money, but the volume of money is about 25 percent, one-fourth of the money that is loaned out. So if we are keeping the rates low on one-fourth of the money, that means we artificially have much higher rates on three-fourths of the money students need to get an education.

What we are saying is that we are going to bring a larger majority of that down to the lowest rate. We think it is a good policy that we should be discussing and talking about. That is where we are. That is why we came up with the plan we did, but we reduced all the rates. The PLUS loans I think went from 7.9 to 6.21, yes, and then the graduate loans went from 6.8 to 5.21. But if you do all of the undergraduate, it would go from 3.4 to 3.66, a quarter and a point—.26.

Mr. BURR. The most significant part is for the undergraduates who were not subsidized, they would go from 6.8 to 3.6.

Mr. MANCHIN. Right. Right.

Mr. BURR. This goes to the heart of what the Senator from Tennessee said. Today the subsidy goes to 26 percent of our students; 55 percent pay the 6.8 rate. Under the bipartisan bill, 64 percent—all undergraduates—get 3.66.

If this is about affordability, if this is about what provides the greatest flexibility for students to afford it, then the



answer is clear. It is on the chart. But it also computes in the monthly payments to which students are obligated. The fact is that for a typical student in their first year, taking \$5,000 out, \$3,500 comes from the subsidy—\$5,500 out, \$3,500 comes from the subsidy, \$2,000 comes from the 6.8 rate.

Mr. HARKIN. Will the Senator yield for a question.

Mr. BURR. I will be happy to yield for a question.

Mr. HARKIN. I just want to ask—I am sorry, I couldn't see the chart from the other side, so I came here. On the undergraduate student, 3.66, 64 percent, for how many years does that hold, that 3.66 percent? For how many years?

Mr. BURR. It holds for 1 year until the readjustment of the 10-year bond, which could be higher, it could be lower.

Mr. HARKIN. Just 1 year.

Mr. BURR. Higher than it was in May—

Mr. HARKIN. And what does the CBO project the rates will do in the next 10 years?

Mr. BURR. I am sure the Senator came with a chart. But let me say that we have an 8.25-percent consolidation cap. The reality is that if you are going to move to a market-based system, the question we have as Senators is, How do we drive interest rates the lowest for our Nation's students? If you put a hard cap of 8.25, then all of a sudden this interest rate goes up, if we are getting to a zero surplus. It is not going to cost us anything, not going to make anything; 3.66 goes up, it doesn't go down. So by having the flexible cap at 8.25, where anybody can consolidate at any time, we are able to do it at the 10-year bond plus 1.85. And this is all CBO numbers. We are using the same source for this.

But I think at the heart of this, and I say to my good friend from West Virginia, the real question is, Are we going to let 26 percent participate in an attractive interest rate or are we going to extend it to 64 percent, which is the entire class of undergraduates?

Mr. MANCHIN. That was the bipartisan agreement we had. I appreciate that very much. Let me say, here is the last 10 years. If we would use the last 10 years, with the bipartisan bill kicked in, this is what the students who basically are paying the higher rate now—6.8 percent frozen—would have been able to take advantage of, the lower rates. They never got a chance to take advantage of the lower rates. All we are assuming is that if rates go up in 3 or 4 years, they are going to be paying higher rates. We never assume the market—that is the reason why you fluctuate with the market on the 10-year T-bill. This would have happened with the 10-year T-bill. Look how much lower they would have been paying in the last 10 years.

I know we can all use figures any way we want to use them, but the bot-

tom line is that it is either going to be market—it has always been that before. There have been caps that have been much higher, and we are trying to find something that is affordable, but the bottom line is, do we try to protect the lowest rate?

Most undergraduates have the hardest times. Once you get your undergraduate degree, you have a much higher percentage of making it. If you want to get a graduate degree and a higher Ph.D. degree, you have a much better chance.

The bottom line is that we want to keep the rates low so that when students go out they are not burdened with the highest payments. We have a lot of protections built in that a lot of times are misunderstood and are not explained properly, and I am glad we are having this colloquy.

Mr. BURR. Would the Senator from Iowa like another question?

Mr. HARKIN. I have a statement to make but not a question.

Mr. BURR. I will wrap up and move on.

Mr. HARKIN. If we are going to get into a colloquy, that is fine.

Mr. MANCHIN. Yes.

Mr. BURR. I would rather make the points that I need to because at 12 we are going to vote on one bill. We are going to vote on a 3.4-percent extension, kicking the can down the road for 12 months, not fixing the problem, not finding the solution, and continuing to overcharge some students and subsidize another pool and go to bed at night and feel good about this.

I think the reason we have a bipartisan agreement is there are some who do not feel good about that. We look at it and we say the Senate has not done what people sent us here to do, and that is to get it as close to right as we can.

Again, I say to my colleagues—and I can go to the CBO again—the CBO scored the bill, and CBO says the bipartisan bill is within .7 percent of having no cost and no surplus. I am not sure you can get any closer than that. They have also told us verbally and showed us in scoring: put the cap in and you raise the interest rate on all students, all postgraduates, all parents. And our objective, when Senator MANCHIN and Senator KING and Senator COBURN and Senator ALEXANDER got into the discussion, was, How can we get rates as low as we can? Our focus was on the affordability for the students; secondarily, the sustainability of the program, which was long-term, something we do not visit every 1 or 2 or 3 years.

Let me get into specifics because there are four proposals out there. One of them has already passed the House of Representatives. The House of Representatives has a 10-year variable rate that fluctuates annually. For unsubsidized loans, the rate is 4.31; for subsidized loans, the rate is 4.31, which is

10-year plus 2.5 percent; for PLUS loans, 5.74. It removes the consolidation cap—removes it—and it creates caps of 8.5 and 10.5 percent.

The vote that we will have at noon, I think everybody knows it is a 6.8-percent rate for most students. Twenty-six percent get a subsidized rate of 3.4 percent. The PLUS loans are at 7.9 percent, and that is 18 percent of the loans at 7.9 percent.

Under the President's proposal, the unsubsidized is—I think this is backward. I think it is the subsidized at 10-year and .93; the unsubsidized at 10-year, 2.93; the PLUS at 10-year plus 3.93; and it is uncapped and fixed for life.

So it brings us to the bipartisan bill. The Senator from West Virginia said it well. What were the agreements we made? We are not going to make money and we are not going to lose money. We are at .7 percent, according to CBO.

An undergraduate is an undergraduate. We should not cheat one to subsidize another. But there should be a subsidy for low-income at-risk students. The assumption is that they are not responsible for the interest payment while they are in school. The reality is that we extend the same 10-year bond plus 1.85 percent to all undergraduates.

For the graduate students, we would bring the rate down to 10-year plus 3.4, and for PLUS loans, 10-year plus 4.4, and we keep in place the consolidation cap that has been in law. Let me remind my colleagues what I said earlier before they came to the floor. From 1965 to 1992, the cap on student loans was 10 percent. If we put that in today, it will raise the percentage each individual is going to pay.

Mr. MANCHIN. Would the Senator yield?

Mr. BURR. I am happy to yield.

Mr. MANCHIN. I am not sure how the Senator voted on the extension a year ago. I voted for the extension a year ago.

Mr. BURR. As did I.

Mr. MANCHIN. I don't intend to vote on the extension again because we have not fixed it. By voting on this extension, what we are voting on is 3.4 percent just for the subsidized, and everybody will be at 6.8 percent, and 7.9 percent for PLUS loans.

When my colleague is talking about that, the difference of savings between our bill—if we got a vote on our bill, which is a compromised, bipartisan bill, we would save close to \$9 billion in interest that students wouldn't have to pay. I believe we agree on that.

Mr. BURR. That is correct.

Mr. MANCHIN. I think we are going to have a chance to vote on one bill, and that is about \$2 billion. In West Virginia that is a lot of money in savings of \$7 billion that students don't have to pay in interest, which is across

the board for students who have subsidized and unsubsidized loans. That is the point we are trying to make, and we hope we get that through.

I know the Senator hopes, as I do, that we get a vote on this today.

Mr. HARKIN. Will the Senator yield?

Mr. MANCHIN. I believe Senator BURR has the floor.

Mr. BURR. I am happy to yield the floor.

Mr. HARKIN. My friend from West Virginia made a statement a few minutes ago that resonated with me. He said we are trying to get the market rates because we always had the rates.

When I first went to college in 1958, 1959, 1960, and 1961, I borrowed money under this program. It came into being in 1958, so 1959 was the first year I borrowed money. It was called the National Defense Education Act or the Eisenhower bill. I went back and looked to see what the 10-year Treasury note was at that time for those 3 years that I borrowed. The 10-year Treasury note at that time ranged between 4.2 percent and about 4.8 percent. I borrowed money at 2 percent.

I say to my friend, that is not a market rate. Not only did I borrow the money, but all the time I was in college I paid no interest charges. I spent 5 years in the military with no interest charges. I then went to law school—3 years in law school—with no interest charges. Then I had a 1-year grace period after I graduated from law school with no interest charges. For all those years the interest rate clock never started ticking.

Mr. MANCHIN. Was that for every student who was in college at that time no matter what their ranking or what service they had performed in the military or whether they had the GI bill?

Mr. HARKIN. Everybody.

Mr. MANCHIN. Everybody in college during that period of time could borrow at the low rate of 2 percent with no interest at all?

Mr. HARKIN. That is right. The reason I raise that is, Why were we so special? Why was my generation so special that this country was willing to subsidize my education, but for these young people here we are saying: No, no, you have to pay interest rates?

Mr. MANCHIN. Maybe Congress did a better job of getting its financial house in order than we have.

Mr. HARKIN. We made a commitment at that time to invest in a generation of young Americans so they wouldn't have a huge amount of debt hanging over their heads.

Mr. BURR. What didn't exist when my colleague went to college and graduate school was that we didn't have an income test for repayment. We don't charge anybody over 15 percent on an annual basis.

When the Senator went through the system, he was responsible to pay back

100 percent of it. Today, after a certain period of time on the subsidized loans, we forgive it. We have a lot of programs that didn't exist when he went through school. We have Pell grants that extend a tremendous amount of money that is not obligated to be paid back—\$4,000. We have student loan higher education tax credits that did not exist when he went through college.

We have a basket of products. What we are looking at is, How can we take one program, which is the rate-based program, and make it as attractive and affordable for students as we possibly can? Under this scenario, we are able to accomplish that for 64 percent. Under what we will vote on, we only do it for 26 percent. We can't help but make the argument: You are overcharging here to subsidize here.

I agree with my good friend from Iowa, for whom I have great affection, that I want to make sure every student has an opportunity to go to college and that it is affordable for all. We have a system right now where the Federal Government controls 100 percent. When my good friend went through college, there were private lenders that competed with the Federal Government. At this time we have no private lenders. We legislatively eliminated the private sector from competing for student loans. It is all dominated by the Federal Government. At least we can try to get those loans as inexpensively as we can for the largest group of college students.

I have a unanimous consent request. I hope we will entertain this because not only is the debate worthy, but a vote is worthy.

I ask unanimous consent that if cloture is not invoked on the pending motion to proceed to S. 1238, the Jack Reed bill on student loans, it then be in order to move to proceed to S. 1241, the Manchin bill on student loans; further, that the cloture motion, which will be at the desk, be considered filed on the motion to proceed; and further, notwithstanding rule XXII, the Senate then immediately proceed to a vote on the motion to invoke cloture on the pending motion to proceed to the Manchin bill, S. 1241.

Before the Chair rules, let me just say this agreement would allow us to have two votes on two versions of student loan rates that start at noon today.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BURR. Madam President, this is an important issue, and I want to thank my colleagues who came together this morning to try to find an additional solution.

I thank Senator MANCHIN, Senator KING, and Senator CARPER because

they were willing to try to fix this problem. I am convinced that my good friend from Iowa is doing this in good faith, but now is the time to find a solution. It is not a year from now, it is not a month from now, it is not a week from now, it is today.

Mr. MANCHIN. I have one question that I would like to ask in the spirit of a colloquy to my dear friend from Iowa. They are saying 1 year, and they are looking at the compromised, bipartisan bill we have worked on. In 3 or 4 years the rates may go up because market rates will change. If we are only looking at 1 year, is there anything prohibitive in our bill that we couldn't go back a year from now if we see a better solution? If we get an education bill, we can say: Hey, here is the grand bargain, which is better than what we thought we had.

Still yet, our bill saves \$9 billion, and the bill my dear friends in my caucus support only saves \$2 billion. If we only do it for 1 year, we help more people save more money, and then we can still rewrite another bill in 1 year. Are we able to do that?

Mr. BURR. I have learned in my 20 years in Washington that "permanent" is defined as a 2-year session of Congress, and the next could easily change it.

Mr. MANCHIN. If we look at it from year to year, we have 3.4 percent for the smallest group, 6.8 percent for everybody above that, and 7.9 percent for PLUS.

Under our bill, it is 3.66 percent for all undergraduates, and every rate comes down; correct?

Mr. BURR. The Senator is correct.

Mr. MANCHIN. So that is \$9 billion versus \$2 billion, and that is about as simple as I can make it.

Mr. BURR. As I said earlier, how does that compute to the average student? It means a lower monthly payment. Under the bill that we will vote on, which is the current extension—the kick-the-can-down-the-road plan—they will pay \$78 a month, and that number is based on a student borrowing \$5,000. Under the bipartisan bill, it is \$75 a month.

On the graduate Stafford comparison by month, the person who borrows under the graduate program—under the kick-the-can-down-the-road plan—is going to pay \$251. Under the bipartisan solution, they are going to have a monthly obligation of \$230.

For the highest group, the PLUS loans—and in a lot of cases those are parents—the monthly obligation is going to be \$197 on the kick-the-can-down-the-road plan, and under the bipartisan solution, the monthly obligation is going to be \$180 in payments. Again, this is figured with \$5,000 borrowed over a 10-year amortization of the loan.

It makes the good point my friend from West Virginia made: Why would

we not take the opportunity to make this cheaper for everybody for the next 12 months? If we find a better way to do it, let's change it 12 months from now.

Mr. MANCHIN. I think what we are talking about also is that they are saying if it consolidates, it strings the payment out for the maximum of 30 years, which means they are paying a lot more back in interest; correct? That is the argument I have heard from different people. So that means, why would you have an automatic consolidation?

With that being said, I understand that with the government-run loan right now, there are no penalties for me. If I string it out to get the lowest payment for 30 years, and then I said I want to have 10 years, I can do that; correct? That is able to be done. So I can reduce that amount of time and amount of interest with my affordability to pay more.

Mr. BURR. The Senator is exactly right.

There are others on the other side who would like to speak.

Madam Chair, at this time I reserve the remainder of the time on our side and yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I know Senator STABENOW has an important meeting to get to, and I will yield to her in just a second.

I just want to respond to my friend from North Carolina as to why I objected since I don't believe in all of these reservations for objections. Either you object or you don't, and there is a time to explain that later on.

I wanted to explain why I objected. If we vote for cloture at noon on this underlying bill, then what the Senator from North Carolina wants, they can add as an amendment. They can offer that as an amendment to the bill. The bill will be open to any amendments anybody has.

So the reason I object is because we have a bill, and it is under regular order. We have cloture and the bill is open for amendments. So the Senator from North Carolina or Tennessee or West Virginia or anybody else can offer any amendments they want, and that is the way the regular order ought to proceed.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I think what we are witnessing today are people who have differences in philosophies and want to solve problems with different approaches.

I believe the issue before us at noon is a vote on doing no harm. There is not an agreement on both sides of the aisle as to whether we keep the student interest rates as low as possible for an ongoing basis or whether we tie it to

market rates going up so that they go up over time. There is not agreement on that. I hope we have an agreement to do no harm.

The vote at noon is, let's keep it at 3.4 percent, where it has been, which is, by the way, the market rate. Right now you can go out and get a car—and I encourage people to purchase a new American-made automobile—with a 4-percent interest rate. You can get a mortgage for about 4 percent.

Doubling the rates makes no sense, and putting in place something that students are asking us not to do, which starts where we are and goes up over time, does not make sense either. So let's do no harm. Let's vote yes to give us a year.

We have people who care about this issue. We can sit down and spend that time working under Chairman HARKIN, who is committed to addressing this in a comprehensive way. He is interested in addressing not just the interest rates on subsidized Stafford loans but on all of the issues. There is a range of issues, not the least of which is the \$1 trillion that students and families are carrying in this country, which is more than the credit card debt that we have.

Let's start with do no harm. If we do that, then 7 million students are not going to be hit with the interest rate hike that is going to be in place. If we do that, we are going to be saying to students: We are not going to see the government making billions of dollars in profits on the backs of students because the loan rates have gone up.

So I would encourage everyone—people of different philosophies—to vote yes to give us the time to work out what is clearly a broad comprehensive issue to make sure young people and people going back to college have the opportunity to dream big dreams, to have the same opportunities many of us have had.

I went to school on student loans. I went to school on a tuition-and-fees scholarship because of my own family situation growing up. The reality is we have the opportunity to do no harm, and then work together on something comprehensive that does not down the road see students paying 7, 8, 9 or, in the case of what the House did, top out rates at 10.5 percent. I reject that. Colleagues on this side of the aisle reject that.

Let's vote yes and do no harm and then get to work in a bipartisan way on the larger problem and solve it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, let me commend Senator STABENOW, Senator HARKIN, Senator WARREN, Senator FRANKEN, and Senator HAGAN, particularly, who is the cosponsor of the legislation I have proposed.

My proposal would keep the student loan interest rate for subsidized Staf-

ford loans at 3.4 percent while we deal with a very complicated and complex set of issues. It is not just the rate structure; it is the issue of providing appropriate incentives to control the costs of higher education. It is also the issue of refinancing existing debt and prospective debt so that this huge wall of debt, the avalanche of debt affecting college graduates and professional school graduates today, can be addressed. I don't think we can do that—because these are complicated programs—off the cuff, as we are attempting to do today or as we have been over the last several days.

It turns out that if we do not extend this rate for at least a year, but instead take up the so-called bipartisan proposal eventually rates will rise on students across the board. That is because the law now calls for a 6.8-percent rate for the Stafford subsidized and unsubsidized loans and 7.9 percent for PLUS loans—fixed rates—and in order to score this as a zero in terms of the Congressional Budget Office and deficit effects, we have to over that time make up all of that interest.

The proponents of the alternate approach are suggesting we will go with a lower rate now, but that simply means mathematically we will have to have higher rates in the future. The question of when that future arrives is a function of the way interest rates will be moving in the overall economy, and every indication is those interest rates will start rising, and perhaps quickly. The Federal Reserve has already indicated they are beginning to pull back on their quantitative easing, which means rates are likely to go up. We have seen a significant rise in the 10-year T-bill rate. Since May, it has gone up almost a full percentage point. So we are in a rising rate environment, and the other side proposes moving from a fixed rate to a floating rate, without an effective cap.

What we know is that—it might not be next year or the following year but relatively quickly—we could likely see and will likely see students paying higher than the 6.8-percent rate and, without a cap, it could be significantly higher.

If we adopt the proposal suggested by my colleagues—and they have been working with great energy and great sincerity to try to come to a solution—I am afraid we are going to ultimately end up seeing students paying much more, and that is not what we should be about.

We have a situation right now, even with the 3.4-percent rate that doubled to 6.8 percent on July 1, where the Federal Government is making about \$50 billion this year, between the cost of funds and the repayments being made by students, so students have become

profit centers for the Federal Government rather than, as I think the intention of the program was, that the Federal program was going to help students get through college so they can help us as productive workers in our economy.

It is projected that these Federal student loan programs between now and 2023, over a 10-year period, will make \$184 billion for the Federal Government, in terms of the difference between what students are paying back and the cost of borrowing from the government. So there is a lot we could do—but not in 24 hours—to redesign our program so students are not essentially being hammered with huge debts as we are benefiting profitably from those students.

The CBO estimates that under this Bipartisan Student Loan Certainty Act, between 2017 and 2023, students would pay an additional \$37.8 billion more on their loans than they would under the current rate of 6.8 percent. This goes to my initial point. The first few years have been designed so interest rates will be lower than 6.8 percent. However, according to the CBO, between 2017 and 2023 they will be much higher—so if a person is a high school student right now, they are looking at paying a lot of money if they intend to go to college—about \$37.8 billion more—because it all has to balance out to effectively generate as much revenue as a 6.8-percent interest rate, which is the current rate.

Students know that. That is why they have come to us and said, Listen, thanks, but no thanks. This short-run discount of a few years in terms of the interest rate, we know we might get the benefit if we have already started or are just finishing college. We definitely know that our younger brothers and sisters in high school and another generation of Americans will be paying for it.

So I don't think we should take that approach. I think what we have said is let's wait. We have a lot of work to do. We want to look at proposals that might actually align the real cost of Federal lending for a college education and the real charges we impose on students. Right now, my sense is what our colleagues have done in their bipartisan approach has been essentially to make sure the first few years look good—they are certainly less than 6.8 percent, close to 3.4 percent—but then they have to put in a rather arbitrary delta—an increase in costs—because at the end of the 10-year period they are going to have to make up all of the interest that would have been charged at 6.8 percent. I don't think that is the way to approach fundamental reform of college loans in this country.

There is another point I think is important to make as well, which is we have always either had a fixed rate or an adjustable rate with a cap on each

loan program—a cap on subsidized Stafford loans, unsubsidized Stafford loans, and on PLUS loans for families. Now, in the bipartisan proposal, they don't have a cap. There is some discussion that if students consolidate loans, they will get an 8.25-percent cap. But consolidation can only take place after a student is in repayment. And before a student is in repayment, all of that interest on the unsubsidized Stafford loans and the PLUS loans is accumulating and being capitalized into what the student owes. So when the student consolidates, they have a much bigger principal to pay off. There might be a cap of 8.25 percent, but it is a much bigger principal. By the way, the loan is extended over a longer period of time, so they also have to pay for that longer extension of time.

That is not the cap we have had before in the context of these programs. It has been a cap on the individual loan, a cap on the subsidized loan and unsubsidized loan, and a cap on the PLUS loans. I think that is a major fault within the proposal we are seeing today.

The other issue, which goes to the index, is that a 10-year T-bill interest rate has been chosen. Typically, we have chosen a 91-day T-bill, and the 91-day T-bill is cheaper, frankly. We start off with a much lower index, which lowers what the student has to pay, and then we add other costs to it, including the discount estimate of default, and all of those things come up with the final rate. But we are going to a 10-year T-bill rate, which means students will be paying more relative to a 91-day T-bill rate. Again, I don't think that is what we want to do.

We want to take the time to try to address this whole set of issues, to do it in a thoughtful way, to understand that one of the big challenges we have is not just the issue of what rate but also how do we keep college costs in check. How do we provide the kind of education students need to be competitive in the workplace? How do we deal with the interaction between all of these different types of loans? How do we go ahead and—again, this might be one of the biggest challenges we face going forward—how do we somehow allow these students who are drowning in debt to effectively refinance these loans so they can buy homes, they can buy cars, they can participate in the economy? That is not included in this proposal.

Indeed, one of my concerns is with these rates locked in—and this is long-term legislation—we won't have the proper incentive to effectively deal with these issues; we will just let them slide along. I think that would be to our great detriment and, more importantly, to the detriment of families throughout the country.

There have been—and appropriately so—comments and criticism of this

short-term approach. We should have fixed it last year. Well, we haven't fixed it, and I think we have to give ourselves the time to fix it.

There is the suggestion that we are dealing with a portion of the loans—the subsidized Stafford loans—and everybody else won't get a benefit. From the numbers we have seen from CBO, one thing is certain: In the last years of the other side's proposal, from at least 2017 to 2023, everyone—subsidized, unsubsidized, and PLUS loans—will be paying more. So the one conclusion we can draw, if we go to the alternative approach, is that eventually every borrower will be paying more.

Therefore, I very strongly urge that we move forward with this cloture vote to get on to the legislation. As Senator HARKIN rightly pointed out, once we are on the legislation, it is open to amendment. At least we can debate the proposals from all of my colleagues that could improve or change or modify the underlying bill. But if we don't get to cloture, then we are not moving forward, and I think we should at least move forward.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I know we are still on our time; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I understand Senator HOEVEN wanted to take 5 minutes.

Mr. HOEVEN. Madam President, I wish to clarify for the esteemed Senator from Iowa that I intend to speak in support of the Student Loan Certainty Act which he may not be in favor of, so I wish to be clear.

I ask unanimous consent to speak for up to 5 minutes, while preserving the 2 minutes remaining for the distinguished Senator from North Carolina prior to the vote at noon. I wish to be clear so the good Senator from Iowa understands as far as whether he wishes to object.

Mr. BURR. If it influences the Senator from Iowa at all, I will allow my 2 minutes to go to him, if the Senator wouldn't object to him having 3 additional minutes.

Mr. HARKIN. That would be fine.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. My understanding is to preserve the 2 minutes for the Senator from North Carolina.

Mr. BURR. Go ahead.

Mr. HOEVEN. Madam President, I rise to speak to the permanent solution that is being put forward on a bipartisan basis today, which is the Student Loan Certainty Act. Again, I wish to emphasize that this is a bipartisan solution. Senator JOE MANCHIN, a Democrat from West Virginia; Senator LAMAR ALEXANDER, a Republican from Tennessee; Senator RICHARD BURR, a Republican from North Carolina; and

Senator ANGUS KING, an Independent from Maine—I guess tripartisan, right? This is truly a bipartisan effort, including the support of Senator TOM CARPER, a Democrat from Delaware, myself, and others. This is a bipartisan effort to come up with a permanent solution.

I have been listening to the floor debate and what everybody says over and over is we need a permanent solution, and that is exactly right.

A year ago I served on the conference committee for MAP 21 which is the authorization for the highway program. We included in that conference report an extension, a 1-year reauthorization, of the Federal student loan program. So we could do what? Put a permanent solution in place—not come here a year later and extend it again for a year.

So that is what the vote at noon is all about. It is yet another 1-year extension. We need to put a permanent solution in place. Our bipartisan plan is simple and straightforward. It provides students with dependable low-cost financing on a long-term basis. We call it the Student Loan Certainty Act because it provides just that: certainty for our students and for our families, not another 1-year extension.

There has been a lot of discussion here, and it is easy to get confused. But let's go through it for a minute. How does it work? This is a simple straightforward plan. The plan would tie all student loan rates to the 10-year Treasury note to reflect current market and employment conditions.

Right now, that index rate—the 10-year Treasury note rate—is 1.8 percent. Then both subsidized and unsubsidized Stafford loans would be 1.85 percent over that rate. Graduate Stafford loans: 3.4 percent over that rate. PLUS loans—loans parents take out—4.4 percent over the 10-year Treasury note rate. Those rates are then fixed, locked for the life of the loan. The student knows that is a fixed rate then for the life of the loan, until it is paid off.

So let's compare the programs, compare the existing student loan program to what we are proposing. That is easy enough to do.

Subsidized Stafford loans. Right now they are actually at 6.8 percent because the existing program expired, didn't it. But under the old program they were at 3.4 percent for the subsidized Stafford loans. Under our proposal: 3.66 percent—3.4 percent; 3.66 percent—so it is about the same, isn't it.

Actually, those rates have gone to 6.8 percent because, again, we go year to year. This program expires so we are really bringing them down. But even if you assume it has not expired, it is about the same rate—3.66 percent versus 3.4 percent.

For unsubsidized Stafford rates, again, under our proposal, you get the same rate as for the subsidized student loan program—3.66 percent. That com-

pares to 6.8 percent under the existing program. That is a big-time savings for 60 percent of college borrowers, big-time savings: 3.66 percent versus 6.8 percent. Which would you rather have? Big-time savings for 60 percent of the undergraduate borrowers.

Graduate student loan rates under our proposal: 5.21 percent versus 7.9 percent under the existing program; parent PLUS loans: 6.21 percent versus 7.9 percent under the existing program—in both cases, again, lower rates.

The consolidated loan rate remains at 8.25 percent. That is a cap. We keep that in place—8.25 percent—in essence, providing students and families with a cap, another safety feature.

There is also another protection measure in the bill. The good Senator from North Carolina just referred to it a minute ago. Under the income-based repayment level provision, student loan payments are limited to 15 percent of income. So your repayment, your payment amount is limited to 15 percent of your income, and after 25 years, if the loan is not paid off, the balance is forgiven. So you have both a cap and a repayment limit provision to protect borrowers.

Furthermore, this program is designed solely for students and their families. What do I mean by that? This program is solely for students and their families. Unlike the existing student loan program, it does not subsidize health care. The current program, in essence, provides a subsidy for Federal health care—the Affordable Care Act, ObamaCare. It provides a subsidy, and the students pay for it. Why would we do that? Why would we continue that?

What we are talking about is a vote at noon to extend the current plan. It is a 1-year extension, meaning we are going to be right back here 1 year from now doing the same thing. Furthermore, it is paid for with a tax increase on withdrawals from retirement accounts—a permanent tax increase to pay for a 1-year extension. That does not make any sense. What are we going to do a year from now to come up with the revenue to once again extend it? A permanent tax increase for a 1-year extension.

The third point is, why in the world are we using a student loan program to subsidize the Affordable Care Act, ObamaCare? That does not make any sense. Why would we do that?

Again, I come back to the point I started with, the point I made earlier that I think reflects on the debate and the discussion we have all had here: There is a desire to come together. I do not think we are very far away. I think this bipartisan measure is very close to something we can agree on. The good Senator from Iowa said himself he wants a permanent plan in place that takes care of students. I think we are

close to doing that. I think the Student Loan Certainty Act provides that bipartisan framework we can now gather around. It may need some modification, but we can gather around it and get a permanent solution in place. I know that is what all of the Members of this body want. I ask my colleagues to join with us so we can get that done, and we can get it now—not extend it for a year and hope to get it done. Let's get it done for the benefit of our students across this great country and their families.

Ms. MIKULSKI. Madam President, I am proud to rise today to support the Keep Student Loans Affordable Act. This bill would extend the current interest rate of 3.4 percent for subsidized Stafford loans for the next school year. This interest rate reflects a record low for interest rates on Federal student loans, and these loans can only go to students and families that demonstrate a need for them; 60 percent of dependent subsidized loan borrowers come from families with incomes of less than \$60,000. Subsidized Stafford loans help more than 7 million college students without worrying that the interest on their loans will begin accruing while they're in school. It helps more than 105,000 students in Maryland. Middle class families are feeling stretched and stressed and if we fail to act, students could be facing an additional \$1,000 in debt over the life of their loans.

I would also like to announce my support for the Bank on Student Loans Fairness Act, introduced by Senator ELIZABETH WARREN. This legislation would lower the current interest rate of 3.4 percent to 0.75 percent for subsidized Stafford loans for the next school year, which is the same interest rate that banks pay. Banks have arbitrarily raised interest rates on consumers, and applied higher interest rates retroactively. They charged fees without any legitimate purpose—and then charged interest on top those unfair fees. And they marketed their products to college students who they knew could not afford the credit they were providing.

The banks are not looking out for the best interest of students; they are looking after themselves to make a profit. The Federal Government has worked hard to keep student loan interest rates as low as possible to ensure that access to higher education remains a viable option for students and their families. That is why it is important that we work together to keep the interest of students at heart and not create additional burdens on them. So why not let students pay the same interest rates as banks?

I have said this often, but we in this country enjoy many freedoms—the freedom of speech, the freedom of the press, the freedom of religion. But there is an implicit freedom our Constitution does not lay out in writing,

but its promise has excited the passions, hopes, and dreams of people in this country since its founding. The freedom to take whatever talents God has given you, to fulfill whatever passion is in your heart, to learn so you can earn and make a contribution—the freedom to achieve.

When I was a young girl at a Catholic all-girls school, my mom and dad made it clear they wanted me to go to college. But, right around graduation, my family was going through a rough time because my dad's grocery store had suffered a terrible fire. I offered to put off college and work at the grocery store until the business got back on its feet. My dad said:

Barb, you have to go. Your mother and I will find a way, because no matter what happens to you, no one can ever take that degree away from you. The best way I can protect you is to make sure you can earn a living all of your life.

My father gave me the freedom to achieve. And this legislation will give millions of Americans that same freedom without adding a dime to the deficit.

Students will bless us if we are successful in keeping their student loan interest rates as low as possible. Getting a college education is the core of the American dream and I am going to be sure that every student has access to that dream and make sure that when they graduate their first mortgage is not their student debt. Senator REED's legislation should be passed in a swift, expeditious, uncluttered way. It gives our students access to the American dream. It gives our young people access to the freedom to achieve, to be able to follow their talents, and to be able to achieve higher education in whatever field they will be able to serve this country.

While our work is not done when it comes to ensuring access to affordable higher education, this bill helps us get there. While these bills will fix the problem today, I will continue to work with my colleagues to figure out a longer-term solution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Well, Madam President, I think we have had a good debate and colloquies on this bill. At noon we are going to be voting, as I understand it, on a cloture motion on whether we are going to have a bill on the floor. That is all we are saying: Will we have a bill on the floor to which amendments can be offered by anybody?

I say to my friends on the Republican side, if they have an idea—and some of them do—that has some Democratic support—and there is some of that—the best way to flush this out and to see whether the Senate as a whole agrees is to vote for cloture on the motion to proceed to the bill at noon. That means

the bill is on the floor. That means it is open for amendment. That means if Senator BURR wants to offer an amendment that incorporates his whole bill, he can do that and we can have a debate on that. And I would say to my friends on the other side, it only takes 51 votes, not 60. It only takes 51 votes to adopt an amendment.

It seems to me the proper way, if you want to proceed on this, is to vote for cloture. That brings the student loan bill to the floor. If my friends from North Dakota or Tennessee or North Carolina or wherever—or my friend from West Virginia on this side—if they want to offer amendments, do so. We can debate it. And then it only takes 51 votes. I do not know why they would be opposed to voting for cloture on the underlying bill because that moves us to a point where 51 votes is controlling. So I hope we will get the 60 votes necessary to move ahead with this very important bill and this issue.

A lot has been said here this morning, and my friend, I think, from West Virginia said there are a lot of numbers floating around and there are a lot of charts floating around. Everybody has a chart on this and numbers on that. No one is trying to befuddle anyone, and no one is deliberately trying to mislead anyone. It is just that when you get involved in an issue such as this, it is complicated, it is very complicated, because if you do a little bit on this one thing—let's say on a cap—then it does something on other interest rates. If you do something on consolidation, all these things bounce around. You can look at what an interest rate would be today, but you do not know what it is going to be tomorrow or what it is going to be next year or the year after. All we have to go on is CBO estimates, Congressional Budget Office estimates.

I will be forthright. I will say honestly, I can love CBO one day and hate them the next because of the way they figure things, and sometimes it is almost inscrutable how they figure things. But, nonetheless, those are the rules we have to sort of play under here. So we have to look at what the CBO scores are and how they score all of the various proposals.

My friend from North Carolina had all of his charts out there and different things about interest rates and all that. I asked the question: How long does that 3.66 percent interest rate last? He was forthright. He said 1 year. But then he went on to talk about what would happen in the future.

Well, here is yet another chart that I present for the Senate. Their bill is S. 1241. That is the Burr-Manchin-Alexander et al. bill. So what we did was we plotted it out as to what would happen in the outyears. As you can see, if you look at this line about right here on the chart: 6.8 percent. That is where the student loan interest rate is today

because on July 1 it doubled from 3.4 percent to 6.8 percent. And 6.8 percent is permanent law. Madam President, 6.8 percent is permanent law, so that is where it is today.

If you look at S. 1241, the Burr-Manchin et al. bill, they are quite correct that in the first 2 or 3 years the interest rates are lower than 6.8 percent. That is why I asked the question. He mentioned 3.66 percent down here on the chart. That is good for next year. But we can only go by CBO estimates, so we asked CBO: What are your projections of the 10-year Treasury notes? That is what we have to go by. If you use that, and you look at what their bill proposes, you will see almost like a classic bait and switch. For the first couple, 3 years, interest rates are lower than 6.8 percent. But beginning in 2016—2½ years from now—both the graduate Stafford loans and the PLUS loans go way above 6.8 percent—up to 8.6 percent and 9.6 percent.

If someone looked at that, they would say: Well, for the first couple, 3 years that might be OK, but what about these students out here? How about these young students getting ready to go to college? They and their families are paying these high interest rates. That is why we heard from so many student groups saying: That is not a good deal. We do not want just a good deal for us for a couple of years and then stick the students in the future with higher interest rates.

Then for the undergraduate Stafford loans—which right now are at 6.8 percent—the Burr-Manchin and others bill goes up to 7.1 percent. You might say that is not much of a difference, but it is more.

So in every single case, by 2018, the interest rates under the Republican bill are higher—higher—than if we stuck with current law, which is 6.8 percent. That is a fact. They cannot dispute that unless they want to say they do not want to use CBO figures. But that is what we have to apply. I have asked—I make the request again—any of the supporters of S. 1241, if you disagree with this chart, please come to the floor and tell us why this is not right. I challenge anyone to come here and tell me why this is wrong, if they think it is wrong, and why they think it is wrong. But that is exactly what will happen under their bill.

It seems we have a couple of courses here. As I said, the first thing is to do what we can to keep interest rates low, and then to address this in a comprehensive fashion.

The bill before us, the bill we are going to vote cloture on, is just a 1-year extension at 3.4 percent. Again, that has a cost. CBO told us what the cost was. So we had a pay-for, as we say around here a pay-for—how do you pay for it—by closing a loophole in the IRAs, the individual retirement accounts. As we developed those, those

were to be used for retirement. But a current loophole in the law allows very wealthy people to build up a retirement account in an IRA and use it as an estate planning gimmick.

So millionaires, billionaires can pass on millions in than IRAs to their heirs without paying taxes for years, if not decades. That was never what IRAs were for. That is a loophole. It has to be closed. I think in anything coming before this body in the way of a tax reform, I can assure you that loophole will be closed. So we are saying, for 1 year, we will close it and use the savings from that to keep student loans at 3.4 percent for 1 year.

Am I saying we have to keep student loans at 3.4 percent forever? No, I am not. What I am saying is that this whole area of student loans and interest rates is one piece of a jigsaw puzzle, the jigsaw puzzle being how are we going to do two things; one, make college more affordable in the future and how are we going to address the \$1 trillion-plus that is in student loans out there right now. This is just one part of that.

When we take one part out of that jigsaw puzzle, it affects everything else. That is why I have argued for a long time that our committee, the HELP Committee, needs to address this in the Higher Education Act reauthorization. The Higher Education Act expires this year. So we have to reauthorize it. My good friend Senator ALEXANDER is the ranking member on the committee. We have already had discussions about the Higher Education Act. I believe this is the proper way to proceed, so we can have experts come in and tell us: OK. If you jiggle this number a little bit, if you do this on student loans, how does that affect Pell grants. If you do something on Pell grants, how does that affect college work study.

All of these things fit together. We need to address a comprehensive measure on college affordability, on making sure college costs are transparent for our students and their families. Comparisons. Why does one course of study at one college cost \$200 a credit hour and another college the same course costs \$400 a credit hour? Why is that? Should parents not have a good comparison chart? What can we do to encourage colleges to have a better graduation rate in 4 years or 5 years? Secretary Duncan has talked a lot about promoting an idea of having high schools graduate kids that after 4 years they can get an associate's degree. If they study hard and do advanced placement courses, they might even graduate from high school or shortly thereafter with an associate's degree.

These are interesting ideas. We need to pursue them. But if we take this out, if we take out the student loans, it sort of messes up the rest of the formulas. That is why I think we should

extend the 3.4 percent for 1 year, pay for it with the closing that loophole for 1 year, and let our committee do its job. We have good people on the committee. Senator ALEXANDER, Senator BURR are on the committee. We have thoughtful, smart people who understand this.

I think generally we work pretty good together on the committee. This issue now of the student loans, it reminds me of all my time in the Senate, now marking 39 years. It seems that every time we rush to judgment, we have a deadline, that is when mistakes are made. Need I go any further than to talk about the sequester?

It is a horrible mistake. But faced with a deadline, we have to do all of this, then we rush to judgment on something such as this. I think we made a terrible mistake on that.

So I plead with my fellow Senators to put this over for 1 year. Let our committee do its work, so we can address the whole issue of college affordability, college completion rates, and how we address also the issue of the \$1 trillion that is hanging out there. That may be more of an issue for the Finance Committee, but there may be partial jurisdiction for both the Finance Committee and the HELP Committee.

Again, last year, we extended the 3.4 percent for 1 year, to July 1 of this year. I know I have heard some say we did that for 1 year and we did not address the issue. But, again, I remind my fellow Senators that last year was an election year, campaigning, we were not here that much, had a big election in November, then we had all of these budget things facing us at the end of the year.

With the budget problems we had earlier this year, there just was not time to do anything, plus the fact that the Higher Education Act does expire this year. So it is incumbent upon us to address the issue of higher education. That is where this belongs. I would again hope we would extend the 3.4 percent for 1 year and let our committee do its work.

I urge my colleagues to support the 1-year extension. My friends on the other side, they say they want a long-term solution. I have no problems with that. But let's do a long-term solution based upon a rational approach, one that comprehensively looks at all of the issues surrounding college affordability. The way to do that, as I said, is through the committee's work.

There was one other point that was made this morning that I wish to address myself; that is, consolidation. Everybody thinks consolidation is such a hot deal. I have pointed this out before. For example, we took a \$41,000 Stafford loan borrowed in school—\$41,000—and used that as the baseline. Then we said, under current law, the student would pay \$21,716 in interest over 10 years. Under the Republican bill, S. 1241, they

would pay \$28,607. Under consolidation, they pay \$69,000.

So consolidation is not the big deal people think it is. Now here is one that is even more drastic. Again, the \$41,000 in Stafford loans and \$30,000 in PLUS loans borrowed by a graduate student, under current law, \$43,760 is what they would pay back. Under S. 1241, they would pay \$52,498. But if they consolidated it, they would pay \$148,000—\$43,000 to \$148,000. That is under consolidation. So you wonder why students do not consolidate? Because they realize they are going to be paying back three and four times as much in interest charges than if they never consolidated.

The other point I wish to make on consolidation is you only get to do it one time—one time. So let's say that you graduate from college. You decide I want lower monthly payments. I want to stretch it out for a longer period of time. You do that. You consolidate. Then let's say you want to go to graduate school. You cannot consolidate after that. That is it. You are through.

So if you have to borrow money at higher rates and stuff, you cannot consolidate those later on. I think that is what some of my friends forget. You can only use consolidation one time—one time. So consolidation and having a cap or whatever it is on consolidation is certainly not any kind of an answer to these high interest rate payments students are making.

Again, what we are looking for—I know people want to have a long-term solution. They want to get to something that is revenue neutral. I understand that. I hope if we get cloture and we can move to the bill, Republicans can offer their amendments. As I said, it only takes 51 votes to adopt an amendment. But if not, then let's just extend this for 1 year. I do not think that is too much to ask, to extend it for 1 year and let us do this in a comprehensive fashion.

I would hope that would be what we would do and not double these interest rates on students right now. I think both sides agree on that, even under S. 1241, next year interest rates will be 3.66 percent. I am all for that. On 1241, they want to keep interest rates at 3.66 percent next year. That is fine. That is pretty close to 3.4 percent. The problem is what happens in the outyears, as I have pointed out.

If both sides agree that in the next year interest rates should be down around here at 3.6 percent for the undergraduate loans, 3.4 percent, 3.6 percent, not a heck of a lot of difference. Why do we not just extend the 3.4 percent for that year and then fix this in the Higher Education Act? I would agree. They want to keep it at 3.66 percent for 1 year, fine. But there is not that much difference between 3.4 and 3.66 percent.

I think what we all agree on is in the next year, interest rates should not go



up—should not go up. Where we are not agreeing is on a long-term fix. Again, if we cannot agree on a long-term fix, then at least let's do no harm. Let's extend the 3.4 percent for 1 year and take care of the long-term solution in the Higher Education Act reauthorization, which we can have on the floor sometime next spring.

With that, I again ask my colleagues to vote for cloture on the bill. Let's extend 3.4 percent for 1 year and let our committee do its work.

I yield the floor and reserve whatever time we may have remaining.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, we are about to take this vote. It is vitally important. The proposal is very straightforward, to extend the interest rate for subsidized Stafford loans at 3.4 percent. It is fully paid for. It will allow us to work through a very complicated set of issues. It will allow us to avoid raising rates this year and work toward a proposal we hope will avoid rising rates in the future.

The alternative proposal eventually raises rates on every student, not immediately, but CBO indicates by at least 2017 the rates will be up.

This is on top of a huge cascade of student debt we have to deal with. In fact, one of the major issues we should deal with is how do we refinance the existing loans that are at high rates. Refinancing will be even more important if we were to enact the rising rates coming from the proposals on the other side.

I urge all of my colleagues to support cloture and move forward to debate this bill.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to calendar No. 124, S. 1238, a bill to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes.

Harry Reid, Tom Harkin, Jack Reed, Kirsten E. Gillibrand, Patrick J. Leahy, Amy Klobuchar, Tom Udall, Sheldon Whitehouse, Ron Wyden, Benjamin L. Cardin, Richard Blumenthal, Christopher A. Coons, Sherrod Brown, Robert P. Casey, Jr., Elizabeth Warren,

Al Franken, Richard J. Durbin, Debbie Stabenow.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1238, a bill to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted: yeas 51, nays 49, as follows:

[Rollcall Vote No. 171 Leg.]

#### YEAS—51

Baldwin	Gillibrand	Murray
Baucus	Hagan	Nelson
Begich	Harkin	Pryor
Bennet	Heinrich	Reed
Blumenthal	Heitkamp	Rockefeller
Boxer	Hirono	Sanders
Brown	Johnson (SD)	Schatz
Cantwell	Kaine	Schumer
Cardin	Klobuchar	Shaheen
Carper	Landrieu	Stabenow
Casey	Leahy	Tester
Coons	Levin	Udall (CO)
Cowan	McCaskill	Udall (NM)
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murphy	Wyden

#### NAYS—49

Alexander	Fischer	Moran
Ayotte	Flake	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Reid
Burr	Heller	Risch
Chambliss	Hoeven	Roberts
Chiesa	Inhofe	Rubio
Coats	Isakson	Scott
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Collins	King	Thune
Corker	Kirk	Toomey
Cornyn	Lee	Vitter
Crapo	Manchin	Wicker
Cruz	McCain	
Enzi	McConnell	

The ACTING PRESIDENT pro tempore. On this vote the yeas are 51, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. I enter a motion to reconsider the vote by which cloture was not invoked.

The ACTING PRESIDENT pro tempore. The motion is entered.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, last week 40,000 students in my State got some very bad news: The rates on new Stafford student loans doubled. Today, these students got bad news again. Today, our Nation's students once again wait in vain for relief.

These students work hard; they are ambitious. They know how important a college education is. They know what it means to their future and to our Nation's future. They expected more of us, and I share their disappointment.

We saw this coming. This bus has been approaching the cliff for a year. That ought to be time enough to turn it around, and turn it around without throwing students underneath it. I know many of my colleagues here are trying—trying to find a long-term solution, but today we failed. Our Nation's students pay the cost of that failure.

For so many in my State, grants and loans make the difference. Federal subsidized Stafford loans are absolutely crucial, opening a door to college, to opportunity, to investing in the future. We all know these students. Most have lower incomes and fewer advantages. We ask them to work harder, and now we ask them to pay more.

They are folks such as Lori Cole. Lori was quoted in the Las Cruces Sun News. She said:

I'm almost 50 years old and returned to school last year. I've had to take out loans on top of my grants. I don't like the rates going up but what can I do? I have a teen in college and a mortgage. I have no choice but to continue with my student loans if I ever want to make more than \$10 an hour.

They are folks such as Josh Dunne. Josh wrote the following on his Facebook page:

As a disabled combat vet, my wife and I who are both students do not have a choice but to eat the increase . . . I don't understand how they can continue to raise the rates on us not only for tuition but now also the loan rate and expect the amount of students to continue to go to school. Hope they can figure it out for our future.

I say to Josh and to so many other students like him, I hope we can figure it out too.

These students are struggling. Our economy is slowly recovering. Now is not the time to set up more barriers. Now is not the time for interest rates to double, weighing down students, weighing down hard-working families, weighing down the middle class.

The Keep Student Loans Affordable Act of 2013 would have helped, keeping the interest rate at 3.4 percent for new Stafford loans for 1 year and giving Congress time for a broader solution. But the problem is not just interest rates, it is the growing burden of student debt.

Higher education is at a tipping point, and we need a long-term plan—a plan that is sustainable, that is comprehensive. These are complicated questions that require careful answers. But one principle should be clear. For

fairness, for investing in our Nation's future, college should be within the reach of all American families, not just the privileged few.

Students know how to set goals, they know how to set priorities. They expect the same of us. And priorities come down to choices. The Keep Student Loans Affordable Act offered a choice—to help students to work toward real solutions, and we could do it by simply closing a tax loophole. No new tax, no new debt, just closing a tax loophole—not exactly a radical notion.

I will do all I can to ensure the Senate will find its way to long-term answers. We will not give up on this issue. Seven million students and their families are waiting, waiting for predictability, waiting for more affordable education, and control of spiraling costs. They and their families do the heavy lifting. Every day we should lend them a hand.

The average college senior has over \$26,000 in debt at graduation. Some have much more. The burden is heavy enough. We should not be adding to it now.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. RUBIO. Mr. President, this issue is very important to millions of Americans, and one with which I am too familiar. I think I have shared this in the past, but I will share it again.

Obviously, my parents didn't make a lot of money. So I would not have gone to college, I would not have gone to law school had it not been for Federal financial aid, both in the form of Pell grants, loans, and work-study. All of these programs opened that door for me. In fact, I don't think any of my siblings could have gone to college without some assistance.

The point is that I know how important these programs are to Americans. In fact, when I was elected to the Senate in 2010, I still had a student loan that was over \$100,000. I was fortunate to write a book—which is now available in paperback, if anyone is interested—and with the proceeds that I made from that, I was able to pay off that loan. Had it not been for that, I am not sure when I would have been able to pay off my student loan for law school.

Early on, when I had multiple student loans from both undergrad and law school and the private loans I had to take out for the bar study, there were months where my student loan payments were higher than anything else I was paying. At its peak, it was about \$1,400 a month. That is with a graduate and a law degree, and making what most people would consider a pretty good living. Even with that, it was a real load.

Obviously, that is at the high end of the spectrum, but even if you talk about the average loan debt in America

today being around \$25,000 or \$26,000, the evidence is clear this is having an impact on graduates.

So you graduate from college, you have the student loan debt around your neck, and it actually prevents you from doing things like starting your life, buying a home. In some instances, if you fall behind on your payments, it starts to hurt your credit rating. The evidence continues to grow that a significant percentage of young Americans are facing a challenge that no Americans before us have faced with regard to this sort of student loan debt that hangs over their heads.

So, clearly, we have to figure out a permanent solution—not a 1-year solution but a long-term solution—on the issue of student loan rates. That is an important part of this debate, but here is what I think is missing from this debate; that is, an open acknowledgment that what we have today in higher education as it is currently structured is becoming increasingly and inexplicably unaffordable. And that is the part that isn't being discussed.

The fundamental problem isn't the loans. The fundamental problem is the tuition rates that continue to climb across this country. In fact, according to the Wall Street Journal today, institutions of higher education grew their revenue faster than inflation from 2005 to 2011. Of course, the spending also grew. How many other parts of our economy grew their revenue and their spending at a pace faster than inflation over the last decade?

The evidence is that every time we increase the amount of student aid that is available in both Pell grants and in loan programs, that is just eaten up by higher tuition rates.

Now, as a former State legislator in Florida, that was a battle we had every year because the universities said they needed higher tuition in order to retain quality faculty, et cetera. To some extent, I imagine some of that is true. But at the end of the day, there comes a point—especially in our public institutions—where quality but also affordability have to meet. We cannot continue to price people out of higher education in this country because it is inextricably linked to our future well-being.

There are two fundamental problems that face our economy. No. 1 is we don't have an economy that is growing fast enough, producing the kind of middle-class jobs that allow people to have the kind of lifestyle all Americans want. The other problem is we have a skills gap in America where a growing number of people simply have not acquired the skills they need for 21st-century middle-class jobs. The only way to close that skills gap is through education—and particularly higher education.

What I would argue today is that the model of higher education we have in

place today, largely based on 19th- and 20th-century models, is broken. It no longer lives up to the reality of the 21st century.

For example, many of the higher paying jobs in the middle class today don't require a 4-year degree from a liberal arts college. They require less than 2 years or a 2-year degree program that you could get at a community college.

There are other things available to us in terms of how we can incentivize or reform our higher education programs. We should look at accreditation reform.

Right now, in order to get student loans or aid from the Federal Government, you have to go to an institution that is accredited. Traditionally, these are the 4-year or 2-year institutions. But there are now alternatives available to us, things that we weren't doing a few years ago.

No. 1, we should rely on community colleges, which, by the way, are a treasure in this country. The services that community colleges provide students to get 2-year degrees—in fact, some community colleges are in the 4-year degree program, and they have tailored programs that allow people to go to school while they continue to work. That is an important part of the backbone.

It is also an extraordinary part of retraining people. You might have a job, and all of a sudden that job doesn't exist anymore, and you have to get retrained in a new skill or a new trade. Community colleges are an important part of that component.

It goes beyond that though. Career and technical education, for the life of me, I do not understand why we have stigmatized that in this country; why we have created this idea that unless you get a 4-year degree or more that you are somehow not successful when we know we have a shortage of people we need to be trained in the skills and trades we once used to do in this country. We should get back to some of that. We should encourage that, quite frankly, even before the college level.

Why can't we graduate kids from high school with an industry certification and a career in a trade, so when they graduate high school they get a diploma and they are industry certified to go to work?

We have an example of that on a smaller scale in south Florida, where a friend of mine actually takes high school kids and begins to train them as BMW technicians. They go to school in the morning for a couple of hours. Then they go to the shop and get trained. When they graduate from high school, they are BMW-certified technicians. Within a year after that, they can get even higher levels of accreditation, and some of them start making \$35,000, \$40,000 a year out of high school.

Why aren't we doing more of that? Instead, we leave kids trapped. They

feel as though they are studying things they don't like and don't speak to them. They drop out of high school. They languish in the economy for 10 or 15 years, and then sometimes they will find themselves in a for-profit college or some other program to try to get trained.

Let's avoid all of that. Let's allow these high school students and others across this country with an opportunity to study something they enjoy and they love and to get the needed skills so they can avoid all of that.

We also have this new revolution in massive online coursework. Now, not every course can be taken that way, but we now have the ability to allow people to actually have self-directed learning, to use the Internet platforms that are available so they can take a course in political science from Harvard and economics from Yale. You can sit there and actually put your own course work together. This is still being developed, but this is an important part of our future innovation—the ability to bring the in-classroom learning to the student, not just require them to sit there for lectures for an hour and a half in a classroom when they can easily get it online and it can be tailored to their work schedule, to their workload, to their needs.

Beyond that, innovations, in terms of giving people credit for work experience or life experience—we see that colleges are doing that now where you can go in and say: This is what I have done for the last 20 years of my life, and you get credit for that work because you have life experience and work experience in a field. They don't make you sit there and spend a bunch of money on electives you are never going to use and don't really need because they want you to be “well rounded” but all it does, in fact, is drive up the cost of your education.

I don't know about you, but in the last 4 years of my degree I was searching for electives to take because I had to have electives. I don't remember what some of those electives were, but I paid for them with student loans and Pell grants. I would much rather have gotten my degree in the things I needed to know so I could have moved on to law school and done that there.

These are some of the ideas we have in terms of how we should revolutionize our higher education system to reflect the needs and the realities of the 21st century. The fact is that we now have a challenge before us unlike anything we have ever had. Industries are now evolving on a yearly basis. Most Americans are going to have to be retrained at some point in their lives on a new skill because that is the pace of change, and we need to have infrastructure in place to provide that for people in a way that is affordable.

It reminds me of a story of a friend I had who was one of the parents on one

of my son's teams, and the mom was always struggling. She was always the first one to get laid off at her office. She worked primarily as a receptionist at a dental clinic or medical clinic, got a little bit into billing. What she really needs to become and would like to become is an ultrasound technician so she can make a little bit more money, have a little job security, and provide her kids with the opportunities she wants them to have. The problem she has is that she has to work 8 hours a day. How is she going to do that and go to school and get that training?

In many parts of this country we do not have the infrastructure in place for that to happen and the financial aid programs both on the loan side and Pell grant side do not provide the flexibility to allow them to do it in the most cost-effective way. To that end I have proposed a number of pieces of legislation. Most of them are bipartisan. I have worked with Senator WYDEN and others on the Student Right to Know Before You Go Act. That basically means that before you take out these loans, you are going to be provided meaningful information: This is how much it is going to cost to go to school here, this is how much people who graduate with this degree from this college make when they graduate, and this is how much you are going to owe. You can still take the course, you can still major in that, but you deserve to know. You deserve to know that if you are going to owe \$20,000 and you are only going to make \$20,000 a year when you graduate with this degree, it will take you a long time to pay it, if ever.

Students have a right to know before they go. That is the Student Right to Know Before You Go Act.

I also offered the Higher Education and Skills Obtainment Act, which will create one universal tax credit for higher education, and it will produce measurable savings, some of which can be redirected to the shortfalls in the Pell Grant Program that are coming up. The bill offers one tax credit for students who are most in need, giving students the ability to avoid navigating a confusing maze of temporary tax provisions worth different amounts for different income thresholds.

By the way, people involved in job skill training would also have access to this universal credit as opposed to all these different credits floating out there now that people do not fully understand how to use.

There are other ideas I have proposed. I have introduced legislation with Senator COONS that provides an innovative partnership that will create an interactive source of information for students to be able to create college savings accounts. Studies have shown that American children with college savings accounts in their name are seven times more likely to go to col-

lege than students without one. This bill will combine innovative student support tools with savings accounts to promote access for low-income students in our country so they put some money aside to be able to do this.

The fact is that today's 21st-century student requires a higher education system that best suits their needs, whether it is in the form of a traditional university, a community college, a career or technical education, workforce retraining programs, or a combination of all of these.

I am not saying this is not an important debate to have because it is. It is facing people right now. But I hope at some point we will look at our student aid programs and what we can do to tailor them to the 21st century, to all of the innovations that are now available to us to allow people to gain the knowledge they need to become competitive in a 21st-century economy. That is going to require, in my opinion, a significant restructuring on how our higher education is developed.

This is not a threat to liberal arts colleges or a transitional 4-year college education. That will always be a part of our system. It is an important part of our system. But that does not work for everybody, not because they are not smart enough but because they have a job during the day, because they are raising three kids. If you are a single mom with three kids and a full-time job, you cannot just leave all that behind and go to Gainesville, FL, to the University of Florida for 4 years. You need the ability to get that degree that allows you to do that. I lived that. My sister had to do that. She went back to school in her thirties and finished her college degree and then got her master's to become a teacher, and today she is an assistant principal, all the while raising two boys on her own. She would not have been able to do that if the only choice she had available to her was the University of Florida, Florida State, because she couldn't just move. That doesn't work for someone in that part of their lives.

We need to have answers. So I hope we will spend some time focusing on what we can do and reforming the way we accredit colleges, particularly when it comes to student financial aid, and in the way we structure our financial aid programs so that the education system meets the needs of our 21st-century students and not the other way around.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, I understand the Senator from New Hampshire is going to go next. I ask unanimous consent that the time until 5 p.m. be equally divided and controlled between the two leaders or their designees, that Senators be permitted to speak therein for up to 10 minutes each, and that any

time in a quorum be equally divided between Democrats and Republicans.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I rise today to talk about an issue we are all very concerned about, particularly in my home State of New Hampshire; that is, the rising student loan rates. In fact, one study that looked at it for the class of 2011 found that for New Hampshire, the average load of debt for the class of 2011 was \$32,000—over \$32,000.

Like the Senator from Florida, I have experienced it personally as well. I would not have been able to get a law degree or to have the education that I have without the ability to take out student loans—and only paid them off, fortunately, right as we had our first child. So this was something that—basically, I used to call it “I had a mortgage to pay” to pay off my student loans. But I was grateful for the opportunity to get those loans and get the education that I was able to receive. We want to make sure all students are able to pursue higher education in the most affordable way possible.

Here is where we are today. This is such a complete, typical Washington deal. We just voted on a proposal on the floor, and that proposal is a 1-year fix. It only applies to 40 percent of student loans. We would be back again next year—like Groundhog Day—trying to fix this problem again. It is a complete Washington deal in this way.

There actually has been a bipartisan proposal that has Members of both parties coming together. What happened is we saw that the President put forward a proposal as to how to deal with the increase in rates on July 1. The House Republicans had a proposal on how to deal with those rates. I was with Secretary Duncan at a hearing, and I asked him about that, and he said: They are not too far apart. Can't we come together? There was an opportunity for compromise.

As a result, a group of Senators got together here. I commend Senator MANCHIN, Senator ALEXANDER, Senator BURR, Senator CARPER, Senator COBURN, and Senator KING. They sat down and came up with a permanent solution to try to make sure student loan rates would not rise from where they are right now. This solution, of course, would decrease the rates for almost every student and put a cap on consolidated loans and also, most importantly, is not a 1-year fix so that we are back here again like Groundhog Day putting students and parents in a very difficult situation, not knowing how to plan, and educational institutions—everyone in the tough situation of not knowing what is going to happen and thinking that they are facing a dramatic increase in student loan rates.

I think the American people are very tired of what happens here and the gamesmanship played in Washington. Here is the unfortunate thing. We had the vote on the 1-year fix.

By the way, I thought the Washington Post addressed that 1-year fix very well this morning in its editorial in which it said that lawmakers should “reject this pathetic non-solution and put their efforts instead into finalizing a compromise plan.”

There was a compromise plan that Senators from both sides of the aisle have worked on. I am a proud cosponsor of that plan. Yet we are not being offered a vote on that plan. That is why I say this is a typical Washington deal.

I can understand why the American people would be so frustrated that a bipartisan proposal that would prevent the loan rates from doubling would not receive a vote on the floor of the Senate. It is a proposal where Senators from both sides of the aisle have tried to take what the President wanted and to take what was done by the House Republicans and come up with a very reasonable agreement that is a solution that does not just leave us here in the same position next year. It doesn't just address 40 percent of student loans. It addresses all student loans and puts us in a situation where we would have a solution that would be bipartisan and would give students certainty. It would make sure their rates do not double as they did on July 1. Yet it does not even receive a vote on the floor of the Senate. That is what is wrong with Washington.

I hope the majority leader will reconsider. He may not like the proposal. I understand. But to not give it a vote on the floor of the Senate, where it has bipartisan support, is absolutely wrong. It deserves a vote. It deserves a thoughtful vote given that it has bipartisan support and it is very close to the proposal that was put forward by the President of the United States.

I hope that we will end the gamesmanship on this important issue, that we can address it, that bipartisan proposals like the one I just talked about will get a vote on the floor of the Senate, and that we will resolve this issue on behalf of students and parents as well, for whom I know this is causing a lot of unnecessary consternation. To not give a proposal that has bipartisan support a vote, at a minimum, seems to me just wrong. It is what is wrong with Washington. I hope the majority leader will at least give it the vote it deserves. I hope we can come to an agreement on this important issue.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

SH ENERGY SECURITY

Mr. CARDIN. Mr. President, I take this time to speak on the floor of the Senate to express my disappointment in last week's district court decision on

the Cardin-Lugar provision of the SEC rule. An amendment offered by Senator Lugar and me on the Dodd-Frank legislation imposed certain transparencies on extractive industries. It was a pretty simple position. It said that those companies that are registered on the SEC that are involved in extraction of minerals would be required to disclose on a project-by-project basis the details of those contracts.

We did that for many reasons. We did it because we thought transparency is right. We did it in order to deal with energy security so that we know the types of contracts that are being entered into. We did it so investors would have information in order to decide whether they wanted to invest in the stock.

The United States has been in the forefront of transparency, and this decision will delay implementation of a vital transparency rule that will shine much needed sunlight on information designed to protect investors and to promote U.S. energy security.

The Cardin-Lugar amendment and the SEC rule are critical to achieving important U.S. policy objectives. These objectives include protecting U.S. interests in both national and energy security. Why do I say that? Having transparency in what the extractive industries are doing makes it more likely we will have stable energy sources globally. Stable energy sources are critically important to our national security interests. These provisions are important for our national security. It also ensures investors awareness and protection. If you are going to invest in a stock of an oil company or a mineral company, you have the right to know where they are doing business. You have the right to know what countries they are doing business in and the specific contracts they enter into so you can make the right decision as an investor. That is why the SEC rules make sense.

Lastly, it promotes America's core principles of transparency, integrity, and good governance worldwide. It is interesting that we sometimes talk about the mineral wealth of a country as being a resource curse. Although they have wealth, that wealth is taken by the elite of the country and used to finance corruption, which just adds to the misery of the people.

Some of the wealthiest nations that exist as far as minerals are concerned have some of the greatest poverty in the world. Well, the provision Senator Lugar and I coauthored was an attempt to deal with that and an attempt to deal with good governance. If we can trace the money, we have a better chance to end corruption, develop good governance, and stable regimes.

The district court's ruling of *API v. SEC*, which sends the rule back to the SEC, is disappointing. The rule is flawed because the court completely

misread not only the statute but the clear congressional desire of the statute. The statute provision was for transparency, and yet the court's ruling strikes down the SEC rule which implements that transparency. The court spent a tremendous amount of time addressing the issue of public disclosure of company reports. The whole purpose of section 1504 was to provide transparency to investors and citizens about payments made to the government.

Why would Congress write a law to increase transparency for investors and then allow the SEC to keep the reports secret? Congress was clear in the letter and the spirit of the law that this information should be in the public domain.

On the issue of the host country exception, over the very lengthy comment period for the rule, the SEC was not presented with one concrete example from industry about a specific law or contract that would prohibit these types of disclosures. In fact, examples are to the contrary, including the fact that companies such as Norwegian oil giant Statoil regularly report their payments to countries such as Angola and China—where industry says prohibitions exist—yet that company had no negative repercussions. The API is trying to muddy the waters by having the SEC address problems that the industry has failed to prove exists.

The United States has been a leader on transparency in the extractive industries. It is the district court that has now put a hurdle on that transparency. The district court's decision is not only contrary to the law, it is contrary to what is happening globally today.

The EU has already enacted a law requiring the same payment disclosure that section 1504 requires on a project and company level without exceptions.

In a summit last month, the G8 issued a communique unequivocally backing mandatory disclosure. Canada said it will develop mandatory disclosures in 2 years. The Canadian mining industry endorsed that provision. Despite the oil industry's continued fight in the U.S. court, the overwhelming momentum is on the side of mandatory disclosure. Why? Because of national security. Why? Because investors have a right to know. Why? Because it is the right thing for good governance.

Despite this setback, let me make it clear: We will not give up. This law still stands, and the SEC has many options to appeal the decision or revise the rule. The SEC must make sure it finishes the job.

As Senator LEVIN, Senator Lugar, and I stated in our amicus brief in this case:

Resource companies can believe whatever they wish and make any communication they wish about their payments to foreign governments. "The resource curse," or the

benefit or costs of transparency; they have done so throughout this process. What resource companies may not do is impede the power of the legislative branch to require disclosure of objective information to fulfill compelling public policy objectives, including the strengthening of American national and energy security and investor protections.

That is exactly what that provision did. Congress exercised its right, as the legislative branch, to require transparency for good public reasons. Members of Congress and the administration on a bipartisan basis have long supported transparency through comprehensive disclosure of payments made by resource companies. That support will continue as we work with the SEC to implement this important law.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. BALDWIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURPHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMERICAN JOBS MATTER ACT

Mr. MURPHY. Madam President, I rise today to speak on the American Jobs Matter Act. This legislation was introduced by myself, Senator BLUMENTHAL, Senator BROWN, and Senator MERKLEY.

No one is going to disagree that this country has the greatest, most powerful military in the world. Although the Defense Department has not been spared from the draconian cuts included in the sequester, we still have a robust defense budget. Annual defense spending has grown from \$287 billion in 2001 to over \$700 billion today. Today it is hovering at around 6 percent of GDP.

A significant portion of these Federal defense dollars are used to purchase manufactured goods that make our military the preeminent fighting force in the world. In order to have the best military, you need the best people—we certainly have that—and the best stuff, which we have as well.

It is not debatable that our industrial base—going all the way back to the iconic assembly lines that churned out the machinery which was used to defeat fascism during World War II to today's shipyards that are producing our nuclear-powered submarines—is not still the best in the world. But 20, 30, or 50 years from now are we still going to be the best? That is the question before us today and the question this legislation seeks to answer.

Over the past 5 years the Department of Defense has cumulatively spent about \$700 billion on manufactured goods. Over that same period of time, the United States has lost 1.7 million manufacturing jobs.

Why is this? Obviously, there is no single answer to this question, but it is telling that during this period of time DOD has spent \$124 billion purchasing goods from foreign manufacturers. Some of these foreign manufacturers are in countries that are our allies today and will always be our allies, but some of these foreign manufacturers come from countries that are not our allies today and will never be our allies.

The bottom line is that when we outsource defense-manufacturing capabilities—either to our allies or to our adversaries—manufacturers shut down in this country and our capability to create and make critical defense items for our soldiers vanishes. The erosion of our industrial base kills jobs, and it jeopardizes our national security.

There are countless examples of how these spending decisions harm our industrial base, but I will give two examples that affect my home State of Connecticut.

In Waterbury, CT, there is a company that makes the metal tubing which goes into every ship the Navy builds. It holds the wires and the conduits. It is an incredibly complicated product, such that there are only two or three companies in the world that make this. For over 150 years this company in Waterbury, CT, has employed people in my State and kept our Navy equipped with the tubing it needs.

Over the years, the Navy has started to favor a foreign competitor who, frankly, has a history of engaging in unfair trade practices in order to undermine its competitors. They are offering the Navy a slightly more discounted price than the American company. So from the Navy's perspective, it is tempting to award that bid to an overseas contractor, but the monetary costs to the Navy cannot be the only thing we look at.

First of all, if this company in Waterbury goes under, then we will forever lose the ability to make this critical defense item in the United States. The country from which we are buying this equipment might be our ally today, but who knows what the case will be 10 or 20 years down the line. The fact is, you cannot just recreate the expertise, personnel, and machinery that makes this specific type of metal tubing.

Second, even if the Navy gets a 5- or 10- or 15-percent discount on this particular item, that benefit to the Navy essentially disappears when you look at the overall cost to the U.S. taxpayer because when those jobs are lost in Waterbury, CT, those men and women start qualifying for Federal benefits such as unemployment and Medicaid. We lose the tax revenue that comes to the local government, the State government, and the Federal Government. And, all of a sudden, that small discount they get by going to a foreign manufacturer vanishes before their eyes.

Here is a second example and one that to a lot of Americans will be absolutely maddening. We have a machine that makes dog tags. Essentially, we have a machine that goes out into the field and makes them for soldiers. There is nothing more iconic and emblematic of the danger soldiers put themselves in, the sacrifice they sometimes make, than the dog tag. It has historically been made by an American-built machine. But, recently, bids have been going to an Italian company that makes a similar machine simply because the Italian company's machine costs 3 percent less than the American machine.

First of all, it is not acceptable that our dog tags are not American made. Second of all, that 3-percent difference is negligible when we compare it to all of the money lost when those jobs disappear in the United States. How can this happen?

There was overwhelming bipartisan consensus when Congress passed something called the Buy American Act 75 years ago, which said we should give preference to companies in the United States when we are buying things for the U.S. military. I don't think anybody today questions the wisdom of that act. But over the years we have built loophole after loophole, exception after exception, into the Buy American Act such that sometimes a minority of the parts of a particular thing we are buying for the Department of Defense comes from American firms.

The real world examples I mentioned and many others have prompted me, along with Senators MERKLEY and BROWN and BLUMENTHAL, to introduce the American Jobs Matter Act. Here is what this legislation will do; it is pretty simple: It will require that the Department of Defense, for the first time, has to measure domestic employment as a factor in awarding a contract. It is a simple premise. In the same way that DOD considers price and past performance when awarding work, they should also consider the impact on domestic employment in the award of a contract.

Under this bill, our largest contractors would also have to account for the expected job creation of their subcontractors, because that is where a lot of the problem is. We are not buying a lot of big goods that are assembled in other countries, but the hundreds of thousands of parts that sometimes go into a submarine or a jet engine or a tank or a humvee are often made outside of the United States. This would require the contractor to present an estimate of how many jobs throughout the supply chain are created here in the United States. Under this bill, when DOD gets two similar bids and one would create more American jobs than the other bid would, DOD can take that into account when awarding the contract.

Frankly, most people I talk to back in my home State of Connecticut think this already happens. People assume that if past performance and price are about equal, the home team should win. But, today, there is no law that allows military contractors to make that distinction. This bill would allow them, for the first time, to do that.

Retired U.S. Army BG John Adams recently published a study about the vulnerabilities in our defense supply chain. His report, which mentioned actually some of the specific examples I referenced, said this:

The health of our manufacturing sector is inextricably intertwined with our national security, and that the United States' national security is threatened by our military's growing and dangerous reliance on foreign nations for the raw materials, parts, and finished products needed to defend the American people.

It is time we changed that. The American Jobs Matter Act will put our defense industrial base on a stronger footing for the future.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Madam President, I wish to make some comments about the vote we had on the floor a while ago. I think it is time to stop holding the students of this country hostage 1 year at a time. That is what the bill did that just got turned down for cloture. It kicked the can down the road for a year. There were several Democrats who voted with the Republicans on that one, because they thought it is time to stop kicking the can down the road.

How do we stop kicking the can down the road? Take a look at the Republican alternative that was offered. The Democratic bill was going to save 40 percent of the students half of the interest rate for 1 year so that 3.44 percent would be their interest rate. The Republican plan solves it for all students getting a loan and it solves it in perpetuity. It does it by making it 3 percent greater than what the Federal Government borrows its money at, which at the present time is 3.66 percent. I submit 3.66 percent is not much higher than 3.44 percent and it is a lot less than 6.88 percent.

Why do we have a rise in the interest rate to 6.88 percent? The Federal Government, this body and the other body, and the President, decided a way we could fund health care in this country would be to take over the student loan business and then raise the rates to 6.88

percent. It provides money for the Affordable Care Act.

So we had a vote without having a side-by-side. Nobody got to vote on the 3.66-percent interest rate for everybody in perpetuity, but we got to vote for the 3.44-percent interest rate, which means kicking the can down the road for a year for 40 percent of the students. That is wrong.

Why didn't we get to vote on both of them? Well, the Republican plan would have had more votes than the Democratic plan. There are people on the other side who don't want to kick the can down the road and who understand the alternative is a reasonable solution to the problem. It would take care of all the students and take care of them from now on, and it provides a solution to the problem.

I have to say it is pretty clever, that by bringing up this bill by itself and having it defeated on cloture, it solves two problems: No. 1, they get to blame the Republicans. No. 2, the money will still be there for the Affordable Care Act. That means keeping the money and blaming the Republicans. How can it get better than that? It can get better than that if we solve the problem for all of the kids applying for loans this year, not just 40 percent of them, and solve it so they know exactly where the interest rate is going to be at the time they apply and it stays that way on their loan for the whole time they have the loan.

In future years, as others apply, the interest rate may be higher. The rate will be the same as whatever rate the Federal Government pays to borrow money. We are not going to be able to borrow at the low rates we are borrowing at now, but students will get the same break everybody else does, at just the 3-percent higher interest rate.

I notice the majority leader changed his vote to no, and that is so he can bring up this bill again. Why would we bring up this bill again without having the alternative bill so people can vote for it, which I think might pass? It is so we can be blamed one more time.

This isn't supposed to be a blame game around here. This is supposed to be about finding common ground and getting things done. I think there is some common ground; otherwise, there wouldn't be some Democrats joining with Republicans on a bill Republicans proposed, but that is not the way we need to do bills anyway. We need to have the chairman and the ranking member of the appropriate committee sit down and work out a basic bill that can then be amended on the floor—first amended in committee. We are not going through a regular process on a lot of these bills and yet we should be. I assume it would go to the Committee on Health, Education, Labor, and Pensions. Maybe, since it deals with the health care act, it would go to the Committee on Finance. At any rate,

there would be an appropriate committee for it to go to, perhaps both the Finance Committee and the HELP Committee, but it didn't come to either. Neither proposal came to that committee.

It is time to quit making deals around here and start legislating. That is the way things have been done in America for a couple of hundred years and it is time we did that again. We can get solutions if we go through the regular process.

It is time to stop kicking the can down the road. I hope we can reach a solution. I hope we get to vote on both proposals and we can see where a majority of the votes go. Slowly, people are coming to realize that a solution for 100 percent of the students taking out loans is better than a solution for 40 percent of the students taking out loans, and one that goes on in perpetuity is better than one that goes on for 1 year.

Every year in July we say to the students, Your interest rate is going to go up unless we take action, and then we show how one side or the other doesn't want to take the action.

We have to get this problem solved. There are a lot of other aspects of higher education that need to be solved as well. It is time for that bill to be reauthorized, and it should go through the regular process as well.

I hope we quit blaming each other and get something done. I personally like the long-term solution for 100 percent of the students instead of half of a solution for 40 percent of the students.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COONS. Madam President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EMPLOYMENT AGENDA

Mr. COONS. I rise today to talk about something we do not hear enough about on the Senate floor these days: Jobs, jobs, jobs. During the 2012 election, the monthly jobs numbers were even more closely watched and analyzed than the daily polls, but ever since it is as if Congress has forgotten there are still 12 million Americans looking for work, and from my home State of Delaware alone, 32,000 Delawareans are out of a job.

Sure, we are eager to hear if the unemployed numbers nudged up or down a tenth of a percent. But maybe Washington is all too willing to put the unemployed on the back burner. We are

adding nearly 200,000 jobs a month now, according to the most recent jobs report. That is certainly progress. But one of the things I found most chilling was an analysis that said at this pace, it will be 2017 before our Nation gets close to full employment again.

Is that acceptable to the Presiding Officer? That is certainly not acceptable to me. When is Washington, when is Congress, going to get back to working on behalf of those still looking for work?

The jobs numbers that are typically reported mask an even deeper and more concerning structural problem in our economy as well. Almost 40 percent of those currently unemployed, about 4.3 million Americans, are described as the long-term unemployed. These are folks who have been out of work 6 months or more. Short-term unemployment has dropped, but long-term unemployment remains persistently high and troubling. The longer a worker is unemployed, the more difficult it becomes to find a job, whether it is because there is a stigma attached to being unemployed or because their skills need to be updated or because we need something to help lift their spirits and make them successful in job interviews.

Across all of these different reasons, in my view we need stronger, more engaged, more agile interventions by the Federal Government, by State and local governments, in our economy and in support for those seeking work to help them find employment.

I think we need to act swiftly on measures to improve skills training, job placement, and collaboration with State and local labor agencies. The fact is the longer we wait to deal with long-term employment, the tougher it will be to help these folks get back to work. Yet many of us here in Congress apparently cannot or will not focus on unemployment, long term or short term, much less on other measures to stimulate our economy. Is it any wonder the American people think Congress is not even trying anymore?

Here in the Senate, we know that while deeply challenged by filibusters and ideological fights and caucus politics, we are still managing to get big things done. It would be an overstatement to say we are making it all work, that it is easy. But thanks to a contingent of Republicans and Democrats here who are working in good faith together, we have been able to make some meaningful bipartisan progress. The Senate passed a bipartisan farm bill that would have taken steps to modernize our Nation's agricultural system, which supports 16 million jobs, and actually reduce the deficit by \$24 billion.

What a remarkable trifecta of accomplishments: supporting one of the world's most cutting-edge agricultural economies, supporting significant job

creation, and significantly cutting our deficit. What is not to love in that farm bill? Well, the House passed a series of amendments that eliminated our hard-fought bipartisan compromises and has effectively doomed the bill.

Similarly, the Senate here passed a bipartisan Water Resources Development Act to modernize America's water infrastructure all over the country, including drinking water, wastewater treatment, shipping channels. It got 83 votes here out of 100 in the Senate. It is being slow-walked in the House over ideological objections about the empowerment of the government on environmental authority.

After a historic committee markup, after the Congressional Budget Office said it would reduce the deficit by \$150 billion in the first decade and \$700 billion the second, this Senate passed an overwhelmingly bipartisan immigration reform bill—I think one of the biggest accomplishments of this Congress. This Senate passed an overwhelmingly bipartisan immigration reform bill, only for it to languish stubbornly in the partisan hunger games that are today's House of Representatives. The headline in Politico from today reads "Immigration Reform Heads For Slow Death."

Americans are frustrated with this, and so am I.

The House of Representatives has sadly become wholly dysfunctional, paralyzed by partisan civil war over the fundamental question of whether government should be an instrument of good in people's lives. That is the key here. Sadly, the fighting within the Republican Party is dividing that caucus internally. On the one hand you have genuinely principled Republican lawmakers who believe in this legislative process, who are committed to working collaboratively on the challenges our Nation faces. These folks have worked with me and others and cosponsored many bills I have introduced and others to try to make a difference here. On the other hand you have an antigovernment, frankly anti-Obama faction that took over the House in 2010. Their numbers are small but their voices are loud. It is their core belief that Congress and the Federal Government cannot and should not legislate, that government has no meaningful or constructive role to play in our society.

I worry that that belief informs their tactics of stall and delay, investigate and repeal. The Huffington Post reported this week that this Congress, in particular this House, has had only 15 bills signed into law so far—15. You have to go back a long time to find a Congress that has passed fewer pieces of legislation, between House and Senate, than this one, the 113th Congress.



Democrats and many Republican lawmakers look at this as an embarrassment in a time of enormous challenges overseas and at home for us to take so few actions together. But the tea party and some conservative ideologues look at it as an accomplishment and say that any compromise is a four-letter word, especially if the alternative is broad or progressive legislation. So what we have is a fight between folks who would, for example, trim the scope of funding for the Federal Department of Education, and folks who would fundamentally think there should not be a Department of Education. That is a fight in which I think the American people do not win.

An opposition party is a great thing, a necessary thing for our democracy. But this opposition party within the opposition party is crippling this Senate, this House, this Congress. By my count it has been 90 weeks since a Republican filibuster blocked a jobs bill that was designed to keep teachers, police officers, and first responders on the job. It has been 87 weeks since a filibuster blocked a bill to put Americans to work through investments in infrastructure, and 51 weeks since a Republican filibuster blocked a bill to give tax breaks that bring jobs home and end a tax deduction for companies that move jobs overseas. Frankly, just 42 weeks ago, a Republican filibuster in this Chamber blocked a bill to help 20,000 veterans find new jobs.

In the other Chamber, it is no better. The House of Representatives has now voted 37 times to repeal the Affordable Care Act. The New York Times did the math. The House has spent 15 percent of its time voting to repeal the so-called ObamaCare. In May, the Congressional Budget Office, which is the arbiter of what is or what is not necessary, the scorekeeper, actually said the House has voted to repeal the Affordable Care Act so many times it will no longer issue new scores as it attempts over and over to achieve what seems to be its most basic purpose: repeal. That is how much time and energy this House has wasted on this particular project, that could be better invested in finding ways to implement this bill more responsibly.

How much time do we waste here in this Chamber, running out the clock, waiting for 30 hours for cloture to ripen, because we cannot get simple agreements to move forward? I know this is not what our side or our leadership wants. I suspect it is not what most Senators of either party want. It is certainly not what our constituents want. What should be taking days is taking weeks. What should take weeks is taking months or even years.

We are not here to run out the clock. We are here to make a difference, or at least that is why our constituents sent us here. Ideological obstruction has rendered this Washington, this Con-

gress, so ineffective, so inert, that when it comes to helping people get back to work in Delaware, my colleagues Senator CARPER and Congressman CARNEY and I have taken an unusual action for Members of Congress. We have started hosting job fairs. We have used the power of the office to convene when we cannot use the power of the office to legislate. We have had actually 13 job fairs up and down our State in all three of our counties in Delaware. We have watched as hundreds of folks have come and had the opportunity to apply for and pursue new employment.

Congress should be taking a clue from that effort. We should recommit ourselves to helping our innovative small businesses grow, to helping open new markets for American goods, to helping Americans find good jobs, and to supporting those who have not been quite so lucky yet.

I think we need an agenda, an agenda that focuses on five areas where investment now will lead to new jobs, not just for today or tomorrow but long into the future. First should be education. We have to do more, as I said before, to help the long-term unemployed get professional skills to thrive in this job market. We have to do more to prepare young people for the challenges of the modern economy.

I have a bill, the American Dream Accounts Act, cosponsored by Senator RUBIO and others, that would help get our at-risk kids through school and into college.

We should also support innovative cutting-edge research. I have a bill that would make the R&D tax credit permanent and open it to startups. It is called the Startup Innovation Credit Act, which has been cosponsored by a wide range of Senators: ENZI and RUBIO, BLUNT and MORAN, STABENOW, KAINE and SCHUMER, a truly bipartisan bill.

I am proud to be working with Senator ALEXANDER of Tennessee on, hopefully, strengthening and reauthorizing the America COMPETES Act.

The third area we should be focusing on is tied to us doing more to harness the resurgence of American manufacturing. There are a dozen smart bills—many with bipartisan support—that have been introduced, taken up, and passed in the Senate that are currently languishing in the House. We should work to make a real difference for America's manufacturers.

Fourth, we have to help grow our economy by growing our markets, by growing our opportunities around the world. As chairman of the African Affairs Subcommittee of the Senate Foreign Relations Committee, I have worked across the aisle to push forward bills that would create new market opportunities for American businesses.

With Senators DURBIN and BOOZMAN, I have reintroduced a bill which aims

to triple the amount of U.S. exports to Africa over the next 10 years.

Fifth and last, an area on which I thought all of us would be able to come together, is investing in infrastructure. The BUILD Act, introduced and taken up in the last Congress—which I hope we will soon move to—would create a national infrastructure financing vehicle, an infrastructure bank, if you would, to help bring private funds into vital infrastructure projects. It has had bipartisan support in the past from the Chamber of Commerce to the AFL-CIO.

It is my wish we can take it and use it as a vehicle to help the 12 million people who are looking for work find the jobs they need.

I have a simple question: When is Washington, when is Congress going to get back to work on behalf of those still looking for jobs? How much longer will we wait? How much more clock will we run out? How much more time will we waste?

It is my prayer that this Chamber, this country, finds a way to work together to get over this partisanship that has paralyzed our political process.

In closing, I wish to say a word of thanks to colleagues I have seen who have come to join me in the Chamber, Senator MCCAIN and Senator FLAKE of Arizona. They are exemplars of the folks who have worked together across the aisle to find solutions to some of the big problems facing us.

They worked tirelessly with Democratic colleagues to put together the architecture of the bipartisan immigration bill that was passed through this Chamber in recent weeks. It is my hope that others in the other Chamber will see that spirit and take this opportunity to take up and pass legislation to put America on a track toward growth. There are 12 million reasons for us to do that, 12 million Americans looking for help getting back to work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

#### HONORING THE FALLEN HEROES OF THE GRANITE MOUNTAIN INTERAGENCY HOTSHOT CREW

Mr. FLAKE. I rise today with a heavy heart to remember 19 brave men, 19 grieving families, 19 empty places in the Prescott community that will never be filled. Arizona and the entire Nation, shares in their sorrow.

The loss of the members of the Granite Mountain Hotshots and the loss to the community was both terrible and swift. We are right to ask why.

Why were they taken from us? Why were these seemingly fearless men, these exemplars of all that is brave, good, and decent in men, choose a job that causes them to run into an inferno just as everyone else is running away from it?

In answering that, we get an essence of who these men are, these 19 lives of achievement and purpose, courage and discipline.

From all corners of America, they came together in Prescott with a single goal in mind: protecting people and property. To do this, they trained relentlessly, willingly took the worst that Mother Nature could throw at them, all to save lives and homes for their friends and their neighbors.

They did so accepting the risks, embracing them even, in the words of the old hymn, "calm in distress, in danger bold."

They did so in the name of community.

Americans are characterized by the world, by our sense of communal spirit, civic duty, and service to others. This is what makes us who we are.

Those characteristics describe perfectly the 19 members of the Granite Mountain Hotshots. They were not merely given the gratitude and respect of the citizens of Prescott, they earned it. They earned all of our admiration and respect, as well.

Now in that same communal spirit, we must help the families who carry the weary load.

Grief is a lonely thing, but those who are grieving for a husband or for a son, know that millions of us are thinking of you and praying that your hearts find solace and comfort.

To the children of these men, carry deep inside of you the knowledge that they were as proud of you as you are of them.

This band of 19 embodied what is best about our country. I am honored that they were, in the end, Arizonans. We should all be proud to live in a community, State, and nation built on the kinds of guts and selflessness that these men personified.

Today we are all, in the words of A.E. Housman, "townsmen of a stiller town."

May God bless the souls of these 19 brave men.

Senator MCCAIN and I had the privilege yesterday to travel out with the Vice President, two Cabinet Secretaries, and other Members of Congress to a memorial service for these brave 19. It was an incredible experience to see a community come together as it did. The townspeople, people from across the State, across the country, and people across the world were sending their condolences for the actions of these men.

We are so fortunate to live in a country like this. Senator MCCAIN and I are so fortunate to be Arizonans. We are fortunate to witness what we have witnessed in the past couple of weeks.

I am pleased to submit this resolution to honor these men.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Arizona.

Mr. MCCAIN. First, I thank the Senator from Delaware for his kind words about me and my friend and colleague from Arizona, who I believe is carrying on in the fine tradition of his predecessor Senator Kyl in a spirit of bipartisanship and dedication to the people of Arizona.

I come to the floor with my colleague from Arizona to offer a resolution honoring the fallen heroes of the Granite Mountain Interagency Hotshot Crew.

Yesterday, Senator FLAKE and I were privileged to attend a memorial ceremony in Prescott, AZ, honoring the life and sacrifice of the 19 brave men of the Granite Mountain Hotshots who lost their lives last week battling the Yarnell Hill Fire in Yavapai County, AZ.

I know I speak for all of my fellow citizens in expressing our gratitude to the Vice President of the United States, who came all the way to Arizona and gave a moving, stirring, and wonderful testimony to these brave Arizonans. I believe it is typical of my friend for so many years, the Vice President of the United States, that he and his wonderful wife would come to Arizona to join us to honor the efforts of these brave men.

These were not men merely worth knowing, they were men to admire. They were men to emulate if you have the courage and character to live as decently and honorably as they lived. Not many of us can. But we can become better people by trying to be half as true, half as brave, half as good as they were and to make our lives count for something more than the sum of our days.

The news accounts of their lives and the testimonials to their virtues that have appeared in the days since we lost them give the rest of us a glimpse of what a blessed memory they are to those who knew and loved them. Some of them were the sons of firefighters who grew up wanting to be like dad, their hero. Some leave behind wives and children. Some were expecting the birth of their first child. Some married their high school sweethearts. Some were engaged and looking forward to being husbands and fathers.

Two were cousins and best friends. One rescued horses. One aspired to preach the word of God. One was a standout ball player. One dressed in a yellow raincoat when he was 6 and pretended to put out fires. Some were born in Arizona. Some came from other places and fell right in love with the beauty and people of Arizona.

Some were shy. Others were practical jokers. They were all respected and admired, the kind of men you just like being around.

They all loved the outdoors. They were athletic and adventurous. They loved their jobs. They wanted to serve others. They wanted to make a difference. They all had a purpose greater

than themselves. They were all young, so young. They were all brave, so brave. They were all loved and were loved, so loved. They will all be missed, so terribly missed.

I will forever be touched by what their families and friends have told me about them and how much they meant to them and their communities. Their stories teach us how to be better people. Their loss reminds us to hold each other a little tighter, to love each other a little harder. I will always consider myself disadvantaged for not having known them. From the little I know about hope in the face of daunting challenge and the indomitability of the human spirit, it is so vital to helping us keep our faith and to endure. I hope I can offer some solace when I say the courage of those we honor today is immortal. It does not perish with them. How they lived and what they did will inspire others to live courageously, purposefully, selflessly.

Of these qualities, we tend to see merely flashes throughout our lives. In these men of the Granite Mountain Hotshots, we see grand examples—sublime, shining, and unforgettable examples—that will summon good men and women today and long after our time has passed to live bravely, compassionately, and honorably.

In a fierce and terrifying encounter with extreme danger, they stood their ground like the heroes they were and fought for their community. While they did not come home to the people who loved them so much and will miss them always, I firmly believe we will see them again in the better world that is to come.

Until then, we fondly remember the humanity and the heroism of these brave men, their wonderfully unassuming down-to-Earth nature, all of their marvelous imperfections known only to their closest family and friends, and how, in the face of dire peril, they rose beyond all that makes us merely ordinary and let God cradle them in his arms and carry them away.

The lost men of the Granite Mountain Hotshots died having taught us all to live. For that, as we honor them and pay our respects to their loved ones today, I submit we should all find great solace.

I ask unanimous consent the Senate proceed to the consideration of S. Res. 193, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 193) honoring the fallen heroes of the Granite Mountain Interagency Hotshot Crew.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCAIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to

reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 193) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

Mr. MCCAIN. I yield the floor.

Mr. FLAKE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### KEEP STUDENT LOANS AFFORDABLE ACT OF 2013—MOTION TO PROCEED—Continued

##### DISABILITIES CONVENTION

Mr. HATCH. Mr. President, 23 years ago I stood here on the Senate floor as we voted 91 to 6 for the conference report on the Americans With Disabilities Act. I predicted this landmark piece of legislation would literally unlock the resources of individuals with disabilities that had previously been wasted. I worked long and hard to get it enacted into law. It is one of the bills of which I feel most appreciative.

In 2008, I again stood here on the Senate floor as we passed the ADA Amendments Act by unanimous consent. I said it was part of our ongoing effort to expand opportunities for individuals with disabilities and to help them participate in the American dream. I remain committed to that effort.

Both of these legislative achievements were the result of negotiation and compromise, and they directly addressed and provided concrete solutions to problems faced by American citizens. We should address such public policy issues through the legislative process so elected representatives make the decisions that affect Americans and are consequently accountable to them.

There is underway an effort to promote the rights and opportunities of persons with disabilities through a treaty rather than through legislation. Advocates of the U.N. Convention on the Rights of Persons With Disabilities—or CRPD—appear to believe that statutes and treaties are simply alternative means to accomplish the same end. Although I have labored with these advocates on disability legislation, I must respectfully but firmly disagree.

My record on disability legislation speaks for itself, but I cannot support the CRPD because the cost to American sovereignty and self-government

clearly outweighs any concrete benefit to Americans.

When Alexander Hamilton explained the American system of representative self-government, he famously said that in America, "The people govern; here, they act by their immediate representatives." Those words today are inscribed above an entrance to the House of Representatives in the Capitol, a building that Thomas Jefferson described as "dedicated to the sovereignty of the people."

That sovereignty certainly includes the authority to elect representatives and the authority of those representatives to enact laws. But it is much more than that. The American people also have authority to define our culture, express our values, set our priorities, and balance the many competing interests that exist in a free society. To put it simply, the American people must have the last word. The CRPD would undermine that sovereignty, compromise self-government, and give the last word to the United Nations. Let me explain how.

The CRPD is not a treaty with other nations but a treaty with the United Nations itself. Ratifying it would create a wide range of obligations for the United States and authorize the United Nations to determine whether we are meeting those obligations.

The U.N. Web site says the CRPD legally binds any nation ratifying it to adhere to its principles. The treaty applies those principles in more than two dozen areas of national life including education, health, employment, accessibility, and independent living, as well as participation in political, public, and cultural life. Article 8 even requires ratifying nations to "raise awareness throughout society, including at the family level, regarding persons with disabilities."

The treaty also spells out what adherence to its principles in these many areas will require. Ratifying nations must enact, modify, or abolish not only laws and regulations at all levels of government—Federal, state, and local—but also social customs and cultural practices. Ratifying nations must refrain from engaging in any acts or practices that are inconsistent with the treaty as well as ensure that all public authorities and institutions act in conformity with it.

The heart of the CRPD is a committee of 18 experts elected by the nations ratifying the treaty that has authority to determine if those nations are in compliance. Each nation must submit to this committee periodic comprehensive reports on measures taken to meet the obligations imposed by the treaty. The U.N. committee dictates the content of these reports, evaluates whether a nation is in compliance, and makes whatever recommendations it so chooses.

I commend to Senators an article co-authored by our former colleague from

Arizona Jon Kyl and published in the current issue of the journal *Foreign Affairs*. He explains well how international law can undermine democratic sovereignty. Of this particular treaty, the CRPD, he writes,

If the treaty has a practical effect, it would be due in large part to interpretations made by foreign government officials and judges and by nongovernmental organizations, none answerable to American voters.

Under the U.S. Constitution, ratified treaties are the supreme law of the land. Since the United States has long had the most progressive disability laws and policies in the world, we likely are already doing much that the CRPD requires. But that is not the point, and instead highlights the real problem. Ratifying the CRPD would endorse an official ongoing role for the United Nations in evaluating virtually every aspect of American life. Ratifying the CRPD would say the United Nations, not the American people, has the final say about whether the United States is meeting its obligations in these many areas. It would impose this cost to American sovereignty and self-government with no real concrete benefit to Americans.

Ratifying the CRPD will not establish a single right for a single American. It will not provide for Americans with disabilities anything that American law has not or could not provide. It would not even help Americans with disabilities who travel overseas because their treatment depends on the laws and policies of other countries, not ours.

The CRPD's combination of obligations and U.N. oversight can help move nations that have not done so on their own toward protecting the rights and promoting the opportunities of persons with disabilities. That, I take it, is a strategic purpose of the treaty. But the United States is not only far down that road, we literally blazed the trail, and I was a significant part of blazing that trail.

Treaty advocates argue that the CRPD's impact on American sovereignty and self-government can be minimized by the many caveats that would accompany ratification. These are commonly referred to as reservations, understandings, and declarations. The legal status of these caveats, however, is unclear. The CRPD itself states that "[r]eservations incompatible with the object and purpose of the [CRPD] shall not be permitted," a judgment reserved to the U.N. committee. No less an authority than Harold Koh, former State Department legal adviser and now Sterling Professor of International Law at Yale, has questioned whether such declarations have "either domestic or international legal effect."

Treaty advocates also emphasize that the U.N. committee will have no formal authority to interfere domestically in the United States. But as I explained, American sovereignty and self-government are not so narrow that they could be undermined only if we literally let the United Nations run our country. The United Nations and its components hardly need a treaty to opine on aspects of American life and public policy; they already do so—and we have seen it many times. It is, however, something else entirely for the United States formally to endorse the right of the United Nations to do so and subject ourselves to their evaluation.

Treaty advocates say that ratifying the CRPD would give the United States a “seat at the table” to promote the rights and opportunities of persons with disabilities around the world. Ratifying the CRPD will neither create, nor is necessary to maintain, America’s global leadership on behalf of persons with disabilities. We had the most progressive laws in the world decades before the CRPD existed. Individual nations, as well as the European Union, are today modeling their laws after ours even without ratifying the treaty.

The only table in this arena at which the United States doesn’t already have a seat is the U.N. disability committee. But do the math. The committee has 18 members who are elected by the CRPD’s state parties, currently 132 nations. The chances of the United States having a seat at that table at any particular time are remote and will get even smaller as even more nations ratify the treaty. Besides, as I noted, advocates acknowledge that the U.N. committee has no formal authority anyway.

Finally, treaty advocates say the ratification by the United States will encourage other nations to do so. But at least 19 nations on four continents—from Norway and the Russian Federation to Barbados, Israel, and Liberia—have ratified the CRPD since it was received here in the Senate a little more than a year ago.

I have not addressed substantive issues with the CRPD as currently drafted, but I will mention one. For more than four decades, American disability law and policy have used an objective, functional definition of disability. A disability is an impairment that substantially limits a major life activity. The CRPD, however, states that “disability is an evolving concept” involving barriers that hinder “full and effective participation on an equal basis with others.” The threat to American sovereignty and self-government I have described would exist even if the CRPD utilized a similar concept of disability. But at least by the CRPD’s terms, it appears the U.N. committee will use an evolving concept of

disability to evaluate how the United States has implemented its objective concept of disability.

There exists virtually nothing that the United States could do after ratification that it could not or does not already do today. The truth is that every argument for ratifying the CRPD applies properly to other countries, not to the United States. The only real benefit of ratification that I can see would be to endorse the principles and policy statements in the treaty. The United States, however, either already does so by law or can do so in ways that do not undermine our sovereignty and self-government.

In the end, the most potent kind of leadership is the kind that America has exercised for decades—decades already, taking real action to protect the rights and promote the opportunities of persons with disabilities. I remain as committed as ever to that ongoing responsibility.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HEINRICH). Without objection, it is so ordered.

#### HEALTH CARE

Mr. CORNYN. Mr. President, what do you get when Congress passes a 2,700-page piece of legislation on a purely partisan basis that radically transforms one-fifth of our economy and impacts the lives of 319 million Americans? What do you get when you oppose the huge costs of this legislation, and this new bureaucracy that goes along with it, on an economy that is trying to recover from one of the biggest recessions our country ever experienced back in 2008? Well, two of the things you get for sure are higher unemployment and fewer jobs, and anemic economic growth. We have seen both of those in the daily news. I am afraid we now have a new normal when it comes to unemployment in America, which is at 7.6 percent, and that does not count the people who have quit looking for work.

The Bureau of Labor Statistics has a ranking of how they rate the number of people actually looking for work, and it is called the labor participation rate. It is on their Web site. We have the fewest number of Americans in the workforce than we have had in the last 30 years.

We didn’t get many of the benefits that were promised when ObamaCare was passed at a time when we were essentially told: We are from the government. Trust us. It will all turn out OK.

One of the most important numbers in the recent job report is the number 8.2 million. That is the number of

Americans who are now working part time instead of full time because the full-time jobs are simply not available. In other words, there are 8.2 million workers who are working part time even though they want a full-time job, but they cannot find one.

To give some perspective, the number was 7.6 million in March. So between May and June we have seen that number increase by 300,000. There are 300,000 Americans who were unable to find full-time work, so they had to accept part-time work. When we talk about numbers such as these, I know it is tempting to think of those numbers as just abstractions, but these are the American people. These are moms, dads, brothers, and sisters. These are young adults who are looking for work but simply can’t find work on a full-time basis.

I would suggest—and I think the evidence is compelling—that one of the reasons for that is ObamaCare. The law requires all businesses with 50 or more full-time workers to provide their employees with government-approved health care coverage, and if they don’t, then they have to pay a financial penalty. This requirement was originally scheduled to kick in next year, but last week the Obama administration announced that this so-called employer mandate would be delayed until 2015. In other words, the administration has implicitly acknowledged that the mandate is discouraging the creation of full-time jobs and is actually reducing working hours, which is relegating many American workers—300,000 more between May and June—to part-time work even though they want to work full time. The irony is that the ObamaCare bill passed in the Senate—and I still remember this—on Christmas Eve of 2009 at 7 a.m. in the morning. It was later reconciled with the House legislation in 2010. But we have had two elections occur before the full implementation of this bill. What we are going to see now is moving the implementation off again until after the 2014 election. In my view, that is dangerous because it means there is no electoral accountability for the true impact of this legislation even though we are beginning to see some of it.

Of course, the basic problem is that the mandate won’t magically disappear in 2015, even after it has been delayed by unilateral action of the administration. But what strikes me as pretty simple is that when you penalize full-time work, what you are going to get is part-time work in order to avoid the penalty.

Of course, the employer mandate isn’t the only part of ObamaCare that is hampering job creation. The law also contains \$1 trillion in tax increases—including a new medical device tax that has already prompted several large manufacturers to close existing facilities or cancel plans for new ones.

I remember a few months ago I had a medical device company located in Texas tell me that they were going to be expanding their operations in Costa Rica instead of Texas in order to avoid this tax.

The medical device tax has also discouraged health-care savings and life-saving innovations. One of the great things about our country and our free enterprise system is that if somebody has a better way to do something, they can design it, build it, and consumers can benefit from it. In this case, this medical device tax has been destructive of each of those.

Indeed, this tax has been so counterproductive that 79 Members of this Senate—a supermajority on a bipartisan basis—rejected it during the vote on the budget resolution recently and effectively said that it should be repealed. A number of colleagues from across the aisle who supported this legislation initially have now seen that the way this is being implemented can be damaging and destructive not only to job creation but access to quality health care. The same thing can be said of the 81 Members who voted to abolish ObamaCare's IRS 1099 reporting requirement back in 2011. The more we have learned about the implementation of ObamaCare, the less popular it has become.

For that matter, the administration itself has had second thoughts about key provisions of ObamaCare. In 2010, the Department of Health and Human Services began granting a series of waivers from ObamaCare's annual limit requirements. It eventually granted more than 1,000. In other words, the administration unilaterally said to some people: You don't have to comply with the law, while the rest of us were stuck with it.

In 2011, Health and Human Services Secretary Kathleen Sebelius suspended all work on the so-called CLASS Act, a portion of ObamaCare that was formally repealed earlier this year. And, a few months ago, Health and Human Services announced that ObamaCare's basic health program would be delayed until 2015—again, after the next midterm congressional election. Just last week, in addition to delaying the employer mandate, the administration also delayed another important provision in the ObamaCare oversight. In other words, it said, You don't even have to prove that you are financially eligible for taxpayer subsidies to get insurance in the health exchanges.

This is an invitation to fraud and abuse. We saw in 2008 when the bubble burst after the financial crisis came to a head, one of the root causes of that was companies writing loans to people who couldn't qualify for those loans, but they didn't require any financial disclosure or verification. Those came to be known as liar loans.

We are essentially now refusing to learn from that experience in the

health care field, on the part of the administration, to see as many people as possible signed up for the health care exchanges, but based only on their unilateral declaration that they are eligible, not any real verification or proof. That is an invitation to fraud.

To add it all up, notwithstanding its aspirations and notwithstanding the hopes and perhaps dreams of those who thought we were going to somehow transform health care with this legislation, it has now become clear to me, and I daresay millions of Americans, that ObamaCare has simply not lived up to its promises. It is not working as advertised. I think there is a growing bipartisan consensus to that effect. I have mentioned some examples and some reasons why, including as well that for the past 3 years we have witnessed a nonstop parade of fix-ups, fumbles, delays, and broken promises.

For example, during the 2008 campaign, President Obama pledged his health care law would transform health care; it would make health care costs for a family of four go down by \$2,500. What has actually happened is the cost of family premiums has actually gone up by nearly \$2,400 between 2009 and 2012. According to the Wall Street Journal, healthy consumers could see insurance rates double or even triple when they look for individual coverage under ObamaCare, and that will happen this fall. Some of it is so-called age-banding where young people, such as my two daughters who are 30 and 31 years old, are going to be forced to pay higher premiums to subsidize health care coverage for older people.

There are also other provisions such as mandatory issue. For example, if a person finds out that unfortunately they have a disease and are not covered, under ObamaCare they can go out and buy insurance which is not actually insurance anymore. Someone said it is akin to waiting until your house is on fire to buy fire insurance. That drives up the cost and it distorts the insurance market. What we are going to see, and what consumers are going to see, is their health care premiums go up as a result of the implementation of ObamaCare.

What about the promise that ObamaCare wouldn't raise taxes on anyone making under \$200,000 a year? In fact, the law raised taxes on everyone, from young people with health savings accounts, to middle-class workers with families, to senior citizens living on a fixed wage.

President Obama also promised that anyone who liked their existing health coverage would be able to keep it. Do my colleagues remember that? He said: "If you like what you have, you can keep it." I know people like hearing that because most Americans—up to 80 percent and maybe higher—are satisfied with the health insurance they have now. So when the President said,

"If you like what you have, you can keep it," most Americans nodded and said that's good. The reality is, according to the Congressional Budget Office, at least 7 million Americans will lose their current health insurance because of ObamaCare.

A few months ago one of my constituents in Texas sent me a letter she received from her health care provider. The letter informed her that because of the new health care law—the so-called Affordable Care Act which is turning out to be more unaffordable than affordable—her current health policy would be terminated by the end of the year. The letter also said: "Never have we experienced the uncertainty and immense challenges that confront the insurance industry during this time of health care reform."

I don't think it is sufficient for people such as myself or anyone else to criticize this flawed legislation and to say: I voted against it; it is too bad it didn't work out; tough luck. That is not sufficient, and that is not doing our duty. There has to be a better way to reform our health care system, and indeed there is a better way, if we commit ourselves to five overarching principles.

No. 1: We must make health care more affordable. That was the promise of ObamaCare, but that is not the reality. It has made health care less affordable, not more affordable. But we must commit ourselves to policies that will make health care more affordable by reining in costs, and I have some ideas on how to do that which I will mention momentarily.

No. 2, the second principle: Individuals must have more choices in the health care market and they must be allowed to make their own choices and select whatever options fit their individual needs. The idea of ObamaCare was one-size-fits-all, but we know that one size does not fit all. Different families, different individuals have different needs. We need to restore the choices to individuals and not to the government dictating what those choices should be.

No. 3: We must ensure that all individuals, including people with preexisting conditions, have access to high-quality health insurance and to high-quality care. This was a problem in the preexisting system, where people with preexisting conditions found it hard to buy insurance, and this was one of the noble promises of ObamaCare. But we don't have to buy the whole package in order to fix this problem. Indeed, there are many high-risk pools at the State level that if the Federal Government would help support those high-risk pools, people would be able to find health care coverage even if they had preexisting conditions, which otherwise would make that difficult to find.

Principle No. 4: We have to protect the doctor-patient relationship. No one

wants to have the bureaucracy telling them what health care they can have and whether they can have it. So we have to protect the doctor-patient relationship. This is a bond of trust that most of us have with the individuals we entrust our health care to—our own doctor. We have to make sure people are able to make health care decisions in consultation with their doctor and their family that suit their needs.

No. 5: This is the fifth principle for reform that I think we now need to begin the discussion about undertaking. We need to save Medicare.

What kinds of policy reforms might these principles generate? Well, for starters, I would suggest we need to equalize the tax treatment of health insurance for employers and individuals. This is something we have discussed time and time again. But why do we favor, through subsidies under the Tax Code, certain types of health coverage and discriminate against people who buy insurance in the individual market?

Secondly, from a policy perspective consistent with the principles I mentioned, we need to expand access to tax-free health care savings. There is a company in Texas—actually, it has franchises here in the Northeast—Whole Foods. It is a great grocery store. I had an occasion a couple of years ago to meet with a number of the employees. They vote every year on what their health plan should look like. Year after year after year, they choose a high-deductible health insurance plan along with a health care savings plan so that if they get sick they are protected by the catastrophic coverage, but otherwise they can save and budget for their ordinary health care needs using a health savings account. One of the most amazing things about that is people then begin to take some ownership—have some skin in the game—in terms of their health care choices, and they tend to do what we do generally as consumers, which is they shop around. They say, OK, I have my money. I need procedure X, I need this or that. Where can I get that for the best price and the best quality service? These tax-free health savings accounts transform the health care relationship so people don't only just have some third party paying the bills—like getting a credit card and never getting the bill under much of our current health care system—so expanding tax-free health savings accounts like the employees have at Whole Foods in Austin, TX, is one great policy that would improve our health care delivery system.

Third, we need to let people and businesses form risk pools in the individual market.

Fourth, we need to improve price and quality transparency. There has actually been some good work done by Health and Human Services recently to

release health care expenditures for some of the most common procedures and reasons people are hospitalized. I think it is kind of eye-opening, because some people have found out that for the same procedure—in one instance a person might see \$1,000 being charged and in another, a person might see \$5,000 being charged for essentially the same practice or procedure. Providing transparency indeed helps to create an opportunity for a market, so market discipline can help normalize and bring down those costs. Improving price and cost and quality transparency are very important to creating a true health care marketplace.

Fifth, in Texas we have found ways to curb frivolous medical malpractice lawsuits which don't shut the front door to the courthouse for truly legitimate claims but which have made medical malpractice insurance more affordable because our civil justice system is more predictable.

Sixth, we need to eliminate all the unnecessary government mandates that drive up insurance costs. What happens in Austin, TX, and in State capitals across the country is legislators come together and say companies can't sell insurance in our State unless they cover X, Y, and Z. Well, the fact is not every consumer, not every patient needs X, Y, and Z coverage, but by those mandates they end up driving up the cost of that health insurance. What we need to do is eliminate the unnecessary mandates that many people don't use anyway, because those drive up costs. By eliminating those mandates, we can help bring down the costs and make health care more affordable.

Seventh, this is an old suggestion, but one that I think is still very important. Why is it that a person can only buy health insurance in their own State? If I want to buy car insurance I can buy it anywhere in the country and I can—if the company is in Oklahoma or New Mexico or Indiana, they can compete for my business. That gives the market an ability to hold down costs and that gives consumers access to lower costs and better quality by allowing that competition to occur across State lines.

We don't need another government takeover of our health care system. When the wheels fall off of ObamaCare or, in the language of the distinguished chairman of the Senate Committee on Finance, if that train wreck of implementation that he predicted occurs, we don't need another big 2,700-page government program to substitute. We need to implement the types of reforms I talked about to give us lower costs, more accessibility, and greater fairness throughout our entire health care system.

Speaking of fairness and accessibility, we know the current Medicaid Program is broken when our most vulnerable citizens have a hard time find-

ing a physician who will actually take a new Medicaid patient. This is one of the problems many of us had with the ObamaCare expansion of pushing a lot of people onto Medicaid which, in my State, is a broken program, where more than 60 percent of primary care physicians won't take a new Medicaid patient because the reimbursement levels are about 50 percent of what private insurance would pay a doctor to treat a patient. So many physicians say, I can't afford to work for 50 cents on the dollar, so I am not going to see a new Medicaid patient.

So what you have is this strange dichotomy where people actually have coverage under Medicaid, but they do not have access to health care because they cannot find a doctor to take it at that price, and that actually, I believe, is sort of the dirty little secret about Medicaid. All of us support a safety net program of health care for our most vulnerable citizens—all of us—but Medicaid, as currently constituted, is not the answer for the reasons I mentioned.

Each State must have the flexibility to design a program that will actually meet the needs of its residents. What works best in New York, I guarantee, does not work the same way in Texas and vice versa. States should be appropriated a certain amount of money, and I am not suggesting it be drastically cut—which would deny the States an opportunity to provide health care in their own way—but we need to block grant these Federal funds, not micromanage them. We certainly need to eliminate as many Federal strings as we possibly can and provide the States the flexibility to use the same amount of money to provide access to more health care for low-income people.

Speaking of access to physicians, this is a big problem in Medicare too. Of course, Medicaid is for the economically disadvantaged. Medicare is for people 65 and older. But in my State, only 58 percent of physicians will see a new Medicare patient. That means 42 percent will not. In other words, if you live in a rural area or you live someplace where physicians will not take a new Medicare patient, you are pretty much out of luck. This is a problem again about the way the Federal Government tries to save money in health care, not by using the discipline of the market—transparency and competition and some of the other reforms I mentioned—but rather by whacking reimbursement rates to Medicaid providers and Medicare providers, as we currently do, then fewer and fewer people are actually going to be able to find a doctor who will see them, even though they have the promise of coverage under Medicaid or Medicare.

We know, of course, the financial problem Medicare is currently suffering. The fact is—and this is something I wish we would talk more about from the President to the Halls of Congress—for every \$1 that an average person puts into Medicare, they take out \$3. That is why Medicare, in the long run, is unsustainable. If we are going to keep the promise of Medicare—and we should—to future generations, we need to fix it.

But when it comes to treating patients, physicians, I believe, know better than Washington bureaucrats. This is another reason why I support repeal of another provision of ObamaCare which is called the Independent Payment Advisory Board, so-called IPAB. There is actually bipartisan support for repealing this provision in the House because what it would do is appoint a group of 15 bureaucrats who would decide what sort of health care was going to be reimbursed under Medicare and what would not. There would be no real recourse to Congress or anybody else because these people would be the so-called Independent Payment Advisory Board.

It is not hard to predict what would happen if IPAB, as it is called, were implemented. When doctors are forced to accept lower rates, they will reduce the number of patients they see or else they will drop out of the Medicare Program altogether or the types of treatment people will be able to get from their doctor will be determined by the Federal Government's willingness to pay for it rather than their true medical needs.

I think we have learned the lesson in Medicaid and Medicare, as elsewhere, that price controls simply do not work, and they will not save Medicare either. It is time to try a new approach that will protect the doctor-patient relationship and expand individual choice.

Under the current model, seniors are forced into a one-size-fits-all plan developed in Washington. Under an alternative supported by Republicans and Democrats in different contexts—the so-called premium support model—the Federal Government would pay a designated amount, and then people could use that money to buy their own private coverage. They could supplement it if they wanted to, if they wanted more generous coverage, but that would have to come out of their pocket.

But under the premium support model alternative, private plans would be allowed to compete against traditional Medicare, much as Medicare Advantage does now, and seniors could simply pick the plan they want that suits their needs the most. If someone picks a private plan that is cheaper than traditional Medicare, they can keep the savings. Then again, if they want more generous coverage, they can pay the difference.

How do we know this sort of approach will work? You do not have to take my word for it. All we have to do is look at what is working now. One of the most successful government health care programs I have seen since I have been in the Senate, and that I know about, is the Medicare prescription drug coverage program. A national survey released in October 2012 found that 9 out of 10 seniors are satisfied with their Medicare prescription drug plan.

Similar reforms could be made to other parts of Medicare to help save the program. If these reforms are not made, Medicare will go bankrupt. The great thing about Medicare Part D, the prescription drug program, is it has actually come in 40 percent under projected costs. It is not hard to figure out why. Because when different companies compete in the marketplace for the business of seniors who qualify for Medicare, they are going to compete—you guessed it—on price, so they are going to try to provide it at a less expensive cost, and they are going to compete based on quality of service. That is the great genius of our free enterprise system and of competition. But if we do not make these reforms, Medicare will go bankrupt. That is something none of us should look forward to.

So the reforms I have just outlined will give us a health care system with lower costs, a system with greater choice and greater access to high-quality care, a system that upholds fundamental values, such as fairness and consumer choice, and a system that will provide affordable health care for everyone. That is the kind of health care system we all want for our families, for our children, and grandchildren.

Three years ago, Congress took a swing at the health care issue but ended up striking out and missed an opportunity to enact necessary reforms. We are still learning that as the implementation of ObamaCare continues to unfold. But the health care debate is not over by any means. It is just beginning in a way. By replacing ObamaCare with patient-centered reforms that reduce costs, improve transparency, and expand access, we can make it easier for all Americans to get the affordable quality health care they deserve.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELLER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GOVERNMENT OVERREACH

Mr. HELLER. Mr. President, I rise today to address an issue that is troubling to me and to my constituents back in the State of Nevada and to a growing number of Americans across the country. I am referring to the tendency of those who lead government agencies to abuse their power and deprive Americans of their constitutional rights.

We have seen examples of this alarming trend over the last several weeks: The NSA is reportedly confiscating private e-mails and phone records. The IRS is specifically targeting conservative groups seeking tax exempt status.

Constituents have flooded my office with phone calls, e-mails, and letters demanding to know why their government continues to encroach on their liberty. They have had enough and so have I.

Recently, the Federal court of Nevada ruled that the Federal Government has abused its power in my home State. The court ruled in favor of private cattle owners in Nevada, ranchers who came to the court because they felt the Federal Government was intentionally interfering with their grazing permits and their private property rights.

The court found that for more than two decades, Federal officials entrusted with the responsibility of managing public lands actively conspired to deprive Wayne Hage and his father's estate of their grazing permits and their water rights. In its decision, the court ruled:

The government had abused its discretion through a series of actions designed to strip the Estate of its grazing permits and of the ability to use water rights.

The court described the actions of the government officials as an "abuse of executive power" and said it "shocked the conscience of the court, and provided a basis for finding of irreparable harm."

There seems to be a pattern emerging. The Federal Government is supposed to be entrusted with protecting fundamental rights, such as property rights and the right to privacy. Yet, sadly, the American people are left wondering if their own government is living up to that public trust.

The Framers of the Constitution believed that private property rights were sacred. The 5th and 14th Amendments specifically prohibit the government from depriving citizens of "life, liberty or property without due process of law." Those amendments are there for a reason.

As the Nevada District Court wrote:

Substantive due process protects individuals from arbitrary deprivation of their liberty by government.

No question. The Federal Government has an obligation to help manage



the Nation's resources, just like it has the duty to keep Americans safe and to enforce fairly the Tax Code. But these responsibilities require integrity, accountability, and impartiality. These powers cannot be used to push political or partisan agendas.

In a State such as Nevada, which is made up of land that is 87 percent federally controlled, and where resources such as water and vegetation are scarce, the role of the government in protecting private property rights is especially important and cannot be abused by overly zealous government officials.

The rights of cattle owners and ranchers to have their grazing permits honored is no less important than any other form of property right secured by law through permits and licensing. The government cannot be allowed to arbitrarily target certain groups for punishment and selectively enforce the law. That kind of behavior is precisely what the Framers wanted to guard against.

Whether it is the IRS targeting groups for their political views, the NSA confiscating mass amounts of private data, or the Federal Government interfering with property rights, the American people are fed up with this laundry list of examples of the Federal Government blatantly disrespecting their constitutional liberties.

Fortunately, the Federal courts remain open for Americans to defend themselves against government abuse. But I think it is a tragedy for American citizens to be subjected to costly, drawn-out litigation in order to make sure their liberties are secured against the very government they have entrusted to protect them.

The American people will not stand for an all-powerful government that ignores their constitutional rights. It is long past time that we end this culture of government bullying and harassment. The government derives its power from the consent of the governed. The consent depends on a fair, transparent, and reasonable enforcement of the law.

If we are to remain the greatest country on Earth and live up to the powerful ideals that inspired our Founders, then we must restore the trust of the American people in their government, and we must begin that process right away.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent to speak as in

morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLIMATE CHANGE

Mr. INHOFE. Mr. President, 2 weeks ago the President gave a beautiful speech on global warming. He said that the world is coming to an end if we don't act; that it is our moral obligation to make sure our planet is safe for future generations; that it is all up to us. And to be successful we must regulate carbon dioxide and other greenhouse gases.

For more than a decade environmentalists have been pressuring Democrats to do this—pressuring all of us to do this—and we all know why.

I can remember years ago—and this would have been back when I was in the House—that my first observation when I looked at liberals in the House was that there were four flawed premises on which they based their decisions. One was—and I am going from memory now because this was many years ago—that the Cold War is over, we no longer need a defense; another one was that deficit spending is not bad public policy; the third one was that punishment is not a deterrent to crime; and the fourth one—and this is the big one—was that government can run our lives better than the people can. That is exactly what we are talking about here.

The reason they have been wanting to regulate carbon is better articulated by a guy I don't think anyone will argue could be the most knowledgeable scientist in America. His name is Richard Lindzen, and he is with MIT. His quote was that regulating carbon is a "bureaucrat's dream." He said, "If you control carbon, you control life." You control life. And that is what bureaucrats want to do. That is what the environmentalists want to do. In controlling our lives, they want to determine what cars we drive, what kinds of houses we live in, how our cities are built, and all of that, and they can do all of this by regulating carbon dioxide.

Democrats—particularly in the Senate—have been unsuccessful in passing legislation to accomplish this. And this is the key. Way back during the Clinton administration, when Al Gore came back from the Kyoto Convention, he said we need to pass and ratify the Kyoto Convention. The Kyoto Convention would do exactly that—it would allow us in this country and others around the world to regulate carbon emissions. In doing this, they would be able to control lives. It was way back 13 years ago that this took place.

Anyway, they tried to pass legislation. The first bill actually was not necessarily a Democratic bill; it was the McCain-Lieberman bill, and it was one that was a cap-and-trade bill, quite frankly. At that time the Republicans were in the majority, and I chaired the

committee called the Environment and Public Works Committee, so I was on the floor managing the opposition to that particular cap-and-trade bill. That was a carbon control bill. We won the debate, and as the years went by we continued to win over and over.

I guess what I am saying is that the reason the President is doing this right now is because he can't get this done through legislation, by those who are held accountable to the people. He can't get it done through legislation so he is trying to do it through regulation. The most recent attempt, in 2009, was the Waxman-Markey cap-and-trade bill.

By the way, I congratulate Senator MARKEY for winning his election. It is going to be fun for us because we have debated each other on this issue now for years and years, but now we are in the same Chamber.

The bottom line is that in 2009 they did pass that bill in the then-Democratic-controlled House, but when it came over to the Senate, of course it was not even considered here. But that particular piece of legislation would have regulated only the largest emitters, and this is the hardest thing to get across to people. Everyone understands, after 12 years of repetition and listening to me at this podium saying it over and over again, that if we were to pass any kind of a cap-and-trade bill, the cost to the American people would be somewhere between \$300 billion and \$400 billion a year. The reason I say that is the Wharton School came up with the figure of around \$350 billion, MIT came out with the figure of about the same, and so no one for 10 years has debated that the cost of regulating through cap and trade would have been somewhere around \$300 billion to \$400 billion.

Now, as onerous as I think all these bills were in trying to do this through legislation, it wouldn't have been nearly as bad as what is happening today, for this reason. This gets into the weeds here, but it is important that we in this body understand what this is all about. The bills we killed, which would have cost \$400 billion a year, would have regulated only the largest emitters—those emitters that emitted 25,000 tons of CO<sub>2</sub> a year. That would have cost the economy \$400 billion. We rejected that, and we all know that is what the cost was, but because the President owes this environmental base and he can't pass his legislation, he is now taking unilateral regulatory action to regulate greenhouse gases and carbon dioxide.

Keep in mind that this is not the same as one of the bills we defeated. That would have only caused the emission control on those entities that emitted 25,000 tons of CO<sub>2</sub> or more in a period of a year. If it is done through regulation, then it has to be done under the Clean Air Act, and the significance of that is this would not just

go after the big emitters, it wouldn't go after just those big emitters of 25,000 tons a year, it would catch people and individuals and organizations that emit 250 tons as opposed to 25,000 tons. That means it would apply not just to large emitters, such as powerplants, but every refinery, oil and gas well, every manufacturing facility, every plastics plant, the iron smelters and steel mills, every apartment building, churches, and every school. So that is everybody. So one thing that has never been calculated is what the cost of that would be. If the cost of just those emitting 25,000 tons would be \$400 billion a year, then how much would it be if we applied this to everyone, all the way down to 250 tons?

I do something in Oklahoma each year. I get the total number of people who file Federal tax returns, and I kind of do the math. So I will take the amount of a tax increase—in this case, let's use \$400 billion a year—and I will say: How much will this cost the average family in my State of Oklahoma who files a tax return? It works out to \$3,000 a year. So we are talking about a major—by far the largest tax increase this country has ever seen.

So don't let the President fool you into believing he will stop at the powerplants. He is in an all-out war against fossil fuels and affordable energy. And legally, if he goes down this path, he will not be able to stop just at the large ones. This will apply to everybody out there under the Clean Air Act, and that would be those emitting 250 tons.

He is also doing this unilaterally just for the United States. If you believe man is causing global warming—I don't, but if you do—then you should be concerned about worldwide emissions because who cares if it is just the United States of America? It is not just what is happening in the United States of America, it is all over the world. That is really where the problem—if there is a problem—would be. If all we do is lower our emissions without convincing China, India, Mexico, and other countries to do the same, then U.S. manufacturers, out seeking the energy to run their operations, would have to leave the United States and go to those other countries where they do not have regulations. So this would have the effect actually of increasing, not decreasing, emissions.

I remember when Lisa Jackson was the Director of the EPA. She was my favorite liberal. I used to say I had three favorite liberals, and she was one of the three of them. And I liked her because even though I disagreed with her philosophically, she was always honest with me. I would ask her a question and she would answer it.

I remember when I asked her live on TV, in a hearing, this question. I said: You know, if we were to pass this legislation that would regulate CO<sub>2</sub> levels,

would this reduce emissions worldwide? She said: No. Because this only affects the United States and it would not affect the other countries.

So you won't hear the President talking about this. You won't hear him talking about the cost, even though they will shrink from our economy by more than \$400 billion a year. We know that, and no one refutes that. It requires the EPA to hire an additional 230,000 employees and spend an additional \$21 billion to implement the regulatory regime. And these are not my figures, these are the EPA's figures. You won't hear him talking about it because he knows it is a losing argument. In fact, the day before the President gave this speech, he had his campaign send out talking points to all of the activists he had working on his behalf. They told—"they" meaning the White House—these people exactly what to talk about, what to say and exactly what not to say.

We recovered this. We found these talking points the President sent out to people so this is what Americans would be listening to. I think it is worthwhile for us to go over this now.

On this first chart, we have his overarching three-point strategy. Point No. 1 is, we have an obligation to act. The memo continues: We have a moral obligation to future generations to leave them a planet that is not polluted and damaged by carbon pollution.

Notice that they are not talking about climate change anymore. They are not talking about global warming. The new words they are using now are "carbon pollution."

It is all the same thing. Global warming didn't work, so they discontinued that. They tried climate change. That didn't work. Now the new word is called carbon pollution.

These are the President's talking points. I think this kind of wordsmithing is actually smart, and I compliment them on going to professionals and seeing what kind of words they can use to make the public believe something that isn't true.

The second thing they have charged would be that communities all over America are already being harmed. The memo continues:

Climate change is already harming Americans all over the country. Cleaning up after climate-driven disasters last year cost the taxpayer over \$1,100. (Or cost taxpayers nearly \$100 billion, one of the largest non-defense discretionary budget items in 2012.)

These are the words coming from the White House for people to use in their talking points. These figures come from the total cost of all natural disasters. I am from Oklahoma. I think we all know we have tornadoes in Oklahoma. We have had tornadoes as long as I have been living in Oklahoma—all my life.

So he is talking about that figure on all natural disasters that has nothing

to do with carbon whatsoever. He is attributing the cost of all natural disasters and its total costs to global warming or carbon pollution, as the President now says, even if you believe global warming is true.

The President's third talking point was to his climate plan. This is what he is telling his followers, in this body and elsewhere, to use:

That's why we applaud President Obama's climate plan, which is full of common-sense solutions, starting with his call for the EPA to limit the carbon pollution.

While we set limits for arsenic, mercury, and lead, we let power plants release as much carbon pollution as they want. It's time to set a limit on pollution that affects public health, and that's why it's so important that the President is rising to this challenge.

Those are his talking points that he wants people to say about his speech and about his program. What this demonstrates to me is that the President is no longer fighting greenhouse gases—which he says caused global warming—but is instead fighting against carbon pollution.

But if carbon pollution is simply carbon dioxide—or CO<sub>2</sub>—and is dangerous to our health, what are we going to do about the air we breathe? Don't we emit CO<sub>2</sub> every time we exhale? Is this the pollution they are talking about?

Also in the memo the President's alarmists are given a concrete list of things to talk about and things not to talk about.

This is something we received just a few hours ago, and we are very pleased to be able to get a copy of it. This was only supposed to go to alarmists. Alarmists, for the benefit of my colleagues, are people who believe the world is coming to an end and it is all man's fault. It says what to do and what not to do. Look at this. It is amazing, what you can say and what you can't say. We will highlight just a few items.

The first point is the instruction to not talk about the cost of regulations. The memo from the White House says, "Don't lead with straight economic arguments." Why? Because global warming legislation will cost between \$300 billion and \$400 billion a year, and the regulations will cost much more than that.

Charles River Associates is a credible group that to my knowledge no one has challenged. Their study of the Waxman-Markey bill reported that the policies would cost the economy \$350 billion a year in 2030 and \$730 billion a year in 2050. Again, go back to the figures consistent with what the Wharton School, 10 years before, and MIT came out with.

The Heritage Foundation said the average family would see its direct energy costs rise by over \$24,000 in the first 20 years following the bill's enactment. This is the Heritage Foundation said it is going to affect every family

in America. The costs will be far higher under the President's unilateral regulatory action, thereby bypassing Congress, because they are talking about regulating down to much lower levels.

This memo also instructs the President's alarmists to talk about his actions being "the latest in a series of steady and responsible steps the administration has taken" to combat global warming. In that vein, however, the memo instructs them to not overstate the magnitude of the action being taken.

In other words, the President does not want his people talking about this as being the first of many steps in regulating every refinery, manufacturer, oil and gas wells, steel mills, plastics, and all the rest.

The next memo instructs alarmists to "discuss the impacts—carbon pollution is bad for the health of our kids and our planet" but to not "debate the validity or consensus of the science that is already settled."

In other words, don't debate the science. Just say it has been settled. Because we have more and more people now questioning the science, and it is far from being settled. They don't want to bring that up. They don't want people talking about it. The science is far from settled, and since when does carbon dioxide—which we all breathe out every day—hurt our kids?

The memo also instructs the alarmists to "inform audiences about the nature of the problem, who is at fault, and what can be done," but to not "debate the increase in electricity prices. Instead pivot to health and clean air messages."

In other words, don't admit the truth; that is, overactive, unilateral regulation will do nothing more than increase electricity prices and unilaterally shut down our economy by imposing EPA regulations on every single industry and dramatically expand the Federal Government's role in our lives without doing anything to reduce global emissions. This is all instruction coming from the White House.

I have to repeat this. If it were done by legislation or by regulation, we have already shown clearly it would not reduce CO<sub>2</sub> emissions, even if that were your goal, because that is what Obama's Administrator of the EPA said. In answering the question, "Is this going to reduce CO<sub>2</sub> emission," the answer, "No, it won't."

Richard Lindzen and other scientists have talked about:

Controlling carbon is kind of a bureaucrat's dream. If you control carbon, you control life.

So keep that in mind. All this effort is being made, and we have made it very clear that it is not going to accomplish anything they want to accomplish in terms of reducing CO<sub>2</sub> emissions worldwide.

The last thing I will mention from the memo is that it says to "discuss

modernizing and retooling power plants and innovation that will create green jobs" but to not "try to suggest net job increases."

In other words, don't mention this is going to shut down every coal, oil, and eventually natural gas powerplant we have in this country and kill thousands of jobs at manufacturers around the Nation. We don't want to talk about the job loss. The President only wants to talk about the benefits of his regulatory actions and not about the costs.

But what we have to remember is that even the benefits are overstated because they do not rely on the true costs of the regulations. But we should not be surprised, this coming from an administration that thinks more regulations means more jobs. These are talking points, but the mechanics of these new and future EPA greenhouse gas rules will be done by the EPA.

The reason I am here today is to first demonstrate in the speech he made how that relates now to the current EPA and perhaps the confirmation hearing vote that will be coming up.

Gina McCarthy is currently being considered to take the top job at the agency. Remember, I said Lisa Jackson had that job before and how much I thought of her. I like Gina. I like her very much. I have worked with her. She has had a different job for several years. She was the Assistant Administrator of the EPA for air issues.

It is very important people understand what we are looking at. We have a good personal relationship, but she is the one who is responsible for all of the worst regulations that have come from the EPA in the last 4 years under Lisa Jackson's leadership. Lisa Jackson was the director, but Gina McCarthy was the air director. It is from the air office, the Assistant Administrator for Air and Radiation, where she has the most expertise and where all of the worst regulations will come from in the future.

After President Obama's speech on global warming, it became clear that Gina McCarthy would be used as the tool of the administration for all these regulations that will destroy the American economy. I have listed these up here, and it is worth looking at.

In the last 4 years, we have had Utility MACT. MACT means the maximum achievable control technology. That means what technology is out there to control emissions. She was able to get that through, and \$100 billion and 1.5 million jobs were lost. The next is Boiler MACT, \$63.3 billion and 800,000 jobs lost. Regional haze—another regulation regulating the air—will increase the cost of Oklahoma's electricity bills by over \$1.8 billion. These are all figures that are incontrovertible, so people don't disagree with.

In the next few years, even worse regulations are likely to come out. Greenhouse gas regulations may be the

worst, but there are also the others listed. Greenhouse gas is the one we have been talking about, but you also have the ozone NAAQS regulations. Adjustments to that rule will put 2,800 counties out of attainment, including all of them in Oklahoma.

We have 77 counties in the State of Oklahoma. I can remember when I was the mayor of Tulsa, they came out with new regulations that put Tulsa County out of attainment. When you are out of attainment, that means you can kiss any energy development, new manufacturing opportunity, any other business expansion goodbye. They will not be able to get a permit from the EPA.

Gina McCarthy is the face of President Obama's overregulatory agenda that is threatening our energy independence and putting our economic future in peril. We can't allow these regulations to move forward. I think the key to that is the person who is responsible for all the regulations, all the costs, all the jobs I just enumerated, both during her tenure as the air boss of EPA and then these that would come in the future, that would be in her goal. She would be the tool that is being used by the administration.

Yesterday was kind of interesting because Heather Zichal is President Obama's climate czar and she was on the Hill huddling in a secret meeting with some of the chief alarmists such as BARBARA BOXER and the rest. In the meeting, they talked about the President's plan and presumably this memo—with wordsmithing talking points from the memo we talked about before. So the one we had up before is the same thing they talked about yesterday: This is how you are going to have to word all this stuff.

Their goal is not to protect the American people; it is to control them. They want top-down control, and carbon dioxide regulations will give them this tool. Their talking points memo proves they are doing all they can to craft their message in a way that convinces Americans they are not trying to crush our economy but instead trying to help. But the truth is, their regulatory agenda will only cause more unemployment, lower economic growth, and lower take-home pay for the American people.

President Obama delivered a beautiful speech on global warming. That is how I started this. It was well thought out, and he is very gifted. He had a beautiful speech, and he is embarking on the most devastating surge in regulation that will cost hard-working Americans millions of jobs and tax increases to accomplish this.

Keep in mind, if you do all these things it is not going to lower CO<sub>2</sub> emissions. That is proven. No one has denied it. That even came from the Administrator of the EPA. It is going to be devastating to the American people.

This is big. It has a lot to do with the confirmation hearing of the very fine lady who has been a good friend of mine for a long time, but the one who is responsible for these air regulations that are killing jobs in America, and we cannot let that happen.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the controlled time be extended until 7 p.m., and that all the provisions of the previous order remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I come to the Senate floor from time to time to share thoughts from people in my State. All of us are hearing comments from college students, people who have finished college, and often from the parents of those who face a massive debt from going to 2-year and 4-year private-public schools. This situation can sometimes be even more tragic at for-profit schools where they haven't gotten much help in their job search. It can be even more tragic if they have not finished school and still face this debt.

My wife Connie Schultz graduated from Kent State University some number of years ago. Her father was a utility worker and carried a union card for more than 30 years. Her mother was a home care worker. She was the oldest of four and the first in her family to go to college. Her two younger brothers and sister also went to college.

Connie graduated from Kent State University 30-some years ago with a debt of only \$1,200. That so starkly illustrates the difference from today and then. She had little privilege, little money, and parents who couldn't really put much money out, but with lower tuition, Pell grants, a few scholarships, Stafford loans, and working, she was able to get through school with little debt.

The stories we hear today are so different from that. I plead with my col-

leagues that we freeze interest rates at 3.4 percent. I know that will not solve anything close to all the problems of college tuition and costs of room and board, but it will help. We need to do much more than that.

Every year I convene 50 or 60 college presidents from Ohio's 2- and 4-year private and public schools, community colleges, and 4-year State universities. I invite all of them to come and discuss these issues. We have done it for 6 years in a row. It is helpful to try to find ways to keep higher education costs in check, but, again, it is not nearly enough.

I am hopeful that in the next 24 hours or so we can freeze interest rates at 3.4 percent and then get serious about what we are going to do about the \$1 trillion aggregate debt that students, or former students, have in this country. We need to focus in part on the \$150 billion of the \$1 trillion which 2.9 million students are burdened with. That is debt from the private market for the \$150 billion of the \$1 trillion. Fifteen percent is in the private market where interest rates sometimes are as high as 12 or 15 or 16 percent. Few private banks are willing to renegotiate and refinance those loans.

My legislation with Senator HEITKAMP will help with a carrot-and-stick approach to encourage the private institutions—banks and private lenders—to refinance these loans.

Let me share a couple of letters from students and families because I think that speaks volumes better than I can.

This is a letter from Daniel from Centerville, OH. Daniel has been at the University of Dayton.

He said:

I currently have \$100,000 in outstanding loans. Last summer (2012) I graduated with a Masters Degree in Middle Child Education and the previous summer I graduated with a Bachelors in Middle Child Education as well from Wright State University in Dayton, Ohio.

Starting in July of 2013, because of the high interest rates, my average monthly payment for all my student loans will be \$600 a month.

I recently got one of my payments lowered; otherwise that total would be over \$800 a month.

I have consolidated all I can, and even deferred (and still made payments while in deferment) other loans which will be due in February 2014; adding to the \$600 a month payment.

I teach in a school in Cincinnati and LOVE THE WORK THAT I DO.

It was impossible to find a job in Dayton, so now I spend \$200 a month in gas traveling over 40 miles (one way) to work.

Even though I have a part time job in the summer, while school is out, I still find myself struggling to pay bills.

Further down in the letter he says:

Afterall, I will be well over 65 years old before I am able to pay all of my college loans off.

This country needs to rethink its priorities.

That was Daniel from Centerville, OH.

Melinda, from Canton, OH, in north-east Ohio, writes:

After graduating from college, I had roughly \$23,000 in student loan debt. My payments are \$276 a month until I'm in my 30s, and I am very tightly budgeted.

While I am able to make this payment, which is my largest and most important bill each month (aside from rent), it puts me in a vulnerable situation when it comes to emergencies.

I recently had to have surgery for a chronic medical problem. I was in an auto accident and had to visit the ER.

Making that loan payment every month leaves very little extra to be saved for unexpected expenses.

I understand it's my responsibility to pay it, and I loved every minute of my education so it was well worth it, but at the end of the day a hike in my interest rates may be the difference between me saving a little money each month or saving no money each month.

Also, I fall asleep each night knowing that I am 24 years old and have yet to begin saving for retirement which will be a very important issue for my generation.

We are not getting into the issues of retirement, Social Security, and the effort by some of our colleagues to privatize that system—I will not even go into more detail there.

Christie from Ashtabula, the community where my wife grew up, writes:

As a low-income individual, I was forced to decide on going to college by a measure of a few things—who could give the best education, and the most financial aid.

But there was a catch—I couldn't leave Ohio, and I couldn't live far away from home because I didn't have access to a car and my single parent mother (who works two jobs), would have no way to get me if there were any emergencies.

I chose Case Western Reserve University, a renowned university [ranked] at 37th in the country.

My financial aid package was hefty.

If I paid full tuition (\$52,000) each year, I would be at an insane \$200,000 by graduation.

Luckily, by the end I will only owe a quarter of that. Yes, that's still around \$60,000—\$60,000 in student loan debt. That's pretty much a house and a car.

The last letter I will read is from Linda, who is from my hometown of Mansfield, OH.

I have two children who are currently attending state colleges (Cleveland and Akron). We are a middle-class family working hard to make ends meet, and help our children to the best of our ability. Even after saving for them, and thinking we had plenty for them to get through without much debt, the market crashed in '08, and more than HALF of our hard-earned college savings for them disappeared. They have had to take out loans in order to be able to attend.

We do not have the money for them to "borrow" from us, or to pay the thousands that their college savings doesn't cover. Both of them are on the Dean's list every semester.

My son is an environmental science major, and my daughter minored in Spanish, and her major is exercise physiology and physical therapy. They are bright and intelligent and have worked extremely hard to get where they are. I implore you not to leave them with ridiculous amounts of debt by doubling the interest rate.

These stories are pretty consistent. These students are struggling. They already are thinking about buying a

house, starting a business, and saving for retirement even though they are in their twenties. They know the challenges are greater in this generation than in previous generations.

Also, what is obvious from these letters is the impact this has on families and not just the student who is 25 or 22 or 19 or 28, facing years of paying off student loans. It has an impact on the family who maybe takes a second mortgage on their house to help their son or daughter, the family who faces foreclosure because of financial problems, the family who simply can't help their student—as broken-hearted as that makes a parent, they can't help their son or daughter because of their financial situation, to help them with their college education.

Again, I am hopeful we can freeze interest rates at 3.4 percent for 1 year and get serious about what we need to do about access to college and affordable higher education for our young people.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senator from Tennessee and I be allowed to engage in a colloquy and speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HOUSING FINANCE REFORM

Mr. WARNER. Mr. President, it is a pleasure to be here today with my friend the Senator from Tennessee to talk about legislation that we and eight—actually now nine of our colleagues—bipartisan legislation that has been recently introduced to reform our housing finance system.

I came into office a couple of years later than the Senator from Tennessee, but I got here in January of 2009 when the entire future of our financial system was uncertain. We members of the Banking Committee rolled up our sleeves and tried to work together to prevent future crises. Well, history will determine whether we accomplished that goal.

The Senator from Tennessee and I worked strongly together on a couple of titles of what has subsequently become known as the Dodd-Frank legislation. While there are problems in that legislation, while there are problems still within our financial system, I think no independent observer would not say that our financial system today, in 2013, is stronger than it was after the crisis.

But one area that did not receive very much attention was the question

of housing finance. We also know that in many ways our housing finance system, both from lack of underwriting, the process that then ended up allowing a lot of mortgages to get packaged off, securitized, with the assumption that there would never be a decline in housing prices or a significant decline in housing prices and that these securities would never be in jeopardy, in many ways led to part of that financial crisis. At the end of the day, those institutions—Fannie and Freddie—that had been the core of our housing finance system ended up acquiring \$188 billion of taxpayer support to shore up those institutions so that the whole housing system would not collapse.

Well, it is now 5 years later, and we believe it is time to transform the failed model of Fannie and Freddie into a smarter, sustainable system with more private capital. We believe we can better protect the taxpayer and maintain broad access to affordable mortgage credit. But we need to act soon to prevent this issue from falling victim to election-year politics. And everyone—from the administration, to many of us here on the floor of this Senate, to many housing experts—knows the status quo is not sustainable.

So we have two important questions before we get into some of these principles about which I will engage my colleague the Senator from Tennessee: 1. Why do we need to take action now, and the second question is, why does Congress need to act?

I will take the first question. Why is the time now? Well, over the last 5 years since the housing and the overall financial crisis, we have seen—slowly, albeit—the housing market come back to life. Obviously this has been supported by a low interest rate environment that has permitted more refinancing and loan modifications. Rising home values have brought many home owners out from underwater mortgages. Housing prices have been a significant factor in Fannie's and Freddie's recent record profits. But now those very profits have somehow been wrapped into at least some of our colleagues' discussions about our debt ceiling debate.

I speak for this Senator and I think the Senator from Tennessee and, candidly, I think many Senators are not even engaged with us on this debate right now. The last thing we want is for Fannie and Freddie to virtually serve as a piggy bank for the pet projects of either side of the aisle. If we are not careful, that could happen.

Fannie and Freddie have been in conservatorship for 5 years. Before we become even more dependent upon this broken system, it is time for us to move forward. So I would like to ask my colleague the Senator from Tennessee, if now is the time, if he might share with us some of the ideas he feels

and we feel about why it is important that Congress be involved in this process and not simply allow this conservatorship to go on ad infinitum into the future.

Mr. CORKER. Mr. President, I wish to thank the Senator from Virginia. I have thoroughly enjoyed working with him on this issue. We have been working on it since last fall. We spent a lot of time talking to various groups to try to get this right. We know that every bill can be improved, but we have done our best to present something to the Senate that we hope will be marked up in the Banking Committee, something that, as the great Senator from Virginia mentioned, has attracted numbers of people on both sides of the aisle. I again thank Senators TESTER, JOHANNIS, HEITKAMP, HELLER, MORAN, HAGAN, and now KIRK for joining us in this effort. This is a diverse group of folks from diverse places around the country who have come together to solve this major problem.

All during the Dodd-Frank debate—and we were certainly in the middle of that—all people talked about it seemed was the fact that Fannie and Freddie were not included. Yet Fannie and Freddie were two of the biggest failures that occurred during that time. As the Senator from Virginia rightly mentioned, \$188 billion of taxpayer money had to go into these entities.

We have dealt with most of the issues around the crisis. I know there are still some rules that are being promulgated. We had some that came out yesterday. But this is the last piece.

As the Senator mentioned, the housing sector has been growing and coming back. We understand the importance of the housing sector; therefore, we have designed a bill that transitions over time and moves us to a model that we hope and believe strongly is far more sustainable.

First of all, let me mention the five things we have worked on together. I know each of us is going to stress a lot of different things as we move through. I know we plan to come down here at multiple intervals as we move ahead. But No. 1, what does this bill do? First and importantly, it breaks up the GSEs and liquidates them. It does it over time, but our bill does that.

Secondly and very importantly—this is something we have talked about a great deal with industry and certainly people from all sides of the aisle—this bill puts 10 percent private capital in advance of any kind of government reinsurance. I want to say to the Senator that one of the reasons we looked at it this way is that if Fannie and Freddie just had 5 percent capital, there would have been no taxpayer losses. But putting this much capital in advance really is a buffer against the taxpayer needing to be involved in it. It fully privatizes a number of functions that are currently performed by Fannie and

Freddie. It gets the U.S. Government out of the business of pricing credit, which is something we both have thought needed to occur.

It modernizes our system of mortgage-backed securities. But I think the thing we began with—and I so appreciate the Senator's involvement. We realized that one of the major flaws in our housing finance system in the past and even—well, it is not today because the government owns these two entities, but in the past has been private sector gains, public losses. I mean, when you have a situation where you have shareholders, you have the private sector doing well when times are good; they had an implicit guarantee; people figured that the government would come in and backstop these entities if they failed. Obviously their underwriting standards got really terrible. The organizations failed. What happened? The taxpayers came to the rescue, unfortunately, with \$188 billion, which has not been paid back. We still have these entities in conservatorship. One of the flaws both of us, coming from the private sector, saw was that this is not right; there is no way we should have entities where there is private sector gains when things are going well and public sector losses.

I wish to thank the Senator for joining in, for all of the hours he and his staff have put into this to try to make this bill as good as we can possibly make it to bring it to the floor.

I look forward to the input of the entire Senate. I hope we have an opportunity for a markup and a presentation later this fall. But I could not be more grateful to the Senator for his efforts and his willingness to do this and obviously his willingness to work hard to see this go across the finish line.

Mr. WARNER. Mr. President, I wish to return the same compliments to the Senator from Tennessee. He brought a greater breadth of background in housing finance and the public finance sector than I did. But together, working with our other colleagues, I think we have all built a series of critical points.

Again, echoing what the Senator from Tennessee said, there are always ways to improve on legislation, but the first and foremost point was that we need to make sure there is taxpayer protection. We need to make sure the taxpayers are fully repaid that \$188 billion. We need to make sure as well—and we spend a great deal of time working with industry and others—that there continues to be broad access to market credit.

I think one of the challenges we both felt with Fannie and Freddie was there was not only a combination of a private sector gain, public sector loss with this kind of hybrid model, but layered on top of that was a social purpose. I, for one, believe very strongly that we have to make sure there is affordable housing, that there is good ac-

cess to market credit. But when you layer that on a quasi-private entity, as we did for years with Fannie and Freddie, you end up where you are not sure whether those entities are performing that necessary securitization and financing purpose to maintain the overall housing financing sector or whether they are allowing certain loans that maybe shouldn't have gone into this process because of the social purpose.

So we have said: Well, we have to make sure there is the appropriate private sector taxpayer protection: 10 percent capital—very important. We also said: Let's go ahead and split off that public sector role, clearly identify it, make sure that for those loans that get securitized, a small transaction fee—not a tax, a small transaction fee—is charged. Those funds are then set aside to promote rental housing, access to credit, low-income housing. Have that audited, stand alone, perform that important function.

As we said as well, doing this, as the Senator from Tennessee has mentioned—he has been quite strong on this—we are going to make sure the government role is clearly defined but much more limited. There are some who say we can do this totally on the private sector side. Well, we hope there can still continue to be the 30-year fixed-mortgage product that I think the American public has come to expect. We can privatize more, but not having the ability to have the government backstop would remove that very essential component of our current housing financing system. So a more limited government role but still the ability for our American consumer to have the kind of access to the financial products they have come to expect. Again, it has been mentioned—making sure that we expand private sector capital and make sure that they take care of that underwriting and credit assessment that, quite honestly, the old model did not really provide.

I would like to ask the Senator from Tennessee this because this is one on which we went around and around. I again thank him and his staff and my staff and the staff of our now nine cosponsors of this legislation. One thing that was quite important to us was that if you are going to create this new model, how do we make sure that—while we want more competition, private sector competition, while we want institutions to be able to go ahead and provide this important issuance and securitization function, how do we make sure that those small banks—that community-based bank or that credit union, that small bank in Knoxville or that small bank in Martinsville, VA—still gets access to the same kind of ability to issue mortgages, have those mortgages securitized, and not be at a disadvantage of some of the mega-institutions?

So I would ask my colleague, the Senator from Tennessee Mr. CORKER, why doesn't the Senator speak to that issue because it did take us a lot of work to try to get this right, and there may be even further refinement. But I think this is an area—again, with the reaction we have seen from the credit unions, the community-based banks—where I think we have made a great first step.

Mr. CORKER. One of the things, no question, that many banks and credit unions around our country have been concerned about, even though Freddie and Fannie are 90 percent of all home mortgages today—and very dominant, obviously, because of what has happened but also because of the tremendous market share they have had—is if we are going to wind these down, are they going to be assured access into this market. So we have created mechanisms for them to be able to come in through issuers to do this.

One of the things so many of the community banks and credit unions have complained about as a tremendous disadvantage with our system was that there was volume pricing. In other words, if you were a big user of Fannie and Freddie, they gave you a big volume discount—Wells Fargo, Bank of America, JPMorgan. As they tried to process loans through Fannie and Freddie and this whole system, they got big volume discounts, so they were more competitive.

These organizations I mentioned are, obviously, important, but the community bankers who mean so much are the ones who drive things back home. The community bankers are members of the Rotary Club, the Lions Club, and are involved in our communities, and they were constantly at a disadvantage as it relates to housing finance. So one of the components of this bill is not only to ensure they get equal access to the system—and we do that very eloquently in this bill—but in addition to that we ensure there is no mechanism that allows for volume pricing.

Everybody is treated the same, as it should be, because in this particular case we end up with an explicit government guarantee that is very different. We don't have a situation where we have private shareholders doing well when things are doing good and the public doing bad. But one of the reasons we felt confident in moving in this direction was the tremendous amount of upfront capital.

So we dealt with the smaller institutions. As a matter of fact, we sat down and worked through the many issues they have brought up. We know how important they are to everyone here and everyone in the country. We dealt with that, but we also created enough upfront capital, as the Senator has mentioned, to protect the public.

I know, again, that every bill can be improved. We saw that most recently



with the immigration debate. As a matter of fact, I think that is a good model. We have introduced something that I hope the Banking Committee will take up soon. It is almost unprecedented to have nine members of the Banking Committee cosponsoring a piece of legislation. Hopefully it will have the opportunity for a markup, for improvements, and we know the chairman and ranking member, obviously, are going to want to put their stamp, as will many members on the committee, on anything that occurs. But I think we have done some of the work that is important to establish a very good beginning place.

We tried to address, as the Senator mentioned, the many community banks around our country that are in here constantly and that are so important to the States we represent. We have done that. Again, I know to the Senator and his staff, and many of the cosponsors, that was something that was an ultimate threshold for them, was to ensure the community bankers and credit unions around our country had the appropriate access, and I think we have hit that good place in this bill.

Mr. WARNER. Mr. President, I know our time is about up, but I want to close and then I will turn it back over to the final comments of my colleague, the Senator from Tennessee.

I want to say to my colleagues and their staff and those interested in this issue that this was the one piece of unfinished business in our financial system reform. While there are some today who say: Well, things have gotten better, we should allow the status quo to continue—well, I don't think, from the administration on down, there is anyone who thinks the status quo simply continuing—with private sector gain and public sector losses—is the right model.

We ought to take the lessons we have learned over the last 5 years—some of the very good work in terms of the standardization that is being done at the FHA right now—and set up a new model. As the Senator from Tennessee said, make sure we get that taxpayer protection.

I would simply add that housing is a critically important part of our overall economy, and on any piece of legislation—and let me not say all these groups have endorsed this legislation but they have all been generally supportive, they all have had areas they wanted to see improvement in—when you have realtors and homebuilders and mortgage bankers and large and small banks and community organizations and groups who are concerned about low-income housing and rental housing all saying we are in the ballpark in an area that is so important to our economy and so complex, I think we have taken a great first step. So I would urge colleagues to join with us.

The Senator and I will be happy to come and make presentations. We have

found, as we have sat down with many Members and walked them through all the processes and all of the kinds of protections we have built into this legislation, that the presentations have been one of the reasons we have had such success with nine members of the Banking Committee—almost half of the Banking Committee, without all of them even having had a full presentation—pledging their support.

I again thank my colleague, the Senator from Tennessee, for his great work and leadership. He has been the lead sponsor. I am proud to be his wing man on this as we continue to work through it.

My sense, though, is this is the time. It is my hope the Banking Committee will take up this piece of legislation and make their improvements on it. It would be a huge mistake, with interest rates at this kind of record low, with this housing market coming back, and with us putting in place a 5-year appropriate transition time, not to act now. If not now, then when would be the right time to do the kind of meaningful housing finance reform that I think so many experts across the ideological spectrum have all called for?

I look forward to working with my colleague, the Senator from Tennessee, and I thank him for his good work, and I am happy for him to close out our comments today.

Mr. CORKER. I thank the Senator again for all the hours that have been spent. I think we have both realized this is a beginning point, meaning this is a piece of legislation that has a lot of bipartisan support among talented and wise Members—excluding the two of us—and I thank him for joining in and helping make this bill better. Obviously, this is something we think may be taken up sometime this fall, and I do hope we will have the opportunity to make presentations to people throughout the Senate very soon.

I want to make two points. The Senator from Virginia, because of his background, was probably more involved in the banking issues than most people here because he brought a lot of background and expertise. I felt fortunate to be involved in some way during that time, and he and I both remember—and I hope Members of this body will remember—back to the big issue that people felt during that time was not addressed were the two GSEs, Fannie and Freddie. Candidly, it was a pretty complex undertaking. There were a lot of other things happening. It was a fair criticism, but at the same time, there was a lot being dealt with. Time has gone by now, the housing market has improved, but we still haven't finished our work.

I think most people here understand that this last crisis brought such hardship to so many people across this country, with trillions and trillions of dollars of household wealth going down

the tube because we had a system that wasn't stable, a system that was making bets on things it shouldn't have been making. It was excessive. As the Senator has mentioned, between the regulators and some of the rules that have been passed, the system is stronger now, but we still have not dealt with this.

I would ask my colleagues to consider later this year looking at something to finish that work so we can shore up the housing market and do everything we can to keep that from happening again. Because again, we know how important the housing industry is to us.

Secondly, I think the window is closing. For what it is worth, there are a lot of people throughout our country who have a personal stake in trying to keep the status quo in place, to keep the situation where we have, again, private shareholders the public believes have the government standing behind it and no matter what they do they are going to be bailed out or whatever, placed in conservatorship. People are beginning to see that maybe even though these entities haven't paid back a single dime yet, they haven't reduced the \$188 billion—not one penny of capital for the indebtedness has been returned. Certainly, there have been dividend payments. But people are coming out of the woodwork now to try to reinforce the old system.

Next year we are going to be moving into an election cycle again. It happens every 2 years around here. We have had a pretty productive year this year so far. I am proud of a lot of work the Senate has done. This is a big and important piece of work, as we have mentioned, that is undone. The timing is right because of a lot of forces out there that, again, would like to keep the status quo. So I want to again thank the Senator from Virginia for his thoughtfulness, the other Members who have cosponsored this and gone through a complex issue and come up with a very elegant solution to this problem, and I hope we will have the opportunity to work together to actually do something that makes our country stronger and causes our housing finance system, which is so important to our economy, to be more sustainable.

I thank the Senator. I look forward to coming to the floor with him again and continuing the many meetings we are having with Senators on both sides of the aisle and, hopefully, with a lot of input from others, coming up with a solution the entire body addresses.

I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.



The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I now ask that the Senate proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING WILLIAM H. GRAY III

Mr. REID. Mr. President, I rise to pay tribute to a colleague, a leader, a statesman, and a humanitarian, but most of all I rise to pay tribute to my friend, Bill Gray, who passed away last week.

Bill Gray and I served together in the House of Representatives during a time that was much different than the world we see today. From his early days in Congress, Bill Gray sought to aid and unify an extremely diverse caucus. This collaborative work ethic, along with a comprehensive understanding of the congressional budget process, helped him earn the respect of his colleagues. Bill Gray rose through the ranks to become the first African American to chair the House Budget Committee. Later, he would serve as chair of the House Democratic Caucus and go on to become the House majority whip, the first African American to do so in each position, and at that time, the highest ranking African American in congressional history.

From his first day in Congress, through his rise to leadership, Bill Gray fought for the people of Philadelphia as a tremendous advocate for fairness, equity, and democracy. Bill was willing to compromise to get to a balanced budget because he knew it was good for the entire country, both the rich and the poor. He once said, "A balanced budget is good for the country, the affluent and poor alike. I seek a budget that doesn't sacrifice programs for the poor and minorities, one that is fair and equitable." Gray's advocacy for fairness was also evident at the international level, as he was an early leader in the drive to end U.S. investment in the apartheid government of South Africa.

Bill Gray's commitment to humanity and public service did not begin or end with his time in Congress. Prior to serving in the House of Representatives, Bill was pastor of Bright Hope Baptist Church in North Philadelphia and still ministered to his congregation while serving in Washington. After retiring from Congress, he served as president of the United Negro College Fund, and was later appointed by President Bill Clinton to serve as Special Envoy to Haiti.

Despite all of Bill Gray's historic achievements, he still managed to re-

member his friends. A few years ago, Bill and his son, Justin, visited my home State of Nevada. The people he met in Las Vegas knew all too well of his service to this Nation and, even more, they just appreciated him for coming to visit our town. I appreciated him, too.

I will always remember Bill Gray, not only as a trailblazer or public servant, but as my friend. My thoughts are with his family and I hope fond memories offer comfort during this time of grief.

#### HONORING OUR ARMED FORCES

##### CALIFORNIA CASUALTIES

Mrs. BOXER. Mr. President, today I wish to pay tribute to 21 servicemembers from California or based in California who have died while serving our country in Operation Enduring Freedom since I last entered names into the RECORD on September 11, 2012. This brings to 402 the number of servicemembers either from California or based in California who have been killed while serving our country in Afghanistan. This represents 18 percent of all U.S. deaths in Afghanistan:

CS2 Milton W. Brown, 28, of Dallas, TX, died August 4, 2012, from a non-combat related incident in Rota, Spain. Culinary Specialist Second Class Brown was assigned to Strike Fighter Squadron (VFA) 137, Lemoore, CA;

Sgt Camella M. Steedley, 31, of San Diego, CA, died October 3, 2012, while supporting combat operations in Helmand Province, Afghanistan. Sergeant Steedley was assigned to Combat Logistics Regiment 17, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA;

SGT Thomas R. Macpherson, 26, of Long Beach, CA, died October 12, 2012, in Andar District, Afghanistan, from small arms fire while on patrol during combat operations. Sergeant Macpherson was assigned to the 2nd Battalion, 75th Ranger Regiment, U.S. Army Special Operations Command, Joint Base Lewis-McChord, WA;

SGT Clinton K. Ruiz, 22, of Murrieta, CA, died October 25, 2012, of wounds suffered when his unit was attacked by small arms fire in Khas Uruzgan, Uruzgan Province, Afghanistan. Sergeant Ruiz was assigned to the 9th Military Information Support Battalion (Airborne), 8th Military Information Support Group (Airborne), Fort Bragg, NC;

SPC Daniel L. Carlson, 21, of Running Springs, CA, died November 9, 2012, in Kandahar Province, Afghanistan. Specialist Carlson was assigned to 3rd Battalion, 25th Aviation Regiment, 25th Combat Aviation Brigade, 25th Infantry Division, Wheeler Army Airfield, HI;

SSG Kenneth W. Bennett, 26, of Glendora, CA, died November 10, 2012, in Sperwan Gar, Afghanistan, from inju-

ries sustained when he encountered an improvised explosive device during combat operations. Staff Sergeant Bennett was assigned to the 53rd Ordnance Company (EOD), 3rd Ordnance Battalion (EOD), Joint Base Lewis-McChord, WA;

PO1 Class Kevin R. Ebbert, 32, of Arcata, CA, died November 24, 2012, while supporting stability operations in Uruzgan Province, Afghanistan. Petty Officer First Class Ebbert was assigned to an east coast-based Naval Special Warfare unit in Virginia Beach, VA;

Sgt Michael J. Guillory, 28, of Pearl River, LA, died December 14, 2012, while conducting combat operations in Helmand Province, Afghanistan. Sergeant Guillory was assigned to 1st Marine Special Operations Battalion, Camp Pendleton, CA;

SSgt Jonathan D. Davis, 34, of Kayenta, AZ, died February 22 while conducting combat operations in Helmand Province, Afghanistan. Staff Sergeant Davis was assigned to Headquarters Battalion, 32nd Georgian Liaison Team, Regimental Combat Team 7, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA;

CPO Christian Michael Pike, 31, of Peoria, AZ, died March 13 in Landstuhl, Germany, as a result of combat-related injuries sustained on March 10 while conducting stability operations in Maiwand District, Afghanistan. Chief Petty Officer Pike was assigned to a west coast-based Naval Special Warfare unit;

SFC James F. Grissom, 31, of Hayward, CA, died March 21 at Landstuhl Regional Medical Center, Germany, of wounds suffered from small arms fire March 18 in Paktika Province, Afghanistan. Sergeant First Class Grissom was assigned to the 4th Battalion, 1st Special Forces Group (Airborne), Joint Base Lewis-McChord, WA;

SGT Deflin M. Santos Jr., 24, of San Jose, CA, died April 6 in Kandahar, Afghanistan, of wounds suffered when enemy forces attacked his unit in Zabul, Afghanistan with a vehicle-borne improvised explosive device. Sergeant Santos was assigned to the 5th Squadron, 7th Cavalry Regiment, 1st Armor Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA;

Capt Reid K. Nishizuka, 30, of Kailua, HI, died April 27 near Kandahar Airfield, Afghanistan, in the crash of an MC-12 aircraft. Captain Nishizuka was assigned to the 427th Reconnaissance Squadron, Beale Air Force Base, CA;

SSgt Richard A. Dickson, 24, of Rancho Cordova, CA, died April 27 near Kandahar Airfield, Afghanistan, in the crash of an MC-12 aircraft. Staff Sergeant Dickson was assigned to the 306th Intelligence Squadron, Beale Air Force Base, CA;

SPC Trinidad Santiago Jr., 25, of San Diego, CA, died May 2 in Camp Buehring, Kuwait, of injuries sustained

in a vehicle accident. Specialist Santiago was assigned to 4th Battalion, 42nd Field Artillery Regiment, 1st Brigade Combat Team, 4th Infantry Division, Fort Carson, CO;

Capt Victoria A. Pinckney, 27, of Palmdale, CA, died May 3 near Chon-Aryk, Kyrgyzstan, in the crash of a KC-135 aircraft. Captain Pinckney was assigned to the 93rd Air Refueling Squadron, Fairchild Air Force Base, WA;

TSgt Herman Mackey III, 30, of Bakersfield, CA, died May 3 near Chon-Aryk, Kyrgyzstan, in the crash of a KC-135 aircraft. Technical Sergeant Mackey was assigned to the 93rd Air Refueling Squadron, Fairchild Air Force Base, WA;

SFC Jeffrey C. Baker, 29, of Hesperia, CA, died May 14 in Sanjaray, Afghanistan, of wounds suffered when enemy forces attacked his unit with an improvised explosive device. Sergeant First Class Baker was assigned to 766th Ordnance Company, 63rd Ordnance Battalion, 52nd Ordnance Group, Fort Stewart, GA;

SPC William J. Gilbert, 24, of Hacienda Heights, CA, died May 14 in Sanjaray, Afghanistan, of wounds suffered when enemy forces attacked his unit with an improvised explosive device. Specialist Gilbert was assigned to 3rd Battalion, 41st Infantry Regiment, 1st Brigade Combat Team, 1st Armored Division, Fort Bliss, TX;

SPC Ray A. Ramirez, 20, of Sacramento, CA, died June 1 in Wardak Province, Afghanistan, from injuries sustained when his unit was attacked by an improvised explosive device. Specialist Ramirez was assigned to the 3rd Battalion, 15th Infantry Regiment, 4th Infantry Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA;

SGT Javier Sanchez Jr., 28, of Greenfield, CA, died June 23 in Sar Rowzah, Afghanistan, of wounds suffered when his unit was attacked with an improvised explosive device while on mounted patrol. Sergeant Sanchez was assigned to the Special Troops Battalion, 2nd Brigade Combat Team, 10th Mountain Division, Fort Drum, NY.

#### TRIBUTE TO DAVID J. HAYES

Mr. HEINRICH. Mr. President, today I wish to recognize David J. Hayes, who stepped down on June 28, 2013, from his position as Deputy Secretary of the Department of the Interior, and I ask consent that the following remarks about him and his service be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELECTED REMARKS ON THE WORK OF DEPUTY SECRETARY DAVID J. HAYES

ELECTED OFFICIALS AND CABINET SECRETARIES

President of the United States Barack Obama: "David's leadership at the Department of the Interior has played an important

role in my Administration's efforts to expand domestic energy production, including renewable energy as well as America's oil and natural gas resources. His expertise has helped shape our approach to conservation and our efforts to combat climate change, and as the Chair of the interagency working group on energy development in Alaska he has ensured that decisions we make regarding the Arctic are based on the best science. I am also grateful for David's work to help usher in important water rights and legal settlements that will help restore trust and strengthen our relationship with Indian Country."

Sally Jewell, Secretary of Interior: "David has been a key architect for nearly every significant initiative undertaken at Interior over the last four years," said Secretary of the Interior Sally Jewell. "From his work on expanding renewable energy production on public lands and waters, to coordinating federal family energy activities in Alaska, to developing a landscape-scale approach to conservation and climate change, David has left an indelible mark."

Ken Salazar, Former Secretary of Interior: "Over the last 4 years, you have distinguished yourself as a key leader in implementing the President's agenda at the Department of the Interior. Your historic work on energy and climate change, conservation, Native Americans and water challenges have been at the heart of an Obama legacy and will last forever."

"On the energy front, you have been one of the key players in the Administration, implementing the President's all-of-the-above energy strategy . . . You have played a key role in helping create a conservation legacy for the President. Your work has included helping define the future for the Atlantic and Arctic Circle, new urban parks, Gulf Coast Restoration, and the creation of a National Blueway System for America's rivers. The conservation community holds you in the highest regard."

"As the Chief Operating Officer of the Department, you have led historic reforms in the organization of Interior including overhauling the agencies that oversee oil and gas production on public lands and implementing the numerous efficiency measures necessary for these tough fiscal times . . ."

"Your results oriented approach to solving problems makes me very proud of you. In contributing to a lasting Presidential legacy, you have helped create a better world for humanity through your dedication, loyalty, and indefatigable energy."

Congressman Tom Cole (R-OK): "I note with deep regret the decision of Deputy Secretary of the Interior David Hayes to retire from public life," said Cole. "David Hayes has been one of the most gifted and accomplished public servants of his generation. He served the Administration and, more importantly, the country with skill, integrity, vision and leadership."

"Among his many accomplishments, the most noteworthy is surely his settlement of the so-called Cobell lawsuit on terms that were not only beneficial to the government but fair to hundreds of thousands of Native Americans and to tribal governments. It was David who recognized a problem and turned it into a solution, not only in terms of just compensation to Indians for years of mismanagement of their trust accounts but for tribal governments as well. His proposal to use part of the settlement to purchase fractionated lands and return them to productive use will benefit individual Indians and tribal governments in perpetuity. More-

over, the addition of a scholarship fund for needy American Indian students, as a component of the settlement, will benefit generations to come."

"On countless issues, including the complex Oklahoma water issue, efforts to partner with Indian tribes for the management of federal properties and initiatives to foster and speed up the development of resources in Indian Country, David led with skill, finesse and innovation. Moreover, he did so in ways that were inclusive, bipartisan and transparent."

"I wish David every success in private life. However, I certainly hope at some time in the future, he returns to public service. He is simply too gifted and capable to remain on the sidelines as the great public issues of the day are discussed, debated and solved."

U.S. Sen. Mark Begich (D-Alaska): "David Hayes has been a good partner to Alaska. Together, we made significant progress on streamlining OCS permitting, and Alaska saw the first offshore wells drilled in decades. I know that without his commitment to the Alaska Interagency Working Group, we would not have seen that progress."

Senator Dianne Feinstein (D-Calif.): "I have long known David to be an ingenious problem solver who has demonstrated time and again that he can close the deal on solutions for the West's great battles over natural resources."

"I will never forget David Hayes and Secretary Ken Salazar coming to my home in Washington on a Sunday morning to work on a solution that would dramatically improve the [water] allocation. David rolled up his sleeves and worked diligently until we had a workable solution."

U.S. Sen. Lisa Murkowski (R-Alaska): "I appreciate David's willingness to engage on difficult issues important to Alaskans, including contentious land management policies and offshore oil and gas development. The Alaska Interagency Working Group, which he headed, was central to improving the permitting process for offshore exploration. We did not always see eye to eye on what was best for Alaska, but David was effective and fair, and always brought honesty and integrity to what were sometimes tough discussions. I am sorry to see him leave."

President Ben Shelly, Navajo Nation: "Mr. Hayes has . . . tackled difficult topics with aplomb, including water rights settlements, energy development negotiations, and the non-renewable energy dependence of the Navajo Nation. He's demonstrated so with the utmost professionalism and understanding of the difficulty of the Navajo Nation . . ."

#### STAKEHOLDERS AND COLLEAGUES

Laura Crane, The Nature Conservancy: "The Nature Conservancy commends David Hayes for his commitment to find workable solutions that support renewable energy goals and protect the needs of people and nature. The approach developed for solar development on federal land under Mr. Hayes' leadership represents an important step forward in how energy can be smartly developed on our public lands and should serve as a model for how the Bureau of Land Management addresses all forms of energy development."

Helen O'Shea, NRDC: "David Hayes has been a major leader of the Interior Department during the Obama Administration just as he was during the Clinton Administration. He has left a tremendous legacy, particularly in connection with the development of the Department's new program for managing solar resources of the public lands."

Chris Wood, Trout Unlimited: “David Hayes defines all that is good about public service . . . He understands the imperative of protecting special places such as Bristol Bay, Alaska—the world’s most important salmon fishery—from industrial mining. Yet, in a demonstration of his balance, he also led Interior’s push to expand renewable energy development on public lands while protecting fish, wildlife and water resources.”

“David is smart, hard-working and very responsive to constituents, regardless of what side of the aisle they sit. He is a strong advocate of using collaboration to resolve vexing natural resource problems such as on the Klamath and Penobscot rivers where dam removal will open hundreds of miles for migrating salmon and other ocean-going fish. He will be missed.”

John Podesta, Center for American Progress: “Serving two presidents with honor and distinction, David Hayes has helped solve some of the nation’s most complicated natural-resources challenges over the past two decades. He has brokered everything from water deals in California to the settlements of longstanding injustices in Indian country. He has been a leader in helping us prepare for the impacts of climate change on America’s lands while ushering in a new era of smartly planned renewable-energy development in the Southwest and off our coasts. He has rightly earned a reputation as an honest broker, a tireless worker, a dedicated public servant, and an MVP when it comes to preserving America’s great spaces.”

Greg Pensabene, America’s Natural Gas Alliance: “During a time when technological advances associated with natural gas production have created new opportunities for our country, David has emphasized the need for safe and responsible development, while recognizing the important role that this abundant, American fuel plays in improving national security, cleaning the air, and jumpstarting our economy.”

Jim Lanard, Offshore Wind Development Coalition: “Since May 2009, when he was confirmed Deputy Secretary by a unanimous vote of the U.S. Senate, David Hayes has been a leader for offshore wind in the United States. While the industry is more than 20 years old in Europe, it is brand new here. Deputy Secretary Hayes understood this and impressively led his team to bring U.S. regulations into the 21st century. Under ‘Smart from the Start,’ he prepared federal and state governments to build a future for offshore wind energy.”

National Congress of American Indians: “Deputy Secretary David Hayes will depart the Department of Interior having left an indelible mark on the federal trust relationship between the federal government and tribal nations. He has been a consistent presence in Indian Country working tirelessly to uphold our nation-to-nation relationship. As a key member of Secretary Salazar’s team during the first term of the Obama Administration, David will be part of a legacy that has launched a new era in federal-tribal relations and set a new baseline for the Department of the Interior’s engagement with tribal nations.”

Jamie Williams, The Wilderness Society: “David leaves behind a tremendous conservation legacy at the Department of Interior, and we are deeply grateful for his work over the last four years.”

McKie Campbell, Senate Energy and Natural Resources Committee: “I think whether you’re agreeing with him or disagreeing with him on issues, David has established a good reputation as a square shooter . . . He lis-

tens, he communicates with people well, he’s fair.”

Randall Luthi, National Ocean Industries Association: “David Hayes was an experienced and often calm head through some very trying times both at the Department of the Interior and for the offshore oil and gas industry. He also made the effort to meet with industry officials, from large to small companies, to understand their concerns. Certainly decisions were made that may not have been industry’s first choice, but he listened.”

Dean Elizabeth Magill, Stanford Law School: “David has proven himself to be a visionary, effective, and wise policy maker.”

Paul Bledsoe, former Clinton Administration official: “(A)mong the top three or four most important Democrats on natural resources issues in the last 20 years . . . Hayes has ridden point with Secretary Salazar on many critical issues, including offshore Alaska leases, siting of renewable energy on public lands and fracking regulations that allow for responsible shale development . . . It’s hard to imagine anyone more expert in balancing the demands of resource protection, energy development and public uses of our national lands.”

Marilyn Heiman, Pew Center for the Environment: “Few policymakers have the knowledge and the strategic capacity to navigate complex and challenging natural resource issues and reach successful outcomes as David.”

“I don’t agree with all the decisions that have been made by the Department of Interior on offshore drilling, but I think they have been really well vetted and really thoroughly reviewed, and I have to say that I hadn’t seen that kind of work in the past.”

“This is a complicated area with a lot of different constituencies. He has immersed himself in the nuts and bolts.”

Phil Taylor, E&E reporter: “Hayes’ work as a diplomat on Capitol Hill has been seen as an asset for the Obama administration as it tackles controversial land management challenges ranging from hydraulic fracturing to the management of sage grouse, wolves, wind power and national monuments on public lands.”

“Hayes, who also served as counselor and deputy secretary during the Clinton administration, had a hand in nearly every significant Interior policy over the past four . . . years. He is credited with leading efforts to respond to and prepare for climate change at a landscape scale.”

“Under President Clinton, Hayes is credited with conserving old-growth redwoods in Northern California, pushing for the restoration of California’s bay-delta ecosystem, and settling long-standing American Indian water rights disputes.”

“Hayes drew praise among conservation leaders and sportsmen’s groups, which credited him with expanding renewable energy production on public lands while protecting valued habitats.”

“Described by some as a policy wonk, Hayes is known for his attention to detail and has been seen poring over stacks of binders in the Interior library. Sources say he reads many of the department’s environmental impact statements, fat books that weigh the potential environmental outcomes of agency decisions.”

EXCERPTS FROM EMAILS TO DEPUTY SECRETARY HAYES

FROM CURRENT AND FORMER DOI EMPLOYEES  
“Please know that your work never went unnoticed in the field, and we are very grateful to you for your support throughout the years.”

“I am simply writing to say thank you. Thank you from the bottom of my heart, and with the utmost sincerity, for placing the arctic on the national agenda. We are an arctic nation, and thank you so much for all of the tireless hours you have dedicated to the north, its people, and associated issues and concerns . . . I have developed a deep respect for you from a considerable lateral and vertical distance, and I want you to know that all of your hard work has meant a lot to at least one person in this wonderful state of Alaska.”

“I have appreciated your intelligence, your wit, and your thoughtful approach to managing the myriad of complicated issues here at the Department, and your work ethic has been nothing short of inspiring.”

“Your keen interest in Alaska and our multi-faceted (i.e. gnarly) issues has been particularly helpful to our work here. Your knowledge of all things big and small never ceased to amaze me. I hope that the many things that you started and shepherded will continue to their good end that you envisioned.”

“David, you’ve been such a mentor to me, and I credit a lot of my personal successes to your guidance and support. As for your time at the Interior Department, you always were the smartest person in the room, and an inspiring leader. And of course, and you’ve helped make history in overseeing DOI’s incredible conservation and renewable energy work.”

“I know I speak for everyone who’s had the chance to work closely with you over the past four years when I say that you will be very dearly missed here. I find it hard to imagine the Deputy Secretary’s office, the Department and countless individual initiatives without your leadership and vision.”

“I learned much in my time at DOI and from you. One particular lesson was the importance of having a Deputy Secretary that understands DC and is willing to take the hits for the Secretary again and again. I know this was invaluable for the Secretary’s agenda and for Interior.”

I want you to know that from my perspective as a career employee of almost 25 years, I can say honestly, and without any ulterior motives, that your legacy in Indian Country is one to be proud of and I think pretty darned unsurpassed. There are few thank yous in this business and I know that is not what motivates you. But I for one think you have done a great job and everyone is going to see how good it was once you are gone. I know that there are many others, tribal leaders included, who share my opinion.

#### FROM STAKEHOLDERS

“Selfishly, we are sad you are leaving the Department. It has been great working with you. As all the press reports say—you brought a very high standard to the Department and this will not be easy for the Secretary to replace . . . It has been a full term of work and so many challenges. We have appreciated your strong interest in Alaska and the Arctic, your dedication and hard work, your trust very much.”

“As you know, I’d feared this decision was coming for some time . . . Wanted you to know that I feel indebted to you for the continuing time, attention, expertise and consistent commitment that you’ve always made to elevate and address California-related conservation issues. You have made a real difference in your work at the Department—and beyond—over now two different Administrations.”

“I can’t begin to fathom all the pressures and demands that have been placed upon

you. Nevertheless, you were always willing to engage on issues of conservation concern, you were unfailingly gracious, you led the effort to bring appropriate attention to Arctic issues, and I am confident that you had a central role in securing the gains that have been made, in particular the balanced approach to management of the NPR-A, for which I am especially grateful."

"I can't always agree with where we end up but the fact is you've been the highest ranking US official in 30 years to constantly give this Arctic part of the world attention, and that's worthy of recognition and gratitude."

"No one has contributed more to the spirit of conservation and the wise use of our nation's resources than you have over the past 20 years."

"I had the pleasure of working for over 30 years as a Federal employee and worked with many outstanding leaders. In my estimation your contributions elevate you to the top tier of leadership. I have always been impressed with your outstanding ability to listen, to remain positive, to be accessible and maybe most of all in these challenging times to be honest in your assessment and discussions about your views."

#### COLLEAGUES

"We could not have made it without your support, your intervention at all the right times, and your full participation . . . We owe you a debt of gratitude; and for me, personally, it has helped remind me yet again of what true public service looks like."

"You are going to be sorely missed in the Department. Your record over the years is incredibly impressive. I hope that you will be able to look back in the years ahead and see how your work lives on in so many ways and for so many millions of people. I am proud to know you and to call you a friend and colleague."

"This is a huge loss for our community . . . From the fiery speech you delivered at the Great Outdoors America reception in 2011 to your focus on regional energy issues in Alaska, it was refreshing to have such a strong friend of conservation at DOI."

"I am sad for the public lands and great places in America that you are leaving the Department of the Interior . . . You have been the best possible advocate for everything that is most important to me."

"It is a big loss for us today in the Obama Administration. We are all so sad to see you go . . . You have a big fan club and will be so sorely missed!"

"You have been a steady, smart, and fun ally and friend throughout. I appreciate you and will miss you during the rest of my time in the Obama Administration."

#### ADDITIONAL STATEMENTS

##### REMEMBERING DR. CLINTON PATTEA

• Mr. MCCAIN. Mr. President, I would like to acknowledge the passing of longtime tribal leader Dr. Clinton Pattea, the president of the Fort McDowell Yavapai Nation in Arizona.

Dr. Pattea was one of the longest serving Native American public officials in the Nation. Last year—coinciding with the State of Arizona's centennial celebration—we marked Dr. Pattea entering his 50th year of service to the Fort McDowell Yavapai Nation's

tribal council. While he held a variety of elected posts, including tribal councilman and vice president, most of his time in office was spent serving as the tribe's president.

President Pattea was a true visionary in his community and throughout Indian Country. He was a strong advocate for the principles of tribal self-governance and Indian self-determination, which over the years helped bring about positive change in the relationship between the Federal Government and all Native Americans.

He was among the first tribal leaders in Arizona to acknowledge the tremendous economic potential that Indian gaming offered his people. Dr. Pattea was a fierce advocate for developing a government-to-government relationship with the State of Arizona and worked tirelessly to spearhead a voter-approved tribal gaming compact that has made Arizona the pinnacle of regulated Indian gaming that we know today.

Over the past 30 years, I have personally witnessed the Fort McDowell Yavapai make tremendous strides as a community, and I attribute much of that success to Dr. Pattea's leadership. He directed his tribal government to develop business ventures to help take his community out of poverty; he successfully fought for the Nation's Federal water rights settlement; and he assembled a tribal government that is among the best examples of a sovereign governing body in the country. Today, the Fort McDowell Yavapai Nation stands as a leader in the Valley of the Sun as well as the United States.

We were fortunate to have been enriched by Dr. Pattea's passion for public service. His work with the tribal council brought him immense satisfaction. It is fitting that his legacy will continue on through the recently established Dr. Clinton M. and Rosie Belle Pattea Foundation, which will fund tribal scholarships for education, culture, health and wellness programs in his name.

I offer my deepest condolences to the Fort McDowell Yavapai Nation on Dr. Clinton Pattea's passing. My thoughts and prayers are with his tribal members and his loved ones.●

##### TRIBUTE TO COLONEL KEVIN J. WILSON

• Mr. BEGICH. Mr. President, today I wish to recognize and pay tribute to COL Kevin J. Wilson for his exceptional contributions to the Nation as he concludes 30 years of service in the U.S. Army, culminating as commander of the U.S. Army Engineer Research and Development Center. Throughout his Army career, Colonel Wilson has displayed superior leadership, outstanding professional competence and initiative, dedication, and commitment to the welfare of soldiers, civilians, and

their families. He has made significant and lasting contributions to the development, training, and leadership of the Army.

Colonel Wilson has performed with distinction in all of his assignments including as the group operations officer for the 555th Combat Engineer Group, the military assistant to the Assistant Secretary of the Army for Civil Works while stationed at the Pentagon, the battalion commander of the 249th Engineer Battalion (Prime Power) at Fort Belvoir, VA, the U.S. Northern Command/J-4 Army engineer officer at Peterson Air Force Base, CO, the Commander of the Alaska District, U.S. Army Corps of Engineers, and, most recently, as the commander of the Engineer Research and Development Center.

As commander of the Engineer Research and Development Center, the Department of Defense's largest multidisciplinary engineering and research center, Colonel Wilson has taken the organization to the highest performance levels with a focus on human capital and positioning the center for dramatic increases in performance and effectiveness. His support of research and development is second to none, and he provides innovative pathways for technology transfer that speeds the integration of new ideas. Colonel Wilson has also supported the warfighter by equipping both deploying tactical units and the U.S. Army Engineer School with new combat systems and training on the Engineer Research and Development Center's capabilities.

Colonel Wilson was an extremely effective brigade-level commander in Afghanistan, responsible for all corps operations for Regional Command-South and Regional Command-West. His efforts focused on military construction in support of the buildup of U.S. forces, facilities for the Afghanistan National Security Forces, and water resources and infrastructure projects. While deployed, he coordinated with regional and battlespace commanders, North Atlantic Treaty Organization and coalition partners, Provincial Reconstruction Teams, U.S. Forces-Afghanistan, the U.S. Department of State, the U.S. Agency for International Development, and U.S. and Afghan government agencies and organizations at all levels. During this deployment, he focused on big picture projects such as electricity for Kandahar and critical road infrastructure for Regional Command-S, proving he could successfully integrate the operations of U.S. and coalition partners.

Colonel Wilson was commander of the Alaska District, U.S. Army Corps of Engineers, where he led 500 personnel, executing military construction, civil works, and environmental programs throughout the State. Due to his drive and foresight, Colonel Wilson's command was able to execute

end-of-year funding to protect Alaska Native villages from coastal erosion. This tremendous feat was recognized by the Alaska Congressional delegation and the Alaska Native community. As commander of the largest geographic and perhaps most complex U.S. Army Corps of Engineers district, Colonel Wilson deftly weaved disparate units into a cohesive team driven to deliver excellent products to its customers, winning four Pacific Air Force Engineer awards and being named the U.S. Army Corps of Engineers Project Delivery Team of the Year. Under his leadership, the Alaska District consistently improved its delivery of military construction, civil works, and environmental projects, ensuring they were on time and under budget, routinely winning accolades from customers.

As the U.S. Northern Command/J-4 engineer officer stationed at Peterson Air Force Base, Colonel Wilson was the subject matter expert on Army military construction capabilities, prime power, electrical power systems, and emergency support functions. He served as a trusted member of the Federal Emergency Management Agency disaster response team during several hurricanes, later leading a hurricane conference, from which a pre-scripted request for assistance was developed, to help local officials better understand the assets available during a disaster. As a part of the Joint Planning Group, he was an integral part of long range homeland defense planning. He was also a member of the Current Operations Group and played a key role as the J-4 representative during crisis operations and exercises.

Colonel Wilson had the distinct honor of leading the 249th Engineer Battalion, the only Prime Power Engineer Battalion in the Army. He was responsible for contingency deployment of power production personnel, as well as power generation and distribution of equipment in support of Combat Commanders, Joint Task Forces, and Installation Commanders worldwide. His soldiers kept up an unbelievable operations tempo during Operation Iraqi Freedom and deployments to Afghanistan, Kuwait, Philippines, Kyrgyzstan, Guam, and Turkey. Support operations included major deployments in disaster relief. Colonel Wilson was also responsible for the Prime Power School, for its training program and for recruitment and retention. As a battalion commander, he was a proven professional who always accomplished the mission, took care of his soldiers, and planned, thought, and communicated as a leader.

I would like to extend my deepest thanks to Colonel Wilson for his many years of service to our Nation. I wish the absolute best to him and his family as they begin this next stage in their lives.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 1:06 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 43. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony honoring the life and legacy of Nelson Mandela on the occasion of the 95th anniversary of his birth.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2199. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Novaluron; Pesticide Tolerances" (FRL No. 98389-7) received during adjournment of the Senate in the Office of the President of the Senate on June 28, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2200. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenbuconazole; Pesticide Tolerances" (FRL No. 9390-5) received during adjournment of the Senate in the Office of the President of the Senate on June 28, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2201. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to balances carried forward at the end of fiscal year 2012; to the Committee on Armed Services.

EC-2202. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, (2) two reports relative to vacancies in the Internal Revenue Service, Department of the Treasury, received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-2203. A communication from the Chief Counsel, Federal Emergency Management

Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2013-0002)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-2204. A communication from the Acting Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Prohibitions and Conditions on the Importation and Exportation of Rough Diamonds" (RIN1515-AD85) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-2205. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Streamlining Requirements Governing the Use of Funding for Supportive Housing for the Elderly and Persons With Disabilities Programs" (RIN2502-AI67) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-2206. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Production of FHFA Records, Information, and Employee Testimony in Third-Party Legal Proceedings" (RIN2590-AA51) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-2207. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Availability of Non-Public Information" (RIN2590-AA06) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-2208. A communication from the Administrator of the U.S. Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "The Availability and Price of Petroleum and Petroleum Products Produced in Countries Other Than Iran"; to the Committee on Energy and Natural Resources.

EC-2209. A communication from the Management Analyst, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Definition of a Ski Area" (RIN0596-AD12) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Energy and Natural Resources.

EC-2210. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "U.S. Department of Energy Naval Petroleum Reserve No. 3 Disposition Decision Analysis and Timeline Report to Congress"; to the Committee on Energy and Natural Resources.

EC-2211. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "2013 Annual Plan: Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Research and Development Program"; to the

Committee on Energy and Natural Resources.

EC-2212. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Standard Format and Content for Post-Shutdown Decommissioning Activities Report" (Regulatory Guide 1.185, Revision 1) received in the Office of the President of the Senate on June 27, 2013; to the Committee on Environment and Public Works.

EC-2213. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Special Nuclear Material Control and Accounting Systems for Nuclear Power Plants" (Regulatory Guide 5.29, Revision 2) received in the Office of the President of the Senate on June 27, 2013; to the Committee on Environment and Public Works.

EC-2214. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: MAGNASTOR System" (RIN3150-AJ22) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Environment and Public Works.

EC-2215. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority to the Southern Ute Indian Tribe to Implement and Enforce National Emissions Standards for Hazardous Air Pollutants and New Source Performance Standards" (FRL No. 9828-6) received during adjournment of the Senate in the Office of the President of the Senate on June 28, 2013; to the Committee on Environment and Public Works.

EC-2216. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; District of Columbia; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerator Units" (FRL No. 9829-6) received during adjournment of the Senate in the Office of the President of the Senate on June 28, 2013; to the Committee on Environment and Public Works.

EC-2217. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Method for the Determination of Lead in Total Suspended Particulate Matter" (FRL No. 9828-6) received during adjournment of the Senate in the Office of the President of the Senate on June 28, 2013; to the Committee on Environment and Public Works.

EC-2218. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Final Integrated Section 203 Navigation Study Report and Environmental Assessment for the Canaveral Harbor, Brevard County, Florida project; to the Committee on Environment and Public Works.

EC-2219. A communication from the Acting Commissioner of the Social Security Administration, transmitting, pursuant to law, notification that the Administration has contracted with the National Academy of Public Administration to develop and submit a re-

port proposing a long-range strategic plan for the Social Security Administration's consideration; to the Committee on Finance.

EC-2220. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Croatian Per Se Corporation" (Notice 2013-44) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Finance.

EC-2221. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Eligibility for Minimum Essential Coverage for Purposes of the Premium Tax Credit" (Notice 2013-41) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Finance.

EC-2222. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—July 2013" (Rev. Rul. 2013-15) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Finance.

EC-2223. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guideline—New Qualified Plug-In Electric Drive Motor Vehicle Credit" (UIL: 30D.00-00) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Finance.

EC-2224. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Significant Issue Revenue Procedure" (Rev. Proc. 2013-32) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Finance.

EC-2225. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Child Welfare Outcomes 2008-2011: Report to Congress"; to the Committee on Finance.

EC-2226. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to revoking the designation of a group designated as a Foreign Terrorist Organization (OSS 2013-0968); to the Committee on Foreign Relations.

EC-2227. A communication from the Acting Inspector General, U.S. Agency for International Development (USAID), transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General, U.S. Agency for International Development (USAID), received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Foreign Relations.

EC-2228. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-033); to the Committee on Foreign Relations.

EC-2229. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-065); to the Committee on Foreign Relations.

EC-2230. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-099); to the Committee on Foreign Relations.

EC-2231. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(d) of the Arms Export Control Act (DDTC 13-086); to the Committee on Foreign Relations.

EC-2232. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to amendment to parts 120, 121, 123, 124, and 125 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

\*Cynthia L. Attwood, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2019.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. RUBIO (for himself and Mr. CARDIN):

S. 1271. A bill to direct the President to establish guidelines for the United States foreign assistance programs, and for other purposes; to the Committee on Foreign Relations.

By Mr. ROBERTS (for himself, Mr. BARRASSO, Mr. COATS, Mr. COCHRAN, Mr. INHOFE, Mr. SESSIONS, and Mr. ENZI):

S. 1272. A bill to provide that certain requirements of the Patient Protection and Affordable Care Act do not apply if the American Health Benefit Exchanges are not operating on October 1, 2013; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Ms. LANDRIEU, Mr. BEGICH, and Ms. HEITKAMP):

S. 1273. A bill to establish a partnership between States that produce energy onshore and offshore for our country with the Federal Government; to the Committee on Energy and Natural Resources.

By Mrs. GILLIBRAND (for herself and Mr. BLUNT):

S. 1274. A bill to extend assistance to certain private nonprofit facilities following a disaster, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. CANTWELL (for herself, Mrs. BOXER, Mrs. MURRAY, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. WYDEN, and Mr. BEGICH):



S. 1275. A bill to direct the Secretary of Commerce to issue a fishing capacity reduction loan to refinance the existing loan funding the Pacific Coast groundfish fishing capacity reduction program; to the Committee on Commerce, Science, and Transportation.

By Mr. TESTER (for himself, Mrs. MCCASKILL, Mr. PORTMAN, Mr. JOHNSON of Wisconsin, and Mr. COBURN):

S. 1276. A bill to increase oversight of the Revolving Fund of the Office of Personnel Management, strengthen the authority to terminate or debar employees and contractors involved in misconduct affecting the integrity of security clearance background investigations, enhance transparency regarding the criteria utilized by Federal departments and agencies to determine when a security clearance is required, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. BOXER:

S. 1277. A bill to establish a commission for the purpose of coordinating efforts to reduce prescription drug abuse, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN (for himself and Mr. FLAKE):

S. Res. 193. A resolution honoring the fallen heroes of the Granite Mountain Interagency Hotshot Crew; considered and agreed to.

By Mr. KIRK (for himself, Mr. DURBIN, Mr. COCHRAN, and Mr. WICKER):

S. Res. 194. A resolution congratulating the 1963 men's basketball team of Loyola University Chicago on its induction into the National Collegiate Basketball Hall of Fame, the 50th anniversary of the team's Division I National Collegiate Athletic Association men's basketball championship, and the team's historic NCAA tournament game against Mississippi State University; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 116

At the request of Mr. REED, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 116, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 273

At the request of Ms. AYOTTE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 273, a bill to modify the definition of fiduciary under the Employee Retirement Income Security Act of 1974 to exclude appraisers of employee stock ownership plans.

S. 325

At the request of Mr. TESTER, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 325, a bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes.

S. 399

At the request of Mr. HATCH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 399, a bill to protect American job creation by striking the Federal mandate on employers to offer health insurance.

S. 411

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 429

At the request of Mr. NELSON, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 429, a bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 484

At the request of Mr. INHOFE, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 484, a bill to amend the Toxic Substances Control Act relating to lead-based paint renovation and remodeling activities.

S. 541

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 541, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 569

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 742

At the request of Mr. CARDIN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 742, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 759

At the request of Mr. CASEY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 759, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 825

At the request of Mr. SANDERS, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 825, a bill to amend title 38, United States Code, to improve the provision of services for homeless veterans, and for other purposes.

S. 855

At the request of Mr. NELSON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 855, a bill to increase the portion of community development block grants that may be used to provide public services, and for other purposes.

S. 871

At the request of Mrs. MURRAY, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 871, a bill to amend title 10, United States Code, to enhance assistance for victims of sexual assault committed by members of the Armed Forces, and for other purposes.

S. 1009

At the request of Mr. VITTER, the names of the Senator from North Carolina (Mr. BURR) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 1009, a bill to reauthorize and modernize the Toxic Substances Control Act, and for other purposes.

S. 1068

At the request of Mr. BEGICH, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1068, a bill to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes.

S. 1123

At the request of Mr. CARPER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1123, a bill to amend titles XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1143

At the request of Mr. MORAN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1143, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 1159

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1159, a bill to amend the Equal Credit Opportunity Act to prohibit discrimination on account of sexual orientation or gender identity when extending credit.

S. 1204

At the request of Mr. COBURN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1204, a bill to amend the



Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services, to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities, and for other purposes.

S. 1217

At the request of Mr. CORKER, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1217, a bill to provide secondary mortgage market reform, and for other purposes.

S. 1241

At the request of Mr. MANCHIN, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Maine (Ms. COLLINS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1241, a bill to establish the interest rate for certain Federal student loans, and for other purposes.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 193—HONORING THE FALLEN HEROES OF THE GRANITE MOUNTAIN INTER-AGENCY HOTSHOT CREW

Mr. MCCAIN (for himself and Mr. FLAKE) submitted the following resolution; which was considered and agreed to:

S. RES. 193

Whereas, on June 30, 2013, 19 firefighters of the Prescott Fire Department's Granite Mountain Interagency Hotshot Crew (referred to in this preamble as the "Crew") gave their lives battling the Yarnell Hill Fire in Yavapai County, Arizona;

Whereas the loss of these 19 brave men makes the Yarnell Hill Fire the deadliest wildfire in the history of the State of Arizona and the worst wildland firefighter fatality incident in the United States in 80 years;

Whereas Eric Marsh, who was 43 years old and a native of Ashe County, North Carolina, served as the Crew's superintendent;

Whereas Jesse Steed, who was 36 years old and a native of Cottonwood, Arizona, served as the Crew's captain;

Whereas Clayton Whitted, who was 28 years old, was a native of Prescott, Arizona;

Whereas Robert Caldwell, who was 23 years old, was a native of Prescott, Arizona, and was the cousin of Grant McKee, who also perished battling the Yarnell Hill Fire;

Whereas Travis Carter, who was 31 years old, was a native of Prescott, Arizona;

Whereas Christopher MacKenzie, who was 30 years old, was a native of Hemet, California;

Whereas Travis Turbyfill, who was 27 years old, was a native of Prescott, Arizona;

Whereas Andrew Ashcraft, who was 29 years old, was a native of Prescott, Arizona;

Whereas Joe Thurston, who was 32 years old, was a native of Cedar City, Utah;

Whereas Wade Parker, who was 22 years old, was a native of Chino Valley, Arizona;

Whereas Anthony Rose, who was 23 years old, was a native of Zion, Illinois;

Whereas Garret Zuppiger, who was 27 years old, was a native of Phoenix, Arizona;

Whereas Scott Norris, who was 28 years old, was a native of Prescott, Arizona;

Whereas Dustin DeFord, who was 24 years old, was born in Baltimore, Maryland and raised in Ekalaka, Montana;

Whereas William "Billy" Warneke, who was 25 years old, was a native of Hemet, California;

Whereas Kevin Woyjeck, who was 21 years old, was a native of Seal Beach, California;

Whereas John Percin, Jr., who was 24 years old, was a native of West Linn, Oregon;

Whereas Grant McKee, who was 21 years old, was a native of Newport Beach, California, and was the cousin of Robert Caldwell, who also perished battling the Yarnell Hill Fire;

Whereas Sean Misner, who was 26 years old, was a native of Goleta, California;

Whereas the Granite Mountain Interagency Hotshot Crew was founded as a fuel mitigation crew in 2002, and, around 2008, became the first municipal hotshot crew in the United States;

Whereas the Granite Mountain Interagency Hotshot Crew was an elite ground firefighting crew, hailed from diverse backgrounds, and worked long hours in extreme environmental conditions while performing physically demanding fireline tasks; and

Whereas, on July 1, 2013, the Governor of Arizona declared a state of emergency because of the Yarnell Hill Fire, by which date the fire had already burned approximately 8,300 acres, threatened or destroyed hundreds of homes and other structures, and forced the evacuation of approximately 1,250 people: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the memory of the fallen heroes of the Prescott Fire Department's Granite Mountain Interagency Hotshot Crew;

(2) extends its deepest condolences and sympathy to the surviving families of the 19 firefighters lost in the line of duty; and

(3) commends the bravery and sacrifice made by these fallen wildland firefighters in the service of their communities.

#### SENATE RESOLUTION 194—CONGRATULATING THE 1963 MEN'S BASKETBALL TEAM OF LOYOLA UNIVERSITY CHICAGO ON ITS INDUCTION INTO THE NATIONAL COLLEGIATE BASKETBALL HALL OF FAME, THE 50TH ANNIVERSARY OF THE TEAM'S DIVISION I NATIONAL COLLEGIATE ATHLETIC ASSOCIATION MEN'S BASKETBALL CHAMPIONSHIP, AND THE TEAM'S HISTORIC NCAA TOURNAMENT GAME AGAINST MISSISSIPPI STATE UNIVERSITY

Mr. KIRK (for himself, Mr. DURBIN, Mr. COCHRAN, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 194

Whereas, in 1963, Coach George Ireland led the men's basketball team of Loyola University Chicago (referred to in this preamble as the "Ramblers") to the Division I National Collegiate Athletic Association (referred to in this preamble as the "NCAA") men's basketball championship;

Whereas the Ramblers lost only 2 games during the 1962-1963 season and led the Nation in scoring with an average of 91.8 points per game;

Whereas Coach Ireland and the Loyola University men's basketball teams of the early 1960s are considered by many to be responsible for ushering in a new era of racial equality in the sport by shattering major racial barriers in NCAA men's basketball;

Whereas, in 1963, the Ramblers shocked the Nation and changed college basketball forever by starting 4 African-American players in the NCAA tournament, as well as the championship game;

Whereas it is difficult to appreciate what Coach Ireland and his team went through, starting in 1961, in breaking what had been a longstanding "gentleman's agreement" to play not more than 3 African-American players;

Whereas, during the 1962-1963 season, Coach Ireland started 4 African-American players in every game, and, in December 1962, the Ramblers became the first team in NCAA Division I history to have an all-African-American lineup in a game against the University of Wyoming;

Whereas, despite their success during the 1962-1963 season, the players and Coach Ireland endured terrible bigotry, including racial taunts and abuse, and received countless pieces of hate mail from the Ku Klux Klan and other racist individuals, and all the while Coach Ireland tried to shield his team in every way possible;

Whereas the men's basketball team of Mississippi State University (referred to in this preamble as the "Maroons" and now called the "Bulldogs") won its second consecutive southeastern conference championship in 1963, but had been forced by the Governor of Mississippi not to accept NCAA tournament bids in the 3 previous seasons because of the inclusion of African-American players in the tournament;

Whereas, before advancing to the championship round, the Ramblers participated in the NCAA Midwest regional semifinal against the Maroons, a landmark game often referred to half a century later as the "Game of Change";

Whereas Mississippi State University president Dean Colvard and athletic director and men's basketball coach James Harrison "Babe" McCarthy bravely accepted the Maroons' 1963 NCAA tournament invitation against the wishes of the Governor of Mississippi;

Whereas, determined to play in the regional semifinal, the Maroons snuck out of Mississippi in the middle of the night to avoid an injunction, and the integrated Ramblers and the all-white Maroons met on the basketball court at Michigan State University on March 15, 1963;

Whereas, with police surrounding the sports complex in East Lansing, Michigan, the Ramblers went on to defeat the Maroons in a competitive game by a score of 61 to 51 in the regional semifinal, a game that changed race relations on the basketball court forever and was selected by the NCAA in 2006 as one of the 25 defining moments in the first 100 years of the organization;

Whereas the Ramblers went on to win games against the University of Illinois and Duke University before defeating the 2-time defending NCAA champion University of Cincinnati in overtime by a score of 60 to 58, the crowning achievement in Loyola University Chicago's nearly decade-long struggle with racial inequality in men's college basketball, highlighted by the tumultuous events of the 1963 NCAA tournament;

Whereas the Ramblers' 1963 NCAA title was historic not only for the racial makeup of the Ramblers, but also because the University of Cincinnati had started 3 African-

American players, making 7 of the 10 starters in the 1963 NCAA championship game African American;

Whereas the city of Chicago has many storied sports teams, but the Ramblers basketball team of 1963 and Coach Ireland hold an exalted place because they are the only NCAA Division I Illinois basketball team to win a national championship and because they paved the way for the long overdue integration of races in college basketball before the enactment of the Civil Rights Act of 1964 (Public Law 88-352; 78 Stat. 241);

Whereas all 5 starting players from the national championship game graduated from Loyola University with a degree, and several went on to earn advanced degrees in law and business;

Whereas the journey of the Ramblers is not just the story of an underdog team overcoming great odds to beat the favored team from the University of Cincinnati, a much larger basketball program that held the number 1 ranking and had won the previous 2 national championships;

Whereas the real significance of Coach Ireland and the Ramblers is the lasting impact of their bravery in breaking the racial barrier in college basketball that had been allowed to prevail for decades; and

Whereas the 2013 Hall of Fame induction season will mark the 50th anniversary of the 1963 Ramblers' basketball championship, making the 1963 Ramblers the first whole team ever to be honored in the Hall of Fame: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates Coach George Ireland and the 1963 Loyola University Chicago men's basketball championship team on their induction into the National Collegiate Basketball Hall of Fame;

(2) honors the 50th anniversary of the historic Division I National Collegiate Athletic Association championship of the Loyola University Chicago men's basketball team and the profound athletic and civil rights achievements of the 1963 team; and

(3) honors the 1963 Mississippi State University men's basketball team for their bravery and sportsmanship in rejecting racism and aiding in the civil rights movement in the State of Mississippi and the southeastern United States.

#### NOTICE OF HEARING

##### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. LANDRIEU. Mr. President, I would like to announce that the Committee on Small Business and Entrepreneurship will meet on July 17, 2013, at 3 p.m. in room 428A Russell Senate Office building to hold a roundtable entitled "Small Business Tax Reform: Making the Tax Code Work for Entrepreneurs and Startups."

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on July 10, 2013, at 2:30 p.m. in room SH-562 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 10, 2013, at 10 a.m. in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Repealing the SGR and the Path Forward: A View from CMS."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on July 10, 2013, at 10 a.m. in room SD-430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 10, 2013, at 10 a.m. to conduct a hearing entitled "Lessons Learned from the Boston Marathon Bombings: Preparing for and Responding to the Attack."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. REED. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 10, 2013, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Judicial Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SPECIAL COMMITTEE ON AGING

Mr. REED. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on July 10, 2013, to conduct a hearing entitled "Diabetes Research: Reducing the Burden of Diabetes at All Ages and Stages."

The Committee will meet in room G-50 of the Dirksen Senate Office Building beginning at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. REED. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 10, 2013, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will conduct a hearing entitled, "Stopping Fraudulent Robocall Scams: Can More Be Done?"

The PRESIDING OFFICER. Without objection, it is so ordered.

#### VIETNAM VETERANS MEMORIAL VISITOR CENTER DONOR CON- TRIBUTION ACKNOWLEDGMENTS

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message received from the House of Representatives with respect to H.R. 588.

The PRESIDING OFFICER laid before the Senate a bill H.R. 588 to provide for donor contribution acknowledgments to be displayed at the Vietnam Veterans Memorial Visitor Center, and for other purposes, with an amendment.

Mr. REID. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to the Senate amendment, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SOUTH UTAH VALLEY ELECTRIC CONVEYANCE ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 85, H.R. 251.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 251) to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 251) was ordered to a third reading, was read the third time, and passed.

#### BONNEVILLE UNIT CLEAN HYDROPOWER FACILITATION ACT

Mr. REID. I ask unanimous consent that the Senate proceed to H.R. 254.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 254) to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times and

passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 254) was ordered to a third reading, was read the third time, and passed.

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#### ORDERS FOR THURSDAY, JULY 11, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Thursday, July 11, 2013; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date and the time for the two leaders be reserved for their use later in the day; and that the majority leader be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, just so that is clear, I want the unanimous consent request to indicate that after we have done the morning hour, after the Journal of proceedings has been approved and the time for the two leaders has

been used or reserved for their use later in the day, that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that after I am recognized and after Senator MCCONNELL and I have finished our remarks, that the time until 12:30 be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half hour and the majority controlling the second half hour; further, that the Senate recess from 12:30 to 2:15 to allow for caucus meetings.

I ask the Chair if it is clear now, what I muddled through.

The PRESIDING OFFICER. It is clear.

Without objection, it is so ordered.

Mr. REID. Further, I ask unanimous consent to be recognized at 2:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Thursday, July 11, 2013, at 10 a.m.

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#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF COMMERCE

MARGARET LOUISE CUMMISKY, OF HAWAII, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE APRIL S. BOYD, RESIGNED.

##### DEPARTMENT OF STATE

MATTHEW WINTHROP BARZUN, OF KENTUCKY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

JOHN HOOVER, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SIERRA LEONE.

CRYSTAL NIX-HINES, OF CALIFORNIA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE UNITED STATES PERMANENT REPRESENTATIVE TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

JOHN R. PHILLIPS, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ITALIAN REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SAN MARINO.

##### DEPARTMENT OF EDUCATION

MICHAEL KEITH YUDIN, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION, VICE ALEXA E. POSNY.

## HOUSE OF REPRESENTATIVES—Wednesday, July 10, 2013

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. AMODEI).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 10, 2013.

I hereby appoint the Honorable MARK AMODEI to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### END THE SEQUESTER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Mr. Speaker, beginning this week, literally hundreds of thousands of civilian workers are being furloughed at defense installations in Maryland's Fifth District, across the State, and around the country. That means as of Monday, more than 650,000 hardworking, middle class defense employees are being forced to take a 20 percent pay cut for the remainder of the fiscal year.

It isn't because they are not doing their job well; they are.

It isn't because they don't have enough work; they do.

And it isn't because we don't need their talents, their experience, and their dedication to service; we need them more now than ever.

These employees are being furloughed because Congress has failed. Congress has failed to achieve deficit reduction in a balanced and responsible way. In fact, we passed a budget through the House of Representatives; the United States Senate has passed a budget. But the House of Representa-

tives, Republican leadership, refuses to go to conference, refuses to follow regular order for which they've called so frequently, refuses to try to bring a compromise agreement back to this floor. This Congress has failed to achieve deficit reduction in a balanced and responsible way.

Instead, we now have the sequester—a senseless, stupid, irrational policy. It's a real shame, Mr. Speaker, that partisan politics is keeping some of our country's best and brightest from doing their jobs supporting our warfighters as they serve in Afghanistan and around the world.

Last Tuesday, I met with some of the outstanding men and women who work in civilian defense jobs at Pax River Naval Air Station in my district. When you go to Pax River, you often see uniformed and civilian personnel sitting side by side, working to accomplish the same mission, serving with the same dedication, partners in making our government stronger and making our defense stronger, each complementing the work of the other.

Now, as a result of these furloughs, one of them will get a 20 percent pay cut. One of them will be told to go home. One of them will be told you can't even volunteer to come back and get the job done. And the other will get one day a week of having to carry out the mission alone.

At that meeting, I heard from members of the Pax River community who are deeply concerned about the effects of these furloughs on our military readiness, our ongoing missions, on Department morale, and on the local economy. They were concerned about themselves, but they were mainly concerned about the job that was going to be left undone, finished late, undermining our security. One person scheduled to be furloughed this Friday told me:

I have a strong work ethic, and I want to get the job done, whether it's late nights and weekends. And I'm worried someone will come to me on a Thursday and I'll have to say, I can't get the job done until Monday.

Because, Mr. Speaker, we are telling that person you can't come to work.

Another employee who was there last Tuesday emailed me afterward about the upcoming furlough writing:

There are many people in this organization who stretch themselves day after day, happily, to get the work done that needs to get done to support the Department of Defense and the warfighter.

I will tell you, and so many Members on both sides of the aisle have met these folks, not these specific folks

perhaps at Pax, but around this country who are dedicated, patriotic, hardworking, and want to make sure that their country is strong and that we serve our people.

This one constituent continues:

"I've already started to see some of these same people giving less of themselves because they feel our Congressmen," that's meaning all of us, "and our country no longer put value in what they do."

We are undermining the morale of the American workers. We are undermining the ability of the American Government to be as effective with respect to national defense as it needs to be.

Mr. Speaker, this sequester is harming morale and may lead skilled employees to leave for the private sector just when we need them most.

The effects of the sequester extend beyond the gates of our installations and affect entire communities with local businesses standing to lose as a result of belt tightening by families experiencing furloughs.

At the Naval Surface Warfare Center at Indian Head, also in Maryland's Fifth Congressional District, 97 percent of civilian personnel will be furloughed. That's more than 1,870 people.

Mr. Speaker, there's no reason why our civilian defense workers should be kept from doing their job just because Congress hasn't done its job. As long as the sequester remains in effect, and as long as Republicans refuse to compromise on a balanced approach to deficits that can end it, I'll keep coming to this floor and remind them exactly what is at stake. And I continue to call on Speaker BOEHNER to end the unnecessary delay in appointing budget conferees, which would be a significant step toward beginning negotiations in earnest that could lead to a big and balanced compromise on deficits.

We need to bring deficits down. We need to get our country on a fiscally sustainable path, but we need to do so in a rational way which does not undermine our national security, does not undermine the services being rendered to the people who are relying on them, and that does not send a message to our employees and those whom we need to recruit in the future that we are a good employer, we're a caring employer, we're an effective employer, and you ought to work for us, you ought to work for your country, for your fellow citizens.

Mr. Speaker, we need to go to conference. We need to get rid of the sequester. We need to put America on a

rational path to fiscal responsibility and effectiveness.

#### BENGHAZI MATTERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. COBLE) for 5 minutes.

Mr. COBLE. Mr. Speaker, Benghazi matters, and the American people deserve answers.

On the evening of September 11, 2012, terrorist factions successfully attacked America in Benghazi, Libya, when they torched our consulate and killed four Americans. Early in the morning the following day, they attacked our annex.

Secretary Clinton's response to the American people was that these attacks were in response to a video posted on the Internet. The following Sunday, on September 16, U.S. Ambassador to the United Nations Susan Rice repeated Secretary Clinton's assertion on five separate television talk shows.

Today is July 10, 2013, and we now know that without question these attacks were strategically planned and had no relation to Secretary Clinton or Ambassador Rice's initial assertions. The investigation into our failure to protect those four Americans who were killed, our consulate, our annex, and the administration's abysmal explanation for informing the American public must continue.

Mr. Speaker, Secretary Clinton appeared before a Senate hearing and was asked about certain facts surrounding the attack. She replied: What difference does it make?

I suggest that Secretary Clinton may want to consult with the survivors of the four Americans who were slain and ask them what difference does it make. I take umbrage with her response, and I think it was done in a rather uncaring and very impersonal way.

Investigating this scandal is our duty and obligation as representatives of the American people and protectors of the public trust. To date, congressional hearings have raised far more questions than answers. We have to look no further than the testimony of Mr. Gregory Hicks before the House Committee on Oversight and Government Reform. Mr. Hicks is the former Deputy Chief of Mission in Libya, and his testimony is replete with contradictions from what Secretary Clinton and Ambassador Rice and others have told the American public. The matter, Mr. Speaker, in my opinion, smacks of a coverup. We must continue to pursue and develop answers and explanations as to what happened so we will ultimately know what really did occur on that fateful night and ensuing days.

Mr. Speaker, as I said at the outset, Benghazi matters, and we must continue thoroughly to examine this until the truth ultimately surfaces. It mat-

ters, and the American public, Americans taxpayers, here, there, and yonder, deserve a final resolution to this episode. I suggest that we continue to keep our eye on the ball, otherwise this is going to disappear into the wind and that would be inexcusable.

#### CALL TO ACTION ON CLIMATE CHANGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SCHIFF) for 5 minutes.

Mr. SCHIFF. Mr. Speaker, President Obama's call to action on climate change is another reminder of the large and growing threat posed by the warming of our atmosphere. Yet instead of taking a leading role to address the problem, Congress has been held hostage by those who would deny the science altogether. Every day that we delay, we are losing ground in the race to develop new sources of energy that can protect the planet and break the grip of our dependence on fossil fuels.

This past year was one of the most extreme years for our Nation's weather. It was the warmest year on record for the U.S.; and droughts, wildfires, and floods were far more frequent and far more intense. In fact, nine of the 10 hottest years since 1880 have been in the past decade.

In 2012, 9.3 million acres of land across the country burned in wildfires, more than double the annual average, and the second highest ever. Rainfall was far below the average, and it was one of the driest years in memory. Droughts, heat waves, and wildfires are now the norm rather than the exception.

The extreme weather was also a significant drag on our economy: Superstorm Sandy cost \$65 billion; western wildfires cost over \$1 billion; and losses from drought cost \$30 billion. Greenhouse gases emitted as a result of human activity are the biggest drivers of climate change. That is a fact that is accepted by virtually every scientist around the world.

We're only beginning to understand the impact of a global temperature rise on a nation's long-term environmental health and the health of the world; but with each new report by NASA, by the U.N., by universities here and overseas, we see that the threat grows and the possibility that we can avoid catastrophe and catastrophic consequences in the future recedes.

Some in this body have questioned the science, noting that droughts, floods, and climatic variations have been observed for centuries, often recalling Noah and his ark; but the speed and magnitude of the changes we are witnessing are consistent with scientific modeling of the effects of human activity on the climate. We must act now.

First, we have to diversify our energy sources. Instead of tax breaks for Big

Oil, we should be investing in the development of new and renewable energy sources.

Second, we must work to reduce our emissions. Power plants are the single largest source of emissions in the U.S., accounting for roughly 40 percent of all domestic greenhouse gases, and the EPA must put in place Federal standards that will regulate both new and existing power plants.

Third, we must build a 21st-century transportation infrastructure and system that will support a growing economy and population. This means we need to invest in mass transit systems, and car makers must continue to improve fuel economy standards.

□ 1015

And fourth, we need to work with the international community, not against it, as many in this body have tried to do. America must take a leadership role. We need the cooperation of China and India, but we should not let their foot-dragging prevent us from taking actions that will protect our future.

President Obama took an important step in exerting American leadership on climate change when he called for action at the Federal level to curb carbon pollution, just as we limit our toxic chemicals, like mercury, sulfur, and arsenic. The President also wants to allow wind and solar energy companies to use government-owned land to generate more power.

These are good ideas, but a major effort on climate change depends on congressional action, and so far we have allowed this important issue, one that will affect our children and grandchildren, to become a partisan wedge issue.

This country did not become great by ignoring problems or wishing them away. We did not become great by mocking scientists and those who would rely on cold, hard facts or, in this case, long, hot, endless summers. And we did not become great by ceding leadership in new technologies and new markets to our competitors, like China.

The time to address climate change is now.

#### IN DEFENSE OF LEGAL IMMIGRATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, America is a Nation of immigrants. We're all either immigrants ourselves or were the sons and daughters of immigrants. America's motto is "E pluribus unum"—"From many, one." From many nations we've created one great Nation, the American Nation.

There's only one way to accomplish this remarkable feat, and that's

through the process of assimilation. Unlike other nations, our immigration laws were not written to keep people out. They were written to assure that those who come here demonstrate a sincere desire to become Americans, to acquire a common language, a common culture, and a common appreciation of American constitutional principles and American legal traditions.

Illegal immigration undermines that process of legal immigration that makes our Nation of immigrants possible. If we allow illegal immigration, then legal immigration becomes pointless, the process of assimilation that our immigration laws assure breaks down, and the bonds of allegiance that hold a country like ours together begin to dissolve.

As a recent article by John Fonte of the National Review points out, earlier immigration bills included a provision calling for "patriotic integration of prospective citizens into the American way of life by providing civics, history, and English . . . with a special emphasis on attachment to the principles of the Constitution of the United States, the heroes of American history, and the meaning of the Oath of Allegiance."

But the director of immigration policy for La Raza objected to this language, writing that "while it doesn't overtly mention assimilation, it's very strong on the patriotism and traditional American values language in a way which is potentially dangerous to our communities."

Well, that language is pointedly missing from the Senate measure, suggesting a purpose fundamentally different from past immigration laws. It raises the question of why groups supporting this bill find the mention of assimilation objectionable and consider patriotism and traditional American values not only disagreeable but, in their word, "dangerous."

Now, to those who say that we need a path to citizenship, I must point out we already have such a path that is followed by millions of legal immigrants who have obeyed all of our laws, who have respected our Nation's sovereignty, who've done everything our country's asked of them to do, including waiting patiently in line, and are now watching millions of illegal immigrants try and cut in line in front of them.

The 1986 Immigration Reform Act promised a balanced approach that combined legalization of the 3 million illegal immigrants then in the country with promises of employer sanctions and tougher border security. As we all know, legalization occurred instantly, but the promises of enforcement were first ignored and, later, actively resisted by the Presidents who followed.

The current administration, for all its rhetoric, has unlawfully suspended enforcement of our existing immigra-

tion laws and actively obstructed States from assisting in their enforcement. If this administration will not enforce our existing law, why should anyone believe its promises to enforce even stricter laws in the future?

Now, a common tactic of those on the left is to blur the distinction between legal and illegal immigration and to paint those in opposition to amnesty as "anti-immigrant." This is simply dishonest.

Legal immigration is the very essence of our country. It sets us apart from every other nation in the world, the fact that citizenship is open to all who evince a sincere desire to understand, adopt, and revere those uniquely American principles enshrined in our Declaration of Independence and animated by our American Constitution.

They do so by the thousands, every day, by obeying our immigration laws, renouncing foreign loyalties, and embracing American principles. By doing so, as Lincoln said, they become the "blood of the blood and the flesh of the flesh of the men who wrote that Declaration."

Illegal immigration destroys all of that, and any measure that encourages more of it, by granting special privileges to those who defy our immigration laws, is a direct affront to every legal immigrant who has become an American, and it is a direct challenge to the process of immigration that built our Nation.

To those illegal immigrants who seek citizenship out of a sincere desire to become Americans, I ask only that they respect our laws, and I invite them to begin the process of legal immigration that's already available to them and that's been followed by the millions who've come before them.

#### RURAL HUNGER IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, nearly every week that this House has been in session this year, I've come to the floor to talk about the need to end hunger now. Fourteen speeches later, I still hear from some of my colleagues who doubt that hunger is a problem in the 21st century here in this country, the richest, most prosperous Nation in the world.

Well, Mr. Speaker, I hope that anyone who doubts that we have a hunger problem in America has a chance to read the article by Eli Saslow in Sunday's Washington Post, titled, "Driving Away Hunger," subtitled, "In Rural Tennessee, a New Way to Help Hungry Children, A Bus Turned Bread Truck."

Mr. Speaker, this is a heartwrenching story of hunger, where children of all ages have trouble getting enough food in the summer

months in rural Tennessee. It breaks your heart.

The article may focus on a small area in rural Tennessee, but it really tells the story about the 50 million hungry Americans in this country, and more specifically, the 17 million kids who are hungry in this country.

And the blame shouldn't be cast on these poor Americans who are doing their best to make ends meet. Consider the Laghren family portrayed in this article. Jennifer, a mother of five, works full-time as a cook at a nursing home. Yet her kids don't have enough to eat because Jennifer only makes \$8 an hour.

SNAP helps during the school year when kids get to eat two meals a day at school. Combined, these five kids, ranging from 14 years old to 9 months old, ate a total of 40 free meals and snacks at school every week, but there's very little help during the summer months when school is out of session.

While the \$593 food stamp allotment lasted throughout the month during the school year, Jennifer only had \$73 in food stamps left, with 17 days to go in the month that she was interviewed for this article in The Washington Post.

And if that weren't enough to convince people about this ugly side of hunger, consider this heartbreaking paragraph from the article.

Desperation had become their permanent state, defining each of their lives in different ways. For Courtney, it meant that she had stayed rail thin, with hand-me-down jeans that fell low on her hips. For Taylor, 14, it meant stockpiling calories whenever food was available, ingesting enough processed sugar and salt to bring on a doctor's lecture about obesity and the early onset of diabetes, the most common risks of a food stamp diet. For Anthony, 9, it meant moving out of the trailer and usually living at his grandparents' farm. For Hannah, 7, it meant her report card had been sent home with a handwritten note of the teacher's concerns, one of which read, "Easily distracted by other people eating." For Sarah, the 9-month-old baby, it meant sometimes being fed Mountain Dew out of the can after she finished her formula, a dose of caffeine that kept her up at night.

Mr. Speaker, this is all taking place in rural Tennessee. That's right, Mr. Speaker. Hunger doesn't just exist in urban areas. According to USDA statistics, rural areas are poorer than urban areas. And according to the latest USDA data, households in rural areas were more likely to be food insecure. While 14.9 percent of all households were food insecure in 2011, 15.4 percent of households in rural areas were food insecure.

And let's look at the SNAP statistics. While 16 percent of all Americans live in nonmetropolitan areas, 21 percent of SNAP beneficiaries live there. Ten percent of the rural population relies on SNAP, compared to 7 percent of the urban population. Children under

18 make up 25 percent of the rural population, but they are 40 percent of the rural population using SNAP.

These statistics show empirically that hunger is a problem in rural America. Sunday's article paints a terrible and disturbing picture about hunger in rural America. And together, they show why we must commit ourselves to end hunger now.

That's why it is so disturbing to me that so many of my Republican friends seem hell-bent on cutting huge amounts from the SNAP program, literally throwing millions of Americans off the program. It shows a stunning ignorance of current reality, and it shows a callousness that, quite frankly, is beneath this institution.

During the recent debate on the farm bill, I had heard a number of my colleagues from the other side of the aisle demean the poor in this country and diminish their struggle. I heard rhetoric from some of my colleagues on the other side of the aisle characterizing these Americans who are struggling in poverty in inappropriate and demeaning ways. It was offensive, some of the rhetoric that was spouted here on this floor.

I urge all of my colleagues, Democrats and Republicans alike, to reject any assault on the SNAP program.

Mr. Speaker, we have an opportunity to end hunger now, but we must take it. We need some leadership. We need leadership in this House, but we also need leadership from the White House in order to get this done. We need the White House to host a conference on food and nutrition. We need the President to bring the best and brightest minds from any and every corner of this Nation together, lock them in a room, and direct them to come up with a plan. It is not hard.

We need the political will to end hunger now. This issue needs to be more of a priority.

#### RISING STUDENT LOAN INTEREST RATES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, yesterday afternoon, Senate Majority Leader HARRY REID stated, "If we do nothing, student loan rates go to 6.8 percent," as reported by Politico.

In case the Leader forgot, interest rates doubled to 6.8 percent last week. The House acted to prevent it. The Senate did not.

Today, The Washington Post Editorial Board writes:

The Senate is set to consider on Wednesday the Keep Student Loans Affordable Act in what could be the Chamber's only reaction to the recent doubling of a low student loan interest rate . . . lawmakers should reject this pathetic nonsolution.

The editorial continues:

With the President and the House in near alignment on the student loan issue, the Senate has no excuse to fail. Mr. Obama should press Democrats hard and work with Republicans to strike a deal, not to vote for dead-end policy.

Unfortunately, rather than solve problems, the Senate is wasting the American people's time and moving forward with another dead-end policy, what today's Post refers to as another "campaign gimmick."

The people deserve better. Our students deserve better in this country.

Mr. Speaker, the Senate has no excuse.

#### IT'S TIME TO CHANGE THE NAME OF THE NATIONAL FOOTBALL LEAGUE'S WASHINGTON FOOTBALL FRANCHISE

The SPEAKER pro tempore. The Chair recognizes the gentleman from American Samoa (Mr. FALEOMAVAEGA) for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, it's time that the National Football League and the NFL Commissioner Roger Goodell face the reality that the continued use of the word "redskin" is unacceptable. It is a racist, derogatory term and patently offensive to Native Americans.

The Native American community has spent millions of dollars over the past two decades trying earnestly to fight the racism that is perpetuated by this slur.

□ 1030

The fact that the NFL and Commissioner Goodell continue to deny this is a shameful testament of the mistreatment of Native Americans for so many years. It is quite obvious that once the American public understands why the word "redskins" is so offensive, they'll know that the word should never be used again.

The origin of the term "redskins" is commonly attributed to the historical practice of trading Native American Indian scalps and body parts as bounties and trophies. For example, in 1749, the British bounty on the Mi'kmaq Nation of what is now Maine and Nova Scotia was a straightforward "10 Guineas for every Indian Mi'kmaq taken or killed, to be paid upon producing such savage taken or his scalp."

Just as devastating was the Phips Proclamation, issued in 1755 by Spencer Phips, lieutenant governor and commander in chief of the Massachusetts Bay Province, who called for the wholesale extermination of the Penobscot Indian Nation. By vote of the General Court of the Province, settlers were paid out of the public treasury for killing and scalping the Penobscot people. The bounty for a male Penobscot Indian above the age of 12 years was 50 pounds, and his scalp was worth 40

pounds. The bounty for a female Penobscot Indian of any age and for the males under the age of 12 was 25 pounds, while their scalps were worth 20 pounds. These scalps, Mr. Speaker, were called "redskins."

The question is quite simple. Suppose that that redskin scalp that was bought for payment was the scalp of your mother, the scalp of your wife, the scalp of your daughter, the scalp of your father, the scalp of your husband, or of your son. The fact is, Mr. Speaker, Native Americans are human beings, not animals.

The current chairman and chief of the Penobscot Nation, Chief Kirk Francis, recently declared in a joint statement that "redskins" is "not just a racial slur or derogatory term" but a painful "reminder of one of the most gruesome acts of ethnic cleansing ever committed against the Penobscot people." The hunting and killing of Penobscot Indians, as stated by Chief Francis, was "a most despicable and disgraceful act of genocide."

Recently, myself and nine Members of Congress explained the violent history and disparaging nature of the term "redskins" in a letter to Mr. Dan Snyder, owner of the Washington football franchise. Similar letters were sent to Mr. Frederick Smith, president and CEO of FedEx, a key sponsor of the franchise, and Mr. Roger Goodell, commissioner of the National Football League. As of today, Mr. Snyder has not yet responded. Mr. Smith ignored our letter as well, opting instead to have a staff member cite contractual obligations as FedEx's reason for its silence on the subject.

Mr. Goodell, however, in a dismissive manner, declared that the team's name "is a unifying force that stands for strength, courage, pride, and respect." Give me a break, Mr. Speaker. In other words, the National Football League is telling everyone—Native Americans included—that they cannot be offended because the NFL means no offense. Essentially, Mr. Goodell attempts to wash away the stain from a history of persecution against Native American people by spreading twisted and false information concerning the use of the word "redskins" by one of the NFL's richest franchises. It is absolute absurdity.

Mr. Goodell's response is indicative of the Washington football franchise's own racist and bigoted beginnings. The team's founder, George Preston Marshall, is identified by historians as the driving force behind the effort to prevent African Americans from playing in the NFL. And once African Americans were allowed to play in 1946, Marshall was the last club owner to field an African American player—a move he reluctantly made some 14 years later in 1962. It should be noted that Secretary of the Interior Stewart Udall and U.S. Attorney General Robert F.



Kennedy presented Marshall with an ultimatum—unless Marshall signed an African American player, the government would revoke his franchise's 30-year lease on the use of the D.C. Stadium.

Congressman TOM COLE, the Representative from Oklahoma, Co-Chair of the Congressional Native American Caucus, and a member of the Chickasaw Nation, states: "This is the 21st century. This is the capital of political correctness on the planet. It is very, very, very offensive. This isn't like warriors or chiefs. It's not a term of respect, and it's needlessly offensive to a large part of our population. They just don't happen to live around Washington, DC."

Congresswoman BETTY MCCOLLUM, the Representative from Minnesota and Co-Chair of the Congressional Native American Caucus, states that Mr. Goodell's letter "is another attempt to justify a racial slur on behalf of [Mr.] Dan Snyder," owner of the Washington franchise, "and other NFL owners who appear to be only concerned with earning ever larger profits, even if it means exploiting a racist stereotype of Native Americans. For the head of a multi-billion dollar sports league to embrace the twisted logic that '[r]edskin' actually 'stands for strength, courage, pride, and respect' is a statement of absurdity."

Congresswoman ELEANOR HOLMES NORTON, the Representative from the District of Columbia, states that Mr. Snyder "is a man who has shown sensibilities based on his own ethnic identity, [yet] who refuses to recognize the sensibilities of American Indians."

Recently, in an interview with USA Today Newspaper, Mr. Snyder defiantly stated, "We'll never change the name. It's that simple. NEVER—you can use caps." Mr. Snyder's statement is totally inconsistent with the NFL's diversity policy.

Let me be clear on this—I love and respect Mr. Snyder's people. They gave to mankind the Torah, the Bible, the Koran—the prophets like Adam, Methuselah, Enoch, Moses, Abraham, Isaac and Jacob—and yes, and even our Lord and Savior Jesus Christ.

But I also want to remind Mr. Snyder that six million of his people were gassed, tortured, murdered, and even skinned by the Nazis to make lamp shades and other forms of horrifying experimentations. Time will not allow me to elaborate further. But let me be clear—I would be among the first to defend Mr. Snyder and his people against racial intolerance. All I ask is for Mr. Snyder to do the same for our Native Americans.

Despite the Native American community's best efforts before administrative agencies and the courts, the term "redskins" remains a federally registered trademark. It has been well over twenty years and this matter is

still before the courts. This injustice is the result of negligence and a cavalier attitude demonstrated by a federal agency charged with the responsibility of not allowing racist or derogatory terms to be registered as trademarks. Since the Federal Government made the mistake in registering the disparaging trademark, it is now up to Congress to correct it.

#### REAL JUSTICE AND MILITARY JUSTICE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Today, I'd like to highlight two very important topics: real justice and military justice. As a recent case of sexual abuse illustrates, they are far from one in the same.

Last fall, Lieutenant Colonel James Wilkerson was convicted of sexual assault by a military jury. The assault took place in Wilkerson's own home, as his wife and child slept upstairs. The all-male jury—four colonels and one lieutenant colonel—was unanimous in their ruling: guilty. Wilkerson was sentenced to 1 year in prison, a less than honorable discharge, and a loss of benefits. Three months later, General Craig Franklin, a three-star general who had originally called for the court-martial, overturned the punishment. General Franklin has no legal training. Wilkerson was free and clear and reinstated on Active Duty.

Now, that's quite a reversal, you'd say. There must have been some iron-clad, watertight, slam-dunk evidence for a general to negate a jury of five officers, right? Some silver-bullet testimony? Sorry, no. In this case, the reasoning for the general's stunning intervention was "character." The general simply felt that Wilkerson was a "dotting father and husband." You know, a family man.

Okay, you say. Maybe the general considered solid evidence that calls the entire night into question. Sorry, no. It turns out General Franklin relied on evidence that was ruled inadmissible in court. Evidence like letters of support from Wilkerson's wingmen, who had his back. On the other hand, he ignored the results of a polygraph test that Wilkerson had failed.

Wait a minute, you say. Maybe this one terrible act was an isolated incident, horrible as it was. Sorry, no. Earlier this month, the Air Force acknowledged that Wilkerson had previously fathered a child through an extramarital affair. Adultery is a crime in the military, but only inside a 5-year statute of limitation. This crime from 8 years ago is no longer punishable. And it was kept quiet by the Air Force. Why? Because they say the Privacy Act prevented the disclosure of those actions without Wilkerson's permission. Can you believe that?

Those are the facts of the case. Currently, Wilkerson is slated to receive full military benefits, including a pension and health care, for life. And this is what military justice currently looks like. If the Uniform Code of Military Justice allows for such negligence and obstruction, then the Code is more than just outdated and ineffective; it's broken. It's damaging the military itself.

It's also obvious to any legal expert that General Franklin was out of his depth and overmatched in this situation. Is he a lawyer? No, he's not a lawyer. But you keep these proceedings in the chain of command and you get bias. You get a travesty. You get no justice at all.

Today, I'm demanding real justice. The Air Force needs to redeem itself. I call on the Air Force to convene an involuntary discharge board. For Wilkerson's gross misconduct, the Secretary of the Air Force should also do a grade determination and assess whether Wilkerson should be demoted to his rank at the time of his first offense. I've sent a letter to the Secretary demanding these actions. Twenty-five of my colleagues in the House have joined me and signed the letter.

We've heard repeatedly how bad this problem is. There are 26,000 cases of sexual assault a year. A tiny fraction of those are reported. It's rare that a case like the Wilkerson one ever gets to this stage. And when it does, look what happens. Zero tolerance evaporates and becomes zero accountability. Victims suffer all over again. The military continues to look inept, incompetent, arrogant, and unjust to everyone but to themselves.

In the meantime, we are left to describe this ongoing problem in any number of ways: a plague, a cancer, or simply a national embarrassment. Should we even consider this type of justice—this sham of military justice—worthy of our country and our values? I say "no." I believe the American people would say a resounding "no" as well.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 38 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

We give You thanks, O God, for giving us another day.

We ask Your blessing upon this assembly and upon all to whom the authority of government is given. We pray that Your spirit of reconciliation and peace, of goodwill and understanding, will prevail on the hearts and in the lives of us all.

Encourage the Members of this House, O God, to use their abilities and talents in ways that bring righteousness to this Nation and to all people. Ever remind them of the needs of the poor, the homeless or forgotten, and those who live without freedom or liberty.

May Your spirit live with them and with each of us, and may Your grace surround us and those we love, that, in all things, we may be the people You would have us be in service to this great Nation.

May all that is done within the people's House this day be for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HOLDING. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HOLDING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Hawaii (Ms. GABBARD) come forward and lead the House in the Pledge of Allegiance.

Ms. GABBARD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

#### OBAMACARE

(Mr. MULLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MULLIN. Mr. Speaker, I rise today unable to understand why we stand by and watch as our country's future is threatened. It seems as though each week delivers a new disastrous element to the train wreck that is in ObamaCare.

Now that that implementation of ObamaCare's employer mandate has been delayed, more uncertainty has been created among business owners.

Mr. President, you cannot bargain with America's economy in hopes that your political philosophy succeeds.

I find it ironic that the President has now conveniently chosen to listen to the American people, when business owners like myself have been screaming for years. This administration is struggling to prove the merits of ObamaCare it initially advertised and now resorts to excuses. Delay after delay proves ObamaCare is unsustainable.

The bill was passed. We now finally know what's in the bill. Now it's time to repeal it.

The SPEAKER pro tempore (Mr. WOMACK). Members are reminded to direct their remarks to the Chair.

#### STOP THE STUDENT LOAN RATE HIKE

(Ms. FRANKEL of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FRANKEL of Florida. My, my, Mr. Speaker.

Jade Andrushka is a Palm Beach State College student with big dreams and a small bank account. Her mother is a hospice social worker, has solely supported Jade while paying back her own student loans for over 20 years so that she and her daughter could have a better life.

Well, Mr. Speaker, July 1 has come and gone, and the Federal student loan rates have doubled, making college more expensive for millions of American families, including Jade and her mom, who now face two generations of loans.

Mr. Speaker, it takes a simple fix by Congress to do the right thing, reverse this excessive rate hike, and clear the path to one of the most important pathways to American prosperity—a college education.

My, my, my, Mr. Speaker. Can't we all work together to get this done?

#### GAS AND GROCERIES

(Mrs. WALORSKI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WALORSKI. Mr. Speaker, when I go to the grocery store at home on Saturday mornings, I talk to Hoosier moms and dads concerned with high prices at the pump and the checkout line.

According to reports last month, gas prices in the five Midwestern States ranked in the top nine States nationally, with some folks in Indiana, motorists, paying \$4 per gallon.

A Starke County constituent wrote to me on the Fourth of July and said he canceled his holiday plans because he needed to save money for a tank of gas. He wondered what is Congress doing about it.

How can we help hardworking Americans keep more money in their wallets and pay less for gas and groceries?

The House passed two bills to address high energy prices, to create more jobs, and move our country closer toward energy independence. I supported these commonsense measures for single parents, for families, college students, senior citizens struggling to make ends meet during these tough economic times.

I urge the Senate and the President to join the House and pass this legislation to open more offshore areas for the development of natural resources.

A trip to the grocery store or a stop at the gas station should not be breaking the bank of Americans. Let's show the American people Congress can work together on basic solutions to make their daily lives a bit easier.

#### SO MUCH LEFT UNDONE

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, so much left undone.

Our students are crying out. Maybe they're saying, "Mercy."

To avoid this 6.8 percent increase in their rates, putting hundreds of thousands of dollars in debt on our college students, Congress must act immediately, and we must push and drive those who believe our students are not important.

Undone. The high unemployment of youth. In our meeting with the President yesterday, I mentioned the idea that we must construct a program that deals with underemployed or unemployed youth, particularly those high numbers in our minority community.

And then, of course, the prevention of youth violence, gun violence, that is a crucial issue for all of us. The Congressional Black Caucus will be working extensively with the President to help drive legislation that will pass reasonable gun violence prevention legislation but, more importantly as well, keep our young people alive, keep them in school, and, yes, keep them studying, understanding and preventing gun violence from making them a victim.

This Congress must act now and end sequestration to make sure that America is treated well by this Nation.

#### OBAMACARE COSTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the true cost of the Affordable Care Act is being revealed day by day. We knew from the beginning that the law was double counting more than \$716 billion in cuts to Medicare to pay for the new entitlements. Another \$115 billion in implementation costs were left off the books. Then we saw the \$70 billion in projected revenues evaporate as the long-term care insurance plan was proven to be unsustainable and abandoned.

Now the President is telling us he needs more than double the anticipated amount to pay out the law's subsidies. Could this be because the administration will use the honor system to determine eligibility for subsidies, with no verification procedures in passing out subsidies?

Maybe we should use the honor system more often. We could trust that everyone paid their taxes. That would save us all money we spend on IRS agents.

We could trust that industries aren't polluting. That would save a lot of money we spend on the EPA.

Reagan used to say, "Trust, but verify." The byword for this administration is "Trust, and hope you aren't being defrauded."

#### COMPREHENSIVE IMMIGRATION REFORM

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, last month, the Senate passed historic comprehensive immigration reform, and now is the time for the House to act.

It is because of our family values that we cannot wait another year, another month, or another day to finally fix our broken immigration system. We must pass a bill that keeps families together, and we must do the right thing, the humane thing, and bring 11 million immigrants out of the shadows and into society. We must ensure that all who want to call this country home have a fair and reasonable road map to do so.

I urge the Republican leadership not to choose the partisan path. Instead, we should come together and pass bipartisan comprehensive legislation that will fix our immigration system and finally revitalize the American Dream.

The time to act is now.

#### CELEBRATING LUDINGTON PUMPED STORAGE PLANT'S 40TH ANNIVERSARY

(Mr. HUIZENGA of Michigan asked and was given permission to address the House for 1 minute.)

Mr. HUIZENGA of Michigan. Mr. Speaker, I rise today to celebrate something. I'd like to take a moment to recognize a major milestone for the Ludington Pumped Storage unit that was built in Michigan's Second District four decades ago and continues to be a great success today.

Construction of the project, as the locals call it, began in 1969 and was completed in 1973 on the shores of Lake Michigan, south of Ludington. Today, employees back there are celebrating the plant's 40th anniversary.

The Ludington Pumped Storage Plant was the largest pumped storage hydroelectric facility in the world when it was constructed. It is 842 acres and is 2½ miles long and holds 27 billion gallons of water. There are six generating units at the plant that can produce enough electricity to power a city of 1.4 million residents.

This plant is an example of successful co-ownership between Consumers Energy and Detroit Edison, DTE Energy. By displacing higher costs, Ludington Pumped Storage Plant saves consumers and DTE customers millions of dollars each year.

What makes the plant's 40 employees most proud are the national awards that they've been earning for safe operation of the plant, however.

The future looks bright for the project. There is an \$800 million investment that's being made on behalf of the customers from both utilities to overhaul and upgrade the plant to improve efficiency, and we just want to congratulate this plant today as it works to fit into our all-of-the-above energy plan.

#### SAFE CLIMATE CAUCUS

(Mr. HUFFMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUFFMAN. Mr. Speaker, after President Obama's historic announcement of his climate action plan 2 weeks ago, we returned home to our congressional districts for a week, and some of us saw record-high temperatures and drought. Others witnessed unseasonably heavy rainfall and tidal flooding. And yet this week we return to a House that's heading in the wrong direction.

The Energy and Commerce Committee is debating a bill that would give the Department of Energy veto authority over EPA's public health rules. The Energy and Minerals Subcommittee spent yesterday in a hearing on the wonders of subsidized coal production.

Fighting climate change is the biggest imperative of our time. The stakes

are high, and ignoring it will not make the problem go away.

President Obama's plan is a step in the right direction, and I'm encouraged that EPA is moving quickly on meaningful standards for power plants. Strong power plant standards are an imperative if we're going to avert the worst impacts of climate change.

We've got a lot of work to do, Mr. Speaker, and it's time to get this House headed in the right direction on climate policy.

#### HONORING DUSTIN DEFORD

(Mr. DAINES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAINES. Mr. Speaker, I rise today to honor Dustin Deford, a 24-year-old Montana native who was among the 19 Hotshot firefighters who recently died while battling a wildfire in Arizona.

The son of Reverend Steve and Celeste Deford, Dustin grew up in the small town of Ekalaka, Montana, where he was well known for his joyful spirit as well as his deep faith in Christ.

Dustin also had a passion for community service at an early age. In fact, he volunteered for the Carter County Rural Fire Department as soon as he turned 18 and continued working as a county firefighter every summer from 2007 until this year, when he earned a position on the Granite Mountain Hotshots in Arizona.

Cindy and I join all the people of Montana in mourning the loss of Dustin and all the brave firefighters who lost their lives on June 30. We are keeping Dustin's family and loved ones in our thoughts and prayers during this most difficult time.

□ 1215

#### PRIDE MONTH

(Mr. PETERS of California asked and was given permission to address the House for 1 minute.)

Mr. PETERS of California. Mr. Speaker, I rise today to recognize San Diego's LGBT Pride Parade and Festival that will take place this weekend.

Messages of diversity and inclusiveness are at the heart of the LGBT community. I'm proud to stand with San Diego's LGBT community and LGBT men and women across the country in commemorating their history and working for their future success. From that iconic night at Stonewall to Harvey Milk to the repeal of Don't Ask, Don't Tell to the overturning of DOMA and Prop 8, we've experienced uneven but unmistakable progress toward equality.

As we recognize and celebrate our LGBT family and friends, we must also

do the right thing and pass a trans-inclusive Employment Nondiscrimination Act so that all Americans are safe from the worry of being fired because their employers disagree with who they are and who they love.

This weekend, as San Diego celebrates Pride, I'm honored to stand with friends and colleagues to honor the contributions of LGBT Americans in San Diego and across the country.

#### TOO EXPENSIVE TO AFFORD

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, we're learning an awful lot about ObamaCare these days, and it seems like every week is bringing something new. We have learned that this program is too expensive to afford. We have learned that it is too difficult to implement. We have learned that it is too burdensome for business. That is why the employer mandate is being delayed. Indeed, we're seeing these burdens on business lead to an under- and unemployed number, the U-6 number, 14.3 percent.

Where have the jobs gone? ObamaCare holds some of that answer.

We are also learning that there are too many mandates, too many rules, too many regulations. We're hearing it from our health care providers, we're hearing it from constituents, and we're hearing it from individuals who want to be able to make their health care decisions with their doctors, not a bureaucrat in Washington, D.C.

What my constituents are telling me is this: let's delay, let's defund, let's repeal, let's replace. This law is too cumbersome and too expensive to afford.

#### WORKING TOGETHER IN WESTERN NEW YORK

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, it's safe to say that Congress experiences more than its share of dysfunction. Too often, Members engage in behavior that serves to produce partisan gridlock and very little else. But this week, western New York's delegation has successfully bucked that trend.

Last night, my office worked closely with Congressman TOM REED to protect residents from leaking radioactive waste in West Valley, New York. Later today, Congressman CHRIS COLLINS will join in our efforts to protect Army Corps projects that will clean up western New York's waterways. Earlier this week, Congresswoman LOUISE SLAUGHTER and our State's Senators joined in our continued push for airline safety in the wake of the crash of Flight 3407 in western New York.

There is no disputing the fact that on some issues we have vastly divergent views. But when you respect the positions of your colleagues across the aisle and tone down the partisan rhetoric, you create room to work together for the communities you are bound to serve. I am honored to work with these western New York colleagues.

#### COMMONSENSE SOLUTIONS FOR JOBS

(Mr. PITTENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTENGER. Mr. Speaker, last week, America celebrated its 237th birthday. As I spoke with constituents at parades and other events, the number one concern I heard was about the need for better jobs. Twelve million Americans are out of work, Mr. Speaker, and 4.3 million have been out of work for 6 months or more. We're more than 4 years into President Obama's recovery; yet his misguided policies have produced almost 4 million fewer jobs than the average recovery. The American people deserve better. Our 237-year legacy proves that we can do better. Americans deserve a government that lets our economy grow and doesn't kill jobs with overreaching regulations and mindless bureaucratic kingdom-building.

Just last week, President Obama conceded that ObamaCare's employer mandate will hurt job growth. By delaying implementation of the mandate, he recognizes this policy is a failure. Now is the time for President Obama to show true leadership, put aside his failed policies, and work with Republicans on real commonsense solutions.

#### REPEAL THE EMPLOYER MANDATE IN OBAMACARE

(Mr. BARROW of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW of Georgia. Mr. Speaker, just over a week ago, the administration announced a 1-year delay of the employer mandate in the Affordable Care Act. While a temporary delay is a good thing for businesses, a full repeal would be even better. Businesses in my district in Georgia have made very clear that the employer mandate would prevent them from expanding their businesses or hiring workers. One of the main reasons I voted against the law in the first place was because too many job creators in my district simply can't afford the costs of the employer mandate under the Affordable Care Act.

We can fix this, however. I'm proud to be leading the effort to fully repeal the employer mandate, along with two of my colleagues from across the aisle.

We know this can be fixed, and we've got the bipartisan legislation to do it. I urge my colleagues to swiftly bring up the full repeal of the employer mandate and make this delay permanent so businesses across the country can get back to creating the jobs we need.

#### AMERICANS SHOULD BE ABLE TO TRUST GOVERNMENT

(Mr. WENSTRUP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WENSTRUP. Mr. Speaker, every coin and bill we use bears the phrase "In God We Trust." Sadly, today, our trust tends to stop there. I don't recall hearing "In Government We Trust" very often.

President Reagan governed on the phrase "Trust, but verify." This holds true to the Founders' original plan of three branches of government working to safeguard the people from overreach or abuse of power by any one. Current scandals fly in the face of the very principles and ethos we live our lives by and the values we were founded upon.

I can tell you that we in southern and southwest Ohio take pride not only in hard work but honest work. We now face an executive branch so vast that those who are in charge now claim that full accountability is impossible. They claim that government is too vast to be held accountable.

Mr. Speaker, I will not give up on the goodness of the American citizen and the possibility of responsibility and trust that we should be able to have in our government.

#### IMMIGRATION AND ECONOMICS

(Mr. VEASEY asked and was given permission to address the House for 1 minute.)

Mr. VEASEY. Mr. Speaker, after hosting a special screening of "The Dream is Now" at the Rose Marine Theater on the north side of Fort Worth, I can assure you that the hundreds of constituents who attended the event represent a microcosm of undocumented immigrants in the U.S. who need the U.S. to act now on comprehensive immigration reform.

The dream for 11 million to come out of the shadows and contribute to the only country they have ever known rests in our hands. In my home State of Texas alone, immigrants paid \$1.6 billion in State and local taxes. The economic contributions of immigrants demand an immigration system that responds to the rapidly changing 21st century economy. We all agree that our current immigration system is broken. The Senate bipartisan bill was a start, and it is proof that a long-term, practical solution on immigration can be achieved.

I will continue to work with like-minded colleagues to ensure a practical and fair solution. We can no longer afford piecemeal solutions that are detrimental to our society and to our economy.

#### HONORING ARMY SERGEANT ZEKE CROZIER

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, I rise today to thank a truly remarkable American—a Kansan—who came within inches of giving his life in the service of his country, but who has made an unthinkable yet not unbelievable recovery.

I first met Spring Hill native Army Sergeant Zeke Crozier 2 years ago. He was with the 158th Aviation Regiment out of Gardner, Kansas, and he was set to deploy to Afghanistan. After being in Afghanistan for only 41 days, the Chinook helicopter Sergeant Crozier was flying in crashed violently, and he suffered a severe traumatic brain injury.

Defying all odds, Sergeant Crozier has made a miraculous recovery, and even walked into my district office in Overland Park, Kansas, yesterday. Sergeant Crozier's recovery efforts are inspirational. They are also a reminder that we must always keep our commitment to our Nation's veterans. There are over 530,000 veterans benefit cases on backlog at the VA. This is unacceptable to me and to the men and women willing to serve our country bravely and honorably, especially those that now need our help in return.

To Sergeant Crozier and to all those who have served, a grateful Nation thanks you for your sacrifice.

#### NATIVE HAWAIIAN EDUCATION ACT

(Ms. GABBARD asked and was given permission to address the House for 1 minute.)

Ms. GABBARD. Mr. Speaker, in the coming days, we will soon be taking up H.R. 5, the Student Success Act, which is a long overdue reauthorization of the Elementary and Secondary Education Act. I'm rising today to speak about the need to include in this reauthorization the Native Hawaiian Education Act. I've introduced H.R. 2287, which does just this. I look forward to working with my colleagues to ensure its passage.

Last week, when I was in Hawaii, I had the chance to meet with parents and educators in the Native Hawaiian Education community on the islands of Kauai, Maui, and Molokai. I heard from them about the firsthand successes of this program, which has been in place since 1988.

Education is, by far, the best investment that we can make in our economy and in our future. We are empowering and educating the next generation in communities that have largely been underserved, while at the same time preserving rich and unique culture, language, and values of our native people. The Native Hawaiian Education Act has been serving our kids for the last 25 years. It's critical that these innovative programs continue.

I urge my colleagues to join me in supporting the NHEA and other programs that can enable and empower our underserved communities to thrive.

#### STUDENT LOAN INTEREST RATES

(Mrs. BEATTY asked and was given permission to address the House for 1 minute.)

Mrs. BEATTY. I rise today to address the recent doubling of interest rates on federally backed, needs-based student loans. Students deserve access, not obstacles, to higher education. These rate hikes will make college less affordable at a time when we should be encouraging, not discouraging, people to seek higher education opportunities to grow our economy and to create jobs. But due to House Republicans' failure to act, the interest rate on college loans has doubled from 3.4 percent to 6.8 percent for some 7.4 million students.

In these tough economic times, Democrats understand we should be making every effort possible to increase access to higher education for all Americans. There is no time left. We need to act now to reverse the rate hike and keep student loan interest rates low so more Americans can have a fair shot at a college education.

#### MAJOR LEAGUE SPORTS TEAMS HAVE A RESPONSIBILITY TO THE PUBLIC

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, in 1995, former Washington Bullets owner Abe Pollin announced that he would be changing the name of the Washington Bullets to the Washington Wizards. The change did not happen overnight, nor was everyone happy about it. But Mr. Pollin knew it was the right thing to do. And he did it successfully. Given the high homicide and crime rate in the early 1990s in Washington, D.C., Mr. Pollin became increasingly concerned about the Bullets' association with violence. Finally, when Mr. Pollin's close friend, Israeli Prime Minister Yitzhak Rabin, was assassinated in November 1995, he made the final decision.

Mr. Dan Snyder, owner of the Washington Redskins, may never come to

the realization that is so evident to us all in the 21st century—that the term “redskins” is racist, demeaning, derogatory, and offensive to Native Americans. But I stand today, once again, to make this appeal to Mr. Snyder. I am thankful for Mr. Pollin's brave decision to change the Bullets' name, and I urge Mr. Snyder to have the courage to do the same. Change the name of your football franchise.

#### IMMIGRATION REFORM

(Mr. CARTWRIGHT asked and was given permission to address the House for 1 minute.)

Mr. CARTWRIGHT. Mr. Speaker, the time has come for this House to address comprehensive immigration reform. If the Senate can fashion a bipartisan bill, we can too.

Follow the money. Bringing 11 million people out of the shadows would increase our gross domestic product by \$832 billion over 10 years. Follow the money. The CBO calculates that the Senate bill will cut the deficit by \$197 billion over 10 years. What is not to like about that?

The plan that passed the Senate would strengthen our borders, crack down on employers who knowingly hire undocumented workers, and let those who want to earn their citizenship do just that.

Mr. Speaker, if the Senate can do it, we can do it too.

□ 1230

#### STUDENT LOANS

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, I am certain that during this past district work week you were asked, as I was: “What about the student loans?” What people were asking was: “What are you doing in Congress about the rates that are going to double on July 1?”

Let's review what we know, Mr. Speaker. We know that there are 7.4 million students that are affected. The rates are doubling from 3.4 to 6.8 percent, and this means \$1,000 more in debt. We know that a college education can mean about \$1 million more in future earnings over a lifetime. We know that we, as a country, need to build up our graduates to continue to be competitive. We also know that 45 percent of Americans hold student loan debt.

Mr. Speaker, it is time to act now for America's future.

#### STUDENT LOANS

(Mr. MURPHY of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Florida. Mr. Speaker, I rise today to echo the sentiments

of many of my colleagues on both sides of the aisle regarding the urgency to fix the student loan interest rate hike that took place last Monday.

The inability of Congress to come together and compromise on behalf of America's students is embarrassing. Doubling interest rates makes college less affordable, and the increased debt burden threatens the middle class and harms our economy.

Recent graduates who should be putting away money for their first home or saving up to start their own business are instead spending upwards of \$500 per month paying back loans for their college education. Recent Florida graduates left college with student loan debt equal to 54 percent of their annual income.

Just this Monday, I heard the concerns of students in my district on how this debt will impact their future. Some students are even considering dropping out of college.

Mr. Speaker, the American people deserve better. I once again urge the House of Representatives to set politics aside and immediately take up legislation to right this wrong.

#### STUDENT LOANS

(Mr. NOLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NOLAN. Mr. Speaker, it's time that the Congress get to work and stop this doubling of the interest rates on our student loans.

I'd like to take this moment to remind my colleagues here in the House that our generation was able to graduate from universities and enjoy great success for the most part debt free because college costs were less and we were able to get a combination of grants and scholarships.

What we're doing to today's generation is unforgivable; it's unconscionable. They're expected to graduate with \$30,000 in debt, on average. We were able to start building families and homes and businesses and buy cars. Our generation that we're handing over to is expected to pay loans. We just simply cannot allow this to happen. It's not right.

We all have an obligation to pay forward. This country has been so good to our generation; it's time for us to pay back. Let's step up, get to work, and stop this increase from taking place.

And last, but not least, let's put it in perspective. For what we spent on the war in Iraq, \$1 trillion, we could have sent an entire generation of young men and women through college and let them graduate debt free.

Let's get our priorities in order, Mr. Speaker.

#### ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

##### GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on further consideration of H.R. 2609, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 288 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2609.

Will the gentleman from North Carolina (Mr. HOLDING) kindly take the chair.

□ 1235

##### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2609) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes, with Mr. HOLDING (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, July 9, 2013, a request for a recorded vote on an amendment offered by the gentlewoman from Nevada (Ms. TITUS) had been postponed and the bill had been read through page 60, line 12.

##### AMENDMENT NO. 17 OFFERED BY MR. BURGESS

Mr. BURGESS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, before the short title, insert the following new section:

SEC. \_\_\_\_ None of the funds made available in this Act may be used—

(1) to implement or enforce section 430.32(x) of title 10, Code of Federal Regulations; or

(2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)) with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. Mr. Chairman, in this House, in 2007, a bill was passed called the Energy Independence and Security Act. One of the features of this bill was to take away consumer choice when deciding which light bulbs our constituents could use in their own homes.

Since that time, I have heard from literally tens of thousands of people on the inequities of this provision. Mr. Chairman, they're right.

While the government has passed energy-efficiency standards in other realms over the years, they have never moved so far and lowered standards so drastically to a point where at this date, over 5 years, the technology is still years off in making light bulbs that are compliant with the 2007 law and at a price point that the average American can afford.

Last year, light bulb companies talked about their new 2007 law-compliant bulbs that are available now, but they're available at price points of \$20, \$30, \$40, and \$50 each bulb.

Opponents to my amendment will claim that the 2007 language does not ban the incandescent bulb. This is true. It bans the sale of the 100-watt, the 60-watt, and the 45-watt bulbs. The replacement bulbs are far from economically efficient, even if they are energy efficient. A family living paycheck to paycheck can't afford to replace every bulb in their house at \$25 a bulb, even if those bulbs will last 20 years.

This Congress should be on the side of the consumer and on the side of consumer choice. If the new energy-efficient light bulbs save money and if they're better for the environment, we should trust our constituents to make the choice on their own toward these bulbs. Let the market decide. We should not be forcing these light bulbs on the American people. The bottom line is the Federal Government has no business taking away the freedom of choice from Americans as to what type of light bulbs to use in their homes.

The columnist, George Will, speaking on a television program back in December of 2007, describing the efforts of the then-110th Congress, was fairly disparaging. He pointed out that Congress had not done much work in the calendar year 2007. He went on to say that the sole functions of the Federal Government are to defend the borders and deliver the mail, but all the Congress had managed to do was ban the incandescent bulb.

This exact amendment was passed the past 2 years by voice vote and both times was included in the legislation signed into law by President Obama. It allows consumers to continue to have a choice and a say as to what they put in their homes. It's common sense. Let's give some relief to American families at least until replacement light bulbs can be marketed at prices that don't break the bank.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, I rise in opposition to the very distinguished Member's amendment—Dr. BURGESS—

and simply say that his amendment would prohibit the Department of Energy from promulgating light bulb efficiency standards.

It is a common misunderstanding that there is some type of ban on the incandescent light bulb that effectively requires people to have the limited choice of only a compact fluorescent bulb. This is simply not true. Regulations require only that bulbs be more efficient.

So this debate really isn't about choice—or energy efficiency for that matter. It's about endangering American jobs, specifically American manufacturing jobs. Given that American manufacturers have committed to following the law regardless of whether or not it is enforced, the only benefit of this ill-informed rider is to allow foreign manufacturers who may not feel a similar obligation to import non-compliant light bulbs that will not only harm the investments made by U.S. companies, but place at risk the U.S. manufacturing jobs associated with making compliant bulbs.

Further, it is the equivalent of a \$100 tax on every American family—that's \$16 billion across our Nation—through increased energy costs.

The performance standards for light bulbs were established in the Energy Independence and Security Act of 2007. At that time, the bill enjoyed strong bipartisan support of both Republicans and Democrats. Ninety-five House Republicans voted for final passage, and the bill was signed into law by President Bush.

As far as I'm aware, the issues that inspired this standard have not changed and, I would argue, have gotten worse. Families are struggling every day to meet rising energy bills, and there are real savings to be had by moving to more efficient light bulbs.

Further, while claiming that the incandescent bulb is dead makes for a great sound bite, it just doesn't reflect reality. As a result of the 2007 law, manufacturers already are making a variety of new energy-saving bulbs for homes, including more efficient incandescent bulbs. These bulbs look like and turn on like the bulbs we have been using for decades, but are upwards of 28 to 33 percent more efficient. And that's good for everyone. This is amazing progress in a very short time, considering that previously the basic technology of incandescent bulbs had not changed substantially since they were first introduced over 125 years ago.

Philips, GE, and Sylvania are among those currently manufacturing efficient incandescent bulbs. One is making them entirely within the United States, and the others are manufacturing the key components in their U.S. factories.

So I would urge my colleagues to please see the light and oppose this amendment. And my dear colleague,

Dr. BURGESS, knows that, despite the fact that we disagree on this issue, I have the highest respect for his service in this Congress to the people of Texas.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BURGESS).

The amendment was agreed to.

AMENDMENT NO. 29 OFFERED BY MS. BASS

Ms. BASS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used to implement, administer, or enforce, with respect to hydraulic fracturing operations in the Inglewood Oil Field—

(1) the exclusion in section 1421(d)(1)(B) of the Safe Drinking Water Act (42 U.S.C. 300h(d)(1)(B));

(2) section 261.4(b)(5) of title 40, Code of Federal Regulations; or

(3) the limitation in section 402(1)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1342(1)(2)).

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. BASS. Mr. Chairman, I rise to introduce a straightforward and narrow amendment that restricts Federal resources from supporting hydraulic fracturing in the Baldwin Hills/Inglewood Oil Field, the largest urban oilfield in the United States.

The urban location of the Inglewood Oil Field, as well as the area's susceptibility to earthquakes, requires unique health and safety considerations and precautions. The Inglewood Oil Field is nearly 90 years old, a 1,000-acre oilfield with over 350 oil wells in the center of Los Angeles. It is surrounded by thousands of homes, schools, and parks. In fact, 300,000 residents of Los Angeles, Baldwin Hills, Ladera Heights, Culver City, and Inglewood live and work directly around the field. Additionally, the oilfield borders the Kenny Hahn State Recreation Area, a park that welcomes thousands of families and visitors each year. Not only is the area around the Inglewood Oil Field densely populated; it also sits on the Newport-Inglewood fault, making it very vulnerable to severe earthquakes.

Clearly, the urban landscape and history of seismic activity in this area necessitates stringent health and safety reviews prior to any new oil and gas extraction. However, hydraulic fracturing, or fracking, is occurring in the Inglewood Oil Field without proper regulation or even a comprehensive study of its safety and impact.

During my time in the California State Assembly, and since coming to Congress, I have heard numerous times directly from my constituents that they are fearful about the environ-

mental health and seismic effects of fracturing in the Inglewood Oil Field and the impact it will have on their families and communities. They have discussed with me several concerns about fracking in the oilfield, like the impact on ground and drinking water safety, toxic chemical dispersion into the soil and air, and disruption of the Newport-Inglewood fault, which could lead to major earthquakes or landslides.

In fact, environmental conservation and health community leaders, like Lark Galloway Gilliam, Jim Lamm, and Mary Anne Greene, a member of the Community Advisory Council, have continually advocated for increased assessment and regulation of fracking in the Inglewood Oil Field.

□ 1245

In addition, Tom Camarella from Culver City has also expressed these concerns, and I believe these concerns are justified.

The people of Los Angeles and Culver City are entitled to an extensive long-term and transparent assessment of fracking operations at the oilfields. Ensuring the health and safety of our constituents should be a top priority.

That is why I rise today to offer this amendment, which will ensure that no Federal funds in this bill will be used to implement, administer, or enforce fracking in the Inglewood Oil Field for the coming fiscal year. This is a small step in the greater fracking debate, but I am proud to amplify the concerns of my community with this amendment.

I urge my colleagues to support the amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to oppose the gentleman's amendment.

The amendment would prohibit, as she said, hydraulic fracturing operations or fracking within the Inglewood Oil Field in Los Angeles.

I appreciate my colleague's passion for this particular issue and obviously her desire to protect her constituents, but the Energy and Water appropriations bill is not the proper place for such a unique prohibition on fracking.

Inglewood Oil Field is not Federal land nor does the Department of Energy's Office of Fossil Energy have any current projects that involve Inglewood in its natural gas portfolio. Furthermore, fracking activities are currently regulated both locally and by her own State of California.

This is a complex authorizing issue, but we are still waiting to hear from the Department's lawyers on what effect, if any, this language would actually have in the fiscal year 2014. Therefore, I must oppose her amendment and urge other Members to do the same.



I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. BASS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. BASS. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT OFFERED BY MR. MEADOWS

Mr. MEADOWS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to pay the salary of individuals appointed to their current position through, or to otherwise carry out, paragraphs (1), (2), and (3) of section 5503(a) of title 5, United States Code.

Mr. MEADOWS (during the reading). Mr. Chairman, I ask unanimous consent to waive the reading of the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MEADOWS. Mr. Chairman, my amendment is a simple and straightforward amendment. It prohibits the use of funds for the payment of salaries to Presidential recess appointees until they are formally confirmed by the Senate.

In 1863, a law was passed that barred unconfirmed recess appointees from being paid. That law stayed on the books until 1940. However, over time, a number of broad exceptions were made that gradually eliminated the original intent of that law and rendered the prohibition useless. This amendment reapplies the original intent of that law to further reassert the Senate's authority in the confirmation process and prevent taxpayers from having to pay salaries of unconfirmed Presidential appointees.

Recent decades have seen a constant erosion of congressional powers in deference to the executive. The Senate is required to confirm Presidential appointments for a reason. It is a check on the executive powers. This amendment is an opportunity to reempower that check by disincentivizing recess appointments except in cases where they are truly needed.

Mr. Chairman, I urge support of my amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gen-

tleman from North Carolina (Mr. MEADOWS).

The amendment was agreed to.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Chairman, I have an amendment at the desk that will help stop Congress from taking the Corps of Engineers back to the 1980s.

In 2007, Congress passed legislation requiring the Army Corps of Engineers to update its principles and guidelines, the P&G. These are used by the Corps in formulating, evaluating, and implementing water resource projects. This is something I've been involved with since I first came to Congress 17 years ago. I served on the Water Resources Subcommittee, and discovered that the Corps was trapped in time.

This update was critical in that these have not been updated since 1983. If you understand how the Federal Government operates, for something that was approved in 1983, they were probably in the works in the early seventies.

Earlier this year, the Council on Environmental Quality finally released an updated P&G that lays out broad principles to guide water investment as well as draft interagency guidelines for implementing the principles and requirements. These new P&G were developed over the last 6 years by Federal agencies and they incorporated extensive comments from the public, as well as the National Academy of Sciences.

The modernized P&G will help accelerate project approval, reduce costs, and support water infrastructure projects with the greatest economic and community benefits. They will allow for better consideration of long-term benefits, provide more flexibility for local communities, and promote more transparency in the Federal decisionmaking process.

Unfortunately, there appears to be language in the committee report accompanying this legislation that would prevent the Corps from implementing them. The report states:

The Corps shall continue to use the document dated March 10, 1983, and entitled, "Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies," during the fiscal year period covered by the Energy and Water Development Act for 2014.

Does it make any sense at all to take work that has been in the process for years and tell an agency, You can't update your planning documents, prevent you from using updated resources?

During the floor debate on this issue in 2007, I indicated that I was embarrassed that the Corps was operating under guidance from a quarter century ago; now they are 30 years old. These principles and guidelines are older than most of our staff.

In 1983, Ronald Reagan was in his first term, Michael Jackson moonwalked for the first time, and Microsoft Word was first released. Think about the advancements in science, economics, and flood management, not to mention our environmental consciousness, all that have happened since 1983. That's what led the National Academy of Sciences, in the year 2000, to conclude that these needed to be "revised to better reflect contemporary management paradigms; analytical methods; legislative directives; and social, economic, and political realities." It is even more true today than it was 13 years ago.

This issue is not just about a bureaucratic process for economists and scientists. These projects have significant impact on the ground.

In 2007, I highlighted the problems from an organization called Levees.org, a nonpartisan grassroots group founded after Katrina. The group's mission was to help educate the people of New Orleans about what happened in Katrina and how to move forward. They supported the amendment at that time because they know this issue is a matter of life and death, to be able to have the Corps use the best information, the best technology, and do the best job. Relying on principles and guidelines that are a quarter-century old is not our very best. Over a third of a century is not our very best.

I can comprehend no reason why Congress would require the Corps to continue to rely on outdated documents and not take advantage of the work, the research, and the progress that's been made by people in the administration, in the Corps of Engineers, and the scientific community.

Mr. Chairman, I am not going to offer the amendment because I truly believe that we ought to be able to understand with the committee what's going on, understand the benefits that led Congress to embed this in the law in the first place. I would look forward to having a conversation with my good friend, the chair of the subcommittee, and the ranking member to see if we can't resolve this for the benefit of the public.

Thank you, and I yield back the balance of my time.

AMENDMENT OFFERED BY MR. SCALISE

Mr. SCALISE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used within the borders of the State of Louisiana by the Mississippi Valley Division or the Southwestern Division of the Army Corps of Engineers or any district of the Corps within such divisions to implement or enforce the mitigation methodology, referred to as the "Modified Charleston Method".

Mr. SCALISE (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading of the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Acting CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. SCALISE. Mr. Chairman, I appreciate the opportunity to present this amendment that deals with the Corps of Engineers' new program that was put in place 2 years ago, specifically in the New Orleans district, called the Modified Charleston Method.

The Corps changed the usual and normal method for mitigation. On any kind of mitigation that's done on wetlands throughout the country, you have to mitigate if you are going to do development. Everybody understands that. Everybody has worked with that over the years.

Two years ago, the Corps changed, specifically for the New Orleans district, that process and literally put in place a process that has made it very unworkable to do a lot of our flood protection projects and economic development projects.

This amendment, by the way, is identical to language that we passed in the same appropriations bill last year, so the House has already gone on record saying that this is an unworkable plan by the Corps of Engineers. This new MCM method, as it is being referred to, has literally shut down many flood protection projects and economic development projects in south Louisiana.

What we have been saying to the Corps of Engineers is let's work together on putting reasonable rules in place. This rule is unworkable, so much so that the Corps didn't even use these rules when they were doing their own projects. Americans understand that when government tries to impose rules on the people and yet doesn't even follow those same rules themselves, it shows there is a problem. Yet that's what is happening in this case.

All we are saying is everybody understands we need to do mitigation, but when the Corps comes out with these new rules that triple, in many cases, the amount of mitigation that needs to be done to a point where it is unworkable—as an example, just last year, Corps permit applications for development projects were down by 33 percent because they literally took off the table the ability to do any kind of development in many areas of south Louisiana—that's not how rules and regulations are supposed to work. You ought to be working with local communities and not saying you can't even protect yourself from flooding. Literally, if you look at the wetlands rules, they are preventing us from restoring wetlands with these rules on

wetlands. It doesn't make sense. It is something that's unworkable.

This amendment addresses this problem and says, if the Corps can't move forward with the Modified Charleston Method, then let's go back to the table and put some rules in place that actually make sense, put some common-sense rules in place.

I urge adoption of my amendment, and I yield back the balance of my time.

Mr. RICHMOND. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. RICHMOND. Mr. Chairman, I rise to support my colleague from Louisiana's amendment.

Not to belabor the point, but just in the last 11 months, mitigation costs in the New Orleans district for the Corps of Engineers and projects related to this have increased right at \$11 million.

□ 1300

It affects all types of projects, and I'll just give you a few examples:

One is a pipeline because we're responding to an increased need for natural gas transportation as our Louisiana oil refineries expand. One is a grocery store that provides fresh food, especially in our food deserts. Another one is the expansion of a 100-acre commercial park in St. Tammany Parish to create jobs and new office space. The last is a St. Tammany Parish drainage project, which would help Louisiana with its flood protection and protect our community.

So this is a matter that is of vital importance. We are not diminishing the need for mitigation or underestimating its importance. What we are trying to say is that it should be reasonable and that the method that we had before we moved to the Modified Charleston Method was a good method, but we need to make sure that the Modified Charleston does not hamper our growth in Louisiana and prohibit us from protecting our citizens and our residents from future damage caused by storms or prohibit us from prospering from economic development at the same time.

Mr. Chairman, I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I rise in opposition to these very able gentlemen's amendment. While I have some sympathy for this issue—and it's not a new one to this bill—I believe that more consistency should be brought to the way we evaluate wetland impacts, not less, as this amendment would ensure.

The Charleston Method has been utilized for over two decades in various Corps districts, and it is a quick and inexpensive and consistent method-

ology for use by the regulated public and the Corps. In 2006 and 2007, the New Orleans district worked with its Federal and State partners to modify the Charleston Method so that it better reflected the unique conditions found in south Louisiana, resulting in the Modified Charleston Method that our colleagues have suggested.

The use of this method is a longstanding one in many Corps districts. Many regulatory customers use the tool to assess their potential mitigation requirements for their impacts as well as credits required at mitigation banks. This transparency in Corps mitigation requirements has helped the applicant prepare a complete application package and determine mitigation costs up front—importantly, costs up front—costs often that are borne by the Federal taxpayer.

The suspension of the use of the Charleston Method in Corps districts would require that any pending permit application, under section 404 of the Clean Water Act, and pending mitigation banks, would need to be reevaluated using a different assessment tool or methodology, or, in the absence of such a methodology, use the best professional judgment to determine appropriate mitigation requirements for impacts and for available credits in mitigation banks. All approved mitigation banks with available credits that were determined by the process would be temporarily closed until a new methodology could be developed and the banks' credits converted to the credit system of the new methodology.

These banks were established utilizing the credit system of the Charleston Method, and until a similar credit system can be determined for proposed impact sites, it would not be possible to correlate the new requirements in the old credit system.

So we are into the weeds on this one, and we know that the difficulty at the edges—where the water meets the land, where we have very severe coastal conditions that occur as a result of weather changes and so forth—do require us to be more land planning conscious. I've seen the work that the Corps has done in Louisiana, and I appreciate the gentlemen's concern about their home State. I think to try to change this in this bill is probably not wise policy, and we know the costs of these damaged areas to the taxpayers of the United States. With coastal storms being what they are, we anticipate greater coastal activity, and I think that wiser planning is better than moving to a process that, I think, is less rigorous.

So, on those bases, I oppose the gentlemen's amendment, but I do thank them very much for their deep service to their State, to their region, which has been so impacted by changes in our environment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LYNCH

Mr. LYNCH. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. The amounts otherwise provided by this Act are revised by reducing the amount made available for "Department of Energy—Energy Programs—Fossil Energy Research and Development", and increasing the amount made available for "Corps of Engineers—Civil—Department of the Army—Corps of Engineers—Civil—Construction", by \$20,000,000.

Mr. LYNCH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The CHAIR. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. LYNCH. First of all, I want to thank the chairman, the distinguished gentleman from New Jersey, and also Ms. KAPTUR from Ohio, the ranking member, for the great work they've done.

In spite of the fact that many Members are coming up with refining amendments, I do want to acknowledge the great work they've done, for example, on the manufacturing piece that's in this bill as well as the Harbor Maintenance Trust Fund, which has been amply funded and is so important to a lot of the coastal communities. Myself representing the Port of Boston and a large swath of the South Shore of Massachusetts—some beautiful cities and towns—I do appreciate the work that they've done. However, there does appear to be a gap in funding with respect to the Army Corps of Engineers.

The purpose of my amendment would be to increase funding to the Construction account for the Army Corps of Engineers by \$20 million. This increase would, of course, be offset by decreasing the Fossil Fuel Research account by a corresponding amount.

I am fortunate to represent a district that relies heavily and benefits greatly from the proximity to the coast, and I have wonderful, historic, beautiful towns and cities, like Quincy, Weymouth, Hull, Cohasset, Hingham, and Scituate, that, as I say, are benefiting greatly because they're on the coast. They house commercial fishing fleets and host wonderful beaches and marinas, and they are vital components of our Statewide economy and regional economy. But while these benefits are there, they are also exposed to the most recent violent coastal storms

that have become increasingly devastating in recent years.

Like many of my colleagues, I have seen firsthand the devastating effects that these much more intense storms have had on our communities—beaches erode, and roadways and bridges get washed away. In our case, we have not been hit as hard as places like the district of the gentleman from Louisiana or New Jersey or New York with the Superstorm Sandy effects, but much of our seawall infrastructure and protection for our beaches have been damaged considerably. We've benefited from prior Congresses that have made sure that the funding and the maintenance have been there to preserve that protection, and we are at that point again.

It seems like we are having 100-year storms every 3 or 4 years now in my district, and I'm sure it's like that in a lot of places across the country. I think it's entirely appropriate that we balance this out, that we rebalance the priorities here, by putting \$20 million into the Construction account for the Army Corps of Engineers while we are removing a corresponding amount from the Fossil Fuel Research account. I think that most of us realize that the impacts of climate change are at least increasing the intensity of the storms that we've seen in recent years, and we need to provide the Army Corps of Engineers in our communities with the resources they need to protect against these natural disasters. I believe my offset does that in a fitting way.

Like President Obama, I think we need an all-of-the-above energy policy. I'm not here today to debate the cause of global warming or of climate change, but temperatures and sea levels are rising, and fossil fuel consumption is a contributing factor. So, as long as we are forced to rely on fossil fuels, we need to also deal with the fallout from our own energy policies. We need to protect our coastal communities from future devastation.

For these reasons, I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to oppose the gentleman's amendment.

I share the gentleman's support for smart investments in our Nation's water resources infrastructure, though. In fact, the Army Corps of Engineers has always been one of the top priorities in our Energy and Water bill.

Total program level funding is \$50 million above the budget request and almost \$150 million above the post-sequester level. There is very strong Member interest in the harbor maintenance activities, and most of these ad-

ditional funds were included in the Operation and Maintenance account. Even so, construction funding is less than 1 percent below the President's budget.

On the other hand, the bill already reduces funding for fossil energy by \$84 million below the fiscal year 2013 level. That's a 16 percent reduction. Fossil fuels, such as coal, oil, and natural gas, provide for 82 percent of our Nation's energy needs, and we will need to continue to use these valuable energy resources for generations to come. Research conducted within this program ensures we use our Nation's fossil fuel resources well and as cleanly as possible. In fact, if we increased the efficiency of our fossil energy plants by just 1 percent, we could power an additional 2 million households without using a single additional pound of fuel from the ground.

We simply cannot take a further reduction to this account, and I urge my colleagues to oppose this amendment.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I rise in support of the gentleman's amendment.

Congressman LYNCH, I think, has really thought through this proposal very well. His is a modest amendment. Actually, the bill that we are considering is \$29,425,000 above the budget request of the administration, so he is merely conforming his amendment to the initial request.

For the record, we anticipate that the Department will with this change spend approximately \$420 million this year for fossil energy research and development.

I agree with my esteemed colleague from New Jersey about the importance of natural gas, as Ohio is a State that has benefited deeply from that. A lot of that technology is going very well, and the companies are making significant profits. They can invest some of that in their own advanced development now. Then with the additional drilling for oil on public lands and so forth, we are producing more than we have in modern history over the last several years.

So I think it's worthy to transfer some of these dollars to the Corps. We have over \$60 billion worth of Corps projects that are backed up, and in terms of job creation, that just rings home across this country because those Corps dollars will be put to work in projects that have been backed up from coast to coast.

I now yield to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Chairman, I thank the gentlelady for yielding, and I appreciate her gracious remarks.

I do want to point out, though, that, since 2010, we've cut \$688 million from this account. Now, we all have great

respect and admiration for the Army Corps of Engineers, but having cut \$688 million since 2010 has been reducing their ability to prioritize those projects around the country that need to be worked on. Some of those are Democratic districts, and some of those are Republican districts. That's not what this is about. This is about our infrastructure. So a \$688 million cut since 2010 is a serious obstruction for them to do their job, and that's all I'm asking here.

I'm asking that we recognize our responsibility and our stewardship of protecting seawalls and ports and marinas, whether they're on the Great Lakes or whether they're on the Atlantic or Pacific coast. I am just asking that we step up and meet our responsibility in a meaningful way.

Ms. KAPTUR. I thank the gentleman, and I, evidently, very strongly support his amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. LYNCH. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

□ 1315

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used by the Department of Energy to finalize, implement, or enforce the proposed rule entitled "Energy Conservation Standards Ceiling Fans and Ceiling Fan Light Kits" and identified by regulation identification number 1904-AC87.

The CHAIR. The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Chairman, as I begin to talk about this amendment that Mr. ROKITA and I have worked on and bring to you today, I want to pause and take just a moment and commend our appropriators and the chairman. He is accustomed to seeing me come down and try to cut 1 percent, 5 percent more out of the budget, but the appropriators this year have done that work for us.

This bill before us today totals \$30.426 billion, which is \$2.9 billion below last year's level, \$700 billion below the sequester level, and \$4 billion below the President's request. Indeed, it's below the pre-Pelosi budget, which was \$31.5 billion.

As my former colleague in the Tennessee State Senate used to say—Tim

Burchett, now mayor of Knoxville—he would quote Tennessee author Alex Haley, who said "find the good, and praise it." So I praise them for doing these cuts on the front end, and I focus my attention on the issue we have with ceiling fans and this administration's interest in overregulating ceiling fans.

As many of my colleagues know, ceiling fans and ceiling fan light kits already face existing regulations set in place by the Energy Policy Act of 2005. These provisions burden ceiling fan manufacturers with ineffective mandates. However, despite the current mandates, the Department of Energy is looking to require additional mandates that will impact everything such as the angle of the blade, shape, airflow, light kits. They are determined to redesign the American fan and have issued a 101-page rulemaking framework document which evaluates the potential energy savings that new regulations would supposedly provide.

We've already seen the Federal Government stretch their regulatory tentacles into our homes and determine what kind of light bulbs we have to use. Now they're coming after our ceiling fans. It is a sad state of affairs when even our ceiling fans aren't safe from this administration. Enough is enough.

These new regulations being considered by DOE will significantly impair the ability of ceiling fan manufacturers like Hunter Fans in Memphis to produce reasonably priced, highly decorative fans. They will also force our constituents to use less energy-efficient mechanisms to cool their homes, using more energy. It is imperative that we join together and prohibit any funding in this bill from being used by DOE to finalize, implement, or enforce new regulations on ceiling fans.

I yield back the balance of my time.

Mr. ROKITA. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. ROKITA. Mr. Chairman, I rise today in strong support of the amendment offered by my friend, the gentlewoman from Tennessee. Like her, I also want to thank the appropriators.

As a member of the Budget Committee, our responsibility is to issue top-line numbers that we stay within in order to bring down the deficit and ultimately address the towering debt that we're facing as a country not only today, but the even worse debt we're going to be facing given the current trend that we're on in the future.

Mr. Chair, remember when we were told to keep our tires properly inflated and to get a regular tune-up to save fuel? Some people snickered and commented, "Is this an energy policy?" At least those ideas actually saved energy and actually saved cost, albeit a drop in the bucket. But now, in one of its latest efforts, along comes the Depart-

ment of Energy and proposes a regulation to impose destructive and unnecessary energy-efficiency standards for ceiling fans. And like much of their agenda, it is completely counterproductive. It's another example of Big Government run amok. It's an example of the complete disregard bureaucrats have for the practical implications of the regulations that they issue.

The Department of Energy contends that a certain amount of energy would be saved by requiring greater efficiency from ceiling fans, as the gentlewoman mentioned and explained. Of course, that ignores the fact that ceiling fans are already far more energy efficient than other cooling devices like air-conditioners. Recently, General Electric published an article stating that an average electric central air-conditioner consumes 5,000 watts of electricity during operation. By contrast, a ceiling fan consumes as little as just 30 watts when operating under similar conditions. That's over 165 times less electricity than consumed by your typical central air-conditioning system.

The proposed ceiling fan regulations would increase the cost of ceiling fans and reduce the manufacturer's ability to produce aesthetically pleasing devices marketable to people like us, the consumers. As a result, energy savings from these efficiency standards would not outweigh the increased costs of energy consumption brought about by the consumers foregoing ceiling fans and shifting to high-energy consumption devices and increased usage of existing devices.

The Department of Energy's proposed regulations on ceiling fans are absolutely counterproductive. They will encourage more energy consumption, they will reduce consumer choice and they have the potential to destroy jobs, including in Indiana.

Americans need an energy policy to unleash our economy, not economically destructive dictates from Washington bureaucrats. This is yet another example of this administration double-dipping in the pockets of Americans, using taxpayer dollars to raise prices on consumers.

As such, I urge a "yes" vote on this amendment, and I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I rise in opposition to the gentlewoman's amendment and wish to point out to our colleagues that this amendment will prohibit any funds made available by the act from being used by the Department of Energy to finalize, implement, or enforce the proposed rule entitled, "Standards, Ceiling Fans and Ceiling Fan Light Kits" and identified by regulation identification number 1904-AC87.

The Department of Energy is initiating the rulemaking and data collection process to consider amending the energy conservation standards for ceiling fans and ceiling fan light kits. Making ceiling fans more efficient would potentially reduce carbon output by 22 million metric tons. This amendment would erode the Department of Energy's effort to curb carbon emissions and save consumers money on their electric bills. The Department estimates that the higher standards for ceiling fans will result in \$4.3 billion in undiscounted energy bill savings through 2030.

Also, I would be remiss if I did not point out that these amendments seek to undercut the administration's rulemaking authority given to it by Congress. Speaker after speaker on the other side of the aisle criticized this administration for not undertaking rulemaking on other issues and instead issuing guidance. Now we have rulemaking that allows for public comment, and my colleagues on the other side of the aisle are still not satisfied.

The Department is following its responsibility under the Energy Policy Act of 2005 to regulate ceiling fan energy usage. And you know what? It's not a bad idea. We actually own ceiling fans in our family. What's interesting about them is, if you have two or three speeds on them, the first speed, which is supposed to be the low speed, is more than we want, and it's very hard to get these fans demonstrated in the showroom sometimes. If you want to be a responsible consumer, I think it would be really helpful to the buying public to have standards, to be able to have labeling, to know what you're buying.

This is an important market. I would guess it's one that's growing in our economy. But I think it's really important to have this kind of effort. The industry will be able to comment. That's what rulemaking is all about. We can work with consumers. Consumers like us can write in. We can make our comments. Overall, we get a better product and we get one that's more energy efficient.

I know that there's a Hunter Fan Company located in Memphis, Tennessee, so I imagine the gentlelady may be speaking on their behalf. That's okay. That's what we're all here for. But the consumers out there also have a right to try to buy the most energy-efficient product.

The fan that we bought, the light is too bright in the ceiling. And I don't know if you've ever tried to install one of those things. It's not so easy to get that off and to put the different bulbs in and all. As I think it's an industry that is growing and improving, I would think they could use a little bit of help.

This amendment is anti-consumer. I think it should be defeated, but I admire the gentlelady for bringing it to

the floor and the gentleman who supported her. I think working together we can all make it a little bit better for the environment, for consumers, and for the company. They will sell more fans, and people will have more confidence in their product.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mrs. BLACKBURN).

The amendment was agreed to.

AMENDMENT NO. 31 OFFERED BY MR. HIGGINS

Mr. HIGGINS. Mr. Chairman, I have an amendment to the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to relocate or consolidate general and administrative functions, personnel, or resources of the Buffalo and Chicago Districts of the Corps of Engineers Great Lakes and Ohio River Division.

The CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. HIGGINS. Mr. Chairman, this bipartisan amendment seeks to stop a flawed plan that would endanger crucial Army Corps projects in the Great Lakes region.

The Army Corps of Engineers' Great Lakes and Ohio River Division is attempting to move key functions performed in Buffalo and Chicago regions out of their respective States.

This is unacceptable.

When it comes to protecting the safety, health, and future of our waterways, there is no substitute for having a team of qualified people on the ground. Taking key staff out of western New York will only hinder the delivery of high-impact projects already in progress. And any plan to turn the Buffalo and Chicago districts into mere satellite offices is a wrongheaded decision to divest in our Great Lakes.

In my community alone, the Army Corps is overseeing a \$44 million restoration of the Buffalo River and \$359 million restoration of the former Linde site in Tonawanda, among dozens of other projects.

The Buffalo district oversees 38,000 square miles from Massena, New York, to Toledo, Ohio—planning, constructing, and operating water projects to reduce floods, maintain navigation, protect the shoreline, and support water quality efforts. Failure to see these projects through to completion would not only harm western New York, but delays and cost overruns would impact the bottom line of the Army Corps.

Mr. Chairman, the Great Lakes system moves more than 160 million tons of cargo a year, supports 227,000 jobs, and contributes \$33.5 billion to the economy annually. As an engine of eco-

nomic activity and valuable natural resources, we should be committing more resources to the Great Lakes, not less.

A similar amendment was offered by Senator KIRK and Senator DURBIN and was adopted by the Senate Appropriations Committee last week.

I thank my colleagues, especially Mr. COLLINS, Mr. LIPINSKI, and Ms. SCHAKOWSKY, for their support of this bipartisan amendment and urge its adoption.

I yield back the balance of my time. Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I will support the amendment, but I do have some concerns.

Of course we want the Corps to take a look at the cost of their operation across the Nation to see where they can make savings.

We are seeking from the Corps information before we make any final decisions, but I'm supportive of their objectives. We just need to take a closer look at the financial justification for what they're doing.

I yield back the balance of my time.

Mr. COLLINS of New York. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. COLLINS of New York. I want to thank my colleague, Mr. HIGGINS from New York, for putting forth this amendment.

He and I stood together in Buffalo to talk about the adverse effects this proposal by the Army Corps of Engineers would have on the growth and maintenance of the Great Lakes, one of our Nation's greatest resources. But this issue is not specific to just western New York and it's not partisan. It's about preserving our Great Lakes.

Many of us don't know, but there are 4,500 miles of U.S. coastline along the Great Lakes, making it larger than both the Atlantic and Pacific coast combined. And among this huge length of coastline, there are many hundreds of projects. Many harbors that are critical to commercial navigation and recreation are in serious disrepair.

By moving contracting officers, those who are on the ground and require face-to-face contact with the companies doing the actual work, these projects will only fall further into disrepair. It won't save a dollar to move these employees to an office far from the site of a project. If you move these workers to Detroit or Louisville, some of them working on Buffalo or Chicago-area projects will have to be flown in and stay at local hotels at government expense. How can this possibly save money? Common sense tells me it's going to be more costly.

□ 1330

This amendment is simple, as it will prevent funds in this bill from being

used for this proposal. It will help maintain the Great Lakes, which are a key economic driver to our national economy.

I hope my colleagues will support this bipartisan amendment that will ensure the Army Corps of Engineers will provide timely delivery on projects that reduce flooding, protect the shoreline, maintain navigation, and support water-quality efforts all along the Great Lakes.

I yield back the balance of my time.

Ms. SCHAKOWSKY. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman from Illinois is recognized for 5 minutes.

Ms. SCHAKOWSKY. First, I want to express my thanks to the chairman for saying that he would accept this bipartisan amendment, and to my colleagues who have spoken about it.

The decision to eliminate many of the functions from the Chicago and the Buffalo offices were done without consultation with the local communities and without seeking the approval of the Congress, which is what they are supposed to do.

The downsizing just in Chicago could cause as many as 200 jobs lost in our area, and it certainly could affect the health and safety of our waterways. Chicago is the point of entry from the Mississippi River to the Great Lakes, and its harbors are of major economic importance not just to Chicago, but to the entire Great Lakes region. As my colleague pointed out, it's a shoreline greater than either the Pacific or the Atlantic Coast. Actually, I just learned that from you today. Thank you for that important information.

Its harbors are of major economic importance to all of us, and it assists in the rehabilitation of the Chicago shoreline. It also, from the Chicago district office, leads the fight against the spread of the Asian carp into Lake Michigan.

I have very serious concern about the downsizing of the Chicago district and the impacts it would have on those efforts. Like the chairman, I understand the Corps' efforts to reduce costs and our interest in doing that; but the minimization of the Chicago and Buffalo areas would trade short-term savings with much more significant and lasting long-term costs.

As my colleague pointed out, Senator KIRK and Senator DURBIN passed a similar amendment in the Senate. I urge all of my colleagues to join in supporting us in this important bipartisan amendment to prevent the Army Corps from reducing its Chicago and Buffalo offices.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I want to thank Congressman HIGGINS for offering this im-

portant amendment, and Congresswoman SCHAKOWSKY for her leadership on lakes issues, and also Chairman FRELINGHUYSEN for his openness to those of us who happen to live in the Great Lakes region.

Obviously, I rise in support of the amendment. Also, I just wanted to say on the record to the Corps, it would be wonderful if somebody over at the Corps had a map and they took all of the watersheds of the Great Lakes and they put them all together and then the staff for the Great Lakes would be located somewhere in those watersheds, because right now, that isn't the case. And it causes us all kinds of bloody problems up in our part of the world where we do adjoin Canada up there. You know, there's another country north of us. It has been so hard to get them to recognize the coastline that you described. And so this is my moment to vent a little bit on the floor and say: Hello, Corps. We're out there.

I happen to represent the largest watershed in the Great Lakes, and we really need the Corps' focus on the most important freshwater system that exists on the face of the Earth. Twenty percent of the freshwater on the globe, surface freshwater, is up in our region. And it always seems like it's never together. It's never together. So the gentleman's amendment helps to focus a little bit on this, but the challenge goes beyond just this amendment.

I know the Corps will hear us, and I know as they talk about restructuring, meeting budget realities, they will view us as a system that is important to think of as a whole, not just in little pieces and dangling particles and things that happen out there, but rather as an extraordinarily important water system for our continent and for our world.

So I wanted the opportunity to say that on the record, and I thank Congressman HIGGINS for his leadership, and I thank the chairman for his understanding. We in the Great Lakes region face our own set of issues, and we need the Corps' full cooperation. I ask my colleagues to support the Higgins amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. HIGGINS).

The amendment was agreed to.

AMENDMENT NO. 32 OFFERED BY MR. WALBERG

Mr. WALBERG. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to carry out section 801 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17281).

The CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. WALBERG. My amendment prohibits the use of funds to be used to carry out section 801 of the Energy Independence and Security Act of 2007, which creates a national media campaign to promote alternative green energies. The 2007 energy law directs the Department of Energy to run a national media campaign to promote alternative energies, encourage energy efficiency, and discourage the use of fossil fuels, authorizing \$5 million a year.

Promoting green-energy technology is really not the role of the Federal Government apart from an all-of-the-above energy plan, and it certainly is not part of the core mission of the Department of Energy. The American people don't need more government bureaucrats to tell them what energy sources they should use. The government needs to get out of the business of picking winners and losers in the energy market and certainly shouldn't be funding advertising campaigns on behalf of private green-energy firms, which is normally a losing proposition to the taxpayer.

This amendment is more than fair. It was included in the last Congress' attempt at this legislation, and I urge my colleagues to support it and to defund this taxpayer media campaign.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I am in support of the gentleman's amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. WALBERG).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. GRAYSON

Mr. GRAYSON. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following new section:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to enter into a contract with any offeror or any of its principals if the offeror certifies, as required by Federal Acquisition Regulation, that the offeror or any of its principals:

(A) within a three-year period preceding this offer has been convicted of or had a civil judgment rendered against it for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property; or



(B) are presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated above in subsection (A); or

(C) within a three-year period preceding this offer, has been notified of any delinquent Federal taxes in an amount that exceeds \$3,000 for which the liability remains unsatisfied.

The CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. GRAYSON. This amendment, Mr. Chairman, expands the list of contractors who are forbidden from contracting with the Federal Government, to include such contractors as those who have been convicted of embezzlement, theft, forgery, bribery, et cetera. This amendment is identical to language that was inserted in the Military Construction, Veterans Administration, and the Homeland Security appropriations bills by voice vote.

Since brevity is sometimes an underappreciated virtue, I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. We accept the gentleman's amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. GRAYSON).

The amendment was agreed to.

Mr. WHITFIELD. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy.

The CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Chairman, I rise today for the purpose of entering into a colloquy with the chairman of the Energy and Water Appropriations Subcommittee, the distinguished gentleman from New Jersey.

Mr. Chairman, the Paducah Gaseous Diffusion Plant for many years was the only plant operating in America in which uranium was enriched. This facility has met the national security needs of the United States since 1952, producing enriched uranium for nuclear weapons and commercial nuclear reactors.

On May 24, 2013, it was announced that the facilities of the Paducah Gaseous Diffusion Plant would be transitioned back to the Department of Energy, resulting in 1,200 lost jobs and a vast need to start cleanup of the area.

Pursuant to the Atomic Energy Act of 1954, the Secretary of Energy now has full responsibility for decontamination and decommissioning cleanup work at the Paducah site and for reindustrialization of the materials and facilities at that site. I was pleased that Secretary Moniz recently announced on July 3 Request for Offers to utilize the assets, land, and facilities at the Paducah Department of Energy site.

As we move forward to finish the legacy cleanup of this plant and, most important, to reindustrialize that site to create new jobs, we are going to need to work with the chairman's committee on a very close basis. I hope that we can work with you in the coming years to ensure that we provide the Department the necessary support to accelerate reindustrialization through the Request for Offers process and also expedite the cleanup.

I want to thank the distinguished gentleman from New Jersey personally for his commitment in working with us on this, for the job that you have done on the 2014 Energy and Water appropriations bill, and I just hope that you will continue working with us.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. WHITFIELD. I am happy to yield to the gentleman.

Mr. FRELINGHUYSEN. I look forward to working with my friend from Kentucky (Mr. WHITFIELD), who is a strong advocate on behalf of Kentucky, for jobs for Kentucky and the Paducah plant. We do appreciate the work that the Department is doing to reindustrialize the Paducah site. We also recognize that the cleanup on the site must get done in a timely fashion, and we hope to work with the various stakeholders and with Congressman WHITFIELD to ensure that happens.

Mr. WHITFIELD. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

AMENDMENT NO. 26 OFFERED BY MR. BARROW OF GEORGIA

Mr. BARROW of Georgia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to implement, administer, or enforce any authority, in any preceding provision of this Act, to use funds for the purchase or hire of motor vehicles.

The CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. BARROW of Georgia. Mr. Chairman, this week marks the beginning of sequestration-related furloughs in my district. As a result, 3,200 employees at Fort Gordon near Augusta, Georgia, will be doing without 20 percent of their pay for the next few months.

Also, like many in this House, my district is home to projects caught in the Corps of Engineers' construction backlog. In particular, the New Savannah Bluff Lock and Dam near Augusta has been waiting for repairs by the Corps of Engineers for 13 years, when Congress first authorized them.

This bill includes language to allow the Federal Government to purchase more cars on top of the 700,000 vehicles it already owns. My amendment would

simply prohibit the expenditure of funds to purchase more vehicles. I believe there are better ways to spend that money.

I am serious about cutting unnecessary and wasteful spending. I also believe that cutting spending shouldn't be an end unto itself. It's an opportunity to reduce our deficit, but it's also an opportunity to make our government work better.

This amendment represents a relatively small change to the bill, but I believe it speaks to a larger principle. It would be an inappropriate use of taxpayer money to purchase more cars when so many folks across the country are being forced out of work and so many critical projects sit untouched. I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the gentleman from Georgia's amendment. His amendment is overly broad and would prevent the Department of Energy, the Army Corps of Engineers, the Bureau of Reclamation, and the National Nuclear Security Agency, all agencies covered under our bill, from leasing or purchasing any new vehicles.

I understand my colleague's concern with the size of vehicle fleet within some of these agencies; and, in fact, I share some of those very concerns. That's why our bill actually carries a reporting requirement within the Department of Energy to report on its vehicle fleet.

□ 1345

However, this amendment would have serious unintended consequences, ranging from maintenance of Corps sites to science at our national labs, such of which are tied to the nuclear stockpile that are involved in protecting our nuclear sites.

Therefore, I must oppose the amendment. I certainly understand his reasons for doing it. I'm supportive in theory, but there are some potentially unintended consequences, so I must oppose it.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BARROW).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SCALISE

Mr. SCALISE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. The amounts otherwise provided by this Act are revised by reducing the amount made available for "Department of



Energy—Energy Programs—Department Administration”, and increasing the amount made available for “Corps of Engineers—Civil—Department of the Army—Corps of Engineers—Construction”, by \$2,000,000.

The CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. SCALISE. Mr. Chairman, this is a bipartisan amendment that reestablishes priorities here. It's similar to an amendment we passed overwhelmingly last year on this same piece of legislation, the Energy and Water appropriations bill.

What this amendment does is it transfers \$2 million out of the Department of Energy's Administrative account and moves that money into the Corps of Engineers construction budget. And the reason we're doing this is to move more projects forward, to actually get some of that backlog that the Corps of Engineers have moved forward and open up the door for projects all across the country that are vital to not only our Nation's waterways, our economy, our ability to export, but in Louisiana, for example, it would provide opportunity to move forward on the Louisiana Coastal Area plan, which is a coastal restoration plan that's a major flood protection project.

So what we're talking about is, literally, one penny, one penny coming out of administration, of bureaucracy in Washington, to move that money into actual construction projects.

And I think when you talk to taxpayers across the country, they are less concerned about having bureaucracy in Washington. They want to actually see government get things done. They want to see this backlog get cleared out, and they want to see other projects that are important to our Nation's economy move forward. And that's what this amendment does. It's a bipartisan amendment.

I want to thank my colleagues—Mr. RICHMOND, Mr. CASSIDY—who have also helped work on this. But again, this deals with projects all across the country that are in a backlog that could help move our economy forward rather than spending that money on administration in Washington.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. If I may ask a question of Mr. SCALISE, are you seeking money for the overall account or are you seeking a certain amount of money for a project in your neck of the woods in Louisiana?

I yield to the gentleman from Louisiana.

Mr. SCALISE. I thank the gentleman for yielding.

The way that this amendment is drafted actually would apply nationwide. This would move \$2 million out of that administrative account in the De-

partment of Energy, move it into the overall Corps construction budget, so it would be available to the Corps of Engineers for construction projects across the Nation.

Mr. FRELINGHUYSEN. I do rise in opposition to the amendment.

And let me say, I appreciate the gentleman's passion for coastal restoration. I know it's a high priority for his district and others around the Nation.

The bill before us includes over \$5 million to continue studies, engineering and design work and various components of the program. That's nearly 6 percent of the entire Investigations account dedicated to continuing work in coastal restoration in Louisiana.

The committee had to make some tough choices in the bill. While the Army Corps was a high priority, it was not completely spared. The Construction account, specifically, is slightly below the President's budget request, and almost 20 percent below the fiscal year 2013 appropriations.

The Corps has numerous projects already under construction that were not included in the President's budget and, so, aren't likely to be funded in fiscal year 2014.

While construction funding is trending downward, I believe it is most prudent to prioritize funding for ongoing projects so they can be completed and the Federal Government can realize the public safety, economic and other benefits from previous spending, rather than starting new projects. It's unclear to me whether this is a new project, but I take the gentleman at his word that this is not a new project.

I do oppose the amendment. The reduction would substantially work against our purposes of trying to balance the Federal budget and lower the Federal deficit.

I yield back the balance of my time.

Mr. RICHMOND. I move to strike the last word.

The CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. RICHMOND. Mr. Chairman, I would urge everyone to support the bipartisan amendment that's being offered by my colleague, Mr. SCALISE, from Louisiana.

And just in response to the last comment about reducing the budget and getting our fiscal house in order, there are two ways to do it, and one way to do that is to make wise investments that give you a return on your dollar.

This investment, alone, would secure the coastal area of Louisiana, which would prevent the Federal Government from spending money in future years because of effects of hurricanes or surge or coastal erosion. The dollar we spend today, I'm sure, and I feel very comfortable in saying, we will recoup multiple dollars because of that.

If you just look at Louisiana and what we've contributed to the Nation's economy and to the Federal Govern-

ment since 1950–2006, the Federal Government, the Federal Treasury has received over \$150 billion from Louisiana. And we do that in a number of ways.

But if you think about Louisiana, you think about the coast that we're talking about. We're talking about 33 percent of the Nation's seafood comes from the coast of Louisiana. We're talking about almost a quarter of the Nation's domestic energy, and you look at it's home to the country's largest port system.

So when we talk about what we're protecting and the \$2 million that we would spend today and the amount of money that we would recoup, I would just say that it's probably the prudent thing to do is to spend this money so that we can continue to protect Louisiana and the investment it makes in the country so that we continue to do it.

And I would also add that the bipartisan amendment simply builds on President Obama's 2014 budget request, and the administration called this a high-priority construction project.

So I would just urge everyone to support this bipartisan amendment and to look at it not as just spending or construction, but as truly an investment in the future of the country in terms of making sure that our energy production, our seafood, that the people in south Louisiana continue to have comfort and some protection.

And I would just tell you that either we spend it today or we're going to spend it tomorrow in an exponential number, because restoring the coast of Louisiana is a national priority and it's a national need. And if you look at the coast of Louisiana, every hour we still lose a football field of land, and at some point, we're going to pay for it. My preference would be to pay for it when we're not spending as much.

So it's almost like that leaking roof. You can pay for it now and just replace some shingles, or you can wait a couple of years and replace not only the shingles, but the roof, the ceiling, the carpet, and the electrical.

So, at some point, it's your choice. And I would just urge us to support this amendment, and let's spend the money now while we can get a great return on our investment.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I am rising to express sympathy with the authors of this amendment, Congressman SCALISE and Congressman RICHMOND. And you're eloquent spokesmen for your districts and your regions.

I hope that you and the membership understand that one of the reasons that we reluctantly opposed your amendment is because the mark we were given in our bill is so far below what

we need to meet all national needs. Your proposal is actually a new start, if we were using the classification system that we use. And as much as we want to fund it, we simply don't have the funds in the bill to do it.

The Corps has over \$60 billion worth, \$60 billion of backed up projects that they are not able to complete. It would be the biggest job creator in this country if we could move off the dime and fund those projects.

But to take and prioritize Louisiana as a new start over, for example, Sacramento, that has major challenges with their levee system, or St. Louis, how does one choose? Or the Great Lakes, where we can't dredge ports.

And I often tell the story that, without the dredging in the Great Lakes, pretty soon, rather than having a channel that's like this—they keep narrowing the channel because we have less and less money—pretty soon it's going to silt up. We won't be able to get anything through.

So we have a problem in our bill in trying to fund everything that is necessary for the sake of the Nation.

So your proposal is worthy, but how do we put you in the front of the line when others have been in line and we've not been able to complete their projects? We need to be able to have \$60 billion in order to complete the work of the Corps with just existing projects that are already in line.

So I reluctantly stand here today in a very uncomfortable position. That project that you're referring to is billions of dollars in cost, and starting it now is something we simply can't afford, based on the allocation that we were given in our committee. We're below last year. We're below what's necessary for the Nation, and we're paying the price from coast to coast. So, Louisiana is deserving of attention, but so are 49 other States that have projects backed up.

And I say to the chairman, I completely share your pain in trying to hold the line at completing what is in line and not letting anyone else cut the line for their projects, no matter how worthy they are. Our fundamental problem is we don't have the funds to complete everything that is necessary. So I urge my colleagues to vote with us in opposition to this amendment, as much as I sympathize with its worthiness. It just isn't possible with everything else that is in line ahead of it.

I yield back the balance of my time.

Mr. CASSIDY. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. CASSIDY. First, let's be clear, this is not just for Louisiana. This \$2 million will be available nationwide.

And that said, I rise in support of this amendment. Budgets are about establishing priorities and then making wise use of scarce resources. We know

with these scarce resources, \$1 million in a planning grant, which later on will be funded to greater dollars, can actually save billions in hurricane repair.

So, if I may say, there is lots of money right now in the Corps. The fact is the Corps has even a larger backlog, and these projects are not \$2 million to complete. It takes \$500,000 to begin the NEPA process or the sampling of the soil or something like that. So small amounts of dollars at the beginning can initiate a process that comes to fruition with an authorization later on.

This is a national issue. Let me just speak just about Louisiana, because you could equally speak about your home State.

The gasoline that is sold in Philadelphia is produced in St. Charles Parish. If a hurricane knocks out that petrochemical plant, gasoline prices rise by 20 cents a gallon in the Northeast.

Now, you could say something similar in Ohio and Mr. GARAMENDI in California and others elsewhere. So we're not saying initiate a process which completely funds. We're saying give seed money so that community in California, Ohio, or Louisiana can begin the process where later on we can make a decision regarding greater funding.

We can, as Mr. RICHMOND said, either spend a little bit now and potentially save billions in the future or, on our budget priorities, we can say we're going to be penny-wise but pound-foolish.

I urge passage of the amendment. I thank my colleague for introducing it. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The amendment was agreed to.

#### ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceeding were postponed, in the following order:

Amendment by Mr. HASTINGS of Florida.

Amendment by Mr. GARAMENDI of California.

Amendment by Mr. BROWN of Georgia.

Amendment by Ms. JACKSON LEE of Texas.

Amendment by Mr. QUIGLEY of Illinois.

Amendment by Mr. HECK of Nevada.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

□ 1400

#### AMENDMENT OFFERED BY MR. HASTINGS OF FLORIDA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed

and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 156, noes 266, not voting 12, as follows:

[Roll No. 328]

#### AYES—156

Bass	Garamendi	Nolan
Beatty	Garcia	O'Rourke
Becerra	Grayson	Pallone
Bera (CA)	Green, Al	Pascarell
Bishop (NY)	Green, Gene	Pastor (AZ)
Blumenauer	Gutierrez	Payne
Bonamici	Hahn	Pelosi
Brady (PA)	Hanabusa	Pingree (ME)
Braley (IA)	Hanna	Pocan
Brown (FL)	Hastings (FL)	Polis
Brownley (CA)	Heck (WA)	Price (NC)
Butterfield	Higgins	Quigley
Capps	Himes	Rangel
Capuano	Honda	Richmond
Carney	Hoyer	Roybal-Allard
Carson (IN)	Huffman	Ruppersberger
Cartwright	Jackson Lee	Rush
Castor (FL)	Jeffries	Sánchez, Linda T.
Chu	Johnson (GA)	Sanchez, Loretta
Cicilline	Johnson, E. B.	Sarbanes
Clarke	Keating	Schakowsky
Clay	Kelly (IL)	Schiff
Cleaver	Kennedy	Schneider
Cohen	Kildee	Schrader
Connolly	Kilmer	Schwartz
Conyers	Kind	Scott (VA)
Cooper	Kuster	Scott, David
Crowley	Larsen (WA)	Serrano
Cummings	Larson (CT)	Shea-Porter
Davis (CA)	Latham	Sherman
Davis, Danny	Lee (CA)	Sires
DeFazio	Levin	Smith (WA)
DeGette	Lipinski	Speier
Delaney	Loebach	Takano
DeLauro	Lowenthal	Thompson (CA)
DelBene	Lowey	Thompson (MS)
Deutch	Lynch	Tierney
Doggett	Maloney,	Titus
Doyle	Carolyn	Tonko
Duckworth	Markey	Tsongas
Edwards	Matsui	Van Hollen
Ellison	McDermott	Vargas
Engel	McGovern	Veasey
Enyart	McNerney	Velázquez
Eshoo	Meeks	Walz
Esty	Michaud	Waters
Farr	Miller, George	Watt
Fattah	Moore	Waxman
Foster	Moran	Welch
Frankel (FL)	Murphy (FL)	Wilson (FL)
Fudge	Nadler	Yarmuth
Gabbard	Napolitano	
Galleo	Neal	

#### NOES—266

Aderholt	Boustany	Clyburn
Alexander	Brady (TX)	Coble
Amash	Bridenstine	Coffman
Amodei	Brooks (AL)	Cole
Andrews	Brooks (IN)	Collins (GA)
Bachmann	Brown (GA)	Collins (NY)
Bachus	Buchanan	Conaway
Barber	Bucshon	Cook
Barletta	Burgess	Costa
Barr	Bustos	Cotton
Barrow (GA)	Calvert	Courtney
Barton	Camp	Cramer
Benishek	Cantor	Crawford
Bentivolio	Capito	Crenshaw
Bilirakis	Cardenas	Cuellar
Bishop (GA)	Carter	Culberson
Bishop (UT)	Cassidy	Daines
Black	Castro (TX)	Davis, Rodney
Blackburn	Chabot	Denham
Bonner	Chaffetz	Dent

DeSantis  
DesJarlais  
Diaz-Balart  
Dingell  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler  
Hinojosa  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hurt  
Israel  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kaptur  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance

Langevin  
Lankford  
Latta  
Lewis  
LoBiondo  
Lofgren  
Long  
Lucas  
Luetkemeyer  
Lujan Grisham (NM)  
Luján, Ben Ray (NM)  
Lummis  
Maffei  
Maloney, Sean  
Marchant  
Marino  
Massie  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Meng  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce  
Perlmutter  
Perry  
Peters (CA)  
Peters (MI)  
Peterson  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Rahall  
Reichert  
Renacci  
Ribble  
Rice (SC)

Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Ruiz  
Runyan  
Ryan (OH)  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Sewell (AL)  
Shuster  
Simpson  
Sinema  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stewart  
Stivers  
Stockman  
Stutzman  
Swalwell (CA)  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Vela  
Visclosky  
Wagner  
Walberg  
Walder  
Walorski  
Wasserman  
Weber (TX)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

## NOT VOTING—12

Campbell  
Gohmert  
Grijalva  
Holt

Horsford  
Hunter  
McCarthy (NY)  
Negrete McLeod

Rogers (MI)  
Shimkus  
Webster (FL)  
Young (FL)

□ 1426

Messrs. TIPTON, BENTIVOLIO, PALAZZO, COSTA, HUDSON, MESSER, PETERS of California, ISRAEL, and RYAN of Ohio changed their vote from “aye” to “no.”

Ms. CLARKE changed her vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GARAMENDI

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gen-

tleman from California (Mr. GARAMENDI) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 155, noes 266, not voting 13, as follows:

[Roll No. 329]

## AYES—155

Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Butterfield  
Capps  
Capuano  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Cohen  
Connolly  
Conyers  
Cooper  
Crowley  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Doggett  
Doyle  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Garamendi

Garcia  
Grayson  
Green, Al  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Honda  
Huffman  
Jackson Lee  
Johnson (GA)  
Johnson, E. B.  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kind  
Kuster  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loebach  
Lowenthal  
Lowe  
Lynch  
Maloney,  
Carolyn  
Markay  
Matsui  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Nolan  
O'Rourke  
Pallone  
Pascarell  
Pastor (AZ)

Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rangel  
Richmond  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Shea-Porter  
Sherman  
Sires  
Smith (WA)  
Speier  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Velázquez  
Walz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

## NOES—266

Aderholt  
Alexander  
Amash  
Amodei  
Andrews  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (GA)

Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Bucshon  
Burgess  
Bustos  
Calvert  
Camp  
Cantor

Capito  
Cárdenas  
Carter  
Cassidy  
Chabot  
Chaffetz  
Clyburn  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Costa  
Cotton

Kaptur  
Kelly (PA)  
Kilmer  
King (IA)  
King (NY)  
Kinsten  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Langevin  
Lankford  
Latham  
Latta  
LoBiondo  
Lofgren  
Long  
Lucas  
Luetkemeyer  
Lujan Grisham (NM)  
Luján, Ben Ray (NM)  
Lummis  
Maffei  
Maloney, Sean  
Marchant  
Marino  
Massie  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Meng  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce  
Perry  
Peterson  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel

Rahall  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Ruiz  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Sewell (AL)  
Shuster  
Simpson  
Sinema  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stewart  
Stockman  
Stutzman  
Swalwell (CA)  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Vela  
Visclosky  
Wagner  
Walberg  
Walden  
Walorski  
Wasserman  
Weber (TX)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

## NOT VOTING—13

Broun (GA)  
Campbell  
Holt  
Horsford  
Huelskamp

Hunter  
McCarthy (NY)  
Negrete McLeod  
Rogers (MI)  
Shimkus

Stivers  
Webster (FL)  
Young (FL)

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining.

□ 1432

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

The CHAIR. The unfinished business is the demand for a recorded vote on

the amendment offered by the gentleman from Georgia (Mr. BROWN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 252, not voting 17, as follows:

[Roll No. 330]

## AYES—165

Aderholt	Gowdy	Olson
Amash	Graves (GA)	Palazzo
Amodei	Griffin (AR)	Paulsen
Bachmann	Griffith (VA)	Pearce
Bachus	Guthrie	Perry
Barletta	Hall	Petri
Barr	Hanna	Pittenger
Barrow (GA)	Harris	Pitts
Barton	Hartzler	Poe (TX)
Benishek	Hensarling	Pompeo
Bentivolio	Herrera Beutler	Posey
Bilirakis	Holding	Renacci
Bishop (UT)	Hudson	Ribble
Black	Huelskamp	Rice (SC)
Blackburn	Huizenga (MI)	Rigell
Boustany	Hultgren	Roby
Brady (TX)	Hurt	Roe (TN)
Bridenstine	Jenkins	Rogers (AL)
Brooks (AL)	Johnson (OH)	Rohrabacher
Brooks (IN)	Johnson, Sam	Rokita
Broun (GA)	Jones	Rooney
Buchanan	Jordan	Roskam
Bucshon	Kelly (PA)	Ross
Burgess	King (IA)	Rothfus
Cassidy	Kingston	Royce
Chabot	Kline	Ryan (WI)
Chaffetz	Labrador	Salmon
Coble	LaMalfa	Sanford
Coffman	Lamborn	Scalise
Collins (GA)	Latta	Schweikert
Conaway	LoBiondo	Scott, Austin
Cook	Long	Sensenbrenner
Cotton	Luetkemeyer	Sessions
Crawford	Lummis	Shuster
Daines	Marchant	Sinema
Davis, Rodney	Marino	Smith (MO)
DeSantis	Massie	Southerland
DesJarlais	Matheson	Stockman
Duffy	McCaull	Stutzman
Duncan (SC)	McClintock	Thornberry
Duncan (TN)	McHenry	Tipton
Ellmers	McKinley	Walberg
Farenthold	McMorris	Walorski
Fincher	Rodgers	Weber (TX)
Fleischmann	Meadows	Issa
Fleming	Messer	Jackson Lee
Flores	Mica	Jeffries
Forbes	Miller (FL)	
Foxx	Miller (MI)	
Franks (AZ)	Miller, Gary	
Gardner	Mullin	
Garrett	Mulvaney	
Gibbs	Murphy (PA)	
Gingrey (GA)	Neugebauer	
Goodlatte	Nugent	
Gosar	Nunnelee	

## NOES—252

Alexander	Bonner	Capps
Andrews	Brady (PA)	Capuano
Barber	Braley (IA)	Cárdenas
Bass	Brown (FL)	Carney
Beatty	Brownley (CA)	Carson (IN)
Becerra	Bustos	Carter
Bera (CA)	Butterfield	Cartwright
Bishop (GA)	Calvert	Castor (FL)
Bishop (NY)	Camp	Castro (TX)
Blumenauer	Cantor	Chu
Bonamici	Capito	Cicilline

Clarke	Johnson (GA)	Price (NC)
Clay	Johnson, E. B.	Quigley
Cleaver	Joyce	Radel
Clyburn	Kaptur	Rahall
Cohen	Keating	Rangel
Collins (NY)	Kelly (IL)	Reed
Connolly	Kennedy	Reichert
Conyers	Kildee	Richmond
Cooper	Kilmer	Rogers (KY)
Costa	Kind	Ros-Lehtinen
Courtney	King (NY)	Roybal-Allard
Cramer	Kinzinger (IL)	Ruiz
Crenshaw	Kirkpatrick	Runyan
Crowley	Kuster	Ruppersberger
Cuellar	Lance	Rush
Culberson	Langevin	Ryan (OH)
Cummings	Lankford	Sánchez, Linda
Davis (CA)	Larsen (WA)	T.
Davis, Danny	Larson (CT)	Sanchez, Loretta
DeFazio	Latham	Sarbanes
DeGette	Lee (CA)	Schakowsky
DeLauro	Levin	Schiff
DelBene	Lewis	Schneider
Denham	Lipinski	Schock
Dent	Loebsack	Schrader
Deutch	Lofgren	Schwartz
Diaz-Balart	Lowenthal	Scott (VA)
Dingell	Lowey	Scott, David
Doggett	Lucas	Serrano
Doyle	Lujan Grisham	Sewell (AL)
Duckworth	(NM)	Shea-Porter
Edwards	Luján, Ben Ray	Sherman
Ellison	(NM)	Simpson
Engel	Sires	Slaughter
Enyart	Maffei	Smith (NJ)
Eshoo	Maloney,	Smith (TX)
Esty	Carolyn	Smith (WA)
Farr	Maloney, Sean	Speier
Fattah	Markey	Stewart
Fitzpatrick	Matsui	Stivers
Fortenberry	McCarthy (CA)	Swalwell (CA)
Foster	McCollum	Takano
Frankel (FL)	McDermott	Terry
Frelinghuysen	McGovern	Thompson (CA)
Fudge	McIntyre	Thompson (MS)
Gabbard	McKeon	Thompson (PA)
Galleo	McNerney	Tierney
Garamendi	Meehan	Titus
Garcia	Meeks	Tonko
Gerlach	Meng	Tsongas
Gibson	Michaud	Turner
Granger	Miller, George	Upton
Graves (MO)	Moore	Valadao
Grayson	Moran	Van Hollen
Green, Al	Murphy (FL)	Vargas
Green, Gene	Nadler	Veasey
Grijalva	Napolitano	Vela
Grimm	Neal	Velázquez
Hahn	Nolan	Visclosky
Hanabusa	Nunes	Wagner
Harper	O'Rourke	Walden
Hastings (FL)	Owens	Walz
Hastings (WA)	Pallone	Wasserman
Heck (NV)	Pascarell	Schultz
Heck (WA)	Pastor (AZ)	Waters
Higgins	Payne	Watt
Himes	Pelosi	Waxman
Hinojosa	Perlmutter	Welch
Honda	Peters (CA)	Wilson (FL)
Hoyer	Peters (MI)	Wolf
Huffman	Peterson	Yarmuth
Israel	Pingree (ME)	Yoder
Issa	Pocan	Young (AK)
Jackson Lee	Polis	
Jeffries	Price (GA)	

## NOT VOTING—17

Campbell	Horsford	Shimkus
Cole	Hunter	Smith (NE)
Delaney	McCarthy (NY)	Tiberi
Gohmert	Negrete McLeod	Webster (FL)
Noem	Neom	Young (FL)
Rogers (MI)		

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining.

□ 1439

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MS. JACKSON LEE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 238, not voting 12, as follows:

[Roll No. 331]

## AYES—184

Andrews	Garamendi	Nadler
Barrow (GA)	Garcia	Napolitano
Bass	Grayson	Neal
Beatty	Green, Al	Nolan
Becerra	Green, Gene	O'Rourke
Bera (CA)	Grijalva	Pallone
Bishop (GA)	Gutiérrez	Pascarell
Bishop (NY)	Hahn	Pastor (AZ)
Blumenauer	Hanabusa	Payne
Bonamici	Hastings (FL)	Pelosi
Brady (PA)	Heck (WA)	Perlmutter
Braley (IA)	Higgins	Peters (CA)
Brown (FL)	Himes	Peters (MI)
Brownley (CA)	Hinojosa	Pingree (ME)
Bustos	Honda	Pocan
Butterfield	Hoyer	Polis
Capps	Huffman	Price (NC)
Capuano	Israel	Quigley
Cárdenas	Jackson Lee	Rangel
Carney	Jeffries	Richmond
Carson (IN)	Johnson (GA)	Roybal-Allard
Cartwright	Johnson, E. B.	Ruiz
Castor (FL)	Kaptur	Ruppersberger
Castro (TX)	Keating	Rush
Chu	Kelly (IL)	Ryan (OH)
Cicilline	Kennedy	Sánchez, Linda
Clarke	Kildee	T.
Clay	Kilmer	Sanchez, Loretta
Cleaver	Kind	Sarbanes
Cohen	Kirkpatrick	Schakowsky
Connolly	Kuster	Schiff
Conyers	Langevin	Schneider
Cooper	Larsen (WA)	Schwartz
Costa	Larson (CT)	Scott (VA)
Courtney	Lee (CA)	Scott, David
Crowley	Levin	Serrano
Cuellar	Lewis	Sewell (AL)
Cummings	Lipinski	Shea-Porter
Davis (CA)	Loebsack	Sherman
Davis, Danny	Lofgren	Sires
DeFazio	Lowenthal	Smith (WA)
DeGette	Lowey	Speier
Delaney	Lujan Grisham	Takano
DeLauro	(NM)	Thompson (CA)
DelBene	Luján, Ben Ray	Tierney
Deutch	(NM)	Titus
Dingell	Lynch	Tonko
Doggett	Maloney,	Tsongas
Doyle	Carolyn	Van Hollen
Duckworth	Markey	Vargas
Edwards	Matsui	Veasey
Ellison	McCollum	Vela
Engel	McDermott	Velázquez
Enyart	McGovern	Visclosky
Eshoo	McIntyre	Walz
Esty	McNerney	Wasserman
Farr	Meeks	Schultz
Fattah	Meng	Waters
Foster	Michaud	Watt
Frankel (FL)	Miller, George	Waxman
Fudge	Moore	Welch
Gabbard	Moran	Wilson (FL)
Galleo	Murphy (FL)	Yarmuth

## NOES—238

Aderholt  
Alexander  
Amash  
Amodei  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Clyburn  
Coble  
Coffman  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cotton  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foss  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)

Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Maffei  
Maloney, Sean  
Marchant  
Marino  
Massie  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce  
Perry  
Peterson  
Petri

Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Rahall  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schradler  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shuster  
Simpson  
Sinema  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Brownley (CA)  
Buchanan  
Burgess  
Bustos  
Butterfield  
Capps  
Capuano  
Cardenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Ciilline  
Clarke  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

## NOT VOTING—12

Campbell  
Cole  
Cramer  
Gohmert

Holt  
Horsford  
Hunter  
McCarthy (NY)

Negrete McLeod  
Rogers (MI)  
Shimkus  
Young (FL)

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining.

## □ 1445

Mr. GEORGE MILLER of California changed his vote from “no” to “aye.” So the amendment was rejected. The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. QUIGLEY

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 227, not voting 11, as follows:

[Roll No. 332]

## AYES—196

Amash  
Andrews  
Beatty  
Becerra  
Bera (CA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brooks (AL)  
Brownley (CA)  
Buchanan  
Burgess  
Bustos  
Butterfield  
Capps  
Capuano  
Cardenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Ciilline  
Clarke  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

Foster  
Frankel (FL)  
Fudge  
Gabbard  
Garamendi  
Garcia  
Gibson  
Grayson  
Green, Al  
Green, Gene  
Griffith (VA)  
Grijalva  
Hahn  
Hall  
Burgess  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Herrera Beutler  
Higgins  
Himes  
Hinojosa  
Honda  
Huelskamp  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Jones  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Labrador  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lowenthal  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah

Matsui  
McDermott  
McGovern  
McNerney  
Meeks  
Meng  
Messer  
Michaud  
Miller, George  
Moore  
Mulvaney  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascarelli  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Petri  
Pingree (ME)  
Pitts  
Pocan  
Polis  
Price (GA)  
Price (NC)  
Quigley  
Radel  
Rahall  
Ribble  
Rice (SC)  
Rohrabacher  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Salmon  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schradler  
Schwartz  
Scott (VA)  
Sensenbrenner  
Serrano  
Sewell (AL)

Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (WA)  
Speier  
Takano  
Thompson (CA)  
Tierney

Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Velázquez  
Visclosky  
Walz

Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth  
Yoho

## NOES—227

Aderholt  
Alexander  
Amodei  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Bass  
Benishek  
Bentivolio  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (IN)  
Broun (GA)  
Brown (FL)  
Bucshon  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Cleaver  
Clyburn  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Connolly  
Cook  
Cotton  
Courtney  
Cramer  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Danny  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foss  
Franks (AZ)  
Frelinghuysen  
Gallego  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Goodlatte

Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Grimm  
Guthrie  
Gutiérrez  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Holding  
Hoyer  
Hudson  
Huizenga (MI)  
Hultgren  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
LaMalfa  
Lamborn  
Lankford  
Latham  
Latta  
LoBiondo  
Lofgren  
Long  
Lucas  
Luetkemeyer  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lummis  
Maffei  
Maloney, Sean  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran  
Mullin  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee

Olson  
Palazzo  
Pearce  
Perry  
Peterson  
Pittenger  
Poe (TX)  
Pompeo  
Posey  
Rangel  
Reed  
Reichert  
Renacci  
Richmond  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (OH)  
Ryan (WI)  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Scott, David  
Sessions  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Swalwell (CA)  
Terry  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Vela  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (IN)

## NOT VOTING—11

Hunter  
McCarthy (NY)  
Negrete McLeod  
Paulsen

Rogers (MI)  
Shimkus  
Young (FL)

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining.

□ 1452

Mr. WENSTRUP changed his vote from “aye” to “no.”

Mr. RICE of South Carolina changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. PAULSEN. Mr. Chair, on rollcall No. 332 (Quigley), I was unexpectedly detained. Had I been present, I would have voted “no.”

(By unanimous consent, Mr. GOSAR was allowed to speak out of order.)

## A MOMENT OF SILENCE IN HONOR OF THE YARNELL 19

Mr. GOSAR. Mr. Chairman, we, the Arizona delegation, rise today in the wake of the tragic Yarnell Hill Fire that has left our hearts, the hearts of Arizonans and the hearts of Americans across the country overwhelmed with disbelief and sadness.

This was the largest loss of life of first responders since 9/11.

The town of Yarnell and the people of Arizona will never forget and will forever honor the 19 heroes of the elite Granite Mountain Hotshot fire crew who lost their lives in an act of self-sacrificing bravery.

Out of my deepest respect for these fallen heroes, their families and the communities of Prescott, Peeples Valley and Yarnell, I ask you to keep them in your prayers.

I now ask you to join me and my colleagues for a moment of silence to honor the Yarnell 19's ultimate act of courage and sacrifice.

## AMENDMENT OFFERED BY MR. HECK OF NEVADA

The CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Nevada (Mr. HECK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 86, noes 338, not voting 10, as follows:

[Roll No. 333]

AYES—86

Amodei	Bilirakis	Brady (TX)
Bachmann	Bishop (UT)	Bridenstine
Barrow (GA)	Black	Brooks (AL)
Barton	Blackburn	Brooks (IN)

Chabot	Johnson, Sam	Rigell
Chaffetz	Jones	Roe (TN)
Collins (GA)	King (IA)	Rogers (AL)
Conaway	Kline	Rooney
Crawford	Labrador	Ross
Edwards	Lamborn	Salmon
Farenthold	Lankford	Scalise
Fleming	Matheson	Scott, Austin
Flores	McCaul	Sensenbrenner
Forbes	McKeon	Sessions
Franks (AZ)	Meehan	Shuster
Garrett	Mica	Smith (TX)
Goodlatte	Miller (FL)	Southerland
Gosar	Neugebauer	Stivers
Graves (MO)	Noem	Stockman
Griffin (AR)	Nugent	Thornberry
Guthrie	Nunes	Turner
Hall	Olson	Walorski
Harper	Palazzo	Weber (TX)
Harris	Petri	Westrup
Hartzler	Poe (TX)	Westmoreland
Hastings (FL)	Pompeo	Wittman
Heck (NV)	Radel	Yoder
Hultgren	Renacci	Young (AK)
Hurt	Ribble	

## NOES—338

Aderholt	Daines	Holding
Alexander	Davis (CA)	Honda
Amash	Davis, Danny	Hoyer
Andrews	Davis, Rodney	Hudson
Bachus	DeFazio	Huelskamp
Barber	DeGette	Huffman
Barletta	Delaney	Huizenga (MI)
Barr	DeLauro	Israel
Bass	DeBene	Issa
Beatty	Denham	Jackson Lee
Becerra	Dent	Jeffries
Benish	DeSantis	Jenkins
Bentivolio	DesJarlais	Johnson (GA)
Bera (CA)	Deutch	Johnson (OH)
Bishop (GA)	Diaz-Balart	Johnson, E. B.
Bishop (NY)	Dingell	Jordan
Blumenauer	Doggett	Joyce
Bonamici	Doyle	Kaptur
Bonner	Duckworth	Keating
Boustany	Duffy	Kelly (IL)
Brady (PA)	Duncan (SC)	Kelly (PA)
Braley (IA)	Duncan (TN)	Kennedy
Broun (GA)	Ellison	Kildee
Brown (FL)	Ellmers	Kilmer
Brownley (CA)	Engel	Kind
Buchanan	Enyart	King (NY)
Bucshon	Eshoo	Kingston
Burgess	Esty	Kinziger (IL)
Bustos	Farr	Kirkpatrick
Butterfield	Fattah	Kuster
Calvert	Fincher	LaMalfa
Camp	Fitzpatrick	Lance
Cantor	Fleischmann	Langevin
Capito	Fortenberry	Larsen (WA)
Capps	Foster	Larson (CT)
Capuano	Fox	Latham
Cárdenas	Frankel (FL)	Latta
Carney	Frelinghuysen	Lee (CA)
Carson (IN)	Fudge	Levin
Carter	Gabbard	Lewis
Cartwright	Galleo	Lipinski
Cassidy	Garamendi	LoBiondo
Castor (FL)	Garcia	Loeb
Castro (TX)	Gardner	Lofgren
Chu	Gerlach	Long
Ciulline	Gibbs	Lowenthal
Clarke	Gibson	Lowey
Clay	Gingrey (GA)	Lucas
Cleaver	Gowdy	Luetkemeyer
Clyburn	Granger	Lujan Grisham
Coble	Graves (GA)	(NM)
Coffman	Grayson	Luján, Ben Ray
Cohen	Green, Al	(NM)
Cole	Green, Gene	Lummis
Collins (NY)	Griffith (VA)	Lynch
Connolly	Grijalva	Maffei
Conyers	Grimm	Maloney,
Cook	Gutiérrez	Carolyn
Cooper	Hahn	Maloney, Sean
Costa	Hanabusa	Marchant
Cotton	Hanna	Marino
Courtney	Hastings (WA)	Markey
Cramer	Heck (WA)	Massie
Crenshaw	Hensarling	Matsui
Crowley	Herrera Beutler	McCarthy (CA)
Cuellar	Higgins	McClintock
Culberson	Himes	McCollum
Cummings	Hinojosa	McDermott

McGovern	Price (NC)	Smith (NJ)
McHenry	Quigley	Smith (WA)
McIntyre	Rahall	Speier
McKinley	Rangel	Stewart
McMorris	Reed	Stutzman
Rodgers	Reichert	Swalwell (CA)
McNerney	Rice (SC)	Takano
Meadows	Richmond	Terry
Meeks	Roby	Thompson (CA)
Meng	Rogers (KY)	Thompson (MS)
Messer	Rohrabacher	Thompson (PA)
Michaud	Rokita	Tiberi
Miller (MI)	Ros-Lehtinen	Tierney
Miller, Gary	Roskam	Tipton
Miller, George	Rothfus	Titus
Moore	Roybal-Allard	Tonko
Moran	Royce	Tsongas
Mullin	Ruiz	Upton
Mulvaney	Runyan	Valadao
Murphy (FL)	Ruppersberger	Van Hollen
Murphy (PA)	Rush	Vargas
Nadler	Ryan (OH)	Veasey
Napolitano	Ryan (WI)	Vela
Neal	Sánchez, Linda	Velázquez
Nolan	T.	Visclosky
Nunnelee	Sanchez, Loretta	Wagner
O'Rourke	Sanford	Walberg
Owens	Sarbanes	Walden
Pallone	Schakowsky	Walz
Pascarella	Schiff	Wasserman
Pastor (AZ)	Schneider	Schultz
Paulsen	Schock	Waters
Payne	Schrader	Watt
Pearce	Schwartz	Waxman
Pelosi	Schweikert	Webster (FL)
Perlmutter	Scott (VA)	Welch
Perry	Scott, David	Whitfield
Peters (CA)	Serrano	Williams
Peters (MI)	Sewell (AL)	Wilson (FL)
Peterson	Shea-Porter	Wilson (SC)
Pingree (ME)	Sherman	Wolf
Pittenger	Simpson	Womack
Pitts	Sinema	Woodall
Pocan	Sires	Yarmuth
Polis	Slaughter	Yoho
Posey	Smith (MO)	Young (IN)
Price (GA)	Smith (NE)	

## NOT VOTING—10

Campbell	Hunter	Shimkus
Gohmert	McCarthy (NY)	Young (FL)
Holt	Negrete McLeod	
Horsford	Rogers (MI)	

□ 1501

Messrs. DAINES, PASTOR of Arizona, and Ms. WATERS changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. HULTGREN, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2609) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes, had come to no resolution thereon.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 4 minutes p.m.), the House stood in recess.

□ 1715

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WENSTRUP) at 5 o'clock and 15 minutes p.m.

## ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

The SPEAKER pro tempore. Pursuant to House Resolution 288 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2609.

Will the gentleman from Georgia (Mr. PRICE) kindly take the chair.

□ 1716

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2609) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes, with Mr. PRICE of Georgia (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Louisiana (Mr. SCALISE) had been disposed of, and the bill had been read through page 60, line 12.

## AMENDMENT NO. 29 OFFERED BY MS. BASS

Ms. BASS. Mr. Chairman, I ask unanimous consent to withdraw my request for a recorded vote on my amendment to the end that the amendment stand disposed of by the voice vote taken on the amendment.

The Acting CHAIR. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The Acting CHAIR. Is there objection to the request of the gentlewoman from California?

Without objection, the request for a recorded vote is withdrawn. Accordingly, the noes have it and the amendment is not adopted.

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. POLIS of Colorado.

Amendment by Mr. BURGESS of Texas.

Amendment by Mr. BURGESS of Texas.

Amendment by Ms. TITUS of Nevada.

Amendment by Mr. LYNCH of Massachusetts.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

## AMENDMENT OFFERED BY MR. POLIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 243, not voting 9, as follows:

[Roll No. 334]

## AYES—182

Amash	Green, Al	Pallone
Andrews	Green, Gene	Pascarell
Bass	Griffith (VA)	Pastor (AZ)
Beatty	Grijalva	Payne
Becerra	Gutiérrez	Pelosi
Bera (CA)	Hahn	Perlmutter
Bishop (NY)	Hanabusa	Peters (CA)
Blumenauer	Hastings (FL)	Peters (MI)
Bonamici	Heck (WA)	Petri
Brady (PA)	Herrera Beutler	Pingree (ME)
Braley (IA)	Higgins	Pocan
Broun (GA)	Himes	Polis
Brownley (CA)	Hinojosa	Price (NC)
Bustos	Honda	Quigley
Capps	Huffman	Rahall
Capuano	Israel	Rangel
Cárdenas	Jackson Lee	Rohrabacher
Carney	Jeffries	Roybal-Allard
Cartwright	Johnson, E. B.	Ruiz
Castor (FL)	Jones	Rush
Castro (TX)	Kaptur	Salmon
Chu	Keating	Sánchez, Linda T.
Ciavarella	Kelly (IL)	Sanchez, Loretta
Clarke	Kennedy	Sarbanes
Clay	Kildee	Schakowsky
Cleaver	Kilmer	Schiff
Cohen	Kind	Schneider
Connolly	Kirkpatrick	Schrader
Conyers	Kuster	Schwartz
Cooper	Lance	Sensenbrenner
Costa	Larson (CT)	Serrano
Crowley	Lee (CA)	Sewell (AL)
Cummings	Levin	Shea-Porter
Davis (CA)	Lewis	Sherman
Davis, Danny	Loeb sack	Sinema
DeFazio	Lowenthal	Sires
Delaney	Lowe y	Slaughter
DeLauro	Lynch	Speier
DeBene	Maloney,	Stockman
Deutch	Carolyn	Takano
Dingell	Marino	Thompson (CA)
Doggett	Markey	Tierney
Doyle	Mas sie	Titus
Duckworth	Matsui	Tonko
Duncan (TN)	McDermott	Tsongas
Edwards	McGovern	Van Hollen
Ellison	McNerney	Vargas
Engel	Meeks	Veasey
Enyart	Meng	Vela
Eshoo	Mica	Velázquez
Esty	Michaud	Visclosky
Farr	Miller, George	Walz
Fattah	Moore	Wasserman
Foster	Moran	Schultz
Frankel (FL)	Mulvaney	Waters
Fudge	Murphy (FL)	Watt
Gabbard	Nadler	Waxman
Garamendi	Napolitano	Welch
Garcia	Neal	Wilson (FL)
Gibson	Nolan	Yarmuth
Gohmert	O'Rourke	
Grayson	Owens	

## NOES—243

Aderholt	Bachmann	Barletta
Alexander	Bachus	Barr
Amodei	Barber	Barrow (GA)

Barton	Hall	Peterson
Benishak	Hanna	Pittenger
Bentivolio	Harper	Pitts
Billirakis	Harris	Poe (TX)
Bishop (GA)	Hartzler	Pompeo
Bishop (UT)	Hastings (WA)	Posey
Black	Heck (NV)	Price (GA)
Blackburn	Hensarling	Radel
Bonner	Holding	Reed
Boustany	Hoyer	Reichert
Brady (TX)	Hudson	Renacci
Bridenstine	Huelskamp	Ribble
Brooks (AL)	Huizenga (MI)	Rice (SC)
Brooks (IN)	Hultgren	Richmond
Brown (FL)	Hurt	Rigell
Buchanan	Issa	Roby
Buchson	Jenkins	Roe (TN)
Burgess	Johnson (GA)	Rogers (AL)
Butterfield	Johnson (OH)	Rogers (KY)
Calvert	Johnson, Sam	Rokita
Camp	Jordan	Rooney
Cantor	Joyce	Ros-Lehtinen
Capito	Kelly (PA)	Roskam
Carson (IN)	King (IA)	Ross
Carter	King (NY)	Rothfus
Cassidy	Kingston	Royce
Chabot	Kinzing er (IL)	Runyan
Chaffetz	Kline	Ruppersberger
Clyburn	Labrador	Ryan (OH)
Coble	LaMalfa	Ryan (WI)
Coffman	Lamborn	Sanford
Cole	Langevin	Scalise
Collins (GA)	Lankford	Schock
Collins (NY)	Larsen (WA)	Schweikert
Conaway	Latham	Scott (VA)
Cook	Latta	Scott, Austin
Cotton	Lipinski	Scott, David
Courtney	LoBiondo	Sessions
Cramer	Lofgren	Shuster
Crawford	Long	Simpson
Crenshaw	Lucas	Smith (MO)
Cuellar	Luetkemeyer	Smith (NE)
Culberson	Lujan, Ben Ray	Smith (NJ)
Daines	(NM)	Smith (TX)
Davis, Rodney	Luján, Ben Ray	Smith (WA)
Denham	(NM)	Southerland
Dent	Lummis	Stewart
DeSantis	Maffei	Stivers
DesJarlais	Maloney, Sean	Stutzman
Diaz-Balart	Marchant	Swalwell (CA)
Duffy	Matheson	Terry
Duncan (SC)	McCarthy (CA)	Thompson (MS)
Ellmers	McCaul	Thompson (PA)
Farenthold	McClintock	Thornberry
Fincher	McCollum	Tiberi
Fitzpatrick	McHenry	Tipton
Fleischmann	McIntyre	Turner
Fleming	McKeon	Upton
Flores	McKinley	Valadao
Forbes	McMorris	Wagner
Fortenberry	Rodgers	Walberg
Fox	Meadows	Walden
Franks (AZ)	Meehan	Walorski
Frelinghuysen	Messer	Weber (TX)
Galleo	Miller (FL)	Webster (FL)
Gardner	Miller (MI)	Wenstrup
Garrett	Miller, Gary	Westmoreland
Gerlach	Mullin	Whitfield
Gibbs	Murphy (PA)	Williams
Gingrey (GA)	Neugebauer	Wilson (SC)
Goodlatte	Noem	Wittman
Gosar	Nugent	Wolf
Gowdy	Nunes	Womack
Granger	Nunnelee	Woodall
Graves (GA)	Olson	Yoder
Graves (MO)	Palazzo	Yoho
Griffin (AR)	Paulsen	Young (AK)
Grimm	Pearce	Young (FL)
Guthrie	Perry	Young (IN)

## NOT VOTING—9

Campbell	Horsford	Negrete McLeod
DeGette	Hunter	Rogers (MI)
Holt	McCarthy (NY)	Shimkus

□ 1745

Messrs. FARENTHOLD, DESANTIS, GRIMM, and MURPHY of Pennsylvania changed their vote from "aye" to "no."

Messrs. STOCKMAN, VISCLOSKY, RAHALL, MARINO, MULVANEY, and BROUN of Georgia, and Ms.



WASSERMAN SCHULTZ changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BURGESS

The Acting CHAIR (Mr. MEADOWS). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BURGESS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 308, not voting 12, as follows:

[Roll No. 335]

AYES—114

Amash	Higgins	Napolitano
Barton	Himes	Neal
Becerra	Hinojosa	Pallone
Bonamici	Honda	Paulsen
Brady (PA)	Hudson	Pearce
Broun (GA)	Huelskamp	Pelosi
Buchanan	Huffman	Pingree (ME)
Burgess	Huizenga (MI)	Pocan
Capps	Israel	Posey
Capuano	Jones	Quigley
Cassidy	Keating	Radel
Chaffetz	Kennedy	Rangel
Chu	Kilmer	Rohrabacher
Clarke	Labrador	Salmon
Cohen	Lance	Sanford
Conaway	Larsen (WA)	Sarbanes
Conyers	Lee (CA)	Schakowsky
Courtney	Levin	Sensenbrenner
Davis, Danny	Lewis	Serrano
DeFazio	Long	Sessions
DeLauro	Lujan Grisham	Shea-Porter
DelBene	(NM)	Sherman
Deutch	Luján, Ben Ray	Slaughter
Duncan (TN)	(NM)	Smith (NE)
Edwards	Lummis	Speier
Ellison	Lynch	Stockman
Eshoo	Maffei	Takano
Esty	Marchant	Thompson (CA)
Farenthold	Markey	Tierney
Farr	Matheson	Titus
Gardner	Matsui	Tonko
Gohmert	McClintock	Tsongas
Gosar	McGovern	Velázquez
Graves (GA)	McNerney	Walberg
Grayson	Meadows	Waxman
Grijalva	Mica	Webster (FL)
Hall	Michaud	Welch
Heck (WA)	Moore	Nadler
Hensarling	Nadler	Woodall

NOES—308

Aderholt	Bishop (NY)	Camp
Alexander	Black	Cantor
Amodei	Blackburn	Capito
Andrews	Blumenauer	Cardenas
Bachmann	Bonner	Carney
Bachus	Boustany	Carson (IN)
Barber	Brady (TX)	Cartwright
Barletta	Braley (IA)	Castor (FL)
Barr	Bridenstine	Castro (TX)
Barrow (GA)	Brooks (AL)	Chabot
Bass	Brooks (IN)	Cicilline
Beatty	Brown (FL)	Clay
Benishkek	Brownley (CA)	Cleaver
Bentivolio	Bucshon	Clyburn
Bera (CA)	Bustos	Coble
Bilirakis	Butterfield	Coffman
Bishop (GA)	Calvert	Cole

Collins (GA)	Jordan	Ribble
Collins (NY)	Joyce	Rice (SC)
Connolly	Kaptur	Richmond
Cook	Kelly (IL)	Rigell
Cooper	Kelly (PA)	Roby
Costa	Kildee	Roe (TN)
Cotton	Kind	Rogers (AL)
Cramer	King (IA)	Rogers (KY)
Crawford	King (NY)	Rokita
Crenshaw	Kingston	Rooney
Crowley	Kinzinger (IL)	Ros-Lehtinen
Cuellar	Kirkpatrick	Roskam
Culberson	Kline	Ross
Cummings	Kuster	Rothfus
Daines	LaMalfa	Roybal-Allard
Davis (CA)	Lamborn	Royce
Davis, Rodney	Langevin	Ruiz
Delaney	Lankford	Runyan
Denham	Larson (CT)	Ruppersberger
Dent	Latham	Rush
DeSantis	Latta	Ryan (OH)
DesJarlais	Lipinski	Ryan (WI)
Dingell	LoBiondo	Sánchez, Linda
Doggett	Loeb sack	T.
Doyle	Lofgren	Sanchez, Loretta
Duckworth	Lowenthal	Scalise
Duffy	Lowey	Schiff
Duncan (SC)	Lucas	Schneider
Ellmers	Luetkemeyer	Schock
Engel	Maloney,	Schrader
Enyart	Carolyn	Schwartz
Fattah	Maloney, Sean	Schweikert
Fincher	Marino	Scott (VA)
Fitzpatrick	Massie	Scott, Austin
Fleischmann	McCarthy (CA)	Scott, David
Fleming	McCaul	Sewell (AL)
Flores	McCollum	Shuster
Forbes	McDermott	Simpson
Fortenberry	McHenry	Sinema
Fudge	McIntyre	Sires
Foxx	McKeon	Smith (MO)
Frankel (FL)	McKinley	Smith (NJ)
Franks (AZ)	McMorris	Smith (TX)
Frelinghuysen	Rodgers	Smith (WA)
Fudge	Meehan	Southerland
Gabbard	Meeke	Stewart
Galleo	Meng	Stivers
Garamendi	Messer	Stutzman
Garcia	Miller (FL)	Swalwell (CA)
Garrett	Miller (MI)	Terry
Gerlach	Miller, Gary	Thompson (MS)
Gibbs	Miller, George	Thompson (PA)
Gibson	Moran	Thornberry
Gingrey (GA)	Mullin	Tiberi
Goodlatte	Mulvaney	Tipton
Gowdy	Murphy (FL)	Turner
Granger	Murphy (PA)	Upton
Graves (MO)	Neugebauer	Valadao
Green, Al	Noem	Van Hollen
Green, Gene	Nolan	Vargas
Griffin (AR)	Nugent	Veasey
Griffith (VA)	Nunes	Vela
Grimm	Nunnelee	Visclosky
Guthrie	O'Rourke	Wagner
Gutiérrez	Olson	Walden
Hahn	Owens	Walorski
Hanabusa	Palazzo	Walz
Hanna	Pascrell	Wasserman
Harper	Pastor (AZ)	Schultz
Harris	Payne	Waters
Hartzler	Perlmutter	Watt
Hastings (FL)	Perry	Weber (TX)
Hastings (WA)	Peters (CA)	Wenstrup
Heck (NV)	Peters (MI)	Westmoreland
Herrera Beutler	Peterson	Whitfield
Holding	Petri	Williams
Hoyer	Pittenger	Wilson (FL)
Hultgren	Pitts	Wilson (SC)
Hurt	Poe (TX)	Wittman
Issa	Polis	Wolf
Jackson Lee	Pompeo	Womack
Jeffries	Price (GA)	Yarmuth
Jenkins	Price (NC)	Yoder
Johnson (GA)	Rahall	Yoho
Johnson (OH)	Reed	Young (AK)
Johnson, E. B.	Reichert	Young (FL)
Johnson, Sam	Renacci	Young (IN)

NOT VOTING—12

Diaz-Balart	McCarthy (NY)
Holt	Negrete McLeod
Horsford	Rogers (MI)
Hunter	Shimkus

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining.

□ 1752

Messrs. LYNCH and ELLISON changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BURGESS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BURGESS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 131, noes 291, not voting 12, as follows:

[Roll No. 336]

AYES—131

Amash	Himes	Pallone
Barton	Hinojosa	Paulsen
Becerra	Honda	Pearce
Bishop (UT)	Hudson	Pelosi
Bonamici	Huelskamp	Pingree (ME)
Brady (PA)	Huffman	Pocan
Broun (GA)	Huizenga (MI)	Polis
Buchanan	Israel	Posey
Burgess	Johnson (GA)	Price (NC)
Capps	Jones	Quigley
Capuano	Keating	Radel
Cartwright	Kennedy	Rohrabacher
Cassidy	Kilmer	Salmon
Chaffetz	Labrador	Sanchez, Loretta
Chu	Lance	Sanford
Cicilline	Lankford	Sarbanes
Cohen	Larsen (WA)	Schakowsky
Conaway	Lee (CA)	Schiff
Conyers	Levin	Schwartz
Courtney	Long	Sensenbrenner
Daines	Lowenthal	Serrano
DeFazio	Lujan Grisham	Sessions
DeLauro	(NM)	Shea-Porter
DelBene	Luján, Ben Ray	Sherman
Deutch	(NM)	Slaughter
Duncan (SC)	Lummis	Smith (NE)
Edwards	Lynch	Smith (WA)
Ellison	Maffei	Speier
Eshoo	Marchant	Stockman
Esty	Markey	Takano
Farenthold	Matheson	Thompson (CA)
Farr	Matsui	Tierney
Garamendi	McClintock	Titus
Gardner	McGovern	Tonko
Gohmert	McHenry	Tsongas
Gosar	McNerney	Velázquez
Gowdy	Meadows	Visclosky
Graves (GA)	Mica	Walberg
Grayson	Michaud	Waters
Grijalva	Miller, George	Waxman
Hahn	Moore	Webster (FL)
Hall	Mulvaney	Welch
Heck (WA)	Nadler	Woodall
Hensarling	Napolitano	
Higgins	Neal	

NOES—291

Aderholt	Bachus	Bass
Alexander	Barber	Beatty
Amodei	Barletta	Benishkek
Andrews	Barr	Bentivolio
Bachmann	Barrow (GA)	Bera (CA)

Bilirakis  
Bishop (GA)  
Bishop (NY)  
Black  
Blackburn  
Blumenauer  
Boustany  
Brady (TX)  
Braley (IA)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Brown (FL)  
Brownley (CA)  
Bucshon  
Bustos  
Butterfield  
Calvert  
Camp  
Cantor  
Capito  
Cárdenas  
Carney  
Carson (IN)  
Castor (FL)  
Castro (TX)  
Chabot  
Clarke  
Clay  
Clever  
Clyburn  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Connolly  
Cook  
Cooper  
Costa  
Cotton  
Cramer  
Crawford  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
Davis, Danny  
Davis, Rodney  
Delaney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Dingell  
Doggett  
Doyle  
Duckworth  
Duffy  
Duncan (TN)  
Ellmers  
Engel  
Enyart  
Fattah  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foster  
Foxy  
Frankel (FL)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gabbard  
Gallego  
Garcia  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Goodlatte  
Granger  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)

Griffith (VA)  
Grimm  
Guthrie  
Gutiérrez  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Heck (NV)  
Herrera Beutler  
Holding  
Hoyer  
Hultgren  
Hurt  
Issa  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jordan  
Joyce  
Kaptur  
Kelly (IL)  
Kelly (PA)  
Kildee  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Kuster  
LaMalfa  
Lamborn  
Langevin  
Larson (CT)  
Latham  
Latta  
Lewis  
Lipinski  
LoBiondo  
Loebach  
Lofgren  
Lowey  
Lucas  
Luetkemeyer  
Maloney,  
Carolyn  
Maloney, Sean  
Marino  
Massie  
McCarthy (CA)  
McCaul  
McCollum  
McDermott  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Meeks  
Meng  
Messer  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran  
Mullin  
Murphy (FL)  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Pascrell  
Pastor (AZ)  
Payne  
Perlmutter  
Perry  
Peters (CA)  
Peters (MI)  
Peterson

Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Price (GA)  
Rahall  
Rangel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Roybal-Allard  
Royce  
Ruiz  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda  
T.  
Scalise  
Schneider  
Schock  
Schroder  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sewell (AL)  
Shuster  
Simpson  
Sinema  
Sires  
Smith (MO)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stutzman  
Swalwell (CA)  
Terry  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Van Hollen  
Vargas  
Veasey  
Vela  
Wagner  
Walden  
Walorski  
Walz  
Wasserman  
Schultz  
Watt  
Weber (TX)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Yarmuth  
Yoder  
Yoho  
Young (AK)  
Young (FL)  
Young (IN)

Bonner  
Campbell  
Carter  
DeGette

Holt  
Horsford  
Hunter  
McCarthy (NY)

Negrete McLeod  
Nolan  
Rogers (MI)  
Shimkus

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (Mr. PRICE of Georgia) (during the vote). There are 2 minutes remaining.

□ 1759

So the amendment was rejected.  
The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. TITUS  
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Nevada (Ms. TITUS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 87, noes 337, not voting 10, as follows:

[Roll No. 337]

AYES—87

Amodei  
Bass  
Becerra  
Bishop (NY)  
Bishop (UT)  
Blumenauer  
Brownley (CA)  
Capps  
Capuano  
Carson (IN)  
Chaffetz  
Chu  
Clarke  
Cohen  
Crowley  
Davis (CA)  
Davis, Danny  
DeFazio  
DeLauro  
Doggett  
Marky  
Edwards  
Engel  
Eshoo  
Farr  
Frankel (FL)  
Garamendi  
Grijalva  
Gutiérrez  
Hahn  
Hastings (FL)

Heck (NV)  
Honda  
Huffman  
Bishop Lee  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kennedy  
Kirkpatrick  
Lee (CA)  
Levin  
Lewis  
Lofgren  
Lowenthal  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Maloney,  
Carolyn  
Doggett  
Marky  
Matheson  
Matsui  
McDermott  
McGovern  
Meng  
Miller, George  
Nader  
Napolitano  
Pallone  
Pelosi

Perlmutter  
Peters (MI)  
Pingree (ME)  
Pocan  
Polis  
Roybal-Allard  
Ruiz  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Scott, David  
Serrano  
Shea-Porter  
Sherman  
Slaughter  
Smith (WA)  
Takano  
Thompson (CA)  
Tierney  
Titus  
Tonko  
Tsongas  
Velázquez  
Wasserman  
Schultz  
Waters  
Waxman

Cassidy  
Castor (FL)  
Castro (TX)  
Chabot  
Cicilline  
Clay  
Clever  
Clyburn  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Connolly  
Conyers  
Cook  
Cooper  
Costa  
Cotton  
Courtney  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Cummings  
Daines  
Davis, Rodney  
Delaney  
DelBene  
Denham  
Dent  
DeSantis  
DesJarlais  
Deutsch  
Diaz-Balart  
Dingell  
Doyle  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellison  
Ellmers  
Enyart  
Esty  
Farenthold  
Fattah  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foster  
Foxy  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gabbard  
Gallego  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (WA)  
Hensarling  
Herrera Beutler  
Higgins  
Himes  
Hinojosa

Holding  
Hoyer  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hurt  
Israel  
Issa  
Jeffries  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jordan  
Joyce  
Kaptur  
Keating  
Kelly (IL)  
Kelly (PA)  
Kildee  
Kilmer  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Kuster  
Labrador  
LaMalfa  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
Latta  
Lipinski  
LoBiondo  
Loebach  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lummis  
Lynch  
Maffei  
Maloney, Sean  
Marchant  
Marino  
Massie  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meadows  
Meehan  
Meeks  
Messer  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moore  
Moran  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Neal  
Neugebauer  
Noem  
Nolan  
Nugent  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Pearce  
Perry  
Peters (CA)

Peterson  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Radel  
Rahall  
Rangel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schiff  
Schneider  
Schock  
Schroder  
Schwartz  
Schweikert  
Scott (VA)  
Scott, Austin  
Sensenbrenner  
Sessions  
Sewell (AL)  
Shuster  
Simpson  
Sinema  
Sires  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Speier  
Stewart  
Stivers  
Stockman  
Stutzman  
Swalwell (CA)  
Terry  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Van Hollen  
Vargas  
Veasey  
Vela  
Visclosky  
Wagner  
Walberg  
Walden  
Walorski  
Walz  
Watt  
Weber (TX)  
Webster (FL)  
Welch  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf

NOES—337

Aderholt  
Alexander  
Amash  
Andrews  
Bachmann  
Bachus  
Barber  
Barletta  
Brady (PA)  
Brady (TX)  
Barrow (GA)  
Barton  
Beatty  
Benishak  
Bentivoglio

Bera (CA)  
Bilirakis  
Bishop (GA)  
Black  
Blackburn  
Bonamici  
Bonner  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bridenstine  
Brooks (AL)  
Brooks (IN)

Brown (GA)  
Brown (FL)  
Buchanan  
Bucshon  
Burgess  
Bustos  
Butterfield  
Calvert  
Camp  
Cantor  
Capito  
Cárdenas  
Carney  
Cartwright

Womack Yoder Young (FL)  
Woodall Yoho Young (IN)  
Yarmuth Young (AK)

## NOT VOTING—10

Campbell Horsford Rogers (MI)  
Carter Hunter Shimkus  
DeGette McCarthy (NY)  
Holt Negrete McLeod

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There are 2 minutes remaining.

□ 1806

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

## AMENDMENT OFFERED BY MR. LYNCH

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Massachusetts (Mr.  
LYNCH) on which further proceedings  
were postponed and on which the noes  
prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 217, noes 206,  
not voting 11, as follows:

[Roll No. 338]

## AYES—217

Amash Cummings Huffman  
Amodel Davis (CA) Israel  
Barber Davis, Danny Jackson Lee  
Barrow (GA) DeFazio Jeffries  
Bass Delaney Johnson (GA)  
Beatty DeLauro Johnson, E. B.  
Becerra DelBene Jones  
Benishek Deutch Kaptur  
Bera (CA) Dingell Keating  
Bilirakis Doggett Kelly (IL)  
Bishop (GA) Duckworth Kennedy  
Bishop (NY) Edwards Kilde  
Blumenauer Ellison Kilmer  
Bonamici Engel Kind  
Brady (PA) Eshoo King (NY)  
Brady (TX) Esty Kingston  
Braley (IA) Farenthold Kirkpatrick  
Brooks (AL) Farr Kuster  
Brown (FL) Fattah Labrador  
Brownley (CA) Fleming Langevin  
Buchanan Foster Larsen (WA)  
Bustos Frankel (FL) Larson (CT)  
Butterfield Fudge Lee (CA)  
Capps Gabbard Levin  
Capuano Garamendi Lewis  
Cardenas Garcia Lipinski  
Carney Gibson LoBiondo  
Carson (IN) Gowdy Loebsack  
Cartwright Grayson Lofgren  
Cassidy Green, Al Lowenthal  
Castor (FL) Green, Gene Lowey  
Castro (TX) Grijalva Lujan Grisham  
Chaffetz Grimm (NM)  
Chu Gutiérrez Lujan, Ben Ray  
Cicilline Hahn (NM)  
Clarke Hanabusa Lynch  
Clay Hanna Maffei  
Cleaver Hastings (FL) Maloney,  
Clyburn Heck (WA) Carolyn  
Cohen Herrera Beutler Maloney, Sean  
Connolly Higgins Markey  
Conyers Himes Massie  
Costa Honda Matsui  
Courtney Hoyer McCollum  
Crowley Huelskamp McDermott

McGovern  
McIntyre  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Mulvaney  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Nolan  
O'Rourke  
Owens  
Palazzo  
Pallone  
Pascarella  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis

Aderholt  
Alexander  
Andrews  
Bachmann  
Bachus  
Barletta  
Barr  
Barton  
Bentivolio  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Bridenstine  
Brooks (IN)  
Broun (GA)  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Chabot  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cooper  
Cotton  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Doyle  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Enyart  
Fincher  
Fitzpatrick  
Fleischmann  
Flores  
Forbes  
Fortenberry  
Fox  
Frelinghuysen  
Gallego  
Gardner  
Garrett  
Gerlach

## NOES—206

Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Guthrie  
Hall  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Hinojosa  
Holding  
Hudson  
Huizenga (MI)  
Hultgren  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
Kinzinger (IL)  
Kline  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran  
Mullin

Walden  
Walorski  
Weber (TX)  
Wenstrup  
Westmoreland

Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf

## NOT VOTING—11

Campbell Horsford Rogers (MI)  
DeGette Hunter Shimkus  
Franks (AZ) McCarthy (NY) Webster (FL)  
Holt Negrete McLeod

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1812

So the amendment was agreed to.

The result of the vote was announced  
as above recorded.

## AMENDMENT OFFERED BY MR. GOSAR

Mr. GOSAR. Mr. Chairman, I have an  
amendment at the desk.

The Acting CHAIR. The Clerk will re-  
port the amendment.

The Clerk read as follows:

At the end of the bill (before the short  
title), insert the following:

SEC. \_\_\_\_ None of the funds made available  
in this Act or funds available in the Bonne-  
ville Power Administration Fund may be  
used by the Department of Energy for any  
program, project, or activity required by or  
otherwise proposed in the memorandum from  
Steven Chu, Secretary of Energy, to the  
Power Marketing Administrators with the  
subject line "Power Marketing Administra-  
tions' Role" and dated March 16, 2012.

The Acting CHAIR. The gentleman  
from Arizona is recognized for 5 min-  
utes.

Mr. GOSAR. Mr. Chairman, on March  
16, 2012, the Secretary of Energy issued  
a "Memorandum for Power Marketing  
Administrators." This memo, com-  
monly referred to as the "Chu memo-  
randum," has created a great deal of  
concern among our constituents who  
rely on Power Marketing Administra-  
tions, or PMAs, for affordable and reli-  
able energy.

As many of you know, the PMAs are  
four regional Power Marketing Admin-  
istrations which have been delivering  
reliable, clean energy to consumers for  
over 75 years. The PMAs have been suc-  
cessful models of regional collabora-  
tion with local stakeholders and a  
guided principle of "beneficiary pays,"  
meaning that whoever benefits from  
the specific investments in the PMAs'  
infrastructure ultimately bears the  
cost.

The former Secretary's memo directs  
the PMAs to act in areas involving  
transmission expansion, renewable en-  
ergy, energy efficiency, and cybersecu-  
rity—all laudable goals—goals that, on  
the surface, I support. In fact, I have  
strongly advocated for the expansion of  
transmission here in Congress. How-  
ever, I believe the Department of Ener-  
gy's means of these goals, the "Chu  
memo," would implement a top-down  
approach that could certainly impose  
greater costs and risks that outweigh  
benefits and could undermine the col-  
laborative and low-cost, emissions-free  
nature of the Federal power program.

This issue has undergone significant scrutiny here in Congress over the past year. Last year, I and Congressman JIM MATHESON, from Utah, led a letter expressing concern over the Chu memo. That letter was signed by over 160 U.S. Senators and Representatives, almost evenly split between Republicans and Democrats. Additionally, the House Appropriations Committee approved similar language to what I am putting forth today, by voice vote, to the 2013 Energy and Water Appropriations bill barring the Secretary from implementing the Chu directives. There are few issues that Congress has had such consensus on in the past.

Additionally, the House Natural Resources Committee has held multiple hearings on the memo, and it was a major topic of conversation at our recent PMA FY 2014 budget hearing. Members from both sides of the aisle have expressed concern about how the DOE might move forward with the Chu memo.

It is best if we stop this train wreck from moving forward before it is even implemented. My amendment would simply prohibit the power marketing agencies from utilizing their budgets to implement any new program, project or activity proposed under the guise of this memo. It is not intended to disrupt any previously existing activities of the PMAs, including the Bonneville Power Administration, that have been conducted in coordination and with the support of the customers. It is many of our beliefs that the recommendations of the memo fall far from the DOE's authority under the existing law. If the DOE would like to move forward, this amendment ensures the administration will have to come forward in a transparent manner and request legal authority.

I hope my colleagues will support this commonsense amendment that will preserve the existing Federal power program and will ensure our constituents' electricity costs stay low. I urge the support of my amendment.

I yield back the balance of my time.  
Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I support the gentleman's amendment. As he said, we had a similar provision in last year's bill, and we know the concerns are acute in the power marketing regions.

I yield back the balance of my time.  
The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GOSAR).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WHITFIELD

Mr. WHITFIELD. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following new section:

SEC. \_\_\_\_\_. None of the funds made available by this Act under the heading Renewable Energy, Energy Reliability and Efficiency may be used by the Department of Energy for wind energy programs.

Mr. WHITFIELD (during the reading). I ask unanimous consent that the reading of the amendment be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from Kentucky?

Mr. FRELINGHUYSEN. I object.

The Acting CHAIR. Objection is heard.

The Clerk will read.

The Clerk continued to read.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I would like to explain, number one, why I am offering this amendment and then explain, number two, specifically what this amendment does.

The reason it is in handwriting is that, after we submitted the printed amendment, we had a conversation with the Parliamentarian, and a suggestion was made to change it, so it was changed.

This administration has made it very clear to the American people that it is trying to dictate the fuels used to produce electricity in America, and they've made it very clear that they are flagrantly discriminating and giving preferential treatment to the wind industry.

Now, why do I say that?

I don't say it because of the \$12.1 billion production tax credit that the wind industry has received this year, and I don't say it because of the billions of dollars that the wind industry has received in past years. I say it because the administration has decided not to prosecute the wind industry for violations of the Migratory Bird Treaty Act or of the Bald and Golden Eagle Protection Act or of the Endangered Species Act.

According to an Associated Press investigation, in fact, the Obama administration has never fined or prosecuted a wind farm for killing eagles and other protected bird species—shielding the industry from liability and helping keep the scope of the deaths secret.

As a matter of fact, to show you how the administration is being very discriminatory in the prosecution of these acts, British Petroleum was fined \$100 million for killing migratory birds in the gulf oil spill. ExxonMobil was fined \$600,000 for killing 85 birds. PacifiCorp was fined \$10.5 million for killing birds. A utility in Wyoming was fined \$100,000 for killing one eagle. I could go on and on and on. Yet more than 573,000 birds were killed by the country's wind farms last year, including 83,000 hunt-

ing birds, such as hawks, falcons and eagles, according to an estimate published in March in the peer-reviewed *The Wildlife Society*.

We know that this administration is getting the reputation of deciding what Federal laws it's going to enforce and which ones it's not going to enforce. Now it is deciding that we are going to prosecute on the Endangered Species Act, the Bald and Golden Eagle Protection Act, and the Migratory Bird Treaty Act if you happen to be in this sector of the economy, but if you're in the wind industry, we're not going to prosecute you.

Do you know what is even worse than that?

They are now deciding that they want to carve out a rule, which the Obama administration has proposed, that would give wind energy companies potentially decades of shelter from the prosecution of the killing of any birds. The regulation is currently under review at the White House. The proposal, which was made at the urging of the wind industry, would allow companies to apply for 30-year permits to kill bald eagles, golden eagles and other migratory birds. Previously, companies were only eligible for 5-year permits. It's basically guaranteeing a black box for 30 years, and they're saying, Trust us for oversight.

"This is not the path forward," said Katie Umekubo, a renewable energy attorney with the Natural Resources Defense Council.

So why should the American people be giving billions of dollars to this industry and be allowing this administration not to prosecute them when they are obviously killing thousands of birds—in direct violation of the Migratory Bird Treaty Act, of the Bald and Golden Eagle Protection Act, and of the Endangered Species Act?

My amendment simply says, with regard to the \$24 million set aside for research and development in the committee report, that it not be allowed to use that money simply because of the extraordinary protection this administration is going to provide to prevent them from being prosecuted under the existing Federal laws that this Congress passed many years ago. That is the purpose of the amendment, and I would respectfully urge Members to vote for this amendment.

I yield back the balance of my time.  
Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise reluctantly to oppose the amendment because I know my colleague, my friend from Kentucky, has an incredible reputation of being the friend of animals and birds. Obviously, we are concerned about the issues he has raised.

Our bill already reduces the Wind Energy program from \$59 million to \$24 million, a cut of nearly 60 percent. His amendment goes a step further by eliminating the Wind Energy program entirely, which would result in the termination of the first offshore wind at-scale demonstration in the United States and would result in a dramatic drop-off in the U.S. deployment of wind energy systems. This setback would come at a time when wind is renewable energy's fastest growing sector.

I oppose my colleague's amendment. I am certainly aware of his heartfelt concern. We are listening to what he said, but I still oppose it.

I yield back the balance of my time.

Mr. GARAMENDI. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. I think the gentleman who is proposing the amendment is missing some major points.

Before a wind energy project can continue or go into effect, it has to meet very stringent environmental requirements. Those environmental requirements, among other things, deal specifically with all types of birds. I will tell you that, in my current district and in my previous district, I had the major wind farms in California, and no project was allowed to go forward without addressing these issues. Under the Endangered Species Act, it is possible for incidental takes to take place if there is appropriate mitigation, and I know from the projects in my area that there had to be appropriate mitigation.

□ 1830

The modern wind turbines are far different than the old wind turbines, which were, in fact, deadly to birds. The modern wind turbines are far less so. And if there is an incidental take of a listed species, it can only occur with proper and appropriate mitigation.

The author's reference to the issue of a longtime take opportunity only occurs if there happens to be an adaptive management program in place that allows the Fish and Wildlife Service and other appropriate agencies to review the process and progress, or lack thereof, and apply different measures or stop the projects at that time.

So I would oppose the amendment. I think it is based upon incorrect facts. And I join the chairman in opposition.

I yield back the balance of my time.

Ms. KAPTUR. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, I rise in opposition to this amendment.

Last year, wind energy was the largest source of new generating capacity in our country, comprising 42 percent of all new generating capacity. Overall, America's wind energy capacity grew

by 28 percent. That's an incredible record, and it demonstrates that wind energy is an affordable, reliable source of power that produces no carbon or other air pollution.

But the recent success of wind energy in our country doesn't mean we should stop investing in it. In fact, we need to do more, not less, to develop and deploy new wind energy technologies, and we're busy doing that along the Great Lakes.

Wind energy will play an important role in the transition to a cleaner energy economy. According to the American Wind Energy Association, this year alone U.S. wind projects will avoid nearly 100 million metric tons of carbon dioxide being poured into the atmosphere—the equivalent of reducing power sector emissions by over 4 percent or taking more than 17 million cars off the road.

In addition to cutting carbon pollution, investing in wind energy is a boon to our economy. In 2012, the industry supported more than 80,000 full-time equivalent jobs, including more than 25,000 manufacturing jobs at more than 550 facilities. As the global clean energy economy grows, the United States has a tremendous opportunity to attract more investment here and create even more manufacturing jobs, including in Kentucky and Ohio.

But we are at risk of missing out on this opportunity. At a time when the global clean energy market is getting more competitive, the United States has started to lag behind. In 2012, China's level of clean energy financing surpassed our country's for the first time.

Year after year, some House Republicans have pushed budgets and appropriation bills that would slash funding for clean energy and energy-efficiency programs. This appropriation bill is no exception, and Mr. WHITFIELD's amendment just takes it one step further. Eliminating all Department of Energy wind energy programs is exactly the wrong approach and one that will hurt our Nation's competitiveness in this growing market. It certainly isn't consistent with an all-of-the-above energy strategy.

Some may argue it makes sense to cut government investment in wind energy since it is a more mature technology than some emerging technologies, but wind energy isn't operating on a level playing field. The United States currently provides enormous government subsidies and tax breaks to fossil fuels. In fact, the International Monetary Fund just issued a report finding that the United States provides more subsidies to fossil fuels than any other country in the world, even China. Our annual subsidies total over—get ready for this—one-half of a trillion dollars.

We shouldn't cede the growing global clean energy market to China or make any of our other competitors happy.

And let me just say this, as I know quite a bit about this and Ohio has been fast about wind energy. I represent the Saudi Arabia of wind in the Great Lakes, which is called Lake Erie. Lake Erie also happens to be the warmest of the lakes, so it's a bird haven. On the Mississippi Flyway, we have more fish, fauna, and birds than all the other Great Lakes combined. And with that Mississippi Flyway coming up, we have lots of eagles, we have lots of different types of birds. The cormorants are some that are problematic, but, nonetheless, we are really a bird haven. We've learned that the wind turbines don't cause us any trouble. We have to situate them sometimes 3 miles from shore.

The biggest killer of birds nationwide is cats. So if you really want to look at where the problem is, maybe we need more cat control. But honestly, for the number of turbines that we've erected, what happens, especially when you have a set of turbines operating in the air, they create an updraft and the birds—they are pretty smart—sort of fly above the wind. They're amazing. They float on the pathway that the turbines generate. In addition to that, there are new technologies like strobe lights that are actually affixed to the turbines, and they keep birds away. It's almost like a silent radar in a way. So there are new technologies that are being developed to deal with that.

We actually want birds. We want turbines. We want clean energy. We want all types of energy in our region. We haul coal out of Kentucky to many of our power plants. So we have an all-of-the-above strategy in our region, but we really welcome the wind opportunities.

Cleveland, Ohio, and an investment group called LEEDCo is doing everything possible to move additional turbines onto the Great Lakes.

So I rise in opposition to the gentleman's amendment. I ask my colleagues to vote against it. And I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kentucky (Mr. WHITFIELD).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WHITFIELD. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kentucky will be postponed.

Ms. TITUS. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Nevada is recognized for 5 minutes.

Ms. TITUS. Mr. Chairman, I rise this evening to speak on a serious issue that affects my constituents. I've been

investigating it since it was brought to my attention several months ago through our local media.

The Department of Energy is in the process of moving dangerous radioactive waste thousands of miles across the country from east Tennessee to southern Nevada. This waste is destined for the Nevada Nuclear Security Site, formally known as the Nevada Test Site. This is a totally separate issue now from the proposed Yucca Mountain storage site debate that we have heard earlier today.

If you're unaware that this radioactive waste is traveling through your backyard, I'm not surprised. The DOE has failed to properly inform Congress about this activity.

The project involves the transport of hundreds of canisters containing high-concentration fissile materials from the Consolidated Edison Uranium Solidification Project in Oak Ridge, Tennessee, to be dumped in my State of Nevada. The materials are so radioactive that they have a half life of more than 160,000 years.

I want to be clear that this is not the kind of low-level waste that the Nevada Test Site has been accepting for years. In fact, just weeks ago, I learned that the Department of Energy had reworked the waste acceptance criteria for the security site to allow storage of materials that have radioactive concentrations more than 40 times higher than anything that has ever been brought to the site for disposal before.

That revision to the WAC, or waste acceptance criteria, was signed off on by the DOE the very same day that agency officials met with my staff and State and local officials, yet DOE didn't think it was necessary or important to inform any of us about this change. As a matter of fact, it took an Internet search days later to discover that DOE had actually reworked the playbook for the site without any public input.

Mr. Chairman, there are far too many questions about what DOE is doing and plans to do at the Nevada Test Site, questions that so far have gone unanswered.

Nevadans have had a lot of experience dealing with Federal officials throughout the days of atomic testing and during the Cold War. We're not going to just turn aside now and let the DOE run roughshod over our communities.

And I can tell you that I'm not alone in expressing my concerns about the DOE's activities. Our Republican governor, Brian Sandoval, has also publicly stated his opposition to the shipments of this radioactive waste. In a letter to the Energy Secretary, our Governor stated that classifying "this material as low-level waste sets a dangerous precedent." I will be submitting the letter from Governor Sandoval for the RECORD.

Mr. Chairman, my district sits just 65 miles southeast of the Nevada Test Site. The Las Vegas metropolitan area is home to nearly 2 million residents and more than 40 million visitors annually. Any plan to transport waste through the heart of the Las Vegas Valley would be extremely risky and incredibly irresponsible. The stakes are just too high to gamble on District One's safety.

The DOE has refused to cooperate with repeated attempts to gather additional information so we can have appropriate oversight. It's unthinkable that DOE is moving forward with this program without properly briefing Members of Congress. If we are being kept in the dark, who is overseeing the DOE's plans? It's critical that DOE be forthright about how and why the WAC was changed, how the changes relate to the proposed shipment, and how these changes will affect the safety and security of southern Nevada and communities across the country in the path of this transportation.

I'd like to thank the chairman and especially the ranking member for allowing me to bring this to the attention of the House, and I would ask them to work with me to ensure that there's proper congressional oversight of DOE and that the people of Nevada and beyond get the answers that they deserve.

With that, I yield back the balance of my time.

OFFICE OF THE GOVERNOR,  
Las Vegas, NV, June 20, 2013.

Re Planned Shipment of Wastes from Oak Ridge to Nevada National Security Site

Hon. DR. ERNEST MONIZ,  
Secretary, U.S. Department of Energy,  
Washington, DC.

DEAR SECRETARY MONIZ: I'm writing to inform you that after long and serious consideration, I have decided to oppose the Department of Energy's plan to ship the Consolidated Edison Uranium Solidification Project (CEUSP) canisters containing dangerous and long-lived radioactive waste for disposal at Area 5 of the Nevada National Security Site (NNSS).

I am aware that DOE believes that these canisters qualify for disposal as low-level radioactive waste (LLW). My advisors have independently evaluated all of the important technical and regulatory issues. They have concluded that the CEUSP canisters are not commonplace LLW; even if these canisters meet a legalistic definition of LLW, they are not suitable for shallow land burial at the NNSS. Nevada is also not satisfied with the overall process that DOE has followed in developing its disposal and transportation plans, including failure to appropriately address the concerns of affected local governments and Native American Tribes.

The CEUSP canisters can only be considered LLW because they do not meet the legal definition of high-level radioactive waste, spent nuclear fuel, transuranic waste, or uranium mill tailings. Using this logic, DOE is attempting to exploit a gap in current regulations. This dangerous waste should be managed in the same manner as remote-handled transuranic waste, which DOE currently ships to the Waste Isolation Pilot Plant for

permanent deep-geologic disposal. The canisters contain a high concentration of fissile material (Uranium 235 and Uranium 233), uranium isotopes that are extremely long-lived (half lives of more than 160,000 years), and have a relatively high surface dose rate (300 rem per hour), which makes them dangerous to workers and a potential source of "dirty bomb" material. Moreover, qualifying this material as LLW sets a dangerous precedent for the classification of potential future waste streams that exist across the nation.

Both Nevada and DOE have a mutual interest in the long-term and safe management of NNSS. Over the past two decades, the Nevada Division of Environmental Protection has worked successfully with DOE on a broad range of environmental assessment and remediation activities at NNSS. I believe that this provides a basis for shared planning for future uses of DOE facilities at NNSS.

I request a meeting with you at your earliest convenience to discuss in a cooperative manner Nevada's views on the future of operations at the NNSS. Timely matters for discussion include the recently completed Site-wide Environmental Impact Statement and pending issuance of the associated Record of Decision, troubling revisions to the NNSS Waste Acceptance Criteria, and the unsatisfactory manner in which DOE and National Nuclear Security Administration have dealt with affected local governments and Native American Tribes in Nevada.

The State of Nevada is committed to a long-term cooperative relationship with your Department, based on mutual respect, sound science, protection of the environment, and public health and safety. I look forward to meeting with you at your earliest convenience.

Sincere regards,  
BRIAN SANDOVAL,  
Governor.

AMENDMENT OFFERED BY MR. TURNER

Mr. TURNER. I have an amendment at the desk

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used to reduce the active and inactive nuclear weapons stockpiles of the United States in contravention of section 303(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b)).

Mr. TURNER (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. TURNER. Mr. Chairman, I rise today to offer an amendment to H.R. 2906.

I offer this amendment in response to the President's recent address in Berlin in which he outlined his plan to further reduce the United States strategic nuclear arsenal below acceptable levels and in contravention of current law.

The President's latest proposal would once again call for unilateral reductions in our strategic nuclear arsenal at a time when countries like Russia

and China continue to expand and modernize their nuclear capabilities.

To make matters worse, the President has undertaken this most recent effort without the consent of the United States Senate, as required under the Arms Control and Disarmament Act, which states international agreements cannot limit or reduce the military forces of the United States unless enacted pursuant to a treaty or congressional-executive agreement.

Not only do the President's continued calls for weapons reductions jeopardize the safety and security of the United States, but he compromises the safety of our partner nations.

It is unacceptable that the President continues to make secret deals with countries like Russia while at the same time breaking promises with the American people and our allies.

The current threat environment around the world is very real and should not be underestimated. A robust nuclear arsenal is critical in deterring against emerging threats like Iran and North Korea.

My amendment simply ensures that none of the funds appropriated by this act may be used to further reduce nuclear force reductions outside of the formal process established under existing law.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I support the gentleman's amendment, and I salute his leadership in this area, both in this Congress and the past Congresses.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I rise in opposition to the gentleman's amendment and wish to say, first of all, it is unnecessary because there are no funds in the FY14 bill that are allocated to be used for nuclear weapons reductions below the New START levels.

The amendment, in my opinion, is constitutionally questionable because it impinges on the President's ability to set U.S. nuclear weapons policy and usurps the President's ability to retire, dismantle, or eliminate non-deployed nuclear weapons.

□ 1845

This amendment restricts the President's constitutional authority to negotiate international agreements, including sole executive agreements for arms reductions; and it impinges on the President's authority to determine the number of strategic delivery vehicles needed to meet national security requirements and implement changes

in those forces, as appropriate. And it limits the President's authority to determine appropriate force structure to meet nuclear deterrence requirements and to set nuclear employment policy, an authority exercised by every President in the nuclear age. Frankly, it is bad policy.

Blocking nuclear weapons reduction is out of step with post-Cold War and post-9/11 security environment. Secretary Schultz, Secretary Kissinger, Secretary Nunn, and Secretary Perry all have encouraged further nuclear weapons reductions stating in 2007:

Unless urgent new actions are taken, the United States soon will be compelled to enter a new nuclear era that will be more precarious and psychologically disorienting, and economically even more costly than was Cold War deterrence.

The amendment disregards potential military requirements, including potential Strategic Command recommendations, and instead imposes congressional requirements.

It seems to restrict any reductions below the New START to bilateral negotiated reductions with Russia. So in effect it outsources decisions on U.S. nuclear force structure to Russia, and it requires maintenance of nuclear weapons levels that might be costly and unnecessary in an era of budget constraints.

I think the amendment is poorly written and will not achieve its objectives. It fails to ban unilateral reductions by referencing the ACA section 303(b) of the Arms Control and Disarmament Act.

It fails to keep deployed forces at 1,550. And, as written, it allows the whole stockpile to decline to that level since that's the limit in New START. This would entail retaining a total stockpile of 1,550 with a deployed force of 1,550, which simply does not make sense. Neither the active nor the inactive stockpile is limited by New START. The treaty limits the number of operationally deployed warheads and delivery vehicles. While operationally deployed warheads are part of the active stockpile, the size of the stockpile itself is not limited. Supporting 1,550 deployed warheads would require the Department of Defense and the Department of Energy to maintain an active stockpile in excess of 1,550 warheads. New START also does not count non-strategic warheads, so it is unclear whether the amendment intends to count the nonstrategic warheads under the New START limit.

Mr. Chairman, I would like to submit some additional comments for the RECORD. Obviously, I disagree with the gentleman's amendment and urge my colleagues to oppose his amendment.

I yield back the balance of my time.

TALKING POINTS AGAINST THE TURNER AMENDMENT ON NUCLEAR WEAPONS REDUCTIONS

Turner Amendment language: Sec. \_\_. None of the funds made available by this Act may

be used to reduce the number of nuclear weapons in the active and inactive stockpiles of the United States below that required by the New START treaty (as defined in \_\_) in contravention of section 303(b) of the Arms Control and Disarmament Act (22 USC 2573(b)).

UNNECESSARY

There are no funds in FY14 bill that are allocated to be used for nuclear weapons reductions below New START levels.

CONSTITUTIONALLY QUESTIONABLE

The amendment impinges on the President's ability to set US nuclear weapons policy and usurps the President's ability to retire, dismantle, or eliminate non-deployed nuclear weapons.

This amendment restricts the President's constitutional authority to negotiate international agreements, including sole executive agreements for arms reduction;

impinges on the President's authority to determine the number of strategic delivery vehicles needed to meet national security requirements and implement changes in those forces as appropriate;

limits the President's authority to determine appropriate force structure to meet nuclear deterrence requirements and to set nuclear employment policy—authority exercised by every president in the nuclear age.

BAD POLICY

Blocking nuclear weapons reductions is out of step with post-Cold War and post-9/11 security environment. Sec. Schultz, Sec. Kissinger, Senator Nunn and Sec. Perry have encouraged further nuclear weapons reductions stating in 2007: "Unless urgent new actions are taken, the United States soon will be compelled to enter a new nuclear era that will be more precarious and psychologically disorienting, and economically even more costly than was Cold War deterrence."

Disregards potential military requirements, including potential Strategic Command recommendations, and instead imposes Congressional requirement.

Seems to restrict any reductions below New START to bilateral, negotiated reductions with Russia, so in effect outsources decisions on US nuclear force structure to Russia.

Requires maintenance of nuclear weapons levels that might be costly and unnecessary in an era of budget constraints.

INEFFECTIVE

The amendment is poorly written and will not achieve its objectives.

It fails to ban unilateral reductions by referencing the ACA Section 303(b) of the Arms Control and Disarmament Act.

ACDA does not prevent the President from making unilateral reductions in U.S. nuclear weapons. It says that the President cannot obligate the United States to reduce its forces in a militarily significant way without seeking the approval of Congress. "Obligate" usually means signing a legally-binding treaty or executive agreement. A handshake, or joint statement of political intent would not be an "obligation" under the terms of this legislation.

It fails to keep deployed forces at 1,550.

As written, it allows the whole stockpile to decline to 1,550, since that's the limit in New START. This would entail retaining a total stockpile of 1,550, with a deployed force of



1,550, which does not make sense. Neither the active nor the inactive stockpile are limited by New START. The Treaty limits the number of operationally deployed warheads and delivery vehicles. While operationally deployed warheads are part of the active stockpile, the size of the stockpile itself is not limited. Supporting 1,550 deployed warheads would require DOD and DOE to maintain an active stockpile in excess of 1,550 warheads. New START also does not count nonstrategic warheads so it is unclear whether the amendment intends to count the nonstrategic warheads under the new START limit.

Quote by Gen Kehler, in response to question by Mr. Turner at STRATCOM policy hearing on March 5, 2013 (noting that you do not necessarily need an operational pit production infrastructure is needed before we reduce non-deployed nuclear weapons):

Mr. Turner. Great. Because you would agree that our ability to have a long-term ability for production, in a production infrastructure should be a basis for us considering whether or not we reduce any of our hedge in case there isn't an issue with the weapons that we have.

General Kehler. Sir, I think that is one consideration. I don't think that is the only consideration. And I think that there are some scenarios that you can unfold where an interim strategy will serve us even under some technical issues. So I—but I think for the United States of America in the long term that we want a permanent solution to the nuclear enterprise that includes a permanent solution to the plutonium.

Mr. ROGERS of Alabama. I urge the House to support the Turner-Rogers-Franks-Bridenstine amendment.

The New START treaty is perhaps the first unilateral arms control treaty the U.S. has ratified in that it is the first treaty where only the U.S. has to make reductions in the central limits of the treaty.

Every six months new data is released by the Department of State showing that only the U.S. is reducing its deployed nuclear forces to implement this treaty.

Last month, in Berlin, the President announced that he was changing the Nuclear Weapons Employment Guidance and Strategy of the United States to support further reductions in United States nuclear forces.

Never before has a President done something like this.

Yes, Presidents since Truman have updated the nation's nuclear war plan.

But there is no precedent for a President to tell the national security team that, regardless of the nuclear weapons modernization programs of China, Russia, Pakistan, North Korea and others, the U.S. should plan to reduce our nuclear forces.

Every other President has asked one simple question when conducting a review like this: what level of nuclear forces do I need to ensure that a potential enemy or adversary knows that if he attacks the United States or our allies, we will have the ability to respond with nuclear forces that could result in nothing less than total devastation?

It has not been explained to me how fewer nuclear weapons in the U.S. nuclear deterrent is necessarily better for the country's security.

When allies see us backing away from our extended deterrent, and potential adversaries see us giving up these capabilities while they are growing them in practically every way—cascades of proliferation cannot be far behind.

Already we see that allies are concerned with the President's new approach.

For 66 years, since the U.S. used them to end World War II, our deterrent has kept the world safe.

This is not a recipe the Congress will let the President arbitrarily change to satisfy a small cloister of arms control and disarmament ideologues.

The reason the Turner-Rogers-Franks-Bridenstine amendment is so important is that in this new strategy the President announced, he refuses to commit to following the established precedent of only pursuing nuclear reductions with another nation through a treaty or a congressional-executive agreement that must be enacted by an affirmative act of Congress.

Practically every senior military officer who has testified before the House Armed Services Committee on the subject of further nuclear force reductions has been clear they must be "bilateral and verifiable" and that the only way to achieve this is through a treaty.

Yet, the civilians in the Administration refuse to state that this approach supported by the military is also the President's policy.

This amendment is consistent with language I offered, as Chairman of the Strategic Forces Subcommittee that overseas our nation's nuclear forces, which was adopted by the House Armed Services Committee and the House itself, in the recent FY14 National Defense Authorization Act.

The President may think he doesn't need Congress when it comes to international agreements with states like Russia.

He may think he can ignore gross violations in arms control agreements, like those Russia is engaged in today.

But he still needs money to implement his policies.

And that's what we can deny him if he attempts to ignore or circumvent the people's elected representatives in Congress.

I encourage the support of this amendment and I thank Chairman FRELINGHUYSEN for his support, leadership, and endurance during this long process.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. TURNER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BEN RAY LUJÁN  
OF NEW MEXICO

Mr. BEN RAY LUJÁN of New Mexico. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. The amounts otherwise provided by this Act are revised by reducing the amount made available for "Corps of Engineers-Civil—Expenses", and increasing the amount made available for "Corps of Engineers-Civil—Construction", by \$15,000,000.

The Acting CHAIR. The gentleman from New Mexico is recognized for 5 minutes.

Mr. BEN RAY LUJÁN of New Mexico. Mr. Chairman, I rise to amend H.R. 2609, the Energy and Water appropriations bill, for the purpose of addressing several issues in New Mexico.

More specifically, my amendment would increase the construction account by \$15 million to ensure local governments, like the city of Rio Rancho, the county of Bernalillo and the Middle Rio Grande Conservancy District, get reimbursed for the work that they have done in conjunction with the Army Corps of Engineers. The Army Corps of Engineers works with local governments in New Mexico to construct levees, implement flood control measures, and other important infrastructure for the safety of the public.

More specifically, the city of Rio Rancho entered into a reimbursement contract with the Army Corps of Engineers and has not been paid back for several years due to the lack of appropriations. The same goes for the county of Bernalillo and the Middle Rio Grande Conservancy District, and others across the country.

This delay in reimbursement has led to interruptions in financing for other city projects and also has the potential to hurt the credit ratings of these entities if they do not recover these funds via reimbursement, as stated in their contracts.

By increasing the dollar amount in this account, which includes a number of programs and accounts that are critical to local governments—like engineering, construction, technical assistance, flood control, and environmental infrastructure—we can get these entities reimbursed and get these liabilities off the books of the Army Corps of Engineers to get the projects going.

Mr. Chairman, local governments have been left holding an IOU from the Federal Government for doing work based on good-faith written agreements with the Army Corps of Engineers. Mr. Chairman, I understand that there may be opposition from the Republican majority, but I'm hoping I can persuade the chairman to support me in this effort. Section 593 of the Water Resources Development Act of 1999 is under which the city of Rio Rancho and these other local governments entered into agreements with the Army Corps of Engineers. If the Republican majority disagrees with the authority, they should repeal it; but let's make these local governments whole.

When city and local governments enter into reimbursement contracts, they expect to be reimbursed. They have annual budgets with the expectation they will get paid back. Congress should live up to these obligations in the authority given to the agency by Congress. I understand the constraints that the subcommittee dealt with with the allocations given to them, but we need to make sure that we're working to make these local governments

whole. Again, going forward, if this is an authority that the Republican majority feels we should do away with, we should do away with it. But let's make these local governments whole.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word, Mr. Chairman.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong opposition to the gentleman from New Mexico's amendment.

The gentleman makes the case that there's a need for this infrastructure, and maybe there is; but the Corps of Engineers has no particular expertise or reason for being the funding source. Especially when we're looking at such tight budgets to begin with, we must focus the Corps' funding on activities which have the greatest impact on our economy and public safety, namely, navigation and flood control—our historic responsibility. So I must oppose the amendment and urge my colleagues to do so as well.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. BEN RAY LUJÁN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. NUGENT

Mr. NUGENT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to bring an action against the United States.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. NUGENT. Mr. Chairman, since coming to the House of Representatives a little over 2 years ago, I have made it a priority to revitalize the economy in central Florida. As a result, I have had the opportunity to meet with community leaders in my district and the surrounding areas to talk about projects that matter the most to them—dredging of canals and the building of new roads.

Again and again, I find, however, that the Army Corps of Engineers is slow rolling many of these projects, not because they want to, but because they're forced to.

The Corps continues to move the goalpost on these communities. And once permits have been given and work has already been done, the Corps has come back with fines and penalties and mitigation.

When I asked the Army Corps what happened with these projects, it's the same thing. I constantly hear from the

Corps that they're worried about being sued. They're worried because the advocacy groups all over this country are dedicated to doing nothing other than taking away Congress' responsibilities for setting our Nation's laws, regulatory policies, and giving it to the courts or the executive branch.

These activists don't want people of the United States of America or their elected officials to have any say in how this country is run. They want to force their own agenda on everybody else through the courts; and even more disturbing, they're doing it with taxpayer money.

These groups receive Federal grants; and once they take the Army Corps, the EPA, or any other agency to court, they oftentimes get a cash settlement or payout to go away. That money goes back into the litigation system, furthering the problem.

Take, for example, the group Earthjustice, which in their tax year of 2011 nonprofit 990 tax form described themselves as a "public interest law firm" dedicated to pursuing "far-reaching, big-impact litigation." In that filing, Earthjustice used the phrase "our litigation" or "our lawsuits" over a dozen times. Their 2011 filing includes seven pages of attorneys' fees that have been awarded to them; and that document celebrates the fact that because of the work, the Federal Government is forced to back down. They have an entire section dedicated to their work to stop the construction of the Keystone XL pipeline.

Moreover, they are doing it with our money. Groups like this get Federal dollars through grants. Then they use the money to help fund lawsuits against the Federal Government and these agencies. They take that settlement money that we pay out, to the tune of \$5 million in 2011 for just one group, one advocacy group, Earthjustice; and, guess what, that money comes from the pockets of the American people.

Whether or not you support the policy goals of groups like Earthjustice, every single person in this room should be worried about their tactics. Their self-stated mission is to take regulatory power out of the hands of Congress and hand it to the courts. The goal is diametrically opposed to the vision our Founding Fathers had.

Nobody in this Chamber should support abdicating our constitutional responsibilities to activists who then charge the tab back to United States citizens and then come back asking for even more money.

Madam Chair, I appreciate the work that the chairman has done in moving this particular bill through. In discussions with the chairman of the committee, we're going to withdraw this amendment because I believe that we can work together to try to resolve the fact that these groups shouldn't profit

on the backs of American taxpayers, blocking justice and the ability for these places, communities that I serve and others in this great Nation to create jobs.

With that, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR (Ms. ROSELEHTINEN). Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to lease or purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. ENGEL. Madam Chair, on May 24, 2011, President Obama issued a memorandum on Federal fleet performance that requires all new light duty vehicles in the Federal fleet to be alternate fuel vehicles, such as hybrid, electric, natural gas, or biofuel, by December 31, 2015.

My amendment echoes the Presidential memorandum by prohibiting funds in the Energy and Water Development and Related Agencies Appropriations Act of 2014 from being used to lease or purchase new light duty vehicles except in accord with the President's memorandum.

Our transportation sector is by far the biggest reason we send \$600 billion per year to hostile nations to pay for oil at ever-increasing costs. But America doesn't need to be dependent on foreign sources of oil for transportation fuel. Alternative technologies exist today that, when implemented broadly, will allow any alternative fuel to be used in America's automotive fleet.

The Federal Government operates the largest fleet of light duty vehicles in America. According to GSA, there are over 660,000 vehicles in the Federal fleet, with over 14,000 being used by the Department of Veterans Affairs and other departments.

By supporting a diverse array of vehicle technologies in our Federal fleet, we will encourage development of domestic energy resources—including biomass, natural gas, agricultural waste, hydrogen, renewable electricity, methanol, and ethanol.

When I was in Brazil, I saw how they diversified their fuel by greatly expanding their use of ethanol. When people drove to a gas station, they saw what a gallon of gasoline would cost and what an equivalent amount of ethanol would cost and could decide which

was better for them. I want Americans to make the same choices. If they can do it in Brazil, we can do it here. We can educate people on using alternative fuels and let consumers decide what is best for them.

Expanding the role these energy sources play in our transportation economy will help break the leverage over Americans held by foreign government-controlled oil companies and will increase our Nation's domestic security and protect consumers from price spikes and shortages in the world oil markets.

I have introduced a bill, along with the gentlewoman from Florida, that would also take a major step in this direction, and I think this policy is something that we need to move. So I ask that everyone support the Engel amendment.

I yield back the balance of my time.

□ 1900

Mr. FRELINGHUYSEN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I'm pleased to accept the amendment from my friend from New York State and his annual advocacy on behalf of this cause.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. The amounts otherwise provided by this Act are revised by reducing the amount made available for "Corps of Engineers-Civil-Expenses", and by increasing the amount made available for "Corps of Engineers-Civil-Construction", by \$1,000,000.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. GARCIA. Madam Chairman, my amendment seeks to increase funding to the Army Corps of Engineers' Civil Works Construction account by \$1 million to support flood and storm damage reduction efforts. With hurricane season underway, it is important that we support the Corps' critical efforts in this area.

In H.R. 2609, Chairman FRELINGHUYSEN has provided the Corps of Engineers with \$1.3 billion for projects that can mitigate natural disasters, including hurricanes, storms, and floods.

Having lived through Hurricane Sandy, I know the chairman is well aware of the value of these investments, and I would like to thank the chairman and the committee for their efforts on our behalf.

By providing this additional funding for the Corps to conduct important activities, my amendment demonstrates a commitment to addressing the threat of severe weather events and flooding. The Corps has undertaken a number of important flood projects throughout the country, and we must continue to provide the funding we need to support these efforts.

Again, I appreciate the efforts of the chairman and his committee's work in crafting this bill and supporting the Corps' important work, and I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I'm pleased to support the amendment. And let me thank the gentleman from Florida for his advocacy for his own congressional district and his State, and I commend him.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. GARCIA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLEMING

Mr. FLEMING. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to pay the salary of any officer or employee to carry out section 301 of the Hoover Power Plant Act of 1984 (42 U.S.C. 16421a; added by section 402 of the American Recovery and Reinvestment Act of 2009 (P.L. 111-5)).

The Acting CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. FLEMING. Madam Chairman, I rise today to offer an amendment that would stop a loan program created by the infamous 2009 stimulus bill.

As I and many others have pointed out when the bill was passed, the stimulus, which was billed as funding shovel-ready programs, actually became a vehicle to bake in higher levels of spending and new government programs. As with other government loan programs, we've all too often seen abuses in mismanagement, and this program is no exception.

The elimination of the Western Area Power Administration's green transmission borrowing authority was recommended in the report to this year's House budget; and so if you voted for the budget, I would urge you to support this amendment as well.

I also want to thank my colleagues, Mr. MCCLINTOCK and Chairman HASTINGS, for their work in the offering and marking up of a bill last year to repeal this program.

As the budget report notes:

The \$3.25 billion borrowing authority in the Western Area Power Administration's Transmission Infrastructure Program provides loans to develop new transmission systems aimed solely at integrating renewable energy.

This authority was inserted into the stimulus bill without opportunity for debate. Of most concern, the authority includes a bailout provision that would require American taxpayers to pay outstanding balances on projects that private developers failed to pay.

This bailout provision is particularly problematic because, in November 2011, the Department of Energy inspector general issued a lengthy management alert on this stimulus borrowing authority. To quote from that report:

Because of a variety of problems, the project is estimated to be 2 years behind schedule and \$70 million over budget, essentially out of funds, and currently at a standstill, with no progress being made. Western had not completed a formal root-cause analysis and corrective action plan designed to ensure more effective program safeguards are in place going forward. Because Western has committed \$25 million in developmental funding to a potential \$3 billion project that would ultimately require an investment of \$1.5 billion in Recovery Act borrowing authority, we are issuing this report as a management alert.

Madam Chairman, this IG report speaks for itself, and I urge my colleagues to support the repeal of this failed stimulus program.

I yield back the balance of my time.

Ms. KAPTUR. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I rise in strong opposition to the gentleman's amendment. I'm not quite sure why he's doing this, but, you know, the American Recovery and Reinvestment Act provided \$3.25 billion in borrowing authority to modernize the electricity grid.

I believe your amendment focuses on WAPA, the Western Area Power marketing authority, solely; is that correct, sir?

Mr. FLEMING. Will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Louisiana.

Mr. FLEMING. That is correct.

Ms. KAPTUR. I thank you very much.

Now, I don't live out there. I'm from a part of the country that doesn't have one of these, but most of America is covered by power marketing authorities. If you really look at California, if you look at the TVA, regions of the country that have these borrowing authorities, and the way they work is that the ratepayers then pay back, over time, the costs of that investment.

We have to invest and modernize our grid. That part of the country is growing, and, frankly, they have been returning dollars at a fairly steady rate.

I looked at those figures about a year ago.

And with the increase in renewables in the West, there's also a need to alter the grid and its ability to accept new forms of power. That part of the country is growing. The population is just exploding out there. And so, therefore, we're going to have a greater use of power and more of a need to put it on to the system.

So I don't see why the gentleman who comes from Louisiana—now, I know you've got a lot of oil drilling down there in the gulf and a lot of us have voted for that, but I don't really understand the purpose of the gentleman's amendment.

Mr. FLEMING. Will the gentlewoman yield?

Ms. KAPTUR. I'm happy to yield to the gentleman from Louisiana.

Mr. FLEMING. These companies, they certainly are welcome to borrow money and invest it themselves. This puts the taxpayer on the hook, and they're not delivering on these loans. They're well behind. And eventually, the taxpayers, as in so many cases from the stimulus bill, are going to be picking up the tab.

If it's so valuable and it returns investment over time, then fine; let them use their own capital.

Ms. KAPTUR. I hear what the gentleman is saying, but they actually do pay it back through usage. Just like you pay a utility bill and it goes back to the company, essentially WAPA is a company, and it borrows and then it pays back. And so these funds are going to be paid back over time.

I wish I had one in my area. I think it would really help us out a lot.

But I have to oppose the gentleman's amendment. I think it would be very counterproductive to hurt any part of our country and their power grid system, their ability to modernize their power grid system.

The gentleman has, I think, Southeast Power marketing authority. I don't know if that covers Louisiana or not. But different parts of the country have different systems that are in place, and I wouldn't want to take away the West's ability to power themselves and to do so in a very cost-effective manner.

Mr. FLEMING. Will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Louisiana.

Mr. FLEMING. And again, I would just have to say, there's a dynamic to money. And yes, some of it may be paid back. But at the end of the day, if the money is not fully paid back, or paid back at the appropriate rate and the taxpayers have to make up the difference, then I would say that certainly in the private sector that wouldn't work out.

And I think that we should hold government, nongovernment, all those

who handle money, and particularly taxpayer money, we need to hold them to the same standard. And they're not delivering on that return of investment.

Ms. KAPTUR. Well, I would beg to disagree. Reclaiming my time, I'm glad the gentleman stated that, but I think that you will hear strongly from them that they, in fact, are paying back, and they have a good rate of repayment.

I remember our former colleague, Norm Dicks, if I said anything against WAPA, boy, I'd be in big trouble because they do have a very good rate of repayment back. And, in fact, they have returned money consistently and paid back their original loan. So I think that they're free-floating now, and I think they have a very, very good record.

So I would oppose the gentleman's amendment very strongly in support of our colleagues in the West and their need for power and modernizing their electricity grid. And I urge my colleagues to vote against the gentleman's amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. FLEMING).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. FLEMING. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT NO. 28 OFFERED BY MR. GARAMENDI

Mr. GARAMENDI. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. The amounts otherwise provided by this Act are revised by reducing the amount made available for "Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities", and increasing the amount made available for "Corps of Engineers—Civil—Construction", by \$100,000,000.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Madam Chair, I want to commend the staff, the Chair, the ranking member, and all of those who have worked so hard over the last couple of days to get this bill processed and to deal with all the amendments. It's been an arduous task and one that has created, I am told, far more amendments than have ever been presented on any such appropriation bill in the past.

And there's a reason for that. The reason is that this appropriation bill is a direct result of the, what we fondly

call—or not so fondly call—the Ryan Republican budget. This is really the first opportunity that America has to see the effects of a very austere budget, one that really decimates programs all across America, programs that are of great value and great utility.

This particular subcommittee was presented with the mark, that is, the amount of money that it had available to it as a result of that budget that was passed by the majority in this House. Now, that budget's not law. There has been no conference committee. In fact, the majority in this House has refused to set up a conference committee, that is, to put in names for that conference committee. So this is really a one-House budget that is being carried out here with this legislation.

It is a remarkable and an extraordinarily important moment in which the American public has a chance to see exactly what austerity, as presented to us by the majority, means. It means that those research programs that allow America the opportunity to advance its energy programs, to take control of the energy programs of the future, the renewable energy programs, the nuclear energy programs, and on and on, those opportunities are lost.

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I know the committee was faced with a very stringent budget, an austerity budget. They made decisions that are, in my view, extraordinarily detrimental to America. Specifically, the committee—the majority, that is—made a decision to take the money that was available and remove it from those programs that are the energy future of this Nation—wind, solar, conservation, biofuels, automobiles that are efficient, houses that are efficient, programs that are absolutely crucial to this Nation's future and to the world's future because they deal specifically with climate change—and move money from those programs to the Nuclear Weapons program and to programs that are not needed.

Consider for a moment that the United States has over 5,500 nuclear bombs, which are sufficient to end life on this planet. It's over if those were to be used. And the military says we don't need them. These are programs that are inefficient, ineffective, and are the sinkholes of American taxpayers' money. The majority decided to move the money there. Okay. Who are we going to use those things on? We can't. We don't need them for deterrence. But yet that's where the money goes. Not only does the money come from those energy programs that we absolutely need for our future and for our economy's future, the money comes from programs that are absolutely essential for the well-being of Americans today and tomorrow.

The Army Corps of Engineers protects our citizens with its levees and

with its flood control projects. We've heard this over and over again for the last 2 days. And yet the majority continues to insist to spend the money on these nuclear weapons, not on those things that are essential for today's life and essential for the well-being of people now, as the storm season arrives here on the east coast with hurricanes, in the Gulf States with hurricanes, and in my State of California, in my district, where I have more than 1,500 miles of levees. People are at risk.

This amendment would take \$100 million from these weapons systems and put that money directly into the Army Corps of Engineers Construction account so that the Army Corps of Engineers can protect our citizens today.

I ask for an "aye" vote on this amendment.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Madam Chair, I rise to oppose the amendment. We've gone over this ground several times so I'll be brief.

All of us here strongly support investments in the Corps' work and their projects, particularly those projects with the greatest benefit to public safety and the economy, namely flood control and navigation. But this amendment proposes to pay for additional Corps construction by diverting funds needed for our nuclear weapons stockpile for national security. And that is the most critical priority in our bill.

And so I strongly oppose the amendment. His amendment is unacceptable because it is an issue of national security, and I yield back the balance of my time.

Mr. MURPHY of Florida. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MURPHY of Florida. Madam Chair, I rise today to voice my support for vital funding for important Army Corps of Engineers' projects across the Palm Beach-Treasure Coast district that I proudly represent.

This bill includes funding for the critically important Indian River Lagoon C-44 project, which will greatly improve the water quality in my district. For those of you unfamiliar with this local treasure, it is the most diverse estuary in North America, many of its species already threatened or endangered. But due to extreme pollution, local officials have issued health warnings advising residents to not contact this waterway. Tragically, it has also witnessed a major die-off of its population of manatees, dolphins, pelicans, and other crucial species. Completion of this project is essential to protecting this vital ecosystem as well as improving the water quality throughout the region.

The C-44 project is part of broader Everglades restoration efforts that the Army Corps is tasked with, which will protect this unique and important habitat. Furthermore, the Everglades provide drinking water for one in three Floridians, and restoration efforts also have a 3-to-1 return on investment in the local economy. Completion of the overall Comprehensive Everglades Restoration Project will shore up Florida's access to clean drinking water and improve the local environment and economy.

Locally, Everglades restoration is part of the solution to the harmful discharges that are currently being released from Lake Okeechobee into the St. Lucie River on the Treasure Coast. By returning water flows south of the lake and improving water quality in the area through projects such as C-44, we can mitigate the effects these harmful discharges from the lake continue to have on our local waterways year after year, devastating the environment and the economy.

Furthermore, the Army Corps is responsible for repairing the Herbert Hoover Dike, which surrounds Lake Okeechobee and is listed as one of the most at-risk of failure in the Nation. This project keeps local residents safe from devastating flooding that could occur if the dike were to fail. The Army Corps has already been struggling to meet its obligations on this and other projects, which is why we must continue to provide funding or risk further delaying these important ongoing jobs.

In addition to the important Indian River Lagoon, Lake Okeechobee, and Herbert Hoover Dike projects this bill supports, it also provides important funding for inlet dredging projects. Being able to access and safely navigate our local waterways and ports is essential for public safety and our economy. The same can be said for those shore restoration programs that this bill also funds, returning our local beaches to their pre-storm conditions after extreme weather events such as Hurricane Sandy.

If you speak with any of my constituents, they'll tell you that all of these projects are vital to their daily way of life and to the health of the local population as well as the economy. We must provide certainty and continue the Corps' funding or risk devastating their progress on these important projects. Jeopardizing funding for these ongoing projects would only further aggravate the serious problem of toxic discharges in my district, prevent progress on essential water quality restoration projects, and have an overall negative impact on our local environment and, in turn, our local economy. To me, that's simply not an option.

Madam Chair, we have the obligation to provide adequate resources for programs that protect public safety, water

quality, and our environment, such as these. I urge my colleagues to join me in supporting the underlying legislation to continue to fund these projects that are critical to the well-being of the Treasure Coast and Palm Beaches.

I yield back the balance of my time.

Mr. RAHALL. Madam Chair, I rise in opposition to this amendment that would eliminate funding for the vitally important Appalachian Regional Commission (ARC).

The ARC was established in 1965 to focus on the profound economic needs of the Appalachia Region. It was designed to provide the kinds of basic investment that would assist in strengthening rural communities long overlooked by the government and ensure that hard-working, loyal citizens could successfully build their communities and their careers and contribute fully to the well-being of the Nation.

Since its establishment, the ARC has had measurable success in addressing the needs of Appalachian families and communities and its good works have improved the outlook for the entire region.

The ARC operates in partnership with State and local governments to help make the best, most strategically effective use of Federal investments, and, in the process, leverages private investments to help create well-paying jobs and lasting improvements to local economies. In Fiscal Year 2012 alone, ARC invested approximately \$66 million in projects that leveraged over \$267 million in private-sector investment, a 4 to 1 ratio, and helped to create or retain over 20,000 jobs.

In my State, Appalachian Regional Commission investment has meant that thousands of children could turn on the water faucet and drink safe water. It has spurred the creation of small businesses and provided needed funding that enabled rural towns to build basic infrastructure essential to attract new economic opportunities. It has enabled working men and women to receive training and find nearby jobs to rear their families, rather than having to rely on government assistance or leave their homes and the State they love simply to earn a living.

It is said that a chain is only as strong as its weakest link. Cutting a program with proven success at cost-effectively creating jobs and improving the economy of an entire region at this time is senseless. I urge the House to recognize the immense value of fully funding the ARC as a key component to achieving renewed economic strength throughout our Nation and to vote against this amendment.

Mr. SANFORD. Madam Chair, I rise today in support of this amendment to eliminate five regional commissions that waste taxpayer dollars. These programs were initially formed with the mandate to improve the lives of those who live in impoverished areas. However, they have instead veered from this mandate by routinely allocating funds to projects that not only fall under state and local responsibilities, but also projects that benefit only those who live in more economically developed areas.

For example, the Northern Border Regional Commission has granted: \$250,000 to construct a tower to improve cell phone coverage in New Hampshire, \$250,000 to construct a 93-mile, four-season, multi-use trail across northern Vermont and \$160,000 to promote

and raise awareness of the maple syrup industry in New York.

These examples of government waste are not just confined to the Northern Border Regional Commission. A similar organization called the Delta Regional Commission, which spans from Mississippi to Southern Illinois, granted: \$150,000 to build a tornado safe room in a Missouri hospital and \$47,000 for updating a sprinkler system at a business incubator in Illinois. While there may be a need for these projects, they do not fall under the original mandate of these commissions. I believe that for government programs to be effective, they must be focused.

The problem is that these projects do not help those that the regional commissions were originally created for—Americans living below the poverty line. The Obama administration, along with the Government Accountability Office, has identified these programs as wasteful and duplicative while possessing no track record of success.

Madam Chair, eliminating these programs will save American taxpayers \$90 million and work towards reducing the national debt by targeting wasteful spending.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GARAMENDI).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. GARAMENDI. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. LUETKEMEYER

Mr. LUETKEMEYER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used for the study of the Missouri River Projects authorized in section 108 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (division C of Public Law 111-8).

The Acting CHAIR. The gentleman from Missouri is recognized for 5 minutes.

Mr. LUETKEMEYER. The Missouri and Mississippi River basins have faced major challenges over the past few years due to both extreme flooding and droughts. This devastation, combined with the sluggish economy and our aging inland waterways infrastructure, means that now more than ever we must be focused and responsible with taxpayer-funded river projects.

My amendment would prohibit funding for the Missouri River Authorized Purposes Study, also known as MRAPS. This \$25 million earmarked study comes on the heels of a comprehensive \$35 million, 17-year study that showed that the current author-

ized purposes are important and should be maintained.

This Congress and this administration need to focus on protecting human life and property by maintaining the safety and soundness of our levees. We also must support the important commercial advantages provided to us for our inland waterway system.

The Missouri River moves goods to the market and is an important tool in both domestic and international trade. That's why American Waterways Operators, the Coalition to Protect the Missouri River, the Missouri Farm Bureau, and the Missouri Corn Growers Group support this amendment.

This study puts in jeopardy not only the lower Missouri River but also the flow of the Mississippi River, which could create devastating consequences for navigation and transportation, resulting in barriers for waterway operators, agriculture, and every product that depends on the Missouri and the Mississippi Rivers to get it to market.

The current authorized uses of the Missouri River provide necessary resources and translate into continued economic stability not only for Missourians, but also for many Americans living throughout the Missouri and lower Mississippi River basins. This study is duplicative and wasteful of taxpayers' dollars. On this exact issue we've already spent 17 years and \$35 million on hundreds of public meetings and expensive litigation.

I offered identical language during our first debate on the fiscal year 2011 continuing resolution. That amendment passed by a vote of 245-176. In the fiscal year debates of 2012 and 2013, the exact amendment respectively passed by voice vote and by a vote of 242-168, and was later signed into law by President Obama. I appreciate my colleagues who offered their support and hope to have their support again.

Madam Chair, there's no doubt in my mind that water resources receive too little funding. It is time for the Federal Government to refocus and reprioritize to create safer, more efficient infrastructure for our inland waterways and stop spending hard-earned taxpayer dollars unnecessarily.

I ask my colleagues to support this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER).

The amendment was agreed to.

Mr. HIMES. Madam Chair, I move to strike the last word.

The CHAIR. The gentleman from Connecticut is recognized for 5 minutes.

Mr. HIMES. I rise briefly to engage the chairman and the ranking member in a colloquy.

First, I would like to thank Chairman FRELINGHUYSEN and Ranking

Member KAPTUR for their work on this bill and in particular for their willingness to hear my concerns regarding the needs of U.S. Army Corps of Engineers. I think I speak for all of us when I say that a well-funded Army Corps means good jobs and important infrastructure improvements in the regions helped by their projects. Of particular interest to me is the special role that the Army Corps plays in mitigating the impact of floods caused by an increasing number of severe weather events in our communities.

I know that I'm not the only Member in this room whose district was ravaged by Superstorm Sandy as it swept up the east coast last year. Chairman FRELINGHUYSEN's district in New Jersey was also severely affected by the storm. And Sandy is just one example of the magnitude of damage our cities and towns suffer year after year when they are not adequately prepared. With limited resources available after a storm like Sandy, flood mitigation efforts have become more important than ever. An ounce of prevention is, as they say, worth a pound of cure.

Madam Chairman, back in 2010, I was able to secure an authorization for the Army Corps of Engineers to conduct flood mitigation studies in my area—studies that would culminate in important recommendations for preventing future flood damage in Fairfield County like that which occurred during Sandy, Irene, and countless other storms in recent years. Unfortunately, with the current backlog at the Corps, it is unlikely that these studies or any other so-called New Start projects will receive the funding they need to move forward as promised and needed years ago.

I know there are dozens, if not hundreds, of projects waiting for Army Corps funding, and I have no delusion that my district is more deserving than others of this funding. But perhaps it is time to reevaluate the necessity of these older projects, re-prioritizing the projects that are still necessary and those that are most urgent. We must find a way to begin new projects and ensure our cities and towns are prepared for the next big storm.

I would ask the chairman and ranking member whether this ban on New Start projects is something that merits further consideration, and I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. HIMES of Connecticut makes a good point about the importance of making infrastructure investments before major disasters can occur. I share his concerns about the backlog of Army Corps of Engineers projects, particularly in the backdrop of communities throughout the New England and the Mid-Atlantic area that continue to rebuild after one of the worst storms in our Nation's history.

I want to assure the gentleman that the committee's position on New



Starts is reconsidered each and every year. We take a look at the funding requirements of ongoing studies and projects, new studies and projects, and overall funding levels for certain accounts.

I commend the gentleman for his attention to this issue. I look forward to working with him to address these new needs at the earliest appropriate time, and I yield back to the gentleman.

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Mr. HIMES. I look forward to working with the chairman as well.

I yield now to the ranking member, the gentlelady from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam Chair, I join Chairman FRELINGHUYSEN and Representative HIMES in emphasizing the importance of the Army Corps of Engineers projects.

The Army Corps of Engineers has an important presence in the Great Lakes region, operating an electrified barrier in the Chicago Area Waterway System to keep the invasive Asian carp from entering the Great Lakes and devastating the fishing industry and ecosystem of one-fifth of the world's freshwater. So I appreciate the gentleman from Connecticut for acknowledging the importance of Corps projects beyond the eastern seaboard.

I agree that the backlog of Army Corps projects is preventing the Corps from taking on new projects in a time-effective manner, which is particularly problematic as we approach hurricane season once again. I look forward to working with Mr. HIMES in deciding how we can ensure new projects get the funding they need while also honoring those worthy projects that have been waiting for some time now.

Mr. HIMES. I thank the ranking member and look forward to working with her on this as well, and yield back the balance of my time.

AMENDMENT OFFERED BY MR. LUETKEMEYER

Mr. LUETKEMEYER. Madam Chair, I have an amendment at the dais.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to continue the study conducted by the Army Corps of Engineers pursuant to section 5018(a)(1) of the Water Resources Development Act of 2007.

The Acting CHAIR. The gentleman from Missouri is recognized for 5 minutes.

Mr. LUETKEMEYER. Madam Chair, from extreme flooding to extreme drought, the United States has been hit very hard over the past few years. The families who live and work along the Missouri River have endured great hardship.

Though it's one of our Nation's greatest resources, the Missouri River would produce extreme, erosive regular flood-

ing and be mostly unfit for navigation if not for aggressive, long-term management by the Army Corps of Engineers.

Congress first authorized the Missouri River Bank Stabilization and Navigation Project (BSNP) in 1912 with the intention of mitigating flood risk and maintaining a navigable channel from Sioux City, Iowa, to the mouth of the river in St. Louis. Though the BSNP's construction was completed in the 1980s, the Corps' ability to make adjustments as needed remains crucial to this day.

President Obama, in his fiscal year budget of 2014, requested \$72 million for the Missouri River Recovery Program, which would primarily go towards the funding of environmental restoration studies and projects. This funding dwarfs the insufficient \$8.4 million that was requested for the entire operations and maintenance of the aforementioned BSNP. It is preposterous to think that environmental projects are more important than the protection of human life.

I do not take for granted the importance of river ecosystems. I grew up near the Missouri River, as did many of my constituents. Yet we have reached a point in our Nation where we value the welfare of fish and birds more than the welfare of our fellow human beings. Our priorities are backwards, Madam Chair.

My amendment will eliminate the Missouri River Ecosystem Recovery Program, MRERP, a study that has become little more than a tool by some for the promotion of returning the river to its most natural state with little regard for flood control, navigation, trade, power generation, or the people who depend on the Missouri River for their livelihoods.

The end of the study will in no way jeopardize the Corps' ability to meet the requirements of the Endangered Species Act. MRERP is one of no fewer than 70 environmental and ecological studies focused on the Missouri River. The people who have had to foot the bill for these studies—many of which take years to complete and are ultimately inconclusive—are the very people who have lost their farms, their businesses, and their homes.

Our vote today will also show our constituents that this Congress is aware of the gross disparity between the funding for environmental efforts and the funding for the protection of our citizens. During the debate on fiscal year 2012 and 2013 appropriations, the House passed this exact language, which was ultimately signed into law by President Obama. It is supported by the American Waterways Operators, the Coalition to Protect the Missouri River, the Missouri Farm Bureau, and the Missouri Corn Growers Association.

It is time for Congress to take a serious look at water development funding

priorities, and it is time to send a message to the Federal entities that manage our waterways. I urge my colleagues to support this amendment and to support our Nation's river communities and encourage more balance in Federal funding for water infrastructure and management.

Madam Chair, I yield back the balance of my time.

Ms. KAPTUR. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I rise to express my opposition to the gentleman's amendment and my support for a river system that works.

The Water Resources Development Act of 2007—which was passed with such bipartisan support that it overcame a Presidential veto—authorized the Corps to undertake the Missouri River Ecosystem Restoration Plan and develop the Missouri River Recovery Implementation Committee to consult on the study. This authority provided a venue for collaboration between a 70-member stakeholder group of tribes, States, stakeholder groups, and Federal agencies to develop a shared vision and comprehensive plan for the restoration of the Missouri River ecosystem.

By prohibiting the Corps from expending any 2013 funds on a study and a committee, we continue the delay that started with the same short-sighted amendment that was adopted last year, sadly. This will lead to further erosion of trust in the delicate partnerships in the basin.

While the Corps will continue to comply with the endangered species requirements through other activities, I believe there is a role for a long-term plan for the basin. We face the same sort of issue in my part of the country where we have rivers and lakes that carry commercial trade, but we also have an ecosystem that we are a part of. And we are learning, as a world, how to deal with the natural systems of which we are all a part.

So I think what's been incredible with the Missouri River System is to see some of the flooding that has been prevented because of the Corps' work for a century now. I think all the American people support efforts to try to contain the power of that river at times when it could flood communities and harm both the people and our developed environment.

But I don't really support the gentleman's amendment because I do think there is a role for the ecosystem to be contemplated when long-term planning is done. With what's happening with rainfall, what's happening with population explosion and so forth, it's more incumbent upon us to work together and try to figure out how to work through those partnerships.

So, sadly, I oppose the amendment, and I encourage my colleagues to do so.



I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER).

The amendment was agreed to.

Mr. BEN RAY LUJÁN of New Mexico. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BEN RAY LUJÁN of New Mexico. Madam Chair, I rise to engage in a colloquy with the chairman and ranking member on the Laboratory Directed Research and Development program at the National Nuclear Security Administration.

The Laboratory Directed Research and Development, LDRD, program at the National Nuclear Security Administration's national laboratories has, over the past two decades, made it possible for these labs to develop capabilities that have been critical to meeting the future mission needs via high-risk, high-payoff R&D. For example, at Los Alamos National Laboratory in my district, LDRD has supported a key technology that is now being applied toward the detection of nuclear and radiological threats and is a winner of this year's R&D 100 awards.

LDRD is also very important to recruiting and retaining top scientists and engineers. At Los Alamos, LDRD supports about one-half of the postdocs who have gone on to become the lab's permanent employees and is one of the key and leading sources of new lab employees.

The funding for the program is derived through a certain percentage of each lab's operating budget. Currently, that percentage is limited to not more than 8 percent. The bill we are considering today would lower that to be not more than 4.5 percent. I am very concerned that such a low level could harm the national labs' ability to meet future mission needs and ask the chairman and ranking member to work with us in making sure that the levels allowed for LDRD do not adversely impact the national security capabilities of the labs.

With that, Madam Chair, I would yield to the gentlelady from New Mexico (Ms. MICHELLE LUJAN GRISHAM).

Ms. MICHELLE LUJAN GRISHAM of New Mexico. I thank the gentleman from New Mexico.

Madam Chair, America is facing security, economic, and environmental challenges that are unparalleled in our history. Our national laboratories have a unique set of assets we can leverage to meet these challenges.

Projects financed by LDRD have allowed the National Nuclear Security Agency to rapidly respond to unforeseen national security needs. In 1988, Sandia National Labs, located in my district, made a breakthrough in parallel computing that resulted in the

ability to compute extremely complicated numerical simulations to ensure the safety and reliability of our nuclear weapons stockpile without the need for nuclear tests. As a result, we have not tested a nuclear weapon since 1993.

The benefits of parallel processing supercomputers have also improved the competitiveness of U.S. industries in the global economy. They were used to map the human genome, develop new drugs, and shorten the development time of products by finding mistakes before they end up in prototypes.

Parallel processing supercomputers have also greatly increased our understanding of atmospheric changes through global atmospheric circulation simulation. These advancements have helped provide an understanding of the climate that cannot be determined by theory or by other experiments.

LDRD investments have been historically important in advancing the state of high-performance computing. Ongoing LDRD investments are enabling next-generation computing hardware and software approaches that will eventually lead to much better performance.

I am confident that we can work with the chairman and the ranking member to fund LDRD at levels that will maintain our vital national security assets, and I thank them for their willingness to work with us on this issue.

Mr. BEN RAY LUJÁN of New Mexico. Madam Chair, I yield to the chairman, the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I appreciate my colleagues from New Mexico raising their concern for the long-term vitality of the National Nuclear Security Administration's laboratories.

I look forward to working with both of you to make sure that the levels allowed for the Laboratory Directed Research and Development, or the LDRD, program do not adversely impact the national security capability of these remarkable laboratories.

Mr. BEN RAY LUJÁN of New Mexico. Madam Chair, I yield to the gentlelady from Ohio (Ms. KAPTUR), the ranking member.

Ms. KAPTUR. I thank the gentleman.

LDRD is an important program for the labs to recruit and retain the top talent that is needed to accomplish their mission. I join the chair in agreeing to work with our colleagues so that the national security capabilities of the labs are not adversely impacted by the levels allowed for LDRD.

Mr. BEN RAY LUJÁN of New Mexico. Madam Chair, I thank the chairman and the ranking member for their service and for agreeing to work with us on this important issue.

I yield back the balance of my time.

AMENDMENT OFFERED BY MRS. NOEM

Mrs. NOEM. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to issue rules or regulations to establish a fee for surplus water from Missouri River reservoirs.

The Acting CHAIR. The gentlewoman from South Dakota is recognized for 5 minutes.

Mrs. NOEM. Madam Chair, this amendment is quite simple. It would block the Corps of Engineers from issuing rules or regulations that would charge a fee for surplus water on the Missouri River.

I offer this amendment to stop an overreach by the Corps of Engineers in its attempt to charge constituents in South Dakota, North Dakota, and Montana for what is legally theirs—water from the Missouri River.

The States of South and North Dakota sacrificed hundreds of thousands of acres of prime farmland during the creation of the dams on the Missouri; but in doing so, they did not give up the right to their own water from the river. The Flood Control Act that created the dams and reservoirs specifically said:

It is hereby declared to be the policy of the Congress to recognize the interests and rights of States in determining the development of watersheds within their borders and likewise their interests and rights in water utilization and control.

Madam Chair, I don't believe congressional intent could be any clearer in this instance. Rural water systems, businesses and tribes up and down the Missouri River rely on it for water and have been pulling water from the river for nearly 60 years without a fee.

Let us not forget that 2 years ago at this time residents up and down the Missouri were suffering one of the greatest floods that the river has ever seen. Many are still working to get back to the way things were, to the extent that it's even ever going to be possible. Now the Corps has brought forth this proposal that violates long-held historical and legal precedents to charge us for water that belongs to us.

I want to thank the chairman for being a leader on this bill that we have on the floor today and for the opportunity to talk about this amendment that is so important to the people in South Dakota, North Dakota, and Montana. I urge my colleagues to stop the Corps from overreaching and ask them to support my amendment.

I yield back the balance of my time.

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Mr. CRAMER. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from North Dakota is recognized for 5 minutes.

Mr. CRAMER. Madam Chair, I rise in support of this important amendment.

One wouldn't think that the Congress of the United States should have to pass amendments on appropriations bills to ensure that the Constitution is upheld by the bureaucracy or that long-held promises made by the Federal Government are kept.

That's exactly what this amendment does. Not only will it ensure that the Corps of Engineers no longer engages in charging the States of North Dakota, South Dakota, Montana and its citizens and the sovereign tribes along the Missouri River for the water that is rightfully theirs, but it also frees up the Corps to engage in more productive activities that we've heard a lot about tonight.

I am proud to be a sponsor and proud to stand here and support this important amendment, and urge my colleagues to do the same.

I yield back the balance of my time. Ms. KAPTUR. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Madam Chair, I rise in opposition to this amendment.

I am actually very familiar with the effect of rising water costs on a community. In my own hometown in Ohio, water costs will increase by 56.5 percent over the next 5 years, with the average ratepayers bill increasing from \$125 to \$300 per year. Such a large increase takes a significant toll on hard-pressed families, especially on seniors living on fixed incomes. This is being done in order to construct major water facilities that are seriously out of date and in need of replacement.

The amendment being offered here tonight must be viewed, I think, in terms of equity. Currently, the vast majority of local communities benefiting from water supply from Corps of Engineers projects are charged fees for storage.

The Corps is working to review the current policy case by case in favor of a more consistent policy across the country. My community receives nothing from the Corps in the way of water storage or capacity. The region in question has already benefited from cost-free water storage over several years. It seems to be unfair to provide special treatment to one specific region, or create an exception for one region, from a nationwide policy.

Given the sharp fiscal constraints to agencies funded by this bill, it is particularly difficult to justify such a localized subsidy because we have pressing needs across our country and, frankly, not sufficient funds to meet all the water needs facing our Nation. Frankly, I think these water needs are going to be very significant as time goes on because our population will double. It already has doubled since the last century, and tripled. By 2050, they expect 500 million people to be living in this country. The amount of water

isn't going to change. It's a resource that just keeps replenishing. We have to treat it because we have more people and it's going to cost more to do this.

I respectfully rise in opposition to the gentlelady's amendment, urge my colleagues to vote "no," and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from South Dakota (Mrs. NOEM).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. SPEIER

Ms. SPEIER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. The amount otherwise made available by this Act for "Department of Energy—Energy Programs—Fossil Energy Research and Development" is hereby reduced by \$30,000,000.

Ms. SPEIER (during the reading). Madam Chair, I ask unanimous consent that the reading of the amendment be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentlewoman from California?

There was no objection.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. SPEIER. Madam Chair, do we suddenly have extra money lying around, because I'm trying to figure out why we are so committed to wasting it.

Budget challenges are forcing us to reexamine our investments. Adding \$30 million beyond the President's request to support fossil fuel research is a foolish waste of taxpayer dollars that are better used to invest in the future and paying off our deficit. We simply cannot afford to spend taxpayer dollars on research the private sector can do better, and taxpayers should not be asked to provide additional support to an industry that consistently has record-breaking profits.

Our energy sector has some of the most promising ideas and technologies in the world. Our energy policy, however, is horribly outdated.

H.R. 2609 slashes research and development for renewable energy by some 60 percent and adds additional money that the administration neither wants nor needs to research fossil fuels and clean coal. At the same time, it continues to spend far too much on fossil fuel R&D. In fact, we dole out more fossil fuel subsidies than any other country—more than \$500 billion in 2011. They often go to expensive projects with little upside.

The fact is we don't need to spend taxpayer money this way. Fossil fuel companies are highly profitable, posting some of the highest profits in the

world, and they can shoulder their own R&D costs. This is a clear example of duplication. Cuts to fossil fuel research are supported by the Fiscal Commission and the fiscal watchdog groups like Taxpayers for Common Sense. These kinds of cuts are necessary to get back on the right fiscal path, and these are the kinds of cuts our constituents elected us to enact.

This kind of research can, is, and should largely be funded by the private sector, since industry has market incentives to make new discoveries in this area. Government spending should be focused on areas where there are emerging markets, where public funds are needed to support basic research.

My amendment reduces our reliance on "old energy." The amendment simply strikes \$30 million in R&D from fossil fuels and commits it to deficit reduction, what we've all been clamoring for, and maintains the President's requested level of funding for this research.

Our biggest innovators succeed because they are forward thinking. Our energy policy needs to do the same.

We need to stop funding the past at the expense of the future. It is the fiscally responsible thing to do.

I ask that you support my amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Madam Chair, I rise to oppose the amendment. This amendment would cut funding, which has already been cut today, for the Fossil Energy Research and Development program, on top of reductions that we also took of 16 percent in our bill before we brought our bill to the floor.

We all know that American families and businesses are struggling to pay high gas prices. This Fossil Energy Research and Development program holds the potential, once and for all, to prevent future high gas prices and substantially increase our energy security. To cut it further would be dangerous and counterproductive, so I strongly oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. SPEIER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. SPEIER. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

Mr. MCKINLEY. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MCKINLEY. Mr. Chairman, I would like to thank you and the committee for this piece of legislation that's before us today.

Throughout the entire bill, we can see efforts that will result in more efficient use of taxpayer dollars. Additionally, it is encouraging to see the emphasis on certain research accounts at the National Energy Technology Laboratory.

It is clear that you understand the challenges that the fossil fuel industry faces in trying to meet the excessive regulations imposed by this administration. However, I am concerned that the \$78 million cut from current funding in this amended legislation represents a 16 percent reduction in funds and will have dire consequences for NETL's ability to manage grants and contracts to conduct the necessary research and development of fossil fuel energy. America depends on fossil resources for over 80 percent of our energy needs and will continue to do so for the foreseeable future.

As you know, the funding for this research and development has led to horizontal gas drilling, reductions in acid rain, increases in power plant efficiencies, and carbon capture and utilization efforts for enhanced oil recovery.

I hope, Mr. Chairman, that you will continue to agree that, in order for us to continue this vital research in fossil fuel energy, NETL needs to be properly funded and that you will work with us in an effort to try to restore the 16 percent reduction in the funding for this account.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. MCKINLEY. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Madam Chair, I want to thank my colleague from West Virginia for his continued leadership on fossil fuel research. He knows it firsthand. He is a strong advocate. He is a strong supporter of NETL, of which he speaks, which is an important center for a critical, critical purpose.

As he knows well, fossil energy provides 82 percent of our Nation's energy needs, and research into tapping these resources as efficiently and as cleanly as possible is vital to our energy security.

I look forward to continuing to work with him and our other colleagues who have interest in fossil energy research through conference to ensure this vital program has adequate resources.

Mr. MCKINLEY. Mr. Chairman, thank you for those comments.

These research projects are in every State in the Nation and almost every congressional district throughout our country. Every one of our colleagues

has a vested interest in this laboratory operating efficiently, putting us into the next generation of power and use and efficiency. We have appreciated your leadership and commitment to this program.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. GRAYSON

Mr. GRAYSON. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ The amounts otherwise provided by this Act are revised by reducing the amount made available for "Energy Programs—Fossil Energy Research and Development", and increasing the amount made available for "Corps of Engineers—Civil—Flood Control and Coastal Emergencies", by \$10,000,000.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. GRAYSON. Chairman FRELINGHUYSEN, thank you for the constructive conversation that we had earlier today about this amendment. I regret that we weren't able to come to some solution to the problem that it's meant to address, but I appreciate your time and your sensitivity to the needs of coastal communities.

The amendment before us would increase the Army Corps of Engineers' Flood Control and Coastal Emergencies account by \$10 million. It would do so by moving the same amount from the Department of Energy's Fossil Energy Research and Development account.

The Flood Control and Coastal Emergencies account provides communities across the Nation with the funds that are necessary to prepare for floods, hurricanes, and other natural disasters. It also provides support for emergency operations, repairs, and other activities in response to those disasters.

Currently, the committee has requested that we fund this important account by only \$28 million. My amendment would increase that amount by approximately one-third. The Fossil Energy Research and Development account does what its name implies; it conducts research pertaining to the extraction and processing and use of mineral substances.

Unlike the Flood Control and Coastal Emergencies account, this one will be funded at \$450 million, almost \$30 million above the President's request. My amendment would simply reduce this account by only 2 percent, while still allowing for a \$20 million increase above the President's request for that account.

We as a body have tried the sequestration approach. We have axed accounts evenly across the board, but that's not an approach that our constituents favor. It is incumbent upon us to make rational choices at some point to prioritize funding for those

items that are most important to our constituents and to America.

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Madam Chair, this is what a rational approach looks like. Fossil fuels don't need a subsidy. Oil is selling at over \$100 a barrel. Oil companies have more than enough profits with which to conduct their own research. In contrast, there is no profit to be had for communities in disaster preparation—merely self-preservation. These are the efforts that demand our time and our attention and that demand taxpayer funds. The cost of recovering from natural disasters is only increasing. A rational approach to the problem is to put more effort into preparing for them and mitigating the results.

As a Member from a State that has a tropical storm scheduled to make landfall this weekend, I hope that this body will support not only my amendment but the Flood Control and Coastal Emergencies account as well.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the gentleman's amendment, but I appreciate his persistence in trying to find an offset.

I, of course, share the gentleman's support for smart investments in our Nation's water resources infrastructure. In fact, as I've said on a number of occasions, the Corps of Engineers was really one of our primary priorities in putting our bill together. The total program level is \$50 million above the budget request and almost \$150 million above the post-sequester level.

The Flood Control and Coastal Emergencies account specifically is at the President's request. These funds will go primarily to training and response activities. If repairs to projects are necessary due to storms, the Corps has previously appropriated, unobligated Flood Control and Coastal Emergencies funds which could be used for these purposes.

On the other hand, the bill has already reduced funding for fossil energy by \$84 million, which is a 16 percent reduction, and I believe we took another substantial reduction earlier this evening. Research conducted within this program ensures that we use our Nation's fossil fuel resources as well and as cleanly as possible. We simply can't take another reduction to this account.

For this reason and several others, I oppose the amendment, and I urge my colleagues to do so as well.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. GRAYSON).

The amendment was rejected.

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. The amounts otherwise made available by this Act for "Appalachian Regional Commission", "Delta Regional Authority", "Denali Commission", "Northern Border Regional Commission", and "Southeast Crescent Regional Commission" are hereby reduced to \$0.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. CHABOT. I want to thank the gentleman from South Carolina (Mr. SANFORD) for his leadership in cosponsoring this particular amendment with me.

We introduced this amendment because, with a nearly \$17 trillion debt, the Federal Government can no longer continue to subsidize wasteful programs and policies. The programs that this amendment would eliminate—some of them in my own State—do little to achieve their intended purpose of economic development. These are wasteful programs that the GAO, the Government Accountability Office, and even the Obama administration have found to be duplicative and possessing no track record of success.

In his 2012 budget, President Obama eliminated Federal funding for the Denali Commission, for example. His argument, which I agree with, was that the Denali projects are not funded through a free market or a merit-based system. Additionally, the White House noted that there are 29 other Federal programs capable of fulfilling this commission's mandate. I would submit that this is also the case for a number of other commissions—for example, the Appalachian Regional Commission, the Delta Regional Authority, the Northern Border Regional Commission, and the Southeast Crescent Regional Commission—for which we reduced and eliminated the funding.

Of particular note and concern is a recent report from the Denali Commission inspector general, which states that \$100 million is missing from the Denali Commission bank accounts. In his 2012 semiannual report to Congress, the inspector general recounted his attempts to track down the lost funds—unsuccessfully, I might add—and recommended that Congress not reauthorize the commission in light of this mismanagement.

Like Citizens Against Government Waste, I seek to end the Federal appropriations for this commission as well as for the others that I mentioned. By reducing the appropriations to these programs, my amendment would save \$90 million for American taxpayers.

GAO analysis found numerous Federal programs that overlap and provide similar services. In these reports, GAO

found no fewer than 80 Federal economic development programs administered by four different agencies. Year after year we hear about the inefficiency and waste that is occurring within these programs. This inefficiency, duplication and overlap have cost the taxpayers hundreds of millions of dollars over the years.

These commissions were established for one purpose: economic development. Yet the CBO and other organizations have found no factual evidence that these commissions have created jobs or have improved education or health care. The inability to determine the success of these commissions is, in part, due to their overlap with other programs and agencies.

In summary, there is a tremendous amount of duplication and overlap in each one of the programs that I mentioned, so they are better dealt with at the State and local levels. The officials there are much closer to these types of programs than is the Federal Government. The programs have no track record of success in doing what they were intended to do, which is to create economic development and job growth. It just hasn't happened. The GAO report, as I indicated, has stated that the programs are duplicative and that there is a tremendous amount of mismanagement.

Taxpayers are fed up with wasteful spending in Washington. It's time we identified wasteful programs. These are truly almost the definition of "wasteful programs," and we need to cut them. I would urge my colleagues to support this commonsense amendment.

I yield back the balance of my time.

Mr. CARTWRIGHT. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. CARTWRIGHT. I rise to oppose this amendment, this attempt by the gentleman from Ohio to zero out the regional commissions' budgets. I want to focus particularly on the Appalachian Regional Commission, the ARC.

The purpose of the ARC is to close the economic gap between Appalachia and the rest of the Nation to bring the region's 420 counties and 25 million people into the Nation's economic mainstream. ARC's goal is to help make this region and its people contributors to the national economy and to give them the opportunity to compete in today's international economy.

As a region, Appalachia confronts a combination of challenges that few other parts of the country face—its mountainous terrain and isolation, a dispersed population, inadequate infrastructure, a lack of financial and human resources, and a weak track record in applying for and receiving assistance from other Federal programs. Even with ARC's funding, in fiscal year

2010, Appalachia received 31 percent less in Federal expenditures per capita than the rest of the Nation. That is \$11,435 in Appalachia versus \$16,569 for the Nation as a whole.

ARC investments do not result in Appalachia's getting more than the rest of the country. In addition, as mentioned by the gentleman, ARC's programs do not duplicate other Federal programs. Instead, they extend the reach of those programs into the most challenging parts of Appalachia, enabling many distressed communities to take full advantage of other Federal programs when they would not otherwise be able to.

The ARC funds are often used as a local match that enables communities to compete successfully for these other Federal programs. In addition, the recent recession has hit Appalachia disproportionately hard. Nearly two-thirds of Appalachia's 420 counties have unemployment rates greater than the national average. The recession has wiped out all of the job gains that have occurred since the year 2000. A comparable loss for the Nation wipes out the gains only since 2004.

Further, ARC has compiled an impressive record of accomplishments in creating economic opportunity in Appalachia. From fiscal year 2008 to 2012, ARC directed 55 to 60 percent of its non-highway funds to distressed counties. The number of high poverty counties has been cut from 295 in 1960 to 98 distressed and 99 at-risk counties in 2013. The regional poverty rate has been cut almost in half, from 31 percent to 16 percent. Infant mortality has been reduced by two-thirds, and the rural health care infrastructure has been strengthened through the addition of over 400 rural health care facilities. The percentage of adults with a high school diploma has increased by over 70 percent, and students in Appalachia now graduate from high school at nearly the same rate as that of the rest of the Nation. More than 850,000 Appalachian residents now have access to new or improved water and sanitation services through ARC projects.

Madam Chair, the ARC has worked, and it has shown demonstrable improvements in the Appalachian region, but despite these accomplishments, major challenges still confront the region:

Nearly a fourth of Appalachia's counties still suffer from persistent and severe economic distress; 98 counties are formally classified as "distressed," and another 99 are at risk of falling into the "distressed" category; Appalachia trails the Nation in per capita personal income and average earnings by roughly 20 percent; roughly 25 percent of Appalachian households are not served by a public water system, compared to 15 percent of the rest of the Nation's households; and 48 percent of the Appalachian households are not served by a

public sewage system, compared to the national average of 25 percent. The region has been hit disproportionately hard by the loss of jobs in the manufacturing industry, as the region has lost one-fourth of its manufacturing jobs.

The ARC has been a model that has worked. For these reasons, we oppose the amendment.

Madam Chair, I yield back the balance of my time.

Mr. NUNNELEE. I move to strike the last word.

The Acting CHAIR. The gentleman from Mississippi is recognized for 5 minutes.

Mr. NUNNELEE. Madam Chair, I rise in opposition to this amendment.

It is no secret that our Nation's budget is bleeding in red ink. This House has approved a budget that will turn that around, and the Appropriations Committee has brought forth bills consistent with that budget.

I want to thank the chairman, the gentleman from New Jersey, and the ranking member, the gentlewoman from Ohio, for their efforts in meeting these budget targets and in eliminating wasteful programs but, at the same time, in preserving our priorities.

This amendment specifically deletes funding for the Appalachian Regional Commission, and I would like to address those priorities that are addressed by that commission. This is not a wasteful program. It has invested in infrastructure. It has changed the lives and the income of the men and women of that region, a region that I represent. When the Appalachian Regional Commission was formed almost five decades ago, it included some of the poorest counties of the poorest States in the Nation. Since then, it has achieved measurable results: the number of people living in high poverty has been cut in half; infant mortality has been cut by two-thirds; and students without a high school education have decreased significantly.

□ 2015

But the men and women of this region aren't sitting idly by, waiting for Federal investment to show up to solve our problems. We've used the Federal investment through the Appalachian Regional Commission and leveraged it with local and other State investments. In the last 4 years, the Appalachian Regional Commission has invested \$360 million in that region. At the same time, over \$1 billion of other public investment has occurred. What has that done? It's attracted over \$2.8 billion in private investment, which has resulted in 122,000 jobs that have been created. This commission has made a difference.

No, it's not wasteful spending. The Appalachian Regional Commission is making a difference in the lives of the men and women and families in Appalachian. Because of that, I oppose this amendment.

I yield back the balance of my time. Ms. KAPTUR. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. I rise this evening in opposition to my Buckeye State colleague, Congressman CHABOT, and I'm somewhat perplexed by this amendment. I don't really understand why he's offering it. I have to oppose him. If we look at the Appalachian Regional Commission, it actually benefits Ohio. It benefits some of those river counties that have historically been left out of the economic mainstream.

If you come to Ohio, it's rather interesting, because if you look at the State there are the big cities of Cleveland, which I'm privileged to represent a portion of, Columbus which is the State capitol, and Cincinnati, where the gentleman is from. There is a story that goes that those are the Big Three, and then there's the other part of the State that kind of winds its way from Toledo down toward Marietta. And the closer you get to Kentucky and Tennessee, the situation gets a little bit rugged.

In fact, I had occasion to travel there this year for the sad occasion of our former colleague Congressman Charlie Wilson's funeral. And I remember how hard Charlie worked to try to represent his district. In just getting to where we had to go for the ceremonies, I was struck again by how that part of Ohio is so inaccessible, just to try to move through the territory and get to where we were going. When I finally got to the high school where the ceremonies were held, and as I walked into the high school, I saw the bricks that Charlie had used to help start a project to help promote education in his region because there was no institution of higher learning. They had to link up to institutions in other parts of the State.

In just driving around and looking at that part of Ohio, the road system doesn't quite connect as it does from the other Big Three Cs. The other portion of the State doesn't work that way.

So the Appalachian Regional Commission meets a very important need, even though it's not a part of the State that I live in. There are very hard-working people. Economic opportunities, especially in the hillier parts, is more difficult to achieve. The Appalachian Regional Commission spans several counties and several States, and it tries to bring hope and opportunity to these regions.

A great part about our country is we're supposed to take care of one another, and the Appalachian Regional Commission provides a mechanism now going over several decades that has truly made a difference. But I can guarantee you that for the parts of Ohio that are included in its boundaries, the work is not finished. And with what's been happening in certain

sectors of the economy, in many of these hollows and many of these nooks and crannies, life has gotten harder, not easier.

I want to say that I don't know what motivates the gentleman's amendment this evening, but I really do think it would hurt Ohio, and it would hurt a lot of these counties, spanning into other States that are covered. And the other commissions that exist are not parts of America—take the Denali Commission or the Northern Border Regional Commission, the Delta Regional Authority—these are not areas that are easily lifted in terms of their economic performance, and they need help.

I urge my colleagues to oppose the gentleman's amendment. I want to thank all those who worked with the Appalachian Regional Commission, particularly in my own State. I know it's not always easy, and we want to do what we can to support them.

I yield back the balance of my time.

Mr. ADERHOLT. I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Madam Chair, I want to rise in opposition to this amendment, as well.

As has been noted here, this was created in 1965 as the ARC, and it has a real proven track record of success in creating economic development in an area of the country that faces unique challenges.

Again, it creates economic development. I think that needs to be stressed. It's not a handout, but it's a way to try to make investment into a region of the country that really can use some economic development encouragement, and that's exactly what this program does.

As a result of ARC funding, the regional poverty rate has been cut almost in half. Infant mortality rates have been reduced, and job-creating infrastructure has provided new and improved water and sewer services to over 112,000 residents. And that's just in the last 5 years.

Despite the tremendous progress that this program has made over the years, there's challenges that still exist. This region has lost roughly one-fourth of its manufacturing jobs and nearly one-fourth of Appalachia's counties still suffer from severe and persistent economic distress.

Now is not the time to zero-out this effective program, especially when you're focusing on economic development. Now, more than ever, we must empower local communities and regional planning commissions to utilize this much needed Federal assistance and provide the basic building blocks for regional economic development.

I strongly urge my colleagues to vote "no" on the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. CHABOT. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT OFFERED BY MR. BUTTERFIELD

Mr. BUTTERFIELD. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of bill, before the short title, insert the following:

SEC. \_\_\_\_\_. It is the sense of Congress that the Army Corps of Engineers should take into consideration and prioritize emergency operations, repairs, mitigation activities, and other activities in response to or in anticipation of any flood, hurricane, or other natural disaster when evaluating construction projects.

Mr. BUTTERFIELD (during the reading). Madam Chair, I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FRELINGHUYSEN. Madam Chair, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from North Carolina is recognized for 5 minutes.

Mr. BUTTERFIELD. Madam Chair, I am very disappointed, to say the least, that significant cuts are being proposed to reduce funding for the U.S. Army Corps of Engineers. But with that in mind, I've come to the floor this evening with an idea that I think mitigates the effects of those cuts.

I will begin by saying that my amendment has no cost associated with it. It simply expresses the sense of Congress that the Army Corps of Engineers should consider and prioritize projects that mitigate the danger of natural disasters. Eastern North Carolina is especially vulnerable to extreme weather events, and other States have the same vulnerability.

The Corps works to improve the safety of communities near the Neuse River in Goldsboro, North Carolina, and in Princeville, where Hurricane Floyd all but destroyed the town because of the rapidly rising and poorly contained Tar River.

My amendment would give added confidence to my constituents in North Carolina and to many of your constituents, as well, that the Federal Government is doing everything possible to protect and reinforce communities and neighborhood from natural disasters.

For several years, the Nation has witnessed the widespread devastation caused by these disasters. Hurricane Sandy and Hurricane Irene are just two examples. Communities affected by natural disasters like those in my district face a long recovery filled with hardship and painful dilemmas. The underlying bill we are discussing today cuts \$104 million in civil projects of the Corps, and it rescinds \$200 million in previously appropriated funding.

At the same time, the Corps has a \$60 million backlog of projects, and some of my colleagues have referenced that tonight. Many of these are in important places like my district, and many of yours, as well, that experience frequent storms. Due to insufficient funding and a prohibition on new construction, no new projects have been initiated by the Corps since the year 2010.

The Corps has many important responsibilities, but none more so than its effort to mitigate flood and storm dangers. The Corps provides essential mitigation assistance such as repairing damaged levees and providing emergency water supplies to communities in need. It also works to engineer infrastructure that will prevent some of the effects of natural disaster.

The National Oceanic and Atmospheric Administration has predicted an especially active hurricane season, with up to 11 hurricanes and up to 16 major hurricanes in the 6-month hurricane season. The number of predicted storms is significantly greater than the seasonal average of six hurricanes and three major hurricanes. NOAA has also indicated that hurricanes threaten inland areas through rain and strong winds and flooding, as we saw in many communities.

Never has funding and support for the Corps been more critical to my constituents and the many areas throughout the country. So as we consider a bill that plans to reduce funding for the Corps, we must keep in mind the communities who may suffer, and many who have spoken tonight come from those districts. They suffer the most from this type of activity.

I remind my colleagues that this amendment costs no money whatsoever. A "no" vote on the amendment does carry the cost of heavy inaction.

I ask the Chair to overrule the point of order.

The chairman of the subcommittee mentioned earlier that he supports the Corps and funding for the Corps. This is simply an effort to try to instruct the Corps to prioritize the projects as they make these difficult decisions.

My colleagues, I thank you for listening, and I yield back the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Madam Chair, I insist on my point of order.

The Acting CHAIR. The gentleman from New Jersey will state his point of order.

Mr. FRELINGHUYSEN. Madam Chair, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of Rule XXI.

The rule states in pertinent part an amendment to a general appropriation bill shall not be in order if changing existing law. The amendment proposes to state a legislative position.

I ask for a ruling of the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The amendment offered by the gentleman from North Carolina proposes to state a legislative position of the House.

As such, the amendment constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

AMENDMENT NO. 20 OFFERED BY MR. KELLY OF PENNSYLVANIA

Mr. KELLY of Pennsylvania. Madam Chair, my friend, Mr. DUFFY from Wisconsin, and I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to develop or submit a proposal to expand the authorized uses of the Harbor Maintenance Trust Fund described in section 9505(c) of the Internal Revenue Code of 1986.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. KELLY of Pennsylvania. Madam Chair, the reason I'm here tonight is to talk about the efforts that are being used to divert Harbor Maintenance Trust Fund monies to purposes other than what Congress intended, and that is dredging and maintenance of our harbors.

I'm talking about fairness, and I'm talking about commerce. We've all known for years that we have a problem when funds are collected for an intended purpose, that sometimes they don't get used that way. So we have money in, but money does not come out for its intended use.

There are a number of reasons for this happening. But until we get more funds for their intended purpose, Mr. DUFFY and I oppose expanding the authorities for the use of this funding.

□ 2030

This is a matter of fairness.

The Harbor Maintenance Trust Fund has carried a surplus since 1997. At the end of fiscal year 2012, the trust fund had an estimated \$7 billion surplus that was not spent on harbor maintenance. Yet our harbors are under-maintained.

The U.S. Army Corps of Engineers has estimated that full channel dimensions at the Nation's busiest 59 ports

are available less than 35 percent of the time. That's unacceptable. Just from an economic standpoint, it should be unacceptable to us.

Ships, especially those in my district and throughout the Great Lakes, are light-loading. When that happens, American productivity is lost. Light-loading—we can't even load the ship to their capacity because we haven't maintained our harbors. We haven't dredged our harbors. This is an affront to commerce. It goes back to the very beginning of what the Founding Fathers thought about commerce as so important, getting products from point A to point B.

We must ensure that the moneys intended for dredging are not siphoned off for other reasons. Our amendment will prohibit moneys from being used by the administration to expand the authorized uses of the Harbor Maintenance Trust Fund moneys.

I know this is something that the gentleman from New Jersey (Mr. FRELINGHUYSEN) has supported in the past, and I appreciate his consideration.

I yield back the balance of my time. Mr. NOLAN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. NOLAN. I rise in support of the Kelly-Duffy amendment, which would prohibit expanded uses of the Harbor Maintenance Trust Fund at the current appropriations level.

Let me be clear, the needs of the Nation's ports and harbors are great, and they are largely unmet today. The U.S. Army Corps of Engineers has made a valiant effort to maintain these facilities, which are essential for American manufacturers and the business community, to access markets around the world. We're talking about jobs. We're talking about business income here in every State, in every congressional district in this country.

Beginning in 1997, however, as Mr. KELLY just pointed out, both Congress and the administration since that time have fallen short of allocating the entire balance of the harbor trust fund moneys to a current rate of less than 50 percent of the total revenues received. Tragically, as a result, we've fallen seriously behind in our essential harbor maintenance. If we were to restore full funding today, the Army Corps estimates it would take 5 years to catch up on the backlog in our Nation's busiest ports and another 5 years to catch up on the Nation's smaller ports, which are nevertheless essential to local and regional economies.

Channel dredging is the most critical factor in maintaining our harbors. To be sure, there are other needs. In 2011, the Army Corps suggested that this fund could be used to increase harbor security. Certainly access roads and

other harbor facilities need constant maintenance. But if we expand the use of these funds without expanding the total funds appropriated, we will simply add to our current backlog, choke off future commerce, and cost the American economy the jobs that we desperately need.

The port of Duluth in my district is already restricting outbound shipments to 80 percent of the capacity because of this backlog in maintaining proper channel depth. How can we justify forcing our merchant fleet to operate at less than full efficiency?

I urge my Democratic colleagues to support this amendment and help us prevent a bad situation from getting worse.

I yield back the balance of my time. Ms. KAPTUR. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Madam Chair, I am happy to yield to Congressman KELLY offering the amendment or Congressman NOLAN, who spoke on the amendment, and to say that this amendment gives us an opportunity to talk about the Harbor Maintenance Trust Fund and the importance of all of our harbors, including those in the Great Lakes.

I spoke earlier today, and I said I don't know how long it's going to take to narrow the channel any more. Some of the ports I represent, what has been happening is that with less money, the width has been narrowing. I said so maybe our ships will actually look like this some day, rather than having a bow that looks like this. There just simply aren't enough funds to dredge all of the ports that are necessary. And, in fact, there have been some harbors which have actually shut down.

So this gives us an opportunity to talk about the necessity of a review of the Harbor Maintenance Trust Fund and its future use and what we might do in order to get a better allocation to our accounts so that we can take care of all of these ports that are being pressed around the country.

If the gentlemen have anything additional that they would like to put on the record at this point regarding the ports in the Great Lakes or elsewhere, I would be more than pleased to yield to them.

Mr. NOLAN. Will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Minnesota.

Mr. NOLAN. Madam Chair, I thank Representative KAPTUR for yielding, and I would just add that it's costing business and commerce throughout the country and the Great Lakes billions of dollars. This is critical, essential infrastructure; and we look forward to working with you to find a way to release that trust fund for what it was intended, which is the dredging of our

harbors. It is so critical to our commerce, our businesses, our jobs, and our economies.

Ms. KAPTUR. Reclaiming my time, I hope the administration is hearing this and the Corps is hearing this and they work with us on a better allocation and not invading the Harbor Maintenance Trust Fund for other purposes.

I would hate to deny the administration the right to think about this and to make recommendations to us. I don't think that it is the intent of the gentleman from Pennsylvania (Mr. KELLY) to prevent any oversight or activities by the administration to better manage the Harbor Maintenance Trust Fund. I don't think that is his intent. I think his intent is to ensure that these dollars are spent for harbor maintenance.

But if, in fact, the administration has a good idea they want to throw in to help us with this, you wouldn't deny them the right to do that; am I correct? We need their cooperation in order to make this work.

I yield to the gentleman.

Mr. NOLAN. Madam Chair, they are already neglecting the needs for dredging in our harbors. To divert funds from existing appropriations that are available would only make the situation worse, which is why I rise in support of the gentleman's amendment.

I know Mr. DUFFY wishes to speak to the amendment as well.

Ms. KAPTUR. Congressman KELLY, your intention is not to preclude the administration from working with us on the Harbor Maintenance Trust Fund if they have a creative idea that would help us?

Mr. KELLY of Pennsylvania. Will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman.

Mr. KELLY of Pennsylvania. I think the whole purpose of this—and Mr. DUFFY will have a chance to speak next—this money is collected for a specific reason. I had a conversation with Secretary LaHood talking about why can't we use the money that's been collected and set aside to be used. This is about commerce. This is about fairness. This is about growing our economy and being able to have access to the entire world. We're letting these harbors go unmaintained. We're not dredging them, and we're causing a huge problem in commerce. That's the problem. We can't get from point A to point B. We're lowering the efficiency of our businesses and their ability to get products out there. The whole purpose of this is to use the money that's collected for the intention for which it was collected. It's money that's going in, but not being used the right way, and I don't want to see it get diverted any other way, as we've seen happen already. We're already missing the boat, no pun intended. We're closing down these harbors, and we're not doing the right things by them.



I know my friend from Wisconsin (Mr. DUFFY) wants to talk.

Ms. KAPTUR. Madam Chair, I yield back the balance of my time.

Mr. DUFFY. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. DUFFY. Madam Chair, I will try to address some of the concerns of the gentlelady from Ohio. I think everyone who supports this amendment is willing to work with the administration if the administration wants to work with us to start to dredge our ports, to make sure that we can actually have more flow of commerce through the American ports that haven't been serviced well.

If the administration wants to tap into the Harbor Maintenance Trust Fund and use those resources for other purposes, I think you would see a strong objection from those who support this amendment because those of us who especially live in the Great Lakes—Mr. NOLAN and I, the gentleman from Minnesota and I, have the great honor of sharing the Duluth-Superior port. We understand how important dredging is to making sure that port functions.

When we don't have enough resources going in to service our port, it gives us great pause because these are jobs in our community. It is economic growth in our community, and if we don't have that, we're concerned. So if the administration is willing to work with us, we are willing to work with the administration, no doubt.

But, again, if they want to take those resources and use them for another purpose, we would have great pause and pushback because what you've seen with the Harbor Maintenance Trust Fund is that it is funded by the shippers. They pay taxes, they pay fees in the anticipation that those dollars, those revenues, are going to be used to service our ports. The problem is it hasn't been used to service our ports. So they're paying money into a fund that over the last 15 years has run a surplus, and now there's \$7 billion in the fund. And they sit back and they scratch their heads and they wonder why isn't this money being used for its intended purpose, which is to make sure American ports work. We've paid for it. We've agreed to pay the taxes; now do, government, what you've promised us to do, use it to make sure that we can actually have commerce in our industry.

I think it's important, the gentleman from Pennsylvania also talked about the Corps of Engineers doing studies and talking about our shippers having to light-load, talking about the Great Lakes ports, talking about Duluth-Superior, the twin ports, where they're unable to load at full capacity because we haven't effectively dredged that

port. And that is loss of revenue for our shippers. Not only that, it's driving up the cost of the goods that we're shipping on the Great Lakes, which means the end consumer is paying more for those goods. This doesn't make a lot of economic sense, especially when we have \$7 billion of surplus in that fund.

This is one of those issues where I think government can do a better job serving the people. Putting money into a fund, paying taxes to specifically go into a fund for a specific purpose and then have that fund raided and robbed and used for a different purpose is unconscionable, and it is unacceptable; and that is not the agreement that Americans here in the shipping industry had with their government. It's unfair, at best.

To make one last point, this is a jobs amendment. This amendment will again make sure that we can have a growing, effective, efficient economy in shipping in ports across the country; but it also makes sure that we have lower-cost goods because we are effectively using our ports and our shippers across the country.

Ms. KAPTUR. Will the gentleman yield?

Mr. DUFFY. I yield to the gentlelady from Ohio.

Ms. KAPTUR. I thank the gentleman for yielding. I'm glad we've had this discussion tonight. Others have heard it. I think it will help encourage administration cooperation, being the Representative who has the ports of Lake Erie in her district—Cleveland, Lorain, Sandusky, Toledo, and many points in between—I fully understand the challenge here.

One of our budgetary challenges is we have to have a budget that allocates these dollars, and right now that hasn't come from your side of the aisle. So in order to use these dollars, it has to be incorporated in the budget resolution that comes to us. Our mark was too low in our bill in order to be able to move those dollars. So let's work on that with the Budget Committee, as well, so we get that allocation and it comes to our subcommittee. That's something that we can all work on on both sides of the aisle.

Mr. DUFFY. Reclaiming my time, point well made by the gentlelady from Ohio. Just to make sure we're clear, this amendment is one that prohibits additional or expansion of the definition of use for the Harbor Maintenance Trust Fund, so we can't use it for purposes other than for the ports, which was the original intent.

With that, I yield back the balance of my time.

Ms. HAHN. Madam Chair, I rise to express my concern about the amendment accepted into the Energy & Water Appropriations bill last night that prevents the Army Corps of Engineers from using any of the funds appropriated in that act for even suggesting expanded uses of the Harbor Maintenance Trust Fund.

I represent the Port of Los Angeles, a Port which, combined with the adjacent Port of Long Beach, constitutes the busiest port complex in the United States. Forty percent of the cargo that comes into this country flows through the Ports of LA and Long Beach.

The Ports of LA and Long Beach contribute more to the Harbor Maintenance Trust Fund than any other port—over \$263 million last year. That's money that comes out of the pockets of American businesses, an added cost borne by American consumers who rely on the Ports of LA and Long Beach being efficient and strong.

But because this port complex—arguably the most important port in the Nation—is blessed by geology, we have little need for dredging to remain deep and wide. And so my port sees less than a penny return for every dollar it contributes to the Harbor Maintenance Trust Fund. And that means that all those American businesses and consumers who are forking over \$263 million every year are seeing practically no benefit.

The port they rely on is cut out of the narrow uses set for the HMTF. I don't think that's fair, and I don't think that's smart. Why have we structured the use of the HMTF in such a way that 40 percent of the Nation's imports are not seeing any benefit?

Every port, big and small, deserves to be completely and promptly dredged. That's why achieving full utilization of the Harbor Maintenance Trust Fund is so critical. But we also need to address the donor equity issue faced by deep draft commercial ports like mine, who handle so much cargo and see so little investment in return. And so yes, I think we need to examine some expanded uses—including maintenance berth dredging and some landside uses closely tied to the port—so that the HMTF does in fact contribute to the strength of all ports in this great country.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KELLY).

The amendment was agreed to.

□ 2045

Mr. RIGELL. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. RIGELL. I rise to enter in a colloquy with the distinguished gentleman from New Jersey, the chairman of the Energy and Water Appropriations Subcommittee, Mr. FRELING-HUYSEN.

Virginia is proud to be home of one of the Department's flagship national labs in nuclear physics, the Thomas Jefferson National Accelerator Facility, or JLab, located in Newport News, and its primary scientific facility there known as the Continuous Electron Beam Accelerator Facility.

In fact, the nuclear physics community so values the work at the JLab that they recommended a major upgrade to its accelerator, what's referred to as the 12 GeV project, as its number one priority in their 2007 long-

range plan for nuclear physics. That upgrade has received over 70 percent of its construction funding through the tireless efforts of the subcommittee, and work is going to begin there on its commissioning in fiscal year 2014, that is, provided that sufficient funding is included in this appropriations measure.

I'm really grateful that the construction funding that is provided in the bill is at the level requested by the administration. However, I am concerned that the proposed reductions for nuclear physics below the budget request could force unilateral cuts in medium energy nuclear physics operations, and that these reductions could delay the start of the commissioning of the 12 GeV project, which is scheduled to start in the first quarter of fiscal year 2014.

Therefore, I'm asking the chairman if he would be willing to work with me and my colleagues in Virginia and others who support the priorities of the nuclear physics community to work towards completing this important construction project and to begin operations in a timely fashion.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. RIGELL. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank my colleague for his interest and strong advocacy on behalf of the Jefferson Lab and for the nuclear physics program. Our allocation has made for some tough choices, and we worked hard to fund the Office of Science at \$32 million above current levels, post-sequester. This level of funding is sufficient to support a \$7.5 million increase for the Medium Energy Nuclear Physics program, which goes to the Jefferson Lab.

I want to thank my colleague for his advocacy and look forward to working with him to support this vital program through the appropriations process.

I also assure my colleague that the bill keeps CEBAF on track to begin operations in fiscal year 2014.

Mr. RIGELL. I thank the gentleman for yielding initially. I thank him for his leadership.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. LAMALFA

Mr. LAMALFA. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to regulate activities identified in subparagraphs (A) and (C) of section 404(f)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1344(f)(1)(A), (C)).

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. LAMALFA. Madam Chairman, I'm pleased to be able to present this amendment here. I thank the chairman of the committee for allowing this.

We have a situation here where section 404(f)(1) of the Clean Water Act exempts certain activities from the permitting requirements under section 404, including normal farming, forestry, and ranching activities, and construction and maintenance of farm and forest roads, irrigation ditches, and farm ponds.

In 1977, Congress made a deliberate policy choice to amend the Clean Water Act to provide carefully tailored exemptions for these ordinary activities of farmers, ranchers, and foresters from the costly and burdensome requirements to obtain Clean Water Act permits.

Despite this clear expression of congressional intent, however, the Corps of Engineers and the EPA in recent years have been trying to circumvent the 404(f)(1) permitting exemptions by attempting to interpret a limited "recapture" provision in section 404(f)(2) in such an expansive way as to virtually swallow up the exemptions in 404(f)(1).

As a result, we have a situation where Congress clearly provided a regulatory exemption from permitting in one paragraph of the Clean Water Act, only to have the Corps and EPA now take it away through a creative interpretation of the next paragraph.

The Corps and EPA cannot take away administratively what Congress gave legislatively. These administrative efforts to undermine congressional intent have resulted in excessive and overzealous efforts to expand regulatory powers into farming and ranching activities exempted from regulation.

In one instance, a family farm attempted to convert pastureland irrigated by ditch to a piped irrigation system to improve their water efficiency—a laudable goal from any perspective. This is an activity clearly exempted from regulation by section 404(f)(1), yet the Corps' argument that potential runoff from this work, which would run into a man-made drainage ditch and eventually into a terminal man-made pond with no outlet, would impact somehow the navigable waterway, the Sacramento River, which is over 6 miles away, which really bears no relation to reality, this regulation. This claim by the Corps turned a 1-day, \$2,500 project into, now, a multiyear legal battle resulting in over \$100,000 in legal costs to the family farm, all with no improvement or protection of the environment.

This amendment is intended to make it clear that the Corps is not to use any funds to regulate activities that are already excluded from regulation under section 404(f)(1)(A) and (C) of the Clean Water Act, and that the "recapture"

provision in section 404(f)(2) is not to be used to undermine those section 404(f)(1) permitting exemptions. The amendment allows the permitting exemptions to stand on their own merits, without the Corps and EPA negating their use through clever legal interpretations.

In no way does this amendment attack or limit regulation of wetlands or our Nation's waterways. As a rancher myself, with wetlands, ducks, other wildlife on my land, I know full well the importance and value of reasonable protections for our natural resources.

Today, farms in California and elsewhere are being targeted for simply changing crops or irrigation methods. They are doing their best to follow every law, the spirit of the law, but are being targeted for something Congress explicitly exempted.

This amendment simply limits funds to ensure that agencies of government only spend money to follow the laws as Congress wrote them. I urge all Members to please support this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I have no objection to the gentleman's amendment. Our colleague from California describes yet another troubling example of what seems to be Federal overreach, regulatory overreach. I support his amendment, which I think addresses the situation.

I yield back the balance of my time.

Ms. KAPTUR. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Madam Chair, I rise to oppose the gentleman's amendment. If the proposed amendment would take effect, the Corps would be prohibited from requiring a permit for discharges into waters of the United States from certain agricultural activities.

The Clean Water Act already exempts certain agricultural activities from regulation unless those activities change the flow of navigable waters, then those agricultural activities, such as construction of stock ponds or irrigation ditches, construction of forest roads and reconstruction of recently damaged parts of levees, dikes, and dams, must be regulated.

The Clean Water Act already exempts agriculture business from many of the regulations imposed on others. This amendment would take away the commonsense safeguards built into the Clean Water Act to prevent the negative impact of some agricultural activities, and we have all been witness to some of those.

So I believe the Clean Water Act strikes the right balance in giving relief to agricultural businesses already

and, therefore, urge defeat of the amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. LAMALFA). The amendment was agreed to.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_ None of the funds made available in this act to the United States Army Corps of Engineers may be used for sediment or soil dumping into the Missouri River.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Madam Chair, we have a situation that exists in Iowa, Nebraska, and Missouri that I know of along the Missouri River, which I've represented the entire stretch along Iowa. It's an attempt to save the endangered species known as the pallid sturgeon, and I brought a little sample of him here. He's the only one in congressional captivity. This came from the hatchery at U.S. Fish and Wildlife, by the way.

But what they're doing is an attempt to create shallow water habitats so this pallid sturgeon can reproduce. They're opening up the old oxbows, and that's all right. But what they're doing is dredging millions of cubic yards of dredge spoil out of those old channels into the river channel itself. And we know that dredge spoil is listed under the Clean Water Act as a toxic pollutant.

They wouldn't let farmers do it. They wouldn't let contractors do it. The Corps of Engineers doesn't need to. They have better alternatives that are consistent with the Clean Water Act.

So my amendment simply says none of the funds can be used to dredge this into the river, and they would need to follow their own rules like everybody else does.

I urge the adoption of this amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Madam Chairman, I don't have any objection to the amendment, although I do have a few concerns, which I'd like to cover.

First of all, I want to thank my colleague for bringing these issues to our attention. If, in fact, the Corps' actions are detrimental to flood control efforts in his region, those types of actions need to be stopped, and I would be happy to work with him to do that.

I do believe, of course, that some of these issues would be better dealt with

by the authorizing committees that have jurisdiction over the Corps and the Endangered Species Act. So I think there are some concerns that we have that are legitimate here. We're going to do some more investigation and work with the gentleman to see if we can address his concerns.

I yield back the balance of my time. Ms. KAPTUR. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Madam Chair, the King amendment would provide no funds to be used for shallow water habitat construction if that involves sediment or soil dumping into the Missouri River.

In order to meet the obligations established within the 2003 amended biological opinion, the construction of shallow water habitat is an integral part of compliance. There are two ways to build shallow water habitats: either through flow actions or through mechanical actions.

The Corps has been implementing habitat construction to avoid manipulating flows mainly because of concerns expressed by the State of Missouri. This amendment would prevent the construction of shallow water habitat, leaving the pallid sturgeon fish unprotected.

I understand that farmers in Iowa have concerns that the Army Corps is not creating these habitats in an ecological manner, but the Army Corps studies show there will only be minimal increases in nutrients carried by the river during project construction.

If the Corps cannot put sediment into the Missouri River, it will have to dispose of the sediment in upland areas. There will be increased cost for each construction project. Disposal in upland areas would increase costs by requiring material to be placed in trucks and hauled offsite to upland disposal areas, or adjacent to the habitat projects. Project cost would be increased by 300 percent to 500 percent, depending on site specifics.

So disposing of sediment in upland areas will also result in increased negative environmental impacts. Disposal of material in upland areas will require disturbances of existing mitigation sites and increases the risk of damage to adjacent wetlands. It may also require additional land acquisition for disposal areas.

For all these reasons, we have to oppose the amendment.

I yield back the balance of my time.

Mr. LAMALFA. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. LAMALFA. I yield to my colleague from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from California for yielding.

And I regret I didn't have that opportunity to sit down and talk to the gentlelady from Ohio regarding this dredging that's taking place in the Missouri River bottom in my district, in my neighborhood where I spent my lifetime working on that river bottom and doing work like dredge work and dredge site work and dredge disposal site work.

We've done a number of projects with the earthmoving side of this thing, working in conjunction with dredge contractors. I've been up and down every mile of this river for decades now. I've watched what they're doing. They would never let a private interest do what they are doing. They wouldn't let a public interest do what they are doing. Only the Corps of Engineers can do what they're doing.

And I've not reviewed these numbers closely, but I did hear that it could be a 300 percent increase in the cost. I'd like to look at it more closely. I'm pretty confident King Construction can bid that substantially cheaper. However, we're not in the business of advocating what we do here in this Congress. The Corps of Engineers has often put out numbers that have been much higher than the actual cost necessary.

And it's pretty simple to me that if you could see what I saw last week, a 20-inch pipe pumping out water and dredge spoil that's churned up by the beater effect of the dredge, pumping that out into the middle of the river where the sediment, the heavy stuff drops out right away; it starts to fill the channel. The lighter stuff goes down the river and gets settled out.

□ 2100

And then the river has to be dredged again by putting that sediment into the river. It ends up having to be treated. There's plenty of places for them to do this. They are contradicting their own policy. And so I urge the adoption of this amendment, and let's hold the Corps of Engineers accountable the same way they hold everyone else accountable.

Mr. LAMALFA. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLORES

Mr. FLORES. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used to implement, administer, or enforce the National Ocean Policy developed under Executive Order No. 13547 of July 19, 2010 (75 Fed. Reg. 43023, relating to the stewardship of oceans, coasts, and the Great Lakes).

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. FLORES. Madam Chairman, last year, the House adopted my bipartisan amendment that would prevent agencies under the FY 2013 CJS appropriations bill from imposing ocean zoning related to the Obama administration's National Ocean Policy under Executive Order 13547. Executive Order 13547 was signed in 2010 and requires that various bureaucracies essentially zone the ocean and the sources thereof. This essentially means that a drop of rain that falls on your house could be subject to this overreaching policy because that precipitation will ultimately wind up in the ocean.

The Department of Energy is a part of the National Ocean Council established under this executive order that has been tasked to zone the oceans. Concerns have been raised by many groups that the National Ocean Policy will restrict ocean and inland activities. It is also worrisome that the administration has not made any requests for funds for this effort, nor has Congress ever appropriated money for this purpose. We have had hearings on this in the Natural Resources Committee, and no agency has told us from what source they're getting the funding for this initiative. So where is the money coming from? Are they raiding existing accounts and diverting already scarce dollars from existing statutory responsibilities?

On this chart you can see the executive order creates a huge new bureaucracy at a time when we're trying to make the government smaller, more efficient, more accountable, and less intrusive. The next chart lists the 63 agencies that are involved in this effort to try to zone the oceans. This looks like much more than a planning exercise at this point.

Let me say you're going to hear from the other side from time to time something that says that planning is good. Yes, planning may be good. Planning with the intent to in effect backdoor nonstatutory rulemaking is not good.

And here's what the executive order states on its face. It says:

All executive departments, agencies, and offices that are members of the council and any other executive department, agency, or office whose actions affect the ocean, our coasts, and the Great Lakes shall, to the full extent consistent with applicable law, comply with Council-certified coastal and marine spatial plans.

That sounds like rulemaking, to me, that has not been authorized by statute.

It's important to note that ocean zoning was debated during the 108th, the 109th, the 110th, and the 111th Congresses, and each of those Congresses determined that this action was not necessary. This clearly indicates that Congress explicitly does not intend for the oceans to be zoned in the manner that the President is attempting to do. Thus, Executive Order 13547 has no specific statutory authority, and there

have been no appropriations by Congress to pay for the cost of this new bureaucracy.

My similar amendment earlier this year passed by a bipartisan vote of 233–190 to the offshore energy packaged we considered last month. This amendment was also adopted on a bipartisan basis as a part of the FY 2013 CJS appropriations bill.

I urge my colleagues to join me in supporting this commonsense amendment, and I yield back the balance of my time.

Ms. KAPTUR. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Madam Chair, I rise to oppose the amendment and to stress the importance of ocean policy. We already see acidification, low dissolved oxygen, harmful algae blooms, and dead zones in the Gulf, the Chesapeake Bay, Puget Sound, and throughout our Nation's coastal waterways.

The National Ocean Policy would help us better address the cumulative threats to our aquatic ecosystems from overfishing, coastal development, storm water runoff, carbon emissions, and pollutants in our waterways. The implementation of the National Ocean Policy will help to protect, maintain, and restore our ocean and coastal ecosystems, systems which provide important jobs, food, recreation, and which serve as the foundation for a substantial part of our Nation's economy. Only healthy, functioning, and resilient marine and freshwater ecosystems can support the fisheries we all depend upon so heavily.

There are some reports that show that over half of the fish in the oceans have been fished out. If you go to any supermarket, you're going to find on the shelves—the fish that are there—strange names you've never even heard of before because so many of the varieties that were plentiful are simply fished out forever.

The core approach of the National Ocean Policy is to improve stewardship of our ocean's coasts, islands, and Great Lakes by directing government agencies with differing mandates to coordinate and work better together. The National Ocean Policy creates no new authorities. It's about increased coordination among existing agencies, the sort of effort that should be taking place on a Federal level in order to reduce inefficiency, waste, and redundancy between agencies.

This is an issue of bringing people together so that all of the ocean's users, including recreational and commercial fishermen, boaters, industries, scientists, and the public can better plan for, manage, harmonize, and sustain uses of oceans and coastal resources.

When you think about it, we now have 310 million people in our country. We look at the global populations in

the billions. With the rate of population increase rising, more and more fishing going on—and how many of us come from regions where we see that fisheries have shut down? And that in fact what used to exist in Massachusetts, exists no more. That there are places on the West Coast where the fisheries that had been there are shut down. That's because there's so much draw on that life source in the ocean that we have to pay attention as a world how we are going to feed the generations of the future. This is not a casual engagement. This is downright serious business.

I would say that the gentleman's amendment is not forward-looking. I don't know what he has in mind here. But the better we understand what is going on and what Congressman Claude Pepper used to call Planet Ocean, where 70 percent of our Earth is actually water, much of it impinged now by pollutants and so forth. We have a responsibility to the globe. This is not simple.

Prior generations haven't had to think this way, but we have to think this way because there are many more draws on these resources. Look at the problems we've had with some countries going out and doing the fishing and just taking fish to one country and not allowing other fishermen to have equal access, even in the Great Lakes that I represent. It's amazing. Every single year, the number of fish you're allowed to catch goes down, because we've both got more fisherman, because the population is increasing, but there are fewer fish to draw from those lakes. And there are substantial threats in the form of invasive species.

So the gentleman and I are on different sides of this. I think it's important to understand the oceans and to coordinate among our agencies to put the best intelligence forward because the globe is changing and we have to be smart enough to deal with those ecosystem changes.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. FLORES).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLORES

Mr. FLORES. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to implement, administer, or enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. FLORES. Madam Chair, I rise to offer an amendment which addresses another misguided and restrictive Federal regulation.

Section 526 of the Energy Independence and Security Act prohibits Federal agencies from entering into contracts for the procurement of fuels unless their lifecycle greenhouse gas emissions are less than or equal to emissions from an equivalent conventional fuel produced from conventional petroleum sources. My simple amendment would stop the government from enforcing this ban on all Federal agencies funded by the Energy and Water Development appropriations bill.

The initial purpose of section 526 was to stifle the Defense Department's plans to buy and develop coal-based or coal-to-liquids jet fuel. This restriction was based on the opinion of some environmentalists that coal-based jet fuel might produce more greenhouse gas emissions than traditional petroleum. However, one of the unintended consequences of section 526 is that it essentially forces the American military to acquire fuel refined from unstable Middle East crude resources. Furthermore, section 526's ban on fuel choice now affects all Federal agencies, not just the Defense Department.

This is why I'm offering this amendment again today to the Energy and Water Appropriations bill. The American military and our Federal agencies should not be burdened with wasting their time studying fuel restrictions when there's a simple fix. That fix is to not restrict Federal Government fuel choices based on unsound policies and misguided regulations like those in section 526.

Section 526 also essentially makes our Nation more dependent on Middle East oil. Stopping the impact of section 526 will help us to promote American energy, grow the American economy, create American jobs, and become more energy secure.

Madam Chair, it is also important to know what this amendment does not prevent and does not restrict. And it doesn't restrict or prevent the ability of the Federal Government from purchasing any alternative fuels, including biodiesel, ethanol, or other fuels from renewable resources. It places no restrictions whatsoever on those types of procurements.

I offered this amendment to the Homeland Security appropriations bills and several appropriations bills during the 112th Congress, and they all passed on the floor of the House with strong bipartisan support. My friend, Mr. CONAWAY, also added similar language to the latest defense authorization bill to exempt the Defense Department from this burdensome regulation.

I urge my colleagues to support the passage of this commonsense amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. FLORES).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BRIDENSTINE

Mr. BRIDENSTINE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used by the Corps of Engineers to set water storage prices for municipal use for a nonhydropower lake constructed by the Corps above the price that was set at the time of the completion of that lake.

Mr. FRELINGHUYSEN. Madam Chair, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Oklahoma is recognized for 5 minutes.

Mr. BRIDENSTINE. I rise today to offer an amendment that will provide temporary relief and assurance for communities who otherwise will soon be hit by some of the sharpest increases in water storage prices ever seen. My amendment is simple. It prohibits the Army Corps of Engineers from using any official resources or funds to set new, increased water storage prices for municipal use on any non-hydropower lake that was built by the Corps.

□ 2115

The Corps would only be permitted to set the same rates on local communities that were in place when the lake was completed, a dollar figure that is well documented and not subject to any sort of interpretation by the Corps.

A source of funding for the operation lakes owned by the Corps of Engineers is derived from water storage contracts with municipalities. The formula for pricing of water storage contracts on Corps lakes is defined legislatively as "current cost." This fixed formula creates a prohibitive financial burden on the citizens of municipalities desiring to contract with the Corps and, as a result, the Corps does not receive any income for the operation and maintenance of the lake.

In drought-stricken areas like Bartlesville, Oklahoma, the Corps' current flawed methodology threatens to raise water storage prices on local residents from around 6 cents to nearly a dollar for the same 1,000 gallons of water. It also raises the total fiscal impact of water storage prices on Bartlesville from around \$1.6 million a year to more than \$24 million a year.

Earlier this year, the Senate adopted by unanimous consent an amendment by Senator INHOFE to their WRDA bill that requires the GAO to complete a study on the Corps' outdated and flawed methodology when it comes to these water storage prices. As the WRDA bill develops in the House and hopefully moves towards conference and enactment, I am looking forward

to working with my colleagues on a long-term legislative solution to replace this outdated formula with one that is fair, reasonable, and affordable to all parties.

By adopting this amendment today, we can provide 1 more year of certainty and assurance for communities like Bartlesville by ensuring that they do not see outrageous increases in their water storage prices that they quite simply cannot afford.

The American taxpayer spends billions of dollars every year to fund the operations of the Army Corps of Engineers; but by adopting this amendment, we can ensure that none of those funds are used to enforce a formula that is outdated, unfair, and unjust as we move through the WRDA bill and other avenues towards a long-term solution.

I yield back the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Madam Chair, I insist on my point of order.

The Acting CHAIR. The gentleman from New Jersey may state his point of order.

Mr. FRELINGHUYSEN. Madam Chair, the amendment proposes a net increase in budget authority in the bill. The amendment is not in order under section 3(d)(3) of House Resolution 5, 113th Congress, which states:

It shall not be in order to consider an amendment to a general appropriation bill proposing a net increase in budget authority in the bill unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI.

The amendment proposes a net increase in budget authority in the bill in violation of such section. The Congressional Budget Office has stated that this amendment has costs associated with it. The Corps' current pricing policy is based upon "updated cost of storage" which reflects today's value (indexed to current price levels) rather than at the original construction cost price level. So reverting to construction cost levels will unavoidably have a cost, with the net effect of increasing the level of budget authority in the bill.

Under section 3(d)(3), an increase in budget authority must be accompanied by an equal or greater decrease. This amendment does not contain an equal or greater decrease, and so violates section 3(d)(3).

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point or order? If not, the Chair is prepared to rule.

The gentleman from New Jersey makes a point of order that the amendment offered by the gentleman from Oklahoma violates section 3(d)(3) of House Resolution 5. Section 3(d)(3) establishes a point of order against an amendment proposing a net increase in budget authority in the pending bill.

The Chair has been persuasively guided by an estimate from the chair of the Committee on the Budget that the amendment proposes a net increase in budget authority in the bill. Therefore, the point of order is sustained. The amendment is not in order.

Mr. ROGERS of Kentucky. Madam Chairwoman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Madam Chairwoman, I rise only to say thank you to the chairman of the subcommittee, Mr. FRELINGHUYSEN, who has been in this seat now for 38 days it seems like, but the entire time of this bill. He has not taken a break for any reason during the entire consideration of these dozens of amendments and general debate.

I want to thank the chairman for doing a great job during this debate, but also in drafting the bill, along with his colleague, MARCY KAPTUR, the ranking Democrat on the subcommittee. So, Mr. Chairman, we thank you for a job well done and thank you for persevering through all of this.

Also, I want to say a word of thanks to the staff, who deserve so much credit for the work that has been before the body for the last 2 days. Rob Blair, the clerk of the subcommittee, and all of the staff on both sides of the aisle have worked long and hard to bring this bill to the floor and to transpose it to the population of the House. So we thank you for a great job well done.

As we near the end of the deliberation on the amendments and finally vote on the bill, I want to urge everyone to vote for this bill. This is a good bill. It cuts spending, it does the Nation's business, and it's fair and transparent.

I urge adoption of the bill and yield back the balance of my time.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. WHITFIELD of Kentucky.

Amendment by Mr. FLEMING of Louisiana.

Amendment No. 28 by Mr. GARAMENDI of California.

Amendment by Ms. SPEIER of California.

Amendment by Mr. CHABOT of Ohio.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT OFFERED BY MR. WHITFIELD

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kentucky (Mr. WHITFIELD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 94, noes 329, not voting 11, as follows:

[Roll No. 339]

#### AYES—94

Aderholt  
Bachmann  
Bachus  
Barr  
Benishak  
Bishop (UT)  
Blackburn  
Bonner  
Boustany  
Bridenstine  
Broun (GA)  
Burgess  
Cantor  
Cassidy  
Chabot  
Coble  
Cotton  
Cramer  
Crawford  
DeSantis  
DesJarlais  
Duffy  
Duncan (SC)  
Duncan (TN)  
Fincher  
Fleming  
Flores  
Fox  
Franks (AZ)  
Garrett  
Gingrey (GA)  
Gohmert

#### NOES—329

Alexander  
Amash  
Amodei  
Andrews  
Barber  
Barletta  
Barrow (GA)  
Barton  
Bass  
Beatty  
Becerra  
Bentivolio  
Bera (CA)  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Black  
Blumenauer  
Bonamici  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brooks (AL)  
Brooks (IN)  
Brown (FL)  
Brownley (CA)  
Buchanan  
Bucshon  
Bustos  
Butterfield  
Calvert  
Camp  
Capito  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Carter  
Cartwright  
Castor (FL)  
Castro (TX)  
Chaffetz  
Chu

Palazzo  
Perry  
Pittenger  
Pitts  
Price (GA)  
Rahall  
Ribble  
Rogers (AL)  
Rohrabacher  
Ryan (WI)  
Scalise  
Schweikert  
Scott, Austin  
Sensenbrenner  
Shuster  
Smith (MO)  
Smith (TX)  
Stockman  
Stutzman  
Tiberi  
Wagner  
Walberg  
Walorski  
Webster (FL)  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Woodall  
Yoho

Huffman  
Huizenga (MI)  
Hurt  
Israel  
Issa  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (GA)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Joyce  
Kaptur  
Keating  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Kildee  
Kilmer  
Kind  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kirkpatrick  
Kuster  
Labrador  
LaMalfa  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
Lee (CA)  
Levin  
Lewis  
Lipinski  
LoBiondo  
Loebach  
Lofgren  
Lowenthal  
Lowe  
Lucas  
Lujan Grisham (NM)  
Luján, Ben Ray (NM)  
Lynch  
Maffei  
Maloney  
Maloney, Sean  
Markey  
Matheson  
Matsui  
McCarthy (CA)  
McCaull  
McCollum  
McDermott  
McGovern  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Meng

Messer  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, George  
Moore  
Moran  
Mullin  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Neugebauer  
Noem  
Nolan  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Pallone  
Pascarelli  
Pastor (AZ)  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Peterson  
Petri  
Pingree (ME)  
Pocan  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (NC)  
Quigley  
Radel  
Rangel  
Reed  
Reichert  
Renacci  
Rice (SC)  
Richmond  
Rigell  
Robby  
Roe (TN)  
Rogers (KY)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Roybal-Allard  
Royce  
Ruiz  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Salmon

Sánchez, Linda T.  
Sanchez, Loretta  
Sanford  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sessions  
Sewell (AL)  
Shea-Porter  
Sherman  
Simpson  
Sinema  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (WA)  
Southerland  
Speier  
Stewart  
Stivers  
Swalwell (CA)  
Takano  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tingree (ME)  
Tipton  
Titus  
Tonko  
Tsongas  
Turner  
Upton  
Valadao  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walden  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weber (TX)  
Welch  
Wenstrup  
Wilson (FL)  
Wittman  
Wolf  
Womack  
Yarmuth  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

#### NOT VOTING—11

Campbell  
Grimm  
Holt  
Horsford

Hunter  
Marchant  
McCarthy (NY)  
Negrete McLeod

#### □ 2151

Messrs. BROOKS of Alabama, LABRADOR, Ms. ESTY, Messrs. BUCSHON, KILMER, TAKANO, ROONEY, Mrs. NOEM, Messrs. SANFORD, RODNEY DAVIS of Illinois, KELLY of Pennsylvania, HUIZENGA of Michigan, SERRANO, Ms. VELÁZQUEZ, and Mr. SESSIONS changed their vote from “aye” to “no.”

Messrs. JORDAN, CRAWFORD, AUSTIN SCOTT of Georgia, MULVANEY, SMITH of Missouri, HALL, CASSIDY, and RYAN of Wisconsin changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLEMING

The Acting CHAIR (Mr. CHAFFETZ). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. FLEMING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 230, noes 194, not voting 10, as follows:

[Roll No. 340]

AYES—230

Aderholt	Fleming	Marino
Alexander	Flores	Massie
Amash	Forbes	Matheson
Amodei	Fortenberry	McCarthy (CA)
Bachmann	Fox	McCauley
Bachus	Franks (AZ)	McClintock
Barletta	Frelinghuysen	McHenry
Barr	Gardner	McIntyre
Barrow (GA)	Garrett	McKeon
Barton	Gibbs	McKinley
Benishek	Gibson	McMorris
Bentivolio	Gingrey (GA)	Rodgers
Bilirakis	Gohmert	Meadows
Bishop (UT)	Goodlatte	Meehan
Black	Gosar	Messer
Blackburn	Gowdy	Mica
Bonner	Granger	Miller (FL)
Boustany	Graves (GA)	Miller (MI)
Brady (TX)	Graves (MO)	Miller, Gary
Bridenstine	Green, Gene	Mullin
Brooks (AL)	Griffin (AR)	Mulvaney
Brooks (IN)	Griffith (VA)	Murphy (FL)
Brown (GA)	Guthrie	Murphy (PA)
Buchanan	Hall	Neugebauer
Buchson	Hanna	Noem
Burgess	Harper	Nugent
Calvert	Harris	Nunes
Camp	Hartzler	Nunnelee
Cantor	Hastings (WA)	Olson
Capito	Hensarling	Palazzo
Carter	Herrera Beutler	Pastor (AZ)
Cassidy	Holding	Paulsen
Chabot	Hudson	Pearce
Chaffetz	Huelskamp	Perry
Coble	Huizenga (MI)	Petri
Coffman	Hultgren	Pittenger
Cole	Hurt	Pitts
Collins (GA)	Issa	Poe (TX)
Collins (NY)	Johnson (OH)	Pompeo
Conaway	Johnson, Sam	Posey
Cook	Jones	Price (GA)
Cotton	Jordan	Radel
Cramer	Joyce	Reed
Crawford	Kelly (PA)	Reichert
Crenshaw	King (IA)	Renacci
Culberson	King (NY)	Ribble
Daines	Kingston	Rice (SC)
Davis, Rodney	Kinzinger (IL)	Rigell
Delaney	Kline	Roby
Denham	Labrador	Roe (TN)
Dent	LaMalfa	Rogers (AL)
DeSantis	Lamborn	Rogers (KY)
DesJarlais	Lance	Rohrabacher
Diaz-Balart	Lankford	Rokita
Duffy	Latham	Rooney
Duncan (SC)	Latta	Ros-Lehtinen
Duncan (TN)	LoBiondo	Roskam
Ellmers	Long	Ross
Farenthold	Lucas	Rothfus
Fincher	Luetkemeyer	Royce
Fitzpatrick	Lummis	Runyan
Fleischmann	Marchant	Ryan (WI)

Salmon	Stockman	Webster (FL)
Sanford	Stutzman	Wenstrup
Scalise	Terry	Westmoreland
Schweikert	Thompson (PA)	Whitfield
Scott, Austin	Thornberry	Williams
Sensenbrenner	Tiberi	Wilson (SC)
Sessions	Tipton	Wittman
Shuster	Turner	Wolf
Simpson	Upton	Womack
Smith (MO)	Valadao	Woodall
Smith (NE)	Wagner	Yoder
Smith (NJ)	Walberg	Yoho
Smith (TX)	Walden	Young (AK)
Southerland	Walorski	Young (FL)
Stewart	Weber (TX)	Young (IN)

NOES—194

Andrews	Green, Al	Pallone
Barber	Grijalva	Pascarell
Bass	Gutiérrez	Payne
Beatty	Hahn	Pelosi
Becerra	Hanabusa	Perlmutter
Bera (CA)	Hastings (FL)	Peters (CA)
Bishop (GA)	Heck (NV)	Peters (MI)
Bishop (NY)	Heck (WA)	Peterson
Blumenauer	Higgins	Pingree (ME)
Bonamici	Himes	Pocan
Brady (PA)	Hinojosa	Polis
Braley (IA)	Honda	Price (NC)
Brown (FL)	Hoyer	Quigley
Brownley (CA)	Huffman	Rahall
Bustos	Israel	Rangel
Butterfield	Jackson Lee	Richmond
Capps	Jeffries	Roybal-Allard
Capuano	Jenkins	Ruiz
Cárdenas	Johnson (GA)	Ruppersberger
Carney	Johnson, E. B.	Rush
Carson (IN)	Kaptur	Ryan (OH)
Cartwright	Keating	Sánchez, Linda
Castor (FL)	Kelly (IL)	T.
Castro (TX)	Kennedy	Sanchez, Loretta
Chu	Kildee	Sarbanes
Cicilline	Kilmer	Schakowsky
Clarke	Kind	Schiff
Clay	Kirkpatrick	Schneider
Cleaver	Kuster	Schrader
Clyburn	Langevin	Schwartz
Cohen	Larsen (WA)	Scott (VA)
Connolly	Larson (CT)	Scott, David
Conyers	Lee (CA)	Serrano
Cooper	Levin	Sewell (AL)
Costa	Lewis	Shea-Porter
Courtney	Lipinski	Sherman
Crowley	Loebach	Sinema
Cuellar	Lofgren	Sinema
Cummings	Lowenthal	Sires
Davis (CA)	Lowey	Slaughter
DeFazio	Lujan Grisham	Smith (WA)
DeGette	(NM)	Speier
DeLauro	Luján, Ben Ray	Stivers
DeBene	(NM)	Swalwell (CA)
Deutch	Lynch	Takano
Dingell	Maffei	Thompson (CA)
Doggett	Maloney	Thompson (MS)
Doyle	Carolyn	Tierney
Duckworth	Maloney, Sean	Titus
Edwards	Markey	Tonko
Ellison	Matsui	Tsongas
Engel	McCollum	Van Hollen
Enyart	McDermott	Vargas
Eshoo	McGovern	Veasey
Esty	McNerney	Vela
Farr	Meeks	Velázquez
Fattah	Meng	Visclosky
Foster	Michaud	Walz
Frankel (FL)	Miller, George	Wasserman
Fudge	Moore	Schultz
Gabbard	Moran	Waters
Gallego	Nadler	Watt
Garamendi	Napolitano	Waxman
Neal	Neal	Welch
Nolan	Nolan	Wilson (FL)
O'Rourke	O'Rourke	Yarmuth
Owens	Owens	

NOT VOTING—10

Campbell	Hunter	Schock
Grimm	McCarthy (NY)	Shimkus
Holt	Negrete McLeod	
Horsford	Rogers (MI)	

□ 2156

Mrs. CAPITO changed her vote from "no" to "aye."  
So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 28 OFFERED BY MR. GARAMENDI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GARAMENDI) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 253, not voting 11, as follows:

[Roll No. 341]

AYES—170

Bass	Gibson	Napolitano
Beatty	Grayson	Neal
Becerra	Green, Al	Nolan
Bera (CA)	Green, Gene	O'Rourke
Bishop (NY)	Grijalva	Pallone
Blumenauer	Gutiérrez	Pascarell
Bonamici	Hahn	Pastor (AZ)
Brady (PA)	Hanabusa	Payne
Braley (IA)	Hastings (FL)	Pelosi
Brown (GA)	Heck (WA)	Perlmutter
Brown (FL)	Herrera Beutler	Peters (CA)
Brownley (CA)	Higgins	Peters (MI)
Bustos	Himes	Peterson
Butterfield	Hinojosa	Pingree (ME)
Capps	Honda	Pocan
Capuano	Huffman	Polis
Cárdenas	Israel	Price (NC)
Carney	Jackson Lee	Quigley
Carson (IN)	Jeffries	Rahall
Cartwright	Johnson (GA)	Roybal-Allard
Castor (FL)	Johnson, E. B.	Ruiz
Castro (TX)	Jones	Ruppersberger
Chu	Keating	Sánchez, Linda
Cicilline	Kelly (IL)	T.
Clarke	Kennedy	Sanchez, Loretta
Cohen	Kildee	Sarbanes
Connolly	Kilmer	Schakowsky
Conyers	Kind	Schiff
Cooper	Kirkpatrick	Schneider
Courtney	Kuster	Schrader
Crowley	Larsen (WA)	Schwartz
Cummings	Larson (CT)	Scott (VA)
Davis (CA)	Lee (CA)	Serrano
Davis, Danny	Levin	Shea-Porter
DeFazio	Lewis	Sherman
DeGette	Lipinski	Sires
Delaney	Loebach	Smith (WA)
DeLauro	Lowenthal	Speier
DelBene	Lynch	Takano
Deutch	Maloney	Thompson (CA)
Doggett	Carolyn	Tierney
Doyle	Markey	Titus
Duckworth	Matsui	Tonko
Edwards	McCollum	Tsongas
Ellison	McDermott	Van Hollen
Engel	McGovern	Vargas
Enyart	McIntyre	Veasey
Eshoo	McKinley	Vela
Esty	McNerney	Velázquez
Farr	Meeks	Walz
Fattah	Meng	Waters
Foster	Michaud	Watt
Frankel (FL)	Miller, George	Waxman
Fudge	Moore	Welch
Gabbard	Moran	Wilson (FL)
Gallego	Murphy (FL)	Yarmuth
Garamendi	Nadler	
Garcia		

NOES—253

Aderholt	Amash	Andrews
Alexander	Amodei	Bachmann



Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Costa  
Cotton  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Dingell  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)

## NOT VOTING—11

Campbell  
Grimm  
Holt  
Horsford

□ 2200

So the amendment was rejected.

The result of the vote was announced as above recorded.

Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Rangel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (OH)  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schweikert  
Scott, Austin  
Scott, David  
Sensenbrenner  
Sessions  
Sewell (AL)  
Shuster  
Simpson  
Sinema  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stewart  
Stivers  
Stockman  
Stutzman  
Swalwell (CA)  
Terry  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Visclosky  
Wagner  
Walberg  
Walden  
Walorski  
Wasserman  
Schultz  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—11

Rush  
Schock  
Shimkus

AMENDMENT OFFERED BY MS. SPEIER  
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. SPEIER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 250, not voting 10, as follows:

[Roll No. 342]

## AYES—174

Amash  
Andrews  
Bass  
Beatty  
Becerra  
Benishek  
Bera (CA)  
Blumenauer  
Braley (IA)  
Brooks (AL)  
Brownley (CA)  
Buchanan  
Burgess  
Capps  
Capuano  
Cárdenas  
Carney  
Cartwright  
Castor (FL)  
Chaffetz  
Chu  
Cicilline  
Clarke  
Clay  
Clyburn  
Cohen  
Conaway  
Connolly  
Conyers  
Crowley  
Cummings  
Daines  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeBene  
DeSantis  
Deutch  
Doggett  
Duffy  
Duncan (SC)  
Edwards  
Ellison  
Eshoo  
Farr  
Foxy  
Frankel (FL)  
Fudge  
Gabbard  
Garamendi  
Gibson  
Gohmert  
Grayson  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)

## NOES—250

Bachmann  
Bachus  
Barber

Bentivolio  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Bonamici  
Bonner  
Boustany  
Brady (PA)  
Brady (TX)  
Bridenstine  
Brooks (IN)  
Broun (GA)  
Brown (FL)  
Bucshon  
Bustos  
Butterfield  
Calvert  
Camp  
Cantor  
Capito  
Carson (IN)  
Carter  
Cassidy  
Castro (TX)  
Chabot  
Cleaver  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Cook  
Cooper  
Costa  
Cotton  
Courtney  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Davis, Rodney  
DeLauro  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dingell  
Doyle  
Duckworth  
Duncan (TN)  
Ellmers  
Engel  
Enyart  
Esty  
Farenthold  
Fattah  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foster  
Franks (AZ)  
Frelinghuysen  
Gallego  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Goodlatte  
Gosar  
Gowdy  
Granger

## NOT VOTING—10

Barton  
Campbell  
Grimm  
Holt

□ 2204

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. CHABOT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 147, noes 273, not voting 14, as follows:

[Roll No. 343]

## AYES—147

Amash	Hartzler	Poe (TX)
Amodei	Heck (NV)	Pompeo
Bachmann	Hensarling	Price (GA)
Barton	Holding	Radel
Benishek	Hudson	Renacci
Bentivolio	Huelskamp	Ribble
Bilirakis	Huizenga (MI)	Rice (SC)
Bishop (UT)	Hultgren	Rigell
Brady (TX)	Hurt	Rohrabacher
Bridenstine	Issa	Rokita
Brooks (IN)	Jenkins	Ros-Lehtinen
Brown (GA)	Johnson, E. B.	Roskam
Buchanan	Johnson, Sam	Ross
Bucshon	Jones	Royce
Burgess	Jordan	Ryan (WI)
Calvert	King (IA)	Salmon
Camp	Kingston	Sanford
Carter	Kline	Scalise
Chabot	Labrador	Schweikert
Chaffetz	LaMalfa	Scott, Austin
Coble	Lamborn	Sensenbrenner
Coffman	Lankford	Sessions
Collins (GA)	Latta	Smith (MO)
Conaway	Long	Smith (NE)
Cook	Luetkemeyer	Smith (TX)
Cramer	Lummis	Southerland
Culberson	Marchant	Stewart
Daines	Massie	Stockman
Davis, Rodney	Matheson	Stutzman
DeSantis	McCaul	Thornberry
Doggett	McClintock	Tiberi
Duffy	McKeon	Tipton
Duncan (SC)	McMorris	Upton
Ellmers	Rodgers	Wagner
Farenthold	Messer	Walberg
Flores	Mica	Walden
Forbes	Miller (FL)	Walorski
Fox	Miller (MI)	Weber (TX)
Franks (AZ)	Mullin	Webster (FL)
Gardner	Mulvaney	Westmoreland
Garrett	Neugebauer	Williams
Gingrey (GA)	Noem	Wilson (SC)
Gohmert	Nugent	Wittman
Gosar	Olson	Woodall
Gowdy	Paulsen	Yoder
Granger	Pearce	Yoho
Graves (GA)	Perry	Young (FL)
Graves (MO)	Petri	Young (IN)
Hall	Pittenger	
Harris	Pitts	

## NOES—273

Aderholt	Bishop (NY)	Butterfield
Alexander	Black	Cantor
Andrews	Blackburn	Capito
Bachus	Blumenauer	Capps
Barber	Bonamici	Capuano
Barletta	Bonner	Cárdenas
Barr	Boustany	Carney
Barrow (GA)	Brady (PA)	Carson (IN)
Bass	Braley (IA)	Cartwright
Beatty	Brooks (AL)	Cassidy
Becerra	Brown (FL)	Castor (FL)
Bera (CA)	Brownley (CA)	Castro (TX)
Bishop (GA)	Bustos	Chu

Cicilline	Jackson Lee	Pingree (ME)
Clarke	Jeffries	Pocan
Clay	Johnson (GA)	Polis
Cleaver	Johnson (OH)	Posey
Clyburn	Joyce	Price (NC)
Cohen	Kaptur	Quigley
Collins (NY)	Keating	Rahall
Connolly	Kelly (IL)	Rangel
Conyers	Kelly (PA)	Reed
Cooper	Kennedy	Reichert
Costa	Kildee	Richmond
Cotton	Kilmer	Roby
Courtney	Kind	Roe (TN)
Crawford	King (NY)	Rogers (AL)
Crowley	Kinzinger (IL)	Rogers (KY)
Cuellar	Kirkpatrick	Rooney
Cummings	Kuster	Rothfus
Davis (CA)	Lance	Roybal-Allard
Davis, Danny	Langevin	Ruiz
DeFazio	Larsen (WA)	Runyan
DeGette	Latham	Ruppersberger
Delaney	Lee (CA)	Rush
DeLauro	Levin	Ryan (OH)
DelBene	Lewis	Sánchez, Linda
Denham	Lipinski	T.
Dent	LoBiondo	Sanchez, Loretta
DesJarlais	Loeb	Sarbanes
Deutch	Loeb	Schakowsky
Dingell	Lofgren	Schiff
Doyle	Lowenthal	Schneider
Duckworth	Lowe	Schock
Duncan (TN)	Lucas	Schwartz
Edwards	Lujan Grisham	Scott (VA)
Ellison	(NM)	Scott, David
Engel	Lujan, Ben Ray	Serrano
Enyart	(NM)	Sewell (AL)
Eshoo	Lynch	Shea-Porter
Esty	Maffei	Sherman
Farr	Maloney,	Shuster
Fattah	Carolyn	Simpson
Fincher	Maloney, Sean	Sinema
Fitzpatrick	Marino	Sires
Fleischmann	Markley	Slaughter
Fleming	Matsui	Smith (NJ)
Fortenberry	McCarthy (CA)	Smith (WA)
Foster	McCollum	Speier
Frankel (FL)	McDermott	Stivers
Frelinghuysen	McGovern	Swalwell (CA)
Fudge	McHenry	Takano
Gabbard	McIntyre	Terry
Gallego	McKinley	Thompson (CA)
Garamendi	McNerney	Thompson (MS)
Garcia	Meadows	Thompson (PA)
Gerlach	Meehan	Tierney
Gibbs	Meeks	Titus
Gibson	Meng	Tonko
Goodlatte	Michaud	Tsongas
Grayson	Miller, Gary	Turner
Green, Al	Miller, George	Valadao
Green, Gene	Moore	Van Hollen
Griffin (AR)	Moran	Vargas
Griffith (VA)	Murphy (FL)	Veasey
Grijalva	Murphy (PA)	Vela
Guthrie	Nadler	Velázquez
Gutiérrez	Napolitano	Visclosky
Hahn	Neal	Walz
Hanabusa	Nolan	Wasserman
Hanna	Nunes	Schultz
Harper	Nunnelee	Waters
Hastings (FL)	O'Rourke	Watt
Hastings (WA)	Owens	Waxman
Heck (WA)	Palazzo	Welch
Herrera Beutler	Pallone	Wenstrup
Higgins	Pascrell	Whitfield
Himes	Pastor (AZ)	Wilson (FL)
Hinojosa	Payne	Wolf
Honda	Pelosi	Womack
Hoyer	Perlmutter	Yarmuth
Huffman	Peters (CA)	Young (AK)
Israel	Peters (MI)	
	Peterson	

## NOT VOTING—14

Campbell	Holt	Negrete McLeod
Cole	Horsford	Rogers (MI)
Crenshaw	Hunter	Schrader
Diaz-Balart	Larson (CT)	Shimkus
Grimm	McCarthy (NY)	

□ 2207

So the amendment was rejected.  
The result of the vote was announced as above recorded.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Energy and Water Development and Related Agencies Appropriations Act, 2014".

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. CAPITO) having assumed the chair, Mr. CHAFFETZ, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2609) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes, directed him to report the bill back to the House with sundry amendments adopted in the Committee of the Whole, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mr. SCHNEIDER. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SCHNEIDER. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Schneider moves to recommit the bill H.R. 2609 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 3, line 4, after the dollar amount, insert "(increased by \$650,000)".

Page 3, line 16, after the dollar amount, insert "(increased by \$3,000,000)".

Page 6, line 15, after the dollar amount, insert "(increased by \$7,000,000)".

Page 22, line 5, after the dollar amount, insert "(increased by \$2,000,000)".

Page 28, line 10, after the dollar amount, insert "(reduced by \$12,650,000)".

Page 29, line 2, after the dollar amount, insert "(reduced by \$12,650,000)".

Mr. SCHNEIDER (during the reading). Madam Speaker, I ask unanimous consent to suspend reading of the motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. SCHNEIDER. Madam Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

I rise to offer this motion to recommit to ensure, first, that the Great Lakes and the Mississippi River are protected from the continued threat of invasive species, including and particularly taking practical steps to address the threat of Asian carp to our fishing, tourism, and navigation on our Nation's inland waterways.

Second, that we provide the resources necessary to combat invasive aquatic plant growths that threaten our national fisheries, wildlife, and communities.

Third, that we continue to fund efforts for our coastal communities to help them fully recover from natural disasters, while at the same time proactively prioritizing efforts being made to mitigate future threats to human life and property.

Madam Speaker, the underlying bill represents a historic divestment in American infrastructure, jobs, and energy research.

Instead of prioritizing investments that will safeguard our communities and improve our Nation's navigable waterways, this bill overemphasizes several outdated defense budget expenditures at the expense of making meaningful, forward-looking investments to grow our economy and contribute positively to our environment.

We must not use the guise of fiscal prudence as an excuse to block important investments in alternative energy and basic physical energy research which benefit all sectors of our economy or to block important investments in infrastructure projects to improve our inland waterways and mitigate the potentially devastating consequences of natural disasters or to block investment in weatherization assistance to help our most vulnerable populations.

This bill constitutes a generational abandonment of our communities and children who will have to face the stark reality of the decisions made here today, including a significant rollback of the Clean Water Act.

The proposed amendment does not address all of the concerns I have with the underlying bill, but it will at least help to improve the bill moving forward. Specifically, Asian carp continue to deplete fish stocks and degrade local ecological balance, and must be addressed by a holistic government approach that partners with States to utilize best practices.

This amendment would encourage these partnerships with the States while providing funding that can mean-

ingfully address and prevent the outbreak of this invasive species.

□ 2215

Similarly, the influx of pollution and runoff to our waterways has contributed to an overabundance of aquatic plant life, such as algae blooms in Lake Erie, that choke vital nutrients from our natural ecosystems.

This amendment takes a more practical approach to limiting the causes of this overgrowth, improving our water quality.

The underlying bill also fails to adequately address the continuing needs of coastal communities adversely affected by flooding and other natural disasters.

This amendment would aid in addressing critical vulnerabilities of communities facing severe economic impact from flooding, while prioritizing projects that will help safeguard human life.

Lastly, but very significantly, this amendment would strengthen the current cooperative energy research being performed between the United States and the State of Israel. For almost two decades, we have partnered with Israel in developing scientific, business, and research relationships that contribute positively to the energy sectors of both the U.S. and Israel. This amendment continues that long partnership and capitalizes on our joint research capacities to identify emerging technologies and best practices for manufacturing while efficiently utilizing taxpayer money to continue to strategically benefit both of our nations.

Madam Speaker, the essential provisions of this amendment will only improve the underlying bill, contributing significantly to American job growth, the safety of our communities, and protecting our vital natural resources. I strongly urge my colleagues to support these commonsense changes.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. The House has worked its will over the past 2 days, and dozens of amendments have been considered in a very open and amicable process. This bill strengthens national security, fosters a stronger economy, and maintains important infrastructure that keeps American open for business and promotes job opportunities.

And we do all of this while making some tough, but smart, funding decisions, saving taxpayers \$2.9 billion over last year's enacted level. We have just 2½ months left before the end of the year. This is the time to act. Now is the time to pass our government funding bills. I urge my colleagues to vote against the motion to recommit and to support the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

#### RECORDED VOTE

Mr. SCHNEIDER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by 5-minute votes on the passage of the bill and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—ayes 195, yeas 230, not voting 9, as follows:

[Roll No. 344]

#### AYES—195

Andrews	Fudge	Meng
Barber	Gabbard	Michaud
Barrow (GA)	Gallego	Miller, George
Bass	Garamendi	Moore
Beatty	Garcia	Murphy (FL)
Becerra	Grayson	Nadler
Bera (CA)	Green, Al	Napolitano
Bishop (GA)	Green, Gene	Neal
Bishop (NY)	Grijalva	Nolan
Blumenauer	Gutiérrez	O'Rourke
Bonamici	Hahn	Owens
Brady (PA)	Hanabusa	Pallone
Braley (IA)	Hastings (FL)	Pascarell
Brown (FL)	Heck (WA)	Pastor (AZ)
Brownley (CA)	Higgins	Payne
Bustos	Himes	Pelosi
Butterfield	Hinojosa	Perlmutter
Capps	Honda	Peters (CA)
Capuano	Huffman	Peters (MI)
Cárdenas	Israel	Peterson
Carney	Jackson Lee	Pingree (ME)
Carson (IN)	Jeffries	Pocan
Cartwright	Johnson (GA)	Polis
Castor (FL)	Johnson, E. B.	Price (NC)
Castro (TX)	Kaptur	Quigley
Chu	Keating	Rahall
Ciilline	Kelly (IL)	Rangel
Clarke	Kennedy	Richmond
Clay	Kildee	Roybal-Allard
Cleaver	Kilmer	Ruiz
Clyburn	Kind	Ruppersberger
Cohen	Kirkpatrick	Rush
Connolly	Kuster	Ryan (OH)
Conyers	Langevin	Sánchez, Linda
Cooper	Larsen (WA)	T.
Costa	Larson (CT)	Sanchez, Loretta
Courtney	Lee (CA)	Sarbanes
Crowley	Levin	Schakowsky
Cuellar	Lewis	Schiff
Cummings	Lipinski	Schneider
Davis (CA)	Loebach	Schrader
Davis, Danny	Lofgren	Schwartz
DeFazio	Lowenthal	Scott (VA)
DeGette	Lowey	Scott, David
Delaney	Lujan Grisham	Serrano
DeLauro	(NM)	Sewell (AL)
DelBene	Luján, Ben Ray	Shea-Porter
Deutch	(NM)	Sherman
Dingell	Lynch	Sinema
Doggett	Maffei	Sires
Doyle	Maloney,	Slaughter
Duckworth	Carolyn	Smith (WA)
Edwards	Maloney, Sean	Speier
Ellison	Markey	Swalwell (CA)
Engel	Matheson	Takano
Enyart	Matsui	Thompson (CA)
Eshoo	McCollum	Thompson (MS)
Esty	McDermott	Tierney
Farr	McGovern	Titus
Fattah	McIntyre	Tonko
Foster	McNerney	Tsongas
Frankel (FL)	Meeks	Van Hollen

Vargas  
Veasey  
Vela  
Velázquez  
Visclosky

Walz  
Wasserman  
Schultz  
Waters  
Watt

Waxman  
Welch  
Wilson (FL)  
Yarmuth

□ 2223

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 198, not voting 9, as follows:

[Roll No. 345]

YEAS—227

NOES—230

Aderholt  
Alexander  
Amash  
Amodei  
Bachmann  
Bachus  
Barletta  
Barr  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cotton  
Cramer  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy

NOT VOTING—9

Campbell  
Grimm  
Holt

Horsford  
Negrete McLeod  
Rogers (MI)  
Shimkus

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

Pearce  
Perry  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (FL)  
Young (IN)

Aderholt  
Alexander  
Bachmann  
Bachus  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cotton  
Cramer  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Frelinghuysen  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy

Granger  
Graves (GA)  
Graves (MO)  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Pastor (AZ)

Woodall  
Yoder

Yoho  
Young (AK)

Young (FL)  
Young (IN)

NAYS—198

Amash  
Amodei  
Andrews  
Barber  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
McIntyre  
Farr  
Fattah  
Foster  
Frankel (FL)  
Franks (AZ)  
Fudge  
Gabbard  
Gallego  
Garamendi

Gibson  
Grayson  
Green, Al  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (NV)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Honda  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loebach  
Loftgren  
Lowenthal  
Lowey  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney  
Maloney, Carolyn  
Maloney, Sean  
Markey  
Massie  
Matheson  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Nadler  
Napolitano

NOT VOTING—9

Campbell  
Grimm  
Holt

Horsford  
Negrete McLeod  
Rogers (MI)  
Shimkus

□ 2231

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the

Journal, which the Chair will put *de novo*.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 51

Mr. HUELSKAMP. Madam Speaker, I ask unanimous consent to remove the gentleman from Iowa (Mr. LATHAM) as a cosponsor to H.J. Res. 51.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

#### HOOR OF MEETING ON TOMORROW

Mr. LATHAM. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 34 minutes p.m.), the House stood in recess.

□ 2311

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. NUGENT) at 11 o'clock and 11 minutes p.m.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2642, FEDERAL AGRICULTURE REFORM AND RISK MANAGEMENT ACT OF 2013

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 113-149) on the resolution (H. Res. 295) providing for consideration of the bill (H.R. 2642) to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. CANTOR) for today until 3:30 p.m. on account of the birth of his grandson.

Ms. SINEMA (at the request of Ms. PELOSI) for July 8 and 9 on account of attending memorial service in Arizona for the Prescott Fire Department's Granite Mountain Hotshots.

#### BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on July 2, 2013, she presented to the President of the United States, for his approval, the following bills:

H.R. 324. To grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

H.R. 1151. To direct the Secretary of State to develop a strategy to obtain observer status for Taiwan at the triennial International Civil Aviation Organization Assembly, and for other purposes.

H.R. 2383. To designate the new Interstate Route 70 bridge over the Mississippi River connecting St. Louis, Missouri, and southwestern Illinois as the "Stan Musial Veterans Memorial Bridge".

#### ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, July 11, 2013, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2196. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Scott R. Van Buskirk, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

2197. A letter from the Secretary, Department of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Years 2010-2011; to the Committee on Armed Services.

2198. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Annual Report 2011, pursuant to 42 U.S.C. 5617; to the Committee on Education and the Workforce.

2199. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Efficiency Design Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings [Docket No.: EERE-2011-BT-STD-0055] (RIN: 1904-AC60) received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2200. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a report on The Availability and Price of Petroleum and

Petroleum Products Produced in Countries Other Than Iran; to the Committee on Energy and Commerce.

2201. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Organ Procurement and Transplantation Network (RIN: 0906-AA73) received July 8, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2202. A letter from the Secretary, Department of Health and Human Services, transmitting report to Congress on the Backlog of Postmarketing Requirements (PMR) and Postmarketing Commitments (PMC) for 2012; to the Committee on Energy and Commerce.

2203. A letter from the Surgeon General, Department of Health and Human Services, transmitting fourth annual Status Report from the National Prevention, Health Promotion and Public Health Council; to the Committee on Energy and Commerce.

2204. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Interstate Transport of Fine Particulate Matter [EPA-R06-OAR-2009-0710; FRL-9831-1] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2205. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of the Indianapolis Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter [EPA-R05-OAR-2009-0839; FRL-9832-3] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2206. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Second Ten-Year PM10 Maintenance Plan for Canon City [EPA-R08-OAR-2010-0389; FRL-9832-1] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2207. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans for Georgia: Partial Withdrawal [EPA-R04-OAR-2013-0223; FRL-9831-5] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2208. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York State Ozone Implementation Plan Revision [EPA-R02-OAR-2013-0180; FRL-9830-7] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2209. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; Indiana; Approval of "Infrastructure" SIP with respect to Source Impact Analysis Provisions for the 2006 24-Hour PM2.5 NAAQS [EPA-R05-OAR-2009-0805; FRL-9832-4] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2210. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory

Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: MAGNASTOR System [NRC-2012-0308] (RIN: 3150-AJ22) received July 8, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2211. A letter from the Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2212. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of the Accrued Sick and Safe Leave Act of 2008"; to the Committee on Oversight and Government Reform.

2213. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding Deferred Discharge of Indebtedness Income of Corporations and Deferred Original Issue Discount Deductions [TD 9622] (RIN: 1545-BI96) received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2214. A letter from the Secretary, Department of Energy, transmitting the Department's "2013 Annual Plan for the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Research and Development Program"; jointly to the Committees on Science, Space, and Technology and Natural Resources.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UPTON: Committee on Energy and Commerce. H.R. 2218. A bill to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment; with an amendment (Rept. 113-148). Referred to the Committee of the Whole House on the state of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 295. Resolution providing for consideration of the bill (H.R. 2642) to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018, and for other purposes (Rept. 113-149). Referred to the House Calendar.

#### DISCHARGE OF COMMITTEE

[Omitted from the Record of July 9, 2013]

Pursuant to clause 2 of rule XIII, the Committee on the Judiciary discharged from further consideration. H.R. 819 referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. FOXX (for herself, Mr. KLINE, and Mr. HASTINGS of Florida):

H.R. 2637. A bill to prohibit the Secretary of Education from engaging in regulatory

overreach with regard to institutional eligibility under title IV of the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. POE of Texas (for himself and Mr. CONNOLLY):

H.R. 2638. A bill to direct the President to establish guidelines for United States foreign assistance, and for other purposes; to the Committee on Foreign Affairs.

By Mr. JEFFRIES (for himself and Mr. FARENTHOLD):

H.R. 2639. A bill to amend title 35, United States Code, to add procedural requirements for patent infringement suits, and for other purposes; to the Committee on the Judiciary.

By Mr. WALDEN:

H.R. 2640. A bill to amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes; to the Committee on Natural Resources.

By Mr. MARINO (for himself, Mr. BACHUS, Mr. COBLE, Mr. FRANKS of Arizona, Mr. SMITH of Texas, Mr. AMODEI, and Mr. OWENS):

H.R. 2641. A bill to provide for improved coordination of agency actions in the preparation and adoption of environmental documents for permitting determinations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS:

H.R. 2642. A bill to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018, and for other purposes; to the Committee on Agriculture.

By Mr. FITZPATRICK (for himself, Mr. BARROW of Georgia, Mr. THOMPSON of Pennsylvania, Mr. WELCH, Mr. COFFMAN, Ms. BROWNLEY of California, Mr. MATHESON, and Mr. GRIFFIN of Arkansas):

H.R. 2643. A bill to provide for a review of efforts to reduce Federal agency travel expenses through the use of video conferencing and a plan to achieve additional reductions in such expenses through the use of video conferencing, to implement such plan through rescissions of appropriations, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAPUANO:

H.R. 2644. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to prohibit funding under the Edward Byrne Memorial Justice Assistance grant program and the Public Safety and Community Policing grant program to be provided to law enforcement agencies that use license plate readers unless certain conditions are met; to the Committee on the Judiciary.

By Mr. DUNCAN of Tennessee (for himself and Ms. ROS-LEHTINEN):

H.R. 2645. A bill to prohibit providers of social media services from using self-images uploaded by minors for commercial purposes; to the Committee on Energy and Commerce.

By Ms. HERRERA BEUTLER (for herself, Mr. HUFFMAN, Mr. THOMPSON of California, Mr. DEFazio, Mr. YOUNG of Alaska, and Mr. REICHERT):

H.R. 2646. A bill to direct the Secretary of Commerce to issue a fishing capacity reduction loan to refinance the existing loan funding the Pacific Coast groundfish fishing capacity reduction program; to the Committee on Natural Resources.

By Mr. HIGGINS (for himself, Mr. PALAZZO, Ms. GRANGER, Mr. COLE, Mr. GIBSON, Mr. NADLER, Mr. SIREN, and Mr. YOUNG of Alaska):

H.R. 2647. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide eligibility for public broadcasting facilities to receive certain disaster assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. KELLY of Illinois:

H.R. 2648. A bill to amend chapter 44 of title 18, United States Code, to prohibit the sale or other disposition of a firearm to, and the possession, shipment, transportation, or receipt of a firearm by, certain classes of high-risk individuals; to the Committee on the Judiciary.

By Mr. LATTA:

H.R. 2649. A bill to amend the Communications Act of 1934 to reform the Federal Communications Commission by requiring an analysis of benefits and costs during the rule making process and creating certain presumptions regarding regulatory forbearance and biennial regulatory review determinations; to the Committee on Energy and Commerce.

By Mr. NOLAN:

H.R. 2650. A bill to allow the Fond du Lac Band of Lake Superior Chippewa in the State of Minnesota to lease or transfer certain land; to the Committee on Natural Resources.

By Mr. PAULSEN (for himself, Mr. MATHESON, and Mr. RUPPERSBERGER):

H.R. 2651. A bill to improve the understanding and coordination of critical care health services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERLMUTTER (for himself, Mr. HECK of Washington, Mr. MCDERMOTT, Mr. BLUMENAUER, Mr. POLIS, Mr. SMITH of Washington, Mr. FARR, Mr. KILMER, Mr. MORAN, Ms. NORTON, Mr. CAPUANO, Ms. DELBENE, Mr. COFFMAN, Ms. DEGETTE, Mr. DEFazio, Mr. LOWENTHAL, Ms. PINGREE of Maine, Mr. ROHRBACHER, and Ms. SCHAKOWSKY):

H.R. 2652. A bill to create protections for depository institutions that provide financial services to marijuana-related businesses; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT:

H. Con. Res. 45. Concurrent resolution expressing the sense of Congress that President Barack Obama has violated section 3 of article II of the Constitution by refusing to enforce the employer mandate provisions of the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, House Administration, Rules, and Appropriations, for

a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERS of California:

H. Res. 296. A resolution expressing the sense of the House of Representatives that before the United States ends its commitment in Afghanistan and United States involvement in the conflict draws to a close, the Nation needs to ensure no one is left behind and all members of the United States Armed Forces are accounted for; to the Committee on Armed Services.

## MEMORIALS

### Under clause 3 of rule XII

105. The SPEAKER presented a memorial of the Senate of the State of Nevada, relative to Senate Joint Resolution No. 15 urging the Congress to enact comprehensive immigration reform; to the Committee on the Judiciary.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. FOXF:

H.R. 2637.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. POE of Texas:

H.R. 2638.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Article I, Section 9, Clause 7

By Mr. JEFFRIES:

H.R. 2639.

Congress has the power to enact this legislation pursuant to the following:

Clause 8 of Section 8 of Article I of the Constitution.

By Mr. WALDEN:

H.R. 2640.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14 of the United States Constitution (relating to the power of Congress to make rules for the government and regulation of the land and naval forces), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. MARINO:

H.R. 2641.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 of the United States Constitution, in that the legislation concerns the exercise of legislative powers generally granted to Congress by that section, including the exercise of those powers when delegated by Congress to the Executive; Article I, Section 8 of the United States Constitution, in that the legislation concerns the exercise of specific legislative powers granted to Congress by that section, including the exercise of those powers when delegated by Congress to the Executive; Article

I, Section 8, clause 18 of the United States Constitution, in that the legislation exercises legislative power granted to Congress by that clause "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof;" and Article III, in that the legislation defines or affects powers of the Judiciary that are subject to legislation by Congress.

By Mr. LUCAS:

H.R. 2642.

Congress has the power to enact this legislation pursuant to the following:

The ability to regulate interstate commerce and with foreign Nations pursuant to Article 1, Section 8, Clause 3 includes the power to regulate commodity prices, practices affecting them and the trading or donation of the commodities to impoverished nations. In addition, the Congress has the power to provide for the general Welfare of the United States under Article 1, Section 8, Clause 1 which includes the power to promote the development of Rural America through research and extension of credit.

By Mr. FITZPATRICK:

H.R. 2643.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Article I, Section 8, Clause 1

By Mr. CAPUANO:

H.R. 2644.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Article I, Section 8, Clause 1; and Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. DUNCAN of Tennessee:

H.R. 2645.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18. To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Ms. HERRERA BEUTLER:

H.R. 2646.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 3 of the United States Constitution

By Mr. HIGGINS:

H.R. 2647.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Ms. KELLY of Illinois

H.R. 2648.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, the Commerce Clause and Article I, Section 8, Clause 18, the Necessary and Proper Clause. Additionally, the Preamble to the Constitution provides support of the authority to enact legislation to promote the General Welfare.

By Mr. LATTA:

H.R. 2649.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: Congress shall have the Power... "to regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes."

By Mr. NOLAN:

H.R. 2650.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the United States Constitution vests Congress with the authority to engage in relations with the tribes.

The clause states that the United States Congress shall have power "to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

By Mr. PAULSEN:

H.R. 2651.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. PERLMUTTER:

H.R. 2652.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 129: Mr. LYNCH.

H.R. 198: Mr. DEFazio.

H.R. 274: Ms. CASTOR of Florida and Mr. CICILLINE.

H.R. 275: Mr. LATHAM.

H.R. 310: Mr. YOUNG of Indiana.

H.R. 322: Mr. YOUNG of Indiana.

H.R. 333: Ms. SHEA-PORTER, Mr. CRAMER, Mr. RIGELL, Mr. LATHAM, and Mr. SMITH of Missouri.

H.R. 352: Mr. MCCAUL, Mr. AMASH, Mr. HUELSKAMP, Mr. BROOKS of Alabama, Mrs.

LUMMIS, Mr. YODER, Mr. STOCKMAN, Mr. ALEXANDER, Mr. GOWDY, Mr. HARRIS, and Mr. SMITH of Texas.

H.R. 367: Mr. POMPEO.

H.R. 460: Ms. CASTOR of Florida and Mr. COHEN.

H.R. 485: Mr. COSTA and Mr. MCDERMOTT.

H.R. 521: Ms. GABBARD and Mr. POCAN.

H.R. 523: Mr. CÁRDENAS.

H.R. 556: Mr. BOUSTANY and Mr. GINGREY of Georgia.

H.R. 582: Mr. LATHAM.

H.R. 596: Mr. STIVERS and Mr. GALLEG0.

H.R. 630: Ms. JACKSON LEE.

H.R. 647: Mr. BILIRAKIS, Mr. LATHAM, and Mr. WITTMAN.

H.R. 683: Ms. FRANKEL of Florida and Mr. COHEN.

H.R. 685: Mr. ANDREWS.

H.R. 690: Ms. PINGREE of Maine and Mr. RIGELL.

H.R. 698: Ms. ROS-LEHTINEN, Mr. COHEN, and Mr. POCAN.

H.R. 760: Ms. SHEA-PORTER.

H.R. 763: Mr. SMITH of Nebraska.

H.R. 769: Mr. VEASEY.

H.R. 818: Mr. ISSA.

H.R. 850: Ms. GRANGER.

H.R. 851: Mrs. BUSTOS.

H.R. 924: Mr. CARTWRIGHT and Mr. NEAL.

H.R. 948: Mr. CARTWRIGHT.

H.R. 1005: Mr. KINGSTON.

H.R. 1020: Mr. POLIS, Mr. HECK of Nevada, and Ms. ROS-LEHTINEN.

H.R. 1024: Mr. MEEKS, Mr. YOUNG of Indiana, and Mr. ROTHFUS.

H.R. 1037: Mr. CARTWRIGHT.

H.R. 1070: Mr. HUFFMAN.

H.R. 1077: Mr. LOEBSACK.

H.R. 1094: Mr. DELANEY.

H.R. 1125: Mr. VALADAO.

H.R. 1148: Mr. LOEBSACK.

H.R. 1199: Mr. DEFazio.

H.R. 1205: Mr. TERRY.

H.R. 1250: Mr. CLEAVER and Mr. LANGEVIN.



H.R. 1263: Mr. PAULSEN.  
 H.R. 1332: Mr. CARTWRIGHT.  
 H.R. 1339: Mr. FITZPATRICK, Mr. VELA, and Ms. TITUS.  
 H.R. 1395: Ms. MCCOLLUM.  
 H.R. 1416: Mr. MCINTYRE and Mr. CAMP.  
 H.R. 1443: Mr. MCGOVERN.  
 H.R. 1461: Mrs. LUMMIS, Mr. POE of Texas, and Mr. MARINO.  
 H.R. 1473: Mrs. BLACKBURN.  
 H.R. 1494: Mr. THOMPSON of California.  
 H.R. 1507: Mr. SCHNEIDER, Mr. BARROW of Georgia, Mr. VALADAO, Mr. RIBBLE, and Mr. COHEN.  
 H.R. 1553: Mr. SMITH of Missouri, Mr. GOSAR, Mr. SMITH of Nebraska, Ms. KUSTER, Mr. POMPEO, and Mr. JOHNSON of Ohio.  
 H.R. 1563: Mr. WEBSTER of Florida.  
 H.R. 1585: Mr. CARTWRIGHT.  
 H.R. 1616: Mr. HIMES and Mr. LOEBSACK.  
 H.R. 1666: Mr. COHEN, Mr. VELA, Mr. FITZPATRICK, and Ms. TITUS.  
 H.R. 1690: Mr. COSTA, Mr. NOLAN, and Mr. GENE GREEN of Texas.  
 H.R. 1692: Mr. POCAN.  
 H.R. 1696: Mr. KEATING and Mr. HIMES.  
 H.R. 1698: Mr. VEASEY.  
 H.R. 1717: Mr. SMITH of Missouri.  
 H.R. 1731: Mr. RICHMOND.  
 H.R. 1739: Mr. CARTWRIGHT.  
 H.R. 1748: Mr. MCGOVERN.  
 H.R. 1763: Mr. SWALWELL of California and Ms. LEE of California.  
 H.R. 1771: Mrs. BLACKBURN and Mr. KENNEDY.  
 H.R. 1772: Mr. SESSIONS.  
 H.R. 1779: Mr. MCKINLEY.  
 H.R. 1780: Mrs. BROOKS of Indiana.  
 H.R. 1787: Ms. PINGREE of Maine, Mr. FARENTHOLD, Mr. HINOJOSA, and Mr. WILLIAMS.  
 H.R. 1798: Mr. VISCLOSKEY.  
 H.R. 1806: Mr. LOEBSACK.  
 H.R. 1825: Mr. YOHIO.  
 H.R. 1843: Mr. BRALEY of Iowa.  
 H.R. 1869: Mrs. KIRKPATRICK and Mr. COOPER.  
 H.R. 1874: Mr. MEADOWS.  
 H.R. 1890: Mr. CONYERS, Mr. CONNOLLY, and Mr. MCGOVERN.  
 H.R. 1908: Mr. KINGSTON, Mr. ROE of Tennessee, Mr. JORDAN, and Mr. COLLINS of Georgia.  
 H.R. 1920: Mr. MEEKS.  
 H.R. 1921: Mr. SMITH of Washington.  
 H.R. 1950: Mr. KINGSTON.  
 H.R. 1962: Mr. CARTWRIGHT and Mr. LABRADOR.  
 H.R. 1979: Mr. WAXMAN.  
 H.R. 1995: Mr. O'ROURKE and Mr. LANGEVIN.  
 H.R. 1998: Ms. DELAURO, Mr. CONYERS, Ms. WILSON of Florida, Ms. KUSTER, Mr. ANDREWS, Mr. CARSON of Indiana, Mr. PAYNE, Mr. SMITH of New Jersey, and Mr. ENGEL.  
 H.R. 2002: Mr. WALZ, Mr. MCGOVERN, and Ms. DELAURO.  
 H.R. 2009: Mrs. BACHMANN, Mr. STOCKMAN, Mr. ROSS, Mr. YOUNG of Indiana, Mrs. LUMMIS, and Mr. BROOKS of Alabama.  
 H.R. 2010: Mr. KINGSTON.  
 H.R. 2011: Mr. MEEKS.  
 H.R. 2016: Mr. MCGOVERN.  
 H.R. 2051: Mr. GALLEGRO.  
 H.R. 2086: Mr. DEUTCH and Mr. JONES.  
 H.R. 2116: Ms. LEE of California.  
 H.R. 2137: Mr. OWENS and Mrs. CAROLYN B. MALONEY of New York.  
 H.R. 2169: Ms. SEWELL of Alabama.  
 H.R. 2178: Mrs. KIRKPATRICK.  
 H.R. 2182: Mr. BLUMENAUER.  
 H.R. 2218: Mr. KING of New York and Mr. COTTON.  
 H.R. 2273: Mr. RENACCI.  
 H.R. 2315: Ms. SCHWARTZ and Mr. CARSON of Indiana.

H.R. 2319: Mr. CRAMER.  
 H.R. 2347: Mr. COTTON.  
 H.R. 2387: Mr. ISRAEL.  
 H.R. 2399: Mr. KINGSTON, Mr. HUELSKAMP, and Mr. POE of Texas.  
 H.R. 2424: Mr. BLUMENAUER.  
 H.R. 2426: Mr. JONES.  
 H.R. 2445: Mr. BRIDENSTINE, Mr. STEWART, Mr. FLORES, Mr. FARENTHOLD, Mr. BRADY of Texas, Mr. GOHMERT, Mr. MULVANEY, Mr. NEUGEBAUER, Mr. SALMON, Mr. BROOKS of Alabama, Mr. FRANKS of Arizona, Mr. LAMALFA, Mr. MCCLINTOCK, and Mr. CARTER.  
 H.R. 2447: Mr. BERA of California and Ms. ESTY.  
 H.R. 2448: Ms. SPEIER.  
 H.R. 2449: Mr. PIERLUISI and Mr. KELLY of Pennsylvania.  
 H.R. 2464: Ms. LEE of California, Mr. PAYNE, Mr. MEEKS, Mr. DANNY K. DAVIS of Illinois, Mr. SCOTT of Virginia, and Ms. EDWARDS.  
 H.R. 2465: Ms. LEE of California, Mr. PAYNE, Mr. MEEKS, Mr. DANNY K. DAVIS of Illinois, Mr. SCOTT of Virginia, Mrs. BEATTY, and Ms. EDWARDS.  
 H.R. 2485: Mr. O'ROURKE.  
 H.R. 2494: Mr. FORTENBERRY.  
 H.R. 2498: Ms. KUSTER.  
 H.R. 2504: Mr. TERRY, Mr. DUFFY, Mr. SENBRENNER, and Mr. LOEBSACK.  
 H.R. 2523: Mr. PETERS of California and Mr. DAVID SCOTT of Georgia.  
 H.R. 2540: Mr. MCGOVERN.  
 H.R. 2542: Ms. HERRERA BEUTLER and Mr. COLLINS of New York.  
 H.R. 2544: Mr. LAMALFA.  
 H.R. 2547: Mr. KING of New York.  
 H.R. 2553: Mr. CARTWRIGHT.  
 H.R. 2560: Ms. LEE of California and Mrs. BEATTY.  
 H.R. 2565: Mr. KINGSTON, Mr. BROOKS of Alabama, and Mr. BARBER.  
 H.R. 2575: Mr. KINGSTON, Mr. LANKFORD, and Mr. CARTER.  
 H.R. 2579: Mr. MCCLINTOCK and Mr. KINGSTON.  
 H.R. 2590: Mr. LOEBSACK, Mr. CICILLINE, Mrs. KIRKPATRICK, and Mr. SCHRADER.  
 H.R. 2592: Mr. LARSEN of Washington and Mr. MCNERNEY.  
 H.R. 2606: Mr. WELCH.  
 H.R. 2619: Mr. LOEBSACK and Mr. BISHOP of Georgia.  
 H.J. Res. 47: Mr. HALL.  
 H.J. Res. 51: Mr. CARTER, Mr. GARRETT, Mr. BENTIVOLIO, Mr. LAMALFA, and Mr. NUGENT.  
 H. Con. Res. 34: Mr. PETERSON.  
 H. Con. Res. 41: Ms. LORETTA SANCHEZ of California, Mr. FALEOMAVAEGA, Mr. JOHNSON of Georgia, and Ms. LEE of California.  
 H. Res. 35: Mrs. WAGNER and Mr. GRIFFITH of Virginia.  
 H. Res. 104: Mr. SIMPSON.  
 H. Res. 131: Ms. MICHELLE LUJAN GRISHAM of New Mexico.  
 H. Res. 201: Mr. CARTWRIGHT.  
 H. Res. 227: Mr. COURTNEY and Mr. BILIRAKIS.  
 H. Res. 250: Mr. ADERHOLT.  
 H. Res. 284: Mr. CONNOLLY.  
 H. Res. 285: Mr. DIAZ-BALART, Ms. BROWN of Florida, Ms. WASSERMAN SCHULTZ, Ms. ROSELEHTINEN, Mr. CONYERS, Mr. CLAY, Ms. GABBARD, Mr. TIERNEY, Ms. KUSTER, Mr. COFFMAN, Ms. DELBENE, Mr. LARSEN of Washington, Mr. FALEOMAVAEGA, Ms. ROYBAL-ALLARD, Ms. MATSUI, and Mr. MCNERNEY.  
 H. Res. 293: Mr. GARRETT, Mr. JORDAN, Mr. BROOKS of Alabama, Mr. PITTS, Mr. WITTMAN, Mr. WALBERG, Mr. LATTA, Mr. OLSON, Mr. ROE of Tennessee, Mr. RODNEY DAVIS of Illinois, Mr. FLORES, Mr. CASSIDY, Mrs. LUM-

MIS, Mr. BISHOP of Utah, Mr. COLE, Mr. YODER, Mr. FLEMING, Mr. CONAWAY, Mr. POSEY, Mr. LAMBORN, Mr. STOCKMAN, Mr. PRICE of Georgia, Mr. KING of Iowa, Mr. MULVANEY, Mr. NEUGEBAUER, Mr. SALMON, Mr. BURGESS, Mr. SOUTHERLAND, Mr. FRANKS of Arizona, Mr. HUDSON, Mr. MCCLINTOCK, Mrs. HARTZLER, Mr. DAINES, Mr. RIBBLE, and Mr. GRIJALVA.

### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. LUCAS

The provisions that warranted a referral to the Committee on Agriculture in H.R. 2642 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative ALAN LOWENTHAL, or a designee, to H.R. 761 the National Strategic and Critical Minerals Production Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

### DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 51: Mr. LATHAM.

### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2609

OFFERED BY: MR. GRAYSON

AMENDMENT No. 36: At the end of the bill (before the short title), insert the following: SEC. \_\_\_\_ The amounts otherwise provided by this Act are revised by reducing the amount made available for "Corps of Engineers-Civil-Operation and Maintenance", and increasing the amount made available for "Corps of Engineers-Civil-Flood Control and Coastal Emergencies", by \$10,000,000.

H.R. 2609

OFFERED BY: MR. LYNCH

AMENDMENT No. 37: At the end of the bill (before the short title), insert the following: SEC. \_\_\_\_ The amounts otherwise provided by this Act are revised by reducing the amount made available for "Department of Energy-Energy Programs-Fossil Energy Research and Development", and increasing the amount made available for "Corps of Engineers-Civil-Construction", by \$20,000,000.

H.R. 2609

OFFERED BY: MR. NUGENT

AMENDMENT No. 38: At the end of the bill (before the short title), insert the following: SEC. \_\_\_\_ None of the funds made available by this Act may be used by a private entity to bring an action against the United States or its agents.

H.R. 2609

OFFERED BY: MR. LAMALFA

AMENDMENT No. 39: At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to regulate activities identified in subparagraphs (A) and (C) of section 404(f)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1344(f)(1)(A), (C)).

H.R. 2609

OFFERED BY: MR. GRAYSON

AMENDMENT No. 40: At the end of the bill, (before the short title), insert the following:

SEC. \_\_\_\_\_. The amounts otherwise provided by this Act are revised by reducing the amount made available for “Energy Programs—Fossil Energy Research and Development”, and increasing the amount made available for “Corps of Engineers-Civil—Flood Control and Coastal Emergencies”, by \$10,000,000.

H.R. 2609

OFFERED BY: MR. FLEMING

AMENDMENT No. 41: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to pay the salary of any officer or employee to carry out section 301 of the Hoover Power Plant Act of 1984 (42 U.S.C. 16421a; added by section 402 of the American Recovery and Reinvestment Act of 2009 (P.L. 111-5)).

## EXTENSIONS OF REMARKS

ACKNOWLEDGING ALEX FERREIRA'S SERVICE TO THE PLACER COUNTY WATER AGENCY

**HON. TOM MCCLINTOCK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 10, 2013*

Mr. MCCLINTOCK. Mr. Speaker, I rise today to recognize Alex Ferreira who will be retiring from the Placer County Water Agency after serving 17 years on the Board of Directors.

Mr. Ferreira began his long career of service as an infantryman of the U.S. Army during World War II. Ferreira celebrated his 19th birthday in May 1945 during the Battle of Okinawa. Rising to the rank of Sergeant, Ferreira was among the American forces that served in Japan to secure peace following the end of the war.

A lifelong resident of Placer County, Ferreira returned home to Lincoln after the war to farm, raise a family, and continue his public service through local government.

Ferreira entered public office in June 1966 when he was appointed to the Nevada Irrigation District Board as the Placer County representative. He later was elected to the Placer County Board of Supervisors, a position he held for over 20 years. In 1997, Ferreira began serving on the Board of Directors of the Placer County Water Agency. He has been recognized by his peers at the water agency as having been instrumental in the formation of the "Western Placer Agriculture Water Service Zone 5" and the Middle Fork Project Authority.

Ferreira's dedication to his community is further exemplified by his service on the Placer County Grand Jury, the Gold Country Fair Board, membership in the Placer Farm Bureau, Tahoe Cattlemen's Association and other agricultural and community organizations.

After a career of public service that has spanned more than 6 decades, Ferreira is embarking on a well-earned retirement, at the age of 87, planning to spend time with his wife Bonnie on their Lincoln ranch.

It is my honor to rise today in appreciation and acknowledgement of his service to our country and community.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE LABORERS UNION LOCAL 165

**HON. CHERI BUSTOS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 10, 2013*

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate the Laborers International Union

of North America (LIUNA), Local 165 on the occasion of their 100th Anniversary.

LIUNA is a progressive, fast growing union of construction workers that are at the forefront of their industry, with over a half million members across the United States and Canada.

I understand and appreciate the important role that organized labor, and chapters such as Local 165, play in our communities here in the 17th Congressional District of Illinois and across the country. Organizations such as LIUNA have a tremendous positive impact on the working families of Illinois.

Mr. Speaker, I again want to congratulate the Laborers Local 165 on this notable event, and am glad that organizations like theirs exist, and I thank them for their contributions to our community.

COMMENDING THE VENTURA COUNTY VETERANS FUND

**HON. JULIA BROWNLEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 10, 2013*

Ms. BROWNLEY of California. Mr. Speaker, today I commend the services provided to our nation's veterans through the Ventura County Veterans Fund.

In 2013, \$75,000 will be awarded to various organizations that offer fundamental services to veterans and their family members through the Ventura County Veterans Fund. These organizations pay particular attention to those veterans who have returned from war and are transitioning to civilian life. This year's recipients of Ventura County Veterans Fund Grants are: California Lutheran University, California State University Channel Islands Foundation, Oxnard College, Reins of H.O.P.E., Turning Point Foundation, Ventura County Jewish Family Services and White Heart Foundation.

I am profoundly grateful for the service and sacrifices of our nation's veterans, members of the U.S. Armed Forces, and their families. As a member of the House Veterans Affairs Committee, I understand the struggles our heroes face when they return from war and transition to civilian life. The services that will be provided from the Ventura County Veterans Fund Grants will ease this transitional process and allow our veterans to become leaders in our communities.

I also wish to pay tribute to the hard work of the Gold Coast Veterans Foundation and the Ventura County Community Foundation. Their diligence for Ventura veterans is commendable and greatly appreciated. The grants being awarded this year through the Ventura County Veterans Fund would not be possible without the tireless work of these organizations.

I ask my colleagues to join me in supporting our nation's veterans through the valuable

services that organizations like Gold Coast Veterans Foundation, Ventura County Community Foundation, and other Veteran Service Organizations provide our veterans on a daily basis.

HONORING SUPERVISOR PAUL TEIXEIRA

**HON. LOIS CAPPS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 10, 2013*

Mrs. CAPPS. Mr. Speaker, today I regretfully rise to honor the memory of San Luis Obispo County 4th District Supervisor Paul Teixeira from Nipomo, CA, who passed away June 26, 2013 at his home.

Supervisor Teixeira was elected in 2010, representing the communities of Arroyo Grande, Oceano and Nipomo and was the current Chairman of the SLO County Board of Supervisors. As a third generation Californian raised in southern San Luis Obispo County, Supervisor Teixeira graduated Arroyo Grande High School and attended Allan Hancock College and Cal Poly State University, studying agricultural management. After school, he went to work at Kaman Industrial Technologies in Santa Maria as an operations manager for 22 years.

Supervisor Teixeira was an example of a committed community member and leader, where he served on the Lucia Mar Unified School District Board and the San Luis Obispo County Parks Commission. He was involved with many community groups such as Rotary, 4-H, FFA, Dana Adobe Nipomo Amigos, Salvation Army of Santa Maria Valley and Jack Ready Park & Jack's Helping Hand. His honors include Lifetime Achievement Award from the Nipomo Chamber of Commerce, Distinguished Rotarian of the Rotary Club of Nipomo and Honorary Chapter Degree from Nipomo Future Farmers of America. Supervisor Teixeira is survived by his wife Deanna and five children.

On a personal note, Paul always extended a gracious hand when working together on issues of importance to our community. He was a kind man of character who cared for his constituents and I am honored to have worked with him.

Paul's passing will be felt deeply by the many people who knew and worked with him. The San Luis Obispo community will miss an invaluable leader and friend. I offer my most heartfelt condolences to Paul's family and friends. Please join me in honoring this exemplary American and San Luis Obispo County resident.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A TRIBUTE IN HONOR OF THE  
LIFE OF KENZO KAMEI

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 2013

Ms. ESHOO. Mr. Speaker, I rise today to honor the life of an extraordinary man, Kenzo Kamei, who was born in Vacaville, California on August 28, 1931, and died on June 1, 2013. Kenzo Kamei spent his early years in Japan where he attended elementary and secondary school. He returned to California at the age of 18, and worked with his parents harvesting crops and working on farms. As a young man he met and married Ruth Kisa "Kisako" Nishimoto in Sunnyvale, California, and shortly thereafter the couple was interned at Heart Mountain, Wyoming.

Kenzo Kamei kept many mementos which documented his time at Heart Mountain . . . his daily work release pay stubs recording his earnings of \$18 per month, the highest in the camp, and the receipt that he was given on his final release from the Camp, giving him \$28, or \$5 per day for five days of travel, and \$3 for subsistence enroute. These artifacts are now part of an interpretive center built by the Heart Mountain Wyoming Foundation, a non-profit group that has made it its mission to tell the many stories of internment, about triumph and tragedy, prejudice and friendship. After being released from internment, Kenzo and Ruth returned to Sunnyvale. Kenzo worked as a gardener and warehouseman, and he and Ruth saved enough money to launch Kamei Nursery, Inc., a grower of award-winning flowers, in Mountain View, California. They opened nurseries in Mountain View and Morgan Hill, and they were key in founding the Buddhist Temple in Mountain View.

Kenzo Kamei was a devoted husband who spent several years caring for his beloved wife of 70 years, who passed away on June 8, 2012. Kenzo leaves his son Kenneth; his daughters, Eileen (Robert) Eng, and Judy (Steve) Inamori. He also leaves his adored grandchildren, Ami, Ellen and Jonathan Kamei; Emily Eng Holbrook, Laura Eng Derdenger and Julia Eng; and Bradley, Gregory and Kathryn Inamori. He also leaves his great-grandson Davis Patrick Derdenger, and many nieces and nephews.

Mr. Speaker, Kenzo Kamei was an extraordinary American who will be greatly missed by his family and his community. I ask my colleagues to join me in extending our condolences to his family and friends who mourn his passing and honor his life which was lived in dignity and accomplishment.

PERSONAL EXPLANATION

**HON. TOM COLE**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 2013

Mr. COLE. Mr. Speaker, on July 9, 2013, I was unavoidably detained and was not present for rollcall vote No. 316. Had I been present, I would have voted "no."

HONORING THE LIFE OF WESTON  
"BITZIE" CONLEY OF MORATTICO,  
TICO, VA

**HON. ROBERT J. WITTMAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 2013

Mr. WITTMAN. Mr. Speaker, I rise today to pay tribute to the memory of a proud citizen of Morattico, Virginia, a man whose friendship I have valued for many years. The late Weston "Bitzie" Conley was truly a pillar of his community, and his legacy will undoubtedly live on in Lancaster County and across Virginia's Northern Neck.

During our time working together in both the seafood and the banking industries, Bitzie was a first-class Virginia gentleman, exhibiting the highest qualities of integrity, selflessness, and compassion for his neighbors. My thoughts and prayers go out to his wife, Dorothy Lee, his daughter, Connie, and to his many loved ones in this time of mourning. I would like to submit an article from the Rappahannock Record about Bitzie's life and his many passions.

[From Rappahannock Record, June 13, 2013]

WESTON 'BITZIE' CONLEY, SEAFOOD INDUSTRY  
AND COMMUNITY LEADER, DIES

(By Audrey Thomasson)

MORATTICO.—He was known as "Bitzie" to his friends and family. But Weston Franklin Conley Jr. was a giant when it came to serving the community he loved. On Friday, the 78-year-old businessman and local philanthropist quietly passed away at his Morattico home with his wife of 56 years, Dorothy Lee Clark, and daughter, Constance Elaine, by his side.

Conley was a force of inspiration in this community and a motivator for others, according to community leaders.

"He was a tremendous asset in how to conduct business and was a great help to me on the YMCA board," said District 4 supervisor William Lee, who succeeded Conley as board chairman. "I gained so much from just listening to him."

Lee, who served on several community boards with Conley, noted he was a man of integrity and generosity in both his business and personal endeavors.

"He was not slanted or biased. He always gave his honest opinion. Once he said to me, 'Bill, I wouldn't have what I have now if it wasn't for the black community.' I think he was referring to all the men and women who worked for his seafood company picking crabs. Anybody that needed something could go to him. He gave of his time and talents beyond his resources," said Lee.

LEGACY

Part of Conley's legacy is evident in the growth and success of the Northern Neck YMCA.

Mark Favazza, branch executive of the YMCA, said Conley's fiscal wisdom, integrity, strategic thinking and coalition building made him an important leader in the development of the Kilmarnock facility, including heading the capital campaign that led to the Wiley Child Development Center.

"He wanted a place where children could be safe, families could find support, and everyone was welcome . . . He was the kind of man who worked privately and led behind the scenes . . . His humble service left an en-

during impact on our YMCA, the Wiley Center . . . and me," said Favazza.

MORATTICO'S "MAYOR"

Conley's devotion to his heritage and home town exemplified his all-in style when he purchased Morattico's General Store in 2003 and donated it to the community as the Morattico Waterfront Museum, which he helped establish. No doubt Conley wanted to preserve fond memories of growing up and working in the general store his parents owned and operated for 18 years beginning in 1935, a year after his birth in Baltimore.

Today, the museum also serves as a community center for the families of Morattico. The first floor remains much like the general store of his youth while the second floor pays homage to the town's watermen.

"Everyone here called him Morattico's unofficial mayor," said Liz Failmezger, a village resident and former member of the museum board. "This is the saddest loss. He was one of the first people to welcome those of us who moved here. He was so genuine—and a true gentleman. He was our go-to guy for everything."

MENTOR AND FRIEND

"The county has lost one of its most prominent and charitable citizens," said District 1 supervisor and board chairman Butch Jenkins, a longtime friend.

Jenkins was only five years old when he met the "hard-charging" Conley, a man he always knew as Bitzie.

"He treated me as a little adult," said Jenkins. "I do not know when I became his friend, but he was my friend by the time I was six years old."

Later, when Jenkins decided to run for supervisor, he sought his older friend's counsel. "And good advice his proved to be," he said. "Over my time on the board, I often sought his feelings on pending issues . . . , although we sometimes disagreed. "When I persisted, he told me, 'Butch, you usually do all right, but sometimes, you can be a little hard-headed.'"

Jenkins described Conley as "a gifted friend who cared enough to tell me exactly what he thought and, as my friend, forgave me anyway for doing what he believed to be wrong."

"My sense of loss, as strong as it is to me, must pale to that experienced by his widow, Dorothy Lee, and daughter, Connie . . . and all the members of the extended family he broadened so freely and gladly. I can only hope . . . that the mercy of our Savior will relieve us in time of the pain of our loss and allow us only to revel in the joy of . . . sharing in the life of this good, caring man," Jenkins said.

LEADER

Conley attended Lively High School and Richmond Professional Institute. After serving in the U.S. Army, he returned to the region, working in Richmond and Norfolk before moving back to Lancaster to begin a career in the seafood industry. He became co-owner of RCV (Richardson, Chase and Venable) Seafood Corporation, Smith Point Seafood Inc. in Reedville and Rappahannock Seafood Company in Kilmarnock, processing plants mostly for crabs shipped to national chains like Giant Food and Campbell Soup.

Conley proceeded to become a leading member of many industry and professional organizations, including the Virginia Marine Products Commission, Shellfish Institute of North America and National Blue Crab Industry Association. He was a long-standing member of many boards including 25 years with Bank of Lancaster, Bay Banks of Virginia Inc., chairing the loan committee for 20

years, Northern Neck Planning Commission, Lancaster-Middlesex Community Reinvestment Advisory and chairman of the Lancaster County Economic Development Authority (formerly the Industrial Development Authority).

He had perfect attendance at the Lancaster Ruritan Club for 50 years and was a 25-year member of the Chesapeake District Ruritan National Crab Feast Committee.

As a dedicated, lifelong member of Emmanuel United Methodist Church, he served the church in many leadership roles, including on the board of trustees.

Funeral services were held Tuesday. Memorial gifts may be made to the Norwood Baptist Church Cemetery Fund, P.O. Box 85, Morattico, VA 22523, Northern Neck Family YMCA, Morattico Waterfront Museum or Hospice of Virginia.

### THE VIETNAMESE PEOPLE DESERVE BETTER

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 10, 2013*

Mr. WOLF. Mr. Speaker, as one of four bipartisan co-chairs of the Congressional Vietnam Caucus I have witnessed a deteriorating human rights situation in Vietnam in recent years which has been met with a complete lack of urgency and priority on the part of the Obama administration.

In fairness this posture is not unlike that of the previous administration which also preferred a bilateral relationship defined almost exclusively by trade—unmarred by thorny matters such as human rights and religious freedom abuses.

I was critical then, too. I submit for the RECORD an April 2007 letter I sent to Secretary of State Condoleezza Rice, citing several recent arrests and assaults carried out by the government of Vietnam against the Vietnamese people in which I urged the State Department, a request which fell on deaf ears, to consider cancelling the planned visit to the United States of the Vietnamese president and prime minister if the situation did not improve.

Sadly the situation in Vietnam has only worsened since that time. A July 8 ABC News story reported, "Since the start of this year more than 50 people have been convicted and jailed in political trials."

The government of Vietnam, which our own State Department describes as an "authoritarian state ruled by a single party," continues to suppress political dissent and severely limit freedom of expression, association, and public assembly. Religious activists are subject to arbitrary arrest.

On May 5, police violently broke up peaceful "human rights picnics" in several different cities in Vietnam where young bloggers and activists were disseminating and discussing the Universal Declaration of Human Rights and other human rights documents. Human Rights Watch reported that, "The police also employed other methods to prevent the human rights picnics from occurring. In Hanoi, youth delegations were sent to intimidate picnickers at Nghia Do Park, chanting slogans such as 'Long Live the Glorious Communist Party of Vietnam' and 'Long Live Ho Chi Minh.'"

On May 16, 2013, Nguyen Phuong Uyen, 21, and Dinh Nguyen Kha, 25, were sentenced to 6 years and 8 years in prison respectively simply for handing out pamphlets that were characterized by the court as "propaganda against the state." Radio Free Asia reported that the pair were "convicted under Article 88 of the penal code, a provision rights groups say the government has used to muzzle dissent, and both will serve three years of house arrest following their prison terms."

Police also violently broke up anti-China protests in Hanoi on June 2, 2013 and arrested more than twenty people en masse.

Last year, the Tom Lantos Human Rights Commission, which I co-chair, convened a hearing focused on human rights abuses in Vietnam. During the hearing Members of Congress heard testimony from Mrs. Mai Huong Ngo, the wife of Dr. Nguyen Quoc Quan, a Vietnamese-American democracy activist and U.S. citizen. Upon his arrival in Vietnam on April 17, 2012 he was arbitrarily detained and imprisoned. Then Assistant Secretary for Democracy, Human Rights and Labor, Michael Posner testified at the Lantos Commission hearing and revealed that no one from the State Department had been in touch with Dr. Quan's wife since his detention. Only at my urging did U.S. ambassador to Vietnam David Shear initiate contact with Mrs. Ngo to update her on her husband's situation.

This is but one of many examples of the U.S. embassy, under the leadership of Ambassador Shear, failing to serve as an island of freedom in a sea of repression. This was all the more troubling given that Dr. Quan is an American citizen. The lack of urgency in securing Dr. Quan's release was stunning.

I spoke by phone multiple times with Ambassador Shear and expressed my deep concerns about the case broadly and the State Department's failure to bring about a swift resolution. I further urged the ambassador to host a July 4th celebration at the embassy and to invite prominent religious freedom and democracy activists in the country—as was frequently done under President Reagan during the dark days of the Cold War—thereby sending a strong message that America stands with those who stand for basic human rights. Ambassador Shear indicated his willingness to do so and the State Department confirmed this intention in subsequent correspondence.

Shockingly, I learned weeks later that many of the most prominent democracy and human rights activists in Vietnam had never received an invitation. When confronted with the seeming inconsistency, Ambassador Shear claimed that he had invited a few civil society activists but that he needed to maintain a "balance." When I repeatedly requested a copy of the guest list, to ascertain who specifically had been invited and if the members of Vietnamese civil society were mere token representatives the State Department repeatedly refused to provide it.

Ultimately several other Members of Congress, upon learning of Ambassador Shear's posture and handling of the situation, joined me in calling for his removal and urged that an individual "who will embrace the struggle of the Vietnamese people and advocate on their behalf" fill his spot.

A July 2012 Wall Street Journal editorial headlined, "State Fumbles in Hanoi," echoed

this call. The Journal described the State Department's posture in Vietnam and throughout the region in this way: "This is a classic State Department maneuver, practiced throughout Asia-Pacific but especially in repressive countries in which the U.S. has economic interests. Diplomats say they care about human rights, but not so much that it creates a political uproar that they'd have to work to resolve. Thus when Secretary of State Hillary Clinton went to Vietnam this week, she made a generic statement about human rights and a 'Senior State Department Official' gave journalists a briefing. Vietnam's Party bosses must be shaking in their boots."

After languishing for nine months in a Vietnamese prison, Dr. Quan once again breathed the fresh air of freedom. A local CBS affiliate in California interviewed him after his return home and he attributed his release to Congressional pressure. Pressing authoritarian regimes and repressive governments to respect basic human rights can yield positive results, but inexplicably that is almost never the instinct of the State Department or this administration.

Fast-forward to today. This week it had been expected that prominent Vietnamese dissident and lawyer Le Quoc Quan would face trial. A July 8 Wall Street Journal editorial highlighted that, "Mr. Le was arrested after he wrote a column for the BBC's website in which he argued for a new constitution without a guarantee of a Communist Party monopoly on power . . . The supposed crime for which Mr. Le is being charged is tax evasion, an alibi Hanoi has used in the past to incarcerate dissidents. A tax-law conviction would allow Hanoi to jail this inconvenient man for up to seven years while claiming he is not a political prisoner. Hanoi may be particularly sensitive about preserving that fiction because Mr. Le also has a connection to Washington."

That connection came in the form of a National Endowment for Democracy fellowship in 2006–07. Mr. Le was arrested just four days after he returned to Vietnam and released only after intense U.S. pressure. He was rearrested late last year while taking one of his three children to school and has been jailed ever since.

Tuesday afternoon, Radio Free Asia reported that his trial had been abruptly postponed less than 24 hours before it was to get underway. RFA further reported that, "According to Quan's relatives and fellow dissidents, hundreds of supporters—including Catholics—had planned to gather outside the court at the trial, which comes amid a wave of jailings in recent weeks of bloggers and activists speaking critically of Vietnam's one-party government."

Indeed, amidst this wave of political repression, in the face of growing popular dissent in Vietnam, rather than being buoyed by strong statements of support and solidarity from Washington, and the U.S. embassy, has been met with virtual silence.

In the realm of religious freedom, the situation also remains dire. In its recently released report, the bipartisan U.S. Commission on International Religious Freedom (USCIRF) found that, "The government of Vietnam continues to expand control over all religious activities, severely restrict independent religious practice, and repress individuals and religious groups it views as challenging its authority."

Later in the report the Commission characterized the government's repression in the following way: "The Vietnamese government continues to imprison individuals for religious activity or religious freedom advocacy. It uses a specialized religious police force (công an tôn giáo) and vague national security laws to suppress independent Buddhist, Protestant, Hoa Hao, and Cao Dai activities, and seeks to stop the growth of ethnic minority Protestantism and Catholicism via discrimination, violence and forced renunciations of their faith."

Despite repeated congressional calls, including in House-passed legislation, and the recommendation of USCIRF to place Vietnam on the Countries of Particular Concern (CPC) list for ongoing, egregious violations of religious freedom, this administration has failed to do so. In fact the administration has not designated any CPC countries since August 2011—nearly two years ago—despite the Congressional mandate included in the International Religious Freedom Act of 1998 to annually make such designations.

This is but a snap shot of a deteriorating human rights situation in Vietnam—a situation which merits bold U.S. leadership, not mere lip-service.

I have repeatedly said that it would be fitting for a Vietnamese-American to serve as U.S. ambassador to Vietnam—someone who understands the country, the language and the oppressive nature of the government having experienced it themselves before coming to the U.S. Such an individual would not be tempted to maintain smooth bilateral relations at all costs. Such an individual would embrace, without apology, the cause of freedom.

The Vietnamese people and frankly millions of Vietnamese-Americans deserve better than what Ambassador Shear and this administration have given them. The Obama administration has failed every citizen of Vietnam and every Vietnamese-American who cares about human rights and religious freedom.

APRIL 18, 2007.

Hon. CONDOLEEZZA RICE,  
Secretary of State, U.S. Department of State,  
Washington DC.

DEAR SECRETARY RICE: I am writing to express my deep concern regarding the worsening human rights situation in Vietnam in recent months. After joining the World Trade Organization in January 2007, the politburo of the Vietnamese Communist Party (VCP) has carried out a large-scale brutal campaign of arrest against the nascent movement for democracy in Vietnam. Ignoring all international criticism and strenuous protests of the Vietnamese people, inside Vietnam and abroad, the communist regime in Hanoi has shamefully pushed ahead with its crackdown. The following events were particularly disconcerting to me:

On February 18, 2007, the second day of the Lunar New Year, which is the most sacred time in Vietnamese culture, the communist security forces raided Father Nguyen Van Ly's office within the Communal Residence of the Hue Archdiocese. Father Ly was later banished to a remote, secluded area in Hue.

On March 5, 2007, security forces in Saigon told Mrs. Bui Ngoc Yen that they had an order to arrest her husband, Professor Nguyen Chinh Kiet, who is a leading member of the Alliance for Democracy and Human Rights in Vietnam. Professor Kiet was in Europe at the time campaigning for democracy and human rights in Vietnam.

On March 8, 2007, Reverend Nguyen Cong Chinch and his wife were brutally assaulted by security forces of Gia Lai Province in the Central Highlands, who then arrested Reverend Chinch on undisclosed charges.

Also on March 8, 2007, two prominent human rights activists and lawyers, Mr. Nguyen Van Dai and Ms. Le Thi Cong Nhan, were arrested in Hanoi and were told that they would be detained for four months as part of an undisclosed investigation.

On March 9, 2007, Mr. Tran Van Hoa, a member of the People's Democracy Party in Quang Ninh Province, and Mr. Pham Van Troi, a member of the Committee for Human Rights in Ha Tay, were summoned by security forces and threatened with "immeasurable consequences" if they do not stop their advocacy for human rights in Vietnam.

On March 10, 2007, Do Nam Hai, an engineer writing under the pen name Phuong Nam and one of the leading members of the Alliance for Democracy and Human Rights in Vietnam, was told by security forces that he could be indicted at any time for activity against the State.

Also on March 10, 2007, state security forces also raided the home of Ms. Tran Khai Thanh Thuy, a writer, on the grounds that she advocated for "people with grievances" against the government. They took away two computers, two cell phones, and hundreds of appeals that she had prepared for victims of the government's abuses.

On March 12, 2007, lawyer Le Quoc Quan, a consultant on local governance for the World Bank, Asian Development Bank, UNDP, and Swedish International Development Agency, was arrested in his hometown, Nghe An, less than a week after he returned from a fellowship at the National Endowment for Democracy in Washington, D.C. His whereabouts are unknown at this time.

On April 5, 2007, the Vietnamese authorities in Hanoi rudely prevented Congresswoman Loretta Sanchez (D-CA) from meeting with several dissidents' wives at a gathering organized at the U.S. Ambassador's home. The police reportedly used very hostile and undignified manners to intervene in the meeting.

Furthermore, the Hanoi communist regime is still imprisoning many political dissidents and labor advocates such as Nguyen Vu Binh, Huynh Nguyen Dao, Truong Quoc Huy, Nguyen Hoang Long, Nguyen Tan Hoanh, Doan Huy Chuong, the religious leaders of the Unified Buddhist Church of Vietnam, Cao Dai, Hoa Hao, and more than 350 lay people of the Protestant churches in the Central Highland.

The Vietnamese-Americans in my district, as well as all across the country, are very angered and distressed by what they perceive as a new and aggressive plan of the Hanoi government to reverse the progress of human rights in Vietnam. They believe that Ambassador Marine and his staff are not doing enough to stop these blatant violations of human rights.

It seems to me that the Vietnamese government is conducting this crackdown on advocates of human rights and religious freedom because it believes that the U.S. has no further leverage in the region. Now that Vietnam has been admitted to the WTO, and met with the Holy See, they believe they can respond in this brutal fashion to supporters of democracy and freedom and we will not respond.

I hope that you will make clear to the Vietnamese authorities that we will not stand by while this violence and intimidation continues. I believe the State Department

should consider putting Vietnam back on the list of Countries of Particular Concern, and perhaps also consider canceling the planned visit of the Vietnamese president and prime minister later this year if the human rights situation in Vietnam has not improved.

I appreciate the recent comments by Sean McCormack at Voice of America expressing deep concern about the March 30 trial and sentencing of Father Ly. I ask that you continue pressing these issues with the Vietnamese government, including the need to respect the basic human rights of all Vietnamese citizens, especially the freedom of information, freedom of expression, and freedom of religion. The Vietnamese people should be able to choose their own leaders through free and fair elections and to use the Internet freely without any censures or restrictions.

I also ask that you encourage the Vietnamese authorities to release all political prisoners and religious leaders who are currently imprisoned because of their peaceful expression of their ideas or to fight for their religious beliefs. Among these prisoners are Father Nguyen Van Ly, Pastors Nguyen Cong Chinh and Hong Trung, lawyers Nguyen Van Dai, Le thi Cong Nhan, Le Quoc Quan, Messieurs Truong Quoc Huy, and Nguyen Hoang Lon.

Lastly, I believe the Vietnamese-American community, a young but energetic group comprised of more than one million citizens, should be included in future dialogues with U.S. government officials. They know the history, culture and values of Vietnam. They also have scrutinized the history and tactics of communism and the communist government's habits at the negotiating table. I sincerely believe that the history of Vietnam must inform our approach to this and all other aspects of foreign policy, and the Vietnamese-American community is a tremendous asset in this regard. I respectfully request that you invite a small representation of the Vietnamese-American community to join the U.S. delegation in next month's human rights dialogue.

Best wishes.

Sincerely,

FRANK R. WOLF,  
Member of Congress.

## PERSONAL EXPLANATION

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 2013

Mr. SHUSTER. Mr. Speaker, on rollcall No. 307, I was inadvertently detained. Had I been present, I would have voted "yea."

CONGRATULATING 64 AFRICAN AMERICAN HISTORY MAKERS AT THE DEDICATION OF THE "CHARLES HOUSTON MURAL AND HALL OF FAME" IN ALEXANDRIA, VIRGINIA ON JUNE 22, 2013

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 2013

Mr. MORAN. Mr. Speaker, I rise today to congratulate the 64 African American history

makers in Alexandria, Virginia on their induction into the Charles Houston Mural and Hall of Fame.

To walk through the streets of Alexandria is to walk through the annals of African American history in America from slavery to the Civil War to the Civil Rights era. The brick passageways chronicle the vast array of history makers and symbolic structures honored with the unveiling and dedication of the Charles Houston Ad Hoc Committee's "Charles Houston Mural and Hall of Fame" photographic exhibit.

"As an Alexandria History Maker, your legacy of service had added to the vitality and spirit of this community," the Committee wrote in honoring the contributions 64 inductees made to the historic city's African American heritage and culture.

It has been over 60 years since civil rights attorney Charles H. Houston passed away, but the good works recognized at this dedication show that the strength of his legacy has endured. Just like Mr. Houston, the honorees have played a major role in the City and have served as an integral part of the civic life of Alexandria and its citizens for generations.

The dedication ceremony was attended by 800 familiar Alexandria faces. Among the honorees present were Mr. Ferdinand Day, the first African American School Board Chairman for the state of Virginia, Police Chief Earl Cook, Mr. Eugene Thompson, former Director of the Alexandria Black History Museum, author Marie Bradby, journalist Judy Belk, athletic director and basketball coach James "Jimmy" Lewis, Minister Charles Hall, and community activist Dorothy Turner. Other honorees include athlete Earl Lloyd, John Naismith NBA Hall of Fame, educator Harry Burke, Dr. Thea James, Gen. Leo Austin Brooks Sr., and attorney Samuel Tucker who led what is believed to be the first public sit-in in the Nation, the 1939 protest of the Alexandria Library's ban on African Americans.

Historic structures on the mural include: Beulah Baptist Church, the Franklin & Arm filed Slave Office & Pen, the Freedman's Cemetery, Seminary School, Fort Ward, the Odd Fellows Hall, Alexandria Home Bakery, the Capital Theater, Out Cross Canal, Colored Rosemont, the Carver Nursery/American Legion, the Johnson Pool, the Robert Robinson Library and the Departmental Progressive Club.

The photographic mural will be permanently located at the Parker-Gray Way, the Wythe Street entrance to the Charles Houston Recreation Center. It establishes the African American footprint in the city and celebrates neighborhoods, schools, churches and businesses vital to Alexandria's African American community. The intent of the Hall of Fame is to honor and memorialize the achievements of African American history makers in Alexandria; document the contributions of Alexandria's African American community to the city's history; and foster appreciation for diversity of the African American experience in the City of Alexandria.

Besides the City of Alexandria's sponsorship, the project committee consulted with George Mason University faculty and received support from Hoop Academy International, Simpson Development, and the historic Alfred Street Baptist Church, among others.

Mr. Speaker, these 64 individuals honored by the Charles Houston Mural and Hall of Fame are a testament to the human spirit, an example for resilience and defiance in the face of hardship, and an inspiration given what they achieved in their lifetimes. Thank you.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 2013

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,738,238,434,108.96. We've added \$6,111,361,358,195.88 to our debt in 4 and a half years. This is \$6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### HONORING THE CHILDREN'S ADVOCACY CENTER OF SOUTHEASTERN INDIANA

#### HON. LUKE MESSER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 2013

Mr. MESSER. Mr. Speaker, I rise today to recognize the wonderful work of the Children's Advocacy Center of Southeastern Indiana.

On July 15, 2013, the Region 15 Children's Advocacy Center, serving the families of Dearborn, Decatur, Jefferson, Jennings, Ohio, Ripley, and Switzerland Counties, will celebrate the completion of the Center's 1,000th forensic interview. These child-friendly forensic interviews are critical in identifying cases of mental or physical child abuse. Using non-leading and age-appropriate questions, a forensic interview uncovers the child's reality, in their own words, about the situation and is the most efficient means of providing support and accuracy to the criminal justice and child welfare systems in our State. For nearly a decade, my mother served as a court appointed special advocate for children in abuse cases, and I appreciate how important the child's perspective is to a positive court outcome.

In particular, I want to recognize the leadership of the Children's Advocacy Center of Southeastern Indiana. Executive Director Sarah Brichto and forensic interviewer Stephanie Back, both founding members of the Center, provide daily leadership and execution of the program's goals. I also want to extend special recognition for the vision of the Center to Board of Directors President Aaron Negangard and fellow board members Tom Baxter, Chad Lewis, Monica Hensley, Richard Hertel, Jennifer Tackitt, and Barbara Bowling. Their influential contribution to our local communities is truly inspirational.

I ask the entire 6th Congressional District to join me in congratulating the Children's Advocacy Center of Southeastern Indiana for their

continued leadership in developing safer communities for all Hoosier children.

#### PERSONAL EXPLANATION

#### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 2013

Mr. SHUSTER. Mr. Speaker, on rollcall No. 318, I inadvertently missed the vote. Had I been present, I would have voted "nay."

#### IN RECOGNITION OF LIEUTENANT GENERAL WILLIE WILLIAMS

#### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 2013

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to Lieutenant General Willie J. Williams, our Nation's third-highest ranking Marine, for his distinguished service to the United States of America. For nearly 40 years, Lieutenant General Williams has served in the Marine Corps and today he will be retiring from his post as the Director of Marine Corps Staff and from the Marine Corps. He will be honored at a retirement ceremony on Wednesday, July 10, 2013 at 7:00 p.m. at the Marine Barracks in Washington, DC.

Lieutenant General Williams was born to the late Herman Jones and the late Ella Mae "Bolden" Hill in Livingston, Alabama but grew up in nearby Moundville, Alabama. After graduating from Moundville Public High School, he attended Stillman College in Tuscaloosa, Alabama after his high school teachers, seeing his talent and high potential but limited financial means, helped him obtain a scholarship. Faced with many difficult decisions about his future, he reflected on his life growing up in the segregated South and he was enticed by a Marine Corps recruiter to join an institution where he would be evaluated based on merit and not the color of his skin. Lieutenant General Williams was commissioned in the Marine Corps in May 1974 and began his career with the 11th Marine Artillery Regiment in May 1975, serving as a Battalion Supply Officer and later as the Regimental Supply Officer/Assistant S4 Officer.

In October 1977, he served as the Officer-In-Charge of the 3rd Force Service Support Group in Iwakuni, Japan. After a year, he returned to the U.S. to serve as the Ship's Detachment Supply Officer, Pacific Ocean Area/Marine Barracks Supply Officer and Barracks Executive Officer at Marine Barracks, North Island, San Diego, California. In June 1982, he reported to Quantico, Virginia for duty as Platoon Commander, Officer Candidate School, and subsequently attended the Amphibious Warfare School.

In May 1983, he became the Supply Officer, Mountain Warfare Training Center, Bridgeport, California and from August 1985 to June 1989, he was assigned to the 3rd Marine Division in Okinawa, Japan as the Assistant Division Supply Officer before attending the



Armed Forces Staff College. While serving with the 3rd Marine Division, Lieutenant General Williams deployed as the Logistics Officer, Contingency Marine Air Ground Task Force 3-88 during its Persian Gulf Deployment from May to December 1988.

After completing Armed Forces Staff College, Lieutenant General Williams was assigned to joint duty with the Department of Defense Inspector General's Office in January 1990. From 1993-94 he studied at the Industrial College of the Armed Forces and upon graduation assumed command of the 31st Marine Expeditionary Unit (Special Operations Capable) MEU Service Support Group from September 1994 to September 1996. He then served as the Assistant Chief of Staff G4, 3rd Force Service Support Group. In June 1997, he departed Okinawa for duty with the 1st Force Service Support Group first as the Assistant Chief of Staff, G3 and in 1998, as the Commanding Officer of Brigade Service Support Group 1. In July 2000, he returned to Okinawa, Japan as the Commanding General, Marine Corps Base, Camp Smedley D. Butler until June 2001 and then served as the Commanding General, 3d Force Service Support Group, III MEF until 2003. From October 2003 to May 2005, Lieutenant General Williams served as the Assistant Deputy Commandant, Installations and Logistics (Facilities), Headquarters, U.S. Marine Corps.

The Second Congressional District of Georgia gained a respected and compassionate leader when Lieutenant General Williams moved to Albany, Georgia in June 2005 to take command of the Marine Corps Logistics Base, a focal point of the service's worldwide supply chain and equipment maintenance efforts. He became a close friend and confidant as he served in my district for the next four years, throughout the height of the Iraq War and one of the service's busiest periods.

In 2009, Lieutenant General Williams returned to Washington to pin on a third star and ultimately become the Director of Marine Corps Staff. In addition to his Bachelor of Arts Degree from Stillman College, Lieutenant General Williams holds a Master of Arts Degree from National University in San Diego, California and a Master of Science Degree from National Defense University, as well as an Honorary Doctorate of Law from Stillman College, and an Honorary Doctorate of Philosophy from Albany State University.

Lieutenant General Williams' personal awards and decorations include the Legion of Merit with gold star, the Defense Meritorious Service Medal, the Navy and Marine Corps Commendation Medal, the Navy and Marine Corps Achievement Medal, the Armed Forces Expeditionary Medal, the Humanitarian Service Medal, the National Defense Service Medal and the Department of Defense Service Badge.

Lieutenant General Williams has certainly accomplished many things in his life but none of this would have been possible without the love and support of his wife of 40 years, Bobbie, and their late daughter, Yolanda, who sadly passed away in 2008.

Mr. Speaker, today I ask my colleagues to join me, my wife, Vivian, and the nearly 700,000 people in Georgia's 2nd Congressional District, and all Americans, in extending

our sincerest appreciation to Lieutenant General Willie Williams, an innovative leader who, in addition to his selfless service and instrumental role in supporting operations in Iraq and Afghanistan, has the respect, admiration, and affection of his fellow Marines and leaves behind an outstanding legacy of service and leadership in the Marine Corps of the United States of America.

#### KAILEY CHAPMAN SPOKANE HIGH SCHOOL TRACK AND FIELD STATE CHAMPION

#### HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 10, 2013*

Mr. LONG. Mr. Speaker, I rise today to recognize Spokane High School's Kailey Chapman for winning the 300 meter hurdles at the 2013 Missouri Class 2 State Track and Field Championships.

Through her hard work and dedication, Kailey placed first in the 300 meter hurdles with a time of 44.62 seconds. Throughout the season, Kailey worked to perfect her technique and was able to reset four school records from her previous season and was All State in all four of her events. She credits her family, coaches, teammates, Spokane community, and our Heavenly Father for the support that enabled her to complete an outstanding season.

Kailey hopes to come back her senior year to repeat as the 300 meter hurdles champion and become Missouri's 100 meter hurdles champion, as well. Kailey plans to compete in the Junior Olympic Regionals and at the college level, as well as completing a degree in nursing.

I urge my colleagues to join me in congratulating Kailey Chapman, winner of the 300 meter hurdles at the Missouri Class 2 State Track and Field Championships.

#### HONORING THE LIFE OF JOHN PERCIN, JR.

#### HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 10, 2013*

Mr. SCHRADER. Mr. Speaker, today I rise in honor of John Percin, Jr. one of the 19 Granite Mountain Hotshot firefighters killed June 30th while fighting a wildfire near the town of Yarnell, Arizona. A funeral mass to honor his life will take place, July 12th, for family, friends, and parishioners at Our Lady of the Lake Church in Lake Oswego, Oregon.

John Percin Jr. grew up in West Linn, Oregon among a community that witnessed a young man active in his school, excelling at numerous sports, and demonstrating a strong compassion for others. After graduating from West Linn High School, Mr. Percin pursued a career with the Granite Mountain Hotshots, an elite firefighting force based in Prescott, Arizona. Hotshots demand only the most physically fit candidates to face the most strenuous

firefighting tasks. Through rigorous physical and mental training each Hotshot gains the skills and attributes necessary for this demanding and dangerous work. A Hotshot needs to be a problem solver, able to make difficult decisions in stressful situations, and work as part of a team; I think we witnessed these attributes on display June 30th from Mr. Percin and each of the courageous crewmembers who put their lives on the line to protect others.

John Percin, Jr. demonstrated a level of courage and bravery that belies his young age. At only 24 years of age Mr. Percin had the drive and passion to perform the critical work of fighting fires and I am humbled by his commitment to our country. We in Congress express our gratitude to Mr. Percin and convey our deepest respect and sympathy to his family; their son's sacrifice for others will not be forgotten.

#### VOTE ON AMENDMENT H. AMDT. 227 TO H.R. 1947, THE "FEDERAL AGRICULTURE REFORM AND RISK MANAGEMENT ACT OF 2013"

#### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 10, 2013*

Mr. CONYERS. Mr. Speaker, on Thursday, June 20, 2013, I inadvertently voted against the Pitts-Davis amendment to H.R. 1947, the "Federal Agriculture Reform and Risk Management Act of 2013" which was designed to reform the United States' national sugar policy. However, I rise today to clarify my position concerning this amendment and to state that I fully support the Pitts-Davis amendment and will continue to support and cosponsor H.R. 693, the "Sugar Reform Act of 2013."

It is unfortunate that the failed FARRM Bill proposed reforms for every commodity program except the sugar program, the most intrusive and outdated of them all. Our focus in Congress should be geared toward balancing the needs of all Americans. Instead, our current sugar policy's one-sided approach favors sugar processors and growers over American consumers and businesses. Under current law, the sugar industry is able to reap record profits when domestic sugar supplies are tight because of government restrictions. Yet, the cost of the sugar program is then passed on to taxpayers when surplus sugar burdens the market. As a result, American families have to spend additional money on their grocery bills and American companies are placed at a competitive disadvantage. We must limit these government restrictions and allow for a competitive marketplace that will balance the needs of all Americans.

COMMEMORATING NEOSHO NATIONAL FISH HATCHERY'S 125TH ANNIVERSARY

**HON. BILLY LONG**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 10, 2013*

Mr. LONG. Mr. Speaker, I rise today to commemorate the 125th anniversary of the Neosho National Fish Hatchery.

Established in 1888, the Neosho National Fish Hatchery is truly one of a kind. It is the oldest operating federal fish hatchery in the United States and has raised over 130 different species of fish since its creation. With a mission to conserve and protect our nation's fishery resources, the Neosho National Fish Hatchery continues to produce high quality fish year after year.

The Neosho National Fish Hatchery is responsible for a long list of various operations to enhance the fish industry. The hatchery is responsible for producing high quality rainbow trout to stock Lake Taneycomo for recreational fishing, helping the local economy. The hatchery also continues to support and protect the conservation of the endangered Ozark Cavefish, and raises Freshwater Drum Fish to serve as host fish for rearing Neosho Mucket Mussels. All of this is done while over 45,000 annual visitors travel to Neosho to tour and learn about America's longest running national fish hatchery.

I am honored to recognize the Neosho National Fish Hatchery for their excellent work over the past 125 years. By working to conserve, protect, and enhance our fishing industry, the Neosho National Fish Hatchery continues to serve for the benefit all Americans.

MINNESOTA LISTENING SESSION ON THE CUTS TO FOOD ASSISTANCE IN HOUSE GOP FARM BILL

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 10, 2013*

Ms. McCOLLUM. Mr. Speaker, on June 10, 2013, Congressman ELLISON and I hosted a listening session at the Minnesota State Capitol. We heard from Minnesotans affected by the House Farm Bill's proposed cuts to the Supplemental Nutrition Assistance Program. Below is testimony delivered by Dale Simonson and Patricia Lull.

TESTIMONY FROM DALE SIMONSON, MINNESOTA DEPARTMENT OF HUMAN SERVICES

Here is a brief overview of the demographics of the SNAP recipients statewide. There are about 554,000 adults and children on SNAP in approximately 259,700 cases. Children make up almost 48% of the SNAP population.

There are 77,417 SNAP family cases.

66% of the family cases reported income from work

Average age of adults with children is 35 years

There are 39,671 senior cases on SNAP.

Average age is 70 years

61% had income from Retirement, Survivors Disabilities Insurance (RSDI)

There are 88,942 disabled cases on SNAP.

There are 62,477 cases that are categorized as "other" adults.

Within this category are able bodied adults without dependents (ABAWDs)

These people are disconnected from employment compared to other SNAP participants as 56% have no other reported income sources than SNAP.

The average benefit per recipient is \$118 and per case is \$245.

Race/ethnicity demographics of SNAP cases are 59% white, 24% black, 7% Asian, 4% Hispanic, 4% American Indian with multiple races comprising the rest.

That is a very brief overview of the SNAP population in MN. The data being used today comes from the Characteristics of People and Cases on Supplemental Nutrition Assistance Program in December 2012 as well as the Family Self-Sufficiency Report. Both of these reports are available on the DHS public website.

The biggest impact on SNAP recipients in MN would come from the proposed restriction in the House bill on the state ability to use categorical eligibility.

Broad based categorical eligibility is a policy that makes most households categorically eligible for SNAP because they qualify for a non-cash TANF funded benefit. This allows states to raise the income limit up to a maximum of 200% Federal Poverty Guideline (FPG) and raise or eliminate the asset limit.

The MN legislature passed a bill effective Nov., 2010 allowing expansion of broad based categorical eligibility to all SNAP cases by increasing the income standard from 130% to 165% of FPG and eliminating the asset limit.

Sec. 4005 of the House bill would remove this state option.

DHS estimates that 6.4% of the caseload or 16,700 cases with over 32,000 people would be made ineligible because their income is above 130% FPG yet below 165% FPG. Of these cases, over 8,000 are family cases that will be ineligible due to over income. The children on these cases would no longer be automatically eligible for free or reduced school lunch.

DHS no longer collects asset information for SNAP. Therefore, we do not have data on the number of cases that would be ineligible due to being over the asset limit.

The House bill provides a permanent reduction in funding for SNAP-Ed. This proposed cut comes on the heels of the program's fiscal year 2013 budget cut of 28 percent that was included in the fiscal cliff agreement, resulting in decreased program activity.

Minnesota's share of SNAP-Ed has been approximately 2.5% of the federal allocation.

Minnesota's current allocation for SNAP-Ed is about \$7,000,000 (cut included).

Further cuts will impact the reach and impact that SNAP-Ed has on Minnesota's population in poverty.

SNAP-Ed is delivered by community nutrition educators from the University of Minnesota Extension Service and Minnesota Chippewa Tribe. They use evidence-based, behaviorally-focused curriculum to help Minnesotans with limited financial resources stretch food dollars and make healthy choices.

In FY 2012, the U of M Extension offered SNAP-Ed programming in 84 of 87 counties directly serving approximately 65,000 persons (unduplicated).

In FY 2012, the Minnesota Chippewa Tribe offered SNAP-Ed programming on six reservations (Bois Forte, Fond du Lac, Grand Portage, Leech Lake, Mille Lacs, and White Earth) directly serving 6,778 persons (unduplicated).

U of M Extension program evaluation outcomes point to positive SNAP-Ed results. Over half of SNAP-Ed participants engaged in healthy eating and physical activity behaviors by the final course session. In addition, participants indicated an average of greater than 1/3 cup increased intake of both fruits and vegetables per day over the span of a course.

These are the two major provisions that will have the greatest impact on low income Minnesotans on SNAP if these cuts are adopted.

Thank you for your time.

TESTIMONY SUBMITTED BY PATRICIA LULL, EXECUTIVE DIRECTOR OF THE SAINT PAUL AREA COUNCIL OF CHURCHES

Thank you for this opportunity to address the difference that SNAP benefits make in our community.

I serve as Executive Director of the Saint Paul Area Council of Churches, a non-profit representing 125 local communities of faith. We come from Christian, Jewish, Muslim, Unitarian, and Quaker backgrounds but every one of our faith traditions agrees with this conviction—No more hungry neighbors!

I am here to say that as a person of faith and a citizen. No more hungry neighbors! In recent years we have made great strides in addressing domestic hunger and SNAP has been an important part of what we have done well as a country. It serves our most vulnerable neighbors—children, seniors, and working families. It serves them in a way that supports local economies (grocery stores and farmers markets) and energizes our children to succeed in school and in life.

While it is important to balance our federal budget, cutting SNAP benefits to our most vulnerable neighbors should be the last option we exercise. The proposed cuts will negatively impact all of us who work with families in poverty. Let me illustrate that.

The Saint Paul Area Council of Churches hosts an emergency food shelf for the American Indian community in Ramsey County. We provide food to 500 individuals a month—enough for 6,000 meals. Use of our food shelf has increased by 30% since last August. More families. More need. More demand on us to do what all of us as citizens are asked to do—provide for those who are most at risk.

Some of our food shelf participants are also volunteers. A couple of months ago, Larry and I worked side-by-side unloading a delivery from Second Harvest, our food bank. Larry is a father and grand-father. He is also a hard worker, carrying in three times as many boxes as I did. When the truck was unloaded and all the food was put away, I thanked him for all he had done. Larry looked me squarely in the eye, pointed to his heart, and said—I do this for the community.

Those who receive SNAP benefits—and those who will be excluded from benefits if cuts are made—they are our community, too. On behalf of them I say, No more hungry neighbors!

HONORING THE 50TH ANNIVERSARY OF THE AURORA COLONY HISTORICAL SOCIETY

**HON. KURT SCHRADER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 10, 2013*

Mr. SCHRADER. Mr. Speaker, I rise today to honor the Aurora Colony Historical Society

on the occasion of its 50th anniversary. The Aurora Colony Historical Society, through its wonderful Old Aurora Colony Museum, has dedicated itself to preserving the memory, architecture, and treasures of Oregon's unique Aurora Colony since 1963.

The Aurora Colony's unique history predates Oregon's statehood. This communal Christian society was established in 1856 by a group of German and Swiss followers of Dr. Wilhelm Keil. Dr. Keil's vision of a utopian society produced this bustling community that became well known for its craftsman built furniture, fine textiles, and Old World traditions.

54 families and nearly 600 people would eventually live and work communally to support the Aurora Colony. The agricultural skills and manufacturing prowess of the colonists allowed the colony to flourish for nearly 30 years on the banks of Oregon's Pudding River. The community of Aurora still bears the name of Dr. Keil's oldest daughter today.

Descendants of the Aurora Colonists organized a celebration in 1956 to mark the Colony's centennial and to celebrate the community's uncommon history. From this celebration came a desire to preserve the history of the Colony and its remaining artifacts and architecture. The Aurora Colony Historical Society was founded in 1963 and set out on a mission of preservation that survives today—50 years later.

Today the Aurora Colony Historical Society's Old Aurora Colony Museum welcomes tourists, students, researchers, and others to explore its extensive grounds and exhibits. The complex of five preserved buildings offers revolving exhibits, Colony artifacts, and a historical archive of residents' letters and other written documents. The Old Aurora Colony Museum has become an invaluable resource in preserving an important period in Oregon's history. Indeed, Oregon's history books and today's Aurora would both be incomplete were it not for the essential work of the Aurora Colony Historical Society.

With a strong sense of its history and an eye toward the future, I am confident that the Aurora Colony Historical society will continue to thrive for at least another 50 years.

Mr. Speaker, I am honored to be the representative of the fine community of Aurora, Oregon. I congratulate the Aurora Colony Historical Society on its 50th anniversary, and I look forward to sharing in the celebration.

HONORING THOMAS DOUGLAS,  
MISSOURI SMALL BUSINESS  
PERSON OF 2013

**HON. BILLY LONG**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 10, 2013*

Mr. LONG. Mr. Speaker, I rise today to recognize and honor Thomas H. Douglas, the Missouri Small Business Person of 2013.

Thomas is the current President and CEO of JMARK Business Solutions, Inc. JMARK has made its name by providing outstanding technology consulting services for small to medium sized businesses looking to streamline IT operations to enhance employee performance and increase customer satisfaction.

Founded in 1988, JMARK started as a small computer company in Cabool, and is now headquartered in Springfield, Missouri. In 1997, Thomas joined the company after serving in the U.S. Navy. The leadership skills he developed in the Navy ensured a quick rise as the company's level one engineer to president and majority owner in 1999.

Under Thomas' guidance, JMARK has seen tremendous growth combining an incredible customer-friendly business philosophy with a full array of support services. He has taken JMARK from a small team of experts in a single office to a group of over 60 employees with offices in three states.

As a leader of one our nation's successful small businesses, I am honored to recognize Thomas for his outstanding service to JMARK Business Solutions and the community. The leadership, innovation, customer service, and hard work exemplified by Thomas is properly recognized through this exceptional award. It is an honor to recognize Thomas H. Douglas as the Missouri Small Business Person of 2013.

HONORING LIFE AND SERVICE OF  
KEVIN WOYJECK

**HON. LINDA T. SÁNCHEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 10, 2013*

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise to honor the life and service of a young man who lost his life battling the recent wildfires in Arizona. Kevin Woyjeck was a member of the Granite Mountain Hotshot Squad of Prescott, Arizona, whose life was tragically lost along with 18 of his colleagues while fighting to protect those in danger from this blaze. He, and his entire squad, bravely put their lives at risk, and all but one paid the ultimate price.

Kevin, the son of Captain Joe Woyjeck of the Los Angeles County Fire Station, was only 21 years old when he lost his life. Growing up in Southern California, he was passionate about one day becoming a professional firefighter, a dream realized by serving as a member of such an elite squad. He and his colleagues trained hard to be the first line of defense against dangerous fires, and during the recent blazes they fought in brutal conditions to stop the advancement and destruction of the wildfire. For days they fought to contain the flames, but on Sunday, June 30, the fire surrounded them and proved impossible to escape.

We recognize the lives and bravery of Kevin and his team. Our hearts and thoughts go out to his family and all those affected by the loss of these brave men. We know that while they are no longer with us, their work and courage will never be forgotten.

Kevin's life was taken too soon, but he made his family and his country proud. He accomplished so much in his 21 years, and we will always remember his sacrifice.

GARRETT METSCHER REPUBLIC  
HIGH SCHOOL HIGH JUMP STATE  
CHAMPION

**HON. BILLY LONG**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 10, 2013*

Mr. LONG. Mr. Speaker, I rise today to recognize Republic High School's Garrett Metscher for winning the high jump at the 2013 Class 4 State Track and Field Championships.

Through his hard work and dedication, Garrett placed first in the high jump with a new school record of 6'7½". Throughout the season, he dominated the field and his effort resulted in the event's top seed heading into the state championship. In the state championship event, Garrett did not disappoint, besting the 15-man field and taking the title.

I urge my colleagues to join me in congratulating Garrett Metscher, winner of the high jump at the Missouri Class 4 State Track and Field Championships.

HONORING THE SERVICE OF  
MAJOR GENERAL RAYMOND F.  
REES

**HON. KURT SCHRADER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 10, 2013*

Mr. SCHRADER. Mr. Speaker, today I rise in honor of the Adjutant General for the State of Oregon, Major General Raymond F. Rees, for his steadfast service to this Nation. On Saturday, July 13, 2013 Major General Rees will conclude over 50 years of dedicated service to the United States of America.

General Rees began his career as a West Point Cadet in 1962. Prior to his current assignment as the longest serving wartime Adjutant General in Oregon history, Major General Rees had numerous active duty and Army National Guard assignments to include: service in the Republic of Vietnam as a cavalry troop commander; commander of the 116th Armored Cavalry Regiment; nearly nine years as the Adjutant General of Oregon; Director of the Army National Guard, National Guard Bureau; over five years service as Vice Chief, National Guard Bureau; 14 months as Acting Chief, National Guard Bureau; Chief of Staff (dual-hatted), Headquarters North American Aerospace Defense Command (NORAD) and United States Northern Command (USNORTHCOM). NORAD is a binational, Canada and United States command.

Major General Rees has demonstrated a level of competence, confidence, courage and commitment to the State of Oregon and the United States of America that bring great credit upon himself, the Oregon National Guard and the United States Army. We in Congress express our gratitude to a great American warrior and wish the General and his wife Mary Len a happy and well-earned retirement to their ranch in Helix, Oregon.

## PERSONAL EXPLANATION

**HON. BILL HUIZENGA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 10, 2013*

Mr. HUIZENGA of Michigan. Mr. Speaker, I rise today regarding one missed vote on July 9, 2013. Had I been present for rollcall 316, on the amendment offered by Mr. COHEN of Tennessee to H.R. 2609, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes, I would have voted "nay."

## HONORING CHRIS LAHM'S 500TH CAREER VICTORY

**HON. BILLY LONG**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 10, 2013*

Mr. LONG. Mr. Speaker, I rise today to congratulate Ozark Christian College Men's Basketball Coach Chris Lahm on his 500th career victory.

Chris achieved his 500th win after a 78–68 victory over Hillsdale Baptist in the Association of Christian College Athletics Tournament 3rd place game. Not only did Chris lead his team to 3rd place in this tournament, Chris and his team finished another tremendous season with a 3rd place finish in the 2013 National Christian College Athletic Association (NCCAA) Division II National Tournament, as well. With these accomplishments, Chris was named the 2013 NCCAA Division II Southwest Regional Basketball Coach of the Year.

Chris' 27-year career as head basketball coach at both Nebraska Christian College and Ozark Christian College translates to thousands of hours of practice, games, and travel in addition to the hundreds of players he has helped throughout his time serving as head coach and mentor.

Through his hard work and dedication, Chris has left a positive impact at Ozark Christian College and the community. Chris should be proud of his accomplishments in recruiting, coaching, and guiding a phenomenal group of young men throughout the past 27 years. I commend him on a job well done.

I urge my colleagues to join me in congratulating Ozark Christian College Men's Basketball Coach Chris Lahm on his 500th career victory.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and

any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 11, 2013 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## JULY 15

3 p.m.

Committee on Homeland Security and Governmental Affairs  
To hold hearings to examine strategic sourcing, focusing on leveraging the government's buying power to save billions.

SD-342

## JULY 16

9:30 a.m.

Committee on Armed Services  
To receive a closed briefing on the situation in Syria.

SVC-217

10 a.m.

Committee on Appropriations  
Subcommittee on Commerce, Justice, Science, and Related Agencies  
Business meeting to markup proposed legislation making appropriations for fiscal year 2014 for Commerce, Justice, Science, and Related Agencies.

SD-192

Committee on Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine the "Defense Production Act", focusing on issues and opportunities for re-authorization.

SD-538

Committee on Energy and Natural Resources

To hold an oversight hearing to examine how United States gasoline and fuel prices are being affected by the current boom in domestic oil production and the restructuring of the United States refining industry and distribution system.

SD-366

Committee on Foreign Relations

To hold hearings to examine S. 980, to provide for enhanced embassy security.

SD-419

Committee on Homeland Security and Governmental Affairs

Subcommittee on Financial and Contracting Oversight

To hold hearings to examine implementation of wartime contracting reforms.

SD-342

2 p.m.

Commission on Security and Cooperation in Europe

To receive a briefing on growing authoritarianism in Azerbaijan, focusing on current events in Azerbaijan and the prospect for a free and fair election.

SVC-201-00

2:30 p.m.

Committee on Energy and Natural Resources

Subcommittee on Water and Power

To hold hearings to examine the Bureau of Reclamation's Colorado River Basin Water Supply and Demand Study.

SD-366

Committee on Health, Education, Labor, and Pensions

To hold hearings to examine pooled retirement plans, focusing on closing the retirement plan coverage gap for small businesses.

SD-430

Select Committee on Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

3:30 p.m.

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Katherine Archuleta, of Colorado, to be Director of the Office of Personnel Management.

SD-342

## JULY 17

9:30 a.m.

Committee on Armed Services

Subcommittee on SeaPower

To receive a closed briefing on the major threats facing Navy forces and the Navy's current and projected capabilities to meet those threats.

SVC-217

10 a.m.

Committee on Appropriations

Subcommittee on Department of Defense

To hold hearings to examine proposed budget estimates for fiscal year 2014 for the Missile Defense Agency.

SD-192

Committee on Banking, Housing, and Urban Affairs

Subcommittee on Financial Institutions and Consumer Protection

To hold hearings to examine the consumer debt industry.

SD-538

Committee on Commerce, Science, and Transportation

Subcommittee on Consumer Protection, Product Safety, and Insurance

To hold hearings to examine the expansion of internet gambling, focusing on assessing consumer protection concerns.

SR-253

Committee on Foreign Relations

To hold hearings to examine the nomination of Samantha Power, of Massachusetts, to be the Representative to the United Nations, with the rank and status of Ambassador and the Representative in the Security Council of the United Nations, and to be Representative to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative to the United Nations.

SD-419

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine the Department of Homeland Security at 10 years, focusing on harnessing science and technology to protect national security and enhance government efficiency.

SD-342

2 p.m.

Committee on the Judiciary

To hold hearings to examine working together to restore the protections of the "Voting Rights Act", focusing on Selma and *Shelby County*.

SD-226

2:30 p.m.

Committee on Agriculture, Nutrition, and Forestry

To hold hearings to examine reauthorization of the Commodity Futures Trading Commission.

SH-216

Committee on Armed Services

Subcommittee on Strategic Forces

To hold closed hearings to examine revisions to the nuclear employment strategy.

SVC-217

Committee on Commerce, Science, and Transportation

To hold hearings to examine E-Rate 2.0, focusing on connecting every child to technology.

SR-253

Committee on Indian Affairs

To hold hearings to examine S. 235, to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium, and S. 920, to allow the Fond du Lac Band

of Lake Superior Chippewa in the State of Minnesota to lease or transfer certain land.

SD-628

3 p.m.

Committee on Small Business and Entrepreneurship

To hold hearings to examine small business tax reform, focusing on making the tax code work for entrepreneurs and startups.

SR-428A

JULY 18

9:30 a.m.

Committee on Armed Services

To hold hearings to examine the nominations of General Martin E. Dempsey, USA for reappointment to the grade of general and reappointment as Chairman of the Joint Chiefs of Staff, and Admiral James A. Winnefeld, Jr., USN for reappointment to the grade of admiral and reappointment as Vice Chairman of the Joint Chiefs of Staff, both of the Department of Defense.

SH-216

2:30 p.m.

Select Committee on Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

JULY 25

2:30 p.m.

Committee on Energy and Natural Resources

Subcommittee on Water and Power

To hold hearings to examine the issues associated with aging water resource infrastructure in the United States.

SD-366

AUGUST 1

9:30 a.m.

Committee on Energy and Natural Resources

To hold hearings to examine the November 6, 2012 referendum on the political status of Puerto Rico and the Administration's response.

SD-366

SEPTEMBER 11

10:30 a.m.

Committee on Appropriations

Subcommittee on Financial Services and General Government

To hold hearings to examine proposed budget estimates and justification for fiscal year 2014 for the Federal Communications Commission.

SD-138

## SENATE—Thursday, July 11, 2013

The Senate met at 10 a.m. and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

### PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Kris Holzmeyer, campus pastor of Northwoods Baptist Church in Newburgh, IN.

The guest Chaplain offered the following prayer:

Let us pray.

Omnipotent Heavenly Father, we come to You this day in a spirit of worship. You are sovereign in all things and active in the affairs of men.

We are grateful for the blessings of freedom and prosperity You have bestowed upon our country and its citizens. We acknowledge that You and You alone are the provider of those blessings.

Lord, we ask for Your forgiveness for the many sins that plague our Nation. We ask for Your divine intervention as we move forward seeking to bring You glory and honor as a people. Today, men and women will gather in this room to make decisions on behalf of the American people. All of them have left family, friends, and occupations to serve a greater cause. Will You bless them, Lord? Will You shower them with Your favor? Help them to be unified, seeking Your will first and making Your motives their own. May the decisions they reach today serve our people well but, most importantly, may they be pleasing unto You.

In the name of Jesus Christ our Lord we pray. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 11, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. SCHATZ thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### KEEP STUDENT LOANS AFFORDABLE ACT OF 2013—MOTION TO PROCEED

Mr. REID. I move to proceed to Calendar No. 124, S. 1238, Senator REED's student loan bill.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1238) to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes.

#### SCHEDULE

Mr. REID. Following my remarks and those of the Republican leader, the time until 12:30 today will be equally divided and controlled, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

The Senate will recess from 12:30 to 2:15 for caucus meetings.

#### SENATE RULES

Last month, the Republican leader spent a great deal of time talking about the importance of keeping one's word.

I agree without any question that Senators and everyone else should keep their word. I also believe a deal is a deal, a contract is a contract, an arrangement is an arrangement, a bargain is a bargain. As long as each party to such agreement holds up his end of the bargain, Senators should stick to their word.

But agreement is a two-way street. If one party fails to uphold their end, the agreement, of course, is null and void. The Republican leader wants everyone to believe—he has made many statements on the floor to which I have not responded—that I have broken my word. He neglects to recall his own commitments and his own words. Remember, an agreement is a two-way street.

Let's take a closer look at what the Republican leader committed to do.

Let's look at the agreement we entered into together on the floor of this body, the Senate.

In a colloquy at the beginning of this Congress, January 24 of this year, I committed not to amend the Standing Rules of the Senate except through regular order. During that colloquy, Senator MCCONNELL also made a commitment. Senator MCCONNELL committed to end the constant Republican obstruction and return the Senate to a time when nominations were processed more efficiently.

This is what he said:

On the subject of nominations, Senate Republicans will continue to work with the majority to process nominations, consistent with the norms and traditions of the Senate.

I replied on the Senate floor:

The two leaders will continue to work together to schedule votes on nominees in a timely manner by unanimous consent, except in extraordinary circumstances.

Remember, an agreement is an agreement, a contract is a contract, and a bargain is a bargain.

The Republican leader also pledged: This Congress should be more bipartisan than the last Congress. He promised "to work with the majority to process nominations." He committed that "the two leaders will continue to work together to schedule votes on nominees in a timely manner by unanimous consent, except in extraordinary circumstances."

Those were his words. Those were his commitments. Those were his promises. By any objective standard, they have been broken.

Let's take a look at the record—part of the record at least. Exactly 3 weeks after Senator MCCONNELL committed to process nominees consistent with norms and traditions of the Senate—I repeat, consistent with the norms and traditions of the Senate—he led the Republicans on an unprecedented filibuster of the Secretary of Defense, a highly qualified nominee, someone with whom we served in this body.

Nothing can be a starker violation of the commitment to a return to the norms and traditions of the Senate than launching a filibuster of the Secretary of Defense, the first ever in the history of our Republic. What is more, Republicans obstructed the nominee because of completely unrelated issues and despite the fact that nominee Chuck Hagel was a war hero of the Vietnam conflict and a former Republican Senator from Nebraska. Republicans were busy catering to the tea party by trying to inflate the Benghazi nonscandal, which was completely unrelated to Secretary Hagel. He wasn't there.

Secretary Hagel's nomination was pending in the Senate for 34 days, a record for the Secretary of Defense. The average time is about 10 days.

Confirmation of Cabinet Secretaries used to be free from obstruction. Once in a while there would be something, but not very often. But under President Obama, Cabinet nominees have faced unprecedented obstruction and significant delays in assuming their positions.

Not a single Cabinet nominee was filibustered in President Carter's administration. Not a single Cabinet Secretary nominee was filibustered in President George H. W. Bush's administration. One Cabinet Secretary was filibustered in the Reagan administration, and only one Cabinet Secretary was filibustered in President George W. Bush's administration. But already, in the Obama administration, four Cabinet Secretaries have been filibustered and more filibusters are likely. Remember, he still has 3½ years to go in his term of office. Yet the Republican leader says there is no problem; the status quo is fine.

Republicans were willing to risk national security for the sake of tea party politics when considering the Hagel nomination, and they were willing to risk it again when considering the nomination of John Brennan to lead the CIA, the Central Intelligence Agency. Now we have the Secretary of Defense, and we have the CIA Director. They filibustered the nomination of a man charged with leading one of the Nation's most vital national security agencies. Yet the Republican leader says there is no problem; the status quo is fine.

In fact, Republican obstructionism has affected nearly every single one of President Obama's nominees. These obstructions continued at every level and through creative new methods.

Even before President Obama's nominations reached the Senate floor, Senate Republicans bogged them down with unreasonable demands, which are terribly time consuming. They are designed to be, if not unattainable, hard and difficult.

Tom Perez is a man who worked as a garbage man, who put himself through school. He hauled garbage. He is the President's nominee for Secretary of Labor. He received, after the public hearing, more than 200 questions for the record. These are not easy questions. They are not single-line questions.

Jack Lew, the President's nominee for Secretary of Treasury, was asked more than 700 questions before he was confirmed. Previously, Secretaries of the Treasury were just whipped through here with only a handful of questions. Now Jack Lew is being held up again for another position he wants with the International Monetary Fund. He is the Secretary of Treasury of our Nation.

Gina McCarthy—after a full hearing which took quite a while to get arranged because the chairman of the committee wanted to make sure the ranking member was satisfied with the time, witnesses, and all of that—was asked to lead the Environmental Protection Agency.

I know quite a bit about that committee. I was chairman of that committee twice. Now this is a World Series deal. This holds the record. She had more than 1,100 questions. It used to be common for nominees to be asked a handful of questions in writing after the hearing took place.

My colleague in the minority wants to claim credit for letting some nominees proceed. The fact that he seeks credit for approving some nominees only highlights the extent of the problem. Confirming nominees should be the norm, not the exception.

Remember the agreement he and I talked about on the Senate floor. The President deserves to have his or her team in place. I don't really care who is elected, whether it is Jeb Bush, Hillary Clinton, or JOE BIDEN. That person shouldn't have to go through what we have gone through in the last 4½ years. One look at the Senate's Executive Calendar shows that fundamentally nothing has changed since Senator MCCONNELL and I entered into our supposed agreement.

There are currently 15 executive branch nominees ready to be confirmed by the Senate after long stalling in many different ways. They have been waiting more than 260 days. Add it up, and that is about 9 months per confirmation.

At this point in President Bush's second term, the Senate had confirmed three times as many executives as for President Obama. By the Fourth of July of President Clinton's second term, the Senate had confirmed 80 of his executive nominees. By the Fourth of July of President Bush's second term, the Senate had confirmed 118. By the Fourth of July of this year for President Obama, 34. Remember, he has 3½ years left.

Through June of this year I have been forced to file cloture on 25 Obama executive nominees—25. This is eating up so much time. By comparison, a cloture was rarely filed during the 8 years Bush was President.

These procedural blockades are as obvious as they are unprecedented. Yet the Republican leader says there is no problem here; the status quo is fine.

This leads me to wonder what exactly does my friend—and he is my friend—Senator MCCONNELL consider an extraordinary circumstance? Is it an extraordinary circumstance when Republicans merely dislike an otherwise qualified nominee? Is it an extraordinary circumstance when Republicans simply dislike the agency the nominee will lead, 1,100 questions? Is it

an extraordinary circumstance when Republicans dislike the very laws a nominee will be bound to uphold?

It is a disturbing trend when Republicans are willing to block executive branch nominees even if they have no objection about the qualification of the nominee.

They don't like the law. They don't like the agency. Instead, they are blocking qualified nominees to circumvent the legislative process, forcing wholesale changes to laws or restructure of the entire executive branch departments. They are blocking qualified nominees because they refuse to accept the law of the land.

A perfect example is Richard Cordray, former attorney general of the State of Ohio, who has been asked by President Obama to lead the Consumer Finance Protection Bureau. To give a little background, remember, this was part of the bill that was passed called Dodd-Frank. This consumer finance protection bill was the brainchild of ELIZABETH WARREN, who is now a Senator representing Massachusetts.

The reason she is in the Senate is not by chance. Don't even put her there; the President for a long time wanted her to be there. No, he can't have her, so Cordray was a replacement. He was nominated in July of 2011. It is now July 2013.

There is no doubt about his ability to do the job. He has won high praise from both Democrats and Republicans. He has a stellar track record. If Mr. Cordray received a fair up-or-down vote, he would be confirmed immediately. But the Consumer Financial Protection Bureau continues to operate without a leader because Republicans want to roll back a law that protects consumers from the greed of the big Wall Street banks that caused us to have the meltdown we had in the first place. Republicans refuse to confirm Richard Cordray's nomination because they refuse to accept the law of the land. They do not dislike him, they dislike the law that was passed. Yet the Republican leader says there is no problem here; the status quo is fine.

This same type of blatant obstruction was applied to the nomination of Gina McCarthy to lead the Environmental Protection Agency. This is a woman who has wide-ranging support with Republicans. She served in State Republican administrations. She was nominated 130 days ago, or thereabouts, and although she has a proven track record of public service that will help her bring environmental and business groups together to tackle the serious environmental challenges facing our Nation, her nomination drags on. It just lingers. Why? Because Republicans fundamentally oppose the mission of the agency—the EPA—she will lead to keep the air we breathe and the water we drink safe from dangerous



pollution. Once again, they refuse to accept the law of the land. Yet the Republican leader says there is no problem here; the status quo is just fine; nothing is wrong with the Senate and how it works.

Republicans also made clear from the start they would never confirm Donald Berwick to lead the Centers for Medicare and Medicaid Services, the agency tasked with implementing the landmark health care reform legislation. Talk about qualifications. This was a Harvard professor of medicine.

This health care law is already saving seniors money in checkups and prescriptions. Millions of seniors now have wellness checkups. Being a woman can no longer be considered a preexisting disability, as insurance companies did before. They can't do that now. Because of health care reform, insurance companies can no longer deny coverage to sick children, such as those kids I had in my office yesterday, who had juvenile diabetes. Because of health care reform, there can be no more lifetime caps. A man who was a race car driver in Nevada got in an accident—not racing, an accident in a car—and was paralyzed. He got to the \$100,000 limit and was all through; no more help from the insurance company. He went on welfare. Because of the health care reform law insurance companies can no longer discriminate against those, as I have indicated, with preexisting conditions.

Since President Obama signed that law, insurance companies can no longer put profits ahead of people. It used to be there was no limit to what they could spend on the executives of the company, but now they are limited to 20 percent. That is why millions of people this year have gotten refunds, because the insurance company was gouging them. Republicans oppose this health care law. In the House they have scheduled another vote next week—to vote for I think the 41st time—to repeal it. Because Republicans oppose the health care law, they have done everything in their power to derail the law's implementation, including denying the CMS a leader.

Despite Dr. Berwick's stellar credentials, Republicans defamed him and destroyed his chance at confirmation because they refused to accept the law of the land. They refused to confirm Berwick, so in 2010 President Obama was forced to recess-appoint him. Berwick's term ended a year and a half later because that was done under a recess appointment, and at the end of that Congress the appointment expired. He was never confirmed to lead the CMS, although his nomination was pending for 593 days—more than a year and a half. Yet the Republican leader says there is no problem here; the status quo is just fine.

The same type of politically motivated obstruction has hobbled the National Labor Relations Board. This

isn't some brand new law that Democrats came up with. This came into being during the Great Depression—not this one, but the one in the 1930s. That is when the National Labor Relations Board originated. From January 2008 to March 2010, the National Labor Relations Board has operated with just two members. Senate Republicans have refused to allow a vote on the President's nominees—refused.

In June 2010, the Supreme Court invalidated much of the NLRB's work during this period, finding three members were necessary. There was no quorum unless you had an extra one, and we didn't have one because they wouldn't let us do it. Then the President recess-appointed a bipartisan group of three members to the board so it would function. The appeals court ruled those appointments were also unconstitutional. The case will soon go to the Supreme Court about recess appointments.

As I mentioned, I had a meeting earlier with some of my Republican friends here this morning. We met in my office, and I reminded everybody when this issue came up in the past, we put people on that DC Circuit that we had to gag to vote for in an effort to avoid a problem here in the Senate, but we did. These are three we put on, the one who gave us this outrageous opinion that after 230 years as a country no longer could we have recess appointments. So it will go to the Supreme Court.

In the meantime, the term of one of the three remaining NLRB members expires next month. So at the end of August the NLRB will continue to be nonfunctioning. Republicans consider that a victory. I am not making this up. Listen: In 2011, the senior Senator from South Carolina—and I care a great deal about this man, LINDSEY GRAHAM. He would say he is my friend and I am saying he is my friend, but listen to what he said: "The NLRB, as inoperable, could be considered progress." "The NLRB, as inoperable, could be considered progress."

Because Republicans refuse to accept the law of the land, they have denied the NLRB the ability to safeguard workers' rights and monitor unions. Workers have been illegally terminated. They have no way to appeal. The results of contested union elections? It doesn't matter; nobody is there to look it over. Labor abuse and unfair labor practices go unchallenged. Yet the Republican leader says there is no problem here; the status quo is just fine.

The Constitution gives the President, whomever that President might be, the right, the power to choose his team. It grants the Senate the right to advise and consent on those choices. But consistent and unprecedented obstruction by this Republican caucus has turned advise and consent into deny and ob-

struct. Republican obstruction has denied President Obama the ability to choose his team. Whether you are a Democrat, a Republican, or an Independent, we should all be able to agree that Presidents deserve the team members they want, and their nominations should be subject to simple up-or-down votes.

No President can safeguard America's national economic security to the best of his or her ability without their chosen team in place. Let's see if we can come up with an example. Davey Johnson is the manager of the Washington Nationals—his team—we are so happy to have here in Washington. He is here as manager of that team to field a winning team. He was a starring second baseman for the Baltimore Orioles when they won four American League pennants, two World Series championships, and he has managed five different baseball teams. He has been a two-time manager of the year, he led the Mets to their 1986 World Series as a manager, and last year he gave the Nats franchise their first division title since 1981.

Major League Baseball season begins about April 1. Imagine the front office of Major League Baseball calling up Davey Johnson around the 1st of April and saying: Davey, I know that first baseman you signed a week or so ago, Adam LaRoche, is a good first baseman. He is swell—a Gold Glove winner, a classic power hitter—but I am sorry to tell you that you can't play him until maybe the middle of June. Then Davey Johnson is called again by the same man who says: That third baseman, Ryan Zimmerman, I know you like him, he is a man who has won the Silver Slugger Award, he has been a Gold Glove recipient, an All Star, but tell you what, you can play him as soon as the All Star break is over.

If that were to happen, what would happen to that team? They would go on and perform, just as President Obama has done, but they would not play to their ability. And that is ridiculous. Yet that is where we are. That is exactly what Republicans are saying to President Obama: You can't have your team until we tell you everything is fine, and it is going to take a long time for us to tell you that. The gridlock the Republicans have created is not only bad for President Obama and bad for the Senate, it is bad for this country. We can have people come and give all the statistics in the world, but is there anybody out there in America who thinks this body is functioning well?

Upon examination of this record I have outlined of obstruction—of delay and filibuster—it can hardly be said Senator MCCONNELL has—to use his words—worked together to follow regular order and use his procedural options with discretion. It can hardly be said Senator MCCONNELL has worked

with the majority to move nominations. It can hardly be said Senator MCCONNELL has worked with the majority to schedule votes on nominees in a timely manner except in extraordinary circumstances. But it could be said Senator MCCONNELL broke his word. That certainly could be said. The Republican leader has failed to live up to his commitments. He has failed to do what he said he would do—move nominations by regular order except in extraordinary circumstances. I refuse to unilaterally surrender my right to respond to this breach of faith. If Senator MCCONNELL wants to continue to defend the status quo of gridlock in Washington, he has that right. If Senator MCCONNELL wants to continue to believe there is no problem in the Senate, that is his choice. But the American people are fed up with gridlock, they are fed up with obstruction, and they are fed up with politics as usual. They want Washington to work again for American families.

I try every day of my life to be on the side of the American people. I wait and I wait, but I am not going to wait another month, another few weeks, another year for Congress to take action on the things we have been doing for almost 240 years.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I sat here patiently and listened to the majority leader's speech, and I hope he will do me the courtesy to listen to mine, since this is a very important day in the history of the Senate. I want to make a couple of observations, which I hope my friend the majority leader will listen to.

First, he is trying to justify in advance what would be a very clear failure to honor his very clear commitment not to break the rules of the Senate. What he is referring to are his own statements, not mine, regarding extraordinary circumstances. He said that, not me. In other words, to justify breaking his clear commitments not to break the rules of the Senate in order to change the rules of the Senate, he is attributing to me something somebody else said, and that somebody else, by the way, is him. He is attributing to me something he said.

We need to keep our commitments around here and not break them, and we need to be honest about quoting people around here. This is about trying to come up with excuses to break our commitments. What this is about is manufacturing a pretext for a power grab.

I listened very carefully to what the majority leader had to say. What he is saying, in effect, is he doesn't want to

have any controversy at all attached to any of the nominees. In other words, don't ask any questions. Advise and consent means sit down and shut up.

He was complaining about the number of questions the nominee for EPA Administrator was required to answer.

What he conveniently left out was the chairwoman Senator BOXER requested 70,000 documents. Why is it OK for the chairwoman to request 70,000 documents and somehow if the ranking member makes a lot of requests it is some violation of some comity? When the Founders wrote "advise and consent," I don't think they had in mind sit down and shut up.

It is noteworthy that all of the people he is complaining about got confirmed. So what he is saying is he doesn't want any debate at all in connection with Presidential appointments, just sit down, shut up, and rubberstamp everything, everyone the President sends up here.

On the calendar right now there are 21 nominations—21. There are 148 in committee. We don't control the committees, he does: 148 in committee, 21 on the calendar. It is pretty obvious Senate Democrats are gearing up today to make one of the most consequential changes to the Senate in the history of our Nation.

I want everybody to understand, this is no small matter we are talking about. I guarantee you it is a decision that if they actually go through with it, they will live to regret. It is an open secret at this point that big labor and others on the left are putting a lot of pressure on the majority leader to change the rules of the Senate and to do so, as he promised not to do, by breaking the rules of the Senate. That would violate every protection of the minority rights that has defined the Senate for as long as anyone can remember.

Let me assure you, this Pandora's box, once opened, will be utilized again and again by future majorities and it will make the meaningful consensus-building that has served our Nation so well a relic of the past.

The short-term issue that has triggered this dangerous and far-reaching proposal is simple enough. The hard left is so convinced that every one of the President's nominees should sail through the confirmation process that they are willing to do permanent irreversible damage to this institution in order to get their way, and it appears as if they have convinced the majority leader to do their bidding and hijack the Senate. They are not interested in checks and balances. They are not interested in advise and consent. They are not even interested in what this would mean down the road when Republicans are the ones making the nominations. They want the power and they want it now. They do not care about the consequences. The ends jus-

tify the means ethos has been resisted by basically every Senate leader in the past and it is a clear and unequivocal violation of the public assurances that the current majority leader made to the entire Senate, his constituents, and the American people just a few months ago.

What is worse is we got to this point on the basis of an absolute fairytale, a fairytale. Obviously, the left needed an excuse to justify such an unprecedented power grab, so they simply made up a story about Republicans blocking the President's nominees. The majority leader is entitled to his opinion, but he is not entitled to his facts. The facts are the facts. Here is the real story. Almost nothing about this tale so often repeated around here holds up to scrutiny.

The facts are that this President took office and the Senate has confirmed 1,560 people. The Senate has confirmed every single one of the Cabinet nominees who has been brought up for a vote—every single one. The President has gotten nearly three times as many judges confirmed at this point as President Bush in his Presidency.

Here is the point. What this whole so-called crisis boils down to are three nominees the President unlawfully appointed—as confirmed by the courts. A Federal court has held the three nominees were unlawfully appointed. Two of the three are direct parties to the litigation and the third one was appointed at exactly the same moment in the exact same way. One of these nominees has been held up by inaction over at the White House related to structural reforms that the administration and even the nominee himself, Mr. Cordray, now say they are willing to work with us on. The fact is, indisputably, we have been confirming lawfully nominated folks routinely and consistently: The Energy Secretary, 97 to 0; the Secretary of the Interior, 87 to 11; the Secretary of the Treasury, 71 to 26; the Secretary of State, 94 to 3, just a few days after the Senate got his nomination; the Secretary of Commerce, 97 to 1; the Secretary of Transportation, 100 to 0; the Director of the Office of Management and Budget, 96 to 0; the Administrator of the Centers for Medicare and Medicaid Services, 91 to 7; the Chair of the Securities and Exchange Commission, on a voice vote—in other words, unanimously.

What about the nominees still awaiting confirmation who have not—not been unlawfully appointed? The Senate is ready to vote on them too. Regrettably, in my view, frankly, all of them appear ready to have the votes to be confirmed. I don't necessarily support them, but they have the votes to be confirmed. Why don't they call them up? The majority leader determines what the order of business is around here. He could have scheduled votes if that is what he wanted to happen. Why

don't we have a vote on the Secretary of Labor? What about the Administrator of EPA? The NLRB nominees who were not unlawfully appointed—there are some other NLRB nominees who were not unlawfully appointed—why aren't we voting on them?

As I said, pending the expected negotiations on reforms to the CFPB, the Senate would likely confirm the chairman to that position as well.

We need to be honest about what is going on around here. The only crisis is the crisis the Democrats are creating with their threats to fundamentally change the Senate, something the majority leader said just a few years ago he would never even consider. Here is why he said that: Because going down this road is "ultimately . . . about removing the last check in Washington against a complete abuse of power."

Those are the words the majority leader himself used in describing the very thing he is now threatening to do—the very thing he is now threatening to do.

Let me sum up what is going on around here. Senate Democrats are getting ready to do permanent damage to this body to confirm three unconstitutionally appointed nominees by a simple majority vote. They are willing to break the rules of the Senate to change the rules of the Senate in order to confirm three nominees that the Federal courts have said were unlawfully appointed. Every other nomination we are talking about has either already been confirmed or is on the way to being confirmed, but they will not call them up. He gets to decide when we vote. Where are the callups for EPA and Labor and the three NLRB nominees lawfully appointed?

If this is not a power grab, I don't know what a power grab looks like. The President appoints three people unconstitutionally, the second highest court in the land confirms they were unlawfully appointed, and Senate Democrats want to break the rules of the Senate to confirm them. This is not the story we just heard from the majority leader, but this is a fact.

The entire phony crisis—absolutely phony, manufactured crisis—boils down to three unlawfully appointed nominees. The Democrats say we are holding up the others. It is not true. He gets to schedule the votes. Where are they? Bring them up. The truth is, if there is anyone to blame for holding up things in the Senate it is the Democratic majority. They are the ones blocking nearly 30 fast-track nominations, many of whom Republicans have already agreed to confirm unanimously. They are the ones, the Democrats, who have yet to schedule votes on McCarthy and Perez, despite the fact that both of these highly controversial nominees already have enough votes to clear the 60-vote hurdle.

I do not like the facts, frankly, and I am not going to be voting for either of these nominees. Tom Perez in particular is a far left ideologue whose record of bending the rules to achieve his ends is deeply concerning to me and just one of the reasons I plan to vote against him. But to pretend the power to confirm these folks lies in the hands of anyone but the majority leader is totally disingenuous.

The White House knows what I have just said. I have told them. The majority leader would know it too if he spent a little more time working with his colleagues in a collegial way and a little less time trying to undermine and marginalize people.

The real reason, as I said, is that the far left and big labor are leaning hard on Democrats to go nuclear. Go nuclear—they love the sound. The majority leader is about to sacrifice his reputation and this institution to go along with it because what they truly want is for the Senate to ratify the President's unconstitutional decision to illegally appoint nominees to the NLRB and the CFPB without the input of the Senate. They know they cannot get that done under current rules. They know time is not on their side. The second highest court in the land ruled unanimously that President Obama had no power to do what he did. Another court has since concurred. Now the Supreme Court is set to hear the case in just a few months. They obviously thought it was important enough to be dealt with at the highest Court in the land.

This is not a fight over nominees at all. It is a fight over these illegal, unconstitutionally appointed nominees. It is laughable to think Democrats would ever agree to such a thing if we were talking about a Republican President's unlawful nominees—laughable.

It is equally irrational to think we would go along with this. In fact, no Senator, regardless of party, should ever consider ceding our constitutional duties in such a way.

I advised the Romney team before the election that if he won and I was ever elected majority leader, I would defend the Senate first in these battles. I would defend this institution against a Republican President trying to abuse it. That is a precedent set by majority leaders, such as Robert Byrd, who revered this institution because they knew what it was to be in both the majority and the minority. It is what the best leaders of the Senate have always done. It is absolutely tragic to think these days may be over.

Here are the battle lines. On one side are people who think the President should have the power to unconstitutionally ignore Congress and their constituents. Those are people who believe in it so firmly that they are willing to irreparably damage the Senate to ensure they get their way. They are willing to do something the majority

leader himself said would contribute to the ruination of the country. I am not making up his quotes; that is what he said.

On the other side are the folks in my conference, and even some Democrats, with the courage to speak up against this power grab. We are the folks who believe deeply that a President of any party should work within the bounds of the Constitution, and that Senators of both parties should fulfill their own constitutional obligations to thoroughly vet nominees. We also believe in giving those nominees a fair hearing. If you look at the facts, you will see we have already been doing that.

As Senator ALEXANDER noted, no majority leader wants written on his tombstone that he presided over the end of the Senate. Well, if this majority leader caves to the fringes and lets this happen, I am afraid that is exactly what they will write. In the majority leader's own words: Breaking the rules to change the rules is un-American. Those are his words, not mine.

I hope the majority leader thinks about his legacy, the future of his party and, most importantly, the future of our country before he acts.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I assume the words "I agree" are words that mean something. We had a colloquy on the floor, and at that time he said he wouldn't do anything extraordinarily—he said that, and I said I agree.

I would like to talk about a few other things. Here is a direct quote Senator MITCH MCCONNELL of Kentucky said a few years ago: The Senate has repeatedly adjusted its rules as circumstances dictate. The first Senate adopted its rules by a majority vote which specifically provided a means to end debate instantly by a simple majority vote.

This was the first Senate at the beginning of our country, and that was so we would have the ability to move the previous question and end debate. This is not the first time a minority of Senators has upset a Senate tradition or practice. The current Senate majority intends to do what the majority of the Senate has often done: Use its constitutional authority under Article I, Section 5 to reform Senate procedure by a simple majority vote. That is what Senator MCCONNELL said.

The interesting thing here is my friend talks as if: Gee, this has never been done before. But the fact is it has been done many times. Since 1977, it has been done 18 times—about twice every year. I think that is pretty interesting. It has happened 18 times just since 1977: December 12, 1979; November 9, 1979; March 5, 1980; June 11, 1980; June 10, 1980; another time in 1980; 1986, 1985, 1987, 1995, 1996, 1996, 1999, 2000, 2011. Those are the times the rules have

been changed, overruling precedence—as my friend Senator McCONNELL said—with a majority vote.

It is also important to note that, without getting into a lot of legal jargon, the Constitution gives the nomination power to the President. The Constitution does not provide for a supermajority of the Senate to provide its advice and consent. The Drafters of the Constitution knew how to provide for supermajorities when they wanted to. The very same clause in the Constitution that gives the President the appointment power—the clause from which I just quoted—also provides for consortium of treaties, which is two-thirds. Same paragraph. Legislation and other things require a simple majority.

My friend the Republican leader has made my point. He talks about all the votes—97-0, 100-0, 98-0. That is the whole point. It takes months and months and sometimes years to get to where we can vote. They stall everything they can, and they have done that. That is the whole point. It was supposed to only be under extraordinary circumstances, and I went into some detail to explain that. Is this extraordinary circumstances? Of course not.

He talks about Richard Cordray and how they just want a little tweak in the law. Here is the tweak in the law they wanted: Dodd-Frank knew we would have trouble with the appropriations process because the Republicans don't let us do much appropriating at all. So in the wisdom of the people who drafted Dodd-Frank, they said: We are going to make sure the position that Cordray is talking about always has the resources to do what they want to do. So they did something unique and said the money will come from the Federal Reserve. The little tweak the Republicans want to do is to switch that and give it to the Appropriations Committees. They won't let us do appropriation bills. That is like giving us nothing.

My friend went into great detail about the NLRB. For the entire history of this country, the President has had the power to recess-appoint people. The Republicans have found a gimmick here that now they are saying—no one has raised any objection about the qualifications of the people the D.C. Circuit said shouldn't be sitting there. No one raised anything about their qualifications. If there were an effort to avoid what is going on around here, they should approve these people.

The other Alice-in-Wonderland statement made by my friend is: The majority leader can set votes whenever he wants. Oh, don't I wish. Stall and obstruct is what we have around here. It is very hard to schedule votes. As has been indicated by me a few minutes ago, we wait and we wait, and finally we get a vote after months and

months—and I indicated sometimes years—and then it is a big and overwhelmingly positive vote. Yes, because there is nothing wrong with the person to begin with.

As I said early on: He makes my case. There isn't a single word that has been said here today about the qualifications of the three people who are seeking to go on the NLRB—or the two Republicans. He has not produced any facts to question their abilities. He just argues that the President's timing was not quite right.

I think everyone realizes that when you are trying to get somebody confirmed, such as Richard Cordray, and you are waiting 725 days, maybe that is a little too long.

Listen to this biggy here: The Principal Deputy Under Secretary of Defense for Acquisition, Technology and Logistics—that may sound like a big fancy word, but that is an extremely important position in the Secretary of Defense's office—has been waiting 300 days. The Governor for the International Monetary Fund, Jack Lew, our present Secretary of Treasury, has been waiting 169 days. It is now probably 172, I guess, since this could be old; the EPA, 128 days; Secretary of Labor, 114 days; NLRB, 573 days; the Chairman of the Export-Import Bank, 111 days; Associate Attorney General, 294 days; Chemical Safety and Hazard Investigation—shouldn't we have something going there? Well, they don't believe in the program so we have been waiting now for 295 days to even have a vote on that.

Remember, he said I can schedule a vote whenever I want. I wish that were true.

Member of the Board of Directors for the Tennessee Valley Authority, 292 days; Commissioner of the Rehabilitation Services Administration, 156 days. The average of those few people I mentioned comes to 260 days.

I presented my case. The case is: This is not working. For the Republicans to come here today and say: Well, that is fine, we will give you Cordray, all we want you to do is change things so the man never has any money to do his job doesn't sound like a very good deal to me. There has been no answer to these periods of times when we waited and waited, and finally we get somebody approved by an overwhelming margin. Why? Because all they are doing is stalling.

I used to do a little work in the courts and I would have a jury. I would appeal to the jury to make a decision. The jury I am appealing to right now is the American people. They know the Senate as it used to work. Our approval rating is in the swamps, and we need to do something to change that. Will this change everything? No. But remember: Since 1977, the rules of the Senate have been changed a couple of times a year in this body. My friend the Republican

leader said previously that that is okay; that is what the majority could do.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, on the issue of delay, there are 148 nominations in committees. The majority leader's party controls the committees. They can come out at any point. On the calendar of business on the floor 21 nominees are pending.

The majority leader, I am sure, will remind everybody he always gets the last word so I am sure he will speak again. But I would remind everybody of the core point here: He gave his word without equivocation back in January of this year that we had settled the issue of rules for the Senate for this Congress. That was in the wake of a bipartisan agreement to pass two rule changes and to pass two standing orders. So at the core of this is the majority leader's word to his colleagues and the Senate as to what the rules would be for this Congress. He gave his word, and now he appears to be on the verge of breaking his word.

Secondly, the only nominees—let's make sure we understand this—likely to have a problem getting cloture are the ones who were unconstitutionally appointed, according to the Federal Court in the District of Columbia.

So where we are is the majority leader wants to fundamentally change the Senate after breaking his word in order to jam through three nominees the Federal Courts have said were unconstitutionally appointed. That is where we are.

I think it is a sad day for the Senate. I hope the majority leader will reconsider what I consider to be a highly irresponsible action on his part.

Is the Senator from Tennessee going to pose a question to me or to the majority leader?

Mr. ALEXANDER. I will wait until the majority leader finishes.

Mr. McCONNELL. I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. My friend the Republican leader continues to ignore his words, that he would process nominations consistent with the norms and traditions of the Senate. Please. That is just ignored by him? If anyone thinks since the first of this year that the norms and traditions of the Senate have been followed by the Republican leader, they are living in gaga land.

The Republican leader agreed that we should not have filibusters except in the case of an extraordinary circumstance. He agreed with that, but he ignores that.

I think it is also worth talking a little bit here about how the Republican leader complains that people just don't like Congress. Well, there is a reason for that, and the Republican caucus deserves most of the blame. The Gallup

organization polled Americans last month and asked for some of the reasons why people disapprove of Congress. The two top reasons outdistance all others. They don't like Congress because of gridlock and not getting anything done. Is that our fault? No.

Surveying the years that President Obama has been in office, one can see time after time when Democrats reached out to Republicans to get things done, and no one can see where they have done that. One can see that time after time the Republican leader has pressured his colleagues not to work with us.

There is no reason Congress should be held in such low regard. We should clear the calendar. They are not going to do that. They are going to continue this process over the next 3½ years, badgering, saying: We are really good. We got this nomination done, and we approved it 98 to 0—after waiting months.

It is the first time ever in the history of this country that the Secretary of Defense has been filibustered.

So I appeal to my friends on the other side of the aisle, remember the words I read from Senator McCONNELL where he said a simple majority has the right to do this. And we know that is true.

Mr. WICKER. Would the distinguished majority leader yield for 30 seconds?

Mr. REID. I would be happy to yield for a question.

Mr. WICKER. I would ask the majority leader, in an hour or so Democrats are going to have lunch with Democrats, and Republicans are going to go to another room and have lunch with Republicans and talk to each other about what the other side is doing. This is such a serious matter. It may be the wise thing to do. I totally disagree. But I think the majority leader will agree that this is a watershed moment.

Could it be that early next week, just once we could all meet together, perhaps in the Old Senate Chamber—every Democrat and every Republican—for a caucus where actually Republicans listen to Democrats as to what they perceive as the grievances and rank-and-file Democrats listen to our side?

People are off in classified briefings right now. People are in committee meetings. People are doing the work of the Senate whether the public realizes it or not.

We are not listening to each other as rank-and-file Members. I would implore the leadership of this body, next Tuesday let's clear the Old Senate Chamber and get every Republican and every Democrat who wants to be there and actually quit talking past each other and see if there is a way for us to avoid this pivotal watershed moment in the history of the Senate.

Mr. REID. I appreciate the remarks of my friend from Mississippi. I am

going to start the process today. I am going to file cloture on a bunch of nominations, and those votes will occur next week when we schedule them. I would be happy to see if there is a way I can meet with a few Senators. I have already done that with a few Republican Senators, and I am happy to see if there is a way of getting us together. We had a nice caucus together not long ago led by Senator McCain, which was really memorable, but I listened to a bunch of them.

I say to my friend, if you are so concerned—and I know you are—about the process, I think you need to take a look at where you are.

About Cordray, I am so tired of hearing this tweaking: All we need is to tweak this a little bit and we will let you have it.

I repeat, I say to my friend, that the tweak is to take away his ability to exist. That is not a tweak; that is further obstruction and distraction from what a law we have is meant to do.

The NLRB, all the happy-talk I hear here—and I don't say that to disparage anyone—we will be happy to help you with that, but get rid of those two people.

No one questions their qualifications.

And I am happy to hear my friend here suddenly so enthused with that court decision. The court decision doesn't stop us from doing anything. The court decision is something that says that we can do whatever we want to do. We are a legislative branch of government. We don't have to follow what the Supreme Court does.

So without going into any more dialog, I appreciate what my friend says. I think what he needs to do with his caucus—we are going to have one today—is take a look at NLRB. There are five of them. We have no problem with the two Republicans. Let's get that done. Let's get Cordray done. Let's get the Secretary of Labor, who has waited such a long time, and we have the Secretary of the EPA.

I say to my friend, I don't know why his caucus has such heartburn over things dealing with labor. My friend said—I don't know exactly—leftwing big labor bosses. We have the Secretary of Labor who is being held up. We have three NLRB people being held up. Let's try to work our way through that. I would be happy to listen to any way he thinks we can get through that. If we can't, Tuesday we know what is going to happen.

Mr. WICKER. Just to understand, is that a yes on trying to get us together, as Republicans and Democrats, as early as lunch Tuesday to see if there is some way we can talk about this?

Mr. REID. I am happy to consider that. I have talked to a number of Republican Senators. One of them called me at home last night. I was happy to take the call. He said: What happens if cloture is invoked on the people you

put forward? Well, if that happens, I have no complaints. I would hope everyone would learn from this process.

I think we need to look at what I just said. All you need is six Republicans to agree to do something about NLRB, to do something about Cordray without taking away his abilities.

Are there any appropriators here on the floor? I have been away from the committee for a while. We are not doing much appropriating around here. I know Senator McCONNELL and I were on the committee together. I gave my spot up to Ben Nelson some time ago. I still have seniority protected there.

So I am happy for the Senator's suggestion. We will take a look at that. But it is a very simple problem here. We need to get the labor—and they are not big bosses. But my culinary workers—70,000 of them in Las Vegas alone—who have problems with management, they want to be able to gripe to somebody.

Mr. WICKER. Would the distinguished leader yield on simply one further matter?

Mr. REID. Sure.

Mr. WICKER. Did the majority leader understand, as I did, Leader McCONNELL saying just a few moments ago that the Secretary of Labor nominee is likely to go forward very soon?

Mr. REID. That is what he said.

Mr. WICKER. And that the EPA Administrator is likely to go forward almost immediately? So we really are down to the three positions where there has been a U.S. appeals court decision, which arguably could be viewed as an extraordinary circumstance.

Mr. REID. I say to my friend, this is the first time we have dealt with this. As the Senator knows, Senator McCONNELL is one of those who led the charge a number of years ago. I read part of his statement.

It would seem to me that it would be appropriate for folks to understand what I just said. It doesn't take somebody who has been here as long as Senator Byrd was.

I would also say this. To say to me now: We are going to do McCarthy—well, she has only waited 150 days. We are going to do Perez; we will do him right now. But that is the problem, I say to my friend—we shouldn't be waiting around here for months and months to get a vote on one of these nominees. That is the whole issue.

So I appreciate his consideration. I am going to go now to my office and meet a few people. I am happy to answer any questions while I am here on the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. First of all, I know there have been a number of conversations, and I appreciate the majority leader allowing me to talk with him recently on the phone. And I know we have an issue here. I would just go

back to the question from the Senator from Mississippi.

Last night I was on the phone with numbers of Members of high esteem in the Senator's caucus, and when I talk with them about this issue, they have no understanding whatsoever about any background. They just say: Look, I am frustrated, so I am going to vote for the nuclear option.

And I would say, to respond to the Senator from Mississippi, that the Senator is right. So we have some things that are coming up here momentarily. It is possible that many of them—maybe all but many of them—will be resolved. But it seems to me, unless we do the thing the distinguished Senator from Mississippi just mentioned, there is going to be a continual gap of knowledge regarding these issues.

So I would just say that I think the majority leader knows I do everything I can and the senior Senator from Tennessee does everything he can to try to make this place work. We want to solve our Nation's problems.

I think if the majority leader will put the actual votes off to at least Wednesday, there may be some resolve. But I really would please ask that we have that opportunity the Senator asked for so that really both sides—we need to understand the other side's grievances more, and I know very respected Members on the Democratic side need to understand ours. I think that would be very, very helpful, and I really believe it would cause the leadership to be far more productive and worthwhile, and the majority leader could come in every morning smiling the way he is right now.

Mr. REID. Mr. President, to my friend from Tennessee, from the day he got here he has tried to follow on the mold set by Senator ALEXANDER. They are both conciliators. They like to work things out. We haven't been able to work too many things out, but they try. No one tries harder than they do.

I just want to say this: We talk about extreme circumstances. That was the colloquy my friend and I had here on the floor. So to now say the NLRB is extreme circumstances is like somebody setting a house on fire and then complaining their house is gone. The extraordinary circumstances have been created by you guys.

So I say again to my friends here in the Senate that I would be happy to do a joint meeting with the two caucuses but not to come here and just throw numbers around. The point is that I want this resolved and I want it resolved one way or the other. I am through.

Just to remind everyone, for two Congresses—the last one and this one—I have gone against the wishes of the vast majority of my caucus not to have done something before. And we did a few things. Most of them were window dressing that hasn't accomplished

much of anything on the rules that we changed.

So I am happy to have a group of Senators indicate to me how we are going to get these people I have on the calendar done. This is no threat. I just think that would be the appropriate thing to do. If we have something positive to report in a joint meeting without going back to the same stalling, obstruction—I don't need to go over this list of people again. Some have been waiting for years to get something done. I just am not going to continue doing that. We have to have something more than my friend coming to the floor and saying: I am not going to do anything unless there are extraordinary circumstances. I think that has been stomped into the ground. So there is name-calling we need to stop.

I am happy to go to my caucus today and make my case. I am very fortunate that I have a pretty good hand on the caucus, and we are going to go ahead and do what is good for the country. I hope that, as everyone knows, the vote will be scheduled anytime we want on Tuesday.

Any other questions?

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:30 p.m. will be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes.

The Senator from Tennessee.

#### NOMINATIONS

Mr. ALEXANDER. Mr. President, I thank the majority leader for his statement, for the time he has spent.

I was looking at the Executive Calendar. But, first, I have spent most of this week working on the student loan issue, as the majority leader knows. And we are coming to an agreement, it looks like, as we have with a number of other things. But I would like to renew to the majority leader the suggestion that we all get together next week and talk this through, as the Senator from Mississippi has suggested. I think it would be a wise thing to do.

There are other Senators here who wish to speak, so I will try to be succinct. Let me address just a few of the points the majority leader made.

One reason I think it would be wise for us to get together as Democratic and Republican Senators is what he is saying is different from the way I read the facts, and one of us has to be wrong about that.

For example, have Republicans used the filibuster to deny President

Obama's nominees a position in government? The answer is a fact. I invited the Senate Historian and the Congressional Research Service over to my office. I asked them the question. Here is the answer to the question: In the history of the Senate, no Supreme Court Justice has ever been denied his or her seat by a filibuster. There was a little incident with Justice Fortas that Lyndon Johnson engineered, but that was different. So in the cases of the Supreme Court, zero.

How many district judges have been denied their seat by filibuster? The answer is zero.

How many Cabinet members have been denied their seat by a failed cloture vote filibuster? The answer, according to the Senate Historian and the Congressional Research Service, is zero.

How many circuit judges have been denied their seat by a filibuster? The answer is seven. How did that happen? Democrats, for the first time in history, when President George W. Bush came in, blocked five. And we said: Well, if you are going to change the precedent, then we will change the precedent, so we blocked two. That is what happens around here. But other than that, it is zero.

Then the majority leader said there has been some big delay about President Obama's nominees. These are not throwing statistics around. That is either true or it is not true.

Here is what the Washington Post says and the Congressional Research Service says. The Washington Post, by Al Kamen, on March 18, 2013: President Obama's second-term Cabinet members are going through the Senate at a rate that "beats the averages of the last three administrations that had second terms."

President Obama is being better treated in terms of his Cabinet nominees than the last three Presidents.

I asked the Congressional Research Service the same question. They said: As of June 27—last month—his nominees were still moving, on average, from announcement to confirmation, faster than those of President George W. Bush, faster than those of President Clinton.

Someone in the Democratic caucus needs to hear this. The number of Cabinet nominees who have been denied a seat by filibuster is zero. President Obama's Cabinet nominees are moving through the Senate faster than his last three predecessors. That is important information.

Now, are there a lot of nominees sitting around for too long a period of time? I have the thing we call the Executive Calendar right here. Senator MCCONNELL referred to it. I could go through it quickly. I count 24 people on the calendar. The one who has been on there the longest was reported by committee on February 26 of this year. That is a little over 4 months ago.

Let's be very elementary about this. The only way you get on this calendar is to be reported out of committee. The only way you get out of committee is for the Democratic majority to vote you on to this calendar. So we can fill this calendar up any time the Democratic committee majority wants to.

Of the people here, there is a brigadier general named Long. The committee has asked that we hold that. There is Jacob Lew to the International Monetary Fund. Bring him up. Bring him up. He will be confirmed.

Let's go back to that. The only way you get a name to a vote on the floor is if the majority leader brings his name to the floor. Jacob Lew has been reported from Committee since April 16. Bring him up.

Here is an Air Force person. Here is Ms. McCarthy from Massachusetts. She has been reported from the committee. Bring her up. The Republican leader has said she will get cloture. That means she will be confirmed. He said the same thing about the nominee for the Department of Labor. He has been reported since May 16.

Mr. President, I am not a very controversial person. I was held up for 88 days by an ill-tempered Democratic Senator, for what I thought was no good reason, relying on Article II, Section 2 of the Constitution's right to advise and consent. President Reagan's nominee for Attorney General Ed Meese was held up for 1 year, and nobody thought about changing the rules of the Senate because it used its constitutional authority to advise and consent. Former Senator Rudman was held up by his home State Senator until Rudman withdrew his name, and then he ran against that Senator and was elected to the Senate.

The advice and consent responsibility of the Senate has gone on since the days this country was founded.

If you go down through this list of people, there are only 24 on the list. He could bring them all up. And 24 is not very many.

Then it reminds me that right after that are the privileged nominations. What are those? Those are the result of our rules changes which removed a number of people from Presidential confirmation and created a whole new category for several hundred executive positions so they do not go through a more cumbersome process, and that is working very well.

So zero filibusters denying nominations, Cabinet members going through the Senate more rapidly than the last three Presidents. So what is the beef? What is going on? There are only three judges on this calendar, an embarrassingly small number for us to deal with. We could clear this calendar in one afternoon. How do we do that? The majority leader brings them up—except for three who are illegally appointed.

Now, I will not go into a long thing about the three illegally appointed, ex-

cept to say they are illegally appointed.

Most of the Founders of this country did not want a king. They created a system of checks and balances, and they created a Congress, and they created an ability for us to restrain an imperial Presidency. That is what this advice and consent is supposed to do, and we should exercise that, as former Senator Byrd used to say most eloquently on this floor. It is our opportunity to answer questions. Just because the majority leader seeks to cut off debate does not mean that person is being denied confirmation.

I will give you an example: Secretary Hagel. The majority leader tried to cut off debate 2 days after he came to the floor from the committee. We said: We want a little more time to consider this. We will be glad to vote for him for cloture in 10 days. He went ahead with the cloture vote and called that a filibuster. But Secretary Hagel is sitting in his spot as Secretary of Defense today.

So you can go down through all of these nominations and really find no evidence—no evidence whatsoever. So we need a meeting of the two caucuses to say: What is going on? Why are you seeking to do this?

The last thing I would like to say is, it is appropriate from time to time in the case of subcabinet members to use the cloture to deny a seat. That has happened seven times. John Bolton was one that the Democrats did to President Bush.

As I conclude my remarks, I would like to say this: The majority leader said: Well, we have changed the rules 18 times.

Never like this. What he is proposing to do is to turn this body into a place where the majority can do whatever it wants to do. That is like the House of Representatives—so the majority can do whatever it wants to do. A freight train can run through the House of Representatives in 1 day, and it could run through here in 1 day if the Majority leader does this. This year it might be a Democratic freight train. In a year and a half it might be the tea party express. There are a lot of people on that side of the aisle who might be very unhappy with the agenda that 51 people who have creative imaginations on this side of the aisle could do if they could do anything they wanted to do with 51 votes.

I like to read a lot of history. John Meacham's book about Jefferson has a conversation between Jefferson and Adams at the beginning of our country. They were President and Vice President, I guess, at the time. Jefferson said to Adams he feared for the future of the Republic if it did not have a Senate. "[N]o republic could ever last which had not a Senate. . . . [T]rusting the popular assembly"—that means the House, that means a majority vote in-

stitution—"for the preservation of our liberties. . . . [is] the merest chimeras"—or illusion—"imaginable."

One other distinguished public servant said the same thing in his book in 2007. This is what HARRY REID said in his book when he wrote about the nuclear option. He was talking about the then-majority leader Senator Frist. He decided to pursue a rules change that would kill the filibuster for judicial nominations.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. ALEXANDER. I will be through in just a minute. I ask unanimous consent to speak for another minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. So the leader said: Senator Frist of Tennessee, who was the Majority Leader, had decided to pursue a rules change that would kill the filibuster for judicial nominations.

This is HARRY REID writing.

And once you opened that Pandora's box—

Said Senator REID—

it was just a matter of time before a Senate leader who couldn't get his way on something moved to eliminate the filibuster for regular business as well.

Senator REID wrote:

And that, simply put, would be the end of the United States Senate.

I do not want Senator REID to have written on his tombstone he presided over the end of the Senate. Yet if he does what he is threatening to do, that would be what he is remembered for in the history of this country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I listened very carefully to the majority leader this morning. What he said was confirming nominees should be the norm, not the exception—confirming nominees should be the norm, not the exception.

Well, I would ask, respectfully, that the majority leader take a look at actually the record because you cannot ignore the facts.

Of the 1,564 nominations that President Obama has sent to the Senate, only 4 have been rejected—4 of 1,564. During the first 2 years of the President's first term in office—the 111th Congress—the Senate confirmed 9,020 nominees and rejected 1. In the second portion of that first term—which was the 112th Congress—the Senate confirmed 574 nominees and rejected just 2. Now, during the 113th Congress, the Senate has confirmed 66 nominees and rejected just 1.

In terms of Cabinet nominees—and we heard the majority leader speak of that—the Congressional Research Service shows that President Obama's nominees have waited an average of 51 days. That is shorter than for President George W. Bush and shorter than the time under President Clinton.



When you take a look at judges—and the majority leader talked about that—the Democrats should remember the Senate has already confirmed more judges this year so far than were confirmed in the entire first year of President Bush's second term.

When you go over this item by item, detail by detail, what you see is that confirming nominees is the norm, not the exception.

It was interesting to listen to the majority leader talk about Don Berwick, who was actually nominated to be the head of Health and Human Services, Medicare. As the Medicare nominee, what happened? The Democratic chairman of the committee never ever scheduled a hearing. The Democrats are in charge of that nominee. The President made a recess appointment. There was never even a nomination hearing.

We go through the years and look at the quotes, and here is Senator REID in 2005:

Some in this Chamber want to throw out 214 years of Senate history in the quest for absolute power.

He said:

They think they're wiser than our Founding Fathers.

Senator REID said:

I doubt that that's true.

I think we should all follow that advice. We are not wiser than the Founding Fathers. It is not time to throw out the rules.

Then, even as majority leader, in 2009, Senator REID said:

[T]he nuclear option was the most important issue I've ever worked on in my entire career, because if that had gone forward it would have destroyed the Senate as we know it.

So there is not a problem with President Obama's nominees being treated fairly and being treated in a timely fashion. There is not a problem with his nominees in terms of not being confirmed—1,560 confirmed, 4 rejected.

Senate Democrats should remember—should remember—their prior commitments and abandon this plan before irreparably damaging the Senate.

I yield the floor.

Mr. CORNYN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### SENATE RULES

Mr. MERKLEY. Mr. President, this morning a significant debate began on the floor of the Senate as to how to make the Senate function within the

framework of the Constitution and within the norms and traditions of the Senate.

Indeed, the Constitution envisioned three coequal branches of government, and it provided checks and balances. One of those was that when the President nominates individuals for executive branch positions, Congress could serve as a check. Specifically, the Senate was given that power, to review the qualifications and make sure there was not something outrageous about the nomination, as a check on the Executive.

This principle was embedded as a simple majority review. Indeed, in the Constitution, it is in the same paragraph that lays out a supermajority standard for treaties, but retains a simple majority standard for reviewing executive branch nominations.

The Senate in recent times has started, however, to use the privilege of having your say; that is, everyone should be heard before a decision was made, as a way to change that fundamental principle in the Constitution from a simple majority to a supermajority. We can't close debate here in the Senate without a supermajority. Even though no one has anything else to say, that power has been used to prevent a simple up-or-down vote.

Under this theory of three coequal branches of government, no one could envision that a minority of one Chamber of the legislature could, in fact, completely undermine either the executive branch or the judicial branch. That certainly was never anticipated. Indeed, the reason it was left as a simple majority is that our Founding Fathers who were writing the Constitution had experienced the challenge of what a supermajority would do. Madison said, regarding the supermajority, "The fundamental principle of free government would be reversed."

He said in Federalist Paper No. 22, speaking from the painful experience as a New York representative to the Congress that created the Articles of Confederation, that supermajority rule results in "tedious delays; continual negotiation, and intrigue; contemptible compromises of the public good."

Madison was not the only one to observe the deadly nature of paralysis to a Congress. In Federalist Paper No. 76, Alexander Hamilton lays out the nomination process in great detail. Indeed, he says he has kept the nomination power with the President and not the legislative branch to avoid the "party likings and dislikes, partialities and antipathies, attachments and animosities, which are felt by those who compose the assembly."

He then went on to argue the Senate is necessary to vet nominees for the "intrinsic merit of the candidate" and continued, "the advancement of the public service."

Hamilton states that he expects nominees would be rejected only when

there were, and I quote, "special and strong reasons for the refusal."

This principle of oversight to make sure that something that is outside the bounds of reason is done by the executive branch has now reached a point of deep abuse.

Our majority leader came to the floor earlier today, and he laid out the history of how the nomination process has been bent from an unrecognizable process that neither Madison nor Hamilton nor any of our other Founders could have envisioned, a process that allows this Senate to utilize the privilege of having your say on the floor and turn it into a weapon of destruction against the legislative branch and the judicial branch.

We can take a look at how long it has taken folks to be able from the announcements and their waiting time to get a vote, such as Richard Cordray, 724 days and counting; Alan Estevez, 292 days; Jack Lew, 169; and so on and so forth.

The traditional norm of the Senate, a timely up-or-down vote with rare exceptions, is certainly missing today.

The executive branch is headed by the President, who was elected by the citizens of the United States. In this case President Obama was not elected once, he was elected twice. He was elected with a vision, and people expect, the citizens expect, that the President will operate the Presidency consistent with implementing that vision and carry out the responsibilities of an executive branch.

This cannot be done if the folks necessary to lead different agencies or sit on different boards cannot get through the nomination process in this Senate.

For those who are passionate about believing in the vision we have, the constitutional vision, the balance of power, the coequal branches of government, we must act to remedy the deep abuses we are experiencing today.

Let me first emphasize the extensive delays. Executive nominees who are ready to be confirmed by the Senate have been pending an average of 258 days, the better balance of a complete year, more than 8 months since they were first nominated—258 days. This hardly meets the norm or the tradition of the Senate of timely consideration. This has been a prime cause of the difficulty filling executive branch slots. Not only does it make the vacancies extend for a long period of time and, therefore, dysfunction in executing the responsibilities of government, but it certainly makes it more difficult to recruit qualified folks who don't want to be held in limbo and procedurally tortured by a minority of the Senate in this fashion. This is not new. This did not start this year, but it keeps getting worse.

In that context, let's go back to January. In January, there were a series of bipartisan modest changes in the rules,

and they were accompanied by a promise of comity. That is c-o-m-i-t-y, comity. Specifically, the pledge by the Republican leader was this:

Senate Republicans will continue to work with the majority to process nominations, consistent with the norms and traditions of the Senate.

What are those norms and traditions? Those are timely consideration, up-or-down votes, with rare exception.

Let's take a look and see if what has happened over the last 6 months is consistent with the norms and traditions of the Senate and let's start first with looking at the Consumer Financial Protection Bureau. Only weeks after the January pledge, 44 Republican Senators sent a letter that said: "We will not support the consideration of any nominee, regardless of party affiliation, to be the CFPB director"—February 1, 2013, just days after the Republican leader pledged a return to the norms and traditions of the Senate.

This is not within the norms and traditions of the Senate, even going back to our Founders, who pointed out that they were worried about partisan, party-affiliated differences and animosities permeating the system. They laid out a simple nomination-confirmation process about the qualifications of the individual, not about the legitimacy, if you will, of the agency. It is a policy decision. It is a policy that has been passed in this Senate saying the Consumer Financial Protection Bureau is a valuable addition to end practices that are predatory financial practices.

We had a consumer safety group that looks at things such as keeping lead out of the paint on children's toys. That is very important, and it goes on to monitor the safety of toys and many other aspects.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MERKLEY. I ask unanimous consent to speak for an additional 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MERKLEY. We indeed in this case are talking about an agency that will protect our families from predatory financial practices. We all know what those are. They are hidden charges on prepaid credit cards. They are exploding interest rates on mortgages, where there is a teaser rate for 2 years and then the mortgage zooms up from 4 percent to 9 percent, driving defaults. In fact, that was a major factor, not only in the loss of homes of millions of families but also a major factor in the meltdown of our economy.

What is good for the family, building successful families, is also good for building a successful economy. We had that debate, and we as a Senate approved creating this organization. Now we have 44 Senators who say they are

going to destroy this agency by blocking a Director from ever being appointed. This is 100 percent outside the norms and tradition of the Senate.

Of course, that restoration of the norms and traditions was the promise made on this floor by the Republican leader just days before this letter was sent.

According to the Senate Historian, this is the first time in history a political party has blocked a nomination of someone because they didn't like the construction of the agency. Let me repeat that. This is the first time in history.

A few weeks later we had another first, the first ever filibuster of a Defense Secretary nominee. The New York Times wrote: "The first time in history that the Senate has required that a nominee for Secretary of Defense clear the 60-vote hurdle."

This is the first time in history. The irony, of course, is that the nominee was a former Republican colleague of this Chamber, Chuck Hagel. Certainly this was out of sync for the norms and traditions of the Senate.

Then we come to this spring, again, unprecedented delay tactics. A Republican former House Member called the boycotting of Gina McCarthy "an unprecedented attempt to slow down the confirmation process and undermine the agency."

Is that consistent with the norms and traditions that were promised in January? It is not.

In fact, I sit on the committee that voted Gina McCarthy out. When we tried to have the vote, we were faced with the boycott; that is, a quorum was denied because our colleague, Senator Lautenberg, was extremely sick and could not attend. Taking advantage of his illness, Republicans decided not to show up and therefore block that nomination from coming out of the committee. Only when Senator Lautenberg came in, in the midst of an extreme illness, did the Republican members attend the committee. This is part of this ongoing process of unprecedented obstruction.

Real delays involve real hurt. It is not an academic debate. This obstruction is having a real impact on people's lives.

Let's turn to the National Labor Relations Board. In a few weeks in August, there will no longer be a quorum of the NLRB. This means for the first time in 78 years there will be no referee in place between the rules for the conduct of employers and employees. That referee makes sure that illegal practices by workers don't occur and illegal practices by employers don't occur. We lose that referee in a few weeks and that, as Members of this Senate have expressed, is their goal. Again, this is unprecedented—not putting forward a policy debate over eliminating the National Labor Relations Board but in-

stead undermining it by blocking the ability to hold up-or-down votes on the nominees.

Workers are deeply affected by whether this referee is in place. Kathleen Von Eitzen, a Panera baker who tried to organize her fellow bakers, came to Washington, DC, to talk about how they have been unable to get to a final contract and how, in the process, their members have been cut, in some cases their hours have been cut, and a whole host of other retaliatory measures. These are the things you need a referee for—to say that is not acceptable or to judge the evidence as both sides present it. That is why we need the NLRB.

How about Marcus Hedger, who was fired for taking a friend through the shop floor. It just so happened Marcus was a union leader in his shop. He asked permission to escort a friend through the floor and it was granted. Then the employer said: Aha, we got you. We can fire you because you know you are not allowed, under the rules, to escort a friend through the shop floor.

The NLRB ruled quickly, saying this was an extraordinarily flimsy pretext for firing someone because he happened to be a shop steward, and it was during the timeframe of a labor negotiation. The company was trying to send a message. They were trying to say: If you support workers organizing to fight for living wages, you may get fired, and here we have just set an example.

It is the NLRB that is the referee that says those sorts of unacceptable tactics cannot occur.

Back to the Consumer Financial Protection Bureau. It has refunded Americans \$425 million in savings by getting rid of credit card tricks and traps.

I think it is important we fight for the success of our families. These are family values. We should not measure the success of our Nation by the size of the gross domestic product. We should measure it by the success of our families, and eliminating predatory tactics is an incredibly important piece of that puzzle that touches millions.

What we have seen is this: The pledge made on this floor by our Republican leader in January—the pledge that said we will return to the norms and traditions of the Senate for nominations—has not occurred. The Republican leader may indeed have had every good will in making that pledge, but it requires the cooperation of the entire caucus and that certainly has not occurred and we haven't heard a strong effort to abide by that pledge made in January.

So it is time to restore the norms and traditions in the Senate, where the Senate provides a check on outrageous nominations, but it is a check, not a form of paralysis. It is advise and consent, not paralyze or veto.

For those who love democracy, it has been sad to see this Chamber, once considered the premier deliberative body

in the world, fall into such a state of paralysis and dysfunction. It is up to us, as Members of this body, to come forward and say that is absolutely unacceptable.

That is the debate that was started today. I applaud the majority leader who in January of 2011 strived to resolve this dysfunction through a gentleman's agreement, but within weeks that gentleman's agreement was in tatters. I applaud the majority leader for his instinct in January when he sought modest bipartisan rule changes with the promise of comity and a pledge from the Republican leader to return to the customs and traditions of the Senate. His instinct was right. We should be able to accomplish these things by restoring the social contract.

The leader, HARRY REID, has gone the extra mile and then another extra mile in seeking to adopt the social contract that held this body together, but now what we see is it has not been reciprocated. The pledges made, the promise of comity, the gentleman's agreement has not resulted in material changes in tactics employed on the floor of the Senate. So now we have to work to restore the vision of our Founders, the vision of simple majority, with timely up-or-down votes on nominations. We owe this to the executive branch, and we certainly owe it to our citizens who reelected President Obama.

I wish to address one last point; that is, it has been argued what the majority leader is proposing—that we, if necessary, change the rule or change the application of the rule in order to make this place work again—is unprecedented.

The PRESIDING OFFICER (Ms. BALDWIN). The Senator's time has expired.

Mr. MERKLEY. I ask unanimous consent to speak for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. I have in my hands a document entitled "The Senate's Power to Make Procedural Rules by Majority Vote," and this lays out a whole host of viewpoints expressed in 2005 that I think would be interesting reading for my colleagues across the aisle because it was their document.

I also have a long list of cases where every other year, on average, we have changed the application of a rule in order to make the Senate function in a different way, a better way. So this is far from unprecedented.

It is time for us, together as Senators, to live up to our responsibility and restore the power to the executive branch to put their folks in place, operating under our advise and consent in the way envisioned in the Constitution. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, I come to the floor to speak

about the rules issue that has come to a head in the Senate. We have seen unprecedented obstruction by the other side of the aisle. They have continually blocked nominations—and I will get into the numbers—and this is something that has been building since we came in, in this Congress. We had a debate about rules, and we didn't do the things we should have done. We should have put in place a talking filibuster. There is no doubt about it. We should have put in other rules changes. What has happened is we find ourselves in the situation of a tyranny of the minority.

What is a tyranny of the minority? The Founders talked about it. The Founders saw that if a situation was created where a minority could block the action of the Senate, then the minority would actually be governing, and that is the situation we have before us. The minority governs when it comes to nominees, and they have blocked nominees in a very significant way. I can't repeat enough that this is unprecedented in the history of the country.

The President can't get his team. What is at issue is we have a President of the United States who had a very big win in the last election. He put himself out there, he campaigned on a number of issues, and he won the election. So one would think he can now get his team in place, but he is unable to get his team in place. He tries to propose people.

For example, in talking about the Consumer Financial Protection Bureau, we have a very qualified attorney general—and I was a former attorney general a few years back—a young man the President put forward from Ohio who was very well qualified. He has not been able to get a vote. He is in an agency that is tremendously important to the middle class, he is in an agency that is important to consumers, and he is able to do things that are very important for consumers across this Nation when it comes to bank loans, when it comes to safety issues, and all across the board. Yet we have a situation where he cannot be sworn in and do his job as a full-time appointee for that agency. This is absolutely unprecedented, and we have to tackle this issue.

What is happening with the minority side is, if they do not like a nominee or they do not like the policies the nominee stands for or they do not like the administration's policies, they prevent the nominee from taking office at all. In effect, through the minority process that is being utilized, they are determining policy.

That is what the big objection is, and I think we are going to have to address this. I am very supportive of Leader REID coming out and saying we have to address this, we have to deal with this, and I think we are going to deal with it

starting today and flowing into the next week or so.

It was mentioned here recently that the Republican policy committee put out a document entitled "The Senate's Power to Make Procedural Rules by Majority Vote." I believe that document was put into the RECORD.

Earlier in the debate this document was referred to, and I just want to make sure everyone understands it is very clear, in reading this document, that at the time of April 2005 and in that period, the Republicans were making very strong arguments that we could go forward with rule changes during the middle of a session. They were pointing out that Majority Leader Robert Byrd—and we all know Robert Byrd was one of the Senators in this institution who studied and knew the rules; most people believe Robert Byrd knew the rules better than any Senator in the last 100 years—always felt we had the right, under the constitutional option, to make changes that needed to be made.

In 1977, 1979, 1980, and 1987, Majority Leader Byrd established precedence that changed Senate procedures during the middle of a Congress, and I think that is what we are talking about, something along those lines. This is a critical issue for us as we try to move forward and we try to govern.

The Democrats have a majority and a big majority, if we consider the Independents who have joined with us, no doubt about it. Yet we cannot govern because of the procedures being utilized today.

I wish to highlight a little of this unprecedented Republican obstruction. Executive nominees who are ready to be confirmed by the Senate have been pending, on average, for 260 days—more than 8 months since they were first nominated. The Senate confirmed only 34 executive nominees by the July 4 recess compared to 118 at this point in the Bush administration. There are 184 pending executive nominees.

Since President Obama took office, Senate Republicans have filibustered 16 executive nominations and two nominees, including Mr. Cordray to be the head of the Consumer Financial Protection Board, via filibuster. For the first time ever, Senate Republicans filibustered a nomination for the Secretary of Defense. As the New York Times noted, "The vote represented the first time in history that the Senate has required that a nominee for Secretary of Defense clear the 60-vote hurdle before a final simple majority vote."

That is the New York Times.

Senate Republicans continue to block the nomination of Gina McCarthy to be EPA Administrator, claiming she has been unresponsive. Mrs. McCarthy was forced to answer more questions than ever before—more than 1,100 questions—since Senate Republicans

boycotted her hearing at the committee I serve on, the Environment and Public Works Committee.

Mrs. McCarthy was previously environmental adviser to Mitt Romney. She has very good credentials.

I urge my colleagues to look at what she did in New Mexico. Here you have Gina McCarthy. There is a potential for a lawsuit. It is an issue that has to do with air quality in New Mexico. She ended up pulling all the parties together through her Regional Administrator and reached a compromise where we closed down two coal-fired plants and opened in their place two natural gas-fired plants. It was considered by the Governor, the EPA Regional Administrator, and everybody as a win-win for everyone, and she engineered that from her position at air quality there in the EPA.

Another point that should be made about Gina McCarthy is Gina McCarthy is a woman who has already been approved by the Senate. She was approved in a lopsided vote and has been doing her job for 4 years.

So what are we doing that they are saying she has to be filibustered, she has to be stopped because they don't like the policies she is going to put in place. It is absolutely outrageous what is happening, and we need to rein this in. I agree Senator REID is headed in the right direction to do this.

I applaud Senator MURRAY for her good work with Senator REID and the leadership team in terms of trying to address how we govern and very much appreciate how she has tried to shape this issue and tries to always work with the Republicans on this issue. We have tried to work through these things and haven't been able to.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WARNER. Madam President, I appreciate the comments of my colleague from New Mexico. As a former chief executive myself, it is remarkable to me that regardless of who is the President of the United States, he or she ought to be able to get their team in place, with appropriate oversight and review. Unfortunately, it doesn't seem to be the case in this body.

Many of the other debates we have had are important, but in my 4-plus years that I have been here, this supersedes everything else that if we could reach some resolution on, I think might go further than any other action in both lowering some of the rhetoric and lancing some of the boil of partisanship in the Senate, as well as doing more for the kind of job growth that is still so desperately needed. That is getting our fiscal house in order, getting our balance sheet in order.

We have seen some good news as the economy recovers. We have seen our

annual deficit numbers go down, although I have to look with somewhat jaundiced eyes when the press is saying: Hallelujah, this year our deficit may only be \$746 billion. That is still not good enough, and the solution set we are looking for is not that far away.

I am going to make a couple comments and then ask my colleague, the chair of our Budget Committee, to once again make an offer to proceed with regular order, something that is in the backstop of this debate about rules, something our colleagues on the other side of the aisle—perhaps appropriately—beat us over the head for 3 years about the fact that we ought to have regular order around the budget.

It has now been 110 days since the Senate approved a budget, after a marathon session that went to 5 in the morning—a session that I think even our colleagues on the other side who didn't vote for the budget would agree was open and appropriate to rules and everybody got the chance to have their say and offer their ideas.

Now, for the 16th time, we are going to come and ask our colleagues: Let's abide by regular order and go to a budget conference. Let's do the hard work that is necessary to make sure we finish the job of getting the kind of deficit reduction, getting our balance sheet in order, that will allow this economy to move forward and, quite honestly, allow us to get back to regular order on issues such as appropriations bills and a host of other things. I can't speak for everyone, but people in Virginia and I imagine people in Washington State—and I see colleagues from New Mexico and Florida—and elsewhere are saying: What are you doing? Why can't you get something done?

Every day that we remain in this paralyzed state, while it may be great late-night fodder for comedians about Congress's inability to act, at some point this dysfunction erodes the underlying confidence the American people have in our institutions. That is not good for American democracy, and it is not good as well for the ability of our economy to recover.

One of the things we have seen in press reports and what is starting to seep into consciousness is the actions that were set up in sequestration; that they don't seem to be as bad as people think. But let's remind ourselves that sequestration was set up to be the stupidest option possible, an option so stupid that no rational group of people would ever let it come to pass.

I have cut budgets as Governor. I have cut budgets in business. There is a smart way and a stupid way to cut a budget. We set up a process that was so stupid that no rational group would ever let it happen.

One of the reasons why I think our approval rating hovers around 8 percent is we didn't come together, we didn't let this budget process take

place, and we allowed this sequestration to move forward.

The PRESIDING OFFICER. The time for the majority has expired.

Mr. WARNER. I ask unanimous consent for a 5-minute extension.

Mrs. MURRAY. Madam President, I ask unanimous consent for the Senator from Virginia to finish his statement, for me to have 8 minutes of morning business, and then allow our colleagues on the other side to respond.

The PRESIDING OFFICER. Is there objection?

The Senator from Florida.

Mr. RUBIO. Madam President, I don't have objection to the time they want to use. What is our order on the time until 12:30?

The PRESIDING OFFICER. At 12:30, the Senate will stand in recess.

Mr. RUBIO. I ask unanimous consent that after they are done with their remarks, I have 10 minutes. I may have an objection, and probably will, and would like to speak on that as well. I want to make sure we could have unanimous consent on that. I don't intend to keep us in longer than we need to be.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. I thank my colleague.

#### BUDGET CONFERENCE

I just want to point out the fact that we are now starting to see furloughs in the Federal workforce. There is no State in our Nation that is more ground zero, that is getting hit harder than the Commonwealth of Virginia with sequestration. There are real people who are being hurt.

We have talked about some of the numbers, whether it is in Head Start or NIH grants, but let me share some of the things I have heard in the last 2 weeks from Virginians.

Pat Hickman, who works at the Department of Defense in northern Virginia, says: "I'm tired of hearing, 'It's only one day,' and 'it's only 20 percent.'"

Pat is now starting to decide, because of these 11 days of furlough, whether she is going to have to start to curtail her contributions to her Thrift Savings Plan. Her retirement would be in jeopardy.

Another employee whose name didn't come forward said that if you have kids in school, during the summertime they are in daycare. This Federal employee spends \$2,000 a month for daycare, and they are not getting a discount on these expenses that are built into their family budget. How could they have planned 1 year out that they were going to get furloughed 11 weeks in a row?

Craig Granville, who works down at the shipyard in Portsmouth, says that furloughing for the next 12 weeks will hit their expenses hard. He has a wife

who is currently going for treatment for an illness and the insurance company only pays half. They have to decide do they cut back on the wife's treatment or do they go into their savings.

I have letters and comments from Virginian after Virginian urging us—begging us—to take off our Democratic and Republican hats and put the interests of our country first and foremost.

I know we have lots of differences on how we want to approach and bridge this gap. We are never going to get to bridge the gap in our differences on the debt and deficit and on the budget unless we can get to conference and try to work it out.

I say in strong support of our Budget chairman, I thank her for the great work she has done in getting a budget in a fair way, where our Republican colleagues had a chance to raise their objections. I hope and pray we will get to that conference so we can get this issue resolved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank the Senator from Virginia. There is no one in this body more passionate to do the work to get us to a balanced bipartisan deal, to put the budget deficit and the budget issues behind us, and to get our country back on track than the Senator from Virginia. I know he wants to get to a conference committee as badly as I do—not to demand that we only have our position but to work with others to find a bipartisan solution.

As he so eloquently stated, it has been more than 100 days now since the Senate did pass a budget, and we have tried now 15 times to take the next step to move to a bipartisan conference with the House. Every time we have asked, we have been blocked by a tea party Republican with the support of the Republican leadership.

I understand that for some factions in the Republican Party, “compromise” is a dirty word. That may explain why they have offered up excuse after excuse for blocking the regular budget order we are trying to work toward. They refuse to allow a conference before we get to a so-called preconference framework. They demand we put preconditions on what can be discussed or talked about in a bipartisan conference, to claiming that moving to a budget conference—which leading Republicans called for just months ago—was somehow now not regular order, to most recently claiming we need to look at a 30-year budget window before we look at the major problems we have in front of us right now, when we can—and must—do both at the same time.

I know there are significant differences between our parties' values and our priorities. Some of us—Demo-

crats and Republicans—think this is a reason to come together and try to reach a bipartisan deal in a budget conference now. It has been heartening to hear from Senators MCCAIN and COLLINS and many other Republicans who have chatted with me about why they believe we need to have a formal bipartisan negotiation move on this. Unfortunately, there is a small group of Senators who would prefer to throw up their hands and stall until we reach a crisis, when they think they can get a better deal.

Last week, I was home in my State, similar to most Senators, and I talked to a lot of Americans who don't understand that kind of approach. They run their businesses and help their communities and support their families by compromising every single day. They can't afford to wait to reach agreements until the very last minute, because when that happens, they have to deal with the consequences. But that is exactly what my Republican colleagues are doing to thousands of my families in the State of Washington. Because Republicans will not allow us to come to the table, the automatic cuts from sequestration are impacting everything from children who depend on Head Start to our national security. What is more, many of the same colleagues will try to tell you that sequestration is not impacting American families. As the Senator from Virginia just talked about, I can tell you firsthand that the impacts are real.

For thousands of families in my home State, these become a reality tomorrow morning. That is because furloughs for the Department of Defense employees begin this week—equivalent to a 20-percent pay cut for 650,000 defense workers nationwide. Bases in my home State of Washington are being affected, and the first furlough date at Joint Base Lewis-McChord in Washington State is tomorrow. So instead of going to work, thousands of workers in my State will go home. The 9/11 call center and the fire department will be understaffed. Airfields are going to be shuttered except for emergencies. The military personnel office is closed. The substance abuse center is closed. The Army Medical Center is going to close clinics, and even the Wounded Care Clinic is going to be understaffed.

I am reminded of one worker I met last week, Will Silba. Will is a former marine, an amputee. He works now as a fire inspector, and he told me that because of these furloughs he is going to have to get a second job. He is going to struggle with his mortgage payments.

While these furloughs are going to directly impact thousands of people and civilian employees, the leaders at Lewis-McChord have made it very clear that the furloughs are going to hurt our soldiers. They are going to limit their access to medical care. They are going to cut back on the family sup-

port programs. They are going to make it tougher to find a job when they finish their military careers. Why? Because our colleagues refuse to work together. To me, this is unacceptable.

Because some Republicans would like to preserve the harmful cuts from sequestration despite these kinds of impacts, we have a \$91 billion gap between the House and the Senate appropriations levels for next year. If we do not resolve that gap, we are headed for another round of uncertainty and brinkmanship, another unnecessary burden on our economic recovery and the millions of Americans who are looking for work every day. Some of my Republican colleagues say they are fine with that. In fact, House Republicans are reported, right now, to be busy working on a debt limit ransom note—right now—and so far that ransom note sounds quite a lot like the Ryan budget. As you know, the budget we did pass here in the Senate was very different, but that is exactly why we have to resolve our differences in conference. That is where we come together in a public fashion and talk about our differences and work out agreements.

I believe we have an opportunity, a window of opportunity over the next few weeks to do what Americans across the country have asked us to do—compromise and confront these problems before we head back to our home States for the work period in August. We do not have a lot of time, but I am confident that if those of us who can see working together as a responsibility rather than a liability come to the table, we can get a fair bipartisan agreement.

By the way, I was very discouraged to hear just this week from some tea party Republicans—many of the same ones who are now blocking us going to conference—who are already talking now about shutting down the government in order to defund ObamaCare. Not only do they want to push us to a crisis, but they want to do that in order to cut off health care coverage for 25 million people and reopen that doughnut hole we know so much about, causing seniors to pay more for their prescriptions, and end preventive care for seniors, and the list goes on.

This is an absurd position. We should not be talking about shutting down the government. I really hope responsible Republicans reject this approach and work with us on real solutions, not more political fights. My colleagues and I are going to continue urging the Senate Republican leadership to end their tea party-backed strategy of manufacturing crises and allow us to do the work we were sent here to do and go to a conference. I urge them to listen not just to Democrats but to many Members of their own party who want to get to a budget conference and allow us to get to work to solve the Nation's problems.

UNANIMOUS CONSENT REQUEST—H. CON. RES. 25

Today I come to the floor to ask unanimous consent that the Senate proceed to the consideration of Calendar No. 33, H. Con. Res. 25; that the amendment which is at the desk, the text of S. Con. Res. 8, the budget resolution passed by the Senate, be inserted in lieu thereof; that H. Con. Res. 25, as amended, be agreed to; that the motion to reconsider be considered made and laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appointment conferees on the part of the Senate; that following the authorization, two motions to instruct conferees be in order from each side: the motion to instruct relative to the debt limit and a motion to instruct relative to taxes and revenues; that there be 2 hours of debate equally divided between the two leaders or their designees prior to a vote in relation to the motions; that no amendments be in order to either of the motions prior to the votes; and that all the above occurring with no intervening action or debate.

I ask unanimous consent for that.

The PRESIDING OFFICER. Is there objection? The Senator from Florida.

Mr. RUBIO. Madam President, reserving the right to object, I do not oppose going to a budget conference with the House. I think I have shown, especially in the last week, a willingness and ability to compromise on important issues—one, quite frankly, very unpopular among people supportive of my candidacy—in my time here in the Senate when we dealt with the issue of immigration. My concern is that when this goes to a budget conference with the House, they will negotiate the debt limit—an issue that I believe is so monumental it should be debated on its own merits and by itself.

So what I am arguing for is a compromise. Let's go to conference but assure everyone here that this is not a conference that is going to deal with the debt limit issue. We need to deal with that issue separately.

I ask unanimous consent of the Senator on a compromise. I ask unanimous consent that the Senator modify her request so that it not be in order for the Senate to consider a conference report that includes reconciliation instructions to raise the debt limit.

The PRESIDING OFFICER. Does the Senator so modify her request?

Mrs. MURRAY. Madam President, I will object, but let me just say this. What the Senator is requesting is that we tell our conferees before they ever get to the conference committee what they can do on a specific issue. What I offered in my original offer is to have a vote on that, which is how we do this here. The Senator is requesting not that we have a vote but that we have a demand.

I respect the Senator from Florida. He has worked very hard, as he stated, on immigration reform. He is working now to try to get the House to pass that. At some point they will go to conference. What he is saying is that when his bill goes to conference, what he wants to do is allow any Senator on this floor to make a demand of that conference committee before they get there—not a vote, not a majority vote, but a demand from a small minority of what is going to be in that conference. We cannot agree with that.

What I have offered is a vote on that, which is what we are—a democracy. You are allowed to vote, and if enough Senators agree with that position, that is what we would direct the conference to do. But this body is not built on a demand from one Senator or a small group of Senators on a conference before we go there. We are a democracy.

So I again object to his request as he said and renew my request, which will allow a debate and a vote on that issue he is requesting, as happens in a democracy.

The PRESIDING OFFICER. Objection is heard to the modification. Is there objection to the original request?

Mr. RUBIO. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Florida.

Mr. RUBIO. How much time do I have remaining?

The PRESIDING OFFICER. Ten minutes.

Mr. RUBIO. Madam President, let me say at the outset on this debt limit issue that we have been told by everyone here that the debt limit is not going to be dealt with; they don't intend to deal with it; that, in fact, we have rules in place that prohibit that from happening. So if the intent is to say we are not going to deal with the debt limit, why not just put it in writing? Why not just agree to it? I think it raises suspicion that they refuse to take the debt limit off the table in writing in a specific motion, even though they told us that is not the case.

But I want to raise a couple of points in regard to all this debate we are having. We heard a lot of debate about the impact of the sequester on this country. I do not dispute that it will have an impact. In fact, I voted against the deal that actually gave us the sequester, and I voted against it because, while I believe deeply we need to constrain spending because we are spending a lot more money than we are taking in, about \$1 trillion a year more than we are taking in, borrowing about 40 cents of every dollar we spend in the Federal Government—for the folks visiting here in the gallery, you may be shocked to hear that. Every dollar the Federal Government spends, 40 cents of it is borrowed. When you borrow it, that means you have to pay it back

with interest. That is your money. That doesn't come from a tree. That is money taxpayers are eventually going to have to come up with. And for the youngsters here, I want you to understand it is primarily going to come from you in the years to come.

So the reason I thought the sequester was a bad idea is because that sequester is going after things that by and large are not the drivers of our debt. The drivers of our debt are certain programs that are built in a way that are unsustainable, important programs such as Medicare. I believe in Medicare. I support Medicare, as I tell anyone when they ask me about it. My mother is on Medicare. I don't want to see Medicare hurt or changed for her. But I also recognize that if Medicare is going to exist when I retire, we better start making some changes to it for future retirees, people 20 or 30 years from now. That is where we should be focusing our reform efforts.

We cannot get the other side to agree on any sort of changes. There was an effort in the House last year to try to do something very serious about that. They brutally attacked it. There was a reference to the Ryan budget a moment ago. The Ryan budget—I am not saying it was perfect, but it was the most serious effort yet in this Congress, in this city, to reform a program that is going bankrupt on its own.

I think the only thing worse than the sequester is to raise taxes to prevent a sequester because that will hurt job creation in America. The only thing worse than the sequester is not to have any spending reductions at all, which leads me to the point that was raised earlier saying that we are not going to agree to a short-term budget unless ObamaCare is defunded and that we are threatening a crisis by shutting down the government.

Let me say that one of the people who said that was me, so let me address that for a moment. Let me tell you what the disaster is. The real disaster is ObamaCare itself. In fact, it is such a disaster that the people who supported it are now delaying implementing portions of it. Just last week we were told that one of the key components of the law requiring that employers provide insurance—they are going to have to delay that by a year, conveniently until after the next election.

Here is the other thing we found out last week. I know that under ObamaCare, when you go in and say, I make so much money, you can qualify for the government to give you extra money to buy insurance. Guess what. They now admitted they have no way of verifying how much money you really make. Basically, it means people are going to get to show up and say, I only make \$20,000 a year, and get their subsidy, with no way to verify the truth about what they make.

It is not limited to that. The disaster that is looming with regard to ObamaCare impacts every single American. Here is a list of them that was recently produced by the Heritage Foundation. They missed a bunch of deadlines.

Most states resisted Obamacare's call to create insurance exchanges, choosing to let Washington create a federally run exchange instead. However, a Government Accountability Office report noted that "critical" activities to create a federal exchange have not been completed and the missed deadlines "suggest a potential for challenges going forward."

That is right—you may have to go on a Federal exchange—including, ironically enough, the Members of the Congress and their staffs—and the exchange doesn't exist yet. You are going to be expected in a couple of months to sign up for something that doesn't even exist yet. That is one part of the disaster. There are many others.

The administration announced in April that workers will not be able to choose plans from different health insurers in the small business exchanges next year—a delay that [a liberal blogger] called "a really bad sign of ObamaCare incompetence."

Here is another one, the child-only plans—one of the things people were excited about. There was a drafting error in the law that actually led to less access to care for children with preexisting conditions.

A 2011 report found that in 17 states, insurers are no longer selling child-only health insurance plans, because they fear that individuals will apply for coverage only after being diagnosed with costly illnesses.

Basic health plan: DELAYED.

This government-run plan for states, created as part of ObamaCare, has also been delayed, prompting one Democrat to criticize the Administration for failing to "live up" to the law and implement it as written.

The early retiree reinsurance—it is broke.

The \$5 billion in funding for this program was intended to last until 2014—but the program's money ran out in 2011, two years ahead of schedule.

Waivers:

After the law passed, HHS discovered that some of its new mandates would raise costs so much that employers would drop coverage rather than face skyrocketing premiums. Instead, the Administration announced a series of temporary waivers—and more than half the recipients of those waivers were members of union health insurance plans.

It goes on and on. This thing is a disaster. I don't care about how you feel about it, there is an insurance crisis in America, let there be no doubt. People are struggling to find access to quality health insurance. We should deal with that, but this approach is a disaster. No matter how you feel about it, it is a disaster. It cannot be implemented in time. You don't think that is looming over our economy?

I just left a meeting with an owner of a chain of restaurants. They are worried about it. They don't know what to

make of it. Why, if you ask what it is going to look like next year, they don't know. They don't know. We are in July already, folks. We are going to implement this? We are going to force this on our economy? You don't think that is a disaster? You don't think in the real world—not in Washington or the think tanks—small- and medium-sized businesses and individuals are holding back on investing or holding back on making moves? You don't think someone who decided to leave their job, take their life's savings, and open a business because they believe so much in their dream—you don't think this uncertainty is hurting that from happening? It is.

You cannot grow your economy unless people are willing to start new businesses or grow existing businesses, and ObamaCare is keeping that from happening. That is the disaster.

Why would we fund a disaster? Why would we pay for something out of the American taxpayer's wallet we know isn't going to work? When they talk about shutting down the government and how it is going to be a disaster—ObamaCare threatens to shut down our economy. I am telling you this is a disaster. We should not fund it, and we should not have a temporary budget around here that gives money to this thing. It is a disaster, it will not work, and it is going to hurt people.

The other thing about this debt limit that I make such a big deal about—let me tell you why. We owe \$17 trillion, and that is bad, and it is bigger than our economy. Here is the worst part about it: There is no plan in place to stop that from continuing to grow. You heard right. There is no plan. This budget the Senate passed—I am glad we passed a budget—only makes it worse; it doesn't make it better.

Where is the urgency? What are we waiting for? This isn't going to take care of itself. We are not going to win the Powerball lottery and pay this thing off. When is someone going to step up and say it is time to solve it?

I have been here now 2½ years. If on the day I got elected you told me we would go 2½ years without seriously dealing with this, I wouldn't have believed you. I would have said: Look, I know it is going to be hard, but we have to do something. We are 2½ years into this, and they are saying: We are going to raise the debt limit, and we don't want any conditions. We don't want to deal with anything that fixes it.

People say: Well, the debt is something that is far off in the future. It is off in the future, but it is also happening now. Do you think when people decide to invest money to start a new business or expand an existing business—which is how you create jobs; that is how jobs are created in the private sector.

If you graduated college, went to school, got your degree, and now you

can't find a job, I will tell you why you cannot find a job: The businesses that create those jobs will not create them until all of this is figured out. People do not want to risk their hard-earned and saved money in an economy that is headed for a catastrophe.

Look at what is happening in Europe now. Europe has a debt problem. You know how they have had to deal with it? Disruptive changes in government and tax increases. If you think that stuff attracts investment in business, you are out of your mind. There isn't a chamber of commerce in the world that tells people: Come to us. Here we have high taxes and heavy debt that will make those taxes even bigger in the future.

The bottom line is that the debt limit and the fact that we don't have a solution for the debt is also the reason for the crisis. We need to begin dealing with this seriously and stop playing games. Someone has to draw a line in the sand, and I know many of my colleagues and I intend to do so every chance we get.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold that suggestion.

Mr. RUBIO. Yes.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. HEITKAMP).

The PRESIDING OFFICER. The assistant majority leader.

## MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SENATE PROCEDURE

Mr. NELSON. Madam President, I want to speak about a subject that is on the hearts of most of us now as we approach not what is a coming constitutional crisis, but what is already a



constitutional crisis because this body is not functioning as the Constitution intended. The minority, under the rules of the Senate, is protected and has been.

In the early days of the Senate, there was no cutting off of debate. In the early 1900s, a level, a threshold of 67 was established in order to cut off debate. Then, after the abuses of that filibuster requirement to cut off debate in the abuses in the civil rights era, indeed, the threshold was lowered to what we have in the Senate rules today—60. But we are seeing that it is being abused.

Under the Constitution we have the checks and balances of the separate branches. But when a President is elected, the President is entitled to have the people he wants to advise him to be a part of his team to be confirmed. It has always been the practice under the Constitution to have, not a supermajority vote, as is required for treaties, but a simple majority vote in the approval of the nominations.

The issue in front of us is whether the President will be entitled to have approved by the Senate the people he has put forth to head the agencies and the Departments of his administration. That is what has brought us to the constitutional crisis where we are now finding ourselves ready to act.

Congress has failed to put aside political differences to find commonsense solutions not only on the issue of the approval of the President's appointments, but on so many of our Nation's pressing problems.

Let's start out with the charade that we call the sequester. The sequester is a meat cleaver approach to budgeting. I daresay in the minds of most of the Senators it was never intended to go into effect. It was the meat cleaver hanging over the head, a year and a half ago, of the appointed supercommittee that—after the initial \$1 trillion of spending cuts were made on the budget over a 10-year period, which was done—the supercommittee was to come along and work out deficit reduction with a target somewhere around \$4 trillion in total.

What was to encourage the supercommittee was this meat cleaver hanging over their heads, or guillotine hanging over all the heads that nobody wanted, which was cuts across the board without regard to programs—across the board in discretionary programs, defense and nondefense discretionary programs.

Such across-the-board budget cuts, is that the way to go about making proper appropriations decisions? Those kinds of meat cleaver approaches do real damage to people's everyday lives. In the long run, the sequester is certainly going to hurt our national defense, our national security, and our Nation's ability to compete economically with other countries. If we see

these kinds of cuts continue in this ideological fashion without regard to programs, then we are going to be in serious trouble.

We can continue to have both sides of the aisle point fingers at each other, but isn't it about time we get rid of this approach to the budget—the sequester—and start talking about how we can get the job done?

Well, the ranking member of the Finance Committee is here. He is one of my dear personal friends. I believe he is very sincere, along with the chairman of the Finance Committee, to really take on tax reform. Are we happy with the Tax Code we have? Do we think it has much too much complication? And couldn't its streamlining—particularly with tax expenditures, which are tax deductions and tax credits, and almost every special interest in the world has their own special tax expenditure—could we not clear out a lot of them, which produces revenue, and use that revenue in order to lower tax rates and also use some of it to lower the deficit?

Well, we need to close some of those loopholes, and I am hopeful, with the leadership of Senator BAUCUS and Senator HATCH, we are going to be able to do that. But there are a lot of other things in there.

It is no surprise that I have been speaking of subsidies that go to companies, such as oil companies, that have outlived their usefulness that were given a century ago in the Tax Code as incentives to drill for oil. Do we think oil companies need those financial incentives now? What about the offshore tax dodges?

I think it is also obvious that when you look at the Medicare drug program, you know the taxpayers of this country, through their government, got a break on the cost of prescription drugs that we supply to Medicaid and to the Department of Defense and to the Veterans' Administration. But when it comes to if you have been getting that price break on your drugs through Medicaid, but you now turn 65, and you get your drugs through Medicare, the U.S. Government does not get the break, the discount on the drugs through Medicare. The very same people who were getting them under Medicaid now are getting them by Medicare because they passed the threshold of age 65—same drug, same people; the government is paying it—but the government is paying a much higher price. That could be worth a savings of \$150 billion to the U.S. taxpayer over the course of a decade.

You do the math on just these few examples I have given in this short little speech, and it adds up to well over \$1 trillion. And that is just a starter. There are hundreds of billions of dollars more that might be saved by closing some of these tax loopholes.

I think we need to keep in mind that not all tax deductions are bad. Some

serve very legitimate purposes. But here we are, and we come back to the gridlock we are experiencing. We passed a budget resolution in the Budget Committee. It passed out here on the floor of the Senate. The House of Representatives has passed a budget resolution, albeit much different than ours. The normal process around here is to try to work out our differences and to do it as ladies and gentlemen with comity. But we cannot even get a motion approved in order to go to a conference committee to work out the differences between the House and the Senate budget resolutions.

So I would continue to plead with our colleagues to allow this to move forward. No less than one of the most stellar Members of this body, Senator MCCAIN, has called for the naming of the conference committee. My Republican colleague who helps me lead the Aging Committee, Senator COLLINS, has called for the naming of the conference committee.

So let's do it. Let's end the gridlock on this one little thing. Let's compromise. And let's start using some common sense. If we do, you will see a chorus of amens from our fellow countrymen.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

#### NOMINATIONS

Mr. HATCH. Madam President, last month I spoke here about the confirmation process and how the majority was committing filibuster fraud.

The leaders on the other side of the aisle, including the majority leader and the majority whip, voted for judicial filibusters more than 20 times by this point in the previous administration.

They succeeded. There were five times as many judicial filibusters at that time during the Bush administration as there have been today. Looking at executive branch nominations, those same Democratic leaders voted to filibuster President Bush's nominees to be Assistant Secretary of Defense and EPA Administrator, and twice voted to filibuster his nominee to be U.N. Ambassador. They must have thought very differently then about whether the President deserves his team. Their actions then spoke more loudly than their words do today whether they think all nominees do deserve an up-or-down vote.

The Senate recently confirmed the Directors of OMB and the CIA, the U.S. Trade Representative, the Secretaries of Energy, Interior, Treasury, State, Transportation, and Commerce this year by a collective vote of 816 to 61. That does not sound like a Senate that is in jeopardy or trouble. In fact, it does not sound like they even have a case to make to do what they have alleged they are going to do.

The Congressional Research Service says the Senate is considering President Obama's executive nominees faster than during President Bush's second term, but none of that is good enough for this majority. They not only want more, but it appears they are willing to get it by any means necessary.

According to media reports, the majority leader is being pushed by political interests to use a parliamentary gimmick to limit or abolish filibusters. In other words, his political base, especially Big Labor, wants him to put short-term partisan politics ahead of the integrity and tradition of the Senate itself. If simply saying that is not enough to show how dangerous it is, we are in more trouble than I thought.

Thomas Jefferson called the Capitol the first temple to the sovereignty of the American people. The people established our Constitution with its separation of powers. They designed the legislative branch with an action-oriented House and a deliberation-oriented Senate. We call ours a system of government because it includes all of these parts designed to be different and yet to work together.

Many people bemoan the division and conflict in Congress, the partisanship and on and on. Yes, there will be conflict over the important issues facing our country. Men and women of different perspectives, views and ideologies and serving different States serve in Congress. But I always thought we should be of one mind about the long-term integrity of the system of our institutions.

For more than two centuries, the Senate has been designed to play its own particular part in the legislative process. Form follows function, they say. So our rules reflect our role. For more than two centuries the minority has had some basic rights in this body, including the right to debate. That right has always annoyed the majority and empowered the minority. I know that from experience, as I have been among the annoyed, just as today I am among the empowered.

The majority knows it too. A decade ago when they were in the minority they began for a time using that right to debate to defeat judicial nominees who otherwise would have been confirmed. Now back in the majority, they want to ban the very tools they found so useful just a few years ago. Now that the majority leader is done using the opportunity for extended debate, he wants to make sure no one else can use it.

Why? For one simple reason. Because they want their way every time. They think they are entitled to it, and if they cannot get it the old-fashioned way, by persuading their colleagues and the American people, then they will simply rig the rules.

This short-term power grab, however, will cause long-term damage to the

Senate and to the system of government of which it is such a vital part. Do not think just because they say they are limiting it to the executive branch appointments, excluding judges, do not think that is not going to lead to all kinds of other obnoxious approaches toward the Senate.

A little dose of history provides a big dose of clarity for this debate. For more than a century the right to keep debate going belonged to each individual Senator. There was no rule at all for ending debate. A single Senator could prevent bills from passing by preventing debate from ending.

We have had a rule for ending debate for nearly a century. Today it is easier to end a debate than at any time since the turn of the 19th century—not the 20th century, the 19th century. Not only that, but the majority is using that rule more effectively today to prevent filibusters than the rule has been used in the past. It is all there in the public record. When we vote to end debate, we prevent a filibuster. A higher percentage of votes to end debate has succeeded in recent Congresses than in the past.

To top it off, just a few months ago, the Senate overwhelmingly adopted two new standing orders and two new standing rules giving the majority even more power considering nominations and legislation. But using the rules to their advantage is not enough for the majority. Gaining even more power through those new orders and rules is not enough. Now the majority threatens to use a parliamentary maneuver to weaken or abolish the right to debate itself.

But as I said, the Senate rules reflect the Senate's role. Changing those rules, especially in the way the majority is talking about, means changing the Senate's role in our system of government. A few partisan victories simply cannot be enough to justify that.

The minority leader has faithfully reminded us of the majority leader's past promises not to change the Senate's rules or procedures except through the process provided for in the rules. On January 27, 2011, the majority leader said: "I will oppose any effort in this Congress or the next to change the Senate's rules other than through the regular order." My question is this: When the majority leader said: "I will oppose," did he really mean "I will lead"?

The integrity of this institution and the system with which it is a part should matter more than the politics of the moment. If our commitment to this institution and to keeping our word no longer matter, we will be breaking the trust of the American people and failing in our duty to them.

This must not happen. The Senate is a venerable institution. If the majority continues to go down the road they are going down, it is going to be much less

venerable, and it is going to be a broken institution. Keep in mind, their decision, if they do choose to do this, will work against them someday.

I have to say that I am very concerned because I believe that not only is it wrong, what they are going to do, but it is based upon false premises. When the majority leader says we have filibustered hundreds of times, that is totally inaccurate, especially when the leader calls up a bill and files cloture immediately just to make it look like we are filibustering. We are fast moving away from being the most deliberative body in the world to one that is just run by the majority, similar to the House of Representatives.

I hope some of the wiser Senators on the Democratic side will prevail. Right now it does not look like they will. But I will tell you this, if we go down the road that the majority leader is talking about, this institution is going to be dramatically changed for the worse. I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank the Senator from Utah for his thoughtful remarks. I have been trying to think of a way to put in context what is at stake because the majority leader said in his remarks today: We have changed the rules 18 times. True. We have changed the rules a lot. But we are not talking about changing the rules of the Senate. We are talking about changing the Senate.

That is what the proposal is, changing the Senate from an institution that protects minority rights by requiring 60 votes out of 100 on major matters of importance instead of a majority of votes. You know we grow up and we go to first grade and we learn that the majority wins. So we get that ingrained in ourselves as we grow up in America. It is a good principle, the majority wins. It is a way to resolve disputes and work things out.

But from the very beginning of our country, our most thoughtful observers and visitors have looked at our country and said: But a democracy needs some protections for the minority, for the people with a minority view.

I have mentioned on the floor before that I have been reading Jon Meacham's book about Thomas Jefferson, about the conversation they had after dinner on February 15, 1798. Jefferson wrote about what Adams said to him. Adams said:

No Republic could ever last which had not a Senate. Trusting the popular assembly for the preservation of our liberties is unimaginable.

"Trusting a popular assembly for the preservation of our liberties." What did he mean by that? What he meant by that is that the passions in our country—and they particularly happen that way today because of the Internet—can suddenly grow very strong. They happened back at that time in France with

the French Revolution, where the population got excited and began to behead people in connection with the French Revolution.

So popular passions can run strong. Our Founders said: We want a House of Representatives that reflects those popular passions, which is why when you go over to the House, they have a Rules Committee. Whoever wins the House by one vote gets nine of the seats and whoever loses gets four of the seats to make it clear that the party that has four of the seats does not have anything to say about anything, so they can bring it up on Monday and pass it on Tuesday.

That is what a popular assembly can do. So Adams was saying to Jefferson: We need another body. We need a Senate that is not so responsive to the popular passions. President Adams and President Jefferson said at the beginning of our country that they did not believe a Republic could stand without such a Senate. That is what they said then. Our most famous visitor to the United States was Alexis de Tocqueville, a young Frenchman who came in the 1830s.

He wrote a book, "Democracy in America," which is probably the best book ever written about democracy in America. He said in this that there are two great dangers he saw in our future democracy. This is when it was very young. One was Russia. That was a prescient comment. But the other was the tyranny of the majority. That is what de Tocqueville said.

The great danger to our democracy is the tyranny of the majority. That means a majority can run over you with a one-vote margin. What does that mean today? Let's say you care about abortion rights. Let's say you care about gay rights.

Let's say you care about climate change. Let's say you didn't support the war in Iraq, you didn't support the war in Afghanistan. Let's say you don't like government snooping, but the majority does. The majority has a view that is different from your view, so they can run over you—in the Senate they can't because they will have to persuade at least 60. It will take some time to do it, and it doesn't always work. You have to stop and think about any issues.

The House can say: No secret ballot in a union election, and they can pass it in a day. It will come to the Senate, and we will say: Let's think about it. We will think about it even if the Democrats are in charge and they are in favor of no secret ballot in a union election because we protect the rights of working men and women across the country who may be in the minority. But we have to stop and think about whether we want to abolish the secret ballot in union elections.

What the majority leader is proposing doing next week is not just

changing a rule, he is changing this institution so that whoever has a majority of one can do anything they want to do, anytime they want to do it, and can run over any minority. It doesn't make so much difference that you run over a person in the minority in the Senate—you know, we are just individuals. But what about the views we represent? What about the views of the farmers in North Dakota, mountaineers in Tennessee, or the civil rights workers in Alabama? What about the people in the 1970s who opposed the Vietnam war? The majority? The majority ran over it.

People who are accustomed to being in the minority know the advantage and the importance of having protection of minority rights. They know—and they have studied American history—that the chief defender of minority rights in the history of our country has been the Senate. This is what the majority leader proposes to change. He proposes to make this place like the House, where a freight train can run through it overnight and change abortion rights, change the war attitude, change civil rights, change environmental policy. One vote can do it. Run the train through the House. Run the train through the Senate. Today it might be a Democratic train. Tomorrow it might be the tea party express.

Our friends on the other side might wish to think about that. I have some very creative colleagues over here. I will bet they could come up with a pretty good agenda of things we would like to do if we had 51 votes and we could do it anyway.

This is not about a rules change. This is about changing the nature of a Senate that John Adams, Thomas Jefferson, George Washington, and the Founders of our country created to be an alternative to a popular assembly and that every majority leader in our history has, in the end, supported in this way.

We should not take this lightly—especially if you are an American person who has an unpopular view. If you feel as though you are in the minority, if you feel that a majority might not agree with you, might even run over you, you do not want the Senate to suddenly be a place where a freight train could run right through it overnight.

You may say: Well, we have the President and the White House.

You may. You do today. You might not tomorrow. You might not tomorrow.

When I came to the Senate 10 years ago one party had both the Senate, the House, and the Presidency. What if we were 10 years ago and we could run a freight train through the House, to the Senate, and send it down to President Bush? We might say that no State in the country—every State in the country must have a right-to-work law. We

believe in right-to-work laws. We might have new rules on public unions. We might have different ideas on abortion. We might have different ideas on climate change. If you are in the minority, you wouldn't be able to stop us. You wouldn't even be able to slow us down for a good conversation. We could just run right through town.

Nearly one-half of this body is in its first term. More than half of my Democratic friends have never been in the minority. I have been in the minority in a variety of ways in my lifetime, and I want some protection—more than just from the popular assembly that might run through.

That is why I said this morning that I hope very much that the Democratic leader will accept the request from those of us on the Republican side for all of us Senators to meet together in the Old Senate Chamber where we can meet privately, where we can talk face-to-face.

We can say: We need to understand how in the world the Democratic side could want to change the character of the Senate in this way when in 2 years they could be on the other side. What would make you so angry that you would want to do that?

If you would say to us, you have been filibustering our nominees, we would say to you, I guess you know that none of your nominees have ever been defeated by filibuster. I guess you know that—except for two circuit judges. And you started that because you did five of ours.

You will say: Well, you have been delaying our nominations.

We will say: I hope you know that the Congressional Research Service and the Washington Post say that President Obama's Cabinet nominees have been moving through the Senate more rapidly than President Bush's did and President Clinton's did in their second terms. I hope you know that.

You may say: But you have been holding people up for years.

We will reply: I hope you will look at the Executive Calendar.

It is on everybody's desk here. This is the list of people who can be confirmed in the Senate. How do they get on the Executive Calendar? They come out of committees. Who controls the committees? Democratic majorities. If there is someone who hasn't been confirmed, put him on the calendar. It is your committee that can do it.

Once they get on the calendar, how do they get confirmed? Only one person can manage that schedule—the majority leader. All he has to do is say: I move the nomination of Jacob J. Lew, of New York, to be U.S. Alternate Governor of the International Monetary Fund. He has been on the calendar since April 16, 2013.

You may say: There is an objection to that.

We will say: So what? The majority leader can bring it up, and under our

rules we can ask for a 60-vote vote on Mr. Lew to the International Monetary Fund.

He is already in the administration, so that probably wouldn't happen, but let's say it did. The majority leader can bring it up on Monday. We would vote on Wednesday. He would get 60 votes, and then he would be confirmed. That would take one of the 24 people off of this Executive Calendar.

You might say: Well, they have been waiting for years.

We might say: Wait a minute, I have got it right here. The one who has been waiting the longest came to the floor February 26, 2013. That was 4 months ago. There is no one here who has been waiting longer than 4 months, who has been here waiting for us to do something about it. The only one who could move somebody off this calendar to a vote is the majority leader sitting right over there, so what are you talking about?

This is what we would say to you.

You must be angry about something else or you wouldn't be thinking about changing the character of the whole Senate because no one has been denied their seat by filibuster except a circuit judge, and you set the precedent for that. There is no one left to confirm except these nominees for the National Labor Relations Board that President Obama made unconstitutionally on January 24, 2012.

The Republican leader said: You have a Labor Secretary who is controversial.

We all concede that, but the majority leader hasn't moved that we have a vote on him. He has been reported since May; he has been sitting here since May. The majority leader could have been brought him up.

There is a lady nominated for the Environmental Protection Agency. Bring up her nomination. Let's vote on it. There are a couple of other controversial nominations, but all we have to do is vote—except on these unconstitutional nominees.

What do we do about them? Let's make clear what happened to the National Labor Relations Board. In December of 2011 the President sends us two nominees to the National Labor Relations Board. This is the way it is supposed to happen. Their papers then come over to the Health, Education, Labor and Pensions Committee. Senator HATCH used to chair that. I am on that committee now as a ranking member. Before the papers from the White House even get to the committee, the President recess-appoints them. In other words, he used his power to appoint these persons to the NLRB during a recess when the Senate was in session. How do we know it was in session? It was in session, in a pro forma session, which is a device invented by the majority leader, Senator REID, when George W. Bush was President to keep President Bush from making recess appointments.

President Bush didn't like that, these 3-day pro forma sessions, but he respected it.

He said: Our Founders didn't want a king. They created separation of powers. That means checks and balances. I am the President, but I can't do everything. There is Congress over here, and there is a bill of rights over here.

President Bush said: I don't like what Senator REID did. He created these pro forma sessions so I can't make a recess appointment, but I will respect that.

Senator REID has a pro forma session when President Obama is in, and President Obama doesn't respect it and appoints two people. They are still there. The Court of Appeals for the District of Columbia has ruled that unconstitutional, as has the Third Circuit Court of Appeals—two of the highest courts in the land—and they are still there. They are still there making cases unconstitutional. They have decided 1,031 cases, all of which will be subject to being vacated if the Supreme Court agrees with the Federal courts. We cannot ignore that in the Senate if we wish to preserve the principle of checks and balances in the United States.

I mentioned at the beginning that I like to read history. I said this on the Senate floor, and I will read it again and then conclude because I know other Senators are here.

I was reading Jon Meacham's book about Thomas Jefferson, which I mentioned, and John Adams and Jefferson and how changing the Senate, not changing the rules—but if you change the Senate rules in this way, that means that the majority, on any day, any year, could come through and do anything it wants do.

They might decide: We don't like the gas in North Dakota, or we don't like the corn in Tennessee. So we are going to change the rules so we can have an advantage that 51 of us can do something about.

They could do that any day. Do it now; do it then.

I mentioned that history. I mentioned de Tocqueville's history. But here is the last piece of history I will mention once more. This is chapter 7 of Senator REID's book in 2007. Chapter 7 is entitled "The Nuclear Option." I had just come to the Senate. He talks about me in this chapter and gives me some credit for the gang that was formed to preserve the Senate at the time when another majority leader was trying to change the character of the Senate.

I see the distinguished majority leader, so I will defer to his comments. Maybe it is appropriate for me to read them. Senator REID wrote in 2007:

Peaceable and productive are not two words I would use to describe Washington in 2005.

I just couldn't believe that Bill Frist was going to do this.

The storm had been gathering all year, and word from conservative columnists and in conservative circles was that Senator Frist of Tennessee, who was the majority leader, had decided to pursue a rules change that would kill the filibuster for judicial nominations.

This is Senator REID's book. It is an excellent book, and I appreciate being mentioned in it.

Senator REID continues:

And once you opened that Pandora's box, it was just a matter of time before a Senate leader who couldn't get his way on something moved to eliminate the filibuster for regular business as well. And that, simply put, would be the end of the United States Senate.

I believe that. I believe it would be. It is not a mere rules change. Anytime this body changes its rules in the middle of a session without following the 67-vote rules cloture requirement, anytime it does that, it doesn't matter what it is for, it could do it again for a matter of precedent. If it does it for judicial nominations, the importance of the change is not whether it is a good idea to have an up-or-down vote on judicial nominations, the importance of the change is that with 51 votes you can do anything you want at any time. That, in de Tocqueville's words, in his foresight and his prescience in the 1830s, takes away from the people of the United States their greatest protection of their liberties because it encourages the tyranny of the majority.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Madam President, I have great respect for the Senator from Tennessee. He is my friend. We have worked together successfully and I hope we will in the future, but I would take exception to his conclusions about the current status of the Senate.

I have been in the Senate—now my 17th year. I have seen this institution change dramatically—dramatically—in 17 years. We have faced more gridlock, more wasted time than I ever imagined could occur in this great institution. It has become commonplace for us to face filibuster after filibuster after filibuster.

People at home who would turn on C-SPAN to watch the Senate Chamber would have to get close to their television screens and look to see if there was any evidence of life on the floor of the Senate. Are those people actually moving? Are they awake? We go on for 30 hours at a time doing nothing around here. Why? Because we are facing a record number of filibusters from the other side of the aisle.

Time and again, when we have important issues come up, they ground to a halt for 30-hour periods of time. We are lucky to do one or two things of substance a week. Oh, there are exceptions. A couple weeks ago we did an immigration bill. I thought it was one of our better moments. But it was a rare moment in the Senate.

Too often now we are facing filibusters on the President's nominees. Make no mistake, President Barack Obama won the election on November 6 last year. Some on the other side of the aisle are in complete denial of that reality. Winning that election, this President has a responsibility to lead this Nation. He wants to put together a team to lead. He brings the names to the Senate for confirmation, but time and again they are facing filibusters from the Republican side of the aisle.

There is one that even precedes the last election. Richard Cordray, who was Attorney General of the State of Ohio—an extraordinarily gifted public servant—was chosen by President Obama to head up the Consumer Financial Protection Bureau. This is the only consumer protection bureau in the Federal Government. It is an important agency. We created it with the Dodd-Frank financial disclosure reform bill. For more than 2 years—more than 2 years—Mr. Cordray's nomination has been held on the floor of the Senate by the Republican minority. That is unacceptable and it is fundamentally unfair.

No one has ever raised a question about this nominee's competence or about his integrity. Yet they will not approve him because they do not like the notion of a consumer protection agency. That is it. So to stop the agency from functioning they are going to stop this appointment by President Obama—for 2 years.

The National Labor Relations Board sits down in judgment of labor practices across America for the safety of our workers, the organization of workers. It is an important agency. But in the words of former Senator Dale Bumpers, there are some on the other side of the aisle who hate the National Labor Relations Board like the Devil hates holy water. They do not want to see it exist, but they can't abolish it. They know that. So they stop it from having a functioning majority. They stop nominees the President submits to fill the vacancies at the National Labor Relations Board time and time again.

The same thing is true when it comes to the Bureau of Alcohol, Tobacco, Firearms and Explosives as well. This is an agency opposed by many in the gun lobby. So since the time we have said that agency shall be filled by senatorial appointment, there has never been a person appointed.

It is the approach of those on the other side of the aisle to stop agencies from doing their work. This has to come to an end. I don't want to see this happen in the Senate, this confrontation over rules, but I don't want to see the current situation continue either.

Earlier this year Senator HARRY REID, the majority leader from Nevada, met with the Republican leaders, sat down and worked out a bipartisan agreement to avoid what we are facing

right now. He was criticized by many Democrats who said: Come on, Harry, they are just leading you along; they are not going to work with you. You will find out, if you don't change the rules of the Senate, you are not going to get the job done.

But HARRY REID said: I would rather try to do it on a bipartisan basis by agreement. He made that effort, and it didn't work. Today we find ourselves in the situation with key executive appointments being stalled and held up.

Listen to this: Gina McCarthy was nominated by President Obama to head the Environmental Protection Agency. What is her background? Her background was serving as head of the EPA in the Commonwealth of Massachusetts—the State of the Presiding Officer—under Governor Romney. She was Governor Romney's cabinet official for the EPA in Massachusetts. She not only has credentials, she is clearly bipartisan in her approach. So her name came before the regular Senate process. What did the other side do? They submitted a few questions for her to answer. No, not just a few, they broke all Senate records. They gave her a list of 1,100 questions to answer before they would consider her nomination. That is what we are up against—clear tactics to delay and stall even good people from serving, holds on nominees that go on indefinitely. These sorts of things have to come to an end. If we are going to end the obstruction in this Senate, if we are going to give to the President the power and the authority to lead this Nation, as he was elected to do, the Senate can no longer stand as a blockade and obstruction to that exercise of authority granted to the President by the people of the United States of America. That is what this is about.

A number of my Republican colleagues have reached out to me in the last few days saying: Is there a way to avoid this? There is. There is. If we come to the point where we can sit down and work this out together, resolve these nominees, all the better. It would be a good day for the Senate if it could be achieved. But the notion we are going to walk away from these Presidential nominees or other key nominees in the future isn't fair. I invite my Republican colleagues to vote no if they disapprove of the President's nominees. That is their right and it is their duty. But to stop the Senate from even coming to a vote on these nominees has gone on for way too long.

I urge my colleagues to try to find some way to resolve this issue. But if we can't, let's end the obstruction in the Senate and make sure the rules reflect the reality that a President should have the executive appointments he needs to lead this Nation.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. WARREN). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, I know we have been talking about the nominations process here on the floor and in caucus meetings, but I think it is worth reviewing the facts and comparing President Obama's nominees to how nominees of President Clinton and President George W. Bush have been treated, because I think there is broad misunderstanding. And, of course, when you don't know what the facts are—or the facts you truly believe in are wrong—then you are going to reach the wrong conclusion.

I think a fair look at the facts will demonstrate that President Obama and his nominees have been treated more than fairly. As a matter of fact, 1,560 nominees of President Obama have been confirmed during the 4½ years he has been President, and 4 have been rejected. That is not a bad ratio, 1,560 to 4.

When you start looking at how long it has taken for the President's Cabinet nominees to be confirmed, President Obama's Cabinet nominees have waited, on average, about 51 days from the time they were nominated until the time they were confirmed. For President George W. Bush it was 52 days, and for President Bill Clinton it was 55 days. So certainly President Obama has nothing to complain about, at least relative to President George W. Bush and President Clinton in terms of the amount of time it has taken for his nominees to be voted on by the Senate.

As far as judges are concerned, there have been 199 of President Obama's nominees confirmed to the U.S. District Court; only 2 of them have been defeated. That is a 99-percent success rate, which I think is pretty good in anybody's book.

President Obama has had 28 judges at the district court, circuit court, and other article III courts, so 28 for President Obama and 10 for President George W. Bush at this same point in their Presidency.

Someone once said that facts are stubborn. But if you acknowledge the facts, it is hard for me to understand where this sense of outrage and urgency comes from with regard to the President's nominees.

Indeed, the renewed sense of urgency of our colleagues across the aisle to change the longstanding rules of the Senate is based either on a misunderstanding of the facts or—I am sorry to say—willful ignorance is the only other alternative.

So this is a manufactured crisis with no grounding in objective reality. That is about the nicest way I can say it. The facts show that President Obama's

nominees have moved through the Senate at a pace quicker than his predecessors.

So what about the nominees to the National Labor Relations Board? These are a special case, because the Circuit Court of Appeals in the District of Columbia found that the President exceeded his constitutional authority to make an appointment to these NLRB positions in a reported opinion from the court. But—this is important—it wasn't because Congress or the Senate denied the President his choice for these NLRB appointees. In fact, the President nominated them on December 15, 2011, right before Christmas. So the President nominates them right before Christmas, on December 15, 2011, and the President recess-appointed these same nominees on January 4, 2012.

What was so astonishing about that is the paperwork for the nominations hadn't even made its way over to the Senate, and the committee of jurisdiction had not even had an opportunity to have a hearing on these nominees. But in spite of that, the President sought to circumvent the advice and consent function for the Senate that is written in the U.S. Constitution and make what he called a recess appointment.

Another notable fact about that is the President himself decided—not the Senate—when we were in recess, leaving the Court of Appeals, when they reviewed this recess appointment and holding it unconstitutional, to say there is no real difference between what the President did in terms of determining the Senate was in recess and deciding to do it while we were breaking for lunch, and held that it was not constitutional. So Senators were not even given a chance to review his nominees to the National Labor Relations Board, much less block them.

After the court ruled these appointments unconstitutional, the President renominated them this past February. They were reported out of the committee in May, and due to the inaction of the majority leader—who is essentially the traffic cop for the Senate floor—they haven't even been put up for a vote by the majority leader.

This is another important fact that I think most people don't fully appreciate. If I wanted to propose a nominee, I wouldn't have any standing to do so. It is the majority leader of the Senate, representing the majority party, who is the one who determines when these nominees will come up for a vote. So to say that somehow it is the minority's fault these individuals haven't been put up for a vote completely distorts how the Senate operates and is a disingenuous approach, to say the least.

We should recall that Republicans and Democrats came to a genuine compromise on the matter of nominations at the beginning of this Congress and a

deal was struck: In exchange for Republican support, the majority leader gave his word here on the Senate floor that he would not attempt to change the Senate rules other than through regular order.

What that means, as the distinguished Senator from Kansas, the ranking member of the Rules Committee, knows, is going through the Rules Committee and coming to the floor, with 67 votes, to change the Standing Rules of the U.S. Senate. So the majority leader gave his word that he would not try to invoke the so-called nuclear option—which we are now threatened with—but would, rather, seek to change the rules through the regular order, which would require 67 votes on the Senate floor.

As it turns out, Senator REID is apparently willing to go back on his word and is now poised to break the rules of the Senate in order to get his way, in order to change the rules.

We have questioned many of our colleagues about, Why would there be such an extraordinary power grab and breaking of one's word when it comes to how the rules changed, and wondered, what is the rationale for this?

When we have gone through the same facts I described earlier, which show President Obama's nominees have been treated at least as fairly—or even more fairly, one could argue—than President Clinton and President George W. Bush, our Democratic colleagues have said, Well, this is a narrow, modest change that would only apply to nominees to positions in this administration.

That is not the way the Senate works. If you break the rules in order to change the rules, in this instance, there is a slippery slope, to say the least, to extend this same practice not only to executive nominations but also to Federal judges and to ordinary legislation, which would allow the tyranny of the majority and deny the minority an opportunity to influence ordinary legislation or to make sure its voice was heard when it comes to nominees. So the argument that this is some sort of a narrow fix designed to break some imaginary logjam with regard to this administration's executive nominees is false.

The fact is, if the majority leader goes through with this nuclear option, as it is called, he will have set a new precedent in the Senate—one that says it is permissible to break the rules of the Senate at any point simply to get your own way, if the majority has the gumption to do it.

I hope the majority leader is aware of the magnitude of this decision. Even more importantly than that, I hope Members of the Democratic caucus understand what this means.

I have been here long enough to have been in the majority and the minority. I can tell you that being in the majority is a lot more fun. But I can also tell

you that majorities and minorities are fleeting. The shoe will be on the other foot. It is simply shortsighted and, I believe, an abuse of our process to try to jam these nominees through based on some manufactured and imaginary crisis and change the Senate as we know it forever.

I hope the majority leader understands the consequences will forever alter the nature of this institution—and not one based on just the rules but based on the relationships that are so important to getting anything done here.

We all understand the rules are important. But fundamentally, the way the Senate operates—regardless of whether Republican or Democratic, regardless of where we come from—is your word is your bond. We have to be able to believe it. No matter what their political differences may be, when colleagues across the aisle give their word, you have to be able to depend on it. And if we can't depend on your word and we can't depend on the majority leader's word when he said he won't invoke the nuclear option, it forever undermines the important relationship and bonds of trust and confidence we should be able to have in this institution.

Just to go over a few other short points:

According to the Congressional Research Service, the Senate is considering President Obama's executive nominations faster than any other recent President. I talked about that recently. But here are some of the President's Cabinet nominees who have been confirmed recently:

The Energy Secretary, confirmed 97-0. The only reason we had to vote on it is because the majority leader finally decided to put that nomination on the floor. It was unanimous, 97-0. Everybody who was here voted in favor of that nomination.

The Secretary of Interior was 87-11; Secretary of Treasury, Jack Lew, 71-26; the Office of Management and Budget, 96-0; Secretary of State John Kerry was confirmed 94-3—and he was confirmed only 7 days after the Senate got his nomination; the Administrator for the Centers of Medicare and Medicaid Services was confirmed 91-7; the Chair of the Securities and Exchange Commission was confirmed by voice vote. There wasn't even a recorded vote. That is essentially a unanimous decision of the Senate; Secretary of Transportation, 100-0; Secretary of Commerce, 97-1.

It is worth recalling some of the words that were spoken by different Members of the Senate, because this is the kind of thing that will come back to haunt you if you flip-flop and take a different position later on.

This is Senator HARRY REID, December 8, 2006:

As majority leader, I intend to run the Senate with respect for the rules and for the

minority rights the rules protect. The Senate was established to make sure that minorities are protected. Majorities can always protect themselves, but minorities cannot. That is what the Senate is all about.

Then there is the majority whip Senator DURBIN. This is April 15, 2005:

Those who would attack and destroy the institution of the filibuster are attacking the very force within the Senate that creates compromise and bipartisanship.

Well, if that is true—and I agree it is true—why in the world would any Senator vote to destroy the very force within the Senate that creates compromise and bipartisanship, particularly when we are making decisions here that affect 319 million Americans.

Then there is the President of the United States when he was in the Senate, April 13, 2005. Then-Senator Barack Obama said:

If the majority chooses to end the filibuster, if they choose to change the rules and put an end to the democratic debate, then the fighting, the bitterness, and the gridlock will only get worse.

I realize we are passionate about our positions on the various issues that come before the Senate, and that is entirely appropriate. We all have convictions about these important issues. But this is the only place perhaps left in the country, I believe, where we can actually debate these in an open and responsible way and be held accountable by the people who send us here—in my case, 26 million Texans.

But if we are willing to engage in this sort of shifty behavior, if we are willing to break our word in order to get momentary political advantage, then I think the public's confidence in the Senate is going to be completely undermined, and we will have lost our effectiveness. Also, perhaps just as significantly, the very bonds of trust that are so important in order to get things done around here will have been broken.

For what? For a temporary advantage over five or six or seven executive nominees. I daresay if Senator REID had put these nominations on the floor, we would have seen the vast majority of them confirmed a long time ago. The only reason they were not is because he chose not to do so. What he has done is to put them on the floor now, in this period of time before the August recess, to create a manufactured crisis so he can then invoke the nuclear option and somehow convince Members of his own caucus that they ought to be party to breaking the Senate rules in order to gain temporary advantage. It is incredibly shortsighted, and I think it will exacerbate the gridlock and the divisions here rather than help us try to find ways to build consensus and work together in the best interests of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, thank you for being able to maintain order in this very crowded Chamber.

It should be a crowded Chamber. It is not. I say it should be because this should be a required debate. As a matter of fact, we should have had the debate.

I am the ranking member of the Senate Rules Committee. The distinguished Senator from Texas just pointed out if we went to regular order, we would be having a meeting of the Rules Committee, having a very interesting debate, a very educational debate. I think especially for the class of 2010 and the class of 2012 on the majority side, who did not have the advantage of listening to Bob Byrd's lecture to every class that came in, his sermon to every class that came in—we all became born again to our responsibilities as Senators, seeing the light with only his advantage of being both in the majority and the minority. I regret that is not the case. I regret we are not in the Rules Committee.

I rise, like the distinguished Senator from Texas and others who have spoken about this, our leader, Senator ALEXANDER in particular, giving us a real history on what is going on here or what is not going on. We are trying to discuss the so-called nuclear option that the majority leader reportedly wishes to employ.

We are apparently brought to this point as a result of the leader's frustration. I was here when, obviously, he was simply frustrated with the pace of the Senate and how the Senate operates. This really comes down to the NLRB and the appointments to the NLRB and the fact that two courts found these appointments were illegal. That is what our side objects to. It is not especially to the appointments.

Apparently, we are going to have a cloture vote on it, and apparently the nuclear gun is cocked and ready to be pulled. There is a country western song, "Don't take your guns to town, son. Leave your guns at home." HARRY, don't take that nuclear gun to this body. Take it back to Searchlight, NV. Put it back in its holster if in fact the nuclear gun has a holster. That would be my advice.

I would say this about the majority leader. I have known him for a long time. We worked together on the Ethics Committee—and I mean we worked together. As majority leader I have had a good relationship with him. He has a good sense of humor. Sometimes that doesn't show, but he actually does.

I remember one time he was conducting a mini-filibuster. I don't remember the issue. I was the Acting Presiding Officer. I was listening to him talking about how rabbits were eating the cactus in front of his home in Searchlight, NV; whereupon I took the floor and we engaged in quite a colloquy about rabbits and cactus and not

to sit on cactus. There are a lot of cactus in the world.

This is probably the biggest one we are attempting to sit on, and I just don't think it is a good idea.

The majority leader was a boxer. He was a good one. His hero is Smokin' Joe, Smokin' Joe Frazier. So when I talk to him, I call him Smokin' Joe. My appeal to him, if he is listening—he probably isn't, but if he reads about this, or if his staff tells him, tell him your old friend from the Ethics Committee had some advice. Smokin' Joe used to wait until the late rounds. He was in better shape. But he knew when to hold them and when to fold them. He was a great champion.

We do not need to go down this road. We really don't need to go down this road. Apparently, the majority leader has determined that—and this is my view—he will have to destroy the Senate in order to save it.

Those are pretty strong words. Those are harsh words, but I intend them to be. We should not be confused about this. By breaking the rules to change the rules the majority seeks to destroy what has made the Senate great, unique in the history of the world. I am repeating the advice we all got from Senator Byrd, the institutional flame of the Senate. Again, every time a new class came in, he would give his sermon or his lecture or his advice or his counsel, and we all took it, regardless of whether we were Democrat or Republican.

The Senate has always been the one place where all Americans could be assured they would have a voice. Every American, no matter what State they happened to live in or what political party they belonged to, knew they would be represented here. Kansas, Massachusetts, wherever; they knew they would be represented. Minority views were respected. Even if your party was not in power, you still had a voice.

Unfortunately, if you pull that trigger on that nuclear gun, the majority will abolish that. If you take that step, that is surely going to lead to complete control of this institution by the majority. That has been predicted by virtually everybody who has spoken, and I intend to quote a lot of majority leaders and a lot of people in the Senate on the Democratic side who have pointed this out.

I know some on the other side, especially those who have never been in the minority, will seek to minimize the import of what they are doing. Oh, it is just a small change. They will claim what they are trying to do is very limited, applying only to executive nominations.

I wish I had a chart. But if you look at the difference of 68 percent on civilian nominations that were confirmed in past administrations in the 106th Congress, and you are talking, 68, 72, in



that neighborhood, and then you move clear up here to the 112th Congress, and President Obama is 82 percent, 86 percent—what is the deal? Other than being upset about the NLRB.

Make no mistake. The change itself will be less important than the manner in which it is imposed. Let me repeat that. The change itself will be less important than the manner in which it is imposed. If the majority decides to write new rules with a simple majority vote, regardless of the issue, ignoring the existing rules that require a supermajority to achieve such a change, it will put us on a path that will surely lead to total control of this body by the majority.

As of today there is only one House of Congress where the majority has total control. The majority wishes, apparently, now, there were two—or there will be two.

We do not have to wonder what the Senate will become if they get their wish. We only need to look to the House of Representatives. We will become the Senior House. I don't know about the Upper House or the Lower House—perhaps we will be the Upper House—but we will become the House.

I know that doesn't mean much to many of my colleagues who have never been in the minority or served in the House. I served as an administrative assistant to a wonderful House Member for 12 years and was in the House for 16 years. I have the privilege of now serving my third term in the Senate. I have been in the majority and I have been in the minority. The Senator from Texas is surely right, the majority is better.

Many of you folks who should be here have never served in the House. Many of you have never served in the minority. I have done both, as I have indicated. Let me explain what it means to serve in the minority in the House to those who have never had this wonderful privilege.

In the House, no bill comes to the floor without a rule. The rule governs the length of debate and the amendments that will be considered. If you want to even speak on the bill, you have to get the bill manager to give you some of the very limited time available under the rule. If there is not enough time, you will not be able to even speak on it.

The majority in the House writes the rule, and they decide how much time they will allow. The rule also determines what amendments will be considered. If the rule does not allow for consideration of your amendment it will not be considered, it will not be debated, and it will not be voted on. The majority in the House decides what amendments will be considered.

If you are a member of the majority, they might allow consideration of your amendment—if you are in good standing with the Rules Committee. If you are a member of the minority, you can

forget about getting a vote on your amendment. If the majority does not want to allow it, it will not happen. As a member of the minority there is nothing that you can do about it.

I know about this. I remember when I first went to the House Rules Committee under a very determined, aggressive chairman of the Rules Committee. I had an amendment that I thought was well placed, well taken, pertinent. It was on agriculture. It was on something that dealt with the farm bill or agricultural program policy. But I was a Republican. I went in and I thought this amendment would be considered under parliamentary procedure whether it would be germane or not. Guess what. It was just a rehash of a partisan debate because it was not bipartisan. We had a lot of bipartisan support for it.

So my amendment was not allowed. Then I figured it out. Charlie Stenholm was from Texas—well, he still is from Texas and he is still active in the agriculture community. Very active, very respected. Charlie wanted the same amendment. So I finally figured out, let Stenholm introduce my amendment, but don't tell them it is my amendment.

So Stenholm introduced my amendment and then as soon as it was approved by the House Rules Committee, then it became the Stenholm-Roberts amendment. If it passed, obviously, it became the Roberts-Stenholm amendment in Kansas and the Stenholm-Roberts amendment in Texas, and that is how we got things done. So we had the Stenholm-Roberts for quite a few years. I never went into the Rules Committee because if I did I knew I would lose. Boy, talk about one-party rule.

We don't want to do that. Guess what. We had a revolution back in 1994. I became chairman of the Agriculture Committee. All of a sudden the Stenholm-Roberts amendment became the Roberts-Stenholm amendment, and that is how it worked in the House of Representatives.

I don't think we want to do that. It is precisely for this reason that many Members of the House choose to run for the Senate. That is why I did it. The Senate is supposed to be different. Here, if you want to be heard on a bill, it will happen. We haven't been living up to that recently, but that is how the place is supposed to work. In the Senate the Senator's right to speak is not supposed to depend on the whim of the majority. Now it is on a whim and a prayer. That is why people run for the Senate. That is what has distinguished this body from the House since we first convened in 1789.

The majority, unfortunately, wants to erase that distinction. It wants to assure that Members do not have any rights beyond those which the majority is willing to grant.

You don't have to take my word for it. The distinguished majority leader—whom I affectionately call Smokin' Joe—himself has recognized this. As my colleague, Senator ALEXANDER, from that desk right over there, has previously noted, Senator REID addressed this topic in his book—how appropriate—“The Good Fight,” from a boxer and now our majority leader. Senator REID wrote about the battle over the nuclear option in 2005. Things were a little different. This is what he wrote:

Once you opened that Pandora's box, it was just a matter of time before a Senate leader who couldn't get his way on something moved to eliminate the filibuster for regular business as well. And that, simply put, would be the end of the United States Senate.

The end of the United States Senate. The distinguished majority leader said:

It is the genius of the Founders that they conceived the Senate as a solution to the small state/big state problem. And central to that solution was the protection of the rights of the minority. A filibuster is the minority's way of not allowing the majority to shut off debate, and without robust debate, the Senate is crippled.

Senator REID went on to say:

Such a move would transform the body into an institution that looked just like the House of Representatives where everything passes with a simple majority.

Senator REID also wrote:

there will come a time when we will all be gone, and the institutions that we now serve will be run by men and women not yet living, and those institutions will either function well because we've taken care of them, or they will be in disarray and someone else's problem to solve.

Boy, that is pretty heavy stuff; that is meaningful. That is something everybody here should consider.

He described the nuclear option this way at that time:

In a fit of partisan fury—

I am not quite sure we are there yet. I would say it is more of a partisan frustration.

they were trying to blow up the Senate. Senate rules can only be changed by a two-thirds vote of the Senate, or sixty-seven Senators. The Republicans were going to do it illegally with a simple majority, or fifty-one. Vice President Cheney was prepared to overrule the Senate parliamentarian. Future generations be damned.

Do you think the Senator was upset then? He was upset then a heck of a lot more than he was this morning. If only the majority leader would recall his own words.

The Vice President also recognized the damage this would do. This is what Vice President BIDEN said on the floor when he was still a Member of this body. This is important stuff. We all know JOE BIDEN. We are all a friend of JOE BIDEN. He is the Vice President of the United States. When he was a Senator he said something very important:

Put simply, the nuclear option would transform the Senate from the so-called

cooling saucer our Founding Fathers talked about to cool the passions of the day to a pure majoritarian body like a Parliament.

Republicans control the Senate, and they have decided they are going to change the rule. At its core, the filibuster is not about stopping a nominee or a bill, it is about compromise and moderation. That is why the Founders put unlimited debate in. When you have to—and I never conducted a filibuster—but if I did, the purpose would be that you have to deal with me as one Senator. It does not mean I get my way. It means you may have to compromise. You may have to see my side of the argument. That is what it is about, engendering compromise in moderation.

JOE BIDEN went on to say:

If there is one thing I have learned in my years here, once you change the rules and surrender the Senate's institutional power, you never get it back.

Folks, we are about to break the rules to change the rules.

He went on to say:

The nuclear option abandons America's sense of fair play. It is the one thing this country stands for: Not tilting the playing field on the side of those who control and own the field.

Then he said to the Republican side of the aisle, which was then in the majority:

I say to my friends on the Republican side: You may own the field right now, but you won't own it forever. I pray God when the Democrats take back control, we don't make the kind of naked power grab you are doing. But I am afraid you will teach my new colleagues the wrong lessons.

We are only in the Senate as temporary custodians of the Senate. The Senate will go on. Mark my words, history will judge this Republican majority harshly, if it makes this catastrophic move.

I hope the Vice President will listen to his own prayers. We don't need any divine intervention here, but maybe he can share his concerns with the majority leader. It could help us avert a real catastrophe.

The majority leader and the Vice President are not the only people who recognize the damage that would be done by triggering the so-called nuclear option. Our former Parliamentarian, named Bob Dove—a man whose advice I sought when I had the privilege of being the acting Presiding Officer—and Richard Arenberg, a professor and one-time aide to former majority leader George Mitchell, wrote a book on the subject, "Defending the Filibuster."

I know I am quoting a lot, but these are important issues. I hope they stick like a burr under your saddle so they make you stop and think about this. They wrote—

If a 51-vote majority is empowered to rewrite the Senate's rules, the day will come, as it did in the House of Representatives, when a majority will construct rules that give it near absolute control over amendments and debate. And there is no going back from that. No majority in the House of Representatives has or ever will voluntarily relinquish that power in order to give the minority a greater voice in crafting legislation.

Do not be fooled by those who would try to minimize the impact of what the majority is actually contemplating.

The rule changes themselves are less important than the manner in which they will be imposed. Once the majority has decided it can set the rules, there is no limit to what the majority might do in the future. I hope you understand that. There are no constraints. The majority claims these changes are necessary to make the Senate function. If it decides further changes are needed, it will make them. The minority will have no voice, no say, no power, and that has never been the case in the Senate.

Tragically, what the majority contemplates is at once both calamitous and totally unnecessary. The filibuster is a product of our dysfunction, not the source.

I know many Members—and I have harped on this—do not even know what it is like to serve in a functioning Senate. They hardly know what it is like to operate under regular order where bills are referred to committee, amended, brought to the floor, debated, amended, and passed.

This matter should be before the Rules Committee. We should have a complete hearing and then bring it to the floor. We averted this at the first of this year. I know people think the filibuster is to blame for this breakdown, but they are wrong. We don't operate under regular order here because the majority leadership doesn't want to. They have an agenda. I understand that.

They have been trying to operate this place like the House of Representatives for years. They want to control debate and to control the amendments.

I know a little bit about this. When we were talking about the farm bill last year, Senator REID said: We can't do a farm bill in less than 3 weeks. I said: We will do it in 3 days. Senator STABENOW and I worked very hard to get common agreement on the farm bill, but we did it. We needed regular order. We needed to open it up. We needed to give Senators here on our side a chance to at least offer amendments, and we did it. We had 73 amendments. We did it in 2½ days. We had regular order and people said: Gee, is this what the Senate used to be all about? And that was the case. So it can work.

I know there are folks over there who think the filibuster is to blame for this breakdown, but they are wrong. Rather than give up that control, they have decided during the past 4 years—with the exception of a few bills I have just mentioned—I think they want to make it official. I think they would rather blow up the Senate rather than let it work its will.

It will be a tragedy. They think it will save the Senate, but it will destroy it. That threat of destruction may not

be obvious to some today, but it is real. If the nuclear option is deployed, one day it will become clear to all. And when that day comes and people wonder: What happened to the Senate? When did it die? We will know the answer. It died the day the nuclear option was triggered. That is what nuclear devices do—they destroy. This is not just a minor shot across the bow to be used only once. This is a mushroom cloud over the Capitol.

Again, I urge the distinguished majority leader: Don't take your nuclear gun to town.

Madam President, I ask unanimous consent to have the remarks by U.S. Senator Robert C. Byrd at the orientation of new Senators, December 3, 1996, printed in the RECORD.

I also ask unanimous consent that Senator Byrd's final speech before the Rules Committee called "The Filibuster And Its Consequences" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY U.S. SENATOR ROBERT C. BYRD AT THE ORIENTATION OF NEW SENATORS, DECEMBER 3, 1996

Good afternoon and welcome to the United States Senate Chamber. You are presently occupying what I consider to be "hallowed ground." You will shortly join the ranks of a very select group of individuals who have been honored with the title of United States Senator since 1789 when the Senate first convened. The creator willing, you will be here for at least six years. Make no mistake about it, the office of United States Senator is the highest political calling in the land. The Senate can remove from office Presidents, members of the Federal judiciary, and other Federal officials but only the Senate itself can expel a Senator.

Let us listen for a moment to the words of James Madison on the role of the Senate.

"These [reasons for establishing the Senate] were first to protect the people against their rulers: secondly to protect the people against the transient impression into which they themselves might be led. [through their representatives in the lower house] A people deliberating in a temperate moment, and with the experience of other nations before them, on the plan of government most likely to secure their happiness, would first be aware, that those charged with the public happiness, might betray their trust. An obvious precaution against this danger would be to divide the trust between different bodies of men, who might watch and check each other. . . . It would next occur to such a people, that they themselves were liable to temporary errors, through want of information as to their true interest, and that men chosen for a short term, [House members], . . . might err from the same cause. This reflection would naturally suggest that the Government be so constituted, as that one of its branches might have an opportunity of acquiring a competent knowledge of the public interests. Another reflection equally becoming a people on such an occasion, would be that they themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. A necessary fence against this danger would be to select a portion of enlightened citizens,

whose limited number, and firmness might seasonably interpose against impetuous councils. . . ."

Ladies and gentlemen, you are shortly to become part of that all important, "necessary fence," which is the United States Senate. Let me give you the words of Vice President Aaron Burr upon his departure from the Senate in 1805. "This house," said he, "is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, will resistance be made to the storms of political phrensy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hand of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor." Gladstone referred to the Senate as "that remarkable body—the most remarkable of all the inventions of modern politics."

This is a very large class of new Senators. There are fifteen of you. It has been sixteen years since the Senate welcomed a larger group of new members. Since 1980, the average size class of new members has been approximately ten. Your backgrounds vary. Some of you may have served in the Executive Branch. Some may have been staffers here on the Hill. Some of you have never held federal office before. Over half of you have had some service in the House of Representatives.

Let us clearly understand one thing. The Constitution's Framers never intended for the Senate to function like the House of Representatives. That fact is immediately apparent when one considers the length of a Senate term and the staggered nature of Senate terms. The Senate was intended to be a continuing body. By subjecting only one-third of the Senate's membership to reelection every two years, the Constitution's Framers ensured that two-thirds of the membership would always carry over from one Congress to the next to give the Senate an enduring stability.

The Senate and, therefore, Senators were intended to take the long view and to be able to resist, if need be, the passions of the often intemperate House. Few, if any, upper chambers in the history of the western world have possessed the Senate's absolute right to unlimited debate and to amend or block legislation passed by a lower House.

Looking back over a period of 208 years, it becomes obvious that the Senate was intended to be significantly different from the House in other ways as well. The Constitutional Framers gave the Senate the unique executive powers of providing advice and consent to presidential nominations and to treaties, and the sole power to try and to remove impeached officers of the government. In the case of treaties, the Senate, with its longer terms, and its ability to develop expertise through the device of being a continuing body, has often performed invaluable service.

I have said that as long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure. The Senate was intended to be a forum for open and free debate and for the protection of political minorities. I have led the majority and I have led the minority, and I can tell you that there is nothing that makes one fully appreciate the Senate's special role as the protector of minority interests like being in the minority. Since the Republican Party was created in 1854, the Senate has changed hands 14 times, so each party has had the opportunity to ap-

preciate first-hand the Senate's role as guardian of minority rights. But, almost from its earliest years the Senate has insisted upon its members' right to virtually unlimited debate.

When the Senate reluctantly adopted a cloture rule in 1917, it made the closing of debate very difficult to achieve by requiring a super majority and by permitting extended post-cloture debate. This deference to minority views sharply distinguishes the Senate from the majoritarian House of Representatives. The Framers recognized that a minority can be right and that a majority can be wrong. They recognized that the Senate should be a true deliberative body—a forum in which to slow the passions of the House, hold them up to the light, examine them, and, thru informed debate, educate the public. The Senate is the proverbial saucer intended to cool the cup of coffee from the House. It is the one place in the whole government where the minority is guaranteed a public airing of its views. Woodrow Wilson observed that the Senate's informing function was as important as its legislating function, and now, with televised Senate debate, its informing function plays an even larger and more critical role in the life of our nation.

Many a mind has been changed by an impassioned plea from the minority side. Important flaws in otherwise good legislation have been detected by discerning minority members engaged in thorough debate, and important compromise which has worked to the great benefit of our nation has been forged by an intransigent member determined to filibuster until his views were accommodated or at least seriously considered.

The Senate is often soundly castigated for its inefficiency, but in fact, it was never intended to be efficient. Its purpose was and is to examine, consider, protect, and to be a totally independent source of wisdom and judgment on the actions of the lower house and on the executive. As such, the Senate is the central pillar of our Constitutional system. I hope that you, as new members will study the Senate in its institutional context because that is the best way to understand your personal role as a United States Senator. Your responsibilities are heavy. Understand them, live up to them, and strive to take the long view as you exercise your duties. This will not always be easy.

The pressures on you will, at times, be enormous. You will have to formulate policies, grapple with issues, serve the constituents in your state, and cope with the media. A Senator's attention today is fractured beyond belief. Committee meetings, breaking news, fundraising, all of these will demand your attention, not to mention personal and family responsibilities. But, somehow, amidst all the noise and confusion, you must find the time to reflect, to study, to read, and, especially, to understand the absolutely critically important institutional role of the Senate.

May I suggest that you start by carefully reading the Constitution and the Federalist papers. In a few weeks, you will stand on the platform behind me and take an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic; to bear true faith and allegiance to the same; and take this obligation freely, without any mental reservation or purpose of evasion; and to well and faithfully discharge the duties of the office on which you are about to enter: So help you God.

Note especially the first 22 words, "I do solemnly swear that I will support and de-

fend the Constitution of the United States against all enemies foreign and domestic . . ." In order to live up to that solemn oath, one must clearly understand the deliberately established inherent tensions between the 3 branches, commonly called the checks and balances, and separation of powers which the Framers so carefully crafted. I carry a copy of the Constitution in my shirt pocket. I have studied it carefully, read and reread its articles, marveled at its genius, its beauty, its symmetry, and its meticulous balance, and learned something new each time that I partook of its timeless wisdom. Nothing will help you to fully grasp the Senate's critical role in the balance of powers like a thorough reading of the Constitution and the Federalist papers.

Now I would like to turn for a moment to the human side of the Senate, the relationship among Senators, and the way that even that faced of service here is, to a degree, governed by the constitution and the Senate's rules. The requirement for super majority votes in approving treaties, involving cloture, removing impeached federal officers, and overriding vetoes, plus the need for unanimous consent before the Senate can even proceed in many instances, makes bipartisanism and comity necessary if members wish to accomplish much of anything. Realize this. The campaign is over. You are here to be a Senator. Not much happens in this body without cooperation between the two parties.

In this now 208-year-old institution, the positions of majority and minority leaders have existed for less than 80 years. Although the positions have evolved significantly within the past half century, still, the only really substantive prerogative the leaders possess is the right of first recognition before any other member of their respective parties who might wish to speak on the Senate Floor.

Those of you who have served in the House will now have to forget about such things as the Committee of the Whole, closed rules, and germaneness, except when cloture has been invoked, and become well acquainted with the workings of unanimous consent agreements. Those of you who took the trouble to learn Deschler's Procedure will now need to set that aside and turn in earnest to Riddick's Senate Procedure.

Senators can lose the Floor for transgressing the rules. Personal attacks on other members or other blatantly injudicious comments are unacceptable in the Senate. Again to encourage a cooling of passions, and to promote a calm examination of substance, Senators address each other through the Presiding Officer and in the third person. Civility is essential here for pragmatic reasons as well as for public consumption. It is difficult to project the image of a statesman-like, intelligent, public servant, attempting to inform the public and examine issues, if one is behaving and speaking in a manner more appropriate to a pool room brawl than to United States Senate debate. You will also find that overly zealous attacks on other members or on their states are always extremely counterproductive, and that you will usually be repaid in kind.

Let us strive for dignity. When you rise to speak on this Senate Floor, you will be following in the tradition of such men as Calhoun, Clay, and Webster. You will be standing in the place of such Senators as Edmund Ross (KS) and Peter Van Winkle (WEST VIRGINIA), 1868, who voted against their party to save the institution of the presidency during the Andrew Johnson impeachment trial.

Debate on the Senate Floor demands thought, careful preparation and some familiarity with Senate Rules if we are to engage in thoughtful and informed debate. Additionally, informed debate helps the American people have a better understanding of the complicated problems which besiege them in their own lives. Simply put, the Senate cannot inform American citizens without extensive debate on those very issues.

We were not elected to raise money for our own reelections. We were not elected to see how many press releases or TV appearances we could stack up. We were not elected to set up staff empires by serving on every committee in sight. We need to concentrate, focus, debate, inform, and, I hope, engage the public, and thereby forge consensus and direction. Once we engage each other and the public intellectually, the tough choices will be easier.

I thank each of you for your time and attention and I congratulate each of you on your selection to fill a seat in this August body. Service in this body is a supreme honor. It is also a burden and a serious responsibility. Members' lives become open for inspection and are used as examples for other citizens to emulate. A Senator must really be much more than hardworking, much more than conscientious, much more than dutiful. A Senator must reach for noble qualities—honor, total dedication, self-discipline, extreme selflessness, exemplary patriotism, sober judgment, and intellectual honesty. The Senate is more important than any one or all of us—more important than I am; more important than the majority and minority leaders; more important than all 100 of us; more important than all of the 1,843 men and women who have served in this body since 1789. Each of us has a solemn responsibility to remember that, and to remember it often.

Let me leave you with the words of the last paragraph of Volume II, of *The Senate: 1789–1989*: “Originally consisting of only twenty-two members, the Senate had grown to a membership of ninety-eight by the time I was sworn in as a new senator in January 1959. After two hundred years, it is still the anchor of the Republic, the morning and evening star in the American constitutional constellation. It has had its giants and its little men, its Websters and its Bilbos, its Calhouns and its McCarthys. It has been the stage of high drama, of comedy and of tragedy, and its players have been the great and the near-great, those who think they are great, and those who will never be great. It has weathered the storms of adversity, withstood the barbs of cynics and the attacks of critics, and provided stability and strength to the nation during periods of civil strife and uncertainty, panics and depressions. In war and in peace, it has been the sure refuge and protector of the rights of the states and of a political minority. And, today, the Senate still stands—the great forum of constitutional American liberty!”

MAY 19, 2010—RULES COMMITTEE HEARING, SENATOR BYRD'S OPENING STATEMENT, “THE FILIBUSTER AND ITS CONSEQUENCES”

On September 30, 1788, Pennsylvania became the first state to elect its United States senators, one of whom was William Maclay. In his 1789 journal Senator Maclay wrote, “I gave my opinion in plain language that the confidence of the people was departing from us, owing to our unreasonable delays. The design of the Virginians and of the South Carolina gentlemen was to talk away the time, so that we could not get the bill passed.”

Our Founding Fathers intended the Senate to be a continuing body that allows for open and unlimited debate and the protection of minority rights. Senators have understood this since the Senate first convened. In his notes of the Constitutional Convention on June 26, 1787, James Madison recorded that the ends to be served by the Senate were “first, to protect the people against their rulers, secondly, to protect the people against the transient impressions into which they themselves might be led . . . They themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous councils.” That “fence” was the United States Senate. The right to filibuster anchors this necessary fence. But it is not a right intended to be abused.

During this 111th Congress in particular the minority has threatened to filibuster almost every matter proposed for Senate consideration. I find this tactic contrary to each Senator's duty to act in good faith. I share the profound frustration of my constituents and colleagues as we confront this situation. The challenges before our nation are far too grave, and too numerous, for the Senate to be rendered impotent to address them, and yet be derided for inaction by those causing the delay. There are many suggestions as to what we should do. I know what we must not do. We must never, ever, tear down the only wall—the necessary fence—this nation has against the excesses of the Executive Branch and the resultant haste and tyranny of the majority. The path to solving our problem lies in our thoroughly understanding it. Does the difficulty reside in the construct of our rules or in the ease of circumventing them?

A true filibuster is a fight, not a threat or a bluff. For most of the Senate's history, Senators motivated to extend debate had to hold the floor as long as they were physically able. The Senate was either persuaded by the strength of their arguments or unconvinced by either their commitment or their stamina. True filibusters were therefore less frequent, and more commonly discouraged, due to every Senator's understanding that such undertakings required grueling personal sacrifice, exhausting preparation, and a willingness to be criticized for disrupting the nation's business.

Now, unbelievably, just the whisper of opposition brings the “world's greatest deliberative body” to a grinding halt. Why? Because this once highly respected institution has become overwhelmingly consumed by a fixation with money and media. Gone are the days when Senators Richard Russell and Lyndon Johnson, and Speaker Sam Rayburn gathered routinely for working weekends and couldn't wait to get back to their chambers on Monday morning. Now every Senator spends hours every day, throughout the year and every year, raising funds for reelection and appearing before cameras and microphones. Now the Senate often works three-day weeks, with frequent and extended recess periods, so Senators can rush home to fundraisers scheduled months in advance.

Forceful confrontation to a threat to filibuster is undoubtedly the antidote to the malady. Most recently, Senate Majority Leader Reid announced that the Senate would stay in session around-the-clock and take all procedural steps necessary to bring financial reform legislation before the Senate. As preparations were made and cots

rolled out, a deal was struck within hours and the threat of filibuster was withdrawn.

I heartily commend the Majority Leader for this progress, and I strongly caution my colleagues as some propose to alter the rules to severely limit the ability of a minority to conduct a filibuster. I know what it is to be Majority Leader, and wake up on a Wednesday morning in November, and find yourself a Minority Leader.

I also know that current Senate Rules provide the means to break a filibuster. I employed them in 1977 to end the post-cloture filibuster of natural gas deregulation legislation. This was the roughest filibuster I have experienced during my fifty-plus years in the Senate, and it produced the most-bitter feelings. Yet some important new precedents were established in dealing with post-cloture obstruction. In 1987, I successfully used Rules 7 and 8 to make a non-debatable motion to proceed during the morning hour. No leader has attempted this technique since, but this procedure could be and should be used.

Over the years, I have proposed a variety of improvements to Senate Rules to achieve a more sensible balance allowing the majority to function while still protecting minority rights. For example, I have supported eliminating debate on the motion to proceed to a matter (except for changes to Senate rules), or limiting debate to a reasonable time on such motions, with Senators retaining the right to unlimited debate on the matter once before the Senate. I have authored several other proposals in the past, and I look forward to our committee work ahead as we carefully examine other suggested changes. The Committee must, however, jealously guard against efforts to change or reinterpret the Senate rules by a simple majority, circumventing Rule XXII where a two-thirds majority is required.

As I have said before, the Senate has been the last fortress of minority rights and freedom of speech in this Republic for more than two centuries. I pray that Senators will pause and reflect before ignoring that history and tradition in favor of the political priority of the moment.

I urge all Members of this wonderful body to read what Senator Byrd said and urged and counseled and advised. I know the new Members have not had this experience.

When you first went in, you thought, my gosh, how long is this going to last? The man wrote a book about the Senate. As it turned out, we hung on every word and took his advice, and it is good advice. It is printed in the RECORD. Read it.

The PRESIDING OFFICER. Without objection, the material will be placed in the RECORD.

Mr. ROBERTS. We might have a heck of a test on it next week.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I appreciate the comments of the Senator from Kansas. I am sure he will have to take a call from the Vice President to discuss his remarks on the floor. I appreciate the way in which he talked about all that has been said on the floor in the past by the Vice President, and President Obama, who was then a Senator, and the leaders here in the

Senate. We have had lots of statements on the floor and commitments made in the past. The majority leader has committed twice on the Senate floor not to use the nuclear option, with the last time being a few months ago. These were not conditional commitments. They were not commitments with caveats. They were not commitments to not violate the rules of the Senate unless it became convenient for political purposes to violate the rules of the Senate.

As recently as January 27, 2011, the majority leader said, and I quote:

I agree that the proper ways to change Senate rules is through the procedures established in those rules, and I will oppose any effort in this Congress or the next to change the Senate's rules other than through the regular order.

Earlier this year, on January 24, 2013, there was a discussion between the minority leader Senator MCCONNELL and the majority leader Senator REID. Senator MCCONNELL said:

I will confirm to the majority leader that the Senate would not consider other resolutions relating to any standing order or rules of this Congress unless they went through the regular order process?

He was posing a question to the majority leader.

Majority Leader REID said:

That is correct. Any other resolutions related to Senate procedure would be subject to a regular order process, including consideration by the Rules Committee.

That was January 24, 2013.

What has happened since that point that would change the way the majority leader views this issue? Well, let's see. We confirmed the Secretary of Energy by a vote of 97-0. We confirmed the Secretary of Interior with a vote of 87-11. We confirmed the Secretary of the Treasury with a vote of 71-26. We confirmed the Secretary of State 94-3. I might add in that case, that vote happened just 7 days after the Senate got his nomination. We confirmed the Secretary of Commerce 97-1. We confirmed the Secretary of Transportation 100-0. We confirmed the Director of the Office of Management and Budget 96-0. We confirmed the Administrator of the Center for Medicare and Medicaid Services 91-7. We confirmed the Chair of the Security and Exchange Commission by voice vote. In other words, he was confirmed unanimously. Not to mention the fact we have passed major legislation out of the Senate. We just completed a 3-week debate on a major immigration overhaul, and it passed with a bipartisan vote. We had a major debate on a farm bill, which passed with a bipartisan vote. Other legislation has moved through the Senate in the last few months.

So it begs the question: Why are we now having this discussion? The majority leader said back in January he wasn't going to change the rules, and to change the rules, you have to break

the rules. Let's make that very clear. It takes 67 votes to change the rules of the Senate. What is being talked about here is basically using a procedural device—a gimmick, if you will—to be able to change the rules to 51 votes. In other words, breaking the rules to change the rules.

There is absolutely no basis and no foundation based on the numbers and the facts I just quoted for the majority to be making the argument that they are here today.

If you go back and look at the statements that have been made by others in the past—and I remember coming here in 2005 as a new Member of the Senate from the House of Representatives. At that point we were debating judicial nominations. The Democrats were holding up several of President Bush's judicial nominations. There was a big debate about whether to exercise the nuclear option; in other words, to confirm some of those with 51 votes.

I remember at the time being sympathetic to that. I came from the House of Representatives. In the House of Representatives we moved things in an orderly fashion. The Rules Committee decided what legislation came to the floor, what amendments were made in order, and how much time was allowed for debate on each amendment. It was a very structured and orderly process. Those of us who got here to the Senate were frustrated at times with the slow pace in the Senate. On some levels it made sense to think: Gee, wouldn't it be great if we could make the Senate function more like the House.

Fortunately, cooler heads prevailed because the Senate is not designed to function like the House. It was created for a very different purpose and a very different design. What we are talking about here would completely undermine that purpose and that design for this institution. We have observed traditions, rules, in the Senate for decades. What we are talking about, if the majority has its way, is doing something that would break the rules to change the rules and forever change the Senate in a way the majority leader Senator REID mentioned back in 2009; that doing that would "ruin" the country and the Senate would be "destroyed" if we went about a rules change along the lines of what is being talked about today. So I hope cooler heads will prevail again. I certainly understand now, as I look back on what happened in 2005, the wisdom of those who had been here a little bit longer and understood a little bit more about the way this institution operates: the importance of having a Senate where you have open debate, where you have the opportunity for amendments—something that in the House oftentimes you do not have the opportunity to do.

It is important, in my view, that Republicans and Democrats come to-

gether and recognize if we go back on the traditions, the rules, the precedents in the Senate, we will be forever changing not just the rules, but we will be changing the Senate, and that is certainly not what our Founders had in mind, nor do I think that is what our colleagues on the other side have in mind. They may be well-intentioned, but what they are talking about doing is going to change forever the Senate in a way that would be very perilous to this institution and, more importantly, jeopardize the rights of the American people to have their voice heard in the Senate.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I have the greatest respect for my friend from South Dakota. But, obviously, he missed the speeches this morning. We went through all this. I am not going to repeat what has gone on since the broken promise earlier this year.

#### EXECUTIVE SESSION

#### NOMINATION OF RICHARD CORDRAY TO BE DIRECTOR, BUREAU OF CONSUMER FINANCIAL PROTECTION

Mr. REID. Madam president, I move to proceed to executive session to consider Calendar No. 51.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection.

#### CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection.

Harry Reid, Tim Johnson, Barbara Boxer, Elizabeth Warren, Debbie Stabenow, Jon Tester, Al Franken, Jack Reed, Tom Harkin, Ron Wyden, Patrick J. Leahy, Amy Klobuchar, Robert P. Casey Jr., Jeff Merkley, John D. Rockefeller IV, Max Baucus, Richard Blumenthal, Carl Levin.

#### LEGISLATIVE SESSION

Mr. REID. Madam President, I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

#### EXECUTIVE SESSION

#### NOMINATION OF RICHARD F. GRIFFIN, JR., TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

Mr. REID. Madam President, I move to proceed to executive session to consider Calendar No. 100.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Richard F. Griffin, Jr., of the District of Columbia, to be a Member of the National Labor Relations Board.

#### CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Richard F. Griffin, Jr., of the District of Columbia, to be a Member of the National Labor Relations Board.

Harry Reid, Tom Harkin, Jeff Merkley, Benjamin L. Cardin, Richard Blumenthal, Martin Heinrich, Sheldon Whitehouse, Al Franken, Kirsten E. Gillibrand, Brian Schatz, Christopher Murphy, Richard J. Durbin, Maria Cantwell, Bill Nelson, Carl Levin, Dianne Feinstein, Patty Murray.

#### LEGISLATIVE SESSION

Mr. REID. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

#### EXECUTIVE SESSION

#### NOMINATION OF SHARON BLOCK TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

Mr. REID. Madam President, I move to proceed to executive session to consider Calendar No. 101.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Sharon Block, of the District of Columbia, to be a Member of the National Labor Relations Board.

#### CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Sharon Block, of the District of Columbia, to be a Member of the National Labor Relations Board.

Harry Reid, Tom Harkin, Jeff Merkley, Benjamin L. Cardin, Richard Blumenthal, Martin Heinrich, Sheldon Whitehouse, Al Franken, Kirsten E. Gillibrand, Brian Schatz, Christopher Murphy, Richard J. Durbin, Maria Cantwell, Bill Nelson, Carl Levin, Dianne Feinstein, Patty Murray.

#### LEGISLATIVE SESSION

Mr. REID. Madam President, I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

#### EXECUTIVE SESSION

#### NOMINATION OF MARK GASTON PEARCE TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

Mr. REID. Madam President, I now move to proceed to executive session to consider Calendar No. 104.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Mark Gaston Pearce, of New York, to be a Member of the National Labor Relations Board.

#### CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion I would ask the clerk to report if the Chair agrees.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Mark Gaston Pearce, of New York, to be a Member of the National Labor Relations Board.

Harry Reid, Tom Harkin, Jeff Merkley, Benjamin L. Cardin, Richard

Blumenthal, Martin Heinrich, Sheldon Whitehouse, Al Franken, Kirsten E. Gillibrand, Brian Schatz, Christopher Murphy, Richard J. Durbin, Maria Cantwell, Bill Nelson, Carl Levin, Dianne Feinstein, Patty Murray.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII of the Senate be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. REID. Madam President, I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

#### EXECUTIVE SESSION

#### NOMINATION OF FRED P. HOCHBERG TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES

Mr. REID. Madam President, I move to proceed to executive session to consider Calendar No. 178.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Fred P. Hochberg, of New York, to be President of the Export-Import Bank of the United States.

#### CLOTURE MOTION

Mr. REID. Madam President, there is a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Fred P. Hochberg, of New York, to be President of the Export-Import Bank of the United States.

Harry Reid, Tim Johnson of South Dakota, Benjamin L. Cardin, Christopher A. Coons, Patrick J. Leahy, Charles E. Schumer, Ron Wyden, Patty Murray, Heidi Heitkamp, Tom Udall of New Mexico, Martin Heinrich, Jack Reed, Sheldon Whitehouse, Elizabeth Warren, Richard J. Durbin, Kirsten E. Gillibrand, Robert Menendez.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.



## LEGISLATIVE SESSION

Mr. REID. Madam President, I now move to proceed to legislative session. The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

## EXECUTIVE SESSION

## NOMINATION OF THOMAS EDWARD PEREZ TO BE SECRETARY OF LABOR

Mr. REID. Madam President, I move to proceed to executive session to consider Calendar No. 99.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Thomas Edward Perez, of Maryland, to be Secretary of Labor.

## CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Thomas Edward Perez, of Maryland, to be Secretary of Labor.

Harry Reid, Tom Harkin, Patrick J. Leahy, Bill Nelson, Christopher A. Coons, Amy Klobuchar, Tim Kaine, Jack Reed, Barbara A. Mikulski, Sheldon Whitehouse, Sherrod Brown, Benjamin L. Cardin, Robert P. Casey Jr., Bernard Sanders, Al Franken, Robert Menendez, Barbara Boxer.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. REID. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

## EXECUTIVE SESSION

## NOMINATION OF REGINA MCCARTHY TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Mr. REID. Madam President, I move to proceed to executive session to consider Calendar No. 98.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency.

## CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency.

Harry Reid, Barbara Boxer, Benjamin L. Cardin, Christopher A. Coons, Patrick J. Leahy, Tom Carper, Ron Wyden, Patty Murray, Tom Udall, Martin Heinrich, Bernard Sanders, Sheldon Whitehouse, Max Baucus, Richard J. Durbin, Kirsten E. Gillibrand, Jeff Merkley, Brian Schatz.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. REID. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The Republican leader.

## UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I have a consent that I think would set up these votes in a much more expeditious way than the way the majority leader is proceeding. But first let me just say, these are dark days in the history of the Senate. I hate that we have come to this point. We have witnessed the majority leader break his word to the Senate.

Now our request for a joint meeting of all the Senators has been set for Monday night—a time when attendance around here is frequently quite spotty—in an obvious effort to keep as many of his Members from hearing the concerns and arguments of the other side as possible. It remains our view that for this to be the kind of joint session of the Senate that it ought to be,

given the tendency of the Senate to have sparse attendance on a Monday night, to have this meeting on Tuesday before it is too late.

Having said that, a more expeditious way to accomplish most of what the majority leader is trying to accomplish would be achieved by the following consent: I ask unanimous consent that on Tuesday at 2:15, the Senate proceed to consecutive votes on the confirmation of the following nominations: No. 104, that is Pearce to be a member of the NLRB; No. 102, Johnson, to be a member of the NLRB, and No. 103, Miscimarra, to be a member of the NLRB.

I might just say, parenthetically, if those nominees were confirmed, coupled with the two nominees illegally appointed, whose illegal appointments' term continue until the end of the year, the NLRB would have a full complement of five members and able to conduct its business.

I further ask consent that following those votes, the Senate proceed to the cloture motion filed on Calendar No. 99; that is, Perez, to be Secretary of Labor; and, further, if cloture is invoked, the Senate immediately proceed to a vote on the confirmation of the nomination—I would add, parenthetically, that would eliminate the post 30 hours, assuming cloture were invoked on the very controversial nominee, Perez, to be Secretary of Labor—further, the Senate then vote on the cloture motion filed on Calendar No. 98, McCarthy, to be EPA Director; and if cloture is invoked, the Senate proceed to a vote on the confirmation of the nomination—also eliminating the 30 hours postcloture if cloture is invoked on McCarthy; and I might add that the ranking member of the environment committee supports cloture on the McCarthy nomination. Thereby, it is reasonable to assume that cloture would be invoked on what is for a lot of our Members, including myself, a very controversial nomination. I further ask consent that the Senate then vote on the cloture motion that was filed on Calendar No. 178—this is someone named Hochberg, to be president of the Export-Import Bank—again, if cloture is invoked, the Senate proceed to an immediate vote on the confirmation of that nomination—again, eliminating the 30 hours postcloture, assuming cloture is invoked; and I assume that it will be—finally, I ask consent that following the votes listed above the Senate proceed to the cloture votes on the remaining three filed cloture motions.

Now, before the Chair rules, what this allows, as I indicated, is for the Senate to work efficiently through a series of nominations in a quicker fashion than the majority leader has proposed.

They would get their votes and there would not be a delay. This would only leave discussion and votes on the three



remaining illegally—according to the Federal court—the three remaining illegally appointed nominations. That is my unanimous consent.

The PRESIDING OFFICER (Mr. COONS). Is there objection?

Mr. REID. Mr. President, reserving the right to object, no matter how often my friend rudely talks about me not breaking my word, I am not going to respond talking about how many times he has broken his word. That does not add anything to this debate we are having. So he can keep saying that as much as he wants. All we have to do is look back at the record today.

As to the caucus Monday night, my Members will be here. I do not understand—unless this is part of the overall pattern we have come to expect around here, to not do anything today you can do tomorrow. We are going to have a vote at 5:30. Members are usually pretty good at getting here for votes at 5:30.

I also am stunned by boasting about the ranking member on the EPW Committee suddenly seeing the light and he is going to allow Gina McCarthy to get a vote. Now, is that not wonderful? Is that not something to cheer about? He has held up this woman. He is the one who is responsible for 1,100 questions to her. That is what is wrong here. This is so transparent what my friend has asked. He has said he wants to approve two Republican members to the NLRB. Let's have those votes first—only one Democratic nominee. What does this mean? It means within a couple of months Republicans have a majority of the NLRB. I do not blame him for wanting that.

They do not like the organization anyway, just like they do not like Cordray's organization. So I can understand that the Republican leader would like to get consent to create a Republican majority on the NLRB. But it is so obvious. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. We are going to have a caucus Monday at 6 o'clock in the Old Senate Chamber. We are going to vote at 5:30. I would hope with something this important we will have attendance. I know my caucus will be there. If nothing is resolved there, which is the way things have been going today, likely it will not be, so we will have a vote sometime early Tuesday morning on these nominations.

Mr. MCCONNELL. Mr. President, the majority leader always reminds me he can have the last word. I am sure he can have the last word again. Speaking for Senator VITTER, he did ask for a lot of information from the new prospective Administrator of the EPA—so did Senator BOXER. She asked for 70,000 pages herself. But he was satisfied with the responses he got. This is how the process ought to work. This is how it has worked for decades. You are trying

to get answer to questions. You are trying to engage in some kind of prediction as to how somebody might operate in the future.

What the majority leader has been saying all along is he wants the confirmation process to be speedy and for the minority to sit down and shut up. He believes that advise and consent means sit down and shut up; confirm these nominees when I tell you to.

The reason he is having to take a lot of heat over this is because he has broken his word to the Senate, given last January, that we had resolved the rules issue for this Congress. I know for a fact, even though he may get his 51 votes, there are a lot of Democrats who are not happy with where the leader is.

When they tell me that—the Republican I expect they would be least likely to want to tell that to—I know what is going on here. They have been hammered into line. This has been personalized by the majority leader: You have to do this for me. What is astonishing is he is saying, you have to do this for me because you have to help me break my word and go back on everything I said in my own biography just a few years ago. You have to help me look bad. You have to help me break my word, violate what I said in my own biography, create unnecessary controversy in the Senate, which has done major bills on a bipartisan basis all year long and had begun to get back to normal.

This is very hard to understand. This is why my Members are astonished at where we are. They are scratching their heads, saying: Who manufactured this crisis? We know who manufactured it, the guy right over here to my left. So this is a very sad day for the Senate. If we do not pull back from the brink, my friend the majority leader is going to be remembered as the worst leader of the Senate ever, the leader of the Senate who fundamentally changed the body.

It makes me sad. Some of my Members are more angry. I am more sad about it. But it is a shame we have come to this. I sure hope all the Democratic Senators are there Monday night. I am certainly going to encourage my Members to be there. It is high time we sat down and tried to understand each other, because many Members on the other side are hearing a different version of the facts that are largely unrelated to reality.

I know my friend the majority leader will have the last word. He reminds me of that frequently, on a daily basis, that the difference between being the majority leader and the minority leader is he gets the last word. So I will yield the floor and listen to the last word.

Mr. REID. Mr. President, no matter how many times he says it, he tends to not focus on what he has done to the Senate. As I indicated earlier, there is

lots of time for name-calling. But we know it is replete in the RECORD, as delivered this morning, how he said there would be no filibusters, we would follow the norms of the Senate, only extraordinary circumstances.

The extraordinary circumstances have come because we are in session, I guess. The only person I know who thinks things are going just fine is my friend. The American people know this institution is being hammered hard. He does not have to worry about me for the heat I have taken. I have not taken any heat. I had a very nice caucus today. My caucus was thoughtful. We heard from—out of my 54 Senators, we probably heard from 25 or 26 of them. Attendance was nearly perfect. So I do not want him to feel sorry for the Senate, certainly not for me.

I am going to continue to try to speak in a tone that is appropriate. His name-calling—I guess he follows, and I hope not, the demagogic theory that the more you say something, even if it is false, people start believing it.

It is quite interesting that Richard Cordray, who no one—no one—says there is a thing wrong with this man, former attorney general of the heavily populated State of Ohio—Democrats and Republicans have said he is a good guy—this man has been waiting 724 days; Assistant Secretary for Defense, 292 days; Monetary Fund Governor, 169 days; EPA, 128 days; NLRB, two of them, 573 days. We have 15 of them. Average time waiting is 9 months.

Reshuffling the votes as he wants them, that is a laugher. He wants to have a majority of the NLRB be Republicans. I do not think that is a good idea. We are going to have our caucus Monday. I think it was a good idea. I have tried to have them before. My friend has objected to them. That is replete in the press. But we are going to have this one. I am happy to do that.

My friend said the process works. The process works? The status quo is good. I do not think so.

Mr. MCCONNELL. Of course, the majority of the NLRB would not be Republicans. I have mentioned to the administration on several occasions: Send us up two nominees who are not illegally appointed. But we cannot seem to get that done. I mean, the taint attached to the two NLRB nominees and to Mr. Cordray, who I agree is a good man and many of my Members support, is that they were illegally appointed.

But, of course, the agencies have not been at a disadvantage. They are there waiting. He may have been waiting to be confirmed, but he is not waiting to do the job. He is in office. The two NLRB members are in office. The question is, do we respect the law? A Federal court has said the two NLRB members were illegally appointed.

Mr. Cordray, unfortunately, was appointed on exactly the same day in exactly the same way. Is the Senate completely lawless? Do we not care what the Federal courts say? I am stunned at where we are. It is pretty clear to me that all the other nominees are highly likely to be confirmed.

What it comes down to is that the majority leader is going to break the rules of the Senate to change the rules of the Senate in order to confirm, with 51 votes, three illegally appointed positions that the Federal courts have told us are unconstitutionally appointed. That is the rationale for the nuclear option?

That is why I say it is a sad day for the Senate, a sad day for America.

Mr. REID. Mr. President, illegally appointed? Why did President Obama recess appoint Cordray and the two NLRB members? Because the Republicans had blocked them, blocked them, blocked them, blocked them. We count Cordray as only 571 days. That went on long before he got there. ELIZABETH WARREN is the one who set up this program. They said: No chance. Do not even think of bringing her here. That is when he came with Cordray. ELIZABETH WARREN found him as attorney general of Ohio. So these big crocodile tears—you have recess appointments because the President had no choice if he wanted his team to work.

He said: Oh, we would be happy to process them quickly, just like Richard Perez has been processed quickly? Just like all of these people have been processed quickly? Sorry. So there is not a chance that we are going to let the NLRB be dominated by Republicans. That one organization, above all, looks out for working men and women in this country, should not be dominated by Republicans. It is not going to be.

So I repeat, this issue can be resolved very quickly. I had somebody out here at my stakeout say: What happens if you get cloture on everybody?

I said: There is no problem. They can all vote against these people. They can vote against them, every one of them. But they, on a procedural basis, they are holding up votes on people who are well qualified and would be approved by the Senate if they got a vote. So this is a little strange deal. Talk about marshaling your troops to do something that is absolutely wrong. It is that. If they are so worried about the rules changes around here, it would seem to me they should approve three qualified people whom no one—no one—suggests there is anything wrong with any of them.

Why were they recess appointed? Because the Republicans forced President Obama to do that. There will be no further votes this week. The next vote will be Monday at 5:30.

The PRESIDING OFFICER (Mr. MERKLEY). The Republican leader.

Mr. McCONNELL. Mr. President, on the issue of delay, I am trying to avoid

bursting out in laughter. The two NLRB nominees were sent up to the Senate December 15, 2011—December 15, 2011. Before their paperwork got here, 2 weeks later the President recess appointed them. Delay? Their paperwork had not even arrived. The committee could not do anything with them. A couple of weeks later they were recess appointed.

That is not my definition of a delay, by any objective standard.

The core issue here, no matter how much the majority leader tries to obfuscate and discuss other matters, is that he is prepared to break the rules of the Senate to change the rules of the Senate for three nominees who were unconstitutionally appointed, according to the Federal Circuit Court in Washington, DC. For that, the majority leader proposes to use the nuclear option? It is a sad, sad commentary on today's Senate.

The PRESIDING OFFICER. The majority leader.

Mr. REID. A sad day in the Senate created by the Republicans. This rules change—he keeps talking about the rules change. The Presiding Officer knows the Constitution is very clear. It is clear that there is one paragraph that says treaties take a two-thirds vote. In that same paragraph, how many votes does it take to confirm a nomination? A simple majority. That is in our Constitution. Since 1977 rules have been changed in this body 17 times—not by fancy things done by the Rules Committee but right here in the Senate.

We have three people who are qualified, and if Republicans want to avoid a problem—obviously they don't. What they want to do is continue.

Can you imagine—the American people are looking at this and saying: The Republican leader thinks the Senate is going just fine, the status quo is good? Look at any poll. The Gallup Poll did one. Eighty-six percent of the American people—why do they think things are bad? Because of gridlock, not doing important things. Sure we were able to get a few things done, but I have been here a while, and we have done some good things this year, but we should be doing lots of good things, not focused on immigration and a farm bill that has been passed twice, on a postal bill that we passed once and we haven't passed again. We talk a lot about WRDA. I am glad we got that done, WRDA, and I am not going to denigrate my friend, the chairman of that committee, but that bill is a mere shadow of its former self because of what the Republicans have done to make a mockery of what goes on here.

All we want is for the President of the United States, whoever that might be, Democrat or Republican, to be able to have the team he wants as contemplated in that document called the Constitution of the United States. That is not asking too much.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KING). Without objection, it is so ordered.

Mr. MERKLEY. Are there any rules currently on how long one may speak?

The PRESIDING OFFICER. Senators may speak for up to 10 minutes each.

Mr. MERKLEY. I have been listening carefully to the debate that has been taking place here on the floor, and the esteemed minority leader had a couple of phrases that he used any number of times.

One of those was that this debate is about whether to break the rules in order to change the rules, and the second phrase, also involving the word "break," was to repeatedly say to the majority leader: You have broken your word. Those are very powerful words. My mother always told me that when people start saying things like that, it is because they are at a loss for a real argument, but I found them disturbing. I found both of those phrases disturbing. I found them disturbing because they are so at odds with what this conversation is really about.

We are here in the midst of a constitutional crisis. Our Constitution was set up with a balance of powers between three coequal branches, with checks and balances. Never in their wildest dreams did the crafters of our Constitution envision that a minority of the Senate, a minority of one Chamber, would undermine the functioning of the other two branches. In fact, they were very deliberate—very, very deliberate—in their determination that there not be such a possibility. They laid out with clarity that advise and consent on treaties took a supermajority, but when it came to the other branches, the judicial branch and executive branch have a de facto simple majority standard in the Constitution. They are in exactly the same paragraph, so you can compare them, one to the other.

Our Founders talked about this, and they talked about it because they had the experience with the Continental Congress in which a supermajority had caused all sorts of difficulties. So I thought I would remind us a little bit about the framework they laid out in the Constitution.

Alexander Hamilton said on a supermajority it would lead to "tedious delays; continual negotiation and intrigue; contemptible compromises of the public good." Alexander Hamilton felt so strongly that there should be a simple majority standard. He wasn't alone. We have Madison, who wrote that "the fundamental principle of free

government would be reversed" if a supermajority was the functioning principle.

So we have this system of coequal branches with simple majority votes on nominations as a check against extraordinarily ill-advised nominations by the executive branch. Indeed, that has been the tradition throughout our Nation's history—simple majority votes on a timely basis on nominations, interspersed by very, very occasional blockades put up by exercising the will to filibuster but very rare use of that until the last few years. Indeed, it was just a few years ago that our Republican colleagues were in charge, and they were upset by a small number of filibusters by the Democrats on judicial nominees, and they came to this floor and they said that is not acceptable. They reminded us of this constitutional history, of this constitutional framework, and they asked for a deal. The deal they asked for was they wouldn't change the rules if Democrats wouldn't filibuster the nominations, and that deal was struck.

But now the tide has turned. The parties are reversed, and suddenly that deal is not holding because we see filibuster after filibuster after filibuster obstructing the ability of the executive branch—with a President reelected by the citizens of the United States—and with vacancies in the judicial branch, with judicial emergencies from hither to yon, with the largest number of judicial vacancies and the largest number of executive branch appointments piled up. Yet my colleagues on the other side are saying: The Senate is functioning just fine. Only about 8 percent of the American people think the Senate is functioning fine, and those 8 percent one would have to recognize are just not paying attention.

This is not the Senate I knew as a young man, coming here as an intern and sitting up in the staff gallery for Senator Hatfield. I would come down to the floor to brief him on the amendments and the debate before each vote. At that time, we had simple up-or-down votes on nominations, with rare exception. Even if we turn the clock back to the time of Lyndon B. Johnson, in the 6 years when Lyndon B. Johnson was majority leader in this Chamber, only once in his 6 years did he need to file a motion in order to close debate, and that wasn't just on executive nominations but a combination of executive nominations, judicial nominations and legislation—just once in 6 years.

Senator REID, in his first 6 years as majority leader, had to file 391 motions. This cloture process is designed to take a long period of time, often up to 1 week, because it was envisioned it would be used rarely.

So here we are with the minority in the Senate doing deep damage to the executive branch, deep damage to the

judiciary by the abuse of the filibuster, creating an imbalance or creating unequal branches of government that is completely out of sync with the constitutional vision. Are we, as Members of this body—having taken a pledge to uphold the Constitution and having that responsibility—going to allow this deep abuse of the constitutional vision of equal branches? I don't think anyone who takes their pledge seriously can come to this floor and argue that a small group of the Senate should be able to do deep damage to the other branches.

The Republican leader said the strategy is to break the rules in order to change the rules. I thought I would just remind him that—and I believe he came here in 1985—since the time he first arrived, there have been many times the Senate changed the precedent on the application of rules. Using a simple majority, the Senate changed the application of a rule. It was done once in December 1985, once in September of 1986, then twice in 1987, once in 1995, twice in 1996, once in 1999, and once in the year 2000 and in the year 2011. That is 10 times during the time the Republican leader has been a Member of this Senate.

The minority leader described this as a nuclear option. So using his reasoning, there have been 10 nuclear option bombs exploded in this Chamber during the time he has served here. Yet I didn't hear that mentioned in the presentation he put forward. It might interest the Republican leader to recall that of these instances, where under the standard of a simple majority the application of a rule was changed during the time he has served here, that seven of those times were under Republican leadership. It has occurred three times under Democratic leadership. So seven times under Republican leadership the type of action we are discussing—of reorienting the application of a rule in order to make the Senate work better—and three times under Democratic leadership. All of these instances occurred during the time he has served in this Chamber.

So to come to the floor and talk about breaking the rules in order to change the rules, the Republican leader would have to go back and talk about those 10 times and explain how 7 of them happened under Republican leadership, but somehow that doesn't qualify as being the same standard. I think it is important to get away from the overinflation of the rhetoric that has been put forward.

The second piece that bothered me in this debate was saying the majority leader broke his word. I think everyone who is party to a deal understands there are two parties to a deal and those two parties need to uphold their half. So I would remind folks about what the Republican leader's half of that deal was. I put on this chart, "The

January Pledge." This is the pledge made by the Republican leader on the floor of this Chamber. He said: "Senate Republicans will continue to work with the majority to process nominations, consistent with the norms and traditions of the Senate."

What are those norms and traditions? Those norms and traditions are that nominations are able to be voted on in a modest period of time with up-or-down votes. If we should have any doubt about what the minority leader meant about norms and traditions, we can go to the Republican policy document from 2005. Here we have the last major debate over the abuse of the filibuster—Democrats in the minority, Republicans in the majority—and this is what the Republican policy argument said:

This breakdown in Senate norms is profound. There is now a risk that the Senate is creating a new 60-vote confirmation standard. The Constitution plainly requires no more than a majority vote to confirm any executive nomination, but some Senators have shown that they are determined to override this constitutional standard.

I will stop quoting there for a minute and just note this was a very clear delineation of the constitutional standard during the time the Republican leader was in this Chamber, in 2005—not so many years ago. The document goes on to say:

Thus, if the Senate does not act . . . to restore the Constitution's simple majority standard, it could be plausibly argued that a precedent has been set by the Senate's acquiescence in a 60-vote threshold for nominations.

The document goes on to talk about the role of the Constitution in advise and consent:

One way that Senators can restore the Senate's traditional understanding of its advice and consent responsibility is to employ the "constitutional option"—an exercise of a Senate majority's power under the Constitution to define Senate practices and procedures. . . . Exercising the constitutional option in response to judicial nomination filibusters would restore the Senate to its longstanding norms and practices.

So if we want to know what norms and traditions meant in this pledge made in January, it is all laid out in extensive detail in the Republican policy document, and it is laid out in the history of the United States. It means a modest amount of time to have a vote after a nomination comes out of committee, with a simple up-or-down vote, with rare exception.

But that is not what we have had. So I would ask the Republican leader to engage in a discussion about our constitutional role, much like the debate the Republicans led in 2005. Because otherwise we are just casting aspersions, and the citizens looking in wonder at what happened to that great deliberative institution—the Senate.

This standard of processing nominations according to the norms and traditions of the Senate did not materialize

after January. Within days, there was the first ever—first ever in U.S. history—filibuster of a nominee for Defense Secretary. Ironically, that nominee was former Republican Senator Chuck Hagel.

Within a short period of time after that, we had a letter from 44 Senators saying they would not allow a vote on any nominee for the Consumer Financial Protection Bureau. Any nominee? That is the advice and consent role embodied in the Constitution that calls for a simple up-or-down vote? They are going to use the filibuster to oppose any nominee, regardless of the person's qualifications?

That is actually using the filibuster in a whole new way to basically say we don't have the votes to undo the Consumer Financial Protection Bureau—which, by the way, is charged with stopping predatory practices that undermine the success of families—so instead of trying to get rid of this institution that protects families—and I am not sure where family values fits in there—we are, instead, going to prevent anyone from exercising leadership authority and sitting in the Director's chair at the CFPB.

I see my colleague is here and waiting to speak, so I will conclude with this. Let's recognize that the deal laid out in January just didn't work. It didn't work. It doesn't make sense to keep saying who didn't make it work. Certainly, from my perspective on this side of the aisle, this issue of continuing to work to process nominations consistent with norms and traditions didn't work. My colleagues across the aisle have a different concept of why it didn't work. But at the heart of it, as they argued in 2005, there is a constitutional vision for the use of advice and consent, and that constitutional vision is in deep trouble. It is not permission for one coequal branch to undermine the other two branches.

That is why the Members of this body need to have this debate. It is why I am on the floor now, and it is why we need to wrestle with restoring the role of this Senate, the proper role in the nomination process.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Alabama.

Mr. SESSIONS. Mr. President, we are in an unpleasant time, indeed, in the Senate. I hate to see it happen. This is a robust body. We are at each other. We defend the interests of our constituents and try to advocate for the values we share, and it is a contentious place at times, but we usually work our way through that. I would just say there is no reason we should be at this point today.

I do believe the majority leader has been abusing the powers of his office. I remain dreadfully concerned and firmly believe this consistent practice of using the tactics of refusing to con-

sider certain bills and filling the tree to keep Members of the Senate from having a vote is an abuse maybe even larger than the issue we are dealing with today. In fact, it is larger.

For example, we have been debating the question of interest rates going up on student loans and how to fix that. There are two different bills, two different ideas. One of those bills the majority leader supports. He has brought it up and he wants to vote on it, but he doesn't want to vote on anything else. But there are a number of Senators on this side, along with Democratic Senators who agree with them in a bipartisan way, who have come up with a better bill—I think it is better—and we want to vote on it. But, the majority leader refused to allow us to vote on that alternative. Time and time again, he prevents us from voting on legislation and from engaging in a full and open amendment process.

So in the Senate, on an important issue, on an extremely well-thought-out alternative plan that would fix the student loan interest rate issue, the majority leader basically says: No, you don't get a vote.

This is a change in the history of the Senate, and it goes on every day. Senators have to plead with the majority leader to get a vote on an amendment. This is not the way the Senate should be. It is a very big deal, it goes on every day, and it is time to stop it.

So now we have this idea that nominations have to be moved through at the pace the majority leader would like them to be. Many of these are, frankly, very controversial for very significant reasons. In my opinion, the President's nominations in his second term have been less capable than those from his first. Many of them have serious weaknesses that need to be examined, and many of them should never be approved. Let me talk about one now that is about to come to the floor. We ought to debate that one. The Constitution provides the Senate should advise and consent on nominations.

We have to consent to a nomination. That is the question we are dealing with in many ways here.

We come down to the big issue, though. In essence, it takes two-thirds—67 votes—to change the rules of the Senate. Because of a fight over three nominations that were illegally appointed, as determined by the Court of Appeals for the District of Columbia, and the President wants to continue to have them serve—which Senator MCCONNELL and many on this side oppose and don't think they should be confirmed—what the majority leader is proposing to do is to say, in essence, you can't block a vote on those nominations and require 60 votes; there only has to be 51.

He will propose that, and what will happen? The Parliamentarian of the Senate will rule that Senator MCCON-

NELL is correct, that the nomination is not prepared to be voted on because 60 votes weren't obtained, and the majority leader loses.

Then what does he intend to do? He intends to look to the Chair and say, I appeal the ruling of the Chair, and expects all his Members to presumably line up behind him and vote to overrule the rules of the Senate, overrule the independent Parliamentarian of the Senate. That is what he is talking about doing.

So when Senator MCCONNELL says he wants to break the rules to change the rules, that is exactly what he means. That is exactly what we are talking about.

Stability in the Senate requires us not to change the rules willy-nilly when we have a tempest in a teapot, as these nominations are. There will no doubt be times when things get so intense over big issues that actions get taken, and history will record whether they are wise. But we don't need to be changing the rules of the Senate every time it becomes inconvenient for the majority leader. He has already done this once.

He changed the rules of the Senate when Senator DeMint was making a motion to get a vote, after he was denied the right to have a vote. The majority leader filled the tree, wouldn't allow votes, and he used the postcloture technique to force at least a vote relevant to that issue. The majority leader got tired of it, appealed it; the Chair ruled for Senator DeMint, and so he asked his colleagues to join him in overruling the Chair and changing the rules of the Senate. They backed him on that and that was done.

This gets to be a habit around here, and our side is not happy with the power grab from the top, from the majority leader, and how it is impacting everyday life in the Senate, and we are not going to go quietly on this one. It is a big deal and the Senate should avoid it.

I am pleased that at least we will have a conference Monday in which we can talk about the issue openly amongst ourselves and see if we can avoid what could be a serious constitutional crisis. I believe we need to cool our heads down a bit and understand that the nature of the Senate is the majority does not get everything it wants.

I was here, and I remember how the judges' situation developed. Judges have traditionally not been filibustered. There have been a few efforts at delaying votes and people were held up, but systematic filibusters were not at all part of the tradition of the Senate.

After President Bush was elected in 2000, the Democrats went to conference at a retreat somewhere. They had Marcia Greenberger, Laurence Tribe, and Cass Sunstein, three well-known liberal lawyers and professors. They

came out, and then announced, We are changing the ground rules of confirmation.

The vast majority of President Bush's early nominees to the Court of Appeals were blocked. Highly qualified nominees, with great skill and ability, there was no basis to oppose them on merit. It went on for over 2 years, and others were being blocked.

As a result, then-Leader Frist threatened this kind of event. At the end, cooler heads prevailed, a compromise was reached, and the agreement was that we would not filibuster Federal judges unless extraordinary circumstances existed. Normally, we would give an up-or-down vote to Federal judges. That is the way that was settled.

I would say with regard to the nominations we are looking at now, these three illegally appointed nominees present a pretty extraordinary circumstance.

We shouldn't sit here and go quietly when the President of the United States—without any legal basis, in my opinion—makes a recess appointment to avoid the confirmation process, and now we object to these people being confirmed after they were in office. After they were in office, after the court ruled they were illegally appointed, they continued to sit and continued to vote on issues important to Americans. They should not have done that. They should have followed the court's order, even if they previously thought they were legally appointed—which they weren't, pretty clearly, from the beginning—it was never close to being a legitimate recess appointment. I am worried about this. Hopefully cool heads will come together and work this out.

With regard to the traditional norms of the Senate that Senator McCONNELL talked about, I have been in the Senate long before holds have been put on nominations. You don't move the nominations until you get questions answered relative to their appointment. Nominations don't just go smoothly and get voted the next week. There are a lot of reasons for that process.

This was raised at the beginning of the year. These issues were discussed and an agreement was reached. As part of the agreement, Senator REID said he wouldn't use the nuclear option if the Republicans agreed to certain things, and an agreement was reached. Senators LAMAR ALEXANDER and JOHN MCCAIN and others were in on the agreement and an agreement was reached.

Senator MERKLEY openly says now, Well, the agreement didn't work. Well, there is an agreement out there, it was agreed to, and Senator REID is now changing that agreement—changing the commitment he made in exchange for getting concessions from this side.

This isn't the breaking of a word like, You elect me majority leader and everything is going to be sweet and nice. This was a negotiated agreement of great intensity.

Senator MERKLEY and several other Senators were involved in the discussions, and an agreement was reached. The essence of it was concessions were made by the Republican side, and the Democratic leader accepted those concessions and promised he wouldn't use the nuclear option. Now he is threatening to use the nuclear option.

The nomination of Mr. Jones, to be Director of the Alcohol, Tobacco, and Firearms, a highly important agency is supposed to happen today. Maybe in committee they determined to move it through. I was a U.S. attorney for 12 years. The closest agency you deal with is the FBI, and you have to deal with them on a regular basis. They know how well you do your job, they know whether you are functioning well, and there is normally a good relationship and you try not to be critical of one another. This is what Mr. Oswald, former Special Agent in Charge of the FBI, wrote about Mr. Jones:

As a retired FBI senior executive, I am one of the few voices able to publicly express our complete discontent with Mr. Jones' ineffective leadership and poor service provided to federal law enforcement community without fear of retaliation or retribution from him.

Because he is no longer in office, he doesn't have any fear. He is telling the truth. He says he felt "morally compelled to make [the] committee aware of Mr. JONES' atrocious professional reputation within the federal law enforcement community in Minnesota's Twin Cities area."

This is the guy they want to promote to the head of the Alcohol, Tobacco, and Firearms.

The letter describes the frustration with Mr. JONES' "ineffective leadership and his lack of concern about matters and issues brought to his attention by each of us."

Each of us, being the other Federal agencies, like the Drug Enforcement Administration, the Secret Service, or the IRS.

Our common dissatisfaction with Jones' poor leadership, pathetic interaction, and insufficient prosecution support was the theme of many discussion during my tenure. . . . He consistently reacted defensively and often spoke to us disrespectfully, and occasionally with disdain.

Then he went on to note that after he became the U.S. Attorney in Minnesota, they prosecuted significantly less cases of every type. Forty percent fewer defendants were charged in 2012, when Mr. Jones was the U.S. attorney, than the previous year because he wouldn't prosecute the cases, and the Federal investigative agencies were up in arms about it.

This retired SAC tells the truth. I think he should be listened to. But President Obama is determined to

make him the head of the ATF, involving leadership of gun enforcement, firearms, and weapons charges all over America.

We have already had the Fast and Furious scandal. So shouldn't the Senate ask questions about this? Should we rubberstamp this? They are rushing it through committee, trying to do it right now: Move him on. Get him confirmed. And anybody who stands in the way? Tough luck.

The majority leader is going to drive it through. He gets to decide who gets confirmed around here. He gets to decide what the rules are in the Senate. They are forgetting the effort they led in the last part of President Bush's term when they blocked John Bolton to be Ambassador to the United Nations. He was blocked by full filibuster by the Democratic Members of the Senate. The rules weren't changed then, and the rules are not to be changed now.

We have a conference coming up Monday. Let's see if we can't work through it. Let's see if we can't work in a way that restores the Senate. The Senate is that saucer that is supposed to provide a cooling opportunity to slow down a rush to judgment. Should the Senate be compelled to confirm three members to lower official appointments in the Federal Government who were illegally appointed and continued to serve in their offices after they were so found? I don't think so. I don't think so. I don't think that dispute is such that it would lead the majority leader to break the rules of the Senate, to override the plain rules of the Senate through a procedure, which is not proper and very dangerous, to get his way on this matter.

There are other things that could go wrong if this goes forward. My impression from talking to my colleagues is that there are very deep feelings about this and people have had about enough of this. There have been all kinds of abuses here about how we conduct our business. We are not going to keep accepting that because when you accept that, the loyal opposition is eroded over a period of time consistently in its ability to exercise the little powers it has, and then the Senate is weakened. Then the Senate's role as the body that slows down problems, that stands up to ATF nominations, that stands up to NLRB illegal appointments, is eroded. We do not need to do that.

I know there is a lot of feeling here.

I see my colleague Senator HATCH. He has been through this for a long time and has seen these disputes. I have seen a few myself in my 16 years—not nearly as long as Senator HATCH, who chaired the Judiciary Committee and has been ranking member on that committee. But what I will say is that this situation does not justify the nuclear option. It does not. It is a dangerous thing, and it can be addictive

for the majority leader—every time he is confronted by someone legitimately using the rules of the Senate to raise questions about the majority's agenda, that they are overruled and the rule is changed so the majority leader can advance his agenda. That is what the issue is about.

I ask my Democratic colleagues, let's slow down, let's not go this way. Maybe this conference Monday will help us reach an accord and avoid a very dangerous event for the history of the Senate.

Mr. MERKLEY. Will my colleague yield for a question?

Mr. SESSIONS. I yield for a question.

Mr. MERKLEY. I have in front of me the list of the number of times the application of a rule was changed from the precedent. It was done each time under a simple majority structure, and it was done 10 times since 1985.

I pointed out earlier—I am not sure if my colleague was on the floor—that seven of these times this was done under Republican leadership. So seven times Republicans came to the floor and said: We are going to change the application of a rule under redirection of the precedent or overruling of the precedent. I want to ask if the Senator is familiar with that because the way he was speaking, it sounded as if this conversation is about something—a procedure that had never been done. Yet it was done seven times since 1985 by my Republican colleagues.

Mr. SESSIONS. I said it is a dangerous trend and it can be addictive and it can undermine the nature of the Senate. I did not say it never happened. But to my knowledge, I would like for the Senator to list for me the number of times since 1985 the majority leader has gone before the Parliamentarian and the Presiding Officer and actually altered the rules by a vote of the Senate, overruling the Chair?

Mr. MERKLEY. I will be happy to do that. I have that in front of me. Let's start on December 11, 1985:

The Senate allows a conference report on the basis that everything included is "relevant," even though multiple provisions have been ruled to violate the scope of the conference committee's authority.

The ruling of the Chair changing the precedent was reversed.

This happened again in September—Mr. SESSIONS. Was there a vote on that?

Mr. MERKLEY. Yes.

Mr. SESSIONS. How many votes? I am curious. I know it was done before. The big time that I recall, I say to Senator MERKLEY, was the one over Federal judges, similar to this. At the end, cooler heads prevailed, a compromise was reached, and a very significant rule of the Senate was not altered.

Some of these could be technical rulings of the Chair that are not that significant, but I am interested in seeing what others the Senator might men-

tion. I am particularly interested if there was an actual vote of the body, by the Senate.

Mr. MERKLEY. Yes. I can assure my colleague that each and every one of these involved an actual vote, and each and every one of these 10 occasions did reverse the previous precedent. That happens in two fashions.

Mr. SESSIONS. Will the Senator offer that for the record?

Mr. MERKLEY. Absolutely.

Mr. SESSIONS. I would like to look at that and see where we are.

Senator HATCH is here now.

Mr. MERKLEY. I will get the Senator a personal copy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

September 25, 1986: The Senate establishes that procedural motions or requests do not constitute speeches for purposes of the two-speech rule (ruling reversed 5-92).

December 11, 1985: The Senate allows a conference report on the basis that everything included is "relevant," even though multiple provisions have been ruled to violate the scope of the conference committee's authority (ruling reversed 27-68).

April 28, 1987: The Senate establishes that the Presiding Officer should defer to the Budget Committee Chair on whether an amendment violates Section 201(i) of the Budget Act (ruling sustained 50-46).

May 13, 1987: The Senate establishes that a Senator may not decline to vote when it is done for the purposes of delaying the announcement of that vote (ruling reversed 46-54).

March 16, 1995: The Senate allows legislating on appropriations bills (ruling reversed 42-57) [this precedent was reversed in 1999 by resolution].

May 23, 1996: The Senate establishes that a budget resolution with reconciliation instructions for a measure increasing the deficit is appropriate (ruling sustained 53-47).

October 3, 1996: The Senate broadens the scope of allowable material in conference reports (ruling reversed 39-56) [this precedent was reversed in 2000 by language in an appropriations bill].

June 16, 1999: The Senate establishes that a motion to recommit a bill with instructions to report back an amendment had to be filed before the amendment filing deadline (ruling sustained 60-39).

May 17, 2000: The Senate establishes that it is the Chair's prerogative to rule out of order nongermane precatory (sense-of-the-Senate or -of-Congress) amendments (ruling reversed 45-54).

October 6, 2011: The Senate establishes that motions to suspend the rules in order to consider non-germane amendments post cloture are dilatory and not allowed (ruling reversed 48-51).

Mr. SESSIONS. Reclaiming the floor, Mr. President, I appreciate the Senator's sharing that. We will study them. It is absolutely a practice that can occur, but it is a very dangerous practice. The Senate is a place of a certain amount of collegiality and a certain amount of good judgment and understanding and respect for the body. Sometimes you can carry out a procedure that may be dubious but within the realm of acceptable procedures,

and sometimes you can feel and understand that is a dangerous alteration of the precedents of the Senate. That is where I am afraid we are with this vote.

Mr. HATCH. Will the Senator yield?

Mr. SESSIONS. I will yield for a question from Senator HATCH.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Utah.

Mr. HATCH. It makes a difference between issues where the Chair has been overruled rather than the nuclear option which changes the rule, which breaks the rule and changes it. That is a significant difference. That is what is being done here by a mere majority vote.

The majority wants to change a very important rule. If we go down that road, I am going to tell you, the majority is going to be a very sorry majority in the future because they may be a minority. This body has always protected the rights of the minority, whether Democratic or Republican. It is what made it the greatest body in the world. We are about to destroy that for no good reason.

Mr. SESSIONS. Mr. President, I will be pleased to yield to the Senator from Utah and look forward to hearing his remarks. He is a man of great expertise on this particular issue.

Mr. HATCH. I thank my colleague.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Let me say that there are differences in how the rules are interpreted from time to time. From time to time the Chair has been overruled. I have been here when it has. I have only been here 37 years, and I have never seen anything like this in the whole 37 years.

I have to say that this is a dangerous thing to do. I predict that if our colleagues on the other side—all of whom I care for—if they do this, they are going to rue the day they did it. It is that simple. They can say: Oh, it is just an eensy-teeny little change. It is not. It is a monumental change. There is going to be a tremendous price to pay for it, to the detriment of our country—it is just that simple—and certainly to the detriment of the Senate, the greatest deliberative body in the world.

It is hard for me to understand, over two NLRB partisans whom the President just recess-appointed, ignoring the rules of the Senate, and over Cordray, who probably under any other circumstances would get through easily, but there is very good reason why he should not go through this way.

OBAMACARE

Mr. President, I rise to speak on what is known as ObamaCare and what the Obama administration did last week, hoping the American people were not paying attention, that impacts huge parts of the President's signature domestic policy achievement as our

Nation was celebrating the Fourth of July. I am talking about the administration's decision to suspend for a year—conveniently past next year's election, which is very interesting to me—enforcing what is known as the employer mandate, the requirement that businesses offer insurance to their employees or face the penalty. And then a rule was issued by the Department of Health and Human Services last Friday stating that it would not verify people's incomes before giving out premium subsidies. My gosh, we have fraud all over the Federal Government, and they do something this stupid and undesirable?

I am certainly glad employers got some relief. It is quite a message from the Obama administration, quite a message the Obama administration is sending the struggling families and individuals who will get no relief from this monstrosity of a law and its burdensome individual mandate tax. Republicans in Congress believe this is unfair as such. Senator THUNE spearheaded a letter to President Obama, which I enthusiastically signed, urging him to permanently delay the whole entire law and treat individuals the way he is going to treat businesses. I am glad it has been put over for businesses, even though I question why it was put over for this next year. But why not do it for the individuals who are suffering from it? If it is good for the goose, it should be good for the gander. Shouldn't the Obama administration give the same relief to everyone?

Furthermore, I would like to point out that we have always known this law was a budget buster. With the employer mandate delayed, I have joined with a group of Republican committee leaders in the House and Senate asking for the Congressional Budget Office to get us an updated cost estimate of the bill. I can't say what CBO will find, but I have a feeling that ObamaCare's price tag will continue to soar. It is already off the charts. Everybody knows it is an abominable bill, and that includes Democrats as well.

What happened last week is just the latest in a series of confirmations that the President's health care is simply not ready for prime time. Unfortunately, it is the American people who pay the price for the largest expansion of government in generations. They will pay the price through higher taxes. They will pay the price through higher health care costs and insurance costs. They will pay the price with more and more government regulations and debt. They will pay the price when they are forced into what are called exchanges that are simply not ready and unlikely to be ready in the near future.

This law, which was jammed through Congress on a purely partisan vote, is simply too big to work. The lesson is that asking government to do this

much—when those of us who fought it tooth and nail said at the time it amounts to a government takeover of one-sixth of the American economy—will not succeed and cannot succeed. That is a lesson the Obama administration doesn't seem to get, doubling down on selling ObamaCare that is less popular today than when the President signed it into law. In fact, the White House is rolling out a massive multi-billion-dollar PR campaign using taxpayer dollars to try to convince the American people that it is all the administration promised, shaking down the health care industry, professional sports teams, and movie stars in the process.

Where is it going to end? What is the matter with this administration? Can't they just live with the facts and acknowledge that this is a dog? In fact, a cynic might argue that ObamaCare was designed to fail in order for the Federal Government to step in for a true, European-style single-payer system that many on the extreme left wanted all along. In other words, socialized medicine with the Federal Government controlling every aspect of our lives from a medicine and health-care standpoint.

Now it seems as though every day we learn about more and more problems with ObamaCare. What do we know about it less than 4 months out from the open enrollment in the Federal and State health insurance exchanges which are supposed to occur on October 1?

We have heard from countless experts who say the exchanges will be rife with issues once they are supposedly up and running. Indeed, those experts have predicted everything from "glitches" to "consumer horror stories."

Two GAO reports released in June confirm that the Obama administration is ill-equipped for the implementation of both the federally facilitated health insurance exchange and the so-called Small Business Health Option Program Exchange. And that is two reports from GAO saying the administration is ill-equipped to implement those federally facilitated health insurance exchanges. Citing the programs' delays and missed deadlines, the GAO concluded that there is potential for "implementation challenges going forward."

While we have been hearing about the problems with the exchanges for months now, we have not heard an explanation from the administration as to how—despite all of these reports—all of this is supposed to be up and running by October 1. I hope I am wrong, but I have a feeling come October millions of Americans are going to find themselves unable to navigate these waters.

Sadly, the problems with the exchanges aren't the only difficulties with ObamaCare. Over the last several months we have heard numerous re-

ports about the problems at the Internal Revenue Service. Let's face it. The IRS has never been beloved. Indeed, millions of Americans loathe and fear the IRS, and the recent scandal surrounding the targeting of conservative groups has not helped the agency's reputation either.

At the heart of this recent scandal, there are claims by the IRS that they were simply unable to manage the increased workload that came with an influx of applications of groups applying for tax exempt status under 501(c)(4). According to the IRS officials, the increase in applications were so massive that examiners had to find new ways to categorize and screen the documents submitted by these groups. They say that was the main cause of the targeting scandal.

Let's assume these arguments are true for a moment. When all is said and done, the number of applications of groups applying for 501(c)(4) status increased by 1,700 over a 4-year period. The IRS was apparently so flummoxed by an increase of less than 2,000 applications that it had to resort to inappropriate and potentially illegal measures. Give me a break.

If this is true, the country is in real trouble. If the IRS cannot manage an increase of 1,700 applications of groups applying for tax exempt status, how will it handle its significant role in implementing ObamaCare or even handling the so-called premium supports? Under the so-called Affordable Care Act, premium subsidies—complex tax credits designed to defray the costs of purchasing health insurance based on household income—will go to an estimated 7 million tax filers according to the Joint Committee on Taxation. Within 2 years, that number will nearly double. And they can't take care of 1,700 applications for 501(c)(4) that are basically and relatively simple?

In other words, the number of premium subsidy applications will jump from zero to 7 million in just 1 year. That is 7 million applications for people across a wide income spectrum claiming subsidies that did not exist before. Only God knows how many of those claims are going to be made fraudulently since they don't seem to be able to handle them.

Basically, the Obama administration would have us believe that while a 4-year increase of 1,700 applications for tax exempt status was enough to give the agency fits, it is perfectly capable of handling 7 million new filings for a brandnew health care entitlement. On top of that, they want us to believe they can continue processing these subsidies as they double in number over the first 2 years. Needless to say, I am more than a bit skeptical.

Of course, it is difficult to figure out exactly what the Obama administration expects the American people to



believe when it comes to the IRS implementing ObamaCare. That is because despite all the upcoming deadlines, it is still not clear how the agency plans to fulfill this new responsibility; and despite numerous Congressional inquiries—as well as those from GAO and the Treasury Inspector General for Tax Administration, or TIGTA—no one really knows how the Affordable Care Act office in the IRS is going to work.

One of the few things we know for sure is that the person who headed the IRS division that was responsible for targeting conservative organizations now heads the division responsible for implementing ObamaCare. How lucky can we be? That is hardly a comforting thought. Make no mistake, processing these complex premium subsidies will not be a walk in the park. These credits are both advanceable and refundable—meaning they will be paid out first and verified later. Some have referred to this process as “pay and chase.”

Many of my Democratic friends have referred to tax expenditures they don't like as “spending through the Tax Code.” That label is usually not accurate, but when we are talking about refundable credits, it is precisely on target. The problem is that over the years, the IRS has struggled to administer these types of tax credits. One needs to look no further than the earned income tax credit, or the EITC, to see the inherent problems with refundable credits.

In a report issued this past April, TIGTA found that 21 to 25 percent of total EITC payments were improperly given out. If you assume that same percentage of improper payments will apply to the \$1 trillion we will spend on ObamaCare premium subsidies—which is fair, due to the fact that the IRS has no way of verifying household income, and now the Department of Health and Human Services said it will not even try to verify a person's income—we could be looking at \$210 billion to \$250 billion in improper payments over the next 10 years. When is it going to end? When are the taxpayers going to get a break? This administration doesn't seem to know how to get us there.

Some of that will be the result of fraud and some of it will simply be due to filing errors. Either way, if the IRS's track record with refundable credits is any indication, we are looking at hundreds of billions of dollars in improper payments when it comes to the ObamaCare premium subsidies. Now with the Obama administration abandoning any income verification, we are left with a policy that is little more than an honor system for hundreds of billions of dollars of premium subsidies.

I will say it again: An honor system at a time when the Finance Committee and the administration are trying to

crack down on improper government payments both within the tax system and our Federal health programs. If the definition of insanity is doing the same thing over and over expecting different results, then this is the definition of insanity on steroids. Couple that with the already soaring pricetag of the subsidies and we have a disaster on our hands.

In his fiscal year 2012 budget, President Obama put the cost of the first year of premium subsidies at nearly \$16 billion. In his most recent budget, that number soared to nearly \$22 billion without any additional explanation.

Why are these costs going up? There are a number of possible explanations. For example, there is the fact that due to the cost imposed by ObamaCare, more and more employers are opting to drop coverage, thereby pushing more and more people into the exchanges subsidized by these very same tax credits. At the same time, we know in order to avoid providing health care benefits, many employers are moving employees into part-time work, which, once again, pushes more people into receiving premium subsidies in order to purchase health insurance.

Of course, there is the looming fact that despite the President's claims that his health care law would reduce the cost of health insurance, the cost of insurance premiums has continued to skyrocket. All of these are potential explanations of why the estimated cost of the premium subsidies has gone up in the President's budget.

Yesterday a group of my Senate colleagues and I sent a letter to Secretary Lew and Secretary Sebelius asking for an in-depth analysis as to how much of a burden the new health insurance exchanges will be on the Federal budget given the skyrocketing pricetag of these premium subsidies. This is a reasonable question given the magnitude of America's debt.

Between the dramatically increasing costs, the daunting tasks of administering these credits through the Tax Code, and now the administration is pulling back antifraud requirements, the chances for success are extraordinarily slim.

As I said earlier, this law is too big, too cumbersome, too inclusive, and too costly to work. I have never supported it, and for good reasons. What is most disconcerting is that it is the millions of Americans who work hard every day to pay their bills, put food on their tables, and send their children to school who will bear this burden. For their sake, the best solution is a permanent delay of the whole law—and not just for the business sector but for everybody. That is what we need to do.

We have to get rid of this pay-and-chase system that is going on right now where the government just pays in accordance under the honor code they described and later have to chase those

who have defrauded the government. It is just unbelievable.

Well, look at the premium subsidies. These are tax credits in ObamaCare designed to defray the cost of purchasing health insurance. These are going to go to some 7 million tax filers in households earning as much as \$94,000 a year. How many people who are making much more than that will claim they are making less than \$94,000 a year? Well, if we look at the past, there is going to be a lot of them.

What is the IRS going to be able to do? They will not be able to approve it because they don't have the mechanisms to do it. My gosh.

The administration said they are just going to rely on the filer to self-report their income to get access to the credits. Give us a break. My gosh. Like I said, the projected figure for subsidy expenditures has gone from \$16 billion to \$22 billion in just a couple of years. It is mind-boggling that they get away with it. It is mind-boggling that the American people have not risen up in rebellion against this stupid bill, and it is mind-boggling to me how my colleagues on the other side continue to defend this monstrosity.

Every day we hear about more and more problems with it. Every day we hear about more and more costs. Every day we hear about more and more fraud. Every day we hear about people in the government who don't understand it and can't figure it out.

When are we going to grow up and realize this is a dog and it is hurting America? I will be honest. I believe within a year or two the President is going to throw his hands in the air and say: This is not working. We have to go to a single-payer system—in other words, socialized medicine where the government will control all of our lives and will determine who gets health care and who doesn't. I have to say that is where we are headed. I hope I am proven wrong in the future, but I know I am going to be proven right. I can just see it. If it happens, it will have been done by our friends on the other side—100 percent—who voted for this dog. They don't seem to recognize it is eating America alive.

I don't understand it. I love my colleagues on the other side. We have been friends for a long time. I have been here 37 years. There are only two Senators in that 37-year period whom I thought had no real reason to be here. I have loved everybody else, some more than others, of course.

The fact is what is happening has happened because of the Democratic side of this floor, and we have to get some heroes over there to start standing and saying: We are not going down that road. We are not going to become socialism revisited, even though many of their supporters want that, as is evident to anybody who looks at it. When is our media going to take up and realize this is what is happening to our

country and it is wrecking it. On top of that, we have this absolutely idiotic desire on the part of my friends on the other side to change the rules—to break the rule to change it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### TOO BIG TO FAIL

Mr. BROWN. Mr. President, there is broad agreement that overleveraged financial institutions significantly contributed, to put it mildly, to the 2008 financial crisis and that they were bailed out because everyone knows they are too big to fail.

Years later—5 years later now—there is an implicit assumption that the largest megabanks—the five or six largest banks in the country—are still too big to fail. That means the markets give them funding advantages that experts estimate are as high as 50 or 60 or 70 or even 80 basis points.

That means when they go in the capital markets, they can borrow money at close to 1 percent. Eighty-eight basis points is four-fifths of 1 percent. They can borrow money at a lower cost than virtually anyone else in our economy.

Studies from Bloomberg have shown that this can mean a subsidy of upward of \$80 billion to these five, six, seven megabanks—these large megabanks.

Last year, as a result, my colleague Senator VITTER and I began to push the banking regulators—the Federal Reserve, the Office of the Comptroller of the Currency, and the FDIC, the Federal Deposit Insurance Corporation—to use stronger capital and leverage rules to end this too-big-to-fail subsidy.

There is now bipartisan agreement that imposing more stringent capital and leverage requirements for the largest financial institutions could help prevent the next financial crisis and prevent future bailouts.

Unfortunately, the Basel Committee—named after a city in Switzerland—responsible for the Basel III international capital rules adopted a mere 3-percent leverage ratio.

In 2007, the investment banks Bear Stearns and Lehman Brothers were leveraged 33 to 1 and 31 to 1, respectively. These institutions would have been compliant with the Basel III international leverage ratio, and yet each would have become insolvent, or nearly insolvent, if the value of their assets declined by as little as 3 percent. That meant they only had sort of 3 percent protection, and if their assets declined

by more than 3 percent, they would be what you call underwater. They simply would be a failing, unsustainable institution or bank.

I am pleased to say that this week regulators finally went beyond these inadequate rules and proposed a 6-percent leverage ratio for insured banks. I said earlier, Senator VITTER and I had argued for this and were pushing the banking regulators to do what they, in fact, did this week.

The move is a necessary step in the right direction. It shows how far this conversation has gone in a short time. But there is more work to be done. Let me explain several things we can do now.

First, the number needs to be higher. The Wall Street Journal editorial board—not a group of people with whom I often agree or with whom I see eye to eye very often—wrote this morning about these rules:

[O]ur preference would be to go north of 6 percent.

To be higher.

Why not approach the capital levels that small finance companies without government backing are required by markets to hold, which can run into the teens?

They are required by markets. For the megabanks, the market does not quite respond the same way because of their economic and their political power.

Second, I am still concerned that banks can use risk weights and their internal models to game capital rules. This amounts to the banks determining for themselves—this is not some government body or some unaligned group of economists—this amounts to the banks determining for themselves how risky their assets are, thereby setting their own capital requirements.

The Financial Times said today the biggest banks plan to use “optimization” strategies—not more equity—to meet the new leverage ratio.

“We’re going to be able to pull a lot of levers,” said an executive at a large US bank on Wednesday. . . . Analysts at Goldman Sachs noted in research for clients that “banks have a lot of options to mitigate the impact.”

That is why we need simpler rules that cannot be gamed by Wall Street, and this rule cannot be watered down by Wall Street lobbyists.

There is no reason agencies should not finalize these rules and begin implementing their rules tomorrow—not go through the long rules process. We cannot wait. Small businesses and families cannot afford to wait, neither can our economy.

Finally, there is more work to be done to rein in Wall Street megabanks. Senator VITTER and I have a bill that would do this—the bipartisan too big to fail act. It would restore market discipline by raising megabanks’ capital requirements and limiting the Federal safety net that supports them.

I have also proposed legislation called the SAFE Banking Act to cap the amount of nondeposit liabilities that any single megabank can have.

The regulators have begun to do their jobs. It is time for Congress to do its job. This week was a good week. It was a step in the right direction, but it is time to finish the job. It is time to end too big to fail once and for all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

(The remarks of Mr. MCCAIN and Ms. WARREN pertaining to the introduction of S. 1282 are printed in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

### SAFE RETIREMENT ACT

Mr. HATCH. Mr. President, I ask unanimous consent to have printed in the RECORD the following seven letters expressing support for S. 1270, the Secure Annuities for Employee, SAFE, Retirement Act of 2013: Committee of Annuity Insurers, Great American Life Insurance Company, Insured Retirement Institute, Investment Company Institute, Metropolitan Life Insurance Company, National Association for Fixed Annuities, and the National Association of Insurance and Financial Advisors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DAVIS & HARMAN LLP,

Washington, DC, July 3, 2013.

Re SAFE Retirement Act of 2013.

Hon. ORRIN HATCH,

U.S. Senate,

Washington, DC.

DEAR SENATOR HATCH: On behalf of the Committee of Annuity Insurers<sup>1</sup> I am writing to express the Committee’s appreciation of your effort to further the retirement security of American workers by introducing the SAFE Retirement Act of 2013. As the Act recognizes, Americans face many obstacles in preparing for and living in retirement. Prior to retirement, they must attempt to accumulate adequate savings while also understanding that at retirement they will need to convert those savings into an income stream that will last the rest of their lives.

There is no one approach that will fully address these challenges. Rather, Americans need a number of options to help them achieve their retirement goals. The introduction of legislation such as the SAFE Retirement Act is an important contribution to the current and future public dialogue on retirement security.

Of course, a key element of retirement security is guaranteed lifetime income. Life insurance companies and the annuities they issue pool the longevity risks of large groups of individuals and thereby provide guaranteed lifetime income to those individuals.

<sup>1</sup>The Committee of Annuity Insurers is a coalition of 28 of the largest and most prominent issuers of annuity contracts, representing approximately 80% of the annuity business in the United States. The Committee was formed in 1981 to address federal legislative and regulatory issues relevant to the annuity industry and to participate in the development of federal tax and securities policies regarding annuities.

Annuities can also help individuals accumulate retirement savings in a manner that suits their personal approach to saving. As a result, annuities are, and should remain, a key means of assuring retirement security, as the SAFE Retirement Act recognizes.

The Committee of Annuity Insurers commends you for your efforts on the SAFE Retirement Act, and we look forward to working with you and your staff to improve the retirement security of all Americans.

Sincerely,

JOSEPH F. MCKEEVER,  
*Counsel to the Committee of Annuity Insurers.*

GREAT AMERICAN  
LIFE INSURANCE COMPANY,  
*Cincinnati, OH, July 3, 2013.*

Re Safer Pension Act of 2013

Hon. ORRIN HATCH,  
*U.S. Senate,  
Washington, DC.*

DEAR SENATOR HATCH: After participating in a NAFA call with Preston Rutledge on July 3, I am writing to express that I appreciate your effort to further the retirement security of American workers by introducing the Safer Pension Act of 2013. As the Act recognizes, Americans face many obstacles in preparing for and living in retirement. Prior to retirement, they must attempt to accumulate adequate savings. After they retire, they must address the challenge of assuring that the savings they accumulated while working will provide them with income for the rest of their lives.

There is no one approach that will fully address these challenges. Rather, Americans need a number of options to help them achieve their retirement goals. The introduction of legislation, such as the Safer Pension Act, is an important contribution to the current and future public dialogue on retirement security.

Of course, a key element of retirement security is guaranteed lifetime income. Life insurance companies and the annuities they issue pool the longevity risks of large groups of individuals and thereby provide guaranteed lifetime income to those individuals. Fixed annuities can also help individuals accumulate retirement savings in a manner that suits their personal approach to saving. As a result, annuities are, and should remain, a key means of assuring retirement security, as the Safer Pension Act recognizes.

The National Association for Fixed Annuities and its member companies commend you for introducing the Safer Pension Act and we look forward to working with you and your staff to improve the retirement security of all Americans.

Sincerely,

MALOTT W. NYHART,  
*Divisional President, Single  
Premium/Financial Institutions Division.*

INSURED RETIREMENT INSTITUTE,  
*Washington, DC, July 3, 2013.*

Re SAFE Retirement Act of 2013

Hon. ORRIN G. HATCH,  
*U.S. Senate,  
Washington, DC.*

DEAR SENATOR HATCH: The Insured Retirement Institute (IRI)<sup>1</sup> commends your leadership on increasing retirement security of American workers by introducing the SAFE Retirement Act of 2013. The current state of retirement savings readiness in America is at crisis levels and the need for Americans to insure against the risk of outliving their assets has never been greater.

Seventy-nine million Baby Boomers today face immediate and unprecedented retire-

ment income challenges—challenges that simply did not exist in earlier generations. Research shows nearly half of Boomers, over 30 million Americans, are “at risk” for inadequate retirement income, not having sufficient guaranteed lifetime income. These challenges have been created by the shift from defined benefit plans to defined contribution plans, longer life spans, increased medical costs, and inadequate savings rates. In fact, for a married couple both age 65 now, a 60 percent chance exists that one spouse will live to age 90, and a 30 percent chance exists that one will live to age 95.

As a result of these needs, the public policy focus on enhancing retirement security in America has never been greater. Along with other retirement security legislative and regulatory initiatives, the SAFE Retirement Act is an important contribution to efforts to enable Americans to achieve financial security in their retirement years.

Annuities offered by IRI’s insurer, broker-dealer, and bank members provide retirees guaranteed lifetime income and should remain a key component of retirement financial planning, as the SAFE Retirement Act recognizes. While many Americans are at risk for having inadequate retirement income, according to IRI research, Baby Boomers who own insured retirement products, including all types of annuities, have higher confidence in their overall retirement expectations, with nine out of ten believing they are doing a good job preparing financially for retirement.

Because annuities help address numerous risks retirees face, including longevity risk and inflation risk, financial advisors and Boomers are increasingly seeing the need for lifetime income provided by annuities, particularly middle-income families who make up the bulk of annuity owners. A number of IRI research reports show that Boomers who own annuities have more confidence in their financial security in retirement and are using more annuities to meet their retirement income needs.

73 percent of annuity owners believe that annuities are a critical part of their retirement strategy.

Baby Boomer annuity owners are more likely to engage in positive retirement planning behaviors than Baby Boomer non-annuity owners, with 68 percent having calculated a retirement goal and 63 percent having consulted with a financial advisor.

Nine out of ten female Boomer annuity owners are confident they will have a comfortable retirement.

84 percent of financial advisors say they are having more retirement income discussions with clients.

71 percent of advisors say they had a client request to purchase an annuity during the last year.

For these reasons, IRI and its member companies commend you for introducing the SAFE Retirement Act. We support improvements to the current employer retirement plan system resulting in greater simplification, increased participation and savings by workers, and access to lifetime income products within retirement plans.

As Congress considers tax reform, we appreciate your continued support of the current retirement security system. We look forward to working with you and your staff to improve the retirement security of all Americans.

Sincerely,

CATHERINE J. WEATHERFORD,  
*President & CEO.*

<sup>1</sup>The Insured Retirement Institute (IRI) is the leading association for the retirement in-

come industry and has been called the “primary trade association for annuities” by U.S. News and World Report. IRI proudly leads a national consumer coalition of more than twenty-five organizations and is the only association that represents the entire supply chain of insured retirement strategies. Our members include major life insurers, broker-dealers, banks, asset managers and financial advisors. We currently have over 500 member companies and provide member benefits to more than 150,000 financial advisors and 10,000 home office financial professionals. As a not-for-profit organization, IRI provides an objective forum for communication and education, and advocates for sustainable retirement solutions Americans need to help achieve a secure and dignified retirement.

INVESTMENT COMPANY INSTITUTE,  
*Washington, DC, July 9, 2013.*

Hon. ORRIN HATCH,  
*Ranking Member, Committee on Finance, U.S.  
Senate, Hart Office Building, Washington  
DC.*

DEAR RANKING MEMBER HATCH: I am writing to applaud your ongoing efforts to strengthen the U.S. retirement system. You have championed throughout your career public policies that help Americans save for their retirement years. Nearly two decades ago, you authored, along with Sen. David Pryor (D-AK), the Pension Simplification Act of 1995. More recently, you strongly supported retirement savings plan improvements, including provisions in the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Pension Protection Act of 2006, which made permanent the increased contribution limits for IRAs and other qualified plans, including 401(k)s. Building upon the system’s tax incentives, plan regulations, and innovation, these improvements have helped Americans accumulate \$20.8 trillion for retirement, including \$11.1 trillion in defined contribution (DC) plans and individual retirement accounts (IRAs).<sup>1</sup> More than 80 million U.S. households have accumulated retirement savings under employment-based retirement plans and IRAs.<sup>2</sup>

We understand that you plan to introduce the SAFER Pension Act, which aims to build on the strengths and successes of the U.S. retirement system, so that it works even more effectively to help American workers and their families prepare for secure retirements. While we are still reviewing the draft language that was recently shared with us, we note that your bill targets several key areas for improving the system, such as: making it easier and more cost effective for small business owners to offer 401(k) retirement plans to their employees; encouraging employers to enroll workers automatically at higher levels of savings and to escalate the savings more substantially than is perceived appropriate under current law; and enabling greater use of electronic delivery of plan information and tools to help workers understand their savings options and make sound decisions.

We look forward to working with you and sharing our ideas for further improving these and other provisions in this important piece of legislation, to ensure their effectiveness and the product neutrality that has helped create our flexible and innovative retirement system.

Thanks to the strengths of our system, successive generations of American retirees have been better off than previous generations.<sup>3</sup> The Institute stands ready to assist you in continuing this trend by promoting

greater retirement savings opportunities for American workers. With very best regards.

Sincerely,

PAUL SCHOTT STEVENS,  
*President & CEO.*

<sup>1</sup>See Investment Company Institute, "The U.S. Retirement Market, First Quarter 2013" (June 2013), available at [www.ici.org/info/ret\\_13\\_q1\\_data.xls](http://www.ici.org/info/ret_13_q1_data.xls).

<sup>2</sup>See Holden and Schrass, "The Role of IRAs in U.S. Households' Saving for Retirement, 2012," ICI Research Perspective 18, no 8 (December 2012), Figure 1, p. 3, available at [www.ici.org/pdf/per18-08.pdf](http://www.ici.org/pdf/per18-08.pdf).

<sup>3</sup>See Brady, Burham, and Holden, The Success of the U.S. Retirement System, Investment Company Institute (December 2012), pp. 10-14, available at [www.ici.org/pdf/ppr\\_12\\_success\\_retirement.pdf](http://www.ici.org/pdf/ppr_12_success_retirement.pdf).

METLIFE,  
*Washington, DC, July 8, 2013.*

Hon. ORRIN HATCH,  
*U.S. Senate,*  
*Washington, DC.*

DEAR SENATOR HATCH: MetLife applauds your introduction of the Secure Annuities for Employee (SAFE) Retirement Act of 2013. In introducing this bill, you have highlighted the importance of guaranteed income throughout retirement for millions of Americans. We agree this is of critical importance.

The SAFER Pension Act also serves to increase attention to a number of key challenges, including the importance of stable pension benefit funding, the importance of lifetime income to retirement security, and the importance of regulatory simplification for plan sponsors, all of which strengthen the foundation of our overall retirement system.

For many Americans, worries about their financial future are intensified by weakening employer-based and public safety nets—and by inadequate levels of personal savings and retirement income protection. MetLife believes that policymakers, insurers and employers all play an important role in revitalizing and establishing programs that can provide certainty in today's uncertain world.

In 1921, MetLife became the first life insurance company to develop and offer a group annuity contract to fund defined benefit plans and provide guaranteed income to employees at retirement. We have continued this tradition of innovation more recently with group annuity contracts designed to provide guaranteed income for defined contribution plans. We appreciate that the SAFER Pension Act has helped to highlight the positive role annuities can play, and look forward to working together in this retirement security reform effort.

Sincerely,

PETER R. PASTRE,  
*Vice President.*

NATIONAL ASSOCIATION  
FOR FIXED ANNUITIES,  
*Milwaukee, WI, July 5, 2013.*

Re Secure Annuities for Employee (SAFE) Retirement Act of 2013.

Senator ORRIN HATCH,  
*Hart Office Building,*  
*Washington, DC.*

DEAR SENATOR: NAFA, the National Association for Fixed Annuities, applauds your efforts to provide a safe and reliable pension plan for employees and supports the goals of the "Secure Annuities for Employee (SAFE) Retirement Act of 2013." Thank you, too, for recognizing the valuable role fixed annuities play to insure retirement. Our nation's retirement security depends upon commit-

ments like yours so that America's workers can look forward to the retirement of their dreams with a guaranteed and steady income.

Providing state and local governments a fixed annuity option issued by an insurance company not only guarantees lifetime income, but the industry's record of strength and solvency also insures that pensions are protected from market crises and cannot be underfunded. In addition, the effective and vigorous regulation of the annuity industry by the state insurance departments has been demonstrated day after day and year after year by high consumer satisfaction and the ever increasing purchase of fixed annuities. The fixed annuity industry already secures the future for millions of American's and continues to be one of the most reliable and steady financial services sector throughout this country's history.

NAFA looks forward to continue working with your office as the bill progresses. NAFA members represent over 84% of the fixed annuities sold through independent distribution and its Board of Directors is pleased to support retirement income security for all Americans.

Sincerely,

KIM O'BRIEN,  
*President & CEO.*

NATIONAL ASSOCIATION OF  
INSURANCE AND FINANCIAL ADVISORS,  
*Falls Church, VA, July 2, 2013.*

Re SAFER Pension Act of 2013.

Hon. ORRIN HATCH,  
*Hart Office Building,*  
*Washington, DC.*

DEAR SENATOR HATCH: The National Association of Insurance and Financial Advisors (NAIFA) applauds your continued leadership to encourage retirement savings. We look forward to working with you on the "Secure Annuities for Employee Retirement Pension Act of 2013" and other initiatives to improve the savings programs available, for both public and private employee participants.

Founded in 1890 as The National Association of Life Underwriters (NALU), NAIFA is one of the nation's oldest and largest associations representing the interests of insurance professionals from every Congressional district in the United States. NAIFA and its members recognize the importance of individuals and families planning and saving for retirement and the significance of employer sponsored plans as a necessary component of that planning, along with life insurance and annuity products. We also are supportive of efforts to assure that middle market investors continue to have access to professional services and advice and they have a choice of financial products that will meet their financial needs and objectives.

NAIFA looks forward to maintaining a continued dialogue with you, and members of Congress on both sides of the aisle, to assure employees, employers, and our members who provide services to them can effectively and affordably save for their retirement needs.

Thank you again for your leadership.

Sincerely,

ROBERT O. SMITH, J.D.,  
CLU, ChFC, LIC,  
*President.*

#### 50TH ANNIVERSARY OF THE "GAME OF CHANGE"

Mr. COCHRAN. Mr. President, I am pleased to join the distinguished Sen-

ator from Illinois, Mr. KIRK, in submitting a resolution celebrating the 50th anniversary of Loyola University of Chicago's historic season as National Collegiate Athletics Association men's basketball champions. The season is also remembered for the historic matchup with Mississippi State University in the NCAA Tournament, which helped end racial segregation in college athletics.

The Mississippi State and Loyola teams, along with their coaches and school administrators, led with courage and sportsmanship and a love of the game of basketball. That contest a half century ago helped to move my State and our Nation forward in addressing the inequalities of our society.

I appreciate the legacy and inspiring example of these teams, and am pleased to cosponsor the resolution introduced today by Senators KIRK, DURBIN, and WICKER.

I ask unanimous consent to have printed in the RECORD a copy of the Clarion Ledger newspaper article from March 18, 2013, titled, "As March Madness nears, so does 50th anniversary of MSU's 'Game of Change'."

AS MARCH MADNESS NEARS, SO DOES 50TH  
ANNIVERSARY OF MSU'S "GAME OF CHANGE"

(By Jerry Mitchell)

Loyola captain Jerry Harkness shakes hands with MSU captain Joe Dan Gold before the historic 1963 game.

As March Madness nears, so does the 50th anniversary of the "Game of Change," where the all-white Mississippi State University basketball team dodged a judge's injunction and the governor's wrath to play the integrated Loyola University of Chicago.

Those across the nation know more about Texas Western's 1966 defeat of Kentucky, becoming the first champion with five African-American starters (depicted in the 2006 film, *Glory Road*).

While that game, once and for all, settled the question of race on the court, MSU's game against Loyola also played a critical role. The blog, *The '60s at 50*, quotes from the March 25 edition of *Sports Illustrated*:

"Literally out of hiding to play Loyola the night before had come Mississippi State, the team that saddened the hearts of segregationists everywhere by agreeing—eagerly—to participate in a tournament open to Negroes. On the eve of his team's departure from Starkville, Coach Babe McCarthy got word that a sheriff was out with a court order that could keep the team in Mississippi. Like Little Eva skipping across the ice ahead of the bloodhounds, McCarthy skipped into Tennessee. University President Dr. D.W. Colvard vanished, too. Early Thursday morning an assistant coach verified that the coast was clear at the airport, hustled the team into a plane and away it flew on a modern underground railroad in reverse."

McCarthy had faced a series of frustrations as MSU's basketball coach. His teams had dominated nationally, winning the SEC championship in 1959, 1961 and 1962—only to watch Kentucky represent the league in the postseason because Mississippi authorities prevented them from playing any integrated teams.

Former Clarion-Ledger sportswriter Kyle Veazey (currently with *The Commercial Appeal*) has penned a new book on the subject,

Champions for Change: How the Mississippi State Bulldogs and Their Bold Coach Defied Segregation.

He was stunned to find out no one had written the story and decided to write it himself.

When the question of playing an integrated team arose in 1959, MSU's president at the time, Ben Hilbun, received mail 3-to-1 in favor of keeping the team at home.

Four years later, the mail ran 3-to-1 in favor of playing, Veazey said. "Sports helped personalize the integration issue when it was so often being characterized by polarizing figures."

He suspects the 1959 and 1962 teams could have won the national championship if permitted to go.

In the 1962-1963 season, the Loyola team, with four African-American starters, faced its own difficulties, encountering vitriol and jeering from some fans during games in the South.

Before leaving for the big game in March 1963, Loyola players received hate mail from the Ku Klux Klan, according to ESPN.

Photographers snapped the legendary picture of Loyola captain Jerry Harkness and MSU captain Joe Dan Gold shaking hands at half court. (Harkness told USA TODAY he decided to play basketball his senior year after a visitor to the Harlem gym urged him to play. That visitor? Baseball legend Jackie Robinson.)

Loyola defeated MSU 61-51 on the way to winning the national championship in a game watched in person by a little-known boxer named Cassius Clay.

Throngs of MSU fans surrounded their team arriving at the airport, and a survey afterward found that Mississippians overwhelmingly favored letting MSU play the game.

Sports began to change hearts in a way that laws couldn't, Veazey said. "It was an example of Mississippi doing something right when it was doing so many other things wrong. It showed Mississippians that progress could happen, that men like Babe McCarthy and (MSU President) Dean Colvard could be courageous—and successful."

#### MAINE FIREFIGHTERS COMMEMORATION

Ms. COLLINS. Mr. President, every day across this country, firefighters quietly put their lives on the line in order to protect the communities in which they serve. Few firefighters better exemplify the selfless qualities that characterize this select group of public safety personnel than those in Franklin County, ME, who recently rushed to the aid of their Canadian neighbors to help combat a deadly fire in the border town of Lac-Megantic, Quebec. I rise today to recognize those firefighters from the Maine towns of Chesterville, Eustis, Farmington, New Vineyard, Phillips, Strong, and Rangeley.

In the early morning hours of Saturday, July 6, 2013, a freight train carrying hundreds of thousands of gallons of crude oil was sent hurtling toward Lac-Megantic, a small, picturesque Canadian village located only 30 miles from the Maine border. The train derailed in the center of town, leveling several blocks and killing numerous residents. This unthinkable loss has

touched every member of that close-knit community. My heart goes out to the family and friends of the victims of this tragedy, and my thoughts and prayers are with the residents of Lac-Megantic during this time of mourning. Yet, out of this terrible calamity, I was exceedingly heartened to hear the stories of more than 30 firefighters in nearby Maine who answered their Canadian neighbors' call and reported for duty.

Within mere hours of the accident, the Franklin County Emergency Management Agency had alerted seven area fire departments, and the Maine firefighters were at the scene. Upon arriving in Lac-Megantic, these firefighters overcame tremendous obstacles in order to combat the flames. The initial blasts had severed the town's phone lines, power, and water supply, leaving Canadian firefighters unable to use the fire hydrants. Maine fire trucks, equipped with the capability of drawing water directly from the nearby lake, allowed firefighters to cool off the remaining fuel-laden cars that were in danger of combusting, likely averting additional destruction.

The response of the Maine firefighters demonstrates the best qualities of international cooperation as well as the tenets of the brotherhood of firefighters. Maine and eastern Canada are bound together by history, family ties, and friendship, and that special relationship was clearly evident on the morning of July 6. Despite challenges posed by incompatible hose couplings, different radio systems, and even a language barrier in French-speaking Quebec, Maine and Canadian firefighters worked side-by-side to quickly and effectively douse the flames and mitigate the damage caused by this dreadful accident.

The valiant and selfless efforts of these Maine firefighters are unquestionably worthy of our respect and gratitude. This unassuming group of first responders never thought twice about helping their Canadian neighbors and fellow firefighters. I applaud the firefighters of Chesterville, Eustis, Farmington, New Vineyard, Phillips, Strong, and Rangeley, as well as the effective coordination of these departments by the Franklin County Emergency Management Agency. Truly, we can feel secure knowing these heroes are always willing to answer the call for help.

#### TRIBUTE TO CYNTHIA M.A. BUTLER-MCINTYRE

Ms. LANDRIEU. Mr. President, my friend, Mrs. Cynthia M.A. Butler McIntyre, will be retiring her role as the national president of Delta Sigma Theta Sorority, Inc, this year. She has served as president since July 2008, and has been a great asset to the organization.

Mrs. McIntyre became a member of Delta Sigma Theta on November 30,

1973, and has served as a leader at the local, State, regional, and national levels. Mrs. McIntyre has an impressive professional resume that includes director of Human Resources for the Jefferson Parish Public School System in Harvey, LA, kindergarten teacher, assistant principal, summer school principal, and personnel administrator in her school district.

Her professional and honorary degrees reflect her passion for education. She received a bachelor of arts in early childhood education from Dillard University and a master of education in curriculum and instruction as well as educational administration from the University of New Orleans. She also received an honorary doctorate of divinity degree in religious education from the Louisiana Bible College.

Under the leadership of Mrs. McIntyre, Delta Sigma Theta Sorority has partnered with Water in Education International, WEI, to open The Cynthia M.A. Butler-McIntyre Campus in Cherette, Haiti which is dedicated to providing access to clean water for children. Members of Delta Sigma Theta Sorority have donated funds to support the Clean Water Haiti Fund and under Mrs. McIntyre's direction, the sorority is set to open a new elementary school in Haiti this summer.

Mrs. McIntyre is a national leader who currently serves on the board of the New Orleans Convention Center and the Martin Luther King, Jr. Task Force. Previously, she served as executive director of the Tech-Prep Summer Program at Delgado Community College in New Orleans and has worked as the assistant coordinator of field experiences and college education supervisor for early childhood student teaching experiences for the University of New Orleans. In 2011, she was appointed by President Barack Obama to the Christopher Columbus Fellowship Foundation board of trustees.

Delta Sigma Theta Sorority has truly benefitted from Mrs. McIntyre's leadership as a pioneer of education reform. Her accolades include Distinguished Delta of the Year, Distinguished Public Servant Award, MLK Outstanding Activist Recognition, Hall of Fame, Distinguished Women of Honor, Who's Who in American Education, YMCA Role Model Recognition, Elementary Assistant Principal of the Year, and Teacher of the Year, just to name a few.

Delta Sigma Theta Sorority will have big shoes to fill in the absence of their president, Mrs. McIntyre. She has made invaluable contributions to the state of education, and her uncompromised leadership has impacted communities, nationally and internationally. I wish her continued success for the future.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO JULIUS CIACCIA

• Mr. BROWN. Mr. President, I wish to congratulate Mr. Julius Ciaccia, executive director of the Northeast Ohio Regional Sewer District on his election as president of the National Association of Clean Water Agencies, NACWA.

Mr. Ciaccia is an accomplished leader and committed environmental steward who has played a prominent role in the water industry, exemplifying what it means to be a public servant. He is ideally suited to serve as president of one of the Nation's leading proponents of responsible policies that advance clean water. Mr. Ciaccia has served the people of the Cleveland area for decades, and in this new role, will continue to ensure that the Nation's clean water agencies continue to protect public health and improve the environment.

Mr. Ciaccia began his career in public utilities in 1977 when he was appointed as assistant director of the Public Utilities Department for the city of Cleveland. In 1979, he joined the leadership of the city's Division of Water where he served as both deputy commissioner and commissioner until 2004.

During some 30 years with the city of Cleveland's Division of Water, Mr. Ciaccia oversaw the management of more than \$1 billion worth of capital improvement projects and maintained the agency's favorable financial position. He was appointed director of the city's Department of Public Utilities in 2004 exercising oversight of the water, sewer collection, and public power systems, with a focus on developing comprehensive financial plans and supporting revenue enhancement initiatives.

Mr. Ciaccia began his current role at the Northeast Ohio Regional Sewer District, NEORS, in 2007. In his current role at the district, he oversees all aspects of managing one of the Nation's largest wastewater management utilities. Under his leadership, the district has received two awards from the Commission on Economic Inclusion, including a 2009 award for Supplier Diversity, which highlights the success of his initiative to craft and implement a supplier inclusion program. In 2012, the NEORS was awarded by the Commission for Senior Management Inclusion, recognizing the diversity of senior staff.

As the district's executive director, Mr. Ciaccia was responsible for confirming their consent decree for a long-term control plan to significantly reduce overflows from combined sewers, as well as the successful development and implementation of a new Regional

Stormwater Management Program. Among Mr. Ciaccia's many accomplishments as executive director of NEORS is the transformation of the district's culture to one of transparency and exceptional financial management.

As a member of NACWA's board of directors, Mr. Ciaccia has served as the secretary, treasurer, and vice president. Mr. Ciaccia has shared his time, passion, energy and ideas to carry out the objectives of the Clean Water Act.

It is my pleasure to congratulate Julius Ciaccia on becoming president of NACWA. I am certain his actions will ensure continued water quality progress for the Cleveland area, the State of Ohio and the Nation.●

##### 2013 NATIONAL BOY SCOUT JAMBOREE

• Mr. ROCKEFELLER. Mr. President, right now tens of thousands of Boy Scouts are gathering in the adventure-filled mountains of southern West Virginia for the 2013 National Scout Jamboree.

At the Summit Bechtel Reserve in Fayette County beginning on July 15, Scouts from across the country will challenge themselves—with biking, swimming, whitewater rafting, zip lining, and rock climbing. But they also will challenge themselves in ways new to the National Jamboree—by giving back to local communities.

For the first time ever, the Jamboree is engaged in a community service effort, one that has ignited in extraordinary ways in West Virginia. Over a 5-day period, up to 40,000 Scouts will work with groups in 9 counties on more than 350 projects—involving wellness, arts, education, infrastructure and beautification—totaling hundreds of thousands of service hours.

It is the biggest community service initiative of its kind in the country. It is an inspiration. And it speaks to the heart of West Virginia, a State where service is deep-rooted in our people; where “neighbor helping neighbor” is more than an idea—it is a way of life.

It also speaks to the heart of the Boy Scouts of America, which has a long tradition of community service and dedicates virtually countless hours of volunteer work year round. During the 2013 Jamboree, Scouts from ages 12 to 18 and from every State in the Union will be living out the Scout oath, “To help other people at all times.”

Today I applaud everyone involved with the Reaching the Summit Community Service Initiative—the Boy Scouts who built this idea, the Citizens Conservation Corps of West Virginia for bringing together all the pieces to make it possible, the many organizations on the ground making a difference side-by-side with our Scouts, and the local communities supporting them. This initiative will make a tre-

mendous difference in West Virginia communities, but it means more than that. It means that thousands of bright young Scouts will continue to experience the unparalleled feeling that comes with helping others.●

##### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

##### EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Homeland Security and Governmental Affairs.

(The message received today is printed at the end of the Senate proceedings.)

##### MESSAGE FROM THE HOUSE

##### ENROLLED BILLS SIGNED

At 2:42 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 251. An act to direct the Secretary of the Interior to convey certain features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes.

H.R. 254. An act to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project.

H.R. 588. An act to provide for donor contribution acknowledgments to be displayed at the Vietnam Veterans Memorial Visitor Center, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

##### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1292. A bill to prohibit the funding of the Patient Protection and Affordable Care Act.

##### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2233. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-91, “Fiscal Year 2013 Revised Budget Request Temporary Adjustment Act of 2013”; to the Committee on Homeland Security and Governmental Affairs.

EC-2234. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report



on D.C. Act 20-92, "Saving D.C. Homes from Foreclosure Enhanced Temporary Amendment Act of 2013"; to the Committee on Homeland Security and Governmental Affairs.

EC-2235. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-93, "Teachers' Retirement Amendment Act of 2013"; to the Committee on Homeland Security and Governmental Affairs.

EC-2236. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-94, "Attendance Accountability Amendment Act of 2013"; to the Committee on Homeland Security and Governmental Affairs.

EC-2237. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-95, "Fire and Casualty Amendment Act of 2013"; to the Committee on Homeland Security and Governmental Affairs.

EC-2238. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Sufficiency Review of the Reasonableness of the District of Columbia Water and Sewer Authority's (DC Water) Fiscal Year 2013 Revenue Estimate totaling \$447,479,008"; to the Committee on Homeland Security and Governmental Affairs.

EC-2239. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "District of Columbia Agencies' Compliance with Fiscal Year 2012 Small Business Enterprise Expenditure Goals"; to the Committee on Homeland Security and Governmental Affairs.

EC-2240. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Audit of the District of Columbia Boxing and Wrestling Commission"; to the Committee on Homeland Security and Governmental Affairs.

EC-2241. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration's report relative to the Fourth Review of the Backlog of Postmarketing Requirements and Postmarketing Commitments; to the Committee on Health, Education, Labor, and Pensions.

EC-2242. A communication from the Surgeon General, Department of Health and Human Services, transmitting the National Prevention, Health Promotion and Public Health Council's 2013 annual status report; to the Committee on Health, Education, Labor, and Pensions.

EC-2243. A communication from the Director, Directorate of Construction, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Cranes and Derricks in Construction: Revising the Exemption for Digger Derricks" (RIN1218-AC75) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-2244. A communication from the Program Manager, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Privacy Act; Implementation" (45 CFR Part 5b) received during adjournment of the Senate in the Office of the President of the Senate on June 28, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-2245. A communication from the Program Manager, Health Resources and Serv-

ices Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Organ Procurement and Transplantation Network" (RIN0906-AA73) received in the Office of the President of the Senate on July 8, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-2246. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Reactive Blue 246 and Reactive Blue 247 Copolymers; Confirmation of Effective Date" (Docket Nos. FDA-2011-C-0344 and FDA-2011-C-0463) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-2247. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Importer Permit Requirements for Tobacco Products and Processed Tobacco, and Other Requirements for Tobacco Products, Processed Tobacco, and Cigarette Papers and Tubes" (RIN1513-AB37) received in the Office of the President of the Senate on July 8, 2013; to the Committee on the Judiciary.

EC-2248. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, an annual report to Congress concerning intercepted wire, oral, or electronic communications; to the Committee on the Judiciary.

EC-2249. A communication from the Director, National Legislative Commission, The American Legion, transmitting, pursuant to law, a report relative to the financial condition of The American Legion as of December 31, 2012 and 2011; to the Committee on the Judiciary.

EC-2250. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-102); to the Committee on Foreign Relations.

EC-2251. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Scott R. Van Buskirk, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-2252. A joint communication from the Secretary of the Interior, the Secretary of State, and the Secretary of Defense, transmitting a legislative proposal relative to the Compact of Free Association between the Government of the United States of America and the Government of Palau; to the Committee on Energy and Natural Resources.

EC-2253. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Efficiency Design Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings" (RIN1904-AC60) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Energy and Natural Resources.

EC-2254. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to expendi-

tures from the Pershing Hall Revolving Fund; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. SHAHEEN, from the Committee on Appropriations, without amendment:

S. 1283. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2014, and for other purposes (Rept. No. 113-70).

By Mr. HARKIN, from the Committee on Appropriations, without amendment:

S. 1284. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2014, and for other purposes (Rept. No. 113-71).

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Byron Todd Jones, of Minnesota, to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Stuart F. Delery, of the District of Columbia, to be an Assistant Attorney General.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PAUL:

S. 1278. A bill to prohibit certain foreign assistance to the Government of Egypt as a result of the July 3, 2013, military coup d'etat; to the Committee on Foreign Relations.

By Ms. LANDRIEU:

S. 1279. A bill to prohibit the revocation or withholding of Federal funds to programs whose participants carry out voluntary religious activities; to the Committee on Homeland Security and Governmental Affairs.

By Ms. STABENOW (for herself, Mr. THUNE, Mr. BLUNT, Mr. COCHRAN, Mr. COONS, Mr. INHOFE, Ms. KLOBUCHAR, and Mr. WYDEN):

S. 1280. A bill to amend the Internal Revenue Code of 1986 to provide for the deductibility of charitable contributions to agricultural research organizations, and for other purposes; to the Committee on Finance.

By Mr. BLUMENTHAL:

S. 1281. A bill to prohibit discrimination on the basis of military service, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. WARREN (for herself, Mr. MCCAIN, Ms. CANTWELL, and Mr. KING):

S. 1282. A bill to reduce risks to the financial system by limiting banks' ability to engage in certain risky activities and limiting conflicts of interest, to reinstate certain Glass-Steagall Act protections that were repealed by the Gramm-Leach-Bliley Act, and



for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. SHAHEEN:

S. 1283. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2014, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. HARKIN:

S. 1284. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. BALDWIN:

S. 1285. A bill to amend the Small Business Investment Act of 1958 to enhance the Small Business Investment Company Program and provide for a small business early-stage investment program; to the Committee on Small Business and Entrepreneurship.

By Mr. ROCKEFELLER (for himself, Mr. WHITEHOUSE, and Mr. FRANKEN):

S. 1286. A bill to encourage the adoption and use of certified electronic health record technology by safety net providers and clinics; to the Committee on Finance.

By Ms. STABENOW (for herself, Mr. BLUNT, Mr. BROWN, and Mr. ROBERTS):

S. 1287. A bill to amend the Internal Revenue Code of 1986 to raise the limitation on the election to accelerate the AMT credit in lieu of bonus depreciation for 2013; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. COBURN, and Mr. RUBIO):

S. 1288. A bill to amend rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself and Mr. WICKER):

S. 1289. A bill to retain the existing vehicle weight limitations for vehicles traveling along any segment of U.S. Highway 78 within Mississippi after such segment is incorporated into the Interstate Highway System; to the Committee on Environment and Public Works.

By Ms. KLOBUCHAR (for herself and Ms. HIRONO):

S. 1290. A bill to protect victims of stalking from gun violence; to the Committee on the Judiciary.

By Mr. REED (for himself, Mr. COONS, and Mr. WHITEHOUSE):

S. 1291. A bill to strengthen families' engagement in the education of their children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRUZ (for himself, Mr. INHOFE, Mr. RISCH, Mr. LEE, Mr. PAUL, Mr. BLUNT, Mr. BARRASSO, Mr. RUBIO, Mr. ISAKSON, Mr. HELLER, Mr. BURR, Mr. TOOMEY, Mr. CORNYN, Mr. MCCONNELL, Mr. ENZI, Mr. WICKER, Mrs. FISCHER, Mr. MORAN, Mr. VITTER, and Mr. ALEXANDER):

S. 1292. A bill to prohibit the funding of the Patient Protection and Affordable Care Act; read the first time.

By Mr. MERKLEY:

S. 1293. A bill to establish a pilot grant program to support career and technical education exploration programs in middle schools and high schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of Colorado (for himself, Mr. MANCHIN, Mr. BEGICH, Mrs. MCCASKILL, Ms. HEITKAMP, and Mr. TESTER):

S.J. Res. 20. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 264

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 264, a bill to expand access to community mental health centers and improve the quality of mental health care for all Americans.

S. 360

At the request of Mr. UDALL of New Mexico, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 360, a bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service.

S. 411

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

At the request of Mr. CRAPO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 411, *supra*.

S. 522

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 522, a bill to require the Secretary of Veterans Affairs to award grants to establish, or expand upon, master's degree or doctoral degree programs in orthotics and prosthetics, and for other purposes.

S. 526

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions, and for other purposes.

S. 557

At the request of Mrs. HAGAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 557, a bill to amend title XVIII of the Social Security Act to improve access to medication therapy management under part D of the Medicare program.

S. 569

At the request of Mr. BROWN, the name of the Senator from Maine (Mr.

KING) was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 607

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 607, a bill to improve the provisions relating to the privacy of electronic communications.

S. 734

At the request of Mr. NELSON, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 734, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 783

At the request of Mr. WYDEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 783, a bill to amend the Helium Act to improve helium stewardship, and for other purposes.

S. 888

At the request of Mr. JOHANNIS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 888, a bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934.

S. 909

At the request of Mr. REED, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 909, a bill to amend the Federal Direct Loan Program under the Higher Education Act of 1965 to provide for student loan affordability, and for other purposes.

S. 1064

At the request of Mr. BROWN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1064, a bill to amend title XVIII of the Social Security Act to provide for treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare program.

S. 1123

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1123, a bill to amend titles XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1171

At the request of Mrs. FISCHER, her name was added as a cosponsor of S. 1171, a bill to amend the Controlled Substances Act to allow a veterinarian to transport and dispense controlled

substances in the usual course of veterinary practice outside of the registered location.

S. 1174

At the request of Mr. BLUMENTHAL, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1174, a bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

S. 1211

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1211, a bill to amend title 38, United States Code, to prohibit the use of the phrases GI Bill and Post-9/11 GI Bill to give a false impression of approval or endorsement by the Department of Veterans Affairs.

S. 1238

At the request of Mr. REED, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1238, a bill to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes.

S. 1274

At the request of Mr. CHIESA, his name was added as a cosponsor of S. 1274, a bill to extend assistance to certain private nonprofit facilities following a disaster, and for other purposes.

S. 1276

At the request of Mr. NELSON, his name was added as a cosponsor of S. 1276, a bill to increase oversight of the Revolving Fund of the Office of Personnel Management, strengthen the authority to terminate or debar employees and contractors involved in misconduct affecting the integrity of security clearance background investigations, enhance transparency regarding the criteria utilized by Federal departments and agencies to determine when a security clearance is required, and for other purposes.

S. RES. 157

At the request of Ms. KLOBUCHAR, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. Res. 157, a resolution expressing the sense of the Senate that telephone service must be improved in rural areas of the United States and that no entity may unreasonably discriminate against telephone users in those areas.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. WARREN (for herself, Mr. MCCAIN, Ms. CANTWELL, and Mr. KING):

S. 1282. A bill to reduce risks to the financial system by limiting banks'

ability to engage in certain risky activities and limiting conflicts of interest, to reinstate certain Glass-Steagall Act protections that were repealed by the Gramm-Leach-Bliley Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MCCAIN. I am pleased to join my colleagues, Senator WARREN of Massachusetts, Senator CANTWELL of Washington, and Senator KING of Maine, and also recognize the hard work of my friend from Ohio who has been heavily involved in this issue in the past.

This legislation is bipartisan. The 21st Century Glass-Steagall Act, which will restore the much needed wall between investment and commercial banking to lessen risk, restore confidence in our banking system, and better protect the American taxpayer. The original 1933 Glass-Steagall Act was put in place to respond to the financial crash of 1929.

Similar to the 21st Century Glass-Steagall Act that we are introducing today, it put up a wall between commercial and investment banking with the idea of separating riskier investment banking from the core banking functions such as checking and savings accounts that Americans need in their everyday life.

Commercial banks traditionally use their customer's deposit for the purpose of Main Street loans within their communities. They did not engage in high-risk ventures. Investment banks, however, managed money for those who could afford to take bigger risks in order to get a bigger return and who bore their own losses. Unfortunately, core provisions of the Glass-Steagall Act were repealed in 1999, shattering the wall dividing commercial banks and investment banks. Since that time, we have seen a culture of greed and excessive risk-taking take root in the banking world, where common sense and caution with other people's money no longer matters.

When these two worlds collided, the investment bank culture prevailed, cutting off the credit lifeblood of Main Street firms, demanding greater returns that were achievable only through high leverage and huge risk-taking, which ultimately left the taxpayer with the fallout.

Leading up to the 2008 financial crisis, the mantra of "bigger is better" took over, and sadly it still remains. The path forward focused on short-term gains rather than long-term planning. Banks became overleveraged in their haste to keep in the race. The more they lent, the more they made.

Aggressive mortgages were underwritten for unqualified individuals who became homeowners saddled with loans they could not afford. Banks turned right around and bought portfolios of these shaky loans. I know the 2008 financial crisis did not happen solely because the wall of Glass-Steagall was

knocked down. But I strongly believe the repeal of these core provisions played a significant role in changing the banking system in negative ways that contributed greatly to the 2008 financial crisis.

I believe this culture of risky behavior is still in play. For example, the Senate Permanent Subcommittee on Investigations, on which I serve as ranking member, held a hearing in March of this year to discuss the findings of the subcommittee investigation report entitled, "JPMorgan Chase Whale Trades: A Case History of Derivatives Risks and Abuses."

The hearing and the findings of the investigation described how traders at JPMorgan Chase made risky bets using excess deposits that were partially insured by the Federal Government. If they wanted to make these bets on deposits and money that was not insured by the Federal Government, the Senator from Massachusetts and I would not be here today.

They used federally insured deposits, putting the taxpayers on the hook for their risky and ultimately failed investments. I say again, the Dodd-Frank bill, the whole purpose of it, as sold to this Congress and to the American people, was to ensure that no investment company or investment financial enterprise would ever be too big to fail again.

Is there anybody who believes these institutions such as I just talked about, JPMorgan Chase and others, are not too big to fail? Of course they are still too big to fail. The investigation revealed startling failures and shed light on a complex and volatile world of synthetic credit derivatives.

In a matter of months, JPMorgan Chase was able to vastly increase its exposure to risk while dodging oversight by Federal regulators. The trades ultimately cost the bank a staggering \$6.2 billion in loss. This case represents another shameful demonstration of a bank engaged in wildly risky behavior. The London Whale incident matters to the Federal Government and the American taxpayer because the traders at JPMorgan Chase were making risky bets using excess deposits, a portion of which were federally insured.

These excess deposits should have been used to provide loans for Main Street businesses. Instead, JPMorgan Chase used the money to bet on catastrophic risk. The 21st Century Glass-Steagall Act will return banking back to the basics by separating traditional banks that offer savings and checking accounts and are insured by the Federal Deposit Insurance Corporation from riskier financial institutions that offer other services such as investment banking, insurance, swaps dealing and hedge fund and private equity activities.

I believe big Wall Street institutions should be free to engage in transactions with significant risk but not

with federally insured deposits. The bill also addresses depository institutions' use of products that did not exist when Glass-Steagall was originally passed, such as structured and synthetic financial products, including complex derivatives and swaps.

Finally, the bill provides financial institutions with a 5-year transition period to separate their activities. Many prominent individuals in the banking world support returning to a modern day Glass-Steagall banking system, including FDIC Vice Chairman Thomas Hoenig. Last year in his opinion piece in the *Wall Street Journal*, entitled "No More Welfare For Banks. The FDIC and the taxpayer are the underwriters of too much private risk taking," he lays out his plan to strengthen the U.S. financial system by simplifying its structure and making its institutions more accountable for their mistakes, which he calls Glass-Steagall for today. He ends his piece by stating:

Capitalism will always have crises and the recent crisis had many contributing factors. However, the direct and indirect expansion of the safety net to cover an ever-increasing number of complex and risky activities made this crisis significantly worse. We have yet to correct the error. It is time we did.

I could not agree more. Almost 3 years ago, Congress passed Dodd-Frank with the intent to overhaul our Nation's financial system. I did not vote for Dodd-Frank because it did little if anything to tackle the tough problems facing our financial sector.

What Dodd-Frank did, though, was create thousands of pages of new and complicated rules. Is there any Member of this body who believes that Dodd-Frank has resulted in the end of too big to fail? The 21st Century Glass-Steagall Act may not end too big to fail on its own, but it moves the large financial institutions in the right direction, making them smaller and safer.

This bill would rebuild the wall between commercial and investment banking that was successful for over 60 years and reduced risk for the American taxpayer.

I ask unanimous consent that the Thomas Hoenig article be printed in the *RECORD*.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

[From the *Wall Street Journal*, June 10, 2012]

#### NO MORE WELFARE FOR BANKS

THE FDIC AND THE TAXPAYER ARE THE UNDERWRITERS OF TOO MUCH PRIVATE RISK TAKING

(By Thomas Hoenig)

I have a proposal to strengthen the U.S. financial system by simplifying its structure and making its institutions more accountable for their mistakes. Put simply, my proposal would help prevent another 2008-style crisis by prohibiting banking organizations from conducting broker-dealer or other trading activities and by reforming money-market funds and the market for short-term

collateralized loans (repurchase agreements, or repos). In other words, Glass-Steagall for today.

Those opposed to taking these actions generally focus on two themes. First, they say that if Glass-Steagall—enacted in 1933 to separate commercial and investment banking—had been in place, the crisis still would have occurred. Second, they argue that requiring the separation of commercial banking and broker-dealer activities is inconsistent with a free-market economy and puts U.S. financial firms at a global competitive disadvantage. Both assertions are wrong.

Advocates of the first argument say the crisis was not precipitated by trading activities within banking organizations but by excessive mortgage lending by commercial banks and by the failures of independent broker-dealers, such as Lehman Brothers and Bear Stearns.

This assertion ignores that the largest bank holding companies and broker-dealers were engaged in high-risk activities supported by explicit and implied government guarantees. Access to insured deposits or money-market funds and repos fueled the activities of both groups, making them susceptible to the freezing of markets and asset-price declines.

Before 1999, U.S. banking law kept banks, which are protected by a public safety net (e.g., deposit insurance), separate from broker-dealer activities, including trading and market making. However, in 1999 the law changed to permit bank holding companies to expand their activities to trading and other business lines. Similarly, broker-dealers like Bear Stearns, Lehman Brothers, Goldman Sachs and other "shadow banks" were able to use money-market funds and repos to assume a role similar to that of banks, funding long-term asset purchases with the equivalent of very short-term deposits. All were able to expand the size and complexity of their balance sheets.

While these changes took place, it also became evident that large, complex institutions were considered too important to the economy to be allowed to fail. A safety net was extended beyond commercial banks to bank holding companies and broker-dealers. In the end, nobody—not managements, the market or regulators—could adequately assess and control the risks of these firms. When they foundered, banking organizations and broker-dealers inflicted enormous damage on the economy, and both received government bailouts.

To illustrate my point, consider that if you or I want to speculate on the market, we must risk our own wealth. If we think the price of an asset is going to decline, we might sell it "short," expecting to profit by buying it back more cheaply later and pocketing the difference. But if the price increases, we either invest more of our own money to cover the difference or we lose the original investment.

In contrast, a bank can readily cover its position using insured deposits or by borrowing from the Federal Reserve. Large nonbank institutions can access money-market funds or other credit because the market believes they will be bailed out. Both types of companies can even double down in an effort to stay in the game long enough to win the bet, which supercharges losses when the bet doesn't pay off. The Federal Deposit Insurance Corporation (FDIC) fund and the taxpayer are the underwriters of this private risk-taking.

This leads to the second criticism of my proposal—that breaking up the banks is in-

consistent with free markets and our need to be competitive globally. The opposite is true. My proposal seeks to return to capitalism by confining the government's guarantee to that for which it was intended—to protect the payments system and related activities inside commercial banking. It ends the extension of the safety net's subsidy to trading, market-making and hedge-fund activities. This change will invigorate commercial banking and the broker-dealer market by encouraging more equitable and responsible competition within markets. It reduces the welfare nature of our current financial system, making it more self-reliant and more internationally competitive.

Capitalism will always have crises and the recent crisis had many contributing factors. However, the direct and indirect expansion of the safety net to cover an ever-increasing number of complex and risky activities made this crisis significantly worse. We have yet to correct the error. It is time we did.

Mr. MCCAIN. I would like to thank the Senator from Massachusetts, whom I will freely admit has a great deal more knowledge, background, and expertise on this issue than I do. I appreciate her leadership. When the Senator sought to join us in the Senate, she committed to the people of Massachusetts and this country that she would be committed to certain significant reforms to ensure that we never again have the kind of crisis that devastated my State.

Still today, nearly half the homes in my State are underwater, which means they are worth less than their mortgage payments, while Wall Street has been doing well for years. That bailout is one of the more unfair aspects that I have seen in American history. We cannot revisit or fix history, but we sure can make sure we have made every effort to make sure these large financial institutions do not gamble with taxpayers' money.

I thank the Senator from Massachusetts. It is a pleasure to join her in this effort as her junior partner.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise in support of the senior Senator from Arizona and to support the 21st Century Glass-Steagall Act. I am honored to join Senators MCCAIN, CANTWELL, and KING in introducing this bill. I particularly commend Senator MCCAIN for his hard work and his long-time dedication on this issue.

Senator MCCAIN is a real leader in the Senate. While we do not agree on every issue, he is a fighter who stands for what he believes. Senator MCCAIN has worked hard to shed light on the too-big-to-fail problem. He has been thinking about how to bring back elements of Glass-Steagall for years. I am proud to join with him to speak about the 21st Century Glass-Steagall Act. I am glad to be his partner in this endeavor.

Washington is a partisan place. This Congress has its share of partisan bills.

But we have all joined together today because we want a safe future for our kids and for our grandkids. We know that 5 years ago Wall Streets's high-risk bets nearly brought our economy to its knees, disrupting the lives and livelihoods of hard-working Americans.

We know the economic downturn did not affect just Democrats or just Republicans or just Independents, it affected everyone.

Over the past 5 years we have made some real progress in dialing back the risk of future crises. But despite the progress that has been made, the biggest banks continue to threaten the economy. The four biggest banks are now 30 percent larger than they were just 5 years ago. They have continued to engage in dangerous high-risk practices that could once again put our economy at risk.

The big banks were not always allowed to take on big risk while enjoying the benefits of both explicit and implicit taxpayer guarantees. Four years after the 1929 crash, Congress passed the Banking Act, or the Glass-Steagall Act as it is known, which is best known for separating the risky activities of investment banks from the core depository functions such as savings accounts and checking accounts that consumers rely on every day.

For years, Glass-Steagall played a central role in keeping our country safe. Traditional banking stayed separate from high-risk Wall Street banking. But big banks wanted the higher profits they could get from taking on more risk. Investors wanted access to the insured deposits of traditional banks. So Wall Street investors combined with the big banks to try to weaken and repeal Glass-Steagall. Starting in the 1980s, regulators at the Federal Reserve and the Office of the Comptroller of the Currency responded, reinterpreting longstanding legal terms in ways that slowly broke down the wall between investment banking and depository banking. Finally, after 12 attempts to repeal, Congress eliminated the core provisions of Glass-Steagall in 1999.

The 21st Century Glass-Steagall Act will reestablish the wall between commercial and investment banking, make our financial system more stable and more secure, and protect American families.

Like its 1933 predecessor, the 21st Century Glass-Steagall Act will separate traditional banks that offer checking and savings accounts and are insured by the FDIC from the riskier financial services. It will return banking—basic banking—to the basics.

The 21st Century Glass-Steagall Act also puts in place some important improvements over the original Glass-Steagall. It reverses the interpretations the regulators used to weaken the original Glass-Steagall. Our bill also recognizes that financial markets

have become more complicated since the 1930s, and it separates depository institutions from products that did not exist when Glass-Steagall was originally passed, such as structured and synthetic financial products, including complex derivatives and swaps.

The idea behind the bill is simple: Banking should be boring. Anyone who wants to take big risks should go to Wall Street, and they should stay away from the basic banking system.

I wish to be clear—the 21st Century Glass-Steagall Act will not by itself end too big to fail and implicit government subsidies, but it will make financial institutions smaller, safer, and move us in the right direction. By separating depository institutions from riskier activities, large financial institutions will shrink in size and won't be able to rely on Federal depository insurance as a safety net for their high-risk activities. It will stop the game these banks have played for too long. Heads, the big banks win and take all the profits and, tails, the taxpayer gets stuck with all the losses.

I ask my colleagues to join me in supporting this legislation to reduce the risk in the financial system and to dial back the likelihood of future crises.

Exactly 70 years ago the halls of the Senate filled with excitement and history when it passed the original Glass-Steagall. The financial industry at that time experienced some big immediate changes, but despite all kinds of claims to the contrary, Wall Street survived and the sky did not fall. In fact, the American people enjoyed a half century of financial stability and a strong, growing middle class. The regular financial crises that had occurred over and over before Glass-Steagall faded away, and our economy became stronger and more stable.

Few in Congress have been around long enough to have lived through the Great Depression that led to the first Glass-Steagall, but we were all around during the 2008 financial crisis. It has been 5 years since then, but our economy still has not fully recovered, and the downturn has had an impact everywhere—on our families, businesses, retirees, workers, schoolchildren, and college students. We need a banking system that serves the best interests of the American people, not just the few at the top. The 21st Century Glass-Steagall Act is an important step in the right direction. I ask my colleagues to join me in supporting this measure.

By Mr. ROCKEFELLER (for himself, Mr. WHITEHOUSE, and Mr. FRANKEN):

S. 1286. A bill to encourage the adoption and use of certified electronic health record technology by safety net providers and clinics; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Medicaid

Information Technology to Enhance Community Health Act of 2013, or the MITECH Act. I am proud to be joined by my colleagues Senator FRANKEN and Senator WHITEHOUSE in introducing this important piece of legislation which would help clinics and health care providers serving our Nation's most vulnerable citizens qualify for incentives to adopt meaningful use electronic health records for their patients.

In recent years, Congress has recognized the benefits of implementing electronic health records in our health care system. Countless experts have determined that electronic health records and other forms of health information technology improve health care quality, reduce medical errors, and lower overall medical costs. We have made unprecedented investments in electronic health records and have seen the benefits of these investments. Since its implementation, these programs have helped hundreds of thousands of providers and hospitals nationwide establish and effectively use electronic health records. However, eligibility requirements for these incentives payments have prevented some low-income providers from receiving them.

While electronic health records are a vital part of any quality health practice, they are in some ways even more important for clinics that serve low income, uninsured, and underinsured populations. These patients often seek services from any number of settings rather than returning to a set primary care provider. When the clinics that serve a particular population are able to establish and maintain electronic health records for their patients, it is far more likely that a patient's record will be available to their health care providers even if the patient is seeing a different provider in a different clinic. This allows an individual's health care providers to have access to a complete medical history, improving their ability to form a diagnosis, preventing unnecessary duplication of tests, and reducing costs for the patients and government. This measure also will allow safety net clinics to better communicate with patients about necessary screenings and help to make sure patients are taking medications as prescribed and not "doctor shopping" for inappropriate medication.

The Health Information Technology for Economic and Clinical Health, HITECH, Act created financial incentives called "meaningful use" incentives for both Medicare and Medicaid providers to adopt and meaningfully use implement and support electronic health records. While the current program has helped thousands of providers, practices, and hospitals nationwide, many safety net providers and clinics have not been able to benefit from the incentives. Given that Medicaid eligibility levels are so low in many states, it is difficult for many

safety net providers to meet the 30 percent Medicaid patient threshold required to participate in the Medicaid electronic health records incentive program even though their patients are predominately low-income.

Congress addressed this problem only for practitioners working in Federally-qualified health centers and rural health centers by creating a 30 percent "needy" threshold in the HITECH Act for those providers. Unfortunately, the law failed to provide similar support for other providers serving low-income individuals.

The MITECH Act of 2013 seeks to eliminate these barriers, which prevent many safety net providers from qualifying for Medicaid electronic health record incentive payments. The bill will improve access to incentives for safety net providers that were left out of the HITECH Act's efforts. Additionally, the MITECH Act requires the Secretary of Health and Human Services to develop a methodology to allow these safety net clinics to be eligible for payments as an entity, similar to the current process that exists for hospitals.

Access to Medicaid electronic health records incentives will allow safety net clinics to better communicate with patients about necessary screenings, help ensure compliance with prescription drugs, reduce unnecessary duplication of tests and will strengthen the safety net which provides essential care to so many Americans.

I urge my colleagues to support this bill. In doing so, we will offer vital support to safety net providers.

By Mr. REED (for himself, Mr. COONS, and Mr. WHITEHOUSE):

S. 1291. A bill to strengthen families' engagement in the education of their children; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the Family Engagement in Education Act with my colleagues Senator COONS and Senator WHITEHOUSE. I thank Representative THOMPSON for introducing the House companion of this bipartisan bill.

Our legislation will strengthen family engagement in education at the local, state, and national levels. It will empower parents by increasing school district resources dedicated to family engagement activities from one percent to 2 percent of the district's Title I allocation. It will also improve the quality of family engagement practices at the school level by requiring school districts to develop and implement standards-based policies and practices for family-school partnerships. It will build State and local capacity for effective family engagement in education by setting aside at least 0.3 percent of the State Title I allocation for statewide family engagement in education activities, such as establishing state-

wide family engagement centers to continue and enhance the work that had been supported through the Parent Information Resource Centers. For states with Title I-A allocations above \$60 million, the State Educational agency will make grants to at least one local family engagement in education center to provide innovative programming and services, such as leadership training and family literacy, to local families and to remove barriers to family engagement, and to support State-level activities in the highest need areas of the State. Finally, at the national level, our legislation will require the Secretary of Education to convene practitioners, researchers, and other experts in the field of family engagement in education to develop recommended metrics for measuring the quality and outcomes of family engagement in a child's education.

Research demonstrates that family engagement in a child's education increases student achievement, improves attendance, and reduces dropout rates. A study by Anne Seitsinger and Steven Brand at the University of Rhode Island's Center for School Improvement and Educational Policy found that students whose parents support their education through learning activities at home and discuss the importance of education perform better in school. Yet too often, family engagement is not built into our school improvement efforts in a systematic way. The Family Engagement in Education Act will promote meaningful family engagement policies and programs at the national, state, and local levels to ensure that all students are on track to be career and college-ready.

This legislation builds on my successful efforts in the last reauthorization of the Elementary and Secondary Education Act, ESEA, the 2001 No Child Left Behind Act, to incorporate provisions throughout the law to strengthen and boost parental involvement. It is also in line with the administration's blueprint for the ESEA reauthorization, which calls for doubling the amount that school districts are required to set aside for parental involvement and encouraging states to use some of their Title I funding to support local family engagement centers in education.

Developed with the National Family, School, and Community Engagement Working Group, which includes organizations such as National PTA, United Way Worldwide, Harvard Family Research Project, and National Council of La Raza, and endorsed by hundreds of local, state, and national organizations, this legislation represents the broad consensus that we must do a better job of engaging families in all aspects of their children's education.

I urge my colleagues to cosponsor the Family Engagement in Education Act, and to work for its inclusion in the

forthcoming debate to reauthorize and renew the Elementary and Secondary Education Act.

## NOTICES OF HEARINGS

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, July 16, 2013, at 2:30 p.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled "Pooled Retirement Plans: Closing the Retirement Plan Coverage Gap for Small Businesses."

For further information regarding this meeting, please contact Sarah Cupp of the committee staff on (202) 224-5441.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, July 18, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the current state of clean energy finance in the United States and opportunities to facilitate greater investment in domestic clean energy technology development and deployment.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [danielle\\_deraney@energy.senate.gov](mailto:danielle_deraney@energy.senate.gov).

For further information, please contact Kevin Rennert at (202) 224-7826 or Danielle Deraney at (202) 224-1219.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 23, 2013, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider S. 1273, the FAIR Act of 2013.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [Lauren\\_Goldschmidt@energy.senate.gov](mailto:Lauren_Goldschmidt@energy.senate.gov).

For further information, please contact Todd Wooten at (202) 224-3907 or Lauren Goldschmidt at (202) 224-5488.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 11, 2013, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 11, 2013, at 11 a.m. to conduct a hearing entitled "Mitigating Systemic Risk Through Wall Street Reforms."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 11, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 11, 2013, at 10 a.m., to hold a hearing entitled, "Assessing the Transition in Afghanistan."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 11, 2013, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 11, 2013, at 11 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent

that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 11, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Chris Riegg, be granted privileges of the floor for the balance of the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### KAY BAILEY HUTCHISON SPOUSAL IRA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of H.R. 2289 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 2289) to rename section 219(c) of the Internal Revenue Code of 1986 as the Kay Bailey Hutchison Spousal IRA.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2289) was ordered to a third reading, was read the third time, and passed.

#### AUTHORIZING THE USE OF EMANCIPATION HALL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H. Con. Res. 43, which was received from the House and is at the desk.

The PRESIDING OFFICER.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 43) authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony honoring the life and legacy of Nelson Mandela on the occasion of the 95th anniversary of his birth.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The concurrent resolution (H. Con. Res. 43) was agreed to.

#### NATIONAL DAY OF THE AMERICAN COWBOY

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Com-

mittee be discharged from further consideration and the Senate now proceed to S. Res. 191.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 191) designating July 27, 2013, as "National Day of the American Cowboy."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 191) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 27, 2013, under "Submitted Resolutions.")

#### MEASURE READ THE FIRST TIME—S. 1292

Mr. REID. I am told that there is a bill at the desk due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1292) to prohibit the funding of the Patient Protection and Affordable Care Act.

Mr. REID. I ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for a second time on the next legislative day.

#### ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent the mandatory quorum under rule XXII be waived for three of the cloture motions filed earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR MONDAY, JULY 15, 2013

Mr. REID. I now ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, July 15, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; and following the remarks of the two leaders, the time until 5:30 p.m. be divided equally between the two leaders or their designees, with Senators permitted during that time to speak for

up to 10 minutes; further, that at 5:30 p.m. I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### PROGRAM

Mr. REID. Mr. President, then there will be a rollcall vote at 5:30 p.m. on Monday. There will also be an all-Senators joint caucus at 6 p.m. on Monday in the Old Senate Chamber.

ADJOURNMENT UNTIL MONDAY,  
JULY 15, 2013, AT 2 P.M.

Mr. REID. I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:50 p.m., adjourned until Monday, July 15, 2013, at 2 p.m.

#### NOMINATIONS

Executive nomination received by the Senate:

#### THE JUDICIARY

WILLIAM WARD NOOTER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE A. FRANKLIN BURGESS, RETIRING.



## HOUSE OF REPRESENTATIVES—Thursday, July 11, 2013

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. MEADOWS).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

July 11, 2013.

I hereby appoint the Honorable MARK MEADOWS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,

*Speaker of the House of Representatives.*

### PRAYER

Reverend Dr. Paul Binion II, Westside Church of God, Fresno, California, offered the following prayer:

Our Father and Strong God, for this day, and the privileges and opportunities it brings, we say thank You.

May this day not be typical or ordinary in any way, but one that will long be remembered because of what shall transpire in this House: decisions settled, issues resolved, progress made, partisanship minimized, and personal agendas set aside for the good of our constituency.

God, we acknowledge our need of You and Your wisdom and guidance.

Keep us mindful that we serve a people, community, and world that is looking and depending on us to do always what is best for them.

And may we live always cognizant of what You expect from us today, and that is, to do justly, love mercy, and walk humbly with You. This we ask in the name of Jesus Christ.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I object to the vote on the

ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia (Mr. WITTMAN) come forward and lead the House in the Pledge of Allegiance.

Mr. WITTMAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### WELCOMING PASTOR PAUL BINION II

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. COSTA) is recognized for 1 minute.

There was no objection.

Mr. COSTA. Mr. Speaker, since 1977, Pastor Paul Binion has stood at the helm of one of Fresno's most vibrant churches, the Westside Church of God, and the wonderful congregation that he serves. From offering comfort to families during challenging times, to taking the lead on issues impacting the economically disadvantaged in our area, Pastor Binion has truly left a mark and continues to in our community.

He has urged his congregation to go beyond just knowing the Gospel, but to living them by performing good works for those in need.

Over the nearly 10 years that I've known Paul, I know that he cares. He has overseen efforts to foster interfaith and interchurch dialogue by serving at the head of the West Fresno Ministerial Alliance because he knows that our faith communities have much more in common than whatever divides them.

I'm proud to call Pastor Binion my friend and thank him for his wise words this morning.

Paul, thank you for joining us today to remind us that service, the service that we all involve ourselves with daily on behalf of our constituents, is the highest calling, and must remain the center of our work.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five further requests for 1-minute speeches on each side of the aisle.

### DEPARTMENT OF DEFENSE FURLOUGHS

(Mr. WITTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WITTMAN. Mr. Speaker, instead of combating terrorism or working to support our troops deployed around the globe, civilian workers across the country are, instead, spending 20 percent of their workweek on a forced furlough.

Furloughed workers face personal and professional challenges, lost income and less time to get the same amount of work done.

From the Associated Press:

Civilian employees, ranging from top-level policy advisers to school teachers and depot workers, will not be answering their phones or responding to emails for 1 day a week.

There is no doubt those who wish harm upon the United States are pleased with these cuts. The administration had flexibility to make other choices and avoid furloughs.

Further, this unfortunate choice may not be over on September 30. Yesterday, Secretary Hagel suggested furloughs may continue under certain circumstances.

Compounding budget cuts are devastating military readiness. I urge the administration to make better choices and for the Congress to work the will of the American people and support our Nation's defense to the fullest.

### THE IMPACT OF FURLOUGHS AND SEQUESTRATION

(Mrs. BUSTOS asked and was given permission to address the House for 1 minute.)

Mrs. BUSTOS. Mr. Speaker, I rise today to speak out once again against the sequestration-caused furloughs that are punishing workers whom I represent in Illinois.

Sequestration cuts were designed to be so painful and terrible that they would never even take place, but this week they will begin unnecessarily hurting working families across the country. I have repeatedly called on the Defense Department to use the flexibility that Congress gave it, without resorting to furloughs.

As I travel around my district of Illinois, I hear story after story of families who are impacted by these cuts: people like Tom and Michelle Vetter, who both work at the Rock Island Arsenal, and will see a 30 percent cut in their expected income. They now fear being able to pay their mortgage and even sending their son to college;

And people like Darlene Nimmers, who has worked at the Rock Island Arsenal for more than three decades, who now worries about having to put off her well-deserved retirement.

We need to get our fiscal house in order; there's no doubt about that. But it should not be at the expense and the jobs of our hardworking citizens and their ability to support their families.

Please let's come together to cut spending without harming our Nation's economy and our workers.

#### MR. PRESIDENT, GOVERNMENT DOESN'T KNOW BEST

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Mr. Speaker, the President's decision last week to delay ObamaCare's employer mandate underscored how this law is far too complicated and expensive. Worse yet, it fails Michigan families and businesses.

While this will certainly help our job creators in the short term, without a delay or, better yet, a repeal of the individual mandate, the administration deliberately chose to leave the American people out in the cold. This delay creates even more confusion for Michigan families who are wondering if they will lose their current coverage, be forced into choosing different providers, or be burdened with new high costs.

It becomes clearer and clearer that, without repeal, this law will continue to destroy jobs and slow down our economy. Instead, we need to return to patient-centered care and not the government-knows-best health care system.

I look forward to continuing to work with my colleagues in the House to revive our economy, create jobs, and put people first so they can make their own health care decisions.

#### SHAME ON THE REPUBLICAN MAJORITY

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, shame on the Republican majority. Shame on you.

The Rules Committee met last night and is sending us a rule today that has attached to it a bill that we have not seen and have not been able to read. They call it the farm bill. But it appears that, in this farm bill, they have

stripped away the nutrition title from the bill.

Mr. Speaker, for years and years we have combined nutrition assistance with support for farmers and ranchers, but this is a rush job. Democrats and the Congressional Black Caucus are appalled that the Republicans are determined to defund food stamps and place vulnerable Americans in a position of not being able to feed their families.

Shame on you. You have removed food stamps, the SNAP program, from this legislation. I don't know where it's going to go. It looks like it's going to die a slow death. It is despicable.

What is it about poor people that you don't like? What is it? Tell us today.

What is it about poor people that you don't like and you don't want to feed their families?

I have the fourth poorest district in the Nation. We do not like it.

#### OBAMACARE

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute.)

Mr. WILLIAMS. Nervous, concerned, complex, train wreck, Third World experience. These are the words used by the Democratic authors of ObamaCare to describe their very own creation.

Mr. Speaker, these aren't new concerns. These are concerns shared by families and businesses across the Nation ever since then-Speaker NANCY PELOSI rushed the bill through Congress so we could "see what's in it."

Now that the Democrats and the President can see what's in it, they don't like it either.

As a business owner and job creator of over 42 years, I know businesses can no longer hire or take risks that would grow the economy.

The President's 1-year delay of the employer mandate isn't what businesses or the economy needs. This only delays the meltdown that this complex government overhaul will cause. Business owners, parents, young professionals, senior citizens—all Americans deserve protection from this law and its mandates, its skyrocketing premiums, and its rapidly shrinking selection of coverage plans, not for 1 year, but permanently.

Let's fully repeal the nightmare of ObamaCare. It doesn't work, and it won't work.

#### SUPPLEMENTAL NUTRITION AS- SISTANCE PROGRAM AND THE FARM BILL

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute.)

Ms. WILSON of Florida. Mr. Speaker, SNAP, food stamps, however you phrase it, is fundamental to the nutrition that will supplement millions of Americans: Blacks, Whites, feeble sen-

iors, struggling mothers, disabled veterans, and hungry children.

Mr. Speaker, it was reported to me that there are seniors in my district who eat dog food when their food stamps run out. I was appalled and went to see for myself, and I was dumbfounded. I fixed the situation, but I'm sure that somewhere in America today some poor soul is relying on dog food to take them through the month.

Mr. Speaker, please do not hurt or destroy what is a mainstay in the lives of so many Americans who are just trying to get by. Do not remove nutrition, including the food stamp program, from the farm bill. It's wrong, it's punitive, and it's cruel.

□ 0915

#### ALL CHILDREN ARE EQUAL ACT

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today I rise to inform my colleagues of an important piece of bipartisan legislation that will be introduced later today called the All Children Are Equal Act, or ACE Act. The ACE Act corrects a gross inequity in the way funding formulas are calculated under title I of the Elementary and Secondary Education Act. Title I was designed to improve the achievement of disadvantaged children.

In order to allocate more funding per title I student to local education agencies, or LEAs, with higher concentrations of poverty, the funding formula weighs the count of eligible students in an LEA. However, the formulas have the perverse effect of directing funds away from all smaller school districts, both urban and rural, towards larger LEAs, regardless of the poverty rate. The ACE Act would gradually decrease the effects of number weighting and return the focus to areas with the highest concentration of poverty, as originally intended under the law.

Mr. Speaker, I'm proud to have Representative SLAUGHTER of New York join me in introducing this important bill. I encourage my colleagues to join us in correcting this fundamental injustice.

#### STAND FOR SNAP

(Mrs. BEATTY asked and was given permission to address the House for 1 minute.)

Mrs. BEATTY. I stand here today in dismay and in disgust. I stand here on this same floor where we have the words, "In God we trust," where we say the Pledge of Allegiance, where my Republican colleagues dare come to this podium and use words like "train wreck" and "work in a bipartisan fashion" in the same minute, and then

today we are confronted with removing SNAP dollars from the farm bill.

I came here to work on a compromise. Members of this great Congressional Black Caucus and Democratic Caucus stand together because we want America to know that we stand for poor families: Black, White, urban, suburban, and, yes, rural.

We ask you to take note today, Mr. Speaker, that Republicans dare come to this floor and tell us that we want to serve the people. Aren't our children, our mothers, and families part of the people? Yes.

We stand for SNAP.

#### REPEAL OBAMACARE

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Ohio. Mr. Speaker, last week, the President quietly decided to delay a major part of what many media pundits consider his crowning achievement: ObamaCare. The President is telling businesses that they will be given a year reprieve from complying with ObamaCare's onerous and costly employer mandate. The President is once again picking which laws his administration enforces and which ones he chooses not to. He's also picking winners and losers again. Employers will have another year to comply with the employer mandate, but President Obama has decided that individuals—the middle class—will not be given more time to comply with the individual mandate.

Meanwhile, the economy continues to limp along with businesses, large and small, afraid to hire more workers because the cost of doing business continues to go up without a clear end in sight. High taxes, enormous tax burdens, and the specter of ObamaCare continue to hang over them like a storm cloud. For the good of our Nation, ObamaCare must be repealed and replaced.

#### INCLUDE NUTRITION ASSISTANCE IN THE FARM BILL

(Ms. SEWELL of Alabama asked and was given permission to address the House for 1 minute.)

Ms. SEWELL of Alabama. Mr. Speaker, I rise today to express great disappointment in my Republican colleagues for bringing a version of the farm bill that does not include nutrition assistance.

When I joined this great, august body, I was a member of the Agriculture Committee. The Agriculture Committee, time and time again, reauthorized the farm bill. Bipartisanship was always the hallmark. And this is not the hallmark of what we as Americans stand for.

Our minister today just stood up here with us in prayer and said that we

would walk justly, that we would do and love mercifully, and that we would be humbled before God. If we are to truly have those words mean something in America, we must take care of our working families, our needy families, our children, in addition to our farmers.

The farmers that I represent in Alabama do not want a farm bill that does not include nutrition assistance. We cannot provide government subsidies to farmers without providing government assistance to people in poverty. It is not what we as Americans stand for.

If we have no further business in this august body this week, we should go home.

#### MOTION TO ADJOURN

Ms. SEWELL of Alabama. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SEWELL of Alabama. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 125, nays 260, not voting 49, as follows:

[Roll No. 346]

YEAS—125

Andrews  
Bass  
Beatty  
Becerra  
Bishop (GA)  
Blumenauer  
Brady (PA)  
Brown (FL)  
Brownley (CA)  
Butterfield  
Capuano  
Cárdenas  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Clarke  
Cleaver  
Clyburn  
Cohen  
Connolly  
Cooper  
Costa  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
Delaney  
DeLauro  
DelBene  
Doggett  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Garamendi

Grayson  
Green, Al  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hoyer  
Israel  
Jackson Lee  
Johnson (GA)  
Johnson, E. B.  
Kelly (IL)  
Kennedy  
Kildee  
Kirkpatrick  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loftgren  
Lowenthal  
Lujan Grisham (NM)  
Luján, Ben Ray (NM)  
Maloney, Carolyn  
Matsui  
McDermott  
McGovern  
McNerney  
Meeks  
Meng  
Miller, George  
Moore  
Neal  
Nolan  
O'Rourke  
Pallone

Payne  
Pelosi  
Perlmutter  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Richmond  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Sánchez, Linda T.  
Schakowsky  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (MS)  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Velázquez  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Wilson (FL)

Aderholt  
Alexander  
Amash  
Amodei  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Benishek  
Bentivolio  
Bera (CA)  
Bilirakis  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Bonamici  
Boustany  
Brady (TX)  
Braley (IA)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Bustos  
Calvert  
Camp  
Cantor  
Capito  
Capps  
Carney  
Carter  
Cassidy  
Chabot  
Chaffetz  
Cicilline  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Conyers  
Cook  
Cotton  
Courtney  
Cramer  
Crawford  
Crenshaw  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Duckworth  
Duffy  
Duncan (SC)  
Duncan (TN)  
Enyart  
Esty  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gabbard  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte

NAYS—260

Gosar  
Gowdy  
Granger  
Graves (GA)  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Holding  
Honda  
Hudson  
Huelskamp  
Huffman  
Huizenga (MI)  
Hultgren  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Keating  
Kelly (PA)  
Kilmer  
Kind  
King (IA)  
King (NY)  
Kingston  
Kline  
Kuster  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Collins (NY)  
Latham  
Latta  
LoBiondo  
Loeb  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lummis  
Lynch  
Maloney, Sean  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCauley  
McClintock  
McCollum  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran  
Mullin  
Mulvaney  
Murphy (PA)  
Napolitano  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson

Owens  
Palazzo  
Pascrell  
Pastor (AZ)  
Paulsen  
Pearce  
Perry  
Peters (CA)  
Peters (MI)  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Price (GA)  
Radel  
Rahall  
Rangel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Rohy  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Schallie  
Schneider  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Sherman  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NE)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (CA)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Tonko  
Turner  
Upton  
Valadao  
Vela  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Welch  
Wenstrup  
Westmoreland  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yarmuth  
Yoder  
Young (IN)

NOT VOTING—49

Barton  
Bonner  
Campbell  
Clay  
Culberson

DeGette  
Deutch  
Diaz-Balart  
Dingell  
Ellmers

Farr  
Gallego  
Graves (MO)  
Grimm  
Herrera Beutler

Hinojosa	McCarthy (NY)	Shimkus
Holt	Messer	Smith (NJ)
Horsford	Murphy (FL)	Titus
Hunter	Nadler	Visclosky
Jeffries	Negrete McLeod	Waxman
Kaptur	Posey	Webster (FL)
Kinzinger (IL)	Rogers (MI)	Whitfield
Langevin	Rooney	Yoho
Larsen (WA)	Ryan (OH)	Young (AK)
Maffei	Sanchez, Loretta	Young (FL)
Markey	Sarbanes	
Massie	Schiff	

□ 0945

Messrs. HALL, LUCAS and McINTYRE, Mrs. BUSTOS, Ms. DUCKWORTH, and Messrs. GARCIA and KILMER changed their vote from "yea" to "nay."

Mr. POLIS, Mrs. KIRKPATRICK, and Messrs. DEFAZIO, CROWLEY, McDERMOTT, and FATTAH changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 346, had I been present, I would have voted "yes."

Mr. SCHIFF. Mr. Speaker, on rollcall No. 346, had I been present, I would have voted "aye."

Stated against:

Mr. GALLEG0. Mr. Speaker, on rollcall No. 346, had I been present, I would have voted "no."

Mr. WEBSTER of Florida. Mr. Speaker, on rollcall No. 346, had I been present, I would have voted "no."

#### PROVIDING FOR CONSIDERATION OF H.R. 2642, FEDERAL AGRICULTURE REFORM AND RISK MANAGEMENT ACT OF 2013

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 295 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 295

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2642) to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Agriculture; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Worcester, Massachu-

setts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, House Resolution 295 provides for a closed rule for consideration of H.R. 2642. However, I think it is important to recognize that while the rule before us today is closed, this legislation, exactly the legislation, has gone through an amendment process on this floor, was debated—just a few weeks ago—debated, discussed, and voted on. The amendments which were agreed to as a result of that process are in this underlying legislation.

Mr. Speaker, the bill before us today is the exact same language that this body considered in June with two important considerations and exceptions. Unlike last month, this legislation contains a repeal of the 1949 backstop, which means that in the farm bill we will do away with that 1949 law as the backstop to the farm products and legislation. However, it does not include the nutrition programs from the previous bill. We will hear that today.

On the other hand, however, this bill does include the exact same language as the previous bill, including adopted amendments.

Since the House considered a farm bill last month, there has been a great deal of and many conversations, including today with Members, that have raised significant concerns with the language as it was previously drafted. The chief concern was the inclusion of a nutrition policy in the agriculture bill.

Therefore, after careful consideration of all aspects of the issue, the decision was made to consider nutrition and agriculture policy separately. However, I want to be clear: removing the nutrition provisions from this legislation in no way seeks to marginalize the importance of the nutrition programs, nor in any effort are we trying to avoid their reauthorization. Anything that would be said on this floor contrary to that simply would not be true.

I think you would be hard-pressed to find any Member, Republican or Democrat, who does not think that these programs are vitally important, in particular, to women and children. They simply will be considered separately and not in this bill.

Now, the practicality to this, Mr. Speaker, is and was discussed last night in the Rules Committee, that is, that if it is not in this title, and it is

not, and if the House does not move forward on a nutrition or SNAP program, then all of these items still go to conference with the United States Senate, and it is contained within the Senate bill and would be fully operational, debatable, and decisions can be made in that conference. In that conference, it is fully authorized and the House would simply not have taken a position.

To assume or to say that we are trying to move a bill without nutrition and to take things away would not be truthful. To say that we would show up at conference without a position of the House of Representatives would be truthful.

Republicans and Democrats, including leadership of both parties, understand and recognize that nutrition and nutrition programs are an essential part of not just government services, but an essential part of a civilization that we agree with as part of the programs from the United States Government. So in no way, in no way, is this intended to be a trick or to be seen that we would not believe, or would believe, that we would show up to do anything to the nutrition program.

It would be stated that the House would show up without a position on those issues, which would mean in reality that the current law would prevail. The House would show up with no position to change any of these items related to food stamps, and thus it would stay as is. So for someone to suggest that Republicans are not going to be supportive of the nutrition programs would simply not, in my opinion, be fairly spoken of.

The House will have an opportunity, however, once we get this done, to move forward a bill that if a decision was made could move to conference.

Today's legislation is an important step in making sure that the agriculture programs provide the American farmers with innovative risk-management tools and so many other things that have been placed in this bill on a bipartisan basis as a result of the work that began with then-Democrat Chairman COLLIN PETERSON when the bill began its writing process and now has continued on a bipartisan basis with the gentleman, Mr. LUCAS, the chairman of the committee. That is what we are trying to present today.

The bill which we are presenting today has every consideration that I believe is necessary and important about why this House should move forward and support this legislation. Legislation is commonsense, fiscally responsible; and it is a solution to answers that are in the marketplace.

I urge my colleagues to understand not only what we have stated today, but which was testimony last night in an agreement in the Rules Committee. I support the underlying legislation.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. WATT) for a unanimous consent request.

Mr. WATT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in opposition to the rule which prohibits Members from offering amendments that would protect the children of America from hunger.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. The Chair would advise each Member to confine the unanimous-consent request to a simple declarative statement of the Member's attitude toward the measure. Further embellishments will result in a deduction of time from the yielding Member.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from Florida (Mr. HASTINGS) for a unanimous consent request.

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in very strong opposition to the farm bill rule and the underlying bill because it takes the safety net away from America's poor families.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts' time will be charged.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from New York (Mr. RANGEL) for a unanimous consent request.

Mr. RANGEL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it hurts America's children.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts' time will be charged.

#### PARLIAMENTARY INQUIRIES

Mr. HASTINGS of Florida. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HASTINGS of Florida. Mr. Speaker, your position as you enunciate is when a person says why they are opposed, that that is beyond the boundaries of the clarity that you say one must offer when he or she is in opposition to the rule?

The SPEAKER pro tempore. The Members must limit their requests to simple declarative statements. Any other embellishment will be charged.

Mr. HOYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Speaker, the Speaker has enunciated the rule; a simple declaratory statement. Clearly, Mr. HASTINGS made a simple declaratory statement as to why he was opposed, and it seems to clearly fall within the ambit of the contemplated statement that a Member can make without time being charged. The Chair has, however, articulated the fact that, without objection, the gentleman's time will be charged. If that is subject to an objection, which I think it probably is not, I would object. But I will also appeal the ruling of the Chair if the Chair continues that ruling, and we will have a vote on that.

The SPEAKER pro tempore. The Chair will evaluate each declarative statement individually. The gentleman's point has been made.

Mr. HOYER. I thank the Speaker for his observation, and I would hope that the declaratory statement, similar to the one being made by Mr. HASTINGS, will clearly not, as it historically, in my view, has not done so, count against the time from the gentleman from Massachusetts.

□ 1000

Mr. MCGOVERN. Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE) for a unanimous consent request.

Ms. LEE of California. I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it increases hunger in America.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. ELLISON) for a unanimous consent request.

Mr. ELLISON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it increases hunger in America.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from Maryland (Mr. CUMMINGS) for a unanimous consent request.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it takes the safety net away from America's poor families.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentlewoman from Florida (Ms. BROWN) for a unanimous consent request.

Ms. BROWN of Florida. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it hurts the children of America.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentlewoman from Wisconsin (Ms. MOORE) for a unanimous consent request.

Ms. MOORE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it hurts America's children.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

#### PARLIAMENTARY INQUIRY

Mr. BUTTERFIELD. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BUTTERFIELD. I have finally received a copy of the bill. It appears to have no "nutrition" title at all. Is this a printing error?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PAYNE) for a unanimous consent request.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in total opposition to the farm bill rule and the underlying bill because it hurts America's children.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentlewoman from Ohio (Mrs. BEATTY) for a unanimous consent request.

Mrs. BEATTY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it increases hunger in America.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JOHNSON) for a unanimous consent request.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous

consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because we are the conscience of the Congress. The majority of the people getting food stamps are not African American.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts' time will be charged.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from Georgia (Mr. LEWIS) for a unanimous consent request.

Mr. LEWIS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it takes the safety net away from America's poor families.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS) for a unanimous consent request.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it hurts the working poor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I am proud to yield to the gentlewoman from Alabama (Ms. SEWELL) for a unanimous consent request.

Ms. SEWELL of Alabama. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it takes the safety net away from America's poor families.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Alabama?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from Texas (Mr. AL GREEN) for a unanimous consent request.

Mr. AL GREEN of Texas. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it hurts the working poor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. KELLY) for a unanimous consent request.

Ms. KELLY of Illinois. Mr. Speaker, I ask unanimous consent to revise and

extend my remarks in very strong opposition to the farm bill rule and the underlying bill because it increases poverty in America.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentlewoman from New York (Ms. CLARKE) for a unanimous consent request.

Ms. CLARKE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in total and strong opposition to the farm bill rule and the underlying bill because it starves America's children.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts' time will be charged.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentlewoman from Florida (Ms. WILSON) for a unanimous consent request.

Ms. WILSON of Florida. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it hurts the working poor.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I am happy to yield to the gentlewoman from Texas (Ms. JACKSON LEE) for a unanimous consent request.

Ms. JACKSON LEE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it takes food from children, and it increases the number of starving children in America.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts' time will be charged.

#### PARLIAMENTARY INQUIRY

Ms. JACKSON LEE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. JACKSON LEE. Referring to your previous ruling, one is allowed to give explanation for one's opposition, and those words are to be counted as part of the unanimous consent.

The SPEAKER pro tempore. In the opinion of the Chair, a Member is allowed to make a simple declarative statement on a unanimous consent request. The Chair is trying to be fair with this.

Ms. JACKSON LEE. Will you declare, Mr. Speaker, what the interpretation is for excessiveness?

The SPEAKER pro tempore. The Chair will judge each statement as to its simple declarative nature.

Ms. JACKSON LEE. In continuing the parliamentary inquiry, is the amount of passion in your voice in opposition to the idea that this bill creates more starving children?

The SPEAKER pro tempore. The gentlewoman has not stated a parliamentary inquiry.

Mr. MCGOVERN. Mr. Speaker, may I inquire as to how much time the Speaker has charged us for these unanimous consent requests thus far?

The SPEAKER pro tempore. The gentleman from Maryland has been charged 1¼ minutes.

Mr. MCGOVERN. Mr. Speaker, I am happy to yield to the gentlewoman from California (Ms. BASS) for a unanimous consent request.

Ms. BASS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it contributes to hunger in America.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentlewoman from Maryland (Ms. EDWARDS) for a unanimous consent request.

Ms. EDWARDS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it increases hunger in America.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

#### PARLIAMENTARY INQUIRY

Ms. EDWARDS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. EDWARDS. Is it in order to amend the underlying bill and the rule that currently provides for billions in subsidies to corporate farms while children and families go hungry, school lunch programs are decimated, and Meals on Wheels is taken from the disabled and senior citizens?

The SPEAKER pro tempore. An amendment to the rule could be offered only if its manager yields for that purpose.

Mr. MCGOVERN. Mr. Speaker, I am proud to yield to the gentleman from Georgia (Mr. SCOTT) for a unanimous consent request.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it takes food and nutrition from working families.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. DAVID SCOTT of Georgia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, will not this day go down as one of the most shameful days in American history?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. McGOVERN. Mr. Speaker, I yield to the gentleman from Illinois (Mr. RUSH) for a unanimous consent request.

Mr. RUSH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it takes the safety net away from America's poor children.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McGOVERN. Mr. Speaker, I am happy to yield to the gentleman from Texas (Mr. VEASEY) for a unanimous consent request.

Mr. VEASEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it hurts the working poor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. McGOVERN. Mr. Speaker, I yield to the gentleman from Georgia (Mr. BISHOP) for a unanimous consent request.

Mr. BISHOP of Georgia. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it hurts the working poor, and it violates the long-standing partnership between agriculture producers and our Nation's nutrition programs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts' time will be charged.

PARLIAMENTARY INQUIRY

Mr. BISHOP of Georgia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BISHOP of Georgia. Isn't it true, Mr. Speaker, that this rule takes and bifurcates the bill that came out of the authorizing committee and separates it into two separate bills in a way that ultimately hurts the working poor of this country?

The SPEAKER pro tempore. It is not the role of the Chair to interpret the underlying bill.

Mr. McGOVERN. Mr. Speaker, I am proud to yield to the gentlelady from California (Ms. WATERS) for a unanimous consent request.

Ms. WATERS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it takes the safety net away from America's poor families and takes food out of the mouths of children.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts' time will be charged.

Mr. McGOVERN. Mr. Speaker, I yield to the gentleman from South Carolina (Mr. CLYBURN) for a unanimous consent request.

Mr. CLYBURN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it significantly increases poverty in America.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McGOVERN. Mr. Speaker, I yield to the gentleman from Georgia (Mr. JOHNSON) for a unanimous consent request.

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it increases poverty in America.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. McGOVERN. Mr. Speaker, I am happy to yield to the gentleman from Texas (Mr. HINOJOSA) for a unanimous consent request.

Mr. HINOJOSA. Mr. Speaker, as chair of the CHC, I ask unanimous consent to revise and extend my remarks in very strong opposition to the farm bill rule and the underlying bill because it hurts America's poor children and senior citizens.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts' time will be charged.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. HOYER. I've been listening, as you've observed, to the judgments.

What the gentleman from Texas (Mr. HINOJOSA) just did was to state one sentence, but it had an "and," and he gave

a second reason he was opposed. The first reason was that it increased poverty, and the second was that it undermined children. That was in the same sentence. It seems there was little substantive difference between the statement that preceded it for which you did not charge time and the statement of the gentleman from the Hispanic Caucus.

I would like to understand the parliamentary difference that the Speaker perceived in those two statements.

The SPEAKER pro tempore. In the opinion of the Chair, the gentleman engaged in embellishment.

Mr. HOYER. He stated two reasons he was opposed.

Is it the Chair's ruling that only one reason will be allowed to be articulated by a Member who is in opposition to this bill?

The SPEAKER pro tempore. The gentleman also prefaced his remarks.

Mr. HOYER. He did do that. He explained to the American public, presumably who is watching this, Mr. Speaker, as to the framework from which he was speaking, that of representing a large group of Hispanic Americans, who have a large number of Representatives in this body.

Can he not explain that he is the person from Maryland, for instance, or the person from some other State?

The SPEAKER pro tempore. In the opinion of the Chair, the gentleman engaged in embellishment.

□ 1015

Mr. McGOVERN. Mr. Speaker, I yield to the gentleman from New York (Mr. MEEKS) for a unanimous consent request.

Mr. MEEKS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it hurts the working poor, it leaves children without food, and it hurts seniors on an everyday basis.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts' time will be charged.

PARLIAMENTARY INQUIRIES

Mr. HOYER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HOYER. In explaining your answer to the last parliamentary inquiry, you indicated that the problem was that he embellished by introducing himself as chairman of the Hispanic Caucus. The gentleman from New York who just spoke did not do so, but simply articulated three reasons he was opposed to this bill.

It seems to me that that is certainly within the contemplation of the unanimous-consent request. If we start parsing that people can only articulate one



reason, I would suggest to our friends, the Parliamentarians, and to the Speaker, that that will establish a precedent which will be very difficult and subjective for implementation by the Speaker.

I ask the Speaker to perhaps further explain why Mr. MEEKS' objection was charged to Mr. MCGOVERN's time.

The SPEAKER pro tempore. The Chair is drawing the line at a simple declarative statement. Multiple, simple declarative statements constitute debate.

Mr. HOYER. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HOYER. There was one declarative sentence. It had two commas in it. If we're going to parse this to that extent, I suggest to the Speaker and, frankly, to those who are advising the Speaker, that we're going down a road which is very dangerous.

Clearly, if there was an extended time, one could understand that. But adding two very short parenthetical phrases is, I think, Mr. Speaker, inconsistent with your previous rulings as to when you would not charge the time against Mr. MCGOVERN.

Again, Mr. Speaker, I understood that when Mr. HINOJOSA introduced himself as representing all of the Hispanic Caucus, when he objected to the underlying bill, that that might be perceived as a greater explanation than the Speaker would think warranted. But Mr. MEEKS' statement, following that immediately, was a simple declarative statement with two parenthetical phrases, not long in nature, explaining why he was objecting. It seems to me that's consistent with the rules and the position of the House.

The SPEAKER pro tempore. The Chair will continue to evaluate each individual declarative statement and make the judgment with regards to embellishment according to the previously announced standard.

Mr. MCGOVERN. Mr. Speaker, may I inquire as to how much time has been charged against us for these unanimous consent requests thus far?

The SPEAKER pro tempore. The gentleman from Massachusetts has been charged 2 minutes total.

#### PARLIAMENTARY INQUIRY

Mr. MCGOVERN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. MCGOVERN. Would it be in order for me to ask unanimous consent that the time that has been charged against us be restored?

Mr. SESSIONS. I object to that.

Mr. MCGOVERN. Mr. Speaker, further parliamentary inquiry. I didn't make the request yet.

The SPEAKER pro tempore. The gentleman may make his request.

Mr. MCGOVERN. I ask unanimous consent that the time charged against us be restored given the fact that we are operating under a closed rule on a very important piece of legislation where a lot of Members would like to be heard.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. SESSIONS. There is objection.

The SPEAKER pro tempore. Objection is heard.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. NOLAN) for a unanimous consent request.

Mr. NOLAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it violates a decade-old principle uniting urban and rural interests together in feeding hungry people.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts' time will be charged.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentlewoman from New Hampshire (Ms. KUSTER) for a unanimous consent request.

Ms. KUSTER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in very strong opposition to the farm bill rule and the underlying bill because veterans in my district, children and patriotic families all across America are hungry.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Hampshire?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentlewoman from California (Mrs. DAVIS) for a unanimous consent request.

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it increases hunger of our constituents throughout this great country of ours.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentlewoman from New York (Ms. VELÁZQUEZ) for a unanimous consent request.

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to this mean-spirited farm bill rule and the underlying bill because it takes food nutrition from those most vulnerable among us, our children.

Is this what compassionate conservatism is all about?

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts' time will be charged.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from Mississippi (Mr. THOMPSON) for a unanimous consent request.

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it increases hunger not only in my congressional district but hunger in all congressional districts in America.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. ANDREWS) for a unanimous consent request.

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it increases hunger in America.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. CICILLINE) for a unanimous consent request.

#### PARLIAMENTARY INQUIRY

Mr. CICILLINE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. CICILLINE. Mr. Speaker, is it the ruling of the Chair that if in stating my request for unanimous consent I state a single reason, it is not charged to the time of the gentleman from Massachusetts; if I state several reasons in the same sentence because I've cited multiple reasons for requesting unanimous consent, that it is charged, assuming I do it dispassionately, quietly?

The SPEAKER pro tempore. The Chair does not respond to hypotheticals.

Mr. CICILLINE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it increases hunger in America, hurts seniors, and hurts the working poor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts' time will be charged.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from California (Mr. HUFFMAN) for a unanimous consent request.

Mr. HUFFMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it hurts the working poor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from Missouri (Mr. CLEAVER) for a unanimous consent request.

Mr. CLEAVER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in opposition to the farm bill rule and the underlying bill because, Mr. Speaker, there is a five-decade symbiosis between urban America and the farm community.

I rarely come to this well for a lot of reasons—most of them are negative—because I didn't come to Congress to make an enemy. I came here to make a difference.

I'm not here, Mr. Speaker, trying to put politics above productive policy; ideology above the injured. I'm not here to form a division, but inclusion. I'm not here because I believe in capitulation, but in compromise.

I believe that this bill is doing enormous damage not only to the body politic, but to this Nation, and we, the elected leaders of the United States Congress—this is not some little club. We are the Congress of the United States of America, the most powerful Nation on this planet. We can take care of all of the people.

There are poor children in rural areas that I represent, and I will never turn my back on them and I will never turn my back on children in the urban core.

Mr. Speaker, I object to this bill because this bill is not just going to create tension among us but the people of this country who depend on us. They depend on us. It is not like they can go to an alternative body to redress their concerns. If we are about anything, it is about trying to take care of these people. That's why we're here.

I suffer from vertigo. The only way I can stop from wiggling around and fainting when I get dizzy with vertigo is to keep my eyes on something that doesn't move. I get frustrated and dizzy being in this body, and the only way I can stand up is to keep my eyes on something that doesn't move. And the thing that does not move are the people of the United States, particularly those who are hurting. They don't move. My mind is going to stay right there on people who don't move: the hurt, the wounded—even the will to be an American. We've got to make sure that we take care of everybody in this country, Mr. Speaker.

I will not, I shall not, I cannot be silent as we continue to divide the Nation, and then we think we're doing something good because we're able to say something nasty to somebody. The

people of this country deserve better. We deserve better.

I've never attacked people on the basis of their party or their ideology, and I won't do it. I will not do it. But I will not abandon what's right. I will not abandon the things that I keep my eyes on. I will not support this bill.

There are people in rural counties that I represent where Saline County, Missouri, a rural county, has greater poverty than Jackson County, where Kansas City sits.

This is not about trying to destroy some kind of system that we put in place to protect the rural areas. I'm concerned about the rural areas. I was born in Waxahachie, Texas.

My daddy sent my mother to college when I was in the eighth grade. I had never lived in a house with indoor plumbing until I was almost 8 years old. I lived in public housing. My daddy struggled. With a little help, my daddy sent four children through college. We moved out of public housing. My daddy lives in his own house right now in Wichita Falls, Texas.

All people are asking for, in some cases, is just a little help. Who can they turn to? I hope, I actually even pray, that it's the United States Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts' time will be charged.

#### PARLIAMENTARY INQUIRIES

Mr. RANGEL. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. RANGEL. Were the remarks of the gentleman from Missouri charged to the debate as it relates to the rule?

The SPEAKER pro tempore. The gentleman is correct.

Mr. RANGEL. And how long was that?

The SPEAKER pro tempore. The gentleman from Massachusetts' time was charged 4½ minutes.

Mr. MCGOVERN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MCGOVERN. So 4½ minutes total for all of the unanimous consent requests?

The SPEAKER pro tempore. The gentleman from Massachusetts was charged 7¼ minutes.

Mr. MCGOVERN. So 7¼ minutes have been charged to us for unanimous consent requests, notwithstanding the fact that we have a closed rule. I think everybody stayed within the limit maybe with a little bit of an exception.

I ask unanimous consent that our time be reinstated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. SESSIONS. There is objection.

The SPEAKER pro tempore. Objection is heard.

Mr. BISHOP of Georgia. Mr. Speaker, I would like to appeal the ruling of the Chair.

The SPEAKER pro tempore. There is no ruling before the House at this time.

□ 1030

Mr. HOYER. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Maryland is recognized.

Mr. HOYER. Mr. Speaker, would it be in order to move a motion that the time not be charged to Mr. MCGOVERN as the representative, the ranking member, of the Rules Committee, that a motion be in order that we could vote on? Would that be in order, Mr. Speaker?

The SPEAKER pro tempore. That is not an appropriate motion.

Mr. HOYER. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Maryland will state his parliamentary inquiry.

Mr. HOYER. I am reluctant to move something that the Speaker has advised is not available to us. On the other hand, this is an issue, under my parliamentary inquiry, I would ask my friend, the chairman of the Rules Committee, if he might reconsider his objection.

There are very strong feelings on this bill. This bill was not noted for consideration until last night. This bill comes to the floor with less than 12 hours' preparation; and while I understand the gentleman's view, it would seem not so much because it is the rule but because it is fair, there are strong, deeply held feelings on this bill, I would urge my friend to withdraw his objection. We're talking about probably 5, 6, 7, 8—I don't know how much time Mr. CLEAVER took—minutes, so we could have the full 30 minutes of debate on the rule itself. I would ask my friend if he would consider that.

Mr. SESSIONS. In fact, Mr. Speaker, I object. When I receive the time, I will offer an explanation.

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

To the gentleman, the minority whip, I would encourage him to please recognize that his request to me, as my dear friend, Mr. MCGOVERN, as we stated last night in the Rules Committee, I would encourage you to please offer me an opportunity to explain not just the position but what I believe is the intent of what we are attempting to do.

Mr. Speaker, in the vote that was held for the farm bill, 171 Republicans voted for it, 62 Republicans voted against it. For the farm bill, 24 Democrats voted for it, 172 Democrats voted

against it. This meant that the farm bill did not pass. It did not pass this body; and as a result of the significance of the underlying legislation of the farm bill that does include provisions related to SNAP, the Republican leadership, up to and including the Speaker of the House, the gentleman from Ohio; and the majority leader, the gentleman from Virginia, felt it was very important for this body to, as quickly as we returned, to offer a bill that could be passed. With the hope that it could be passed, an analysis of that bill was done; once again, remembering that only 24 Democrats helped to pass the previous bill.

We are attempting to then separate, bifurcate, offer today a rule and the underlying legislation which hopefully will pass which would go to conference. And the Senate, because they have passed their own farm bill, has included in provisions where they discuss SNAP. As a result of that, that will be included in their bill on a conference measure.

The House simply at this point, if we pass this part, could go to conference—could go to conference—and would be without resolution, would not have passed an amendment or a piece which would discuss it. So, in essence, my conferees, your conferees, our conferees, that would include the gentleman from Minnesota (Mr. PETERSON) as well as Mr. LUCAS from Oklahoma, would go to the conference without resolution from this body. That's all we're talking about. It's fully debatable under the conference. We simply would not have made a decision to change existing law. And the change in existing law would mean that the Senate conferees could stick to their position and hold the cut to \$4 billion, and we would not have a position to cut a penny.

I believe that this is an honest attempt to get us to go to—by passing part of the farm bill—to get to conference. And the tactics against that are simply to keep us from going to conference where we would show up with whatever we pass.

Now, if I have overstated this or understated this, I would encourage the minority whip to please engage me in a colloquy at this time, and I would yield to the gentleman on the substance of what I have spoken about to feel free to enlighten me, and for us to work through this very important issue.

I yield to the gentleman.

Mr. HOYER. I thank my friend for yielding.

First, let me say that this side of the aisle believes the passage of the farm bill is very, very important. It is important for our agricultural interests, for our farmers. We believe it's very important for those who are relying on nutritional programs and support from us. So we share the view and are strongly in favor of the view of passing a farm bill, number one, I tell my friend.

Secondly, I would tell the gentleman, as he well knows, the farm bill, for the past 2 years, has passed out of the committee with a majority of Democrats, and I think maybe unanimous, but certainly the overwhelming majority of Republicans. It passed out last year as a bipartisan bill. It was not brought to the floor. It was not brought to the floor, as the gentleman recalls, because of the controversies on your side, not our side, of the aisle.

Mr. PETERSON, to whom the gentleman referred and the ranking member of the committee, was in support of the farm bill. In fact, he indicated that he thought there would be sufficient Democrats, with Republicans, to pass the farm bill. Very frankly, as the gentleman articulated, you lost 62 votes on your side of the aisle, notwithstanding the fact that you adopted three amendments during the course of consideration of the farm bill that Mr. PETERSON advised would undercut his ability and the Democrats' ability to support the bill.

Very frankly, I tell my friend that what has happened, the farm bill was a bipartisan bill supported by a majority of the Democrats in the committee, as the gentleman knows, and by the ranking Democrat, Mr. PETERSON. It came to the floor, however, and that bipartisanship was undermined by the amendments that were adopted. I think that was to the knowledge of certainly Mr. LUCAS. I know that Mr. LUCAS knew that it was undermining it.

We now find ourselves in a position—and I understand what the gentleman has said trying to get to conference—where there was little or no discussion, certainly not with me, not with Leader PELOSI, about how we could move forward in creating a greater bipartisan coalition, while clearly recognizing there was opposition in your party and opposition in my party. So the way this could have passed in a constructive way, in my view, would have been had we reached a bipartisan compromise.

Unfortunately, as is too frequently the case, we have seen where we have gone to, in my perspective, an ultra-partisan resolution to try to pass this bill and presumably pick up a number of the 62; and you'll need a substantial number of the 62 because we don't believe, as you can tell, that this is a process that we can support. But it is unfortunate because the gentleman is correct, and I respect the gentleman's observation, it's important that we pass a farm bill. But for over half a century, we have passed a farm bill in a bipartisan fashion with consideration from the nutrition people in our country to make sure that those who are without food and are hungry would have food.

Mr. SESSIONS. Reclaiming my time, and I would encourage the gentleman to still stand.

We are now here at a point on the floor where we are, rightly or wrongly, attempting to be forthright and honest about what is in the bill and what our intents are. I would hope that the gentleman would recognize that what we have carefully done is excluded some extraneous pieces which might mean—excluded the things that would cause the bill to fail and would not allow us, because we come to no decision therein of the House, that we could not pass the final bill.

And what we're trying to do is take this to conference without any decision thereon. That is not an indication of a lack of willingness on the part of the Republican leadership or any of our Republican Members. It simply says we could not come to a decision at this point, and what we're trying to do is to move forward so we can get to conference.

The gentleman, I hope, does recognize that the Senate has spoken. Our conferees would be at the table and simply would not have a position that has been taken by this House. In no way would it mean it couldn't be discussed or could not be done.

So I would encourage the gentleman to understand then current law would prevail. The current law would prevail because we have come to no decision therein.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I urge every single Democrat and Republican to oppose this rule and to oppose this bill. This is a closed rule. Closed. No amendments. Closed.

And contrary to the claims by some, this bill is not identical to the bill we voted on a few weeks ago. The Republican majority has, in fact, dramatically changed this farm bill. This 608-page bill, introduced an hour before the Rules Committee met last night, has several major changes that we know about. I say "know about" because we really don't know what's in this bill, and we do not know how some of the changes will affect long-term farm policy.

Something new in this bill is the repeal of the 1949 permanent law. What does that mean? What impact will that language have on future farm policy? Who knows. There hasn't been a single hearing on this language; nor has there been a markup. Nothing. Nothing.

This bill also eliminates the entire nutrition title, which includes more than just food stamps. It includes monies for food banks, emergency food assistance, and food for our senior citizens. The whole title is gone.

Three weeks ago, the farm bill was defeated because Democrats were strongly opposed to the assault on nutrition programs. And, quite frankly, some right wing Republicans voted "no" because they oppose nearly all

government programs. Rather than trying to moderate the bill by working with Democrats, rather than compromising, Republican leaders have veered sharply to the right trying to win back the Republican Tea Partiers who voted "no." And the result of all of this is the bill before us.

Now, my question is: What were the right wingers in the Republican conference promised in order to change their votes from "no" to "yes"? What is the backroom deal that they have negotiated with the Republican leadership? How deep of a cut in the SNAP program were they promised?

Now, last night in the Rules Committee we were told there's nothing to worry about; that even though title IV was not included in this legislation, it is still conferenceable if the bill were to go to conference with the Senate. We were told that rather than the \$20.5 billion cut to SNAP that was in the House bill, that it was possible we could end up with the Senate-passed \$4.5 billion cut, or that we could end up with no cuts at all.

□ 1045

Does anybody believe that either of those two scenarios is likely or even possible—in this Congress?

I have great respect for the chairman of the Agriculture Committee, Mr. LUCAS; but I do not trust this Republican leadership.

I spent a great deal of time on this House floor during the debate on this bill a few weeks ago, and I heard Republican speaker after Republican speaker attack SNAP, attack poor people and diminish their struggle. We had nasty amendment after nasty amendment attached to the bill attacking the nutrition programs that benefit the most vulnerable in America. Some of the rhetoric that was spoken on this floor, quite frankly, was offensive.

And leading up to today's vote, I read with great interest the recent quotes from Republican Members, some who called for sunseting of the food stamp program, and some who called for deeper cuts in the program.

I just want to say, for the RECORD, to my friend from Texas, the 47 million people who are on SNAP are not extraneous. They are important. They are part of our community, and we should not diminish their struggle.

So let's be clear. This attempt to separate the nutrition title from the rest of the farm bill is all about gutting the nutrition title. It's all about going after Americans who are struggling in poverty. It's all about denying the working poor the right to food.

So when we're asked to trust Republican leaders, to give them the benefit of the doubt, I can't. Trust is something that is earned, and the behavior of this Republican House towards programs that help the working poor, the needy, and the vulnerable has been appalling.

Mr. Speaker, this is a bad bill. This is a bad process. It should be defeated.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I've represented my party and my leadership on the floor today in the most sincere way, with an opportunity for me to discuss with senior members, not just of the Rules Committee, but also of the Democratic leadership. And in no way, in no way, is the Republican Party trying to do anything more in this bill that's on here today other than to bifurcate and to pass pieces of legislation that then can go to conference. But we have to find a way to pass the bill.

I would remind my colleagues that 172 Democrats voted against the bill, then passing it to go to conference, and 171 Republicans voted for the bill and sending it to conference.

The height of, really, the work that we do is to gain a chance to have a product, in this case the farm bill, that can then go to conference. It's not hyperbole. It is an actual event that can happen. Because the Senate has done their work and finished their work, we are trying to do the same.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. RICHMOND) for a unanimous consent request.

Mr. RICHMOND. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it's sinful, it increases poverty in America, and it takes the food off the table of American families.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts' time will be charged.

#### POINT OF ORDER

Mr. HOYER. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. Does the gentleman make a point of order?

Mr. HOYER. I make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. HOYER. The point of order is that, in fact, consistent with your rulings today, that the gentleman's unanimous consent request was not any different, in substance or in length, than the unanimous consent requests that have been made on a number of occasions, and time was not charged. That is inconsistent. It is a subjective judgment, and I appeal the ruling of the Chair.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The decision on how and when a Member will be charged in debate is a

matter confined to the discretion of the Chair. However, the question of whether the form of a unanimous consent request is in order under the rules is a proper subject for a ruling from the Chair.

In the opinion of the Chair, it is not in order to embellish a unanimous consent request with debate. Remarks in the form of debate are charged to the Member yielding.

The request by the gentleman from Louisiana contained remarks in the nature of debate. The point of order is overruled.

Mr. HOYER. I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

#### MOTION TO TABLE

Mr. SESSIONS. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. HOYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 196, not voting 12, as follows:

[Roll No. 347]

#### AYES—226

Aderholt	Davis, Rodney	Hensarling
Alexander	Denham	Herrera Beutler
Amash	Dent	Holding
Amodei	DeSantis	Hudson
Bachmann	DesJarlais	Huelskamp
Bachus	Diaz-Balart	Huizenga (MI)
Barletta	Duffy	Hultgren
Barr	Duncan (SC)	Hurt
Barton	Duncan (TN)	Issa
Benishek	Ellmers	Jenkins
Bentivolio	Farenthold	Johnson (OH)
Billirakis	Fincher	Johnson, Sam
Bishop (UT)	Fitzpatrick	Jordan
Black	Fleischmann	Joyce
Blackburn	Fleming	Kelly (PA)
Bonner	Flores	King (IA)
Boustany	Forbes	King (NY)
Brady (TX)	Fortenberry	Kingston
Bridenstine	Fox	Kinzinger (IL)
Brooks (AL)	Franks (AZ)	Kline
Brooks (IN)	Frelinghuysen	Labrador
Buchanan	Gardner	LaMalfa
Bucshon	Garrett	Lamborn
Burgess	Gerlach	Lance
Calvert	Gibbs	Lankford
Camp	Gibson	Latham
Cantor	Gingrey (GA)	Latta
Capito	Gohmert	LoBiondo
Carter	Goodlatte	Long
Cassidy	Gosar	Lucas
Chabot	Gowdy	Luetkemeyer
Chaffetz	Granger	Lummis
Coble	Graves (GA)	Marchant
Coffman	Graves (MO)	Marino
Cole	Griffin (AR)	Massie
Collins (GA)	Griffith (VA)	McCarthy (CA)
Collins (NY)	Grimm	McCaul
Conaway	Guthrie	McClintock
Cook	Hall	McHenry
Cotton	Hanna	McKeon
Cramer	Harper	McKinley
Crawford	Harris	McMorris
Crenshaw	Hartzler	Rodgers
Culberson	Hastings (WA)	Meadows
Daines	Heck (NV)	Meehan

Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)

## NOES—196

Andrews  
Barber  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)

Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Scott, Austin  
Sensenbrenner  
Sessions  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stewart  
Stivers

Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (FL)  
Young (IN)

Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez

Broun (GA)  
Campbell  
Gutiérrez  
Holt

Visclosky  
Walz  
Wasserman  
Schultz  
Waters

## NOT VOTING—12

Horsford  
Hunter  
McCarthy (NY)  
Moran

Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

Negrete McLeod  
Rogers (MI)  
Schweikert  
Shimkus

## □ 1116

Ms. CHU and Ms. SPEIER changed their vote from “aye” to “no.”

Messrs. PERRY, SMITH of Missouri, GARDNER, WALBERG, GERLACH, SANFORD, WEBSTER of Florida, SMITH of Texas, WOODALL and DENHAM, and Ms. HERRERA BEUTLER changed their vote from “no” to “aye.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time I will insert in the RECORD the Statement of Administration Policy opposing this bill.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, July 10, 2013.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2642—FEDERAL AGRICULTURE REFORM AND RISK MANAGEMENT ACT OF 2013  
(Rep. Lucas, R-OK)

The Administration strongly opposes H.R. 2642, the Federal Agriculture Reform and Risk Management Act of 2013. Because the 608 page bill was made available only this evening, the Administration has had inadequate time to fully review the text of the bill. It is apparent, though, that the bill does not contain sufficient commodity and crop insurance reforms and does not invest in renewable energy, an important source of jobs and economic growth in rural communities across the country. Legislation as important as a Farm Bill should be constructed in a comprehensive approach that helps strengthen all aspects of the Nation. This bill also fails to reauthorize nutrition programs, which benefit millions of Americans—in rural, suburban and urban areas alike. The Supplemental Nutrition Assistance Program is a cornerstone of our Nation's food assistance safety net, and should not be left behind as the rest of the Farm Bill advances.

If the President were presented with H.R. 2642, his senior advisors would recommend that he veto the bill.

Mr. MCGOVERN. Mr. Speaker, at this time I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER), the distinguished ranking member of the Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, I want everybody who may be watching this or in earshot to understand that when the House of Representatives cannot pass a farm bill, we have reached a new low. The reverence in which we hold our farmers is so strong that the farm bill could almost be a part of the Pledge of Allegiance. I want

to point out to you that this is the second time that this House is going to likely not be able to pass a farm bill.

I know I don't have to point out to my constituents on both sides of the aisle that the SNAP program, the nutrition program, the school lunch program, the Meals on Wheels and what we do to feed people in this country is also a farm program because, believe it, people, that's where the food comes from. So when you take those programs away, you also hurt the farmers.

We had a pretty offensive attempt here about 3 weeks ago to defund the program. So I do not trust, I'm sorry to say, the majority with trying to do something about this bill. In fact, I'll make a prediction right now. If they decide to bring up the nutrition program as a freestanding bill or anything from the Agriculture Committee, there's not a chance anywhere—it's better stated that way—that that could possibly pass the House simply because we had a lot of explaining here this morning. We were told that the fact that the Republicans took the SNAP and the nutrition program out of it would not be construed by the American people as if they're opposed to feeding people, it's just that they thought it was a piece of extraneous matter that they could deal with maybe in this some other way.

What a tragedy that is for all of us to have to go back home and try to explain to the people that we represent that this House—the most dysfunctional House in history—spending \$25 million a week to operate the House of Representatives, that our biggest trick here is to pass a bill here that we know from the outset will never see the light of day. Almost all of them have Statements of Administration Policy that no way in the world would the President ever sign any kind of a bill like that.

Enough already. Enough. We've disgraced ourselves before the country. We have disgraced ourselves in front of the world. Now, we are raising a generation of children right now who have not been adequately—

The SPEAKER pro tempore (Mr. YODER). The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlewoman an additional 30 seconds.

Ms. SLAUGHTER. I will just end up this way: I've been here a while. I've never seen anything this dysfunctional. I really am embarrassed to say today that trying to feed people could be a reason why they would stop the farm bill—which, as I said, has been a bipartisan bill, has gone through like a hot knife through butter ever since we started doing farm bills in the United States. This is the lowest of the low. When we can't pass this, you know, ladies and gentlemen, they can't run the House.

Mr. SESSIONS. Mr. Speaker, I'm here to tell you that the opportunity

for the Rules Committee to put the bill on the floor, as we did several weeks ago, resulted in 172 Democrats voting against the bill, which meant that it did not make it out of the House, and that's why we're here today. We are here today because the bill did not pass. My party and our friends, the Democrats, did not supply enough votes to make sure that we move forward. And my party is here trying to make sure that we get a second shot at passing the farm bill, and that's what we intend to do.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, let me just say to the gentleman that the reason why we did not support the farm bill was because the farm bill that the Republicans put on the floor would throw 2 million of our fellow citizens off of the food stamp program. The price of the farm bill should not be to make more people hungry in America.

I yield 30 seconds to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I want to say to my friends, the reason the farm bill lost is because 62 of your people wouldn't support your Chairman LUCAS, who pleaded for their support. That's why the farm bill lost. Secondly, it lost because you adopted three amendments that undercut poor people in America. And so your response has been to abandon them altogether so you could get those votes back. Isn't that a shame.

The SPEAKER pro tempore. The gentleman is reminded to address his remarks to the Chair and not to other Members of the body in the second person.

Mr. SESSIONS. Mr. Speaker, as has previously been stated, it is the intent of the Republican leadership and this majority party to have a bill that will be available and ready that can pass on what might be considered the SNAP portions of this farm bill.

What we're trying to do today is to pass this bill on the farm portions. And it is a fair opportunity to take up the bill exactly as we were several weeks ago on debate, on the rule, and on the things which passed this House for the will of the House to have its say. That is what we're attempting to do today.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent to include in this bill a straight reauthorization of the SNAP program without any cuts; current policy, which would be the same language as the chairman of the Rules Committee has promised would be included in the final product.

The SPEAKER pro tempore. Does the gentleman from Texas yield for such unanimous consent?

Mr. SESSIONS. I would not yield for that purpose.

Mr. MCGOVERN. Mr. Speaker, at this point, it's my privilege to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and for his tremendous leadership on behalf of feeding the American people. It seems a very fundamental thing, Biblical in nature, family-wise, and a very important priority for all of us—except maybe not in this House of Representatives.

I want to thank Congresswoman DELAURO for her relentless, persistent advocacy to feed the hungry in our country.

But I rise today—and I've thanked them over and over again—to once again thank the Congressional Black Caucus. When they came to the floor today to speak in the manner that they did against this legislation and for values that our country shares about being a community, they spoke not just for the Congressional Black Caucus and for their constituents, they spoke for America.

They have fought this fight over and over again. The inference to be drawn from their leadership on this is not that the black community is a community that benefits from food stamps. Some people in the community do. Overwhelmingly, there are people in your districts in rural America, there are people in rural America who really need us to pass this legislation. You are taking food out of the mouths of your own poor constituents.

Poverty in America—poverty—I'm saying the word on the floor of the House: poverty, poverty, poverty. Poverty in America seems to be a word that people get nervous about. Poverty in America among our children is something shameful, but it is a reality. It has an impact on children to have the uncertainty in their lives that poverty brings. And when that poverty says to those children, one in four of you are going to sleep hungry tonight, that's just wrong, and it's wrong for America. It is not consistent with our values. It does not represent the sense of community that makes America strong and that makes America great.

So to MARCIA FUDGE, the distinguished chair of the Caucus, to Mr. CLEAVER, the former chair, to Mr. CLYBURN, our distinguished assistant leader, to all of my colleagues in the CBC—and a champion on the poverty issue, Congresswoman BARBARA LEE—I could name all of you because you've all been out there on the forefront of this.

Our democracy is as strong as we are as a people. The middle class is the backbone of America. The aspirations of Americans to become part of the middle class is what we should be addressing in Congress. And what are we doing? One hundred ninety days we've been in this session and no jobs bill yet.

The leadership of the Republican Party says they want regular order. They want regular order. They passed a budget bill. Over 3 months ago, the

Senate passed a budget. The regular order would be to go to conference, get rid of the sequester, and to proceed with a bill that invests in America—Mr. HOYER's Make It in America, invest in innovation in America, build the infrastructure of America, create jobs, and to do so in a way that builds community, strengthens the middle class, and grows our economy with jobs.

The distinguished leadership of this Republican Party in the House said they want regular order and they have respect for their committees. Well, the Agriculture Committee, in a bipartisan way, passed a bill out of the committee.

□ 1130

I didn't like the bill. It wouldn't have been a bill I would have written. When Republicans had the leadership, Democrats cooperated, and a bipartisan bill came out of committee.

The rumor was—and I guess it was just a rumor, but it floated—that then it would respect that bill. If they could come out with a bipartisan bill, it would be taken up on the floor.

The bill that we have here—as little we know about it because it emerged in the middle of the night—bears no resemblance to the bill that came out of committee. Actions of the Republican leadership have been disrespectful to the committee process, so don't hand us the regular order argument.

The audacity to split off the nutrition parts of this bill is so stunning it would be shocking, except this is a "House of shocks." I would say it is one of the worst things you have done, but there is such stiff competition for that honor that I can't really fully say that.

But when you take food out of the mouths of babies and you prevent a bill from going forth that addresses our food banks and our nutrition needs and the rest for our country, what are you thinking? Or are you thinking—or are you thinking?

I thank you, CBC, for your leadership on this. I thank you, JIM MCGOVERN and ROSA DELAURO, and all of you, because this is a fight that you are making for every person in America to live in a country of values, of values that include our faith. Our faith tells us that to minister to the needs of God's creation is an act of worship; to ignore those needs, as this bill does, is to dishonor the God who made us.

This is very wrong. This, even in this place, crosses a threshold that we should never go past—should never go past. This is totally out of the question.

I am a mom. One of the reasons I am involved in politics is I see this as an extension of my role as a mother of five kids, and now many grandchildren. God blessed us. But what drove me to this was that I saw all that my kids



had, all the opportunity, all the love, all the concern, all of the rest of it; and I thought the best thing that we could all do is to make sure that our children, for their own welfare, grew up in a country where all of America's children were treated with respect as we meet their needs. That's just not happening here today.

I call upon our friends in the faith community, and they are here on this issue, as well as most of the farmers groups and all the rest. There is nobody—there is nobody outside this body who supports this bill who cares about the values that we all profess to have within these walls.

Again, taking food out of the mouths of babies, that's a good policy? I don't think so. Vote "no" on this rule.

The SPEAKER pro tempore. Members are again reminded to address their remarks to the Chair and not to other Members of the body.

Mr. SESSIONS. Mr. Speaker, the opportunity, once again, as I stated at the very top of this rule that we began several hours ago, is that the Republican leadership and the Republican membership have great respect for men and women who have fallen on hard times. We have great respect for the millions of people who have lost their jobs and continue to lose their jobs—full-time jobs that have gone to part-time jobs. We recognize that our country is facing very difficult times and more difficult each and every day.

It is our hope through this bill, and a following opportunity, to make sure that the entire piece parts of the will of this body go directly to the conference and meet with the Senate. That is what we are attempting to do today. For Members to ensure that we get to a conference with a complete part of this bill, that is why we are here today and will be here in the immediate future.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I would like to insert into the RECORD a letter from Bob Stallman, the president of the American Farm Bureau Federation, in opposition to this bill.

AMERICAN FARM BUREAU FEDERATION,  
Washington, DC, July 11, 2013.

Hon. \* \* \*,  
House of Representatives,  
Washington, DC.

DEAR REP. \* \* \*: The American Farm Bureau Federation is our nation's largest general farm organization, representing more than 6 million member families in all 50 states and Puerto Rico. Our members represent the grassroots farmers and ranchers who produce the wide range of food and fiber crops for our customers here and around the world. To achieve this, farmers and ranchers depend on the variety of programs such as risk management, conservation, credit and rural development contained in H.R. 2642 that is scheduled to be voted on by the full House today.

Last night the House Rules Committee approved the rule for considering H.R. 2642, which also includes separating the nutrition

title from the remaining provisions of H.R. 1947, a complete farm bill that was reported out of the House Agriculture Committee by a 36-10 bipartisan vote.

We are very disappointed in this action. The "marriage" between the nutrition and farm communities and our constituents in developing and adopting comprehensive farm legislation has been an effective, balanced arrangement for decades that has worked to ensure all Americans and the nation benefits. In spite of reports to the contrary, this broad food and farm coalition continues to hold strong against partisan politics. In fact, last week, more than 530 groups representing the farm, conservation, credit, rural development and forestry industries urged the House to not split the bill. Similar communications were relayed from the nutrition community. Yet today, in spite of the broad-based bipartisan support for keeping the farm bill intact, you will vote on an approach that seeks to affect a divorce of this longstanding partnership. It is frustrating to our members that this broad coalition of support for passage of a complete farm bill appears to have been pushed aside in favor of interests that have no real stake in this farm bill, the economic vitality and jobs agriculture provides or the customers farmers and ranchers serve.

We are quite concerned that without a workable nutrition title, it will prove to be nearly impossible to adopt a bill that can be successfully conferenced with the Senate's version, approved by both the House and Senate and signed by the President.

We are also very much opposed to the repeal of permanent law contained in H.R. 2642. This provision received absolutely no discussion in any of the process leading up to the passage of the bill out of either the House or Senate Agriculture Committees. To replace permanent law governing agricultural programs without hearing from so much as a single witness on what that law should be replaced with is not how good policy is developed.

As recently as last December, the threat of reverting to permanent law was the critical element that forced Congress to pass an extension of the current farm bill when it proved impossible to complete action on the new five-year farm bill—an action that not only provided important safety net programs for this year, it ensured Congress would have time this year to consider comprehensive reforms that contribute billions to deficit reduction.

We urge you to oppose the rule as well to vote against final passage of this attempt to split the farm bill and end permanent law provisions for agriculture.

Sincerely,

BOB STALLMAN,  
President.

Mr. MCGOVERN. At this time, I would like to yield 3 minutes to a leader on this issue, the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, a vote for this bill is a vote to end nutrition programs in America. Members on the other side of the aisle have already expressed that this morning. Imagine referring to the nutrition title of the farm bill as extraneous—extraneous. Dealing with hunger, dealing with people who have fallen on those hard times, dealing with their food insecurity and their being hungry and kids going to bed hungry every night in this

Nation is extraneous. But that says it all. That tells you where their values are.

Before we consider the content of this legislation, take a minute to review what just has happened. Shortly before 8 p.m. last night, the majority posted a 608-page bill online and announced a meeting at 9 to consider the bill. The majority violated their own rule of allowing at least 3 days to review legislation before a vote.

I have a copy of the bill right here. This is the bill—608 pages. Have my colleagues read all of the 608 pages? Have they taken the time to know what is in it? Do they understand that in 2014, in fact, that what they have done adds to the deficit? No.

Instead, we are recklessly pushing forward this partisan bill designed to inflict great harm. And even more pernicious is the substance of this bill, which throws millions of American families aside. This removes the entire nutrition title from the farm bill with no indication that the majority intends to take up those programs in the near future.

Let's be clear about what this means. Food stamps are the critical central strand of our social safety net—our country's most important effort to deal with hunger—helping over 47 million Americans; nearly half of them are children; 99 percent of recipients live below the poverty line; and 75 percent of households receiving this aid include a child, a senior citizen, or an individual with a disability. These are the individuals and the people that this Republican majority has just called extraneous. They are not extraneous.

The bill before us would mean the death knell of the food stamp program and the other nutrition programs that have been part of the farm bill for decades. This bill is immoral, and it is a serious risk to our society.

532 farm groups sent the Speaker a letter opposing the splitting off of nutrition programs. Bishop Stockton and other religious leaders wrote a letter calling food stamps "one of the most effective and important Federal programs to combat hunger in the Nation," and "a crucial part of the farm bill," relieving "pressure on overwhelmed parishes, charities, food banks, pantries, and other emergency food providers." Yet this bill provides the way to gut the food stamp program.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. Mr. Speaker, I yield the gentlelady an additional 15 seconds.

Ms. DELAURO. Historically, the farm bill has been a safety net for farmers and families. It has enjoyed bipartisan support up until now until this majority has rent that support asunder.

A vote for this bill is a vote to end nutrition programs in America, to



break the longstanding bipartisan compact that the farm bill represented for decades. It takes food out of the mouths of hungry children, seniors, veterans, and the disabled. It is immoral. These people are not extras.

I urge my colleagues to reject this bill.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Members are reminded to confine their remarks to the time allocated to them.

Mr. SESSIONS. Mr. Speaker, last night we had the chairman of the Agriculture Committee, Mr. LUCAS, who approached the committee and said he would like for us to consider this bill on farm bill portions. He indicated that he would follow up and had every intent to follow up with a companion part, the separation of these, which would be the SNAP portions.

Today, we are attempting to offer the bill on the farm policy, and we are doing that. We intend to be able to put these items together and move them forward. I have great confidence, not only in Mr. LUCAS, but also in every Member of this body who understands firsthand that women and children and those who have fallen on hard times do need the SNAP program. We intend to make sure that that is properly taken care of.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I would like to yield to the gentleman from Rhode Island (Mr. LANGEVIN) for a unanimous consent request.

Mr. LANGEVIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in opposition to the rule and the underlying bill, which cuts off nutrition assistance to millions of Americans, including thousands of Rhode Islanders.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. LANGEVIN. Mr. Speaker, I rise today in opposition to the rule; and to the total elimination of funding for the Supplemental Nutrition Assistance Program (SNAP) in the underlying Farm Bill.

Three weeks ago, the House voted down the Republican-led Farm Bill, rejecting its draconian cuts to SNAP as unnecessarily harmful. The bill before us today contains virtually the same farm provisions, only this time it omits any and all funding for nutrition assistance. Splitting agricultural and nutrition policy sets a terrible precedent. In fact, over 500 agricultural groups oppose this bill, as do environmental and animal welfare advocates.

In the wealthiest nation in human history, it is unconscionable that every American cannot afford life's basic necessities. SNAP helps millions of Americans living in poverty put food on the table. Eighty percent of the households receiving SNAP earn below the federal poverty level, making it a vital form of assistance for working families.

Last month, I proudly joined a group of my Democratic colleagues in taking the SNAP challenge, a commitment to living on no more than \$4.50 in daily food costs. Every member of Congress should experience what it's like to subsist on such a paltry sum and should understand the impact of the decisions we make on the lives of the constituents we represent.

When we take food off of the plates of hungry children, we have a moral obligation to fully comprehend the consequences of those actions. Under this bill, thousands of Rhode Island families will see their SNAP benefits evaporate. This isn't a solution; it's a bait and switch that I cannot support.

I urge my colleagues to oppose this rule and reject the underlying bill.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from Michigan (Mr. KILDEE) for a unanimous consent request.

Mr. KILDEE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it hurts America's children.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT) for a unanimous consent request.

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and underlying bill because it takes food and nutrition from working families and veterans and seniors and children and the disabled and many others in need.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts' time will be charged.

#### PARLIAMENTARY INQUIRY

Ms. EDWARDS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Ms. EDWARDS. Mr. Speaker, I wonder if you could tell us whether it would be in order to allow the majority to amend the underlying bill that provides for agricultural subsidies to prohibit Members of Congress who receive financial benefits payments and taxpayer subsidies from the underlying legislation from actually voting on the legislation from which they directly profit financially? Would that be in order for the majority to amend the bill for that purpose?

The SPEAKER pro tempore. The majority manager is in charge of the pending resolution.

Ms. EDWARDS. Mr. Speaker, I have a further parliamentary inquiry.

Would it be appropriate to ask the majority to make an amendment to

the bill to prohibit Members who receive taxpayer subsidies from benefiting financially and to prohibit them from voting on the underlying legislation from which they profit financially?

The SPEAKER pro tempore. The Chair cannot speculate, but the majority manager may yield for an amendment to the resolution.

Mr. SESSIONS. Mr. Speaker, I continue to reserve my time.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to a great leader on issues dealing with poverty and hunger, the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, I rise in very strong opposition to this rule and the underlying Republican bill.

The partisan bill before us is an abomination and shows just how out of touch, out of control, this extreme Tea Party-controlled Congress is. I can't say, though, that I am surprised. I am sad to say that this House has reached a very shameful new low.

This bill also violates decades of bipartisan support for a delicate balance between America's nutrition programs, farm conservation, and other priorities. This partisan bill also fails to reauthorize nutrition programs, which benefit millions of Americans in rural and urban areas across our country. The Supplemental Nutrition Assistance Program is our Nation's first line of defense against hunger and among the most effective forms of economic stimulus.

Republicans say they want to decrease poverty and hunger—I hear this all the time on our committees—yet they do just the opposite.

□ 1145

Be assured this bill will increase poverty and hunger. It is a moral disgrace. Nobody wants this Republican bill to move forward—not the 532 companies and organizations from every congressional district that have urged this Congress to not break apart the farm bill, not the administration which issued a veto threat last night, and certainly not the millions of low-income and poor people and working families with children and seniors who continue to struggle from the impact of the Great Recession.

Enough is enough. This is un-American. It's a shame and a disgrace. It's not only on days that we worship that we must remember to do unto others as you would have them do unto you.

Mr. SESSIONS. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from Indiana (Mr. STUTZMAN).

Mr. STUTZMAN. Thank you, Chairman SESSIONS, for yielding, and thank you for all of the hard work that you do in the Rules Committee.

Mr. Speaker, I am a farmer. I love to farm. It's in my blood. I farmed before

I came to Congress, and I'll farm when I leave.

So, as a fourth-generation farmer, today I rise to say we have an historic opportunity to legislate responsibly and reform prudently when it comes to farm policy and food stamp policy. We, together, can defeat business as usual in Washington, D.C. For the first time in 40 years of farm policy, the House has an opportunity to enact landmark reform in ag policy and to separate the farm bill. Because of policy dating back to the Carter administration, 80 percent of the last trillion-dollar farm bill went to food stamps. I don't believe that's right, and as a farmer, I can tell you it doesn't serve farmers well. Believe it or not, it doesn't serve the needs of those who need help in this country either.

A year ago, I began to call on Congress to separate the farm bill. Our goal has been to reform ag and food stamp policy so that they can really help the folks they were intended to help. Farm policy and food stamp policy should not be mixed. They should stand on their own merits. As Congress immorally sinks our country into debt by \$17 trillion, taxpayers deserve an honest conversation in order to find solutions to help Americans who really need help.

Together, we can get this done and pass the first farm-only farm bill in 40 years. Today, we can pass a bill that sends a clear message that the days of deceptively named budget-busting bills are over. By splitting the bill, we can give taxpayers an honest look at how Washington spends our money. We've made progress by eliminating direct payments, but there is more work ahead, so splitting the farm bill is the next logical step on the path to real reform in farm policy and in helping those who genuinely need help.

I am proud to vote for this legislation, and I thank all of those who put such hard work into it. As a fourth-generation farmer, I am proud to vote for the first farm-only farm bill in 40 years.

#### PARLIAMENTARY INQUIRY

Mr. CICILLINE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. CICILLINE. Is it proper to offer an amendment at this time or at some future time on the underlying bill that would preclude Members of Congress who receive financial benefits, payments, or subsidies from the underlying legislation from voting on this bill from which they directly profit financially?

The SPEAKER pro tempore. An amendment to the rule may only be offered if the majority manager yields for such purpose.

Mr. CICILLINE. I ask the majority manager if he would yield for such an amendment.

Mr. SESSIONS. All time yielded is for the purpose of debate only, and I will not yield for that purpose.

Mr. CICILLINE. Will the gentleman yield for a question?

Mr. SESSIONS. I do not know that the gentleman has been yielded that time by his manager.

The SPEAKER pro tempore. The gentleman from Texas has reserved, and the gentleman from Massachusetts is recognized.

Mr. MCGOVERN. Mr. Speaker, I submit for the RECORD a statement from the Club for Growth which is in opposition to this bill and which indicates they will score this vote.

#### KEY VOTE ALERT—"NO" ON "FARM ONLY" BILL (H.R. )

The Club for Growth strongly opposes the "Farm-Only" bill and urges all House members to oppose it. We believe floor consideration of the bill could happen as early as this week. The vote on final passage will be included in the Club's 2013 Congressional Scorecard.

Breaking up the unholy alliance between agricultural policy and the food stamp program within the traditional farm bill is an excellent decision on behalf of House leadership. However, the whole purpose of splitting up the bill is to enact true reform that reduces the size and scope of government. Sadly, this "farm-only" bill does not do that, especially under an anticipated closed rule. It is still loaded down with market-distorting giveaways to special interests with no path established to remove the government's involvement in the agriculture industry.

Worse, we highly suspect that this whole process is a "rope-a-dope" exercise. We think House leadership is splitting up the farm bill only as a means to get to conference with the Senate where a bicameral backroom deal will reassemble the commodity and food stamp titles, leaving us back where we started. Unless our suspicions are proven unwarranted, we will continue to oppose this bill.

Our Congressional Scorecard for the 113th Congress provides a comprehensive rating of how well or how poorly each member of Congress supports pro-growth, free-market policies and will be distributed to our members and to the public.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. The only thing that this House will do when it votes today is defeat starving children. It will again put starving children in the abyss of the uncaring attitude of my friends who for the first time in decades are separating the heart line of the farm bill—the nutrition program, the Supplemental Nutrition Assistance Program, the food stamps program.

I am glad to stand with the Democratic Caucus and the Congressional Black Caucus and others to be able to say that hunger is silent. There are no children at that microphone on this floor today, standing over here, telling you that their bellies are protruding because they have not eaten. There is no one on this floor today who goes to a summer program and who did not eat

because the breakfast program is tied to the school, and they are out of school, and summer brings about hunger. There is no one who has told you that families have an extra \$300 bill in the summertime to feed their children, and for those who do not have it, no one has told you that the lack of protein in a diet leads to the disease and decay of teeth and bone for the very children that we say are the priority of this place.

In decades, you have never separated the Supplemental Nutrition Assistance Program—a \$20 billion cut, a \$3 billion cut, making it \$23 billion in cuts. You will never put that on the floor. You will slide it through because all the folks want is a piece of a sound bite at home to say they believe in deficit reduction.

I believe in the life of the children. I believe in growing our children. Vote "no."

The SPEAKER pro tempore. The time of the gentlewoman has expired. The gentlewoman from Texas is out of order. The gentlewoman from Texas is reminded to address her remarks to the Chair and not to other Members of the body. Members are reminded to confine their remarks to the time allotted to them.

Mr. SESSIONS. I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Indiana (Mr. STUTZMAN), who is a farmer, very clearly, I believe, spoke about the intent of this bill, and that is that we are going to talk about farm policy.

There are revisions and changes that update not only Federal farm policy, but they are done on a bipartisan basis. The gentlemen on both sides of the aisle—the ranking member and the chairman of the Agriculture Committee—have worked very closely on this, and I believe that what is on the floor today offers an opportunity to debate that and to see if we can pass it. That's what we are trying to do.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I am proud to yield 1½ minutes to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE. Mr. Speaker, apparently, it was not enough for the House majority to decimate the nutrition title the last time we considered the farm bill a few weeks ago with the \$20 billion cut. When they couldn't get the majority of Republicans to vote for it because it just wasn't cut enough, they just eliminated the entire nutrition title—the Supplemental Nutrition Assistance Program, the Emergency Food Assistance Program, the Commodity Supplemental Food Program. These are fancy names and acronyms for the programs that allow seniors, young children, and the disabled to stock their food pantries. I can't wrap my mind around the shameful nature of this moment, a moment when we are moving forward with the farm bill and leaving

behind 47 million of our Nation's hungry.

Now, it has been asserted, Mr. Speaker, that the House leadership is not attempting to starve vulnerable families but merely wants to expedite the passage of the all-important agricultural components of the bill by removing the extraneous nutrition title. Since 1965, we have reauthorized our antihunger programs alongside our agriculture-related policies in a marriage; but at this moment, the House has filed for divorce, and the primary breadwinner is abandoning two-thirds of the family, consisting of children—young, babies—the elderly, and the disabled. H.R. 2642 is a deadbeat majority's proposal to avoid child support, elderly subsidies, and food assistance to the disabled of 47 million people.

What kind of message are we sending with the passage of this bill? We are telling our Nation's hungry that Congress is willing to turn a blind eye and that food is an extraneous concern of the Congress.

Mr. SESSIONS. I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentlelady from the Virgin Islands (Mrs. CHRISTENSEN) for the purpose of a unanimous consent request.

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on behalf of the people of the Virgin Islands in strong opposition to this farm bill. It hurts children and families in our country.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentlelady from Florida (Ms. FRANKEL) for the purpose of a unanimous consent request.

Ms. FRANKEL of Florida. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to this farm bill rule and underlying bill because it cruelly takes food away from poor children, the elderly, and the disabled.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts' time will be charged.

Mr. MCGOVERN. I yield to the gentleman from New York (Mr. CROWLEY) for a unanimous consent request.

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it increases hunger in our country.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts' time will be charged.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. CARTWRIGHT) for the purpose of a unanimous consent request.

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to this farm bill rule and the underlying bill because it increases hunger in America, and it punishes all of those who rely on the SNAP program in this country.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GOHMERT. Mr. Speaker, I object. I can't agree to a unanimous consent that this increases hunger in America.

The SPEAKER pro tempore. The gentleman from Texas is not recognized for the purpose of debate.

Objection to the gentleman from Pennsylvania's request was heard.

#### PARLIAMENTARY INQUIRY

Mr. WATT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. WATT. Whose time got charged with the last two unanimous consent requests? Both were one sentence, and you're saying they were charged.

The SPEAKER pro tempore. The gentleman from Massachusetts' time has been charged.

Mr. WATT. Would the Speaker explain to the House why that is the case.

The SPEAKER pro tempore. Any request that is accompanied by remarks that are in the nature of debate is charged, not the unanimous consent request itself, but the remarks that follow the unanimous consent request that are in the nature of debate.

Mr. WATT. Mr. Speaker, I object to that ruling, and I would ask the Speaker to reverse it.

The SPEAKER pro tempore. There is no ruling pending at this time. There is nothing for the gentleman to object formally to.

Mr. WATT. Mr. Speaker, I move that the time of the two previous speakers who asked for unanimous consent not be charged to the time of the gentleman from Massachusetts.

The SPEAKER pro tempore. The gentleman's motion is not in order. There is no motion that can achieve that end.

Mr. WATT. I ask unanimous consent to restore the time to the gentleman from Massachusetts (Mr. MCGOVERN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. GOHMERT. Objection.

Mr. SESSIONS. I am not yielding for that purpose.

#### MOTION TO ADJOURN

Ms. FUDGE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. FUDGE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 138, nays 265, not voting 31, as follows:

[Roll No. 348]

#### YEAS—138

Andrews	Grayson	Pallone
Bass	Green, Al	Pascarell
Beatty	Gutiérrez	Payne
Bishop (GA)	Hahn	Peterson
Blumenauer	Hanabusa	Pingree (ME)
Brady (PA)	Hastings (FL)	Pocan
Brown (FL)	Heck (WA)	Price (NC)
Brownley (CA)	Higgins	Quigley
Butterfield	Himes	Rangel
Capps	Hinojosa	Richmond
Capuano	Honda	Roybal-Allard
Cárdenas	Hoyer	Ruiz
Carson (IN)	Israel	Ruppersberger
Cartwright	Jackson Lee	Sánchez, Linda
Castor (FL)	Jeffries	T.
Castro (TX)	Johnson, E. B.	Sarbanes
Chu	Kaptur	Schakowsky
Cicilline	Kelly (IL)	Schiff
Clarke	Kennedy	Schrader
Clay	Kildee	Schwartz
Cleaver	Langevin	Scott (VA)
Clyburn	Larsen (WA)	Scott, David
Cohen	Larson (CT)	Serrano
Connolly	Lee (CA)	Sewell (AL)
Conyers	Levin	Shea-Porter
Cooper	Lewis	Slaughter
Costa	Lofgren	Smith (WA)
Crowley	Lowenthal	Speier
Cummings	Lowey	Swalwell (CA)
Davis (CA)	Lujan Grisham	Takano
Davis, Danny	(NM)	Thompson (MS)
Delaney	Luján, Ben Ray	Titus
DeLauro	(NM)	Tsongas
DelBene	Maloney,	Van Hollen
Deutch	Carolyn	Vargas
Dingell	Maloney, Sean	Veasey
Doggett	Matsui	Velázquez
Doyle	McDermott	Visclosky
Edwards	McGovern	Walz
Ellison	McNerney	Wasserman
Engel	Meng	Schultz
Eshoo	Miller, George	Walters
Farr	Moore	Watt
Fattah	Moran	Waxman
Foster	Nadler	Welch
Frankel (FL)	Napolitano	Wilson (FL)
Fudge	Neal	Yarmuth
Garamendi	Nolan	

#### NAYS—265

Aderholt	Cantor	Duncan (TN)
Alexander	Capito	Ellmers
Amash	Carney	Enyart
Amodei	Carter	Esty
Bachmann	Cassidy	Farenthold
Bachus	Chabot	Fincher
Barber	Chaffetz	Fitzpatrick
Barletta	Coble	Fleischmann
Barr	Coffman	Fleming
Barrow (GA)	Collins (GA)	Flores
Barton	Collins (NY)	Forbes
Benishek	Conaway	Fortenberry
Bentivolio	Cook	Foxx
Bera (CA)	Cotton	Franks (AZ)
Bishop (NY)	Courtney	Frelinghuysen
Black	Cramer	Gabbard
Blackburn	Crawford	Gallego
Bonamici	Crenshaw	Garcia
Bonner	Cuellar	Gardner
Boustany	Culberson	Garrett
Brady (TX)	Daines	Gerlach
Braley (IA)	Davis, Rodney	Gibbs
Bridenstine	DeGette	Gibson
Brooks (AL)	Denham	Gohmert
Brooks (IN)	Dent	Goodlatte
Buchanan	DeSantis	Gowdy
Bucshon	DesJarlais	Granger
Burgess	Diaz-Balart	Graves (GA)
Bustos	Duckworth	Graves (MO)
Calvert	Duffy	Green, Gene
Camp	Duncan (SC)	Griffin (AR)

Griffith (VA)	McIntyre	Rothfus
Grimm	McKeon	Royce
Guthrie	McKinley	Runyan
Hall	McMorris	Ryan (OH)
Hanna	Rodgers	Ryan (WI)
Harper	Meadows	Salmon
Harris	Meehan	Sanchez, Loretta
Hastings (WA)	Messer	Sanford
Heck (NV)	Mica	Scalise
Hensarling	Michaud	Schneider
Herrera Beutler	Miller (FL)	Schock
Holding	Miller (MI)	Scott, Austin
Hudson	Miller, Gary	Sensenbrenner
Huelskamp	Mullin	Sessions
Huffman	Mulvaney	Sherman
Huizenga (MI)	Murphy (FL)	Shuster
Hultgren	Murphy (PA)	Simpson
Hurt	Neugebauer	Sinema
Issa	Noem	Smith (MO)
Jenkins	Nugent	Smith (NE)
Johnson, Sam	Nunes	Smith (TX)
Jones	Nunnelee	Southerland
Jordan	Olson	Stewart
Joyce	Owens	Stivers
Keating	Palazzo	Stockman
Kelly (PA)	Pastor (AZ)	Stutzman
Kilmer	Paulsen	Terry
Kind	Pearce	Thompson (CA)
King (NY)	Perlmutter	Thompson (PA)
Kingston	Perry	Thornberry
Kinzinger (IL)	Peters (CA)	Tiberi
Kline	Peters (MI)	Tierney
Kuster	Petri	Tipton
Labrador	Pittenger	Turner
LaMalfa	Pitts	Upton
Lamborn	Poe (TX)	Valadao
Lance	Polis	Vela
Lankford	Pompeo	Wagner
Latham	Posey	Walberg
Latta	Price (GA)	Walden
Lipinski	Radel	Walorski
LoBiondo	Rahall	Weber (TX)
Loeback	Reed	Webster (FL)
Long	Reichert	Wenstrup
Lucas	Renacci	Westmoreland
Luetkemeyer	Ribble	Whitfield
Lummis	Rice (SC)	Williams
Lynch	Rigell	Wilson (SC)
Maffei	Roby	Wittman
Marchant	Roe (TN)	Wolf
Marino	Rogers (AL)	Womack
Massie	Rogers (KY)	Woodall
Matheson	Rohrabacher	Yoder
McCarthy (CA)	Rokita	Yoho
McCaul	Rooney	Young (AK)
McClintock	Ros-Lehtinen	Young (FL)
McCollum	Roskam	Young (IN)
McHenry	Ross	

## NOT VOTING—31

Becerra	Holt	O'Rourke
Billirakis	Horsford	Pelosi
Bishop (UT)	Hunter	Rogers (MI)
Broun (GA)	Johnson (GA)	Rush
Campbell	Johnson (OH)	Schweikert
Cole	King (IA)	Shimkus
DeFazio	Kirkpatrick	Sires
Gingrey (GA)	Markley	Smith (NJ)
Gosar	McCarthy (NY)	Tonko
Grijalva	Meeke	
Hartzler	Negrete McLeod	

□ 1220

Messrs. PETRI and GOWDY changed their vote from "yea" to "nay."

Ms. KAPTUR, Mrs. NAPOLITANO, Mr. YARMUTH and Mrs. LOWEY changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. TONKO. Mr. Speaker, on rollcall No. 348 I was unavoidably absent. Had I been present, I would have voted "no."

Mr. BILIRAKIS. Mr. Speaker, on Thursday, July 11, 2013, I missed rollcall vote No. 348 for unavoidable reasons. Had I been present,

I would have voted as follows: rollcall No. 348: "nay" (on motion to adjourn).

Mrs. HARTZLER. Mr. Speaker, on Thursday, July 11, 2013, I was unable to vote. Had I been present, I would have voted as follows: On rollcall No. 348, "nay."

Mr. COLE. Mr. Speaker, on July 11, 2013, I was unavoidably detained and was not present for rollcall vote number 348. Had I been present, I would have voted "no."

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 251. An act to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system of the South Utah Valley Electric Service District, and for other purposes.

H.R. 254. An act to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project.

The message also announced that the Senate agreed to the amendment of the House to a Senate amendment on a bill of the House of the following title:

H.R. 588. An act to provide for donor contribution acknowledgements to be displayed at the Vietnam Veterans Memorial Visitor Center, and for other purposes.

## PROVIDING FOR CONSIDERATION OF H.R. 2642, FEDERAL AGRICULTURE REFORM AND RISK MANAGEMENT ACT OF 2013

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentlewoman from Oregon (Ms. BONAMICI) for a unanimous consent request.

Ms. BONAMICI. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it will increase hunger in America.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oregon?

Mr. GOHMERT. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. MCGOVERN. Mr. Speaker, I yield to my good friend, the gentleman from Massachusetts (Mr. KENNEDY) for a unanimous consent request.

Mr. KENNEDY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it takes food nutrition away from working families.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. GOHMERT. I object.

The SPEAKER pro tempore. Objection is heard.

## PARLIAMENTARY INQUIRY

Mr. MCGOVERN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Massachusetts will state his point of parliamentary inquiry.

Mr. MCGOVERN. Am I understanding the gentleman's objection correctly that what he is doing is not even giving Members on our side the courtesy of stating their statement in the RECORD?

The SPEAKER pro tempore. The gentleman will state a proper parliamentary inquiry.

Mr. MCGOVERN. I'm trying to understand what the objection means of the gentleman from Texas. Does that mean that the statement that the gentleman from Massachusetts just made will not appear in the RECORD?

The SPEAKER pro tempore. The objection was to the unanimous consent request.

Mr. MCGOVERN. Mr. Speaker, at this point I yield to the gentlewoman from New York (Mrs. LOWEY), my good friend, for a unanimous consent request.

Mrs. LOWEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it hurts the working poor and takes food and nutrition from hardworking families.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

Mr. GOHMERT. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentlelady from Nevada (Ms. TITUS) for a unanimous consent request.

Ms. TITUS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it takes the safety net away from America and Nevada's poor families.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentlewoman from the District of Columbia (Ms. NORTON) for a unanimous consent request.

Ms. NORTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill and the underlying rule because it increases hunger and poverty in America.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

Mr. GOHMERT. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. MCGOVERN. Mr. Speaker, I yield myself 15 seconds.

I think it is extremely unfortunate that Members on the other side of the

aisle would deny Members on this side of the aisle the ability to insert written materials in the RECORD. In all my years here, I have never seen such a discourteous gesture.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time I am proud to yield 1 minute to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Mr. Speaker, it is no secret that the Republican Tea Party has a national agenda that is playing out right here in this Chamber today. You are attempting to defund food stamps—yes, you are—and place poor people, which includes children and the elderly and veterans, in a position that none of you would want to be in.

When it was time to reauthorize the farm bill, Republicans cut \$16 billion in food stamps. And what happened? The Speaker refused to schedule the bill for floor action, not because the cuts were too deep, but because they were not deep enough. And so the Ag Committee made deeper cuts, this time \$20 billion in cuts. When the bill was debated, Republicans then added mean-spirit amendments that doomed the bill. Now you bring us another bill with no nutrition title at all.

We cannot stand by and be silent when Republicans take these actions that offend what we are as Americans. We can do better than this.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair and not directly to other Members of the body in the second person.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the relentless focus on the nutrition programs at risk; but remember, this is going to be the costliest farm bill in history. It contains no reform. It concentrates Federal cash on the largest, most profitable agribusiness. It shortchanges conservation, guts protection for wetlands, prairies, and forests. It rewards government dependency, not innovation.

You have managed to unite the Environmental Working Group, the Farm Bureau, and the Club for Growth in opposition. Congratulations.

Please reject the rule and the underlying bill.

Mr. SESSIONS. Mr. Speaker, I believe it's important for us to understand what's in the bill, and I'd like to yield 3 minutes to the gentleman from Oklahoma (Mr. LUCAS), the chairman of the Agriculture Committee.

Mr. LUCAS. Mr. Speaker, I would have preferred to focus my time in the general debate, and that's still my in-

tention. The rule debate historically, as we all know in this body, is more of a partisan discussion, generally less focused on the details of the bill than the intensity of the process or the perspective by which the next action takes place. I understand that.

But I would say to my friends, and I will go into greater detail on this in just a little bit, remember what you are about to vote on, a rule to enable us to proceed to a vote entails, is consideration of a bill that took two markups over 2 years in committee, where 100 amendments were considered in both markups, a process by which a bill to the floor a couple of weeks ago subject to another 100 amendments, tremendous debate, tremendous discussion, yet a bill that could not quite get the muster of both the left and the right.

□ 1230

So we wound up a little short in the middle. What you're voting on today is the farm bill farm bill. It's what a lot of the folks back home have said for years they want: consider every issue on its own merit. Well, now, we're about to vote for a rule that will make that possible.

But in the farm bill farm bill, we achieve savings in the commodity title, do away with the direct payments, that thing that's caused such great angst—people getting money for not doing anything. That's gone, a substantial number of billions of dollars in savings.

Now, the committee had the spirit to believe that every part of the existing farm bill policy should save resources, so we save money in the conservation title, \$6 billion. We consolidate programs. We refocus.

I would say to all my friends on the floor, vote for the rule. Give us a chance to proceed to the bill so that we can consider a farm bill farm bill.

I can assure all of you that I have given my word to the members of the Rules Committee, to Members on each side of this Chamber that the committee will work hard to achieve a consensus on a nutrition bill. I don't know what kind of a consensus that will be yet. It probably won't satisfy both of my friends on each side of the room to the extreme.

But we, in good faith, did our work. Give us a chance to consider the merits of our reform-minded bill. Give us a chance, then, to address the nutrition title. Let the place work. Let the place work.

I thank the chairman of the Rules Committee for yielding some time to me. I ask my colleagues to vote for this.

I would tell you, if anything, part of the biggest problem with the bill 2 weeks ago was we saved money everywhere; and for some reason, no one ever wants to give anything up in this place.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. I yield the gentleman an additional 30 seconds.

Mr. LUCAS. Sometimes you have to have reform. Sometimes you have to do things differently. But at least the Ag Committee chose to make the reforms across our jurisdiction, to make everybody have a stake in the savings.

I know that's contrary to how the place works; but for one time, maybe, this session, or this day, or this year, or this decade, let's try it the old way. Let's try and look at the issue. Let's try to be fair and equitable to everyone, and let's do the legislative work to get, ultimately, to where we need to be.

Mr. MCGOVERN. Mr. Speaker, I'd like to insert in the RECORD the letter from Taxpayers for Common Sense against this bill. I'd like to also insert in the RECORD a letter from over 500 farm groups and conservation groups that oppose this bill.

I also want to point out to my colleagues, the CBO estimates that this bill, as written, will add \$1.3 billion to the deficit in 2014.

#### HOUSE LEADERSHIP PROPOSES OUTSPENDING SENATE IN FARM BILL

Fresh on the heels of losing a Farm Bill vote on the Floor because the rushed bill did not cut spending enough, House leadership is floating another plan to keep the checks flowing to agriculture special interests: strip out nutrition programs and pass an Ag-only Farm Bill that spends more than one passed by a Democrat-controlled Senate. In fact it would spend drastically more than either the comparable portions of the President's FY14 budget request or Rep. Paul Ryan's FY14 budget (which called for \$38 billion and \$31 billion in savings, respectively).

That's right, the Republican House majority leadership is pushing a bill that would save less than they promised, President Obama proposed, or the Senate adopted.

The Ag-only Farm Bill shows just how resistant House lawmakers are to reining in our nation's deficits.

House Ag-only Farm Bill Savings: \$12.8 billion.

Senate Ag-only Farm Bill Savings: \$13.9 billion.

Splitting nutrition and agriculture programs into separate bills is a good idea, but only because it would break the Ag-Urban unholy alliance that logrolled over attempts to reform both programs. To deny amendments and reforms would make bifurcation virtually meaningless. Each bill must be open to robust debate to ensure taxpayers are footing the bill for only the most cost-effective, accountable, transparent, and responsive safety net for farmers and the hungry poor.

An Ag-only Farm Bill the likes of H.R. 1947 is the opposite of reform. It would:

Cannibalize savings to create new generous shallow loss entitlement programs.

Resurrect government-set target prices that are higher than in the Senate bill.

Exclude all common sense steps toward right-sizing the federally subsidized crop insurance program—which was estimated to cost taxpayers a record \$14 billion in FY12. No means testing to exclude millionaire businessmen, no limit on subsidies, zero cuts

to insurance company delivery subsidies, and no transparency on who is benefiting from taxpayer spending.

Increase spending on subsidized crop insurance by \$9 billion.

But that's not all, the House bill would:

Increase FY14 spending by \$1.34 billion above the current baseline.

Only save \$3.9 billion over the life of the actual bill (FY14-18) with the rest (\$9 billion) occurring after this farm bill expires in FY18.

If Congress simply eliminated direct payments and the failed Average Crop Revenue Election (ACRE) program (which nearly everyone agrees needs to happen), taxpayers would save nearly \$50 billion. Adding in a few common sense reforms to the highly subsidized crop insurance program (instead of shoveling \$9 billion in new special interest subsidies) would easily save taxpayers \$100 billion or more.

Splitting the bill should be used to get better reforms out of both nutrition programs and the rest of the farm bill instead of just using it as a tactic to get to a conference committee to protect agriculture and nutrition's sacred cows. Simply divorcing the two with no opportunity for additional reforms isn't acceptable when our nation faces a \$16.8 trillion debt. Instead of eventually sticking taxpayers with a trillion dollar farm bill that barely puts a dent in the deficit, lawmakers need to go back to the drawing board and come up with a fiscally responsible solution that enacts a more cost-effective, accountable, transparent, and responsive farm safety net.

JULY 2, 2013.

Hon. JOHN BOEHNER,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR SPEAKER BOEHNER: America's agriculture, conservation, rural development, finance, forestry, energy and crop insurance companies and organizations strongly urge you to bring the Farm Bill (H.R. 1947, the Federal Agriculture Reform and Risk Management Act of 2013) back to the Floor as soon as possible. This important legislation supports our nation's farmers, ranchers, forest owners, food security, natural resources and wildlife habitats, rural communities, and the 16 million Americans whose jobs directly depend on the agriculture industry.

Farm bills represent a delicate balance between America's farm, nutrition, conservation, and other priorities, and accordingly require strong bipartisan support. It is vital for the House to try once again to bring together a broad coalition of lawmakers from both sides of the aisle to provide certainty for farmers, rural America, the environment and our economy in general and pass a five-year farm bill upon returning in July. We believe that splitting the nutrition title from the rest of the bill could result in neither farm nor nutrition programs passing, and urge you to move a unified farm bill forward.

Thank you for your support. We look forward to our continued dialogue as the process moves forward and stand ready to work with you to complete passage of the new five-year Farm Bill before the current law expires again on September 30, 2013.

Sincerely,

1st Farm Credit Services, 25x'25, Advanced Biofuels Association, Ag Credit, ACA, AgChoice, AgGeorgia, AgHeritage Farm Credit Services, AgriBank, Agriculture Council of Arkansas, Agriculture Energy Coalition.

Agricultural Retailers Association, AgriLand, Agri-Mark, Inc., AgCarolina,

AgCountry, AgFirst, AgPreference, AgSouth, AgStar Financial Services, ACA, AgTexas, Alabama Ag Credit, Alabama Cotton Commission, Alabama Dairy Producers, Alabama Farm Credit, Alabama Farmers Cooperative, Alabama Farmers Federation.

Alabama Pork Producers, Alaska Farmers Union, American AgCredit, American Agriculture Movement, American Association of Avian Pathologists, American Association of Bovine Practitioners, American Association of Crop Insurers, American Association of Small Ruminant Practitioners, American Association of Veterinary Laboratory Diagnosticians, American Bankers Association, American Beekeeping Federation, American Biogas Council, American Coalition for Ethanol, American Cotton Shippers Association, American Crystal Sugar Company, American Dairy Science Association.

American Farm Bureau Federation, American Farmers and Ranchers Mutual Insurance Company, American Farmland Trust, American Feed Industry Association, American Fruit and Vegetable Processors and Growers Coalition, American Forest Foundation, American Forest Resource Council, American Forests, American Honey Producers Association, American Malting Barley Association, American Pulse Association, American Public Works Association, American Sheep Industry Association, American Society of Agronomy, American Sugar Alliance, American Sugar Cane League.

American Sugarbeet Growers Association, American Society of Farm Managers and Rural Appraisers, American Soybean Association, American Veterinary Medical Association, Animal Agriculture Coalition, Animal Health Institute, WAArborOne, Archery Trade Association, Arizona Farm Bureau Federation, Arizona Bioindustry Association, Arizona Wool Producers Association, Arkansas Farm Bureau, Arkansas Farmers Union, Arkansas Rice Federation, Arkansas Rice Producers' Group, Arkansas State Sheep Council.

Associated Logging Contractors—Idaho, Associated Milk Producers, Inc., Associated Oregon Loggers, Association of American Veterinary Medical Colleges, Association of Equipment Manufacturers, Association of Fish and Wildlife Agencies, Association of Veterinary Biologics Companies, Badgerland Financial, Bio Nebraska Life Sciences Association, BioForward, Biotechnology Industry Organization, Black Hills Forest Resource Association, Bongard's Creamery, Boone and Crockett Club, Bowhunting Preservation Alliance, Calcot.

California Agricultural Irrigation Association, California Association of Resource Conservation Districts, California Association of Winegrape Growers, California Avocado Commission, California Canning Peach Association, California Farm Bureau Federation, California Farmers Union, California Forestry Association, California Pork Producers Association, California Wool Growers Association, Calvin Viator, Ph.D. and Associates, LLC, The Campbell Group, Can Manufacturers Institute, Canned Food Alliance, Cape Fear Farm Credit, Capital Farm Credit.

Carolina Cotton Growers Cooperative, Catch-A-Dream Foundation, Catfish Farmers of America, Central Kentucky, ACA, Ceres Solutions LLP, Chrisholm Trail Farm Credit, CHS, Inc., CoBank, Colonial Farm Credit, Colorado BioScience Association, Colorado Farm Bureau, Colorado Timber Industry Association, Congressional Sportsmen's Foundation, Connecticut Forest & Park Association, Connecticut United for Research Excellence, Inc., The Conservation Fund.

Continental Dairy Products, Inc, Cooperative Credit Company, Cooperative Network, Cora-Texas Mfg. Co., Inc., Corn Producers Association of Texas, Cotton Growers Warehouse Association, Council for Agricultural Science and Technology, Crop Insurance and Reinsurance Bureau, Crop Insurance Professionals Association, Crop Science Society of America, CropLife America, Dairy Farmers of America, Dairy Farmers Working Together, Dairy Producers of Utah, DairyLea Cooperative Inc., Darigold, Inc.

Delta Council, Delta Waterfowl, Deltic Timber Corporation, Ducks Unlimited, DUDA (A. Duda & Sons, Inc.), Eastern Regional Conference of Council of State Governments, Empire State Forest Products Association, Environmental and Energy Study Institute, Environmental Law & Policy Center, Family Farm Alliance, Family Forest Foundation—Washington, Farm Credit Bank of Texas, Farm Credit Banks Funding Corporation, Farm Credit Council, Farm Credit Council Services, Farm Credit East.

Farm Credit MidSouth, Farm Credit of Central Florida, Farm Credit of Central Oklahoma, Farm Credit of Enid, Farm Credit of Florida, Farm Credit of Maine, Farm Credit of Ness City, Farm Credit of New Mexico, Farm Credit of North West Florida, Farm Credit of Southern Colorado, Farm Credit of SW Kansas, Farm Credit of Western Arkansas, Farm Credit of Western Kansas, Farm Credit of Western Oklahoma, Farm Credit Services of America, Farm Credit Services of Illinois.

Farm Credit South, Farm Credit Virginias, Farm Credit West, Farmer Mac, FarmFirst Dairy Cooperative, FCS Financial, FCS of America, FCS of Colusa-Glenn, FCS of East/Central Oklahoma, FCS of Hawaii, FCS of Illinois, FCS of Mandan, FCS of Mid-America, FCS of North Dakota, FCS of Southwest, Federation of Animal Science Societies.

First District Association, First FCS, First South Farm Credit, FLBA of Kingsburg, Florida Fruit and Vegetable Association, Florida Sugar Cane League, Forest Investment Associates, Forest Landowners Association, Forest Products National Labor Management Committee, Forest Resource Association Inc., Fresno-Madera Farm Credit, Frontier Farm Credit, Fruit Growers Supply Company, Georgia Agribusiness Council, Georgia Farm Bureau Federation, Georgia Forestry Association.

Georgia Pork Producers Association, Giustina Resources, LLC, Global Forest Partners LP, GMO Renewable Resources, Great Plains Ag Credit, Great Plains Canola Association, Green Diamond Resource Company, Greenstone, GROWMARK, Inc, Growth Energy, Hancock Timber Resource Group, Hardwood Federation, Hawaii Farmers Union, Hawaii Sugar Farmers, Heritage Land Bank, Holstein Association USA.

Idaho Ag Credit, Idaho Dairymen's Association, Idaho Farmers Union, Idaho Forest Group, Idaho Forest Owners Association, Idaho Grain Producers Association, Illinois Biotechnology Industry Organization—iBIO®, Illinois Farm Bureau, Illinois Farmers Union, Illinois Pork Producers Association, Independent Beef Association of North Dakota, Independent Community Bankers of America, Indiana Farm Bureau, Inc., Indiana Farmers Union, Indiana Health Industry Forum, Innovative Mississippi—Strategic Biomass Solutions.

Intermountain Forest Association, Intertribal Agriculture Council, Iowa Farm Bureau Federation, Iowa Farmers Union, Iowa Pork Producers Association, Iowa Sheep Industry Association, IowaBio, Irrigation Association, Irving Woodlands, LLC, Izaak



Walton League of America, John Deere Crop Insurance, Kansas Cooperative Council, Kansas Dairy, Kansas Farm Bureau, Kansas Farmers Union, Kansas Grain Sorghum Producers Association.

Kansas Pork Association, Kansas Sheep Association, Kentucky Forest Industries Association, Kentucky Pork Producers Association, Land Improvement Contractors of America, Land O'Lakes, Land Stewardship Project, Land Trust Alliance, Lone Rock Timber Management Co., Longview Timber LLC, Louisiana Farm Bureau Federation, Inc., Louisiana Forest Association, Louisiana Rice Growers Association, Louisiana Rice Producers' Group, Louisiana Sugar Cane Cooperative, Inc., Lula-Westfield, LLC.

Maryland & Virginia Milk Producers Cooperative, Maryland Association of Soil Conservation Districts, Maryland Farm Bureau, Inc., Maryland Grain Producers Association, Maryland Sheep Breeders' Association, Inc., Massachusetts Farm Bureau Federation, Inc., Massachusetts Forest Alliance, MassBio, MBG Marketing/The Blueberry People, Michigan Agri-Business Association, Michigan Farm Bureau, Michigan Farmers Union, Michigan Pork Producers Association, Michigan Sugar Company, Michigan-California Timber Company, Mid-West Dairymen's Co.

MidAtlantic Farm Credit, Midwest Dairy Coalition, Midwest Environmental Advocates, Midwest Food Processors Association, Milk Producers Council, Minn-Dak Farmers Cooperative, Minnesota Canola Council, Minnesota Corn Growers Association, Minnesota Farm Bureau Federation, Minnesota Farmers Union, Minnesota Forest Industries, Minnesota Grain & Feed Association, Minnesota Lamb & Wool Producers, Minnesota Pork Producers Association, Minnesota Timber Producers Association, Mississippi River Trust.

Missouri Coalition for the Environment, Missouri Dairy Association, Missouri Farm Bureau Federation, Missouri Farmers Union, Missouri Pork Association, Missouri Sheep Producers, Missouri Soybean Association, The Molpus Woodlands Group, Montana Grain Growers Association, Montana Farmers Union, Mule Deer Foundation, National Association of Counties, National Association of State Departments of Agriculture, National All-Jersey, National Alliance of Forest Owners, National Association for the Advancement of Animal Science.

National Association of Clean Water Agencies, National Association of Conservation Districts, National Association of Farmer Elected Committees, National Association of Federal Veterinarians, National Association of Forest Service Retirees, National Association of FSA County Office Employees, National Association of Resource Conservation & Development Councils, National Association of State Conservation Agencies, National Association of State Foresters, National Association of University Forest Resource Programs, National Association of Wheat Growers, National Barley Growers Association, National Bobwhite Conservation Initiative, National Catholic Rural Life Conference, National Coalition for Food and Agricultural Research, National Conservation District Employees Association.

National Corn Growers Association, National Cotton Council, National Cotton Ginners' Association, National Council of Farmer Cooperatives, National Farmers Union, National Farm to School Network, National Grange, National Grape Cooperative Association, Inc., National Milk Producers Federation, National Network of Forest Practi-

tioners, National Pork Producers Council, National Renderers Association, National Rural Electric Cooperative Association, National Sorghum Producers, National Sunflower Association, National Trappers Association.

National Wild Turkey Federation, National Woodland Owners Association, Nebraska Cooperative Council, Nebraska Farm Bureau Federation, Nebraska Farmers Union, Nebraska Pork Producers Association, Nevada Farm Bureau Federation, Nevada Wool Growers Association, New England Farmers Union, New Jersey Farm Bureau, New Mexico Farm and Livestock Bureau, New Mexico Sorghum Association, New York Farm Bureau, Inc., New York Forest Owners Association, Nextsteppe, North American Grouse Partnership.

North Carolina Farm Bureau Federation, Inc., North Carolina Forestry Association, North Carolina Pork Council, North Dakota Farmers Union, North Dakota Lamb & Wool Producers, North Dakota Pork Producers Council, Northharvest Bean Growers Association, Northeast Dairy Farmers Cooperatives, Northeast States Association for Agricultural Stewardship, Northern California Farm Credit, Northern Canola Growers Association, Northern Forest Center, Northern Pulse Growers Association, Northwest Dairy Association, Northwest Farm Credit Services, Novozymes North America Inc.

Ocean Spray Cranberries, Inc., Ohio Farm Bureau Federation, Inc., Ohio Farmers Union, Ohio Pork Producers Council, Oklahoma Agribusiness Retailers Association, Oklahoma Agricultural Cooperative Council, Oklahoma Farmers Union, Oklahoma Grain & Feed Association, Oklahoma Pork Council, Oklahoma Seed Trade Association, Oklahoma Sorghum Association, Oklahoma Wheat Growers Association, Oregon Association of Nurseries, Oregon Cherry Growers, Inc., Oregon Dairy Farmers Association, Oregon Farmers Union.

Oregon Sheep Growers Association, Oregon Small Woodland Association, Oregon Women in Timber, Orion the Hunter's Institute, Panhandle-Plains Land Bank, Partners for Sustainable Pollination, Pennsylvania Farm Bureau, Pennsylvania Farmers Union, Pennsylvania Forest Products Association, Pheasants Forever, Plains Cotton Cooperative Association, Plains Cotton Growers, Inc., Plum Creek Timber Company, Pollinator Partnership, Pope and Young Club, Port Blakely Tree Farms, LP.

Potlatch Corporation, Prairie Rivers Network, Premier Farm Credit, Puerto Rico Farm Credit, Quality Deer Management Association, Quail Forever, Rayonier Inc., Red Gold, Inc., Red River Forests, LLC, Red River Valley Sugarbeet Growers Association, Renewable Fuels Association, Resource Management Service, LLC, Rhode Island Sheep Cooperative, Rio Grande Valley Sugar Growers, Rocky Mountain Farmers Union, Rolling Plains Cotton Growers, Inc.

Ruffed Grouse Society, The Rural Broadband Association, Rural Community Assistance Partnership, Select Milk Producers, Inc., Seneca Foods, Shasta Forests Timberlands, LLC, Sidney Sugars, Inc., Sierra Pacific Industries, Society of American Foresters, Soil and Water Conservation Society, Soil Science Society of America, South Carolina Farm Bureau Federation, South Dakota Association of Cooperatives, South Dakota Biotech Association, South Dakota Farmers Union, South Dakota Pork Producers.

South Dakota Wheat Growers, South East Dairy Farmers Association, Southeastern

Lumber Manufacturers Association, South Texas Cotton and Grain Association, Southeast Milk Inc., Southern Cotton Growers, Inc., Southern Minnesota Beet Sugar Cooperative, Southern Peanut Farmers Federation, Southern Rolling Plains Cotton Growers Association of Texas, Southern States Cooperative, Inc., Southwest Council of Agribusiness, Southwest Georgia Farm Credit, St. Albans Cooperative, Staplcoth, State Agriculture and Rural Leaders, Sugar Cane Growers Cooperative of Florida.

Sustainable Forest Initiative, Sustainable Northwest, Tennessee Clean Water Network, Tennessee Farm Bureau Federation, Tennessee Forestry Association, Tennessee Renewable Energy & Economic Development Council, Texas Ag Finance, Texas Agricultural Cooperative Council, Texas Farmers Union, Texas Forestry Association, Texas Healthcare and Bioscience Institute, Texas Land Bank, Texas Pork Producers Association, Texas Rice Producers Legislative Group, Texas Sheep & Goat Raisers' Association, Timberland Investment Resources.

Timber Products Company, The Amalgamated Sugar Company, The Bank of Commerce, The Nature Conservancy, The Small Woodland Owners Association of Maine, Theodore Roosevelt Conservation Partnership, Trust for Public Land, United Dairymen of Arizona, United FCS, U.S. Animal Health Association, U.S. Beet Sugar Association, U.S. Canola Association, U.S. Cattleman's Association, U.S. Dry Bean Council, U.S. Pea & Lentil Trade Association, U.S. Rice Producers Association.

U.S. Sportsmen's Alliance, USA Dry Pea & Lentil Council, USA Rice Federation, Utah Farmers Union, Utah Wool Growers Association, Virginia Farm Bureau Federation, Virginia Forestry Association, Virginia Grain Producers Association, Virginia Pork Industry Board, Virginia Nursery & Landscape Association, Virginia State Dairymen's Association, Washington Biotechnology & Biomedical Association, Washington Farm Bureau, Washington Farmers Union.

Washington State Council of Farmer Cooperatives, Washington State Dairy Federation, Welch Foods Inc., A Cooperative, Wells Timberland REIT, Western AgCredit, Western Growers, Western Pea & Lentil Growers, Western Peanut Growers Association, Western Pennsylvania Conservancy, Western Sugar Cooperative, Western United Dairymen, The Westervelt Company, Weyerhaeuser Company, Whitetails Unlimited, Inc.

Wild Sheep Foundation, Wildlife Forever, Wildlife Management Institute, Wildlife Mississippi, Wisconsin Agri-Business Association, Wisconsin Farmers Union, Wisconsin Paper Council, Wisconsin Pork Association, Wisconsin Woodland Owners Association, Women Involved in Farm Economics, World Wildlife Fund, Wyoming Sugar Company, Yankee Farm Credit, Yosemite Farm Credit.

Mr. MCGOVERN. At this point I yield 1 minute to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, this is a shameful day. The House Republican leadership has decided again to abandon all efforts to come to a bipartisan agreement on the farm bill. Instead, they've launched an attack—on the working poor, veterans, children and seniors who rely on the nutrition program—in a desperate attempt to win political points with their conservative base.



After an embarrassing, chaotic defeat of their last proposal, they've decided to make a bad situation even worse. This proposal strips out the entire nutrition title, putting families and children at risk of going hungry.

They made a clear choice to protect generous subsidies for agriculture corporations at the expense of the hungry and the working poor.

Make no mistake: today, House Republicans are telling hungry children, food banks struggling to meet the needs of their communities, and low-income seniors who depend on food assistance that their needs don't matter.

And I urge my colleagues to understand that for 180,000 Rhode Islanders who benefit from this nutrition program, they are not extraneous. This is disgraceful, it's immoral, and it's contrary to our values as a Nation.

I strongly urge my colleagues to oppose this shameful proposal.

Mr. SESSIONS. I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield for a unanimous consent request to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it takes food nutrition from working families.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. GOHMERT. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. MCGOVERN. Mr. Speaker, I'd like to yield for a unanimous consent request to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to the farm bill rule and the underlying bill because it takes food nutrition from working families.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

Mr. GOHMERT. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time. I have no additional speakers except myself when I close.

Mr. MCGOVERN. Mr. Speaker, I'm the final speaker on our side, so I yield myself the balance of my time.

Mr. Speaker, this is about our values. This is about what we stand for.

The constant attacks by some of my Republican friends, by many on the other side of the aisle, on SNAP, on poor people, on the vulnerable is just plain wrong. And, quite frankly, it's offensive.

Three weeks ago, this farm bill failed in this House because the Republicans

cannot govern. You know, you are in control. Sixty-two of your Members, including five committee chairs, voted "no."

To suggest that somehow Democrats should have carried this bill is ludicrous because I want to make one thing clear: we are not going to vote for a bill that sticks it to poor people, and that's exactly what this bill does.

The bill that you had on the floor that threw 2 million people off SNAP was unacceptable, and we could not vote for that.

There are 50 million people in this country who are hungry; 17 million of them are children. Millions of people who are on SNAP work for a living. They go to work every day; but they earn so little, they still qualify for this benefit.

These are our neighbors. These are our brothers; these are our sisters. Please do not turn your backs on them. Please do not turn your backs on these people. We are a better country than that.

Please don't be so callous, because that's what this is about, when you throw 2 million people off this benefit, or even more. Because we have no idea what was promised to get votes on this current bill right now. We have no idea how much you're going to cut the SNAP program or whether you're going to sunset it, because none of us know what was decided in the Republican Conference.

But when you cut people who are poor, when you deny them the benefit of food, which should be a right in this country, that is callous. That is cruel. We should not be doing that.

We should be about helping people, not hurting people. So have a heart.

Where's your conscience?

What makes this country great, what makes America great is that we've had a tradition for caring for the least among us. That's why we're so angry over here, because all of a sudden it seems like we're turning our backs on the poor.

There used to be a bipartisan consensus when it came to making sure that the hungry in this country get enough to eat. There's a long history of bipartisanship on this.

All of a sudden this has become a partisan issue, and the target, so that you can try to balance the budget, has been placed right on the programs like SNAP, nutrition programs, programs that feed our senior citizens, provide our children meals in schools.

You've even gone after WIC. Enough. Enough. We can do better. We can have a bipartisan farm bill if you will move over to our side and understand that we have an obligation to take care of the most vulnerable.

So vote "no" on this rule. Vote "no" on the underlying bill. We can do so much better.

I yield back the balance of my time.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair, not to other Members of the body in the second person.

Mr. SESSIONS. Mr. Speaker, I yield myself the remaining time.

I believe that the gentleman from Oklahoma represents not just the conscience of my party, but also of the Members of the House of Representatives. I think he well and faithfully is attempting to do his job; and it is this body today that will have an opportunity, after hearing the gentleman from Oklahoma speak about not just his desire, but his leadership on behalf of the Agriculture Committee.

As he approached the Rules Committee last night, he spoke very clearly and eloquently and said it is his desire to have the farm bill farm bill, as he calls it, to be able to be before this body today where we can pass good and wise farm bill policy.

He also stated, before not only all the Members, but also in testimony that he presented to the committee, that it is his intent to follow up today's bill, farm bill farm bill, with a nutrition program bill that he would bring to the Rules Committee for this House to consider.

This man has worked on a bipartisan basis and, I believe, should have the admiration and respect of this body. But more importantly, the gentleman placed his word of what he's trying to do before this body. I think he is a sincere and honest man.

It is my intent, as the chairman of the Rules Committee, as it was last night, to say to this body today, this bill, farm bill farm bill, that is before you does appropriate and good things for farmers and for people who make a living and provide this country with the agriculture and products it needs. We are trying to make sure that that is faithfully and well done today.

I believe the gentleman from Oklahoma deserves the respect of this body, and I would ask for each and every one of us to please vote "yes" on this rule and the underlying legislation.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 195, not voting 16, as follows:

[Roll No. 349]

AYES—223

Aderholt  
Alexander

Amash  
Amodei

Bachmann  
Bachus

Barletta  
Barr  
Barton  
Benishkek  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cotton  
Cramer  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)

Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huelskamp  
Huiizenga (MI)  
Hultgren  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Marchant  
Marino  
Massie  
McCarthy (CA)  
McCauley  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Petri  
Pittenger

Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Scott, Austin  
Sensenbrenner  
Sessions  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (FL)  
Young (IN)

## NOES—195

Andrews  
Barber  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas

Carney  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)

Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DeBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster

Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Honda  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Jones  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowe y

Lujan Grisham (NM)  
Luján, Ben Ray (NM)  
Lynch  
Maffei  
Maloney, Carolyn  
Maloney, Sean  
Matheson  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmuter  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Richmond  
Roybal-Allard

Ruiz  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

## NOT VOTING—16

Broun (GA)  
Campbell  
Carson (IN)  
Cassidy  
Gohmert  
Holt

Horsford  
Hunter  
Kaptur  
Lummis  
Markey  
McCarthy (NY)

Negrete McLeod  
Rogers (MI)  
Schweikert  
Shimkus

## □ 1300

Mr. BEN RAY LUJÁN of New Mexico changed his vote from “aye” to “no.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## FEDERAL AGRICULTURE REFORM AND RISK MANAGEMENT ACT OF 2013

Mr. LUCAS. Mr. Speaker, pursuant to House Resolution 295, I call up the bill (H.R. 2642) to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 295, the bill is considered read.

The text of the bill is as follows:

## H.R. 2642

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Federal Agriculture Reform and Risk Management Act of 2013”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary of Agriculture.

## TITLE I—COMMODITIES

## Subtitle A—Repeals and Reforms

Sec. 1101. Repeal of direct payments.

Sec. 1102. Repeal of counter-cyclical payments.

Sec. 1103. Repeal of average crop revenue election program.

Sec. 1104. Definitions.

Sec. 1105. Base acres.

Sec. 1106. Payment yields.

Sec. 1107. Farm risk management election.

Sec. 1108. Producer agreements.

## Subtitle B—Marketing Loans

Sec. 1201. Availability of nonrecourse marketing assistance loans for loan commodities.

Sec. 1202. Loan rates for nonrecourse marketing assistance loans.

Sec. 1203. Term of loans.

Sec. 1204. Repayment of loans.

Sec. 1205. Loan deficiency payments.

Sec. 1206. Payments in lieu of loan deficiency payments for grazed acreage.

Sec. 1207. Special marketing loan provisions for upland cotton.

Sec. 1208. Special competitive provisions for extra long staple cotton.

Sec. 1209. Availability of recourse loans for high moisture feed grains and seed cotton.

Sec. 1210. Adjustments of loans.

## Subtitle C—Sugar

Sec. 1301. Sugar program.

## Subtitle D—Dairy

## PART I—DAIRY PRODUCER MARGIN INSURANCE PROGRAM

Sec. 1401. Dairy producer margin insurance program.

Sec. 1402. Rulemaking.

## PART II—REPEAL OR REAUTHORIZATION OF OTHER DAIRY-RELATED PROVISIONS

Sec. 1411. Repeal of dairy product price support and milk income loss contract programs.

Sec. 1412. Repeal of dairy export incentive program.

Sec. 1413. Extension of dairy forward pricing program.

Sec. 1414. Extension of dairy indemnity program.

Sec. 1415. Extension of dairy promotion and research program.

Sec. 1416. Repeal of Federal Milk Marketing Order Review Commission.

## PART III—EFFECTIVE DATE

Sec. 1421. Effective date.

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## SEC. 2. DEFINITION OF SECRETARY OF AGRICULTURE.

In this Act, the term “Secretary” means the Secretary of Agriculture.

### TITLE I—COMMODITIES

#### Subtitle A—Repeals and Reforms

##### SEC. 1101. REPEAL OF DIRECT PAYMENTS.

(a) REPEAL.—Sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) are repealed.

(b) CONTINUED APPLICATION FOR 2013 CROP YEAR.—Sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753), as in effect on the day before the date of enactment of this Act, shall continue to apply through the 2013 crop year with respect to all covered commodities (as defined in section 1001 of that Act (7 U.S.C. 8702)) and peanuts on a farm.

(c) CONTINUED APPLICATION FOR 2014 AND 2015 CROP YEARS.—Subject to this subtitle, the amendments made by sections 1603 and 1604 of this Act, and sections 1607 and 1611 of this Act, section 1103 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713), as in effect on the day before the date of enactment of this Act, shall continue to apply through the 2014 and 2015 crop years with respect to upland cotton only (as defined in section 1001 of that Act (7 U.S.C. 8702)), except that, in applying such section 1103, the term “payment acres” means the following:

(1) For crop year 2014, 70 percent of the base acres of upland cotton on a farm on which direct payments are made.

(2) For crop year 2015, 60 percent of the base acres of upland cotton on a farm on which direct payments are made.

##### SEC. 1102. REPEAL OF COUNTER-CYCLICAL PAYMENTS.

(a) REPEAL.—Sections 1104 and 1304 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8714, 8754) are repealed.

(b) CONTINUED APPLICATION FOR 2013 CROP YEAR.—Sections 1104 and 1304 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8714, 8754), as in effect on the day before the date of enactment of this Act, shall continue to apply through the 2013 crop year with respect to all covered commodities (as defined in section 1001 of that Act (7 U.S.C. 8702)) and peanuts on a farm.

##### SEC. 1103. REPEAL OF AVERAGE CROP REVENUE ELECTION PROGRAM.

(a) REPEAL.—Section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715) is repealed.

(b) CONTINUED APPLICATION FOR 2013 CROP YEAR.—Section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715), as in effect on the day before the date of enactment of this Act, shall continue to apply

through the 2013 crop year with respect to all covered commodities (as defined in section 1001 of that Act (7 U.S.C. 8702)) and peanuts on a farm for which the irrevocable election under section 1105 of that Act was made before the date of enactment of this Act.

##### SEC. 1104. DEFINITIONS.

In this subtitle and subtitle B:

(1) ACTUAL COUNTY REVENUE.—The term “actual county revenue”, with respect to a covered commodity for a crop year, means the amount determined by the Secretary under section 1107(c)(4) to determine whether revenue loss coverage payments are required to be provided for that crop year.

(2) BASE ACRES.—The term “base acres”, with respect to a covered commodity and cotton on a farm, means the number of acres established under sections 1101 and 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911, 7952) or sections 1101 and 1302 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8711, 8752), as in effect on September 30, 2013, subject to any adjustment under section 1105 of this Act. For purposes of making payments under subsections (b) and (c) of section 1107, base acres are reduced by the payment acres calculated in section 1101(c).

(3) COUNTY REVENUE LOSS COVERAGE TRIGGER.—The term “county revenue loss coverage trigger”, with respect to a covered commodity for a crop year, means the amount determined by the Secretary under section 1107(c)(5) to determine whether revenue loss coverage payments are required to be provided for that crop year.

(4) COVERED COMMODITY.—The term “covered commodity” means wheat, oats, and barley (including wheat, oats, and barley used for haying and grazing), corn, grain sorghum, long grain rice, medium grain rice, pulse crops, soybeans, other oilseeds, and peanuts.

(5) EFFECTIVE PRICE.—The term “effective price”, with respect to a covered commodity for a crop year, means the price calculated by the Secretary under section 1107(b)(2) to determine whether price loss coverage payments are required to be provided for that crop year.

(6) EXTRA LONG STAPLE COTTON.—The term “extra long staple cotton” means cotton that—

(A) is produced from pure strain varieties of the Barbados species or any hybrid of the species, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

(B) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

(7) FARM BASE ACRES.—The term “farm base acres” means the sum of the base acreage for all covered commodities and cotton on a farm in effect as of September 30, 2013, and subject to any adjustment under section 1105.

(8) MEDIUM GRAIN RICE.—The term “medium grain rice” includes short grain rice.

(9) MIDSEASON PRICE.—The term “midseason price” means the applicable national average market price received by producers for the first 5 months of the applicable marketing year, as determined by the Secretary.

(10) OTHER OILSEED.—The term “other oilseed” means a crop of sunflower seed,

rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, or any oilseed designated by the Secretary.

(11) PAYMENT ACRES.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) through (D), the term “payment acres”, with respect to the provision of price loss coverage payments and revenue loss coverage payments, means—

(i) 85 percent of total acres planted for the year to each covered commodity on a farm; and

(ii) 30 percent of total acres approved as prevented from being planted for the year to each covered commodity on a farm.

(B) MAXIMUM.—The total quantity of payment acres determined under subparagraph (A) shall not exceed the farm base acres.

(C) REDUCTION.—If the sum of all payment acres for a farm exceeds the limits established under subparagraph (B), the Secretary shall reduce the payment acres applicable to each crop proportionately.

(D) EXCLUSION.—The term “payment acres” does not include any crop subsequently planted during the same crop year on the same land for which the first crop is eligible for payments under this subtitle, unless the crop was approved for double cropping in the county, as determined by the Secretary.

(12) PAYMENT YIELD.—The term “payment yield” means the yield established for counter-cyclical payments under section 1102 or 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912, 7952), section 1102 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8712), as in effect on September 30, 2013, or under section 1106 of this Act, for a farm for a covered commodity.

(13) PRICE LOSS COVERAGE.—The term “price loss coverage” means coverage provided under section 1107(b).

(14) PRODUCER.—

(A) IN GENERAL.—The term “producer” means an owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) HYBRID SEED.—In determining whether a grower of hybrid seed is a producer, the Secretary shall—

(i) not take into consideration the existence of a hybrid seed contract; and

(ii) ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this title.

(15) PULSE CROP.—The term “pulse crop” means dry peas, lentils, small chickpeas, and large chickpeas.

(16) REFERENCE PRICE.—The term “reference price”, with respect to a covered commodity for a crop year, means the following:

(A) Wheat, \$5.50 per bushel.

(B) Corn, \$3.70 per bushel.

(C) Grain sorghum, \$3.95 per bushel.

(D) Barley, \$4.95 per bushel.

(E) Oats, \$2.40 per bushel.

(F) Long grain rice, \$14.00 per hundredweight.

(G) Medium grain rice, \$14.00 per hundredweight.

(H) Soybeans, \$8.40 per bushel.

(I) Other oilseeds, \$20.15 per hundredweight.

(J) Peanuts \$535.00 per ton.

(K) Dry peas, \$11.00 per hundredweight.

(L) Lentils, \$19.97 per hundredweight.

(M) Small chickpeas, \$19.04 per hundredweight.

(N) Large chickpeas, \$21.54 per hundredweight.

(17) **REVENUE LOSS COVERAGE.**—The term “revenue loss coverage” means coverage provided under section 1107(c).

(18) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(19) **STATE.**—The term “State” means—

- (A) a State;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico; and
- (D) any other territory or possession of the United States.

(20) **TEMPERATE JAPONICA RICE.**—The term “temperate japonica rice” means rice that is grown in high altitudes or temperate regions of high latitudes with cooler climate conditions, in the Western United States, as determined by the Secretary.

(21) **TRANSITIONAL YIELD.**—The term “transitional yield” has the meaning given the term in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(22) **UNITED STATES.**—The term “United States”, when used in a geographical sense, means all of the States.

(23) **UNITED STATES PREMIUM FACTOR.**—The term “United States Premium Factor” means the percentage by which the difference in the United States loan schedule premiums for Strict Middling (SM) 1½-inch upland cotton and for Middling (M) 1⅜-inch upland cotton exceeds the difference in the applicable premiums for comparable international qualities.

#### SEC. 1105. BASE ACRES.

(a) **ADJUSTMENT OF BASE ACRES.**—

(1) **IN GENERAL.**—The Secretary shall provide for an adjustment, as appropriate, in the base acres for covered commodities and cotton for a farm whenever any of the following circumstances occurs:

(A) A conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) with respect to the farm expires or is voluntarily terminated.

(B) Cropland is released from coverage under a conservation reserve contract by the Secretary.

(C) The producer has eligible oilseed acreage as the result of the Secretary designating additional oilseeds, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(1)(D) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8711(a)(1)(D)).

(2) **SPECIAL CONSERVATION RESERVE ACREAGE PAYMENT RULES.**—For the crop year in which a base acres adjustment under subparagraph (A) or (B) of paragraph (1) is first made, the owner of the farm shall elect to receive price loss coverage or revenue loss coverage with respect to the acreage added to the farm under this subsection or a prorated payment under the conservation reserve contract, but not both.

(b) **PREVENTION OF EXCESS BASE ACRES.**—

(1) **REQUIRED REDUCTION.**—If the sum of the base acres for a farm, together with the acreage described in paragraph (2) exceeds the actual cropland acreage of the farm, the Secretary shall reduce the base acres for 1 or more covered commodities or cotton for the farm so that the sum of the base acres and acreage described in paragraph (2) does not exceed the actual cropland acreage of the farm.

(2) **OTHER ACREAGE.**—For purposes of paragraph (1), the Secretary shall include the following:

(A) Any acreage on the farm enrolled in the conservation reserve program or wetlands reserve program (or successor programs) under chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.).

(B) Any other acreage on the farm enrolled in a Federal conservation program for which payments are made in exchange for not producing an agricultural commodity on the acreage.

(C) If the Secretary designates additional oilseeds, any eligible oilseed acreage, which shall be determined in the same manner as eligible oilseed acreage under subsection (a)(1)(C).

(3) **SELECTION OF ACRES.**—The Secretary shall give the owner of the farm the opportunity to select the base acres for a covered commodity or cotton for the farm against which the reduction required by paragraph (1) will be made.

(4) **EXCEPTION FOR DOUBLE-CROPPED ACREAGE.**—In applying paragraph (1), the Secretary shall make an exception in the case of double cropping, as determined by the Secretary.

(c) **REDUCTION IN BASE ACRES.**—

(1) **REDUCTION AT OPTION OF OWNER.**—

(A) **IN GENERAL.**—The owner of a farm may reduce, at any time, the base acres for any covered commodity or cotton for the farm.

(B) **EFFECT OF REDUCTION.**—A reduction under subparagraph (A) shall be permanent and made in a manner prescribed by the Secretary.

(2) **REQUIRED ACTION BY SECRETARY.**—

(A) **IN GENERAL.**—The Secretary shall proportionately reduce base acres on a farm for covered commodities and cotton for land that has been subdivided and developed for multiple residential units or other non-farming uses if the size of the tracts and the density of the subdivision is such that the land is unlikely to return to the previous agricultural use, unless the producers on the farm demonstrate that the land—

(i) remains devoted to commercial agricultural production; or

(ii) is likely to be returned to the previous agricultural use.

(B) **REQUIREMENT.**—The Secretary shall establish procedures to identify land described in subparagraph (A).

#### SEC. 1106. PAYMENT YIELDS.

(a) **ESTABLISHMENT AND PURPOSE.**—For the purpose of making payments under this subtitle, the Secretary shall provide for the establishment of a yield for each farm for any designated oilseed for which a payment yield was not established under section 1102 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8712) in accordance with this section.

(b) **PAYMENT YIELDS FOR DESIGNATED OILSEEDS.**—

(1) **DETERMINATION OF AVERAGE YIELD.**—In the case of designated oilseeds, the Secretary shall determine the average yield per planted acre for the designated oilseed on a farm for the 1998 through 2001 crop years, excluding any crop year in which the acreage planted to the designated oilseed was zero.

(2) **ADJUSTMENT FOR PAYMENT YIELD.**—

(A) **IN GENERAL.**—The payment yield for a farm for a designated oilseed shall be equal to the product of the following:

(i) The average yield for the designated oilseed determined under paragraph (1).

(ii) The ratio resulting from dividing the national average yield for the designated oilseed for the 1981 through 1985 crops by the national average yield for the designated oilseed for the 1998 through 2001 crops.

(B) **NO NATIONAL AVERAGE YIELD INFORMATION AVAILABLE.**—To the extent that national average yield information for a designated oilseed is not available, the Secretary shall use such information as the Secretary determines to be fair and equitable to

establish a national average yield under this section.

(3) **USE OF COUNTY AVERAGE YIELD.**—If the yield per planted acre for a crop of a designated oilseed for a farm for any of the 1998 through 2001 crop years was less than 75 percent of the county yield for that designated oilseed, the Secretary shall assign a yield for that crop year equal to 75 percent of the county yield for the purpose of determining the average under paragraph (1).

(4) **NO HISTORIC YIELD DATA AVAILABLE.**—In the case of establishing yields for designated oilseeds, if historic yield data is not available, the Secretary shall use the ratio for dry peas calculated under paragraph (2)(A)(ii) in determining the yields for designated oilseeds, as determined to be fair and equitable by the Secretary.

(c) **EFFECT OF LACK OF PAYMENT YIELD.**—

(1) **ESTABLISHMENT BY SECRETARY.**—If no payment yield is otherwise established for a farm for which a covered commodity is planted and eligible to receive price loss coverage payments, the Secretary shall establish an appropriate payment yield for the covered commodity on the farm under paragraph (2).

(2) **USE OF SIMILARLY SITUATED FARMS.**—To establish an appropriate payment yield for a covered commodity on a farm as required by paragraph (1), the Secretary shall take into consideration the farm program payment yields applicable to that covered commodity for similarly situated farms. The use of such data in an appeal, by the Secretary or by the producer, shall not be subject to any other provision of law.

(d) **SINGLE OPPORTUNITY TO UPDATE YIELDS USED TO DETERMINE PRICE LOSS COVERAGE PAYMENTS.**—

(1) **ELECTION TO UPDATE.**—At the sole discretion of the owner of a farm, the owner of a farm shall have a 1-time opportunity to update the payment yields on a covered commodity-by-covered-commodity basis that would otherwise be used in calculating any price loss coverage payment for covered commodities on the farm.

(2) **TIME FOR ELECTION.**—The election under paragraph (1) shall be made at a time and manner to be in effect for the 2014 crop year as determined by the Secretary.

(3) **METHOD OF UPDATING YIELDS.**—If the owner of a farm elects to update yields under this subsection, the payment yield for a covered commodity on the farm, for the purpose of calculating price loss coverage payments only, shall be equal to 90 percent of the average of the yield per planted acre for the crop of the covered commodity on the farm for the 2008 through 2012 crop years, as determined by the Secretary, excluding any crop year in which the acreage planted to the crop of the covered commodity was zero.

(4) **USE OF COUNTY AVERAGE YIELD.**—If the yield per planted acre for a crop of the covered commodity for a farm for any of the 2008 through 2012 crop years was less than 75 percent of the average of the 2008 through 2012 county yield for that commodity, the Secretary shall assign a yield for that crop year equal to 75 percent of the average of the 2008 through 2012 county yield for the purposes of determining the average yield under paragraph (3).

(5) **EFFECT OF LACK OF PAYMENT YIELD.**—

(A) **ESTABLISHMENT BY SECRETARY.**—For purposes of this subsection, if no payment yield is otherwise established for a covered commodity on a farm, the Secretary shall establish an appropriate updated payment yield for the covered commodity on the farm under subparagraph (B).



(B) **USE OF SIMILARLY SITUATED FARMS.**—To establish an appropriate payment yield for a covered commodity on a farm as required by subparagraph (A), the Secretary shall take into consideration the farm program payment yields applicable to that covered commodity for similarly situated farms. The use of such data in an appeal, by the Secretary or by the producer, shall not be subject to any other provision of law.

**SEC. 1107. FARM RISK MANAGEMENT ELECTION.**

(a) **IN GENERAL.**—

(1) **PAYMENTS REQUIRED.**—Except as provided in paragraph (2), if the Secretary determines that payments are required under subsection (b)(1) or (c)(2) for a covered commodity, the Secretary shall make payments for that covered commodity available under such subsection to producers on a farm pursuant to the terms and conditions of this section.

(2) **PROHIBITION ON PAYMENTS; EXCEPTIONS.**—Notwithstanding any other provision of this title, a producer on a farm may not receive price loss coverage payments or revenue loss coverage payments if the sum of the planted acres of covered commodities on the farm is 10 acres or less, as determined by the Secretary, unless the producer is—

(A) a socially disadvantaged farmer or rancher (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e))); or

(B) a limited resource farmer or rancher, as defined by the Secretary.

(b) **PRICE LOSS COVERAGE.**—

(1) **PAYMENTS.**—For the 2014 crop year and each succeeding crop year, the Secretary shall make price loss coverage payments to producers on a farm for a covered commodity if the Secretary determines that—

(A) the effective price for the covered commodity for the crop year; is less than

(B) the reference price for the covered commodity for the crop year.

(2) **EFFECTIVE PRICE.**—The effective price for a covered commodity for a crop year shall be the higher of—

(A) the midseason price; or

(B) the national average loan rate for a marketing assistance loan for the covered commodity in effect for such crop year under subtitle B.

(3) **PAYMENT RATE.**—The payment rate shall be equal to the difference between—

(A) the reference price for the covered commodity; and

(B) the effective price determined under paragraph (2) for the covered commodity.

(4) **PAYMENT AMOUNT.**—If price loss coverage payments are required to be provided under this subsection for the 2014 crop year or any succeeding crop year for a covered commodity, the amount of the price loss coverage payment to be paid to the producers on a farm for the crop year shall be equal to the product obtained by multiplying—

(A) the payment rate for the covered commodity under paragraph (3);

(B) the payment yield for the covered commodity; and

(C) the payment acres for the covered commodity.

(5) **TIME FOR PAYMENTS.**—If the Secretary determines under this subsection that price loss coverage payments are required to be provided for the covered commodity, the payments shall be made beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity.

(6) **SPECIAL RULE FOR BARLEY.**—In determining the effective price for barley in paragraph (2), the Secretary shall use the all-barley price.

(7) **SPECIAL RULE FOR TEMPERATE JAPONICA RICE.**—The Secretary shall provide a reference price with respect to temperate japonica rice in an amount equal to 115 percent of the amount established in subparagraphs (F) and (G) of section 1104(16) in order to reflect price premiums.

(c) **REVENUE LOSS COVERAGE.**—

(1) **AVAILABLE AS AN ALTERNATIVE.**—As an alternative to receiving price loss coverage payments under subsection (b) for a covered commodity, all of the owners of the farm may make a one-time, irrevocable election on a covered commodity-by-covered-commodity basis to receive revenue loss coverage payments for each covered commodity in accordance with this subsection. If any of the owners of the farm make different elections on the same covered commodity on the farm, all of the owners of the farm shall be deemed to have not made the election available under this paragraph.

(2) **PAYMENTS.**—In the case of owners of a farm that make the election described in paragraph (1) for a covered commodity, the Secretary shall make revenue loss coverage payments available under this subsection for the 2014 crop year and each succeeding crop year if the Secretary determines that—

(A) the actual county revenue for the crop year for the covered commodity; is less than

(B) the county revenue loss coverage trigger for the crop year for the covered commodity.

(3) **TIME FOR PAYMENTS.**—If the Secretary determines under this subsection that revenue loss coverage payments are required to be provided for the covered commodity, payments shall be made beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity.

(4) **ACTUAL COUNTY REVENUE.**—The amount of the actual county revenue for a crop year of a covered commodity shall be equal to the product obtained by multiplying—

(A) the actual county yield, as determined by the Secretary, for each planted acre for the crop year for the covered commodity; and

(B) the higher of—

(i) the midseason price; or

(ii) the national average loan rate for a marketing assistance loan for the covered commodity in effect for such crop year under subtitle B.

(5) **COUNTY REVENUE LOSS COVERAGE TRIGGER.**—

(A) **IN GENERAL.**—The county revenue loss coverage trigger for a crop year for a covered commodity on a farm shall equal 85 percent of the benchmark county revenue.

(B) **BENCHMARK COUNTY REVENUE.**—

(i) **IN GENERAL.**—The benchmark county revenue shall be the product obtained by multiplying—

(I) subject to clause (ii), the average historical county yield as determined by the Secretary for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

(II) subject to clause (iii), the average national marketing year average price for the most recent 5 crop years, excluding each of the crop years with the highest and lowest prices.

(ii) **YIELD CONDITIONS.**—If the historical county yield in clause (i)(I) for any of the 5 most recent crop years, as determined by the Secretary, is less than 70 percent of the transitional yield, as determined by the Secretary, the amounts used for any of those years in clause (i)(I) shall be 70 percent of the transitional yield.

(iii) **REFERENCE PRICE.**—If the national marketing year average price in clause (i)(II) for any of the 5 most recent crop years is lower than the reference price for the covered commodity, the Secretary shall use the reference price for any of those years for the amounts in clause (i)(II).

(6) **PAYMENT RATE.**—The payment rate shall be equal to the lesser of—

(A) the difference between—

(i) the county revenue loss coverage trigger for the covered commodity; and

(ii) the actual county revenue for the crop year for the covered commodity; or

(B) 10 percent of the benchmark county revenue for the crop year for the covered commodity.

(7) **PAYMENT AMOUNT.**—If revenue loss coverage payments under this subsection are required to be provided for the 2014 crop year or any succeeding crop year of a covered commodity, the amount of the revenue loss coverage payment to be provided to the producers on a farm for the crop year shall be equal to the product obtained by multiplying—

(A) the payment rate under paragraph (6); and

(B) the payment acres of the covered commodity on the farm.

(8) **DUTIES OF THE SECRETARY.**—In providing revenue loss coverage payments under this subsection, the Secretary—

(A) shall ensure that producers on a farm do not reconstitute the farm of the producers to void or change the election made under paragraph (1);

(B) to the maximum extent practicable, shall use all available information and analysis, including data mining, to check for anomalies in the provision of revenue loss coverage payments;

(C) to the maximum extent practicable, shall calculate a separate county revenue loss coverage trigger for irrigated and non-irrigated covered commodities and a separate actual county revenue for irrigated and nonirrigated covered commodities;

(D) shall assign a benchmark county yield for each planted acre for the crop year for the covered commodity on the basis of the yield history of representative farms in the State, region, or crop reporting district, as determined by the Secretary, if—

(i) the Secretary cannot establish the benchmark county yield for each planted acre for a crop year for a covered commodity in the county in accordance with paragraph (5); or

(ii) the yield determined under paragraph (5) is an unrepresentative average yield for the county (as determined by the Secretary); and

(E) to the maximum extent practicable, shall ensure that in order to be eligible for a payment under this subsection, the producers on the farm suffered an actual loss on the covered commodity for the crop year for which payment is sought.

(d) **ANNUAL REPORT.**—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report annually containing an evaluation of the impact of price loss coverage and revenue loss coverage—

(1) on the planting, production, price, and export of covered commodities; and

(2) on the cost of each commodity program.

(e) **CAP ON TOTAL OBLIGATIONS AND EXPENDITURES.**—Notwithstanding any other provision of this section, the total amount of price loss coverage payments and revenue loss coverage payments made under this section during the period of fiscal years 2014

through 2020 shall not exceed \$16,956,500,000. Producer agreements required by section 1108 shall specifically state that payments made under this section shall be reduced as necessary to comply with this subsection.

#### SEC. 1108. PRODUCER AGREEMENTS.

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

(1) REQUIREMENTS.—Before the producers on a farm may receive payments under this subtitle with respect to the farm, the producers shall agree, during the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.); and

(C) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary.

(2) COMPLIANCE.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(3) MODIFICATION.—At the request of the transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the objectives of this subsection, as determined by the Secretary.

(b) TRANSFER OR CHANGE OF INTEREST IN FARM.—

(1) TERMINATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), a transfer of (or change in) the interest of the producers on a farm for which payments under this subtitle are provided shall result in the termination of the payments, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a).

(B) EFFECTIVE DATE.—The termination shall take effect on the date determined by the Secretary.

(2) EXCEPTION.—If a producer entitled to a payment under this subtitle dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment in accordance with rules issued by the Secretary.

(c) ACREAGE REPORTS.—As a condition on the receipt of any benefits under this subtitle or subtitle B, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(d) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(e) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of payments made under this subtitle among the producers on a farm on a fair and equitable basis.

#### Subtitle B—Marketing Loans

#### SEC. 1201. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS FOR LOAN COMMODITIES.

(a) DEFINITION OF LOAN COMMODITY.—In this subtitle, the term “loan commodity” means wheat, corn, grain sorghum, barley, oats, upland cotton, extra long staple cotton, long grain rice, medium grain rice, peanuts, soybeans, other oilseeds, graded wool, non-graded wool, mohair, honey, dry peas, lentils, small chickpeas, and large chickpeas.

(b) NONRECOURSE LOANS AVAILABLE.—

(1) IN GENERAL.—For the 2014 crops and each succeeding annual crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm.

(2) TERMS AND CONDITIONS.—The marketing assistance loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under section 1202 for the loan commodity.

(c) ELIGIBLE PRODUCTION.—The producers on a farm shall be eligible for a marketing assistance loan under subsection (b) for any quantity of a loan commodity produced on the farm.

(d) COMPLIANCE WITH CONSERVATION AND WETLANDS REQUIREMENTS.—As a condition of the receipt of a marketing assistance loan under subsection (b), the producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.) during the term of the loan.

(e) SPECIAL RULES FOR PEANUTS.—

(1) IN GENERAL.—This subsection shall apply only to producers of peanuts.

(2) OPTIONS FOR OBTAINING LOAN.—A marketing assistance loan under this section, and loan deficiency payments under section 1205, may be obtained at the option of the producers on a farm through—

(A) a designated marketing association or marketing cooperative of producers that is approved by the Secretary; or

(B) the Farm Service Agency.

(3) STORAGE OF LOAN PEANUTS.—As a condition on the approval by the Secretary of an individual or entity to provide storage for peanuts for which a marketing assistance loan is made under this section, the individual or entity shall agree—

(A) to provide the storage on a nondiscriminatory basis; and

(B) to comply with such additional requirements as the Secretary considers appropriate to accomplish the purposes of this section and promote fairness in the administration of the benefits of this section.

(4) STORAGE, HANDLING, AND ASSOCIATED COSTS.—

(A) IN GENERAL.—To ensure proper storage of peanuts for which a loan is made under this section, the Secretary shall pay handling and other associated costs (other than storage costs) incurred at the time at which the peanuts are placed under loan, as determined by the Secretary.

(B) REDEMPTION AND FORFEITURE.—The Secretary shall—

(i) require the repayment of handling and other associated costs paid under subparagraph (A) for all peanuts pledged as collateral for a loan that is redeemed under this section; and

(ii) pay storage, handling, and other associated costs for all peanuts pledged as collateral that are forfeited under this section.

(5) MARKETING.—A marketing association or cooperative may market peanuts for which a loan is made under this section in any manner that conforms to consumer needs, including the separation of peanuts by type and quality.

(6) REIMBURSABLE AGREEMENTS AND PAYMENT OF ADMINISTRATIVE EXPENSES.—The Secretary may implement any reimbursable agreements or provide for the payment of administrative expenses under this subsection only in a manner that is consistent with those activities in regard to other loan commodities.

#### SEC. 1202. LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.

(a) IN GENERAL.—For purposes of the 2014 crop year and each succeeding crop year, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, \$2.94 per bushel.

(2) In the case of corn, \$1.95 per bushel.

(3) In the case of grain sorghum, \$1.95 per bushel.

(4) In the case of barley, \$1.95 per bushel.

(5) In the case of oats, \$1.39 per bushel.

(6) In the case of base quality of upland cotton, for the 2014 crop year and each succeeding crop year, the simple average of the adjusted prevailing world price for the 2 immediately preceding marketing years, as determined by the Secretary and announced October 1 preceding the next domestic plantings, but in no case less than \$0.47 per pound or more than \$0.52 per pound.

(7) In the case of extra long staple cotton, \$0.7977 per pound.

(8) In the case of long grain rice, \$6.50 per hundredweight.

(9) In the case of medium grain rice, \$6.50 per hundredweight.

(10) In the case of soybeans, \$5.00 per bushel.

(11) In the case of other oilseeds, \$10.09 per hundredweight for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(12) In the case of dry peas, \$5.40 per hundredweight.

(13) In the case of lentils, \$11.28 per hundredweight.

(14) In the case of small chickpeas, \$7.43 per hundredweight.

(15) In the case of large chickpeas, \$11.28 per hundredweight.

(16) In the case of graded wool, \$1.15 per pound.

(17) In the case of nongraded wool, \$0.40 per pound.

(18) In the case of mohair, \$4.20 per pound.

(19) In the case of honey, \$0.69 per pound.

(20) In the case of peanuts, \$355 per ton.

(b) SINGLE COUNTY LOAN RATE FOR OTHER OILSEEDS.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsection (a)(11).

#### SEC. 1203. TERM OF LOANS.

(a) TERM OF LOAN.—In the case of each loan commodity, a marketing assistance loan under section 1201 shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

(b) EXTENSIONS PROHIBITED.—The Secretary may not extend the term of a marketing assistance loan for any loan commodity.

#### SEC. 1204. REPAYMENT OF LOANS.

(a) GENERAL RULE.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for a loan commodity (other than upland cotton, long grain rice, medium grain rice, extra long staple cotton, peanuts and confectionery and each other kind of sunflower seed (other than oil sunflower seed)) at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283));

(2) a rate (as determined by the Secretary) that—

(A) is calculated based on average market prices for the loan commodity during the preceding 30-day period; and

(B) will minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries; or

(3) a rate that the Secretary may develop using alternative methods for calculating a repayment rate for a loan commodity that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of the commodity by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing the commodity;

(D) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally; and

(E) minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries.

(b) REPAYMENT RATES FOR UPLAND COTTON, LONG GRAIN RICE, AND MEDIUM GRAIN RICE.—The Secretary shall permit producers to repay a marketing assistance loan under section 1201 for upland cotton, long grain rice, and medium grain rice at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) the prevailing world market price for the commodity, as determined and adjusted by the Secretary in accordance with this section.

(c) REPAYMENT RATES FOR EXTRA LONG STAPLE COTTON.—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

(d) PREVAILING WORLD MARKET PRICE.—For purposes of this section and section 1207, the Secretary shall prescribe by regulation—

(1) a formula to determine the prevailing world market price for each of upland cotton, long grain rice, and medium grain rice; and

(2) a mechanism by which the Secretary shall announce periodically those prevailing world market prices.

(e) ADJUSTMENT OF PREVAILING WORLD MARKET PRICE FOR UPLAND COTTON, LONG GRAIN RICE, AND MEDIUM GRAIN RICE.—

(1) RICE.—The prevailing world market price for long grain rice and medium grain rice determined under subsection (d) shall be adjusted to United States quality and location.

(2) COTTON.—The prevailing world market price for upland cotton determined under subsection (d)—

(A) shall be adjusted to United States quality and location, with the adjustment to include—

(i) a reduction equal to any United States Premium Factor for upland cotton of a quality higher than Middling (M) 1 $\frac{3}{32}$ -inch; and

(ii) the average costs to market the commodity, including average transportation costs, as determined by the Secretary; and

(B) may be further adjusted, during the period beginning on the date of enactment of

this Act and ending on July 31, 2019, if the Secretary determines the adjustment is necessary—

(i) to minimize potential loan forfeitures;

(ii) to minimize the accumulation of stocks of upland cotton by the Federal Government;

(iii) to ensure that upland cotton produced in the United States can be marketed freely and competitively, both domestically and internationally; and

(iv) to ensure an appropriate transition between current-crop and forward-crop price quotations, except that the Secretary may use forward-crop price quotations prior to July 31 of a marketing year only if—

(I) there are insufficient current-crop price quotations; and

(II) the forward-crop price quotation is the lowest such quotation available.

(3) GUIDELINES FOR ADDITIONAL ADJUSTMENTS.—In making adjustments under this subsection, the Secretary shall establish a mechanism for determining and announcing the adjustments in order to avoid undue disruption in the United States market.

(f) REPAYMENT RATES FOR CONFECTIONERY AND OTHER KINDS OF SUNFLOWER SEEDS.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) the repayment rate established for oil sunflower seed.

(g) PAYMENT OF COTTON STORAGE COSTS.—Effective for the 2014 crop year and each succeeding crop year, the Secretary shall make cotton storage payments available in the same manner, and at the same rates as the Secretary provided storage payments for the 2006 crop of cotton, except that the rates shall be reduced by 10 percent.

(h) REPAYMENT RATE FOR PEANUTS.—The Secretary shall permit producers on a farm to repay a marketing assistance loan for peanuts under section 1201 at a rate that is the lesser of—

(1) the loan rate established for peanuts under section 1202(a)(20), plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) a rate that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of peanuts by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing peanuts; and

(D) allow peanuts produced in the United States to be marketed freely and competitively, both domestically and internationally.

(i) AUTHORITY TO TEMPORARILY ADJUST REPAYMENT RATES.—

(1) ADJUSTMENT AUTHORITY.—In the event of a severe disruption to marketing, transportation, or related infrastructure, the Secretary may modify the repayment rate otherwise applicable under this section for marketing assistance loans under section 1201 for a loan commodity.

(2) DURATION.—Any adjustment made under paragraph (1) in the repayment rate for marketing assistance loans for a loan commodity shall be in effect on a short-term and temporary basis, as determined by the Secretary.

## SEC. 1205. LOAN DEFICIENCY PAYMENTS.

(a) AVAILABILITY OF LOAN DEFICIENCY PAYMENTS.—

(1) IN GENERAL.—Except as provided in subsection (d), the Secretary may make loan deficiency payments available to producers on a farm that, although eligible to obtain a marketing assistance loan under section 1201 with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for loan deficiency payments under this section.

(2) UNSHORN PELTS, HAY, AND SILAGE.—

(A) MARKETING ASSISTANCE LOANS.—Subject to subparagraph (B), nongraded wool in the form of unshorn pelts and hay and silage derived from a loan commodity are not eligible for a marketing assistance loan under section 1201.

(B) LOAN DEFICIENCY PAYMENT.—Effective for the 2014 crop year and each succeeding crop year, the Secretary may make loan deficiency payments available under this section to producers on a farm that produce unshorn pelts or hay and silage derived from a loan commodity.

(b) COMPUTATION.—A loan deficiency payment for a loan commodity or commodity referred to in subsection (a)(2) shall be equal to the product obtained by multiplying—

(1) the payment rate determined under subsection (c) for the commodity; by

(2) the quantity of the commodity produced by the eligible producers, excluding any quantity for which the producers obtain a marketing assistance loan under section 1201.

(c) PAYMENT RATE.—

(1) IN GENERAL.—In the case of a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for the loan commodity; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(2) UNSHORN PELTS.—In the case of unshorn pelts, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for ungraded wool; exceeds

(B) the rate at which a marketing assistance loan for ungraded wool may be repaid under section 1204.

(3) HAY AND SILAGE.—In the case of hay or silage derived from a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for the loan commodity from which the hay or silage is derived; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(d) EXCEPTION FOR EXTRA LONG STAPLE COTTON.—This section shall not apply with respect to extra long staple cotton.

(e) EFFECTIVE DATE FOR PAYMENT RATE DETERMINATION.—The Secretary shall determine the amount of the loan deficiency payment to be made under this section to the producers on a farm with respect to a quantity of a loan commodity or commodity referred to in subsection (a)(2) using the payment rate in effect under subsection (c) as of the date the producers request the payment.

## SEC. 1206. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

(a) ELIGIBLE PRODUCERS.—

(1) IN GENERAL.—Effective for the 2014 crop year and each succeeding crop year, in the case of a producer that would be eligible for a loan deficiency payment under section 1205

for wheat, barley, or oats, but that elects to use acreage planted to the wheat, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of the wheat, barley, or oats on that acreage.

(2) **GRAZING OF TRITICALE ACREAGE.**—Effective for the 2014 crop year and each succeeding crop year, with respect to a producer on a farm that uses acreage planted to triticale for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of triticale on that acreage.

(b) **PAYMENT AMOUNT.**—

(1) **IN GENERAL.**—The amount of a payment made under this section to a producer on a farm described in subsection (a)(1) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of wheat, barley, or oats; and

(ii) (I) the payment yield in effect for the calculation of price loss coverage under subtitle A with respect to that loan commodity on the farm; or

(II) in the case of a farm without a payment yield for that loan commodity, an appropriate yield established by the Secretary in a manner consistent with section 1106(c) of this Act.

(2) **GRAZING OF TRITICALE ACREAGE.**—The amount of a payment made under this section to a producer on a farm described in subsection (a)(2) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect for wheat, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of triticale; and

(ii) (I) the payment yield in effect for the calculation of price loss coverage under subtitle A with respect to wheat on the farm; or

(II) in the case of a farm without a payment yield for wheat, an appropriate yield established by the Secretary in a manner consistent with section 1106(c) of this Act.

(c) **TIME, MANNER, AND AVAILABILITY OF PAYMENT.**—

(1) **TIME AND MANNER.**—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 1205.

(2) **AVAILABILITY.**—

(A) **IN GENERAL.**—The Secretary shall establish an availability period for the payments authorized by this section.

(B) **CERTAIN COMMODITIES.**—In the case of wheat, barley, and oats, the availability period shall be consistent with the availability period for the commodity established by the Secretary for marketing assistance loans authorized by this subtitle.

(d) **PROHIBITION ON CROP INSURANCE INDEMNITY OR NONINSURED CROP ASSISTANCE.**—A 2014 crop or succeeding annual crop of wheat, barley, oats, or triticale planted on acreage

that a producer elects, in the agreement required by subsection (a), to use for the grazing of livestock in lieu of any other harvesting of the crop shall not be eligible for an indemnity under a policy or plan of insurance authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or non-insured crop assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

#### **SEC. 1207. SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.**

(a) **SPECIAL IMPORT QUOTA.**—

(1) **DEFINITION OF SPECIAL IMPORT QUOTA.**—In this subsection, the term “special import quota” means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(2) **ESTABLISHMENT.**—

(A) **IN GENERAL.**—The President shall carry out an import quota program beginning on August 1, 2014, as provided in this subsection.

(B) **PROGRAM REQUIREMENTS.**—Whenever the Secretary determines and announces that for any consecutive 4-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1<sup>3</sup>/<sub>32</sub>-inch cotton, delivered to a definable and significant international market, as determined by the Secretary, exceeds the prevailing world market price, there shall immediately be in effect a special import quota.

(3) **QUANTITY.**—The quota shall be equal to the consumption during a 1-week period of cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which official data of the Department of Agriculture are available or, in the absence of sufficient data, as estimated by the Secretary.

(4) **APPLICATION.**—The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary’s announcement under paragraph (2) and entered into the United States not later than 180 days after that date.

(5) **OVERLAP.**—A special quota period may be established that overlaps any existing quota period if required by paragraph (2), except that a special quota period may not be established under this subsection if a quota period has been established under subsection (b).

(6) **PREFERENTIAL TARIFF TREATMENT.**—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(A) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(B) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(C) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(D) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(7) **LIMITATION.**—The quantity of cotton entered into the United States during any marketing year under the special import quota established under this subsection may not exceed the equivalent of 10 weeks’ consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the 3 months immediately preceding the first special import quota established in any marketing year.

(b) **LIMITED GLOBAL IMPORT QUOTA FOR UPLAND COTTON.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **DEMAND.**—The term “demand” means—

(i) the average seasonally adjusted annual rate of domestic mill consumption of cotton during the most recent 3 months for which

official data of the Department of Agriculture are available or, in the absence of sufficient data, as estimated by the Secretary; and

(ii) the larger of—

(I) average exports of upland cotton during the preceding 6 marketing years; or

(II) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the quota is established.

(B) **LIMITED GLOBAL IMPORT QUOTA.**—The term “limited global import quota” means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(C) **SUPPLY.**—The term “supply” means, using the latest official data of the Department of Agriculture—

(i) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the quota is established;

(ii) production of the current crop; and

(iii) imports to the latest date available during the marketing year.

(2) **PROGRAM.**—The President shall carry out an import quota program that provides that whenever the Secretary determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of the quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, there shall immediately be in effect a limited global import quota subject to the following conditions:

(A) **QUANTITY.**—The quantity of the quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which official data of the Department of Agriculture are available or, in the absence of sufficient data, as estimated by the Secretary.

(B) **QUANTITY IF PRIOR QUOTA.**—If a quota has been established under this subsection during the preceding 12 months, the quantity of the quota next established under this subsection shall be the smaller of 21 days of domestic mill consumption calculated under subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

(C) **PREFERENTIAL TARIFF TREATMENT.**—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(D) **QUOTA ENTRY PERIOD.**—When a quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the date the quota is established by the Secretary.

(3) **NO OVERLAP.**—Notwithstanding paragraph (2), a quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (a).

(c) **ECONOMIC ADJUSTMENT ASSISTANCE TO USERS OF UPLAND COTTON.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall, on a monthly basis, make economic adjustment assistance available to domestic users of upland cotton in the form of payments for all documented use

of that upland cotton during the previous monthly period regardless of the origin of the upland cotton.

(2) **VALUE OF ASSISTANCE.**—Effective beginning on August 1, 2013, the value of the assistance provided under paragraph (1) shall be 3 cents per pound.

(3) **ALLOWABLE PURPOSES.**—Economic adjustment assistance under this subsection shall be made available only to domestic users of upland cotton that certify that the assistance shall be used only to acquire, construct, install, modernize, develop, convert, or expand land, plant, buildings, equipment, facilities, or machinery.

(4) **REVIEW OR AUDIT.**—The Secretary may conduct such review or audit of the records of a domestic user under this subsection as the Secretary determines necessary to carry out this subsection.

(5) **IMPROPER USE OF ASSISTANCE.**—If the Secretary determines, after a review or audit of the records of the domestic user, that economic adjustment assistance under this subsection was not used for the purposes specified in paragraph (3), the domestic user shall be—

(A) liable for the repayment of the assistance to the Secretary, plus interest, as determined by the Secretary; and

(B) ineligible to receive assistance under this subsection for a period of 1 year following the determination of the Secretary.

#### **SEC. 1208. SPECIAL COMPETITIVE PROVISIONS FOR EXTRA LONG STAPLE COTTON.**

(a) **COMPETITIVENESS PROGRAM.**—Notwithstanding any other provision of law, the Secretary shall carry out a program—

(1) to maintain and expand the domestic use of extra long staple cotton produced in the United States;

(2) to increase exports of extra long staple cotton produced in the United States; and

(3) to ensure that extra long staple cotton produced in the United States remains competitive in world markets.

(b) **PAYMENTS UNDER PROGRAM; TRIGGER.**—Under the program, the Secretary shall make payments available under this section whenever—

(1) for a consecutive 4-week period, the world market price for the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is below the prevailing United States price for a competing growth of extra long staple cotton; and

(2) the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is less than 134 percent of the loan rate for extra long staple cotton.

(c) **ELIGIBLE RECIPIENTS.**—The Secretary shall make payments available under this section to domestic users of extra long staple cotton produced in the United States and exporters of extra long staple cotton produced in the United States that enter into an agreement with the Commodity Credit Corporation to participate in the program under this section.

(d) **PAYMENT AMOUNT.**—Payments under this section shall be based on the amount of the difference in the prices referred to in subsection (b)(1) during the fourth week of the consecutive 4-week period multiplied by the amount of documented purchases by domestic users and sales for export by exporters made in the week following such a consecutive 4-week period.

#### **SEC. 1209. AVAILABILITY OF RECOURSE LOANS FOR HIGH MOISTURE FEED GRAINS AND SEED COTTON.**

(a) **HIGH MOISTURE FEED GRAINS.**—

(1) **DEFINITION OF HIGH MOISTURE STATE.**—In this subsection, the term “high moisture state” means corn or grain sorghum having a moisture content in excess of Commodity Credit Corporation standards for marketing assistance loans made by the Secretary under section 1201.

(2) **RECOURSE LOANS AVAILABLE.**—For the 2014 crop and each succeeding annual crop of corn and grain sorghum, the Secretary shall make available recourse loans, as determined by the Secretary, to producers on a farm that—

(A) normally harvest all or a portion of their crop of corn or grain sorghum in a high moisture state;

(B) present—

(i) certified scale tickets from an inspected, certified commercial scale, including a licensed warehouse, feedlot, feed mill, distillery, or other similar entity approved by the Secretary, pursuant to regulations issued by the Secretary; or

(ii) field or other physical measurements of the standing or stored crop in regions of the United States, as determined by the Secretary, that do not have certified commercial scales from which certified scale tickets may be obtained within reasonable proximity of harvest operation;

(C) certify that the producers on the farm were the owners of the feed grain at the time of delivery to, and that the quantity to be placed under loan under this subsection was in fact harvested on the farm and delivered to, a feedlot, feed mill, or commercial or on-farm high-moisture storage facility, or to a facility maintained by the users of corn and grain sorghum in a high moisture state; and

(D) comply with deadlines established by the Secretary for harvesting the corn or grain sorghum and submit applications for loans under this subsection within deadlines established by the Secretary.

(3) **ELIGIBILITY OF ACQUIRED FEED GRAINS.**—A loan under this subsection shall be made on a quantity of corn or grain sorghum of the same crop acquired by the producer equivalent to a quantity determined by multiplying—

(A) the acreage of the corn or grain sorghum in a high moisture state harvested on the farm of the producer; by

(B) the lower of the farm program payment yield used to make payments under subtitle A or the actual yield on a field, as determined by the Secretary, that is similar to the field from which the corn or grain sorghum was obtained.

(b) **RECOURSE LOANS AVAILABLE FOR SEED COTTON.**—For the 2014 crop and each succeeding annual crop of upland cotton and extra long staple cotton, the Secretary shall make available recourse seed cotton loans, as determined by the Secretary, on any production.

(c) **REPAYMENT RATES.**—Repayment of a recourse loan made under this section shall be at the loan rate established for the commodity by the Secretary, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

#### **SEC. 1210. ADJUSTMENTS OF LOANS.**

(a) **ADJUSTMENT AUTHORITY.**—Subject to subsection (e), the Secretary may make appropriate adjustments in the loan rates for any loan commodity (other than cotton) for differences in grade, type, quality, location, and other factors.

(b) **MANNER OF ADJUSTMENT.**—The adjustments under subsection (a) shall, to the maximum extent practicable, be made in such a manner that the average loan level for the commodity will, on the basis of the anticipated incidence of the factors, be equal to the level of support determined in accordance with this subtitle and subtitle C.

(c) **ADJUSTMENT ON COUNTY BASIS.**—

(1) **IN GENERAL.**—The Secretary may establish loan rates for a crop for producers in individual counties in a manner that results in the lowest loan rate being 95 percent of the national average loan rate, if those loan rates do not result in an increase in outlays.

(2) **PROHIBITION.**—Adjustments under this subsection shall not result in an increase in the national average loan rate for any year.

(d) **ADJUSTMENT IN LOAN RATE FOR COTTON.**—

(1) **IN GENERAL.**—The Secretary may make appropriate adjustments in the loan rate for cotton for differences in quality factors.

(2) **TYPES OF ADJUSTMENTS.**—Loan rate adjustments under paragraph (1) may include—

(A) the use of non-spot market price data, in addition to spot market price data, that would enhance the accuracy of the price information used in determining quality adjustments under this subsection;

(B) adjustments in the premiums or discounts associated with upland cotton with a staple length of 33 or above due to micronaire with the goal of eliminating any unnecessary artificial splits in the calculations of the premiums or discounts; and

(C) such other adjustments as the Secretary determines appropriate, after consultations conducted in accordance with paragraph (3).

(3) **CONSULTATION WITH PRIVATE SECTOR.**—

(A) **PRIOR TO REVISION.**—In making adjustments to the loan rate for cotton (including any review of the adjustments) as provided in this subsection, the Secretary shall consult with representatives of the United States cotton industry.

(B) **INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations under this subsection.

(4) **REVIEW OF ADJUSTMENTS.**—The Secretary may review the operation of the upland cotton quality adjustments implemented pursuant to this subsection and may make further adjustments to the administration of the loan program for upland cotton, by revoking or revising any adjustment taken under paragraph (2).

(e) **RICE.**—The Secretary shall not make adjustments in the loan rates for long grain rice and medium grain rice, except for differences in grade and quality (including milling yields).

#### **Subtitle C—Sugar**

#### **SEC. 1301. SUGAR PROGRAM.**

(a) **CONTINUATION OF CURRENT PROGRAM AND LOAN RATES.**—

(1) **SUGARCANE.**—Section 156(a)(5) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)(5)) is amended by striking “the 2012 crop year” and inserting “the 2012 crop year and each succeeding crop year”.

(2) **SUGAR BEETS.**—Section 156(b)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(b)(2)) is amended by striking “each of the 2009 through 2012 crop years” and inserting “the 2009 crop year and each succeeding crop year”.

(3) **EFFECTIVE PERIOD.**—Section 156(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(i)) is repealed.

(b) FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.—

(1) SUGAR ESTIMATES.—Section 359b(a)(1) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb(a)(1)) is amended by striking “each of the 2008 through 2012 crop years” and inserting “the 2008 crop year and each succeeding crop year”.

(2) EFFECTIVE PERIOD.—Section 359i(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ii(a)) is amended by striking “only for the 2008 through 2012 crop years” and inserting “for the 2008 crop year and each succeeding crop year”.

#### Subtitle D—Dairy

### PART I—DAIRY PRODUCER MARGIN INSURANCE PROGRAM

#### SEC. 1401. DAIRY PRODUCER MARGIN INSURANCE PROGRAM.

Subtitle E of title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771 et seq.) is amended by adding at the end the following new section:

#### “SEC. 1511. DAIRY PRODUCER MARGIN INSURANCE PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ACTUAL DAIRY PRODUCER MARGIN.—The term ‘actual dairy producer margin’ means the difference between the all-milk price and the average feed cost, as calculated under subsection (b)(2).

“(2) ALL-MILK PRICE.—The term ‘all-milk price’ means the average price received, per hundredweight of milk, by dairy producers for all milk sold to plants and dealers in the United States, as reported by the National Agricultural Statistics Service.

“(3) AVERAGE FEED COST.—The term ‘average feed cost’ means the average cost of feed used by a dairy operation to produce a hundredweight of milk, determined under subsection (b)(1) using the sum of the following:

“(A) The product determined by multiplying—

“(i) 1.0728; by

“(ii) the price of corn per bushel.

“(B) The product determined by multiplying—

“(i) 0.00735; by

“(ii) the price of soybean meal per ton.

“(C) The product determined by multiplying—

“(i) 0.0137; by

“(ii) the price of alfalfa hay per ton.

“(4) CONSECUTIVE 2-MONTH PERIOD.—The term ‘consecutive 2-month period’ refers to the 2-month period consisting of the months of January and February, March and April, May and June, July and August, September and October, or November and December, respectively.

“(5) DAIRY PRODUCER.—The term ‘dairy producer’ means an individual or entity that directly or indirectly (as determined by the Secretary)—

“(A) shares in the risk of producing milk; and

“(B) makes contributions (including land, labor, management, equipment, or capital) to the dairy operation of the individual or entity that are at least commensurate with the share of the individual or entity of the proceeds of the operation.

“(6) MARGIN INSURANCE PROGRAM.—The term ‘margin insurance program’ means the dairy producer margin insurance program required by this section.

“(7) PARTICIPATING DAIRY PRODUCER.—The term ‘participating dairy producer’ means a dairy producer that registers under subsection (d)(2) to participate in the margin insurance program.

“(8) PRODUCTION HISTORY.—The term ‘production history’ means the quantity of an-

nual milk marketings determined for a dairy producer under subsection (e)(1).

“(9) UNITED STATES.—The term ‘United States’, in a geographical sense, means the 50 States.

“(b) CALCULATION OF AVERAGE FEED COST AND ACTUAL DAIRY PRODUCER MARGINS.—

“(1) CALCULATION OF AVERAGE FEED COST.—The Secretary shall calculate the national average feed cost for each month using the following data:

“(A) The price of corn for a month shall be the price received during that month by agricultural producers in the United States for corn, as reported in the monthly Agriculture Prices report by the Secretary.

“(B) The price of soybean meal for a month shall be the central Illinois price for soybean meal, as reported in the Market News—Monthly Soybean Meal Price Report by the Secretary.

“(C) The price of alfalfa hay for a month shall be the price received during that month by agricultural producers in the United States for alfalfa hay, as reported in the monthly Agriculture Prices report by the Secretary.

“(2) CALCULATION OF ACTUAL DAIRY PRODUCER MARGINS.—The Secretary shall calculate the actual dairy producer margin for each consecutive 2-month period by subtracting—

“(A) the average feed cost for that consecutive 2-month period, determined in accordance with paragraph (1); from

“(B) the all-milk price for that consecutive 2-month period.

“(c) ESTABLISHMENT OF DAIRY PRODUCER MARGIN INSURANCE PROGRAM.—The Secretary shall establish and administer a dairy producer margin insurance program for the purpose of protecting dairy producer income by paying participating dairy producers margin insurance payments when actual dairy producer margins are less than the threshold levels for the payments.

“(d) ELIGIBILITY AND REGISTRATION OF DAIRY PRODUCERS FOR MARGIN INSURANCE PROGRAM.—

“(1) ELIGIBILITY.—All dairy producers in the United States shall be eligible to participate in the margin insurance program.

“(2) REGISTRATION PROCESS.—

“(A) REGISTRATION.—

“(i) ANNUAL REGISTRATION.—On an annual basis, the Secretary shall register all interested dairy producers in the margin insurance program.

“(ii) MANNER AND FORM.—The Secretary shall specify the manner and form by which a dairy producer shall register for the margin insurance program.

“(B) TREATMENT OF MULTI-PRODUCER OPERATIONS.—If a dairy operation consists of more than 1 dairy producer, all of the dairy producers of the operation shall be treated as a single dairy producer for purposes of—

“(i) purchasing margin insurance; and

“(ii) payment of producer premiums under subsection (f)(4).

“(C) TREATMENT OF PRODUCERS WITH MULTIPLE DAIRY OPERATIONS.—If a dairy producer operates 2 or more dairy operations, each dairy operation of the producer shall require a separate registration to participate and purchase margin insurance.

“(3) TIME FOR REGISTRATION.—

“(A) EXISTING DAIRY PRODUCERS.—During the 1-year period beginning on the date of enactment of this section, and annually thereafter, a dairy producer that is actively engaged in a dairy operation as of that date may register with the Secretary to participate in the margin insurance program.

“(B) NEW ENTRANTS.—A dairy producer that has no existing interest in a dairy operation as of the date of enactment of this section, but that, after that date, establishes a new dairy operation, may register with the Secretary during the 180-day period beginning on the date on which the dairy operation first markets milk commercially to participate in the margin insurance program.

“(4) RETROACTIVITY.—

“(A) NOTICE OF AVAILABILITY OF RETROACTIVE PROTECTION.—Not later than 30 days after the effective date of this section, the Secretary shall publish a notice in the Federal Register to inform dairy producers of the availability of retroactive margin insurance, subject to the condition that interested producers must file a notice of intent (in such form and manner as the Secretary specifies in the Federal Register notice) to participate in the margin insurance program.

“(B) RETROACTIVE MARGIN INSURANCE.—

“(i) AVAILABILITY.—If a dairy producer files a notice of intent under subparagraph (A) to participate in the margin insurance program before the initiation of the sign-up period for the margin insurance program and subsequently signs up for the margin insurance program, the producer shall receive margin insurance retroactive to the effective date of this section.

“(ii) DURATION.—Retroactive margin insurance under this paragraph for a dairy producer shall apply from the effective date of this section until the date on which the producer signs up for the margin insurance program.

“(C) NOTICE OF INTENT AND OBLIGATION TO PARTICIPATE.—In no way does filing a notice of intent under this paragraph obligate a dairy producer to sign up for the margin insurance program once the program rules are final, but if a producer does file a notice of intent and subsequently signs up for the margin insurance program, that dairy producer is obligated to pay premiums for any retroactive margin insurance selected in the notice of intent.

“(5) RECONSTITUTION.—The Secretary shall ensure that a dairy producer does not reconstitute a dairy operation for the sole purpose of purchasing margin insurance.

“(e) PRODUCTION HISTORY OF PARTICIPATING DAIRY PRODUCERS.—

“(1) DETERMINATION OF PRODUCTION HISTORY.—

“(A) IN GENERAL.—The Secretary shall determine the production history of the dairy operation of each participating dairy producer in the margin insurance program.

“(B) CALCULATION.—Except as provided in subparagraphs (C) and (D), the production history of a participating dairy producer shall be equal to the highest annual milk marketings of the dairy producer during any 1 of the 3 calendar years immediately preceding the registration of the dairy producer for participation in the margin insurance program.

“(C) UPDATING PRODUCTION HISTORY.—So long as a participating producer remains registered, the production history of the participating producer shall be annually updated based on the highest annual milk marketings of the dairy producer during any one of the 3 immediately preceding calendar years.

“(D) NEW PRODUCERS.—If a dairy producer has been in operation for less than 1 year, the Secretary shall determine the initial production history of the dairy producer under subparagraph (B) by extrapolating the

actual milk marketings for the months that the dairy producer has been in operation to a yearly amount.

“(2) REQUIRED INFORMATION.—A participating dairy producer shall provide all information that the Secretary may require in order to establish the production history of the dairy operation of the dairy producer.

“(3) TRANSFER OF PRODUCTION HISTORY.—

“(A) TRANSFER BY SALE.—

“(i) REQUEST FOR TRANSFER.—If an existing dairy producer sells an entire dairy operation to another party, the seller and purchaser may jointly request that the Secretary transfer to the purchaser the interest of the seller in the production history of the dairy operation.

“(ii) TRANSFER.—If the Secretary determines that the seller has sold the entire dairy operation to the purchaser, the Secretary shall approve the transfer and, thereafter, the seller shall have no interest in the production history of the sold dairy operation.

“(B) TRANSFER BY LEASE.—

“(i) REQUEST FOR TRANSFER.—If an existing dairy producer leases an entire dairy operation to another party, the lessor and lessee may jointly request that the Secretary transfer to the lessee for the duration of the term of the lease the interest of the lessor in the production history of the dairy operation.

“(ii) TRANSFER.—If the Secretary determines that the lessor has leased the entire dairy operation to the lessee, the Secretary shall approve the transfer and, thereafter, the lessor shall have no interest for the duration of the term of the lease in the production history of the leased dairy operation.

“(C) COVERAGE LEVEL.—A purchaser or lessee to whom the Secretary transfers a production history under this paragraph may not obtain a different level of margin insurance coverage held by the seller or lessor from whom the transfer was obtained.

“(D) NEW ENTRANTS.—The Secretary may not transfer the production history determined for a dairy producer described in subsection (d)(3)(B) to another person.

“(4) MOVEMENT AND TRANSFER OF PRODUCTION HISTORY.—

“(A) MOVEMENT AND TRANSFER AUTHORIZED.—Subject to subparagraph (B), if a dairy producer moves from 1 location to another location, the dairy producer may maintain the production history associated with the operation.

“(B) NOTIFICATION REQUIREMENT.—A dairy producer shall notify the Secretary of any move of a dairy operation under subparagraph (A).

“(C) SUBSEQUENT OCCUPATION OF VACATED LOCATION.—A party subsequently occupying a dairy operation location vacated as described in subparagraph (A) shall have no interest in the production history previously associated with the operation at that location.

“(f) MARGIN INSURANCE.—

“(1) IN GENERAL.—At the time of the registration of a dairy producer in the margin insurance program under subsection (d) and annually thereafter during the duration of the margin insurance program, an eligible dairy producer may purchase margin insurance.

“(2) SELECTION OF PAYMENT THRESHOLD.—A participating dairy producer purchasing margin insurance shall elect a coverage level in any increment of \$0.50, with a minimum of \$4.00 and a maximum of \$8.00.

“(3) SELECTION OF COVERAGE PERCENTAGE.—A participating dairy producer purchasing

margin insurance shall elect a percentage of coverage, equal to not more than 80 percent nor less than 25 percent, of the production history of the dairy operation of the participating dairy producer.

“(4) PRODUCER PREMIUMS.—

“(A) PREMIUMS REQUIRED.—A participating dairy producer that purchases margin insurance shall pay an annual premium equal to the product obtained by multiplying—

“(i) the percentage selected by the dairy producer under paragraph (3);

“(ii) the production history applicable to the dairy producer; and

“(iii) the premium per hundredweight of milk, as specified in the applicable table under subparagraph (B) or (C).

“(B) PREMIUM PER HUNDREDWEIGHT FOR FIRST 4 MILLION POUNDS OF PRODUCTION.—For the first 4,000,000 pounds of milk marketings included in the annual production history of a participating dairy operation, the premium per hundredweight corresponding to each coverage level specified in the following table is as follows:

Coverage Level	Premium per Cwt.
\$4.00	\$0.00
\$4.50	\$0.01
\$5.00	\$0.02
\$5.50	\$0.035
\$6.00	\$0.045
\$6.50	\$0.09
\$7.00	\$0.18
\$7.50	\$0.60
\$8.00	\$0.95

“(C) PREMIUM PER HUNDREDWEIGHT FOR PRODUCTION IN EXCESS OF 4 MILLION POUNDS.—For milk marketings in excess of 4,000,000 pounds included in the annual production history of a participating dairy operation, the premium per hundredweight corresponding to each coverage level is as follows:

Coverage Level	Premium per Cwt.
\$4.00	\$0.030
\$4.50	\$0.045
\$5.00	\$0.066
\$5.50	\$0.11
\$6.00	\$0.185
\$6.50	\$0.29
\$7.00	\$0.38
\$7.50	\$0.83
\$8.00	\$1.06

“(D) TIME FOR PAYMENT.—

“(i) FIRST YEAR.—As soon as practicable after a dairy producer registers to participate in the margin insurance program and purchases margin insurance, the dairy producer shall pay the premium determined under subparagraph (A) for the dairy producer for the first calendar year of the margin insurance.

“(ii) SUBSEQUENT YEARS.—

“(1) IN GENERAL.—When the dairy producer first purchases margin insurance, the dairy producer shall also elect the method by which the dairy producer will pay premiums under this subsection for subsequent years in accordance with 1 of the schedules described in subclauses (II) and (III).

“(II) SINGLE ANNUAL PAYMENT.—The participating dairy producer may elect to pay 100 percent of the annual premium determined under subparagraph (A) for the dairy producer for a calendar year by not later than January 15 of the calendar year.

“(III) SEMI-ANNUAL PAYMENTS.—The participating dairy producer may elect to pay—

“(aa) 50 percent of the annual premium determined under subparagraph (A) for the dairy producer for a calendar year by not later than January 15 of the calendar year; and

“(bb) the remaining 50 percent of the premium by not later than June 15 of the calendar year.

“(5) PRODUCER PREMIUM OBLIGATIONS.—

“(A) PRO-RATION OF FIRST YEAR PREMIUM.—

A participating dairy producer that purchases margin insurance after initial registration in the margin insurance program shall pay a pro-rated premium for the first calendar year based on the date on which the producer purchases the coverage.

“(B) SUBSEQUENT PREMIUMS.—Except as provided in subparagraph (A), the annual premium for a participating dairy producer shall be determined under paragraph (4) for each year in which the margin insurance program is in effect.

“(C) LEGAL OBLIGATION.—

“(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), a participating dairy producer that purchases margin insurance shall be legally obligated to pay the applicable premiums for the entire period of the margin insurance program (as provided in the payment schedule elected under paragraph (4)(B)), and may not opt out of the margin insurance program.

“(ii) DEATH.—If the dairy producer dies, the estate of the deceased may cancel the margin insurance and shall not be responsible for any further premium payments.

“(iii) RETIREMENT.—If the dairy producer retires, the producer may request that Secretary cancel the margin insurance if the producer has terminated the dairy operation entirely and certifies under oath that the producer will not be actively engaged in any dairy operation for at least the next 7 years.

“(6) PAYMENT THRESHOLD.—A participating dairy producer with margin insurance shall receive a margin insurance payment whenever the average actual dairy producer margin for a consecutive 2-month period is less than the coverage level threshold selected by the dairy producer under paragraph (2).

“(7) MARGIN INSURANCE PAYMENTS.—

“(A) IN GENERAL.—The Secretary shall make a margin insurance protection payment to each participating dairy producer whenever the average actual dairy producer margin for a consecutive 2-month period is less than the coverage level threshold selected by the dairy producer under paragraph (2).

“(B) AMOUNT OF PAYMENT.—The margin insurance payment for the dairy operation of a participating dairy producer shall be determined as follows:

“(i) The Secretary shall calculate the difference between—

“(I) the coverage level threshold selected by the dairy producer under paragraph (2); and

“(II) the average actual dairy producer margin for the consecutive 2-month period.

“(ii) The amount determined under clause (i) shall be multiplied by—

“(I) the percentage selected by the dairy producer under paragraph (3); and

“(II) the lesser of—

“(aa) the quotient obtained by dividing—

“(AA) the production history applicable to the producer under subsection (e)(1); by

“(BB) 6; and

“(bb) the actual quantity of milk marketed by the dairy operation of the dairy producer during the consecutive 2-month period.



“(g) EFFECT OF FAILURE TO PAY PREMIUMS.—

“(1) LOSS OF BENEFITS.—A participating dairy producer that is in arrears on premium payments for margin insurance—

“(A) remains legally obligated to pay the premiums; and

“(B) may not receive margin insurance until the premiums are fully paid.

“(2) ENFORCEMENT.—The Secretary may take such action as is necessary to collect premium payments for margin insurance.

“(h) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and the authorities of the Commodity Credit Corporation to carry out this section.

“(i) PROGRAM START DATE.—The Secretary shall conduct the margin insurance program beginning on October 1, 2013.”

#### SEC. 1402. RULEMAKING.

(a) PROCEDURE.—The promulgation of regulations for the initiation of the margin insurance program, and for administration of the margin insurance program, shall be made—

(1) without regard to chapter 35 of title 44, United States Code (commonly known as the Paperwork Reduction Act);

(2) without regard to the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) subject to subsection (b), pursuant to section 553 of title 5, United States Code.

(b) SPECIAL RULEMAKING REQUIREMENTS.—

(1) INTERIM RULES AUTHORIZED.—With respect to the margin insurance program, the Secretary may promulgate interim rules under the authority provided in subparagraph (B) of section 553(b) of title 5, United States Code, if the Secretary determines such interim rules to be needed. Any such interim rules for the margin insurance program shall be effective on publication.

(2) FINAL RULES.—With respect to the margin insurance program, the Secretary shall promulgate final rules, with an opportunity for public notice and comment, no later than 21 months after the date of the enactment of this Act.

(c) INCLUSION OF ADDITIONAL ORDER.—Section 143(a)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7253(a)(2)) is amended by adding at the end the following new sentence: “Subsection (b)(2) does not apply to the authority of the Secretary under this subsection.”

#### PART II—REPEAL OR REAUTHORIZATION OF OTHER DAIRY-RELATED PROVISIONS

##### SEC. 1411. REPEAL OF DAIRY PRODUCT PRICE SUPPORT AND MILK INCOME LOSS CONTRACT PROGRAMS.

(a) REPEAL OF DAIRY PRODUCT PRICE SUPPORT PROGRAM.—Section 1501 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771) is repealed.

(b) REPEAL OF MILK INCOME LOSS CONTRACT PROGRAM.—Section 1506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773) is repealed.

##### SEC. 1412. REPEAL OF DAIRY EXPORT INCENTIVE PROGRAM.

(a) REPEAL.—Section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14) is repealed.

(b) CONFORMING AMENDMENTS.—Section 902(2) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201(2)) is amended—

(1) by striking subparagraph (D); and

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

##### SEC. 1413. EXTENSION OF DAIRY FORWARD PRICING PROGRAM.

Section 1502(e) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8772(e)) is amended—

(1) in paragraph (1), by striking “2012” and inserting “2018”; and

(2) in paragraph (2), by striking “2015” and inserting “2021”.

##### SEC. 1414. EXTENSION OF DAIRY INDEMNITY PROGRAM.

Section 3 of Public Law 90–484 (7 U.S.C. 4501) is amended by striking “2012” and inserting “2018”.

##### SEC. 1415. EXTENSION OF DAIRY PROMOTION AND RESEARCH PROGRAM.

Section 113(e)(2) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(e)(2)) is amended by striking “2012” and inserting “2018”.

##### SEC. 1416. REPEAL OF FEDERAL MILK MARKETING ORDER REVIEW COMMISSION.

Section 1509 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1726) is repealed.

#### PART III—EFFECTIVE DATE

##### SEC. 1421. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on October 1, 2013.

#### Subtitle E—Supplemental Agricultural Disaster Assistance Programs

##### SEC. 1501. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PRODUCER ON A FARM.—

(A) IN GENERAL.—The term “eligible producer on a farm” means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

(B) DESCRIPTION.—An individual or entity referred to in subparagraph (A) is—

(i) a citizen of the United States;

(ii) a resident alien;

(iii) a partnership of citizens of the United States; or

(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

(2) FARM-RAISED FISH.—The term “farm-raised fish” means any aquatic species that is propagated and reared in a controlled environment.

(3) LIVESTOCK.—The term “livestock” includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) poultry;

(D) sheep;

(E) swine;

(F) horses; and

(G) other livestock, as determined by the Secretary.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) PAYMENTS.—For fiscal year 2012 and each succeeding fiscal year, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to make livestock indemnity payments to eligible producers on farms that have incurred livestock death losses in excess of the normal mortality, as determined by the Secretary, due to—

(A) attacks by animals reintroduced into the wild by the Federal Government or protected by Federal law, including wolves and avian predators; or

(B) adverse weather, as determined by the Secretary, during the calendar year, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

(2) PAYMENT RATES.—Indemnity payments to an eligible producer on a farm under paragraph (1) shall be made at a rate of 75 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(3) SPECIAL RULE FOR PAYMENTS MADE DUE TO DISEASE.—The Secretary shall ensure that payments made to an eligible producer under paragraph (1) are not made for the same livestock losses for which compensation is provided pursuant to section 10407(d) of the Animal Health Protection Act (7 U.S.C. 8306(d)).

(c) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) COVERED LIVESTOCK.—

(i) IN GENERAL.—Except as provided in clause (ii), the term “covered livestock” means livestock of an eligible livestock producer that, during the 60 days prior to the beginning date of a qualifying drought or fire condition, as determined by the Secretary, the eligible livestock producer—

(I) owned;

(II) leased;

(III) purchased;

(IV) entered into a contract to purchase;

(V) is a contract grower; or

(VI) sold or otherwise disposed of due to qualifying drought conditions during—

(aa) the current production year; or

(bb) subject to paragraph (3)(B)(ii), 1 or both of the 2 production years immediately preceding the current production year.

(ii) EXCLUSION.—The term “covered livestock” does not include livestock that were or would have been in a feedlot, on the beginning date of the qualifying drought or fire condition, as a part of the normal business operation of the eligible livestock producer, as determined by the Secretary.

(B) DROUGHT MONITOR.—The term “drought monitor” means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.

(C) ELIGIBLE LIVESTOCK PRODUCER.—

(i) IN GENERAL.—The term “eligible livestock producer” means an eligible producer on a farm that—

(I) is an owner, cash or share lessee, or contract grower of covered livestock that provides the pastureland or grazing land, including cash-leased pastureland or grazing land, for the livestock;

(II) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by drought;

(III) certifies grazing loss; and

(IV) meets all other eligibility requirements established under this subsection.

(ii) EXCLUSION.—The term “eligible livestock producer” does not include an owner, cash or share lessee, or contract grower of livestock that rents or leases pastureland or grazing land owned by another person on a rate-of-gain basis.

(D) NORMAL CARRYING CAPACITY.—The term “normal carrying capacity”, with respect to each type of grazing land or pastureland in a county, means the normal carrying capacity, as determined under paragraph (3)(D)(i), that would be expected from the grazing land or pastureland for livestock during the normal grazing period, in the absence of a drought or

fire that diminishes the production of the grazing land or pastureland.

(E) **NORMAL GRAZING PERIOD.**—The term “normal grazing period”, with respect to a county, means the normal grazing period during the calendar year for the county, as determined under paragraph (3)(D)(i).

(2) **PROGRAM.**—For fiscal year 2012 and each succeeding fiscal year, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide compensation for losses to eligible livestock producers due to grazing losses for covered livestock due to—

(A) a drought condition, as described in paragraph (3); or

(B) fire, as described in paragraph (4).

(3) **ASSISTANCE FOR LOSSES DUE TO DROUGHT CONDITIONS.**—

(A) **ELIGIBLE LOSSES.**—

(i) **IN GENERAL.**—An eligible livestock producer may receive assistance under this subsection only for grazing losses for covered livestock that occur on land that—

(I) is native or improved pastureland with permanent vegetative cover; or

(II) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

(ii) **EXCLUSIONS.**—An eligible livestock producer may not receive assistance under this subsection for grazing losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

(B) **MONTHLY PAYMENT RATE.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the payment rate for assistance under this paragraph for 1 month shall, in the case of drought, be equal to 60 percent of the lesser of—

(I) the monthly feed cost for all covered livestock owned or leased by the eligible livestock producer, as determined under subparagraph (C); or

(II) the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer.

(ii) **PARTIAL COMPENSATION.**—In the case of an eligible livestock producer that sold or otherwise disposed of covered livestock due to drought conditions in 1 or both of the 2 production years immediately preceding the current production year, as determined by the Secretary, the payment rate shall be 80 percent of the payment rate otherwise calculated in accordance with clause (i).

(C) **MONTHLY FEED COST.**—

(i) **IN GENERAL.**—The monthly feed cost shall equal the product obtained by multiplying—

(I) 30 days;

(II) a payment quantity that is equal to the feed grain equivalent, as determined under clause (ii); and

(III) a payment rate that is equal to the corn price per pound, as determined under clause (iii).

(ii) **FEED GRAIN EQUIVALENT.**—For purposes of clause (i)(II), the feed grain equivalent shall equal—

(I) in the case of an adult beef cow, 15.7 pounds of corn per day; or

(II) in the case of any other type of weight of livestock, an amount determined by the Secretary that represents the average number of pounds of corn per day necessary to feed the livestock.

(iii) **CORN PRICE PER POUND.**—For purposes of clause (i)(III), the corn price per pound shall equal the quotient obtained by divid-

(I) the higher of—

(aa) the national average corn price per bushel for the 12-month period immediately preceding March 1 of the year for which the disaster assistance is calculated; or

(bb) the national average corn price per bushel for the 24-month period immediately preceding that March 1; by

(II) 56.

(D) **NORMAL GRAZING PERIOD AND DROUGHT MONITOR INTENSITY.**—

(i) **FSA COUNTY COMMITTEE DETERMINATIONS.**—

(I) **IN GENERAL.**—The Secretary shall determine the normal carrying capacity and normal grazing period for each type of grazing land or pastureland in the county served by the applicable committee.

(II) **CHANGES.**—No change to the normal carrying capacity or normal grazing period established for a county under subclause (I) shall be made unless the change is requested by the appropriate State and county Farm Service Agency committees.

(ii) **DROUGHT INTENSITY.**—

(I) **D2.**—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having a D2 (severe drought) intensity in any area of the county for at least 8 consecutive weeks during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph in an amount equal to 1 monthly payment using the monthly payment rate determined under subparagraph (B).

(II) **D3.**—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having at least a D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph—

(aa) in an amount equal to 3 monthly payments using the monthly payment rate determined under subparagraph (B);

(bb) if the county is rated as having a D3 (extreme drought) intensity in any area of the county for at least 4 weeks during the normal grazing period for the county, or is rated as having a D4 (exceptional drought) intensity in any area of the county at any time during the normal grazing period, in an amount equal to 4 monthly payments using the monthly payment rate determined under subparagraph (B); or

(cc) if the county is rated as having a D4 (exceptional drought) intensity in any area of the county for at least 4 weeks during the normal grazing period, in an amount equal to 5 monthly payments using the monthly payment rate determined under subparagraph (B).

(4) **ASSISTANCE FOR LOSSES DUE TO FIRE ON PUBLIC MANAGED LAND.**—

(A) **IN GENERAL.**—An eligible livestock producer may receive assistance under this paragraph only if—

(i) the grazing losses occur on rangeland that is managed by a Federal agency; and

(ii) the eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland due to a fire.

(B) **PAYMENT RATE.**—The payment rate for assistance under this paragraph shall be equal to 50 percent of the monthly feed cost for the total number of livestock covered by the Federal lease of the eligible livestock producer, as determined under paragraph (3)(C).

(C) **PAYMENT DURATION.**—

(i) **IN GENERAL.**—Subject to clause (ii), an eligible livestock producer shall be eligible to receive assistance under this paragraph for the period—

(I) beginning on the date on which the Federal agency excludes the eligible livestock producer from using the managed rangeland for grazing; and

(II) ending on the last day of the Federal lease of the eligible livestock producer.

(ii) **LIMITATION.**—An eligible livestock producer may only receive assistance under this paragraph for losses that occur on not more than 180 days per year.

(5) **NO DUPLICATIVE PAYMENTS.**—An eligible livestock producer may elect to receive assistance for grazing or pasture feed losses due to drought conditions under paragraph (3) or fire under paragraph (4), but not both for the same loss, as determined by the Secretary.

(d) **EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.**—

(1) **IN GENERAL.**—For fiscal year 2012 and each succeeding fiscal year, the Secretary shall use not more than \$20,000,000 of the funds of the Commodity Credit Corporation to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses due to disease (including cattle tick fever), adverse weather, or other conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under subsection (b) or (c).

(2) **USE OF FUNDS.**—Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

(3) **AVAILABILITY OF FUNDS.**—Any funds made available under this subsection shall remain available until expended.

(e) **TREE ASSISTANCE PROGRAM.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **ELIGIBLE ORCHARDIST.**—The term “eligible orchardist” means a person that produces annual crops from trees for commercial purposes.

(B) **NATURAL DISASTER.**—The term “natural disaster” means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

(C) **NURSERY TREE GROWER.**—The term “nursery tree grower” means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.

(D) **TREE.**—The term “tree” includes a tree, bush, and vine.

(2) **ELIGIBILITY.**—

(A) **LOSS.**—Subject to subparagraph (B), for fiscal year 2012 and each succeeding fiscal year, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance—

(i) under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary; and

(ii) under paragraph (3)(B) to eligible orchardists and nursery tree growers that have a production history for commercial purposes on planted or existing trees but lost the trees as a result of a natural disaster, as determined by the Secretary.

(B) **LIMITATION.**—An eligible orchardist or nursery tree grower shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist or nursery tree grower, as a result of damaging

weather or related condition, exceeds 15 percent (adjusted for normal mortality).

(3) ASSISTANCE.—Subject to paragraph (4), the assistance provided by the Secretary to eligible orchardists and nursery tree growers for losses described in paragraph (2) shall consist of—

(A)(i) reimbursement of 65 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist or nursery tree grower to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

(4) LIMITATIONS ON ASSISTANCE.—

(A) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this paragraph, the terms “legal entity” and “person” have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

(B) AMOUNT.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this subsection may not exceed \$125,000 for any crop year, or an equivalent value in tree seedlings.

(C) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive payments under this subsection may not exceed 500 acres.

(f) PAYMENT LIMITATIONS.—

(1) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this subsection, the terms “legal entity” and “person” have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

(2) AMOUNT.—The total amount of disaster assistance payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this section (excluding payments received under subsection (e)) may not exceed \$125,000 for any crop year.

(3) DIRECT ATTRIBUTION.—Subsections (e) and (f) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) or any successor provisions relating to direct attribution shall apply with respect to assistance provided under this section.

#### SEC. 1502. NATIONAL DROUGHT COUNCIL AND NATIONAL DROUGHT POLICY ACTION PLAN.

(a) DEFINITIONS.—In this section:

(1) COUNCIL.—The term “Council” means the National Drought Council established by this section.

(2) DROUGHT.—The term “drought” means a natural disaster that is caused by a deficiency in precipitation—

(A) that may lead to a deficiency in surface and subsurface water supplies (including rivers, streams, wetlands, ground water, soil moisture, reservoir supplies, lake levels, and snow pack); and

(B) that causes or may cause—

(i) substantial economic or social impacts; or

(ii) physical damage or injury to individuals, property, or the environment.

(3) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) MEMBER.—The term “member”, with respect to the National Drought Council, means a member of the Council specified or appointed under this section or, in the absence of the member, the member’s designee.

(5) MITIGATION.—The term “mitigation” means a short- or long-term action, program, or policy that is implemented in advance of or during a drought to minimize any risks and impacts of drought.

(6) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(7) STATE.—The term “State” means the several States, the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(8) TRIGGER.—The term “trigger” means the thresholds or criteria that must be satisfied before mitigation or emergency assistance may be provided to an area—

(A) in which drought is emerging; or

(B) that is experiencing a drought.

(9) WATERSHED.—The term “watershed” means a region or area with common hydrology, an area drained by a waterway that drains into a lake or reservoir, the total area above a given point on a stream that contributes water to the flow at that point, or the topographic dividing line from which surface streams flow in two different directions. In no case shall a watershed be larger than a river basin.

(10) WATERSHED GROUP.—The term “watershed group” means a group of individuals, formally recognized by the appropriate State or States, who represent the broad scope of relevant interests within a watershed and who work together in a collaborative manner to jointly plan the management of the natural resources contained within the watershed.

(b) EFFECT OF SECTION.—This section does not affect—

(1) the authority of a State to allocate quantities of water under the jurisdiction of the State; or

(2) any State water rights established as of the date of enactment of this Act.

(c) NATIONAL DROUGHT COUNCIL.—

(1) ESTABLISHMENT.—There is established in the Office of the Secretary of Agriculture a council to be known as the “National Drought Council”.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Council shall be composed of—

(i) the Secretary (or the designee of the Secretary);

(ii) the Secretary of Commerce (or the designee of the Secretary of Commerce);

(iii) the Secretary of the Army (or the designee of the Secretary of the Army);

(iv) the Secretary of the Interior (or the designee of the Secretary of the Interior);

(v) the Director of the Federal Emergency Management Agency (or the designee of the Director);

(vi) the Administrator of the Environmental Protection Agency (or the designee of the Administrator);

(vii) 4 members appointed by the Secretary, in coordination with the National Governors Association, each of whom shall be the Governor of a State (or the designee of the Governor) and who collectively shall represent the geographic diversity of the Nation;

(viii) 1 member appointed by the Secretary, in coordination with the National Association of Counties;

(ix) 1 member appointed by the Secretary, in coordination with the United States Conference of Mayors;

(x) 1 member appointed by the Secretary of the Interior, in coordination with Indian tribes, to represent the interests of tribal governments; and

(xi) 1 member appointed by the Secretary, in coordination with the National Association of Conservation Districts, to represent local soil and water conservation districts.

(B) DATE OF APPOINTMENT.—The appointment of each member of the Council shall be made not later than 120 days after the date of enactment of this Act.

(3) TERM; VACANCIES.—

(A) TERM.—A non-Federal member of the Council appointed under paragraph (2) shall be appointed for a term of two years.

(B) VACANCIES.—A vacancy on the Council—

(i) shall not affect the powers of the Council; and

(ii) shall be filled in the same manner as the original appointment was made.

(C) TERMS OF MEMBERS FILLING VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term.

(4) MEETINGS.—

(A) IN GENERAL.—The Council shall meet at the call of the co-chairs.

(B) FREQUENCY.—The Council shall meet at least semiannually.

(5) QUORUM.—A majority of the members of the Council shall constitute a quorum, but a lesser number may hold hearings or conduct other business.

(6) COUNCIL LEADERSHIP.—

(A) IN GENERAL.—There shall be a Federal co-chair and non-Federal co-chair of the Council.

(B) APPOINTMENT.—

(i) FEDERAL CO-CHAIR.—The Secretary shall be the Federal co-chair.

(ii) NON-FEDERAL CO-CHAIR.—The non-Federal members of the Council shall elect, on a biannual basis, a non-Federal co-chair of the Council from among the members appointed under paragraph (2).

(d) DUTIES OF THE COUNCIL.—

(1) IN GENERAL.—The Council shall—

(A) not later than one year after the date of the first meeting of the Council, develop a comprehensive National Drought Policy Action Plan that—

(i) delineates and integrates responsibilities for activities relating to drought (including drought preparedness, mitigation, research, risk management, training, and emergency relief) among Federal agencies; and

(ii) ensures that those activities are coordinated with the activities of the States, local governments, Indian tribes, and neighboring countries;

(ii) is consistent with—

(I) this Act and other applicable Federal laws; and

(II) the laws and policies of the States for water management;

(iii) is integrated with drought management programs of the States, Indian tribes, local governments, watershed groups, and private entities; and

(iv) avoids duplicating Federal, State, tribal, local, watershed, and private drought preparedness and monitoring programs in existence on the date of enactment of this Act;

(B) evaluate Federal drought-related programs in existence on the date of enactment of this Act and make recommendations to Congress and the President on means of eliminating—

(i) discrepancies between the goals of the programs and actual service delivery;

(ii) duplication among programs; and  
 (iii) any other circumstances that interfere with the effective operation of the programs;  
 (C) make recommendations to the President, Congress, and appropriate Federal agencies on—

(i) the establishment of common inter-agency triggers for authorizing Federal drought mitigation programs; and

(ii) improving the consistency and fairness of assistance among Federal drought relief programs;

(D) encourage and facilitate the development of drought preparedness plans under subtitle C, including establishing the guidelines under this section;

(E) based on a review of drought preparedness plans, develop and make available to the public drought planning models to reduce water resource conflicts relating to water conservation and droughts;

(F) develop and coordinate public awareness activities to provide the public with access to understandable and informative materials on drought, including—

(i) explanations of the causes of drought, the impacts of drought, and the damages from drought;

(ii) descriptions of the value and benefits of land stewardship to reduce the impacts of drought and to protect the environment;

(iii) clear instructions for appropriate responses to drought, including water conservation, water reuse, and detection and elimination of water leaks;

(iv) information on State and local laws applicable to drought; and

(v) opportunities for assistance to resource-dependent businesses and industries in times of drought; and

(G) establish operating procedures for the Council.

(2) CONSULTATION.—In carrying out this subsection, the Council shall consult with groups affected by drought emergencies.

(3) REPORTS TO CONGRESS.—

(A) ANNUAL REPORT.—

(i) IN GENERAL.—Not later than one year after the date of the first meeting of the Council, and annually thereafter, the Council shall submit to Congress a report on the activities carried out under this section.

(ii) INCLUSIONS.—

(i) IN GENERAL.—The annual report shall include a summary of drought preparedness plans.

(II) INITIAL REPORT.—The initial report submitted under subparagraph (A) shall include any recommendations of the Council.

(B) FINAL REPORT.—Not later than seven years after the date of enactment of this Act, the Council shall submit to Congress a report that recommends—

(i) amendments to this section; and

(ii) whether the Council should continue.

(e) POWERS OF THE COUNCIL.—

(1) HEARINGS.—The Council may hold hearings, meet and act at any time and place, take any testimony and receive any evidence that the Council considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Council may obtain directly from any Federal agency any information that the Council considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—

(i) IN GENERAL.—Except as provided in clause (ii), on request of the Secretary or the non-Federal co-chair of the Council, the head of a Federal agency may provide information to the Council.

(ii) LIMITATION.—The head of a Federal agency shall not provide any information to

the Council that the Federal agency head determines the disclosure of which may cause harm to national security interests.

(3) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other agencies of the Federal Government.

(4) GIFTS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(f) COUNCIL PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Council who is not an officer or employee of the Federal Government shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Council who is an officer or employee of the United States shall serve without compensation in addition to the compensation received for services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Council shall be allowed travel expenses at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Council.

(g) TERMINATION OF COUNCIL.—The Council shall terminate at the end of the eighth fiscal year beginning on or after the date of the enactment of this Act.

#### Subtitle F—Administration

#### SEC. 1601. ADMINISTRATION GENERALLY.

(a) USE OF COMMODITY CREDIT CORPORATION.—The Secretary of Agriculture shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

(b) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this title shall be final and conclusive.

(c) REGULATIONS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, not later than 90 days after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this title and the amendments made by this title.

(2) PROCEDURE.—The promulgation of the regulations and administration of this title and the amendments made by this title and sections 10003 and 10016 of this Act shall be made—

(A) pursuant to section 553 of title 5, United States Code, including by interim rules effective on publication under the authority provided in subparagraph (B) of subsection (b) of such section if the Secretary determines such interim rules to be needed and final rules, with an opportunity for notice and comment, not later than 21 months after the date of the enactment of this Act;

(B) without regard to chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”); and

(C) without regard to the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking.

(d) ADJUSTMENT AUTHORITY RELATED TO TRADE AGREEMENTS COMPLIANCE.—

(1) REQUIRED DETERMINATION; ADJUSTMENT.—If the Secretary determines that expenditures under this title that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)) will exceed

the allowable levels for any applicable reporting period, the Secretary shall, to the maximum extent practicable, make adjustments in the amount of the expenditures during that period to ensure that the expenditures do not exceed the allowable levels.

(2) CONGRESSIONAL NOTIFICATION.—Before making any adjustment under paragraph (1), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the determination made under that paragraph and the extent of the adjustment to be made.

#### SEC. 1602. REPEAL OF PERMANENT PRICE SUPPORT AUTHORITY.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—

(1) REPEALS.—The following provisions of the Agricultural Adjustment Act of 1938 are repealed:

(A) Parts II through V of subtitle B of title III (7 U.S.C. 1326 et seq.).

(B) Subtitle D of title III (7 U.S.C. 1379a et seq.).

(C) Title IV (7 U.S.C. 1401 et seq.).

(2) INAPPLICABILITY TO UPLAND COTTON.—Section 377 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1377) is amended by striking “was not fully planted” and inserting “was not fully planted: *Provided further*, That effective on the date of the enactment of the Federal Agriculture Reform and Risk Management Act of 2013, this section shall not apply to upland cotton”.

(b) AGRICULTURAL ACT OF 1949.—The following provisions of the Agricultural Act of 1949 are repealed:

(1) Section 101 (7 U.S.C. 1441).

(2) Section 103(a) (7 U.S.C. 1444(a)).

(3) Section 105 (7 U.S.C. 1444b).

(4) Section 107 (7 U.S.C. 1445a).

(5) Section 110 (7 U.S.C. 1445e).

(6) Section 112 (7 U.S.C. 1445g).

(7) Section 115 (7 U.S.C. 1445k).

(8) Section 201 (7 U.S.C. 1446).

(9) Title III (7 U.S.C. 1447 et seq.).

(10) Title IV (7 U.S.C. 1421 et seq.), other than sections 404, 412, and 416 (7 U.S.C. 1424, 1429, and 1431).

(11) Title V (7 U.S.C. 1461 et seq.).

(12) Title VI (7 U.S.C. 1471 et seq.).

(c) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution entitled “A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended”, approved May 26, 1941 (7 U.S.C. 1330, 1340), is repealed.

#### SEC. 1603. PAYMENT LIMITATIONS.

(a) IN GENERAL.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following:

“(3) LEGAL ENTITY.—

“(A) IN GENERAL.—The term ‘legal entity’ means—

“(i) an organization that (subject to the requirements of this section and section 1001A) is eligible to receive a payment under a provision of law referred to in subsection (b), (c), or (d);

“(ii) a corporation, joint stock company, association, limited partnership, limited liability company, limited liability partnership, charitable organization, estate, irrevocable trust, grantor of a revocable trust, or other similar entity (as determined by the Secretary); and

“(iii) an organization that is participating in a farming operation as a partner in a general partnership or as a participant in a joint venture.

“(B) EXCLUSION.—The term ‘legal entity’ does not include a general partnership or joint venture.”;

(2) by striking subsections (b) through (d) and inserting the following:

“(b) LIMITATION ON PAYMENTS FOR COVERED COMMODITIES AND PEANUTS.—The total amount of payments received, directly or indirectly, by a person or legal entity for any crop year for 1 or more covered commodities and peanuts under title I of the Federal Agriculture Reform and Risk Management Act of 2013 may not exceed \$125,000, of which—

“(1) not more than \$75,000 may consist of marketing loan gains and loan deficiency payments under subtitle B of title I of the Federal Agriculture Reform and Risk Management Act of 2013; and

“(2) not more than \$50,000 may consist of any other payments made for covered commodities and peanuts under title I of the Federal Agriculture Reform and Risk Management Act of 2013.

“(c) SPOUSAL EQUITY.—

“(1) IN GENERAL.—Notwithstanding subsection (b), except as provided in paragraph (2), if a person and the spouse of the person are covered by paragraph (2) and receive, directly or indirectly, any payment or gain covered by this section, the total amount of payments or gains (as applicable) covered by this section that the person and spouse may jointly receive during any crop year may not exceed an amount equal to twice the applicable dollar amounts specified in subsection (b).

“(2) EXCEPTIONS.—

“(A) SEPARATE FARMING OPERATIONS.—In the case of a married couple in which each spouse, before the marriage, was separately engaged in an unrelated farming operation, each spouse shall be treated as a separate person with respect to a farming operation brought into the marriage by a spouse, subject to the condition that the farming operation shall remain a separate farming operation, as determined by the Secretary.

“(B) ELECTION TO RECEIVE SEPARATE PAYMENTS.—A married couple may elect to receive payments separately in the name of each spouse if the total amount of payments and benefits described in subsection (b) that the married couple receives, directly or indirectly, does not exceed an amount equal to twice the applicable dollar amounts specified in those subsections.”;

(3) in paragraph (3)(B) of subsection (f), by adding at the end the following:

“(iii) IRREVOCABLE TRUSTS.—In promulgating regulations to define the term ‘legal entity’ as the term applies to irrevocable trusts, the Secretary shall ensure that irrevocable trusts are legitimate entities that have not been created for the purpose of avoiding a payment limitation.”; and

(4) in subsection (h), in the second sentence, by striking “or other entity” and inserting “or legal entity”.

(b) CONFORMING AMENDMENTS.—

(1) Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(A) in subsection (e), by striking “subsections (b) and (c)” each place it appears in paragraphs (1) and (3)(B) and inserting “subsection (b)”;

(B) in subsection (f)—

(i) in paragraph (2), by striking “Subsections (b) and (c)” and inserting “Subsection (b)”;

(ii) in paragraph (4)(B), by striking “subsection (b) or (c)” and inserting “subsection (b)”;

(iii) in paragraph (5)—

(I) in subparagraph (A), by striking “subsection (d)”;

(II) in subparagraph (B), by striking “subsection (b), (c), or (d)” and inserting “subsection (b)”;

(iv) in paragraph (6)—

(I) in subparagraph (A), by striking “Notwithstanding subsection (d), except as provided in subsection (g)” and inserting “Except as provided in subsection (f)”;

(II) in subparagraph (B), by striking “subsections (b), (c), and (d)” and inserting “subsection (b)”;

(C) in subsection (g)—

(i) in paragraph (1)—

(I) by striking “subsection (f)(6)(A)” and inserting “subsection (e)(6)(A)”;

(II) by striking “subsection (b) or (c)” and inserting “subsection (b)”;

(ii) in paragraph (2)(A), by striking “subsections (b) and (c)” and inserting “subsection (b)”;

(D) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively.

(2) Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended—

(A) in subsection (a), by striking “subsections (b) and (c) of section 1001” and inserting “section 1001(b)”;

(B) in subsection (b)(1), by striking “subsection (b) or (c) of section 1001” and inserting “section 1001(b)”.

(3) Section 1001B(a) of the Food Security Act of 1985 (7 U.S.C. 1308–2(a)) is amended in the matter preceding paragraph (1) by striking “subsections (b) and (c) of section 1001” and inserting “section 1001(b)”.

(c) APPLICATION.—The amendments made by this section shall apply beginning with the 2014 crop year.

#### SEC. 1603A. PAYMENTS LIMITED TO ACTIVE FARMERS.

Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended—

(1) in subsection (b)(2)—

(A) by striking “or active personal management” each place it appears in subparagraphs (A)(i)(II) and (B)(ii); and

(B) in subparagraph (C), by striking “, as applied to the legal entity, are met by the legal entity, the partners or members making a significant contribution of personal labor or active personal management” and inserting “are met by partners or members making a significant contribution of personal labor, those partners or members”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking subparagraph (A) and inserting the following:

“(A) the landowner share-rents the land at a rate that is usual and customary”;

(ii) in subparagraph (B), by striking the period at the end and inserting “; and”;

(iii) by adding at the end the following:

“(C) the share of the payments received by the landowner is commensurate with the share of the crop or income received as rent.”;

(B) in paragraph (2)(A), by striking “active personal management or”;

(C) in paragraph (5)—

(i) by striking “(5)” and all that follows through “(A) IN GENERAL.—A person” and inserting the following:

“(5) CUSTOM FARMING SERVICES.—A person”;

(ii) by inserting “under usual and customary terms” after “services”;

(iii) by striking subparagraph (B); and

(D) by adding at the end the following:

“(7) FARM MANAGERS.—A person who otherwise meets the requirements of this subsection other than (b)(2)(A)(i)(II) shall be considered to be actively engaged in farm-

ing, as determined by the Secretary, with respect to the farming operation, including a farming operation that is a sole proprietorship, a legal entity such as a joint venture or general partnership, or a legal entity such as a corporation or limited partnership, if the person—

“(A) makes a significant contribution of management to the farming operation necessary for the farming operation, taking into account—

“(i) the size and complexity of the farming operation; and

“(ii) the management requirements normally and customarily required by similar farming operations;

“(B)(i) is the only person in the farming operation qualifying as actively engaged in farming by using the farm manager special class designation under this paragraph; and

“(ii) together with any other persons in the farming operation qualifying as actively engaged in farming under subsection (b)(2) or as part of a special class under this subsection, does not collectively receive, directly or indirectly, an amount equal to more than the applicable limits under section 1001(b);

“(C) does not use the management contribution under this paragraph to qualify as actively engaged in more than 1 farming operation; and

“(D) manages a farm operation that does not substantially share equipment, labor, or management with persons or legal entities that with the person collectively receive, directly or indirectly, an amount equal to more than the applicable limits under section 1001(b).”.

#### SEC. 1604. ADJUSTED GROSS INCOME LIMITATION.

(a) LIMITATIONS AND COVERED BENEFITS.—Section 1001D(b) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)) is amended—

(1) in the subsection heading, by striking “LIMITATIONS” and inserting “LIMITATIONS ON COMMODITY AND CONSERVATION PROGRAMS”;

(2) by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) LIMITATION.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive any benefit described in paragraph (2) during a crop, fiscal, or program year, as appropriate, if the average adjusted gross income of the person or legal entity exceeds \$950,000.

“(2) COVERED BENEFITS.—Paragraph (1) applies with respect to a payment or benefit under subtitle A, B, or E of title I, or title II of the Federal Agriculture Reform and Risk Management Act of 2013, title II of the Farm Security and Rural Investment Act of 2002, title II of the Food, Conservation, and Energy Act of 2008, title XII of the Food Security Act of 1985, section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)), or section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).”.

(b) ELIMINATION OF UNUSED DEFINITIONS.—Paragraph (1) of section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(a)) is amended to read as follows:

“(1) AVERAGE ADJUSTED GROSS INCOME.—In this section, the term ‘average adjusted gross income’, with respect to a person or legal entity, means the average of the adjusted gross income or comparable measure of the person or legal entity over the 3 taxable years preceding the most immediately preceding complete taxable year, as determined by the Secretary.”.

(c) INCOME DETERMINATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) is amended—

(1) by striking subsection (c); and  
 (2) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(d) CONFORMING AMENDMENTS.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) is amended—

(1) in subsection (a)(2)—  
 (A) by striking “subparagraph (A) or (B) of”; and

(B) by striking “, the average adjusted gross farm income, and the average adjusted gross nonfarm income”;

(2) in subsection (a)(3), by striking “, average adjusted gross farm income, and average adjusted gross nonfarm income” both places it appears;

(3) in subsection (c) (as redesignated by subsection (c)(2) of this section)—

(A) in paragraph (1), by striking “, average adjusted gross farm income, and average adjusted gross nonfarm income” both places it appears; and

(B) in paragraph (2), by striking “paragraphs (1)(C) and (2)(B) of subsection (b)” and inserting “subsection (b)(2)”; and

(4) in subsection (d) (as redesignated by subsection (c)(2) of this section)—

(A) by striking “paragraphs (1)(C) and (2)(B) of subsection (b)” and inserting “subsection (b)(2)”; and

(B) by striking “, average adjusted gross farm income, or average adjusted gross nonfarm income”.

(e) EFFECTIVE PERIOD.—Subsection (e) of section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a), as redesignated by subsection (c)(2) of this section, is repealed.

(f) LIMITATION ON APPLICABILITY.—Section 1001(d) of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by inserting before the period at the end the following: “or title I of the Federal Agriculture Reform and Risk Management Act of 2013”.

(g) TRANSITION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a), as in effect on the day before the date of the enactment of this Act, shall apply with respect to the 2013 crop, fiscal, or program year, as appropriate, for each program described in paragraphs (1)(C) and (2)(B) of subsection (b) of that section (as so in effect on that day).

#### SEC. 1605. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.

Section 1621(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8792(d)) is amended by striking “each of fiscal years 2009 through 2012” and inserting “fiscal year 2009 and each succeeding fiscal year”.

#### SEC. 1606. PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.

Section 164 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7284) is amended by striking “and title I of the Food, Conservation, and Energy Act of 2008” each place it appears and inserting “title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702 et seq.), and title I of the Federal Agriculture Reform and Risk Management Act of 2013”.

#### SEC. 1607. PREVENTION OF DECEASED INDIVIDUALS RECEIVING PAYMENTS UNDER FARM COMMODITY PROGRAMS.

(a) RECONCILIATION.—At least twice each year, the Secretary shall reconcile Social Security numbers of all individuals who receive payments under this title, whether directly or indirectly, with the Commissioner of Social Security to determine if the individuals are alive.

(b) PRECLUSION.—The Secretary shall preclude the issuance of payments to, and on behalf of, deceased individuals that were not eligible for payments.

#### SEC. 1608. TECHNICAL CORRECTIONS.

(a) MISSING PUNCTUATION.—Section 359f(c)(1)(B) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)(1)(B)) is amended by adding a period at the end.

(b) ERRONEOUS CROSS REFERENCE.—

(1) AMENDMENT.—Section 1603(g) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1739) is amended in paragraphs (2) through (6) and the amendments made by those paragraphs by striking “1703(a)” each place it appears and inserting “1603(a)”.

(2) EFFECTIVE DATE.—This subsection and the amendments made by this subsection take effect as if included in the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1651).

(c) CONTINUED APPLICABILITY OF APPROPRIATIONS GENERAL PROVISION.—Section 767 of division A of Public Law 108–7 (7 U.S.C. 7911 note; 117 Stat. 48) is amended—

(1) in subsection (a)—

(A) by striking “sections 1101 and 1102 of Public Law 107–171” and inserting “subtitle A of title I of the Federal Agriculture Reform and Risk Management Act of 2013”; and

(B) by striking “such section 1102” and inserting “such subtitle”; and

(2) by striking subsection (b) and inserting the following new subsection:

“(b) This section, as amended by section 1608(c) of the Federal Agriculture Reform and Risk Management Act of 2013, shall take effect beginning with the 2014 crop year.”.

#### SEC. 1609. ASSIGNMENT OF PAYMENTS.

(a) IN GENERAL.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)), relating to assignment of payments, shall apply to payments made under this title.

(b) NOTICE.—The producer making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require, of any assignment made under this section.

#### SEC. 1610. TRACKING OF BENEFITS.

As soon as practicable after the date of enactment of this Act, the Secretary may track the benefits provided, directly or indirectly, to individuals and entities under titles I and II and the amendments made by those titles.

#### SEC. 1611. SIGNATURE AUTHORITY.

(a) IN GENERAL.—In carrying out this title and title II and amendments made by those titles, if the Secretary approves a document, the Secretary shall not subsequently determine the document is inadequate or invalid because of the lack of authority of any person signing the document on behalf of the applicant or any other individual, entity, general partnership, or joint venture, or the documents relied upon were determined inadequate or invalid, unless the person signing the program document knowingly and willfully falsified the evidence of signature authority or a signature.

(b) AFFIRMATION.—

(1) IN GENERAL.—Nothing in this section prohibits the Secretary from asking a proper party to affirm any document that otherwise would be considered approved under subsection (a).

(2) NO RETROACTIVE EFFECT.—A denial of benefits based on a lack of affirmation under paragraph (1) shall not be retroactive with respect to third-party producers who were not the subject of the erroneous representation of authority, if the third-party producers—

(A) relied on the prior approval by the Secretary of the documents in good faith; and

(B) substantively complied with all program requirements.

#### SEC. 1612. IMPLEMENTATION.

(a) STREAMLINING.—In implementing this title, the Secretary shall, to the maximum extent practicable—

(1) seek to reduce administrative burdens and costs to producers by streamlining and reducing paperwork, forms, and other administrative requirements;

(2) improve coordination, information sharing, and administrative work with the Risk Management Agency and the Natural Resources Conservation Service; and

(3) take advantage of new technologies to enhance efficiency and effectiveness of program delivery to producers.

(b) MAINTENANCE OF BASE ACRES AND PAYMENT YIELDS.—

(1) IN GENERAL.—The Secretary shall maintain, for each covered commodity and upland cotton, base acres and payment yields on a farm established under—

(A)(i) in the case of covered commodities and upland cotton, sections 1101 and 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911, 7912); and

(ii) in the case of peanuts, section 1302 of that Act (7 U.S.C. 7952); and

(B)(i) in the case of covered commodities and upland cotton, sections 1101 and 1102 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8711, 8712); and

(ii) in the case of peanuts, section 1302 of that Act (7 U.S.C. 8752).

(2) SPECIAL RULE FOR LONG GRAIN AND MEDIUM GRAIN RICE.—

(A) IN GENERAL.—The Secretary shall maintain separate base acres for long grain rice and medium grain rice.

(B) LIMITATION.—In carrying out this paragraph, the Secretary shall use the same total base acres and payment yields established with respect to rice under sections 1108 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8718), as in effect on the day before the date of enactment of this Act, subject to any adjustment under section 1105.

(c) IMPLEMENTATION.—The Secretary shall make available to the Farm Service Agency to carry out this title \$100,000,000.

#### SEC. 1613. PROTECTION OF PRODUCER INFORMATION.

(a) PROHIBITION OF PUBLIC DISCLOSURE OF PROTECTED INFORMATION.—Except as provided in subsection (b), the Secretary, any officer or employee of the Department of Agriculture, any contractor or cooperator of the Department, and any officer or employee of another Federal agency shall not disclose—

(1) information submitted by a producer or owner of agricultural land to the Federal Government pursuant to title I or II of this Act; or

(2) other information provided by a producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself in order to participate in programs of the Department of Agriculture or other Federal agencies.

(b) EXCEPTIONS.—Information described in subsection (a) may be disclosed if—

(1) the information is required to be made publicly available under any other provision of Federal law;

(2) the producer or owner of agricultural land who provided the information has lawfully publicly disclosed the information;

(3) the producer or owner of agricultural land who provided the information consents to the disclosure; or

(4) the information is disclosed to the Attorney General, to the extent necessary, to ensure compliance and law enforcement.



(c) NOTICE OF DISCLOSURE.—Any disclosure of information pursuant to an exception provided in subsection (b) shall be reported to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate within 24 hours after the disclosure.

(d) PRODUCER DEFINED.—In this section, the term “producer” has the meaning given that term in section 1104(14) of this Act.

## TITLE II—CONSERVATION

### Subtitle A—Conservation Reserve Program

#### SEC. 2001. EXTENSION AND ENROLLMENT REQUIREMENTS OF CONSERVATION RESERVE PROGRAM.

(a) EXTENSION.—Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended by striking “2012” and inserting “2018”.

(b) ELIGIBLE LAND.—Section 1231(b) of the Food Security Act of 1985 (16 U.S.C. 3831(b)) is amended—

(1) in paragraph (1)(B), by striking “the date of enactment of the Food, Conservation, and Energy Act of 2008” and inserting “the date of the enactment of the Federal Agriculture Reform and Risk Management Act of 2013”;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(3) by inserting before paragraph (4) the following new paragraph:

“(3) grasslands that—

“(A) contain forbs or shrubland (including improved rangeland and pastureland) for which grazing is the predominant use;

“(B) are located in an area historically dominated by grasslands; and

“(C) could provide habitat for animal and plant populations of significant ecological value if the land is retained in its current use or restored to a natural condition;”;

(4) in paragraph (4)(C), by striking “filterstrips devoted to trees or shrubs” and inserting “filterstrips or riparian buffers devoted to trees, shrubs, or grasses”; and

(5) by striking paragraph (5) and inserting the following new paragraph:

“(5) the portion of land in a field not enrolled in the conservation reserve in a case in which—

“(A) more than 50 percent of the land in the field is enrolled as a buffer or filterstrip, or more than 75 percent of the land in the field is enrolled as a conservation practice other than as a buffer or filterstrip; and

“(B) the remainder of the field is—

“(i) infeasible to farm; and

“(ii) enrolled at regular rental rates.”.

(c) PLANTING STATUS OF CERTAIN LAND.—Section 1231(c) of the Food Security Act of 1985 (16 U.S.C. 3831(c)) is amended by striking “if” and all that follows through the period at the end and inserting “if, during the crop year, the land was devoted to a conserving use.”.

(d) ENROLLMENT.—Subsection (d) of section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended to read as follows:

“(d) ENROLLMENT.—

“(1) MAXIMUM ACREAGE ENROLLED.—The Secretary may maintain in the conservation reserve at any one time during—

“(A) fiscal year 2014, no more than 27,500,000 acres;

“(B) fiscal year 2015, no more than 26,000,000 acres;

“(C) fiscal year 2016, no more than 25,000,000 acres;

“(D) fiscal year 2017, no more than 24,000,000 acres; and

“(E) fiscal year 2018, no more than 24,000,000 acres.

“(2) GRASSLANDS.—

“(A) LIMITATION.—For purposes of applying the limitations in paragraph (1), no more than 2,000,000 acres of the land described in subsection (b)(3) may be enrolled in the program at any one time during the 2014 through 2018 fiscal years.

“(B) PRIORITY.—In enrolling acres under subparagraph (A), the Secretary may give priority to land with expiring conservation reserve program contracts.

“(C) METHOD OF ENROLLMENT.—In enrolling acres under subparagraph (A), the Secretary shall make the program available to owners or operators of eligible land on a continuous enrollment basis with one or more ranking periods.”.

(e) DURATION OF CONTRACT.—Section 1231(e) of the Food Security Act of 1985 (16 U.S.C. 3831(e)) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

“(2) SPECIAL RULE FOR CERTAIN LAND.—In the case of land devoted to hardwood trees, shelterbelts, windbreaks, or wildlife corridors under a contract entered into under this subchapter, the owner or operator of the land may, within the limitations prescribed under paragraph (1), specify the duration of the contract.”.

(f) CONSERVATION PRIORITY AREAS.—Section 1231(f) of the Food Security Act of 1985 (16 U.S.C. 3831(f)) is amended—

(1) in paragraph (1), by striking “watershed areas of the Chesapeake Bay Region, the Great Lakes Region, the Long Island Sound Region, and other”;

(2) in paragraph (2), by striking “WATERSHEDS.—Watersheds” and inserting “AREAS.—Areas”; and

(3) in paragraph (3), by striking “a watershed’s designation—” and all that follows through the period at the end and inserting “an area’s designation if the Secretary finds that the area no longer contains actual and significant adverse water quality or habitat impacts related to agricultural production activities.”.

#### SEC. 2002. FARMABLE WETLAND PROGRAM.

(a) EXTENSION.—Section 1231B(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3831b(a)(1)) is amended—

(1) by striking “2012” and inserting “2018”; and

(2) by striking “a program” and inserting “a farmable wetland program”.

(b) ELIGIBLE ACREAGE.—Section 1231B(b)(1)(B) of the Food Security Act of 1985 (16 U.S.C. 3831b(b)(1)(B)) is amended by striking “flow from a row crop agriculture drainage system” and inserting “surface and subsurface flow from row crop agricultural production”.

(c) ACREAGE LIMITATION.—Section 1231B(c)(1)(B) of the Food Security Act of 1985 (16 U.S.C. 3831b(c)(1)(B)) is amended by striking “1,000,000” and inserting “750,000”.

(d) CLERICAL AMENDMENT.—The heading of section 1231B of the Food Security Act of 1985 (16 U.S.C. 3831b) is amended to read as follows: “**FARMABLE WETLAND PROGRAM**.”.

#### SEC. 2003. DUTIES OF OWNERS AND OPERATORS.

(a) LIMITATION ON HARVESTING, GRAZING, OR COMMERCIAL USE OF FORAGE.—Section 1232(a)(8) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(8)) is amended by striking “except that” and all that follows through the semicolon at the end of the paragraph and inserting “except as provided in subsection (b) or (c) of section 1233;”.

(b) CONSERVATION PLAN REQUIREMENTS.—Subsection (b) of section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended to read as follows:

“(b) CONSERVATION PLANS.—The plan referred to in subsection (a)(1) shall set forth—

“(1) the conservation measures and practices to be carried out by the owner or operator during the term of the contract; and

“(2) the commercial use, if any, to be permitted on the land during the term.”.

(c) RENTAL PAYMENT REDUCTION.—Section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended by striking subsection (d).

#### SEC. 2004. DUTIES OF THE SECRETARY.

Section 1233 of the Food Security Act of 1985 (16 U.S.C. 3833) is amended to read as follows:

##### “SEC. 1233. DUTIES OF THE SECRETARY.

“(a) COST-SHARE AND RENTAL PAYMENTS.—In return for a contract entered into by an owner or operator under the conservation reserve program, the Secretary shall—

“(1) share the cost of carrying out the conservation measures and practices set forth in the contract for which the Secretary determines that cost sharing is appropriate and in the public interest; and

“(2) for a period of years not in excess of the term of the contract, pay an annual rental payment in an amount necessary to compensate for—

“(A) the conversion of highly erodible cropland or other eligible lands normally devoted to the production of an agricultural commodity on a farm or ranch to a less intensive use;

“(B) the retirement of any base history that the owner or operator agrees to retire permanently; and

“(C) the development and management of grasslands for multiple natural resource conservation benefits, including to soil, water, air, and wildlife.

“(b) SPECIFIED ACTIVITIES PERMITTED.—The Secretary shall permit certain activities or commercial uses of land that is subject to a contract under the conservation reserve program in a manner that is consistent with a plan approved by the Secretary, as follows:

“(1) Harvesting, grazing, or other commercial use of the forage in response to a drought or other emergency created by a natural disaster, without any reduction in the rental rate.

“(2) Consistent with the conservation of soil, water quality, and wildlife habitat (including habitat during nesting seasons for birds in the area), and in exchange for a reduction of not less than 25 percent in the annual rental rate for the acres covered by the authorized activity—

“(A) managed harvesting and other commercial use (including the managed harvesting of biomass), except that in permitting managed harvesting, the Secretary, in coordination with the State technical committee—

“(i) shall develop appropriate vegetation management requirements; and

“(ii) shall identify periods during which managed harvesting may be conducted, such that the frequency is not more than once every three years;

“(B) routine grazing or prescribed grazing for the control of invasive species, except that in permitting such routine grazing or prescribed grazing, the Secretary, in coordination with the State technical committee—

“(i) shall develop appropriate vegetation management requirements and stocking rates for the land that are suitable for continued routine grazing; and

“(ii) shall identify the periods during which routine grazing may be conducted, such that the frequency is not more than once every two years, taking into consideration regional differences such as—



“(I) climate, soil type, and natural resources;

“(II) the number of years that should be required between routine grazing activities; and

“(III) how often during a year in which routine grazing is permitted that routine grazing should be allowed to occur; and

“(C) the installation of wind turbines and associated access, except that in permitting the installation of wind turbines, the Secretary shall determine the number and location of wind turbines that may be installed, taking into account—

“(i) the location, size, and other physical characteristics of the land;

“(ii) the extent to which the land contains wildlife and wildlife habitat; and

“(iii) the purposes of the conservation reserve program under this subchapter.

“(3) The intermittent and seasonal use of vegetative buffer practices incidental to agricultural production on lands adjacent to the buffer such that the permitted use does not destroy the permanent vegetative cover.

“(C) AUTHORIZED ACTIVITIES ON GRASSLANDS.—For eligible land described in section 1231(b)(3), the Secretary shall permit the following activities:

“(1) Common grazing practices, including maintenance and necessary cultural practices, on the land in a manner that is consistent with maintaining the viability of grassland, forb, and shrub species appropriate to that locality.

“(2) Haying, mowing, or harvesting for seed production, subject to appropriate restrictions during the nesting season for critical bird species in the area.

“(3) Fire suppression, fire-related rehabilitation, and construction of fire breaks.

“(4) Grazing-related activities, such as fencing and livestock watering.

“(d) RESOURCE CONSERVING USE.—

“(1) IN GENERAL.—Beginning on the date that is 1 year before the date of termination of a contract under the program, the Secretary shall allow an owner or operator to make conservation and land improvements that facilitate maintaining protection of enrolled land after expiration of the contract.

“(2) CONSERVATION PLAN.—The Secretary shall require an owner or operator carrying out the activities described in paragraph (1) to develop and implement a conservation plan.

“(3) RE-ENROLLMENT PROHIBITED.—Land improved under paragraph (1) may not be re-enrolled in the conservation reserve program for 5 years after the date of termination of the contract.”

#### SEC. 2005. PAYMENTS.

(a) TREES, WINDBREAKS, SHELTERBELTS, AND WILDLIFE CORRIDORS.—Section 1234(b)(3)(A) of the Food Security Act of 1985 (16 U.S.C. 3834(b)(3)(A)) is amended—

(1) in clause (i), by inserting “and” after the semicolon;

(2) by striking clause (ii); and

(3) by redesignating clause (iii) as clause (ii).

(b) ANNUAL RENTAL PAYMENTS.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended—

(1) in paragraph (1), by inserting “or other eligible lands” after “highly erodible cropland” both places it appears; and

(2) by striking paragraph (2) and inserting the following new paragraph:

“(2) METHODS OF DETERMINATION.—

“(A) IN GENERAL.—The amounts payable to owners or operators in the form of rental payments under contracts entered into under this subchapter may be determined through—

“(i) the submission of bids for such contracts by owners and operators in such manner as the Secretary may prescribe; or

“(ii) such other means as the Secretary determines are appropriate.

“(B) GRASSLANDS.—In the case of eligible land described in section 1231(b)(3), the Secretary shall make annual payments in an amount that is not more than 75 percent of the grazing value of the land covered by the contract.”

(c) PAYMENT SCHEDULE.—Subsection (d) of section 1234 of the Food Security Act of 1985 (16 U.S.C. 3834) is amended to read as follows:

“(d) PAYMENT SCHEDULE.—

“(1) IN GENERAL.—Except as otherwise provided in this section, payments under this subchapter shall be made in cash in such amount and on such time schedule as is agreed on and specified in the contract.

“(2) ADVANCE PAYMENT.—Payments under this subchapter may be made in advance of determination of performance.”

(d) PAYMENT LIMITATION.—Section 1234(f) of the Food Security Act of 1985 (16 U.S.C. 3834(f)) is amended—

(1) in paragraph (1), by striking “, including rental payments made in the form of in-kind commodities,”;

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (2).

#### SEC. 2006. CONTRACT REQUIREMENTS.

(a) EARLY TERMINATION BY OWNER OR OPERATOR.—Section 1235(e) of the Food Security Act of 1985 (16 U.S.C. 3835(e)) is amended—

(1) in paragraph (1)(A)—

(A) by striking “The Secretary” and inserting “During fiscal year 2014, the Secretary”; and

(B) by striking “before January 1, 1995,”;

(2) in paragraph (2), by striking subparagraph (C) and inserting the following:

“(C) Land devoted to hardwood trees.

“(D) Wildlife habitat, duck nesting habitat, pollinator habitat, upland bird habitat buffer, wildlife food plots, State acres for wildlife enhancement, shallow water areas for wildlife, and rare and declining habitat.

“(E) Farmable wetland and restored wetland.

“(F) Land that contains diversions, erosion control structures, flood control structures, contour grass strips, living snow fences, salinity reducing vegetation, cross wind trap strips, and sediment retention structures.

“(G) Land located within a federally-designated wellhead protection area.

“(H) Land that is covered by an easement under the conservation reserve program.

“(I) Land located within an average width, according to the applicable Natural Resources Conservation Service field office technical guide, of a perennial stream or permanent water body.”; and

(3) in paragraph (3), by striking “60 days after the date on which the owner or operator submits the notice required under paragraph (1)(C)” and inserting “upon approval by the Secretary”.

(b) TRANSITION OPTION FOR CERTAIN FARMERS OR RANCHERS.—Section 1235(f) of the Food Security Act of 1985 (16 U.S.C. 3835(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “DUTIES” and all that follows through “a beginning farmer” and inserting “TRANSITION TO COVERED FARMER OR RANCHER.—In the case of a contract modification approved in order to facilitate the transfer of land subject to a contract from a retired farmer or rancher to a beginning farmer”;

(B) in subparagraph (A)(i), by inserting “, including preparing to plant an agricultural crop” after “improvements”;

(C) in subparagraph (D), by striking “the farmer or rancher” and inserting “the covered farmer or rancher”; and

(D) in subparagraph (E), by striking “section 1001A(b)(3)(B)” and inserting “section 1001”; and

(2) in paragraph (2), by striking “requirement of section 1231(h)(4)(B)” and inserting “option pursuant to section 1234(c)(2)(A)(ii)”.

(c) FINAL YEAR CONTRACT.—Section 1235 of the Food Security Act of 1985 (16 U.S.C. 3835) is amended by adding at the end the following new subsections:

“(g) FINAL YEAR OF CONTRACT.—The Secretary shall not consider an owner or operator to be in violation of a term or condition of the conservation reserve contract if—

“(1) during the year prior to expiration of the contract, the land is enrolled in the conservation stewardship program; and

“(2) the activity required under the conservation stewardship program pursuant to such enrollment is consistent with this subchapter.

“(h) LAND ENROLLED IN AGRICULTURAL CONSERVATION EASEMENT PROGRAM.—The Secretary may terminate or modify a contract entered into under this subchapter if eligible land that is subject to such contract is transferred into the agricultural conservation easement program under subtitle H.”

#### SEC. 2007. CONVERSION OF LAND SUBJECT TO CONTRACT TO OTHER CONSERVING USES.

Section 1235A of the Food Security Act of 1985 (16 U.S.C. 3835a) is repealed.

#### SEC. 2008. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this subtitle shall take effect on October 1, 2013, except the amendment made by section 2001(d), which shall take effect on the date of the enactment of this Act.

(b) EFFECT ON EXISTING CONTRACTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this subtitle shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) before October 1, 2013, or any payments required to be made in connection with the contract.

(2) UPDATING OF EXISTING CONTRACTS.—The Secretary shall permit an owner or operator of land subject to a contract entered into under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) before October 1, 2013, to update the contract to reflect the activities and uses of land under contract permitted under the terms and conditions of section 1233(b) of that Act (as amended by section 2004), as determined appropriate by the Secretary.

#### Subtitle B—Conservation Stewardship Program

#### SEC. 2101. CONSERVATION STEWARDSHIP PROGRAM.

(a) REVISION OF CURRENT PROGRAM.—Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) is amended to read as follows:

#### “Subchapter B—Conservation Stewardship Program

#### “SEC. 1238D. DEFINITIONS.

“In this subchapter:

“(1) AGRICULTURAL OPERATION.—The term ‘agricultural operation’ means all eligible land, whether or not contiguous, that is—

“(A) under the effective control of a producer at the time the producer enters into a contract under the program; and

“(B) operated with equipment, labor, management, and production or cultivation practices that are substantially separate from other agricultural operations, as determined by the Secretary.

“(2) CONSERVATION ACTIVITIES.—

“(A) IN GENERAL.—The term ‘conservation activities’ means conservation systems, practices, or management measures.

“(B) INCLUSIONS.—The term ‘conservation activities’ includes—

“(i) structural measures, vegetative measures, and land management measures, including agriculture drainage management systems, as determined by the Secretary; and

“(ii) planning needed to address a priority resource concern.

“(3) CONSERVATION STEWARDSHIP PLAN.—The term ‘conservation stewardship plan’ means a plan that—

“(A) identifies and inventories priority resource concerns;

“(B) establishes benchmark data and conservation objectives;

“(C) describes conservation activities to be implemented, managed, or improved; and

“(D) includes a schedule and evaluation plan for the planning, installation, and management of the new and existing conservation activities.

“(4) ELIGIBLE LAND.—

“(A) IN GENERAL.—The term ‘eligible land’ means—

“(i) private or tribal land on which agricultural commodities, livestock, or forest-related products are produced; and

“(ii) lands associated with the land described in clause (i) on which priority resource concerns could be addressed through a contract under the program.

“(B) INCLUSIONS.—The term ‘eligible land’ includes—

“(i) cropland;

“(ii) grassland;

“(iii) rangeland;

“(iv) pasture land;

“(v) nonindustrial private forest land; and

“(vi) other agricultural areas (including cropped woodland, marshes, and agricultural land used or capable of being used for the production of livestock), as determined by the Secretary.

“(5) PRIORITY RESOURCE CONCERN.—The term ‘priority resource concern’ means a natural resource concern or problem, as determined by the Secretary, that—

“(A) is identified at the national, State, or local level as a priority for a particular area of a State;

“(B) represents a significant concern in a State or region; and

“(C) is likely to be addressed successfully through the implementation of conservation activities under this program.

“(6) PROGRAM.—The term ‘program’ means the conservation stewardship program established by this subchapter.

“(7) STEWARDSHIP THRESHOLD.—The term ‘stewardship threshold’ means the level of management required, as determined by the Secretary, to conserve and improve the quality and condition of a natural resource.

#### “SEC. 1238E. CONSERVATION STEWARDSHIP PROGRAM.

“(a) ESTABLISHMENT AND PURPOSE.—During each of fiscal years 2014 through 2018, the Secretary shall carry out a conservation stewardship program to encourage producers to address priority resource concerns in a comprehensive manner—

“(1) by undertaking additional conservation activities; and

“(2) by improving, maintaining, and managing existing conservation activities.

“(b) EXCLUSIONS.—

“(1) LAND ENROLLED IN OTHER CONSERVATION PROGRAMS.—Subject to paragraph (2), the following land (even if covered by the definition of eligible land) is not eligible for enrollment in the program:

“(A) Land enrolled in the conservation reserve program, unless—

“(i) the conservation reserve contract will expire at the end of the fiscal year in which the land is to be enrolled in the program; and

“(ii) conservation reserve program payments for land enrolled in the program cease before the first program payment is made to the applicant under this subchapter.

“(B) Land enrolled in a wetland easement through the agricultural conservation easement program.

“(C) Land enrolled in the conservation security program.

“(2) CONVERSION TO CROPLAND.—Eligible land used for crop production after October 1, 2013, that had not been planted, considered to be planted, or devoted to crop production for at least 4 of the 6 years preceding that date shall not be the basis for any payment under the program, unless the land does not meet the requirement because—

“(A) the land had previously been enrolled in the conservation reserve program;

“(B) the land has been maintained using long-term crop rotation practices, as determined by the Secretary; or

“(C) the land is incidental land needed for efficient operation of the farm or ranch, as determined by the Secretary.

#### “SEC. 1238F. STEWARDSHIP CONTRACTS.

“(a) SUBMISSION OF CONTRACT OFFERS.—To be eligible to participate in the conservation stewardship program, a producer shall submit to the Secretary a contract offer for the agricultural operation that—

“(1) demonstrates to the satisfaction of the Secretary that the producer, at the time of the contract offer, meets or exceeds the stewardship threshold for at least 2 priority resource concerns; and

“(2) would, at a minimum, meet or exceed the stewardship threshold for at least 1 additional priority resource concern by the end of the stewardship contract by—

“(A) installing and adopting additional conservation activities; and

“(B) improving, maintaining, and managing existing conservation activities across the entire agricultural operation in a manner that increases or extends the conservation benefits in place at the time the contract offer is accepted by the Secretary.

“(b) EVALUATION OF CONTRACT OFFERS.—

“(1) RANKING OF APPLICATIONS.—In evaluating contract offers submitted under subsection (a), the Secretary shall rank applications based on—

“(A) the level of conservation treatment on all applicable priority resource concerns at the time of application;

“(B) the degree to which the proposed conservation activities effectively increase conservation performance;

“(C) the number of applicable priority resource concerns proposed to be treated to meet or exceed the stewardship threshold by the end of the contract;

“(D) the extent to which other priority resource concerns will be addressed to meet or exceed the stewardship threshold by the end of the contract period;

“(E) the extent to which the actual and anticipated conservation benefits from the con-

tract are provided at the least cost relative to other similarly beneficial contract offers; and

“(F) the extent to which priority resource concerns will be addressed when transitioning from the conservation reserve program to agricultural production.

“(2) PROHIBITION.—The Secretary may not assign a higher priority to any application because the applicant is willing to accept a lower payment than the applicant would otherwise be eligible to receive.

“(3) ADDITIONAL CRITERIA.—The Secretary may develop and use such additional criteria that the Secretary determines are necessary to ensure that national, State, and local priority resource concerns are effectively addressed.

“(c) ENTERING INTO CONTRACTS.—After a determination that a producer is eligible for the program under subsection (a), and a determination that the contract offer ranks sufficiently high under the evaluation criteria under subsection (b), the Secretary shall enter into a conservation stewardship contract with the producer to enroll the eligible land to be covered by the contract.

“(d) CONTRACT PROVISIONS.—

“(1) TERM.—A conservation stewardship contract shall be for a term of 5 years.

“(2) REQUIRED PROVISIONS.—The conservation stewardship contract of a producer shall—

“(A) state the amount of the payment the Secretary agrees to make to the producer for each year of the conservation stewardship contract under section 1238G(d);

“(B) require the producer—

“(i) to implement a conservation stewardship plan that describes the program purposes to be achieved through 1 or more conservation activities;

“(ii) to maintain and supply information as required by the Secretary to determine compliance with the conservation stewardship plan and any other requirements of the program; and

“(iii) not to conduct any activities on the agricultural operation that would tend to defeat the purposes of the program;

“(C) permit all economic uses of the eligible land that—

“(i) maintain the agricultural nature of the land; and

“(ii) are consistent with the conservation purposes of the conservation stewardship contract;

“(D) include a provision to ensure that a producer shall not be considered in violation of the contract for failure to comply with the contract due to circumstances beyond the control of the producer, including a disaster or related condition, as determined by the Secretary;

“(E) include provisions requiring that upon the violation of a term or condition of the contract at any time the producer has control of the land—

“(i) if the Secretary determines that the violation warrants termination of the contract—

“(I) the producer shall forfeit all rights to receive payments under the contract; and

“(II) the producer shall refund all or a portion of the payments received by the producer under the contract, including any interest on the payments, as determined by the Secretary; or

“(ii) if the Secretary determines that the violation does not warrant termination of the contract, the producer shall refund or accept adjustments to the payments provided to the producer, as the Secretary determines to be appropriate;

“(F) include provisions in accordance with paragraphs (3) and (4) of this section; and

“(G) include any additional provisions the Secretary determines are necessary to carry out the program.

“(3) CHANGE OF INTEREST IN LAND SUBJECT TO A CONTRACT.—

“(A) IN GENERAL.—At the time of application, a producer shall have control of the eligible land to be enrolled in the program. Except as provided in subparagraph (B), a change in the interest of a producer in eligible land covered by a contract under the program shall result in the termination of the contract with regard to that land.

“(B) TRANSFER OF DUTIES AND RIGHTS.—Subparagraph (A) shall not apply if—

“(i) within a reasonable period of time (as determined by the Secretary) after the date of the change in the interest in eligible land covered by a contract under the program, the transferee of the land provides written notice to the Secretary that all duties and rights under the contract have been transferred to, and assumed by, the transferee for the portion of the land transferred;

“(ii) the transferee meets the eligibility requirements of the program; and

“(iii) the Secretary approves the transfer of all duties and rights under the contract.

“(4) MODIFICATION AND TERMINATION OF CONTRACTS.—

“(A) VOLUNTARY MODIFICATION OR TERMINATION.—The Secretary may modify or terminate a contract with a producer if—

“(i) the producer agrees to the modification or termination; and

“(ii) the Secretary determines that the modification or termination is in the public interest.

“(B) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract if the Secretary determines that the producer violated the contract.

“(5) REPAYMENT.—If a contract is terminated, the Secretary may, consistent with the purposes of the program—

“(A) allow the producer to retain payments already received under the contract; or

“(B) require repayment, in whole or in part, of payments received and assess liquidated damages.

“(e) CONTRACT RENEWAL.—At the end of the initial 5-year contract period, the Secretary may allow the producer to renew the contract for 1 additional 5-year period if the producer—

“(1) demonstrates compliance with the terms of the initial contract;

“(2) agrees to adopt and continue to integrate conservation activities across the entire agricultural operation, as determined by the Secretary; and

“(3) agrees, by the end of the contract period—

“(A) to meet the stewardship threshold of at least two additional priority resource concerns on the agricultural operation; or

“(B) to exceed the stewardship threshold of two existing priority resource concerns that are specified by the Secretary in the initial contract.

#### **“SEC. 1238G. DUTIES OF THE SECRETARY.**

“(a) IN GENERAL.—To achieve the conservation goals of a contract under the conservation stewardship program, the Secretary shall—

“(1) make the program available to eligible producers on a continuous enrollment basis with 1 or more ranking periods, one of which shall occur in the first quarter of each fiscal year;

“(2) identify not less than 5 priority resource concerns in a particular watershed or

other appropriate region or area within a State; and

“(3) establish a science-based stewardship threshold for each priority resource concern identified under paragraph (2).

“(b) ALLOCATION TO STATES.—The Secretary shall allocate acres to States for enrollment, based—

“(1) primarily on each State's proportion of eligible land to the total acreage of eligible land in all States; and

“(2) also on consideration of—

“(A) the extent and magnitude of the conservation needs associated with agricultural production in each State;

“(B) the degree to which implementation of the program in the State is, or will be, effective in helping producers address those needs; and

“(C) other considerations to achieve equitable geographic distribution of funds, as determined by the Secretary.

“(c) ACREAGE ENROLLMENT LIMITATION.—During the period beginning on October 1, 2013, and ending on September 30, 2021, the Secretary shall, to the maximum extent practicable—

“(1) enroll in the program an additional 8,695,000 acres for each fiscal year; and

“(2) manage the program to achieve a national average rate of \$18 per acre, which shall include the costs of all financial assistance, technical assistance, and any other expenses associated with enrollment or participation in the program.

“(d) CONSERVATION STEWARDSHIP PAYMENTS.—

“(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide annual payments under the program to compensate the producer for—

“(A) installing and adopting additional conservation activities; and

“(B) improving, maintaining, and managing conservation activities in place at the agricultural operation of the producer at the time the contract offer is accepted by the Secretary.

“(2) PAYMENT AMOUNT.—The amount of the conservation stewardship annual payment shall be determined by the Secretary and based, to the maximum extent practicable, on the following factors:

“(A) Costs incurred by the producer associated with planning, design, materials, installation, labor, management, maintenance, or training.

“(B) Income forgone by the producer.

“(C) Expected conservation benefits.

“(D) The extent to which priority resource concerns will be addressed through the installation and adoption of conservation activities on the agricultural operation.

“(E) The level of stewardship in place at the time of application and maintained over the term of the contract.

“(F) The degree to which the conservation activities will be integrated across the entire agricultural operation for all applicable priority resource concerns over the term of the contract.

“(G) Such other factors as determined appropriate by the Secretary.

“(3) EXCLUSIONS.—A payment to a producer under this subsection shall not be provided for—

“(A) the design, construction, or maintenance of animal waste storage or treatment facilities or associated waste transport or transfer devices for animal feeding operations; or

“(B) conservation activities for which there is no cost incurred or income forgone to the producer.

“(4) DELIVERY OF PAYMENTS.—In making payments under this subsection, the Secretary shall, to the extent practicable—

“(A) prorate conservation performance over the term of the contract so as to accommodate, to the extent practicable, producers earning equal annual payments in each fiscal year; and

“(B) make payments as soon as practicable after October 1 of each fiscal year for activities carried out in the previous fiscal year.

“(e) SUPPLEMENTAL PAYMENTS FOR RESOURCE-CONSERVING CROP ROTATIONS.—

“(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide additional payments to producers that, in participating in the program, agree to adopt or improve resource-conserving crop rotations to achieve beneficial crop rotations as appropriate for the eligible land of the producers.

“(2) BENEFICIAL CROP ROTATIONS.—The Secretary shall determine whether a resource-conserving crop rotation is a beneficial crop rotation eligible for additional payments under paragraph (1) based on whether the resource-conserving crop rotation is designed to provide natural resource conservation and production benefits.

“(3) ELIGIBILITY.—To be eligible to receive a payment described in paragraph (1), a producer shall agree to adopt and maintain beneficial resource-conserving crop rotations for the term of the contract.

“(4) RESOURCE-CONSERVING CROP ROTATION.—In this subsection, the term ‘resource-conserving crop rotation’ means a crop rotation that—

“(A) includes at least 1 resource-conserving crop (as defined by the Secretary);

“(B) reduces erosion;

“(C) improves soil fertility and tilth;

“(D) interrupts pest cycles; and

“(E) in applicable areas, reduces depletion of soil moisture or otherwise reduces the need for irrigation.

“(f) PAYMENT LIMITATIONS.—A person or legal entity may not receive, directly or indirectly, payments under the program that, in the aggregate, exceed \$200,000 under all contracts entered into during fiscal years 2014 through 2018, excluding funding arrangements with Indian tribes, regardless of the number of contracts entered into under the program by the person or legal entity.

“(g) SPECIALTY CROP AND ORGANIC PRODUCERS.—The Secretary shall ensure that outreach and technical assistance are available, and program specifications are appropriate to enable specialty crop and organic producers to participate in the program.

“(h) COORDINATION WITH ORGANIC CERTIFICATION.—The Secretary shall establish a transparent means by which producers may initiate organic certification under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) while participating in a contract under the program.

“(i) REGULATIONS.—The Secretary shall promulgate regulations that—

“(1) prescribe such other rules as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under subsection (f); and

“(2) otherwise enable the Secretary to carry out the program.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2013.

(c) EFFECT ON EXISTING CONTRACTS.—

(1) IN GENERAL.—The amendment made by this section shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under subchapter B of chapter 2 of subtitle D of title XII of the

Food Security Act of 1985 (16 U.S.C. 3838d et seq.) before October 1, 2013, or any payments required to be made in connection with the contract.

(2) **CONSERVATION STEWARDSHIP PROGRAM.**—Funds made available under section 1241(a)(4) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(4)) (as amended by section 2601(a) of this title) may be used to administer and make payments to program participants that enrolled into contracts during any of fiscal years 2009 through 2013.

**Subtitle C—Environmental Quality Incentives Program**

**SEC. 2201. PURPOSES.**

Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C) and, in such subparagraph, by inserting “and” after the semicolon; and

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) developing and improving wildlife habitat; and”;

(2) in paragraph (4), by striking “; and” and inserting a period; and

(3) by striking paragraph (5).

**SEC. 2202. ESTABLISHMENT AND ADMINISTRATION.**

Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa-2) is amended—

(1) in subsection (a), by striking “2014” and inserting “2018”;

(2) in subsection (b), by striking paragraph (2) and inserting the following new paragraph:

“(2) **TERM.**—A contract under the program shall have a term that does not exceed 10 years.”;

(3) in subsection (d)(4)—

(A) in subparagraph (A), in the matter preceding clause (i), by inserting “, veteran farmer or rancher (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)))” before “or a beginning farmer or rancher”; and

(B) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) **ADVANCE PAYMENTS.**—

“(i) **IN GENERAL.**—Not more than 50 percent of the amount determined under subparagraph (A) may be provided in advance for the purpose of purchasing materials or contracting.

“(ii) **RETURN OF FUNDS.**—If funds provided in advance are not expended during the 90-day period beginning on the date of receipt of the funds, the funds shall be returned within a reasonable time frame, as determined by the Secretary.”;

(4) by striking subsection (f) and inserting the following new subsection:

“(f) **ALLOCATION OF FUNDING.**—

“(1) **LIVESTOCK.**—For each of fiscal years 2014 through 2018, at least 60 percent of the funds made available for payments under the program shall be targeted at practices relating to livestock production.

“(2) **WILDLIFE HABITAT.**—For each of fiscal years 2014 through 2018, 7.5 percent of the funds made available for payments under the program shall be targeted at practices benefiting wildlife habitat.”;

(5) in subsection (g)—

(A) in the subsection heading, by striking “FEDERALLY RECOGNIZED NATIVE AMERICAN INDIAN TRIBES AND ALASKA NATIVE CORPORATIONS” and inserting “INDIAN TRIBES”;

(B) by striking “federally recognized Native American Indian Tribes and Alaska Na-

tive Corporations (including their affiliated membership organizations)” and inserting “Indian tribes”; and

(C) by striking “or Native Corporation”; and

(d) by adding at the end the following:

“(j) **WILDLIFE HABITAT INCENTIVE PRACTICE.**—The Secretary shall provide payments to producers under the program for practices, including recurring practices for the term of the contract, that support the restoration, development, protection, and improvement of wildlife habitat on eligible land, including—

“(1) upland wildlife habitat;

“(2) wetland wildlife habitat;

“(3) habitat for threatened and endangered species;

“(4) fish habitat;

“(5) habitat on pivot corners and other irregular areas of a field; and

“(6) other types of wildlife habitat, as determined appropriate by the Secretary.

“(k) **FUNDING FOR COMMUNITY IRRIGATION ASSOCIATIONS.**—

“(1) **IN GENERAL.**—The Secretary may enter into an alternative funding arrangement with an eligible irrigation association if the Secretary determines that—

“(A) the purposes of the program will be met by such an arrangement; and

“(B) statutory limitations regarding contracts with individual producers will not be exceeded by any member of the irrigation association.

“(2) **ELIGIBLE IRRIGATION ASSOCIATIONS.**—In this subsection, the term ‘eligible irrigation association’ means an irrigation association that is—

“(A) comprised of producers; and

“(B) a local government entity, but does not have the authority to impose taxes or levies.”.

**SEC. 2203. EVALUATION OF APPLICATIONS.**

Section 1240C(b) of the Food Security Act of 1985 (16 U.S.C. 3839aa-3(b)) is amended—

(1) in paragraph (1), by striking “environmental” and inserting “conservation”; and

(2) in paragraph (3), by striking “purpose of the environmental quality incentives program specified in section 1240(1)” and inserting “purposes of the program”.

**SEC. 2204. DUTIES OF PRODUCERS.**

Section 1240D(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa-4(2)) is amended by striking “farm, ranch, or forest” and inserting “enrolled”.

**SEC. 2205. LIMITATION ON PAYMENTS.**

Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa-7) is amended to read as follows:

**“SEC. 1240G. LIMITATION ON PAYMENTS.**

“A person or legal entity may not receive, directly or indirectly, cost-share or incentive payments under this chapter that, in aggregate, exceed \$450,000 for all contracts entered into under this chapter by the person or legal entity during the period of fiscal years 2014 through 2018, regardless of the number of contracts entered into under this chapter by the person or legal entity.”.

**SEC. 2206. CONSERVATION INNOVATION GRANTS AND PAYMENTS.**

Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa-8) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (C), by striking “; and” and inserting a semicolon;

(B) in subparagraph (D), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

“(E) facilitate on-farm conservation research and demonstration activities; and

“(F) facilitate pilot testing of new technologies or innovative conservation practices.”; and

(2) by striking subsection (b) and inserting the following new subsection:

“(b) **REPORTING.**—Not later than December 31, 2014, and every two years thereafter, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report on the status of projects funded under this section, including—

“(1) funding awarded;

“(2) project results; and

“(3) incorporation of project findings, such as new technology and innovative approaches, into the conservation efforts implemented by the Secretary.”.

**SEC. 2207. EFFECTIVE DATE.**

(a) **IN GENERAL.**—The amendments made by this subtitle shall take effect on October 1, 2013.

(b) **EFFECT ON EXISTING CONTRACTS.**—The amendments made by this subtitle shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) before October 1, 2013, or any payments required to be made in connection with the contract.

**Subtitle D—Agricultural Conservation Easement Program**

**SEC. 2301. AGRICULTURAL CONSERVATION EASEMENT PROGRAM.**

(a) **ESTABLISHMENT.**—Title XII of the Food Security Act of 1985 is amended by adding at the end the following new subtitle:

**“Subtitle H—Agricultural Conservation Easement Program**

**“SEC. 1265. ESTABLISHMENT AND PURPOSES.**

“(a) **ESTABLISHMENT.**—The Secretary shall establish an agricultural conservation easement program for the conservation of eligible land and natural resources through easements or other interests in land.

“(b) **PURPOSES.**—The purposes of the program are to—

“(1) combine the purposes and coordinate the functions of the wetlands reserve program established under section 1237, the grassland reserve program established under section 1238N, and the farmland protection program established under section 1238I, as such sections were in effect on September 30, 2013;

“(2) restore, protect, and enhance wetlands on eligible land;

“(3) protect the agricultural use and related conservation values of eligible land by limiting nonagricultural uses of that land; and

“(4) protect grazing uses and related conservation values by restoring and conserving eligible land.

**“SEC. 1265A. DEFINITIONS.**

“In this subtitle:

“(1) **AGRICULTURAL LAND EASEMENT.**—The term ‘agricultural land easement’ means an easement or other interest in eligible land that—

“(A) is conveyed for the purpose of protecting natural resources and the agricultural nature of the land; and

“(B) permits the landowner the right to continue agricultural production and related uses subject to an agricultural land easement plan, as approved by the Secretary.

“(2) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means—

“(A) an agency of State or local government or an Indian tribe (including a farm-land protection board or land resource council established under State law); or

“(B) an organization that is—

“(i) organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

“(ii) an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code; or

“(iii) described in—

“(I) paragraph (1) or (2) of section 509(a) of that Code; or

“(II) section 509(a)(3) of that Code and is controlled by an organization described in section 509(a)(2) of that Code.

“(3) ELIGIBLE LAND.—The term ‘eligible land’ means private or tribal land that is—

“(A) in the case of an agricultural land easement, agricultural land, including land on a farm or ranch—

“(i) that is subject to a pending offer for purchase of an agricultural land easement from an eligible entity;

“(ii) that—

“(I) has prime, unique, or other productive soil;

“(II) contains historical or archaeological resources; or

“(III) the protection of which will further a State or local policy consistent with the purposes of the program; and

“(iii) that is—

“(I) cropland;

“(II) rangeland;

“(III) grassland or land that contains forbs, or shrubland for which grazing is the predominate use;

“(IV) pastureland; or

“(V) nonindustrial private forest land that contributes to the economic viability of an offered parcel or serves as a buffer to protect such land from development;

“(B) in the case of a wetland easement, a wetland or related area, including—

“(i) farmed or converted wetlands, together with adjacent land that is functionally dependent on that land, if the Secretary determines it—

“(I) is likely to be successfully restored in a cost-effective manner; and

“(II) will maximize the wildlife benefits and wetland functions and values, as determined by the Secretary in consultation with the Secretary of the Interior at the local level;

“(ii) cropland or grassland that was used for agricultural production prior to flooding from the natural overflow of—

“(I) a closed basin lake and adjacent land that is functionally dependent upon it, if the State or other entity is willing to provide 50 percent share of the cost of an easement; and

“(II) a pothole and adjacent land that is functionally dependent on it;

“(iii) farmed wetlands and adjoining lands that—

“(I) are enrolled in the conservation reserve program;

“(II) have the highest wetland functions and values, as determined by the Secretary; and

“(III) are likely to return to production after they leave the conservation reserve program;

“(iv) riparian areas that link wetlands that are protected by easements or some other device that achieves the same purpose as an easement; or

“(v) other wetlands of an owner that would not otherwise be eligible, if the Secretary de-

termines that the inclusion of such wetlands in a wetland easement would significantly add to the functional value of the easement; or

“(C) in the case of either an agricultural land easement or wetland easement, other land that is incidental to land described in subparagraph (A) or (B), if the Secretary determines that it is necessary for the efficient administration of the easements under this program.

“(4) PROGRAM.—The term ‘program’ means the agricultural conservation easement program established by this subtitle.

“(5) WETLAND EASEMENT.—The term ‘wetland easement’ means a reserved interest in eligible land that—

“(A) is defined and delineated in a deed; and

“(B) stipulates—

“(i) the rights, title, and interests in land conveyed to the Secretary; and

“(ii) the rights, title, and interests in land that are reserved to the landowner.

#### “SEC. 1265B. AGRICULTURAL LAND EASEMENTS.

“(a) AVAILABILITY OF ASSISTANCE.—The Secretary shall facilitate and provide funding for—

“(1) the purchase by eligible entities of agricultural land easements and other interests in eligible land; and

“(2) technical assistance to provide for the conservation of natural resources pursuant to an agricultural land easement plan.

“(b) COST-SHARE ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall protect the agricultural use, including grazing, and related conservation values of eligible land through cost-share assistance to eligible entities for purchasing agricultural land easements.

“(2) SCOPE OF ASSISTANCE AVAILABLE.—

“(A) FEDERAL SHARE.—An agreement described in paragraph (4) shall provide for a Federal share determined by the Secretary of an amount not to exceed 50 percent of the fair market value of the agricultural land easement or other interest in land, as determined by the Secretary using—

“(i) the Uniform Standards of Professional Appraisal Practice;

“(ii) an area-wide market analysis or survey; or

“(iii) another industry-approved method.

“(B) NON-FEDERAL SHARE.—

“(1) IN GENERAL.—Under the agreement, the eligible entity shall provide a share that is at least equivalent to that provided by the Secretary.

“(ii) SOURCE OF CONTRIBUTION.—An eligible entity may include as part of its share a charitable donation or qualified conservation contribution (as defined by section 170(h) of the Internal Revenue Code of 1986) from the private landowner if the eligible entity contributes its own cash resources in an amount that is at least 50 percent of the amount contributed by the Secretary.

“(C) EXCEPTION.—In the case of grassland of special environmental significance, as determined by the Secretary, the Secretary may provide an amount not to exceed 75 percent of the fair market value of the agricultural land easement.

“(3) EVALUATION AND RANKING OF APPLICATIONS.—

“(A) CRITERIA.—The Secretary shall establish evaluation and ranking criteria to maximize the benefit of Federal investment under the program.

“(B) CONSIDERATIONS.—In establishing the criteria, the Secretary shall emphasize support for—

“(i) protecting agricultural uses and related conservation values of the land; and

“(ii) maximizing the protection of areas devoted to agricultural use.

“(C) BIDDING DOWN.—If the Secretary determines that 2 or more applications for cost-share assistance are comparable in achieving the purpose of the program, the Secretary shall not assign a higher priority to any of those applications solely on the basis of lesser cost to the program.

“(4) AGREEMENTS WITH ELIGIBLE ENTITIES.—

“(A) IN GENERAL.—The Secretary shall enter into agreements with eligible entities to stipulate the terms and conditions under which the eligible entity is permitted to use cost-share assistance provided under this section.

“(B) LENGTH OF AGREEMENTS.—An agreement shall be for a term that is—

“(i) in the case of an eligible entity certified under the process described in paragraph (5), a minimum of five years; and

“(ii) for all other eligible entities, at least three, but not more than five years.

“(C) MINIMUM TERMS AND CONDITIONS.—An eligible entity shall be authorized to use its own terms and conditions for agricultural land easements so long as the Secretary determines such terms and conditions—

“(i) are consistent with the purposes of the program;

“(ii) permit effective enforcement of the conservation purposes of such easements;

“(iii) include a right of enforcement for the Secretary, that may be used only if the terms of the easement are not enforced by the holder of the easement;

“(iv) subject the land in which an interest is purchased to an agricultural land easement plan that—

“(I) describes the activities which promote the long-term viability of the land to meet the purposes for which the easement was acquired;

“(II) requires the management of grasslands according to a grasslands management plan; and

“(III) includes a conservation plan, where appropriate, and requires, at the option of the Secretary, the conversion of highly erodible cropland to less intensive uses; and

“(v) include a limit on the impervious surfaces to be allowed that is consistent with the agricultural activities to be conducted.

“(D) SUBSTITUTION OF QUALIFIED PROJECTS.—An agreement shall allow, upon mutual agreement of the parties, substitution of qualified projects that are identified at the time of the proposed substitution.

“(E) EFFECT OF VIOLATION.—If a violation occurs of a term or condition of an agreement under this subsection—

“(i) the Secretary may terminate the agreement; and

“(ii) the Secretary may require the eligible entity to refund all or part of any payments received by the entity under the program, with interest on the payments as determined appropriate by the Secretary.

“(5) CERTIFICATION OF ELIGIBLE ENTITIES.—

“(A) CERTIFICATION PROCESS.—The Secretary shall establish a process under which the Secretary may—

“(i) directly certify eligible entities that meet established criteria;

“(ii) enter into long-term agreements with certified eligible entities; and

“(iii) accept proposals for cost-share assistance for the purchase of agricultural land easements throughout the duration of such agreements.

“(B) CERTIFICATION CRITERIA.—In order to be certified, an eligible entity shall demonstrate to the Secretary that the entity will maintain, at a minimum, for the duration of the agreement—

“(i) a plan for administering easements that is consistent with the purpose of this subtitle;

“(ii) the capacity and resources to monitor and enforce agricultural land easements; and

“(iii) policies and procedures to ensure—

“(I) the long-term integrity of agricultural land easements on eligible land;

“(II) timely completion of acquisitions of such easements; and

“(III) timely and complete evaluation and reporting to the Secretary on the use of funds provided under the program.

“(C) REVIEW AND REVISION.—

“(i) REVIEW.—The Secretary shall conduct a review of eligible entities certified under subparagraph (A) every three years to ensure that such entities are meeting the criteria established under subparagraph (B).

“(ii) REVOCATION.—If the Secretary finds that the certified eligible entity no longer meets the criteria established under subparagraph (B), the Secretary may—

“(I) allow the certified eligible entity a specified period of time, at a minimum 180 days, in which to take such actions as may be necessary to meet the criteria; and

“(II) revoke the certification of the eligible entity, if, after the specified period of time, the certified eligible entity does not meet such criteria.

“(c) METHOD OF ENROLLMENT.—The Secretary shall enroll eligible land under this section through the use of—

“(1) permanent easements; or

“(2) easements for the maximum duration allowed under applicable State laws.

“(d) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance, if requested, to assist in—

“(1) compliance with the terms and conditions of easements; and

“(2) implementation of an agricultural land easement plan.

#### “SEC. 1265C. WETLAND EASEMENTS.

“(a) AVAILABILITY OF ASSISTANCE.—The Secretary shall provide assistance to owners of eligible land to restore, protect, and enhance wetlands through—

“(1) wetland easements and related wetland easement plans; and

“(2) technical assistance.

“(b) EASEMENTS.—

“(1) METHOD OF ENROLLMENT.—The Secretary shall enroll eligible land under this section through the use of—

“(A) 30-year easements;

“(B) permanent easements;

“(C) easements for the maximum duration allowed under applicable State laws; or

“(D) as an option for Indian tribes only, 30-year contracts (which shall be considered to be 30-year easements for the purposes of this subtitle).

“(2) LIMITATIONS.—

“(A) INELIGIBLE LAND.—The Secretary may not acquire easements on—

“(i) land established to trees under the conservation reserve program, except in cases where the Secretary determines it would further the purposes of the program; and

“(ii) farmed wetlands or converted wetlands where the conversion was not commenced prior to December 23, 1985.

“(B) CHANGES IN OWNERSHIP.—No wetland easement shall be created on land that has changed ownership during the preceding 24-month period unless—

“(i) the new ownership was acquired by will or succession as a result of the death of the previous owner;

“(ii) (I) the ownership change occurred because of foreclosure on the land; and

“(II) immediately before the foreclosure, the owner of the land exercises a right of redemption from the mortgage holder in accordance with State law; or

“(iii) the Secretary determines that the land was acquired under circumstances that give adequate assurances that such land was not acquired for the purposes of placing it in the program.

“(3) EVALUATION AND RANKING OF OFFERS.—

“(A) CRITERIA.—The Secretary shall establish evaluation and ranking criteria to maximize the benefit of Federal investment under the program.

“(B) CONSIDERATIONS.—When evaluating offers from landowners, the Secretary may consider—

“(i) the conservation benefits of obtaining a wetland easement, including the potential environmental benefits if the land was removed from agricultural production;

“(ii) the cost-effectiveness of each wetland easement, so as to maximize the environmental benefits per dollar expended;

“(iii) whether the landowner or another person is offering to contribute financially to the cost of the wetland easement to leverage Federal funds; and

“(iv) such other factors as the Secretary determines are necessary to carry out the purposes of the program.

“(C) PRIORITY.—The Secretary shall place priority on acquiring wetland easements based on the value of the wetland easement for protecting and enhancing habitat for migratory birds and other wildlife.

“(4) AGREEMENT.—To be eligible to place eligible land into the program through a wetland easement, the owner of such land shall enter into an agreement with the Secretary to—

“(A) grant an easement on such land to the Secretary;

“(B) authorize the implementation of a wetland easement plan developed for the eligible land under subsection (f);

“(C) create and record an appropriate deed restriction in accordance with applicable State law to reflect the easement agreed to;

“(D) provide a written statement of consent to such easement signed by those holding a security interest in the land;

“(E) comply with the terms and conditions of the easement and any related agreements; and

“(F) permanently retire any existing base history for the land on which the easement has been obtained.

“(5) TERMS AND CONDITIONS OF EASEMENT.—

“(A) IN GENERAL.—A wetland easement shall include terms and conditions that—

“(i) permit—

“(I) repairs, improvements, and inspections on the land that are necessary to maintain existing public drainage systems; and

“(II) owners to control public access on the easement areas while identifying access routes to be used for restoration activities and management and easement monitoring;

“(ii) prohibit—

“(I) the alteration of wildlife habitat and other natural features of such land, unless specifically authorized by the Secretary;

“(II) the spraying of such land with chemicals or the mowing of such land, except where such spraying or mowing is authorized by the Secretary or is necessary—

“(aa) to comply with Federal or State noxious weed control laws;

“(bb) to comply with a Federal or State emergency pest treatment program; or

“(cc) to meet habitat needs of specific wildlife species;

“(III) any activities to be carried out on the owner's or successor's land that is imme-

diately adjacent to, and functionally related to, the land that is subject to the easement if such activities will alter, degrade, or otherwise diminish the functional value of the eligible land; and

“(IV) the adoption of any other practice that would tend to defeat the purposes of the program, as determined by the Secretary;

“(iii) provide for the efficient and effective establishment of wildlife functions and values; and

“(iv) include such additional provisions as the Secretary determines are desirable to carry out the program or facilitate the practical administration thereof.

“(B) VIOLATION.—On the violation of the terms or conditions of a wetland easement, the wetland easement shall remain in force and the Secretary may require the owner to refund all or part of any payments received by the owner under the program, together with interest thereon as determined appropriate by the Secretary.

“(C) COMPATIBLE USES.—Land subject to a wetland easement may be used for compatible economic uses, including such activities as hunting and fishing, managed timber harvest, or periodic haying or grazing, if such use is specifically permitted by the wetland easement plan developed for the land under subsection (f) and is consistent with the long-term protection and enhancement of the wetland resources for which the easement was established.

“(D) RESERVATION OF GRAZING RIGHTS.—The Secretary may include in the terms and conditions of a wetland easement a provision under which the owner reserves grazing rights if—

“(i) the Secretary determines that the reservation and use of the grazing rights—

“(I) is compatible with the land subject to the easement;

“(II) is consistent with the historical natural uses of the land and the long-term protection and enhancement goals for which the easement was established; and

“(III) complies with the wetland easement plan developed for the land under subsection (f); and

“(ii) the agreement provides for a commensurate reduction in the easement payment to account for the grazing value, as determined by the Secretary.

“(6) COMPENSATION.—

“(A) DETERMINATION.—

“(i) PERMANENT EASEMENTS.—The Secretary shall pay as compensation for a permanent wetland easement acquired under the program an amount necessary to encourage enrollment in the program, based on the lowest of—

“(I) the fair market value of the land, as determined by the Secretary, using the Uniform Standards of Professional Appraisal Practice or an area-wide market analysis or survey;

“(II) the amount corresponding to a geographical cap, as determined by the Secretary in regulations; or

“(III) the offer made by the landowner.

“(ii) 30-YEAR EASEMENTS.—Compensation for a 30-year wetland easement shall be not less than 50 percent, but not more than 75 percent, of the compensation that would be paid for a permanent wetland easement.

“(B) FORM OF PAYMENT.—Compensation for a wetland easement shall be provided by the Secretary in the form of a cash payment, in an amount determined under subparagraph (A).

“(C) PAYMENT SCHEDULE.—

“(i) EASEMENTS VALUED AT \$500,000 OR LESS.—For wetland easements valued at

\$500,000 or less, the Secretary may provide easement payments in not more than 10 annual payments.

“(i) EASEMENTS VALUED AT MORE THAN \$500,000.—For wetland easements valued at more than \$500,000, the Secretary may provide easement payments in at least 5, but not more than 10 annual payments, except that, if the Secretary determines it would further the purposes of the program, the Secretary may make a lump-sum payment for such an easement.

“(c) EASEMENT RESTORATION.—

“(1) IN GENERAL.—The Secretary shall provide financial assistance to owners of eligible land to carry out the establishment of conservation measures and practices and protect wetland functions and values, including necessary maintenance activities, as set forth in a wetland easement plan developed for the eligible land under subsection (f).

“(2) PAYMENTS.—The Secretary shall—

“(A) in the case of a permanent wetland easement, pay an amount that is not less than 75 percent, but not more than 100 percent, of the eligible costs, as determined by the Secretary; and

“(B) in the case of a 30-year wetland easement, pay an amount that is not less than 50 percent, but not more than 75 percent, of the eligible costs, as determined by the Secretary.

“(d) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall assist owners in complying with the terms and conditions of wetland easements.

“(2) CONTRACTS OR AGREEMENTS.—The Secretary may enter into 1 or more contracts with private entities or agreements with a State, non-governmental organization, or Indian tribe to carry out necessary restoration, enhancement, or maintenance of a wetland easement if the Secretary determines that the contract or agreement will advance the purposes of the program.

“(e) WETLAND ENHANCEMENT OPTION.—The Secretary may enter into 1 or more agreements with a State (including a political subdivision or agency of a State), nongovernmental organization, or Indian tribe to carry out a special wetland enhancement option that the Secretary determines would advance the purposes of program.

“(f) ADMINISTRATION.—

“(1) WETLAND EASEMENT PLAN.—The Secretary shall develop a wetland easement plan for eligible lands subject to a wetland easement, which shall include practices and activities necessary to restore, protect, enhance, and maintain the enrolled lands.

“(2) DELEGATION OF EASEMENT ADMINISTRATION.—The Secretary may delegate—

“(A) any of the easement management, monitoring, and enforcement responsibilities of the Secretary to other Federal or State agencies that have the appropriate authority, expertise, and resources necessary to carry out such delegated responsibilities; and

“(B) any of the easement management responsibilities of the Secretary to other conservation organizations if the Secretary determines the organization has the appropriate expertise and resources.

“(3) PAYMENTS.—

“(A) TIMING OF PAYMENTS.—The Secretary shall provide payment for obligations incurred by the Secretary under this section—

“(i) with respect to any easement restoration obligation under subsection (c), as soon as possible after the obligation is incurred; and

“(ii) with respect to any annual easement payment obligation incurred by the Sec-

retary, as soon as possible after October 1 of each calendar year.

“(B) PAYMENTS TO OTHERS.—If an owner who is entitled to a payment under this section dies, becomes incompetent, is otherwise unable to receive such payment, or is succeeded by another person or entity who renders or completes the required performance, the Secretary shall make such payment, in accordance with regulations prescribed by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all of the circumstances.

“SEC. 1265D. ADMINISTRATION.

“(a) INELIGIBLE LAND.—The Secretary may not use program funds for the purposes of acquiring an easement on—

“(1) lands owned by an agency of the United States, other than land held in trust for Indian tribes;

“(2) lands owned in fee title by a State, including an agency or a subdivision of a State, or a unit of local government;

“(3) land subject to an easement or deed restriction which, as determined by the Secretary, provides similar protection as would be provided by enrollment in the program; or

“(4) lands where the purposes of the program would be undermined due to on-site or off-site conditions, such as risk of hazardous substances, proposed or existing rights of way, infrastructure development, or adjacent land uses.

“(b) PRIORITY.—In evaluating applications under the program, the Secretary may give priority to land that is currently enrolled in the conservation reserve program in a contract that is set to expire within 1 year and—

“(1) in the case of an agricultural land easement, is grassland that would benefit from protection under a long-term easement; and

“(2) in the case of a wetland easement, is a wetland or related area with the highest functions and value and is likely to return to production after the land leaves the conservation reserve program.

“(c) SUBORDINATION, EXCHANGE, MODIFICATION, AND TERMINATION.—

“(1) IN GENERAL.—The Secretary may subordinate, exchange, modify, or terminate any interest in land, or portion of such interest, administered by the Secretary, either directly or on behalf of the Commodity Credit Corporation under the program if the Secretary determines that—

“(A) it is in the Federal Government's interest to subordinate, exchange, modify, or terminate the interest in land;

“(B) the subordination, exchange, modification, or termination action—

“(i) will address a compelling public need for which there is no practicable alternative; or

“(ii) such action will further the practical administration of the program; and

“(C) the subordination, exchange, modification, or termination action will result in comparable conservation value and equivalent or greater economic value to the United States.

“(2) CONSULTATION.—The Secretary shall work with the owner, and eligible entity if applicable, to address any subordination, exchange, modification, or termination of the interest, or portion of such interest, in land.

“(3) NOTICE.—At least 90 days before taking any termination action described in paragraph (1), the Secretary shall provide written notice of such action to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

“(d) LAND ENROLLED IN CONSERVATION RESERVE PROGRAM.—The Secretary may terminate or modify a contract entered into under section 1231(a) if eligible land that is subject to such contract is transferred into the program.

“(e) ALLOCATION OF FUNDS FOR AGRICULTURAL LAND EASEMENTS.—Of the funds made available under section 1241 to carry out the program for a fiscal year, the Secretary shall, to the extent practicable, use for agricultural land easements—

“(1) no less than 40 percent in each of fiscal years 2014 through 2017; and

“(2) no less than 50 percent in fiscal year 2018.”.

(b) COMPLIANCE WITH CERTAIN REQUIREMENTS.—Before an eligible entity or owner of eligible land may receive assistance under subtitle H of title XII of the Food Security Act of 1985, the eligible entity or person shall agree, during the crop year for which the assistance is provided and in exchange for the assistance—

(1) to comply with applicable conservation requirements under subtitle B of title XII of that Act (16 U.S.C. 3811 et seq.); and

(2) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.).

(c) CROSS REFERENCE; CALCULATION.—Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting “and” at the end of subparagraph (A);

(ii) by striking “and” at the end of subparagraph (B); and

(iii) by striking subparagraph (C);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) the agricultural conservation easement program established under subtitle H; and”; and

(2) in subsection (f)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “programs administered under subchapters B and C of chapter 1 of subtitle D” and inserting “conservation reserve program established under subchapter B of chapter 1 of subtitle D and wetland easements under section 1265C”; and

(ii) in subparagraph (B), by striking “an easement acquired under subchapter C of chapter 1 of subtitle D” and inserting “a wetland easement under section 1265C”; and

(B) by adding at the end the following new paragraph:

“(5) CALCULATION.—In calculating the percentages described in paragraph (1), the Secretary shall include any acreage that was included in calculations of percentages made under such paragraph, as in effect on September 30, 2013, and that remains enrolled when the calculation is made after that date under paragraph (1).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013.

#### Subtitle E—Regional Conservation Partnership Program

#### SEC. 2401. REGIONAL CONSERVATION PARTNERSHIP PROGRAM.

(a) IN GENERAL.—Title XII of the Food Security Act of 1985 is amended by inserting after subtitle H, as added by section 2301, the following new subtitle:



**“Subtitle I—Regional Conservation Partnership Program**

**“SEC. 1271. ESTABLISHMENT AND PURPOSES.**

“(a) **ESTABLISHMENT.**—The Secretary shall establish a regional conservation partnership program to implement eligible activities on eligible land through—

“(1) partnership agreements with eligible partners; and

“(2) contracts with producers.

“(b) **PURPOSES.**—The purposes of the program are as follows:

“(1) To use covered programs to accomplish purposes and functions similar to those of the following programs, as in effect on September 30, 2013:

“(A) The agricultural water enhancement program established under section 1240I.

“(B) The Chesapeake Bay watershed program established under section 1240Q.

“(C) The cooperative conservation partnership initiative established under section 1243.

“(D) The Great Lakes basin program for soil erosion and sediment control established under section 1240P.

“(2) To further the conservation, restoration, and sustainable use of soil, water, wildlife, and related natural resources on eligible land on a regional or watershed scale.

“(3) To encourage eligible partners to cooperate with producers in—

“(A) meeting or avoiding the need for national, State, and local natural resource regulatory requirements related to production on eligible land; and

“(B) implementing projects that will result in the carrying out of eligible activities that affect multiple agricultural or nonindustrial private forest operations on a local, regional, State, or multistate basis.

**“SEC. 1271A. DEFINITIONS.**

“In this subtitle:

“(1) **COVERED PROGRAM.**—The term ‘covered program’ means the following:

“(A) The agricultural conservation easement program.

“(B) The environmental quality incentives program.

“(C) The conservation stewardship program.

“(D) The healthy forests reserve program established under section 501 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6571).

“(2) **ELIGIBLE ACTIVITY.**—The term ‘eligible activity’ means any of the following conservation activities:

“(A) Water quality or quantity conservation, restoration, or enhancement projects relating to surface water and groundwater resources, including—

“(i) the conversion of irrigated cropland to the production of less water-intensive agricultural commodities or dryland farming; or

“(ii) irrigation system improvement and irrigation efficiency enhancement.

“(B) Drought mitigation.

“(C) Flood prevention.

“(D) Water retention.

“(E) Air quality improvement.

“(F) Habitat conservation, restoration, and enhancement.

“(G) Erosion control and sediment reduction.

“(H) Other related activities that the Secretary determines will help achieve conservation benefits.

“(3) **ELIGIBLE LAND.**—The term ‘eligible land’ means land on which agricultural commodities, livestock, or forest-related products are produced, including—

“(A) cropland;

“(B) grassland;

“(C) rangeland;

“(D) pastureland;

“(E) nonindustrial private forest land; and

“(F) other land incidental to agricultural production (including wetlands and riparian buffers) on which significant natural resource issues could be addressed under the program.

“(4) **ELIGIBLE PARTNER.**—The term ‘eligible partner’ means any of the following:

“(A) An agricultural or silvicultural producer association or other group of producers.

“(B) A State or unit of local government.

“(C) An Indian tribe.

“(D) A farmer cooperative.

“(E) A water district, irrigation district, rural water district or association, or other organization with specific water delivery authority to producers on agricultural land.

“(F) An institution of higher education.

“(G) An organization or entity with an established history of working cooperatively with producers on agricultural land, as determined by the Secretary, to address—

“(i) local conservation priorities related to agricultural production, wildlife habitat development, or nonindustrial private forest land management; or

“(ii) critical watershed-scale soil erosion, water quality, sediment reduction, or other natural resource issues.

“(5) **PARTNERSHIP AGREEMENT.**—The term ‘partnership agreement’ means an agreement entered into under section 1271B between the Secretary and an eligible partner.

“(6) **PROGRAM.**—The term ‘program’ means the regional conservation partnership program established by this subtitle.

**“SEC. 1271B. REGIONAL CONSERVATION PARTNERSHIPS.**

“(a) **PARTNERSHIP AGREEMENTS AUTHORIZED.**—The Secretary may enter into a partnership agreement with an eligible partner to implement a project that will assist producers with installing and maintaining an eligible activity on eligible land.

“(b) **LENGTH.**—A partnership agreement shall be for a period not to exceed 5 years, except that the Secretary may extend the agreement one time for up to 12 months when an extension is necessary to meet the objectives of the program.

“(c) **DUTIES OF PARTNERS.**—

“(1) **IN GENERAL.**—Under a partnership agreement, the eligible partner shall—

“(A) define the scope of a project, including—

“(i) the eligible activities to be implemented;

“(ii) the potential agricultural or nonindustrial private forest land operations affected;

“(iii) the local, State, multistate, or other geographic area covered; and

“(iv) the planning, outreach, implementation, and assessment to be conducted;

“(B) conduct outreach to producers for potential participation in the project;

“(C) at the request of a producer, act on behalf of a producer participating in the project in applying for assistance under section 1271C;

“(D) leverage financial or technical assistance provided by the Secretary with additional funds to help achieve the project objectives;

“(E) conduct an assessment of the project’s effects; and

“(F) at the conclusion of the project, report to the Secretary on its results and funds leveraged.

“(2) **CONTRIBUTION.**—An eligible partner shall provide a significant portion of the overall costs of the scope of the project that

is the subject of the agreement entered into under subsection (a), as determined by the Secretary.

“(d) **APPLICATIONS.**—

“(1) **COMPETITIVE PROCESS.**—The Secretary shall conduct a competitive process to select applications for partnership agreements and may assess and rank applications with similar conservation purposes as a group.

“(2) **CRITERIA USED.**—In carrying out the process described in paragraph (1), the Secretary shall make public the criteria used in evaluating applications.

“(3) **CONTENT.**—An application to the Secretary shall include a description of—

“(A) the scope of the project, as described in subsection (c)(1)(A);

“(B) the plan for monitoring, evaluating, and reporting on progress made toward achieving the project’s objectives;

“(C) the program resources requested for the project, including the covered programs to be used and estimated funding needed from the Secretary;

“(D) eligible partners collaborating to achieve project objectives, including their roles, responsibilities, capabilities, and financial contribution; and

“(E) any other elements the Secretary considers necessary to adequately evaluate and competitively select applications for funding under the program.

“(4) **PRIORITY TO CERTAIN APPLICATIONS.**—The Secretary may give a higher priority to applications that—

“(A) assist producers in meeting or avoiding the need for a natural resource regulatory requirement;

“(B) have a high percentage of eligible producers in the area to be covered by the agreement;

“(C) significantly leverage non-Federal financial and technical resources and coordinate with other local, State, or national efforts;

“(D) deliver high percentages of applied conservation to address conservation priorities or regional, State, or national conservation initiatives;

“(E) provide innovation in conservation methods and delivery, including outcome-based performance measures and methods; or

“(F) meet other factors that are important for achieving the purposes of the program, as determined by the Secretary.

**“SEC. 1271C. ASSISTANCE TO PRODUCERS.**

“(a) **IN GENERAL.**—The Secretary shall enter into contracts with producers to provide financial and technical assistance to—

“(1) producers participating in a project with an eligible partner, as described in section 1271B; or

“(2) producers that fit within the scope of a project described in section 1271B or a critical conservation area designated under section 1271F, but who are seeking to implement an eligible activity on eligible land independent of a partner.

“(b) **TERMS AND CONDITIONS.**—

“(1) **CONSISTENCY WITH PROGRAM RULES.**—Except as provided in paragraph (2), the Secretary shall ensure that the terms and conditions of a contract under this section are consistent with the applicable rules of the covered programs to be used as part of the project, as described in the application under section 1271B(d)(3)(C).

“(2) **ADJUSTMENTS.**—Except with respect to statutory program requirements governing appeals, payment limitations, and conservation compliance, the Secretary may adjust the discretionary program rules of a covered program—

“(A) to provide a simplified application and evaluation process; and

“(B) to better reflect unique local circumstances and purposes if the Secretary determines such adjustments are necessary to achieve the purposes of the program.

“(c) PAYMENTS.—

“(1) IN GENERAL.—In accordance with statutory requirements of the covered programs involved, the Secretary may make payments to a producer in an amount determined by the Secretary to be necessary to achieve the purposes of the program.

“(2) PAYMENTS TO PRODUCERS IN STATES WITH WATER QUANTITY CONCERNS.—The Secretary may provide payments to producers participating in a project that addresses water quantity concerns for a period of five years in an amount sufficient to encourage conversion from irrigated farming to dryland farming.

“(3) WAIVER AUTHORITY.—To assist in the implementation of the program, the Secretary may waive the applicability of the limitation in section 1001D(b)(2) of this Act for participating producers if the Secretary determines that the waiver is necessary to fulfill the objectives of the program.

#### “SEC. 1271D. FUNDING.

“(a) AVAILABILITY OF FUNDS.—The Secretary shall use \$100,000,000 of the funds of the Commodity Credit Corporation for each of fiscal years 2014 through 2018 to carry out the program.

“(b) DURATION OF AVAILABILITY.—Funds made available under subsection (a) shall remain available until expended.

“(c) ADDITIONAL FUNDING AND ACRES.—

“(1) IN GENERAL.—In addition to the funds made available under subsection (a), the Secretary shall reserve 6 percent of the funds and acres made available for a covered program for each of fiscal years 2014 through 2018 in order to ensure additional resources are available to carry out this program.

“(2) UNUSED FUNDS AND ACRES.—Any funds or acres reserved under paragraph (1) for a fiscal year from a covered program that are not obligated under this program by April 1 of that fiscal year shall be returned for use under the covered program.

“(d) ALLOCATION OF FUNDING.—Of the funds and acres made available for the program under subsections (a) and (c), the Secretary shall allocate—

“(1) 25 percent of the funds and acres to projects based on a State competitive process administered by the State Conservationist, with the advice of the State technical committee established under subtitle G;

“(2) 50 percent of the funds and acres to projects based on a national competitive process to be established by the Secretary; and

“(3) 25 percent of the funds and acres to projects for the critical conservation areas designated under section 1271F.

“(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—None of the funds made available under the program may be used to pay for the administrative expenses of eligible partners.

#### “SEC. 1271E. ADMINISTRATION.

“(a) DISCLOSURE.—In addition to the criteria used in evaluating applications as described in section 1271B(d)(2), the Secretary shall make publicly available information on projects selected through the competitive process described in section 1271B(d)(1).

“(b) REPORTING.—Not later than December 31, 2014, and every two years thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on

the status of projects funded under the program, including—

“(1) the number and types of eligible partners and producers participating in the partnership agreements selected;

“(2) the number of producers receiving assistance; and

“(3) total funding committed to projects, including from Federal and non-Federal resources.

#### “SEC. 1271F. CRITICAL CONSERVATION AREAS.

“(a) IN GENERAL.—In administering funds under section 1271D(d)(3), the Secretary shall select applications for partnership agreements and producer contracts within critical conservation areas designated under this section.

“(b) CRITICAL CONSERVATION AREA DESIGNATIONS.—

“(1) PRIORITY.—In designating critical conservation areas under this section, the Secretary shall give priority to geographical areas based on the degree to which the geographical area—

“(A) includes multiple States with significant agricultural production;

“(B) is covered by an existing regional, State, binational, or multistate agreement or plan that has established objectives, goals, and work plans and is adopted by a Federal, State, or regional authority;

“(C) would benefit from water quality improvement, including through reducing erosion, promoting sediment control, and addressing nutrient management activities affecting large bodies of water of regional, national, or international significance;

“(D) would benefit from water quantity improvement, including improvement relating to—

“(i) groundwater, surface water, aquifer, or other water sources; or

“(ii) a need to promote water retention and flood prevention; or

“(E) contains producers that need assistance in meeting or avoiding the need for a natural resource regulatory requirement that could have a negative economic impact on agricultural operations within the area.

“(2) LIMITATION.—The Secretary may not designate more than 8 geographical areas as critical conservation areas under this section.

“(c) ADMINISTRATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall administer any partnership agreement or producer contract under this section in a manner that is consistent with the terms of the program.

“(2) RELATIONSHIP TO EXISTING ACTIVITY.—The Secretary shall, to the maximum extent practicable, ensure that eligible activities carried out in critical conservation areas designated under this section complement and are consistent with other Federal and State programs and water quality and quantity strategies.

“(3) ADDITIONAL AUTHORITY.—For a critical conservation area described in subsection (b)(1)(D), the Secretary may use authorities under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.), other than section 14 of such Act (16 U.S.C. 1012), to carry out projects for the purposes of this section.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2013.

#### Subtitle F—Other Conservation Programs

#### SEC. 2501. CONSERVATION OF PRIVATE GRAZING LAND.

Section 1240M(e) of the Food Security Act of 1985 (16 U.S.C. 3839bb(e)) is amended by striking “2012” and inserting “2018”.

#### SEC. 2502. GRASSROOTS SOURCE WATER PROTECTION PROGRAM.

Section 1240O(b) of the Food Security Act of 1985 (16 U.S.C. 3839bb-2) is amended to read as follows:

“(b) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2008 through 2018.

“(2) AVAILABILITY OF FUNDS.—In addition to funds made available under paragraph (1), of the funds of the Commodity Credit Corporation, the Secretary shall use \$5,000,000, to remain available until expended.”.

#### SEC. 2503. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

(a) FUNDING.—Section 1240R(f)(1) of the Food Security Act of 1985 (16 U.S.C. 3839bb-5(f)(1)) is amended by inserting before the period at the end the following: “and \$30,000,000 for the period of fiscal years 2014 through 2018”.

(b) REPORT ON PROGRAM EFFECTIVENESS.—Not later than two years after the date of the enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report evaluating the effectiveness of the voluntary public access program established by section 1240R of the Food Security Act of 1985 (16 U.S.C. 3839bb-5), including—

(1) identifying cooperating agencies;

(2) identifying the number of land holdings and total acres enrolled by each State and tribal government;

(3) evaluating the extent of improved access on eligible lands, improved wildlife habitat, and related economic benefits; and

(4) any other relevant information and data relating to the program that would be helpful to such committees.

#### SEC. 2504. AGRICULTURE CONSERVATION EXPERIENCED SERVICES PROGRAM.

(a) FUNDING.—Subsection (c) of section 1252 of the Food Security Act of 1985 (16 U.S.C. 3851) is amended to read as follows:

“(c) FUNDING.—

“(1) IN GENERAL.—The Secretary may carry out the ACES program using funds made available to carry out each program under this title.

“(2) EXCLUSION.—Funds made available to carry out the conservation reserve program may not be used to carry out the ACES program.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2013.

#### SEC. 2505. SMALL WATERSHED REHABILITATION PROGRAM.

(a) AVAILABILITY OF FUNDS.—Section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)) is amended—

(1) in subparagraph (E), by striking “; and” and inserting a semicolon;

(2) in subparagraph (F), by striking the period and inserting a semicolon;

(3) in subparagraph (G), by striking the period and inserting “; and”; and

(4) by adding at the end the following new subparagraph:

“(H) \$250,000,000 for fiscal year 2014, to remain available until expended.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 14(h)(2)(E) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(2)(E)) is amended by striking “2012” and inserting “2018”.

**SEC. 2506. AGRICULTURAL MANAGEMENT ASSISTANCE PROGRAM.**

(a) USES.—Section 524(b)(2) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(2)) is amended—

(1) by striking subparagraph (B) and redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively; and

(2) in subparagraph (B) (as so redesignated)—

(A) in the matter preceding clause (i), by striking “or resource conservation practices”; and

(B) by striking clause (i) and redesignating clauses (ii) through (iv) as clauses (i) through (iii), respectively.

(b) COMMODITY CREDIT CORPORATION.—

(1) FUNDING.—Section 524(b)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)) is amended to read as follows:

“(B) FUNDING.—The Commodity Credit Corporation shall make available to carry out this subsection not less than \$10,000,000 for each fiscal year.”.

(2) CERTAIN USES.—Section 524(b)(4)(C) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(C)) is amended—

(A) in clause (i)—

(i) by striking “50” and inserting “30”; and

(ii) by striking “(A), (B), and (C)” and inserting “(A) and (B)”; and

(B) in clause (iii), by striking “40” and inserting “60”.

**SEC. 2507. EMERGENCY WATERSHED PROTECTION PROGRAM.**

Section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) is amended by adding at the end the following new sentence: “In evaluating requests for assistance under this section, the Secretary shall give priority consideration to projects that address runoff retardation and soil-erosion preventive measures needed to mitigate the risks and remediate the effects of catastrophic wildfire on land that is the source of drinking water for landowners and land users.”.

**Subtitle G—Funding and Administration****SEC. 2601. FUNDING.**

(a) IN GENERAL.—Subsection (a) of section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended to read as follows:

“(a) ANNUAL FUNDING.—For each of fiscal years 2014 through 2018, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out the following programs under this title (including the provision of technical assistance):

“(1) The conservation reserve program under subchapter B of chapter 1 of subtitle D, including, to the maximum extent practicable, \$25,000,000 for the period of fiscal years 2014 through 2018 to carry out section 1235(f) to facilitate the transfer of land subject to contracts from retired or retiring owners and operators to beginning farmers or ranchers and socially disadvantaged farmers or ranchers.

“(2) The agriculture conservation easement program under subtitle H, using, to the maximum extent practicable—

“(A) \$425,000,000 in fiscal year 2014;

“(B) \$450,000,000 in fiscal year 2015;

“(C) \$475,000,000 in fiscal year 2016;

“(D) \$500,000,000 in fiscal year 2017; and

“(E) \$200,000,000 in fiscal year 2018.

“(3) The conservation security program under subchapter A of chapter 2 of subtitle D, using such sums as are necessary to administer contracts entered into before September 30, 2008.

“(4) The conservation stewardship program under subchapter B of chapter 2 of subtitle D.

“(5) The environmental quality incentives program under chapter 4 of subtitle D, using, to the maximum extent practicable, \$1,750,000,000 for each of fiscal years 2014 through 2018.”.

(b) REGIONAL EQUITY; GUARANTEED AVAILABILITY OF FUNDS.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended—

(1) by striking subsection (d);

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following new subsection:

“(b) AVAILABILITY OF FUNDS.—Amounts made available by subsection (a) shall be used by the Secretary to carry out the programs specified in such subsection for fiscal years 2014 through 2018 and shall remain available until expended. Amounts made available for the programs specified in such subsection during a fiscal year through modifications, cancellations, terminations, and other related administrative actions and not obligated in that fiscal year shall remain available for obligation during subsequent fiscal years, but shall reduce the amount of additional funds made available in the subsequent fiscal year by an amount equal to the amount remaining unobligated.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013.

**SEC. 2602. TECHNICAL ASSISTANCE.**

(a) IN GENERAL.—Subsection (c) of section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841), as redesignated by section 2601(b)(2) of this Act, is amended to read as follows:

“(c) TECHNICAL ASSISTANCE.—

“(1) AVAILABILITY OF FUNDS.—Commodity Credit Corporation funds made available for a fiscal year for each of the programs specified in subsection (a)—

“(A) shall be available for the provision of technical assistance for the programs for which funds are made available as necessary to implement the programs effectively; and

“(B) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the program for which the funds were made available.

“(2) REPORT.—Not later than December 31, 2013, the Secretary shall submit (and update as necessary in subsequent years) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report—

“(A) detailing the amount of technical assistance funds requested and apportioned in each program specified in subsection (a) during the preceding fiscal year; and

“(B) any other data relating to this subsection that would be helpful to such committees.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2013.

**SEC. 2603. RESERVATION OF FUNDS TO PROVIDE ASSISTANCE TO CERTAIN FARMERS OR RANCHERS FOR CONSERVATION ACCESS.**

(a) IN GENERAL.—Subsection (g) of section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended—

(1) in paragraph (1) by striking “2012” and inserting “2018”; and

(2) by adding at the end the following new paragraph:

“(4) PREFERENCE.—In providing assistance under paragraph (1), the Secretary shall give preference to a veteran farmer or rancher (as

defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e))) that qualifies under subparagraph (A) or (B) of paragraph (1).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013.

**SEC. 2604. ANNUAL REPORT ON PROGRAM ENROLLMENTS AND ASSISTANCE.**

(a) IN GENERAL.—Subsection (h) of section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended—

(1) in paragraph (1), by striking “wetlands reserve program” and inserting “agricultural conservation easement program”; and

(2) by striking paragraphs (2) and (3) and redesignating paragraphs (4), (5), and (6) as paragraphs (2), (3), and (4), respectively; and

(3) in paragraph (3) (as so redesignated)—

(A) by striking “agricultural water enhancement program” and inserting “regional conservation partnership program”; and

(B) by striking “1240I(g)” and inserting “1271C(c)(3)”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013.

**SEC. 2605. REVIEW OF CONSERVATION PRACTICE STANDARDS.**

Section 1242(h)(1)(A) of the Food Security Act of 1985 (16 U.S.C. 3842(h)(1)(A)) is amended by striking “the Food, Conservation, and Energy Act of 2008” and inserting “the Federal Agriculture Reform and Risk Management Act of 2013”.

**SEC. 2606. ADMINISTRATIVE REQUIREMENTS APPLICABLE TO ALL CONSERVATION PROGRAMS.**

(a) IN GENERAL.—Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844) is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

“(E) Veteran farmers or ranchers (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e))).”; and

(2) in subsection (d), by inserting “, H, and I” before the period at the end;

(3) in subsection (f)—

(A) in paragraph (1)(B), by striking “country” and inserting “county”; and

(B) in paragraph (3), by striking “subsection (c)(2)(B) or (f)(4)” and inserting “subsection (c)(2)(A)(ii) or (f)(2)”; and

(4) in subsection (h)(2), by inserting “, including, to the extent practicable, practices that maximize benefits for honey bees” after “pollinators”; and

(5) by adding at the end the following new subsections:

“(j) IMPROVED ADMINISTRATIVE EFFICIENCY AND EFFECTIVENESS.—In administering a conservation program under this title, the Secretary shall, to the maximum extent practicable—

“(1) seek to reduce administrative burdens and costs to producers by streamlining conservation planning and program resources; and

“(2) take advantage of new technologies to enhance efficiency and effectiveness.

“(k) RELATION TO OTHER PAYMENTS.—Any payment received by an owner or operator under this title, including an easement payment or rental payment, shall be in addition to, and not affect, the total amount of payments that the owner or operator is otherwise eligible to receive under any of the following:

“(1) This Act.

“(2) The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

“(3) The Federal Agriculture Reform and Risk Management Act of 2013.

“(4) Any law that succeeds a law specified in paragraph (1), (2), or (3).”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2013.

**SEC. 2607. STANDARDS FOR STATE TECHNICAL COMMITTEES.**

Section 1261(b) of the Food Security Act of 1985 (16 U.S.C. 3861(b)) is amended by striking “Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall develop” and inserting “The Secretary shall review and update as necessary”.

**SEC. 2608. RULEMAKING AUTHORITY.**

Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) is amended by adding at the end the following new section:

**“SEC. 1246. REGULATIONS.**

“(a) **IN GENERAL.**—The Secretary shall promulgate such regulations as are necessary to implement programs under this title, including such regulations as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under section 1244(f).

“(b) **RULEMAKING PROCEDURE.**—The promulgation of regulations and administration of programs under this title—

“(1) shall be carried out without regard to—

“(A) the Statement of Policy of the Secretary effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

“(B) chapter 35 of title 44, United States Code (commonly known as the Paperwork Reduction Act); and

“(2) shall be made pursuant to section 553 of title 5, United States Code, including by interim rules effective on publication under the authority provided in subparagraph (B) of subsection (b) of such section if the Secretary determines such interim rules to be needed and final rules, with an opportunity for notice and comment, no later than 21 months after the date of the enactment of the Federal Agriculture Reform and Risk Management Act of 2013.”.

**SEC. 2609. WETLANDS MITIGATION.**

Section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) is amended—

(1) in subsection (f)—

(A) in paragraph (2)(D), by striking “unless more acreage is needed to provide equivalent functions and values that will be lost as a result of the wetland conversion to be mitigated”; and

(B) in paragraph (2)(E)—

(i) by inserting “not” before “greater than”; and

(ii) by striking “if more acreage is needed to provide equivalent functions and values that will be lost as a result of the wetland conversion that is mitigated”; and

(2) by striking subsection (g).

**SEC. 2610. LESSER PRAIRIE-CHICKEN CONSERVATION REPORT.**

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of a review and analysis of each of the programs administered by the Secretary that pertain to the conservation of the lesser prairie-chicken, including the conservation reserve program, the environmental quality incentives program, the wildlife habitat incentive program, and the Lesser Prairie-Chicken Initiative.

(b) **CONTENTS.**—The Secretary shall include in the report required by this section, at a minimum—

(1) with respect to each program described in subsection (a) as it relates to the conservation of the lesser prairie-chicken, findings regarding—

(A) the cost of the program to the Federal Government, impacted State governments, and the private sector;

(B) the conservation effectiveness of the program; and

(C) the cost-effectiveness of the program; and

(2) a ranking of the programs described in subsection (a) based on their relative cost-effectiveness.

**Subtitle H—Repeal of Superseded Program Authorities and Transitional Provisions; Technical Amendments**

**SEC. 2701. COMPREHENSIVE CONSERVATION ENHANCEMENT PROGRAM.**

(a) **REPEAL.**—Section 1230 of the Food Security Act of 1985 (16 U.S.C. 3830) is repealed.

(b) **CONFORMING AMENDMENT.**—The heading of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.) is amended to read as follows: “**CONSERVATION RESERVE**”.

**SEC. 2702. EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.**

(a) **REPEAL.**—Section 1231A of the Food Security Act of 1985 (16 U.S.C. 3831a) is repealed.

(b) **TRANSITIONAL PROVISIONS.**—

(1) **EFFECT ON EXISTING CONTRACTS.**—The amendment made by this section shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under section 1231A of the Food Security Act of 1985 (16 U.S.C. 3831a) before October 1, 2013, or any payments required to be made in connection with the contract.

(2) **FUNDING.**—The Secretary may use funds made available to carry out the conservation reserve program under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) to continue to carry out contracts referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts as they existed on September 30, 2013.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2013.

**SEC. 2703. WETLANDS RESERVE PROGRAM.**

(a) **REPEAL.**—Subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.) is repealed.

(b) **TRANSITIONAL PROVISIONS.**—

(1) **EFFECT ON EXISTING CONTRACTS.**—The amendment made by this section shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.) before October 1, 2013, or any payments required to be made in connection with the contract.

(2) **FUNDING.**—The Secretary may use funds made available to carry out the agricultural conservation easement program under subtitle H of title XII of the Food Security Act of 1985, as added by section 2301 of this Act, to continue to carry out contracts referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts as they existed on September 30, 2013.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2013.

**SEC. 2704. FARMLAND PROTECTION PROGRAM AND FARM VIABILITY PROGRAM.**

(a) **REPEAL.**—Subchapter C of chapter 2 of subtitle D of title XII of the Food Security

Act of 1985 (16 U.S.C. 3838h et seq.) is repealed.

(b) **CONFORMING AMENDMENT.**—The heading of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.) is amended by striking “**AND FARMLAND PROTECTION**”.

(c) **TRANSITIONAL PROVISIONS.**—

(1) **EFFECT ON EXISTING CONTRACTS.**—The amendments made by this section shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) before October 1, 2013, or any payments required to be made in connection with the contract.

(2) **FUNDING.**—The Secretary may use funds made available to carry out the agricultural conservation easement program under subtitle H of title XII of the Food Security Act of 1985, as added by section 2301 of this Act, to continue to carry out contracts referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts as they existed on September 30, 2013.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2013.

**SEC. 2705. GRASSLAND RESERVE PROGRAM.**

(a) **REPEAL.**—Subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.) is repealed.

(b) **TRANSITIONAL PROVISIONS.**—

(1) **EFFECT ON EXISTING CONTRACTS.**—The amendment made by this section shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.) before October 1, 2013, or any payments required to be made in connection with the contract.

(2) **FUNDING.**—The Secretary may use funds made available to carry out the agricultural conservation easement program under subtitle H of title XII of the Food Security Act of 1985, as added by section 2301 of this Act, to continue to carry out contracts referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts as they existed on September 30, 2013.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2013.

**SEC. 2706. AGRICULTURAL WATER ENHANCEMENT PROGRAM.**

(a) **REPEAL.**—Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa-9) is repealed.

(b) **TRANSITIONAL PROVISIONS.**—

(1) **EFFECT ON EXISTING CONTRACTS.**—The amendment made by this section shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa-9) before October 1, 2013, or any payments required to be made in connection with the contract.

(2) **FUNDING.**—The Secretary may use funds made available to carry out the regional conservation partnership program under subtitle I of title XII of the Food Security Act of 1985, as added by section 2401 of this Act, to continue to carry out contracts referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts as they existed on September 30, 2013.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2013.

**SEC. 2707. WILDLIFE HABITAT INCENTIVE PROGRAM.**

(a) **REPEAL.**—Section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb-1) is repealed.

**(b) TRANSITIONAL PROVISIONS.—**

(1) **EFFECT ON EXISTING CONTRACTS.**—The amendment made by this section shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb-1) before October 1, 2013, or any payments required to be made in connection with the contract.

(2) **FUNDING.**—The Secretary may use funds made available to carry out the environmental quality incentives program under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) to continue to carry out contracts referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts as they existed on September 30, 2013.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2013.

**SEC. 2708. GREAT LAKES BASIN PROGRAM.**

(a) **REPEAL.**—Section 1240P of the Food Security Act of 1985 (16 U.S.C. 3839bb-3) is repealed.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2013.

**SEC. 2709. CHESAPEAKE BAY WATERSHED PROGRAM.**

(a) **REPEAL.**—Section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb-4) is repealed.

**(b) TRANSITIONAL PROVISIONS.—**

(1) **EFFECT ON EXISTING CONTRACTS.**—The amendment made by this section shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb-4) before October 1, 2013, or any payments required to be made in connection with the contract.

(2) **FUNDING.**—The Secretary may use funds made available to carry out the regional conservation partnership program under subtitle I of title XII of the Food Security Act of 1985, as added by section 2401 of this Act, to continue to carry out contracts referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts as they existed on September 30, 2013.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2013.

**SEC. 2710. COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE.**

(a) **REPEAL.**—Section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843) is repealed.

**(b) TRANSITIONAL PROVISIONS.—**

(1) **EFFECT ON EXISTING CONTRACTS.**—The amendment made by this section shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843) before October 1, 2013, or any payments required to be made in connection with the contract.

(2) **FUNDING.**—The Secretary may use funds made available to carry out the regional conservation partnership program under subtitle I of title XII of the Food Security Act of 1985, as added by section 2401 of this Act, to continue to carry out contracts referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts as they existed on September 30, 2013.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2013.

**SEC. 2711. ENVIRONMENTAL EASEMENT PROGRAM.**

Chapter 3 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839 et seq.) is repealed.

**SEC. 2712. TECHNICAL AMENDMENTS.**

(a) **DEFINITIONS.**—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended in the matter preceding paragraph (1) by striking “E” and inserting “I”.

(b) **PROGRAM INELIGIBILITY.**—Section 1211(a) of the Food Security Act of 1985 (16 U.S.C. 3811(a)) is amended by striking “predominate” each place it appears and inserting “predominant”.

(c) **SPECIALTY CROP PRODUCERS.**—Section 1242(i) of the Food Security Act of 1985 (16 U.S.C. 3842(i)) is amended in the header by striking “SPECIALITY” and inserting “SPECIALTY”.

**TITLE III—TRADE****Subtitle A—Food for Peace Act****SEC. 3001. GENERAL AUTHORITY.**

Section 201 of the Food for Peace Act (7 U.S.C. 1721) is amended—

(1) in the matter preceding paragraph (1), by inserting “(to be implemented by the Administrator)” after “under this title”; and

(2) by striking paragraph (7) and the second sentence and inserting the following new paragraph:

“(7) build resilience to mitigate and prevent food crises and reduce the future need for emergency aid.”.

**SEC. 3002. SUPPORT FOR ORGANIZATIONS THROUGH WHICH ASSISTANCE IS PROVIDED.**

Section 202(e)(1) of the Food for Peace Act (7 U.S.C. 1722(e)(1)) is amended by striking “13 percent” and inserting “11 percent”.

**SEC. 3003. FOOD AID QUALITY.**

Section 202(h) of the Food for Peace Act (7 U.S.C. 1722(h)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “The Administrator shall use funds made available for fiscal year 2009” and inserting “In consultation with the Secretary, the Administrator shall use funds made available for fiscal year 2013”; and

(ii) by inserting “to establish a mechanism” after “this title”;

(B) by striking “and” at the end of subparagraph (B); and

(C) by striking subparagraph (C) and inserting the following new subparagraphs:

“(C) to evaluate, as necessary, the use of current and new agricultural commodities and products thereof in different program settings and for particular recipient groups, including the testing of prototypes;

“(D) to establish and implement appropriate protocols for quality assurance of food products procured by the Secretary for food aid programs; and

“(E) to periodically update program guidelines on the recommended use of agricultural commodities and food products in food aid programs to reflect findings from the implementation of this subsection and other relevant information.”;

(2) in paragraph (2), by striking “The Administrator” and inserting “In consultation with the Secretary, the Administrator”; and

(3) in paragraph (3), by striking “section 207(f)” and all that follows through the period at the end and inserting the following: “section 207(f)—

“(A) for fiscal years 2009 through 2013, not more than \$4,500,000 may be used to carry out this subsection; and

“(B) for fiscal years 2014 through 2018, not more than \$1,000,000 may be used to carry out this subsection.”.

**SEC. 3004. MINIMUM LEVELS OF ASSISTANCE.**

Section 204(a) of the Food for Peace Act (7 U.S.C. 1724(a)) is amended—

(1) in paragraph (1), by striking “2012” and inserting “2018”; and

(2) in paragraph (2), by striking “2012” and inserting “2018”.

**SEC. 3005. FOOD AID CONSULTATIVE GROUP.**

(a) **MEMBERSHIP.**—Section 205(b) of the Food for Peace Act (7 U.S.C. 1725(b)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following new paragraph:

“(7) representatives from the United States agricultural processing sector involved in providing agricultural commodities for programs under this Act; and”.

(b) **CONSULTATION.**—Section 205(d) of the Food for Peace Act (7 U.S.C. 1725(d)) is amended—

(1) by striking the first sentence and inserting the following:

“(1) CONSULTATION IN ADVANCE OF ISSUANCE OF IMPLEMENTATION REGULATIONS, HANDBOOKS, AND GUIDELINES.—Not later than 45 days before a proposed regulation, handbook, or guideline implementing this title, or a proposed significant revision to a regulation, handbook, or guideline implementing this title, becomes final, the Administrator shall provide the proposal to the Group for review and comment.”; and

(2) by adding at the end the following new paragraph:

“(2) CONSULTATION REGARDING FOOD AID QUALITY EFFORTS.—The Administrator shall seek input from and consult with the Group on the implementation of section 202(h).”.

(c) **REAUTHORIZATION.**—Section 205(f) of the Food for Peace Act (7 U.S.C. 1725(f)) is amended by striking “2012” and inserting “2018”.

**SEC. 3006. OVERSIGHT, MONITORING, AND EVALUATION.**

(a) **REGULATIONS AND GUIDANCE.**—Section 207(c) of the Food for Peace Act (7 U.S.C. 1726a(c)) is amended—

(1) in the subsection heading, by inserting “AND GUIDANCE” after “REGULATIONS”;

(2) in paragraph (1), by adding at the end the following new sentence: “Not later than 270 days after the date of the enactment of the Federal Agriculture Reform and Risk Management Act of 2013, the Administrator shall issue all regulations and revisions to agency guidance necessary to implement the amendments made to this title by such Act.”; and

(3) in paragraph (2), by inserting “and guidance” after “develop regulations”.

(b) **FUNDING.**—Section 207(f) of the Food for Peace Act (7 U.S.C. 1726a(f)) is amended—

(1) in paragraph (2)—

(A) by inserting “and” at the end of subparagraph (D);

(B) by striking “; and” at the end of subparagraph (E) and inserting the period; and

(C) by striking subparagraph (F);

(2) by striking paragraphs (3) and (4); and

(3) by redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively; and

(4) in paragraph (4) (as so redesignated)—

(A) in subparagraph (A), by striking “2012” and all that follows through the period at the end and inserting “2013, and up to \$10,000,000 of such funds for each of fiscal years 2014 through 2018.”; and

(B) in subparagraph (B)(i), by striking “2012” and inserting “2018”.

(c) **IMPLEMENTATION REPORTS.**—Not later than 270 days after the date of the enactment

of this Act, the Administrator of the Agency for International Development shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committees on Agriculture and Foreign Affairs of the House of Representatives a report describing—

(1) the implementation of section 207(c) of the Food for Peace Act (7 U.S.C. 1726a(c));

(2) the surveys, studies, monitoring, reporting, and audit requirements for programs conducted under title II of such Act (7 U.S.C. 1721 et seq.) by an eligible organization that is a nongovernmental organization (as such term is defined in section 402 of such Act (7 U.S.C. 1732)); and

(3) the surveys, studies, monitoring, reporting, and audit requirements for such programs by an eligible organization that is an intergovernmental organization, such as the World Food Program or other multilateral organization.

**SEC. 3007. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STABLE PREPACKAGED FOODS.**

Section 208(f) of the Food for Peace Act (7 U.S.C. 1726b(f)) is amended by striking “2012” and inserting “2018”.

**SEC. 3008. GENERAL PROVISIONS.**

(a) **IMPACT ON LOCAL FARMERS AND ECONOMY.**—Section 403(b) of the Food for Peace Act (7 U.S.C. 1733(b)) is amended by adding at the end the following new sentence: “The Secretary or the Administrator, as appropriate, shall seek information, as part of the regular proposal and submission process, from implementing agencies on the potential benefits to the local economy of sales of agricultural commodities within the recipient country.”.

(b) **PREVENTION OF PRICE DISRUPTIONS.**—Section 403(e) of the Food for Peace Act (7 U.S.C. 1733(e)) is amended—

(1) in paragraph (2), by striking “reasonable market price” and inserting “fair market value”; and

(2) by adding at the end the following new paragraph:

“(3) **COORDINATION ON ASSESSMENTS.**—The Secretary and the Administrator shall coordinate in assessments to carry out paragraph (1) and in the development of approaches to be used by implementing agencies for determining the fair market value described in paragraph (2).”.

(c) **REPORT ON USE OF FUNDS.**—Section 403 of the Food for Peace Act (7 U.S.C. 1733) is amended by adding at the end the following new subsection:

“(m) **REPORT ON USE OF FUNDS.**—Not later than 180 days after the date of the enactment of the Federal Agriculture Reform and Risk Management Act of 2013, and annually thereafter, the Administrator shall submit to Congress a report—

“(1) specifying the amount of funds (including funds for administrative costs, indirect cost recovery, and internal transportation, storage and handling, and associated distribution costs) provided to each eligible organization that received assistance under this Act in the previous fiscal year; and

“(2) describing how those funds were used by the eligible organization.”.

**SEC. 3009. PREPOSITIONING OF AGRICULTURAL COMMODITIES.**

Section 407(c)(4) of the Food for Peace Act (7 U.S.C. 1736a(c)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking “2012” and inserting “2018”; and

(B) by striking “for each such fiscal year not more than \$10,000,000 of such funds” and

inserting “for each of fiscal years 2001 through 2013 not more than \$10,000,000 of such funds and for each of fiscal years 2014 through 2018 not more than \$15,000,000 of such funds”; and

(2) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) **ADDITIONAL PREPOSITIONING SITES.**—The Administrator may establish additional sites for prepositioning in foreign countries or change the location of current sites for prepositioning in foreign countries after conducting, and based on the results of, assessments of need, the availability of appropriate technology for long-term storage, feasibility, and cost.”.

**SEC. 3010. ANNUAL REPORT REGARDING FOOD AID PROGRAMS AND ACTIVITIES.**

Section 407(f)(1) of the Food for Peace Act (7 U.S.C. 1736a(f)(1)) is amended—

(1) in the paragraph heading, by striking “AGRICULTURAL TRADE” and inserting “FOOD AID”; and

(2) in subparagraph (B)(ii), by inserting before the semicolon at the end the following: “and the total number of beneficiaries of the project and the activities carried out through such project”; and

(3) in subparagraph (B)(iii)—

(A) in the matter preceding subclause (I), by inserting “, and the total number of beneficiaries in,” after “commodities made available to”; and

(B) by striking “and” at the end of subclause (I);

(C) by inserting “and” at the end of subclause (II); and

(D) by inserting after subclause (II) the following new subclause:

“(III) the McGovern-Dole International Food for Education and Child Nutrition Program established by section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1);”.

**SEC. 3011. DEADLINE FOR AGREEMENTS TO FINANCE SALES OR TO PROVIDE OTHER ASSISTANCE.**

Section 408 of the Food for Peace Act (7 U.S.C. 1736b) is amended by striking “2012” and inserting “2018”.

**SEC. 3012. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 412(a)(1) of the Food for Peace Act (7 U.S.C. 1736f(a)(1)) is amended by striking “for fiscal year 2008 and each fiscal year thereafter, \$2,500,000,000” and inserting “\$2,500,000,000 for each of fiscal years 2008 through 2013 and \$2,000,000,000 for each of fiscal years 2014 through 2018”.

(b) **MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.**—Paragraph (1) of section 412(e) of the Food for Peace Act (7 U.S.C. 1736f(e)) is amended to read as follows:

“(1) **FUNDS AND COMMODITIES.**—For each of fiscal years 2014 through 2018, of the amounts made available to carry out emergency and nonemergency food assistance programs under title II, not less than \$400,000,000 shall be expended for nonemergency food assistance programs under such title.”.

**SEC. 3013. MICRONUTRIENT FORTIFICATION PROGRAMS.**

(a) **ELIMINATION OF OBSOLETE REFERENCE TO STUDY.**—Section 415(a)(2)(B) of the Food for Peace Act (7 U.S.C. 1736g–2(a)(2)(B)) is amended by striking “, using recommendations” and all that follows through “quality enhancements”.

(b) **EXTENSION.**—Section 415(c) of the Food for Peace Act (7 U.S.C. 1736g–2(c)) is amended by striking “2012” and inserting “2018”.

**SEC. 3014. JOHN OGONOWSKI AND DOUG BERUETER FARMER-TO-FARMER PROGRAM.**

Section 501 of the Food for Peace Act (7 U.S.C. 1737) is amended—

(1) in subsection (d), in the matter preceding paragraph (1), by striking “2012” and inserting “2013, and not less than the greater of \$15,000,000 or 0.5 percent of the amounts made available for each of fiscal years 2014 through 2018,”; and

(2) in subsection (e)(1), by striking “2012” and inserting “2018”.

**Subtitle B—Agricultural Trade Act of 1978**

**SEC. 3101. FUNDING FOR EXPORT CREDIT GUARANTEE PROGRAM.**

Section 211(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(b)) is amended by striking “2012” and inserting “2018”.

**SEC. 3102. FUNDING FOR MARKET ACCESS PROGRAM.**

Section 211(c)(1)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended by striking “2012” and inserting “2018”.

**SEC. 3103. FOREIGN MARKET DEVELOPMENT CO-OPERATOR PROGRAM.**

Section 703(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5723(a)) is amended by striking “2012” and inserting “2018”.

**Subtitle C—Other Agricultural Trade Laws**

**SEC. 3201. FOOD FOR PROGRESS ACT OF 1985.**

(a) **EXTENSION.**—The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsection (f)(3), by striking “2012” and inserting “2018”; and

(2) in subsection (g), by striking “2012” and inserting “2018”; and

(3) in subsection (k), by striking “2012” and inserting “2018”; and

(4) in subsection (l)(1), by striking “2012” and inserting “2018”.

(b) **REPEAL OF COMPLETED PROJECT.**—Subsection (f) of the Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended by striking paragraph (6).

**SEC. 3202. BILL EMERSON HUMANITARIAN TRUST ACT.**

Section 302 of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1) is amended—

(1) in subsection (b)(2)(B)(i), by striking “2012” both places it appears and inserting “2018”; and

(2) in subsection (h), by striking “2012” both places it appears and inserting “2018”.

**SEC. 3203. PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING MARKETS.**

(a) **DIRECT CREDITS OR EXPORT CREDIT GUARANTEES.**—Section 1542(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 5622 note) is amended by striking “2012” and inserting “2018”.

(b) **DEVELOPMENT OF AGRICULTURAL SYSTEMS.**—Section 1542(d)(1)(A)(i) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 5622 note) is amended by striking “2012” and inserting “2018”.

**SEC. 3204. MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.**

(a) **REAUTHORIZATION.**—Section 3107(1)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1(1)(2)) is amended by striking “2012” and inserting “2018”.

(b) **TECHNICAL CORRECTION.**—Section 3107(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1(d)) is amended by striking “to” in the matter preceding paragraph (1).

**SEC. 3205. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.**

(a) **PURPOSE.**—Section 3205(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5680(b)) is amended by striking “related barriers to trade” and inserting “technical barriers to trade”.



(b) FUNDING.—Section 3205(e)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5680(e)(2)) is amended—

(1) by inserting “and” at the end of subparagraph (C); and

(2) by striking subparagraphs (D) and (E) and inserting the following new subparagraph:

“(D) \$9,000,000 for each of fiscal years 2011 through 2018.”.

(c) U.S. ATLANTIC SPINY DOGFISH STUDY.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall conduct an economic study on the existing market in the United States for U.S. Atlantic Spiny Dogfish.

#### SEC. 3206. GLOBAL CROP DIVERSITY TRUST.

Section 3202(c) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 22 U.S.C. 2220a note) is amended by striking “section” and all that follows through the period and inserting the following: “section—

“(1) \$60,000,000 for the period of fiscal years 2008 through 2013; and

“(2) \$50,000,000 for the period of fiscal years 2014 through 2018.”.

#### SEC. 3207. UNDER SECRETARY OF AGRICULTURE FOR FOREIGN AGRICULTURAL SERVICES.

(a) IN GENERAL.—Subtitle B of the Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 225 (7 U.S.C. 6931) the following new section:

##### “SEC. 225A. UNDER SECRETARY OF AGRICULTURE FOR FOREIGN AGRICULTURAL SERVICES.

“(a) AUTHORIZATION.—The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Foreign Agricultural Services.

“(b) CONFIRMATION REQUIRED.—If the Secretary establishes the position of Under Secretary of Agriculture for Foreign Agricultural Services under subsection (a), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

“(c) FUNCTIONS OF UNDER SECRETARY.—

“(1) PRINCIPAL FUNCTIONS.—Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Foreign Agricultural Services those functions under the jurisdiction of the Department that are related to foreign agricultural services.

“(2) ADDITIONAL FUNCTIONS.—The Under Secretary of Agriculture for Foreign Agricultural Services shall perform such other functions as may be required by law or prescribed by the Secretary.

“(d) SUCCESSION.—Any official who is serving as Under Secretary of Agriculture for Farm and Foreign Agricultural Services on the date of the enactment of this section and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) or section 225(b) to the successor position authorized under subsection (a) or section 225(a) if the Secretary establishes the position, and the official occupies the new position, with 180 days after the date of the enactment of this section (or such later date set by the Secretary if litigation delays rapid succession).”.

(b) CONFORMING AMENDMENTS.—Section 225 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6931) is amended—

(1) by striking “Under Secretary of Agriculture for Farm and Foreign Agricultural Services” each place it appears and inserting “Under Secretary of Agriculture for Farm Services”; and

(2) in subsection (c)(1), by striking “and foreign agricultural”.

(c) PERMANENT AUTHORITY.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended—

(1) in paragraph (6)(C), by striking “or” at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

“(8) the authority of the Secretary to establish in the Department the position of Under Secretary of Agriculture for Foreign Agricultural Services in accordance with section 225A;”.

#### SEC. 3208. DEPARTMENT OF AGRICULTURE CERTIFICATES OF ORIGIN.

The Secretary of Agriculture shall seek to ensure that Department of Agriculture certificates of origin are accepted by any country with respect to which the United States has entered into a free trade agreement providing for preferential duty treatment.

### TITLE IV—CREDIT

#### Subtitle A—Farm Ownership Loans

##### SEC. 4001. ELIGIBILITY FOR FARM OWNERSHIP LOANS.

(a) IN GENERAL.—Section 302(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922(a)) is amended—

(1) by striking “(a) IN GENERAL.—The” and inserting the following:

“(a) IN GENERAL.—

“(1) ELIGIBILITY REQUIREMENTS.—The”;

(2) in the 1st sentence, by inserting after “limited liability companies” the following: “, and such other legal entities as the Secretary deems appropriate.”;

(3) in the 2nd sentence, by redesignating clauses (1) through (4) as clauses (A) through (D), respectively;

(4) in each of the 2nd and 3rd sentences, by striking “and limited liability companies” each place it appears and inserting “limited liability companies, and such other legal entities”;

(5) in the 3rd sentence, by striking “(3)” and “(4)” and inserting “(C)” and “(D)”, respectively; and

(6) by adding at the end the following:

“(2) SPECIAL DEEMING RULES.—

“(A) ELIGIBILITY OF CERTAIN OPERATING-ONLY ENTITIES.—An entity that is or will become only the operator of a family farm is deemed to meet the owner-operator requirements of paragraph (1) if the individuals that are the owners of the family farm own more than 50 percent (or such other percentage as the Secretary determines is appropriate) of the entity.

“(B) ELIGIBILITY OF CERTAIN EMBEDDED ENTITIES.—An entity that is an owner-operator described in paragraph (1), or an operator described in subparagraph (A) of this paragraph that is owned, in whole or in part, by other entities, is deemed to meet the direct ownership requirement imposed under paragraph (1) if at least 75 percent of the ownership interests of each embedded entity of such entity is owned directly or indirectly by the individuals that own the family farm.”.

(b) DIRECT FARM OWNERSHIP EXPERIENCE REQUIREMENT.—Section 302(b)(1) of such Act (7 U.S.C. 1922(b)(1)) is amended by inserting “or has other acceptable experience for a period of time, as determined by the Secretary,” after “3 years”.

(c) CONFORMING AMENDMENTS.—

(1) Section 304(c)(2) of such Act (7 U.S.C. 1924(c)(2)) by striking “paragraphs (1) and (2) of section 302(a)” and inserting “clauses (A) and (B) of section 302(a)(1)”.

(2) Section 310D of such Act (7 U.S.C. 1934) is amended—

(A) by inserting after “partnership” the following: “, or such other legal entities as the Secretary deems appropriate.”; and

(B) by striking “or partners” each place it appears and inserting “partners, or owners”.

#### SEC. 4002. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

(a) ELIGIBILITY.—Section 304(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924(c)) is amended by inserting after “limited liability companies” the following: “, or such other legal entities as the Secretary deems appropriate.”.

(b) LIMITATION ON LOAN GUARANTEE AMOUNT.—Section 304(e) of such Act (7 U.S.C. 1924(e)) is amended by striking “75 percent” and inserting “90 percent”.

(c) EXTENSION OF PROGRAM.—Section 304(h) of such Act (7 U.S.C. 1924(h)) is amended by striking “2012” and inserting “2018”.

#### SEC. 4003. DOWN PAYMENT LOAN PROGRAM.

(a) IN GENERAL.—Section 310E(b)(1)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935(b)(1)(C)) is amended by striking “\$500,000” and inserting “\$667,000”.

(b) TECHNICAL CORRECTION.—Section 310E(b) of such Act (7 U.S.C. 1935(b)) is amended by striking the 2nd paragraph (2).

#### SEC. 4004. ELIMINATION OF MINERAL RIGHTS APPRAISAL REQUIREMENT.

Section 307 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927) is amended by striking subsection (d) and redesignating subsection (e) as subsection (d).

#### Subtitle B—Operating Loans

##### SEC. 4101. ELIGIBILITY FOR FARM OPERATING LOANS.

Section 311(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(a)) is amended—

(1) by striking “(a) IN GENERAL.—The” and inserting the following:

“(a) IN GENERAL.—

“(1) ELIGIBILITY REQUIREMENTS.—The”;

(2) in the 1st sentence, by inserting after “limited liability companies” the following: “, and such other legal entities as the Secretary deems appropriate.”;

(3) in the 2nd sentence, by redesignating clauses (1) through (4) as clauses (A) through (D), respectively;

(4) in each of the 2nd and 3rd sentences, by striking “and limited liability companies” each place it appears and inserting “limited liability companies, and such other legal entities”;

(5) in the 3rd sentence, by striking “(3)” and “(4)” and inserting “(C)” and “(D)”, respectively; and

(6) by adding at the end the following:

“(2) SPECIAL DEEMING RULE.—An entity that is an operator described in paragraph (1) that is owned, in whole or in part, by other entities, is deemed to meet the direct ownership requirement imposed under paragraph (1) if at least 75 percent of the ownership interests of each embedded entity of such entity is owned directly or indirectly by the individuals that own the family farm.”.

#### SEC. 4102. ELIMINATION OF RURAL RESIDENCY REQUIREMENT FOR OPERATING LOANS TO YOUTH.

Section 311(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(b)(1)) is amended by striking “who are rural residents”.

#### SEC. 4103. AUTHORITY TO WAIVE PERSONAL LIABILITY FOR YOUTH LOANS DUE TO CIRCUMSTANCES BEYOND BORROWER CONTROL.

Section 311(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(b))



is amended by adding at the end the following:

“(5) The Secretary may, on a case-by-case basis, waive the personal liability of a borrower for a loan made under this subsection if any default on the loan was due to circumstances beyond the control of the borrower.”.

#### SEC. 4104. MICROLOANS.

(a) IN GENERAL.—Section 313 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943) is amended by adding at the end the following:

“(c) MICROLOANS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary may establish a program to make or guarantee microloans.

“(2) LIMITATION.—The Secretary shall not make or guarantee a microloan under this subsection that exceeds \$35,000 or that would cause the total principal indebtedness outstanding at any 1 time for microloans made under this chapter to any 1 borrower to exceed \$70,000.

“(3) APPLICATIONS.—To the maximum extent practicable, the Secretary shall limit the administrative burdens and streamline the application and approval process for microloans under this subsection.

“(4) COOPERATIVE LENDING PROJECTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may contract with community-based and nongovernmental organizations, State entities, or other intermediaries, as the Secretary determines appropriate—

“(i) to make or guarantee a microloan under this subsection; and

“(ii) to provide business, financial, marketing, and credit management services to borrowers.

“(B) REQUIREMENTS.—Before contracting with an entity described in subparagraph (A), the Secretary—

“(i) shall review and approve—

“(I) the loan loss reserve fund for microloans established by the entity; and

“(II) the underwriting standards for microloans of the entity; and

“(ii) establish such other requirements for contracting with the entity as the Secretary determines necessary.”.

(b) EXCEPTIONS FOR DIRECT LOANS.—Section 311(c)(2) of such Act (7 U.S.C. 1941(c)(2)) is amended to read as follows:

“(2) EXCEPTIONS.—In this subsection, the term ‘direct operating loan’ shall not include—

“(A) a loan made to a youth under subsection (b); or

“(B) a microloan made to a beginning farmer or rancher or a veteran farmer or rancher (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e))).”.

(c) Section 312(a) of such Act (7 U.S.C. 1942(a)) is amended by inserting “(including a microloan, as defined by the Secretary)” after “A direct loan”.

(d) Section 316(a)(2) of such Act (7 U.S.C. 1946(a)(2)) is amended by inserting “a microloan to a beginning farmer or rancher or veteran farmer or rancher (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e))), or” after “The interest rate on”.

#### Subtitle C—Emergency Loans

#### SEC. 4201. ELIGIBILITY FOR EMERGENCY LOANS.

Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) by striking “owner-operators (in the case of loans for a purpose under subtitle A) or operators (in the case of loans for a pur-

pose under subtitle B)” each place it appears and inserting “(in the case of farm ownership loans in accordance with subtitle A) owner-operators or operators, or (in the case of loans for a purpose under subtitle B) operators”;

(2) by inserting after “limited liability companies” the 1st place it appears the following: “, or such other legal entities as the Secretary deems appropriate”;

(3) by inserting after “limited liability companies” the 2nd place it appears the following: “, or other legal entities”;

(4) by striking “and limited liability companies,” and inserting “limited liability companies, and such other legal entities”;

(5) by striking “ownership and operator” and inserting “ownership or operator”;

(6) by adding at the end the following: “An entity that is an owner-operator or operator described in this subsection is deemed to meet the direct ownership requirement imposed under this subsection if at least 75 percent of the ownership interests of each embedded entity of such entity is owned directly or indirectly by the individuals that own the family farm.”.

#### Subtitle D—Administrative Provisions

#### SEC. 4301. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

Section 333B(h) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b(h)) is amended by striking “2012” and inserting “2018”.

#### SEC. 4302. ELIGIBLE BEGINNING FARMERS AND RANCHERS.

(a) CONFORMING AMENDMENTS RELATING TO CHANGES IN ELIGIBILITY RULES.—Section 343(a)(11) of such Act (7 U.S.C. 1991(a)(11)) is amended—

(1) by inserting after “joint operation,” the 1st place it appears the following: “or such other legal entity as the Secretary deems appropriate,”;

(2) by striking “or joint operators” each place it appears and inserting “joint operators, or owners”;

(3) by inserting after “joint operation,” the 2nd and 3rd place it appears the following: “or such other legal entity,”.

(b) MODIFICATION OF ACREAGE OWNERSHIP LIMITATION.—Section 343(a)(11)(F) of such Act (7 U.S.C. 1991(a)(11)(F)) is amended by striking “median acreage” and inserting “average acreage”.

#### SEC. 4303. LOAN AUTHORIZATION LEVELS.

Section 346(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(1)) is amended in the matter preceding subparagraph (A) by striking “2012” and inserting “2018”.

#### SEC. 4304. PRIORITY FOR PARTICIPATION LOANS.

Section 346(b)(2)(A)(i) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(2)(A)(i)) is amended by adding at the end the following:

“(III) PRIORITY.—In order to maximize the number of borrowers served under this clause, the Secretary—

“(aa) shall give priority to applicants who apply under the down payment loan program under section 310E or joint financing arrangements under section 307(a)(3)(D); and

“(bb) may offer other financing options under this subtitle to applicants only if the Secretary determines that down payment or other participation loan options are not a viable approach for the applicants.”.

#### SEC. 4305. LOAN FUND SET-ASIDES.

Section 346(b)(2)(A)(ii)(III) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(2)(A)(ii)(III)) is amended—

(1) by striking “2012” and inserting “2018”; and

(2) by striking “of the total amount”.

#### SEC. 4306. CONFORMING AMENDMENT TO BORROWER TRAINING PROVISION, RELATING TO ELIGIBILITY CHANGES.

Section 359(c)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006a(c)(2)) is amended by striking “section 302(a)(2) or 311(a)(2)” and inserting “section 302(a)(1)(B) or 311(a)(1)(B)”.

#### Subtitle E—State Agricultural Mediation Programs

#### SEC. 4401. STATE AGRICULTURAL MEDIATION PROGRAMS.

Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking “2015” and inserting “2018”.

#### Subtitle F—Loans to Purchasers of Highly Fractionated Land

#### SEC. 4501. LOANS TO PURCHASERS OF HIGHLY FRACTIONATED LAND.

The first section of Public Law 91-229 (25 U.S.C. 488) is amended in subsection (b)(1) by striking “pursuant to section 205(c) of the Indian Land Consolidation Act (25 U.S.C. 2204(c))” and inserting “or to intermediaries in order to establish revolving loan funds for the purchase of highly fractionated land”.

#### TITLE V—RURAL DEVELOPMENT

#### Subtitle A—Consolidated Farm and Rural Development Act

#### SEC. 5001. WATER, WASTE DISPOSAL, AND WASTE-WATER FACILITY GRANTS.

Section 306(a)(2)(B)(vii) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(2)(B)(vii)) is amended by striking “2008 through 2012” and inserting “2014 through 2018”.

#### SEC. 5002. RURAL BUSINESS OPPORTUNITY GRANTS.

Section 306(a)(11)(D) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)(D)) is amended by striking “\$15,000,000 for each of fiscal years 2008 through 2012” and inserting “\$15,000,000 for each of fiscal years 2014 through 2018”.

#### SEC. 5003. ELIMINATION OF RESERVATION OF COMMUNITY FACILITIES GRANT PROGRAM FUNDS.

Section 306(a)(19) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(19)) is amended by striking subparagraph (C).

#### SEC. 5004. UTILIZATION OF LOAN GUARANTEES FOR COMMUNITY FACILITIES.

Section 306(a)(24) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(24)) is amended by adding at the end the following:

“(C) UTILIZATION OF LOAN GUARANTEES FOR COMMUNITY FACILITIES.—The Secretary shall consider the benefits to communities that result from using loan guarantees in the Community Facilities Program and to the maximum extent possible utilize guarantees to enhance community involvement.”.

#### SEC. 5005. RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM.

Section 306(a)(22) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(22)) is amended to read as follows:

“(22) RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM.—

“(A) IN GENERAL.—The Secretary shall continue a national rural water and wastewater circuit rider program that—

“(i) is consistent with the activities and results of the program conducted before the date of enactment of this paragraph, as determined by the Secretary; and

“(ii) receives funding from the Secretary, acting through the Rural Utilities Service.

“(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$20,000,000 for fiscal year 2014 and each fiscal year thereafter.”.

**SEC. 5006. TRIBAL COLLEGE AND UNIVERSITY ESSENTIAL COMMUNITY FACILITIES.**

Section 306(a)(25)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(25)(C)) is amended by striking “\$10,000,000 for each of fiscal years 2008 through 2012” and inserting “\$5,000,000 for each of fiscal years 2014 through 2018”.

**SEC. 5007. ESSENTIAL COMMUNITY FACILITIES TECHNICAL ASSISTANCE AND TRAINING.**

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(19)) is amended by adding at the end the following new paragraph:

“(26) ESSENTIAL COMMUNITY FACILITIES TECHNICAL ASSISTANCE AND TRAINING.—

“(A) IN GENERAL.—The Secretary may make grants to public bodies and private nonprofit corporations, such as States, counties, cities, townships, and incorporated towns and villages, boroughs, authorities, districts and Indian tribes on Federal and State reservations which will serve rural areas for the purpose of enabling them to provide to associations described in this subsection technical assistance and training, with respect to essential community facilities programs authorized under this subsection, to—

“(i) assist communities in identifying and planning for community facility needs;

“(ii) identify public and private resources to finance community facilities needs;

“(iii) prepare reports and surveys necessary to request financial assistance to develop community facilities;

“(iv) prepare applications for financial assistance;

“(v) improve the management, including financial management, related to the operation of community facilities; or

“(vi) assist with other areas of need identified by the Secretary.

“(B) SELECTION PRIORITY.—In selecting recipients of grants under this paragraph, the Secretary shall give priority to private, nonprofit, or public organizations that have experience in providing technical assistance and training to rural entities.

“(C) FUNDING.—Not less than 3 nor more than 5 percent of any funds appropriated to carry out each of the essential community facilities grant, loan and loan guarantee programs as authorized under this subsection for any fiscal year shall be reserved for grants under this paragraph.”.

**SEC. 5008. EMERGENCY AND IMMINENT COMMUNITY WATER ASSISTANCE GRANT PROGRAM.**

Section 306A(i)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a(i)(2)) is amended by striking “\$35,000,000 for each of fiscal years 2008 through 2012” and inserting “\$27,000,000 for each of fiscal years 2014 through 2018”.

**SEC. 5009. HOUSEHOLD WATER WELL SYSTEMS.**

Section 306E(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926e(d)) is amended by striking “\$10,000,000 for each of fiscal years 2008 through 2012” and inserting “\$5,000,000 for each of fiscal years 2014 through 2018”.

**SEC. 5010. RURAL BUSINESS AND INDUSTRY LOAN PROGRAM.**

(a) FLEXIBILITY FOR THE BUSINESS AND LOAN PROGRAM.—Section 310B(a)(2)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(2)(A)) is amended by inserting “including working capital” after “employment”.

(b) GREATER FLEXIBILITY FOR ADEQUATE COLLATERAL THROUGH ACCOUNTS RECEIVABLE.—Section 310B(g)(7) of such Act (7 U.S.C. 1932(g)(7)) is amended by adding at the end the following: “In the discretion of the Secretary, if the Secretary determines that the action would not create or otherwise contribute to an unreasonable risk of default or loss to the Federal Government, the Secretary may take account receivables as security for the obligations entered into in connection with loans and a borrower may use account receivables as collateral to secure a loan made or guaranteed under this subsection.”.

(c) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement the amendments made by this section.

**SEC. 5011. RURAL COOPERATIVE DEVELOPMENT GRANTS.**

Section 310B(e)(12) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)(12)) is amended by striking “\$50,000,000 for each of fiscal years 2008 through 2012” and inserting “\$40,000,000 for each of fiscal years 2014 through 2018”.

**SEC. 5012. LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCTS.**

Section 310B(g)(9)(B)(v)(I) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(9)(B)(v)(I)) is amended—

(1) by striking “2012” and inserting “2018”; and

(2) by inserting “and not more than 7 percent” after “5 percent”.

**SEC. 5013. INTERMEDIARY RELENDING PROGRAM.**

(a) IN GENERAL.—Subtitle A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922–1936a) is amended by adding at the end the following:

**“SEC. 310H. INTERMEDIARY RELENDING PROGRAM.**

“(a) IN GENERAL.—The Secretary shall make loans to the entities, for the purposes, and subject to the terms and conditions specified in the 1st, 2nd, and last sentences of section 623(a) of the Community Economic Development Act of 1981 (42 U.S.C. 9812(a)).

“(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For loans under subsection (a), there are authorized to be appropriated to the Secretary not more than \$10,000,000 for each of fiscal years 2014 through 2018.”.

(b) CONFORMING AMENDMENTS.—Section 1323(b)(2) of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 1932 note) is amended—

(1) in subparagraph (A), by adding “and” at the end;

(2) in subparagraph (B), by striking “; and” and inserting a period; and

(3) by striking subparagraph (C).

**SEC. 5014. RURAL COLLEGE COORDINATED STRATEGY.**

Section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981) is amended by adding at the end the following:

“(d) RURAL COLLEGE COORDINATED STRATEGY.—The Secretary shall develop a coordinated strategy across the relevant programs within the Rural Development mission areas to serve the specific, local needs of rural communities when making investments in rural community colleges and technical colleges through other current authorities. During the development of a coordinated strategy, the Secretary shall consult with groups representing rural-serving community colleges and technical colleges to coordinate critical investments in rural community colleges and technical colleges involved in

workforce training. Nothing in this subsection shall be construed to provide a priority for funding within current authorities. The Secretary shall use the coordinated strategy and information developed for the strategy to more effectively serve rural communities with respect to investments in community colleges and technical colleges.”.

**SEC. 5015. RURAL WATER AND WASTE DISPOSAL INFRASTRUCTURE.**

Section 333 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983) is amended—

(1) by striking “require”;

(2) in paragraph (1), by inserting “require” after “(1)”;

(3) in paragraph (2), by inserting “, require” after “314”;

(4) in paragraph (3), by inserting “require” after “loans”;

(5) in paragraph (4)—

(A) by inserting “require” after “(4)”;

(B) by striking “and” after the semicolon;

(6) in paragraph (5)—

(A) by inserting “require” after “(5)”;

(B) by striking the period at the end and inserting “; and”;

(7) by adding at the end the following:

“(6) with respect to water and waste disposal direct and guaranteed loans provided under section 306, encourage, to the maximum extent practicable, private or cooperative lenders to finance rural water and waste disposal facilities by—

“(A) maximizing the use of loan guarantees to finance eligible projects in rural communities where the population exceeds 5,500;

“(B) maximizing the use of direct loans to finance eligible projects in rural communities where the impact on rate payers will be material when compared to financing with a loan guarantee;

“(C) establishing and applying a materiality standard when determining the difference in impact on rate payers between a direct loan and a loan guarantee;

“(D) in the case of projects that require interim financing in excess of \$500,000, requiring that such projects initially seek such financing from private or cooperative lenders; and

“(E) determining if an existing direct loan borrower can refinance with a private or cooperative lender, including with a loan guarantee, prior to providing a new direct loan.”.

**SEC. 5016. SIMPLIFIED APPLICATIONS.**

(a) IN GENERAL.—Section 333A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983a) is amended by adding at the end the following:

“(h) SIMPLIFIED APPLICATION FORMS.—Except as provided in subsection (g)(2) of this section, the Secretary shall, to the maximum extent practicable, develop a simplified application process, including a single page application where possible, for grants and relending authorized under sections 306, 306C, 306D, 306E, 310B(b), 310B(c), 310B(e), 310B(f), 310H, 379B, and 379E.”.

(b) REPORT TO THE CONGRESS.—Within 2 years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a written report that contains an evaluation of the implementation of the amendment made by subsection (a).

**SEC. 5017. GRANTS FOR NOAA WEATHER RADIO TRANSMITTERS.**

Section 379B(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008p(d)) is amended to read as follows:

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section \$1,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 5018. RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.**

Section 379E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008s(d)(2)) is amended by striking “\$40,000,000 for each of fiscal years 2009 through 2012” and inserting “\$20,000,000 for each of fiscal years 2014 through 2018”.

**SEC. 5019. DELTA REGIONAL AUTHORITY.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 382M(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa-12(a)) is amended by striking “\$30,000,000 for each of fiscal years 2008 through 2012” and inserting “\$12,000,000 for each of fiscal years 2014 through 2018”.

(b) **TERMINATION OF AUTHORITY.**—Section 382N of such Act (7 U.S.C. 2009aa-13) is amended by striking “2012” and inserting “2018”.

**SEC. 5020. NORTHERN GREAT PLAINS REGIONAL AUTHORITY.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 383N(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb-12(a)) is amended by striking “\$30,000,000 for each of fiscal years 2008 through 2012” and inserting “\$2,000,000 for each of fiscal years 2014 through 2018”.

(b) **TERMINATION OF AUTHORITY.**—Section 383O of such Act (7 U.S.C. 2009bb-13) is amended by striking “2012” and inserting “2018”.

**SEC. 5021. RURAL BUSINESS INVESTMENT PROGRAM.**

Section 384S of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc-18) is amended by striking “\$50,000,000 for the period of fiscal years 2008 through 2012” and inserting “\$20,000,000 for each of fiscal years 2014 through 2018”.

**Subtitle B—Rural Electrification Act of 1936**

**SEC. 5101. RELENDING FOR CERTAIN PURPOSES.**

(a) **IN GENERAL.**—The Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended—

(1) in section 2(a), by inserting “(including relending for this purpose as provided in section 4)” after “efficiency”;

(2) in section 4(a), by inserting “(including relending to ultimate consumers for this purpose by borrowers enumerated in the proviso in this section)” after “efficiency”; and

(3) in section 313(b)(2)(B)—

(A) by inserting “(acting through the Rural Utilities Service)” after “Secretary”; and

(B) by inserting “energy efficiency (including relending to ultimate consumers for this purpose),” after “promoting”.

(b) **CURRENT AUTHORITY.**—The authority provided in this section is in addition to any other relending authority of the Secretary under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) or any other law.

(c) **ADMINISTRATION.**—The Secretary (acting through the Rural Utilities Service) shall continue to carry out section 313 of the Rural Electrification Act of 1936 (7 U.S.C. 940c) in the same manner as on the day before enactment of this Act until such time as any regulations necessary to carry out the amendments made by this section are fully implemented.

**SEC. 5102. FEES FOR CERTAIN LOAN GUARANTEES.**

The Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended by inserting after section 4 the following:

**“SEC. 5. FEES FOR CERTAIN LOAN GUARANTEES.**

“(a) **IN GENERAL.**—For electrification base-load generation loan guarantees, the Sec-

retary shall, at the request of the borrower, charge an upfront fee to cover the costs of the loan guarantee.

“(b) **FEE.**—The fee described in subsection (a) for a loan guarantee shall be equal to the costs of the loan guarantee (within the meaning of section 502(5)(C) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(C))).

“(c) **LIMITATION.**—Funds received from a borrower to pay the fee described in this section shall not be derived from a loan or other debt obligation that is made or guaranteed by the Federal Government.”.

**SEC. 5103. RURAL UTILITIES SERVICE CONTRACTING AUTHORITY.**

Section 18(c) of the Rural Electrification Act of 1936 (7 U.S.C. 918(c)) is amended—

(1) in paragraph (1), by striking “Rural Electrification Administration” each place it appears and inserting “Rural Utilities Service”; and

(2) in paragraph (4)—

(A) in the paragraph heading, by inserting “COOPERATIVE” before “AGREEMENTS”; and

(B) by inserting after the 1st sentence the following: “A contract funded by a borrower that is to be paid for out of the general funds of the borrower is not a public contract within the meaning of title 41, United States Code.”.

**SEC. 5104. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION OR TELEPHONE PURPOSES.**

Section 313A(f) of the Rural Electrification Act of 1936 (7 U.S.C. 940c-1(f)) is amended by striking “2012” and inserting “2018”.

**SEC. 5105. EXPANSION OF 911 ACCESS.**

Section 315(d) of the Rural Electrification Act of 1936 (7 U.S.C. 940e(d)) is amended by striking “2012” and inserting “2018”.

**SEC. 5106. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.**

Section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended—

(1) in subsection (c), by striking paragraph (2) and inserting the following:

“(2) **PRIORITIES.**—In making or guaranteeing loans under paragraph (1), the Secretary shall give—

“(A) the highest priority to applicants that offer to provide broadband service to the greatest proportion of households that, prior to the provision of the broadband service, had no incumbent service provider; and

“(B) priority to applicants that offer in their applications to provide broadband service not predominantly for business service, but where at least 25 percent of customers in the proposed service territory are commercial interests.”;

(2) in subsection (d)—

(A) in paragraph (5)—

(i) by striking “and” at the end of subparagraph (B);

(ii) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(iii) by adding at the end the following:

“(D) the amount and type of support requested; and

“(E) a list of the census block groups or tracts proposed to be so served.”; and

(B) by adding at the end the following:

“(8) **ADDITIONAL PROCESS.**—The Secretary shall establish a process under which an incumbent service provider which, as of the date of the publication of notice under paragraph (5) with respect to an application submitted by the provider, is providing broadband service to a remote rural area, may (but shall not be required to) submit to the Secretary, not less than 15 and not more

than 30 days after that date, information regarding the broadband services that the provider offers in the proposed service territory, so that the Secretary may assess whether the application meets the requirements of this section with respect to eligible projects.”;

(3) in subsection (e), by adding at the end the following:

“(3) **REQUIREMENT.**—In considering the technology needs of customers in a proposed service territory, the Secretary shall take into consideration the upgrade or replacement cost for the construction or acquisition of facilities and equipment in the territory.”; and

(4) in each of subsections (k)(1) and (l), by striking “2012” and inserting “2018”.

**Subtitle C—Miscellaneous**

**SEC. 5201. DISTANCE LEARNING AND TELEMEDICINE.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 2335A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa-5) is amended by striking “\$100,000,000 for each of fiscal years 1996 through 2012” and inserting “\$65,000,000 for each of fiscal years 2014 through 2018”.

(b) **CONFORMING AMENDMENT.**—Section 1(b) of Public Law 102-551 (7 U.S.C. 950aaa note) is amended by striking “2012” and inserting “2018”.

**SEC. 5202. VALUE-ADDED AGRICULTURAL MARKET DEVELOPMENT PROGRAM GRANTS.**

Section 231(b)(7) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1632a(b)(7)) is amended—

(1) in subparagraph (A)—

(A) by striking “2008” and inserting “2013”; and

(B) by striking “\$15,000,000” and inserting “\$50,000,000”; and

(2) in subparagraph (B), by striking “2012” and inserting “2018”.

**SEC. 5203. AGRICULTURE INNOVATION CENTER DEMONSTRATION PROGRAM.**

Section 6402(i) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1632b(i)) is amended by striking “\$6,000,000 for each of fiscal years 2008 through 2012” and inserting “\$1,000,000 for each of fiscal years 2014 through 2018”.

**SEC. 5204. PROGRAM METRICS.**

(a) **IN GENERAL.**—The Secretary of Agriculture shall collect data regarding economic activities created through grants and loans, including any technical assistance provided as a component of the grant or loan program, and measure the short and long term viability of award recipients and any entities to whom those recipients provide assistance using award funds under section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106-224), section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), section 313(b)(2) of the Rural Electrification Act of 1936 (7 U.S.C. 940c(b)(2)), or section 306(a)(11), 310B(c), 310B(e), 310B(g), 310H, or 379E, or subtitle E, of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11), 1932(c), 1932(e), 1932(g), 2008s, or 2009 through 2009m).

(b) **DATA.**—The data collected under subsection (a) shall include information collected from recipients both during the award period and after the period as determined by the Secretary, but not less than 2 years after the award period ends.

(c) **REPORT.**—Not later than 4 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee

on Agriculture, Nutrition, and Forestry of the Senate a report that contains the data described in subsection (a). The report shall include detailed information regarding—

(1) actions taken by the Secretary to utilize the data;

(2) the number of jobs, including self-employment and the value of salaries and wages;

(3) how the provision of funds from the grant or loan involved affected the local economy;

(4) any benefit, such as an increase in revenue or customer base; and

(5) such other information as the Secretary deems appropriate.

#### SEC. 5205. STUDY OF RURAL TRANSPORTATION ISSUES.

(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of Transportation shall publish an updated version of the study described in section 6206 of the Food, Conservation, and Energy Act of 2008 (as amended by subsection (b)).

(b) ADDITION TO STUDY.—Section 6206(b) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1971) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(5) the sufficiency of infrastructure along waterways in the United States and the impact of such infrastructure on the movement of agricultural goods in terms of safety, efficiency and speed, as well as the benefits derived through upgrades and repairs to locks and dams.”.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of Transportation shall submit to the Congress the updated version of the study required by subsection (a).

#### SEC. 5206. CERTAIN FEDERAL ACTIONS NOT TO BE CONSIDERED MAJOR.

In the case of a loan, loan guarantee, or grant program in the rural development mission area of the Department of Agriculture, an action of the Secretary before, on, or after the date of enactment of this Act that does not involve the provision by the Department of Agriculture of Federal dollars or a Federal loan guarantee, including—

(1) the approval by the Department of Agriculture of the decision of a borrower to commence a privately funded activity;

(2) a lien accommodation or subordination;

(3) a debt settlement or restructuring; or

(4) the restructuring of a business entity by a borrower,

shall not be considered a major Federal action.

#### SEC. 5207. TELEMEDICINE AND DISTANCE LEARNING SERVICES IN RURAL AREAS.

Section 2333(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa-2(d)) is amended—

(1) by striking “and” at the end of paragraph (12); and

(2) by redesignating paragraph (13) as paragraph (14) and inserting after paragraph (12) the following:

“(13) whether the applicant for assistance is located in a designated health professional shortage area (within the meaning of section 332 of the Public Health Service Act)”.

#### SEC. 5208. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT.

Section 15751 of title 40, United States Code, is amended—

(1) in subsection (a), by striking “2012” and inserting “2018”; and

(2) in subsection (b)—

(A) by striking “Not more than” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), not more than”; and

(B) by adding at the end the following:

“(2) LIMITED FUNDING.—In a case in which less than \$10,000,000 is made available to a Commission for a fiscal year under this section, paragraph (1) shall not apply.”.

#### TITLE VI—RESEARCH, EXTENSION, AND RELATED MATTERS

##### Subtitle A—National Agricultural Research, Extension, and Teaching Policy Act of 1977

#### SEC. 6101. OPTION TO BE INCLUDED AS NON-LAND-GRANT COLLEGE OF AGRICULTURE.

Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended—

(1) by striking paragraph (5) and inserting the following new paragraph:

“(5) COOPERATING FORESTRY SCHOOL.—

“(A) IN GENERAL.—The term ‘cooperating forestry school’ means an institution—

“(i) that is eligible to receive funds under the Act of October 10, 1962 (16 U.S.C. 582a et seq.), commonly known as the McIntire-Stennis Act of 1962; and

“(ii) with respect to which the Secretary has not received a declaration of the intent of that institution to not be considered a co-operating forestry school.

“(B) TERMINATION OF DECLARATION.—A declaration of the intent of an institution to not be considered a cooperating forestry school submitted to the Secretary shall be in effect until September 30, 2018.”; and

(2) in paragraph (10)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “that”;

(ii) in clause (i)—

(I) by inserting “that” before “qualify”; and

(II) by striking “and” at the end;

(iii) in clause (ii)—

(I) by inserting “that” before “offer”; and

(II) by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following new clause:

“(iii) with respect to which the Secretary has not received a statement of the declaration of the intent of a college or university to not be considered a Hispanic-serving agricultural college or university.”; and

(B) by adding at the end the following new subparagraph:

“(C) TERMINATION OF DECLARATION OF INTENT.—A declaration of the intent of a college or university to not be considered a Hispanic-serving agricultural college or university submitted to the Secretary shall be in effect until September 30, 2018.”.

#### SEC. 6102. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

(a) EXTENSION OF TERMINATION DATE.—Section 1408(h) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(h)) is amended by striking “2012” and inserting “2018”.

(b) DUTIES OF NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.—Section 1408(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(c)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4)(C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(5) consult with industry groups on agricultural research, extension, education, and economics, and make recommendations to the Secretary based on that consultation.”.

#### SEC. 6103. SPECIALTY CROP COMMITTEE.

Section 1408A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a(c)) is amended—

(1) in paragraph (1), by striking “Measures” and inserting “Programs”;

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(4) in paragraph (2) (as so redesignated)—

(A) in the matter preceding subparagraph (A), by striking “Programs that would” and inserting “Research, extension, and teaching programs designed to improve competitiveness in the specialty crop industry, including programs that would”; and

(B) in subparagraph (D), by inserting “, including improving the quality and taste of processed specialty crops” before the semicolon; and

(C) in subparagraph (G), by inserting “the remote sensing and the” before “mechanization”.

#### SEC. 6104. VETERINARY SERVICES GRANT PROGRAM.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1415A (7 U.S.C. 3151a) the following new section:

#### “SEC. 1415B. VETERINARY SERVICES GRANT PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) QUALIFIED ENTITY.—The term ‘qualified entity’ means—

“(A) a for-profit or nonprofit entity located in the United States that, or an individual who, operates a veterinary clinic providing veterinary services—

“(i) in a rural area, as defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)); and

“(ii) in a veterinarian shortage situation;

“(B) a State, national, allied, or regional veterinary organization or specialty board recognized by the American Veterinary Medical Association;

“(C) a college or school of veterinary medicine accredited by the American Veterinary Medical Association;

“(D) a university research foundation or veterinary medical foundation;

“(E) a department of veterinary science or department of comparative medicine accredited by the Department of Education;

“(F) a State agricultural experiment station; or

“(G) a State, local, or tribal government agency.

“(2) VETERINARIAN SHORTAGE SITUATION.—The term ‘veterinarian shortage situation’ means a veterinarian shortage situation as determined by the Secretary under section 1415A.

“(b) ESTABLISHMENT.—

“(1) COMPETITIVE GRANTS.—The Secretary shall carry out a program to make competitive grants to qualified entities that carry out programs or activities described in paragraph (2) for the purpose of developing, implementing, and sustaining veterinary services.

“(2) ELIGIBILITY REQUIREMENTS.—A qualified entity shall be eligible to receive a grant described in paragraph (1) if the entity carries out programs or activities that the Secretary determines will—

“(A) substantially relieve veterinarian shortage situations;

“(B) support or facilitate private veterinary practices engaged in public health activities; or

“(C) support or facilitate the practices of veterinarians who are providing or have completed providing services under an agreement entered into with the Secretary under section 1415A(a)(2).

“(c) AWARD PROCESSES AND PREFERENCES.—

“(1) APPLICATION, EVALUATION, AND INPUT PROCESSES.—In administering the grant program established under this section, the Secretary shall—

“(A) use an appropriate application and evaluation process, as determined by the Secretary; and

“(B) seek the input of interested persons.

“(2) COORDINATION PREFERENCE.—In selecting recipients of grants to be used for any of the purposes described in subsection (d)(1), the Secretary shall give a preference to qualified entities that provide documentation of coordination with other qualified entities, with respect to any such purpose.

“(3) CONSIDERATION OF AVAILABLE FUNDS.—In selecting recipients of grants to be used for any of the purposes described in subsection (d), the Secretary shall take into consideration the amount of funds available for grants and the purposes for which the grant funds will be used.

“(4) NATURE OF GRANTS.—A grant awarded under this section shall be considered to be a competitive research, extension, or education grant.

“(d) USE OF GRANTS TO RELIEVE VETERINARIAN SHORTAGE SITUATIONS AND SUPPORT VETERINARY SERVICES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a qualified entity may use funds provided by a grant awarded under this section to relieve veterinarian shortage situations and support veterinary services for any of the following purposes:

“(A) To promote recruitment (including for programs in secondary schools), placement, and retention of veterinarians, veterinary technicians, students of veterinary medicine, and students of veterinary technology.

“(B) To allow veterinary students, veterinary interns, externs, fellows, and residents, and veterinary technician students to cover expenses (other than the types of expenses described in section 1415A(c)(5)) to attend training programs in food safety or food animal medicine.

“(C) To establish or expand accredited veterinary education programs (including faculty recruitment and retention), veterinary residency and fellowship programs, or veterinary internship and externship programs carried out in coordination with accredited colleges of veterinary medicine.

“(D) To provide continuing education and extension, including veterinary telemedicine and other distance-based education, for veterinarians, veterinary technicians, and other health professionals needed to strengthen veterinary programs and enhance food safety.

“(E) To provide technical assistance for the preparation of applications submitted to the Secretary for designation as a veterinarian shortage situation under this section or section 1415A.

“(2) QUALIFIED ENTITIES OPERATING VETERINARY CLINICS.—A qualified entity described in subsection (a)(1)(A) may only use funds provided by a grant awarded under this section to establish or expand veterinary practices, including—

“(A) equipping veterinary offices;

“(B) sharing in the reasonable overhead costs of such veterinary practices, as determined by the Secretary; or

“(C) establishing mobile veterinary facilities in which a portion of the facilities will address education or extension needs.

“(e) SPECIAL REQUIREMENTS FOR CERTAIN GRANTS.—

“(1) TERMS OF SERVICE REQUIREMENTS.—

“(A) IN GENERAL.—Funds provided through a grant made under this section to a qualified entity described in subsection (a)(1)(A) and used by such entity under subsection (d)(2) shall be subject to an agreement between the Secretary and such entity that includes a required term of service for such entity (including a qualified entity operating as an individual), as prospectively established by the Secretary.

“(B) CONSIDERATIONS.—In establishing a term of service under subparagraph (A), the Secretary shall consider only—

“(i) the amount of the grant awarded; and

“(ii) the specific purpose of the grant.

“(2) BREACH REMEDIES.—

“(A) IN GENERAL.—An agreement under paragraph (1) shall provide remedies for any breach of the agreement by the qualified entity referred to in paragraph (1)(A), including repayment or partial repayment of the grant funds, with interest.

“(B) WAIVER.—The Secretary may grant a waiver of the repayment obligation for breach of contract if the Secretary determines that such qualified entity demonstrates extreme hardship or extreme need.

“(C) TREATMENT OF AMOUNTS RECOVERED.—Funds recovered under this paragraph shall—

“(i) be credited to the account available to carry out this section; and

“(ii) remain available until expended without further appropriation.

“(f) PROHIBITION ON USE OF GRANT FUNDS FOR CONSTRUCTION.—Except as provided in subsection (d)(2), funds made available for grants under this section may not be used—

“(1) to construct a new building or facility; or

“(2) to acquire, expand, remodel, or alter an existing building or facility, including site grading and improvement and architect fees.

“(g) REGULATIONS.—Not later than 1 year after the date of the enactment of this section, the Secretary shall promulgate regulations to carry out this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section \$10,000,000 for fiscal year 2014 and each fiscal year thereafter, to remain available until expended.”.

#### SEC. 6105. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURE SCIENCES EDUCATION.

Section 1417(m) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(m)) is amended by striking “section \$60,000,000” and all that follows and inserting the following: “section—

“(1) \$60,000,000 for each of fiscal years 1990 through 2013; and

“(2) \$40,000,000 for each of fiscal years 2014 through 2018.”.

#### SEC. 6106. POLICY RESEARCH CENTERS.

Section 1419A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155) is amended—

(1) in the section heading, by inserting “AGRICULTURAL AND FOOD” before “POLICY”; and

(2) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking “Secretary may” and inserting “Secretary shall, acting through the Office of the Chief Economist;”; and

(B) by striking “make grants, competitive grants, and special research grants to, and enter into cooperative agreements and other contracting instruments with,” and inserting “make competitive grants to, or enter into cooperative agreements with;”; and

(C) by inserting “with a history of providing unbiased, nonpartisan economic analysis to Congress” after “subsection (b)”; and

(3) in subsection (b), by striking “other research institutions” and all that follows through “shall be eligible” and inserting “and other public research institutions and organizations shall be eligible”; and

(4) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(5) by inserting after subsection (b), the following new subsection:

“(c) PREFERENCE.—In awarding grants under this section, the Secretary shall give a preference to policy research centers that have extensive databases, models, and demonstrated experience in providing Congress with agricultural market projections, rural development analysis, agricultural policy analysis, and baseline projections at the farm, multiregional, national, and international levels.”; and

(6) by striking subsection (e) (as redesignated by paragraph (4)) and inserting the following new subsection:

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) such sums as are necessary for each of fiscal years 1996 through 2013; and

“(2) \$5,000,000 for each of fiscal years 2014 through 2018.”.

#### SEC. 6107. REPEAL OF HUMAN NUTRITION INTERVENTION AND HEALTH PROMOTION RESEARCH PROGRAM.

Effective October 1, 2013, section 1424 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174) is repealed.

#### SEC. 6108. REPEAL OF PILOT RESEARCH PROGRAM TO COMBINE MEDICAL AND AGRICULTURAL RESEARCH.

Effective October 1, 2013, section 1424A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174a) is repealed.

#### SEC. 6109. NUTRITION EDUCATION PROGRAM.

Section 1425(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(f)) is amended by striking “2012” and inserting “2018”.

#### SEC. 6110. CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

Section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is amended by striking the section designation and heading and all that follows through subsection (a) and inserting the following:

#### “SEC. 1433. APPROPRIATIONS FOR CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

“(a) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to support continuing animal health and disease research programs at eligible institutions—

“(A) \$25,000,000 for each of fiscal years 1991 through 2013; and

“(B) \$15,000,000 for each of fiscal years 2014 through 2018.

“(2) USE OF FUNDS.—Funds made available under this section shall be used—

“(A) to meet the expenses of conducting animal health and disease research, publishing and disseminating the results of such

research, and contributing to the retirement of employees subject to the Act of March 4, 1940 (7 U.S.C. 331);

“(B) for administrative planning and direction; and

“(C) to purchase equipment and supplies necessary for conducting the research described in subparagraph (A).”

**SEC. 6111. REPEAL OF APPROPRIATIONS FOR RESEARCH ON NATIONAL OR REGIONAL PROBLEMS.**

(a) REPEAL.—Effective October 1, 2013, section 1434 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) MATCHING FUNDS.—Section 1438 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3200) is amended in the first sentence by striking “, exclusive of the funds provided for research on specific national or regional animal health and disease problems under the provisions of section 1434 of this title,”.

(2) AUTHORIZATION OF APPROPRIATIONS FOR EXISTING AND CERTAIN NEW AGRICULTURAL RESEARCH PROGRAMS.—Section 1463(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311(c)) is amended by striking “sections 1433 and 1434” and inserting “section 1433”.

**SEC. 6112. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.**

Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b(b)) is amended by striking “2012” and inserting “2018”.

**SEC. 6113. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCE FACILITIES AND EQUIPMENT AT INSULAR AREA LAND-GRANT INSTITUTIONS.**

(a) SUPPORTING TROPICAL AND SUBTROPICAL AGRICULTURAL RESEARCH.—

(1) IN GENERAL.—Section 1447B(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b-2(a)) is amended to read as follows:

“(a) PURPOSE.—It is the intent of Congress to assist the land-grant colleges and universities in the insular areas in efforts to—

“(1) acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research; and

“(2) support tropical and subtropical agricultural research, including pest and disease research.”.

(2) CONFORMING AMENDMENT.—Section 1447B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b-2) is amended in the heading—

(A) by inserting “AND SUPPORT TROPICAL AND SUBTROPICAL AGRICULTURAL RESEARCH” after “EQUIPMENT”; and

(B) by striking “INSTITUTIONS” and inserting “COLLEGES AND UNIVERSITIES”.

(b) EXTENSION.—Section 1447B(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b-2(d)) is amended by striking “2012” and inserting “2018”.

**SEC. 6114. REPEAL OF NATIONAL RESEARCH AND TRAINING VIRTUAL CENTERS.**

Effective October 1, 2013, section 1448 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c) is repealed.

**SEC. 6115. HISPANIC-SERVING INSTITUTIONS.**

Section 1455(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241(c)) is amended by striking “2012” and inserting “2018”.

**SEC. 6116. COMPETITIVE GRANTS PROGRAM FOR HISPANIC AGRICULTURAL WORKERS AND YOUTH.**

Section 1456(e)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3243(e)(1)) is amended to read as follows:

“(1) IN GENERAL.—The Secretary shall establish a competitive grants program—

“(A) to fund fundamental and applied research and extension at Hispanic-serving agricultural colleges and universities in agriculture, human nutrition, food science, bioenergy, and environmental science; and

“(B) to award competitive grants to Hispanic-serving agricultural colleges and universities to provide for training in the food and agricultural sciences of Hispanic agricultural workers and Hispanic youth working in the food and agricultural sciences.”.

**SEC. 6117. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.**

Section 1459A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b(c)) is amended to read as follows:

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) such sums as are necessary for each of fiscal years 1999 through 2013; and

“(2) \$5,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 6118. REPEAL OF RESEARCH EQUIPMENT GRANTS.**

Effective October 1, 2013, section 1462A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310a) is repealed.

**SEC. 6119. UNIVERSITY RESEARCH.**

Section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311) is amended in both of subsections (a) and (b) by striking “2012” and inserting “2018”.

**SEC. 6120. EXTENSION SERVICE.**

Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking “2012” and inserting “2018”.

**SEC. 6121. AUDITING, REPORTING, BOOK-KEEPING, AND ADMINISTRATIVE REQUIREMENTS.**

Section 1469 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3315) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by adding “and” at the end;

(B) by striking paragraph (3); and

(C) by redesignating paragraph (4) as paragraph (3);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsections:

“(b) ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, the Secretary may retain not more than 4 percent of amounts made available for agricultural research, extension, and teaching assistance programs for the administration of those programs authorized under this Act or any other Act.

“(2) EXCEPTIONS.—The limitation on administrative expenses under paragraph (1) shall not apply to peer panel expenses under subsection (d) or any other provision of law related to the administration of agricultural research, extension, and teaching assistance programs that contains a limitation on ad-

ministrative expenses that is less than the limitation under paragraph (1).

“(c) AGREEMENTS WITH NON-FEDERAL ENTITIES.—

“(1) FORMER AGRICULTURAL RESEARCH FACILITIES OF THE DEPARTMENT.—To the maximum extent practicable, the Secretary, for purposes of supporting ongoing research and information dissemination activities, including supporting research and those activities through co-locating scientists and other technical personnel, sharing of laboratory and field equipment, and providing financial support, shall enter into grants, contracts, cooperative agreements, or other legal instruments with former Department of Agriculture agricultural research facilities.

“(2) AGREEMENTS WITH AGRICULTURAL RESEARCH ORGANIZATIONS.—The Secretary, for purposes of receiving from a non-Federal agricultural research organization support for agricultural research, including staffing, laboratory and field equipment, or direct financial assistance, may enter into grants, contracts, cooperative agreements, or other legal instruments with a non-Federal agricultural research organization, the operation of which is consistent with the research mission and programs of an agricultural research facility of the Department of Agriculture.”.

**SEC. 6122. SUPPLEMENTAL AND ALTERNATIVE CROPS.**

(a) AUTHORIZATION OF APPROPRIATIONS AND TERMINATION.—Section 1473D of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d) is amended—

(1) in subsection (a), by striking “2012” and inserting “2018”; and

(2) by adding at the end the following new subsection:

“(e) There are authorized to be appropriated to carry out this section—

“(1) such sums as are necessary for fiscal year 2013; and

“(2) \$1,000,000 for each of fiscal years 2014 through 2018.”.

(b) COMPETITIVE GRANTS.—Section 1473D(c)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(c)(1)) is amended by striking “use such research funding, special or competitive grants, or other means, as the Secretary determines,” and inserting “make competitive grants”.

**SEC. 6123. CAPACITY BUILDING GRANTS FOR NLGCA INSTITUTIONS.**

Section 1473F(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319i(b)) is amended by striking “2012” and inserting “2018”.

**SEC. 6124. AQUACULTURE ASSISTANCE PROGRAMS.**

(a) COMPETITIVE GRANTS.—Section 1475(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(b)) is amended in the matter preceding paragraph (1), by inserting “competitive” before “grants”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1477 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended to read as follows:

**“SEC. 1477. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle—

“(1) \$7,500,000 for each of fiscal years 1991 through 2013; and

“(2) \$5,000,000 for each of fiscal years 2014 through 2018.



“(b) PROHIBITION ON USE.—Funds made available under this section may not be used to acquire or construct a building.”.

**SEC. 6125. RANGELAND RESEARCH PROGRAMS.**

Section 1483(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)) is amended by striking “subtitle” and all that follows and inserting the following: “subtitle—

“(1) \$10,000,000 for each of fiscal years 1991 through 2013; and

“(2) \$2,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 6126. SPECIAL AUTHORIZATION FOR BIOSECURITY PLANNING AND RESPONSE.**

Section 1484(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3351(a)) is amended by striking “response such sums as are necessary” and all that follows and inserting the following: “response—

“(1) such sums as are necessary for each of fiscal years 2002 through 2013; and

“(2) \$10,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 6127. DISTANCE EDUCATION AND RESIDENT INSTRUCTION GRANTS PROGRAM FOR INSULAR AREA INSTITUTIONS OF HIGHER EDUCATION.**

(a) DISTANCE EDUCATION GRANTS FOR INSULAR AREAS.—

(1) COMPETITIVE GRANTS.—Section 1490(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362(a)) is amended by striking “or noncompetitive”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 1490(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362(f)) is amended by striking “section” and all that follows and inserting the following: “section—

“(1) such sums as are necessary for each of fiscal years 2002 through 2013; and

“(2) \$2,000,000 for each of fiscal years 2014 through 2018.”.

(b) RESIDENT INSTRUCTION GRANTS FOR INSULAR AREAS.—Section 1491(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363(c)) is amended by striking “such sums as are necessary” and all that follows and inserting the following: “to carry out this section—

“(1) such sums as are necessary for each of fiscal years 2002 through 2013; and

“(2) \$2,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 6128. MATCHING FUNDS REQUIREMENT.**

(a) IN GENERAL.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by adding at the end the following new subtitle:

**“Subtitle P—General Provisions**

**“SEC. 1492. MATCHING FUNDS REQUIREMENT.**

“(a) IN GENERAL.—The recipient of a competitive grant that is awarded by the Secretary under a covered law shall provide funds, in-kind contributions, or a combination of both, from sources other than funds provided through such grant in an amount at least equal to the amount of such grant.

“(b) EXCEPTION.—The matching funds requirement under subsection (a) shall not apply to grants awarded—

“(1) to a research agency of the Department of Agriculture; or

“(2) to an entity eligible to receive funds under a capacity and infrastructure program (as defined in section 251(f)(1)(C) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)(1)(C))), including a partner of such entity.

“(c) COVERED LAW.—In this section, the term ‘covered law’ means each of the following provisions of law:

“(1) This title.

“(2) Title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5801 et seq.).

“(3) The Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601 et seq.).

“(4) Part III of subtitle E of title VII of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 3202 et seq.).

“(5) The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 4501).”.

(b) CONFORMING AMENDMENT.—Paragraph (9) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 4501(b)) is amended—

(1) by striking subparagraph (B);

(2) in the heading, by inserting “FOR EQUIPMENT GRANTS” after “FUNDS”;

(3) by striking “(A) EQUIPMENT GRANTS.—”; and

(4) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving the margins of such subparagraphs two ems to the left.

(c) APPLICATION TO AMENDMENTS.—

(1) NEW GRANTS.—Section 1492 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as added by subsection (a), shall apply with respect to grants described in such section awarded after October 1, 2013, unless the provision of a covered law under which such grants are awarded specifically exempts such grants from the matching funds requirement under such section.

(2) EXISTING GRANTS.—A matching funds requirement in effect on or before October 1, 2013, under a covered law shall continue to apply to a grant awarded under such provision of law on or before that date.

**SEC. 6129. SENSE OF CONGRESS REGARDING EXPANSION OF THE LAND GRANT PROGRAM TO INCLUDE ENHANCED FUNDING AND ADDITIONAL INSTITUTIONS.**

It is the sense of the Congress that—

(1) institutions of higher education designated under the Act of August 30, 1890 (commonly known, and referred to in this section, as the “Second Morrill Act”; 7 U.S.C. 321 et seq.) have played an integral role in the education and advancement of agriculture and mechanic arts for over a century;

(2) in addition to those institutions, a number of colleges and universities have fulfilled similar and parallel missions in successfully training and graduating generations of students who have gone on to be leaders in their field;

(3) the colleges and universities, both with and without designation under the Second Morrill Act, fulfill a vital role to the future of industry, opportunities for increased job creation, and the strength of agriculture in the United States;

(4) Congress must ensure that the United States’ higher education framework and policies meet the needs of young individuals in the United States, and that students from across the country are able to choose from a variety of institutions and programs that will equip them with the skills and training necessary to achieve their individual goals; and

(5) as Congress and the agricultural community generally consider policies and approaches to improve research, extension, and education in the agricultural sciences, expansion of the land grant program under the Second Morrill Act to include enhanced

funding and additional institutions should be considered.

**Subtitle B—Food, Agriculture, Conservation, and Trade Act of 1990**

**SEC. 6201. BEST UTILIZATION OF BIOLOGICAL APPLICATIONS.**

Section 1624 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5814) is amended in the first sentence—

(1) by striking “\$40,000,000 for each fiscal year”; and

(2) by inserting “\$40,000,000 for each of fiscal years 2013 through 2018” after “chapter”.

**SEC. 6202. INTEGRATED MANAGEMENT SYSTEMS.**

Section 1627(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5821(d)) is amended to read as follows:

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section through the National Institute of Food and Agriculture \$20,000,000 for each of fiscal years 2013 through 2018.”.

**SEC. 6203. SUSTAINABLE AGRICULTURE TECHNOLOGY DEVELOPMENT AND TRANSFER PROGRAM.**

Section 1628(f) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5831(f)) is amended to read as follows:

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) such sums as are necessary for fiscal year 2013; and

“(2) \$5,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 6204. NATIONAL TRAINING PROGRAM.**

Section 1629(i) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5832(i)) is amended to read as follows:

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the National Training Program \$20,000,000 for each of fiscal years 2013 through 2018.”.

**SEC. 6205. NATIONAL GENETICS RESOURCES PROGRAM.**

Section 1635(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5844(b)) is amended—

(1) by striking “such funds as may be necessary”; and

(2) by striking “subtitle” and all that follows and inserting the following: “subtitle—

“(1) such sums as are necessary for each of fiscal years 1991 through 2013; and

“(2) \$1,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 6206. REPEAL OF NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM.**

Effective October 1, 2013, subtitle D of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5851 et seq.) is repealed.

**SEC. 6207. REPEAL OF RURAL ELECTRONIC COMMERCE EXTENSION PROGRAM.**

Effective October 1, 2013, section 1670 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5923) is repealed.

**SEC. 6208. REPEAL OF AGRICULTURAL GENOME INITIATIVE.**

Effective October 1, 2013, section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is repealed.

**SEC. 6209. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.**

Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended—

(1) in the first sentence of subsection (a), by striking “subsections (e) through (i)” and inserting “subsections (e), (f), and (g)”;

(2) in subsection (b)(2), in the first sentence, by striking “subsections (e) through



(i)'' and inserting ''subsections (e), (f), and (g)'';

(3) by striking subsections (e), (f), and (i);

(4) by redesignating subsections (g), (h), and (j) as subsections (e), (f), and (h), respectively;

(5) in subsection (f) (as redesignated by paragraph (4))—

(A) by striking ''2012'' each place it appears in paragraphs (1)(B), (2)(B), and (3) and inserting ''2018''; and

(B) in paragraph (4)—

(i) in subparagraph (A), by inserting ''and honey bee health disorders'' after ''collapse''; and

(ii) in subparagraph (B), by inserting '', including best management practices'' after ''strategies'';

(6) by inserting after subsection (f) (as redesignated by paragraph (4)) the following new subsection:

''(g) COFFEE PLANT HEALTH INITIATIVE.—

''(1) ESTABLISHMENT.—The Secretary shall establish a coffee plant health initiative to address the critical needs of the coffee industry by—

''(A) developing and disseminating science-based tools and treatments to combat the coffee berry borer (*Hypothenemus hampei*); and

''(B) establishing an area-wide integrated pest management program in areas affected by, or areas at risk of, being affected by the coffee berry borer.

''(2) ELIGIBLE ENTITIES.—The Secretary may carry out the coffee plant health initiative through—

''(A) Federal agencies, including the Agricultural Research Service and the National Institute of Food and Agriculture;

''(B) National Laboratories;

''(C) institutions of higher education;

''(D) research institutions or organizations;

''(E) private organizations or corporations;

''(F) State agricultural experiment stations;

''(G) individuals; or

''(H) groups consisting of 2 or more entities or individuals described in subparagraphs (A) through (G).

''(3) PROJECT GRANTS AND COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary shall—

''(A) enter into cooperative agreements with eligible entities, as appropriate; and

''(B) award grants on a competitive basis.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$2,000,000 for each of fiscal years 2014 through 2018.''; and

(7) in subsection (h) (as redesignated by paragraph (4)), by striking ''2012'' and inserting ''2018''.

#### SEC. 6210. REPEAL OF NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

Effective October 1, 2013, section 1672A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925a) is repealed.

#### SEC. 6211. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

Section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) is amended—

(1) by striking subsection (e) and inserting the following new subsection:

''(e) FARM BUSINESS MANAGEMENT ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary shall give a priority to grant proposals found in the review process to be scientifically meritorious using the same criteria the Secretary uses to

give priority to grants under section 1672D(b).''; and

(2) in subsection (f)—

(A) in paragraph (1)—

(i) in the heading of such paragraph, by striking ''2012'' and inserting ''2018'';

(ii) in subparagraph (A), by striking ''and'' at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following new subparagraph:

''(C) \$20,000,000 for each of fiscal years 2014 through 2018.''; and

(B) in paragraph (2)—

(i) in the heading of such paragraph, by striking ''2009 THROUGH 2012'' and inserting ''2014 THROUGH 2018''; and

(ii) by striking ''2009 through 2012'' and inserting ''2014 through 2018''.

#### SEC. 6212. REPEAL OF AGRICULTURAL BIO-ENERGY FEEDSTOCK AND ENERGY EFFICIENCY RESEARCH AND EXTENSION INITIATIVE.

(a) REPEAL.—Effective October 1, 2013, section 1672C of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925e) is repealed.

(b) CONFORMING AMENDMENT.—Section 251(f)(1)(D) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)(1)(D)) is amended—

(1) by striking clause (xi); and

(2) by redesignating clauses (xii) and (xiii) as clauses (xi) and (xii), respectively.

#### SEC. 6213. FARM BUSINESS MANAGEMENT.

Section 1672D(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925f(d)) is amended by striking ''such sums as are necessary to carry out this section.'' and inserting the following: ''to carry out this section—

''(1) such sums as are necessary for fiscal year 2013; and

''(2) \$5,000,000 for each of fiscal years 2014 through 2018.''

#### SEC. 6214. CENTERS OF EXCELLENCE.

The Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 1672D (7 U.S.C. 5925f) the following new section:

##### ''SEC. 1673. CENTERS OF EXCELLENCE.

''(a) FUNDING PRIORITIES.—The Secretary shall prioritize centers of excellence established for specific agricultural commodities for the receipt of funding for any competitive research or extension program administered by the Secretary.

''(b) COMPOSITION.—A center of excellence is composed of 1 or more of the eligible entities specified in subsection (b)(7) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(7)) that provide financial or in-kind support to the center of excellence.

''(c) CRITERIA FOR CENTERS OF EXCELLENCE.—

''(1) REQUIRED EFFORTS.—The criteria for consideration to be recognized as a center of excellence shall include efforts—

''(A) to ensure coordination and cost effectiveness by reducing unnecessarily duplicative efforts regarding research, teaching, and extension;

''(B) to leverage available resources by using public/private partnerships among agricultural industry groups, institutions of higher education, and the Federal Government;

''(C) to implement teaching initiatives to increase awareness and effectively disseminate solutions to target audiences through extension activities; and

''(D) to increase the economic returns to rural communities by identifying, attract-

ing, and directing funds to high-priority agricultural issues.

''(2) ADDITIONAL EFFORTS.—Where practicable, the criteria for consideration to be recognized as a center of excellence shall include efforts to improve teaching capacity and infrastructure at colleges and universities (including land-grant institutions, schools of forestry, schools of veterinary medicine, and NLGCA Institutions).''.

#### SEC. 6215. REPEAL OF RED MEAT SAFETY RESEARCH CENTER.

Effective October 1, 2013, section 1676 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5929) is repealed.

#### SEC. 6216. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933(c)(1)) is amended—

(1) by striking ''is'' and inserting ''are''; and

(2) by striking ''section'' and all that follows and inserting the following: ''section—

''(A) \$6,000,000 for each of fiscal years 1999 through 2013; and

''(B) \$3,000,000 for each of fiscal years 2014 through 2018.''

#### SEC. 6217. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

Section 2381(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(e)) is amended by striking ''2012'' and inserting ''2018''.

#### Subtitle C—Agricultural Research, Extension, and Education Reform Act of 1998

#### SEC. 6301. RELEVANCE AND MERIT OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION FUNDED BY THE DEPARTMENT.

Section 103(a)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(a)(2)) is amended—

(1) in the heading by striking ''MERIT REVIEW OF EXTENSION'' and inserting ''RELEVANCE AND MERIT REVIEW OF RESEARCH, EXTENSION,'';

(2) in subparagraph (A)—

(A) by inserting ''relevance and'' before ''merit''; and

(B) by striking ''extension or education'' and inserting ''research, extension, or education''; and

(3) in subparagraph (B), by inserting ''on a continuous basis'' after ''procedures''.

#### SEC. 6302. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

Section 406(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(f)) is amended by striking ''2012'' and inserting ''2018''.

#### SEC. 6303. REPEAL OF COORDINATED PROGRAM OF RESEARCH, EXTENSION, AND EDUCATION TO IMPROVE VIABILITY OF SMALL AND MEDIUM SIZE DAIRY, LIVESTOCK, AND POULTRY OPERATIONS.

(a) REPEAL.—Effective October 1, 2013, section 407 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7627) is repealed.

(b) CONFORMING AMENDMENT.—Section 251(f)(1)(D) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)(1)(D)), as amended by section 6212(b), is further amended—

(1) by striking clause (xi) (as redesignated by section 6212(b)); and

(2) by redesignating clause (xii) (as redesignated by section 6212(b)) as clause (xi).

#### SEC. 6304. FUSARIUM GRAMINEARUM GRANTS.

Section 408(e) of the Agricultural Research, Extension, and Education Reform

Act of 1998 (7 U.S.C. 7628(e)) is amended to read as follows:

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) such sums as may be necessary for each of fiscal years 1999 through 2013; and

“(2) \$7,500,000 for each of fiscal years 2014 through 2018.”.

**SEC. 6305. REPEAL OF BOVINE JOHNE'S DISEASE CONTROL PROGRAM.**

Effective October 1, 2013, section 409 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7629) is repealed.

**SEC. 6306. GRANTS FOR YOUTH ORGANIZATIONS.**

Section 410(d) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630(d)) is amended by striking “section such sums as are necessary” and all that follows and inserting the following: “section—

“(1) such sums as are necessary for each of fiscal years 2008 through 2013; and

“(2) \$3,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 6307. SPECIALTY CROP RESEARCH INITIATIVE.**

Section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “and genomics” and inserting “genomics, and other methods”; and

(B) in paragraph (3), by inserting “handling and processing,” after “production efficiency.”;

(2) by striking subsection (d) and inserting the following new subsection:

“(d) RESEARCH PROJECTS.—In carrying out this section, the Secretary shall award competitive grants on the basis of—

“(1) an initial scientific peer review conducted by a panel of subject matter experts from Federal agencies, non-Federal entities, and the specialty crop industry; and

“(2) a final funding determination made by the Secretary based on a review and ranking for merit, relevance, and impact conducted by a panel of specialty crop industry representatives for the specific specialty crop.”; and

(3) in subsection (h)—

(A) in paragraph (1)—

(i) by striking “(1) MANDATORY FUNDING FOR FISCAL YEARS 2008 THROUGH 2012.—Of the funds” and inserting the following:

“(1) MANDATORY FUNDING.—

“(A) FISCAL YEARS 2008 THROUGH 2012.—Of the funds”; and

(ii) by adding at the end the following new subparagraph:

“(B) SUBSEQUENT FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

“(i) \$50,000,000 for fiscal years 2014 and 2015;

“(ii) \$55,000,000 for fiscal years 2016 and 2017; and

“(iii) \$65,000,000 for fiscal year 2018 and each fiscal year thereafter.”; and

(B) in paragraph (2)—

(i) in the heading, by striking “2008 Through 2012” and inserting “2014 Through 2018”; and

(ii) by striking “2008 through 2012” and inserting “2014 through 2018”.

**SEC. 6308. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.**

Section 604(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7642(e)) is amended by striking “2012” and inserting “2018”.

**SEC. 6309. REPEAL OF NATIONAL SWINE RESEARCH CENTER.**

Effective October 1, 2013, section 612 of the Agricultural Research, Extension, and Education Reform Act of 1998 (Public Law 105-185; 112 Stat. 605) is repealed.

**SEC. 6310. OFFICE OF PEST MANAGEMENT POLICY.**

Section 614(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7653(f)) is amended—

(1) by striking “such sums as are necessary”; and

(2) by striking “section” and all that follows and inserting the following: “section—

“(1) such sums as are necessary for each of fiscal years 1999 through 2013; and

“(2) \$3,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 6311. REPEAL OF STUDIES OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.**

Effective October 1, 2013, subtitle C of title VI of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7671 et seq.) is repealed.

**Subtitle D—Other Laws**

**SEC. 6401. CRITICAL AGRICULTURAL MATERIALS ACT.**

Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended—

(1) by striking “such sums as are necessary”; and

(2) by striking “Act” and all that follows and inserting the following: “Act—

“(1) such sums as are necessary for each of fiscal years 1991 through 2013; and

“(2) \$2,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 6402. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.**

(a) DEFINITION OF 1994 INSTITUTIONS.—Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended—

(1) in paragraph (8), by striking “Memorial”;;

(2) in paragraph (26), by striking “Community”;;

(3) by striking paragraphs (5), (10), and (27);

(4) by redesignating paragraphs (1), (2), (3), (4), (6), (7), (8), (9), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (28), (29), (30), (31), (32), (33), and (34) as paragraphs (2), (3), (4), (7), (8), (9), (5), (10), (15), (17), (18), (19), (20), (22), (23), (24), (25), (32), (26), (27), (28), (29), (30), (31), (33), (34), (35), and (14), respectively, and transferring the paragraphs so as to appear in numerical order;

(5) by inserting before paragraph (2) (as so redesignated), the following new paragraph:

“(1) Aaniih Nakoda College.”;

(6) by inserting after paragraph (5) (as so redesignated), the following new paragraph:

“(6) College of the Muscogee Nation.”;

(7) by inserting after paragraph (15) (as so redesignated) the following new paragraph:

“(16) Keweenaw Bay Ojibwa Community College.”; and

(8) by inserting after paragraph (20) (as so redesignated) the following new paragraph:

“(21) Navajo Technical College.”.

(b) ENDOWMENT FOR 1994 INSTITUTIONS.—Section 533(b) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended in the first sentence by striking “2012” and inserting “2018”.

(c) INSTITUTIONAL CAPACITY BUILDING GRANTS.—Section 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended by striking “2012” each place it appears in subsections (b)(1) and (c) and inserting “2018”.

(d) RESEARCH GRANTS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 536(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended in the first sentence by striking “2012” and inserting “2018”.

(2) RESEARCH GRANT REQUIREMENTS.—Section 536(b) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382) is amended by striking “with at least 1 other land-grant college or university” and all that follows and inserting the following: “with—

“(1) the Agricultural Research Service of the Department of Agriculture; or

“(2) at least 1—

“(A) other land-grant college or university (exclusive of another 1994 Institution);

“(B) non-land-grant college of agriculture (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); or

“(C) cooperating forestry school (as defined in that section).”.

**SEC. 6403. RESEARCH FACILITIES ACT.**

Section 6(a) of the Research Facilities Act (7 U.S.C. 390d(a)) is amended by striking “2012” and inserting “2018”.

**SEC. 6404. REPEAL OF CARBON CYCLE RESEARCH.**

Effective October 1, 2013, section 221 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 6711) is repealed.

**SEC. 6405. COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANT ACT.**

(a) EXTENSION.—Subsection (b)(11)(A) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(11)(A)) is amended in the matter preceding clause (i) by striking “2012” and inserting “2018”.

(b) PRIORITY AREAS.—Subsection (b)(2) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (vi), by striking “and” at the end;

(B) in clause (vii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new clause:

“(viii) plant-based foods that are major sources of nutrients of concern (as determined by the Secretary).”;

(2) in subparagraph (B)—

(A) in clause (vii), by striking “and” at the end;

(B) in clause (viii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new clauses:

“(ix) the research and development of surveillance methods, vaccines, vaccination delivery systems, or diagnostic tests for pests and diseases (especially zoonotic diseases) in wildlife reservoirs presenting a potential concern to public health or domestic livestock and pests and diseases in minor species (including deer, elk, and bison); and

“(x) the identification of animal drug needs and the generation and dissemination of data for safe and effective therapeutic applications of animal drugs for minor species and minor uses of such drugs in major species.”;

(3) in subparagraph (C)—

(A) in clause (ii), by inserting before the semicolon “, including the effects of plant-based foods that are major sources of nutrients of concern on diet and health”;;

(B) in clause (iii), by inserting before the semicolon “, including plant-based foods

that are major sources of nutrients of concern”;

(C) in clause (iv), by inserting before the semicolon “, including postharvest practices conducted with respect to plant-based foods that are major sources of nutrients of concern”; and

(D) in clause (v), by inserting before the period “, including improving the functionality of plant-based foods that are major sources of nutrients of concern”;

(4) in subparagraph (D)—

(A) by redesignating clauses (iv), (v), and (vi) as clauses (v), (vi), and (vii), respectively; and

(B) by inserting after clause (iii) the following new clause:

“(iv) the effectiveness of conservation practices and technologies designed to address nutrient losses and improve water quality;”; and

(5) in subparagraph (F)—

(A) in the matter preceding clause (i), by inserting “economics,” after “trade;”; and

(B) by redesignating clauses (v) and (vi) as clauses (vi) and (vii), respectively; and

(C) by inserting after clause (iv) the following new clause:

“(v) the economic costs, benefits, and viability of producers adopting conservation practices and technologies designed to improve water quality;”.

(c) GENERAL ADMINISTRATION.—Subsection (b)(4) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(4)) is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(F) establish procedures under which a commodity board established under a commodity promotion law (as such term is defined under section 501(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401(a))) or a State commodity board (or other equivalent State entity) may directly submit to the Secretary proposals for requests for applications to specifically address particular issues related to the priority areas specified in paragraph (2).”.

(d) SPECIAL CONSIDERATIONS.—Subsection (b)(6) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(6)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(E) to eligible entities to carry out the specific research proposals submitted under procedures established under paragraph (4)(F).”.

(e) ELIGIBLE ENTITIES.—Subsection (b)(7)(G) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(7)(G)) is amended by striking “or corporations” and inserting “, foundations, or corporations”.

(f) INTER-REGIONAL RESEARCH PROJECT NUMBER 4.—Subsection (e) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(e)) is amended—

(1) in paragraph (1)(A), by striking “minor use pesticides” and inserting “pesticides for minor agricultural use and for use on specialty crops (as defined in section 3 of the Specialty Crop Competitiveness Act of 2004 (7 U.S.C. 1621 note))”; and

(2) in paragraph (4)—

(A) in subparagraph (A), by inserting “and for use on specialty crops” after “minor agricultural use”; and

(B) in subparagraph (B), by striking “and” at the end;

(C) by redesignating subparagraph (C) as subparagraph (G); and

(D) by inserting after subparagraph (B) the following new subparagraphs:

“(C) prioritize potential pest management technology for minor agricultural use and for use on specialty crops;

“(D) conduct research to develop the data necessary to facilitate pesticide registrations, reregistrations, and associated tolerances;

“(E) assist in removing trade barriers caused by residues of pesticides registered for minor agricultural use and for use on domestically grown specialty crops;

“(F) assist in the registration and reregistration of pest management technologies for minor agricultural use and for use on specialty crops; and”.

(g) EMPHASIS ON SUSTAINABLE AGRICULTURE.—The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended by striking subsection (k).

#### SEC. 6406. RENEWABLE RESOURCES EXTENSION ACT OF 1978.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended in the first sentence by striking “2012” and inserting “2018”.

(b) TERMINATION DATE.—Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note; Public Law 95-306) is amended by striking “2012” and inserting “2018”.

#### SEC. 6407. NATIONAL AQUACULTURE ACT OF 1980.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking “2012” each place it appears and inserting “2018”.

#### SEC. 6408. REPEAL OF USE OF REMOTE SENSING DATA.

Effective October 1, 2013, section 892 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 5935) is repealed.

#### SEC. 6409. REPEAL OF REPORTS UNDER FARM SECURITY AND RURAL INVESTMENT ACT OF 2002.

(a) REPEAL OF REPORT ON PRODUCERS AND HANDLERS FOR ORGANIC PRODUCTS.—Effective October 1, 2013, section 7409 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925b note; Public Law 107-171) is repealed.

(b) REPEAL OF REPORT ON GENETICALLY MODIFIED PEST-PROTECTED PLANTS.—Effective October 1, 2013, section 7410 of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171; 116 Stat. 462) is repealed.

(c) REPEAL OF STUDY ON NUTRIENT BANKING.—Effective October 1, 2013, section 7411 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925a note; Public Law 107-171) is repealed.

#### SEC. 6410. BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.

Section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking subparagraphs (A) through (R) and inserting the following new subparagraphs:

“(A) basic livestock, forest management, and crop farming practices;

“(B) innovative farm, ranch, and private, nonindustrial forest land transfer strategies;

“(C) entrepreneurship and business training;

“(D) financial and risk management training (including the acquisition and management of agricultural credit);

“(E) natural resource management and planning;

“(F) diversification and marketing strategies;

“(G) curriculum development;

“(H) mentoring, apprenticeships, and internships;

“(I) resources and referral;

“(J) farm financial benchmarking;

“(K) assisting beginning farmers or ranchers in acquiring land from retiring farmers and ranchers;

“(L) agricultural rehabilitation and vocational training for veterans; and

“(M) other similar subject areas of use to beginning farmers or ranchers.”;

(B) in paragraph (7), by striking “and community-based organizations” and inserting “, community-based organizations, and school-based agricultural educational organizations”;

(C) by striking paragraph (8) and inserting the following new paragraph:

“(8) MILITARY VETERAN BEGINNING FARMERS AND RANCHERS.—

“(A) IN GENERAL.—Not less than 5 percent of the funds used to carry out this subsection for a fiscal year shall be used to support programs and services that address the needs of military veteran beginning farmers and ranchers.

“(B) COORDINATION PERMITTED.—A recipient of a grant under this section using the grant as described in subparagraph (A) may coordinate with a recipient of a grant under section 1680 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933) in addressing the needs of military veteran beginning farmers and ranchers with disabilities.”;

(D) by adding at the end the following new paragraph:

“(1) LIMITATION ON INDIRECT COSTS.—A recipient of a grant under this section may not use more than 10 percent of the funds provided by the grant for the indirect costs of carrying out the initiatives described in paragraph (1).”;

(2) in subsection (h)(1)—

(A) in the paragraph heading, by striking “2012” and inserting “2018”; and

(B) in subparagraph (A), by striking “and” at the end;

(C) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following new subparagraph:

“(C) \$20,000,000 for each of fiscal years 2014 through 2018, to remain available until expended.”; and

(3) in subsection (h)(2)—

(A) in the paragraph heading, by striking “2008 THROUGH 2012” and inserting “2014 THROUGH 2018”; and

(B) by striking “2008 through 2012” and inserting “2014 through 2018”.

#### SEC. 6411. INCLUSION OF AMERICAN SAMOA, FEDERATED STATES OF MICRONESIA, AND NORTHERN MARIANA ISLANDS AS A STATE UNDER MCINTIRE-STENNIS COOPERATIVE FORESTRY ACT.

Section 8 of Public Law 87-788 (commonly known as the McIntire-Stennis Cooperative Forestry Act; 16 U.S.C. 582a-7) is amended by striking “and Guam” and inserting “Guam, American Samoa, the Federated States of Micronesia, and the Commonwealth of the Northern Mariana Islands”.

**Subtitle E—Food, Conservation, and Energy  
Act of 2008**

**PART 1—AGRICULTURAL SECURITY**

**SEC. 6501. AGRICULTURAL BIOSECURITY COMMUNICATION CENTER.**

Section 14112(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8912(c)) is amended to read as follows:

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) such sums as are necessary for each of fiscal years 2008 through 2013; and

“(2) \$2,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 6502. ASSISTANCE TO BUILD LOCAL CAPACITY IN AGRICULTURAL BIOSECURITY PLANNING, PREPARATION, AND RESPONSE.**

Section 14113 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8913) is amended—

(1) in subsection (a)(2)—

(A) by striking “such sums as may be necessary”; and

(B) by striking “subsection” and all that follows and inserting the following: “subsection—

“(A) such sums as are necessary for each of fiscal years 2008 through 2013; and

“(B) \$15,000,000 for each of fiscal years 2014 through 2018.”; and

(2) in subsection (b)(2), by striking “is authorized to be appropriated to carry out this subsection” and all that follows and inserting the following: “are authorized to be appropriated to carry out this subsection—

“(A) \$25,000,000 for each of fiscal years 2008 through 2013; and

“(B) \$15,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 6503. RESEARCH AND DEVELOPMENT OF AGRICULTURAL COUNTERMEASURES.**

Section 14121(b) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8921(b)) is amended by striking “is authorized to be appropriated to carry out this section” and all that follows and inserting the following: “are authorized to be appropriated to carry out this section—

“(1) \$50,000,000 for each of fiscal years 2008 through 2013; and

“(2) \$15,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 6504. AGRICULTURAL BIOSECURITY GRANT PROGRAM.**

Section 14122(e) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8922(e)) is amended—

(1) by striking “sums as are necessary”; and

(2) by striking “section” and all that follows and inserting the following: “section—

“(1) such sums as are necessary for each of fiscal years 2008 through 2013, to remain available until expended; and

“(2) \$5,000,000 for each of fiscal years 2014 through 2018, to remain available until expended.”.

**PART 2—MISCELLANEOUS**

**SEC. 6511. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.**

Section 308 of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 3125a) is amended—

(1) in subsection (b)(6)(A), by striking “5 years” and inserting “10 years”; and

(2) in subsection (d)(2), by striking “1, 3, and 5 years” and inserting “6, 8, and 10 years”.

**SEC. 6512. GRAZINGLANDS RESEARCH LABORATORY.**

Section 7502 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122

Stat. 2019) is amended by striking “5-year period” and inserting “10-year period”.

**SEC. 6513. BUDGET SUBMISSION AND FUNDING.**

Section 7506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7614c) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) DEFINITIONS.—In this section:

“(1) COVERED PROGRAM.—The term ‘covered program’ means—

“(A) each research program carried out by the Agricultural Research Service or the Economic Research Service for which annual appropriations are requested in the annual budget submission of the President; and

“(B) each competitive program carried out by the National Institute of Food and Agriculture for which annual appropriations are requested in the annual budget submission of the President.

“(2) REQUEST FOR AWARDS.—The term ‘request for awards’ means a funding announcement published by the National Institute of Food and Agriculture that provides detailed information on funding opportunities at the Institute, including the purpose, eligibility, restriction, focus areas, evaluation criteria, regulatory information, and instructions on how to apply for such opportunities.”; and

(2) by adding at the end the following new subsections:

“(e) ADDITIONAL PRESIDENTIAL BUDGET SUBMISSION REQUIREMENT.—

“(1) IN GENERAL.—Each year, the President shall submit to Congress, together with the annual budget submission of the President, the information described in paragraph (2) for each funding request for a covered program.

“(2) INFORMATION DESCRIBED.—The information described in this paragraph includes—

“(A) baseline information, including with respect to each covered program—

“(i) the funding level for the program for the fiscal year preceding the year the annual budget submission of the President is submitted;

“(ii) the funding level requested in the annual budget submission of the President, including any increase or decrease in the funding level; and

“(iii) an explanation justifying any change from the funding level specified in clause (i) to the level specified in clause (ii);

“(B) with respect to each covered program that is carried out by the Economic Research Service or the Agricultural Research Service, the location and staff years of the program;

“(C) the proposed funding levels to be allocated to, and the expected publication date, scope, and allocation level for, each request for awards to be published under or associated with—

“(i) each priority area specified in subsection (b)(2) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 4501(b)(2));

“(ii) each research and extension project carried out under section 1621(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5811(a));

“(iii) each grant to be awarded under section 1672B(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b(a));

“(iv) each grant awarded under section 412(d) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632(d)); and

“(v) each grant awarded under 7405(c)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f(c)(1)); or

“(D) any other information the Secretary determines will increase congressional oversight with respect to covered programs.

“(3) PROHIBITION.—Unless the President submits the information described in paragraph (2)(C) for a fiscal year, the President may not carry out any program during the fiscal year that is authorized under—

“(A) subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 4501(b));

“(B) section 1621 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5811);

“(C) section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b);

“(D) section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632); or

“(E) section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f).

“(f) REPORT OF THE SECRETARY OF AGRICULTURE.—Each year on a date that is not later than the date on which the President submits the annual budget, the Secretary shall submit to Congress a report containing a description of the agricultural research, extension, and education activities carried out by the Federal Government during the fiscal year that immediately precedes the year for which the report is submitted, including—

“(1) a review of the extent to which those activities—

“(A) are duplicative or overlap within the Department of Agriculture; or

“(B) are similar to activities carried out by—

“(i) other Federal agencies;

“(ii) the States (including the District of Columbia, the Commonwealth of Puerto Rico and other territories or possessions of the United States);

“(iii) institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

“(iv) the private sector; and

“(2) for each report submitted under this section on or after January 1, 2013, a 5-year projection of national priorities with respect to agricultural research, extension, and education, taking into account domestic needs.”.

**SEC. 6514. RESEARCH AND EDUCATION GRANTS FOR THE STUDY OF ANTIBIOTIC-RESISTANT BACTERIA.**

Section 7521(c) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 3202(c)) is amended by striking “2012” and inserting “2018”.

**SEC. 6515. REPEAL OF FARM AND RANCH STRESS ASSISTANCE NETWORK.**

Effective October 1, 2013, section 7522 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 5936) is repealed.

**SEC. 6516. REPEAL OF SEED DISTRIBUTION.**

Effective October 1, 2013, section 7523 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 415–1) is repealed.

**SEC. 6517. NATURAL PRODUCTS RESEARCH PROGRAM.**

Section 7525(e) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 5937(e)) is amended to read as follows:

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$7,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 6518. SUN GRANT PROGRAM.**

(a) IN GENERAL.—Section 7526 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8114) is amended—

(1) in subsection (a)(4)(B), by striking “the Department of Energy” and inserting “other

appropriate Federal agencies (as determined by the Secretary)";

(2) in subsection (c)(1)—

(A) in subparagraph (B), by striking "multistate" and all that follows through the period and inserting "integrated, multistate research, extension, and education programs on technology development and technology implementation.";

(B) by striking subparagraph (C); and

(C) by redesignating subparagraph (D) as subparagraph (C);

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "in accordance with paragraph (2)";

(ii) by striking "gasification" and inserting "bioproducts"; and

(iii) by striking "the Department of Energy" and inserting "other appropriate Federal agencies";

(B) by striking paragraph (2); and

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(4) in subsection (g), by striking "2012" and inserting "2018".

(b) CONFORMING AMENDMENTS.—Section 7526(f)(1) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8114(f)(1)) is amended by striking "subsection (c)(1)(D)(i)" and inserting "subsection (c)(1)(C)(i)".

#### SEC. 6519. REPEAL OF STUDY AND REPORT ON FOOD DESERTS.

Effective October 1, 2013, section 7527 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2039) is repealed.

#### SEC. 6520. REPEAL OF AGRICULTURAL AND RURAL TRANSPORTATION RESEARCH AND EDUCATION.

Effective October 1, 2013, section 7529 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 5938) is repealed.

#### Subtitle F—Miscellaneous Provisions

#### SEC. 6601. AGREEMENTS WITH NONPROFIT ORGANIZATIONS FOR NATIONAL ARBORETUM.

Section 6 of the Act of March 4, 1927 (20 U.S.C. 196), is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following new paragraph:

"(1) negotiate agreements for the National Arboretum with nonprofit scientific or educational organizations, the interests of which are complementary to the mission of the National Arboretum, or nonprofit organizations that support the purpose of the National Arboretum, except that the net proceeds of the organizations from the agreements shall be used exclusively for research and educational work for the benefit of the National Arboretum and the operation and maintenance of the facilities of the National Arboretum, including enhancements, upgrades, restoration, and conservation."; and

(2) by adding at the end the following new subsection:

"(d) RECOGNITION OF DONORS.—A non-profit organization that entered into an agreement under subsection (a)(1) may recognize donors if that recognition is approved in advance by the Secretary. In considering whether to approve such recognition, the Secretary shall broadly exercise the discretion of the Secretary to the fullest extent allowed under Federal law in effect on the date of the enactment of this subsection.".

#### SEC. 6602. COTTON DISEASE RESEARCH REPORT.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the fungus *fusarium oxysporum* f. sp. *vasinfectum* race 4 (referred to in this section as "FOV

Race 4") and the impact of such fungus on cotton, including—

(1) an overview of the threat FOV Race 4 poses to the cotton industry in the United States;

(2) the status and progress of Federal research initiatives to detect, contain, or eradicate FOV Race 4, including current FOV Race 4-specific research projects; and

(3) a comprehensive strategy to combat FOV Race 4 that establishes—

(A) detection and identification goals;

(B) containment goals;

(C) eradication goals; and

(D) a plan to partner with the cotton industry in the United States to maximize resources, information sharing, and research responsiveness and effectiveness.

#### SEC. 6603. ACCEPTANCE OF FACILITY FOR AGRICULTURAL RESEARCH SERVICE.

(a) CONSTRUCTION AUTHORIZED.—Subject to subsections (b) and (c), the Secretary of Agriculture may authorize a non-Federal entity to construct, at no cost and without obligation to the Federal Government, a facility for use by the Agricultural Research Service on land owned by the Agricultural Research Service and managed by the Secretary.

(b) ACCEPTANCE OF GIFT.—

(1) IN GENERAL.—Subject to paragraph (2), upon the completion of the construction of the facility by the non-Federal entity under subsection (a), the Secretary shall accept the facility as a gift in accordance with Public Law 95-442 (7 U.S.C. 2269).

(2) CERTIFICATION.—The Secretary, in consultation with the Director of the Office of Management and Budget, shall certify in advance that the acceptance under paragraph (1) complies with the limitations specified in paragraphs (1) and (2) of subsection (c).

(c) LIMITATIONS.—

(1) VALUE.—The Secretary may not accept a facility as a gift under this section if the fair market value of the facility is more than \$5,000,000.

(2) NO FEDERAL COST.—The Secretary shall not enter into any acquisitions, demonstrations, exchanges, grants, contracts, incentives, leases, procurements, sales, or other transaction authorities or arrangements that would obligate future appropriations with respect to the facility constructed under subsection (a).

(d) TERMINATION OF AUTHORITY.—No facility may be accepted by the Secretary for use by the Agricultural Research Service under this section after September 30, 2018.

#### SEC. 6604. MISCELLANEOUS TECHNICAL CORRECTIONS.

Sections 7408 and 7409 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2013) are both amended by striking "Title III of the Department of Agriculture Reorganization Act of 1994" and inserting "Title III of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994".

#### SEC. 6605. LEGITIMACY OF INDUSTRIAL HEMP RESEARCH.

(a) IN GENERAL.—Notwithstanding the Controlled Substances Act (21 U.S.C. 801 et seq.), the Drug-Free Workplace Act of 1988 (41 U.S.C. 8101 et seq.), the Safe and Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 7101 et seq.), or any other Federal law, an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) may grow or cultivate industrial hemp if—

(1) the industrial hemp is grown or cultivated for purposes of agricultural research or other academic research; and

(2) the growing or cultivating of industrial hemp is allowed under the laws of the State

in which such institution of higher education is located and such research occurs.

(b) INDUSTRIAL HEMP DEFINED.—In this section, the term "industrial hemp" means the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

### TITLE VII—FORESTRY

#### Subtitle A—Repeal of Certain Forestry Programs

#### SEC. 7001. FOREST LAND ENHANCEMENT PROGRAM.

(a) REPEAL.—Section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103) is repealed.

(b) CONFORMING AMENDMENT.—Section 8002 of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171; 16 U.S.C. 2103 note) is amended by striking subsection (a).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013.

#### SEC. 7002. WATERSHED FORESTRY ASSISTANCE PROGRAM.

(a) REPEAL.—Section 6 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103b) is repealed.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2013.

#### SEC. 7003. EXPIRED COOPERATIVE NATIONAL FOREST PRODUCTS MARKETING PROGRAM.

Section 18 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2112) is repealed.

#### SEC. 7004. HISPANIC-SERVING INSTITUTION AGRICULTURAL LAND NATIONAL RESOURCES LEADERSHIP PROGRAM.

(a) REPEAL.—Section 8402 of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 1649a) is repealed.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2013.

#### SEC. 7005. TRIBAL WATERSHED FORESTRY ASSISTANCE PROGRAM.

(a) REPEAL.—Section 303 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6542) is repealed.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2013.

#### SEC. 7006. SEPARATE FOREST SERVICE DECISIONMAKING AND APPEALS PROCEEDINGS.

Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102-381; 16 U.S.C. 1612 note) is repealed. Section 428 of division E of the Consolidated Appropriations Act, 2012 (Public Law 112-74; 125 Stat. 1046; 16 U.S.C. 6515 note) shall not apply to any project or activity implementing a land and resource management plan developed under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) that is categorically excluded from documentation in an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

#### Subtitle B—Reauthorization of Cooperative Forestry Assistance Act of 1978 Programs

#### SEC. 7101. STATE-WIDE ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.

Section 2A(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101a(c)) is amended—

(1) in paragraph (4), by striking "and";

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph:

“(5) as feasible, appropriate military installations where the voluntary participation and management of private or State-owned or other public forestland is able to support, promote, and contribute to the missions of such installations; and”.

#### **SEC. 7102. FOREST LEGACY PROGRAM.**

Subsection (m) of section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended to read as follows:

“(m) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated—

“(1) such sums as are necessary for fiscal year 2013; and

“(2) \$55,000,000 for each of fiscal years 2014 through 2018.”.

#### **SEC. 7103. COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.**

Subsection (g) of section 7A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103d) is amended to read as follows:

“(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated—

“(1) such sums as are necessary for fiscal year 2013; and

“(2) \$1,500,000 for each of fiscal years 2014 through 2018.”.

#### **Subtitle C—Reauthorization of Other Forestry-Related Laws**

#### **SEC. 7201. RURAL REVITALIZATION TECHNOLOGIES.**

Section 2371(d)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601(d)(2)) is amended by striking “2012” and inserting “2018”.

#### **SEC. 7202. OFFICE OF INTERNATIONAL FORESTRY.**

Subsection (d) of section 2405 of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6704) is amended to read as follows:

“(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated—

“(1) such sums as are necessary for each of fiscal years 1996 through 2013; and

“(2) \$6,000,000 for each of fiscal years 2014 through 2018.”.

#### **SEC. 7203. CHANGE IN FUNDING SOURCE FOR HEALTHY FORESTS RESERVE PROGRAM.**

Section 508 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6578) is amended—

(1) in subsection (a), by striking “IN GENERAL” and inserting “FISCAL YEARS 2009 THROUGH 2013”;

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following new subsections:

“(b) FISCAL YEARS 2014 THROUGH 2018.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this section \$9,750,000 for each of fiscal years 2014 through 2018.

“(c) ADDITIONAL SOURCE OF FUNDS.—In addition to funds appropriated pursuant to the authorization of appropriations in subsection (b) for a fiscal year, the Secretary may use such amount of the funds appropriated for that fiscal year to carry out the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.) as the Secretary determines necessary to cover the cost of technical assistance, management, and enforcement responsibilities for land enrolled in the healthy forests reserve program pursuant to subsections (a) and (b) of section 504.”.

#### **SEC. 7204. STEWARDSHIP END RESULT CONTRACTING PROJECT AUTHORITY.**

Section 347 of the Department of the Interior and Related Agencies Appropriations

Act, 1999 (as contained in section 101(e) of division A of Public Law 105-277; 16 U.S.C. 2104 note) is amended—

(1) in subsection (a), by striking “2013” and inserting “2018”; and

(2) in subsection (c), by adding at the end the following new paragraphs:

“(6) CONTRACT FOR SALE OF PROPERTY.—At the discretion of the Secretary of Agriculture, a contract entered into by the Forest Service under this section may be considered a contract for the sale of property under such terms as the Secretary may prescribe without regard to any other provision of law.

“(7) FIRE LIABILITY PROVISIONS.—Not later than 90 days after the date of enactment of this paragraph, the Chief and the Director shall issue for use in all contracts and agreements under this section fire liability provisions that are in substantially the same form as the fire liability provisions contained in—

“(A) integrated resource timber contracts, as described in the Forest Service contract numbered 2400-13, part H, section H.4; and

“(B) timber sale contracts conducted pursuant to section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a).”.

#### **Subtitle D—National Forest Critical Area Response**

#### **SEC. 7301. DEFINITIONS.**

In this title:

(1) CRITICAL AREA.—The term “critical area” means an area of the National Forest System designated by the Secretary under section 7302.

(2) NATIONAL FOREST SYSTEM.—The term “National Forest System” has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

#### **SEC. 7302. DESIGNATION OF CRITICAL AREAS.**

(a) DESIGNATION REQUIREMENTS.—The Secretary of Agriculture shall designate critical areas within the National Forest System for the purposes of addressing—

(1) deteriorating forest health conditions in existence as of the date of the enactment of this Act due to insect infestation, drought, disease, or storm damage; and

(2) the future risk of insect infestations or disease outbreaks through preventative treatments.

(b) DESIGNATION METHOD.—In considering National Forest System land for designation as a critical area, the Secretary shall use—

(1) for purposes of subsection (a)(1), the most recent annual forest health aerial surveys of mortality and defoliation; and

(2) for purposes of subsection (a)(2), the National Insect and Disease Risk Map.

(c) TIME FOR INITIAL DESIGNATIONS.—The first critical areas shall be designated by the Secretary not later than 60 days after the date of the enactment of this Act.

(d) DURATION OF DESIGNATION.—The designation of a critical area shall expire not later than 10 years after the date of the designation.

#### **SEC. 7303. APPLICATION OF EXPEDITED PROCEDURES AND ACTIVITIES OF THE HEALTHY FORESTS RESTORATION ACT OF 2003 TO CRITICAL AREAS.**

(a) APPLICABILITY.—Subject to subsections (b) through (e), title I of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511 et seq.) (including the environmental analysis requirements of section 104 of that Act (16 U.S.C. 6514), the special administrative review process under section 105 of that Act (16 U.S.C. 6515), and the judicial review process under section 106 of that Act (16 U.S.C. 6516)), shall apply to all Forest Service projects and activities carried out in a critical area.

(b) APPLICATION OF OTHER LAW.—Section 322 of Public Law 102-381 (16 U.S.C. 1612 note; 106 Stat. 1419) shall not apply to projects conducted in accordance with this section.

(c) REQUIRED MODIFICATIONS.—In applying title I of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511 et seq.) to Forest Service projects and activities in a critical area, the Secretary shall make the following modifications:

(1) The authority shall apply to the entire critical area, including land that is outside of a wildland-urban interface area or that does not satisfy any of the other eligibility criteria specified in section 102(a) of that Act (16 U.S.C. 6512(a)).

(2) All projects and activities of the Forest Service, including necessary connected actions (as described in section 1508.25(a)(1) of title 40, Code of Federal Regulations (or a successor regulation)), shall be considered to be authorized hazardous fuel reduction projects for purposes of applying the title.

#### **(d) SMALLER PROJECTS.—**

(1) IN GENERAL.—Except as provided in paragraph (2), a project conducted in a critical area in accordance with this section that comprises less than 10,000 acres shall be—

(A) considered an action categorically excluded from the requirements for an environmental assessment or an environmental impact statement under section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation); and

(B) exempt from the special administrative review process under section 105 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515).

(2) EXCLUSION OF CERTAIN AREAS.—Paragraph (1) does not apply to—

(A) a component of the National Wilderness Preservation System;

(B) any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

(C) a congressionally designated wilderness study area; or

(D) an area in which activities under paragraph (1) would be inconsistent with the applicable land and resource management plan.

(e) FOREST MANAGEMENT PLANS.—All projects and activities carried out in a critical area pursuant to this subtitle shall be consistent with the land and resource management plan established under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) for the unit of the National Forest System containing the critical area.

#### **SEC. 7304. GOOD NEIGHBOR AUTHORITY.**

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term “eligible State” means a State that contains National Forest System land.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(3) STATE FORESTER.—The term “State forester” means the head of a State agency with jurisdiction over State forestry programs in an eligible State.

(b) COOPERATIVE AGREEMENTS AND CONTRACTS.—

(1) IN GENERAL.—The Secretary may enter into a cooperative agreement or contract (including a sole source contract) with a State forester to authorize the State forester to provide the forest, rangeland, and watershed restoration, management, and protection services described in paragraph (2) on National Forest System land in the eligible State.



(2) **AUTHORIZED SERVICES.**—The forest, rangeland, and watershed restoration, management, and protection services referred to in paragraph (1) include the conduct of—

(A) activities to treat insect infected forests;

(B) activities to reduce hazardous fuels;

(C) activities involving commercial harvesting or other mechanical vegetative treatments; or

(D) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(3) **STATE AS AGENT.**—Except as provided in paragraph (6), a cooperative agreement or contract entered into under paragraph (1) may authorize the State forester to serve as the agent for the Secretary in providing the restoration, management, and protection services authorized under that paragraph.

(4) **SUBCONTRACTS.**—In accordance with applicable contract procedures for the eligible State, a State forester may enter into subcontracts to provide the restoration, management, and protection services authorized under a cooperative agreement or contract entered into under paragraph (1).

(5) **TIMBER SALES.**—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract entered into under paragraph (1).

(6) **RETENTION OF NEPA RESPONSIBILITIES.**—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any restoration, management, and protection services to be provided under this section by a State forester on National Forest System land shall not be delegated to a State forester or any other officer or employee of the eligible State.

(7) **APPLICABLE LAW.**—The restoration, management, and protection services to be provided under this section shall be carried out on a project-to-project basis under existing authorities of the Forest Service.

#### Subtitle E—Miscellaneous Provisions

#### SEC. 7401. REVISION OF STRATEGIC PLAN FOR FOREST INVENTORY AND ANALYSIS.

(a) **REVISION REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall revise the strategic plan for forest inventory and analysis initially prepared pursuant to section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e)) to address the requirements imposed by subsection (b).

(b) **ELEMENTS OF REVISED STRATEGIC PLAN.**—In revising the strategic plan, the Secretary of Agriculture shall describe in detail the organization, procedures, and funding needed to achieve each of the following:

(1) Complete the transition to a fully annualized forest inventory program and include inventory and analysis of interior Alaska.

(2) Implement an annualized inventory of trees in urban settings, including the status and trends of trees and forests, and assessments of their ecosystem services, values, health, and risk to pests and diseases.

(3) Report information on renewable biomass supplies and carbon stocks at the local, State, regional, and national level, including by ownership type.

(4) Engage State foresters and other users of information from the forest inventory and analysis in reevaluating the list of core data variables collected on forest inventory and analysis plots with an emphasis on demonstrated need.

(5) Improve the timeliness of the timber product output program and accessibility of the annualized information on that database.

(6) Foster greater cooperation among the forest inventory and analysis program, research station leaders, and State foresters and other users of information from the forest inventory and analysis.

(7) Promote availability of and access to non-Federal resources to improve information analysis and information management.

(8) Collaborate with the Natural Resources Conservation Service, National Aeronautics and Space Administration, National Oceanic and Atmospheric Administration, and United States Geological Survey to integrate remote sensing, spatial analysis techniques, and other new technologies in the forest inventory and analysis program.

(9) Understand and report on changes in land cover and use.

(10) Expand existing programs to promote sustainable forest stewardship through increased understanding, in partnership with other Federal agencies, of the over 10 million family forest owners, their demographics, and the barriers to forest stewardship.

(11) Implement procedures to improve the statistical precision of estimates at the sub-State level.

(c) **SUBMISSION OF REVISED STRATEGIC PLAN.**—The Secretary of Agriculture shall submit the revised strategic plan to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

#### SEC. 7402. FOREST SERVICE PARTICIPATION IN ACES PROGRAM.

The Secretary of Agriculture, acting through the Chief of the Forest Service, may use funds derived from conservation-related programs executed on National Forest System lands to utilize the Agriculture Conservation Experienced Services Program established pursuant to section 1252 of the Food Security Act of 1985 (16 U.S.C. 3851) to provide technical services for conservation-related programs and authorities carried out by the Secretary on National Forest System lands.

#### SEC. 7403. GREEN SCIENCE AND TECHNOLOGY TRANSFER RESEARCH UNDER FOREST AND RANGELAND RENEWABLE RESOURCES RESEARCH ACT OF 1978.

(a) **ADDITIONAL FORESTRY AND RANGELAND RESEARCH AND EDUCATION HIGH PRIORITY.**—Section 3(d)(2) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(d)(2)) is amended by adding at the end the following new subparagraph:

“(F) Science and technology transfer, through the Forest Products Laboratory, to demonstrate the beneficial characteristics of wood as a green building material, including investments in life cycle assessment for wood products.”.

(b) **RESEARCH FACILITIES AND COOPERATION.**—Section 4 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643) is amended by adding at the end the following new subsection:

“(e) The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing, for the period covered by the report—

“(1) the research conducted in furtherance of the research and education priority specified in section 3(d)(2)(F);

“(2) the number of buildings the Forest Service has built with wood as the primary structural material; and

“(3) the investments made by the Forest Service in green building wood promotion.”.

#### SEC. 7404. EXTENSION OF STEWARDSHIP CONTRACTS AUTHORITY REGARDING USE OF DESIGNATION BY PRESCRIPTION TO ALL THINNING SALES UNDER NATIONAL FOREST MANAGEMENT ACT OF 1976.

Subsection (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) is amended to read as follows:

“(g) Designation, including but not limited to, marking when necessary, designation by description, or designation by prescription, and supervision of harvesting of trees, portions of trees, or forest products shall be conducted by persons employed by the Secretary of Agriculture. Such persons shall have no personal interest in the purchase or harvest of such products and shall not be directly or indirectly in the employment of the purchaser thereof. Designation by prescription and designation by prescription shall be considered valid methods for designation, and may be supervised by use of post-harvest cruise, sample weight scaling, or other methods determined by the Secretary to be appropriate.”.

#### SEC. 7405. REIMBURSEMENT OF FIRE FUNDS EXPENDED BY A STATE FOR MANAGEMENT AND SUPPRESSION OF CERTAIN WILDFIRES.

(a) **DEFINITION OF STATE.**—In this section, the term “State” includes the Commonwealth of Puerto Rico.

(b) **REIMBURSEMENT AUTHORITY.**—If a State seeks reimbursement for amounts expended for resources and services provided to another State for the management and suppression of a wildfire, the Secretary of Agriculture, subject to subsections (c) and (d)—

(1) may accept the reimbursement amounts from the other State; and

(2) shall pay those amounts to the State seeking reimbursement.

(c) **MUTUAL ASSISTANCE AGREEMENT.**—As a condition of seeking and providing reimbursement under subsection (b), the State seeking reimbursement and the State providing reimbursement must each have a mutual assistance agreement with the Forest Service or an agency of the Department of the Interior for providing and receiving wildfire management and suppression resources and services.

(d) **TERMS AND CONDITIONS.**—The Secretary of Agriculture may prescribe the terms and conditions determined to be necessary to carry out subsection (b).

(e) **EFFECT ON PRIOR REIMBURSEMENTS.**—Any acceptance of funds or reimbursements made by the Secretary of Agriculture before the date of enactment of this Act that otherwise would have been authorized under this section shall be considered to have been made in accordance with this section.

#### SEC. 7406. ABILITY OF NATIONAL FOREST SYSTEM LANDS TO MEET NEEDS OF LOCAL WOOD PRODUCING FACILITIES FOR RAW MATERIALS.

Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report containing—

(1) an assessment of the raw material needs of wood producing facilities located within the boundaries of each unit of the National Forest System or located outside of the unit, but within 100 miles of such boundaries;

(2) the volume of timber which would be available if the unit of the National Forest System annually sold its Allowable Sale Quantity in the current Forest Plan;

(3) the volume of timber actually sold and harvested from each unit of the National Forest System for the previous decade;



(4) a comparison of the volume actually sold and harvested from the previous decade to the Allowable Sale Quantity calculated in that decade by preceding or current forest plans; and

(5) an assessment of the ability of each unit of National Forest System to meet the needs of these facilities for raw materials.

**SEC. 7407. REPORT ON THE NATIONAL FOREST SYSTEM ROADS.**

Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the following:

(1) The total mileage of National Forest System roads and trails not meeting forest plan standards and guidelines.

(2) The total amount, in dollars, of Capital Improvement & Maintenance deferred maintenance needs for National Forest System roads, including a five-year analysis in the trend in total deferred maintenance costs.

(3) The sources of funds used for capital improvement & maintenance roads, including appropriated funds, mandatory funds, and receipts from activities on National Forest System lands.

(4) The impact of road closures on recreational activities and timber harvesting.

(5) The impact on land acquisitions, whether through fee acquisition, donation, or easement, on the maintenance backlog.

**SEC. 7408. FOREST SERVICE LARGE AIRTANKER AND AERIAL ASSET FIREFIGHTING RECAPITALIZATION PILOT PROGRAM.**

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Chief of the Forest Service, may establish a large airtanker and aerial asset lease program in accordance with this section.

(b) AIRCRAFT REQUIREMENTS.—In carrying out the program described in subsection (a), the Secretary may enter into a multiyear lease contract for up to five aircraft that meet the criteria—

(1) described in the Forest Service document entitled “Large Airtanker Modernization Strategy” and dated February 10, 2012, for large airtankers; and

(2) determined by the Secretary, for other aerial assets.

(c) LEASE TERMS.—The term of any individual lease agreement into which the Secretary enters under this section shall be—

(1) up to five years, inclusive of any options to renew or extend the initial lease term; and

(2) in accordance with section 3903 of title 41, United States Code.

(d) PROHIBITION.—No lease entered into under this section shall provide for the purchase of the aircraft by, or the transfer of ownership to, the Forest Service.

**SEC. 7409. LAND CONVEYANCE, JEFFERSON NATIONAL FOREST IN WISE COUNTY, VIRGINIA.**

(a) CONVEYANCE REQUIRED.—Upon payment by the Association of the consideration under subsection (b) and the costs under subsection (d), the Secretary shall, subject to valid existing rights, convey to the Association all right, title, and interest of the United States in and to a parcel of National Forest System land in the Jefferson National Forest in Wise County, Virginia, consisting of approximately 0.70 acres and containing the Mullins and Sturgill Cemetery and an easement to provide access to the parcel, as generally depicted on the map.

(b) CONSIDERATION.—

(1) FAIR MARKET VALUE.—As consideration for the land conveyed under subsection (a), the Association shall pay to the Secretary

cash in an amount equal to the market value of the land, as determined by an appraisal approved by the Secretary and conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) DEPOSIT.—The consideration received by the Secretary under paragraph (1) shall be deposited into the general fund of the Treasury of the United States for the purposes of deficit reduction.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) COSTS.—The Association shall pay to the Secretary at closing the reasonable costs of the survey, the appraisal, and any administrative and environmental analyses required by law.

(e) DEFINITIONS.—In this section:

(1) ASSOCIATION.—The term “Association” means the Mullins and Sturgill Cemetery Association of Pound, Virginia.

(2) MAP.—The term “map” means the map titled “Mullins and Sturgill Cemetery” dated March 1, 2013.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 7410. CATEGORICAL EXCLUSION FOR FOREST PROJECTS IN RESPONSE TO EMERGENCIES.**

In the case of National Forest System land damaged by a natural disaster regarding which the President declares a disaster or emergency pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), any forest project carried out to clean up or restore the damaged National Forest System land during the two-year period beginning on the date of the declaration shall be categorically excluded from the requirements relating to environmental assessments or environmental impact statements under section 1508.4 of title 40, Code of Federal Regulations.

**TITLE VIII—ENERGY**

**SEC. 8001. DEFINITION OF RENEWABLE ENERGY SYSTEM.**

Section 9001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101) is amended by—

(1) striking paragraph (4) and inserting the following new paragraph:

“(4) BIOBASED PRODUCT.—

“(A) IN GENERAL.—The term ‘biobased product’ means a product determined by the Secretary to be a commercial or industrial product (other than food or feed) that is—

“(i) composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials and forestry materials; or

“(ii) an intermediate ingredient or feedstock.

“(B) INCLUSION.—The term ‘biobased product’, with respect to forestry materials, includes forest products that meet biobased content requirements, notwithstanding the market share the product holds, the age of the product, or whether the market for the product is new or emerging.”;

(2) redesignating paragraphs (9), (10), (11), (12), (13), and (14) as paragraphs (10), (11), (12), (13), (14), and (16);

(3) inserting after paragraph (8), the following new paragraph:

“(9) FOREST PRODUCT.—

“(A) IN GENERAL.—The term ‘forest product’ means a product made from materials derived from the practice of forestry or the management of growing timber.

“(B) INCLUSIONS.—The term ‘forest product’ includes—

“(i) pulp, paper, paperboard, pellets, lumber, and other wood products; and

“(ii) any recycled products derived from forest materials.”; and

(4) inserting after paragraph (14) (as so redesignated), the following new paragraph:

“(15) RENEWABLE ENERGY SYSTEM.—

“(A) IN GENERAL.—Subject to subparagraph (B), the term ‘renewable energy system’ means a system that—

“(i) produces usable energy from a renewable energy source; and

“(ii) may include distribution components necessary to move energy produced by such system to the initial point of sale.

“(B) LIMITATION.—A system described in subparagraph (A) may not include a mechanism for dispensing energy at retail.”.

**SEC. 8002. BIOBASED MARKETS PROGRAM.**

Section 9002(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(h)) is amended by—

(1) striking “(h) FUNDING.—” and all that follows through “to carry out this section, there” and inserting “(h) FUNDING.—There”; and

(2) striking “2013” and inserting “2018”.

**SEC. 8003. BIOREFINERY ASSISTANCE.**

(a) PROGRAM ADJUSTMENTS.—Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) is amended—

(1) in subsection (c), by striking “to eligible entities” and all that follows through “guarantees for loans” and inserting “to eligible entities guarantees for loans”; and

(2) by striking subsection (d);

(3) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively; and

(4) in subsection (d) (as so redesignated)—

(A) by striking “subsection (c)(2)” each place it appears and inserting “subsection (c)”; and

(B) in paragraph (2)(C), by striking “subsection (h)” and inserting “subsection (g)”.

(b) FUNDING.—Section 9003(g) of the Farm Security and Rural Investment Act of 2002, as redesignated by subsection (a)(3), is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1);

(3) in paragraph (1) (as so redesignated)—

(A) in the heading, by striking “DISCRETIONARY FUNDING” and inserting “FISCAL YEARS 2009 THROUGH 2013”; and

(B) by striking “In addition to any other funds made available to carry out this section, there” and inserting “There”; and

(4) by adding at the end the following new paragraph:

“(2) FISCAL YEARS 2014 THROUGH 2018.—There are authorized to be appropriated to carry out this section \$75,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 8004. REPOWERING ASSISTANCE PROGRAM.**

Section 9004(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104(d)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1);

(3) in paragraph (1) (as so redesignated)—

(A) in the heading, by striking “DISCRETIONARY FUNDING” and inserting “FISCAL YEARS 2009 THROUGH 2013”; and

(B) by striking “In addition to any other funds made available to carry out this section, there” and inserting “There”; and

(4) by adding at the end the following new paragraph:

“(2) FISCAL YEARS 2014 THROUGH 2018.—There are authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 8005. BIOENERGY PROGRAM FOR ADVANCED BIOFUELS.**

Section 9005(g) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105(c)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1);

(3) in paragraph (1) (as so redesignated)—

(A) in the heading, by striking “DISCRETIONARY FUNDING” and inserting “FISCAL YEARS 2009 THROUGH 2013”; and

(B) by striking “In addition to any other funds made available to carry out this section, there” and inserting “There”; and

(4) by inserting after paragraph (1) (as so redesignated) the following new paragraph:

“(2) FISCAL YEARS 2014 THROUGH 2018.—There are authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 8006. BIODIESEL FUEL EDUCATION PROGRAM.**

Section 9006(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(d)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1);

(3) in the heading of paragraph (1) (as so redesignated), by striking “AUTHORIZATION OF APPROPRIATIONS” and inserting “FISCAL YEAR 2013”; and

(4) by adding at the end the following new paragraph:

“(2) FISCAL YEARS 2014 THROUGH 2018.—There are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 8007. RURAL ENERGY FOR AMERICA PROGRAM.**

(a) **TIERED APPLICATION PROCESS.**—Section 9007(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(c)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) **TIERED APPLICATION PROCESS.**—In carrying out this subsection, the Secretary shall establish a three-tiered application, evaluation, and oversight process that varies based on the cost of the proposed project with the process most simplified for projects referred to in subparagraph (A), more comprehensive for projects referred to in subparagraph (B), and most comprehensive for projects referred to in subparagraph (C). The three tiers for such process shall be as follows:

“(A) **TIER 1.**—Projects for which the cost of the project funded under this subsection is not more than \$80,000.

“(B) **TIER 2.**—Projects for which the cost of the project funded under this subsection is more than \$80,000 but less than \$200,000.

“(C) **TIER 3.**—Projects for which the cost of the project funded under this subsection is \$200,000 or more.”.

(b) **FUNDING.**—Section 9007(g) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(g)) is amended—

(1) by striking paragraphs (1) and (2);

(2) by redesignating paragraph (3) as paragraph (1);

(3) in paragraph (1) (as so redesignated)—

(A) in the heading, by striking “DISCRETIONARY FUNDING” and inserting “FISCAL YEARS 2009 THROUGH 2013”; and

(B) by striking “In addition to any other funds made available to carry out this section, there” and inserting “There”; and

(4) by adding at the end the following new paragraph:

“(2) FISCAL YEARS 2014 THROUGH 2018.—There are authorized to be appropriated to carry out this section \$45,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 8008. BIOMASS RESEARCH AND DEVELOPMENT.**

Section 9008(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108(h)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1);

(3) in paragraph (1) (as so redesignated)—

(A) in the heading, by striking “DISCRETIONARY FUNDING” and inserting “FISCAL YEARS 2009 THROUGH 2013”; and

(B) by striking “In addition to any other funds made available to carry out this section, there” and inserting “There”; and

(4) by adding at the end the following new paragraph:

“(2) FISCAL YEARS 2014 THROUGH 2018.—There are authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 8009. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.**

Section 9010(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110(b)) is amended—

(1) in paragraph (1)(A), by striking “2013” and inserting “2018”; and

(2) in paragraph (2)(A), by striking “2013” and inserting “2018”.

**SEC. 8010. BIOMASS CROP ASSISTANCE PROGRAM.**

Section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111) is amended—

(1) in subsection (a)—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively;

(2) in subsection (b)—

(A) by striking “Program to” and all that follows through “support the establishment” and inserting “Program to support the establishment”; and

(B) by striking “; and” and inserting a period; and

(C) by striking paragraph (2);

(3) in subsection (c)—

(A) in paragraph (2)(B)—

(i) in clause (viii), by striking “; and” and inserting a semicolon;

(ii) by redesignating clause (ix) as clause (x); and

(iii) by inserting after clause (viii) the following new clause:

“(ix) existing project areas that have received funding under this section and the continuation of funding of such project areas to advance the maturity of such project areas; and”;

(B) in paragraph (5)(C)(ii)—

(i) by striking subclause (III); and

(ii) by redesignating subclauses (IV) and (V) as subclauses (III) and (IV), respectively;

(4) by striking subsection (d);

(5) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(6) in subsection (e) (as so redesignated)—

(A) by striking paragraph (1);

(B) by redesignating paragraph (2) as paragraph (1);

(C) in paragraph (1) (as so redesignated)—

(i) by striking “FISCAL YEAR 2013” and all that follows through “There is authorized” and inserting “FISCAL YEAR 2013.—There is authorized”; and

(ii) by redesignating subparagraph (B) as paragraph (3) and moving the margin of such paragraph (as so redesignated) two ems to the left;

(D) by inserting after paragraph (1), the following new paragraph:

“(2) FISCAL YEARS 2014 THROUGH 2018.—There are authorized to be appropriated to carry out this section \$75,000,000 for each of fiscal years 2014 through 2018.”; and

(E) in paragraph (3) (as redesignated by subparagraph (C)(ii) of this paragraph), by striking “this paragraph” and inserting “this subsection”.

**SEC. 8011. COMMUNITY WOOD ENERGY PROGRAM.**

Section 9013(e) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(e)) is amended by striking “carry out this section” and all that follows and inserting the following: “carry out this section—

“(1) \$5,000,000 for each of fiscal years 2009 through 2013; and

“(2) \$2,000,000 for each of fiscal years 2014 through 2018.”.

**SEC. 8012. REPEAL OF BIOFUELS INFRASTRUCTURE STUDY.**

Section 9002 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2095) is repealed.

**SEC. 8013. REPEAL OF RENEWABLE FERTILIZER STUDY.**

Section 9003 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2096) is repealed.

**SEC. 8014. ENERGY EFFICIENCY REPORT FOR USDA FACILITIES.**

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on energy use and energy efficiency projects at Department of Agriculture facilities.

(b) **CONTENTS.**—The report required by subsection (a) shall include the following:

(1) An analysis of energy use by Department of Agriculture facilities.

(2) A list of energy audits that have been conducted at such facilities.

(3) A list of energy efficiency projects that have been conducted at such facilities.

(4) A list of energy savings projects that could be achieved with enacting a consistent, timely, and proper mechanical insulation maintenance program and upgrading mechanical insulation at such facilities.

**TITLE IX—HORTICULTURE**

**SEC. 9001. SPECIALTY CROPS MARKET NEWS ALLOCATION.**

Section 10107(b) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 1622b(b)) is amended by striking “2012” and inserting “2018”.

**SEC. 9002. REPEAL OF GRANT PROGRAM TO IMPROVE MOVEMENT OF SPECIALTY CROPS.**

Effective October 1, 2013, section 10403 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 1622c) is repealed.

**SEC. 9003. FARMERS MARKET AND LOCAL FOOD PROMOTION PROGRAM.**

Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) is amended—

(1) in the heading of such section, by inserting “AND LOCAL FOOD” after “FARMERS’ MARKET”;

(2) in subsection (a)—

(A) by inserting “and Local Food” after “Farmers’ Market”;

(B) by striking “farmers’ markets and to promote”; and

(C) by striking the period and inserting “and assist in the development of local food business enterprises.”;

(3) by striking subsection (b) and inserting the following new subsection:

“(b) PROGRAM PURPOSES.—The purposes of the Program are to increase domestic consumption of, and consumer access to, locally and regionally produced agricultural products by assisting in the development, improvement, and expansion of—

“(1) domestic farmers’ markets, roadside stands, community-supported agriculture programs, agritourism activities, and other direct producer-to-consumer market opportunities; and

“(2) local and regional food business enterprises that process, distribute, aggregate, and store locally or regionally produced food products.”;

(4) in subsection (c)(1)—

(A) by inserting “or other agricultural business entity” after “cooperative”; and

(B) by inserting “, including a community supported agriculture network or association” after “association”;

(5) by redesignating subsection (e) as subsection (f);

(6) by inserting after subsection (d) the following new subsection:

“(e) FUNDS REQUIREMENTS FOR ELIGIBLE ENTITIES.—

“(1) MATCHING FUNDS.—An entity receiving a grant under this section for a project to carry out a purpose described in subsection (b)(2) shall provide matching funds in the form of cash or an in-kind contribution in an amount equal to 25 percent of the total cost of such project.

“(2) LIMITATION ON USE OF FUNDS.—An eligible entity may not use a grant or other assistance provided under this section for the purchase, construction, or rehabilitation of a building or structure.”; and

(7) in subsection (f) (as redesignated by paragraph (5))—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following new subparagraph:

“(D) \$30,000,000 for each of fiscal years 2014 through 2018.”;

(B) by striking paragraphs (3) and (5);

(C) by redesignating paragraph (4) as paragraph (6); and

(D) by inserting after paragraph (2) the following new paragraphs:

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2014 through 2018.

“(4) USE OF FUNDS.—Of the funds made available to carry out this section for a fiscal year, 50 percent of such funds shall be used for the purposes described in paragraph (1) of subsection (b) and 50 percent of such funds shall be used for the purposes described in paragraph (2) of such subsection.

“(5) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the total amount made available to carry out this section for a fiscal year may be used for administrative expenses.”.

#### SEC. 9004. ORGANIC AGRICULTURE.

(a) ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.—Section 7407(d)(2) of the Farm

Security and Rural Investment Act of 2002 (7 U.S.C. 5925c(d)(2)) is amended—

(1) in the heading of such paragraph, by striking “2008 THROUGH 2012” and inserting “2014 THROUGH 2018”; and

(2) by striking “2008 through 2012” and inserting “2014 through 2018”.

(b) MODERNIZATION AND TECHNOLOGY UPGRADE FOR NATIONAL ORGANIC PROGRAM.—Section 2122 of the Organic Foods Production Act of 1990 (7 U.S.C. 6521) is amended by adding at the end the following new subsection:

“(c) MODERNIZATION AND TECHNOLOGY UPGRADE FOR NATIONAL ORGANIC PROGRAM.—The Secretary shall modernize database and technology systems of the national organic program.”.

(c) AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL ORGANIC PROGRAM.—Effective October 1, 2013, section 2123(b)(6) of the Organic Foods Production Act of 1990 (7 U.S.C. 6522(b)(6)) is amended to read as follows:

“(6) \$11,000,000 for each of fiscal years 2014 through 2018.”.

(d) NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.—Effective October 1, 2013, section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) is repealed.

(e) EXEMPTION OF CERTIFIED ORGANIC PRODUCTS FROM PROMOTION ORDER ASSESSMENTS.—Subsection (e) of section 501 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401) is amended to read as follows:

“(e) EXEMPTION OF CERTIFIED ORGANIC PRODUCTS FROM PROMOTION ORDER ASSESSMENTS.—

“(1) IN GENERAL.—Notwithstanding any provision of a commodity promotion law, a person that produces, handles, markets, or imports organic products may be exempt from the payment of an assessment under a commodity promotion law with respect to any agricultural commodity that is certified as ‘organic’ or ‘100 percent organic’ (as defined in part 205 of title 7, Code of Federal Regulations or a successor regulation).

“(2) SPLIT OPERATIONS.—The exemption described in paragraph (1) shall apply to the certified ‘organic’ or ‘100 percent organic’ (as defined in part 205 of title 7 of the Code of Federal Regulations (or a successor regulation)) products of a producer, handler, or marketer regardless of whether the agricultural commodity subject to the exemption is produced, handled, or marketed by a person that also produces, handles, or markets conventional or nonorganic agricultural products, including conventional or nonorganic agricultural products of the same agricultural commodity as that for which the exemption is claimed.

“(3) APPROVAL.—The Secretary shall approve the exemption of a person under this subsection if the person maintains a valid organic certificate issued under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

“(4) TERMINATION OF EFFECTIVENESS.—This subsection shall be effective until the date on which the Secretary issues an organic commodity promotion order in accordance with subsection (f).

“(5) REGULATIONS.—The Secretary shall promulgate regulations concerning eligibility and compliance for an exemption under paragraph (1).”.

(f) ORGANIC COMMODITY PROMOTION ORDER.—Section 501 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401) is amended by adding at the end the following new subsection:

“(f) ORGANIC COMMODITY PROMOTION ORDER.—

“(1) DEFINITIONS.—In this subsection:

“(A) CERTIFIED ORGANIC FARM.—The term ‘certified organic farm’ has the meaning given the term in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502).

“(B) COVERED PERSON.—The term ‘covered person’ means a producer, handler, marketer, or importer of an organic agricultural commodity.

“(C) DUAL-COVERED AGRICULTURAL COMMODITY.—The term ‘dual-covered agricultural commodity’ means an agricultural commodity that—

“(i) is produced on a certified organic farm; and

“(ii) is covered under both—

“(I) an organic commodity promotion order issued pursuant to paragraph (2); and

“(II) any other agricultural commodity promotion order issued under section 514.

“(2) AUTHORIZATION.—The Secretary may issue an organic commodity promotion order under section 514 that includes any agricultural commodity that—

“(A) is produced or handled (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)) and that is certified to be sold or labeled as ‘organic’ or ‘100 percent organic’ (as defined in part 205 of title 7, Code of Federal Regulations or a successor regulation)); or

“(B) is imported with a valid organic certificate (as defined in such part).

“(3) ELECTION.—If the Secretary issues an organic commodity promotion order described in paragraph (2), a covered person may elect, for applicable dual-covered agricultural commodities and in the sole discretion of the covered person, whether to be assessed under the organic commodity promotion order or another applicable agricultural commodity promotion order.

“(4) REGULATIONS.—The Secretary shall promulgate regulations concerning eligibility and compliance for an exemption under paragraph (1).”.

(g) DEFINITION OF AGRICULTURAL COMMODITY.—Section 513(1) of the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7412(1)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) products, as a class, that are produced on a certified organic farm (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)) and that are certified to be sold or labeled as ‘organic’ or ‘100 percent organic’ (as defined in part 205 of title 7, Code of Federal Regulations or a successor regulation);”.

#### SEC. 9005. INVESTIGATIONS AND ENFORCEMENT OF THE ORGANIC FOODS PRODUCTION ACT OF 1990.

The Organic Foods Production Act of 1990 is amended by inserting after section 2122 (7 U.S.C. 6521) the following new section:

#### “SEC. 2122A. INVESTIGATION AND ENFORCEMENT.

“(a) EXPEDITED ADMINISTRATIVE HEARING.—The Secretary shall establish an expedited administrative hearing procedure under which the Secretary may suspend or revoke the organic certification of a producer or handler or the accreditation of a certifying agent in accordance with subsection (d). Such a hearing may be conducted in addition to a hearing conducted pursuant to section 2120.

“(b) INVESTIGATION.—

“(1) IN GENERAL.—The Secretary may take such investigative actions as the Secretary

considers to be necessary to carry out this title—

“(A) to verify the accuracy of any information reported or made available under this title; and

“(B) to determine, with regard to actions, practices, or information required under this title, whether a person covered by this title has committed a violation of this title.

“(2) INVESTIGATIVE POWERS.—The Secretary may administer oaths and affirmations, subpoena witnesses, compel attendance of witnesses, take evidence, and require the production of any records required to be maintained under section 2112(d) or 2116(c) that are relevant to the investigation.

“(c) UNLAWFUL ACT.—It shall be unlawful and a violation of this title for any person covered by this title—

“(1) to refuse to provide information required by the Secretary under this title; or

“(2) to violate—

“(A) a suspension or revocation of the organic certification of a producer or handler; or

“(B) a suspension or revocation of the accreditation of a certifying agent.

“(d) ENFORCEMENT.—

“(1) SUSPENSION.—

“(A) IN GENERAL.—The Secretary may, after notice and opportunity for an expedited administrative hearing, suspend the organic certification of a producer, handler or the accreditation of a certifying agent if—

“(i) the Secretary, during such expedited administrative hearing, proved that—

“(I) in the case of a producer or handler, the producer or handler—

“(aa) has recklessly committed a violation of a term, condition, or requirement of the organic plan to which the producer or handler is subject; or

“(bb) has recklessly committed, or is recklessly committing, a violation of this title; or

“(II) in the case of a certifying agent, the agent has recklessly committed, or is recklessly committing, a violation of this title; or

“(ii) the producer, handler, or certifying agent has waived such expedited administrative hearing.

“(B) ISSUANCE OF SUSPENSION.—A suspension issued under this paragraph shall be issued not later than five days after the date on which—

“(i) the expedited administrative hearing referred to in clause (i) of subparagraph (A) concludes; or

“(ii) the Secretary receives notice of the waiver referred to in clause (ii) of such subparagraph.

“(C) DURATION OF SUSPENSION.—The period of a suspension issued under this paragraph shall be not more than 90 days, beginning on the date on which the Secretary issues the suspension.

“(D) CURING OF VIOLATIONS.—

“(i) IN GENERAL.—The Secretary may not issue a suspension of a certification or accreditation under this paragraph if the producer, handler, or certifying agent subject to such suspension—

“(I) before the date on which the suspension would otherwise have been issued, cures, or corrects the deficiency giving rise to, the violation for which the certification or accreditation would have been suspended; or

“(II) within a reasonable timeframe (as determined by the Secretary), enters into a settlement with the Secretary regarding a deficiency referred to in subclause (I).

“(ii) DURING SUSPENSION.—The Secretary shall terminate the suspension of an organic

certification or accreditation issued under this paragraph if the producer, handler, or certifying agent subject to such suspension cures the violation for which the certification or accreditation was suspended under this paragraph before the date on which the period of the suspension ends.

“(2) REVOCATION.—

“(A) IN GENERAL.—The Secretary may, after notice and opportunity for an expedited administrative hearing under this section and an expedited administrative appeal under section 2121, revoke the organic certification of a producer or handler, or the accreditation of a certifying agent if—

“(i) the Secretary, during such hearing, proved that—

“(I) in the case of a producer or handler, the producer or handler—

“(aa) has knowingly committed an egregious violation of a term, condition, or requirement of the organic plan to which the producer or handler is subject; or

“(bb) has knowingly committed, or is knowingly committing, an egregious violation of this title; or

“(II) in the case of a certifying agent, the agent has knowingly committed, or is knowingly committing, an egregious violation of this title; or

“(ii) the producer, handler, or certifying agent has waived such expedited administrative hearing and such an expedited administrative appeal.

“(B) INITIATION OF REVOCATION PROCEEDINGS.—

“(i) IN GENERAL.—If the Secretary finds, during an investigation or during the period of a suspension under paragraph (1), that a producer, handler, or certifying agent has knowingly committed an egregious violation of this title, the Secretary shall initiate revocation proceedings with respect to such violation not later than 30 days after the date on which the producer, handler, or certifying agent receives notice of such finding in accordance with clause (ii). The Secretary may not initiate revocation proceedings with respect to such violation after the date on which that 30-day period ends.

“(ii) NOTICE.—Not later than five days after the date on which the Secretary makes the finding described in clause (i), the Secretary shall provide to the producer, handler, or certifying agent notice of such finding.

“(e) APPEAL.—

“(1) SUSPENSIONS.—

“(A) IN GENERAL.—The suspension of a certification or accreditation under subsection (d)(1) by the Secretary may be appealed to a United States district court in accordance with section 2121(b) not later than 30 business days after the date on which the person subject to such suspension receives notice of the suspension.

“(B) SUSPENSION FINAL AND CONCLUSIVE.—A suspension of a certification or accreditation under subsection (d)(1) by the Secretary shall be final and conclusive—

“(i) in the case of a suspension that is appealed under subparagraph (A) within the 30-day period specified in such subparagraph, on the date on which judicial review of such suspension is complete; or

“(ii) in the case of a suspension that is not so appealed, the date on which such 30-day period ends.

“(2) REVOCATIONS.—

“(A) IN GENERAL.—The revocation of a certification or an accreditation under subsection (d)(2) by the Secretary may be appealed to a United States district court in accordance with section 2121(b) not later than 30 business days after the date on which

the person subject to such revocation receives notice of the revocation.

“(B) REVOCATION FINAL AND CONCLUSIVE.—A revocation of a certification or an accreditation under subsection (d)(2) by the Secretary shall be final and conclusive—

“(i) in the case of a revocation that is appealed under subparagraph (A) within the 30-day period specified in such subparagraph, on the date on which judicial review of such revocation is complete; or

“(ii) in the case of a revocation that is not so appealed, the date on which such 30-day period ends.

“(3) STANDARDS FOR REVIEW OF SUSPENSIONS AND REVOCATIONS.—A suspension or revocation of a certification or an accreditation under subsection (d) shall be reviewed in accordance with the standards of review specified in section 706(2) of title 5, United States Code.

“(f) NONCOMPLIANCE.—

“(1) IN GENERAL.—If a person covered by this title fails to obey a revocation of a certification or an accreditation under subsection (d)(2) after such revocation has become final and conclusive or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate United States district court for enforcement of such revocation.

“(2) ENFORCEMENT.—If the court determines that the revocation was lawfully made and duly served and that the person violated the revocation, the court shall enforce the revocation.

“(3) CIVIL PENALTY.—If the court finds that the person violated the revocation of a certification or an accreditation under subsection (d)(2), the person shall be subject to one or more of the penalties provided in subsections (a) and (b) of section 2120.

“(g) VIOLATION OF THIS TITLE DEFINED.—In this section, the term ‘violation of this title’ means a violation specified in section 2120.”.

#### SEC. 9006. FOOD SAFETY EDUCATION INITIATIVES.

Section 10105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7655) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “, including farm workers” after “industry”; and

(B) in paragraph (1), by striking “and” at the end;

(C) in paragraph (2), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following new paragraph:

“(3) practices that prevent bacterial contamination of food, how to identify sources of food contamination, and other means of decreasing food contamination.”; and

(2) in subsection (c), by striking “2012” and inserting “2018”.

#### SEC. 9007. SPECIALTY CROP BLOCK GRANTS.

Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465) is amended—

(1) in subsection (a)—

(A) by striking “subsection (j)” and inserting “subsection (l)”; and

(B) by striking “2012” and inserting “2018”; and

(2) by striking subsection (b) and inserting the following new subsection:

“(b) GRANTS BASED ON VALUE AND ACREAGE.—Subject to subsection (c), for each State whose application for a grant for a fiscal year that is accepted by the Secretary under subsection (f), the amount of the grant for such fiscal year to the State under this section shall bear the same ratio to the total

amount made available under subsection (1)(1) for such fiscal year as—

“(1) the average of the most recent available value of specialty crop production in the State and the acreage of specialty crop production in the State, as demonstrated in the most recent Census of Agriculture data; bears to

“(2) the average of the most recent available value of specialty crop production in all States and the acreage of specialty crop production in all States, as demonstrated in the most recent Census of Agriculture data.”;

(3) in subsection (d)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(4) an assurance that any grant funds received under this section that are used for equipment or capital-related research costs determined to enhance the competitiveness of specialty crops—

“(A) shall be supplemented by the expenditure of State funds in an amount that is not less than 50 percent of such costs during the fiscal year in which such costs were incurred; and

“(B) shall be completely replaced by State funds on the day after the date on which such fiscal year ends.”;

(4) by redesignating subsection (j) as subsection (l);

(5) by inserting after subsection (i) the following new subsections:

“(j) **MULTISTATE PROJECTS.**—Not later than 180 days after the effective date of the Federal Agriculture Reform and Risk Management Act of 2013, the Secretary of Agriculture shall issue guidance for the purpose of making grants to multistate projects under this section for projects involving—

“(1) food safety;

“(2) plant pests and disease;

“(3) research;

“(4) crop-specific projects addressing common issues; and

“(5) any other area that furthers the purposes of this section, as determined by the Secretary.

“(k) **ADMINISTRATION.**—

“(1) **DEPARTMENT.**—The Secretary of Agriculture may not use more than 3 percent of the funds made available to carry out this section for a fiscal year for administrative expenses.

“(2) **STATES.**—A State receiving a grant under this section may not use more than 8 percent of the funds received under the grant for a fiscal year for administrative expenses.”; and

(6) in subsection (1) (as redesignated by paragraph (4))—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and moving the margins of such subparagraphs two ems to the right;

(B) by striking “Of the funds” and inserting the following:

“(1) **IN GENERAL.**—Of the funds”;

(C) in paragraph (1) (as so designated)—

(i) in subparagraph (B) (as redesignated by subparagraph (A)), by striking “and” at the end;

(ii) in subparagraph (C) (as redesignated by subparagraph (A)), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following new subparagraphs:

“(D) \$72,500,000 for fiscal years 2014 through 2017; and

“(E) \$85,000,000 for fiscal year 2018.”; and

(D) by adding at the end the following new paragraph:

“(2) **MULTISTATE PROJECTS.**—Of the funds made available under paragraph (1), the Secretary may use to carry out subsection (j), to remain available until expended—

“(A) \$1,000,000 for fiscal year 2014;

“(B) \$2,000,000 for fiscal year 2015;

“(C) \$3,000,000 for fiscal year 2016;

“(D) \$4,000,000 for fiscal year 2017; and

“(E) \$5,000,000 for fiscal year 2018.”.

**SEC. 9008. DEPARTMENT OF AGRICULTURE CONSULTATION REGARDING ENFORCEMENT OF CERTAIN LABOR LAW PROVISIONS.**

Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture shall consult with the Secretary of Labor regarding the restraining of shipments of agricultural commodities, or the confiscation of such commodities, by the Department of Labor for actual or suspected labor law violations in order to consider—

(1) the perishable nature of such commodities;

(2) the impact of such restraining or confiscation on the economic viability of farming operations; and

(3) the competitiveness of specialty crops through grants awarded to States under section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note).

**SEC. 9009. REPORT ON HONEY.**

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture, in consultation with persons affected by the potential establishment of a Federal standard for the identity of honey, shall submit to the Commissioner of Food and Drugs a report describing how an appropriate Federal standard for the identity of honey would be in the interest of consumers, the honey industry, and United States agriculture.

(b) **CONSIDERATIONS.**—In preparing the report required under subsection (a), the Secretary shall take into consideration the March 2006, Standard of Identity citizens petition filed with the Food and Drug Administration, including any current industry amendments or clarifications necessary to update such petition.

**SEC. 9010. BULK SHIPMENTS OF APPLES TO CANADA.**

(a) **BULK SHIPMENT OF APPLES TO CANADA.**—Section 4 of the Export Apple Act (7 U.S.C. 584) is amended—

(1) by striking “Apples in” and inserting “(a) Apples in”; and

(2) by adding at the end the following new subsection:

“(b) Apples may be shipped to Canada in bulk bins without complying with the provisions of this Act.”.

(b) **DEFINITION OF BULK BIN.**—Section 9 of the Export Apple Act (7 U.S.C. 589) is amended by adding at the end the following new paragraph:

“(5) The term ‘bulk bin’ means a bin that contains a quantity of apples weighing more than 100 pounds.”.

(c) **REGULATIONS.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Agriculture shall issue regulations to carry out the amendments made by this section.

**SEC. 9011. CONSOLIDATION OF PLANT PEST AND DISEASE MANAGEMENT AND DISASTER PREVENTION PROGRAMS.**

(a) **RELOCATION OF LEGISLATIVE LANGUAGE RELATING TO NATIONAL CLEAN PLANT NETWORK.**—Section 420 of the Plant Protection Act (7 U.S.C. 7721) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

“(e) **NATIONAL CLEAN PLANT NETWORK.**—

“(1) **IN GENERAL.**—The Secretary shall establish a program to be known as the ‘National Clean Plant Network’ (referred to in this subsection as the ‘Program’).

“(2) **REQUIREMENTS.**—Under the Program, the Secretary shall establish a network of clean plant centers for diagnostic and pathogen elimination services—

“(A) to produce clean propagative plant material; and

“(B) to maintain blocks of pathogen-tested plant material in sites located throughout the United States.

“(3) **AVAILABILITY OF CLEAN PLANT SOURCE MATERIAL.**—Clean plant source material may be made available to—

“(A) a State for a certified plant program of the State; and

“(B) private nurseries and producers.

“(4) **CONSULTATION AND COLLABORATION.**—In carrying out the Program, the Secretary shall—

“(A) consult with—

“(i) State departments of agriculture; and

“(ii) land-grant colleges and universities and NLGCA Institutions (as those terms are defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); and

“(B) to the extent practicable and with input from the appropriate State officials and industry representatives, use existing Federal or State facilities to serve as clean plant centers.

“(5) **FUNDING FOR FISCAL YEAR 2013.**—There is authorized to be appropriated to carry out the Program \$5,000,000 for fiscal year 2013.”.

(b) **FUNDING.**—Subsection (f) of section 420 of the Plant Protection Act (7 U.S.C. 7721) (as so redesignated) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking “and each fiscal year thereafter.” and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(5) \$62,500,000 for fiscal years 2014 through 2017; and

“(6) \$75,000,000 for fiscal year 2018.”.

(c) **REPEAL OF EXISTING PROVISION.**—Section 10202 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7761) is repealed.

(d) **CLARIFICATION OF USE OF FUNDS FOR TECHNICAL ASSISTANCE.**—Section 420 of the Plant Protection Act (7 U.S.C. 7721), as amended by subsection (a), is amended by adding at the end the following new subsection:

“(g) **RELATIONSHIP TO OTHER LAW.**—The use of Commodity Credit Corporation funds under this section to provide technical assistance shall not be considered an allotment or fund transfer from the Commodity Credit Corporation for purposes of the limit on expenditures for technical assistance imposed by section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i).”.

(e) **USE OF FUNDS FOR CLEAN PLANT NETWORK.**—Section 420 of the Plant Protection Act (7 U.S.C. 7721), as amended by subsections (a) and (d), is amended by adding at the end the following new subsection:

“(h) **USE OF FUNDS FOR CLEAN PLANT NETWORK.**—Of the funds made available under subsection (f) to carry out this section for a fiscal year, not less than \$5,000,000 shall be available to carry out the national clean plant network under subsection (e).”.

**SEC. 9012. MODIFICATION, CANCELLATION, OR SUSPENSION ON BASIS OF A BIOLOGICAL OPINION.**

(a) IN GENERAL.—Except in the case of a voluntary request from a pesticide registrant to amend a registration under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a), a registration of a pesticide may be modified, canceled, or suspended on the basis of the implementation of a Biological Opinion issued by the National Marine Fisheries Service or the United States Fish and Wildlife Service prior to the date of completion of the study referred to in subsection (b), or January 1, 2015, whichever is earlier, only if—

(1) the modification, cancellation, or suspension is undertaken pursuant to section 6 of such Act (7 U.S.C. 136d); and

(2) the Biological Opinion complies with the recommendations contained in the study referred to in subsection (b).

(b) NATIONAL ACADEMY OF SCIENCES STUDY.—The study commissioned by the Administrator of the Environmental Protection Agency on March 10, 2011, shall include, at a minimum, each of the following:

(1) A formal, independent, and external peer review, consistent with Office of Management and Budget policies, of each Biological Opinion described in subsection (a).

(2) Assessment of economic impacts of measures or alternatives recommended in each such Biological Opinion.

(3) An examination of the specific scientific and procedural questions and issues pertaining to economic feasibility contained in the June 23, 2011, letter sent to the Administrator (and other Federal officials) by the Chairmen of the Committee on Agriculture, the Committee on Natural Resources, and the Subcommittee on Interior, Environment, and Related Agencies of the Committee on Appropriations, of the House of Representatives.

**SEC. 9013. USE AND DISCHARGES OF AUTHORIZED PESTICIDES.**

(a) SHORT TITLE.—This section may be cited as the “Reducing Regulatory Burdens Act of 2013”.

(b) USE OF AUTHORIZED PESTICIDES.—Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

“(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under such Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of such pesticide.”.

(c) DISCHARGES OF PESTICIDES.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) DISCHARGES OF PESTICIDES.—

“(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act, or the residue of such a pesticide, resulting from the application of such pesticide.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

“(A) A discharge resulting from the application of a pesticide in violation of a provi-

sion of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—

“(i) the discharge would not have occurred but for the violation; or

“(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

“(B) Stormwater discharges subject to regulation under subsection (p).

“(C) The following discharges subject to regulation under this section:

“(i) Manufacturing or industrial effluent.

“(ii) Treatment works effluent.

“(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.”.

**SEC. 9014. SEED NOT PESTICIDE OR DEVICE FOR PURPOSES OF IMPORTATION.**

Section 17(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 1360(c)) is amended by adding at the end the following new sentences: “Solely for purposes of notifications of arrival upon importation, for purposes of this subsection, seed, including treated seed, shall not be considered a pesticide or device. Nothing in this subsection shall be construed as precluding or limiting the authority of the Secretary of Agriculture, with respect to the importation or movement of plants, plant products, or seeds, under the Plant Protection Act (7 U.S.C. 7701 et seq.) or the Federal Seed Act (7 U.S.C. 1551 et seq.).”.

**SEC. 9015. STAY OF REGULATIONS RELATED TO CHRISTMAS TREE PROMOTION, RESEARCH, AND INFORMATION ORDER.**

Not later than 60 days after the date of the enactment of this Act, the Secretary of Agriculture shall lift the administrative stay that was imposed by the rule entitled “Christmas Tree Promotion, Research, and Information Order; Stay of Regulations” and published by the Department of Agriculture on November 17, 2011 (76 Fed. Reg. 71241), on the regulations in subpart A of part 214 of title 7, Code of Federal Regulations, establishing an industry-funded promotion, research, and information program for fresh cut Christmas trees.

**SEC. 9016. STUDY ON PROPOSED ORDER PERTAINING TO SULFURYL FLUORIDE.**

Not later than two years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in conjunction with the Secretary of Agriculture, shall submit to the Committee on Agriculture of the House of Representatives a report on the potential economic and public health effects that would result from finalization of the proposed order published in the January 19, 2011, Federal Register (76 Fed. Reg. 3422) pertaining to the pesticide sulfonyl fluoride, including the anticipated impacts of such finalization on the production of an adequate, wholesome, and economical food supply and on farmers and related agricultural sectors.

**SEC. 9017. STUDY ON LOCAL AND REGIONAL FOOD PRODUCTION AND PROGRAM EVALUATION.**

(a) IN GENERAL.—The Secretary of Agriculture shall—

(1) collect data on the production and marketing of locally or regionally produced agricultural food products;

(2) facilitate interagency collaboration and data sharing on programs related to local and regional food systems; and

(3) monitor the effectiveness of programs designed to expand or facilitate local food systems.

(b) REQUIREMENTS.—In carrying out this section, the Secretary shall—

(1) collect and distribute comprehensive reporting of prices of locally or regionally produced agricultural food products;

(2) conduct surveys and analysis and publish reports relating to the production, handling, distribution, and retail sales of, and trend studies (including consumer purchasing patterns) on, locally or regionally produced agricultural food products;

(3) evaluate the effectiveness of existing programs in growing local and regional food systems, including—

(A) the impact of local food systems on job creation and economic development;

(B) the level of participation in the Farmers’ Market and Local Food Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005), including the percentage of projects funded in comparison to applicants and the types of eligible entities receiving funds;

(C) the ability for participants to leverage private capital and a synopsis of the places from which non-Federal funds are derived; and

(D) any additional resources required to aid in the development or expansion of local and regional food systems;

(4) expand the Agricultural Resource Management Survey to include questions on locally or regionally produced agricultural food products; and

(5) seek to establish or expand private-public partnerships to facilitate, to the maximum extent practicable, the collection of data on locally or regionally produced agricultural food products, including the development of a nationally coordinated and regionally balanced evaluation of the redevelopment of locally or regionally produced food systems.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until September 30, 2018, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the progress that has been made in implementing this section and identifying any additional needs related to developing local and regional food systems.

**SEC. 9018. ANNUAL REPORT ON INVASIVE SPECIES.**

(a) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on invasive species.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) A list of each invasive species that is in the United States as of the date of the report.

(B) For each invasive species listed under subparagraph (A)—

(i) the country from which the species originated;

(ii) the means in which the species entered the United States;

(iii) the year in which the species entered the United States;

(iv) the rate by which the entry of the species is increasing or decreasing;

(v) cost estimates, covering both the date of the report and future periods, of the cost of such species to the public and private sectors;

(vi) if cost estimates cannot be conducted under clause (v), a detailed explanation of why;

(vii) environmental impact estimates, covering both the date of the report and future



periods, of the environmental impact of the species;

(viii) if environmental impact estimates cannot be conducted under clause (vii), a detailed explanation of why;

(ix) recommendations as to what steps are needed to combat the species;

(x) a description of the ongoing research occurring to combat the species; and

(xi) a description of any legal recourse available to people affected by the species.

(C) Any other matter the Secretary determines appropriate.

(3) PERIOD COVERED.—The report under paragraph (1) shall cover the period beginning in 1980 and ending on the date on which the report is submitted.

(b) ANNUAL UPDATED REPORTS.—Not later than October 1 of each fiscal year beginning after the date on which the report under paragraph (1) of subsection (a) is submitted, the Secretary shall submit annually to Congress an updated report, including an update to each of the matters described in paragraph (2) of such subsection.

(c) PUBLIC AVAILABILITY.—The Secretary shall make each report under this section available to the public.

#### TITLE X—CROP INSURANCE

##### SEC. 10001. INFORMATION SHARING.

(a) IN GENERAL.—Section 502(c) of the Federal Crop Insurance Act (7 U.S.C. 1502(c)) is amended by adding at the end the following new paragraph:

“(4) INFORMATION.—

“(A) REQUEST.—Subject to subparagraph (B), the Farm Service Agency shall, in a timely manner, provide to an agent or an approved insurance provider authorized by the producer any information (including Farm Service Agency Form 578s (or any successor form) or maps (or any corrections to those forms or maps) that may assist the agent or approved insurance provider in insuring the producer under a policy or plan of insurance under this subtitle.

“(B) PRIVACY.—Except as provided in subparagraph (C), an agent or approved insurance provider that receives the information of a producer pursuant to subparagraph (A) shall treat the information in accordance with paragraph (1).

“(C) SHARING.—Nothing in this section prohibits the sharing of the information of a producer pursuant to subparagraph (A) between the agent and the approved insurance provider of the producer.”

(b) DISCLOSURE OF CROP INSURANCE PREMIUM SUBSIDIES MADE ON BEHALF OF MEMBERS OF CONGRESS AND CERTAIN OTHER INDIVIDUALS AND ENTITIES.—Section 502(c)(2) of the Federal Crop Insurance Act (7 U.S.C. 1502(c)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (D) and (E) respectively; and

(2) by inserting before subparagraph (C) (as so redesignated) the following:

“(A) DISCLOSURE IN THE PUBLIC INTEREST.—Notwithstanding paragraph (1) or any other provision of law, except as provided in subparagraph (B), the Secretary shall on an annual basis make available to the public—

“(i)(I) the name of each individual or entity specified in subparagraph (C) who obtained a federally subsidized crop insurance, livestock, or forage policy or plan of insurance during the previous fiscal year;

“(II) the amount of premium subsidy received by that individual or entity from the Corporation; and

“(III) the amount of any Federal portion of indemnities paid in the event of a loss during that fiscal year for each policy associated with that individual or entity; and

“(ii) for each private insurance provider, by name—

“(I) the underwriting gains earned through participation in the federally subsidized crop insurance program; and

“(II) the amount paid under this subtitle for—

“(aa) administrative and operating expenses;

“(bb) any Federal portion of indemnities and reinsurance; and

“(cc) any other purpose.

“(B) LIMITATION.—The Secretary shall not disclose information pertaining to individuals and entities covered by a catastrophic risk protection plan offered under section 508(b).

“(C) COVERED INDIVIDUALS AND ENTITIES.—Subparagraph (A) applies with respect to the following:

“(i) Members of Congress and their immediate families.

“(ii) Cabinet Secretaries and their immediate families.

“(iii) Entities of which any individual described in clause (i) or (ii), or combination of such individuals, is a majority shareholder.”

##### SEC. 10002. PUBLICATION OF INFORMATION ON VIOLATIONS OF PROHIBITION ON PREMIUM ADJUSTMENTS.

Section 508(a)(9) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(9)) is amended by adding at the end the following new subparagraph:

“(C) PUBLICATION OF VIOLATIONS.—

“(i) PUBLICATION REQUIRED.—Subject to clause (ii), the Corporation shall publish in a timely manner on the website of the Risk Management Agency information regarding each violation of this paragraph, including any sanctions imposed in response to the violation, in sufficient detail so that the information may serve as effective guidance to approved insurance providers, agents, and producers.

“(ii) PROTECTION OF PRIVACY.—In providing information under clause (i) regarding violations of this paragraph, the Corporation shall redact the identity of the persons and entities committing the violations in order to protect their privacy.”

##### SEC. 10003. SUPPLEMENTAL COVERAGE OPTION.

(a) AVAILABILITY OF SUPPLEMENTAL COVERAGE OPTION.—Paragraph (3) of section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended to read as follows:

“(3) YIELD AND LOSS BASIS OPTIONS.—A producer shall have the option of purchasing additional coverage based on—

“(A)(i) an individual yield and loss basis; or

“(ii) an area yield and loss basis;

“(B) an individual yield and loss basis, supplemented with coverage based on an area yield and loss basis to cover a part of the deductible under the individual yield and loss policy, as described in paragraph (4)(C); or

“(C) a margin basis alone or in combination with the coverages available in subparagraph (A) or (B).”

(b) LEVEL OF COVERAGE.—Paragraph (4) of section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended to read as follows:

“(4) LEVEL OF COVERAGE.—

“(A) DOLLAR DENOMINATION AND PERCENTAGE OF YIELD.—Except as provided in subparagraph (C), the level of coverage—

“(i) shall be dollar denominated; and

“(ii) may be purchased at any level not to exceed 85 percent of the individual yield or 95 percent of the area yield (as determined by the Corporation).

“(B) INFORMATION.—The Corporation shall provide producers with information on cata-

strophic risk and additional coverage in terms of dollar coverage (within the allowable limits of coverage provided in this paragraph).

“(C) SUPPLEMENTAL COVERAGE OPTION.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A), in the case of the supplemental coverage option described in paragraph (3)(B), the Corporation shall offer producers the opportunity to purchase coverage in combination with a policy or plan of insurance offered under this subtitle that would allow indemnities to be paid to a producer equal to a part of the deductible under the policy or plan of insurance—

“(I) at a county-wide level to the fullest extent practicable; or

“(II) in counties that lack sufficient data, on the basis of such larger geographical area as the Corporation determines to provide sufficient data for purposes of providing the coverage.

“(ii) TRIGGER.—Coverage offered under paragraph (3)(B) and clause (i) shall be triggered only if the losses in the area exceed 10 percent of normal levels (as determined by the Corporation).

“(iii) COVERAGE.—Subject to the trigger described in clause (ii), coverage offered under paragraph (3)(B) and clause (i) shall not exceed the difference between—

“(I) 90 percent; and

“(II) the coverage level selected by the producer for the underlying policy or plan of insurance.

“(iv) INELIGIBLE CROPS AND ACRES.—Crops for which the producer has elected under section 1107(c)(1) of the Federal Agriculture Reform and Risk Management Act of 2013 to receive revenue loss coverage and acres that are enrolled in the stacked income protection plan under section 508B shall not be eligible for supplemental coverage under this subparagraph.

“(v) CALCULATION OF PREMIUM.—Notwithstanding subsection (d), the premium for coverage offered under paragraph (3)(B) and clause (i) shall—

“(I) be sufficient to cover anticipated losses and a reasonable reserve; and

“(II) include an amount for operating and administrative expenses established in accordance with subsection (k)(4)(F).”

(c) PAYMENT OF PORTION OF PREMIUM BY CORPORATION.—Section 508(e)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(2)) is amended by adding at the end the following new subparagraph:

“(H) In the case of the supplemental coverage option authorized in subsection (c)(4)(C), the amount shall be equal to the sum of—

“(i) 65 percent of the additional premium associated with the coverage; and

“(ii) the amount determined under subsection (c)(4)(C)(vi)(II), subject to subsection (k)(4)(F), for the coverage to cover operating and administrative expenses.”

(d) EFFECTIVE DATE.—The Federal Crop Insurance Corporation shall begin to provide additional coverage based on an individual yield and loss basis, supplemented with coverage based on an area yield and loss basis, not later than for the 2014 crop year.

##### SEC. 10004. PREMIUM AMOUNTS FOR CATASTROPHIC RISK PROTECTION.

Subparagraph (A) of section 508(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(2)) is amended to read as follows:

“(A) In the case of catastrophic risk protection, the amount of the premium established by the Corporation for each crop for which catastrophic risk protection is available shall be reduced by the percentage equal



to the difference between the average loss ratio for the crop and 100 percent, plus a reasonable reserve.”.

**SEC. 10005. REPEAL OF PERFORMANCE-BASED DISCOUNT.**

(a) REPEAL.—Section 508(d) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)) is amended—

(1) by striking paragraph (3); and  
(2) by redesignating paragraph (4) as paragraph (3).

(b) CONFORMING AMENDMENT.—Section 508(a)(9)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(9)(B)) is amended—

(1) by inserting “or” at the end of clause (i);  
(2) by striking clause (ii); and  
(3) by redesignating clause (iii) as clause (ii).

**SEC. 10006. PERMANENT ENTERPRISE UNIT SUBSIDY.**

Subparagraph (A) of section 508(e)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(5)) is amended to read as follows:

“(A) IN GENERAL.—The Corporation may pay a portion of the premiums for plans or policies of insurance for which the insurable unit is defined on a whole farm or enterprise unit basis that is higher than would otherwise be paid in accordance with paragraph (2).”.

**SEC. 10007. ENTERPRISE UNITS FOR IRRIGATED AND NONIRRIGATED CROPS.**

Section 508(e)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(5)) is amended by adding at the end the following new subparagraph:

“(D) NONIRRIGATED CROPS.—Beginning with the 2014 crop year, the Corporation shall make available separate enterprise units for irrigated and nonirrigated acreage of crops in counties.”.

**SEC. 10008. DATA COLLECTION.**

Section 508(g)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(2)) is amended by adding at the end the following new subparagraph:

“(E) SOURCES OF YIELD DATA.—To determine yields under this paragraph, the Corporation—

“(i) shall use county data collected by the Risk Management Agency or the National Agricultural Statistics Service, or both; or  
“(ii) if sufficient county data is not available, may use other data considered appropriate by the Secretary.”.

**SEC. 10009. ADJUSTMENT IN ACTUAL PRODUCTION HISTORY TO ESTABLISH INSURABLE YIELDS.**

Section 508(g)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(4)(B)) is amended by striking “60” each place it appears and inserting “70”.

**SEC. 10010. SUBMISSION AND REVIEW OF POLICIES.**

(a) IN GENERAL.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended—

(1) in paragraph (1)—  
(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(B) by striking “(1) IN GENERAL.—In addition” and inserting the following:

“(1) AUTHORITY TO SUBMIT.—  
“(A) IN GENERAL.—In addition”; and

(C) by adding at the end the following new subparagraph:

“(B) REVIEW AND SUBMISSION BY CORPORATION.—The Corporation shall review any policy developed under section 522(c) or any pilot program developed under section 523 and submit the policy or program to the Board under this subsection if the Corpora-

tion, at the sole discretion of the Corporation, finds that the policy or program—

“(i) will likely result in a viable and marketable policy consistent with this subsection;

“(ii) would provide crop insurance coverage in a significantly improved form; and  
“(iii) adequately protects the interests of producers.”; and

(2) in paragraph (3)—

(A) by striking “A policy” and inserting the following:

“(A) IN GENERAL.—A policy”; and

(B) by adding at the end the following new subparagraph:

“(B) SPECIFIED REVIEW AND APPROVAL PRIORITIES.—In reviewing policies and other materials submitted to the Board under this subsection for approval, the Board—

“(i) shall make the development and approval of a revenue policy for peanut producers a priority so that a revenue policy is available to peanut producers in time for the 2014 crop year;

“(ii) shall make the development and approval of a margin coverage policy for rice producers a priority so that a margin coverage policy is available to rice producers in time for the 2014 crop year; and

“(iii) may approve a submission that is made pursuant to this subsection that would, beginning with the 2014 crop year, allow producers that purchase policies in accordance with subsection (e)(5)(A) to separate enterprise units by risk rating for acreage of crops in counties.”.

(b) ADVANCE PAYMENTS.—Section 522(b)(2)(E) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)(2)(E)) is amended by striking “50 percent” and inserting “75 percent”.

**SEC. 10011. EQUITABLE RELIEF FOR SPECIALTY CROP POLICIES.**

Section 508(k)(8)(E) of the Federal Crop Insurance Act of 1938 (7 U.S.C. 1508(k)(8)(E)) is amended by adding at the end the following new clause:

“(iii) EQUITABLE RELIEF FOR SPECIALTY CROP POLICIES.—

“(I) IN GENERAL.—For each of the 2011 through 2015 reinsurance years, in addition to the total amount of funding for reimbursement of administrative and operating costs that is otherwise required to be made available in each such reinsurance year pursuant to an agreement entered into by the Corporation, the Corporation shall use \$41,000,000 to provide additional reimbursement with respect to eligible insurance contracts for any agricultural commodity that is not eligible for a benefit under subtitles A, B or C of title I of the Federal Agriculture Reform and Risk Management Act of 2013.

“(II) TREATMENT.—Additional reimbursements made under this clause shall be included as part of the base level of administrative and operating expense reimbursement to which any limit on compensation to persons involved in the direct sale and service of any eligible crop insurance contract required under an agreement entered into by the Corporation is applied.

“(III) RULE OF CONSTRUCTION.—Nothing in this clause shall be construed as statutory assent to the limit described in subclause (II).”.

**SEC. 10012. BUDGET LIMITATIONS ON RENEGOTIATION OF THE STANDARD REINSURANCE AGREEMENT.**

Section 508(k)(8) of the Federal Crop Insurance Act of 1938 (7 U.S.C. 1508(k)(8)) is amended by adding at the end the following new subparagraph:

“(F) BUDGET.—

“(i) IN GENERAL.—The Board shall ensure that any Standard Reinsurance Agreement negotiated under subparagraph (A)(ii), as compared to the previous Standard Reinsurance Agreement—

“(I) to the maximum extent practicable, shall be budget neutral; and

“(II) in no event, may significantly depart from budget neutrality.

“(ii) USE OF SAVINGS.—To the extent that any budget savings is realized in the renegotiation of a Standard Reinsurance Agreement under subparagraph (A)(ii), and the savings are determined not to be a significant departure from budget neutrality under clause (i), the savings shall be used to increase the obligations of the Corporation under subsections (e)(2) or (k)(4) or section 523.”.

**SEC. 10013. CROP PRODUCTION ON NATIVE SOD.**

(a) FEDERAL CROP INSURANCE.—Section 508(o) of the Federal Crop Insurance Act (7 U.S.C. 1508(o)) is amended—

(1) in paragraph (1)(B), by inserting “, or the producer cannot substantiate that the ground has ever been tilled,” after “tilled”;

(2) in paragraph (2)—

(A) in the paragraph heading, by striking “INELIGIBILITY FOR” and inserting “REDUCTION IN”; and

(B) in subparagraph (A), by striking “for benefits under—” and all that follows through the period at the end and inserting “for—

“(i) a portion of crop insurance premium subsidies under this subtitle in accordance with paragraph (3);

“(ii) benefits under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

“(iii) payments described in subsection (b) or (c) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).”; and

(3) by striking paragraph (3) and inserting the following new paragraphs:

“(3) ADMINISTRATION.—

“(A) IN GENERAL.—During the first 4 crop years of planting on native sod acreage by a producer described in paragraph (2)—

“(i) paragraph (2) shall apply to 65 percent of the transitional yield of the producer; and

“(ii) the crop insurance premium subsidy provided for the producer under this subtitle shall be 50 percentage points less than the premium subsidy that would otherwise apply.

“(B) YIELD SUBSTITUTION.—During the period native sod acreage is covered by this subsection, a producer may not substitute yields for the native sod acreage.

“(4) APPLICATION.—This subsection shall only apply to native sod in the Prairie Pot-hole National Priority Area.”.

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a)(4) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)(4)) is amended—

(1) in the paragraph heading, by striking “INELIGIBILITY” and inserting “BENEFIT REDUCTION”;

(2) in subparagraph (A)(ii), by inserting “, or the producer cannot substantiate that the ground has ever been tilled,” after “tilled”;

(3) in subparagraph (B)—

(A) in the subparagraph heading, by striking “INELIGIBILITY” and inserting “REDUCTION IN”; and

(B) in clause (i), by striking “for benefits under—” and all that follows through the period at the end and inserting “for—

“(I) benefits under this section;

“(II) a portion of crop insurance premium subsidies under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) in accordance with subparagraph (C); and

“(III) payments described in subsection (b) or (c) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).”; and

(4) by striking subparagraph (C) and inserting the following new subparagraphs:

“(C) ADMINISTRATION.—

“(i) IN GENERAL.—During the first 4 crop years of planting on native sod acreage by a producer described in subparagraph (B)—

“(I) subparagraph (B) shall apply to 65 percent of the transitional yield of the producer; and

“(II) the crop insurance premium subsidy provided for the producer under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) shall be 50 percentage points less than the premium subsidy that would otherwise apply.

“(ii) YIELD SUBSTITUTION.—During the period native sod acreage is covered by this paragraph, a producer may not substitute yields for the native sod acreage.

“(D) APPLICATION.—This paragraph shall only apply to native sod in the Prairie Pothole National Priority Area.”.

(C) CROPLAND REPORT.—

(1) BASELINE.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the cropland acreage in each applicable county and State, and the change in cropland acreage from the preceding year in each applicable county and State, beginning with calendar year 2000 and including that information for the most recent year for which that information is available.

(2) ANNUAL UPDATES.—Not later than January 1, 2015, and each January 1 thereafter through January 1, 2018, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(A) the cropland acreage in each applicable county and State as of the date of submission of the report; and

(B) the change in cropland acreage from the preceding year in each applicable county and State.

#### SEC. 10014. COVERAGE LEVELS BY PRACTICE.

Section 508 of the Federal Crop Insurance Act of 1938 (7 U.S.C. 1508) is amended by adding at the end the following new subsection:

“(p) COVERAGE LEVELS BY PRACTICE.—Beginning with the 2015 crop year, a producer that produces an agricultural commodity on both dry land and irrigated land may elect a different coverage level for each production practice.”.

#### SEC. 10015. BEGINNING FARMER AND RANCHER PROVISIONS.

(a) DEFINITION.—Section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)) is amended—

(1) by redesignating paragraphs (3) through (9) as paragraphs (4) through (10), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) BEGINNING FARMER OR RANCHER.—The term ‘beginning farmer or rancher’ means a farmer or rancher who has not actively operated and managed a farm or ranch with a bona fide insurable interest in a crop or livestock as an owner-operator, landlord, tenant, or sharecropper for more than 5 crop years, as determined by the Secretary.”.

(b) PREMIUM ADJUSTMENTS.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(1) in subsection (b)(5)(E), by inserting “and beginning farmers or ranchers” after “‘limited resource farmers’”; and

(2) in subsection (e), by adding at the end the following new paragraph:

“(8) PREMIUM FOR BEGINNING FARMERS OR RANCHERS.—Notwithstanding any other provision of this subsection regarding payment of a portion of premiums, a beginning farmer or rancher shall receive premium assistance that is 10 percentage points greater than premium assistance that would otherwise be available under paragraphs (2) (except for subparagraph (A) of that paragraph), (5), (6), and (7) for the applicable policy, plan of insurance, and coverage level selected by the beginning farmer or rancher.”; and

(3) in subsection (g)—

(A) in paragraph (2)(B)—

(i) in clause (i), by striking “or” at the end;

(ii) in clause (ii)(III), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(iii) if the producer is a beginning farmer or rancher who was previously involved in a farming or ranching operation, including involvement in the decisionmaking or physical involvement in the production of the crop or livestock on the farm, for any acreage obtained by the beginning farmer or rancher, a yield that is the higher of—

“(I) the actual production history of the previous producer of the crop or livestock on the acreage determined under subparagraph (A); or

“(II) a yield of the producer, as determined in clause (i).”; and

(B) in paragraph (4)(B)(ii) (as amended by section 10009)—

(i) by inserting “(I)” after “(ii)”; and

(ii) by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(II) in the case of beginning farmers or ranchers, replace each excluded yield with a yield equal to 80 percent of the applicable transitional yield.”.

#### SEC. 10016. STACKED INCOME PROTECTION PLAN FOR PRODUCERS OF UPLAND COTTON.

(a) AVAILABILITY OF STACKED INCOME PROTECTION PLAN FOR PRODUCERS OF UPLAND COTTON.—The Federal Crop Insurance Act is amended by inserting after section 508A (7 U.S.C. 1508a) the following new section:

#### “SEC. 508B. STACKED INCOME PROTECTION PLAN FOR PRODUCERS OF UPLAND COTTON.

“(a) AVAILABILITY.—Beginning not later than the 2014 crop of upland cotton, the Corporation shall make available to producers of upland cotton an additional policy (to be known as the ‘Stacked Income Protection Plan’), which shall provide coverage consistent with the Group Risk Income Protection Plan (and the associated Harvest Revenue Option Endorsement) offered by the Corporation for the 2011 crop year.

“(b) REQUIRED TERMS.—The Corporation may modify the Stacked Income Protection Plan on a program-wide basis, except that the Stacked Income Protection Plan shall comply with the following requirements:

“(1) Provide coverage for revenue loss of not less than 10 percent and not more than 30 percent of expected county revenue, specified in increments of 5 percent. The deductible is the minimum percent of revenue loss at which indemnities are triggered under the plan, not to be less than 10 percent of the expected county revenue.

“(2) Be offered to producers of upland cotton in all counties with upland cotton production—

“(A) at a county-wide level to the fullest extent practicable; or

“(B) in counties that lack sufficient data, on the basis of such larger geographical area as the Corporation determines to provide sufficient data for purposes of providing the coverage.

“(3) Be purchased in addition to any other individual or area coverage in effect on the producer’s acreage or as a stand-alone policy, except that if a producer has an individual or area coverage for the same acreage, the maximum coverage available under the Stacked Income Protection Plan shall not exceed the deductible for the individual or area coverage.

“(4) Establish coverage based on—

“(A) the expected price established under existing Group Risk Income Protection or area wide policy offered by the Corporation for the applicable county (or area) and crop year; and

“(B) an expected county yield that is the higher of—

“(i) the expected county yield established for the existing area-wide plans offered by the Corporation for the applicable county (or area) and crop year (or, in geographic areas where area-wide plans are not offered, an expected yield determined in a manner consistent with those of area-wide plans); or

“(ii) the average of the applicable yield data for the county (or area) for the most recent 5 years, excluding the highest and lowest observations, from the Risk Management Agency or the National Agricultural Statistics Service (or both) or, if sufficient county data is not available, such other data considered appropriate by the Secretary.

“(5) Use a multiplier factor to establish maximum protection per acre (referred to as a ‘protection factor’) of not less than the higher of the level established on a program wide basis or 120 percent.

“(6) Pay an indemnity based on the amount that the expected county revenue exceeds the actual county revenue, as applied to the individual coverage of the producer. Indemnities under the Stacked Income Protection Plan shall not include or overlap the amount of the deductible selected under paragraph (1).

“(7) In all counties for which data are available, establish separate coverage levels for irrigated and non-irrigated practices.

“(c) PREMIUM.—Notwithstanding section 508(d), the premium for the Stacked Income Protection Plan shall—

“(1) be sufficient to cover anticipated losses and a reasonable reserve; and

“(2) include an amount for operating and administrative expenses established in accordance with section 508(k)(4)(F).

“(d) PAYMENT OF PORTION OF PREMIUM BY CORPORATION.—Subject to section 508(e)(4), the amount of premium paid by the Corporation for all qualifying coverage levels of the Stacked Income Protection Plan shall be—

“(1) 80 percent of the amount of the premium established under subsection (c) for the coverage level selected; and

“(2) the amount determined under subsection (c)(2), subject to section 508(k)(4)(F), for the coverage to cover administrative and operating expenses.

“(e) RELATION TO OTHER COVERAGES.—The Stacked Income Protection Plan is in addition to all other coverages available to producers of upland cotton.”.

(b) CONFORMING AMENDMENT.—Section 508(k)(4)(F) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(F)) is amended by inserting “or authorized under subsection (c)(4)(C) or section 508B” after “of this subparagraph”.

**SEC. 10017. PEANUT REVENUE CROP INSURANCE.**

The Federal Crop Insurance Act is amended by inserting after section 508B, as added by the previous section, the following new section:

**“SEC. 508C. PEANUT REVENUE CROP INSURANCE.**

“(a) **IN GENERAL.**—Effective beginning with the 2014 crop year, the Risk Management Agency and the Corporation shall make available to producers of peanuts a revenue crop insurance program for peanuts.

“(b) **EFFECTIVE PRICE.**—Subject to subsection (c), for purposes of the revenue crop insurance program and the multiperil crop insurance program under this Act, the effective price for peanuts shall be equal to the Rotterdam price index for peanuts, as adjusted to reflect the farmer stock price of peanuts in the United States.

**“(c) ADJUSTMENTS.—**

“(1) **IN GENERAL.**—The effective price for peanuts established under subsection (b) may be adjusted by the Risk Management Agency and the Corporation to correct distortions.

“(2) **ADMINISTRATION.**—If an adjustment is made under paragraph (1), the Risk Management Agency and the Corporation shall—

“(A) make the adjustment in an open and transparent manner; and

“(B) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the reasons for the adjustment.”.

**SEC. 10018. AUTHORITY TO CORRECT ERRORS.**

Section 515(c) of the Federal Crop Insurance Act (7 U.S.C. 1515(c)) is amended—

(1) in the first sentence, by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”;

(2) in the second sentence, by striking “Beginning with” and inserting the following:

“(2) **FREQUENCY.**—Beginning with”; and

(3) by adding at the end the following new paragraph:

“(3) **CORRECTIONS.**—

“(A) **IN GENERAL.**—In addition to the corrections permitted by the Corporation as of the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013, the Corporation shall allow an agent or an approved insurance provider, subject to subparagraph (B)—

“(i) within a reasonable amount of time following the applicable sales closing date, to correct unintentional errors in information that is provided by a producer for the purpose of obtaining coverage under any policy or plan of insurance made available under this subtitle to ensure that the eligibility information is correct;

“(ii) within a reasonable amount of time following—

“(I) the acreage reporting date, to correct unintentional errors in factual information that is provided by a producer after the sales closing date to reconcile the information with the information reported by the producer to the Farm Service Agency; or

“(II) the date of any subsequent correction of data by the Farm Service Agency made as a result of the verification of information; and

“(iii) at any time, to correct unintentional errors that were made by the Farm Service Agency or an agent or approved insurance provider in transmitting the information provided by the producer to the approved insurance provider or the Corporation.

“(B) **LIMITATION.**—In accordance with the procedures of the Corporation, correction to the information described in clauses (i) and (ii) of subparagraph (A) may only be made if the corrections do not allow the producer—

“(i) to avoid ineligibility requirements for insurance;

“(ii) to obtain, enhance, or increase an insurance guarantee or indemnity, or avoid premium owed, if a cause of loss exists or has occurred before any correction has been made; or

“(iii) to avoid an obligation or requirement under any Federal or State law.

“(C) **EXCEPTION TO LATE FILING SANCTIONS.**—Any corrections made pursuant to this paragraph shall not be subject to any late filing sanctions authorized in the reinsurance agreement with the Corporation.”.

**SEC. 10019. IMPLEMENTATION.**

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended—

(1) in subsection (j), by striking paragraph (1) and inserting the following new paragraph:

“(1) **SYSTEMS MAINTENANCE AND UPGRADES.**—

“(A) **IN GENERAL.**—The Secretary shall maintain and upgrade the information management systems of the Corporation used in the administration and enforcement of this subtitle.

“(B) **REQUIREMENT.**—

“(i) **IN GENERAL.**—In maintaining and upgrading the systems, the Secretary shall ensure that new hardware and software are compatible with the hardware and software used by other agencies of the Department to maximize data sharing and promote the purposes of this section.

“(ii) **ACREAGE REPORT STREAMLINING INITIATIVE PROJECT.**—As soon as practicable, the Secretary shall develop and implement an acreage report streamlining initiative project to allow producers to report acreage and other information directly to the Department.”; and

(2) in subsection (k), by striking paragraph (1) and inserting the following new paragraph:

“(1) **INFORMATION TECHNOLOGY.**—

“(A) **IN GENERAL.**—For purposes of subsection (j)(1), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than—

“(i) (I) for fiscal year 2014, \$25,000,000; and

“(II) for each of fiscal years 2015 through 2018, \$10,000,000; or

“(ii) if the Acreage Crop Reporting Streamlining Initiative (ACRSI) project is substantially completed by September 30, 2015, not more than \$15,000,000 for each of the fiscal years 2015 through 2018.

“(B) **NOTIFICATION.**—The Secretary shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the substantial completion of the Acreage Crop Reporting Streamlining Initiative (ACRSI) project not later than July 1, 2015.”.

**SEC. 10020. RESEARCH AND DEVELOPMENT PRIORITIES.**

(a) **AUTHORITY TO CONDUCT RESEARCH AND DEVELOPMENT, PRIORITIES.**—Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) is amended—

(1) in the subsection heading by striking “CONTRACTING”;

(2) in paragraph (1), in the matter preceding subparagraph (A), by striking “may enter into contracts to carry out research and development to” and inserting “may conduct activities or enter into contracts to carry out research and development to maintain or improve existing policies or develop new policies to”;

(3) in paragraph (2)—

(A) in subparagraph (A), by inserting “conduct research and development or” after “The Corporation may”; and

(B) in subparagraph (B), by inserting “conducting research and development or” after “Before”;

(4) in paragraph (5), by inserting “after expert review in accordance with section 505(e)” after “approved by the Board”; and

(5) in paragraph (6), by striking “a pasture, range, and forage program” and inserting “policies that increase participation by producers of underserved agricultural commodities, including sweet sorghum, biomass sorghum, rice, peanuts, sugarcane, alfalfa, pennycress, and specialty crops”.

(b) **FUNDING.**—Section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) is amended—

(1) in paragraph (2)—

(A) by striking “(A) **AUTHORITY.**—” and inserting “(A) **CONDUCTING AND CONTRACTING FOR RESEARCH AND DEVELOPMENT.**—”;

(B) in subparagraph (A), by inserting “conduct research and development and” after “the Corporation may use to”; and

(C) in subparagraph (B), by inserting “conduct research and development and” after “for the fiscal year to”;

(2) in paragraph (3), by striking “to provide either reimbursement payments or contract payments”; and

(3) by striking paragraph (4).

**SEC. 10021. ADDITIONAL RESEARCH AND DEVELOPMENT CONTRACTING REQUIREMENTS.**

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) is amended—

(1) by redesignating paragraph (17) as paragraph (24); and

(2) by inserting after paragraph (16), the following new paragraphs:

“(17) **MARGIN COVERAGE FOR CATFISH.**—

“(A) **IN GENERAL.**—The Corporation shall offer to enter into a contract with a qualified entity to conduct research and development regarding a policy to insure producers against reduction in the margin between the market value of catfish and selected costs incurred in the production of catfish.

“(B) **ELIGIBILITY.**—Eligibility for the policy described in subparagraph (A) shall be limited to freshwater species of catfish that are propagated and reared in controlled or selected environments.

“(C) **IMPLEMENTATION.**—The Board shall review the policy described in subparagraph (B) under subsection 508(h) and approve the policy if the Board finds that the policy—

“(i) will likely result in a viable and marketable policy consistent with this subsection;

“(ii) would provide crop insurance coverage in a significantly improved form;

“(iii) adequately protects the interests of producers; and

“(iv) the proposed policy meets other requirements of this subtitle determined appropriate by the Board.

“(18) **BIOMASS AND SWEET SORGHUM ENERGY CROP INSURANCE POLICIES.**—

“(A) **AUTHORITY.**—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding—

“(i) a policy to insure biomass sorghum that is grown expressly for the purpose of producing a feedstock for renewable biofuel, renewable electricity, or biobased products; and

“(ii) a policy to insure sweet sorghum that is grown for a purpose described in clause (i).

“(B) **RESEARCH AND DEVELOPMENT.**—Research and development with respect to each

of the policies required in subparagraph (A) shall evaluate the effectiveness of risk management tools for the production of biomass sorghum or sweet sorghum, including policies and plans of insurance that—

“(i) are based on market prices and yields;

“(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate the policies and plans of insurance based on the use of weather indices, including excessive or inadequate rainfall, to protect the interest of crop producers; and

“(iii) provide protection for production or revenue losses, or both.

“(19) STUDY ON SWINE CATASTROPHIC DISEASE PROGRAM.—

“(A) IN GENERAL.—The Corporation shall contract with a qualified person to conduct a study to determine the feasibility of insuring swine producers for a catastrophic event.

“(B) REPORT.—Not later than 1 year after the date of the enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subparagraph (A).

“(20) WHOLE FARM DIVERSIFIED RISK MANAGEMENT INSURANCE PLAN.—

“(A) IN GENERAL.—The Corporation shall conduct activities or enter into contracts to carry out research and development to develop a whole farm risk management insurance plan, with a liability limitation of \$1,250,000, that allows a diversified crop or livestock producer the option to qualify for an indemnity if actual gross farm revenue is below 85 percent of the average gross farm revenue or the expected gross farm revenue that can reasonably be expected of the producer, as determined by the Corporation.

“(B) ELIGIBLE PRODUCERS.—The Corporation shall permit producers (including direct-to-consumer marketers and producers servicing local and regional and farm identity-preserved markets) who produce multiple agricultural commodities, including specialty crops, industrial crops, livestock, and aquaculture products, to participate in the plan in lieu of any other plan under this subtitle.

“(C) DIVERSIFICATION.—The Corporation may provide diversification-based additional coverage payment rates, premium discounts, or other enhanced benefits in recognition of the risk management benefits of crop and livestock diversification strategies for producers that grow multiple crops or that may have income from the production of livestock that uses a crop grown on the farm.

“(D) MARKET READINESS.—The Corporation may include coverage for the value of any packing, packaging, or any other similar on-farm activity the Corporation determines to be the minimum required in order to remove the commodity from the field.

“(E) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results and feasibility of the research and development conducted under this paragraph, including an analysis of potential adverse market distortions.

“(21) STUDY ON POULTRY CATASTROPHIC DISEASE PROGRAM.—

“(A) IN GENERAL.—The Corporation shall contract with a qualified person to conduct a study to determine the feasibility of insuring poultry producers for a catastrophic event.

“(B) REPORT.—Not later than 1 year after the date of the enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subparagraph (A).

“(22) POULTRY BUSINESS INTERRUPTION INSURANCE POLICY.—

“(A) AUTHORITY.—The Corporation shall offer to enter into a contract or cooperative agreement with a university or other legal entity to carry out research and development regarding a policy to insure the commercial production of poultry against business interruptions caused by integrator bankruptcy.

“(B) RESEARCH AND DEVELOPMENT.—As part of the research and development conducted pursuant to a contract or cooperative agreement entered into under subparagraph (A), the entity shall—

“(i) evaluate the market place for business interruption insurance that is available to poultry growers;

“(ii) determine what statutory authority would be necessary to implement a business interruption insurance through the Corporation;

“(iii) assess the feasibility of a policy or plan of insurance offered under this subtitle to insure against losses due to the bankruptcy of an business integrator; and

“(iv) analyze the costs to the Federal Government of a Federal business interruption insurance program for poultry growers.

“(C) DEFINITIONS.—In this paragraph, the terms ‘poultry’ and ‘poultry grower’ have the meanings given those terms in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

“(D) DEADLINE FOR CONTRACT OR COOPERATIVE AGREEMENT.—Not later than six months after the date of the enactment of this paragraph, the Corporation shall enter into the contract or cooperative agreement required by subparagraph (A).

“(E) DEADLINE FOR COMPLETION OF RESEARCH AND DEVELOPMENT.—Not later than one year after the date of the enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the research and development conducted pursuant to the contract or cooperative agreement entered into under subparagraph (A).

“(23) STUDY OF FOOD SAFETY INSURANCE.—

“(A) IN GENERAL.—The Corporation shall offer to enter into a contract with 1 or more qualified entities to conduct a study to determine whether offering policies that provide coverage for specialty crops from food safety and contamination issues would benefit agricultural producers.

“(B) SUBJECT.—The study described in subparagraph (A) shall evaluate policies and plans of insurance coverage that provide protection for production or revenue impacted by food safety concerns including, at a minimum, government, retail, or national consumer group announcements of a health advisory, removal, or recall related to a contamination concern.

“(C) REPORT.—Not later than 1 year after the date of enactment of this paragraph, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subparagraph (A).”.

## SEC. 10022. PROGRAM COMPLIANCE PARTNERSHIPS.

Paragraph (1) of section 522(d) of the Federal Crop Insurance Act (7 U.S.C. 1522(d)) is amended to read as follows:

“(1) PURPOSE.—The purpose of this subsection is to authorize the Corporation to enter into partnerships with public and private entities for the purpose of either—

“(A) increasing the availability of loss mitigation, financial, and other risk management tools for producers, with a priority given to risk management tools for producers of agricultural commodities covered by section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333), specialty crops, and underserved agricultural commodities; or

“(B) improving analysis tools and technology regarding compliance or identifying and using innovative compliance strategies.”.

## SEC. 10023. PILOT PROGRAMS.

Section 523(a) of the Federal Crop Insurance Act (7 U.S.C. 1523(a)) is amended—

(1) in paragraph (1), by inserting “, at the sole discretion of the Corporation,” after “may”; and

(2) by striking paragraph (5).

## SEC. 10024. TECHNICAL AMENDMENTS.

(a) ELIGIBILITY FOR DEPARTMENT PROGRAMS.—Section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8) through (11) as paragraphs (7) through (10), respectively.

(b) EXCLUSIONS TO ASSISTANCE FOR LOSSES DUE TO DROUGHT CONDITIONS.—

(1) IN GENERAL.—Section 531(d)(3)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(A)) is amended—

(A) by striking “(A) ELIGIBLE LOSSES.” and all that follows through “An eligible” in clause (i) and inserting the following:

“(A) ELIGIBLE LOSSES.—An eligible”;

(B) by striking clause (ii); and

(C) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and indenting appropriately.

(2) CONFORMING AMENDMENT.—Section 901(d)(3)(A) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(A)) is amended—

(A) by striking “(A) ELIGIBLE LOSSES.” and all that follows through “An eligible” in clause (i) and inserting the following:

“(A) ELIGIBLE LOSSES.—An eligible”;

(B) by striking clause (ii); and

(C) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and indenting appropriately.

## SEC. 10025. ADVANCE PUBLIC NOTICE OF CROP INSURANCE POLICY AND PLAN CHANGES.

Section 505(e) of the Federal Crop Insurance Act (7 U.S.C. 1505(e)) is amended—

(1) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7); respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

“(5) ADVANCE NOTICE OF MODIFICATION BEFORE IMPLEMENTATION.—

“(A) IN GENERAL.—Any modification to be made in the terms or conditions of any policy or plan of insurance offered under this subtitle shall not take effect for a crop year unless the Secretary publishes the modification in the Federal Register and on the website of the Corporation and provides for a subsequent period of public comment—

“(i) with respect to fall-planted crops, not later than 60 days before June 30 during the preceding crop year; and

“(ii) with respect to spring-planted crops, not later than 60 days before November 30 during the preceding crop year.”

“(B) **WAIVER.**—The Secretary may waive the application of subparagraph (A) in an emergency situation declared by the Secretary upon notice to Congress of the nature of the emergency and the need for immediate implementation of the policy or plan modification referred to in such subparagraph.”.

## TITLE XI—MISCELLANEOUS

### Subtitle A—Livestock

#### SEC. 11101. REPEAL OF THE NATIONAL SHEEP INDUSTRY IMPROVEMENT CENTER.

Effective October 1, 2013, section 375 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j) is repealed.

#### SEC. 11102. REPEAL OF CERTAIN REGULATIONS UNDER THE PACKERS AND STOCK-YARDS ACT, 1921.

(a) **REPEAL OF CERTAIN REGULATION REQUIREMENT.**—Section 11006 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2120) is repealed.

(b) **REPEAL OF CERTAIN EXISTING REGULATION.**—Subsection (n) of section 201.2 of title 9, Code of Federal Regulations, is repealed.

(c) **PROHIBITION ON ENFORCEMENT OF CERTAIN REGULATIONS OR ISSUANCE OF SIMILAR REGULATIONS.**—Notwithstanding any other provision of law, the Secretary of Agriculture shall not—

(1) enforce subsection (n) of section 201.2 of title 9, Code of Federal Regulations;

(2) finalize or implement sections 201.2(l), 201.2(t), 201.2(u), 201.3(c), 201.210, 201.211, 201.213, and 201.214 of title 9, Code of Federal Regulations, as proposed to be added by the proposed rule entitled “Implementation of Regulations Required Under Title XI of the Food, Conservation and Energy Act of 2008; Conduct in Violation of the Act” published by the Department of Agriculture on June 22, 2010 (75 Fed. Reg. 35338); or

(3) issue regulations or adopt a policy similar to the provisions—

(A) referred to in paragraph (1) or (2); or

(B) rescinded by the Secretary pursuant to section 742 of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113-6).

#### SEC. 11103. TRICHINAE CERTIFICATION PROGRAM.

(a) **ALTERNATIVE CERTIFICATION PROCESS.**—The Secretary of Agriculture shall amend the rule made under paragraph (2) of section 11010(a) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8304(a)) to implement the voluntary trichinae certification program established under paragraph (1) of such section, to include a requirement to establish an alternative trichinae certification process based on surveillance or other methods consistent with international standards for categorizing compartments as having negligible risk for trichinae.

(b) **FINAL REGULATIONS.**—Not later than one year after the date on which the international standards referred to in subsection (a) are adopted, the Secretary shall finalize the rule amended under such subsection.

(c) **REAUTHORIZATION.**—Section 10405(d)(1) of the Animal Health Protection Act (7 U.S.C. 8304(d)(1)) is amended in subparagraphs (A) and (B) by striking “2012” each place it appears and inserting “2018”.

#### SEC. 11104. NATIONAL AQUATIC ANIMAL HEALTH PLAN.

Section 11013(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8322(d)) is amended by striking “2012” and inserting “2018”.

#### SEC. 11105. COUNTRY OF ORIGIN LABELING.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act,

the Secretary of Agriculture, acting through the Office of the Chief Economist, shall conduct an economic analysis of the proposed rule entitled “Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Wild and Farm-raised Fish and Shellfish, Perishable Agricultural Commodities, Peanuts, Pecans, Ginseng and Macadamia Nuts” published by the Department of Agriculture on March 12, 2013 (76 Fed. Reg. 15645).

(b) **CONTENTS.**—The economic analysis described in subsection (a) shall include, with respect to the labeling of beef, pork, and chicken, an analysis of the impact on consumers, producers, and packers in the United States of—

(1) the implementation of subtitle D of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638 et seq.); and

(2) the proposed rule referred to in subsection (a).

#### SEC. 11106. NATIONAL ANIMAL HEALTH LABORATORY NETWORK.

Subtitle E of title X of the Farm Security and Rural Investment Act of 2002 is amended by inserting after section 10409 (7 U.S.C. 8308) the following new section:

##### “SEC. 10409A. NATIONAL ANIMAL HEALTH LABORATORY NETWORK.

“(a) **IN GENERAL.**—The Secretary shall enter into contracts, grants, cooperative agreements, or other legal instruments with eligible laboratories for any of the following purposes:

“(1) To enhance the capability of the Secretary to detect, and respond in a timely manner to, emerging or existing threats to animal health and to support the protection of public health, the environment, and the agricultural economy of the United States.

“(2) To provide the capacity and capability for standardized—

“(A) test procedures, reference materials, and equipment;

“(B) laboratory biosafety and biosecurity levels;

“(C) quality management system requirements;

“(D) interconnected electronic reporting and transmission of data; and

“(E) evaluation for emergency preparedness.

“(3) To coordinate the development, implementation, and enhancement of national veterinary diagnostic laboratory capabilities, with special emphasis on surveillance planning and vulnerability analysis, technology development and validation, training, and outreach.

“(b) **ELIGIBILITY.**—An eligible laboratory under this section is a diagnostic laboratory meeting specific criteria developed by the Secretary, in consultation with State animal health officials and State and university veterinary diagnostic laboratories.

“(c) **PRIORITY.**—To the extent practicable and to the extent capacity and specialized expertise may be necessary, the Secretary shall give priority to existing Federal, State, and university facilities.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2014 through 2018.”.

#### SEC. 11107. REPEAL OF DUPLICATIVE CATFISH INSPECTION PROGRAM.

(a) **IN GENERAL.**—Effective on the date of the enactment of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.), section 11016 of such Act (Public Law 110-246; 122 Stat. 2130) and the amendments made by such section are repealed.

(b) **APPLICATION.**—The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) and

the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) shall be applied and administered as if section 11016 (Public Law 110-246; 122 Stat. 2130) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.) and the amendments made by such section had not been enacted.

#### SEC. 11108. NATIONAL POULTRY IMPROVEMENT PROGRAM.

The Secretary of Agriculture shall ensure that the Department of Agriculture continues to administer the diagnostic surveillance program for H5/H7 low pathogenic avian influenza with respect to commercial poultry under section 146.14 of title 9, Code of Federal Regulations (or a successor regulation) without amending the regulations in section 147.43 of title 9, Code of Federal Regulations (or a successor regulation) with respect to the governance of the General Conference Committee established under such section. The Secretary of Agriculture shall maintain—

(1) the operations of the General Conference Committee—

(A) in the physical location at which the Committee was located on the date of the enactment of this Act; and

(B) with the organizational structure within the Department of Agriculture in effect as of such date; and

(2) the funding levels for the National Poultry Improvement Plan for Commercial Poultry (established under part 146 of title 9, Code of Federal Regulations or a successor regulation) at the fiscal year 2013 funding levels for the Plan.

#### SEC. 11109. REPORT ON BOVINE TUBERCULOSIS IN TEXAS.

Not later than December 31, 2014, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the incidence of bovine tuberculosis in cattle in Texas. The report shall cover the period beginning on January 1, 1997, and ending on December 31, 2013.

#### SEC. 11110. ECONOMIC FRAUD IN WILD AND FARM-RAISED SEAFOOD.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture, acting through the Office of the Chief Economist, shall submit to Congress a report on the economic implications for consumers, fishermen, and aquaculturists of fraud and mislabeling in wild and farm-raised seafood.

(b) **CONTENTS.**—The report required under subsection (a) shall include, with respect to fraud and mislabeling in wild and farm-raised seafood, an analysis of the impact on consumers and producers in the United States of—

(1) sales of imported seafood that is misrepresented as domestic product;

(2) country of origin labeling that allows seafood harvested outside the United States to be labeled as a product of the United States;

(3) the lack of seafood product traceability through the supply chain; and

(4) the inadequate use of DNA testing and other technology to address seafood safety and fraud, including traceability.

### Subtitle B—Socially Disadvantaged Producers and Limited Resource Producers

#### SEC. 11201. OUTREACH AND ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS AND VETERAN FARMERS AND RANCHERS.

(a) **OUTREACH AND ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS AND VETERAN FARMERS AND RANCHERS.**—

Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended—

(1) in the section heading, by inserting **“AND VETERAN FARMERS AND RANCHERS”** after **“RANCHERS”**;

(2) in subsection (a)—

(A) in paragraph (1), by inserting “and veteran farmers or ranchers” after “ranchers”;

(B) in paragraph (2)(B)(i), by inserting “and veteran farmers or ranchers” after “ranchers”; and

(C) in paragraph (4)—

(i) in subparagraph (A)—

(I) in the heading of such subparagraph, by striking “2012” and inserting “2018”;

(II) in clause (i), by striking “and” at the end;

(III) in clause (ii), by striking the period at the end and inserting “; and”; and

(IV) by adding at the end the following new clause:

“(iii) \$10,000,000 for each of fiscal years 2014 through 2018.”; and

(ii) by adding at the end the following new subparagraph:

“(E) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2014 through 2018.”;

(3) in subsection (b)(2), by inserting “or veteran farmers and ranchers” after “socially disadvantaged farmers and ranchers”;

(4) in subsection (c)—

(A) in paragraph (1)(A), by inserting “veteran farmers or ranchers and” before “members”; and

(B) in paragraph (2)(A), by inserting “veteran farmers or ranchers and” before “members”; and

(5) in subsection (e)(5)(A)—

(A) in clause (i), by inserting “and veteran farmers or ranchers” after “ranchers”; and

(B) in clause (ii), by inserting “and veteran farmers or ranchers” after “ranchers”.

(b) **DEFINITION OF VETERAN FARMER OR RANCHER.**—Section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)) is amended by adding at the end the following new paragraph:

“(7) **VETERAN FARMER OR RANCHER.**—The term ‘veteran farmer or rancher’ means a farmer or rancher who served in the active military, naval, or air service, and who was discharged or released from the service under conditions other than dishonorable.”.

#### **SEC. 11202. OFFICE OF ADVOCACY AND OUTREACH.**

Paragraph (3) of section 226B(f) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934(f)) is amended to read as follows:

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this subsection—

“(A) such sums as are necessary for each of fiscal years 2009 through 2013; and

“(B) \$2,000,000 for each of fiscal years 2014 through 2018.”.

#### **SEC. 11203. SOCIALLY DISADVANTAGED FARMERS AND RANCHERS POLICY RESEARCH CENTER.**

Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), as amended by section 11201, is amended by adding at the end the following new subsection:

“(i) **SOCIALLY DISADVANTAGED FARMERS AND RANCHERS POLICY RESEARCH CENTER.**—The Secretary shall award a grant to a college or university eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University, to establish a policy research center to be

known as the ‘Socially Disadvantaged Farmers and Ranchers Policy Research Center’ for the purpose of developing policy recommendations for the protection and promotion of the interests of socially disadvantaged farmers and ranchers.”.

#### **SEC. 11204. RECEIPT FOR SERVICE OR DENIAL OF SERVICE FROM CERTAIN DEPARTMENT OF AGRICULTURE AGENCIES.**

Section 2501A(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1(e)) is amended by striking “and, at the time of the request, also requests a receipt”.

#### **Subtitle C—Other Miscellaneous Provisions**

#### **SEC. 11301. GRANTS TO IMPROVE SUPPLY, STABILITY, SAFETY, AND TRAINING OF AGRICULTURAL LABOR FORCE.**

Subsection (d) of section 14204 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 2008q–1) is amended to read as follows:

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

“(1) such sums as are necessary for each of fiscal years 2008 through 2013; and

“(2) \$10,000,000 for each of fiscal years 2014 through 2018.”.

#### **SEC. 11302. PROGRAM BENEFIT ELIGIBILITY STATUS FOR PARTICIPANTS IN HIGH PLAINS WATER STUDY.**

Section 2901 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1818) is amended by striking “this Act or an amendment made by this Act” and inserting “this Act, an amendment made by this Act, the Federal Agriculture Reform and Risk Management Act of 2013, or an amendment made by the Federal Agriculture Reform and Risk Management Act of 2013”.

#### **SEC. 11303. OFFICE OF TRIBAL RELATIONS.**

(a) **IN GENERAL.**—Title III of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 is amended by adding after section 308 (7 U.S.C. 3125a note; Public Law 103–354) the following new section:

##### **“SEC. 309. OFFICE OF TRIBAL RELATIONS.**

“The Secretary shall establish in the Office of the Secretary an Office of Tribal Relations to advise the Secretary on policies related to Indian tribes.”.

(b) **CONFORMING AMENDMENT.**—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended by inserting after paragraph (8), as added by section 3207, the following new paragraph:

“(9) the authority of the Secretary to establish in the Office of the Secretary the Office of Tribal Relations in accordance with section 309; and”.

#### **SEC. 11304. MILITARY VETERANS AGRICULTURAL LIAISON.**

(a) **IN GENERAL.**—Subtitle A of the Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 218 (7 U.S.C. 6918) the following new section:

##### **“SEC. 219. MILITARY VETERANS AGRICULTURAL LIAISON.**

“(a) **AUTHORIZATION.**—The Secretary shall establish in the Department the position of Military Veterans Agricultural Liaison.

“(b) **DUTIES.**—The Military Veterans Agricultural Liaison shall—

“(1) provide information to returning veterans about, and connect returning veterans with, beginning farmer training and agricultural vocational and rehabilitation programs appropriate to the needs and interests of returning veterans, including assisting veterans in using Federal veterans educational benefits for purposes relating to beginning a farming or ranching career;

“(2) provide information to veterans concerning the availability of and eligibility requirements for participation in agricultural programs, with particular emphasis on beginning farmer and rancher programs;

“(3) serve as a resource for assisting veteran farmers and ranchers, and potential farmers and ranchers, in applying for participation in agricultural programs; and

“(4) advocate on behalf of veterans in interactions with employees of the Department.”.

(b) **CONFORMING AMENDMENT.**—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended by inserting after paragraph (9), as added by section 11303, the following new paragraph:

“(10) the authority of the Secretary to establish in the Department the position of Military Veterans Agricultural Liaison in accordance with section 219.”.

#### **SEC. 11305. PROHIBITION ON KEEPING GSA LEASED CARS OVERNIGHT.**

Effective immediately, a Federal employee of a State office of the Farm Service Agency in the field and non-Federal employees of county and area committees established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)) shall keep leased interagency motor pool vehicles at a location listed on the General Services Administration inventory of owned and leased properties or a location owned or leased by the Department of Agriculture overnight unless the employee assigned the vehicle is on overnight, approved travel status involving per diem.

#### **SEC. 11306. NONINSURED CROP ASSISTANCE PROGRAM.**

Section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), as amended by section 10013(b), is further amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following new paragraph:

“(1) **IN GENERAL.**—

“(A) **COVERAGES.**—In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a non-insured crop disaster assistance program to provide coverages based on individual yields (other than for value-loss crops) equivalent to—

“(i) catastrophic risk protection available under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)); or

“(ii) additional coverage available under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) that does not exceed 65 percent.

“(B) **ADMINISTRATION.**—The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the ‘Agency’).”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking “and” after the semicolon at the end;

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i) the following new clause:

“(ii) for which additional coverage under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) is not available; and”; and

(ii) in subparagraph (B), by inserting “sweet sorghum, biomass sorghum,” before “and industrial crops”;

(2) in subsection (d), by striking “The Secretary” and inserting “Subject to subsection (1), the Secretary”; and

(3) by adding at the end the following new subsection:



“(1) PAYMENT EQUIVALENT TO ADDITIONAL COVERAGE.—

“(1) IN GENERAL.—The Secretary shall make available to a producer eligible for noninsured assistance under this section a payment equivalent to an indemnity for additional coverage under subsections (c) and (h) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) that does not exceed 65 percent of the established yield for the eligible crop on the farm, computed by multiplying—

“(A) the quantity that is not greater than 65 percent of the established yield for the crop, as determined by the Secretary, specified in increments of 5 percent;

“(B) 100 percent of the average market price for the crop, as determined by the Secretary; and

“(C) a payment rate for the type of crop, as determined by the Secretary, that reflects—

“(i) in the case of a crop that is produced with a significant and variable harvesting expense, the decreasing cost incurred in the production cycle for the crop that is, as applicable—

“(I) harvested;

“(II) planted but not harvested; or

“(III) prevented from being planted because of drought, flood, or other natural disaster, as determined by the Secretary; or

“(ii) in the case of a crop that is produced without a significant and variable harvesting expense, such rate as shall be determined by the Secretary.

“(2) PREMIUM.—To be eligible to receive a payment under this subsection, a producer shall pay—

“(A) the service fee required by subsection (k); and

“(B) a premium for the applicable crop year that is equal to the product obtained by multiplying—

“(i) the number of acres devoted to the eligible crop;

“(ii) the established yield for the eligible crop, as determined by the Secretary under subsection (e);

“(iii) the coverage level elected by the producer;

“(iv) the average market price, as determined by the Secretary; and

“(v) .0525.

“(3) LIMITED RESOURCE, BEGINNING, AND SOCIALLY DISADVANTAGED FARMERS.—The additional coverage made available under this subsection shall be available to limited resource, beginning, and socially disadvantaged producers, as determined by the Secretary, in exchange for a premium that is 50 percent of the premium determined for a producer under paragraph (2).

“(4) PREMIUM PAYMENT AND APPLICATION DEADLINE.—

“(A) PREMIUM PAYMENT.—A producer electing additional coverage under this subsection shall pay the premium amount owed for the additional coverage by September 30 of the crop year for which the additional coverage is purchased.

“(B) APPLICATION DEADLINE.—The latest date on which additional coverage under this subsection may be elected shall be the application closing date described in subsection (b)(1).

“(5) EFFECTIVE DATE.—Additional coverage under this subsection shall be available beginning with the 2015 crop.”

#### SEC. 11307. ENSURING HIGH STANDARDS FOR AGENCY USE OF SCIENTIFIC INFORMATION.

(a) REQUIREMENT FOR FINAL GUIDELINES.—Not later than January 1, 2014, each Federal agency shall have in effect guidelines for en-

suring and maximizing the quality, objectivity, utility, and integrity of scientific information relied upon by such agency.

(b) CONTENT OF GUIDELINES.—The guidelines described in subsection (a), with respect to a Federal agency, shall ensure that—

(1) when scientific information is considered by the agency in policy decisions—

(A) the information is subject to well-established scientific processes, including peer review where appropriate;

(B) the agency appropriately applies the scientific information to the policy decision;

(C) except for information that is protected from disclosure by law or administrative practice, the agency makes available to the public the scientific information considered by the agency;

(D) the agency gives greatest weight to information that is based on experimental, empirical, quantifiable, and reproducible data that is developed in accordance with well-established scientific processes; and

(E) with respect to any proposed rule issued by the agency, such agency follows procedures that include, to the extent feasible and permitted by law, an opportunity for public comment on all relevant scientific findings;

(2) the agency has procedures in place to make policy decisions only on the basis of the best reasonably obtainable scientific, technical, economic, and other evidence and information concerning the need for, consequences of, and alternatives to the decision; and

(3) the agency has in place procedures to identify and address instances in which the integrity of scientific information considered by the agency may have been compromised, including instances in which such information may have been the product of a scientific process that was compromised.

(c) APPROVAL NEEDED FOR POLICY DECISIONS TO TAKE EFFECT.—No policy decision issued after January 1, 2014, by an agency subject to this section may take effect prior to such date that the agency has in effect guidelines under subsection (a) that have been approved by the Director of the Office of Science and Technology Policy.

(d) POLICY DECISIONS NOT IN COMPLIANCE.—

(1) IN GENERAL.—Subject to paragraph (2), a policy decision of an agency that does not comply with guidelines approved under subsection (c) shall be deemed to be arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law.

(2) EXCEPTION.—This subsection shall not apply to policy decisions that are deemed to be necessary because of an imminent threat to health or safety or because of another emergency.

(e) DEFINITIONS.—For purposes of this section:

(1) AGENCY.—The term “agency” has the meaning given such term in section 551(1) of title 5, United States Code.

(2) POLICY DECISION.—The term “policy decision” means, with respect to an agency, an agency action as defined in section 551(13) of title 5, United States Code, (other than an adjudication, as defined in section 551(7) of such title), and includes—

(A) the listing, labeling, or other identification of a substance, product, or activity as hazardous or creating risk to human health, safety, or the environment; and

(B) agency guidance.

(3) AGENCY GUIDANCE.—The term “agency guidance” means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a

policy on a statutory, regulatory, or technical issue or on an interpretation of a statutory or regulatory issue.

#### SEC. 11308. EVALUATION REQUIRED FOR PURPOSES OF PROHIBITION ON CLOSURE OR RELOCATION OF COUNTY OFFICES FOR THE FARM SERVICE AGENCY.

(a) PROHIBITION ON CLOSURE OR RELOCATION OF OFFICES WITH HIGH WORKLOAD VOLUME.—Section 14212 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 6932a) is amended by striking subsection (a) and inserting the following new subsection:

“(a) PROHIBITION ON CLOSURE OR RELOCATION OF OFFICES WITH HIGH WORKLOAD VOLUME.—The Secretary of Agriculture may not close or relocate a county or field office of the Farm Service Agency in a State if the Secretary determines, after conducting the evaluation required under subsection (b)(1)(B), that the office has a high workload volume compared with other county offices in the State.”

(b) WORKLOAD EVALUATION.—Section 14212(b)(1) of such Act (7 U.S.C. 6932a(b)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the margins of such clauses two ems to the right;

(2) by striking “the Farm Service Agency, to the maximum extent practicable” and inserting “the Farm Service Agency—

“(A) to the maximum extent practicable”;

(3) in clause (ii) (as redesignated by paragraph (1))—

(A) by inserting “as of the date of the enactment of this Act” after “employees”; and

(B) by striking the period at the end and inserting “; and”;

(4) by adding at the end the following new subparagraph:

“(B) conduct and complete an evaluation of all workload assessments for Farm Service Agency county offices that were open and operational as of January 1, 2012, during the period that begins on a date that is not later than 180 days after the date of the enactment of the Federal Agriculture Reform and Risk Management Act of 2013 and ends on the date that is 18 months after such date of enactment.”

(c) NOTICE REQUIRED.—Section 14212(b)(2) of such Act (7 U.S.C. 6932a(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking “After the period referred to in subsection (a)(1), the Secretary of Agriculture may not close a county or field office of the Farm Service Agency unless—” and inserting “After carrying out each of the activities required under paragraph (1), the Secretary of Agriculture shall, before closing a county or field office of the Farm Service Agency—”;

(2) in subparagraph (A), by striking “the Secretary holds” and inserting “hold”; and

(3) in subparagraph (B), by striking “the Secretary notifies” and inserting “notify”.

(d) CONFORMING AMENDMENT.—Section 14212(b)(1) of such Act (7 U.S.C. 6932a(b)(1)) is amended by striking “After the period referred to in subsection (a)(1), the Secretary” and inserting “The Secretary”.

#### SEC. 11309. ACER ACCESS AND DEVELOPMENT PROGRAM.

(a) GRANTS AUTHORIZED.—The Secretary of Agriculture may make competitive grants to States, tribal governments, and research institutions to support the efforts of such States, tribal governments, and research institutions to promote the domestic maple syrup industry through the following activities:

(1) Promotion of research and education related to maple syrup production.



(2) Promotion of natural resource sustainability in the maple syrup industry.

(3) Market promotion for maple syrup and maple-sap products.

(4) Encouragement of owners and operators of privately held land containing species of trees in the genus *Acer*—

(A) to initiate or expand maple-sugaring activities on the land; or

(B) to voluntarily make the land available, including by lease or other means, for access by the public for maple-sugaring activities.

(b) APPLICATION.—In submitting an application for a competitive grant under this section, a State, tribal government, or research institution shall include—

(1) a description of the activities to be supported using the grant funds;

(2) a description of the benefits that the State, tribal government, or research institution intends to achieve as a result of engaging in such activities; and

(3) an estimate of the increase in maple-sugaring activities or maple syrup production that the State, tribal government, or research institution anticipates will occur as a result of engaging in such activities.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed so as to preempt a State or tribal government law, including a State or tribal government liability law.

(d) DEFINITION OF MAPLE-SUGARING.—In this section, the term “maple-sugaring” means the collection of sap from any species of tree in the genus *Acer* for the purpose of boiling to produce food.

(e) REGULATIONS.—The Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2014 through 2018.

#### SEC. 11310. REGULATORY REVIEW BY THE SECRETARY OF AGRICULTURE.

(a) REVIEW OF REGULATORY AGENDA.—The Secretary of Agriculture shall review publications that may give notice that the Environmental Protection Agency is preparing or plans to prepare any guidance, policy, memorandum, regulation, or statement of general applicability and future effect that may have a significant impact on a substantial number of agricultural entities, including—

(1) any regulatory agenda of the Environmental Protection Agency published pursuant to section 602 of title 5, United States Code;

(2) any regulatory plan or agenda published by the Environmental Protection Agency or the Office of Management and Budget pursuant to an Executive order, including Executive Order 12866; and

(3) any other publication issued by the Environmental Protection Agency or the Office of Management and Budget that may reasonably be foreseen to contain notice of plans by the Environmental Protection Agency to prepare any guidance, policy, memorandum, regulation, or statement of general applicability and future effect that may have a significant impact on a substantial number of agricultural entities.

(b) INFORMATION GATHERING.—For a publication item reviewed under subsection (a) that the Secretary determines may have a significant impact on a substantial number of agricultural entities, the Secretary shall—

(1) solicit from the Administrator of the Environmental Protection Agency any information the Administrator may provide to facilitate a review of the publication item;

(2) utilize the Chief Economist of the Department of Agriculture to produce an economic impact statement for the publication item that contains a detailed estimate of potential costs to agricultural entities;

(3) identify individuals representative of potentially affected agricultural entities for the purpose of obtaining advice and recommendations from such individuals about the potential impacts of the publication item; and

(4) convene a review panel for analysis of the publication item that includes the Secretary, any full-time Federal employee of the Department of Agriculture appointed to the panel by the Secretary, and any employee of the Environmental Protection Agency or the Office of Information and Regulatory Affairs within the Office of Management and Budget that accepts an invitation from the Secretary to participate in the panel.

(c) DUTIES OF THE REVIEW PANEL.—A review panel convened for a publication item under subsection (b)(4) shall—

(1) review any information or material obtained by the Secretary and prepared in connection with the publication item, including any draft proposed guidance, policy, memorandum, regulation, or statement of general applicability and future effect;

(2) collect advice and recommendations from agricultural entity representatives identified by the Administrator after consultation with the Secretary;

(3) compile and analyze such advice and recommendations; and

(4) make recommendations to the Secretary based on the information gathered by the review panel or provided by agricultural entity representatives.

(d) COMMENTS.—

(1) IN GENERAL.—Not later than 60 days after the date the Secretary convenes a review panel pursuant to subsection (b)(4), the Secretary shall submit to the Administrator comments on the planned or proposed guidance, policy, memorandum, regulation, or statement of general applicability and future effect for consideration and inclusion in any related administrative record, including—

(A) a report by the Secretary on the concerns of agricultural entities;

(B) the findings of the review panel;

(C) the findings of the Secretary, including any adopted findings of the review panel; and

(D) recommendations of the Secretary.

(2) PUBLICATION.—The Secretary shall publish the comments in the Federal Register and make the comments available to the public on the public Internet website of the Department of Agriculture.

(e) WAIVERS.—The Secretary may waive initiation of the review panel under subsection (b)(4) as the Secretary determines appropriate.

(f) DEFINITION OF AGRICULTURAL ENTITY.—In this section, the term “agricultural entity” means any entity involved in or related to agricultural enterprise, including enterprises that are engaged in the business of production of food and fiber, ranching and raising of livestock, aquaculture, and all other farming and agricultural related industries.

#### SEC. 11311. PROHIBITION ON ATTENDING AN ANIMAL FIGHTING VENTURE OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHTING VENTURE.

Section 26(a)(1) of the Animal Welfare Act (7 U.S.C. 2156(a)(1)) is amended by striking the period and inserting “or to knowingly attend or knowingly cause a minor to attend an animal fighting venture.”.

#### SEC. 11312. PROHIBITION AGAINST INTERFERENCE BY STATE AND LOCAL GOVERNMENTS WITH PRODUCTION OR MANUFACTURE OF ITEMS IN OTHER STATES.

(a) IN GENERAL.—Consistent with Article I, section 8, clause 3 of the Constitution of the United States, the government of a State or locality therein shall not impose a standard or condition on the production or manufacture of any agricultural product sold or offered for sale in interstate commerce if—

(1) such production or manufacture occurs in another State; and

(2) the standard or condition is in addition to the standards and conditions applicable to such production or manufacture pursuant to—

(A) Federal law; and

(B) the laws of the State and locality in which such production or manufacture occurs.

(b) AGRICULTURAL PRODUCT DEFINED.—In this section, the term “agricultural product” has the meaning given such term in section 207 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1626).

#### SEC. 11313. INCREASED PROTECTION FOR AGRICULTURAL INTERESTS IN THE MISSOURI RIVER BASIN.

(a) FINDINGS.—Congress finds the following:

(1) Record runoff occurred in the Missouri River basin during 2011 as a result of historic rainfall over portions of the upper basin coupled with heavy plains and mountain snowpack.

(2) Runoff above Sioux City, Iowa, during the 5-month period of March through July totaled an estimated 48.4 million acre-feet (referred to in this section as “MAF”). This runoff volume was more than 20 percent greater than the design storm for the Missouri River Mainstem Reservoir System (referred to in this section as the “System”), which was based on the 1881 runoff of 40.0 MAF during the same 5-month period.

(3) During the 2011 runoff season, nearly 61 million acre-feet of water entered the Missouri River system, far surpassing the previous record of 49 MAF in runoff that was set during the flood of 1997.

(4) Given the incredible amount of water entering the System, the summer months were spent working to evacuate as much water from the System as possible, ultimately leading to record high water releases from Gavins Point Dam of 160,000 cubic feet per second, a rate that more than doubled the previous release record of 70,000 cubic feet per second set in 1997.

(5) For nearly four months, those extremely high releases from Gavins Point were maintained, resulting in severe and sustained flooding, with much of western Iowa and eastern Nebraska as well as portions of South Dakota, Kansas, and Missouri inundated by a flooding river three to five feet deep, up to 11 miles wide, and flowing at a rate of 4 to 11 miles per hour.

(6) Thousands of homes and businesses were damaged or destroyed and hundreds of millions of dollars in damage was done to roads and other public infrastructure.

(7) In addition to the homes, businesses, and infrastructure impacted by the flooding, hundreds of thousands of acres of cropland were affected.

(8) The Department of Agriculture has estimated that 400,000 to 500,000 acres of some of the most productive crop land in the world was flooded in 2011.

(9) Local Farm Services Agency representatives have estimated that \$82,100,000 was lost in 2011 alone due to damaged or lost crops and unplanted acres.

(10) Not only did the flooding eliminate the 2011 crop, but it is highly unlikely that many farmers will be able to put that land back into production at any point in the near future.

(11) Producers will have to contend with large piles of sand, silt, and other debris that have been deposited in their fields, meaning the impact of the 2011 flood will be felt in the agricultural communities up and down the Missouri River for many years to come.

(12) Currently, the amount of storage capacity in the System that is set aside for flood control is based upon the vacated space required to control the 1881 flood, because prior to the 2011 flood, the 1881 flood was seen as the “high water mark”.

(13) Given the historic flooding that took place in 2011, it is clear that year’s flooding now represents a new “high water mark”, surpassing the flooding of even the 1881 flood.

(14) It is important that the flood control related functions of the System management be adjusted to reflect the reality of the 2011 flood as the new “worst case scenario” for flooding along the Missouri River.

(15) System management may begin to be adjusted to account for the 2011 flood through a recalculation of the amount of storage space within the System that is allocated to flood control, using the model not of the 1881 flood, but of the greatest flood experienced—the flood of 2011.

(16) As a result of the flooding in 2011, many States received disaster declarations from the Department of Agriculture to help farmers and producers recover from the damage done by the high water.

(17) Though helpful, even the assistance provided by the Department of Agriculture will not provide many in the agriculture community with the resources to put their land back into production any time soon.

(18) Without the protection that will come from a fundamental change in the System’s flood control storage allocations, farmers, producers, and other agricultural interests who may be in a position to restart their operations will find it difficult to justify doing so, given the fact that they will not be protected from similar flooding in the future.

(b) **UPDATED MANAGEMENT OF THE MISSOURI RIVER TO PROTECT AGRICULTURAL INTERESTS.**—In order to strengthen the agricultural economy, revitalize the rural communities, and conserve the natural resources of the Missouri River basin, the Congress directs that the Secretary of Agriculture take action to promote immediate increased flood protection to farmers, producers, and other agricultural interests in the Missouri River basin by working within its jurisdiction to support efforts—

(1) to recalculate the amount of space within the System that is allocated to flood control storage using the 2011 flood as the model; and

(2) to increase the Missouri River’s channel capacity between the reservoirs and below Gavins Point.

**SEC. 11314. INCREASED PROTECTION FOR AGRICULTURAL INTERESTS IN THE BLACK DIRT REGION.**

In order to strengthen the agricultural economy, revitalize the rural communities, and conserve the natural resources of the Black Dirt region, the Congress directs that the Secretary of Agriculture take action to promote immediate increased flood protection to farmers, producers, and other agricultural interests around the Wallkill River and in the Black Dirt region.

**SEC. 11315. PROTECTION OF HONEY BEES AND OTHER POLLINATORS.**

(a) **IN GENERAL.**—The Secretary, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall carry out such activities as the Secretary determines to be appropriate to protect and ensure the long-term viability of populations of honey bees, wild bees, and other beneficial insects of agricultural crops, horticultural plants, wild plants, and other plants, including—

(1) providing technical expertise relating to proposed agency actions that may threaten pollinator health or jeopardize the long-term viability of populations of pollinators;

(2) providing formal guidance on national policies relating to—

(A) permitting managed honey bees to forage on National Forest Service lands where compatible with other natural resource management priorities; and

(B) planting and maintaining managed honey bee and native pollinator forage on National Forest Service lands where compatible with other natural resource management priorities;

(3) making use of the best available peer-reviewed science regarding environmental and chemical stressors on pollinator health; and

(4) regularly monitoring and reporting on the health and population status of managed and native pollinators including bees, birds, bats, and other species.

(b) **TASK FORCE ON BEE HEALTH AND COMMERCIAL BEEKEEPING.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish a task force—

(A) to coordinate Federal efforts carried out on or after the date of enactment of this Act to address the serious worldwide decline in bee health, especially honey bees and declining native bees; and

(B) to assess Federal efforts to mitigate pollinator losses and threats to the United States commercial beekeeping industry.

(2) **AGENCY CONSULTATION.**—The task force established under this subsection shall seek ongoing consultation from any Federal agency carrying out activities important to bee health and commercial beekeeping, including officials from—

(A) the Department of Agriculture;

(B) the Department of the Interior;

(C) the Environmental Protection Agency;

(D) the Food and Drug Administration;

(E) the Department of Commerce; and

(F) U.S. Customs and Border Protection.

(3) **STAKEHOLDER CONSULTATION.**—The task force established under this subsection shall consult with beekeeper, conservation, scientist, and agricultural stakeholders.

(c) **REPORT TO CONGRESS.**—Not later than 180 days after the date of enactment of this Act, the task force established under subsection (b) shall submit to Congress a report that—

(1) summarizes Federal activities carried out pursuant to subsection (f) of section of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) (as redesignated by section 7209) or any other provision of law (including regulations) to address bee decline;

(2) summarizes international efforts to address the decline of managed honey bees and native pollinators; and

(3) provides recommendations to Congress regarding how to better coordinate Federal agency efforts to address the decline of managed honey bees and native pollinators.

(d) **POLLINATOR RESEARCH LAB FEASIBILITY STUDY.**—

(1) **IN GENERAL.**—The Secretary, acting through the Administrator of the Agricultural Research Service, may conduct feasibility studies regarding—

(A) re-locating existing honey bee and native pollinator research from Federal laboratories to a cooperator-run facility in a location most geographically appropriate for pollinator research; and

(B) modernizing existing honey bee research laboratories identified by the Agricultural Research Service in the capital investment strategy document dated 2012.

(2) **CONSULTATION.**—In conducting the feasibility studies under paragraph (1), the Secretary shall consult with—

(A) beekeeper, native bee, agricultural, research institution, and bee conservation stakeholders regarding new research laboratory needs under paragraph (1)(A); and

(B) commercial beekeepers regarding the modernizing of existing honey bee laboratories under paragraph (1)(B).

**SEC. 11316. PRODUCE REPRESENTED AS GROWN IN THE UNITED STATES WHEN IT IS NOT IN FACT GROWN IN THE UNITED STATES.**

(a) **TECHNICAL ASSISTANCE TO CBP.**—The Secretary of Agriculture shall make available to U.S. Customs and Border Protection technical assistance related to the identification of produce represented as grown in the United States when it is not in fact grown in the United States.

(b) **REPORT TO CONGRESS.**—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on produce represented as grown in the United States when it is not in fact grown in the United States.

**SEC. 11317. URBAN AGRICULTURE COORDINATION.**

The Secretary of Agriculture shall coordinate opportunities for urban agriculture, by—

(1) compiling a list of all programs administered by the Secretary or by the head of any other department, agency, or instrumentality of the United States to which urban farmers can apply for assistance or participation;

(2) examining and implementing opportunities to adjust the regulations governing the programs to enable urban farmers to participate in more of the programs;

(3) developing a process for streamlining the process by which urban farmers may apply for assistance from, or for participation in, the programs, including through the use of a single, harmonized application for multiple programs; and

(4) such other methods as the Secretary deems appropriate.

**SEC. 11318. SENSE OF CONGRESS ON INCREASED BUSINESS OPPORTUNITIES FOR BLACK FARMERS, WOMEN, MINORITIES, AND SMALL BUSINESSES.**

It is the sense of Congress that the Federal Government should increase the number of contracts the Federal Government awards to black farmers, businesses owned and controlled by women, businesses owned and controlled by minorities, and small business concerns.

**SEC. 11319. SENSE OF CONGRESS REGARDING AGRICULTURE SECURITY PROGRAMS.**

It is the sense of Congress that—

(1) agricultural nutrients and other agricultural chemicals are essential to ensuring the most efficient production of food, fuel, and fiber;

(2) these products must be properly stored, handled, transported, and used to ensure

that they are not misused or cause harm either accidentally or intentionally;

(3) the Department of Agriculture is the Federal agency with the staffing and technical expertise to understand the important role these products play in agriculture;

(4) other Federal departments and agencies have been given lead responsibility to develop and implement security programs affecting the availability, storage, transportation, and use of a variety of chemicals and products used in agriculture;

(5) it is critical that the Department of Agriculture participates fully in the development of any such security programs to ensure that they do not unnecessarily restrict the availability of the most efficient and beneficial products needed to sustain agriculture in the United States;

(6) the Secretary of Agriculture should review staffing at the Department to ensure that the agency has senior employees within the Department at the Senior Executive Service level or higher, who have responsibility for coordinating with other Federal, State, and international agencies in the development of regulations, guidance, and procedures for the secure handling of agricultural chemicals; and

(7) such employees shall—

(A) work with manufacturers, retailers, and the general farm community to review existing and proposed Federal, State, and international agricultural chemical security regulations;

(B) coordinate with manufacturers, retailers, transporters, and farmers to evaluate how existing and proposed security regulations, including systems to track the sale, transportation, delivery, and use of agricultural products, can be designed to minimize any adverse impact on agricultural productivity;

(C) evaluate how existing and proposed security regulations will affect the ability of agricultural producers to have timely access to nutrients, chemicals, and other products that are affordable and best suited to the producers' operations;

(D) develop recommendations on best practices, policies, and regulatory mechanisms relating to existing and proposed security programs to ensure that there is minimal adverse impact on agricultural productivity; and

(E) engage with Federal agencies with responsibility for establishing security programs to ensure that they have the information needed to develop procedures for effective security administration and enforcement that minimize any adverse impact on domestic or international agricultural productivity.

#### SEC. 11320. REPORT ON WATER SHARING.

Not later than 120 days after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to Congress a report on—

(1) efforts by Mexico to meet its treaty deliveries of water to the Rio Grande in accordance with the Treaty between the United States and Mexico Respecting Utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande (done at Washington, February 3, 1944); and

(2) the benefits to the United States of the Interim International Cooperative Measures in the Colorado River Basin through 2017 and Extension of Minute 318 Cooperative Measures to Address the Continued Effects of the April 2010 Earthquake in the Mexicali Valley, Baja, California (done at Coronado, California, November 20, 2012; commonly referred to as "Minute No. 319").

#### SEC. 11321. SCIENTIFIC AND ECONOMIC ANALYSIS OF THE FDA FOOD SAFETY MODERNIZATION ACT.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") may not enforce any regulations promulgated under the FDA Food Safety Modernization Act (Public Law 111-353) until the Secretary publishes in the Federal Register the following:

(1) An analysis of the scientific information used in the final rule to implement the FDA Food Safety Modernization Act with a particular focus on—

(A) agricultural businesses of a variety of sizes;

(B) regional differences of agriculture production, processing, marketing, and value added production;

(C) agricultural businesses that are diverse livestock and produce producers; and

(D) what, if any, negative impact on the agricultural businesses would be created, or exacerbated, by implementation of the FDA Food Safety Modernization Act.

(2) An analysis of the economic impact of the proposed final rule to implement the FDA Food Safety Modernization Act with a particular focus on—

(A) agricultural businesses of a variety of sizes; and

(B) small and mid-sized value added food processors.

(3) A plan to systematically evaluate the regulations by surveying farmers and processors and developing an ongoing process to evaluate and address business concerns.

(b) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act and annually thereafter, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report on the impact of implementation of the regulations promulgated under the FDA Food Safety Modernization Act.

#### SEC. 11322. IMPROVED DEPARTMENT OF AGRICULTURE CONSIDERATION OF ECONOMIC IMPACT OF REGULATIONS ON SMALL BUSINESS.

The Secretary of Agriculture shall complete procedures consistent with the requirements of subsection (b) of section 609 of title 5, United States Code, whenever the Department of Agriculture promulgates any rule which will have a significant economic impact on a substantial number of small entities.

#### SEC. 11323. SILVICULTURAL ACTIVITIES.

Section 402(l) of the Federal Water Pollution Control Act (33 U.S.C. 1342(l)) is amended by adding at the end the following:

"(3) SILVICULTURAL ACTIVITIES.—

"(A) NPDES PERMIT REQUIREMENTS FOR SILVICULTURAL ACTIVITIES.—The Administrator shall not require a permit or otherwise promulgate regulations under this section or directly or indirectly require any State to require a permit under this section for a discharge of stormwater runoff resulting from the conduct of the following silviculture activities: nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, and road use, construction, and maintenance.

"(B) PERMITS FOR DREDGED OR FILL MATERIAL.—Nothing in this paragraph exempts a silvicultural activity resulting in the discharge of dredged or fill material from any permitting requirement under section 404."

#### SEC. 11324. APPLICABILITY OF SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.

(a) IN GENERAL.—The Administrator, in implementing the Spill Prevention, Control, and Countermeasure rule with respect to any farm, shall—

(1) require certification of compliance with such rule by—

(A) a professional engineer for a farm with—

(i) an individual tank with an aboveground storage capacity greater than 10,000 gallons;

(ii) an aggregate aboveground storage capacity greater than or equal to 42,000 gallons; or

(iii) a history that includes a spill, as determined by the Administrator; or

(B) the owner or operator of the farm (via self-certification) for a farm with—

(i) an aggregate aboveground storage capacity greater than 10,000 gallons but less than 42,000 gallons; and

(ii) no history of spills, as determined by the Administrator; and

(2) exempt from all requirements of such rule any farm—

(A) with an aggregate aboveground storage capacity of less than or equal to 10,000 gallons; and

(B) no history of spills, as determined by the Administrator.

(b) CALCULATION OF AGGREGATE ABOVEGROUND STORAGE CAPACITY.—For the purposes of subsection (a), the aggregate aboveground storage capacity of a farm excludes—

(1) all containers on separate parcels that have a capacity that is less than 1,320 gallons; and

(2) all storage containers holding animal feed ingredients approved for use in livestock feed by the Food and Drug Administration.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) FARM.—The term "farm" has the meaning given such term in section 112.2 of title 40, Code of Federal Regulations.

(3) GALLON.—The term "gallon" refers to a United States liquid gallon.

(4) HISTORY OF SPILLS.—The term "history of spills" has the meaning used to describe the term "reportable discharge history" in section 112.7(k)(1) of title 40, Code of Federal Regulations (or successor regulations).

(5) SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.—The term "Spill Prevention, Control, and Countermeasure rule" means the regulation promulgated by the Environmental Protection Agency under part 112 of title 40, Code of Federal Regulations.

#### SEC. 11325. AGRICULTURAL PRODUCER INFORMATION DISCLOSURE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) AGENCY.—The term "Agency" means the Environmental Protection Agency.

(3) AGRICULTURAL OPERATION.—The term "agricultural operation" includes any operation where an agricultural commodity crop is raised, including livestock operations.

(4) LIVESTOCK OPERATION.—The term "livestock operation" includes any operation involved in the raising or finishing of livestock or poultry.

(b) DISCLOSURE OF INFORMATION.—

(1) PROHIBITION.—Except as provided in paragraph (2), the Administrator, any officer

or employee of the Agency, or any contractor of the Agency, shall not make public the information of any owner, operator, or employee of an agricultural operation provided to the Agency by a farmer, rancher, or livestock producer or a State agency that has been obtained in accordance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or any other law, including—

- (A) names;
- (B) telephone numbers;
- (C) email addresses;
- (D) physical addresses;
- (E) Global Positioning System coordinates;

or

- (F) other identifying location information.
- (2) EFFECT.—Nothing in paragraph (1) affects—

(A) the disclosure of information described in paragraph (1) if—

(i) the information has been transformed into a statistical or aggregate form at the county level or higher without any information that identifies the agricultural operation or agricultural producer; or

(ii) the producer consents to the disclosure; or

(B) the authority of any State agency to collect information on livestock operations.

(3) CONDITION OF PERMIT OR OTHER PROGRAMS.—The approval of any permit, practice, or program administered by the Administrator shall not be conditioned on the consent of the agricultural producer or livestock producer under paragraph (2)(A)(ii).

#### SEC. 11326. REPORT ON NATIONAL OCEAN POLICY.

(a) FINDINGS.—Congress finds the following:

(1) Executive Order 13547, issued on July 19, 2010, established the national policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes and requires—

(A) Federal implementation of “ecosystem-based management” to achieve a “fundamental shift” in how the United States manages ocean, coastal, and Great Lakes resources; and

(B) the establishment of nine new governmental “Regional Planning Bodies” and “Coastal and Marine Spatial Plans” in every region of the United States.

(2) Executive Order 13547 created a 54-member National Ocean Council led by the White House Council on Environmental Quality and Office of Science and Technology Policy that includes 54 principal and deputy-level representatives from Federal entities, including the Department of Agriculture.

(3) Executive Order 13547 requires National Ocean Council members, including the Department of Agriculture, to take action to implement the Policy and participate in coastal and marine spatial planning to the maximum extent possible.

(4) The Final Recommendations of the Interagency Ocean Policy Task Force that were adopted by Executive Order 13547 state that “effective” implementation of the National Ocean Policy will “require clear and easily understood requirements and regulations, where appropriate, that include enforcement as a critical component”.

(5) Despite repeated Congressional requests, the National Ocean Council, which is charged with overseeing implementation of the policy, has still not provided a complete accounting of Federal activities under the policy and resources expended and allocated in furtherance of implementation of the policy.

(6) The continued economic and budgetary challenges of the United States underscore

the necessity for sound, transparent, and practical Federal policies.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report detailing—

(1) all activities engaged in and resources expended in furtherance of Executive Order 13547 since July 19, 2010; and

(2) any budget requests for fiscal year 2014 for support of implementation of Executive Order 13547.

#### SEC. 11327. SUNSETTING OF PROGRAMS.

(a) IN GENERAL.—Subject to subsection (b), each fiscal year the Secretary of Agriculture may not carry out any program—

(1) for which an authorization of appropriations is established or extended under this Act; and

(2) that is funded by discretionary appropriations (as defined in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c))).

(b) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a program referred to in such subsection on the date on which the authorization of appropriations under this Act for such program expires.

(c) EXISTING OBLIGATIONS.—Subsection (a) does not affect the ability of the Secretary to carry out responsibilities with regard to loans, grants, or other obligations made or in existence before an applicable effective date under subsection (b).

#### Subtitle D—Chesapeake Bay Accountability and Recovery

##### SEC. 11401. SHORT TITLE.

This subtitle may be cited as the “Chesapeake Bay Accountability and Recovery Act of 2013”.

##### SEC. 11402. CHESAPEAKE BAY CROSSCUT BUDGET.

(a) CROSSCUT BUDGET.—The Director, in consultation with the Chesapeake Executive Council, the chief executive of each Chesapeake Bay State, and the Chesapeake Bay Commission, shall submit to Congress a financial report containing—

(1) an interagency crosscut budget that displays—

(A) the proposed funding for any Federal restoration activity to be carried out in the succeeding fiscal year, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carry out restoration activities;

(B) to the extent that information is available, the estimated funding for any State restoration activity to be carried out in the succeeding fiscal year;

(C) all expenditures for Federal restoration activities from the preceding 2 fiscal years, the current fiscal year, and the succeeding fiscal year; and

(D) all expenditures, to the extent that information is available, for State restoration activities during the equivalent time period described in subparagraph (C);

(2) a detailed accounting of all funds received and obligated by all Federal agencies for restoration activities during the current and preceding fiscal years, including the identification of funds which were transferred to a Chesapeake Bay State for restoration activities;

(3) to the extent that information is available, a detailed accounting from each State of all funds received and obligated from a Federal agency for restoration activities

during the current and preceding fiscal years; and

(4) a description of each of the proposed Federal and State restoration activities to be carried out in the succeeding fiscal year (corresponding to those activities listed in subparagraphs (A) and (B) of paragraph (1)), including the—

- (A) project description;
- (B) current status of the project;
- (C) Federal or State statutory or regulatory authority, programs, or responsible agencies;
- (D) authorization level for appropriations;
- (E) project timeline, including benchmarks;
- (F) references to project documents;
- (G) descriptions of risks and uncertainties of project implementation;
- (H) adaptive management actions or framework;
- (I) coordinating entities;
- (J) funding history;
- (K) cost sharing; and
- (L) alignment with existing Chesapeake Bay Agreement and Chesapeake Executive Council goals and priorities.

(b) MINIMUM FUNDING LEVELS.—The Director shall only describe restoration activities in the report required under subsection (a) that—

(1) for Federal restoration activities, have funding amounts greater than or equal to \$100,000; and

(2) for State restoration activities, have funding amounts greater than or equal to \$50,000.

(c) DEADLINE.—The Director shall submit to Congress the report required by subsection (a) not later than 30 days after the submission by the President of the President’s annual budget to Congress.

(d) REPORT.—Copies of the financial report required by subsection (a) shall be submitted to the Committees on Appropriations, Natural Resources, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations, Environment and Public Works, and Commerce, Science, and Transportation of the Senate.

(e) EFFECTIVE DATE.—This section shall apply beginning with the first fiscal year after the date of enactment of this Act for which the President submits a budget to Congress.

##### SEC. 11403. RESTORATION THROUGH ADAPTIVE MANAGEMENT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with other Federal and State agencies, and with the participation of stakeholders, shall develop a plan to provide technical and financial assistance to Chesapeake Bay States to employ adaptive management in carrying out restoration activities in the Chesapeake Bay watershed.

(b) PLAN DEVELOPMENT.—The plan referred to in subsection (a) shall include—

- (1) specific and measurable objectives to improve water quality, habitat, and fisheries identified by Chesapeake Bay States;
- (2) a process for stakeholder participation;
- (3) monitoring, modeling, experimentation, and other research and evaluation technical assistance requested by Chesapeake Bay States;
- (4) identification of State restoration activities planned by Chesapeake Bay States to attain the State’s objectives under paragraph (1);
- (5) identification of Federal restoration activities that could help a Chesapeake Bay

State to attain the State's objectives under paragraph (1);

(6) recommendations for a process for modification of State and Federal restoration activities that have not attained or will not attain the specific and measurable objectives set forth under paragraph (1); and

(7) recommendations for a process for integrating and prioritizing State and Federal restoration activities and programs to which adaptive management can be applied.

(c) IMPLEMENTATION.—In addition to carrying out Federal restoration activities under existing authorities and funding, the Administrator shall implement the plan developed under subsection (a) by providing technical and financial assistance to Chesapeake Bay States using resources available for such purposes that are identified by the Director under section 11402.

(d) UPDATES.—The Administrator shall update the plan developed under subsection (a) every 2 years.

(e) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 60 days after the end of a fiscal year, the Administrator shall transmit to Congress an annual report on the implementation of the plan required under this section for such fiscal year.

(2) CONTENTS.—The report required under paragraph (1) shall contain information about the application of adaptive management to restoration activities and programs, including level changes implemented through the process of adaptive management.

(3) EFFECTIVE DATE.—Paragraph (1) shall apply to the first fiscal year that begins after the date of enactment of this Act.

(f) INCLUSION OF PLAN IN ANNUAL ACTION PLAN AND ANNUAL PROGRESS REPORT.—The Administrator shall ensure that the Annual Action Plan and Annual Progress Report required by section 205 of Executive Order 13508 includes the adaptive management plan outlined in subsection (a).

#### SEC. 11404. INDEPENDENT EVALUATOR FOR THE CHESAPEAKE BAY PROGRAM.

(a) IN GENERAL.—There shall be an Independent Evaluator for restoration activities in the Chesapeake Bay watershed, who shall review and report on restoration activities and the use of adaptive management in restoration activities, including on such related topics as are suggested by the Chesapeake Executive Council.

(b) APPOINTMENT.—

(1) IN GENERAL.—The Independent Evaluator shall be appointed by the Administrator from among nominees submitted by the Chesapeake Executive Council.

(2) NOMINATIONS.—The Chesapeake Executive Council may submit to the Administrator 4 nominees for appointment to any vacancy in the office of the Independent Evaluator.

(c) REPORTS.—The Independent Evaluator shall submit a report to the Congress every 2 years in the findings and recommendations of reviews under this section.

(d) CHESAPEAKE EXECUTIVE COUNCIL.—In this section, the term "Chesapeake Executive Council" has the meaning given that term by section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102-567; 15 U.S.C. 1511d).

#### SEC. 11405. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) ADAPTIVE MANAGEMENT.—The term "adaptive management" means a type of natural resource management in which project and program decisions are made as

part of an ongoing science-based process. Adaptive management involves testing, monitoring, and evaluating applied strategies and incorporating new knowledge into programs and restoration activities that are based on scientific findings and the needs of society. Results are used to modify management policy, strategies, practices, programs, and restoration activities.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(3) CHESAPEAKE BAY STATE.—The term "Chesapeake Bay State" or "State" means the States of Maryland, West Virginia, Delaware, and New York, the Commonwealths of Virginia and Pennsylvania, and the District of Columbia.

(4) CHESAPEAKE BAY WATERSHED.—The term "Chesapeake Bay watershed" means the Chesapeake Bay and the geographic area, as determined by the Secretary of the Interior, consisting of 36 tributary basins, within the Chesapeake Bay States, through which precipitation drains into the Chesapeake Bay.

(5) CHIEF EXECUTIVE.—The term "chief executive" means, in the case of a State or Commonwealth, the Governor of each such State or Commonwealth and, in the case of the District of Columbia, the Mayor of the District of Columbia.

(6) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(7) STATE RESTORATION ACTIVITIES.—The term "State restoration activities" means any State programs or projects carried out under State authority that directly or indirectly protect, conserve, or restore living resources, habitat, water resources, or water quality in the Chesapeake Bay watershed, including programs or projects that promote responsible land use, stewardship, and community engagement in the Chesapeake Bay watershed. Restoration activities may be categorized as follows:

- (A) Physical restoration.
- (B) Planning.
- (C) Feasibility studies.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. LUCAS) and the gentleman from Minnesota (Mr. PETERSON) each will control 30 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. LUCAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2642, the Federal Agriculture Reform and Risk Management Act of 2013.

The bill before us includes 11 of the 12 titles of H.R. 1947 as amended on the House floor last month. To recap, we adopted over 60 amendments in an open process. This bill gives taxpayers nearly \$20 billion in savings from mandatory Federal spending. It's the most significant reduction to farm policy in history and further improves agricultural programs so that producers have a true safety net that is triggered only when they suffer significant losses.

The bill repeals or consolidates more than 100 programs administered by USDA, including direct payments to farmers. The bill also repeals outdated and unworkable permanent law and replaces it with the cost-effective and

market-oriented provisions in title I going forward. This provides certainty to farmers and ranchers and eliminates the threat of government quotas and government price support levels based on 1938 and 1949 agricultural practices and economic conditions.

This bill includes multiple regulatory relief provisions, making it the largest regulatory relief bill to be voted on this year.

This process began 4 years ago when then-Chairman PETERSON led us into the countryside to have eight field hearings across the Nation. We followed up with three more sets of hearings, including audits of every single policy under the jurisdiction of the House Agriculture Committee. The result is the legislation that reduces the Federal footprint and makes commonsense reforms to policy.

It's no secret, my friends, that my preference would have been to pass H.R. 1947—the full farm bill—last month, but that didn't happen. We are here today with another opportunity. Today is a step towards getting a 5-year farm bill on the books this year. We can't lose sight of our responsibility to do this work.

In closing, Mr. Speaker, I would say this: If you're serious about reducing billions of dollars in mandatory government spending, then vote for the bill. If you're serious about reducing the size and the cost of the Federal Government, vote for the bill. If you're serious about providing regulatory relief to farmers and small businesses all across rural America, then vote for the bill. If you're serious about making sure every American has a safe, affordable, reliable food supply, then vote for the bill.

Mr. Speaker, I urge my colleagues to join me in supporting this farm bill.

I reserve the balance of my time.

Mr. PETERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this bill—and I'm sorry that I have to do that because I started, as the chairman said, having hearings on this bill April 21 of 2010—and I do it for two reasons. First and foremost, I believe the strategy of splitting the farm bill is a mistake. It jeopardizes the chances of it ever becoming law. And I think that repealing permanent law all but ensures that we will never write a farm bill again in this House.

I'm not alone in my belief that this is a flawed strategy. Last week, a broad coalition of 532 agriculture, conservation, rural development, finance, forestry, energy, and crop insurance groups expressed their opposition to splitting the farm bill and urged House leaders to pass a 5-year farm bill. When such a large group of organizations—most with different, if not conflicting, priorities—can come together and agree on something, we should listen to them. Doing the exact opposite of what

everyone with a stake in this bill urges us to do in my opinion does not make sense and is not the way to achieve success.

I don't see a clear path forward from here. There is no assurance from the Republican leadership that passing this bill will allow us to begin a conference with the Senate in a timely manner. In fact, the Republican leadership has told agriculture groups to support this bill as a way to go to conference, while also telling Republican Members, fearful of the wrath of conservative groups' opposition, that there will be no conference, or at least not without first getting concessions from the Senate—concessions that the Senate will never agree to.

There is a very real chance that we could end up in a situation like we have with the Federal budget, where the House majority claim that they want something, but instead disregard regular order and demand preconditions before appointing conferees, leaving the bill hanging with nothing getting done.

Maybe the chairman has received assurances from his leadership that, should this bill pass, that they're going to let this move forward to conference and appoint conferees. I have received no assurance to that end. And given the majority's past performance, frankly, I don't have a lot of confidence that they're going to move in that direction.

I have repeatedly said that if they only would leave us alone, the Agriculture Committee could put together a good bill with good policy, and we did in the committee. But last month, the Republican leaders interfered by pushing into the farm bill poison pill amendments, amendments that the chairman and I both said could bring the bill down. And even if the House passes this bill today, I fear the leadership's continued interference will doom any prospects of getting a bill that the President can sign.

The other fatal flaw with this bill is the repeal of permanent law from 1938 and 1949 and replacing it by making the commodity title in this bill permanent. If you want to ensure that Congress never considers another farm bill and the farm programs, as written, are going to remain forever, then vote for this bill.

In every farm bill there are some people that like things and some people that don't. The beauty of the '38 and '49 laws is that they force both groups to work together on a new farm bill. And because nobody really wants to go back to the old commodity programs, people will get to a point where they don't necessarily like it, but everybody can live with it.

So if you make the new farm safety net programs the new permanent law, then what you've got is you've got permanent authorization of food stamps,

you've got permanent authorization of crop insurance, and then you have permanent authorization of the title I programs. So I'll guarantee you, what that means is, if you're concerned about conservation, fruits and vegetables, research, these other areas, there's never going to be a farm bill if we do this.

Another reason that I'm concerned about this is the Goodlatte amendment to the Dairy Security Act that was passed on the floor here. I lost that argument—big time. But if I'm proven right in what I said about that, and if this bill makes permanent law out of that dairy provision, I will guarantee you that this dairy provision that you're going to enact will cost more money than what you're going to save in this bill here that's being considered on the floor today.

We had a bipartisan bill out of the committee. We were able to work together. We had 13 of the 21 Democrats on the committee support that bill. We were doing fine until we got here to the floor and the leadership screwed this up.

We have the votes to do this bill on a bipartisan basis if we just take out those amendments that were a poison pill. I'll give you the names of the people that will vote for this bill if we do that. You can call them up yourself and ask them; you don't have to rely on me. We can do that. But no, you've got to make this a partisan bill. You know, some people on that side have been trying to make this a partisan bill for 4 months, and they finally succeeded.

I told my caucus something I never thought would happen. You have now managed to make me a partisan. And that's a darn hard thing to do, but you accomplished it.

This is a bad bill; it should be defeated. We should go back and do a bipartisan bill like we worked in the first place.

I reserve the balance of my time.

#### PARLIAMENTARY INQUIRY

Ms. JACKSON LEE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman from Texas is recognized for a parliamentary inquiry.

Ms. JACKSON LEE. On the basis of such an eloquent statement by our ranking member, my inquiry is: At this point, could we not, in essence, table this bill and begin the process of reconstructing the bill, as the ranking member has so eloquently stated, in order to be able to feed America's children and not continue the starvation that this farm bill will create and promote for years to come?

The SPEAKER pro tempore. Any requests for a disposition of this bill would have to come from the majority manager.

Ms. JACKSON LEE. Mr. Speaker, if I could continue my parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman is recognized for a further parliamentary inquiry.

Ms. JACKSON LEE. Is the bill not flawed, as the ranking member has said, for it has left out what has traditionally been a major component of the farm bill, which is the supplemental nutrition program, which deals with feeding hungry Americans and hungry children?

The SPEAKER pro tempore. The gentlewoman has not raised a proper parliamentary inquiry. That is a matter that's being discussed in debate.

Ms. JACKSON LEE. I will go back and return again. Thank you, Mr. Speaker.

Mr. LUCAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. CONAWAY), the chairman of the General Farm Commodities Subcommittee.

Mr. CONAWAY. Mr. Speaker, I urge adoption of this farm bill. The farm bill before us was fully debated by this body and subjected to more than 100 amendments just a couple of weeks ago. More than 60 of those amendments were adopted. This body has had ample opportunity to work its will, and now it's time to vote for passage.

Today, those of us who came to town to cut spending, reduce the deficit, reduce the size of government, and make reforms have a real opportunity to walk the walk. This farm bill does all of those things.

This bill is going to save taxpayers \$19.3 billion, it's going to repeal or consolidate more than 100 programs at USDA, and it's going to repeal the direct payment program, something that many of my farmers and ranchers back home do not really want to give up.

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The farm bill also does a couple of other things. It is being considered separately on its own merits, as many in this body have called for, and it replaces antiquated permanent law so that we don't face things, like the dairy cliff, at the end of the year anymore. The bill before us reforms not just the politics of the farm bill, but the process as well.

This farm bill has earned our support, I urge my colleagues to vote "yes."

Mr. PETERSON. Mr. Speaker, I yield 2 minutes to the distinguished minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the chairman and ranking member.

Mr. Speaker, the chairman does not want to do this, with all due respect. The chairman has said publicly he does not want to do this. The chairman has said publicly he wants to do what historically we have done: gone forth in a bipartisan way. That is the bill he constructed last year, and his colleagues did not bring it to the floor. That's the



bill he constructed this year, and it was brought to the floor.

As Mr. PETERSON has so eloquently stated, it was turned from a bipartisan bill into a partisan bill.

Why, why, why, do we always have to do that?

The response to its failure, because 62 of Mr. LUCAS' party would not join him in the extraordinarily eloquent closing that he gave—not speaking to the motion to recommit—but said, look, I understand that some of you think this is too much and some of you think it is too little, but it's democracy. Yet the chairman's party rejected his bill. We reject it as well because you adopted three amendments that you knew beforehand were going to turn this into a more partisan bill.

So what did you do? You left this House and said, we are going to not compromise, not try to create a broader coalition, but we are going to narrow the coalition, we are going to try to buy off those 62 folks who said they really don't like this bill at all anyway and get them to say, This is a Republican bill, let's pass it, knowing full well it will not pass the Senate, knowing full well that the President won't sign it.

Farmers need our agreement. I support it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PETERSON. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. HOYER. I don't think I have ever opposed a farm bill, not because I represent a vast farm district—I don't. But I understand that food and fiber is critical for my people, for our Nation, indeed, for much of the world.

So, ladies and gentlemen, let us reject this flawed process, this process which abrogates the pledge of 3 days of consideration for legislation, last night published, and we are asked to vote on it today.

Why? Because this is a very controversial provision, and they didn't want to have the light of day shine too long on this flawed process.

Let us reject this bill, let us reject a partisan bill, let us speak out for the farm community of America, and, yes, those who need nutritional help. Let us also speak for job growth in rural America, which the bill that the chairman reported out would have helped.

This bill ought to be rejected, and we ought to do our duty and our responsibility in a responsible and effective democratic, bipartisan, cooperative way.

I congratulate the chairman for what he would like to do.

Mr. Speaker, this bill is a disgraceful abandonment of the most vulnerable people in our country.

The legislation Republicans have chosen to introduce—with just hours' notice and in blatant violation of their own stated 'three-day' policy to read the bill—is missing a major part of any responsible farm bill.

By leaving funding for the supplemental nutrition assistance program—or “SNAP”—out of this bill, they are effectively killing that program.

SNAP is a critical tool in keeping 47.5 million people—including many children and seniors—from experiencing hunger and illness.

It is one of our front-line programs against poverty in America.

My Republican friends know that, even if they pass this bill through this House, the United States Senate will not consider a Farm Bill without SNAP funding.

Even conservative Republican Senator CHARLES GRASSLEY of Iowa has said that splitting SNAP from the rest of the Farm Bill “might fly in the House, but I don't think it's going to fly in the Senate.”

Our Republican friends claim to want fiscally responsible reforms to farm programs.

So it's ironic that their bill actually increases spending and the deficit by \$1 billion in 2014—and it saves less over ten years than the Senate Farm Bill while creating permanent new farm programs.

The bill before us is just another exercise in house Republicans' political messaging game to make it appear that they are moving important legislation through Congress while, in reality, they refuse to play a constructive role in governing.

I urge its defeat.

Instead we ought to consider a farm bill that includes SNAP funding, after which we can go to conference with the Senate to achieve a real compromise.

If the Speaker really believes in regular order, which he has called for, Republicans should work with Democrats to pass a bipartisan farm bill and allow the conference process to move forward.

He has yet to do so with the budget, and I suspect that the reason we are not seeing regular order play out is because Republicans are not interested in compromise—only partisan politics.

Withdraw this bill; defeat this bill; restore regular order.

Mr. LUCAS. Mr. Speaker, I yield 1 minute to one of my prime subcommittee chairmen, the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the chairman for yielding to me and for the work that he has done to pull together this bill over these last 2 years.

There is much that I'm hearing on this floor so far in this debate that I do not disagree with. There is much that I do agree with.

The numbers are this: 62 “no” votes on the Republican side and 24 “yes” votes on the Democrat side. I said for weeks we should go to both sides and pull together 218. I appreciate the effort to do that. I appreciate the honor that has been brought to this process by the chairman, Mr. LUCAS, and others that we work with.

We are down to this now: we are down to this is our choice for this bill which can provide 5 years of predictability for agriculture and an uncertain bill that might come before us on

nutrition, which I think ends up without what I want, which is reform of SNAP.

I am going to support this bill, I urge my colleagues to do the same, and I would like to back this train up, if we could, and do it over. We can't, so I'm going to be for moving forward.

Mr. PETERSON. Mr. Speaker, I am now pleased to yield 2 minutes to the gentleman from Georgia (Mr. DAVID SCOTT).

Mr. DAVID SCOTT of Georgia. Thank you very much, Chairman PETERSON.

Mr. Speaker, ladies and gentlemen of the House, what we have here is not a farm bill. You tell me how in the world we can have a farm bill and separate food and nutrition out from it. The American people don't get that. When you think of farms and you think of agriculture, do you mean to tell me it isn't about food?

Here we have made this critical, terrible mistake of divorcing, of segregating, of separating the most basic essential of farm policy, which is to produce the food and the nutrition for the people of America. This isn't just about food stamps, although we are here because the Republican Party, my friends—and I have many over there—have been hijacked to turn a bipartisan effort to deal with the complexity, the vulgarity, where 38 States in this Nation their primary part of their economy is agriculture, is business.

My members on the Agriculture Committee, we have a broad mandate. We should be the most powerful committee up here. We not only deal with food, we not only deal with agriculture, we deal with fuel going our way up to energy independence. We are dealing with the heavy finance of \$600 trillion in derivatives. But this makes us look small.

To bring a bill and call it a farm bill and it has nothing to do with food—and it's so hypocritical, my friends. You've seen the news reports. The American people have seen the news reports, where we have Members who are accepting millions of dollars in subsidies and will be voting against poor people who need the food to eat.

Mr. LUCAS. Mr. Speaker, I wish to yield 1 minute to the other Mr. SCOTT from Georgia, one of the chairmen of the primary subcommittee on the House Agriculture Committee, Mr. AUSTIN SCOTT.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I rise today in support of this bill. While I know that many people who I have worked with, who I have a tremendous amount of respect for, oppose the way forward here, I rise because it is the only way forward.

Throughout this entire process, there were many things that we agreed on. The agriculture industry needs certainty. Our farmers who produce our food and fiber need the ability to plan



so that they can produce a safe, reliable, and affordable food source for our country.

I know that many of us who are on the committee would have preferred that the last bill pass. I too would have preferred that it pass. As a small business owner, I can attest to the importance of having the ability to plan. If we are able to get these titles that we agree to, these 11 titles that we agree to, passed into law, then our farmers will have that ability.

I appreciate being part of the process. The farms and families in this country need the certainty of this agriculture policy.

I ask that you support this bill.

Mr. PETERSON. Mr. Speaker, I am now pleased to yield 1 minute to the gentleman from California (Mr. COSTA).

Mr. COSTA. I thank the gentleman from Minnesota.

Mr. Speaker, ladies and gentlemen, the farm bill usually is one of the most bipartisan things we do around here, but not today.

Even though many of my colleagues, unlike myself, were not farm kids, I assume that they could tell the horse's head from the horse's rear; but they are totally backwards on this one.

Last night, we received notice that previously an unreleased farm bill was going to be sprung on the floor today. What about regular order? This stunt makes a mockery of Chairman LUCAS and Ranking Member PETERSON and the committee's work over the last year and a half.

Farmers, ranchers, and anyone who believes in government transparency must be shaking their heads, saying, There they go again.

Once again, the majority has chosen to make everything we do around here partisan. This is one of the least likely partisan persons you are going to talk to. Unlike many of my colleagues on this side of the aisle, I supported the farm bill 2 weeks ago when it failed. I supported it because I thought we ought to move the process forward. This moves us backwards, and it removes permanent law, and I don't think we will ever see a farm bill again.

I cannot support this bill. I urge my colleagues to do the same.

Mr. LUCAS. Mr. Speaker, once again I turn to one of the outstanding subcommittee chairmen who has jurisdiction over Conservation, Energy, and Forestry, and yield 1 minute to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Speaker, passage of a new farm bill is long overdue.

The House Agriculture Committee has spent 4 years, held dozens of hearings and countless hours preparing for this farm bill. Plain and simple, the committee-passed bill, which was recently considered by this body, made

substantial reforms to agriculture programs. It eliminated more than 100 programs and reformed outdated, costly, and ineffective programs. The committee-passed bill would have saved taxpayers over \$40 billion, with half of the savings coming out of the farm programs.

The bill before us today repeals the outdated farm programs that we don't need and we can't afford. Direct payments, counter-cyclical payments, the Average Crop Revenue Election (ACRE) program, and the Supplemental Revenue Assistance Payments (SURE) are all repealed in this bill. We get rid of many costly subsidy programs and replace them with free market-modeled risk mismanagement.

For the sake of our Nation's farmers and ranchers, and also for all citizens who rely on the safest, most affordable and highest quality food, I rise in support of this legislation and strongly encourage my colleagues to do the same.

Mr. PETERSON. Mr. Speaker, I now yield 2 minutes to the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ. Mr. Speaker, I thank the ranking member.

I come from a proud agricultural family, I proudly represent a strong agricultural district in the heartland in southern Minnesota, I'm a proud ranking member on the subcommittee in the House Agriculture Committee, and I'm proud to call both the ranking member and the chairman my friends.

I am not proud of what you are seeing here today. The disrespect shown to this hallowed ground by hatching this abomination in the middle of the night and forcing it here because of extremist elements is the reason that the American people think higher of North Korea than they do of this body.

I can tell you, as people listening today, Mr. Speaker, they are going to say it is more of the same. They said, he said—Democrats or Republicans or whatever—don't listen to me. Listen to this book full of people who said this is wrong:

American Farm Bureau Federation; National Farmers Union; American Soybean Association; National Association of Wheat Growers, National Milk Producers, National Rural Electric Cooperative, Ducks Unlimited, Pheasants Forever, AgriBank, AgStar Financial Services, Izaak Walton League, National Catholic Rural Life Conference, Renewable Fuels Association, First Farm Credit Services, Advanced Biofuels, AgGeorgia, AgHeritage, AgriBank, Agriculture Council of Arkansas, Agriculture Energy Coalition, AgCarolina, AgCountry, AgFirst, AgStar Financial, AgTexas, Alabama Dairy Producers, Alabama Farmers Cooperative, American Agriculture Movement, American Association of Crop Insurers, American Association of Veterinary Laboratory Diagnosticians, American Bankers As-

sociation, American Coalition for Ethanol, American Crystal Sugar, American Farmland Trust.

I may need more time. I am on the A's.

American Fruit and Vegetable Processors, American Forest Foundation, American Honey Producers, American Public Works Association, American Sugarbeet Growers, American Agriculture Coalition, Arizona Farm Bureau Federation, Arkansas Farm Bureau, Arkansas Farmers Union, Association of American Veterinary Medical Colleges.

It goes on and on and on.

Listen to the public, listen to your constituents, reject the extremism. I am one of the 24 who put my money where my money is and voted for a bipartisan bill. This is wrong.

Mr. LUCAS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. BENISHEK).

□ 1330

Mr. BENISHEK. Mr. Speaker, today I rise in support of H.R. 2642, the farm bill.

Like many of my colleagues in this body, I am honored to represent a district with a deep agricultural heritage. Because I am a doctor by trade, not a farmer, it has been important for me to get to know the farmers in my district over the last 3 years. As I travel around the First District, nearly every producer I meet with stresses the importance of passing a long-term farm bill.

The programs in the farm bill are important to keeping our farmers in business with some certainty. I know some will say this bill isn't perfect. Some want more reform. Some would like more spending, and some would like less. Yet, I urge all of you to strongly consider moving H.R. 2642 forward. We have one thing in common: we all need to eat. Our country is the breadbasket of the world. Let's keep that in mind and remember our farmers who produce our food here today. I urge my colleagues to support this bill.

Mr. PETERSON. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman.

This is not a farm bill. This is a leadership-designed train wreck. We had a farm bill. It was bipartisan. It saved money. It provided farmers with more security. It provided conservation and a way forward. Instead, what we have is the result of a failure of the leadership to work with their committee chair. They came on this floor, and they unraveled intentionally, deliberately and, regrettably, effectively a compromise that was reached by Republicans and Democrats who dealt with tough issues.

America needs a farm bill, not something that is designed for political consumption and for farm failure.

Mr. LUCAS. Mr. Speaker, may I inquire as to how much time I and the

ranking member have remaining in the debate?

The SPEAKER pro tempore. The gentleman from Oklahoma has 22 minutes remaining, and the gentleman from Minnesota has 15 minutes remaining.

Mr. LUCAS. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. RIBBLE).

Mr. RIBBLE. I thank the chairman.

Mr. Speaker, I rise in support of the legislation today.

I'll tell you that I've often told folks back in Wisconsin that working in the House of Representatives is sometimes like living in an alternate universe. For the last hour and a half here we've been debating what is not rather than debating what is. Maybe we should debate what is, and that is what is in this bill.

This bill, for the first time, eliminates direct payments to rich farmers. I think that sounds like a pretty good idea. It eliminates it by \$14 billion. We remove subsidies to people who no longer farm, and I think that sounds like a pretty good idea. For Wisconsin, America's dairy land, we fix our Nation's dairy policy. That sounds like a pretty good idea as well. We fix forestry problems and improve timber harvest. We stop the brain drain that has been going on in our national forests. It improves the fruit and vegetable production in the Midwest. Finally, it minimizes reforms and improves important regulatory problems that have put burdens on producers.

These are all of the really great things that are in the bill, and I think we ought to focus on what is there rather than on what is not. Let's worry about what is there today and worry about what is not tomorrow.

Mr. PETERSON. Mr. Speaker, I now yield 2 minutes to the gentleman from Oregon (Mr. SCHRADER).

Mr. SCHRADER. I thank the gentleman.

It is with a pretty heavy heart that I am on the floor here today. This should have been a high point. I listened to the good chairman and even to the Rules Committee chairman about this being the way to get the bill to conference. I've heard people say this is the only way to get this bill to conference. We had another way, and that got sabotaged.

I guess the point I'd make to this body and to the people at home is that some of us are listening to you. The most important thing is for us to work together. That's what I hear back home. They don't know about the details of all of this policy.

Colleagues, how a bill gets to conference is as important as getting it to conference. Doing it with one party ramrodding it through, without listening to half of America, is just wrong. This is anathema to what America wants to see happen. We are ceding our authority to the Senate and to the

President. The Senate will never take this up, and the President has said he will veto this bill. Why not go back and work together? That was the message of 2 weeks ago. We got it wrong. That's the legislative process. It's not pretty. We should have gone back and worked together. As you've heard, Democrats are willing to work with our Republican colleagues for a good piece of legislation.

I am proud of the American Farm Bureau, of the National Farmers Union, and of others who still oppose this bill because we are not working together. This is a travesty, and they recognize it. American agriculture is under siege. The world economy, global competition—it's gotten scary out there. Now they are under siege from their own Congress.

Colleagues, that is unacceptable to all of us. We can do better. America deserves better. I ask my colleagues to research and check their hearts, to vote their consciences and to search their moral compasses. Let's work together and defeat this particular bill.

Mr. LUCAS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. Thank you to my colleague from Oklahoma for his leadership on this issue because, Mr. Speaker, I rise today in support of this farm bill.

One thing I've learned in my 6 months here in Washington is that the farm bill has not been easy. It has been a 3-year saga, but I was proud to help produce a strong, bipartisan farm bill out of committee.

Three weeks ago on this very floor, we had a farm bill that cut \$40 billion, including direct payments. It kept crop insurance as a key risk management tool. It made commonsense reforms to a food stamp program that helps feed those who need a hand up, but unfortunately, a majority of my friends on the other side of the aisle and a minority of folks on my side said "no."

I came here to govern, and this bill includes an amendment I authored to help family farmers by giving agriculture a seat at the table when EPA considers regulations that affect our producers. Today is another opportunity to govern and to get to conference so we can iron out our differences as reasonable people. If we fail today, I'm not sure we will get another chance, and reverting back to 1940s law or getting into a perpetual cycle of uncertain 1-year extensions is not an option.

Some of us are blessed to represent districts with amber waves of grain, but even if you don't, everyone is impacted by the farm bill. All one needs to do is to go to the rotunda, which is a few steps away from here, and look up at the Apotheosis of Washington. It depicts a scene that makes this country great, and that is American agri-

culture. This vote is about helping our family farmers. It's about providing certainty to the ag economy so that the men and women employed in agriculture can survive and thrive and so that our family farmers can continue to feed the world.

Let's move this process forward today by cutting \$20 billion and by preserving crop insurance as a vital safety net for the many producers in central Illinois and in southwestern Illinois who produce the food we eat so that our farmers can continue to feed the world. I ask my colleagues for their vote on this bill today.

Mr. PETERSON. Mr. Speaker, I am now pleased to yield 2 minutes to the gentlelady from Ohio (Ms. FUDGE).

Ms. FUDGE. I thank the gentleman for yielding.

Mr. Speaker, I've listened to this debate over the last, actually, month since I'm a member of the committee of jurisdiction, and I have listened to my Christian friends, my religious friends, talk about their hearts.

I want every one of them who goes to the prayer meetings and to all of the things that they do here every week to go and see how many times "poor" is mentioned in the Bible and how many times "hungry" is mentioned in the Bible because, if we are to say today that feeding hungry children and seniors and veterans and the disabled is relegated to being extraneous, we are not who we say we are.

It is a sad day for America and this country when we want to separate farmers from food and the people they feed. We are going down a path of no return, and I urge all who believe they are Christians to vote "no" on this bill.

Mr. LUCAS. Mr. Speaker, I would like to note to my colleague that I have no additional speakers and that I reserve the rest of my time to close.

Mr. PETERSON. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, we are here today as a result of a lack of leadership of the Republican majority. Instead of passing a bipartisan farm bill like the Senate has done, House Republicans have tried to ram through a partisan bill that would have attacked our most vulnerable children. I'm talking about poor children, senior citizens, and many who have lost their jobs.

When that bill failed, instead of reaching out to Democrats to craft a bipartisan bill that could easily pass, like every farm bill has for the past 40 years, they resorted to this desperate tactic. By removing the reauthorization of the food stamp program from the bill, they are doing what they have wanted to do for years—completely gut the program—leaving millions of hungry children without anywhere to turn.

Their heartless action today on the House floor of the Nation's Capitol will increase poverty and hurt the weakest

among us. Nearly one in five children suffers from food insecurity. This bill is an embarrassment and should be voted down.

Mr. LUCAS. I continue to reserve the balance of my time.

Mr. PETERSON. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. WATT) for the purpose of a unanimous consent request.

Mr. WATT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in opposition to this bill because it injures and makes it impossible for children in my congressional district to be fed, and it makes it impossible for poor veterans to be fed. It disconnects the farm policy from nutrition, which has been at play forever and a day in this country. I cannot support the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota's time will be charged.

#### POINT OF ORDER

Mr. WATT. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. WATT. This is not a proper ruling. It did not constitute debate. It was simply a unanimous consent request, and I do not believe this is a proper ruling of the Chair.

The SPEAKER pro tempore. As the Chair ruled earlier today, it is not in order to embellish a unanimous consent request with debate. When such a request extends into debate, the yielding Member is charged.

In the opinion of the Chair, the request of the gentleman from North Carolina contained debate. The point of order is overruled.

Mr. WATT. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

#### MOTION TO TABLE

Mr. LUCAS. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WATT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 226, nays 189, not voting 19, as follows:

[Roll No. 350]

YEAS—226

Aderholt	Bachmann	Barton
Alexander	Bachus	Benish
Amash	Barletta	Bentivolio
Amodei	Barr	Blirakis

Black	Harris	Pompeo
Blackburn	Hartzler	Posey
Bonner	Hastings (WA)	Price (GA)
Boustany	Heck (NV)	Radel
Brady (TX)	Hensarling	Reed
Bridenstine	Herrera Beutler	Reichert
Brooks (AL)	Holding	Renacci
Brooks (IN)	Hudson	Ribble
Buchanan	Huelskamp	Rice (SC)
Bucshon	Huizenga (MI)	Rigell
Burgess	Hultgren	Roby
Calvert	Hurt	Roe (TN)
Camp	Issa	Rogers (AL)
Cantor	Jenkins	Rogers (KY)
Capito	Johnson (OH)	Rohrabacher
Carter	Johnson, Sam	Rokita
Cassidy	Jones	Rooney
Chabot	Jordan	Ros-Lehtinen
Chaffetz	Joyce	Roskam
Coble	Kelly (PA)	Ross
Coffman	King (IA)	Rothfus
Cole	King (NY)	Royce
Collins (GA)	Kingston	Runyan
Collins (NY)	Kinzing (IL)	Ryan (WI)
Conaway	Kline	Salmon
Cook	Labrador	Sanford
Cotton	LaMalfa	Scalise
Cramer	Lamborn	Schock
Crawford	Lance	Schrader
Crenshaw	Lankford	Scott, Austin
Culberson	Latham	Sensenbrenner
Daines	Latta	Sessions
Davis, Rodney	LoBiondo	Shuster
Denham	Long	Simpson
Dent	Lucas	Smith (MO)
DeSantis	Luetkemeyer	Smith (NE)
DesJarlais	Lummis	Smith (NJ)
Diaz-Balart	Marchant	Smith (TX)
Doggett	Marino	Southerland
Duncan (SC)	Massie	Stewart
Duncan (TN)	McCarthy (CA)	Stivers
Ellmers	McCaul	Stockman
Farenthold	McClintock	Stutzman
Fincher	McHenry	Terry
Fitzpatrick	McKeon	Thompson (PA)
Fleischmann	McKinley	Thornberry
Fleming	McMorris	Tiberi
Flores	Rodgers	Tipton
Forbes	Meadows	Turner
Fortenberry	Meehan	Upton
Fox	Messer	Valadao
Franks (AZ)	Mica	Wagner
Frelinghuysen	Miller (FL)	Walberg
Gardner	Miller (MI)	Walden
Garrett	Miller, Gary	Walorski
Gerlach	Mullin	Weber (TX)
Gibbs	Mulvaney	Webster (FL)
Gibson	Murphy (PA)	Wenstrup
Gohmert	Neugebauer	Westmoreland
Goodlatte	Noem	Whitfield
Gosar	Nugent	Williams
Gowdy	Nunes	Wilson (SC)
Granger	Nunnelee	Wittman
Graves (GA)	Olson	Wolf
Graves (MO)	Palazzo	Womack
Griffin (AR)	Paulsen	Woodall
Griffith (VA)	Pearce	Yoder
Grimm	Perry	Yoho
Guthrie	Petri	Young (AK)
Hall	Pittenger	Young (FL)
Hanna	Pitts	Young (IN)
Harper	Poe (TX)	

#### NAYS—189

Andrews	Cartwright	DeGette
Barber	Castor (FL)	Delaney
Barrow (GA)	Castro (TX)	DeLauro
Bass	Chu	DelBene
Beatty	Cicilline	Deutch
Becerra	Clarke	Dingell
Bera (CA)	Clay	Doyle
Bishop (GA)	Cleaver	Duckworth
Bishop (NY)	Clyburn	Duffy
Blumenauer	Cohen	Edwards
Bonamici	Connolly	Ellison
Brady (PA)	Conyers	Engel
Braley (IA)	Cooper	Enyart
Brown (FL)	Costa	Eshoo
Brownley (CA)	Courtney	Esty
Bustos	Crowley	Farr
Butterfield	Cuellar	Fattah
Capps	Cummings	Foster
Capuano	Davis (CA)	Frankel (FL)
Cardenas	Davis, Danny	Fudge
Carson (IN)	DeFazio	Gabbard

Gallego	Maffei	Ryan (OH)
Garcia	Maloney	Sánchez, Linda
Grayson	Carolyn	T.
Green, Al	Maloney, Sean	Sanchez, Loretta
Green, Gene	Markey	Sarbanes
Grijalva	Matheson	Schakowsky
Gutiérrez	Matsui	Schiff
Hahn	McCollum	Schneider
Hanabusa	McDermott	Schwartz
Hastings (FL)	McGovern	Scott (VA)
Heck (WA)	McIntyre	Scott, David
Higgins	McNerney	Serrano
Himes	Meeks	Sewell (AL)
Hinojosa	Meng	Shea-Porter
Hoyer	Michaud	Sherman
Israel	Miller, George	Sinema
Jackson Lee	Moore	Sires
Jeffries	Moran	Slaughter
Johnson (GA)	Murphy (FL)	Smith (WA)
Johnson, E. B.	Nadler	Speier
Kaptur	Napolitano	Swalwell (CA)
Keating	Neal	Takano
Kelly (IL)	Nolan	Thompson (CA)
Kennedy	O'Rourke	Thompson (MS)
Kildee	Owens	Tierney
Kilmer	Pallone	Titus
Kind	Pascrell	Tonko
Kirkpatrick	Pastor (AZ)	Tsongas
Kuster	Payne	Van Hollen
Langevin	Perlmutter	Vargas
Larsen (WA)	Peters (CA)	Veasey
Larson (CT)	Peters (MI)	Vela
Lee (CA)	Peterson	Velázquez
Levin	Pingree (ME)	Visclosky
Lewis	Pocan	Walz
Lipinski	Polis	Wasserman
Loeback	Price (NC)	Schultz
Lofgren	Quigley	Waters
Lowenthal	Rahall	Watt
Lowey	Rangel	Waxman
Lujan Grisham	Roybal-Allard	Welch
(NM)	Ruiz	Wilson (FL)
Luján, Ben Ray	Ruppersberger	Yarmuth
(NM)	Rush	

#### NOT VOTING—19

Bishop (UT)	Honda	Pelosi
Broun (GA)	Horsford	Richmond
Campbell	Huffman	Rogers (MI)
Carney	Hunter	Schweikert
Garamendi	Lynch	Shimkus
Gingrey (GA)	McCarthy (NY)	
Holt	Negrete McLeod	

#### □ 1407

Ms. ESHOO, Messrs. COHEN and RANGEL changed their vote from "yea" to "nay."

Mrs. LUMMIS, Messrs. DUNCAN of South Carolina, WESTMORELAND, HALL and Mrs. BLACKBURN changed their vote from "nay" to "yea."

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. LUCAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 2642.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. LUCAS. Mr. Speaker, I'd note to my colleague, I have one additional 1-minute speaker, and then I'll reserve the rest of my time for myself.

With that, Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. CRAWFORD), one of my subcommittee chairmen.

Mr. CRAWFORD. Mr. Speaker, I would like to thank Chairman LUCAS

for his extraordinary leadership throughout this trying process.

I'm pleased to say we're one step closer to providing our ag producers the certainty that they need to accomplish their goals through a 5-year farm bill.

This bill is a product of our extensive outreach to farmers, ranchers, and stakeholders across the country, and reflects the critical input we received from our rural constituents in the farm bill process that allowed producers to be heard. The Ag Committee held more than 40 farm bill hearings in Washington and across the countryside. Through this rigorous audit hearing process, we scrutinized every dollar authorized in the legislation we're offered today. What's more, the bill is the result of an open process that allowed for consideration of the ideas of anyone and everyone in the House.

Ag is the number one industry in my district and the State of Arkansas; and according to the University of Arkansas, it accounts for over 250,000 direct jobs in my State. But, Mr. Speaker, it is more important for everyone to know what's at stake. This legislation may be crafted to address the U.S. ag economy, but it's not just important to our rural constituents. It's important to everyone. I have always said that if you eat, you're involved in agriculture; and I would ask my colleagues to think about that. Even if you don't have ag interests or production in your district, every single one of our constituents depends on it.

Mr. PETERSON. Mr. Speaker, I yield 1 minute to the gentlelady from Washington (Ms. DELBENE).

Ms. DELBENE. Mr. Speaker, I rise with great disappointment today. It's a shame that the House has allowed the farm bill to get to this point. We should be voting on the bipartisan bill the Agriculture Committee passed and I supported, not this bill. This bill has been hijacked by divisive politics and is simply not good enough.

It's not good enough for our farmers because reforms that would have protected Washington State's dairy farmers and consumers have been stripped out. It is certainly not good enough for the millions of working families, seniors, and children who count on nutrition programs and have been excluded from this bill. And it's not good enough for this country.

Our constituents sent us here to work across the aisle to deliver results. This bill is certainly not what they had in mind. While I appreciate the funding for specialty crops, which I fought hard for, and is in this bill, this is the wrong way to conduct agricultural policy for the future.

Our country's farmers and families deserve a farm bill that works for everyone. Instead, they've been given this. I am incredibly disappointed today, and I urge my colleagues to join me in voting "no."

Mr. PETERSON. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. NOLAN).

Mr. NOLAN. Mr. Speaker, I rise in opposition to the bill because it violates a decades-old principle that has brought rural people and urban people together to help protect them from the vagaries of life and weather and circumstances. It brought farm producers together to help meet the food and nutrition needs of hungry people here in this country and all over the world. It is one of the best things we've ever done. And this bill violates that fundamental, noble principle of bringing people together for a noble cause, feeding hungry people and encouraging the production of food and nutrition.

Mr. Speaker and members of the committee, please vote this bill down.

Mr. PETERSON. Mr. Speaker, may I inquire how much time is remaining.

The SPEAKER pro tempore. The gentleman from Oklahoma has 18 minutes remaining. The gentleman from Minnesota has 8½ minutes remaining.

Mr. PETERSON. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GALLEG0).

Mr. GALLEG0. Mr. Speaker, I spent 20-some years learning the process, working my way through the process of the Texas Legislature; and I can tell you that this process is worse. And it's worse in the sense that so much time and effort went forward by Mr. LUCAS and the ranking member, Mr. PETERSON, to craft a very carefully done bipartisan product. It came to the floor, and people who had no intention of voting for the bill in the first place were suddenly allowed to amend it. And what we have today is a product that has jettisoned the nutrition part of that bill.

And so when we do that, we jettison the women and the children and the elderly and the families who depend on that part of the bill. Ninety-eight percent of the households who take SNAP in the district that I represent are elderly or kids, and they're jettisoned entirely in this process.

□ 1415

This process isn't supposed to work this way. It's supposed to be bipartisan. It's supposed to be a product that is carefully crafted by the committee chair and the ranking member working together. It's unfortunate that it has come to this, and I simply cannot support a bill that jettisons our kids and jettisons our elderly.

Mr. PETERSON. Mr. Speaker, I'm now pleased to yield 1 minute to the gentleman from New York (Mr. MALONEY).

Mr. SEAN PATRICK MALONEY of New York. Mr. Speaker, I rise, not to speak about the food assistance program, others have done that eloquently, but as one of 90 new Members of Congress, one of 15 freshman on the

Agriculture Committee, one of 36 Members, bipartisan Members, who voted this bill out of committee to bring it to the floor.

We did so, not because we agreed with everything in it; in fact, many of us disagreed very strongly with things in this bill. We did it because we respected our chairman and our ranking member, who worked across the aisle together for years to get a product that would help the country, that would help our farmers, that would help the people I represent in the Hudson Valley.

What we have watched on this floor is the sabotaging and the undoing of careful, bipartisan work. And the result, once again, is paralysis.

Five hundred farm groups are supporting the defeat of this bill. Don't tell me it's good for farmers. Everyone who cares about food assistance for kids is opposing this bill. Don't tell me it's good for food stamps.

And your own conservative groups, the most conservative groups, are opposing this bill as a big-spending bill. Don't tell me it saves the taxpayers money.

We came here to get results. This Congress can do better. Defeat this bill, bring it back, and let's work together to get a good result.

Mr. PETERSON. I'm now pleased to yield 1 minute to the gentleman from Illinois (Mr. ENYART).

Mr. ENYART. Mr. Speaker, I rise in strong opposition to bad public policy. As a member of the Agriculture Committee, I state my strong opposition to the leadership's drive to split a comprehensive farm bill. It destroys the bipartisan work of the committee. It destroys a coalition that has worked for our Nation for generations.

The Ag Committee did our work. We didn't agree on everything, but we achieved a compromise bill that was brought to the floor. I voted to keep this process moving and to get a bill signed into law.

I am stunned that so many in the majority party could not support the bill after the draconian nutrition cuts they insisted upon.

In representing southern Illinois, I represent the two groups that need comprehensive legislation the most: our agriculture community and the 100,000 citizens out of 700,000 citizens who live in poverty in southern Illinois.

This approach puts both groups in jeopardy. I cannot support that. I urge my colleagues to vote "no."

I urge the House leadership to get serious, to stop playing foolish games with our farm economy and with our working poor.

Mr. PETERSON. Mr. Speaker, I'm now pleased to yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you for yielding. I'm the ranking member on the Ag Appropriations Committee, and I'm

very proud that the USDA was founded by Abraham Lincoln.

This bill essentially destroys agriculture in the United States because we grow food to feed people, and the USDA is responsible for both sides of that equation. This bill now just turns it into growers.

My growers are there for the purpose of feeding people, and now we knock out all the people that need the food.

This is ridiculous. This is not agriculture. This is not farming. This is destruction. This is divide and conquer.

When you take away the people that need the food, you take away the purpose of agriculture. The best way to give the food back is to defeat this bill.

Mr. PETERSON. Mr. Speaker, I'm now pleased to yield 30 seconds to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I'm new here, but if there's one thing I've learned, this is not what we were sent here to do.

A Member from the other side, during the rules debate, asked me if our side understood that nutrition programs were not in this bill. Well, absolutely we understand it.

The great value of the bipartisan farm bill has been the balance of support for our Nation's family farms and the products that their labor produces in providing nutrition for those of us of greatest need.

I've heard this is the only way forward. Time and time again I've heard that. Says who?

I thought we were the Congress of the United States. I urge my colleagues to join me in voting "no" on this bill.

Mr. PETERSON. Mr. Speaker, I now yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, the Bible says to whom much is given, much is required.

This is a sad day in the House of Representatives. Shame on the Republicans. Shame on the House.

Mr. WOODALL. Mr. Speaker, I ask that the gentlewoman's words be taken down.

The SPEAKER pro tempore. The gentlewoman will suspend. The gentlewoman will be seated. The Clerk will report the words.

Ms. BROWN of Florida. Excuse me, Mr. Speaker. Did you rule in my favor?

The SPEAKER pro tempore. The gentlewoman will suspend.

Ms. BROWN of Florida. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will suspend. The gentlewoman will be seated while the Clerk reports the words.

Ms. BROWN of Florida. Excuse me? What did I say that was incorrect?

The SPEAKER pro tempore. The gentlewoman will suspend while the Clerk reports the words. The gentlewoman is not recognized at this time.

Ms. BROWN of Florida. I was recognized for a minute. Are you saying that I do not have a minute?

#### PARLIAMENTARY INQUIRIES

Ms. EDWARDS. Parliamentary inquiry, please. Mr. Speaker, a parliamentary inquiry, please.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Ms. EDWARDS. Thank you, Mr. Speaker.

Is it not in order, as we have heard many times on this floor, for a Member of the House to simply not mention by name individual Members of the House, but to mention categories of Members? That happens all the time.

Mr. Speaker, is it not in order, when there are Members on the other side of the aisle who have said "Obama," "Obamacare," "That NANCY PELOSI is a train wreck" on the floor of this House and their words have not been taken down and they have not been seated? Is it not in order for the gentlelady to have been recognized and to be able to speak on this issue merely saying "Republicans"? That could be a lower case "republicans."

The SPEAKER pro tempore. The gentlewoman will suspend. There is currently a demand for the words to be taken down pending before the body.

The Clerk will report the words. The gentlewoman from Florida will be seated.

Mr. TAKANO. Mr. Speaker, point of parliamentary inquiry. Mr. Speaker, is it in order to appeal your ruling?

The SPEAKER pro tempore. The Chair will advise the gentleman there has been no ruling. There is a pending demand for words to be taken down. The Clerk will report the words.

□ 1428

Mr. WOODALL. Mr. Speaker, I withdraw my demand.

The SPEAKER pro tempore. The gentlewoman from Florida may resume. The gentlewoman has 42 seconds remaining.

Ms. BROWN of Florida. Mr. Speaker, did you rule in my favor?

The SPEAKER pro tempore. The demand has been withdrawn by the gentleman from Georgia. There is no longer a demand that the words be taken down. Therefore, the gentlewoman from Florida may proceed and has 42 seconds remaining.

Ms. BROWN of Florida. Thank you, Mr. Speaker.

This is a sad day in the House of Representatives. I want you to know that this is the people's House, and to separate the farm bill from the elderly, from the children is a shame.

Mitt Romney was right. You do not care about the 47 percent. Shame on you.

Mr. Speaker, I rise today in opposition to this bill. By stripping out the nutrition portion of this legislation, the Republican Majority is

showing their disdain for those people who are struggling to make ends meet, and trying to put good nutritious food on the table for their children.

This Republican Leadership is the most partisan in the history of the House. By taking bipartisan legislation like the Farm Bill, which helps all Americans, they have made it a divisive issue.

Mitt Romney was right—you don't care about the 47 percent of Americans who depend on the government for the basic necessities of life—food and shelter.

The FARRM Bill needs to have all the sections included to genuinely affect all aspects of food production. From those who eat to those who produce. The family farmer produces the food for our table. The recipient of government funding spends all of that funding on food. Nothing is saved for later.

Farm bills represent a delicate balance between America's farm, nutrition, conservation, and other priorities, and accordingly require strong bipartisan support. It is vital for a broad coalition of lawmakers from both sides of the aisle to provide certainty for urban and rural America, the environment and our economy in general.

Splitting the nutrition title from the rest of the bill could result in neither farm nor nutrition programs passing.

I urge the leadership of the House of Representatives to move a unified farm bill forward.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair and not directly to other Members on the floor.

Mr. PETERSON. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. TAKANO).

Mr. TAKANO. Mr. Speaker, I wish to congratulate my Republican colleagues. They really caught us off guard on this one. They have gone above and beyond the high jinks that they pulled to get this farm bill to the floor. And while they were at it, they willfully ignored the nearly 48 million Americans who rely on SNAP and over 500 agriculture groups who say that this is bad policy.

There is a reasonable center here, and I know we can reach a rational compromise if we will stay here and work at it. What's the rush to get out of town? Let's stay here and get the job done that the American people sent us here to do.

Mr. PETERSON. Mr. Speaker, can I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Minnesota has 2½ minutes remaining.

Mr. PETERSON. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. I hope my colleagues on the other side of the aisle understand the passion, but I think what we've come to today is the ripping apart of our literal hearts around a bill that is going to continue to pierce the existence of 46.2 million people living in poverty and almost 10 million families. And for my friends from

my State, it will affect 3.4 percent of children living in poverty, 17 percent of the elderly, and 21 percent of all adults. Because this is about hunger, and hunger is silent.

We cannot pass this farm bill today because there is no proof, there is no documentation, there is no written commitment that we will ever get to the SNAP program. And food stamps will be no more. The Supplemental Nutrition Assistance Program will be no more. As I said, the only thing we will carry home today will be bragging rights of a sound bite: I cut the budget; I threw the children of America under the bus.

We should vote “no” on the farm bill and not throw the children under the bus.

Mr. Speaker, I rise in opposition to H.R. 2642—Federal Agriculture Reform and Risk Management Act of 2013.

Food is not an option—it is a right that all people living in this nation must have to exist and to prosper. The \$20.5 billion cuts in the Supplemental Nutrition Assistance Program also known as SNAP would remove 2 million Americans from this important food assistance program, and 210,000 children would lose access to free or reduced priced school meals.

The course of our nation's history led to changes in our economy first from agricultural, to industrial and now technological. These economic changes impacted the availability and affordability of food. Today our nation is still one of the wealthiest in the world, but we now have food deserts. A food desert is a place where access to food may not be available and certainly access to health sustaining food is not available.

The U.S. Department of Agriculture defines a food desert as a “low-access community,” where at least 500 people and/or at least 33 percent of the census tract's population live more than one mile from a supermarket or large grocery store. The USDA defines a food desert for rural communities as a census tract where the distance to a grocery store is more than 10 miles.

Food deserts exist in rural and urban areas and are spreading as a result of fewer farms as well as fewer places to access fresh fruits, vegetables, proteins, and other foods as well as a poor economy.

The result of food deserts are increases in malnutrition and other health disparities that impact minority and low-income communities in rural and urban areas. Health disparities occur because of a lack of access to critical food groups that provide nutrients that it does not it does not support normal metabolic functions.

Poor metabolic function leads to malnutrition that causes breakdown in tissue. For example, a lack of protein in a diet leads to disease and decay of teeth and bones. Another example of health disparities in food deserts are the presence of fast food establishments instead of grocery stores. If someone only consumes energy dense foods like fast foods this will lead to clogged arteries, which is a precursor for arterial disease, a leading cause of heart disease. A person eating a constant diet of fast foods are also vulnerable to higher risks of insulin resistance which results in diabetes.

In Harris County, Texas, 149 out of 920 households or 20 percent of residents do not have automobiles and live more than one-half mile from a grocery store.

At the beginning of the third millennium of this nation's existence we should know better. Denying a higher quality of life that would result from better access to healthier food choices is shortsighted—it is also economically unsound and threatens our national security.

Social stability is threatened when people's basic needs are not met—food, clean drinking water and breathable air or the least of the requirements for life. Denying access to sufficient amounts of the right kinds of food means people will become less productive, more prone to disease and will not be able to function as contributing members of a society.

For one in six Americans hunger is real and far too many people assume that the problem of hunger is isolated. One in six men, women or children you see every day may not know where their next meal is coming from or may have missed one or two meals yesterday.

Hunger is silent—most victims of hunger are ashamed and will not ask for help, they work to hide their situation from everyone. Hunger is persistent and impacts millions of people who struggle to find enough to eat. Food insecurity causes parents to skip meals so that their children can eat.

In Harris County, Texas, 149 out of 920 households or 20 percent of residents do not have automobiles and live more than one-half mile from a grocery store.

For one in six Americans hunger is real and far too many people assume that the problem of hunger is isolated. One in six men, women or children you see every day may not know where their next meal is coming from or may have missed one or two meals yesterday.

In 2009–2010 the Houston, Sugar Land and Baytown area had 27.6 percent of households with children experiencing food hardship. In households without children food hardship was experienced by 16.5. Houston, Sugar Land and Baytown rank 22 among the areas surveyed.

In 2011, According to Feeding America: 46.2 million people were in poverty, 9.5 million families were in poverty, 26.5 million of people ages 18–64 were in poverty. 16.1 million children under the age of 18 were in poverty, 3.6 million (9.0 percent) seniors 65 and older were in poverty.

In the State of Texas: 34% of children live in poverty in Texas, 21% of adults (19–64) live in poverty in Texas, 17% of elderly live in poverty in Texas.

In my city of Houston Texas the U.S. census reports that over the last 12 months 442,881 incomes were below the poverty level.

In 2011: 50.1 million Americans lived in food insecure households, 33.5 million adults and 16.7 million children, households with children reported food insecurity at a significantly higher rate than those without children, 20.6 percent compared to 12.2 percent.

Eighteen percent of households in the state of Texas from 2009 through 2011 ranked second in the highest rate of food insecurity—only the state of Mississippi exceed the ratio of households struggling with hunger.

In the 18th Congressional District an estimated 151,741 families lived in poverty.

There are charitable organizations that many of us contribute to that provide food assistance to people in need, but their resources would not be able to fill the gap created by a \$20.5 billion dollar cut to Federal food assistance programs.

Food banks and pantries fill an important role by helping the working poor, disabled and the poor gain access to food assistance when government subsidized food assistance or budgets fall short of basic needs. Food pantries also help when an unforeseen circumstance occurs and more food is needed for a family to make it until payday or government assistance arrives. However, food pantries cannot carry the full burden of a communities' need for food on their own.

During these difficult economic times, people who once gave to food pantries may now seek donations from them. Millions of low income persons and families receive food assistance through SNAP. This program represents the nation's largest program that combats domestic hunger.

For more than 40 years, SNAP has offered nutrition assistance to millions of low income individuals and families. Today, the SNAP program serves over 46 million people each month.

**SNAP Statistics:** Households with children receive about 75 percent of all food stamp benefits, 23 percent of households include a disabled person and 18 percent of households include an elderly person, The FSP increases household food spending, and the increase is greater than what would occur with an equal benefit in cash, every \$5 in new food stamp benefits generates almost twice as much (\$9.20) in total community spending.

The economics of SNAP food it does not support programs benefit everyone by preventing new food deserts from developing. The impact of SNAP funds coming into local and neighborhood grocery stores is more profitable supermarkets. SNAP funds going into local food economies also make the cost of food for everyone less expensive and assure a variety and abundance of food selections found in grocery stores.

SNAP is the largest program in the American domestic hunger safety net. The Food and Nutrition Service programs it does not supported by SNAP work with State agencies, nutrition educators, and neighborhood as well as faith-based organizations to assist those eligible for nutrition assistance. Food and Nutrition Service programs also work with State partners and the retail community to improve program administration and work to ensure the program's integrity.

Yes, more can be done to assure that food distribution from the fields to the tables of Americans in most need can be improved. To begin the process of improving our nations ability to more efficiently and effective in meeting the food needs of citizens must began with understanding the problem and acting on facts. I strongly it does not support hearings on the subject and encourage all oversight committees to consider taking up the matter during this Congress.

However, we cannot ignore the safety process in place to prevent abuse or misuse of the

program. The Federal SNAP law provides two basic pathways for financial eligibility to the program: (1) meeting federal eligibility requirements, or (2) being automatically or "categorically" eligible for SNAP based on being eligible for or receiving benefits from other specified low-income assistance programs. Categorical eligibility eliminated the requirement that households who already met financial eligibility rules in one specified low-income program go through another financial eligibility determination in SNAP.

However, since the 1996 welfare reform law, states have been able to expand categorical eligibility beyond its traditional bounds. That law created TANF to replace the Aid to Families with Dependent Children (AFDC) program, which was a traditional cash assistance program. TANF is a broad-purpose block grant that finances a wide range of social and human services.

TANF gives states flexibility in meeting its goals, resulting in a wide variation of benefits and services offered among the states. SNAP allows states to convey categorical eligibility based on receipt of a TANF "benefit," not just TANF cash welfare. This provides states with the ability to convey categorical eligibility based on a wide range of benefits and services. TANF benefits other than cash assistance typically are available to a broader range of households and at higher levels of income than are TANF cash assistance benefits.

Congress cannot afford to forget that by the year 2050, the world population is expected to be 9 billion persons. We cannot build our nation's food security on an uncertain future. Domestic food production and access to healthy nutritious food is essential to our nation's long term national security.

Until we see the final farm bill, including the amendment adopted by the Full House, I cannot offer my it does not support for the legislation as it is written.

The bill is too shortsighted about the realities of hunger in our nation—the fact that it proposes to cut \$20.5 billion from the SNAP program is of great concern. We should work to create certainty for farmers who run high risk businesses that are vulnerable to weather changes, insects or blight.

We should be equally concerned about providing long term food security for all of our nation's citizens, which include rural, suburban and urban dwellers.

I thank the Agriculture Committee for including the Jackson Lee amendment in the en bloc for the bill. I as my colleagues on both sides of the aisle should have it does not supported the McGovern Amendment to prevent the \$20.5 billion in cuts to the SNAP program. Food is not an option—and people who need help from their government should not be treated like they committed a crime.

I do not support this bill. It removes all authorization to feed our nations hungry.

Mr. PETERSON. I yield to the gentleman from Mississippi (Mr. THOMPSON) for a unanimous consent request.

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in strong opposition to this bill. This bill makes millionaire farmers richer. It takes from the poor. It makes the poor-

est Americans suffer. This bill promotes hunger in the richest country in the world. We should not be about that. We are a better country. We should demonstrate that every day we're on this floor. What we're doing today will go down in history as one of the greatest misgivings and misguided laws in this country.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota's time will be charged.

#### POINT OF ORDER

Mr. THOMPSON of Mississippi. Mr. Speaker, I make a point of order that my comments should not be taken from Mr. PETERSON's time.

The SPEAKER pro tempore. As the Chair ruled earlier today, it is not in order to embellish a unanimous consent request with debate. When such a request extends into debate, the yielding Member is charged. In the opinion of the Chair, the request of the gentleman from Mississippi contained debate. The point of order is overruled.

Mr. THOMPSON of Mississippi. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

#### MOTION TO TABLE

Mr. LUCAS. I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. THOMPSON of Mississippi. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 181, not voting 32, as follows:

[Roll No. 351]

AYES—221

Aderholt  
Alexander  
Amash  
Amodei  
Bachmann  
Bachus  
Barletta  
Barr  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Bucshon  
Burgess  
Calvert

Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cotton  
Cramer  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais

Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Goodlatte  
Gosar  
Gowdy  
Granger

Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Herrera Beutler  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Massie  
McCarthy (CA)

McClintock  
McHenry  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross

Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schrader  
Scott, Austin  
Sensenbrenner  
Sessions  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (FL)  
Young (IN)

#### NOES—181

Andrews  
Barber  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro

DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garcia  
Grayson  
Green, Al  
Green, Gene  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Hoyer  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind

Kirkpatrick  
Kuster  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lipinski  
Loebach  
Lofgren  
Lowenthal  
Lowe  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney  
Maloney, Carolyn  
Maloney, Sean  
Matheson  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Nadler  
Napolitano  
Neal  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascarelli  
Pastor (AZ)  
Payne  
Pelosi



Perlmutter	Schakowsky	Tierney
Peters (CA)	Schiff	Titus
Peters (MI)	Schneider	Tonko
Peterson	Schwartz	Tsongas
Pocan	Scott (VA)	Vargas
Price (NC)	Scott, David	Veasey
Quigley	Serrano	Vela
Rahall	Sewell (AL)	Velázquez
Rangel	Shea-Porter	Visclosky
Richmond	Sherman	Walz
Roybal-Allard	Sinema	Wasserman
Ruppersberger	Sires	Schultz
Rush	Slaughter	Waters
Ryan (OH)	Speier	Watt
Sánchez, Linda	Swalwell (CA)	Waxman
T.	Takano	Welch
Sanchez, Loretta	Thompson (CA)	Wilson (FL)
Sarbanes	Thompson (MS)	Yarmuth

## NOT VOTING—32

Bera (CA)	Horsford	Pingree (ME)
Braley (IA)	Huffman	Polis
Broun (GA)	Hunter	Rogers (MI)
Campbell	Langevin	Ruiz
Diaz-Balart	Lewis	Schock
Gingrey (GA)	Markey	Schweikert
Gohmert	McCarthy (NY)	Shimkus
Graves (GA)	McCaul	Smith (WA)
Grijalva	McKeon	Stewart
Holt	Murphy (FL)	Van Hollen
Honda	Negrete McLeod	

□ 1452

Mr. GUTIÉRREZ changed his vote from “aye” to “no.”

Mr. PALAZZO changed his vote from “no” to “aye.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BRALEY of Iowa. Mr. Speaker, on roll-call No. 351, had I been present, I would have voted “no.”

Mr. LUCAS. Mr. Speaker, I rise for an inquiry of my colleague, the ranking member.

Does the gentleman need sufficient time to close?

Mr. PETERSON. Mr. Chairman, it would be helpful to me if you could yield me 2 minutes. You may not like what I have to say.

Mr. LUCAS. In the spirit of comity, I yield to my ranking member 2 minutes for his use.

Mr. PETERSON. I thank the chairman, and I thank him for his leadership through this process.

America’s two largest farm organizations, the American Farm Bureau and the National Farmers Union, which don’t often agree, both asked us to oppose this bill. I will submit their letters for the RECORD.

AMERICAN FARM BUREAU FEDERATION,  
Washington, DC, July 11, 2013.

House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVES: The American Farm Bureau Federation is our nation’s largest general farm organization, representing more than 6 million member families in all 50 states and Puerto Rico. Our members represent the grassroots farmers and ranchers who produce the wide range of food and fiber crops for our customers here and around the world. To achieve this, farmers and ranchers depend on the variety of programs such as risk management, conservation, credit and rural development contained in H.R. 2642 that is scheduled to be voted on by the full House today.

Last night the House Rules Committee approved the rule for considering H.R. 2642, which also includes separating the nutrition title from the remaining provisions of H.R. 1947, a complete farm bill that was reported out of the House Agriculture Committee by a 36–10 bipartisan vote.

We are very disappointed in this action. The “marriage” between the nutrition and farm communities and our constituents in developing and adopting comprehensive farm legislation has been an effective, balanced arrangement for decades that has worked to ensure all Americans and the nation benefits. In spite of reports to the contrary, this broad food and farm coalition continues to hold strong against partisan politics. In fact, last week, more than 530 groups representing the farm, conservation, credit, rural development and forestry industries urged the House to not split the bill. Similar communications were relayed from the nutrition community. Yet today, in spite of the broad-based bipartisan support for keeping the farm bill intact, you will vote on an approach that seeks to affect a divorce of this longstanding partnership. It is frustrating to our members that this broad coalition of support for passage of a complete farm bill appears to have been pushed aside in favor of interests that have no real stake in this farm bill, the economic vitality and jobs agriculture provides or the customers farmers and ranchers serve.

We are quite concerned that without a workable nutrition title, it will prove to be nearly impossible to adopt a bill that can be successfully conferenced with the Senate’s version, approved by both the House and Senate and signed by the President.

We are also very much opposed to the repeal of permanent law contained in H.R. 2642. This provision received absolutely no discussion in any of the process leading up to the passage of the bill out of either the House or Senate Agriculture Committees. To replace permanent law governing agricultural programs without hearing from so much as a single witness on what that law should be replaced with is not how good policy is developed.

As recently as last December, the threat of reverting to permanent law was the critical element that forced Congress to pass an extension of the current farm bill when it proved impossible to complete action on the new five-year farm bill—an action that not only provided important safety net programs for this year, it ensured Congress would have time this year to consider comprehensive reforms that contribute billions to deficit reduction.

We urge you to oppose the rule as well to vote against final passage of this attempt to split the farm bill and end permanent law provisions for agriculture.

Sincerely,

BOB STALLMAN,  
President.

JULY 11, 2013.

House of Representatives,  
Washington, DC.

DEAR MEMBERS OF CONGRESS: National Farmers Union (NFU), strongly urges you to vote against the rule and final passage of H.R. 2642, a bill that divorces the nutrition title from the rest of the farm bill and repeals permanent law.

The two largest general farm organizations in the country have spoken out multiple times in opposition to separating nutrition programs from the farm bill. Splitting the bill is a shortsighted strategy that would ef-

fectively undermine the long-standing bipartisan coalition of rural and urban members that have traditionally supported passage of a unified bill. We are also very concerned that including a provision that would repeal permanent law did not receive any outside scrutiny or ability to weigh in through hearings. Repealing permanent law would remove the element in the bill which would force Congress to act on a piece of legislation that provides a safety net for farmers, ranchers, the food insecure and protects our nation’s natural resources.

Last week, NFU led a coalition of 531 other organizations in writing a letter calling for the House of Representatives not to split the bill. This broad-based coalition, composed of agriculture, conservation, rural development, finance, forestry, energy and crop insurance companies and organizations is now being undermined by extreme partisan political organizations that do not represent constituents affected by the farm bill.

Thank you for your consideration of this letter. We urge you to vote against the rule and final passage of H.R. 2642 and encourage leadership to bring a unified bill to the floor as soon as possible.

Sincerely,

ROGER JOHNSON,  
President.

Mr. PETERSON. The idea of splitting this bill is a brainchild of the conservative groups like Club for Growth, Americans for Prosperity and Heritage Action. Ironically, now that they have split the bill, they don’t support it. I will submit their letters and statements in the RECORD.

## KEY VOTE ALERT

THE HOUSE “FARM-ONLY” BILL (HR )

The Club for Growth strongly opposes the “Farm-Only” bill and urges all House members to oppose it. We believe floor consideration of the bill could happen as early as this week. The vote on final passage will be included in the Club’s 2013 Congressional Scorecard.

Breaking up the unholy alliance between agricultural policy and the food stamp program within the traditional farm bill is an excellent decision on behalf of House leadership. However, the whole purpose of splitting up the bill is to enact true reform that reduces the size and scope of government. Sadly, this “farm-only” bill does not do that, especially under an anticipated closed rule. It is still loaded down with market-distorting giveaways to special interests with no path established to remove the government’s involvement in the agriculture industry.

Worse, we highly suspect that this whole process is a “rope-a-dope” exercise. We think House leadership is splitting up the farm bill only as a means to get to conference with the Senate where a bicameral backroom deal will reassemble the commodity and food stamp titles, leaving us back where we started. Unless our suspicions are proven unwarranted, we will continue to oppose this bill.

Our Congressional Scorecard for the 113th Congress provides a comprehensive rating of how well or how poorly each member of Congress supports pro-growth, free-market policies and will be distributed to our members and to the public.

“NO” ON PERMANENT FARM BILL  
(July 11, 2013)

Today, the House will vote on the Federal Agriculture Reform and Risk Management

Act of 2013 (H.R. 2642). Although the bill does not contain the \$750 billion in food stamp spending like the previous FARRM Act, it does nothing to make “meaningful reforms” to America’s farm policy. Even worse, the bill would make permanent farm policies—like the sugar program—that harm consumers and taxpayers alike.

While many realize the bill would repeal the 1938 and 1949 permanent farm law, few realize it would also create new permanent law—the commodities title in H.R. 2642 would become permanent. As a result, lawmakers would not have a built in check, in the form of a reauthorization, in the years ahead.

Instead, market-distorting programs would continue indefinitely, like the government-imposed tariffs on sugar imports and quotas on domestic sugar production, which cause Americans to pay two to four times higher prices for sugar than consumers in other countries.

The new, untested and expensive crop insurance provisions would become permanent, undermining the effectiveness of the Foxx Amendment, which would have capped the costs of these new programs at 110 percent of the Congressional Budget Office’s estimates until the year 2020.

And as Heritage Action explained during the initial debate:

The “shallow loss” program would protect farmers from virtually all risk. Taxpayers are on the hook to cover even small risks for farmers, eliminating competitive challenges that drive innovation. Finally, the bill includes a reference price program that would designate certain standard prices for commodities; if actual prices are different, taxpayers make up for the difference. The Congressional Budget Office estimate for the Senate’s Agriculture Risk Coverage (ARC) program—the counterpart to the House’s Revenue Loss Coverage (RLC)—is based on farmers’ record high incomes. If prices decline toward historical levels, taxpayers will be on the hook.

Finally, farmers are currently carrying far less debt compared to their very strong assets. Net farm income is expected to reach “a remarkable \$128.2 billion this year—the highest level since 1973,” making the aforementioned farm programs all but insanity. The “farm” bill means more expenses for taxpayers and higher costs for consumers. It means more unnecessary government dependence for wealthy farmers and food stamp recipients.

The reason Congress should end the unholy alliance that has dominated the food stamp and farm bill for decades is to allow an open and substantive debate on the issues. By doing so, the House could show its conservative values. As top-ranking House Republicans acknowledged last night in the Rules Committee, this is nothing more than a mechanism to get to a conference committee with the Senate.

Heritage Action opposes H.R. 2642 and will include it as a key vote on our legislative scorecard.

JULY 9, 2013.

OPEN LETTER TO SPEAKER BOEHNER: ENSURE OPEN PROCESS ON “FARM-ONLY” FARM BILL!

DEAR SPEAKER BOEHNER, On behalf of the millions of members and supporters of the undersigned organizations, we write to commend you for separating the agriculture and nutrition portions of the farm bill and for moving to repeal archaic language that reverts back to 1949 law in the absence of Congressional action. However, we are deeply

concerned by reports that agriculture legislation will move in the coming days under a closed rule that will prevent any amendments from being heard.

The purpose of splitting the agriculture and nutrition pieces was to change the political dynamics that conspire to prevent true reform. If the House pushes through agriculture-only language taken directly from the combined bill that failed on the floor last month without amendment, it will not only fail to champ those dynamics, it will actively preserve them.

In doing so, the Republican-controlled House would be advancing an agriculture bill that is substantially worse on policy grounds than the legislation produced by the Democrat-controlled Senate. For example, the House language includes no means-testing whatsoever for crop insurance while the Senate reduced subsidies for those with incomes over \$750,000. In addition, the so-called “shallow loss” programs in the House bill are poorly structured and likely to cost dramatically more than official estimates.

We urge you to live up to your commitments to robust debate by ensuring that any agriculture or nutrition bill is considered in an open process. A closed rule on farm legislation would run counter to those commitments and produce bad policy.

Sincerely,

Andrew Moylan, R Street Institute; Phil Kerpen, American Commitment; Al Cardenas, American Conservative Union; James Valvo, Americans for Prosperity; Grover Norquist, Americans for Tax Reform; John Tate, Campaign for Liberty; Jeff Mazzella, Center for Individual Freedom; Chris Chocola, Club for Growth; Iain Murray, Competitive Enterprise Institute; Rob Sisson, ConservAmerica; Mattie Duppler, Cost of Government Center.

Tom Schatz, Council for Citizens Against Government Waste; Matt Kibbe, FreedomWorks; Michael A. Needham, Heritage Action for America; Baylen J. Linnekin, Keep Food Legal; Colin Hanna, Let Freedom Ring; Duane Parde, National Taxpayers Union; William L. Walton, Rappahannock Ventures; Ryan Alexander, Taxpayers for Common Sense; David Williams, Taxpayers Protection Alliance; Becky Norton Dunlop, Former Secretary of Natural Resources, Virginia.

R STREET,

Washington, DC, July 12, 2013.

AN OPEN LETTER TO THE HOUSE OF REPRESENTATIVES: FARM BILL IS BAD PROCESS, WORSE POLICY

DEAR REPRESENTATIVE, On behalf of the R Street Institute, I write today to urge your opposition to H.R. 2642, the Federal Agriculture Reform and Risk Management Act (FARRM Act). Better known as the “Farm Bill,” this flawed and expensive legislation comes before the chamber after being separated from the nutrition assistance provisions. However, rather than utilizing this clean slate as an opportunity to secure long-overdue reforms to farm subsidies, this bill is being shielded from any amendment that could trim its cost or improve its operation.

As a free market think tank that seeks lower costs for taxpayers, more accountability, and fewer incentives to damage the environment, R Street is appalled by this legislation and the process by which it is being advanced. This legislation’s purported agriculture savings amount to \$1 billion less than those found in the Senate’s farm pro-

grams. They amount to \$18 billion less than proposed in the Ryan budget which passed with the nearly unanimous support of 221 Republicans. They even fall short of the agriculture subsidy reductions included in President Obama’s budget request by \$25 billion. Furthermore, \$7 of every \$10 in claimed savings occurs after a new farm bill will presumably have passed.

In addition, the bill contains enormous structural problems. Its expanded crop insurance program includes no limits or caps whatsoever, allowing wealthy agribusinesses to rake in billions in subsidies. The “reference prices” for commodity crops are set at near-record highs, thus ensuring that even modest drops from current peaks will trigger huge payments. Common sense provisions like conservation compliance are not attached to crop insurance to prevent taxpayers from subsidizing farming on risky or sensitive lands. Distortionary subsidies and restrictions for both sugar and dairy products remain. All of this in a package that effectively makes its expensive commodity title into permanent law.

The House should be allowed to debate and modify these provisions, but the rushed process has shut off any such possibility. The result of this bad process is that the chamber has before it a bloated bill that is unworthy of the conservative principles that we share with House leaders. We urge all Members to oppose H.R. 2642, the FARRM Act, and instead work to craft a credible reform package that heeds the bipartisan consensus to trim agriculture subsidies once and for all.

Sincerely,  
ANDREW MOYLAN,  
Senior Fellow and Outreach Director,  
R Street Institute.

TAXPAYERS FOR COMMONSENSE,

Washington, DC, July 11, 2013.

OPPOSE AG-ONLY FARM BILL: CHANGES MAKE SUBSIDIES PERMANENT; SPENDS MORE THAN SENATE BILL

DEAR REPRESENTATIVE: Taxpayers for Common Sense urges you to oppose H.R. 2642, the Federal Agriculture Reform and Risk Management Act of 2013 or FARRM, and H. Res. 295, the rule providing for its debate. Not only does this bill save less money than comparable sections in the Democrat-controlled Senate-passed bill but it also seeks to lock in record commodity prices and farm income as the new business as usual farm policy. While the bill repeals permanent law, the new version strips out the 2018 sunset provisions contained in the previous version making the subsidy ridden 2013 bill permanent law. While we support splitting the Farm Bill up, leadership aides and agriculture centric lawmakers have made it clear that passing this bill is a step to get to conference and re-combine the agriculture and nutrition titles.

We have found significant changes that were made to this legislation, however lawmakers were allowed less than 12 hours to review changes made to the Farm Bill that was voted down in the House less than a month ago. Any and all attempts to amend or debate reforms to this \$196 billion legislation were shot down. To deny amendments and reforms would make bifurcation virtually meaningless. Both the agriculture and nutrition “bills” must be open to robust debate to allow reforms to be considered.

With a \$16.8 trillion national debt, our country simply cannot afford to continue sending checks to agribusinesses regardless of the state of the farm economy, crop prices, or whether or not producers even

need or want government subsidies. H.R. 2642 would spend \$1 billion more than comparable sections in the Senate-passed bill, increase FY14 spending by \$1.34 billion above the current baseline, and only save \$3.9 billion over the life of the actual bill (FY14–18) with the rest (\$9 billion) occurring after this farm bill expires in FY18. In addition, it would spend drastically more than either the comparable portions of the President's FY14 budget request or Rep. Paul Ryan's FY14 budget (which called for \$38 billion and \$31 billion in savings, respectively). A Congressional Budget Office score hasn't even been posted yet.

Compared to the bill being voted on today, a summary of changes made to the bill that failed 195–234 less than a month ago include the following:

No nutrition assistance. While we urged lawmakers to debate the farm bill on its own merits and break the Ag-Urban unholy alliance that logrolled over attempts to reform both programs, there is no indication that a nutrition-only bill will ever receive a vote on the House floor. Therefore, this cynical procedural move is simply a green light to get to conference with the Senate. As Rep. Roe (R-TN) recently said, "We'll take the farm bill and the food stamp bill and separate those two. Vote both of those and send them to the Senate. And then it'll come back as one bill in a conference and we'll hopefully get something."

Repeal permanent law but replace it with the 2013 farm bill law: Instead of reverting to outdated allotments and quotas, now farm policy will revert to 2013 farm bill law. This will ensure profitable agribusinesses receive unlimited crop insurance subsidies, higher government-set target prices, profit margin guarantees for dairy, market distorting sugar subsidies, and new income guarantee entitlements that lock in record farm income for perpetuity.

This agriculture-only farm bill is the opposite of reform. It would also:

Exclude all common sense steps toward right-sizing the federally subsidized crop insurance program—which cost taxpayers an estimated record \$14 billion in FY12—and actually increase spending by \$9 billion. No means testing to exclude millionaire businessmen, no limit on subsidies, zero cuts to insurance company delivery subsidies, no transparency on who is benefiting from taxpayer spending, and no future opportunity for taxpayers to save money by renegotiating crop insurance industry subsidies.

Continue direct payments for cotton for two additional years.

Create an array of new special interest carve-outs for pennycress, biomass sorghum, peanuts, catfish, among others

Again, we encourage you to oppose H.R. 2642 and H. Res. 295, the agriculture-only farm bill and the rule governing its debate. We urge you to go back to the drawing board and devise a more fiscally responsible solution that saves at least \$100 billion and enacts a more cost-effective, accountable, transparent, and responsive farm safety net.

Sincerely,

RYAN ALEXANDER,  
President.

Mr. PETERSON. You know, I spent 4 years working on dairy policy, and I lost a vote on the floor here on that dairy policy. That was not an easy thing for me to swallow. In spite of that, I was going to vote for the bill, and I did vote for the bill. What I don't get is that you guys over there have

people that have put amendments on this bill, that were successful in amending this bill, and then they vote against it. I don't get how we're going to get a bill done in this place when you've got that kind of a situation going on.

I'll say this: We're willing, in spite of everything that's happened, to try to work this out somehow or another through this process. I'm not sure how it's going to work, I'm not sure if you've got the votes, where we're going to end up. But we have stood ready to work with you. I think you know that, Mr. Chairman. I believe we had the votes to get this done if we would have just taken that Southerland amendment out, but it didn't happen.

So let's finish this up and move ahead. You know, I had the first hearing on this when I was chairman on April 21, 2010, and I am sick and tired of working on this bill. So let's get this thing over with.

The SPEAKER pro tempore. The gentleman is reminded to address the remarks to the Chair and not to other Members of the body.

Mr. LUCAS. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Oklahoma has 16 minutes remaining.

Mr. LUCAS. I yield myself such time as I may consume.

Mr. Speaker, colleagues, I stand before you again to discuss a farm bill. It has not been that many days ago since we did this very thing. On that particular day, it was my hope that the bill put forth on the floor—after 100 amendments, approximately, in committee, after 100 amendments essentially being filed and mostly considered on the floor of the House—that we would have a product we could all support. But on that day, a sufficient number of my friends from both sides of the aisle, from different political perspectives, united together to say no.

Now, I chair the committee of primary jurisdiction on this. I'm a member of the majority. My good friend was my coauthor on the bill. But I take responsibility. That was my chin that got bopped, and maybe it needed it. But I take that responsibility.

But I am a practical guy. I sat down and I had conversations with as many of you as possible and reached out to everyone I could possibly reach out to, and I came to the realization that I had to think outside the box. Because, after all, what's the most important responsibility here? To get our work done in a dignified, orderly fashion, to consider the opinions of everyone—yes, protect the right of the political minority, whoever that may be, in whichever session of Congress that may be—but still, for the majority of the body to decide the actions of this House. And yes, on that day, the majority of you decided no action was the response.

So now I come back asking you again to consider a bill. Eleven of the 12 titles we debated and discussed and rumpled and argued and cheered about 2 weeks ago, 11 of those titles. Yes, some of you saw it in committee; yes, the rest of you saw it on the floor.

Now, there is one change, and that is going from 1938, 1949 permanent law over to making whatever the ultimate product of this farm bill process this year is the permanent law.

□ 1500

Let me say to you, think about what the '38 and '49 law is all about. Franklin Roosevelt was President in 1938; Harry Truman was President in 1949. That's been a long time ago. The principles of the bill entail supply and management, allotments, quotas, production history limitations, prices based on parity from 1910 to 1913. Wasn't Taft President back then? It is not workable language.

I know many of you said, that's the hammer with which we force things to happen. Well, the hammer hasn't worked very well in the last 2 years, has it? It is time to move past that old paradigm, to craft good, agricultural policy for rural America for the consumers out there and make it the permanent law. And, yes, we can pass the new farm bill in 5 years if we want or sooner, but everything will be up to debate, discussion, and voting.

Now, what about title IX that was in the previous bill that's not in the bill today dealing with nutrition? It became quite clear to me not many days ago that that was the most complicated part of the process. It was an area where while the committee had by majority vote agreed to make very fundamental changes saving to the tune of \$20.5 billion in mandatory spending, it became quite clear to me that a number of my friends in all sincerity felt it was far too draconian, far too extreme; and I accept that.

By the same token, I had a substantial number of my colleagues who said, oh, my goodness, why couldn't you do more, we demand more; and I couldn't reconcile those two perspectives in this comprehensive bill in this traditional way.

So what's the alternative? I ask you today to vote for a farm bill farm bill. What an amazing concept. All of you who represent farmers and ranches, the men and women who raise the food and fiber, who get things done in this country, when you go talk to them, they say, why didn't we do that all along.

But the nutrition title, let me give you my personal pledge. The committee will work in as bipartisan a fashion as I hope we have traditionally always have to craft language.

My only problem is, having dealt with this issue already, I can't guarantee you what the product will look like coming out of committee or coming across the floor. I can't guarantee that.

But I can assure you that in the committee it will be a fair and open process. I can assure you that you will be able to state your will on this floor.

Hopefully, if 218 of us can agree on a nutrition title, then the two bills can hopefully be wedded, matched—a conference is the more appropriate phrase to say—with the work of our friends over in the Senate and we will ultimately have a product. I just can't give you the kind of guarantees you need because I have to have 218 of you agree on anything. But I can give you my commitment to work in that direction.

I know there are some very grave concerns. What if we don't succeed in passing a nutrition title? What if the Senate says that is your fault, United States House?

I would remind you that SNAP's programs are an appropriated entitlement. That means the issues can be addressed in the appropriations process. That has occurred before. No one ever went without a benefit that they qualified for.

But I would also say to all my friends who care so intensely from every perspective about this bill, that doesn't guarantee you that you will get what you want, any of you. It just means that if we are not able to address nutrition through the regular authorizing process, our friends on the Appropriations Committee, the Ag Subcommittee of Appropriations, in particular, now become the front-line discussion. But once again, the House will work its will through the committee process and across the floor.

If you see a common thread here, it is that I have amazing amounts of faith in you. In spite of the challenges that outside groups from all political perspectives present, in spite of the diversity of opinion within elected leadership on both sides of the aisle—I know you are fond of me because of the way you've been treating me, all of you, lately—but in spite of those actions, my friends, and because you have a responsibility to your constituents as Members and to our fellow citizens in the country as a whole, I respect what you think.

I would simply conclude by saying, in the situation we are in right now, this I believe very sincerely is the most appropriate way to pass a bill that entails 20 percent of traditional farm bill spending. I commit to you that we will work on that second piece as hard and as diligently as we can. But please, after all the good faith and discussions in the spirit of comity, civility, and the nature of making this place work, I ask you to pass the farm bill farm bill so I can begin to work on the nutrition part of the farm bill next.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 8 minutes remaining.

Mr. LUCAS. I love all of you. I yield back whatever time I have to show it.

Mr. SCHWEIKERT. Mr. Speaker, due to a family funeral, I was unable to vote on today's "FARRM Bill" legislation. However, I want the record to show my strong opposition to the bill that was passed by the House.

Despite the fact the welfare portion of the bill, in the form of SNAP, was separated; the bill that made its way to the Floor was rife with a permanent entitlement system in the form of farm policy.

If this bill becomes law, there will be no incentive for our friends in the agriculture community to pass another farm bill for the next 30 years because Washington, in one fell swoop, pegged prices at all time highs.

Further, under this bill, shallow-loss programs and wholly uncapped crop insurance have become a permanent backstop.

We had an opportunity to shrink government and chose instead to continue down a path of unending subsidies and market distortions.

Ms. KAPTUR. Mr. Speaker, I rise in strong opposition to the House Republican revised farm bill.

The bill before us should not be referred to as a farm bill. Farm bills have traditionally tried to address challenges facing all of American agriculture including nutrition and hunger issues.

This legislation removes the Nutrition title from the farm bill, which includes the programs that help improve nutrition and fight hunger. Consequently, the bill before us is nothing more than an attempt by House Republicans to undermine the safety net provided to low-income Americans struggling to put food on their table.

It is unconscionable that Republican leadership has removed the Nutrition title from the farm bill and are using food as a political tool.

Despite what economists have been reporting, our economy is still in a recession for a significant number of Americans and we still have a poverty crisis in this country.

In 2011, there were 46.2 million people in poverty. 16.1 million children are living in poverty. Children under the age of 18 have the highest poverty rate in the United States.

More than 3.6 million seniors are living in poverty. Women over the age of 85 have the second highest poverty rate in the country.

Families and individuals living in poverty often rely on the Supplemental Nutrition Assistance Program (SNAP) to help put food on the table.

By removing SNAP from the farm bill, millions of Americans including many children and seniors will go hungry. This should not happen in the richest country on the planet.

While SNAP is the largest portion of the Nutrition title, there are other programs in the Nutrition title that are vital in combating hunger that will essentially cease to exist as a result of House Republicans.

I want to mention one of those programs, the Seniors Farmers Market Nutrition Program. This important program helps low-income seniors purchase fresh, nutritious, locally grown fruits and vegetables at farmers' markets, roadside stands, and community supported agriculture programs.

There were nearly 5 million seniors in 2011 that were food insecure. That means 1 in 12 seniors had trouble putting food on their plates in the United States. I find that completely un-

acceptable and no senior citizen should have to worry where his or her next meal will come from.

Given the damage that sequestration is doing to Meals on Wheels and other senior assistance programs, House Republicans should be ashamed for trying to take food away from our senior citizens.

Mr. Speaker, I urge my colleagues to join me in opposing the House Republican half-hearted farm bill.

Ms. TITUS. Mr. Speaker, this bill is another example of House Republicans' misplaced priorities. Instead of addressing food insecurity in our country, this bill completely omits nutrition assistance funding and instead provides millions of dollars in subsidies to the nation's largest corporate farms. SNAP is a life line for millions of families who suffer from chronic hunger. With one in four children in the United States at risk of going hungry, including 170,000 school children in Southern Nevada, it is not only irresponsible, it is morally unacceptable to exclude SNAP funding from the Farm Bill. That is why I voted against this legislation, and why I have introduced the Weekends Without Hunger Act. My bill fills a critical need in our community by providing a nutritious meal to students who would not otherwise have access to food on weekends and during school breaks. I will continue to advocate on behalf of our communities to ensure they have the resources they need to root out the causes of hunger and build strategies to eliminate food insecurity.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong opposition to this latest version of the Federal Agriculture Reform and Risk Management Act of 2013.

This deeply flawed and misguided legislation comes before the chamber after a last minute decision by the Republican leadership to separate the nutrition assistance programs, which are a cornerstone of our Nation's food safety net, from the rest of the complete Farm Bill.

Our nation's nutrition programs, which benefit millions of Americans, in every district, and every state, across this great nation, should not be left behind as the rest of the Farm Bill advances. Failure to find a reasonable compromise to ensure that hardworking Americans are not left hungry is not a reason to advance agricultural subsidies.

H.R. 2642 expands unlimited crop insurance subsidies, increases price guarantees for major crops, and locks in these unprecedented giveaways by making the new farm bill permanent law and taking the future of agricultural programs out of the hands of policymakers.

At the same time, the bill guts protections of wetlands, prairies and forests, eviscerates regulation of pesticides under the Clean Water Act, and limits the ability of states to set standards for farm and food production.

This bill is bad procedure and bad policy. I urge my colleagues to vote no on the Federal Agriculture Reform and Risk Management Act of 2013.

Mr. RYAN of Wisconsin. Mr. Speaker, I want to thank Chairman LUCAS and Ranking Member PETERSON for their work on this bill. There are some good ideas in here, and we should act on them. Now, I still have serious

concerns with this bill. But I'm hopeful that a conference agreement will address these concerns.

Here's what this bill gets right: In some areas, it cuts wasteful spending. It eliminates direct payments. And it consolidates duplicative programs. I want to commend the chairman and the members of the Agriculture Committee for proposing these reforms. These reforms don't go far enough, but I'm hopeful that a conference agreement will limit crop-insurance subsidies to small farmers. We should impose a limitation on the Adjusted Gross Income (AGI) for those receiving crop-insurance subsidies, and I have been given assurances that the House will be able to speak on this issue. I will consider supporting a conference agreement only if it includes an AGI limitation or equivalent reforms.

I will say there's been noticeable improvement in this bill: First, it encourages real reform to our commodity programs. In the past, agricultural interests used the threat of skyrocketing costs under "permanent law" to push status quo farm bills through Congress. By eliminating this arbitrary threat, we can continue to reform these programs under a more deliberative process. Second, this bill considers farm programs on their own merits. For far too long, Congress has considered agricultural programs and nutrition programs in conjunction. Both of these programs need to be reformed, and we should evaluate each of them separately—and on their own merits.

I continue to believe we should have a safety net for our farmers. We should help the little guy—the family farm that's in need. We need these AGI limitations to maintain a safety net for small farmers and to ensure that large agribusinesses do not continue to receive taxpayer support.

I want to commend Chairman LUCAS for bringing good ideas to the table. I continue to have concerns about this bill, but am hopeful that a conference agreement can improve it. And if a conference agreement does not improve it, I will vote no on that agreement. I will support the passage of this bill—and will look forward to seeing the changes made in a conference agreement.

Ms. BROWN of Florida. Mr. Speaker, I rise today in opposition to this bill. By stripping out the nutrition portion of this legislation, the Republican Majority is showing their disdain for those people who are struggling to make ends meet, and trying to put good nutritious food on the table for their children.

This Republican Leadership is the most partisan in the history of the House. By taking bipartisan legislation like the Farm Bill, which helps all Americans, they have made it a divisive issue.

Mitt Romney was right—you don't care about the 47 percent of Americans who depend on the government for the basic necessities of life—food and shelter.

The FARRM Bill needs to have all the sections included to genuinely affect all aspects of food production. From those who eat to those who produce. The family farmer produces the food for our table. The recipient of government funding spends all of that funding on food. Nothing is saved for later.

Farm bills represent a delicate balance between America's farm, nutrition, conservation,

and other priorities, and accordingly require strong bipartisan support. It is vital for a broad coalition of lawmakers from both sides of the aisle to provide certainty for urban and rural America, the environment and our economy in general.

The Supplemental Nutrition Assistance Program, or SNAP as it's called, protects over 46 million Americans who are at risk of going without sufficient food. Nearly half of those are children.

The nutrition title of the FARRM bill includes SNAP. It includes the Nutrition Education and Obesity Prevention Grant Program to help people learn to eat healthier. Community Food Projects is a grant program for eligible non-profit organizations, in order to improve community access to food. The Emergency Food Assistance Program, Commodity Supplemental Food Program, Child Nutrition Programs, Farm-to-School Programs, Senior Farmers' Market Nutrition Program and the Fresh Fruit and Vegetable Program are all programs that both help low income consumers and the farmers that produce what we put on our table.

Splitting the nutrition title from the rest of the bill could result in neither farm nor nutrition programs passing.

I urge the leadership of the House of Representatives to move a unified farm bill forward.

Mrs. BEATTY. Mr. Speaker, I rise in opposition to the Federal Agriculture Reform and Risk Management Act, H.R. 2642.

Mr. Speaker, I refuse to vote for a FARM Bill that omits SNAP.

SNAP is America's first line of defense against hunger.

Its benefits improve nutrition, health, and increases the food-purchasing power of low-income households.

To move forward with a FARM bill that does not include this funding is a shameful abandonment of the most vulnerable people who live in our country.

The program has wide-reaching effects for the individuals participating in the program, their communities, and the entire nation.

My constituents have been clear.

Mothers have told me that without SNAP they cannot feed their children.

Many seniors, disabled individuals and veterans have told me that without SNAP, they will not eat.

How can we allow our children and those in need to starve?

How can we allow our seniors to go hungry?

I cannot and will not vote to harm our nation's most vulnerable.

I will not turn my back on low-income families, children, seniors and the disabled.

I will not vote for a FARM bill that omits SNAP and threatens the lives of American families, children and seniors.

Mr. CONYERS. Mr. Speaker, I rise in strong opposition to H.R. 2642, the "Federal Agriculture Reform and Risk Management Act of 2013." Separating this bill from the nutrition provision, including SNAP, is a foolish and immoral decision. The process that House Republicans chose to bring this bill to the floor was egregious and a blatant violation of this body's policy of giving Members and the pub-

lic 72 hours to read a bill. This bill denies Members the opportunity for robust debate and to consider reform of farm policies. Many new provisions were inserted in this bill late last night. Furthermore, passage of this bill would undermine our efforts to assist vulnerable Americans, risk severe cuts to the Supplemental Nutrition Assistance Program (SNAP), and will allow outdated allotments and quotas under current farm policy to become permanent law.

We are living at a time when low-income working families, senior citizens and disabled veterans are struggling to put food on their tables and children are attending school hungry—often leaving them unable to concentrate. Having a bitter partisan fight on the House floor opens the door to cuts to nutrition programs like the Supplemental Nutrition Assistance Program (SNAP), the Emergency Food Assistance Program (TEFAP), the Commodity Supplemental Food Program (CSFP) and Women, Infant and Children program (WIC), which will only dramatically increase hunger in our country and drive even more people to food banks. Until every American has access to a decent paying job, American families should have the ability to feed their families.

Every major deficit reduction packaged signed into law over the last thirty years has always been negotiated according to the principle of not increasing poverty or inequality. That's why I will continue to fight against cuts to the SNAP program and misguided efforts aimed at breaking the urban-rural coalition that protected and strengthened this program throughout our history. This bill fails our children and the most vulnerable in our country. Investing in hunger relief is a fiscally sound decision. It is a cost-effective and an investment in our nation's future. I ask you to stand with me to protect the most vulnerable and our most vital safety net in fighting hunger in America. I encourage my colleagues to oppose the bill.

Mr. NOLAN. Mr. Speaker, I stand here today with the Ranking Member in opposition to the split farm bill before us. Setting a closed rule on this midnight-hour, backroom deal is not the way the American people elected us to govern.

I am privileged to sit on the Agriculture Committee. During the markup of the farm bill earlier this year, my colleagues and I discussed and debated and deliberated for ten hours on every provision of this bill.

That bill included critical reform of the dairy program, reauthorization of the Rural Broadband program, as well as important provisions for organic producers, beginning farmers and ranchers, conservationists, and the forestry industry.

We reached a bipartisan consensus and 36 of us—myself included—cast a vote in support of the legislation.

Then, on the floor, the legislation was systematically dismantled, piece by piece, until it was barely recognizable as the same farm bill that came out of committee. It was no surprise that this bill failed.

Rather than going back to committee to work on a better compromise, we are here voting on a more-than-600 page bill that only became available late last night.

This bill is even worse than the one that failed, and now the process itself has been

poisoned. The American people did not elect us to conduct their business behind closed doors at midnight.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, a few weeks ago Democrats and Republicans alike unilaterally rejected a bill that would have cut \$20.5 billion from our Nation's most important anti-hunger program which touches nearly 1 out of 7 American's. Today, the Republican Majority in the House of Representatives is considering H.R. 2642, a bill that is even more deeply flawed than before, which opts to leave out programs that will protect those who are most in need entirely.

In these tough budgetary times, the Republican majority should not signal to their constituents that helping those most in need is no longer a priority. In addition to leaving behind those who are most in need, the bill being rushed to the floor today is under a closed rule, with an amendment that eliminates the 1949 permanent farm law and replaces it with the language of H.R. 2642. Additionally, this bill makes permanent deep cuts to conservation programs, weakens protections for our forests, wetlands and wildlife and guts regulation of pesticides.

Congress first enacted the farm bill in response to the Great Depression in order to foster growth in our Nation's economy and to protect those who were most in need. Today, we are still recovering from what some economists call, "the Great Recession." We find ourselves at a crossroads where we must decide how to manage our fiscal priorities while still protecting those who were hardest hit by the recent recession. President Eisenhower once said, "Every gun that is made, every warship launched, every rocket fired, signifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed."

Mr. Speaker, historically funding for the Supplemental Nutrition Assistance Program, constitutes about 80 percent of the funding in a Farm Bill. I have received letters from the two largest general farm organizations in the country which have voiced opposition to separating nutrition programs from the farm bill. Splitting this bill is a shortsighted strategy which undermines the long-standing bipartisan fashion in which urban and rural members unite to support this package.

Mr. Speaker, considering the serious flaws of this bill, I would encourage all of my colleagues, both Democratic and Republican to vote against this unconscionable package.

Ms. KAPTUR. Mr. Speaker, I rise in strong opposition to the House Republican revised "half-a-loaf" farm bill.

The bill before us should not be referred to as a farm bill. Farm bills have traditionally tried to address challenges facing all of American agriculture including nutrition and hunger issues.

This legislation removes the Nutrition title from the farm bill, which includes the programs that help improve nutrition and fight hunger. Consequently, the bill before us is nothing more than an attempt by House Republicans to undermine the safety net provided to nutrition-short Americans struggling to put food on their table.

It is unconscionable that Republican leadership has removed the Nutrition title from the

farm bill and are using food as a political tool. Those political figures who extract food as a political weapon, are not only morally compromised but dangerously destructive.

Despite what economists have been reporting, our economy is still in a recession for a significant number of Americans. We have a poverty crisis in this country. We have 12 million Americans unemployed or underemployed.

In 2011, there were 46.2 million people in poverty. 16.1 million children are living in poverty. Children under the age of 18 have the highest poverty rate in the United States.

More than 3.6 million seniors are living in poverty. Women over the age of 85 have the second highest poverty rate in our country.

Families and individuals living in poverty often rely on the Supplemental Nutrition Assistance Program (SNAP) to help put food on the table.

By removing SNAP from the farm bill, millions of Americans including many children and seniors will go hungry. This should not happen in the richest country on the planet.

While SNAP is the largest portion of the Nutrition title, there are other programs in the Nutrition title that are vital in combating hunger that will essentially cease to exist as a result of House Republicans.

I want to mention one of those programs, the Seniors Farmers Market Nutrition Program. This important program helps low-income seniors purchase fresh, nutritious, locally grown fruits and vegetables at farmers' markets, roadside stands, and community supported agriculture programs.

There were nearly 5 million seniors in 2011 that were food insecure. That means 1 in 12 seniors had trouble putting food on their plates in the United States. I find that completely unacceptable. No senior citizen should have to worry where his or her next meal will come from!

Given the damage that sequestration is doing to Meals on Wheels and other senior assistance programs, House Republicans should be ashamed for trying to take food away from our senior citizens.

Mr. Speaker, I urge my colleagues to join me in opposing the House Republican half-hearted farm bill.

Mr. SERRANO. Mr. Speaker, I rise today in strong opposition to H.R. 2642, the Federal Agriculture Reform and Risk Management Act of 2013.

I oppose this bill because it ignores the needs of working families. H.R. 2642 completely strips the nutrition titles out of the Farm Bill. Therefore, this is not a true Farm Bill. This would be the first time in decades that nutrition is not considered alongside agriculture, conservation, and trade issues.

Chief among the nutrition programs that are eliminated from this bill in the Supplemental Nutrition Assistance Program (SNAP). SNAP is a critical program for Americans facing food insecurity. As of January 2013, 3,159,000, or 16 percent of New York residents, and 47,772,000, or 15 percent of Americans, received SNAP benefits. According to the Center on Budget and Policy Priorities, approximately two-thirds of SNAP recipients are children, elderly, or disabled. Also, most SNAP families with children are working households.

It is unconscionable that this body, which should be protecting vulnerable Americans, is instead attempting to ignore them.

SNAP is an efficient and effective program. There is much talk by those critical of SNAP, accusing the program of waste, fraud, and abuse. This is wildly exaggerated—only 3 percent of SNAP benefits represent overpayments. The Department of Agriculture (USDA) has made improvements to its disbursements so that the families who truly need benefits get them. To reduce SNAP trafficking, which violates federal law, SNAP benefits are disbursed via an electronic debit card that recipients can use to purchase food only. Retailers or recipients who defraud the program by trading SNAP for money or misrepresenting their circumstances face strict criminal penalties. Additionally, approximately 95 percent of federal SNAP spending goes directly to families to buy food. Most of the rest goes toward administrative costs, including reviews to determine that applicants are eligible, monitoring of retailers that accept SNAP, and anti-fraud activities.

This bill represents a failure to protect the vulnerable people of our country. I cannot support this bill.

Ms. CLARKE. Mr. Speaker, today I rise in vehement opposition to H.R. 2642, the Federal Agriculture Reform and Risk Management Act of 2013. Specifically, I oppose separating nutrition assistance programs from the agricultural subsidies programs and this is exactly what this bill does.

Agricultural and nutrition assistance programs have traditionally moved through Congress as part of the same authorizing legislation, allowing us to comprehensively address both issues.

This amalgamation has united urban and rural areas of America, serving as a manifestation of the connection shared between these seemingly disparate communities.

Divorcing food stamps from agricultural subsidies would halt much-needed action that insures funding for food assistance to low-income Americans.

Republicans accuse Democrats of playing politics with farm issues, yet they propose a two-bill strategy that is likely to stagnate any progress toward assisting the nation's most vulnerable populations.

The moment has arrived in our Congress where we have the ability to pass legislation that ensures a child can focus on a homework assignment without the distraction of hunger, guarantees healthy meals to struggling families who have been hit hard by the recent economic downturn, and lends to the economic advancement of communities across the country.

Forty-seven million people experience food insecurity in the United States. In New York alone, over three million New Yorkers receive food stamps. This bill as it currently stands is an attack on the nutrition programs, specifically food stamps.

We have an unparalleled moment of opportunity to generate policy that is in tune with the circumstances of ALL of the American people—those in both rural and urban communities.

Decoupling the nutrition programs from the agricultural subsidies programs will in effect be the death nail for the food stamps program.



There will be no incentives for conservatives to support nutritional programs if this decoupling occurs, which is why I oppose this bill.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 295, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Ms. ESTY. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. ESTY. I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Esty moves to recommit the bill, H.R. 2642, to the Committee on Agriculture with instructions to report the same back to the House forthwith with the following amendment:

At the end of title XI, add the following new subtitle:

#### Subtitle E—Food Safety

#### SEC. 11501. PROTECTING SAFE FOOD FOR AMERICAN CONSUMERS.

(a) MEAT PRODUCTS.—Section 20 of the Federal Meat Inspection Act (21 U.S.C. 620) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

“(h) The Secretary shall annually conduct an on-site audit of the food regulatory system of each country that is eligible to export carcasses, parts of carcasses, meat, or meat food products to the United States.”.

(b) POULTRY PRODUCTS.—Section 17 of the Poultry Products Inspection Act (21 U.S.C. 466) is amended by adding at the end the following new subsection:

“(e) The Secretary shall annually conduct an on-site audit of the food regulatory system of each country that is eligible to export poultry or parts or products of poultry to the United States.”.

(c) EGG PRODUCTS.—Section 17 of the Egg Products Inspection Act (21 U.S.C. 1046) is amended by adding at the end the following new subsection:

“(e) The Secretary shall annually conduct an on-site audit of the food regulatory system of each country that is eligible to export eggs or egg products to the United States.”.

(d) FUNDING TRANSFER AUTHORITY FOR FOOD SAFETY EMERGENCIES.—If the Secretary of Agriculture determines that there is a food safety emergency, the Secretary of Agriculture may transfer funds from any program, project, or activity of the Department of Agriculture to the Food Safety and Inspection Service to respond to such food safety emergency.

Ms. ESTY (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. ESTY. Mr. Speaker, this is the final amendment to the bill which will not kill the bill or send it back to committee. If adopted, it will simply and immediately be amended.

The farm bill traditionally has been a risk-management tool for our country. It has reduced risk from price and weather disruptions or disasters for producers like dairy farmers in my district.

Mr. LUCAS. Mr. Speaker, can I reserve a point of order?

The SPEAKER pro tempore. The gentleman's reservation is not timely.

The gentlewoman from Connecticut is recognized.

Ms. ESTY. Thank you, Mr. Speaker.

It has reduced risk for all consumers through ensuring the plentiful, wholesome, safe, and affordable food supply, with the backstop for SNAP benefits for the most needy—for those who cannot afford to hire lobbyists.

Like some of our colleagues have inquired earlier, I too thought that SNAP's exclusion was so incredibly glaring that it had to be a drafting error. After all, how can we ignore the 16 million American children—including 34,000 in my district—lacking basic food security?

Unfortunately, today, we are breaking that risk-management tool into pieces and, as a result, the risk for far too many will rise. The increased risk will fall most heavily on consumers.

For many children, disabled, and elderly—who comprise almost 60 percent of SNAP beneficiaries—and for working families receiving SNAP benefits, their risk of food insecurity will rise.

Additionally, as more people look for more sources and varieties of food, we are importing record amounts of food from around the world.

Unfortunately, we are seeing more and more food safety outbreaks that are linked to an enormous variety of foods from sources worldwide. One needs to look no further than the current and ongoing Hepatitis A outbreak that has been linked to imported pomegranate seeds. Over 140 people have been sickened by this outbreak in eight States, including Wisconsin, Nevada, and California. And we are seeing recently the largest U.S.-owned meat company being bought by a Chinese company.

With industry ownership moving into the hands of foreign companies, how can we ensure food safety in the United States? As a mom, I know how critically important food safety is for our children's long-term health. Mothers in every one of our districts are watching our actions and hoping that we will help keep their children safe, whether at school or at home.

Congress must do all it can to ensure that the food being imported is as safe

as the food produced in our country by hardworking Americans. The Federal Government has a vital role in ensuring that our food supply is safe. The USDA Food Safety and Inspection Service recently announced that it has reduced the number of on-site audits that it conducts in foreign countries to ensure that their food safety systems meet our standards. These used to be conducted annually, and now they've been reduced to only once every 3 years.

At a time when food imports are increasing, FSIS is doing less to ensure that exporting countries are keeping food safe. We have a responsibility to correct this trend and this motion to recommit would do just that.

My final amendment addresses two food safety issues:

First, it directs the Secretary of Agriculture to conduct annual, on-site audits of the food safety systems of countries that export meat, poultry, and egg products to the United States.

Second, it authorizes the Secretary of Agriculture to move funds from other programs within USDA to the Food Safety and Inspection Service in order to better respond to food safety emergencies.

I wish I could have circulated this final amendment to my colleagues to read and review ahead of time, but unfortunately we received the 600-page bill last night.

I urge my colleagues to support increased food safety and support this final amendment to the farm bill.

I yield back the balance of my time.

Mr. LUCAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Oklahoma is recognized for 5 minutes.

Mr. LUCAS. What can I say, my friends. We've covered a lot of ground, we discussed a lot of things, we pumped a lot of adrenaline, we focused on a lot of issues. I would simply say to you, today is towards a conclusion and because I'm so very fond of all of you, I simply ask you to reject this motion to recommit, pass the bill, and go home to your families.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Ms. ESTY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and approval of the Journal, if ordered.



The vote was taken by electronic device, and there were—ayes 198, noes 226, not voting 10, as follows:

## [Roll No. 352]

## AYES—198

Andrews  
Barber  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Grayson

Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Holt  
Honda  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loebach  
Lofgren  
Lowenthal  
Lowe  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney  
Carolyn  
Maloney, Sean  
Markay  
Matheson  
Matsui  
McColum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal

Nolan  
O'Rourke  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Richmond  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schradler  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

## NOES—226

Aderholt  
Alexander  
Amash  
Amodel  
Bachmann  
Bachus  
Barletta  
Barr  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)

Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)

Collins (NY)  
Conaway  
Cook  
Cotton  
Cramer  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)

Elmiers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)

Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Massie  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Palazzo  
Paulsen  
Pearce  
Perry  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)

Rogers (KY)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Scott, Austin  
Sensenbrenner  
Sessions  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—10

Broun (GA)  
Campbell  
Horsford  
Hunter

McCarthy (NY)  
Negrete McLeod  
Rogers (MI)  
Schweikert

□ 1531

Mrs. BLACKBURN changed her vote from “aye” to “no.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PETERSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 208, not voting 11, as follows:

## [Roll No. 353]

## YEAS—216

Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Boehner  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
King (IA)  
King (NY)  
Kingston  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Lance  
Collins (GA)  
Collins (NY)  
Conaway  
Cotton  
Cramer  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)

Aderholt  
Alexander  
Amodel  
Bachmann  
Bachus  
Barletta  
Barr  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Boehner  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
King (IA)  
King (NY)  
Kingston  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Lance  
Collins (GA)  
Collins (NY)  
Conaway  
Cotton  
Cramer  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Ellmers  
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Graves (GA)

Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly

Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Rice (SC)  
Ribble  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schock  
Scott, Austin  
Sensenbrenner  
Sessions  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (FL)  
Young (IN)

## NAYS—208

Amash  
Andrews  
Barber  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos

Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly

Conyers  
Cook  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
DeSantis  
Deutch

Dingell	Larsen (WA)	Price (NC)
Doggett	Larson (CT)	Quigley
Doyle	Lee (CA)	Rahall
Duckworth	Levin	Rangel
Duncan (TN)	Lewis	Richmond
Edwards	Lipinski	Roybal-Allard
Ellison	LoBiondo	Ruiz
Engel	Loeb sack	Ruppersberger
Enyart	Lofgren	Rush
Eshoo	Lowenthal	Ryan (OH)
Esty	Lowe y	Salmon
Farr	Lujan Grisham	Sánchez, Linda
Fattah	(NM)	T.
Foster	Luján, Ben Ray	Sanchez, Loretta
Frankel (FL)	(NM)	Sanford
Franks (AZ)	Lynch	Sarbanes
Fudge	Maffei	Schakowsky
Gabbard	Maloney,	Schiff
Gallego	Carolyn	Schneider
Garamendi	Maloney, Sean	Schrader
García	Mark ey	Schwartz
Gingrey (GA)	Matheson	Scott (VA)
Grayson	Matsui	Scott, David
Green, Al	McClintock	Serrano
Grijalva	McCollum	Sewell (AL)
Gutiérrez	McDermott	Shea-Porter
Hahn	McGovern	Sherman
Hanabusa	McIntyre	Sinema
Hastings (FL)	McNerney	Sires
Heck (WA)	Meeks	Slaughter
Higgins	Meng	Speier
Himes	Michaud	Swalwell (CA)
Hinojosa	Miller, George	Takano
Holt	Moore	Thompson (CA)
Honda	Moran	Thompson (MS)
Hoyer	Murphy (FL)	Tierney
Huelskamp	Nadler	Titus
Huffman	Napolitano	Tonko
Israel	Neal	Tsongas
Jackson Lee	Nolan	Van Hollen
Jeffries	O'Rourke	Vargas
Johnson (GA)	Owens	Veasey
Johnson, E. B.	Pallone	Vela
Jones	Pascarell	Velázquez
Kaptur	Pastor (AZ)	Visclosky
Keating	Payne	Walz
Kelly (IL)	Pelosi	Wasserman
Kennedy	Perlmutter	Schultz
Kildee	Peters (CA)	Waters
Kilmer	Peters (MI)	Watt
Kind	Peterson	Waxman
Kirkpatrick	Pingree (ME)	Welch
Kuster	Pocan	Wilson (FL)
Langevin	Polis	Yarmuth

## NOT VOTING—11

Broun (GA)	Hunter	Schweikert
Campbell	McCarthy (NY)	Shimkus
Green, Gene	Negrete McLeod	Smith (WA)
Horsford	Rogers (MI)	

□ 1539

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 353, had I been present, I would have voted "no."

## PERSONAL EXPLANATION

Mr. HORSFORD. Mr. Speaker, on consideration H.R. 2609, I am not recorded because I was absent due to medically mandated recovery. Had I been present, I would have voted "aye" on final passage of the bill rollcall No. 345, "aye" on the Titus Amendment of the bill (rollcall No. 337), and "aye" on the Heck Amendment to the bill (rollcall No. 337), and "aye" on the Heck Amendment to the bill (rollcall No. 325).

On rollcall No. 353 on final passage H.R. 2642, I am not recorded because I was absent due to medically mandated recovery. Had I been present, I would have voted "nay" on final passage of this bill.

## THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2300

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 2300.

The SPEAKER pro tempore (Mr. WILLIAMS). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

□ 1545

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader the schedule for the week to come, and I yield to my friend, the majority leader, Mr. CANTOR.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday the House will meet in pro forma session at 10 a.m. No votes are expected.

On Tuesday, the House will meet at noon for morning-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m.

On Wednesday and Thursday, the House will meet at 10 a.m. for morning-hour and noon for legislative business.

On Friday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m.

Mr. Speaker, the House will consider a few bills under suspension of the rules, a complete list of which will be announced by the close of business tomorrow.

The House will also vote to delay, for a year, both the employer mandate and the individual mandate under ObamaCare. As the Speaker and the gentleman know, the administration declared last week that they would delay the enforcement of the mandate on businesses for a year, but not the mandate on working families and individuals. We will respond next week to correct this injustice.

In addition, Mr. Speaker, the House may consider H.R. 5, the Student Success Act authored by Chairman JOHN KLINE. The bill represents a solid, commonsense approach to education to provide our next generation with the education they need to keep America competitive in the world economy.

Finally, the House may consider the Department of Defense appropriations bill for fiscal year 2014 drafted by Representative BILL YOUNG for the resources necessary for our troops.

I thank the gentleman.

Mr. HOYER. I thank the gentleman for his information on the schedule. As the gentleman knows, we just passed a farm bill and I'm wondering how soon he might expect to move to go to conference on that bill.

I yield to my friend.

Mr. CANTOR. I would say to the gentleman, the chairman, the Speaker, and other members of leadership are in discussions about how to expedite an agreement on the farm bill. Certainly it is our intention to act with dispatch to bring to the floor a bill dealing with the SNAP program, that portion of what was traditionally the farm bill. We intend to be bringing that vehicle to the floor at some time in the near future. It is our intention to do so.

Mr. HOYER. I thank the gentleman for that information, and I am glad to hear that we will go to conference as soon as possible so we can consider that important piece of legislation. As the gentleman knows, there are substantial differences between the House and the Senate, and the sooner we get that bill done and whole, I think the better we will be.

You mentioned the Defense appropriations bill is coming to the floor. Does the gentleman expect that to be coming to the floor with an open rule?

And I yield to my friend.

Mr. CANTOR. Mr. Speaker, I will respond to the gentleman, as he knows, this Congress, as was the last Congress, has been a Congress that is as committed to the open process as any in recent history. I would say to the gentleman that the Speaker continues to insist that we strive toward that open process to allow for as much debate and exchange of ideas as possible to benefit the American people as well as the outcome of legislation.

Mr. HOYER. I thank the gentleman. Was that a "yes"?

Mr. CANTOR. I would tell the gentleman again that the Rules Committee, as the gentleman knows when he was in the position of majority leader, determines the structure of debate, and I would remind the gentleman that the discourse and debate on this floor has been a lot more open than in years past, and I would remind him of that.

Mr. HOYER. Well, the good news is I don't have time to discuss that today, but perhaps at some time we will.

Immigration. Obviously, the Senate, as the gentleman so well knows, has passed a major piece of legislation, passed it 68-32. That bill is, I believe, now with us. Can the gentleman tell us when we might be expecting immigration legislation on the floor?

Mr. CANTOR. I'd say to the gentleman, it is not correct to say that we

have that bill. There was a tax, I believe, that was added to the bill so we do not have that. I would say to the gentleman, though, as he knows, our conference members met yesterday to discuss the path forward so far as immigration reform is concerned. I would say to characterize the agreement on our side, we all believe we need to fix a broken system of immigration and we need to rebuild the trust of the American people and the operation of government in terms of securing our borders and enforcing the law, at the same time balancing that with the history and tradition of our country as one that is built on immigrants.

Mr. HOYER. I'm pleased to hear that. Of course, former President George Bush said, as the gentleman knows, just a few days ago, that we have a problem. The laws governing the immigration system aren't working, the system is broken, and he urged us to pass a bill. The chairman of the Budget Committee, PAUL RYAN, has said the same thing that I think the gentleman just said. We are very hopeful that we will bring a comprehensive, which we believe is absolutely essential, immigration bill to the floor and to realization so we can fix a broken system. And, yes, give a pathway to citizenship for those who meet the criteria that we would set forth.

But I thank the gentleman for his comments; and if he would like to respond further, I'd yield.

If not, I yield back the balance of my time.

ADJOURNMENT FROM THURSDAY, JULY 11, 2013, TO MONDAY, JULY 15, 2013

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Monday, July 15, 2013.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### DEPENDENCE ON THE GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Thank you, Mr. Speaker.

Today, despite all of the diatribe, all of the allegations, so many of which shocked me, this bill passed. There were things in the farm bill I was not crazy about, but what an extraordinary day for this reason: over the last 40–50 years, Members of the other party have increasingly made the United States a welfare state where more and more

American people are dependent upon this government for their livelihood. Having been at a Harvard orientation course, I was shocked to have a dean there with charts that showed that since welfare began, and assistance to single moms, a check actually for each child that any woman could have out of wedlock, they would get a check from the government. Now, it was well intentioned.

Back in the sixties, there were deadbeat dads that were not helping with their obligation to help their children, and so the government, people here in Congress thought, wow, why don't we help these poor single moms by giving them a check for every child they have out of wedlock. At that time we were around 6–7 percent of children being born to single-parent homes. And after 40 years—actually after 30 years, as economists will tell you, you will get more of what you pay for. And so we are to date now past 40 percent and moving toward 50 percent of children born in American to a single-mom home because we got what we paid for.

Now, it doesn't matter how well intentioned the program was. What I saw happening in the nineties as a judge was single moms coming before me for welfare fraud, and the stories were usually the same that they presented to me. So often they were bored with high school, and someone said, hey, you can just have a baby and the government will send you a check. And then you can live, and you don't have to work. You don't have to finish high school.

And those well-intentioned Members of Congress back in the sixties ended up in effect luring smart young women away from finishing high school into having a child out of wedlock and away from reaching their full potential.

Now, even for those of us who are Christians that believe God created heaven and Earth and that God created at one time a Garden of Eden from which man fell for disobedience, even in that scenario when the world was perfect, Adam was given a job. In a perfect world where everything was fantastic—before childbirth pains, before briars, before thistles, before all of the things that frustrate farmers, at that time he had a job: tend the garden.

□ 1600

In a perfect world, people will have a job to reach their God-given potential, and there is a good feeling from doing a good job in what we do.

That's one of the things I miss about working in the yard or working out on a farm or working with your hands. When you finish, you see you've done something good.

When we work here, we try to do the right thing, on both sides of the aisle, but we never know for some times decades whether we did more good than damage.

And I would humbly submit that the program that began to lure young

women away from their potential, away from finishing high school, away from time in college, was well intentioned, but this government should never be in the business of luring people away from their potential, from luring people into results from which they cannot seem to extricate themselves.

And they'd come before me for welfare fraud, felony welfare fraud, as a district judge. And normally the scenario was that they realized, after a number of children, they couldn't live on that little bit of government subsistence; and they would think, well, maybe if I get a job, and I don't report it to the Federal authorities, maybe I'll finally have enough income that, combined with what the government's giving me, then I can get ahead and I can get out of this hole, this rut.

And so when the Republicans took the majority, in 1995, one of the things that they wanted to do was welfare reform. And I was at that Harvard orientation seminar and was surprised when they brought out the big poster graph of single mothers' income over the 30-or-so years since that program had first begun.

Single moms' income, when adjusted for inflation over that 30-year period, was flat-lined. All those years, the average single mom never got ahead. She was flat-lined because she was lured into that government program.

I'm not sure what the right thing was, but I think it's time to have the debate about it.

So I know that those people that passed the bills in the sixties, they had the best of intentions, but those poor single moms were flat-lined for about 30 years of what they were bringing home. That's tragic. I know both sides of the aisle would want them to do better and do well and every year to do a little better. I know that feeling is on both sides of the aisle, but we disagree with how you get there.

But what really shocked me today, and I've got to say, in some cases broke my heart, is to hear friends talk about how Republicans wanted to take food out of the mouths of children. I would never insinuate or say such a motive on the part of friends across the aisle, even though I believe that that welfare program, back from the sixties, did exactly that.

I would never ascribe that motivation to friends across the aisle because I know that's not their heart. They really do want to help. They just went about it in the wrong way in the sixties.

And so, in 1995, when Newt Gingrich led the Republican Revolution, had the Contract With America, they put in a requirement for work. If you could work, you had to work. And it pushed people who had been subsisting on welfare, barely getting by, it pushed them into the workforce.

And this graph, about 9 years later, showed that single moms' income, when adjusted for inflation, after welfare reform, had single moms making more money. Every year that graph showed their income went up. And surely that is what both sides of the aisle would want.

And when we took up this farm bill today, I voted against it for the first vote, previously. But if we are ever going to get down to truly reforming what has become a welfare state that lures far too many people away from the job they could be doing, and from the good feeling of actually accomplishing something, and the good feeling of knowing you're reaching closer, ever closer to your potential. I was willing to vote for this today because we were going to take the food stamp program out of the agriculture bill.

And I don't know what the Senate's going to do, and I can't help what they're going to do. But I know this: today, we had a first step in the right direction. And I agreed with my leadership, if you will separate out the food stamp program so that we can have a separate debate on the food stamp program, and even though I don't agree with a number of things in the farm bill we voted on, that was such a big deal, a tremendous stride forward.

People said neither the House nor the Senate would ever, ever separate the food stamp program from the Ag bill because in either the House or the Senate, you had to have them tied together to get enough people from both sides, or either side to vote for the bill because you'd never get enough Republicans by themselves, you'd never get enough Democrats by themselves and you'd never get enough together unless you put the food stamp program with the farm program.

But by doing so, it prevented us from looking closely at the farm program because the food stamp program made 70 to 80 percent of the budget; and you couldn't look effectively enough at the food stamp program because it was linked with the farm program.

This was a big step, and I know there are a number of groups that I thank God for that are doing a great job. And I have friends in these groups and they've said this was a major mistake today. And I would submit, very humbly, hide and watch. This was a first major step.

And my goal, and I hope I live to see it, and I hope this country's around long enough that we can do it, is to take every form of public assistance, every form of public assistance, and put it into one bill, in one subcommittee of the Appropriations Committee, and they deal with all welfare, all types of public assistance. And once that happens, we can have major reform.

But the reason we have trouble having reform of this ever-growing, ever-

bloated welfare state is because the public assistance programs are found throughout all the committee's budgets, throughout all the appropriations. So if over here in the farm program you say, wait a minute; we need to reform the food stamp program. They go, oh, you hate children. You want to starve children, you want to starve mothers or veterans or military. You must hate all these people.

Why?

Because they're willing to say things that are not right to come in here and say. And that's what broke my heart today over and over, hearing people that surely know I would never want to take food out of the mouth of someone who could not provide for themselves. I don't know any Republican who has ever said that or would ever want that.

We want to help people who truly cannot help themselves.

And my friend across the aisle, Mr. McDERMOTT, at Rules, when I made a proposed amendment to separate the food stamp program from the farm bill, he said, so do you want to completely eliminate the food stamp program?

And I pointed out, no, I did not. Of course, that didn't stop the mainstream press or the left wing blogs from spouting lies. They're accustomed to that. And God bless them, they have the freedom to do that, and they should be able to do that without this administration grabbing up all their phone records.

But it was not true, and I pointed out to Mr. McDERMOTT what was true. No, I don't want to end it. I want to separate it out. And one day I want to have all of the public assistance in one committee, where we can see all of the ones that are redundant, those that duplicate services already provided, those where the most waste, fraud and abuse is taking place, because the thing we know, we're over \$50,000 for every child of debt before they ever even have a chance to start making a living.

And we have done that, and it is immoral what we have done to future generations, loading them up with debt, just because we can't get to the bottom of waste, fraud and abuse, get to the bottom of what helps this country more than hurts it. And there will be a price today to pay someday for our negligence.

But it's not too late. We can still fix it. But a start happened today. This was a big deal, to separate the food stamp program out so we can look at it.

And a good example of what I'm talking about, how these different types of assistance are spread out through so many different budgets, was pointed out by my good friend, DAN WEBSTER from Florida, first Republican Speaker of the House, as I understand it, down in Florida, was reluctant to run, did run, is elected here.

He decided to get to the bottom, just one little tiny aspect of this Federal,

bloated bureaucracy. How many Federal programs are there that are responsible for getting people to appointments?

So far he says he's found 87 programs responsible for getting people to appointments, and most of them are in the same cities, and most of them have the vans that are the same size, same kind of vans. And on average, when they do take somebody, they'll maybe average three people per trip.

Well, when you take up one committee's budget, or one appropriations, and you were to take one of those 87 programs and say, you know what, let's combine this with these other programs, then we will hear, as we've heard today, oh, you hate children, or you want to take food from people's mouths.

If it's all 87 programs in one bill, then we can come before this body and say, no, we love children. We want to help this country. In fact, we will do more good for children of the future than what you've proposed because you're loading them up with debt, while we lavish it on our generation, and going to make future generations pay for lavishing ourselves. That is just wrong.

But if you combine them all into one bill, then we can say, no, we care every bit as deeply and perhaps more than you do, but we don't need 87 programs. We don't need all the duplication. Let's eliminate the redundancy.

Let's get down to what we really need as a Federal Government, because this administration was certainly shocked. They talked about all the horrors of cutting the budget with the sequestration.

Well, the sequestration made too many cuts in defense. Some were appropriate, but it did some in the wrong places. As I told my leadership 2 years ago this month, you never put your security on the table.

□ 1615

You can make cuts but you can never gamble your national security or your home. By putting defense on the table, my leadership did, and I was promised that those sequestration cuts would never happen. I was sure if that bill passed that would happen, and it would be a disastrous mistake and we would be blamed even though it was the President's idea. It all happened. Sometimes it's just not fun being right.

But here, today, we did something good. We started a step toward that goal one day of having all the public assistance in one bill, one budget, one committee, where we can get in and analyze without all of the false statements that people want to make about others wanting to take food from the mouths of children, from my friends saying that we wanted to do that, that I wanted to do that. Come on. Mr. Speaker, that is just wrong.

On our side of the aisle, yes, we will complain ObamaCare is going to hurt health care. We're now seeing that. We're seeing it all play out just as we said would happen. And maybe it wasn't a death panel. Call it what you want, but it is a panel under ObamaCare that will say that you're a little too old; you've had a good life; your hip is killing you. Before ObamaCare, you would have gotten a new hip. But now we, the government, say, No, you don't get a new hip. Yes, you can use a new knee, and you might have 20, 25 good years with it, but we're the government and we say you've had a good knee for long enough so you're not getting a new knee. Or, as the President pointed out in his town hall meeting when a woman asked about a pacemaker that her mother had gotten, Will you consider the quality of life in deciding who gets a pacemaker and who does not? Since my mother has lived 10 years after getting a pacemaker, I'm concerned she wouldn't get one under ObamaCare. He beat around the bush but then finally said that maybe we're better off telling your mother to just take a pain pill, and that means die without your pacemaker.

That's what ObamaCare is going to do. But I would never, ever ascribe to any one of my friends across the aisle the intention to want people to die. Well, they might tell me that sometimes, but not to the public that they are charged with protecting, because I don't think they mean to do that. I just think they're motivated to do the right thing, but it's being done in the wrong ways and people are being hurt. And that's the way we look at it.

So today, to hear dozens and dozens of friends across the aisle come up here and try to vilify Republicans, saying we want to take food out of the mouths of children, that this is going to destroy these poor people that can't provide for themselves and this is what we want to do, most of those things were said in ways that it would have done no good to ask that their words be taken down because they would ascribe it to Republicans in general or to a big group so that you couldn't say that violated the rule of saying a specific person had a specific evil motive; but it was, nonetheless, just as hurtful.

That's, apparently, the difference. One side is willing to accuse the other of wanting to push Grandma off a cliff and let her die bouncing down a cliff, and the other side, we think you're going to cause Grandma to die early, but we know you don't mean to do that. In fact, ObamaCare will do that very thing because of what we've seen.

And I heard Bette Midler and Michelle Malkin are good friends. I heard she tweeted something to the effect that if we had lost the Revolution, everyone would have universal health care. Well, I have three daughters and

a wife that's been married to me, God bless her and help her, for 35 years. Four women in my life in my immediate family. Sometimes children do things that break your heart. Sometimes they bless you beyond anything you could imagine.

What I think Ms. Midler didn't understand is, if we had England's health care, they have a 19 to 20 percent lower survival rate from breast cancer than we have in the United States because our health care is that much better and you get treatment that much quicker here. You didn't have to wait until you felt a lump. You could get a mammogram. There were groups that could help if you didn't have the money. But in England, you had to get on a list for everything you did.

And so, when you think about one in five women with breast cancer, I can't imagine anyone would want England's health care if they realized it means we're going to lose 20 percent of the women with breast cancer in this country.

I mentioned before that one of my constituents came from England. She said her mother died of breast cancer because she lived in England and was on list after list to get the diagnostic care to find out if she had cancer, and then when she found it, she went on another list. It took too long to get surgery, get help, get treatment. Her mother died, she'd said, because she lived in England. She said, On the other hand, I'm in America. I'm a secretary here and I don't have much money, but I'm alive today because when I was found to have cancer, I didn't have to go on a list. I was able to get treatment when I needed it, whether I could afford it or not.

And those who yearn for the ObamaCare days, where we look like England's health care, where we have 20 percent less survival rate of women we love with all our hearts, like the four women in my life, if you've got five women, which one of them do you want to die so we can have health care like England?

The disagreement here on the floor was not about anybody wanting children to not have the food they need. But we have seen the results of welfare reform, and the results of welfare reform in the Republican revolution of 1995 resulted in single moms having more income after inflation than ever before under the giveaway programs of the Great Society.

So, in that scenario, who cares more: those that pushed through the Great Society, that lured women into a rut that so many of them couldn't get out of, or those who pushed through a bill that forced them to start meeting their potential?

I spoke at Texas College, the oldest college in Tyler, Texas, my home, within the past few months. It's a great college. It changed my opinion about

colleges that began as all one race. Now they're all different races. But it's basically an African American college still today. The people in charge are Christians, and they care deeply.

And I spoke to a combined sociology class there at Texas College and I laid this issue out before them. As one single mom told me, You've got to clean it up. You've got to clean these programs up. I'm now, after so many years later, coming to college to try to better myself. And I wish it had been otherwise, but you need to make people work. You need to make people finish high school. And if they can, have them do some college. You need to incentivize that. You do not need to just give people a check. She said too many people even spend it on drugs instead of their kids. She also said, You need to reform the system so that I don't waste years trying to get to college. And others chimed in and they said similar things.

These were people who understand the system better than I do. But as a judge, as a citizen, I've seen it from different angles. And though we care equally on both sides of the aisle, one way leads to the end of a Nation. And it's the broad path and it's wide, because every Nation in the history of the world has gone down that path and come to an end. Unless the Lord comes before, we will, too.

So my goal by running for Congress, the goal of so many people I know here, was to come try to make a difference, to prolong what some called a little experiment in democracy, to prolong what Ben Franklin said. It's a republic, Madam, if you can keep it. That's our goal. That's what we hope to do.

I really believe today we made a step in that direction toward reforming the system and starting down the path of eliminating the duplication. I realize it may not all happen in this farm bill by the time we agree with the Senate, but then we can expose those in the Senate that did not do the right thing and we can expose those in the House that didn't. I think it will end up giving us a majority of those who will do the right thing. Not that everybody doesn't have the right motivation, but we need more who will do the right thing, even under pressure from friends or enemies to do something else.

I think we did a good thing today.

With that, I yield to my friend from Nebraska (Mr. FORTENBERRY).

THE SYRIAN CONFLICT

Mr. FORTENBERRY. I thank the gentleman from Texas, if you would allow me a few minutes of commentary.

Mr. Speaker, I wanted to add to Mr. GOHMERT's conversation today. I wanted to add a few words on the Syrian conflict, which has been unfolding with just horrific consequences.

In my office this week, I read the accounts about Father Francois Murad, a

Franciscan priest who was shot dead in northern Syria by rebels engaged in the Syrian conflict. He was killed in a Christian village where he sought to serve. He did not deserve the death that he was dealt.

Mr. Speaker, I just simply firmly believe that the United States Congress cannot allow American taxpayers to become complicit in this killing and the other brutality that is occurring there in Syria.

What began as a very hopeful exercise of the Syrian people petitioning their government for redress of grievances and their basic rights has spun into a dreadful civil war with terroristic elements and other rebel groups fighting this brutal Assad regime. But the bloodbath in Syria has spared no one. The regime and many of its rebel opponents have killed wantonly, without discretion, murdering civilians and combatants alike. Men, women, and even innocent children have not been spared. No one there is safe.

We have no place imposing our notions of democracy in a place where we cannot distinguish who stands for what. We cannot become complicit in barbaric attacks on civilians. We have no business shipping weapons that could end up in the hands of those who would raid convents and murder innocent people. Neither America nor Syria can possibly be served by this.

Mr. Speaker, true to our principles, the United States remains the largest donor of humanitarian assistance to the people of Syria, with a total of more than \$800 million given since this conflict began in the spring of 2011. That's where our efforts belong.

Mr. Speaker, I think for Father Murad, whom I referenced earlier, this would probably be the outcome that he would want to see: humanitarian help, giving people some hope, possibly even stopping the shipment of arms into that country. That would be a legacy worthy of his sacrifice.

A hundred thousand persons have died, Mr. Speaker. No U.S. military engagement in Syria.

I thank the gentleman from Texas for yielding.

Mr. GOHMERT. I thank my friend from Nebraska. A wonderful point.

I know that there are people on both sides of the aisle who are motivated, again, by doing the right thing. But when you know that you have a tyrant on one side in charge of the country and you know that now perhaps it would have been different if we'd gotten in earlier, but at this point al Qaeda or the most radical Islamists, brutal killers, are driving the rebels, there is no good reason for this country to expend any blood nor any treasure to get in the middle of that conflict, and I appreciate so much my friend pointing that out.

□ 1630

It points to the problem in the Middle East with regard to the American

position. This President had his administration help the rebels in Libya when we knew—hey, people were saying it right here—we know there are al Qaeda supporting the rebels. We're not sure how extensive it is, so let's get to the bottom of it before you just launch in and eliminate Qadhafi. Because Qadhafi was giving us more information on terrorist elements in the world than most anybody but our best friend, Israel. He was being helpful. And though he had blood on his hands for which he should have paid, you have to choose between the lesser of two evils.

As Secretary Gates said at the time, there is absolutely no United States national security interest at stake in this Libya crisis, in the rebellion, and yet this President went headlong. And when you know, as one Egyptian paper reported, bragging, they have six Muslim Brotherhood members that advise this administration—and there are a lot more people sympathetic to Muslim Brotherhood than that. When you know that that is going on, then it makes sense, they're going to make stupid decisions. They're going to always, like they did in Egypt, say, well, let's rush in and help, even though it allows the Muslim Brotherhood to take over Egypt.

I've heard so many people say they've talked to people from Egypt who have said we don't want the radical Islamists in charge, we don't want the Muslim Brotherhood. We don't want them in charge. We want a moderate Muslim government so that we can live in peace and not tyranny, like Afghanistan did under the Taliban. And now, to the disgrace of this Nation—this, the greatest Nation in the history of the world—this administration is about to leave Afghanistan—which we should have done probably in 2002, but now we're about to leave it in the hands of the Taliban.

If we had left in 2002, the Taliban had been totally destroyed. They were gone. The people that were members were in such disarray they did not have any real presence in Afghanistan. Why was that? It wasn't because tens of thousands of American troops went into Afghanistan and wiped out the Taliban. No. It was because of the heroic sacrifices of those within the tribal groups called the Northern Alliance at that time.

General Dostum led those troops, and the United States provided less than 500 special ops intelligence people in Afghanistan and provided them air cover, gave them some weapons. And they routed the Taliban within a matter of 3 or 4 months. In the last famous battle with General Dostum leading, these Northern Alliance tribesmen, on horseback, with weapons, riding uphill into the strong area where the Taliban was located, with bullets, RPGs flying all around them, killing many on horseback, but they never stopped.

They went up there to the fortress and they defeated the Taliban.

Now this administration says, as a result of how forceful those Northern Alliance were in defeating the Taliban, well, those are war criminals. No, they know how to fight the Taliban. Clearly, we don't because the Taliban has come back.

I would submit that this administration releasing Taliban leaders to go back and be in charge is not a good thing. Because we had four Americans that were killed at the same time this administration was pleading, oh, please, please, come talk to us. You don't have to have any preconditions, just talk to us. We look weak because this administration gives every appearance of being weak because it's getting terrible advice.

In that part of the world, they don't understand turn the other cheek. As Christians individually—individuals of us here that are—you are to turn the other cheek. But as a government official, you provide for the common defense. And you make sure if others do evil to people in this country or threaten this country, that they are punished because the government is not given the sword in vain. People misunderstand that and think, oh, if we will apologize enough for all of the Americans who have laid down their lives—not for some great empire, but for other nations to continue to speak their language, to continue to have their own identity, and to continue to have freedom that was taken away. This country has sacrificed for freedom like no one in the history of the world.

In the past, there were some selfish, very selfish motivations. Our selfish motivation has normally been that we want these people to be freer so that we can be friends and freedom will be catching. But as we've seen, if you are not educated in how to sustain a democratic republic where you actually could govern yourself, if you don't understand how to do that, you will lose it. We've watched in Turkey, which, after Atatürk made those great changes to the government—yes, Islam is the most widespread religion in Turkey, but it was a secular government where other people could also worship. We see that being removed little by little in Turkey. And I hear from Turkish friends who are frightened of what's happening.

Now our government seems to be on the wrong side in each of these disputes. We're out there trying to work with the Taliban while they're killing Americans. Shouldn't that at least be one precondition? Would you stop killing our American soldiers that are training your farmers, training your government officials, could you stop killing them long enough for us to have our talk? Because what needs to be done is you kill an American, we're going to wipe out a whole bunch of

your folks because we are about protecting ourselves.

I still feel guilty for 1979, being in the United States Army when we were attacked. It was an act of war against our embassy in Tehran and we looked weak to the world. And it's still used as a recruiting tool. Forget Abu Ghraib—the best recruiting tool is the way we left Vietnam, the way we did nothing to avenge or even to truly get our people out of Tehran after that act of war.

I love the leadership of Ronald Reagan, but in 1983 he had a Democratic Congress. People that worked with him, when I blamed him for withdrawing from Beirut after attack, that showed weakness, they said the Democrats made clear he didn't have a whole lot of choice. But that gave a sign of weakness.

USS *Cole*, we basically did nothing. Nobody paid as they should have. If we're going to protect this Nation, we have to take care of things at home. Stop all the waste, fraud and abuse so that people who truly need help get it, and those who can work have the opportunity to work, not with some do-nothing government program but with a real job where you make real money and you accomplish real things. Because one other thing that ObamaCare is doing is a disaster to our American friends.

I've been told by people, look, I used to work full time at McDonald's, and now, because of ObamaCare, they cut me to part time. So now I don't have the benefits I had before, and I have to go back and forth between Burger King or Arby's and McDonald's because everybody's cutting to part time because of ObamaCare.

Regardless of the incentives for passing the bill, regardless of all the desire people express about giving people better health care, they're having worse lives. It's the slowest recovery, the worst recovery in American history—other than from the Great Depression. And like Morgenthau, the Secretary of the Treasury, said in 1940 in his own handwriting, he said, we have spent more money than anyone in history trying to end the Depression, and we created nothing but debt. No better off, they were no better off.

It was not until World War II began and we got drawn into that by Pearl Harbor being bombed and seeing liberty under attack through our European friends, we got drawn into it. And then the government started doing their number one job—provide for the common defense—and lo and behold we came out of the Depression. The government did the most important thing for it to do: provide freedom, protect Americans so they can grow the economies, so they can be entrepreneurs.

When the government does the most important job—provide for the common defense—it ended the Great Depression.

Now we have people in government that think, though they may not have ever been successful in business, that they can tell people who have been and who are how to run their business so much better, and it's hurting this economy. Oh, not with companies like General Electric, those who have gotten plenty of crony capitalist help.

I would also advise those who don't want to see reform of welfare—that I think can only occur when we get all public assistance in one appropriation, in one committee, then we can get real reform. And we will save so many billions and billions and billions—heck, maybe trillions of dollars over a 10-year period. We will save so much money that they will be able to throw it away on many more thousands of Solyndras. They can have all kinds of crony capitalism with the money we can save by providing incentives to get back to work, by providing incentives to finish high school and to go to college if you need to. But not everyone needs to go to college. You don't have to get a college degree to learn how to weld.

I was over in Marshall, at the TSTA facility, the institution there. They're teaching welders, and they're making great money when they leave. And it's true of other institutions that teach those kinds of vocational training. But instead, we now have more people on food stamps than ever in history.

What has happened to this country when those of us who want to get the country back running by reforming welfare are vilified and accused of wanting to take food out of the mouths of children? How wrong that is. We want more children with more food. The same way I've been vilified for saying children need to be taught English. Even if they're just newly arrived from Mexico, teach them in English. Maybe they need some beginner courses to get them there. But don't teach them in Spanish, help them move into English. Why? Not because I or people like me hate those Hispanic children, it's because we love them. And we know that if you teach them in English, as my friend, Commissioner Ramirez, former City Councilman Ramirez, said, his parents from Mexico said they couldn't speak Spanish at home. His father said you can be anything in America you want to be but you've got to speak good English. It was true. And I am thrilled to death that Gus' new restaurant in Tyler is working out so well. But he wasn't allowed to speak Spanish at home, and the sky is the limit.

For someone born in this country, they can be President of the country. Instead of being a manual laborer speaking Spanish, they can be president of the company. So who really cares more about people? Those who rail against us who want to reform the entitlements we're told they are, that

were supposed to be a hand up, not bait to be lured into a rut they could not get out of. That is immoral.

□ 1645

I know for some people—Star Parker, and there are others—who talk about how they have pulled themselves up, they're an inspiration. But there are too many that did not have the ability to pull themselves up or the where-withal, and shame on us for luring them into a rut they couldn't get out of. It is time to reform that.

But I can also say, as the attacks on the Christian religion have grown and grown exponentially, this country is in deeper and deeper trouble and will continue to be. The assault and the intolerance upon Christianity is incredible.

People came to this country in the early days, Founders, Columbus when he discovered—he didn't know he was in a new country or a new continent. He thought he found a new way to Asia. But he claimed the land for his king and queen and also his Lord and Savior, Jesus Christ. He wrote in his own journal it was the Lord that put it into his mind that he could sail west and get to the east, and it was the Holy Spirit that comforted him all the way.

And you look at George Washington's writing, the father of this country, without whom there would be no country today as we know it, a noble, honorable, honest man. Faults, yes.

This country didn't begin to start really reaching its potential until we dealt with the blight of slavery and the horror that was in America. There has not been any kind of blight on our soul like slavery in American history until we started killing babies. Slavery had to go.

After we did away with slavery and more people were encouraged to be entrepreneurs and we came into the 1900s, we still needed a civil rights movement to set things straight. And Christian leaders like Martin Luther King, Jr., who had studied the Bible and wrote touching things like those letters from the Birmingham jail, they knew Christ was their salvation and they knew they were supposed to ensure that brothers and sisters treated brothers and sisters as such.

There were vile Christians, but I would submit those weren't really Christians. They didn't understand Jesus' teachings. But it was the church that was behind the revolutionary movement. It was the church that was strongest behind the abolition movement. It was Christian leaders who were strongest behind the civil rights movement.

Now this Nation, our government at least, seems to be at war with Christianity. We can have a little group complain that, Oh, we didn't feel comfortable in the military because of the prayers that were said or crosses worn or things that were said about Christianity. We have examples of someone



being told you can't give someone a Bible when they need one because you may be prosecuted or thrown out of the military. Under the rule some are trying to push through, if you have a dying friend that asks you, "Is there a God?" under the order some would have, you couldn't even tell them what you know with all your heart. It's gotten to be a problem.

I love Ronald Reagan's quote back in 1984. He said:

The frustrating thing is that those who are attacking religion claim they are doing it in the name of tolerance. Question: Isn't the real truth that they are intolerant of religion? They refuse to tolerate its importance in our lives.

The teachings of Jesus would allow people to make whatever choices they wish—choose not to believe in God; choose to be an atheist; choose to be an agnostic and say, "I just don't think there's enough evidence"; choose to be a Buddhist; choose to be a Muslim—because all children are acceptable in God's eyes.

I believe God's will is not for any to stumble, that they will all come to eternal life. But the war that has been declared, as it appears to be, the gloves are off against Catholicism as a form of Christianity, all these different religious beliefs against abortion, those who have beliefs religiously against birth control, those who have beliefs about marriage being what it has been for most of the world's history and without which marriage between men and women we would not have had the future generations that even exist today. You say, "I support that traditional marriage," and now you are to be drummed out of your job, drummed out of having friends, eliminated from the public sector.

Ronald Reagan was right; the real intolerance, the real hatred is from those who choose to impose their beliefs and force them onto others.

Mr. Speaker, today still, nonetheless, was a good day. We made a big move toward what will one day, if we are faithful, allow us to take some of the burden that we have been putting on future generations and the \$50,000 or so we have already humped onto the backs, shoulders of children that don't have jobs yet. We made a first step toward the day when we can reform them; we can start encouraging people to their God-given potential instead of luring them into ruts.

Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHWEIKERT (at the request of Mr. CANTOR) for today after 10:30 a.m. on account of attending his birth mother's funeral in California.

Mr. HORSFORD (at the request of Ms. PELOSI) for today on account of medical mandated recovery.

#### ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 251. An act to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes.

H.R. 254. An act to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project.

H.R. 588. An act to provide for donor contribution acknowledgments to be displayed at the Vietnam Veteran's Memorial Visitor Center, and for other purposes.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 52 minutes p.m.), under its previous order, the House adjourned until Monday, July 15, 2013, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2215. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Streamlining Requirements Governing the Use of Funding for Supportive Housing for the Elderly and Persons With Disabilities Programs [Docket No.: FR-5167-F-02] (RIN: 2502-AI67) received July 8, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2216. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Continued Implementation of Export Control Reform (RIN: 1400-AD40) received July 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2217. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-1162; Directorate Identifier 2012-NM-002-AD; Amendment 39-17459; AD 2013-10-06] (RIN: 2120-AA64) received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2218. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. (Bell) Helicopters [Docket No.: FAA-2013-0470; Directorate Identifier 2013-SW-008-AD; Amendment 39-17465; AD 2013-11-05] (RIN: 2120-AA64) (RIN: 2120-AA64) received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2219. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Air-

worthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2012-0930; Directorate Identifier 2011-NM-251-AD; Amendment 39-17472; AD 2013-11-12] (RIN: 2120-AA64) received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2220. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Aviation Airplanes [Docket No.: FAA-2012-1322; Directorate Identifier 2012-NM-155-AD; Amendment 39-17466; AD 2013-11-06] (RIN: 2120-AA64) received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2221. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Embraer S.A. Airplanes [Docket No.: FAA-2012-1227; Directorate Identifier 2012-NM-016-AD; Amendment 39-17467; AD 2013-11-07] (RIN: 2120-AA64) received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2222. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Iniziative Industriali Italiane S.p.A. Airplanes [Docket No.: FAA-2013-0455; Directorate Identifier 2013-CE-013-AD; Amendment 39-17461; AD 2013-11-01] (RIN: 2120-AA64) received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2223. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Alcohol and Controlled Substances Testing [Docket No.: FTA-2013-0012] (RIN: 2132-AB09) received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2224. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; La Pryor, Chaparral Ranch Airport, TX [Docket No.: FAA-2012-1099; Airspace Docket No. 12-ASW-9] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2225. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Atwood, KS [Docket No.: FAA-2011-1431; Airspace Docket No. 11-ACE-24] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2226. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Boca Grande, FL [Docket No.: FAA-2012-1337; Airspace Docket No. 12-ASO-21] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2227. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Clifton/Morenci, AZ [Docket No.: FAA-2012-1237; Airspace Docket No. 12-AWP-9] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2228. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Tobe, CO

[Docket No.: FAA-2013-0194; Airspace Docket No. 13-ANM-10] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2229. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Sanibel, FL [Docket No.: FAA-2012-1334; Airspace Docket No. 12-ASO-18] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2230. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30902; Amdt. No. 3537] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2231. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30903; Amdt. No. 3538] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2232. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30904; Amdt. No. 507] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2233. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0856; Directorate Identifier 2012-NM-093-AD; Amendment 39-17464; AD 2013-11-04] (RIN: 2120-AA64) received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2234. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application of Wash Sale Rules to Money Market Fund Shares [Notice 2013-48] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KLINE: Committee on Education and the Workforce. H.R. 5. A bill to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes; with an amendment (Rept. 113-150, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Financial Services discharged from further consideration. H.R. 5 referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. YARMUTH (for himself, Mr. BLUMENAUER, Mr. CARSON of Indiana, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. OWENS, Mr. POLIS, Mr. RANGEL, and Mr. RICHMOND):

H.R. 2653. A bill to amend the Elementary and Secondary Education Act of 1965 and the Workforce Investment Act of 1998 to award grants to prepare individuals for the 21st century workplace and to increase America's global competitiveness, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KILMER (for himself, Mr. RENACCI, Ms. DUCKWORTH, Mr. CARTWRIGHT, and Mr. RANGEL):

H.R. 2654. A bill to prohibit discrimination on the basis of military service, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. GOODLATTE, Mr. FRANKS of Arizona, Mr. JORDAN, Mr. CHAFFETZ, Mr. FARENTHOLD, and Mr. HOLDING):

H.R. 2655. A bill to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes; to the Committee on the Judiciary.

By Mr. CHAFFETZ (for himself, Mr. SCOTT of Virginia, Mr. CONYERS, Mr. COBLE, Mr. MARINO, Mr. SCHIFF, and Mr. JEFFRIES):

H.R. 2656. A bill to enhance public safety by improving the effectiveness and efficiency of the Federal prison system with offender risk and needs assessment, individual risk reduction incentives and rewards, and risk and recidivism reduction; to the Committee on the Judiciary.

By Mr. CHAFFETZ:

H.R. 2657. A bill to direct the Secretary of the Interior to sell certain Federal lands in Arizona, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, and Wyoming, previously identified as suitable for disposal, and for other purposes; to the Committee on Natural Resources.

By Mr. THOMPSON of Pennsylvania (for himself, Ms. SLAUGHTER, Mr. KELLY of Pennsylvania, Mr. HANNA, Mr. MICHAUD, Mr. TONKO, and Mr. BARLETTA):

H.R. 2658. A bill to amend the weighted child count used to determine targeted grant amounts and education finance incentive grant amounts for local educational agencies under title I of the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Ms. BONAMICI:

H.R. 2659. A bill to establish a grant program to issue grants to institutions of higher education to support student internships; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH (for himself, Mr. RUPERSBERGER, Mr. ENYART, Mr. NADLER, and Mr. DANNY K. DAVIS of Illinois):

H.R. 2660. A bill making supplemental appropriations for the Department of Health and Human Services for awarding grants to States to promote universal access to trauma care services provided by trauma centers and trauma-related physician specialties; to the Committee on Appropriations.

By Mr. MCCARTHY of California (for himself, Mr. COFFMAN, Mr. MCKEON, Mr. HUNTER, Mr. CAMPBELL, Mrs. DAVIS of California, Mr. CALVERT, and Mr. ISSA):

H.R. 2661. A bill to direct the Secretary of Veterans Affairs to establish a standardized scheduling policy for veterans enrolled in the health care system of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Pennsylvania (for himself and Mrs. MCCARTHY of New York):

H.R. 2662. A bill to strengthen families' engagement in the education of their children; to the Committee on Education and the Workforce.

By Mr. BURGESS (for himself, Mrs. CHRISTENSEN, Mr. CASSIDY, Mr. WOMACK, Ms. LEE of California, Mr. GRIFFIN of Arkansas, Mr. GUTHRIE, Mr. GINGREY of Georgia, Mr. PAL-LONE, Mrs. BLACKBURN, Mr. ENGEL, and Mr. LANCE):

H.R. 2663. A bill to amend the Congressional Budget Act of 1974 respecting the scoring of preventive health savings; to the Committee on the Budget.

By Mr. CARNEY (for himself and Mr. FITZPATRICK):

H.R. 2664. A bill to direct the Secretary of Commerce to establish a voluntary program under which manufacturers may have products certified as meeting the standards of labels that indicate to consumers the extent to which the products are manufactured in the United States; to the Committee on Energy and Commerce.

By Ms. JACKSON LEE:

H.R. 2665. A bill to ensure secure gun storage and gun safety devices; to the Committee on the Judiciary.

By Mr. BARTON:

H.R. 2666. A bill to establish a program for the licensing of Internet poker by States and federally recognized Indian tribes, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIFFIN of Arkansas (for himself, Mr. YOUNG of Indiana, Mr. BOUSTANY, Mr. BRADY of Texas, Mrs. BLACK, Mr. CAMP, Mr. TIBERI, Mr. ROSKAM, Mr. KELLY of Pennsylvania, Mr. GERLACH, Mr. NUNES, Mr. SAM JOHNSON of Texas, Mr. SMITH of Nebraska, Mr. BUCHANAN, Mr. PRICE of Georgia, Mr. REICHERT, Mr. RENACCI, Ms. JENKINS, Mr. SCHOCK, Mr. RYAN of Wisconsin, Mr. REED, Mr. MARCHANT, Mr. PAULSEN, and Mrs. BLACKBURN):

H.R. 2667. A bill to delay the application of the employer health insurance mandate, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Indiana (for himself, Mr. GRIFFIN of Arkansas, Mr. BOUSTANY, Mr. BRADY of Texas, Mrs. BLACK, Mr. CAMP, Mr. KELLY of Pennsylvania, Mr. NUNES, Mr. SAM JOHNSON of Texas, Mr. REICHERT, Mr.

SCHOCK, Mr. BUCHANAN, Mr. RENACCI, Mr. MARCHANT, Mr. REED, Mr. TIBERI, Mr. RYAN of Wisconsin, Mr. PAULSEN, Mr. ROSKAM, Ms. JENKINS, Mr. SMITH of Nebraska, Mr. GERLACH, Mr. PRICE of Georgia, and Mrs. BLACKBURN):

H.R. 2668. A bill to delay the application of the individual health insurance mandate; to the Committee on Ways and Means.

By Mr. CARDENAS (for himself, Mr. SCOTT of Virginia, Ms. BASS, Mr. VARGAS, Mr. MCNERNEY, Mr. RUSH, Ms. HAHN, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. GARCIA, Mr. GUTIERREZ, Mr. BEN RAY LUJAN of New Mexico, Mrs. NAPOLITANO, Mr. CASTRO of Texas, Ms. JACKSON LEE, Mr. CUMMINGS, Mr. RANGEL, Mr. HINOJOSA, Mr. NOLAN, Mr. LOWENTHAL, Mr. SERRANO, and Mr. COHEN):

H.R. 2669. A bill to provide definitions of terms and services related to community-based gang intervention to ensure that funding for such intervention is utilized in a cost-effective manner and that community-based agencies are held accountable for providing holistic, integrated intervention services, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CARTWRIGHT (for himself, Mr. GRAYSON, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. SRES, Mr. ENYART, Mr. YARMUTH, Mr. O'ROURKE, Ms. LORETTA SANCHEZ of California, Mr. ANDREWS, Mr. CLYBURN, Mr. VARGAS, Mr. ELLISON, Mr. DEFazio, Mr. COHEN, Mr. CICILLINE, Mr. ENGEL, Mr. GRIJALVA, Mr. TONKO, Mr. GENE GREEN of Texas, and Ms. LINDA T. SANCHEZ of California):

H.R. 2670. A bill to amend the Federal Election Campaign Act of 1971 to require corporations and labor organizations to disclose to their shareholders or members the amounts disbursed for certain political activity, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUNES (for himself, Mr. KIND, Mr. COLE, Mr. LUCAS, Mr. MARCHANT, Mr. DENHAM, Mr. POE of Texas, Mr. PETERSON, Ms. JENKINS, Mr. VALADAO, Mr. CRAMER, Mr. MCINTYRE, Mr. CRAWFORD, Mr. LAMALFA, Mr. LANKFORD, and Mr. BLUMENAUER):

H.R. 2671. A bill to amend the Internal Revenue Code of 1986 to provide for the deductibility of charitable contributions to agricultural research organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. BARR:

H.R. 2672. A bill to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to provide for an application process for interested parties to apply for a county to be designated as a rural area, and for other purposes; to the Committee on Financial Services.

By Mr. BARR:

H.R. 2673. A bill to amend the Truth in Lending Act to provide that residential mortgage loans held on portfolio qualify as qualified mortgages for purposes of the presumption of the ability to repay requirements under such Act; to the Committee on Financial Services.

By Mr. BUCHANAN:

H.R. 2674. A bill to encourage job creation, and for other purposes; to the Committee on

Ways and Means, and in addition to the Committees on the Judiciary, Natural Resources, Education and the Workforce, Transportation and Infrastructure, Energy and Commerce, Small Business, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BUSTOS (for herself, Mr. FITZPATRICK, Mr. CICILLINE, Mr. DUFFY, Mr. COFFMAN, Mr. SCHRADER, Mr. MATHESON, Mr. RUIZ, Mr. LOEBACK, Mr. MAFFEI, Mr. MURPHY of Florida, and Mr. DENT):

H.R. 2675. A bill to establish the Commission on Government Transformation to make recommendations to improve the economy, efficiency, and effectiveness, of Federal programs, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 2676. A bill to amend title XIX of the Social Security Act to encourage the adoption and use of certified electronic health record technology by safety net providers and clinics under the Medicaid program; to the Committee on Energy and Commerce.

By Mr. COFFMAN (for himself, Mr. O'ROURKE, Mr. KILMER, Mr. LOEBACK, Mr. COOPER, Mr. AUSTIN SCOTT of Georgia, and Ms. DELBENE):

H.R. 2677. A bill to reduce the annual rate of compensation of Members of Congress by a percentage equal to the effective reduction in the average annual rate of pay of Federal employees who were subject to sequestration-related furloughs during the two most recent fiscal years; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARCIA (for himself, Mr. MILLER of Florida, Mr. SOUTHERLAND, Mr. YOHIO, Mr. CRENSHAW, Ms. BROWN of Florida, Mr. DESANTIS, Mr. MICA, Mr. POSEY, Mr. GRAYSON, Mr. WEBSTER of Florida, Mr. NUGENT, Mr. BILIRAKIS, Mr. YOUNG of Florida, Ms. CASTOR of Florida, Mr. ROSS, Mr. BUCHANAN, Mr. ROONEY, Mr. MURPHY of Florida, Mr. RADEL, Mr. HASTINGS of Florida, Mr. DEUTCH, Ms. FRANKEL of Florida, Ms. WASSERMAN SCHULTZ, Ms. WILSON of Florida, Mr. DIAZ-BALART, and Ms. ROS-LEHTINEN):

H.R. 2678. A bill to designate the facility of the United States Postal Service located at 10360 Southwest 186th Street in Miami, Florida, as the "Larcenia J. Bullard Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. GARDNER (for himself, Mr. SCALISE, Mr. TIPTON, Mr. ROKITA, Mr. FLEMING, Mr. COLE, Mrs. LUMMIS, Mr. LAMALFA, Mr. FRANKS of Arizona, Mr. BROOKS of Alabama, Mr. SOUTHERLAND, Mr. COBLE, and Mr. GRIFFIN of Arkansas):

H.R. 2679. A bill to exclude the Internal Revenue Service from the provisions of title 5, United States Code, relating to labor-management relations; to the Committee on Oversight and Government Reform.

By Mr. GOHMERT:

H.R. 2680. A bill to amend the Internal Revenue Code of 1986 to tax bona fide residents of the District of Columbia in the same manner as bona fide residents of possessions of the United States; to the Committee on Ways and Means.

By Mr. GOHMERT:

H.R. 2681. A bill to provide for the retrocession of the District of Columbia to Maryland, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES of Georgia (for himself, Mr. BRIDENSTINE, Mr. MASSIE, Mr. STOCKMAN, Mr. JONES, Mr. COLLINS of Georgia, Mr. COTTON, Mr. PALAZZO, Mr. BROUN of Georgia, Mr. DUNCAN of South Carolina, Mr. PITTENGER, Mr. HENSARLING, Mr. LAMBORN, Mr. MEADOWS, Mr. CASSIDY, Mr. ROE of Tennessee, Mr. LAMALFA, Mr. WESTMORELAND, Mr. WENSTRUP, Mr. HUDSON, Mr. MILLER of Florida, Mr. GINGREY of Georgia, Mr. FARENTHOLD, Mr. MULVANEY, Mr. WITTMAN, Mr. BARTON, Mr. OLSON, Mr. HALL, Mrs. BACHMANN, Mr. CHABOT, Mr. CULBERSON, Mr. FLEMING, Mr. KING of Iowa, Mr. DESANTIS, Mr. HUELSKAMP, Mr. POSEY, Mr. BILIRAKIS, Mr. SCALISE, and Mr. YOHIO):

H.R. 2682. A bill to prohibit the funding of the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, Natural Resources, the Judiciary, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIFFIN of Arkansas (for himself, Mr. BRADY of Texas, Mr. TIBERI, Mr. REICHERT, Mr. ROSKAM, Mr. YOUNG of Indiana, and Mr. REED):

H.R. 2683. A bill to amend the Internal Revenue Code of 1986 to impose recordkeeping requirements on the Internal Revenue Service to substantiate costs incurred in carrying out its responsibilities; to the Committee on Ways and Means.

By Mr. LYNCH (for himself, Mr. CARTWRIGHT, and Mr. DANNY K. DAVIS of Illinois):

H.R. 2684. A bill to require the Director of the Federal Bureau of Investigation to report and obtain court approval for broad telephony metadata collection searches, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCNERNEY (for himself and Mr. CARTWRIGHT):

H.R. 2685. A bill to incorporate smart grid capability into the Energy Star Program, to reduce peak electric demand, to reauthorize a energy efficiency public information program to include Smart Grid information, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCHRADER (for himself, Mr. REED, Mr. BERA of California, Mr. COFFMAN, Mr. COOPER, Mr. DENT, Mr. GIBSON, Mr. GRIFFIN of Arkansas, Ms.

KUSTER, Mr. LOWENTHAL, Mr. MATHE-SON, Mr. NOLAN, Mr. PETERS of California, Mr. PETRI, Mr. RIBBLE, Mr. RUIZ, and Mr. YOUNG of Indiana):

H.R. 2686. A bill to amend title 31, United States Code, to provide that the President's annual budget submission to Congress list the current fiscal year spending level for each proposed program and a separate amount for any proposed spending increases, and for other purposes; to the Committee on the Budget.

By Mr. GRIMM (for himself and Mr. MEEKS):

H. Res. 297. A resolution congratulating the State of Qatar on the ascension of their new amir, Sheik Tamim bin Hamad Al Thani on June 25, 2013, and recognizing the special relationship between the United States and the State of Qatar; to the Committee on Foreign Affairs.

By Mr. QUIGLEY (for himself, Ms. SCHAKOWSKY, Mrs. BUSTOS, Mr. DANNY K. DAVIS of Illinois, Ms. DUCKWORTH, Mr. GUTIERREZ, Ms. KELLY of Illinois, and Mr. SCHNEIDER):

H. Res. 298. A resolution congratulating the 1963 men's basketball team of Loyola University Chicago on its induction into the National Collegiate Basketball Hall of Fame and the 50th anniversary of the team's Division I National Collegiate Athletic Association men's basketball championship; to the Committee on Education and the Workforce.

By Mr. QUIGLEY (for himself, Ms. SCHAKOWSKY, Mrs. BUSTOS, Mr. FOSTER, Ms. DUCKWORTH, Mr. GUTIERREZ, Ms. KELLY of Illinois, Mr. SCHNEIDER, Mr. RODNEY DAVIS of Illinois, Mr. ENYART, Mr. RUSH, Mr. LIPINSKI, Mr. DANNY K. DAVIS of Illinois, and Mr. SCHOCK):

H. Res. 299. A resolution congratulating the Chicago Blackhawks on winning the 2013 Stanley Cup Championship; to the Committee on Oversight and Government Reform.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. YARMUTH:

H.R. 2653.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution.

By Mr. KILMER:

H.R. 2654.

Congress has the power to enact this legislation pursuant to the following:

Article 1, sec 8, cl 3 (commerce clause), & cl. 18 (necessary and proper clause); section 1 of the 14th Amendment (due process and equal protection clauses), and section 5 of the 14th Amendment (enforcement). In addition, Article 1, sec 8, & cl. 16:

By Mr. SMITH of Texas:

H.R. 2655.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this legislation is based is found in Article I, Section 8, Clause 9; Article III, Section 1, Clause 1; and Article III, Section 2, Clause 2 of the

Constitution, which grant Congress authority over federal courts.

By Mr. CHAFFETZ:

H.R. 2656.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 1, 3, and 18.

By Mr. CHAFFETZ:

H.R. 2657.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 2

By Mr. THOMPSON of Pennsylvania:

H.R. 2658.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18; and including, but not solely limited to the 14th Amendment.

By Ms. BONAMICI:

H.R. 2659.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution

By Mr. RUSH:

H.R. 2660.

Congress has the power to enact this legislation pursuant to the following:

The Commerce Clause—Article 1, Section 8, Clause 3 of the United States Constitution, which gives Congress the power “to regulate commerce with foreign nations, among the several states, and with Indian Tribes.”

By Mr. MCCARTHY of California:

H.R. 2661.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 12,13,18.

By Mr. THOMPSON of Pennsylvania:

H.R. 2662.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18; and including, but not solely limited to the 14th Amendment.

By Mr. BURGESS:

H.R. 2663.

Congress has the power to enact this legislation pursuant to the following:

The attached bill is constitutional under Article I, Section 8, Clause 3: “To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes” as well as Article 1, Section 8, Clause 1: “The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.”

By Mr. CARNEY:

H.R. 2664.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power \* \* \* To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

Article I, Section 8, Clause 3

The Congress shall have Power \* \* \* To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Ms. JACKSON LEE:

H.R. 2665.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section

8, Clauses 1 and 18 of the United States Constitution.

By Mr. BARTON:

H.R. 2666.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. GRIFFIN of Arkansas:

H.R. 2667.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. YOUNG of Indiana:

H.R. 2668.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, Sec. 8.

By Mr. CARDENAS:

H.R. 2669.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. CARTWRIGHT:

H.R. 2670.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4: “The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.”

Article 1, Section 8, Clause 3: gives Congress the power “to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.”

Amendment XVI: The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

By Mr. NUNES:

H.R. 2671.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution of the United States.

By Mr. BARR:

H.R. 2672.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. BARR:

H.R. 2673.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. BUCHANAN:

H.R. 2674.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as enumerated in Article I Section 7 and 8, Article III Section 1 and 2, and Article V of the United States Constitution.

By Mrs. BUSTOS:

H.R. 2675.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mrs. CAPPS:

H.R. 2676.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. COFFMAN:

H.R. 2677.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 6

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States.

By Mr. GARCIA:

H.R. 2678.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7 of the United States Constitution, which reads:

"The Congress shall have Power . . . To establish Post Offices and post Roads"

Article 1, Section 8, Clause 18 of the United States Constitution, which reads:

"The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States or in any Department or Officer thereof."

By Mr. GARDNER:

H.R. 2679.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. GOHMERT:

H.R. 2680.

Congress has the power to enact this legislation pursuant to the following:

Clause 17 of section 8 of article I of the Constitution

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings

By Mr. GOHMERT:

H.R. 2681.

Congress has the power to enact this legislation pursuant to the following:

Clause 17 of section 8 of article I of the Constitution

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings

By Mr. GRAVES of Georgia:

H.R. 2682.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7—"No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law;"

By Mr. GRIFFIN of Arkansas:

H.R. 2683.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. LYNCH:

H.R. 2684.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. MCNERNEY:

H.R. 2685.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution.

By Mr. SCHRADER:

H.R. 2686.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under:

U.S. Const. art. 1, §1; and

U.S. Const. art. 1, §8, cl. 18.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. SCHNEIDER and Ms. DUCKWORTH.

H.R. 24: Mr. MARCHANT.

H.R. 164: Ms. DELBENE.

H.R. 176: Mr. MULLIN and Mr. PALAZZO.

H.R. 278: Mr. POCAN.

H.R. 282: Mr. GOWDY.

H.R. 303: Mr. KING of New York.

H.R. 310: Mrs. KIRKPATRICK and Mr. SCHNEIDER.

H.R. 351: Mr. SMITH of Nebraska.

H.R. 506: Ms. LINDA T. SANCHEZ of California.

H.R. 508: Mr. MURPHY of Florida.

H.R. 515: Mr. BARBER.

H.R. 521: Mr. LOEBSACK.

H.R. 556: Mr. SCHOCK.

H.R. 578: Mr. RODNEY DAVIS of Illinois.

H.R. 594: Ms. LEE of California.

H.R. 630: Mr. FOSTER.

H.R. 647: Mr. DEFazio, Mr. GRIFFIN of Arkansas, and Mrs. ELLMERS.

H.R. 664: Mr. COHEN.

H.R. 685: Mr. KIND and Mr. WILLIAMS.

H.R. 702: Mr. CICILLINE.

H.R. 713: Mr. PAULSEN.

H.R. 721: Mr. CONAWAY and Mr. HINOJOSA.

H.R. 724: Mr. FARENTHOLD.

H.R. 725: Mrs. CAROLYN B. MALONEY of New York.

H.R. 764: Mrs. NAPOLITANO.

H.R. 800: Mr. CARTWRIGHT and Mr. POE of Texas.

H.R. 806: Mr. CARTWRIGHT.

H.R. 831: Mr. WEBSTER of Florida.

H.R. 846: Mr. GRIFFITH of Virginia, Mr. KENNEDY, and Mr. DUNCAN of South Carolina.

H.R. 847: Mr. DELANEY.

H.R. 942: Mr. PERLMUTTER, Mr. DOGGETT, and Mr. MURPHY of Pennsylvania.

H.R. 955: Mr. COHEN.

H.R. 956: Mr. BLUMENAUER and Mr. ROSS.

H.R. 958: Ms. BROWN of Florida.

H.R. 1014: Mr. CULBERSON and Mr. WEST-MORELAND.

H.R. 1015: Mr. ISRAEL, Mr. COHEN, and Mrs. BEATTY.

H.R. 1030: Mr. CARTWRIGHT.

H.R. 1101: Mr. JOHNSON of Georgia.

H.R. 1173: Mr. PETRI.

H.R. 1179: Mr. BARR and Mr. DOGGETT.

H.R. 1180: Mr. VEASEY, Mrs. NAPOLITANO, and Mr. LYNCH.

H.R. 1226: Mr. LABRADOR.

H.R. 1229: Mr. LOWENTHAL and Ms. DELAURO.

H.R. 1252: Mr. FLEISCHMANN, Mr. PAULSEN, and Mr. CARTWRIGHT.

H.R. 1254: Mr. KINGSTON.

H.R. 1276: Mr. WALZ, Mr. McDERMOTT, Ms. MOORE, and Mr. VEASEY.

H.R. 1288: Mr. MORAN, Mr. FRANKS of Arizona, and Ms. TSONGAS.

H.R. 1309: Mr. PETRI.

H.R. 1315: Mr. COHEN.

H.R. 1339: Mr. DANNY K. DAVIS of Illinois.

H.R. 1362: Mr. GENE GREEN of Texas.

H.R. 1364: Mr. COURTNEY and Ms. ESTY.

H.R. 1416: Mr. CLAY, Ms. CLARKE, and Mr. BILIRAKIS.

H.R. 1428: Mr. BARTON, Mr. GRIJALVA, and Mr. VALADAO.

H.R. 1466: Mr. LOEBSACK.

H.R. 1502: Mr. PRICE of Georgia.

H.R. 1507: Ms. DUCKWORTH.

H.R. 1518: Ms. DELBENE.

H.R. 1565: Mr. HOLT.

H.R. 1588: Mr. CARTWRIGHT.

H.R. 1595: Ms. MATSUI.

H.R. 1609: Mr. PRICE of North Carolina.

H.R. 1661: Ms. MOORE.

H.R. 1666: Mr. DANNY K. DAVIS of Illinois.

H.R. 1692: Mr. KENNEDY.

H.R. 1696: Mr. OWENS and Mr. DEFazio.

H.R. 1705: Mr. CARTWRIGHT.

H.R. 1735: Mr. WITTMAN.

H.R. 1748: Mrs. BEATTY.

H.R. 1761: Mr. PETERS of Michigan and Mr. WALDEN.

H.R. 1771: Mr. YOUNG of Alaska.

H.R. 1779: Mr. THOMPSON of Pennsylvania,

Mr. MULLIN, and Mr. GOODLATTE.

H.R. 1785: Ms. DELBENE.

H.R. 1807: Mr. CARTWRIGHT.

H.R. 1825: Mr. JOYCE and Mr. BROOKS of Alabama.

H.R. 1827: Mr. CICILLINE.

H.R. 1830: Ms. ROS-LEHTINEN and Mr. CARTWRIGHT.

H.R. 1835: Ms. TSONGAS.

H.R. 1845: Mr. MCGOVERN.

H.R. 1856: Mr. PETERS of California.

H.R. 1869: Mr. PETERS of California and Mr. RUIZ.

H.R. 1891: Ms. SHEA-PORTER, Mr. COLLINS of New York, and Mr. DELANEY.

H.R. 1908: Mr. MILLER of Florida.

H.R. 1921: Mr. PALLONE.

H.R. 1985: Mr. HUIZENGA of Michigan.

H.R. 1991: Mr. WALBERG.

H.R. 2009: Mr. PAULSEN, Mr. KLINE, Mr. JORDAN, Mr. TIPTON, and Mr. SCHWEIKERT.

H.R. 2019: Mr. POE of Texas, Mr. VALADAO, Mr. JOYCE, Mr. CRAMER, Mr. DUNCAN of

South Carolina, Mr. ADERHOLT, Mr. THOMPSON of Pennsylvania, Mr. YOUNG of Alaska,

Mr. DESJARLAIS, Mr. CALVERT, and Mr. BARR.

H.R. 2022: Mr. MEEHAN and Mr. BRADY of Texas.

H.R. 2023: Mr. COHEN and Mr. CARTWRIGHT.

H.R. 2026: Mr. MCINTYRE, Mr. MEADOWS, and Mr. TIPTON.

H.R. 2053: Mr. GOWDY and Mr. KINGSTON.

H.R. 2061: Mr. FARENTHOLD and Mr. POLIS.

H.R. 2066: Mr. PERLMUTTER and Mr. GRIFFIN of Arkansas.

H.R. 2094: Mr. WHITFIELD.

H.R. 2119: Mr. CARTWRIGHT.

H.R. 2123: Mr. HARPER.

H.R. 2131: Mr. ROONEY.

H.R. 2141: Mr. CARTWRIGHT.

H.R. 2177: Mr. COHEN.  
 H.R. 2222: Mr. KINGSTON.  
 H.R. 2229: Mr. NADLER.  
 H.R. 2241: Mr. CARTWRIGHT.  
 H.R. 2248: Mr. MICHAUD.  
 H.R. 2250: Mr. DELANEY and Mr. GARDNER.  
 H.R. 2273: Mr. KELLY of Pennsylvania.  
 H.R. 2278: Mr. SESSIONS.  
 H.R. 2296: Ms. HANABUSA.  
 H.R. 2305: Mr. LATHAM.  
 H.R. 2347: Mr. PETRI.  
 H.R. 2350: Mr. ISRAEL, Ms. FUDGE, Mr. ELLISON, and Mr. COHEN.  
 H.R. 2366: Mr. YOHIO, Mr. ENYART, and Mr. YOUNG of Florida.  
 H.R. 2377: Mr. ROONEY, Ms. HANABUSA, and Ms. LOFGREN.  
 H.R. 2426: Mr. LANCE.  
 H.R. 2429: Mr. RENACCI, Mr. McCAUL, Mr. WALDEN, Mr. FARENTHOLD, Mr. SCHWEIKERT, Mr. LUETKEMEYER, Mr. REED, Mr. DENHAM, Mr. REICHERT, Mr. ROGERS of Kentucky, Mr. FINCHER, Mr. LONG, Mr. MATHESON, Mrs. MILLER of Michigan, and Mr. ROTHFUS.  
 H.R. 2445: Mr. CONAWAY, Mr. McCAUL, and Ms. GRANGER.  
 H.R. 2449: Mr. COOK.  
 H.R. 2456: Mr. HUELSKAMP, Mr. KINGSTON, Mr. YOHIO, and Mr. COLLINS of Georgia.  
 H.R. 2458: Mr. PITTS, Mr. NEUGEBAUER, Mr. JORDAN, Mr. MULVANEY, Mr. KING of Iowa, Mr. STOCKMAN, Mr. PITTENGER, Mr. LAMALFA, Mr. BURGESS, Mr. DESANTIS, Mr. BENTIVOLIO, Mr. DESJARLAIS, and Mr. MASSIE.

H.R. 2472: Mr. SCHOCK.  
 H.R. 2473: Mr. SCHOCK.  
 H.R. 2480: Mr. LOEBSACK.  
 H.R. 2501: Mr. SCHWEIKERT.  
 H.R. 2506: Mr. NOLAN, Mr. YOUNG of Indiana, and Mr. RIBBLE.  
 H.R. 2507: Mr. STOCKMAN.  
 H.R. 2518: Mr. COOPER.  
 H.R. 2536: Mr. MCGOVERN.  
 H.R. 2540: Mr. TONKO.  
 H.R. 2541: Mr. FRANKS of Arizona, Mr. AMODEI, Mr. FARENTHOLD, and Mr. WILSON of South Carolina.  
 H.R. 2549: Mr. POLIS.  
 H.R. 2553: Ms. WILSON of Florida, Mr. RYAN of Ohio, and Mr. JOHNSON of Georgia.  
 H.R. 2565: Ms. SINEMA, Mr. CALVERT, Mrs. WALORSKI, Mr. STUTZMAN, Mr. RIBBLE, Mr. MULVANEY, and Mr. GOWDY.  
 H.R. 2574: Mr. COHEN, Ms. CHU, Mr. WAXMAN, Mr. MCGOVERN, Mr. WELCH, Mr. PRICE of North Carolina, Mr. LANGEVIN, Ms. TITUS, Ms. DELBENE, Ms. DELAURO, and Ms. JACKSON LEE.  
 H.R. 2575: Mr. COBLE.  
 H.R. 2578: Mr. LOEBSACK.  
 H.R. 2586: Mr. CONYERS, Mr. ELLISON, Mr. POLIS, Mr. GEORGE MILLER of California, Mr. COOPER, Mr. YARMUTH, Mr. DUNCAN of Tennessee, Ms. PINGREE of Maine, Mr. CARTWRIGHT, and Mr. CLEAVER.  
 H.R. 2590: Mr. SCHNEIDER, Mr. COOPER, Mr. MORAN, Mr. RIBBLE, Mr. BLUMENAUER, and Mr. MURPHY of Florida.

H.R. 2607: Mr. COHEN, Mr. CARTWRIGHT, and Mr. BONNER.  
 H.R. 2632: Mr. DEFazio, Mr. CARTWRIGHT, Mr. CARSON of Indiana, and Mr. COURTNEY.  
 H.R. 2641: Mr. BONNER.  
 H.R. 2652: Ms. LEE of California and Mr. COHEN.  
 H.J. Res. 25: Ms. KUSTER and Mr. NADLER.  
 H.J. Res. 40: Mr. SWALWELL of California.  
 H.J. Res. 44: Mr. PAYNE.  
 H.J. Res. 51: Mr. NUNNELEE and Mr. HUDSON.  
 H. Con. Res. 16: Mr. LUCAS and Mr. COTTON.  
 H. Con. Res. 41: Mr. COOPER, Ms. JACKSON LEE, Mr. LOWENTHAL, Mr. ISRAEL, and Mr. McDERMOTT.  
 H. Con. Res. 42: Mr. ROGERS of Michigan and Mrs. MILLER of Michigan.  
 H. Res. 97: Mr. GRIFFITH of Virginia.  
 H. Res. 272: Mr. GENE GREEN of Texas.  
 H. Res. 285: Mr. KEATING, Mr. LANGEVIN, and Mr. COHEN.  
 H. Res. 293: Mr. BARR and Mr. GARAMENDI.

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#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2300: Mr. CRAWFORD.

## EXTENSIONS OF REMARKS

IN RECOGNITION OF THE 100TH ANNIVERSARY OF PIERCE MANUFACTURING

**HON. REID J. RIBBLE**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. RIBBLE. Mr. Speaker, I rise today to recognize the 100th anniversary of Pierce Manufacturing, located in Appleton, Wisconsin. Pierce Manufacturing is a subsidiary of Oshkosh Corporation, and builds fire and rescue apparatuses. Over the past 100 years, this company has grown from its modest beginnings as Pierce Auto Body Works, Inc. focused on building truck bodies for the Ford Model T to become a world-class manufacturer of quality fire and rescue vehicles.

In the aftermath of 9/11, Pierce Manufacturing donated one of its rescue vehicles to the Fire Department of New York City. According to reports, no ceremony was held to mark the occasion. The workers and leadership at Pierce Manufacturing simply "felt compelled to help." As Congressman, I am incredibly proud of the highly skilled workers in Appleton and Weyauwega that play a vital role in designing, building and maintaining these custom fire and rescue vehicles.

Again, I congratulate Pierce Manufacturing on its 100th anniversary, and encourage all residents in Northeast Wisconsin to celebrate this company's wonderful history on Saturday, July 13, 2013.

RECOGNIZING THE TACOMA HOUSING AUTHORITY FOR THE RENOVATION OF THE HILLSIDE TERRACE COMMUNITY IN TACOMA'S HILLTOP COMMUNITY

**HON. DEREK KILMER**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. KILMER. Mr. Speaker, I rise today to congratulate the Tacoma Housing Authority for breaking ground on the redevelopment of Hillside Terrace in the Hilltop community. This development will provide comfortable, affordable, and environmentally sound units for families in need.

The Tacoma Housing Authority was formed in 1940 in response to the growing need for safe, affordable housing for low-income families in Tacoma. Since then, Tacoma Housing Authority has grown to become the city's largest landlord. They currently serve thousands of families across Tacoma.

Phase I of the redevelopment project will take place at the 2500 block of Hillside Terrace. This phase will include a mid-rise building with 54 units, five townhouse style build-

ings with 16 units, and a large community education facility.

Mr. Speaker, The Tacoma Housing Authority has been a national leader in the redevelopment of public housing. In the first part of the 21st century, Tacoma Housing Authority gained public attention for the redevelopment of Salishan. Salishan, originally built during World War II, fell into disrepair. Through a multi-phase project, Tacoma Housing Authority rebuilt the entire neighborhood, creating safer, more livable homes for the close, multi-cultural community on the city's east side.

Now, Tacoma Housing Authority is engaging in a similar project with Hillside Terrace. Residents will be able to enjoy a sense of community that comes with new, safe homes and a brand new community center.

As I close, Mr. Speaker, I can say with confidence that Hillside Terrace will add to the rich diversity of the Hilltop neighborhood, and will continue Tacoma Housing Authority's strong tradition of providing high-quality affordable housing in the City of Destiny.

MONTROSE, COLORADO TRIBUTE

**HON. SCOTT R. TIPTON**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. TIPTON. Mr. Speaker, I rise today to recognize Montrose, Colorado. Montrose has received the 2013 All-American City Award from the National Civic League.

Each year, the National Civic League hosts an expo in Denver where citizens from all over the nation attend to display their community achievements. This year, the conference focused specifically on communities dedicated to providing support for veterans and their families. Ten outstanding proposals are chosen to receive the award, including Montrose.

Montrose is a model of American values, with an outstanding commitment to supporting troops, veterans, and their families, through community efforts including Welcome Home Colorado. In the heart of Colorado, Montrose has a diverse landscape with access to abundant outdoor activities including hiking, skiing, and water sports. The community strives to make these recreational activities available to veterans and returning troops, improving their quality of life.

The spirit of the community in Montrose is an inspiration to other cities across America to support our troops and veterans, and provide returning troops with the opportunity to thrive.

Mr. Speaker, it is an honor to recognize Montrose, Colorado, for its outstanding achievement as a 2013 All-American City, and recognize its residents for their dedication to their community and to our brave men and women who have served our country.

HONORING DOMINGO "PAPO" RODRIGUEZ

**HON. ED PASTOR**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. PASTOR of Arizona. Mr. Speaker, I rise to recognize Domingo "Papo" Rodriguez, a resident of Phoenix, Arizona, a constituent and a friend. He has left us too soon, but well after establishing a rich and long legacy that will live on.

Papo devoted over 35 years working with non-profit community based organizations. The last 19 years of his career he served as Vice President of Community Health & Human Services with Chicanos Por La Causa. He managed over 75 different funding contracts and sources that represented over 100 categorical programs and services with 30 facilities serving individuals in 25 cities throughout Arizona. He oversaw programs that impacted the community including the Early Childhood Development program for Migrant & Seasonal and Early Head Start Programs, Community Behavioral Health Services/Managed Care HIV/AIDS, Youth Prevention and Intervention Programs, Pregnant & Parenting Teen Programs, Parenting Arizona, and Rural Social & Immigration Services.

While his career was very demanding, Papo found time to devote himself to other causes and issues in service to his community. Domingo Rodriguez was instrumental in the establishment of a statewide Latino Policy Institute and served as a consultant to federal agencies on many of our communities' pressing issues. Moreover, he was actively recruited to and generously gave of his time to serve on boards and commissions where his input contributed to the creation of many policies and programs, again, to serve the community for which he greatly cared.

Papo's passing is a loss for the State of Arizona. He will be missed by us all, but he will also be long remembered for his generous spirit and his commitment to service.

IN RECOGNITION OF THE 250TH ANNIVERSARY OF PLYMOUTH, NEW HAMPSHIRE

**HON. ANN M. KUSTER**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Ms. KUSTER. Mr. Speaker, I rise today in celebration of the 250th anniversary of a proud community in my district: the Town of Plymouth, New Hampshire. Nestled between the crystal waters of the Lakes Region and the majestic peaks of the White Mountains, Plymouth serves as the gateway to some of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Granite State's greatest natural treasures. The pristine rivers that meet in this distinguished community symbolize the convergence of education, tourism, and industry that have defined Plymouth since its incorporation in 1763.

People travel from far and wide seeking the town's beautiful mountain vistas, fine hotels and inns, rustic covered bridges, campgrounds, and lakes. Many years ago, snow trains would stop in Plymouth, providing skiers and adventurers headed for the White Mountains with a place to stay at the inns found throughout the town. While enjoying the sights, guests could visit the Draper and Maynard sporting goods store, where Babe Ruth himself would travel to purchase baseball equipment. They could pick up a pair of buck gloves, courtesy of the prestigious glove industry that defined Plymouth's early years. Or, they could visit Plymouth State University to enjoy a collection of letters and works written by a frequent visitor to the White Mountains, Robert Frost.

During the academic year, the population of Plymouth doubles as bustling students fill the historic streets. These students return to experience one of New England's finest universities, where a campus-wide focus on environmental issues and sustainable initiatives has become an integral part of the student experience.

While 250 years have come and gone in Plymouth, the town's focus on education and innovation has set a course of prosperity for countless years to come. On July 20th, the town will officially mark its two and a half centuries with a community-wide celebration. As local citizens enjoy fireworks, dances, concerts, and other festivities to mark this auspicious occasion, I urge all Granite Staters and all Americans to join them in honoring this special town.

IN HONOR OF THE COMMUNITY  
BAPTIST CHURCH ON THEIR 50TH  
ANNIVERSARY

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. FITZPATRICK. Mr. Speaker, I rise today to congratulate the Community Baptist Church on their 50th year anniversary. The church was started on March 3, 1963 by Reverend Wilmer Wright when they began holding services in a corner barbershop in Bristol, PA. After twenty-four years of service, Reverend Wilmer Wright retired and his son, Joseph Wright, took over as their Pastor in 1987. The year 2013 marks the church's 50th anniversary, and they celebrated their year of jubilee from March 4, 2012 to March 3, 2013. Since 1963, services have been held in a number of locations where they have provided numerous opportunities for their community. They have Sunday school for all ages, Bible study groups, and various charity events, such as their Fashion Show and Silent Auction. The church is also very good at hosting events that include youth with their movie nights and a pep rally event. Throughout its fifty years, the church has been the heart of the community

and has provided endless support for its members and the community as well.

IN HONOR OF DEPUTY CHIEF  
CASSIE MCSORLEY

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. FARR. Mr. Speaker, it is with great honor that I rise today to honor the career of Deputy Chief Cassie McSorley, who is retiring after 30 years of service to the citizens of Salinas. Since joining the Salinas Police Department in 1983, Deputy Chief McSorley has worked at all levels of the department, including uniformed patrol, DUI enforcement, field training, Narcotics, and Special Operations.

Deputy Chief McSorley was raised in Salinas and attended North Salinas High School before going on to earn a bachelor's degree in Administration of Justice from San Jose State University. She completed graduate studies at the University of San Francisco in Organizational Development. She joined the Salinas Police Department as a patrol officer and a member of the DUI enforcement team before being promoted to Corporal, where she served as a Field Training Officer and a detective in the Vice/Narcotic Unit. She quickly advanced from Corporal to Sergeant, and then to Lieutenant. In 2003, she became Deputy Police Chief taking on various additional law enforcement responsibilities and ran a successful police department securing the streets of Salinas that are plagued by gangs. On many occasions when required, Deputy Chief McSorley has assumed the position of Acting Salinas Police Chief without hesitation.

Her long history of service to the department has included her role in establishing the first in-house training programs and specialized training teams; her work on Salinas' first hostage negotiation team; and her help in establishing the curriculum for the first Crisis Intervention Team training and policy development for Monterey County enforcement agencies.

Deputy Chief McSorley has always been deeply involved in the Salinas community, from the early community policing initiatives in the 10/20 Block and Acosta Plaza to more recent endeavors. She volunteers for many local causes and has served on a number of non-profit board of directors, including the Salinas Rotary Club, Sun Street Centers, Partners for Peace, Salinas Police Activities League, and others. One of her other noteworthy accomplishments was founding the Salinas Police Department Relay for Life team, serving as team captain in 2001 and 2002.

Mr. Speaker, I know I speak for the whole House and the entire law enforcement community in California as I commend Deputy Chief McSorley for all she has done for this community. I extend my most sincere thanks and warmest wishes for her success and much success and happiness in her retirement.

30TH ANNIVERSARY OF THE CITY  
OF MOORPARK

**HON. JULIA BROWNLEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Ms. BROWNLEY of California. Mr. Speaker, I am honored to represent the City of Moorpark in the United States House of Representatives. Moorpark was recently named by the Kosmont-Rose Institute as one of the top ten most business friendly cities in California, which serves to attract new and innovative companies, creating high paying, high-skilled local jobs, that significantly contribute to Ventura County's diverse and vibrant economy.

From its start as a pastoral community built on hard work and rugged individualism, to a thriving community that celebrates its historical roots, Moorpark is the product of determined citizens coming together to establish a better way of life. The city's unique cultural fusion of arts, agriculture, community, family, education, and outdoor recreation make Moorpark an exceptionally desirable place to live. As the city's representative in Congress, I share Moorpark's commitment to protecting local open spaces and preserving the natural beauty of our region for future generations to cherish and enjoy.

I also share with Moorpark a steadfast dedication to education, and I will continue to work on behalf of the teachers and students of this outstanding school district. I believe that investing in our children's future is vital to perpetuating the growth and development of every community in Ventura County and across the nation. I would also like to commend Moorpark for fostering the success of Moorpark College, as I believe community colleges are critical to equipping the next generation with the skills required to excel.

Additionally, I commend the City of Moorpark for its dedication to assisting and memorializing our veterans, who have given immeasurably to our communities. The two memorials in the city are a testament to the important role that the men and women of our Armed Forces play in ensuring communities like Moorpark can thrive.

Once again, congratulations on Moorpark's 30th anniversary! This is a fantastic accomplishment, and I could not be more proud and driven to work hard to represent the values of our community in Congress.

A TRIBUTE TO JAMIE BOERSMA

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. LATHAM. Mr. Speaker, I rise today to congratulate and recognize Girl Scouts of Greater Iowa CEO Jamie Boersma of Clive for being named a 2013 "Characters Unite" award recipient by USA Network.

The Characters Unite program is a national public service initiative that aims to bridge cultural gaps and confront social injustices through the promotion of understanding and

acceptance. Each year, this program honors individuals who go above and beyond by contributing "significant efforts to champion civil and human rights in their communities." Awardees are provided a \$5,000 grant for their individual projects and are featured on nationwide public service announcements to raise awareness for their cause and the program as a whole.

As CEO of Girl Scouts of Greater Iowa, Mrs. Boersma changes the lives of more than 15,000 girls and 4,000 adults in 70 counties that mostly comprise central and western Iowa. Additionally, Jamie serves on the Board of Directors for the Rotary Club of Des Moines, is an active member of her church, and a wife and mother to her husband, Dale, and their son, Andrew. In all that she does, Jamie is truly an example that our state can be proud of.

Mr. Speaker, Mrs. Boersma's tireless efforts to make the world a better place have deservedly been recognized through her selection as a 2013 Characters Unite winner. Jamie is a testament to the humble, hardworking and helpful people who make up the great state of Iowa, and it is a great honor to represent her and her family in the United States Congress. I invite my colleagues in the House to join me in congratulating Mrs. Boersma on receiving this prestigious distinction, thanking USA Network and the Girl Scouts of Greater Iowa for their efforts, and wishing all of those involved in these wonderful programs continued success for years to come.

THE STATE DEPARTMENT 2013  
TRAFFICKING IN PERSONS RE-  
PORT

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. SMITH of New Jersey. Mr. Speaker, earlier today, the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations held the second in a series of hearings on the Trafficking in Persons report and U.S. efforts to combat human trafficking. In April, the subcommittee took a close look at the records of 6 countries which had exhausted all of their allotted time on the Tier 2 Watch list and must, by law, be moved to Tier 2 or Tier 3 in this year's Trafficking in Persons (TIP) Report.

As discussed by experts in the April 18 hearing, the trafficking records of China, Russia, and Uzbekistan were particularly worrisome. An upgrade to Tier 2 would have been completely unmerited and would have damaged the credibility of the TIP Report.

The TIP report was released late last month, and I was pleased to see that it is one of the best yet—and that it faithfully reported and graded the records of China, Russia, and Uzbekistan, which had been skirting accountability for far too long. Now, the Administration is faced with next steps including what sanctions might be imposed to press these nations to reform.

When I wrote the law—the Trafficking Victims Protection Act of 2000—that created not

only this report, but also the Office to Monitor and Combat Trafficking in Persons in the U.S. Department of State, and several other provisions to prevent both sex and labor trafficking, protect victims, and prosecute traffickers, it was hoped this report would become the international gold standard and primary means of anti-trafficking accountability around the world. It has. From the halls of parliaments globally to police stations in remote corners of the world, this report is today being used to focus anti-trafficking work in 186 countries.

But with the power of this report to improve situations came the risk that it could also be used to whitewash the truth about a country's trafficking record—it could fail to report accurately and inadvertently give cover to negligent or complicit governments.

I am happy to say that the 2013 report is one of the best ever produced. Special thanks are especially in order for Ambassador Luis CdeBaca and his dedicated staff for faithfully highlighting the good, while exposing the bad and the ugly. The TIP report is faithful in and reflects the hard, meticulous work and leadership of the Office to Monitor and Combat Trafficking in Persons. This office not only analyzes whether a country is complying with the minimum standards for the elimination of human trafficking, but also sets specific recommendations for how a country can move forward.

With this report, countries should have no question about where they rank, or how they can improve. Many countries have publically or privately credited the report as the impetus for real improvement in their trafficking laws and policies. Since the TIP report's inception, more than 130 countries have enacted anti-trafficking laws, and many countries have taken other steps required to significantly raise their tier rankings.

This year, China, Russia, and Uzbekistan finally have to confront their records. The report tells it like it is. For instance, the TIP report states that: "The Chinese government's birth limitation policy and a cultural preference for sons, create a skewed sex ratio of 118 boys to 100 girls in China, which served as a key source of demand for the trafficking of foreign women as brides for Chinese men and forced prostitution. Women from Burma, Malaysia, Vietnam, and Mongolia are transported to China after being recruited through marriage brokers or fraudulent employment offers, where they are subsequently subjected to forced prostitution or forced labor . . . Traffickers recruited girls and young women, often rural areas of China, using a combination of fraudulent job offers, imposition of large travel fees, and threats of physical or financial harm to obtain and maintain their service in prostitution."

Because tens of millions of girls have been systematically killed by sex selection abortion over the past three decades—resulting in an unprecedented number of "missing" women and girls—demand for prostitutes and so-called "brides" is exploding in China.

As a direct consequence of the barbaric one child per couple policy in effect since 1979, China has become the global magnet for sex traffickers. Women and young girls have been and are today still being reduced to commodities and coerced into prostitution. Without se-

rious and sustained action by Beijing, it is only going to get worse.

The TIP Report also makes clear that "Chinese law remains inadequate to combat all forms of trafficking . . . and the Government of China's efforts to protect trafficking victims remained inadequate . . ." In addition, China's "government continued to perpetuate human trafficking in at least 320 state-run institutions."

I, along with Congressman FRANK WOLF, visited one of those state-run institutions in the early 1990's—Beijing Prison #1. We were shocked to observe the horrific conditions imposed on inmates including more than 40 Tiananmen Square human rights activists. The report makes clear that state-sponsored forced labor is part of a systemic form of repression known as "re-education through labor. The government reportedly profits from this forced labor, and many prisoners and detainees . . ."

With this report, we have done right by the millions of trafficking victims in China. With this report, we are holding China to account for its complicity in profits off of modern-day slavery. It is my sincere hope that the truth will turn the tide in China.

However, I was disappointed to see that Vietnam was not downgraded to the Tier 2 Watch List or Tier 3. Vietnam's labor export companies—most of which are owned by or affiliated with the Government of Vietnam—have been engaged in practices that lead to debt bondage and forced labor. The Government of Vietnam has yet to pay millions of dollars in damages to Vietnamese labor trafficking victims found in the United States and its territories, as ordered by U.S. courts.

Vietnamese trafficking victims in other countries report that the Government of Vietnam sides with the traffickers to keep them in bondage when the victims seek help. Other reports indicate that the Vietnamese embassy in Russia is actively working with organized crime to enslave Vietnamese nationals in sweatshops and brothels, and the TIP report itself notes reports that officials at border crossings and checkpoints accept bribes from traffickers. Some notable trends in the 2013 include: Tier 1: 30 countries (as compared with 33 in 2012); Tier 2: 92 countries (as compared with 93 in 2012) Tier 2 Watch List: 44 countries (as compared with 42 in 2012); Tier 3: 20 countries (as compared with 17 in 2012).

The Africa region increased its prosecutions by 45% (labor prosecutions by 500%), its convictions by 16%, and its victim identification by 13%. Africa is the region with the greatest number of Tier 3 countries, and does not contain any Tier 1 countries.

The East Asia and Pacific region saw a 23% decrease in prosecutions, but a 28% increase in convictions and a slight increase in the number of victims identified. The number of victims identified remains alarmingly low (8,521) in a region where the International Labor Organization believes there are nearly 12 million enslaved individuals. The number of labor convictions (103) also remains extremely low in the region of the world most plagued by labor trafficking.

The Europe region saw a slight drop in prosecutions, but a 13% increase in convictions and a 17% increase in victims identified.

The European region identified the most victims out of all regions in 2013.

The Near East region saw a 19% increase in prosecutions in 2012, and more than doubled its conviction rate (largely due to efforts in the United Arab Emirates). The Near East region also more than doubled its number of victims identified. This region has the greatest relative proportion of Tier 3 countries.

The South and Central Asia region saw slight, but appreciable increases in its prosecutions (7%), convictions (5%), and number of victims identified (13%). India, one of the first countries to be moved off of the Tier 2 Watch List under the TVPRA of 2008 two-year rule, maintained a questionable Tier 2 ranking for a second year. Out of nearly 2 billion people, only 4,415 victims were identified.

The Western Hemisphere region, in which the United States is included, prosecutions increased by 72%, and convictions increased by 44% (including a 650% increase in labor trafficking convictions). However, victim identification decreased by 15% (although there was a significant increase in the number of labor trafficking victims identified). Eight countries in this region improved their anti-trafficking laws in 2012. Cuba is the only country in the region to be Tier 3. Colombia and Nicaragua share Tier 1 status with the United States and Canada.

HONORING COLONEL JAMES O. FLY, COMMANDER, ROCK ISLAND ARSENAL JOINT MANUFACTURING AND TECHNOLOGY CENTER

**HON. DAVID LOEBSACK**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. LOEBSACK. Mr. Speaker, I rise today to thank and pay tribute to Colonel James Fly, the outgoing Commander of Rock Island Arsenal Joint Manufacturing and Technology Center. As the 46th commander of RIA-JMTC, Colonel Fly has served with honor and distinction and he deserves our thanks and recognition.

Since taking command in September 2010, Colonel Fly has led RIA-JMTC and its dedicated workforce in building upon the capabilities as the Department of Defense's only multi-purpose and vertically integrated metal manufacturer while manufacturing high-quality equipment for our troops. In addition, Colonel Fly took forward thinking actions to ensure that the equipment manufactured at Rock Island Arsenal is not only of the highest quality, but also the best deal for the Department of Defense and the taxpayer.

During his tenure, Colonel Fly saw RIA-JMTC designated as a Center of Industrial and Technical Excellence in Add-on-Armor development and Foundry Operations. These designations made Rock Island Arsenal the first arsenal to be designated with three CITES, recognition of the depth of its capabilities, forward-thinking management, and highly-skilled workforce.

In 2011, enemies on the battlefield found and began to exploit vulnerabilities in the

armor on Caiman MRAPs, endangering our soldiers and requiring immediate action. Under Colonel Fly's leadership, the dedicated Rock Island Arsenal workforce redesigned the armor kit, produced 504 kits, and installed 22 of those kits in theater within 30 days. When our soldiers needed them, RIA-JMTC was there.

On a personal note, I have greatly enjoyed working with Colonel Fly and would like to personally thank him for his leadership at Rock Island Arsenal. Throughout his time as Commander, Colonel Fly has demonstrated a unique passion for his job. He truly cares about the details of every process in the factory, taking the time to walk the floor and speak personally with the workforce to hear their perspective.

Colonel Fly, his wife, Ella, and their two sons are valued members of the Quad Cities community, participating in many community events and ensuring a close bond between RIA-JMTC and the Quad Cities. Colonel Fly has actively engaged the youth in the community, visiting local schools on Veteran's Day to discuss the importance of honoring those who serve. Mrs. Fly has served as the chair of the Rock Island Arsenal Welcome Club Scholarship and Grant Committee, organizing multiple events to help military children attend college. They are integral members of the community, appreciated by the entire Quad Cities for their engagement.

On behalf of all of my constituents, I thank Colonel Fly for his dedicated service as Commander of Rock Island Arsenal Joint Manufacturing and Technology Center and wish him and his family the very best.

PUBLIC SAFETY AND SECOND AMENDMENT RIGHTS PROTECTION ACT OF 2013

**HON. RUSH HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. HOLT. Mr. Speaker, I have recently co-sponsored H.R. 1565. I understand and laud the very good intentions of the bill's sponsors. However, the reality is that as written this legislation would, if enacted, have the effect of making it impossible for the federal government to do what New Jersey has done: require handgun licensing and registration. In New Jersey we have lived comfortably and safely for many years with such laws, and I believe New Jersey's approach should be extended to the federal level. It is my hope that should H.R. 1565 be considered that I and other Members will have the chance to amend it so as to not preclude a national licensing & registration regime.

HONORING THE 100TH ANNIVERSARY OF THE CHATHAM BOROUGH POLICE DEPARTMENT

**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Chatham Borough Police

Department, located in Chatham, New Jersey, which is celebrating its 100th anniversary.

On September 2, 1913, an ordinance used to regulate the Chatham Borough Police Department of Morris County was approved. The Department came from humble beginnings, with only one fulltime police officer in its inaugural year and, today, has 18 fulltime officers. Despite the passage of a century, the Police Department's excellent service and core values have remained unchanged.

The Chatham Borough Police Department prides itself in upholding values of integrity, respect, service, and fairness. The Department strives to promote a safe and secure environment and maintain order and provide safe flow of traffic while demonstrating the core ideals. It has continually responded to the changing needs of Chatham Borough and has looked to help the community in the best possible way. By demonstrating strong leadership qualities, the Chatham Borough Police Department has remained a reliable and strong influence in Chatham Borough.

Throughout the past century, the Chatham Borough Police Department has dedicated itself to the surrounding community, yet, it is always looking for ways to give back. It influences the youth in Chatham through the D.A.R.E. program, which helps to illustrate the harmful effects of drugs and alcohol. Additionally, it continues to promote internet safety through a program that aims to educate both parents and children on the subject matter.

Overall, the Chatham Borough Police Department has continued to exemplify extraordinary citizenship and values while putting its officers in harm's way to ensure the safety and the betterment of its residents. Officers respond to every call without fear, and their efforts are commended.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Chatham Borough Police Department as it celebrates its 100th anniversary.

HONORING THE LIFE OF AARON JASON

**HON. PATRICK MURPHY**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. MURPHY of Florida. Mr. Speaker, I rise today to honor the life of an outstanding young man. Aaron Jason, a rising junior at South Fork High School, passed away on June 26, 2013 at the age of 16. Aaron is survived by his mother Roylyn, his father Nigel and his two sisters, Ayanna and Amina.

Aaron was born on May 5, 1997 and attended South Fork High School in Martin County, Florida and was scheduled to graduate in 2015.

Aaron was a member of the Youth in Government program at the YMCA for 3 years, and cared deeply about his country and community. His interest in government and politics lead him to become involved in my race for Congress, in which he was active as an intern and volunteer. It was through this volunteer work that I had the fortune of meeting Aaron and the privilege of getting to know him.

In addition to his community involvement outside of school, Aaron was an active member of South Fork's Key Club and was a member of the track team. Always pushing himself to excel, he was enrolled in the International Baccalaureate program, as well as in Advanced Placement courses. He was a smart young man with an incredibly bright future ahead of him. He always had a smile on his face and was articulate, easy to get along with, and very quick with a joke or kind word. He had an incredible work ethic and was a true pleasure to be around.

Aaron was planning to go to law school and become an attorney or enter public service as an elected official. Having known him personally, I know he would have been successful at anything he put his mind too, and we are all saddened that he was taken from us well before his time. Given Aaron's love for American government and politics, I hope he would have appreciated having his life memorialized in the CONGRESSIONAL RECORD here today.

Mr. Speaker, Aaron Jason was a truly special young man with a good heart, a strong will, and a deep commitment to his community. He will be missed by his family and friends, by me, and by everyone whose lives he touched in the Treasure Coast community.

#### RECOGNIZING THE CONTRIBUTIONS OF MIGUEL TIMOSHENKOV

##### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 2013

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the contributions of Miguel Timoshenkov, for 42 years in the field of journalism. He began his career in Mexico; after 12 years and various publications, he joined The Laredo Morning Times. After 30 years he ended his tenure with the Morning Times.

Mr. Timoshenkov received his degree in Communications from the Valle de Mexico University. Additionally, he has obtained various degrees from other prestigious institutions such as the Autonomous University of Tamaulipas and Texas A&M International University.

After publishing an article in the '80s about the Mexican government and its role in media censorship during the elections, he was penalized and forced to leave his job, after which he was recruited by The Laredo Morning Times. Mr. Timoshenkov, by means of investigative journalism, has enlightened not only our southern neighbors but Americans alike.

Mr. Timoshenkov's fearlessness and sense of commitment to his craft have garnered him many obstacles, security risks and multiple court appearances for his words. However, each and every time the charges lacked merit and one by one they were dropped. To many that would suffice as a deterrent, but he continued to delve and search for the facts.

His extensive resume includes El Diario and El Mañana and Grupo Radio Mil and Radiorama where he served as their news director.

Mr. Timoshenkov's work has been recognized not only by the cities of Laredo, Nuevo

Laredo but also by government agencies such as the Department of Homeland Security, the Chamber of Commerce, and United States Border Patrol.

Over the years he has received many awards and accolades from various institutions, including a first, second and third place awarded by The Hearst Corporation.

Mr. Timoshenkov has demonstrated a dedication to excellence for over 40 years, and should take great pride in the work he has accomplished.

Mr. Speaker, I am honored to recognize the commitment to service to our communities exhibited by the journalist Miguel Timoshenkov.

#### PERSONAL EXPLANATION

##### HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 2013

Mr. CROWLEY. Mr. Speaker, on July, 8, 2013, I mistakenly voted "nay" on rollcall vote 306. I meant to vote "aye" on the Audit Integrity and Job Protection Act (H.R. 1564).

#### HONORING ROBERT JAMES GOW

##### HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 2013

Ms. HAHN. Mr. Speaker, I rise today to honor the memory of a remarkable and hard-working man from my district Robert James Gow. He passed away peacefully on Sunday, July 7, 2013 in his home in Carson, California.

Born on April 16, 1931 to Peter and Regina Gow in Gary, Indiana, Robert, known to many as Bob, was the youngest of seven siblings. An adventurous and fearless spirit, Bob's greatest legacy lives on through his dedication to family and service to others in his community.

As a young man, Bob courageously served in the United States Air Force during the Korean War. After the war, Bob expanded his interest in airplanes, flying, and space exploration while working at McDonnell Douglas, Northrop, North American Aviation, Rockwell, Aero-Jet, Autonetics and Boeing. In addition to being a hard worker, Bob was known as a family man. He married the love of his life, Judith Vanderpool Gow, with whom he had three sons, James, Kenneth, and William. Bob was also the grandfather of five girls, Lauren, Bryahn, Gina, Alice and Michaela, as well as a loving uncle to many nieces and nephews.

Bob loved his community and was deeply involved in the St. Philomena Catholic Church for over 54 years. He was active with the Parent Teacher Association, Little League Baseball, and Boy Scout Troop 950 in Carson. Helping others and improving his community were his life passions.

He will be remembered as a man of dedication and a pillar of our community. I was honored to have met such a remarkable man. He will be missed dearly by his family, friends and loved ones.

Mr. Speaker, I ask all Members of the House to join me in a moment of silence to commemorate the memory of the late Robert James Gow.

#### TRIBUTE TO THE CITY OF COLTON, CALIFORNIA

##### HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 2013

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute today to the city of Colton, California, as their community celebrates their 126th birthday this week.

Colton is a growing center for new business, residential and employment opportunities in the County of San Bernardino. Colton also offers a well-balanced community with affordable housing and many family support and public safety programs. Settled in the 1770's by explorers from Mexico, Colton was formed when the Southern Pacific Railway pushed the final transcontinental leg through on its way to Los Angeles in 1875. The city derived its name from Civil War General David Colton, also the Vice President of the Southern Pacific Railroad Company.

Since incorporation in 1887, Colton's population has grown to 52,940. The city's motto of "The Hub City" truly fits. Activity associated with the railroad and the citrus orchards made Colton a busy place, with many business and residents working to support railroad operations. In South Colton, where many railroad workers lived, residents built their own homes often using the disassembled wooden crates from railroad shipments as building materials. Established in 1882, the Colton Railroad Crossing is one of the busiest railroad intersections in the Nation. A \$270 million project is in process to replace this crossing with a fly-over to raise the east-west Union Pacific tracks over the north-south Burlington Northern Santa Fe tracks.

The residents of Colton have worked hard to make their city one of the best places in Southern California to work, live, and enjoy life. Colton is a diverse community where residents can pursue their dreams in an environment abundant with opportunities for educational and economic advancement. It is indeed my pleasure to represent the residents of this beautiful city, who have contributed much of their time towards making Colton a destination for visitors and a home for those seeking a sense of community and a high quality of life.

Mr. Speaker, on this very special year for the City of Colton, please join me in commemorating their one hundred and twenty sixth anniversary.

HONORING THE 75TH ANNIVERSARY OF THE JUNIOR LEAGUE OF MORRISTOWN

**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Junior League of Morristown, located in Morristown, New Jersey, which is celebrating its 75th anniversary.

As a non-profit, charitable organization of women, the Junior League of Morristown aims to "bring people and needs" together through the promotion of voluntarism, the development of potential in women, and the improvement of communities through adept leadership and action. Since its founding in 1936, the Junior League of Morristown has been completely nondiscriminatory in its acceptance of women, as demonstrated by the members' diverse backgrounds. There are over 390 active members that compose the Junior League of Morristown, an organization that is 1 of the 292 total Junior Leagues that make up the Association of Junior Leagues International, which draws from the United States, Canada, Great Britain, and Mexico.

Since its creation in 1936, the Junior League of Morristown has played a significant role in the development of Morristown and the surrounding area. The League has dedicated both time and effort to a plethora of charitable and non-charitable organizations, such as The Neighborhood House, Morristown Hospital, the Girl Scouts, the Red Cross during World War II emergencies, the Children's Theatre, and the Arts Council of the Morris Area, just to name a few. The League has received a number of grants and donations in order to continue its charitable work in the surrounding community. The Junior League is also proud to operate The Nearly New Shop resale and consignment shop located in Morristown.

In most recent news, the Junior League of Morristown made headlines when it finished a project with the Jersey Battered Women's Service that transformed a common room into a multi-purpose room for victims healing from violent acts. The Morristown Patch and The Daily Record, area newspapers, both cover the tremendous effort by the League. The JBWS director, Patty Sly commented: "We are so appreciative of the JLM for sharing their time and talents to create a relaxing and healing environment for our clients. Their efforts offer hope and dignity to those seeking protection from abuse. This is just one of many projects that the JLM has assisted us with over the years and we are grateful for our ongoing partnership." The project is only one of many that the League has pursued over its 75 year existence, yet it symbolizes the values that every community should strive to uphold. While it did receive a little bit of press coverage for a seemingly "small" project, a newspaper cannot do justice in describing what the Junior League of Morristown means to its community.

Charitable organizations, such as the Junior League of Morristown, provide an invaluable and meaningful service to towns such as Morristown. The Junior League of Morristown has

always been available and willing to lend a helping hand when it was needed, and with the support of the local residents, its staff and volunteers, it will continue to do so for many years to come.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Junior League of Morristown as they celebrate their 75th Anniversary.

OBAMA'S ABDICATION OF LEADERSHIP IN SUDAN

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. WOLF. Mr. Speaker, Friday marks three years since the International Criminal Court (ICC) released an arrest warrant for Sudanese President Omar Bashir on charges of genocide in Darfur including overseeing acts of torture, the rape of thousands of women, and forced displacement of hundreds of thousands.

And yet, almost inexplicably, Bashir continues to travel the globe with virtual impunity thanks in no small part to the Obama administration's morally bankrupt posture when it comes to the regime in Khartoum.

For four months now the position of Sudan Special Envoy has been vacant. This vacancy is symptomatic of a president that has all but forsaken the people of Sudan.

Last December a group of prominent Sudan activists and advocates wrote a letter to the administration, which I submit for the RECORD, expressing their "grave concerns that the current U.S. policy is ineffective at stopping mass atrocities in Sudan." They urged President Obama, in his second term, to embrace "an urgent shift in the U.S. policy to finally end the humanitarian crises and bring about a just and lasting peace in Sudan."

The letter cited the President's own words from 2007 when he rightly called the genocide in Darfur a "stain on our souls" and said that "as a president of the United States I don't intend to abandon people or turn a blind eye to slaughter."

And yet, I can't help but wonder if the people of Darfur, who have been displaced from their homes and brutalized by violence for ten years now, do in fact feel abandoned by this president and this administration.

The United Nations Humanitarian Coordinator in Sudan, Ali Al-Za'tari, released a statement on July 7, prompted by the recent tragic death of two World Vision humanitarian workers caught in a shootout between government forces and rebels in Darfur, in which he commented on the "continuing unstable security" in the region which threatens to disrupt the flow of vital aid to an already desperate populace.

Not only is Darfur's nightmare ongoing, but Khartoum's brutality has only spread, consistent with its decades' long effort to systematically and ruthlessly consolidate power resulting in the death and displacement of untold thousands. More recently the Nuban people have been driven from their homes, targeted for killing and terrorized because of the color

of their skin. Khartoum has indiscriminately bombed civilian populations—disrupting an entire way of life for this largely farming population. Starvation, death and despair have followed.

According to the UN Humanitarian Affairs office approximately half a million people have been displaced because of the conflict in Nuba. Last week a Sudanese jet reportedly attacked the routes typically taken by refugees from the Nuba region to the Yida refugee camp in South Sudan killing an unknown number of civilians.

I have visited Yida and talked with the people personally. I have heard their pleas for help and I have conveyed their message to this administration—a message which fell on largely deaf ears.

On March 19, USA Today featured a joint op-ed by actor and co-founder of the anti-genocide organization Not On Our Watch, Don Cheadle, and John Prendergast the co-founder of the Enough Project, in the op-ed wrote, "By excluding all but a narrow clique of Sudanese from access to the power and wealth of the country, marginalized groups from the west (Darfur), south (Blue Nile and the Nuba Mountains) and east have all taken up arms against that regime. . . . Any peace effort should deal comprehensively with all the rebel movements, the unarmed opposition, and civil society, in search of a solution for the whole of Sudan. Until the abusive governing system in Sudan is radically reformed, there will be blood."

Indeed, much blood has been shed, and yet inexplicably this administration has embraced a policy of engagement marked by conciliatory outreach to Khartoum, including the prospect of debt relief for a genocidal government.

While there has been criticism of two successive special envoys, ultimately they were merely the implementers of a policy that is inherently flawed and ultimately ineffective.

In a February 12 letter to Secretary of State Kerry I wrote, "Our approach to Sudan and South Sudan needs reinvigorating. It demands a renewed sense of moral clarity about who we are dealing with in Khartoum—namely genocidaires. It necessitates someone who can speak candidly with our friends in South Sudan about their own internal challenges, including corruption, and shortcomings as a new nation. While an envoy alone does not a policy make, a high-profile special envoy, from outside the department, with the knowledge and mandate to aggressively pursue peace, security and justice for the people of Sudan and South Sudan, is an important step in the right direction."

The model of an effective special envoy that I often refer to is that of Senator John Danforth. In 2001, I was at the Rose Garden ceremony when Senator Danforth, standing between President Bush and Secretary of State Powell, was appointed as Sudan Special Envoy. President Bush's leadership in appointing Danforth and giving him this charge was instrumental in securing, after two and a half years of negotiations, the Comprehensive Peace Agreement (CPA), thereby bringing about an end to the war and ultimately paving the way for South Sudan's independence. Danforth was a high-profile envoy. He had the ear of the president and the secretary and

didn't get bogged down in the department's bureaucracy. He was uniquely positioned to negotiate and his stature, prior to taking the job, communicated a clear sense of urgency and priority on the part of the U.S. He didn't require a sizeable staff, or even a full-time State Department post, but the diplomatic feat he accomplished, with President Bush's blessing and support, was nothing short of remarkable.

Meanwhile, not only has the Obama administration failed to fill the Sudan Special Envoy post, it has actively sought to block efforts in Congress, which I initiated, to isolate Bashir. Last year I offered an amendment to the State and Foreign Operations appropriations bill which would have cut non-humanitarian foreign assistance to any nation that allowed him into their country without arresting him. The amendment was adopted with bipartisan support by voice vote despite the department's opposition.

This approach of using our increasingly scarce aid dollars to effectuate change and further our foreign policy objectives is a tried and true method. When Malawi allowed Bashir to enter the country to attend a regional trade summit I pressed the Millennium Challenge Corporation (MCC) to end Malawi's compact. The MCC was initially opposed to this course of action but ultimately, in the face of a deteriorating human rights situation internally, reversed course and suspended Malawi's compact, citing Bashir's visit as one of the reasons.

Fortunately Malawi's new president, Joyce Banda, hoping to reinvigorate her country's relationship with donor countries, last year took a firm stand in refusing to allow Bashir to visit her country for the African Union (AU) summit. President Banda went so far as to decline to host the summit lest her country and her government be placed in the position of being forced to host a war criminal. Given her principled stand I made clear to the MCC Board that I supported Malawi's compact being reinstated which it ultimately was.

However, other countries, including large recipients of U.S. foreign assistance, have not followed suit and the administration has failed to embrace this approach to spur such action. As recently as yesterday, reports surfaced that Bashir would soon travel to Nigeria—yet another country which has signed up to the Rome Statute—the founding treaty of the ICC.

The amendment I proposed would effectively isolate Bashir and make him an international pariah as is befitting a man with blood on his hands. It is noteworthy that the amendment garnered the support of 70 prominent Holocaust and genocide scholars. Dr. Rafael Medoff, director of the Wyman Institute, which initiated a letter of support to the administration from these scholars, said: "Halting aid to those who host Bashir would be the first concrete step the U.S. has taken to isolate the Butcher of Darfur and pave the way for his arrest. If the Obama administration is serious about punishing perpetrators of genocide, it should support the Wolf Amendment."

Sadly that support never materialized.

When it wasn't busy opposing Congressional efforts to isolate Bashir the administration was cozying up to elements of the regime in Khartoum and granting them an air of legit-

imacy. On April 23 the Associated Press reported that "The Obama administration is preparing to welcome a senior Sudanese delegation to the United States for some rare highest-level diplomacy between the countries." The delegation was to include Sudanese presidential adviser Nafie Ali Nafie.

Upon learning of this invitation I immediately wrote the president and expressed my strong opposition citing an October 2008 Los Angeles Times profile piece on Nafie which opened with the following, "He's accused of torturing enemies, cozying up to Osama bin Laden in the 1990s and plotting to assassinate Egypt's president." The Times piece continued, describing him as, "the leader of the hardline faction in the ruling National Congress Party," and the one who "opposed allowing U.N. peacekeepers into Darfur and believed that the ruling party gave up too much power in signing a 2005 U.S.-brokered peace treaty that ended a 21-year civil war with southern rebels."

The article quoted a former University of Khartoum science professor and critic of the Khartoum government who was arrested in 1989 as saying that Nafie was his interrogator. Specifically he said, "I was tortured, beaten and flogged in his presence . . . He was administering the whole thing. He did it all in such a cool manner, as if he were sipping coffee."

I am not opposed to diplomacy. But there are plenty of locations, including through our embassy in Khartoum, to engage in these talks. Why the administration would choose now to reward Khartoum, specifically the likes of Nafie Ali Nafie, with an invitation to Washington is beyond me. It is further worth noting that the invitation is utterly at odds with Obama's own 2011 Presidential Proclamation refusing entry into the United States of anyone who has "planned, ordered, assisted, aided and abetted, committed or otherwise participated in, including through command responsibility, war crimes, crimes against humanity or other serious violations of human rights, or who attempted or conspired to do so."

The administration's misstep in inviting Nafie was met with grave expressions of concern from many in the Sudan advocacy community. Eventually, at a Tom Lantos Human Rights Commission hearing focused on Sudan just last month the administration indicated the invitation was now off the table—although they did not rule out another change of course in the future.

Candidate Obama purported to be deeply concerned by the crisis in Sudan and committed to bold actions.

Have we seen a fraction of that concern or anything close to bold action since he became president?

Candidate Obama was sharp in his criticism of President Bush's handling of Sudan.

Have we seen President Obama take even fleeting interest, beyond the occasional talking point, in the deteriorating situation in Sudan marked in part by a growing humanitarian crisis in the Nuba Mountains?

In a piece in the August 4, 2011 Christian Science Monitor noted Sudan researcher and activist Eric Reeves, wrote, "If the world refuses to see what is occurring in South Kordofan, and refuses to respond to evidence

that the destruction of the Nuba people, as such, is a primary goal of present military and security actions by Sudan, then this moment will represent definitive failure of the 'responsibility to protect.'"

Meanwhile in an April 23, 2012 speech at the U.S. Holocaust Museum President Obama lauded his commitment in the realm of genocide and mass-atrocities prevention, saying, without a hint of irony, "We're making sure that the United States government has the structures, the mechanisms to better prevent and respond to mass atrocities. So I created the first-ever White House position dedicated to this task. It's why I created a new Atrocities Prevention Board, to bring together senior officials from across our government to focus on this critical mission. This is not an afterthought."

He continued, ". . . we need to be doing everything we can to prevent and respond to these kinds of atrocities—because national sovereignty is never a license to slaughter your people."

I couldn't agree more. And yet, I think most in the Sudan watchers would hardly be able to claim that this administration has done everything it can to prevent and respond to Khartoum's assault on its own people.

Arguably, the Obama administration's moral equivalency and silence in the face of atrocities in Sudan has only, in the words of famed Holocaust survivor Elie Wiesel, helped the oppressor and encouraged the tormentor.

With tensions between Sudan and South Sudan on the rise and nearing a tipping point, thousands starving in the Nuba Mountains, refugees fleeing aerial bombardment and pouring over the border into South Sudan, violence persisting in Darfur and an internationally indicted war criminal at the helm in Khartoum who travels the globe with seeming impunity, it is time for a fresh policy and a renewed commitment to peace and justice in Sudan.

To date, this President has offered nothing more than an abdication of leadership and a failure of vision, which has culminated in human suffering and misery.

Obama has failed the people of Sudan who yearn for peace, justice and basic human rights.

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## PERSONAL EXPLANATION

### HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 2013

Mr. COLE. Mr. Speaker, on July 10, 2013, I was unavoidably detained and was not present for rollcall vote No. 330 and rollcall vote No. 331. Had I been present, I would have voted no on vote No. 330 and no on vote No. 331.

**IN SUPPORT OF MOLDOVAN PARLIAMENT DECLARATION ON THE CURRENT SITUATION OF THE TRANSNISTRIAN CONFLICT SETTLEMENT PROCESS**

**HON. JOSEPH R. PITTS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. PITTS. Mr. Speaker, I rise in support of the peaceful reintegration of the young and aspiring Republic of Moldova. I also want to acknowledge my colleagues Rep. DAVID PRICE, Rep. ELIOT ENGEL, Rep. WILLIAM KEATING, Rep. ILEANA ROS-LEHTINEN, Rep. MARK MEADOWS, Rep. DIAZ-BALART, Rep. ALCEE HASTINGS, and Rep. PATRICK MCHENRY, who have agreed to associate themselves with this statement.

Most importantly, we support the recent conclusion of negotiations between the Republic of Moldova and the European Union on Moldova's Association Agreement, held in Luxembourg on June 25, 2013. We welcome the progress instituted by Prime Minister Iurie Leanca and the Moldovan government in strengthening democratic institutions and the rule of law, as well as in preparing for economic and political association with the European Union.

As the goals and promotion of values of the Eastern Partnership are of utmost importance to U.S. strategic policy, we encourage Moldova to remain united in its continued focus on the domestic reforms integral to eventual European Union accession. We hope that the forthcoming EU Summit in Vilnius in November will result in an opportunity to reaffirm Moldova's EU aspirations, and call on the U.S. State Department to assist in every aspect of this challenging transition. Doing so affirms the United States' commitment to our allies in this region.

While encouraged by Moldova's increasing harmonization with EU norms and standards—as evidenced by its recent agreement on the Deep and Comprehensive Free Trade Agreement as part of the European Union's Association Agreement—Moldova is being forced to fight for its own internationally recognized sovereign, independent and territorial integrity.

We are concerned with the unilateral set of actions undertaken by the self-proclaimed leaders of the breakaway region of Transnistria, who recently launched provocative actions by adopting the so-called “legal act on the border.” These unilateral actions violate Moldova's sovereignty, as the leadership of Transnistria has claimed territories that are fully in the control of the Republic of Moldova. We are also concerned by recent entreaties by the leadership in Transnistria—entreaties that threaten Moldova's territorial integrity and European Union accession prospects. These actions undermine the July 1992 ceasefire as well as the “5+2” conflict settlement process. We call on the U.S. State Department to secure a fair and democratic settlement process while maintaining Moldova's independence and sovereignty.

Today, we stand in support of the Moldovan Parliament's Declaration on the Current Situation of the Transnistrian Conflict Settlement

Process, adopted consensually on June 21, 2013, and urge leaders of the self-proclaimed Transnistria, as well as all parties involved in 5+2 negotiation process, to conclude negotiations on the legal status of the Transnistrian region and its rightful role in the Republic of Moldova. Only a legal status agreed upon through the 5+2 framework will prevent further escalation of conflict. At the same time, we firmly recognize the need to finalize the withdrawal of Russian troops and munitions from the region, according to its internationally recognized obligations assumed at the 1999 summit of the Organization for Security Cooperation in Europe.

We call on the United States and the international community to take all the diplomatic steps possible to prevent further escalation of conflict, protect Moldova's European Union accession aspirations, resume talks on the political status of Transnistria and ensure the reintegration of a sovereign and independent Moldova.

**TRIBUTE TO BETH GROVES**

**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Norco, California are exceptional. Norco has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Beth Groves is one of these individuals. This year, Beth will end her tenure as the City Manager for the city of Norco after four years of service.

Beth's passion and commitment for providing for the community began early. After graduating from Central Michigan University with a Bachelor of Arts in Applied arts, she went on to hone her talent, receiving a Masters in Public Administration from California State University Long Beach, and a Doctorate in Public Administration from the University of Laverne. Beth began her career as Community Relations Coordinator for Mission Hospital, in Mission Viejo, California, and eventually landed a position in the City Manager's Office of Corona, where she served from 1996 to 2008, ultimately becoming the City Manager of Corona. It is the expertise and knowledge gained through these experiences that have allowed to Beth lead Norco for the past four years in such a dynamic manner.

Under Beth's leadership, the city administration has actively promoted and supported the community. Beth is credited with many accomplishments during her time, including negotiating the Silverlakes agreements, establishing a new animal shelter despite many budget restraints, and maintaining the Preservation and Development Zone (PAD) program by working closely with both the planning director and historic commission. She has also encouraged economic development and a family-centered entertainment atmosphere by increasing filming and events that have taken place within the city.

In 2002, Beth received the “Woman of Distinction” Award in the category of International Good Will and Understanding from Soroptimist International of Corona, and the title of “2007 Distinguished Citizen of the Year” from the Temescal District of the Boy Scouts of America. She has also served as a Community Council Member for the Corona-Norco Chapter of the American Cancer society. The highlights of her extensive volunteer experience include The Foundation for Community and Family Health, Alternatives to Domestic Violence (ADV), Inspire Life Skills, and Peppermint Ridge.

Beth is no stranger to Southern California, having been a Corona resident for many years, where she is a mother to two adult sons and is a member of the Crossroads Christian Church. At the conclusion of her time as City Manager, Beth will remain a fixture in our community, serving as a full time professor at Cal Baptist University in Riverside, CA.

In light of all Beth has done for the city of Norco and the greater community, it is only fitting that she be honored for her many years of dedicated service. Beth's tireless passion for public service has contributed immensely to the betterment of Corona and Norco and I am proud to call her a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she moves forward.

**PERSONAL EXPLANATION**

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. WEBSTER of Florida. Mr. Speaker, on rollcall No. 316, had I been present, I would have voted “no.”

On rollcall No. 317, had I been present, I would have voted “yes.”

On rollcall No. 318, had I been present, I would have voted “no.”

On rollcall No. 319, had I been present, I would have voted “yes.”

On rollcall No. 320, had I been present, I would have voted “no.”

On rollcall No. 321, had I been present, I would have voted “no.”

On rollcall No. 322, had I been present, I would have voted “no.”

On rollcall No. 323, had I been present, I would have voted “no.”

On rollcall No. 324, had I been present, I would have voted “no.”

On rollcall No. 325, had I been present, I would have voted “no.”

On rollcall No. 326, had I been present, I would have voted “no.”

On rollcall No. 327, had I been present, I would have voted “no.”

On rollcall No. 328, had I been present, I would have voted “no.”

On rollcall No. 329, had I been present, I would have voted “no.”

On rollcall No. 330, had I been present, I would have voted “yes.”



CELEBRATING THE CENTENNIAL  
OF DELTA SIGMA THETA SORORITY,  
INC.

### HON. JOYCE BEATTY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mrs. BEATTY. Mr. Speaker, I rise today to celebrate the 100th anniversary of the founding of my sorority, Delta Sigma Theta Sorority, Inc.

I am a proud member of this sisterhood—a sisterhood of more than 200,000 predominantly Black college-educated women with some 900 chapters across the United States.

This week, tens of thousands of my sorors will travel to Washington, DC, to honor our sisterhood, which was founded at Howard University on January 13, 1913.

We will trace our journey from the halls of Howard where twenty-two visionary undergraduate students created an organization committed to fostering a spirit of sisterhood, scholarship, and service among women.

We come together to honor the memory of all our sorors who came before us and contributed to our great Delta Sigma Theta, Inc. legacy.

We stand on the shoulders of greatness and in the midst of greatness.

And, I am certain our legacy of leadership, service, and friendship will endure for another one hundred years and beyond.

HONORING THE 60TH ANNIVERSARY  
OF SAINT CLARE'S  
HEALTH SYSTEM

### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor Saint Clare's Health System, located in the Township of Denville, Morris County, New Jersey, which is celebrating its 60th anniversary.

The history of Saint Clare's Health System dates back to 1895, when the Sisters of the Sorrowful Mother, the founders of Saint Clare's, came to Denville. After building a health resort that saw tremendous success, the Sisters decided it was time to go forth with another project in 1940. However, World War II intervened, and the project did not take root until 1949. With the post-war housing boom and migration to the suburbs, the Sisters saw a growing need for a hospital in Denville and the surrounding area. Finally, after building a 157-bed hospital at a cost of \$3.25 million and hiring a staff of 35 nurses and medical technicians, the Sisters opened Saint Clare's Hospital Auxiliary on September 24, 1953.

Saint Clare's commitments and expectations in the community have grown, as it continues to explore new ways to enhance its medical care. Saint Clare's now encompasses hospitals in Denville, Dover, and Boonton Township, with other facilities scattered throughout both Morris and Sussex Counties, featuring the most up-to-date technology and offering

the most compassionate care in the community. Denville and the surrounding area have come to rely on Saint Clare's in its times of need, and Saint Clare's has always responded with open arms.

The Saint Clare's Health System tradition is built on values such as reverence, integrity, compassion, and excellence. In exhibiting those core values, Saint Clare's has become one of the most prestigious health services in northern New Jersey. Saint Clare's aims to nurture those in need of medical help by offering a wide range of medical services, like women's health, maternal-child care, emergency services, pediatrics, behavioral therapy, cardiovascular care, weight loss surgery, and a world-class cancer center. Through those medical services, Saint Clare's has been able to provide the most personal and most advanced health care to Denville and the surrounding municipalities, while emphasizing human dignity and social justice by helping create healthier communities.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Saint Clare's Health System as it celebrates its 60th anniversary.

TIME WARNER CABLE DATA  
CENTER IN COLORADO

### HON. CORY GARDNER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. GARDNER. Mr. Speaker, I rise today to recognize a valuable, job creating project that broke ground in the great State of Colorado.

On June 25, Time Warner Cable unveiled an \$85 million data center in Centennial, Colorado.

This center will support the equipment needed to deliver digital video and IP based services to many Time Warner Cable customers and will complement the company's data center in Charlotte, North Carolina.

Construction of this project will last through much of 2014 and the center will go online in January of the following year.

Upgrades at the facility have been ongoing since 2011 and when the new development is complete, Time Warner Cable will have invested more than \$141 million in my home State.

That's a big project for any municipality, but in a town with a population of 102,603, it is an economic game changer. The jobs created by the construction and staffing of the finished facility will have an immediate impact on the town and surrounding area.

Time Warner Cable's commitment to diversifying Colorado's economy and providing opportunities for Colorado's working families is to be commended.

IN HONOR OF ROY HARRIS

### HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. BRADY of Texas. Mr. Speaker, I stand today to honor my friend, Roy Harris of Cut and Shoot on his 80th birthday.

All across America, there are living legends every American should know about and Montgomery County, Texas has a special icon: Roy Harris.

To fully understand Roy's legendary status, we have to take a trip back in time. Roy's first brush with fame came during his early teen-aged years when he and his brother captured a 14 foot alligator and brought it to a pond on their family's property. At the time, that was the largest alligator ever captured in Texas.

In his early 20's, Roy stepped into the boxing ring with determination. He won his first 23 fights, beating some of the top boxers of his generation, earning Ring Magazines' progress of the year for 1957. He was featured on the coveted cover of Sports Illustrated which played up his East Texas roots having him stand on a cabin porch with a 19th century rifle and loyal canine companion at his side.

Roy's legend grew even larger when he stepped into the ring to battle reigning world champion and Olympic Gold Medalist Floyd Patterson for the world's heavyweight boxing title.

The referee stopped the fight after 12 rounds, but not before Roy became a national hero. It was Roy's fame, and a boost from his hit record "Cut'n Shoot, Texas USA", that literally put his hometown on the map and garnered it an official U.S. Post Office.

But Roy is so much more than an alligator wrangler, a top flight boxer or radio hit maker, Roy was also a college honor student and a reserve officer in our military. He taught elementary school before becoming a lawyer, real estate mogul and popular public servant serving several terms as our county treasurer. I can tell you from personal experience, no one campaigns harder, longer, and more for the people than Roy Harris.

He and his wonderful wife, Jeannie, raised six impressive children. He told his story much better than I could in his book "Roy Harris: Backwoods Battler." My only question was how is this autobiography not in multiple volumes?

With 30 wins in the ring and many, many more wins in life, it was fitting that our community came together last month for a public birthday bash for Roy's 80th.

Roy, thanks for being a great example for your children, my children, and millions of others. Your legend will only keep growing.

PERSONAL EXPLANATION

### HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Ms. CLARKE. Mr. Speaker, I was unavoidably detained in my district and missed the votes on Monday, July 8, 2013.

Had I been present, I would have voted "no" on rollcall No. 305, H.R. 1341—Financial Competitive Act of 2013, "no" on rollcall No. 306, H.R. 1564—Audit Integrity and Job Protection Act, as amended, and "yes" on rollcall No. 307, H.R. 1171—FOR VETS Act of 2013.

IN RECOGNITION OF MR. JOE BISCEGLIA'S 16 YEARS OF DEDICATED SERVICE TO THE MASSACHUSETTS SECOND CONGRESSIONAL DISTRICT

**HON. JAMES P. McGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. McGOVERN. Mr. Speaker, I rise today in recognition of a great friend and a true public servant, Mr. Joseph Bisceglia, for his years of dedicated service to the constituents of the Massachusetts Second Congressional District. After 16 years as District Representative in my Worcester Congressional office, Joe is moving on to another position.

Joe joined my Worcester office early in my first term in 1997. Since that time he has exhibited consistent excellence and shown a thoughtful and compassionate hand in all of his work. Joe has helped so many people—too many to count. I believe, and I know that many of my colleagues will agree with me, that constituent casework is one of the most important things we do as members of Congress. Whether it was helping a veteran get the benefits he rightfully earned or helping a family to find a decent place to live, Joe exemplified the true meaning of "public service."

It will be difficult to say goodbye to such a loyal friend and colleague, but I am confident that Joe will continue to display his good humor and dedication in his new position. I know my colleagues will join me in recognizing Joe Bisceglia for his many years of faithful service to the people of Massachusetts and in wishing him and his family the very best in the years ahead.

DELTA SIGMA THETA 51ST  
NATIONAL CONVENTION

**HON. MARCIA L. FUDGE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Ms. FUDGE. Mr. Speaker, I rise to salute the women of Delta Sigma Theta Sorority, Incorporated as 100 years of sisterhood, scholarship and service is celebrated in our nation's capital—the home of the Sorority's founding. Tomorrow thousands of women will convene on the National Mall to kick off the sorority's 51st National Convention.

I pay tribute to 100 years of trailblazing in honor of the sorority's 22 courageous and visionary Founders, and its members who have also served in Congress, including Barbara Jordan, Shirley Chisholm, Carrie Meek and Stephanie Tubbs-Jones.

A sisterhood called to serve, Delta Sigma Theta has developed and implemented many

programs to promote educational and economic development, improve physical and mental health, and increase international and political awareness and involvement.

I welcome my Sorors to the Nation's capital, and salute a century of distinguished serve here at home and around the globe.

OUR UNCONSCIONABLE NATIONAL  
DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,738,227,772,946.05. We've added \$6,111,350,724,032.97 to our debt in 4 and a half years. This is \$6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

PERSONAL EXPLANATION

**HON. RUSH HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mr. HOLT. Mr. Speaker, on Monday, July 8, I was not present for Recorded Votes under a suspension of the rules. Had I been present I would have voted as follows:

"No" on rollcall vote 305 on motion to suspend the rules and pass H.R. 1341;

"No" on rollcall vote 306 on motion to suspend the rules and pass H.R. 1564;

"Yes" on rollcall vote 307, on motion to suspend the rules and pass H.R. 1171;

On Tuesday, July 9, following debate of H. Res. 288, the rule providing for consideration of the H.R. 2609 making appropriations for energy and water development and related agencies for the fiscal year 2014, I was not able to be present for Recorded Votes.

Had I been present during the vote series, I would have voted as follows:

"No" on rollcall vote 308, On Ordering the Previous Question;

"No" on rollcall vote 309, On Agreeing to the Resolution to provide for consideration of H.R. 2609;

"No" on rollcall vote 310, On Approving the Journal.

On Wednesday, July 10, during debate of amendments to and on passage of H.R. 2609 making appropriations for energy and water development and related agencies for the fiscal year 2014, I was unable to be present for Recorded Votes. Had I been present during these vote series, I would have voted as follows:

"Yes" on rollcall vote 328, on agreeing to the Hastings (FL) amendment;

"Yes" on rollcall vote 329, on agreeing to the Garamendi amendment;

"No" on rollcall vote 330, on agreeing to the Broun (GA) amendment;

"Yes" on rollcall vote 331, on agreeing to the Jackson Lee amendment;

"Yes" on rollcall vote 332, on agreeing to the Quigley amendment;

"No" on rollcall vote 333, on agreeing to the Heck (NV) amendment;

"Yes" on rollcall vote 334, on agreeing to the Polis amendment;

"Yes" on rollcall vote 335, on agreeing to the Burgess amendment;

"Yes" on rollcall vote 336, on agreeing to the Burgess amendment;

"Yes" on rollcall vote 337, on agreeing to the Titus amendment;

"Yes" on rollcall vote 338, on agreeing to the Lynch amendment;

"No" on rollcall vote 339, on agreeing to the Whitfield amendment;

"No" on rollcall vote 340, on agreeing to the Fleming amendment;

"Yes" on rollcall vote 341, on agreeing to the Garamendi amendment;

"Yes" on rollcall vote 342, on agreeing to the Speier amendment;

"No" on rollcall vote 343, on agreeing to the Chabot amendment;

"Yes" on rollcall vote 344, on motion to recommit with instructions;

"No" on rollcall vote 345, on passage of H.R. 2609.

RECOGNIZING THE SECOND ANNUAL NATIONAL TENNIS CAMP FOR WOUNDED, ILL, AND INJURED SERVICE MEMBERS AND VETERANS

**HON. SUSAN A. DAVIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 11, 2013*

Mrs. DAVIS of California. Mr. Speaker, I rise today to recognize the United States Tennis Association, San Diego District Tennis Association, Naval Medical Center San Diego, and Balboa Tennis Club for working together on the second annual National Tennis Camp for Wounded, Ill, and Injured Service Members and Veterans.

This remarkable event took place on June 12, 2013 through June 15, 2013 and brought military heroes together to play tennis while working to improve their well-being and overall quality of life.

I would like to also acknowledge the U.S. Olympic Committee, the Department of Veterans Affairs, and private donors for providing all funding for the costs for each participant.

Since 2009, the Balboa Tennis Club, in collaboration with Naval Medical Center San Diego and the San Diego District Tennis Association, has provided hundreds of free tennis clinics to more than 400 ill and injured service members and veterans from all the military services as part of Naval Medical Center San Diego's Balboa Warrior Athlete Program.

The Balboa Warrior Athlete Program's tennis program and tennis camp have been recognized nationally and are the model for similar tennis programs for ill and injured service members and veterans that have been established at other major military medical centers, Warrior Transition Units, and VA hospitals across the country.

*July 11, 2013*

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The United States Tennis Association and its member organizations have a long and proud history of supporting veterans and wounded warriors. The USTA Military Outreach mission is to provide sustainable worldwide tennis support, training and programming options to America's service members, families and veterans. The USTA utilizes its existing initiatives and programs to reach, support

and provide direct services to military families, service members and veterans. The USTA has introduced more than 300,000 deployed service members to the recreational, therapeutic and social benefits of tennis.

These efforts have made a positive impact in the lives of ill and injured service members and veterans. Tennis allows them to work on eye-hand coordination, balance, endurance,

and the ability to transfer weight. It also decreases stress and anxiety and helps with reintegration into the community.

All the above-mentioned parties who came together to put on a successful National Tennis Camp for Wounded, Ill, and Injured Service Members and Veterans deserve our thanks and gratitude.

## HOUSE OF REPRESENTATIVES—Monday, July 15, 2013

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 15, 2013.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

We give You thanks, O God, for giving us another day.

We ask Your blessing upon this assembly and upon all to whom the authority of government is given. Help them to meet their responsibilities during these days, to attend to the immediate needs and concerns of the moment, all the while enlightened by the majesty of Your creation and Your eternal Spirit.

We give You thanks that we all can know and share the fruits of Your Spirit, especially in this time the virtue of tolerance and reconciliation, of justice and righteousness, of goodwill and understanding, of patience and loving care for others.

Watch over this House and cause Your blessing to be upon each Member, that they might serve all the people with sincerity and truth.

May all that is done this day be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from the Honorable EDWARD J. MARKEY, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, July 15, 2013.

Hon. JOHN BOEHNER,  
*Speaker, The Capitol,*  
*Washington, DC.*

DEAR SPEAKER BOEHNER: I am writing to inform you that I will resign my seat in the United States House of Representatives in order to serve in the United States Senate as a Senator from Massachusetts. My resignation from the United States House of Representatives is effective at the close of business on Monday, July 15, 2013.

I have enclosed a copy of the letter of resignation that I sent to Massachusetts Governor Deval Patrick indicating the same.

Respectfully,

EDWARD J. MARKEY.

Hon. DEVAL PATRICK,  
*Governor, Commonwealth of Massachusetts,*  
*State House—Room 280, Boston, MA.*

DEAR GOVERNOR PATRICK: It has been my privilege to represent my Congressional District in the United States House of Representatives for almost 37 years. I am greatly honored by the trust and confidence placed in me by the people who live in these communities and proud of the work that I have been able to contribute to Massachusetts and our country.

I hereby resign my seat in the United States House of Representatives effective at the close of business on Monday, July 15, 2013 in order to assume the office of United States Senator from Massachusetts.

Respectfully,

EDWARD J. MARKEY.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and a Concurrent Resolution of the House of the following titles:

H.R. 2289. An act to rename section 219(c) of the Internal Revenue Code of 1986 as the Kay Bailey Hutchison Spousal IRA.

H. Con. Res. 43. Concurrent Resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony honoring the life and legacy of Nelson Mandela on the occasion of the 95th anniversary of his birth.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned

until noon tomorrow for morning-hour debate.

There was no objection.

Thereupon (at 10 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 16, 2013, at noon for morning-hour debate.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2235. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Lacey Act Implementation Plan: Definitions for Exempt and Regulated Articles [Docket No.: APHIS-2009-0018] (RIN: 0579-AD11) received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2236. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Heavy-Duty Engine and Vehicle, and Nonroad Technical Amendments [NHTSA-2012-0152; FRL 9772-3] (RIN: 2127-AL31) received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2237. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Captiva, FL [Docket No.: FAA-2012-1335; Airspace Docket No. 12-ASO-19] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2238. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Pine Island, FL [Docket No.: FAA-2012-1336; Airspace Docket No. 12-ASO-20] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2239. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Bass Harbor, ME [Docket No.: FAA-2012-0793; Airspace Docket No. 12-ANE-14] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2240. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Airplanes [Docket No.: FAA-2012-1001; Directorate Identifier 2012-NM-020-AD; Amendment 39-17453; AD 2013-09-11] (RIN: 2120-AA64) received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2241. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2013-0426; Directorate Identifier 2013-NM-084-AD; Amendment 39-17463; AD 2013-11-03] (RIN: 2120-AA64)

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2242. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Linton, ND [Docket No.: FAA-2012-1097; Airspace Docket No. 12-AGL-1] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2243. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-1000; Directorate Identifier 2012-NM-065-AD; Amendment 39-17460; AD 2013-10-07] (RIN: 2120-AA64) received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2244. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Turbohaft Engines [Docket No.: FAA-2013-0024; Directorate Identifier 2000-NE-12-AD; Amendment 39-17469; AD 2013-11-09] (RIN: 2120-AA64) received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2245. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Gillette, WY [Docket No.: FAA-2013-0185; Airspace Docket No. 13-ANM-8] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2246. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace [Docket No.: FAA-2013-0193; Airspace Docket No. 13-ANM-9] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2247. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace and Establishment of Class E Airspace; Pasco, WA [Docket No.: FAA-2012-1345; Airspace Docket No.: 12-ANM-31] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2248. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Bend, OR [Docket No.: FAA-2013-0026; Airspace Docket No. 13-ANM-3] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2249. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Immokalee-Big Cypress Airfield, FL [Docket No.: FAA-2012-1051; Airspace Docket No. 12-ASO-39] received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2250. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Importer Permit Requirements for Tobacco Products and Processed Tobacco, and Other Requirements for Tobacco Products, Processed Tobacco, and Cigarette Papers and Tubes [Docket No.: TTB-2013-0006; T.D. TTB-115; Re: Notice No. 137; T.D. ATF-421; T.D. ATF-422; ATF Notice Nos. 887 and 888] (RIN: 1513-AB37) received July 8, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PALAZZO (for himself and Mr. SMITH of Texas):

H.R. 2687. A bill to authorize the programs of the National Aeronautics and Space Administration, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. ROSS:

H.R. 2688. A bill to improve healthcare-related, tax-preferred savings accounts and to provide for cooperative governing of individual and group health insurance coverage across State lines, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. PALAZZO:

H.R. 2687.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3 of the Constitution of the United States.

Article I, section 8, clause 18 of the Constitution of the United States.

By Mr. ROSS:

H.R. 2688.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 281: Mr. PAYNE.

H.R. 647: Mr. ROTHFUS and Mr. SENSENBRENNER.

H.R. 718: Mr. FRANKS of Arizona, Mr. KINGSTON, and Mr. LANKFORD.

H.R. 915: Mr. COOPER.

H.R. 938: Mr. GALLEGO, Ms. SCHAKOWSKY, Mr. RYAN of Ohio, Mr. SHUSTER, Mr. DENT, Mr. DENHAM, Mr. GOWDY, Mr. SMITH of Missouri, Mr. WOLF, Mr. BEN RAY LUJÁN of New Mexico, Mr. QUIGLEY, Mr. LATTA, Ms. GRANGER, Ms. LORETTA SANCHEZ of California, and Mr. CALVERT.

H.R. 961: Mr. CONNOLLY.

H.R. 1037: Ms. LOFGREN.

H.R. 1199: Mr. GARAMENDI.

H.R. 1869: Mr. BISHOP of Georgia and Mr. GERLACH.

H.R. 1893: Mr. WAXMAN.

H.R. 1897: Mr. MORAN.

H.R. 2044: Mr. WAXMAN.

H.R. 2429: Mr. HASTINGS of Washington, Mr. TURNER, Mr. COBLE, and Mr. STOCKMAN.

H.R. 2449: Mr. MEEKS and Mr. ROHRBACHER.

H.R. 2453: Mr. BURGESS.

H.R. 2456: Mr. PRICE of Georgia.

H.R. 2495: Mr. RUSH.

H.R. 2560: Mr. PAYNE.

H.R. 2667: Mrs. MILLER of Michigan, Mr. BACHUS, and Mr. HUIZENGA of Michigan.

H.R. 2682: Mr. BOUSTANY, Mr. KINGSTON, Mr. LABRADOR, and Mr. FLEISCHMANN.

H. Res. 276: Mr. PETERS of California.

H. Res. 281: Mr. STEWART, Mr. JOHNSON of Georgia, Mr. ROHRBACHER, Mr. HOLT, Mr. NUGENT, Mr. LANCE, Mr. LEWIS, Mr. BISHOP of Utah, Mr. DIAZ-BALART, Mr. WOLF, Ms. WATERS, and Mr. MCCAUL.

## SENATE—Monday, July 15, 2013

The Senate met at 2:01 p.m. and was called to order by the Honorable TIM Kaine, a Senator from the Commonwealth of Virginia.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Shepherd of love, sustainer of our lives, and superintendent of our destinies, we honor Your Name. Lord, in these turbulent times, we continue to look to You, our helper, as You lead us beside still waters, restoring our souls. Help us to trust You even when we don't understand Your providential movements, as we find joy in Your presence each day.

Thank You for Your constant love and for Your reminder that in everything You are working for the good of those who love You and are called according to Your purposes. Guide our Senators, keeping them from deviating from strict integrity, as they strive to live worthy of Your love. We pray, in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 15, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIM Kaine, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. Kaine thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### KEEP STUDENT LOANS AFFORDABLE ACT OF 2013—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 124.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1238) to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, and to modify required distribution rules for pension plans, and for other purposes.

### SCHEDULE

Mr. REID. Mr. President, following my remarks, the time until 5:30 p.m. will be equally divided and controlled. At 5:30 there will be a rollcall vote, with a live quorum requested. Senators should be advised that may not be the only vote today. We may have to have some more votes before we start our joint caucus, which is scheduled for 6 o'clock. I hope there will only be the need for one vote—we should know at 5:30 or thereabouts—but we could have several votes. I look forward to the joint caucus.

### RESERVATION OF LEADER TIME

Mr. REID. At this time I ask the Chair to announce the business of the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 5:30 p.m. will be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. If there are quorum calls during this time, I ask unanimous consent that they be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. WARREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### CONSUMER FINANCIAL PROTECTION BUREAU

Ms. WARREN. Mr. President, I rise today to speak about the Consumer Fi-

nancial Protection Bureau and the re-nomination of Rich Cordray to serve as its Director.

Several years ago I began working on the idea for a consumer finance agency because our consumer credit system was badly broken. The laws were inconsistent, they were often arbitrary, and the basic rules changed for the same kind of product, such as a mortgage, depending on what kind of company sold it. People got cheated. And, as we know, in 2008, reckless and dangerous mortgage lenders and Wall Street traders who made money off those mortgages nearly brought our entire economy to its knees.

In 2010 Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act. The consumer protection part of that was the new consumer agency—the CFPB—which was designed as a watchdog to keep credit card issuers, mortgage lenders, and student loan marketers from cheating people.

Now, there was a lot of negotiation over the structure of this new agency. Hearing after hearing, markup after markup, floor vote after floor vote. But now the same big bank lobbyists are fighting the same fight and using the same tired old talking points about the consumer agency they were using years ago. You know, you really have to wonder just how much money they are making fighting this fight over and over. But now let's go ahead one more time and talk about the facts.

Congress built in many features to the consumer agency so that it would have strong oversight. Let me share just a few examples.

The CFPB is the only agency in government that is subject to a veto from other agencies over its rules—the only one. The CFPB is the only banking regulator that is subject to a statutory cap on its funding—the only one. The CFPB Director is legally obligated to produce regular reports to Congress, to testify before Congress regularly, and to comply with audits. The CFPB also has now testified more than 30 times before Congress—30 times. In addition, the CFPB is subject to all the regular constraints in our system of government that constrain every agency—the Administrative Procedures Act, judicial review, and so on. And, of course, there is the ultimate oversight: Congress can overrule any CFPB regulation.

Since the agency became law in 2010, there have been two major developments. The first is that Director Cordray has done an excellent job. He has won praise from consumer and industry groups and from Republicans

and Democrats for his balanced rule-making and his measured approach. Small institutions such as community banks and credit unions—the ones that didn't cause this crisis—think he has been fair and effective. Other institutions that want a fair marketplace, those that don't want to make a profit by cheating their customers, like Rich too.

The agency is working. It has already forced credit card companies to refund nearly \$½ billion they tricked consumers out of, and the complaint center is giving tens of thousands of people a chance to fight back when they are cheated. The agency has helped out military families, seniors, and students. It has helped a lot of people.

The agency has become the watchdog so many of us fought for, and Rich has surpassed even the high expectations I had for him 2 years ago when I stood next to him in the Rose Garden as the President nominated him for the first time to the CFPB.

There has been a second development since.

The need for certainty has been intensified. It has been nearly 5 years since the crisis and 3 years since the passage of Dodd-Frank. The banks need to know for sure who is in charge and what rules apply. They need to know that everyone will be playing by the same rules and exactly what those rules will be.

Here is an example. Both lenders and consumer groups have praised the CFPB's new mortgage rules. Now it is time for everyone to know that these rules—not the unpopular default rule in Dodd-Frank that the new rules replaced—are the law. That helps everyone.

The American people deserve a government that will hammer out good rules, that will enforce those rules, and then will get out of the way so the markets can work. They do not deserve endless relitigation of stale political disputes and the uncertainty caused by repeated filibusters of qualified and proven nominees.

I am new to the Senate, but I don't understand why this body accepts a system where this kind of political stalemate will not end in more government or less government but just in bad government—government that lacks the consistency, clarity, and predictability that honest businesses and hard-working families need to plan for the future.

I don't understand why we would let an honorable public servant such as Rich Cordray get stuck in this nonsense. I don't understand why, when everyone says Rich is terrific, we can't just vote on his appointment.

I know some Republicans and some lobbyists think if they filibuster Rich's appointment they are somehow going to be able to shut down the agency and protect the big banks from any mean-

ingful consumer protection rules. They can use all the slogans they want and talk about things such as accountability, but outside the Halls of this Congress and the fancy lobbyist offices around Washington no one wants more fine print and more tricks and traps. No one thinks it is OK to cheat regular people and cut special deals for giant banks. No one wants to take cops off the beat so big banks can break the rules without being held accountable.

So let me be clear to those who think this filibuster will shut down the work of the new agency. Let me be crystal clear. The Consumer Financial Protection Bureau is the law, and it is here to stay. Do your dirtiest with obstructing the confirmation of the new Director, but the agency will keep on doing what it does best: fighting for the American people.

We fought to get this consumer agency. We fought big banks and their army of lobbyists. We fought hard and we won. Now we have a strong and independent watchdog to stop the banks from cheating families. We are not giving up now.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I have some comments and statements to make regarding filibuster reform and nominees. I ask unanimous consent that I be allowed to speak for up to 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### NOMINATIONS

Mr. HARKIN. Mr. President, I wish to take the floor to talk about these critical nominations the Senate is currently considering. In all of the talk about these nominations, about the politics of recess appointments and everything, one thing that has been missing is a real consideration of who these people are. Let's bring it down to the personal. Who are these people? What have they done? What can they do to serve our country?

We seem to have forgotten, in all this chaff that is out there and all the arguments going on, what we are supposed to be doing to fulfill our constitutional responsibility to advise and consent to Presidential nominations. As I understand it, we are supposed to look at the qualifications of the candidates, determine if they are fit to serve, and beyond that, that is it. The answer with all of the nominees before us is an unqualified yes. They are qualified, they

are fit to serve, and the President should be allowed to put together his team. That should be the end of our task. We should confirm them all today—or tomorrow, I guess, when they come up—and move on to the many other important issues facing this body.

I am going to talk in a little bit about the whole filibuster issue itself, but first I would like to talk a little bit about one of the first of the nominees who is up, and that is the President's choice to be our Secretary of Labor, Tom Perez. Without question, Tom Perez has the knowledge and experience needed to guide the Department of Labor—one of our key Cabinet posts.

Through his professional experiences, especially his work as secretary of the Maryland Department of Labor, Licensing and Regulation—yes, he was basically the secretary of labor for the State of Maryland, and he developed a very strong policy expertise about the many issues that confront American workers and businesses. He spearheaded major initiatives on potentially controversial issues, such as unemployment insurance reform and worker misclassification, while finding common ground between workers and employers to build sensible, commonsense solutions. It won him the support of the business community and worker advocates alike.

To quote from the endorsement letter of the Maryland Chamber of Commerce:

Mr. Perez proved himself to be a pragmatic public official who was willing to bring differing voices together. The Maryland Chamber had the opportunity to work with Mr. Perez on an array of issues of importance to employers in Maryland, from unemployment and workforce development to the housing and foreclosure crisis. Despite differences of opinion, Mr. Perez was always willing to allow all parties to be heard and we found him to be fair and collaborative. I believe that our experiences with him here in Maryland bode well for the nation.

That is from the Maryland Chamber of Commerce.

Tom Perez has dedicated his professional life to making sure that every American has a fair opportunity to pursue the American dream. Most recently, as the Assistant Attorney General for Civil Rights at the Department of Justice, he has been a voice for the most vulnerable, and he has reinvigorated the enforcement of some of our most critical civil rights laws. He has helped more Americans achieve the dream of home ownership through his unprecedented efforts to prevent residential lending discrimination. He has stepped up the Department of Justice efforts to protect the employment rights of service members so that our men and women in uniform can return to their jobs and support their families after serving their country.

As the Senate author of the Americans with Disabilities Act, I am particularly pleased with Mr. Perez's long



history of leadership on disability rights issues. While at the Department of Justice, he helped ensure that people with disabilities have the choice to live in their own homes and communities rather than only in institutional settings and to receive the support and services to make this independent living possible.

Like any leader whose career has involved passionate and visionary work for justice, Tom Perez's career has been one of making difficult decisions and management challenges. He has been the target of a lot of accusations and mudslinging and misperceptions. But we have looked—I have looked carefully into his background and record of service, and I can assure my colleagues that Tom Perez has the strongest possible record of professional integrity. Any allegations to the contrary are totally unfounded.

Again, Mr. Perez appeared before our committee. He was willing to answer any and all questions. To those who were at the committee, those who submitted letters—he has answered more than 200 written questions. He made himself available to any Senator who wanted to meet with him. He has been most accommodating, and I can say that the administration has provided all the access people have wanted to his personal e-mails. In fact, this administration, I can say from my experience in the last 29 years, has gone further in providing access to even the personal materials of Tom Perez than any President has ever done before, any administration has ever done before.

Again, he has been thoroughly vetted. He has the character, integrity, and expertise to lead this Cabinet, and the Senate should vote on it. When I say the Senate should vote on it, we should vote on it with a majority vote, but, no, Mr. Perez has been filibustered and held up to a 60-vote threshold. We know Mr. Perez has well over 50 votes—the majority—but because my friends on the Republican side are stonewalling this, he may not have 60 votes. But why should it take 60 votes, I ask? Why shouldn't it be a majority vote, up or down?

The same is true for our nominees to the National Labor Relations Board. Again, these are three exceptionally well qualified candidates.

Mark Pearce has been a board member since 2010 and Chairman since 2011. He was previously a union-side attorney in private practice. Before that he was a career attorney at the National Labor Relations Board. Richard Griffin, Jr., is former general counsel of the Operating Engineers Union and, again, a former career attorney at the NLRB. Sharon Block served as Deputy Assistant Secretary for Congressional Affairs at the U.S. Department of Labor and before that was staff on our HELP Committee. She was the senior

counsel for Chairman Kennedy when Senator Kennedy was chairman of our committee, and she is a 10-year veteran of the NLRB.

Again, I have yet to hear one Senator question their qualifications. Indeed, even the ranking member on the HELP Committee conceded at the hearing that these candidates are exceptionally well qualified and that he admired their qualifications and their distinguished backgrounds.

They have been thoroughly vetted. They met with any Senator who asked. They have each answered more than 100 written questions. They have come before our committee in a public hearing, which is not typical for all NLRB nominees. They produced every document requested and answered every question they have been asked.

Again, if we concede that they are all exceptionally well qualified and well vetted, why can't we vote for them with an up-or-down majority vote? Some time ago my friend Senator GRAHAM when speaking about the Senate's role and the nomination process said:

Our job, as I see it, is not to say what we would do if we were President. Our job, as the Constitution lays out for us, is to advise and consent by a majority vote to make sure the President . . . is not sending over their brother-in-law or sister-in-law or unqualified people.

So no one on this list is anyone's brother-in-law or sister-in-law, and everyone is exceptionally well qualified.

Again, if we are doing our constitutional duty, we would confirm all of these nominees tomorrow and move on to our legislative work.

Why aren't we doing that? Because my friends on the Republican side are hijacking these nominations and this nomination process to try to make changes to laws they know they could not change through regular order. Many times a single Senator or a handful of Senators might hold up a nominee not because the nominee is not qualified but because they want some changes made someplace else that they don't feel they can get through the regular order of business in the Congress.

For example, my friends on the Republican side don't like the National Labor Relations Board. So what do they do? They can't repeal it, so they make it inoperable. They make it inoperable by not letting us confirm nominees. In fact, one of my Republican colleagues announced his intention to filibuster the NLRB nominees 6 days before their nominations were announced.

In fact, he went on to say that an inoperable NLRB would be good for the country. If that is the way they feel, offer amendments to defund it, do away with it, and repeal the law. But to hold up qualified nominees from carrying out the law—the National Labor Relations Act is the law of the land. The National Labor Relations Board is con-

stituted under that law to carry out its functions. So to hold up qualified nominees because they want to change the law, again, is to try to get something done that they couldn't otherwise do through the regular order.

This level of obstructionism is unprecedented in the nomination process. Repealing laws by fiat is not and was never intended to be a part of the Senate's advise and consent function. A Senator's dislike for a particular law or a particular agency certainly was not intended to prevent qualified and dedicated people from answering the President's call to serve their country.

Again, it is not only the nominees but the American people suffer from these unprecedented abuses of the process. The laws that these boards and agencies and departments enforce are important laws designed to protect people. When the system breaks down—or in this case, intentionally undermined—real people are hurt.

Let's take the example of the National Labor Relations Board. They have to have a quorum of three members to act. If there are fewer than three members at any time, the Board cannot issue decisions and must essentially shut down. The Board currently has three members, but Chairman Pearce's term expires in August—next month. At that point the National Labor Relations Board would be unable to function unless we confirm additional members.

Keeping the Board open is vital to employees, employers, and our economy. Without the Board workers cannot seek justice if they are discharged or discriminated against for, say, talking with colleagues to improve their working conditions or for joining or assisting a labor union or for organizing a labor union. The only avenue available to these employees to file a grievance and have their grievance heard and adjudicated is to file a charge with the National Labor Relations Board. Without it, they have no options at all.

If the NLRB, the National Labor Relations Board, cannot function, workers effectively don't have no rights. Yet my Republican colleagues said an inoperable NLRB would be good for the country. Imagine leaving workers without any forum or recourse to have their grievances heard.

I could also say the same is true for the Consumer Financial Protection Board. As we know it was created as part of the Dodd-Frank Act with a simple idea in mind: Consumers deserve to have a watchdog looking out for their best interests when using financial products and services from mortgages to credit cards, to student loans, to payday loans. Without the creation of the Consumer Financial Protection Bureau, consumers don't have that cop on the beat looking out for their well-being.

Mr. Cordray, who has been chosen by the President to head this agency, has

carried out his mission admirably. If Republicans have their way, he will never be confirmed. Not only will they lose his leadership but the ability to adequately oversee these financial services and financial products in order to protect the American consumer.

By refusing to confirm Mr. Cordray—and if I am not mistaken, I believe his nomination has been pending for over 500 days. His nomination has been held up for 500-some days. By refusing to confirm him, the Republicans are using this nomination process to thwart the intent of the Dodd-Frank law, and that brings us to the crux of what is going on around here. It has been in the press so much lately. We are going to have an unprecedented caucus of the Democratic Senators and Republican Senators out here in the old Senate Chamber at 6 p.m. tonight to air these grievances.

As we know, last Thursday the majority leader laid down a number of these nominees and filed cloture on them. We will bring them up tomorrow. If the Republicans continue to filibuster, the majority leader has made clear his intention to change the rules of the Senate by using 51 votes to provide that nominations for executive branch positions are not subject to the filibuster rule.

So what we are talking about is the nullification of laws which are already on the books through the abuse of the Senate's power to advise and consent to nominations—nullification. Read your history books about nullification. It is one of the issues we fought the Civil War over: Could States nullify, on their own, Federal laws?

What we are seeing are the Republicans saying we can nullify the essence of laws or what boards are supposed to do by abusing the advise and consent clause of the Constitution. It is appalling and something has to change.

I first took to the floor on this issue in 1995. This is the CONGRESSIONAL RECORD, and it is dated January 4, 1995. It was an interesting time. The Democrats had lost control of the Senate and the Republicans were in charge. I—along with Senator Lieberman, Senator Pell, and Senator Robb, from the great State of Virginia—proposed a change in the rules that wouldn't end the filibuster but would keep the filibuster as it was kind of intended, a method whereby the minority could ensure that they could amend or offer amendments on legislation.

The right of the minority should be the ability to offer—not to have them adopted—thoroughly debate and vote on amendments. Secondly, to make sure the filibuster could be used to slow things down but not to be used to stop something. That is why I proposed on January 4, 1995, I said: It is getting worse. I also said: I believe in the long run it will harm the Senate and our

Nation if this pattern continues. I went on to talk about the rising tide of the filibusters. I said: Clearly, this is a process that is out of control. We need to change the rules. We need to change the rules, however, without harming the longstanding Senate tradition of extended debate and deliberation and slowing things down.

When I laid down the proposed rule, I went on to discuss about how dysfunctional this place was becoming. If you thought it was bad in 1995, you should see what it is like now. Never in my wildest dreams did I think in 1995 that 18 years later the Senate would come to this point where we simply can't do anything unless we have 60 votes.

We now have a system whereby 41 Senators decide what we do. Essentially, that is what they do, and through the use of the filibuster, a handful of Senators can truly thwart the will of the Senate.

There has been a lot said about different nominees and what is going on here. There has been this accusation and that accusation. We have to cut through all that fog and all that haze. I referred to it in 1995 as sort of like the fog of war. It is sort of like the fog of war; we have to cut through it.

There is only one question we and the American public need to ask ourselves: Should a person selected by the President, any President, Democratic or Republican President, to be a part of his or her team—after being thoroughly vetted, after having a thorough committee hearing, and after making sure there is nothing terribly wrong with this person and they meet the qualifications—have an up-or-down vote by the Senate with a majority vote or is it going to require 60 votes?

Again, the Constitution of the United States very clearly points out that there are only five times when the Senate needs a supermajority to act, such as impeaching the President, expelling a Member, adopting a treaty, joining a treaty, approving a treaty, and things such as that. For all other things, the Constitution envisions a simple majority vote. That is the real question. There is no other real question before us.

Before I yield the floor, I just wish to address an issue that has come up regarding the National Labor Relations Board nominees. I wish to set the RECORD straight. I have taken the time to put this in the RECORD. There have been accusations made on the Senate floor—I shouldn't say accusations. There have been comments made that two of these Board members are serving illegally and were illegally put on the board by President Obama. I am talking about Sharon Block and Richard Griffin.

Let's look at a little history. They were appointed by the President in January of 2012 as a recess appointment because the Republicans had al-

ready announced they would not let us have an up or down vote on them. Since we needed a National Labor Relations Board to function, the President gave these two people a recess appointment in January of 2012. They have been serving since that time.

They were taken to court to decide if the President had the authority to appoint them as recess appointees. The DC Circuit Court issued an opinion. The reasoning they used was contrary to any other court reasoning in the past about recess appointments. The DC Circuit said, No, the President could not make those appointments and, furthermore, the President can only make a recess appointment during the intervening times from one Congress to another for vacancies that arise between sessions. No other court has ever held that. There was another court that agreed the President couldn't make these recess appointments, but it didn't go quite that far; it just said that the appointment had to be made between sessions. Other courts, including the Second, Ninth, and Eleventh Circuit Courts, have all decided these things differently in the past.

What we have here is a decision by one court—the DC Circuit—taking a position that has never been taken before by any court. We have another court—the Third Circuit—that also narrowly defined the President's power. Then we have other circuit courts that have defined the President's power more broadly.

So what happens now? This case goes to the Supreme Court and the Supreme Court will decide this during the 2013–2014 term.

Sharon Block and Richard Griffin are on the NLRB. They took an oath of office to carry out their responsibilities. Some of my Republican friends are saying they should resign; they should get off the board because they are serving illegally. They are not serving illegally until the Supreme Court has made a final decision. I have said before, the contention of some of my friends on the Republican side is like Alice in Wonderland: First the verdict, and then we have the trial. I don't know what the Supreme Court will decide. We don't know. We have had precedents in the past. There is a longstanding NLRB precedent when the agency faces a split in circuit court opinions. When the DC Circuit Court ruled in *Laurel Bay v. NLRB* that the NLRB needed three members to have a lawful quorum to act—again, this was contrary to the decision of other circuits—the two-member board, consisting of Republican Peter Schaumber and Democrat Wilma Liebman, continued to issue decisions until the legal issue was finally resolved in the Supreme Court. The Supreme Court said, No, they need more than two. They have to have at least three people to make decisions.

The two-member board, during that interim time, issued decisions in hundreds of cases after the DC Circuit's adverse ruling, yet not one Republican Senator called on either member to resign. So what happened? After the Supreme Court issued its decision and the board now had more than three members, they went back and looked at these decisions, and if there were still open contentions they reviewed them and they issued another decision.

Some of the decisions were accepted by both sides and people moved on. Those that weren't were reddecided by the board, including the two people who had served on that board during that interim period of time.

Again, we have a recent precedent—and this was just within the last 5 years, if I am not mistaken. So we have a recent precedent that demonstrates that both Block and Griffin are acting appropriately by remaining in place and that the NLRB is acting appropriately by continuing to issue decisions pending the resolution of this issue by the Supreme Court. They cannot and they should not resign because they took an oath of office to fulfill their duties, and they must fulfill that oath. After President Obama made these appointments, each new board member took an oath of office promising to fulfill their duties as a member of the NLRB.

I wanted to clear that up. They are not illegal. We await the Supreme Court's decision. I have no idea how they are going to decide because there has been a split of the circuits. As I have shown, this issue has come up before where we had a case split in circuits. Two board members continued to issue decisions. No one here asked them to resign, and this was in the last 5 years. No one asked them to resign. But now, for some reason, my friends on the Republican side want to deny the President his choice of people to serve on the NLRB. Two of those people, Ms. Block and Mr. Griffin—let's say the Supreme Court says the President couldn't appoint people during that recess. Well, OK. We are not talking about that now; we are talking about an appointment that is going to take place right now, and he should be allowed to have who he wants, as long as they are thoroughly vetted and qualified.

As I said, no one has questioned their qualifications. The President should have the right to have his NLRB board put in place now, and the question of whether the decisions made in the last year and 5 or 6 months—those decisions, just as the ones before in the case of the two member Board—went back and were revisited and the court issued its decisions. The same thing can happen here. So we shouldn't let anyone tell us these nominees are illegal. That is absolutely not true. People may think it is true, but it is not true.

I keep hearing: Well, now there are overtures from the Republican side to make some deals—to make a deal on not having the vote tomorrow on doing away with the filibuster rule on nominations. Oh, I have heard all kinds of things floating around: This deal here, that deal there, and we have a little deal here. Since I took the floor in 1995 as a Member of the minority, I might add, to propose a change in the filibuster rules, this issue has come up several times. It has come up several times since 1995. Every time there is always a deal. There is always some little deal made so we don't fix what is wrong with the Senate. We sort of paper it over and move on. I hope that doesn't happen again. Every time a deal was made and it was papered over, things got worse—every single time they got worse. They might have been OK for a little bit, but then we go right back to our old ways again. The old ways won't work any longer around here. They just won't work.

I hope the only deal that is struck is the Republicans agree—we all agree—that any President should have his or her right to put their team in place by a majority vote of the advise and consent of the Senate. They first should be thoroughly vetted with committee hearings and answering questions, but they are entitled to an up-or-down vote, with a majority vote in the Senate. That is the only deal that will get us out of this trap in which we find ourselves. I think it is the only thing that will reassure the American people that, once again, the Senate is going to function; it is going to do its job; it is not going to be thwarted by a handful of people—one or two or three or four people—and that we can actually move this country forward and let this President and the next President, who may be a Republican, have his team. I said that in 1995 when I was in the minority, I have said it in the majority, I have said it in the minority, and I say it once again as a Member of the majority.

I hope tomorrow we finally put an end to this nonsense of the filibuster on nominations, at a bare minimum. I would like to see the filibuster changed even more than that, but at a minimum get rid of the filibuster on nominations to the executive branch.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. FLAKE. Mr. President, I speak today recognizing that I have only been a Member of this body for about 6 months and a couple of days. I am hardly an expert on Senate rules, procedures, or precedent. But this much I do know: The rule change being considered this week is more far-reaching and more significant than has been advertised.

This rule change was described this afternoon by the majority leader as a

“minor change, no big deal.” It is a big deal. It has the potential to change this institution in ways that are both hazardous and unforeseen.

We will discuss these changes later today in the Old Senate Chamber. I think it is appropriate we should meet there. The Old Senate Chamber hasn't been used for official Senate business in over 150 years. It gives some perspective to the gravity of what is being considered.

The majority leader noted today that Senate rules have been changed 18 times in the past 36 years by a simple majority vote. There needs to be a qualifier here—a very big qualifier. This rule change will allow, for the first time in Senate history, majority-imposed cloture. That is not minor; that is a big deal.

It is said by the advocates that it will only affect the President's executive branch nominees. That may be true initially, but once a simple majority has been used to impose cloture for executive branch nominees, why can't it be used for judicial nominees who have a lifetime tenure? Why not use it for everyday legislation? But even in the unlikely event this rule change remains confined to the President's executive branch nominees, it would not be a minor change or one that can be described as “no big deal.”

Let me give one example, and I hope it gives some of my colleagues pause as they consider this rule change.

Currently under consideration by this body is the President's nominee to head the Environmental Protection Agency. This agency has broad reach across the country. Its regulatory authority extends to power generation and air quality. A heavyhanded approach on these issues in particular has a potential to put a stranglehold on Arizona's economy. With only 15 percent of Arizona's land privately owned, EPA's influence is magnified by a considerable footprint the Federal Government already has in the State. So the President's choice to head the EPA is an important choice and the Senate's advise-and-consent role is vital.

After reading some of the media reporting on the President's pick for this position, I initially had some heartburn. However, after meeting in my office with the President's nominee, discussing some of the issues unique to Arizona, and receiving assurances that we could, where appropriate, work collaboratively on these issues, I felt comfortable with the President's choice. On the whole this has been my experience with the President's nominees. If this rule we are to consider were in place, would I have received a visit from the President's nominee? No. I served in the House of Representatives for 12 years. Not once did I receive a visit from the President's nominees during the nomination process. Why is that? It is not because they didn't like

me, and it wasn't because I served in the other body or they have some aversion to the other Chamber. No. It is because the House has no role in advice and consent. This is precisely the position that nearly half of the Senate will be in in perpetuity with regard to executive branch nominees by the end of this week if this change occurs. Let me repeat that. Senators will be in the same position that House Members are in if you happen to be in the minority here with regard to executive branch nominees.

The House has no role in advice and consent. If a bare majority could be used to invoke cloture on an executive branch nominee, there is no reason for them to come see you in your office, to talk about what they are doing, to talk about what their philosophy is. Like I say, in most cases you feel comfortable after that, and after assurances that you can work collaboratively on the issues, then you move on and vote for the nominee, in most cases. But that will not happen if this rule change occurs.

In my maiden Senate speech just a few months ago, I said the following: The Senate is a body governed largely by consensus. The party holding the gavel is on a short leash. Bringing even the most noncontroversial resolutions to the Senate floor requires the agreement or at least the acquiescence of the minority. Over the past decade both parties wielding the gavel have chafed under this arrangement. Both parties have at times considered changing the rules. Both parties have wisely reconsidered. The House has rules appropriate for the House. The rules of the Senate, however frustrating to the party that happens to be wielding the gavel, are appropriate for the Senate.

It is my sincere hope that this body can realize its potential and that whatever behavioral changes need to be made are made within the longstanding rules of the Senate, rules that have served this institution and the country very well for more than 200 years.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

Mr. UDALL of New Mexico. Madam President, today we are here debating the issue of rules. I have listened to this debate about the Senate rules, and the word "broken" gets tossed around a lot—broken agreements, breaking the rules to change the rules. Those are the sideline comments and they miss the real point, because what is broken is the Senate itself.

I have said for a long time the Senate is a graveyard for good ideas, and the shovel is unprecedented abuse of filibusters, of delay and obstruction. It all adds up to one thing: broken.

We called for changes in the Senate rules at the beginning of this Congress. We should have put in place a talking filibuster and other changes, but we didn't. So we have this tyranny of the minority, where the minority governs—just the situation our Founding Fathers feared.

Too often the Senate is still a graveyard for good ideas, and the bodies keep piling up, especially with executive branch nominees.

In January, the two leaders agreed to—

... work together to schedule votes on nominees in a timely manner by unanimous consent, except in extraordinary circumstances.

The minority leader said,

On the subject of nominations, Senate Republicans will continue to work with the majority to process nominations, consistent with the norms and traditions of the Senate.

That was the agreement, and it has not been kept. The only extraordinary circumstance has been continual obstruction, and it all began very early on.

For openers, we saw the filibuster of Chuck Hagel's nomination—the first time a Secretary of Defense was filibustered. But this is part and parcel for President Obama's Cabinet secretaries.

By way of comparison, looking at other Presidents, not one of President Carter's Cabinet nominees was filibustered; President George H.W. Bush, zero; President Reagan, one; President George W. Bush, one; President Obama, four and still counting.

I am old enough to remember the era when my father was Secretary of Interior in the Kennedy and Johnson administrations. When I joined the Senate, I told my dad when I went home one weekend, We can't get executive nominees in place. The President and Cabinet secretaries don't have their teams in place. He said, Tom, I had virtually my whole team in place in the first 2 weeks. Imagine that. Imagine if the whole team for the Department of the Interior—or any other Department, for that matter—was confirmed in the first 2 weeks. Agencies could function, our government could do its work.

Instead, the President's nominations are ambushed by filibusters. Confirmation now almost always requires 60 votes, contrary to the historical practice of the Senate and, more importantly, contrary to the explicit simple majority requirement in the Constitution. These are not the traditions and norms the Republicans committed to. It is anything but. Still, that is what we have seen, one nominee after another blocked and key leadership posts left unfilled.

Americans thought they spoke with a clear voice last November. No doubt

they now wonder. And why wouldn't they? The will of the majority is drowned out by a small minority. People in my home State of New Mexico want to know—Americans want to know—who is minding the store? The answer, in too many cases, is no one. We still don't have a Secretary of Labor. The National Labor Relations Board is an empty shell. The Senate has failed to confirm a full five-member board and general counsel. Two of these nominees are Republicans. Even they couldn't get through. This has real impact for 80 million Americans who rely on workplace protections, for the rights of workers, and the integrity of the collective bargaining process.

Some believe it is a good thing that we toss out the enforcement of labor law in this country. I don't share that view. But it isn't just workers who are left hanging. Leadership positions at other vital agencies remain unfilled: the Consumer Financial Protection Bureau, the Environmental Protection Agency, the Centers for Medicare and Medicaid Services, the Federal Election Commission. These are important jobs—important work—for the American people, affecting the environment, consumers, health care, and even our elections.

Earlier this year we debated gun safety legislation. Republicans argued that we don't need new laws, we just need to enforce the existing laws. Unfortunately, the agency responsible for enforcing many of those laws—the Bureau of Alcohol, Tobacco, Firearms, and Explosives—has not had a Senate-confirmed Director in 7 years. Why? Because Republicans do not want the ATF to function.

Many of these highly qualified Americans get tired of having their lives put on hold because of partisan obstruction. Rather than continue to languish in a dysfunctional system, they withdraw from consideration.

One such example was Dawn Johnson, nominated to head the Justice Department's Office of Legal Counsel. Johnson was a respected law professor and former top assistant in the Office of Legal Counsel in the Clinton administration. But Republicans blocked her nomination. In 2010, after her nomination was stalled in the Senate over a year, she withdrew.

Another example is Peter Diamond. In 2011, he withdrew as President Obama's nominee to the Federal Reserve Board. Diamond's nomination was blocked because a small minority of Senators questioned whether he was qualified. I tend to believe he was, as he won the Nobel Prize in economics the year before.

It makes you wonder why anyone would subject themselves to a Senate confirmation, people who want to serve their country, often at a significant pay cut from their private sector careers, who know they will be subjected

to a partisan fight that may have nothing to do with their qualifications. So months and years go by, work is left undone, with no one at the helm of major government agencies.

That is why the Senate is in crisis. That is why we are here today. The American people deserve better. We need a government that does its job. That is not possible without leadership. Congress's approval ratings remain in the cellar. Why? Because of a failure to get things done, even things as basic as allowing the President to select his own team. Find 60 votes or find someone else or leave the position empty—this is the status quo, and it must change.

It is time for us to act. It is time to restore the confirmation process—restore it to how it has worked for over 200 years. Doing so is not breaking the rules to change the rules. They have been changed before and it is often done by a simple majority—when the minority is abusing Senate procedure. As Senator MERKLEY pointed out last week, it has been done at least 18 times since 1977.

Contrary to the Republicans' dire warnings, making these changes has never led to the death of the Senate. In fact, the Republicans themselves made a strong argument for such changes back in 2005. They were up in arms. Why? Because 10 judicial nominations had been blocked. That number seems quaint now, but it was enough for the Republicans, and they were very clear about it. That is what the Republican Policy Committee said in 2005:

This breakdown in Senate norms is profound. There is now a risk that the Senate is creating a new, 60-vote confirmation standard. The Constitution plainly requires no more than a majority vote to confirm any executive nomination, but some Senators have shown that they are determined to override this constitutional standard. . . . Exercising the constitutional option in response to judicial nomination filibusters would restore the Senate to its longstanding norms and practices governing judicial nominations, and guarantee that a minority does not transform the fundamental nature of the Senate's advice and consent responsibility. This approach, therefore, would be both reactive and restorative.

"Restore the Senate to its longstanding norms and practices." It would be difficult to state the case more clearly.

This isn't just about the rules; it is about the traditions and norms of the Senate and their collapse under the weight of filibusters. I know the winds can change, positions can change. Neither side is 100-percent pure. Both sides have had their moments of obstruction and, no doubt, their reasons at the time. But I don't think the American people care much about that. They don't want a history lesson. They don't want a primer on parliamentary procedure. They want a government that works, that gets things done, period.

I came to the Senate in 2009. My position has not changed since then: The

Senate needs to do its job, and it is missing in action.

When we proposed to change the rules at the beginning of the Congress, we were very clear: We called for a talking filibuster. If you want to hold up legislation, you should have to stand here in this Chamber, on the floor, and make your case. We did not intend to trample on the legitimate rights of the minority, and we were willing to live with these rules, no matter if we were in the majority or the minority.

I do not believe the Constitution gives me the right to block a qualified nominee no matter who is in the White House. I say that today, and I will say it if I am in the minority tomorrow. A Republican President may have nominees I disagree with—most likely so. But the people elect a President, we only have one President at a time, and they give him or her the right to select a team to govern.

If those nominees are qualified, a minority in the Senate should not be able to block them—on either side of the aisle. Oversight, yes; review, yes, but not block because you don't like their policy or their program or the law they are committed to enforce. This is not advice and consent, this is obstruction and delay.

New Mexicans want a government that works, the American people want a government that works, and they are tired of waiting.

Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING LIEUTENANT GENERAL RICHARD SEITZ

Mr. MORAN. Madam President, there is no group of individuals I hold in higher regard than our Nation's veterans who have dedicated their lives to serving our country.

Among our veterans I have special admiration for the members of the greatest generation who served during some of our Nation's darkest hours and liberated the world from the forces of tyranny.

Following the attack on Pearl Harbor, more than 16 million Americans answered the call to serve our country and more than 400,000 husbands, fathers, brothers, mothers, and daughters never returned home.

More than 200,000 Kansans served during the war, including GEN Dwight D. Eisenhower, future U.S. Senator Bob Dole, and my own father.

During the dedication of the World War II Memorial here in Washington, Senator Dole described the greatest generation this way:

On distant fields and fathomless oceans, the skies over half the planet and in 10,000 communities on the home front, we did far more than avenge Pearl Harbor. The citizen soldiers who answered liberty's call fought not for territory, but for justice, not for plunder, but to liberate enslaved peoples around the world.

Among those citizen soldiers was a young Kansan named Richard Seitz. When WWII began, Dick was attending classes at K-State University, but by the end of the war he had successfully led his battalion through some of the fiercest fighting of the war in the Battle of the Bulge. Our country lost a great man, a dedicated soldier and an American hero when LTG Dick Seitz recently passed away.

Dick was born in 1918 in Leavenworth, KS. At an early age he showed great interest in serving his country through the Armed Forces. In high school he was the cadet commander of his school's ROTC unit and received the American Legion Cup as an outstanding cadet.

As a young man Dick attended Kansas State University and while a student, he accepted a commission as a Second Lieutenant in the U.S. Army. While spending a year away from K-State to earn enough money to finish his degree, Dick was called into active duty in 1940.

During an infantry course at Ft. Benning, Dick witnessed the original parachute test platoon and volunteered to become a paratrooper. He was part of the sixth jump school class ever held by the Army and became one of its first paratroopers.

Dick rose rapidly through the ranks until at the age of only 25, as a major, he was given command of the 2nd Battalion of the 517th Parachute Infantry Regimental Combat Team.

Showing great potential at a young age, Dick was soon promoted to Lieutenant Colonel. As the Army's youngest battalion commander, he led his men throughout many historic combat operations in Europe.

During the Battle of the Bulge, Dick's battalion and a Regiment of the 7th Armored Division formed what became known as Task Force Seitz. Their mission was to plug the gaps on the north slope of the Bulge every time the Germans tried to make a breakout. During the battle, some of the bloodiest fighting in WWII, Dick's battalion went from 691 men to 380.

Years later when asked about the worst day in this life, Dick quickly identified it as Jan. 3, 1945, during the Battle of the Bulge, when his unit came under heavy artillery fire and 21 of his men were killed.

Before shipping out to Europe and while still a student at K-State, Dick began dating his first wife, the former Bettie Merrill. When Dick was called up for active duty, Bettie continued her studies at K-State, graduated in 1942 and joined the Red Cross.

In 1945 she was stationed in Holland when she read that Dick's battalion was heavily engaged in the fighting around St. Vith. Determined to see him, she drove by herself from Holland to the front in Belgium and managed to find his battalion.

She wasn't allowed to go to the very front lines where Dick was, but her trip put them back in touch and 6 months later they were married in France, with one Red Cross bridesmaid and 1,800 paratroopers in attendance.

Dick spent the next 33 years by Bettie's side before her passing in 1978. Together they raised one son and three daughters and traveled the world as Dick continued to serve his country.

Among his many command posts were the 2nd Airborne Battle Group, 503rd Infantry Regiment and the 82nd Airborne Division, which he led into Detroit and Washington, DC, in 1967 to quell the riots.

An airborne historian, Dr. John Duvall, said Dick was:

... an airborne pioneer and one of the fellows who set the standards for what the airborne was all about. That standard continues to be the standard the paratrooper follows today. They have bigger airplanes and more complex weapons today, but standards were set by them. We have lost a great soldier in Dick Seitz.

During his Army career which included nearly 37 years of active duty, Dick received numerous awards. Because of his great courage and heroism during WWII, Dick was awarded with the Silver Star, two Bronze Stars and the Purple Heart.

Despite his many accomplishments in the military, one friend said he:

... remained humble and sincere. Often embarrassed by any fuss made over him. He was the kind of person you wanted to be. He was always concerned for others above himself.

As a soldier and commander, Dick's philosophy was always to take care of his troops. Throughout his career, he served as a mentor to many other soldiers and leaders in the Army.

Retired Brigadier General and former senior commander of Ft. Riley, Don MacWillie said:

LTG Seitz showed to me and the entire 1st Infantry Division what it is to be a soldier, a statesman, and a gentleman. Very few men come along who can live as all three—Dick Seitz certainly did. I will miss him not only because of our friendship but because other soldiers will not have the opportunity to learn as I did. Our Army, community and nation has lost a treasure.

In 1975, Dick returned to Kansas upon his military retirement and 3 years later, his wife Bettie passed away. In 1980, he married Virginia Crane and together they spent the next 26 years actively involved in the local community until her passing in 2006.

Dick was a mentor, a friend, and someone I greatly respected. He not only served our country but also his state and community.

Dick settled in Junction City following his retirement, but he never truly retired from serving. He frequently visited Ft. Riley to greet deploying and returning units from Iraq and Afghanistan—no matter the hour, day or night.

He was also involved with the Colorado Council of the Boy Scouts, served on the Board of the Eisenhower Presidential Library, and was named an outstanding citizen of Kansas.

Most recently, the General Richard J. Seitz Elementary School at Ft. Riley was named in his honor in 2012.

Dick was well known to the students and staff because he regularly visited the school. During his visits, he would talk with the students about what it meant to be a "proud and great American." And his message was always to "respect the teachers and be a learner."

His family and friends have described him as a gentleman, compassionate, respected, full of integrity, gracious and giving. He was truly a remarkable individual.

His daughter Patricia said this about her father:

He was my role model. An individual who had great wisdom, great sense of humor, always interested in others, always looking for ways to help others succeed.

Dick lived each day to its fullest and his commitment to his fellow man serves as an inspiration to us all.

In closing, I'd like to share with you what Senator Dole once said about his comrades in arms:

We were just ordinary Americans who were called on to meet the greatest of challenges. ... No one knows better than the soldier the futility of war, in many respects the ultimate failure of mankind. Yet there are principles worth fighting for, and evils worth fighting against. The defense of those principles summons the greatest qualities of which human beings are capable: courage beyond measure, loyalty beyond words, sacrifice and ingenuity and endurance beyond imagining.

I would say that is a fitting description of my friend, LTG Richard Seitz.

I extend my heartfelt sympathies to his three daughters, Patricia, Catherine and Victoria; and to his son Rick and the entire Seitz family. I know they loved him dearly and will miss him very much.

I ask my colleagues and all Kansans to remember the Seitz family in your thoughts and prayers in the days ahead.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Madam President, I rise this afternoon to talk about one of the aspects of the debate that is occurring and which has taken place over a long period of time but especially today, when it comes to Senate rules and what is happening on nominations and confirmations.

One major aspect of that debate relates to the National Labor Relations Act passed in the 1930s. I wish to start by highlighting one of the findings that undergirds one of the foundations of that act.

In the mid-1930s, because of labor strife and because of the conflicts between management and labor, people in both parties came together and said we had to put in place legislation to deal with that or we couldn't have the kind of growing economy we would hope to have. One of the findings—it is the third finding in the 1935 act—says as follows:

Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce—Safeguards commerce, I repeat those words—safeguards commerce from the injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions, and by restoring equality of bargaining power between employers and employees.

So says one of the main findings of the 1935 act. There is an additional finding that speaks to it from the employer's vantage point—how it is important to the free flow of commerce to have disputes settled.

That is where we started in the 1930s. From that date forward—decades now of work and practice—we have had labor-management disputes settled and determined by use of the procedures in the National Labor Relations Act. Obviously, fundamental to that was the National Labor Relations Board—NLRB, the acronym. But here we are and we will not have, in just a number of weeks from now, in August we will not have a functioning board because of the conflict in the Senate about this issue and because of the debate between intrasession appointments and intercession—meaning appointments within a session of the Senate as opposed to appointments outside, from one session to the other. I will speak about that in a moment, but first I wanted to highlight one of the real-world consequences of this.

Sometimes we have debates around here and they tend to be a little theoretical, a little removed from the reality of life. Here is a real-life story about how these appointments matter. Marcus Hedger was illegally fired in 2010 from his pressman's job at an Illinois printing company for his union activities. Last September, a unanimous National Labor Relations Board—two

Democrats, one Republican at that time—ruled that he should get his job back with backpay. There aren't many disputes settled here that are unanimous. That has not happened yet. That was in 2010. The NLRB decision in the Hedger case has been vacated because of the decision of the court of appeals regarding, as I mentioned before, these recess appointments. Hedger has lost his house in the meantime.

This is what Marcus Hedger said, and I think we should all listen and act upon these words:

So, almost three years later, I still don't have my job back, even though the NLRB unanimously ruled I should get my job back. I am asking the United States Senate to do what is right for the people who gave you the power to represent them, and to confirm the bipartisan package of nominees to the NLRB so that other workers can have their rights protected, just like the NLRB tried to protect my rights.

"My rights" meaning the rights of Mr. Hedger. That is what he is telling us to do—to do our jobs.

I don't have time today because of the limitations of time we have, but there are stories as well that speak to this from the employer's side. Listen to this one headline involving Walmart. The headline is from earlier this year, a Reuters headline, dated January 31, 2013: "Walmart Protestors Will Stop Picketing After Reaching Deal With NLRB."

So we have a board which for decades has functioned, helping to resolve disputes, sometimes to the betterment or to the advantage of one side versus the other, but settling those disputes nonetheless.

There is a lot of attention paid to what I would call kind of the inside baseball of this. It is about the difference between intrasession and intersession. But here is the record, despite what some in Washington have asserted. Here is the record going back over many Presidencies, just to give four Presidencies by way of example, and this idea that an appointment cannot be made during an intrasession—within the session of the Senate:

President Carter made one intrasession appointment to the National Labor Relations Board. President Reagan made four. President Clinton made two. President George W. Bush made four intrasession appointments to the National Labor Relations Board. Since President Reagan's first term—more than a generation ago—in addition to the members of the NLRB, hundreds of other recess appointments have been made intrasession.

So the idea that this is somehow a new development does not bear the scrutiny of the record.

I know we are out of time, but I rise to remind us what this Board has meant to this country. I read that first section principally to highlight the fact that the flow of commerce is mentioned twice—the flow of commerce.

This isn't an act that says this act is to promote one side versus the other; it is all about the flow of commerce, the movement of goods, economic activity, so we can keep the country moving. Obviously, in the past, when there was unprecedented strife, we would have whole lines of production or whole sectors of our economy shut down because we didn't have a National Labor Relations Act and because we didn't have a National Labor Relations Board.

I end with the words of Marcus Hedger, who has suffered mightily—first, he is discriminated against; that is adverse to his life and his family. Then, when a decision is made in 2010, the decision is meaningless so far to him because he hasn't been granted the remedy and he lost his house in the meantime.

Here is what he said, and I will end with these words:

Companies shouldn't be able to get away with firing someone just because they stood up for their rights. That's un-American. We need a functioning NLRB to protect us and our rights.

That is what Marcus Hedger said. We should bear in mind those words. We should get the job done and get five people who are before the Senate voted on and confirmed so we can have that free flow of commerce and provide a remedy for people such as Marcus Hedger.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IN MEMORY OF THE MCMANUS AND ANTONAKOS FAMILIES

Mr. SCOTT. Madam President, I rise today to honor the memory of nine South Carolinians lost last week.

The McManus and Antonakos families, both of Greenville, were vacationing together in Alaska when the small plane they were flying in crashed on takeoff.

Melet and Kim Antonakos raised three beautiful children: Olivia, Mills, and Ana. They were close friends with Dr. Chris and Stacy McManus and their wonderful children: Meghan and Connor.

The loss of these two families has left the Upstate grieving, including the congregation at Christ Church Episcopal, where more than 1,200 people attended a memorial service last Friday.

When you talk to folks in Greenville about the McManus and Antonakos families, a few words come up over and over: faith, character, kindness.

Despite the heartbreak we feel, the Greenville community can hopefully take solace that these nine friends—

nine neighbors, nine brothers and sisters in Christ—are now in a better place.

We remember them not for the tragic way they died but for the joy and compassion with which they lived.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KING. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING MAINE VOLUNTEER FIREFIGHTERS

Mr. KING. Madam President:

Who is in charge of the clattering train?  
The axles creak and the couplings strain,  
And the pace is hot and the points are near,  
And sleep hath deadened the driver's ear,  
And the signals flash through the night in vain,  
For death is in charge of the clattering train.

That is a poem from the 1930s that was quoted by Winston Churchill in his book "The Gathering Storm."

I rise today in the wake of a terrible tragedy, of a clattering train, where death was in charge—one that left more than 60 people missing, 20 confirmed dead, and has devastated a community. But despite the magnitude of this amazing loss, it is also a story of human heroism at its highest level.

I am referring to a horrific accident that occurred early last Saturday morning when a 72-car train carrying crude oil derailed in Lac-Mégantic, Quebec, near the border of western Maine. As the train erupted into all-engulfing flames, it came crashing into the town demolishing everything in its path. Cars and buildings were instantly incinerated, pavement on the roads literally melted away, and sidewalks crumbled from the intense heat and pressure. As a result, nearly a full six city blocks were completely leveled, forcing almost 2,000 residents to flee their homes—a third of Lac-Mégantic's total population.

And while local Canadian firefighters battled the flames valiantly—and I mean valiantly—it became clear they desperately needed support. So after receiving a call at 4 a.m., 30 firefighters from Rangeley, Farmington, Phillips, Strong, New Vineyard, and Chesterville—all wonderful small Maine towns—as well as the town of Eustis, arose from their sleep, rushed to their engines, and drove 83 miles nonstop—arriving at 6 a.m.—to help extinguish this horrendous blaze. It is worth noting that, except for the chief, every firefighter who made this journey and put their life at risk, every single one that morning, was a volunteer—serving and risking their lives of their own choice and volition.

Upon arrival, their efforts had immediate impact. They quickly realized



there was a desperate need for water, and because the town lacked a hydrant system, they swiftly turned their attention to a lake 3,000 feet away and began to pump water using an extraction skill that Maine firefighters are specifically taught and trained to use. They continued to pump water from that lake for 21 straight hours.

Let's put that in perspective for a moment: For almost the entire next day those brave men and women, driven by an incredible spirit of perseverance and self-sacrifice, worked tirelessly to extinguish the blaze and gain control of the burning train cars.

Fire Chief Timothy Pellerin of the Rangeley station said everyone was hugging and cheering to celebrate their miraculous success when the fire was brought under control. It was "like a ball team after a win," he said. The Canadians, overwhelmed by the selflessness and courageousness of those volunteer Americans, thanked them for their steadfast determination to see the crisis through.

Residents of Lac-Mégantic and local firemen were coming up to one of the Rangeley firetrucks asking to have their picture taken with the American flag attached to the safety bar and pausing to touch it as a sign of their respect and gratitude. After returning home late Sunday afternoon, Chief Pellerin said he has "never been more proud" to be from Maine and from America and to be a firefighter.

We still do not know the full scope of the devastation wracked by this gruesome event. The cleanup and recovery costs will undoubtedly be astronomical, as well as the traumatic impact on the community upon which no dollar estimate can be placed. Initial reports indicated that at least up to 1.2 million gallons of crude oil spilled into the streets, basements of houses, storm drains, and contaminated that nearby lake. Currently, over 200 criminal investigators are sifting through the charred remains of what might be North America's worst railway disaster, and I sincerely hope that through their efforts we will be able to better understand the causes of this horrible tragedy and perhaps, more importantly, how it can be prevented in the future.

However, my real reason for rising today is to honor those volunteer firefighters from Maine—true American heroes who embody the best this country has to offer. They were called into action by their unwavering sense of civic duty, and throughout the night they overcame tremendous odds, including a language barrier and a lack of resources, to finally help extinguish the fire early Sunday morning. These brave Mainers showed true strength of character—strength of character that enabled them to overcome fear in pursuit of the greater good. It is without a doubt that their actions saved count-

less lives. We owe these American heroes our enduring gratitude.

My thoughts and prayers remain today with those who are impacted by this tragic event.

To go back to the words Churchill quoted so long ago:

Who is in charge of the clattering train?  
The axles creak and the couplings strain,  
And the pace is hot and the points are near,  
And sleep hath deadened the driver's ear,  
And the signals flash through the night in vain,  
For death is in charge of the clattering train.

Death was in charge of the clattering train that dark night. The perseverance, skill, and courage of those firefighters from Maine and their brave Canadian counterparts could not prevent a tragedy but at least contained and controlled it.

Madam President, this is the best of America.

I yield the floor.

#### QUORUM CALL

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

Ayotte	Enzi	Udall, (NM)
Begich	Hirono	Warner
Cowan	Reid	

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the names of absent Senators.

The assistant legislative clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

Alexander	Crapo	Moran
Begich	Inhofe	Toomey
Cornyn	Manchin	

The PRESIDING OFFICER. A quorum is not present.

Mr. REID. Madam President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is agreeing to the motion.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 28, as follows:

[Rollcall Vote No. 172 Leg.]

#### YEAS—69

Baldwin	Gillibrand	Mikulski
Baucus	Graham	Murkowski
Begich	Grassley	Murphy
Bennet	Hagan	Murray
Blumenthal	Harkin	Nelson
Boxer	Hatch	Portman
Brown	Heinrich	Pryor
Cantwell	Heitkamp	Reed
Cardin	Hirono	Reid
Carper	Johanns	Rockefeller
Casey	Johnson (SD)	Sanders
Coats	Kaine	Schatz
Cochran	King	Schumer
Collins	Kirk	Shelby
Coons	Klobuchar	Stabenow
Corker	Landrieu	Tester
Cowan	Leahy	Udall (CO)
Donnelly	Levin	Udall (NM)
Durbin	Manchin	Warner
Feinstein	McCain	Warren
Fischer	McCaskill	Whitehouse
Flake	McConnell	Wicker
Franken	Merkley	Wyden

#### NAYS—28

Alexander	Crapo	Paul
Ayotte	Cruz	Risch
Barrasso	Enzi	Roberts
Blunt	Heller	Scott
Boozman	Hoeven	Sessions
Burr	Inhofe	Thune
Chambliss	Isakson	Toomey
Chiesa	Johnson (WI)	Vitter
Coburn	Lee	
Cornyn	Moran	

#### NOT VOTING—3

Menendez	Rubio	Shaheen
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The motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call a quorum is now present.

#### MORNING BUSINESS

Mr. REID. I ask unanimous consent that we now proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### BALANCED BUDGET AMENDMENT

Mr. UDALL of Colorado. Madam President, I rise today to talk about the balanced budget amendment to the U.S. Constitution that I recently introduced with several of my colleagues. These cosponsors include Senators MANCHIN, BEGICH, MCCASKILL, HEITKAMP and TESTER.

Debates over the merits of balanced budget amendments have occurred for decades, and there is a wide range of conflicting thought on the topic. Proposing to amend the Constitution is something I do not take lightly. But after much thought and consideration, and having conversations with fellow Coloradans, I came to the conclusion that fundamental budgetary reform like this is necessary to restore Americans' confidence in our government and ensure long term fiscal health and stability.

I introduced the same balanced budget amendment in 2011 when there was

still a great deal of uncertainty about our economy and its recovery. Although there has been economic progress, it is clear that we have not yet completely emerged from the downturn that began in 2008. It therefore remains critical that Congress continue to focus—in a bipartisan fashion on ways to promote job growth and economic recovery. It is to that end that I am proposing the idea of a balanced budget amendment to enforce budgetary discipline.

The proposal I am introducing requires the President to submit a balanced budget each year and ensures that our Federal Government spends no more money than it takes in, while allowing for exceptions in times of emergency. But most importantly my proposal takes steps to ensure that Congress doesn't make some of the same budgetary mistakes that got us into the mess we are in now. For example, my amendment prohibits deficit-busting tax breaks for Americans who earn \$1 million or more per year unless the Federal Government is running a surplus. That is a commonsense approach that makes sense to Coloradans. And importantly, this amendment would shield Social Security in order to keep Congress from taking money from the trust fund to mask budget deficits. It is my hope that this amendment would prevent the unwise budgeting we have seen too often over the last decade while upholding the principle that we should pay for our government in a responsible manner, with waiver authority to be used only in exceptional circumstances. I think most Americans can agree to that. Coloradans certainly do.

As we all know, Congress will again debate spending and revenue issues very soon as we approach a new fiscal year and an imminent need to raise the debt ceiling if we are to avoid default on our debt obligations. The total national debt is projected to reach over \$16.8 trillion at the end of 2013 and over \$17.5 trillion in 2014. Coloradans find those figures alarming. We are on an unsustainable path and it is critical that Congress consider—as one tool—the type of discipline this balanced budget amendment would require. I would not suggest to my colleagues that this measure will solve all of our existing problems unilaterally, but it will help prevent the country from amassing massive debt in the future.

I know some of my colleagues are skeptical about any form of balanced budget amendment out of concern that it could be used to dismantle critical programs or force uncomfortable budgeting decisions that purportedly pick winners over losers. However, I truly believe a balanced approach such as the one I am introducing today will not require a slash-and-burn approach to programs that are the backbone of our national agenda, help grow our economy,

and benefit hardworking American families. In fact, I believe the only true way to preserve the core programs that support America's seniors and provide care for the most disadvantaged members of our society, for example, is to ensure that we have the resources needed to fund them over the long term. Without fiscal reform, our social safety net programs will disappear. This result worries Coloradans.

The last time I introduced this amendment, I quoted progressive Senator Paul Simon, a Democrat from Illinois who championed the concept of a balanced budget amendment. I am going to do so again today—because his words carry such resonance.

In debating the balanced budget amendment in 1993, Senator Simon said, "I am here to tell you that the course we are on, unless it is changed soon, absolutely threatens all of the programs that you and I have fought for and believe in so strongly. The fiscal folly that we have followed for more than a decade has brought us to a crossroads. We face a basic decision, whether through default or through our actions to choose wisely the course that will lead us away from the brink."

Senator Simon continued:

If we do not act, interest payouts will spiral upward until they consume not only Social Security but health care, education, transportation investments—every other need on our national agenda. My warning to you today is that a rising tide of red ink sinks all boats.

Senator Simon's caution is even more timely today, and I have the same concerns about the budgetary path we are on. We have a structural deficit and the only way to fix it is to fundamentally change the spending and revenue picture.

I have not given up hope that Congress may find common ground on a comprehensive plan to cut spending, reform the tax code, and shore up programs like Social Security and Medicare, which are critical to our Nation's middle class. For example, I laud the efforts of Alan Simpson and Erskine Bowles and the many other advocates who are putting real ideas on the table to reduce deficits and debt. These are people working across the aisle every day to find common ground to reduce our national debt. With that spirit in mind, last fall I led a majority of members of the Colorado delegation both Democrats and Republicans on a letter to our respective leaders in the House and Senate to support a balanced, comprehensive debt deal, which includes spending cuts, new revenue, and responsible reforms to shore up our entitlement programs.

Because we have got to have the fortitude to "go big," I endorse the general approach of the so-called Simpson-Bowles plan, which reforms all aspects of the budget. And I know many of my colleagues support that same frame-

work. Finding agreement on comprehensive reform is the best possible action Congress can take to send a strong signal to main street businesses, financial markets and the American people that we are serious about stabilizing our budget for the long term. Similarly, this balanced budget amendment would chart a path toward long-term fiscal health and promote the kind of confidence and certainty we need to spur job creation, economic growth and prosperity for a growing middle class.

With that said, I am convinced we will need additional tools that force long-term fiscal discipline. That is why throughout the years I have supported many policies to combat deficits such as a Presidential line item veto, establishing a committee to reduce government waste and a ban on earmarks.

Today, I ask my colleagues to consider my reasonable proposal for a balanced budget amendment. The proposal may not be perfect, it may benefit from my colleagues' suggestions to improve it, and it may be just one piece of the larger fiscal puzzle. But I do hope that my colleagues will give this proposal serious consideration as we continue to debate the best way to eliminate the debt and deficit.

TRIBUTE TO MICHAEL J. MORELL

Mrs. FEINSTEIN. Madam President, on behalf of Senator CHAMBLISS and myself we wish to recognize and pay tribute to Mr. Michael J. Morell, Deputy Director of the Central Intelligence Agency, CIA, who will leave his current position on Friday, August 9, 2013, and retire at the end of September. Mr. Morell's career spans over 33 years in the CIA during which he distinguished himself as a patriot, leader, and friend of the Senate.

Michael Morell deserves the gratitude of the entire Nation for his three decades of selfless service at the CIA.

An Ohio native, Mr. Morell received a B.A. degree in economics from the University of Akron in 1980 and an M.A. in economics from Georgetown University in 1984.

Since joining the CIA in 1980, Michael's talents lifted him from being an analyst covering international energy issues to some of the toughest assignments that the CIA has to offer: Presidential Briefer, Associate Deputy Director, Director of Intelligence, Deputy Director, and toughest of all, twice he was called upon to serve as Acting Director. In each assignment, Michael provided exemplary leadership for the men and women of the Agency and demonstrated he was someone who knew how to manage operations, sharpen analysis, invest in new technologies, and assure the smooth functioning of the entire CIA workforce.

As the President's Daily Briefer, Michael was at President Bush's side on that horrific day in September 2001. He was there at President Obama's side as

Deputy CIA Director when the United States brought justice to Osama bin Ladin in May 2011. These are only two examples out of many where Michael helped guide the Agency and the Nation through some of the most complex and challenging times in our recent history.

As the Acting Director and Deputy Director of the Central Intelligence Agency, Michael has had frequent interaction with Senators and staff of the Senate Select Committee on Intelligence. His professionalism, mature judgment, frank and sage advice, and interpersonal skills earned him the respect and confidence of the committee. His sound judgment and candor also directly contributed to his successful representation of the CIA's interests before the committee and Congress.

As the chairman and vice chairman of the Senate Select Committee on Intelligence, we have had additional opportunities to see Michael's contributions to this Nation. We cannot speak of them here, but the American people should know that his service goes beyond the public record, and has spanned the globe.

Throughout his career, Michael Morell demonstrated a profound commitment to our Nation, selfless service to the CIA, deep concern for Agency officers and their families, and a commitment to excellence. Michael is the consummate intelligence professional whose performance personified those traits of courage, competency, and integrity that our Nation expects from its professional intelligence officers.

Mr. President, we ask our colleagues to join us in thanking Mr. Michael Morell for his honorable service to the Central Intelligence Agency and the people of the United States. We also thank Michael's wife Mary Beth and his children, Sarah, Luke, and Peter, for their support and understanding, as well as their sacrifices in allowing Michael to selflessly commit himself to protecting our Nation against those who would do us harm.

We wish the Morell family all the best in the future.

#### TRIBUTE TO TIMOTHY P. IRELAND

Mrs. FEINSTEIN. Madam President, on behalf of Senator CHAMBLISS and myself we wish to recognize and pay tribute to Mr. Timothy P. Ireland, Deputy Director of the Office of Congressional Affairs, OCA, at the Central Intelligence Agency, CIA, who is retiring after a long and distinguished career of government service.

Tim is not well known to the American people, but his quiet service and unflappable demeanor here made him a friend to the Intelligence Committee and staff.

After graduating from the University of Southern California in 1970 with a bachelor's degree in international relations, Tim continued his education, earning a master's degree and Ph.D.

from the Fletcher School of Law and Diplomacy at Tufts University. After teaching for 2 years, Tim joined the Central Intelligence Agency in 1981, as an officer in the Directorate of Intelligence, focusing on European political and military affairs.

Tim worked in a number of analytic and management positions in the Directorate of Intelligence, authored a National Intelligence Estimate, and served on the President's Daily Brief staff.

Throughout his career, Tim worked in both policy and intelligence community positions. He spent 2 years in the Department of State's Bureau of Political-Military affairs working on arms control and strategic defense issues. For nearly 4 years he worked in the National Intelligence Council. Tim entered the field of resource management in 1991 with a tour in the Office of Comptroller. He subsequently served in senior resource management positions in the Directorate of Intelligence, the Office of the Chief Information Officer, and the Office of the Chief Financial Officer, CFO.

In this last capacity, Tim proved invaluable to the committee in understanding the CIA's programs and finances, giving direct, accurate answers to difficult questions. Twice, Tim served as the Acting Director of the Office of Congressional Affairs, serving as the CIA's primary interface with congressional oversight committees, leadership, and Members. While serving in the offices of OCA and CFO, Tim was known for keeping the Congress fully and currently informed.

In these capacities, Tim had frequent interaction with Senators and staff of the Senate Select Committee on Intelligence. His professionalism, thoughtfulness, and frank responses earned him the respect and confidence of the committee. His friendly demeanor and candor helped him successfully represent the CIA's interests before the committee and Congress.

Tim Ireland throughout his career has shown a deep commitment to our national security, proud service to the CIA, and a calm yet thorough performance in his work. His more than 32 years of service as an intelligence officer has helped to keep our Nation and its citizens safe.

Mr. President, we ask our colleagues to join us in thanking Mr. Tim Ireland for his honorable service to the Central Intelligence Agency and the people of the United States. We also want to thank Tim's wife Andy for her support and understanding, as well as her sacrifices in allowing Tim to selflessly commit himself to protecting our Nation.

We wish Tim and Andy Ireland all the best in the future.

#### KAYCEE, WYOMING

Mr. BARRASSO. Mr. President, I rise today to celebrate the centennial of Kaycee, Wyoming.

The late Chris LeDoux, country singer and beloved citizen of Kaycee, once sang "Well, I just smile because they don't understand, but if they ever saw a sunrise on a mountain mornin', watched those cotton candy clouds roll by, they'd know why I live beneath these Western skies." The citizens of Kaycee will tell anyone they meet that no truer words have ever been spoken about their town. Located in northeastern Wyoming, Kaycee is nestled in the foothills of the Big Horn Mountains with the Powder River flowing through its heart and the sprawling plains spread out before it.

I stand here today to honor the town in its 100 year celebration, but many citizens would tell you that the town is 107. In 1906, the citizens in this blooming new municipality filed for incorporation, but the town went without a city government until the first town council meeting on August 12, 1913. Whether the town's age is 100 or 107, we congratulate Kaycee on this important milestone.

Kaycee has a rich and varied history. Before the settlers and the ranchers came, Kaycee and the area surrounding it was the home of the Northern Cheyenne and Pawnee. Following the 1876 Battle of Dull Knife, the Cheyenne survivors surrendered and relocated, first to a reservation in Oklahoma, and then finally to the Pine Ridge Reservation in South Dakota. The outlaws Butch Cassidy and the Sundance Kid also used the beautiful but rough mountain terrain of the Kaycee area to elude capture by lawmen and bounty hunters at the Hole in the Wall Canyon.

Ranchers and cowboys were very important in the development of the area. The men driving cattle through the region needed supplies, thus creating an opportunity for businesses at the Powder River crossing. However, the area was not tamed until after the 1892 Johnson County cattle war. This range war between small ranchers and larger ranching operations eventually required the intervention of President Benjamin Harrison.

As the battles for land settled down, ranchers began to expand agriculture in the area and people from all walks of life came to Kaycee to create new lives for themselves. Some ranchers brought in sheep to graze the prairies, and with the sheep came the unique culture of the sheepherders. Among these are the Basque people who traveled from the Pyrenees Mountains on the border between Spain and France. Their legacy is strong with the people of Kaycee today.

In addition to providing for the diverse wildlife and agriculture, the rich hills of Kaycee have abundant energy resources. Every day, citizens of this

great community are working to increase our Nation's energy independence by mining uranium and bentonite, and drilling oil.

In honor of the centennial of Kaycee, Wyoming, I invite my colleagues to see this wonderful place in person. I applaud the residents of the town for their efforts to celebrate such rich history and to present it to visitors from all over the world.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WYDEN, from the Committee on Energy and Natural Resources, without amendment:

S. 363. A bill to expand geothermal production, and for other purposes (Rept. No. 113-72).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, with an amendment:

S. 659. A bill to reauthorize the Reclamation States Emergency Drought Relief Act of 1991, and for other purposes (Rept. No. 113-73).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, with amendments:

S. 684. A bill to amend the Mni Wiconi Project Act of 1988 to facilitate completion of the Mni Wiconi Rural Water Supply System, and for other purposes (Rept. No. 113-74).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, with an amendment:

S. 693. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, and for other purposes (Rept. No. 113-75).

By Mr. WYDEN, from the Committee on Energy and Natural Resources, without amendment:

S.J. Res. 12. A joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission, Act, 1920 (Rept. No. 113-76).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 1294. A bill to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN:

S. 1295. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide veterans with notice, when veterans electronically file claims for benefits under laws administered by the Secretary, that relevant services may be available from veterans service organizations, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. NELSON:

S. 1296. A bill to amend the Wounded Warrior Act to establish a specific timeline for the Secretary of Defense and the Secretary of Veterans Affairs to achieve interoperable electronic health records, and for other purposes; to the Committee on Veterans' Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 195. A resolution to authorize testimony and representation in the Matter of the Proposed Discipline of Laura Block Lower; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 84

At the request of Ms. MIKULSKI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 84, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 116

At the request of Mr. REED, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 116, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 398

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 398, a bill to establish the Commission to Study the Potential Creation of a National Women's History Museum, and for other purposes.

S. 567

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 567, a bill to improve the retirement of American families by strengthening Social Security.

S. 569

At the request of Mr. BROWN, the name of the Senator from North Da-

kota (Ms. HEITKAMP) was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 669

At the request of Mr. PRYOR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 669, a bill to make permanent the Internal Revenue Service Free File program.

S. 709

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 709, a bill to amend title XVIII of the Social Security Act to increase diagnosis of Alzheimer's disease and related dementias, leading to better care and outcomes for Americans living with Alzheimer's disease and related dementias.

S. 842

At the request of Mr. SCHUMER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 842, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 844

At the request of Mr. SANDERS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 844, a bill to amend the Elementary and Secondary Education Act of 1965 in order to support the community schools model.

S. 865

At the request of Mr. WHITEHOUSE, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 865, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 916

At the request of Mr. KAINE, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Maine (Mr. KING) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 916, a bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program.

S. 917

At the request of Mr. CARDIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain qualifying producers.

S. 928

At the request of Mr. SANDERS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 928, a bill to amend title 38, United States Code, to improve the processing of claims for compensation under laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1123

At the request of Mr. CARPER, the names of the Senator from Montana (Mr. TESTER) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 1123, a bill to amend titles XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1195

At the request of Mr. BARRASSO, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1195, a bill to repeal the renewable fuel standard.

S. 1204

At the request of Mr. COBURN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1204, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services, to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities, and for other purposes.

S. RES. 157

At the request of Ms. KLOBUCHAR, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Res. 157, a resolution expressing the sense of the Senate that telephone service must be improved in rural areas of the United States and that no entity may unreasonably discriminate against telephone users in those areas.

S. RES. 165

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. Res. 165, a resolution calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko in light of the recent European Court of Human Rights ruling.

S. RES. 183

At the request of Mr. BLUMENTHAL, the names of the Senator from Alaska (Mr. BEGICH), the Senator from California (Mrs. FEINSTEIN), the Senator from Maine (Ms. COLLINS), the Senator from Maine (Mr. KING), the Senator from Massachusetts (Ms. WARREN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Mississippi (Mr. WICKER), the Senator from New York (Mr. SCHUMER), the Senator from Vermont (Mr. LEAHY) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. Res. 183, a resolution commemorating the relaunching of the 172-year-old Charles W. Morgan

by Mystic Seaport: The Museum of America and the Sea.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON:

S. 1296. A bill to amend the Wounded Warrior Act to establish a specific timeline for the Secretary of Defense and the Secretary of Veterans Affairs to achieve interoperable electronic health records, and for other purposes; to the Committee on Veterans' Affairs.

Mr. NELSON. Mr. President, the men and women of our armed services sacrifice a great deal for this country and when their service ends they should not have to worry about retaking medical tests or jumping through bureaucratic hoops to make sure their health records are complete. We need a modern health record system, and it needs to happen without further delay.

Each year 150,000 servicemembers make the transition from military service to veteran status. When a servicemember makes that change their health records should go with them and transition seamlessly from the Department of Defense to the Department of Veterans Affairs. Unfortunately, as it stands today, the two Departments operate separate health record systems that do not communicate with each other. This can cause gaps in a servicemember's health record, meaning more medical tests that lead to greater costs and an increase in the backlog of cases at the Department of Veterans Affairs.

For fifteen years we have tried to fix this problem, and in the past 5 years the Departments have spent around \$1 billion but we are not there yet. Recently, Secretary Hagel announced that the two Departments were abandoning the goal of creating a single health system. Instead, the Department of Defense will invest in a commercial system that will be able to communicate with the system being used by the Department of Veterans Affairs.

These recent efforts are a positive sign, but we must make sure the Departments continue to make progress towards a cohesive health system. That is why I am filing legislation that will provide a timeline for the health record systems to be able to talk to one another. In addition, this legislation encourages innovation in the sharing of electronic records and will provide patients greater access to their health records.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 195—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN THE MATTER OF THE PROPOSED DISCIPLINE OF LAURA BLOCK LOWER

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 195

Whereas, in the Matter of the Proposed Discipline of Laura Block Lower, Case No. 2012-SWP-LIC-445, pending before the Montana Board of Social Work Examiners and Professional Counselors, the licensee has requested the deposition of Siobhan Gilmartin, an employee in the state office of Senator Jon Tester;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved* that Siobhan Gilmartin is authorized to provide testimony in the Matter of the Proposed Discipline of Laura Block Lower, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Siobhan Gilmartin in connection with the production of testimony authorized in section one of this resolution.

#### NOTICES OF HEARINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, July 25, 2013, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider supplemental funding options to support the National Park Service's efforts to address deferred maintenance and operational needs.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to John Assini@energy.senate.gov.

For further information, please contact David Brooks (202) 224-9863 or John Assini (202) 224-9313.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Thursday, July 25, 2013, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on the issues associated with aging water resource infrastructure in the United States.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Lauren\_Goldschmidt@energy.senate.gov.

For further information, please contact Sara Tucker at (202) 224-6224 or Lauren Goldschmidt at (202) 224-5488.

AUTHORITY FOR COMMITTEES TO  
MEET

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 15, 2013, at 3 p.m. to conduct a hearing entitled "Strategic Sourcing: Leveraging the Government's Buying Powers to Save Billions."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Nate Converse, Max Ernst, and Trent Blomberg of my staff be granted floor privileges for the duration of today's session.

AUTHORIZING TESTIMONY AND  
LEGAL REPRESENTATION

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 195.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 195) authorizing testimony and representation in the matter of the proposed discipline of Laura Block Lower.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, this resolution concerns testimony and representation in a professional license disciplinary proceeding pending before the Montana Board of Social Work Examiners and Professional Counselors. In this proceeding, the licensee, Laura Block Lower, is challenging a screening panel's findings that she was in violation of her professional obligations, which may have contributed to her then-former client's eventual suicide.

The licensee is seeking testimony from a staffer in Senator TESTER's office about constituent casework that office provided to her former client in the weeks leading up to his suicide. Senator TESTER has no objection to providing any relevant evidence from his staff in this proceeding. This resolution would accordingly authorize Senator TESTER's employee to provide evidence in this proceeding, with representation by the Senate Legal Counsel.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 195) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

APPOINTMENT

The Chair, on behalf of the majority leader, pursuant to Public Law 112-272, appoints the following individual to be a member of the World War I Centennial Commission: Edwin Fountain of Virginia.

ORDERS FOR TUESDAY, JULY 16,  
2016

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it recess until 10 a.m. on Tuesday, July 16.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. At 10 a.m. Senator-elect MARKEY will be sworn in as a new Senator.

RECESS UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:07 p.m. recessed until Tuesday, July 16, 2013, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED STATES INTERNATIONAL TRADE  
COMMISSION

RHONDA K. SCHMIDTLEIN, OF MISSOURI, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING DECEMBER 16, 2021, VICE SHARA L. ARANOFF, TERM EXPIRED.

DEPARTMENT OF TRANSPORTATION

GREGORY DAINARD WINFREE, OF NEW YORK, TO BE ADMINISTRATOR OF THE RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, VICE PETER H. APPEL.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C. SECTION 624:

*To be major*

EDDIE V. LATHAM

## EXTENSIONS OF REMARKS

## PERSONAL EXPLANATION

## HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 2013

Mr. SMITH of Washington. Mr. Speaker, on Thursday, July 11, I was unable to be present for three recorded votes. Had I voted, I would have voted: "no" on Rollcall vote No. 351 (on the motion to table the appeal of the ruling of the chair); "yes" on Rollcall vote No. 352 (on the motion to recommit H.R. 2642 with instructions); and "no" on Rollcall vote No. 353 (on passage of H.R. 2642).

## CELEBRATING BILL GRAY

## HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 2013

Mr. FATTAH. Mr. Speaker, I submit the following letters regarding William Gray.

DISTRICT ATTORNEY'S OFFICE,

Philadelphia, Pennsylvania, July 10, 2013.

CONGRESSMAN CHAKA FATTAH: I was deeply saddened upon learning of the untimely passing of Congressman William H. Gray, III, which occurred on July 1, 2013. Congressman Gray had a dynamic and overwhelming personality that touched the lives of thousands of people through his endless humanitarian efforts.

My life was personally touched by Congressman Gray, when he appointed me to attend the United States Military Academy at West Point. I also owe my military career in a large part to him.

Our nation has lost one of its finest and distinguished senior statesmen. Congressman Gray was the epitome of a political, religious, and civic leader. He made an indelible impact on the hearts and minds of everyone whose lives he touched. He lived his life striving to improve the quality of life for all mankind. Let this be a living testament to his distinguished legacy.

Congressman Gray was also blessed with a wonderful wife and fine sons. He had the support of the Bright Hope Baptist Church Family of Philadelphia, various political colleagues and brethren in the ministry, and many friends.

I extend my deepest condolences to his family. My prayers and thoughts will continue to be with them.

Sincerely,

R. SETH WILLIAMS,

District Attorney, City of Philadelphia.

A TRIBUTE TO CONGRESSMAN WILLIAM H. GRAY

(By Hon. Robert A. Brady, July 8, 2013)

Mr. Speaker, I rise to honor my friend and Congressman, Bill Gray. Reverend Gray was an historic figure in Philadelphia and in this country. His contributions to this nation are

well known to all of us. So, I'd like to take a moment and just focus on his impact in my own life.

Bill represented my community in the House for many years. He was one of my most important mentors and supporters as I rose through ranks in Philadelphia politics. I was a ward leader in his district, and was proud to return his support every two years. I leaned on Bill for his wise counsel on how to serve my constituents. He helped me to be a better ward leader, a better party chair, and a better congressman. But, the best counsel I got from Bill was not professional advice. His best advice was about how to be a better father and a better husband while doing this job. He demonstrated that philosophy by his close business relationship with his son, who was by his side at almost every meeting.

During our frequent dinners, Bill would make sure I understood that I had to get back to Philadelphia as much as I can. He told me to put my family and my neighborhood first and to make sure that I didn't ever forget why I came to Washington in the first place.

Bill never lost his love for Philadelphia. He and I were working together until the last weeks of his life. He was doing all he could to help our Free Libraries, to build jobs at Comcast and to protect the people of his beloved North Philadelphia.

Mr. Speaker, Philadelphia, this country and this House will be much poorer for Bill Gray's passing. I urge my colleagues to join the entire Pennsylvania delegation in honoring him today.

IN RECOGNITION OF REV. DR.  
HENRY P. DAVIS, JR.

## HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 2013

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Rev. Dr. Henry P. Davis, Jr. on his 40th Pastoral Anniversary and his retirement as Pastor of St. Paul Baptist Church in Atlantic Highlands, New Jersey. Dr. Davis has dedicated 40 years to leading the church and serving the community and his contributions are truly deserving of this body's recognition.

Dr. Davis began serving as Pastor of St. Paul Baptist Church in 1973. Since that time, twelve individuals entered the ministry, eight of which now serve as pastors, including his son, Dr. Henry P. Davis, III of the First Baptist Church of Highland Park, New Jersey. He has provided outstanding mentorship and spiritual guidance to his congregation. He has also served as the Secretary of the Moderator's Auxiliary of the National Baptist Convention USA, Inc. for 13 years.

Dr. Davis earned his Doctor of Ministry degree from Drew University and his Master of Divinity degree from New Brunswick Theological Seminary. In addition, Dr. Davis also

holds a Bachelor of Science degree from Huston-Tillotson College in Houston, Texas and a Master of Education degree from Prairie View A&M University.

In addition to his service to St. Paul Baptist Church, Dr. Davis is an active member of his community. He serves as President of the Greater Red Bank Chapter of the NAACP; Dean of Education of the Monmouth Bible Institute in Farmingdale, New Jersey; and moderator of the Seacoast Missionary Baptist Association.

Mr. Speaker, please join me in congratulating Dr. Davis on his pastoral anniversary and retirement and thanking him for his many years of dedicated service and leadership to the St. Paul Baptist Church congregation.

RECOGNIZING MR. ERNEST  
"ERNIE" W. CONNER

## HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 2013

Mr. COSTA. Mr. Speaker, I rise today to recognize Mr. Ernest "Ernie" Conner as he is honored as the Daughters of the American Revolution's National Outstanding Veteran Volunteer of 2013. His longstanding service to our nation and his commitment to serving as a strong advocate for veterans make Ernie Conner most deserving of this honor.

A retired Master Sergeant of the United States Air Force, Ernie understands first-hand the virtue of serving our nation. From January 1955 until June 1976, Ernie honorably served the United States with two tours in Vietnam. He flew 150 missions in B-52 Stratofortress. Due to his dedicated service, Ernie received the Air Force Commendation Medal with one Oak Leaf Cluster, the Air Force Good Conduct Medal with four Oak Leaf Clusters and the Army Good Conduct Medal with two bronze loops. His loyalty and devotion to our country is remarkable and highly commendable.

A tireless advocate for all veterans, Ernie believes it is his duty to remember the men and women who defend our freedoms with courage. He has served as the Chair of the Veterans Service Committee, Americanism Committee and the Support the Troops campaign for the Merced Elks Lodge for the past seven years. Through his efforts, the Support the Troops program has secured the donation of over four tons of almonds and various care packages that are sent to our deployed troops. In order to keep this program going, he organizes several fundraisers as well as reaching out to local businesses for support. Ernie also organizes the Elk veterans' participation in the Annual Merced Veterans Day parade, including assisting in construction of the float. He is involved in putting on regular Recognition dinners for our Veterans and their families, including the Blue and Gold Star families. In

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



total, Ernie volunteers over 2,000 hours annually to help serve the needs of our veterans.

A veteran and great American, Ernie's longstanding dedication to service is truly a reflection of his superior moral character. As a Merced County Veterans of Foreign Wars Honor Guard active member, Ernie is committed to ensure proper burial services for our local veterans. He helps provide solace and peace of mind to grieving families during these difficult times. As long as Ernie is involved, veterans will never be forgotten.

In addition to his significant community work, Ernie is a loving husband, father and grandfather. He and his wife Joanne have been married for 55 years.

Mr. Speaker, I ask my colleagues to join me in recognizing Ernie Conner for his unwavering allegiance to our veteran community. He truly exemplifies the best of what America has to offer.

#### IN HONOR OF JUDY SMITH

#### HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 2013

Mr. BRADY of Texas. Mr. Speaker, I stand today to honor a passionate voice for American values and her community.

My dear friend, Judy Smith is retiring as Precinct 72 chair, a position she has held since the Precinct's founding in 1998. For nearly three decades, Republicans in Harris and Montgomery County have counted on Judy and her dedication to our democratic process.

It has been my honor to call Judy and her husband, Bob, my friends for many years. We have all been in awe of the amazing growth of her precinct's Republican participation rate. It's over 5 times what she started with and has the highest percentage Republican turnout in the entire county. Because she never takes success for granted, she has held that turnout record for the entire 15 years she's been Precinct 72 chair.

Judy served two terms on the State Republican Executive Committee, as Chairman of both Senatorial District 7 in Harris County and District 3 in Montgomery County and as a delegate for the last three national conventions.

I remember well when Judy and Dorothy Woodall organized the North Shore Republican Women. Judy served as president in its first years, before serving as the Texas Federation of Republican Women Co-Chairman of Victory 2002, Chairman for TFRW State 2004 Voter Registration, 2006–2007 Vice President of Membership, and 2008–2010 Vice President of Programs and currently as Co-Chairman of Patrons.

These are just some of the many accomplishments that led to her being honored as one of the TFRW's Ten Outstanding Republican women in Texas in 2005. As a member and a former Regent of the National Federation of Republican Women, she helped bring the Texas success story to the White House.

A member of the First United Methodist Church of Willis, Judy and Bob have been married for 55 years, raised 3 grown children

and are currently enjoying being grandparents. Much soul searching led my friend, Judy, to step down as chairman of what she called 'a great experience'. I just would like her—and the entire country—to know how much we all appreciate what she has done for her country.

This weekend, the North Shore Republican Women's club are hosting a retirement picnic for Judy in Bentwater. But her presence will continue to be felt, because of the amazing example she has set for us all.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 16, 2013 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### JULY 17

9 a.m.

Committee on Appropriations  
Subcommittee on Department of Defense  
To hold hearings to examine proposed budget estimates for fiscal year 2014 for the Missile Defense Agency.

SD-192

9:30 a.m.

Committee on Armed Services  
Subcommittee on SeaPower  
To receive a closed briefing on the major threats facing Navy forces and the Navy's current and projected capabilities to meet those threats.

SVC-217

10 a.m.

Committee on Banking, Housing, and Urban Affairs  
Subcommittee on Financial Institutions and Consumer Protection  
To hold hearings to examine the consumer debt industry.

SD-538

Committee on Commerce, Science, and Transportation  
Subcommittee on Consumer Protection, Product Safety, and Insurance  
To hold hearings to examine the expansion of internet gambling, focusing on assessing consumer protection concerns.

SR-253

Committee on Foreign Relations  
To hold hearings to examine the nomination of Samantha Power, of Massachusetts, to be the Representative to the

United Nations, with the rank and status of Ambassador and the Representative in the Security Council of the United Nations, and to be Representative to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative to the United Nations.

SD-419

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine the Department of Homeland Security at 10 years, focusing on harnessing science and technology to protect national security and enhance government efficiency.

SD-342

Committee on Veterans' Affairs

Business meeting to consider pending calendar business.

SR-418

1 p.m.

Committee on the Judiciary

To hold hearings to examine working together to restore the protections of the "Voting Rights Act", focusing on Selma and Shelby County.

SD-226

2:30 p.m.

Committee on Agriculture, Nutrition, and Forestry

To hold hearings to examine reauthorization of the Commodity Futures Trading Commission.

SH-216

Committee on Armed Services

Subcommittee on Strategic Forces

To hold closed hearings to examine revisions to the nuclear employment strategy.

SVC-217

Committee on Commerce, Science, and Transportation

To hold hearings to examine E-Rate 2.0, focusing on connecting every child to technology.

SR-253

Committee on Foreign Relations

To hold hearings to examine the nomination of Catherine M. Russell, of the District of Columbia, to be Ambassador at Large for Global Women's Issues, Department of State.

SD-419

3 p.m.

Committee on Small Business and Entrepreneurship

To hold hearings to examine small business tax reform, focusing on making the tax code work for entrepreneurs and startups.

SR-428A

##### JULY 18

9:30 a.m.

Committee on Armed Services

To hold hearings to examine the nominations of General Martin E. Dempsey, USA for reappointment to the grade of general and reappointment as Chairman of the Joint Chiefs of Staff, and Admiral James A. Winnefeld, Jr., USN for reappointment to the grade of admiral and reappointment as Vice Chairman of the Joint Chiefs of Staff, both of the Department of Defense.

SH-216

Committee on Energy and Natural Resources

To hold hearings to examine the current state of clean energy finance in the United States and opportunities to facilitate greater investment in domestic



**SENATE—Tuesday, July 16, 2013***(Legislative day of Monday, July 15, 2013)*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. LEAHY).

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, You deserve the honor, the glory, and the praise from our mortal lips, for You alone are omnipotent. Shine Your light upon the challenging path which our lawmakers must walk, dispelling the shadows of doubt and division. Lord, use our Senators as instruments of Your glory, keeping their faith strong as they trust You to order their steps and choreograph their destinies. May their labors bring solace to the needy, the marginalized, the lost, the lonely, and the least. Help them to remember that they are Your servants, called to serve Your purposes in their generation.

Lord, we ask Your special blessings on our new lawmaker Senator MARKEY as he is sworn in today.

We pray in Your sacred Name. Amen.

**PLEDGE OF ALLEGIANCE**

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**ORDER OF BUSINESS**

Mr. DURBIN. Mr. President, the majority leader will be on the floor very briefly, but at this point I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the business before the Senate?

The VICE PRESIDENT. The swearing in of the Senator from Massachusetts.

**CERTIFICATE OF APPOINTMENT**

The VICE PRESIDENT. The Chair lays before the Senate a Certificate of Election to fill the vacancy created by the resignation of Senator John F.

Kerry of Massachusetts. The certificate, the Chair is advised, is in the form suggested by the Senate. If there is no objection, the reading of the certificate will be waived and it will be printed in full in the RECORD.

Mr. REID. Mr. President, reserving the right to object, I know a lot of people want to say some real nice things about this good man, but we are going to have to do it later. We have a lot of things to do. As he will learn, the Senate is not always as punctual as the House. So all those who have these wonderful things to say about this good man, do it later.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**THE COMMONWEALTH OF MASSACHUSETTS**

*To the President of the Senate of the United States:*

This is to certify that on the twenty-fifth day of June, two-thousand and thirteen Edward J. Markey was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator for the unexpired term ending at noon on the third day of January, two thousand and fifteen, to fill the vacancy in the representation from said Commonwealth in the Senate of the United States caused by the resignation of Senator John F. Kerry.

Witness: His Excellency, the Governor, Deval L. Patrick, and our seal hereto affixed at Boston, this tenth day of July in the year of our Lord two thousand and thirteen.

By His Excellency, Governor

DEVAL PATRICK.

WILLIAM FRANCIS GALVIN,

*Secretary of the Commonwealth.*

[State Seal Affixed]

**ADMINISTRATION OF OATH OF OFFICE**

The VICE PRESIDENT. If the Senator-designee will now present himself at the desk, the Chair will administer the oath of office.

The Senator-designee, escorted by Ms. WARREN and Mr. COWAN, advanced to the desk of the Vice President, the oath prescribed by law was administered to him by the Vice President, and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause.)

Mr. REID. Mr. President, what is the business before this body?

The PRESIDING OFFICER (Mr. MURPHY). The motion to proceed to S. 1238 is pending.

**MEASURE PLACED ON THE CALENDAR—S. 1292**

Mr. REID. Mr. President, I am told S. 1292 is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 1292) to prohibit the funding of the Patient Protection and Affordable Care Act.

Mr. REID. Mr. President, I object to this.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar under rule XIV.

**EXECUTIVE SESSION****NOMINATION OF RICHARD CORDRAY TO BE DIRECTOR OF THE BUREAU OF CONSUMER FINANCIAL PROTECTION**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to resume consideration of Calendar No. 51.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read as follows:

Nomination, Bureau of Consumer Financial Protection, Richard Cordray of Ohio to be Director.

Mr. REID. Mr. President, I ask unanimous consent that the time until 11 a.m. be equally divided and controlled.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. At 11 there will be a cloture vote on the nomination of Richard Cordray to be Director of the Consumer Financial Protection Bureau. If cloture is invoked, there will be up to 8 hours of debate on the nomination.

The PRESIDING OFFICER. Who yields time?

Mr. REID. I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Would the Senator withhold that request?

Mr. REID. Absolutely.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, we are going to move forward to the Cordray nomination, which has been held up for some period of time. I would like to thank everybody on both sides of the aisle who was engaged in this debate and discussion. I would particularly like to thank all of my colleagues who

engaged in a long but productive discussion last night—which is our custom—of the many issues that separate us, particularly some pending, what many of us believe to be a crisis in the history of the Senate.

I wish to thank both our leaders, Senator MCCONNELL and Senator REID, and so many others who have been actively engaged in conversations that have been going on. I look forward to a vote as soon as possible on Mr. Cordray.

I thank all of my colleagues for believing what I thought was very important in our relations with the Senate.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we may have a way forward on this. I feel very confident, as you know. That is why we need the time. So what we are going to do is go into a quorum. I think everyone would be well advised, if they wish, to talk about substantive matters, if you wish to speak to Senator MARKEY. But we have a few i's to dot and t's to cross, I have to speak to the Vice President, and we are going to have a phone call to make with Senators SCHUMER and MURRAY. So everything is going well.

I will say I hope everyone learned a lesson last night, that it sure helps to sit down, stand, whatever it is, and talk to each other. It was a very good meeting that lasted 4 hours. People were still as highly engaged at the end of that 4 hours as they were in the beginning.

I think we see a way forward that will be good for everybody. There are a lot of accolades to go around to a lot of people. I certainly appreciate my wonderful caucus.

One of my Senators, who has a lot of humility, told me this morning: It doesn't matter what you ask me to do, I will do it.

I would hope this is not a time to flex muscles, but it is a time I am going to tell one person and no one else how much I appreciate their advocacy, their persuasiveness, persistence, and—a word that truly describes this man is hard to find.

I was told by another Senator: You know what this man did? I said: You know who he reminds me of? Bob Kerrey. I hope that doesn't disparage JOHN MCCAIN. But JOHN MCCAIN is the reason we are at the point we are. A lot of people have been extremely helpful. This is all directed toward JOHN MCCAIN from me. No one was able to break through but for him. He does it at his own peril.

Everyone, we are going to have a caucus today. We will explain in more detail the direction we are headed. I think everyone will be happy. Everyone will not think we got everything we wanted, but I think it is going to be something that is good for the Senate.

It is a compromise. I think we get what we want; they get what they want—not a bad deal.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I wish to speak today on the nomination of Richard Cordray to be the Director of the Consumer Financial Protection Bureau. I want to speak against this confirmation.

Why is this nomination important? Once the Director is approved by Congress, by the Senate—not all the Congress, just by the Senate—we will no longer have any control over a bureau that collects everyone's financial records in detail and can cancel a loan up to 180 days even if both parties to the loan are happy.

Mr. Cordray was recess-appointed. I think it was because the President thought he would not be approved by Congress.

What I am about to tell you already is under the direction of this nominee. That recess appointment put him in charge of the Consumer Financial Protection Bureau. It sounds like a good title, but the reason this is of utmost concern to me and has been for the past 3 years is the lack of congressional oversight and blatant privacy intrusions of the Consumer Financial Protection Bureau, the CFPB.

The Dodd-Frank Act, which created the CFPB, has been a hot topic of conversation since its passage in 2010. There are a lot of important discussions about different parts of the bill and some of the consequences we are seeing now, 3 years down the road. These are all important conversations to have, but today I am focusing on the Consumer Financial Protection Bureau.

The Bureau, as allowed by the Dodd-Frank Act, could direct up to \$600 million every year, but it is not subject to the congressional appropriations process—the same congressional appropriations process that approves the budgets of the other agencies, such as the Securities and Exchange Commission and the Federal Trade Commission. Instead, the agency is funded from revenues from the Federal Reserve—the Federal Reserve—before the revenues come to the Treasury, funds that are supposed to be remitted to the Treasury for deficit reduction.

Some might ask: Isn't there a cap to the funding available to the CFPB? Yes, there is, but here is what it looks like. The cap was 10 percent of the Federal revenues for fiscal year 2010, 11 percent for fiscal year 2012, and it will

be 12 percent for fiscal year 2013, with an inflation factor each and every year after that. This means 12 percent of the combined earnings of the Federal Reserve System, which was \$4.98 billion in 2009. At that time, 10 percent would have been \$500 million. These numbers are astonishing, and anyone saying that the Bureau is not funded by taxpayers is trying to pull a sleight-of-hand. The funds may not come directly from the Treasury, but taxpayers are going to have to take up the slack for funds they are no longer receiving from the Federal Reserve. I am not sure how we do that constitutionally, to move somebody outside and still take Federal money.

In addition, the Director of the Bureau has unlimited discretion over how the agency's money—these hundreds of millions of dollars I just talked about—is spent. Let me repeat that. The Director of the Bureau has unlimited discretion over how the agency's money is spent. He doesn't submit a budget. Nothing is approved.

Not only that, the Director is allowed to put fines and penalties collected by the Bureau into a slush fund that it does not have to return to the Treasury the way other agencies have to do. Do you think that might encourage a lot of fines and penalties by this Bureau? I think it would. I don't think it ought to be done that way.

The same Director who has so much unchecked authority doesn't even answer to the Office of Management and Budget and only has to submit routine financial information to the Office.

There is also no inspector general for this Bureau. Here is one example of why that is a problem. The Dodd-Frank Act expressly exempted auto dealers from the oversight purview of the Bureau. They listened to me when this bill was passing and found out that loans could be canceled within 180 days by the Bureau without the approval of the automobile dealer or the person who bought the automobile.

However, the Bureau doesn't think auto dealers should be exempt from oversight, so it found ways to exert itself through the banks. Banks are now looking at auto loans made, and the Bureau has issued its first significant penalty in connection with the vehicle financing.

The Bureau has also issued what it calls a fair lending guidance bulletin directed at institutions that make indirect automobile loans. In it the Bureau says indirect lenders will be viewed as participants in any discriminatory pricing by dealers due to their role in the auto loan credit decision process and suggests lenders impose controls on dealer markup and compensation policies. Is this revenge for them getting an exemption in the bill?

The Bureau's interpretation of Dodd-Frank and this guidance will have wide ramifications for indirect lenders and

ultimately auto dealers. Because the bulletin issued is considered guidance and not a rule, there has been no opportunity for the public—including consumers, lenders, and dealers—to comment on this policy interpretation that will affect an industry that was exempted from the Bureau oversight.

The lack of accountability and congressional oversight over the Bureau's budget and Director are troubling, to say the least, but the picture becomes even more concerning when the lens is shifted to what kinds of oversight power are afforded to and being practiced by this Bureau—this Consumer Financial Protection Bureau. It sounds like it is for everybody.

Here is what I said when expressing my concern about this Bureau and the Dodd-Frank Act on May 20, 2010:

This bill was supposed to be about regulating Wall Street; instead it's creating a Google Earth on every financial transaction. That's right—the government will be able to see every detail of your finances.

Your permission is not needed.

They can look at your transactions from the 50,000 foot perspective or they can look right down to the tiny details of the time and place where you pulled cash out of an ATM or charged to your credit card.

Unfortunately, we are now finding this fear has become a reality. A recent Bloomberg article states that the Bureau is demanding records from banks and buying information from companies on at least 10 million American consumers for “use in a wide range of policy research projects.” This information gathering from banks includes credit card and checking account overdraft information as well as requirements to provide records on credit cards and on products such as credit monitoring.

In addition to the bank records it is collecting, the Bureau is collecting data on payday loans from debt collection agencies and building a mortgage database of loan and property records with information from agencies and other financial and property information holders.

The CFPD also says they are not including any personally identifiable information such as names and Social Security numbers while compiling all of this information. I made that statement at one of our listening sessions in Wyoming, and somebody from the audience yelled: No, they just check with the NSA.

What they are doing is taking all of that consumer data and layering it into consumer profiles to show a complete snapshot of each consumer's finances. For example, they can say: There is a consumer at a specified zip code who has \$1,500 in the bank, \$6,000 in credit card debt, \$10,000 in student loan debt, and a \$200,000 mortgage.

To the American people who are listening to me speak right now, what happens if you are one of the 10 million

customers whose data is being collected? Does this make you angry and uncomfortable? What happens if you don't want all of your financial information compiled and used by the Bureau for policy research projects?

I am sure you would like to hear me tell you that you can call or write the Bureau and say you don't want the Bureau collecting your financial records from your bank, your student loan from a third party provider, your mortgage data, or your ATM data. I am sorry. You can't. You can't tell them to stay out of your records. It is not possible. If your data is being collected, you do not have the option to opt out nor does the CFPB need any kind of permission from you to gather your personal financial information.

This is another issue I tried to work on when the Dodd-Frank Act passed. I had an amendment that would simply require a privacy release, a signature from the consumer before the Bureau could collect the consumer's financial data. Unfortunately, my amendment was not accepted and we find ourselves in the situation we are in today: Americans cannot tell the government they don't want their personal financial information collected and stored.

What I would like to know is how this information is reining in Wall Street. The Dodd-Frank Act was sold to the public as a way to rein in Wall Street. As far as I can tell, it has turned out to be the perfect excuse for Big Brother to worm his way even further into our lives and our privacy.

Actually, Big Brother doesn't have to worm his way in. Dodd-Frank opened the door and invited him in, and that is what this lack of oversight is signaling. Go ahead and collect millions of consumers' information. Don't tell us what you are using it for, and don't feel the need to tell us much of anything else because this Director and this Bureau will not be accountable to Congress.

Meanwhile, the message we are getting from the Bureau, and some of my colleagues, is that Congress needs to sit back and butt out of the Bureau's business. We are hearing the message that asking for congressional oversight is akin to wanting consumers to be deceived and discriminated against.

Let's get one thing straight. None of my colleagues disagree that protecting consumers is important. We all want consumers to get a fair shake and be able to make informed financial decisions. I never envisioned the Federal Government making your financial decisions. I have championed financial literacy for much of my time in Washington and believe strongly in the value of individuals having the tools they need to make sound financial decisions for themselves and their families. I repeat: I never envisioned the Federal Government making your financial decisions, but that is not the

issue. The issue is the need for checks and balances and for consumers to be able to make a choice as to whether their financial information is collected and used.

I cannot in good conscience, with these concerns weighing so heavily on my mind, support moving forward with the confirmation of a Director to the Consumer Financial Protection Bureau—the one already in charge of collecting your financial records—while doing a daily speech about his good work.

Wait until his confirmation. We will see more intrusion into our personal lives. Until it has changed so this man does not have this much power—power beyond anybody else in the Federal Government—there needs to be some changes that will balance consumers' protections with privacy protections and allow for a healthy and appropriate level of congressional oversight over an agency that wields this tremendous power and has its own source of revenue and no oversight. Not even an inspector general has this kind of power. Until that happens, I have to oppose this nomination. I hope my colleagues will join me.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHATZ). The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, this is a historic day in the Senate. These are qualified nominees. They have been delayed long enough. But we are also considering a larger question; What kind of Senate do we want? What kind of Senate best serves the American people?

This is not about breaking agreements. This is about a Senate that is already broken. We once were called the world's greatest deliberative body, and we have become a graveyard for good ideas. The traditions of the Senate have been buried—buried under the weight of filibusters, of chronic obstruction, and by a tyranny of the minority. The Senate has been driven by unprecedented partisanship.

The agreement of this past January was modest. Some of us felt it was too much so. The leaders agreed to schedule the President's nominees in a timely manner, but that did not happen. That is not what we have seen. Nominees have been continually blocked—one after another, month after month. That failure doesn't just violate an agreement, it violates the trust of the American people.

People in New Mexico—people in the rest of the country—want to know: Who is minding the store? The answer, too often, is no one. As a result, important work is left undone. That is not by

accident. It is by design, which is why we are here now. Because the months go by, and we don't have a Secretary of Labor. We don't have a National Labor Relations Board. We don't have an administrator of the Environmental Protection Agency. These, and other, vital agencies are adrift.

Their work matters for the people in my State, for all Americans who care about the rights of workers, the environment, health care, consumer protection, and the integrity of our elections.

The American people spoke in November. They re-elected the President. They expect a government to do its job, and gave the President the right to select his team to do that job. The people give the President that right, but a minority in the Senate does not. Find 60 votes or find someone else or leave the position empty. That is not the tradition of the Senate.

That is not advise and consent, it is obstruct and delay. In the end, it is the people of this country who are kept waiting.

These are qualified nominees. They should not be blocked yet again simply because you don't like their policy or their program, or the law they are commanded to uphold.

We have a chance here today—a historic chance—to restore the confirmation process. We have a chance to restore the Senate to how it has worked for over 200 years. I hope we will take this opportunity.

New Mexicans want a government that works, the American people want a government that works, and today they will be watching to see if, finally, it actually does.

In conclusion, I want to talk about the rules and what we engaged in yesterday, which I thought was a very productive endeavor. We had 3 hours with most Senators in the room in the Old Senate Chamber. We were able to exchange our thoughts outside of the limelight. I believe it was very productive.

We had a lot of ideas come forward. Some of those ideas to resolve this situation may end up being adopted in a little bit. It looks as though Richard Cordray, the attorney general from Ohio, will get cloture at this point—at least that is the way it is looking—and then we will have some debate on that nomination.

I have a couple of other points. First of all, Leader REID has incredible patience when it comes to this whole issue of executive nominations. I have seen him over and over go beyond the pale when it comes to patience. At this point he realized we were getting things clogged up, there was too much obstruction, so he needed to force the issue.

I am very proud he has done this because I think it has pushed us in the right direction. As a result, we are going to get executive nominees in

place on a timely basis, and we are going to get rid of all the delay we have had.

I looked back in history at executive nominees. I remember my father when he became Secretary of the Interior in 1961. When I was first sworn into the Senate and came home, I told him we were having a hard time getting executive nominees in place. He said: Tom, the amazing thing, if you highlight the 50 years ago and 50 years later, is I had my whole team in place within 2 weeks. My entire team was in place in 2 weeks.

This is President Obama's fifth year as President, and he doesn't have his team in place. That is the issue. I know we are focusing on trying to do everything we can to find a solution as to how we allow a President who has been reelected—and by a pretty good margin—to have his team in place.

I am very confident that Senator JOHN MCCAIN is working on a compromise. He is a good friend to the family and somebody who cares about moving forward with the issues rather than obstructing the issues.

As everybody knows, he was part of the Gang of 14. Senator MCCAIN with 13 other Senators came up with that compromise to move us forward in terms of the gridlock that we were facing with judicial nominations. So I hope the discussions that are taking place are going to produce something.

I think it is a big breakthrough to see we are at the point where Richard Cordray, who has been waiting for 2 years—he is a very competent individual. He has served as the attorney general of Ohio, one of our biggest States. He is a great consumer protection person—is going to get cloture, we will have debate, and my sense is we are going to get him into that consumer agency, and it will make a big difference.

I see my good friend Senator CORKER, so I want to make sure he gets to speak before we have this 11 a.m. vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I thought last night's meeting was a healthy meeting. I am glad we did what we did. I appreciate the two leaders sponsoring that meeting, and I appreciate the time in which everyone spoke.

I think with a lot of phone calls having been made this morning we can and will move past the cloture vote for Mr. Cordray. I have had several conversations with him and others, this morning, but I do want to say this is a gesture of good faith. We will see what happens in a moment when the vote takes place and, obviously, in this body, nothing happens until it happens.

I hope Members on the other side will note this good-faith effort that is taking place in a few moments. I hope it is going to happen. I think it may.

I hope that over the course of the next 24 to 48 hours we can work in a little more comprehensive manner. I think this would be something to get behind us during this next year and a half so we can move on to solving our Nation's problems. I don't think it is healthy for this body to constantly have potential rules changes hanging over the issues of our Nation, and we do have big issues.

We have an opportunity, potentially, to get the immigration issue behind us. I know there are other pieces of legislation we could well deal with. In the event we do move into this postcloture period, I hope Members on the other side of the aisle will take note of that and will work with us constructively toward a solution that brings this place together instead of pulling it apart.

I thank the Senator for his efforts. Again, I empathize and sympathize with his family over the personal loss that just occurred. I look forward to working with the Senator from New Mexico as we move ahead.

I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection.

Harry Reid, Tim Johnson, Barbara Boxer, Elizabeth Warren, Debbie Stabenow, Jon Tester, Al Franken, Jack Reed, Tom Harkin, Ron Wyden, Patrick J. Leahy, Amy Klobuchar, Robert P. Casey, Jr., Jeff Merkley, John D. Rockefeller IV, Max Baucus, Richard Blumenthal, Carl Levin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Richard Cordray, of Ohio, to be Director of the Bureau of Consumer Financial Protection, for a term of 5 years, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The yeas and nays resulted—yeas 71, nays 29, as follows:

[Rollcall Vote No. 173 Ex.]

#### YEAS—71

Ayotte	Cardin	Feinstein
Baldwin	Carper	Flake
Baucus	Casey	Franken
Begich	Chambliss	Gillibrand
Bennet	Coats	Graham
Blumenthal	Collins	Hagan
Blunt	Cooms	Harkin
Boxer	Corker	Hatch
Brown	Donnelly	Heinrich
Cantwell	Durbin	Heitkamp

Hirono	McCain	Sanders
Hoeven	McCaskill	Schatz
Isakson	Menendez	Schumer
Johanns	Merkley	Shaheen
Johnson (SD)	Mikulski	Stabenow
Kaine	Murkowski	Tester
King	Murphy	Udall (CO)
Kirk	Murray	Udall (NM)
Klobuchar	Nelson	Warner
Landrieu	Portman	Warren
Leahy	Pryor	Whitehouse
Levin	Reed	Wicker
Manchin	Reid	Wyden
Markey	Rockefeller	

## NAYS—29

Alexander	Enzi	Risch
Barrasso	Fischer	Roberts
Boozman	Grassley	Rubio
Burr	Heller	Scott
Chiesa	Inhofe	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Lee	Thune
Cornyn	McConnell	Toomey
Crapo	Moran	Vitter
Cruz	Paul	

The PRESIDING OFFICER. On this vote the yeas are 71 and the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Pursuant to S. Res. 15 of the 113th Congress, there is now 8 hours of postcloture debate on this nomination, equally divided in the usual form.

The majority leader.

Mr. REID. I hope we don't have to use all of the 8 hours, but we will see.

I ask unanimous consent the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus meetings and that the time during the recess count postcloture on the Cordray nomination.

I express my appreciation for the strong vote this good man received.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. What I should have done and will do now is ask unanimous consent that the time during this quorum call be divided equally on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I thought I would make a couple of comments regarding the activities of this Chamber a few minutes ago. We had 71

votes in favor of closing debate on the nomination of Richard Cordray to be Director of the Consumer Financial Protection Bureau, the CFPB. The CFPB is vested with the responsibility of protecting consumers from predatory financial practices.

We all discovered in the runup to the great recession just how important this protection is. We had many crazy predatory practices.

On credit cards we had fees that came out of nowhere and shifting time periods from month to month in terms of when the payments were due, even shifting destinations of where the credit card payments got mailed to, and also fees that could be wracked up on unsuspecting consumers.

We certainly found out on mortgages how important financial protection is because we had, starting from 2003 forward, a booming industry in predatory teaser rate mortgages, where the mortgages might be 4 percent for 2 years but then were changed after 2 years to 9 percent. One would think most would-be homeowners would look at that deal and say: That is not a good deal. But here is what happened. They went to a mortgage broker, and the mortgage broker said: I am your financial adviser. Mortgages have gotten very complex, they are very thick, and there is a lot of fine print, so you are paying me to sort through and find the best deal for you.

So first-time home buyers trusted their mortgage brokers. Unbeknownst to the new homeowners, those brokers were being paid kickbacks called steering payments. They were being paid special bonuses outside the framework of the deal in order to steer the unsuspecting first-time home buyer—the customer—into a predatory loan when the first-time customer actually qualified for a prime fixed-rate mortgage. Well, those predatory mortgages proceeded to be put into securities, and those securities were bought up by financial institutions across America and beyond because the folks who were buying the securities understood that in a couple of years the interest rate would go way up and they would make a lot of money off those securities.

So this was a system rigged against the first-time home buyer, against the home buyer who wanted to start their journey to owning their piece of the American dream.

Those predatory practices should never have been allowed. Some here will remember the responsibility for consumer protection was vested in the Federal Reserve. But what happened in the Federal Reserve? The Federal Reserve carried on with its responsibility on monetary policy, but it put its responsibility for consumer protection down in the basement of its building. They locked the doors, they threw away the key, and they said let the market be the market. They abandoned our consumers across this country.

That is why we need a Consumer Financial Protection Bureau. It doesn't have a conflict in its mission. It is not obsessed with a different mission such as monetary policy. We need a bureau that says: New predatory techniques will crop up and we will try to end them, try to end practices in predatory payday loans that can charge 350 to 550-percent interest on unsuspecting citizens. We need a bureau that will look out and say we need to stop the practice on which online payday lenders get your bank account number and, without your permission, do a remotely generated check and reach in and grab the funds out of your account. The list of predatory practices is endless because the human mind is endlessly inventive. So we have an important bureau—but an important bureau that cannot do its job unless there is a director to run it.

Two years ago Richard Cordray was nominated to head the Bureau. He has been waiting to get cloture on his nomination and a subsequent vote for 2 years. He has been an interim appointee during that period of time and, by all accounts, from everything I have heard from folks in this Chamber, doing a very good job, working very hard with the great technical details of the financial world to find a fair and solid way forward.

The fact is his nomination, so long delayed, is not a reflection on him personally. In fact, many Senators who have opposed allowing the vote to take place have come forward and said it is not about him personally; it is about the Consumer Financial Protection Bureau. Forty-three Senators in this Chamber wrote a letter to say they would oppose any nominee for the Consumer Financial Protection Bureau. It was a bold attempt to change back to a situation where there was no one to fight for consumer protection for our citizens in this Nation.

Today we end that drama in favor of fairness for American citizens, in favor of taking strong action against predatory mortgages and the predatory practices of the future. In 8 hours we will be voting up or down on his nomination, as we should have long ago.

But let me shift gears here and say the vote we took today is symbolic of much more than the important function of establishing an effective Consumer Financial Protection Bureau. The vote we took a short while ago is central to ending the paralysis that has generally haunted this Chamber. That paralysis is something new. In the time from Eisenhower's Presidency through Ford's Presidency, there was not one filibuster of an executive nominee. In President Obama's 4½ years, there have been 16 such filibusters. So if we talk about the norm and tradition of the Senate, the norm and tradition of the Senate is a reasonable and timely up-or-down vote. That is the tradition, and it is a tradition that fits with



the Constitution. The Constitution calls for a supermajority for treaties to be confirmed, but it only embeds a simple majority requirement for nominations. There is reasoning behind that: because our Founders envisioned three coequal branches of government. They could never have envisioned it would be OK for the minority of one branch to be able to deeply disable another branch, be it the executive branch or be it the judiciary.

So the vote we took today is part of a larger conversation about ending the paralysis and focusing on the challenge of executive nominations getting timely up-or-down votes.

Mr. DURBIN. Would the Senator yield for a question?

Mr. MERKLEY. Absolutely.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Illinois.

Mr. DURBIN. Madam President, I first thank the Senator for his leadership. He has been the singular force in the Senate to have us reassess the rules of the Senate to make certain they are serving the needs of our Nation. I thank Senator MERKLEY for his leadership, and I know he felt a great sense of satisfaction with the vote that was just cast on the floor—a vote in which 71 Senators voted to invoke cloture and end the filibuster on the nominee to head the Consumer Financial Protection Bureau.

As the Senator from Oregon knows, this Bureau has been controversial since its inception when we passed the Dodd-Frank finance reform bill after the tragedies and scandals of Wall Street. There were many who did not want to see us create a consumer protection agency. Yet we did. It was the brainchild of one of our current colleagues, Senator ELIZABETH WARREN of Massachusetts, who, before she was elected, thought this was an important agency—literally the only consumer protection agency in the Federal Government. But it wasn't welcomed by some corners, particularly some financial institutions and others.

I think it is noteworthy at two levels, and I would like to ask the Senator from Oregon to respond. First, it is noteworthy that although it took 2 years, in that 2-year period of time this Consumer Financial Protection Bureau has proven its worth.

I am working now on the exploitation of our military by for-profit schools. Holly Petraeus, the wife of General Petraeus, works for this agency, and she has focused her efforts on military families and the exploitation of the GI bill by these schools.

I think every American would agree that those who are guilty of it should be held accountable, and this investigation is under way by this agency. Now Richard Cordray is there to head it. I think that is important, and that is why this vote which will be in a few hours on Richard Cordray's nomination is important.

But the second point is a larger global point about the Senate and perhaps Congress. We have in a very brief period of time—1 month—seen two very significant votes, in my estimation. The first was on the immigration bill, where 68 Senators voted for the immigration reform bill, 14 Republicans joining all the Democrats. It was a breakthrough, and most of us feel it was the first time in a long time that we have seen Senators of both political parties sit down and hammer out an agreement that was reflected in the vote on the floor: 14 Republicans, 54 Democrats.

Now we have the second evidence of bipartisanship with the vote that was just cast, 71 who came forward—some 17 Republicans and 54 Democrats, if I am not mistaken—voting in favor of ending cloture.

The point I would like to get to in this long question—and I would ask the Senator from Oregon for his reflection on this—it seems to me the key to getting things done on Capitol Hill these days, in a fractured political Nation, is bipartisanship—not just in the Senate Chamber but in the House as well, that they have to reach beyond the majority party—in our case Democrats and in their case Republicans—and start thinking about how we put things together on a bipartisan basis that have a chance of passing and ultimately becoming law and solving the problems facing our Nation.

When it comes to consumer protection, with a bipartisan vote, we move forward. A few weeks ago when it came to immigration reform, we had a bipartisan vote that moved forward. So I would ask the Senator to not only reflect on this institution and the earlier vote but on the current challenges we face politically and how these votes reflect on those.

Mr. MERKLEY. I would say to my colleague from Illinois that, indeed, these are key milestones where the journey is to restore the functionality of this Senate so it can take on the significant issues Americans expect us to take on.

The path forward is not yet one without obstruction. We have these two important milestones—one of going forward on immigration, a second of going forward in terms of putting a functioning Consumer Financial Protection Bureau fully together. We have had some other recent moments that fit this pattern, including passing the farm bill out of this Chamber for the second time, passing a Water Resources Development Act that would fund enormous amounts of infrastructure across this country to help provide both water supply infrastructure and wastewater treatment infrastructure. These are good moments. But we also are reminded that the path is not completely clear.

For example, at this moment we should be in the middle of a conference

committee on the budget. The Senate passed a budget and the House has passed a budget, but the conference committee is being filibustered by this Chamber. That is evidence of the model we are trying to break that is unexplainable to the American people. Folks back home want to know why we can't get a bill on the floor of the Senate to address the sequester. Because fewer kids are getting into Head Start, fewer kids are getting their inoculations, title I schools are not getting their funding. And, of course, there is a lot of concern within the military world about our national security where programs are being compromised. But we couldn't get the bill to the floor of the Senate because it was filibustered.

So we have important milestones to grab hold of that are presenting a vision of the restoration of this Senate as a deliberative body, but we are going to have to work together in this bipartisan fashion we speak of to continue on this road.

Mr. DURBIN. I thank the Senator.

Mr. MERKLEY. Madam President, I appreciate my colleague from Illinois emphasizing the important role of bipartisanship in making this Chamber work. His question gave me an opportunity to talk about what has just transpired as an important victory—an important victory for this Chamber and its deliberation, an important victory for people across America, families working to have their financial foundation solid rather than torn asunder by predatory practices.

In this journey, this effort to achieve a Senate that can again function as a deliberative body, I want to take this moment to thank my colleague TOM UDALL. TOM UDALL and I came into the Senate together. TOM UDALL immediately recognized that the Senate needed to address its internal functioning because we were becoming more and more paralyzed. He proposed before this body that we have a conscious debate every 2 years about how to adjust the rules and to make this Senate Chamber work much better, because we are not only being paralyzed on executive nominations but we have this terrible paralysis on legislation, with a few important exceptions that my colleague from Illinois and I spoke about.

I want to thank TOM for his work to help motivate this body to take on these issues and to restore the functionality. I have been pleased to be a partner with him on this journey. I know it is a journey that is not yet done, but I do thank my colleagues—across the aisle and on this side of the aisle—for the very frank discussions last night in which for 3 hours we bared our hearts, if you will, about what is working and not working in this Chamber. That too is an important moment in this journey to make the Senate

work. So I applaud the spirit that came into the Chamber today that resolved the 2-year standoff in regard to having a functioning chair of the Consumer Financial Protection Bureau, and to set the tone, hopefully, for changing dramatically the partnership to restore the functioning of the Senate going forward.

I yield the floor.

Mr. SANDERS. Madam President, I am glad an agreement has been reached in which President Obama will finally get Senate confirmation votes on his appointees to the Consumer Financial Protection Bureau, the Department of Labor, and the head of the Environmental Protection Agency. This agreement, as I understand it, will also provide that the President's new nominees for the National Labor Relations Board will be rapidly confirmed. That is a step forward.

While this agreement addresses the immediate need for the President of the United States to have his Cabinet and his senior staff confirmed, this agreement today only addresses one symptom of a seriously dysfunctional Senate. The issue that must now be addressed is how we create a process and a set of rules in the Senate that allows us to respond to the needs of the American people in a timely and effective way—something virtually everyone agrees is not happening now. The Senate cannot function with any degree of effectiveness if a supermajority of 60 votes is needed to pass virtually any piece of legislation and if we waste huge amounts of time not debating the real issues facing working people but waiting for motions to proceed hour after hour where nobody is even on the floor of the Senate.

The good news is that I think the Nation is now focused on the dysfunctionality of the Senate and the need for us to have rules or a process that allows us to address the enormous problems facing our country. When people ask why is it that Congress now has a favorability rating of less than 10 percent, the answer is fairly obvious: The middle class of this country is disappearing. Real unemployment is somewhere around 14 percent. The minimum wage has not kept up with inflation. Millions of people are working in jobs that pay them poverty wages. Tens of millions of people today lack health care, while we have the most expensive and wasteful health care system in the world. The greatest planetary crisis facing our Nation and the entire world is global warming, and we are not even debating that issue.

The Senate is a very peculiar institution. It is peculiar in the sense that any one Member—one of 100—can come down here on the floor and utter two magical words that bring the Senate to a complete halt; that is, "I object." I will not allow the Senate to go forward, which means the whole government shuts down. I object. I object.

What we have seen in recent years—especially since Barack Obama was elected—is an unprecedented level of "I object," of holds, of a variety of mechanisms that bring the functioning of the Senate to a halt. All of this takes place at a time when millions of people cannot find jobs and at a time when kids are graduating college deeply in debt and millions of others are now choosing not to go to college because we are not addressing the issue of higher education. It takes place at a time when our infrastructure—our roads and bridges and airports and rail systems—is crumbling, when our educational system is in need of major reform, and the gap between the people on top and everybody else is growing wider.

The American people perceive this country has major problems that must be addressed. What does the Senate do? We are sitting here waiting 30 hours for a motion to proceed, to see if, in fact, we can vote on a piece of legislation that requires 60 votes. Time and time again we do not get those votes.

When votes come up, I would like to win, to be on the winning side. That is natural. Everybody would. But what happens here—and the American people by and large do not fully understand it—we do not vote on issues. What happens is the debate ceases because we do not get motions to proceed. So we do not vote on a jobs program, we vote on whether we can proceed to a jobs program to create millions of jobs. We do not vote on whether we can keep interest rates low for college students who are borrowing money, we vote on whether we can proceed to have the vote.

What we have seen in the last several years is an unprecedented level of obstructionism and filibustering. Between 1917 and 1967 there was more or less an agreement in the Senate that a filibuster would only be used under exceptional circumstances. There were only some 40 or 45 filibusters in a 50-year period. When Lyndon Johnson was majority leader in the late 1950s, in his 6-year tenure as majority leader he had to overcome a filibuster on one occasion. Since HARRY REID has been majority leader in the last 6½ years, he has had to overcome 400 filibusters or at least requirements for 60 votes. The amount of time we are wasting is unconscionable.

Furthermore, what the American people do not know is that time after time we are winning. We have the votes to win and have shown that on very important issues. In terms of one major issue, just as an example, right now, rather tragically, we have a situation as a result of the disastrous Citizens United Supreme Court decision that corporations and billionaires can spend hundreds of millions of dollars on elections.

As bad as that is, what is even worse, they can hide their contributions—not

make them public. Guess what. The Senate by a majority vote said: That is wrong. If you are going to contribute huge amounts of money into the political process, the people have a right to know who you are.

We have a majority vote on this issue. We could not get it passed because we needed 60 votes.

The American people know our tax system is enormously flawed. We have major corporations—General Electric and other corporations—that in a given year, after making billions of dollars in profits, pay zero in Federal taxes. Legislation was passed on the floor of the Senate by a majority—legislation that begins to address that issue—but we did not have 60 votes.

We provided emergency relief to senior citizens who several years ago were getting no COLAs for Social Security. We had a majority vote but could not get 60 votes.

We had a majority vote to say that women should be paid equal pay for equal work. A majority of Senators said that. We couldn't get it passed.

What we have seen in recent years is reasonably good legislation getting a majority vote, but we cannot get it passed because time after time we need 60 votes. What we are operating under now is a tyranny of the minority.

The American people go to vote. They elect Obama President, and they elect a Democratic Senate. People who campaigned on certain issues—as people go forward trying to implement their campaign promises, they cannot do it because we cannot get 60 votes.

Once again, at one point in Senate history, from 1917 to 1967, the filibuster was used very sparingly—only in exceptional circumstances. Since that point, have Democrats—and I speak as an Independent—have Democrats abused the system? Have they been obstructionist? There are times when they have been. But since 2008 what has happened is the Republicans have taken obstructionism to an entirely new level. Virtually every piece of legislation now requires 60 votes, and virtually every piece of legislation requires an enormous amount of time.

What do we do? My colleagues on both sides of the aisle have made the point that the Senate is not the House. And they are right. In the House there are 435 Members and majority rules. The majority has a whole lot of power. The minority doesn't have that much power. People have said: We do not want the Senate to be like the House, and I agree with that. The Senate should not be the House.

Senate Members should be guaranteed the right to offer amendments, not be shut out of the process. Whether you are the minority or the majority, you should have the right to offer amendments. There should be thorough and lengthy debate. If a Member of the Senate wants to stand here on the floor

and speak hour after hour to call attention to some issue he or she believes is important, that Senator has the right, in my view, to do that. If that debate goes on for a week, it goes on for a week. Senators, whether in the minority or the majority, have the right to call attention and to debate and focus on issues they consider to be important. But at the end of that debate there must be finality. There must be a majority vote—51 votes should win. The concept I support is what is called the talking filibuster. Minority rights must be protected. They must have all the time they need to make their point. But majority rights must also be protected. If democracy means anything, what I learned in the third grade was that the majority rules, not the minority.

What is happening in our country is not only enormous frustration about the very serious economic and environmental problems we face, there is huge outrage at the inability of Congress to even debate those issues.

For example, I am a very strong believer that the minimum wage in this country must be significantly raised. It is now about \$7.25. I would like it to go up to \$10 an hour, and even at \$10 an hour people working 40 hours a week will still be living in poverty, but we have to raise the minimum wage. My strong guess is that if we do not change the rules, despite overwhelming support in this country for raising the minimum wage, we will never get an up-or-down vote here on that issue because Republicans will obstruct, demand 60 votes, and filibuster the issue.

If my Republican friends are so confident in the points of view they are advocating, bring them to the floor and let's have an up-or-down vote. Let the American people know how I feel on the issue, how you feel on the issue, but let's not have issues decided because we could not get 60 votes for a motion to proceed. Nobody in America understands what that is about. Do you want to vote against the minimum wage? Have the guts to come and vote against the minimum wage. Do you want to vote against women's rights? Come on up, have your say, and vote against women's rights. Do you want to vote against global warming? Vote against global warming. At least let us have the debate the American people are demanding.

I will conclude by saying I am glad the President will finally be able to get some key appointees seated. I was a mayor so I know how terribly important it is for a chief executive to have their team around them. I am glad he will get some key appointees.

Everyone should understand that what we are doing today is dealing with one very small part of an overall problem, which is the dysfunctionality of the Senate. I hope—having addressed the immediate crisis—we can now go

on and address the broader issue, which is making the Senate responsive to the needs of the American people. Let's have serious debates on serious issues and let's see where the chips fall.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

#### EXECUTIVE SESSION

#### NOMINATION OF RICHARD CORDRAY TO BE DIRECTOR OF THE BUREAU OF CONSUMER FINANCIAL PROTECTION—Continued

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. SCHUMER. I ask unanimous consent that all future time in quorum calls be divided equally between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, during the debate over the budget, Dr. COBURN and I offered an amendment to create a separate and independent inspector general within the Consumer Financial Protection Bureau.

We introduced this amendment because, thanks to a quirk in Dodd-Frank, the Consumer Financial Protection Bureau is the only major Federal agency without its own inspector general. I think people know I tend to rely a great deal on inspectors general within the bureaucracy to be an independent check to make sure the laws are followed and that money is spent according to the law.

Dodd-Frank created the Consumer Financial Protection Bureau, but it did not create a protection bureau-specific inspector general. Instead, because Dodd-Frank funded the Consumer Financial Protection Bureau through the Federal Reserve, this Consumer Financial Protection Bureau ended up sharing an inspector general with the Federal Reserve.

This has created a problem. Right now, the Consumer Financial Protection Bureau's inspector general has a split role. He serves as both inspector general for the Federal Reserve and for the Consumer Financial Protection Bureau. I believe this creates a great deal of confusion and, obviously, a bureaucratic battle for resources. In fact, the inspector general has already had to create two separate audit plans. He also has had to hire employees who can oversee both the Federal Reserve and the Consumer Financial Protection Bureau.

The end result is an office split by two very important but very different priorities. Dodd-Frank created the Consumer Financial Protection Bureau within the Federal Reserve in order to fund the Bureau without having to come to us on Capitol Hill to get congressional appropriations. This is a problem but not a problem I am going to deal with right now. We had a marriage of convenience, the Consumer Financial Protection Bureau within the Federal Reserve.

The Bureau's function is very different from the Federal Reserve. Despite this, years after Dodd-Frank was passed, this unique situation remains. My concern is if you have one inspector general trying to cover two different entities, the end result is neither gets fully overseen. In other words, we don't have adequate checks within the bureaucracy to make sure that laws are abided by and that money is spent according to law.

Since the passage of the Inspector General Act of 1978, Congress has believed that each Department and each agency needs its own independent inspector general. This has been a long-standing bipartisan position.

Currently, there are 73 inspectors general, in every single Cabinet-level Department and almost all independent agencies. Even small independent agencies such as the Federal Maritime Commission and the National Science Foundation have their own inspector general.

In each of these agencies, if each of these agencies has their own independent inspector general, shouldn't the Consumer Financial Protection Bureau—particularly since this Bureau doesn't have to come to Congress for appropriations. We don't get appropriations oversight since some of their decisions can't even be challenged in the courts.

Now we are in this situation. The majority has opposed commonsense

changes such as this to the Consumer Financial Protection Bureau.

During the budget debate when Dr. COBURN and I introduced the amendment to create a Consumer Financial Protection Bureau-specific inspector general, the majority would not allow it to be brought up for a vote. The position I heard over and over was the majority did not wish to relitigate Dodd-Frank in any way. I did not hear any concerns related to the merits of this proposal. Our amendment wasn't about relitigating anything, it was about creating accountability and oversight at the Consumer Financial Protection Bureau and doing that through an independent inspector general, such as 73 other independent agencies have these sorts of checks and balances.

Because the Consumer Financial Protection Bureau is funded directly by the Federal Reserve, there are few, if any, congressional oversight checks on the Bureau. This makes an independent inspector general even more important.

Right now, it seems to me, since we don't discuss Dodd-Frank very often, we don't have legislation related to it. We don't have opportunities to amend. This nomination of Mr. Cordray, now before the Senate, is the only tool the Senate has to create transparency and accountability within the Consumer Financial Protection Bureau. As we consider this nomination, I hope we will remember that and consider the Senate's role in overseeing the Consumer Financial Protection Bureau, what steps we can take to make the Consumer Financial Protection Bureau more transparent and, hence, more accountable to Congress, and in turn to the American people.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, now that the so-called nuclear option has been averted and the Senate can now turn its attention to other matters of substance, rather than internal matters of how the Senate operates, I think it is important we evaluate how legislation that has passed this body is working. I wish to focus specifically on the Affordable Care Act, which is better known as ObamaCare.

Amazingly, Senator REID on Sunday, in one of the talk shows, was quoted as saying: "ObamaCare has been wonderful for America." The House minority leader, former Speaker PELOSI, has said that implementation of the health care law has been fabulous.

This stands in stark contrast to what Senator MAX BAUCUS, chairman of the

Senate Finance Committee and one of the principal Senate architects of ObamaCare, has said—what he told Secretary Sebelius, the Secretary of Health and Human Services—that the implementation of ObamaCare is a train wreck in the making. And then you contrast that with what President Obama himself said about the Affordable Care Act, about ObamaCare, and he said it is "working the way it is supposed to." Well, not all of those things can be true at the same time, and they are not. Indeed, in the real world, unfortunately, it looks as though ObamaCare is a slow-motion disaster in the making.

Notwithstanding the President's comments that it is working the way it is supposed to, the administration seems to be acknowledging by its own actions that it is not working the way it is supposed to. Indeed, the administration has chosen to delay the so-called employers mandate, and they have begun to admit what Americans have been saying since at least 2010 when ObamaCare passed—that it has simply proven to be unworkable.

Rather than accept the reality and support full congressional repeal of the law, the administration is instead refusing to enforce the law and is choosing to apply it selectively. The law clearly states that as of January 2014 all businesses with 50 or more full-time employees have to provide their workers with health insurance or else pay a penalty. To be clear, I didn't support the Affordable Care Act—ObamaCare—but that is what the law says. Our Democratic colleagues, 60 of them in the Senate, and the majority in the then-Democratically controlled House passed the law and President Obama signed it, and that is what it says. But the President has chosen to take unilateral action and to refuse to enforce the law that he himself signed and that congressional Democrats passed without a single Republican vote.

Whether you supported it or you didn't support it, many of us now are forced to acknowledge and I would think the administration itself would be forced to acknowledge, that the law simply is not working as advertised. It is now obvious that the employer mandate has prompted many businesses to reduce the number of hours and transform full-time jobs into part-time jobs in order to avoid the employer mandate. This has contributed to a surge in the number of people working part-time jobs for economic reasons. Last month alone that number was 8.2 million people—8.2 million Americans who would like to have full-time work but simply can't find it, in large part because of the implementation of ObamaCare.

As I said, I voted against ObamaCare 3 years ago. I remember being in this Chamber on Christmas Eve at 7 a.m. in 2009 when our Democratic colleagues

passed ObamaCare without a single vote from this side of the aisle. Many of us were voicing concerns about the provisions of ObamaCare, including the employer mandate, long before it became law. The problems with the mandate will, of course, still be there in 2015 notwithstanding the 1-year unilateral delay by the administration, and they reflect broader problems in the Affordable Care Act as a whole.

I believe the most commonsense thing we can do is simply to repeal it and to start over and replace it with patient-centered reforms that actually address the biggest challenges that face most families in America.

The President said: If you like what you have in terms of your health coverage, you can keep it. Millions of Americans are now finding that not to be the case. The President said a family of four will find their premiums reduced, on average, \$2,500. Actually, rather than a reduction in cost, they are finding their premiums are going up and will go up even more when ObamaCare is implemented.

My point is that whether or not you voted for ObamaCare, it is important that we now acknowledge the sad reality that it is not working the way even its most vigorous proponents wished it would. Indeed, it seems to be working out in a way most of its critics thought it would.

But what is important now is that we work together to give permanent relief to this public policy train wreck for individual Americans and for small businesses. That is actually how we are supposed to function under our Constitution. Even under uniformly Democratic control, as the Congress and the White House were the first 2 years of this President's term, if things don't work out the way even the most ardent proponents of a piece of legislation wish and hope it will, then our job under the Constitution is to work together to try to provide some relief and solutions for the American people. That is true whether you objected to the law in its first instance or you simply supported it. If it turns out not to work as advertised, it is our job to fix it, and we can do so by replacing it with high-quality care that is more affordable and is much simpler to use. Rather than have the Federal Government dictate to you and your doctor what kind of care you are going to get and under what terms, you can, in consultation with your private doctor, make those decisions in the best interest of yourself and your family.

The bigger problem is that President Obama is simply deciding which aspects of the law to enforce and which not to enforce, and that is becoming somewhat of a trend, based on political convenience and expediency. Time and time again he has made clear that if a law passed by Congress and signed by the President—whether it is him or another President—is unpopular among

his political supporters, he will simply ignore it and refuse to enforce it.

Shortly after ObamaCare became law, the administration began issuing waivers from the annual limit requirements, which made it seem as if certain organizations—oftentimes labor unions—would simply be exempted from and would receive preferential treatment based on their political connections. Meanwhile, to help implement ObamaCare, the IRS has announced it will violate the letter of the law and issue health insurance subsidies through Federal exchanges, especially in those places where the States have declined to issue State-based exchanges, even though the law makes clear these subsidies can only be used for State exchanges.

Let me restate that. The law says you can only use taxpayer subsidies for State-based exchanges, but because many States have simply said that this makes no sense for them and are refusing to create State-based insurance exchanges, these individuals will now be in the Federal insurance exchange. And even though the law says taxpayer subsidies are not available for those, the IRS is papering over that provision of the law and simply disregarding it.

Again, we have seen this time and time again. We saw a similar disregard for the rule of law during the government-run Chrysler bankruptcy when the company-secured bondholders received much less for their loans than the United Auto Workers' pension funds. Even though, under the law, these bondholders were entitled to the highest priority in terms of repayment, they were subjugated to the United Auto Workers' pension fund basically in an exercise of political strong-arming.

We saw this again in the Solyndra bankruptcy. Remember that? The Obama administration violated the law by making taxpayers subordinate to private lenders. In other words, they put the taxpayers on the hook rather than the private lenders who helped finance Solyndra.

More recently, the administration—and this is something that is in the news as recently as today—made unconstitutional recess appointments to the National Labor Relations Board and to the Consumer Financial Protection Bureau. The District of Columbia Court of Appeals held that the administration's argument in defense of its so-called "recess appointment power" would "eviscerate the Constitution's separation of powers." It now appears, as part of the so-called nuclear option negotiations, that even the White House is now being forced to withdraw these nominees who were unconstitutionally appointed and offer substitute appointees.

We also know that the Obama administration unilaterally chose to waive key requirements of the 1996 welfare

reform law and the 2002 law known as No Child Left Behind.

A government run by waiver or by the Federal Government picking winners and losers is the antithesis of equal justice under the law. Look across the street at the Supreme Court of the United States, and above the entry it says: "Equal justice under law." That is the very definition of our form of government, which is designed for a congress comprised of duly-elected representatives of the American people and the President of the United States to write legislation that applies to everybody and not to issue waivers or exemptions or to simply refuse to enforce the law because it has proven to be inconvenient or not politically expedient.

The U.S. Constitution obligates the President to make sure all of our laws are faithfully executed. Yet, with President Obama, the pattern is unmistakable: inconvenient or unpopular legal requirements are repeatedly swept aside by Executive fiat.

If the law is not working the way it is supposed to, the President should come back to Congress and say: We need to amend the law. We need to replace this unworkable law with one that will actually serve the interests of the American people.

But we are not seeing that happen. We are seeing the White House decide on its own that it simply won't enforce a law. Last year, for example, the administration unilaterally announced a moratorium on the enforcement of certain immigration laws. In effect, when Congress failed to pass legislation the President wanted, the President himself simply decided not to enforce the immigration laws. As that example shows, this administration has frequently relied on unelected bureaucrats to override the people's elected representatives.

It is simply improper and unconstitutional under our system for the President to decide unilaterally that he is not going to enforce the law. For example, when Congress refused to enact the so-called card check for labor unions, the administration simply turned to unelected bureaucrats at the National Labor Relations Board. And when Congress refused to extend cap-and-trade energy taxes, the administration turned to unelected bureaucrats at the Environmental Protection Agency to attempt to accomplish the same objectives indirectly that had been prohibited by Congress because it couldn't get a political consensus for doing it directly. Indeed, the President has now authorized the Environmental Protection Agency to regulate virtually every aspect of the American economy without congressional approval and without recourse to the American people.

When Congress makes a mistake, when we do something the American people don't approve of, they get to

vote us out of office if they see fit. That is not true with this faceless, nameless bureaucracy, which is rarely held accountable, and particularly when the President delegates to that bureaucracy the authority to regulate in so many areas and avoid congressional accountability and accountability at the White House.

Taken together, all these measures represent a basic contempt for the rule of law and the normal constitutional checks and balances under separated powers. After witnessing the President's record over the past 4½ years, is it any wonder why the American people and, indeed, Members of Congress were skeptical about his promises to enforce our immigration laws under the immigration bill that passed the Senate recently?

Remember all of the extravagant promises that were made for border security, for interior enforcement, for the implementation of a worksite verification system, for a biometric entry-exit system to deter 40 percent of the illegal immigration that comes when people enter the country illegally and simply overstay their visas? If after 17 years the Federal Government still isn't enforcing those laws already on the books, how in the world can the American people have any confidence whatsoever that the President and Congress can be trusted to enforce the laws that it passes?

After witnessing the President's performance, I think the American people are deeply skeptical of his promises of future performance, and his selective enforcement of our existing laws undermines public confidence in the Federal Government.

I believe the executive overreach I have described is corrosive to democratic government.

If a Republican President had ignored these kinds of constitutional checks, had refused to enforce laws he didn't like, refused to defend in court laws he didn't like, and used Federal agencies to flout the will of Congress, you can be sure our friends on the other side of the aisle would be complaining nonstop about the imperial President. Yet they have largely given President Obama a pass.

But whether you agree with the President on health care, immigration, energy policy, card check or other hot-button issues, we can all agree—we should all agree—that government should not be picking winners and losers and that we urgently need to restore the rule of law and faithful execution of those laws to their rightful place in the highest reaches of the Federal Government.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MARYLAND'S BUSINESSES

Mr. CARDIN. Mr. President, my good friend Congressman STENY HOYER promotes America by using the phrase "make it in America." The statement expresses the pride of our country, the ingenuity, the spirit of American workers, and the fact that we can compete against any country in the world on a level playing field. We can make it in America.

I rise today to share with my fellow Senators news of my recent visit to Maryland businesses that are contributing to our local and national economy through manufacturing innovation. As part of what I call my "made in Maryland" tour, I visited Volvo Group North America's manufacturing facility in Hagerstown, MD, and the Flying Dog Brewery in Frederick, MD.

A few weeks ago I toured the Paul Reed Smith guitar factory on the Eastern Shore. My "made in Maryland" tour has highlighted many of the leading job creators and key small businesses that have helped revive Maryland's manufacturing sector. The goal was to meet employees and business owners, take stock of their challenges and successes, and identify ways the Federal Government can help them grow and innovate.

We have highlighted the diverse products being produced in our great State, and we celebrate the hard-working Marylanders who have made these products and the companies that are providing jobs in our local communities.

For example, the Paul Reed Smith guitar factory in Stevensonville, MD, makes high-end guitars used by some of the most prominent musicians in the world—including Carlos Santana. Paul Reed Smith has operated for nearly 30 years and now employs nearly 230 workers with revenues of \$24 million. They are the largest private employer in Queen Anne's County, MD, and one of the top five employers on the upper shore.

As a region and country, we must stay focused on creating good jobs at home and strengthen and continue to build our economy. Manufacturing is good for Maryland, and it is good for America.

Let me tell you about my visit to Volvo Group, which employs 1,500 people in Hagerstown, MD—accounting for 1 out of every 10 jobs in the region's manufacturing sector. Employees at this facility are paid approximately 62 percent above the average wage in the

region. These are good jobs that people are proud to hold.

Volvo has set the standard for environmentally aware manufacturing. Through its partnership with the U.S. Department of Energy, Volvo has developed the next generation of fuel-efficient engines and trucks. Since 2001, Volvo has invested \$330 million to upgrade and renovate their facilities, allowing Volvo to build a state-of-the-art engine development laboratory to produce increasingly fuel-efficient engines.

This Volvo facility has shown outstanding success. Sixty of Volvo's trucks a day have the same emission as one truck in 1990. That is an amazing reduction of pollutants going into the air. In addition, the facility recycles 84 percent of the site's waste, and it has achieved an 83-percent decrease in the use of diesel fuels.

Furthermore, Volvo remains invested in western Maryland by making generous contributions to local health and welfare organizations, civic and community organizations, art and cultural organizations, and education initiatives across the region. This commitment to the well-being of Volvo employees is demonstrated by the August 2013 opening of an onsite Family First Pharmacy which will provide employees and their families innovative state-of-the-art health care to be provided by doctors, nurses, and pharmacists in cooperation with Walgreens.

As the Volvo facility is highly invested in the local community and its numerous employees, we must remain invested in assuring this socially responsible company's future success.

Later in the day I traveled to Frederick, MD, and visited the Flying Dog Brewery. They make a very different product than the most energy-efficient transmissions in the world that are assembled at Volvo, but I recognize the same qualities in both of these unique companies and their employees: hard work, attention to detail, and a real pride and passion for the product being made. These are qualities that can never be outsourced.

Small breweries such as Flying Dog have been anchors of local and American economies since the start of our history.

This is a state-of-the-art facility that constantly works to perfect its product through innovative techniques. In addition to making a product whose high quality I can attest to, they are supporting 80 jobs and reinvesting profits back into the western Maryland community.

When I grew up, brewing in Maryland was a huge industry. We lost most of it, but it is coming back. Today, the brewing industry in Maryland is supporting more than \$13 million in wages paid and contributing nearly \$100 million to our State's economy.

My "Made in Maryland" tour was conceived to highlight manufacturing

and innovation that is boosting our economy across our State. But I can tell my colleagues that agriculture, which is still our No. 1 industry, is being revived along the way too. During my tour of the Flying Dog Brewery, I met a farmer and his son who are fifth- and sixth-generation Frederick County family farmers celebrating the 175th year of their family farm. They told me their decision to begin growing barley, small grains, and hops for local breweries is what kept their farm going. They supply small grains and hops to Flying Dog and numerous Maryland brewing companies for many of their seasonal, locally sourced brews. Their farm, Amber Fields Malt and Brewing Company, in conjunction with Brewer's Alley Restaurant and Brewery in Frederick, MD, introduced Amber Fields Best Bitter, which they describe as an English-style best bitter. This was the first commercially brewed beer in over 100 years to rely exclusively on barley grown and malted in Maryland. Amber Fields Best Bitter and additional releases also featuring locally grown ingredients are available through Brewer's Alley and their sister brewery, Monocacy Brewing Company, both in Frederick, MD.

America's manufacturing sector—from autos and truck manufacturing to beer makers and guitars—have played a major role in growing our economy and our Nation to be the world's leader. It has also helped create the strongest middle class in history. To continue in our recovery, we need to make sure companies such as Volvo Group, Flying Dog Brewery, and Paul Reed Smith Guitars, which are creating jobs and investing in our economy here at home, have what they need to be successful. Our job in Washington should be to make their job easier, because when they do better, we all do better.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. BARRASSO. Mr. President, there has been some confusion about the President's health care law recently, so I come to the floor to try to clear up one point.

Just before the Fourth of July holiday, the Obama administration admitted to the world that its health care law is not working out according to plan. It did it in an unusual way—in a blog post—right before the Fourth of July holiday, but yet it is known to the world. By choosing to delay the law's employer mandate, the President conceded it would place a tremendous burden on America's job creators.

Then, just this past Sunday, the Senate majority leader went on "Meet the Press," on television, and said: "ObamaCare has been wonderful for America." Wonderful for America? Senator REID's comments demonstrate once again that Democrats in Washington—the people who voted for this law—are not listening to the American people.

I hear it when I return home to Wyoming every weekend. I did this past weekend. I hear it as Members of the Senate do when they talk to friends from home. I heard it today from people from Gillette and Evanston and Cody that this health care law is unraveling. So I just want to make a couple of things clear to everyone.

After 3½ years, we know the Obama health care law is not working. It is a train wreck. If the law was wonderful, it wouldn't increase premiums. It wouldn't shrink paychecks. It wouldn't discourage job creation. If the law was wonderful, we wouldn't put the feared IRS as the enforcer of the health care law. If the law was wonderful, the administration wouldn't have delayed one of its most critical parts. It is clear to me that even President Obama does not share Senator REID's opinion that the health care law is wonderful.

This law is not wonderful for America. It is obviously terrible for America's job creators. It is also terrible for many people trying to make a living in this country.

There was an article on the front page of the New York Times recently—Wednesday, July 10—with the headline: "At Restaurant, Delay Is Help on Health Law." The delay is a help.

This article—front page, above the fold of the New York Times—looked at a small Maryland restaurant called the Shanty Grille. What is going on at that restaurant makes the case better than any actuarial study, any sort of charts or any economic model ever could because it is a story about real people and their lives. The article talked about how the law was hurting everyone from the owner of the restaurant to the uninsured waiter, to the chef who has insurance. All of them were hurt by this health care law. Because for each of these people and for millions of others similar to them across the country, the reality of health care reform is that it has fallen far short of the President's many promises.

According to this article in the New York Times, the restaurant's owner is on a pace to finally this year turn a profit. It will be the first profit since the economic downturn a number of years ago. Four years after the recession ended, he is finally set to recover and get back into the black. If he has to provide expensive Washington-approved, Washington-mandated health insurance for every employee, though, that profit will quickly evaporate. So that would certainly harm this employer.

What about the employees? Let's talk about the people this is designed to help. It turns out the younger workers at the restaurant actually aren't too interested in having this health insurance coverage. They say they would rather have more money in their paychecks so they could decide how they want to spend it, not how the President thinks they should spend it. So they stand to lose out once the law's individual mandate starts in January because they are going to have to go out and buy insurance which may be much more than they want or need or can afford.

The employees at the restaurant who already have health insurance are worried too. They are concerned they will not be able to keep their current coverage. When the President stopped his disastrous employer mandate, I believe he actually made the right decision, but I have some doubts about his reasoning. I think this was purely for political reasons.

Regardless of how and why the President made the decision, a 1-year delay in this one policy doesn't solve the problem; it only extends the problem.

First, this restaurant and other small businesses can't afford and can't expand or hire more staff because they still face the mandate in 2015. Actually, the final line in this article on the front page of the New York Times, when we carry over and read the end of it, says: We are not going to expand. "No more expansion."

Second, many businesses are cutting back workers to part-time status because of the health care law. President Obama has had nothing to say to those Americans looking for full-time work but trapped in a part-time job, and part-time is defined by the health care law, which is different than most Americans think of or define part-time work.

Third, the law still requires all of the employees, as with nearly everyone else in America, that they have to buy pricey health insurance starting January 1. That is a problem for the President and he knows it.

Here is how an article in Politico put it this past weekend. This article is entitled "ObamaCare's Missing Mandate." It says:

The massive coast-to-coast campaign to get people to sign up for ObamaCare is light on mentions of one central element: The widely disliked individual mandate.

The Politico article goes on to say:

Poll after poll has found that Americans don't like being told they have to get insurance or face a penalty. So the groups doing outreach don't plan to draw much attention to it.

The employer mandate has collapsed. The individual mandate is unpopular, so they just don't want to talk about it.

A lot of the people who do have to buy this new Washington-mandated,

Washington-approved insurance will have to buy it through the government exchanges. Of course, these may not be ready on time. There are 77 days left for these to be ready. Even if they are up and running by the deadline, we have seen ample evidence that premiums will be much higher than they were before the mandate. That is especially true for young healthy adults who the President expects to pay more in order to help older sicker people pay less. But a lot of younger healthier people are going to have to pay more for that one older sicker person.

These weren't the kinds of reforms Democrats promised when they were forcing this plan through Congress on strictly party-line votes. During the debate, Republicans made suggestions to improve the health care law, but we were shut out of the backrooms where the Democrats struck their deals.

In the end Democrats drafted their law so badly that the negative side effects and unintended consequences were inevitable. The New York Times article shows how some of these side effects are hurting millions of Americans—not just those working at the restaurant, including the restaurant owner, in Maryland.

We all know President Obama likes to hold photo ops with people who he says are helped by the law. It is time for him to meet with people such as the ones featured on the front page of the New York Times—people who are being hurt by his health care law. It is time for the President to sit down with both Democrats and Republicans to truly talk about how we can reform health care in this country. Delaying the employer mandate for 1 year is not enough. It doesn't eliminate the burdens of this costly law.

The House is scheduled to vote this week to delay the individual mandate. The Senate should do the same. It is time for the President and for Senator REID to listen to the victims of ObamaCare.

President Obama was right to recognize his health care law is not working out. Senator REID was totally wrong because ObamaCare is not wonderful for America. It is turning into a costly failure. The only appropriate course at this point is to permanently delay implementing the rest of the law and to replace it with reform that works.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAPO. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Mr. President, earlier today the Senate held a first of a series of cloture votes on controversial nominations by voting to invoke cloture on



the nominee to be the Director of the Consumer Financial Protection Bureau. This agency is unlike any other Federal agency. Under its current structure, the CFPB has very broad discretion but very little in terms of executive or congressional oversight.

It is not a debate about whether Republicans in the Senate support consumer protection, as some would portray it. Both sides agree everyone benefits from a mortgage industry and marketplace free of fraud and other deceptive, exploitive practices.

Republicans did not object to consumer protection when it was placed in each of the prudential banking regulators. In fact, bills aimed specifically at consumer protection passed with an overwhelming majority in the Senate. The Fair and Accurate Credit Transactions Act of 2003 passed 95 to 2, and the Credit CARD Act of 2009 passed 90 to 5.

During the Dodd-Frank debate, the key point of contention was not the value of consumer protection but, rather, the Bureau's design.

One of the lessons of the financial crisis is that we need a supervisory program that looks and considers how safety, soundness, and consumer protection work together to create a better functioning financial system. What Republicans have been asking for is that the Bureau be restructured in the same way as other similarly situated financial regulators, with accountability and transparency to Congress and to the taxpayers.

As outlined in two letters to the President sent by Republican Senators in May 2011 and this past February, the changes highlighted are not new. In fact, they exist in the current Federal regulatory landscape. One of the key changes we seek is the establishment of a board of directors to oversee the Consumer Financial Protection Bureau with staggered terms.

This is the structure of the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Trade Commission, the Federal Deposit Insurance Corporation, and the Federal Reserve.

A board of directors would allow for the consideration of multiple viewpoints in decisionmaking and would reduce the potential for politicization of regulations.

Indeed, the administration originally supported a board of directors for the Bureau. In 2009, the Obama administration proposed a stand-alone Consumer Financial Protection Agency with a board of directors funded through the congressional appropriations process. The Bureau also should be subject to the congressional appropriations process, rather than, as the Dodd-Frank legislation did, to fund it through the Federal Reserve with no review by Congress.

While Mr. Cordray stated that he would come and testify before the Appropriations Committee, this is quite different than Congress being able to oversee how the monies that the agency utilizes are spent. For example, the CFPB intends to spend close to \$100 million to renovate its current headquarters. This amount is double the amount that the Government Services Administration has for property acquisition and renovation in any 1 year.

Finally, consumer protection cannot and must not be detached from prudential regulation. Although the Bureau must consult with other prudential regulators before finalizing its rulemaking, the Bureau can simply disregard their advice.

By establishing a solid safety and soundness check for prudential regulation, the link and coordination between prudential supervision and protection would be strengthened by allowing potential regulators to provide meaningful input into the CFPB's actions and proposals. Such collaboration will only strengthen our financial system, not weaken consumer protection.

Without it, the CFPB and prudential regulators may issue rules that result in confusion for the regulated entities, as has already been the case with conflicting guidance for private student loans, and the many questions raised by the qualified mortgage final rule.

The Dodd-Frank solution was to have the Financial Stability Oversight Council review certain CFPB actions, but it set the threshold at two-thirds of the FSOC members. This very high threshold before the FSOC can act renders its veto virtually meaningless.

Since the beginning of this year, I have encountered a number of items with the CFPB that are a cause of concern and warrant greater scrutiny, but it is the Federal agency's data collection initiative that is the most disturbing to me. Recently, we learned from press accounts—not from the agency but from press accounts—that the CFPB was spending tens of millions of dollars to collect Americans' credit data. We have learned from the recent IRS, Associated Press, and NSA scandals what happens when government agencies cross the line and watch our citizens instead of watching out for them. There is a trust deficit in government today.

During the last several months, I have raised significant concerns with the CFPB's data collection efforts. I have been told that the Bureau needs big data to level the playing field. However, the Bureau's efforts go far beyond simply leveling the playing field. Unfortunately, for an agency that prides itself on transparency, I have encountered very little concrete answers to very basic questions.

For example, I have asked the Bureau on three occasions to give me information on the number of Americans'

credit accounts that the CFPB is currently monitoring. In response, the CFPB said the information was confidential and could not be supplied.

Information coming from last week's hearing in the House Financial Services Committee indicates that the CFPB is undertaking unprecedented data collection on possibly hundreds of millions of Americans' accounts, possibly as many as 900 million credit card accounts in the United States. The size of this data collection and the amount of money being spent by the agency are a cause of concern and should be for those Americans whose financial and credit data is being sent to the Bureau each and every single month.

The CFPB is collecting credit card account data, bank account data, mortgage data, and student loan data. In addition, the Bureau has hired third parties to act as its agent to collect, aggregate, and produce consumer credit data on behalf of the agency. Some contracts even contain instructions to follow specific consumer accounts over time.

This ultimately allows the CFPB to monitor, on a monthly basis, an individual consumer's financial activity. Some of the data collected and provided to the CFPB monthly includes account balances, ZIP Code+4 location data, the year of birth, and other demographic information. Thus, the CFPB can know how much you owe, how much money you have, how much you pay each month, and where you live within a few blocks.

The Bureau has stated publicly on several occasions that it does not collect personally identifiable information other than the voluntary personally identifiable information consumers submit to the Consumer Complaint Database and in supervisory exams. However, two documents drafted by the CFPB seem to raise doubts about this Federal agency's actions.

Pursuant to the Privacy Act of 1974, the CFPB's System of Records Notice of November 2012 for the consumer and market research database states that some of the collected data "will be personally identifiable information." In addition, a CFPB contract with a third party data aggregator states:

Most, if not all, of the data will be confidential supervisory information, and some of the data will contain sensitive Personal Identifiable Information (PII).

Questions still remain about what type of personal information is collected by the CFPB and what is collected by the agency's contractors. But without the structural changes to the agency that we are asking for, it is hard to get answers to the question.

At the hearing in the House last week, a CFPB official was unable to state how many agency employees have access to this enormous amount of credit data. He was also unaware of any law which is used when employees access the data.

I also question whether the Bureau has put in proper policies and procedures to prevent the data from being reengineered and reverse engineered. I consider these to be very serious privacy concerns by the very agency that was created to watch out for consumers, not to watch consumers.

Banks constantly worry about cyber attacks. Recent news reports have run stories about the Federal Reserve and the IRS being susceptible to cyber attacks.

What assurances do we have from the CFPB that these massive troves of consumer credit information are safe? Data safety is particularly of concern, given that both the GAO and the CFPB's inspector general have found weaknesses in the CFPB data security programs and policies.

Because I was unable to get sufficient answers out of the CFPB, I turned to the Government Accountability Office and requested that it look into the agency's data collection and security efforts. That review is now underway.

With regard to the regulatory role of the agency, in the past 2 years the Bureau has issued numerous new rulemakings, resulting in significant cumulative burdens for affected institutions, especially small and community banks that often only have a handful of employees. Remember, there is no board directing this agency. There is no board to whom the Director of the agency responds. One single individual has been given the authority in this statute, without oversight by Congress of his or her budget, to single-handedly issue rules and regulations.

In the span of 10 days this past January, the CFPB issued more than 3,500 pages of final rules affecting mortgage markets and other industries. This represents more than 1 million total words of regulatory text. When I asked at an April hearing about the overwhelming number of regulations the Bureau issued in 1 single month, I was told that there were "less than 100 pages of rules" when translated into the Federal Register.

Well, 100 pages of rules is a lot, but this ignores the more than 2,500 pages of guidance, analysis, and interpretations—which are all admissible in court—and all of which are required reading for anyone who has to comply with this complex web of rules.

In order to understand and comply with these regulations, institutions are forced to hire lawyers and compliance officers, tying up resources that could be better spent on growing business, creating jobs, and boosting the economy. Again, recall that the connection between safety and soundness regulations was severed with the creation of this agency.

Instead, these additional compliance costs are inevitably passed on to the consumers, which is especially harmful during a time of high unemployment

and sluggish economic growth. If we were convinced that the agency was at least protecting consumers rather than collecting data on all individual Americans who have credit cards, student loans, mortgages, or bank accounts, then perhaps we could at least engage in a discussion or a debate about whether the agency's actions are appropriate and effective.

I am concerned that without the strong cost-benefit analysis and input from the small business panels in crafting rules, even well-intentioned rules could make consumer credit more expensive and less affordable.

Another concern I have with the CFPB is the enactment of policy changes outside of the established notice-and-comment rulemaking process.

In March, the CFPB posted a legal bulletin on its blog instructing auto lenders to adjust compensation practices to avoid violating fair lending laws. The bulletin includes significant legal interpretations and suggests that the Bureau may utilize its enforcement powers to ensure that lenders adhere to its guidance.

The only example the CFPB uses in this bulletin on how auto lenders can effectively comply with fair lending laws is flat pricing, as is interpreted by many, that any other type of pricing will be a clear violation in the CFPB's eyes. If the CFPB intends to make major policy changes, then it needs to go through a regular notice-and-comment rulemaking, not a blog post.

This bulletin also, frankly, represents a backdoor attempt by the CFPB to regulate auto dealers, a group that is explicitly exempted from the CFPB's regulatory purview by the Dodd-Frank legislation that created the agency, in what appears to be yet another example of CFPB's overreach.

In conclusion, I will continue to work toward oversight of the agency to ensure accountability and transparency for the American people. Those who are trying to paint our demands as being extraordinary need to look at the extraordinary data collection and actions of this agency and look at our regulatory landscape with similarly situated financial regulators.

Those who are trying to portray these demands as another attempt to water down consumer protection need to realize that consumer protection divested from safety and soundness does not make for a better financial system or for greater benefit to consumers.

We found in our review of the CFPB that the agency does have serious problems in a number of different areas. The lack of prompt and complete responses from the agency regarding its big data collection of Americans' credit accounts is very troubling but is indicative of the lack of transparency established when this agency was created.

The expenditure of nearly \$100 million for building renovations is ex-

tremely troubling in these tight economic times.

While the confirmation of the nominee is now all but certain, there remains significant work and oversight to ensure the CFPB is an accountable agency and that it is transparent in its actions for all Americans to see.

I yield the floor.

**THE PRESIDING OFFICER.** The majority leader.

**Mr. REID.** Mr. President, did my friend from Idaho suggest the absence of a quorum?

**THE PRESIDING OFFICER.** No, he did not.

**Mr. REID.** Mr. President, I will talk for a minute about the National Labor Relations Board nominees.

The NLRB has helped to protect the rights and safety of workers for about 80 years. It is a vitally important watchdog for working Americans. It is also important for employers. It also protects employers. But unless we act before the Senate recess in August, the NLRB will lose its ability to operate. It will fail to have a quorum so it can't work or be effective. So the confirmation of full membership at the NLRB is a priority.

I understand Republican Senators were frustrated by President Obama's recess appointment of two members to the NLRB. I accept that. No one has raised any questions, however, about these two good people—Griffin and Block. They are fine public servants and the record should be spread with that fact. Republicans have insisted on the President's nominating new people, and he has done that. It is a right they have, and this is a compromise that was reached.

Republican Senators have also committed that the Senate will confirm these new nominees quickly, certainly before the end of this month—the month of July. To that end, I met earlier with Senators HARKIN and LAMAR ALEXANDER, the chairman and ranking member of that big HELP Committee, and they have given me their word they are going to file a notice tonight that the committee will hold a hearing on these nominees on Tuesday, they will then have a markup on Wednesday, and we intend to turn to these nominees next Thursday.

I have talked with the people at the White House, and I am confident these nominees will be staunch advocates for the NLRB—for the rights and safety of workers, and for employers that are also protected with this legislation. So when the Senate confirms them, the NLRB will once again have a full team to protect the rights of workers—the workers in West Virginia, workers in Nevada, and all over the country—the same thing they have done for 80 years.

Mr. President, I ask unanimous consent that the cloture motions with respect to Calendar Nos. 100, 101, and 104 be withdrawn; that the vote on the confirmation of the Cordray nomination

occur at 5 p.m. today; that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; and President Obama be immediately notified of the Senate's action; finally, that the vote on the motion to invoke cloture on the Hochberg nomination occur at 10 a.m. tomorrow, Wednesday, July 17.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection?

Mr. CARDIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 66, nays 34, as follows:

[Rollcall Vote No. 174 Ex.]

#### YEAS—66

Baldwin	Graham	Murkowski
Baucus	Hagan	Murphy
Begich	Harkin	Murray
Bennet	Hatch	Nelson
Blumenthal	Heinrich	Portman
Boxer	Heitkamp	Pryor
Brown	Hirono	Reed
Cantwell	Isakson	Reid
Cardin	Johnson (SD)	Rockefeller
Carper	Kaine	Sanders
Casey	King	Schatz
Chambliss	Klobuchar	Schumer
Coburn	Landrieu	Shaheen
Collins	Leahy	Stabenow
Coons	Levin	Tester
Corker	Manchin	Udall (CO)
Donnelly	Markey	Udall (NM)
Durbin	McCain	Warner
Feinstein	McCaskill	Warren
Flake	Menendez	Whitehouse
Franken	Merkley	Wicker
Gillibrand	Mikulski	Wyden

#### NAYS—34

Alexander	Enzi	Paul
Ayotte	Fischer	Risch
Barrasso	Grassley	Roberts
Blunt	Heller	Rubio
Boozman	Hoeven	Scott
Burr	Inhofe	Sessions
Chiesa	Johanns	Shelby
Coats	Johnson (WI)	Thune
Cochran	Kirk	Toomey
Cornyn	Lee	Vitter
Crapo	McConnell	
Cruz	Moran	

The nomination was confirmed.

The PRESIDING OFFICER (Ms. WARREN). Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The majority leader is recognized.

### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate resume legislative session and proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

#### ORDER OF PROCEDURE

Mr. BROWN. Madam President, I ask unanimous consent that Senator STABENOW be recognized for up to 3 minutes and that I be recognized for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE FARM BILL

Ms. STABENOW. Madam President, I appreciate my friend from Ohio yielding for a moment. I wanted to make a short statement as it relates to moving forward on the farm bill and congratulate the House for sending their version of the farm bill to us this morning.

Tomorrow it will be our intent—Senator COCHRAN and I—to go through the motions that it takes to be able to send our farm bill back and ask for a conference committee. I wanted to let all the Members know that. If there is a concern, I would appreciate that Members approach me or Senator COCHRAN directly because this is an opportunity for us to move forward and actually put together this bill. The farm bill affects 16 million people in this country who work in agriculture, as well as everyone who counts on the great work of our farmers in order to have the healthiest, most affordable food system in the world.

Tomorrow it is our intent to move forward on the farm bill, so if there are any questions or concerns from Members, we are happy to work with them.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I thank the chairwoman of the agriculture committee for her work. This is legislation that saves taxpayers literally tens of billions of dollars while strengthening the safety net. The bill provides adequate revenue and nutrition for literally millions of people—children, seniors, people on disability, and people who work in low-income

jobs—and that is also important in this agriculture bill.

#### CORDRAY CONFIRMATION

Mr. BROWN. Madam President, in the years leading up to the financial crisis, the biggest banks and lenders created new ways to make record profits off of consumers. They made predatory loans to working-class families, created prepaid cards with exploitative fees, and gave out student loans to first-generation college students with interest rates sometimes as high as 20 percent.

Today millions of consumers are still trying to recover from these unscrupulous practices while companies keep looking for new ways to increase their profits at the expense of these consumers. Congress created the Consumer Financial Protection Bureau to protect Americans from consumer fraud and abusive fees and products.

I thank the Presiding Officer for her role in this before she came to the Senate.

More than 700 days since its creation, American citizens are now just getting to vote for a consumer watchdog to head the organization. Because of the CFPB, consumers can now decipher credit card applications and have help correcting erroneous credit reports.

Because of these successes, confirming Richard Cordray as the Director was right. We know where he stands. We know for whom he stands—as a strong advocate for consumers, families, and small businesses.

No one doubted Richard Cordray's qualifications or temperament for the job. This is the first time in American history when one party refused to confirm a nominee because they didn't like the agency. A terrible precedent was being set. Thankfully a number of our colleagues understood—as we discussed last night—it was important to move past that.

Richard Cordray served as Ohio's first State solicitor. He represented the U.S. Government before the Supreme Court. He has been elected the attorney general and State treasurer of Ohio. He has received bipartisan accolades and support from Ohio's business and consumer groups.

Let me share a bit of a letter written by a Republican Member of Congress from my home State, Representative STEVE STIVERS.

Rich has always proven himself hard-working, collaborative, and pragmatic.

If you take the time [...] to evaluate Rich's character and disposition, you will find him to be an individual who listens to your opinion and seeks mutually acceptable solutions.

Representative STIVERS is right. Under Cordray's leadership, the Bureau has earned praise from industry and consumer groups alike for the rules it has come up with. It has already recovered millions of dollars for consumers

from credit card companies, credit repair companies, and others. That is why consumers won a victory today and should be happy that the 2-year-long process that has prevented Richard Cordray from being considered has finally come to an end and we can now move forward.

I thank the Presiding Officer.

Mr. JOHNSON of South Dakota. Madam President, 3 years ago this week, the Senate passed the Wall Street reform act to address the historic instability of our financial system. Turmoil in our financial system had revealed that many Americans were trapped with financial products they did not fully understand, and that no Federal agency was looking out for consumers. This act created the Consumer Financial Protection Bureau—the first Federal agency tasked with putting consumers first—and over the past 2 years, the Bureau has taken significant steps to improve the consumer experience in many parts of the financial marketplace.

The Senate has taken a crucial step for consumers in confirming the first Director of the CFPB, Richard Cordray, to a 5-year term. I am glad that the Senate set aside partisan politics and allowed this vote on Mr. Cordray's merits to go forward. Mr. Cordray has done excellent work at the CFPB, first as its first head of enforcement, and as President Obama's first nominee to head the Bureau. I am confident that the CFPB will continue to flourish under Mr. Cordray's leadership.

#### TRIBUTE TO EDWARD EARL GIDCUMB

Mr. MCCONNELL. Madam President, I rise to pay tribute to a distinguished Kentuckian who is looked up to and admired by many in the Commonwealth for his character and his service to our country: Mr. Edward Earl Gidcumb. Mr. Gidcumb, or "Earl" to his friends, celebrates his 88th birthday this July 31. He served America during World War II as a storekeeper, second class, in the U.S. Navy, and survived some harrowing experiences.

Earl's story is commemorated in a book titled "WWII DC: The Long Overdue Journey," which details the experiences of World War II veterans from Kentucky and describes a trip made by these Kentucky veterans to the Nation's capital in 2004 to visit the National World War II Memorial. Earl still is an active participant in the Kentucky veterans community as one of the few buglers left in western Kentucky; he plays taps at military funerals and civic events. Earl also contributed to the establishment of the Kentucky Veterans and Patriots Museum in Wickliffe, Kentucky.

Earl was a high-school student when the Japanese bombed Pearl Harbor on

December 7, 1941. He graduated from high school on May 23 of 1943; on May 25, he was sworn into Naval service in Marion, IL.

Earl underwent training in Chicago and then served aboard several vessels, the first of which, the U.S. Navy ship LST 218, was bound for Pearl Harbor. Earl recalls, "water supply was very short and we took salt-water baths using a special soap for bathing in salt water. We slept in bunks stacked six high and down below the main deck . . . I started out in the Atlantic Ocean and ended up on the Pacific Ocean."

Earl spent time in Pearl Harbor before being posted to the USS *Indianapolis* CA 35, a heavy cruiser. He received five battle stars while serving on the *Indianapolis* for 10 months. A few months after being transferred off that ship, the *Indianapolis* was sunk by a Japanese submarine.

"I would not be here today if I had remained aboard the *Indy*," Earl says. "The second torpedo of the two that sunk it hit the part of the ship where I slept each night. There [were] 1,196 aboard, 800 went down with the ship, [and] 317 survived after several days in the water. Some died from their wounds, some were eaten by sharks, and the balance drowned. It was the Navy's worst naval disaster."

Earl was transferred to Oregon, where he was joined by his wife, Jean Moore. Earl and Jean were high-school sweethearts and got married when Earl went home on 30 days' leave. After 45 years of marriage, sadly, Jean passed away in 1989.

Earl was reassigned again, this time to the USS *Bottineau* APA 235, a troop carrier. The ship went to Japan not long after the dropping of atomic bombs on Hiroshima and Nagasaki. They received occupation troops from Honshu, Japan. Earl earned another battle star for an encounter with a Japanese suicide plane in Okinawa Bay. After 2 years, 8 months, and 9 days of faithful service, Earl was discharged in 1946.

Looking back nearly 70 years later, Earl recalls the lessons he's learned. "I was only 17 when I entered service," he says. "I had no idea what I was facing . . . I had no reason to be scared."

"I saw men put in LCVP vessels and sent to do battle on the beach to take the island back from the Japanese. I saw some of the same men brought back in body bags. I saw 450 Japanese planes shot down in the Battle of the Philippine Sea, all in one day. I saw a Japanese Zero so close I could see the orange Japanese flag on the side of the plane. I saw body parts of Japanese soldiers scattered everywhere when I went over the Island of Tarawa. We lost 8,000 Marines of our own. This was my first battle."

Madam President, I am grateful heroes like Mr. Edward Earl Gidcumb are still able to transmit their wisdom and

share their stories with the rest of us. The life story of Mr. Gidcumb is certainly inspiring. I know my colleagues in the U.S. Senate join me in thanking him for his valiant service to our country. It is thanks to him and his fellow soldiers that America was able to triumph in World War II and advance freedom and democracy.

#### COMBATING PRESCRIPTION DRUG ABUSE ACT

Mrs. BOXER. Madam President, last week I introduced The Combating Prescription Drug Abuse Act, a bill to create a commission to recommend best practices for preventing and reducing prescription drug abuse. I believe this bill is a necessary step in addressing our Nation's fastest-growing drug problem, which has been classified as an epidemic by the Centers for Disease Control and Prevention.

An estimated 52 million people—20 percent of those aged 12 and older—have used prescription drugs for non-medical reasons at least once in their lifetimes. Nearly one-third of people aged 12 and over who used illicit drugs for the first time in 2009 began by abusing a prescription drug. In 2008, the number of opioid pain reliever deaths throughout our population was four times higher than cocaine and heroin deaths combined.

This epidemic ruins the lives of all segments of our population, and the problem is only getting worse, especially for women. Men are still more likely to die of prescription painkiller overdoses—over 10,000 deaths in 2010—but women are tragically catching up. A Centers for Disease Control and Prevention survey earlier this month found a 400 percent increase in women dying from prescription painkiller overdoses between 1999 and 2010, compared to 265 percent among men. During that time, nearly 48,000 women died of prescription painkiller overdoses. In 2010, prescription drugs were involved in 85 percent of the drug-specified deaths among women. And for every woman who dies of a prescription painkiller overdose, 30 go to the emergency room with related complications.

I applaud the unyielding work of the law enforcement and health provider communities in working to address this epidemic, but it is clear that we need to do more. My bill would create a 2-year, 30-member commission led by the Federal Drug Enforcement Agency and Food and Drug Administration tasked with issuing recommendations on how best to reduce prescription drug abuse.

Other members of the commission include representatives from law enforcement, patient groups, pharmacies, dispensers, and community-based organizations, just to name a few. Importantly, both local and Federal stakeholders must be included, from both

law enforcement and health care. The commission would be required to hold at least two public hearings to receive input on best practices. The end product would be a report requiring specific recommendations, and again, local input is mandatory.

The time has come to revive the conversation on this critical issue within and among our law enforcement and health care communities and across the Federal/local divide. I am proud that support for this bill is broad, ranging from the National Association of Drug Diversion Investigators and the Peace Officers Research Association of California, to the American Academy of Pain Management and the National Association of Chain Drug Stores. I urge my colleagues to support the Combating Prescription Drug Abuse Act.

#### NATIONAL LAKE APPRECIATION MONTH

Mr. CARDIN. Madam President, July is National Lake Appreciation Month. This nationwide initiative is sponsored by the North American Lake Management Society, a non-profit organization focused on making partnerships between citizens, scientists, and professionals to protect our Nation's lakes and reservoirs. National Lake Appreciation Month began in 2012 as a way to encourage us to explore and enjoy America's many beautiful lakes, as well as increase efforts to clean and protect them.

In addition to recreational uses such as boating, fishing, and swimming, lakes provide a variety of environmental and health benefits. They absorb rainfall and runoff from land, help prevent floods, provide drinking water, regulate the climate, and provide homes for precious wildlife. The Environmental Protection Agency's National Lake Assessment, conducted in 2007 and again in 2012, revealed that many of our lakes are imperiled due to poor nearshore habitat, too many nutrients, invasive plants and animals, and other threats. By protecting the health of our lakes, we defend the vitality of the animals and plants that depend on them and ensure that we can enjoy them for years to come.

This year, Maryland has joined 23 other States in celebrating National Lake Appreciation Month and in affirming the importance of lakes for our drinking water, energy production, food production, and recreational value. Maryland boasts 60 large lakes over 5 acres in size, and over 100 lakes in total. We use these lakes for fishing, boating, and other outdoor recreation, as well as for energy. For example, Deep Creek Lake, our largest inland lake in Maryland, consists of 65 miles of shoreline, 18 species of fish, and a wide variety of other animal and plant species, some of which are endangered.

The lake also powers the Deep Creek Hydroelectric Power Plant, which provides energy not only to Maryland, but also to communities in Pennsylvania and New Jersey. So far we have been able to keep this and other Maryland lakes healthy. In a recent test, it was found that Deep Creek Lake's water clarity was still at a level similar to that of 1957. As factors such as pollutants and runoff increasingly threaten the health of our lakes, it is important that we continue to work to fight against them.

I am pleased to celebrate National Lake Appreciation Month, to encourage people both to enjoy America's beautiful lakes, and to do their part to keep them clean and healthy. Lakes are a very important part of our ecosystem in Maryland. We must continue to increase our efforts to care for our lakes and show our appreciation for all that they provide us.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO STEVE SCHORR

• Mr. HELLER. Madam President, today I wish to recognize Steve Schorr, vice president of public and government affairs for Cox Communications in my home State of Nevada. After more than two-and-a-half decades of dedicated service to his company as well as to the community, Steve is retiring this year. Steve not only leaves a lasting legacy as a leader in broadcasting and in business, but he also enters retirement having made a profound impact as a civic volunteer and philanthropist. His many contributions to Southern Nevada's development and quality of life are truly remarkable and will be felt by Nevadans all across the State for years to come.

Prior to his tenure at Cox Communications, Steve established a strong reputation as a journalist, earning multiple Emmy Awards, two National Freedom Foundation Awards and an Armstrong Award for Broadcasting. He was also inducted into the inaugural class of the Nevada Broadcasters Association's Hall of Fame. During his time as vice president of public and government affairs for Cox Communications, Steve has been a tireless advocate for community development and economic growth. As a business executive, he has contributed to the expansion of his company, working closely with local, State and Federal Governments on issues that were critical to Nevada's private sector.

In addition to his commitment to excellence in broadcasting and in business, Steve has consistently exemplified the very highest standards of community service. He has devoted his time to improving education in Nevada, as an adjunct professor at the University of Nevada, Las Vegas

Greenspun School of Communications. Steve Schorr Elementary School in Las Vegas is named in his honor. In addition, he has been honored with the U.S. Department of Justice J. Pat Finley Lifetime Achievement Award for his work on behalf of missing children in Southern Nevada. He also devotes his time as a member of numerous civic boards and organizations, and has received the Governor's "Point of Light" Award for his exceptional volunteerism.

I want to acknowledge and thank Steve for his many years of dedicated service to Nevada as an educator, journalist, business executive and philanthropist. I ask my colleagues to join me in congratulating Steve on his retirement, and in wishing him many successful and fulfilling years to come.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and two withdrawals which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 10:04 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2609. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

H.R. 2642. An act to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018, and for other purposes.

##### ENROLLED BILL SIGNED

At 5:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2289. An act to rename section 219(c) of the Internal Revenue Code of 1986 as the Kay Bailey Hutchison Spousal IRA.

The enrolled bill was subsequently signed by the President pro tempore (Mr. LEAHY).

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1292. A bill to prohibit the funding of the Patient Protection and Affordable Care Act.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2609. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

H.R. 2642. An act to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2255. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Snapper-Grouper Fishery of the South Atlantic; 2013 Commercial Accountability Measure and Closure for the South Atlantic Lesser Amberjack, Almaco Jack, and Banded Rudderfish Complex" (RIN0648-XC714) received in the Office of the President of the Senate on July 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2256. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Modifications of the West Coast Commercial Salmon Fisheries; Inseason Actions Nos. 4 and 5" (RIN0648-XC705) received in the Office of the President of the Senate on July 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2257. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2013 Commercial Accountability Measure and Closure for Gulf of Mexico Greater Amberjack" (RIN0648-XC702) received in the Office of the President of the Senate on July 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2258. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XC722) received in the Office of the President of the Senate on July 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2259. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XC724) received in the Office of the President of the Senate on July 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2260. A communication from the Acting Deputy Director, Office of Sustainable Fish-

eries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Snapper-Grouper Fishery of the South Atlantic; 2013 Recreational Accountability Measure and Closure for South Atlantic Golden Tilefish" (RIN0648-XC671) received in the Office of the President of the Senate on July 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2261. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment 4 to the Corals and Reef Associated Plants and Invertebrates Fishery Management Plan of Puerto Rico and the U.S. Virgin Islands; Seagrass Management" (RIN0648-BC38) received in the Office of the President of the Senate on July 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2262. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment 94 to the Gulf of Alaska Fishery Management Plan and Regulatory Amendments for Community Quota Entities" (RIN0648-BB94) received in the Office of the President of the Senate on July 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2263. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Adjusted Closure of the 2013 Gulf of Mexico Recreational Sector for Red Snapper" (RIN0648-XC715) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2264. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Amendment 9" (RIN0648-BC58) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2265. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to Framework Adjustment 50 to the Northeast Multispecies Fishery Management Plan and Sector Annual Catch Entitlements; Updated Annual Catch Limits for Sectors and the Common Pool for Fishing Year 2013" (RIN0648-BC97) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2266. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions, Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Framework Adjustment 48; Final Rule; Correction" (RIN0648-BC27) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2267. A communication from the Deputy Assistant Administrator for Regulatory

Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program" (RIN0648-BC25) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2268. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications" (RIN0648-XC392) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2269. A communication from the Acting Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Inadmissibility of Consumer Products and Industrial Equipment Non-compliant with Applicable Energy Conservation or Labeling Standards" (RIN1515-AD82) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Finance.

EC-2270. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Transition Relief for Employees and Related Individuals Eligible to Enroll in Eligible Employer-Sponsored Health Plans for Non-Calendar Plan Years that Begin in 2013 and End in 2014" (Notice 2013-42) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Finance.

EC-2271. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Wash Sale Rules to Money Market Fund Shares" (Notice 2013-48) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Finance.

EC-2272. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding Deferred Discharge of Indebtedness Income of Corporations and Deferred Original Issue Discount Deductions" ((RIN1545-BI96) (TD 9622)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Finance.

EC-2273. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Section 108(i) to Partnerships and S Corporations" ((RIN1545-BI99) (TD 9623)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Finance.

EC-2274. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the semiannual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Finance.



EC-2275. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Lacey Act Implementation Plan; Definitions for Exempt and Regulated Articles" ((RIN0579-AD11) (Docket No. APHIS-2009-0018)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KIRK:

S. 1297. A bill to establish the Government Transformation Commission to review and make recommendations regarding cost control in the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BEGICH:

S. 1298. A bill to amend the Internal Revenue Code of 1986 to adjust the limits on expensing of certain depreciable business assets; to the Committee on Finance.

By Ms. BALDWIN (for herself and Mr. JOHNSON of Wisconsin):

S. 1299. A bill to amend title 23, United States Code, with respect to the operation of vehicles on certain Wisconsin highways, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FLAKE (for himself, Mr. MCCAIN, Mr. CRAPO, Mr. RISCH, and Mr. HELLER):

S. 1300. A bill to amend the Healthy Forests Restoration Act of 2003 to provide for the conduct of stewardship end result contracting projects; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1301. A bill to provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. ROBERTS, Mrs. MURRAY, Ms. MURKOWSKI, and Mr. FRANKEN):

S. 1302. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself, Mr. SCHUMER, and Mr. MURPHY):

S. 1303. A bill to amend certain appropriations Acts to repeal the requirement directing the Administrator of General Services to sell Federal property and assets that support the operations of the Plum Island Animal Disease Center in Plum Island, New York, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BEGICH:

S. 1304. A bill to promote strategic sourcing principles within the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1305. A bill to provide for the conveyance of the Forest Service Lake Hill Administrative Site in Summit County, Colorado;

to the Committee on Energy and Natural Resources.

By Mr. REED (for himself, Mr. KIRK, Mrs. MURRAY, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, and Mr. DURBIN):

S. 1306. A bill to amend the Elementary and Secondary Education Act of 1965 in order to improve environmental literacy to better prepare students for postsecondary education and careers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. 1307. A bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives; to the Committee on the Judiciary.

By Mr. COONS:

S. 1308. A bill to amend the National Energy Conservation Policy Act to encourage the increased use of performance contracting in Federal facilities; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (by request):

S. 1309. A bill to withdraw and reserve certain public land under the jurisdiction of the Secretary of the Interior for military uses, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PORTMAN (for himself, Ms. COLLINS, Mr. CRAPO, Mr. JOHANNES, Mr. HELLER, Mr. VITTER, Ms. AYOTTE, Mr. BLUNT, Mrs. FISCHER, Mr. ENZI, and Mr. CORKER):

S. 1310. A bill to require Senate confirmation of Inspector General of the Bureau of Consumer Financial Protection, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 196. A resolution to constitute the majority party's membership on certain committees for the One Hundred Thirteenth Congress, or until their successors are chosen; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 109

At the request of Mr. VITTER, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 109, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 234

At the request of Mr. REID, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 234, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to

receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 240

At the request of Mr. TESTER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 240, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 326

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 326, a bill to reauthorize 21st century community learning centers, and for other purposes.

S. 346

At the request of Mr. TESTER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 346, a bill to amend title 10, United States Code, to permit veterans who have a service-connected, permanent disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces entitled to such travel.

S. 501

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 501, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 569

At the request of Mr. BROWN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 569, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 629

At the request of Mr. PRYOR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 629, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.



S. 669

At the request of Mr. PRYOR, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 669, a bill to make permanent the Internal Revenue Service Free File program.

S. 734

At the request of Mr. NELSON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 734, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 825

At the request of Mr. SANDERS, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 825, a bill to amend title 38, United States Code, to improve the provision of services for homeless veterans, and for other purposes.

S. 967

At the request of Mrs. GILLIBRAND, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 967, a bill to amend title 10, United States Code, to modify various authorities relating to procedures for courts-martial under the Uniform Code of Military Justice, and for other purposes.

S. 1039

At the request of Mr. MERKLEY, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 1039, a bill to amend title 38, United States Code, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty, and for other purposes.

S. 1068

At the request of Mr. BEGICH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1068, a bill to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes.

S. 1073

At the request of Ms. KLOBUCHAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1073, a bill to amend the Energy Independence and Security Act of 2007 to improve the coordination of refinery outages, and for other purposes.

S. 1078

At the request of Ms. KLOBUCHAR, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1078, a bill to direct the Secretary of Defense to provide certain TRICARE beneficiaries with the opportunity to retain access to TRICARE Prime.

S. 1114

At the request of Mr. BROWN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1114, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1130

At the request of Mr. MERKLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1130, a bill to require the Attorney General to disclose each decision, order, or opinion of a Foreign Intelligence Surveillance Court that includes significant legal interpretation of section 501 or 702 of the Foreign Intelligence Surveillance Act of 1978 unless such disclosure is not in the national security interest of the United States and for other purposes.

S. 1171

At the request of Mr. MORAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1171, a bill to amend the Controlled Substances Act to allow a veterinarian to transport and dispense controlled substances in the usual course of veterinary practice outside of the registered location.

S. 1182

At the request of Mr. UDALL of Colorado, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1182, a bill to modify the Foreign Intelligence Surveillance Act of 1978 to require specific evidence for access to business records and other tangible things, and provide appropriate transition procedures, and for other purposes.

S. 1188

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1188, a bill to amend the Internal Revenue Code of 1986 to modify the definition of full-time employee for purposes of the individual mandate in the Patient Protection and Affordable Care Act.

S. 1204

At the request of Mr. COBURN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1204, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services, to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities, and for other purposes.

S. 1241

At the request of Mr. MANCHIN, the names of the Senator from Nevada (Mr. HELLER) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1241, a bill to establish the interest rate for certain Federal student loans, and for other purposes.

S. 1242

At the request of Mr. BROWN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1242, a bill to amend the Fair Housing Act, and for other purposes.

S. 1292

At the request of Mr. CRUZ, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from South Carolina (Mr. SCOTT), the Senator from Kansas (Mr. ROBERTS), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1292, a bill to prohibit the funding of the Patient Protection and Affordable Care Act.

S. CON. RES. 13

At the request of Mr. CASEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Con. Res. 13, a concurrent resolution commending the Boys & Girls Clubs of America for its role in improving outcomes for millions of young people and thousands of communities.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FLAKE (for himself, Mr. MCCAIN, Mr. CRAPO, Mr. RISCH, and Mr. HELLER):

S. 1300. A bill to amend the Healthy Forests Restoration Act of 2003 to provide for the conduct of stewardship end result contracting projects; to the Committee on Energy and Natural Resources.

Mr. FLAKE, Mr. President, on behalf of Senators MCCAIN, CRAPO, RISCH, HELLER, and myself I am pleased to introduce the Stewardship Contracting Reauthorization and Improvement Act.

As we continue to search for ways to prevent future wildland fire tragedies, it is worth noting that the U.S. Forest Service and the Bureau of Land Management, BLM, are about to lose one of their most valuable tools in that ongoing fight.

The tool, known as stewardship contracting, allows the Forest Service and BLM—in collaboration with State and local governments, tribal agencies, and non-governmental organizations—to enter into contracts with public or private entities to carry out a variety of land-management projects, including those that can reduce the risk of wildland fire.

Stewardship contracts have been particularly useful in Arizona. The Forest Service awarded the first such 10-year contract to the White Mountain Stewardship Project in 2004, and the largest contract, the Four Forest Restoration Initiative, began in 2012. Unless Congress acts, the authority to enter into these agreements will expire at the end of September. Our legislation would

not only extend the authority for Federal agencies to enter into these agreements, but it builds on past experiences to make commonsense improvements.

For example, it would give the Forest Service and BLM flexibility when establishing cancellation ceilings. A cancellation ceiling represents the amount of money the government would have to pay its contracting partner if the contract were cancelled. Typically, the government has to obligate the full amount at the inception of the contract. As noted in a 2008 GAO report, cancellation ceilings that require agencies to obligate large sums can serve as an impediment to long-term landscape-scale contracts, precisely the types of agreements that most significantly reduce wildfire risks.

Using Defense Department acquisition regulations as a model, our bill solves this problem by allowing Federal agencies to obligate funds in stages that are economically or programmatically viable. It would also require those agencies to notify the House and Senate natural resource committees, as well as the Office of Management and Budget, if the agencies propose contracts that do not fully cover the cancellation ceiling amount. Any extra value from a contract would be dedicated to first satisfying outstanding cancellation-related liabilities before being used to fund other stewardship projects. Finally, our bill incorporates key fire-liability provisions from timber sale contracts into the stewardship model, establishing parity between the two instruments.

Stewardship contracting and the resulting partnerships have helped restore forests, reduce the risk of out-of-control wildfires, and protect rural communities. I thank Senators McCAIN, CRAPO, RISCH, and HELLER for their support and leadership. It is my hope that our colleagues will act quickly to extend and improve this important land-management tool.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1300

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Stewardship Contracting Reauthorization and Improvement Act”.

#### SEC. 2. STEWARDSHIP END RESULT CONTRACTING PROJECTS.

(a) IN GENERAL.—Title VI of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591) is amended by adding at the end the following:

#### “SEC. 602. STEWARDSHIP END RESULT CONTRACTING PROJECTS.

“(a) DEFINITIONS.—In this section:

“(1) CHIEF.—The term ‘Chief’ means the Chief of the Forest Service.

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Bureau of Land Management.

“(b) PROJECTS.—Until September 30, 2023, the Chief and the Director, via agreement or contract as appropriate, may enter into stewardship contracting projects with private persons or other public or private entities to perform services to achieve land management goals for the national forests and the public lands that meet local and rural community needs.

“(c) LAND MANAGEMENT GOALS.—The land management goals of a project under subsection (b) may include—

“(1) road and trail maintenance or obliteration to restore or maintain water quality;

“(2) soil productivity, habitat for wildlife and fisheries, or other resource values;

“(3) setting of prescribed fires to improve the composition, structure, condition, and health of stands or to improve wildlife habitat;

“(4) removing vegetation or other activities to promote healthy forest stands, reduce fire hazards, or achieve other land management objectives;

“(5) watershed restoration and maintenance;

“(6) restoration and maintenance of wildlife and fish; or

“(7) control of noxious and exotic weeds and reestablishing native plant species.

“(d) AGREEMENTS OR CONTRACTS.—

“(1) PROCUREMENT PROCEDURE.—A source for performance of an agreement or contract under subsection (b) shall be selected on a best-value basis, including consideration of source under other public and private agreements or contracts.

“(2) CONTRACT FOR SALE OF PROPERTY.—A contract entered into under this section may, at the discretion of the Secretary of Agriculture, be considered a contract for the sale of property under such terms as the Secretary may prescribe without regard to any other provision of law.

“(3) TERM.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Chief and the Director may enter into a contract under subsection (b) in accordance with section 3903 of title 41, United States Code.

“(B) MAXIMUM.—The period of the contract under subsection (b) may exceed 5 years but may not exceed 10 years.

“(4) OFFSETS.—

“(A) IN GENERAL.—The Chief and the Director may apply the value of timber or other forest products removed as an offset against the cost of services received under the agreement or contract described in subsection (b).

“(B) METHODS OF APPRAISAL.—The value of timber or other forest products used as an offset under subparagraph (A)—

“(i) shall be determined using appropriate methods of appraisal commensurate with the quantity of products to be removed; and

“(ii) may—

“(I) be determined using a unit of measure appropriate to the contracts; and

“(II) may include valuing products on a per-acre basis.

“(5) CANCELLATION CEILINGS.—

“(A) IN GENERAL.—The Chief and the Director may obligate funds to cover any potential cancellation or termination costs for an agreement or contract under subsection (b) in stages that are economically or programmatically viable.

“(B) NOTICE.—

“(i) SUBMISSION TO CONGRESS.—Not later than 30 days before entering into a multiyear agreement or contract under subsection (b)

that includes a cancellation ceiling in excess of \$25,000,000, but does not include proposed funding for the costs of cancelling the agreement or contract up to the cancellation ceiling established in the agreement or contract, the Chief and the Director shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a written notice that includes—

“(I)(aa) the cancellation ceiling amounts proposed for each program year in the agreement or contract; and

“(bb) the reasons for the cancellation ceiling amounts proposed under item (aa);

“(II) the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and

“(III) a financial risk assessment of not including budgeting for the costs of agreement or contract cancellation.

“(ii) TRANSMITTAL TO OMB.—At least 14 days before the date on which the Chief and Director enter into an agreement or contract under subsection (b), the Chief and Director shall transmit to the Director of the Office of Management and Budget a copy of the written notice submitted under clause (i).

“(6) RELATION TO OTHER LAWS.—Notwithstanding subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), the Chief may enter into an agreement or contract under subsection (b).

“(7) CONTRACTING OFFICER.—Notwithstanding any other provision of law, the Secretary or the Secretary of the Interior may determine the appropriate contracting officer to enter into and administer an agreement or contract under subsection (b).

“(8) FIRE LIABILITY PROVISIONS.—Not later than 90 days after the date of enactment of this section, the Chief and the Director shall issue for use in all contracts and agreements under subsection (b) fire liability provisions that are in substantially the same form as the fire liability provisions contained in—

“(A) integrated resource timber contracts, as described in the Forest Service contract numbered 2400-13, part H, section H.4; and

“(B) timber sale contracts conducted pursuant to section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a).

“(e) RECEIPTS.—

“(1) IN GENERAL.—The Chief and the Director may collect monies from an agreement or contract under subsection (b) if the collection is a secondary objective of negotiating the contract that will best achieve the purposes of this section.

“(2) USE.—Monies from an agreement or contract under subsection (b)—

“(A) may be retained by the Chief and the Director; and

“(B) shall be available for expenditure without further appropriation at the project site from which the monies are collected or at another project site.

“(3) RELATION TO OTHER LAWS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the value of services received by the Chief or the Director under a stewardship contract project conducted under this section, and any payments made or resources provided by the contractor, Chief, or Director shall not be considered monies received from the National Forest System or the public lands.

“(B) KNUTSON-VANDERBERG ACT.—The Act of June 9, 1930 (commonly known as the ‘Knutson-Vanderberg Act’) (16 U.S.C. 576 et seq.) shall not apply to any agreement or contract under subsection (b).

“(f) COSTS OF REMOVAL.—Notwithstanding the fact that a contractor did not harvest

the timber, the Chief may collect deposits from a contractor covering the costs of removal of timber or other forest products under—

“(1) the Act of August 11, 1916 (16 U.S.C. 490); and

“(2) the Act of June 30, 1914 (16 U.S.C. 498).

“(g) PERFORMANCE AND PAYMENT GUARANTEES.—

“(1) IN GENERAL.—The Chief and the Director may require performance and payment bonds under sections 28.103-2 and 28.103-3 of the Federal Acquisition Regulation, in an amount that the contracting officer considers sufficient to protect the investment in receipts by the Federal Government generated by the contractor from the estimated value of the forest products to be removed under a contract under subsection (b).

“(2) EXCESS OFFSET VALUE.—If the offset value of the forest products exceeds the value of the resource improvement treatments, the Chief and the Director shall—

“(A) use the excess to satisfy any outstanding liabilities for cancelled agreements or contracts; or

“(B) if there are no outstanding liabilities under subparagraph (A), apply the excess to other authorized stewardship projects.

“(h) MONITORING AND EVALUATION.—

“(1) IN GENERAL.—The Chief and the Director shall establish a multiparty monitoring and evaluation process that accesses the stewardship contracting projects conducted under this section.

“(2) PARTICIPANTS.—Other than the Chief and Director, participants in the process described in paragraph (1) may include—

“(A) any cooperating governmental agencies, including tribal governments; and

“(B) any other interested groups or individuals.

“(i) REPORTING.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Chief and the Director shall report to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives on—

“(1) the status of development, execution, and administration of agreements or contracts under subsection (b);

“(2) the specific accomplishments that have resulted; and

“(3) the role of local communities in the development of agreements or contract plans.”

(b) OFFSET.—To the extent necessary, the Chief and the Director shall offset any direct spending authorized under section 602 of the Healthy Forests Restoration Act of 2003 (as added by subsection (a)) using any additional amounts that may be made available to the Chief or the Director for the applicable fiscal year.

(c) CONFORMING AMENDMENT.—Section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105-277) is repealed.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1301. A bill to provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I would like to reintroduce an important piece of forest legislation for my home State of Oregon.

This is legislation that I introduced in the last two Congresses. The legislation gained the support of the administration through a number of improvements, but unfortunately it failed to get passed. I have since made a few more updates and improvements as I continue talking to stakeholders who worked with me on this legislation. I am introducing the bill today to reinvigorate the discussion and get stakeholders to finalize any outstanding issues so we can finally get this bill done this Congress. I am sending the message that restoring these forests in Oregon is an urgent priority that needs to get done and I am going to keep at it until this issue gets addressed.

I am pleased that my colleague from Oregon, Senator MERKLEY has again joined me today in introducing this bill. He also recognizes the urgent needs to restore Oregon's forests and help forest dependent communities and I am glad he is part of this fight.

Oregon's historic war over its forests restyled in gridlock that led to millions of acres of Oregon's Federal forest landscape containing choked, overstocked stands that are at great risk of uncharacteristic catastrophic fires, insect infestations and disease. The outcome of the decades of conflict is very evident in Eastern Oregon's forests.

That is why I introduced legislation in the last two Congresses to tackle the challenges facing Oregon's Eastside forests and why I reintroduce this legislation again today.

The legislation I first introduced in 2009 reflected an agreement reached by leaders on both sides of these difficult issues. Intense negotiations resulted in that legislation with the goal of bringing jobs and a healthier tomorrow to the 8.3 million acres on the 6 Federal forests in eastern and central Oregon. That agreement has already resulted in progress being made on forestry issues in Eastern Oregon. Already there is more collaboration, less gridlock, more timber harvests and forests gradually beginning to get restored.

But we can't stop there. Since the last Congress, discussions and negotiations with interested stakeholders have continued. Today's bill reflects some of those discussions as well as some of the real progress seen on the ground in Eastern Oregon, but it also preserves the core elements of the agreement that I crafted with the stakeholders to this agreement—a push to increase the timber produced from our national forests, landscape scale restoration efforts and protections for watersheds and old growth.

Eastern Oregon today is down to only a small handful of surviving timber mills. Yet those mills are urgently needed to process saw logs and other merchantable material from forest restoration projects. Without them, there will be no restoration of Oregon's Eastside forests. But without far great-

er certainty of merchantable timber supply, more mills will close.

That's why we not only need to introduce legislation today, we need to pass it this Congress. Because time is not on our side and at risk forests and mills won't wait forever for the perfect consensus.

Fortunately leaders on both sides of this issue recognize that Oregon's forests will pay the price if more mills close. That recognition is what brought us to the landmark agreement in the first place.

I expect continued discussions as the Senate process advances over the best way to craft the bill to reflect current reality on the ground but I want to build on the progress that has been made to this point.

I also want to point out that none of our efforts will succeed unless Oregon Federal forests are also adequately funded to properly manage and restore these valuable Federal assets. I will fight, along with Senator MERKLEY and other stakeholders, for the funding to put our people back to work and restore the health of our forests.

I thank the stakeholders that have continued to spend time and energy engaged in discussions with me on the details of this legislation. I know there is further work ahead, and I look forward to working with them to get the legislation ready for passage.

I want to also express my gratitude to Governor Kitzhaber, who also understands the importance of advancing efforts to treat and restore Oregon's forests. He went to bat to putting state funding behind these efforts so I want to ensure that the Federal Government is also honoring its commitment to manage these Federal treasures and be a good neighbor to state and private lands. I appreciate his efforts and look forward to continuing to work with him.

I am pleased to reintroduce this legislation today, and I intend to keep working with all the folks in my State who are willing to talk in good faith about restoring our Eastside forests. I want to continue to get input from stakeholders on any further revisions to the bill and get a final product that will pass this Congress.

By Mr. REED (for himself, Mr. KIRK, Mrs. MURRAY, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, and Mr. DURBIN):

S. 1306. A bill to amend the Elementary and Secondary Education Act of 1965 in order to improve environmental literacy to better prepare students for postsecondary education and careers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am reintroducing bipartisan legislation to provide support for environmental education in our Nation's classrooms. I

thank Senators KIRK, MURRAY, TOM UDALL, DURBIN, and WHITEHOUSE for agreeing to be original cosponsors of the No Child Left Inside Act of 2013.

According to the National Association for Environmental Education, 47 states and the District of Columbia have taken steps towards developing plans to integrate environmental literacy into their statewide educational initiatives. In Rhode Island, organizations such as the Rhode Island Environmental Education Association, Roger Williams Park Zoo, Save the Bay, the Nature Conservancy, and the Audubon Society, as well as countless schools and teachers, are offering educational and outdoor experiences that many children may never otherwise have, helping inspire them to learn. In partnership with the Rhode Island Department of Education, these organizations have developed a statewide environmental literacy plan that is now being put into action.

Given the major environmental challenges we face today, our bill seeks to prioritize teaching our young people about their natural world. For more than three decades, environmental education has been a growing part of effective instruction in America's schools. Responding to the need to improve student achievement and prepare students for the 21st century economy, many schools throughout the Nation now offer some form of environmental education.

Yet, environmental education is facing a significant challenge, and remains out of reach for too many children. With many schools being forced to scale back or eliminate environmental programs, fewer and fewer students are able to take part in related classroom instruction and field investigations, however effective or in demand these programs are.

The No Child Left Inside Act would increase environmental literacy among elementary and secondary students by encouraging and providing assistance to states for the development and implementation of environmental literacy plans and promoting professional development for teachers on how to integrate environmental literacy and field experiences into their instruction.

The legislation would also support partnerships with high-need school districts to initiate, expand, or improve their environmental education curriculum, and for replication and dissemination of effective practices. Finally, the legislation would support interagency coordination and reporting on environmental education opportunities across the Federal Government. This legislation has broad support among national and State environmental and educational groups.

The American public recognizes that the environment is a central issue to our future health and well-being. In the private sector, business leaders also in-

creasingly believe that an environmentally literate workforce is critical to their long-term success. They recognize that better, more efficient environmental practices improve the bottom line and help position their companies for the future.

Environmental education helps prepare the next generation with the skills and knowledge necessary to be competitive in the global economy. Studies have shown that it enhances student achievement in science and other core subjects and increases student engagement and critical thinking skills. And it promotes healthy lifestyles by encouraging kids to get outside.

That is why I encourage my colleagues to cosponsor the bipartisan No Child Left Inside Act and to join with Senator KIRK and me to include its provisions into the reauthorization of the Elementary and Secondary Education Act.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 196—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED THIRTEENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID submitted the following resolution; which was considered and agreed to:

##### S. RES. 196

*Resolved*, That the following shall constitute the majority party's membership on the following committees for the One Hundred Thirteenth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Ms. Stabenow (Chairman), Mr. Leahy, Mr. Harkin, Mr. Baucus, Mr. Brown, Ms. Klobuchar, Mr. Bennet, Mrs. Gillibrand, Mr. Donnelly, Ms. Heitkamp, and Mr. Casey.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Rockefeller (Chairman), Mrs. Boxer, Mr. Nelson, Ms. Cantwell, Mr. Pryor, Mrs. McCaskill, Ms. Klobuchar, Mr. Warner, Mr. Begich, Mr. Blumenthal, Mr. Schatz, Mr. Heinrich, and Mr. Markey.

COMMITTEE ON FOREIGN RELATIONS: Mr. Menendez (Chairman), Mrs. Boxer, Mr. Cardin, Mrs. Shaheen, Mr. Coons, Mr. Durbin, Mr. Udall of New Mexico, Mr. Murphy, Mr. Kaine, and Mr. Markey.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Landrieu (Chairman), Mr. Levin, Mr. Harkin, Ms. Cantwell, Mr. Pryor, Mr. Cardin, Mrs. Shaheen, Mrs. Hagan, Ms. Heitkamp, and Mr. Markey.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 16, 2013, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 16, 2013, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 16, 2013, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 16, 2013, at 10 a.m., to hold a hearing entitled, "A Hearing on S. 980, The Embassy Security and Personnel Protection Act of 2013."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled "Pooled Retirement Plans: Closing the Retirement Plan Coverage Gap for Small Businesses" on July 16, 2013, at 2:30 p.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 16, 2013, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 16, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON FINANCIAL AND CONTRACTING OVERSIGHT

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Financial and Contracting Oversight be authorized to meet during the session of the

Senate on July 16, 2013, at 9:30 a.m. to conduct a hearing entitled, "Implementation of Wartime Contracting Reforms."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON WATER AND POWER

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 16, 2013, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MAJORITY PARTY APPOINTMENTS FOR THE 113TH CONGRESS

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 196, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 196) to constitute the majority party's membership on certain committees for the One Hundred Thirteenth Congress, or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Madam President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 196) was agreed to.

(The resolution is printed in today's RECORD under "Submitted Resolutions.")

#### ORDERS FOR WEDNESDAY, JULY 17, 2013

Mr. BROWN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, July 17, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; and that following the remarks of the two leaders, the Senate proceed to executive session to consider Calendar No. 178, the Hochberg nomination, and the time until 10 a.m. be equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. BROWN. Tomorrow at 10 a.m. there will be a rollcall vote on the motion to invoke cloture on the Hochberg nomination.

#### ORDER FOR ADJOURNMENT

Mr. BROWN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order following the remarks of Senator THUNE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota.

#### HEALTH CARE REFORM

Mr. THUNE. Madam President, last week a letter was sent to majority leader HARRY REID and minority leader NANCY PELOSI of the House of Representatives, and I wish to read a few quotes from that letter. It says:

When you and the President sought our support for the Affordable Care Act, you pledged that if we liked the health plans we have now, we could keep them. Sadly, that promise is under threat. Right now, unless you—

Directed at the majority leader and the minority leader in the House—

and the Obama Administration enact an equitable fix, the ACA—

Or the Affordable Care Act, which some people refer to as "ObamaCare"—will shatter not only our hard-earned health benefits, but destroy the foundation of the 40 hour work week that is the backbone of the American middle class.

The letter goes on to say:

Since the Affordable Care Act was enacted, we have been bringing our deep concerns to the Administration, seeking reasonable regulatory interpretations to the statute that would help prevent the destruction of non-profit health plans. As you both know firsthand, our persuasive arguments have been disregarded and met with a stone wall by the White House and by the pertinent agencies.

This is a letter that was, as I said, sent last week to the leaders in the House and in the Senate. I wish to quote a few more passages from that letter.

We have a problem; you need to fix it. The unintended consequences of the Affordable Care Act are severe. Perverse incentives are already creating nightmare scenarios.

First, the law creates an incentive for employers to keep employees' work hours below 30 hours a week. Numerous employers have begun to cut workers' hours to avoid this obligation, and many of them are doing so openly. The impact is twofold: fewer hours means less pay while also losing our current health benefits.

The summary of the letter at the end says:

On behalf of the millions of working men and women we represent and the families they support, we can no longer stand silent in the face of elements of the Affordable Care Act that will destroy the very health

and wellbeing of our members along with millions of other hardworking Americans.

So when we look at this letter and the tone of the letter and some of the statements made in the letter, we see that it talks about destroying the health benefits of employees. It talks about nightmare scenarios being created by perverse incentives in the Affordable Care Act. As I said before, it says the Affordable Care Act will shatter not only our hard-earned health benefits but destroy the foundation of the 40-hour workweek that is the backbone of the American middle class.

If my colleagues are wondering who sent the letter—one might think it came from the National Federation of Independent Business or perhaps the National Association of Manufacturers, the chamber of commerce, or some business group that obviously has major concerns and issues with the implementation of ObamaCare. But that letter came from Mr. James Hoffa, who is the general president of the International Brotherhood of Teamsters; it was cosigned by Joseph Hansen, the international president of the UFCW, and by D. Taylor, the president of UNITE-HERE—three major union organizations that are very concerned about ObamaCare and its implementation and what it is going to mean to the health care benefits many of their members already enjoy, as well as what it will do to wreck the 40-hour workweek that is, as they describe, the backbone of the American middle class.

So the list goes on of those who have deep and abiding concerns about the adverse and harmful impacts of ObamaCare as we approach the implementation stage the first of next year.

As we know, last week the administration announced they were going to delay the implementation of the employer mandate. I think many of us received that news as welcome news because we have argued that many of the penalties associated with the legislation and its implementation are going to be very harmful to job creation and to economic growth and that we are going to see more and more employers starting not only to not hire people but actually to reduce the size of the workforce. In fact, a survey of employers around the country suggested that 40 percent of them were, in fact, doing that. They were not hiring new people. Also, 20 percent of the employers in this country were actually reducing—laying people off—because of the concerns about the mandates included in ObamaCare.

So the administration reacted to that by saying: OK, we have been listening to you. We hear you. We are going to delay the employer mandate.

That is the penalty attached if employers don't offer a government-approved health plan with lots of bells and whistles and things in it—things

that they didn't believe they could afford. So we get the 1-year temporary relief from that.

But I think the question that has to then be asked of the administration is this: If you are going to provide relief from the employer mandate, what about everybody else? What about all of the other Americans who are going to be impacted and harmed? What about the individual mandate where we have 6 million Americans who are, when it is fully implemented, going to be faced with a tax of about \$1,200?

We have all kinds of families across this country who are seeing, because of the higher taxes and many of the mandates associated with the legislation already, higher premiums. In fact, when the President took office, he promised he was going to reduce premiums for families in this country by \$2,500. Well, according to the Kaiser study—and they track premiums—since the President has taken office, health insurance premiums for families in this country have actually increased by \$2,500. So when the President made the argument that he would lower insurance premiums for families in this country by \$2,500, just the opposite has happened. We have seen premiums actually go up. I think premiums are going to continue to go up as this becomes implemented and becomes, ultimately, the law of the land.

A lot of my colleagues on the other side have said: Why do you guys keep complaining about this? It is the law of the land. In fact, it is the law of the land, which I think begs the question of, why is the administration not enforcing it? Why has the administration been delaying implementation of ObamaCare, at least as it pertains to the employer mandate?

I think there are a lot of obvious reasons for that. They got tired of hearing about the adverse impacts it was having on the economy and having on jobs. We saw the jobs numbers from the month of June, and the number of people who have been pushed into part-time jobs was actually, in the month of June, up by 322,000 individuals.

In other words, what we are seeing is that a lot of people who were previously full-time workers and who want to work full-time in our economy are being pushed into part-time jobs. Why is that happening? Well, at least one of the reasons, I would argue, is that under ObamaCare the requirements that apply to employers apply to full-time workers. So if an employer doesn't have full-time workers—and the law defines that as 30 hours a week—if an employer doesn't have people working more than 30 hours a week, they are not covered by the mandates in the legislation. So what are many employers doing? Many employers were then cutting the hours of their employees to get under that 30-hour threshold so they wouldn't be hit with these costly new mandates.

What does that mean for the average family in this country? It means that fewer and fewer people have full-time jobs, higher take-home pay, and more and more Americans are having to do part-time work—probably finding two part-time jobs to help pay the bills. That is a crushing effect on an economy that is already struggling to recover. A lot of people who I would argue want to get back into the workforce are trying to find full-time work and are being met with resistance from employers because employers are having to deal with these costly mandates included in the Affordable Care Act.

So if we look at the effect, the net result so far of ObamaCare, which, again—we have mentioned this many times here—is 2,700 pages in terms of legislation and 20,000 pages of regulations—in fact, the size of the stack of regulations is now 7½ feet tall, so it is about a foot taller than I am. Just last week another 606 pages of regulations were issued in terms of the implementation of this law. Can we imagine average Americans trying to comply with 20,000 pages of regulations or, for that matter, businesses trying to comply with them?

There is so much uncertainty associated with this law and the impact it is going to have and fears about the impact it is going to have, and nothing is being done to make that any easier for most Americans. It was made easier for employers last week when the penalty for the employer mandate was delayed by 1 year.

We believe that if they are going to delay the employer mandate for a year, we ought to delay the implementation of this law for everybody and not just do it for a year. Let's do it permanently. Let's start over. Let's do this the right way. It didn't take a 2,700-page bill, it didn't take 20,000 pages of regulations, it didn't take a government takeover of one-sixth of our economy to try to solve the problems and the challenges we have in our health care system today. Yet that was the solution the President and our Democratic colleagues in Congress came up with. As a consequence, we have higher taxes, we have higher premiums, we have fewer jobs, and we have lower take-home pay for many Americans.

I wish to point out in terms of the issue of premiums even the administration has acknowledged that some people are going to see their premiums rise under the health care reform law. There are estimates from the Society of Actuaries study that was released in 2013 that showed the State of Ohio's current average cost to cover medical expenses for an individual health insurance plan to be \$223.

Based on the proposals submitted to the Department, the average to cover those costs in 2014 under ObamaCare is going to be \$420, representing an increase of 88 percent when compared

to—this is a study of actuaries—their study. So an 88-percent increase in the State of Ohio. That, of course, again was in the individual health care market.

There have been studies done that suggest that the Federal health care law, the Affordable Care Act or, as I said, ObamaCare could nearly triple premiums for some young and healthy men. The premium for a relatively bare bones policy for a 27-year-old male nonsmoker in the individual market would be nearly 190 percent higher.

So I do not think many of the people who are going to be impacted have seen the full impact yet. But when it is fully implemented, there are going to be lots of other impacts on premiums, adverse impacts on people in this country, especially in the individual market. As I mentioned earlier, we have already seen significant increases in premiums with regard to families.

So if we look at this thing and sort of assess where we are today, not too far, just a few months away from what is alleged to be the full implementation of this—of course, now with the exception of the employer mandate—I think we can come to one very simple conclusion; that is, that the result has led to fewer jobs, it has led to more people being pushed into part-time work as opposed to full-time jobs, and therefore lower take-home pay for middle-class Americans. It has led to higher premiums. We are already seeing the effect of that with regard to premiums that are being paid by families and those who have to buy their insurance in the individual marketplace.

We know there are lots of higher taxes in the legislation. If we look at the impact on many people who provide health care services, the medical device manufacturers have a big tax they are dealing with, pharmaceutical companies, health insurance plans—we can go right down the list. All of those new taxes are going to get passed on, in many cases passed on to people who are not high-income earners but middle-class Americans who are trying to keep their heads above water and keep health care coverage for their family.

These are the real-world impacts of ObamaCare as we know it today. That is why I think we see, even organizations that are very sympathetic to the President, very sympathetic to his agenda, fans of his agenda, people who worked very hard to get him elected in office—the labor unions in their letter make that argument, that they worked very hard. They walked the neighborhoods. They did all of the grassroots organizing that was necessary to get the President elected. Here they are reacting to the Affordable Care Act, to ObamaCare, in the same way I think most Americans are.

That is why we consistently see public opinion polls that are very negative toward the law. In fact, there was a

Rasmussen survey recently that said 55 percent of Americans disapprove of the law, 39 percent are in favor of it. But a significant and decisive majority of Americans believe this is going to be bad for them, bad for their own personal situation, finances, when it comes to covering their families but also bad for the economy and bad for jobs.

Higher premiums, higher taxes, fewer jobs, more part-time jobs, fewer full-time jobs, lower take-home pay, that is what we today know as ObamaCare. There is a better way. We could go back and start over, do this the right way; step-by-step, incrementally, deal with the challenges that we have in our health care system, and there are many of them. But it did not take a massive takeover of one-sixth of the American economy, a massive new government program, 2,700 pages of legislation, over 20,000 pages of new regulations in terms of implementation to solve the challenges we have in our health care system today.

There is a better way. I hope the feedback, if you will, the response that the President and his team are getting, not only now from those people who were opposed to it—many of us were arguing when this was being debated in the Senate that this, in fact, would be the impact. We talked about the impact on premiums because of the mandates and the new taxes. We talked about the taxes. We talked about the impact on the economy and jobs and pointed out that this was going to have an adverse, harmful impact on the ability of our economy to create jobs and to get that unemployment rate down and get people back to work in this country.

Many of us were working those arguments. Many of the organizations that were opposed to the legislation were saying the same things. Now we have

those who were actually endorsing and in favor of the legislation coming out and saying it would shatter not only our hard-earned health benefits but destroy the foundation of the 40-hour work week that is the backbone of the American middle class. Perverse incentives are already creating nightmare scenarios.

That is what is included in the letter that was submitted last week to the leaders in the Congress, written by major labor organizations in this country. Those are not rightwing conservatives, rightwing Republicans who are reacting this way to ObamaCare; these are allies of the President who have realized and come to the conclusion that this is incredibly problematic, not only for them and their members and the employees of a lot of companies out there with regard to the current health care benefits that they already have but also what it means for the 40-hour work week and what it means for the take-home pay for middle-class Americans across this country.

We can do better. We should do better. It is not too late. It is never too late to do the right thing. I hope that as more and more of this anecdotal and empirical evidence comes forward about the implementation of this legislation, we will do that.

I yield the floor.

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#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:05 p.m., adjourned until Wednesday, July 17, 2013, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### NATIONAL LABOR RELATIONS BOARD

KENT YOSHIHO HIROZAWA, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2016, VICE WILMA B. LIEBMAN, TERM EXPIRED.

NANCY JEAN SCHIFFER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE CRAIG BECKER.

##### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### *To be brigadier general*

COL. ROGER L. NYE

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

LT. GEN. KENNETH E. TOVO

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#### CONFIRMATION

Executive nomination confirmed by the Senate July 16, 2013:

##### BUREAU OF CONSUMER FINANCIAL PROTECTION

RICHARD CORDRAY, OF OHIO, TO BE DIRECTOR, BUREAU OF CONSUMER FINANCIAL PROTECTION FOR A TERM OF FIVE YEARS.

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#### WITHDRAWALS

Executive Message transmitted by the President to the Senate on July 16, 2013 withdrawing from further Senate consideration the following nominations:

RICHARD F. GRIFFIN, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2016, VICE WILMA B. LIEBMAN, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON FEBRUARY 13, 2013.

SHARON BLOCK, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE CRAIG BECKER, WHICH WAS SENT TO THE SENATE ON FEBRUARY 13, 2013.



## HOUSE OF REPRESENTATIVES—Tuesday, July 16, 2013

The House met at noon and was called to order by the Speaker pro tempore (Mr. BENTIVOLIO).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

July 16, 2013.

I hereby appoint the Honorable KERRY BENTIVOLIO to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,

*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

### BENGHAZI INVESTIGATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Mr. Speaker, Deuteronomy 16:20 tells us:

Justice, justice shalt thou pursue.

As we quietly mark the 10-month anniversary of the Benghazi terrorist attacks last week, I know many people wondered if there will ever be any clear resolution to this investigation, let alone justice.

There are less than 3 weeks remaining before the Congress departs for the August recess. When we return in September, we will be only 2 days away from the 1-year anniversary of the Benghazi attacks. This looming anniversary should stand as a stark reminder of the many unanswered questions that remain about what actually happened that night and how the administration chose to respond or not respond to the Americans under assault during that 8-hour period.

That is why, over the next 3 weeks, I will be coming to the floor regularly to remind the American people about the key questions that remain to be answered. I will also be sending a series of

letters to the State Department, the Defense Department, and the CIA formally requesting responses to some of these questions. While I am skeptical the administration will be forthcoming with answers, I do hope that these questions will underscore, for the Congress and the American people, the woefully incomplete status of the Benghazi investigation.

I have long been concerned that the current investigative strategy would not yield the necessary answers. That is why, for the last 8 months, I have advocated creating a bipartisan select committee to thoroughly investigate the Benghazi attacks. My bill, H. Res. 36, has 160 cosponsors, as well as the support of many family members of the Benghazi victims, the Special Operations community, and the Federal Law Enforcement Officers Association, which represent the Diplomatic Security agents who were at the consulate in Benghazi.

Perhaps the most telling sign of the incomplete state of the Benghazi investigation is the fact that not one of the survivors of the Benghazi attack from the consulate or the annex has publicly testified before Congress. Despite nearly a full year of multiple committee investigations, not one witness has been brought before a committee to publicly testify under oath about what happened that night.

Instead of learning the details of the attack and the U.S. response in public hearings, the American people may instead read about it in one of the books that have been announced in recent weeks. It is clear that the survivors from the consulate and the annex have worked with authors on two separate books that are scheduled to be published over the next year.

The first, "Under Fire: The Untold Story of the Attack in Benghazi," describes in vivid, minute-by-minute detail the assault on the U.S. consulate, according to an excerpt that was published in *Vanity Fair* magazine this month. This excerpt contains important new information about the level of sophistication of the attack and how the terrorists apparently had detailed inside knowledge of the American consulate. It also noted that each of the terrorists' vehicles flew the "black flag of jihad." The report makes clear this attack was the result of careful planning and intelligence-gathering by the terrorists, not some spontaneous attack on a target of opportunity.

A second, \$3 million book deal, scheduled for publication in 2014, was an-

nounced last month with four unnamed U.S. security contractors who were based at the annex and responded to the attacks that night. I suspect, given the critical role played by the contractors in responding to the consulate attack and later in defending the annex, that these individuals have important information that deserves to be heard by the Congress and by the American people. I also wonder, Mr. Speaker, whether any of the \$3 million they're earning from the book deal will be shared with Ty Woods' widow and child or the parents of Glen Doherty, who did so much to save our Americans.

I can't help but ask why the Congress has not asked—or subpoenaed—these individuals to testify before the House committees that have been investigating this over the past year. If these questions are not answered, the American people will never know what took place in Benghazi.

### THE FARM BILL AND POLLINATORS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Last week's farm bill debate in the House of Representatives highlighted a fundamental disconnect. My friends in the Republican majority felt that nutrition for poor people was not a priority because they were concerned about increasing government dependence for lower-income Americans.

Yes, there are more people receiving SNAP, or what we used to call food stamp benefits, because that's how the system is supposed to work. After our Nation suffered a near collapse of the economy, and with a much larger population of over 313 million people, we would expect that, in the face of persistent unemployment and job loss, more people would be on food stamps. We want them to get this assistance. It helps those families and it helps the economy.

Yet, by the same action, my friends passed the most expensive farm bill provisions in our Nation's history. Just like the direct payment program, which gave 75 percent of the payments to 10 percent of all farmers, the new price targets and crop insurance programs manipulate the market, concentrate wealth in the hands of the few, and fail to implement any basic reforms such as means testing and payment limits. The irony was not lost on

many who watched the price tag go up and the benefits be concentrated in the hands of those who need it the least.

The bill lacked meaningful reform. The long overdue elimination of direct payments was coupled with a lavish increase in a new entitlement, shallow loss provisions of crop insurance. It locked in the currently high commodity prices as a threshold going forward. There were additional direct payments for cotton and a refusal to reform egregious sugar provisions. Subsidies for wealthy farmers are supported over innovation, research, and conservation. The bill lavished support on those that needed it the least, while stripping out nutrition support through the SNAP program, because they didn't want to foster dependence, all while a blind eye was turned to abuses in the lavish crop insurance program where fraud is 50 percent higher than in the maligned SNAP, or food stamp program.

I am hopeful that if this bill goes on to conference, we'll be able to reduce the costs, provide adequate support by reinstituting nutrition programs, and address long overdue reform for crop insurance.

At the same time, there would be some provisions that could actually bring people together. For years, I've been working in areas of protecting the pollinators. There are 250,000 little species that pollinate our food and help create \$200 billion worth of food crops worldwide. One in every three forks of foods that we eat is due to pollination, as well as the flowers we enjoy, fruits, chocolate, and even tequila. Many of these things depend on these humble workers. Yet we've watched real threats to the critical habitat for pollinators. I'm hopeful that we can add a simple, nonpartisan provision that will make a difference for these protections.

Neonicotinoids are insecticides which have been linked to large bee die-offs. In one instance, it happened to 50,000 bees in Oregon last week. These insecticides have been banned for 2 years in Europe. I'm hopeful that as the farm bill goes forward, we can address putting a temporary ban on their sale here in the United States, taking a deeper dive on the impact they have on pollinators and, indeed, on the entire food chain for this very persistent substance that has the potential of affecting the impact not just of the health of bees but of our families as well. I'm also hopeful that we'll have a farm bill that can include low- or no-cost provisions like pollinating protection to bring people together to strengthen agriculture. These are vital parts of nature and of our food chain.

In the past, the farm bill wasn't a partisan battlefield. If we can focus on providing help for people who need it the most, rather than lavish subsidies for people that need it the least, and

focus on innovation, conservation, and, yes, pollinator protection, things like this can strengthen our food supply, save money, protect the environment, and maybe enable us to make some progress in an area so far that looks embarrassingly remote.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 11 minutes p.m.), the House stood in recess.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, we give You thanks for giving us another day.

We ask discernment for the Members of this people's House, that they might judge anew their adherence to principle, conviction, and commitment, lest they slide uncharitably toward an inability to listen to one another and work cooperatively to solve the important issues of our day.

Give them the generosity of heart, and the courage of true leadership, to work toward a common solution, which might call for compromise, even sacrifice on both sides. We pray that their work results not in solutions where some are winners and some losers, but where all Americans know in their hearts that we are winners.

May all that is done this day be for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Massachusetts (Mr. MARKEY), the whole number of the House is 434.

#### JOBS REPORT MISLEADING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, according to Investor's Business Daily:

From the media to Wall Street, June's jobs report is being spun as a major positive, a sign the economy is back on track. Maybe the pundits should look at the actual numbers, which are abysmal. At June's pace of 195,000 new jobs a month, it will take 11 months to get back to where we were in 2007. It's even worse when you consider all of the net addition to June jobs—repeat, all—were part time. The underemployment rate shot up from 13.8 to 14.3 percent. This isn't a solid jobs report. It's a crisis.

House Republicans have passed legislation to promote jobs. Building the Keystone pipeline alone can create nearly 200,000 jobs. In the Midlands of South Carolina, the earthmover tires made by Michelin Corporation are shipped to Alberta, Canada, for oil sand recovery. At 12 feet high and \$60,000 for each tire, there are over 300 jobs in Lexington, with another 300 persons building engines for Alberta at MTU in Graniteville of Aiken County.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

Happy 40th birthday today, South Carolina Attorney General Alan Wilson.

#### THE OBAMACARE TRAIN WRECK

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, my colleagues, building a stronger economy for all Americans is our top priority here in the House. That's why we're working to simplify the Tax Code, expand energy production, and hold the administration accountable for abuses at agencies like the IRS. It's why, while Senate Democrats have done nothing, the House has passed a bipartisan plan to make college more affordable. And it's why we'll vote tomorrow to make sure that families and individuals get the same break from ObamaCare that the President wants for big businesses.

Over the weekend, the Democratic leader in the Senate said the President's health care law "has been wonderful" for our country. Are you kidding me? If ObamaCare is so wonderful, why are health care prices exploding?

Why are millions of Americans getting kicked out of their plans? Why are so many workers losing their jobs or getting their hours cut?

The law isn't wonderful. It's a train wreck. You know it, I know it, and the American people know it. Even the President knows it. That's why he proposed delaying his mandate on employers.

But it's unfair to protect big businesses without giving the same relief to American families and small businesses. The bills by Congressman TIM GRIFFIN and TODD YOUNG will address this problem by delaying both the employer mandate and the individual mandate. I hope Democrats and Republicans alike will vote to do what's fair and protect all Americans from this disastrous law.

#### OBAMACARE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, employers need more than a 1-year delay of ObamaCare's economic train wreck. The President's flawed legislation must be repealed in its entirety.

ObamaCare is already increasing health care costs, depressing hiring, and destroying full-time work. Waiting a year to implement some of its confusing, wrongheaded policies will not stop the damage or provide job creators with the certainty they need to figure out whether they can afford to keep their employees. That will come only when ObamaCare is replaced by competitive, patient-centered health care reforms.

The American people and the American economy deserve better than excuses for unworkable laws. They deserve health care policies that are transparent, responsive, and focused on them. This week, House Republicans will take action to protect every American—individuals, families, and those who manage or work with businesses—from the President's costly broken law. If the employer mandate is being delayed, so should the individual mandate. It's basic fairness. It's fairness for all.

#### WEST, TEXAS

(Mr. FLORES asked and was given permission to address the House for 1 minute.)

Mr. FLORES. Mr. Speaker, tomorrow marks the 3-month anniversary of the fertilizer plant explosion in West, Texas. This catastrophic event injured hundreds, took 15 lives, and cost tens of millions of dollars in damage. Since that tragic day, the State of Texas and the entire community of West have been working tirelessly to rebuild and to recover.

FEMA originally denied Texas Governor Rick Perry's request for a major

disaster declaration. Since then, the Governor has filed an appeal for the President to reconsider this decision. I am pleased to be joined by a substantial bipartisan majority of the Texas congressional delegation as we urge the President to support this appeal on behalf of the citizens of West and McLennan County.

It is our hope that the President honors the commitment he made on April 25—to help the citizens of West recover, rebuild, and reclaim their community. We must help ease the burdens this community continues to face through the recovery process.

Mr. Speaker, I ask that all Americans keep the community of West in their prayers. God bless America.

#### THE PRESIDENT'S HEALTH CARE MANDATE DELAYS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, some of the Affordable Care Act's oldest and strongest supporters are now coming out against the bill. Yesterday, the three largest unions in the country wrote a letter to Speaker PELOSI and Leader REID and said that the President's health care takeover would "destroy the foundation of the 40-hour workweek that is the backbone of the American middle class." Their concern—my concern—is that the employer mandate will force small businesses to move their employees to part time in an effort to avoid additional expenses.

While I wish they had realized this before spending so much time and so much money on getting the law passed, at this point I couldn't agree with them more.

This week, it is very important that we pass the bills to delay the individual mandate and delay the employer mandate for a year. This will give us time to consider how to keep the Affordable Care Act from destroying our economy.

To quote the union's letter:

Time is running out. We have a problem. You need to fix it. The unintended consequences of the Affordable Care Act are severe.

Further quoting:

We can no longer stand silent in the face of the elements of the Affordable Care Act that will destroy the very health care and well-being of millions of hardworking Americans.

By passing these two bills this week, we will take an important step in minimizing the damage from the Affordable Care Act.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. BENTIVOLIO) laid before the House the

following communication from the Clerk of the House of Representatives:

JULY 16, 2013.

Hon. JOHN A. BOEHNER,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 16, 2013 at 1:25 p.m.:

Appointments:

World War I Centennial Commission

With best wishes, I am

Sincerely,

KAREN L. HAAS.

#### COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic leader:

HOUSE OF REPRESENTATIVES,

*Washington, DC, July 15, 2013.*

Hon. JOHN BOEHNER,  
*Speaker, U.S. Capitol,*  
*Washington, DC.*

DEAR SPEAKER BOEHNER: Pursuant to section 13101 of the Health Information Technology for Economic and Clinical Health (HITECH) Act (P.L. 111-5), I hereby reappoint Mr. Paul Egerman of Weston, Massachusetts to the HIT Policy Committee for a term of three years.

Thank you for your attention to this appointment.

Sincerely,

NANCY PELOSI,  
*Democratic Leader.*

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 2 o'clock and 11 minutes p.m.), the House stood in recess.

□ 1700

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDING) at 5 p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### SMALL AIRPLANE REVITALIZATION ACT OF 2013

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 1848) to ensure that the Federal Aviation Administration advances the safety of small airplanes, and the continued development of the general aviation industry, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1848

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Airplane Revitalization Act of 2013”.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) A healthy small aircraft industry is integral to economic growth and to maintaining an effective transportation infrastructure for communities and nations around the world.

(2) Small aircraft comprise nearly 90 percent of FAA type certified general aviation aircraft.

(3) General aviation provides for the cultivation of a workforce of engineers, manufacturing and maintenance professionals, and pilots, who secure the Nation’s economic success and defense.

(4) General aviation contributes to well-paying manufacturing and technology jobs in the United States, and these products are exported in great numbers, providing a positive trade balance.

(5) Technology developed and proven in general aviation aids in the success and safety of all sectors of aviation and scientific competence.

(6) The average small airplane in the United States is now 40 years old and the regulatory barriers to bringing new designs to market are resulting in a lack of innovation and investment in small airplane design.

(7) Over the past decade, the United States has typically lost 10,000 active private pilots per year, partially due to a lack of cost-effective, new small airplanes.

(8) General aviation safety can be improved by modernizing and revamping the regulations for this sector to clear the path for technology adoption and cost-effective means to retrofit the existing fleet with new safety technologies.

#### SEC. 3. FAA SAFETY AND REGULATORY IMPROVEMENTS FOR GENERAL AVIATION.

(a) **ESTABLISHMENT OF FAA SAFETY AND REGULATORY IMPROVEMENTS FOR GENERAL AVIATION.**—The Administrator shall advance the safety and continued development of small airplanes by reorganizing the certification requirements applicable to small airplanes to streamline the approval of safety advancements.

(b) **REGULATIONS.**—The Administrator shall issue a final rule based on the FAA’s Part 23 Reorganization Aviation Rulemaking Committee (established in August 2011) by December 31, 2015. The final rule shall meet the following objectives of the Part 23 Committee:

(1) Create a regulatory regime for small airplanes that will improve safety and decrease certification costs.

(2) Set broad, outcome-driven safety objectives that will spur innovation and technology adoption.

(3) Replace current, prescriptive requirements contained in FAA rules with performance-based regulations.

(4) Use FAA-accepted consensus standards to clarify how the part 23 safety objectives may be met by specific designs and technologies.

(c) **CONSENSUS-BASED STANDARDS.**—The Administrator shall use acceptable consensus-based standards whenever possible in the spirit of the National Technology Transfer and Advancement Act of 1996 (15 U.S.C. 3701 note), while

continuing traditional methods for meeting part 23.

(d) **SAFETY COOPERATION.**—The Administrator shall lead the effort to improve general aviation safety by working with leading aviation regulators to assist them in adopting a complementary regulatory approach for small airplanes.

#### SEC. 4. DEFINITIONS.

In this Act, the following definitions apply:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) **CONSENSUS STANDARDS.**—The term “consensus standards” means standards developed by voluntary organizations which plan, develop, establish, or coordinate voluntary standards using agreed-upon procedures, both domestic and international. These standards include provisions requiring that owners of relevant intellectual property agree to make that intellectual property available on a nondiscriminatory, royalty-free or reasonable-royalty basis to all interested parties. These bodies have the attributes of openness, balance of interest, due process, an appeals process, and consensus.

(3) **FAA.**—The term “FAA” means the Federal Aviation Administration.

(4) **GENERAL AVIATION.**—The term “general aviation” means all aviation activities other than scheduled commercial airline operations and military aviation.

(5) **PART 23.**—The term “part 23” means part 23 of title 14, Code of Federal Regulations.

(6) **SMALL AIRPLANE.**—The term “small airplane” means FAA type certificated airplanes that meet the parameters of part 23 of title 14, Code of Federal Regulations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentlewoman from Nevada (Ms. TITUS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

#### GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 1848.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1848, the Small Airplane Revitalization Act of 2013.

I’d like to commend my colleague, Congressman MIKE POMPEO, for introducing this bill, along with Congressmen DAN LIPINSKI, SAM GRAVES, RICHARD NOLAN, and TODD ROKITA.

I will insert into the RECORD a letter of support for H.R. 1848 from the Aircraft Owners and Pilots Association, Experimental Aircraft Association, General Aviation Manufacturers Association, National Air Transportation Association, and National Business Aviation Association, as well as a separate letter of support from the National Air Traffic Controllers Association.

Mr. Speaker, we’re considering H.R. 1848 today because general aviation is vital to our country. The general aviation industry includes nearly 600,000 pilots, employs 1.3 million people, and contributes approximately \$150 billion annually to the U.S. economy. In fact, the general aviation industry is one of the few remaining U.S. manufacturing industries that provide a trade surplus for the U.S., and it has a presence in every one of our 435 Congressional districts.

However, over the last several decades, the general aviation industry has experienced unique challenges, including a steady decline in new pilots, flight activity, and the sale of new aircraft. In part, these challenges are due to overly prescriptive and outdated certification processes, which greatly increase the costs of bringing new products to market and, ultimately, increase the costs for consumers.

The bill before us is intended to address these challenges by streamlining the certification process for small airplanes, making it more efficient and effective, while also protecting the important safety oversight function of the FAA.

The goal is to improve safety at a fraction of the cost. For example, the leading cause of fatalities in general aviation is due to “loss of control.” There are several existing technologies available to mitigate loss of control, such as an angle of attack indicator. However, in an FAA-certified airplane, the purchase and installation of this equipment is about \$5,000; whereas, the exact same piece of equipment in a noncertified experimental airplane is about \$800. So right now, the FAA’s complicated and costly small airplane certification process provides a disincentive to certify new airplanes and safety equipment. This is just one example of how the Small Airplane Revitalization Act will improve safety at a fraction of the cost.

Mr. Speaker, I reserve the balance of my time.

AOPA, EAA, GAMA, NATA, NBAA,

July 9, 2013.

DEAR MEMBERS OF THE HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE: We write in support of the Small Aircraft Revitalization Act (H.R. 1848). We urge you to support passage of the measure when it is marked up by the House Transportation and Infrastructure Committee on Wednesday, July 10, 2013.

H.R. 1848 directs the Federal Aviation Administration (FAA) to modernize and revamp the regulatory structure for small, certified aircraft—commonly referred to as Part 23 Aircraft—by December 31, 2015. This legislation will help industry and FAA develop and adopt more effective, consensus based compliance standards that will spur manufacturers’ investment in new aircraft designs and help put critical lifesaving equipment into the existing fleet of airplanes. This will improve safety and also revitalize the lighter end of general aviation which has faced significant challenges in recent years.

H.R. 1848 is based on the recommendations of a recently completed FAA Aviation Rulemaking Committee (ARC). The ARC developed these recommendations over an eighteen month period with input from over 150

government and industry experts from around the world. The FAA and the general aviation community have identified implementation of these recommendations as key to improving general aviation safety.

H.R. 1848 has broad, bipartisan support and merits favorable consideration by members of the House Transportation and Infrastructure Committee. Thank you in advance for your consideration of the Small Aircraft Revitalization Act.

Sincerely,

Aircraft Owners and Pilots Association (AOPA), Experimental Aircraft Association (EAA), General Aviation Manufacturers Association (GAMA), National Air Transportation Association (NATA), National Business Aviation Association (NBAA).

NATIONAL AIR TRAFFIC  
CONTROLLERS ASSOCIATION (NATCA),  
Washington, DC, July 9, 2013.

Good Afternoon.

NATCA supports H.R. 1848, the Small Aircraft Revitalization Act which is scheduled for mark up tomorrow by the House Transportation and Infrastructure Committee. H.R. 1848 is based on the recommendations of a recently completed Federal Aviation Administration (FAA) Aviation Rule-making Committee (ARC).

We support H.R. 1848 and thank you in advance for your consideration.

JOSE L. CEBALLOS,  
Director, Government Affairs.

Ms. TITUS. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1848, the Small Airplane Revitalization Act of 2013. H.R. 1848 would require the Federal Aviation Administration to update its part 23 small airplane design regulations by December 31, 2015.

Last week, the Transportation and Infrastructure Committee ordered H.R. 1848 reported favorably to the House by a voice vote.

In June, an FAA-chartered Part 23 Aviation Rulemaking Committee, or ARC, submitted its comprehensive report with recommendations for rewriting and reorganizing part 23 to the agency. Representatives from the FAA, international regulatory agencies, aircraft manufacturers, general aviation pilot groups, and labor unions all participated in the ARC. Its work followed a 2009 FAA report on the Small Airplane Certification Process and fulfilled requirements in section 312 of the FAA reauthorization bill.

Mr. Speaker, prior to the Part 23 ARC, the agency's most recent comprehensive review of part 23 was almost 30 years ago, in 1984. Part 23 has not kept up with the times. These regulations are prescriptive in nature, often written to address out-of-date technologies. As a result, they are creating cost barriers for certifying new airplanes and retrofitting older aircraft with new safety-enhancing modifications. The need to improve the process for retrofitting older aircraft is particularly urgent, given the 40-year-old average age of the U.S. general aviation fleet. Small airplane manufacturers and part suppliers across the coun-

try are limited in their ability to innovate with new technology because of these outdated regulations. This bill will allow these manufacturers to innovate more quickly and bring more safety technology online.

H.R. 1848 will fast-track the Part 23 ARC's work by requiring the FAA to draft a new regulation that emphasizes performance-based safety objectives. These new regulations make the retrofit of new technology more straightforward and also remove barriers to bringing new, safer airplane designs to market. It will help small business, and I urge support.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to our colleague from the Fourth District of Kansas (Mr. POMPEO).

Mr. POMPEO. Mr. Speaker, I rise today in support of the general aviation industry and ask my fellow Members to support the Small Aircraft Revitalization Act. This commonsense, broadly bipartisan regulatory reform bill will spur economic growth, improve aviation safety, and help strengthen the health of the lighter, entry-level segment of the industry.

Mr. Speaker, there is no better reason to support this legislation than it saves lives and improves lives. Think about that. We can do both in one fell swoop.

Let's first talk about how the bill improves lives. I represent Wichita, Kansas. It is the Air Capital of the World. It is home to Cessna and Learjet and dozens of suppliers to those great aviation businesses with such great aviation histories. It's the home of the National Institute for Aviation Research and the National Center for Aviation Training.

There are engineers, machinists, researchers, flight instructors, fixed base operators, among others, that all depend on a healthy general aviation industry. And then there are the operators in the industry and general aviation. This vital productivity tool for both small and large companies is critically important.

Sixteen years ago, I joined the Kansas general aviation industry, building a business with three of my colleagues, founding a company called Thayer Aerospace, a machine shop in Wichita, Kansas. We made parts for the thriving aircraft industry, but the downturn in 2008 was a tremendous blow to Wichita, in particular, and general aviation, more generally. We experienced thousands and thousands of layoffs and dramatic downsizing all across the region. The downturn exacerbated the unique challenges that the lighter, entry-level segment of general aviation had been experiencing over the past several decades.

Today, the average general aviation airplane is 40 years old. That means

most of the new aircraft were built in the 1960s and 1970s, with designs of that same vintage. Current general aviation production represents less than 2 percent of the existing fleet.

We've had an over 10,000-person-per-year decline in active private pilots over this last decade. The steady decline in new pilots, flight activity, and the sales of new small general aviation airplanes that result from that are indicators of significant problems in the industry.

To tackle this problem, this bill, the Small Aircraft Revitalization Act, requires the FAA to implement the FAA's part 23 certification process and modernize it no later than 2015. The FAA Part 23 Reorganization Aviation Rulemaking Committee (ARC), composed of aviation authorities and industry representatives from around the world, has worked over the last 18 months to create a regulatory environment that will contribute to revitalizing the health and safety of new and existing airplanes.

These changes will remove lots and lots of barriers and it will improve lives. Let me tell you how it will save lives.

The gentleman from Wisconsin talked about safety and innovation being retarded by the absence of a streamlined regulatory process. He spoke of this example of "loss of control." That creates more than three times the cause of aviation accidents than any other single cause.

Since the dawn of aviation, we've taught pilots how to avoid that; but because they remain a significant safety problem, there's tremendous interest in technology and interventions to resolve it. And yet today's part 23 makes that more difficult. By putting these technologies into the new and existing fleet, it's widely believed that the safety of light general aviation aircraft could see dramatic improvements.

We need to cut this red tape. It will create savings for sure, but, more importantly, it will save lives. This is a commonsense and important reform.

America's general aviation industry is not asking for a single handout, not one subsidy. It's simply asking for a streamlined set of regulations that will permit them to get their airplanes, their designs to market more quickly, and still doing so safely.

I want to thank Chairman SHUSTER and Chairman LOBIONDO for their support, and my original cosponsors, Mr. NOLAN, Mr. LIPINSKI, Mr. GRAVES of Missouri, and Mr. ROKITA, and all the folks of the Transportation and Infrastructure Committee on both sides of the aisle that have allowed this bill to get this far and make it to the floor.

I urge support of all of my colleagues this evening and hope we'll have a unanimous vote on behalf of this bill.

Ms. TITUS. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. NOLAN).

Mr. NOLAN. Mr. Speaker, first I'd like to thank Representative POMPEO for sponsoring this important legislation. And of course, thanks to our Chairman SHUSTER and Ranking Member RAHALL and to both my Democratic and Republican colleagues on the committee for bringing this Small Aircraft Revitalization Act to the floor of the Congress in such an expeditious and bipartisan manner.

Mr. Speaker, by streamlining and modernizing the rules and regulations that govern our small aircraft industry, we'll be encouraging the investment necessary to generate thousands of new American jobs.

□ 1715

What this legislation does, in effect, is put together a regulatory regime that will be specifically tailored for the small aircraft industry that will allow the industry to develop performance and outcome-based ways of achieving important safety standards. It allows them to put together consensus regulations that are developed by industry, government regulators, and private nonprofit associations, and enables the industry to unleash technologies of the future, creating jobs.

I'm so proud of Cirrus Aircraft in my district in Duluth, Minnesota. They've developed a parachute that is attached to the airplane and, like a skydiver, if the airplane stalls in the sky, you can pull a ripcord and parachute the plane down to safety.

These are the kinds of technologies that have the potential to be released through this legislation. What it does, in short, is enable the designers, engineers, manufacturers, creators, and skilled workers to release all their brilliance, creating the best, safest airplane technologies going forward into the future.

So I applaud the committee and my colleagues in Congress for bringing this forward in such an expeditious manner, and I strongly urge all my colleagues to support this important piece of legislation.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from the 25th District of Texas, Representative ROGER WILLIAMS.

Mr. WILLIAMS. Mr. Speaker, the general aviation industry is a vital part of the economy in Texas' 25th District. Between the Dallas/Fort Worth International Airport and Austin-Bergstrom Airport, there are dozens of smaller regional airports.

Passing H.R. 1848 is not only important to those in general aviation, it is vital. As my colleagues have mentioned, this industry includes nearly 600,000 pilots, employs 1.3 million people, and contributes approximately \$150 billion annually to the U.S. economy. But because the current regulations are overly strict and dated, our economy and workforce is struggling.

General aviation fosters a robust workforce of engineers, manufacturers, maintenance professionals, and pilots, and it is within the FAA's power to ensure the success and sustainability of this important industry. They can do this by modernizing the regulatory requirements to improve safety, decrease cost, and set new standards for compliance in testing, just as H.R. 1848 requires.

Mr. Speaker, I'm a small businessman. I can tell you this is good for jobs, it's good for the economy, and, most importantly, it's good for America.

Ms. TITUS. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW of Georgia. I thank the gentlelady for yielding me the time.

Mr. Speaker, I rise today in support of H.R. 1848, the Small Airplane Revitalization Act of 2013. This bill improves safety, lowers costs, and stimulates private sector innovation, all while cutting red tape.

We need to do everything we can to keep our economy growing. For the last year and a half, representatives from the Federal Aviation Administration and the aviation industry have worked together to make recommendations for regulations that will keep us safe in the sky and grow our economy back on the ground. This bill adopts those recommendations.

I'm proud to stand with the bipartisan group of Congressmen who have helped bring this bill to the floor today, including Mr. POMPEO, Mr. LIPINSKI, Mr. ROKITA, Mr. NOLAN, and my cochair of the General Aviation Task Force, Mr. GRAVES. This bill follows in the tradition of the General Aviation Caucus in the House to work together in a bipartisan fashion. That's the way things should be done around here, and this bill is proof that good things can happen when Republicans and Democrats work together.

I encourage all my colleagues to support this legislation.

Ms. TITUS. Mr. Speaker, I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, in closing, I would like to reiterate that this bill is about good government, about creating a regulatory environment that improves safety at a fraction of the cost, and ultimately about helping to revitalize an American industry.

I strongly urge all of my colleagues to support this bill, and I yield back the balance of my time.

Mr. RADEL. Mr. Speaker, thank you for the opportunity to speak on this important legislation that will get the FAA out of the way for small aircraft owners and manufacturers.

In my home state of Florida, general aviation is a booming industry. We have 130 public-use airports, nearly 52,000 pilots, and more than 25,000 general aviation aircraft. Southwest Florida, my home, is an especially popular area for small aircraft. Anyone flying into

the Fort Myers airport, over the beautiful beaches and the big blue Gulf—can appreciate why so many retired Air Force and airline pilots move to Florida and continue to take to the skies.

Unfortunately, the burdens placed on small aircraft manufacturers and owners stop them from enjoying flying. When government bureaucrats become more focused on their own job security than the safety of pilots, it is time for a change. This important legislation will save pilots money and time while ensuring safety in our skies and it deserves your support.

Mr. POMPEO. Mr. Speaker, I submit this letter of support from the International Association of Machinists on H.R. 1848, the Small Aircraft Revitalization Act.

INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS,  
*Upper Marlboro, MD, July 16, 2013.*

DEAR REPRESENTATIVE: As the largest union in the general aviation industry, the International Association of Machinists and Aerospace Workers (IAM) strongly supports the Small Airplane Revitalization Act of 2013, H.R. 1848. This bipartisan legislation will provide much needed support to an often overlooked, but important sector of the U.S. aerospace industry.

After an extensive review of the current regulatory structure that garnered input from government and industry experts, the Federal Aviation Administration (FAA) Aviation Rulemaking Committee developed the recommendations that form the basis for H.R. 1848. Under this legislation, the FAA will modernize the regulatory structure for small, certified aircraft—commonly referred to as Part 23 Aircraft by the end of 2015. Modernizing the existing cumbersome regulatory structure and process will have the beneficial effect of improving safety while stimulating much needed investment.

I urge your support of this important legislation. It will make general aviation safer and help grow an industry that has been a source of good paying American jobs.

If you have any questions, please contact Legislative Director Hasan Solomon.

Sincerely,

R. THOMAS BUFFENBARGER,  
*International President.*

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 1848, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POMPEO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

DOUGLAS A. MUNRO COAST  
GUARD HEADQUARTERS BUILDING

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2611) to designate the headquarters building of the Coast Guard



on the campus located at 2701 Martin Luther King, Jr., Avenue Southeast in the District of Columbia as the "Douglas A. Munro Coast Guard Headquarters Building", and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2611

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DESIGNATION.

The headquarters building of the Coast Guard on the campus located at 2701 Martin Luther King, Jr., Avenue Southeast in the District of Columbia shall be known and designated as the "Douglas A. Munro Coast Guard Headquarters Building".

#### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Douglas A. Munro Coast Guard Headquarters Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

#### GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2611.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 2611, would designate the United States Coast Guard headquarters in Washington, D.C., as the Douglas A. Munro Coast Guard Headquarters Building.

Douglas Munro was born in Vancouver, Canada, of American parents on October 11, 1919, and grew up in Washington State. He attended the Central Washington College of Education for a year and left to enlist in the United States Coast Guard in 1939. He served the country during World War II, rising to the rank of signalman first class.

Douglas Munro was killed in action at Guadalcanal on September 27, 1942, shielding 500 United States marines from enemy fire during an evacuation. He volunteered to head the boats for the evacuation, and he placed himself and his boats as cover for the last marine to leave. During this time, Douglas Munro was fatally wounded. Reportedly, he remained conscious long enough to say four words: "Did they get off?"

Douglas Munro was awarded the Medal of Honor and the Purple Heart. The bravery and sacrifice of Douglas

Munro saved hundreds of marines, and he should be honored and remembered. I think it's appropriate to ensure that he will always be remembered by naming the United States Coast Guard headquarters in his honor.

Therefore, I support the passage of this legislation, and I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I thank the gentleman for his remarks.

The timing on this bill could not be more appropriate. Later this month, we will cut the ribbon for the new Coast Guard building, the first building the Coast Guard has ever owned.

Next month, Coast Guard employees will begin moving into the building located on the old Saint Elizabeths Hospital campus in southeast Washington, D.C. It is only fitting that the Coast Guard should be moving into a building named for one of their own, Signalman First Class Douglas Albert Munro. Signalman First Class Munro is the U.S. Coast Guard's only Medal of Honor recipient. The Coast Guard specifically requested that I write this bill in time for the opening of the Coast Guard headquarters.

I want to express my appreciation to my good friends on the other side for promptly passing this bill in committee last week and then seeing to it that it got to the floor this week.

Munro died heroically on Point Cruz, Guadalcanal, after succeeding in his volunteer assignment to evacuate a detachment of marines that had been overwhelmed by the enemy. Signalman First Class Munro had an outstanding record as an enlisted man and was promoted rapidly through the various ratings to a signalman first class. In addition to being a Medal of Honor recipient, Signalman First Class Munro was also posthumously awarded the Purple Heart Medal and was eligible for the American Defense Service Medal, the Asiatic-Pacific Area Campaign Medal, and the World War II Victory Medal. He, indeed, was a hero.

Signalman First Class Munro is an excellent example of the commitment to service and bravery that our men and women of the Coast Guard still provide today, much of it here at home. It is an honor to be the lead sponsor of this bill to name the building in honor of a true American hero.

The new Coast Guard headquarters building that would be named for Signalman First Class Douglas A. Munro will be a 1.1-million-square-foot building and will house up to 3,700 members of the U.S. Coast Guard and civilian employees. This building, which will be the first office building completed for the Department of Homeland Security headquarters consolidation, will mark the first time that a Federal agency will be located east of the Anacostia River.

I believe Signalman First Class Douglas A. Munro's outstanding serv-

ice to his country and his unique status as the only member of the U.S. Coast Guard to win the Medal of Honor ensures that it is particularly fitting to name the new U.S. Coast Guard headquarters the Douglas A. Munro Coast Guard Headquarters Building.

I urge my colleagues to support this measure, and I want to say in closing, Mr. Speaker, that we honor Signalman First Class Munro by naming a first class, extraordinary, state-of-the-art building after him. But in honoring Signalman First Class Munro, I think we also honor members of the Coast Guard. These are, to coin a cliché, real unsung heroes in our society. They are the men and women who save men and women and children every year right here in our country as part of their duties here. In a real sense, when we name this building for the only Medal of Honor winner, I think it will make Americans understand there are many heroes of the Coast Guard who also serve them every day of every year.

Mr. Speaker, I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I urge my colleagues to join me in supporting this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 2611.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PETRI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### AVAILABILITY OF PIPELINE SAFETY REGULATORY DOCUMENTS

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2576) to amend title 49, United States Code, to modify requirements relating to the availability of pipeline safety regulatory documents, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2576

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AVAILABILITY OF PIPELINE SAFETY REGULATORY DOCUMENTS.

Section 60102(p) of title 49, United States Code, is amended—

(1) by striking "1 year" and inserting "3 years";

(2) by striking "guidance or"; and

(3) by striking " , on an Internet Web site".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from



Wisconsin (Mr. PETRI) and the gentlewoman from Nevada (Ms. TITUS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

□ 1730

#### GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 2576.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill before us, H.R. 2576. This bill is a correction of an unintended consequence of the bipartisan Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011. It is sponsored by Chairman DENHAM of the Subcommittee on Railroads, Pipelines, and Hazardous Materials, along with full committee Chairman SHUSTER, Ranking Member RAHALL, and subcommittee Ranking Member BROWN.

Last Congress, section 24 of the Pipeline Safety Act included a good-faith provision intended to make the pipeline safety regulations and guidance of the Pipeline and Hazardous Materials Safety Administration, or PHMSA, more transparent. It did so by requiring any document or portion thereof incorporated by reference into the new regulations and guidance of PHMSA to be made available free of charge on the Internet. In so doing, however, an unintended consequence of this language was created that, contrary to the intent of Congress, has adversely impacted the ability of PHMSA to move forward with its regulatory agenda by placing practical barriers on PHMSA's ability to rely on the state-of-the-art technical standards written by standards developing organizations, referred to as SDOs. This bill simply corrects this unintended outcome and preserves the intellectual property rights of these organizations while still meeting the goals of a transparent government with free access to standards for non-commercial purposes.

Specifically, the bill allows for standards to be made free of charge but strikes "on an Internet Web site," which allows PHMSA and SDOs more leeway to comply with the law. It also gives industry and PHMSA extra time to comply by making it effective 3 years from enactment instead of 1 year.

Finally, the bill limits the applicability of the provision to only pipeline safety organizations. I believe that this bipartisan technical correction will provide PHMSA with the flexibility needed to continue to fully leverage its

partnership with standards developing organizations and save the government money by not requiring PHMSA to develop its own technical standards for rulemaking.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, July 11, 2013.

Hon. BILL SHUSTER,

*Chairman, Committee on Transportation and Infrastructure, Washington, DC.*

DEAR CHAIRMAN SHUSTER: I write concerning H.R. 2576, a bill to amend title 49, United States Code, to modify requirements relating to the availability of pipeline safety regulatory documents, and for other purposes, which was ordered to be reported out of your Committee on July 10, 2013. I wanted to notify you that the Committee on Energy and Commerce will forgo action on H.R. 2576 so that it may proceed expeditiously to the House floor for consideration.

This is being done with the understanding that the Committee on Energy and Commerce is not waiving any of its jurisdiction, and the Committee will not in any way be prejudiced with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding, and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of H.R. 2576 on the House floor.

Sincerely,

FRED UPTON,  
*Chairman.*

COMMITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,  
Washington, DC, July 11, 2013.

Hon. FRED UPTON,

*Chairman, Committee on Energy and Commerce, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2576, a bill to amend title 49, United States Code, to modify requirements relating to the availability of pipeline safety regulatory documents, and for other purposes, which was ordered to be reported out of the Committee on Transportation and Infrastructure on July 10, 2013. I appreciate your willingness to support expediting floor consideration of this legislation.

I acknowledge that by forgoing action on this legislation, the Committee on Energy and Commerce is not waiving any of its jurisdiction and will not in any way be prejudiced with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I appreciate your cooperation regarding this legislation and I will include our letters on H. R. 2576 in the Congressional Record during floor consideration of this bill.

Sincerely,

BILL SHUSTER,  
*Chairman.*

Ms. TITUS. Mr. Speaker, I yield myself such time as I may consume.

On January 3, 2012, President Obama signed into law the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011. Section 24 of that act states that, effective January 3, 2013, the Secretary of Transportation may not issue "guidance or a regulation that incorporates by reference any documents or portions thereof unless the

documents or portions thereof are made available to the public free of charge or on an Internet Web site."

Then, in the last Congress, the Subcommittee on Railroads, Pipelines, and Hazardous Materials held a number of hearings on pipeline safety, one of which highlighted a current regulation that required pipeline operators to develop and implement public education and awareness programs. The regulation did not explain what should be contained in the education programs, however. Instead, it pointed readers to an industry-developed standard. But in order to read the standard, you had to pay the drafters more than \$1,000. If you're a small community, \$1,000 is a lot of money for access to just one of many pipeline safety standards.

I and many of my colleagues have concerns about the Federal Government issuing a regulation that requires whoever wants to read it—particularly local communities, first responders, and private citizens—to have to purchase it from a private association. Fortunately, the 2011 act resolved this situation.

Following enactment of section 24, DOT held a public workshop and Webcast with more than 70 industry, safety, and government representatives present to discuss options for implementing the new law. Nearly 200 other entities participated in the Webcast. Additional comments were provided through the Federal Register notice, including by the Small Business Administration, which noted many concerns of small businesses with the continued use of incorporation by reference.

Since the workshop, several standards development organizations have agreed in writing to electronically post on the Internet all of the consensus standards that the Pipeline and Hazardous Materials Safety Administration incorporates by reference into the Federal pipeline safety regulations. Those include ASTM International, the Manufacturers Standardization Society, the Gas Technology Institute, NACE International, the National Fire Protection Association, the American Petroleum Institute, the American Gas Association. I will include their letters in the CONGRESSIONAL RECORD.

I also will insert letters from the Pipeline Safety Trust, Dakota Rural Action, and Columbia law professor Peter Strauss expressing the need for public availability of the standards in the RECORD.

Unfortunately, some organizations have expressed concerns about posting their standards on the Internet. This has in turn held up progress of several important safety rulemakings that were mandated in the 2011 pipeline law. So in the spirit of bipartisanship, and not wanting to hold up the rulemaking process, I believe the law should be modified to provide DOT with additional time to implement it and with

additional flexibility to determine how best to make the standards widely available to the public. I believe that, even with these changes that are in the law, the law will continue to address the transparency and openness concerns of the safety community.

Mr. Speaker, I yield back the balance of my time.

U.S. DEPARTMENT OF TRANSPORTATION, PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION,

*Washington, DC, March 4, 2013.*

Re incorporation by reference of voluntary consensus standards for pipeline safety regulations.

Mr. JAMES THOMAS,  
*President, ASTM International,*  
*West Conshohocken, PA.*

DEAR MR. THOMAS: As you know, the practice of incorporating voluntary consensus standards allows pipeline operators to use the most current industry technologies, materials, and management practices available on today's market. New or updated standards often further innovation and increase the use of new technologies that improve the safety and operations of pipelines and pipeline facilities.

On January 3, 2012, President Obama signed into law the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (P.L. 112-90) (the Act). Section 24 of the Act states that, effective January 3, 2013, PHMSA may not issue "guidance or a regulation that incorporates by reference any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge, on an Internet Web site."

In support of Section 24 of the Act, we thank ASTM International (ASTM) for agreeing to electronically post on the Internet all ASTM consensus standards that PHMSA incorporates by reference into the federal pipeline safety regulations after January 3, 2013. It has also agreed to post on the Internet any updated, revised, or new ASTM consensus standards that PHMSA proposes during rulemaking to incorporate by reference. While ASTM has discretion in how they accomplish this objective, it has agreed that, at a minimum, these voluntary consensus standards will be: Electronically posted on an Internet Web site; Available to the public; and Free of charge.

ASTM has agreed to notify PHMSA immediately if it is no longer able or capable of meeting the above minimum posting requirements. We request that you also notify us if any standards are removed from your electronic archives, if you have such an archives. The voluntary consensus standards developed by ASTM play a critical role in safeguarding pipeline safety, and PHMSA is tremendously appreciative of the constructive role ASTM is playing in ensuring their continued use in the federal pipeline safety regulations.

After you review the terms of this agreement, please sign below and return a copy to PHMSA. If you have questions, please contact Mike Israni at 202-366-4571.

Sincerely,

JEFFREY D. WIESE,  
*Associate Administrator for Pipeline Safety.*

U.S. DEPARTMENT OF TRANSPORTATION, PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION,

*Washington, DC, March 4, 2013.*

Re incorporation by reference of voluntary consensus standards for pipeline safety regulations.

Mr. ROBERT O'NEILL,  
*Executive Director, Manufacturers Standardization Society, Vienna, VA.*

DEAR MR. O'NEILL: As you know, the practice of incorporating voluntary consensus standards allows pipeline operators to use the most current industry technologies, materials, and management practices available on today's market. New or updated standards often further innovation and increase the use of new technologies that improve the safety and operations of pipelines and pipeline facilities.

On January 3, 2012, President Obama signed into law the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (P.L. 112-90) (the Act). Section 24 of the Act states that, effective January 3, 2013, PHMSA may not issue "guidance or a regulation that incorporates by reference any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge, on an Internet Web site."

In support of Section 24 of the Act, we thank the Manufacturers Standardization Society (MSS) for agreeing to electronically post on the Internet all MSS consensus standards that PHMSA incorporates by reference into the federal pipeline safety regulations after January 3, 2013. It has also agreed to post on the Internet any updated, revised, or new MSS consensus standards that PHMSA proposes during rulemaking to incorporate by reference. While MSS has discretion in how they accomplish this objective, it has agreed that, at a minimum, these voluntary consensus standards will be: Electronically posted on an Internet Web site; Available to the public; and Free of charge.

MSS has agreed to notify PHMSA immediately if it is no longer able or capable of meeting the above minimum posting requirements. We request that you also notify us if any standards are removed from your electronic archives, if you have such an archives. The voluntary consensus standards developed by MSS play a critical role in safeguarding pipeline safety, and PHMSA is tremendously appreciative of the constructive role MSS is playing in ensuring their continued use in the federal pipeline safety regulations.

After you review the terms of this agreement, please sign below and return a copy to PHMSA. If you have questions, please contact Mike Israni at 202-366-4571.

Sincerely,

JEFFREY D. WIESE,  
*Associate Administrator for Pipeline Safety.*

U.S. DEPARTMENT OF TRANSPORTATION, PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION,

*Washington, DC, March 4, 2013.*

Re incorporation by reference of voluntary consensus standards for pipeline safety regulations.

Mr. EDDIE JOHNSTON,  
*Managing Director, Gas Technology Institute,*  
*Des Plaines, IL.*

DEAR MR. JOHNSTON: As you know, the practice of incorporating voluntary consensus standards allows pipeline operators to use the most current industry technologies,

materials, and management practices available on today's market. New or updated standards often further innovation and increase the use of new technologies that improve the safety and operations of pipelines and pipeline facilities.

On January 3, 2012, President Obama signed into law the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (P.L. 112-90) (the Act). Section 24 of the Act states that, effective January 3, 2013, PHMSA may not issue "guidance or a regulation that incorporates by reference any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge, on an Internet Web site."

In support of Section 24 of the Act, we thank the Gas Technology Institute (GTI) for agreeing to electronically post on the Internet all GTI consensus standards that PHMSA incorporates by reference into the federal pipeline safety regulations after January 3, 2013. It has also agreed to post on the Internet any updated, revised, or new GTI consensus standards that PHMSA proposes during rulemaking to incorporate by reference. While GTI has discretion in how they accomplish this objective, it has agreed that, at a minimum, these voluntary consensus standards will be: Electronically posted on an Internet Web site; Available to the public; and Free of charge.

GTI has agreed to notify PHMSA immediately if it is no longer able or capable of meeting the above minimum posting requirements. We request that you also notify us if any standards are removed from your electronic archives, if you have such an archives. The voluntary consensus standards developed by GTI play a critical role in safeguarding pipeline safety, and PHMSA is tremendously appreciative of the constructive role GTI is playing in ensuring their continued use in the federal pipeline safety regulations.

After you review the terms of this agreement, please sign below and return a copy to PHMSA. If you have questions, please contact Mike Israni at 202-366-4571.

Sincerely,

JEFFREY D. WIESE,  
*Associate Administrator for Pipeline Safety.*

U.S. DEPARTMENT OF TRANSPORTATION, PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION,

*Washington, DC, March 4, 2013.*

Re incorporation by reference of voluntary consensus standards for pipeline safety regulations.

Ms. HELENA SEELINGER,  
*Senior Director, NACE International,*  
*Houston, TX.*

DEAR MS. SEELINGER: As you know, the practice of incorporating voluntary consensus standards allows pipeline operators to use the most current industry technologies, materials, and management practices available on today's market. New or updated standards often further innovation and increase the use of new technologies that improve the safety and operations of pipelines and pipeline facilities.

On January 3, 2012, President Obama signed into law the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (P.L. 112-90) (the Act). Section 24 of the Act states that, effective January 3, 2013, PHMSA may not issue "guidance or a regulation that incorporates by reference any documents or portions thereof unless the documents or portions thereof are made

available to the public, free of charge, on an Internet Web site."

In support of Section 24 of the Act, we thank NACE International (NACE) for agreeing to electronically post on the Internet all NACE consensus standards that PHMSA incorporates by reference into the federal pipeline safety regulations after January 3, 2013. It has also agreed to post on the Internet any updated, revised, or new NACE consensus standards that PHMSA proposes during rulemaking to incorporate by reference. While NACE has discretion in how they accomplish this objective, it has agreed that, at a minimum, these voluntary consensus standards will be: Electronically posted on an Internet Web site; Available to the public; and Free of charge.

NACE has agreed to notify PHMSA immediately if it is no longer able or capable of meeting the above minimum posting requirements. We request that you also notify us if any standards are removed from your electronic archives, if you have such an archives. The voluntary consensus standards developed by NACE play a critical role in safeguarding pipeline safety, and PHMSA is tremendously appreciative of the constructive role NACE is playing in ensuring their continued use in the federal pipeline safety regulations.

After you review the terms of this agreement, please sign below and return a copy to PHMSA. If you have questions, please contact Mike Israni at 202-366-4571.

Sincerely,

JEFFREY D. WEISE,  
*Associate Administrator for Pipeline Safety.*

NACE INTERNATIONAL,  
THE CORROSION SOCIETY,  
Houston, TX, March 13, 2013.

Mr. JEFFREY D. WIESE,  
*Associate Administrator for Pipeline Safety,  
U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Washington, DC.*

DEAR JEFF: Thank you for your letter received on March 4, 2013, seeking agreement by NACE International on action to be taken in concurrence with the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (P.L. 112-90), Section 24.

NACE International agrees with the action requested in the letter, with a proviso that PHMSA will notify NACE International prior to issuing proposed rulemaking that references NACE standards. This proviso is made in response to the statement that NACE "... has also agreed to post on the Internet any updated, revised, or new NACE consensus standards that PHMSA proposes during rulemaking ...". NACE has many standards available to NACE members, but publicly posts only standards that are referenced by PHMSA. To ensure that NACE proactively posts the NACE standards covered in our agreement, NACE personnel would need to know of their IBR status from PHMSA.

Jeff, thank you for your service to pipeline safety.

Kind regards,

HELENA SEELINGER,  
*Sr. Director, Membership Services,  
Public Affairs, & Standards.*

U.S. DEPARTMENT OF TRANSPORTATION, PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION,

Washington, DC, March 4, 2013.

Re incorporation by reference of voluntary consensus standards for pipeline safety regulations.

Mr. JAMES SHANNON,  
*President, National Fire Protection Association, Quincy, MA.*

DEAR MR. SHANNON: As you know, the practice of incorporating voluntary consensus standards allows pipeline operators to use the most current industry technologies, materials, and management practices available on today's market. New or updated standards often further innovation and increase the use of new technologies that improve the safety and operations of pipelines and pipeline facilities.

On January 3, 2012, President Obama signed into law the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (P.L. 112-90) (the Act). Section 24 of the Act states that, effective January 3, 2013, PHMSA may not issue "guidance or a regulation that incorporates by reference any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge, on an Internet Web site."

In support of Section 24 of the Act, we thank the National Fire Protection Association (NFPA) for agreeing to electronically post on the Internet all NFPA consensus standards that PHMSA incorporates by reference into the federal pipeline safety regulations after January 3, 2013. It has also agreed to post on the Internet any updated, revised, or new NFPA consensus standards that PHMSA proposes during rulemaking to incorporate by reference. While NFPA has discretion in how they accomplish this objective, it has agreed that, at a minimum, these voluntary consensus standards will be: Electronically posted on an Internet Web site; Available to the public; and Free of charge.

NFPA has agreed to notify PHMSA immediately if it is no longer able or capable of meeting the above minimum posting requirements. We request that you also notify us if any standards are removed from your electronic archives, if you have such an archives. The voluntary consensus standards developed by NFPA play a critical role in safeguarding pipeline safety, and PHMSA is tremendously appreciative of the constructive role NFPA is playing in ensuring their continued use in the federal pipeline safety regulations.

After you review the terms of this agreement, please sign below and return a copy to PHMSA. If you have questions, please contact Mike Israni at 202-366-4571.

Sincerely,

JEFFREY D. WIESE,  
*Associate Administrator for Pipeline Safety.*

ENERGY API,  
STANDARDS DEPARTMENT,  
Washington, DC, May 1, 2013.

Re incorporation by reference of voluntary consensus standards for pipeline safety regulations.

Mr. JEFFREY D. WIESE,  
*Associate Administrator for Pipeline Safety,  
U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Washington, DC.*

DEAR MR. WIESE: Thank you for your March 4, 2013 letter regarding incorporation by reference of voluntary consensus stand-

ards for pipeline safety regulations. As you know, API made the decision in the fall of 2010, well before the passage of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, to place all of API's Government-cited and safety-standards on API's website for free public viewing. This site can be found at <http://www.api.org/publications>. It is our understanding that this action fully meets the intent of the Act.

It is API's policy to maintain this website and to include on this website any API consensus standards that PHMSA proposes during formal rulemaking to incorporate by reference into Federal regulations, to ensure that all users of the website have access to API's most up to date best industry practices.

Again, thank you for your letter of March 4, 2013, and please let me know if you have any further questions.

Sincerely,

DAVID MILLER,  
*Director, Standards.*

U.S. DEPARTMENT OF TRANSPORTATION, PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION,

Washington, DC, March 4, 2013.

Re incorporation by reference of voluntary consensus standards for pipeline safety regulations.

Ms. CHRISTINA SAMES,  
*Vice President, Operations and Engineering,  
American Gas Association, Washington, DC.*

DEAR Ms. SAMES: As you know, the practice of incorporating voluntary consensus standards allows pipeline operators to use the most current industry technologies, materials, and management practices available on today's market. New or updated standards often further innovation and increase the use of new technologies that improve the safety and operations of pipelines and pipeline facilities.

On January 3, 2012, President Obama signed into law the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (P.L. 112-90) (the Act). Section 24 of the Act states that, effective January 3, 2013, PHMSA may not issue "guidance or a regulation that incorporates by reference any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge, on an Internet Web site."

In support of Section 24 of the Act, we thank the American Gas Association (AGA) for agreeing to electronically post on the Internet all AGA consensus standards that PHMSA incorporates by reference into the federal pipeline safety regulations after January 3, 2013. It has also agreed to post on the Internet any updated, revised, or new AGA consensus standards that PHMSA proposes during rulemaking to incorporate by reference. While AGA has discretion in how they accomplish this objective, it has agreed that, at a minimum, these voluntary consensus standards will be: Electronically posted on an Internet Web site; Available to the public; and Free of charge.

AGA has agreed to notify PHMSA immediately if it is no longer able or capable of meeting the above minimum posting requirements. We request that you also notify us if any standards are removed from your electronic archives, if you have such an archives. The voluntary consensus standards developed by AGA play a critical role in safeguarding pipeline safety, and PHMSA is tremendously appreciative of the constructive role AGA is playing in ensuring their continued use in the federal pipeline safety regulations.

After you review the terms of this agreement, please sign below and return a copy to PHMSA. If you have questions, please contact Mike Israni at 202-366-4571.

Sincerely,

JEFFREY D. WIESE,

*Associate Administrator for Pipeline Safety.*

Mr. PETRI. Mr. Speaker, I urge my colleagues to join me in supporting this legislation, and I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 2576.

This bill represents a commonsense technical fix to section 24 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011.

The changes made by H.R. 2576 will provide the Department of Transportation's Pipeline and Hazardous Materials Safety Administration with the flexibility necessary to find a balanced solution between the use of standards incorporated by reference in its safety regulations and the need to increase transparency and access to those standards.

The National Technology Transfer and Advancement Act of 1995 requires federal agencies to use voluntary consensus standards developed by the private sector as part of any federal regulation rather than allow the agencies to create their own government specific standards.

This law created a foundation for a public-private partnership that has been tremendously beneficial. It has saved the federal government money by drawing on the vast technical expertise of the private sector and by creating "buy-in" from the parties who will ultimately be regulated—increasing compliance and lessening the cost of enforcement.

While this partnership is extremely valuable and should not be weakened in anyway, it is also important that the public have access to these standards, especially if they are going to make their way into a regulation.

I believe there is a middle ground to be found here. In fact, the Administrative Conference of the United States offers a number of recommendations that federal agencies should consider.

One such recommendation is that federal agencies should work with standards development organizations to make their copyrighted materials reasonably available to interested parties during the rulemaking process. This could be accomplished by posting a read-only copy of the standard online for a limited period of time.

The bottom line is DOT needs to find a path forward so that the safety of the nation's pipelines is not eroded and the most up-to-date standards are utilized. H.R. 2576 provides DOT with the flexibility to find that path. I urge my colleagues to support H.R. 2576.

Ms. BROWN of Florida. Mr. Speaker, when I was Chair of the Subcommittee on Railroads, Pipelines and Hazardous Materials, I held a number of hearings on pipeline safety, one of which highlighted an American Petroleum Institute-developed (API) standard which was incorporated by reference in a pipeline education and awareness regulation. But in order to comprehend the regulation, interested parties had to obtain the API standard, which cost more than \$1,000. One thousand dollars is a lot of money, particularly for small commu-

nities, local emergency responders, and pipeline safety advocates, for just one of the many pipeline safety standards referenced in regulations issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA).

Fortunately, Congress resolved the situation in the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011. Section 24 of the Act prohibited the Secretary of Transportation, effective January 3, 2013, from issuing "guidance or a regulation that incorporates by reference any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge, on an Internet Web site."

Since enactment of the legislation, all but one organization has agreed in writing to electronically post on the Internet all of their consensus standards that PHMSA incorporates by reference into the federal pipeline safety regulations, including:

ASTM International; The Manufacturers Standardization Society; The Gas Technology Institute; NACE International; The National Fire Protection Association; The American Petroleum Institute; The American Gas Association.

Many other organizations have submitted letters to PHMSA expressing the need for public availability of the standards. I ask unanimous consent that the letters from the Pipeline Safety Trust, Dakota Rural Action, and Columbia Law Professor Peter Strauss be included in today's RECORD.

One organization, however, has expressed concern about posting their standards on the Internet. This has, in turn, held up progress of several important safety rulemakings that were mandated in the 2011 pipeline law.

So in an effort to move these important rulemakings forward, I believe the law should be modified to provide DOT with additional time to implement it and with additional flexibility to determine how best to make the standards widely available to the public.

I believe that even with these changes the law will continue to address the transparency and openness concerns of the safety community.

I urge my colleagues to support H.R. 2576.

PIPELINE SAFETY TRUST,  
Bellingham, WA, July 15, 2013.

Hon. CORRINE BROWN,  
*Ranking Member, Subcommittee on Railroads, Pipelines, and Hazardous Materials, House of Representatives, Washington, DC.*

DEAR MS. BROWN: We would like to thank the Transportation & Infrastructure Committee and the Energy & Commerce Committee for their efforts during the passage of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (the 2011 Act) to ensure that the public can actually freely read all the regulations that Congress mandates and that PHMSA then creates through the rulemaking process that could impact public safety and the health of the environment. A review of the Code of Federal Regulations under which PHMSA operates finds the following numbers of incorporated standards:

STANDARDS INCORPORATED BY REFERENCE IN 49 CFR  
PARTS 192, 193, 195

[As of 6/9/2010]

CFR Part	Topic	Standards*
192	Natural and Other Gas	39

STANDARDS INCORPORATED BY REFERENCE IN 49 CFR  
PARTS 192, 193, 195—Continued

[As of 6/9/2010]

CFR Part	Topic	Standards*
193	Liquefied Natural Gas	8
195	Hazardous Liquids	38
Total		85

\*Note: Some standards may be incorporated by reference in more than one CFR Part.

Before passage of the Act most all of the 85 standards that had been incorporated into the rules had to be purchased if a member of the public wanted to know what the regulations required. PHMSA has estimated the cost to purchase a set of these standards to be between \$8,500–\$9,500.

The 2011 Act took the important step of ensuring public access to these standards by requiring that they be "made available to the public, free of charge, on an Internet Web site." This made good sense since web-based access is the most convenient and cost effective way for the government to share important information with the public.

Unfortunately, what was not fully realized at the time this provision was passed, was the financial difficulties it could pose to some of the standard developing organizations that have created a business model based on selling such standards back to the regulated industries and the public. This created an uncomfortable conflict between what was right in terms of public access and transparency, and how to continue to encourage private standards to be created and updated.

In the end all the standard developing organizations but one, ASME, found a way to meet the obligations of the Act. We thank these organizations for working hard to provide public access to their standards and the associated understanding and trust in the system. Unfortunately, to date ASME has been unwilling to move forward to provide transparency to their standards like all the other organizations have been willing to do. This refusal on ASME's part has caused many important pending rules to be potentially put on hold since they contain ASME standards, which PHMSA cannot make available without ASME's support and assistance. That brings us to where we are today, extending the implementation period for this important transparency issues from 1 to 3 years to allow PHMSA to release pending rules and find a way to make all these standards "available free of charge" to the public.

We hope that all the standard developing organizations that have designed ways to freely share their standards don't take this delay as a sign of a lack of commitment to this effort and remove their standards from public access. We also hope that ASME and PHMSA will continue their discussions to find a way to truly make these important parts of the federal regulations easily and freely available to the public.

We note that in H.R. 2576 the requirement that these standards be made available "on an Internet Web site" has been removed. This may not be a significant change as long as PHMSA fulfills the continuing Congressional intent that these standards be "made available to the public, free of charge." Clearly "free of charge" means exactly what it says, that a requester incurs no expense in obtaining any incorporated standard. In no way can the current PHMSA rule, as spelled out in 49 CFR 192.7 and 195.3, of requiring people who want to review a standard to travel to the PHMSA office in Washington DC be considered "free of charge" at no cost to the requester.

Again, we thank you for your efforts to encourage public access and transparency regarding the regulations that are meant to protect their safety and the health of our shared environment.

Sincerely,

CARL WEIMER,  
*Executive Director.*

DAKOTA RURAL ACTION,  
WESTERN ORG. OF RESOURCE COUNCILS,

July 11, 2012.

Re Docket ID PHMSA-2012-0142: implementing incorporation by reference (IBR) requirements of section 24.

We regretfully are not able to attend the public workshop on July 13 due to expenses of travel. We request that you consider these comments as you would comments submitted in person.

We the undersigned organizations are writing to urge you to oppose any weakening or repeal of Section 24 of H.R. 2845, the "Pipeline Safety, Regulatory Certainty and Job Creation Act of 2011." Section 24 assures that future agency pipeline safety rules that incorporate standards by reference will require that those standards be made publically available for free on the Internet.

Western Organization of Resource Councils (WORC) is a regional network of seven grassroots community organizations with 10,000 members and 38 local chapters: including Dakota Rural Action in South Dakota, the Dakota Resource Council in North Dakota, and the Northern Plains Resource Council in Montana, which have members affected by the Keystone I pipeline and the proposed Keystone XL pipeline.

Dakota Rural Action is a grassroots family agriculture and conservation group that organizes South Dakotans to protect our family farmers and ranchers, natural resources and unique way of life. We are a member group of WORC and represent over 950 South Dakotans across the state. Many of our members in South Dakota have been directly impacted by numerous pipeline projects, with anticipation of more being constructed.

Representing the public interest, we strive to create a more fair and open government. Secret laws, or a government that only allows access to laws by a segment of the public able to pay for it, goes in direct opposition to the values of a participatory democracy. Congress has repeatedly recognized the need for public access to information with the Administrative Procedures Act, the Federal Register Act, the National Technology Transfer and Advancement Act, the Electronic Freedom of Information Act, and, most recently, with Section 24 of the Pipeline Safety, Regulatory Certainty and Job Creation Act of 2011.

As of June 2010 there were 85 standards referenced in 46 CFR 192, 193, 195. For a citizen to have access to these referenced standards they would have to pay private organizations upwards of \$2,000. These associated costs are an insurmountable burden for an average citizen, making it practically impossible for the public to knowledgeably comment in a rulemaking proceeding, or to propose changes to regulations that already incorporate referenced standards.

There is no reasonable excuse for failing to provide standards and supporting information that are part of existing or proposed regulations implementing federal law at no charge to the public. The fact that these standards were developed by private associations of companies subject to the laws and regulations in question does not entitle the regulated industry or any private entity

serving that industry to profit from exclusive access to information and language meant to protect public health and safety.

Anything short of full implementation of Section 24 of the Pipeline Safety, Regulatory Certainty and Job Creation Act of 2011 would amount to deliberate action by PHMSA to block public participation in our government, directly contradicting the principles and values of access and transparency of the Administration and expressed by Congress in enacting section 24.

MEREDITH REDLIN,  
*Chair, Dakota Rural Action.*

LANA SANGMEISTER,  
*Chair, Western Organization of Resource Councils.*

COLUMBIA LAW SCHOOL,  
New York, NY, July 12, 2012.

Re PHMSA workshop in incorporation by reference.

GENTLEFOLK: I appreciate the opportunity to file these comments in support of your workshop. If I may very briefly summarize their gist, there are three important propositions I would impress on you:

A sharp distinction should be drawn between Standards Development Organization (SDO) standards that are genuinely "technical" in character and those that, like the API standards on public hazard warnings, have a policy character that draws their force from normative conclusions, not technical expertise, and may serve to promote industrial interests.

It is important to distinguish as well between SDOs that are professionally centered and broadly representative of the areas for which they develop standards, and those that, like API, are industrial associations or, like Underwriters Laboratories, businesses with an economic stake in the use of their standards beyond supporting standards development and publication—as by providing necessary testing or certification services.

Finally, and perhaps most importantly, one should distinguish between standards that are converted into legal obligations by the fact of their incorporation, and standards that are simply identified in guidance or regulations as one means, but not the exclusive and necessary means, by which independently stated regulatory requirements can be met. While the statute your workshop is concerned with addresses guidance documents as well as legal obligations, the rationale for requiring free public access to the former is much weaker. Once agency action has made conformity to a standard mandatory, it is no longer a voluntary consensus standard. Law is not properly subject to copyright; but guidance is not law. Perhaps ways can be found to achieve the effect of guidance yet that will not require SDOs to surrender their understandable interest in finding financial support for their standards-development activities through the sale of copyright-protected standards serving that role, and thus remaining voluntary consensus standards.

The problem of incorporation by reference of standards development organization voluntary standards into federal regulatory materials has attracted significant attention in recent months. It was the subject of a major study by the Administrative Conference of the United States, resulting in recommendations drawing on an extensive study made by Emily Bremer, a staff attorney. Subsequently, on behalf of myself and others, I filed a petition for rulemaking on the sub-

ject with the Office of Federal Register. When OFR published this petition in the Federal Register with requests for comments, an FDMS docket of more than 160 items resulted. Subsequently, OMB held a workshop with NIST and sought commentary on possible revision of its circular A-119; an FDMS docket of more than 60 items resulted. A major new book thoroughly explores the practice of standard-setting, with emphasis on implications for international trade but attention as well to the ways in which American practice differs from that of European nations.

From all these materials, a number of propositions fairly clearly emerge:

The creation of voluntary consensus standards had its origin in considerations quite independent of governmental regulation, and they remain a necessary element of today's market economies, permitting market participants to deal confidently with one another. They are extremely valuable for this reason. This reality is dominant, and is independent of governmental use of standards for regulatory purposes. Indeed, it appears that the great bulk of voluntary consensus standards are not incorporated into law, as such, and for them no issue whatever of inhibition on copyright arises. To the extent SDO viability depends on the sale of these standards, it remains untroubled. The SDO commentary in the two FDMS dockets just mentioned consistently obscures this reality. It is written as if every standard SDOs produce is threatened by the proposition that those that are incorporated as law should be publicly available to those affected.

By influencing the markets for affected goods, those who participate in the setting of standards, may gain significant competitive advantages over those who do not. This is particularly true for non-consensus standards and for industry-centered, corporate-membership standards-generating organizations like the American Petroleum Institute, whose membership is more than 500 oil and natural gas companies. Industrial standard-setters like API may be contrasted to, say, ASME—which has 125,000 members and no corporate members—or the many other SDOs having tens of thousands of individual, professional members. For the latter, the issue of possibly gaining a competitive advantage is rarely present. It is more likely that the interests of small businesses that will need to adhere to the standards adopted will be represented and heard. Gaining competitive advantage may also be the result for an individual business, such as Underwriters Laboratories, whose testing and certifying subsidiaries may profit from the conversion of UL's preferred standards into legal obligations.

European standards organizations are typically organized along hierarchical lines, both national (the British Standards Institute) and European (CEN, CENELEC), so that on any given matter, only one standard will emerge. Their processes for generating standards involve wide participation by all interested groups—even to the extent that the participation of socially important but resource-poor groups may be subsidized. European technical standards are typically framed as independent of the regulations to which they relate, and are not in themselves legally binding. Since they only serve to define one assured method for establishing regulatory compliance, not an exclusive method, they merely create a presumption that one complying with them has complied with the substantive norms of the regulation. Although showing that one has met the standard is usually the more efficient path to

demonstrating regulatory compliance, citizens remain free to prove their compliance in a different way.

The pattern of standard setting in the United States is “decentralized and characterized by extensive competition among many standard-setting bodies, operating with little government oversight and no public financial support. . . . [It] comprises some 300 trade associations, 130 professional and scientific societies, 40 general membership organizations, and at least 150 consortia which together have set more than 50,000 standards. . . . Spurred by competition, these organizations have developed numerous standards of the highest technical quality, but the fragmentation also . . . results in conflicting standards and hence poor interoperability. . . .

“The shift of rulemaking to the international level turns this fragmentation into a problem for the effectiveness of American interests in the global market place. Coordination and cooperation do not arise spontaneously among competing standard-setters, and . . . [there is] a long tradition of keeping government at arms’ length. . . . In the absence of government control or any other central monitoring and coordinating agent, the American system for product standardization is characterized by extreme pluralism and contestation. . . . ANSI remains a weak institution, even though it formally is the sole representative of U.S. interests in international standards organizations. . . . Private U.S. standards organizations, which derive 50 to 80 percent of their income from the sale of their proprietary standards documents . . . fear that a more centralized system would rob them of these revenues and eclipse their power and autonomy. . . . “Rather than reach out to community interests, as European standards organizations do “as a prerequisite for genuine openness and due process. . . . most American standards organizations contend that willingness to pay is the best measure of interest in the process and see no need for financial assistance,” and in some contexts the sum that must be paid—even by federal agencies wishing to participate—is quite high. Some American standard-setters, the American Petroleum Institute, for example, clearly present themselves as industry representatives. This is not too problematic for standards that serve only to govern technical issues important to relations among industrial participants needing a confident basis for their dealing. Yet acceptance of industry representatives as standard-setters is questionable in matters that are not technical in nature and also involve public interests, such as pipeline hazard warnings or impositions on small businesses who are the necessary customers of the industry.

Competition benefits the users of standards only if adherence to them is not mandatory. One way in which a standards organization can defeat its competitors under the American system, and obtain a monopoly over standards (and their sale) is by having them incorporated by reference, not as one means for regulatory compliance (as in Europe) but as binding law, that must be complied with and can result in sanctions if departed from. With that monopoly, too, the standards organization acquires the power to charge a non-market price. The legislation that is the subject of this hearing resulted from the exercise of just that power. One of the comments in response to our petition to the Office of Federal Register for rulemaking reports that another standards association was charging two-and-a-half times as much

for a standard that had been incorporated as law, as for its subsequent standard on the same matter, that had not yet been substituted for the first by amendatory rulemaking. Over half the incorporated standards in CFR predate 1995. Since SDOs uniformly update their standards on a relatively short cycle, most if not all of these earlier, still incorporated standards will presumptively have been replaced by the issuing SDO. Yet, if they are still law, they remain mandatory. Sale of outdated but still compulsory standards may improve the SDO’s bottom line, but it cannot rationally be ascribed to the business model for sustaining fresh standards development.

Commercial advantage also inheres in standards generated by businesses that profit from compliance determinations. On the Comm2000 website where Underwriters Laboratories offers its standards for sale, its Standard for Manual Signaling Boxes for Fire Alarm Systems, 52 pages long in all, costs \$502 in hard-copy and \$402 for a use-restricted pdf version; \$998 (\$798) purchases a three year subscription that includes revisions, interpretations, etc. However, the text of this standard incorporates by reference five other UL standards, whose purchase would add five times these amounts (as each of these referenced standards is identically priced). And even this would not complete the picture; one of these five referenced standards (746C, Standard for Polymeric Materials—Use in Electrical Equipment Evaluations) itself references 27 unique others, whose individual prices are often hundreds of dollars higher—for a total cost well in excess of \$10,000. Standards in the libraries of professional engineering SDOs are more likely to sell in the \$50 range. Comments in the FDMS dockets tend to assert that all standards are sold at reasonable prices, without giving concrete details. Neither OFR nor the incorporating agency exercises control over the reasonableness of price at the moment of incorporation. And, once incorporation has occurred, any opportunity for price control by the OFR or the incorporating agency vanishes. Of course, if standards were treated merely as guidance, not law, market forces would operate as one control; and agencies could more freely remove a standard from its compliance guidance if persuaded its price had become unreasonable—either in general, or in its application to vulnerable small businesses.

This last point suggests the appropriateness of turning to what is arguably the most objectionable feature of the statute that is the subject of this workshop: it applies equally to standards treated as guidance identifying a satisfactory but not mandatory means of complying with an independently stated regulatory obligation, and to standards incorporated in a manner that makes them the law itself—mandatory obligations in and of themselves. In my judgment, these two situations are quite different, both in law and in their implications for agency efficiency and effective regulation.

SDO standards converted into law—a mandatory obligation—by the manner of their incorporation suffer all the possible deficits mentioned above.

They end the competition among American voluntary consensus standard-setters that is identified by many as a particular strength of our system in relation to others.

Correspondingly, they confer monopoly pricing power on the SDO whose standard has been converted from a voluntary consensus standard into an involuntary, mandatory obligation.

They significantly limit agency capacity to respond to new developments, since changing a mandatory standard set by rule will require fresh rulemaking, with its procedural costs and obstacles. That this occurs in practice may be seen in the simple fact that over half of incorporated standards are more than seventeen years old—some, indeed, no longer “available” in any form, reasonably or not.

The income streams resulting from law-forced purchases of mandatory but outdated standards may be convenient for the SDOs receiving them, but bear no relationship either to sound industrial practice (adherence to the contemporary standard should be preferable) or to the SDO business model for supporting the continuing development of standards.

Law is not subject to copyright. The Copyright Office knows this; it has been hornbook American law from the inception. The arguments here are most eloquently made in the FDMS docket comments of the ABA Section of Administrative Law and Regulatory Practice, and would be tedious to repeat at length. Moreover, this proposition is wholly independent of the policy concerns SDOs raise to argue that it should not be the case. It simply is the case and the consequence is that if an agency has converted a voluntary consensus standard into a legal obligation, it cannot fail to inform the public what is its legal obligation. (SDOs should perhaps for this reason resist agencies’ conversion of voluntary standards into legal obligations; and the question whether the agency must compensate the SDO for doing so is an open one. Some argue that the benefit to the SDO from the imprimatur of incorporation will exceed any detriment to its bottom line—incorporations typically involves only part of the standard involved, and most businesses will wish to purchase the standards in their full, convenient form. Moreover, incorporated standards make up only a fraction of an SDO’s armamentarium.) When Minnesota enacted the Uniform Commercial Code, the ALI (its drafter) retained its copyright for purposes of selling the UCC as such, but Minnesota was obliged to make its new code public, and was not obliged to pay ALI when it did so.

When an agency proposes incorporation by reference that will create legal obligations, it is strongly arguable that it must at that time make the standard proposed to be incorporated available to commenters in the rulemaking process. Contemporary administrative law caselaw and Executive Order 12,866 each impose transparency standards more demanding than might appear from the simple text of 5 U.S.C. § 553. One cannot comment on a standard whose content is unknown. As the Pipeline Safety Trust observed in its FDMS comments, “incorporating standards by reference, the way it is done now, has turned notice and comment rulemaking into a caricature of what it was intended to be.”

Since agency guidance of means by which one might successfully comply with independently stated regulatory obligations is not law, an agency’s identification of a standard as one such means leaves interested parties an option whether to refer to the standard or not. It creates no legal obligation to reveal the contents of the standard used as guidance, and the SDO’s copyright is secure. It is of course also possible that there will be other identifiable means of regulatory compliance—the reputed strength of the American SDO process—so that recognition of the SDO’s copyright in relation to



the guidance given creates no monopoly power.

Use of standards as guidance also permits ready upgrading of the guidance as soon as standards are revised; the troubling problem of outdated standards enduring as legal obligations (because fresh rulemaking has not been undertaken) need not arise.

It is, then, regrettable that the statute you are discussing draws no distinction between incorporation by reference as mandatory obligation, and its use to provide guidance. The most useful result of your workshop, in my judgment, would be to push hard for the recognition of this distinction—by interpretation of your statutory obligations, if that seems possible, or by working for amendment. But I can find no fault with, and much reason to support, the obligation PHMSA has been placed under to assure free public access, both at the stage of proposal and at the stage of adoption, to standards whose incorporation by reference is used to create legal obligations. The effect of that use of incorporation is to transfer lawmaking into private hands that operate in secret; and “delegations of public power to private hands [undermine] the capacity to govern.”

Respectfully submitted,

PETER L. STRAUSS,  
*Betts Professor of Law.*

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 2576.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PETRI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 37 minutes p.m.), the House stood in recess.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HULTGREN) at 6 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2576, by the yeas and nays;

H.R. 1848, by the yeas and nays;

H.R. 2611, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## AVAILABILITY OF PIPELINE SAFETY REGULATORY DOCUMENTS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2576) to amend title 49, United States Code, to modify requirements relating to the availability of pipeline safety regulatory documents, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 405, nays 2, not voting 26, as follows:

[Roll No. 354]

YEAS—405

Aderholt	Cleaver	Foxx
Alexander	Clyburn	Frankel (FL)
Amash	Coble	Franks (AZ)
Amodei	Coffman	Frelinghuysen
Andrews	Cohen	Gabbard
Bachmann	Cole	Gallego
Bachus	Collins (GA)	Garamendi
Barber	Collins (NY)	Garcia
Barletta	Conaway	Gardner
Barr	Connolly	Garrett
Barrow (GA)	Conyers	Gerlach
Barton	Cook	Gibbs
Beatty	Cooper	Gibson
Becerra	Costa	Gingrey (GA)
Benishek	Cotton	Gohmert
Bentivoglio	Courtney	Goodlatte
Bera (CA)	Cramer	Gosar
Bilirakis	Crawford	Gowdy
Bishop (GA)	Crenshaw	Granger
Bishop (NY)	Crowley	Graves (GA)
Bishop (UT)	Cuellar	Graves (MO)
Black	Culberson	Grayson
Blackburn	Cummings	Green, Gene
Blumenauer	Daines	Griffin (AR)
Bonamici	Davis (CA)	Griffith (VA)
Bonner	Davis, Danny	Grijalva
Boustany	Davis, Rodney	Guthrie
Brady (PA)	DeGette	Gutiérrez
Brady (TX)	Delaney	Hahn
Bralley (IA)	DeLauro	Hall
Bridenstine	DelBene	Hanabusa
Brooks (AL)	Denham	Hanna
Brooks (IN)	Dent	Harper
Broun (GA)	DeSantis	Harris
Brown (FL)	DesJarlais	Hartzler
Brownley (CA)	Diaz-Balart	Hastings (FL)
Bucshon	Doggett	Hastings (WA)
Burgess	Doyle	Heck (NV)
Bustos	Duckworth	Heck (WA)
Butterfield	Duffy	Hensarling
Calvert	Duncan (SC)	Higgins
Camp	Duncan (TN)	Himes
Cantor	Edwards	Holding
Capito	Ellison	Honda
Capps	Ellmers	Hoyer
Capuano	Enyart	Hudson
Cárdenas	Eshoo	Huelskamp
Carney	Esty	Huffman
Carson (IN)	Farenthold	Huizenga (MI)
Carter	Farr	Hultgren
Cartwright	Fattah	Hurt
Cassidy	Finch	Israel
Castor (FL)	Fitzpatrick	Issa
Castro (TX)	Fleischmann	Jackson Lee
Chabot	Fleming	Jeffries
Chaffetz	Flores	Jenkins
Chu	Forbes	Johnson (GA)
Cicilline	Fortenberry	Johnson (OH)
Clarke	Foster	Johnson, E. B.

Johnson, Sam	Murphy (FL)	Schock
Jones	Murphy (PA)	Schrader
Jordan	Nadler	Schwartz
Joyce	Napolitano	Schweikert
Kaptur	Neal	Scott (VA)
Kelly (PA)	Neugebauer	Scott, Austin
Kennedy	Noem	Scott, David
Kildee	Nolan	Sensenbrenner
Kilmer	Nugent	Serrano
Kind	Nunes	Sessions
King (IA)	Nunnelee	Sewell (AL)
King (NY)	O'Rourke	Sherman
Kinzinger (IL)	Olson	Shimkus
Kirkpatrick	Owens	Shuster
Kline	Palazzo	Simpson
Kuster	Pallone	Sinema
Labrador	Pascarella	Sires
LaMalfa	Pastor (AZ)	Slaughter
Lamborn	Paulsen	Smith (NE)
Lance	Payne	Smith (NJ)
Langevin	Pearce	Smith (TX)
Lankford	Pelosi	Smith (WA)
Larsen (WA)	Perlmutter	Southerland
Larson (CT)	Perry	Speier
Latham	Peters (CA)	Stewart
Latta	Peters (MI)	Stivers
Lee (CA)	Peterson	Stockman
Levin	Petri	Stutzman
Lewis	Pingree (ME)	Swalwell (CA)
Lipinski	Pittenger	Takano
LoBiondo	Pitts	Terry
Loeb sack	Pocan	Thompson (CA)
Lofgren	Poe (TX)	Thompson (MS)
Long	Polis	Thompson (PA)
Lowenthal	Pompeo	Thornberry
Lowey	Posey	Tiberi
Lucas	Price (GA)	Tierney
Lujan Grisham	Price (NC)	Tipton
(NM)	Quigley	Titus
Lujan, Ben Ray	Radel	Tonko
(NM)	Rahall	Tsongas
Lynch	Rangel	Turner
Maffei	Reed	Upton
Maloney,	Reichert	Valadao
Carolyn	Renacci	Van Hollen
Maloney, Sean	Ribble	Vargas
Marchant	Rice (SC)	Veasey
Massie	Richmond	Vela
Matheson	Rigell	Velázquez
Matsui	Roby	Visclosky
McCarthy (CA)	Roe (TN)	Wagner
McCaul	Rogers (AL)	Walberg
McClintock	Rogers (KY)	Walden
McCollum	Rogers (MI)	Walorski
McDermott	Rokita	Walz
McGovern	Rooney	Waters
McHenry	Ros-Lehtinen	Watt
McIntyre	Roskam	Waxman
McKeon	Ross	Weber (TX)
McKinley	Rothfus	Webster (FL)
McMorris	Roybal-Allard	Welch
Rodgers	Royce	Wenstrup
McNerney	Ruiz	Westmoreland
Meadows	Runyan	Whitfield
Meehan	Ruppersberger	Williams
Meeks	Rush	Wilson (FL)
Meng	Ryan (OH)	Wilson (SC)
Messer	Ryan (WI)	Wittman
Mica	Salmon	Wolf
Michaud	Sánchez, Linda	Womack
Miller (FL)	T.	Woodall
Miller (MI)	Sanchez, Loretta	Yarmuth
Miller, Gary	Sanford	Yoder
Miller, George	Sarbanes	Yoho
Moore	Scalise	Young (AK)
Moran	Schakowsky	Young (FL)
Mullin	Schiff	Young (IN)
Mulvaney	Schneider	

NAYS—2

Shea-Porter

NOT VOTING—26

Bass	Grimm	Luetkemeyer
Buchanan	Herrera Beutler	Lummis
Campbell	Hinojosa	Marino
Clay	Holt	McCarthy (NY)
DeFazio	Horsford	Negrete McLeod
Deutch	Hunter	Rohrabacher
Engel	Keating	Smith (MO)
Fudge	Kelly (IL)	Wasserman
Green, Al	Kingston	Schultz



□ 1858

Mr. DINGELL changed his vote from “yea” to “nay.”

Messrs. PASTOR of Arizona, DeSANTIS, WOODALL, and HUIZENGA of Michigan changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### SMALL AIRPLANE REVITALIZATION ACT OF 2013

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1848) to ensure that the Federal Aviation Administration advances the safety of small airplanes, and the continued development of the general aviation industry, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 355]  
YEAS—411

Aderholt	Cantor	Davis, Rodney
Alexander	Capito	DeGette
Amash	Capps	Delaney
Amodei	Capuano	DeLauro
Andrews	Cárdenas	DeBene
Bachmann	Carney	Denham
Bachus	Carson (IN)	Dent
Barber	Carter	DeSantis
Barletta	Cartwright	DesJarlais
Barr	Cassidy	Diaz-Balart
Barrow (GA)	Castor (FL)	Dingell
Barton	Castro (TX)	Doggett
Bass	Chabot	Doyle
Beatty	Chaffetz	Duckworth
Becerra	Chu	Duffy
Benishek	Cicilline	Duncan (SC)
Bentivolio	Clarke	Duncan (TN)
Bera (CA)	Cleaver	Edwards
Bilirakis	Clyburn	Ellison
Bishop (GA)	Coble	Ellmers
Bishop (NY)	Coffman	Enyart
Bishop (UT)	Cohen	Eshoo
Black	Cole	Esty
Blackburn	Collins (GA)	Farenthold
Blumenauer	Collins (NY)	Farr
Bonamici	Conaway	Fattah
Bonner	Connolly	Fincher
Boustany	Conyers	Fitzpatrick
Brady (PA)	Cook	Fleischmann
Brady (TX)	Cooper	Fleming
Braley (IA)	Costa	Flores
Bridenstine	Cotton	Forbes
Brooks (AL)	Courtney	Fortenberry
Brooks (IN)	Cramer	Foster
Brown (GA)	Crawford	Fox
Brown (FL)	Crenshaw	Frankel (FL)
Brownley (CA)	Crowley	Franks (AZ)
Bucshon	Cuellar	Frelinghuysen
Burgess	Culberson	Gabbard
Bustos	Cummings	Galleo
Butterfield	Daines	Garamendi
Calvert	Davis (CA)	Garcia
Camp	Davis, Danny	Gardner

Garrett	Maloney	Royle
Gerlach	Carolyn	Ruiz
Gibbs	Maloney, Sean	Runyan
Gibson	Marchant	Ruppersberger
Gingrey (GA)	Massie	Rush
Gohmert	Matheson	Ryan (OH)
Goodlatte	Matsui	Ryan (WI)
Gosar	McCarthy (CA)	Salmon
Gowdy	McCaul	Sánchez, Linda
Granger	McClintock	T.
Graves (GA)	McCollum	Sanchez, Loretta
Graves (MO)	McDermott	Sanford
Grayson	McGovern	Sarbanes
Green, Al	McHenry	Scalise
Green, Gene	McIntyre	Schakowsky
Griffin (AR)	McKeon	Schiff
Griffith (VA)	McKinley	Schneider
Grijalva	McMorris	Schock
Guthrie	Rodgers	Schrader
Gutiérrez	McNerney	Schwartz
Hahn	Meadows	Schweikert
Hall	Meehan	Scott (VA)
Hanabusa	Meeks	Scott, Austin
Hanna	Meng	Scott, David
Harper	Messer	Sensenbrenner
Harris	Mica	Serrano
Hartzler	Michaud	Sessions
Hastings (FL)	Miller (FL)	Sewell (AL)
Hastings (WA)	Miller (MI)	Shea-Porter
Heck (NV)	Miller, Gary	Sherman
Heck (WA)	Miller, George	Shimkus
Hensarling	Moore	Shuster
Higgins	Moran	Simpson
Himes	Mullin	Sinema
Holding	Mulvaney	Sires
Honda	Murphy (FL)	Slaughter
Hoyer	Murphy (PA)	Smith (NE)
Hudson	Nadler	Smith (NJ)
Huelskamp	Napolitano	Smith (TX)
Huffman	Neal	Smith (WA)
Huizenga (MI)	Neugebauer	Southerland
Hultgren	Noem	Speier
Hurt	Nolan	Stewart
Israel	Nugent	Stivers
Issa	Nunes	Stockman
Jackson Lee	Nunnelee	Stutzman
Jeffries	O'Rourke	Swalwell (CA)
Jenkins	Olson	Takano
Johnson (GA)	Owens	Terry
Johnson (OH)	Palazzo	Thompson (CA)
Johnson, E. B.	Pallone	Thompson (MS)
Johnson, Sam	Pascarell	Thompson (PA)
Jones	Pastor (AZ)	Thornberry
Jordan	Paulsen	Tiberi
Joyce	Payne	Tierney
Kaptur	Pearce	Tipton
Keating	Pelosi	Titus
Kelly (PA)	Perlmutter	Tonko
Kennedy	Perry	Tsongas
Kildee	Peters (CA)	Turner
Kilmer	Peters (MI)	Upton
Kind	Peterson	Valadao
King (IA)	Petri	Van Hollen
King (NY)	Pittenger	Vargas
Kinzinger (IL)	Pitts	Veasey
Kirkpatrick	Pocan	Vela
Kline	Poe (TX)	Velázquez
Kuster	Polis	Visclosky
Labrador	Pompeo	Wagner
LaMalfa	Posey	Walberg
Lamborn	Lance	Walden
Lance	Price (GA)	Walorski
Langevin	Price (NC)	Walz
Lankford	Quigley	Waters
Larsen (WA)	Radel	Watt
Larson (CT)	Rahall	Waxman
Latham	Rangel	Weber (TX)
Latta	Reed	Webster (FL)
Lee (CA)	Reichert	Welch
Levin	Renacci	Wenstrup
Lewis	Ribble	Westmoreland
Lipinski	Rice (SC)	Whitfield
LoBiondo	Richmond	Williams
Loeb sack	Rigell	Wilson (FL)
Lofgren	Roby	Wilson (SC)
Long	Roe (TN)	Wittman
Lowenthal	Rogers (AL)	Wolf
Lowe	Rogers (KY)	Womack
Lucas	Rogers (MI)	Woodall
Lujan Grisham	Rokita	Yarmuth
(NM)	Rooney	Yoder
Luján, Ben Ray	Ros-Lehtinen	Yoho
(NM)	Roskam	Young (AK)
Lummis	Ross	Young (FL)
Lynch	Rothfus	
Maffei	Roybal-Allard	

NOT VOTING—22

Buchanan	Herrera Beutler	Marino
Campbell	Hinojosa	McCarthy (NY)
Clay	Holt	Negrete McLeod
DeFazio	Horsford	Rohrabacher
Deutch	Hunter	Smith (MO)
Engel	Kelly (IL)	Wasserman
Fudge	Kingston	Schultz
Grimm	Luetkemeyer	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1905

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### DOUGLAS A. MUNRO COAST GUARD HEADQUARTERS BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2611) to designate the headquarters building of the Coast Guard on the campus located at 2701 Martin Luther King, Jr., Avenue Southeast in the District of Columbia as the “Douglas A. Munro Coast Guard Headquarters Building”, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 356]  
YEAS—411

Aderholt	Brooks (AL)	Cohen
Alexander	Brooks (IN)	Cole
Amash	Brown (GA)	Collins (GA)
Amodei	Brown (FL)	Collins (NY)
Andrews	Brownley (CA)	Conaway
Bachmann	Bucshon	Connolly
Bachus	Burgess	Conyers
Barber	Bustos	Cook
Barletta	Butterfield	Cooper
Barr	Calvert	Costa
Barrow (GA)	Camp	Cotton
Barton	Cantor	Courtney
Bass	Capito	Cramer
Beatty	Capps	Crenshaw
Becerra	Capuano	Crowley
Benishek	Cárdenas	Cuellar
Bentivolio	Carney	Culberson
Bera (CA)	Carson (IN)	Cummings
Bilirakis	Carter	Daines
Bishop (GA)	Cartwright	Davis (CA)
Bishop (NY)	Cassidy	Davis, Danny
Bishop (UT)	Castor (FL)	Davis, Rodney
Black	Castro (TX)	DeGette
Blackburn	Chabot	Delaney
Blumenauer	Chaffetz	DeLauro
Bonamici	Chu	DeBene
Bonner	Cicilline	Denham
Boustany	Clarke	Dent
Brady (PA)	Cleaver	DeSantis
Brady (TX)	Clyburn	DesJarlais
Braley (IA)	Coble	Diaz-Balart
Bridenstine	Coffman	Dingell

Doggett  
Doyle  
Duckworth  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Enyart  
Eshoo  
Esty  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foster  
Fox  
Frankel (FL)  
Franks (AZ)  
Frelinghuysen  
Gabbard  
Galleo  
Garamendi  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Guthrie  
Gutiérrez  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzer  
Hastings (FL)  
Hastings (WA)  
Heck (NV)  
Heck (WA)  
Hensarling  
Higgins  
Himes  
Holding  
Honda  
Hoyer  
Hudson  
Huelskamp  
Huffman  
Huizenga (MI)  
Hultgren  
Hurt  
Israel  
Issa  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kaptur  
Keating  
Kelly (PA)  
Kennedy  
Kildee  
Kilmer  
Kind  
King (IA)  
King (NY)

Kinzing (IL)  
Kirkpatrick  
Kline  
Kuster  
Labrador  
LaMalfa  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
Latta  
Lee (CA)  
Levin  
Lewis  
Lipinski  
LoBiondo  
Loebsack  
Lofgren  
Long  
Lowenthal  
Lowe  
Lucas  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lummis  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Marchant  
Massie  
Matheson  
Matsui  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
McMorris  
Rodgers  
McNerney  
Meadows  
Meehan  
Meeks  
Meng  
Messer  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Miller, George  
Moore  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Nadler  
Napolitano  
Neal  
Neugebauer  
Noem  
Nolan  
Nugent  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Pallone  
Pascarell  
Pastor (AZ)  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Perry  
Peters (CA)  
Peters (MI)  
Peterson  
Petri  
Pingree (ME)

Pittenger  
Pitts  
Pocan  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Radel  
Rahall  
Rangel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Roybal-Allard  
Royce  
Ruiz  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salmon  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanford  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schneider  
Schock  
Schrader  
Schwartz  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell (AL)  
Shea-Porter  
Sherman  
Shimkus  
Shuster  
Simpson  
Sinema  
Sires  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southerland  
Speier  
Stewart  
Stivers  
Stockman  
Stutzman  
Swalwell (CA)  
Takano  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Titus  
Tonko  
Tsongas  
Turner  
Upton  
Valadao  
Van Hollen

Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wagner  
Walberg  
Walden  
Walorski  
Walz  
Waters

Watt  
Waxman  
Weber (TX)  
Webster (FL)  
Welch  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (FL)  
Wilson (SC)

Wittman  
Wolf  
Womack  
Woodall  
Yarmuth  
Yoder  
Yoho  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—22

Buchanan  
Campbell  
Clay  
Crawford  
DeFazio  
Deutsch  
Engel  
Fudge  
Grimm  
Herrera Beutler  
Hinojosa  
Holt  
Horsford  
Hunter  
Kelly (IL)  
Kingston

Luetkemeyer  
Marino  
McCarthy (NY)  
Negrete McLeod  
Rohrabacher  
Wasserman  
Schultz

## □ 1914

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H.R. 1962

Mr. POE of Texas. Mr. Speaker, I ask unanimous consent to remove the gentleman from Wisconsin (Mr. DUFFY) from H.R. 1962.

The SPEAKER pro tempore (Mr. BARR). Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H.R. 2359

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to have the name of Mr. BISHOP of Utah removed as a cosponsor of H.R. 2359.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H.R. 2319

Mrs. KIRKPATRICK. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor to H.R. 2319.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

## ARMANDO TORRES

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in support of a marine who desperately needs our help. Corporal Armando Torres was kidnapped in Mexico more than 2 months ago. Minimal attention here in the U.S. and in Mex-

ico has allowed Armando's kidnappers to think that we've given up. They are wrong. The United States does not give up and does not leave one of our own behind. The kidnapping of a United States citizen and a marine will not be tolerated. Armando served our country honorably, and now it is our duty to serve him well now.

Mr. Speaker, as you know, the bond between marines can never be broken. In the coming days, marines here in the House will come together on this floor for their brother. I invite all Members to join us and show that we will not rest until we bring Armando home.

## RECOGNIZING WATERVLIET ARSENAL ON ITS 200TH ANNIVERSARY

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today to recognize the Watervliet Arsenal, which celebrated its 200th anniversary on July 14.

Watervliet is the Nation's oldest, continuously operated arsenal, having begun its manufacturing of military hardware during the War of 1812.

For 200 years, the arsenal has produced critical weapons, parts and material that have been indispensable to our Nation's defense. Earlier this year, the Secretary of the Army recognized the arsenal's high quality and essential work by designating it as a Center of Industrial and Technological Excellence.

The Army's Benet Laboratories, renowned for its research and development and work with advanced materials and composites, is also located at the facility. Let me offer a special congratulations to the arsenal's employees, who, despite senseless sequestration-related furloughs, continue to provide manufacturing, engineering, and quality assurance for our Nation's cannons and mortars. They have developed skills and expertise over the course of decades, many coming from families that have worked at the arsenal for generations, pouring their talents into this powerful success story. They are truly the lifeblood of the Watervliet community and the Greater Capital Region of upstate New York.

## AUTHORITY FOR MANDATE DELAY ACT

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, this week, the House will debate H.R. 2667, the Authority for Mandate Delay Act. This bill will delay enforcement of the ObamaCare mandate—employers with 50 full-time employees who do not offer government-

approved coverage must pay a \$2,000 fine annually for an employee. On July 2, the administration announced a delay. And while their authority to unilaterally change the law is questionable, the mandate remains a problem.

Earlier today, an employer in Pennsylvania told me that in order to address compliance costs, the employer would opt to close 1 day a week. This is not rhetoric.

In May of 2012, 71 Fortune 100 companies responded to a House Ways and Means survey. They estimated savings up to \$28.6 billion in 2014 by eliminating coverage for their 5.9 million employees, paying the \$2,000 annual fine. This would impact more than 10.2 million employees and dependents.

It appears that the administration has begun to understand that the employer mandate provides a perverse incentive for companies to drop their employees from health plans that are otherwise working.

I urge my colleagues to support H.R. 2667.

#### ERIC "WITH" HOLDER—FAST AND FURIOUS—AND ANOTHER VICTIM

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, at a House Judiciary hearing, Eric "With" Holder, the Attorney General, admitted to me that more people were going to die because of Operation Fast and Furious. That's the Justice Department and ATF gunrunning scheme that sent hundreds of U.S. automatic weapons to criminal drug cartels in Mexico.

Recently, Mexican Police Chief Lucio Rosales Astorga of Hostotipaquillo, Mexico, was ambushed and gunned down by assassins as he was driving his son to school. His wife and two bodyguards were also shot. The automatic weapon used to shoot him was a Fast and Furious gun smuggled to Mexico by the U.S. Government. Reportedly, over 200 Mexican nationals have been killed by Fast and Furious weapons.

American guns are at the side of these puddles of blood. Chief Astorga's son will be fatherless because of this government's recklessness. Meanwhile, Attorney General Eric "With" Holder keeps stonewalling justice and withholding information on this gunrunning scheme.

Mr. Speaker, somebody needs to go to jail. And that's just the way it is.

#### RECOGNIZING MRS. VIOLET B. HANNA ON HER 100TH BIRTHDAY

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, I rise today to extend my sincerest congratu-

lations and happy birthday wishes to Mrs. Violet B. Hanna, who will be celebrating her 100th birthday on July 23.

Born in Los Angeles on July 23, 1913, to Albert Wogatzke and Ella Bussjaeger, Violet is the oldest daughter of nine children. She married William Hanna on August 6, 1936. She lovingly raised a family of two children, has seven grandchildren, and six great-grandchildren. She has enjoyed wonderful health all of her life. She was raised on a farm, was a straight A student, and was so devoted to family that after graduating from high school, she gave up a full scholarship to Occidental College to start working in L.A. to support the rest of her family in Imperial Valley.

Violet has witnessed momentous changes in our Nation's history. Her life reflects a contribution to that history. I hope her century of memories brings much pride and joy to herself and family members.

I ask my colleagues to join me in congratulating Violet on this remarkable milestone. I wish her a special day shared in the company of her family and friends, and all the best in the years ahead.

#### AMERICAN ACHIEVEMENTS

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FITZPATRICK. Mr. Speaker, this week in history we celebrate the achievement of Neil Armstrong's Moon landing in 1969, a shining example of American innovation and perseverance.

In conquering space, America sent a message to the world that we can achieve any task that we set our mind to. Today, 40 years later, we as Americans face similar challenges, not on the surface of the Moon, but around our Nation. Our generation is tasked with recapturing the American spirit that put a man on the Moon by saying "yes" to American ingenuity in the 21st century. In that vein, Mr. Speaker, we as lawmakers must enact legislation that makes that goal a reality—things like enacting commonsense laws like the Made in America Act, which fosters a new era for American manufacturing and protects American jobs, or, once and for all, declaring energy independence for our Nation.

Now is our moment to honor the accomplishment and legacy of the Moon landing by ensuring continued success and independence of America for generations to come.

#### TRAYVON MARTIN

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE. As a mother and an American, I am well aware that this

Nation is a nation of laws. And our system of justice speaks, and the reason why we are a democracy is because we adhere to that. But I'm proud of my constituents and others in Houston, Texas, who saw the need to petition and to be able to join the family of Trayvon Martin in praying to petition their Federal Government. That is America, Mr. Speaker—that all Americans have a right to come and petition their government.

Thank you for being peaceful. Thank you for being prayerful. Thank you for being ready to speak in tones seeking justice, but doing it in a way that is respectful of our system, and ready to be able to achieve what your desires are through continuing to pray and be peaceful. In Houston, Texas, that is what occurred. And I want to say thank you for that peace and that respect of the dignity and democracy that America is, and the respect for Trayvon Martin's family.

#### TRAYVON MARTIN

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute.)

Ms. WILSON of Florida. Mr. Speaker, Trayvon Martin, a young constituent of mine that lived only blocks away from me, was brutally murdered in Sanford, Florida.

I know within my heart and will always know that things should have been different. But I accept the law. I was one of the loudest voices calling for a fair trial for Trayvon after he was profiled racially. He was followed, he was harassed, and he was shot in the heart.

On Sunday, in Miami-Dade County, all of the churches held prayer services. All of the churches prayed for the Martin and Fulton families. All of us are so saddened because we have lost our son, our son Trayvon, who was only 16 years old. He had only been 17 for 2 weeks.

God bless our justice system, that they will see that it should not end here. We must make sure that justice prevails for Trayvon Martin.

□ 1930

#### WE ALL ARE ONE

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, I am a mother of five biological children and of 23 wonderful foster children. My heart is broken, as my colleague's heart is broken, over any teenager whose life is taken away from them.

But I believe without a shadow of a doubt that it doesn't matter the color of a person's skin in the United States when it comes to justice. Lady Justice

has a blindfold over her eyes because justice is colorblind. Justice shouldn't look at the color of our skin or our ethnicity or our financial background.

Facts have to be recognized as facts. Law has to be recognized as law. No matter if we are White or Black or Hispanic or Asian, whatever our background, justice must be served. That's why we need to stand up and stand up for justice in this country, not have justice that is separate for Blacks or separate for Hispanics or separate for Whites. We all need to be one under our law.

#### IMMIGRATION REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, we are here to talk about something that is a rather important subject. Immigration has helped make us the greatest Nation in the world, and we want that to continue. We do not ever want our borders closed; we want them secured.

Here to help in this conversation is my friend, the gentleman from Pennsylvania (Mr. BARLETTA), to whom I yield such time as he may consume.

Mr. BARLETTA. Mr. Speaker, I believe the problem is simple: we need to secure our borders first. You wouldn't replace your carpet at home if you still had a hole in the roof.

When you take that position, the question you are usually asked by people who support open borders is: Well, what do you want to do about the 11 million people who are here illegally?

I usually answer that question with another question: What do you want to do with the 22 million Americans who couldn't find work this morning when they woke up? What do you want to do about the legal immigrants who came to America for an opportunity, with the opportunity that America promises for those who come here for a better life? What do you want to do about the high school dropout who has to wash dishes and may lose their job? Where do they go? What do you want to do about the single mom who works three jobs just to put food on the table so she could feed her family? What happens to her?

Why when we talk about immigration reform is it always about the 11 million illegal immigrants who came here knowingly breaking America's laws? What about the legal Americans? What about the American workers? Where is their voice in this debate? Who's speaking for them?

When it comes down to immigration reform, I believe the answer is simple: let's secure America's borders first and protect America's workers.

Mr. GOHMERT. I appreciate my friend from Pennsylvania's comments.

It is interesting, and it really is heartbreaking, when you see so many people, like all of the masses that were here in Washington, to protest over the ObamaCare bill. Anyway, it is rather dramatic. The unions are now coming out. Of course union leaders were all for ObamaCare. Many of us said back at the time: Do you know what, when the union members find out what the union leaders have done to them in supporting ObamaCare, they are going to be exceedingly upset.

Now when you look at the results of ObamaCare forcing so many people to part-time work—as my friend from Pennsylvania was alluding to, people now have been relegated to part-time work—they may lose that. When you combine the devastation of ObamaCare and people that are losing their jobs and are being forced to part-time work and now having to do more than one part-time job with less benefits, and then you add on it the Senate bill, especially for African Americans here, it is absolutely devastating. It is a devastating one-two punch to the gut of America when you look at the Senate bill and how many Americans will be really troubled to find employment.

We have other people that are here that also wish to be heard. I yield such time as he may consume to my friend from Louisiana, Dr. FLEMING.

Mr. FLEMING. I want to thank my friend, LOUIE GOHMERT—Judge GOHMERT—for having this hour together speaking on this important subject. My friend also is my neighbor. Our districts neighbor one another.

We have constituents who see this issue, I think, very consistently, that is, that when we poll them, when we talk to our constituents, they are very clear on the issue of immigration. They say first and foremost, Congressman FLEMING, whatever you do, do what Congress and the Presidents have not been willing to do, and that is secure the border and put internal security in that will prevent the visa overstays that are 40 percent of those.

We have two lingering questions on the whole issue of immigration:

One is, is immigration good for America? I would suggest to you that immigration has been good for America. All of our Forefathers, they were immigrants. They came here with the idea that they would receive religious liberty, they would receive opportunity when it comes to the economy, and they were quite willing and happy to contribute to that.

But do you know what, there was no safety net. You had to dig it out of the land yourself. Over the years, particularly by the mid-60s, this Nation began to develop a very, very steep safety net program, now 80 different welfare programs.

This has been looked at very closely by the Heritage Foundation. What they tell us is that by having open borders,

such as what we have now and will have in the future if we were to pass something like the Senate amnesty bill, that the cost to Americans would go up. One study I recently read said that for every household that receives amnesty, it is going to cost the hard-working taxpayers of America \$12,433.

So I would suggest to you that immigration can be a good thing for the economy—not open-border immigration, not illegal immigration, but legal immigration. What do I mean by that? That means that we allow a guest-worker program where people can come in and work our farms, work our trees. I have a lot of that in my district. But also the high end, the STEM workers—the scientists, technology people, engineering, math—where they can contribute so much to our country. Physicians coming from Asia, so many of those can do many good things.

The other thing is trust. We have a trust deficit in this country right now. I've spoken about it before. We have the Dodd-Frank Act, which is barely implemented even after 3 years. Much of it probably will never be implemented. We have ObamaCare, which is about 3 years old. Much of it can't be implemented. We have a President who couldn't get Cap and Trade passed, so he's trying to pass regulations to do that. We have a President who couldn't get the DREAM Act passed, so he rolled out a regulation to make it occur as an end run around Congress. We have a President who has tried to convert the NLRB from a very balanced board to really manage labor unions and their relationship with management to a very pro-union political tool for government.

So when we have a situation like that, what we really have is a President that picks and chooses the laws that he wants to enforce and he wants to obey and he wants to acknowledge and ignore the rest. By passing all of these massive comprehensive bills that Senators and Members of Congress don't even read before they are passed, all we are doing is offering a smorgasbord to the President that he can pluck just the parts that he wants, and he could add some more if he chooses to do that.

Well, that makes him no longer a President. That makes him a ruler, and that is not the kind of government we have. We have a balance between three branches of government. That's the way our Founding Fathers determined it to be, and that's the way it should be today.

I join my colleagues, I think, in this understanding, and that is that such legislation that passes from this House, or from the Senate for that matter, if in fact it creates an open border, a porous border, or in any way creates amnesty or a pathway to citizenship and we have not dealt with and certified, made verifiable borders that are under

secure control by our government, a sovereign government, and that we handle the visa overstay problems that we monitor and protect from that, if we have not done that, then we have not done our constitutional duties as Members of the House of Representatives.

I thank my friend so much. And my other friends—we are filled with Members here who are ready to talk on this issue passionately—I think you are going to hear a lot more from this group that's here tonight as we talk more about this issue.

I would just say, lastly, that we need to decide what is important for America first. We should determine what is good for the American citizens and the taxpayers. We certainly want to handle anybody who is here illegally in a humane way; but on the other hand, our first and most important responsibility is to the American citizens who are hardworking taxpayers.

The SPEAKER pro tempore. Members are reminded that it is not in order to engage in personalities toward the President.

Mr. GOHMERT. Mr. Speaker, at this time, I appreciate very much my friend from Louisiana. We do border at our State lines there. We can be just the best of friends and never worry about somebody being moved into the other person's district for redistricting purposes. But I appreciate so much the perspective. As a person who spent his professional life and his training all geared toward helping others, administering to others, and addressing their needs, I appreciate that perspective of an excellent physician here.

At this time, I would also like to yield such time as he may consume to my friend, the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Texas for pulling this together and for yielding.

I recognize the admonishment from the Speaker. I don't think, though, that we are constrained from raising objection when the President of the United States willfully violates his oath of office. It is not a personality issue; it is a constitutional issue.

I would direct, Mr. Speaker, the attention to article II, section 3, in the United States Constitution that says that the President shall take care that the laws be faithfully executed.

I have pointed out to folks of less education than anybody in this room that that doesn't mean you execute the law in a fashion you give it the death penalty. What it really means instead is that you carry it out, you enforce the law.

I know that the President has taken an oath to do that, and he understands it. He gave a speech at a high school here in Washington, D.C. on March 28, 2011. When they asked him: Why don't you enact the DREAM Act by execu-

tive order, he said: I know you want me to do that, but I don't have the constitutional authority to do that. You've been studying the Constitution in high school and you know this: that the legislature, that's Congress, passes the laws; the President's job in the executive branch is to enforce the laws, and the judicial branch is to interpret the laws.

Well, that is pretty clean and concise, and it is appropriate to be coming from a former adjunct professor of law at the University of Chicago; but he forgot his own lesson, and he forgot his own lesson a number of times, not only with immigration, but No Child Left Behind—waived it. It is just a directive from the United States Congress signed by a previous President, and he waived No Child Left Behind.

How about welfare-to-work, that long battle that lasted about 2 years here and resulted in who-knows-how-many vetoes by Bill Clinton, but he finally signed it. There was not room in there for the President to waive the work side of welfare, but he did it anyway.

□ 1945

When it comes to the immigration law, the directive there is that, when law enforcement encounters people who are unlawfully present in the United States, they are compelled to place them in removal proceedings. They shall be placed. That's the law. It doesn't say "may." We have had to now mount litigation against the President of the United States, in the name now of Janet Napolitano, to compel him by pleading to the court to keep his own oath of office.

All of this is about expanding the dependency class in America. This is about making government bigger. It is about what the end result is—higher taxes. It's about borrowing more money from the Chinese and the Saudis to run our government. The President got to the point where he didn't like his own law, ObamaCare, and announced in this pretty-hard-to-figure-out way—I wasn't actually watching the Web site of the second in command of the U.S. Treasurer when the announcement came out—that we're going to extend ObamaCare and the mandate on employers by another year. He has no constitutional authority to do that either. The ObamaCare legislation says that the employer mandate shall be enacted each month after December 31, 2013. It doesn't say "may." It says "shall." The only way the President gets any of this authority that I've mentioned is by coming back to Congress and asking us to approve it.

Now, when you see the rule of law undermined, Mr. Speaker, and when you see that the lines between article I, the legislative branch, and article II, the executive branch, are willfully blurred by the President of the United States,

it eventually brings out a constitutional crisis. In the middle of all this constitutional crisis, we have, according to the people who want to grant amnesty, 11 million people who are unlawfully present in the United States. The law refers to them as "illegal aliens." The President has said, I will not enforce the law against them unless they have committed a felony or three mysterious misdemeanors.

They have pushed legislation in the United States Senate that says, really, this: other than those exceptions that I've mentioned—those who have committed felonies and have been caught at it, and I suppose if they would admit to it that would be another category in which they'd be disqualified—and other than those who have committed those mysterious misdemeanors, setting that aside, everybody who came to America before December 31, 2011, gets legalized, however they got here. Of course, especially if they arrived here illegally and if they overstayed their visas, they get legalized under the Senate Gang of Eight bill. Then, for those who would arrive after December 31, 2011, there is an implied promise that they have as much moral standing as the people who would receive the amnesty in the act of the law, so the implication powerfully is they also would receive their amnesty in their due time.

So that is the definition, Mr. Speaker, of perpetual amnesty—amnesty that goes on forever. We are still working on restoring the rule of law since Ronald Reagan's 1986 amnesty act. We are working to restore it. If this Gang of Eight bill is passed or if legalization passes this Congress, what that says is all of those years of seeking to restore immigration law after the '86 amnesty act are all wasted. All of that labor, all of that effort, all of that preaching on principle and going back to the constitutional core is all wasted if we legalize people here. It's also retroactive amnesty. Anybody who is here or anybody who could ever get here, other than those exceptions that I mentioned, gets the path to citizenship. Whether you make it one more step or one less step, it's the same thing. It's a path to citizenship.

"Amnesty." We should understand what it is. To grant amnesty is to pardon immigration lawbreakers and to reward them with the objective of their violations. That's "amnesty." I will debate anyone at any time on amnesty. I'm ready to do that any time myself, and I've defined "amnesty" for a long time. The American people understand what it is even if they don't articulate it exactly the way that I suggested.

Not only is it perpetual amnesty for anybody who is here and for anybody who would come here, it's also retroactive amnesty, which means, of those folks who were deported in the past, the bill actually sends an invitation through the language in the law that

says we didn't really mean it. We really didn't mean it. It's retroactive. Why don't you reapply and come to the United States. We'll put you in the same path as those other folks who jumped in ahead of the line and violated the law—committed the crime of crossing the border if they crossed it illegally or overstayed their visas—committed a violation of a civil misdemeanor, which is still serious. Then of those who worked here, most all of them, if they were unlawfully present in the United States and if they lawfully could not work in the United States, committed document fraud in order to pull that off. The bill also grants amnesty for those who committed document fraud, and it grants amnesty for those who knowingly and willfully hired people who are unlawfully present in the United States and legally can't work. That's the situation we're dealing with.

Mr. Speaker, we're dealing with the destruction of the rule of law at least with regard to immigration law. If we can't reconstruct respect for the rule of law in the years since 1986, how in the world would anybody think we could reconstruct the rule of law in the years since 2013? How could anybody think that because they want enforcement in the future that they have to sacrifice the rule of law today? How could they think that sacrificing the rule of law today doesn't mean that you've sacrificed the rule of law for the duration of the life of this Nation at least with regard to immigration? If you can make the argument that the rule of law can be set aside forever with regard to immigration, how then do you make the argument that there isn't some other sector of the law that has as much merit as those folks whom they're trying to get legalized now?

There isn't anybody under the bill in the Senate or under the amnesty provisions that have been proposed here in the House who isn't going to be put in front of the line of those people who are in a foreign country politely and respectfully waiting their turns. There are at least 5 million people in various visa categories who have respected American law, and they're waiting in their home countries for the opportunity to come into the United States. We need to respect them. We need to respect the millions of legal immigrants who have followed the law to come into the United States lawfully and to follow the path of citizenship lawfully.

I will give you an example, Mr. Speaker, of just last Friday when I was invited to speak before the State convention of the American Legion. They held it in Sioux City, Iowa. I was privileged to be there, and I gave a speech and talked about history and patriotism and those things that one would find in that scenario. At the conclusion of this speech, I presented the medals to an

American veteran who had not received the medals that he had earned. The certifications were not in order, and we had put those certifications back in order and had acquired all of his medals that he had had coming. We put them on a framework, and I presented them to this man. The man's name is—it's in the press in Sioux City now, I'm sure—Raul Macias.

He came into the United States from Mexico at age 22. He married an American and was nationalized as an American citizen. He joined the Army at age 31 and was deployed over into Germany as a cold warrior when we were lined up against the Soviet Union. At one point, he wandered across the border into East Germany and was picked up by those folks wearing those uniforms. Thankfully, they released him and let him come back. He served our country, and he served our country proudly and honorably.

After all of the words that I said on Friday and after I presented him the medals, I also presented him the microphone and said, This is your opportunity to speak. He said three words in his acceptance speech: "Thank you, America."

That's a man who did it the right way—the kind of people we need to respect by the millions in this country who did it the right way.

It's no respect to them if we destroy the rule of law. Legalization is destruction of the rule of law, and legalization is a path to citizenship. We must preserve, protect, defend, restore, and refurbish the rule of law with our immigration policy in the House. We are the last stop. We are the defense. We are the redoubt for the rule of law right here. I'm glad to count a lot of people in this Congress my friends. I'm glad to count those who stand for the rule of law as my closest friends.

I appreciate the gentleman from Texas.

Mr. GOHMERT. Thank you. I appreciate those observations so much, and it brings to mind our colleague from down in central Texas who is also a former district judge. He and I share that, but he was a district judge twice as long as I was.

So many people say, Well, you've got to have compassion. Despite the allegations from friends on the other side, we have compassionate Republicans, and our hearts break for people. For one thing, there are all of those people who are out of work who really want to work now, and we haven't created that environment—through ObamaCare, through the welfare state, through the problems with not respecting and adhering to the law when it comes to securing the border. The government has the obligation, from both a Biblical perspective and a secular perspective, of enforcing the law and of making sure the people within its boundaries are protected who are lawfully there. That is the obligation.

Sometimes defendants would come before me as they'd come before Judge CARTER, from central Texas, during his days on the bench. They'd know you were a Christian, and they'd bring a big Bible and try to play on your senses—well, you've got to have compassion. I've got a big Bible here, and God has worked in my life, so now don't sentence me harshly. Judge CARTER had one gentleman come before him who said, Judge, I know you're a Christian, so you've got to have forgiveness, and you've got to forgive me. Judge CARTER replied, Sir, individually, I do forgive you, but the State of Texas sentences you to 20 years in prison.

There is a difference. Individually, you can have that compassion and should, but when you're acting as the government, people expect you to have respect for the law, adherence to the law, so that there is a country in which people can come and feel safe, at least reasonably so, and understand that the law is going to be applied across the board.

We have also been joined by our friend from Alabama. I am proud to have had him join Congress back 2½ years ago in the great sweep, so I yield to my friend Mr. BROOKS from Alabama.

Mr. BROOKS of Alabama. Thank you, Mr. GOHMERT.

I have a firm belief that, if the people understand the truth, then they'll make the right decision. There have been a number of arguments advanced by the other side on this immigration-illegal alien debate that are misleading at best, and I'm going to touch on a couple of them with your permission.

First and foremost, there is the argument advanced that our economy is going to do better, and, hence, Americans will do better. Half of that is right. Bear in mind that the Senate Gang of Eight bill legalizes, at a minimum, 11 million illegal aliens who are now present in the United States of America. Also bear in mind that, over the next decade, according to the Department of Homeland Security report, the Senate Gang of Eight bill will bring into America lawfully, roughly, 33 million foreigners who are not here presently. Now put those numbers together—11 million legalized plus 33 million to come in lawfully. That totals 44 million lawful workers added to the American workforce. That is out of 144 million total number of people who are employed in the United States economy, according to the June—last month—of 2013 Bureau of Labor Statistics.

If you look at these numbers—if you bring in 44 million people—of course America's gross national product and gross domestic product are going to increase, but the misleading part of it is this: that does not necessarily translate into a higher standard of living for Americans and foreigners who are lawfully in America. Let me explain.

The key is not the total GNP or GDP for our country. The key is the total GNP and GDP per capita. If our gross domestic product goes up a little bit but the population goes up a great amount, then we, individually—American families, individually—are now living under lower economic conditions. Stated differently, our standard of living has declined; and, in that vein, rather than just making an argument, I want to share some data that buttresses that argument.

The Congressional Budget Office, which has been rather kind in my judgment to its evaluation of the Senate Gang of Eight legislation, issued a report called “The Economic Impact of S. 744.”

□ 2000

This report was issued just last month in June of 2013. I’m going to quote for the record parts of that report:

S. 744 would lower per capita gross national product by seven-tenths of 1 percent in 2023.

So over the next 10-year period of time, rather than our GNP growing per capita and America doing better individually, it declines under this bill. It’s not just stagnant, the kind of stagnation that we have suffered for the last 5 or 6 years or so. There is a decline in GNP per capita, which means that the amount of money each American household has to spend to take care of their daily needs goes down because of the Senate Gang of Eight bill, because it is both legalizing and admitting into our country a total of 44 million foreigners who are going to be seeking jobs that Americans already have or that Americans want.

Further in the report:

Average wages for the entire labor force would be one-tenth of 1 percent lower in 2023” because of Senate bill 744. By 2016, just 3 years from now, that would be four-tenths of a percent lower, where our wages again are going down.

Also notably, in another admission, S. 744 will “slightly raise the unemployment rate through 2020.”

So not only do we have a suppression because of this amnesty, because of this open-borders nature of the Senate Gang of Eight bill of individual incomes, we also have more Americans who are unemployed, according to the Congressional Budget Office

I think that their numbers, quite frankly, are rather kind to the Gang of Eight bill. I think it’s going to be much worse. In that vein, let me share some other data points. According to The Heritage Foundation report that was issued a few months ago:

Unlawful immigration appears to depress the wages of low-skill U.S. born and lawful immigrant workers by 10 percent, or \$2,300 per year. Unlawful immigration also drives many of our most vulnerable U.S. foreign workers out of the labor force entirely.

That’s a big number, a drop in wages of \$2,300 per year for low-skill Amer-

ican born and lawful immigrant workers.

Here’s another study, a 2009 study by the Pew Hispanic Center that concluded that there were 7.8 million illegal aliens who were holding jobs in America. Okay? Stated differently, that’s 7.8 million job opportunities that Americans have lost. Why? Well, quite frankly, because illegal aliens are often willing to work under the table, get paid under the table; because illegal aliens are often willing to work for less than Americans are; quite frankly, because illegal aliens are often willing to look the other way with respect to the worker safety laws that we have imposed in order to protect our American workers from bodily harm. There were 7.8 million job opportunities that were lost. The Federation for American Immigration Reform thinks that number is low. They have it at 8.5 million job opportunities lost to American citizens, and that’s today before the Gang of Eight bill gets implemented.

Harvard professor George Borjas found in a study released in April of 2013, again just a few months ago:

Illegal immigration reduces the wage of native workers by an estimated \$99- to \$118 billion a year.

Let me read that again:

Illegal immigration reduces the wage of native workers by an estimated \$99- to \$118 billion per year and generates a gain for businesses and other users of immigrants of \$107- to \$128 billion per year.

Is it any wonder the United States Chamber of Commerce is spending millions of dollars to try to induce America to go with the Gang of Eight bill that will legalize 11 million foreigners and add another 33 million foreigners over the next decade? They see profits coming from this increase in the size of the workforce, which in turn will decrease the wages that they pay not only to illegal aliens, but also to lawful immigrants, and also to American citizens. So that’s where the United States Chamber of Commerce is coming from. They certainly have a financial interest.

Now I want to emphasize something. We should not be debating bringing in these mass numbers of foreigners into the American workforce in this kind of context. America currently suffers a 7.6 percent unemployment rate. Asian Americans suffer a 5 percent unemployment rate. White Americans suffer a 6.6 percent unemployment rate. Even worse, Hispanic Americans suffer a 9.1 percent unemployment rate. Even worse, African Americans suffer a 13.7 percent unemployment rate. And even worse, American teenagers suffer a 24 percent unemployment rate.

Does it make sense to anybody that when we have unemployment in so many different segments of our economy so high that we should legalize another 11 million workers and bring in an additional 33 million workers over

the next decade to compete for jobs when Americans are having such a difficult time in this economy not only getting jobs, but getting quality jobs?

That having been said, Mr. Speaker, I would submit that it is a myth that the economy is going to become better because of this large importation and legalization of immigrants. Sure, America’s GDP will go up, but that’s not the issue. The issue is whether the quality of life for individual Americans goes up, and under this legislation, virtually every study I have seen, in fact, says that it goes down. That’s one of the reasons why we have to stop this.

I’ve got one other myth that I would like to talk about. The whole premise of this immigration law debate is that the laws need dramatic changing, they aren’t working. I would submit that that’s not the case at all. The problem is not so much with our immigration laws. Sure, there’s some tweaking that can be done in order to make sure that we admit into our country those individuals who have particular skill sets or educational levels or wealth that will enhance our economy. Sure, we can do that kind of tweaking. But it’s a myth to say that we have 11 million illegal aliens in America because of our laws. That’s not the case at all. We have 11 million illegal aliens in America, quite frankly, because the White House, the executive branch of our government, has absolutely refused to enforce the laws that are on the books. And I’m not talking about just this administration. I’m talking about 20 years of neglect by the White House and the executive branch.

Let me share some numbers with you on that point, and then I’ll defer back to my good colleague, Mr. GOHMERT.

In 2011, the number of Border Patrol returns plus illegal aliens deported by court order was 715,495 individuals. That’s an important point to note. Okay?

You’ve heard the myth that this administration deports more than any administration in history, or words to that effect. That’s kind of true, but it’s misleading because that’s only half of the number that you need to look at. It’s not just the deportations by order that you look at. It is also how many times has our Border Patrol caught individuals and returned them. So in 2011, we have roughly 715,000 Border Patrol returns plus deported by court order.

Let’s go back to 2008, the last President before the current President. During that year, you put those two numbers together, and it was 1.1 million that the Border Patrol returned plus deported by court order. That’s a big number—64 percent more returned than in 2011, the most recent year for which I have information.

A decade ago, it was again 1.1 million Border Patrol returns plus deported by court order—62 percent more than this



administration in 2011. In 1993, two decades ago, 1,285,952 illegal aliens were returned pursuant to Border Patrol returns or deported by court order—80 percent more than in 2011. In 1983, it was 950,000—33 percent more than 2011. In 1973, four decades ago, it was 585,000. And in 1963, it was 77,000 Border Patrol returns plus deported by court order. And I want to note something about the gap between 1963 and 1973. You'll remember these welfare programs that got passed as a part of the Great Society program where America started paying foreigners to come into our country where they start accessing welfare benefits? I would submit that that is a huge incentive for why these individuals have come to America who previously would not have come here under illegal terms. But because we've got laws in place that pay and incentivize illegals to come here, that is, in fact, a major reason why they're here.

Nonetheless, the myth that the laws are the problem, is not it. It's a lack of enforcement of the laws on hand. And the myth that this administration has been really good at returning illegals, that's true only if you look at half of the problem. If you look at the whole problem, then, quite frankly, this administration in 2011 was doing far worse than previous administrations have done or as has been done in 2003, one decade ago, two decades ago, three decades ago, and four decades ago.

Mr. GOHMERT. I thank the gentleman from Alabama. Those were really amazing numbers that you provided, and we'll talk about those further.

Mr. Speaker, at this time, I would like to yield to my friend from Minnesota (Mrs. BACHMANN) for such time as she may consume.

Mrs. BACHMANN. I thank the gentleman from Texas, Representative LOUIS GOHMERT, and I also thank my colleagues who preceded me and all the marvelous comments they have given: Mr. BROOKS from Alabama and the statistics that he has just given and all the other stories.

I look at the context of this issue, Mr. Speaker, and the issue of dealing with the whole strata of illegal immigration. What are we talking about? There are so many aspects. One of those aspects, of course, is the issue of why in the world isn't America's border secure today? This is something that is incomprehensible to the American people because there is something that the American people should demand and that they have a right to expect, and it is that their country has a secure border at every level. Not only just at the point of entry, but for people who come into the United States on a lawful, legal visa. The American people have a right to expect that those people also will stay for the time that we have granted those people and that they will not overstay.

The one thing that we've learned, Mr. Speaker, is that 40 percent of the problem of illegal immigration, 40 percent—4 out of 10—people are overstaying their visas. That included some of the terrorists that were involved in the 9/11 bombing. That's why this is so important.

We aren't talking just about an academic exercise, Mr. Speaker. We are talking about a national security issue. We're also talking about an economic security issue. Because for those of us who are here on the floor this evening having this conversation, we were elected by the American people. We were elected by American citizens who have the privilege to vote in this country. We are elected by Americans, and we are here representing the interests of American citizens. And it is American citizens, Mr. Speaker, who have the obligation to pay for all of the programs that we fund here in this Chamber because our Constitution provides that all of the spending begins right here in the House of Representatives.

Spending is something we're pretty good at. We spend a lot in this House. As a matter of fact, it wasn't too long ago I was sworn in. I took the oath of office right here in this Chamber, and America was \$8.67 trillion in debt, Mr. Speaker, on that January in 2007 when I took my oath of office.

We were horrified. How were we ever going to pay off \$8.67 trillion in debt? 2007. Today that number has been running, and officially, according to our Treasury Department, it is something under \$17 trillion. But that's kind of unusual because that number has actually stayed exactly the same, according to our Treasury Department, for about 56 days running.

□ 2015

Of course we know that isn't true. We overspend by billions of dollars every day. The number is actually something pretty close to \$17 trillion. So let's think about that: \$8.67 trillion and, today, \$17 trillion in debt. Why do I bring that up? Who cares about these numbers? They're so big, we can't even comprehend them. Well, I care. I'm a mother. I have five great children and 23 foster children, and parents across America are scared to death about the kind of America their children will inherit, because any fair-minded person realizes you can't spend more money than you take in, otherwise you go to the poor house and you declare bankruptcy. And we don't want our children in that position where they declare bankruptcy.

Maybe that explains part of the reason why we have 22 million people in this country today who are looking for full-time work, and they can't find it. Twenty-two million people looking for full-time work, and what are we doing here in Congress? The Senate can't wait to give amnesty to illegal aliens,

so we'll have a minimum of 11 million immediately who'd have legalization status in this country; and we would have, as Mr. BROOKS said, up to 44 million people before long in this country.

So now what are those 22 million Americans supposed to do? Mr. Speaker, I say it is America first, and the interests of the American people first. The American people need jobs. They deserve jobs. It's Americans first that we need to think about. So we have unemployed. We have a terrible debt that's growing, and we have less than anemic economic growth.

One thing Mr. BROOKS mentioned, when President Obama took office in 2008, the average household income was somewhere around \$55,000 a year. It was shocking to learn after 4 years in office, the average household is now looking at something like \$50,000 a year. That's a tremendous loss in income for the average American. As Mr. BROOKS told us earlier, Mr. Speaker, about \$1,300 a year is attributable in lost income strictly because wages are depressed because illegal aliens are working for less than the American people.

I say, Mr. Speaker, it's the American people first. It is American wages first. It is American benefit packages first. What in the world are we doing, Mr. Speaker, if we aren't thinking about how we can create more jobs for the American people first. And higher wages for the American people first. And more benefits for the American people first.

Why did the President 2 weeks ago have to unilaterally have a press conference, or release a press statement—that's apparently the way he governs these days—and say that his employer mandate for big businesses will have to be delayed a year? Why did he have to do that? Because he knows it simply doesn't work.

And yet if we have legalization for illegal aliens in the United States, we will see that very quickly we will have literally tens of millions of new people who'll have access to all of these benefits because it's not cheap, you see. Amnesty costs a fortune, you see. Because this year alone, Mr. Speaker, we're looking at \$54 billion a year. Do illegal aliens pay taxes? Yes, they do. They pay sales taxes, gas taxes, various forms of taxes. But when you take what illegal aliens are paying into the U.S. Treasury versus the benefits that they take out, that means that American citizens have to cough up an extra \$56 billion a year. It is a net drawdown on the U.S. Treasury. You see, it has consequences, Mr. Speaker, not only for the Treasury but for the American people, for my children, for Representative GOHMERT's children, and I dare say for your children as well, Mr. Speaker.

This is something we have to realize, that by year 13 of the bill that's already being considered in the United

States Senate, it won't be \$56 billion a year that illegal aliens are costing the U.S. Treasury. It will be over \$100 billion a year. And when those illegal aliens come into retirement age, because you see the average age of an illegal alien is 34 years of age with less than a 10th grade education, by the time those illegal aliens come into their retirement years, it's not \$56 billion a year that it will cost the taxpayers. It is adjusted for inflation, \$150 billion a year because we're talking very expensive retirement packages.

So you see, Mr. Speaker, at the worst possible time when baby boomers like myself are getting to the point of drawing down the Social Security benefits that we earned and the Medicare benefits that we earned and accessing whether it's ObamaCare or the 80-other means-tested welfare programs, at the worst possible time, Mr. Speaker, this Chamber is looking at adding over 40 million new illegal aliens into the system to redistribute wealth from American citizens who worked hard and earned that money, to redistribute it to illegal aliens that we have given legalization status so that they can have Social Security and Medicare and ObamaCare and 80 different means-tested welfare programs.

Mr. Speaker, I ask you this: When we go from \$3.6 trillion in debt to nearly \$17 trillion in debt, we've doubled it in about 6, 7 years' time, and then you add in 40-some million new illegal aliens, you up the benefit package from ObamaCare, all while we're seeing increased levels of unemployment, we're seeing lower rates of increases in GDP, I ask you, Mr. Speaker, how compassionate is that to American children that are born in this country? How compassionate is it when their wages have gone, the average household, has gone from \$55,000 down to \$50,000? How compassionate will it be, Mr. Speaker, when our children can't even afford to have a savings account anymore because they're scraping by and their wages are lowered and their benefits are lowered and the jobs are fewer and inflation is going sky high? How is that compassionate?

Because, you see, I remember, Mr. Speaker, that my parents left me a country that was better than the one that they inherited from their parents. And my grandparents, Mr. Speaker, inherited a better country than my great grandparents left for them, and so on and so forth going back in time.

You see, I can't fathom, Mr. Speaker, nor can I fathom that Mr. GOHMERT also would do anything that would leave less than a better country for the next generation because, you see, that's what this is about. We were sent here by the American people to be about America first and, Mr. Speaker, about our children first, and whether this America that they inherit will be a better America.

And that's why this discussion that Mr. GOHMERT brought to the country tonight is so vitally important, and we can't stand by and watch our country change forever and watch our children shortchanged. And so I'm going to yield back to the gentleman from Texas because he has profoundly put in front of the American people the issue that will structurally change our country forever. You see, Mr. Speaker, there's no going back once we go down this road. And I know I've heard the gentleman from Texas speak on this many times so eloquently. I thank the gentleman for all he has done.

Mr. GOHMERT. Those are wonderful points, and it brings back to mind what someone has said before. The example of being on an airplane, the instruction we're all given when you get on an airplane is if there's a loss of cabin pressure, you lose oxygen, then you must put your own mask on before you help others. Let's face it, America is struggling right now in a number of ways, but particularly economically. This is the worst recovery from any recession we've ever had, the longest, the poorest recovery from any recession. We're still struggling, having millions and millions of Americans out of work; and it's not because of a lack of compassion that we say we need to follow the law, we need to respect the law. It is out of respect for the rule of law, for this country. We're in a position as government, we have got to make sure that we follow our oath, that we do the best we can to make this country as strong as possible because we know there is no other country in the world that has as many people wanting to come visit or live in this country. This is number one in the world for people wanting to come visit or live.

But if we do not keep it viable, keep it strong, get the mask on, get the oxygen flowing again, get the patient strong again, then this is not going to be a place that others in the world are going to want to flee to as a refuge. It is very critical what we do here.

My friend from Minnesota brings up the point about taxes being paid. Congress some years back passed—and there are a couple of different kinds of child tax credits where actually if you're an American that's authorized to file income tax and you have a Social Security number, then you can claim those child tax credits. So we have people who are getting more money back because of the tax credit than they actually paid in, and Congress made clear you have to have a Social Security number in order to do that. But as I understand it, there were some people at the IRS who in between line dancing sessions had determined that, you know what, there's a lot of money out there by people who don't have Social Security numbers that if we got them to pay taxes, even though they're not legally here, if we got them

to pay taxes, think about all the extra money that'll flow into the Treasury.

So why don't we, as a regulatory body, and we know Congress didn't authorize it, but why don't we just give them a tax ID number, even if they're illegally here, so they can be paying in all of the taxes to help the country. And an analysis earlier this year by different groups indicated that we may be, because the IRS authorized people to pay taxes into the system with tax ID numbers rather than Social Security numbers, we're probably paying out between \$1 billion and \$4 billion to people who are claiming child tax credits that are not authorized to claim those because they're illegally here.

We had newspaper reporters go out, people in the media, go out and do their own investigations and find a house here or a house there where a whole bunch of different people are claiming that they live and that children are living there by the scores that aren't actually living there. And so it comes back and raises the issue, like Mr. BROOKS was pointing out and my friend, Mrs. BACHMANN, was pointing out that it doesn't necessarily follow that just because you give people legal status, all of a sudden you're going to be flooded with new tax dollars coming in.

I also want to point out there's this issue that keeps coming up about compassion. There is no more compassionate people in the world than the American people as a group. You'll find individuals extremely compassionate around the world. I've been in places where I'm deeply moved by how wonderful they are; but as a Nation of people, this is the most compassionate Nation in the history of the world. And individually, people in this Nation have done more to assist those suffering around the world, and it would seem to be the healthiest thing to do as a Nation, to make sure there is respect for our law, adherence to our important laws, and then make the country healthy.

Capital, we know—money, that is—investment money comes in. It flows, as the saying goes, capital is a coward. It flows into countries where it feels the safest. Make this country a strong country again economically so then we are able to go, as so many churches have, to Latin American countries, to countries around the world, and reach in and help them not by giving them a fish, as the old adage goes, but by teaching them to fish and providing them a means to have food and to make a living. That's a compassionate kind of thing.

There is no reason that Mexico should not be one of the top 10 or even top five economies in the world; and if we were the proper kind of neighbor, we would lure the hardest working Mexicans into America. We would help them have a strong, vibrant economy.

But that will never happen until they have respect for and adherence to the law, and that means ending corruption. So it is critically important we live up to our oaths here. Some of us have even paid parking tickets we didn't owe because we had a Park policeman that didn't know the law.

□ 2030

It doesn't matter. The law is important to respect and to follow, and we cannot become a healthy Nation until we have that out of the Government of the United States.

We have a couple of minutes left, and I'd like to yield to my friend, Mrs. BACHMANN, to finish our time.

Mrs. BACHMANN. I thank the gentleman from Texas.

I wanted to add on to the child care tax credits that you were speaking of.

There's also another redistribution of wealth item in the Tax Code. It's called the earned income tax credit. It's one of the largest redistribution of wealth programs that we have in the United States. We give away to people who are virtually paying no taxes under the Income Tax Code, income taxes, \$70 billion a year. So people who aren't paying into the system now for income tax, they're receiving \$70 billion a year. The estimate is that, after amnesty, once we grant amnesty to illegal aliens, we'll raise that to \$80 billion a year. So we're going to increase the cost.

So what we're seeing happening, by granting amnesty to illegal aliens, we're importing a group of individuals who are tax consumers, revenue consumers out of the Treasury. And one thing that we need in this country are more people who are paying into the system, not people who are taking out of the system.

But bottom line, we need to have a country where America comes first, where the American people know that our borders are secured, that our laws will be upheld, and that the American people will come first.

Mr. GOHMERT. Mr. Speaker, I yield back the balance of my time.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2668, FAIRNESS FOR AMERICAN FAMILIES ACT; AND PROVIDING FOR CONSIDERATION OF H.R. 2667, AUTHORITY FOR MAN-DATE DELAY ACT

Mr. BURGESS (during the Special Order of Mr. GOHMERT), from the Committee on Rules, submitted a privileged report (Rept. No. 113-157) on the resolution (H. Res. 300) providing for consideration of the bill (H.R. 2668) to delay the application of the individual health insurance mandate; and providing for consideration of the bill (H.R. 2667) to delay the application of the employer health insurance man-

date, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### MAKE IT IN AMERICA

The SPEAKER pro tempore (Mr. BENTIVOLIO). Under the Speaker's announced policy of January 3, 2013, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, thank you for the opportunity to discuss this evening jobs, putting Americans back to work, building our foundation for economic growth.

For many, many days now, in fact, for more than 2 years, the Democrats in the House have been discussing a project which we call Make It In America. These are strategies that we're putting forth to develop more jobs in America, to rebuild our manufacturing industry, and to bring wealth back to the United States.

I would love to comment on the issues that I've heard earlier with just my colleagues on immigration, but I'll let that go. I would just say one thing. The last comment that was made about the earned income tax credit, I would remind my colleagues that that was a Ronald Reagan program. Take that for what you might.

Back to Make It In America. These are the basic issues. We talk about trade policy, fair trade policy, not giving away our opportunities; tax policy, to encourage manufacturing and jobs here in United States; energy policy, how we're going to renew our energy system, become energy independent, the role of clean fuels, the role of renewable fuels and gas; the labor market, education.

Perhaps the most important of all of these is a well-educated workforce. If we have that, many of these other issues would fall into place—the role of research in creating tomorrow's economy, tomorrow's businesses, the things that need to be made in the future.

But tonight we want to talk about, not the least on this, it just happens to be the lowest on this list, and that is infrastructure. It's one of those critical investments. It's the foundation upon which the economy grows or not. If we have a solid infrastructure—transportation systems, water systems, sanitation systems, communication systems, research facilities, educational facilities, that's all part of the infrastructure. Some of it is private; much of it is public investment. But this is one of the fundamental investments, along with these other issues here, that our economy has traditionally made over the years. And unfortunately, in the current situation, we seem to be falling off the power curve that created the foundation for the American economy upon which to grow.

So today, we're going to really focus on this infrastructure issue, not a new issue. Actually, George Washington, I think he was our first President, told his Cabinet Secretary, Treasury Secretary, to develop a plan to grow the economy, called, A Plan for Manufactures.

Alexander Hamilton came back to Washington with a plan. One of the many points that he raised and suggestions that Alexander Hamilton made was to create infrastructure. He said the Federal Government ought to build canals, ports, and roads, fundamental infrastructure upon which the American economy would grow. And those things were done right back at the very beginning of this country. So from the very earliest days, the Federal Government has been involved in building infrastructure.

Now, tonight, joining me are two of my colleagues, Mr. DELANEY from the great State of Maryland and Mr. CASTRO from Texas. They're going to talk about infrastructure. And I'd like now to turn to Mr. DELANEY, who has a proposal that, actually, the President of the United States suggested in his American Jobs Act program, a program that he put forth more than a year ago that the Republican Congress has done nothing with. So Mr. DELANEY has picked up one of the suggestions that the President made, made it whole, and has presented legislation on an infrastructure bank.

Mr. DELANEY, please join us and tell us about how the infrastructure bank would work and what it would do for America.

Mr. DELANEY. I will do that.

Thank you, Mr. Speaker, for allowing us this time this evening.

And I want to thank my good friend and colleague from California for organizing our discussion here this evening and his work on Make It In America. It's important work, and it's work we, as a Congress, should be focused on.

I think my colleague from California knows that I'm very passionate about the infrastructure investments that we need to be making as a country. I, quite frankly, believe it's our number one domestic economic policy challenge and opportunity, and I say that for three reasons:

First, it is the easiest way to get Americans back to work with jobs that have a good standard of living, which should be one of our main focuses as a Congress.

Second, making a smart and significant investment in our infrastructure, in our road and transportation infrastructure, in our logistics, in our communications and in our energy and water infrastructure, making a smart and significant investment in this infrastructure will improve the overall competitiveness of the United States, which is the number one thing we should be focused on when we think

about our future in the context of a global and technology-enabled world.

The third reason I favor infrastructure investments is because they pencil out; in other words, the data overwhelmingly suggests that an investment in infrastructure has a very, very good payback to the economy.

Just to put the infrastructure situation in this country in context, I want to cite a recent report done by the American Society of Civil Engineers; and they do a survey of our infrastructure every 2 years. The report recently came out and they provided us a grade. They actually grade each component of our infrastructure. Our cumulative grade as a country—and remember, this is the wealthiest, most successful country in the history of the world. Our cumulative grade for our infrastructure was a D-plus. And the civil engineers estimate that we have to make an investment of at least \$2 trillion to \$3 trillion to bring our infrastructure up to a grade that we deem successful—\$2 trillion to \$3 trillion.

In addition, there's an argument that the existing investments we make in infrastructure, even if they were to be increased, the programs that we have, the very, very important infrastructure programs we have as a country, like investing or making sure the highway trust fund is funded at the level that's appropriate and consistent with historical averages, even if we were to make these investments, which I clearly believe we should and I know my colleague from California believes we should, there's still a very strong argument, or the data would suggest, that we will continue to accumulate an infrastructure gap. In other words, the amount that we need to invest in our infrastructure to make us competitive will continue to grow. And so this is a very, very significant problem.

And to put this problem in further context, we need to remember that infrastructure is services and investments for the common good. They're public services, and they're historically made by governments, the Federal Government, the State governments and local governments.

And we all know that governments are under fiscal pressure right now. Both our Federal Government and our local governments are under pressure. So we need, as we think about investing in our infrastructure, to not just be funding the existing programs that we have up to the levels that they deserve to be funded at—and that should be a main priority of this Congress—but we also need to be thinking about new and creative and fiscally sensitive and sustainable ways of investing in our infrastructure across the long term.

Our infrastructure problem is a multidimensional problem, meaning there's lots of reasons we have this problem, so we need numerous tools to solve the problem. And one of those

tools, I think, exists in legislation that's been filed that we led—it was filed several weeks ago in the Congress—that right now has 18 Republican and 18 Democratic cosponsors, so it's truly bipartisan legislation. We also have 25 groups that have supported the legislation, outside groups representing both parties typically in the terms of their orientation.

The Partnership to Build America Act creates the American infrastructure fund, which is designed to be a large-scale infrastructure financing capability that can finance many of the projects my colleague from California will talk about tonight, Mr. Speaker. But what's important about the American infrastructure fund is it's funded without any appropriations from the government. Instead, it's funded by providing corporations with an incentive to invest.

Under the Partnership to Build America Act, the American infrastructure fund is capitalized with \$50 billion of capital. The capital comes from the fund selling bonds that are not guaranteed by the Federal Government. They are long-term, 50-year, and they pay a 1 percent interest rate, so they're very attractive, low-cost capital that, if put into the American infrastructure fund, will allow it to provide \$750 billion of loan guarantees to local governments and direct loans, if necessary, to local governments—\$750 billion of funding capacity.

Over a 50-year life, we expect that money to turn two to three times, and so that could be up to \$2 trillion of financing without any appropriations from the Federal Government. The \$50 billion that capitalizes the American infrastructure fund comes from selling these bonds not guaranteed by the Federal Government, 50-year bonds, 1 percent interest.

As an incentive to get companies to buy these bonds, we're proposing that they get a tax break on their ability to repatriate their overseas earnings.

We've all talked about the issue we have with our Tax Code and how it's created a situation where U.S. corporations are accumulating significant amounts of cash overseas. Under the American infrastructure fund, they have a way of bringing back up to 10 percent of that capital in a way that we know will create American jobs by investing in our infrastructure.

So we put forth the American infrastructure fund as a solution to the problems that my colleague from California is discussing, as an innovative financing solution to deal with the infrastructure problems that this country has, and to do it in a way that's additive to the existing programs that exist and can be done in a way that is fiscally responsible in light of the fiscal pressures that the country has.

So this is some of the work that we've been doing in our office to ad-

vance that important work that my friend from California is talking about this evening.

Mr. GARAMENDI. Mr. DELANEY, that is a fascinating way of bringing capital to this program. California has numerous high-technology companies, Apple and many, many others. All of them come to us, representatives from California, and they complain about the repatriation. They'd like to bring those earnings from overseas back to the United States. They've got maybe \$1 trillion sitting out there, if I recall the number. Maybe that's about—I don't know. Whatever the number is, a lot of dollars. They want to bring it back, but they don't want to pay the 35 percent corporate tax.

So you're suggesting that they could bring that back in a way that they wouldn't face that tax, but the money that came back would be—at least a portion of it would be used to finance this infrastructure bank.

Have I got this pretty much correct here?

Mr. DELANEY. That's right. And the estimates are up to almost \$2 trillion of cash.

Mr. GARAMENDI. I understated it. Two trillion dollars sitting offshore.

Mr. DELANEY. Two trillion dollars. And that reflects a significant problem with our Tax Code, which we'll reserve for another session for discussion.

Mr. GARAMENDI. That's this thing called taxes, number 2 up here.

Mr. DELANEY. Exactly, which is a long discussion.

But under the Partnership to Build America Act, the American infrastructure fund is capitalized by selling \$50 billion of bonds, and we sell them to corporations; and they're not guaranteed by the Federal Government, so there's no taxpayer risk. For every dollar of those bonds the company buys, they can bring back a certain amount of their overseas earnings. We estimate that to be 4 to 1, but it's actually determined by an auction that will be done by the fund.

So if \$50 billion of bonds are subscribed to by some of the companies in your State, some of the companies in my State, Maryland—because the district I represent, part of the district I represent, Montgomery County, Maryland, has the 270 transportation corridor that is filled with information technology companies and biotechnology companies very similar to the kind of companies that are in your district, so some of them may be from Maryland as well.

□ 2045

But if they buy \$50 billion of bonds, then they can bring back \$200 billion from overseas tax free.

The bonds, again, are nonguaranteed by the government, 50-year, 1 percent interest. So they're not an attractive investment. The ability to bring back

that money tax free is the incentive for them to do it. They get to bring back money and invest it in our economy. We get \$50 billion to capitalize a fund that could provide \$2 trillion, provide the capital base to provide \$2 trillion of financing over 50 years without any cost to the taxpayer.

So I think you summarized it perfectly.

Mr. GARAMENDI. I think you did. I was trying to grasp the totality of it. It is a process in which now this is a piece of legislation; it's here in the House. I would hope that our colleagues on the Republican side that control the passage of legislation, even the taking up of legislation in committee, would look at this and go, oh, you mean we can actually build \$200 million or \$2 trillion of infrastructure over a 50-year period without any appropriation, with no taxpayer dollars, other than some amount that's foregone in the repatriation.

Very interesting, a very, very exciting proposal; and I would hope we take it up.

I am sure that there will be questions about, well, who gets the money, who decides which projects are going to be selected.

Mr. DELANEY. Right. Under our legislation, the States make the determination. The American Infrastructure Fund has to develop an allocation process that every State has an allocation based on their economic science.

Mr. GARAMENDI. California being the most populous State—

Mr. DELANEY. You would have the largest allocation.

Mr. GARAMENDI. Oh, I like that already.

Mr. DELANEY. Yes, I knew you would enjoy that feature of the legislation.

But in all seriousness, we have good bipartisan support. I have 20 of my Republican colleagues on the bill with 20 Democratic colleagues; 18 are on it officially right now. We have received very constructive feedback from all of my colleagues. They have all worked to make the legislation better. We are looking forward to continue to build good bipartisan support. I think we both know that when the private sector and government work well together on economic challenges we get very good economic outcomes.

I want to thank you for giving me this time.

Mr. GARAMENDI. Mr. DELANEY, thank you very, very much. Obviously, Maryland is very well represented with some innovative thinking from their Representatives.

Infrastructure banks are not new. This is a new way of financing it, and a very exciting one. Thank you so very much for joining us this evening.

Mr. DELANEY. We all build on each other's ideas.

Mr. GARAMENDI. We will continue to work on this, and we will talk about it again in the future.

California is the most populous State. I didn't say "popular," although I would certainly say that. Texas being the second biggest in geography.

We now have our new Representative from Texas joining us, Mr. CASTRO. Thank you so very, very much. Texas likes to talk about all the good things they are doing. One good thing they did was to send you here. So, Mr. CASTRO, please join us and talk to us about Texas and infrastructure.

Mr. CASTRO of Texas. First of all, thank you, Congressman, for your leadership on this issue and on this legislation Make It In America. Thank you to Congressman DELANEY for all of the work that he's doing on infrastructure.

In Texas, infrastructure obviously is very important to us. We have a State that, obviously, is incredibly large in land mass, second only to Alaska. We have, for example, the most number of bridges of any State in the Nation, miles and miles of interstate highways and roads.

So I stand here tonight with you to reaffirm the point that we must never neglect our infrastructure of transportation; building out our roads, our highways, our waterways, our mass transit systems, making sure that Americans can get to where they want to go by air, by land, by sea. We must make sure that our infrastructure of transportation keeps up also and is competitive with that of places in Europe and in Asia, particularly for commercial purposes.

But also, Congressman, I wanted to point out that just as there is an infrastructure of transportation, there is in America another kind of infrastructure, and that is an infrastructure of opportunity that allows each of us to pursue our American Dreams. So, for example, just as there are streets and highways that help us get to where we want to go on the road, there is an infrastructure of opportunity in America that allows us to get to where we want to go in life. That infrastructure of opportunity would include, for example, great public schools and universities, a strong health care system in an economy that's built around well-paying jobs so that people can support themselves and their family members.

In fact, when we ask the question here in Congress: What is it that distinguishes America from among the nations of the world, I would argue that it is the fact that over the generations, Americans have come together to build out that infrastructure of opportunity that allows each of us, no matter our race, our class, where we come from, allows each of us to chase our American Dream.

I think all of us understand, and I think you would agree with me, I have never met any American who has asked for a guarantee of success in our Nation. Folks don't ask for a guarantee of success. What they ask for is the op-

portunity to pursue that success. So we must continue building not only the roads that we need and the highways, but also the great schools and universities, a strong health care system, and as you mentioned, with the American Jobs Act making sure that Americans can go to work and support themselves and their family.

I will just wrap up with this. There has been a lot of debate around here, and I know in the last hour there was, about immigration. There is a big debate about how to handle our immigration issue. That is a challenge and has been a challenge for this Congress.

But if you put aside the debate over what to do with folks who are here, whether it is visas or permanent legal residency, whatever it is, and we just ask ourselves, why is it for a few hundred years now that America has been the destination Nation for people from literally every corner of the Earth, why is that, I would argue it is because we have built up a place, a society of opportunity where people can pursue their dreams.

Congressman, I think you would agree with me, in all of the immigrants I've met, whether they came from Europe or Asia or Mexico or somewhere else, I've never heard anybody tell me that the reason they came to our country was because they were looking for the lowest corporate tax rate. People, in fact, come here because they are looking to be part of a system of opportunity that as Americans we have built up together. We must make sure, all of us in Congress, working as Republicans and Democrats united for our country, make sure that when somebody asks 50 years from now or 100 years from now, where is it on Earth that people want to be, that the answer is still "the United States of America." We must build out the infrastructure of transportation and the infrastructure of opportunity to achieve that answer.

Mr. GARAMENDI. Mr. CASTRO, thank you so very, very much. Often, in fact, I've talked about infrastructure in a physical way, that is, the physical features of roads and water systems. But your discussion of infrastructure being the infrastructure of opportunity, which does include those things, it also includes this one, which is education, a critical element in the process of education. If we are going to build infrastructure of opportunity, this is where opportunity starts for virtually everybody in this country: the opportunity to get a good education.

Part of that is the physical building itself. Obviously, it is the teachers, the way in which the subjects are taught, and access, access to not only K through 12, but also higher education. This is one of the things that when we talk about physical infrastructure, we need to talk about the classroom itself, about the facility, air-conditioning, as well as the communication systems,

computers and other kinds of communication systems.

So the infrastructure of opportunity, what a wonderful theme, what a wonderful way of describing America and this discussion we've heard before we came on the floor about immigration. You could not be more correct.

Mr. CASTRO of Texas. Thank you, Congressman.

I would point out, for example, in Texas, we have our challenges. In California, for example, you have nine research universities, which are the top-tier universities. In New York, they have about seven. In Texas, we only have three right now, so we have a long way to go to catch up.

We are trying to catch up. In fact, there was a bit of good news. Governor Perry today signed a bill that would merge two schools, two colleges, two universities, in what is known as the Texas Valley in south Texas, and ultimately will create a medical school.

That is very important for a few reasons. I want to use real quick this example in the Texas Valley in south Texas along the Texas-Mexico border, which is often in conversation here in Congress. It is a place of about between 1 million and 1½ million folks, very hardworking people, wake up early in the morning, go to work, put in a hard day's work without complaint, and then go home to their families, often go home and say prayers of thanks to God for what He has given them.

In that area known as the Texas Valley, cities like Edinburg and McAllen and Weslaco and Brownsville, did you know that you still can't get a medical degree anywhere in that area, anywhere south of San Antonio, my hometown? You can drive the 4 hours between San Antonio and the Texas-Mexico border and not be able to get a medical degree. You can't get a law degree anywhere between San Antonio and the Texas-Mexico border. And there are only a handful of Ph.D. programs.

So when I speak of missing pieces, literally, of the infrastructure, to me the Texas Valley is one example of that. I know many folks like Congressman HINOJOSA, Congressman CUELLAR, Congressman VELA, they're working very hard to change those things; but those changes have been slow in coming.

I will also point out with regard to the infrastructure of transportation, which is part of the infrastructure of opportunity, something that is also missing. For example, when you try to drive—my fiancée is from a small town called Alton, Texas, right near Mission, a few miles from the Texas-Mexico border—when you drive from San Antonio down to the Valley, you drive those 4 hours or so and there is no continuous interstate highway that you can take without stopping in town after town.

So you can imagine what that means to a traveler, but even more so what it

means for commercial enterprises, for our businesses that are trying to do trade, trying to get their goods to Mexico, or importing their goods from Mexico. Those things are very, very important; and we've got to continue to do this great work that you've been a leader on.

Mr. GARAMENDI. I thought for a moment you were going to go into more detail about your own personal emotions as you stop in every one of these towns on your way to see your fiancée, but we'll let that go for another time.

Mr. CASTRO of Texas. Well, I've got a story tomorrow. I think I'm going to join the folks about immigration on the immigration issue and what I've learned visiting those places.

Mr. GARAMENDI. There's much to learn about that. But, again, if you go back to our Make It In America agenda, these issues, the labor market and education, fit into that infrastructure of opportunity.

I've always said that if you're going to build an economy and have social justice, there are five things you must always do:

First, you must have the best education system in the world that's available to everybody so that they can climb that ladder, as you were saying earlier, that they have that opportunity;

Second, that you have a great research system, and we do. Actually, we have 10 campuses of the University of California. Some of the State universities are now picking up some of the research agenda also. But anyway, the research;

And then you need to make things coming out of that. That's the manufacturing. And that may be a computer program, or it could be an automobile. But you need to be making things, adding, creating value;

The infrastructure being the fourth;

And the fifth being you've got to be willing to change. You can't do what you did yesterday; you need to deal with things of tomorrow.

There are many other pieces to this. We talked a little bit about education here and the way it works.

This was a statistic that was given earlier. Mr. DELANEY went through this very quickly. But for every dollar you invest in the physical infrastructure, you are going to get back immediately about \$1.57 as that money churns through the economy as the concrete is purchased, as it is put in place, men and women are doing that work, and then that churns back through the economy, actually giving great stimulation to the economy. Not our words. These are Mark Zandi's words, the chief economist of Moody's Analytics.

This is a very, very well-known thing. So if we want to really move the economy, we can take Mr. DELANEY's idea about an infrastructure bank, not

an appropriation, invest and put people to work and give a boost to the economy; and in doing so, you also create better tax flow into the government.

The other thing, and this is something that I know Texas is working on, as is California, and that's rail transportation. If I recall correctly, Fort Worth is the headquarters of BNSF Railway. This is just a picture of a new Amtrak train that was manufactured in Sacramento. Part of the infrastructure investment that is now being made here in the Northeast Corridor between Washington and Boston, this new train is 100 percent American-made.

Back in the stimulus bill, about 80-some trains were proposed to be purchased, about a half a billion dollars, and they wrote into it "must be American-made." So Siemens, a German company, came to Sacramento where they had a light rail shop, decided they could build a heavy-duty locomotive and make it 100 percent American-made.

□ 2100

So this one is now being tested—the first model out—and there will be some 80 of these on the Northeast corridor, increasing the speed, the movement, the transportation system. For all of America, rail transportation—light rail, heavy rail, and even high-speed rail—are ways in which we move our physical transportation, and if we cause those products to be made in America, we also increase our manufacturing base. Again, it's part of the American program of making it in America by using infrastructure.

Mr. CASTRO of Texas. I think you're absolutely right on that. For example, Congressman GARAMENDI, last week, San Antonio received word that, in a year, our exports went up 33 percent. There was a 33 percent increase in exports.

Mr. GARAMENDI. From the city and region of San Antonio.

Mr. CASTRO of Texas. In San Antonio. Coming from San Antonio. So these channels for getting our products to different markets are absolutely vital to continuing that success.

Mr. GARAMENDI. There are so many different things that we could talk about in this process.

This is a piece of legislation that, actually, I've introduced for the last couple of years. This particular piece of legislation, H.R. 1524, says, if it's your tax money—the American taxpayers' money—then it ought to be used to purchase American-made equipment. That's exactly what happened with the earlier stimulus bill in the manufacturing of these locomotives in California, but there are some 200 different suppliers all around the Nation who are supplying that.

We can really boost the economy in the transportation system but also in

the energy system—solar, wind. All of those are subsidized, as is oil and coal, with American taxpayer money, either with a tax credit or a subsidy or a direct payment, and if we said, Okay, but you must produce that product in America—as with the wind turbines, make them in America, as well as similarly with solar panels and other kinds of equipment. So these are all things that fit into this.

The theme that you hit on early on, I think, is so very, very important, and that is the infrastructure of opportunity. I really like that. I think that, as we go about our business here of passing laws or not, we ought to keep in mind that our task is to create that opportunity.

Mr. CASTRO of Texas. I think, Congressman, when we think about issues that come up here, issues that sometimes succumb to the gridlock that is Congress these days—for example, on the student loan issue—that's why it's so important that we make sure that we do right by students and not allow that student loan interest rate to double. In these tough economic times, it's hard enough for families to scrounge up the money to help send their kids to college and for the kids to work a job or two and go to class. They're often in this work-school tug-of-war where many of them work part-time or full-time and at the same time take their 15 hours or 12 hours to graduate in a decent number of years. The least that Congress can do is make sure that we set a student loan rate that is affordable and reasonable for the economic times that we live in.

Those things are not handouts. Those are investments to make sure that you've got a well-educated population. These are loans, after all. They're paying these back. It's also, I think, their government saying, Look, we're going to lend you this money at a decent rate—we're going to make sure it comes at a reasonable rate—and you're going to pay it back to us, but from that, we're going to get folks who are engineers, who are police officers and firefighters and doctors and all of the things that keep our society moving and keep this country the greatest Nation on Earth.

Mr. GARAMENDI. Mr. CASTRO, you put that so very well. It's a critical investment that the American public makes in the next generation so that this economy can move forward.

There is also—we've been debating this on the floor—a bill that passed out of here that would set the student loan interest rate as a variable rate, much like a home mortgage variable rate. Watch out, as we know what happened with the variable rates that went on. It was interesting that that particular bill would actually create income, a large amount of income if I remember the numbers—some \$30 billion over the next 10 years of income. So it was like

wait a minute. Are we really just doing this to get the money back or are we looking at this as a profit center? I think it was a serious mistake, first, to do a variable interest rate. That would move it up, quite possibly, to more than what the doubling of the 3.4 percent would be to, maybe, 8, 9 percent, 10 percent. Bad idea—and it's looking at the problem incorrectly.

The way to look at it is just as you said. This is a way for the American public to make an investment in a student at a low-interest cost to the student but sufficient to repay the Federal Government, not as a profit center but as a repayment. There are some administrative costs to be sure. That's how we ought to look at this because it is a crucial investment, the most important investment of all—the educational investment.

Mr. CASTRO of Texas. I couldn't agree more.

Just personally, I started college in the fall of 1992—21 years ago now. In 1991 or 1992, my mom made less than \$20,000, and she was getting ready to send two twin sons—of course I have my brother—off to Stanford University in northern California. You can imagine how daunting that was, but there is no way that my brother and I could have gone to college and graduated without student loans—without Perkins loans, without Stafford loans. It was the same thing for law school. So these are vital. I mean, that's just my own story. There are literally millions of stories like that across the country.

Mr. GARAMENDI. And a very sound investment was made in you and your brother, who I believe is the mayor of San Antonio.

Mr. CASTRO of Texas. That's right.

Mr. GARAMENDI. Indeed.

There is much to be said. I'm just going to share with you, and perhaps you have a similar situation from your own experience.

This weekend, I was back in my district in northern California, in Yuba City and Marysville. Now, the Feather River, which is one of the major rivers—tributaries—of the Sacramento River, goes right between these two towns, with Marysville on the east side and Yuba City on the west side. This is one of the most dangerous places in America. The Feather River and the Yuba River, which come together at that place, have a long history of deadly floods. What the citizens need there is the help of the Federal Government to complete the levee and enhance the levees around their communities.

We had a major debate here on the floor last week with the Energy and Water bill in which the Ryan budget—that is the Republican budget—was seen in its fullness for the first time. What that budget called for was a diminution—in fact, a very, very significant cut—in the infrastructure investment for the Army Corps of Engineers. The

Army Corps of Engineers builds the levees, the locks and other major public works. Sequestration took \$250 million of construction out of the Army Corps of Engineers, and right now construction projects that were scheduled are not taking place. In addition to that, the proposed budget in the actual appropriation bill even further reduced the money available to the Army Corps of Engineers to build the levees to protect communities all across the United States. At the very same time, money was shifted from the Corps of Engineers—from the levees and the things that are necessary to protect American citizens and others who are here from devastating floods—to build more nuclear weapons.

What in the world is that all about?

We've got 5,500 nuclear weapons now. The money was shifted. They all worked, and there is no way we would ever use all of them unless you want to end life on the Earth. Yet that was a priority issue—nuclear weapons versus levees to protect Americans. It is the wrong priority, but it is a fundamental example of the infrastructure needs and the wrongheaded priorities that sometimes find their way into legislation.

Unfortunately, that bill passed. That is the statement of the House of Representatives. Now, every Democrat voted against it, but it did pass the House. That now will go over to the Senate, and the Senate, I am sure, will never set that priority the same as this; but in a conference committee, we are now looking at a tug-of-war between nuclear weapons and levees to protect Americans. Hopefully, the levees will win. We'll see. That's one example.

When I went home this weekend, people asked me, "What was that all about?" I said, "That was about bad priorities and an austerity budget working together."

Mr. CASTRO of Texas. We know, of course, Congressman, that the sequester was taking a meat cleaver rather than trying to do real smart cuts, so I agree with you on that.

With respect to the work of the Army Corps of Engineers, the important work that they do, it is often felt in San Antonio and in Texas, of course, during everything that happened with Hurricane Katrina in New Orleans and all of the important work they had done around that. So you're right. I think that Americans expect that they will be in homes that are not going to flood and that there is going to be infrastructure in place to make sure that water doesn't come up and run them out of their homes and ruin their homes and their properties.

Mr. GARAMENDI. Also, without adequate levees, you clearly slow down economic development.

Now, not every city has a flood problem; although, certainly, in the great



Midwest, you see this in all of the cities along the Missouri and the Mississippi and Ohio Rivers. So, in that entire huge basin, which is more than 60 percent of the United States, there are serious flood issues. This extends—and certainly we see it on the east coast—to Superstorm Sandy, and you mentioned Katrina. All across this Nation the issue of flood protection is critical.

In my own district, Sacramento, there is a portion of Sacramento that, I think, is now rated as the most dangerous city in the United States. It is the Natomas area of Sacramento. With the rebuilding of the levees in New Orleans, I think now Natomas, Sacramento, is rated as the most dangerous. We are talking about a flood situation that could occur, because the levees are substandard, in which the river would break. We have floods in the winter, so the water temperatures are in the 45- to 50-degree temperatures. If that were to break, the inundation would be immediate, and it would be 20 feet. The survival time is measured in minutes, not in hours. When that water hits you, you get hypothermia and you're dead.

So it is an extreme problem. We need to rebuild those levees. The community is taxing itself to a fare-thee-well to do it, but the Federal Government is backing away from its previous commitment. The rest of the story is that the economic development potential in that community is stifled. It's not just housing. It's all kinds of economic development, as the Sacramento International Airport is in that area.

With the lack of money to build the levees, human life is at risk—several tens of thousands of people—and economic development. So these things come together—infrastructure being the foundation upon which the economy grows and, in some cases, certainly in the case of levees, upon which people's lives depend.

Mr. CASTRO of Texas. You make an important point about neglect of that infrastructure, not only with levees and with waterways, but you and I are both aware, as is the country, of the tragic examples over the last several years—in Minnesota, for example, in the bridge collapse, and more recently in Washington, I believe, in that bridge collapse. Those are lessons to this Congress that we cannot neglect our infrastructure. It is vital. I mentioned Texas. By that same report that Congressman DELANEY mentioned, we have about 1,300 bridges that have been declared functionally obsolete. That's 1,300 functionally obsolete bridges in Texas. That's one in six. So those are things that we've got to attend to here.

It also begs the point: whether it's building out the infrastructure of transportation or building out the infrastructure of opportunity, that doesn't happen by itself. It doesn't happen by accident. It doesn't happen by

luck. The United States Government and the Congress must make those smart investments. We must continue to make those investments if we are going to be the land of opportunity not just 5 years from now or 20 years from now but 50 and 100 years from now.

Mr. GARAMENDI. I think it's about time for us to wrap up, but I want to engage the public. I don't know how many people are watching C-SPAN this evening. I would like to think there are some 300 million, but I suspect that's overstating it a ways.

I would ask the public to comment to you and me about their infrastructure in their communities. What do they need in their communities? How do they think it could be financed? As to Mr. DELANEY's proposal for an infrastructure bank based upon the repatriation of foreign earnings, does that make sense?

□ 2115

Does it make sense to do what the President said, which is to appropriate \$50 billion right now to build infrastructure? There are many different alternatives.

But I'd love to hear from the public, and here's how they can do it. I'm going to use yours down here too. Stay in touch, stay informed, stay connected. You can go to Facebook.com/RepGaramendi or RepCastro. Either way, RepGaramendi, RepCastro. Twitter: Twitter.com/RepGaramendi or RepCastro. Or you can go to our Web site, Garamendi.house.gov.

Mr. CASTRO of Texas. Well, my Twitter, the House one, that's right. It should probably be JCastro.

Mr. GARAMENDI. I think there's more than one Castro. There's only one Garamendi around. So probably JCastro.house.gov. That's the Web site, and they can get in touch that way and keep informed.

So I welcome people. If anybody out there is watching this discussion about infrastructure, how it can be financed, why it's important, what it means for economic development, education, what it means for social justice and opportunity—if you like the theme, the infrastructure of opportunity, you can contact me and I'll pass it on to Mr. CASTRO, or you can go directly to JCastro@house.gov or Facebook.com/RepGaramendi, RepCastro.

I want to thank you, Mr. CASTRO and Mr. DELANEY, for joining me this evening.

Next week we'll take up one of the other issues that we have. We'll probably talk next week about energy and how we can improve the energy situation to meet the climate change.

#### GEOTHERMAL ENERGY

Mr. GARAMENDI. I do have one more thing that I really must do before I close down, and that is talk about geothermal energy and one of the communities I represent, Lake County.

We have a critical natural resource opportunity in this Nation, and it's beneath the soil, beneath the ground. It happens to be the heat of the Earth. It finds its way to the surface in many places around the world, and it certainly does in my district in Lake County.

That heat comes from the geothermal, and it is an extraordinary natural resource and it is clean energy. It's one of the most abundant natural resources that can be found anywhere, and it's often overlooked. It has the ability to become one of the key future sources of energy. We'll talk about it much more next week.

But I do want to talk about its use here in the United States. It is environmentally friendly. Dry steam and flash geothermal plants emit just 5 percent of the carbon dioxide and less than 1 percent of the nitrous oxide of traditional fossil fuel coal-powered plants. The binary geothermal installation emissions are near zero. More importantly, geothermal energy is cost effective.

Over the last two decades, the cost of generating geothermal power has decreased by 25 percent. Additionally, geothermal can be produced domestically. In California, the Imperial Valley, the Lake County area, are two of the most used geothermal resources. Nevada has enormous resources, and there are many other places within the United States. And it can be sent—the same resource is available in many parts of the world. So we as a world and certainly as a State and Nation ought to be moving more aggressively to harness our geothermal resources.

It's also a good jobs place, creating more than \$117 million in annual wealth in the geothermal region of Sonoma, Mendocino, and Lake Counties.

It's also a tax source. Lake County and Samoa County receive over \$11 million in annual tax revenues directly from the geyser's geothermal field. And Lake County has saved millions of dollars in the disposal cost by funneling 8 million gallons of wastewater back into the ground for the harnessing of geothermal resources.

So I draw the attention tonight of the Nation to the potential of geothermal and the success that it's had in my district in Lake County and in my neighboring county of Sonoma.

Mr. Speaker, I yield back the balance of my time.

#### IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Wisconsin (Mr. DUFFY) is recognized for 30 minutes.

Mr. DUFFY. Mr. Speaker, tonight, we want to have a conversation about immigration and immigration reform

because we recognize that in 1986, when Congress and the President came together for immigration reform, it didn't work. It didn't work for immigrants; it didn't work for our border; and it didn't work for America. Just recently, we've seen that our Senate has come forward with proposed legislation, and that too doesn't work. It's a proposal that doesn't secure our border. It's a proposal that won't work long term for America.

We're here to address the problems that we face in this country with real solutions that work for people and work for our country. We're here to say that we're with you. If you want to work hard and you want to contribute to our American economy, we're with you. If you want to obey our laws and if you want a shot at our free enterprise system, we're with you. If you believe that America has a right to secure her borders, to know who's coming in and out of our country, we're with you. If you want to pay taxes and pledge allegiance to America, we're with you. And if you want your shot at the American Dream, we're with you.

We're a party that looks at the big problems in our country, and we come out with big solutions to fix those problems. We're not a party of "no." We are a party of solutions. That's why I'm honored to be here tonight with a few of my fellow colleagues to talk about the solutions in regard to immigration, solutions that are going to work. And that's why I'm honored right now to yield to the gentleman from Illinois for his thoughts on immigration.

Mr. KINZINGER of Illinois. Mr. Speaker, I thank the gentleman from Wisconsin for organizing the time and bringing us all together. This is an important discussion.

When I think back to somebody who's a big hero of mine, Ronald Reagan, I think back to the eighties, of course, and I think of what Ronald Reagan talked about. He discussed America as a shining city on a hill, a city that everybody around the globe looks at and says "I want to live there." Or they look at the United States and say, "that is a country that I want my country to look like." That's frankly the Republican Party.

And I understand that over the last few years, the Republican Party hasn't necessarily done a great job of messaging that. That's our fault. But I look at somebody like Ronald Reagan, and I look at the vision he has put out for America and I say, You know what? That is the Republican party that I joined. That's the Republican party that I believe in, the party that believes that a kid in the inner city of Chicago should have the same opportunity as a kid raised in the best suburbs of Chicago. That's what we believe.

So when we talk about this really controversial issue of immigration—

you have Americans on both sides of the issue, and Americans that have gotten ginned up on either side of this issue that are speaking to this with anger—I think something we have to do as a Nation and something that I think we need to do here right now is to say, Let's have this conversation about immigration, but let's do it in a way where we can discuss what America wants to be and what America is about and how to give most people around the world the opportunity to be in America.

I think most Americans would agree that the first thing we have to do is ensure that we have a safe border, not only just because of the idea of immigration and ensuring that we have a system that works for everybody, but because—look, on a porous border you have an opportunity for terrorists to come through with weapons that we don't want in the United States of America. We've seen in our schools—I visited a place called Rosecrance the other day in Rockford, Illinois, that has teenagers that are suffering from drug addiction. Do you know what the cheapest drug they can get a hold of is now? You'd think maybe marijuana, right? It's actually heroin. Do you know where most of the heroin is coming through? It's coming through the border of Mexico.

So I think when we talk about border security, we're not talking about it in an angry way. We're just saying as a sovereign Nation, we have a right to determine our immigration policy, and you can't determine immigration policy with a porous border. Once we do that, once we have honest border security and we're honest with the American people, then we have to have this discussion about how do we passionately and compassionately deal with folks that want the American way, as well.

That's a conversation I'm looking forward to having tonight over the next few minutes. And as we move on, I'd like to yield to the gentleman from Colorado, a great Member of Congress, Mr. CORY GARDNER.

Mr. GARDNER. I thank the gentleman from Illinois.

Mr. Speaker, we're all together on the same issue tonight on the House floor as we discuss the important issue of immigration inform. Many of us elected in 2010 and elected in 2012, we came to Congress because we wanted to find ways to make America work, to get this country working again, to find ways to get government out of the way and create an economy that's strong and growing so people can find the jobs that they want to help feed their families, to send their kids to school without putting themselves into bankruptcy, and to make sure that we do indeed have a better tomorrow than we do today.

So it is starting with those fundamental beliefs that we all came here to

achieve, to build a stronger country, to make life work for the American families, that we recognize a Nation of immigrants, a Nation that provides an opportunity for people around the world, that beacon of hope to be a place for families to succeed, to achieve their dreams about the American Dream and indeed the American spirit.

So it is through those very values of compassion for the poor, compassion for people who want to build a stronger Nation here at home, and the fairness that we know we can do it with to build a system of laws that will stand strong not just for 1 year or 10 years or 20 years, but moving forward beyond that, a system of laws that we know will make sure that people who want to be a great part of a healthy American economy indeed have that very opportunity.

Tonight, as we kick off a discussion on immigration and we join people around the country who have differing opinions, as the gentleman from Illinois recognized, differing opinions on what to do, how to do it, when to do it, recognizing, though, that indeed we must do something to address a system that is broken in a way that meets those objectives of American values: compassion, fairness, and maintaining the rule of law in this country.

I look forward to our conversation tonight, and I look forward to solutions for the American people that we can all be proud of, knowing that this is not going to be an easy task, but one that we will address with all due and necessary urgency.

We are joined tonight by our colleague from North Carolina (Mr. HUDSON).

Mr. HUDSON. I thank my colleague, Mr. Speaker. It's an honor to be here tonight.

I'm a new Member of Congress. I was elected just last year. I ran for Congress the first time I had ever run for office because I want to come up here and fight for people, because there are folks back home that are frustrated, they feel like their government is not being responsive to their needs. So I'm here to represent them and be a voice for those people.

I think of the homebuilder in Monroe, North Carolina, who told me he's just struggling to keep his head above water and he'll take any kind of work just to keep his crew intact so he can keep them together. He'll do remodeling work or anything. He's not even worried about profit so much as being able to keep afloat.

I think about the families across the Eighth District of North Carolina who are looking to us for solutions. That's why I'm here tonight to join this conversation, to talk about immigration reform. The key to immigration reform, as far as I'm concerned is, we've got to look at compassion and we've got to look at fairness.

When it comes to fairness, we are a Nation of immigrants, but we're also a Nation of laws. So we've got to make sure we're enforcing the law in this country and we're respecting the rule of law when we're looking at making changes to immigration policy.

We also need to look with compassion on those who have come here to the United States seeking that American Dream when we try to determine what we're going to do going down the road.

But I think the key to this is the approach we're taking here in the House of Representatives. The Senate has passed an immigration bill. It's a bill that was cobbled together behind closed doors. It was a bill that in my opinion went too far too fast. We're taking a much more thoughtful approach here in the House. We're going to go through the committee process. We're going to bring legislation to the floor so that we can debate these key issues affecting immigration as single issues and let the American people take part in this conversation and tell us what they think about issues like border security.

Now, the key to immigration reform in my opinion is we've got to secure the borders first, and any legislation that we pass out of this Chamber, any agreement we make with the Senate on immigration, we've got to have a trigger so that no other pieces of this immigration puzzle fall into place until we've got that border secure. So we're going to work hard to make sure that's part of our solution.

There are actually five pieces of legislation that have already passed out of the Judiciary and Homeland Security Committees. I serve on the Homeland Security Committee. We passed the Border Security Results Act of 2013.

□ 2130

What this does is it requires the Secretary of Homeland Security to develop a comprehensive strategy to secure the border. What a radical concept: let's actually have a plan. And so what we're saying in the House is: give us a plan. We want the Department of Homeland Security to work with the border sheriffs to come up with a plan to secure that border and come back to Congress and say, here's what we need. Here's the sections where we need fences. Here's the other types of technology, whether it be drones or other types of technological monitoring. These are the pieces of the puzzle we need to secure the border.

And a key to this is we have to have a metrics so we can measure whether the border is secure or not. Currently, we know the numerator, but we don't know the denominator. We know how many folks we're stopping coming across the border, but we don't know how many we aren't rounding up. And if you talk to any of the border sher-

iffs, you'll know that we're not anywhere close to being secure. So that's a key component of this legislation.

I look forward to talking more about some of the legislation that came out of the Judiciary Committee, some of the pieces of this immigration reform puzzle that we need to discuss.

Mr. KINZINGER of Illinois. I thank the gentleman for your statements and everybody here for your statements. I am a member of the International Guard. Just 2½ months ago, I actually did missions on the border between Mexico and Texas. I fly a reconnaissance airplane, and the goal was to look for folks who had crossed illegally. In most cases, we were looking 60 miles into Texas. We were finding dozens of people. Each time we would look somewhere, we'd catch 60 to 100 a night.

I felt bad for the folks who were hunkered down, who had crossed the border that were told by some coyote that they paid their entire life's saving to, told by some coyote that ushered them over that once you step foot in America, you'll be just fine. And then they realize that the journey actually begins. What you'd see in many cases was the Border Patrol, who do very tough, hard work, would apprehend most of these folks. In some cases, a couple of them would scatter, and they'd be left alone. They'd be left 15 miles away from the nearest town, with no water, with no food, and with no idea where to go.

I think of that, and I think of the administration saying the border is already secure. I think what that leads to is there is an epic lack of trust in Washington right now. That's why actually the four of us came to Washington, because we recognize there's a huge lack of trust in D.C.

So this idea that we're going to say from on high in Washington, we're going to just deem the border secure at some point, when the administration has already deemed it secure, is I think where the lack of trust is and why there's so much emotion tied into this. I think this is a beginning step in having a great discussion about how to actually tackle this problem in a way that both sides can agree with and that is fair to the American people and to folks who want to live the American life.

Mr. DUFFY. It is that very point. It is that lack of trust with the American people and Washington, D.C. That's why we want to go through a step-by-step approach, analyzing immigration and immigration reform.

The gentleman from North Carolina said we're here to fight for people. We're here to fix a broken system, and we're here to make it work. We want to have a reform bill that is going to actually be fair—be fair to those who have come to participate in our economy, but be fair to people who are

Americans that say we are a country of laws, and we also are a country of immigrants.

I think the key first step is border security. We have to debate, negotiate, discuss what does border security mean. Once we agree on what border security is, and once we secure the border, we can go to the next phase, which is to say we have millions of people who have come into our country, what's the fair way to treat them. In my opinion, and I am open to hearing feedback from all kinds of people as we have this conversation and debate, I haven't dug my heels in. But, number one, we have to say, do you get to go to the head of the line and become a U.S. citizen when you've come here without documentation? I don't know that that's the first step after border security. But what I do think we have to say is if you've come here and you've participated in our economy, we can offer some kind of legal status, a legal status that isn't citizenship, but it's a legal status that says we're not going to arrest you in the middle of the night. We're not going to separate you from your grandparents or your kids. You can stay in our country because the border is secure. We're not going to have to address this problem 10 years from now or 20 years from now or 25 years from now. We've addressed the border, which means that we've addressed the inflow of people coming to our country illegally.

When that happens, we can offer those without documentation a status that says you can stay here and you can work; but if you want to become a citizen, you're going to have to get to the back of the line. You don't get a special pathway into the front of the line. You can go to the back and you can become a citizen, but you can stay here legally. And by staying here legally, you can pay your taxes, but that doesn't mean you can vote. And it also doesn't mean that you can collect off the entitlement system that we have here in America.

I think as we have that conversation with those who are here without documentation and those who care about the laws in America, we can have a conversation that actually works for everybody and everybody can agree to. I look forward to that conversation, on finding a pathway and a consensus forward that works for everybody.

With that, I yield to the gentleman from Colorado.

Mr. GARDNER. The gentleman from Wisconsin brought up a great point, and that is the issue of a step-by-step process. That is exactly what the House is undertaking. There are at least four bills right now that are working their way through the Judiciary Committee, dealing with everything from an E-Verify system that can actually work and be used by employers around this country to know

that they are hiring people who are legally eligible for employment in this country. But we also have the opportunity to address one of the other concerns that I hear at town meetings and in private conversations in grocery stores across my district, and that's so many people who say, Do we need to do anything other than just enforcing existing laws? Do we really need new laws?

We have to give serious consideration to that question because the answer is, yes, we do need immigration reform. Because of the 11 million people in this country who we believe are undocumented today, 42 percent of them are here, they came here legally, entered the country legally, but overstayed their visa. So how do we reform the visa system to actually make it work so we know the integrity of the process is what it needs to be?

How do we create a system for those in agriculture to know that they have a workforce that is readily available to harvest that fall's crops? Or if you're a dairy farmer, there's no one season for a dairy farmer, it's year round, so the availability of a workforce with the skills that they need, but the certainty that they need. It's those laws that we have to reform to enforce and rebuild the trust of the American people in a step-by-step process. Because if we do this, we can actually create a system of laws that avoids the mistakes of the 1986 law through enforcement first, border security first, and making sure then that we deal with the situation at hand and the people who do want to be a part of a healthy American economy.

Mr. HUDSON. I appreciate my colleague pointing out some of the legislation that the Judiciary Committee has already passed because I think it is important to understand that the House of Representatives is taking a different approach when it comes to immigration reform. So we passed the Border Security Results Act out of Homeland Security. We have also passed the Legal Workforce Act, which is the bill that reforms the E-Verify system, which gives us a much more workable E-Verify program, that gives our employers the certainty and the assurance that they can verify the citizenship of potential employees.

The second piece of legislation that came out of the Judiciary Committee already is the Skills Visa Act. This has to do with what's called the H-1B visas. These are for your high-skilled workers. These are for folks in math, science, and technology who may come to the United States to go to university to learn these skills and get on this career path, but then they don't have a visa to stay here. Most industrialized nations in the world, 80 percent of the visas they give out are based on work skills and needs of the workforce. Here in the United States, it's about 12 percent of the visas we give out. We

have a lottery to give out visas; and to me, that's ridiculous. We need to reform the system so we're giving out visas to the type of people that we want to attract to this country. So the Skills Visa Act is legislation we're considering here in the House that will do that.

The third piece of legislation is called the SAFE Act. One of the issues we've talked about, we have to enforce the rule of law. Frankly, we don't have enough Federal agents enforcing the law. So what we need to do is empower States and municipalities, local governments that want to enforce the immigration law to be able to do that. That's what the SAFE Act does.

And then the fourth piece is the agriculture guest worker, AG Act. That is a critical piece for our economy. There are at least 11 million undocumented workers here in this country that we know of. Many of those folks don't want citizenship. What they want is the ability to work here legally. If we have an ag worker program that actually works, this is the H-2A program. Frankly, when I'm home, and I go home every weekend and meet with our local folks and I see farmers across our my district, I ask them, How many of you are using H-2A program? You'd be amazed how few use the program, because it's not workable.

And so as my colleague from Colorado asked the question that he hears at town hall meetings, Do we really need to do immigration reform, yes, we do. We can't just secure the border with a fence and technology if we still have that attraction, that need for illegal workers to fill jobs in this country. We've got to have a pathway to bring in legal workers, whether it's in agriculture or home-building, or some of the more high-skilled types of jobs. We need a legal pathway to fill those positions; otherwise there's going to be this tug of illegals that will continue to happen.

So we can build a 10-foot wall, but someone is going to invent an 11-foot ladder. So it has to be a comprehensive approach. That's why we need the ag guest worker program, as well. So as you can see, we in the House are looking at this step by step. We are looking at what are the actual problems so we can address them in a very thoughtful way so that we aren't just rushing to get a big bill, as was once said by a former Speaker of this House, Let's pass this bill so we know what's in it. Well, we don't want to make that mistake again. We don't need a big, huge, comprehensive bill. We need to look at these issues in a very thoughtful, comprehensive way.

Mr. DUFFY. I appreciate the gentleman from North Carolina's comments. And you look around at immigrants that come to America, why do they come? They've come for the American Dream. They've come for a

better life for themselves. They've come for a better life for their children. They've come to the land of opportunity because they want that opportunity. They want to work hard.

I'm from Wisconsin. Many people may not want to recognize this, but if you look at our dairy farms around Wisconsin, there are a lot of immigrants who have come here without documentation that work on our farms. And it's hard, tough work; and they do it because they want an opportunity.

I travel around and do a lot of town halls, and I know my colleagues do town halls and coffees. I would ask the gentlemen from Colorado and Illinois what you guys hear in your town halls, what people think about immigration and the problems and the solutions you face in your communities.

Mr. GARDNER. I thank the gentleman from Wisconsin. The conversations I hear are from all angles. So whether it's from somebody whose family came here when they were very young—I know of an instance of a young woman who came into this country with her family when she was a baby. She has gone to school in the same class, same school system for 12 years, eventually graduating as a senior, number one in her class. She was brought here as a child. When she asked me about what we were going to do, I said, Your situation is an example of why we need immigration reform, so have secure borders and we know the laws are being enforced and to avoid putting you in this situation.

Years later, that conversation is repeating. We don't have the reform yet, and we are still looking for that reform. And how many years have to go by before we can actually say we have secured the border, we are enforcing the law? And we know in 10, 20, 30 years, the visa program is solved, the E-Verify system is working. That labor needs, whether it is housing construction, agriculture, are being met in a system that encourages compliance with the law as part of a healthy American economy instead of an underground or a way that does it in a law-breaking fashion.

I will tell you one other story. There's a doctor in the eastern plains of Colorado who was here with all of his proper documentation. Unfortunately, his mother was ill and he needed to leave the country or was hoping to leave the country to say good-bye to her. But under our system of laws, if he left this Nation, he couldn't come back. The only doctor in the county, but he couldn't go away to say good-bye to his mom because he couldn't return. We need some common sense.

Mr. DUFFY. That's a powerful story. Mr. KINZINGER of Illinois. That's a great story. I just had a town hall meeting in Rockford, Illinois, yesterday. You get folks from all ends of the

political spectrum. That is the great thing about our democracy is we can have that respectful conversation.

You have everything from folks who say, Look, all you have to do is enforce existing laws, put more people on the border. Then you have a lot of people who say, Hey, we need to not have any more border enforcement and just allow everybody here to become U.S. citizens.

I think the answer is, frankly, in the middle of that. When you talk to folks, and it doesn't matter if they're on the right or left or somewhere in between, everybody has a heart. Everybody cares about people. And when you talk about the fact, as Mr. GARDNER mentioned, there are people here who are 5 years old, through no fault of their own, sometimes 12 years old, or now they're getting ready to go to college and they realize they're not here legally, this is something we ought to have a lot of compassion for and understand.

□ 2145

And I think we've got to take some of the anger out of it on all sides of the aisle and just have a grown-up discussion and say, What do we have to do to fix the problem here? What do we have to do to fix the issue? Because, frankly, I don't know how long I'll be in politics, but I don't ever want to have to address this again. And I think that's the thing. And that's what I hear at my town hall meetings is, you know, when you really get past kind of the initial arguments, folks say, We just really don't trust Washington, but, unfortunately, you're the ones that have to solve this problem.

Mr. DUFFY. And I hear similar things, and that's why people say, Take it slow. Talk about it. Talk to us.

Let's do what's right. Let's do what works for the very people that you talked about. Some call them the Dreamers, people who are here at 17 years old or 14 years old and know no other country, but they're here. They're part of our communities, our society, and our schools. Let's do what's right by them, but also let's do what's right for our next generation by securing this border.

I want to talk about just one story. I have a good friend back in Ashland, Wisconsin. He came here legally, but it goes to the work ethic of those who come for opportunity and the American Dream.

It's Bah Lee. He owns a nail shop in Ashland, Wisconsin, and he was raised in an orphanage in Vietnam. And the sister nuns, as he tells the story, saved money in the orphanage and they sent him to America. And he couldn't speak the language, and I think he was in Texas where he got a job in a fast-food restaurant.

And from fast-food, he got a job as a painter. And all the painters got mad

at him because he was such a fast painter and they were, like, Slow down. You're making us all look bad. He said, No, I'm here to paint. In very short order he was the highest-paid painter; doesn't speak the language very well, from Vietnam, but man, could he paint.

He saved money, sent money back to the sister nuns in Vietnam to help the orphanage but saved money himself, and he opened up a nail salon. And after that nail salon, another nail salon, and he sold them and he built them and he sold them.

Eventually, he said, I don't like the hot weather anymore, so he moved up to northern Wisconsin, where he bought a building on Main Street, Ashland; right? And he opened up California Nails.

And during the day, Lee does nails, and at night—it's an old 1900 building. It was barren up there. He built five apartments, by himself, at night, in the upstairs of his office building. And then in the downstairs, which was not the nicest location and smelled, he ripped it out and built new apartments downstairs.

But a guy that worked all day and all night for his shot at the American Dream, helping his people back at home, but helping our community, showing what immigrants do to make America better. And it's that story, which is the American story, that I'm fighting for, to have a system that actually works for people who are here legally and people who want a shot at what we have to offer.

And with that, I yield back to the gentleman from North Carolina for his comments on what he hears in his town halls on where we need to go with regard to immigration reform.

Mr. HUDSON. I appreciate that. And I think it's many of the same things.

First of all, people don't trust Washington to actually address this problem. We've got a pretty bad track record here in the Congress.

I think the other thing, though, I hear from my farmers, from my homebuilders, that they need labor, and we've got to have a legal pathway to get that done. And so we've just got to do it in a way that's fair and respects the rule of law.

If any of you would like to close, I believe we're getting near the end of our time.

Mr. DUFFY. For a few more moments, I'm going to yield to the gentleman from Illinois.

Mr. KINZINGER of Illinois. Well, thank you. And as we do wrap up our time, I just want to say thank you to those paying attention today and to my fellow Members here.

This is an important issue. This is the very beginning of a long discussion that we need to have because this is too important to get wrong. This is too important to rush, because America's

the greatest country in the world and this is something we ought not ever forget. And in the process of doing that, we ought to remember that we're an America that many of us come from immigrants and an America that, frankly, is proud of where we've come from.

So with that, I want to thank the fellow Members of Congress here with me to talk about this. And this is the very beginning of, I'm sure, a long discussion about where we go from here.

Mr. DUFFY. I know our time is short, and I appreciate the discussion, and I'm about to yield back to the Speaker. And we may have a few more minutes we can actually continue this discussion tonight, but my time is done.

I yield back the balance of my time.

#### IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Colorado (Mr. GARDNER) for 10 minutes.

Mr. GARDNER. I thank the gentleman, the Speaker, for the additional time to continue this conversation, and thank you as well to Members for this opportunity to discuss what is truly one of the biggest issues this Congress, this Nation faces.

I recently was talking to a reporter back home about the immigration debate taking place. They were asking about the Senate bill, asking about what the House was doing. And they said, Well, aren't you acting with speed? Do you feel no urgency?

And my response was, Don't mistake the issue of speed with urgency, because I think the House feels every bit as urgent as this issue truly is and truly deserves the attention of how urgent the matter is before all of us. But because of that, because of the urgency to do it right, it is going to take time, a deliberative process through this body to make sure that we create that step-by-step opportunity for the people who are here legally, for people who want to come into this Nation legally, to create the border security, the border enforcement, and then to have answers for every person in this Nation. And so as we create this process, this debate, as it moves forward, every bit as urgent as any other American before us, any other person who's desiring to be a part of this country, the urgency that we all feel to make sure that this happens.

And so to the gentleman from Illinois or Wisconsin or North Carolina, thank you.

I yield to anyone who wishes to continue tonight.

Mr. HUDSON. Well, I'm happy to jump in. I thank my colleague from Colorado for giving us this opportunity.

I think the problem is just the general distrust in the way Washington does things, and you only have to look at the process we just went through to understand why; because any problem that we ever face as a Nation, Congress can solve it by very quickly passing a big piece of legislation with a great title and saying the problem is solved.

Unfortunately, in 1986, when we passed immigration reform it didn't solve the problem. It gave amnesty now with a promise of border security later that we never saw, and I believe that's the same thing that happened with the Senate bill. We very quickly put out a bill that has a great title, thousands of pages that I doubt many folks have even read, and saying the problem is now solved.

And then you immediately hear the pundits and the folks who talk on TV about what happens in Washington saying, Well, the House, since you aren't quickly moving a huge bill with a nice title, you don't care. But the truth is we do care, but we're here to represent the people of the United States of America that sent us here, and we're going to do this in a very thoughtful way, and we're going to do immigration reform the right way so that we don't have to do it again in another 20 years.

Mr. KINZINGER of Illinois. The big picture of this is we're getting into a lot of the details we need to. But I want to just, as I give my last statement of the night, I just want to say this.

You know, America is the land of opportunity. America is growing at less, frankly, organically, with folks just here, than we need to to continue to be a powerful economy in the world, so this is a discussion that we have to have. It is a discussion that is required if we're going to be, in 20, 30, 40, 50 years, the most powerful country in the world.

I don't have kids yet, but I sure hope when I do that my grandkids can live in a world where America is unchecked, the power in the world. They never have to worry about some of the problems that previous generations have had to worry about.

This reminds me, and as I've heard folks on, frankly, the other side of the aisle that have said many times, you know, they use very emotional statements to talk about what the Republican Party believes. I've heard us called the Party of No. I've heard us called, you know, taking food from the mouths of children, not caring about anybody but the rich. I've heard it all.

Look, I'll admit this in some cases, in many cases, the Republican Party has not done a good job of messaging. I remember seeing an ad on television where a pizza company talked about how they used to do it wrong and now they want to do it right.

Well, here's what we need to do and here's what my passion is: to let the

people know that, frankly, the Republican Party is the party of opportunity. We're the party that, as I mentioned earlier, believes that a kid born in the worst of circumstances should be able to pull himself out of those circumstances and be one of the most successful people in the world, including President of the United States if he or she wants to be. That's what we believe.

That's, when we go forward in this debate and any other debates, that's the message that I think is important to get out. Let's quit calling each other names. Let's quit trying to get cheap shots. Let's just have a grown-up discussion and say we both, all sides of the aisle, want a successful America; we just see how to get there differently. And let's have a discussion as adults, as Members of Congress, and, frankly, as Americans should have a discussion.

Mr. DUFFY. Mr. Speaker, I think it's important for all of us to stand strong, stand tall and lead, listen, communicate on this very important issue. And I know that's what we want to do here tonight is throw out ideas, but also prepare ourselves to listen to what our constituents want, what America wants and what's right for the country.

I hear some folks on my side of the aisle talk about if you pass a border security bill, you're going to go to conference with the Senate and you're going to adopt the Senate bill. We don't go to conference unless we agree to it. That's not going to happen. Let me be very clear. We're going to do a step-by-step approach and get a solution to immigration and then we'll talk about going to conference, if that's the pathway forward. But it's not one phase of the bill, then to Congress.

I've got others that say just enforce the current laws, and to those I would ask: How is that working for us? It's not working. We have to engage in this conversation and do what's right.

I've got one more story for you. There's a family that came from Mexico over to Arizona, and they had an opportunity to work in the mines in Superior, Arizona, hard work, tough work. They were Catholic. They raised a lot of kids on not a lot of money. But one of their kids, as he grew up, he learned how to make pinatas and sell those pinatas. He learned how to get fruit of the desert, chop it up, slice it, dice it, and sell it as a delicacy within his community, a little entrepreneur.

When he got older he had a shot to go work in the mines like his brothers, but instead he said, You know what? I want to serve my country. And he went into the military. He had a chance to serve under Ronald Reagan.

And he came from a party that's not mine, but he had a chance to serve under Ronald Reagan, and he had to see what a party of opportunity had to

offer him and his community and his family. He changed his vote. He said, This is who's looking out for me. This is who's looking out for my opportunity, and this is who's going to look out for my children and my grandchildren.

He went on, got married to a woman in Spain who immigrated here legally, and they had four kids. And I was honored enough to meet their daughter and marry her and move her to northern Wisconsin from warm Arizona, where we now have six children together.

That's my wife's immigrant story, whose father came here as a first-generation American, who worked his heart out and has his shot at the American Dream. After the military, he became a schoolteacher, and now he works for a university. He's living the dream. His daughter is living the dream. All of us have those stories. My parents, my great-grandparents came from Ireland. We all have the story of an immigrant.

I'm here to say, let's open our hearts. Let's open our minds. Let's have a real discussion that works. But let's also first say secure the border so we don't deal with this again, and then do what's right by way of folks who have come here and want their shot at the American Dream.

Mr. GARDNER. That, Mr. Speaker, is the story of America. And I thank our colleagues for joining us tonight and look forward to this debate and look forward to hearing from you, the people of this country, as we enter this important conversation.

Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HORSFORD (at the request of Ms. PELOSI) for today on account of a medical-mandated recovery.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2289. An act to rename section 219(c) of the Internal Revenue Code of 1986 as the Kay Bailey Hutchison Spousal IRA.

#### BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on July 12, 2013, she presented to the President of the United States, for his approval, the following bills.

H.R. 251. To direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South

Utah Valley Electric Service District, and for other purposes.

H.R. 254. To authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project.

H.R. 588. To provide for donor contribution acknowledgments to be displayed at the Vietnam Veterans Memorial Visitor Center, and for other purposes.

#### ADJOURNMENT

Mr. GARDNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, July 17, 2013, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2251. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Additional Qualifying Renewable Fuel Pathways under the Renewable Fuel Standard Program; Final Rule Approving Renewable Fuel Pathways for Giant Reed (*Arundo Donax*) and Napier Grass (*Pennisetum Purpureum*) [EPA-HQ-OAR-2011-0542; FRL-9822-7] (RIN: 2060-AR85) received July 9, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2252. A letter from the Secretary, Department of Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007; to the Committee on Foreign Affairs.

2253. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's fiscal year 2012 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2254. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting the 2012 Statements on System of Internal Controls of the Federal Home Loan Bank of Indianapolis, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2255. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fairport Harbor Mardi Gras, Lake Erie, Fairport, OH [Docket Number: USCG-2013-0417] (RIN: 1625-AA00) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2256. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Coronado Fourth of July Fireworks,

Glorietta Bay; Coronado, CA [Docket Number: USCG-2013-0301] (RIN: 1625-AA00) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2257. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ad Club's 100th Anniversary Gala Fireworks Display, Boston Inner Harbor, Boston, MA [Docket Number: USCG-2013-0256] (RIN: 1625-AA00) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2258. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Fourth of July Fireworks Displays within the Captain of the Port Charleston Zone, SC [Docket Number: USCG-2013-0415] (RIN: 1625-AA00) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2259. A letter from the Secretary, Department of Veterans Affairs, transmitting a letter reporting the FY 2012 expenditures from the Pershing Hall Revolving Fund for projects, activities, and facilities that support the mission of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

2260. A letter from the Acting Under Secretary and Deputy Secretary, Departments of Defense and Veterans Affairs, transmitting Veterans Affairs and Department of Defense Joint Executive Council Fiscal Year 2012 Annual Report, pursuant to 38 U.S.C. 8111(f); jointly to the Committees on Armed Services and Veterans' Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1848. A bill to ensure that the Federal Aviation Administration advances the safety of small airplanes, and the continued development of the general aviation industry, and for other purposes; with an amendment (Rept. 113-151). Referred to the Committee of the Whole House on the state of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2576. A bill to amend title 49, United States Code, to modify requirements relating to the availability of pipeline safety regulatory documents, and for other purposes (Rept. 113-152 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2611. A bill to designate the headquarters building of the Coast Guard on the campus located at 2701 Martin Luther King, Jr., Avenue Southeast in the District of Columbia as the "Douglas A. Munro Coast Guard Headquarters Building", and for other purposes (Rept. 113-153). Referred to the House Calendar.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 568. A bill to amend title 5, United States Code, to require that the Office of Personnel Management submit an annual report to Congress relating to the use of official time by Federal employees; with an amendment (Rept. 113-154). Referred to the Committee of the whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 1211. A bill to

amend section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), to provide for greater public access to information, and for other purposes; with an amendment (Rept. 113-155). Referred to the Committee of the Whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 2067. A bill to amend title 5, United States Code, to make permanent the authority of the Secretary of the Treasury to establish a separate compensation and performance management system with respect to persons holding critical scientific, technical, or professional positions within the Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury (Rept. 113-156). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURGESS: House Committee on Rules. House Resolution 300. A resolution providing for consideration of the bill (H.R. 2668) to delay the application of the individual health insurance mandate; and providing for consideration of the bill (H.R. 2667) to delay the application of the employer health insurance mandate, and for other purposes (Rept. 113-157). Referred to the House Calendar.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Energy and Commerce discharged from further consideration. H.R. 2576 referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GARDNER (for himself, Mr. WELCH, Mr. COFFMAN, Mrs. ROBY, Mr. KINZINGER of Illinois, Mr. MATHESON, Mr. GRIFFIN of Arkansas, Ms. KUSTER, Ms. BORDALLO, Mr. PETERS of California, Mr. HUFFMAN, Mr. BERA of California, Mr. NOLAN, Mr. LOWENTHAL, Mr. MCNERNEY, Mr. YOUNG of Indiana, Mr. MORAN, Mr. SCHRADER, Mr. BLUMENAUER, Mr. MAFFEI, Mr. LOEBACK, Mr. COOPER, Mr. BISHOP of Georgia, Mr. CICILLINE, Mr. SEAN PATRICK MALONEY of New York, and Mr. OWENS):

H.R. 2689. A bill to amend the National Energy Conservation Policy Act to encourage the increased use of performance contracting in Federal facilities; to the Committee on Energy and Commerce.

By Mr. CUMMINGS (for himself, Mr. LYNCH, Mr. TIERNEY, Mr. CONNOLLY, Ms. SPEIER, Ms. NORTON, Mr. DANNY K. DAVIS of Illinois, and Ms. KELLY of Illinois):

H.R. 2690. A bill to enhance the long-term profitability of the United States Postal Service through enhanced innovation, operational flexibility, workforce realignment, and regulatory relief; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York (for himself, Mr. COURTNEY, and Mr. GRIMM):

H.R. 2691. A bill to amend certain appropriation Acts to repeal the requirement directing the Administrator of General Services to sell Federal property and assets that



support the operations of the Plum Island Animal Disease Center in Plum Island, New York, and for other purposes; to the Committee on Homeland Security.

By Mr. CONYERS (for himself and Mr. BLUMENAUER):

H.R. 2692. A bill to direct the Administrator of the Environmental Protection Agency to take certain actions related to pesticides that may affect pollinators, and for other purposes; to the Committee on Agriculture.

By Mr. COOK (for himself, Mr. RUNYAN, and Mr. O'ROURKE):

H.R. 2693. A bill to direct the Secretary of Homeland Security to submit a report to Congress on security screening by the Transportation Security Administration of veterans and other passengers with amputations; to the Committee on Homeland Security.

By Mr. GRIFFIN of Arkansas:

H.R. 2694. A bill to promote strategic sourcing principles within the Federal Government; to the Committee on Oversight and Government Reform.

By Mr. JEFFRIES (for himself, Ms. BASS, Ms. BROWN of Florida, Mr. CARSON of Indiana, Ms. CLARKE, Mr. CLAY, Ms. HAHN, Ms. JACKSON LEE, Ms. KELLY of Illinois, Mrs. CAROLYN B. MALONEY of New York, Ms. MENG, Ms. MOORE, Mr. NADLER, Ms. NORTON, Mr. RANGEL, Mr. RUSH, Ms. WILSON of Florida, Mr. GUTIERREZ, Mrs. CHRISTENSEN, Mrs. BEATTY, Mr. JOHNSON of Georgia, Mr. TAKANO, and Mr. LEWIS):

H.R. 2695. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to exempt from sequestration the public and Indian housing programs of the Department of Housing and Urban Development; to the Committee on the Budget.

By Mr. KIND (for himself and Mr. PAULSEN):

H.R. 2696. A bill to increase transparency of agencies by requiring a report describing any proposed conference; to the Committee on Oversight and Government Reform.

By Mr. GEORGE MILLER of California (for himself, Mr. ANDREWS, Mr. LANCE, Mr. NADLER, Ms. SCHAKOWSKY, Mr. DINGELL, Mr. BECERRA, Mr. CONYERS, Mr. CAPUANO, Ms. WILSON of Florida, Mr. HOLT, Mr. GRIJALVA, and Mr. YARMUTH):

H.R. 2697. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60; to the Committee on Education and the Workforce.

By Ms. NORTON:

H.R. 2698. A bill to provide a short-term disability insurance program for Federal employees for disabilities that are not work-related, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. PALLONE:

H.R. 2699. A bill to extend the hold harmless provisions of the Ryan White HIV/AIDS Program pending reauthorization of the overall program; to the Committee on Energy and Commerce.

By Mr. ROGERS of Michigan (for himself, Mr. MCKINLEY, Mr. TIBERI, Mr. CASSIDY, Mr. HALL, Mr. HUIZENGA of Michigan, and Mr. WALBERG):

H.R. 2700. A bill to amend title I of the Patient Protection and Affordable Care Act to

provide for a process for waiver of requirements of that title where the requirement is asserted to otherwise result in a significant decrease in access to coverage or significant increase in premiums or other costs; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSKAM (for himself and Mr. DEUTCH):

H.R. 2701. A bill to authorize further assistance to Israel for the Iron Dome anti-rocket defense system and authorization for cooperation on the David's Sling, Arrow, and Arrow 3 anti-missile defense systems; to the Committee on Foreign Affairs.

By Mr. SARBANES (for himself, Mr. FITZPATRICK, Ms. BONAMICI, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. ELLISON, Mr. FARR, Mr. GRIJALVA, Mr. HUFFMAN, Mr. HOLT, Ms. LEE of California, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCNERNEY, Ms. PINGREE of Maine, Mr. POLIS, and Mr. THOMPSON of California):

H.R. 2702. A bill to amend the Elementary and Secondary Education Act of 1965 regarding improving environmental literacy to better prepare students for postsecondary education and careers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ISRAEL (for himself, Ms. DELAURO, Ms. DEGETTE, Ms. SINEMA, Mr. FITZPATRICK, and Mr. ISSA):

H. Res. 301. A resolution expressing support for designation of September 2013 as National Ovarian Cancer Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. SHIMKUS:

H. Res. 302. A resolution expressing support for designation of August 23 as "Black Ribbon Day" to recognize the victims of Soviet Communist and Nazi regimes; to the Committee on Oversight and Government Reform.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GARDNER:

H.R. 2689.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Mr. CUMMINGS:

H.R. 2690.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 of the United States Constitution that empowers Congress to establish Post Offices and post Roads.

By Mr. BISHOP of New York:

H.R. 2691.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Line 18: "(Congress shall have the power) To make all laws"

By Mr. CONYERS:

H.R. 2692.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

By Mr. COOK:

H.R. 2693.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I

By Mr. GRIFFIN of Arkansas:

H.R. 2694.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. JEFFRIES:

H.R. 2695.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. KIND:

H.R. 2696.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mr. GEORGE MILLER of California:

H.R. 2697.

Congress has the power to enact this legislation pursuant to the following:

Art. 1 sec. 8, clause 1 and 3 of the U.S. Constitution

By Ms. NORTON:

H.R. 2698.

Congress has the power to enact this legislation pursuant to the following:

clause 18 of section 8 of article I of the Constitution.

By Mr. PALLONE:

H.R. 2699.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8

By Mr. ROGERS of Michigan:

H.R. 2700.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 18 of the Constitution, which states "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof."

By Mr. ROSKAM:

H.R. 2701.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution

By Mr. SARBANES:

H.R. 2702.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution under the General Welfare Clause.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. YOUNG of Indiana and Mr. BARLETTA.

H.R. 32: Mr. COLE, Ms. SINEMA, Mr. SMITH of Missouri, and Mr. COOPER.

H.R. 96: Mr. CARTWRIGHT and Mr. COHEN.

H.R. 176: Mr. BRIDENSTINE.

H.R. 268: Mr. CARTWRIGHT.

H.R. 292: Mr. HUFFMAN.

H.R. 301: Mr. DUNCAN of Tennessee, Mr. BUCHANAN, and Mr. WILSON of South Carolina.

H.R. 310: Mr. BISHOP of Georgia, Mr. MAFFEI, Mr. SEAN PATRICK MALONEY of New York, Mr. RUIZ, and Ms. GABBARD.

H.R. 366: Mr. CONYERS, Mr. DEUTCH, Mr. CALVERT, Mr. POCAN, and Mr. MURPHY of Florida.

H.R. 449: Mr. SMITH of Nebraska.

H.R. 474: Ms. TSONGAS.

H.R. 503: Mr. VEASEY.

H.R. 508: Mr. JEFFRIES.

H.R. 535: Mr. POCAN.

H.R. 556: Mr. WILSON of South Carolina.

H.R. 599: Ms. WATERS.

H.R. 636: Mr. COOPER.

H.R. 641: Mr. BRIDENSTINE.

H.R. 647: Ms. WATERS, Ms. KAPTUR, Mr. THOMPSON of Pennsylvania, and Mr. JONES.

H.R. 649: Mr. PAYNE.

H.R. 685: Mr. JOHNSON of Georgia, Mr. CUMMINGS, Mr. ROONEY, Ms. JACKSON LEE, Mr. PETERS of Michigan, and Mr. BROOKS of Alabama.

H.R. 688: Ms. MICHELLE LUJAN GRISHAM of New Mexico, and Ms. CASTOR of Florida.

H.R. 690: Mr. PETERS of Michigan.

H.R. 698: Mrs. CHRISTENSEN and Ms. SCHWARTZ.

H.R. 715: Ms. CASTOR of Florida, Mr. COHEN, Ms. BASS, and Mr. COOPER.

H.R. 721: Mr. SIRE.

H.R. 732: Mr. BARLETTA.

H.R. 755: Ms. BORDALLO.

H.R. 763: Mr. RAHALL.

H.R. 765: Mr. MCGOVERN, Mr. CÁRDENAS, and Ms. TSONGAS.

H.R. 769: Mr. HECK of Washington.

H.R. 792: Ms. ROS-LEHTINEN and Mr. BARLETTA.

H.R. 800: Mr. PAYNE.

H.R. 842: Ms. SLAUGHTER.

H.R. 850: Mr. SHUSTER.

H.R. 900: Mr. VEASEY.

H.R. 949: Ms. DUCKWORTH.

H.R. 958: Mr. HASTINGS of Florida and Mr. PAYNE.

H.R. 979: Mr. JOYCE.

H.R. 980: Mrs. BUSTOS.

H.R. 996: Mr. CARTWRIGHT.

H.R. 1020: Mr. GRIFFIN of Arkansas.

H.R. 1024: Mr. MURPHY of Florida, Mr. COFFMAN, and Mr. RAHALL.

H.R. 1025: Mr. MCNERNEY.

H.R. 1027: Mr. CONYERS, Mr. POLIS, and Ms. SEWELL of Alabama.

H.R. 1078: Mr. WOMACK.

H.R. 1094: Mr. COOPER.

H.R. 1095: Mr. FARENTHOLD, Mr. DIAZ-BALART, Mr. CASSIDY, and Mr. BENISHEK.

H.R. 1129: Mr. HECK of Nevada.

H.R. 1176: Mr. MCCAUL.

H.R. 1179: Mr. HECK of Nevada.

H.R. 1188: Mr. YOHO and Mr. BARLETTA.

H.R. 1250: Mr. GALLEGO.

H.R. 1254: Mr. RADEL.

H.R. 1284: Mr. BARBER.

H.R. 1311: Mr. HUDSON.

H.R. 1318: Mr. CARSON of Indiana.

H.R. 1334: Mr. SCOTT of Virginia.

H.R. 1414: Mr. LIPINSKI.

H.R. 1416: Mr. GRIFFIN of Arkansas and Mr. RUSH.

H.R. 1428: Mr. CARSON of Indiana and Mr. SWALWELL of California.

H.R. 1463: Mr. BARBER.

H.R. 1464: Mr. BARBER.

H.R. 1488: Mr. BARBER.

H.R. 1493: Mr. SMITH of Missouri.

H.R. 1518: Mr. TAKANO and Mr. POCAN.

H.R. 1582: Mr. KLINE.

H.R. 1598: Mr. BARBER.

H.R. 1630: Ms. ROYBAL-ALLARD and Mr. LOWENTHAL.

H.R. 1634: Mr. GRIFFIN of Arkansas.

H.R. 1638: Mr. HULSKAMP.

H.R. 1696: Mr. MCNERNEY.

H.R. 1708: Mr. MCCAUL.

H.R. 1726: Ms. SCHAKOWSKY, Mr. ISRAEL, Mr. MEEKS, Mr. MCDERMOTT, Mr. LEWIS, Mr. RUSH, Mr. TONKO, and Ms. SLAUGHTER.

H.R. 1731: Mr. LARSEN of Washington.

H.R. 1732: Mr. COOPER, Mrs. CHRISTENSEN, Ms. NORTON, Mr. HINOJOSA, and Mr. CÁRDENAS.

H.R. 1748: Mr. MORAN.

H.R. 1761: Mr. WENSTRUP.

H.R. 1771: Mr. BENTIVOLIO, Mr. LANCE, Mr. GRIFFIN of Arkansas, Mr. COLLINS of New York, Mr. THORNBERRY, Ms. LINDA T. SANCHEZ of California, Mr. OLSON, Mr. HANNA, Mr. VEASEY, and Mr. ISRAEL.

H.R. 1801: Mr. LYNCH, Ms. SHEA-PORTER, and Mr. CARTWRIGHT.

H.R. 1818: Mr. COBLE.

H.R. 1825: Mr. FLEMING, Mr. ROONEY, Mr. MEADOWS, Mr. COBLE, Mrs. BLACK, Mr. GRAVES of Missouri, Mr. CRAWFORD, and Mr. PALAZZO.

H.R. 1827: Mr. POLIS and Ms. LEE of California.

H.R. 1830: Mr. ISRAEL.

H.R. 1869: Ms. GABBARD, Mr. NOLAN, Mr. WILSON of South Carolina, and Mr. BARROW of Georgia.

H.R. 1870: Mr. COOPER.

H.R. 1900: Mr. HARPER, Mr. KLINE, and Mr. BARLETTA.

H.R. 1908: Mr. HUDSON.

H.R. 1918: Mr. DUFFY.

H.R. 1925: Mr. KILDEE.

H.R. 1945: Ms. CLARKE and Mr. BARBER.

H.R. 1961: Mrs. BEATTY.

H.R. 1962: Mr. RODNEY DAVIS of Illinois.

H.R. 1979: Mr. MCDERMOTT.

H.R. 1981: Ms. CHU.

H.R. 1985: Mr. WALDEN.

H.R. 1991: Mr. GUTHRIE.

H.R. 1998: Mr. HIMES, Ms. ROYBAL-ALLARD, Ms. SCHWARTZ, Ms. TSONGAS, and Ms. BASS.

H.R. 2000: Mr. PASCRELL.

H.R. 2009: Mr. MURPHY of Pennsylvania, Mr. WOODALL, Mr. MCCAUL, Mr. BRADY of Texas, and Mr. HUDSON.

H.R. 2016: Ms. BONAMICI and Ms. PINGREE of Maine.

H.R. 2046: Mr. COBLE.

H.R. 2052: Mr. BARR, Mr. MATHESON, and Mr. BILIRAKIS.

H.R. 2053: Mr. RICE of South Carolina and Mr. MCKINLEY.

H.R. 2068: Mr. HECK of Nevada and Mr. WALDEN.

H.R. 2070: Mr. LEVIN, Ms. ESTY, Mr. VISCLOSKEY, and Mr. ENYART.

H.R. 2088: Mr. BARBER.

H.R. 2094: Mr. GENE GREEN of Texas, Mrs. CHRISTENSEN, and Mr. BILIRAKIS.

H.R. 2116: Ms. ESHOO, Ms. BROWN of Florida, Ms. WILSON of Florida, Mr. BEN RAY

LUJÁN of New Mexico, Mr. NADLER, and Mr. DINGELL.

H.R. 2122: Mr. SMITH of Missouri.

H.R. 2125: Mr. RADEL.

H.R. 2141: Mr. CLAY and Mr. PAYNE.

H.R. 2178: Mr. RYAN of Ohio.

H.R. 2199: Mr. GARCIA.

H.R. 2247: Mr. KLINE and Mr. MARCHANT.

H.R. 2308: Ms. SLAUGHTER.

H.R. 2310: Mr. LATTI.

H.R. 2315: Mr. THOMPSON of Pennsylvania.

H.R. 2328: Mr. SMITH of Texas and Ms. MCCOLLUM.

H.R. 2329: Mr. REICHERT.

H.R. 2338: Mr. LOEBSACK.

H.R. 2385: Mrs. ROBY.

H.R. 2408: Mr. MCCLINTOCK.

H.R. 2412: Mr. RYAN of Ohio.

H.R. 2429: Mr. NUNNELEE, Mr. ROKITA, Mr. DIAZ-BALART, Mr. WILSON of South Carolina, Mr. BACHUS, Mr. PAULSEN, Mr. HOLDING, Mr. GRIFFITH of Virginia, Mrs. WALORSKI, Mr. GOHMERT, Mr. SALMON, and Mr. FORBES.

H.R. 2445: Mr. WESTMORELAND, Mr. KELLY of Pennsylvania, and Mr. STOCKMAN.

H.R. 2449: Mr. MCCAUL, Mr. MCDERMOTT, Mr. PERRY, Mr. MEADOWS, and Mr. FRANKS of Arizona.

H.R. 2458: Mr. LATTI.

H.R. 2463: Mr. COBLE.

H.R. 2476: Mr. COURTNEY.

H.R. 2485: Mr. BARBER.

H.R. 2506: Mr. COOPER, Mr. RUIZ, Mr. SCHRADER, Mr. LOWENTHAL, Mr. LIPINSKI, and Ms. GABBARD.

H.R. 2520: Ms. NORTON.

H.R. 2539: Mr. NADLER.

H.R. 2542: Mr. CRAMER, Mr. CHABOT, and Mr. SMITH of Missouri.

H.R. 2557: Mr. BRADY of Texas.

H.R. 2568: Ms. TSONGAS.

H.R. 2571: Mr. STUTZMAN.

H.R. 2575: Mr. COFFMAN.

H.R. 2580: Ms. BASS.

H.R. 2585: Ms. WILSON of Florida.

H.R. 2590: Mr. BISHOP of Georgia, Mr. MAFFEI, Mr. SEAN PATRICK MALONEY of New York, Ms. GABBARD, Mr. CÁRDENAS, Mr. BENTIVOLIO, and Mr. BARROW of Georgia.

H.R. 2593: Mr. CULBERSON.

H.R. 2611: Mr. COBLE.

H.R. 2615: Mr. FORTENBERRY.

H.R. 2632: Mr. WAXMAN.

H.R. 2633: Mr. LEWIS, Mr. COOPER, Mr. NADLER, Ms. NORTON, Ms. WILSON of Florida, Mr. RUSH, Mr. HINOJOSA, Mr. LYNCH, Mr. CLEAVER, Mr. CLAY, Mrs. KIRKPATRICK, Ms. BORDALLO, Mr. CUMMINGS, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, Mr. POSTER, Ms. SCHAKOWSKY, Mr. MEEKS, Mr. RANGEL, Ms. JENKINS, Ms. BROWN of Florida, and Mr. DOGETT.

H.R. 2643: Mr. SCHRADER, Mr. HUFFMAN, Mr. COOK, Mr. MULVANEY, Mr. COOPER, Mr. BISHOP of Georgia, Mr. SEAN PATRICK MALONEY of New York, Mr. NOLAN, Mr. MICHAUD, Mr. RODNEY DAVIS of Illinois, Mr. BENTIVOLIO, Mr. OWENS, and Mr. CÁRDENAS.

H.R. 2646: Ms. ESHOO, Mr. LARSEN of Washington, and Mr. SCHRADER.

H.R. 2652: Mr. GRIJALVA and Mr. HUFFMAN.

H.R. 2663: Mr. TONKO and Mr. ALEXANDER.

H.R. 2667: Mr. COFFMAN, Mr. MEADOWS, Mr. GRAVES of Missouri, Mr. POE of Texas, Mr. KLINE, Mr. BENISHEK, and Mr. CRAWFORD.

H.R. 2668: Mr. MEADOWS, Mr. HUIZENGA of Michigan, Mrs. MILLER of Michigan, Mr. BACHUS, Mr. GRAVES of Missouri, Mr. POE of Texas, Mr. KLINE, Mr. COFFMAN, and Mr. CRAWFORD.

H.R. 2675: Mr. ENYART, Mr. COOPER, Mr. BISHOP of Georgia, Mr. LIPINSKI, Mr. SEAN PATRICK MALONEY of New York, Mr. NOLAN, Mr. HUFFMAN, Mr. BRALEY of Iowa, Ms.

SINEMA, Mr. CÁRDENAS, Mr. BERA of California, Mr. PETERS of California, and Mr. BARROW of Georgia.

H.R. 2682: Mr. BARR and Mr. GUTHRIE.

H.R. 2686: Mr. MULVANEY, Mr. BISHOP of Georgia, Mr. LIPINSKI, Ms. JENKINS, Mr. BENTIVOLIO, Mr. RODNEY DAVIS of Illinois, Mr. HUFFMAN, Mr. MEADOWS, Ms. GABBARD, Mr. OWENS, and Mr. BARROW of Georgia.

H.J. Res. 47: Mr. JORDAN.

H.J. Res. 50: Mr. JONES, Mr. LAMALFA, Mr. NUNES, Mr. BUCHANAN, Mr. BENTIVOLIO, Mr. GUTHRIE, Mr. LATHAM, Mr. KLINE, Mr. HARPER, Mr. YOUNG of Alaska, Mr. CULBERSON, Mrs. NOEM, Mr. WITTMAN, Mr. ROGERS of Alabama, Mr. DUNCAN of Tennessee, Mr. COFFMAN, and Mr. TIBERI.

H.J. Res. 51: Mr. RAHALL and Mr. HARPER.

H. Con. Res. 24: Mr. NUNES.

H. Con. Res. 34: Mrs. CAROLYN B. MALONEY of New York.

H. Con. Res. 41: Ms. MENG, Ms. ROSELEHTINEN, Ms. HANABUSA, Mr. LARSEN of Washington, Ms. GABBARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SEWELL of Alabama, Mr. BRIDENSTINE, Mr. MCGOVERN, and Mr. ROSKAM.

H. Con. Res. 44: Mrs. BUSTOS.

H. Res. 30: Mrs. KIRKPATRICK.

H. Res. 75: Mr. COOPER.

H. Res. 109: Mr. BLUMENAUER, Ms. SCHWARTZ, and Mr. DENT.

H. Res. 170: Mr. MCCAUL.

H. Res. 190: Mr. CRAWFORD.

H. Res. 208: Ms. TSONGAS and Mr. BRADY of Pennsylvania.

H. Res. 227: Ms. SCHAKOWSKY.

H. Res. 231: Mr. PAULSEN, Mr. SCOTT of Virginia, Ms. EDWARDS, Ms. MCCOLLUM, and Mr. LANCE.

H. Res. 250: Mr. JORDAN.

H. Res. 285: Mr. NUGENT, Mr. LYNCH, Mr. MEEHAN, Mr. VAN HOLLEN, Mr. ENYART, Mr. FOSTER, Mr. MCDERMOTT, and Mr. SABLAN.

H. Res. 293: Mr. COBLE and Mr. SMITH of Texas.

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 2667, "Authority for Mandate Delay Act," do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the U.S. House of Representatives.

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 2668, "Fairness for American Families Act," do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the U.S. House of Representatives.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1962: Mr. DUFFY.

H.R. 2319: Mrs. KIRKPATRICK.

H.R. 2359: Mr. BISHOP of Utah.

## EXTENSIONS OF REMARKS

## HONORING HENRY POSEY

## HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. FINCHER. Mr. Speaker, I rise today to honor the retirement of Henry Posey from the Memphis Fire Department.

Mr. Posey has devoted his life to a career of public service. As a fire fighter and the retiring Division Chief for the Memphis Fire Department, he worked to keep communities in the Eighth District of Tennessee safe for over 36 years. In this time, he has truly made a difference in people's lives, and in some cases his efforts have meant the difference between life and death.

I am proud to join Mr. Posey's family, friends, and colleagues in congratulating him for his many years of service. He deserves our deepest thanks and appreciation.

## HONORING FATHER J. PATRICK GAZA

## HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and admiration that I stand before you today to recognize Father J. Patrick Gaza, Pastor of Saints Monica and Luke and Saint Mark Catholic Churches in Gary, as he celebrates his retirement after 44 years of selfless service to the Catholic Church and the countless individuals he has ministered to throughout his life. Father Pat will be honored at a retirement reception on Sunday, July 21, 2013, at Avalon Manor in Merrillville, Indiana.

Father Gaza dedicated his life to becoming a priest from the time of his studies at Saints Peter and Paul School in Merrillville. Since then, he has not faltered in his commitment to God and to serving the people of his community, especially those most in need. He completed his higher education at Our Lady of the Lake Seminary in Wawasee, Indiana, Saint Meinrad College in Saint Meinrad, Indiana, and Pontifical Gregorian University in Rome. In 1968, Father Gaza was ordained a Catholic priest at Saint Peter's Basilica in Vatican City. Through his experiences as an instructor of religion at Bishop Noll Institute in Hammond, as well as his supervision of theological field education at the North American College in Rome, Father Gaza has contributed tremendously to the religious schooling of youth. These stand as just a few teaching experiences among his extensive contributions to the younger generation.

In 1992, Father Patrick Gaza became Pastor of Saints Monica and Luke Catholic

Church. With his devoted guidance, the church has thrived in the community and has expanded its community outreach efforts. In 2007, Father Pat was also assigned Pastor of Saint Mark Catholic Church in Gary. Throughout the years, Father Gaza has served in various organizations throughout Northwest Indiana and Gary, including the LaPorte County FEMA Food Program, the Gary Ten Point Coalition, the Gary Urban Enterprise Association, the Gary branch of the NAACP, Rebuilding Together, and the Catholic Youth Organization. Father Gaza's involvement with these organizations evidences his absolute commitment to minister and tirelessly work and advocate on behalf of "the least amongst us." Those who are without, those who suffer physically or are challenged physiologically, and those who need spiritual guidance have always found compassion, warmth, and a generosity of spirit in Father Pat. Father J. Patrick Gaza is a gifted, Godly, and good man. For his constant and passionate devotion to his God, his church and his flock, Father is worthy of our profound respect and gratitude.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring Father Patrick Gaza for his lifetime of leadership and selfless service to others. Saints Monica and Luke and Saint Mark Catholic Churches, the community of Gary, and all of Northwest Indiana have certainly been blessed by the good work of Father Gaza.

## CONGRATULATING JON MOWL AND THE UNITED STATES DELEGATION TO THE 2013 SUMMER DEAFLYMPICS IN SOFIA, BULGARIA

## HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. MORAN. Mr. Speaker, I rise today to congratulate Jon Mowl and the 180 deaf and hard of hearing athletes and coaches heading to Sofia, Bulgaria for the 2013 Summer Deaflympics. Held quadrennially, the Deaflympics are the world's second oldest multiple sports games after the Olympics. From July 26 through August 4 this summer, Sofia will host 14,707 athletes from over 90 countries.

The Summer Deaflympics are built on 89 years of tradition. At the recent 2009 Summer Deaflympics in Taipei, Taiwan, more than 2,500 athletes from 77 nations participated, including 140 Americans. The Summer Deaflympics are sanctioned by the International Olympic Committee. For the 2013 Summer Deaflympics, the United States plans to bring its best team that has been training for four years for this opportunity. The need for separate games for deaf athletes is not just

evident in the number of participants. Deaf athletes are distinguished from all others in their special communication needs on the sports field. Visual presentation of information during the Games for both athletes and visitors are a critical part of the Games infrastructure, which includes the use of video screens, captioning and information boards. A visual environment is critical for communication with deaf athletes, deaf officials and deaf spectators.

Unlike Olympians or Paralympians, elite deaf and hard of hearing athletes must fundraise to pay their way and do not receive financial support from the United States Olympic Committee. This presents a twofold challenge for the Deaflympics athletes: fundraising on top of training for the Games. People like you who support the mission of USADSF and its athletes are the ones who make it possible for the athletes to accomplish their lifelong dream. Each Deaflympian must fundraise \$2,350 (not including international travel and training camp expenses) to cover all costs at the 2013 Summer Deaflympics. Over 180 United States deaf and hard of hearing athletes and coaches are training for Sofia to represent the U.S. in 11 sports. Among them will be Jon Mowl of Alexandria, Virginia who will be competing in team handball.

An accomplished athlete, Jon scored over 1,300 in his four year career on the Gallaudet University basketball team and was on the team that went to the 2007 World Deaf Basketball Championships. This earned him a spot on the U.S. Deaflympics gold medal winning basketball team at the 2009 Deaflympics in Taiwan.

Mowl graduated from Gallaudet with a Bachelor of Science in mathematics and went on to become an adjunct mathematics professor at Gallaudet for a semester before getting a job at the Department of Health and Human Services. He was hired into the Workforce Recruitment Program and later transitioned to DLA Finance Energy. Mowl's primary responsibilities are budget formulation and execution of the \$425 million sustainment, restoration and modernization program at DLA Finance Energy.

Since the 1935 London Summer Deaflympics, the United States of America Deaf Sports Federation has been sending elite deaf and hard of hearing Americans to compete in the Deaflympics. USA Deaf Sports Federation (USADSF) is the only national athletic association in the United States that coordinates the participation of American deaf and hard of hearing individuals in international sport competitions. USADSF is affiliated with the International Committee of Sports for the Deaf (ICSD) and the International Olympic Committee (IOC). They support teams in 17 sports and represent over 100,000 deaf and hard of hearing athletes in the United States and have sent 2,031 Deaflympians to the Summer and Winter Deaflympics since 1935.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Deaflympics were the first international games for athletes with disabilities and, different from many other games, because athletes cannot be guided by sounds (i.e. a starters gun), they must rely on other methods of competition and refereeing.

Mr. Speaker, Jon Mowl and his 179 teammates deserve this body's support. Their success is an example of preserving talent through resilience and dedication in the face of hardship.

**HONORING OUR LADY OF MOUNT CARMEL CHURCH AS THEY CELEBRATE THEIR 75TH ANNUAL FEAST**

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Ms. DeLAURO. Mr. Speaker, it is my pleasure to rise today to join the many families, parishioners, and community leaders as Our Lady of Mount Carmel Church celebrates its 75th Annual Feast—a celebration which raises funds to support the Our Lady of Mount Carmel School and its students.

Over the last 75 years, the congregants of Our Lady of Mount Carmel Church have to commemorate "the devotion that the Blessed Virgin Mary has to those who are committed to her." The four-day feast features food, fun, and fellowship. After Sunday Mass at noon, there is a procession of the Our Lady of Mount Carmel statue and a float featuring a young girl chosen to portray the feast's icon. The procession travels through an arch located behind the church, which was permanently installed and then two smaller temporary arches which have been erected for the occasion.

Dozens of parishioners volunteer their time, working arduously for weeks preparing for this annual event. Two hundred pounds of ground beef, two hundred forty pounds of sausage, five hundred pounds of onions, over two thousand pounds of veal hearts and more than four thousand pounds of dough—the food preparation is a massive undertaking which utilizes the two permanent kitchens in the church hall as well as an industrial stove that is temporarily installed. Sausage and peppers, soffritto and fried dough are among the feast favorites.

Perhaps what is most special about the Feast is that it is a means to preserve, celebrate, and pass on the culture and traditions of this Italian-American community. People across the country struggle to create a sense of community—a sense of belonging. Over the course of its 75 year history, the Our Lady of Mount Carmel Feast has served as a way for the families of Waterbury to do just that.

It is events like the Our Lady of Mount Carmel Feast, those forged in the bonds of family and community, which allow generation after generation to understand and celebrate their shared heritage. They enrich our communities as well as renew our commitment to faith and family. I am honored to stand today to extend my warmest congratulations to the Our Lady of Mount Carmel Parish and its many families

as they celebrate the 75th anniversary of their Feast. The annual tradition is a community treasure and I wish them all the best for many more successful years to come.

**HONORING MARTINE THOMAS OF ROCHESTER, NY ON HER SELECTION TO THE NATIONAL YOUTH ORCHESTRA OF THE UNITED STATES OF AMERICA**

**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Ms. SLAUGHTER. Mr. Speaker, I rise today in honor of a talented young musician from the 25th District of New York. Martine Thomas of Rochester was selected on March 4th to participate in the first National Youth Orchestra of the United States of America.

Ms. Thomas, a student at the Joseph C. Wilson Magnet High School, plays viola. She is also a member of the Rochester Philharmonic Youth Orchestra. In addition to her orchestral commitments Ms. Thomas is a member of the Garth Fagan Student Dance Company and enjoys hiking, swimming, and biking. Ms. Thomas hopes to pursue a career in viola performance.

She will join a group of 120 of the finest young musicians in this country aged 16–19, each of whom was selected from over 1,200 applicants from all 50 states. Organized by the famed Carnegie Hall in New York City, it is truly a significant accomplishment. As part of their experience, in July the group will travel to New York for two weeks of rehearsals at SUNY-Purchase, and then embark on an international tour that includes a debut performance at the Kennedy Center in Washington, DC, as well as performances in Moscow, St. Petersburg, and London. The last concert in London will be broadcast as part of the BBC Proms.

While there are many terrific local and regional youth orchestras (such as the Rochester Philharmonic Youth Orchestra) in this country and several successful national youth orchestras in other countries, the National Youth Orchestra of the United States of America is a unique and unparalleled opportunity for young, high school-aged musicians in the United States to be recognized as the pinnacle of our music training system. The success of Venezuela's El Sistema has generated increased international interest in the value of youth orchestras, and in my role as the Chair of the Congressional Arts Caucus, I am thrilled that Carnegie Hall has spearheaded this initiative to showcase America's finest young musicians and reinvigorate interest in youth musicianship at home and abroad.

I am proud of Ms. Thomas, and proud of the entire group of musicians selected to represent their hometowns and the United States as cultural ambassadors during their time with the National Youth Orchestra. I encourage all of my colleagues—many, many of whom also have constituents who were chosen—to join me in wishing these extraordinary young and talented individuals the best of luck on their tour. Many congratulations to Ms. Thomas and to Carnegie Hall in this endeavor.

**HONORING DERREK COLLEY**

**HON. STEPHEN LEE FINCHER**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. FINCHER. Mr. Speaker, I rise today to honor Paris Police Patrolman Derrek Colley for his bravery in the line of duty. Because of Officer Colley's courage in the face of danger, the city of Paris, Tennessee narrowly avoided a tragedy.

On January 24, 2013, Officer Colley responded to a call at Pine Ridge Apartments, a local apartment complex. After hearing calls for help, he located a man standing in the doorway of Apartment 710. The man was engulfed in smoke, and he was unable to move himself to safety. Additionally, there were several oxygen tanks in the apartment, and the man feared a catastrophic explosion as the flames slowly spread toward them.

In spite of the chaos and confusion, Officer Colley remained calm and professional. Disregarding his own safety, Officer Colley rescued the immobilized man and pulled him to safety. Then, he called for additional backup of emergency services to fight the fire, and began evacuating the other apartments.

Mr. Speaker, the citizens of Paris, Tennessee are safer because of the selfless acts of bravery from public servants like Officer Colley. We are lucky to have such professional and well-trained personnel to protect our community. I am honored to join his colleagues and neighbors in applauding him for his courage.

**CELEBRATING JAMES DARBY AND PATRICK BOVA**

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. QUIGLEY. Mr. Speaker, I rise today to recognize and celebrate the 50th anniversary of James Darby and Patrick Bova. Since 1963, Jim and Patrick have been in a loving, devoted relationship and together they have fought to secure marriage equality in Illinois and to allow gay and lesbian Americans to serve openly in the armed forces. I am proud to recognize this Chicago couple who have been at the forefront of the fight for equality in Illinois and across the country.

Jim was born and raised on the south side of Chicago, where he worked in the stockyards before enlisting in the Navy. He served four years during the Korean War as a Communications Technician Second Class. In this role, Jim worked as a cryptographer and Russian linguist and earned both the National Defense Service Medal and the Naval Occupation Service Medal.

Patrick grew up in Pennsylvania and attended Georgetown University in Washington, D.C. before moving to Chicago in 1960 to attend the University of Chicago Graduate School in Education.

After Jim's honorable discharge from the military, he met Patrick in Chicago on July 17,

1963. They have been in a committed relationship ever since. Jim spent a 29-year career as a teacher in the Chicago Public Schools where he was recognized in 1985 as the Outstanding Teacher of the Year. Patrick spent a career working at the National Opinion Research Center. When Illinois legalized same-sex civil unions in 2011, Jim and Patrick were among the first couples to share in that new form of partnership.

Together, Jim and Patrick have been working to ensure equality for all Americans serving in our armed forces. Jim founded the Chicago chapter of American Veterans for Equal Rights (AVER) in 1992 and served for many years on the organization's executive board. Jim and Patrick have attended every AVER conference since 1992 and fought together to end discrimination against gay men and lesbians serving in the United States Armed Forces and for the repeal of Don't Ask Don't Tell.

Jim and Patrick are also active in the fight for marriage equality in Illinois. As the lead plaintiffs in *Darby v. Orr*, the case before the Illinois Supreme Court challenging the ban on marriage equality as unconstitutional, Jim's and Patrick's advocacy and testimony have been instrumental in the fight to bring equal rights to all citizens of Illinois.

Mr. Speaker, I ask my colleagues to join me in recognition of the 50th Anniversary of James Darby and Patrick Bova, a Chicago couple whose patriotic advocacy is improving the lives of gay and lesbian Americans in Illinois and across the country.

**HONORING THE 100TH ANNIVERSARY OF THE RAMSEY COUNTY FAIR**

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Ms. McCOLLUM. Mr. Speaker, today I rise to pay tribute to the many dedicated volunteers, exhibitors, sponsors and visitors of the Ramsey County Fair on the occasion of the 100th anniversary of this community festival. This annual fair attracts thousands of attendees through a wide variety of events and activities that entertain families today.

The Ramsey County Fair began in 1913 in White Bear Lake, Minnesota as a simple agricultural event where farmers showcased produce and livestock as well as recent innovations. As the rural parts of Ramsey County gave way to suburban development during the 1950's, the fair had to adjust its events to appeal to a new generation of visitors. Creative arts activities and shows became more prevalent than traditional agriculture. As local historian Jim Lindner has said "the fair had to change to stay relevant, and it did." In 1953, the White Bear Lake School Board purchased the former fairgrounds to expand a local school, forcing the fair to find a new home. The fair opened in its current location in Maplewood, Minnesota in 1954 on what was known as the Ramsey County Poor Farm.

As the Ramsey County Fair prepares to begin its second century of community cele-

bration, the event continues to educate, entertain and delight families from across the Saint Paul-Minneapolis metropolitan area. Mr. Speaker, in honor of the 100th Anniversary of the Ramsey County Fair, I am pleased to submit this statement.

**HONORING PEARL HARBOR SURVIVOR WALTER R. GORR**

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. DENHAM. Mr. Speaker, I rise today to honor Pearl Harbor survivor Walter R. Gorr, who passed away on July 8. Staff Sergeant Gorr served the United States of America honorably and earned a Bronze Star.

Mr. Gorr was born in Shell Lake, Wis., on July 4, 1918. He was living in Tracy, California at the Astoria Gardens care facility following a long illness.

In addition to serving in the United States Army, Mr. Gorr was a member of Mount Oso Masonic Lodge, the Order of the Eastern Star, the Tracy American Legion and Veterans of Foreign Wars posts and several other organizations. He was a proud member of the First United Methodist Church.

Mr. Gorr leaves behind a son, Darrell Gorr, and his wife, Sherry, of San Jose; a daughter, Linda Hahn, and her husband, Mark, of Ladera Ranch; and two grandchildren. Preceding his death were his wife of 61 years, Dorothy Gorr, who died in 2008, three brothers and five sisters.

Walter R. Gorr was a retired Tracy High School teacher but is probably best known as Tracy's last Pearl Harbor survivor.

Mr. Speaker, please join me in honoring Walter R. Gorr for his accomplishments and contributions. He will be remembered as a highly respected Tracy school teacher and for his efforts in bettering and developing services for veterans.

**THE INTRODUCTION OF THE FEDERAL EMPLOYEE SHORT-TERM DISABILITY INSURANCE ACT OF 2013**

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Ms. NORTON. Mr. Speaker, today, as many of our federal workers face furloughs and a third year of pay freezes, I introduce the Federal Employee Short-Term Disability Insurance Act of 2013, which will help provide some financial relief for federal employees who suffer a short-term injury or disability. This bill will offer federal employees short-term disability insurance at no cost to the federal government. Employees will be responsible for 100 percent of the premiums. If federal employees elect to purchase the short-term insurance provided for in my bill, and they become injured or ill because of a non-work-related injury or illness, they will be able to collect dis-

ability insurance benefits, for up to one year, to replace a portion of their lost income.

I decided to investigate how we could provide short-term disability insurance to federal employees after learning that many of them already buy short-term disability insurance as individuals in the private market at high rates. Although federal employees have good health insurance, federal health benefits do not replace lost income if employees are unable to work. And, while federal employees may have available sick or annual leave days, they may not have enough such days if they have to be out of work for an extended period of time. Moreover, although there are long-term disability options for federal employees who become permanently disabled, federal employees do not qualify for such benefits if they have not worked for at least 18 months. My bill does no more than put federal employees in the same position as their private sector counterparts, who have access to disability insurance through their employers at group rates. The bill will not allow participating insurance companies to exclude persons based on pre-existing conditions. And, because of the federal government's purchasing power, the bill will provide all of these benefits at a more competitive rate than is available if an employee sought such insurance as an individual.

According to the Social Security Administration, studies indicate that a 20-year-old worker has a one in four chance of becoming disabled by retirement age. The majority of disabilities are not caused by major accidents, but by conditions or illnesses, such as cancer or back injuries, according to the Council for Disability Awareness.

I strongly urge my colleagues to support this bill.

**OUR UNCONSCIONABLE NATIONAL DEBT**

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,738,188,365,630.03. We've added \$6,111,311,316,716.95 to our debt in 4.5 years. This is \$6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

**RECOGNIZING ERNEST J. GAINES FOR RECEIVING THE NATIONAL MEDAL OF ARTS FROM THE PRESIDENT OF THE UNITED STATES**

**HON. CHARLES W. BOUSTANY, JR.**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. BOUSTANY. Mr. Speaker, I rise today to honor Dr. Ernest J. Gaines for receiving the National Medal of Arts from the President of

the United States for his achievements as an author and teacher in the state of Louisiana.

When presenting this award, President Barack Obama praised Dr. Gaines for rising above early childhood adversities in the segregated rural south to make unique contributions to American literature. The President also thanked Gaines for spending "more than 20 years teaching college students to find their own voices and reclaiming some of the stories of their own families and their own lives."

Describing his journey as a novelist, Gaines once said, it was "only when I tried to write about Louisiana, that I really put everything I had—my soul—and everything I had into it." Gaines said he traveled swamps, bayous, restaurants and bars throughout South Louisiana to prepare to write his classic novel, *A Lesson Before Dying*. Following its publication, he received a Pulitzer Prize nomination and the National Book Critics Circle Award. Screen play adaptations of three of his novels have also broadcast on CBS and HBO.

As writer-in-residence emeritus at the University of Louisiana at Lafayette, Dr. Gaines holds numerous honors, including the National Humanities Medal and recognition by the Academy of Achievement, the American Academy of Arts and Letters, and the Order of Art and Letters in France.

Louisiana is blessed to have this world-famous author among us. As a national treasure, his books will continue to inspire future generations of Americans.

HONORING DR. F. JOE  
CROSSWHITE

**HON. JASON T. SMITH**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor the career of Dr. F. Joe Crosswhite, a lifelong teacher and mentor from Springfield, Missouri. As a boy, Joe grew up during the Great Depression taking any job he could find to help his family pay the bills. After marrying his high school sweetheart, Dorothy Berry, he enrolled at the University of Missouri, Columbia, and earned his B.S. in Education with dual majors in Mathematics and English Literature. He taught high school mathematics in Salem, Missouri where he was chosen as the faculty sponsor for the Class of 1957. As a testament to his character, he not only mentored that class for the next four years of high school, but maintained a 60 year relationship with his students, attending class reunions and other events.

Dr. Crosswhite earned his M.Ed. in Secondary Education and Ph.D. in Mathematics education before retiring from The Ohio State University with the title of Professor Emeritus and accepting a full time position as President of the National Council of Teachers of Mathematics. Dr. Crosswhite was the President of the National Council of Teachers of Mathematics (NCTM) from 1984–1986 when the national mathematics standards were first being developed. This was the first attempt by an organization to develop national standards and guidelines for the teaching and learning of any

subject. He finished his career at Northern Arizona University as a professor of Mathematics.

Joe has shown his incredible ability to transform lives and encourage students to strive toward their dreams. There are two separate scholarships given in his name to students who demonstrate excellence in mathematics. Joe's many accolades do not outshine his love of teaching or his unparalleled devotion to his students, for which he will always be remembered. He is well respected and loved by all who know him.

#### PERSONAL EXPLANATION

**HON. TOM COLE**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. COLE. Mr. Speaker, on July 10, 2013, I was unavoidably detained and was not present for rollcall vote No. 343. Had I been present, I would have voted "no."

#### CELEBRATING TLC PROPERTIES 25TH ANNIVERSARY

**HON. BILLY LONG**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. LONG. Mr. Speaker, I rise today to recognize and honor the 25th Anniversary of TLC Properties.

TLC Properties was founded 25 years ago by Sam and Carol Coryell. The Coryells were college music teachers who had a desire to establish a real-estate business to supplement their income and retirement and to fulfill a dream of owning their own business. Over the last 25 years, Sam and Carol have grown their business from just a handful of units to approximately 3,000 units in the Springfield area.

In 1999, Sam and Carol welcomed their three sons Sam M., Daniel, and David to the family business. The elder Coryells were sure to pass on to their sons the two leading values of TLC Properties: strong character and service. These two values, coupled with the entrepreneurial spirit, compassionate care, and friendly service, promise that TLC Properties will continue to grow, succeed, and serve the Springfield area for years to come.

However, the business success of TLC Properties over the last 25 years does not outshine their contributions to the community; they have donated time and money to various worthy causes. Over the years, TLC Properties has been honored with many prestigious awards including the W. Curtis Strube Small Business of the Year Award in 2009 and the Springfield News-Leader Best Property Management Company Award for the years 2009–2012.

I am honored to recognize TLC Properties, Sam, Carol, their sons, and their outstanding staff for the service they have given to the Springfield area for the past 25 years.

#### ON THE RETIREMENT OF BELLE GROVE PLANTATION DIRECTOR, ELIZABETH MCCLUNG

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. WOLF. Mr. Speaker, I rise today to recognize and honor Elizabeth McClung, the executive director of Belle Grove Plantation in Middletown, Virginia, who will retire at the end of this month.

Elizabeth has led Belle Grove for 17 years and I have had the privilege of working with her many times over the years. We both worked to establish Cedar Creek and Belle Grove National Park, which would not have been successful without her hard work and dedication. She has also made extraordinary improvements to the manor through her passion for restoration and historic preservation.

I want to commend Elizabeth on an outstanding job. I wish her all the best in her retirement in Highland County.

I submit a recent news article from the Winchester Star on Elizabeth's remarkable career.

[From the Winchester Star, July 9, 2013]

EXITING BELLE GROVE DIRECTOR RECEIVES  
PRAISE

(By Laura McFarland)

MIDDLETOWN.—Belle Grove Plantation Executive Director Elizabeth McClung is going out on a high note. With the house in good shape, visitation up, and a "great board in place," she said she is leaving Belle Grove in good hands.

She will retire July 31 after almost 17 years with the historic house in Middletown.

Although there are plenty of new milestones ahead for the historic manor, McClung said she doesn't have any regrets in leaving them to her successor. She is proud of what she accomplished at Belle Grove during her time and will remain an "enthusiastic supporter and continue cheering from the grandstands."

"I wanted to leave on an upswing, and I also didn't want to stay long enough to become an antique," she said with a laugh. McClung gave her notice to Belle Grove's board of directors in March and a search committee was formed to fill the position, said John Adamson, chairman of the board. An announcement about her replacement could be made as early as this week.

During McClung's time at Belle Grove, she demonstrated that running the house was as much about helping it become part of the community as "preserving limestone walls and beautiful grounds," Adamson said. He praised her for doing the latter as well.

#### TRIPLED HOLDINGS

Under McClung, Belle Grove has tripled its property holdings with the acquisition of 183 adjacent acres and of Bowman's Fort near Strasburg, Adamson said.

Both of these historic sites are within the boundaries of the Cedar Creek and Belle Grove National Historical Park, he said.

McClung championed the need for the park, was part of the team that wrote the original legislation to establish it, and helped create a general management plan to act as a road map for its future.

Adamson says the "active partnerships" McClung built with a number of organizations in the community are a big part of what made the park possible.



"I think Elizabeth has been the glue that pulled all of these together and made Belle Grove something personal to each of these organizations," said Adamson, of Strasburg.

#### MANOR HOUSE IMPROVEMENTS

That energy was also focused on Belle Grove, whether it was creating or putting together an event or working to improve the house itself, said Nancy Lee Corner, lead volunteer. McClung approached the projects with a passion and organization that simply makes people "feel at ease as soon as they meet her."

The 1797 Manor House's interior was restored to its historically accurate appearance and the structure and its outbuildings were repaired using historic preservation practices, she said.

"All the things she has done to bring that about on the decorative part of the house—the carpet, the painting, the furniture—all of that has contributed greatly to the house and interpreting it," said Comer, of Stephens City.

Those kind of changes take money, so McClung constantly was looking for new fundraising ideas, ways to improve upon existing ones, or grant writing opportunities, said Sandy Dunkle, chair-elect of the board. She is a "forward thinking person" who is cheerful and knows how to handle herself regardless of the situation, she said.

Dunkle praised the Hite of Excellence Dinner Series—now in its 16th year—that McClung created as a fundraiser.

"It has been one of our biggest sources of income and that is all because Elizabeth McClung brought that to us. Still today, it is a strong part of our financial picture," said Dunkle, of Frederick County.

#### MAKING CHANGES

McClung had a tough road ahead of her when she took over Belle Grove in 1997, said Fred Andreae, who has been chairman of the board twice and served on the search committee when she was hired as well as the current one that will seek her successor.

Before she came, Belle Grove was run in a "more casual way, a little less businesslike way," Andreae said. When McClung was hired, she put a more professional atmosphere in place and didn't balk when it became apparent that the manor house's finances were not as good as originally believed, he said.

The first three years were the most challenging for her because they were all about bringing the house into the 21st century "while still keeping the important historic structures true to their period," McClung said.

"There were no computers. There were no financial systems in place. We were the mule train on the information highway," she said. "We had no Internet or hadn't dreamed of getting email because we didn't have any computers."

In more recent years, she faced the same problem as other nonprofit groups in struggling to fund operating costs, she said.

There were cuts in funding from the state and federal levels and private foundations, who were no longer providing unrestricted funds, she said. They began focusing instead on fundraising for special projects.

"When you have a house that was built in 1797 and a lot of property with cattle, fences and other structures, there is always something falling apart that you have to manage," she said.

Over the years, McClung has maintained a small, capable staff and an active and energetic group of volunteers that run the

house's day-to-day operations and special events, Andreae said.

"When we go through tough economic times, it is a difficult operation to run," he said. "You have to be on your toes and be out raising money and keeping your staff and volunteers happy. They are the people the public sees."

Other highlights from her time at Belle Grove that McClung looks back on proudly are restoring the historic landscape around the house and gardens, beginning a junior docent program to engage young people to "maintain and preserve important touchstones," and creating the Belle Grove 1797 Whiskey and Belle Grove 1797 Whiskey Chocolates.

#### FUTURE PLANS

After working at Belle Grove for almost 17 years and in the nonprofit sector overall for more than 40 years, McClung, who declined to share her age, said she is eager for unstructured time.

She earned a bachelor's degree in 1969 at the Tyler School of Art of Temple University in Philadelphia.

Before coming to Belle Grove, she was the director of development for four years at the Museum of American Frontier Culture in Staunton.

McClung and her husband, Kent, will move to their home in Highland County, which they have owned for more than 30 years. The move will allow her to spend time on her artwork, which she hasn't had time to pursue in recent years.

"When you are the director of a nonprofit of any kind, it is fairly strenuous. It involves a lot of weekends, evenings and holidays," McClung said. "It will be wonderful to have time off."

### HONORING THE DISTINGUISHED CAREER OF BOB TRIMBORN UPON HIS RETIREMENT

#### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me today to honor the distinguished career of Bob Trimborn, who retired on July 1 after seventeen years as Director of the Santa Monica Airport. Over the years, Bob has been a critically important advocate for airport neighbors and airport users and he will be greatly missed.

Bob discovered his love of aviation early in life. He got his first real taste of flying at the Hawthorne Municipal Airport, where he flew his first plane at the age of fourteen. He later became a private pilot, a commercial pilot and in 1983 was hired as the Airport Manager in Hawthorne, where he worked for 10 years. He spent three years in Reno, Nevada serving as the Airport Manager at the Reno Stead Airport before the City of Santa Monica hired him as Airport Director for SMO in 1996.

Bob took real pride in telling the story of the rich history of the airport and delighted in sharing a photo presentation about the evolution of SMO. The airport opened in 1917, gave flight to aviation adventurers like Amelia Earhart and Bessie Coleman, and was once home to Douglass Aircraft, which produced the celebrated DC-3.

But Bob's lasting legacy will be his impassioned advocacy, which made a real difference in the lives of airport neighbors and users. He worked tirelessly with elected officials, the commissioners, and the surrounding community to promote transparency and seek solutions to the challenges facing the airport. I congratulate Bob on his many years of service to the City of Santa Monica and wish him all the best in his retirement.

### RECOGNIZING LEE GOLDMAN FOR HIS ACHIEVEMENTS IN JOURNALISM

#### HON. MARK MEADOWS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. MEADOWS. Mr. Speaker, I rise to congratulate Lee Goldman of Flat Rock, North Carolina, on having three of his columns featured on the Supreme Court's SCOTUSblog within the past month.

For three separate articles on controversial legal issues to gain the attention of the highest court of the land is a tremendous achievement that deserves to be commended.

Mr. Goldman has shared his writing talents with the 11th District of North Carolina for years. From 2009–2012, Mr. Goldman wrote an op-ed column on national politics for the Asheville Citizen-Times in Asheville, NC. Now, as he did in 2008, he writes his column for the Hendersonville Times-News in Hendersonville, NC.

Mr. Goldman devoted a large part of his life to serving in the federal government from 1964–2001. He worked as Staff Director of the United States Senate Subcommittee on Health and Scientific Research and also as an Associate Director at the National Institutes of Health. Mr. Goldman was a member of the Senior Executive Service, Director of Federal Liaison for the Association of American Medical Colleges and a Senior Policy Advisor for the National Alliance Against Mental Illness.

Mr. Speaker, as a Representative for the 11th District of North Carolina, I commend Mr. Goldman for his talents and thank him for his contributions to our district and nation.

### INTRODUCING THE "SAVING AMERICA'S POLLINATORS ACT OF 2013"

#### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. CONYERS. Mr. Speaker, today I rise with the support of my colleague and friend Mr. BLUMENAUER of Oregon to introduce the "Saving America's Pollinators Act of 2013." This legislation requires the Administrator of the Environmental Protection Agency to take swift action and prevent future mass die-offs of honey bees.

One of every three bites of food we eat is from a crop pollinated by honey bees. These crops include: apples, avocados, cranberries,

cherries, broccoli, peaches, carrots, grapes, soybeans, sugar beets and onions. Unfortunately, unless swift action is taken, these crops, and numerous others, will soon disappear due to the dramatic decline of honey bee populations throughout the country. For over a decade now, honey bees have been suffering rapid population losses as a result of a phenomenon known as 'colony collapse disorder.' Another decade of these mass die-offs will severely threaten our agricultural economy and food supply system.

Scientists have reported that common symptoms of this decline are attributed to the use of a class of insecticides known as neonicotinoids. The 'Saving America's Pollinators Act' will address the decline of honey bee populations by directing the Administrator of the Environmental Protection Agency to suspend the registration of certain neonicotinoids—known as imidacloprid, clothianidin, thiamethoxam, dinotafuran—and any other members of the nitro group of neonicotinoid insecticides until the Administrator has made a determination that such insecticides will not cause unreasonable adverse effects on pollinators based on an evaluation of peer-review scientific evidence and a completed field study. The bill will also require the Secretary of the Interior, in coordination with the Administrator of the Environmental Protection Agency, to regularly monitor the health and population status of native bees and identify the scope and likely causes of unusual native bee mortality.

This legislation is extremely critical to examining the death of honey bees and will allow us the opportunity to adequately secure our future food supply. I urge my colleagues to support this legislation and protect America's pollinators.

IN TRIBUTE TO BESSIE MARIE  
GRAY

**HON. GWEN MOORE**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Ms. MOORE. Mr. Speaker, I rise today to recognize a mother, teacher, mentor, and community leader, Bessie M. Gray. On July 21, 2013 her over 40 years of service will be celebrated and honored along with family, friends, former employees, and former students at a program entitled, "Mother to Many, Teacher to More and Mentor to All."

Mrs. Bessie Gray was born in Pine Bluff, Arkansas and moved to Milwaukee after graduating from high school, where she met and married her husband, Percy. She began her child care business in her home in 1973 after working as a Head Start volunteer. Gray's Child Development Center, Inc. became a nonprofit organization and was accredited by the National Association for the Education of Young Children (NAEYC). It was the first African American-led program in the State to achieve this accreditation.

Mrs. Gray earned her bachelor's degree in early childhood education from the University of Wisconsin—Milwaukee and her master's degree in educational administrative leader-

ship from Marquette University. She was a State certified child care trainer for many years and started hundreds of teachers on their way to successful child care careers. She served on many boards and is a past member of Wisconsin Early Childhood Association (vice president), Midwest Early Childhood Association, Black Child Development Institute, and Easter Seals Southeastern Wisconsin. She continues to be available for board consultation.

In 1991, Mrs. Gray began purchasing a property on North Teutonia Avenue from the Sisters of Sorrowful Mother. After providing day care services for children at this site for three years, the Sisters gifted the property to Mrs. Gray. For the next 20 years, Gray's operated out of that facility until its closure in 2011.

Many honors and awards have been bestowed upon Mrs. Gray during her career, including Milwaukeean of the Month (Milwaukee Magazine) 1981, First African American Nationally Accredited Child Care Center in Wisconsin 1994, State of Wisconsin Annual Martin Luther King Jr. Heritage Award 2001, and Black Child Development Wisconsin Affiliate/Child Care category 2009. She has touched the lives of thousands during her 48 years of service to children and their futures. When parents could not afford to pay the child care fees, she absorbed these costs to ensure that parents could maintain employment stability or finish their schooling.

Bessie Gray is a woman armed with a strong personal faith. She taught Sunday school and provided a nursing home ministry. She was married to Percy Gray, Sr. for over 55 years until his passing in December 2010, and is the mother of nine children, with 23 grandchildren and several great grandchildren.

Mr. Speaker, for these reasons, I am honored to pay tribute to Bessie M. Gray, my friend. Mrs. Gray's contributions have greatly benefited the citizens of the Fourth Congressional District.

HONORING THE CITY OF  
ELLSWORTH, MAINE

**HON. MICHAEL H. MICHAUD**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. MICHAUD. Mr. Speaker, I rise today to honor the city of Ellsworth, Maine as it celebrates its 250th anniversary.

Located in the heart of Hancock County, and a gateway to Acadia National Park, Ellsworth is one of our state's fastest growing and picturesque communities. It serves as the county seat and is a regional center for Downeast Maine, with agricultural, commercial, and educational resources that are utilized and embraced by thousands of nearby Mainers.

The town was settled in 1763 and named after Oliver Ellsworth, a delegate to the 1787 United States Constitutional Convention. The city combines a comfortable small town feel with the beautiful scenery of Maine's coastline. One of Ellsworth's many attractions includes the Downeast Scenic Railroad, which begins in the town and travels along the historic, recently renovated, Calais Branch line.

The residents of Ellsworth embody the values of the hardworking people of Maine, and they take great pride in the rich heritage they have created over the past 250 years. It is an honor and a privilege to represent the people of Ellsworth in Congress, and I am pleased to have this opportunity to help the town celebrate its 250th anniversary.

Mr. Speaker, please join me in congratulating the people of Ellsworth and wishing them well on this joyous occasion.

SUPPORT OF ROBUST FUNDING  
FOR THE NATIONAL INSTITUTES  
OF HEALTH AND THE NATIONAL  
CANCER INSTITUTE

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of robust funding for the National Institutes of Health and the National Cancer Institute. This funding is critically necessary to support life-saving research for diseases like pancreatic cancer.

In the 112th Congress, I cosponsored the Recalcitrant Cancer Research Act, which calls on the National Cancer Institute to develop a scientific framework for combating pancreatic cancer and lung cancer. This scientific framework will identify the most promising avenues for research and coordinate resources to achieve a greater impact.

Mr. Speaker, strategic investment in pancreatic cancer research is absolutely crucial. While overall cancer incidence and death rates are declining, pancreatic cancer remains the deadliest of all major forms of cancer. Pancreatic cancer has a devastatingly low five-year survival rate of just six percent, and it will impact over 45,000 Americans this year.

Unfortunately, funding for the NIH and the National Cancer Institute has been declining due to inflation and sequestration. I urge my colleagues to support a permanent fix to sequestration and provide the resources needed to help every American suffering from cancer.

IN HONOR OF CARTERET COUNTY  
ANIMAL SHELTER AND THE  
ASPCA

**HON. WALTER B. JONES**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. JONES. Mr. Speaker, I would like to take a moment to honor the Carteret County Humane Society Animal Shelter, the American Society for the Prevention of Cruelty to Animals, and the volunteers in Carteret County, North Carolina, who answered the call to help homeless animals in their local community.

The Carteret County Animal Shelter, located in my district, was facing the loss of its state license and possible closure unless it underwent significant improvement due to a tight budget on the local, state, and federal levels. This shelter is the only facility in the area that

provides a place for homeless pets to stay while they wait for adoption.

In an unprecedented outpouring of support from the community, more than 100 volunteers, including 30 U.S. Marines from Marine Corps Air Station Cherry Point, came together to renovate the facility. The ASPCA, through its nationwide grants program, was more than willing to provide essential funding for supplies and improvements as well.

As a result of this funding and assistance from the community, the shelter was given preliminary approval to reapply for its license and continue its work as a safe haven for homeless animals in Carteret County.

This situation is a testament to the incredible results that are possible when local citizens, along with national organizations like the ASPCA, come together to serve a community.

I want to thank the Carteret County Humane Society Animal Shelter, the ASPCA, and the people of the Third District of North Carolina for their work on behalf of the homeless animals in Eastern North Carolina. These individuals and organizations have provided a tremendous service to Carteret County, and I am pleased to have them recognized by the United States Congress.

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RECOGNIZING KIA MOTORS FOR  
THEIR ONE MILLIONTH CAR  
BUILT IN WEST POINT, GA

**HON. LYNN A. WESTMORELAND**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. WESTMORELAND. Mr. Speaker, I come before you today to recognize a tremendous milestone for Kia Motors Manufacturing Georgia: The completion of their one millionth car built in West Point, Georgia. This is a huge achievement for Kia Motors North America and for Georgia, as West Point is the first Kia automobile manufacturing facility on our continent.

Beginning in November of 2009, Kia Motors Manufacturing Georgia has been rolling out cars and keeping over 11,000 Georgians employed. Using on-site and local suppliers, they've helped to grow the Third District's economy with quality manufacturing, excellent jobs, and a deep commitment to improving our community. Kia Motors Manufacturing Georgia's continued success led to a \$100 million expansion in early 2012, increasing their annual capacity to 360,000 vehicles. In fact, the best-selling vehicle in the U.S., the Optima, is built in West Point, Georgia.

One million cars in four years is a huge success for Kia and for Georgia. Kia's achievements showcase how great Georgia is for manufacturing and business, and I thank them for their commitment to improving our district's economy. I am honored that Kia Motors Manufacturing Georgia calls the Third District home and look forward to sharing many more milestones with them in the future.

IN RECOGNITION OF MR. ELLIOTT  
LYNN, WINNER OF AUBURN'S POLITICAL  
SCIENCE LEADERSHIP  
AWARD

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to commend an outstanding young leader who attends Auburn University, which is a leading research and educational institution in my district in Alabama. Auburn's political science department each year recognizes a student leader who excels in both the classroom and the community. It's my honor to announce that Mr. Elliott Lynn is this year's winner of Auburn's Political Science Leadership Award. A faculty committee selected Elliott after careful consideration of his outstanding credentials.

Elliott is from Phenix City, Alabama. He is a senior political science major with an outstanding 3.95 Cumulative Grade Point Average. Elliott is a National Merit Scholar and on the Dean's List. He is a member of many honor societies, including Phi Eta Sigma, Pi Sigma Alpha and Pi Lambda Sigma. Elliott is an Honors College Drummond Scholar and a recipient of the Auburn University Marie Glass Ward Endowed Academic Scholarship.

Elliott is active in helping the community, and he participated in multiple service trips to underserved communities in the U.S. and in developing countries. He went to Haiti to build housing for the victims of the 2010 earthquake. He also volunteered as a teaching assistant with the Victory Mission at a church in Columbus, Georgia, and volunteers at the Columbus Habitat. Last summer, Elliott had the opportunity to intern with our colleague in the other chamber, Senator RICHARD SHELBY, and he has also interned with a Circuit Court Judge in Alabama.

After graduating from Auburn, Elliott plans to attend law school and work in human rights or public interest law. He hopes his career will allow him the opportunity to make a difference in the lives of others.

Mr. Speaker, I offer my congratulations to Elliott and thank Auburn University for producing such outstanding students and citizens.

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KILLEN'S STEAKHOUSE

**HON. PETE OLSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. OLSON. Mr. Speaker, I rise today to recognize Chef Ronnie Killen and the staff of Killen's Steakhouse in Pearland, Texas. It's no secret that Texas is known for its beef. Killen's Steakhouse has been ranked the number one steakhouse in Texas and the number six steakhouse in the United States out of The Daily Meal's top 20 American Steakhouses. This is an exceptional honor, and reflects the hard work, talent and dedication to culinary craft that Chef Killen and his staff have contributed. This upscale steakhouse is the only

restaurant in the Pearland area serving Allen Brothers USDA prime beef, and I am more than excited to be a loyal patron.

Small businesses make up the backbone of the U.S. economy and play a crucial role in American productivity and economic vitality. We must continue to support small businesses like Killen's Steakhouse, and I look forward to hearing from Chef Killen as a small business owner about the needs and concerns of the small business community.

Congratulations to Killen's Steakhouse for achieving this prominent ranking. On behalf of all residents of the Twenty-Second Congressional District of Texas, I am honored to recognize this achievement. Our community is proud that Killen's Steakhouse calls Pearland home. I wish Chef Killen and his staff the best of luck in the future.

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PERSONAL EXPLANATION

**HON. RON BARBER**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. BARBER. Mr. Speaker, due to attending the memorial for the 19 firefighters who died fighting the wildfire in Yarnell, Arizona, I missed 20 recorded votes on July 9, 2013. I would like to indicate at this point how I would have voted had I been present for those votes.

On rollcall vote No. 308, H. Res. 288, I would have voted "yea" On Ordering the Previous Question to begin consideration of the bill (H.R. 2609) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

On rollcall vote No. 309, H. Res. 288, I would have voted "yea" On Agreeing to the Resolution for consideration of the bill (H.R. 2609) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

On rollcall vote No. 310, Journal, I would have voted "no" on approving the Journal.

On rollcall vote No. 311, H.R. 2609, the FY2014 Energy and Water Appropriations Bill, I would have voted "no" to strike the section of the bill that would prevent the Army Corps of Engineers from updating guidance concerning federal jurisdiction under the Clean Water Act.

On rollcall vote No. 312, H.R. 2609, the FY2014 Energy and Water Appropriations Bill, I would have voted "no" to strike the section that would prevent the Army Corps of Engineers from changing the definitions of "fill material" or "discharge material" under the Clean Water Act.

On rollcall vote No. 313, H.R. 2609, the FY2014 Energy and Water Appropriations Bill, I would have voted "no" to increase renewable energy, energy reliability, and efficiency by \$245 million and to decrease Weapons Activities by the same amount.

On rollcall vote No. 314, H.R. 2609, the FY2014 Energy and Water Appropriations Bill, I would have voted "no" to increase Renewable Energy, Energy Reliability and Efficiency

by \$31 million and reduces Departmental Administration by the same amount.

On rollcall vote No. 315, H.R. 2609, the FY2014 Energy and Water Appropriations Bill, I would have voted "no" to reduce Renewable Energy, Energy Reliability, and Efficiency by \$9.8 million and transfer the same amount to the Spending Reduction Account.

On rollcall vote No. 316, H.R. 2609, the FY2014 Energy and Water Appropriations Bill, I would have voted "no" to increase Renewable Energy, Energy Reliability, and Efficiency by \$50 million and decrease Weapons Activities by the same amount.

On rollcall vote No. 317, H.R. 2609, the FY2014 Energy and Water Appropriations Bill, I would have voted "no" to reduce Renewable Energy, Energy Reliability, and Efficiency by \$4.75 million and transfer the same amount to the Spending Reduction Account.

On rollcall vote No. 318, H.R. 2609, the FY2014 Energy and Water Appropriations Bill, I would have voted "yea" to increase Renewable Energy, Energy Reliability, and Efficiency by \$1 million and decrease Departmental Administration by the same amount.

On rollcall vote No. 319, H.R. 2609, the FY2014 Energy and Water Appropriations Bill, I would have voted "no" to reduce the Renewable Energy, Energy Reliability, and Efficiency and Fossil Energy Research and Development by \$1.5 billion collectively, and transfer the same amount to the Spending Reduction Account.

On rollcall vote No. 320, H.R. 2609, the FY2014 Energy and Water Appropriations Bill, I would have voted "yea" to increase Renewable Energy, Energy Reliability, and Efficiency by \$10 million and decrease Departmental Administration by the same amount.

On rollcall vote No. 321, H.R. 2609, the FY2014 Energy and Water Appropriations Bill, I would have voted "no" to increase Renewable Energy, Energy Reliability, and Efficiency by \$15 million and decrease Weapons Activities by the same amount.

On rollcall vote No. 322, H.R. 2609, the FY2014 Energy and Water Appropriations Bill, I would have voted "no" to increase Renewable Energy, Energy Reliability, and Efficiency by \$15.5 million and reduce Weapons Activities by the same amount.

On rollcall vote No. 323, H.R. 2609, the FY2014 Energy and Water Appropriations Bill, I would have voted "no" to increase Renewable Energy, Energy Reliability, and Efficiency by \$20 million and reduce Weapons Activities by the same amount.

On rollcall vote No. 324, H.R. 2609, the FY2014 Energy and Water Appropriations Bill, I would have voted "no" to increase Renewable Energy, Energy Reliability, and Efficiency by \$40 million and reduce Weapons Activities by the same amount.

On rollcall vote No. 325, H.R. 2609, the FY2014 Energy and Water Appropriations Bill, I would have voted "no" to decrease Nuclear Energy by \$25 million and increase Office of Science account by the same amount.

On rollcall vote No. 326, H.R. 2609, the FY2014 Energy and Water Appropriations Bill, I would have voted "no" to reduce Fossil Energy Research and Development and Weapons Activities by \$127 million collectively and increase Advanced Research Projects Agency—Energy by the same amount.

On rollcall vote No. 327, H.R. 2609, the FY2014 Energy and Water Appropriations Bill, I would have voted "no" to increase Office of Science account by \$500 million and decrease Weapons Activities by the same amount.

#### HONORING HOPE CARROLL

##### HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. MICHAUD. Mr. Speaker, I rise today to recognize Hope Carroll, winner of the Stars and Stripes Spectacular essay contest, for her inspiring essay titled "What Freedom Means to Me." I had the pleasure of listening to Hope read her essay at the annual Stars and Stripes Spectacular on July 4th in Portland, Maine.

One of the best parts of my job as a member of Congress is having the opportunity to witness the great talent and potential of our nation's young people. This rising 6th grader, from Lincoln Middle School, represents the best and brightest among them. I would like to take this opportunity to share Hope Carroll's essay with the House of Representatives.

Freedom is bravery, confidence and love. Bravery is standing up for your freedom, confidence helps you believe in your freedom, confidence helps you believe in your freedom and love takes care of it. Freedom is laughing and crying. When my family laughs together there is not a care in the world and that is freedom. We cry together, it is the way we express our sadness, that is freedom. Freedom is dancing around the room when no one is watching because being silly and happy is freedom. Freedom is nature, beautiful trees and lovely pink flowers. Freedom is bravery, confidence, love, laughing, crying, silly, happy and beautiful.

Hope showed bravery and confidence well beyond her years in reading her essay, and I look forward to following her progress as a writer.

Mr. Speaker, please join me in congratulating Hope Carroll, winner of the Stars and Stripes Spectacular essay contest.

#### HONORING MARK COVERT

##### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. BLUMENAUER. Mr. Speaker, I rise today to mark the end of an era. On July 23, 2013, the man who holds the U.S. record—and possibly the world record—for the longest continuous running streak will be hanging up his shoes. Mark Covert, a legend in the world of track and field, has run at least one mile every day for the last 45 years.

In D.C. terms, that means he has run through nine presidential administrations, seven economic recessions and over 20 sessions of Congress. On a personal level, he has laced up his shoes every day through storms, heat waves, illnesses, surgery and even the births of his four children. If you ask

him how he did it, he'll tell you it would never have been possible without the full support and encouragement of his wife Debi—especially on the birthdays.

Not only has he run through history, he has made it. In the 1972 U.S. Olympic Marathon Trials, Covert was the first athlete to cross a finish line wearing an unusual pair of shoes with rubber soles that were made on a waffle iron. An entrepreneur by the name of Bill Bowerman had given him these shoes, which became the basis of a little Oregon-based company we like to call Nike. Although he just missed making the 1972 Olympic team, that run—and the nearly 150,000 miles he's covered during the streak, an average of about 9 miles a day for 45 years—secured Mark's spot as a running icon.

Nevertheless, Covert's true impact has been on the many hundreds of students he's coached over the years. He instilled in them not only the skills needed to be successful athletes, but perhaps more important, the skills needed to be successful in life, especially dedication and perseverance in the face of obstacles.

While few of us will choose to take on the challenge of running every single day for 45 years, we can all strive to learn from and perhaps live by his main principle: Never Miss. He may physically end his streak on July 23, but his dogged determination and commitment to leading by example will carry on.

#### INTRODUCING THE AIRLINE PILOT PENSION FAIRNESS ACT

##### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 16, 2013*

Mr. GEORGE MILLER of California. Mr. Speaker, today, I am proud to introduce the Airline Pilot Pension Fairness Act, legislation that would prevent deep, unfair cuts in pilots' retirement benefits.

Nearly forty years ago, Congress established the Pension Benefit Guaranty Corporation to insure the pension benefits of American workers. When employers terminate their workers' traditional pension plans, the PBGC takes the plans over and makes monthly payments to plan participants who are retired.

When the PBGC takes over a company's pension plan, the plan participants do not always receive the same benefit they would have received if their plan had not terminated. For example, workers who retire before age 65—which the law considers "normal" retirement age—receive reduced benefits to reflect the longer period that these retirees likely will receive benefits.

This is bad news for many pilots. Until 2007, under Federal Aviation Administration rules, airline pilots were required to retire at age 60. As a result, pilots whose pension plans were terminated—like the pilots at United Airlines and US Airways—wound up taking drastic cuts to their pension benefits because the PBGC treated age 60 as an early retirement age and cut pilots' guaranteed benefits as a result.

This problem was caused because the FAA's mandatory pilot retirement age of 60

and ERISA's normal retirement age of 65 were not aligned. ERISA does not provide a special rule for pilots. Pilots earn every dime of their pension benefits and they didn't choose to retire at age 60. The time to fix this problem is today.

The Airline Pilot Pension Fairness Act would put airline pilots subject to the old FAA rule on equal ground with other workers by requiring the PBGC to treat age 60 as the normal retirement age for these pilots—not as an early retirement age. In other words, these pilots would receive the maximum PBGC benefit for which they would be eligible if they worked

until age 65. If they worked until the age of 57, it would be as if they worked until age 62 and the pilot would receive the appropriate PBGC benefit.

Eight years ago, in a 2005 e-hearing Tom Gardiner, of Bainbridge Island, WA, facing the loss of his retirement nest egg at United Airlines, explained the conundrum facing pilots—

“My name is Tom Gardiner and I am a Captain for United Airlines with a total of 27 years of service. . . . If the PBGC takes over the pilots' defined benefit plan, I will lose at least 2/3 of my promised pension. . . . [One factor] contributing to this huge hit is the adjustment

for 'early retirement' mandated by PBGC rules. Of course, I have no choice in the matter; the FAA regulations require me to retire at age 60. The PBGC considers that to be 'early' and takes away 35% of what I would otherwise receive from them. It is a classic 'Catch 22'. . . .”

Captain Gardiner is not alone. The Airline Pilot Pension Fairness Act would be a first step to restoring some measure of fairness to these hardworking Americans who have seen promised and hard-earned benefits disappear overnight.

**SENATE—Wednesday, July 17, 2013**

The Senate met at 9:30 a.m. and was called to order by the Honorable CARL LEVIN, a Senator from the State of Michigan.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God our king, You rule from Your throne, sustaining us with the unfolding of Your providence. Today, abide with our Senators and all those to whom You have committed the government of this Nation. Lord, give them Your special gifts of wisdom and understanding, of counsel and strength, providing them with the insights to choose what is best. Bless them with constancy of purpose and an unfailing devotion to their duties. Answer their prayers and give them Your peace.

We pray in Your merciful Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 17, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**KEEP STUDENT LOANS AFFORDABLE ACT OF 2013—MOTION TO PROCEED**

Mr. REID. Mr. President, I move to proceed to Calendar No. 124.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 124, S. 1238, a bill to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, and to modify required distribution rules for pension plans, and for other purposes.

**SCHEDULE**

Mr. REID. Following my remarks and those of the Republican leader, we will proceed to executive session to consider the nomination of Fred Hochberg to be president of the very important Export-Import Bank. At 10 a.m. there will be a cloture vote on the Hochberg nomination.

Following that, if cloture is invoked, we will have, as a result of some rules changes made earlier this year, 8 hours of debate. I doubt seriously if the Democrats will take any of their time, so we should be able to finish that sometime soon and have a vote on his confirmation, if we invoke cloture.

We then have left on the calendar for this week the Secretary of Labor and the head of the EPA. So we should be able to finish that tomorrow.

**SENATE FRIENDSHIPS**

Mr. President, I am so glad to see the Presiding Officer in the Chair. For those who perhaps are not aware, Senator LEVIN is a long-time Member of the Senate, and he has decided not to run again, which is very sad for the State of Michigan, the Senate, and the country, but that is the decision he made.

I had the good fortune—and he has heard me say this before, but I will say it again because I will never forget this—of coming to the Congress in 1982, with Senator LEVIN's brother—his older brother—and so the first time I met Senator CARL LEVIN I was contemplating whether I should run for the Senate, after having served in the House. At the very beginning of our visit—a visit in Senator LEVIN's office—I said to him: I know your brother. He and I came to Congress together a few years ago. CARL looked at me so intently and so seriously and said: Yes, he is my brother, but he is also my best friend. Well, having three brothers of my own, that was something that always stuck with me.

Senator LEVIN is our Presiding Officer today, and it doesn't happen very often, so we appreciate that. Our more senior Members don't preside as often as the more junior Members.

I also want to say, with this man in the chair, that we just had one of those

rare occasions where the senior Senator from Michigan and I disagreed. The disagreement we had had nothing to do with us and everything to do with positions we had taken. We need not get into what the difference was—it was something dealing with the Senate and had nothing to do with our personalities—but I will say, as a result of the efforts of Senator LEVIN, I am sure he is as pleased as I am with what happened here in the Senate in the last couple of days.

For a number of reasons, not the least of which is the input of the Senator from Michigan, we have now started a new era—I hope a new normal era—here in the Senate where Senators, instead of talking past each other, start talking to each other. So I want to publicly state I appreciate the Senator from Michigan for many different reasons.

Senator LEVIN has been a long-time protector of our military, as the chairman of the Armed Services Committee. I am not an expert on what is happening in that committee, but I do know that during the more than three decades I have been in Congress no one has been more vigilant and caring about the men and women who serve in our military. So I admire, appreciate, and have great affection for the Presiding Officer.

The burdens we as leaders here in the Senate have—and I was reflecting on this as I was walking in here this morning—whether it is the Armed Services Committee or the things I am called upon to do, are so minimal compared to the burdens of the President of the United States—whoever the President of the United States happens to be. But let's focus on Barack Obama. Every day he gets up for a briefing about what is going on around the world, and there are so many things going on around the world that are so difficult—for him, for us as a country, and for the world. The problems we have here at home, as the leader of the superpower that we are, he has to deal with every day.

I had a visit with the President yesterday on the telephone. After we worked out an arrangement here in the Senate that was pleasing to virtually everybody, he called me and said: Thanks. I know it was a lot of hard work—and all that stuff. But I commented to him: We all realize the burdens that you bear. And I think we do. If we pause and think for a minute, it is easy to understand the heavy burdens this man bears.

We all know what a fine human being he is, and we have watched him, as we

have seen all Presidents change before our eyes, this vibrant young man who served here in the Senate with us, with his coal-black hair, and now, after a few years, that hair is similar to that of myself and Senator LEVIN. He is still vibrant and strong, but he has a lot of burdens on his shoulders. Having worked with him as closely as I have, I have such understanding of what I think he goes through—at least somewhat of an understanding and some empathy for what he goes through.

Maybe somebody at the White House will pass him a copy of this exchange between the Presiding Officer and myself and they will tell him how much we in the Senate, Democrats and Republicans—the Republicans may disagree with him politically, but I don't think you can find a Republican who doesn't admire him as a good human being.

#### RESERVATION OF LEADER TIME

Mr. President, would you announce the business of the day?

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### EXECUTIVE SESSION

#### NOMINATION OF FRED P. HOCHBERG TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The assistant legislative clerk read the nomination of Fred P. Hochberg, of New York, to be President of the Export-Import Bank of the United States.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. will be equally divided and controlled between the two leaders or their designees.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MURPHY). Without objection, it is so ordered.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Fred P. Hochberg, of New York, to be President of the Export-Import Bank of the United States.

Harry Reid, Tim Johnson, Benjamin L. Cardin, Christopher A. Coons, Patrick J. Leahy, Charles E. Schumer, Ron Wyden, Patty Murray, Heidi Heitkamp, Tom Udall, Martin Heinrich, Jack Reed, Sheldon Whitehouse, Elizabeth Warren, Richard J. Durbin, Kirsten E. Gillibrand, Robert Menendez

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Fred P. Hochberg, of New York, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2017, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 82, nays 18, as follows:

[Rollcall Vote No. 175 Ex.]

#### YEAS—82

Alexander	Franken	Murkowski
Ayotte	Gillibrand	Murphy
Baldwin	Graham	Murray
Baucus	Hagan	Nelson
Begich	Harkin	Portman
Bennet	Hatch	Pryor
Blumenthal	Heinrich	Reed
Blunt	Heitkamp	Reid
Boozman	Heller	Rockefeller
Boxer	Hirono	Sanders
Brown	Hoeven	Schatz
Burr	Isakson	Schumer
Cantwell	Johanns	Scott
Cardin	Johnson (SD)	Sessions
Carper	Kaine	Shaheen
Casey	King	Stabenow
Chiesa	Kirk	Tester
Coats	Klobuchar	Thune
Cochran	Landrieu	Udall (CO)
Collins	Leahy	Udall (NM)
Coons	Levin	Vitter
Corker	Manchin	Warner
Crapo	Markey	Warren
Donnelly	McCain	Whitehouse
Durbin	McCaskill	Wicker
Feinstein	Menendez	Wyden
Fischer	Merkley	
Flake	Mikulski	

#### NAYS—18

Barrasso	Grassley	Paul
Chambliss	Inhofe	Risch
Coburn	Johnson (WI)	Roberts
Cornyn	Lee	Rubio
Cruz	McConnell	Shelby
Enzi	Moran	Toomey

The PRESIDING OFFICER (Ms. HEITKAMP). On this vote, the yeas are 82, the nays are 18. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Pursuant to S. Res. 15 of the 113th Congress, there is now 8 hours of postcloture debate equally divided in the usual form.

Who yields time?

If no one yields, the time will be equally divided.

The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I rise to speak for a few moments about

the cloture vote we just had and the confirmation vote that is upcoming.

First of all, let me start by saying I think Mr. Hochberg is a good, capable, and competent person. The point I am making is that the candidate for President of the Ex-Im Bank, for whom we just granted cloture and are likely to confirm, is a capable individual.

I voted against cloture, and I am going to vote against this confirmation. It is not about him. I wish to explain what this is about for me and why I think this is a lost opportunity. Precisely, it is this: By invoking cloture, as we have just done, and confirming Mr. Hochberg, as we are no doubt about to do, I think we are going to miss a big opportunity to insist on some modest reforms that are necessary at the Ex-Im Bank and we are going to miss an opportunity to pressure the administration and the Ex-Im Bank to follow existing law in ways that are not currently being followed. I wish to touch on a couple of these.

First of all, just by way of background, a reminder about the Ex-Im Bank: This is a taxpayer risk. This is a bank that makes taxpayer-backed loans and guarantees to countries and companies that buy American products. In 2012 we reauthorized the ongoing existence of the Ex-Im Bank and increased its lending authority to \$140 billion. Now, not only are taxpayers taking a risk every time a loan is made by the Ex-Im Bank, but the taxpayers are systematically being undercompensated for that loan. The pricing on these loans is necessarily not reflective of the full risk to the taxpayer. How do we know that? Because if they were fully pricing in the risk, then the Ex-Im Bank wouldn't have a competitive advantage over other private banks. They would be more than happy to finance exports. In fact, the export bank exists for the purpose of subsidizing these exports, and they do it in the form of consciously and intentionally underpricing the loans so that the taxpayers do not get an adequate compensation and certainly not a market compensation for the risk they take. That is just the reality. That is the nature of the Ex-Im Bank.

I would also point out that Ex-Im Bank's inspector general issued a report in September about some of the issues they discovered in the management of the Ex-Im Bank. They recommended that the Ex-Im Bank undergo stress testing. We require this of all of the big private financial institutions. They require that they go through all kinds of analyses about what would happen to their institutions under different economic and market circumstances that could occur, and then we evaluate how well they hold up to the stress of changes in interest rates, changes in economic conditions, and so on. The Ex-Im Bank has promised they will do this, but we haven't seen any results.



The inspector general also suggested some at least soft limits on concentration because the Ex-Im Bank is massively concentrated in a single industry. Almost all of the financing it provides is in a single industry, and that creates a risk to the taxpayers, of course, if there is a problem in that industry. The Ex-Im Bank has rejected considering any concentration limits.

The third thing I would point out is that the inspector general's report suggested that the board have more oversight authority. The Ex-Im Bank has not agreed to increase the board's oversight authority.

There is another problem with the Ex-Im Bank, it seems to me; that is, by its very nature it picks winners and losers in ways that are inappropriate. I will give a few examples. Because it is a government entity, it is ultimately controlled by the political class and its activities ultimately get politicized. It has already happened. For instance, in an entity that is supposed to be all about subsidizing exports for job creation purposes, there are mandates that a certain amount of their business has to be green activity. It has to be what some people think is acceptable or preferable in the energy space. That is a judgment which has nothing to do with maximizing overall exports. It is a political decision that is imposed on the Ex-Im Bank because politicians can. There is also a mandate on small business, which is to favor one sector over another.

There was an amendment when we were considering this bill. One of our colleagues offered an amendment that would force the Ex-Im Bank to make sure a certain amount of their business was subsidized loans to African companies and countries. I am sure this Senator has a very sincere interest in supporting Africa in various ways. That is fine if he has that interest, but is the Ex-Im Bank the vehicle we are supposed to use to do that? Let's keep in mind that when we establish a minimum statutory lending hurdle for some geographical area and Ex-Im is not there, they have to lower their standards to reach that goal, so it increases taxpayer risk for this political goal.

My point is that it is inevitable, it is guaranteed, it is already happening that this process becomes politicized, and that is not a good idea.

There is another problem with the activity of the Ex-Im Bank, which is that taxpayer-backed loans and guarantees also inevitably help some American companies at the expense of others. That is the nature of this, and that is a problem. One clear example is commercial air carriers. We have American companies that are airlines, they are commercial carriers, and then there are foreign companies that do this as well, and they compete directly against American carriers. Well, if you are a

foreign airline, you get the Ex-Im Bank subsidy loan to buy your aircraft, and if you are an American airline, you don't. This happens. It happened recently. Air India got a \$3.4 billion loan subsidy from Ex-Im Bank so they can buy their aircraft, and Air India competes directly with American companies that are not eligible for the loans because it is not considered an export.

These are the sorts of unintended consequences that occur when the government creates these mechanisms for meddling in the markets.

By the way, under current law the Ex-Im Bank is required to provide an analysis and make the analysis public about any adverse impact on American companies when they engage in this sort of activity, and we haven't seen that analysis. In fact, we have a court decision that criticizes the Ex-Im Bank. The court of appeals found that they had, in fact, failed to comply with this law about assessing the negative financial impact on U.S. companies; nevertheless, they are continuing to make these loan guarantees in this context.

All of these problems have been discussed in the past. We have had this debate before. One of the very constructive things we did in the 2012 reauthorization of the Export-Import Bank was that we said: What is the reason—why do we do all of this? The proponents always give the same argument—it is always the same—and it is that other countries around the world do this to subsidize their exports, and if we don't subsidize ours we will be at a competitive disadvantage and we can't have that.

That is the justification we always get. One can question the wisdom of that justification. We could have a big debate about that. But let's put that aside for a second because there is a potential solution to that problem. It is that in global trade talks and bilateral and multilateral trade talks, we, the United States—the world's biggest trading country, the world's biggest economy—could insist on a process by which we have a mutual wind-down of this economically unhealthy activity. The countries of the world that have these export-subsidizing banks could mutually agree to phase them out. Then we wouldn't have to do it because they do it, taxpayers wouldn't have this risk, and we wouldn't be unfairly benefitting some companies at the expense of others. We could phase this out.

In fact, that is exactly what the 2012 authorization bill requires. It requires the administration to begin negotiating with our trading partners for a mutual phaseout of all export subsidies. I believe that is the right solution to this admittedly difficult problem. Let's all agree we are going to phase out this activity.

Well, despite the fact that this mandate is in the reauthorization bill we

passed a year ago—it is the law of the land—it is not happening. It is just not happening. There are no such discussions under way. There are no such negotiations. This is certainly not a priority of the administration's trading activity. I am not sure it exists at all as a priority. This is the main reason I came to the floor this morning and voted against cloture.

Cloture—the requirement to get the 60 votes to cut off debate to then consider the vote on the underlying nominee—is a very important tool. If we had held 41 votes, 41 Senators who refused to agree to cut off debate, the administration would have been in a little bit of a pickle because by the end of this month, in the absence of a newly confirmed President, the Ex-Im Bank couldn't do any business. So what would have happened? Would the Ex-Im Bank have just shut down? No. That wasn't ever going to happen. But what might have happened is we might have had a discussion: Can we get the administration to actually begin the negotiating they are supposed to do under existing law? Could they please begin to observe the law? Could the Ex-Im Bank actually begin to respond to the inspector general's reports? And in the pressure, frankly, of this moment, I think we would have had progress. Instead, we have voted for cloture. I think later today we are going to vote to confirm the nominee, who, as I said, is a very capable, very competent individual. So none of this is going to happen. What we are going to do is confirm the status quo, continue business as usual, business as it has been.

This, of course, occurs in a context, right? It occurs in the context of this argument we have been having about whether Republicans have been obstructing nominees, and I think, frankly, it infects the judgment about how Senators might consider voting on something such as a cloture measure. I would just remind everybody that going into this discussion earlier this week, the Senate had confirmed 1,560 of the President's nominees and was blocking 4—1,560 to 4. Some are suggesting that is an outrageous activity on our part because it denies the President the opportunity to assemble his team. Really? He has 1,560 confirmed, and there are 4 we are holding. That works out to 99.7 percent of the President's nominees confirmed, and we are portrayed as preventing the President from assembling his team. I completely reject that characterization. I think the President has enjoyed a tremendous opportunity and reality of getting his team in place, getting them confirmed.

We ought not relinquish the power the Constitution gives to the Senate to advise and consent. Remember, the Constitution doesn't just say that the Senate shall advise, it says advise and consent. "Consent" has a very specific

meaning. If we do this automatically and routinely and we think that—I guess those who object to our approving 1,560 and objecting to 4—it seems to me the implication is that we are supposed to simply routinely rubberstamp everyone, there can't be any objections ever, whatsoever. That is not what the Constitution calls for. As a matter of constitutional principle, that is a very flawed analysis.

I wanted to speak this morning because this is a very real, specific case of where, had we exercised more fully, in my judgment, our opportunity to deny cloture, we would have made a little bit of progress in better observation of existing law, further reducing risk the taxpayers take, and getting the Ex-Im Bank to comply with some of the recommendations in the inspector general's report. I wanted to share that.

I know how this vote is going to go. I know Mr. Hochberg is going to be confirmed. I hope we will be able to make progress anyway, but I am sure we would have had a better chance of making meaningful progress if we had used this moment.

As we consider future nominees, I hope we will remember that this is a fundamental and important role for the Senate to play—to use confirmation as a moment to focus the attention of the administration on what is important to our constituents, to our taxpayers, and I hope we won't relinquish that opportunity.

I yield the floor.

#### OBAMACARE

Mr. LEE. Madam President, 2 weeks ago, while most Americans were busy getting ready for the Fourth of July holiday, the Obama administration made a stunning announcement about the President's signature legislative accomplishment, the Patient Protection and Affordable Care Act.

The President admitted to the American people that because ObamaCare was so poorly crafted, he was delaying the enforcement of the employer mandate and would not assess fines and penalties to big companies that refused to provide insurance to their employees. The President explained that businesses could not handle "the complexity of the requirements," and government bureaucrats would spend the next year simplifying the reporting rules so companies could comply.

I expected that in the next paragraph he would acknowledge that American families also deserve relief because, as polls consistently reflect, they have very big problems with the requirements as well. They have concerns about the government-run health care scheme known as the exchanges.

Henry Chao, the chief technical officer in charge of implementing the ObamaCare exchanges, has said:

I'm pretty nervous. . . . Let's just make sure it's not a third-world experience.

American families also have very grave concerns about how much ObamaCare is going to add to our national debt. The Congressional Budget Office now estimates that the cost to taxpayers over the next 10 years will be \$1.8 trillion. Young Americans are particularly concerned about ObamaCare because it is becoming clear that they will see the highest increases in health care premiums.

One study published in the magazine of the American Academy of Actuaries shows that middle- and low-income single adults between 21 and 29 years of age will see their premiums rise by 46 percent even after they take the ObamaCare subsidy.

A joint report by Republicans on the House Energy and Commerce, Senate Finance, and Senate HELP Committees that looked at over 30 different studies concluded that:

Recent college graduates with entry-level jobs who are struggling to pay off student loan debt could see their premiums increase on average between 145 and 189 percent. Some studies estimate young adults could experience premium increases as high as 203 percent.

In my State, the State of Utah, premiums for young people will jump anywhere from 56 to 90 percent. As I read this statement from the Treasury Department, I was shocked to find no mention of these people. Parents, families, students, employees, taxpayers, hard-working Americans in general were totally left out, along with their concerns about the complexity of the requirements imposed by ObamaCare.

A senior adviser to the President took to the White House blog to spin the administration's announcement before long. She said:

In our ongoing discussions with businesses, we have heard that you need time to get this right.

But why aren't American families part of these same ongoing discussions? Isn't the White House obligated to get this right for them too, before assessing fines and penalties and forcing them into a government-run third-world experience?

We knew ObamaCare would be unaffordable, but now we know it is also going to be unfair. It is fundamentally unfair for the President to exempt businesses from the onerous burdens of his law while forcing American families and individuals into ObamaCare's unsound and unstable system. It is unfair to protect the bottom lines of big business while making hard-working Americans pay the price through higher premiums, stiff penalties, cutbacks in worker hours, and job losses.

It is unfair to give businesses more time to figure out complex regulations but force everyone else to figure out equally complex mandates and requirements applicable to individuals. This administration has chosen to put its own political preferences and the inter-

ests of various government cronies ahead of those of the American people.

Republicans in Congress must now stand up for the individuals and families who do not have the money, who do not have the lobbyists, who do not have the connections to get this administration's attention on this important issue. We should do so using one of the few constitutional powers that Congress still carefully guards: its power of the purse.

As long as President Obama selectively enforces ObamaCare, no annual appropriations bill and no continuing resolution should fund further implementation of this law. In other words, if the President will not follow it, the American people should not fund it.

Last week's admission by the administration means that after more than 3 years of preparation and trial and error, the best case scenario for ObamaCare will be rampant dysfunction, waste, and injustice to taxpayers and working families. Even the President himself is now admitting that ObamaCare will not work. It is unaffordable and unfair.

If he will not follow it, we should not fund it. The only reasonable choice now is to protect the country from ObamaCare's looming disaster, start over, and finally begin work on real health care reform that works for everyone.

I would like to shift topics and speak briefly in opposition to the confirmation of Fred Hochberg to continue as Chairman and President of the Export-Import Bank. By confirming Mr. Hochberg, we would perpetuate the existence of an organization whose sole purpose is to dispense corporate welfare and political privileges to well-connected special interests.

The Export-Import Bank, or Ex-Im as it is commonly known, is an example of everything that is wrong with Washington today. It is big government serving the interests of big corporations at the expense of individuals, families, and small businesses throughout America.

I am, of course, not alone in this view. I have good company. In 2008, while campaigning for the office of President of the United States, then-Senator Barack Obama referred to Ex-Im as "little more than a fund for corporate welfare." So it is. After all, in fiscal year 2012, \$12.2 billion of Ex-Im's \$14.7 billion in loan guarantees went to a single company—one company. Our free enterprise system may not be perfect, but it is fair. Crony capitalism which is promoted by the Export-Import Bank is neither.

Abraham Lincoln once said that the leading object of government was to "lift artificial weights from all shoulders, to clear the paths of laudable pursuit for all, to afford all an unfettered start and a fair chance in the race of life."

Crony capitalism is the opposite of this noble vision. It lays on artificial waste, obstructs paths of laudable pursuit, and makes the race of life fettered and unfair. We may have honest disagreements about when and whether and to what extent and under what circumstances it is a good idea for the government to redistribute wealth from the rich and give it to the poor, but can't we all agree it is always a bad idea to redistribute wealth from the poor and the middle class and give it to large corporations?

The saddest part is it is not even clear the bank actually helps U.S. firms to outperform their foreign competitors. Ex-Im's convoluted financing has been accused of pricing at least one U.S. airline out of being able to compete with foreign firms, and at least one court has agreed.

Cronyism is a cancer. It undermines public trust in our economy and in our political system. Ordinary Americans who have the gnawing sense that the game seems rigged against them unfortunately have good reason to feel that way. It is not the free market that serves the middle men at the expense of the middle class. It is the crony cartels of big government, big business, and big special interests conspiring against the American dream, helping each other to American taxpayers' money. The Ex-Im Bank is part of this graft.

I urge all of my colleagues to join me in opposing this nominee and the crony capitalist organization that he leads.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I rise to speak in support of Fred Hochberg and his nomination to the second term as Chairman of the Export-Import Bank. I have heard now two speeches on the other side of the aisle from my colleagues who not only seem to take exception with Mr. Hochberg's nomination but the Export-Import Bank in and of itself.

I think they are wrong. I think they are wrong because they do not understand Washington's need to focus on the fact that we have an export economy. We want U.S. products to be bought and sold in countries and markets all over the world. We are here today to talk about a critical vote to support 225,000 jobs that are part of our export economy. If we fail to confirm Fred Hochberg for a second term as Chairman of the Export-Import Bank, businesses across the United States will lose a key tool in job creation.

This is because his term expires, runs out, on July 20.

What would that mean? It would mean the Export-Import Bank, which needs at least three of its five board members to have a quorum, would not have a quorum and would not be able to issue any new loans. This means the transactions that U.S. companies de-

pend on, the guarantees and the transactions to finance the sale of U.S. products and services overseas, would not be able to move forward.

If we don't confirm Mr. Hochberg this week, the bank cannot approve loans and it would take away a job-creating tool that American innovators and businesses count on. This is why I am calling on my colleagues, in a bipartisan fashion, to confirm Mr. Hochberg as the Export-Import Bank Chairman for a second term.

His nomination is supported by the Chamber of Commerce and by the National Association of Manufacturers. He has proven to be a solid leader in his organization by listening, implementing, innovating, and administering a very critical job-creation tool.

When I visited businesses across my State in 2012 to talk about the Export-Import Bank, I heard the American people wanted us to focus on job creation and supporting business. The Export-Import Bank helps American-made products to be shipped all around the world.

I saw a company in my State, Yakima, WA, the Manhasset music stand company, use the Export-Import Bank to make sure sales go all around the globe, including China.

I saw a grain silo manufacturer called SCAFCO in Spokane, which also would testify to the fact that they have been able to sell their grain to many countries around the globe because of the financing the Export-Import Bank guarantees.

Airline cockpit hardware made by the Esterline Corporation factory in Everett, WA, also testified to the same effect; that when you are looking around the globe to secure financing of U.S. products into more developing countries, it is hard to get the financing to work.

The United States can be left at the starting line or the United States can use this vital tool that I call a tactic for small business to get access to make sure their products get a final sale.

The Export-Import Bank supports 83,000 jobs in my State alone, which benefits from the finance mechanism. Over the last 5 years, it has supported many jobs throughout the United States. Overall, it supported, as I said, 225,000 jobs and more than 3,000 businesses in 2012.

In the small business area, 2,500 of those are small businesses. The notion that this is somehow crony capitalism—and maybe he is talking about the shenanigans that happened on Wall Street, but he is certainly not talking about the Export-Import Bank.

I am advocating that we keep the very positive results of this bank, keep Mr. Hochberg, and make sure we continue to sell our products from Everett, WA, or Auburn, KY, all over the globe.

Ninety-five percent of the world's consumers live outside our borders. The question is: are we going to make sure that U.S. products get into the hands of the growing middle class around the globe? In 2030, China's middle class will be 1 billion people, 1 billion middle-class people in China, up from 150 million today. India's middle class will grow 80 percent, from 50 million to 475 million.

We need our businesses, large and small, to have the tools to reach this new, growing tool of consumers. Not only does this help businesses, the Ex-Im Bank also helps taxpayers.

I don't know where the idea that this is crony capitalism comes from, but this program is a very good deal for the U.S. Department of the Treasury. In fact, it returned nearly \$1.6 billion to the U.S. Treasury since 2005. It actually is helping us return money to the Treasury and it helps our businesses continue to grow in export markets.

As we speak, there are almost \$4 billion in transactions awaiting approval for the bank; that is, if we don't approve the chairman, these deals might not go through. There are many American businesses counting on their transaction so they can compete in an international market.

The international competitor is not going to wait until we approve Mr. Hochberg if we delay this. They are going to go ahead, cash in on the business deals, and our competitors will win.

I think the U.S. Chamber of Commerce said it best in a 2011 letter to congressional leaders: The Export-Import Bank enables U.S. companies, large and small, to turn export opportunities into real sales that help create real jobs in the United States of America.

I was proud that Mr. Hochberg came to Seattle last year for the opening of a regional Ex-Im office, focusing on small businesses to make sure they can get the financing for end products to get to these markets. We should be moving more toward policies to help businesses, the small businesses, grow with confidence into these international markets.

I ask my colleagues to do the right thing, follow through, and confirm this chairman.

Since its creation in 1934, the Export-Import Bank was approved by unanimous consent or voice vote 24 times. For 24 times no one called this crony capitalism. No, they were supporting it. The last time we authorized it, it had 78 votes. It ended up in the House of Representatives with 330 votes.

I am pointing this out because all of the delay in Mr. Hochberg's confirmation hurts business in the end, when the majority of my colleagues do agree this is a vital tool to help boost products made in America.

In the last reauthorization we did make improvements to strengthen the

Ex-Im Bank. Quarterly reports are delivered on the default rates, which now can't go above 2 percent.

The Government Accountability Office also is required to work with risk management structures to make sure loans and businesses are not too risky. Transactions above a certain dollar amount receive public comment, and they deliver a yearly report on those transactions.

I know my colleagues have mentioned this issue about aviation, and I can guarantee, as the chair of the Aviation Subcommittee, I want U.S. airline industries to be competitive in international markets. Certainly, the world community on financing of airplane sales is working together to make sure those are closer to market-based rates and working on the same page so these financing schemes work together.

The 2011 Aircraft Sector Understanding sets out the terms and conditions on how airlines can finance aircraft purchases using Government-backed financing. The Understanding requires a closer alignment with commercial market borrowing rates. This agreement covers all major trading partners except China.

All of these improvements we continue to make in the Ex-Im Bank are important. As I said, Mr. Hochberg has been open to many discussions as to how we move ahead. Let us not deny the fact that in developing markets, a financial tool such as the Export-Import Bank, that actually delivers on helping job creation in the United States by getting the sales of many different products into these developing countries and growing middle class, is very good for the United States. The fact that it returns to the taxpayer is very positive.

Let's not let this slip another moment. Let's get Mr. Hochberg back to the task at hand, which is approving these transactions so U.S. companies can continue to grow jobs here by accessing new markets overseas.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, this last Monday night we had a remarkable occurrence in the Senate. Democrats and Republicans actually met together, as the Presiding Officer knows, in the Old Senate Chamber, a historic location where the Senate used to meet before we became so large and expanded to 100 Members. What was so good about that, from my perspective, was that we actually had some communication going on and we learned there

were a lot of Senators who were actually frustrated by the way the Senate has been operating. It gave us all an opportunity, there in a confidential setting, to speak our mind and to share our frustrations.

But I think one of the things we have forgotten—maybe not forgotten, but need to be reminded of from time to time—is what makes the Senate unique, not just here in America and our form of government but throughout the world. Sometimes the Senate is referred to as the world's greatest deliberative body. As we all know, it has become less so in recent years. But we all remember the story of the constitutional convention in Philadelphia when they were at loggerheads in trying to figure out how to create the legislative branch. There were some who wanted a single unicameral legislative body, and there were discussions then about whether there actually needed to be a Senate in addition to the House of Representatives, which, of course, would literally be representative of the people based on their numbers as opposed to representing the respective States, which is the function of the Senate.

Late in the convention there was a compromise proposed by the Senator from Connecticut, Roger Sherman, on behalf of the small States. Of course, the small States were worried the big States would gang up on them. Ironically, under this compromise, it is now the small States that gang up on the big States, but that is another story for another day.

Under this Connecticut Compromise, the Senate came to be comprised of two Senators representing each State, no matter how big or how small the State. My State of 26 million people only gets two Senators. The Presiding Officer's State, a smaller State, also gets two Senators. That was part of the Connecticut Compromise back when the country was founded.

The Constitution could not have been ratified without this compromise. It initially failed, but Benjamin Franklin later found a better time to reintroduce it and it passed. But here is the real function of the Senate, and it comes from a story told of a conversation between Thomas Jefferson and George Washington. Of course, Washington had presided over the constitutional convention. Jefferson was in Paris. When he returned, he asked Washington why he allowed the Senate to be formed, because Jefferson had considered it unnecessary. One body based on proportional representation, Jefferson thought, should be enough. Washington then asked Jefferson if he cooled his tea by first pouring it in the saucer, which was the custom of the day. Sure, responded Jefferson. And Washington said: So it is that the Senate must cool tempers and prevent hasty legislation by making sure it is well thought out and fully debated.

I mention that story and recite a little bit of history to remind us the Senate was created not just to be another House of Representatives but for another purpose altogether. That is the other reason why Senators are elected for 6-year terms from a whole State as opposed to just a congressional district where our colleagues across the Capitol run every 2 years from smaller areas. Of course, they are supposed to be much more closely tied to their constituents. We are supposedly given a little more flexibility to take the long view and not the short-term view in how we decide matters.

That is the reason why so many of us were concerned at the threat of the majority leader to invoke the so-called nuclear option. I know for most Americans this is not something that is at the top of their list to be concerned with, but from an institutional and constitutional perspective it is absolutely critical the Senate remain true to the design of the Founders of our country as framed in our Constitution.

As a rationale to invoking the so-called nuclear option and turning the Senate into a purely majority-vote institution, there were claims this side of the aisle had been obstructing too many of President Obama's nominations. But the facts tell a far different story. Thus far, the President has nominated more than 1,560 people for various positions, and only 4—only 4—of them have been rejected by the Senate.

Since 2009, this Chamber has confirmed 199 of President Obama's article III judicial nominees and rejected 2 of them, and 80 of those nominees were confirmed by voice vote, which is essentially a unanimous vote. Another 64 were confirmed by unanimous rollcall votes. Does that sound like a crisis? Does that sound like obstructionism? I think not.

I would like to suggest it is another problem that has caused the Senate to become, in a way, a nondeliberative body and quite dysfunctional. For example, during Senator REID's tenure as majority leader, an unprecedented number of bills have come to the floor directly from the majority leader's office. Any of us who remember our high school civics lessons know that, ordinarily, committees of the Congress are supposed to write legislation. Then once the committees vote that legislation out, it comes to the Senate floor. Obviously, the purpose for that is to give everyone in the committees an opportunity to vent their concerns, to offer amendments, to debate them, and then to mark up a bill before it comes to the Senate floor so we do a better job and deal with all of the unintended consequences and the like. But during the tenure of the current majority leader an unprecedented number of bills have simply sprung to life out of the majority leader's office.

Many of my colleagues, including Members of Senator REID's own party,

have been left wondering why it is the committees actually even exist in a world where bills simply come to the Senate floor under rule XIV without the sort of deliberation and consideration they should get in committees before arriving here. When legislation arrives on the floor, Senators are routinely denied an opportunity to offer the amendments they see fit and to have debate and votes on those amendments.

To give some perspective—and I know some people will say the American people are not interested in the process, they are interested more in the policy, but this demonstrates why the process is so important to getting the right policies embraced—during the 109th Congress, when this side of the aisle, Republicans, controlled this Chamber, Senate Democrats offered more than 1,000 separate amendments—1,043 separate amendments—to legislation. During the 112th Congress, when our Democratic colleagues were in charge, Republicans were only allowed to offer 400 amendments—1,043 to 400, a big difference.

During the 109th Congress, when Republicans controlled this Chamber, there were 428 recorded votes on Senate amendments—428. In the 112th Congress, there were 224—a little more than half of the number.

Since becoming majority leader, Senator REID has blocked amendments on bills on the floor no fewer than 70 times. In the language of Senate procedure, we call that filling the amendment tree, but what it means is the minority is effectively shut out of the ability to shape legislation by offering amendments on the Senate floor. And that is no small thing. Again, I represent 26 million people in the State of Texas. Being a Member of the minority, when Senator REID blocks any amendment I wish to offer to a bill, he has effectively shut out of the process 26 million Texans. And it is not just my State, it is every State represented by the minority.

As a comparison, the previous Senate majority leader, Senator Bill Frist of Tennessee, a Republican, filled the amendment tree only 12 times in 4 years. So 70 times under Senator REID, 12 times for Senator Frist. And before him, Majority Leader Tom Daschle, a Democrat, filled the tree only once in 1½ years—once in 1½ years. When Trent Lott was the majority leader, a Republican, he did it 10 times in 5 years. George Mitchell, a Democratic majority leader, did it three times in 6 years. Majority Leader Robert C. Byrd, who was an institution unto himself here in the Senate, did it three times in 2 years. And finally, Senator Bob Dole of Kansas, the majority leader, a Republican, did it seven times in 3½ years.

My point is not to bore people with statistics but to point out the Senate

has changed dramatically under the tenure of the current majority leader in a way where Members of the Senate are blocked from offering amendments to legislation in the interest of their constituents. As majority leader, Senator REID has denied those rights to the minority and the rights of the people we represent. When he refuses to let us offer amendments and debate those amendments, he refuses to let us have real debate and he is effectively gagging millions of our constituents.

One more time I would like to remind Senator REID of what he promised 6 years ago. He said: As majority leader, I intend to run the Senate with respect for the rules and for the minority the rules protect. The Senate was established to make sure that minorities are protected. Majorities can always protect themselves but minorities cannot. That is what the Senate is all about.

I would also like to remind our colleagues what President Obama said in April of 2005, when he was in the Senate. He said: If the majority chooses to end the filibuster, if they choose to change the rules and put an end to democratic debate, then the fighting, the bitterness, and the gridlock will only get worse.

My point is to say the Senate has been transformed in recent years into an image of an institution the Founders of our country would hardly recognize, nor would previously serving Senators who operated in an environment where every Senator had an opportunity to offer amendments to legislation and to get a vote on those amendments; where the minority's rights were protected by denying the majority the right to simply shut out the minority, denying them an opportunity to offer or debate important pieces of legislation.

That is what has happened under the current majority leader, and that is why I believe those meetings, such as the one we had in the Old Senate Chamber this past Monday night, are so important. But we do have to rely on the facts. Facts can be stubborn, but I think our debate ought to be based on the facts and on a rational discussion of what the Framers intended when they created the Senate and its unique role—unique not just here in America but to all legislative bodies in the world.

#### HEALTH CARE

Madam President, I would like to turn to another topic. Now that we have gotten past the nuclear option, at least for a time, I think it is important we return to important issues that actually affect the lives of the American people in very direct ways, and health care is one of them.

During the Fourth of July recess, the administration unilaterally delayed several provisions of the so-called Affordable Care Act, otherwise sometimes known as ObamaCare. What they

did specifically is they delayed enactment of the employer mandate.

It was an implicit acknowledgement by the administration that ObamaCare is actually stifling job creation and prompting many businesses to turn from full-time employment to part time. In fact, there are now 8.2 million Americans working part-time jobs for economic reasons when they would like to work full time. That number is up from 7.6 to 8.2 million since March. And a new survey has found that 74 percent of small businesses are going to reduce hiring, reduce worker hours, or replace full-time employees with part-time employees in part in response to ObamaCare.

The House of Representatives has drafted a bill that would codify the employer mandate delay that the administration announced earlier this month. In other words, they want to uphold the rule of law. Yet the President is now threatening to veto the very legislation that enacts the policy that he himself announced, which is truly surreal. The House bill on the employer mandate would do exactly what the President has already announced he would do unilaterally. There is no conceivable reason that I can think of for the administration to oppose this legislation—unless, of course, President Obama thinks he can pick and choose which laws to enforce for the sake of his own convenience. I am afraid he does believe that, and the evidence goes well beyond ObamaCare.

Yesterday afternoon I listed several examples of the administration's persistent contempt for the rule of law.

I mentioned the government-run Chrysler bankruptcy process in which the company-secured bondholders received far less for their loans than the United Auto Workers pension funds.

I mentioned the subsequent Solyndra bankruptcy in which the administration violated the law by making taxpayers subordinate to private lenders.

I mentioned the President's unconstitutional appointments to the National Labor Relations Board and the Consumer Financial Protection Bureau. You don't have to take my word for it; that is the decision of the court of appeals. The case has now been taken up by the U.S. Supreme Court to define what the President's powers are to make so-called recess appointments. But one thing that is absolutely clear is that the President—the executive branch—can't dictate to the Senate when we are in recess, thus empowering the President to make those appointments without the advice and consent function contained in the Constitution; otherwise, the executive branch will have no checks and no balances on its power, and there will be no power on the part of the Senate to do the appropriate oversight and to confirm the President's nominees.

In addition to his recess appointments, I mentioned yesterday his decision to unilaterally waive key requirements in both the 1996 welfare reform law and the 2002 No Child Left Behind Act, and I also mentioned his refusal to enforce certain immigration laws.

What the House of Representatives is trying to do with its employer mandate bill is to make sure that the same rules apply to everyone and that the executive branch and the White House in particular don't just pick winners and losers when it comes to the Affordable Care Act, Obamacare.

If this President or any President is allowed to selectively enforce the law based on political expediency, our democracy and adherence to the rule of law will be severely weakened.

The principle at stake is far more important than the particular legislation we are talking about. It is about the constitutional separation of powers between the executive and the legislative branches of government. By assuming to be able to unilaterally suspend laws that prove inconvenient, the President is showing disdain for those checks and balances on executive authority as well as his oath, where he pledges to faithfully execute the laws of the United States.

Those of us who support repealing ObamaCare in its entirety and then replacing it with real health care reforms that reduce costs and expand patient choice and access to quality care, while protecting Americans with preexisting conditions and saving programs such as Medicaid and Medicare, believe ObamaCare ought to be repealed in its entirety and replaced with commonsense reforms that will actually bring down the costs, increase the quality, and preserve the patient-doctor relationship when it comes to making health care choices.

Our preference would be to repeal the entire law, but we would like to work with the President and our friends across the aisle now that it appears, according to the administration's own actions, that they actually believe ObamaCare is not turning out as it was originally intended in 2010. Indeed, one of the principal architects in the Senate, the chairman of the Senate Finance Committee, Senator MAX BAUCUS of Montana, has told Secretary Kathleen Sebelius of Health and Human Services that the implementation of ObamaCare is turning out to be a train wreck. And indeed it is.

Unfortunately, the President is still refusing to acknowledge the growing evidence that ObamaCare cannot perform as was originally promised. We know that the promise that if you like the health care coverage you have, you can keep it that the President so famously made—that is not true. Seven million Americans have lost their health care coverage as ObamaCare is being implemented and many more as

employers are incentivized to drop their employer-provided coverage, leaving American families to find their health insurance elsewhere. The promise the President made that the average cost of health care insurance for a family of four would go down by \$2,400—we know it has gone up by \$2,400 since then.

Unfortunately, it appears the wheels are coming off of ObamaCare, and the people who will suffer the most are hard-working American families we are pledged to protect and help. What we ought to be doing rather than denying the obvious is working together to try to enact commonsense reforms.

It is not an answer for the President to discard the politically inconvenient portions of ObamaCare and kick off implementation until after the next election. To me, that is one of the most amazing things about the way ObamaCare has been implemented. It passed in 2010, but very little of it actually kicked in before the Presidential election of 2012. So there is no real political accountability, no real opportunity for the voters to voice their objection once it had been implemented, if it had been implemented on a timely basis. And now, because it has proven to be politically inconvenient, the President has proposed to kick off implementation of the employer mandate until after the 2014 midterm congressional elections. That is no way to have accountability for the decisions we make here. That is the opposite.

We are simply urging the President to support the rule of law and to make sure the same rules apply to everyone—apply to Members of Congress and apply to everyone in this great country of ours. But when the administration chooses to selectively enforce or not enforce provisions of the law or issue waivers for the favored few and the rest of us end up with the harsh reality of this law that is not working out as originally intended, it undermines the rule of law and the public's confidence that the same rules will apply to everyone. That shouldn't be too much to ask.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RUBIO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUBIO. Madam President, there has been a lot of news over the last 24 hours about the nuclear option and how that has been averted here in the Senate and what good news that is for the institution. I do value the Senate, and I do value the ability of individual Senators—and particularly the minority, which I hope I won't be a part of

forever—and of the minority to speak and to be heard. That is one of the things that make this institution unique.

But I think we have to answer a fundamental question about why we have these rules in place and in particular why we have these rules in place when we are dealing with nominees, people who are nominated to the Cabinet and other executive positions. It is because the Constitution gives the Senate the power to advise and consent, to basically review these nominees and find out information about them and then decide whether they should be confirmed.

There are two different standards with regard to that. The first standard is whether the nominee should be able to go forward, and that requires a supermajority vote—60 votes—to continue debate. It is kind of arcane and I don't want to do a tutorial on the Senate, but let me say that if you can't get those 60 votes, then you have to continue to debate that nominee. That is an important tool—not to obstruct but should be used judiciously. It is a tool that should be used to make sure that this process is being respected and that people are answering critical and valid questions. It is an important tool to use. It needs to be used judiciously. It needs to be used in a limited way. You can't do that on everybody. You shouldn't do that on everybody. Quite frankly, the minority has not done it on everybody, nor have I. I have been very careful in its use and have tried to ensure that when we do use it and when I do use it, I use it for reasons that are valid.

It is with that in mind that I am very concerned about a nominee who will be before this body as early as today on a 60-vote threshold about whether to cut off debate on this individual and proceed to final confirmation, and that is this nominee for the Secretary to head the Labor Department, which is a significant agency of our government that, quite frankly, has a direct impact on the ability of businesses to grow and hire people and so forth. This is an important nomination and one that I think deserves careful scrutiny.

Now, let me be frank and up-front. I have significant objections to this nomination on the basis of public policy, and I have stated that in the past. I believe this individual, Thomas Perez, who is currently an Assistant Attorney General, is a liberal activist who has used his position—not just in the Department of Justice but in other roles he has played—to advance a liberal agenda that, quite frankly, is out of touch with a majority of Americans and that I believe would be bad for our economy, hence the reason I don't think it is a good idea for him to head the Labor Department. But the President has a right to his nominees.

So that is a reason to vote against this nomination. That in and of itself

may not always be a reason to block a nomination from moving forward. Where I do think there is a valid reason to block someone's nomination from moving forward is when that individual has refused to cooperate with the process that is in place to review their nomination.

When you are nominated to serve in the Cabinet or in the executive branch, you get asked questions about things you have done in the past, things you have said in the past, and you are expected to answer those fully and truthfully so that the Members of this body can make a decision about your nomination based on the facts. I don't know of anyone here who would dispute that, including people in the majority. Irrespective of how you feel about the nominee, every single Senator here—and through us, the American people—has a right to fully know who it is we are confirming, whether it is to the bench or to the Cabinet or to some other executive position. That is a right that is critically important.

When a nominee refuses to cooperate with that process, I believe that is a valid reason to stand in the way of their confirmation and to block it from moving forward until those questions are fully and truthfully answered. I do believe that is a reason not to vote for what they call cloture around here. I think that is a case in point when it comes to this Labor nominee, Mr. Perez, and I want to take a few moments to argue to my colleagues why it is a bad idea for both Democrats and Republicans to allow this nomination to move forward until this nominee answers the questions he has been asked by the Congress. Let me give the background.

There was a case filed by the City of St. Paul in Minnesota, and this case had to do with a legal theory called disparate impact. It is not really on point per se, but it basically says that you look at how some policy is impacting people, and even if there wasn't the intent to discriminate against people, if the practical impact of it was that it was discriminating against people—let's say a bank was giving out loans, and although the loan officer wasn't looking to deny loans to minorities, if the way they had structured the program meant that fewer minorities were getting loans than should be under a percentage basis, then under this theory you would be allowed to go after whatever institution did that. That is the theory which is out there in law.

The City of St. Paul had a challenge to that in court that chose to define exactly what that meant, and it got all the way to the Supreme Court. It was on the Supreme Court's docket. At the same time, the Justice Department was being asked to intervene in a whistleblower case regarding Housing and Urban Development. Again, it would take too long to describe exactly why

that is important, but the bottom line is that the case against the City of St. Paul, the separate case—the whistleblower case—because of the way the law is written, they couldn't move forward on that case unless the Department of Justice intervened. And that is where the nominee, Mr. Perez, stepped in. He is an enormous fan of the disparate impact theory. In fact, he had used it to go after banks, of all things, in his time at the Department of Justice.

At some point in the future I will come to the floor and detail why I object to his nomination, appointment, and confirmation, but today I am just making the argument as to why it is a bad idea to move forward on this nomination until certain questions are answered.

This is where Mr. Perez steps in. What he did is he basically went to the City of St. Paul and said: Look, if you drop your Supreme Court case, we will not intervene in the whistleblower case. It is what is known in Latin as a *quid pro quo*—you do this for me, I will do that for you. In essence, City of St. Paul, drop your Supreme Court case and I will not intervene on behalf of the Department of Justice.

He argues reasons why he did that were based—he told the House committee the reason why I did that is because I thought it was a bad case, I had bad facts and I didn't want to move forward on the HUD whistleblower case anyway. He claimed that. But, in fact, a subsequent investigation found that a career attorney in the Department of Justice actually did not feel that way at all. A career attorney who was involved in this case believed it was a good case and, in fact, at a meeting about the case he expressed concern that this looked like we were “buying off” the City of St. Paul.

Right away the nominee had, frankly, misled the congressional committee when he argued it was a bad case, everybody agreed that the facts were bad. In fact, that is not true. The career prosecutor who was looking at this case wanted to move forward and was concerned that the way this looked was that it was a buy-off.

Then the nominee was asked: By the way, did you use your personal e-mail to conduct this deal? Did you e-mail with people about it? We understand your Federal account, we have access to that, but did you use your personal accounts?

You know, we all have business accounts and we all have personal accounts. The question was did you use your personal accounts to cut this deal or negotiate this deal or even talk about it with anybody? His answer was he could not recall, he had no recollection of that.

Subsequently, however, it was discovered that, in fact, on at least one occasion initially, he had used his e-

mail to discuss something with someone at the City of St. Paul. That is when the House oversight committee stepped in and it asked him voluntarily and the Justice Department voluntarily to produce any e-mails from his private account that had to do with his official capacity.

Understand the request. It wasn't: Send us e-mails between you and your children or between you and your family or about you planning your vacation. What they asked for were any e-mails from your private accounts that have to do with your official capacity.

The Justice Department responded to that request by saying: We have found 1,200 instances of the use of his personal e-mails for official business. We found at least—the number at least was 34, but then 35—instances where it violated the open records laws of the Federal Government. So he was voluntarily asked to produce these e-mails to the House. He refused.

The House then subpoenaed these records, a subpoena which has the power of Congress behind it basically compelling you: You must produce it now. Again, he refuses to produce these e-mails.

What we have before the Senate today is a nominee to head the Labor Department of the United States of America who refuses to comply with a congressional subpoena on his e-mail records regarding his official business conduct. He refuses to comply; will not even answer; ignores it.

Here is what I will say to you. How can we possibly vote to confirm somebody if they refuse to produce relevant information about their official conduct? Think about that. This is an invitation for any official in the executive branch to basically conduct all their business in their private accounts because they know they will never have to produce it, they can ignore the Congress.

The nominee, Mr. Perez, hides behind the Department of Justice and says: They are handling this for me. But the problem is the Department of Justice doesn't possess these e-mails. These are his e-mails from his personal account that he refuses to produce.

If, in fact, there is nothing to worry about—and I am not claiming—I have not seen the e-mails. I don't know what is in them. None of us do. That is the point. The fact is we are now being asked to vote to confirm someone—not just to confirm someone, to give him 60 votes to cut off debate on the nomination of someone who is in open contempt of a congressional subpoena and repeated requests, including a bipartisan request. I have it here with me, a bipartisan request signed by Mr. ISSA of California and Mr. CUMMINGS, the ranking minority member, dated May 8, 2013:

We write to request you produce all documents responsive to the subpoena issued to



you by the committee on April 10, 2013, regarding your use of a non-official e-mail account to conduct official Department of Justice business. The Department [Justice Department] has represented to the Committee that roughly 1,200 responsive e-mails exist. To allow the Committee to fully examine these e-mails, please produce all responsive documents in unredacted form to the Committee no later than Friday, May 20, 2013.

The answer: Nothing, silence, crickets.

This is wrong. How can we possibly move forward on a nominee—I don't care what deal has been cut—how can we possibly move forward on someone until we have information that they have been asked for by a congressional committee? This is outrageous. If ever there was an instance where someone's nomination should not move forward, this is a perfect example of it.

I am not standing here saying deny this nominee 60 votes because I think he is a liberal activist—I do, and I think that is the reason why he should not be confirmed. What I am saying to my Republican colleagues is: I don't care what deal you cut, how can you possibly agree to move forward on the nomination when the nominee refuses to comply with a congressional subpoena to turn over records about official business at the Justice Department?

By the way, we are not confirming him to an Ambassador post in some obscure country halfway around the world. This is the Labor Department. This is the Labor Department.

I am shocked that there are members of my own conference who would be willing to go forward, go ahead on a nomination like this, who are willing to give 60 votes on a nomination like this on a nominee who has, frankly, flat out refused to comply with a congressional subpoena and answer questions that are legitimate and important. We are about to make someone the head of one of the most powerful agencies in America, impacting the ability of businesses to grow and create jobs at a time, frankly, when our economy is not doing very well, we are about to confirm someone to chair that agency, head up that agency when that individual has refused to comply with a legitimate request. How can we possibly go along with that?

I understand how important it is to protect the rights of minorities here. I understand how important it is to protect the right of the minority party to speak out and block efforts to move forward. But, my goodness, what is the point of even having the 60-vote threshold if you cannot use it for legitimate reasons? This is not me saying I am going to block this nominee until I get something I want. This is a nominee who refuses to cooperate, who flat out has ignored Congress and told them to go pound sand. And you are going to vote for this individual and move forward before this question is answered?

I implore my colleagues, frankly on both sides of the aisle—because this sets a precedent. There will not be a Democratic President forever and there will not be a Senate Democratic majority forever. At some point in the future you will have a Republican President and they are going to nominate people and those people may refuse to comply with a records request. You are not going to want those records? In fact, you have in the past blocked people for that very purpose.

So I ask my colleagues again, how can you possibly move forward a nominee who refuses to comply with giving us the information we need to fully vet that nomination? This is a serious constitutional obligation we have. Do we have an obligation to the Senate and to this institution, being a unique legislative body? Absolutely. But we have an even more important obligation to our Constitution and to the role the Senate plays in reviewing nominations and the information behind that nomination, and we are being blatantly denied relevant information. We have colleagues of mine who say it doesn't matter, move forward. This is wrong. It is not just wrong, it is outrageous.

Again, I do not think that we should use—nor do I think we have, by the way, used the 60-vote threshold as a way to routinely block nominees from moving forward. You look at the record. This President has done very well with his nominations, across the board—judiciary, Cabinet, executive branch. But, my goodness, can we at least agree that I have a right as a Senator from Florida—as all of you have a right as Senators from your States—to have all the relevant information on these nominees before we move forward?

I am telling you, if you are going to concede that point, then what is the point of having the 60-vote threshold if you can never use it for legitimate purposes?

I would argue to my colleagues today, let's not have this vote today. Let's not give 60 votes on this nominee until he produces these e-mails and we have time to review them so we can fully understand what was behind not just this quid pro quo deal but behind his public service at the Justice Department as an assistant attorney general, frankly confirmed by this Senate with the support of Republicans.

This is not an unreasonable request. For us to surrender the right to ask these questions is a dereliction of duty and it is wrong. If ever there was a case in point for why the 60-vote threshold matters, this is an example of one. I am telling you, if this moves forward, there is no reason why any future nominee would not decide to give us the same answer; that is, you get nothing. I tell you nothing. I will tell you what I want you to know. Then we are forced to vote up or down on someone

on whom we do not have information. And that is wrong.

There is still time to change our minds. I think this is a legitimate exercise—not forever. Let him produce these e-mails. Let us review these e-mails. Then bring him up for a vote and then you can vote on him, whether you like it or not based on all the information. But to allow someone to move forward who is basically telling an oversight committee of Congress: I don't have to answer your questions, I don't have to respond to your letters, I ignore you?

I want you to think about the precedent you are setting. I want you to think about how that undermines the constitutional—not just the right, the constitutional obligation of this body to produce advice and consent on Presidential nominees, and I think this is especially important when someone is going to be a member of the Cabinet and overseeing an agency with the scope and the power of the Labor Department.

I still hope there is time to convince as many of my colleagues as possible. I do not hold great hopes that I will convince a lot of my Democratic colleagues, but I hope I can convince a majority of my Republican colleagues to refuse to give the 60 votes to cut off debate on this nominee until Chairman Issa and the oversight committee get answers to their questions that frankly we would want to know. They take leadership on asking these questions but we are the ones who have to vote on the nominee. They are doing us a favor asking these questions. We should, at a minimum, stand here and demand that these be answered before we move forward.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The Republican leader.

OBAMACARE

Mr. MCCONNELL. As I mentioned yesterday, I am glad the majority saw the light and stepped back from committing a tragic mistake. It is good news for our country and good news for our democracy. Now that that is behind us, we can get back to debating the issues our constituents are the most concerned about, and for a lot of my constituents they are concerned about ObamaCare.

This is a law that was basically passed against their will and it is a law that is now being imposed upon them by a distant bureaucracy headquartered here in Washington. If the folks in DC are to be believed, its implementation is going just swimmingly. The Democratic leader in the House of Representatives called it “fabulous.” The President said the law is “working the way it's supposed to.” And my friend the majority leader said the other day that “ObamaCare has been wonderful for America.”

Fabulous? Wonderful? These are not the kinds of words one normally associates with a deeply unpopular law, or one that media reports suggest is already having a very painful impact on Americans we represent. Which sets up an important question for Senators to consider: Just who are we prepared to believe here when it comes to ObamaCare: the politicians who have developed it or the people who are reacting to it?

The politicians in Washington who forced this law on the country say everything is fantastic. They spent millions on slick ads with smiling actors and sunny-sounding scripts that blissfully—I am being kind here—blissfully dismiss what the reality of this law will actually look like to so many Americans, or what the reality of the law has already become for some of them. That is why the people have taken an entirely different view. They are the ones worried about losing the coverage they like and want to keep, which is understandable given the growing number of news stories about insurance companies pulling out of States and markets altogether. They are the ones worried about their jobs and pay checks.

Each anecdote we hear about a college cutting hours for its employees or a restaurant freezing hiring or a small business already taking the ax to its workforce at such an early stage—each of them is a testament to just how well this law has been working out for the people we were sent to represent.

According to the chamber of commerce's small business survey released just yesterday, anxiety about the requirements of ObamaCare now surpass economic uncertainty as the top worry for small business owners.

Here is another thing: When even cheerleaders for the law start to become its critics, that is when we know there is something to this train wreck everybody keeps talking about.

Unions are livid—even though they helped pass the law—because they see their members losing care and becoming less competitive as a result of it. That is why they fired off an angry letter to Congress just this week.

The California Insurance Commissioner is troubled too—even though he has been one of ObamaCare's biggest boosters. He is so worried about fraud that he warned we might "have a real disaster on our hands." Well, it is hard to argue with him.

The President was so worried about some of this law turning into a disaster that he selectively delayed a big chunk of it, but he only did that for businesses. He just delayed it for businesses.

A constituent of mine was recently interviewed by a TV station in Padu-

cah, and here is what she said about the President's decision: "It ain't right." Well, she is not alone.

We can argue about whether the President even had the power to do what he did, but here is the point today: If businesses deserve a reprieve because the law is a disaster, then families and workers do too. If this law isn't working the way it is supposed to, then it is a terrible law. If it is not working as planned, then it is not right to foist it on the middle class while exempting business.

That is why the House will vote this week to at least try to remedy that. It is an important first step to giving all Americans and all businesses what they need, which is not a temporary delay for some but a permanent delay for everyone.

The politicians pushing ObamaCare might not like that, but they are not the ones who are having to live with this thing the same way most Americans will have to live with it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. BALDWIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask unanimous consent that I be recognized as if in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EPA REGULATIONS

Mr. INHOFE. Madam President, last Wednesday I came to the floor and spoke about the President's global warming speech and all that the White House is doing to help frame the debate with his talking points memo which we happened to intercept, and it is very interesting.

They also had a secret meeting that took place with alarmist Senators. That is the term used over the past 12 years of those individuals who say the world is coming to an end with global warming.

First, they changed the name from global warming because it was not acceptable. Then they tried climate change. The most recent is carbon pollution. One of these days they will find something that sells, but so far they haven't.

The first thing they don't want to talk about is cost. We have had several global warming and cap-and-trade bills over the past 12 years. When the first bills came out and the Republicans were in the majority, I was the chairman of the Environment and Public Works Committee and had responsibility for defeating them, and we did.

In the beginning, with the Kyoto treaty 12 years ago, and when Al Gore

came back from Rio de Janeiro, a lot of people believed this was taking place. Then a group out of the Wharton School did a study and said if we regulate emissions from organizations emitting 25,000 tons or more of CO<sub>2</sub> a year, the cost would be between \$300 billion and \$400 billion a year. As a conservative, I get the most recent information I can from my State of Oklahoma in terms of the number of people filing Federal tax returns and I do the math. At that time, it meant it would cost each person about \$3,000 a year if we had cap-and-trade.

This kept going throughout the years. The most recent one was authored by now-Senator MARKEY, who up until yesterday was Congressman MARKEY. I have a great deal of respect for him, but he had the last cap-and-trade bill regulating those with emissions of 25,000 tons a year or more.

The cost has never been debated much, because Charles River Associates later came out and said it would be between \$300 billion and \$400 billion a year and MIT said about the same. So we know that cost is there.

To my knowledge, while no one has actually calculated this, keep in mind the President is trying to pass a cap-and-trade policy for Americans through regulation because he was not able to pass it through legislation. If you do it through regulation, it has to be under the Clean Air Act.

The Clean Air Act requires us to regulate any source that puts the emissions at over 250 tons. So instead of 25,000 tons being regulated, it would be 250 tons. That would mean every hospital, apartment building, school, oil and gas well, and every farm would come under this. No one knows exactly what it would cost the economy, but it would be staggering.

To pull this off, the EPA alone would have to spend \$21 billion and hire an additional 23,000 bureaucrats. Those are not my figures; those are their figures. So you have to stop and think, if the cap-and-trade bills cost \$400 billion regulating the emitters of 25,000 tons a year or more, imagine what it would be when you drop it down to 250 tons.

The second thing the President doesn't want to talk about is the fact that it is a unilateral effort. If you pass a regulation in the United States of America, it is going to only affect the United States of America.

I have always had a lot of respect for Lisa Jackson. Lisa Jackson was the Administrator of the EPA under the Obama administration. While she is liberal and I am conservative, she was always honest in her answers.

I asked her this question: If we pass, by either legislation or any other way, cap-and-trade in the United States, is that going to reduce worldwide CO<sub>2</sub> emissions? Her answer was: No. Because if you do that, you are doing it just on the brightest sectors of our

economy. Without China, without Mexico, without India and the rest of the world doing it, then U.S. manufacturers could have the reverse effect, because they could end up going to other countries where there are not restrictions on emissions, and so they would actually be emitting more. So there goes our jobs, overseas, seeking energy in areas where they are able to afford it.

Lisa Jackson's quote exactly: "I believe . . . that U.S. action alone will not impact CO<sub>2</sub> levels."

What the President doesn't want to talk about in his lust for overregulation in this country is, one, the fact it is going to cost a lot of money and would be the largest tax increase in the history of America, without question. The second is even if you do it, it doesn't lower emissions.

A lot of people say, Why do they want to do it? And I lose a lot of people when I make this statement, but there are a lot of liberals who believe the government should control our lives more. I had this observation back when I was first elected in the House. One of the differences between liberals and conservatives is that liberals have a basic philosophy that government can run our lives better than people can.

Dr. Richard Lindzen with MIT, one of the most outstanding and recognized scientists in this country and considered to be maybe the greatest source in terms of scientific knowledge, said, "Controlling carbon is a bureaucrat's dream. If you control carbon, you control life."

Tomorrow the Environment and Public Works Committee is going to conduct a hearing on climate change—or whatever they call it. I think they are starting out with global warming and may call it carbon pollution. That is the new word because that is more sellable. A lot around here is done with wordsmithing. Republicans and Democrats both do it. Global warming didn't work, climate change didn't work, so now it is CO<sub>2</sub> pollution. They are going to have a hearing, and the chairman of the committee, BARBARA BOXER, is going to have people come in and talk about the world coming to an end. However, the interesting thing is that the administration is sending alarmists to talk about how bad global warming is and how we are going to die, but they are not taking the process seriously enough to send any real official. We have no government officials as witnesses. This is highly unusual. This doesn't happen very often, but that is what we are going to be having.

It is important for Members to understand that greenhouse gas regulations are not the only EPA regulations that are threatening our economy. Again, it is all the regulations by government getting involved in our lives.

If you look at this chart, these are the ones they are actually working on

right now in either the Environment and Public Works Committee or the Environmental Protection Agency:

Utility MACT. MACT means maximum achievable control technology. So where is our technology right now? How much can we control? The problem we are having is they are putting the emissions requirements at a level that is below where we have technology to make it happen. So utility MACT would cost \$100 billion and 1.56 million jobs. That is in the law already. There are a lot of coal plants being shut down right now.

But, you might ask, how can they do that when right now we are reliant upon coal for 50 percent of the power it takes to run this machine called America?

Boiler MACT. Again, maximum achievable control technology. Every manufacturer has a boiler, so this controls all manufacturers. That is estimated to cost \$63.3 billion and 800,000 jobs.

The NAAQS legislation would put a lot of counties out of attainment. When I was the mayor of Tulsa County and we were out of attainment, we were not able to do a lot of the things in order to recruit industry. So this would put 2,800 counties out of attainment, including all 77 counties in my State of Oklahoma. That causes emissions to increase, and then the company would be required to find an offset.

We are kind of in the weeds here, but the simple outcome would be that no new businesses would be able to come to an out-of-attainment area, and existing businesses wouldn't be allowed to expand.

The President is also issuing a new tier 3 standard that applies to refineries as they manufacture gasoline. This rule would cause gasoline to rise by 9 cents a gallon.

The EPA is also working tirelessly to tie groundwater contamination to the hydraulic fracturing process so they and the Federal Government can regulate this. They have tried that in Wyoming in the Pavilion case, they tried it in Pennsylvania in the Dimock case, and in Texas they tried several times.

I know something about that, because hydraulic fracturing started in the State of Oklahoma in 1949. Since then, there have been more than 1 million applications for hydraulic fracturing. Hydraulic fracturing is a way of getting oil and gas out of tight formations. There has never been a confirmed case of groundwater contamination, but they still want to have this regulated by the Federal Government and the Department of Interior is pressing ahead with regulations which would apply to Federal lands.

President Obama has had a war on fossil fuels now for longer than he has been President of the United States. If they could stop hydraulic fracturing

and regulate that at the Federal level, then they can stop this boom that is going on in the country. We have had a 40-percent increase in the last 4 years in our production of oil and gas, but that is all on private and State land. We have actually had a reduction in our production on Federal lands.

The EPA has been developing a guidance document for the waters of the United States which would impose the Clean Water Restoration Act on the country. They tried to introduce and pass it 2 years ago. Senator Feingold from Wisconsin and Congressman Oberstar were the authors. Not only was it defeated, but they were both defeated in their next election. That effort is something the President is again trying to do, which they were not able to do through regulations.

What it means is this: We have rules saying that the Federal Government is in charge of water runoff in this country only to the extent it is navigable. That is the word written into the law. If you take the "navigable" out, then if you have standing water after a rain, that would be regulated by the Federal Government. That is a major problem that our farmers have—not just the Oklahoma Farm Bureau but farm bureaus throughout America. The Water Restoration Act and the cap-and-trade are the two major issues they are concerned with.

A lot of what the EPA has done is done through enforcement. About a year ago, one of our staff persons discovered that a guy named Al Armendariz, who was a regional EPA administrator, talking to a bunch of people in Texas, said:

We need to "crucify" the oil and gas industry. Just like when the Romans conquered the villages . . . in Turkish towns and they'd find the first five guys they saw and crucify them . . .

. . . just to show who was in charge.

This is a perspective not just of Armendariz but the entire EPA to the fossil fuel industry.

By the way, Armendariz is no longer there. He is with one of the environmental groups I know, and I am sure he is a lot happier there.

The EPA is also dramatically expanding the number of permits they are required to obtain under the Clean Air Act by counting multiple well sites as though they were one site, even though they may be spread out in as many as 42 square miles.

All of this is so they can regulate more of what goes on at the wells and underscores how adversarial they have been to us having the fuel we need to run this country. The EPA was eventually sued and lost the case over this issue, the issue of what they are doing right now throughout America to try to force all the multiple well sites into one site as they did. They lost in the Sixth Circuit Court of Appeals. But everywhere outside of the Sixth Circuit

the EPA is still using their own regulation. This is one we have been talking to them about.

The EPA is also targeting the agricultural community. We talked about what their top concerns are, but in addition to that, the EPA recently released the private sensitive data of pork producers and the concentrated animal feeding operations, that is CAFOs, to environmental groups. The environmental groups hate CAFOs and the EPA knows this, so by doing this the EPA has enabled the environmental groups to target CAFOs and put them out of business.

Those are our farmers. It seems to me when people come into my office and they talk about the abuses of this overregulation, all these things, it seems the ones who keep getting hit worse and worse are the farmers. I can remember when they tried to treat propane as a hazardous waste. We had a hearing. This was some years ago. I was at that time the chairman of the Environment and Public Works Committee. I can remember when they said this only costs the average farmer in Oklahoma another \$600 or \$700 a year. We went through this thing and were able to defeat that.

Farmers have been hit hard, but they are not alone. All these regulations have been devastating to the entire economy and they are preventing us from achieving our economic recovery. The President is engaged in all-out war on fossil fuels, and he is intent on completing this until his assault on the free enterprise system is completed. The business community knows how bad the regulations are. They have been fighting them tooth and nail since the beginning of Obama's first term.

This chart shows the rules that were approved during the President's first term. This is what he did. If you look at it, take some time—these will be printed in the RECORD so you need to be looking them up and realizing how serious it is. The greenhouse gas, we talked about that, the EPA, on the diesel engines. All of these regulations are costing fortunes.

The second chart—those are the ones that were approved during the President's first administration. The second is more alarming because it shows several of the major rules the President began developing during his first term but delayed their finalization until after the election. They waited until after the election, knowing the American people would realize how costly this was and that could cost his campaign. He is gaming the system using his administration to advance a critical agenda but hiding the truth from the American people and he is doing it with secret talking points and doing it with the secrecy that shrouds bad rules.

These are the rules that were delayed until after the election. You can get a

good idea of the cost. We take down the cost of each one. It is just an incredible amount.

The third chart is—that is what he is doing right now with no accountability to the electorate because he can do anything he wants to right now. Groups are on record opposing this. We have all these groups that are on record opposing this: U.S. Chamber of Commerce, National Association of Manufacturers, NFIB, American Railroads—all the way down through all the agricultural groups and including a lot of labor unions. Historically, the labor unions go right along with the Democrats and with the liberals, but they realize this is a jobs bill and consequently we have the United Mine Workers and others who are being affected by this and are trying to do something about overregulation. All these groups have opposed the rules being put out by the EPA.

Even the unions have opposed the rules because they kill all kinds of jobs, union and nonunion jobs alike. Cecil Roberts, the president of the United Mine Workers, said his organization supported my Congressional Review Act.

Let me explain what that was. You may have noticed in the first chart we had the first MACT bill that was passed. That would put coal out of business. What we have in this body is a rule that nobody uses very often—it has not been used very successfully—but it says if a regulator passes something that is not in the best interests of the people, if you get past the Congressional Review Act with just 30 co-sponsors in the Senate, get a simple majority, you can stop that from going into effect.

I had a CRA on that Utility MACT, and Cecil Roberts, president of the United Mine Workers, said his organization supported my CRA to overturn the Utility MACT rule because the rule poses loss of jobs to United Mine Workers Association members.

We also had something recently about Jimmy Hoffa that came out.

These are jobs. These are important. The national unemployment rate is 7.6, but guess what. In Oklahoma we are at full employment. All throughout America, people used to think of the oil belt being west of the Mississippi. That is not true anymore. With the Marcellus chain going through—you have New York, Pennsylvania—in Pennsylvania I understand it is the second largest employer up there. If we were able to do throughout America what we do in Oklahoma, we would solve the problem we have right now. But the Obama rules are there and Obama wants to pursue more that are even worse.

I mention this. We are going to have a very fine lady, Gina McCarthy, who has been the Assistant Director of EPA in charge of air regulations for about 4

years. While we get along very well, she is the one who promotes these regulations. I will not be able to support her nomination. I understand the votes are all there, and we will be having a good working relationship.

But I think it is a wake-up call to the American people. They are going to have to realize the cost. The total cost of these regulations is well over \$600 billion annually, which will cost us as many as 9 million jobs. The EPA is the reason our Nation has not returned to full employment. All of this is done intentionally by the Obama administration to cater to their extreme base—right now moveon.org, George Soros, Michael Moore, and that crowd from the far left environmentalists, Hollywood and their friends.

This is going to have to change through a major education endeavor. We have a country to save.

I know there is a lot of partisan politics going on. In this case, the least known destructive force in our country now is overregulation and all of these organizations that are going to pose it are going to have to pay for it. It is going to be paid for in American dollars and American jobs.

I see my colleague from Iowa is on the floor.

I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I will take a few minutes to talk about the President's nominee for Secretary of Labor Tom Perez. I have already spoken about Mr. Perez over the last few weeks. I will not repeat everything I said, but it is important for my colleagues to understand the basis of my opposition. We have had a lot of debate around here over the last few days about what grounds are appropriate to oppose an executive branch nominee. Many of my colleagues have suggested that Senators should not vote against such a nominee based on disagreement over policy. That may or may not be the appropriate view, but I am not going to get into that debate today.

I am quite sure I would disagree with Mr. Perez on a host of policy issues, but I wish to make clear to my colleagues those policy differences are not the reason I am vigorously opposed to this nominee. I am opposed to Mr. Perez because the record he has established of government service demonstrates that he is willing to use the levers of government power to manipulate the law in order to advance a political agenda.

Several of my colleagues cited examples of his track record in this regard, but in my view perhaps the most alarming example of Mr. Perez's willingness to manipulate the rule of law is his involvement in the quid pro quo between the City of St. Paul and the Department of Justice. In this deal that the Department of Justice cut with the

City of St. Paul, the Department agreed not to join two False Claims Act cases in exchange for the City of St. Paul withdrawing its case before the Supreme Court in a case called *Magner v. Gallagher*.

Mr. Perez's actions in this case are extremely troubling for a number of reasons. At this point, no one disputes the fact that Mr. Perez actually orchestrated this entire arrangement. He manipulated the Supreme Court docket so that his favored legal theory, called disparate impact theory, would evade review by the High Court. In the process, Mr. Perez left a whistleblower twisting in the wind. Those are the facts and even Mr. Perez doesn't dispute them.

The fact that Mr. Perez struck a deal that potentially squandered up to 200 million taxpayer dollars in order to preserve a disparate impact theory that he favored is, of course, extremely troubling in and of itself. But in addition to that underlying quid pro quo, the evidence uncovered in my investigation revealed Mr. Perez sought to cover up the facts that the exchange ever took place.

Finally, and let me emphasize that this should concern all of my colleagues, when Mr. Perez testified under oath about the case, both to congressional investigators and during confirmation hearings, in those two instances, Mr. Perez told a different story. The fact is that the story Mr. Perez told is simply not supported by the evidence.

Let me begin by reviewing briefly the underlying quid pro quo. In the fall of 2011, the Department of Justice was poised to join a False Claims Act lawsuit against the City of St. Paul. That is where the \$200 million comes in. That is what was expected to be recovered. The career lawyers in the U.S. Attorney's Office in Minnesota were recommending that the Department of Justice join the case. The career lawyers in the Civil Division of the Department of Justice were recommending the Department join the case. And the career lawyers in the Department of Housing and Urban Development were recommending that Justice join the case. At that point, all of the relevant components of government believed this case was a very good case. They considered the case on the merits, and they supported moving forward, or as one of the line attorneys wrote in an e-mail in October, 2011: "Looks like everyone is on board." But of course this was all before Mr. Perez got involved.

At about the same time, the Supreme Court agreed to hear the case called *Magner v. Gallagher*.

In *Magner*, the City of St. Paul was challenging the use of the disparate impact theory under the Fair Housing Act. The disparate impact theory is a mechanism Mr. Perez and the Civil

Rights Division were using in lawsuits against banks for their lending practices. For instance, during this time period Mr. Perez and the Justice Department were suing Countrywide for its lending practices based upon disparate impact analysis. In fact, in December 2011 the Department announced it reached a \$355 million settlement with Countrywide. Again, in July 2012 the Department of Justice announced a \$175 million settlement with Wells Fargo addressing fair lending claims based upon that same disparate impact analysis. Of course, there are a string of additional examples, but I don't need to recite them here.

What is clear is that if that theory were undermined by the Supreme Court, it would likely spell trouble for Mr. Perez's lawsuits against the banks. Mr. Perez approached the lawyers handling the *Magner* case, and, quite simply, he cut a deal. The Department of Justice agreed not to join two False Claims Act cases in exchange for the City of St. Paul withdrawing *Magner* from the Supreme Court. Now we have an interference in the agenda of the Supreme Court at the same time that a deal is going to cut the taxpayers out of winning back \$200 million under the False Claims Act.

In early February 2012 Mr. Perez flew to St. Paul, and he flew there solely to finalize the deal. The next week the Justice Department declined to join the first False Claims Act, called the Newell case. The next day the City of St. Paul kept their end of the bargain and withdrew the *Magner* case from the Supreme Court.

There are a couple of aspects of this deal that I wish to emphasize for my colleagues. First, as I mentioned, the evidence makes clear that Mr. Perez took steps to cover up the fact he had bartered away the False Claims Act cases and the \$200 million.

On January 10, 2012, Mr. Perez called the line attorney in the U.S. Attorney's Office regarding the memo in the Newell case. Newell was the case that these same career attorneys I referred to and quoted previously were strongly recommending the United States join before Mr. Perez got involved. Mr. Perez called the line attorney and instructed him not to discuss the *Magner* case in the memo that he prepared outlining the reasons for the decisions not to join the case. Here is what Mr. Perez said on that call:

Hey, Greg. This is Tom Perez calling you at—excuse me, calling you at 9 o'clock on Tuesday. I got your message. The main thing I want to ask you, I spoke to some folks in the Civil Division yesterday and wanted to make sure that the declination memo that you sent to the Civil Division—and I am sure it probably already does this—but it doesn't make any mention of the *Magner* case. It is just a memo on the merits of the two cases that are under review in the *qui tam* context.

It is pretty clear they didn't want anything in writing that led people to believe there was any deal being made.

After that telephone message was left, approximately 1 hour later Mr. Perez sent Mr. Brooker a followup e-mail, writing:

I left a detailed voicemail. Call me if you can after you have a chance to review [the] voicemail.

Several hours later Mr. Perez sent another followup e-mail, writing:

Were you able to listen to my message?

Mr. Perez's voicemail was quite clear and obvious. It told Mr. Brooker to "make sure that the declination memo . . . doesn't make any mention of the *Magner* case. It is just a memo on the merits of the two cases." It is so very clear. In fact, it couldn't be more clear that this was an effort—that there was no paper trail that there was ever any deal made.

Yet, when congressional investigators asked Mr. Perez why he left the voicemail, he told an entirely different story. Here is what he told investigators:

What I meant to communicate was, it is time to bring this to closure, and if the only issue that is standing in the way is how you talk about *Magner*, then don't talk about it.

Anyone who actually listens to the voicemail knows this is plainly not what he said in that voicemail. He didn't say anything about being concerned with the delay. He said: Make sure you don't mention *Magner*. It is just a memo on the merits. His intent was crystal clear.

Mr. Perez also testified that Mr. Brooker called him back the next day and refused to omit the discussion of *Magner*. Let's applaud that civil servant because he chose not to play that game. According to Mr. Perez, he told Mr. Brooker during this call to follow the normal process. Again, this story is not supported by the evidence.

One month later, after Mr. Perez flew to Minnesota to personally seal the deal with the city, a line attorney in the Civil Division e-mailed his superior to outline the "additional facts" about the deal.

Before I begin the quote, I want to give the definition of "USA-MN," which stands for "U.S. Attorney, Minnesota."

Point 6 reads as follows:

USA-MN considers it non-negotiable that its office will include a discussion of the Supreme Court case and the policy issues in its declination memo.

If Mr. Perez's story were true and the issue was resolved on January 11, why 1 month later would the U.S. Attorney's Office need to emphatically state that it would not hide the fact that the exchange took place?

As I just mentioned, Mr. Perez flew to Minneapolis to finalize the deal on February 3. You would think, wouldn't you, that a deal of this magnitude would be written down so the parties

understood exactly what each side agreed to. But was this agreement written down? No, it wasn't. After Mr. Perez finalized the deal, the career attorneys asked if there was going to be a written agreement. What was Mr. Perez's response? He said: "No, just oral discussions; word was your bond."

So let me just review. At this point Mr. Perez had just orchestrated a deal where the United States declined to join a case worth up to \$200 million of taxpayers' money in exchange for the City of St. Paul withdrawing a case from the Supreme Court. When the career lawyers asked if this deal will be written down, he said: "No . . . [your] word was your bond."

Of course, the reason you make agreements like this in writing is so that there is no disagreement down the road about what the parties agreed to. As it turns out, there was, in fact, a disagreement about the terms of this unwritten deal.

The lawyer for the city, Mr. Lillehaug, told congressional investigators that on January 9, approximately 1 month before the deal was finalized, Mr. Perez had assured him that "HUD would be helpful" if the Newell case proceeded after the Department of Justice declined to intervene. Mr. Lillehaug also told investigators that on February 4, the day after they finalized the deal, Mr. Perez told him that HUD had begun assembling information to assist the city in a motion to dismiss the Newell complaint on "original source" grounds. According to Mr. Lillehaug, this assistance disappeared after the lawyers in the Civil Division learned of it.

Why is that significant? Mr. Perez represents the United States. He represents the American people. Mr. Newell, the whistleblower, is bringing a case on behalf of the United States and indirectly the people. Mr. Perez is talking to the lawyers on the other side, and he tells the people, in essence: After the United States declines to join the case, we will give you information to help you defeat Mr. Newell, who is bringing the case on behalf of the United States.

Let me say that a different way. In effect, Mr. Perez is offering to give the other side information to help defeat his own client. Is that the way you represent the American people? Mr. Perez was asked about this under oath. Mr. Perez told congressional investigators, "No, I don't recall ever suggesting that."

So on the one hand, we have Mr. Lillehaug, who says Mr. Perez made this offer first in January and then again on February 4 but the assistance disappeared after the lawyers in the Civil Division caught wind of it. On the other hand, it was Mr. Perez who testified under oath: "I don't recall" ever making such an offer. Whom should we believe? The documents support Mr. Lillehaug's version of the event.

On February 7, a line attorney sent an e-mail to the director of the Civil Fraud Section and relayed a conversation a line attorney in Minnesota had with Mr. Lillehaug. The line attorney wrote that Mr. Lillehaug stated that there were two additional items that were part of the deal. One of the two items was this:

HUD will provide material to the City in support of their motion to dismiss on original source grounds.

Internal e-mails show that when the career lawyers learned of this promise, they strongly disagreed with it, and they conveyed their concern to Tony West, head of the Civil Division. During his transcribed interviews, Mr. West testified that it would have been "inappropriate" to provide this material outside of the normal discovery channels. Mr. West said:

I just know that that wasn't going to happen, and it didn't happen.

In other words, when the lawyers at the Civil Division learned of this offer, they shut it down.

Again, why is this important? It is important because it demonstrates that the documentary evidence shows the events transpired exactly as Mr. Lillehaug said they did.

Mr. Perez offered to provide the other side with information that would help them defeat Mr. Newell in this case on behalf of the United States. In my opinion, this is simply stunning. Mr. Perez represents the United States. Any lawyer would say it is highly inappropriate to offer to help the other side defeat their own client.

This brings me to my final two points that I wish to highlight for my colleagues. Even though the Department traded away Mr. Newell's case and \$200 million, Mr. Perez has defended his actions, in part by claiming that Mr. Newell still had his "day in court." What Mr. Perez omits from his story is that Mr. Newell's case was dismissed precisely because the United States would not continue to be a party and would not be a party.

After the United States declined to join the case, the judge dismissed Mr. Newell's case based upon the "public disclosure bar," finding that he was not the original source of information to the government.

I will remind my colleagues, we amended the False Claims Act several years ago precisely to prevent an outcome such as this. Specifically, the amendments made clear that the Justice Department can contest the "original source" dismissal even if it fails to intervene, as it did in this case.

So the Department didn't merely decline to intervene, which is bad enough, but, in fact, it affirmatively chose to leave Mr. Newell all alone in this case. And, of course, that was the whole point. That is why it was so important for the City of St. Paul to make sure the United States did not

join the case. That is why the city was willing to trade away a strong case before the Supreme Court, and when the Newell case didn't go forward, they cut the taxpayers out of \$200 million. The city knew if the United States joined the action the case would almost certainly go forward. Conversely, the city knew if the United States did not join the case and chose not to contest the original source, it would likely get dismissed.

The Department traded away a case worth millions of taxpayers' dollars. They did it precisely because of the impact the decision would have on the litigation. They knew as a result of their decision, the whole whistleblower case would get dismissed based upon "original source" grounds since the Department didn't contest it. Not only that, Mr. Perez went so far as to offer to provide documents to the other side that would help them defeat Mr. Newell in his case on behalf of Mr. Perez's client, the United States.

That is really looking out for the taxpayers. How would a person like to have a lawyer such as Mr. Perez defending them in some death penalty case? Yet when the Congress started asking questions, they had the guts to say: "We didn't do anything improper because Mr. Newell still had his day in court." Well, Mr. Newell didn't have his day in court because the success of that \$200 million case was dependent upon the United States staying in it.

Now, this brings me to my last point on the substance of this matter, and that has to do with the strength of the case. Throughout our investigation, the Department has tried to defend Mr. Perez's action by claiming the case was marginal and weak. Once again, however, the documents tell a far different story.

Before Mr. Perez got involved, the career lawyers at the Department wrote a memo recommending intervention in the case. In that memo, they described St. Paul's actions as "a particularly egregious example of false certifications."

In fact, the career lawyers in Minnesota felt so strongly about the case they took the unusual step of flying to Washington, DC, to meet with officials in the Department of Housing and Urban Development. The Department of Housing and Urban Development, of course, agreed the United States should intervene in this false claims case. But, of course, that was all before Mr. Perez got involved.

The documents make clear that career lawyers considered it a strong case, but the Department has claimed that Mike Hertz—the Department's expert on the False Claims Act—considered it a weak case. In fact, during his confirmation hearing, Mr. Perez testified before my colleagues on the Senate HELP Committee that Mr. Hertz "had a very immediate and visceral reaction that it was a weak case."

Once again, the documents tell a much different story than was told to Members of the Senate. Mr. Hertz knew about the case in November of 2011. Two months later, a Department official took notes of a meeting where the quid pro quo was discussed. The official wrote down Mr. Hertz's reaction. She wrote:

Mike—odd—Looks like buying off St. Paul. Should be whether there are legit reasons to decline as to past practice.

The next day, the same official e-mailed the associate attorney general and said:

Mike Hertz brought up the St. Paul disparate impact case in which the Solicitor General just filed an amicus brief in the Supreme Court. He's concerned about the recommendation that we decline to intervene in two qui tam cases against St. Paul.

These documents appear to show that Mr. Hertz's primary concern was not the strength of the case, as Mr. Perez led my Senate colleagues to believe. Mr. Hertz was concerned the quid pro quo Mr. Perez ultimately arranged was improper. Again, in his words, it "looks like buying off St. Paul." Yet, Mr. Perez led my colleagues on the HELP Committee to believe that Mr. Hertz believed it was a bad case on the merits.

Let me make one final point regarding process and why it is premature to even be having this debate. As of today, when we vote on Mr. Perez's nomination, we will be voting on a nominee who, to date, has not complied with a congressional subpoena compelling him to turn over certain documents to Congress. I am referring to the fact that the House Committee on Oversight and Government Reform subpoenaed e-mails from Mr. Perez.

During the course of our investigation, we learned that Mr. Perez was routinely using his private e-mail account to conduct government business, including business related to the quid pro quo. In fact, the Department of Justice admitted that Mr. Perez had used his private e-mail account approximately 1,200 times to conduct government business. After Mr. Perez refused to turn those documents over voluntarily, then the House oversight committee was forced to issue a subpoena. Yet, today, Mr. Perez has refused to comply with the subpoena.

Here we have a person in the Justice Department doing all of these bad things. People want him to be Secretary of Labor, and we are supposed to confirm somebody who will not respond to a subpoena for information to which Congress is constitutionally entitled. We have people come before Congress who say, yes, they will respond to letters from Congress; they will come up and testify; they are going to cooperate in the spirit of checks and balances, and then we have somebody before the Senate who will not even respond to a subpoena.

So I find it quite troubling that this body would take this step and move forward with a nomination when the nominee simply refuses to comply with an outstanding subpoena. Can any of my colleagues recall an instance in the past when we were asked to confirm a nominee who had flatly refused to comply with a congressional subpoena? Why would we want somebody in the Cabinet thumbing their nose at the elected representatives of the people of this country who have the constitutional responsibility of checks and balances to make sure the laws are faithfully executed? That is what they take an oath to do. It is quite extraordinary and should concern all of my colleagues, not just Republicans.

My colleagues are well aware of how I feel about the Whistleblower Protection Act, and my colleagues know how I feel about protecting whistleblowers who have the courage to step forward, often at great risk to their careers. But this is about much more than the whistleblower who was left dangling by Mr. Perez. This is about the fact that Mr. Perez manipulated the rule of law in order to get a case removed from the Supreme Court docket. And this is about the fact that when Congress started asking questions about this case, and when Mr. Perez was called upon to offer his testimony under oath, he chose to tell a different story.

The unavoidable conclusion is that the story he told is not supported by the facts. This is also about the fact that we are about to confirm a nominee who, even as of today, is still thumbing his nose at Congress by refusing to comply with a congressional subpoena.

I began by saying that although I disagree with Mr. Perez on a host of policy issues, those disagreements are not the primary reason my colleagues should reject this nomination. We should reject this nomination because Mr. Perez manipulated the levers of power available to few people in order to save a legal theory from Supreme Court review.

Perhaps more importantly, when Mr. Perez was called upon to answer questions about his actions under oath, I do not believe he gave us a straight story.

Finally, we should reject this nomination because Mr. Perez failed—and refuses still—to comply with a congressional subpoena.

For these reasons, I strongly oppose the nomination, and I urge my colleagues to do the same.

Mr. President, I have completed my statement and I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Maryland.

**MR. CARDIN.** Mr. President, I have listened very carefully to my friend from Iowa, and I couldn't disagree with him more. I know he has very strong views about the nomination of Tom Perez, but let me go through the record.

I wish to spend a little bit of time speaking first about Tom Perez. I know him very well. We have served together in government in Maryland. He served on the county council of Montgomery County. I will mention that he was the first Latino to serve on the county council of Montgomery County. Montgomery County, which is very close to here, is larger than some of our States. It is a large government. It has very complex problems. He served with great distinction on the county council.

As the Presiding Officer knows, it is a very difficult responsibility to serve local government. One has to deal with the day-to-day problems of the people in the community. He served with such distinction that he was selected to be the president of the county council, the head of the county council of Montgomery County.

He then went on to become the Secretary of the Department of Labor, Licensing and Regulation under Governor O'Malley in the State of Maryland, which is a very comparable position to which President Obama has appointed him as Secretary of Labor in his Cabinet.

It is very interesting that as Secretary of Labor, Licensing and Regulation, he had to deal with very difficult issues—issues that can divide groups. But, instead, he brought labor and business together and resolved many issues.

It is very interesting, in his confirmation process, business leaders and labor leaders came forward to say this is the right person at the right time to serve as Secretary of Labor in the Obama administration.

I held a press briefing with the former head of the Republican party in Maryland and he was very quick to point out that Tom Perez and he did not agree on a lot of policy issues, but he is a professional, he listens, and tries to make the right judgment. That is why he should be confirmed as Secretary of Labor. That was the former head of the Republican party in Maryland who made those statements a few months ago.

Tom Perez has a long history of public service. He served originally in the Department of Justice in many different capacities. He started in the Department of Justice. He served in the Civil Rights Division and, of course, later became the head of the Civil Rights Division. He helped us in the Senate, serving as a staff person for Senator Kennedy.

I think the greatest testimony of his effectiveness is how he has taken the Civil Rights Division from a division that had lost a lot of its glamour, a lot of its objectivity under the previous administration, and is returning the Department of Justice to that great institution to protect the rights of all Americans.



Look at his record in the Department of Justice: Enforcement of the Shepard-Byrd Hate Crimes Prevention Act. The division convicted 141 defendants on hate crimes charges in 4 years. That is a 74-percent increase over the previous 4 years. The division brought 194 human trafficking cases. That is a 40-percent increase.

You could talk a good deal about what happened between 2004 and 2008 with Countrywide Financial Corporation, one of the Nation's largest residential mortgage lenders, engaging in systematic discrimination against African-American and Latino borrowers by steering them into subprime loans or requiring them to pay more for their mortgages. I know the pain that caused. I met with families who should have been in traditional mortgages who were steered into subprime loans, and they lost their homes. Tom Perez represented them in one of the largest recoveries ever. The division's settlement in 2011 required Bank of America—now the owner of Countrywide—to provide \$335 million in monetary relief to the more than 230,000 victims of discriminatory lending—the largest fair lending settlement in history.

That is the record of Tom Perez as the head of the Civil Rights Division.

The division investigated Wells Fargo Bank, the largest residential home mortgage lender in the United States, alleging that the bank engaged in a nationwide pattern or practice of discrimination against minority borrowers placed, again, in subprime loans. The division's settlement—the largest per-victim recovery ever reached in a division lending discrimination case—required Wells Fargo to pay more than \$184 million to compensate discrimination victims and to make a \$50 million investment in a home buyer assistance program.

I could go on and on and on about the record Tom Perez has in his public service—at the county level, at the State level, and at the Federal level. He has devoted his career to public service and has gotten the praise of conservatives and progressives, Democrats and liberals, and business leaders and labor leaders. That is the person we need to head the Department of Labor.

So let my spend a few minutes talking about Senator GRASSLEY's two points that he raises as to why we should deny confirmation of the nomination of Tom Perez, the President's choice for his Cabinet.

He talked about the fact that Tom Perez has not answered all the information Senator GRASSLEY would like to see from a House committee—a partisan effort in the House of Representatives. It is not the only case. There is hardly a day or a week that goes by that there is not another partisan investigation in the House of Representatives. That is the matter the Senator

from Iowa was talking about—not an effort that we try to do in this body, in the Senate, to work bipartisanly when we are doing investigations. This has been a partisan investigation.

Thousands of pages of documents have been made available to congressional committees by the Department of Justice. So let's get the record straight as to compliance. The Department of Justice, Tom Perez, has complied with the reasonable requests of the Congress of the United States and spent a lot of time doing that. It is our responsibility for oversight, and we have carried out our responsibility for oversight. Any balanced review of the work done by the Department of Justice Civil Rights Division will give the highest marks to Tom Perez on restoring the integrity of that very important division in the Department of Justice.

Let me talk about the second matter Senator GRASSLEY brings up, and that deals with the City of St. Paul case—one case. It dealt with the city of St. Paul in the Supreme Court *Magner* case.

Senator GRASSLEY points out, and correctly so, this is a disparate impact case. It not only affects the individual case that is before the Court, it will have an impact on these types of cases generally. When you are deciding whether to litigate one of these cases, you have to make a judgment as to whether this is the case you want to present to the Court to make a point that will affect not only justice for the litigant but for many other litigants. You have to decide the risk of litigation versus the benefit of litigation. You have to make some tough choices as to whether the risk is worth the benefit.

In this case, the decision was made, not by Tom Perez, not by one person. Career attorneys were brought into the mix, and career attorneys—career attorneys—advised against the Department of Justice interceding in this case. HUD lawyers thought this was not a good case for the United States to intercede.

Senator GRASSLEY says: Well, this was a situation where there was a quid pro quo. It was not. There was a request that the United States intercede and dismiss. Tom Perez said: No, we are not going to do that. The litigation went forward. So a professional decision was made based upon the best advice, gotten by career attorneys—attorneys from the agency that was directly affected by the case that was before the Court—and a decision was made that most objective observers will tell you was a professional judgment that is hard to question. It made sense at the time.

I understand Senator GRASSLEY has a concern about the case. People can come to different conclusions. But look at the entire record of Tom Perez. I

think he made the right decision in that case. But I know he has a proud record of leadership on behalf of the rights of all Americans, and that is the type of person we should have as Secretary of Labor.

Tom Perez has been through confirmation before. He was confirmed by the Judiciary Committee to serve as the head of the Civil Rights Division of the Department of Justice. Thorough vetting was done at that time. Questions were asked, debate was held on the floor of the Senate, and by a very comfortable margin he was confirmed to be the head of the Civil Rights Division.

Now the Health, Education, Labor, and Pensions Committee has held a hearing on Tom Perez to be Secretary of Labor. They held a vote several months ago and reported him favorably to the floor. It is time for us to have an up-or-down vote on the President's nomination for Secretary of Labor. I hope all my colleagues would vote to allow this nomination to be voted up or down.

I was listening to my distinguished friend from Iowa. I heard nothing that would deny us the right to have a vote on a Presidential nomination. That is the first vote we are going to have on whether we are going to filibuster a Cabinet position for the President of the United States and a person whose record is distinguished with a long record of public service—and a proven record.

Then the second vote is on confirmation, and Senators may disagree. I respect every Senator to do what he or she thinks is in the best interests. But I would certainly hope on this first vote, when we are dealing with whether we are going to filibuster a President's nomination for Secretary of Labor, that we would get the overwhelming support of our colleagues to allow an up-or-down vote on Tom Perez to be the next Secretary of Labor.

I started by saying I have known Tom Perez for a long time, and I have. I know he is a good person, a person who is in public service for the right reasons, a person who believes each individual should be protected under our system, and that as Secretary of Labor he will use that position to bring the type of balance we need in our commercial communities to protect working people and businesses so the American economy can grow and everyone can benefit from our great economy.

I urge my colleagues to support this nomination and certainly to support moving forward on an up-or-down vote on the nomination to be Secretary of Labor.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, let me begin by concurring with the remarks of Senator CARDIN. Tom Perez will

make an excellent Secretary of Labor, and I strongly support his nomination.

#### GLOBAL WARMING

Mr. President, it is no great secret that the Congress is currently held in very low esteem by the American people, and there are a lot of reasons for that. But I think the major reason, perhaps, is, in the midst of so many serious problems facing our country, the American people perceive that we are not addressing those issues, and they are right.

Regardless of what your political point of view may be, we are looking at a middle class that is disappearing. Are we addressing that issue? No. Poverty is extraordinarily high. Are we moving aggressively to address that? No, we are not. We have the most expensive health care system in the world, enormously bureaucratic and wasteful. Are we addressing that? No, we are not. But the issue I want to talk about today—maybe more clearly than any other issue in terms of our neglect—is the issue of global warming.

At a time when virtually the entire scientific community—the people who spend their lives studying climate change—tells us that global warming is real, that it is significantly caused by human activity, and that it is already doing great damage, it is beyond comprehension that this Senate, this Congress, is not even discussing that enormously important issue on the floor of the Senate. Where is the debate? Where is the legislation on what might be considered the most significant planetary crisis we face? I fear very much that our children and our grandchildren—who will reap the pain from our neglect—will never forgive us for not moving in the way we should be moving.

I understand that some of my colleagues, including my good friend JIM INHOFE from Oklahoma—whom I like very much—that some of my Republican friends, especially, believe global warming is a hoax. They believe global warming is a hoax perpetrated by Al Gore, the United Nations, the Hollywood elite. This is what people such as JIM INHOFE actually believe.

Well, I have to say to my good friend Mr. INHOFE that he is dead wrong. Global warming is not just a crisis that will impact us in years to come, it is impacting us right now, and it is a crisis we must address. In fact, global warming is the most serious environmental crisis facing not just the United States of America but our entire planet, and we cannot continue to ignore that reality.

Science News reports that cities in America matched or broke at least 29,000 high-temperature records last year.

According to the National Oceanic and Atmospheric Administration, 2012 was the warmest year ever recorded for the contiguous United States. It was

the hottest year ever recorded in New York, in Washington, DC, in Louisville, KY, and in my hometown of Burlington, VT, and other cities across the Nation.

Our oceans also are warming quickly and catastrophically. A new study found that North Atlantic waters last summer were the warmest in 159 years of record-keeping. The United Nations World Meteorological Organization in May issued a warning about “the loss of Arctic sea ice and extreme weather that is increasingly shaped by climate change.”

Scientists are now warning that the Arctic may experience entirely ice-free summers within 2 years. Let me repeat that. The Arctic may experience entirely ice-free summers within 2 years. Scientists are also reporting that carbon dioxide levels have reached a dangerous milestone level of 400 parts per million, a level not seen on the planet Earth for millions of years.

In fact, the world's leading scientists unequivocally agree. A recent review of the scientific literature found that more than 98 percent of peer-reviewed scientific studies on climate change support the conclusion that human activity is causing climate change. The American Association for the Advancement of Science, one of the most important and prestigious scientific organizations in our country and the world, this is what they say:

Among scientists, there is now overwhelming agreement based on multiple lines of scientific evidence that global climate change is real. It is happening right now. It will have broad impacts on society.

That is from the American Association for the Advancement of Science. We are not into speculation. We are not into debate. The conclusion is there. Global warming is real. It is happening right now. It is impacting the United States of America and the world right now. It will only get worse if we do not act.

The examples of that are so numerous that one can go on hour after hour. But let me give you just a few. Extreme weather events are now occurring with increased frequency and increased intensity; that is, extreme weather disturbances. In 2011 and 2012, the United States experienced an extraordinary 25 billion-dollar disasters—25 separate billion-dollar disasters, so called because they each caused more than \$1 billion worth of damage.

That is unprecedented. NOAA's Climate Extreme Index, which is a system for assessing a wide range of extreme weather that includes extreme temperatures, extreme drought, extreme precipitation, tropical storms—NOAA's Climate Extreme Index tells us that 2012 was characterized by the second most extreme climate conditions ever recorded.

A number of colleagues make the point—they come up and say: Senator

SANDERS and others, dealing with climate change is going to be expensive. Transforming our energy system away from fossil fuels is going to be expensive. They are right. It is going to be expensive.

But the question we have to ask is, compared to what? Compared to doing nothing? Compared to conducting business as usual? Compared to allowing a significant increase in drought, in floods, in extreme weather disturbances? Compared to that, acting now and acting boldly is cost-effective. Yes, it will be expensive. But it will be a lot less expensive, cause a lot less human pain and less human deaths than allowing global warming to continue unmitigated.

The cost—and this is an interesting point, especially for my conservative friends who look to the business community for information and for analysis. The cost of catastrophe and extreme weather events has been trending upward for 30 years. This is very much a budget and economic issue. Munich Re, the largest reinsurance company in the world, the company that insures the insurance companies, has already documented a fivefold increase in extreme weather events in North America since 1980.

They keep track of this stuff pretty closely because for them this is a dollars-and-cents issue. They are the ones who help others pay out the benefits when there is extreme damage as a result of storms and floods, et cetera. Munich Re calculated that the economic cost of damages due to natural catastrophes in the United States exceeded \$139 billion in 2012 alone.

So when you talk about money and you talk about expense and you talk about cost, let's understand that we already are racking up recordbreaking costs in terms of dealing with the extreme weather disturbances we have seen in recent years.

The Allianz insurance company noted bluntly last fall, “Climate change represents a threat to our business.” That is an insurance company. But it is not just the insurance companies; it is the businesses that are seeing insurance become unaffordable when they are hit with floods and other disasters. That comes right out of their bottom line.

Global warming, of course, is closely tied to drought and fire as well. Last year's drought affecting two-thirds of the United States was the worst in half a century. But the United States is not the only country on Earth being impacted.

We obviously pay attention to what is happening within our borders. But global warming is having huge impacts all over this planet. Brazil is experiencing its worst drought in 50 years. It is directly affecting over 10 million people in that country. Because of impacts to wheat farms, the price of flour rose over 700 percent.

Australia just experienced a 4-month heat wave with severe wildfires, record-setting temperatures and torrential rains and flooding causing over \$2 billion in damage in that country.

In recent years, other parts of the world—Russia, China, Southern Europe and Eastern Europe—have also suffered severe heat waves and droughts, with substantial impacts to agricultural communities and their economic well-being.

Just weeks ago, as everybody in America knows, we watched as fires raged across parts of the Western United States, including the massive and dangerously explosive West Fork fire in southwestern Colorado. Let me take a moment now to acknowledge the deaths of 19 unbelievably brave firefighters from Prescott, AZ, who lost their lives trying to protect their neighbors and property near Phoenix.

Wildfires such as these appear to be increasingly common. In fact, the Chief of the U.S. Forest Service Thomas Tidwell reported to Congress that America's wildfire season lasts 2 months longer than it did 40 years ago and burns twice as much land as it did then because of the hotter, drier conditions from climate change.

Last year's extraordinary wildfires burned more than 9 million acres of land, according to the National Inter-agency Fire Center. Chief Tidwell also warned of the increasing frequency of monster fires. When we are talking about drought, it is not just some kind of abstraction. When drought occurs, agriculture suffers. When agriculture suffers, the cost of food goes up. In parts of the world where people have very little money, this is catastrophic.

That is one of the points made by the CIA, the Department of Defense, many of our intelligence agencies. When they talk about national security issues, they often put at the top of the list or close to the top of the list global warming because they understand that drought and floods mean people do not have the food they need, people do not have the water they need, people are going to migrate from one area to another. It is going to cause tension. It is going to cause conflict. So global warming is also a major national security issue.

One of the issues we do not talk enough about—I know Senator WHITEHOUSE of Rhode Island does talk about it—is the impact that global warming is having on our oceans that is driving fish to deeper, cooler waters, threatening the fishing industry and food security. In the Pacific Northwest, for example, according to NOAA and as reported by USA Today, just this spring shellfish farmers on the west coast are increasingly experiencing collapses in both hatcheries and natural ecosystems.

Extreme weather and rising sea levels also threaten people across the

planet. More than 31 million people fled their homes just last year because of disasters related to floods and storms tied to climate change. According to a number of sources, climate change will create, in years to come, even larger numbers of what we call climate refugees as low-lying countries lose land mass to rising seas and to desertification, consuming once-fertile territory.

In northern India, nearly 6,000 people are dead or missing from devastating floods and landslides just last month. Closer to home, Hurricane Sandy alone displaced three-quarters of a million people in the United States and is costing us up to 60 billion Federal dollars in helping those communities rebuild.

Permanent displacement is already occurring in the United States. In other words, people are permanently losing their residences. The Army Corps of Engineers predicted that the entire village of Newtok, AK, could be underwater by 2017, and more than 180 additional Native Alaskan villages are at risk. Parts of Alaska are literally vanishing.

Scientists believe that entire U.S. cities or parts of coastal cities are in danger of being flooded as well. In fact, experts are telling us that cities such as Miami, Ft. Lauderdale, New York, New Orleans, and others will face a growing threat of partial submersion within just a few decades as sea levels and storm surge levels continue to climb and that entire countries—small island nations such as Micronesia and the Maldives and large nations such as Indonesia face similar risk.

Ironically, rising sea levels are even threatening key oil industry infrastructure. For example, scientists at NOAA are estimating that portions of the Louisiana State Highway 1 will be inundated by rising high tides 30 times per year. Highway 1 provides the only access to a port servicing nearly one out of every five barrels of the U.S. oil supply.

What is my point? My point is that we are facing a horrendous planetary crisis. We cannot continue to ignore it. We must act, and we must act now.

In my view, the first thing we must do is we must not make a terribly dangerous situation—i.e., global warming and greenhouse gas emissions—even worse than it is right now. We must break our dependence on fossil fuels, not expand it. We must modernize our grid and transform our energy system to one based on sustainable energy sources, and we must move aggressively toward energy efficiency.

In that process, we must reject the Keystone XL Pipeline proposal, which would dramatically increase carbon dioxide emissions, according to the EPA, by the equivalent of 18.7 million metric tons per year, releasing as much as 935 million metric tons over 50 years. In other words, the planet faces a crisis

right now. Why would we think for one second about making that crisis even worse?

Further, Congress needs to end wasteful subsidies for the industries that are causing climate change. According to a report by DBL Investors, between 1918 and 2009, the oil and gas industry received government subsidies to the tune of \$446 billion, to say nothing of State subsidies which have benefited from decades' worth of backroom political deals. In other words, why are we continuing to subsidize those industries that are helping to bring devastating damage to our planet.

Thirdly, even though fossil fuels are the most expensive fuels on Earth, the fossil fuel industry for too long has shifted these enormous costs onto the public, walking away with billions in profits while the American people have to bear the real costs of rising seas, monster storms, devastating droughts, heat waves, and other extreme weather. When people tell you that coal or oil is cheap, what they are forgetting about are the social costs in terms of infrastructure damage and in terms of human health. These fuels are not cheap.

As we transform our energy system away from fossil fuels, we must finally begin pricing carbon pollution emissions so the polluters themselves begin carrying the costs instead of passing them on to our children and grandchildren.

I am proud to have joined with Senator BARBARA BOXER, the chairperson of the Environment Committee in the Senate, to introduce the Climate Protection Act earlier this year. Our bill establishes a fee on carbon pollution emissions, an approach endorsed by people all across the political spectrum, including conservatives such as George Shultz, Nobel Laureate economist Gary Becker, Mitt Romney's former economic adviser Gregory Mankiw, former Reagan adviser Art Laffer, former Republican Congressman Bob Inglis, and others.

Our bill does a number of things. One of the things it does is return 60 percent of the revenue raised directly back to taxpayers in order to address increased fuel costs. It puts money, substantial sums of money, into supporting sustainable energy research, weatherizing homes, job creation, and helping manufacturing businesses save money through energy efficiency and deficit reduction.

This begins the process of transforming our energy system by imposing a fee on carbon. It deincentivizes fossil fuel by putting money into energy efficiency and sustainable energy. It helps us move in a very different and healthier direction.

Let me conclude by going back to the point that I made when we started. The American people are shaking their heads at what goes on in Washington.

This country is facing enormous problems, economic problems, social problems, and I would argue that in global warming we face a planetary crisis. The American people want us to act. It is incomprehensible that week after week, month after month, year after year, we are not addressing the issue of global warming.

I hope sooner rather than later we will bring serious legislation to the floor of the Senate, that we have that debate, and we do what the planetary crisis requires; that is, transform our energy system, move away from fossil fuel, and move to energy efficiency and sustainable energy.

I yield the floor.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Texas.

#### PEREZ NOMINATION

Mr. CORNYN. Mr. President, I rise to express my deep concerns over the President's nomination of Thomas Perez to be Secretary of the Department of Labor.

When executing its advice-and-consent role, which, of course, is ensconced within the Constitution itself, it is the duty of the Senate to ensure that the people the President appoints to positions of power are of the highest caliber. It is our duty to examine their record and to determine whether each nominee ought to be granted the public trust.

While no one can deny that Mr. Perez has spent his career in public service, I am afraid his record raises serious concerns over his ability to fairly and impartially lead the Department of Labor. Mr. Perez has a documented record of acting with political motivation and being a partisan, selective enforcer of the law. He has been misleading in his sworn testimony and ethically questionable in some of his actions.

For example, during his tenure at the Department of Justice, Mr. Perez has been in charge of the Civil Rights Division, which includes the voting rights section. One would hope that if any part of the Department of Justice would be apolitical, it would be the Civil Rights Division. But under Mr. Perez's watch, the voting rights section has compiled a disturbing record of political discrimination and selective enforcement of the law.

You don't have to take my word for it. All you have to do is take a look at the 258-page report issued by the Department of Justice inspector general earlier this year.

The report cites a "deep ideological polarization" of the voting rights section under Mr. Perez. It goes on to say this polarization "has at times been a significant impediment to the operation of the Section and has exacerbated the potential appearance of politicized decisionmaking."

Instead of upholding and enforcing all laws equally, Mr. Perez launched

politically motivated campaigns against commonsense constitutional provisions such as voter ID both in Texas and in South Carolina.

The Supreme Court of the United States, in an opinion written by John Paul Stevens, who was, by all accounts, an independent member of the Supreme Court, the Supreme Court of the United States held that commonsense voter identification requirements are not an undue burden on the right to cast one's ballot and, indeed, are a reasonable means by which voter fraud is combated and protection of the integrity of the ballot is ensured.

Yet Thomas Perez, working at the Department of Justice, targeted the voter ID requirement passed by the Texas Legislature and blocked it effectively, and the same thing in South Carolina, based on nothing but politics—certainly not based on U.S. Supreme Court precedent that states it was not an undue burden on the right to vote, and it was a legitimate means to protect the integrity of the ballot and to combat fraud.

The inspector general goes on to describe misleading testimony that Mr. Perez gave before the U.S. Commission on Civil Rights in 2010 about a prominent voting rights case, stating that it "did not reflect the entire story regarding the involvement of political appointees." This is why, when you are sworn in as a witness in court, you are asked to tell the truth, the whole truth and nothing but the truth. When what you say is the truth but you leave out other information, it can, in effect, by its context, not be truthful. This is part of the problem with the testimony Mr. Perez gave before the U.S. Commission on Civil Rights.

Going further back, we can see Mr. Perez's ideological roots started as a local official in Montgomery County, MD. During his tenure on the county council, he consistently opposed the proper enforcement of our immigration laws. In fact, he went so far as to testify against enforcement measures that were being considered by the Maryland State Legislature.

Finally, there is the matter of Mr. Perez's quid pro quo dealings with the City of St. Paul, MN. Of course, I am referring to the well-publicized decision of Mr. Perez to withhold Department of Justice support for a lawsuit against the City of St. Paul. He did so in exchange for the city withdrawing a case that it had before the Supreme Court, a case that many would have believed would have resulted in the Court rejecting an aggressive interpretation of the Fair Housing Act that guided Mr. Perez and the Department of Justice.

In fact, that is the reason he did it. He was afraid the Supreme Court would rebuke the Department of Justice's aggressive interpretation of the Fair Housing Act. While this may not have

been a direct violation of any laws, it is, at best, ethically dubious.

In summation, we have a nominee for the Department of Labor who has a record of ideological, polarizing leadership; giving incomplete and thereby misleading testimony before official tribunals; and of enforcing the law in a partisan and selective manner—in essence, a "you scratch my back, and I'll scratch yours" way of going about the public's business.

As citizens we should ask, Is this the type of person we would want to serve in the President's Cabinet? As Senators, we ought to ask, Is this the best we can do for the Secretary of the Department of Labor?

I believe Mr. Perez's record disqualifies him from running this or any other executive agency of the Federal Government. I fear his leadership would needlessly politicize the Department and impose top-down ideological litmus tests. For all these reasons, I oppose his nomination and encourage my colleagues to do the same.

Mr. JOHNSON. Mr. President, I rise today in strong support of the nomination of Fred Hochberg to be the President and Chairman of the Export-Import Bank of the United States.

Despite taking the helm of the Bank in the midst of the worst financial crisis since the Great Depression, Mr. Hochberg's leadership expanded financing for American exporters when private financing was nearly impossible to acquire. In 2012, the Export-Import Bank helped to support an estimated 255,000 American jobs at 3,400 companies, and 85 percent of Export-Import Bank transactions directly benefited small businesses.

The Export-Import Bank is self-sustaining, charging fees to cover its expenses and creating no cost to U.S. taxpayers. Furthermore, since 2008, the Bank has been able to send nearly \$1.6 billion in profits to the U.S. Treasury.

Mr. Hochberg was first nominated to be President and Chairman of the Export-Import Bank on April 20, 2009, and he was confirmed unanimously by this body on May 14, 2009. Mr. Hochberg was renominated by President Obama on March 21, 2013, and he was approved 20–2 in the Senate Banking Committee on June 6, 2013. I urge my colleagues to once again confirm Mr. Hochberg without delay.

If we fail to confirm Mr. Hochberg before July 20, we run the risk of leaving the Bank without a quorum to act on many of the transactions before it—creating an uneven playing field for American workers and exporters.

Mr. Hochberg's nomination is supported by both labor and business groups. These two groups understand the importance of the United States not unilaterally disarming against our global competitors. The Bank plays a very important part in this country's efforts to expand exports and create

good, high-paying jobs in America. Mr. Hochberg has been instrumental in this effort and should be confirmed.

I urge all my colleagues to support President Hochberg's nomination today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the confirmation of the Hochberg nomination occur at 3:40 p.m. today; that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; and that President Obama be immediately notified of the Senate's action.

What time is it right now?

The PRESIDING OFFICER. It is 3:33 p.m.

Mr. REID. I wish to modify my request to reflect a voting time of 3:35.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. REID. Senators should expect two votes; the vote on confirmation of the Hochberg nomination to the Ex-Im Bank and the vote on the motion to invoke cloture on the Perez nomination.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Fred P. Hochberg to be president of the Export-Import Bank of the United States?

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 17, as follows:

[Rollcall Vote No. 176 Ex.]

YEAS—82

Alexander	Boxer	Cochran
Ayotte	Brown	Collins
Baldwin	Burr	Coons
Baucus	Cantwell	Corker
Begich	Cardin	Crapo
Bennet	Carper	Donnelly
Blumenthal	Casey	Durbin
Blunt	Chiesa	Feinstein
Boozman	Coats	Fischer

Franken	Levin	Schatz
Gillibrand	Manchin	Schumer
Graham	Markey	Scott
Hagan	McCain	Sessions
Harkin	McCaskey	Shaheen
Heinrich	Menendez	Shelby
Heitkamp	Merkley	Stabenow
Heller	Mikulski	Tester
Hirono	Moran	Thune
Hoeben	Murkowski	Udall (CO)
Isakson	Murphy	Udall (NM)
Johanns	Murray	Vitter
Johnson (SD)	Nelson	Warner
Kaine	Portman	Warren
King	Pryor	Whitehouse
Kirk	Reed	Wicker
Klobuchar	Reid	Wyden
Landrieu	Roberts	
Leahy	Sanders	

NAYS—17

Barrasso	Flake	McConnell
Chambliss	Grassley	Paul
Coburn	Hatch	Risch
Cornyn	Inhofe	Rubio
Cruz	Johnson (WI)	Toomey
Enzi	Lee	

NOT VOTING—1

Rockefeller

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Thomas Edward Perez, of Maryland, to be Secretary of Labor.

Harry Reid, Tom Harkin, Patrick J. Leahy, Bill Nelson, Christopher A. Coons, Amy Klobuchar, Tim Kaine, Jack Reed, Barbara A. Mikulski, Sheldon Whitehouse, Sherrod Brown, Benjamin L. Cardin, Robert P. Casey Jr., Bernard Sanders, Al Franken, Robert Menendez, Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The Senate will be in order.

The Senator from Florida.

Mr. RUBIO. Mr. President, I ask unanimous consent for 1 minute so that I may be able to read a letter with regard to the upcoming vote.

The PRESIDING OFFICER. Is there objection? The Senate will be in order.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, is there a unanimous consent request pending?

The PRESIDING OFFICER. There is a unanimous consent request pending. The Senator from Florida has asked unanimous consent for a minute to read a letter with regard to the nomination.

Mr. HARKIN. Then I ask for 1 minute following the Senator from Florida.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. RUBIO. Before we vote on this, especially to my colleagues on the Republican side, we are about to give 60 votes to a nominee who is not in compliance with a congressional subpoena.

I have in my hand a letter sent to me moments ago by DARRELL ISSA, the chairman of the Oversight Committee in the House, where he writes in part that "Mr. Perez has not produced a single document responsive to the Committee's subpoena. I am extremely disappointed that Mr. Perez continues to willfully disregard a lawful subpoena issued by a standing Committee of the United States House of Representatives. . . . This continued noncompliance contravenes fundamental principles of separation of powers and the rule of law. Until Mr. Perez produces all responsive documents, he will continue to be noncompliant with the Committee's subpoena. Thank you for your attention to this matter."

He goes on to note, by the way, that Mr. Perez has not produced a single document to the committee; therefore, he remains noncompliant.

Members, you are about to vote to give 60 votes to cut off debate on a nominee who has ignored a congressional subpoena from the House on information relevant to his background and to his qualifications for this office.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MENENDEZ. The Senate is not in order.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, the contentions made by the Senator are absolutely wrong. We had a hearing on this. We explored it in our committee. Instead of the 1,200 e-mails they cite, we are talking about that over a 3½-year period there were 35 e-mails located on his personal emails that touched Department of Justice business and were not forwarded to the Department of Justice, and those have been looked at, and none of them demonstrate that he acted improperly or unethically. When they were discovered, the e-mails were immediately forwarded to the DOJ server and are now part of the DOJ record retention system.

I might add that the 35 e-mails were made available to the House Oversight Committee staff prior to Mr. Perez's confirmation hearing, and the Senate HELP Committee staff have also been offered access to review all of those e-mails.

The contentions made by the Senator from Florida are just absolutely wrong.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of Thomas Edward Perez, of Maryland, to be Secretary of Labor shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 60, nays 40, as follows:

[Rollcall Vote No. 177 Ex.]

YEAS—60

Alexander	Hagan	Murkowski
Baldwin	Harkin	Murphy
Baucus	Heinrich	Murray
Begich	Heitkamp	Nelson
Bennet	Hirono	Pryor
Blumenthal	Johnson (SD)	Reed
Boxer	Kaine	Reid
Brown	King	Rockefeller
Cantwell	Kirk	Sanders
Cardin	Klobuchar	Schatz
Carper	Landrieu	Schumer
Casey	Leahy	Shaheen
Collins	Levin	Stabenow
Coons	Manchin	Tester
Corker	Markey	Udall (CO)
Donnelly	McCain	Udall (NM)
Durbin	McCaskill	Warner
Feinstein	Menendez	Warren
Franken	Merkley	Whitehouse
Gillibrand	Mikulski	Wyden

NAYS—40

Ayotte	Fischer	Paul
Barrasso	Flake	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rubio
Chambliss	Heller	Scott
Chiesa	Hoeven	Sessions
Coats	Inhofe	Shelby
Coburn	Isakson	Thune
Cochran	Johanns	Toomey
Cornyn	Johnson (WI)	Vitter
Crapo	Lee	Wicker
Cruz	McConnell	
Enzi	Moran	

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 40. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

NOMINATION OF THOMAS EDWARD PEREZ TO BE SECRETARY OF LABOR

The PRESIDING OFFICER (Mr. BLUMENTHAL). Cloture having been invoked, the clerk will report the nomination.

The legislative clerk read the nomination of Thomas Edward Perez, of Maryland, to be Secretary of Labor.

The PRESIDING OFFICER. The Senator from Washington.

UNANIMOUS CONSENT REQUEST—H. CON. RES. 25

Mrs. MURRAY. Mr. President, I am pleased that yesterday the Senate was able to come together and work out a bipartisan agreement to make some progress on approving President Obama's nominees. This is a great example of the kind of work I hope we can do more of going forward, because gridlock is getting in the way of progress on far too many issues that affect the families and communities we have a responsibility to serve.

One of the most egregious examples that still remains is the Republican leadership blocking a bipartisan budget conference—and the regular order they called for—in order, it appears, to gain leverage by manufacturing a crisis come this fall.

Democrats have come to the floor to talk about this a lot over the past few

weeks. Unfortunately, it seems to be getting worse and not better.

We have heard from more and more tea party Republicans about their latest brinkmanship threat. They are now saying: Defund health care reform or we are going to shut down the government.

I wish I were making this up, but it is real. The House has already tried to repeal this law 37 times. In fact, just for good measure, they are voting on it again this week.

We all know that is not serious. It is certainly not governing. It is pointless pandering, and it does absolutely nothing to help the families and communities we represent.

There are so many real problems we all need to be focused on. We need to protect our fragile economic recovery and get more of our workers back on the job. We need to replace sequestration and we need to tackle our long-term deficit challenges responsibly. We have to stop this lurching from crisis to crisis and return to regular order and give families and communities the certainty they deserve. The only way we can do that is if we all work together, and the last thing we need to do right now is to rehash old political fights.

Based on what I am hearing more and more of in recent days, not only are tea party Republicans willing to push us toward a crisis this fall, but they will do that to cut off health care coverage for 25 million people and end the preventive care for our seniors that is free, and cause our seniors to pay more for prescriptions.

These political games may play well with the tea party base, but here is the reality: ObamaCare is the law of the land. It passed through this Senate with a majority. The Supreme Court upheld it. It is already today helping millions of Americans stay healthy and financially secure. We should all be working together right now to make sure it is implemented in the best way possible for our families and our businesses and our communities. Instead, what we are hearing is some empty political threats and a push for more gridlock here in the Senate.

I don't think it is a coincidence that the very people who are now pushing for a government shutdown to defund the health care law are the ones who are blocking a budget conference. If the goal is to simply push this country into a crisis, as it now seems to be for the tea party and the Senate Republican leadership, then those both are ways to do it.

When the Senate budget passed, I was optimistic. We worked here for a very long time—hours and hours, well into the night, well into the hours of the morning—and we allowed everyone the opportunity to vote on their amendments. They were voted up or down, agreed to or not agreed to, and we

passed a bill, because both Republicans and Democrats said they wanted to return to regular budget order, and they said if we did that, we would get back to a responsible process. I took them at their word.

At that time, we had 192 days to reach a bipartisan budget agreement. Three months later, Democrats have come to the floor 16 times to move to the next step of the process: to get us to a bipartisan budget conference with the House. Each time we have asked to do that, a tea party Republican or a Member of the Senate Republican leadership has stood up and said, No, I am not going to let us work out the differences with the House. We are not going to do a budget. We are going to allow things to plod along here until we have a crisis in the fall.

There are now less than 3 weeks before we are scheduled to return home—all of us—to our States for constituent work. If we can't get an agreement by then, we are going to return in September with very little time before a potential government shutdown on October 1.

We still have a window of opportunity to reach an agreement before we are in crisis mode. I will tell all of my colleagues, it is closing quickly.

My colleagues should ask their constituents. They are sick and tired of hearing about gridlock and partisanship coming out of Washington, DC. It has to end.

This body had a great conversation on Monday night in the Old Senate Chamber. Everybody had an opportunity to have their say. A group of Republicans, led by Senator MCCAIN, who are very interested in ending the gridlock, worked together with us to solve the problem. In fact, I have to say it has been very heartening to hear from the many Republicans who agree with the Democrats that despite our differences—and they are many—we should at least—at the very least—sit down in a bipartisan conference committee with the House and try to solve this problem and get an agreement.

It started with just a few who were willing to stand up to their leadership, but I think we all should know that chorus is getting louder. Senator MORAN, for example, said yesterday: "I too hope we can have a budget conference because the process needs to work."

I am sure Senator MORAN would agree with me that getting a bipartisan deal is not going to be easy. We know that. We know it is going to be difficult. But we all know it won't be easy unless we get to work now, rather than risking our economic recovery and hurting our families and communities by manufacturing a crisis this fall.

I am hopeful the bipartisan spirit we have seen this week will carry over into this budget debate, and that rather than listening to a few, Republicans

will listen to the Republican Members who prefer a bipartisan, commonsense approach over brinkmanship and chaos.

We still have an opportunity to govern the way the American people rightly expect us to and to come together and try and reach an agreement. I am ready to sit down and go to work with the conservative House majority to try and solve the problem that all of us have come to Congress saying we want to work on, and that is a budget agreement.

A budget agreement means certainty for our constituents. It means the ability, no matter how tough the choices for us—and none of us are going to love any of them—to be able to give them certainty so they know how to move forward.

Mr. President, as if in legislative session, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 33, H. Con. Res. 25; that the amendment which is at the desk, the text of S. Con. Res. 8, the budget resolution passed by the Senate, be inserted in lieu thereof; that H. Con. Res. 25, as amended, be agreed to; the motion to reconsider be considered made and laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate; that following the authorization, two motions to instruct conferees be in order from each side—a motion to instruct relative to the debt limit and a motion to instruct relative to taxes and revenue; that there be 2 hours of debate equally divided between the two leaders or their designees prior to the votes in relation to the motions; further, that no amendments be in order to either of the motions prior to the votes; and all of the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah is recognized.

Mr. LEE. Mr. President, reserving the right to object, in a spirit of bipartisanship, I would like to ask my friend and colleague from Washington to make a very simple modification to her request. I am not objecting to a budget. I am not even objecting to the idea of having a conference. I just want the debt limit left out of the budget conference. The debt limit is a separate issue, one that warrants its own debate, its own discussion, its own legislation. My request is a simple one: no backroom deals on the debt limit.

Therefore, I ask unanimous consent that the Senator from Washington modify her request so that it not be in order for the Senate to consider a conference report that includes reconciliation instructions to raise the debt limit.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, reserving the right to object, let me explain so that the Senator understands. We are offering in this unanimous consent request to allow the Senate to speak on the very issue the Senator is requesting, to do it in what a democracy does, and to allow an amendment on it and let the Senate speak. That is what we do here.

I object to his request, and I reask our unanimous consent request that would allow an amendment on his issue of the debt ceiling and allow this body to speak on it before we go to conference.

The PRESIDING OFFICER. Objection is heard to the Lee unanimous consent request.

The question is on the unanimous consent request from the Senator from Washington. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, in that case, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MCCARTHY NOMINATION

Mr. VITTER. Mr. President, I rise to speak about the Gina McCarthy nomination to head the EPA and in particular efforts I have led with my Republican colleagues on the Environment and Public Works Committee to bring a whole lot more sunshine and transparency to EPA—something that has been sorely, sorely lacking for a long time and has been a particular problem, really reached new depths in terms of a problem in the last 4 years. When this important nomination first came up, I focused specifically on these important transparency, openness issues.

I have disagreed with the Obama administration EPA on all sorts of substantive issues, including, for instance, to take the most obvious, their war on coal. I disagree with both the past Administrator and this nominee, Gina McCarthy, on all of those key substantive issues, such as this war on coal, but I specifically chose not to focus on that in the nomination. I knew President Obama won the election. I knew he had a fundamentally different view than I do on those key environmental and economic issues. What I focused on with other Republican members of our committee was something that should be beyond dispute, beyond partisanship, really beyond debate—the need for openness and

transparency with regard to what EPA does and why they do it. This has been a battle I have been waging for a long time, including on the EPW Committee. I think this is a crucial issue.

For a long time, EPA, under multiple administrations, has lost the confidence of Congress and the American people. It used to be, including when EPA was first founded, in the first decade of its existence, that it was viewed as a nonideological group of experts. It was viewed as being led by real scientists and real science—peer-reviewed expert science—not by ideology, not by political agendas, not by partisanship. Unfortunately, I think EPA—and a lot of Federal agencies, but EPA is perhaps the worst example—has gotten far afield from that, and it is viewed by most Americans, myself included, as led by ideology, motivated by partisanship and a political agenda, not sober, sound science.

That is why we need to get back to complete openness and transparency so that we see what EPA is doing, why they are doing it, and try to hold them accountable so their decisions are based on objective science, not cherry-picking science, not partisan science, not what I would call New York Times or tabloid science.

Again, those are what all of my key requests of EPA and the nominee over this Gina McCarthy nomination went to. Over many, many weeks—in fact, months—I went back and forth with Ms. McCarthy and EPA over these very basic, sound, reasonable requests. The good news is, although it took a lot of back and forth, in each of the five key categories I identified on behalf of all of the Republican members of EPW, we were able to secure real, meaningful, and substantial commitments in terms of moving the ball forward in at least four of those categories, and we are going to move the ball across the goal line in the fifth category as well. So let me briefly outline those five important categories that all relate to openness and transparency and where we are getting with regard to our agreements with the EPA over the last several weeks.

Request No. 1 had to do with FOIA, the Freedom of Information Act. As anybody knows who has followed it in the news, EPA has really dragged its feet and frustrated a lot of legitimate FOIA requests by private citizens, by States affected, by other stakeholders.

The Freedom of Information Act was designed to put sunshine on the Federal Government, to allow everyday citizens—anyone—the ability to get basic, important information from any Federal agency. Yet, as news releases and certain incidents have illustrated over the last several years, EPA has really tried to frustrate that process. In fact, in certain documents we were able to obtain, we even got an e-mail



from within the General Counsel's Office at EPA instructing all of the satellite offices of EPA around the country on how to frustrate legitimate FOIA requests—how to delay, how to frustrate, how to obfuscate. It was not about a particular FOIA request that they may have thought was out of bounds or inappropriate, it was just about how to frustrate in general. That is completely inappropriate. That is beyond the bounds of the law. So we talked in great detail to EPA about how they have to change that, and this basically summarizes the agreements we reached:

First, EPA agreed to mandate the retraining of all of their workforce—17,000-plus people—to tell them not how to frustrate FOIA requests but what FOIA is about, how to live by the law, how to honor FOIA requests in an open and timely way.

Secondly, EPA committed to issuing new guidance on records maintenance and the use of personal e-mail accounts. One way a lot of folks said EPA clearly was frustrating FOIA requests is they would do official business on personal e-mail accounts. So when a FOIA request was made, their EPA e-mails were produced, but lo and behold, the really important stuff, the stuff they wanted to hide, was on their personal accounts. That is clearly a pattern that has been used at EPA and other Federal agencies to frustrate openness and transparency and FOIA. So EPA is specifically going to issue new guidance to say that is absolutely illegal, that is absolutely off limits, and, most importantly, trust but verify, and here is the verify: The independent EPA inspector general will complete an audit about all of this stuff.

So we are going to put an end to FOIA abuse, and we are going to make sure every American has FOIA as a legitimate tool for information, for openness, and for transparency, as was intended when Congress passed that law.

The second category I focused on in my discussions with EPA was e-mails and communications—exactly what I was talking about before. There has been a pattern—and several high-ranking officials were involved, including Lisa Jackson, the former Administrator—there has been a pattern of using personal e-mail accounts and also fake e-mail names, to, in my opinion, hide important information from the public. The clearest example is what I said a minute ago. If you do the really important business on your personal account and somebody sends in a FOIA request and then the agency produces your official e-mails, guess what. The really important stuff is not produced. It is hidden. That has to stop.

So we demanded a lot of things in this category.

First of all, the nominee herself—we asked her to review her personal e-mail

accounts and report back that she had not used it for agency-related matters. She did that. She confirmed that.

Secondly, EPW continues to coordinate with the House Oversight and Government Reform Committee to obtain further information. We do not have—and let me be crystal clear about this—Republicans on the EPW Committee have not obtained everything we have asked for or everything we deserve with regard to e-mails and communications. So we are working with the House committee with subpoena power, and we are working closely with them, and we are going to get, even if it takes using their subpoena power, what we deserve. And then both committees recently put the EPA on notice that they are considering issuing subpoenas with regard to just that.

So this is the category where we have gotten the least from the EPA with regard to our discussions regarding the Gina McCarthy nomination, but I want to make very clear, so no one is surprised, that we are going to get what we deserve, including through House subpoenas if it takes that.

The third category I focused on in my discussions with Gina McCarthy and the EPA is underlying research data. EPA has done a lot of really important rules, rulemaking in the last several years. In each of those cases they based that rulemaking on specific research. One big problem is that the world, the public, even including Members of Congress, has not had availability of that research data so we can simply sort of compare notes and enlist outside experts to say: Look, does this data really lead to that rule? Does it really lead to that conclusion?

Well, this has been an ongoing argument for a long time. Finally, in the midst of these discussions related to the Gina McCarthy nomination, we have scored a breakthrough. EPA has absolutely, categorically committed to obtaining the requested scientific information—that data from the researchers, from the institutions that did the research. They will absolutely request that and follow up on that.

Secondly, EPA has already reached out to relevant institutions for information on how to de-identify and code personally identifying information that may be in the data. None of us want personally identifying information. None of us want versions of the data that make it clear who the individuals involved in the studies were. We do not care about that. We want the overall data. So EPA is already talking to the institutions about how to scrub the data so they do not give us what we were never interested in—personal identifying information.

Third, for the first time we should be able to determine if there is any way of independently reanalyzing the science and benefits claims for these major regulations, which are mostly the

major air regulations on which the nominee Gina McCarthy led the way.

So this really is a breakthrough because it is a path forward to get the underlying data so we can examine—independently examine—have experts look at the data and ask: Does it really lead to this regulation? Does it really justify this regulation?

The fourth category I focused on in terms of my discussions with the EPA over the Gina McCarthy nomination is economic analysis. By law, EPA, like other Federal agencies, is supposed to do a cost-benefit analysis before they do a big rulemaking. So part of their rulemaking is supposed to be a cost-benefit analysis to see if the rule is justified.

In my opinion, that cost-benefit analysis is done in such a way as to be laughable in some cases, to be ludicrous. It is designed to reach a particular result, not designed to be an objective cost-benefit analysis. So we wanted EPA to go back to the drawing board, do a fair and open-ended cost-benefit analysis, not designed to reach a particular conclusion but just designed to truly, objectively compare cost and benefits.

As a result of our discussion, EPA has committed to convene an independent panel of economic experts with experience in whole economy modeling at the macro and micro level. They are going to review EPA's modeling and the agency's ability to measure full regulatory impacts.

That is sort of a bunch of gobbledygook, particularly with whole economy modeling. But that is where we need to do a true cost-benefit analysis, to look at all of the macro impacts, all of the impacts of a rule on the whole economy, not very narrowly defined—the analysis—in order to get to a certain conclusion.

A good example is when they are doing rulemaking, we need to understand the impact on energy prices throughout the entire economy. That is often a huge impact of their rulemaking, particularly in their recent air rulemaking in the so-called war on coal. We need to see how many jobs that really cost us in the whole economy; otherwise, this idea of cost-benefit is not meaningful.

So they have committed to convene this independent panel. This panel will be tasked with making recommendations to the agency so that the EPA does it right; so that it is a significant, objective, meaningful cost-benefit analysis, not just an exercise they have to go through and that they have designed to reach a certain result.

The fifth and final category on which I focused in terms of my discussions with the EPA over the Gina McCarthy nomination was the so-called sue and settle. Sue and settle is a tool the environmental left and their allies at EPA have used with increasing frequency in

the last several years—the last 5 years in particular.

When the environmental left wants to reach an objective, what they often do is sue the EPA under environmental legislation and environmental statutes. So they are the plaintiff; the Obama EPA is the defendant. They have a lawsuit. Then after a few months they agree to settle the lawsuit. The judge signs off on it. Usually the judge is more than willing to do that because it gets a big and time-consuming and complicated case out of his hands, off his docket.

What is the matter with that? Well, what is the matter with that is essentially the environmental left and the EPA are on the same side of the issue. They usually agree on the fundamentals of the issue. The folks truly on the other side, who often include stakeholders, landowners, businesses, State and local government, they never have a seat at the table with regard to the settlement.

So this is a behind-closed-doors negotiation, which is one-sided and does not include anyone on the true other side of the issue. It does not include landowners. It does not include other stakeholders. It does not include State and local governments, which are often directly affected, which often have their role in some of these matters taken away.

So we need to make that sue-and-settle process more fair. We need to take the abuse out of it because we discussed this with EPA, and we got the following important concession.

First, to help resolve some of the challenges with lack of public input in closed-door settlement agreements, otherwise referred to as sue and settle, EPA will publish on two Web sites the notices of intent to sue and petitions for rulemaking upon receipt, so at least the world out there will know what is going on at the front end. At least the stakeholders, the landowners, State and local governments, other affected parties will know what is going on.

Secondly, the Web address for the petitions for rulemaking are that, and the web address for the notices of intent to sue is that. It is very important to know this with regard to potential sue-and-settle agreements so that affected parties can begin to have input. They cannot possibly have input if they do not even know there is a discussion going on, and they do not find that out until the final result is announced.

Those are the results of our discussions with EPA. As I said at the beginning, I do not agree with Barack Obama or Gina McCarthy's positions on most of the big issues at EPA, including the war on coal. I do not agree with their actions that are costing millions of jobs around the country, that are increasing significantly the price of

American energy. But I am not going to be able to fix that given the last election. President Obama was re-elected.

What we attempted to do is talk to EPA about things that we should be able to agree on, things that should be beyond dispute, beyond ideology, beyond argument. That is giving the American people, including their representatives in Congress, full and adequate information about what is going on, having people get the information they deserve, having that give-and-take which is supposed to be there and assured, cleaning up abuses in FOIA, cleaning up abuses in private and hidden and fake e-mail accounts.

Those are abuses that have gone on at EPA for a long time and have been particularly problematic in the last 5 years. Those are the sort of things we are going to fix through these agreements. I think that will get us down the road to having a real discussion about the true facts behind proposed EPA regulations—the true science, the true cost and benefits, and not allowing EPA to do so much that is so important behind closed doors without that full and open discussion of the true facts.

I think it is an important step forward. That is why I agreed, as I promised to at the beginning of the process, to vote for cloture on the Gina McCarthy nomination if we made this important progress. I set that metric. I made that commitment at the beginning of the process. I did not think we would get nearly as far as we did in terms of commitments out of EPA. But since we did, since we made all of that substantive progress, I am certainly going to honor that commitment with regard to the cloture vote.

I yield the floor.

Mr. HARKIN. Mr. President, today the Senate is now considering the nomination of Thomas Perez to serve as Secretary of Labor. It has been a long road to get here. I am pleased that we finally have the opportunity to consider Mr. Perez's nomination on its merits.

Tom Perez's life is a story of the American dream. The child of immigrants from the Dominican Republic, he lost his father at a young age. He worked very hard at not very glamorous jobs to put himself through Brown University, working at a warehouse as a garbage collector and the school dining hall.

His incredible work ethic helped him graduate with honors from the Harvard Law School and the Kennedy School of Government. With such an impressive resume, Tom Perez could have done pretty much anything with those degrees and accomplishments. He could have made a lot of money in the private sector. But, instead, Mr. Perez chose to become a public servant.

He has dedicated his career to ensuring that every American has the same

opportunity he had to pursue the American dream. From his early years at the Department of Justice, where he helped to prosecute racially motivated hate crimes and chaired a task force to prevent worker exploitation, to his time at the Maryland Department of Labor, where he helped struggling families avoid foreclosure and revamped the State's adult education system, Mr. Perez has demonstrated his unwavering commitment to building opportunity for all Americans.

It is this commitment to building opportunity for all that makes Tom Perez an ideal choice for Secretary of Labor. Of all the executive agencies, it may be the Department of Labor that touches the lives of ordinary Americans the most on a day-to-day basis. The Department of Labor ensures that every American receives a fair day's pay for a hard day's work and can come home from work safely in the evening.

It helps ensure that a working mother can stay home to bond with her newborn child and still have a job to return to. It helps workers who have been laid off, veterans returning from military service, others who face special employment challenges to build new skills and build opportunities for a lifetime.

It helps guarantee that hard-working people who have saved all of their lives for retirement can enjoy their golden years with security and peace of mind. As our country continues to move down the road to economic recovery, the work of the Department of Labor will become even more critical. The Department will play a vital role in determining what kind of recovery we have, a recovery that benefits only a select few or one that rebuilds a strong American middle class where everyone who works hard and plays by the rules can build a better life.

Now more than ever we need a dynamic leader at the helm of the Department of Labor who will embrace a bold vision of shared prosperity and help make that vision a reality for American families. I am confident that Tom Perez is up for that challenge.

Without question, Tom Perez has the knowledge and experience needed to guide this critically important agency. Throughout his professional experiences and especially during his work as the secretary of the Maryland Department of Labor, Licensing and Regulation—that would be Maryland's equivalent of our Secretary of Labor. During that time, he has developed strong policy expertise on the many important issues for American workers and businesses that come before the Department of Labor each day. He also clearly has the management skills to run a large Federal agency effectively. Perhaps most importantly, Tom Perez knows how to bring people together to make progress on even controversial issues.

He knows how to hit the ground running, how to quickly and effectively become an agent of real change. That is exactly the kind of leadership we need at the Department of Labor. The fact is, Tom Perez is an extraordinary nominee to serve as Secretary of Labor. I hope the Senate will overwhelmingly confirm him to this vital position.

This is not the first time this body has considered Mr. Perez's qualifications. In October 2009, on a bipartisan 72-to-22 vote, the Senate confirmed Mr. Perez to serve as Assistant Attorney General for Civil Rights. In more than 3½ years in that position, Mr. Perez has skillfully and vigorously enforced our Nation's civil rights laws and has revitalized the Civil Rights Division.

As has been documented by numerous inspector general and Office of Professional Responsibility reports, as well as congressional investigations, the Bush administration had decimated the Civil Rights Division, failed to properly enforce our most critical civil rights laws, and politicized hiring and decisionmaking. That has changed dramatically under Mr. Perez.

As Attorney General Holder has said, Mr. Perez made it clear from the moment he was confirmed that the Civil Rights Division was "once again open for business." During Mr. Perez's tenure as head of the Civil Rights Division, he stepped up enforcement of civil rights laws and restored integrity and professionalism.

I wish to review some of the successes under Mr. Perez's leadership at the Civil Rights Division.

That division settled the three largest fair lending cases in the history of the Fair Housing Act. Let me repeat that—three largest cases in the history of the Fair Housing Act.

As a result, the division in 2012 recovered more money for victims under the Fair Housing Act than in the previous 23 years combined. In total, \$660 million in monetary relief has been obtained in lending settlements.

Later in my remarks I will go over some of the allegations made by Senators on the other side about Mr. Perez's handling of another situation of the Civil Rights Division that was also covered by the Fair Housing Act.

I wish to make this clear, that Mr. Perez, as I said, settled the three largest fair lending cases in the history of the Fair Housing Act. This shows he was vigorous in enforcing the Fair Housing Act.

The Civil Rights Division has been involved in 44 Olmstead matters in 23 States, matters that ensure that people with disabilities have the choice to live in their own homes and communities, rather than only in institutional settings. These efforts included four settlement agreements the division has signed with the States of Georgia, Delaware, Virginia, and North Carolina.

The Civil Rights Division obtained a \$16 million settlement, the largest ever, to enforce the Americans With Disabilities Act. Reached in 2011, the settlement requires 10,000 bank and financial-related retail offices to ensure access for people with speech or hearing disabilities. Imagine that, almost 20 years after the passage of the Americans With Disabilities Act, we had banks and financial offices that were not making their services available to people with disabilities. The division had to go after them and, as I said, obtained a settlement, \$16 million, the largest ever in the history of the Americans With Disabilities Act.

The Civil Rights Division handled more new cases under the Voting Rights Act in 2012 than in any previous year ever. The division increased the number of human trafficking prosecutions by 40 percent during the past 4 years, including a record number of cases in 2012.

The division, since 2009, brought 46 cases to protect the employment rights of servicemembers, a 39-percent increase over the previous 4 years of the Bush administration.

Based on his stellar record of achievement at the Department of Justice alone, Mr. Perez deserves to be confirmed. But despite these accomplishments, some of my Republican colleagues have claimed Mr. Perez should not be confirmed. In fact, we had about 40 who voted against Mr. Perez to move to cloture. Now they are trying to say we should not confirm him.

As the chairman of the committee with oversight jurisdiction, and as chairman of the Appropriations subcommittee that funds the Department of Labor, I can assure you I have looked carefully into Mr. Perez's background and record of service. I can assure everyone that Tom Perez has the strongest record possible of professional integrity and that any allegations to the contrary are totally unfounded.

What is clear is that Tom Perez is passionate about enforcing civil rights laws and protecting people's rights. In my view, that passion makes him not only qualified but the ideal person to be Secretary of Labor.

I do wish to address some of the specific claims we have heard and probably will continue to hear about Mr. Perez.

First, some have harped on the Justice Department's enforcement decision involving the New Black Panther Party. I hope my colleagues don't choose to rehash this matter. Mr. Perez had no involvement in this case, zero. Mr. Perez was not at the Department of Justice when the decision concerning the Black Panthers occurred. The charges were dismissed in May of 2009. Mr. Perez was not confirmed until October of 2009.

Second, some have questioned several enforcement actions related to the Voting Rights Act and the motor voter law, most notably in Louisiana, Texas, and South Carolina. They have pointed to these cases to claim that Mr. Perez is somehow biased in his enforcement of the law.

Again, I hope my colleagues don't try to rehash these meritless claims. The Department of Justice inspector general, an independent inspector general, investigated these claims and recently concluded: "The decisions that Division or Section leadership made in controversial [voting] cases did not substantiate claims of political or racial bias."

The inspector general specifically noted that "allegations of politicized decisionmaking . . . were not substantiated." Anybody can make allegations, but you have to substantiate them. The allegations that he was acting in a politically motivated or biased manner were never ever substantiated.

In fact, in the election-related cases Mr. Perez's critics have focused on, the courts ended up agreeing with the Department of Justice's conclusions that the law had been broken. This means that some oppose Mr. Perez's confirmation precisely because he did his job by enforcing newly enacted laws and by pursuing meritorious cases.

Is our confirmation process here so broken that the act, that act of enforcing duly enacted laws, becomes grounds for opposing a nominee?

Third, some Republicans assert Mr. Perez masterminded an improper deal whereby the City of St. Paul dropped an appeal in a case related to the Fair Housing Act in a case called *Magner*. In return, the Department of Justice decided not to intervene in a False Claims Act brought by a St. Paul resident in another case called the *Newell* case.

During this debate, I expect we will hear a lot about the alleged millions of dollars Mr. Perez himself personally cost the Federal Government in lost damages because the government did not intervene and prevail in the *Newell* case.

It is clear from all of the investigations we have done that rather than being the scandal as some Republicans claim, the evidence shows that Mr. Perez acted ethically and appropriately at all times. I wish to go through this because it is important to set the record straight from these kinds of phony allegations that have been made by some here about Mr. Perez.

The *Magner* case was a case involving the Fair Housing Act. In 2011, the Supreme Court granted certiorari to consider whether that act permits a disparate impact claim. This is a claim challenging actions that are not intentionally discriminatory but, in essence, having a discriminatory effect, called the disparate impact claim.

The case involved an unusual set of facts. Instead of minorities and low-income persons using the Fair Housing Act to challenge improper lending practices, zoning laws, or real estate practices, as is typical with the case with most Fair Housing Act litigation, this specific case involved slumlords—not low-income renters or people being taken advantage of. This case involved slumlords in St. Paul using the Fair Housing Act to challenge the city's efforts to better enforce their housing codes against those slumlords.

Let's look at this case. Lawyers make strategic judgments all the time about which cases should be appealed. Here it is clear why the Department of Justice had a strong interest in this matter. As they have often said, as we all learned in law school, bad facts make bad law. The Justice Department did not want the Supreme Court to consider the viability of the disparate impact principle in a case where slumlords were trying to abuse the law to their advantage. There was too much at stake here.

The Civil Rights Division, under Mr. Perez, had used, applying disparate impact principle, a standard of law recognized under the Fair Housing Act by each of the 11 courts of appeal to address the issue. They had used this, as I mentioned earlier, to reach settlements totaling \$644 million against lenders who discriminated against potential homebuyers in violation of the Fair Housing Act. As I said earlier, that is more money for victims under the Fair Housing Act than in the previous 23 years combined. I think it is very clear that Mr. Perez led his division in applying the disparate impact principle to gain a lot of settlements and to help people who were discriminated against.

It was vital to preserve this valuable enforcement tool. Civil rights leaders, as well as Mr. Perez, encouraged the City of St. Paul to withdraw the appeal. Mr. Perez encouraged the City of St. Paul not to appeal the case to the Supreme Court against something entirely appropriate and entirely in the interests of the United States.

When Mr. Perez reached out to the city, the City of St. Paul raised the Newell matter, another case. This was the first time Mr. Perez had heard about the case. At that time the city suggested, the City of St. Paul, suggested it would drop its *Magner* appeal if the Department of Justice did not intervene in *Newell*, an unrelated False Claims Act case in which a St. Paul resident, Mr. Newell, had alleged—had alleged—that the City of St. Paul had not met its obligation to provide sufficient minority job-training programs despite certifying to HUD that it was doing so. As I said, it is a little complicated.

At this point, the evidence further demonstrates that Mr. Perez acted

with the highest integrity and ethics. After this became known to him, Mr. Perez consulted two ethics and professional responsibility experts at the Department of Justice. It was made clear to him that because the United States is a unitary actor, the two matters could be considered together as long as the Civil Division, which deals with False Claims Act matters, retained the authority over the *Newell* case, which was a false claims matter, not a civil rights matter.

A written response Mr. Perez received said—this again is from the ethics people at the Department of Justice—“There is no ethics rule implicated by this situation and therefore no prohibition against your proposed course of action”—your proposed course of action, which was to get the City of St. Paul to drop its appeal. At all times, Mr. Perez acted appropriately within the ethical guidance he received.

Further, contrary to some Republican claims, Mr. Perez was not responsible for the Department's decision not to intervene in *Newell*. In fact, the decision not to intervene in *Newell* was made by career attorneys and experts on the False Claims Act within the Civil Division—not by Mr. Perez, who was head of the Civil Rights Division. The head of the Civil Division Tony West at all times retained the authority to make the decision regarding the *Newell* case.

At the time the Supreme Court agreed to hear the *Magner* case, both HUD—Housing and Urban Development—and the Minnesota U.S. Attorney's Office had recommended intervening in the *Newell* matter.

After learning of the Department of Justice concerns with regard to the *Magner* appeal, the general counsel for HUD—Department of Housing and Urban Development—told the House that she reversed her recommendation, stating:

If the decision had been totally mine in October, and there weren't any dealings with the Department of Justice that I needed to worry about in terms of a relationship with the Department of Justice, we never—we never would have recommended intervening, and if it were my decision whether to intervene or not, I never would have intervened.

At the same time, the person who led consideration of the case in the Civil Division was a very senior career attorney and an expert on the False Claims Act, Mr. Mike Hertz. Although Mr. Hertz has since passed away, colleagues testified that he told them after meeting with the City of St. Paul that Mr. Hertz said, “This case sucks,” meaning the *Newell* case. Again, this was the view of the *Newell* matter by Mr. Mike Hertz, the leading career expert on the False Claims Act.

So upon learning that HUD had reversed its position, the U.S. Attorney's Office became concerned about the ability to proceed with the case. Staff

in the U.S. Attorney's Office told staff at the Department of Justice they were also likely to change their position on intervening in the *Newell* case.

As the ultimate decisionmaker in the *Newell* matter, the head of the Department of Justice Civil Division, Tony West, told the House:

[B]y early, mid-January, there was a consensus that had coalesced in the Civil Division that we were going to decline the *Newell* case. . . . My understanding is that certainly was Mike Hertz' view, it was Joyce Branda's view, and that represented the view of the branch, U.S. Attorney's Office. Also, I think around that time period would be included in that consensus, it was my view too. It was the view of the client agency, HUD.

So what he is saying is, when we looked at this, we found the *Newell* case was not a very good case. Earlier today, it was suggested Mr. Perez tried to cover up the fact that the *Magner* appeal played a role in the Department's decision not to intervene. This is not correct.

Despite indicating that they intended to change their recommendation, by mid-January the U.S. Attorney's Office formal decision memo recommending not intervening in the *Newell* case had not been received. Mr. Perez reached out to an assistant U.S. attorney, leaving a voice message suggesting that the *Magner* case should not be included in that formal recommendation.

When he was asked about the voice mail, Mr. Perez explained to the House his concern was not with the specifics of what was in the memo but rather was directed at trying to resolve an issue he thought might be the source of the delay. Mr. Perez told the House that when he ultimately spoke to the U.S. attorney:

[He] promptly corrected me and indicated that the *Magner* issue would be part of the discussion. I said fine, follow the standard protocols. But my aim and my goal in that message and in the ensuing conversations was to get him to communicate that, so that we could bring the matter to closure.

In early February, the Civil Division formalized the decision not to intervene in the *Newell* case with a written memo. Unsurprisingly, that memo was completely transparent and clearly indicates that the *Magner* appeal was a factor in the decision not to join the *Newell* matter, but that the decision is largely based on the flaws in the *Newell* case.

As Mr. West noted:

[Declining to intervene] was a view we had all arrived to having taken into consideration the numerous factors, including the *Magner* case, as really as reflected in our memo. I think the memo—the declination memo that I signed, really does encapsulate what our view was.

Republicans claim Mr. Perez single-handedly cost the United States millions of dollars. But the damage award received from a losing case is zero—zero. According to the Justice Department's leading expert on the False

Claims Act, that is likely what the Newell matter was worth—zero. So Republicans say we lost millions of dollars. How can you lose millions when the experts say their chances of succeeding at it were zero?

When the general counsel of the Department of Housing and Urban Development was asked about HUD's interest in recovering funds from the City of St. Paul, she said:

As a hypothetical matter, sure. Did we actually think that there was the capability to do that in this case? No.

To summarize, Mr. Perez consulted with two ethics and professional responsibility experts. Those experts made clear it was appropriate to advance a global resolution of the two cases as long as the Civil Division retained authority over the Newell matter, which it did at all times. Senior career Civil Division attorneys believed the Newell case lacked merit, and the lack of merit to that case was the primary reason for the Civil Division's decision not to intervene.

Based on these facts, I do not know what the controversy is. Mr. Perez acted appropriately and ethically to advance the interests of the United States.

It is no surprise that experts in the legal community have made clear Mr. Perez acted appropriately. As Professor Stephen Gillers, who has taught legal ethics for more than 30 years at New York University School of Law, wrote, the Republican report issued last month suggesting that Mr. Perez acted improperly "cites no professional conduct rule, no court decision, no bar ethics opinion, and no secondary authority that supports" this argument. In fact, no authority supports it.

So you can make all kinds of allegations, and the House majority report made allegations, but they have no professional conduct rule, no court decision, no bar ethics opinion, and no secondary authority that supports their allegation. No authority supports it.

So the confirmation process has been thorough. Mr. Perez has been thoroughly vetted. He has been fully responsive, forthcoming, and cooperative, including during a thorough confirmation hearing in my committee, the Health, Education, Labor & Pensions Committee. Mr. Perez's nomination was officially received on March 19, nearly 5 months ago. In contrast, Ms. Elaine Chao was confirmed as Secretary of Labor the very same day her nomination was received in the Senate—I might add under a Democratically led committee.

These allegations are simply that—allegations made of whole cloth. Quite frankly, Mr. Perez has acted ethically and appropriately at all times. Perhaps that is why some are opposed to him. He has been vigorous in enforcing our civil rights laws, vigorous in going

after slum landlords and lending agencies that abuse poor people who are trying to get decent housing. Yes, he has been vigilant at that—very vigilant, as I said, getting some of the biggest settlements ever in the history of this division.

Perhaps they are afraid Mr. Perez will be vigilant and strong in his tenure as the Secretary of Labor. We can only hope so. We can only hope he will continue in the tradition set down by the former Secretary Hilda Solis, who did an outstanding job as our Secretary of Labor. A former Member of the House of Representatives, Hilda Solis turned that department around from a department that had been moribund for 8 years.

I can assure everyone that Mr. Perez will always act appropriately and ethically, but he will always act forcefully to defend the rights of people to make sure our laws are enforced—those laws that protect the health, the education, the labor, and the pensions of the American people.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, earlier today my colleague Senator RUBIO came to the floor to talk about the very serious matter of the nomination of Thomas Perez that will be before us. Senator RUBIO specifically addressed Mr. Perez's refusal to comply with a bipartisan congressional subpoena into the investigation of his orchestration of a controversial quid pro quo with the City of St. Paul in a very important legal matter. Senator RUBIO talked about that ably and eloquently, and it is a very serious matter.

I was in the Department of Justice for a number of years. I am very uneasy about the way that matter was done. I don't believe that is normal business at all.

In the course of his tenure, Mr. Perez has identified approximately 1,200 personal e-mails that were related to his official duties and are responsive to the subpoena from the House, some of which reportedly disclosed nonpublic information about publicly traded companies. Yet he still refuses to turn them over to Congress despite what appears to be a clear obligation to do so. The failure to comply with a subpoena is a very serious matter.

First, he wants to go for the Department of Justice, which issues subpoenas all the time and demands that people comply with them. It doesn't matter if the subpoena is issued to a poor person or small business, they are

expected to comply with the subpoena. Congress has the ability to issue subpoenas. A member of the Department of Justice ought to respond to those subpoenas. In my opinion, he has a high duty to respond to them.

I believe the Senate was incorrect in allowing his nomination to go forward to a full vote when we have not gotten the information. The failure to vote for cloture and moving to a vote on a nomination is not a rejection of a nomination. Fundamentally, it is a statement to say we are not ready to vote on it yet. We are not ready to have this matter before us because we need more information. He is not answering a subpoena issued to him by the House of Representatives.

I will not talk about that anymore, but I think it is a big deal. This is not the first problem Mr. Perez has had in abusing the legal process. Frankly, I wish to share some thoughts about other issues. I hate to do this. I was concerned about the nomination when he came forward.

Senator TOM COBURN and I met with Mr. Perez at some length, and I came away uneasy about it. I had a feeling his ideological political agenda was so strong and his legal commitment was not strong enough. I was concerned he would use this position in the Department of Justice to advance an agenda rather than enforce the law. I am afraid that is what has happened.

Many of my colleagues will recall that on election day in 2008 three members of the New Black Panther Party stood at the entrance of a polling station in Philadelphia brandishing nightsticks and threatening voters. What more intimidation can you have than that at the voting place? They wore military-style uniforms, combat boots, battle dress pants, military-style insignia, and used racial slurs and insults to scare away would-be voters.

One of the men was Jerry Jackson, a member of Philadelphia's 14th Ward Democratic Committee and credentialed poll watcher for the Democratic Party on election day. This is not acceptable. This is clearly voter intimidation, dramatic voter intimidation.

A video of the incident was widely distributed on the Internet, made national news and headlines. The Justice Department, under the Bush administration, secured an affidavit from Bartle Bull, a long-time civil rights activist and a former aide to Robert F. Kennedy in his 1968 Presidential campaign. Mr. Bull called the conduct "an outrageous affront to American democracy and the rights of voters to participate in an election without fear."

None of the defendants in the case even filed a response to the complaint against him or appeared in the Federal district court in Philadelphia to answer the lawsuit. Maybe they didn't feel like they had a defense. It appeared almost certain that the Justice

Department would have prevailed in their case.

According to a May 2009 article in the Washington Times, the Justice Department had been working on the case for months and had already secured a default judgment against the defendants by April 20, 2009—3 months after President Obama took office. However, President Obama's political appointee, Mr. Thomas Perrelli, then acting head of the Civil Rights Division, overruled career prosecutors and voluntarily dismissed the charges against two of the men with no penalty. He obtained an order against the third member that merely prohibited him from bringing a weapon to the polling place in future elections, which was already against the law. What a sad end of that case, and to me it is unthinkable.

In a 2009 memo, career Appellate Chief Diana K. Flynn wrote that the Justice Department could have made a "reasonable argument in favor of default relief against all defendants, and probably should." That is what the career attorney said about the matter.

The Justice Department's highly unusual dismissal of the case of dramatic voter intimidation was the subject of a year-long investigation by the U.S. Commission on Civil Rights. This is an independent commission that is set up by our government and has appointees from both parties and they are focused on ensuring that civil rights are protected. They were trying to examine how it was this case was handled in this fashion.

On April 1, 2010, Chairman Gerald Reynolds sent a letter to Attorney General Holder asking whether the Department of Justice would fully cooperate with the Civil Rights Commission's investigation and allow two Department attorneys to testify in their investigation. The letter also pointed out that the Department failed to turn over requested documents. The Commission asked for requested documents. They have a right to do that.

According to Civil Rights Commissioner Peter Kirsanow, in total, the Civil Rights Division of the Department of Justice refused to answer 18 separate interrogatories, refused to provide witness statements for 12 key witnesses, refused to respond to 22 requests for production of documents, and refused to produce a privilege log. This happened in spite of the fact that the Justice Department has a statutory obligation to fully comply with the U.S. Commission on Civil Rights and their investigations. Does the Department of Justice think they are above the law?

I spent 15 years in the Department of Justice. I loved the Department of Justice. I never saw some of the things that have happened in recent years. I believe the public needs to know more about it. I will try not to be too critical of Attorney General Holder, but I am concerned about this.

Later, two attorneys from the Department of Justice defied the Department and actually agreed to testify against the Department's recommendation before the Commission on Civil Rights at considerable risk to their careers—J. Christian Adams and Christopher Coates. Mr. Coates was the former chief of the voting rights section. Mr. Adams and Mr. Coates stated that political appointees declined to prosecute the New Black Panther case because they were interested only in civil rights cases that involved equality for racial and ethnic minorities and would not prosecute civil rights cases in a race-neutral way.

Adams called the actions in the New Black Panther case—this is what the attorney at the Department of Justice said about the case—"the simplest and most obvious violation of federal law" that he had ever seen in his career at the Justice Department. He resigned as a result of the dismissal of the obviously justified case.

In his sworn testimony before the Commission, Mr. Perez unequivocally denied the allegations. Commissioner Peter Kirsanow asked him:

Was there any political leadership involved in the decision not to pursue this particular case any further than it was?

The answer by Mr. Perez:

No. The decisions were made by [Justice Department career attorneys] Loretta King in consultation with Steve Rosenbaum who is the acting Deputy Assistant Attorney General.

In a recent letter to Members of the Senate regarding Mr. Perez's nomination, Commissioner Kirsanow stated Mr. Perez's testimony "should be a tremendous concern to all Senators regardless of party." Indeed it should.

In fact, it was not until a Freedom of Information Act lawsuit filed by Judicial Watch that the Justice Department finally produced a privileged log identifying more than 50 e-mails between high-level Justice Department political appointees and career attorneys regarding the government's "decision-making process" in this case, all around the time the Department's otherwise bewildering decision to drop a case it had already won by default.

Judge Reggie Walton, an African-American Federal judge in the U.S. District Court for the District of Columbia stated in his opinion that the internal documents "appear to contradict Assistant Attorney General Perez's testimony that political leadership was not involved."

Let me repeat that. This is a Federal judge in the District of Columbia who said the internal documents "appear to contradict Assistant Attorney General Perez's testimony that political leadership was not involved." Indeed it does. We have a Federal judge finding this in his opinion.

Judge Walton further said, "Surely the public has an interest in documents

that cast doubt on the accuracy of government officials." He was referring to the fact that they weren't producing documents and that they ought to—the public was entitled to have documents that cast doubt on the accuracy of the testimony of government officials, and, he says, "representations regarding the possible politicalization of the agency decision-making."

Mr. Walton himself at one time was in the Department of Justice. I am sure he had to have an opinion of the Department of Justice. He is not trying to abuse them. He is just saying Department of Justice officials have an obligation to tell the truth, and if they don't, they ought to be found out.

The handling of the case was so extraordinary that the Justice Department's inspector general, appointed by President Obama, initiated an investigation of the matter. The inspector general's report confirmed testimony of Mr. Adams and Mr. Coates and, importantly, it concluded this:

Perez's testimony did not reflect the entire story regarding the involvement of political appointees in the [New Black Panther Party] decisionmaking. In particular, Perez's characterizations omitted that [political appointees] Associate Attorney General Perrelli and Deputy Associate Attorney General Hirsch were involved in consultations about the decision as shown in testimony and contemporaneous e-mails. Specifically, they set clear outer limits on what [career attorneys] could decide on the . . . matter, (including prohibiting them from dismissing a case in its entirety) without seeking additional approval from the Office of the Associate Attorney General.

So the Department's own inspector general looked at the matter and concluded Mr. Perez's testimony that the political appointees didn't have anything to do with it—it was all career attorneys who decided on the merits not to prosecute this case—was not accurate. And he went on to explain why. This isn't a House committee having a hearing on it; this is the inspector general of the Department of Justice, the inspector general basically appointed by President Obama and selected by the Attorney General himself.

Basically, the political appointees put a fence around the case and said you can't take any real action on it until we get our approval.

Continuing to quote:

In his . . . interview, Perez said he did not believe that these incidents constituted political appointees being "involved" in the decision.

Give me a break.

We believe these facts evidence "involvement" in—

Well, let me go back and get this precisely correct. This was the inspector general's report. The inspector general found:

In his interview . . . Perez said he did not believe that these incidents constituted political appointees being "involved" in the decision. We believe these facts evidence "involvement" in the decision by political appointees within the ordinary meaning of that



word, and that Perez's acknowledgment, in his statements on behalf of the Department, that political appointees were briefed on and could have overruled this decision did not capture the full extent of that involvement.

That is what the inspector general said. To me, that sounds like a bureaucratic way of saying Mr. Perez did not tell the truth to the inspector general during the course of an official investigation of his conduct. So now we are going to promote him. Apparently, that is what goes on around here.

True, the original decision to dismiss the case predated Mr. Perez's appointment to the Civil Rights Division. He was not there at that time. That is true. But instead of reinstating the case—which would have been the correct decision—he became directly involved in and managed—according to the inspector general—what was, in fact, a coverup of the processes that occurred. That in and of itself should disqualify him for this position.

This is not good, to be found by your own inspector general in the U.S. Department of Justice to not respond truthfully; to have a Federal judge find that; to have their own inspector general find that. We are far too blase about high officials in this government not telling the truth. He should not be rewarded with a promotion for his work protecting political appointees in the Department of Justice.

The inspector general's report also confirmed Mr. Perez has overseen most of the unprecedented racial polarization and politicalization of the Department of Justice Civil Rights Division. There has been a lot of turmoil there over the disagreement about what is the right thing to do. There has been a consistent theme of his, which is to advance certain political and ideological agendas, it seems to me. I will explain what I mean. I want to be fair to him, but I am not—I have been around a lot of litigation for a long time and I am not comfortable with his actions.

He has sued States for implementing voter identification laws—sued the States for that which has been rejected by Federal courts—to intimidate them and stop them from saying you have to have an identification of some kind before you are allowed to waltz in and say you are John Jones and you are entitled to vote. What if you are not John Jones? States have passed laws such as that and the Federal court has rejected his view, including a three-judge panel on the U.S. District Court for the District of Columbia in Washington, including Judge Colleen Kollar-Kotelly, who was a Clinton appointee.

Mr. Perez's arguments have been rebuked by courts in Arkansas about the Civil Rights for Institutionalized Persons Act; in New York in an education case, *U.S. v. Brennan*; in a Florida case where Perez's team was abusively prosecuting peaceful pro-life protesters; and in a major loss in court in Florida

when he was trying to force the State not to remove noncitizens from the voter rolls. Apparently, Florida, in his mind, was violating civil rights by saying nonvoters—noncitizens—shouldn't be on the voting rolls.

Is this who is running the Department of Justice? Is this the philosophy they are having in Washington?

The Department has filed and is considering lawsuits against a growing list of States that have enacted immigration legislation, including Alabama, Arizona, Utah, Indiana, Georgia, and South Carolina. Although Mr. Perez was not involved in the Department's lawsuit against Alabama—my State—he has issued threats and engaged in intimidating tactics against Alabama law enforcement officials who reported to me shock at the nature of those events.

For example, he took the unprecedented action of creating a toll-free hotline for people to report allegations of discrimination due to Alabama's immigration law, although the Attorney General of Alabama said he will prosecute anybody who violates people's right to vote. Also, Mr. Strange said, tell me who has made complaints, that you say have made complaints, about not being treated fairly and I will investigate it. Mr. Perez said there were bullying and harassment complaints out there, but when asked to produce some of them he refused to provide the information. Alabama officials have been questioned whether reports of complaints were, in fact, true. They won't say what they are.

In October of 2011, Mr. Perez sent a letter to the superintendent of every school district in Alabama requesting the names of all students who had withdrawn from school and the date, without any apparent authority to do so. He just wanted to snoop into that, I guess.

In December of 2011, he sent a letter to all Alabama sheriffs and police departments that receive Federal funds—many of them through the Department of Justice where he was—warning them, I think without basis, not to infringe on constitutional rights in enforcing Alabama's immigration law. There is no proof anybody had violated constitutional rights in enforcing that law. Mr. Perez actually threatened to withdraw Federal funding from any of the 156 offices that implement “the law in a manner that has the purpose or effect of discriminating against Latino or any other community.”

He also warned that the Civil Rights Division is “loosely monitoring the impact of [the law].”

On January 20, Mr. Perez met in Tuscaloosa with Tuscaloosa County Sheriff Ted Sexton and other high public safety officers in the Federal Government in Washington, and several other sheriffs around the country. Sheriff Sexton told Mr. Perez that he perceived his

letter as a threat in asking whether he should expect any lawsuits against him or any other law enforcement officials. Mr. Perez wouldn't comment.

Sheriff Sexton also pressed for examples of reports of discrimination in Alabama that Mr. Perez had purportedly received, but he again refused to comment or provide evidence. According to Sheriff Sexton, a sheriff from Georgia was present and asked another Justice Department representative who was present with Mr. Perez whether States such as Alabama and Georgia were “being penalized for the sins of our grandfathers” and the official reportedly responded, “More than likely.”

I received a letter from Sheriff Huey Mack of Baldwin County, a fine sheriff who responded after 9/11 in New York and did forensic work there, and Sheriff Mack states in opposition to this nomination:

Following the issuance of this letter, several law enforcement officers met with Mr. Perez in Mobile, Alabama . . . During this meeting, Mr. Perez made several false allegations relating to law enforcement's handling of Alabama's Immigration Law. This continued for a short period of time during which it became evident Mr. Perez was not interested in the truth, but wanted to rely strictly upon his biased and preconceived notions regarding the State of Alabama. Mr. Perez should not be confirmed to any cabinet level post. In my opinion, Mr. Perez should be relieved of all of his duties as it relates to the U.S. Federal Government and seek employment outside of serving the citizens of this Nation.

Well, I wasn't there, but I know Sheriff Mack and something was wrong for him to write such a strong letter. Sheriff Sexton was in another meeting that he was referring to, a very able sheriff.

When Mr. Perez was nominated to lead the Civil Rights Division, I had serious concerns about whether he would work to protect the civil rights of all Americans regardless of race, and whether he would ensure that the division remained free from partisanship and not be used as a tool to further an agenda or some ideology.

These concerns had a basis in fact from looking at his prior record. That was the concern I had. When he ran for the Montgomery County, MD, council, he responded to a question asking “What would you like the voters to know about you?” with: “I am a progressive Democrat and always was and always will be.” Well, that is OK. But when you get to be in the Department of Justice, you have to put that aside. So I asked him about that in our meetings.

In an April 3, 2005, Washington Post article, he was described as “about as liberal as Democrats get.” Well, there is nothing wrong with that. But you have to be able to put it aside if you are going to serve in the U.S. Department of Justice.

As a councilman, he expressed disdain for Republicans, at one point giving “a 5-minute speech about how some



conservative Republicans do not care about the poor.' Well, that is his opinion, but it should not affect his duties as an official in the Department of Justice.

From 1995 to 2002, while employed as an attorney in the Civil Rights Division, he served on the board of CASA de Maryland. He later became president of that organization. CASA—which is actually an acronym for Central American Solidarity Association—is an advocacy organization with some extreme views, funded in part by George Soros, that opposes enforcement of immigration laws. They are just flat out there active about it.

In the Department of Justice, you need somebody who favors enforcing the law, not not enforcing the law. What are the prosecutors supposed to do in the Department of Justice? Undermine law or enforce law? When I was in the Department of Justice, we understood our job was to enforce the law, not make it.

For example, this CASA de Maryland group issued a pamphlet encouraging illegal aliens not to speak to police officers or immigration agents. It promoted day labor sites. That is where illegal workers go out and get jobs. So they promoted that. It fought restrictions on illegal immigrants receiving driver's licenses. And it supported in-State tuition for illegal immigrants. This is the organization he was president of.

I talked to him about that, and I was not convinced that he could set that aside when he became an official in the Department of Justice who would be required to enforce those kinds of laws passed by the Congress and the States.

Mr. Perez has spoken in favor of measures that would assist illegal aliens in skirting immigration laws. While a councilman in 2003, he supported the use of the matricula consular ID cards issued by Mexico and Guatemala as a valid form of identification for local residents who worked and used government services, without having any U.S.-issued documents to prove they are lawfully here. Notably, no major bank in Mexico accepts these identification documents. They are not a valid identification document.

Unfortunately, my initial concerns about Mr. Perez's nomination have been confirmed, I hate to say. I do not feel like—and I have to say I do not doubt—that he will continue, if confirmed as the Secretary of Labor, to do all that he can within his power to hamstring the enforcement of immigration laws and to advance his political agenda. That is what his background is, that is what he has done, as I have documented here.

His misleading testimony before the U.S. Civil Rights Commission, as Mr. Kirsanow pointed out—the veracity of which was questioned by a U.S. Federal judge here in the District of Colum-

bia—his false statements to the inspector general of the Department of Justice—who wrote about it in his analysis and report on the incident—his refusal to comply with a congressional subpoena by the House of Representatives, and, really, his abysmal record at the Department of Justice disqualifies him, in my view, for this position.

Frankly, we should not have closed debate on his nomination and moved it forward until we got the information that is out there. What if this information is produced next month and it is very incriminating or unacceptable? Are we then going to ask him to quit? That is not the way you should do business here. We have hearings. We ask questions of nominees. If they do not answer questions, normally they do not move to the floor for confirmation.

I think this is a legitimate concern that the American people ought to know about. I believe the American people have a right to know all the information about Mr. Perez's tenure in office, the criticisms of a very serious nature that he has received, and the fact that he seems to have a strong bent toward allowing his own ideological and political views to affect his decisionmaking process—all of which is unacceptable for a high position in this government of the United States of America.

I appreciate the Chair's indulgence and yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

#### MCCARTHY NOMINATION

Mr. MURPHY. Mr. President, I rise today to speak in support of the nomination of Gina McCarthy to be this Nation's next EPA Administrator.

Mr. President, you and I know Gina McCarthy's work firsthand because, prior to joining the EPA, she was our commissioner in the State of Connecticut of the Department of Environmental Protection, where she served under a Republican Governor and worked with both parties to advance the environmental and business interests of the State.

So first I want to very briefly share with my colleagues why I support Gina McCarthy. But then I, frankly, want to talk about why I believe my Republican colleagues—who may not be supportive every single day of the year of the mission of the EPA—should support her as well.

I support Gina McCarthy because for her entire career she has been a champion of public health. A lot of people who rise to lead Federal agencies spend the majority of their career here in Washington, and there is nothing wrong with that, but there is something special that comes with somebody like Gina McCarthy, who started her career as a local public health official in Canton, MA. She learned public health at the ground level, and she understood very early on that the govern-

ment, working together with the business community, can have an enormously positive effect on the health of our Nation.

I support her because she has come up the right way, through the grassroots of America's public health infrastructure. I support her because of the great work she did in Connecticut when she was, as I mentioned, our Republican-appointed commissioner of the Department of Environmental Protection.

One of the things she did is work with States all throughout the Northeast on something called RGGI, which is a voluntary association of States throughout the Northeast region to try to reduce carbon emissions.

There is nothing but success when you tell the story of RGGI. She did this under a Republican Governor. There are a number of Republican Governors along with Democrats who participated in this plan. But over time, the plan was to reduce carbon emissions from northeastern States by 10 percent, moving toward 2018. Through this mechanism, what we have seen is not just a reduction in carbon emissions from Connecticut and the States that participate, but a pretty amazing reduction in the amount ratepayers are paying. Why? Because through this rather modest cap-and-trade regime, we were able to take the money gleaned through the system and put it right back into efficiencies so that ratepayers were paying less, so much so that the estimates are that consumer bills will be \$1.1 billion less because of the work Gina McCarthy did. It is an average of about \$25 off the bill of a residential homeowner, and about \$181 off the bill of commercial consumers.

I support her because of what she has done since she has come to the EPA, leading the air quality initiatives at the EPA. She has made a huge difference. You take a look at the Mercury and Air Toxics Rule alone, and the estimates are almost hard to comprehend. Mr. President, 11,000 premature deaths will be prevented because of work she did on that one effort alone; 4,700 heart attacks will be prevented because of these toxins disappearing from our air; and maybe most importantly to those of us with little kids at home, 130,000 asthma attacks will not happen in this country, largely to children, because we will have cleaner air to breathe.

I support Gina McCarthy because of the work she has done her entire career to be a great steward of the environment and a resolute champion of clean air.

But I want to talk for a few minutes about why I think our Republican colleagues should support her as well.

We had a breakthrough this week on the issue of how this body will treat at least this set of nominees. I think

there was agreement between Republicans and Democrats that the President, of whatever party he or she may be, should get his or her team in place, and that this body should work to make sure that occurs, and maybe with the one caveat that there should be a responsibility of the President to put people with a pragmatic mind in charge of agencies that might be ones in which there is disagreement here over their mission. I might not expect my Republican colleagues to support somebody going to the CFPB or to the EPA who is a rigid ideologue. But I think there is agreement that if the President does choose a pragmatist—somebody who is willing to reach out across the aisle, who is willing to build coalitions—then this body should support the President's team.

I want to make the case to my Republican colleagues, as they make their final decision as to how they are going to vote on Gina McCarthy, that is exactly who she is. Lots has been made of the fact that she, with the exception of her appointment to the EPA during her tenure under President Obama, has been a Republican appointee. It was not just Governor Jodi Rell, a Republican—who I disagreed with on a lot of things back in Connecticut—who appointed her to head up our DEP, but she also, of course, got her start in the higher ranks of environmental protection from Mitt Romney in Massachusetts. So she has clearly demonstrated that she is someone who is able to work across the aisle.

But what I think Republicans want to know is, as she presides over an EPA that is going to move forward with new regulations for proposed powerplants and, we hope, will move ahead with new clean air regulations for existing powerplants, is she going to do that in a rigid, arbitrary fashion or is she going to be willing to listen to industry as well?

I want to give you a couple quotes that come from people who work in the industry, people, frankly, whom I do not agree with, that the President does not agree with, and, frankly, that Gina McCarthy is not going to agree with all the time, but people who have worked with her who have at worst a begrudging respect for the work she has done and at best, frankly, an admiration.

William Bumpers, who is a partner at a law firm in town and represents powerplants and other industry clients, says:

[Gina McCarthy] is one of these avid environmental program managers who is exceptionally competent but practical. My experience with her in the past four years, I can meet with her. She's very forthright. There's no guile with her. While I haven't always agreed with the rules that come out of there, there's never been any guess work about what comes out of there.

Gloria Berquist, who is the vice president of the Alliance of Automobile Manufacturers, says:

She is a pragmatic policymaker. She has aspirational environmental goals, but she accepts real world economics.

Charles Warren, who was a top EPA official in the Reagan administration and who now represents a lot of people in the industry, says:

At EPA, as a regulator, you're also asking people to do the things they don't want to do. But Gina's made an effort to reach out to industries while they're developing regulations. She has got a good reputation.

Even the spokesman for the National Mining Association—this might come under the category of “grudging respect,” but he says:

She is very knowledgeable. I don't think anyone is questioning her understanding or ability. She will not be caught off-guard in any defense of what they have done. I would expect her to be well-informed. She just doesn't strike me as an ideologue.

This is what the industry says. We know the Republicans support her because that is how she got the jobs that led to her position at the EPA. But even within industry, they recognize that they are going to disagree with her. They are not going to come down to the EPA in a parade of support for some of the things she may do. But they acknowledge that she is going to listen and that to the extent possible she is going to work with them.

I think that is what we want at the EPA. I think that is who Gina McCarthy will be. I do not think that just because of speculation, I think that because as the junior Senator from Connecticut, I watched her walk the walk and talk the talk in Connecticut. I know she did it in Massachusetts because that is why we picked her in Connecticut. I have certainly seen her do it in her years heading clean air policy at the EPA.

For my friends who want a strong, passionate advocate for clean air, you got one in Gina McCarthy. For my friends who want a pragmatist who, though they may disagree with her, is going to at least be practical in how she implements the policies of this administration, you have that voice too. Gina McCarthy will be a great pick at the EPA. I urge my colleagues to support her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, it is a pleasure to see both Senators from Connecticut here, one speaking and one presiding. To reflect on the junior Senator's comments about the EPA nominee Gina McCarthy, who has not only worked in Connecticut but in Massachusetts, she has surrounded my State of Rhode Island. We have had plenty, I would say, indirect exposure to her. I think she is terrific. I could not agree more with the Senator's comments. I look forward to a swift confirmation for her to get to work rapidly on the issue that brings me to the floor again for the 39th time, which is to try to get

this body to wake up to the threat of climate change.

SENATOR MARKEY

Speaking of Massachusetts, I will also welcome our new Senator from Massachusetts, my New England neighbor ED MARKEY. For decades ED has been a passionate leader in Congress on energy and environmental issues. He has been a true champion on climate change. He and I serve as cochair of the Bicameral Task Force on Climate Change, along with our colleagues Representative WAXMAN and Senator CARDIN. So I really look forward to continuing to work alongside now-Senator MARKEY to forge commonsense solutions to the crisis of climate change.

CLIMATE CHANGE

We need common sense in a place where the barricade of special interest influence has blocked action on climate change and where even the debate itself is polluted—polluted with falsehood and fallacy and fantasy. Look no further than the Republican response to the announcement last month of President Obama's national climate action plan.

The President described in his speech some of the overwhelming evidence that our planet is changing. The 12 warmest years in recorded history have all come in the last 15 years, he said. Last year temperatures in some areas of the ocean reached record highs, and ice in the Arctic sank to its smallest size on record faster than most models had predicted it would. These are the facts. That is what the President said.

Here in the Senate, the President's facts were challenged. Those are not the facts, Mr. President, flatly replied one of my Republican colleagues. It is not even true. So let's look. Where were the facts and where were the falsehoods?

Well, according to NASA, the President had the facts right on warming. Indeed, he may actually have understated the severity of global warming. In fact, the 13 hottest years on record—the red ones—have all occurred in the last 15 years. The 13 hottest years on record have been in the last 15 years.

I remind my colleagues that NASA is the organization that right now is driving a rover around on Mars. We might want to consider that these are scientists who know what they are talking about.

As to ocean temperatures—the other part of the President's assertion—NOAA says that “sea surface temperatures in the northeast shelf's large marine ecosystem during 2012 were the highest recorded in 150 years.” The President's facts were right again. This chart from the National Snow and Ice Data Center at the University of Colorado shows, just as the President said, that “the 2012 early sea ice melt in the Arctic smashed previous records.” Furthermore, the data center confirms that—and I will quote them again—

"ice extent has declined faster than the models predicted."

So in the contest between fact and falsehood, the President was completely accurate on his facts. Facts, as John Adams said, are stubborn, not to be easily brushed aside for convenient falsehoods.

Falsehoods, fallacies, and fantasies. Let's go on to a fallacy. My Senate colleague warned against accepting what he called "the extreme position of saying that carbon dioxide is the cause of climate change or of global warming." He suggested that carbon dioxide cannot be a threat because it is found in nature. We exhale it. Well, that is a fallacy, an incorrect argument in logic and rhetoric resulting in a lack of validity or, more generally, a lack of soundness. That is the definition of a "fallacy." Arsenic is found in nature, but in the wrong concentration and in the wrong places, it is nevertheless still dangerous. And the principle that carbon dioxide warms the atmosphere dates back to the time of the American Civil War. It is not late-breaking news. It is sound, solid, established science.

Quite simply, the position that carbon dioxide is not causing climate change is the extreme one. The overwhelming majority of climate scientists—at least 95 percent of them—accept that global climate change is driven by the carbon pollution caused by our human activity.

We are having a hearing this week on climate change in the Environment and Public Works Committee. Even the witnesses invited by the minority to that EPW hearing acknowledge the effects of carbon on our climate. In a recent interview, minority witness Dr. Roy Spencer of the University of Alabama-Huntsville said:

I don't deny that there's been warming. In fact, I do not even deny that some of the warming is due to mankind.

In another interview, he said:

I'm one of those scientists that think adding carbon dioxide to the atmosphere should cause some amount of warming. The question is, how much?

Another minority witness, Dr. Roger Pielke of the University of Colorado, testified before the House Committee on Government Reform back in 2006. Here is what he said:

Human-caused climate change is real and requires attention by policy makers to both mitigation and adaptation—but there is no quick fix; the issue will be with us for decades and longer.

These are statements by the witnesses invited by the Republican side.

It is simply not credible any longer to just deny climate change. The view that carbon emissions have caused climate change is shared by virtually every major scientific organization, from the American Association for the Advancement of Science, to the American Geophysical Union, to the American Meteorological Society.

But, of course, to the polluters, this is not about the facts. It is about political power. They bought this clout and they are going to use it, facts be damned.

The Republican response to the President's climate plan even served up the old climategate fantasy; that is, the faux scandal in which hacked e-mails between climate scientists were selectively quoted to try to throw doubt on years of peer-reviewed research. The scientists, my colleague said, "were exposed for lying about the science for all those years." Nothing of the kind is true. None of it. Because of the kerfuffle about this, eight groups, including the Office of the Inspector General of the U.S. Department of Commerce and the National Science Foundation, reviewed those whipped-up allegations against the researchers and found no evidence of fraud—none.

It turns out the so-called climategate scandal is pure fantasy, but even that fantasy flies in low orbit compared to the high-flying Republican fantasies about what regulating carbon pollution would do. According to my colleague, putting a price on carbon pollution will cost "about \$3,000 a year for each taxpayer." There is some history here. This scary misleading number has been kicked around by Republicans since 2009. As the colleague noted, the \$3,000-per-year figure is derived from a 2007 MIT assessment of cap-and-trade proposals. But there is more. When Politifact asked one of the study's authors what he thought of the Republican characterization of his work, here is what he said:

It is just wrong. It is wrong in so many ways, it is hard to begin.

That is the assertion that is being quoted on the Senate floor—one that is wrong, according to the authors, wrong in so many ways, it is hard to begin.

Politifact rates political statements generally from true to false, but it reserves a special designation for fantasies. Politifact, all the way back in 2009, gave these comments that very special designation: "Pants On Fire."

The fact, according to the non-partisan Congressional Budget Office, is that the cap-and-trade bill's actual costs were modest, about 48 cents per household per day. Further, it is worth noting that these environmental rules, such as the Clean Air Act—let's use that as an example—actually save money overall. In the case of the Clean Air Act, it has been documented, \$40 saved for every \$1 spent. There is a 40-to-1 return on the cost of the Clean Air Act for the benefit of all of us.

Just as fantastical, our colleagues claim that new Environmental Protection Agency greenhouse gas regulations would cover "every apartment building, church, and every school." Here is another good one: "... that EPA will need to hire 230,000 additional employees and spend an additional \$21

billion to implement its greenhouse gas regime."

That may be true in fantasyland, but in reality EPA has specifically issued a rule limiting the regulation of greenhouse gases to only the largest sources such as powerplants, refineries, and other large industrial plants while exempting smaller sources such as restaurants, schools, and other small buildings. In fact, EPA filed a court brief, a signed court brief, a representation to the courts of the United States, that regulating "every apartment building, church and every school," as my colleague put it, is wholly unrealistic.

EPA has fewer than 18,000 employees. To add 230,000 new employees, it would have to increase its workforce by 1,300 percent. Really?

If EPA had 230,000 employees, it would be equivalent to the 20th largest corporation in the United States. It would be larger than General Motors and Walgreens. In fact, back here on Earth, this claim has been evaluated by PolitiFact when it was made by other Republicans. Those similar statements received a rating of "false."

I applaud the President for courageously taking the lead on protecting the American people and the American economy from the devastating effects of carbon pollution on our oceans and our atmosphere.

I hope my Republican colleagues would consider the differences between the administration's regulatory approach and the market-based solutions we could implement through bipartisan legislation. I hope they will decide if they are content to holler from the back seat about this or whether they are willing to come forward and join with us, put hands on the wheel, and design commonsense solutions for a very real problem.

Unfortunately, instead of seizing this opportunity, the other side of this debate can't let go of the falsehood, the fallacy, and the fantasy. We were together the other night, Monday night, as a Senate. We joined together, and we went to the Old Senate Chamber to discuss a lot of issues related to the filibuster and to the Senate. A lot of high-minded things were said that Monday night, a lot of good things about the traditions and the institution of the Senate.

Traditions of the Senate worth preserving include that we don't traffic in falsehoods, fallacies, and in "pants on fire" fantasies, that we face even unpleasant facts squarely—that is our job—and that we do our job. We have received credible and convincing warnings. We have received compelling calls to act. The denial position has shown itself to be nonsense, a sham. It is time to wake up and for us to do the work necessary to hold back, to mitigate, and to adapt for the climate change that our carbon pollution is causing.

Yet we sleepwalk in this Chamber. We sleepwalk in Congress.

It is time to shelve the falsehood, fallacy and fantasy and have an honest discussion about how we are going to address the very real threat of climate change.

It is time to wake up.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HEINRICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. WHITEHOUSE. I ask that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE NOMINATIONS

Mr. LEAHY. Mr. President, yesterday was a good day for the Senate. I want to praise the majority leader, who brought the Senate back from the brink, and the hard work of Senators from both parties who listened to each other during a lengthy discussion. In particular, I thank Senator WICKER for suggesting Monday night's bipartisan caucus, which allowed for a much needed dialogue among all Senators, and Senator MCCAIN for his efforts to bring both sides together. The last time we held a bipartisan caucus meeting, in April, it was to hear Senator MCCAIN discuss his experience as a prisoner of war. In all my time in the Senate, that was a particularly memorable evening for me. It is my hope these kinds of bipartisan discussions, like the one we had Monday night, will lead to better communication in the Senate and help us work together more effectively so we can address the problems that Americans face.

Until yesterday, Senate Republicans had been blocking votes on several important Executive nominations, including Richard Cordray to be Director of the Consumer Financial Protection Bureau; Gina McCarthy to be Administrator of the Environmental Protection Agency; Tom Perez to be Secretary of Labor; and three of the five nominees to the National Labor Relations Board. Rather than arising from substantive opposition to these individual nominees, this obstruction was a partisan attempt to sabotage and eviscerate these agencies which protect consumers, the clean air and water that the American people want and deserve, and American workers. For example, I am unaware of any personal opposition

to Richard Cordray, but Senate Republicans simply refused even to allow a confirmation vote for the director of an agency that they dislike. His confirmation last night, 2 years after he was first nominated, means that the CFPB is now truly empowered to protect American consumers.

During my 38 years in the Senate, I have served with Democratic majorities and Republican majorities, during Republican administrations and Democratic ones. Whether in the majority or the minority, whether the chairman or ranking member of a committee, I have always stood for the protection of the rights of the minority. Even when the minority has voted differently than I have or opposed what I have supported, I have defended their rights and held to my belief that the best traditions of the Senate would win out and that the 100 of us who represent over 310 million Americans would do the right thing.

Yet over the last 4 years, Senate Republicans have changed the tradition of the Senate with their escalating obstruction, and these actions threaten the Senate's ability to do the work of the American people.

Instead of trying to work across the aisle on efforts to help the American people at a time of economic challenges, Senate Republicans have relied on the unprecedented use of the filibuster to thwart progress. They have long since crossed the line from use of the Senate rules to abuse of the rules, exploiting them to undermine our ability to solve national problems.

Filibusters that were once used rarely have now become a common occurrence, with Senate Republicans raising procedural barriers even to considering legislation or to voting on the kinds of noncontroversial nominations the Senate once confirmed regularly and quickly by unanimous consent. The majority leader has been required to file cloture just to ensure that the Senate makes any progress at all to address our national and economic security, and a supermajority of the Senate is now needed even to allow a vote on basic issues.

That is not how the Senate should work or has worked. The Senate has a tradition of comity, with rules that function only with the kind of consent that previously was almost always given. The rules are not designed to encourage Senators to obstruct at every turn. The Senate does not function if an entire caucus takes every opportunity to use obscure procedural loopholes to stand in the way of a vote because they might disagree with the result. Without serious steps to curtail these abuses, the approach taken during the Obama administration by Senate Republicans risks turning the rules of the Senate into a farce and calls into question the ability of the Senate to perform its constitutional functions.

I was hopeful that the agreement reached earlier this year by the majority leader and the Republican leader represented a serious step toward restoring the Senate's ability to work for the American people. I was hopeful that the Republican Senators who joined with Senate Democrats in January would follow through on their commitment to curtail the abuse of Senate rules and practices that have marred the last 4 years.

That is why I was so disappointed by the continued obstruction President Obama's nominees have been facing. This obstruction has serious consequences for the American people. The harm being done is no more readily apparent than with the Republican effort to shut down the National Labor Relations Board. It was critical that we reach a workable agreement with Senate Republicans to confirm nominees to the NLRB to ensure it will be able to function—rather than leave it in its current situation of facing a shutdown due to lack of quorum at the end of next month. Shutting down the NLRB would deny justice to American workers, stripping them of their right to organize and to speak out in favor of fair wages and decent working conditions without fear of retaliation. It would also prevent employees from creating a union, or for that matter, voting to end union representation. Without an NLRB, employers will also be hurt because they will be unable to stop unlawful activities by unions, including unlawful strikes. Workers and employers depend on the NLRB, and Senate Republicans should allow votes on the President's nominees so that the Board can do its job.

Last week, some Senate Republicans declared that they could never allow a vote on the NLRB nominees who had received recess appointments to those positions, because the recess appointments have been determined by the DC Circuit to be illegal. However, according to that ruling by the DC Circuit, a total of 141 of President Bush's recess appointments were illegal. I do not recall any Senate Republicans arguing that those nominees should not be allowed a vote.

Senate Republicans should have considered President Obama's NLRB nominees on their own merits, and, even if they would ultimately have opposed them, they should have allowed the Senate to hold an up-or-down vote. I have no doubt that if considered on their own merits the two previously recess-appointed NLRB nominees would have been confirmed and would have continued to serve the Nation well.

These filibusters have been damaging to the Senate and our Nation. When it comes to Executive nominations, a President should have wide discretion to staff his or her administration.

Our form of representative democracy requires a degree of self-restraint

from all of us for the legislative system to work for the good of the Nation and for the well-being of the American people. I believe that the strong cloture and confirmation votes on Richard Cordray's nomination yesterday reflect an acknowledgement of this principle by some Senate Republicans. While this deal leaves in place both the majority's ability to pursue further rules reform and the minority's ability to filibuster executive branch nominations, I hope that neither tool will be used. If the Senate Republicans who voted with us yesterday to invoke cloture on Richard Cordray continue to cooperate and work with us to allow fair consideration of President Obama's, or any President's, executive branch nominations, the deal reached yesterday will rightfully be seen as an important step in restoring the Senate's ability to function.

#### SAFE ACT

Mr. HATCH. Mr. President, I ask unanimous consent to have printed in the RECORD the following seven letters expressing support for S. 1270, the Secure Annuities for Employee (SAFE) Retirement Act of 2013: Fidelity Investments, National Benefit Services, LLC, National Rural Electric Cooperative Association, Principal Life Insurance Company, Small Business Council of America, Transamerica Retirement Solutions, and the U.S. Chamber of Commerce.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIDELITY INVESTMENTS,  
July 11, 2013.

Hon. ORRIN HATCH,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR HATCH: On behalf of Fidelity Investments, I would like to thank you for advancing the discussion on retirement security. The private employer pension system has been a great success; however, we share your concerns that more needs to be done to ensure that millions of Americans are ready for retirement.

The SAFE Retirement Act of 2013 includes several provisions that will improve retirement security. For example, the bill would enhance the use of automatic enrollment—a tool that has proven to increase participation in workplace savings plans. We recordkeep over 20,000 corporate defined contribution plans, representing over 12 million participants. Our data and analysis reveal that participation rates in plans with automatic enrollment is on average 90%. Currently 60% of those defined contribution plans that offer automatic-enrollment have elected the safe harbor default deferral of three percent. A higher minimum default rate, such as six percent in the bill, may result in more participants saving at higher rates sooner.

The bill also facilitates electronic delivery and includes other provisions that would simplify plan administration, making it easier for small businesses to adopt plans. Our data show that participants who receive

electronic statements and notices are more likely to take actions than participants who receive paper statements and communications. We find that electronic mail yields response rates three times higher than print (13.7% vs. 3.8%).

We applaud your leadership on retirement security and appreciate your efforts to advance needed reforms to the private retirement system. We look forward to working with you on these important issues.

Regards,

PAMELA D. EVERHART,  
Senior Vice President.

NATIONAL BENEFIT  
SERVICES, LLC,  
Jordan, UT, June 24, 2013.

Hon. ORRIN HATCH,  
Hart Senate Office Building, U.S. Senate,  
Washington, DC.

DEAR SENATOR HATCH: I am writing to you to express my support for the Pension Reform Bill, a New Pension Plan for State and Local Governments. The Pension Bill proposes many improvements and needed changes to the pension/retirement system. Among its many proposed improvements, it supports and strengthens the need to work through employers to promote retirement savings programs. In my opinion, the proposal would make it easier and less costly for an employer to implement and maintain a retirement plan for either employees. The Multiple Employer Plan proposals are particularly encouraging, as many employers and administrators are discouraged with the current statute of the law in this area. As you may know, National Benefit Services, LLC ("NBS") is committed to helping employers design and maintain productive retirement savings programs. As a whole, the Pensions Bill is important to NBS because we have experienced firsthand how positive legislation can help small employers offer a full-fledged retirement program to employees at a fraction of the cost.

Thank you for the opportunity to share my views on the Pension Bill. I support and appreciate your offices efforts in improving the retirement system. If there is anything I can do to help in your further pension reform efforts, please let me know. Thank you again for your time and interest.

Sincerely,

SCOTT F. BETTS,  
Senior Vice President,  
National Benefit Services, LLC.

NATIONAL RURAL ELECTRIC  
COOPERATIVE ASSOCIATION,  
Arlington, VA, July 3, 2013.

Re SAFE Retirement Act of 2013.

Hon. ORRIN HATCH,  
Ranking Republican Member, U.S. Senate, Committee on Finance, Washington, DC.

DEAR SENATOR HATCH: Thank you for your consistent leadership on so many issues affecting rural electric cooperatives in Utah, and throughout the country.

NRECA members are committed to preserving and enhancing the voluntary employer-sponsored retirement system and the tax policies that support it. We applaud your consistent leadership on private retirement plan issues, and look forward to working with you on your most recent bill, the "SAFE Retirement Act of 2013", which would help address many critical challenges facing the private retirement plan system.

NRECA is proud that the vast majority of its members offer comprehensive retirement benefits through a traditional defined-benefit plan (the NRECA Retirement Security

Plan) and a defined-contribution plan (the NRECA 401(k) Plan). Both of these critical "multiple-employer" benefit plans (under §413(c) of the Internal Revenue Code) are operated to maximize retirement savings for employees, retirees and their families and provides each co-op employee the financial means to enjoy a comfortable and secure retirement.

Your support for rural electric cooperatives has been critical to our success, and we look forward to continuing our work with you on the important issues that impact our dedicated employees and our consumer-owners.

Sincerely,

KIRK D. JOHNSON,  
Senior Vice President, Government Relations.

PRINCIPAL LIFE INSURANCE COMPANY,  
Des Moines, IA, July 2, 2013.

Re Title II of "Secure Annuities for Employee Retirement Act of 2013".

Hon. ORRIN HATCH,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR HATCH: Employer sponsored 401(k) plans and other worksite retirement plans have helped millions of workers save trillions of dollars. These plans have proven to be resilient even in challenging times but more is needed to expand access to worksite retirement plans. By removing barriers to new retirement plan formation and encouraging plan designs that increase participation and savings, more Americans can gain access to retirement plans and be encouraged to save more effectively through them.

On behalf of Principal Financial Group, I want to thank you for furthering this discussion through the inclusion of Title II, "Private Pension Reform" as contained in "Secure Annuities for Employee Retirement Pension Act of 2013." In our view, the key challenges that need to be addressed to expand retirement savings are: expand coverage of employees in voluntary, employer-sponsored retirement plans; increase retirement savings to adequate levels; and secure income to last through retirement. Each of these areas is addressed in the proposed legislation.

Thank you for your leadership in this area. We are still reviewing the specifics of the bill and look forward to working with you as the process continues. Seeking solutions to these important policy considerations to expand the current employer based retirement system is vital to the economic wellbeing of millions of future retirees.

Sincerely,

GREGORY J. BURROWS,  
Senior Vice President.

SMALL BUSINESS COUNCIL OF AMERICA,  
July 2, 2013.

Hon. ORRIN HATCH,  
Ranking Member, Senate Finance Committee,  
Washington, DC.

DEAR RANKING MEMBER HATCH: On behalf of the members of the Small Business Council of America ("SBCA") and its advisory boards, we want to thank you for all of your efforts in support of the private retirement system and express our strong support for the private retirement system provisions in Title II and 111 of the SAFE Retirement Act of 2013.

The Small Business Council of America (SBCA) is a national nonprofit organization which has represented the interests of privately-held and family-owned businesses solely on federal tax, health care, pension and other employee benefit matters since

1979. The SBCA, through its members, represents well over 20,000 enterprises in retail, manufacturing and service industries, virtually all of which provide health insurance and retirement plans. SBCA's Advisory Boards contain many of the nation's leading small business advisors in the legal, actuarial, accounting and plan administration fields. The expertise of these board members in the small business retirement plan area is unmatched in the small business world.

Longer life expectancies are requiring increased retirement savings. The present qualified retirement plan system, which is largely dependent on federal tax laws, has been very successful in providing retirement security. However, there is still room for significant improvement. By simplifying the administrative requirements of sponsoring a qualified retirement plan and providing employers with new options, the private pension reform provisions of the SAFE Retirement Act will encourage employers to both maintain existing plans as well as to establish new plans.

The existing notice and other administrative requirements of sponsoring a plan are costly and burdensome. For small business owners, the decision of whether to sponsor a qualified retirement plan is largely based on the balance between the burdens of sponsoring a plan and the benefit to its key employees. By simplifying the operation of qualified retirement plans, the SAFE Retirement Act will make it easier for small business owners to rationalize sponsoring plans.

The SBCA believes that this bill will increase the retirement security of small business employees throughout the nation and we will make ourselves available to fully support your efforts to protect America's retirement system.

Sincerely yours,

PAULA CALIMAFDE, ESQ.,  
SBCA, Chairman.

TRANSAMERICA®,  
Harrison, NY, July 3, 2013.

Re Discussion Draft SAFE Retirement Act of 2013.

Hon. ORRIN HATCH,  
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR HATCH: As President & CEO of Transamerica Retirement Solutions, I would like to thank you for your leadership on retirement security issues as most recently evidenced by your discussion draft of the SAFE Retirement Act of 2013.

Your discussion draft addresses in a comprehensive manner problems faced by small and large employers in providing their employees the means to save for a secure retirement, as well as by individuals in trying to achieve a secure retirement through workforce savings. In particular, removing impediments to the adoption of multiple employer plans, expanding the auto enrollment safe harbor, facilitating the use of in-plan annuities and providing annuities as a distribution option are matters in which Transamerica has been extremely active, both from a policy and market development standpoint. I and others at Transamerica look forward to working with you and your staff as you finalize these and other provisions of the SAFE Retirement Act of 2013.

The Transamerica companies market life insurance, annuities, pensions and supplemental health insurance, as well as mutual funds and related investment products throughout the U.S. and in selected countries worldwide. Transamerica Retirement Solutions provides and services workforce

retirement savings plans in the small and mid-large employer markets. Transamerica helps more than three million retirement plan participants save and invest wisely to secure their retirement dreams. The Transamerica companies are ranked among the top insurance groups in the U.S., based on admitted assets, and employ approximately 12,000 people nationwide.

Please do not hesitate to contact either me or Jeanne de Cervens, VP, Transamerica Federal Government Affairs, if I can provide any specific information regarding our retirement plan business or market expertise to support your efforts.

Very truly yours,

PETER KUNKEL,  
President & CEO.

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,  
Washington, DC, July 8, 2013

Hon. ORRIN HATCH,  
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, thanks you for introducing the "Secure Annuities for Employees (SAFE) Retirement Act of 2013." Retirement security is a critical issue facing all Americans, and our members support your efforts to encourage participation in retirement savings plans.

The SAFE Retirement Act includes several provisions that the Chamber believes are important reforms to the retirement system: enhancing the start-up credit for small businesses; eliminating barriers to the use of multiple employer plans; reducing discrimination testing and other administrative burdens; reducing administrative restrictions on hardship distributions; and simplifying notice requirements. Overall, the Chamber believes that the SAFE Retirement Act would provide meaningful reform and encourage participation by both plan sponsors and plan participants in the employer-provided retirement system.

The Chamber appreciates your leadership on this issue, and looks forward to working with you and your colleagues to enact this legislation.

Sincerely,

R. BRUCE JOSTEN.

Mr. HATCH. Mr. President, I ask unanimous consent to have printed in the RECORD two letters expressing appreciation for my having introduced S. 1270, the Secure Annuities for Employees—SAFE—Retirement Act of 2013. One is from the National Association of Insurance Commissioners and the other is from the National Organization of Life and Health Insurance Guaranty Associations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF  
INSURANCE COMMISSIONERS,  
Washington, DC, July 2, 2013.

Hon. ORRIN G. HATCH,  
Ranking Member, U.S. Senate Committee on Finance, Dirksen Senate Office Building, Washington, DC.

DEAR RANKING MEMBER HATCH: I write on behalf of the National Association of Insur-

ance Commissioners (NAIC)<sup>1</sup> to express our appreciation for your reaching out to the NAIC with respect to your legislative proposal to address pension issues and retirement planning needs. We also appreciate your long history of support for state-based insurance regulation.

We note that the draft bill would rely on state insurance regulators' oversight of the life insurance and annuities industry. State insurance regulators have a strong track record of protecting policyholders by ensuring the solvency of insurers and ensuring policyholders are treated fairly. We appreciate your leadership in seeking to find solutions to our nation's retirement and lifetime income needs, and we look forward to continuing to work with you as you move forward with your legislation.

Sincerely,  
COMMISSIONER JAMES J. DONELON,  
NAIC President and Louisiana Insurance Commissioner.

<sup>1</sup>The NAIC is the U.S. standard-setting and regulatory support organization created and governed by the chief insurance regulators from the 50 states, the District of Columbia and the five U.S. territories. Through the NAIC, state insurance regulators establish standards and best practices, conduct peer review, and coordinate their regulatory oversight. NAIC members, together with the central resources of the NAIC, form the national system of state-based insurance regulation in the U.S.

NATIONAL ORGANIZATION OF LIFE  
AND HEALTH INSURANCE GUAR-  
ANTY ASSOCIATIONS,

Herndon, VA, July 4, 2013.

Hon. ORRIN G. HATCH,  
Ranking Member, U.S. Senate Committee on Finance, Dirksen Senate Office Building, Washington, DC.

DEAR RANKING MEMBER HATCH: I write to offer my personal thanks to you for supporting the prudent use of annuities to help meet Americans' retirement needs.

Secure lifetime retirement income is a priority for Americans. Annuities are an important option that should be considered as part of the solution for meeting this need. Annuities historically have proven to be safe and prudent components of a sound financial plan, thanks to the efforts of a financially conservative insurance industry, effective regulation, and an established consumer safety net system.

You and your colleagues are to be lauded for encouraging the consideration of annuities to help Americans meet their overall retirement security objectives.

In my personal opinion, facilitating the consideration of annuities to help achieve secure, lifetime retirement income will redound significantly to the benefit of both individual retirees and the overall American economy, and I appreciate your leadership on this important matter.

Sincerely,

PETER G. GALLANIS,  
President.

#### TRIBUTE TO ELIZABETH CHING

Mr. BAUCUS. Mr. President, today I wish to pay tribute to a very special person who has served the people of Montana for 37 years: Elizabeth Ching. Our Liz retired from the U.S. Senate on June 30, 2013. Of course, she started her new job the very next day, on July 1. Her so-called retirement lasted less



than 24 hours. That is the kind of work ethic that has made Liz famous. When she has a task to accomplish, she simply doesn't rest until it is done.

She is a workhorse and one of the kindest, most dedicated people I know.

Liz was a staff assistant on the Select Committee for Presidential Campaigns and the Budget Committee before joining my team in the U.S. House of Representatives in 1975. Liz continued her career in the U.S. Senate. As one of the first members of my team, Liz has literally helped thousands of Montanans over the years.

She has also worn many hats over the last thirty-seven years proving that no job is too small or too large for her to tackle with heart and soul.

In many ways, Liz and I grew up together learning the ropes of Congress. Little did we know back in 1975 when I first hired her how much we would be able to accomplish for Montanans. She has helped support Montana outreach efforts on three farm bills, four highway bills, four major rural water project bills, and the Affordable Care Act.

In her early years in my Washington, DC office, she was my office manager. In 1995, she moved to Montana to be assistant to the state director. Her titles from 1996 through today include grants coordinator, State casework director, agriculture issues eastern Montana and director of constituent services, and Montana economic development director. As our economic development director, Liz has played a key role in making our Montana Economic Development Summits a success—helping make connections that have resulted in hundreds of Montana jobs. More recently, she has been an ambassador to energy-impacted communities in the Bakken region helping them to understand and access the myriad of Federal programs available to absorb the pressures of the Bakken oil and gas boom. While we will all miss having her on staff, I am thrilled to know that she will have the opportunity to continue serving Montanans through her passion for economic development.

Liz has worked on more than 17,000 cases for Montanans on issues such as small business, labor, agriculture, veterans, appropriations, transportation, housing, postal services, health, environment, energy, banking, and economic issues. I have always been thankful to have Liz in my corner. I can only imagine how each and every one of those 17,000 individuals felt knowing that Liz answered the call when they needed help.

In addition to her legislative achievements and impressive constituent work, Liz mentored thousands of interns and young staff assistants over the years, gently educating them in all facets of protocol, policy, and poise.

Always on the road, working tirelessly on individual casework and large

er community issues, often I received e-mails and notes from Montanans sharing their gratitude for Liz's support and knowledge of the issues that matter most to them. One of her greatest talents is bringing key people together for discussions and setting the table for meaningful teamwork.

While she is known statewide for her work, Liz is truly a pillar of the Billings community. Whether there is a road to build, a bridge to fix, a new store opening, or a building burnt down, Liz has always been there to uplift those in need or help with the groundbreaking, ribbon-cuttings, dedications, and donations. I cannot fully express how amazing Liz has been as a liaison for our office.

While I could go on and on about Liz's professional accomplishments, I know she is most proud of her wonderful marriage to Kevin Dowling and the beautiful family they have raised together. Her amazing family is truly a testament to the type of person she is. Liz and Kevin have three terrific children: Tierney, Aidan, and Seanan, and one grandson Kaiven.

Everyone privileged to know Liz is touched by her contagious zest for life and endless energy. Her colleagues in Washington, DC, and Montana have the highest regard and appreciation for her many years of service, friendship, and determination to do everything she can for all Montanans in need of any kind of assistance.

I personally owe her a big thank-you. Liz, you are truly one of a kind. We are all rooting for you on your new adventures.

#### HONORING STAFF SERGEANT JEFFREY KEAS

Mr. COBURN. Mr. President, as we confront the many challenges facing this institution, it can be easy to lose sight of what is so unique and special about America. From time to time, though, we are reminded of the America we all know and love—a Nation filled with men and women of character and a remarkable ability to put the interest of others ahead of self.

I was recently reminded of the true American character in reading the story of an Oklahoman and true American patriot, SSG Jeffrey Keas, who recently succumbed to cancer at the age of 44.

As the Tulsa World recently reported, Jeff's journey to military career began at an age when others are usually leaving the service. At the age of 38, Jeff attended a local baseball game that paid tribute to active duty military and veterans. He later told family members that he felt ashamed that he could not stand with his son that day, a recent enlistee, as service men and women were asked to rise for recognition. So Jeff signed up for a long-term commitment with the Army

and went on to serve our Nation in Iraq and Korea and most recently at Fort Hood, TX.

At the time of his enlistment, Jeff's dad asked him, "Why in the world, at your age, would you do this, Jeff, when the military is designed for a 19-year-old?"

Jeff's answer says a lot about him and the country he loved so dearly. He said, "If I can go to Iraq or Afghanistan, and that can allow some 19-year-old to come home to his mom and dad or girlfriend, then that's what I want to do."

Tragically, SSG Jeffrey Keas passed from this world earlier this month, but not before he inspired countless Americans with his selflessness, his courage, and his service.

With men and women like SSG Jeffrey Keas, we should never count America out. We face many challenges, but this land of freedom and opportunity was built and is defended by men and women like Staff Sergeant Keas. I am in awe of the example he set for his own family, his neighbors and all those who came in contact with him.

This is the America I know.

On behalf of my fellow Oklahomans, I want to thank Staff Sergeant Keas for this remarkable example and to share our great sadness with the Keas family. Thank you for your sacrifices, and for sharing Jeff, as he served so honorably.

#### 375TH ANNIVERSARY OF PORTSMOUTH, RHODE ISLAND

Mr. REED. Mr. President, I am pleased to join with my colleague, Senator WHITEHOUSE, to help mark the 375th anniversary of the settlement of Portsmouth, RI.

Portsmouth is predominantly located on Aquidneck Island in Narragansett Bay, and also encompasses a number of smaller islands including Prudence, Hog, Patience, and Hope. It is the second oldest community in Rhode Island and is home to over 17,000 people. With over 50 miles of coastline, Portsmouth enjoys beautiful views of the surrounding bay and islands.

Portsmouth has a long and rich history. In 1638, Roger Williams convinced religious dissenters from the Boston Colony to settle the area now known as Portsmouth. One of these dissenters, Anne Hutchinson, perhaps the most well-known of the founders of Portsmouth, rebelled against the Puritanical lifestyle in Massachusetts Bay, undergoing a rigorous trial before being banished and excommunicated from the Boston Church. Hutchinson founded the town of Portsmouth with fellow colonists who were also searching for religious freedom. Portsmouth is believed to be the first town in the New World that was established by a woman. The signing of the Portsmouth Compact in March of 1638 created the first true democracy in America.



The town played a role in our Nation's fight for independence. The Battle of Rhode Island, which took place in 1778, was significant to the history of the Revolutionary War because it was the first joint operation of American and French forces and also was the only battle in which black Americans fought as their own unit as part of the First Rhode Island Regiment, alongside Native Americans. The site of the battle is designated as a National Historic Landmark by a plaque and monuments at Patriots Park. Portsmouth was also home to a general army hospital that treated thousands of wounded Union soldiers and Confederate prisoners during the Civil War.

With its vast shoreline, Portsmouth's maritime legacy is historically noteworthy. It was the site of the Navy's first PT-boat training facility, the Motor Torpedo Boat Squadron Training Center in Melville, where President John F. Kennedy trained. Portsmouth is now fittingly the home of US Sailing, which is the governing body for the sport of sailing in the United States.

As we celebrate the 375th anniversary of Portsmouth's settlement, I would like to recognize the residents of Portsmouth for all of their efforts to preserve one of our country's most treasured places. Like the town's motto for this anniversary celebration proclaims, Portsmouth has a proud heritage and a bright future. Congratulations to the Town of Portsmouth on its 375th anniversary.

Mr. WHITEHOUSE. Mr. President, in 1638—375 years ago—a small, brave group of free thinkers banded together to establish an independent democratic community founded upon civil liberty and religious toleration.

The settlers were followers of Anne Hutchinson, a highly educated midwife and controversial figure in the Massachusetts Bay Colony, where ideological conformity was enforced by the gallows and the lash. Hutchinson and many of her allies were banished from Massachusetts for challenging the orthodoxy of the Puritan establishment. At the urging of Roger Williams, who had founded the colony of Providence Plantation just 2 years earlier, they settled on nearby Aquidneck Island in Narragansett Bay. The group called themselves the freemen of Pocasset, after the Native American name for the area. Eventually the new community settled on the name of Portsmouth.

With the signing of the Portsmouth Compact on March 7, 1638, these religious dissenters, including John Clarke and William Coddington, formed a "Bodie Politick" that held forth the freedom to worship according to one's own conscience. Together with Roger Williams and his Providence colony, they blazed the path for American freedom of religion, one of our enduring national blessings.

Their bold declaration would echo 25 years later in the Royal Charter granted in 1663 by King Charles II to establish the colony of Rhode Island and Providence Plantations in New England, which provided the world's first formal establishment of freedom of religion. Their principles of tolerance are the foundation upon which our State, and afterwards our Nation, were built.

Portsmouth, RI, was also the first community in the New World to be founded by a woman. It was in Portsmouth in 1778 that the First Rhode Island Regiment, with its complement of over 100 African-American soldiers, valiantly repulsed British forces in the Battle of Rhode Island. And it was Portsmouth abolitionist and suffragist Julia Ward Howe who penned the patriotic poem, "The Battle Hymn of the Republic," in 1861. The history of Portsmouth is a legacy of America.

I am proud to join with our State's senior senator, JACK REED, and all Rhode Islanders in congratulating the people of Portsmouth on this historic milestone.

#### RECOGNIZING THE BUFFALO SOLDIERS

Ms. LANDRIEU. Mr. President, I rise today to ask my colleagues to join me in recognizing the 9th and 10th (Horse) Cavalry Association of the Buffalo Soldiers, who on July 22–28, 2013, will celebrate their 147th Anniversary Reunion in New Orleans, LA. The cavalry association will honor allied members who have demonstrated tremendous work and leadership in the association, their community, or the United States through their exceptional service.

On July 28, 1866, the 29th Congress passed the Army Organization Act, creating two cavalry and six overall regiments of African-American troops. The 9th Cavalry was activated in New Orleans, LA, and the 10th was called into service at Fort Leavenworth, KS, beginning the Buffalo Soldiers' rich heritage of professional service to their communities and the Nation. The cavalry units of the Buffalo Soldiers played an integral role in the settlement and development of the West in the crucial years that followed the Civil War, serving courageously and victoriously on the frontier from Texas to Montana.

Buffalo Soldiers wear the name proudly and respectfully, sharing a common passion for the historical significance and contributions of those who have served before them. The Buffalo Soldiers performed admirably in and out of battle, assisting in the economic growth and cultural development of Western territories and communities. Today, the Buffalo Soldiers honor their heritage through mentorship, community service, and volunteerism. In this capacity, the soldiers work tirelessly to provide edu-

cation and support services in numerous communities throughout the Nation. Their outstanding leadership in these endeavors and services they perform continue to provide unparalleled contributions to the citizens and communities impacted and will benefit generations to come.

In 2001, at the 135th Anniversary Reunion of the 9th and 10th Cavalry Association, Mr. George Jones, along with nine members of the cavalry association, was awarded a national charter to form the Greater New Orleans Area Chapter #22. This chapter was the first in the State of Louisiana to receive a chapter charter from the national office. The Greater New Orleans Area Chapter has embodied the values and mission embraced by the 9th and 10th Cavalry for 147 years, and has continuously educated Louisiana's communities on the invaluable traditions and contributions of the Buffalo Soldiers in the service of the United States.

The 9th and 10th (Horse) Cavalry Association of Buffalo Soldiers has been and continues to be an inspiration to all those who have been impacted by their tireless service. It is with my greatest sincerity that I ask my colleagues to join me in recognizing the hard work, dedication, and many accomplishments of these incredible leaders.

#### REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE FORMER LIBERIAN REGIME OF CHARLES TAYLOR THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13348 ON JULY 22, 2004—PM 16

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication stating that the national emergency and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2013.

Although Liberia has made advances to promote democracy, and the Special Court for Sierra Leone recently convicted Charles Taylor for war crimes

and crimes against humanity, the actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, could still challenge Liberia's efforts to strengthen its democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to the former Liberian regime of Charles Taylor.

BARACK OBAMA.  
THE WHITE HOUSE, July 17, 2013.

#### MESSAGE FROM THE HOUSE

At 12:05 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1848. An act to ensure that the Federal Aviation Administration advances the safety of small airplanes, and the continued development of the general aviation industry, and for other purposes.

H.R. 2576. An act to amend title 49, United States Code, to modify requirements relating to the availability of pipeline safety regulatory documents, and for other purposes.

H.R. 2611. An act to designate the headquarters building of the Coast Guard on the campus located at 2701 Martin Luther King, Jr., Avenue Southeast in the District of Columbia as the "Douglas A. Munro Coast Guard Headquarters Building", and for other purposes.

The message also announced that pursuant to section 13101 of the Health Information Technology for Economic and Clinical Health (HITECH) Act (Public Law 111-5), the Minority Leader reappoints the following member on the part of the House of Representatives to the HIT Policy Committee for a term of 3 years: Mr. Paul Egerman of Weston, Massachusetts.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1848. An act to ensure that the Federal Aviation Administration advances the safety of small airplanes, and the continued development of the general aviation industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2576. An act to amend title 49, United States Code, to modify requirements relating to the availability of pipeline safety regulatory documents, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 1911. To amend the Higher Education Act of 1965 to establish interest rates for new loans made on or after July 1, 2013, to direct the Secretary of Education to convene the Advisory Committee on Improving Postsecondary Education Data to conduct a study on improvements to postsecondary education transparency at the Federal level, and for other purposes.

S. 1315. A bill to prohibit the Secretary of the Treasury from enforcing the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010.

S. 1316. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2276. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0856)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2277. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-1000)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2278. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. (BELL) Helicopters" ((RIN2120-AA64) (Docket No. FAA-2013-0470)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2279. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0930)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2280. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc Turbojet Engines" ((RIN2120-AA64) (Docket No. FAA-2012-1331)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2281. A communication from the Paralegal Specialist, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DASSAULT AVIATION Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-1322)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2282. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Embraer S.A. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-1227)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2283. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Iniziative Industriali Italiane S.p.A. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2013-0455)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2284. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Boca Grande, FL" ((RIN2120-AA66) (Docket No. FAA-2012-1337)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2285. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Sanibel, FL" ((RIN2120-AA66) (Docket No. FAA-2012-1334)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2286. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Captiva, FL" ((RIN2120-AA66) (Docket No. FAA-2012-1335)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2287. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Pine Island, FL" ((RIN2120-AA66) (Docket No. FAA-2012-1336)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2288. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Boothbay, ME" ((RIN2120-AA66) (Docket No. FAA-2012-0792)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2289. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E

Airspace; Linton, ND" ((RIN2120-AA66) (Docket No. FAA-2012-1097)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2290. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Immokalee-Big Cypress Airfield, FL" ((RIN2120-AA66) (Docket No. FAA-2012-1051)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2291. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Bend, OR" ((RIN2120-AA66) (Docket No. FAA-2013-0026)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2292. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Blue Mesa, CO" ((RIN2120-AA66) (Docket No. FAA-2013-0193)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2293. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace and Establishment of Class E Airspace; Pasco, WA" ((RIN2120-AA66) (Docket No. FAA-2012-1345)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2294. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Tobe, CO" ((RIN2120-AA66) (Docket No. FAA-2013-0194)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2295. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Clifton/Morenci, AZ" ((RIN2120-AA66) (Docket No. FAA-2012-1237)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2296. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Atwood, KS" ((RIN2120-AA66) (Docket No. FAA-2011-1431)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2297. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; La Pryor, Chaparrosa Ranch Airport, TX" ((RIN2120-AA66) (Docket No. FAA-2012-

1099)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2298. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hexythiazox; Pesticide Tolerances" (FRL No. 9391-1) received during adjournment of the Senate in the Office of the President of the Senate on July 12, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2299. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2300. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of ten (10) officers authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2301. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of six (6) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2302. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report entitled "Report on Proposed Obligations for Cooperative Threat Reduction"; to the Committee on Armed Services.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BARRASSO (for himself, Mr. ENZI, and Mr. BROWN):

S. 1311. A bill to provide for phased-in payment of Social Security Disability Insurance payments during the waiting period for individuals with a terminal illness; to the Committee on Finance.

By Mr. COBURN (for himself, Mr. ALEXANDER, Mr. BARRASSO, Mr. BURR, Mr. CORNYN, Mr. ENZI, Mr. INHOFE, Mr. ISAKSON, Mr. LEE, Mr. PORTMAN, Mr. RISCH, Mr. RUBIO, Mr. THUNE, Mr. VITTER, and Mr. JOHNSON of Wisconsin):

S. 1312. A bill to amend title 5, United States Code, to limit the circumstances in which official time may be used by a Federal employee; to the Committee on Homeland Security and Governmental Affairs.

By Mr. RUBIO:

S. 1313. A bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR:

S. 1314. A bill to amend title 31, United States Code, to provide that the President's annual budget submission to Congress list the current fiscal year spending level for each proposed program and a separate amount for any proposed spending increases, and for other purposes; to the Committee on the Budget.

By Mr. CORNYN:

S. 1315. A bill to prohibit the Secretary of the Treasury from enforcing the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010; read the first time.

By Mr. CORNYN:

S. 1316. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board; read the first time.

By Mr. NELSON (for himself and Mr. ROCKEFELLER):

S. 1317. A bill to authorize the programs of the National Aeronautics and Space Administration for fiscal years 2014 through 2016 and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURPHY:

S. Res. 197. A resolution recommending the posthumous award of the Navy Cross to Lieutenant Thomas M. Conway of Waterbury, Connecticut; to the Committee on Armed Services.

#### ADDITIONAL COSPONSORS

S. 217

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 217, a bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational elementary schools and secondary schools on such schools' athletic programs, and for other purposes.

S. 323

At the request of Mr. DURBIN, the names of the Senator from Maine (Mr. KING) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 323, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 411

At the request of Mr. ROCKEFELLER, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 411, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 635

At the request of Mr. BROWN, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 635, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 695

At the request of Mr. BOOZMAN, the name of the Senator from Kansas (Mr.

MORAN) was added as a cosponsor of S. 695, a bill to amend title 38, United States Code, to extend the authorization of appropriations for the Secretary of Veterans Affairs to pay a monthly assistance allowance to disabled veterans training or competing for the Paralympic Team and the authorization of appropriations for the Secretary of Veterans Affairs to provide assistance to United States Paralympics, Inc., and for other purposes.

S. 734

At the request of Mr. NELSON, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 734, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 892

At the request of Mr. KIRK, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 892, a bill to amend the Iran Threat Reduction and Syria Human Rights Act of 2012 to impose sanctions with respect to certain transactions in foreign currencies, and for other purposes.

S. 917

At the request of Mr. CARDIN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain qualifying producers.

S. 971

At the request of Mr. WYDEN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 971, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 987

At the request of Mr. SCHUMER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 987, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 1048

At the request of Mr. ISAKSON, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1048, a bill to revoke the charters for the Federal National Mortgage Corporation and the Federal Home Loan Mortgage Corporation upon resolution of their obligations, to create a new Mortgage Finance Agency for the securitization of single family and multifamily mortgages, and for other purposes.

S. 1272

At the request of Mr. ROBERTS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1272, a bill to provide that certain requirements of the Patient Protection and Affordable Care Act do not apply if the American Health Benefit Exchanges are not operating on October 1, 2013.

S. 1279

At the request of Ms. LANDRIEU, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1279, a bill to prohibit the revocation or withholding of Federal funds to programs whose participants carry out voluntary religious activities.

S. 1303

At the request of Mr. BLUMENTHAL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1303, a bill to amend certain appropriations Acts to repeal the requirement directing the Administrator of General Services to sell Federal property and assets that support the operations of the Plum Island Animal Disease Center in Plum Island, New York, and for other purposes.

S. 1310

At the request of Mr. PORTMAN, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1310, a bill to require Senate confirmation of Inspector General of the Bureau of Consumer Financial Protection, and for other purposes.

S.J. RES. 18

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S.J. Res. 18, a joint resolution proposing an amendment to the Constitution of the United States to clarify the authority of Congress and the States to regulate corporations, limited liability companies or other corporate entities established by the laws of any State, the United States, or any foreign state.

S.J. RES. 19

At the request of Mr. UDALL of New Mexico, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. CON. RES. 15

At the request of Mr. HARKIN, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. Con. Res. 15, a concurrent resolution expressing the sense of Congress that the Chained Consumer Price Index should not be used to calculate

cost-of-living adjustments for Social Security or veterans benefits, or to increase the tax burden on low- and middle-income taxpayers.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN:

S. 1315. A bill to prohibit the Secretary of the Treasury from enforcing the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010; read the first time.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1315

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Keep the IRS Off Your Health Care Act of 2013".

### SEC. 2. FINDINGS.

Congress finds the following:

(1) On May 10, 2013, the Internal Revenue Service admitted that it singled out advocacy groups, based on ideology, seeking tax-exempt status.

(2) This action raises pertinent questions about the agency's ability to implement and oversee the Patient Protection and Affordable Care Act (Public Law 111-148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152).

(3) This action could be an indication of future Internal Revenue Service abuses in relation to the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, given that it is their responsibility to enforce a key provision, the individual mandate.

(4) Americans accept the principle that patients, families, and doctors should be making medical decisions, not the Federal Government.

### SEC. 3. PROHIBITING ENFORCEMENT OF PPACA AND HCERA.

The Secretary of the Treasury, or any delegate of the Secretary, shall not implement or enforce any provisions of or amendments made by the Patient Protection and Affordable Care Act (Public Law 111-148) or the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152).

By Mr. CORNYN:

S. 1316. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board; read the first time.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1316

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Seniors' Access to Medicare Act of 2013".

**SEC. 2. REPEAL OF THE INDEPENDENT PAYMENT ADVISORY BOARD.**

Effective as of the enactment of the Patient Protection and Affordable Care Act (Public Law 111-148), sections 3403 and 10320 of such Act (including the amendments made by such sections) are repealed, and any provision of law amended by such sections is hereby restored as if such sections had not been enacted into law.

**SUBMITTED RESOLUTIONS****SENATE RESOLUTION 197—RECOMMENDING THE POSTHUMOUS AWARD OF THE NAVY CROSS TO LIEUTENANT THOMAS M. CONWAY OF WATERBURY, CONNECTICUT**

Mr. MURPHY submitted the following resolution; which was referred to the Committee on Armed Services:

**S. RES. 197**

Whereas, on July 16, 1945, the USS Indianapolis departed San Francisco carrying the trigger and radioactive core for the atomic bomb Little Boy, destined to be dropped on Hiroshima;

Whereas upon completing its delivery mission to Tinian Island on July 26, the USS Indianapolis proceeded to Okinawa in order to join a larger naval fleet in preparation for an invasion of the Japanese mainland;

Whereas in the early hours of July 30, the USS Indianapolis was critically damaged by 2 torpedoes from a Japanese submarine;

Whereas the USS Indianapolis sunk as a result of the damage, killing some 300 of the 1,196 sailors aboard;

Whereas most of the estimated 900 survivors relied only on their kapok life jackets and belts and some did not even have that equipment;

Whereas Lieutenant (Chaplain) Thomas M. Conway and the rest of the remaining crew were set adrift in the shark-infested waters with no way of further notifying Navy command;

Whereas with complete disregard for his own safety, Lieutenant Conway swam back and forth among terrified crew members, administered aid to them, dragged loners back to the growing mass of survivors, organized prayer groups, and urged the increasingly dehydrated and delirious men not to give up hope of rescue;

Whereas Lieutenant Conway expired on the third day, shortly before the remaining 321 sailors were rescued after being spotted by Navy pilots;

Whereas the sinking of the USS Indianapolis was the single greatest loss of life at sea in the history of the Navy;

Whereas the successful completion of the mission of the USS Indianapolis was critical to ending World War II; and

Whereas Lieutenant Conway risked his own life in order to retrieve fellow sailors and went from lifeboat to lifeboat in shark-infested waters to tend to the dying and dispirited, acting in a manner far above the call of duty: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors Lieutenant Conway for his heroics, which were above reproach, reflect great credit upon himself, and upheld the highest traditions of the U.S. Navy;

(2) recognizes that the courageous and selfless actions of Lieutenant Conway saved the lives of many of his fellow sailors;

(3) concurs that the actions of Lieutenant Conway are in the spirit and tradition of the Navy Cross; and

(4) recommends that Lieutenant Conway posthumously be awarded the Navy Cross.

**AUTHORITY FOR COMMITTEES TO MEET****COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing entitled, "Reauthorization of the Commodity Futures Trading Commission," during the session of the Senate on July 17, 2013 at 2:30 a.m. in room SH-216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 17, 2013 at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "E-Rate 2.0: Connecting Every Child to the Transformative Power of Technology."

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FINANCE**

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 17, 2013, at 10 a.m. in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Health Information Technology: A Building Block to Quality Health Care."

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 17, 2013 at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 17, 2013 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 17, 2013, at 10 a.m. to conduct a hearing entitled "The Department of

Homeland Security at 10 Years: Harnessing Science and Technology to Protect National Security and Enhance Government Efficiency."

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON THE JUDICIARY**

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 17, 2013, at 1 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "From Selma to Shelby County: Working Together to Restore the Protections of the Voting Rights Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP**

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on July 17, 2013, at 3 p.m. in room 428A Russell Senate Office building to conduct a hearing entitled "Small Business Tax Reform: Making the Tax Code Work for Entrepreneurs and Startups."

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON VETERANS' AFFAIRS**

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on July 17, 2013, at 10 a.m. in room SR-418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE**

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on July 17, 2013, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "The Expansion of Internet Gambling: Assessing Consumer Protection Concerns."

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER PROTECTION**

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on July 17, 2013, at 10 a.m., to conduct a hearing entitled "Shining a Light on the Consumer Debt Industry."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON SEAPOWER

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on July 17, 2013, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON STRATEGIC FORCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on July 17, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Carly Rush and Colby Steele, interns with my HELP Committee staff, be granted floor privileges for the remainder of the debate on the confirmation of Thomas Perez.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMEMORATING THE RELAUNCHING OF 172-YEAR-OLD CHARLES W. MORGAN

Mr. WHITEHOUSE. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 183 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read the title as follows:

A resolution (S. Res. 183), commemorating the relaunching of 172-year-old Charles W. Morgan by Mystic Seaport: The Museum of America and the Sea.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the

table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 183) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 24, 2013, under "Submitted Resolutions.")

## MEASURES READ THE FIRST TIME EN BLOC—S. 1315, S. 1316, AND H.R. 1911

Mr. WHITEHOUSE. Mr. President, I understand that there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the titles of the bills en bloc.

The assistant legislative clerk read as follows:

A bill (S. 1315) to prohibit the Secretary of the Treasury from enforcing the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010.

A bill (S. 1316) to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

A bill (H.R. 1911) to amend the Higher Education Act of 1965 to establish interest rates for new loans made on or after July 1, 2013, to direct the Secretary of Education to convene the Advisory Committee on Improving Postsecondary Education Data to conduct a study on improvements to postsecondary education transparency at the Federal level, and for other purposes.

Mr. WHITEHOUSE. I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be read for a second time on the next legislative day.

## ORDERS FOR THURSDAY, JULY 18, 2013

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, July 18, 2013; that following the prayer

and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; that following the remarks of the two leaders, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the first half controlled by the majority and the second half controlled by the Republicans; that following morning business, the Senate resume executive session to consider Calendar No. 99, the nomination of Thomas Perez to be Secretary of Labor, postcloture; further, that all time during adjournment, morning business, legislative session, and recess count postcloture on the Perez nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. WHITEHOUSE. Mr. President, I am informed by the leader that we hope to confirm both the Perez and McCarthy nominations on Thursday.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:25 p.m., adjourned until Thursday, July 18, 2013, at 9:30 a.m.

## CONFIRMATION

Executive nomination confirmed by the Senate July 17, 2013:

## EXPORT-IMPORT BANK OF THE UNITED STATES

FRED P. HOCHBERG, OF NEW YORK, TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2017.

## HOUSE OF REPRESENTATIVES—Wednesday, July 17, 2013

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MASSIE).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 17, 2013.

I hereby appoint the Honorable THOMAS MASSIE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### EFFECTS OF SEQUESTRATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Mr. Speaker, for civilian defense employees at Pax River Naval Air Station, Webster Field, and the Naval Surface Warfare Center at Indian Head, all of which I represent—and Mr. JONES, who is on the floor, represents a substantial number as well in his district—sequestration hit home last week as furloughs began. The same is true of 650,000 civilian defense workers throughout our country.

The furloughs brought on by the irrational policy of sequestration are harming our national security and putting our military readiness at risk. At the same time, they also represent a severe 20 percent pay cut in the form of days when they are forced to stay home without pay, forbidden even from volunteering to continue performing their important tasks.

Federal employees, including those in civilian defense positions, have already contributed \$114 billion over the last 3 years for the next 7 years toward deficit reduction from pay freezes and changes in retirement benefits. These

are hardworking, dedicated men and women who only want to serve their country and make a difference.

As I said on this floor last week, I went to Pax River 2 weeks ago to meet with many of those preparing to be furloughed. I heard their concerns about the sequester's effects on the missions of our men and women in uniform whom these civilian employees support.

We have men and women at the point of this spear, but we have a lot of men and women who are making sure that they can be as effective and as safe as possible at the point of that spear. And I heard from them about how the sequester is affecting morale on and off base.

What I did not hear much at all from those employees was concern for themselves, about how furloughs will impact their own families. That's because their number one concern, even facing an undeserved 20 percent pay cut, is still their ability to serve and get the job done for our troops and all of us who depend on a strong national defense.

After my meeting with civilian defense employees from Maryland's Fifth District, I received an email message from an employee at Webster Field. He wrote this:

We pride ourselves in not only delivering a quality product but on being responsive to the emergent needs of our soldiers and sailors around the world.

He went on to say:

If our dedicated folks are told to turn the lights off and lock the doors at 4 p.m. on a Thursday, then who will provide that level of responsiveness our military counterparts have so desperately come to expect and rely on when no one is here to respond to the call on Friday? What message does that send to the civilians and contractors who have made it their mission to ensure our military never goes without critical equipment, data, and training they need?

He goes on to say:

I genuinely worry that it devalues the level of effort that our employees have put forth. And when you're losing your pay and your work appears to be less important, it will become much harder to retain a lot of these very talented folk.

Not my words, Mr. Speaker, but the words of one of America's many selfless public servants who are concerned about this dangerous sequester.

What will it take for Congress to act?

We've also seen air combat units grounded, and some classes at the Naval Academy this fall could be canceled if sequester continues. The only way to reverse these effects, Mr.

Speaker, on our military readiness and training is to replace the sequester with a big and balanced alternative.

Budget Committee Ranking Member CHRIS VAN HOLLEN has proposed a balanced alternative seven times, but the majority has not allowed us to consider a balanced plan on this floor. If we had, on this floor, an alternative to the sequester that achieves real deficit reduction—which we know we need—through a balance of revenues and targeted spending cuts, Mr. Speaker, I believe that the majority of us, Republican and Democrat, would come together and would support it. It's time for Speaker BOEHNER to appoint budget conferees so that House and Senate negotiators can begin to reach agreement on a balanced compromise.

I will continue, Mr. Speaker, to call on both parties to listen to the men and women of Pax River, of Webster Field, of Indian Head, Quantico, the folks in North Carolina that Mr. JONES represents, the folks in Maryland that I represent, the folks in Connecticut that Mr. COURTNEY represents, the folks in Massachusetts that my good friend, the ranking member—almost ranking member on the Rules Committee represents, and the gentleman from Illinois represents. They and I will continue, in both parties, to act, to act on a balanced, rational, reasonable alternative that brings the deficit down but maintains our national security and the morale of the people who every day work to protect our great land.

### AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, I must say that it is very disappointing that the last time the House of Representatives officially remembered the men and women who have died in Afghanistan was February of this year. Since then, we've lost a total of 79 members of our Armed Forces: 15 were killed in March, 14 were killed in April, 22 killed in May, and 18 killed in June.

Why do we continue to send our young men and women to risk their life and limb in a country that will never change?

In addition to this tragic waste of life, I am amazed at the lack of oversight of the taxpayers' money. After listening to the Special Inspector General for Afghanistan Reconstruction

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



speak on the C-SPAN program, Washington Journal, on Monday, I will give you two examples of fraud and abuse that particularly stood out to me.

We have countless buildings in Afghanistan constructed with taxpayers' dollars that remain unused or, even worse, falling apart. Mr. John Sopko, the Inspector General, referenced one building made of brick that he said is literally melting due to poor construction. How in the world can we continue to fund these programs in Afghanistan with very little oversight and, quite frankly, a waste of the taxpayers' money?

Mr. Sopko further stated that we have \$20 billion in the pipeline to be spent in Afghanistan while we are dealing with the ill effects of sequestration that Mr. HOYER just spoke about, and cutting crucial programs for our military personnel right here at home.

In particular, our mental health programs for our veterans are suffering because we are furloughing the civilian workers who help our veterans who are suffering from PTSD and TBI. Those people that are the professionals that help them are being cut. This is why this waste of money in Afghanistan is absolutely, Mr. Speaker, unacceptable.

Congress is not listening to the American taxpayer. The taxpayer is fed up and tired of wasting money and life and limb in Afghanistan. History has said no nation has ever changed Afghanistan and no nation will ever change Afghanistan. We need to listen to the American people and stop this spending. And more importantly than the spending is the waste of life in Afghanistan.

I ask my colleagues on both sides to come together and work together. Let's start reducing the amount of money that we are spending in Afghanistan, and let's also reduce the number of troops that have to go back and forth to Afghanistan.

Sequestration and furloughs are creating one of the worst situations for our military that they have faced in many, many years. And again, we are looking at furloughing the professional doctors and nurses and mental health providers.

Mr. Speaker, beside me is really what I say speaks better than my words. It is a photograph of a full-dressed Army contingency walking behind a caisson. Apparently, the wife of the soldier in the caisson is standing there with her little girl holding the mother's hand, and the little girl is wondering: Why is daddy in that flag-draped coffin?

That is what's missing here in Congress, quite frankly, is there is no debate on the waste of life and the waste of money in Afghanistan. I ask the American people to put pressure on Members of Congress to stop this waste of life and money in Afghanistan.

With that, Mr. Speaker, I will close by asking God to please bless our men

and women in uniform, to please bless the families of our men and women in uniform, and in His arms, to hold the families who have given a child dying for freedom in Afghanistan and Iraq.

And I ask God to bless the House and Senate, that we will do what is right in the eyes of God for God's people. And I will ask God to please give strength and courage to the President of the United States, that he will do what is right in the eyes of God for God's people. And three times: God, please, God, please, God, please continue to bless America.

#### YOU'VE GOT TO BE CAREFULLY TAUGHT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, I don't believe that anyone is born with an inclination to hate, but sometimes, even in the year 2013, it's easy to forget.

Not one of us begins this life hating that which is different. Not one of us begins this life fearing those who are different from ourselves. As children, we recognize differences; we wonder about them and question why. But as children, we don't hate or fear. People must learn to hate. You've got to be taught to hate and fear, carefully taught.

In the second act of the great musical "South Pacific," Lieutenant Joe Cable sings a song about racial prejudice, entitled, "You've Got to Be Carefully Taught." The lyrics of the song confront prejudice at its core, explaining the simple truth that discrimination is not inherent; it's imposed—imposed by others who once had it imposed upon them in the vicious cycle of prejudice and fear.

One isn't born with an inherent aversion to those of a different skin tone. One has to be taught to fear a young, unarmed black man in a hoodie. One has to be taught to fear minorities voting. You've got to be carefully taught.

I also believe discrimination plays a role in opposition to same-sex marriage. One isn't born thinking gay people should be treated differently than straight people. One has to be taught to fear equality for all. You've got to be carefully taught.

Discrimination has played a role in our immigration policy from the late 19th century to today. But people aren't naturally hostile to those who speak a different language or come from a different place. They had to be taught to fear the dreamers who are American in all but citizenship or their parents who risked their lives to make a better life for their children. You've got to be carefully taught.

When "South Pacific" debuted in 1949, the song "You've Got to Be Carefully Taught" almost didn't make the cut. Rodgers and Hammerstein were

told the song was too controversial, too preachy, too inappropriate for the musical stage.

□ 1015

The song was so controversial that some cities in the deep South would not allow the musical to be played on their stages. Lawmakers in Georgia even tried to outlaw such entertainment with one legislator arguing that a song justifying interracial marriage was implicitly a threat to the American way of life. But Rodgers and Hammerstein insisted the song be sung because it told the truth, and nothing combats fear better than the truth. "South Pacific" premiered more than a half century ago, yet its lessons are perhaps even more relevant today.

We have come a long way since the Jim Crow era, but the truth is that discrimination, while perhaps not as blatant, is alive and well. Despite all the progress we have made, we are still taught to be fearful of differences, to discriminate against those of a different race or gender or background or sexual orientation. We tragically, although sometimes unknowingly, allow that discrimination to influence our actions. It is those actions, whether on a street corner in Florida or here on the floor of the House of Representatives, that teach yet another generation to hate and fear.

As lawmakers, we have a responsibility to root out discrimination, to impart upon a new generation a philosophy of tolerance, and to embrace our differences. By confronting discrimination head on, we can finally stop the vicious cycle of prejudice and fear. Nelson Mandela said it best:

People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite.

You have to be carefully taught, Mr. Speaker. The teaching must begin in our hearts and with our children.

#### OBAMACARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, in May of 2012, the House Ways and Means Committee released a report that expounds upon one of the most problematic provisions included in ObamaCare, the mandate on employers with at least 50 full-time equivalent employees to offer "affordable" and government-approved health insurance plans to their workers beginning in 2014.

Employers with at least 50 full-time equivalent employees who do not offer government-approved coverage must

pay \$2,000 in fines annually per employee. After 2014, the fine would be indexed to the average per capita premium for health insurance, as determined by the Health and Human Services Secretary.

Even if employers do offer government-approved health insurance coverage, they would still be fined if Health and Human Services deems the plan “unaffordable” and at least one full-time employee purchases a qualified health plan through an exchange and receives a taxpayer-funded subsidy for their coverage.

Seventy-one Fortune 100 companies that responded to the Ways and Means Committee survey included in the 2012 report estimate that they could save \$28.6 billion in 2014 by eliminating health insurance coverage for their 5.9 million employees and opting to pay the \$2,000 annual fine per employee. This would impact more than 10.2 million employees and dependents on employer-based plans. Under these estimates, from 2014 through 2023, the employers surveyed could save an estimated \$422.4 billion.

The employer mandate provides a perverse incentive for companies to drop their employees from health plans that are otherwise working and are embraced by the employees themselves. This is a stark contrast from the promises made by President Obama, suggesting “First of all, if you’ve got health insurance, you like your doctors, you like your plan, you can keep your doctor, you can keep your plan. Nobody is talking about taking that away from you.”

Mr. Speaker, as we are seeing, that is simply not true. But furthermore, the employer mandate will serve to drive up the costs of ObamaCare as more and more people become a part of the exchanges.

Even Comedy Central’s Jon Stewart, in an interview with Health and Human Services Secretary Kathleen Sebelius this past January, posed the question as to whether or not the employee mandate would cause employers to “dump” employees into the exchanges until it “becomes sort of a back door of government—not a take-over necessarily, but of a government responsibility for the health care, and then suddenly, obviously then, we’re Sweden.”

Mr. Speaker, this week the House will vote to legitimize the administration’s delay of the employer mandate for 1 year. While I support this delay, we must continue to focus efforts on repealing and replacing ObamaCare so that we can begin to reduce the escalating health care costs and the restrictions on access, the attacks on quality innovation in this country and the turnover of health care from a personal decision to the government.

#### DECREASING RATES OF FRAUD, WASTE AND ABUSE IN SNAP

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. McGOVERN) for 5 minutes.

Mr. McGOVERN. Mr. Speaker, 18 times this year I’ve come to this floor and talked about the need to end hunger now. Eighteen times I’ve defended our Nation’s anti-hunger programs, discussed the paradox of hunger and obesity, and talked about hunger among the elderly.

Over the past few weeks, this House has voted on two versions of a farm bill reauthorization. The first was defeated after the Republican leadership overreached, not only by cutting the linchpin of our anti-hunger programs, SNAP—formerly known as food stamps—but also by adding poison pill after poison pill amendment to the bill.

Last week, the Republican leadership responded to the stinging defeat of their farm bill by stripping out the entire nutrition title while, at the same time, expanding subsidies for highly profitable big agribusinesses. Talk about messed up priorities, Mr. Speaker. By the way, the nutrition title not only includes SNAP, it includes as well funding for food banks and senior anti-hunger programs.

Opponents of SNAP like to focus on the idea that SNAP is somehow fraudulent; not just that some SNAP money is being misspent, but that so much is being wasted that we need to drastically rein in the program, regardless of whether SNAP cuts increase hunger in America. We heard these claims time after time during consideration of the two farm bills.

Sadly, those who claim rampant fraud, waste, and abuse in SNAP don’t let facts get in the way of their arguments. That is because SNAP is among the most effective and efficient, if not the most effective and efficient, federally administered programs.

I serve on the House Agriculture Committee, and I took part in an extensive debate over SNAP during both the committee markup and on the House floor. Not one member, Democrat or Republican, on the House Agriculture Committee provided sourced, statistical information on fraud, waste, and abuse in the SNAP program.

On top of that, no hearings were held on the SNAP program at all. In fact, I challenged any member of the committee to find any Federal program that has a lower rate of fraud, waste, and abuse. The truth is no one could answer my challenge.

Mr. Speaker, according to both the U.S. Department of Agriculture and the Office of the Inspector General at USDA, the fraud rates for SNAP are at all-time lows and are going down. On top of that, USDA continues to pursue instances of fraud, waste, and abuse and is prosecuting these cases.

Despite the rapid growth in SNAP participation, primarily due to the historic economic recession we are still recovering from, the error rate for SNAP is also at a record low, according to the latest data available. Specifically, 3 percent of all SNAP benefits represented overpayments, meaning they either went to ineligible households or went to eligible households but in excessive amounts. This means that more than 98 percent of SNAP benefits were issued to eligible households. The combined error rate—the total error rate that includes both under- and overpayments—reached an all-time low in 2011, falling to 3.8 percent.

These statistics show just how well SNAP is truly managed. But there’s even more data to consider. In July, the USDA’s Office of Inspector General issued a report on fraud investigations of USDA programs. It showed that fraud in SNAP is limited primarily to a few bad actors. It also showed cases of fraud are far greater in other USDA programs.

According to this report, 10 cases involving USDA programs were closed in the past 2 months, and only one of them involved fraud on the part of a SNAP recipient. That’s right, only 1 case in 10 had to do with an individual defrauding the SNAP program. In fact, half of those cases dealt with improper use of rural development funds. The remaining four cases all involved SNAP abuse by retailers, not recipients.

While this may seem like an innocuous statistic, it goes to the heart of what opponents claim: that SNAP beneficiaries—poor, hungry working Americans—are lazy and want to steal from the Federal Government. Nothing, and I mean nothing, could be further from the truth.

SNAP provides a lifeline to hungry Americans, whether they are 1, 10, 25, 50, 75 years old or older. In doing so, SNAP is likely the most effective and efficient program administered by the Federal Government.

Mr. Speaker, of course we can make SNAP better. We can make anything better. We can make it more efficient. We can ensure that even more people get the food they need to prevent hunger in America. But we need to address hunger in a holistic and comprehensive way, including the role SNAP plays in preventing and treating hunger. This is why we need a White House Conference on Food and Nutrition if we are going to truly reduce hunger and improve nutrition in this country. We need a plan. We need to get this right. We need some urgency and some leadership on this issue.

Mr. Speaker, attacking SNAP, and demonizing those who rely on it to make ends meet isn’t just wrong, it’s counterproductive. Arbitrarily cutting SNAP will only make hunger in America worse, and it certainly won’t reduce

the rates of fraud, waste, and abuse. The SNAP program works. While it can always be improved, we can't simply cut our way to a hunger-free society. We must work together if we are going to end hunger now.

#### IN HONOR OF ADMIRAL FRANK BENTON KELSO, II

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DESJARLAIS) for 5 minutes.

Mr. DESJARLAIS. Mr. Speaker, I rise today to honor the extraordinary life of Admiral Frank Benton Kelso, II, a great American and true son of Tennessee. On Sunday, June 23, Tennessee's Fourth Congressional District and our country lost this great American hero.

To describe Admiral Kelso as honorable, principled, and dedicated would be insufficient. His achievements and individual character are matched only by his patriotism and love of country.

Admiral Kelso's 79-year life included a gallant and decorated 42-year career in the United States Navy.

Admiral Kelso graduated from the U.S. Naval Academy in 1956 and began his illustrious career in the Navy by joining the nuclear submarine program, where he would later command two nuclear submarines.

In 1986, the Admiral commanded the Atlantic Fleet, planning military actions against Libya that significantly curbed Muammar Qadhafi's terrorist activities.

In 1990, he earned the position of Chief of Naval Operations, the Navy's top uniformed officer. During this time, he successfully led naval operations in the Persian Gulf War.

In addition to his distinguished naval career, Admiral Kelso was a family man. He was happily married to Landess McCown Kelso for 56 years until she passed away last year. Together, they had four children and eight grandchildren.

He retired from the Navy in 1994, and in 2003 he returned to his hometown of Fayetteville, Tennessee, where he would spend the last 10 years of his life. These years were filled with love for his family and friends and service to his community.

I believe that there is no greater example of commitment to one's country than the life of Admiral Frank Kelso. His legacy of integrity and courage truly exemplify the best of the United States Navy. To quote the celebrated song of our Navy, "Here's wishing you a happy voyage home."

#### GOVERNMENT FURLONGHS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. COURTNEY) for 5 minutes.

Mr. COURTNEY. Mr. Speaker, on July 1, the front page of The Washington Post had a headline which showed in many respects just, again, the disconnect between this town and the rest of the country. It said: "They said the sequester would be scary. Mostly they were wrong."

I would like those reporters to have joined me on July 3, 2 days later, when I went to the Groton Navy Base in southeastern Connecticut to talk to over 100 civilian DOD employees who were on the verge of being furloughed because of sequestration. Again, under sequester, 650,000 civilian DOD employees, for 1 day a week for the next 11 weeks, will be furloughed, or lose 20 percent of their paycheck, despite the fact that they contribute enormous value to the military readiness of this country.

Again, at that meeting, where I was joined by Captain Carl Lahti, who is the commander of the sub base, he talked about the fact that among the furloughed employees are crane operators, folks who install torpedoes, Tomahawk missiles, all the supplies to make sure that our attack sub fleet is ready to go at any given time. Again, losing them 1 day a week just pushes back the readiness of the submarine fleet.

I talked to Adam Puccino, who is the head of the Metal Trades Council and represents the maintenance crews on the base to make sure that the tip of the spear of America's Navy is ready to go. Again, losing those folks 1 day a week is going to slow down and retard the ability of that fleet to be ready.

□ 1030

Rob Faulise, who is the head of the NAGE force, talked about the staff that provides critical services, whether it's health care, firefighter services, clerical work, to make sure that that subbase is ready to accomplish its mission.

In every case, they all confirm the fact that not only is this going to cause personal hardship, but it's also going to harm the military capability of that base.

I received a number of emails from folks who were there that day or whose coworkers told them about that meeting. Here is what some of them said.

Kimberly from Ledyard, Connecticut, said:

I am a Federal employee working on the Navy base in Groton. I am a GS-5 step 2, which means I make \$17 an hour and am paid biweekly. I am married with three children, ages 6, 4, and 1. My husband works part time, and is already capped at a salary range of \$16.54 an hour. It's already hard enough to make ends meet as it is, and now, with the furlough, I'm losing \$226.44 every pay period.

Robert from North Stonington:

As a member of DOD, specifically the Department of the Navy, working in Groton, I am now in the second week of furloughs. As a civilian employee for the past 39 years, I

have never seen our government in such disarray. My command, supervisor of shipbuilding, performs extremely important jobs of government oversight of the design, construction and repair of our country's nuclear submarine fleet.

John from Groton:

Furloughs will immediately manifest themselves in the local economies around every U.S. military base in the form of 20 percent fewer goods, gas and groceries being bought and in 20 percent fewer taxes being paid into town and State coffers that are already at an all-time low.

Lastly, Aurela from Gales Ferry, Connecticut, said:

As a result of the civilian furloughs at the Navy branch health clinic, I believe our patients' access to care and continuity of quality care will be severely hampered. Our military and their dependents don't have the option to be sick or injured on a non-furlough day. Clinic staff has been trained to refer patients to urgent care facilities and to emergency rooms as a last resort, largely due to the sequester. Where is the wisdom of forcing the use of higher cost facilities in a fiscal crisis?

Thank you, Aurela, because it shows that, in fact, these furloughs don't really save anything structurally or long term for government. What is clearly needed is for Congress to respond to sequester based on what its original intention was. If you go to Phil Gramm, the granddaddy of sequestration—the Gramm-Rudman sequester act of 1985, which today sequester is verbatim based on—he stated in a speech in Washington not too long ago:

It was never the objective of Gramm-Rudman to trigger the sequester. The objective of Gramm-Rudman was to have the threat of the sequester force compromise and action.

Again, that's from the inventor of sequestration.

Seven times, CHRIS VAN HOLLEN and the House Democratic minority have tried to get the Rules Committee to allow a vote to be taken on a measure to turn off sequester, replacing it with smarter cuts and smarter revenue to achieve the goal of deficit reduction, but to do it without a chain saw that is disrupting the lives of those individuals whose stories I just described. In every single instance, the Rules Committee denied the ability of this House to vote on a commonsense measure to turn off sequester.

Folks, we are now 4½ months into sequester. Its impact extends even beyond the Department of Defense. In Head Start programs, kids are losing slots, and NIH research grants are being canceled. It is time for Congress to listen to Phil Gramm, to compromise, to act to turn off sequester, and to represent these hardworking Americans who every single day are serving our Nation.

#### THE REPEAL OF OBAMACARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. CONAWAY) for 5 minutes.

Mr. CONAWAY. Mr. Speaker, 3 years ago, the Democrats told the American people that Congress had to pass the ObamaCare act so that we could learn what was in it. Well, 3 years later, we are just now learning what really is in the law and how it will cost American jobs and limit their health care choices.

It is no surprise to me that the administration has delayed the implementation of the employer mandate. Just as every honest observer said it would, ObamaCare is costing Americans full-time jobs and hourly wages as employers prepare to comply with the new mandates spawned by this law.

Later today, the House of Representatives will vote to delay imposing ObamaCare's crushing burdens on employers. For once, we agree with the President—this law cannot be implemented without significantly harming our economy. We will also go one step further and delay these same burdens from falling on the backs of individuals as well. I don't believe it is appropriate to protect one half of America from ObamaCare but not the other half. We will give American families the same reprieve from this law that the Obama administration is promising to employers.

The two votes we are taking today are important steps toward repeal. All of the regulations required by this law are still not written. With every day that passes, a new regulation is announced, revealing just a little more of what this bill will actually do. Each rule and regulation mandates new costs for employers, more restrictions for the insureds, and ultimately hikes the cost of health insurance for American families. This law is not ready to be implemented. There are too many questions, too many inconsistencies, and too many complications. Despite the promises of the Democrat leadership, the fact is that we still do not know what's in it.

Mr. Speaker, my constituents want to see this law repealed. I think it is bad policy, bad politics, and terrible for health care in America. I have supported every effort to end this law, and I will continue to support these efforts as long as I am in office.

Fundamentally, I do not believe that this law will ever be ready; so next year, if the President has not worked with us to delay it or to replace it, I will be back to argue for additional delays on both the individual mandate and employer mandate. I will continue to demand that Congress and the President repeal this law and replace it with one that puts patients first, that allows new and innovative paths for care and coverage, and that does not put the government between patients and their doctors.

#### EFFECTS OF SEQUESTRATION ON FEDERAL COURT SYSTEM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY. I was going to talk about sequestration—and I will, Mr. Speaker—but I've got to respond to my friend on what he calls ObamaCare. It does everything he says he wants it to do, and I will remind those critics of ObamaCare that the individual mandate was a Republican idea; and far from putting government between patients and their doctors, it actually facilitates patients' care directly with their doctors and their medical providers.

Just 2 weeks ago, we celebrated our Nation's independence, and it reminded us of the full panoply of American history. American history, especially at the Constitutional Convention, is all about parties coming together for the common good and compromising.

The first great compromise created the United States Senate and the United States House of Representatives, allowing proportional representation here to protect the interests of the bigger States, but equal representation in the other body to protect all of the States. That was the first great compromise.

The second great compromise was between Thomas Jefferson and Alexander Hamilton. It involved the Federal debt and the location of the future Nation's Capital. They had a dinner, and they compromised. Hamilton got what he wanted in the Federal debt, and Jefferson got what he wanted in terms of the Nation's Capital. It was all about compromise. That's what we have to now remind ourselves of as we deal with the horrors of sequestration—yes, horrors.

On July 5, the EPA, the Department of Housing and Urban Development, and the IRS completely shuttered their offices throughout the United States, furloughing 115,000 employees that day. It was the third such agency shutdown for those agencies. Last week, 680,000 Department of Defense civilian employees began a one-day-a-week furlough that will continue through the end of this fiscal year.

For my colleagues who are so fond of saying, Let's run government the way a business ought to be run, what business would furlough 85 percent of its workforce one day a week for 3 months? What CEO or chairman of the board would last one day advocating for that as a management practice? Yet my friends on the other side of the aisle think that's perfectly fine in order to manage the Federal Government.

I recently met with the members of the Federal Bar Association, who highlighted yet another unforeseen cost of sequestration, and that has to do with \$350 million of cuts in the judicial branch.

Since July of 2011, spending cuts have forced the Federal court system to shed 10 percent of the total judicial staff through layoffs. Staffing of the court system is now at 2005 staffing levels, but the volume has only grown. Many Federal courts across the Nation plan now to close one day a week. Think about that. The American judicial system is looking at possibly only operating 4 days a week because of the lack of resources due to sequestration. This will result in the slower processing of civil and bankruptcy cases, which will have a ripple effect on local economies for individuals and companies all across this country. Court security will be cut by 30 percent, and we can only ask ourselves rhetorically what could go wrong with that. Probation will be affected.

These cuts will undermine our ability to fulfill the Sixth Amendment right of defendants to a speedy trial and representation for the indigent. Cuts to the Federal Defender Services program will lead to attorneys being furloughed up to 15 days for the remainder of this fiscal year. The office already is understaffed after losing 113 employees between last fall and spring as a result of budget cuts.

Mr. Speaker, the Judicial Conference of the United States recently called this situation an unprecedented fiscal crisis that will seriously compromise the constitutional mission of the United States courts—the same Constitution that so many of my friends on the other side of the aisle proudly hold up and say they believe in. It's just the latest in a string of what, I hope, are unintended consequences from sequestration and another reason we must act within the next month to resolve the situation and stop the mindless disinvestment in the important functions of government.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 40 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

Reverend Robert Wagenseil, Calvary Episcopal Church, Indian Rocks Beach, Florida, offered the following prayer:

God of Abraham, Isaac, and Jacob: thank You for the men and women who have been called to serve Your people in this House.

As they strive to chart the best possible course for our Nation, enable them to remember that we are all in the same boat when it comes to our love of this country and our desire to see the hopes and dreams of our fellow citizens fulfilled.

As they seek to walk the road of truth, help them to learn what it means to walk that road together on the common ground of respect and forbearance.

Bless their families and make their homes havens of kindness, encouragement, and love.

Finally, when they shall have served their final day as Members of this House, send them home filled with the true and lasting joy that always comes at last to those who have done their duty and done it well.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WILSON of South Carolina. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WILSON of South Carolina. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Ohio (Mrs. BEATTY) come forward and lead the House in the Pledge of Allegiance.

Mrs. BEATTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### WELCOMING REVEREND ROBERT WAGENSEIL

The SPEAKER. Without objection, the gentleman from Florida (Mr. YOUNG) is recognized for 1 minute.

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, it is a great honor to introduce to the House our guest chaplain today, Father Bob Wagenseil, the pastor of Calvary

Episcopal Church in the beautiful town of Indian Rocks Beach, Florida.

Father Bob, as he is affectionately known, is a dear friend and a beloved member of our community. He was ordained in May of 1981 and spent most of his 14 years serving churches in Long Island and New York City. By 1993, he was appointed archdeacon of Queens.

To our good fortune in Florida, he was asked to come to Calvary Episcopal in 1995, and it has been a true love affair ever since. In addition to serving the church, which just celebrated its 50th anniversary, Father Bob and his wife, Patricia, or PT as she is known, have served our community in many special ways.

He serves as chaplain of the Suncoast Fire and Rescue, where he is also a volunteer firefighter. He helped develop a computer learning center at the church, a critically important food pantry, and nearest and dearest to his heart, a community sailing program for the youth of the church and the local community.

Father Bob will retire from Calvary on September 15 of this year after 18 years of service to the church and 34 years to the priesthood. He and PT, who have been married for 35 years, will remain active members of our community and dear friends to the thousands and thousands of people whose lives they have touched, including Congressman BILL YOUNG and his wife, Beverly, and our two sons, Patrick and Billy.

Please join me in welcoming Father Bob Wagenseil and PT to the House today.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. FOXX). The Chair will entertain 15 further requests for 1-minute speeches on each side of the aisle.

#### RELIEF FROM OBAMACARE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, the case for ObamaCare repeal was given a big boost by the administration's decision to delay the controversial employer mandate for another year. This House will vote we hope this week to support that much-needed action, as well as postpone the individual mandate for 1 year.

Delaying the burdensome employer mandate will allow companies to continue providing employee health care benefits without reducing work hours. Providing a 1-year delay from the individual mandate will relieve American families from thousands of dollars of additional taxes.

But postponing the two mandates are only the latest steps to repeal

ObamaCare. Without complete repeal, Americans will face \$1.1 trillion in new taxes, \$716 billion in Medicare cuts, and huge health insurance premium increases.

Madam Speaker, we must all work together to finish the job by completely repealing ObamaCare so that small businesses and individuals will be permanently free from this onerous regulation.

#### CELEBRATING THE 100-YEAR ANNIVERSARY OF DELTA SIGMA THETA SORORITY

(Mrs. BEATTY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BEATTY. Madam Speaker, I rise today in honor of standing up for women and celebrating the 100-year anniversary of my sorority, Delta Sigma Theta Sorority, a sorority of more than 200,000 Black college-educated women founded in 1913, an organization where 22 African American women were the only women of color to participate in the women's suffrage march.

I thank Delta Kappa Chapter, where I was made, and the Columbus and Dayton alumni chapters, where I serve, for standing on their shoulders and continuing the legacy because they understand that we must continue to stand up for women in health care, in education, and in the workplace, because when women do better, our children do well; when women do well, our families do well; when women do well, our men do well; and yes, when women do well, America does well.

Thank you, women, and thank you, Delta Sigma Theta Sorority.

#### OBAMACARE DELAYS

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Madam Speaker, I rise to ask my colleagues to support H.R. 2667 and H.R. 2668, bills that would delay the employer and individual mandates in ObamaCare.

These mandates force businesses to provide health coverage to their employees and as well for individuals to purchase government-dictated health care or pay a penalty. President Obama cited the complexity of the mandate as the reason for his delay. A first-grader back home would say "no kidding."

Billion dollar corporations with access to the White House get excused from ObamaCare but the struggling American family gets left out. That's unfair, that's wrong, and more is coming.

That is why I urge my colleagues to support these two bills until we can fully repeal ObamaCare and give every

American quality health care at a price they can afford with a doctor of their choice.

#### RISING VIOLENCE IN OUR URBAN COMMUNITIES

(Mr. VEASEY asked and was given permission to address the House for 1 minute.)

Mr. VEASEY. Madam Speaker, I recently stood with my colleagues of the Congressional Black Caucus to call for a National Emergency Summit on Urban Violence. In light of the verdict in Florida, the Trayvon Martin verdict, I wanted to talk about the violence that has recently happened in my district and why we need to do something about mental illness.

We had an incident where a man killed his pregnant girlfriend, the mother, and her 10-year-old brother, and then went into a neighboring police station and asked for the police to shoot him.

We had another incident, a young Somali boy, only 5 years old. The people that lived in the apartment complex loved to see this little boy ride his bicycle around. A 13-year-old got into a disagreement with him and beat him in the head until he died, and he left him in a backyard.

Then we had another recent drive-by shooting in my district where the assailant said he shot the wrong guy, and the wrong guy was an innocent 12-year-old boy.

We need to do something about mental illness and about violence that is gripping this country. It is clear that there are many people who due to mental illness do not have the ability to calmly and rationally resolve their differences with others. Instead, they turn to violence.

Let's do something about the rising violence in our urban communities.

#### EMPLOYER AND INDIVIDUAL DELAYS PROVIDE FAIRNESS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the President made inaccurate promises when he shoved a 2,000-page health care takeover bill through both Houses of a Democrat-controlled Congress. Now he is usurping power again by choosing to relieve employers from the higher taxes and increased government regulations mandated by the Unaffordable Care Act that still requires individuals to suffer. For a President who says he is for fairness, this decision protects Big Business and targets American families, taking more from their paychecks.

House Republicans are acting to protect every American from the unworkable provisions by voting to repeal

both the employer and individual mandates. ObamaCare is an unworkable, unaffordable law that destroys jobs, disrupts the doctor-patient relationship, and promotes uncertainty for future generations. As a proponent of limited government, I fully remain committed to defunding, dismantling, or repealing ObamaCare to provide the fairness necessary to allow every American family to make their own health care decisions.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### UNITED STATES POSTAL SERVICE

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, the United States Postal Service continues to try to fix themselves financially with service cuts that will undermine the agency's viability, not strengthen it.

I am pleased to be a cosponsor of my colleague Congresswoman ROSA DELAURO's legislation, the Protect Overnight Delivery Act, to prevent the Postal Service from weakening delivery standards.

Eliminating overnight delivery would threaten hundreds of postal facilities across the Nation, including the William Street facility in my western New York community.

Madam Speaker, while the Postal Service is certainly in need of reform, this is the wrong way to do it. Once again, the Postal Service is making ill-conceived decisions that hurt both workers and consumers.

#### OBAMA'S UNFAIRNESS

(Mrs. ROBY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROBY. Madam Speaker, I rise to discuss today's fairness. Earlier this month, the Obama administration announced it would be delaying the business mandate in the President's health care law.

Setting aside for a moment the dubious legal authority the executive branch is using to pick and choose which parts of the law will be enforced and which won't, this action represents unfair treatment in the implementation of ObamaCare. In delaying the business mandate for a year but not the individual mandate, the President is choosing to protect Big Business from ObamaCare, but not hardworking individuals and families. In explaining this delay, White House officials repeatedly said the President was "listening" to business.

Madam Speaker, why isn't the President "listening" to the American people? Why is Big Business getting a

break while individual Americans get the short end of the stick? Maybe this is what happens when Big Business has access to the White House and individual Americans can't even take a tour.

Today, we will take action to protect all Americans by delaying both the employer mandate and the individual mandate. Our work to dismantle ObamaCare is part of our ongoing fight to spur economic growth, create jobs, and provide a more secure future for all Americans.

□ 1215

#### THE AFFORDABLE CARE ACT

(Ms. MENG asked and was given permission to address the House for 1 minute.)

Ms. MENG. Madam Speaker, I rise today in strong opposition to this 38th attempt to repeal the Affordable Care Act.

Our country needs affordable care. My constituents in Queens, New York, need affordable health care. Right now, only 17,000 New Yorkers buy their own health insurance because the insurance premium rates are too high, and 2.6 million New Yorkers do not have health insurance. Nationwide, 13 million people are uninsured.

The most exciting part is that ObamaCare is already working. As of this morning, the new, approved health care premiums available in the New York State health care exchanges for 2014 are, on average, 50 percent lower than this year's insurance premiums. That is not even taking into account individuals who can take advantage of other Federal subsidies and that everyone with a health insurance plan will be able to gain access to basic, free preventative health care services.

I want to thank New York Governor Andrew Cuomo and the New York State Legislature for their leadership on this issue.

With all the partisan sniping across the aisle about health care, we cannot lose sight of why our country needs ObamaCare. Better access to affordable, preventative health care is essential to reining in health care costs; and more importantly, it's essential for a healthy America.

#### INDIVIDUALS NEED RELIEF FROM OBAMACARE, TOO

(Mr. LAMBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMBORN. Madam Speaker, the record is clear—ObamaCare has been a train wreck since its inception. This latest delay is a testament to the poor planning and widespread mismanagement by President Obama and his administration.

President Obama's decision to delay the employer mandate comes after months of promises from the Obama administration claiming that implementation was on schedule and that the law was working the way it was supposed to. Every day, I hear from constituents who remain strongly opposed to the government's takeover of their health care. Delaying the employer mandate for 1 year is a step in the right direction, but individuals need relief also.

We must protect all Americans from the unworkable mandates of the President's health care plan by voting to delay both the individual and employer mandates. I urge all of my colleagues to support H.R. 2668, and I urge its swift adoption.

#### COMMUNITY PARKS REVITALIZATION ACT

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Madam Speaker, I rise today to speak about the Community Parks Revitalization Act.

This bipartisan legislation would provide matching funds and a new loan program to assist our communities in developing and redeveloping parks and recreational facilities.

As a former mayor, I have seen firsthand the value that investing in parks brings to our communities. When we make investments in our parks, it leads to healthy, vibrant neighborhoods in which businesses want to invest and families want to live. Our parks and recreational centers are also instrumental in helping to achieve the important national goal of increasing exercise and in providing recreational opportunities for our youth and disabled or injured veterans.

The Community Parks Revitalization Act has the support of many national organizations, including the National Recreation and Park Association and the American Society of Landscape Architects, and it has strong bipartisan support in the 113th Congress.

I encourage my colleagues to join me in strengthening our community parks.

#### NEED FOR EDUCATIONAL REFORM

(Mr. DAINES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAINES. Madam Speaker, one of the best parts of my job is meeting with Montana students. These young people are the future leaders of our State, and it's exciting to hear about their ideas and aspirations for making their communities and our State a better place to live and to work.

As a father of four and personally, myself, as a product of Montana's public schools—in fact, from kindergarten

in Bozeman all the way through college at Montana State University—I know that Montana's students have so much potential. Our oldest daughter, Annie, will be graduating from Montana State University this fall with a degree in elementary education. That's why it's critical that they have access to quality education and training that prepares them to pursue careers and goals they are passionate about.

We must work towards commonsense reforms that empower our schools and teachers to innovate and address our students' unique needs. No two students or schools are the same. More local and State input and less Federal bureaucracy will help provide our educators with the flexibility they need to help our kids learn. I am looking forward to our upcoming debate on how we can work to improve our education system.

#### EFFECTS OF SEQUESTER

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Madam Speaker, this week, over 650,000 civilian employees of the Department of Defense are required to begin taking involuntary furlough days. Over 25,000 of these employees reside in San Diego. This represents about a 20 percent pay cut for the next 3 months for these public servants. This pay cut is in addition to the fact that Federal employees have not received their standard salary adjustments for the past 3 years.

These salary cuts have a very damaging effect on the employees and on their families, an effect which should be clear to all of us; but they also have disastrous secondary effects. I am worried particularly about the impact these cuts will have on the recruitment and retention of the civilian workforce. As one of my San Diegoan constituents in the Federal workforce said:

Furloughs send a very demoralizing and humiliating message to all Federal employees, one that suggests that we are not valued and that the work we do is not valued.

We must do better. We can start by appointing budget conferees immediately.

#### IN SUPPORT OF AUTHORITY FOR MANDATE DELAY ACT AND FAIRNESS FOR AMERICAN FAMILIES ACT

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Madam Speaker, the House will vote today to delay the implementation of both the employer and the individual health insurance mandates dictated by ObamaCare. The administration announced by way of a blog post that it could not implement the employer mandate by its legal

deadline despite repeated assurances that everything was okay.

It is completely unfair for the administration to grant an extension to businesses but not to individual tax-paying Americans. House Republicans are fighting for all Americans. There is still much work to be done. ObamaCare continues to be a drag on our economic recovery, leading to fewer choices and more expensive insurance premiums. I urge the support of these bills and the complete repeal of the President's health care law.

#### CANCER CARE

(Mr. LOEBSACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOEBSACK. Madam Speaker, I rise today to highlight the benefits of cancer research and the importance of funding for the National Institutes of Health. In my home State of Iowa alone, 17,480 people will be diagnosed with cancer this year and 6,420 will lose their battles with this disease. Like every State, Iowa receives essential funding from the NIH.

NIH funds lifesaving medical research that is leading to the development of new and better ways to prevent, diagnose, and treat cancer and other diseases. The research takes place at thousands of universities, hospitals, cancer centers, and laboratories across the country, including at the University of Iowa's Holden Comprehensive Cancer Center. In addition to the obvious benefits of combating cancer and so many other diseases, NIH funding supports economic activity and jobs, something we often don't think about. In 2012, NIH funding supported 3,934 jobs in Iowa alone.

Funding for cancer research and the NIH, I believe, must be a top priority. I urge Congress to support this lifesaving research.

#### OBAMACARE PERMANENT DELAY

(Mrs. WALORSKI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WALORSKI. The administration proved what local employers have been telling me for months—ObamaCare is bad policy.

Even after 3 years of preparation, this law is far from ready for implementation and has proven to be unaffordable. Just today, we learned that we have already paid an additional \$1 billion in new taxes on the medical device tax alone. If there is a delay enacted for businesses, then there needs to be a Hoosier delay for hardworking taxpayers as well. After



all, the American people are the building blocks for our companies. These individuals include parents, young people, single moms, veterans, and seasoned employees. Together, they form our Nation's workforce.

In our district in northern Indiana, I have heard from schools, restaurants, manufacturers, and small business owners who strongly oppose this mandate. At the very least, news of this delay is a relief, but the future is still clouded with uncertainty as long as this law exists. Hoosiers know that a 1-year delay of the employer mandate, and even of the individual mandate, is no more than a Band-Aid.

ObamaCare is a roadblock for American companies. According to small businesses in the Second District, this law is the number one job killer. That's why I ask for the President to permanently delay the health care law.

#### SEQUESTER

(Mr. CARTWRIGHT asked and was given permission to address the House for 1 minute.)

Mr. CARTWRIGHT. Madam Speaker, as the House prepares this week to vote for the 38th time to take patient protections away from working families and to undermine the economic security of the middle class, millions of working Americans are struggling to make ends meet due to this Chamber's inaction.

It has been months since across-the-board sequester cuts were enacted, devastating so many important Federal programs on which Americans rely; and now, as the House leadership refuses to allow votes on alternatives to replace the sequester, 18,132 Defense employees are currently being involuntarily furloughed across Pennsylvania, resulting in a \$71 million economic loss for my State. In one place alone, 3,528 middle class Americans are being furloughed at the Tobyhanna Army Depot, which is a facility that provides essential support for our warfighters.

We have to work together to fix this problem and to reduce our deficit by growing the economy.

#### DELAYING INDIVIDUAL AND EMPLOYER MANDATES

(Mr. MESSER asked and was given permission to address the House for 1 minute.)

Mr. MESSER. ObamaCare is not working. The American people know that. Now, it seems President Obama knows that, too.

The President's unilateral decision to violate the law and delay the employer mandate postpones some of the law's worst damage for businesses. Fundamental fairness dictates that individuals get the same reprieve. Some say delay gives the administration time to get it right. I say no amount of time

will fix what's wrong with this job-killing law.

Each day this law is delayed gives us more time to seek its total repeal. We must protect as many people as possible from the pain this Big Government behemoth is inflicting on our Nation.

#### LEARN ACT

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, literacy is the foundation for success in every aspect of our economy and society.

Research clearly demonstrates that a literacy-rich environment starting in early childhood is a critical prerequisite for high school graduation, college success, and career readiness; but according to the National Assessment of Educational Progress, two-thirds of all fourth and eighth graders do not read at a proficient level. Underachievement in literacy at all educational levels contributes significantly to our Nation's high dropout rate, which costs the country hundreds of billions of dollars and squanders the potential and contribution of each student who drops out.

That is why today, along with my colleague, the gentleman from Colorado (Mr. POLIS), I am introducing the Literacy Education for All, Results for the Nation Act. The LEARN Act provides a strong Federal investment for States and localities to develop and implement comprehensive literacy plans for children from birth through the 12th grade.

Madam Speaker, I urge my colleagues to join me in supporting the LEARN Act in order to help ensure today's students are prepared to lead the workforce of the future and to keep our Nation at the forefront of the global economy.

□ 1230

#### IN RECOGNITION OF JEB HARMON

(Mr. GOSAR asked and was given permission to address the House for 1 minute.)

Mr. GOSAR. Madam Speaker, joining me off the House floor today is Jeb Harmon, a dedicated staffer of mine for almost 2 years.

Jeb embodies the spirit, work ethic, and patriotism we need from young adults who will one day lead our Nation. He has worked tirelessly first as an intern and then as a valued member of my communications team, helping to keep my constituents updated on my actions in D.C. and at home.

Jeb isn't a future leader. Jeb is a leader today. In just a few weeks, Jeb will leave my office to go to law school. Though he will be missed, I am incredibly proud of him.

For Jeb and for all students reaching their own American Dream, we must keep the burden of student loan debt from being cost prohibitive.

#### MILITARY SEXUAL ASSAULT

(Ms. GABBARD asked and was given permission to address the House for 1 minute.)

Ms. GABBARD. Mr. Speaker, yesterday in the Senate, we heard some great news. Senators RAND PAUL and TED CRUZ joined Senator KIRSTEN GILLIBRAND and many others in support of the Military Justice Improvement Act.

This is a group of courageous leaders, bipartisan, taking serious action to stop the epidemic of violent sexual assaults amongst our men and women who courageously serve in our military.

Recently, the Defense Department reported that 26,000 sexual assaults had occurred in 2012 alone. Contrary to popular belief, this is not just an issue affecting female servicemembers. Over 53 percent of these assaults, over half of the 26,000, had been male victims. Unfortunately, 87 percent of these assaults went unreported.

This is a matter of basic fairness, transparency, and justice. Placing the decision to bring charges against these perpetrators of serious violent crimes into the hands of experienced professional military investigators and prosecutors outside of the chain of command will not erode a commander's ability to lead his or her troops.

We must change the status quo. These crimes have been ignored for far too long.

#### OBAMACARE IS A BAD LAW

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, the President announced that his administration plans to ignore ObamaCare's employer mandate for 1 year, exempting businesses from its harmful side effects.

The White House scrambling is to be expected. ObamaCare is a bad law. But it's a bad law the President asked for; and it's a bad law he, as mastermind and chief enforcer, must obey, unless Congress authorizes a change.

It's no secret to anyone that House Republicans see ObamaCare for the broken law it is. We don't want any American to suffer under its weight. We voted nearly 40 times to delay, dismantle, or repeal the law, and we'll vote again to delay the implementation of ObamaCare's onerous employer mandate today.

But we aren't stopping there. If businesses are getting a break from the President's law, individual Americans should, too.

Attempting to justify selective enforcement is beyond rationality. Delaying the individual mandate tax is a matter of basic fairness.

#### PATIENT PROTECTION AND AFFORDABLE CARE ACT

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, 38 times? How many times will we vote to repeal or take away patient protection from families and to undermine the middle class? It makes no sense.

Look at what we know:

The United States Supreme Court said the PPACA is constitutional; Millions have already benefited;

One hundred million cannot have lifetime limits placed upon their health care;

By January 2014, 129 million cannot be denied coverage due to a preexisting condition;

By 2020, there will be no doughnut hole, and already 6.3 million seniors save \$6.1 billion on prescription drugs;

Women cannot be discriminated against by 2014; last year alone, 90 percent of the best-selling plans still charged women more; and

Seventeen million children are now protected from being denied coverage due to a preexisting condition.

Mr. Speaker, really, 38 times? Why? It makes no common sense.

#### OBAMACARE WILL DESTROY THE VERY HEALTH AND WELL-BEING OF WORKERS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, here it is, Patient Protection and Affordable Care Act, section 1513, page 159, paragraph D, Effective Date. This is the section that deals with the so-called "employer responsibility," what we call the "employer mandate," the effective date as defined in law:

The amendments made by this section shall apply to the months beginning after December 31, 2013.

Mr. Speaker, I'd like to bring the House's attention to a letter that was submitted to Leader PELOSI and Leader REID by leaders of some of our country's labor unions. This is from James Hoffa from the Teamsters Union.

Since the Affordable Care Act was enacted, we have been bringing our deep concerns to the administration seeking reasonable regulatory interpretations to the statute that would help prevent the destruction of non-profit health plans. As you both know firsthand, our persuasive arguments have been disregarded and met with a stone wall by the White House and the pertinent agencies. This is especially stinging because other stakeholders have repeatedly received successful interpretations for their respective

grievances. Most disconcerting of course is last week's huge accommodation for the employer community—extending the statutorily mandated December 31, 2013, deadline for the employer mandate and penalties.

#### BEDFORD MEMORIAL ELEMENTARY

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEA-PORTER. Mr. Speaker, I recently had the pleasure of visiting New Hampshire's Bedford Memorial Elementary School to congratulate the school community for their recognition as a National Blue Ribbon School.

Bedford Memorial Elementary educates children from preschool through the fourth grade, and the school is dedicated to each student's academic, emotional, and physical development. The teachers' and staff's attention to every single child and every single detail was obvious from the moment I entered the school. The young students at the schoolwide ceremony I attended were some of the best behaved children I have ever seen, and it was clear that the teachers and the administration celebrated children and were dedicated to their wellness and their education.

At the ceremony, the school recognized the children, the leaders who had worked throughout the year to help other students get along. They also sang, and they danced a very happy and spirited dance that helped showcase their arts and their holistic approach to education.

The ceremony served as a testimony to the tremendous leadership of the principal and the staff and the school board and, most importantly, the parents.

The Department of Education's Blue Ribbon School Award is exactly the kind of positive recognition that helps our best available schools and shows others what is possible in every school for every child.

Congratulations to them.

#### THE CENTENNIAL ANNIVERSARY OF DELTA SIGMA THETA SORORITY

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. I rise today to honor the great contributions of Delta Sigma Theta Sorority, which is celebrating its 100th anniversary here in Washington, D.C., this week.

Founded in 1913, on the campus of Howard University, Delta Sigma Theta is committed to sisterhood, scholarship, and service. It's the largest African American women's organization in the country, and provides assistance and support to communities throughout the world.

Delta has played an important part in civil rights and women's rights, and even in 1913, just after its founding, marched in the women's suffrage march. That was its first activity.

For a century, Delta members have been at the forefront of politics, medicine, law, the arts, military, and faith. Esteemed members of Delta include civil rights heroine and Presidential Medal of Freedom recipient, the late Dorothy Height, and two of my heroines, Congresspeople Barbara Jordan and Shirley Chisholm. And in the arts, Ruby Dee Davis, Cicely Tyson, and Lena Horne.

Delta's storied history also includes the accomplishments of many women from my hometown, Memphis: Mary Church Terrell, Representative Johnnie Turner, Speaker Pro Tempore Lois DeBerry, the late and great civil rights leader Maxine Smith, National Civil Rights Museum Director Beverly Robertson, and Olympic Gold Medalist Rochelle Stevens.

I salute both the Memphis and Shelby County alumnae chapters and the thousands of Deltas who are currently in our Nation's Capital to celebrate their first 100 years. I thank them for their service, and wish them many more.

#### PROVIDING FOR CONSIDERATION OF H.R. 2668, FAIRNESS FOR AMERICAN FAMILIES ACT; AND PROVIDING FOR CONSIDERATION OF H.R. 2667, AUTHORITY FOR MANDATE DELAY ACT

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 300 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 300

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2668) to delay the application of the individual health insurance mandate. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2667) to delay the application of the employer health insurance mandate, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the

Committee on Ways and Means; and (2) one motion to recommit.

SEC. 3. (a) In the engrossment of H.R. 2668, the Clerk shall—

(1) add the text of H.R. 2667, as passed by the House, as new matter at the end of H.R. 2668;

(2) conform the title of H.R. 2668 to reflect the addition of the text of H.R. 2667, as passed by the House, to the engrossment;

(3) assign appropriate designations to provisions within the engrossment; and

(4) conform cross-references and provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 2667, as passed by the House, to the engrossment of H.R. 2668, H.R. 2667 shall be laid on the table.

The SPEAKER pro tempore (Mr. DENHAM). The gentleman from Texas is recognized for 1 hour.

Mr. BURGESS. For the purpose of debate only, I yield the customary 30 minutes to the gentlelady from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, House Resolution 300 provides for consideration of two closely related bills, H.R. 2667, the Authority for Mandate Delay, and H.R. 2668, the Fairness for American Families Act. The rule provides for 1 hour of general debate for each bill, controlled by the Committee on Ways and Means. Further, the minority will be offered a motion to recommit on each bill. Because the issues before us in these two bills are so closely linked, the rule provides that, upon passage, the Clerk will merge the text of both bills into a single measure to send to the Senate.

Mr. Speaker, we're here today because the President has decided that he alone, without consultation, without advice, consent, or even notice to the United States Congress, has the sole authority to decide which laws he will and which laws he will not enforce. The President has done this with regard to immigration laws; he has done this with regard to duly enacted marriage laws; and now, in an act of too true hubris, he has done this with respect to his own signature issue, the President's health care law.

In a July 2, 2013, blog post—a blog post; not a letter, not a phone call, not a press conference, not even a press release, but a blog post—the President announced three significant changes to his health care law that we have been assured over and over is perfect, it's on track, it's on schedule, we will be ready. But this announcement, posted

just before the July 4th holiday, 6 p.m. eastern time, on July 2, when the administration knew that everyone in the country was preparing to celebrate this country's independence, spending time with their families, everyone's attention was diverted so they did not notice that two major provisions to the President's signature piece of legislation were being postponed:

First, the requirement that employers report data to the Internal Revenue Service are postponed for a year;

Second, the requirement that large employers offer coverage to full-time workers or pay a penalty. Large employers are defined as having 50 or more full-time equivalent workers. Well, that's postponed; and

Third, the requirement that coverage offered by large companies be not more than 9.5 percent of an employee's pay for his or her individual coverage.

With the President's supporters chanting they can't wait any longer for the benefits of the health care law to go into effect, the President has responded and told them, "Just wait."

In showing that the House Republicans and the President can, in fact, come together and agree upon an issue, Mr. GRIFFIN from Arkansas introduced H.R. 2667, the Authority for Mandate Delay Act, providing the President with the statutory authority that he has already usurped and codifying the President's announcement.

□ 1245

Although Republicans have long held that all provisions in the health care bill should be delayed—delayed permanently—we can at least come together when we are on the same page as the President and support his efforts by passing his announcement into law.

However, while he's giving a pass to employers by not requiring them to offer health care coverage next year, he is giving no such pass to individual citizens. The individual mandate and other elements of the Affordable Care Act remain unchanged. Republicans believe providing relief to businesses while denying that same relief to individuals is inherently unfair.

For this reason, Representative TODD YOUNG from Indiana has introduced H.R. 2668, the Fairness for American Families Act. This bill would provide the same relief to individuals and families that the President has provided to business owners. It is the fair thing to do. It is the right thing to do.

The President has justified his postponement of the employer mandate by pointing out that the regulations surrounding the mandate are just so very complicated, businesses will need at least one more year to comply. And, quite frankly, his administration will need at least one more year to put the regulations into place. This is the same argument that could be used for the individual mandate. I am highly skept-

tical, as are many of my colleagues on both sides of the aisle, that this administration will be able to have the exchanges and the insurance programs up and running.

Remember, open enrollment starts in just a few weeks, October 1 of this year, a prerequisite for the individual mandate to be able to be implemented. Although officials from the administration repeatedly claim they are on track to implement this law and meet its deadlines, the employer mandate postponement shows that the train, in fact, is not coming off the rails, it's already off the rails with regard to implementation.

On October 1, navigating the exchanges will be a nightmare for our constituents, and yet the administration has turned its back on giving them any relief from their law. Even the law's original proponents are beginning to become more vocal about the law's unintended consequences and negative effects on Americans' lives. In a letter sent to NANCY PELOSI and Leader REID last Friday, three major unions wrote:

When you and the President sought our support for the Affordable Care Act, you pledged that if we liked the health plans we have now, we could keep them. Sadly, that promise is under threat. Right now, unless you and the Obama administration enact an equitable fix, the Affordable Care Act will shatter not only our hard-earned benefits, but destroy the foundation of the 40-hour workweek that is the backbone of the American middle class.

After detailing in the letter how Democrats have repeatedly ignored the unions' pleas to fix this ill-conceived bill, the letter concludes:

Time is running out: Congress wrote this law; we voted for you. We have a problem; you need to fix it. The unintended consequences of the Affordable Care Act are severe. Perverse incentives are already creating nightmare scenarios.

Mr. Speaker, I hope that the Democrats will join Republicans today and, quite frankly, follow the President's lead and postpone this law. What's good for business should be good for the American people. Republicans have sided with the American people on this issue time and again. The American people do not want this law to be implemented as its written, and we're here today to see that it is not. I am encouraging my colleagues to vote "yes" on the rule and "yes" on the two underlying bills.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I want to thank my friend for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I feel as though I could give the same speech today that I have delivered repeatedly in the Rules Committee and on the House floor for the past 3 years. Despite failing 37 times

before, the majority is trying the 38th and 39th time today to repeal, defund, or otherwise undermine the Affordable Care Act.

However, unlike past votes, today's attempt to undermine the law occurs on the very same day that my home State of New York delivered incredible news to New York families. Today we learned that, thanks to the Affordable Care Act, health insurance premiums for many of my fellow New Yorkers will be reduced by 50 percent or more. In my district alone, 56,330 persons will be eligible to access those savings through New York's new health insurance exchange.

New York is just the latest in a growing number of States finding the same thing—including Oregon, California, and Washington—where the cost of health care premiums are being reduced because of the Affordable Care Act.

As *The New York Times* reported this morning, some low-income individuals in New York could see their premiums go from \$1,000 a month to as low as \$308 a month, and subsidies provided for lower-income persons through the Affordable Care Act will drive those premiums even lower. Believe me when I tell you that New York does not want to be relieved of the burden of the Affordable Care Act. For many of them, it will be the first time in their lives they've been able to afford it.

This is incredibly good news for millions of people in New York and a realization of the law's promise to provide more affordable health care.

Among other accomplishments, the Affordable Care Act is increasing competition in New York because 17 insurers have been approved to participate in the individual insurance marketplace. That competition, again, Mr. Speaker, as all of us know, is what helps to bring down the cost. And that is working. Meanwhile, on top of that, as we know the Affordable Care Act requires all insurance companies to spend 80 cents of your premium dollar on your health care, we know that will even add to the tumbling costs.

And perhaps most importantly, the individual mandate included in the Affordable Care Act will soon take effect, driving down costs even more. Given this fact alone, it is the height of irresponsibility and nihilistic obstruction for the majority to attempt to delay its implementation one more time. Delaying the individual mandate would undermine the very foundation of the Affordable Care Act and cause health care premiums to skyrocket. In fact, the Urban Institute has estimated that without the individual mandate, an extra 13.8 million people would go without insurance because of the cost.

Everyone from doctors to health insurance companies knows this fact. And, indeed, they are working together in New York to implement this act.

That's why organizations such as the American Academy of Family Physicians, the American Heart Association, and the American Diabetes Association are opposing the majority's proposal today.

In a letter to Congress, the American Academy of Family Physicians recently wrote that the individual mandate "is the foundation of improving access to care and vital to ensuring that everyone has health insurance coverage. For that reason, the American Academy of Family Physicians supports the health coverage requirement for individuals" and urges that we get on with the program.

Mr. Speaker, the fact of the matter is the majority's proposal is nothing more than an attempt to score cheap political points. As has been the case for the last 3 years, the Senate will not take up this bill, and everybody here knows that. And even if they did by some strange quirk of fate pass it, the President would veto it. He's said so already. So we're spending another week of legislative business doing another meaningless piece of legislation that we know will not go anywhere.

We should be rejoicing, Mr. Speaker, about the things that are coming in from States that have already set up their exchanges about the money that is being saved and the many, many more people being insured. I've said many times before the estimated cost of running the House of Representatives is \$24 million a week. Of all people, the Members of the majority who claim to care so dearly for stopping wasteful spending should be objecting to a legislative agenda that holds a variation of the same go-nowhere bill for 39 times.

Bridges are collapsing. Our economic growth is anemic. Millions of Americans are unemployed, and if the farm bill passed here last week were to become law, they would not only be unemployed, they would not be allowed to get food stamps to help them feed their families.

Meanwhile, sequestration is closing Head Start programs, furloughing working moms and dads, and cutting programs that serve vulnerable populations such as our Indian populations living on reservations who are hit extremely hard by sequestration.

Yet instead of addressing any of these issues, the majority continues to play this game. Such a self-serving political pursuit is a shameful mark on the history of this Chamber and our democracy.

Etched above the Speaker's rostrum is a quote from Daniel Webster that speaks to the need to end the political games and to focus on issues that are important to the American people. In part, those words read:

Let us see whether we also in our day and generation may not perform something worthy to be remembered.

In 2010, I was proud to play a central role in the passage of the Affordable Care Act. I faced a lot of vitriol because of it. In the darkest moments, my district office was vandalized and the lives of my grandchildren were threatened. Yet I remained dedicated to passing the law because at the time health care costs were approaching 20 percent of our Nation's GDP, and an unconscionable number of Americans were being denied basic health care because of the cost of preexisting conditions. And in eight States in this United States and the District of Columbia, violence against women, domestic violence, was considered a preexisting condition. No more.

Before voting on the legislation, the Democratic Caucus read the bill three times line by line. By the time it was signed into law, it was clear this legislation would deliver on the promise of secure and affordable care for millions who had been denied health care for far too long.

Looking back at that moment in time, it is my belief that the law we produced will go down in history, as Webster says, as "something worthy to be remembered."

Already, thanks to the Affordable Care Act, seniors have begun receiving free preventive screenings and subsidies to cover the cost of prescription medicines when they fall in the doughnut hole. In a few years, the doughnut hole will be completely closed.

In addition, children under the age of 26 are now protected under their parent's insurance coverage while they find their first job and start a life of their own. Finally, prior to passage of the Affordable Care Act, in eight States, disgracefully, domestic violence was considered a preexisting condition. Those policies are now outlawed. And soon, no health insurance plan in the country will be allowed to deny an individual coverage because of a preexisting condition, and women will no longer have to pay a higher price for their insurance than men simply because of their gender.

All of this incredible progress is because of the Affordable Care Act. So while repealing the mandate may serve the narrow political interests of the majority, it is a dangerous proposition for the health and wellbeing of American families. Americans deserve a Congress focused on solutions, not a 39th attempt to rehash debates of the past.

Mr. Speaker, as we debate yet another go-nowhere attempt to undermine the Affordable Care Act, I urge the majority to read the words above the Speaker's rostrum and put an end to their tired political games. It is past time for us to get to work on meaningful legislation to help the American people.

I urge my colleagues to oppose this rule and the underlying legislation.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Minnesota (Mr. KLINE), the distinguished chairman of the Committee on Education and the Workforce.

Mr. KLINE. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I rise today in strong support of the rule and the underlying legislation.

As the attention of the American people turned to celebrating the July 4th holiday, the Obama administration quietly announced through a blog post on the Treasury Department's Web site it would delay enforcement of a vital part of the President's health care law—the employer mandate.

The reason for the delay? According to administration officials, the Federal bureaucracy needs more time to get it right. Let's be honest: no amount of time or bureaucratic tinkering will ease the pain ObamaCare is inflicting on workplaces across the country. The employer mandate will destroy jobs, whether it's implemented a year from now or 10 years from now. In fact, Mr. Speaker, jobs are already being lost and employees' work hours are being cut today because of the law.

That's the difficult reality facing workers and job creators from my home State of Minnesota and across the country.

□ 1300

It's part of the reason we are stuck in a jobs crisis with 12 million Americans searching for full-time work. Even union leaders are beginning to realize how the health care law they supported is hurting workers.

And the quote from my colleague, Mr. BURGESS, laid that out very clearly. They were promised, as all Americans were promised, if they liked their health care, they could keep it; and they're finding out that's simply not true.

The delay of the employer mandate is the latest confirmation of the fatally flawed nature of ObamaCare and the need to dismantle it. That is why I support the proposal to delay the employer mandate for 1 year, as well as a bill the House will also consider today to delay enforcement of the individual mandate.

In less than a year, individuals who fail to purchase government-approved health insurance will be forced to pay higher taxes. It isn't right, Mr. Speaker, to deny American families the same relief available to American businesses.

The American people didn't ask for this government takeover of health care, and they don't want it. Let's give every family and business the reprieve from ObamaCare they deserve.

I urge my colleagues to support this rule and the underlying legislation.

Ms. SLAUGHTER. Mr. Speaker, before I yield time, I'd like to insert in

the RECORD the article from The New York Times this morning entitled "Health Plan Cost for New Yorkers Set To Fall 50 Percent."

[The New York Times, July 16, 2013]

HEALTH PLAN COST FOR NEW YORKERS SET TO FALL 50%

(By Roni Caryn Rabin and Reed Abelson)

Individuals buying health insurance on their own will see their premiums tumble next year in New York State as changes under the federal health care law take effect, Gov. Andrew M. Cuomo announced on Wednesday.

State insurance regulators say they have approved rates for 2014 that are at least 50 percent lower on average than those currently available in New York. Beginning in October, individuals in New York City who now pay \$1,000 a month or more for coverage will be able to shop for health insurance for as little as \$308 monthly. With federal subsidies, the cost will be even lower.

Supporters of the new health care law, the Affordable Care Act, credited the drop in rates to the online purchasing exchanges the law created, which they say are spurring competition among insurers that are anticipating an influx of new customers. The law requires that an exchange be started in every state.

"Health insurance has suddenly become affordable in New York," said Elisabeth Benjamin, vice president for health initiatives with the Community Service Society of New York. "It's not bargain-basement prices, but we're going from Bergdorf's to Filene's here."

"The extraordinary decline in New York's insurance rates for individual consumers demonstrates the profound promise of the Affordable Care Act," she added.

Administration officials, long confronted by Republicans and other critics of President Obama's signature law, were quick to add New York to the list of states that appear to be successfully carrying out the law and setting up exchanges.

"We're seeing in New York what we've seen in other states like California and Oregon—that competition and transparency in the marketplaces are leading to affordable and new choices for families," said Joanne Peters, a spokeswoman for the Department of Health and Human Services.

The new premium rates do not affect a majority of New Yorkers, who receive insurance through their employers, only those who must purchase it on their own. Because the cost of individual coverage has soared, only 17,000 New Yorkers currently buy insurance on their own. About 2.6 million are uninsured in New York State.

State officials estimate as many as 615,000 individuals will buy health insurance on their own in the first few years the health law is in effect. In addition to lower premiums, about three-quarters of those people will be eligible for the subsidies available to lower-income individuals.

"New York's health benefits exchange will offer the type of real competition that helps drive down health insurance costs for consumers and businesses," said Mr. Cuomo.

The plans to be offered on the exchanges all meet certain basic requirements, as laid out in the law, but are in four categories from most generous to least: platinum, gold, silver and bronze. An individual with annual income of \$17,000 will pay about \$55 a month for a silver plan, state regulators said. A person with a \$20,000 income will pay about \$85 a month for a silver plan, while someone

earning \$25,000 will pay about \$145 a month for a silver plan.

The least expensive plans, some offered by newcomers to the market, may not offer wide access to hospitals and doctors, experts said.

While the rates will fall over all, apples-to-apples comparisons are impossible from this year to next because all of the plans are essentially new insurance products.

The rates for small businesses, which are considerably lower than for individuals, will not fall as precipitously. But small businesses will be eligible for tax credits, and the exchanges will make it easier for them to select a plan. Roughly 15,000 plans are available today to small businesses, and choosing among them is particularly challenging.

"Where New York previously had a dizzying array of thousands upon thousands of plans, small businesses will now be able to truly comparison-shop for the best prices," said Benjamin M. Lawsky, the state's top financial regulator.

Officials at the state Department of Financial Services say they have approved 17 insurers to sell individual coverage through the New York exchange, including eight that are just entering the state's commercial market. Many of these are insurers specializing in Medicaid plans that cater to low-income individuals.

North Shore-LIJ Health System, the large hospital system on Long Island, intends to offer a health plan for individuals as well as businesses for the first time. Some of the state's best-known insurers, UnitedHealth Group and WellPoint, are also expected to participate. Insurers may decline to participate after they receive approval for their rates, but this is unlikely.

For years, New York has represented much that can go wrong with insurance markets. The state required insurers to cover everyone regardless of pre-existing conditions, but did not require everyone to purchase insurance—a feature of the new health care law—and did not offer generous subsidies so people could afford coverage.

With no ability to persuade the young and the healthy to buy policies, the state's premiums have long been among the highest in the nation. "If there was any state that the A.C.A. could bring rates down, it was New York," said Timothy Jost, a law professor at Washington and Lee University who closely follows the federal law.

Mr. Jost and other policy experts say the new health exchanges appear to be creating sufficient competition, particularly in states that have embraced the exchanges and are trying to create a marketplace that allows consumers to shop easily.

"That's a very different dynamic for these companies, and it's prodding them to be more aggressive and competitive in their pricing," said Sabrina Corlette, a professor at Georgetown University's Center on Health Insurance Reform.

But some consumers may still find the prices and plans disappointing. Jerry Ball, 46, who owns a recycling business in Queens, said the cost of covering his family increased so rapidly in the last few years that he had to scale back their coverage. Still, he pays nearly \$18,000 a year for a high-deductible policy for a family of three.

He said he would be reluctant to part ways with his insurer, Oxford, and was disappointed that even the least expensive Oxford plan being offered next year would cost about as much as he pays now.

With another plan, he said: "Will I be able to maintain my doctors? I'm concerned that

some of the better doctors aren't going to take health insurance."

He acknowledged that the new law would allow him for the first time to easily switch plans, but it is still hard for him to believe it guarantees coverage for pre-existing conditions. "I have to be careful. I can't be denied coverage, right?" he asked.

I yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, the premise of H.R. 2667, the employer mandate bill, which is part of the rule here today, is that somehow the administration overreached by announcing this postponement of the employer tax measure which was part of the Affordable Care Act.

The fact of the matter is, if the proponents had picked up the phone and called the Congressional Research Service and asked them if the IRS has postponed imposition of statutorily required requirements, the fact of the matter, they would have found out what I hold in my hand, which is a memo that was issued today that cites four examples, just within the last 2 or 3 years, where the IRS delayed statutory reporting requirements because of the fact that comments from private sector voices around the country warned that it needed more time to be implemented.

The 2006 law imposing a 3 percent withholding requirement effective December 31, 2010, was delayed till 2012. The 2009 Worker Home Ownership and Business Assistance Act was delayed for a year for a statutory electronic filing requirement.

The Foreign Account Tax Compliance Withholding Act was postponed 2 years, again, because of a comment that came in from the private sector.

And the FAA law, which was passed in 2011, which had a retroactive collection of excise tax, that was waived by the IRS, again, because of the fact that, after passage of the act, they listened to the American people and to the American business community about the fact that there were some honest-to-God logistical issues that needed to be worked out.

That's exactly what was announced right before the July 4 weekend.

Mr. Speaker, I would ask that this Congressional Research Service memo be admitted to the RECORD so that we at least have some reality basis about what exactly occurred here. This is totally within the IRS's province of authority, with well-established precedent.

The fact of the matter is that this vote is a nullity. It does nothing as a matter of law. CBO has scored it as zero. So the fact of the matter is we're just filling up more time here.

The fact is that we've got people all over this country whose paychecks are being furloughed because of inaction by this Congress.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman another minute.

Mr. COURTNEY. Because of inaction of this Congress, people are losing 20 percent of their paycheck. That's what's hurting the American economy right now.

We have a bipartisan immigration bill which cleared the Senate which we know, from CBO, would actually reduce the deficit and grow the economy. That's what we should be voting on.

We had a bipartisan farm bill which passed the Senate which, again, provides a real horizon for rural America. That's what we should be voting on.

Instead, we are filling this Chamber up with more of the tired rhetoric for a bill that does absolutely nothing and which the Congressional Research Service shows us is completely, totally outside of well-established precedent of American law.

CONGRESSIONAL RESEARCH SERVICE,  
Washington, DC, July 16, 2013.

#### MEMORANDUM

To: Honorable Joe Courtney—Attention: Maija Welton  
From: Erika K. Lunder, Legislative Attorney; Carol A. Pettit, Legislative Attorney  
Subject: Recent Examples of IRS Postponement of Statutory Effective Dates

This memorandum responds to your request for examples of instances in which the Internal Revenue Service (IRS) has postponed statutorily imposed effective dates. This memorandum does not discuss the July 2013 announcement by the Obama Administration to delay implementation of the employer reporting responsibility requirements in the Patient Protection and Affordable Care Act. Four recent examples where the Treasury Department, through IRS, has postponed statutorily imposed effective dates are detailed in this memorandum.

1. The IRS postponed the effective date for a requirement that federal and state governments, along with their political subdivisions and instrumentalities, withhold 3% of payments to persons providing property or services. The 2006 law imposing the requirement stated the withholding provision "shall apply to payments made after December 31, 2010." In 2008, the IRS issued proposed regulations that would "generally be effective for payments made after the later of December 31, 2010, or the date that is 6 months after the publication of final regulations." In 2009, and prior to the regulations being finalized, Congress extended the effective date in the original Act, from December 31, 2010, to December 31, 2011. In May 2011, the IRS issued final regulations, which provided that the withholding requirements would "apply to payments made after December 31, 2012." The IRS explained the reasons for the postponed effective date:

Numerous commenters indicated that an extended period of time following the issuance of final regulations would be necessary for government entities to adopt the systems and processes necessary to comply with the §3402(t) withholding and related reporting requirements. Noting the necessity to formulate government acquisition rules that are consistent with the final regulations, as well as the infrastructure needed to apply those rules, some commenters stated that government entities would need at least

18 months from the issuance of final regulations under section 3402(t) to be able to comply.

In response to these practical considerations, the final regulations provide that the withholding and reporting requirements under these regulations apply to payments made after December 31, 2012, subject to an existing contract exception . . . With respect to payments before January 1, 2013, government entities are not required to apply section 3402(t) withholding and the related reporting, and accordingly will not be subject to any liability, penalties or interest for failure to do so.

In November 2011, Congress repealed the 3% withholding requirement, so it never went into effect.

2. The IRS provided a transitional period for the electronic filing mandate enacted by the Worker, Homeownership, and Business Assistance Act of 2009. As a result, the effective date of the provision was postponed for one year for preparers who anticipated filing more than 10 but fewer than 100 returns during calendar year 2011.

As enacted, the provision generally required that tax return preparers who anticipated filing more than 10 individual tax returns during a calendar year must file those returns on magnetic media. The requirement was statutorily effective for returns filed after December 31, 2010. However, on December 2, 2010, the IRS issued both a notice and proposed regulation postponing the electronic filing mandate for those otherwise affected preparers who anticipated filing fewer than 100 individual tax returns. Those preparers generally would only be required to electronically file returns that they filed after December 31, 2011. The reason given for the transition period was "to promote the effective and efficient administration of the electronic filing requirement in section 6011(e)(3)." The final regulation basically adopted the proposed regulation and was effective March 30, 2011.

3. The IRS has extended various deadlines under the Foreign Account Tax Compliance Act (FATCA). FATCA imposes reporting, withholding, and other requirements on certain foreign financial institutions (FFIs) and payments. The 2010 law enacting FATCA provides that, in general, "the amendments made by this section shall apply to payments made after December 31, 2012." In July 2011, the IRS released a notice that provided a timeline for implementing some of the Act's requirements. For example, the notice provided that certain reporting requirements would start in 2014, and that the withholding requirements would begin on January 1, 2014, and be fully phased in on January 1, 2015. The notice explained the reasons for the phased-in implementation:

Treasury and the IRS have received numerous comments concerning the practical difficulties in implementing aspects of the Chapter 4 rules within the time frames provided in the Act and under Notice 2010-60 and Notice 2011-34. The challenges identified relate to the time to develop compliance, reporting, and withholding systems necessary to comply with Chapter 4 and the implementing notices. In addition, a number of stakeholders have noted that complying with certain provisions may require coordination with a number of foreign governments. Treasury and the IRS have met with stakeholders and foreign governments to understand the specific administrative and legal challenges that must be addressed and the time necessary to do so. While the Act provides that the provisions of Chapter 4 are



effective beginning in 2013, Treasury and the IRS have determined that because Chapter 4 creates the need for significant modifications to the information management systems of FFI's, withholding agents, and the IRS, it is reasonable for regulations to provide for a phased implementation of the various provisions of Chapter 4.

The IRS subsequently issued proposed regulations in February 2012, and in October 2012 released an announcement that extended an additional deadline, citing to practical concerns with the proposed regulations' time frames. The announcement explained that:

The Treasury Department and the IRS have received comments identifying certain practical issues in implementing the chapter 4 rules within the time frames prescribed in the proposed regulations. In particular, comments have noted that the chapter 4 status of entity account holders may change during 2013 as FFI's enter into FFI agreements with the IRS, with the result that withholding agents that put in place new account opening procedures by January 1, 2013, could be required to undertake duplicative efforts to verify an FFI's status as a participating, deemed-compliant, or nonparticipating FFI. Furthermore, comments have indicated that global financial institutions intend to implement uniform due diligence procedures for all affiliates. Accordingly, these comments have suggested aligning the timelines for due diligence for U.S. withholding agents, FFI's in countries with Intergovernmental Agreements, and FFI's in countries without Intergovernmental Agreements in order to significantly reduce administrative burden.

On July 13, 2013, the IRS issued another notice, which extended the effective date for withholding on some payments to July 1, 2014.

4. The IRS extended the effective date of legislation that had provided for retroactive application of several aviation-related taxes. On July 23, 2011, the federal excise taxes on amounts paid for air transportation of people and property expired, and the tax rates on aviation fuel and gasoline were reduced. The Airport and Airway Extension Act of 2011, enacted into law on August 5, 2011, extended the two taxes and the prior rates, retroactive back to July 23, 2011. On August 5, 2011, the IRS announced that it would not require the payment or collection of the two air transportation taxes until August 8, 2011, due to the administrative burden that would arise from requiring payment and collection on past purchases, and would provide penalty relief for taxpayers paying the fuel taxes until that same day.

Mr. BURGESS. Mr. Speaker, I yield as much time as he may consume to the gentleman from Texas (Mr. SESSIONS), the distinguished chairman of the Rules Committee.

Mr. SESSIONS. Mr. Speaker, I want to thank the gentleman, the member of the Rules Committee, Dr. MICHAEL BURGESS, from Lewisville, Texas. Dr. BURGESS is a brand-new member of the Rules Committee and came to the Rules Committee because of his understanding, not just of medicine and health care as a doctor and a provider for many, many years, but also because of his grasp of knowledge of this health care bill which is an enormous bill, which, while we are talking about the economic consequences primarily today on the marketplace where this

bill is causing employers to not hire more employees, is causing more employers to take to part-time worker status their employees because of the extreme ramifications of this, what was called Affordable Care Act, known as the ObamaCare Act.

And today we are here for the simple purpose to say what the President of the United States has now recognized, without comment, and done, not just in the middle of the night on a Web site, but even done on a weekend, and I believe when the President potentially was out of the country.

We're now dealing with the United States Congress speaking our viewpoints about that bill. And the gentleman, Dr. BURGESS, is going to consume time today where he's going to talk about also the problems that physicians have, that patients have, that we look at from a family perspective of trying to make sure we get health care in an affordable way without ruining it.

But today I'd like to focus, if I can, my comments on that it's not a surprise that we have a problem. It's not a surprise that we have a problem with this ObamaCare, or is known as the Affordable Care Act, not just because of the concept that it is, and not just because of how it was run through this Congress, but really, the concept that the Democrats are trying to overlay on the American people a system of government-controlled health care that does not work.

It does not work and will not work in America because America has a vibrant free-enterprise system whereby a person, whether they're an employer or an employee or just as a regular citizen, could contract to get the health care that they would choose to have.

And the reason why health care has become more expensive is that the Federal Government does not pay their fair share for Medicare or Medicaid. This United States Congress does not adequately pay their fair share for our seniors or for poor people, and so what happens is it's taken out on people that work. It is showing up in their cost of health care.

So rather than trying to fix their problem and their responsibility, what President Obama and Democrats did is stick it, more of it, the cost, and a system on the American worker, rather than living up to their responsibility.

And we are here today because the President of the United States got worried because he's hearing so many people come back and say this won't work in America; this is harming job creation; this is harming businesses that want to employ people, and it's causing a huge distortion in the marketplace.

So what the President did, literally, without comment, except on a Web site, he said, we will back off this for 1 year.

Now, we heard testimony last night at the Rules Committee, everything is

okay. Everything is okay. We just are trying to hear feedback from business, and we're going to back off for a year.

That's not really the case. The facts of the case are that this administration, from top to bottom, has failed to provide information to the American people and to business about how they intended for their socialist, government-run plan to work. And they have not provided leadership for 3 years. They've not answered questions. They've not made decisions. They've not been open about how it would really work.

So business has the problem of a legal side. They have a legal responsibility.

Now, you won't have the White House come out and admit this, but they have failed to do their job. And so business has a legal requirement on them of providing notice. They have notice that they have to provide to consumers under State laws and under Federal law.

The facts of the case are they couldn't figure it out because they did not know enough about how this government-run health care system would work. They didn't understand legal consequences. They don't understand reporting consequences. They don't understand consequences because this government is so big and so powerful that they control too much of our life.

Now, in this equation, we also see where a number of unions have now let their opinion be known, and they are directly on the side of this bill today because now they have learned more about this bill, and they are worried. They're worried sick about not just the health care for their members, but how it will individually affect their own families' lives.

The facts of the case are simple. The Democrat Party here is trying to do everything they can do to cover up what is a monster mistake, an inability by the Obama administration to effectively lead on a government-run health care system.

Their only back-up point is to say, if you do this, you're going to put everything in jeopardy. My response is, thank goodness. It needs to be in jeopardy.

What they have done is, effectively, picked on, by doing what they've done, individuals who are not as powerful as groups of individuals collectively under business or under labor unions.

We need to look at the entire scope of this. What is bad for business is superbad for individuals. And individuals are going to find themselves at the behest of working with the IRS on their health care.

They're going to work with the IRS, an organization that is incapable of effectively delivering a fair product and rationally following the law. They think they're above the law. They think that they can control our lives, and, in fact, Mr. Speaker, they can.



So there's far more to this entire debate than simply we're trying to go against precedent of what this President has within his authorities or responsibilities or precedents. Far bigger than that.

What we're here to say today is this Obama health care plan, and his decision that he has made about not moving forward with the law, is a selective enforcement, and it's really their fault. It is their fault for a lack of leadership. It is their fault because they passed a bill that was entirely done by the United States Senate.

And we agreed up in the Rules Committee, no Republican in this House, that we would simply take it as it was, without understanding it, without making it workable and without ever understanding the consequences, because the bottom line is Democrats have been trying to do this for 50 years. And what they're really after is a single-payer system, where the government literally, completely makes every decision, not some of the decisions.

So Republicans are on the floor of the House today to say we ought to repeal the whole thing. We're going to start by this action today, and we're going to follow it up by saying we ought to give individuals the same opportunity to evade this that the President has given to special interests and to business.

It's a sad day today, but let's not twist the facts of the case. A government-run health care system is, at its very basis, a beginning of socialism in medicine, and we oppose that.

I thank the Speaker for the time. I thank the gentleman for the time.

□ 1315

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

By happenstance, I have some figures here that will explain to my colleague and friend, Mr. SESSIONS, the chair of the Rules Committee, what will really happen in his district if he should have his way and this were to go away, and who is really going to be hurt and who really is going to be in jeopardy:

9,200 young adults right now are on their parents' health insurance in his district; more than 6,600 seniors receive prescription drug discounts worth \$10.1 million, or an average discount of \$700 a person; 66,000 seniors are now eligible for Medicare preventive services without paying copays, coinsurance, or a deductible; 182,000 individuals in his district, including 39,000 children and 74,000 women, now have health insurance that covers preventive services without copays, coinsurance or a deductible; 182,000 individuals are saving money due to the ACA provisions that prevent insurance companies from spending more than 20 percent of their premiums on profits and administrative overhead.

Over 46,000 customers in his district received approximately \$6.5 million in insurance company rebates. That's pretty impressive—\$6.5 million. I wonder how many in my district. They will receive an average rebate of at least \$95 a family.

Up to 42,000 children in his district with preexisting health conditions can no longer be denied coverage, and 237,000 individuals—that's a lot of constituents—in his district now have insurance that cannot place a lifetime limit on their coverage and will not face an annual limit for what will be covered. Up to 152,000 individuals in his district who lack health insurance will have access to quality, affordable coverage without fear of discrimination or higher rates because of a preexisting condition. In addition, the 43,000 individuals who currently purchase private health insurance on the individual or small group market will have access to a more secure, higher quality coverage. And many will be eligible for financial assistance.

I think I've made the point that those are the people who are really going to be hurt, should he get his wishes today.

I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, one of the gentlemen who spoke a few minutes ago said the facts should not be twisted. I completely agree.

Here are some facts that the House and the country should have under consideration as we debate this bill. We hear repeatedly on the other side that the Affordable Care Act is a job-killing health care law. In the months prior to the enactment of the Affordable Care Act, the economy lost 6.9 million jobs. In the months since the enactment of the Affordable Care Act, the economy has gained 6.5 million jobs. If it were true that the Affordable Care Act is a job-killing health care law, then why did the number of jobs go up and not down?

Second, we hear that the Affordable Care Act is responsible for an explosion in health care premiums. Today, the State of New York reported that the bids on offering coverage through the new New York health insurance exchange have come in. The typical New Yorker who buys health care for himself or herself will have a premium 50 percent lower than they do today.

Similar numbers have been reflected in California, Oregon, Washington, and other States around the country. If it were true that the Affordable Care Act has led to an explosion of premiums, how do we explain what has happened in New York, California, Oregon, Washington, and other States?

Finally, we hear the conclusion that this is a socialist takeover of the health care system by the government. Well, here's the way it works. A person who goes into the exchange receives a

voucher, a tax credit, and shops among competing private health insurance plans and chooses the one that they like best for their family, much in the nature of a Pell Grant or an FHA loan when one is borrowing a house.

The House deserves the facts. It is not factual that jobs have gone down since the law was passed. They have gone up. It is not factual that premiums have skyrocketed. In the places where the law has been implemented, they have gone down. Finally, a government takeover is false. This is a consumer takeover of health care away from the insurance companies.

Mr. BURGESS. Mr. Speaker, may I inquire as to the remaining time?

The SPEAKER pro tempore. The gentleman from Texas has 10½ minutes remaining.

Mr. BURGESS. Mr. Speaker, I yield 2 minutes to a member of the Education and Workforce Committee, the gentleman from Indiana, Dr. BUCSHON.

Mr. BUCSHON. Mr. Speaker, I was a practicing physician for 15 years, and I rise today to support the rule and support delaying the Affordable Care Act's employer and individual mandates. I support these delays because it's unfair to employees in my district who have suffered lost wages and lost hours at work because of these mandates:

the 54 employees in the Greencastle, Indiana, school district who had their hours cut from full time to part time;

the 150 employees in the Washington/Greene County school district who had their hours cut from full time to part time;

the Spencer County employees who saw their hours cut from 40 hours a week to 28 hours a week;

Wolfe's Auto Auction in Terre Haute, which I recently visited, that has had to cut many employees from full to part time.

There are countless other middle-class Hoosiers who are suffering across Indiana because of these mandates. They're schoolbus drivers, teachers, hospital nurses, and county government employees. Hoosiers work hard every day to provide for their families. Rather than helping them, the government is keeping them from doing it.

This administration would like everybody to believe the economy is growing and over 700,000 jobs were recently created. They failed to mention that 500,000 of those jobs were part time. It's hard to find a full-time job when the government penalizes your employer for giving you more than 30 hours of work.

We talk a lot in this body about how we need to help everyone in these difficult economic times. Yet my colleagues have supported legislation that they know has compromised the opportunity to find a good-paying job and provide for your family. But they stand here and argue that that has not been the case.

A 1-year delay to these mandates is just a Band-Aid. I'll be voting in favor of the rule and the bill. Ultimately, we need to fully repeal the Affordable Care Act.

Ms. SLAUGHTER. If we defeat the previous question, we want to offer an amendment to the rule that would allow the House to consider the Invest in American Jobs Act of 2013. This bill would ensure, at last, that Federally funded transportation and infrastructure projects are constructed with steel, iron, and manufactured goods that are made in America.

To discuss this proposal, I yield 3 minutes to the gentleman from West Virginia (Mr. RAHALL), the distinguished ranking member of the Committee on Transportation and Infrastructure.

Mr. RAHALL. I appreciate the gentlewoman's kind words.

Mr. Speaker, when I go home to West Virginia each week and discuss the state of our Nation with my friends and neighbors, I hear about three things: jobs, jobs, jobs.

That's what this Congress should focus on.

We should stop the political charade of spending time on one bill after another which will not see the light of day in the other body and work together on something that Members of all political stripes should be able to agree upon: creating American jobs and ensuring that our Federal tax dollars are spent wisely.

We are here today in support of those twin goals by ensuring that the investments that we make in our Nation's transportation infrastructure truly help rebuild America—our infrastructure, our companies, and our workers.

Mr. Speaker, in just a few months' time, one of the largest publicly supported infrastructure projects in this country is scheduled to be completed with the opening of the \$6.3 billion east span of the San Francisco-Oakland Bay Bridge. But instead of steel cast in the Alleghenies or roadbed segments assembled in Alameda, cars and trucks using the bridge will be driving over 43,000 tons of steel imported from China, which supported 3,000 Chinese jobs and was financed by U.S. taxpayers.

Last year, Committee on Transportation and Infrastructure Democrats insisted on closing the loopholes in our "Buy America" laws to prevent the continuation of this outrageous and economically harmful practice of outsourcing our Federal highway and transit construction as part of the Surface Transportation Reauthorization Act, known as MAP-21. Unfortunately, despite being passed out of committee and attracting 245 votes on the House floor as part of a motion to instruct, many provisions we pushed for that would have guaranteed strong Buy America requirements for all surface

transportation infrastructure investments were left on the cutting-room floor during the conference process.

Today, we're here to finish the job and ensure that all taxpayer-funded infrastructure investments support American jobs.

If we defeat the previous question, the gentlewoman from New York (Ms. SLAUGHTER), the ranking member of the Committee on Rules, will offer an amendment that will make in order H.R. 949, the Invest in American Jobs Act of 2013, under an open rule. The bill spurs job creation and fosters domestic manufacturing. It will ensure that investments in highways, bridges, public transit and passenger rail systems, airport projects and water infrastructure projects will be stamped Made in America and crafted with American workmanship.

By closing critical loopholes in our Buy America laws and changing domestic content requirements for public transit rolling stock and aviation facilities and equipment, our bill ensures that these investments, financed by U.S. taxpayers, will be used to create and sustain good-paying jobs in our local communities, not outsourced overseas.

Right now we have a lot of Federal transportation and infrastructure dollars in the pipeline and coming down the pike: more than \$50 billion of Federal funding is being invested this year in highway and transit infrastructure projects alone. In the coming months, Congress is also expected to consider legislation to provide significant Federal investment in rail and water infrastructure.

All too often we are giving these contracts—and these high-skill jobs—away to foreign manufacturers and workers. Giving our tax dollars away to support jobs overseas is inexcusable in any instance, but is downright unconscionable when millions of Americans are looking for work.

Let's close these loopholes in our Buy America laws and unleash the American entrepreneurial spirit.

Mr. Speaker, let the House of Representatives vote on H.R. 949, the "Invest in American Jobs Act", because when we make it in America, more Americans can make it.

I urge my colleagues to join me in defeating the previous question.

Mr. BURGESS. I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON LEE) for the purpose of a unanimous consent request.

Ms. JACKSON LEE. Mr. Speaker, I ask unanimous consent to oppose the rule and the underlying bill because it takes health care away from America's children, seniors, and others. Again, getting a sound bite for America.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong opposition to the Rule and the under-

lying legislation because this bill would delay the implementation of the employer mandate a key provision of the Affordable Care Act until 2014.

The House majority on May 16, 2013 placed before this body another bill in another attempt to end the Affordable Care Act also known as Obama Care. Their efforts to do anything and everything they can think of to stop millions of Americans from enjoying the security of health care enjoyed by all of my colleagues in this body is astounding. The health care we enjoy is at the taxpayer expense so we do know what a federally-supported health plan can do. 27.6% of Texans are without health care coverage.

The Department of Health and Human Services announced over \$9 million in grants to fund community health centers all over the state of Texas. The funds will be used to enroll the uninsured in new health coverage options made available under the Affordable Care Act—or Obama Care Act.

The Affordable Care Act is needed and we should not pretend otherwise. The Administration announced that it would on its own allow a delay to work with the 5% of employers who are having difficulty meeting the mandate for providing health insurance for all of their employees. This means that 95% have met the obligation so the need for this change in law is not founded in fact.

In my district over the weekend, I held a press conference to congratulate Community Health Centers in the City of Houston who received part of \$9 million to the State by the Department of Health and Human Services. The Grants to Community Health Centers will fund work to enroll the uninsured in new health coverage options made available under the Affordable Care Act—or Obama Care Act.

Community Health Centers are non-profit, community focused health care providers who serve low-income and medically underserved communities. Community Health Centers care for over 22 million people nationally.

In 2012, 50 million people in the United States had no health insurance coverage, with many losing insurance as a result of the recent recession.

The grants provided to Community Health Care Centers like Legacy Community Health Services located in my district will help millions of uninsured people in our nation get the medical care they need and deserve.

#### LIST OF COMMUNITY HEALTH CENTERS AWARDED FUNDS IN THE CITY OF HOUSTON

Fourth Ward Clinic .....	\$124,395
El Centro Del Corazon .....	144,525
Houston Community Health Care .....	90,691
South Central Houston Community .....	165,755
Asian American Health Coalition of the Greater Houston Area .....	90,867
Spring Branch Community Health Center .....	108,346
Houston Area Community Services .....	73,981
Legacy Community Health Services .....	267,747
Health Care for the Homeless .....	104,000
Harris County Hospital District .....	154,326

In 2012, Texas had 67 health centers operating in 388 sites providing services to over 1 million patients. Fifty-one percent of the 1 million people cared for in my state were uninsured.

Statistics on the Affordable Care Act: Affordable Care Act Benefits to the 18th Congressional District: 11,400 young adults have insurance through their parents; 4,100 seniors received \$5.4 million in discounts for prescription medication an average of \$600 per person. This was a cost savings of \$650 on average and so far in 2013 the savings are \$1,040. 71,000 seniors are now eligible for Medicare prevention services without paying co-pays.

121,000 individuals, including 23,000 children and 50,000 women now have health insurance that prevents insurance companies from spending more than 20% of their premium dollars on profits and administrative overhead; 46,000 children with pre-existing illnesses can no longer be denied insurance; 153,000 people in my district have health insurance that has no lifetime limits on their coverage and will not face annual limits.

Up to 193,000 people in the 18th Congressional District of Houston Texas will have access to quality affordable health care without fear of discrimination or higher rates because of preexisting health conditions.

17,000 individuals who purchase insurance on the private health insurance market established for individuals or small groups will have access to more secure, higher quality coverage and many will have access to financial assistance.

National Benefit of Obama Care: 13 million Americans received \$1.1 billion in rebates from their health insurance companies last year. 105 million Americans have free preventive services. Millions of women now have free coverage for comprehensive women's preventive medical services.

100 million Americans no longer have a lifetime limit on healthcare coverage. 17 million children with pre-existing conditions can no longer be denied coverage by insurers. 6.6 million young-adults up to age 26 can stay on their parents' health insurance plans.

6.3 million Seniors in the "donut hole" have saved \$6.1 billion on their prescription drugs. 3.2 million Seniors have access to free annual wellness visits under Medicare, and

360,000 Small Businesses are using the Health Care Tax Credit to help them provide health insurance to their workers.

Statistics on Texas and the Affordable Care Act: 3.8 million Texas residents receive preventative care services. 7 million Texans no longer have lifetime limits on their healthcare insurance. 300,731 young adults can remain on their parents' health insurance until age 26.

5 million Texas residents can receive a rebate check from their insurance company if it does not spend 80 percent of premium dollars on healthcare. 4,029 people with pre-existing conditions now have health insurance.

In 2014, Insurance companies will be banned from: Discriminating against anyone with a preexisting condition; charging higher rates based on gender or health status; enforcing lifetime dollar limits; enforcing annual dollar limits on health benefits.

The healthcare law has many benefits. For these reasons, I urge my Colleagues to join me in voting no on the rule for this bad bill.

The House and the Senate have real work to create jobs, strengthen the food security for our most vulnerable—children, elderly, dis-

abled and low-wage workers. We need to address immigration reform and Border Security and we should be focused on the need to pass appropriations bills that eliminate Sequestration that is strangling the financial security of millions of federal workers. Sequestration not only hurt federal workers but the local economies that no longer have the incomes provided by federal agencies to stimulate the recovery our nation is now entering.

We should be about the business of the people who sent us to Washington to work in their interest.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. BISHOP), who got great news this morning.

Mr. BISHOP of New York. Mr. Speaker, we did indeed get great news in New York today with respect to how the exchanges in the Affordable Care Act will affect premiums.

I rise to oppose the rule and urge Members to defeat the previous question so that the House may consider the Invest in American Jobs Act introduced by my friend and colleague, Mr. RAHALL, the distinguished ranking member of the Transportation and Infrastructure Committee. This critically important legislation will support domestic manufacturing and create American jobs by strengthening Buy America requirements for investment in our Nation's infrastructure. I strongly support the provisions of this legislation that will permanently codify Buy America requirements for our Nation's preeminent Federal clean water infrastructure program, the Clean Water State Revolving Fund.

When Congress first enacted the Clean Water Act in 1972, it required that any grant funding for wastewater infrastructure—then funded through the Construction Grants program—be used to support "articles, materials or supplies mined, produced, or manufactured in the United States." Unfortunately, in 1987, when then-President Ronald Reagan urged Congress to abolish the Construction Grants program in favor of the current Clean Water SRF, these initial Buy America requirements expired. It was not until 2009, when Congress enacted the Recovery Act, that Buy America provisions were restored for Federal investment in wastewater infrastructure through the Clean Water SRF.

What was remarkable was both how adept the Nation's wastewater industry and the States were at implementing these commonsense domestic preference reforms and how important these were to breathing life back into a faltering domestic supply chain for wastewater infrastructure. As the Recovery Act demonstrated, Buy America requirements for wastewater infrastructure can work, can be implemented with relative efficiency, and most importantly, create jobs—both in the casting of raw materials as well as in the finishing work.

I strongly support reinstatement of the Buy America requirements for the Clean Water SRF program that are contained in this bill. I urge Members to support American jobs by defeating the previous question.

Mr. BURGESS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Today, we are here to finish the job of ensuring that all taxpayer-funded infrastructure investments support American jobs.

If we defeat the previous question, the gentlewoman from New York (Ms. SLAUGHTER), the ranking member on the Committee on Rules, will offer an amendment to the rules that will make in order H.R. 949, the Invest in American Jobs Act of 2013, under an open rule.

□ 1330

H.R. 949 strengthens domestic manufacturing requirements not only for Federal-aid highways, transit, aviation, and other Federal infrastructure investments, but also in rail.

When I was chair of the Subcommittee on Railroads, Pipelines, and Hazardous Materials, I held a roundtable of the importance of buying American in passenger rail projects. Well over 100 American companies participated and advocated for stronger rules. As a result, we included a provision in the Passenger Rail Investment and Improvement Act of 2008 which required that the federally funded rail projects use domestic steel, iron, and other manufactured goods.

We heard a lot of complaints, but 5 years later we know that it works. Let me just say that in Rochelle, Illinois, they just created more than 300 jobs using American companies. H.R. 949 would extend this same Buy America requirements to Amtrak and the Railroad Rehabilitation and Improvement Financing loan program.

When it comes to transportation, every \$1 billion we spend in infrastructure creates 33,000 new jobs. Now, because of the provision, Buy America, for every \$1 billion we spend, it creates 43,890 good-paying American jobs.

I urge the House to defeat the previous question so we can consider this important bill.

Ms. SLAUGHTER. Mr. Speaker, before I close, Dr. BURGESS is a good doctor. I want to put in the same statistics that I read for Chairman SESSIONS for his district. Almost a third of his constituents would be involved, and I know he's going to want to read that in the RECORD.

But let me get to closing. As I have repeatedly said over the last 3 years, the majority is again wasting valuable time, millions of taxpayer dollars to vote today, for the 39th time, to undermine the Affordable Care Act. Meanwhile, they have not taken a single

vote on jobs in this Congress, so we are going to be able to give you a chance to remedy that.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge my colleagues to vote “no” and defeat the previous question so that we can really begin to work on our infrastructure and get Americans back to work.

I urge a “no” vote on the rule, and I yield back the balance of my time.

BENEFITS OF THE HEALTH CARE REFORM LAW IN THE 26TH CONGRESSIONAL DISTRICT OF TEXAS

COMMITTEES ON ENERGY AND COMMERCE,WAYS AND MEANS, AND EDUCATION AND THE WORKFORCE, DEMOCRATIC STAFF REPORT, JULY 2013

The landmark Affordable Care Act (ACA) began delivering important new benefits and protections to tens of millions of American families almost immediately after it was signed into law by President Obama. But the largest benefits of the law will become available to consumers on October 1, 2013, when health insurance marketplaces open in all 50 states. These marketplaces will offer individuals, families, and small businesses an efficient, transparent one-stop shop to compare health insurance policies, receive financial assistance, and sign up for high-quality, affordable, and secure insurance coverage.

This fact sheet summarizes new data on the significant benefits of the health care reform law in Rep. Burgess's district. It also provides the first picture of the impacts of the law in districts redrawn or newly created following the 2010 Census. As a result of the law:

9,500 young adults in the district now have health insurance through their parents' plan.

More than 4,900 seniors in the district received prescription drug discounts worth \$7 million, an average discount of \$650 per person in 2011, \$720 in 2012, and \$850 thus far in 2013.

55,000 seniors in the district are now eligible for Medicare preventive services without paying any co-pays, coinsurance, or deductible.

232,000 individuals in the district—including 66,000 children and 86,000 women—now have health insurance that covers preventive services without any co-pays, coinsurance, or deductible.

230,000 individuals in the district are saving money due to ACA provisions that prevent insurance companies from spending more than 20% of their premiums on profits and administrative overhead. Because of these protections, over 59,300 consumers in the district received approximately \$8.3 million in insurance company rebates in 2012 and 2011—an average rebate of \$95 per family in 2012 and \$187 per family in 2011.

Up to 48,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

305,000 individuals in the district now have insurance that cannot place lifetime limits on their coverage and will not face annual limits on coverage starting in 2014.

Up to 90,000 individuals in the district who lack health insurance will have access to

quality, affordable coverage without fear of discrimination or higher rates because of a preexisting health condition. In addition, the 44,000 individuals who currently purchase private health insurance on the individual or small group market will have access to more secure, higher quality coverage and many will be eligible for financial assistance.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

Let's also just deal with a couple of things that have been said during the last hour of debate.

The gentleman from Connecticut stood up and provided a CRS report that detailed various times in the past where rules have been delayed, the Department of the Treasury, regarding tax law. But what he listed were all bills that have passed since President Obama came into office, and they all had to be postponed because they were ill-conceived and ill-thought-out.

I would just submit that it was December 24 of 2009 when this thing passed out of the United States Senate. If, as the gentlelady says is correct, they sat down and read this thing line by line three times, they were bound to have encountered page 159, paragraph D:

Effective Date. The amendments made by this section shall apply to the months beginning after December 31, 2013.

Mr. Speaker, I would just submit, if the Department of the Treasury said this was going to be a problem—they've known about it for almost 4 years—where have they been? And why was it necessary for it to come up on July 2 at 6 p.m.?

Mr. Speaker, I have asked representatives from the administration, representatives from the agencies: What are you doing? Are there contingency plans? This thing looks awfully complicated. This thing looks awfully complex. Can you get it done? Are you thinking about delaying it? Are you thinking about jettisoning other parts? And as late as the end of April, the first of May, I was told, no, there are no such plans.

Now, the Administrator for the Centers for Medicare and Medicaid Services apparently today, in a hearing, testified that, Yes, sometime in June we had actually made the decision that we were going to have to do something here. This is inconsistency coming from the administration.

We ask for information, and no information is forthcoming. And then we're accused of being obstructionists and saying, Well, you never wanted the law in the first place. Maybe so. But how in the world can we even have a meaningful dialogue if, when you come into the committee and you're asked a direct question under oath, you won't respond accurately? The propensity for prevarication of this administration has been absolutely stunning.

Now, we're here today because of a blog post on July 2 at 6 p.m. I would very much like to get the author of

this blog post into our Committee on Oversight and Investigations on Energy and Commerce and ask her just exactly what was going on, what led to this decision: Did you get a legal memo? Did you get information from some legal counsel as to the fact that this was okay? I would welcome that opportunity. But, Mr. Speaker, you and I know that that opportunity is never going to occur.

So, Mr. Speaker, today's rule provides for the consideration of two critical bills, ensuring that the American people are not penalized for this administration's inability to implement its own law properly.

I applaud the efforts of my colleagues, Mr. GRIFFIN and Mr. YOUNG, and I look forward to the spirited debate on these two bills in the ensuing hours, and I'm sure this House will produce spirited debate.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 300 OFFERED BY  
MS. SLAUGHTER OF NEW YORK

At the end of the resolution, add the following new sections:

SEC. 4. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 949) to ensure that transportation and infrastructure projects carried out using Federal financial assistance are constructed with steel, iron, and manufactured goods that are produced in the United States, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure and the chair and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 5. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 949 as specified in section 4 of this resolution.

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to

offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BURGESS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 36 minutes p.m.), the House stood in recess.

□ 1416

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COOK) at 2 o'clock and 16 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the question previously postponed. Votes will be taken in the following order:

Ordering the previous question on House Resolution 300;

Adopting House Resolution 300, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

## PROVIDING FOR CONSIDERATION OF H.R. 2668, FAIRNESS FOR AMERICAN FAMILIES ACT; AND PROVIDING FOR CONSIDERATION OF H.R. 2667, AUTHORITY FOR MANDATE DELAY ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 300) providing for consideration of the bill (H.R. 2668) to delay the application of the individual health insurance mandate; and providing for consideration of the bill (H.R. 2667) to delay the application of the employer health insurance mandate, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 230, nays 192, not voting 11, as follows:

[Roll No. 357]

YEAS—230

Aderholt  
Alexander

Amash  
Amodei

Bachmann  
Bachus

Barletta  
Barr  
Barton  
Benishek  
Bentivolio  
Billirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cotton  
Cramer  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)

Griffith (VA)  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Massie  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Petri  
Pittenger

Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Westrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (FL)  
Young (IN)

## NAYS—192

Andrews  
Barber  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps

Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Clever  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney

Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
Delaney  
DeLauro  
DeBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart

Eshoo	Lowenthal	Ruiz	Bonner	Hastings (WA)	Posey	Grayson	Maloney,	Sánchez, Linda
Esty	Lowe	Ruppersberger	Boustany	Heck (NV)	Price (GA)	Green, Al	Carolyn	T.
Farr	Lujan Grisham	Rush	Brady (TX)	Hensarling	Radel	Green, Gene	Maloney, Sean	Sanchez, Loretta
Fattah	(NM)	Ryan (OH)	Bridenstine	Holding	Reed	Hahn	Matheson	Sarbanes
Foster	Luján, Ben Ray	Sánchez, Linda	Brooks (AL)	Hudson	Reichert	Hanabusa	Matsui	Schakowsky
Frankel (FL)	(NM)	T.	Brooks (IN)	Huelskamp	Renacci	Hastings (FL)	McColum	Schiff
Fudge	Lynch	Sanchez, Loretta	Broun (GA)	Huizenga (MI)	Ribble	Heck (WA)	McDermott	Schneider
Gabbard	Maffei	Sarbanes	Buchanan	Hultgren	Rice (SC)	Higgins	McGovern	Schrader
Gallego	Maloney,	Schakowsky	Bucshon	Hurt	Rigell	Himes	McNerney	Schwartz
Garamendi	Carolyn	Schiff	Burgess	Issa	Roby	Hinojosa	Meeks	Scott (VA)
Garcia	Maloney, Sean	Schneider	Calvert	Jenkins	Roe (TN)	Honda	Meng	Scott, David
Grayson	Matsui	Schrader	Camp	Johnson (OH)	Rogers (AL)	Hoyer	Michaud	Serrano
Green, Al	McColum	Schwartz	Cantor	Johnson, Sam	Rogers (KY)	Huffman	Miller, George	Sewell (AL)
Green, Gene	McDermott	Scott (VA)	Capito	Jones	Rogers (MI)	Israel	Moore	Shea-Porter
Grijalva	McGovern	Scott, David	Carter	Jordan	Rohrabacher	Jackson Lee	Moran	Sherman
Gutiérrez	McIntyre	Serrano	Cassidy	Joyce	Rokita	Jeffries	Murphy (FL)	Sinema
Hahn	McNerney	Sewell (AL)	Chabot	Kelly (PA)	Rooney	Johnson (GA)	Nadler	Sires
Hanabusa	Meeks	Shea-Porter	Chaffetz	King (IA)	Ros-Lehtinen	Johnson, E. B.	Napolitano	Slaughter
Hastings (FL)	Meng	Sherman	Coble	King (NY)	Roskam	Neal	Neal	Smith (WA)
Heck (WA)	Michaud	Sinema	Coffman	Kingston	Ross	Kaptur	Nolan	Speier
Higgins	Miller, George	Sires	Cole	Kinzing (IL)	Rothfus	Keating	O'Rourke	Swalwell (CA)
Himes	Moore	Slaughter	Collins (GA)	Kline	Royce	Kelly (IL)	Pallone	Takano
Hinojosa	Moran	Smith (WA)	Collins (NY)	Labrador	Runyan	Kennedy	Pascarell	Thompson (CA)
Honda	Murphy (FL)	Speier	Conaway	LaMalfa	Ryan (WI)	Kildee	Pastor (AZ)	Thompson (MS)
Hoyer	Nadler	Swalwell (CA)	Cook	Lamborn	Kilmer	Kind	Payne	Tierney
Huffman	Napolitano	Takano	Cotton	Lance	Sanford	Kirkpatrick	Pelosi	Titus
Israel	Neal	Thompson (CA)	Cramer	Lankford	Scalise	Kuster	Perlmutter	Tonko
Jackson Lee	Nolan	Thompson (MS)	Crawford	Latham	Schock	Langevin	Peters (CA)	Tsongas
Jeffries	O'Rourke	Tierney	Crenshaw	Latta	Schweikert	Larsen (WA)	Peters (MI)	Van Hollen
Johnson (GA)	Owens	Titus	Culberson	LoBiondo	Scott, Austin	Larson (CT)	Peterson	Vargas
Johnson, E. B.	Pallone	Tonko	Daines	Long	Sensenbrenner	Lee (CA)	Pingree (ME)	Veasey
Kaptur	Pascarell	Tsongas	Davis, Rodney	Lucas	Sessions	Levin	Pocan	Vela
Keating	Pastor (AZ)	Van Hollen	Denham	Luetkemeyer	Shimkus	Lipinski	Polis	Velázquez
Kelly (IL)	Payne	Vargas	Dent	Lummis	Shuster	Loeb sack	Price (NC)	Visclosky
Kennedy	Pelosi	Veasey	DeSantis	Maffei	Simpson	Lofgren	Quigley	Walz
Kildee	Perlmutter	Vela	DesJarlais	Marchant	Smith (MO)	Lowenthal	Rahall	Wasserman
Kilmer	Peters (CA)	Velázquez	Diaz-Balart	Marino	Smith (NE)	Lowey	Rangel	Schultz
Kind	Peters (MI)	Visclosky	Duffy	Massie	Smith (NJ)	Lujan Grisham	Richmond	Waters
Kirkpatrick	Peterson	Walz	Duncan (SC)	McCarthy (CA)	Smith (TX)	(NM)	Roybal-Allard	Watt
Kuster	Pingree (ME)	Wasserman	Duncan (TN)	McClintock	Southerland	Luján, Ben Ray	Ruiz	Waxman
Langevin	Pocan	Schultz	Elmiers	McHenry	Stewart	(NM)	Ruppersberger	Welch
Larsen (WA)	Polis	Waters	Farenthold	McIntyre	Stivers	Lynch	Rush	Wilson (FL)
Larson (CT)	Price (NC)	Watt	Fincher	McKinley	Stockman		Ryan (OH)	Yarmuth
Lee (CA)	Quigley	Waxman	Fitzpatrick	McMorris	Stutzman			
Levin	Rahall	Welch	Fleischmann	Rodgers	Terry			
Lipinski	Rangel	Wilson (FL)	Fleming	Meadows	Thompson (PA)			
Loeb sack	Richmond	Yarmuth	Flores	Fortenberry	Tiberry			
Lofgren	Roybal-Allard		Forbes	Fox	Tipton			

## NOT VOTING—11

Campbell	Herrera Beutler	Lewis
Castor (FL)	Holt	McCarthy (NY)
DeGette	Horsford	Negrete McLeod
Grimm	Hunter	

## □ 1442

Ms. CLARKE, Messrs. PAYNE, OWENS, CLEAVER, RUSH, and Ms. SCHWARTZ changed their vote from “yea” to “nay.”

Messrs. CRAWFORD and BACHUS changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. DENHAM). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 232, nays 183, not voting 18, as follows:

[Roll No. 358]

## YEAS—232

Aderholt	Bachus	Bentivolio
Alexander	Barber	Bilirakis
Amash	Bishop	Bishop (UT)
Amodei	Barton	Black
Bachmann	Benishek	Blackburn

Andrews	Cartwright	DelBene
Barrow (GA)	Castro (TX)	Deuch
Bass	Chu	Dingell
Beatty	Cicilline	Doggett
Becerra	Clarke	Doyle
Bera (CA)	Clay	Duckworth
Bishop (GA)	Cleaver	Edwards
Bishop (NY)	Clyburn	Ellison
Blumenauer	Cohen	Engel
Bonamici	Connolly	Enyart
Brady (PA)	Conyers	Eshoo
Braley (IA)	Cooper	Esty
Brown (FL)	Costa	Farr
Brownley (CA)	Courtney	Foster
Butterfield	Crowley	Frankel (FL)
Capps	Cuellar	Fudge
Capuano	Davis (CA)	Gabbard
Cárdenas	Davis, Danny	Gallego
Carney	DeFazio	Garamendi
Carson (IN)	DeLauro	Garcia

## NAYS—183

DelBene	Grayson	Maloney,	Sánchez, Linda
Dingell	Green, Al	Carolyn	T.
Doggett	Green, Gene	Maloney, Sean	Sanchez, Loretta
Doyle	Hahn	Matheson	Sarbanes
Duckworth	Hanabusa	Matsui	Schakowsky
Edwards	Hastings (FL)	McColum	Schiff
Ellison	Heck (WA)	McDermott	Schneider
Engel	Higgins	McGovern	Schrader
Enyart	Himes	McNerney	Schwartz
Eshoo	Hinojosa	Meeks	Scott (VA)
Esty	Honda	Meng	Scott, David
Farr	Hoyer	Michaud	Serrano
Foster	Huffman	Miller, George	Sewell (AL)
Frankel (FL)	Israel	Moore	Shea-Porter
Fudge	Jackson Lee	Moran	Sherman
Gabbard	Jeffries	Murphy (FL)	Sinema
Gallego	Nadler	Nadler	Sires
Garamendi	Johnson (GA)	Napolitano	Slaughter
Garcia	Johnson, E. B.	Neal	Smith (WA)
	Kaptur	Nolan	Speier
	Keating	O'Rourke	Swalwell (CA)
	Kelly (IL)	Pallone	Takano
	Kennedy	Pascarell	Thompson (CA)
	Kildee	Pastor (AZ)	Thompson (MS)
	Kilmer	Payne	Tierney
	Kind	Pelosi	Titus
	Kirkpatrick	Perlmutter	Tonko
	Kuster	Peters (CA)	Tsongas
	Langevin	Peters (MI)	Van Hollen
	Larsen (WA)	Peterson	Vargas
	Larson (CT)	Pingree (ME)	Veasey
	Lee (CA)	Pocan	Vela
	Levin	Polis	Velázquez
	Lipinski	Price (NC)	Visclosky
	Loeb sack	Quigley	Walz
	Lofgren	Rahall	Wasserman
		Rangel	Schultz
		Richmond	Waters
		Roybal-Allard	Watt
		Ruiz	Waxman
		Ruppersberger	Welch
		Rush	Wilson (FL)
		Ryan (OH)	Yarmuth

## NOT VOTING—18

Barr	Delaney	Holt
Bustos	Fattah	Horsford
Campbell	Grijalva	Hunter
Castor (FL)	Grimm	Lewis
Cummings	Gutiérrez	McCarthy (NY)
DeGette	Herrera Beutler	Negrete McLeod

## □ 1449

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BARR. Mr. Speaker, on rollcall No. 358, I was unavoidably detained and unable to vote. Had I been present, I would have voted “yea.”

Stated against:

Mrs. BUSTOS. Mr. Speaker, on rollcall No. 358 I was detained. Had I been present, I would have voted “nay.”

## OFFICIAL PHOTOGRAPH OF 113TH CONGRESS

The SPEAKER. Pursuant to House Resolution 270, this time has been designated for the taking of the official photo of the House of Representatives in session.

The House will be in a brief recess while the Chamber is being prepared for the photo. As soon as the photographer indicates that these preparations are complete, the Chair will call the House to order to resume its actual session for the taking of the photograph. At that point the Members will take their cues from the photographer.

Shortly after the photographer is finished, the House will proceed with business.

### RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess while the Chamber is being prepared.

Accordingly (at 2 o'clock and 52 minutes p.m.), the House stood in recess.

□ 1455

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 55 minutes p.m.

(Thereupon, the Members sat for the official photograph of the House of Representatives for the 113th Congress.)

### MOTION TO ADJOURN

Mr. POLIS. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 10, noes 409, not voting 14, as follows:

[Roll No. 359]

#### AYES—10

Andrews	Maffei	Smith (NJ)
Cartwright	McDermott	Waxman
Farr	Polis	
Johnson (GA)	Richmond	

#### NOES—409

Aderholt	Brownley (CA)	Cook
Alexander	Buchanan	Cooper
Amash	Bucshon	Costa
Amodel	Burgess	Cotton
Bachmann	Bustos	Courtney
Bachus	Butterfield	Cramer
Barber	Calvert	Crawford
Barletta	Camp	Crenshaw
Barr	Cantor	Crowley
Barrow (GA)	Capito	Cuellar
Barton	Capps	Culberson
Bass	Capuano	Cummings
Beatty	Cárdenas	Daines
Becerra	Carney	Davis (CA)
Benishek	Carson (IN)	Davis, Danny
Bentivolio	Carter	Davis, Rodney
Bera (CA)	Cassidy	DeFazio
Bilirakis	Castro (TX)	Delaney
Bishop (GA)	Chabot	DeLauro
Bishop (NY)	Chaffetz	DeBene
Bishop (UT)	Chu	Denham
Black	Cicilline	Dent
Blackburn	Clarke	DeSantis
Blumenauer	Clay	DesJarlais
Bonamici	Cleaver	Deutch
Bonner	Clyburn	Diaz-Balart
Boustany	Coble	Dingell
Brady (PA)	Coffman	Doggett
Brady (TX)	Cohen	Doyle
Braley (IA)	Cole	Duckworth
Bridenstine	Collins (GA)	Duffy
Brooks (AL)	Collins (NY)	Duncan (SC)
Brooks (IN)	Conaway	Duncan (TN)
Broun (GA)	Connolly	Edwards
Brown (FL)	Conyers	Ellison

Elmiers	LaMalfa	Quigley
Engel	Lamborn	Radel
Enyart	Lance	Rahall
Eshoo	Langevin	Rangel
Lankford	Reed	Reichert
Farenthold	Larson (CT)	Renacci
Fattah	Latham	Ribble
Fincher	Latta	Rice (SC)
Fitzpatrick	Lee (CA)	Rigell
Fleischmann	Levin	Roby
Fleming	Lipinski	Roe (TN)
Flores	LoBiondo	Rogers (AL)
Forbes	Loeb sack	Rogers (KY)
Fortenberry	Lofgren	Rogers (MI)
Foster	Long	Rohrabacher
Fox	Lowenthal	Rokita
Frankel (FL)	Lowe	Rooney
Franks (AZ)	Lucas	Ros-Lehtinen
Frelinghuysen	Luetkemeyer	Roskam
Fudge	Lujan Grisham	Ross
Gabbard	(NM)	Rothfus
Galleo	Luján, Ben Ray	Roybal-Allard
Garamendi	(NM)	Royce
Garcia	Lummis	Ruiz
Gardner	Lynch	Runyan
Garrett	Maloney,	Ruppersberger
Gerlach	Carolyn	Rush
Gibbs	Maloney, Sean	Ryan (OH)
Gibson	Marchant	Ryan (WI)
Gingrey (GA)	Marino	Salmon
Gohmert	Massie	Sánchez, Linda
Goodlatte	Matheson	T.
Gosar	Matsui	Sanchez, Loretta
Gowdy	McCarthy (CA)	Sanford
Granger	McCaul	Scalise
Graves (GA)	McClintock	Schakowsky
Graves (MO)	McCollum	Schiff
Grayson	McGovern	Schneider
Green, Al	McHenry	Schock
Green, Gene	McIntyre	Schrader
Griffin (AR)	McKeon	Schwartz
Griffith (VA)	McKinley	Schweikert
Grijalva	McMorris	Scott (VA)
Guthrie	Rodgers	Scott, Austin
Gutiérrez	McNerney	Scott, David
Hahn	Meadows	Sensenbrenner
Hall	Meehan	Serrano
Hanabusa	Meeks	Sessions
Hanna	Meng	Sewell (AL)
Harper	Messer	Shea-Porter
Harris	Mica	Sherman
Hartzler	Michaud	Shimkus
Hastings (FL)	Miller (FL)	Shuster
Hastings (WA)	Miller (MI)	Simpson
Heck (NV)	Miller, Gary	Sinema
Heck (WA)	Miller, George	Sires
Hensarling	Moore	Slaughter
Higgins	Moran	Smith (MO)
Himes	Mullin	Smith (NE)
Hinojosa	Mulvaney	Smith (TX)
Holding	Murphy (FL)	Smith (WA)
Honda	Murphy (PA)	Southerland
Hoyer	Nadler	Speier
Hudson	Napolitano	Stewart
Huelskamp	Neal	Stivers
Huffman	Neugebauer	Stockman
Huizenga (MI)	Noem	Stutzman
Hultgren	Nolan	Swalwell (CA)
Hurt	Nugent	Takano
Israel	Nunes	Terry
Issa	Nunnelee	Thompson (CA)
Jackson Lee	O'Rourke	Thompson (MS)
Jeffries	Owens	Thompson (PA)
Jenkins	Palazzo	Thornberry
Johnson (OH)	Pallone	Tiberi
Johnson, E. B.	Pascrell	Tierney
Johnson, Sam	Pastor (AZ)	Tipton
Jones	Paulsen	Titus
Jordan	Payne	Tsongas
Joyce	Pearce	Turner
Kaptur	Pelosi	Upton
Keating	Perlmutter	Valadao
Kelly (IL)	Perry	Van Hollen
Kelly (PA)	Peters (CA)	Vargas
Kennedy	Peters (MI)	Veasey
Kildee	Peterson	Vela
Kilmer	Petri	Velázquez
Kind	Pingree (ME)	Visclosky
King (IA)	Pittenger	Wagner
King (NY)	Pitts	Walberg
Kingston	Pocan	Walden
Kinzinger (IL)	Poe (TX)	Walorski
Kirkpatrick	Pompeo	Walz
Kline	Posey	
Kuster	Price (GA)	
Labrador	Price (NC)	

Wasserman	Westmoreland	Woodall
Schultz	Whitfield	Yarmuth
Waters	Williams	Yoder
Watt	Wilson (FL)	Yoho
Weber (TX)	Wilson (SC)	Young (AK)
Webster (FL)	Wittman	Young (FL)
Welch	Wolf	Young (IN)
Wenstrup	Womack	

### NOT VOTING—14

Campbell	Holt	McCarthy (NY)
Castor (FL)	Horsford	Negrete McLeod
DeGette	Hunter	Olson
Grimm	Larsen (WA)	Sarbanes
Herrera Beutler	Lewis	

□ 1511

Mr. GOWDY changed his vote from “aye” to “no.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

### AUTHORITY FOR MANDATE DELAY ACT

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 300, I call up the bill (H.R. 2667) to delay the application of the employer health insurance mandate, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HOLDING). Pursuant to House Resolution 300, the bill is considered read.

The text of the bill is as follows:

H.R. 2667

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Authority for Mandate Delay Act”.

#### SEC. 2. DELAY IN APPLICATION OF EMPLOYER HEALTH INSURANCE MANDATE.

(a) IN GENERAL.—Section 1513(d) of the Patient Protection and Affordable Care Act is amended by striking “December 31, 2013” and inserting “December 31, 2014”.

(b) REPORTING REQUIREMENTS.—

(1) REPORTING BY EMPLOYERS.—Section 1514(d) of the Patient Protection and Affordable Care Act is amended by striking “December 31, 2013” and inserting “December 31, 2014”.

(2) REPORTING BY INSURANCE PROVIDERS.—Section 1502(e) of the Patient Protection and Affordable Care Act is amended by striking “2013” and inserting “2014”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provision of the Patient Protection and Affordable Care Act to which they relate.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).



□ 1515

## GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 2667.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2667, a bill that delays the employer mandate.

While it's encouraging to see the administration has finally acknowledged the burdens ObamaCare is placing on employers, we must be a Nation of laws, not blog posts, which is how the administration announced the delay.

While this bill provides employers with some temporary relief from the health care law, it provides no real relief. Even with this delay, small businesses and families will not get what they were promised—affordable health care.

Inexplicably, the administration thinks only businesses should be exempt from the pain inflicted by ObamaCare. How is that fair? Families and individuals are already struggling in this Obama economy. They're paying more for gas, more for food, and wages aren't keeping up with the ever-increasing costs of everyday life. Don't these hardworking Americans deserve the same relief the administration is giving to the business community? That's why we must also pass the Fairness for American Families Act, which will delay the individual mandate.

House Republicans believe it's only fair that families and individuals receive the same treatment. These two bills will ensure that fairness is applied to employers and employees, as well as families and individuals.

The Obama administration claims that they are listening to the American people. Senate Majority Leader HARRY REID recently said "ObamaCare has been wonderful." These claims reveal a Democratic leadership that is out of touch with reality.

When I go back to my district, I hear firsthand from constituents about the concerns with the law. They ask me: Why are my premiums skyrocketing? How can I grow my business with all these new mandates, regulations, and red tape? Why am I losing the insurance I have and like?

House Republicans share those concerns, and these bills are a positive step forward to protect hardworking taxpayers and businesses from some of the most onerous provisions in the health care law.

The administration's "time out" from the law doesn't change the fact that ObamaCare is unworkable. Instead, it's an admission that this law is

unworkable. Just a few months ago, Health and Human Services Secretary Kathleen Sebelius pledged before the Ways and Means Committee that this law would be ready on time and without delays. Well, now we know the truth. This administration cannot make its own law work.

The American people deserve real reforms that actually make health care affordable. During the health care debate, only one bill was scored by the Congressional Budget Office as actually lowering premiums—the House Republican alternative to the Democrats' health care law. It met the top health care priority of American families—lowering the cost of health insurance premiums. We should scrap this law and get back to commonsense, step-by-step reforms on health care.

I urge my colleagues across the aisle to join us and support this legislation. Vote to treat American families and individuals the same as businesses. Vote "yes" to codify the delay of the employer mandate, and vote "yes" to delay the individual mandate.

At this time, I ask unanimous consent that the gentleman from Texas (Mr. BRADY) control the remainder of the time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas will control the time.

There was no objection.

Mr. LEVIN. I yield myself such time as I may consume.

Well, here we go again. Another repeal vote, another political sideshow, and another blow to bipartisanship, which is so vital to addressing a whole host of important issues, including an issue important to our committee—tax reform. Instead of moving forward, once again my Republican colleagues are looking backwards.

The fact is that the President has taken an action that my Republican colleagues support. The administration determined that a delay of employer responsibility requirements was necessary in order to ensure effective implementation of the Tax Code, so it exercised its authority—longstanding administrative relief used by administrations of both parties for many years to grant transition relief.

The Republican response? The Republicans cannot leave well enough alone. They insist on maneuvering for political purposes. Duplicative legislation for purely political reasons that will go nowhere in the Senate and that serves only to set up their 38th vote to repeal the Affordable Care Act.

After the announcement, my colleague, Chairman CAMP, in a new populist flourish, said:

The Obama administration's decision to give corporate America a free pass while continuing to force average, everyday Americans to abide by the law is deeply disturbing.

And the majority leader, Mr. CANTOR, with hyperpopulism, said:

The President came down on the side of big business, but left the American people out in the cold.

Out in the cold? Republican hypocrisy is reaching new heights. Under the Affordable Care Act, tens of millions of Americans will gain previously unavailable access to affordable health insurance. To date—and I emphasize this—more than 6 million young adults have health insurance through their parents' plans, 6 million seniors have saved \$6.1 billion on prescription drugs, and 105 million Americans have received free preventative services.

And in State to State, Americans buying insurance within the new marketplaces will have access to coverage for less than they pay today. New Yorkers, for one, learned today that, on average, individual premiums within the marketplace will be half what they are today. They certainly do not feel left out in the cold.

Competition under ACA is working, and the Republicans call it "socialism."

The market reforms from the health law work together to eliminate the ability of insurance companies to discriminate on the basis of preexisting conditions and gender. But the system will only work and remain affordable if everyone has insurance. And the law provides the reforms and assistance to put affordable coverage within reach for everyone.

Without the shared responsibility, the law will not work and insurance premiums will skyrocket. 129 million people with preexisting conditions will once again be priced or forced out of coverage, and we will be back where we started.

Republicans know this. Why? Because the individual mandate was a Republican idea going all the way back to the 1980s, when the conservative Heritage Foundation originated the idea. Its supporters have argued:

All citizens should be required to obtain a basic level of health insurance. Not having health insurance imposes a risk of delaying medical care. It also may impose costs on others because we, as a society, provide care to the uninsured. The risk of shifting cost to others has led many States to mandate that all drivers have liability insurance. The same logic applies to health insurance.

But Republicans are not here today to act logically or take responsibility. They have never, never, never had a comprehensive health care reform plan. Instead, their only goal is to score political points.

So we urge, vote "no" on both bills.

I reserve the balance of my time, and I ask unanimous consent that the gentleman from Washington (Mr. McDERMOTT) control the balance of the time.

The SPEAKER pro tempore. Without objection, the gentleman from Washington will control the time of the gentleman from Michigan.

There was no objection.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this is just about fairness. What families and workers in my district are asking is this: Isn't it unfair to grant businesses relief from this Big Government mandate but still force average workers to comply with it? If the President's health care law isn't ready for business, how is it ready for my family, for my children, for my loved one?

At its heart, both families and workers are worried and wondering: Why isn't the White House listening to us? This isn't fair.

The President has proclaimed the law is working the way it's supposed to, and the White House, Treasury Department, and every agency tells us things are right on track, but they're not. They miss deadline after deadline after deadline in this troubling implementation. The truth is it's not ready.

With the temporary relief from the business mandate, yes, it was welcome news, but it didn't solve the problems our local businesses are struggling with under ObamaCare. In fact, the President's health care law is causing more confusion and more uncertainty.

Workers are seeing fewer hours and smaller paychecks. That's not fair.

Businesses are struggling to find the money to pay for higher health care costs under ObamaCare. That's not fair.

And our neighbors are struggling to find full-time jobs; 20 million Americans can't find them. It's fewer jobs to apply for. That's not fair.

Why is it that, under this White House, Warren Buffett gets a break from ObamaCare but Joe Six-Pack, the single mom working at the local restaurant, they don't get any kind of break? Well, we just want fairness for workers, fairness for families. We're tired of the White House picking winners and losers. This is about fairness and equality.

I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. I've been here over four decades, and I have never seen legislation just completely be ignored. I'm thoroughly convinced that the Republican majority are not the least bit concerned about health care, because if they were, they would have a health care plan.

The whole idea of talking about repealing ObamaCare and not having a substitute for it means that the President can talk about education, he can talk about jobs, he can talk about anything, but their plan, their legislative plan is just to say "no," just to say "no" to the President no matter what he comes up with, even if it adversely affects the economy of our great country or even if it affects the security of our great country.

I am convinced, as I said this morning, that if the President actually walked on water, the first thing the Republicans would say is that President Obama can't swim.

So I think that we've had enough of this politics. Thirty, forty times we're talking about repealing it.

Are you against having preexisting conditions being accepted for health insurance?

Are you against kids being able to stay on the policy of their parents until they're 26?

Are you against having preventive care given to people? I hope you're not, because soon—and very soon—the American people are going to get fed up with this gridlock politics.

So I hope the spiritual leaders who are concerned about health, kids, and the aged, and I hope the business community would see that, if you want to have economic growth, you've got to get the Congress and you've got to get government involved. It's not a question of laying on people. It's a question of economic growth, which means our infrastructure has to be reinvested in.

We have to be competitive and we have to do the right thing, not by Republicans and Democrats, but for all of our people. We can't afford to have a day when a person needs health care that someone's got to ask whether you're a Republican or whether you're a Democrat. And it's abundantly clear the President is for full health insurance.

Mr. BRADY of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), the chairman of the Budget Committee, a father of three children who understands how tough it is to make ends meet for health care.

Mr. RYAN of Wisconsin. I thank the gentleman.

Madam Speaker, here's what we're doing: The President himself is saying that this employer mandate isn't ready, it can't work, and therefore he's delaying it.

Here's the point: In our Constitution, it is Congress that writes the laws and the President that executes the laws. He doesn't get to choose which laws he wants to enforce selectively.

We agree with him on the mandate. That's why the first of these bills says, okay, let's delay that. And here's Congress acting to do that because that's Congress' job, not the administration's job.

But while we're doing this, we have to ask this other question: If the Fortune 500 companies come to the White House and say this mandate is onerous—it's not ready; millions of people are going to lose their health insurance; it's going to be a repudiation of your promise that if you like what you've got, you can keep it; delay this, great—what about the families and small businesses that are going to have

the same kind of mandate? And that's the second vote we're going to have.

□ 1530

What about the families and small businesses that are going to have the same kind of mandate? That's the second vote we're going to have. If it's good for big business, if this is onerous for them, if the White House admits it won't work for them, then why are they complicit with sticking the same kind of enforcement, the same kind of "not ready for prime time" mandate on families, on small businesses?

This law is unraveling before us. What's going to happen at the end of the day is when you can't verify a person's employment base health insurance, when a person personally attests to whatever their income is, you are going to have a lot of people at the end of the year get all these subsidies that they weren't supposed to get, either by confusion, by waste, even by fraud, and the IRS is going to come in with one really big tax bill on families in a year's time and that will be a massive rude awakening.

This law is imploding, this law is unnecessary, this law needlessly raises health care costs, and this law will cause millions of people to lose the health insurance that they have that they want to keep. Not only delay this mandate, delay the other mandate, so we can fix this once and for all with real health care reform.

Mr. McDERMOTT. Madam Speaker, I yield myself 2 minutes.

We are back in the theater of the absurd. What we are hearing right now is the sound of Republican heart rates going up: "ObamaCare is coming." These last benefits are going to happen, like it or not. And worse, they are going to work. We are seeing the time-honored political tactic of confusion. The sleight of hand. Direct people's attention over here so they won't see what you are doing over there. Shout about delaying the employer mandate and confuse the people when the more corrosive bill comes next, the tool that makes reform possible: the individual mandate.

Maybe they're so scared because it's already working. Washington, Oregon, and California are already reporting lower rates in 2014. Today, New York premiums were cut by 50 percent. Sick children are getting covered. Consumers are getting reimbursements from their insurers. There is no evidence of the sticker shock you will hear about. The promise we made Americans is being fulfilled and Republicans see a giant election map slowly losing red blocks.

This bill isn't about employers. It's a frenetic expression of their anxiety over the President's signature legislation working. I thought 38 times trying to repeal it would be enough, but apparently not. We have got to try one

more time. You haven't learned it isn't going to work.

Do you know why there's no fuss in this town about these bills? Because the insurance industry knows it's all nonsense. They know it won't work without an individual mandate, and you will not get it repealed. We ought to just get on with it and vote "no" on this bill.

I reserve the balance of my time.

Mr. BRADY of Texas. Madam Speaker, I would like to yield 1 minute to the gentleman from Louisiana, a physician who practiced medicine for 30 years, chairman of the Oversight Subcommittee, Dr. BOUSTANY.

Mr. BOUSTANY. Madam Speaker, ObamaCare is massively flawed and that's why it needs to be repealed or replaced with sensible reforms. Now after 3 years, some very smart administration lawyers have come to the conclusion that the employer mandate is too complex and it won't work. It is pretty clear to me and others across America that it is going to cause hourly workers across America to see a drop in the number of hours they work and will force even more businesses to hold off on hiring.

Frankly, the employer mandate needs to be repealed, not delayed. It should be fully repealed. That's why I introduced H.R. 903, to fully repeal it. Until we can do that, I will surely and gladly vote for this delay.

At a time when our economy is showing sluggish growth, horribly sluggish growth, with high unemployment, record unemployment, businesses across this country face uncertainty. Frankly, I will say this is about fairness. Getting rid of this employer mandate, if we delay it or even repeal it, it's about fairness to hardworking small business owners who are struggling every day, it's about hardworking workers who hope to keep their jobs or hope not to be reduced in their hours.

Mr. BRADY of Texas. Madam Speaker, I ask unanimous consent that the gentleman from Georgia, Dr. PRICE, control the remainder of the time for us.

The SPEAKER pro tempore (Ms. ROSELEHTINEN). Without objection, the gentleman from Georgia will control the remaining time.

There was no objection.

Mr. McDERMOTT. Madam Speaker, I submit for the RECORD two records which show that hundreds of thousands of constituents in the First District of Wisconsin and the Eighth District of Texas would benefit from the Affordable Care Act.

BENEFITS OF THE HEALTH CARE REFORM LAW IN THE 1ST CONGRESSIONAL DISTRICT OF WISCONSIN

COMMITTEES ON ENERGY AND COMMERCE, WAYS AND MEANS, AND EDUCATION AND THE WORKFORCE DEMOCRATIC STAFF REPORT, JULY 2013

The landmark Affordable Care Act (ACA) began delivering important new benefits and

protections to tens of millions of American families almost immediately after it was signed into law by President Obama. But the largest benefits of the law will become available to consumers on October 1, 2013, when health insurance marketplaces open in all 50 states. These marketplaces will offer individuals, families, and small businesses an efficient, transparent one-stop shop to compare health insurance policies, receive financial assistance, and sign up for high-quality, affordable, and secure insurance coverage.

This fact sheet summarizes new data on the significant benefits of the health care reform law in Rep. Ryan's district. It also provides the first picture of the impacts of the law in districts redrawn or newly created following the 2010 Census. As a result of the law:

4,500 young adults in the district now have health insurance through their parents' plan.

More than 9,800 seniors in the district received prescription drug discounts worth \$14 million, an average discount of \$650 per person in 2011, \$730 in 2012, and \$780 thus far in 2013.

123,000 seniors in the district are now eligible for Medicare preventive services without paying any co-pays, coinsurance, or deductible.

213,000 individuals in the district—including 50,000 children and 84,000 women—now have health insurance that covers preventive services without any co-pays, coinsurance, or deductible.

165,000 individuals in the district are saving money due to ACA provisions that prevent insurance companies from spending more than 20% of their premiums on profits and administrative overhead. Because of these protections, over 36,300 consumers in the district received approximately \$1.8 million in insurance company rebates in 2012 and 2011.

Up to 42,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

259,000 individuals in the district now have insurance that cannot place lifetime limits on their coverage and will not face annual limits on coverage starting in 2014.

Up to 61,000 individuals in the district who lack health insurance will have access to quality, affordable coverage without fear of discrimination or higher rates because of a preexisting health condition. In addition, the 34,000 individuals who currently purchase private health insurance on the individual or small group market will have access to more secure, higher quality coverage and many will be eligible for financial assistance.

BENEFITS OF THE HEALTH CARE REFORM LAW IN THE 8TH CONGRESSIONAL DISTRICT OF TEXAS  
COMMITTEES ON ENERGY AND COMMERCE, WAYS AND MEANS, AND EDUCATION AND THE WORKFORCE DEMOCRATIC STAFF REPORT, JULY 2013

The landmark Affordable Care Act (ACA) began delivering important new benefits and protections to tens of millions of American families almost immediately after it was signed into law by President Obama. But the largest benefits of the law will become available to consumers on October 1, 2013, when health insurance marketplaces open in all 50 states. These marketplaces will offer individuals, families, and small businesses an efficient, transparent one-stop shop to compare health insurance policies, receive financial assistance, and sign up for high-quality, affordable, and secure insurance coverage.

This fact sheet summarizes new data on the significant benefits of the health care reform law in Rep. Brady's district. It also pro-

vides the first picture of the impacts of the law in districts redrawn or newly created following the 2010 Census. As a result of the law:

8,600 young adults in the district now have health insurance through their parents' plan.

More than 9,400 seniors in the district received prescription drug discounts worth \$12.9 million, an average discount of \$630 per person in 2011, \$700 in 2012, and \$620 thus far in 2013.

111,000 seniors in the district are now eligible for Medicare preventive services without paying any co-pays, coinsurance, or deductible.

183,000 individuals in the district—including 46,000 children and 71,000 women—now have health insurance that covers preventive services without any co-pays, coinsurance, or deductible.

169,000 individuals in the district are saving money due to ACA provisions that prevent insurance companies from spending more than 20% of their premiums on profits and administrative overhead. Because of these protections, over 46,700 consumers in the district received approximately \$6.6 million in insurance company rebates in 2012 and 2011—an average rebate of \$95 per family in 2012 and \$187 per family in 2011.

Up to 44,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

225,000 individuals in the district now have insurance that cannot place lifetime limits on their coverage and will not face annual limits on coverage starting in 2014.

Up to 143,000 individuals in the district who lack health insurance will have access to quality, affordable coverage without fear of discrimination or higher rates because of a preexisting health condition. In addition, the 31,000 individuals who currently purchase private health insurance on the individual or small group market will have access to more secure, higher quality coverage and many will be eligible for financial assistance.

I now yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, this is the latest chapter in a long-running process of deliberately trying to sabotage health care reform.

The delay of the employer mandate for 5 percent of American businesses that employ only 1 percent of American workers is not Earth-shattering, not entirely unforeseen, but more to the point, given a concerted effort by my Republican friends to dismantle health care reform, you would think that they would embrace it.

It is being attacked instead because there is no interest by my Republican friends in a comprehensive approach to making health care work better. They have no plan. This is simply a tactic to gain political advantage by fanning flames of discontent.

They want to take credit, actually, for many of the features of ObamaCare that are supported by the public, but they have no intention of either paying for them or providing a framework comprehensive reform so that it will work.

ObamaCare is actually working where it is allowed to work. In Oregon, we are seeing improvements in health

care coverage, reduction in health insurance premiums, and we are on track to save tax dollars while improving the quality of health care. If everybody practiced medicine the way that it is being practiced in metropolitan Portland, people would get sick less often, they would get well faster, they would live longer, and there would be no Medicare funding crisis.

Instead of working to fine-tune the reform which embodies many of the principles that have been advanced, embraced, and implemented by Republican Governors—not just Mitt Romney, they have chosen instead to make it fail.

It is another illustration of a party without ideas, opposing comprehensive immigration reform, opposing agricultural reform. House Republicans won't even allow a conference committee to be appointed so that we can have a budget agreed to, while putting sand in the gears at every turn for efforts to get more value out of the health care system. It is not just sad and unfortunate, it is shameful.

Mr. PRICE of Georgia. Madam Speaker, I am pleased to yield 2 minutes to the chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Madam Speaker, 2 weeks ago, as Americans were gathering with loved ones to celebrate our Nation's independence, a Treasury bureaucrat quietly posted a blog detailing a major policy shift in the administration's signature health care law—the delay of the employer mandate. While it appeared to be a sudden turnabout, today we learned the administration had made the decision in June and that “it was considered in a very careful way for a while.”

This is a direct contradiction to previous testimony before Congress. Every single time that we asked the administration witness if implementation was on track, they looked us in the eye and said, “Absolutely, yes.”

Why did the “most transparent administration in history” mislead Congress and try to dupe the public? Because it knew that the law is bad for business and bad for jobs.

Today, we give the administration authority in full view of the American public to delay the employer mandate for a year. The House will stand up for the millions of young adults, working families, and older Americans who cannot afford the health care law's looming rate shock. Fair is fair. If businesses aren't subject to the same burdens and penalties under the health care law next year, average Americans shouldn't face them either.

Many middle class families are going to pay dramatically higher premiums as a result of the Affordable Care Act. The Energy and Commerce Committee surveyed 17 of the Nation's leading insurers and found many consumers in

the individual market could see their premiums nearly double, with potential highs eclipsing 400 percent.

The broken promises are many. Missed deadlines and delays have become routine. This law is so off the rails that the administration is now disregarding entire sections of the statute. This debate is about jobs and it is about fairness.

We continue to believe a permanent delay of these damaging policies is the best course of action. For today, let's join together and protect Americans for at least another year.

I ask my colleagues to support H.R. 2667 and H.R. 2668 so that we can delay and dismantle these policies that will hurt American jobs.

Mr. McDERMOTT. Madam Speaker, I yield back to the gentleman from Michigan (Mr. LEVIN).

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. LEVIN) will control the time.

There was no objection.

Mr. LEVIN. Madam Speaker, I yield myself 30 seconds.

I just want to put in the facts on the Sixth District where my friend Mr. UPTON comes from, the Sixth District of Michigan:

6,700 young adults in the district now have health insurance through their parents' plan;

9,100 seniors have received prescription drug discounts;

131,000 seniors in the district are now eligible for preventive services without paying;

197,000 individuals now have health insurance that covers preventive services;

Up to 41,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

I now yield 2 minutes to a member of our committee, the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Speaker, I rise today again with disappointment at the fact that these two bills are nonsense and completely unnecessary.

One is doing what the Obama administration has already said they would do, and that is to delay the employer reporting requirements because of the feedback they got from businesses large and small and from associations who said not that they can't do it; they just need a little bit more time in implementing it.

The other would do away with the individual responsibility component.

But the real story today, Madam Speaker, is not what's happening on the House floor or the votes that these two bills are going to get. It was what announcement came out of the State of New York and was reported in The New York Times:

“Health plan costs for New Yorkers set to fall 50 percent.”

This is because of the creation of the health insurance exchanges under the

Affordable Care Act. Individual policy rates are going to be at least 50 percent less than what individuals are currently paying today because the exchanges are doing what they were meant to do, increase competition and transparency, making it more affordable for uninsured Americans to go out and obtain affordable coverage.

My father gave me some pretty good advice early on in my life when he said, Son, you are going to encounter two forms of critics in your life: one who criticizes you because they want to see you fail, and the other is going to criticize you because they want to see you succeed, and being able to differentiate between the two is going to determine how successful you are in life.

That has been the problem with the Affordable Care Act from the very beginning. We have a major political party who does not want to see this succeed, and they're doing everything they can to undermine it, even if it brings increased pain and difficulty to more businesses, families, and individuals throughout the country. Today's demonstration with these two bills just reaffirms that proposition.

I encourage my colleagues to vote “no” on H.R. 2668.

Mr. PRICE of Georgia. Madam Speaker, I am now pleased to yield 1½ minutes to a pivotal member of the Ways and Means Committee, the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. Madam Speaker, 2 weeks ago, the administration announced a delay of a crucial piece of ObamaCare: the employer mandate. Why? Because they were petitioned by businesses from across this great Nation of ours to do that. Why did they petition the White House to waive the employer mandate? Because they recognize, Madam Speaker, that this was a burdensome law on their business; that this was a tax burden that they couldn't bear; that this would slow their businesses, slow hiring, and slow growth. They recognize that. My constituents in Washington State recognize that. Even the President's biggest allies—labor unions—agree. They have warned that ObamaCare will “destroy the health and wellbeing of hard-working Americans.”

□ 1545

But, Madam Speaker, this legislation also recognizes another dangerous precedent that this administration has been setting in that this legislation will delay the employer mandate for 1 year so that the law is in line with what the President decided to do. This is not how our government should work, but that's how this President operates, and we've seen this from him time and time again: A problem with the health care law? Let's just delay it. Welfare-to-work requirements? I'll just waive those. A change in unemployment insurance laws? I don't have to implement that.

I know about enforcing laws. I was a cop for 33 years. You don't pick and choose. You enforce the law. That's what this President should do, and we're making a law in line with what the President wants.

Mr. LEVIN. Madam Speaker, I yield myself 30 seconds.

I just want to review the benefits of the gentleman's district that he represents:

5,400 young adults now have health insurance through their parents' plans; more than 6,900 seniors receive prescription drug discounts;

100,000 seniors are now eligible for Medicare preventative services without paying any co-pays, coinsurance, or deductibles;

209,000 individuals now have health insurance that covers preventative services without pay;

Up to 42,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

That's what the ACA is doing.

It is now my privilege to yield 2 minutes to another distinguished member of our committee, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Madam Speaker, I thank my friend for yielding me this time.

Here we are once again, wasting our constituents' time by voting on the exact same action the administration has already taken. Apparently, we must vote yet again to dismantle important parts of the Affordable Care Act. We keep hearing that these votes are necessary because of the "burden" that's out there for individuals and their families. Let me tell you about what I worry about in terms of burdens for my constituents:

the burden of a young worker knowing that she is stuck in a job that's bad for her, but she keeps it because it's the only place she can get health insurance;

the burden of a father trying desperately to find an insurance plan that will cover his son even though his son has diabetes;

the burden of a mother living in constant fear that her family could lose their home because, without insurance, one unexpected medical episode could lead to bankruptcy.

Relieving those burdens is why I supported the Affordable Care Act, and I don't understand why my colleagues on the other side of the aisle are so eager to tear that down.

Later today, we will be voting on whether to undermine one of the key pieces of the law that is responsible for actually making coverage more affordable. In fact, just this morning, as the gentleman from Wisconsin, RON KIND, mentioned earlier, it was announced that in my State of New York these very provisions are cutting the cost for a family to buy their own insurance by half—by over 50 percent.

I know that was a difficult article for you all to read this morning; but instead of applauding this critical relief for families, my colleagues on the other side of the aisle plan to attack the parts of the very law that made that possible in the first place. I've even heard reports that some opponents of the law are urging people to burn their so-called "ObamaCare cards" and, in protest, to not buy insurance. As an aside, I want to point out for my colleagues that there is no such thing as an "ObamaCare card," so be careful not to burn your fingers when you're using your imaginary prop.

I just don't understand why they wouldn't want their constituents to have access to affordable, quality insurance that these people currently can't get now.

Please do not vote for these bills. They undermine the spirit of this country.

Mr. PRICE of Georgia. Madam Speaker, I am pleased to yield 1 minute to the chief deputy whip of the Republican Conference and a member of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. I thank the gentleman.

Let's talk about burdens—the burden of listening to the President of the United States, Madam Speaker, on June 7 of this year say that this bill is working the way it's supposed to.

No, it's not.

Then, within the twinkling of an eye, the White House has to say, Oh, it's not working the way it's supposed to. We need to have this delayed for a year.

Let's talk about the burden of signing a tax return form under penalties of perjury and all of that burden that presses down with the force of the law when you make a misrepresentation and when you're trying to follow up on 200 pages of an individual mandate, and people don't know if they're on foot or on horseback on this thing. That's a burden. That's a burden that the country can't sustain, and that's the burden that we can relieve by voting "aye."

Mr. LEVIN. Madam Speaker, I yield myself 30 seconds.

The application, Mr. ROSKAM, is three pages. Let me also mention what's in play in your district and why ACA matters:

5,200 young adults have insurance through their parents;

7,800 seniors have discounts for prescription drugs;

87,000 seniors are now eligible for preventative services without paying;

243,000 individuals now have health insurance covering preventative services without these co-pays;

234,000 individuals are saving money. The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield myself an additional 15 seconds.

Due to ACA provisions that prevent insurance companies from spending more than 20 percent of their premiums, now 35,000 individuals have insurance that cannot place lifetime limits on their coverage.

So when you pick up a book with hundreds of pages, tell your constituents what it means for them.

I am now privileged to yield 2 minutes to a gentleman from Energy and Commerce who has played such a decisive role in the reform of health care, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I have to say that I am so sick and tired of the time that the House Republicans continue to waste on their anti-ObamaCare message—repeal, defund, obstruct. You pick the tactic. Our country has some pressing issues that we should be addressing here today, like rising student loan rates, immigration reform, budget issues, or a jobs bill. Yet the Republicans insist on focusing on politicizing this health care fight over and over again. ObamaCare is here to stay. Let's face it. If you have to make some improvements at some point after it's fully implemented, we'll look at them but not now before it has even taken place.

Let me talk to you about this individual mandate. The requirement that individuals obtain coverage is the most critical part of the law. In order for our health care system to operate in a sustainable and cost-effective way, we have to get Americans covered so the insurance marketplace must include both sick and healthy individuals in order to ensure that the system is sustainable. Repealing the individual responsibility provision will only raise health insurance premiums and increase the number of uninsured Americans. That's why that New York State report says that premiums for those in the individual market have gone down 50 percent. It's because you do have the individual requirement now and because everybody sick and healthy is part of a much larger pool.

Now, as to this other issue of the employer-reporting requirements, that has already been delayed by the administration. It's a done deal. Nothing that we're going to do here today in the House is going to change that. Also, the effect of that is minimal because the vast majority of large employers already provide health coverage. I think less than 4 percent do not. If someone is not covered, he can go into the exchange, and he can probably qualify for tax credits and get affordable coverage.

As Mr. LEVIN has said, this has already had a major impact on providing health coverage for individuals. Whether they're children, students, seniors, families, small business owners, so many have already gotten affordable

coverage. Once this kicks in in October, you'll be able to go into an exchange; and by next year, the vast majority—almost every American—will have affordable coverage with good benefits, and what people pay will not be based on preexisting conditions.

Leave it alone. This is the law and it's a good law.

Mr. PRICE of Georgia. Madam Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Georgia has 17½ minutes remaining, and the gentleman from Michigan has 10¾ minutes remaining.

Mr. PRICE of Georgia. Madam Speaker, I am pleased now to yield 2 minutes to the author of H.R. 2667, a gentleman who recognizes where the authority ought to come from for this piece of legislation, the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. Madam Speaker, the employer mandate provisions in the Affordable Care Act are already stifling job growth. We don't have to wait to see what's going to happen. In my district, I was approached by a 21-year-old Hispanic American. He contacted me.

He said, I'm a franchise owner. I'm the vice president of a small franchise that I inherited from my mother.

He said that his business has grown about 25 percent each year over the past 2 years and that he is one of the top franchisees in his group. He is a rising senior in college who is managing a small business. He said that he currently has 45 employees; and according to him, right now would be the perfect time to add another 10 or 20 full-time, good-paying jobs—but this is a small business owner. He said he can't do it because of the employer mandate. It makes him choose between increasingly expensive insurance premiums or punitive tax penalties for each employee. He contacted me for relief. If this mandate cannot be repealed, he said, could he please make the 50 threshold 250 so as not to strangle his business. The 21-year-old said it best:

The government should be my partner so I can help my employees prosper. I can help them more than the government, but I'm literally not able because of taxes, the Affordable Care Act and other regulations.

After 3 years of pain, the President has finally realized that the employer mandate is a bad idea. It is already costing jobs and lowering wages for millions of hardworking Americans. Americans who are forced to be part of ObamaCare deserve more than to be governed by blog posts from the Treasury Department. Only Congress can change the law. Personally, I want to repeal and replace the law; but today we can join with the President and vote for my bill.

Mr. LEVIN. I yield myself 45 seconds.

I would just like to ask the gentleman from Arkansas if the small

business person he mentioned has any health coverage for his employees. What we need to do is to continue this law and its implementation so that those employees will have some health insurance.

In his district, because of ACA, 9,500 young adults have insurance through their parents;

3,400 seniors have received prescription drug discounts;

125,000 seniors are now eligible for preventative services without paying co-pays, et cetera.

BENEFITS OF THE HEALTH CARE REFORM LAW IN THE 2ND CONGRESSIONAL DISTRICT OF ARKANSAS

COMMITTEES ON ENERGY AND COMMERCE, WAYS AND MEANS, AND EDUCATION AND THE WORKFORCE, DEMOCRATIC STAFF REPORT, JULY 2013

The landmark Affordable Care Act (ACA) began delivering important new benefits and protections to tens of millions of American families almost immediately after it was signed into law by President Obama. But the largest benefits of the law will become available to consumers on October 1, 2013, when health insurance marketplaces open in all 50 states. These marketplaces will offer individuals, families, and small businesses an efficient, transparent one-stop shop to compare health insurance policies, receive financial assistance, and sign up for high-quality, affordable, and secure insurance coverage.

This fact sheet summarizes new data on the significant benefits of the health care reform law in Rep. Griffin's district. It also provides the first picture of the impacts of the law in districts redrawn or newly created following the 2010 Census. As a result of the law:

9,500 young adults in the district now have health insurance through their parents' plan.

More than 3,400 seniors in the district received prescription drug discounts worth \$7.6 million, an average discount of \$600 per person in 2011, \$730 in 2012, and \$990 thus far in 2013.

125,000 seniors in the district are now eligible for Medicare preventive services without paying any co-pays, coinsurance, or deductible.

195,000 individuals in the district—including 41,000 children and 81,000 women—now have health insurance that covers preventive services without any co-pays, coinsurance, or deductible.

158,000 individuals in the district are saving money due to ACA provisions that prevent insurance companies from spending more than 20% of their premiums on profits and administrative overhead. Because of these protections, over 34,200 consumers in the district received approximately \$3.2 million in insurance company rebates in 2012 and 2011—an average rebate of \$49 per family in 2012 and \$114 per family in 2011.

Up to 42,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

223,000 individuals in the district now have insurance that cannot place lifetime limits on their coverage and will not face annual limits on coverage starting in 2014.

113,000 individuals in the district who lack health insurance will have access to quality, affordable coverage without fear of discrimination or higher rates because of a preexisting health condition. In addition, the 40,000 individuals who currently purchase private health insurance on the individual or small group market will have access to more

secure, higher quality coverage and many will be eligible for financial assistance.

It is now my privilege to yield 2 minutes to the ranking member on Small Business, who has worked so hard on health care reform and with sensitivity to the small businesses of this country, the gentlelady from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Madam Speaker, I thank the gentleman for yielding.

I rise in opposition to this legislation. The American people are tired of political gimmicks and games. They want to see real efforts to create jobs and grow our economy. This legislation does nothing to advance these goals.

The President has already taken steps to alleviate the burden on small businesses by delaying the employer mandate. This step will ensure small firms have the time, resources, and tools they need to provide coverage to their employees before the mandate kicks in. At best, the legislation before us today is duplicative of that effort. At worst, it amounts to political grandstanding.

Let's be absolutely clear—even if these measures pass the House, we know they will go nowhere in the Senate. If, in some distorted reality, the Senate somehow approves this legislation, it will not be signed into law by the President. So the only real purpose of this bill and the debate is to score cheap political points. Passing this bill will do nothing to help Americans who are struggling to find work, afford rent, or put groceries on the table. Instead, we are bringing up yet another bill to repeal health care reform—the 38th such bill of this Congress—but I forgot: it's the summer, so we're showing reruns.

The Affordable Care Act is already providing valuable benefits to the American people. It was just reported today that New Yorkers will see a 50 percent cut in their insurance premiums thanks to this landmark law. Millions of young adults who are graduating from college can remain on their parents' plans as they enter the job market. Children with life-threatening ailments are no longer denied coverage under preexisting-condition rules. Women are no longer paying more due to discriminatory insurance company practices.

These are the benefits that our Republican colleagues would deny the American people. Vote "no." This debate is over.

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Mr. PRICE of Georgia. Mr. Speaker, I'm pleased now to yield 1 minute to the chairman of the Oversight Subcommittee on Energy and Commerce, the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY of Pennsylvania. Mr. Speaker, right before the Fourth of July, the administration admitted the



Affordable Care Act wasn't ready, and as we just heard from the other side of the aisle, the bill is a burden. So they waived the mandate tax for employers, but not the American people.

The White House says remain calm, all is well, but there are many signs the law is not ready: the Small Business Health Insurance Exchange is delayed; in States that don't expand Medicaid, we're going to delay the mandates for some; for some insurance rates, they'll raise 90 percent to 400 percent; and if you want to qualify for subsidies, they tell us you don't have to tell the truth on your paperwork because no one's going to check.

Don't force Americans to be taxed on something they don't want and is not ready.

They told us we had to pass the bill in order to find out what's in it, and now they're telling the Americans you have to buy the policy to find out what's in it or else be taxed.

Be fair. Delay the mandate tax for employers and the American people.

Mr. LEVIN. Mr. Speaker, could you tell us the time on each side, please.

The SPEAKER pro tempore (Mr. COLLINS of Georgia). The gentleman from Michigan has 8 minutes remaining, and the gentleman from Georgia has 14½ minutes remaining.

Mr. LEVIN. At this time, I insert into the RECORD the benefits of health care reform in the 18th District of Pennsylvania.

BENEFITS OF THE HEALTH CARE REFORM LAW IN THE 18TH CONGRESSIONAL DISTRICT OF PENNSYLVANIA

COMMITTEES ON ENERGY AND COMMERCE, WAYS AND MEANS, AND EDUCATION AND THE WORKFORCE, DEMOCRATIC STAFF REPORT, JULY 2013

The landmark Affordable Care Act (ACA) began delivering important new benefits and protections to tens of millions of American families almost immediately after it was signed into law by President Obama. But the largest benefits of the law will become available to consumers on October 1, 2013, when health insurance marketplaces open in all 50 states. These marketplaces will offer individuals, families, and small businesses an efficient, transparent one-stop shop to compare health insurance policies, receive financial assistance, and sign up for high-quality, affordable, and secure insurance coverage.

This fact sheet summarizes new data on the significant benefits of the health care reform law in Rep. Murphy's district. It also provides the first picture of the impacts of the law in districts redrawn or newly created following the 2010 Census. As a result of the law:

3,800 young adults in the district now have health insurance through their parents' plan.

More than 15,300 seniors in the district received prescription drug discounts worth \$23.1 million, an average discount of \$620 per person in 2011, \$800 in 2012, and \$730 thus far in 2013.

133,000 seniors in the district are now eligible for Medicare preventive services without paying any co-pays, coinsurance, or deductible.

230,000 individuals in the district—including 45,000 children and 97,000 women—now have health insurance that covers preventive

services without any co-pays, coinsurance, or deductible.

181,000 individuals in the district are saving money due to ACA provisions that prevent insurance companies from spending more than 20% of their premiums on profits and administrative overhead. Because of these protections, over 35,800 consumers in the district received approximately \$3.6 million in insurance company rebates in 2012 and 2011—an average rebate of \$77 per family in 2012 and \$165 per family in 2011.

Up to 35,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

266,000 individuals in the district now have insurance that cannot place lifetime limits on their coverage and will not face annual limits on coverage starting in 2014.

Up to 49,000 individuals in the district who lack health insurance will have access to quality, affordable coverage without fear of discrimination or higher rates because of a preexisting health condition. In addition, the 40,000 individuals who currently purchase private health insurance on the individual or small group market will have access to more secure, higher quality coverage and many will be eligible for financial assistance.

I now yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS. Mr. Speaker, I tell my colleagues on the other side it's time to stop chasing the ghost; 38, 39 times in trying to repeal ObamaCare? Give up chasing the ghost.

I also tell my friends stop being confused by the facts. The facts are, as The New York Times indicated today in New York, that the cost of health care insurance, because of the Affordable Care Act, will go down 50 percent. The fact is, as Mr. LEVIN has indicated time after time, that preventive care will be available for all Americans. The fact is that you will not be discriminated against because you're a woman. The fact is the American people want the Affordable Care Act.

How do I know? They reelected President Obama again, understanding that President Obama stood for health care for all Americans and bringing down the cost of health care in America. That's what this is about.

Thirty-eight times? Give up chasing the ghost.

Mr. PRICE of Georgia. Mr. Speaker, I'm pleased now to yield 2 minutes to the chair of the Health Subcommittee on Energy and Commerce, the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, today I rise in support of delaying both the employer and individual mandates.

According to a new Gallup poll, 4 in 10 uninsured Americans don't even realize that they'll be subject to fines under the Affordable Care Act. They're about to find out that they're required to purchase insurance that is now even more expensive than it was in the past.

In California, one of the few States to release detailed data about the cost of ObamaCare coverage, individual market premiums will double for many residents.

Researchers compared the estimated cost of health insurance plans on the

new exchanges with what is currently available on the individual market in the State, and astonishingly they found that current health plans cost significantly less than comparable plans that will be sold on the exchanges come October 1. In other words, some people will be paying more for the same thing because of the new complexity of federally supported exchanges. Now, some individuals will be eligible for subsidies, but many will get no help at all. In fact, they'll be paying more in order to support the subsidies. They will just have to watch their take-home pay get smaller.

The administration heard from business owners about the chaos being caused by the law. Some employers are laying off employees; some employers are shifting to part-time employees; some employers are deciding not to expand their businesses; and many employees can't get a job. Employees are losing their health insurance, losing benefits, losing income, trying to find another part-time job just to survive, and the administration panicked and is unlawfully delaying the employer mandate.

It's deeply unfair to subject individuals to a mandate that they can neither comprehend nor afford.

Today, we're fighting for fairness, but we will continue the fight to completely stop this train wreck before it finally wrecks family budgets, health care, and our economy.

Mr. LEVIN. I now yield 1 minute to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW of Georgia. Mr. Speaker, I thank the gentleman for the time.

Mr. Speaker, I rise today in support of the legislation before us to delay the employer and individual mandates in the Affordable Care Act. These burdensome provisions are a drag on our economy and hurt the job creators in my district in Georgia and across the country.

Studies have shown that the employer mandate could cost our economy an estimated 3.2 million jobs. On top of that, businesses of all sizes have indicated this mandate will cause them to reduce the size of their businesses or, worse, close their doors. In an economy as fragile as ours, that's the exact opposite of what we want.

Today's vote is a step in the right direction, but we can go further. I'm leading the effort in the House with two of my Republican colleagues to fully repeal the employer mandate. If repeal and replace really is the will of the majority, then I urge my colleagues to support today's legislation and quickly bring up a full repeal of the employer mandate.

Mr. PRICE of Georgia. Mr. Speaker, I'm pleased now to yield 1 minute to the gentleman from Florida (Mr. BILL-RAKIS), a member of the Energy and Commerce Committee.



Mr. BILIRAKIS. Mr. Speaker, last week the administration announced it would delay the employer mandate under ObamaCare. Even though the administration does not have the authority to do this, it is a sign that even the law's authors are realizing the law is unworkable.

Under ObamaCare, Americans' premiums are skyrocketing and employers are being forced to cut jobs, hours, and wages. Individuals, families, and businesses all deserve relief from this bad law.

This is about fairness—fairness for both hardworking taxpayers and American businesses.

While I have long opposed ObamaCare and believe the best solution is full repeal and replacement of the law, we must pass the Authority for Mandate Delay Act to provide greater certainty to all Americans.

Mr. LEVIN. At this time, I insert into the RECORD a document showing the benefits of health care reform in the 12th Congressional District of Florida.

BENEFITS OF THE HEALTH CARE REFORM LAW  
IN THE 12TH CONGRESSIONAL DISTRICT OF  
FLORIDA

COMMITTEES ON ENERGY AND COMMERCE,WAYS  
AND MEANS, AND EDUCATION AND THE WORK-  
FORCE DEMOCRATIC STAFF REPORT, JULY 2013

The landmark Affordable Care Act (ACA) began delivering important new benefits and protections to tens of millions of American families almost immediately after it was signed into law by President Obama. But the largest benefits of the law will become available to consumers on October 1, 2013, when health insurance marketplaces open in all 50 states. These marketplaces will offer individuals, families, and small businesses an efficient, transparent one-stop shop to compare health insurance policies, receive financial assistance, and sign up for high-quality, affordable, and secure insurance coverage.

This fact sheet summarizes new data on the significant benefits of the health care reform law in Rep. Bilirakis's district. It also provides the first picture of the impacts of the law in districts redrawn or newly created following the 2010 Census. As a result of the law:

6,100 young adults in the district now have health insurance through their parents' plan.

More than 10,200 seniors in the district received prescription drug discounts worth \$12.9 million, an average discount of \$550 per person in 2011, \$660 in 2012, and \$720 thus far in 2013.

153,000 seniors in the district are now eligible for Medicare preventive services without paying any co-pays, coinsurance, or deductible.

190,000 individuals in the district—including 41,000 children and 79,000 women—now have health insurance that covers preventive services without any co-pays, coinsurance, or deductible.

164,000 individuals in the district are saving money due to ACA provisions that prevent insurance companies from spending more than 20% of their premiums on profits and administrative overhead. Because of these protections, over 53,500 consumers in the district received approximately \$7.6 million in insurance company rebates in 2012 and 2011—an average rebate of \$132 per family in 2012 and \$168 per family in 2011.

Up to 36,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

216,000 individuals in the district now have insurance that cannot place lifetime limits on their coverage and will not face annual limits on coverage starting in 2014.

Up to 97,000 individuals in the district who lack health insurance will have access to quality, affordable coverage without fear of discrimination or higher rates because of a preexisting health condition. In addition, the 45,000 individuals who currently purchase private health insurance on the individual or small group market will have access to more secure, higher quality coverage and many will be eligible for financial assistance.

It's now my pleasure to yield as much time as he may consume to the gentleman from Connecticut (Mr. LARSON), a leader on the health care issue.

Mr. LARSON of Connecticut. I want to thank the gentleman from Michigan.

Most importantly, I'm here today because I want to thank my colleagues on the other side of the aisle for their embrace of ObamaCare. After 38 attempts to repeal it, we see at least, however grudgingly, an acceptance and understanding of the importance and significance of this very important care.

Whether this embrace is the kiss of Judas, as some may say, or some may say this is just merely a charade, I commend them for understanding that Medicare isn't an entitlement. After all, it's the insurance that people have paid for. Every American knows this because all they have to do is go to their pay stub to check it out.

So we thank our colleagues for this embrace of this very important issue before us today. I thank them because I see an opportunity here. I see an opportunity to bring forward the best of public health, the best of science and innovation and technology, the best of entrepreneurialism, kind of like what the Heritage Foundation came up with and that a Republican Governor piloted in a Democratic State, which is what we now today call the "Affordable Health Care Act."

There are studies that suggest that there is over \$700 billion to \$800 billion annually in fraud, abuse, waste, and inefficiencies. Let's work together to drive out the inefficiencies.

Thanks for the embrace today and the understanding that if we do this, we cannot only pay down the national debt, we can end sequestration and we can provide an opportunity for our citizens to make sure they live out their lives in dignity by having the most important program for their retirement—Medicare—there for the future.

I thank my colleagues.

Mr. PRICE of Georgia. Mr. Speaker, I'm pleased to yield 1½ minutes to the vice chairman of the Energy and Commerce Committee, the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the chairman for the recognition.

I'm rising today to support the legislation that is in front of us.

I have to tell you, my constituents are wanting to know: When did the President decide he could pick and choose what laws he's going to enforce and what laws he's going to waive?

Over the course of 3 days, this administration decided they were just going to waive and rewrite this law, and it took them 3 years to try to implement it. I think what we're seeing is they're finally admitting this is a train wreck and it is not ready for prime time.

However, it is not fair that the President is choosing to protect big business from ObamaCare, but not hardworking American taxpayers, individuals, families. It is also eerily similar to the closed-door manner in which the law was written and passed. And now that people are reading it, they're finding out what is in it.

This legislation before us today would delay the requirements that nearly all Americans purchase minimum essential health insurance coverage or pay a tax penalty until 2015. The delay of the individual mandate is needed.

Due to the administrative delay of the employer mandate, my constituents overwhelmingly oppose this law, and I work each and every day to stop the harmful effects it's having on American families and businesses and to continue the fight for solutions to spur economic growth, create new jobs, and provide a more secure future for all Americans.

I encourage support of the legislation.

Mr. LEVIN. I will reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Speaker, I'm pleased to yield 1 minute to the gentleman from Ohio (Mr. RENACCI), a member of the Ways and Means Committee.

Mr. RENACCI. Mr. Speaker, I rise today in strong support of both the Authority for Mandate Delay Act and the Fairness for American Families Act.

Thanks to ObamaCare, premiums in my home State of Ohio are expected to increase 88 percent, leaving taxpayers on the hook for those significant rate hikes.

Now the administration has decided to delay only the employer mandate, while leaving the individual mandate intact. That is blatantly unfair to my constituents and all Americans.

Why does the administration suddenly find it acceptable to give big companies a better deal than the average Ohioan? Come January 1, individuals could still face stiff penalties if they do not carry insurance, insurance an employer may decide they may no longer provide. With these two bills, we can provide individuals the same opportunity the administration is giving businesses, by allowing them to opt out of ObamaCare next year, too.

I ask my colleagues to come together and pass this legislation. The people we represent are depending on it.

Mr. LEVIN. At this time, I insert into the RECORD a document showing benefits of the health care reform law in the 16th Congressional District of Ohio.

BENEFITS OF THE HEALTH CARE REFORM LAW IN THE 16TH CONGRESSIONAL DISTRICT OF OHIO  
COMMITTEES ON ENERGY AND COMMERCE, WAYS AND MEANS, AND EDUCATION AND THE WORKFORCE, DEMOCRATIC STAFF REPORT, JULY 2013

The landmark Affordable Care Act (ACA) began delivering important new benefits and protections to tens of millions of American families almost immediately after it was signed into law by President Obama. But the largest benefits of the law will become available to consumers on October 1, 2013, when health insurance marketplaces open in all 50 states. These marketplaces will offer individuals, families, and small businesses an efficient, transparent one-stop shop to compare health insurance policies, receive financial assistance, and sign up for high-quality, affordable, and secure insurance coverage.

This fact sheet summarizes new data on the significant benefits of the health care reform law in Rep. Renacci's district. It also provides the first picture of the impacts of the law in districts redrawn or newly created following the 2010 Census. As a result of the law:

4,800 young adults in the district now have health insurance through their parents' plan.

More than 10,100 seniors in the district received prescription drug discounts worth \$13.7 million, an average discount of \$510 per person in 2011, \$770 in 2012, and \$990 thus far in 2013.

104,000 seniors in the district are now eligible for Medicare preventive services without paying any co-pays, coinsurance, or deductible.

228,000 individuals in the district—including 51,000 children and 92,000 women—now have health insurance that covers preventive services without any co-pays, coinsurance, or deductible.

200,000 individuals in the district are saving money due to ACA provisions that prevent insurance companies from spending more than 20% of their premiums on profits and administrative overhead. Because of these protections, over 10,200 consumers in the district received approximately \$800,000 in insurance company rebates in 2011 and 2012—an average rebate of \$133 per family in 2012 and \$139 per family in 2011.

Up to 40,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

272,000 individuals in the district now have insurance that cannot place lifetime limits on their coverage and will not face annual limits on coverage starting in 2014.

Up to 68,000 individuals in the district who lack health insurance will have access to quality, affordable coverage without fear of discrimination or higher rates because of a preexisting health condition.

In addition, the 37,000 individuals who currently purchase private health insurance on the individual or small group market will have access to more secure, higher quality coverage and many will be eligible for financial assistance.

Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Michigan has 4 minutes remaining.

Mr. LEVIN. Mr. Speaker, it is now my pleasure to yield the balance of our time on this bill to the gentleman from California (Mr. WAXMAN), the ranking member of Energy and Commerce and who is proudly one of the coauthors of health care reform after so many years of his efforts.

Mr. WAXMAN. Mr. Speaker, the Affordable Care Act is the law of the land. The Republicans never liked it. They didn't want to support it, and they did everything they could to try to stop it. They thought the courts would throw it out; the U.S. Supreme Court upheld it. They thought President Obama would be defeated; President Obama was reelected. This is the law of the land, and it's important to implement it.

Even my Republican colleagues don't know or are willfully ignoring the benefits this law provides to their constituents. I want to tell them and anybody watching this debate that, if they would go to the Web site for the Democrats on the Energy and Commerce Committee, which is [democrats.energycommerce.house.gov](http://democrats.energycommerce.house.gov), we have a district-by-district impact of the law.

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I urge my colleagues to actually take a look at the benefits they are so eager to take away from their constituents.

What are these benefits?

People will not be denied health insurance because of preexisting conditions. The insurance companies will not be able to put in lifetime caps or go in and try to take away the insurance when they get sick. All of the abuses by the insurance companies will be stopped, and then people will be able to buy insurance in a marketplace where they can choose between different private insurance plans. And if some are low income, they'll get some help, but everybody is going to see an opportunity they've never had before because every insurance plan will have a minimum benefit package.

Mr. Speaker, 7,500 adults in my district are already getting insurance by being able to stay on their parents' plan up to age 26; 12,000 seniors in my district alone are getting prescription drug discounts under Medicare, and there are millions around the country that will benefit from that. People, whether they're on Medicare, Medi-Cal, Medicaid or private insurance will not be asked to make copayments for prevention. Preventive care will be emphasized so we can try to prevent diseases rather than have to pay to have people treated.

People will get money back if their insurance companies are spending no more than 20 percent on their overhead. We have had private insurance companies spending 30 and 40 percent on their salaries for their executives and less on the actual benefits. Every insurance plan will have to provide 80

percent of the premiums to go for the insurance coverage for health care services. This is an important bill.

Now, if you take away the individual requirement to get insurance, the people that are going to get insurance for sure are the people who are already sick. If you don't have full participation, you can't spread the costs out to make it all affordable. Republicans would like to take away the requirement that everybody get insurance so that they can have a failure of the law because people with preexisting positions will be put into their own category, and the insurance will be too much for them to afford. They're trying to undermine the whole law.

The President does not need legal authority to put off for a year the requirement that employers of 50 employees or more cover their employees or pay into the system. Most of those employers already cover their employees; 95 percent of those employers already cover their employees, and we hope to give tax breaks to others so they will join in and be able to cover their employees.

This is a bill that's going to benefit all Americans. Republicans opposed Medicare; they're opposed to ObamaCare. They don't want people to get fair treatment for their health insurance. Vote "no" on both bills today.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PRICE of Georgia. Mr. Speaker, I'm pleased to yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Georgia for yielding and leading this.

Mr. Speaker, I despise ObamaCare—just about everybody in America knows that. I think it should be ripped out by the roots. A minority of the Supreme Court, the clear-thinking constitutionalists, though, agree with me.

The gentleman from California says, however, ObamaCare is the law of the land. All right, I'm going to agree with that for this argument—the law of the land. The law of the land is the Constitution. It's the supreme law of the land, and article II, section 3 says the President shall take care that the laws be faithfully executed. Well, the President of the United States has decided he's going to write his own law and waive the language that's clear statute in the bill that carries his name, ObamaCare, and his signature. It's appalling to me that the President could have such contempt for the Constitution and that this Congress would seek to conform to the President's whim.

We needed to bring, first, SCOTT GARRETT's resolution that declares and rejects this idea, this unconstitutional act of legislating from the executive branch of government. And I would point out the height of audacity, Mr. Speaker, is the President's veto threat for us to be conforming with his unconstitutional act.

## STATEMENT OF ADMINISTRATION POLICY

H.R. 2667—AUTHORITY FOR MANDATE DELAY ACT

(Rep. Griffin, R-Ark., and 26 cosponsors)

H.R. 2668—FAIRNESS FOR AMERICAN FAMILIES ACT

(Rep. Young, R-Ind., and 23 cosponsors)

The Administration strongly opposes House passage of H.R. 2667 and H.R. 2668 because the bills, taken together, would cost millions of hard-working middle class families the security of affordable health coverage and care they deserve. Rather than attempting once again to repeal the Affordable Care Act, which the House has tried nearly 40 times, it's time for the Congress to stop fighting old political battles and join the President in an agenda focused on providing greater economic opportunity and security for middle class families and all those working to get into the middle class.

The Affordable Care Act gives people greater control over their own health care and has already improved many aspects of the Nation's health care system. Because of the Affordable Care Act, tens of millions of Americans who have previously been denied coverage due to a pre-existing medical condition will now be covered. The nearly one in two Americans under the age of 65 with pre-existing medical conditions will have the peace of mind that comes from knowing that they can't be dropped from their health plan or denied coverage because of those conditions. House passage of H.R. 2667 and H.R. 2668 will undermine this security for tens of millions of Americans with pre-existing conditions.

H.R. 2667 is unnecessary, and H.R. 2668 would raise health insurance premiums and increase the number of uninsured Americans. Enacting this legislation would undermine key elements of the health law, facilitating further efforts to repeal a law that is already helping millions of Americans stay on their parents' plans until age 26, millions more who are getting free preventive care that catches illness early on, and thousands of children with pre-existing conditions who are now covered.

If the President were presented with H.R. 2667 and H.R. 2668, he would veto them.

## H. CON. RES. 45

Whereas section 1 of article I of the Constitution states that "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives";

Whereas section 3 of article II of the Constitution states that the President "shall take Care that the Laws be faithfully executed", which imposes a duty upon the President to enforce the law, regardless of difficulty of enforcement or displeasure with the statute;

Whereas the Patient Protection and Affordable Care Act was signed into law by President Barack Obama on March 23, 2010;

Whereas such Act contains a provision commonly referred to as the "employer mandate", which requires businesses that employ 50 or more full-time employees to provide health insurance to its employees upon threat of financial penalty;

Whereas section 1513(d) of such Act states that the employer mandate "shall apply to months beginning after December 31, 2013";

Whereas the executive branch announced on July 2, 2013, that it would unilaterally delay the enforcement of the employer mandate until January 2015;

Whereas the principle of separation of powers is a constitutional safeguard of liberty as asserted by James Madison in Federalist No.

47 in which he stated, "The accumulation of all powers, legislative, executive, and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny"; and

Whereas the executive branch's unilateral decision to delay the implementation of a law sets a dangerous precedent under which legislation that is enacted through the passage of that legislation by the democratically elected Members of Congress and the signing of that legislation into law by the President will no longer have the force of law and will instead be relegated to having the status of a mere recommendation, which the President may choose to ignore: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—*

(1) President Barack Obama has violated section 3 of article II of the Constitution by refusing to enforce the employer mandate provisions of the Patient Protection and Affordable Care Act;

(2) the perpetuation of republican government depends upon the rule of law;

(3) the executive branch, which has no constitutional authority to write or rewrite law at whim, has invaded upon the exclusive legislative power of Congress;

(4) the Patient Protection and Affordable Care Act has proven to be unworkable; and

(5) such Act should be repealed by Congress immediately.

The SPEAKER pro tempore. Members are reminded to refrain from improper references toward the President.

Mr. PRICE of Georgia. Mr. Speaker, how much time remains on our side?

The SPEAKER pro tempore. The gentleman from Georgia has 8 minutes remaining.

Mr. PRICE of Georgia. Am I correct that the other side is out of time?

The SPEAKER pro tempore. That is correct.

Mr. PRICE of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Mr. Speaker, I thank my colleague from Georgia.

Mr. Speaker, this must come as a shock to the administration and Democrat Senate leadership who have recently described ObamaCare as "wonderful for our country." But not to us in the House and the American people. Today, employers are cutting jobs, hours, and wages because they won't be able to comply with the law. Individuals are seeing premiums climb, and families are losing health insurance they like.

An administrative train wreck has become so likely that on July 2, the President announced a year delay for the employer mandate in his own law. This evokes a question for the President: if businesses are being given relief, shouldn't the same relief be given to the American people?

I rise in support of today's legislation to delay both the employer and individual mandate. It's only fair that all taxpayers, whether businesses or families, receive relief from these hurtful mandates.

I look forward to continuing to work with my colleagues to revive our econ-

omy, create jobs, and put the American people first so they can make their own health care decisions. And by the way, wouldn't it be great if personal responsibility, creativity, and liberty reigned again in America.

Mr. PRICE of Georgia. Mr. Speaker, I'm pleased to yield 2 minutes to the gentlewoman from Kansas (Ms. JENKINS), a member of the Ways and Means Committee.

Ms. JENKINS. Mr. Speaker, I thank the gentleman for yielding and thank him for his leadership on this very important issue. And I'm pleased President Obama finally acknowledged how damaging the employer mandate will be to American businesses. I agree delaying ObamaCare's implementation and the economic setbacks that go with it make sense.

However, while that delay may temporarily help people like Mary from northeast Kansas, who was recently informed that her job will be transitioned from full time to part time in order to avoid the employer mandate, unless we also delay the individual mandate, she will still need to find a new insurance plan or risk paying the new law's insurance tax.

It simply is not fair to exempt big businesses from the law while leaving folks like Mary to pick up the tab. I urge my colleagues to support this bill which grants American families relief from this very unpopular provision.

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. Mr. Speaker, I thank the gentleman from Georgia.

The President's unilateral refusal to implement ObamaCare's employer mandate for 1 year presents us with a question: Can the President suspend a law that was enacted by Congress and signed into law by that President? On this question, the Constitution and the principles of this Republic could not be clearer. The answer is an emphatic no, he cannot. Article II, section 3—it's called the "take care" clause of the Constitution—imposes a duty upon the President to execute the laws of the land, regardless of the difficulty of enforcement or his displeasure of the law.

Not only has this President refused to enforce the law, but he has effectively rewritten the law, violating the separation of powers and infringing upon the exclusive right of this legislative body of this Congress.

The executive branch has no constitutional right to write a law or to rewrite the law. So by refusing to enforce and effectively rewriting it, the President is setting a dangerous precedent under which laws enacted by a democratically elected Congress will no longer have the force of law, but will instead be relegated to the status of mere recommendations, which the President may choose to ignore at his whim.

Mr. Speaker, this is not the rule of law; this is lawlessness, and that is why I have introduced House Concurrent Resolution 45 saying as much.

Finally, if President Obama finds ObamaCare to be as unworkable as he says it is, then he should call upon this Congress to do the right thing and to repeal the law immediately.

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. REED), a member of the Ways and Means Committee.

Mr. REED. Mr. Speaker, I rise today and ask my colleagues on the other side of the aisle to join us in this employer mandate relief because what is happening here first of all is the President is unilaterally ignoring the law of the land, and he's not going to be President forever. So when a President of a different party, my party, is in that office, I hope they remember the action taken today. And I'll put it to the American people that it makes sense for us in this body to require the passage of this legislation so the President's power is put in check.

As to the individual mandate, Mr. Speaker, this is just fair. If we're going to relieve the burden on employers, then we need to relieve the burden on hardworking taxpayers and families across America. To me, it's just not right. It's fair to both pass this employer mandate relief bill as well as the individual relief bill that accompanies it later for discussion.

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Indiana (Mr. STUTZMAN).

Mr. STUTZMAN. Mr. Speaker, I would like to thank my colleague and friend from Georgia for yielding and for his hard work on this very important issue.

Mr. Speaker, Mr. HARRY REID might have said that ObamaCare is wonderful for America, but Hoosiers back home aren't buying the spin. ObamaCare was sold as a benefit to hardworking Americans, but it is increasingly clear on both sides of the aisle that ObamaCare is hurting the very people it was intended to help. There is nothing wonderful about the situation hardworking Americans face—fewer hours, more taxes, soaring premiums, and smaller paychecks.

“Just trust the bureaucrats” is what the Democrats said when they forced this mess on the American people. Three years later, they're asking for more time. By unilaterally delaying the employer mandate for a year, the White House admitted what Hoosiers already know: if they're willing to exempt businesses, shouldn't every hardworking family get an exemption as well? Let's delay both ObamaCare mandates and continue to work towards fully repealing a failed law that is hurting Hoosiers and Americans across

the country and holding back our economy.

Mr. PRICE of Georgia. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Georgia has 2 minutes remaining.

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to yield the balance of my time to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. Mr. Speaker, what truly makes America unique is that everybody is treated fairly and equally under the law. That's what makes us so great. That's why people say, at least if I'm in America, I know I'm going to be treated the same way as everybody else. It's not going to matter what the color of my skin is; it's not going to matter how I worship; it's not going to matter whether I'm wealthy or poor; I'm going to be treated equally and fairly under the law.

And yet today, we're talking about something that is going on in our government right now where the President has decided to pick winners and losers. The President has decided that he is going to divide the country even further now because he's not going to do what is fair and what's equal, he's going to do what's convenient.

Now, it's pretty easy to understand what fair is. Fair is marked by impartiality and honesty. It's free from self-interest, prejudice, or favoritism. Equal means of the same measure, quantity, amount, or numbers, as in any other person, any other group, any other class, or any other part of society.

So I ask you, How in the world can you say businesses don't have to comply? We're going to go ahead and give them a year off. But yet the individual is going to be held to the letter of the law. If we are truly a country of laws, if we are truly going to treat everybody equally and fairly under the law, then how in the world can we be here today discussing this and debating this on this great floor. It just doesn't make sense.

A piece of legislation that continues to unravel before our very eyes, that creates uncertainty in our society, that creates uncertainty in our businesses, and now, we wonder when's the next shoe going to drop? What else is going to be changed? What laws will we enforce, what laws will we walk away from?

I would just tell my friends on both sides of the aisle, do what we all believe. Let's treat people fairly and equally under the law. Could there be anything more American than that? And the answer is, no; it's self-evident. So I ask all of us today to do what's right for America. What's good for the goose is good for the gander.

□ 1630

If it's not good for business, why should it be good for individuals?

Pass both pieces. Let the American people put their head on the pillow tonight with some kind of surety that they're going to be protected under the law and treated fairly and equally.

Mr. LEVIN. Mr. Speaker, I submit this report, which shows that hundreds of thousands of constituents in the 7th district of Tennessee benefit from various provisions in the Affordable Care Act.

BENEFITS OF THE HEALTH CARE REFORM LAW IN THE 7TH CONGRESSIONAL DISTRICT OF TENNESSEE

COMMITTEES ON ENERGY AND COMMERCE, WAYS AND MEANS, AND EDUCATION AND THE WORKFORCE, DEMOCRATIC STAFF REPORT, JULY 2013

The landmark Affordable Care Act (ACA) began delivering important new benefits and protections to tens of millions of American families almost immediately after it was signed into law by President Obama. But the largest benefits of the law will become available to consumers on October 1, 2013, when health insurance marketplaces open in all 50 states. These marketplaces will offer individuals, families, and small businesses an efficient, transparent one-stop shop to compare health insurance policies, receive financial assistance, and sign up for high-quality, affordable, and secure insurance coverage.

This fact sheet summarizes new data on the significant benefits of the health care reform law in Rep. Blackburn's district. It also provides the first picture of the impacts of the law in districts redrawn or newly created following the 2010 Census. As a result of the law:

5,900 young adults in the district now have health insurance through their parents' plan.

More than 8,000 seniors in the district received prescription drug discounts worth \$10 million, an average discount of \$580 per person in 2011, \$610 in 2012, and \$960 thus far in 2013.

116,000 seniors in the district are now eligible for Medicare preventive services without paying any co-pays, coinsurance, or deductible.

191,000 individuals in the district—including 50,000 children and 75,000 women—now have health insurance that covers preventive services without any co-pays, coinsurance, or deductible.

181,000 individuals in the district are saving money due to ACA provisions that prevent insurance companies from spending more than 20% of their premiums on profits and administrative overhead. Because of these protections, over 27,900 consumers in the district received approximately \$4 million in insurance company rebates in 2012 and 2011—an average rebate of \$69 per family in 2012 and \$201 per family in 2011.

Up to 44,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

208,000 individuals in the district now have insurance that cannot place lifetime limits on their coverage and will not face annual limits on coverage starting in 2014.

Up to 91,000 individuals in the district who lack health insurance will have access to quality, affordable coverage without fear of discrimination or higher rates because of a preexisting health condition. In addition, the 39,000 individuals who currently purchase private health insurance on the individual or small group market will have access to more secure, higher quality coverage and many will be eligible for financial assistance.

Mr. CONYERS. Mr. Speaker, I rise today in advance of the back-to-back votes brought to

the floor by House Republicans to delay two key pieces of the Affordable Care Act: the individual responsibility and employer mandates.

Today I will vote for the 38th time against a partisan attempt by Republicans to partially or completely repeal portions of the Affordable Care Act.

The debate on these bills has added to the already 80+ hours spent on repeal efforts in the House, which has cost the American taxpayer \$55 million.

If the Majority were to succeed in their efforts to repeal the Affordable Care Act, 129 million Americans with pre-existing conditions would lose the security of knowing they cannot be denied coverage. 25 million Americans will miss out on the opportunity to receive quality, affordable health insurance coverage through the new health insurance marketplaces. 6.6 million young adults would lose coverage provided through their parents' plans, including 3.1 million who were previously uninsured. 105 million Americans could again worry about lifetime limits on their health insurance coverage.

Many constituents of Michigan's 13th District are among those already benefiting from Obamacare. So far, 121,000 of our neighbors who previously lacked health insurance have access to quality coverage without fear of discrimination or higher rates because of pre-existing conditions, including 43,000 children who can no longer be denied coverage. 136,000 individuals—including 26,000 children and 61,000 women—now have health insurance that covers preventative services without any copays, coinsurance, or deductibles. And 103,000 13th District residents are saving money directly because of ACA provisions.

All the while, the Majority has made no meaningful attempt to repeal damaging across-the-board sequestration cuts or come to the table to discuss legislation to create quality jobs with living wages.

Mr. Speaker, it's long past time to end the dysfunction epitomized by repeated efforts to repeal Obamacare, so that we can turn our focus to addressing the serious problems facing everyday Americans.

Mr. PETERS of Michigan. Mr. Speaker, today I would like to recognize that this is the first time Republicans have embraced that the Affordable Health Care Act is law and supported its implementation starting in 2014. By offering and supporting H.R. 2667, House Republicans are finally voting for the health care law mandates to be implemented a year from now.

For too long, Congress has been brought to a level of inaction that is unprecedented. The gridlock has frustrated me as well as the hard working men, women, small business owners and middle class families in my district in Michigan.

Instead of working toward solutions and fixing a broken health care system, House Republicans wasted time and resources voting 37 votes to repeal The Affordable Care Act wholesale. Without the health care law, families would continue to fear illness because getting sick could mean bankruptcy. Michigan's middle class can't afford to continue without changes to our health care system, and the Affordable Care Act goes a long way to solve these problems.

Today, every Republican who casts a vote to delay the employer and individual mandates is voting to get the implementation of the Affordable Care Act right and implement the law in full starting in December 2014.

The President has already granted businesses one more year to implement the health care law. Without offering Michigan families the same temporary, one-year extension without penalty, businesses lose the incentive to offer coverage one year from now because their employees have already purchased insurance in the interim. These mandates work best in tandem as they will in the coming years.

I look forward to working with Democrats and Republicans to improve the transition to more affordable health care coverage for Michigan families and businesses when the law is fully implemented.

The Affordable Care Act will help lower health care costs for women, ensure coverage for children with pre-existing conditions, and curb the overall cost of health care.

That is why I voted for the Affordable Care Act, and that's why I am voting today to get this law implemented fairly and in a way that supports businesses and middle class families.

The SPEAKER pro tempore. All time for debate on H.R. 2667 has expired.

Pursuant to House Resolution 300, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 2667 is postponed.

#### FAIRNESS FOR AMERICAN FAMILIES ACT

Mr. PRICE of Georgia. Mr. Speaker, pursuant to House Resolution 300, I call up the bill (H.R. 2668) to delay the application of the individual health insurance mandate, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 300, the bill is considered read.

The text of the bill is as follows:

H.R. 2668

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness for American Families Act".

#### SEC. 2. DELAY IN APPLICATION OF INDIVIDUAL HEALTH INSURANCE MANDATE.

(a) IN GENERAL.—Section 5000A(a) of the Internal Revenue Code of 1986 is amended by striking "2013" and inserting "2014".

(b) CONFORMING AMENDMENTS.—

(1) Section 5000A(c)(2)(B) of the Internal Revenue Code of 1986 is amended—

(A) by striking "2014" and inserting "2015", and

(B) by striking "2015" in clauses (ii) and (iii) and inserting "2016".

(2) Section 5000A(c)(3)(B) of such Code is amended—

(A) by striking "2014" and inserting "2015", and

(B) by striking "2015" (prior to amendment by subparagraph (A)) and inserting "2016".

(3) Section 5000A(c)(3)(D) of such Code is amended—

(A) by striking "2016" and inserting "2017", and

(B) by striking "2015" and inserting "2016".

(4) Section 5000A(e)(1)(D) of such Code is amended—

(A) by striking "2014" and inserting "2015", and

(B) by striking "2013" and inserting "2014".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 1501 of the Patient Protection and Affordable Care Act.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. PRICE) and the gentleman from Washington (Mr. McDERMOTT) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia.

#### GENERAL LEAVE

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 2668.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. PRICE of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in strong support of H.R. 2668, the Fairness for American Families Act. The administration says that they invited business to come in and explain how the cost and the complexity of ObamaCare was hurting business and hurting the economy, and they granted business relief appropriately.

Mr. Speaker, why hasn't the administration invited the American people into the halls of government?

Why hasn't the White House listened to the concerns of the American people about the cost and the complexity of ObamaCare for American families?

Have American families seen a \$2,500 premium decrease as promised by the President?

No. In fact, premiums have gone up.

The American people don't understand this law any better than the employers, employers who can hire lawyers and consultants and health benefits experts. In fact, individuals who have no help understand this law even less than business; yet the administration granted relief only to business.

Mr. Speaker, it's clear: the President has now admitted it. His law, ObamaCare, is not ready. Deadlines have been missed. System testing is not complete. Income verification systems are not in place.

In the words of Senator BAUCUS, the train wreck is happening.

The law should be repealed, Mr. Speaker. President Obama disagrees with that, and that's unfortunate. But we all should be able to come together on the simple principle of fairness. If business gets a 1-year delay, the American people ought to get a 1-year delay. It's a simple principle.

If ObamaCare is behind schedule, the American people should not have to bear the burdens alone. They should get the same delay as business.

I urge my colleagues to come together today and to advance this very simple principle that this government will treat its citizens fairly and equally.

I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, now we get to the real bill. If the Republicans can't repeal the Affordable Care Act, they're going to try and rot it from the inside.

For the last few days, my Republican colleagues have been spinning this vote as a great populist effort to help the middle class. They explain that, even with these repeals, we can keep all the things we like, covering our kids till age 26, prescription drug help, banning the denial of coverage for those with preexisting conditions.

And legally, they aren't wrong. They're not lying. They're just confusing the people. These laws will still be in place; but realistically, in the real world in which we live, it will be hard to cover your kids and subsidize drugs if the insurance industry no longer exists in this country.

Without the healthy consumers the mandate guarantees, only the sickest and the costliest will be left, and prices will skyrocket.

We have a letter from the Congressional Budget Office that says that if we delay this, you can expect that the prices of insurance will go up and fewer people will be covered.

The reason you don't see any fur flying is because the insurance industry knows this isn't going anywhere. This is just a lot of political theater.

In Washington, we tried this. In 1993, the Democrats put in universal coverage and guaranteed issue. Everybody had a mandate, and you were going to get it. The insurance companies couldn't do otherwise. Two years later, the Republicans repealed the guaranteed mandate, leaving the insurance industry covering the sickest in the State of Washington. Within 3 years, there were no individual policies sold in the State of Washington.

We have run this game once in Washington State, and you are coming out here today and running it again. It's been tried in other States. You cannot have universal coverage without a mandate. You cannot have insurance reform that guarantees everybody insurance.

Now, this isn't prophecy on my part. This has happened. A lot of what you hear about around here is that people are talking, well, gee, we got these terrible insurance rates going up.

They're not going up in Washington in our exchange. They're not going up in Oregon in the exchange. They're not going up in California in the exchange. Today, New York reports they're not going up in New York.

Anybody who stands out here and says insurance rates are out of sight simply is misleading the people.

We ought to vote "no" on this bill.

I reserve the balance of my time.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, July 16, 2013.

Hon. DAVE CAMP,  
Chairman, Committee on Ways and Means,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: CBO and the staff of the Joint Committee on Taxation (JCT) have begun a review of H.R. 2668, the Fairness for American Families Act, but we have not yet completed a cost estimate for the bill. On a preliminary basis, however, we expect that enacting H.R. 2668 would have the effect of reducing the deficit in 2014 and over the 2014–2023 period. That initial conclusion is based on our prior work on proposals to repeal the individual mandate established in the Affordable Care Act.

The legislation would delay for one year the requirement that nearly every resident of the United States have health insurance coverage by January 1, 2014. The bill also would shift by one year the schedule of penalties for people who do not comply with the mandate.

CBO and JCT expect that, during the period of delayed phase-in of the penalty for failing to comply with the mandate, health insurance premiums for individually purchased coverage would be higher under H.R. 2668 than they are projected to be under current law. In addition, the number of people with health insurance coverage would be reduced relative to current law.

I hope you find this preliminary information useful; if you wish further details, we will be pleased to provide them.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

[From Bloomberg News, June 16, 2012]

HEALTH REFORM WITHOUT A MANDATE:  
LESSONS FROM WASHINGTON STATE  
(By Sarah Kliff)

If the Supreme Court overturns the health reform law's individual mandate—a decision that could come as soon as Monday—it won't be totally unknown territory. For Washington state, it would be quite familiar.

Washington state attempted to pursue health insurance without an individual mandate.

In 1993, Washington also passed a law both guaranteeing all residents access to private health insurance, regardless of their health status, and requiring Washingtonians to purchase coverage.

The state legislature, however, repealed that last provision two years later. With the guaranteed access provisions still standing, the state saw premiums rise and enrollment drop, as residents only purchased coverage when they needed it. Health insurers fled the state and, by 1999, it was impossible to buy

an individual plan in Washington—no company was selling.

Washington state is among a handful of states that have pursued universal access to health insurance. The challenges they have faced could give some clues about the federal overhaul's fate should the mandate get struck down. "There are seven states that tried this in the mid-1990s and, in every case, it was a disaster," said M.I.T. health care economist Jonathan Gruber, who worked on both Massachusetts' reform law and the Affordable Care Act. "It became pretty clear that, if you want a market to work, you need a mandate."

Washington state began pursuing health reform in 1990, when the state legislature created a commission to study how best to provide universal coverage for its 5 million residents. The commission weighed a single-payer scheme, where state would create and run its own health plan. It ultimately settled on a "managed competition" model, where the state would play a greater role in regulating the insurance market.

"There were essentially three goals of the law: To cover everybody, to reduce the rate of health-care cost growth by managing competition better and to improve health care outcomes," says Aaron Katz, a University of Washington health policy professor who served on the commission.

Starting on July 1, 1993, health insurance companies were required to accept all state residents who applied for coverage. The new law also barred health plans from charging sick subscribers more, a practice known as underwriting. The requirement to purchase coverage, meanwhile, was not slated to take effect until five years later, in 1998.

That never came to be. After Republicans took control of the Washington state House in 1994, the state repealed its individual mandate. The guaranteed issue provision, however, remained on the books.

"The legislature was loath to repeal the insurance reforms because those were very popular," says Aaron Katz, a health policy professor at the University of Washington, who advised the legislature on the issue. "That put the insurance companies in a bind."

The bind they were in was this: The only people buying health insurance were those who foresaw having high medical costs. That drove health insurance premiums up. As premiums went up, and insurance became less affordable, enrollment decreased significantly.

As one report from the Washington state Insurance Commissioner's Office described it, the insurance market has entered a "death spiral," with customers only buying coverage "when they needed it."

Jonathan Hensley, who then served as the president of local health plan Premera Blue Cross, recalls one letter he got from a healthy woman cancelling her insurance policy.

"She wrote in her letter that she very much appreciated our excellent service [and] that she would certainly pick our plan again when she became pregnant," says Hensley, who now works for another health insurer in Washington, Cambia.

Big premium spikes indicated that many Washingtonians were making similar decisions: Premera Blue Cross, increased premiums on its most popular product by 78 percent over the course of three years.

Health insurance companies, meanwhile, were losing money—and leaving the state. Between 1993 and 1998, 17 health insurance carriers had left the state's individual market. The two remaining plans—Regence Blue



Shield and Group Health, a health maintenance organization—stopped writing policies in 1999. Washington state's individual market was essentially dead.

"What effectively happened was you got to this tipping point, where we couldn't afford to do business, and individual coverage was simply not available," says Hensley.

Hensley, along with other health-care stakeholders, met with then-Gov. Gary Locke to discuss new legislation to fix the insurance market. In 2000, the Washington state legislature significantly modified its guaranteed issue policy. Insurers would still have to cover most residents, but those with pre-existing conditions could be required to wait nine months for the policy to kick in. The very sickest applicants would, meanwhile, would be eligible for coverage in a high-risk insurance pool administered by the state.

Washington state's insurance market now has nine companies selling individual policies, compared to the 19 that participated in 1993. Thirteen percent of Washington state residents currently lack health coverage, the same number as when the health reform experiment started.

Washington state's experience does not make a perfect analogy for what would happen to the federal law, should its individual mandate get struck down. The Affordable Care Act has premium subsidies, for example, that could encourage more individuals to purchase coverage. It also allows insurance companies to charge older subscribers three times as much as young enrollees; in Washington, everyone had to receive the same rate.

Some, however, do see parallels between the role that the individual mandate played in Washington state's law—and could play in the law passed in Washington, D.C.

"Washington state's experience demonstrated that passing market reforms without requiring broad participation in the system does not work," said Karen Ignagni, President of America's Health Insurance Plans. "The linkage is essential."

Washington state, for its part, filed an amicus brief with the Supreme Court on the health reform law, that drew heavily from its own experience.

"We also know, from Washington state's own experience, that insurance coverage for pre-existing medical conditions must go hand in hand with the minimum insurance coverage requirements," Washington Gov. Christine Gregoire, a Democrat, said in a statement accompanying her filing.

Mr. PRICE of Georgia. Mr. Speaker, I'm pleased to yield 2 minutes to the gentleman from Indiana (Mr. YOUNG), the author of the bill, recognizing his wisdom and his diligence in working on this issue and recognizing that fairness was absolutely vital on this issue.

Mr. YOUNG of Indiana. Mr. Speaker, on July 2, the President announced the delay of ObamaCare's employer mandate tax. Now, we know this is great for business, for those businesses that have the resources, the lobbyists, the accountants and so on to get their message out to Congress and the administration. But it does little for hard-working American individuals and families.

A government of the people, by the people, and for the people must be a government that is fair to all of its citizens. It's simply unfair to give busi-

ness a pass, but not to give such treatment to rank-and-file Americans.

So that's why I introduced H.R. 2668, the Fairness for American Families Act. The bill gives individuals the same reprieve from ObamaCare that our President gives to Big Business.

Under current law, individuals must buy insurance on January 1 or pay a tax. My bill would merely delay implementation of the individual mandate tax for 1 year as well.

It's worth noting that the individual tax is just as confusing to hardworking Americans as the employer tax is to businesses; but families don't have teams of accountants and lawyers to help them comply with ObamaCare.

It isn't getting any easier either. On July 5, an additional 145 pages of regulations were promulgated by this administration related to the individual tax. So how are ordinary Americans supposed to keep up with all of this?

That's why poll after poll shows that the individual mandate tax is so unpopular. In fact, only 12 percent of Americans like it.

The White House said they delayed the employer tax because it's too darn complex for businesses. Well, I hear from my constituents every day that the individual tax is just as confusing. They want relief.

The President only wants to give relief to some. I think all of our constituents deserve relief. And with that in mind, I ask my colleagues from both political parties, let's take off our political blinders for once. Let's do the right thing here, and let's support the Fairness for American Families Act.

Let's provide the same relief to America's families that the Obama administration has granted to Big Business. That's only fair.

Mr. McDERMOTT. Mr. Speaker, I will insert for the RECORD the report on the Ninth District of Indiana and the people who will benefit from that bill when it goes into effect on the first of October.

BENEFITS OF THE HEALTH CARE REFORM LAW IN THE 9TH CONGRESSIONAL DISTRICT OF INDIANA

COMMITTEES ON ENERGY AND COMMERCE, WAYS AND MEANS, AND EDUCATION AND THE WORKFORCE, DEMOCRATIC STAFF REPORT, JULY 2013

The landmark Affordable Care Act (ACA) began delivering important new benefits and protections to tens of millions of American families almost immediately after it was signed into law by President Obama. But the largest benefits of the law will become available to consumers on October 1, 2013, when health insurance marketplaces open in all 50 states. These marketplaces will offer individuals, families, and small businesses an efficient, transparent, one-stop shop to compare health insurance policies, receive financial assistance, and sign up for high-quality, affordable, and secure insurance coverage.

This fact sheet summarizes new data on the significant benefits of the health care reform law in Rep. Young's district. It also provides the first picture of the impacts of the law in districts redrawn or newly created

following the 2010 Census. As a result of the law:

8,300 young adults in the district now have health insurance through their parents' plan.

More than 9,300 seniors in the district received prescription drug discounts worth \$13.7 million, an average discount of \$680 per person in 2011, \$720 in 2012, and \$700 thus far in 2013.

110,000 seniors in the district are now eligible for Medicare preventive services without paying any co-pays, coinsurance, or deductible.

213,000 individuals in the district—including 45,000 children and 86,000 women—now have health insurance that covers preventive services without any co-pays, coinsurance, or deductible.

135,000 individuals in the district are saving money due to ACA provisions that prevent insurance companies from spending more than 20% of their premiums on profits and administrative overhead. Because of these protections, over 33,800 consumers in the district received approximately \$4.4 million in insurance company rebates in 2012 and 2011—an average rebate of \$157 per family in 2012 and \$99 per family in 2011.

Up to 40,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

255,000 individuals in the district now have insurance that cannot place lifetime limits on their coverage and will not face annual limits on coverage starting in 2014.

Up to 91,000 individuals in the district who lack health insurance will have access to quality, affordable coverage without fear of discrimination or higher rates because of a preexisting health condition. In addition, the 35,000 individuals who currently purchase private health insurance on the individual or small group market will have access to more secure, higher quality coverage and many will be eligible for financial assistance.

I yield 2 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Let me thank you, Mr. McDERMOTT, for yielding time, and thank you for your leadership on this issue. I've watched you for years doing your work, and you are consistent. I thank you so very much.

Mr. Speaker, I am opposed to this bill. You know, I've kind of lost track. I think it's 38 times that the Republican-controlled House has voted to repeal the Affordable Care Act, either in whole or in part.

Why are my colleagues wasting valuable time legislating on what amounts to nothing more than a talking point and something they know has no chance, no chance of becoming law?

Why is discrediting this President at the top of their agenda?

Let me remind my colleagues that there is real work to be done here on this floor on behalf of the American people. Maybe my friends somehow forget student loan interest rates doubled on July 1. Maybe they forget that they rammed through a farm bill that, for the first time since 1973, was without a nutrition title, leaving the door open for food banks to be closed and for millions of needy Americans to go hungry.

But, no, they didn't forget. I suggest that many of them just do not care.



Today, for the 38th time, Mr. Speaker, we vote on a bill that would delay better health care, delay fixing the problem of uncompensated care from emergency room visits, and delay access to good, affordable health care for millions of good Americans.

Therefore, I come to the floor today to urge my colleagues to oppose H.R. 2668. I ask you to vote "no" on this ill-conceived legislation.

Mr. PRICE of Georgia. Mr. Speaker, I would remind my friend that it's the President who has delayed the employer mandate in this arena. All we're looking for is fairness and equality for the American people.

I'm pleased to yield 1 minute to the gentleman from Minnesota (Mr. PAULSEN), a member of the Ways and Means Committee.

Mr. PAULSEN. Mr. Speaker, from the beginning, it was clear to many Americans that ObamaCare was far too burdensome, far too complex, and far too bureaucratic to be successfully implemented. And now it appears the Obama administration agrees.

Just a few weeks ago, the administration announced on a blog post a 1-year delay of the employer mandate, admitting that it is unworkable.

Now, I've advised hundreds of businesses in Minnesota and have heard loud and clear the concerns that Obama's mandates and rules mean increased costs, higher taxes, fewer hours for workers, lost jobs and layoffs. But it's not fair that the administration is choosing to let the individual mandate take effect, letting millions of average Americans be hit with a mandate and new financial penalties.

Why is the administration only concerned about protecting business, but not hardworking American taxpayers?

Today we have an opportunity to also delay the individual mandate in order to protect all Americans. This is an issue of fairness. Average Americans are struggling under this law and they need relief. They need protection, and they need real health care reform.

Mr. McDERMOTT. Mr. Speaker, I submit for the RECORD the report on the Third Congressional District of Minnesota and the people who will benefit from this act.

BENEFITS OF THE HEALTH CARE REFORM LAW  
IN THE 3RD CONGRESSIONAL DISTRICT OF  
MINNESOTA

COMMITTEES ON ENERGY AND COMMERCE, WAYS  
AND MEANS, AND EDUCATION AND THE WORK-  
FORCE, DEMOCRATIC STAFF REPORT, JULY 2013

The landmark Affordable Care Act (ACA) began delivering important new benefits and protections to tens of millions of American families almost immediately after it was signed into law by President Obama. But the largest benefits of the law will become available to consumers on October 1, 2013, when health insurance marketplaces open in all 50 states. These marketplaces will offer individuals, families, and small businesses an efficient, transparent, one-stop-shop to compare health insurance policies, receive financial

assistance, and sign up for high-quality, affordable, and secure insurance coverage.

This fact sheet summarizes new data on the significant benefits of the health care reform law in Rep. Paulsen's district. It also provides the first picture of the impacts of the law in districts redrawn or newly created following the 2010 Census. As a result of the law:

3,300 young adults in the district now have health insurance through their parents' plan.

More than 8,800 seniors in the district received prescription drug discounts worth \$12.2 million, an average discount of \$620 per person in 2011, \$680 in 2012, and \$1,070 thus far in 2013.

108,000 seniors in the district are now eligible for Medicare preventive services without paying any co-pays, coinsurance, or deductible.

220,000 individuals in the district—including 54,000 children and 87,000 women—now have health insurance that covers preventive services without any co-pays, coinsurance, or deductible.

150,000 individuals in the district are saving money due to ACA provisions that prevent insurance companies from spending more than 20% of their premiums on profits and administrative overhead. Because of these protections, over 16,600 consumers in the district received approximately \$1.4 million in insurance company rebates in 2012 and 2011—an average rebate of \$303 per family in 2012 and \$160 per family in 2011.

Up to 40,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

282,000 individuals in the district now have insurance that cannot place lifetime limits on their coverage and will not face annual limits on coverage starting in 2014.

53,000 individuals in the district who lack health insurance will have access to quality, affordable coverage without fear of discrimination or higher rates because of a preexisting health condition. In addition, the 42,000 individuals who currently purchase private health insurance on the individual or small group market will have access to more secure, higher quality coverage and many will be eligible for financial assistance.

I now yield 3 minutes to the gentleman from Michigan (Mr. DINGELL). He's been here for a number of years, always fighting for health care, and he is living proof that the price of liberty is eternal vigilance. He's here today fighting for health care, just like he did the first day he got here.

Mr. DINGELL. Mr. Speaker, I thank my good friend for the time; and I rise in strong opposition to the seriously misnamed H.R. 2668, Fairness for American Families Act. It's a lot of baloney. This is nothing more than a sorry political stunt that would undermine the critical portions of the Affordable Care Act, which is already bringing enormous benefits to the American people.

Delaying the individual mandate by 1 year will simply undercut ACA when it is the time that we must be focusing on fully implementing the law. Just today, we found that the health insurance premiums in New York are going to fall by an average of 50 percent when the exchanges are up and running. Other States can do the same thing, and that is the experience which we're

finding across the country. This is happening elsewhere.

□ 1645

I would point out that repealing the individual mandate is going to cost Americans additional health care costs, not decrease them.

Let us move forward with the implementation. I ask my Republican colleagues to cooperate with us in that goal. I ask them to work with us to better the welfare of the American people by seeing to it that this comes into law. The Congress has spoken and the American people approve. I say that it is time for us to provide real benefits to the American people rather than continue playing these sorry and tired political games.

I say shame on those of us who are wasting the time of this body. Let us address the problems of the economy. Let us deal with jobs, employment. Let us deal with student loans, where the interest rate is doubling. Let us see to it that we implement this law which will do away with things that are so hurtful to the American people, such as having Americans unable to get insurance because they have a preexisting condition or where insurance companies can cancel a policy because people are getting sick. It is time for us to deal with the real problems.

Einstein observed that insanity is doing the same thing over and over again with the full expectation that the results are going to be different, but getting the same result. I say this country needs better leadership, better understanding, and a Congress that will work on behalf of the American people. As I look around, I do not see that on this floor today.

Again, I say shame. This is a terrible, terrible waste of the people's money and the people's time. It costs a lot for us to make this Congress meet and to conduct its business, and we are wasting that time now with this kind of nonsensical legislation.

Mr. Speaker, I rise in strong opposition to both H.R. 2667, the Authority for Mandate Delay Act, and H.R. 2668, the Fairness for American Families Act. Here we are once again taking another cheap shot at the Affordable Care Act (ACA), rather than working to continue providing its benefits to the American people. Both pieces of legislation are political stunts which will not help Americans get access to quality, affordable health care.

There is no need for passage of H.R. 2667 since the President has already acted to delay by one year the employer responsibility requirements under ACA. Given the fact that this type of change has long been sought by my friends on the other side of the aisle and their allies, you would think they would be praising the President for taking this action. Instead, they have done nothing but used this as another opportunity to score cheap political points, which is very telling.

Although I wish the employer responsibility provision would be implemented on time, the

fact of the matter is that this delay will have very little practical impact. Over ninety six percent of large employers already offer health coverage to their employees. It is important that we take our time in getting these new reporting requirements right, which is exactly what the President is doing. Since the President has already acted in this manner, H.R. 2667 is duplicative and unnecessary.

H.R. 2668 also should be rejected by this body. The individual mandate is the cornerstone of the ACA, and the Supreme Court has affirmed its constitutionality. Simply put, delaying the implementation of the individual mandate is just a back door attempt to undermine the entire law. The Affordable Care Act has already brought many benefits to the American people. Thanks to the law, 206,000 people in my district have access to preventative services without a co-pay, and 8,500 young adults have health insurance through their parents' plan. Adopting this bill today would jeopardize this progress we have made in recent years.

Today we received news that health insurance premiums will fall by an average of 50 percent in New York once their exchanges are up and running in 2014. The individual mandate is a key reason for this. For years, New York had a prohibition on discriminating against individuals with a pre-existing condition. However, the State did not require all individuals to purchase insurance, which caused rates to skyrocket. The individual mandate, combined with the new health insurance marketplaces, are in large part responsible for this precipitous decline in insurance rates in New York. We should ensure that these results are replicated in my home State of Michigan and across the rest of the country. Repealing the individual mandate will increase Americans' health care costs, not decrease them.

I hope we can come together and work in a bipartisan manner to improve our health care system and provide real benefits to the American people. Until that day comes, I urge my colleagues to join me in voting against these two pieces of legislation, as they are nothing more than political stunts which do nothing to address the problems we face as a Nation.

Mr. PRICE of Georgia. I am pleased to yield 1 minute to a fellow physician colleague in the United States House, the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I thank the gentleman for yielding.

I rise in strong support of the Fairness for American Families Act. As chairman of the Health, Employment, Labor, and Pension Subcommittee, I've held three hearings outside the Beltway—one in North Carolina—where we talked to businesses and individuals about the effect of the Affordable Care Act on them and their businesses.

Let me just tell you about some people that I heard from. One was a divorced server in a restaurant that had her hours cut from 40 to 29 so that the company could stay in business. This woman now is missing an entire week's worth of hours every single month. She can't pay her bills unless she gets another job. The same problem for ad-

junct professors at the local community college.

And now, the audacity of what we've done is we've forced businesses to cut these hours, where they make less money, and then penalize you when you don't buy something. That's wrong. The right thing to do is to delay this for both individuals and businesses so they can work out the problems. That was the President's suggestion. I strongly support this bill.

Mr. McDERMOTT. Mr. Speaker, according to a report on the First Congressional District of Tennessee, 5,800 young adults have insurance on their parents' plan, 13,000 seniors receive prescription drug benefit reductions, and 168,000 seniors are now eligible for preventive care that's free. And on and on it goes.

#### BENEFITS OF THE HEALTH CARE REFORM LAW IN THE 1ST CONGRESSIONAL DISTRICT OF TENNESSEE

COMMITTEES ON ENERGY AND COMMERCE, WAYS AND MEANS, AND EDUCATION AND THE WORKFORCE, DEMOCRATIC STAFF REPORT, JULY 2013

The landmark Affordable Care Act (ACA) began delivering important new benefits and protections to tens of millions of American families almost immediately after it was signed into law by President Obama. But the largest benefits of the law will become available to consumers on October 1, 2013, when health insurance marketplaces open in all 50 states. These marketplaces will offer individuals, families, and small businesses an efficient, transparent one-stop shop to compare health insurance policies, receive financial assistance, and sign up for high-quality, affordable, and secure insurance coverage.

This fact sheet summarizes new data on the significant benefits of the health care reform law in Rep. Roe's district. It also provides the first picture of the impacts of the law in districts redrawn or newly created following the 2010 Census. As a result of the law:

5,800 young adults in the district now have health insurance through their parents' plan.

More than 13,100 seniors in the district received prescription drug discounts worth \$16.9 million, an average discount of \$580 per person in 2011, \$630 in 2012, and \$680 thus far in 2013.

168,000 seniors in the district are now eligible for Medicare preventive services without paying any co-pays, coinsurance, or deductible.

177,000 individuals in the district—including 34,000 children and 75,000 women—now have health insurance that covers preventive services without any co-pays, coinsurance, or deductible.

168,000 individuals in the district are saving money due to ACA provisions that prevent insurance companies from spending more than 20% of their premiums on profits and administrative overhead. Because of these protections, over 26,000 consumers in the district received approximately \$3.7 million in insurance company rebates in 2012 and 2011—an average rebate of \$69 per family in 2012 and \$201 per family in 2011.

Up to 36,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

190,000 individuals in the district now have insurance that cannot place lifetime limits on their coverage and will not face annual limits on coverage starting in 2014.

Up to 103,000 individuals in the district who lack health insurance will have access to quality, affordable coverage without fear of discrimination or higher rates because of a preexisting health condition. In addition, the 28,000 individuals who currently purchase private health insurance on the individual or small group market will have access to more secure, higher quality coverage and many will be eligible for financial assistance.

I yield 1 minute to the leader of the Democratic Party, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding. I thank him also for his leadership on this health care issue. I've watched him lead this debate for nearly three decades, and I'm so pleased that you are here to defend the Affordable Care Act on the floor today, as our Republican colleagues try for the 38th time to repeal it. It is nothing more than a waste of time. This matter has been settled in Congress, at the Supreme Court, and at the ballot box. It is the law of the land.

Mr. Speaker, this bill that is on the floor today is something that the President has very clearly said he will veto. Yet Republicans still want to vote for the 38th time to repeal the Affordable Care Act while we're still waiting for the first time to vote for a jobs bill.

The American people expect and deserve this Congress to work together to grow the economy, creating jobs, and strengthening the middle class, the backbone of our democracy. It's been over 6 months since this Congress took office. It's been over 3 months since the Senate passed a budget bill. For all of that time, Democrats have proposed a budget that would reduce taxes on the middle class, strengthen the middle class, reduce the deficit, create jobs, and grow the economy. And for 6 months the Republicans have said "no." Instead, for 38 times they have wanted to waste the public's dollar repealing, once again, the Affordable Care Act.

What does a vote for this bill mean? A vote for this bill means that—just on the provisions already in place—you are voting so that children with a preexisting medical condition can now face discrimination. Because you will eliminate the end of that discrimination. Right now, children no longer face discrimination on the basis of a preexisting condition. A vote for the bill eliminates that.

Right now, young adults are gaining coverage through their parents' plans. A vote for this bill strikes that down. Right now, seniors are paying less for prescription drugs and getting better treatment at a lower cost. A vote for this bill strikes that down. Americans no longer face lifetime limits on care. A vote for this bill eliminates that. Families are receiving rebates from insurance companies because of the medical loss ratio. It's very important in this bill. Insurance companies were

overly profiting at the expense of policyholders. This is a vote for the insurance companies and against policyholders. Soon, being a woman will no longer be considered a preexisting medical condition. The Republicans don't like that.

And when I say don't like, what will also be coming up in the bill is it will take away access to affordable coverage for 129 million people with a preexisting medical condition. Just think of it. Do any of you know anyone with heart disease, cancer, diabetes, or a child born prematurely? That's a preexisting condition forever—one that also has lifetime limits on it, if you have your way.

It takes away the guarantee that women pay the same premiums as men for the same coverage. Women have so much to gain in this bill because for so long we have been discriminated against on the basis of being a woman. You want to take that away from us again. It takes away the new cap on America's out-of-pocket health care costs. The list goes on and on about what is the law now that will be taken away and what will become the law in fewer than 6 months that was very helpful for America's families.

The gentleman told us a story about a small businessman. We always say the plural of anecdote is not data, but we all have our stories to tell. They are illustrative. Ninety-six percent of America's businesses are not affected by this law.

Mr. Speaker, last year, in San Francisco, I met with Julie and Matt, parents of a little 2-year-old girl, Violet. Violet was born with a rare and life-threatening form of epilepsy. For Violet and her family, the Affordable Care Act was life-changing. Before the act, Violet had a preexisting condition. So she would be discriminated against in terms of health insurance. Violet had lifetime and annual limits on the coverage that she could get. A little child with such an early preexisting condition could possibly exhaust her lifetime limits before she was in third grade.

Imagine being in their shoes. Imagine Julie and Matt watching this debate, following the work of Congress, and what it means to them. What it means to them is the health of their child, the financial security of their family, and hope for the future. Imagine the fear, the uncertainty, the frustration they feel when they hear this debate. Imagine what it would be like to witness it 38 times and the threat that it is to your family's security.

So there are Violet and other children like her. We hear stories over and over again. Whatever we're doing, I always like to envision what it means to children and what it does for our children. This means a great deal to our children and to their families. It honors the vows of our Founders of life,

liberty, and the pursuit of happiness. A healthy life, the liberty to pursue your happiness, to be whatever you want—an artist, be self-employed to start a business, to change jobs. To be able to follow your passion, not policy. And not to be confined because there's a preexisting condition in your family or to be confined because of fear of someone getting ill.

Really, what is important today is what it does or how it damages the health security of America's families. But it's also the missed opportunity. When, if ever, do the Republicans intend to bring a bill to the floor that will create jobs for our country? When are we going to have a budget that does just that?

You said you wanted the Senate to pass a bill and then we would go to conference. That's called regular order. The Senate passed a bill 3 months ago. And still, the Republicans resist. What are you afraid of? Are you afraid that the public will see the contrast between a Democratic budget, which invests in people, which builds the infrastructure of America, which has provisions to bring jobs home to America, and that strengthens the middle class instead of the exploitation of the middle class that is contained in the Republican budget?

So all this is a smokescreen. It's just make-work projects. It's just subterfuge. Let's do anything other than what the American people expect us to do here. They expect us to work together. They expect us to compromise. They expect us to find solutions. They expect us to get results for them. They expect us to act the way we used to here and be respectful of each other's views, instead of having a Republican anti-government, ideological agenda which says nothing—nothing—is our success, to do nothing is to succeed, and never is our timetable.

So let's not waste the public's time, and the taxpayers' dollar on initiatives that are going no place. They're political stunts and an excuse for a legislative agenda that is not worthy of this House of Representatives, that is not deserving of the respect of the American people, and the form of this legislation will not have my support.

Mr. PRICE of Georgia. \* \* \* The fact of the matter is that this bill, understanding that ObamaCare is a huge, destructive element in job destruction—Mr. BECERRA. Mr. Speaker, I ask that the gentleman's words be taken down.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman will be seated.

The Clerk will report the words.

□ 1700

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent to withdraw my previous statement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. PRICE of Georgia. Mr. Speaker, I'm pleased to yield 1 minute to the gentleman from Virginia (Mr. HURT).

Mr. HURT. Mr. Speaker, in response to the minority leader's statement, I would suggest that this is in fact a jobs bill. This is a bill about health care. It is about the quality of health care. It is also about preserving jobs for this country.

I rise in support of the Fairness for Families Act, a House initiative that would delay the enforcement of the individual insurance mandate, a central element of the President's health care law. This bill would provide hard-working individuals and families with the same relief that the Obama administration recently gave to American employers.

As I travel throughout our district, I consistently hear about the law's devastating effect it has on our families, our workforce, and our struggling economy. Whether it's the community college in Danville that is cutting employee hours because it simply cannot afford to comply with the law or the family in Charlottesville that is coping with skyrocketing insurance premiums, there is no question that the people of Virginia's Fifth District continue to be negatively impacted by this law.

While the administration continues to praise this legislation, the American people are left with nothing but broken promises.

At a time when too many across this country are out of work, it only makes sense that we act to reduce the burden on individuals and families by suspending this mandate while continuing our efforts to repeal this flawed law and replace it with market-oriented policies that will lower costs for all Americans.

Mr. MCDERMOTT. Mr. Speaker, I would like to insert letters from consumer groups opposing the bill—Easter Seals, American Diabetes Association, American Heart Association, and others.

I also would like to enter into the RECORD the report on the Fifth Congressional District of Virginia and those who will benefit from the Affordable Care Act.

BENEFITS OF THE HEALTH CARE REFORM LAW IN THE 5TH CONGRESSIONAL DISTRICT OF VIRGINIA

COMMITTEES ON ENERGY AND COMMERCE, WAYS AND MEANS, AND EDUCATION AND THE WORKFORCE, DEMOCRATIC STAFF REPORT, JULY 2013

The landmark Affordable Care Act (ACA) began delivering important new benefits and protections to tens of millions of American families almost immediately after it was signed into law by President Obama. But the largest benefits of the law will become available to consumers on October 1, 2013, when health insurance marketplaces open in all 50 states. These marketplaces will offer individuals, families, and small businesses an efficient, transparent one-stop shop to compare

health insurance policies, receive financial assistance, and sign up for high-quality, affordable, and secure insurance coverage.

This fact sheet summarizes new data on the significant benefits of the health care reform law in Rep. Hurt's district. It also provides the first picture of the impacts of the law in districts redrawn or newly created following the 2010 Census. As a result of the law:

5,900 young adults in the district now have health insurance through their parents' plan.

More than 11,400 seniors in the district received prescription drug discounts worth \$15.6 million, an average discount of \$590 per person in 2011, \$720 in 2012, and \$800 thus far in 2013.

165,000 seniors in the district are now eligible for Medicare preventive services without paying any co-pays, coinsurance, or deductible.

201,000 individuals in the district—including 37,000 children and 87,000 women—now have health insurance that covers preventive services without any co-pays, coinsurance, or deductible.

188,000 individuals in the district are saving money due to ACA provisions that prevent insurance companies from spending more than 20% of their premiums on profits and administrative overhead. Because of these protections, over 57,300 consumers in the district received approximately \$4.6 million in insurance company rebates in 2011 and 2012—an average rebate of \$115 per family in 2011 and \$88 per family in 2012.

Up to 37,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

235,000 individuals in the district now have insurance that cannot place lifetime limits on their coverage and will not face annual limits on coverage starting in 2014.

Up to 91,000 individuals in the district who lack health insurance will have access to quality, affordable coverage without fear of discrimination or higher rates because of a preexisting health condition. In addition, the 51,000 individuals who currently purchase private health insurance on the individual or small group market will have access to more secure, higher quality coverage and many will be eligible for financial assistance.

JULY 16, 2013.

Hon. JOHN BOEHNER,  
*Speaker of the House, U.S. House of Representatives, Washington, DC.*

Hon. NANCY PELOSI,  
*Minority Leader, U.S. House of Representatives, Washington, DC.*

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: Today, millions of Americans face barriers to health insurance coverage. Many go without insurance because it is simply unaffordable. Others have life-threatening chronic diseases such as cancer, diabetes, heart disease or stroke and are denied insurance due to pre-existing conditions. Starting in 2014, the Affordable Care Act will remove these tough barriers to health insurance.

New patient protections will require insurers to cover people with pre-existing conditions, eliminate limits on the coverage a patient can receive, and ban the practice of charging women and people with health conditions more for their coverage. In fewer than 80 days, the doors to new insurance marketplaces will be open to enroll uninsured people and the marketplaces, along with tax credit subsidies, will help more Americans afford life-saving care.

However, for these important protections to stay in place without disrupting the

health care market—and driving up costs for everyone—the insurance market must include a mix of both healthy and sick people. We already know what a health care system without a minimum coverage requirement looks like: many healthy Americans opt not to buy health coverage until they are ill, and costs skyrocket as insurance pools fill with people in urgent need of treatment and care. People with pre-existing conditions are charged exorbitant rates for health coverage, putting critical care out of reach for many American families. As a result, many people with a chronic illness must resort to emergency room care, which lowers their chances of surviving their illness and drives up costs system-wide.

We are therefore opposed to H.R. 2668, legislation that would delay the minimum coverage provision that is instrumental to the effectiveness of the patient protections. By ensuring near universal coverage, the new patient protections help end cherry-picking and cost shifting in the current health care market, which drives up costs for everyone. Last year the Supreme Court upheld the constitutionality of the minimum coverage provision and our organizations support its scheduled implementation.

We also believe that H.R. 2667 is unnecessary and detracts from the more critical job we all must undertake to help more Americans gain access to high quality, affordable, health insurance.

The undersigned organizations believe that we all have a duty to spread the word about the new health insurance options that will allow people to compare prices and shop for health insurance where they live. That is why our respective organizations are opposed to votes that hamper the implementation of the law or wrongly direct attention away from the important job of informing people about new coverage options.

We look forward to working with you to help you and your constituents get information about the new options for fairer, more comprehensive, and more affordable health care coverage.

Sincerely,

AMERICAN DIABETES  
ASSOCIATION.  
AMERICAN HEART  
ASSOCIATION.  
CONSUMERS UNION.  
FAMILIES USA.  
NATIONAL PARTNERSHIP  
FOR WOMEN & FAMILIES.  
NATIONAL WOMEN'S LAW  
CENTER.

AMERICAN ACADEMY OF  
FAMILY PHYSICIANS,  
July 15, 2013.

INSURANCE COVERAGE REQUIREMENT IS FOUNDATION OF IMPROVING ACCESS, QUALITY AND COST CONTAINMENT IN HEALTH CARE

Statement attributable to: Jeff Cain, MD, President, American Academy of Family Physicians.

The Affordable Care Act's requirement that individuals have health insurance—either through their employer, a federal or state health care program, or as an individual purchaser—is the foundation of improving access to care and vital to ensuring everyone has health care coverage. For that reason, the American Academy of Family Physicians strongly supports the health coverage requirement for individuals. We urge Congress to preserve this element of health care reform.

The cost of providing care to uninsured patients is a major driver of skyrocketing costs

of health care. Health professionals struggle with economic losses that result from providing care to uninsured patients. Individuals whose usual source of care is the emergency room have no access to comprehensive, coordinated services that prevent unnecessary often-uncompensated ER use and hospitalizations. Worse, the professionals who see these patients for incident-specific health issues and do not know the patient's medical history must repeat expensive tests and procedures. The cost of these fragmented and costly interventions are passed on through rate increases to the insured, which in turn drives up the cost for employers, governments, and individuals.

One way to end this increasingly expensive cycle is to require everyone to have health insurance. The AAFP has consistently called for ensuring that everyone has access to health insurance and care provided in a patient-centered medical home. The Affordable Care Act does just that with its requirement that individuals who don't get health benefits through work buy coverage—with appropriate subsidies if necessary—or receive health care through Medicaid.

If Congress hopes to improve the quality of health care and rein in escalating costs, it must end the fragmented, duplicative system that results from lack of health insurance. Ensuring that all individuals have health care coverage is not only good health care policy, but it is also good economic policy. Without a coverage requirement, many patients will continue to have no coverage, other patients will see insurance premiums rise due to covering the cost of uninsured patients, businesses will continue to grapple with rising health care costs, and health professionals, will have to absorb significant financial losses due to providing uncompensated care.

NATIONAL WOMEN'S LAW CENTER CRITICAL OF HOUSE BILLS AIMED AT HAMPERING HEALTH CARE LAW

WASHINGTON, DC.—The House of Representatives is slated to vote today on H.R. 2667 and H.R. 2688, two bills aimed at undermining the Affordable Care Act (ACA).

The following statement is from Marcia D. Greenberger, Co-President of the National Women's Law Center:

"Thanks to the ACA, millions more American women will have access to affordable health insurance options when enrollment in health insurance marketplaces begins in October. But rather than help the American people learn about new coverage options and their benefits, the House leadership is working relentlessly to hamper, if not totally prevent implementation of the law. Their efforts could cost uninsured and underinsured women and their families dearly, taking away the critically important health and financial security promised by the ACA's landmark reforms.

"We urge the House of Representatives to put aside any attempts to roll back the ACA and get on with the urgently-needed work of ensuring its success."

NATIONAL COMMITTEE TO PRESERVE  
SOCIAL SECURITY & MEDICARE,  
Washington, DC, July 16, 2013.

HOUSE OF REPRESENTATIVES,  
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the millions of members and supporters of the National Committee to Preserve Social Security and Medicare, I urge you to vote against H.R. 2668 and any legislation that would delay the individual responsibility

provision to obtain health insurance. The individual requirement is a critical component of the Affordable Care Act (ACA). Without it, the intent of the law—to offer affordable coverage to the uninsured—would be undermined.

This differs from the Administration's decision to delay for one year the requirement for large employers to offer employee health insurance or pay a penalty, made to accommodate the business community's request for additional time to prepare for the new system. Currently, the majority of employers already provide health insurance to recruit and retain employees, and the employer delay will not change this. For large employers that do not offer health coverage or plan to delay providing coverage, such as some retail and restaurant chains, their employees will be able to purchase a health plan in one of the subsidized marketplaces. Because federal subsidies will be available to those with low-to-moderate incomes to purchase insurance through the exchanges, some employees may end up with less expensive and more robust health plans from the exchanges than they would have received from their employers.

In contrast, delaying the individual requirement to purchase health insurance will undercut the ability of the ACA marketplace exchanges to offer affordable health coverage. Requiring individuals to purchase health insurance is necessary because it spreads health risks across the entire population, thus healthier and/or younger individuals would help keep overall expenditures lower. Younger enrollees benefit from risk sharing between generations as they age and require more health care.

According to a recent Kaiser Family Foundation poll, more than seven in ten young adults stated that it is very important for them to have health insurance. However, the high cost of insurance was the biggest barrier for purchasing insurance. The same poll found that about half of those under age 65 believe that they or household members have a pre-existing condition, and a quarter of them were denied health insurance or paid higher premiums because of it. In order to reverse these wrongs, the individual insurance requirement is needed to create a health system that will put affordable coverage in reach of young and old alike.

We support the Affordable Care Act, and urge you to vote against H.R. 2668 and any legislation that would delay the individual responsibility requirement. Millions of Americans are counting on it and need affordable health coverage as soon possible.

Sincerely,

MAX RICHTMAN,  
*President and CEO.*

SERVICE EMPLOYEES  
INTERNATIONAL UNION,  
*Washington, DC, July 16, 2013.*

DEAR REPRESENTATIVE: On behalf of the more than 2.1 million members of the Service Employees International Union (SEIU), including more than 1 million nurses, doctors, lab technicians, nursing home workers, home care workers and others, I urge you to oppose the Authority for Mandate Delay Act (H.R. 2667) and the Fairness for American Families Act (H.R. 2668). Rather than a productive, bipartisan effort to ensure successful implementation of the Affordable Care Act, these bills are yet another misguided political effort to undermine the law and chip away at the protections the law provides.

The Affordable Care Act makes healthcare more available and affordable for millions of

Americans. Right now, there are more than 100 million Americans—of all ages, occupations, incomes and political parties—who are benefiting from the Affordable Care Act. Because of this law, insurance companies are prohibited from rescinding insurance coverage based on a pre-existing condition, seniors can afford lifesaving prescriptions, young people can stay on their parents' plans until age 26, and progress is being made around the country to give Americans new options to purchase affordable health coverage.

Sadly, rather than engaging in bipartisan efforts to ensure successful implementation, some seek to score political points to undermine support for the law. These bills—like the dozens of others—serve nothing more than to distract from the core work SEIU is committed to: making sure people know about the new options available to them for more accessible, affordable coverage where they live.

Despite the delay tactics and millions of dollars spent to derail the Affordable Care Act, the law is moving forward and new healthcare markets will be ready to offer high-quality, lower-cost healthcare coverage to middle-class Americans as of January 1, 2014. SEIU will continue to work together with organizations from all walks of life—including labor, small businesses and responsible employers, healthcare providers and advocates, faith leaders and elected officials—to make sure Americans are informed when it comes to their healthcare choices under the law.

H.R. 2667 and H.R. 2668 are part of a concerted strategy to reflight political battles of the past, rather than bipartisan efforts to continue moving this law forward. We urge you to oppose these misguided bills. Votes on these bills may be added to SEIU's Congressional scorecard at [www.seiu.org](http://www.seiu.org). If you have any questions, please contact Steph Sterling, Legislative Director.

Sincerely,

MARY KAY HENRY,  
*International President.*

AMERICAN PUBLIC HEALTH  
ASSOCIATION,  
*Washington, DC, July 16, 2013.*

HOUSE OF REPRESENTATIVES,  
*Washington, DC.*

DEAR REPRESENTATIVE: On behalf of the American Public Health Association, a diverse community of public health professionals who have championed the health of all people and communities around the world for more than 140 years, I write in opposition to the Fairness for American Families Act, legislation to delay the individual mandate under the Affordable Care Act (H.R. 2668).

Implementation of the ACA is critical to addressing the biggest challenges facing our health system including the escalating costs associated with our health care system, uneven quality and deaths due to medical errors, discriminatory practices by health insurance providers and the shrinking ranks of the nation's primary care providers. The ACA is helping to shift our health system from one that focuses on treating the sick to one that focuses on keeping people healthy. The individual mandate is central to reducing the number of uninsured Americans, controlling health care costs and ensuring the availability of affordable health insurance coverage. Delaying this key provision will only undermine our progress in creating a healthier nation.

The ACA will provide an additional 30 million uninsured individuals with affordable

and comprehensive health insurance coverage. Since its enactment, the law has provided 71 million Americans with access to preventive health care services such as vaccines, disease screenings, well-child visits and tobacco cessation counseling without co-pays or deductibles. More than 34 million seniors have also accessed preventive services without cost through the Medicare program. More than 3 million young adults up to age 26 are able to stay on their parents' health insurance plans and nearly 18 million children with pre-existing conditions are protected from insurance coverage denials. In addition, the ACA provides critical mandatory funding through the Prevention and Public Health Fund for community-based prevention and wellness activities including efforts to control the obesity epidemic, reduce tobacco use and modernize vaccination systems.

Protecting the ACA and working to effectively implement this critical law will remain a top priority for APHA and we will consider including this vote in our 2013 annual congressional vote record.

We ask you to oppose this and future efforts to delay or repeal the full implementation of the ACA and we look forward to working with you to protect and improve the health of the American people.

Sincerely,

GEORGES C. BENJAMIN,  
MD, FACP, FACEP (E),  
*Executive Director.*

EASTER SEALS,  
OFFICE OF PUBLIC AFFAIRS,  
*Washington, DC, July 16, 2013.*

DEAR MEMBER OF CONGRESS: Easter Seals is asking you to oppose the Authority for Mandate Delay Act (H.R. 2667), legislation to codify the recent administration-issued delay in the implementation of the employer mandate included in the Affordable Care Act, and the Fairness for American Families Act (H.R. 2668), legislation to delay the implementation date of the individual mandate, also part of the Affordable Care Act. The structure of this law allows access to appropriate and high quality health care services which are essential for people with disabilities to live, learn and work and play in their communities.

The goal of the health care reform law is to assure that all people have access to quality, affordable health care that meets their individual needs. It is through the types of changes included in the Affordable Care Act that we can hope to enable all Americans, including people with disabilities and chronic conditions, to be healthy, functional, live as independently as possible and participate in their communities.

The circumstances facing people without insurance, or those that are under-insured, have not changed since passage of this law in March of 2010, even if some might say the political landscape has become more complex. We strongly urge you to reject steps to dismantle this tightly-crafted process before it has had a chance to be put into place. The law, if given the time and tools to be successful, can make great strides to provide affordable, quality health care to those who have difficulty attaining or retaining insurance coverage.

Easter Seals looks forward to working with you as the effort to ensure quality health care is available to more Americans moves forward.

Sincerely,

KATHERINE BEH NEAS,  
*Vice President, Government Relations.*

Mr. McDERMOTT. I now yield 5 minutes to the minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, I rise to speak the truth. This bill and the other bill are not real; they are purely partisan politics. They have nothing to do with reality. My friends and Mr. Speaker, the American people ought to know that is the truth.

These bills take time, with no effect. And everybody in this House—the majority leader and 434 of the rest of us—know these bills are going nowhere. They are, in fact, the 38th and 39th effort to repeal the Affordable Care Act, an attempt which has been made some 37 times already with no substantive alternative to assure quality, affordable health care for all Americans. My friends, that is the truth.

This is a game. This is political messaging, nothing more, nothing less. It is a “gotcha” game.

The President has already taken action to make sure that businesses—some 4 percent of the businesses in America, by the way, are affected by what the President did and your purported bill—to make sure that they can do the paperwork properly. The administration took the right action.

Your first bill is not necessary and you know it. It is a setup so that your second bill, which takes away the individual mandate—which America ought to know, Mr. Speaker, would undermine the very benefits that are today being enjoyed by seniors, by young people, by children with preexisting conditions, and by so many millions of Americans enjoying the benefits today. But without the individual mandate, as the Heritage Foundation pointed out so many years ago—a position they have now changed, of course—was absolutely essential to make sure that we could bring costs down. The New York Times of course, today, ironically, said on its front page that there is a possibility that premiums are going to be reduced 50 percent.

So, Mr. Speaker, I would tell my friends in the press, in the media, don't take any of these votes for real. They're “gotcha” votes so that maybe some people will vote “yes” to confirm the President's opinion and then say, But we don't want to undermine the Affordable Care Act—as all of you who have voted so often have expressed your willingness and intent to do. But then they will vote “no” on the individual mandate, and you will say, of course, My, my, my; they were for businesses but against all you individuals. That RNC ad I'm sure is written already. That's what this is about, “gotcha” politics.

Isn't it a shame. Isn't it a shame, when millions of Americans have no health care, when millions of Americans have no jobs, when people are

being furloughed in the defense sector, undermining the security of our country—in Virginia and in Maryland—undermining our national security, that we spend our time here on this floor with “gotcha” politics, with no expectation whatsoever that either of these bills will ever become law.

This is simply messaging. This is simply saying for the people who have been, for the last 4 years, trying to repeal the Affordable Care Act. And so many people were absolutely positive that President Obama was going to go down to defeat on the horns of the dilemma of the Affordable Health Care Act. It didn't happen. The American people said, No, we don't buy that argument. We believe providing Americans with health care is an important objective. We believe in making sure that kids and individuals with pre-existing conditions can get health care, making sure that seniors won't be driven into poverty by paying for expensive drugs to keep them alive, making sure that people get preventive health care and are not disincentivized in doing that by additional costs.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McDERMOTT. I yield the gentleman an additional 30 seconds.

Mr. HOYER. I thank my friend.

Ladies and gentlemen, we really need to come together and talk about how we reasonably move forward.

Speaker BOEHNER said, when the President was reelected, well, the Affordable Care Act is here. But you continue, you continue this very day, to pretend you're going to repeal the Affordable Care Act. That's maybe what your constituents want. That's maybe good politics for you, but it's lousy substance. That's the truth.

This is a “gotcha” vote. The press ought to disregard and constituents ought to disregard anything other than this is a vote to end the Affordable Care Act. Reject it. Reject it. Reject this politics as usual.

Mr. Speaker, today's votes are a sad and unnecessary gimmick.

What Republicans are focusing on with these bills is not real—it's part of a political game that comes at the cost of spending time on the actual challenges we face, like creating jobs and replacing the sequester.

I'm not surprised that Republicans continue to force votes to repeal the Affordable Care Act, because that's been their position all along.

Today's votes are more of the same—efforts to undermine a law that has been enacted by Congress, upheld by the Supreme Court and reaffirmed with the reelection of President Obama.

The Administration has already announced they are delaying employer penalties by one year, while they continue to work with America's businesses to simplify reporting requirements.

They have already taken the needed steps to give the four percent of employers impacted

by this policy more time to adapt their health coverage to new requirements—making today's legislation both redundant and irrelevant.

With respect to the individual responsibility requirement—no delay is needed.

Consumers will soon be able to use new insurance marketplaces to purchase insurance products that cover pre-existing conditions, do not impose arbitrary limits on your coverage, and do not charge women higher premiums than men for the exact same policy.

Many will be eligible for tax credits to help them cover the cost of insurance as well.

Today's legislation will only serve to increase both premiums and the number of uninsured.

It's time Republicans stop playing games with America's health care and focus the People's House on the issues the people care about: replacing the sequester and creating jobs.

The SPEAKER pro tempore. The Chair would remind all Members to direct their remarks to the Chair.

Mr. PRICE of Georgia. Mr. Speaker, I'm pleased to yield 1 minute to the majority leader of the United States House of Representatives, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from Georgia for his leadership.

Mr. Speaker, I rise today to support the Fairness for American Families Act.

You know, Mr. Speaker, it's interesting here on the floor to hear the leadership of the minority continue their cries of objection based on claims of politics and process. Now we're talking about substance here. Instead, what we hear are objections about our position, somehow insinuating that we don't care about people's health care. Well, Mr. Speaker, I would say it is exactly the opposite. We're talking about substance and we're talking about ways that we can improve the prospects for quality health care for Americans.

For several years, Republicans have been warning the American people about the devastating impact ObamaCare will have on both jobs and health care, and it now appears that Democrats—and even the President himself—are beginning to agree. The decision by the administration earlier this month to delay the employer mandate to 2015 is a clear signal that even the administration doesn't believe the country is ready to sustain the painful impact this law will have. Fortunately, others, including some of the law's most ardent supporters, are starting to realize the same.

Just this week, Democratic leaders of the House and Senate were sent a letter from the presidents of three major unions warning that if changes were not made to the Affordable Care Act, it would “destroy the foundation of the 40-hour workweek that is the backbone of the American middle class.”

Now, Mr. Speaker, to me, that's real. That's not just games. That's real.



Now, continuing, these union leaders claim that if the Affordable Care Act was enacted without being modified, it would “destroy the very health and well-being of our members, along with millions of other hardworking Americans.”

These consequences resulting from employees having their hours cut and their health benefits jeopardized represent what these leaders described as “nightmare scenarios.”

Mr. Speaker, I'd submit again, that's real. That's not just games.

It is now explicitly clear to people across political lines that promises were made and now broken, and ObamaCare is not working. Now, this is the direction we need to take. This is the common ground. If we have bipartisan agreement that things just aren't working under ObamaCare, let's work to improve the situation for Americans.

Why is it that working Americans have to suffer the financial burdens of an overreaching, government-run health care system while the same consequences for big business are delayed a year? The White House won't offer an answer to that because, I believe, they've run out of excuses. They've run out of ideas, and now they're starting to backpedal.

□ 1715

The Fairness for American Families Act will extend the delay of these mandates to all Americans. No family's health, well-being, or employment should suffer while businesses get a break. I sincerely hope that my colleagues on the other side of the aisle would join us in this effort to bring basic fairness to everyone.

I would like to thank Congressman TODD YOUNG from Indiana for his hard work on this issue, and I urge my colleagues in the House to support this legislation.

Mr. McDERMOTT. Mr. Speaker, I yield myself 30 seconds to report on the Seventh Congressional District of Virginia, where the promises have been kept:

4,500 young adults have health insurance on their parents' plan;

10,000 seniors have received help with their drug costs;

112,000 seniors are now eligible for preventive care at no cost;

288,000 people in the Seventh District now have insurance that does not have lifetime limits.

The promises have been kept in the Seventh District.

BENEFITS OF THE HEALTH CARE REFORM LAW IN THE 7TH CONGRESSIONAL DISTRICT OF VIRGINIA

COMMITTEES ON ENERGY AND COMMERCE,WAYS AND MEANS, AND EDUCATION AND THE WORKFORCE, DEMOCRATIC STAFF REPORT, JULY 2013

The landmark Affordable Care Act (ACA) began delivering important new benefits and protections to tens of millions of American families almost immediately after it was

signed into law by President Obama. But the largest benefits of the law will become available to consumers on October 1, 2013, when health insurance marketplaces open in all 50 states. These marketplaces will offer individuals, families, and small businesses an efficient, transparent one-stop shop to compare health insurance policies, receive financial assistance, and sign up for high-quality, affordable, and secure insurance coverage.

This fact sheet summarizes new data on the significant benefits of the health care reform law in Rep. Cantor's district. It also provides the first picture of the impacts of the law in districts redrawn or newly created following the 2010 Census. As a result of the law:

4,500 young adults in the district now have health insurance through their parents' plan.

More than 10,000 seniors in the district received prescription drug discounts worth \$13.6 million, an average discount of \$580 per person in 2011, \$730 in 2012, and \$800 thus far in 2013.

112,000 seniors in the district are now eligible for Medicare preventive services without paying any co-pays, coinsurance, or deductible.

236,000 individuals in the district—including 56,000 children and 95,000 women—now have health insurance that covers preventive services without any co-pays, coinsurance, or deductible.

222,000 individuals in the district are saving money due to ACA provisions that prevent insurance companies from spending more than 20% of their premiums on profits and administrative overhead. Because of these protections, over 67,300 consumers in the district received approximately \$5.4 million in insurance company rebates in 2011 and 2012—an average rebate of \$115 per family in 2011 and \$88 per family in 2012.

Up to 43,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

288,000 individuals in the district now have insurance that cannot place lifetime limits on their coverage and will not face annual limits on coverage starting in 2014.

Up to 74,000 individuals in the district who lack health insurance will have access to quality, affordable coverage without fear of discrimination or higher rates because of a preexisting health condition. In addition, the 42,000 individuals who currently purchase private health insurance on the individual or small group market will have access to more secure, higher quality coverage and many will be eligible for financial assistance.

Mr. Speaker, I now yield 3 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, “The Least Productive Congress Ever,” that's the title of an article in today's Washington Post. Here is how the article begins:

Congress, in case you have been living on another planet for the last few years, doesn't do all that much these days.

So we are, debating again—for the 38th time—a bill to repeal all or part of our Nation's health security law. We've heard this broken record 37 times before and it sounds the same and it goes nowhere.

But there is more consequence to this partisan agenda than just wasting the American people's time and adding to the record of the least productive

Congress ever. Wasting the American people's time 38 times wastes the American taxpayers' money. According to CBS News reports, this obsession to vote over and over and over 38 times on these partisan bills has cost the American taxpayers more than \$50 million. That's an expensive ticket for political theater.

So what are the facts on this legislation? The Congressional Budget Office, our country's fiscal watchdog, says this about H.R. 2668: “Health insurance premiums”—under this legislation—“for individually purchased coverage would be higher under H.R. 2668. In addition, the number of people with health insurance coverage would be reduced.”

Translated, the cost for health insurance and health care for Americans will go up and the number of Americans with insurance coverage will go down under this legislation.

Here is today's New York Times—and it says it all on the front page: “Many New Yorkers Will See Big Savings on Health Plans Under the Current Law.” How does it start? The article says:

Individuals buying health insurance on their own will see their premiums tumble next year in New York State as changes under the Federal health care law take effect.

The facts: health care insurance costs are going down. But this bill will repeal all or part of the health care security law.

This Congress is the least productive Congress ever, because instead of voting on a jobs agenda and growing our economy, this House is voting for the 38th time to do nothing. This House is out of touch with the American people. It is time this House caught up with the American people and work in bipartisanship to get Americans back to work and provide them more health security, not less.

Mr. PRICE of Georgia. Mr. Speaker, I would now like to insert into the RECORD a letter of today from the National Federation of Independent Business.

NFIB,

THE VOICE OF SMALL BUSINESS,

Washington, DC, July 17, 2013.

DEAR REPRESENTATIVE: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing in strong support of H.R. 2668, the Fairness for American Families Act A vote in favor of H.R. 2668 will be considered an NFIB Key Vote for the 113th Congress

H.R. 2668 would delay the requirement that nearly all Americans purchase minimum essential health insurance coverage or pay a tax penalty until 2015. The delay of the individual mandate is needed due to the administrative delay of the employer mandate. The delay would alleviate confusion for small business owners, self-employed individuals and small-business employees. Delaying problematic provisions provides temporary relief for individuals and small businesses,



while also validating the underlying problems inherent in the law and its implementation. Perhaps most importantly, delay provides Congress additional time to correct problematic provisions in the law.

In *NFIB v. Sabelius* NFIB opposed the individual mandate because we believe the Commerce Clause of the U.S. Constitution does not give Congress the authority to require Americans to purchase a product. Unfortunately, the Supreme Court determined the mandate was proper as a “tax” under Congress’ taxing power. Whether a “mandate” or a “tax” penalty, this provision requires small-business owners to spend money—buy health insurance or pay a tax penalty. This is money they could have used to grow their business and hire more workers.

Without significant changes, this law will continue to cause problems for the small-business economy. Small-business owners support continued efforts to remedy the most harmful provisions in the law that are already impacting their businesses and their employees. Some fundamental reforms include:

H.R. 2575, the Save American Workers Act, which would change the definition of full-time employee from 30 hours per week to 40 hours per week;

H.R. 903, the American Job Protection Act, which would repeal the employer mandate that is already preventing business expansion and job creation;

H.R. 763, the Jobs and Premium Protection Act, which would repeal the small business health insurance tax (HIT) that will increase premiums for the health insurance plans that self-employed individuals and small businesses purchase.

NFIB is dedicated to working with lawmakers to find solutions that work for small business and will consider a vote in favor of H.R. 2668 an NFIB Key Vote for the 113th Congress.

Sincerely,

SUSAN ECKERLY,  
Senior Vice President, Public Policy.

Mr. Speaker, I am pleased to yield 1½ minutes to the chairwoman of the Republican Conference, the gentlelady from Washington State (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise in strong support of the Fairness for American Families Act, to protect families and individuals from a health care law that is unworkable and is making it harder and worse on our health care system.

I support this bill delaying the individual mandate because it protects everyday hardworking American families—like my family at home and yours all across this country—from higher premiums, fewer choices of doctors, and lower quality of health care.

We see time and time again this President at work picking winners and losers and ignoring his constitutional duty to uphold the law—even his signature law. Each time, individuals lose, families lose—America loses.

The administration’s decision to delay the employer mandate is no different. How is it fair to delay an unworkable law for big businesses but not for individuals and families—the very people that are going to have to pay the price because of this unworkable health care law?

The fact is this law is making it worse; worse for health care, worse for the economy, worse for America.

I urge my colleagues, Republicans and Democrats, support this bill, do what is fair for the American people and their families.

Mr. McDERMOTT. Mr. Speaker, I yield myself 30 seconds so that I can inform the body of the effect on the Fifth Congressional District of the State of Washington:

7,000 adults, young adults, are on their parents’ plan;

5,600 seniors have had benefits around their drug costs;

89,000 who have lacked health insurance now have it.

All of this is because of the Affordable Care Act.

BENEFITS OF THE HEALTH CARE REFORM LAW IN THE 5TH CONGRESSIONAL DISTRICT OF WASHINGTON

COMMITTEES ON ENERGY AND COMMERCE, WAYS AND MEANS, AND EDUCATION AND THE WORKFORCE, DEMOCRATIC STAFF REPORT, JULY 2013

The landmark Affordable Care Act (ACA) began delivering important new benefits and protections to tens of millions of American families almost immediately after it was signed into law by President Obama. But the largest benefits of the law will become available to consumers on October 1, 2013, when health insurance marketplaces open in all 50 states. These marketplaces will offer individuals, families, and small businesses an efficient, transparent one-stop shop to compare health insurance policies, receive financial assistance, and sign up for high-quality, affordable, and secure insurance coverage.

This fact sheet summarizes new data on the significant benefits of the health care reform law in Rep. McMorris Rodgers’s district. It also provides the first picture of the impacts of the law in districts redrawn or newly created following the 2010 Census. As a result of the law:

7,900 young adults in the district now have health insurance through their parents’ plan.

More than 5,600 seniors in the district received prescription drug discounts worth \$7.5 million, an average discount of \$620 per person in 2011, \$660 in 2012, and \$1,070 thus far in 2013.

113,000 seniors in the district are now eligible for Medicare preventive services without paying any co-pays, coinsurance, or deductible.

180,000 individuals in the district—including 36,000 children and 75,000 women—now have health insurance that covers preventive services without any co-pays, coinsurance, or deductible.

167,000 individuals in the district are saving money due to ACA provisions that prevent insurance companies from spending more than 20% of their premiums on profits and administrative overhead. Because of these protections, over 700 consumers in the district received approximately \$100,000 in insurance company rebates in 2012 and 2011—an average rebate of \$512 per family in 2012 and \$185 per family in 2011.

Up to 36,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

203,000 individuals in the district now have insurance that cannot place lifetime limits on their coverage and will not face annual limits on coverage starting in 2014.

89,000 individuals in the district who lack health insurance will have access to quality,

affordable coverage without fear of discrimination or higher rates because of a preexisting health condition. In addition, the 45,000 individuals who currently purchase private health insurance on the individual or small group market will have access to more secure, higher quality coverage and many will be eligible for financial assistance.

Mr. Speaker, I now yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker and Members, I rise in strong opposition to the further Republican attempts to undermine the Affordable Care Act.

The administration recently announced that due to logistical issues they were delaying the employer mandate for a year. I do not support this measure, but it is within their authority to do it.

However, the decision of the Department of Treasury does not justify delaying the implementation of other portions of the law. Implementing this law is too important for America’s well-being and their economic security to delay it. Low-cost, high-quality health care is right around the corner. If we delay the individual mandate, the risk pools will be skewed so that the coverage is less affordable for those who choose to purchase it.

Delaying the employer mandate will have a higher impact on States like mine that are refusing to expand Medicaid. If an employee makes between 100 percent and 133 percent of the Federal poverty level, they will receive no Medicaid, no subsidies, and now employers won’t have to cover them for another year.

I am told that this is a small number, but in a district like ours, which has the highest rate of working uninsured in the country, this is a big problem. Up to 260,000 individuals in our district who lack health insurance will have access to quality, affordable care without fear of discrimination or higher rates because of a preexisting condition.

Our country has waited too long for real health care reform—coverage that our industrial competitors and partners provide. I oppose both these bills.

Mr. PRICE of Georgia. Mr. Speaker, I would like to enter into the RECORD a letter dated July 15, 2013, from Matt Kibbe, the president and CEO of FreedomWorks in support of H.R. 2668.

FREEDOMWORKS,  
Washington, DC, July 15, 2013.

KEY VOTE YES ON DELAYING OBAMACARE’S  
INDIVIDUAL MANDATE

As one of our millions of FreedomWorks members nationwide, I urge you to contact your Representative and urge him or her to vote YES on H.R. 2668, the Fairness for American Families Act. Sponsored by Rep. TODD YOUNG (R-IN), this bill—which the House is expected to take up this week—would delay ObamaCare’s “individual mandate.”

Beginning on January 1, 2014, ObamaCare will require most U.S. citizens to purchase government-controlled health insurance.

This “individual mandate” is, by the Administration’s own admission, the “linchpin” of the Washington takeover of health care. If the mandate were to go away, the whole costly and intrusive scheme would unravel.

The individual mandate is a latter-day “intolerable act.” Despite the Supreme Court’s erroneous 2012 ruling, Congress lacks authority under the Constitution to impose such a mandate on U.S. citizens. And even if it were constitutional, the mandate is immoral because it violates individual liberty, is not necessary to “help the uninsured” (there are less coercive and less costly ways to do so), and is terribly unfair, both in its effects and how it is being implemented.

The unfairness of the mandate is this: its costly burden falls most heavily on just one segment of the population: young adults in their twenties and thirties. They are the group most likely to be uninsured. Indeed, two-thirds of the uninsured are in their twenties and thirties. ObamaCare causes their insurance premiums to rise exponentially, in some cases doubling or even tripling. These Americans are uninsured because health insurance costs too much. ObamaCare’s mandate is unfair to them, because it forces them to buy a product that is already too expensive, relative to their needs.

But the law is also unfair to everyone, not just millennials, in terms of how it is being implemented. The Obama Administration recently made a unilateral (and illegal) decision to cancel the “employer mandate” (which requires employers with more than 50 employees to offer and heavily subsidize health insurance to their workers). But it left the individual mandate in place for the rest of us. The Administration had already displayed rank unfairness by granting more than 1,200 waivers from ObamaCare provisions to its labor union allies and corporate cronies. It has now given Big Business the ultimate waiver, a complete exemption from the mandate, while making sure that Big Insurance gets its own “ultimate gift” from Big Government: a compulsory customer base. No wonder more than 70 percent of Americans oppose the individual mandate, and just 12 percent support it.

The only cure for the manifold ailments of ObamaCare is to immediately defund or repeal it entirely, and to replace it with patient-centered health care that will actually lower costs and improve quality and access for all. Until then, basic fairness demands that individuals be granted the same favor as the Administration has given to businesses. The individual mandate must be delayed for as long as possible. H.R. 2668 would delay the mandate for the same length of time that the Administration claims to be “delaying” the employer mandate: one year. That’s a start.

I urge you to call your Representative and ask him or her to vote YES on H.R. 2668, to delay ObamaCare’s individual mandate. We may count their vote as a KEY VOTE when calculating the FreedomWorks Economic Freedom Scorecard for 2013. The Scorecard is used to determine eligibility for the FreedomFighter Award, which recognizes members of Congress with voting records that support economic freedom.

Sincerely,

MATT KIBBE,  
President and CEO.

Mr. Speaker, I am pleased now to yield 2 minutes to the chairwoman of the House Administration Committee, the gentlelady from the great State of Michigan, CANDICE MILLER.

Mrs. MILLER of Michigan. Mr. Speaker, it appears that the Obama administration has finally come to the conclusion that the employer mandate in ObamaCare is a job killer.

Many have speculated that the Obama administration’s decision to delay the employer mandate until after the 2014 election was due to fears that job cuts and hour reductions that would result from the mandate’s implementation would negatively impact the President’s party at the polls.

It does seem that those fears are justified. Recently, the Teamsters and other labor groups wrote to Senate Majority Leader HARRY REID and House Democrat Leader NANCY PELOSI stating that the implementation of ObamaCare put at risk the 40-hour workweek, the health care, and the take-home pay of their members.

Mr. Speaker, I agree with the Teamsters that the employer mandate is a job killer. Eliminating the employer mandate would not stop the individual mandate which requires every American to purchase government-approved insurance that they may not want, that they can’t afford, and may not be provided by their employers or otherwise they have to pay a penalty. Is that fair to American families?

The legislation, Mr. Speaker, that we are considering today would give every American—every American—the same 1-year reprieve from ObamaCare that the President has offered to businesses. Because we extend this help to all of the American people, the President has threatened to veto this bill.

Mr. Speaker, the President is not a king. He is the President. He does not have the authority to change the law and to delay the employer mandate on his own. Congress must give him that authority.

I would say to the President that we will delay the job-killing employer mandate, as he has asked, and we will also extend the same relief to all of the American people.

The President and Members of Congress who vote against this bill will have to explain to the American people why they heard the concerns of business but not those of the people. We have heard the people, we share their concerns, we stand with them, and I would urge all of my colleagues to stand with them as well and to support this very vital legislation.

The SPEAKER pro tempore. The Chair would remind all Members to direct their remarks to the Chair and also to refrain from improper references toward the President.

Mr. McDERMOTT. Mr. Speaker, I would like to enter into the RECORD a report on the effects of the Affordable Care Act on the Tenth District of Michigan.

#### BENEFITS OF THE HEALTH CARE REFORM LAW IN THE 10TH CONGRESSIONAL DISTRICT OF MICHIGAN

COMMITTEES ON ENERGY AND COMMERCE, WAYS AND MEANS, AND EDUCATION AND THE WORKFORCE, DEMOCRATIC STAFF REPORT, JULY 2013

The landmark Affordable Care Act (ACA) began delivering important new benefits and protections to tens of millions of American families almost immediately after it was signed into law by President Obama. But the largest benefits of the law will become available to consumers on October 1, 2013, when health insurance marketplaces open in all 50 states. These marketplaces will offer individuals, families, and small businesses an efficient, transparent, one-stop shop to compare health insurance policies, receive financial assistance, and sign up for high-quality, affordable, and secure insurance coverage.

This fact sheet summarizes new data on the significant benefits of the health care reform law in Rep. Miller’s district. It also provides the first picture of the impacts of the law in districts redrawn or newly created following the 2010 Census. As a result of the law:

4,900 young adults in the district now have health insurance through their parents’ plan.

More than 8,900 seniors in the district received prescription drug discounts worth \$11.8 million, an average discount of \$610 per person in 2011, \$780 in 2012, and \$630 thus far in 2013.

130,000 seniors in the district are now eligible for Medicare preventive services without paying any co-pays, coinsurance, or deductible.

210,000 individuals in the district—including 47,000 children and 86,000 women—now have health insurance that covers preventive services without any co-pays, coinsurance, or deductible.

177,000 individuals in the district are saving money due to ACA provisions that prevent insurance companies from spending more than 20% of their premiums on profits and administrative overhead. Because of these protections, over 17,100 consumers in the district received approximately \$2.5 million in insurance company rebates in 2012 and 2011—an average rebate of \$138 per family in 2012 and \$214 per family in 2011.

Up to 41,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

243,000 individuals in the district now have insurance that cannot place lifetime limits on their coverage and will not face annual limits on coverage starting in 2014.

Up to 73,000 individuals in the district who lack health insurance will have access to quality, affordable coverage without fear of discrimination or higher rates because of a preexisting health condition. In addition, the 39,000 individuals who currently purchase private health insurance on the individual or small group market will have access to more secure, higher quality coverage and many will be eligible for financial assistance.

Mr. McDERMOTT. Mr. Speaker, I now yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, there’s a word in Yiddish, “chutzpah,” that generally translates to “nerve.” It has been described as that quality enshrined in a man who, having killed his mother and father, throws himself on the mercy of the court because he’s an orphan.

But “chutzhpah” is also a pretty accurate description of the antics of the Republican Party today that—after throwing up roadblock after roadblock, obstruction after obstruction to ObamaCare, is now trying to delay access to care for millions of Americans on the grounds that we’re not ready.

Despite Republican obstructionism we are going to be ready, we are ready—and not a day too soon—for those who have been locked out of coverage, hit by annual benefit limits, or faced preexisting condition exclusions. Imagine the worry that is lifted off of the shoulders of Americans that have preexisting conditions that won’t exist once we pass this.

This is just another Republican attempted roadblock to progress, another obstructionism. It is “chutzhpah.”

Mr. Speaker, it is time for the Republicans to stop efforts that will prevent Americans from getting the health care they need.

Mr. PRICE of Georgia. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Georgia has 18½ minutes remaining. The gentleman from Washington has 9 minutes remaining.

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the chairman of the Judiciary Committee, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, it is with great pleasure that I acknowledge the great work of the gentleman from Georgia on this issue and thank him.

Mr. Speaker, all across the country, Americans are asking one question: Why wasn’t the mandate on them delayed? If the systems aren’t in place for businesses to abide by this law by the deadline, why does the administration think that the systems will be in place for the individual mandate? If a delay is good for businesses, why isn’t it good for the families in the 6th District of Virginia and across the Nation?

When Members refer to ObamaCare as a train wreck, they only quote one of its chief architects. This announcement proves even the administration knows ObamaCare is headed towards devastation. Let’s get businesses, as well as American families, off this train headed towards disaster. We need to delay the employer mandate, we also need to delay the individual mandate, but most importantly, the American people need a full repeal of this train wreck legislation.

Mr. McDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman who helped write this bill 4 years ago and is here today to defend it, the gentleman from California (Mr. MILLER).

□ 1730

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to this latest Republican attempt to sabotage our Nation’s health reform law.

If these bills pass today, fortunately, they will not become law. It is just another waste of this body’s time, and Americans are sick of it. The 38th time will not be the charm—the 38th time that we’ve redundantly voted to try to repeal the Affordable Care Act. Rather, these votes underscore the lengths the Republicans and other opponents will go to take away the basic health insurance protections of the American people.

For 3 years, many of the opponents of ObamaCare have invested heavily in its failure. They’ve tried to deny funding to agencies to do their jobs as instructed by Congress. They’ve spread outright lies and misinformation to purposely confuse the American people. They’ve obstructed education efforts to make sure that their constituents don’t understand the new rights and benefits under the law. But investing in failure is dangerous. It’s dangerous for America’s families; it’s dangerous for the Nation’s businesses; it’s dangerous for the Nation’s economy.

The Affordable Care Act is the law of the land, and it is here to stay. Early evidence suggests that the health care law is already having a positive impact on the lives of millions of Americans.

Millions of young adults are getting health insurance through their parents’ policies when, before, they were kicked off arbitrarily by insurance companies; and now, with the individual mandate, millions of individual Americans will be able to afford the health insurance that they can’t afford today without this legislation—without the law of the land, the Affordable Care Act.

Children with preexisting conditions can no longer be denied health coverage or lifesaving treatment.

Billions more of taxpayer dollars are being recovered through Medicare fraud.

National health costs have dramatically slowed over the last several years.

Health premiums as part of the State insurance exchanges are coming in lower than anyone predicted—most recently reported in New York State—for individuals, who will get their insurance because of the individual mandate; and for the first time, it will be affordable to those individuals since they’ve been required to have it.

And, in January, the preexisting conditions that determine health coverage or costs will be banned. No longer will you be able to rule people out because of their preexisting health conditions.

This is all good news, and it stands in stark contrast to the claims that we’ve been hearing from the other side for 3 years.

Why on Earth would any responsible elected official try to hide the rights and benefits from the American people?

My friends on the other side of the aisle are preoccupied with dismantling

government when it protects the vulnerable or the average American, but they will move heaven and Earth to protect the most powerful or to try to score some fleeting political point. It’s wrong and it’s irresponsible.

Mr. Speaker, playing politics with the Affordable Care Act has become something of an Olympic sport for the majority. These votes are nothing new. They are about sabotaging the law of the land in order to satisfy a narrow, radical element of the majority’s party.

Now is not the time to reverse course. Now is not the time to go back to the days when insurance companies were in charge—when people were thrown off their policies, when policies were taken away in the middle of treatment, when their children were not allowed to participate, and when individuals could not afford the policies at that time. Today, they will be able to.

Mr. PRICE of Georgia. Mr. Speaker, I insert in the RECORD a notice from the National Taxpayers Union, dated July 15, 2013, in support of both H.R. 2667 and H.R. 2668.

NATIONAL TAXPAYERS UNION,  
Alexandria, VA, July 15, 2013.

#### NATIONAL TAXPAYERS UNION VOTE ALERT

NTU urges all Representatives to vote “YES” on H.R. 2667, the “Authority for Mandate Delay Act” and H.R. 2668, the “Fairness for American Families Act.” These bills would delay for one year the Affordable Care Act’s health insurance mandates for employers and individuals, respectively. While the primary goal of Congress ought to be full repeal of the Affordable Care Act (a.k.a. “Obamacare”), in the meantime it is imperative for legislators to recognize and address the numerous problems associated with the law.

The Obama Administration acknowledged the detrimental effects that the employer mandate will have on businesses, workers, and the economy at large when it unilaterally elected to delay this provision for one year. With the legality of this move very much in question, the House of Representatives is wisely moving to codify the change by passing H.R. 2667. This would greatly assist—albeit only in the short-term—the many businesses that are already cutting employee hours or jobs as a result of the law.

At the same time that businesses are making difficult staffing decisions, individuals are poised to be hit by Obamacare’s requirement to purchase health insurance. In 2014, the penalty for failing to do so is \$285 per family or 1 percent of household income, whichever is greater. By 2016, the penalty jumps to \$2,085 per family or 2.5 percent of household income, whichever is greater. As the Supreme Court ruled last year, this penalty is a tax. For many families continuing to struggle due to the weak economy, the burdens from the individual mandate will become increasingly difficult to bear. H.R. 2668 would delay the provision for a year, which would provide much-needed, temporary relief to these families.

Passage of H.R. 2667 and H.R. 2668 would help alleviate some of the harmful effects that the Affordable Care Act will impose on businesses and individuals. Enactment of these bills would be an important step toward more significant legislative goals, such

as permanent repeal of both mandates and the Affordable Care Act in its entirety.

Rollcall votes on H.R. 2667 and H.R. 2668 will be included in our annual rating of Congress and “yes” votes will be considered the pro-taxpayer position.

If you have any questions, please contact NTU Federal Affairs Manager Nan Swift.

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. SCHOCK), another member of the Ways and Means Committee.

Mr. SCHOCK. Mr. Speaker, I thank the gentleman from Georgia.

Wow, I’m sure our listening audience at home wonders who to believe. We are hearing charges of politics. We are hearing claims of chutzpah.

My friends on the other side of the aisle, this isn’t politics—this is lawmaking.

Has our Republic stooped so low that you would go out and raise millions of dollars and waste thousands of hours of your volunteer time to be elected to a body only to see that power which is given by the Constitution to do that which you were elected to do instead given to the executive branch—to the President?

If you believe as the President believes, which is that this law is not ready to be implemented—which is that, for various reasons, HHS and other agencies are not able to certify that the businesses are able to comply—then join us in doing what the President wants to do legally. Join us in giving the power to the President that which he is already claiming unilaterally, and do what your constituents have elected you to do, which is to actually do lawmaking.

Mr. Speaker, we heard claims earlier today that women were being discriminated against, that women’s premiums were rising at a faster rate than men’s. Let me tell you what this bill does to young people, who are really discriminated against because of ObamaCare.

Young people’s premiums are going up over 400 percent because of a community rating provision in this bill. Young people are paying a disproportionate, growing cost of health care in this country because of a discrimination factor in this bill called “community rating.” Young people who have gone to college, who have busted their tails to get a degree, don’t want to stay on their mom and dad’s insurance until they’re 26. That’s not why I went to college. I don’t think that’s why you went to college. They go to college to get a job, and this ObamaCare legislation and so many others of the President’s policies are killing jobs in America. It’s why half of the people who graduated from college last May are still unemployed or underemployed.

For so many reasons, this bill needs to be postponed, which is what this legislation does. I urge its passage and a “yes” vote.

Mr. McDERMOTT. I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Georgia has 15½ minutes remaining, and the gentleman from Washington has 6 minutes remaining.

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to yield 1 minute to a member of the Energy and Commerce Committee, a fellow physician from the State of Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding.

I have in my hand a pocket Constitution, which says here in Article I, Section 1:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

It doesn’t say anything in there about the President.

Mr. Speaker, if you’ve noticed a lot of times, the weaker one’s argument, the louder the volume, and I’m hearing a lot of volume from the other side of the aisle, including from their leadership. They have a weak argument, Mr. Speaker—there is no question about it—in saying that the bill has already passed.

If the bill has already passed, what right does the President have to change the law without coming back to the Congress?

We are giving them the opportunity to do that. Of course, we are also giving the young people in this country the opportunity to get the same break that these large Fortune 500 companies may be getting in regard to delaying the employer mandate for 1 year. Let’s do the same thing for these young people who are no longer 26. They’re 26½; they’re not living in the basement anymore; they have a job. Let’s give them the same 12-month break that we’re giving to employers.

Pass this bill. It’s a good bill. We have the authority to do it, not the President.

Mr. McDERMOTT. I yield myself 30 seconds.

There are 8,300 young adults who are still getting insurance on their parents’ plans; more than 8,500 seniors are receiving prescription drug discounts; 86,000 seniors are now receiving preventative care without having to pay for it under the Medicare program; 195,000 now have health insurance that covers preventative care with no co-pays and insurance; and on and on and on it goes.

I enter into the RECORD the health care reform law as it affects the 11th Congressional District of Georgia.

BENEFITS OF THE HEALTH CARE REFORM LAW IN THE 11TH CONGRESSIONAL DISTRICT OF GEORGIA

COMMITTEES ON ENERGY AND COMMERCE, WAYS AND MEANS, AND EDUCATION AND THE WORKFORCE, DEMOCRATIC STAFF REPORT, JULY 2013

The landmark Affordable Care Act (ACA) began delivering important new benefits and

protections to tens of millions of American families almost immediately after it was signed into law by President Obama. But the largest benefits of the law will become available to consumers on October 1, 2013, when health insurance marketplaces open in all 50 states. These marketplaces will offer individuals, families, and small businesses an efficient, transparent one-stop shop to compare health insurance policies, receive financial assistance, and sign up for high-quality, affordable, and secure insurance coverage.

This fact sheet summarizes new data on the significant benefits of the health care reform law in Rep. Gingrey’s district. It also provides the first picture of the impacts of the law in districts redrawn or newly created following the 2010 Census. As a result of the law:

8,300 young adults in the district now have health insurance through their parents’ plan.

More than 8,800 seniors in the district received prescription drug discounts worth \$12.6 million, an average discount of \$620 per person in 2011, \$760 in 2012, and \$900 thus far in 2013.

86,000 seniors in the district are now eligible for Medicare preventive services without paying any co-pays, coinsurance, or deductible.

195,000 individuals in the district—including 47,000 children and 78,000 women—now have health insurance that covers preventive services without any co-pays, coinsurance, or deductible.

169,000 individuals in the district are saving money due to ACA provisions that prevent insurance companies from spending more than 20% of their premiums on profits and administrative overhead. Because of these protections, over 19,900 consumers in the district received approximately \$2.8 million in insurance company rebates in 2012 and 2011—an average rebate of \$82 per family in 2012 and \$134 per family in 2011.

Up to 43,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

248,000 individuals in the district now have insurance that cannot place lifetime limits on their coverage and will not face annual limits on coverage starting in 2014.

Up to 129,000 individuals in the district who lack health insurance will have access to quality, affordable coverage without fear of discrimination or higher rates because of a preexisting health condition. In addition, the 45,000 individuals who currently purchase private health insurance on the individual or small group market will have access to more secure, higher quality coverage and many will be eligible for financial assistance.

Mr. Speaker, I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to yield 2 minutes to a gentlelady who, prior to coming to Congress, worked as a nurse and who is a pivotal member of the Ways and Means Committee, the gentlelady from Tennessee, DIANE BLACK.

Mrs. BLACK. I thank the gentleman for yielding.

Mr. Speaker, the President has previously described his health care law as “a new set of rules that treats everybody honestly and treats everybody fairly.”

Now, according to President Obama, if you’re a big financial institution or a government contractor, you don’t have to comply with ObamaCare’s mandate

next year; but if you're a Tennessee family who is trying to make ends meet, you do or you will get taxed. To add insult to injury, this President now has the audacity to say that he will veto the House legislation delaying the employer mandate and the individual mandate that we are considering today.

First of all, the employer mandate delay was proposed by him, so why would he veto his own idea? Secondly, why would he turn his back on the American families, who are merely asking for the same relief that he said he is going to give to Big Business?

President Obama's veto threat is a pathetic excuse for leadership, and I suggest that we call his bluff and pass this legislation to protect the American people and their livelihoods from ObamaCare. It is simply not fair of President Obama to give business an exemption from his costly health care law without making the same allowances for individuals and families.

I call on President Obama and congressional Democrats to do the right thing by supporting the Authority for Mandate Delay Act and the Fairness for American Families Act in order to protect the American people and to ensure fairness for all.

Mr. MCDERMOTT. Mr. Speaker, I enter into the RECORD the effect of the Affordable Care Act on the Sixth Congressional District of Tennessee.

BENEFITS OF THE HEALTH CARE REFORM LAW IN THE 6TH CONGRESSIONAL DISTRICT OF TENNESSEE

COMMITTEES ON ENERGY AND COMMERCE, WAYS AND MEANS, AND EDUCATION AND THE WORKFORCE, DEMOCRATIC STAFF REPORT, JULY 2013

The landmark Affordable Care Act (ACA) began delivering important new benefits and protections to tens of millions of American families almost immediately after it was signed into law by President Obama. But the largest benefits of the law will become available to consumers on October 1, 2013, when health insurance marketplaces open in all 50 states. These marketplaces will offer individuals, families, and small businesses an efficient, transparent one-stop shop to compare health insurance policies, receive financial assistance, and sign up for high-quality, affordable, and secure insurance coverage.

This fact sheet summarizes new data on the significant benefits of the health care reform law in Rep. Black's district. It also provides the first picture of the impacts of the law in districts redrawn or newly created following the 2010 Census. As a result of the law:

5,600 young adults in the district now have health insurance through their parents' plan.

More than 9,800 seniors in the district received prescription drug discounts worth \$12.7 million, an average discount of \$590 per person in 2011, \$640 in 2012, and \$690 thus far in 2013.

134,000 seniors in the district are now eligible for Medicare preventive services without paying any co-pays, coinsurance, or deductible.

184,000 individuals in the district—including 40,000 children and 74,000 women—now have health insurance that covers preventive services without any co-pays, coinsurance, or deductible.

188,000 individuals in the district are saving money due to ACA provisions that prevent insurance companies from spending more than 20% of their premiums on profits and administrative overhead. Because of these protections, over 26,900 consumers in the district received approximately \$3.9 million in insurance company rebates in 2012 and 2011—an average rebate of \$69 per family in 2012 and \$201 per family in 2011.

Up to 40,000 children in the district with preexisting health conditions can no longer be denied coverage by health insurers.

217,000 individuals in the district now have insurance that cannot place lifetime limits on their coverage and will not face annual limits on coverage starting in 2014.

Up to 101,000 individuals in the district who lack health insurance will have access to quality, affordable coverage without fear of discrimination or higher rates because of a preexisting health condition. In addition, the 37,000 individuals who currently purchase private health insurance on the individual or small group market will have access to more secure, higher quality coverage and many will be eligible for financial assistance.

I now yield 1½ minutes to the gentleman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Thank you to the manager—Dr. MCDERMOTT, I like to call him—who has been a mainstay of good health care in this Congress for a very long time. He is managing as well with the gentleman from Georgia, who has practiced medicine.

But we can have a disagreement. The vigorous disagreement that we have, I must say, Mr. Speaker, is with the weight of truth that falls on what we have done on behalf of ObamaCare, the Affordable Care Act.

I enjoy sledding. I enjoy the snow. When you get on a sled, it rolls down and you're happy, and you come to a successful end. We've rolled down, and we keep on rolling because the Affordable Care Act is allowing young people to have insurance. It's reducing the cost of prescription drugs for our seniors. It's allowing a State like Texas, which has the highest number of uninsured—some 121,000-plus in my district—to now have insurance. It allows about 10 community health facilities to be able to begin enrollment this coming September and to be able to outreach to those families, who will now have coverage for them and their children.

Let me be very clear. How many times do I have to say, no, you cannot have your way?

The Supreme Court has ruled. This is the law of the land, and there is no reason whatsoever to go back on a plan that has allowed the New York insurance rates to go down on health care. There is nothing wrong with the President engaging business. These are large companies that have said we just need to look at it so we can streamline it. That's to make it better. If they undermine the individual mandate, 13 million Americans will not have insurance.

How many times do I have to say “no”?

The Affordable Care Act is going well. People are insured and Americans are healthier. Let's keep the Affordable Care Act. Vote “no” on the underlying bills.

When will you ever understand that it's over? It's over.

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. I thank Dr. PRICE for his work on the Fairness for American Families Act, and I rise in support of the legislation.

Mr. Speaker, President Obama made many promises when promoting his health care law. He promised that, if you liked your coverage, you could keep it; he promised that it would lower the cost of premiums; he promised that it would create new jobs and promote economic growth.

Unfortunately, western Pennsylvania workers and families are experiencing just the opposite.

A mom who works at a food service company in Beaver County, Pennsylvania, called my office last week to talk for an hour about how the law is impacting her family. She just had her hours cut by almost half thanks to the employer mandate. Her husband's job security is also now at risk. The lost hours, income, and job security have made it difficult for them to afford the necessities of life, and it will make it almost impossible to send their daughter to college next year.

President Obama recently postponed the employer mandate. In so doing, he has conceded that the law is unworkable for businesses. If businesses deserve a break from ObamaCare, then why don't the rest of the American people?

We need workable, commonsense, and patient-centered reforms that increase access to care and reduce costs. Today's legislation is a necessary first step in achieving the kind of health care reform that the American people deserve.

□ 1745

Mr. MCDERMOTT. Mr. Speaker, I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Speaker, I'm pleased to yield 1 minute to the gentleman from Ohio (Mr. WENSTRUP), a gentleman who is engaged in the health profession.

Mr. WENSTRUP. Mr. Speaker, the unilateral decision by this administration to delay certain provisions of Federal legislation undermines the very rule of law. If President Obama can pick and choose what he wants to enforce within ObamaCare, what prevents him from doing the same with other legislation? That is my concern.

And while this administration is determined that their signature piece of legislation is too complicated for businesses, the individual mandate still

stands. Businesses get a break, but individuals get no relief from the burdens of this law.

Why do hardworking individuals not deserve relief from the hardships of the Affordable Care Act? If the President and his allies in Congress stand by their decision to delay one mandate, is it not fair to delay the other?

Realistically, a permanent delay through the full repeal of ObamaCare and its mandates is the only workable solution.

Don't Americans deserve equality under the law and fairness for all?

Mr. McDERMOTT. Mr. Speaker, I inquire as to whether the gentleman from Georgia is prepared to close.

Mr. PRICE of Georgia. As we have no more speakers, I am prepared to close.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

I have in my hand here a letter signed by 30 economists from Harvard, Yale, MIT, Stanford, Rice, the University of Chicago, and everybody else, all of whom say we need a mandate. If this mandate were taken out of the law, the Affordable Care Act would be dead. What they say is that the individual mandate does not specify what care people receive; it simply requires people to pay a reasonable amount for any care that they may ultimately receive.

No less a conservative than Mitt Romney, the Republican nominee for President, noted when signing the Massachusetts equivalent of the individual mandate:

Some of my Libertarian friends balk at what looks like an individual mandate. But remember, someone has to pay for the health care that must, by law, be provided: either the individual pays or the taxpayers pay.

Everyone in this body spends \$1,000 a year beyond their own health care costs paying for the uninsured in this country. People walk into the emergency room and they get taken care of because the hospital cannot refuse them and the doctor cannot refuse them, and so they're taken care of and then it's passed on to you and me.

The individual mandate says everybody should pay according to their ability.

Going on, Mr. Romney said:

A free ride on the government is not libertarianism.

Everywhere they've tried this without subsidies and mandates, it has failed. They say in the five States that have tried comprehensive insurance market reform without an individual mandate, healthy people choose to stay out of insurance, sick people took it up, and the premiums go up. That's exactly what the CBO says.

So what you are saying, by repealing the individual mandate, is you want to drive up the costs on the people who now have insurance. That's a very strange political position to be taking.

I must say, I listened to all these people who don't like the individual

mandate and all this stuff. If you spend 2 years ranting about the Affordable Care Act and you run a campaign and spend hundreds of millions of dollars and rant against the Affordable Care Act, it's not surprising that people may be a little confused.

When I was in medical school in 1963, the American Medical Association spent 3 or 4 years ranting against Medicare; and when the people went out to enroll people for Medicare, they got the door slammed in their face. Old people said, I'm not going to have that kind of government health care in my house. Well, let me tell you something. If you tried to take Medicare out now, you would find you have taken on a really ugly junkyard dog. You're not going to take out Medicare in this country now.

You can confuse people for a while, but as they see and as I reported on everybody's district, it is already affecting kids who didn't have insurance because of a preexisting condition; it's affecting kids who didn't have insurance from their job and are now on their parents' insurance; it took away lifetime limits on care; it took away all the things that people worry about when they want health care security. They now have it, and you're saying let's take the individual mandate out and have the whole house come down, because that's what these economists have said.

I enter this letter into the RECORD, and I yield back the balance of my time.

#### WHY WE NEED THE INDIVIDUAL MANDATE

The Patient Protection and Affordable Care Act (ACA) requires people to buy health insurance when they can afford to do so. This "individual mandate" is essential to address two features of current health insurance markets: the fact that millions of people cannot afford health insurance coverage, and the fact that insurance companies frequently charge high or unaffordable premiums to people who need insurance most—those suffering from costly illness or injury.

This mandate is one of three pillars that together support ACA's private market approach. The first pillar is insurance market reform—ending the ability of insurance companies to discriminate against sick or injured people with high medical costs. Subsidies to help Americans of modest means gain access to affordable health coverage provide the second pillar. The individual mandate provides the third pillar. It requires people to obtain insurance so long as that coverage is affordable. The mandate expresses a basic obligation of citizenship as well as an economic reality. Without the mandate, some people will choose to gamble or to free-ride, undermining the fairness and financial stability of the health insurance system.

Few of the uninsured could personally finance medical treatment for a serious illness or injury. Moreover, this country embraces the fundamental principle that everyone should have to minimally decent medical treatment when needed, without regard to ability to pay. Federal legislation and the custom and practice of health care providers embody this principle. A healthy individual's

decision to forego affordable insurance coverage thus imposes real costs on others, while raising premiums on many people with serious medical needs who require the most help.

The individual mandate does not specify what care people receive. It simply requires people to pay a reasonable amount for any care they may ultimately receive. No less a conservative than Mitt Romney noted, when signing Massachusetts' equivalent of the individual mandate: "Some of my libertarian friends balk at what looks like an individual mandate. But remember, someone has to pay for the health care that must, by law, be provided: Either the individual pays or the taxpayers pay. A free ride on the government is not libertarian."

The ACA's individual mandate is based on Massachusetts's successful 2006 reforms. That landmark effort covered about two-thirds of the formerly uninsured, while reducing premiums for individual purchasers by about 50% relative to national trends—with strong public support.

In contrast, insurance reform without subsidies and mandates has consistently failed. In the five states that have tried comprehensive insurance market reform without an individual mandate, healthy people chose to stay out of insurance, sick people took it up, and premiums increased. Only broad participation in insurance markets can end the cycle of insecure coverage and high costs.

The Obama Administration's recent decision to delay ACA's requirement that large- and medium-sized employers sponsor coverage for their employees or pay a penalty is independent of the individual mandate. The employer assessment is designed to bolster the ACA's financing and to ensure equity between large firms who do and do not provide insurance. This assessment will have only a very small impact on employers, since 97% of firms with more than 50 employees already offer insurance. The individual mandate stands in stark contrast, as nearly one in five non-elderly Americans is currently uninsured.

Delaying the employer assessment has almost no effect on the implementation of the ACA. The only important effect will be to raise one fewer year of revenue from this component of the law. In contrast, delaying the individual mandate would cut at the core of the vision of private-market based insurance market reform.

Requests to delay the individual mandate are really requests to gut the Affordable Care Act. Millions of Americans face immediate health care needs and financial challenges addressed by health reform. They cannot wait.

#### Signers

Henry Aaron, Senior Fellow and Bruce and Virginia MacLaury Chair in Economic Studies, Brookings Institution; Kenneth J. Arrow, Professor Emeritus, Stanford University; Susan Athey, Professor of Economics, Stanford Graduate School of Business; Linda J. Blumberg, Senior Fellow, Health Policy Center, The Urban Institute; Len Burman, Director, Tax Policy Center, Urban Institute; Amitabh Chandra, Professor of Public Policy, Harvard University; Philip J. Cook, ITT/Terry Sanford Professor of Public Policy, Duke University; David Cutler, Otto Eckstein Professor of Applied Economics, Harvard University; Claudia Goldin, Henry Lee Professor of Economics, Harvard University; Jonathan Gruber, Professor of Economics, Massachusetts Institute of



Technology; Vivian Ho, Baker Institute Chair in Health Economics, Rice University; John Holahan, Institute Fellow, Urban Institute; Jill Horwitz, Professor of Law, University of California at Los Angeles; Genevieve M. Kenney Co-Director and Senior Fellow Health Policy Center, Urban Institute, Frank Levy, Lecturer, Department of Health Care Policy, Harvard Medical School; Peter H. Lindert, Distinguished Research Professor of Economics, University of California at Davis; Eric S. Maskin, Adams University Professor, Harvard University; Alan C. Monheit, Ph.D., Professor of Health Economics, Rutgers University School of Public Health; Richard Murname, Juliana W. and William Foss Thompson Professor of Education and Society, Harvard Graduate School of Education; Joseph Newhouse, John D. MacArthur Professor of Health Policy and Management, Harvard Medical School; Harold Pollack, Helen Ross Professor of Social Service Administration, University of Chicago; Matthew Rabin, Edward G. and Nancy S. Jordan Professor of Economics, University of California at Berkeley; James B. Rebitzer, Professor of Management, Economics, and Public Policy and Everett V. Lord Distinguished Faculty Scholar, Boston University School of Management; Meredith Rosenthal, Professor of Health Economics and Policy, Harvard School of Public Health; Christopher Ruhm, Professor of Public Policy and Economics, University of Virginia; Jonathan Skinner, James O. Freedman Presidential Professor of Economics, Professor of Community and Family Medicine, Dartmouth College; Katherine Swartz, Professor, Harvard School of Public Health; Paul N. Van de Water, Senior Fellow, Center on Budget and Policy Priorities; Kenneth E. Warner, Avedis Donabedian Distinguished University Professor of Public Health, Dept. of Health Management & Policy, University of Michigan School of Public Health; Stephen Zuckerman, Co-Director and Senior Fellow, Health Policy Center, The Urban Institute.

Mr. PRICE of Georgia. Mr. Speaker, I yield myself such time as I may consume.

There are a lot of folks who've come to the floor on the other side of the aisle to speak about this piece of legislation. Curiously, there aren't any individuals who came from those States that have actually passed legislation to implore Congress not to continue with the individual mandate—Alabama, Arizona, Missouri, Ohio, individuals from the other side of the aisle who didn't come down to the floor.

We get asked by folks on the other side about where's the jobs bill? Well, in addition to all the remarkable pieces of legislation on jobs that we have indeed passed and sent over to the Senate and it then gains dust over there, this is a jobs bill. I don't know if our friends on the other side haven't talked to their employers back home. Employers large and small, all of them say, Look, this is damaging job creation. We had one before the committee on Ways and Means that my

friend from Washington and I sit on just last week who said he wasn't going to be able to expand his business. He couldn't, because of this bill. So this is a piece of jobs legislation.

We have a number of folks on the other side who say, Look, this is just about politics. Mr. Speaker, you talk about politics. You've got the President saying that he's going to delay the reporting requirements for the employer mandate for a year. And, by the way, that just happens to be after the 2014 election. You talk about politics.

Then you talk about delay. Some of my friends on the other side, they act as if this is something that we have indeed supported in the past. This is delay. This isn't repeal. In fact, we appreciate that the administration has awakened to the challenge of this piece of legislation.

They've recognized that it doesn't work for businesses and job creators because of the uncertainty and fewer jobs being created, so they have promoted a delay of 1 year for the employer mandate. But that uncertainty remains for those employers, and they're not going to be able to hire significant individuals.

And that uncertainty and that oppression of government-run health care isn't just for business. It's also true for individuals.

Finally, Mr. Speaker, I would say that I just encourage my friends to read the bill. This is the bill, H.R. 2668. It's very short and easily read. It simply changes the year requirements for the individual mandate from 1 year, 2014, to a year's delay in 2015. That's all it does. It simply equalizes the treatment for individuals as for businesses.

I know that many of them haven't read the bill. If they did, they would recognize that this bill has no change in it for preexisting illnesses or injuries and the rules thereon. It has no change for 26-year-olds being covered on their parents' health insurance. It has no change for lifetime limits. It has no change for the medical loss ratio provision. It has no change for gender equity. It has no change for out-of-pocket limits, and it has no change for anybody's insurance being taken away.

All this bill does, Mr. Speaker, is simply say that individuals ought to be treated fairly and equally, just like businesses, that we ought to delay the individual mandate for a year.

I call on my colleagues to support and vote for H.R. 2668, and I yield back the balance of my time.

Mr. TURNER. Mr. Speaker, the administration recently announced that the Obamacare employer mandate, requiring businesses to provide their workers with health insurance, will be delayed until 2015. This decision is proof that even this administration acknowledges that the Obamacare law has adverse effects on American families and small businesses.

At a time when the economy is still struggling to recover, we should be focused on reducing taxes on hardworking Americans and providing incentives for businesses to grow and create jobs. The Congressional Budget Office (CBO) estimates that the employer mandate will raise taxes on American businesses by \$117 billion. In addition, the National Federation of Independent Business (NFIB) estimates that the employer mandate will result in 125,000 to 249,000 lost jobs as a result of higher insurance costs.

Unfortunately, the administration is still moving forward with the implementation of the individual mandate in 2014, which will have negative effects on the American people. The average individual premium is expected to increase somewhere between 20 and 30 percent in 2014. CBO also estimates that the individual mandate will increase taxes on American families by \$55 billion.

Mr. Speaker, I support passage of H.R. 2667, the Authority for Mandate Delay Act, and H.R. 2668, the Fairness for American Families Act. At the same time, we must permanently repeal these burdensome mandates. That is why I authored H.R. 582, the Healthcare Tax Relief and Mandate Repeal Act, with 97 of my colleagues, to repeal the Obamacare individual and employer mandates, providing relief for American families and businesses.

Mr. Speaker, now is not the time to impose extra burdens on American families and businesses when our economy is struggling to get back on track. I strongly support repeal of the individual and employer mandates and I am committed to working with my colleagues to carefully and thoughtfully implement real healthcare reform.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in opposition to H.R. 2667 and H.R. 2668, two cynical Republican bills that play politics with Americans' lives. Instead of spending our time voting on the 38th and 39th Republican attempts to delay, undermine, or repeal the Affordable Care Act, we should be focused on implementing the law of the land and supporting real solutions to getting Americans the health care we all need.

The requirement that individuals have health insurance is the foundation of the Affordable Care Act's ability to improve access to quality, affordable health insurance. H.R. 2668 would delay this requirement, threatening access to affordable health insurance for an estimated 129 million Americans with pre-existing health conditions.

The Affordable Care Act has already begun to improve Americans' access to health care. Insurance companies are now required to cover children with pre-existing conditions, and in 2014 insurers will be prohibited from discriminating against adults with pre-existing conditions as well. An estimated 3.1 million young adults now have health insurance through their parents' plans because of the Affordable Care Act, and 6.3 million seniors have saved \$6.1 billion on their prescription drugs.

The patient protections and health system reforms that will go into effect in 2014 rely on the individual responsibility provision of the Affordable Care Act. This provision does not apply to those who cannot access affordable



coverage, and it protects all Americans from sharp increases in health insurance premiums in the health insurance marketplaces.

H.R. 2667, which would delay the employer health insurance mandate, is unnecessary and detracts from the important work of ensuring that more Americans gain access to affordable, quality health insurance.

I urge my colleagues to oppose H.R. 2667 and H.R. 2668 to defend the advances already made under the Affordable Care Act and the benefits yet to come. These bills are not intended to help Americans access affordable health care. They are merely the most recent Republican efforts to undermine the Affordable Care Act.

The Affordable Care Act is the law of the land, and it is already helping Americans improve their health. We must come together to implement the law effectively and ensure that more Americans have the opportunity to access affordable health insurance and improve their health.

Ms. CLARKE. Mr. Speaker, I oppose H.R. 2668 the Fairness for American Families Act; which would seek to delay until 2015 the requirement that individuals maintain minimal essential health care coverage.

Once again, for the 38th time, Republicans are voting to repeal parts of the Affordable Care Act.

The individual responsibility requirement under the Affordable Care Act, which calls for purchasing coverage or paying a penalty, covers only those who have access to affordable coverage. If an individual does not have access to coverage with premiums that are 8 percent or less of their income, the individual is exempt.

Individuals are also exempt if their income is so low they do not have to file a federal tax return; or if they qualify for an exemption based on hardship, religious beliefs, and certain other factors; or they spend less than three consecutive months without coverage.

Therefore, the Republicans' disingenuous concern that Americans will be punished if they are unable to afford coverage is simply not true!

The Affordable Care Act's individual responsibility provision is a critical component of the additional patient protections and reforms that go into effect in 2014. Health experts have determined that if, beginning in 2014, insurers can no longer deny coverage to people with pre-existing conditions and can no longer charge them higher premiums, premiums in health insurance marketplaces would rise sharply unless all Americans with access to affordable insurance either purchase it or pay a penalty.

This is yet another attempt to obstruct and undermine the successful implementation of the Affordable Care Act.

The result of this bill's delay of the individual responsibility provision would be to limit access to affordable coverage for millions of Americans and thereby, weaken one of the primary premises of the Affordable Care Act.

Don't fall for this trick! I ask my colleagues to stand in with me in solidarity and vote no on this bill.

The SPEAKER pro tempore. All time for debate on H.R. 2668 has expired.

Pursuant to House Resolution 300, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 2668 is postponed.

#### AUTHORITY FOR MANDATE DELAY ACT

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 2667 will now resume.

The Clerk read the title of the bill.

#### MOTION TO RECOMMIT

Mr. ANDREWS. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ANDREWS. I most certainly am. The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ANDREWS moves to recommit the bill H.R. 2667 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following new section:  
**SEC. 3. PROTECTING EMPLOYEES AND FAMILIES FROM LOSING THEIR EXISTING HEALTH INSURANCE COVERAGE.**

Nothing in this Act shall be construed to allow employers to reduce insurance coverage for individuals and families who currently receive job-based health benefits.

Mr. CAMP. Mr. Speaker, I reserve a point of order against the motion to recommit.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. Mr. Speaker, the purpose of this final amendment, which would not delay consideration of the bill, if passed, is to be sure that no one who's covered by their employer today suffers as a result of this bill. But make no mistake about it, the purpose of the underlying bill is to unravel the Affordable Care Act thread by thread and make sure that it collapses under its own weight. Make no mistake about it further, our purpose is forgotten around here if that's what this Congress does.

We are not a debating society. We are not a perpetual political campaign. We are a legislative body that makes decisions that affect the real lives of real people in very significant ways. It is very important that all Members understand the consequences of what is being done here today.

There are a lot of Americans whose lives are not being impacted here today:

Among the 11 million unemployed in this country, they are hoping that next week might be the first week they get a paycheck in a long time. This House,

consistent with its practice, is doing nothing.

For the members of families with student loans, there are over 5 million of them who have seen their student loan rates double on the 1st of July. This House, consistent with its practice, is doing nothing for them today.

For the millions of Americans who are waiting for our economy to be lifted and their lives to be lifted out of the doldrums and the shadows of an antiquated immigration law, where the other body, with 68 percent voting in favor of a change in that law, consistent with its practice, this House is doing nothing, once again, for those Americans today.

But if this bill and its unraveling attempt passes, this House is doing a lot to affect a lot of other Americans:

If everyone doesn't participate in paying for the health care system, the woman who has breast cancer or the little boy who has asthma, they can be denied a health insurance policy because of their preexisting condition, or it will become so expensive they can't afford it. This bill affects them.

The person who overpaid for their health insurance policy, if they're one of the millions of Americans who've gotten a rebate since the Affordable Care Act went into effect to stop insurance companies from overcharging Americans, if these folks have their way and that's repealed, this bill will certainly affect them because they'll lose that rebate.

If they are among the millions of senior citizens who have been able to go for an annual checkup for a cancer screening, an annual checkup for their general health and not pay anything for it and find dreaded diseases before they take control of their lives and recover from those diseases, this bill most certainly will affect those Americans because it will repeal those benefits.

□ 1800

For those seniors who have been caught in the so-called doughnut hole created by—the Medicare program created by the then-majority a few years ago—who've seen their drug coverage costs drop because of rebates that help them offset that coverage, they will most certainly be affected by this bill because those rebates will disappear, and their coverage will go back up and cost them more again.

If they're one of the thousands or even millions of young people who are able to stay on their parents' health insurance policies until they're 26 years of age, their lives will be affected by this bill because they'll lose that benefit and it will evaporate.

This Congress has a real responsibility to Americans who want to see us move beyond this endless debate, this 38th attempted repeal of this law, who want to see us move beyond this and

get to work on the real problems that confront the country. Let's put Americans back to work. Let's drop the cost of a college education. Let's fix our broken immigration system. Let's get to work on repairing the Voting Rights Act that was vandalized by the United States Supreme Court just a few weeks ago.

These are problems to which we should turn our attention, but here we are again, the 38th consecutive attempt to repeal the Affordable Care Act. The first 37 failed, and so will the 38th. The right vote for our constituents and the American people is to vote "yes" on this motion to recommit and "no" on this underlying bill.

I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I withdraw my point of order, and seek time in opposition to the motion to recommit.

The SPEAKER pro tempore. The point of order is withdrawn.

The gentleman from Michigan is recognized for 5 minutes.

Mr. CAMP. Mr. Speaker, ObamaCare is already forcing workers to lose coverage. CBO has said that employers will drop health care coverage. CBO has said that employers will lay off workers and reduce coverage. That is already happening, and workers in this country are suffering.

Even the Teamsters union has said so in a letter to Leader REID and Leader PELOSI, and let me just read from one paragraph of this letter from the Teamsters union and other unions:

When you and the President sought our support for the Affordable Care Act, you pledged that if we liked the health plans we have now, we could keep them. Sadly, that promise is under threat. Right now, unless you and the Obama administration enact an equitable fix, the ACA will shatter not only our hard-earned health benefits, but destroy the foundation of the 40-hour work week that is backbone of the American middle class.

The only way to fix this is to reject this motion, delay the employer mandate, and vote for this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ANDREWS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 188, nays 230, not voting 15, as follows:

[Roll No. 360]

#### YEAS—188

Andrews	Garcia	Pallone
Barber	Grayson	Pascarell
Bass	Green, Al	Pastor (AZ)
Beatty	Green, Gene	Payne
Becerra	Gutiérrez	Pelosi
Bera (CA)	Hahn	Perlmutter
Bishop (GA)	Hanabusa	Peters (CA)
Bishop (NY)	Hastings (FL)	Peters (MI)
Blumenauer	Heck (WA)	Peterson
Bonamici	Higgins	Pingree (ME)
Brady (PA)	Himes	Pocan
Braley (IA)	Honda	Polis
Brown (FL)	Hoyer	Price (NC)
Brownley (CA)	Huffman	Quigley
Bustos	Israel	Rahall
Butterfield	Jackson Lee	Rangel
Capps	Jeffries	Richmond
Capuano	Johnson (GA)	Roybal-Allard
Cárdenas	Johnson, E. B.	Ruiz
Carney	Kaptur	Ruppersberger
Carson (IN)	Keating	Rush
Cartwright	Kelly (IL)	Ryan (OH)
Castor (FL)	Kennedy	Sánchez, Linda
Castro (TX)	Kildee	T.
Chu	Kilmer	Sanchez, Loretta
Ciilline	Kind	Sarbanes
Clarke	Kirkpatrick	Schakowsky
Clay	Kuster	Schiff
Cleaver	Langevin	Schneider
Clyburn	Larsen (WA)	Schrader
Cohen	Larson (CT)	Schwartz
Connolly	Lee (CA)	Scott (VA)
Conyers	Levin	Scott, David
Cooper	Lipinski	Serrano
Costa	Loebbeck	Sewell (AL)
Courtney	Lofgren	Shea-Porter
Crowley	Lowenthal	Sherman
Cuellar	Lowe	Sinema
Cummings	Lujan Grisham	Sires
Davis (CA)	(NM)	Slaughter
Davis, Danny	Luján, Ben Ray	Smith (WA)
DeFazio	(NM)	Speier
DeGette	Lynch	Swalwell (CA)
Delaney	Maffei	Takano
DeLauro	Maloney,	Thompson (CA)
DelBene	Carolyn	Thompson (MS)
Deutch	Maloney, Sean	Tierney
Dingell	Matsui	Titus
Doggett	McCollum	Tonko
Doyle	McDermott	Tsongas
Duckworth	McGovern	Van Hollen
Edwards	McNerney	Vargas
Ellison	Meeks	Veasey
Engel	Meng	Vela
Enyart	Michaud	Velázquez
Eshoo	Miller, George	Visclosky
Esty	Moore	Walz
Farr	Moran	Wasserman
Fattah	Murphy (FL)	Schultz
Foster	Nadler	Waters
Frankel (FL)	Napolitano	Watt
Fudge	Neal	Waxman
Gabbard	Nolan	Welch
Gallego	O'Rourke	
Garamendi	Owens	

#### NAYS—230

Aderholt	Calvert	Diaz-Balart
Alexander	Camp	Duffy
Amash	Cantor	Duncan (SC)
Amodei	Capito	Duncan (TN)
Bachus	Carter	Ellmers
Barletta	Cassidy	Farenthold
Barr	Chabot	Fincher
Barrow (GA)	Chaffetz	Fitzpatrick
Barton	Coble	Fleischmann
Benishek	Coffman	Fleming
Bentivoglio	Cole	Forbes
Bilirakis	Collins (GA)	Fortenberry
Bishop (UT)	Collins (NY)	Fox
Black	Conaway	Franks (AZ)
Blackburn	Cook	Frelinghuysen
Bonner	Cotton	Gardner
Boustany	Crawford	Garrett
Brady (TX)	Crenshaw	Gerlach
Bridenstine	Culberson	Gibbs
Brooks (AL)	Daines	Gibson
Brooks (IN)	Davis, Rodney	Gingrey (GA)
Brown (GA)	Denham	Gohmert
Buchanan	Dent	Goodlatte
Bucshon	DeSantis	Gosar
Burgess	DesJarlais	Gowdy

Granger	McClintock	Rothfus
Graves (GA)	McHenry	Royce
Graves (MO)	McIntyre	Runyan
Griffin (AR)	McKeon	Ryan (WI)
Griffith (VA)	McKinley	Salmon
Guthrie	McMorris	Sanford
Hall	Rodgers	Scalise
Hanna	Meadows	Schock
Harper	Meehan	Schweikert
Harris	Messer	Scott, Austin
Hartzler	Mica	Sensenbrenner
Hastings (WA)	Miller (FL)	Sessions
Heck (NV)	Miller (MI)	Shimkus
Hensarling	Miller, Gary	Shuster
Holding	Mullin	Simpson
Hudson	Mulvaney	Smith (MO)
Huelskamp	Murphy (PA)	Smith (NE)
Huizenga (MI)	Neugebauer	Smith (NJ)
Hultgren	Noem	Smith (TX)
Hunter	Nugent	Southerland
Hurt	Nunes	Stewart
Issa	Nunnelee	Stivers
Jenkins	Olson	Stockman
Johnson (OH)	Palazzo	Stutzman
Johnson, Sam	Paulsen	Terry
Jones	Pearce	Thompson (PA)
Jordan	Perry	Thornberry
Joyce	Petri	Tiberi
Kelly (PA)	Pittenger	Tipton
King (IA)	Pitts	Turner
King (NY)	Poe (TX)	Upton
Kingston	Pompeo	Valadao
Kinzinger (IL)	Posey	Wagner
Kline	Price (GA)	Walberg
Labrador	Radel	Walden
LaMalfa	Reed	Walorski
Lamborn	Reichert	Weber (TX)
Lance	Renacci	Webster (FL)
Lankford	Ribble	Wenstrup
Latham	Rice (SC)	Westmoreland
Latta	Rigell	Whitfield
LoBiondo	Roby	Williams
Long	Roe (TN)	Wilson (SC)
Lucas	Rogers (AL)	Wittman
Luetkemeyer	Rogers (KY)	Wolf
Lummis	Rogers (MI)	Womack
Marchant	Rohrabacher	Woodall
Marino	Rokita	Yoder
Massie	Rooney	Yoho
Matheson	Ros-Lehtinen	Young (AK)
McCarthy (CA)	Roskam	Young (FL)
McCaul	Ross	Young (IN)

#### NOT VOTING—15

Bachmann	Grimm	Lewis
Campbell	Herrera Beutler	McCarthy (NY)
Cramer	Hinojosa	Negrete McLeod
Flores	Holt	Wilson (FL)
Grijalva	Horsford	Yarmuth

□ 1826

Messrs. STIVERS, JOYCE, and DENHAM changed their vote from "yea" to "nay."

Messrs. GARAMENDI and NOLAN changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 360, had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McDERMOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 264, nays 161, not voting 8, as follows:

[Roll No. 361]

## YEAS—264

Aderholt Gohmert Pearce  
 Alexander Goodlatte Perry  
 Amash Gosar Peters (CA)  
 Amodei Gowdy Peters (MI)  
 Bachmann Granger Peterson  
 Bachus Graves (GA) Petri  
 Barber Graves (MO) Pittenger  
 Barletta Griffin (AR) Pitts  
 Barr Guthrie Poe (TX)  
 Barrow (GA) Hall Pompeo  
 Barton Hanna Posey  
 Benishek Harper Price (GA)  
 Bentivolio Harris Radel  
 Bera (CA) Hartzler Rahall  
 Bilirakis Hastings (WA) Reed  
 Bishop (UT) Heck (NV) Reichert  
 Black Hensarling Renacci  
 Blackburn Himes Ribble  
 Bonner Holding Rice (SC)  
 Boustany Hudson Rigell  
 Brady (TX) Huelskamp Roby  
 Braley (IA) Huizenga (MI) Roe (TN)  
 Bridenstine Hultgren Rogers (AL)  
 Brooks (AL) Hunter Rogers (KY)  
 Brooks (IN) Hurt Rogers (MI)  
 Broun (GA) Issa Rohrabacher  
 Brownley (CA) Jenkins Rokita  
 Buchanan Johnson (OH) Rooney  
 Bucshon Johnson, Sam Ros-Lehtinen  
 Burgess Jones Roskam  
 Bustos Jordan Ross  
 Calvert Joyce Rothfus  
 Camp Kelly (PA) Royce  
 Cantor Kilmer Ruiz  
 Capito Kind Runyan  
 Carney King (IA) Ryan (WI)  
 Carter King (NY) Salmon  
 Cassidy Kingston Sanford  
 Chabot Kingzinger (IL) Scalise  
 Chaffetz Kirkpatrick Schneider  
 Coble Kline Schock  
 Coffman Labrador Schrader  
 Cole LaMalfa Schweikert  
 Collins (GA) Lamborn Scott, Austin  
 Collins (NY) Lance Sensenbrenner  
 Conaway Lankford Sessions  
 Connolly Latham Shimkus  
 Cook Latta Shuster  
 Cotton Lipinski Simpson  
 Cramer LoBiondo Sinema  
 Crawford Long Smith (MO)  
 Crenshaw Lucas Smith (NE)  
 Culberson Luetkemeyer Smith (NJ)  
 Daines Lummis Smith (TX)  
 Davis, Rodney Maffei Southerland  
 Delaney Maloney, Sean Stewart  
 DeBene Marchant Stivers  
 Denham Marino Stockman  
 Dent Massie Stutzman  
 DesSantis Matheson Terry  
 DesJarlais McCarthy (CA) Thompson (PA)  
 Diaz-Balart McCaul Thornberry  
 Duckworth McClintock Tiberi  
 Duffy McHenry Tipton  
 Duncan (SC) McIntyre Turner  
 Duncan (TN) McKeon Upton  
 Ellmers McKinley Valadao  
 Enyart McMorris Wagner  
 Esty Rodgers Walberg  
 Farenthold Meadows Walden  
 Fincher Meehan Walorski  
 Fitzpatrick Messer Weber (TX)  
 Fleischmann Mica Webster (FL)  
 Fleming Miller (FL) Wenstrup  
 Flores Miller (MI) Westmoreland  
 Forbes Miller, Gary Whitfield  
 Fortenberry Mullin Williams  
 Foster Mulvaney Wilson (SC)  
 Foxx Murphy (FL) Wittman  
 Franks (AZ) Murphy (PA) Wolf  
 Frelinghuysen Neugebauer Womack  
 Gallego Noem Woodall  
 Garcia Nugent Yoder  
 Gardner Nunes Yoho  
 Garrett Nunnelee Young (AK)  
 Gerlach Olson Young (FL)  
 Gibbs Owens Young (IN)  
 Gibson Palazzo  
 Gingrey (GA) Paulsen

## NAYS—161

Andrews Gutierrez Payne  
 Bass Hahn Pelosi  
 Beatty Hanabusa Perlmutter  
 Becerra Hastings (FL) Pingree (ME)  
 Bishop (GA) Heck (WA) Pocan  
 Bishop (NY) Higgins Polis  
 Blumenauer Hinojosa Price (NC)  
 Bonamici Honda Quigley  
 Brady (PA) Hoyer Rangel  
 Brown (FL) Huffman Richmond  
 Butterfield Israel Roybal-Allard  
 Capps Jackson Lee Ruppersberger  
 Capuano Jeffries Rush  
 Cárdenas Johnson (GA) Ryan (OH)  
 Carson (IN) Johnson, E. B. Sánchez, Linda  
 Cartwright Kaptur T.  
 Castor (FL) Keating Sanchez, Loretta  
 Castro (TX) Kelly (IL) Sarbanes  
 Chu Kennedy Schakowsky  
 Cicilline Kildee Schiff  
 Clarke Kuster Schwartz  
 Clay Langevin Scott (VA)  
 Cleaver Larsen (WA) Scott, David  
 Clyburn Larson (CT) Serrano  
 Cohen Lee (CA) Sewell (AL)  
 Conyers Levin Shea-Porter  
 Cooper Loeb sack Sherman  
 Costa Lofgren Sires  
 Courtney Lowenthal Slaughter  
 Crowley Lowey Smith (WA)  
 Cuellar Lujan Grisham (NM)  
 Cummings Luján, Ben Ray Speier  
 Davis (CA) Davis, Danny Swallow (CA)  
 Davis, Danny (NM) Takano  
 DeFazio Lynch Thompson (CA)  
 DeGette Maloney, Carolyn Thompson (MS)  
 DeLauro Deutch Matsui Tierney  
 Dingell McCollum Titus  
 Doggett McDermott Tonko  
 Doyle McGovern Tsongas  
 Edwards McNeerney Van Hollen  
 Ellison Meeks Vargas  
 Engel Meng Veasey  
 Eshoo Michaud Vela  
 Farr Miller, George Velázquez  
 Fattah Moore Visclosky  
 Frankel (FL) Moran Walz  
 Fudge Nadler Wasserman  
 Gabbard Napolitano Schultz  
 Garamendi Neal Waters  
 Grayson Nolan Watt  
 Green, Al O'Rourke Waxman  
 Green, Gene Pallone Welch  
 Griffith (VA) Pascrell Wilson (FL)  
 Grijalva Pastor (AZ) Yarmuth

## NOT VOTING—8

Campbell Holt McCarthy (NY)  
 Grimm Horsford Negrete McLeod  
 Herrera Beutler Lewis

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1834

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## FAIRNESS FOR AMERICAN FAMILIES ACT

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 2668 will now resume.

The Clerk read the title of the bill.

## MOTION TO RECOMMIT

Mr. ANDREWS. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ANDREWS. Yes, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ANDREWS moves to recommit the bill H.R. 2668 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following new section:

**SEC. 3. PROTECTING CONSUMERS FROM PREMIUM INCREASES AND DISCRIMINATION ON THE BASIS OF PRE-EXISTING CONDITIONS.**

Nothing in this Act shall be construed to alter, impact, delay, or weaken—

(1) section 1402 of the Patient Protection and Affordable Care Act that reduces out-of-pocket costs and cost-sharing for individuals and families,

(2) sections 1001 and 1401 of such Act that provide tax credits and rebates for health insurance, or

(3) section 1201 of such Act that prohibits discrimination on the basis of pre-existing conditions and gender.

Mr. CAMP (during the reading). Mr. Speaker, I reserve a point of order against the motion to recommit.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. The purpose of this amendment, which if passed would let us still proceed to final passage, is to provide protection for important consumer protections that I believe this bill puts in jeopardy.

There's probably not a Member of this Chamber who doesn't agree with the proposition that if a woman with breast cancer or a child with asthma goes to buy an insurance policy, I don't think many people here think they should be denied that policy because of their preexisting condition, or charged two or three times as much money because they've had breast cancer or asthma or they're a woman or they've been pregnant.

Almost everyone I hear talk about health care says Well, sure, I'm for getting rid of discrimination based on pre-existing conditions. But I think we all know this: you can't accomplish that if you don't have a mechanism to keep costs from exploding for everybody else in the insurance marketplace. And, ladies and gentlemen, there's only two ways to do that.

The first way is to have a public fund that buys down those premium costs for people. With all due respect, the majority tried to do that and couldn't pass their bill on the floor. The second way to do it is to give everyone who can afford it the responsibility to buy health insurance for themselves.

The way that we create a situation in which we can say to that woman with breast cancer, Yes, you can have a health insurance policy, and it doesn't have to be three times as much in price, or the way that we can say to that young boy with asthma, Yes, you can have a health insurance policy, and

it doesn't have to be three times as much in price, is to get everyone covered. If you don't get everyone covered, then the whole thing unravels. And when it unravels, so do the other protections in the Affordable Care Act. The preexisting condition discrimination we all say we want to prevent happens anyway.

The family whose child has a \$1 million or \$2 million chemotherapy bill runs up against a lifetime policy limit and they're on their own again. That expires, too. The protection for young men and young women who seek coverage on their parents' policy, that unravels, too. We go back to a day when the health care of the American people is in the clutches of the insurance industry and not decided between patients and their families and their physicians.

We have had this argument 38 times before on this floor. But this argument has taken place outside this floor as well. Last June, the litigants went to the United States Supreme Court and said this law was no good because it was unconstitutional. But the United States Supreme Court said, Yes, it is, and we're not going backwards.

Last year, two Presidential candidates traveled all over this country. One called for this law's repeal. The other stood by this law's enforcement. Last November, the American people spoke and they said, We're not going backward. Well, here we are again, and the choice is backward or forward.

Make no mistake about it, if the underlying bill passes, the law unravels and all the protections people say they want unravel with it. And we go back to the day when American health care was run by insurance companies and not by consumers and providers.

The choice, ladies and gentlemen, is backward or forward. I say we do not go backward to a day when insurance companies ran everything. We go forward. And when that woman with breast cancer goes to apply for that health insurance policy, the answer is no longer, Ma'am, I'm sorry, you're not eligible. You had cancer one day. The answer is, Ma'am, here is your policy. Here is your health security. Here is your independence from losing everything you had because you got sick.

The American people are better than this repeal. Vote "yes" on the motion to recommit and vote "no" on the underlying bill.

I yield back the balance of my time. Mr. CAMP. Mr. Speaker, I withdraw my point of order and seek time in opposition to the motion.

The SPEAKER pro tempore. The point of order is withdrawn.

The gentleman from Michigan is recognized for 5 minutes.

Mr. CAMP. Mr. Speaker, we know that ObamaCare increases premiums, and we know ObamaCare will force Americans to pay more for their health care.

□ 1845

It's not me that says this—although, I do—it's CBO. The Congressional Budget Office confirms that ObamaCare drives costs up of health care for working Americans. The only way to control health care costs and reduce health care costs is to delay ObamaCare until we can repeal it.

The only bill, the only legislation that the Congressional Budget Office scored as lowering premiums was the bill Republicans offered during the health care debate.

The President of the United States, through a blog post, delayed the employer mandate. This House just voted to delay the employer mandate. We owe it to the American people to give them the same treatment the President has given corporate America.

Defeat this motion. Pass the Fairness for Families Act.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ANDREWS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, the 5-minute vote on the motion to recommit will be followed by 5-minute votes on the passage of H.R. 2668, if ordered, and the approval of the Journal, if ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 193, nays 230, not voting 10, as follows:

[Roll No. 362]

YEAS—193

Andrews	Cohen	Fudge
Barber	Connolly	Gabbard
Barrow (GA)	Conyers	Gallego
Bass	Cooper	Garamendi
Beatty	Costa	Garcia
Becerra	Courtney	Grayson
Bera (CA)	Crowley	Green, Al
Bishop (GA)	Cuellar	Green, Gene
Bishop (NY)	Cummings	Grijalva
Blumenauer	Davis (CA)	Gutiérrez
Bonamici	Davis, Danny	Hahn
Brady (PA)	DeFazio	Hanabusa
Braley (IA)	DeGette	Hastings (FL)
Brown (FL)	Delaney	Heck (WA)
Brownley (CA)	DeLauro	Higgins
Bustos	DeBene	Himes
Butterfield	Deitch	Hinojosa
Capps	Dingell	Honda
Capuano	Doggett	Hoyer
Cárdenas	Doyle	Huffman
Carney	Duckworth	Israel
Carson (IN)	Edwards	Jackson Lee
Cartwright	Ellison	Jeffries
Castor (FL)	Engel	Johnson (GA)
Castro (TX)	Enyart	Johnson, E. B.
Chu	Eshoo	Kaptur
Ciilline	Esty	Keating
Clarke	Farr	Kelly (IL)
Clay	Fattah	Kennedy
Cleaver	Foster	Kildee
Clyburn	Frankel (FL)	Kilmer

Kind	Nadler	Schwartz
Kirkpatrick	Napolitano	Scott (VA)
Kuster	Neal	Scott, David
Langevin	Nolan	Serrano
Larsen (WA)	O'Rourke	Sewell (AL)
Larson (CT)	Owens	Shea-Porter
Lee (CA)	Pallone	Sherman
Levin	Pascrell	Sinema
Lipinski	Pastor (AZ)	Sires
Loeb sack	Payne	Slaughter
Lofgren	Pelosi	Smith (WA)
Lowenthal	Perlmutter	Speier
Lowey	Peters (CA)	Swalwell (CA)
Lujan Grisham	Peters (MI)	Takano
(NM)	Peterson	Thompson (CA)
Lujan, Ben Ray	Pingree (ME)	Thompson (MS)
(NM)	Pocan	Tierney
Lynch	Polis	Titus
Maffei	Price (NC)	Tonko
Maloney,	Quigley	Tsongas
Carolyn	Rahall	Van Hollen
Maloney, Sean	Rangel	Vargas
Matheson	Richmond	Veasey
Matsui	Roybal-Allard	Vela
McCollum	Ruiz	Velázquez
McDermott	Ruppersberger	Visclosky
McGovern	Rush	Walz
McNerney	Sánchez, Linda	Wasserman
Meeks	T.	Schultz
Meng	Sanchez, Loretta	Waters
Michaud	Sarbanes	Watt
Miller, George	Schakowsky	Waxman
Moore	Schiff	Welch
Moran	Schneider	Wilson (FL)
Murphy (FL)	Schrader	Yarmuth

NAYS—230

Aderholt	Fitzpatrick	Latham
Alexander	Fleischmann	Latta
Amash	Fleming	LoBiondo
Amodei	Flores	Long
Bachmann	Forbes	Lucas
Bachus	Fortenberry	Luetkemeyer
Barletta	Fox	Lummis
Barr	Franks (AZ)	Marchant
Barton	Frelinghuysen	Marino
Benisek	Gardner	Massie
Bentivolio	Garrett	McCarthy (CA)
Bilirakis	Gerlach	McCaul
Bishop (UT)	Gibbs	McClintock
Black	Gibson	McHenry
Blackburn	Gingrey (GA)	McIntyre
Bonner	Gohmert	McKeon
Boustany	Goodlatte	McKinley
Brady (TX)	Gosar	McMorris
Bridenstine	Gowdy	Rodgers
Brooks (AL)	Granger	Meadows
Brooks (IN)	Graves (GA)	Meehan
Broun (GA)	Graves (MO)	Messer
Buchanan	Griffin (AR)	Mica
Bucshon	Griffith (VA)	Miller (FL)
Burgess	Guthrie	Miller (MI)
Calvert	Hall	Miller, Gary
Camp	Hanna	Mullin
Cantor	Harper	Mulvaney
Capito	Harris	Murphy (PA)
Carter	Hartzler	Neugebauer
Cassidy	Hastings (WA)	Noem
Chabot	Heck (NV)	Nugent
Chaffetz	Hensarling	Nunes
Coble	Holding	Nunnelee
Coffman	Hudson	Olson
Cole	Huelskamp	Palazzo
Collins (GA)	Huizenga (MI)	Paulsen
Collins (NY)	Hultgren	Pearce
Conaway	Hunter	Perry
Cook	Hurt	Petri
Cotton	Issa	Pittenger
Cramer	Jenkins	Pitts
Crawford	Johnson (OH)	Poe (TX)
Crenshaw	Johnson, Sam	Pompeo
Culberson	Jones	Posey
Daines	Jordan	Price (GA)
Davis, Rodney	Joyce	Radel
Denham	Kelly (PA)	Reed
Dent	King (IA)	Reichert
DeSantis	King (NY)	Renacci
DesJarlais	Kingston	Ribble
Diaz-Balart	Kinzinger (IL)	Rice (SC)
Duffy	Kline	Rigell
Duncan (SC)	Labrador	Roby
Duncan (TN)	LaMalfa	Roe (TN)
Ellmers	Lamborn	Rogers (AL)
Farenthold	Lance	Rogers (KY)
Fincher	Lankford	Rogers (MI)

Rohrabacher	Simpson	Walberg	Luetkemeyer	Peterson	Shimkus	Speier	Tsongas	Wasserman
Rokita	Smith (MO)	Walden	Lummis	Petri	Shuster	Swalwell (CA)	Van Hollen	Schultz
Rooney	Smith (NE)	Walorski	Maffei	Pittenger	Simpson	Takano	Vargas	Waters
Roskam	Smith (NJ)	Weber (TX)	Maloney, Sean	Pitts	Sinema	Thompson (CA)	Veasey	Watt
Ross	Smith (TX)	Webster (FL)	Marchant	Poe (TX)	Smith (MO)	Thompson (MS)	Vela	Waxman
Rothfus	Southerland	Wenstrup	Marino	Pompeo	Smith (NE)	Tierney	Velázquez	Welch
Royce	Stewart	Westmoreland	Massie	Posey	Smith (NJ)	Titus	Visclosky	Wilson (FL)
Runyan	Stivers	Whitfield	Matheson	Price (GA)	Smith (TX)	Tonko	Walz	Yarmuth
Ryan (WI)	Stockman	Williams	McCarthy (CA)	Radel	Southerland	NOT VOTING—8		
Salmon	Stutzman	Wilson (SC)	McCaul	Rahall	Stewart			
Sanford	Terry	Wittman	McClintock	Reed	Stivers	Campbell	Holt	McCarthy (NY)
Scalise	Thompson (PA)	Wolf	McHenry	Reichert	Stockman	Grimm	Horsford	Negrete McLeod
Schock	Thornberry	Womack	McIntyre	Renacci	Stutzman	Herrera Beutler	Lewis	
Schweikert	Tiberi	Woodall	McKeon	Ribble	Terry	ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE		
Scott, Austin	Tipton	Yoder	McKinley	Rice (SC)	Thompson (PA)	The SPEAKER pro tempore (during		
Sensenbrenner	Turner	Yoho	McMorris	Rigell	Thornberry	the vote). There are 2 minutes remain-		
Sessions	Upton	Young (AK)	Rodgers	Roby	Tiberi			
Shimkus	Valadao	Young (FL)	Meadows	Roe (TN)	Tipton			
Shuster	Wagner	Young (IN)	Meehan	Rogers (AL)	Turner			
NOT VOTING—10			Messer	Rogers (KY)	Upton			
Campbell	Horsford	Ros-Lehtinen	Mica	Rogers (MI)	Valadao			
Grimm	Lewis	Ryan (OH)	Miller (FL)	Rohrabacher	Wagner			
Herrera Beutler	McCarthy (NY)		Miller (MI)	Rokita	Walberg			
Holt	Negrete McLeod		Miller, Gary	Rooney	Walden			
□ 1851			Mullin	Ros-Lehtinen	Walorski			
			Mulvaney	Roskam	Weber (TX)			
			Murphy (FL)	Ross	Webster (FL)			
			Murphy (PA)	Rothfus	Wenstrup			
			Neugebauer	Royce	Westmoreland			
			Noem	Ruiz	Whitfield			
			Nugent	Runyan	Williams			
			Nunes	Ryan (WI)	Wilson (SC)			
			Nunnelee	Salmon	Wittman			
			Olson	Sanford	Wolf			
			Owens	Scalise	Womack			
			Palazzo	Schneider	Woodall			
			Paulsen	Schock	Yoder			
			Pearce	Schweikert	Yoho			
			Perry	Scott, Austin	Young (AK)			
			Peters (CA)	Sensenbrenner	Young (FL)			
			Peters (MI)	Sessions	Young (IN)			

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 251, nays 174, not voting 8, as follows:

[Roll No. 363]  
YEAS—251

Aderholt	Cook	Graves (GA)
Alexander	Cotton	Graves (MO)
Amash	Cramer	Griffin (AR)
Amodei	Crawford	Guthrie
Bachmann	Crenshaw	Hall
Bachus	Culberson	Hanna
Barber	Daines	Harper
Barletta	Davis, Rodney	Harris
Barr	Denham	Hartzler
Barrow (GA)	Dent	Hastings (WA)
Barton	DeSantis	Heck (NV)
Benishek	DesJarlais	Hensarling
Bentivolio	Diaz-Balart	Holding
Bilirakis	Duffy	Hudson
Bishop (UT)	Duncan (SC)	Huelskamp
Black	Duncan (TN)	Huizenga (MI)
Blackburn	Ellmers	Hultgren
Bonner	Enyart	Hunter
Boustany	Esty	Hurt
Brady (TX)	Farenthold	Issa
Bridenstine	Fincher	Jenkins
Brooks (AL)	Fitzpatrick	Johnson (OH)
Brooks (IN)	Fleischmann	Johnson, Sam
Broun (GA)	Fleming	Jones
Brownley (CA)	Flores	Jordan
Buchanan	Forbes	Joyce
Bucshon	Fortenberry	Kelly (PA)
Burgess	Fox	King (IA)
Bustos	Franks (AZ)	King (NY)
Calvert	Frelinghuysen	Kingston
Camp	Gallego	Kinzinger (IL)
Cantor	Garcia	Kirkpatrick
Capito	Gardner	Kline
Carter	Garrett	Labrador
Cassidy	Gerlach	LaMalfa
Chabot	Gibbs	Lamborn
Chaffetz	Gibson	Lance
Coble	Gingrey (GA)	Lankford
Coffman	Gohmert	Latham
Cole	Goodlatte	Latta
Collins (GA)	Gosar	LoBiondo
Collins (NY)	Gowdy	Long
Conaway	Granger	Lucas

Andrews	Farr	Maloney,
Bass	Fattah	Carolyn
Beatty	Foster	Matsui
Becerra	Frankel (FL)	McCollum
Bera (CA)	Fudge	McDermott
Bishop (GA)	Gabbard	McGovern
Bishop (NY)	Garamendi	McNerney
Blumenauer	Grayson	Meeks
Bonamici	Green, Al	Meng
Brady (PA)	Green, Gene	Michaud
Braley (IA)	Griffith (VA)	Miller, George
Brown (FL)	Grijalva	Moore
Butterfield	Gutiérrez	Moran
Capps	Hahn	Nadler
Capuano	Hanabusa	Napolitano
Cardenas	Hastings (FL)	Neal
Carney	Heck (WA)	Nolan
Carlson (IN)	Higgins	O'Rourke
Cartwright	Himes	Pallone
Castor (FL)	Hinojosa	Pascarell
Castro (TX)	Honda	Pastor (AZ)
Chu	Hoyer	Payne
Cicilline	Huffman	Pelosi
Clarke	Israel	Perlmutter
Clay	Jackson Lee	Pingree (ME)
Cleaver	Jeffries	Pocan
Clyburn	Johnson (GA)	Polis
Cohen	Johnson, E. B.	Price (NC)
Connolly	Kaptur	Quigley
Conyers	Keating	Rangel
Cooper	Kelly (IL)	Richmond
Costa	Kennedy	Roybal-Allard
Courtney	Kildee	Ruppersberger
Crowley	Kilmer	Rush
Cuellar	Kind	Ryan (OH)
Cummings	Kuster	Sánchez, Linda
Davis (CA)	Langevin	T.
Davis, Danny	Larsen (WA)	Sanchez, Loretta
DeFazio	Larson (CT)	Sarbanes
DeGette	Lee (CA)	Schakowsky
Delaney	Levin	Schiff
DeLauro	Lipinski	Schrader
DeBene	Loeb	Schwartz
Deutch	Loeb	Scott (VA)
Dingell	Lofgren	Scott, David
Doggett	Lowenthal	Serrano
Doyle	Lowe	Sewell (AL)
Duckworth	Lujan Grisham	Shea-Porter
Edwards	(NM)	Sherman
Ellison	Lujan, Ben Ray	Sires
Engel	(NM)	Slaughter
Eshoo	Lynch	Smith (WA)

NAYS—174

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1858

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BROOKS of Indiana). Pursuant to section 3(b) of House Resolution 300, H.R. 2667 is laid on the table.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,  
Washington, DC, July 16, 2013.

Hon. JOHN BOEHNER,  
Speaker of the House, U.S. Capitol,  
Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to Section 4(b) of the World War I Centennial Commission Act (Pub. L. 112-272), I hereby appoint Mr. Robert Dalessandro of Alexandria, Virginia, to the World War I Centennial Commission.

Thank you for your attention to this appointment.

Sincerely,

NANCY PELOSI,  
Democratic Leader.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE FORMER LIBERIAN REGIME OF CHARLES TAYLOR—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 113-47)

The SPEAKER pro tempore laid before the House the following message

from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication stating that the national emergency and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2013.

Although Liberia has made advances to promote democracy, and the Special Court for Sierra Leone recently convicted Charles Taylor for war crimes and crimes against humanity, the actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, could still challenge Liberia's efforts to strengthen its democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to the former Liberian regime of Charles Taylor.

BARACK OBAMA.

THE WHITE HOUSE, July 17, 2013.

#### FEDERAL AGRICULTURE REFORM AND RISK MANAGEMENT ACT

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, last week, the House passed the Federal Agriculture Reform and Risk Management Act, or FARRM Act. Overall, the agriculture programs will save \$20 billion.

This package of farm bill programs will create a more cost-effective and market-oriented framework of agriculture policies and ensure that Americans continue to have a safe and affordable food supply.

This bill did not include title IV of the committee-passed legislation, which contained significant reforms to the Supplemental Nutritional Assistance Program, or food stamps, totaling an additional \$20 billion in savings. Contrary to popular belief, the current

SNAP program was not affected by passage of last week's FARRM Act.

The American people deserve a transparent and open debate over agriculture and nutrition programs, both of which are in dire need of reform, which is why the House will be considering reforms to SNAP in the coming weeks.

We have an opportunity to achieve a better and more efficient farm bill here, Madam Speaker. I look forward to working with colleagues in the House and Senate on a final package so that we can enact those commonsense reforms into law.

#### THE 21ST CENTURY'S GLOBAL CLEAN ENERGY RACE

(Mr. VAN HOLLEN asked and was given permission to address the House for 1 minute.)

Mr. VAN HOLLEN. Madam Speaker, in April, the International Energy Agency concluded that despite some progress in deploying clean energy, that the average unit of energy produced in the world today is essentially as polluting as it was 20 years ago.

As President Obama stated at Georgetown University last month, we cannot afford to slow-walk our transition to a lower carbon future. Climate change and its consequences are not waiting and neither can we.

The good news is the transition to a cleaner global economy presents a great economic opportunity for the United States. Bloomberg New Energy Finance estimates that private clean energy investment will more than triple by 2030. We should be fighting to attract that investment here in the United States, but we are at risk of missing out on that opportunity.

China and other countries have made firm national commitments to generate more electricity from clean energy sources, and that reality is reflected in their current levels of investment—a \$65 billion investment in China compared to \$35 billion in the United States.

Madam Speaker, we should not lose this competition, we should not jeopardize our future, and we should not jeopardize the climate. This is an opportunity for a win-win.

#### SUMMER OF SCANDALS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, in this sizzling "Summer of Scandals," the evidence of no accountability continues to mount.

Someone in the Federal Government commits wrongdoing. The White House denies involvement or knowledge. Blames low-level operatives or somebody else. No accountability.

Exhibit 1: Fast and Furious. The government smuggled guns into Mexico.

Two Americans and hundreds of Mexicans were killed by those guns. White House blamed Bush. An employee resigned. No accountability.

Exhibit 2: Benghazi. Requests for increased security were denied both before and during the attack. Four Americans were killed. Investigation bungled. A YouTube video was blamed. An employee was placed on leave but still collects a paycheck. No accountability.

Exhibit 3: IRS admitted targeting conservative organizations. Employees in Ohio were blamed. White House denied knowledge. No accountability.

Exhibit 4: The DOJ was caught wiretapping reporters to silence a leak. White House denied involvement. No accountability.

As the "Summer of Scandals" continues, the most transparent administration in history keeps hiding information from citizens about the abuse of its government power.

And that's just the way it is.

#### THIRD ANNIVERSARY OF INTERNATIONAL INDICTMENTS AGAINST SUDANESE PRESIDENT BASHIR FOR GENOCIDE IN DARFUR

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Madam Speaker, last week marked the third anniversary of when the International Criminal Court issued an arrest warrant for Omar al-Bashir, the sitting President of Sudan, on three counts of genocide related to Darfur. Four years ago, Bashir was indicted on two counts of war crimes and five counts of crimes against humanity.

On Sunday, Bashir traveled to Nigeria to a red-carpet welcome and full guard of honor despite demands from human rights activists that Nigeria arrest him to face trial on genocide charges.

This is an outrage, Madam Speaker.

Congressmen WOLF, CAPUANO, and I have introduced H.R. 6092, the Sudan Peace, Security and Accountability Act. This bill strengthens sanctions against Sudan and requires a comprehensive strategy to address the many conflicts and human rights crimes occurring in Sudan, including the international strategy to enforce the ICC arrest warrants against Bashir and other Sudanese officials.

I ask my House colleagues to join us in this effort, to cosponsor H.R. 1692, and to move it to the House floor for approval in the 113th Congress.

#### TRIBUTE TO WILLIAM FRANCIS HARTNETT, JR.

(Mr. ROKITA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROKITA. Madam Speaker, I rise today to recognize and salute a remarkable individual, William Francis Hartnett, Jr., who passed away on July 15. I wish to express my heartfelt gratitude and appreciation for his leadership and service to our country.

Mr. Hartnett had a servant's heart. He served our Nation as an officer in the U.S. Navy and as a special agent for the FBI. Mr. Hartnett sat on numerous boards, including St. Francis Hospital, Northwestern Memorial Hospital, the Chicago Public Library, Chicago Catholic Charities, and my alma mater, La Lumiere School in La Porte, Indiana.

Mr. Hartnett also developed real estate projects across the country, including Lake Point Tower in Chicago, United Nations Plaza in New York, Williams Center in Tulsa, Oklahoma, and the Century City in Los Angeles.

Mr. Hartnett was a family man, who is survived by his loving wife of 63 years, Lorraine, in addition to 4 children, 17 grandchildren, and 6 great-grandchildren.

William Francis Hartnett, Jr., was a man truly committed to his family, his community, his Catholic faith, and his country. America is a better Nation because of Bill Hartnett, and I am lucky to know his family—his best achievement. He will be truly missed, Madam Speaker. Thank you and rest in peace, Mr. Hartnett.

#### KIDNAPPING OF FORMER MARINE ARMANDO TORRES IN MEXICO

(Mr. HINOJOSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINOJOSA. Madam Speaker, I rise to express my deep concern for former Marine Corporal Armando Torres, who is in this photograph here. He was kidnapped by members of the Mexican cartel during a visit to Tamaulipas, Mexico, while visiting his father and uncle.

On May 14, 2013, 2 months ago, Mr. Torres crossed the Rio Grande River into Mexico and was to return the next day. Family members in Mexico report that Mr. Torres, along with his father and uncle, were forcibly taken by members of the Mexican cartel.

Corporal Torres is a combat veteran who served his country honorably in Iraq. I have asked the FBI in McAllen, Texas, and the U.S. Consulate General in Matamoros, Mexico, to help bring this marine and his relatives back safely to their loved ones.

Each agency has been working on this case every day for the past 2 months. They report the Mexican Government is cooperating with them on their efforts to find the victims of this outrageous crime.

I commend the quick action taken by both the FBI and the U.S. State De-

partment, and I urge them to continue to do all they can to find and return our former marine, Armando Torres, back safely to the United States and to bring his relatives back home. The United States does not, and must not, give up and leave one of its own behind.

□ 1915

#### MARINES WILL NOT LEAVE THEIR BROTHERS BEHIND

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Madam Speaker, I rise in support of Corporal Armando Torres, a 25-year-old marine and Iraq war vet, who finds himself in a desperate situation. More than 2 months ago, Corporal Torres was kidnapped, along with his father and uncle, from a Mexican ranch.

While the media's lack of attention has their kidnappers thinking we've just given up, my colleagues and my fellow marines in the House of Representatives have a different message: marines will not leave their brothers behind, and the U.S. should not either. We will not rest until we bring Corporal Torres home.

Now is the time to send a message to Torres' kidnappers that their actions against a U.S. citizen and a marine veteran will not be tolerated. I urge my fellow marines to join me on the House floor and to demand action for Corporal Torres and his family.

#### IMMIGRATION

(Ms. DUCKWORTH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUCKWORTH. Madam Speaker, last month, in Addison, Illinois, I held an immigration roundtable with 38 organizations that spanned the political spectrum. Attending were the chambers of commerce, the ACLU, local colleges, and municipalities. They all told me that now is the time to act on comprehensive immigration reform.

My neighbors know that, done right, immigration reform can make our communities stronger and that it can provide opportunities for our businesses by expanding our workforce. Reform will make us safer by securing our borders. We can help balance our budget by letting millions of immigrants who are willing to make the necessary sacrifices become tax-paying American citizens. We must work together to provide a pathway to citizenship as part of any comprehensive immigration reform legislation.

The Senate has passed such a bipartisan proposal, and Members of the House should reach across the aisle and do the same. We cannot allow partisan-

ship and extremism to stop us from making commonsense reforms that are vital to the future of this great Nation. Now is the time for Congress to pass comprehensive immigration reform legislation that is practical, fair, and humane.

#### LET'S PUT OFF THE SUFFERING

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Madam Speaker, this evening, we had a difficult vote—not difficult for some, but for some of us, it was.

On the one hand, we had the President, who had announced he was going to do the unconstitutional even though he had pushed through ObamaCare without a single Republican vote for it, and people are beginning to realize just how devastating this is. They've lost their doctors; they've lost their insurance, and they're going to lose their insurance; people have been forced from full time to part time, and now they're seeking more part-time work to make up the difference; they're being told they're losing their benefits.

This extra whammy for American workers was going to be even more devastating if the individual mandate went through. Somebody making \$14,000 was either going to buy insurance he couldn't afford or pay extra income tax.

Some of us knew if we would just let the whole thing go through, then people would be hurt, and they would demand repeal; but I had to vote not to make people suffer. Let's put off the suffering as long as possible and then, hopefully, repeal it.

#### COMPREHENSIVE IMMIGRATION REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from California (Mr. CÁRDENAS) is recognized for 60 minutes as the designee of the minority leader.

Mr. CÁRDENAS. Madam Speaker, I rise today to talk about comprehensive immigration reform, but from a slightly different standpoint from many of my colleagues who frequently occupy this Chamber with their perspectives.

Madam Speaker, we all know why we need comprehensive immigration reform, why we need to fix this system rather than depending on small, one-off solutions. Our system is broken, and we have to fix the entire immigration system now.

Our farms do not have stable workforces; our borders are not adequately protected; far too many high-tech companies are short the workers they need to continue to innovate; our schools attract the best and the brightest from around the world, but we can't



keep sending them back after we educate them.

We know what needs to be fixed and why. What will happen once we fix the problems? Very simply, our economy will skyrocket.

Report after report, study after study says the same thing—the successful implementation of comprehensive immigration reform will cut the deficit, create manufacturing jobs and job opportunities nationwide, and create more than 100,000 American jobs every year for the next 10 years. We will see \$832 billion being pumped into our economy over the next 10 years. As producers and consumers in this great Nation, undocumented immigrants grow the economic pie by at least \$30 billion as we speak. Legalization would triple that number with various studies pointing to a \$1 trillion impact on our gross domestic product right here in the United States over the next 10 years.

Madam Speaker, I am joined by many of my freshman class. This past election, voters sent us to Washington to solve problems like our broken immigration system, and that's what we want to do. It's time to make immigration reform a reality, and it's absolutely time to let people know what that reality really means for their own pocketbooks—those of both American citizens and immigrants. That's what we're going to talk about tonight.

Madam Speaker, for those watching at home, they can get in on one of the conversations by tweeting us at #CIRmeansjobs. If our constituents have questions, we will answer them.

With that, I look forward to an interesting and enlightening discussion tonight.

I would like to start off by talking with my colleague from California, Congressman SWALWELL. One thing I would like to ask this gentleman is whether he thinks comprehensive immigration reform will help not only create more job opportunities but also expand our Nation's workforce.

Mr. SWALWELL of California. Madam Speaker, I want to thank the gentleman from California, Congressman CÁRDENAS, for leading on this issue and for bringing together the freshman class on an issue that is important not just in California but across the country—the question about comprehensive immigration reform and whether it means jobs.

We know that it's the right thing to do to welcome the 11 million undocumented immigrants into our country and to put them on a pathway to citizenship. We also know that it's good for our economy, and I am happy to be here today to talk about this. Everyone agrees right now that our immigration system is broken. It must be reformed, not in a piecemeal manner, but comprehensively to meet the needs of the 21st century.

I represent a very diverse area, which includes the cities of Hayward, Union City, Fremont, Castro Valley, and San Lorenzo, California, among other cities. In those cities are some of the 11 million undocumented individuals. These are hardworking folks who come here for the same reason that our ancestors came—to make life better for themselves, their families, and their children. We should welcome that. We should embrace that they are choosing to come here to America rather than to go to other countries. It's a very good thing.

Tragically, right now, these undocumented workers are in the shadows, putting them at risk for exploitation and allowing for the unscrupulous employer to drive down wages for everyone. It's time to bring them into the open, to provide them legalized status, and to allow them to earn citizenship.

We also need to reform our legal immigration process. For example, we need to stop forcing people who come here and study in America—in our classrooms and in our colleges—and become skilled workers in the U.S. to leave the country just when they want to stay and contribute. Not only is making these changes the morally right thing to do; but as my colleagues have been saying and will say tonight, it adds up for our economy.

The nonpartisan Congressional Budget Office analyzed the bipartisan Senate bill and found it would increase our GDP by 5.4 percent in 2033, or \$1.4 trillion. It's not just the CBO. A paper published in 2012 by the Cato Institute found that comprehensive immigration reform would raise wages, increase consumption, create jobs, and generate additional revenue. It calculated a smaller benefit than did the CBO, but it's at least \$1.5 trillion in extra GDP over 10 years.

Comprehensive immigration reform is not only the morally right thing to do; it's the economically correct thing to do to get America's economy moving again, and I am honored to stand with my colleagues today to push for this needed reform.

Mr. CÁRDENAS. Thank you very much, Congressman SWALWELL.

Next, we will hear from Congressman RUIZ from California.

Mr. RUIZ. Thank you, Congressman CÁRDENAS, for your remarks and for hosting this Special Order today to discuss the economic benefits of immigration reform. This is an issue that is very important to my district and to our great Nation.

Madam Speaker, Democrats and Republicans recognize that our current immigration system is broken and that the passage of the bipartisan Senate immigration bill a few weeks ago sends a strong message that the time for comprehensive reform is now.

Passing a commonsense, comprehensive immigration reform bill will lead

to an economic boon in our country. Nonpartisan, independent studies have shown that comprehensive immigration reform will reduce the deficit by nearly \$850 billion over the next 20 years and will reduce our Federal debt. Passing comprehensive immigration reform is being fiscally responsible. It will also increase economic growth and will strengthen our economy by expanding our labor force, increasing investment, and increasing overall productivity. It will also provide a significant boost to our tourism and agriculture sectors—two of the top industries in my district in southern California, which is the 36th Congressional District in the Coachella Valley and the Palm Springs area.

Comprehensive immigration reform means more jobs and more opportunity for people in my district and across the country—but only if we act. There is too much at stake if we do not take action to fix our broken immigration system. It is time for Congress to put partisanship aside and work together to pass a meaningful comprehensive immigration bill now.

Mr. CÁRDENAS. Thank you very much, Congressman RUIZ from California.

One of the things I'd like to make sure that we understand is that some people believe that the low-skilled jobs that some immigrants take in this country are jobs that are taken away from Americans. Ask any farmer around the country, especially the members of the biggest farms in the country. Some crops have gone unpicked, which means that that affects the pocketbooks of every American when those crops don't make it to our kitchen tables. It's really important for us to understand that many of the jobs that are taken by some immigrants to this country are jobs that U.S. workers just will not take. I think it's very important for us to understand that, and there is a diversity of jobs that we will cover over the next hour.

With that, I yield to Congressman GALLEGO from Texas.

Mr. GALLEGO. Thank you. I, too, want to thank my colleague, Congressman CÁRDENAS of California, as well as the other members of our freshman class, for this important time to talk about an issue that is critical to the border.

Madam Speaker, the 23rd Congressional District in Texas, which I have the privilege of representing, runs some 800 miles along the Texas-Mexico border. It encompasses 29 counties, which are bigger than 29 States, and 10 of the counties that I represent are along the Texas-Mexico border.

□ 1930

It includes five ports of entry: Eagle Pass, Del Rio, Presidio, Fabens, and Zaragoza-Ysleta in El Paso. No other

congressional district in the country shares a larger border with Mexico.

The impact of the immigration debate, it's a tremendous impact not only on the 23rd District, but truly in all of Texas.

There are many reasons to pass comprehensive immigration reform, but one of the best reasons is simple, straightforward economics. Let's take a look at the numbers.

According to a 2006 report by the comptroller of public accounts in Texas, "the absence of the estimated 1.4 million undocumented immigrants in Texas in fiscal year 2005 would have been a loss to the gross State product of \$17.7 billion."

Recently, I asked our current comptroller to update that study so that all of the Members of Congress from Texas would have updated information during a very important policy debate. Sadly, she denied my request. But a more recent study from the Immigration Policy Center noted that, if all unauthorized immigrants were removed from Texas, the State would lose \$69.3 billion in economic activity, \$30.8 billion in gross State product, and approximately 403,000 jobs, even accounting for adequate market adjustment time.

Economically, here's what comprehensive immigration reform means for Texas:

It means that deficits decrease, while GDP, productivity, investment, and employment all increase;

If the unauthorized immigrants in Texas were allowed to earn a path towards legalization, total wages in Texas would go up by about \$9.7 billion, tax revenue in Texas would increase by \$4.1 billion, and nearly 200,000 jobs would be created;

For every unauthorized person required to be legalized in Texas, more than \$1,000 would be added to the gross State product in 2014, and that number would increase to more than \$4,400 by the year 2020.

Let's talk about the CBO score, because according to the nonpartisan CBO report to which the comptroller of Texas referred my office, that study notes that our country will save almost a trillion dollars over the next two decades with comprehensive immigration reform, more than 10 million people will now pay billions of dollars in income and payroll taxes during the first decade alone, and we reduce the Federal deficit by \$197 billion at the same time that we add \$200 billion to the Social Security trust fund.

In Texas, all of the key players are standing behind immigration reform. The chambers of commerce, the Texas Farm Bureau, the labor communities, the faith communities, and, frankly, public opinion. They're all singing from the very same hymnbook.

Usually you hear the phrase that we should "run government more like a business." A business doesn't make de-

cisions on the basis of emotion. A business makes decisions on the basis of economics.

Economically, comprehensive immigration reform makes perfect sense. Our Nation becomes stronger as more people pledge allegiance to our flag and commit fully to this Nation and our economy.

The time is now. The right thing to do, if you care about the Texas economy and you want it to grow and grow, you want to support comprehensive immigration reform.

With that, I thank my colleagues.

Mr. CARDENAS. Thank you very much, Congressman GALLEGOS.

It's very important for us to understand that this is an issue of diversity. And it's not just diversity of people from all over the country, but diversity of economics for the United States of America.

It's no secret that we are the innovative capital of the world, but more and more every single day, every single year, we are depending more and more and more on technical people coming to our country to fill those technical jobs that are fueling hundreds, if not millions, of jobs in this country and creating tremendous economic benefit for our country. It's really important for us to understand that.

I now yield to Congresswoman TITUS from Nevada to speak to those issues and others.

Ms. TITUS. Madam Speaker, I thank the gentleman from California for yielding me time, and I also thank him for organizing this Special Order.

We've heard a lot on this floor and in the press and from our constituents about the moral, the social, the political reasons for us to enact comprehensive immigration reform, but we haven't done enough talking about the economic aspects, so this is a good opportunity to do that.

I'm very pleased to say that, in the Senate version of the comprehensive immigration reform bill, there is a provision that has to do with increasing H-1B visas. Those visas will bring with them increased jobs, which, of course, support the economy.

A second part of that provision is also something that I've been urging my colleagues on the House side who are working on the comprehensive immigration reform bill to include, and that provision would use the revenue from these high-skilled H-1B visas to promote STEM education at minority-serving colleges and universities. You can just look at this chart and see how many new jobs will be created both in 2013 and 2014 by the increase in the number of these visas that would be allowed.

If we increase the number of visas, we're also going to increase the amount of funds that come from companies that are willing to pay to bring people from outside the country here

for these STEM jobs. I say let's use those funds both to create scholarships for low-income minority students who are pursuing STEM degrees and also to provide funding for American colleges and universities that serve those minority students. We want our new citizens to also be well-prepared citizens.

There are colleges and universities all across the country, including several in the First District of Nevada, that are working hard to attract students to the STEM fields. Earlier this year, the College of Southern Nevada hosted approximately 3,000 K through 12 Nevada students at their annual science and technology expo to get local students from all backgrounds, including our minority communities, excited about careers in STEM fields before they enter college. Then in January, the University of Nevada, Las Vegas hosted a STEM summit to feature STEM research and to get students involved in presenting that research and their work in the STEM fields.

These are significant and important efforts to promote STEM, but our colleges and universities need our help to expand and improve their STEM outreach and training. By increasing access to STEM education, we can help American and immigrant students gain the knowledge and skills they need in the sciences, technology, math, and engineering so they can compete for the jobs of tomorrow.

This is particularly critical for minority students, who are significantly underrepresented in these fields. According to the U.S. Census Bureau, in the 2009 American Community Survey, only 12 percent of STEM workers in this country are African American or Hispanic. We can and should be doing better, because a strong STEM workforce is important to American innovation and competitiveness.

So science and technology companies that are paying our government through the H-1B visa program to bring foreign workers to the United States to fill these STEM jobs should be making a contribution. Why not use these funds that they're paying to train Americans to have the skills to fill these jobs in the future? Providing scholarships to STEM students and granting funding to colleges and universities that serve minority communities to improve STEM programs would strengthen our educational system. It would help our economy and also our position as a global leader in science and technology.

So I would urge the Republican leadership to immediately take up the mantle of reform, make it law, and include these provisions for these high-tech visas, using the funding for the visas then to train our own students, many in minority communities, including the children of those immigrants that we are working to help, for the jobs of the future.

Fixing our broken immigration system is not just a moral imperative, but, as we are all discussing tonight, it's an economic necessity.

Mr. CÁRDENAS. Thank you very much, Congresswoman TITUS.

It's really important for us to understand and recognize the diversity of people who are speaking on this issue today, but the one common theme is the fact that economically this is the right thing to do. There are many other reasons why we need to fix our broken immigration system, but the number one benefit to every American citizen in this country is going to be economic growth for every corner of our country.

With that, I invite to the podium Congresswoman SINEMA from Arizona.

Ms. SINEMA. Thank you, Congressman CÁRDENAS, for being a leader on this issue and for inviting me to speak today.

Madam Speaker, Arizona is Ground Zero for the Federal Government's failure to address our immigration crisis with a comprehensive solution. Arizona has been waiting too long already. We deserve a solution now.

Comprehensive immigration reform is the number one issue about which I receive constituent feedback. Over 70 percent of the feedback encourages us to get comprehensive reform done. In short, my district wants us to get to "yes."

In our State, there is broad agreement among businesses and towns that conduct international trade, among schools that recruit international talent, among local chambers of commerce; there's agreement that comprehensive reform is an economic imperative. For this reason, Senator MCCAIN and Senator FLAKE led a bipartisan effort in the Senate to pass a comprehensive bill. Our Senators worked across the aisle to get this done.

Senator MCCAIN and Senator FLAKE understand that securing the border is a critical component of comprehensive reform. Controlling our borders prevents dangerous criminal cartels who traffic guns, drugs, and people from entering our country. It also creates an opportunity for those who want to do good to join us and contribute to our economy.

Business leaders at home agree that comprehensive immigration reform will help us meet our labor demands. It will create opportunities for us to recruit and invest in the world's top talent. This much-needed reform will fortify our international trade relationship with Mexico. That's Arizona's and one of America's largest trading partners.

Mayors in my community are unified. They believe a hyperpoliticized border is bad for business and it's bad for our economy.

We can no longer continue to educate young dreamers, cultivate their talent,

and then send them to a different country where they're competing with us. Their pathway to citizenship is vital for our economy.

When hardworking families are able to come out of the shadows and take part in the American Dream, our community grows stronger.

Arizona's families and our economy depend on the U.S. House's commitment to a bipartisan solution. I call on my colleagues in both parties to put aside ideology and work to find a workable, practical, and pragmatic solution.

Arizona has been waiting too long already. We owe it to our State to pass immigration reform this year.

Thank you, Congressman, for yielding time to me to speak on this important issue.

Mr. CÁRDENAS. Thank you, Congresswoman SINEMA.

It's really important for us to also recognize that there are many industries that you might not think of that have to do with benefiting the economy as a whole for your community. If you have any activity of tourism in your community, you need to understand that comprehensive immigration reform is going to benefit you, as well.

With that, I invite Congresswoman GABBARD to take the floor.

Ms. GABBARD. Thank you very much, and I appreciate my colleague from California for leading and encouraging this conversation to talk about the comprehensive immigration reform bill in a context that's much broader than has been talked about in many of the headlines.

Madam Speaker, for all of us to understand and recognize the great economic benefits and impacts of this bill on our country, we have to recognize that our borders do not just consist of those on the southwest border, our borders do not just consist of those along the northern part of our country with Canada, but these borders exist in every single one of our international airports all across the country.

□ 1945

Anyone who talks to me, it doesn't take very long for them to figure out how much I love my State of Hawaii, and also that I enjoy hearing from other people how much they love Hawaii as well. Travelers to Hawaii spent \$16.9 billion in 2011 alone, and generated \$2.5 billion which went to Federal, State and local governments, dollars that helped fund and create local jobs and public programs, such as funding our police, our firefighters, our teachers, our infrastructure projects, and our convention centers, where we host many, many gatherings of a diverse group of industries from all over the world.

In 2011, 160,800 jobs were created by the travel industry in my State of Hawaii alone. For every million dollars spent in Hawaii by travelers, 10 jobs

are created. Everyone knows Hawaii is a tourist destination, but we have to realize the great potential that exists for our country to be marketed as a tourist destination as well, and what that impact will be.

Unbeknownst to many people, there are tourism provisions in the Senate bill, this comprehensive immigration reform bill, that will allow us to create an additional 1.3 million U.S. jobs by 2020 and produce about \$160 billion in economic output by the year of 2020.

It's time for us to regain our share of the global travel market. From 2000 to 2010, the United States went from hosting 17 percent of all global travelers to just 12 percent. This is moving us in the wrong direction. By taking these steps that have been included in the comprehensive immigration reform bill, we can increase American exports cumulatively by \$390 billion over the next 10 years.

I would like to talk about a couple of the travel provisions that have been included in the Senate bill that will encourage tourism not only in my home State of Hawaii but in States all across the country where we have such great diversity of cultures and geography and communities that must be celebrated.

The Senate bill includes reforms to the highly successful visa waiver program that allows additional countries like Brazil and Poland to apply for admission, enhancing U.S. security while also welcoming more visitors to the United States.

This bill also expands the tested and proven global entry program that allows preapproved, low-risk international travelers the ability to utilize an expedited clearance process upon entry into the United States. This expedited entry for trusted travelers enables our Customs and Border Patrol personnel to focus their time and limited resources on inspecting unknown or higher-risk travelers.

This bill also allows for expedited visa reviews for travelers who wish to visit the U.S. on short notice. And also, an important provision which will help service the limited resources of our embassies by including a pilot program that tests the use of secure video conferencing to conduct visa interviews, which would provide increased access to the United States visas for potential travelers. In this day and age of technology, this is a commonsense approach to this updating of the immigration reform bill.

There are many more provisions that are included in this bill. It is time for us to market the United States as a destination for our global traveler community and create the jobs for our hotel owners, for our airlines, for the restaurants, and all the small businesses that will benefit from this, and create more jobs for our economy as a result.

Thank you for the opportunity to talk about this growing industry.

Mr. CARDENAS. Thank you very much, Congresswoman GABBARD.

Some people say that comprehensive immigration reform needs to happen because it is the socially responsible thing to do. But one thing that our numbers show, and whether it is a conservative group or the Congressional Budget Office staff, they basically are saying when we pass comprehensive immigration reform, we are going to see places like Social Security go up in value and actually extend the life of Social Security with those additional payers. It is important for us to understand that yes, it is a social responsibility for us to improve our immigration system, yet at the same time, once again, every American will benefit.

I yield to Congressman CARTWRIGHT from Pennsylvania.

Mr. CARTWRIGHT. Thank you, Congressman CÁRDENAS. I want to say tonight that I'm so proud of my fellow men and women, new Members who have spoken in this Special Order hour so far on comprehensive immigration reform.

Madam Speaker, it is obvious from the comments we've heard so far that the economic benefits of immigration reform are irrefutable. Sometimes you do have to follow the money, and the money speaks very loudly and clearly in this case—comprehensive immigration reform cannot be ignored as the correct solution. But I also want to mention that each and every one of the speakers who has been up so far has also said generically it is the right thing to do. I want to touch on that, if I may, this evening.

In my own faith tradition when we think about what the right thing to do is, we look to the Bible. We look to the Good Book. In my mind, one of the most important passages in the Bible describes what happens on the Last Judgment Day. It goes something like this:

When the Son of Man returns in all his glory, escorted by the angels, then he will take his seat on the throne of glory. All the nations will be assembled before him, and he will separate the people one from another as the shepherd separates the sheep from goats. At his right hand, he will place the sheep, at his left the goats. And to those on his right, he will say, Come, accept as your inheritance the kingdom that has been prepared for you from the foundation of the world. For when I was hungry, you fed me. When I was thirsty, you gave me drink. When I was a stranger, you welcomed me.

This passage could not be more clear on the moral imperative of the day when we talk about comprehensive immigration reform. It isn't just that comprehensive immigration reform will reduce our deficit. It isn't just

that comprehensive immigration reform will strengthen our Social Security and our Medicare systems. It isn't just that comprehensive immigration reform will increase our gross domestic product and strengthen our American economy. No, more than that, at the heart of our moral fiber, we know comprehensive immigration reform is the right thing to do.

Mr. CÁRDENAS. Thank you very much, Congressman CARTWRIGHT.

I think it is very important for us to understand once again that tonight we are covering many aspects of why comprehensive immigration reform is good for this country. It's really important for us to understand, and what I urge every viewer to do is to ask your local Chamber of Commerce how they feel about whether comprehensive immigration reform is overdue and whether or not we should pass such a bill. Also ask your local law enforcement agencies. For example, 37 out of the 50 State attorneys general in this country have all signed a letter saying Congress, please pass a comprehensive immigration reform bill. And please ask anybody from whatever religion you may be a part of, ask that pastor, ask that individual that you look to for that spiritual guidance to answer the question as to whether or not comprehensive immigration reform is something they believe should happen in this country.

I think the answers will overwhelmingly be yes, yes, yes.

Now I yield to Congresswoman MICHELLE LUJAN GRISHAM from New Mexico to speak.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. I thank the gentleman from California.

Madam Speaker, I could stand here all night talking about the many reasons why our country needs comprehensive immigration reform that keeps families together, provides a tough but fair pathway to citizenship, enhances border security, and that's in line with our core American values. But tonight, I'm going to focus on why immigration reform is good for the American economy and good for the economy of New Mexico.

Nationally, it's estimated that immigration reform will create 121,000 jobs a year and boost American GDP by \$832 billion over the next decade. Nearly every day, we hear Members from both parties talking about the need to reduce our debt and deficit. Well, the nonpartisan Congressional Budget Office has determined that comprehensive immigration reform will reduce our national deficit by nearly \$850 billion over the next two decades.

In New Mexico, comprehensive immigration reform will create 6,000 jobs over the next decade and increase our GSP—gross State product—by \$3.8 billion. These economic benefits and new jobs will have a ripple effect, leading to

even more economic activity, higher productivity, more critical investments, better wages, and even more jobs for New Mexicans and Americans. Simply put, we cannot afford not to pass comprehensive immigration reform.

Our economic future demands it, and that's why I'm glad that so many of my colleagues are taking to the floor this evening to make the case for comprehensive immigration reform because the American people need to know that it's good for the economy, good for business, and good for job creation.

The Senate has done its job and acted in a bipartisan manner. Now it's time for the House to do its job so we can send a comprehensive immigration reform to the President's desk and finally fix our broken immigration system.

Mr. CÁRDENAS. I thank the congresswoman.

Next, I'd like to yield to Congressman MURPHY from Florida. We've heard from a congresswoman from Hawaii, and next Congressman MURPHY from Florida will speak. Tourism is an important economic issue tip to tip in this country, and Florida is no exception.

Mr. MURPHY of Florida. First, I want to thank Mr. CÁRDENAS for putting this Special Order together. I'm here tonight to call on the House of Representatives to pass bipartisan comprehensive immigration reform that would reduce our deficit and grow our economy.

Madam Speaker, now that the Senate has passed comprehensive immigration reform with broad bipartisan support, it is time for the House to step up and do the same. Passing immigration reform will cut our Federal deficit and grow the economy. The Congressional Budget Office reported that the Senate immigration bill would reduce the Federal budget deficit by \$850 billion over the next 20 years. Comprehensive immigration reform will also grow our economy. By expanding the U.S. labor force and America's productivity, increasing the number of available high-tech visas and increasing foreign investment, comprehensive immigration reform will increase our gross domestic product. It is projected that this will increase GDP by \$1.4 trillion by 2033.

While not perfect, the Senate immigration bill is an important bipartisan compromise to address what is currently a broken system. I came to Washington to work across the aisle and find commonsense solutions just like this. Furthermore, the fact that this bill would reduce the Federal deficit and grow the economy should be something we can all agree on.

I urge my colleagues to support passing the Senate's bipartisan comprehensive immigration reform bill.

Mr. CARDENAS. I thank Congressman MURPHY. I think it is important

for us to understand that every State has its unique differences, yet again, we are one Nation and we will all benefit from comprehensive immigration reform.

I would now like to yield to Congressman VEASEY from Texas.

Mr. VEASEY. I thank the distinguished gentleman from Los Angeles, California, for hosting this Special Order hour on a very important topic, and that is immigration reform.

Madam Speaker, recently I previewed a screening of "The Dream is Now" in Fort Worth, and Representative CASTRO also came to Fort Worth to join me on that. And I can assure you that the hundreds of constituents who attended the event represent a microcosm of undocumented immigrants in the U.S. who need us to act now on comprehensive immigration reform. The dream for 11 million people to come out of the shadows and contribute economically to the only country they've ever known rests in the hands in the United States House of Representatives.

Immigrants contribute to our economy as workers, as future entrepreneurs, as consumers, and as taxpayers. Latinos account for increasing shares of the economy and electorate in Texas. According to the U.S. Census Bureau, Texas's almost 450,000 Latino-owned businesses had sales receipts of nearly \$62 billion and employed over 395,000 people in 2007, the last year for which data is available.

Additionally, over 61,000 foreign students in Texas contributed \$1.4 billion to the economy in tuition fees and living expenses in the 2011-2012 academic year. These monumental numbers cannot be ignored.

In Dallas alone, immigrants accounted for 16 percent of economic output as of 2007, according to the Fiscal Policy Institute.

If all undocumented immigrants were removed from the State of Texas, our State, the Lone Star State, would lose \$69.3 billion in economic activity, \$30.8 billion in gross State product, and approximately 403,174 jobs, according to a report by the Perryman Group.

□ 2000

The Perryman Group is run by Ray Perryman, out of Waco, Texas, who has worked very closely with Rick Perry, who is really the face of the Republican Party in Texas.

It's time to highlight the economic benefits of immigration reform and to further encourage those on the right to support comprehensive immigration reform moving through the House.

In a time of economic hardship, it's hard to imagine that my colleagues on both sides of the aisle would be against expanding our economy, investing in American manufacturers, and strengthening American workers.

I want to thank the gentleman for allowing me to speak on this very impor-

tant issue. Let's not make these families and our economy wait any longer. The time for comprehensive immigration reform is now.

Mr. CARDENAS. Thank you very much, Congressman VEASEY.

It's really important for us to understand, I keep saying, every corner of this country's going to benefit from comprehensive immigration reform. And you just heard from one of our Representatives from Texas explaining that there's actually Republicans in his State who actually realize the economic benefit and are urging comprehensive immigration reform now as well.

Before I go to the next speaker, I must ask, Madam Speaker, how much time do we still have?

The SPEAKER pro tempore. The gentleman from California has 18 minutes remaining.

Mr. CARDENAS. I yield time to the gentleman from Florida (Mr. GARCIA).

Mr. GARCIA. I'd like to thank the gentleman from California.

Madam Speaker, it's been 20 days since the Senate passed overwhelmingly a bipartisan immigration reform bill.

In the House Judiciary Committee, we've considered four controversial bills, none of which address the 11 million people that are already here.

In south Florida, for example, there are thousands of Venezuelan families stuck in an immigration system with some combination of legal or undocumented status. They came to this country fleeing Chavismo and have since purchased homes, started businesses, and invested millions in our community.

Earlier this year, I introduced a bill, the Venezuelan Liberty Act, which would allow any Venezuelan who had been in the United States since Chavez was elected to adjust to permanent-resident status. This is similar to what Congress passed in 1997 with the Nicaraguan Adjustment Act and the Central American Relief Act.

However, because we have yet to consider any sort of legalization path, the House Judiciary Committee has not yet had the opportunity to consider this bill as an amendment or to debate on how best to bring people out of the shadows.

And Venezuelans aren't alone. The Haitians, the Africans, the Central Americans on TPS, the young people who are covered under DACA continue to live their lives in immigration limbo while the House has yet to act.

Immigration reform isn't about politics. It's about our Nation's values. It's about our economy. It's about our future.

The recent White House report and last month's CBO report confirmed what my constituents in south Florida already know: our Nation's livelihood depends on fixing our broken immigration system.

The Center for American Progress projected that immigration reform would generate over 8,000 additional jobs per year in Florida and that current Florida citizens would see an increase in wages of \$6.3 billion over the next 10 years.

We may not agree on everything, but we cannot afford to wait any longer. Passing immigration reform will spur innovation, lower our deficit, and raise wages for all workers.

As if the voices of many DREAMers who have recently descended on Washington aren't enough, business leaders, law enforcement officials, farmers, clergy throughout the U.S. have urged Congress to take action.

It's time to move this Nation forward. I urge the House leadership to bring immigration reform to the floor.

The time has come. Ha llegado la hora.

Mr. CÁRDENAS. Thank you very much, Congressman GARCIA.

Next I'll yield time to the gentleman from California (Mr. VARGAS).

Mr. VARGAS. I want to thank the gentleman from California for yielding to allow me to speak on this very important issue to California.

But I especially want to thank the gentleman from Pennsylvania for putting it in the context of our faith and our faith communities and our faith tradition. He, of course, quoted famously from Matthew 25. He could have quoted from Leviticus. In fact, I would like to do that now, from Leviticus 19:33-34:

When an alien resides among you in your land, do not mistreat them. The foreigner residing among you must be treated as your native born. Love them as yourself for you were foreigners in Egypt. I am the Lord your God.

And I have to ask, are we keeping that commandment?

Are we keeping that rule?

Are we keeping that pronouncement?

Of course we're not. I wish that we were.

Immigration reform is vital to the economy of our country and, in particular, to California and my district. California is unique in that it is home to the technology industry, which relies heavily and highly on skilled talent and has an incredibly successful agriculture industry, which needs a temporary worker program that provides a predictable workforce.

The more California business leaders I speak with, the more apparent it is that immigration reform is the key to stimulating our economy and encouraging job growth.

Ruben Barrales, the immediate past president and CEO of the San Diego Regional Chamber of Commerce and current head of the Republican Political Action Committee, GROW Elect said:

It is the responsibility of national leaders to modernize our immigration laws to help the United States remain competitive in the global economy.

Comprehensive immigration reform should help to attract and retain highly skilled immigrants, and should provide some pathway to legalization for qualified undocumented immigrants.

We must welcome immigrants, who continue to strengthen our economy and revitalize our society.

The California Chamber of Commerce is also acutely aware of the immense value that surrounds successful immigration reform. The California Chamber of Commerce, along with 29 other chambers, including the El Centro Chamber in my district, signed a letter stating that they stand united in adopting comprehensive reform.

The letter states:

Immigration reform is especially important to California as there are approximately 2.6 million undocumented immigrants in California, 23 percent of the Nation's total.

The uncertainty over their legal status is a drag on our economy and, if resolved, would stimulate consumer spending and investment.

Many of those who are in California have called our State home for more than 10 years, becoming Americans in all but legal status. Californians would benefit from more than 18,000 jobs created each year as a result of comprehensive immigration reform, according to a 2013 study by the Center for American Progress.

Moreover, California would see a 10-year cumulative increase in gross state product of \$125.5 billion, an increase of earnings of all California residents of \$68.2 billion, and, finally, an increase in taxes paid by undocumented immigrants by \$5.22 billion.

There is no denying that immigration reform is an economically sound decision, and I urge my Republican colleagues to work with us to achieve real, valuable, economically beneficial immigration reform.

And I respectfully ask that, again, they look at their own faith because that's really the basis of this. We know it's the right thing to do.

Look to Genesis. Look to Leviticus. Look especially to Matthew 25, and you'll see in your hearts, this is the right thing to do.

Mr. CÁRDENAS. Thank you very much, Congressman VARGAS.

I'll yield time to the gentleman from Texas (Mr. CASTRO). And I'd like to ask Congressman CASTRO if he can help me answer the question a young lady tweeted on this, as we're commenting tonight from the floor.

Brenda asked, What are you doing for children who came here through no fault of their own?

Congressman CASTRO.

Mr. CASTRO of Texas. Well, Congressman, thank you for that question, and thank you for your work on this issue.

Madam Speaker, in the Senate bill that was passed recently, there is relief for students known as DREAMers, those who were brought here as young

kids through no fault of their own and through no choice, and now find themselves undocumented, with no way, oftentimes, to go to college or to pursue their career dreams. These are folks who are literally in a kind of limbo.

And so what we should do is offer them a path to citizenship to allow them to become American citizens. This country is, after all, for the overwhelming majority of them, the only country they've ever called home. It's the only place they know as home; and this is an issue, I think, that tugs at the conscience of Americans.

And most polls show that an overwhelming majority of Americans support a path to citizenship for DREAM Act students.

So I hope, Congressman CÁRDENAS, that what we can do in the House of Representatives is follow the example of the Senate, work in a bipartisan manner, and offer relief for these DREAM Act students who are caught in limbo, who, through no fault of their own, are here in the United States of America, who call our country home, who are proud to be Americans, and who deserve a chance to become full-fledged citizens.

I would also point out, you know, as I said before, that there are very compelling moral and economic reasons to support comprehensive reform.

I represent San Antonio, Texas, here in Congress. And of all the States in the Nation, I believe that Texas has the most to gain or lose by what happens on this issue. The reason I say that is that we have the longest border with Mexico, for example, 1,200 miles.

We do the most trade with Latin America, and there are four or five major American industries and Texas industries, everything from the high-tech industry in Austin, just as you have one in California in Silicon Valley, to the agricultural industry, the construction industry, the hospitality industry. These major American industries literally would not exist the way they do but for immigrant labor.

And I want to give you the best example of that. The agricultural industry self-reports that 50 percent of its workers are undocumented. And so when States like Alabama and Georgia pass laws that essentially led immigrants to flee those States, their agricultural industries paid a very steep price. So those are the stakes that we're dealing with on this issue.

I am hoping that House Republicans will join Democrats who have been pushing for comprehensive reform for quite some time now, join us in coming to a solution that does more than just incite fear or scare people, and actually tries to resolve this issue in a pragmatic way for the Nation.

Mr. CÁRDENAS. Thank you very much, Congressman CASTRO.

I'd like to thank all of my colleagues who spoke here tonight.

And thank you, Madam Speaker, for affording us the opportunity to speak to the American public and to actually explain this very, very critical, important economic benefit to our great country.

I'd like to thank my colleagues, my fellow Americans, for speaking out tonight and explaining to every American of our great country that comprehensive immigration reform benefits you. Every single person born in this country will benefit tremendously from passage of comprehensive immigration reform.

I think it's important for us to understand that, to many of us American-born citizens, this is a very important issue. It's about economics, but it's also an emotional issue as well.

I'm very, very proud to say that I was born in this country, and I thank my parents for coming to California and for raising me in California as an American citizen, even though they were raised in Mexico.

I think it's important for us to understand that I'm proud of growing up in a family where my father owned a business, and he taught me and explained to me, with his first-grade education in Mexico, he told me time and time again, as well as telling my 10 brothers and sisters, you have an opportunity for an education. You need to take advantage of that opportunity, and we did.

I'm very proud to say that my mother had a second-grade education, my father had a first-grade education, but their children now have doctorate degrees, master's degrees, bachelor's degrees, engineers, teachers, psychologists, all raised in one humble home in Pacoima.

□ 2015

That is the American experience, ladies and gentlemen. And one thing that I'm very proud to say as well about our 10 families, now that we're raising our own American families, every single one of our households pays more annually in taxes than my mother and father's home ever made in one given year. I'll say that again. From a humble home where a man and a woman together raised their children, their entire annual income did not equal the amount of taxes that each one of their sons and daughters now pay today.

To me, that's the exclamation point on everything we've talked about tonight. We've talked about how important it is to the Social Security system. It will boost that. We talked about how it is to the deficit that we hear about on this floor so many times. It will actually erase \$850 billion from our U.S. deficit.

There are so many benefits that will benefit not only our coffers here in Washington, which benefits America, but will actually benefit hundreds upon hundreds of thousands of American-



born citizens that will work in those industries that are created and spearheaded by immigrants to this country.

And I must say this. I would like to read a few of the names of immigrants born outside of this country who created businesses in this country that many of us use everyday and recognize:

Sergey Brin from Russia, cofounder of Google;

Pierre Omidyar, an Iranian immigrant from France, one of the cofounders of eBay, Inc.;

Jerry Yang from Taiwan, cofounder of Yahoo;

James L. Kraft, a Canadian, cofounder of Kraft Foods, Inc.;

Levi Strauss, a man from Germany, founder of Levi-Strauss in California;

Liz Claiborne from Belgium, founder of Liz Claiborne, Inc. If you think clothes don't mean much, that's a United States company worth \$5 billion;

Andrew Grove from Hungary, cofounder of Intel, a company worth \$112 billion;

Kevork S. Hovnanian from Iraq, founder of Hovnanian Enterprises, a homebuilder that in 2011 had revenues of \$1.1 billion.

And the list goes on and on and on. Every single one of those individuals made their second life here in our great country. And it's because there was a time that in this country we embraced everyone from around the world. And all we asked of them is that they just obey the laws once they are here and that they do well with the opportunities that our great country affords every human being when they are here.

We have one of the highest standards of living in the world. And there's a reason for that. Because there was a time for many, many years that we welcomed people to our shores. At this time where we just reopened the Statue of Liberty, it's time for us to embrace people from around the world and for us to recognize it's not just about doing the right thing for them. It is the right thing for every American citizen born in this country. The benefits economically are tremendous.

There are no losers, ladies and gentlemen, when it comes to the United States Congress doing the right thing. Let's put a comprehensive immigration bill through our process and on the desk of this President and let's watch this country thrive. Our great country deserves it.

Once again, I would like to thank everybody who participated, and I yield back the balance of my time.

#### TOTO, WE'RE NOT IN KANSAS ANYMORE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Georgia (Mr. COLLINS) is recognized for 30

minutes as the designee of the majority leader.

Mr. COLLINS of Georgia. Madam Speaker, my friends on the other side of the aisle speak to a great issue coming aboard, and we're going to, I know, have many great discussions about that as we go forward.

I'm grateful for the floor time tonight, which I'm pleased to share tonight with my good friend and one of the newest Members here in our House, the gentleman from Missouri (Mr. SMITH).

It's an incredible honor and privilege to serve in this House. And for me, the privilege of serving as the voice of northeast Georgia in the U.S. House of Representatives now for what's going on 6 months. I'm deeply humbled and honored by the trust each of my constituents has placed in me. I wanted to take some time to share some of the lessons that I've learned and the progress we're making in achieving goals that I spent over a year talking about on the campaign trail to friends and family and the supporters and the constituents of our northeast Georgia community.

Twenty counties make up northeast Georgia and the Ninth Congressional District. It's a very diverse area. It's an area in which we have what we call from the highlands to the islands. We have lakes, we have lowlands, we have the start of the Appalachian Trail. We have a place where movies are created. We have a place where I really believe dreams are fostered.

For me, it started back a long time ago. My father was a Georgia State trooper. We moved to Gainesville. That's where I was raised and spent my life. I went to high school there while I was with my mom and dad, along with my brother. That's what grounded me in family.

As I stand here on this floor and as I look around, as I listen, as I had just the great honor just a little bit ago to sit in that chair and preside over an earnest debate on what I really feel is a very important topic right now, one in which we had disagreement, one in which we look forward in one side presenting one issue and one presenting another. From my perspective, we voted to delay a bill that, in my personal opinion, is damaging to America. But we had that debate here.

And by standing in that chair and working there, it reminded me when I used to watch this floor from my home when I was in high school, and as I came up through college and as I was starting a young family with my wonderful bride, Lisa. We have three children. I would watch this floor on C-SPAN and I would see many of the same folks who actually even spoke today. And now to be a part of this body, there's a sense of history. And if I could encourage any of my fellow colleagues, whether they be Democrat or

Republican, new, old, been here a little over a month or been here 50-something years, it is to remember when we walk on the floor of this House, it means something special. It means something to be a part of an institution that makes a difference in people's lives. And I believe from my perspective as a Republican and as a conservative that we can make a difference on the floor of this House and in Washington, D.C., when we remember why we are here. And for me, that's very easy. It's the people of the Ninth District. It's my family.

Everywhere I would speak, people would ask me, DOUG, why do you want to be a Member of the House of Representatives? I said I had three reasons. They were Jordon, Copeland, and Cameron. They're my three children. Because I believe that what goes on on this House floor and across the way in the Senate, what happens on this Capitol ground, is something that can make a difference because all across the world, ladies and gentlemen, people still look to us. They still look to America because we're the freest country in the world. We're a country that provides opportunity. But we have to be guarded and we have to watch and we have to stay vigilant. And in doing so, I believe that that is what makes this place special.

I've learned a lot in the first half of 2013. The need to vigilantly protect the noble heritage of our Founding Fathers that they gave us here as a heritage of liberty, responsibility, and limited government. And this has been impressed upon me in the last little bit as never before.

Over the last 6 months, our Nation and this distinguished body have faced issues and challenges that no one could have anticipated even 6 months ago, let alone a year ago. In my short time here, we have experienced the tragedy and horror of domestic terrorism in the Boston bombing. I can remember that day and hearing about that and just thinking what was going on and seeing the faces of those affected by that. And it highlighted our need for security and our well-being here and how some within our country want to tear down the very freedoms we have. And they'll do so by any means.

But I also look in a lighthearted way at the last couple of months. When I was younger, I used to like those little Pez dispensers. I used to like, Madam Speaker, those Pez dispensers that had the little head and the characters. But when you pushed the top, something would pop out. It would be candy.

Unfortunately, for the last month or two, all we've had is a Pez dispenser of scandal. All we've had is a Pez dispenser of problems with the IRS and the Department of Justice and with NSA and things that really come to a point that really elaborate, I believe, on belief on the issue of trust in this



town. It goes back to the towns in northeast Georgia, for me personally, like Homer, Gainesville, Clermont, Ellijay, Cumming, and Elberton, and these kind of places where they look to us and say, What are you doing up there? Why is it so hard to not do it right?

And I've been a part of committees like Judiciary and the Oversight and Government Reform and Foreign Affairs Committees in which we've investigated and we've held hearings. Because I believe we've got to hold ourselves accountable, and we've got to hold the administration accountable because we are sent up here with a word that is very often overlooked—and it's called "stewardship." We're stewards of what we've been given. And the "given" for us is an elected office to come and represent 700,000 or more people—and to do so with the resources that we've been given. And when they look around and they see that Pez dispenser and it pops out another issue or another scandal, then their trust is diminished. And when their trust is diminished, ladies and gentlemen, we have a lot harder job to do.

So these are trying times for our Nation and the commonsense conservative values that I believe I bring from northeast Georgia's Ninth Congressional District. These values are rooted in the principles of our Founders, and they give me guidance for why I want to be here and for what I want to accomplish and be a part of.

But I have to say one of the best things that I've had is looking around and making new friends on both sides of the aisle, and looking at that as we go forward. But for me, being one of the newest members of the Georgia delegation, it's looking around and when I have someone come in and I make a new friend who is our youngest and newest Member from the House on the Republican side, the gentleman from Missouri (Mr. SMITH), who took the responsibility from his work in the legislature in Missouri, who's taken his fight of regulatory reform and taken his fight and conviction with his family and now stepped into the pit, so to speak, stepped into the fire.

I'm glad to have you here and to serve with you on Judiciary and getting to know you over the last few weeks. I see why the people of Missouri sent you here. And that's a great thing. So I would just be honored to yield time to you tonight just to sort of share what's in your heart, what brought you here, and some things that you've seen even in your short time here.

I would be happy to yield to the gentleman tonight.

Mr. SMITH of Missouri. I appreciate it. I want to thank my good friend from Georgia. It's a great honor being in this Chamber for 42 days. I definitely have some issues that are quite important to me.

Madam Speaker, one issue that I would like to highlight tonight is an issue that threatens my district. It's the National Blueways System. It was conceived on May 24, 2012, by Interior Department Secretary Salazar. The National Blueways System is described as "a headwaters to mouth approach to rivers management" and "a mechanism to encourage stakeholders to integrate their land and water stewardship efforts by adopting a watershed approach." Importantly, a river is supposed to be nominated for a Blueways designation by local stakeholders.

Though no local stakeholders from my district were included in the nomination process, the White River Watershed, of which 14 counties are in my district, was named as the Nation's second National Blueways in January of this year. Who nominated the White River to become a Blueways? The National Wildlife Refuge Association, an organization based in Washington, D.C. A quick trip to their Web site reveals that in addition to being based in Washington, D.C., around a thousand miles away from the White River Watershed, not a single member of their board of directors is from Arkansas or Missouri. Where's the local knowledge? How is this organization a stakeholder?

Local stakeholders eventually found out about the designation and they were furious, as you can imagine. And when I use the term local stakeholders, I mean groups and individuals living in the watershed, including public officials elected to represent those individuals. Why were they furious? Typically, Federal designations bring along with them rules and regulations that affect the landowners. These rules and regulations might restrict access to the rivers in my district that are used for recreational purposes and fuel our tourist economy. These rules and regulations might also restrict farmers and ranchers from being able to access the water they need for their crops and livestock.

I'm pleased to note that the White River National Blueways nomination was recently withdrawn, due in large part to significant outcry from Missourians let out of the process. We were also informed today that the entire National Blueways System has been paused and put under review.

□ 2030

But I want to make something very clear here tonight: simply pausing the program until the folks back home forget about it and then trying to restart these designations is deplorable. I urge the Interior Department to quickly complete its review and define that the entire Blueways System needs to be scrapped.

Madam Speaker, we also discussed the National Blueways System further today in two hearings. In the first, Secretary Jewell, Secretary Salazar's

newly appointed successor, noted that "she did not know very much about the Blueways System." When I asked her today who the relevant authority on the Blueways System was, she said that it was "Rebecca Wodder." Unfortunately, for those of us who would have liked to ask the Interior Department questions about the Blueways today, Rebecca Wodder refused to come to our subcommittee hearing.

As we noted in our hearings today, the process for designating these "National Blueways" has not always been voluntary, open, or public. It is disturbing that Ms. Wodder continues to refuse to testify about this program before our committee. Though the program is often trumpeted as voluntary, open, and public, Ms. Wodder has never been interested in making her comments voluntary, open, or public about the designations.

Madam Speaker, let me provide you with a little more background about the district that I proudly represent, Missouri's Eighth Congressional District. It contains 30 counties in southeastern and southern Missouri. We range from 40 miles south of the city of St. Louis, down the mighty Mississippi River, the entire Bootheel region, all the way west to about 40 miles east of Springfield, and in the northwest corner, the Phelps County, Rolla area.

My district is agriculturally diverse. We grow everything from citrus to sugar. Fourteen of the 30 counties in my district contain land that would have been within the "White River National Blueways" designation. In addition, my district includes the Ozark National Scenic Riverway, a National Park Service entity that spans through five counties on the western side, including my home county near my home of Salem.

The parts of our local economy that are not driven by agriculture rely heavily on tourism and natural resources. Folks come from all over the State and all around the country to be guided on float trips on the rivers and streams contained in my district. We have a thriving timber industry that produces lumber, charcoal, and finished wood products, and some of the district's largest employers mine lead and smelt aluminum.

What is the common thread that ties together the components of agriculture, tourism, and natural resources in my district? It is property rights, and our ability to use the land and its bounty to make a living.

All too often, the Federal Government tugs at this thread, threatening to unwind the fabric of our economy. Whether it is new regulations restricting farm labor, new EPA carbon emission rules that would shutter our largest employers, or shutting down access and restricting the use of our rivers and streams in my district, my district is under attack.

My constituents and I are tired of unelected Washington, D.C., bureaucrats creating new programs out of thin air and having the ability to end our way of life and the way that we make a living. While the White River National Blueways has been withdrawn, it is only the latest symptom of a disease that has embedded itself into the very core of this administration. They think that they know better than locals, and they think that they can act on their own without congressional approval or oversight.

Where does it stop?

Madam Speaker, today, I challenge the Members of this body to make it our goal not only to stop the National Blueways System all over this country but also to fight the disease that spawned it. Local groups and individuals are best situated to manage their lands and resources. We don't need bureaucratic mandates sent from on high in Washington, D.C., that may have drastic repercussions for our local economies.

Mr. COLLINS of Georgia. I appreciate the gentleman from Missouri.

One of the things that I just want to ask you, as we just take a moment here, one of the things you brought up is something that I have discovered, and I just actually discovered it when I was on the State legislature as well, but up here it is even more prevalent: Have you already gotten the sense of "Washington Knows Best?" There used to be a TV show called "Father Knows Best." I think up here we live "Washington Knows Best." Is that what you are seeing?

Mr. SMITH of Missouri. Clearly, the few square miles that hover around the District of Columbia, it seems like they know how to better manage our forest or our rivers or our lives or our kids working on the farms, you name it. They believe that that's the process that you should manage from up above and push down.

Mr. COLLINS of Georgia. I think one of the things, in my district and the district you serve—you have 30 counties, I have 20 counties—very agriculturally diverse, we are more with livestock but also poultry, also what we call the "agrarian tourism" with the wineries and other things that are growing, and what we are finding is just simply let us do what we need to do. I think that is one of the reasons that from our conservative perspective, working with the farm bill and the issues that we have had with that, is let's deal with agriculture, let's deal with the SNAP programs and others separately, and that was something that I believe was a good thing.

But I want to go back to one thing. Coming and testifying in committees—and you and I sit next to each other on a couple of committees—and now you've seen this today, that if you work, in my personal opinion, you

work for the government, Congress is your oversight agency. That is the constitutional role of what we have. It is disturbing to me, not only in what you and I have heard today about someone not wanting to come and testify, but I have seen it in other committees as well where they just simply don't show up. We've got a disconnect.

Do you think this person actually gets your district and the impact that that would have by not coming to testify? Does that just show maybe that they don't get it?

Mr. SMITH of Missouri. It is extremely disappointing that any Federal employee that is asked by Congress to come and testify and to give information in a broader sense and they refuse to testify or refuse to be present, that's unacceptable. They shouldn't be a Federal employee if they are not willing to stand up and justify what they do in their position. Constantly you see the buck just continue to be passed on, and never does it stop with a lot of folks in the bureaucracy in the Federal Government.

I think that's our responsibility, that's our responsibility as Members of Congress, is to go after these bureaucrats who try to never allow the truth to always be seen immediately.

Mr. COLLINS of Georgia. I agree.

I think one of the things that we look at is we have literally thousands upon thousands of workers in our Federal Governments and our State Governments who are good people doing an honest day's work who want to make a difference, and they believe that it is their calling to do that.

I think, unfortunately, it is those individuals sometimes that won't believe what I and you believe in stewardship and interacting with the Congress and interacting with the agency and interacting with locals that really has cast aspersions on a large net of workers who are trying to do it right, who do get in there and go to work every day and do good work for the government that they work for.

I just believe that it goes back to stewardship. I am just raised on that stewardship issue. I'm going to talk a little bit more about it later. But I think if you have a job, that is something you need to look at.

I appreciate so much what you meant to this body in 42 days and look forward to us working together as we share some more tonight. I thank you for that.

The principles that I want to talk about here for just a little while tonight are what I call "commonsense conservative values." They are things like individual freedom, fiscal responsibility, and a constitutionally limited government.

When I came to Washington and I began to look, I took these as my core values, if you will. I took them seriously when I crafted not only the legis-

lative agenda that I wanted to work on, but also when it came down to working on other pieces of legislation and signing on to other people's legislation and also working with our conservative Members, our Republican Party, and those across the aisle who would join us.

Here is where I believe we miss it, and my colleague from Missouri brought this out. It is easy for many times that we can always say what we do. We can always say this is what we do, and there's many times that we will be able to say this is how we do it.

However, I believe that we, and especially from my party, and as a conservative who stands in this well and speaks tonight, is we've got to get better at not only saying this is what we are doing, this is how we are doing it, but we've got to reconnect, I believe, with the American people in this body and in this city with why we do what we do. That is going to matter when we look at people looking up here and they look on the TV or they read their newspapers and they see the problems that we've talked about earlier, they see the disconnect with a top-down style that is really just growing in our country, whether it be the river systems or it be in our farms or it be in our factories or it be in our workplaces.

What we've really got to understand is we've got to now say, these are these beliefs that I just laid out: individual freedom, fiscal responsibility, and constitutionally limited government. What I want to do is begin a conversation that may carry over many weeks and say, this is why I believe this is what is good for America, this is why I believe, as I did this afternoon, that if it was good enough for businesses, that it is good enough for individuals.

We've got to be fair with the American people. They understand when we are not being fair. They look at us and they believe things that are said and they say, we don't trust our government anymore, we don't trust them not to listen into our phone conversations or tap into our Internet email, they don't trust us anymore to believe us when we say that we have their best interest at heart, because frankly over the past number of years in this city we have failed them.

We, I believe, from a conservative perspective, have to get back to saying why it matters once again to have a balanced budget. Now, I know that sounds like just comic relief up here in this city. But for me and in my family—and I always take it back to my home and my wife—when we sit down and we look at our budget and we say this is how much we have coming in, believe me, I am blessed. I have said before that I believe if I could just get my wife, if she were to control the budget, we would be balanced in a very short time and have a surplus. Because

we've had to do it many times when we have cut back and we have said, this is what matters to us. It is called "priorities" and it is called "stewardship." It goes back to individual freedom, it goes back to fiscal responsibility, and it goes back to constitutionally limited government.

I believe that conservative values and conservative principles and conservative ideas that we are trying to promote right now from my perspective in my district, in my service here in Washington, is what will matter to this country and restore the shining light that I believe America is. When we understand that, then Joe and Sally, whether they are in south Florida or in Washington State or in Alaska or in northeast Georgia or in the beautiful scenery of Missouri, they all understand that at the end of the day they have paychecks, they have school bills, they have reports, they have families, they have responsibilities, and they want to be a part, but they have to look at it from a perspective of what do I have and how can I do it.

It goes back to that common theme of stewardship—stewardship—and understanding we've been given a set amount of resources and a set amount of time. The question is what do we do with it? I believe that is what will change and put us back on a course of being able to work together and moving forward with ideas that matter.

For people that now say we cannot continue the path we are on, when they have such a low opinion of this body, when they look at their country and they say it is on a wrong direction, well, I believe it is on a wrong direction because we've left the fundamental flooring of our Founding Fathers who said that we should be promoting individual freedom, fiscal responsibility, and constitutionally limited government.

In January, I joined my colleagues in the reading of the United States Constitution right here on this House floor. In fact, I came right here to this podium, as my recollection comes about after six months, a lot of things going on. But it was right here where we began with reading the Constitution again at the start of this Congress. I believe that each public servant should constantly refer to this vital document when performing his or her duties, and also the things that have come through our courts and others that have formed the foundation of our constitutional framework.

I'm pleased that this body began its session by reminding ourselves of the responsibilities we have to the American people, as well as the liberties we are sworn to protect. I am a chaplain in the United States Air Force Reserve, and recently I have been monitoring very carefully the development that has surrounded our servicemembers' rights of free speech and freedom of re-

ligious exercise and making sure that they are protected. Our men and women in uniform bled and bleed daily and die for these precious liberties.

I had the opportunity to serve in Iraq in 2008. I had the ability, and I was a nighttime flight line chaplain, and I would go around at night and it was great, because I was the only chaplain on duty so I would spend time with our flying squadrons and spend time with our maintenance operators and our food service folks and our security forces and would get to know them on a very real and personal basis.

□ 2045

I did so in a role which did not matter if they had faith or no faith. It was my job to protect their right to have a faith and to practice it or to not have a faith and choose not to practice any kind of faith, but it was protected under what chaplains do.

Lately, efforts through the DOD and outside organizations and this administration seem to want to take that privilege and that right that we have in our Constitution and denigrate that right and take it away. I am very troubled by efforts that would curb chaplains' abilities to perform their duties and prevent servicemembers from honestly sharing their faiths or a Scripture with other servicemembers.

Now, before anyone jumps up and says, Proselytizing, we don't need that in the military or workplaces, there are already rules for that, there are already things that would keep out of bounds the inappropriate workings of someone's sharing or putting someone in a position of uncomfortableness with their faith. But when it comes to chaplains, our very experience is to share from what we believe and what we have in our hearts, and for me, being a Southern Baptist chaplain, it comes from a faith that I believe is deeply welled within me. To say that that cannot be a part of who I am is something that is simply wrong.

Now, we have ideas of bringing into the Chaplain Corps, among different services, an atheist chaplain. Now, when I first heard this, I said, This must be a joke. You're kidding me. An atheist chaplain? Now, if you choose to not believe in God, that is your right. You're in America, and that is your belief, and that is something that you can have. You can be agnostic—believe there's a God but not personal—or you can have a personal faith of another variety or you can be Muslim or Hindu or Buddhist or whatever you want to do and whatever you want to believe.

There are standards that we have as chaplains: we have to have a master's degree; we have to be endorsed by our religious affiliation endorser to be a part of the Chaplain Corps. We serve sort of two halves: we serve the military by maintaining our military bearing and our physical fitness and our

military qualifications; and at the same time, I also have to maintain my qualifications as a Southern Baptist ordained minister. In doing so, I can't have one without the other. It goes back to a theme that I've talked about tonight of responsibility. No matter the household, no matter the political persuasion, people get responsibility, and they get stewardship; but as chaplains, we have to measure both sides.

So, when it becomes a game, in my mind, to take away or to denigrate what the chaplain's role is—to protect the religious freedom and expression of all servicemembers whether they have faith or not—then we're missing it, and, frankly, those on Main Street don't get it. They don't understand it in their churches and in their synagogues and in their mosques. They don't get it.

Then there's Washington, D.C. When we have job issues in our country and when we have financial issues in our country, we are finding out from our agencies—from the Department of Defense—and an administration that is pushing an agenda that goes to the very heart of our constitutional freedom, they don't get it. Frankly, I don't either. I'm going to be watching this over the next few weeks and few months, and I will continue to speak out.

There are many ways for us to be there, but I believe, as a chaplain, I have stood beside the bed of those who've believed as I and of those who have never had a faith or who have wanted a faith, but they wanted to talk to someone who was not in the chain of command who they could share in and confide in. Back home, their wives were struggling and their kids were suffering, and they just wanted to be a part, and they knew they were separated. They wanted to talk about their work environments. They wanted to talk about their jobs. They wanted to talk about their dreams and aspirations—and yes, for some, they needed protection. They wanted their meals because they needed Kosher requirements. Even in one case, we had a situation in which a Wiccan wanted to have a place in which he could perform his services, and we provided that for him. That's not the faith that I subscribe to, but it is my job as a chaplain—it is my role—to provide that for them so that they can.

We've got to quit playing games, and we definitely have to quit playing games with our fundamental freedoms. You see, we can talk about what we want to do and how we want to do it, but I believe many people are just wanting to know why this matters. Why is DOUG COLLINS talking about this on the floor tonight? Why is he talking about these issues of individual freedom, of fiscal responsibility and constitutionally limited government?

Why? Because it matters and because they are the things that make us free.

I've also taken seriously our Second Amendment rights in seeing what has happened up here in not taking into account or in discounting the needs that we have in our society for responsible firearm ownership, but we cannot take away the rights of those gun owners in our country and of those who want to own guns simply on a whim or a political agenda. We don't need to do that.

Why? Because it matters.

When we look at this, one of the issues that I've had over my last few months is: I was driving home one night, and in the midst of all this debate in Washington about Should we curb gun rights? Should we do background checks? Should we do a lot of different things, I thought to myself, I had a father-in-law who grew up shooting, and he talks about the way he would target shoot as he was growing up, shooting squirrels and other things. What I found was—whether it was my father-in-law, TJ, or my daddy, Leonard Collins—they had a commonality. What the commonality was is that they understood that gun ownership also meant gun responsibility.

So, as I was driving home one night, I said, What can we do in the Ninth Congressional District of Georgia to promote responsible gun ownership? Here is that word "responsible" again. We've got to be responsible with what we have.

What we did is we said we're going to have gun safety events. We put on several gun safety events, and well over 300 people attended these events. They were put on by the local sheriff's department for those because what I was also hearing was that many people were going out and buying guns for the first time because they didn't think that guns were going to be around. So, in my district, gun shops were overflowing, and people were buying guns.

I said, What can we do to make sure that gun rights and ownership and our Second Amendment principles are balanced with the responsibility that is given? These people showed up, and they learned. They learned how to store their weapons. They learned how to take care of their weapons. They learned what they should do and shouldn't do.

That is responsible government. That is taking what we do here and making it matter to the folks on Main Street—in the high schools and the stores and the shops that we go into every day. That's what's going to put conservative ideas back on the map—by attaching them to what matters and by attaching them to who and what we are because when we attach it to the dinner table, when we get to the point when we say, This is why it matters, instead of the vast rhetoric of this world, then we will be able to say and people can look at us and say, That's why they think that a balanced budget is necessary, and that's why they be-

lieve that the ObamaCare legislation is so bad, not because we're fighting against a President we don't like, but because it doesn't make sense—and it costs us jobs; it costs us money; it costs our people trust in the government that I hold so dear.

You see, when you understand this, you move to fiscal responsibility or, like I say here, fiscal irresponsibility. Only up here can you talk about it. I was in the State government, and I dealt in similar terms; but I remember in the first 2 weeks I was in this Chamber—and you can debate the good or the bad—we spent \$60 billion. That's three Georgia budgets in 2 weeks. It wasn't that I was not in Georgia anymore. I wasn't in Kansas anymore either, Toto. I wasn't there. Something wasn't making sense. We've got to get back to a fiscal responsibility approach; \$17 trillion in debt is a national disgrace, and it's a national disgrace because you can't go into anyone's household and knock off the zeros—knock off whatever you want to do—and then apply it to your family budget.

If you happen to be watching tonight or if you happen to see this later, I want you to do something. Just apply the same concept to your home budget; and whether you're Democrat or Republican, we can come to the understanding that numbers don't lie and that, when you've got \$17 trillion in debt and when you're taking in this amount of money and when you're spending this amount of money and when you can't reconcile the two, it's not because we're making a better country. It's because we're not making the hard choices that you have to make every day in your homes and in your businesses.

That's what we've got to get back to. That's what this country needs to get back to. It's not about the vast rhetoric. We can debate the big things all we want; but what we've got to understand is when we debate the big things and when we miss the small things, people lose trust in us, and we've got to stop that.

That's why I believe that the Republican budget presents a smart, fiscally sound policy. It balances our Federal budget, and it allows hardworking Georgians and Missourians and North Carolinians and others to actually keep more of their own money. That's a novel concept.

As much as I like this city—and I love to go at night and see Lincoln, and I love to go see the Jefferson Memorial, and I love to look around at the museums and see the history that just oozes from this place—I'll tell you what: I want to come here and spend my money, and I want folks from Georgia to come up here to spend their hard-earned money, their tourist dollars, but I don't want Georgians or anybody else in this country to have to look to

the government to be sending money. I want us to be able to earn that money and to have a free enterprise system that works again and is not crippled by a government that is too big and too large.

In addition to the Federal budget that we passed and balancing it in 10 years, which, again, is a novel concept because, undoubtedly, on the other side of the building here and in other places, they don't ever seem to think a balanced budget is necessary. Explain that to your banker the next time you go in. The House budget cuts \$4.6 trillion over the next decade; it simplifies the Tax Code; it repeals ObamaCare, protects Medicare and increases energy exploration.

Again, we can tell you the "how," and we can tell you the "what," but what about "why"? Why does this matter? Why do these things that I just talked about matter? Because they end up putting more responsibility in individual households; they end up putting more money in individual billfolds; and they end up getting the government back in the proportion it has been.

It has been said many times that fire is a great thing. I love fire. I love a fire outside, and I love a pit outside, but do you know something? That fire is wonderful as long as it's inside and constrained. When it's inside the fire pit, then you cook with it, and you warm yourself with it, and you can make sure that it doesn't burn down the whole forest. But once it gets outside that fire ring, then it can burn down the whole forest. I live up in an area which is inhabited with a lot of forest. We've seen a lot of forest fires, and we've seen a lot of mistakes when using fire.

So I'm just going to say the same thing is true with our budget. What matters in our budget and why it matters, I believe, to most Americans is that we can't allow the debt—the crushing debt—to begin to get outside of that ring, as it has already, and start taking everything else with it.

I wish that the administration felt the same as I did, but they don't. In fact, what happens in their budget, as opposed to balancing, actually, is that it has more taxes, more spending, more borrowing—the same thing that we've gotten into.

I heard a friend across the aisle today talk about the issue of if you do the same thing over and over and expect a different result, it's the definition of "insanity." Well, we're doing the same things over and over again, and we're expecting different results. We actually have to cut spending to get a balanced budget. You actually have to do things in a budget that is so overgrown. The first thing we need to do is to begin cutting. For those of you who say "no"—you're looking at the screen right now and you're saying, No, we've got to raise taxes—remember, we did

that at the end of the year. It's now time for some cutting.

When we looked ahead, I also looked at fiscal responsibility, and that's why I was pleased that this House adopted unanimously an amendment that I had for Camp Merrill, which is where our rangers are trained. What it will do is transfer the land from Forestry to the DOD, which will ensure we save millions of dollars in taxpayer money at Camp Merrill while at the same time providing them with an increased amount of security. In doing so, I believe this just makes common sense.

For some who will say, What does that matter to me? well, it matters when I looked at this situation—and this is inside my district—and they told me that two government agencies—the DOD and Forestry—had been negotiating for 20 years. An agency of the government and an agency of the government, both paid by my and your tax dollars and both serving us as Americans individually and collectively—two agencies—took 20 years and could not come to a resolution. In fact, they almost came to a resolution, and then one government agency wanted \$10 million more at the end.

That is wrong. That is why people look at government and why they look at our government processes and say that it doesn't work, because you can't get away with that in the business world. I've been in the business world as a pastor of a church. If it takes you 20 years to negotiate a simple business proposition, you're going to be bankrupt before you can ever get there. That's why this matters.

We also have to look at a constitutionally limited government. Our Founders envisioned a Federal Government that was strong enough to hold the States together and to protect our Nation but that was limited in its authority in citizens' lives. Unfortunately, many in the current administration—and in the culture in Washington—refuse to accept the limitations placed on them by the Constitution. As Congress, we also have to take back our role.

□ 2100

When we take back our role, then we'll be able to have oversight and control of the purse string, and then we'll be able to do what we do.

Limiting the firepower of Federal bureaucrats and those who work to make de facto law, as my friend from Missouri talked about, through regulation is one of my highest priorities. In fact, when we looked at this, I started with Congressman TED YOHO out of Florida. We started a Freshman Regulatory Reform Working Group. I've introduced H.R. 1493, the Sunshine for Regulatory Decrees and Settlements Act, which has been marked up recently in subcommittee and hopefully will come to the full committee and to the floor of

this House very soon, because I believe regulations are the beginning of the end.

I want to just show you here what I mean by this. The amount of red tape that continues to grow in this administration and, in all fairness, previous administrations is way too much. When we start back at 2000 and we look at the increasing number of regulations, then we see what is happening. We went from the 170,000 to 180,000 up to a quarter of a million. And this is just in this timeframe. Look at the number in the last 5 to 6 years how regulation has just expanded. We cannot continue this path.

Why does this matter to you? Some of you are sitting here saying, Oh, here is just another Republican. Here is just another Republican talking about—he just wants to make dirty water, dirty air, and do all those things. I've heard those arguments, but I, frankly, tired of those arguments because I live here, too. Remember, I said the three reasons I wanted to be here were Jordan, Copelan, and Cameron. I don't want my children and my grandchildren that I have not seen to have dirty water and dirty air and unsafe workplaces, but there is a limit to what government can do. And we have done a lot.

So I want to say this is why—and then you say, If that's just you talking, why does it matter to me? I'm going to tell you why it matters. And it should matter to every tax-paying family in this country, every American, everybody. I don't single out any groups. I take us all as a whole. We're Americans.

How do we know that this affects you? Look right here. What do regulations cost us? The average American family pays \$14,678 in hidden annual regulatory taxes. That's a lot of money. I know in Washington this is just a drop in the bucket, and when we put it out to American families it's just one at a time and people don't care.

I'm going to tell you, from northeast Georgia, \$15,000 will do a lot. For my family—I have a senior and a freshman in high school now, actually the high school I went to. It's amazing that it hasn't changed a whole lot in the only 3 or 4 years since I was last there. Unfortunately, it's almost 30 years now. But what has happened is that amount of money, that \$15,000—if DOUG COLINS' family, if Lisa and DOUG sat down and said, "What can we do with that \$15,000?" or what could Jim and Sally do in south Florida, or over in California or in Arizona or North Carolina when you have families sitting down and talking about their budgets and talking about what they want, here's what they could do. They could buy a new car, a 2013 Ford Fiesta, \$13,200; 2013 Chevrolet Sonic, \$14,185. Or better yet—and I heard it from this well, passionately explained by one of my

friends from across the aisle in talking about education and the importance of education. I believe that as well. What it could do in Georgia is this: it could send their kids to college. One year of tuition and fees at the University of Georgia is \$10,262.

We can talk about these big things all we want. We can talk about \$17 trillion debt. We can talk about budgets that don't balance. We can talk about scandals that are coming out like PEZ dispensers. We can talk about all these things. But in the end it starts back to what I talked about earlier, that it goes back to it doesn't matter what the big picture is and what it is to people if they don't understand why it matters to them.

I'm standing here tonight as a proud member of the Republican Conference, as a conservative. If you don't believe me, just look at my voting record, because I believe conservative principles matter.

Why do they matter? Because I believe they're the very things that we can explain why they matter by looking at things like this and showing where regulations are hurting our businesses and hurting our jobs, and I can explain to you why a \$17 trillion debt hurts us. It takes us away from buying cars, building houses, adding additions, or sending our children to college. That's why it matters. That's why conservative principles matter. And if we haven't done a good job articulating that, then shame on us, because that's what matters. It is the individual families. It is the individual hopes that we share.

So I come to a close tonight in having a wonderful time explaining why I believe conservatism matters and why conservatism is relevant for today. I believe it's individual freedom. I believe it's fiscal responsibility. I believe it's constitutionally limited government. And I will continue to view my decisions through those glasses. And there will be times that we're not all going to agree. And our side, across the aisle, we're not going to agree, but that's what this place is for. It's a place for healthy debate. It's a place in which we can share big ideas.

But if we, as a body, lose the reason we are here, if we lose the fact that we're not here representing always the big ideas or the things that are abstract, when we disconnect ourselves from the dinner table and the coffee shops and the hardware stores, then we have disconnected ourselves from our purpose for being here. Frankly, Mr. Speaker, I don't want to do that.

I'm going to be in this well talking about what matters and highlighting things that may not be real sexy to the press. They may not want to put it in the paper, but it matters to the American people. And I want to encourage our body here in the House and our friends across the way in the upper

Chamber and this administration to say let's come together.

I believe conservative principles matter. I believe conservative issues are what will get us back to the thriving economy and the jobs that we need to be focused on. But it's going to take work, it's going to take explaining, and it's not going to be something we can just brush off. It's going to have to be something that we take seriously so that we can go to the individuals that we see in our grocery stores and our service stations and our high school football games and basketball games and baseball games, and we can look our friends and neighbors in the eye and say, "This is what I'm trying to do. I'm trying to get Congress back to the role of understanding. It's about what happens to you, not what happens to us." When we do that, then America is much better off than what we have.

I appreciate my friend from Missouri being here tonight and discussing these important topics with me. The principles we set forward tonight will help guide not only myself but others in the month ahead.

I also notice that I have been joined by a friend from North Carolina, and I would be happy to yield to my friend from North Carolina if she would like to say something.

Ms. FOXX. I appreciate the gentleman yielding, and I want to compliment you on the job that you've done tonight and say as a freshman that I think you have picked up very quickly on the issues involved here. I commend you for taking the time to explain things so well tonight to the American people.

Mr. COLLINS of Georgia. I appreciate that. And your work here is something I can look up to, and I appreciate that so much, along with my friends from all over, Congresswoman BACHMANN and others, who share this. We've got to share this message. It matters. We can never lose sight. Amongst the 435, we represent 700,000 or more. They're looking to us for good, conservative, commonsense values.

The challenges that our Nation faces are great, but the resiliency of the American spirit is even greater. I'm encouraged by the accomplishments of this body and what we have put forward from the majority and the dedication and commitment of my colleagues on both sides of the aisle. When we look at this, we can never forget the responsibility of the bounty that we have. It can only be matched by our vigilance to the responsibility of the abundance we've been given. If we keep vigilant, then we'll keep our eyes on the right prize, we'll keep our eyes on what matters, and we'll keep our eyes on our families.

And for me, it always goes back to three reasons: Jordan, Copelan, and Cameron, and a beautiful lady I call

my bride of 25 years, Lisa. That's why I'm here, because they represent all the other families and nieces and nephews across this country that we can help if we get our act together and explain to them why this place matters still in our country.

With that, Mr. Speaker, I yield back the balance of my time.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5, STUDENT SUCCESS ACT

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 113-158) on the resolution (H. Res. 303) providing for consideration of the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### AMERICA'S DEBT BURDEN

The SPEAKER pro tempore (Mr. BRIDENSTINE). Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentlewoman from Minnesota (Mrs. BACHMANN) for 30 minutes.

Mrs. BACHMANN. Mr. Speaker, I thank you for the recognition, and I want to thank the Founders and the American people for the privilege of being able to serve in the United States Congress and also for the form of government that they gave to us.

We've just heard a wonderful speech given on why it matters, why it's so important that we stand up for this concept that was given to all of us by our Founders, because this Nation is different from all other nations for a reason and that's why we're so proud of it. And we need to say that once in a while, why it does matter.

There are issues before us now that our Nation is looking at, and it seems like life goes on and we aren't shocked. Yet here in Washington, D.C., we end up being shocked over and over again because most of us come here very normal people, a part of different various levels of the fabric of society. We bring our cumulated experiences here and we deliberate, trying to make the best decisions that we possibly can.

Why? So that our country can be better than it was before. Because the one thing that we know looking forward, we want to make sure what we have now is enhanced not just for ourselves, but for the next generation. There's a reason why we've put so much time into our children, into our nephews and nieces, into our grandchildren—because we know that they're going to carry the baton. We get our moment in the sun for a certain period of our life and then we hand the baton on to the next

generation. That's also a part of why it matters.

Today, I was in the Financial Services Committee, Mr. Speaker. When I was in the Financial Services Committee, we were honored. We had before our committee the Chairman of the Federal Reserve, Mr. Ben Bernanke. He has served faithfully for nearly 10 years. And under his leadership at the Federal Reserve, we've seen extraordinary changes in our financial system. Never before had we seen something quite like the Federal Reserve opening the Fed's discount window to private investment banks. We saw the Federal Reserve giving subsidized access to companies that we had never seen before. We've seen what the results of that have been within our economy.

Many people call this a jobless recovery. Well, a jobless recovery is no recovery at all; because if you don't have a job, if you don't have a good-paying job, if you don't have increased benefits, you've got trouble. You've got trouble because I believe it's all about Americans first, about American wages first, about American jobs first, and about North America benefits first.

I made a note, Mr. Speaker, when I was in committee today. I noted that the debt clock was running. It was on a TV in the Financial Services room. The number 17 was up there, and 17 is \$17 trillion, which is a lot of money. When I came into Congress, Mr. Speaker, we were \$8.67 trillion in debt, and we were all looking around wondering how in the world will we ever pay back \$8.67 trillion in debt. That was January of 2007.

We're now in 2013. So something over 6 years later, we have nearly doubled the national debt. That's the baton that we're handing to the next generation. It isn't a lightweight titanium baton. This is a baton that's made out of one of the heaviest substances on Earth.

What does that mean? That means if you're a runner in a marathon or a runner in a race, you'd much prefer to have a lightweight titanium baton that you're carrying as opposed to a very heavy, weighted-down burden that you're trying to run with. Well, that would be a pleasure compared to what we're handing off to the next generation in terms of debt burden.

This is what I found today, Mr. Speaker, during the Financial Services Committee hearing. We went for approximately 3 hours during the hearing, and I noted that the debt clock was at \$17 trillion, so many billion. But it was at about \$195 million. I watched that debt clock throughout the time that Mr. Bernanke sat at the desk. After about 3 hours, we had accumulated, in this country, an additional \$400 million in debt.

□ 2115

I waited patiently because I had a question that I wanted to ask Chairman Bernanke. And I watched the

numbers go up, and I watched the numbers go up, and I turned to one of my colleagues on my left, Mr. MCHENRY, who serves very honorably from the State of North Carolina. And I said, Take a look, Mr. MCHENRY. The debt has increased over \$50 million just since we got started.

He said, Are you kidding?

I said, No, it really has. Take a look at the clock.

And I looked, pretty soon it was \$75 million. Then it was over \$100 million. And it grew and it grew until in 3 hours time, we added \$400 million to the national debt.

Well, this is the question, Mr. Speaker, that I wanted to ask the Federal Reserve chairman. The number at the top that I've written down is \$16,699,421,095,673.60. What is this? It's the debt limit. Now, why do I put this number up, \$16 trillion. I put that up because something very weird happened in the United States Government.

On July 12 on the Treasury Department's daily debt sheet, they put this up on the Internet, on that daily debt sheet they recorded \$16,699,396,000,000.00, exactly to the penny. That number stayed the same for 56 days straight. Now this is kind of odd because if in 3 hours time you can accumulate \$400 million in additional debt because Washington, D.C., and this Congress and this President just can't seem to figure out how to stop spending more money than they take in, if we accumulate that much in 3 hours, how could it possibly be—and I asked the Federal Reserve chair this question today in Financial Services—how can it possibly be that for 56 days the spending seemingly stood still, and not one additional penny was added to the national debt? How could that possibly be? How could it possibly be that magically by some freak coincidence the national debt stayed at the same exact dollar amount, oh, just \$25 billion or so below the national debt limit. How could that be?

Well, even though he's been the Federal Reserve chair for 10 years, he had no idea how that could happen. In fact, he didn't even know that it had happened. He didn't know for 56 days in a row there wasn't one single change in the debt limit even though in a 3-hour period of time we add over \$400 million in new debt. How could that be?

Well, part of the reason that he speculated is perhaps the Treasury used what they call their extraordinary means to be able to deal with the debt ceiling. You see, Mr. Speaker, what happened is we shattered a ceiling all right. We shattered a glass ceiling. We broke through our debt limit, and we broke through last May 17. But you see, this government wanted to wink and they wanted to nod, and they wanted to play games with the American people. And so for 56 days, they

acted like we weren't spending more money than what we took in.

I know if my children did that to me, that would be called a lie in our house. That is not acceptable to my husband and I. You don't lie to us. One thing that the Federal Government should never do to the people who pay the bills in this country is lie to them. And it seems to me that that's what this number is. For 56 days, they're pretending that we aren't adding any debt when of course we added debt because on today's debt clock, we're over \$17 trillion.

Why does this matter? Why is this so important? Because this body is about to engage a policy that will structurally change this country forever. And, Mr. Speaker, it's dealing with the issue of granting perpetual amnesty to tens of millions of illegal aliens. Why does this matter? It matters on so many different levels because, as I've shown in this chart, we're broke. We're broke because this is top number, the debt limit, this means that we owe this money. We don't have it sitting in a vault somewhere. As a matter of fact, if you go to the U.S. Treasury and you open it up, you don't open it up and find stacks of \$100 bills. Moths and feathers fly out. There's nothing in there if you go to the vault. There's nothing in there; that's the problem. And we're making the problem worse and worse and worse.

And at the worst possible time, Mr. Speaker, now the United States Congress is considering adding trillions of dollars more. And the current estimate by the Heritage Foundation is that we would be adding \$6 trillion more because you see, Mr. Speaker, amnesty is terribly expensive. It costs a fortune because the estimate is that the average illegal alien that comes into the United States is approximately 34 years of age. They come in with less than a 10th-grade education. And by the time they are 34 years of age, they usually aren't going back to school to get a high school diploma, much less a college degree. And so what we have found statistically is that the average illegal alien who comes in does pay taxes. They pay somewhere in the neighborhood of \$10,000 a year in taxes, gas taxes, sales taxes, various user fees they'll pay. But the other estimate is they pull out of the U.S. Treasury over \$30,000 a year in public subsidies and benefits. This is extremely expensive.

That means for each person who comes in, we're looking on average at a cost of over \$20,000 per person per year. So rather than adding to our society in the form of adding to our Treasury, we're drawing down from the Treasury. We're going backwards faster than even this debt clock is showing us.

Well, what's the answer? I'll tell you what I'm hearing from home, Mr. Speaker. People are saying, MICHELE, can you tell me why in the world we are not actually securing our border?

I say, You know, you're asking a very good question. Ronald Reagan promised us back in the mid-1980s when he said I have a one time deal for you: We will give amnesty to 1 million people that are in this country.

Sounds like a lot of people, 1 million people. That 1 million people turned into 3.6 million people. Why? Because when people heard that there was going to be a great gift that was going to be given, more people wanted in on that gift. And so more people came across the border, and 3.6 million people were granted amnesty.

And we were told the border would be secured. And 27 years later, we're still waiting to have that border secured. A promise was given, but a promise wasn't kept.

And, Mr. Speaker, we went even further than that. In this very Chamber in the House of Representatives, we passed another bill dealing with border security because people said, What's going on? It isn't 1 million people now in this country that are illegal, now it could be 5 million, it could be 10 million. So back in 2006, this body decided in its wisdom it would pass a bill to actually secure the border to the point where we would even build a fence. So this body passed a bill. It was passed in the Senate. It went to President Bush's desk. It was signed into law, and this body agreed, we will build a fence on our southern border. And what's more than that, something that Congress doesn't often do, it paid for the fence. It actually appropriated the money. We actually gave the money to build the fence, the design, the whole works. We were going to get her done.

Here we are, Mr. Speaker, 27 years after the promise made by Ronald Reagan, no fence. Seven years after the bill passed the House of Representatives and was paid for, no fence.

My question, Mr. Speaker, where's the fence? If we don't have a fence 7 years after we passed a law, where's the money? I think the American people have the right to ask, Give me my fence or give me my money back. What's going on? We need to get some answers. You see, that's why when we have this phony bill that came out of the United States Senate that said legalization first for illegal aliens, border security probably never, the American people looked at that bill and they said, Are you kidding me?

You see, Mr. Speaker, the American people are pretty smart. They're not going to be taken for a ride a third time. It's the old saying: fool me once, shame on you. Fool me twice, shame on me.

The American people are saying no dice; we're not going to have anything to do with this this time because the times have changed. You see, the economy has soured since 1987. The economy has soured since 2006. We have massive unemployment like we have



not seen for decades. And in the midst of this unemployment, Mr. Speaker, we have 22 million Americans today that are looking for a full-time job, 22 million Americans. And we're going to legalize by granting amnesty to tens of millions of new illegal aliens who would come into this country and compete for jobs that 22 million Americans citizens would love to have? This doesn't make any sense.

You see, the United States Chamber of Commerce came out with a brand new survey. They went to the number one job creators of this country, who are small businesses. And small businesses said, three out of four of them, as a matter of fact, said that ObamaCare is causing them to fire their full-time workers. ObamaCare is causing them to reduce the number of hours that their full-time workers have, and they're actually looking also at only hiring part-time workers.

In fact, this isn't just big business or just small business. A letter came out from three unions that was sent to Speaker PELOSI, and also Majority Leader HARRY REID in the Senate, and it said this. It was from James Hoffa, who signed one of the letters from the Teamsters union.

He said, Hey, Mr. President—and I'm paraphrasing—we were with you. As a matter of fact, we put boots on the ground for you, Mr. President. We got you reelected in this last election, Mr. President. We went out and said your bill was a good bill, Mr. President. You told us that if we liked our health care, we could keep it, Mr. President. And they're saying that's not what's happening. Because we fought for the backbone of the middle class, which is a 40-hour work week. And now—I paraphrase in this letter—Mr. Hoffa said that now we are looking at a new normal. And the new normal for the American workforce is a 30-hour work week. Thirty hours.

So now you have the American people who would have to support their families, pay their mortgage, buy their groceries, pay for their car, on a 30-hour work week.

And guess what, Mr. Speaker? That would be without health care. And so there's steam coming out of the ears of these unions. They're so angry because they're saying all that the unions fought for, to have a decent wage and to have decent benefit packages for the American people, they're seeing it go out the window. And at the same time, they're being expected to fall in line with the President's agenda and go along with amnesty for tens of millions of illegal aliens who are going to be fighting for those 30 hour a week jobs? Are we out of our mind?

I go back to the beginning of what I started saying, Mr. Speaker, and it's this: we are looking at handing the baton to the next generation. And what is it we're leaving them? What is it

that we're giving them? Are we giving them more jobs? It doesn't look like it. Job rates are falling. Labor participation rates are falling.

Are we giving them higher wages? I don't think so because when President Obama took office in 2008, the average household income was \$55,000 a year. And then a story came out this last year that the average household income has dropped from \$55,000 to \$50,000 a year. A study came out this April, a Harvard study. It said that a loss in the average household income can be attributed to illegal aliens in the United States in the amount of \$1,300 a year. Now that might not seem like a lot of money to the big elites in this country who think it would be great to have amnesty for illegal aliens, but it sure as heck means a lot, \$1,300 a year, to someone who's making it on \$50,000 a year for their annual household income. I'm here to tell you, Mr. Speaker, there's a lot of people who would love to make \$50,000 a year for their annual household income, and they can't get anywhere near that.

And so why in the world, I ask you, would we want to disadvantage a woman who is a Hispanic who works in this country. Maybe she is doing her best working as a waitress, maybe she's working in an office, maybe she's working cleaning hotel rooms to try and help her family out.

□ 2130

Why in the world would we disadvantage her by bringing in more people to compete for her job and to compete for her benefit package?

Why in the world would we disadvantage African American youth in the inner city who have an unbelievable unemployment rate, who, in the last few summers, they've gone as high as 46 percent unemployment. My heart breaks for African American kids in inner cities who haven't been able to get jobs.

And we're thinking that we need to trip over ourselves and help President Obama achieve his number one political goal in his second term?

We're barely 6 months into President Obama's second term, and, why, I can't begin to understand, are we tripping over ourselves to make sure that we have even more competition for the low-skilled workers who are having trouble even finding jobs and even finding wage and benefit packages.

We can do so much better than that, Mr. Speaker. I know we can. That's why we've got to focus on border security, because border security is what the American people are asking of us because it's America first, American jobs first, American wages first, and American benefits first. Benefits are expensive, and we need them.

I also would like to talk for just a moment about other people in this economy that are looking to us for a

little help and a little relief right now, and that's senior citizens, because senior citizens tend to live on a fixed income, and they're nervous. They're nervous that their money isn't going to be worth what it was; and they should be, because, you see, when, as I said, this is the fiction that we were all told, that at \$16 trillion, which is our debt, and of course it isn't. It's well over \$17 trillion now.

When the Federal Government continues to spend money that it doesn't have, and so it quite literally just makes it up, let's face it. The Federal Reserve chair, Ben Bernanke, was asked in committee today, in Financial Services, Mr. Bernanke, does the Federal Reserve, when it borrows money, does it print money? Is that what it's doing?

And his answer was, well, not literally. But the point being, yes, they make it up. They make it up in the form of a computer with digits in it. And so somebody, every morning, gets out the magic fairy fingers and writes on the magic fairy keys, and the Treasury Department puts a request to the Federal Reserve, and the Treasury Department says to the Federal Reserve, in essence, say, Federal Reserve, we're about, oh, maybe \$4 billion short today. Do you think you could loan us some money?

And the Federal Reserve says, sure, we'll be happy to. So they type on their keys. Here's \$4 billion. And in exchange, the Treasury Department sends over an email that says IOU \$4 billion. Everybody's happy. So one hand reaches into this pocket and hands money to this pocket.

The only problem is, Mr. Speaker, there's no money that ever gets exchanged. It's just a conversation, a made-up conversation.

How does that impact a senior citizen, Mr. Speaker, who's at home listening right now, who has, let's say, \$30,000 sitting in a bank? And they're hoping that that \$30,000 can still buy them a year from now \$30,000 worth of goods.

Well, when you keep talking to each other, the Federal Reserve to the Treasury, and you're just making up money, all that does is lower the value of what a senior citizen has in the bank. So rather than \$30,000 in the bank, at the end of the year, maybe that's worth \$29,500. Maybe that's worth \$29,000, because the value of that money keeps getting diluted and diluted and diluted because the Federal Government, in essence, is stealing the value of what these senior citizens put in the bank. It is a form of legalized theft.

Now, what morality is it that allows a government to steal from senior citizens, steal future opportunities from the next generation?

I call that immorality. Theft is immorality. You don't steal from your

grandparents. You don't steal from your parents. You certainly don't steal from your children. But yet that's what we're doing.

And then when we add in this consequential issue that will structurally change America forever, and we're telling ourselves that we have an obligation to grant amnesty to tens of millions of illegal aliens?

Let's talk for a second about that bill in the Senate. The bill that the Senate passed is perpetual amnesty. It would never again allow for the Federal Government to meaningfully be able to deport any illegal alien ever again.

It almost works like magic. An illegal alien gets into the United States, all they have to do is say the magic words to the ICE agents who may pick them up, and they say, I want to apply for political asylum. Once they say that—this may shock some of the people who are watching tonight—once an illegal alien says to an ICE agent, I want to apply for political asylum, they would be granted, at taxpayer expense, a lawyer, and that lawyer would help them to gain their U.S. citizenship. What a deal.

So you come into the United States, you eventually are on your "path to citizenship," at taxpayer expense. And what form of benefits would be available to you?

Well, under the Senate bill, you can immediately get a Social Security card, and you can immediately get access to a driver's license.

If you have a Social Security card, Mr. Speaker, and if you have access to a driver's license, there's an awful lot of advantages that you could have very quick. You can apply for a lot of public subsidized benefits that can be yours, and you've got an identity, and you're on your way.

What I don't understand, Mr. Speaker, is that in this country we're generous. We're extremely generous. Every year we allow 1 million people who are not American citizens, who are foreigners, we welcome with open arms 1 million people a year as new U.S. citizens into this country. That's amazing.

We've got something over 300 million people, and we say come in, a million every year.

Mr. Speaker, if you look at all the countries in the world, there's over, what, 120 countries, more than that in the world. If you add up every country in the world, Mr. Speaker, and a lot of countries have a lot more population than we have, if you add up all those countries combined, they don't allow as many new immigrants into their countries, in all the countries of the world, as the United States of America does in 1 year.

We are amazing in our generosity. Plus there are 4 million people on a waiting list every year waiting to get into the United States. We have a system of immigration. We have a system that's worked for years.

The problem is, we have a lot of people that don't want to wait for that system to work. Four million people are waiting, are on the waiting list now. One million people got in this year, legally.

Why is it, again, that we are tripping over ourselves to help the people who have broken our laws, who are in this country?

Why is it that we aren't saying to those people, we have a waiting list; you need to go and apply and get on the waiting list and wait your turn, and then you can come into the country too.

Why are we trying to figure out a way to fast-track the illegal people?

Shouldn't we be apologizing to the people then, the 4 million people who are on that waiting list?

I also wonder—people ask me, Mr. Speaker—I also wonder why that's our top priority. Why wouldn't our top priority, Mr. Speaker, be the 22 million people who are American citizens who are looking for full-time employment right now?

Shouldn't that be our top priority, trying to figure out how we can find them a job?

You know, it's really interesting to me, in the survey that came out today from the Chamber of Commerce, they found that of all the small businesses in America, only 17 percent, fewer than one out of five small businesses hired anybody in the last 2 years.

I'm going to say that again. The Chamber of Commerce found in a survey that of all the small businesses in America, less than 17 percent, less than one out of five small businesses, and they're the engine of this economy, hired anybody on a full-time basis in the last 2 years.

That's a very sad commentary. There's not a lot of hiring. That's why I say America first, jobs first, wages for Americans first, benefits for Americans first. That's how sad this "jobless recovery" has been, which is no recovery at all.

Here's what's even worse. Less than 20 percent of small businesses say that in the next 2 years do they have any plans at all to hire.

If we know that only 17 percent of small businesses have hired in the last 2 years, and less than 20 percent will hire in the next 2 years, I don't think that we should be giving amnesty to tens of millions of illegal aliens.

Let's focus, Mr. Speaker, on America first. Let's focus on finding jobs for those 22 million who are looking for full-time jobs. Let's focus on increasing the wages for American workers first, and let's focus on increasing the benefit packages for Americans first. That's what we need to do, Mr. Speaker.

And I thank the American people for this opportunity to be a Representative and stand in the greatest well that there is in the world.

I yield back the balance of my time.

#### IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Iowa (Mr. KING) for the remainder of the time until 10 p.m.

Mr. KING of Iowa. Mr. Speaker, I want to say, first it's a privilege to be recognized to address you here on the floor of the House of Representatives.

And it's also interesting and engaging to listen to the gentlelady from Minnesota as she delivered her presentation here tonight with typical vigor and precision.

I looked at that poster, and it was very interesting to me. And so I see that \$400 million in 3 hours, and I divide that out, multiply it times 24, then multiply that times 56 days, and I come up with a number that's \$179.2 billion increased national debt in the period of time that none is registered.

And so putting this in perspective, it's just another example of an administration that hasn't been straight with us.

So, I come here, Mr. Speaker, to address this situation of immigration, as the gentlelady from Minnesota has. It's something that's important for all of us to understand the big picture, the full picture. And it is about economics, it's about culture, it's about civilization, it's about balancing our budget, it's about the vitality of the United States of America, and we have to be weighing all of these factors.

The immigration issue is the most complex and the most far-reaching topic that we ever deal with here in the United States Congress. And we think that ObamaCare is complicated. It is. It's a lot of pages of legislation. But also the bad things that are flowing from it were predicted here from this spot by many of us on our side of the aisle. It was understandable for us.

But because it's somewhat objective to be able to look at the formulas and see what's going to happen and know what insurance policies do, the immigration issue goes deeper. And it's the multiplication of current demographics and how they blend with future demographics, and what we might do, and all of the things that flow from it.

So as the gentlelady from Minnesota said, the net cost on the Senate's Gang of Eight bill turns out to be \$6.33 trillion, \$6.3 trillion, Mr. Speaker. And that's what that group will generate. Let's see—the net cost, \$6.3 trillion, they will pay, there's \$9.4 trillion all together dealing with this. There will be \$3.1 trillion in taxes paid. The benefits, \$9.4 trillion in benefits drawn down by the group of people who would be given amnesty under the Senate version of the bill.

They would pay \$3.1 trillion in taxes over their lifetime, and the net figure

would be \$6.3 trillion that would come out of the pockets of the taxpayers to add on to that nearly \$17 trillion in national debt that we have today.

And the study that was done by Robert Rector of the Heritage Foundation, I saw a little piece on the Internet here a couple of nights ago where someone described it as “the much maligned study.” Well, I’m occasionally the much maligned Member of Congress, but I don’t notice that that makes me any less accurate or any less factual in the positions that I take. They are soundly based, and so were the analyses and the study done by Robert Rector in his study to show us the net cost of the amnesty act that’s passed out of the Senate today, and not yet messaged to the House, but passed out of the Senate.

And that’s just the economic cost. And he showed, by formula, there are always exceptions to this. When you’re dealing with human beings, there are always exceptions.

But by formula, the newly arriving, those that are here illegally, those that would come in the next waves or two, as Mrs. BACHMANN said, there’d be an average of about a tenth-grade education. People who are high school dropouts or high school graduates, on average, cannot sustain themselves in this society without welfare benefits.

We are a cradle-to-grave welfare state. We have at least 80 different means-tested welfare programs in the United States.

□ 2145

They range from the food stamp program to temporary assistance to needy families to the WIC program. And it goes on and on. The heat subsidies, rent subsidies. No one has them all memorialized, Mr. Speaker, which means no one can figure out how they interrelate with each other, how they interact with each other, or how people react on that interaction of those 80 different means-tested Federal welfare programs.

But we know this. At a certain point, if you pile on more and more welfare, even those who are quite ambitious are eventually going to be living better than those that are working hard and smart. And so what it does is in a way it bribes people to leave the workforce and go on the welfare roles or transition from the workforce into the welfare roles. That’s going on all over America. That’s one of the reasons why, in this country of about 316 million people in this country, we have so many people that are on the welfare system and this workforce that Mrs. BACHMANN talked about of 22 million who are looking for a full-time job.

Here’s some other data from the Department of Labor’s Web site. You go and look at the numbers there of those who are simply not in the workforce. They might have retired early on their

own money, they might be on SSI disability, they might be on anything, all but unemployment. Those folks might be homemakers. They might be in school. They might be doing nothing. But when you add all of them up that are simply not in the workforce, of working age, that number comes to over 88 million people. And when you add the official unemployed to that, some number approaching 13 million people, it’s clear that for the last 5 to 6 years we have had over 100 million people in this country who are simply not in the workforce but are of working age.

Now, I don’t conclude that every one of them can go to work or are suitable for work, but I would say this. If we need more workforce, Mr. Speaker, why in the world would we grant amnesty, a path to citizenship, and full access to those 80 different means-tested Federal welfare programs for 11 million or 22 million or 33 million people that are in the United States illegally? Why would we give them American jobs when we have Americans here who are not in the workforce?

One of the jobs we should do in this Congress is constantly be thinking and pushing and promoting legislation that increases the average annual individual productivity of the people in our country. And I watched as some of the libertarian CATO economists will tell us, well, we have to open our borders and bring in 11 million or 22 million or 33 million or 44 million or 55 million people because that’s how we grow our economy, and we can’t grow our economy unless we do that. Some even say that the fertility rate is higher with newly arriving immigrants, especially illegal immigrants. I think that that’s drawing a conclusion that’s not necessarily supportable by the data that’s out there. It might just be by observation.

But to bring people in and give them jobs while Americans are looking for jobs is the wrong thing to do. And just because somebody increases the GDP doesn’t mean they’re a net contributor to our economy or our society. Say there’s someone 50 years old and never worked a day in their life and never lifted a finger. It’s completely possible in this society today. That person hasn’t contributed to the GDP by anything they’ve produced, perhaps by what they’ve consumed, but at best they can be break even. They can’t be a net increase.

But if that individual goes out and does an hour’s worth of work and receives an hour’s worth of pay and produces an hour’s worth of product, good, or service that has marketable value here or abroad, they’ve contributed to the gross domestic product by the value of that hour’s work that they’ve contributed.

So, by that theory, CATO economists say all the people that we would legal-

ize in amnesty that are illegal today, presuming that they will work, they will help grow our economy. Sure, they would, but they also would contribute to the necessary loss to the taxpayers because they can’t sustain themselves.

That doesn’t mean that there aren’t good, smart, productive legal immigrants that can contribute and can be a net increase to our economy. There are quite a number of them, if you count them. But statistically, by a wide margin, the lower and undereducated cannot contribute. They cannot be a net contributor to this society. That’s proven clearly by the Heritage Foundation study done by Robert Rector. It’s something the American people need to look at. It’s not been effectively rebutted by the people that disagree. They have another agenda.

So I have put this argument out in this way, Mr. Speaker. I used to take the position that there was nothing in the Senate Gang of Eight amnesty bill that was good for the American people. Why would Americans do this? Why? Mark Steyn wrote an op-ed about 3 or 4 months ago. He laid out some of the data, and the last sentence was one word, a question, “Why?” Why would America do this? Why would we bring in the equivalent of the population of Canada and throw in New Zealand’s population while we’re at it, if I remember his statement correctly. Why?

Well, not because it contributes to the social, economic, or cultural well-being of the United States of America. That wouldn’t be why. That is what kind of an immigration policy we need, yes. But it’s because it isn’t true that no Americans benefit from this. If you look at narrow self-interests, there are three categories of Americans that benefit from the illegal immigration that they would like to see legalized and they would like to see the perpetual flow of new illegal immigration coming in so there are people lining up for the next amnesty. There are three classes of people, three categories of people.

One is the elitists that believe that somehow they’ve got a birthright to live in gated communities and have cheap labor to clean their houses and mow their lawns and weed their flower gardens and maybe wash their car and make sure their lives are as smooth as they’d like to have them be. That’s an elitist attitude if they think they want to have discounted labor to do that.

I had a meeting with a group of elitists in the great Northeast and one of them said to me, I went down to the day labor parking place and I needed somebody to come up and weed my garden and clean up around the place. I offered him \$15 an hour, and nobody would take the money. You’ve got to pass an immigration bill. I don’t have enough access to people that can take care of my lawn and my garden and my yard. He thought \$15 an hour should

have hired anybody, but I'm really certain that it's been a lot of years since he's worked for \$15 an hour.

So I said to him, If you can't hire somebody to mow your lawn and if you don't have time to do that yourself, maybe you should get an apartment down in the big city and sell your house to somebody that can either pay the wages necessary or do it themselves. That's how the economy has to work. It's supply and demand. And the value of a commodity in the marketplace is determined by supply and demand, Mr. Speaker. Whether it's corn or beans or gold or oil or labor, it's supply and demand.

And people say, well, there's work that Americans won't do. I completely reject that theory. It's offensive to me to hear from elitists that there's work that Americans won't do. I don't know if you can find work that my family hasn't done. I'm pretty confident you can't find work we've refused to do. But we try to be, I often say, hard-working Americans.

Well, we also have to be smart-working Americans. Smart and hardworking Americans. It's not good enough in this society to just work hard anymore. You've got to work smart at the same time.

So, when we do that, we market our wages to the point where we can sustain ourselves in this society. Or, if you can't get that done, you supplement it by some of the 80 different means-tested Federal welfare programs. But when you think that there's work that Americans won't do, when people say that, I would argue, no, I think that you can hire an American to do anything, anything that's decent and just and right and moral.

There's honor and dignity in all work. You just have to bid up the price until you get the people to do the work. I've had to do that in most of my business life.

I started a construction company in 1975. And, yes, I had to hire people, and I was proud of the work we did. We put some long, hard hours in in difficult conditions. But in order to have people show up for work the next day, you had to pay them an adequate wage for the day before. And when I found that I couldn't hire the right people for the wages I was paying, I raised the wages and I increased the benefit package, and we hired the people we needed and we kept the people that we needed. That seems to be beyond the realm of the way of thinking of a lot of elitists' attitudes here that say there's work that Americans won't do.

So I just say, okay, I'll prove it to you. Somebody is going to have to front the money to do this. But I'd say this. I can hire Bill Clinton to mow my lawn. I might have to pay him a million dollars, but I could hire him to mow my lawn. I might have to pay him \$2 million or \$10 million, depending

how much I might want to tease this situation.

But you understand my point, Mr. Speaker. You have to bid it up. At some point, somebody's going to take the bid. Just like when you're waiting to get on an airplane and somebody has to get bumped from a seat and they start to auction that off and say, I'll give you a \$400 ticket to fly someplace else. Somebody decides to take that. If not, they up the ante again and again. Up the ante, up the ante, and somebody will take the bid. You auction this off in a way until somebody steps up to do the work.

Americans will always do the work, Mr. Speaker. We have always done the work. And we need to keep the work here at home and we need to make sure that the people in this country that have the skills and have the desire are going to work. If they don't have the desire, it might just be that the safety net that is our 80 different means-tested welfare programs has turned into a hammock and they've gotten lazy on us. If that happens, you need to dial that down a little bit so the hammock is no longer so much a hammock as it is a safety net. When that happens, some of those folks will decide, I'm going to climb out of this safety net and I'm going to go to work, and I'm going to contribute to the GDP and I'm going to earn enough that I can sustain myself and my family.

There was a time not that long ago—25 years ago, maybe now 30 years ago—when a young man could grow up and graduate from high school and look over to the beef plant and decide, I want to get a job there and go punch that time clock and make good wages and make my living in there processing meat. And you need that if you are going to eat it, anyway. So they would aspire to do so and go punch that time clock and work there every day, and they would work there for 40, 45 years. And they would be making, each year, about the same amount of money as a teacher does with a college degree. And that went on until they started bringing illegal labor in to drive the wages down in the packing plant.

Today, teachers are making about twice as much as that guy that's working in the packing plant. And that young man—especially young men, and young women also. But that young man now that decides that he doesn't have a future ahead in college, he can no longer go in and punch the time clock and make a living and pay for a modest house over a lifetime and maybe provide an opportunity for his kids that want to go to college. That opportunity isn't there anymore.

So they drift off onto the welfare programs, and some of them drift off into drugs and some of them leave the community because they're being underbid by people who will work cheaper, that are more mobile, that aren't lawfully

present in the United States, that came here to live in the shadows. And my colleagues will say, well, we have to bring the 11 million out of the shadows because it's the right thing to do. Well, is it? What's our moral obligation for those folks?

I believe in the dignity of every human person. I think we owe them that respect and that dignity. But to solve a problem that they created by their own action by sacrificing the rule of law and rewarding people who broke the law with a path to citizenship, American jobs, the right to vote as a reward for breaking the law, do you think, Mr. Speaker, they're going to raise their children then to respect the rule of law if they're the beneficiaries of breaking it by the tens of millions—11 million, 22 million, 33 million, maybe 44 million people? It changes the culture in the United States of America when you inject millions of people in who are rewarded for breaking the law.

My friends down in the Senate side and some here in the House will say, But they have to go to the back of the line. It's not amnesty. They're going to have to pay a fine. They're going to have to pay back taxes. It's an onerous road to get to citizenship under the plan of the Gang of Eight.

Well, is it as onerous as maybe living in the shadows? They're not living in the shadows, Mr. Speaker. They come into my office. They plug their Obama phones in to charge them, which is about the height of an entitlement attitude. They're not living in the shadows. They're out in the open lobbying Congress as open and blatant as can be with disrespect for the rule of law. They erode the rule of law.

By the way, for the 11-plus million people, outside this country there are at least 5 million who respect the law, who are lined up in their home country the right way to come into America the legal way. And what do we say to them? We're going to take 11 million or 22 million or 33 million people and we're going to make them go to what we define as the back of the line? But if it's in the United States, it's not the back of the line. The line is outside the United States, 5 million long. So are they going to say, Go to the back of line; go back to your home country and get in the back of the line?

Have you ever, Mr. Speaker, stood in a line and thought, Well, I'm almost there. It's been a long wait. I want to get into the movie theater. Maybe I've got to visit the men's room, and the line gets longer on you instead of shorter. What's more frustrating than having respect for rules and the rule of law and having to back up because somebody else cut in front? And how long are you going to have patience with that?

I oppose amnesty. I oppose perpetual and retroactive amnesty, and I support

the rule of law. I'm going to continue to defend this rule of law and defend this country so that we can send to our children the promise that came from our Founding Fathers: the future of an American destiny above and beyond the Shining City on the Hill.

Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HORSFORD (at the request of Ms. PELOSI) for today on account of medical mandated recovery.

Mr. LEWIS of Georgia (at the request of Ms. PELOSI) for today.

#### BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on July 17, 2013, she presented to the President of the United States, for his approval, the following bill:

H.R. 2289. To rename section 219(c) of the Internal Revenue Code of 1986 as the Kay Bailey Hutchison Spousal IRA.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 p.m.), under its previous order, the House adjourned until tomorrow, Thursday, July 18, 2013, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2261. A letter from the Under Secretary, Department of Defense, transmitting the fiscal year 2011 report entitled, "Operation and Financial Support of Military Museums"; to the Committee on Armed Services.

2262. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, "Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account", for the period ending March 31, 2013; to the Committee on Armed Services.

2263. A letter from the Acting Under Secretary, Department of Defense, transmitting a report on the Federal Voting Assistance Program's 2012 Post-Election Report to Congress; to the Committee on House Administration.

2264. A letter from the President, National Council on Radiation Protection and Measurements, transmitting the 2012 Annual Report of an independent auditor who has audited the records of the National Council on Radiation Protection and Measurements, pursuant to 36 U.S.C. 4514; to the Committee on the Judiciary.

2265. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Bay Swim VI, Presque Isle Bay, Erie, PA [Docket Number: USCG-2013-0311] (RIN: 1625-AA00) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2266. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mississippi River Mile 95.5 — Mile 96.5; New Orleans, LA [Docket Number: USCG-2013-0188] (RIN: 1625-AA00) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2267. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Delaware River Waterfront Corp. Fireworks Display, Delaware River; Camden, NJ [Docket Number: USCG-2013-0496] (RIN: 1625-AA00) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2268. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wicomico Community Fireworks Rain Date, Great Wicomico River, Heathsville, VA [Docket Number: USCG-2013-0386] (RIN: 1625-AA00) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2269. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Significant Issue Revenue Procedure (Rev. Proc. 2013-32) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2270. A letter from the Secretary, Department of Energy, transmitting a report entitled, "U.S. Department of Energy Naval Petroleum Reserve No. 3 Disposition Decision Analysis and Timeline Report to Congress"; jointly to the Committees on Armed Services and Energy and Commerce.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. FOXX: Committee on Rules. House Resolution 303. Resolution providing for consideration of the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes (Rept. 113-158). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MURPHY of Pennsylvania (for himself, Mr. GENE GREEN of Texas, Mr. DENT, Mr. DIAZ-BALART, Ms. MATSUI, Mr. BURGESS, Mr. SHUSTER, Mr. SARBANES, Mr. FORTENBERRY, Mrs. CAPITO, Mr. JOHNSON of Ohio, Mr. VELA, Ms. HANABUSA, and Mr. SCHOCK):

H.R. 2703. A bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health

centers under section 330 of such Act; to the Committee on Energy and Commerce.

By Mr. MICHAUD (for himself and Mr. MILLER of Florida):

H.R. 2704. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to submit to Congress a Future-Years Veterans Program and a quadrennial veterans review, to establish in the Department of Veterans Affairs a Chief Strategy Officer, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DENHAM:

H.R. 2705. A bill to develop a pilot program to remove non-native predator fishes from the Stanislaus River to protect the native anadromous fishery resources affected by the operation of the New Melones Unit of the East Side Division of the Central Valley Project, and for other purposes; to the Committee on Natural Resources.

By Mr. YARMUTH (for himself, Mr. POLIS, Ms. BONAMICI, Ms. NORTON, Mr. RAHALL, Mr. CONNOLLY, Mr. COHEN, and Mr. CARTWRIGHT):

H.R. 2706. A bill to establish a comprehensive literacy program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CHABOT (for himself, Mr. SIMPSON, and Mr. GRAVES of Missouri):

H.R. 2707. A bill to direct the Administrator of the Environmental Protection Agency to carry out a pilot program to work with municipalities that are seeking to develop and implement integrated plans to meet their wastewater and stormwater obligations under the Federal Water Pollution Control Act, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. LEVIN, Mr. NUNES, and Mr. RANGEL):

H.R. 2708. A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mr. LEVIN, Mr. NUNES, and Mr. RANGEL):

H.R. 2709. A bill to extend the Generalized System of Preferences; to the Committee on Ways and Means.

By Mr. CULBERSON (for himself and Mr. BISHOP of Utah):

H.R. 2710. A bill to amend the Elementary and Secondary Education Act of 1965 to restore State sovereignty over public education and parental rights over the education of their children; to the Committee on Education and the Workforce.

By Ms. JENKINS (for herself and Mr. BRADY of Texas):

H.R. 2711. A bill to amend title 5, United States Code, to establish certain procedures for conducting in-person or telephonic interactions by Executive branch employees with individuals, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself and Mr. ENGEL):

H.R. 2712. A bill to provide certain requirements for the licensing of commercial nuclear facilities; to the Committee on Energy and Commerce.

By Mr. MEADOWS:

H.R. 2713. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain from the sale or grant of conservation easements and to allow the sale or

grant of conservation easements in the case of the special estate tax valuation provisions for certain farm and other trade or business real property; to the Committee on Ways and Means.

By Mr. MEADOWS:

H.R. 2714. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to assign to another taxpayer the amount of the unused charitable deduction for qualified conservation contributions; to the Committee on Ways and Means.

By Mr. MICHAUD (for himself and Mr. WELCH):

H.R. 2715. A bill to amend the Internal Revenue Code of 1986 to include biomass heating appliances for tax credits available for energy-efficient building property and energy property; to the Committee on Ways and Means.

By Mr. MORAN:

H.R. 2716. A bill to amend the Internal Revenue Code of 1986 to provide for offsetting certain past-due local tax debts against income tax overpayments; to the Committee on Ways and Means.

By Mr. ROSKAM (for himself and Mr. DEUTCH):

H.R. 2717. A bill to authorize further assistance to Israel for the Iron Dome anti-rocket defense system and authorization for co-operation on the David's Sling, Arrow, and Arrow 3 anti-missile defense systems; to the Committee on Foreign Affairs.

By Mr. YOUNG of Alaska (for himself and Mr. COLE):

H.R. 2718. A bill to empower federally recognized Indian tribes to accept restricted fee tribal lands, and for other purposes; to the Committee on Natural Resources.

By Ms. NORTON:

H. Res. 304. A resolution expressing support for dancing as a form of valuable exercise and artistic expression, and for the designation of July 27, 2013, as National Dance Day; to the Committee on Energy and Commerce.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MURPHY of Pennsylvania:

H.R. 2703.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clauses 3 and 18 of the Constitution of the United States.

By Mr. MICHAUD:

H.R. 2704.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18—"The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. DENHAM:

H.R. 2705.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the common defense and general welfare of the United States) and Clause 18 (relating to the power to make all

laws necessary and proper for carrying out the powers vested in Congress).

By Mr. YARMUTH:

H.R. 2706.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution.

By Mr. CHABOT:

H.R. 2707.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

"To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

By Mr. CAMP:

H.R. 2708.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1—The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. CAMP:

H.R. 2709.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I of the U.S. Constitution.

By Mr. CULBERSON:

H.R. 2710.

Congress has the power to enact this legislation pursuant to the following:

Tenth Amendment, Constitution of the United States.

By Ms. JENKINS:

H.R. 2711.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18,—"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

To better insure the due process rights guaranteed in Fifth and Fourteenth Amendments to the United States Constitution

By Mrs. LOWEY:

H.R. 2712.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18.

By Mr. MEADOWS:

H.R. 2713.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8 of Article 1 of the United States Constitution which reads:

"The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts, and provide for the common Defense and General Welfare of the United States; but all Duties and Imposts and Excises shall be uniform throughout the United States."

By Mr. MEADOWS:

H.R. 2714.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8 of Article 1 of the United States Constitution which reads: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts, and provide for the common Defense and General Welfare of the United States; but all Duties and Imposts and Excises shall be uniform throughout the United States."

By Mr. MICHAUD:

H.R. 2715.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. MORAN:

H.R. 2716.

Congress has the power to enact this legislation pursuant to the following:

This Bill is enacted pursuant to Article I, Section 8 of the United States Constitution which provides Congress with the power to lay and collect taxes and regulate commerce among the several states.

By Mr. ROSKAM:

H.R. 2717.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution

By Mr. YOUNG of Alaska:

H.R. 2718.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. SMITH of Missouri.  
H.R. 154: Mr. COOPER.  
H.R. 176: Mr. HUDSON.  
H.R. 184: Mrs. BUSTOS.  
H.R. 285: Mr. TAKANO.  
H.R. 310: Mr. WELCH, Ms. SINEMA, Mrs. BUSTOS, and Mr. PERRY.  
H.R. 322: Mr. JOYCE and Mr. BARLETTA.  
H.R. 333: Mr. BRALEY of Iowa, Ms. WASSERMAN SCHULTZ, Mr. GEORGE MILLER of California, and Mr. KING of New York.  
H.R. 366: Mr. DELANEY.  
H.R. 449: Mr. BARLETTA.  
H.R. 460: Ms. LOFGREN, Ms. ESHOO, and Mr. KENNEDY.  
H.R. 508: Mr. PALLONE, Ms. SLAUGHTER, Mr. LOBIONDO, Mr. RUNYAN, Mr. FOSTER, and Mrs. LOWEY.  
H.R. 509: Mr. BARBER.  
H.R. 510: Mr. BARBER.  
H.R. 511: Mr. BARBER.  
H.R. 517: Mr. RUSH.  
H.R. 551: Mr. RANGEL, Mr. DANNY K. DAVIS of Illinois, Mr. VEASEY, Mr. LOEBSACK, Mr. PAYNE, Mr. HONDA, Mr. CÁRDENAS, Mr. POLIS, Mr. GRIJALVA, and Ms. CHU.  
H.R. 556: Mrs. BLACK.  
H.R. 578: Mr. KINZINGER of Illinois.  
H.R. 621: Mr. WESTMORELAND.  
H.R. 647: Mr. LANCE.  
H.R. 664: Mrs. NAPOLITANO.  
H.R. 685: Mr. PAYNE, Mr. GENE GREEN of Texas, and Mr. SEAN PATRICK MALONEY of New York.  
H.R. 721: Mr. GALLEGO.  
H.R. 755: Mr. CARTWRIGHT, Mr. McDERMOTT, and Mr. CULBERSON.  
H.R. 795: Mr. WEBER of Texas, Mr. FRANKS of Arizona, Mr. HARRIS, and Mr. FLORES.  
H.R. 797: Mr. HECK of Nevada.  
H.R. 805: Mr. WOMACK.  
H.R. 808: Mr. JOHNSON of Georgia.  
H.R. 940: Mr. DESANTIS and Mr. JOYCE.  
H.R. 1008: Mr. YARMUTH.  
H.R. 1014: Mr. MURPHY of Pennsylvania, Mr. LOEBSACK, and Mr. SHUSTER.  
H.R. 1020: Mr. RUNYAN.  
H.R. 1024: Mr. COBLE, Mr. BERA of California, Mr. HUDSON, Mr. MULLIN, and Mr. KINZINGER of Illinois.  
H.R. 1091: Mr. MARCHANT.  
H.R. 1095: Mr. ROE of Tennessee, Mr. LOBIONDO, Mrs. BLACK, Mrs. BLACKBURN, Mrs.

HARTZLER, Mr. WILSON of South Carolina, Mr. RUSH, and Mr. MARCHANT.

H.R. 1176: Mr. MULVANEY.

H.R. 1187: Ms. TSONGAS, Ms. WATERS, and Mr. POCAN.

H.R. 1250: Mr. AUSTIN SCOTT of Georgia.

H.R. 1254: Mr. TIBERI.

H.R. 1286: Mr. MICHAUD.

H.R. 1309: Mr. BUCSHON, Mr. GERLACH, Mr. JONES, and Mr. PAULSEN.

H.R. 1339: Ms. WATERS and Mr. WALZ.

H.R. 1346: Mr. MCGOVERN.

H.R. 1354: Mrs. NOEM.

H.R. 1416: Mrs. WAGNER.

H.R. 1437: Mr. BACHUS.

H.R. 1465: Mr. MCNERNEY.

H.R. 1466: Mr. JOHNSON of Georgia.

H.R. 1502: Mr. GERLACH and Mr. NUNES.

H.R. 1528: Mr. HARRIS.

H.R. 1531: Mr. CICILLINE.

H.R. 1572: Mr. WOMACK.

H.R. 1590: Mr. HANNA.

H.R. 1620: Mr. LUETKEMEYER and Mr. PETERS of Michigan.

H.R. 1690: Mr. POLIS.

H.R. 1692: Mr. SMITH of New Jersey.

H.R. 1696: Mr. CONNOLLY.

H.R. 1734: Mr. COHEN.

H.R. 1771: Mr. PITTENGER and Mr. LATTA.

H.R. 1775: Mr. MARCHANT, Mr. WESTMORELAND, and Mr. WITTMAN.

H.R. 1779: Mr. RENACCI.

H.R. 1787: Mr. OLSON and Mr. GALLEGGO.

H.R. 1795: Mr. COSTA.

H.R. 1825: Mr. GRIFFIN of Arkansas, Mr. BACHUS, Mrs. NOEM, and Mr. HECK of Nevada.

H.R. 1843: Ms. WATERS and Mr. HIMES.

H.R. 1844: Mr. TAKANO, Mr. GEORGE MILLER of California, and Mr. POCAN.

H.R. 1852: Mr. HONDA, Mr. JORDAN, Ms. SLAUGHTER, Mrs. ROBY, Mr. ELLISON, Mr. LAMALFA, Mr. MCGOVERN, Mr. COHEN, Mr. NADLER, Ms. LEE of California, Mr. GENE GREEN of Texas, and Mr. MCNERNEY.

H.R. 1869: Mr. FITZPATRICK, Mr. AUSTIN SCOTT of Georgia, Ms. KUSTER, Mrs. BUSTOS, Mr. TERRY, Mr. KINZINGER of Illinois, Mr. FATTAH, and Mr. PERRY.

H.R. 1874: Mr. BARLETTA and Mr. KINZINGER of Illinois.

H.R. 1877: Mr. CONNOLLY.

H.R. 1908: Mr. AUSTIN SCOTT of Georgia, Mr. CHABOT, Mr. WEBER of Texas, Mr. BISHOP of Utah, Mr. PITTENGER, and Mr. WALBERG.

H.R. 1910: Mr. SWALWELL of California.

H.R. 1913: Mr. COHEN.

H.R. 1915: Ms. LOFGREN and Ms. WATERS.

H.R. 1920: Mr. LANGEVIN, Mr. WELCH, and Mr. KENNEDY.

H.R. 1921: Mr. SARBANES.

H.R. 1985: Mr. KINZINGER of Illinois.

H.R. 2009: Mr. KINZINGER of Illinois.

H.R. 2016: Mr. WALBERG, Mr. NEUGEBAUER, Mr. FLORES, and Mr. BENTIVOLIO.

H.R. 2019: Mr. HOLDING, Mr. ROSS, Mr. WOMACK, Mr. GIBBS, Ms. HERRERA BEUTLER, and Mrs. NOEM.

H.R. 2029: Mr. CARTWRIGHT.

H.R. 2030: Mr. COHEN and Mr. QUIGLEY.

H.R. 2044: Mr. NADLER and Mr. BLUMENAUER.

H.R. 2052: Mr. RADEL.

H.R. 2066: Mr. UPTON and Mr. ROSKAM.

H.R. 2085: Mr. SCHNEIDER.

H.R. 2093: Mr. NUNES and Mr. GOODLATTE.

H.R. 2139: Mr. ROSKAM.

H.R. 2146: Mr. OWENS.

H.R. 2149: Ms. NORTON.

H.R. 2162: Mr. MCCLINTOCK.

H.R. 2178: Mr. PAYNE.

H.R. 2182: Mr. YARMUTH.

H.R. 2208: Ms. ROYBAL-ALLARD and Mr. THOMPSON of California.

H.R. 2221: Mr. GARRETT, Mr. RODNEY DAVIS of Illinois, Mr. FORTENBERRY, Mr. STIVERS, Ms. SHEA-PORTER, and Mr. MATHESON.

H.R. 2224: Mr. SMITH of Washington, Mr. WELCH, Mr. CICILLINE, and Mr. SCHOCK.

H.R. 2273: Mr. REED.

H.R. 2300: Mr. HUDSON and Mrs. HARTZLER.

H.R. 2302: Mr. WELCH and Mr. RYAN of Ohio.

H.R. 2309: Mr. DENHAM, Mr. FITZPATRICK, Mr. AL GREEN of Texas, Mr. LATHAM, Mr. POSEY, Mr. YOUNG of Florida, and Mr. RODNEY DAVIS of Illinois.

H.R. 2315: Mr. KINZINGER of Illinois.

H.R. 2360: Mr. KELLY of Pennsylvania.

H.R. 2387: Mr. REED.

H.R. 2394: Mr. DUNCAN of South Carolina.

H.R. 2409: Mr. NUNNELEE, Mr. BROOKS of Alabama, Mrs. BACHMANN, Mrs. HARTZLER, Mr. NEUGEBAUER, Mr. FORBES, Mr. LAMALFA, and Mr. WESTMORELAND.

H.R. 2413: Mr. BENTIVOLIO.

H.R. 2429: Mr. GOODLATTE, Mr. BARLETTA, Mr. YOUNG of Indiana, Mr. SMITH of Nebraska, Mr. STIVERS, and Mr. MULLIN.

H.R. 2445: Mr. CULBERSON and Mr. HARRIS.

H.R. 2446: Mr. KLINE.

H.R. 2449: Mr. BERA of California and Mr. CONNOLLY.

H.R. 2456: Mr. BENTIVOLIO.

H.R. 2459: Mr. KING of New York.

H.R. 2500: Mr. WALBERG.

H.R. 2501: Mr. RANGEL, Mr. RADEL, and Mr. NUNNELEE.

H.R. 2503: Mr. BILIRAKIS.

H.R. 2506: Mr. BENTIVOLIO, Mr. OWENS, Mr. CÁRDENAS, Mr. WOLF, Mr. BARROW of Georgia, Mr. RODNEY DAVIS of Illinois, Mr. WELCH, Mr. PETERS of California, Mr. FITZPATRICK, Ms. SINEMA, Ms. KUSTER, Ms. JENKINS, Mrs. BUSTOS, Mr. KINZINGER of Illinois, Mr. MEEHAN, Mr. GIBSON, and Mr. FATTAH.

H.R. 2511: Mr. WESTMORELAND.

H.R. 2518: Mr. KIND.

H.R. 2536: Ms. LEE of California and Ms. ESHOO.

H.R. 2557: Mr. FLORES, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. STOCKMAN, Mr. GRIFFIN of Arkansas, Mr. WALBERG, Mr. ROKITA, Mr. FLEMING, Mr. POSEY, and Mr. LAMBORN.

H.R. 2565: Mr. PAULSEN, Mr. RADEL, Mr. NUNNELEE, Mr. NEUGEBAUER, Mr. TURNER, and Mrs. HARTZLER.

H.R. 2575: Mr. CASSIDY, Mr. BENTIVOLIO, and Mr. WESTMORELAND.

H.R. 2579: Mr. WESTMORELAND.

H.R. 2590: Mr. RODNEY DAVIS of Illinois, Mr. FITZPATRICK, Mr. WELCH, Ms. SINEMA, Ms. KUSTER, Mr. RIGELL, Mr. JOYCE, Mr. PETERS of California, Mrs. BUSTOS, Mr. FATTAH, Mr. MEEHAN, and Mr. LIPINSKI.

H.R. 2591: Mr. GENE GREEN of Texas.

H.R. 2619: Mr. GRIJALVA.

H.R. 2633: Mr. KING of New York and Mr. HASTINGS of Florida.

H.R. 2643: Mr. RIBBLE, Ms. SINEMA, Ms. JENKINS, Mr. KINZINGER of Illinois, Mrs. BUSTOS, Mr. DENT, Mr. GIBSON, Mr. LOEBSACK, Mr. FATTAH, Mr. RUIZ, and Mr. PERRY.

H.R. 2652: Mr. POCAN and Mr. PASTOR of Arizona.

H.R. 2668: Mr. BENISHEK.

H.R. 2670: Ms. SHEA-PORTER, Mr. FARR, and Mr. SWALWELL of California.

H.R. 2675: Mr. LOWENTHAL, Mr. WELCH, Mr. GIBSON, Ms. GABBARD, Mr. FATTAH, and Ms. BROWNLEY of California.

H.R. 2677: Mr. HECK of Washington.

H.R. 2679: Mr. SALMON, Mr. NEUGEBAUER, and Mr. WESTMORELAND.

H.R. 2682: Mr. ROKITA, Mr. AUSTIN SCOTT of Georgia, Mr. WILSON of South Carolina, Mr. BROOKS of Alabama, Mr. WILLIAMS, Mr. SALMON, Mr. NEUGEBAUER, Mr. FLORES, Mr.

HULTGREN, Mr. CONAWAY, Mr. STUTZMAN, Mr. GRIFFIN of Arkansas, Mr. DAINES, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. WEBER of Texas, Mr. BENTIVOLIO, Mr. HUIZENGA of Michigan, and Mr. POE of Texas.

H.R. 2686: Mr. COOK, Ms. BROWNLEY of California, Mr. FITZPATRICK, Mrs. BUSTOS, Mr. RIGELL, Ms. SINEMA, Mr. FATTAH, and Mr. PERRY.

H.R. 2689: Mr. WOLF, Mr. BARROW of Georgia, Mr. MULVANEY, Mr. RODNEY DAVIS of Illinois, Mr. REED, Ms. JENKINS, Mr. DENT, Ms. GABBARD, Mrs. BUSTOS, Ms. SINEMA, Mr. GIBSON, Mr. FATTAH, Mr. RUIZ, and Ms. BROWNLEY of California.

H.R. 2691: Ms. DELAURO.

H.R. 2692: Mr. CLAY.

H.R. 2694: Mr. REED, Mr. YOUNG of Indiana, Mr. MAFFEI, Mr. COFFMAN, Mr. THOMPSON of Pennsylvania, Mr. LOWENTHAL, Mr. BERA of California, Mr. NOLAN, Mr. BLUMENAUER, Mr. MORAN, Mr. SCHRADER, Mr. COOPER, Mr. RODNEY DAVIS of Illinois, Mr. BISHOP of Georgia, Mr. SEAN PATRICK MALONEY of New York, Mr. MATHESON, Mr. BARROW of Georgia, Mr. BENTIVOLIO, Mr. PETERS of California, Mrs. BUSTOS, Ms. SINEMA, Ms. JENKINS, Mr. SCHNEIDER, Mr. OWENS, Mr. CICILLINE, Mr. LOEBSACK, Ms. GABBARD, Mr. RUIZ, and Mr. PERRY.

H.R. 2695: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. HUFFMAN.

H.J. Res. 20: Mr. BEN RAY LUJÁN of New Mexico.

H.J. Res. 44: Mr. THOMPSON of Mississippi.

H. Con. Res. 41: Mr. CARTWRIGHT, Mr. VAN HOLLEN, and Mr. RUSH.

H. Con. Res. 45: Mr. BISHOP of Utah, Mr. LAMBORN, Mr. STOCKMAN, Mr. BARTON, Mr. KING of Iowa, Mr. GOHMERT, Mr. MULVANEY, Mr. JORDAN, Mr. NEUGEBAUER, Mr. SALMON, Mr. BROOKS of Alabama, Mr. SOUTHERLAND, Mr. FRANKS of Arizona, Mr. ROE of Tennessee, Mr. LAMALFA, Mr. COLE, Mr. HARRIS, Mr. MCCLINTOCK, and Mr. LATTA.

H. Res. 47: Mr. PAYNE, Ms. CHU, Mr. NADLER, Ms. SLAUGHTER, Mr. CONNOLLY, Ms. DUCKWORTH, Ms. SINEMA, Mr. RUIZ, Mr. MEEKS, Mr. MAFFEI, Mr. SHERMAN, Mr. AL GREEN of Texas, Ms. CASTOR of Florida, Mr. DINGELL, Mr. TONKO, Ms. SPEIER, Mr. HECK of Washington, Mr. CLEAVER, Mr. TAKANO, Mr. WAXMAN, Mr. NOLAN, Mr. RANGEL, Mr. KILDEE, Mr. WALZ, Mr. MURPHY of Florida, Mr. SCHIFF, Mrs. NAPOLITANO, Mr. KENNEDY, Mr. SEAN PATRICK MALONEY of New York, and Mrs. BEATTY.

H. Res. 109: Mr. SHERMAN, Mr. SMITH of New Jersey, and Mr. BARLETTA.

H. Res. 135: Ms. LOFGREN.

H. Res. 249: Mr. BEN RAY LUJÁN of New Mexico.

H. Res. 282: Mr. HINOJOSA, Ms. JENKINS, Mr. CÁRDENAS, Mr. LANGEVIN, Mrs. NAPOLITANO, Mr. LARSON of Connecticut, Mr. CLAY, Ms. SCHWARTZ, Mr. DINGELL, and Mr. VAN HOLLEN.

H. Res. 284: Mr. KINZINGER of Illinois and Mr. GARAMENDI.

H. Res. 285: Mr. ROSKAM and Mr. PAYNE.

H. Res. 293: Mr. GIBSON, Mrs. WALORSKI, Mr. BENTIVOLIO, and Mr. HECK of Nevada.



CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

limited tax benefits, or limited tariff benefits were submitted as follows:

congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

Under clause 9 of rule XXI, lists or statements on congressional earmarks, The amendment to be offered by Representative KLINE, or a designee, to H.R. 5, Student Success Act, does not contain any

## EXTENSIONS OF REMARKS

IN HONOR OF DR. JEFF THOMPSON  
FOR BEING NAMED A WHITE  
HOUSE HEALTH AND CLIMATE  
CHAMPION OF CHANGE

**HON. RON KIND**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Mr. KIND. Mr. Speaker, I rise today to congratulate Dr. Jeff Thompson, CEO of Gundersen Health System in La Crosse, Wisconsin, for being honored as a White House Health and Climate Champion of Change. Dr. Thompson is not only a nationally recognized health care leader but he is also a visionary leader in promoting environmental responsibility for health care organizations. This Climate and Health Champion of Change award was given to a select group of national leaders who promote public health through such environmental stewardship.

Dr. Thompson's record of extraordinary leadership starts with Gundersen's core mission of providing high-quality care to patients in western Wisconsin, southeast Minnesota, and northern Iowa. Dr. Thompson has been a leader in developing the type of coordinated, integrated and patient centered care that is the model for the direction we need to move our nation's health care system. His successful leadership can be seen through the long list of accolades Gundersen has received for their quality care and innovation, including being named one of Becker's Hospital Review 100 Integrated Health Systems to Know, winning Healthgrades Distinguished Hospital Award for Clinic Excellence for the 6th consecutive year in 2013, ranking as the fourth safest hospital in the country as measured by Consumer Reports, and being named one of the 100 Most Wired hospitals according to a report from Hospitals and Health Networks magazine. Dr. Thompson was also personally named one of the Top 100 Physician Leaders of Hospital and Health Systems by Becker's Hospital Review last year. The additional honor of being named a White House Health and Climate Champion of Change is further confirmation of the extraordinary role Gundersen Health, under Dr. Thompson's leadership, has taken to improve patient health and promote an environmentally sustainable health care system.

Gundersen Health is setting the standard for how to make health systems environmentally responsible. They are on track to be 100 percent energy independent in 2014. Gundersen partners with businesses and communities to encourage environmentally and economically sustainable business practices and economic growth. They are developing their own energy infrastructure, using equipment owned by the health system, instead of purchasing renewable power at premium rates. This initiative demonstrates their commitment to lowering

the cost of healthcare for the people and businesses that pay for it through socially responsible and environmentally friendly means.

Gundersen has invested in a wide variety of renewable energy programs, including a dairy digester, wind farms, biomass boiler, solar panels, and geothermal systems to provide a diverse portfolio of renewable resources to offer clean, green energy. Those initiatives are all directed toward the goal of making Gundersen the first fully energy independent hospital in the country by next year.

Dr. Thompson has provided national leadership in changing the way health care is delivered in America toward a more quality, value based focus. Combined with his leadership in setting the national standard for promoting renewable energy, energy efficiency and sustainability programs within health care systems, Dr. Thompson is very deserving of the White House Health and Climate Champion of Change award. It is with great pleasure that I congratulate Dr. Thompson on receiving this prestigious honor.

CELEBRATING THE 100 YEAR ANNIVERSARY OF ST. FRANCIS MEDICAL CENTER

**HON. RODNEY ALEXANDER**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Mr. ALEXANDER. Mr. Speaker, I am proud to honor the St. Francis Medical Center in Monroe, LA. as it celebrates its 100th anniversary. The men and women of this center have dedicated countless hours to help those during times of need, and I am evermore grateful for all that they have done to serve the 5th Congressional District.

On opening day, July 22, 1913, the St. Francis Sanitarium and School of Nursing had four patients and by late September, 193 had been admitted. Named after St. Francis of Assisi, the patron saint of the Franciscan Sisters, its mission would be to extend the healing ministry of Jesus Christ to God's people, especially those most in need. A century later, this mission has remained constant.

From its modest beginning as a three-story red brick building with 75 patient beds, St. Francis Medical Center has grown to become Northeast Louisiana's largest healthcare provider with 550 licensed beds.

In addition to the remarkable progression of care St. Francis Medical Center provides to its patients and loved ones, it has turned into one of the largest employers in Ouachita Parish boasting over 2,200 employees and an annual payroll of \$100 million.

As St. Francis Medical Center embarks on its second century of service to our community, I am confident the goal of providing excellent healthcare with love, compassion, hu-

mility and respect for all entrusted to them will continue.

It is with deep appreciation for the organization's many contributions to the 5th Congressional District that I rise today to recognize St. Francis Medical Center's 100th year. To say that this group is a source of strength within Northeast Louisiana is an understatement. Bringing comfort and hope to patients and their families is a priceless gift. They have made a real difference in the lives of many, and I commend each individual, past and present, for their admirable service and leadership.

Mr. Speaker, I ask my colleagues to join me today in applauding such an outstanding benchmark.

HONORING FIRE CAPTAIN PAUL  
MOSES

**HON. ADAM KINZINGER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Mr. KINZINGER of Illinois. Mr. Speaker, I rise today to honor Captain Paul B. Moses of the Belvidere Fire Department, and to recognize his years of dedicated public service.

Captain Moses began his career on January 10th, 1979 and was one of the first firefighters to complete Emergency Medical Technician training within the department. Since then he has worked in many different capacities during his tenure. In August of 1983, he became lieutenant and then six years later, in 1989, was appointed Chief of the department, a position he held for the next six years. Over his remaining years he completed his career as both Lieutenant and finally as Captain.

He was a member of the Illinois Fire Chiefs Association, the Winnebago Fire Chiefs Association, and served on Boone County's 911 Board for over 15 years, serving many years as Chairman. While Chief he was instrumental in upgrading department equipment with the purchase of a new Fire Engine and Ladder Truck. He improved training within the department and was instrumental in the computerization of records.

Most importantly, Captain Moses led from the front, never asking someone to do something he couldn't or wouldn't do himself. He is what you envision a firefighter to be, courageous, dedicated, strong, and passionate about his service.

On July 11th, Captain Moses retired from the Belvidere Fire Department after more than 34 years of sacrifice and service. Captain Moses has played an invaluable role in the Belvidere Fire Department for decades and he will be missed.

Mr. Speaker, on behalf of the 16th District of Illinois, I wish to express our deepest thanks to Captain Moses for devoting his life's work to protecting and serving his community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN RECOGNITION OF OFFICER  
ROBERT HORNSBY

**HON. JOHN R. CARTER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Mr. CARTER. Mr. Speaker, I rise today to honor a fallen hero of the 31st District of Texas, Police Officer Robert "Bobby" Hornsby. Officer Hornsby, of the Killeen Police Department SWAT team, was fatally shot in the line of duty on Saturday, July 14, 2013. After four years of service on the force, he was accepted by the SWAT team in November of 2012. Officer Hornsby was a valued asset and one of Killeen's finest. He is described by his fellow officers as a dedicated, patient man who was a strength to the department. Officer Hornsby is survived by his loving wife, daughter and son.

I am deeply saddened by this tragic loss; it is unfair whenever a young life is taken from us too soon. Officer Hornsby's bravery and commitment to the badge will be honored and remembered. My prayers are with Officer Hornsby's family, his brothers and sisters in blue at the Killeen Police Department, and the Killeen community as they mourn this remarkable life.

I would also like to recognize Officer Juan Obregon Jr. of the Killeen, Texas Police Department SWAT team. Officer Obregon was injured in the line of duty next to his fallen brother, Officer Hornsby. My prayers of healing are with him and his family as he begins his road to recovery.

I thank Officer Hornsby and Officer Obregon for their service, as well as all law enforcement. We are safe because heroic men, like Officer Hornsby and Officer Obregon, put themselves in harm's way to defend others. Their bravery and commitment to the badge will be honored.

HONORING MS. JAN N. ROCHE ON  
HER SELECTION TO THE NAFCU  
BOARD

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Mr. MORAN. Mr. Speaker, I rise today to congratulate Jan Roche on her recent election to the Board of Directors at the National Association of Federal Credit Unions (NAFCU).

Ms. Roche is the President and CEO of State Department Federal Credit Union headquartered in Alexandria, Virginia. She has served in this role for over 10 years and has used her extensive accounting and credit union management experience to ensure that the State Department Federal Credit Union remains wholly committed to serving its 68,000 members at home and abroad. Ms. Roche is a Certified Public Accountant and graduated cum laude from the University of Richmond.

In addition to her service on NAFCU's Board of Directors, Ms. Roche also serves on the Administrative Board of the Filene Research Institute and is the vice chair of the

Richmond Fed's Community Development Institutions Advisory Board. Ms. Roche is active in the betterment of our local community through her work supporting Credit Union Miracle Day, which helps plan the Cherry Blossom 10-miler each year benefitting the Children's Miracle Network Hospitals.

Undoubtedly, Ms. Roche will bring a tremendous amount of expertise to the NAFCU Board in navigating laws and regulations impacting the credit union community.

I wish Ms. Roche the best of luck in her new role on the NAFCU Board and look forward to working with her in this capacity. I ask that my colleagues join me today in congratulating her on this achievement.

UNITED HEALTH FOUNDATION  
DIVERSE SCHOLARS INITIATIVE

**HON. ERIK PAULSEN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Mr. PAULSEN. Mr. Speaker, investing in the next generation of health care professionals to equip them with the tools and skills to improve the quality and delivery of health care is essential to the successful modernization of our nation's health care system. For the past six years, United Health Foundation has helped more than 1,000 multicultural students from across the country reach their higher education dreams while inspiring them to pursue careers in health care through their Diverse Scholars Initiative. This year's scholars represent an impressive group of individuals who are dedicated to creating a more culturally relevant and effective health care system, particularly in underserved communities. I would like to congratulate these individuals for their academic achievements and their commitment to enter the health care workforce.

Mycolette Anderson, Lukachukai, Arizona, 1st Congressional District of Arizona.

Kaitlyn Benally, Tuba City, Arizona, 1st Congressional District of Arizona.

Wilma Hunter, Chinle, Arizona, 1st Congressional District of Arizona.

Regis Maloney, Tonalea, Arizona, 1st Congressional District of Arizona.

Jeffery Sleppy, Chinle, Arizona, 1st Congressional District of Arizona.

Cecilia Espinoza, El Mirage, Arizona, 8th Congressional District of Arizona.

Lorenza Villegas-Murphy, Litchfield Park, Arizona, 8th Congressional District of Arizona.

Nancy Rivera, Davis, California, 3rd Congressional District of California.

Tria Vue, Sacramento, California, 6th Congressional District of California.

Brian Daniel, San Pablo, California, 11th Congressional District of California.

Ricky Vides, Moraga, California, 11th Congressional District of California.

Hannah Yemane, Danville, California, 11th Congressional District of California.

Lois Chen, Oakland, California, 13th Congressional District of California.

Jose Mata, Los Angeles, California, 28th Congressional District of California.

Angelyn Reyes, Los Angeles, California, 33rd Congressional District of California.

Elisa Parmentier, Sun City, California, 42nd Congressional District of California.

Sophia Jimenez, Imperial Beach, California, 51st Congressional District of California.

Blanca Pacheco, San Diego, California, 53rd Congressional District of California.

Kelly Sanchez, New Haven, Connecticut, 3rd Congressional District of Connecticut.

Dianelis Martin, Lehigh Acres, Florida, 19th Congressional District of Florida.

Emmanuel Adejo, Miami Gardens, Florida, 24th Congressional District of Florida.

Alison Morales, Key West, Florida, 26th Congressional District of Florida.

Karla Arevalo-Alas, Morrow, Georgia, 5th Congressional District of Georgia.

Sharmori Lewis, Hampton, Georgia, 13th Congressional District of Georgia.

Carolina González, Pocatello, Idaho, 2nd Congressional District of Idaho.

Jessica Smith, Chicago, Illinois, 7th Congressional District of Illinois.

Raymond Morales, Urbana, Illinois, 13th Congressional District of Illinois.

Christian Figueroa, Garden City, Kansas, 1st Congressional District of Kansas.

Marcus Rushing, Overland Park, Kansas, 3rd Congressional District of Kansas.

Stephen Igwe, New Orleans, Louisiana, 2nd Congressional District of Louisiana.

Julius Unamba, Upper Marlboro, Maryland, 4th Congressional District of Maryland.

Alba Ortega, Lynn, Massachusetts, 6th Congressional District of Massachusetts.

Erez Gueta, Bath, Michigan, 4th Congressional District of Michigan.

Linda Kerandi, Plymouth, Minnesota, 3rd Congressional District of Minnesota.

Victoria Okuneye, Brooklyn Park, Minnesota, 3rd Congressional District of Minnesota.

David Koffa, Hanover, New Hampshire, 2nd Congressional District of New Hampshire.

Quidest Sheriff, Blackwood, New Jersey, 1st Congressional District of New Jersey.

Nailah Cooper, Albuquerque, New Mexico, 1st Congressional District of New Mexico.

Tylene Billie, Crownpoint, New Mexico, 3rd Congressional District of New Mexico.

Lesley Eldridge, Gallup, New Mexico, 3rd Congressional District of New Mexico.

Ronald Sanchez, Queens, New York, 5th Congressional District of New York.

Xiang Mei Cao, Brooklyn, New York, 7th Congressional District of New York.

Emma Guzman, Brooklyn, New York, 11th Congressional District of New York.

Elliott Brea, New York, New York, 12th Congressional District of New York.

Rosario Jaime-Lara, New York, New York, 13th Congressional District of New York.

Gordon Wong, Geneseo, New York, 27th Congressional District of New York.

Joshua Pyant, Charlotte, North Carolina, 9th Congressional District of North Carolina.

Jessica Mack, Winston-Salem, North Carolina, 12th Congressional District of North Carolina.

Rashiadah Weaver, East Cleveland, Ohio, 11th Congressional District of Ohio.

Shelah McMillan, Philadelphia, Pennsylvania, 2nd Congressional District of Pennsylvania.

Vivienne Meljen, Scranton, Pennsylvania, 17th Congressional District of Pennsylvania.

Emily Gao, Galveston, Texas, 14th Congressional District of Texas.

Brian Ibarra, El Paso, Texas, 16th Congressional District of Texas.

Paula Ogbevoen, Houston, Texas, 18th Congressional District of Texas.

Rio Reyna Pilar, San Antonio, Texas, 20th Congressional District of Texas.

Cassandra Ragin, San Antonio, Texas, 20th Congressional District of Texas.

Brenda Tristan, Laredo, Texas, 28th Congressional District of Texas.

Leslie Cepeda-Echeverria, Salt Lake City, Utah, 2nd Congressional District of Utah.

Michelle Lewis, Richmond, Virginia, 3rd Congressional District of Virginia.

Beverly Sanchez, Alexandria, Virginia, 8th Congressional District of Virginia.

Tiffany Tran, Vancouver, Washington, 3rd Congressional District of Washington.

Harpreet Singh-Gill, Milwaukee, Wisconsin, 4th Congressional District of Wisconsin.

#### PERSONAL EXPLANATION

### HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Mr. AL GREEN of Texas. Mr. Speaker, yesterday I was unavoidably detained and missed the following vote: H.R. 2576—To amend title 49, United States Code, to modify requirements relating to the availability of pipeline safety regulatory documents, and for other purposes. Had I been present, I would have voted “yes” on this bill.

#### TRIBUTE TO DR. CLINTON M. PATTEA

### HON. KYRSTEN SINEMA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Ms. SINEMA. Mr. Speaker, I rise today to recognize the life and passing of Dr. Clinton M. Pattea, a lifelong advocate for Native American sovereignty, president of the Fort McDowell Yavapai Nation, and former chairman of the Arizona Commission of Indian Affairs.

As a state legislator, I worked with Dr. Pattea on issues important to our local communities, where his passion for education and providing educational resources to the underserved was renowned. Dr. Pattea tirelessly sought to fund scholarships for native peoples across the state and in my district at Arizona State University, where I am an Adjunct Professor in the School of Social Work.

Elected to the Yavapai Tribal Council in 1960, Dr. Pattea thereafter led a decade-long campaign to stop construction of the Orme Dam, which would have flooded 17,000 acres of tribal lands. The victory is celebrated annually, as is Sovereignty Day, commemorating a peaceful standoff led by Dr. Pattea against federal agents seeking to seize Yavapai property. The non-violent protest led to the negotiation with Governor Fife Symington of a pact

considered a national victory for Native self-determination.

Dr. Pattea will be missed by all who knew him, and will be remembered by his family, his Nation, the state of Arizona, and Native people everywhere. I ask that my colleagues join me in posthumously recognizing Dr. Pattea for his dedicated service to his community, as well as in grieving with his family and the Fort McDowell Yavapai Nation at the passing of their leader.

#### IN MEMORY OF ARTHUR GLATFELTER, JR.

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Mr. ANDREWS. Mr. Speaker, I rise today to honor the late Arthur Glatfelter, Jr. Mr. Glatfelter was a pillar of his community, a kind and generous man, and a leader who sought to make the world a better place. In addition to his work with philanthropies, Mr. Glatfelter was a loving husband, father, grandfather, and great grandfather.

Mr. Glatfelter fought for his country during World War II, serving in the United States Marine Corps in the Pacific. After the war he continued his life of service. Mr. Glatfelter was a leader in many philanthropic groups, and served on the boards of multiple organizations in his community. He was an original member of the board of directors as well as the founding director of the Congressional Fire Services Institute. Mr. Glatfelter remained an active member of the CFSI until stepping down in 2008. Other groups he worked with included the Cultural Alliance of York County, the National Fallen Firefighters Foundation, the York Habitat for Humanity, and the Farm and Natural Lands Trust of York County. Mr. Glatfelter was also the founder of the Glatfelter Insurance Group.

Mr. Speaker, Art Glatfelter was a shining example of community service and family values. He was not only a good friend of mine, but an outstanding friend of the emergency services and first responder communities all across America. He will be missed.

#### LEGISLATION TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO PROVIDE FOR OFFSETTING CERTAIN PAST-DUE LOCAL TAX DEBTS AGAINST INCOME TAX OVERPAYMENTS

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Mr. MORAN. Mr. Speaker, today I am proposing legislation to establish a program that would mirror the existing law for states. The legislation would allow certain types of delinquent local tax debt to be collected through the reduction of federal tax refunds. Providing local governments access to these needed and due funds is important both in principle

and for budgetary purposes. In this challenging and uncertain economic environment, it is especially important to assist cities and counties to collect the taxes they are owed. The alternatives would be a reduction in vital services and jobs at a time when the government safety net for poor families and the unemployed has weakened significantly and increases in poverty in these hard economic times. Failure to collect what is due will impose significantly higher demands on local governments for police, housing and shelter, food, and other vital services. This bill offers a unique opportunity not just to provide hundreds of millions of dollars of desperately needed assistance at no cost to federal taxpayers but also to protect honest taxpayers from an increase in local property taxes. Under this legislation, the only cost is to the delinquent taxpayer, who would finally be made to pay his or her outstanding tax obligation.

This proposed program would have no additional cost to the federal government. Local governments would pay the federal government the fee of \$25 for each offset refund. It would alleviate the administrative burden to Department of the Treasury by requiring the state taxing authority to act as the clearinghouse. Therefore, the client base for the Department of the Treasury would not increase.

This concept of an offset originated as a way to assist states with securing child support arrearages. It was expanded to allow states to submit other delinquent claims against an individual's federal tax return. This program has been very successful for the states. This bill would expand its successful idea and concept to local governments in all states. Doing so could potentially result in several billion dollars annually for local governments by effecting the collection of delinquent taxes. Under this legislation, the following order of priority for payment of an offset would be: (1) past-due federal income tax, (2) past-due state child support, (3) past-due federal government agency debt, (4) past-due state income tax, and (5) local government tax. The state taxing authority for each state would act as the clearinghouse for the local government tax debts, so this will not be an additional burden to Financial Management Services (which is a division of the United States Department of the Treasury and administers the Federal Offset Program). Doing so could potentially result in several billion dollars annually for local governments by improving the collection of delinquent taxes.

The bill would instruct the Secretary of the Treasury, upon receiving notice from any eligible state on behalf of a local government, that a named person owes such local government a past-due, legally enforceable tax obligation and provide, consequently, for the reduction of the federal tax refunds payable to such person by the amount of such debt. That amount would be remitted to the state for payment to the affected local government, provide for notification to the state of the taxpayer's name, taxpayer identification number, address, and the amount collected; and notification of the person due the refund that it has been reduced by an amount necessary to satisfy a past-due, legally enforceable tax obligation.

This bill offers a unique opportunity to provide hundreds of millions of dollars of desperately needed assistance at no cost to federal taxpayers. For Virginia localities, it is estimated that this bill will bring in between 65–70 million dollars in revenue during the first year in the program. From its participation in the Federal Offset Program, for FY 2008 the Commonwealth of Virginia received over \$17 million dollars in offsets of federal income tax refunds and an additional \$5 million in offsets of the tax stimulus checks. This legislation earned the official support of the National Association of Counties, the Government Finance Officers Association, the National League of Cities, the Treasurers' Association of Virginia, the United States Conference of Mayors, the Association of Public Treasurers of the United States and Canada, and the Conference of State Court Administrators.

This is a good-government bill. If the legislation is passed, it would allow federal, state and local government to work together. Good citizens, who pay their taxes, will appreciate that the federal government and the state government are assisting localities to help local government collect from the delinquents. Each citizen should share in paying his fair share of taxes.

H.R. 2667, THE AUTHORITY FOR MANDATE DELAY ACT AND H.R. 2668, THE FAIRNESS FOR AMERICAN FAMILIES ACT JULY 17, 2013

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 2013

Mr. DINGELL. Mr. Speaker, I rise in strong opposition to both H.R. 2667, the Authority for Mandate Delay Act, and H.R. 2668, the Fairness for American Families Act. Here we are once again taking another cheap shot at the Affordable Care Act (ACA), rather than working to continue providing its benefits to the American people. Both pieces of legislation are political stunts which will not help Americans get access to quality, affordable health care.

There is no need for passage of H.R. 2667 since the President has already acted to delay by one year the employer responsibility requirements under ACA. Given the fact that this type of change has long been sought by my friends on the other side of the aisle and their allies, you would think they would be praising the President for taking this action. Instead, they have done nothing but used this as another opportunity to score cheap political points, which is very telling.

Although I wish the employer responsibility provision would be implemented on time, the fact of the matter is that this delay will have very little practical impact. Over ninety six percent of large employers already offer health coverage to their employees. It is important that we take our time in getting these new reporting requirements right, which is exactly what the President is doing. Since the President has already acted in this manner, H.R. 2667 is duplicative and unnecessary.

H.R. 2668 also should be rejected by this body. The individual mandate is the corner-

stone of the ACA, and the Supreme Court has affirmed its constitutionality. Simply put, delaying the implementation of the individual mandate is just a back door attempt to undermine the entire law. The Affordable Care Act has already brought many benefits to the American people. Thanks to the law, 206,000 people in my district have access to preventative services without a co-pay, and 8,500 young adults have health insurance through their parents' plan. Adopting this bill today would jeopardize this progress we have made in recent years.

Today we received news that health insurance premiums will fall by an average of 50 percent in New York once their exchanges are up and running in 2014. The individual mandate is a key reason for this. For years, New York had a prohibition on discriminating against individuals with a pre-existing condition. However, the state did not require all individuals to purchase insurance, which caused rates to skyrocket. The individual mandate, combined with the new health insurance marketplaces, are in large part responsible for this precipitous decline in insurance rates in New York. We should ensure that these results are replicated in my home state of Michigan and across the rest of the country. Repealing the individual mandate will increase Americans' health care costs, not decrease them.

I hope we can come together and work in a bipartisan manner to improve our health care system and provide real benefits to the American people. Until that day comes, I urge my colleagues to join me in voting against these two pieces of legislation, as they are nothing more than political stunts which do nothing to address the problems we face as a nation.

### TRIBUTE TO BLUE STAR MOTHERS OF AMERICA

### HON. KYRSTEN SINEMA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 2013

Ms. SINEMA. Mr. Speaker, I rise today to ask that my colleagues join me in recognizing the Blue Star Mothers of America, a national organization of military mothers devoted to supporting our nation's armed forces. Representatives LAMALFA, SWALWELL, and ROBY have joined me in introducing a resolution naming the month of August as "Blue Star Mothers of America Month."

I am proud to say that the East Valley Blue Star Mothers, a local chapter of the organization, meets in my district. They have dedicated themselves to supporting soldiers overseas, wounded warriors, families of fallen soldiers, as well as all veterans, homeless or thriving. They organize visits to VA hospitals, participate in Veteran's and Memorial Day events, and send care packages to homesick troops protecting our freedom abroad.

Founded in 1941, Blue Star Mothers of America boast 11,000 members brought together by their sons' and daughters' service. Chapters flourish in 42 states, and in all corners of my own state, Arizona. Blue Star Mothers are unsung heroes of the ongoing fight to preserve our country's safety and liberty.

The Blue Star Mothers are a truly patriotic organization and deserve our body's commendation. I ask that my colleagues join me in recognizing the Blue Star Mothers of America for their service to their communities, to our country, and to all of us individually.

### THE ADMINISTRATION MUST NOT SIDELINE HORRIFIC HUMAN RIGHTS SITUATION IN NORTH KOREA

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 2013

Mr. WOLF. Mr. Speaker, today the House Republican Conference and House Foreign Affairs Committee welcomed roughly 400 Korean American community leaders from across the country to Capitol Hill for the first-ever Korean American Meetup. Participants had the opportunity to meet with key congressional leaders to discuss legislative and policy priorities for the community.

Given my own interactions over the years with the vibrant Korean American community in my district, I think it is safe to say that the abysmal human rights situation in North Korea will feature prominently among these policy priorities.

Sadly, given the amount of time and focus that the Obama Administration has dedicated to shining a bright light on this dark corner of the globe you would never know that up to 200,000 people languish in a sophisticated and horrific prison camp system in North Korea reminiscent of the most brutal regimes throughout history.

On May 21 Christianity Today featured an interview with former Washington Post reporter Blaine Harden, author of "Escape from Camp 14." Harden's book features the story of Shin Dong-hyuk, the only known prisoner who was actually born in one of regime's notorious camps and escaped alive.

Mr. Shin's personal story is remarkable. He grew up knowing nothing of life outside the camp. He turned in his mother and brother—which led to their eventual execution—based on the promise of a meal of rice. In fact it was the pursuit of food that led him to attempt a harrowing escape.

Harden spoke of the camps as analogous to "Stalin's Gulag." He continued, "The camps were set up under Kim Il-sung, an acolyte of Stalin, as a mirror of the Soviet Gulag. What is different in the North Korean case is that they seem to be crueler and have lasted twice as long."

Indeed, the longevity of these camps is striking as is the fact that some South Korean POWs are still trapped in North Korea 60 years after the armistice. The Washington Post ran a story last weekend, which I submit for the RECORD, on this rarely discussed human rights tragedy.

We have known for some time about the true nature of the cruel and inhuman system of labor camps maintained by the regime. In fact satellite images confirmed their existence more than a decade ago. And yet somehow, almost inexplicably, these horrific camps have

failed to inspire collective outrage on the part of the West, and have been sidelined to the point of irrelevance in successive U.S. administrations' dealings with North Korea, including the Obama Administration.

The U.S. Committee for Human Rights in North Korea published a report 10 years ago called *The Hidden Gulag: Exposing North Korea's Prison Camps*. It contained a full description of the camps, the worst of which are called kwan-li-so, which is translated as "political penal-labor colonies," and where, according to the Committee's report, scores of thousands of political prisoners—along with up to three generations of their family members—are banished without any judicial process and imprisoned, typically for lifetime sentences of slave labor.

The report also contained prisoners' testimonies and satellite photographs of the camps, whose very existence continues to be denied by the North Korean government, which is why the committee described the gulags as "hidden."

Defector testimony, like that of Mr. Shin, satellite images and in-depth reporting have left no doubt about the camps' existence and the horrors of life there. What remains to be seen is how the U.S. will respond.

What has this administration done about this abomination?

What has this administration done about a regime that sustains and perpetuates this evil?

In March, after sustained pressure from human rights organizations, the United Nations Human Rights Council agreed to set up a commission of inquiry to examine systematic "crimes against humanity" in North Korea. The commission is slated to begin its work this month and could represent a sliver of hope for the long suffering people of North Korea.

However, it is striking that just one month after the decision to pursue a commission of inquiry, President Obama met with UN General Secretary Ban Ki-moon, and despite the fact that North Korea featured prominently on the agenda, their lengthy public remarks after meeting did not include a single mention of the human rights atrocities in North Korea instead focusing exclusively on the nuclear issue and diffusing tensions on the Korean Peninsula.

Because North Korea possesses nuclear weapons and regularly threatens to use them as well as share nuclear weapons technology with other rogue states like Iran, the international community, the U.S. included, has tended to ignore or seriously downplay the horrendous human rights abuses in North Korea in the interest of trying to negotiate an end to its nuclear program.

But next to nothing has been achieved by these negotiations over the years. In fact, recent months have been marked by a series of provocations by the North Korean government. Meanwhile, America—the world's leading democracy which has historically championed fundamental freedoms—has been shamefully silent about grave human rights abuses and atrocities.

On a host of levels this approach is deeply flawed and I do not believe it will yield the desired results on either the nuclear front or the human rights front. The possession of nuclear weapons is simply too important to the North

Korean regime, if only to deflect attention from its cruel and oppressive system of camps and the famine that it has brought upon its people at an estimated cost of anywhere from one to three million lives. Any future talks with the North Koreans, be it the six-party process, which stalled in 2008, or some other forum, must include human rights on the agenda. For years, nuclear talks alone have produced next to nothing.

A new North Korea framework is long overdue. Ignoring or downplaying the human rights situation for one more day is unconscionable.

Ronald Reagan negotiated with the Soviet Union to reduce nuclear weapons throughout the 1980s, but that did not stop him from speaking about human rights, calling upon the Soviets to tear down the Berlin Wall, and predicting that communism would end up on the ash heap of history. His outspoken support for human rights had an effect, accelerating the demise of communism and, in the process, making it easier to resolve nuclear and security issues, since the main cause of Soviet aggressiveness was the communist system it was intended to defend and extend. Further it reminded those living behind the Iron Curtain that America was a friend, not an enemy, despite Soviet propaganda to the contrary.

We should be doing the same thing with North Korea today.

My friend Carl Gershman, president of the National Endowment for Democracy, has pointed out that the North Korean totalitarian system is undergoing an inexorable process of erosion, marked by a sharply reduced ability to impose a complete information blockade on its population.

He notes that what makes the North Korean system especially vulnerable is the existence just across the southern border of a free, successful and affluent South Korean society. For decades now the regime in Pyongyang has told its population that the people of South Korea live in hell while they live in a communist paradise. He's concluded that as the population learns that the truth is exactly the opposite, they will become increasingly restive, resentful, and rebellious.

With these fissures in the information blockade comes an opportunity.

In the words of the tireless North Korean human rights activist and champion Suzanne Scholte, "There is so much that we can do to help the North Korean people. First, because they can hear us: our government must make our human rights concerns the most important policy regarding North Korea, so that North Koreans know the truth; that we are not the yankee imperialist wolves trying to destroy them, but the United States and other countries have spent billions of dollars trying to feed them and save them from starvation."

Additionally, the Obama Administration ought to be pursuing a policy which places a high priority on working with other countries in the region to champion the rights of North Korean refugees. China is among the biggest obstacles. Its current policy of repatriating North Korean refugees violates China's international treaty obligations. A grim fate awaits those who are returned to North Korea.

According to Human Rights Watch, "Beijing categorically labels North Koreans in China 'illegal' economic migrants and routinely repatri-

ates them, despite its obligation to offer protection to refugees under customary international law and the Refugee Convention of 1951 and its 1967 protocol, to which China is a state party. Former North Korean security officials who have defected told Human Rights Watch that North Koreans handed back by China face interrogation, torture, and referral to political prisoner or forced labor camps. In a high profile case, China forced back at least 30 North Koreans in February and March 2012, defying a formal request from South Korean President Lee Myung-Bak to desist from doing so, and despite protests in front of the Chinese Embassy in Seoul."

When was the last time this issue was raised with the Chinese government?

Did it even garner a cursory mention during the recent U.S.-China Economic and Strategic Dialogue?

Is there any sense that China will have to pay a price for disregarding its international obligations?

The human rights travesty in North Korea is perhaps most acute when we consider the vulnerable children of that nation. There are those living under the regime and those referred to as "stateless orphans," having been born out of relationships between North Korean women defectors, many of whom are trafficked once they escape to China, and Chinese men. According to a September 2012 Radio Free Asia story, "Aid workers estimate that there are some 2,000 'defector orphans' in China . . ."

Last September, the House passed the North Korean Child Welfare Act of 2012, which I cosponsored. It was signed into law by the president in January. The legislation directs the State Department to "advocate for the best interests" of North Korean children and to when possible, facilitate immediate protection for those living outside North Korea through family reunification or, "if appropriate and eligible in individual cases, domestic or international adoption."

This legislation enjoyed broad bipartisan support in the Congress. What steps has the State Department taken to fulfill its obligation in this regard?

Ultimately, this administration needs to look forward. It needs vision, creativity and boldness.

The North Korean regime will not be there forever to oppress its people.

Writing in the Wall Street Journal on the eve of South Korean President Park Geun-hye's first summit with US President Barack Obama, Nicholas Eberstadt suggested that, "A robust international human-rights campaign in support of the world's most hideously abused subject population would restrict the regime's international freedom of maneuver, just as the anti-apartheid campaign did against South Africa in the 1980s. A serious public-communications effort—propaganda, if you like—aimed at encouraging any glimmers of decline in the cohesion of Pyongyang's elite could also constrain the leadership."

Such imagination has been utterly lacking in the Obama administration.

Fortunately, we take some solace in knowing that just like the regimes in Nazi Germany and the Soviet Union that preceded it, this evil empire, too, will fall.

In the meantime we must champion the rights of the people who wither under its oppression.

I'll close with the words of columnist and author, Anne Applebaum in the hope that they inspire the administration's approach to North Korea moving forward. She writes in the introduction of *The Hidden Gulag*, "This is not to say that words can make a dictatorship collapse overnight. But words can certainly make a dictatorship collapse over time, as experience during the last two decades has shown. Totalitarian regimes are built on lies and can be damaged, even destroyed, when those lies are exposed."

[From the Washington Post, July 13, 2013]

**SOME SOUTH KOREAN POWS STILL TRAPPED IN THE NORTH, 60 YEARS AFTER ARMISTICE**

(By Chico Harlan)

SEOUL.—Sixty years ago this month, a 21-year-old South Korean soldier named Lee Jae-won wrote a letter to his mother. He was somewhere in the middle of the peninsula, he wrote, and bullets were coming down like "raindrops." He said he was scared.

The next letter to arrive came days later from the South Korean military. It described a firefight in Paju, near the modern-day border between the North and South, and said Lee had been killed there in battle. His body had not been recovered.

"We never doubted his death," said Lee's younger brother, Lee Jae-seong. "It was the chaos of war, and you couldn't expect to recover a body."

But Lee was not dead. Rather, he had been captured by Chinese Communists and handed to the North Koreans, who detained him as a lifetime prisoner, part of a secretive program that continues 60 years after the end of the Korean War, according to South Korean officials and escapees from the North.

Tens of thousands of South Korean POWs were held captive in the North under the program, penned in remote areas and kept incommunicado in one of the most scarring legacies of the three-year war. South Korean officials say that about 500 of those POWs—now in their 80s and 90s—might still be alive, still waiting to return home. In part because they're so old, South Korea says it's a government priority, though a difficult one, to get them out.

Almost nothing was known about the lives of these prisoners until 20 years ago, when a few elderly soldiers escaped, sneaking from the northern tip of North Korea into China and making their way back to South Korea. A few dozen more followed, and they described years of forced labor in coal mines. They said they were encouraged to marry North Korean wives, a means of assimilation. But under the North's family-run police state, they were designated as members of the "hostile" social class—denied education and Workers' Party membership, and sent to gulags for even minor slip-ups, such as talking favorably about the quality of South Korean rice.

When the war ended with a July 27, 1953, armistice agreement that divided the peninsula along the 38th parallel, about 80,000 South Korean soldiers were unaccounted for. A few, like Lee Jae-won, were presumed dead. Most were thought to be POWs. The two Koreas, as part of the armistice, agreed to swap those prisoners, but the North returned only 8,300.

The others became part of an intractable Cold War standoff, and the few POWs who have escaped say both Koreas are to blame. The South pressed the North about the POWs

for several years after the war, but the issue faded from public consciousness—until the first successful escape of a POW, in 1994. The North, meanwhile, has said that anybody living in the country is there voluntarily.

South Korea took up the POW issue with greater force six years ago, as it became clear that a lengthy charm offensive—known as the Sunshine Policy—wasn't leading the North to change its economic or humanitarian policies. During a 2000 summit with Kim Jong Il, South Korean President Kim Dae-jung didn't even bring up the issue. But by 2007, the South was talking about the POWs in defense talks. And by 2008, under conservative President Lee Myung-bak, South Korea offered aid to win the prisoners' release.

But with relations between the two governments badly frayed, the countries haven't discussed the issue since military-to-military talks in February 2011.

"Time is chasing us," said Lee Sang-chul, a one-star general at the South Korean Ministry of National Defense who is in charge of the POW issue.

But without North Korea's cooperation, Lee said, the South has little recourse to retrieve its soldiers. Lee said that, realistically, the POWs have only one way to return home: They have to escape.

**HOPES THAT WITHERED**

So far, about 80 have.

They gather for annual dinners in the South, and some meet for regular card games. They've been given overdue medals and overdue apologies. They've testified about the POWs they know who are still in the North. They've shaken hands with the president. They've received major compensation payments—about \$10,000 per month, over five years.

The returnees have encountered all varieties of surprise, both bitter and grand, as a half-dozen of them described in recent interviews. One escapee, Lee Won-sam, was married just before the war and reunited with his wife 55 years later. But many left families in the North only to find alienation in the South. The POWs, like others in the North, were told for decades that the South was impoverished and decrepit—and their arrival in the South revealed the extent of that deception while also dropping them into incomprehensible prosperity. A handful lost money in frauds, South Korean officials say.

"I thought South Korea had lots of beggars under the bridge and everybody lived in shacks," said Lee Gyu-il, 80, who escaped in 2008.

Many escapees say that after the war, they were initially hopeful that the South would secure their return. That hope withered in 1956, when the North assembled the prisoners and told them about Cabinet Order 143, which turned them into North Korean citizens—albeit those of the lowest rank. They were told to be thankful that they had been welcomed into a virtuous society.

"Sadly, there was no real change in our daily lives," Yoo Young-bok, who escaped in 2000, wrote in his memoir, which has been translated into English. "We went right on toiling" in the mines.

**'HE LIVED A FALSE LIFE'**

Those who have escaped acknowledge their luck. It wasn't easy for them to flee. Some had to travel for days through the North and then dart across a river forming the border with China—at an age when some had trouble running. Brokers helped guide them but also charged them more than the going rate for defectors, knowing that the escapees

would receive large payments after settling in the South.

They know a few who are still stranded in the North. Most of the former prisoners have died from mining accidents, disease, execution, famine and old age.

In Lee Jae-won's case, it was liver cancer. It was 1994, and he was 63. After being captured by the Chinese and handed to the North, he had worked for four decades in a mine at the northernmost point of the peninsula, near the Russian border. He'd married a woman with one eye—a fellow member of the hostile class—and had four children, all of whom were ridiculed by teachers and classmates for their family background.

But only as Lee's health deteriorated in his final months did he tell his children, for the first time, the details of his earlier life. He gave one son, Lee Ju-won, the names of family members in the South, as well as an address: the home in which he was raised.

"So after I buried him, I decided to go there," Lee Ju-won said.

It took him 15 years to defect. Two days after Lee Ju-won was given his South Korean citizenship, he traveled to his family's home town, Boeun. His relatives still owned the original property, though the home had been demolished and rebuilt.

During that visit, Lee Ju-won learned that his family had celebrated his father's birthday every year and always set aside a rice ball for him at the New Year's feast. He also discovered his father's letter from Paju, written weeks before the armistice, which a relative had saved.

Lee Ju-won learned that his father, before the war, had been rebellious and talkative—characteristics he stifled in the North, though he passed them on to his son.

"It turns out my dad was a lot like me, though he didn't show it," Lee Ju-won said. "He was admired in North Korea, because he worked hard and didn't do anything wrong. But he lived a false life. He knew one slip of the tongue could harm our whole family. So he never talked about South Korea."

Yoonjung Seo contributed to this report.

**HONORING UNITED STATES MARINE CORPS COLONEL ADRIAN W. BURKE**

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 2013

Mr. DENHAM. Mr. Speaker, I rise today to honor United States Marine Corps' Colonel Adrian W. Burke, who retired today after many years of decorated service.

Col. Burke is a native of Deer Park, Texas. He earned his commission in the United States Marine Corps as a Distinguished Naval Graduate from Texas A&M University where he earned a Bachelor of Business Administration degree majoring in Marketing in 1984.

Col. Burke has served as a Logistics Officer and a North Africa, Middle East and Central Asia Regional Specialist. He has commanded at the platoon, company, battalion and regimental levels, leading troops into combat during nine campaigns. Furthermore, he commanded a reinforced logistics company that supported Regimental Combat Team One during Operation Desert Shield and Task Force Papa Bear during the invasion of Kuwait in



Operation Desert Storm. He commanded a reinforced logistics battalion during the initial invasion of Iraq in support of the 1st Marine Division. Col. Burke returned with his battalion for a second OIF deployment to support Regimental Combat Team 7 during the expansion of combat operations into the western Al Aribar province of Iraq.

Col. Burke holds three Master's degrees. In 1992, he earned a Master of Business Administration degree with an emphasis in International Business from National University, San Diego, CA, where he was a Leadership Scholarship recipient. In 1999, he earned a Master of Arts degree in National Security and Strategic Studies from the Naval War College, Newport, RI; he was recognized with three research and writing commendations. In 2006, he earned a Master of Science degree in National Resource Strategy with a concentration in Supply Chain Management from the Industrial College of the Armed Forces, Washington, DC; he was recognized as a Distinguished Academic Graduate and received a research and writing award for logistics excellence.

Col. Burke is a CTL, Certified in Transportation and Logistics by the American Society of Transportation and Logistics. He is a certified graduate of the Georgia Tech Professional Program in Supply Chain and Logistics. He is a graduate of the Marine Corps' School of Advanced Warfighting, a masters-level program that refines decision-making skills in complex environments. Col. Burke is also an Honor Graduate of the Marine Corps' Amphibious Warfare School.

The United States Marine Corps' Colonel Adrian W. Burke assumed command of the San Joaquin region Defense Logistics Agency Defense Distribution Center in July, 2010. His previous assignment was acting as the Director of Logistics for U.S. Forces Afghanistan for Operation Enduring Freedom.

Col. Burke's personal decorations include: the Defense Superior Service Medal, the Legion of Merit, two Bronze Star Medals, three Meritorious Service Medals, two Navy Commendation Medals, two Navy Achievement Medals, and three Combat Action Ribbons. His unit decorations include: the Presidential Unit Citation, four Joint Meritorious Unit Awards and two Naval Unit Citations.

Col. Burke is married to his wife of almost sixteen years, the former Miss Traci Ann Patterson of San Diego, Calif. They have four children; Jimmy, Susie, Kadie, and Ellie.

Mr. Speaker, please join me in honoring Colonel Adrian W. Burke for his honorable service to our great Country.

#### TRIBUTE TO WOONG KYUNG KIM

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 2013

Mr. COFFMAN. Mr. Speaker, I rise today to recognize Grandmaster Woong Kyung Kim of Aurora, Colorado. A Korean by birth, Mr. Kim, known affectionately as Bobby, became a household name in the world of martial arts as a teacher and a film star in the 1970s.

Grandmaster Kim also occupied a peculiar but indispensable role in auxiliary to our armed forces from 1964 to 1979.

Born in Seoul, South Korea in 1942, Grandmaster Kim began his service to the U.S. military while in college as a Taekwondo instructor for the Army's Second Infantry Division, stationed at the Demilitarized Zone (DMZ). Mr. Kim taught the American troops in Korea while finishing his studies and shortly after he graduated in 1969, he came to the United States and began teaching the ways of Taekwondo to cadets at the U.S. Air Force Academy in Colorado Springs. Mr. Kim ended his tenure with the Air Force Academy in 1979 but continues to share his knowledge of the Korean martial arts with pupils in Colorado to this day.

Shortly after becoming an American citizen, Bobby Kim began an illustrious film career in 1975 and has been credited in 19 movies. Mr. Kim became a presence in the action and martial arts genre in both America and Korea over his career. Grandmaster Kim shared the screen with many great action stars during his career and even starred as the titular character in the 1989 Korean martial arts film "Ernie and Master Kim".

Grandmaster Bobby Kim served as a role model and a community leader throughout his life. His unique service to our country is a testament to the American dream and we should all be proud to call him our countryman. Mr. Speaker, it is an honor to recognize Grandmaster Bobby Kim for a lifetime of achievement with our military and on the big screen.

#### RECOGNIZING CONNOR SHUPE

#### HON. JASON T. SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 2013

Mr. SMITH of Missouri. Mr. Speaker, I rise today in recognition of Connor Shupe, a member of Boy Scout Troop 99 in Houston, Missouri, who received his Eagle Scout Award on July 7, 2013. It is the highest award in scouting and the importance of this achievement cannot be overstated.

In order for Connor to become an Eagle Scout, he earned twenty-two different merit badges in a wide variety of subjects as well as serving in various leadership positions in his troop. For his Eagle project, Connor set up a food drive and cleaned and painted the Texas County Food Pantry. He organized multiple volunteers in different shifts and roles to get this major accomplishment completed. Connor recently graduated from Plato High School and plans on attending Brigham Young University Idaho after he serves a mission for his church.

Not every Boy Scout achieves the rank of Eagle Scout. The merit that comes with it deserves to be recognized and celebrated, especially in the hopes of inspiring other young men to become hard-working, American citizens and volunteers in their communities.

IN HONOR OF RAJNATH SINGH,  
PRESIDENT OF INDIA'S  
BHARATIYA JANATA PARTY

#### HON. ENI F. H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 2013

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to welcome Rajnath Singh to Washington, D.C. Mr. Singh is the current president of the Bharatiya Janata Party (BJP), the main opposition party in India.

At age 24, Rajnath Singh was appointed District President of the Jana Sangh. In 1977, he was elected a Member of the Legislative Assembly from the Mirzapur constituency. In 1984, he became state president of the youth wing.

In 1986, he was appointed national general secretary of the youth wing. In 1988, he rose to the position of National President in the BJP youth and was also elected into the Uttar Pradesh legislative council.

In 1991, Mr. Singh became Education Minister in the first BJP government in the state of Uttar Pradesh. In April 1994, he was elected into the Rajya Sabha and he became involved with the Advisory committee on Industry, Consultative Committee for the Ministry of Agriculture, Business Advisory Committee, House Committee and the Committee on Human Resource Development. Mr. Singh was twice elected as National President of BJP and his political accomplishments also include his service as Chief Minister of Uttar Pradesh, his home state.

Mr. Singh oversaw BJP victories in the states of Uttarakhand and Punjab, as well as municipal elections in Delhi, Chandigarh and across Maharashtra. In 2007, assembly elections in Gujarat added a new dimension to the string of successful electoral victories by the BJP.

In 2008, the BJP formed its first ever Government in south India when it rose to power in Karnataka. In 2008, BJP also registered victories in Madhya Pradesh and Chhattisgarh. The most successful phase in the BJP's history was when it managed to win 5 Assembly elections in a row in Uttaranchal, Punjab, Gujarat, Madhya Pradesh and Chhattisgarh.

I am honored to welcome Mr. Singh to our nation's Capital. I thank him for his service to India and for his work in strengthening U.S.-India relations. I also commend the BJP party for naming Chief Minister Narendra Modi as BJP's campaign committee chief.

As former Chairman and current Ranking Member of the House Foreign Affairs Subcommittee on Asia and the Pacific, I have and will continue to fully support Chief Minister Modi in his work to lift millions out of poverty by making development a mass movement. Making development a mass movement cuts across the barriers of caste, community, region, religion, race, gender, and status, and guarantees that the benefits of development reach all of us.

This extraordinary idea put forward by Chief Minister Modi has the potential to make the world a better place to live and, consequently, it is time for the U.S. to reverse its course and dialogue now with Chief Minister Modi, who may very well be India's next Prime Minister.

Once more, I welcome the President of the BJP party to Washington, D.C., and I thank Mr. Sanjay Puri, founder and CEO of the Alliance for U.S.-India Business (AUSIB), for bringing us together.

**A HIGH POINT FURNITURE COMPANY WINS NATIONAL HONORS**

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Mr. COBLE. Mr. Speaker, there is a company in the Sixth District of North Carolina that recently received a distinguished national award for its commitment to American workers and producing fine hand-crafted furniture in the United States. Edward Ferrell/Lewis Mittman (EF/LM) is the recipient of the "2013 Best: Made in America Award." I would like to congratulate all involved in this company's patriotic efforts.

Edward Ferrell/Lewis Mittman is a home furnishings and accessories company located in High Point, North Carolina. Steve Mittman moved EF/LM to North Carolina in 1992 from New York City where it was founded by his father in 1953. Today, EF/LM continues to operate in its modern High Point factory designed to nurture and support the great craftspeople of North Carolina.

EF/LM employs approximately 85 people in a variety of roles. The company is a "sell to the trade only" company that manufactures products in all categories of upholstered furniture and case goods. These products are showcased by about 15 managers and sales persons who run individual showrooms as their own businesses. The dedicated individuals at EF/LM work to incorporate surrounding local communities into the development of designs, and often volunteer their time and expertise for local non-profit causes. In addition to providing jobs in the Sixth District, EF/LM makes an effort to utilize local suppliers and other businesses for materials and tasks to further help American consumers and businesses.

Recently, EF/LM handcrafted a "bipartisan" sofa and hosted an event in which the sofa was staged in the Rayburn House Office Building Foyer. Respective sides of red and blue fabric were sewn together with white fabric to symbolize an invitation for Republicans and Democrats to sit, talk and listen about the importance of creating and sustaining jobs on American soil.

I would like to offer special congratulations to Owner Steve Mittman, President and CEO Crans Baldwin, Vice President of Operations Gregg Arrington, CFO and Controller Steve Wilt, Vice President of Design Phillip Jeffries, Director of Supply Chain Mark Peterson, and Showroom Managers Annie O'Connell and Joanna Mon.

Edward Ferrell/Lewis Mittman is a loyal, reputable and truly American company that has contributed to High Point's reputation as the Furniture Capital of the World. I am proud to congratulate EF/LM on its "2013 Best: Made in America Award."

**CONGRATULATING METROPOLITAN AFRICAN METHODIST EPISCOPAL (AME) CHURCH ON ITS 175TH ANNIVERSARY**

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in congratulating Metropolitan African Methodist Episcopal (AME) Church, also known as "The National Cathedral of African Methodism," on its 175th anniversary, and for its contributions to the District of Columbia.

Founded in 1838, Metropolitan AME Church has a long history of notable activities and events. The church was a safe haven to runaway persons who were enslaved, and pioneered the Bethel Literary Society, which enriched the civic, cultural and intellectual lives of African American citizens. Through the years, Metropolitan AME Church has hosted a number of prominent speakers, such as Frederick Douglass, Paul Laurence Dunbar, Mary McLeod Bethune, Eleanor Roosevelt, Joel Elias Spingarn, E. E. Just, Alain Locke, Mordecai Johnson, Hubert H. Humphrey, Jesse Jackson, and Bishop Desmond Tutu, among others. The church was also the site of memorial services for Frederick Douglass, A. Philip Randolph and Rosa Parks. This historic landmark was also the location of both President Bill Clinton and Vice President Albert Gore's inauguration prayer services. In recent years, President Barack Obama and the First Family have worshipped at Metropolitan AME Church.

Members of the congregation are committed to charity. Together, they rose over \$56,000 in money and goods for the survivors of Hurricane Katrina and Rita. Metropolitan AME Church also supports social justice initiatives that aim to improve the lives of all citizens of the District of Columbia and surrounding jurisdictions. The church has worked with ex-offenders, who are reentering society and most recently, the church has focused on initiatives to "Stop the Pipeline to Prison" and "Ending Gun Violence."

Metropolitan AME Church is committed to preserving the architectural and cultural heritage that distinguishes the District of Columbia. The church received the designation as an historical site and has renovated the church (\$4.5 Million) to maintain its edifice as a part of AME history. Just recently, the church was awarded a \$90,000 grant from the Partners in Preservation to restore the stained-glass windows surrounding the recently restored episcopacy windows on the church's primary facade.

Mr. Speaker, I ask the House of Representatives to join me in celebrating the 175th anniversary of Metropolitan AME.

**PERSONAL EXPLANATION**

**HON. DUNCAN HUNTER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Mr. HUNTER. Mr. Speaker, the purpose of my statement is to inform the House that my

absence last week, from July 8 to July 12, and on Tuesday of this week, July 16, was due to a necessary surgical procedure called anterior cervical disc fusion, performed by an outstanding team of professionals. With recovery underway, I'm eager to get back to work alongside the rest of my colleagues.

**SECOND MAJOR UNANSWERED QUESTION ABOUT THE TERRORIST ATTACK IN BENGHAZI**

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Mr. WOLF. Mr. Speaker, yesterday I came to the floor to announce that in the remaining legislative days before the August recess, I will be speaking out daily to remind the American people about the key questions that remain to be answered. I will also be sending a series of letters to a number of agencies responsible for the failures leading up to, during and in the aftermath of the Benghazi attacks.

Yesterday, I raised the question of why no survivors, whether State Department, CIA or private security contractor employees—have been asked to testify publicly before Congress. Today, I am raising questions about whether there were intelligence failures in the vetting of the Libyan militias hired to provide security for the consulate, which agency official was responsible for vetting these militias and which insider source provided the terrorists with details about the U.S. compound in advance of the attack.

These are serious questions that deserve clear answers. After nearly a year of committee investigations, I believe the House should be able to provide this information to the American people. Additionally, to the best of my knowledge, no official has been held accountable for any intelligence failures with regard to vetting the loyalty of the Libyan militias.

I raise these questions today in the context of the piece recently published by Vanity Fair, which is an excerpt from one of the books being written by the Benghazi survivors who have yet to appear before Congress. The book, *Under Fire: The Untold Story of the Attack in Benghazi*, provides a blow-by-blow account as seen from the eyes of the Diplomatic Security Service agents on the ground that night. The take away: this was a well-planned attack by terrorists who knew what they were doing and who clearly had help from the local militias contracted to provide "security."

How else, as the piece points out, would the attackers seem "to know there were new, uninstalled generators behind the February 17 Martyrs Brigade command post, nestled between the building and the overhang of foliage from the western wall, as well as a dozen jerry cans full of gasoline to power them." This gas was used to set the fires in the compound.

There are additional concerns about the security guards outside the consulate who left in a car moments before the assault on the consulate began. According to the Vanity Fair piece:

The feeling of security was enhanced at 2102 hours when an SSC (Supreme Security

Council—a coalition of individual and divergently minded Libyan militias) patrol vehicle arrived. The tan Toyota Hilux pickup, with an extended cargo hold, decorated in the colors and emblem of the SSC, pulled off to the side of the road in front of Charlie-1. The driver shut off the engine. He wasn't alone—the darkened silhouette of another man was seen to his right. The pickup sported twin Soviet-produced 23-mm. anti-aircraft guns—the twin-barreled cannons were lethal against Mach 2.0 fighter aircraft and devastating beyond belief against buildings, vehicles, and humans. The two men inside didn't come out to engage in the usual small talk or to bum some cigarettes from the guards or even to rob them. The Libyan guards, after all, were not armed.

"Suddenly the SSC militiaman behind the steering wheel fired up his engine and headed west, the vehicle crunching the gravel with the weight of its tires.

"Later, following the attack, according to the (unclassified) Accountability Review Board report, an SSC official said that 'he ordered the removal of the car 'to prevent civilian casualties.' This hints that the SSC knew an attack was imminent; that it did not warn the security assets in the Special Mission Compound implies that it and elements of the new Libyan government were complicit in the events that transpired."

Why, indeed, did the SSC guards not notify the consulate that an attack was imminent? And why were they allowed to leave as the terrorists gathered outside the compound? Again, these questions are essential to learning exactly who was responsible for the attack on the consulate.

According to an article by Eli Lake published in The Daily Beast earlier this year, the CIA was "responsible in part for one major failure the night of the Benghazi attack: his officers were responsible for vetting the February 17 Martyr's Brigade, the militia that was supposed to be the first responder on the night of the attack, but melted away when the diplomatic mission was attacked."

The article continued, "Another U.S. intelligence official . . . said the failure for the CIA at Benghazi was the mistaken assumption that the Zintan tribe in Benghazi—that provided many of the fighters for the February 17 Martyr's Brigade—would have the same loyalties as the Zintan tribe in Tripoli, which had protected several senior U.S. officials including Hillary Clinton in her visit last year to Libya. 'The CIA failed at mapping the human terrain,' this official said. 'They did not understand the politics in Benghazi and we paid the price.'"

These are important issues for the Congress to address and we have an obligation to ensure that reforms are made to prevent similar failures in the future. However, to the best of my knowledge, neither the State Department nor the CIA have disclosed who was responsible for vetting the militias, whether there was an intelligence failure or what reforms may have been implemented in the way of the militia's betrayal last September.

To summarize, I ask my colleagues if the Congress can answer these questions and, if not, why?

Was there an intelligence failure in vetting the true loyalty of the Libyan security guards for the U.S. consulate? Which agency was responsible for vetting the militias?

Who provided the terrorists with details of the consulate property? Was it the security

guards or someone in the Libyan government who was notified about the ambassador's visit?

Why did the guards in the car outside the consulate not warn the U.S. staff of the gathering terrorists as they drove away a minute before the assault began? Were they complicit in the plot?

When the Congress departs for the August recess in two and a half weeks, will the American people know why, after a year of investigations, who provided the terrorists with insider information about the consulate property and the ambassador's location?

Again, this is why I believe a House Select Committee is the best way forward to ensure that these and other unanswered questions are resolved. To date, 160 House Republicans—nearly three quarters of the entire Republican Conference—have cosponsored H. Res. 36 to create a Select Committee on Benghazi to ensure the American people learn the truth.

#### OUR UNCONSCIONABLE NATIONAL DEBT

##### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 2013

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,738,177,765,933.41. We've added \$6,111,300,717,020.33 to our debt in 4 and a half years. This is \$6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### RECOGNIZING UNITED METHODIST OUTREACH MINISTRIES

##### HON. KYRSTEN SINEMA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 2013

Ms. SINEMA. Mr. Speaker, I rise today to ask that my colleagues join me in recognizing United Methodist Outreach Ministries, an organization devoted to the service and shelter of homeless families in Arizona. Since 1964, they have provided the state of Arizona with the highest quality of service, providing families and individuals with temporary and permanent housing, medical care, child care, and education to rebuild lives traumatized by desperate circumstances.

In addition, I would like to commend the Department of Veterans Affairs for their work in facilitating UMOM's outstanding service. The VA, since 2011, has awarded grants to 319 deserving organizations in all 50 states, Puerto Rico, the Virgin Islands, and the District of Columbia as part of their Supportive Services for Veteran Families (SSVF) program. In July, 2013, for use in the upcoming year, they awarded \$300 million that will help approximately 120,000 homeless and at-risk Veterans

and their families. UMOM has been awarded an SSVF grant in all three years the program has been active.

One of UMOM's Veterans housing facilities is in my district, and I am thrilled that such an organization is raising the level of care provided to my constituents—the veterans who have given so much to our country. I would like to encourage UMOM and other such organizations to continue serving the most in-need and deserving of Arizona residents with such admirable dedication.

UMOM is a wonderful representative of the non-profit organizations across the country serving our Veterans with the efficient help of the Department of Veterans Affairs. I ask that my colleagues join me in recognizing United Methodist Outreach Ministries for beginning to pay the debt we owe our most honored Veterans.

#### PERSONAL EXPLANATION

##### HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 2013

Mr. LUETKEMEYER. Mr. Speaker, on rollcall No. 354 I was not present due to a flight cancellation and subsequent late arrival.

Had I been present, I would have voted "aye."

Mr. Speaker, on rollcall No. 355 I was not present due to a flight cancellation and subsequent late arrival.

Had I been present, I would have voted "aye."

Mr. Speaker, on rollcall No. 356 I was not present due to a flight cancellation and subsequent late arrival.

Had I been present, I would have voted "aye."

#### IN HONOR OF CHINATOWN, LOS ANGELES IN RECOGNITION OF ITS 75TH ANNIVERSARY

##### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 17, 2013

Mr. BECERRA. Mr. Speaker, I rise today to honor the 75th anniversary of a place of history and a cornerstone of Los Angeles culture: Chinatown.

Chinatown today is a dynamic neighborhood where the old and new come together harmoniously to create a unique destination point for Angelinos and newcomers alike. It spans 24-city blocks with a bustling commercial district and active residents. When walking down North Broadway, you can see the well-preserved historic architecture and cultural celebrations alongside innovative commercial developments that protect the integrity of the Chinese American community's history in Los Angeles.

Understanding how Los Angeles' Chinatown found a home opens a fascinating window into the quest for dignity and opportunity for Chinese Americans. That journey did not start

with the creation of Chinatown in its current location. In fact, it began in 1852 when the first Chinese settled around El Pueblo Plaza. By the 1870s, it had grown to 200 people, mostly male, who made their living as laborers working in laundry, gardening and ranching.

It was during this time of growth that the Chinese community experienced one of the most serious incidents of racial violence in Los Angeles' history, the Massacre of 1871. This horrific event occurred when a mob of over 500 white men entered Chinatown to attack, rob and murder Chinese residents of the city. Despite such severe discrimination, the people of Chinatown persevered and found a way to prosper. Chinatown grew to over 3,000 people, boasting a Chinese Opera theatre, three temples, a newspaper, even a telephone exchange. As the town thrived, residents formed family organizations and church missions.

Even as the Chinese community continued to make significant contributions to Los Angeles and the nation, sadly there was an increase in anti-Chinese sentiment. State laws prohibited the Chinese from owning property and the federal Chinese Exclusion Act barred others in the future from emigrating to the United States. America made life difficult for its people of Chinese heritage.

And it added to the adversity that Old Chinatown in Los Angeles confronted. Starting in 1913, Chinatown faced a continuous threat of relocation as the City of Los Angeles decided that the best location to build Union Station, it's sparkling new railroad station, would be Old Chinatown. After decades of living with the threat of eviction, the Chinese community was forced to relocate in 1931. The residents of Old Chinatown, who had built their lives in this neighborhood, were displaced with no compensation or relocation plans to rebuild their homes and businesses. They were scattered throughout the city.

Hard times were no stranger to the residents of Chinatown. And so, on April 22, 1937, Peter Soohoo brought together a group of 28 prominent Chinese Angelinos for an organizational meeting. They drafted a proposal for a new neighborhood that would combine elements of Chinese design with modern American architecture. This architectural vision would reflect the Chinese American identity that this community had worked so hard to establish.

According to the plan, a private association would wholly manage the project including the financing of it. Thus, the Los Angeles Chinatown Project Association was born. On June 25, 1938, eighteen businesses opened their doors to the public in the New Chinatown, one of the first malls in America and the nation's first modern American "Chinatown."

The Chinese American community continued its impressive growth in Los Angeles. The sons and daughters of these pioneers helped build Chinatown from three buildings on North Broadway into a dynamic commercial district and residential area frequented by both tourists and locals. It is one of Los Angeles' cultural treasures that we must nurture and celebrate.

I commend the hardworking citizens of New Chinatown, some of whom are descendants of its original families, for their dedication to advancing the area, while protecting its history

and cultural significance. Their contributions are invaluable and must be applauded.

Mr. Speaker, it is with deep pride that I ask my colleagues to join me in celebrating the "Diamond Anniversary" of one of Los Angeles' great neighborhoods, New Chinatown. We are a better America today because of the visionaries and pioneers who fought to survive the tough times and because of the generations that followed who continue to make our City and our country the home of the American Dream.

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TRIBUTE TO THE DAVID LLOYD MITCHELL FAMILY C/O MS. CHARLOTTE MITCHELL, CHAIRMAN FAMILY REUNION 2013

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, family Reunions are very important events and activities in the lives of all people, especially for African Americans in this country who have gone through the experiences of being snatched from their homelands, taken from their tribes, brought to another country, survived hostile environments, experienced discrimination and still stand tall, achieves greatly and is an integral part of American life.

Your family, the descendants of Mr. David Lloyd Mitchell have much for which to be proud. Since his arrival in this country you all have continued to move forward and I commend you for the great research and record-keeping that someone has done. To trace one's family back to the Reconstruction Period in this country is a feat in and of itself. There has obviously been a great emphasis placed on education as evidenced by the presence of more than thirty attorneys, medical doctors and Ph.D.'s, more than 200 Master Degrees, 500 plus Bachelors and I am sure that there is a great assortment of other achievements and accomplishments made by members of your family.

I congratulate the family of Mr. David Lloyd Mitchell, commend you for your outstanding accomplishments and wish you well as you continue to reach new heights each and every day.

Welcome to Chicago and enjoy your family reunion on July 26–28th.

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TRIBUTE TO RETIRED SERGEANT MAJOR HOWARD BAKEMAN

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Mr. BONNER. Mr. Speaker, I rise to praise a true American hero, retired Army Sergeant Major Howard Bakeman, who passed away on June 1, 2013, at the age 95.

A veteran of World War II, Mr. Bakeman survived the attack on Pearl Harbor while serving as a staff sergeant at Schofield Barracks in Hawaii. Remarkably, two of his broth-

ers were also stationed at Pearl Harbor during the Japanese attack and all three survived. After the war, he remained in the Army through peace-time and was again called to action in 1950 to serve his country in the Korean conflict.

In 1959, he was promoted to Sergeant Major, serving nine more years before fulfilling his obligation to Uncle Sam.

After completing his active duty tour, Mr. Bakeman moved to Mobile in 1968 where he worked for two years as an Army ROTC instructor at Citronelle High School. During his time in Citronelle, he was recognized for having the largest number of Army cadets to enlist from any of the schools in Mobile County.

Mr. Bakeman's dedication to duty was typical of many who served during what is often described as "the greatest generation." He loved what he did and looked at his time served as an adventure. In an interview early last year with Mobile's Fox 10 television, he observed, "I didn't have to pay for anything. It's not every employer that pays you to go to these exotic countries."

Mr. Bakeman also offered some advice on life and patriotism. "Be respectful. Remember where you came from. Remember where you are living. Respect authority and respect the flag. Now if they can't do that, they better pack and haul it. There's absolutely no excuse."

Mr. Bakeman hailed from a family of dedicated servicemen—along with his father and two brothers—the Bakeman men served a combined total of 123 years in the armed forces. What's more, even well into his 90's, Mr. Bakeman was a familiar presence at local events honoring our veterans. He always wore his uniform proudly.

On behalf of the people of Alabama, I wish to extend heartfelt condolences to his niece, Elizabeth Lynch, and his entire family and many friends. We will forever be indebted to his heroism and his service to our nation.

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MELVIN DOW

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Mr. POE of Texas. Mr. Speaker, I would like to recognize the fine career and outstanding community involvement of a great Houstonian, a devoted public servant and my friend, Melvin Dow. Melvin is retiring after 62 years of service to our community. It is an honor for me to recognize Melvin, not only for his numerous professional accomplishments and many contributions to our community, but also for his service to our country.

After graduating from Rice University, Melvin earned his law degree from Harvard Law School where he graduated magna cum laude and served as editor of the Harvard Law Review. Melvin began his career and service with the United States Army, where he was commissioned as a First Lieutenant, in the Army General Counsel's Office in the Pentagon. Following his service in the Army, Melvin moved back to Houston to begin his legal career in Harris County.

Melvin's extensive knowledge of the justice system and his incredible work ethic quickly

gained him respect from his colleagues in the law profession. Over his career, Melvin was routinely recognized for his expertise and contributions to the legal community. He was included in the Best Lawyers in America for 28 consecutive years and was listed as a "Super Lawyer" by Texas Monthly Magazine for multiple years. In addition, Melvin serves as a member of the Harvard Law School's Board of Overseers' Visiting Committee.

In addition to his notable recognition for his work within the legal community, Melvin has also earned acknowledgements for his work within the Jewish-American community. Melvin is currently a member of the Board of Directors of the American Israel Public Affairs Committee (AIPAC) and Melitz, and Melvin serves on the Advisory Boards of the University of Texas Hillel Foundation, the Rice University Jewish Studies Program, and Congregation Beth Yeshurun of Houston. Melvin previously served as National President of AIPAC, trustee of the Jewish Publication Society, President of Congregation Beth Yeshurun, Vice President of the Jewish Federation of Houston and on the Board of Trustees of St. John's School. The list of this model citizen's accomplishments is impressive and well-deserved. Melvin's service to his city, state and nation as well as his faith will have an enduring positive impact.

A dedicated family man, Melvin has been married to his wife, Frieda, for 55 years. Together, they are the proud parents of five sons and grandparents to nine granddaughters and three grandsons.

I have had the opportunity to travel with Melvin and Frieda to Israel and observe firsthand their dedication to Israel's Absolute Right to Exist and to be a free democratic Republic.

On behalf of the Second Congressional District of Texas, I commend this remarkable Texan for his exemplary service and dedication to Harris County and to the State of Texas. Thank you, Melvin, for a lifetime of remarkable achievements within the legal community and for your steadfast commitment in helping to better your community.

And that's just the way it is.

TRIBUTE TO WILLIAM FRANCIS  
HARTNETT, JR.

**HON. TODD ROKITA**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Mr. ROKITA. Mr. Speaker, I rise today to recognize and salute a remarkable individual, William Francis Hartnett, Jr., who passed away on July 15, 2013. I wish to express my heartfelt gratitude and appreciation for his leadership and service to our county.

Mr. Hartnett attended St. Michael's College, Middlebury College, and Cornell University. He was also a graduate of Fordham University School of Law. After earning his J.D., he practiced law in both New York City and Port Washington, New York.

Mr. Hartnett had a servant's heart. For four years he served our nation as an officer in the United States Navy and continued to serve Americans as a Special Agent for the Federal

Bureau of Investigation. Mr. Hartnett also served his community as Assistant to the Vice Chairman of the New York Housing Authority, Counsel to the Board of the New York City Board of Higher Education, and as East Meadow School Board President. Mr. Hartnett served on numerous boards, including St. Francis Hospital, Northwestern Memorial Hospital, the Chicago Public Library, Chicago Catholic Charities, and many more. Mr. Hartnett also served on the Board of La Lumiere School in La Porte, Indiana.

Mr. Hartnett was the Founder of both William F. Hartnett and Associates and Hartnett-Shaw Development Corporation. He developed many commercial, residential and industrial real estate projects across the country, including Lake Point Tower in Chicago, United Nations Plaza in New York, Williams Center in Tulsa, Oklahoma, and Century City in Los Angeles.

Mr. Hartnett was a family man who is survived by Lorranye, his loving wife of sixty-three years, four children, seventeen grandchildren, and six great-grandchildren. William Francis Hartnett, Jr. was a man truly committed to his family, his community, his faith, and his country. America is a better nation because of Bill Hartnett, and I am lucky to know his family—his best achievement. He will be truly missed. Thank you and rest in peace, Mr. Hartnett.

TRIBUTE TO WINTHROP M.  
HALLET, III, PRESIDENT OF THE  
MOBILE AREA CHAMBER OF  
COMMERCE

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 17, 2013*

Mr. BONNER. Mr. Speaker, I rise to honor Winthrop M. Hallett, III, as he leaves his post as President of the Mobile Area Chamber of Commerce on July 31, 2013. For decades Win has been a strong advocate for our community and his positive influence will be felt for many years to come as our economy continues to expand and prosper.

A native of Mobile, Win attended Vanderbilt University and graduated with a bachelor's in economics. Soon after graduation, he was faced with leading his family's building materials business after the sudden death of his father. He rose to the occasion and continued to serve as owner and operator for 20 years. In 1991, following the good advice of a close friend, he opened a new chapter in his life by going to work for the Mobile Area Chamber of Commerce.

Known for putting others above himself, Win quickly took to the role of building a better Mobile. He focused on polishing Mobile's image as an ideal place to do business and raise a family. Due in no small part to his steadfast efforts, Mobile received the coveted All-America City award in 1995. His tenure was marked by one success after another, bringing in new commerce and industry and helping to transform Mobile into a true business destination.

In particular, I would like to point out that Win was instrumental in helping to recruit

major transformational businesses to our region, including Mobile Aerospace, Austal, ThyssenKrupp and Airbus. It was an honor to work with him on these and many other economic development efforts to benefit South Alabama.

Continuing to use his keen business mind for the good of others, Win also served with the United States Chamber of Commerce as chairman of the Chamber Committee of 100. He was also a member of the Board of Directors and Board Nominating Committee and Chairman of the Accrediting Board and the Bylaws Committee. He also served as Chairman of the Metropolitan Cities Council and is a member of the ACCE's Board of Directors. Win has also held leadership positions in various organizations around Mobile, such as the Rotary Club of Mobile, the Mobile YMCA, the Alabama Wildlife Federation, and Leadership Mobile.

Win's love for Mobile can be seen in his involvement in numerous local organizations. He is the Vice President of the Coastal Land Trust and the Vice Chairman of the Alabama District Export Council. He is a member of the Mobile Bay National Estuary Program Executive Committee and the Aerospace Alliance. And he achieved the honor of graduating from Leadership Alabama and the Center for Creative Leadership.

Mr. Speaker, on behalf of the people of Mobile and my colleagues in the Alabama Delegation, I would like to extend my personal appreciation, gratitude and highest regards to Mr. Winthrop M. Hallett, III, for his untiring, selfless service to Mobile and South Alabama. I wish him and his entire family the very best in their future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 18, 2013 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

JULY 22

3 p.m.

## Committee on Environment and Public Works

To hold an oversight hearing to examine Army Corps of Engineers water management in the Apalachicola-Chat-tahoochee-Flint (ACF) and the Alabama-Coosa-Tallapoosa (ACT) river systems.

SD-406

JULY 23

9 a.m.

## Committee on Foreign Relations

To hold hearings to examine the nominations of Joseph Y. Yun, of Oregon, to be Ambassador to Malaysia, Daniel A. Clune, of Maryland, to be Ambassador to the Lao People's Democratic Republic, and Morrell John Berry, of Maryland, to be Ambassador to Australia, all of the Department of State.

SD-419

10 a.m.

## Committee on Appropriations

## Subcommittee on Financial Services and General Government

Business meeting to markup proposed legislation making appropriations for fiscal year 2014 for Financial Services and General Government.

SD-138

## Committee on Banking, Housing, and Urban Affairs

## Subcommittee on Financial Institutions and Consumer Protection

To hold hearings to examine financial holding companies, focusing on if banks should control power plants, warehouses, and oil refineries.

SD-538

## Committee on Commerce, Science, and Transportation

## Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard

To hold hearings to examine New England and mid-Atlantic perspectives on "Magnuson-Stevens Act" reauthorization.

SR-253

## Committee on Environment and Public Works

To hold hearings to examine the nominations of Kenneth J. Kopocis, of Virginia, to be an Assistant Administrator for the Office of Water, James J. Jones, of the District of Columbia, to be Assistant Administrator for Toxic Substances, and Avi Garbow, of Virginia, to be General Counsel, all of the Environmental Protection Agency.

SD-406

## Committee on Health, Education, Labor, and Pensions

To hold hearings to examine National Labor Relations Board nominees.

SD-430

## Committee on the Judiciary

## Subcommittee on Antitrust, Competition Policy and Consumer Rights

To hold hearings to examine pay-for-delay deals, focusing on competition and consumers.

SD-226

10:30 a.m.

## Committee on Agriculture, Nutrition, and Forestry

To hold hearings to examine the nominations of Krysta L. Harden, of Georgia, to be Deputy Secretary, and Robert Bonnie, of Virginia, to be Under Sec-

retary for Natural Resources and Environment, both of the Department of Agriculture.

SR-328A

## Committee on Appropriations

## Subcommittee on State, Foreign Operations, and Related Programs

Business meeting to markup proposed legislation making appropriations for fiscal year 2014 for the Department of State, Foreign Operations, and Related Programs.

SD-138

## Committee on the Budget

To hold hearings to examine the impact of sequestration on national security and the economy.

SD-608

## Committee on Homeland Security and Governmental Affairs

To hold hearings to examine the 90/10 rule, focusing on improving educational outcomes for our military and veterans.

SD-342

2:15 p.m.

## Committee on Foreign Relations

Business meeting to consider S. Res. 156, expressing the sense of the Senate on the 10-year anniversary of NATO Allied Command Transformation, embassy security legislation, and the nominations of Victoria Nuland, of Virginia, to be Assistant Secretary for European and Eurasian Affairs, Douglas Edward Lute, of Indiana, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador, and Daniel Brooks Baer, of Colorado, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador, all of the Department of State.

S-116

2:30 p.m.

## Committee on Energy and Natural Resources

To resume hearings to examine S. 1273, to establish a partnership between States that produce energy onshore and offshore for our country with the Federal Government.

SD-366

## Select Committee on Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

3 p.m.

## Committee on Banking, Housing, and Urban Affairs

## Subcommittee on Securities, Insurance, and Investment

To hold hearings to examine creating a housing finance system built to last, focusing on ensuring access for community institutions.

SD-538

## Committee on the Judiciary

## Subcommittee on Bankruptcy and the Courts

To hold hearings to examine how sequestration is effecting the courts.

SD-226

JULY 24

9:50 a.m.

## Committee on Rules and Administration

Business meeting to consider S. 375, to require Senate candidates to file designations, statements, and reports in electronic form, and the nomination of Davita Vance-Cooks, of Virginia, to be

Public Printer, Government Printing Office.

SR-301

10 a.m.

## Committee on Banking, Housing, and Urban Affairs

To hold hearings to examine the "Federal Housing Administration (FHA) Solvency Act of 2013".

SD-538

## Committee on Environment and Public Works

To hold an oversight hearing to examine implementation of Moving Ahead for Progress in the 21st Century's (MAP-21) "Transportation Infrastructure Finance and Innovation Act" (TIFIA) program enhancements.

SD-406

## Committee on Health, Education, Labor, and Pensions

Business meeting to consider the nominations of Kent Yoshiho Hirozawa, of New York, and Nancy Jean Schiffer, of Maryland, both to be a Member of the National Labor Relations Board, and any pending nominations.

SD-430

## Committee on the Judiciary

To hold hearings to examine the nominations of Cornelia T. L. Pillard, to be United States Circuit Judge for the District of Columbia Circuit, Landya B. McCafferty, to be United States District Judge for the District of New Hampshire, Brian Morris, and Susan P. Watters, both to be a United States District Judge for the District of Montana, and Jeffrey Alker Meyer, to be United States District Judge for the District of Connecticut.

SD-226

## Committee on Rules and Administration

To hold hearings to examine the nominations of Ann Miller Ravel, of California, and Lee E. Goodman, of Virginia, both to be a Member of the Federal Election Commission.

SR-301

## Joint Economic Committee

To hold hearings to examine America's crumbling infrastructure, and how to fix it.

TBA

10:30 a.m.

## Committee on Finance

To hold hearings to examine health information technology, focusing on using it to improve care.

SD-215

2 p.m.

## Committee on Environment and Public Works

## Subcommittee on Superfund, Toxics and Environmental Health

To hold hearings to examine cleaning up and restoring communities for economic revitalization.

SD-406

## Committee on Foreign Relations

## Subcommittee on East Asian and Pacific Affairs

To hold hearings to examine rebalance to Asia III, focusing on protecting the environment and ensuring food and water security in East Asia and the Pacific.

SD-419

## Committee on the Judiciary

## Subcommittee on the Constitution, Civil Rights and Human Rights

To hold hearings to examine closing Guantanamo, focusing on the national security, fiscal, and human rights implications.

SD-226

Special Committee on Aging  
To hold hearings to examine payday loans.

SD-562

2:30 p.m.

Committee on Commerce, Science, and Transportation

To hold hearings to examine cruise industry oversight, focusing on the need for a stronger focus on consumer protection.

SR-253

Committee on Small Business and Entrepreneurship

To hold hearings to examine implementation of the "Affordable Care Act", focusing on understanding small business concerns.

SR-428

JULY 25

9:30 a.m.

Committee on Armed Services

To hold hearings to examine the nominations of Stephen Woolman Preston, of the District of Columbia, to be General Counsel, Jon T. Rymer, of Tennessee, to be Inspector General, Susan J. Rabern, of Kansas, to be Assistant Secretary of the Navy for Financial Management and Comptroller, and Dennis V. McGinn, of Maryland, to be Assistant Secretary of the Navy for Energy, Installations, and Environment, all of the Department of Defense.

SH-216

Committee on Energy and Natural Resources

To hold hearings to examine supplemental funding options to support the National Park Service's efforts to address deferred maintenance and operational needs.

SD-366

2:30 p.m.

Committee on Energy and Natural Resources

Subcommittee on Water and Power

To hold hearings to examine the issues associated with aging water resource infrastructure in the United States.

SD-366

Select Committee on Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

JULY 30

10 a.m.

Committee on Energy and Natural Resources

Subcommittee on Public Lands, Forests, and Mining

To hold hearings to examine S. 37, to sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, S. 343, to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, S. 364, to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, S. 404, to preserve the Green Mountain Lookout in the Glacier Peak Wilderness of the Mount Baker-Snoqualmie National Forest, S. 753, to provide for national security benefits for White Sands Missile Range and Fort Bliss, S. 1169, to withdraw and reserve certain public land in the State of Montana for the Limestone Hills Training Area, S. 1294, to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee, S. 1300, to amend the Healthy Forests Restoration Act of 2003 to provide for the conduct of stewardship end result contracting projects, S. 1301, to provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon, S. 1309, to withdraw and reserve certain public land

under the jurisdiction of the Secretary of the Interior for military uses, H.R. 507, to provide for the conveyance of certain land inholdings owned by the United States to the Pascua Yaqui Tribe of Arizona, H.R. 862, to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960, and H.R. 876, to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho.

SD-366

2:30 p.m.

Committee on Energy and Natural Resources

To hold hearings to examine S. 1240, to establish a new organization to manage nuclear waste, provide a consensual process for siting nuclear waste facilities, ensure adequate funding for managing nuclear waste.

SD-366

AUGUST 1

9:30 a.m.

Committee on Energy and Natural Resources

To hold hearings to examine the November 6, 2012 referendum on the political status of Puerto Rico and the Administration's response.

SD-366

SEPTEMBER 11

10:30 a.m.

Committee on Appropriations

Subcommittee on Financial Services and General Government

To hold hearings to examine proposed budget estimates and justification for fiscal year 2014 for the Federal Communications Commission.

SD-138



## SENATE—Thursday, July 18, 2013

The Senate met at 9:30 a.m. and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray. Gracious God, thank You for the love You give us each day. Great and holy is Your Name. Infuse our lawmakers with a spirit of humility that will empower them to do Your will. Lord, help them to embrace Your desire to bring healing to our world. Challenge the best in them so they will give You their supreme allegiance and love. Enable them to fill swift hours with meaningful and faithful deeds, to think clearly, to act kindly, and to make a better world.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 18, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. SCHATZ thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 99, which is the Transportation appropriations bill.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 99, S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

### SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, there will be an hour of morning business, with the majority controlling the first half and the Republicans the final half.

Following morning business, the Senate will proceed to executive session to consider the nomination of Thomas Perez to be Secretary of Labor. We hope to confirm both the Perez and McCarthy nominations today.

We are ready to move on this whenever my Republican colleagues say they want to. What would be the right thing to do would be to vote on Perez this morning and vote on the cloture motion I filed regarding McCarthy. Then this afternoon, after our lunches, we would vote on confirmation of McCarthy. However, whatever the Republicans decide, I will be happy to work with them in whatever way is convenient.

MEASURES PLACED ON THE CALENDAR—S. 1315, S. 1316, AND H.R. 1911

Mr. REID. I understand there are three bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 1315) to prohibit the Secretary of the Treasury from enforcing the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010.

A bill (S. 1316) to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

A bill (H.R. 1911) to amend the Higher Education Act of 1965 to establish interest rates for new loans made on or after July 1, 2013, to direct the Secretary of Education to convene the Advisory Committee on Improving Postsecondary Education Data to conduct a

study on improvements to postsecondary education transparency at the Federal level, and for other purposes.

Mr. REID. Mr. President, I object to all three of these matters proceeding further at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the Calendar.

### NOMINATIONS

Mr. REID. Mr. President, today, as part of this week's agreement to process nominations, the Senate will vote on confirmation of the Perez nomination to lead the Department of Labor, and we will vote on the cloture motion on the nomination of Gina McCarthy to lead the Environmental Protection Agency.

I hope we can move forward on these matters as quickly as possible.

Gina McCarthy is an accomplished environmental official who has served under several Republican Governors, including Governor Romney. She has worked in Democratic administrations also. As a top environmental official in Massachusetts and Connecticut, she has expanded energy efficiency and renewable energy programs.

We had a wonderful event yesterday morning where the EPA building was named after President Clinton. He stood and talked about what he and Vice President Gore had done to help the environment, and he stressed time and time again it is important to have a growing, strong economy and to make sure we take care of the environment in the process because those two things are not in conflict.

Gina McCarthy is now Assistant EPA Administrator, and it has been her job to come up with creative new ways to keep our air clean and our water safe while growing the economy, as President Clinton said.

She was nominated several months ago. I spoke to her yesterday morning, as she was with President Clinton, and she was anxious to have a vote today. She has a proven track record of public service, there is no question about that.

Tom Perez, the nominee to lead the Department of Labor, is also an experienced public servant. He is from Buffalo, NY, the son of Dominican immigrants. As we have heard, he put himself through college working at a warehouse and as a garbage collector. He graduated from Brown University, one of the most prestigious universities in America, and in fact the world, as is Harvard Law School. He went to both of those fine universities.

He served as Deputy Assistant Attorney General for Civil Rights under

Janet Reno, who was Attorney General for our country. He was appointed by Governor O'Malley in 2007 to serve as secretary of the Maryland Department of Labor where he helped implement the country's first statewide living wage law.

Four years ago he was confirmed by the Senate with 72 votes to lead the Civil Rights Division at the Department of Justice in Washington. There he has helped resolve cases on behalf of families targeted by unfair mortgage lending.

He is very qualified, with his education and background, and he will be an excellent Secretary of Labor. So I look forward to our confirming him as soon as we can.

#### STUDENT LOAN INTEREST RATES

Mr. President, I am very hopeful we can wind up the discussions we have had for several weeks now on student loans. There has been wonderful bipartisan discussions in this regard. Again, the legislation that has been presented to me isn't everything I want, but it is the work of a number of Democratic and Republican Senators working very long hours—in fact, those Senators had a meeting the night before last with the President that lasted about an hour and a half.

So we have to get this done as soon as possible. Of course, we have made it retroactive because we know the student loan rate went up from 3.4 percent to 6.8 percent the first of this month, and we need to make sure that legislation gets done before we leave. With people processing their applications to go to school this fall, we should get it done as quickly as possible. It is possible we could do it today.

I appreciate—and I hope I don't miss mentioning anyone, though I am confident I will—the Senators who have worked so hard on this issue. But those who have worked together on this compromise have been Senators HARKIN, DURBIN, KING, and MANCHIN on our side; and on the Republican side, Senators ALEXANDER, COBURN, and BURR. There have been others. In the process, we also have a number of Senators who may not be totally pleased with this agreement that is contemplated, but they have all worked so hard—JACK REED and ELIZABETH WARREN.

What I would like to do, and I hope we can do it as soon as possible, with the compromise that has been worked out with the Senators I mentioned—and whatever Senator REED and others want to do—we would have a couple of votes to make sure everyone has the ability to vote on their legislation. I hope we can do it this way. It would be the right way to go in solving this issue.

If we do this, we would not be back next year to do it. It will be done. We would not be back in 2 years. It will be done. So I hope very much we can get this done. I applaud all these Senators

who have worked so hard for so long to come up with an agreement.

Again, I repeat for the third time even this morning, this isn't going to be everything the Presiding Officer wants, the Republican leader or I want, but, hopefully, it will be a step forward.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### NOMINATIONS

Mr. MCCONNELL. Mr. President, today the Senate will consider the nominations of Thomas Perez and Gina McCarthy to head the Department of Labor and the EPA. I will be voting against both of these nominees, and I would like to explain why.

Tom Perez is someone who has devoted much of his career to causes he believes in. That is certainly admirable, but the duty of advice and consent is about more than just ascertaining whether a nominee has good intentions. Far more important is considering the way a nominee has gone about pursuing them. It is about what he or she would do on the job. And that—that is where the Perez nomination begins to break down because based on the evidence, Tom Perez is more than just some leftwing ideologue, he is a leftwing ideologue who appears perfectly willing to bend the rules to achieve his ends. It is this “ends justify the means” approach to his work, not simply his ideological passion, that is so worrying to me about Mr. Perez.

A few examples from his past paint the picture. Media reports indicate that as a member of a county council in Maryland, Mr. Perez tried to get the county to break Federal law by unlawfully importing foreign drugs even after a top FDA official said Federal law was “very clear,” and that there was “no question” that doing so would be “undeniably illegal.”

When the County Executive, a fellow Democrat, ultimately decided not to instruct county employees to break the law, as Mr. Perez advocated—which could have subjected those workers to criminal prosecution—he lambasted the County Executive as “so timid.”

“Federal law is muddled,” Mr. Perez argued, adding, “sometimes you have to push the envelope.” Sometimes you have to push the envelope.

Throughout his career, however, Perez has done more than just push the envelope. He once pushed through a county policy that encouraged the circumvention of Federal immigration law. As the head of the Federal Government's top voting rights watchdog, he refused to protect the right to vote for Americans of all races in violation of the very law he was charged with enforcing. He also directed the Federal Government to sue a law-abiding woman who was protesting outside an abortion clinic in Florida.

The Federal judge who threw out this lawsuit said he was “at a loss as to why the government chose to prosecute this particular case in the first place.”

Just as troubling, when Mr. Perez has been called to account for his failures to follow the law, he has been less than forthright. When he testified that politics played no role in his office's decision not to pursue charges against members of a far-left group that may have prevented others from voting, the Department's own watchdog—their own watchdog—said “Perez's testimony did not reflect the entire story,” and a Federal judge said the evidence before him “appear[ed] to contradict . . . Perez's testimony.” Appeared to contradict Perez's testimony.

In short, Mr. Perez made misleading statements in this case, under oath, to both Congress and the U.S. Civil Rights Commission. Taken together, this is reflective not of some passionate left-winger who views himself as patiently advocating policies within the bounds of a democratic system, but as a crusading ideologue whose convictions lead him to believe the law simply doesn't apply to him.

As Secretary of Labor, Mr. Perez would be handling numerous contentious issues and implementing many politically sensitive laws. Americans of all political persuasions have a right to expect the head of such an important Federal department, whether appointed by a Republican or a Democrat, would implement and follow the law in a fair and reasonable way. I do not believe they could expect as much from Mr. Perez, and that is why I will be voting against him today.

As for Gina McCarthy, I have no doubt she is a well-meaning public servant. We had some good conversations when she came to visit my office earlier this year. But as the head of EPA's air division, she is overseeing the implementation of numerous job-killing regulations. These regulations, along with others promulgated by the EPA, have had a devastating effect in States such as mine.

They have helped bring about a depression—depression with a “d” in parts of Eastern Kentucky.

And there is no reason to expect a course correction from Ms. McCarthy if she were to be confirmed as Administrator.

In fact, one assumes she would be expected to carry forward the President's plan to impose, essentially by executive fiat, even more destructive policies—policies similar to those already rejected by a Democrat-controlled Congress.

As someone sent here to stand up for the people who elected me, I cannot in good conscience support a nominee who would advance more of the same, someone who is not willing to stand up to this administration's war on coal.

And remember, this “war” talk that is not me saying that. “A war on coal

is exactly what's needed." That is what one of the White House's own climate advisors said just the other week.

All of us—Republicans especially—believe in being good stewards of the environment. But Washington officials have to be rational and holistic in their approach. They cannot, as this administration seems to think, simply do whatever they want, regardless of the consequences for people who do not live or act or think the same way they do.

I do not blame Ms. McCarthy personally for all of the administration's policies. But I believe the EPA needs an Administrator who is ready to step up and challenge the idea that the livelihoods of particular groups of Americans can simply be sacrificed in pursuit of some ivory tower fantasy. That kind of nominee—the kind of nominee I can support—is one who is willing to question the status quo and to make Kentuckians part of the solution.

#### OBAMACARE

Later today, the President is scheduled to deliver a speech on Obamacare.

He is expected to say that, because of Obamacare, Americans can expect checks in the mail.

Sounds great, doesn't it? Free money.

But, as they say, most things in life that sound too good to be true very often are.

And, in this case, it is not so much that people will be getting free money, as that most people will be paying many dollars more for their healthcare and maybe—just maybe—getting a few bucks back.

In other words, if you are a family in Covington facing a \$2,100 premium increase under Obamacare, then, really, what would you rather have: a check for \$100 or so or a way to avoid the \$2,100 premium increase in the first place?

I think the answer is pretty obvious.

I think most Kentuckians would agree that this is just another sad attempt by the administration to spin them into wanting a law they do not want.

And there is this to consider: Even though we expect the President today to tout about \$500 million worth of these types of refunds, what he will not say is that next year Obamacare will impose a new sales tax on the purchase of health insurance that will cost Americans about \$8 billion. That is a 16 to 1 ratio.

So if the administration is concerned with saving people money on their health care, I have some advice for them.

Work with us to repeal Obamacare and start over—work with us to implement commonsense, step-by-step reforms that can actually lower costs for Kentuckians. Because jacking up our constituents' health care costs is bad enough, but to try to then convince them the opposite is happening—that

they have actually won some Publishers Clearinghouse sweepstakes, well, it is just as absurd as it sounds. It is really an insult and I know Kentuckians aren't going to buy it.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT *pro tempore*. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT *pro tempore*. Under the previous order, the Senate will be in a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority leader controlling the first half.

The Senator from Colorado.

#### AURORA THEATER SHOOTING

Mr. UDALL of Colorado. Mr. President, I rise today to mark a somber milestone. Nearly 1 year ago, Colorado and the Nation were shocked by the horrific scene at an Aurora movie theater. Even before the sun rose that Friday, July 20, 2012, we began hearing of a senseless mass shooting that took the lives of 12 people and injured 70 more.

Today I want to mark the anniversary of this tragedy and to honor the strength that so many Coloradans have shown—both on that day and in the weeks and months since.

The Aurora theater shooting shook us, it shocked us, it outraged us, but, as I said one year ago, it did not break us. Even today we are seeing that the legacy of this terrible tragedy is not the horror of that day but, rather, the courage and resilience of the people who have refused to let this event define their lives.

Take, for example, 18-year-old Zack Golditch, who endured surgery and weeks of recovery so he could continue with his football career and become a repeat state discus champion. The Denver Post recently named him the winner of their Adversity Conquered through Excellence award and this fall he will begin his freshman year as an offensive lineman at CSU.

Or Marcus Weaver, who was shot twice but now hosts a weekly radio show in Denver that spotlights great Americans who are making a difference in the community. Marcus also works with his church to help people who have struggled through addiction or incarceration and now travels the country inspiring others with his story and pushing them to take charge of their lives.

These are just two of the countless examples of the perseverance of people who were affected by the Aurora shoot-

ing. Zack and Marcus's strength defines us as Americans. That is something in which we can take great pride.

It is the kind of strength we honor in remembering this tragedy now a year later. In particular, we look back and honor young men like 26-year-old Jon Blunk and 24-year-old Alexander Teves who sacrificed their lives to protect their friends. And then there were the countless police and other first responders who rushed to the scene to care for the wounded and to stop the shooter before he could injure others.

Colorado has known too many tragedies these past several years. From the Aurora theater shooting to wildfires in Colorado Springs, Fort Collins and elsewhere that have threatened and destroyed entire communities and left hundreds of our friends and neighbors without homes.

We have seen the same spirit of sacrifice and resilience, as firefighters and community members have banded together to fight the Black Forest Fire, the West Fork Complex Fire and the other blazes that have threatened entire communities across Colorado this year.

This Saturday, on the 1-year anniversary of the Aurora theater shooting, let's take time to remember those we have lost and to honor the resilience of our neighbors who press on with their lives, undaunted by this terrible act.

In that spirit, I want to read into the RECORD the names of the twelve people who lost their lives one year ago. We must never forget these names: Matt McQuinn, Micayla Medek, Jessica Ghawi, Gordon Cowden, Jesse Childress, John Larimer, Jonathan Blunk, Veronica Moser-Sullivan, Alex Sullivan, Alexander Teves, Rebecca Wingo, and Alexander Boik.

I hope that we can draw strength from the tragic loss of those 12 wonderful, beautiful people and that it leads us to redouble our efforts to be better people—to be more understanding to our friends and more loving to our families and to aspire to live our lives with the courage that the people of Aurora and Colorado have shown over the course of this last year.

I think that the leaders here in Washington could learn from their courage. The victims of Aurora have not let setbacks stop them from achieving great things and making their community a better place to live. They, in fact, have refused to allow the word "victim" to define them.

Of course, we still have work to do to prevent future mass shootings. There are many commonsense steps that we can and must take to reduce senseless gun violence. But today is not a time for a policy debate. Today is a day to remember the victims, to honor the heroes from that terrible day last year, and to commit ourselves to never forgetting their memory.

The ACTING PRESIDENT *pro tempore*. The Senator from Washington.

Mrs. MURRAY. Mr. President, let me commend the Senator from Colorado for his critical reminder to all of us about how you can get up each day and never know what life brings to you, but to remember not that the people so senselessly lost their lives, but the courage and passion they have left for all of us. I thank him for that important reminder.

Mr. UDALL of Colorado. I thank the Senator.

#### PEREZ NOMINATION

Mrs. MURRAY. Mr. President, I want to speak briefly about our vote today to confirm Thomas Perez as our next Secretary of Labor, and I want to touch on a couple of reasons, of separate reasons, this particular confirmation is so important for this body and for our country.

First, something we have talked about for several days here is providing the President and his administration with the team he needs to help our country grow, for our economy, our families, and communities in every one of our home States. Filling the position of Labor Secretary could not be more important. We all rely on the Department of Labor to do a lot of important work for American workers and American businesses—providing critical workforce development and job training services to help get people back to work or into better jobs, making sure we have high workplace safety standards, improving conditions and opportunities for women, and helping our service men and women find good jobs when they come home. Our country and our economy are stronger when the Department of Labor has a talented, qualified leader at the reins.

That brings me to the second reason why this vote is so important, and that is the tremendous nominee we have before us today. In Thomas Perez, the President has nominated someone who will bring passion and integrity and a lifetime of experience to this very important position. Like so many Americans, Mr. Perez comes from very humble beginnings. He is a second-generation American who put himself through college by collecting trash and working in the university dining hall. Since that time, he has spent his career fighting for working families, protecting our important civil rights laws, and turning around troubled agencies.

There is no shortage of examples to demonstrate what an effective leader Mr. Perez has been throughout his career. He took an Office of Civil Rights at HHS that had been ignored and lifeless and breathed new life into it. He reformed and rebuilt the Department of Labor in Maryland, and he walked into a very troubled Civil Rights Division at DOJ and, by all credible accounts, he returned high performance, professionalism, and integrity to that agency.

In a time when we need to do everything we can to protect and grow our shrinking middle class, Mr. Perez is exactly the right person for this job because in tough times, while we are still recovering from recession, we need strong, experienced leadership at the Department of Labor.

My colleagues here today who support his confirmation from both sides of the aisle are not alone. From his time working at the local and State and Federal level, organizations from Maryland and throughout our country have come out to strongly support him as well. That includes organizations that represent women, the LGBT community, the Hispanic community, and many more.

Finally, throughout his confirmation process, which at times has been very difficult, Mr. Perez has shown nothing but openness, transparency, respect, and the ability to work together and solve problems. That is why I will vote to confirm him today, and I urge all my colleagues to support his confirmation as well.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

#### MCCARTHY NOMINATION

Mr. MANCHIN. Mr. President, I rise today to explain my vote against Gina McCarthy, which I will cast later today or the first of next week, to be Administrator of the Environmental Protection Agency. My fight is not with her. My fight is truly with the agency itself, the EPA, and the President who nominated her to head the regulatory agency. That fight is not going to end with the Senate's vote on Ms. McCarthy's nomination. It will not stop there. The fight will continue until the EPA stops its overregulatory rampage and until the President comes up with feasible policies that achieve real energy independence, which is what I think we all wish for.

I don't want anyone to misunderstand me. I have serious disagreements with many of Ms. McCarthy's views on energy and the environment, but I will say I met her a couple of weeks ago for the first time when she came to my office, and I found her to be earnest, friendly, pragmatic, incredibly intelligent. She is a talented scientist who has dedicated her life to public service. As a matter of fact, she served under Democrats and Republicans alike. I certainly appreciate her pragmatism, her willingness to serve her country, and her stellar bipartisan credentials, an extremely rare quality in Washington these days, as everyone knows.

In fact, it is not hard to imagine this same lady could have been nominated to be the EPA Administrator—if Mitt Romney would have won—by another President from another party. After all, she advised him on climate change

when he was Governor of Massachusetts.

My vote goes much deeper than her nomination, her views on energy and the environment or even her job performance for the last 4 years as head of air policy at the EPA. My vote against Gina McCarthy is a vote against the administration's lack of any serious attempt to develop an energy strategy for America's future, which we call an all-of-the-above policy.

We need to develop every source of American-made energy, such as coal, natural gas, nuclear, renewables, wind, solar, biomass, and biofuels. We need it all, and we are responsible to make sure we find a balance between the economy and the environment. Everyone knows it is common sense to use what we have in this country.

We need an all-of-the-above policy that includes nuclear, hydroelectric, biomass, renewables, such as wind and solar, fossil fuels, including oil, natural gas, and coal. I truly believe if we work together and focus on a commonsense approach, we can develop a strong bipartisan energy plan. Such a plan will not only break the power of foreign oil countries and speculators, it will also chart a new and promising energy future for this great Nation and increase our national security and prosperity. Think about that. It will increase our national security and the prosperity of our country.

The President often speaks about an all-of-the-above energy policy, but I have to say that his new global climate proposal amounts to a true declaration of war on one of the above. It is a true declaration of war on coal. In fact, the President plans to use the EPA to regulate the coal industry out of existence.

The coal industry in the United States of America burns 1 billion tons of coal. Eight billion tons of coal is burned in the world today. I don't believe the wind currents or the ocean currents start and stop in North America. If we stop burning every ton of coal and declare war on the economy, it will effectively destroy people's lives and jobs as well as their ability to take care of themselves. There is more coal burned in the world now than ever before, and it is unregulated. We do burn coal better than anyone else, and we can even do it better if the government will work with us. All we are asking for is a partnership.

It doesn't matter who is elected as the Administrator of the EPA. If the President plans to use the EPA to regulate the coal industry out of existence, it doesn't matter who it is. It could be Ms. McCarthy or someone else because it is the President and the administration that will be calling all the shots. That is my fight, and it is a fight where I wish we could sit down and work together. It is a fight we cannot lose as the United States of America. There is too much at stake.

Coal is America's most abundant, most reliable, and most affordable source of energy. In fact, coal keeps the lights on and provides nearly 40 percent of the electricity in this country—40 percent. Almost half of the population of the United States of America depends on coal for their energy. It is the source of energy that built America. It made the steel that built the factories and defends our country with guns and ships. It has done it all. All we are asking for is a partnership so we can continue to keep the lights on.

With all the clean coal technologies we have—and will continue to have for decades—we can use it in a way that strikes a balance between the environment and the economy. There should always be a balance. It can't be all or nothing. It seems as if we have these extremes today where a person is either on the right or on the left, absolutely for an issue or absolutely against an issue. If there is never a compromise, how can we make it work?

There is nobody in West Virginia who wants to breathe dirty air or drink dirty water. Nobody in America wants to do that. We have a responsibility to do it better. In fact, in the last two to three decades, we have cleaned up the environment more than ever in the history of this country.

For the last 40 years, every President has talked about how to end our country's addiction to foreign oil in order to achieve energy independence. We know our dependence on oil has taken us to places in the world to fight wars that have sacrificed American men and women as well as the precious resources of this great country. We have been fighting wars we shouldn't be in because of our dependence on foreign oil.

We need to stop demonizing one energy resource—and I do mean demonizing it. When people say, I hate this or I hate that or I can't stand this—turn the lights off. Turn the air-conditioning off. Turn it all off and see how well you like it or don't like it.

If we start using all of our resources, we can, once and for all, end our dependence on foreign oil. If we end our dependence on foreign oil, we will be a stronger and more secure Nation. We can do that within this generation and keep our economy more secure and our economy producing jobs for generations to come.

All I ask is for a level playing field. I ask that our government—in this beautiful country of ours—partner with me and West Virginia so we can work together.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### PEREZ NOMINATION

Mr. ALEXANDER. Mr. President, later today we will vote in the Senate on the question concerning whether the President's nomination of Thomas Perez to be the Secretary of Labor should be confirmed. I will vote no. I will vote against the confirmation of Mr. Perez. I do not believe he is the right man for this job.

The Secretary of Labor has immense influence over the lives of workers and the conduct of business in today's economy. Employees, employers, and unions must be able to trust the Secretary to faithfully and impartially execute our Nation's labor laws.

At a time when the official unemployment rate stands at 7.6 percent—meaning millions of Americans are looking for work and can't find it—and at a time when there is a growing gap between our workers' skills and our employers' needs, we need serious leadership on labor policy. We need someone who understands how to create an environment in which the largest number of Americans can find good new jobs. We need leadership that is committed to working in the best interests of the country. Unfortunately, I don't believe Mr. Perez meets that standard.

Mr. Perez's life story is one with many worthy accomplishments in public service, a devotion to representing disadvantaged individuals, and I commend him for that. But he has demonstrated throughout his career that he is willing to, in his words, push the envelope to advance his ideology.

I believe there are three significant problems with the nomination of Mr. Perez:

No. 1, in my view, his record raises troubling questions about his actions while at the Department of Justice and his candor in discussing his actions with this committee.

The Department of Justice inspector general recently published a detailed report that discussed problems in the voting rights section. It talked about a politically charged atmosphere of polarization. Mr. Perez has administered that section since 2009. The report talked about the unauthorized disclosure of sensitive and confidential information and about blatantly partisan political commentary. It specifically criticized the management of the Department and Mr. Perez's actions while at the Department. When questioned by members of our Committee on Health, Education, Labor and Pensions, Mr. Perez's answers were vague and nonresponsive.

No. 2, to preserve a favorite legal theory, Mr. Perez orchestrated a quid pro quo arrangement between the Department of Justice and the City of St. Paul in which the Department agreed to drop two cases in exchange for the city withdrawing a case, the Manger case, before the Supreme Court.

Mr. Perez's involvement in this whole deal seems to me to be an extraordinary amount of wheeling and dealing outside what should be the normal responsibilities of the Assistant Attorney General for Civil Rights. To obtain his desired results, Mr. Perez reached outside of the Civil Rights Division at the Department of Justice into the Minnesota U.S. Attorney's Office and into the Department of Housing and Urban Development. This exchange cost American taxpayers the opportunity to potentially recover millions of dollars and, more importantly, violated the trust whistleblowers place in the Federal Government. His testimony has been contradicted by the testimony of other witnesses in contemporaneous documents.

In short, it seems to me that Mr. Perez did not discharge the duty he owed to the government to try to collect money owed to taxpayers. He did not discharge the duty to protect the whistleblowers, who were left hanging in the wind. At the same time, he was manipulating the legal process to remove a case from the Supreme Court in a way that is inappropriate for the Assistant Attorney General of the United States.

No. 3, Mr. Perez's use of private e-mail accounts to leak nonpublic information is troubling to me.

Federal officials in this administration seem to have a penchant for using private e-mails to conduct official business. The Federal Records Act is designed to ensure that the government is held accountable to the American people to prevent the opportunity for a shadow government to operate outside of the normal channels of oversight. Using personal e-mails robs the Nation of the ability to know if the government is behaving appropriately.

Since Mr. Perez apparently is going to be confirmed despite my vote, I hope he will pledge to stop using personal e-mails to conduct official business.

For these three reasons, I cannot support the Perez confirmation. I will support and have supported the President's right to have an up-or-down vote on his Cabinet members. I always have. So I voted for cloture.

But what we have seen over the last several weeks—and I believe the reason the Senate did not come to a screeching halt this week—is that there is a widespread misunderstanding about what Senate Republicans have done with respect to President Obama's nominees for his Cabinet. The reality is that Republicans have respected the

right of the President to staff his Cabinet. In fact, never in our Nation's history has the Senate blocked a Cabinet official from confirmation by a filibuster. Let me say that again. The number of Presidential nominees for Cabinet in our Nation's history who have been denied his or her seat by a filibuster, by a failed cloture vote, is zero.

The Washington Post and the Congressional Research Service have said that President Obama's Cabinet appointees in his second term are moving through the Senate at about the same rate as President George W. Bush's and President Clinton's.

Senators on both sides of the aisle have a long history of using the constitutional authority for advice and consent to ask questions. We have done that in the Committee on Health, Education, Labor and Pensions concerning Mr. Perez for the last 122 days. We have a historical right—and we have exercised it in a bipartisan way—to use our right to ask for 60 votes in order to advance our views. That is a part of the character of the Senate. But it is important to know that these fairy tales that have been suggested about Republicans somehow blocking President Obama's nominees are just that.

I ask unanimous consent to have printed in the RECORD at the end of my remarks an op-ed I wrote for the Washington Times yesterday supporting my remarks. The op-ed points out that most of this week's nuclear option debate about whether Senators should be permitted to filibuster Presidential nominees was not about filibusters, it was instead about whether a majority of Senators should be able to change the rules of the Senate at any time for any purpose.

Former Senator Arthur Vandenberg of Michigan once offered the precise trouble with this idea. He said:

If a majority of the Senate can change the rules at any time, the Senate has no rules.

In other words, all of this fuss was a power grab.

In fact, most of the filibustering that has been done to deny Presidents confirmation of their nominees has been done by our friends on the other side. As I mentioned earlier, the number of Cabinet members who have been denied their seats by a filibuster is zero. The number of district judges in the history of the country who have been denied their seats by a filibuster is zero. The number of Supreme Court Justices who have been denied their seats by a filibuster is zero. There was the incident in 1968 when President Johnson engineered an opportunity for Abe Fortas to get a 45-to-43 vote so he could feel better about staying on the Court after a majority of the Senate clearly wasn't going to confirm him for the Supreme Court. But throughout our history, the right to advise and consent has been exercised by a majority vote even in

the most controversial cases. The vote on Clarence Thomas for the Supreme Court was a majority vote. The vote denying Robert Bork an opportunity to go to the Supreme Court was a majority vote. While there never has been a Supreme Court nominee blocked by a filibuster, about a quarter of all of the Supreme Court nominees have been withdrawn or blocked by majority vote.

So elections have consequences, and I respect that whether it is a Republican or a Democratic President. Our tradition was that nominees were not denied their seat by a failed cloture vote. Other than Fortas, the only exception is that in 2003, about the time I came to the Senate, the Democrats, for the first time in history—the first time in history—filibustered 10 of President George W. Bush's nominees. That produced Republicans who wanted to change the rules of the Senate, and fortunately cooler heads prevailed. But five Republican judges—very meritorious people, such as Miguel Estrada; a real tragedy—were denied their seats by a filibuster.

So the usual and expected happened. Republicans have since denied two Democratic seats by a filibuster.

So my preference is much that Presidents have the opportunity to appoint their Cabinet members, to appoint their Supreme Court Justices, and if we don't like them, we can vote against them. There have been occasions where sub-Cabinet members have been denied their seats. The total number is seven, all since 1994, and there may be more again.

A simple objection by Republicans to the motion of the majority leader to cut off debate may simply mean we want more information. In the case of Senator Hagel, the majority leader sought to cut off debate 2 days after his nomination came to the floor, and we voted no. We were not ready to cut off debate. Then, 10 days later, we voted to confirm Senator Hagel.

I am glad that this week the Senate regained its equilibrium, so to speak, and stopped this talk of creating the Senate as a body where a majority of the Senate can change the rules at any time, which would make this a Senate without any rules.

I hope we do not hear any more about it because that is not appropriate. It is not appropriate in this body. John Adams, Thomas Jefferson, George Washington, Senator REID himself, and others have said that this body is different. It is a place where you have to come to a consensus. We are coming to one, for example, on student loans today. The President made a good recommendation to solve the student loan problem on a permanent basis. The House of Representatives passed something much like the President's, and hopefully we can do that later today.

So I believe the President deserves an up-or-down vote on his nomination for

the Secretary of Labor and his nominee for any other Cabinet member. But in this case, for the reasons I stated, I am voting no on confirmation.

I see the Senator from Georgia is here.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, July 17, 2013]

THE POWER GRAB BEHIND THE CROCODILE TEARS

DEMOCRATS TRY TO CHANGE THE RULES WHEN THEY CAN'T GET THEIR WAY

(By Lamar Alexander)

This week's "nuclear option" debate about whether U.S. senators should be permitted to filibuster presidential nominations was not about filibusters.

It was instead about whether a majority of senators should be able to change the rules of the Senate anytime for any purpose. Former Sen. Arthur Vandenberg of Michigan once offered the precise trouble with this idea: "If a majority of the Senate can change its rules at any time, there are no rules."

In other words, this was a power grab.

Despite Democrats' crocodile tears, filibusters—the requirement of securing 60 senators' votes to allow a vote on a nomination—have done little to frustrate presidential nominations.

According to The Washington Post, President Obama's Cabinet nominees during his second term are moving through the Senate about as rapidly as those of Presidents Clinton and George W. Bush.

According to the Congressional Research Service, in the history of the Senate, the number of times filibusters have denied a seat to a nominee for the Supreme Court, the president's Cabinet or federal district judge is zero. (The only arguable exception is President Lyndon Johnson's engineering of a 45-43 cloture vote in favor of the nomination of sitting Supreme Court Justice Abe Fortas to be chief justice in order to lessen the embarrassment of Fortas' failure to attract the support of a majority of senators for confirmation.)

Ironically, most of the frustrating of presidential nominations by filibusters has been done by the Democrats themselves. The number of federal court of appeals nominees who have been denied their seats by filibusters would also be zero were it not for the decision by Democratic senators in 2003 to filibuster 10 of President George W. Bush's appellate court nominees. This led to the "Gang of 14" compromise that allowed five of those to be confirmed, but discarded the other five. Since then, Republicans have retaliated by denying two of Mr. Obama's appellate nominees.

Over the years, there have been seven sub-Cabinet nominees blocked by filibuster—three Republicans and four Democrats, all since 1994.

So the grand total of presidential nominees who have been blocked by filibusters (failure to obtain 60 votes to cut off debate) is 14. And it is fair to say that Democrats sowed the seeds of the current controversy when they filibustered Mr. Bush's appellate judges in 2003.

So, what were Democrats complaining about?

For many Democrats, getting rid of the filibuster for nominees is the first step in turning the Senate into an institution where the majority rules lock, stock and barrel.

The Senate would become like the House of Representatives, in which a majority of only one vote could establish a Rules Committee with nine members of the majority and four of the minority. Every meaningful decision would be controlled by the majority. The result: The minority, its views and those it represents would become irrelevant. It would be the same as having the power to add an inning or two to a baseball game if you don't like the score in the ninth inning.

Alexis De Tocqueville, the young Frenchman who traveled the United States in the 1830s, warned against this kind of governance. He wrote that the two greatest dangers to the American democracy were Russia and the "tyranny of the majority."

In his book on Thomas Jefferson, Jon Meacham writes of an after-dinner conversation between President Adams and Vice President Jefferson. Adams said that "no republic could ever last which had not a Senate and a Senate deeply and strongly rooted, strong enough to bear up against all popular passions" and that "trusting to the popular assembly for the preservation of our liberties was [unimaginable]."

John Adams was right. And so was then-Minority Leader Harry Reid in 2005 when, opposing Majority Leader Bill Frist's effort to use the "nuclear option" to kill the filibuster on judicial nominations, he said: "And once you open that Pandora's box, it was just a matter of time before a Senate leader who couldn't get his way on something moved to eliminate the filibuster for regular business as well. And that, simply put, would be the end of the United States Senate."

The only real confirmation issue before the Senate is Mr. Obama's use of his recess appointment power to install two members of the National Labor Relations Board when the Senate was not in recess, a blatant affront to the constitutional separation of powers that the District of Columbia Circuit Court of Appeals said was unconstitutional. Fortunately, a compromise has been reached in which the president is sending to the Senate two new, untainted nominees for the board. This week's debate, however, shows the threat to the end of the United States Senate lingers.

Those Democrats still seeking to create a Senate in which a majority can change the rules whenever it wants should be prepared for what could happen next. Their dream of a Democratic freight train running through a Senate in which a majority can do whatever it wants might turn into their nightmare if, in 2015, that freight train is the Tea Party Express.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Mr. President, first, before the Senator from Tennessee leaves the floor, if he was getting ready to, I wish to commend him on his activities over the last 8 days. For the second time in a decade, we came to the brink of making a bad mistake in the Senate. But we proved—and Senator ALEXANDER really proved through the facts, which are stubborn things—that if you study history and you read the history of the Senate, you understand there is a purpose for the cloture rule, there is a purpose for the filibuster, but there is also a purpose for being judicious in its use.

I commend the Senator on his historic history lesson, his personal expe-

riences as being one who has gone through the process himself when he was nominated to be Secretary of Education, and I appreciate very much his leadership on the Committee of Health, Education, Labor, and Pensions.

I will be brief, but I would like to speak for a minute about the nomination of Thomas Perez.

The Labor Department is an important Department in the United States of America, and jobs are an important need we have in this country. We need an aggressive leader at the Department of Labor who is trying to get the Workforce Investment Act passed, trying to get people trained, trying to get wrongs righted, trying to be a leader. But what we do not need to have is one who throws up stumbling blocks to progress, stumbling blocks to jobs, and stumbling blocks to business.

Thomas Perez has a history of using disparate impact to enforce or to move toward where he wants to go in terms of the regulations he has had responsibility for in the past, namely at the Department of Justice.

Disparate impact is where you take unrelated facts, pull them together to get a pattern or practice, and then make a case against somebody for something that because of those disparate facts you think could draw you to a conclusion that they discriminated or they overcharged or they redlined or whatever it might be. Disparate impact is a very difficult thing to use. It is an even more difficult thing to defend yourself against. It would certainly be the wrong way to run the Department of Labor.

We know from Thomas Perez's experience in St. Paul, MN, with a whistleblower that his use of disparate impact caused him to work with the City of St. Paul to deny a whistleblower what he deserved in terms of his rights and the American people in terms of what they deserved in being reimbursed for the money that had been lost because of the actions the whistleblower uncovered.

It is important for us to understand that the Department of Labor is a job creator, not a job intimidator. We have had an issue in the last 4 years with the Department of Labor about the fiduciary rule—a rule that, if put in place, would cause the American saver and investor, the small saver and the small investor—it would deny them investment advice or cause them to pay so much for investment advice that the cost of that advice would be more than the yield on the investment they have. That would be the wrong thing to do. I fear Thomas Perez will regenerate the fiduciary rule—which we fortunately beat back 2 years ago—and try to bring it forward again.

Going back to disparate impact, with the regulation of OSHA, the Mine Safety and Health Administration, MSHA—all the things that are done by the De-

partment of Labor—to begin to use disparate impact as a pattern or practice to enforce mine safety laws, occupational safety laws, or any other type of laws which are very definitive in the way they should be enforced would be the wrong direction to go.

But most importantly of all, the nomination of Thomas Perez demonstrates why it is important to have cloture, why the filibuster, used judiciously and timely, can be a benefit to the Senate.

I ask unanimous consent to have printed in the RECORD a letter dated July 8, 2013, from the Chairman of the Oversight and Government Reform Committee in the House of Representatives, DARRELL ISSA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,  
COMMITTEE ON OVERSIGHT AND  
GOVERNMENT REFORM,

Washington, DC, July 18, 2013.

Hon. THOMAS E. PEREZ,  
Assistant Attorney General, U.S. Department of  
Justice, Washington, DC.

DEAR MR. PEREZ: I am in receipt of a letter dated June 21, 2013, from Peter J. Kadzik, Principal Deputy Assistant Attorney General, regarding your extensive use of a non-official e-mail account to conduct official Department of Justice business. I am extremely disappointed that you continue to willfully disregard a lawful subpoena issued by a standing Committee of the United States House of Representatives.

The subpoena issued on April 10, 2013, requires you to produce all responsive communications to and from any of your non-official e-mail accounts referring or relating to official business of the Department of Justice. The Department has represented that about 1,200 responsive communications exist, including at least 35 communications that violated the Federal Records Act. On May 8, 2013, Ranking Member Cummings and I wrote to you requesting that you produce to the Committee all responsive documents in unredacted form, as the Committee's subpoena requires. As of today, you have not produced a single document to the Committee; therefore, you remain noncompliant with the Committee's subpoena.

Your continued noncompliance contravenes fundamental principles or separation of powers and the rule of law. I once again ask that you immediately produce all responsive documents in unredacted form as required by the subpoena. Until you produce all responsive documents, you will continue to be noncompliant with the Committee's subpoena. Thank you for your attention to this matter.

Sincerely,

DARRELL ISSA,  
Chairman.

Mr. ISAKSON. This letter demonstrates that Mr. Perez, as of that day, had still failed to comply completely with a subpoena issued on April 10, 2013, for information to be considered.

I recognize that Mr. ISSA is not a Member of the U.S. Senate, but he is the head of the Oversight and Government Reform Committee in the U.S. House of Representatives. He deserves



to be responded to, and we deserve to know the facts.

I attended the hearing on St. Paul, MN, and the whistleblower there, Mr. Newell, when I went to the House about 2 months ago. I know there are unanswered questions, and the American people deserve them.

Cloture should be used judiciously, but this is a time—the reason I voted no on cloture last night is because this is a time where we need all the answers. This is an appointee whose record demonstrates that he may be dangerous for the Department of Labor, not positive for the Department of Labor. I think it is important, when used judiciously, we get all the answers people need to know so that when we vote to approve or to deny an appointee, it is based on all the facts—not based on intimidation but all the facts the American people deserve.

For that reason, I will oppose the nomination today of Thomas Perez to be the Secretary of Labor for the United States of America.

I yield back my time.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HEALTH CARE

Mr. BARRASSO. Mr. President, today I would like to address two topics. One is that within the hour President Obama is going to be delivering remarks about his health care law. I would like for all Americans to pay close attention to the President's remarks and see if he continues to make promises he knows he cannot keep.

Is he going to once again say that if you like what you have, you can keep it? Well, if so, we know that is not true. Just ask the unions that recently wrote a letter to Majority Leader REID and to NANCY PELOSI about how this law is not allowing them to keep the insurance they have.

Is the President going to call it affordable and say again that premiums will decrease by an average of \$2,500 per family? Well, if so, we know that is not true. Just ask the folks in Ohio, where the average individual market health insurance premium in 2014 is going to cost about 88 percent more.

Is the President going to say again that the law is working as it is supposed to work? Well, if so, we know that is not true. Just ask the administration why they decided to delay the disastrous employer mandate that is making it harder for employers to hire new workers and for Americans to find full-time jobs.

Is the President going to say this law is good for young Americans? If so, we know that is not true. Just ask the young, healthy adults who will see insurance rates double or even triple when they look to buy individual coverage starting next year.

It is time for the President to level with the American people. This law has been bad for patients, it has been bad for providers—the people who take care of those patients, the nurses and the doctors—and it is terrible for taxpayers. We need to repeal this law and replace it with real reforms that help Americans get the care they need from a doctor they choose, at lower cost.

#### MCCARTHY NOMINATION

Mr. BARRASSO. Mr. President, the second topic I would like to address is the issue of energy and a national energy tax, which the President essentially proposed in his June 25 speech. At that time he unveiled what I believe is a national energy tax that is going to discourage job creation and increase energy bills for American families.

This announcement that he made about existing powerplants—existing powerplants—came after the administration has already moved forward with excessive redtape that makes it harder and more expensive for America to produce energy. It also came as a complete surprise to Members of the Senate, especially since Gina McCarthy, the President's nominee to lead the Environmental Protection Agency—a nominee whom we will be voting on today—since that nominee told Congress that it was not going to happen. She is currently the Assistant Administrator of the Air and Radiation Office at the EPA. Here is what she told the Senate about regulations on existing powerplants, the ones the President talked about on June 25. She said:

The agency is not currently developing any existing source greenhouse gas regulations for power plants.

None.

As a result we have performed no analysis that would identify specific health benefits from establishing an existing source program.

So I would say it is clear with President Obama's June 25 announcement on existing powerplants that Gina McCarthy is either out of the loop or out of control. She either did not tell the truth to the Senate in confirmation hearings in response to questions or she does not know what is going on in her own agency. Either way, she is not the person to lead the EPA.

I would encourage all of my colleagues to oppose McCarthy in her nomination. This has nothing to do with ideology and everything to do with having an agency that is accountable to the elected representatives of the American people. I believe this behavior is indicative of the way the EPA

has been run during Gina McCarthy's reign as an Assistant Administrator of the EPA.

Many of my colleagues on the Senate Environment and Public Works Committee have expressed concerns with the lack of transparency at this specific agency. One of the major areas of concern is the use of the so-called sue-and-settle tactics. This is where environmental activist groups sue the EPA or they sue other Federal agencies to make policy. Often, they find like-minded colleagues and allies in the EPA. Here is how it works. If environmental activists want to impose new restrictions on, say, farms, it is easy to sue the government to impose those restrictions. At the EPA, rather than fight the restrictions, they agree to this and they say: OK. We will do a court settlement. The EPA does not contest the new restrictions because the EPA wanted them in the first place. The agency just did not want to have to go through a lengthy rule-making process with public comments in the light of day. The judge signs off on the agreement, and in a matter of weeks the law is made.

So I asked the nominee in writing: Do you believe sue-and-settle agreements are an open and transparent way to make public policy that significantly impacts Americans?

She stated in her answer:

I recognize that this committee has focused many of its questions on EPA settlement practices and, if confirmed, I commit to learning more—

Learning more—

about the Agency's practices in settling litigation across its program areas.

Well, some of the most egregious sue-and-settle agreements have dealt with the Clean Air Act, and she has been in charge of the air office at EPA for almost all of President Obama's first term. I find it very difficult to believe she did not know what was going on. In fact, in answering my next question to her—I asked: Do you believe States and communities impacted by sue-and-settle agreements should have a say in court agreements that might severely impact them—she said:

[M]ost litigation against EPA arises under the Clean Air Act. . . .

Of course. So my question is, either she knew what was going on with regard to the Clean Air Act lawsuits against the Agency, the area that she completely was in control of, or she does not know what is going on in her own department. Once again, either way, such a person should not be confirmed to be in charge of the entire EPA.

As most folks know, my home State, Wyoming, is a coal State. The administration has actively sought to eliminate this industry from the American economy. It is no surprise to some that many of us coal-State colleagues fight vigorously to oppose the President's

anti-coal policies. Ms. McCarthy has been the President's field general in implementing these policies. These policies greatly affect families all across Wyoming and across the country. So even though I strongly oppose these policies, I still wanted to meet with the nominee so I could explain to her how this administration's policies are hurting real people in my home State and across the country.

I believed if we had a face-to-face meeting I might be able to convince her to alter or alleviate the worst impact of the policies pursued by this administration through the EPA. In that personal meeting with me, the nominee was very sympathetic with the concerns I and others had expressed regarding the impact of EPA regulations on jobs. She also expressed in many instances that she would look for flexibility, but she said she was unfortunately bound by agency processes and the law.

Well, if she is concerned with the impact EPA regulations are having on jobs and communities, I believe she should have sought the flexibility she needed from Congress to help save these communities and these jobs. In a followup to that meeting, I asked in writing: What specific legislative changes would you recommend to provide the flexibility to protect workers, to protect families, to protect communities from job losses that might occur as a result of EPA regulations?

What she stated was "very sensitive to the state of the economy and to the impacts of EPA regulations on jobs." And then, "If confirmed, I would continue to work hard to seek opportunities to find more cost-effective approaches to protecting human health and the environment." This administration has pummeled coal country, powerplants, manufacturing, and small businesses for 4 years, pursuing their preferred version of a clean energy future. Since 2009, unemployment has remained stagnant. Nearly 10 percent of our coal energy capacity is gone. Not once has Ms. McCarthy approached Congress for flexibility in implementing her own rules. I see no reason why that would happen in the future.

I would like to commend EPW ranking member Senator VITTER for leading an effort to secure information from the nominee. I signed a letter, along with Senator VITTER and other members of the EPW Committee, seeking access to the scientific data and the reasoning behind the justification for expensive new rules and regulations that hurt the economy, that cost jobs, seeking true whole economy modeling on EPA's Clean Air Act regulations, so we can understand the true cost of these rules.

I was also seeking an assurance that Gina McCarthy and this administration honor its commitment to transparency and stop using delay tactics to

keep the true cost of these regulations from the American people. Senator VITTER was able to get some information on many of our requests. It was not easy and the nominee was not entirely forthcoming. In fact, she has not complied with many of the document requests we have made. I can assure the administration that none of us who signed that letter making these requests plan on giving up on securing basic information that should be readily available to the public.

Gina McCarthy is the wrong candidate to head the Environmental Protection Agency. America deserves better. I would ask that my colleagues oppose the nomination not on the content of this administration's policies but on the actions of this specific nominee with regard to accountability, competence, and transparency. I believe this nominee gets a failing grade on all three counts.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF THOMAS EDWARD PEREZ TO BE SECRETARY OF LABOR—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Thomas Edward Perez, of Maryland, to be Secretary of Labor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Mr. President, I rise today to voice my strong opposition to the nomination of Thomas E. Perez to be the Secretary of the U.S. Department of Labor. Simply put, there is no shortage of reasons why Mr. Perez should not be confirmed as our next Labor Secretary.

Several of my colleagues have come to the floor to discuss a number of troubling facts about Mr. Perez's professional history, each one of them reason enough to disqualify him for this nomination. I would like to discuss a few that are of significant concern to me. Without question, Mr. Perez has abused his position as Assistant Attorney General of the Civil Rights Division of the U.S. Department of Justice. Rather than seek out and expose instances of racial injustice, Mr. Perez has turned the office into his own personal tool of political activism, something that office was never meant to accomplish.

For example, a report issued by the Department of Justice Office of Inspec-

tor General found during Perez's tenure at the Civil Rights Division employees harassed colleagues for their religious and political beliefs. Despite having little if any evidence of racial discrimination, Mr. Perez has repeatedly opposed efforts by States to ensure the integrity of elections.

Under his direction, the Civil Rights Division has pursued frivolous lawsuits against State voter ID laws, has ignored statutes that require States to purge ineligible voters from their voter registration rolls, and has slow-walked attempts to protect the voting rights of our military members, our brave men and women serving in uniform for the United States.

While head of the Civil Rights Division, Mr. Perez's unit used spurious and misleading claims to allege racial discrimination and selectively enforced laws to target certain groups.

Most troubling, perhaps, was the fact that Mr. Perez has woefully disregarded a lawful subpoena from the House Committee on Oversight and Government Reform to produce certain documents relating to the use of his nonofficial e-mail account for official purposes. According to the chairman of that committee, "Mr. Perez has not produced a single document responsive to the committee's subpoena" and "remains noncompliant."

At a minimum this is a basic violation of the rule of law. It impedes a fundamental function of the legislative branch to provide oversight of the administration. Anyone showing this type of willful disregard for the law and ambivalence toward America's essential principles of representative government should not be considered for a top post in any administration.

I therefore strongly advise my colleagues not to support this nominee and to raise similar objections whenever someone comes up and is nominated by this President or any President who possesses and displays these characterizes that are so troubling.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

#### MILITARY SPENDING

Mr. BLUMENTHAL. Mr. President, I am here to speak on behalf of my good friend Gina McCarthy and her nomination to head the Environmental Protection Agency. But before I do so, I would like to raise an issue I raised during a hearing of the Armed Services Committee. I have come directly from that hearing.

I am here to express my deep dissatisfaction, in fact my outrage, at a form of military assistance that will literally waste a total of more than \$1 billion in taxpayer money. In fact, we have just contracted and announced that contract in June for about 30 Russian Mi-17 helicopters that will cost American taxpayers \$550 million to buy from Rosoboronexport, the Russian export agency, controlled by the Russian

Government, those helicopters for the Afghan national forces that lack pilots and maintenance personnel to fly and repair and operate these helicopters. They will be sitting on the runways of Afghan airfields without any use, rusting, literally wasting American taxpayer funds.

Don't believe me when I make these statements. Those facts come from the Special Inspector General for Afghanistan who completed a report recently, stating succinctly, clearly, irrefutably, that we are wasting \$1 billion in taxpayer money buying Russian helicopters for Afghan national forces that, very simply, cannot use them.

In fact, we committed to that contract before we even have a status of forces agreement with the Afghan Government for the period after 2014 when we will be leaving that country, fortunately. If we can leave sooner, all the better. But in the meantime, we are buying equipment from the Russian export agency that is at the same time selling arms to Assad in Syria for the murder and slaughter of his own people, making money from those sales to Assad in Syria, and from the government that is harboring and providing refuge to Edward Snowden, who has illegally—I guess I should use the words allegedly illegally—but clearly violated American law in disclosing secrets from our government.

Last week I visited a National Guard helicopter repair facility in Groton, CT, where over 100 technicians—to be precise, 137 technicians—civilian employees at this facility alone have been furloughed. They are furloughed 11 days. It was originally 22, but it has been reduced to 11. Our helicopter repair function in that region, and similarly across the country, has been hampered and impeded because of the sequester and the impact in requiring furloughs. Our military readiness is suffering because of lack of funds on the part of the U.S. Government, when we are at the same time buying Russian helicopters that will have no use for the Afghan Government. In fact, they have no pilots to fly them or people to make repairs and maintain them. Something is wrong with this picture.

Yet in the hearing I have just left, the Chairman of the Joint Chiefs of Staff, General Dempsey, maintained to me his view that a waiver should be exercised under the National Defense Authorization Act providing for the purchase of these Russian helicopters.

I respectfully disagree. I strongly disagree. I think the American taxpayers, certainly my fellow residents of Connecticut, ought to be equally outraged. We should be outraged in this body that we are wasting this money when precious funds have been forgone that can be used for military readiness of our Armed Forces.

I ask my colleagues to join me in saying to our U.S. military leaders

that our national security is imperiled, not by refusing to acquire those helicopters but in fact by wasting taxpayer money on those purchases for an Afghan army that cannot use them, and for purchasing from a country that certainly means us no good and, in fact, an export agency that is selling arms to a murderous government and harboring an individual who has violated our laws and endangered our national security.

I will not let this matter rest. I will not let this issue go. I intend to pursue it. I ask my colleagues to join me in making sure we stop these purchases. In fact, Senator AYOTTE and I have a bill, which is called No Contracting with the Enemy, to expand very useful contracting tools that now apply in Afghanistan, where we have found our aid and assistance finding its way to enemy hands. I can't think of a more blatant example of contracting with the enemy than handing over our taxpayer money to a company that is at the very same time selling S-300 air defense systems to the Syrian Government for use against its own people and violating international sanctions by helping Iran with that missile equipment.

#### MCCARTHY NOMINATION

I wish to turn to the reason I came to the floor, having just left that Armed Services Committee meeting, to speak on behalf of my very good friend Gina McCarthy.

I worked with Gina McCarthy over a number of years when she was, in fact, not only a fellow State official—I was then State attorney general—but also a client because I was her lawyer. I came to know her in a way that I think is very rare for any public official to know another, seeing her in times of crisis and public policy opportunity, the ups and the downs of public service.

I came to know her as a pragmatic person of consummate intelligence, integrity, an environmental protector for all seasons. She is not a partisan by any stretch of the imagination. There may be individuals who are more aggressive in the enforcement of environmental laws. There may be people who are more solicitous of economic progress and job creation, but I don't know. I certainly know no one who strikes the balance and seeks both goals of job creation, along with economic growth, and environmental protection with such zeal, passion, and great good humor.

I said before on this floor and I will say it again, Gina McCarthy knows how to bring people together. She knows how to work for a common goal.

We should seize this moment as a body to expand and enhance the bipartisan spirit of this past week and approve Gina McCarthy overwhelmingly because she epitomizes the kind of bipartisan spirit we should seek to grow and attract in our Federal Govern-

ment, in fact, in all levels of government.

Let me give a few examples. My colleague Senator MURPHY spoke last night about a number of her specific accomplishments, but there are many more—maybe most important, which I don't think has been given enough attention on the floor, is her work in designing, building, and implementing the Northeast's pioneering cap-and-trade program, known as the Regional Greenhouse Gas Initiative, RGGI. Nine States currently participate in RGGI: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont. It is a highly innovative program. It is a model for the Nation and the world.

A 2012 report issued in 2012 estimates that RGGI investments will offset the need for more than 27 million megawatt hours of electricity generation and 26.7 British thermal units of energy generation. These savings will help avoid the emission of 12 million short tons of carbon dioxide pollution, an amount equivalent to taking 2 million passenger vehicles off the road for 1 year.

The numbers not only fail to tell the whole story about the environmental impact but also fail to tell about Gina McCarthy's role in bringing together Republican and Democratic Governors for a common good, what she will do in this country for environmental protection and what she has already done in her role at the EPA.

Under her guidance, the State of Connecticut settled a Clean Air Act suit against Ohio Edison on July 11, 2005, again requiring pollution reduction consistent with business needs and goals.

She settled a citizen suit against American Electric Power on December 13, 2007, a dramatic reduction in nitrogen oxide and tons of sulfur dioxide. These Clean Air Act suits, which I assisted her in bringing to conclusion, I think embody her goal of reducing air contamination and pollution consistent with the business community's concern for its bottom line. She is sensitive to both.

She is remarkable for her professionalism, for her zeal and passion as an environmental protector, and also for her willingness to listen, her willingness to hear and truly listen to people sitting across the table who may come into the room with different and sometimes conflicting views and come to a common conclusion. She knows how to get to yes, and she does it as a tough, fair, balanced environmental law enforcer.

I hope my colleagues will join me in my enthusiasm because the President couldn't have picked a more qualified person. Gina McCarthy is as good as it gets in public service. She is as good as it gets for integrity, intellect, and dedication to the public good.

It is my wish that we will move forward as united as possible, carrying forward the great bipartisan spirit that has characterized these last few days in our consideration of the President's nominees, which I hope will be enhanced and continue as we move forward today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican whip.

OBAMACARE

Mr. CORNYN. In a few minutes, President Obama is scheduled to give a major speech highlighting what he believes are the achievements of his signature health care law, the Affordable Care Act, otherwise known as ObamaCare.

I could understand why he is feeling a little defensive and why he feels he needs to frame the discussion because, after all, ObamaCare has disappointed some of its most ardent former supporters.

For example, back in 2009 and 2010, American labor unions were among the biggest supporters of the President's health care plan. Along with many of my friends across the aisle, they are having second thoughts and, in some cases, buyer's remorse.

Last week, three of the country's most prominent labor leaders, James Hoffa, Joseph Hansen, and Donald Taylor, sent a very concerned letter to Senator REID and former Speaker PELOSI. Here is part of what they wrote:

When you and the President sought our support for the Affordable Care Act, you pledged that if we liked the health plans we have now, we could keep them. Sadly, that promise is under threat.

Picking up on this chart, they went on to say:

Right now, unless you and the Obama Administration enact an equitable fix, the ACA [Affordable Care Act] will shatter not only our hard-earned health benefits, but destroy the foundation of the 40-hour workweek that is the backbone of the American middle class.

They went on to say:

The unintended consequences of the ACA [Affordable Care Act] are severe. Perverse incentives are already creating nightmare scenarios. . . . The law, as it stands, will hurt millions of Americans.

ObamaCare has been controversial since its passage in 2010. Some Members of Congress voted for it. Obviously, the Democratic majority voted for it. Some people voted against it, people such as myself in the Republican minority.

But whether you supported the law with the hopes and aspirations that it would somehow be the panacea or answer to our health care needs in this country or whether you were a skeptic such as I, who believed that this could not possibly work, the fact seems to be—as these labor leaders have said—it has not met expectations and certainly

it has created many problems that need to be addressed.

This same letter went on to detail some of the nightmare scenarios these labor leaders have concerns about. They pointed out that many businesses are cutting full-time employment back to part-time in order to avoid the employer mandate.

As I mentioned yesterday, the number of people working part-time for economic reasons has jumped from 7.6 million to 8.2 million, just between March and June. In fact, last month alone that number increased 322,000.

A new survey reports that in response to ObamaCare, nearly three out of every four small businesses are going to reduce hiring, reduce worker hours or replace full-time employees with part-time employees.

We know the President has unilaterally decided to delay the imposition of the employer mandate until 2015, but that doesn't change a lot. These businesses have to plan for the future and small businesses still have the same perverse incentives to limit the hiring of full-time workers, as these labor leaders point out.

The employer mandate is one reason why ObamaCare needs to be repealed entirely and replaced with something better. As these leaders say in their letter, the law, as it stands, will hurt millions of Americans.

We have already seen its effect on job creation, not only with the employer mandate but also with the medical device tax that has prompted many companies, including those in Texas, to simply grow their businesses in places such as Costa Rica, where they can avoid that medical device tax, rather than in my State or in other States that have medical device companies. It has also caused these companies to close factories and cancel plans for new ones in the United States.

We have also seen, as these leaders point out, that ObamaCare will disrupt Americans' existing health care arrangements. As they point out in their letter, one of the promises the President made was that if you liked what you have, you can keep it, but, in fact, that has not proven to be true.

Indeed, my constituents are already getting their letters from health care providers informing them that their current policies are no longer going to be available because of the implementation of ObamaCare. Millions of people will eventually have that same experience, according to the Congressional Budget Office.

Why have we made this huge shift in one-sixth of our economy? What was the goal of the proponents of this piece of legislation? What we were told is that it was universal coverage. There were too many people who didn't have health care coverage. But as for this promise of universal coverage, I am afraid that is another broken promise as well.

According to the Congressional Budget Office, even if ObamaCare is fully implemented on schedule, there will still be 31 million people in America without health insurance by the year 2023. Even though the proponents of ObamaCare said we need to do this, as expensive as it is, as disruptive as it is to the existing health care arrangements, we need to do this because everybody will be covered, that promise is not going to be kept either.

Let me repeat, 13 years after the passage of ObamaCare, America will still have 31 million uninsured. Meanwhile, many of the newly insured under ObamaCare will be covered by Medicaid, a dysfunctional program that is already failing its intended beneficiaries.

I, perhaps unwisely, decided during the markup of the Affordable Care Act in the Senate Finance Committee to offer an amendment that said Members of Congress will henceforth be put on Medicaid. I told my colleagues that I knew if Congress was covered by Medicaid we would do our dead-level best to fix it because, as it exists now, it is a dysfunctional program. It is dysfunctional for this reason: Giving people coverage is not the same thing as access. Many Medicaid recipients have a very hard time finding doctors who will accept Medicaid coverage because the program reimburses providers at such low rates. In my State, it is about 50 cents on the dollar as compared to private coverage. In my State of Texas, fewer than one-third of physicians will accept a new Medicaid patient, and many of them are accepting no new Medicaid patients.

Most Texas physicians believe Medicaid is broken and should not be used as a mechanism to expand coverage, certainly if it is not fixed and reformed, which it needs to be. By relying on Medicaid as one of the primary vehicles for reducing the number of uninsured in America, the Affordable Care Act will make the program even more fragile and weaker and less effective at securing dependable health care for the poor and the disabled, the very people it is designed to protect.

We also have good reason to fear ObamaCare's Medicaid expansion will reduce labor force participation. A new National Bureau of Economic Research paper argues ObamaCare "may cause substantial declines in aggregate employment." Rather than expand and damage an already broken system, the Federal Government should give each State more flexibility to manage the Medicare dollars that come from Washington so they can provide better value for recipients and taxpayers.

Right now, State policymakers can't manage Medicaid without first going through a complicated waiver process and obtaining Federal approval—too many strings attached. Ideally, Washington would give each State a lump

sum—a block grant, if you will—as well as the freedom to devise programs that work best in their States and for the population covered.

Meanwhile, we should adopt health care reforms that would make health care more affordable and accessible to everyone—for example, equalizing the tax treatment of health insurance for employers and individuals; expanding access to tax-free health savings accounts so people can save their money, and if they don't use it for health care, they can use it for other purposes, such as retirement. We should let people and businesses form risk pools in the individual market, including across State lines. We should improve price and quality transparency.

One of the most amazing forces in economics is consumer choice and transparency and competition. It is called the free enterprise system, and we see it at play in the Medicare Part D Program, for example, one of the most successful government health care programs devised. We made a mistake when we passed Medicare Part D because it was not paid for—it should have been—but it has actually come in 40 percent under projected cost and it enjoys great satisfaction among its beneficiaries, seniors who have access to prescription drugs, some of them for the first time. But the reason why it has come in 40 percent under cost is because companies have to compete for that business, and they compete—as they always do in the marketplace—on price and quality of service, and we get the benefit of that market discipline.

We also need to address frivolous medical malpractice lawsuits—something my State has done at the State level, which has made medical malpractice insurance more affordable and which has caused many doctors to move to Texas who otherwise might not have gone there, providing greater access to health care.

As I have said, we also need to allow the interstate sale of health insurance policies. There is no reason why I shouldn't be able to buy a health insurance policy in Virginia if it suits my needs better than one available in Texas. Why would we not allow that? Again, why would we not want the benefit of that competition and the benefits to the consumer in terms of service and price?

We also need to boost support for State high-risk pools to protect Americans with preexisting conditions. This is one of the reasons why the President and other proponents of ObamaCare said we have to have ObamaCare, because we need to deal with preexisting conditions, and we do. But we can do it a lot cheaper and a lot more efficiently by using Federal support for existing State preexisting condition high-risk pools. We don't have to take the whole 2,700-page piece of legislation that cost us several trillion dollars. We can do it much cheaper and more efficiently.

Finally, we need to save Medicare by expanding patient choice and provider competition. These policies would allow us to expand quality insurance coverage and improve access to quality health care without disrupting people's existing health care arrangements, without discouraging work and job creation, without raising taxes on medical innovation, and without weakening Medicaid and Medicare.

The chairman of the Senate Finance Committee, one of the principal Senate architects for the Affordable Care Act, famously described the implementation of ObamaCare as a train wreck. These three leaders of American labor would agree, and they have also warned us that unless we fix it, it could destroy the very health and well-being of millions of hard-working Americans.

It is time for us to acknowledge the reality that whether you were a proponent and voted for ObamaCare or whether you were an opponent and a skeptic that it would actually work, we need to deal with the harsh reality and the facts that exist. It is time for Democrats, including the President, to work with us to replace ObamaCare with better alternatives.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. REID. Mr. President, if my friend from Virginia will yield to me for the purpose of doing a unanimous consent request, we have an agreement as to when we will proceed with votes.

Mr. KAINE. I have no objection.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the confirmation of the Perez nomination as Secretary of Labor occur at 12:15 p.m. today; that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; and the President be immediately notified of the Senate's action; further, that following disposition of the Perez nomination, the time until 2:30 p.m. be equally divided in the usual form prior to the cloture vote on the McCarthy nomination.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, while I have the floor, I want the RECORD to reflect how fortunate the State of Virginia is for the work done by this good man. We have a good situation with our delegation from Virginia—two former Governors, and they are both such outstanding human beings and wonderful Senators.

As I have told my friend personally, the person whom I just interrupted—and I spread this in the RECORD here—

there is no one I know in the Senate who is able to deliver the substance of what he says as well as the Senator from Virginia. He does such a good job of explaining things. We all have an idea of what we want to say, but sometimes we don't explain it very well. He does an excellent job.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. KAINE. I thank the majority leader for his kind words.

#### WAR POWERS RESOLUTION OF 1973

Mr. President, I rise in order to note an important anniversary. Forty years ago this week the Senate passed the War Powers Resolution of 1973. The resolution was passed in a time of great controversy—during the waning days of the Vietnam war. The purpose of the resolution was to formalize a regular consultative process between Congress and the President on the most momentous decision made by our Nation's Government—whether to engage in military action.

The question of executive and legislative powers regarding war dates back to the Constitution of 1787. Article I, section 8 of the Constitution provides that "Congress shall have the power . . . to declare war." Article II, section 2 of the Constitution provides that the President is the "Commander in Chief" of the Nation's Armed Forces. In the 226 years since the Constitution was adopted, the powers of the respective branches in matters of war have been hotly debated. In a letter between two Virginians in 1798, James Madison explained the following to Thomas Jefferson:

The Constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch most interested in war, and most prone to it. It has accordingly, with studied care, vested the question of war in the legislature.

Madison's definitive statement notwithstanding, the intervening history has been anything but definitive. Academics and public officials have advanced differing interpretations of the constitutional division of power. There is no clear historical precedent in which all agree the legislative and executive branches have exercised those powers in a consistent and accepted way. And the courts have not provided clear guidance to settle war powers questions.

Some facts, however, are very clear. The Congress has only formally declared war five times. In many other instances, Congress has taken steps to authorize, fund, or support military action. In well over 100 cases, Presidents have initiated military action without prior approval from Congress.

Congress supposed 40 years ago that the War Powers Resolution of 1973 would resolve many of these questions and establish a formal process of consultation on the decision to initiate military action. But this was not the

case. President Nixon vetoed the resolution, and while Congress overrode the veto, no administration since has accepted the constitutionality of the resolution. Most recently, President Obama initiated American involvement in a civil war in Libya without congressional approval. The House of Representatives rebuked the President for that action in 2011. But the censure rang somewhat hollow because most legal scholars today accept the 1973 resolution is an unconstitutional violation of the separation of powers doctrine.

So why does this matter? We are in the 12th year of war. The attack on our country by terrorists on September 11, 2001, was followed 1 week later by the passage of an authorization for use of military force that is still in force today. The authorization is broadly worded and both the Bush and Obama administrations have given it an even broader interpretation.

In recent hearings before the Senate Armed Services Committee, administration officials expressed the opinion the authorization of September 18, 2001, might justify military action for another 25 to 30 years in regions spread across the globe against individuals not yet born or organizations not yet formed on 9/11. This was likely not contemplated by Congress or the American public in 2001.

Congress is currently grappling with the status of the authorization and whether it should be continued, repealed, or revised. We face immediate decisions about the reduction of American troops in Afghanistan and the size of a residual presence we will leave in that country to support the Afghan National Security Forces. We are wrestling with the scope of national security programs that were adopted in furtherance of the authorization, and we are engaged in serious discussion about new challenges—from the rebellion in Syria to growing nuclear threats in Iran and North Korea.

All of these issues are very hard. I recently returned from a trip to the Middle East—a codel sponsored by Senator CORNYN. Accompanying us were Senators COCHRAN, SESSIONS, BOOZMAN, FISCHER, and in Afghanistan, Senators MCCAIN and GRAHAM.

In Turkey and Jordan we heard about the atrocities committed by the Assad regime in Syria and the flood of refugees pouring into those neighboring countries. In Afghanistan we met with our troops and heard about the slow transition from NATO forces to Afghan security. In the United Arab Emirates we discussed the growing threat of Iran throughout the region, and we made a meaningful stop at Landstuhl Regional Medical Center in Germany to visit recently wounded Americans—and NATO partners—who have sacrificed so much in this long war against terrorism. In the voices of our troops, our diplomats,

our allies, and our wounded warriors, we heard over and over again a basic question: What will America do?

Answering this question isn't easy, but I believe finding answers is made more difficult because we do not have any agreed-upon consultative process between the President and Congress. The American public needs to hear a clear dialogue between the two branches justifying decisions about the war. When Congress and the President communicate openly and reach consensus, the American public is informed and more likely to support decisions about military action. But when there is no clear process for reaching decision, public opinion with respect to military action may be divided, to the detriment of the troops who fight and making it less likely that government will responsibly budget for the cost of war.

I believe many more lawmakers, for example, would have thought twice about letting sequestration cuts take effect if there had been a clear consensus between the President and Congress about our current military posture and mission.

So at this 40th anniversary, I think it is time to admit that the 1973 resolution is a failure, and we need to begin work to create a practical process for consultation between the President and Congress regarding military action.

In 2007 the Miller Center at the University of Virginia impaneled the bipartisan National War Powers Commission under the leadership of former Secretaries of State James Baker and Warren Christopher. The Commission included legislative, administrative, diplomatic, military, and academic leadership. The Commission issued a unanimous report to the President and Congress urging the repeal of the War Powers Resolution and its replacement by a new provision designed to promote transparent dialog and decision-making. The Commission even proposed a draft statute, preserving the constitutional powers of each branch while establishing a straightforward consultative process to reach decision in a way that would gain support from the American public. The House and Senate Foreign Relations Committees held hearings on the report in 2008, but the time was not yet right for change.

I believe the time for change is upon us. We struggle today with urgent military decisions that demand better communication between the President, Congress, and our citizens. President Obama has discussed this very need during his 2013 State of the Union Address and also during his recent speech at the National Defense University.

As we reach the 40th anniversary of the failed War Powers Resolution, Senator JOHN MCCAIN has agreed to work with me to form a group of Senators committed to finding a better way.

Senator MCCAIN and I serve together on both the Armed Services and Foreign Relations Committees. I have profound admiration for his service to this country, both as a military veteran and a veteran Senator. I am a newcomer, but veterans and newcomers alike have an interest in finding a more effective process for making the most important decision that our government ever makes—whether to initiate military action. We can craft a process that is practical, constitutional, and effective in protecting our Nation. We owe this to those who fight, and we owe this to the American public.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RUBIO. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. RUBIO. Mr. President, I ask unanimous consent that I be recognized to speak for up to 12 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### OBAMACARE

Mr. RUBIO. Mr. President, just a few moments ago I heard the President speaking from the White House regarding ObamaCare. He was lamenting, saying: Why are we still litigating old news around here? Let's move on to other things. This issue has been finished.

The reason this issue is still being talked about is because ObamaCare is a disaster. I think it is important to remember when we talk about health insurance that most Americans do have health insurance they are happy with. But no one would dispute that we have a health insurance problem in this country.

For many who have insurance the cost of their insurance is getting unaffordable, and many others have no access to insurance at all. They have a job, perhaps, that doesn't provide it or they are chronically ill so insurance is impossible for them to find or they are young and healthy and they never go to a doctor, so they figure, why do they need it? Yes, for millions of people the cost and availability of insurance is a real problem, and we should do something about that.

The problem is ObamaCare, as a solution, is a massive government takeover of health insurance in America, and it does not fix the problem. It only makes it worse, and that is why we are still talking about it. It makes it worse for a number of reasons.

Tomorrow I am going to visit a business in Florida where the reality is

growing every single day. Tomorrow I will visit Gatorland. Gatorland is in central Florida. It is a tourist destination where many Floridians and tourists have taken their kids to see alligators and to enjoy Florida's unique wildlife.

For 135 Orlando area residents, however, Gatorland is their workplace. It is their livelihood. It is how they feed their families. It is how they pay their mortgages. It is how they get ahead in life. The reason we are still litigating this, Mr. President, is because like hundreds of thousands of other businesses around the country, ObamaCare is threatening to unravel it all. It is threatening to unravel the livelihood of 135 Floridians who work at Gatorland, to shatter their financial security for them and their families.

Let me describe the problem. Gatorland has 135 full-time employees. Gatorland is currently paying 80 percent of the insurance cost for these employees. But now, under ObamaCare, evidently what they are doing is not going to be enough. ObamaCare, first of all, requires them not to just provide insurance but to provide for them a certain type of insurance, a type of insurance the government decided is enough.

Second, because of ObamaCare, the cost of the insurance that Gatorland wants to provide for its employees is going to go up; that is, if they want to continue to pay 80 percent of the insurance costs for the 135 Floridians who work there, it is going to cost them a lot more money. Those are the two problems.

No. 1 is they have to offer a certain type of insurance; the one they have potentially may not be enough according to the government. No. 2, because of all these changes, it is going to cost Gatorland more money to provide 80 percent of the cost of the insurance.

What does this mean in the real world? Here is what it means. It means that as Gatorland looks to next year and into the future, they now have a new cost on their books. As they look at their business plan for the coming year, all of a sudden they see on the cost side it has gotten more expensive. So if they want to stay in business, they are going to have to figure out a way to come up with that extra money.

What are their options to come up with this extra money? Option No. 1 is they can raise their prices. Option No. 2 is they can cut back on expenses, such as the number of employees and benefits and hours. Option No. 3 is just not to comply at all with ObamaCare and pay a fine. Basically, don't offer insurance to these employees; let them go off and find it in the so-called exchanges and pay a fine to the IRS.

I ask you, Mr. President, and I ask the people of this country, and I ask my colleagues, which one of these three options is good for our country?

Which one of these three options is good for America, and which one of these three options is good for the 135 people who feed their families by working at Gatorland?

If they raise their prices, that means the cost of going to Gatorland will go up. I understand our economy is not doing very well these days. Millions of people are underemployed and unemployed. They are working twice as hard and making half as much, and you are going to make it more expensive for them to go on vacation. I would argue that raising their prices is probably not an option available to them anyway. Gatorland is not Disneyland and not Universal, and it is not one these big tourist destinations. It is a small place that has to compete, and if you raise prices there comes a point where people just will not go.

Not only is raising prices bad for our economy and people who want to visit Florida and take their families there, it might not even be feasible. So that certainly is not a good option. It may not even be an option at all.

The second option is they would have to cut down on their expenses with their employees. That means they can lay off some people; find the money by instead of having 135 employees, try to get by with 125 employees. That could mean not laying off people but as people retire or quit just not replacing them. That could also mean moving some of these people who are working full time to part time so they can get around the ObamaCare mandates, and so they can lower their costs. How is that good for our economy? How is that good for 135 people who work at Gatorland? How is that good for Florida? How is that good for us?

The third option is they could pay the fine, but it is going to cost at least 135 people in my State the insurance they are happy with. I want you, Mr. President, to remember what you said—in fact what you repeated today in your statements a moment ago at the White House. You said if you are happy with your insurance, you can keep it. For 135 people working in Gatorland in central Florida, that may not be true. They could lose their insurance that is working well for them, that they are happy with, because of this experiment. That is why we keep revisiting this issue.

Interestingly enough, by the way, that is not just me saying that. This week some prominent labor unions, labor unions who are actually in favor of this law—lead among them was the Teamsters head, Jimmy Hoffa—wrote a letter to the President attacking this very point. They said the new law is breaking the promise that was made that if you are happy with your coverage, you are not going to lose it.

I single out Gatorland because that is the real world. That is where I am going tomorrow, and that happens to

be in my State. There are thousands of businesses like this that are facing these decisions. There is not one, there are hundreds of thousands of businesses that are facing this dilemma, that have these same concerns.

By the way, this is not the only problem with ObamaCare. There are many others. The President keeps saying: There are people in town who want this plan to fail. They keep bringing up ObamaCare because they want it to fail.

The plan is already failing. It is failing by your own admission. You just had to cancel, had to suspend one of the critical components of this bill because it is not doable. This plan is already failing on its own.

By the way, if you are going to accuse us of wanting ObamaCare to fail, you better accuse the Teamsters of it because they have the same criticisms on this point that I have raised today.

I think we have reached a point where no matter how you voted on ObamaCare—I was not here, but no matter how you may have voted on ObamaCare if you were here, no matter who you voted for for President, no matter if you are a Republican, a Democrat, or an Independent, it is bigger than politics—this is really about people. Today I highlighted the plight that 135 people in Florida are facing, but hundreds of thousands if not millions of others will soon face this plight as well. As Americans, we have to come to grips with the fact that this law is a terrible mistake, and we cannot go forward with it because it is going to hurt millions of middle-class Americans in the ways I have just described.

We are going to have an opportunity to get this right in September because we are going to have to vote on a short-term budget to fund the government. I implore my colleagues to use that as an opportunity to put the brakes on this terrible mistake before more people lose their insurance, put the brakes on this before more people lose their businesses. In that short-term funding bill, we should not pay for the implementation of ObamaCare. Let me be clear. Anyone who votes for the short-term budget that funds ObamaCare is voting to move forward with ObamaCare. Don't come here and say "I am against ObamaCare" if you are willing to vote for a budget that funds it. If you pay for it, you own it.

I want to make myself clear to the employees of Gatorland, the working people of Florida, and anyone in America who is watching that I, for one, will not vote for any bill or any budget that funds the implementation of this disaster. Does that mean we shouldn't do anything about health insurance in America? Of course it doesn't mean that. We should do something—something that protects what is good about



the current system and fixes what is bad with it. ObamaCare throws out what is good about the current system in order to try to fix what is bad with it, and in the end it messes up everything.

We should repeal ObamaCare and replace it. We should replace it with ideas that allow uninsured and underinsured Americans to find affordable insurance without taking away other people's insurance and other people's jobs.

For example, we should expand flexible savings accounts. These are accounts like the ones to which every Member of Congress has access. That allows us to take money out of our paycheck every month tax free and put it in a savings account for health purposes. We don't have to pay taxes on that money. A deposit is made every month, and it starts adding up. That money can be used to buy medicine or to pay for a copayment or any other medical expense. It is our money, and we control it. It has to be used on health care, but it is tax free. If Members of Congress get this, why shouldn't every American have a chance to have something like that?

I used that account last year to pay for my daughter's braces. Millions of Americans should have the chance to do that. Why don't they? Because ObamaCare undermines it instead of encouraging it. It lowered the amount we can save every year from \$5,000 to \$2,500. Ridiculously enough, it says that in order for me to pay for children's Advil for my kids with my flex savings account, I have to get a prescription from a doctor. Think about that. If you buy children's Advil because your child has a fever, you now have to go to a doctor and get a prescription if you want to use your money to pay for it. Instead of encouraging the flex savings account, ObamaCare undermines it.

Another good idea would be to allow people to buy insurance with their own tax-free money. Let's use the example of Gatorland. Let's say that the monthly premium is \$1,000 and Gatorland pays \$800 of it. They don't pay taxes on that \$800. But let's say that tomorrow a business like that decides it is going to give you the \$800 so you can go out and buy insurance from any company. If it does that, you have to pay taxes on the \$800. If the employer buys the insurance for you, they don't pay taxes on the money. If you buy insurance for yourself, you pay taxes on the money. That is ridiculous. That is something we should be for.

Here is another one. Why can't we Americans buy insurance from any company that will sell it to us? I live in Florida. If there is a company in Georgia that will sell me health insurance, why can't I buy it? I can't buy it because they are not licensed by the State of Florida. This ignores the fact

that every American needs a different type of health insurance.

If you are like me, with four children, you need a family plan that will cover a lot of things, and that will cost more.

What if you are a 25-year-old healthy single person who hardly ever gets sick? What you probably want is a hospitalization and catastrophic insurance account and a health savings account. The health savings account can be used if you get the flu, so you can take out \$50 or \$100 with the tax-free money you have saved and pay for the doctor's visit. If, God forbid, you get hit by a car, your insurance steps up and pays for it. A plan such as that is a lot more affordable, but right now you can't buy it. Most States have rules, and most of the rules say: You either have to sell them a Cadillac or nothing at all. What if you don't want a Cadillac? What if you want a Geo? The same is true with health insurance, and it is wrong. We should encourage those things.

It is not too late to change all of this. It would be a terrible mistake to move forward. This is not about defeating a President's agenda or wanting or rooting for it to fail. We do have a health insurance problem, and we should address it. What we are doing now is going to hurt an economy that is already struggling. There are people who will lose their jobs, lose hours at their jobs, paychecks will be cut, and they will lose the health insurance they are happy with. There are businesses in America that are going to be forced to absorb these costs by laying people off or raising prices or both. There are people who will lose coverage now and be thrown into exchanges that don't exist yet. This is a disaster. We should take the time to slow this down, and we will have a chance to do that in September.

I will repeat it. I, for one, will not vote for any budget that funds the implementation of this disaster and hurts people in this way. I hope my colleagues will put partisanship and pride aside and come together. The fact is that if ObamaCare goes through and begins to be implemented, it is going to hurt us in ways that are potentially irreversible. It is not too late to stop.

I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Iowa.

Mr. HARKIN. Madam President, I am pleased we are finally at the point where we can vote on the nomination of Thomas Perez to serve as Secretary of Labor. Indeed, it seems as though the most important question before us today has gotten lost in all of the debate. Will Tom Perez be a good Secretary of Labor? The answer is unequivocally yes. There is no question that he has the knowledge and experience needed to guide this critically important agency.

His outstanding work in Maryland as their secretary of labor has won him

the support of the business community and workers alike. Here is a quote from the endorsement letter from the Maryland Chamber of Commerce:

Mr. Perez proved himself to be a pragmatic public official who is willing to bring differing voices together. The Maryland Chamber had the opportunity to work with Mr. Perez on an array of issues of importance to employers in Maryland, from unemployment and workforce development to the housing and foreclosure crisis. Despite differences of opinion, Mr. Perez was always willing to allow all parties to be heard and we found him to be fair and collaborative. I believe that our experiences with him here in Maryland bode well for the nation.

That is a pretty strong endorsement by a chamber of commerce for a nominee whom the minority leader this morning characterized as a "leftwing ideologue . . . willing to bend the law to achieve his ideological ends." That is what the minority leader said this morning. That grossly unfair characterization is manifestly inconsistent with the experiences of the Republican leaders and business leaders who have actually worked with Tom Perez. These people clearly disagree with the minority leader's assessment of Mr. Perez's qualifications and character. I am informed that the minority leader never met with Mr. Perez. Mr. Perez offered to meet with him, but the minority leader said no. Yet the minority leader comes down here and makes these kinds of judgments as to his character and his integrity?

We have heard a lot of discussion about the controversy surrounding Mr. Perez's nomination over the last couple of days on the Senate floor. His integrity and character have been viciously and unfairly attacked.

I take particular issue with the minority leader's suggestion this morning that Mr. Perez doesn't follow the law or believe it applies to him. I respectfully suggest that the minority leader needs to check his facts. Those allegations couldn't be more to the contrary. Tom Perez believes deeply in the law. He believes that all the laws on the books, especially those that protect our most important rights—the right to vote, the right to be free from discrimination in the workplace, the right of people with disabilities to live in their own communities—Tom Perez believes strongly that these rights should be respected and enforced. These are the same laws that I sometimes think some on the Republican side would like to forget are on the books, but these laws matter. Voting rights matter. Fair housing rights matter. The rights of people with disabilities matter. And Tom Perez has fought for that.

We shouldn't shy away from using every tool in our arsenal to strengthen our enforcement of civil rights laws. These laws are part of what makes our country great. I am incredibly proud of the work Mr. Perez has done at the Department of Justice to make these

rights a reality again after years of neglect. He should be applauded, not vilified, for the service he has provided to this country.

He is a leader whose career has involved passionate and visionary work for justice. Yes, he has had to make difficult decisions. He has faced management challenges. As we now know, he has been the target of accusations, mudslinging, and character assassination. I have looked carefully into Mr. Perez's background and record of service, as the chair of the authorizing and oversight committee. I can assure Senators that Tom Perez has the strongest possible record of professional integrity and that any allegations to the contrary are unfounded. They are simply unfounded allegations. There is absolutely nothing that calls into question his ability to fairly enforce the law as it is written. There is absolutely nothing that calls into question his professional integrity, moral character, or his ability to lead the Department of Labor.

I am particularly disappointed that Republicans continue to raise concerns regarding Mr. Perez's involvement in the global resolution of two cases involving St. Paul, MN—the cases called *Magner* and *Newell*. I spoke about that at length, and Republicans have talked about it. This has been debated exhaustively. Quite frankly, there is nothing there.

This is an issue the HELP Committee and the Judiciary Committee have thoroughly examined and found no cause for concern. The House Oversight and Judiciary Committees have also thoroughly explored the underlying facts. In fact, both the majority and minority staff on the House Oversight Committee have released reports on the matter. What the reports revealed is that the evidence is clear—Mr. Perez acted ethically and appropriately at all times. Indeed, he had clearance to proceed as he did from the appropriate ethics officers at the Department of Justice. Noted experts in legal ethics have confirmed this.

There is no foundation for any allegation of wrongdoing by Mr. Perez in these cases involving St. Paul, MN. Yet they keep being drummed up. But they are just allegations. Anybody can make an allegation—especially here on the Senate floor. Members can make all kinds of allegations. I simply ask for proof. Back up those allegations. There is no proof. There is nothing to back up those allegations that somehow Mr. Perez acted unethically or in violation of law.

I am also deeply disappointed that my Republican friends are suggesting that Mr. Perez has been unresponsive to requests for information by Members of this body. Nothing could be further from the truth. Mr. Perez has been as open and aboveboard as he possibly can be with both my committee and

Members of the Senate. He has met with any Member personally who requested a meeting. He requested a meeting with the minority leader, and the minority leader said no. He appeared before our committee in a public hearing. He answered more than 200 written questions. He bent over backward to respond to any and all concerns raised about his work at the Department of Justice.

This administration has also been extraordinarily accommodating to my Republican colleagues—especially to their concerns about Mr. Perez's handling of the *Magner* and *Newell* cases while at the Department of Justice.

The administration has produced thousands of documents. They have arranged for the interview of government employees and access to transcripts of inspector general interviews. They have provided access to Mr. Perez's personal e-mails. They have facilitated almost unprecedented levels of disclosure to alleviate any concerns. They have responded to every request for information, including the letter by Chairman ISSA that Senator ISAKSON submitted for the RECORD this morning.

I ask unanimous consent to have printed in the RECORD the response to Chairman ISSA's letter from the Department of Justice at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE, OFFICE OF THE ASSISTANT ATTORNEY GENERAL,

*Washington, DC, July 15, 2013.*

Hon. DARRELL E. ISSA,  
*Chairman, Committee on Oversight and Government Reform, U.S. House of Representatives, Washington, DC.*

DEAR CHAIRMAN ISSA: This is in response to your letter, dated July 8, 2013, to Assistant Attorney General Thomas E. Perez, regarding your request for emails that existed both in Mr. Perez's personal email account and in the Department's email system.

As we explained in our letters of June 21, May 10, May 3, and April 17, 2013, we have gone to great lengths to accommodate the Committee's stated oversight interest in the Federal Records Act and the availability of emails for other records requests. The mails in question that were in Mr. Perez's personal account had also, before your inquiry, already been sent to or from a Department email address and thus were captured by the Department's system pursuant to the Federal Records Act (FRA). Nonetheless, we invited Committee staff to view the date, sender, and recipient fields of these emails so that they could confirm this fact. Indeed, following Mr. Cummings' staff's review of the emails, he wrote to the Department to state that the review had allowed him to "verify that [all the emails] were, in fact, sent from or received by official government e-mail accounts," which addressed his concerns. The substantive content of these emails is not pertinent to an inquiry into FRA compliance.

Only 5 communications initiated by Mr. Perez—and just 30 initiated by others—had not already been captured in the Depart-

ment's email system prior to your inquiry. When he located these communications, Mr. Perez immediately forwarded them to a Department email address, ensuring that they are now in the Department's system. These 35 communications were made available for review by your staff.

As a result, as we explained in our letter to you on June 21, 2013, we believe that we have addressed your stated oversight interest.

Sincerely,

PETER J. KADZIK,

*Principal Deputy Assistant Attorney General.*

Mr. SCOTT. Madam President, I rise today to express my opposition to the nomination of Thomas Perez to be Secretary of Labor.

Given our relentlessly high rate of unemployment over the past 55 months and stagnant economic growth, we simply must do more to foster lasting economic prosperity. After analyzing Mr. Perez's role at the Department of Justice, I do not believe he is the proper candidate to help our Nation return to full employment or reach our economic potential. I have great concerns regarding some of the decisions he has made, the professionalism and ethics of those decisions, and his overall management abilities. The Department of Labor has, unfortunately, pursued guidance and rulemakings that are daunting to large and small businesses alike, and I believe Mr. Perez would only exacerbate these problems.

Mr. Perez accrued an alarming record of mismanagement and utter politicization of the law during his tenure at the Department of Justice, DOJ. The DOJ's inspector general 2013 report gave a highly critical review of the Voting Section under Mr. Perez, citing the "politically charged atmosphere and polarization within the Voting Section" and the "dysfunctional management chain" under Mr. Perez. Furthermore, the report indicated that the handling of the New Black Panther Party case under his leadership "risked undermining confidence in the non-ideological enforcement of the voting rights laws."

When I look at the nonpartisan inspector general report and the way in which Mr. Perez has pursued policies singling out certain conservative States and industries, I simply cannot support his nomination. The Voting Section's decision to override career DOJ staff to block the implementation of my home State of South Carolina's voter ID law is a prime example of this trend. Only after South Carolina spent more than \$3.5 million suing the DOJ in Federal court did our law take effect. Yet, even on the heels of defeat in Federal court, Mr. Perez was still dissatisfied and decided to send DOJ officials down to monitor a special municipal election in Branchville, SC—a town with a voting population of 800 and where fewer than 200 people voted in the special municipal election.

Finally, I believe it is irresponsible and an abdication of congressional authority to move a nominee who has repeatedly failed to comply with an outstanding congressional subpoena. The House Oversight and Government Reform Committee issued a bipartisan subpoena on April 10, 2013, regarding 1,200 e-mails sent from Mr. Perez's non-official e-mail account that referred to official business of the Department of Justice. Mr. Perez's failure to comply with this obligation casts considerable doubt on the deference he would give to Congress as Secretary.

What we need at the Department of Labor is simple: a Secretary who will put politics aside and a strong management structure in place to help get our economy back on track. States, businesses, and employees cannot afford to have a Secretary of Labor who seeks to micromanage and politicize the most mundane aspects of everyday life. For these reasons, I oppose Mr. Perez's nomination.

Mr. MENENDEZ. Madam President, once again I wish to reiterate my strong support for Tom Perez, a man eminently qualified to serve our country as the next Secretary of Labor.

Tom Perez was cleared by the HELP Committee over 2 months ago and should have been confirmed soon after, but we know that wasn't the case.

I am glad that Leader REID was able to break the nominations logjam this week so that we could begin confirming some very deserving nominees, including Tom Perez.

Tom Perez is the quintessential public servant. He is a consensus builder. As Secretary of Labor in Maryland, he brought together the chamber of commerce and Maryland labor unions to make sure workers received the level of wages and benefits they deserved and business had the skilled workforce they needed.

Most recently, he has served as Assistant Attorney General for the Civil Rights Division of the Department of Justice, where he increased prosecution of human trafficking by 40 percent, won \$50 million for servicemembers whose homes were improperly foreclosed on while they served, and settled the three largest fair lending cases in the history of the Fair Housing Act, recovering more money for victims in 2012 than in the previous 23 years combined.

He has spent his entire career in public service.

He is a Brown University graduate with a master's in public policy from the Kennedy School and a Juris Doctorate from Harvard Law.

He is an advocate for people with disabilities and won the largest ever disability-based housing discrimination settlement.

Tom Perez is a civil rights champion. He obtained the first convictions under the Matthew Shepard and James Byrd,

Jr., Hate Crimes Prevention Act, and has always supported ending discrimination on the basis of sexual orientation.

Tom Perez is a good man and a good nominee. So let's do what we should have done a long time ago.

He is a qualified, competent, professional public servant, nominated by the President, and already confirmed by the Senate to the post he holds today.

As I said when I first endorsed Tom Perez, and I will say again today; he is an outstanding public servant, and I applaud President Obama for selecting him to be our Nation's next Secretary of Labor.

I have no doubt that he will continue the administration's efforts to create jobs and get people back to work. Mr. Perez has dedicated his career to championing the rights of workers and all Americans, and I am confident that he will continue to do the same if confirmed.

As former Secretary of Labor in Maryland, Mr. Perez prioritized matching community colleges, labor unions, and the private sector to help get people jobs that are in demand today and in the future—an initiative that is much needed on a national scale, and something I have proposed in legislation that would close the skills gap by training workers with the skills needed to fill such jobs.

This is a remarkable nominee who brings a compelling personal story and a wealth of knowledge and leadership to the Department of Labor.

I am very pleased the time has finally come for good people like Tom Perez to get the up-or-down vote they deserve.

I urge my colleagues to vote to confirm this qualified nominee who has waited too long.

Ms. MIKULSKI. Madam President, I rise in support of one of Maryland's favorite sons, Mr. Tom Perez, the President's nominee to lead the Department of Labor. Mr. Perez has been the Assistant Attorney General for the United States and has also been Maryland's Secretary of Labor and Licensing and also was a member of the Montgomery County Council. All three of these jobs show his expertise and his ability to navigate some very complex situations. I believe he is the right man for the job.

I support his nomination, not only because he is one of Maryland's favorite sons, but because I believe he brings integrity, competency, and commitment to the mission of the Department of Labor.

His resume is outstanding. A Harvard Law School graduate. He has served in public service at the Federal, State, and county levels and he has a commitment to the mission of each agency.

In terms of personal background, it is really the story of America. His father

came to this country under very difficult circumstances. His grandfather was one of the leaders of the voices of freedom in the Dominican Republic—punished for that and declared a persona non grata. But his father was able to stay in this country as a legal immigrant, go on to military service, and become a physician. And to show his gratitude to this country, he worked only for the Veterans Administration serving the country that saved him and his family.

Tom grew up with public service in his DNA. His father died when he was a young boy and he will tell that compelling narrative, but through the dint of hard work, a loving mother, and a nation that offered opportunity—he was able to work his way through school, get the scholarships, worked even as a trash collector during summer break to be able to advance himself.

He knows what the American dream is, but he also knows what hard work is, and he knows what an opportunity ladder we need to have in this country.

But in addition to that, he brings a great deal of skill—we know Tom at the Montgomery County Council level where government is closest to the people had to really govern best. And it is a complex, growing county where you had to work with public-private partnerships.

I admire Tom so much for his work as head of the Maryland Department of Labor. They now have a letter in the RECORD recommending Tom to be the Secretary of Labor. Why? Because he listens, he learns, and he brings everybody to the table for a pragmatic, fair, and collaborative work.

That is how he earned support from worker advocates and many of the Maryland's largest employers, the Maryland University System, the Maryland Association of Community Colleges, the Maryland Minority Contractors Association, and the Greater Baltimore Committee.

I am confident Tom Perez will be an excellent Secretary of Labor. I know he will be a strong voice for the working class and for keeping the government on the side of the people who need it. I urge my colleagues to support his nomination.

Mr. LEAHY. Madam President, today the Senate will finally proceed to a confirmation vote on the nomination of Tom Perez to serve as Secretary of the U.S. Department of Labor. This vote continues the progress we made on executive nominees this week following our bipartisan caucus on Monday night. I am pleased that six Republican Senators joined with Democratic Senators to invoke cloture on this nomination on Wednesday, and now we can proceed to getting this well-qualified nominee confirmed to lead the Department of Labor.

Tom Perez is a dedicated public servant, and since 2009, he has worked hard

to restore the reputation of the Civil Rights Division at the Justice Department. This was no small task after the prior administration had amassed one of the worst civil rights enforcement records in modern American history. Under the leadership of Attorney General Holder, Tom Perez has guided the Civil Rights Division back to its core mission of vigorous civil rights enforcement. He has many accomplishments to be proud of under his stewardship of the Division. Among them is his successful implementation of legislation I offered in the Senate, the Shepard-Byrd Hate Crimes Prevention Act, which was signed into law by President Obama just after Tom Perez was confirmed as the Assistant Attorney General for the Civil Rights Division in October 2009. Under Tom Perez's leadership, the Division implemented this important law and brought several important hate crimes prosecutions. Under his leadership, the Division has also been vigilant in protecting American homeowners against discriminatory predatory lending, and in protecting our men and women in uniform from foreclosure by lenders while overseas on active duty. He also led the Division to expand the number of human trafficking prosecutions by 40 percent during the past 4 years, including a record number of cases in 2012.

I have no doubt that Tom Perez will bring to the Labor Department the same leadership and commitment that he brought to the Civil Rights Division, and our Nation will be better for it. As a former Secretary of Labor in Maryland, and a fierce defender of workers' rights and civil rights, he is uniquely suited to serve in this important post at a critical time.

Mr. HARKIN. Madam President, I ask unanimous consent for 1 more minute to conclude my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. In short, the Department of Justice has made all e-mails available for review. It is true Congressman Issa has continued to repeat his requests, but that doesn't mean Mr. Perez and the administration have not been responsive, because they have.

The fact is this nominee has been more than thoroughly vetted. He has the character and the integrity and the expertise to lead the Department of Labor. The President has chosen Mr. Perez to join his Cabinet, and there is absolutely no reason why the Senate should not consent to this choice.

I am proud to support Mr. Perez's nomination. He will be an asset to the Department of Labor and to our entire country. I look forward to the opportunity to work with him in his new position to help all working Americans.

I yield the floor.

Mr. RISCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Edward Perez, of Maryland, to be Secretary of Labor?

The clerk will call the roll.

The assistant bill clerk called the roll.

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 178 Ex.]

YEAS—54

Baldwin	Harkin	Murray
Baucus	Heinrich	Nelson
Begich	Heitkamp	Pryor
Bennet	Hirono	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kaine	Rockefeller
Brown	King	Sanders
Cantwell	Klobuchar	Schatz
Cardin	Landrieu	Schumer
Carper	Leahy	Shaheen
Casey	Levin	Stabenow
Cools	Manchin	Tester
Donnelly	Markey	Udall (CO)
Durbin	McCaskill	Udall (NM)
Feinstein	Menendez	Warner
Franken	Merkley	Warren
Gillibrand	Mikulski	Whitehouse
Hagan	Murphy	Wyden

NAYS—46

Alexander	Enzi	Moran
Ayotte	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Heller	Rubio
Chiesa	Hoeven	Scott
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Thune
Collins	Johnson (WI)	Toomey
Corker	Kirk	Vitter
Cornyn	Lee	Wicker
Crapo	McCain	
Cruz	McConnell	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The Senator from California.

NOMINATION OF REGINA MCCARTHY TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Mrs. BOXER. Madam President, I ask that the Senate resume consideration of Calendar No. 98, the nomination of Regina McCarthy to be Administrator of the EPA.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. will be equally divided in the usual form prior to a cloture vote on the McCarthy nomination.

The Senator from California.

Mrs. BOXER. Madam President, as chairman of the EPW Committee, this is a day I have longed for for a long time. This has been the longest time the EPA has been without an Administrator in all of history. We could not have a more qualified nominee. We could not have a more bipartisan nominee.

The bottom line is Gina McCarthy has worked for five Republican Governors. She is a beloved individual. I wish to thank so many outside of this body who have weighed in on her behalf, including Christine Todd Whitman, the former Republican Administrator of the EPA, and Gov. Jodi Rell. It has meant a lot to Gina McCarthy. It has meant a lot to us who know that the EPA deserves a leader, and this woman Gina McCarthy deserves a promotion.

I will be back on the floor in about an hour or so just to make some more brief comments. But I wish to thank my colleagues from both sides of the aisle. We did avert a tough challenge for both parties. We averted that. I am very happy we did. One of the benefits of that agreement is we are having votes on people as qualified as Gina McCarthy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask unanimous consent that after my remarks, Senator REED be recognized for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I would like to talk about the nomination of Gina McCarthy to serve as Administrator of the Environmental Protection Agency. I had the pleasure of meeting with her earlier in the confirmation process and talking with her at length about many important issues. She is experienced. I believe she is a good person. She has given her assurance that EPA would become more responsive—at least my interpretation of her response would be that—and her management has been encouraging.

However, the Environmental Protection Agency appointment is no small matter. The job of EPA Administrator has the potential to impact the life of every American in both positive and negative ways. For example, in the 1970s, Congress passed the Clean Air Act. It focused on pollutants. We were talking about NO<sub>x</sub> and SO<sub>x</sub>, sulphur oxide, nitrogen oxide, particulates, things that adversely affect the health of Americans.

At that point in time, we had no dream in our mind of a problem—global warming—that might arise and become a big issue in the future, nor did Congress have any inclination that carbon dioxide, plant food, that product in the atmosphere that plants take in and

breathe out oxygen—we breathe in oxygen and out CO<sub>2</sub>—would be declared a pollutant.

By a 5-to-4 decision, the Supreme Court seemed to declare that, although it was not absolutely mandatory, EPA could regulate CO<sub>2</sub> under the Clean Air Act. EPA has seized that authority. They say that, for example, CO<sub>2</sub> is a pollutant. Congress has never voted to declare CO<sub>2</sub> a pollutant. I believe it is a stretch and an abuse of the Supreme Court's authority to interpret the law we passed in the 1970s as including that.

If CO<sub>2</sub> is a pollutant, as the EPA now assumes and asserts it is, every backyard barbecue, every lawnmower as well as every factory and plant in America is subject to their control because they are required to limit and control pollutants. This is how things happen in America.

So we have an unelected bureaucracy, the Environmental Protection Agency, virtually unaccountable to the public, often refusing steadfastly to produce reasonable answers to inquiries put to them by the Congress. They dictate matters that impact every person in America. It is an awesome power. It is something too little discussed in America.

I am going to talk about another subject briefly. I understand Ms. McCarthy and her experience. She is going to be elevated now from EPA's Air Office, where they have been hammering coal, hammering natural gas, and other fuels, carbon fuels, in their regulations to a degree that it is driving up the cost for every American to obtain energy, their electricity, their automobiles, and the heating in their homes.

I wish to focus for a few minutes on a central problem at the EPA: its disregard for Congress, the law as written, and the use of unlawful agency guidance.

Agency guidance. These are documents they issue to effectively rewrite the law in a way that favors the administration's policies and political agenda. That is what we are seeing too much of. People say: Oh, they just do not like the EPA. All of these complaints from farmers and businesses, it is all just overreaction. Those are guys who want to pollute the atmosphere and the farmlands and do all of these things. They are not reasonable people.

Most Americans are not dealing face-to-face with the guidance, the regulations of the EPA officials who attempt to dictate so much of what they do. There is perhaps no better illustration of the dynamic than in the context of the administration's effort to grasp control over every ditch, stream and creek and pond in the country.

We actually had a vote on this issue in May during the debate on the Water Resources Development Act. I joined with my colleague Senator BARRASSO

in introducing an amendment, the Barrasso-Sessions amendment No. 868 to the Water Resources Development Act. A clear majority of the Senate, 52 Members, voted for our amendment that would stop EPA from implementing an agency guidance document that would vastly expand the Agency's jurisdiction over the Clean Water Act.

So they issue a guidance, direct it to all of their subordinates, and tell them how the law is to be enforced. So actually it becomes a new law; it becomes the effect of an actual statute. First, the problem with what they have been doing is it is contrary to the plain reading of the statute, the Clean Water Act.

This law, enacted in 1972, requires a Federal permit for activities impacting navigable waters—navigable waters. That is what is in the statute, which Congress has defined as waters of the United States. EPA's guidance document broadly interprets this term—broadly interprets it and would give Agency employees throughout the country the authority to make case-by-case determinations with virtually no jurisdictional limits whatsoever.

I recently asked Ms. McCarthy about this issue. She did not detail her views. She would not answer specific questions.

The Supreme Court has ruled several times on the meaning of this jurisdictional term, most recently in its 2006 decision, just a few years ago, *Rapanos v. United States*. That 4-1-4 decision—which, I think the Chair did not often see in her State when she was attorney general, not often did I see that, a 4-1-4 decision. The Supreme Court held that the Army Corps of Engineers overreached by asserting jurisdiction under the Clean Water Act over nonnavigable wetlands in that case.

On behalf of the four-member plurality comprised of Justices Roberts, Scalia, Thomas, and Alito, Justice Scalia wrote that “waters of the United States” include nonnavigable wetlands only if there is an “adjacent channel [that] contains a . . . relatively permanent body of water connected to traditional interstate navigable waters.” That is stretching it pretty far, is it not?

So at least there is a stream that is supposed to be connected to some navigable water. Further, Justice Scalia concluded “the wetland has a continuous surface connection with that water . . .” So there is at least some continuous connection to the water. It does not just dry up for most of the year and only have water in it when it rains heavily. The opinion of Justice Scalia is, to me, in line with the Clean Water Act's original meaning of the term “navigable waters.” The key swing vote was provided by Justice Kennedy, who joined Justice Alito, making five votes and remanding the Army Corp's decision in that case but

under a different interpretation of “waters of the United States.”

With Justice Kennedy's concurrence, five of the nine Justices rejected the idea that the EPA and the Army Corps have unlimited jurisdiction over anything wet in the United States. As a result, in 2008, EPA, under the Bush administration, issued a guidance document explaining the Agency interpretation of “waters of the United States” in light of the Supreme Court decision. That document did not seek to expand the Agency's decision or change existing regulations.

Rather, in that guidance document, the Agency adopted a reasonable view that recognizes the need for a significant nexus to traditional navigable water, so a connection at least to navigable water. We call them branches in Alabama. Sometimes they dry up. They are not a navigable stream. However, soon after entering office, the Obama administration sought to replace that 2008 guidance document, expanding their power with a guidance document, even though there had been no intervening Supreme Court case. They submitted a guidance document that would vastly expand the Agency's assertion of jurisdiction and power.

A second problem with EPA's approach is that their approach is contrary to the principle of cooperative federalism, which was foundational to the enactment of the Clean Water Act from the beginning. That principle recognizes that there must be a strong partnership between the Federal Government and the States if we are to address environmental challenges.

One way the law recognizes this approach is through giving a limited role for the Environmental Protection Agency. The States have the primary responsibility for protecting water quality, not the EPA. Water is primarily to be protected by the States. This was contemplated in the Clean Water Act.

But EPA's guidance document would seek to involve EPA in a wide range of permitting actions that should otherwise be left to the States. I believe this guidance is based on a false premise that water quality is protected only by EPA—only they can be trusted, not the people who live in the States where the water is. So, finally, EPA is circumventing Congress by using a guidance document to rewrite the law.

For those reasons, I will be continuing to work on this issue. It is very important in our EPW Committee. I would urge the Senate to act to stop the power grab by EPA. As I noted, a majority of the Senate has voted for that but did not receive the 60 votes required for passage.

I am disappointed, to date, that Ms. McCarthy has not agreed to push back and back down from the aggressive bureaucratic power grab that has come to define this administration's use of

EPA. There are many more problems within the Environmental Protection Agency. They are unelected. They have used powers Congress has never explicitly given them to regulate virtually every aspect of the American economy.

I hope Ms. McCarthy will do a good job if she is given this position, but she serves at the pleasure of the President. She will take her lead from him. It is quite clear he has no intention of constricting the expansion of EPA power but indeed is behind expanding it to the fullest extent he can achieve. That is very troubling.

I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Rhode Island.

#### STUDENT LOANS

Mr. REED. Mr. President, over the last few weeks many of my colleagues have been engaged in a very serious, very deliberate, very thoughtful attempt to deal with the issue of student loan interest rates, which doubled July 1 for subsidized loans. They have contributed significantly in terms of trying to move this issue forward to reach a thoughtful and appropriate conclusion.

From what I have heard, under their approach—the Bipartisan Student Loan Certainty Act of 2013—I don't think, despite the good efforts and good intentions, that they have reached the objective, which is to make college affordable for all of our students and to somehow try to prevent this tidal wave of student financial debt, which is in some cases overwhelming to so many students and families across the country. Instead of emphasizing the students, I think what they have done is just tried to shield the government from investing in those students.

The clear impact of the legislation that is being proposed is that it will increase the cost of education for students. We were in a position where we legislatively reduced the rate to 3.4 percent. We had an extension for 1 year to this July. It doubled to the previous rate in existing law of 6.8 percent.

What this proposal does is to keep the rate relatively low at first—although it goes up a bit higher than the 3.4 percent—but invariably, mathematically, it gets very high. They have placed some caps there—and that is something for which I salute the authors, their efforts to put caps on the different programs—but those caps are very high also.

The inevitability is that the one sure thing is that over the course of the next few years, students will pay more for higher education at a time when they can afford it less and less and at a time when we need more fully qualified graduates to take the jobs of this new century to be competitive internationally.

I think we have before us, despite all these great efforts, legislation that will

shift more and more costs to students. Instead of preventing the doubling of these rates to 6.8 percent, it would gradually raise these rates above 6.8 percent. We might see 1, 2, or 3 years of rates that are relatively below that number, but inevitably, mathematically, those rates will go beyond 6.8 percent, and the caps are rather high.

High school students of today will be paying a lot more for their student loans, and their families will be paying a lot more. It will add to the debt of these students and their families. It will restrict their ability to become not only qualified workers in our economy but also the people who drive the economy, young people who buy homes, buy automobiles, and who are able, because of their skills, to earn enough to contribute not just to the productivity of the country but their own ability to make purchases and keep that engine of the economy moving forward.

There is no real guess as to what level it would go up to because now we are moving away from fixed rates and moving toward an adjustable-rate. The rates have been pegged to a 10-year Treasury bill—a rate that we know is going up. It has gone up nearly 1 percent since just May, and in this environment it is likely to continue to go up. The rate students could pay could rise much more quickly than the projections even that CBO is suggesting. It could rise because of Federal Reserve policy. If they decide to unwind quantitative easing, and in such a way that rates shoot up, then those rates could spike very dramatically.

Students and advocates have raised their voices loud and clear urging us not to take this kind of action. They have said that no deal is better than a bad deal. The people we are trying to help are actually saying: No, that is not the kind of help we need.

With deep regret, I believe this is not the right approach going forward. What the students and advocates have asked us to do is to keep it at 3.4 percent. I have proposed legislation to do that for a year so that we could work on some of the fundamental issues that are driving costs, such as the incentives and disincentives in colleges for tuition; the issue of—which is separate but very important—how we not only provide reasonable interest rates but how we refinance all those students who are overwhelmed by debt, how they take advantage of the historically low rates of today. All of those difficult issues are being put off. I think they should be engaged, and I think we need the time to engage on those issues.

Unlike the approach of at least another year of 3.4 percent, the proposal before us would lock in about \$184 billion in student loan revenue. That is in the current CBO baseline. Then there is an additional \$715 million that this proposal would generate. All of that is

coming out of the pockets of students and families.

Paying for college is tough. This legislation, unfortunately, could make it tougher because it would put in a permanent structure for setting student loan interest rates that could quickly result in students and parents paying more for student loans. This is not a temporary fix to get us to a better place in terms of incentives for tuition, in terms of refinancing, in terms of letting students more actively and more affordably pursue college education; this is the long term.

It is simple math. In a zero budget environment—and that is one of the principles incorporated in this legislation—reducing what students pay today means that students will have to pay more tomorrow. If we are assuming a 6.8-percent fixed rate over 10 years and we lower that rate, as this legislation does, then just do the math—it is going to have to be higher to keep it zero or neutral with respect to the budget, and that is what is going to happen. So we are going to have some relief today, but it will be followed inevitably by students who will pay more and individually have a much larger burden to bear.

I think we are in the position of taking steps that are going to make college more expensive at a time when we have to make it more affordable not only for individual families and students but for the future and success of our economy.

We are also departing from our past experience with market-based interest rates in the Federal student loan programs. This proposal also locks in historically high surcharges on top of basing the loans on a higher cost instrument. Previously we were using the 91-day T-bill, and because it was a short-term note, the interest rates were lower relative to the 10-year note. Now we are using a much higher baseline, and then we are adding historically higher premiums to that baseline for graduate students and parents. So the legislation builds in additional costs that we haven't used even when we had rates that were based on market conditions.

Under the market-based rates that were in effect from 1998 to 2006, students benefited from historically low interest rates. These rates were indexed, as I said, at the lower 91-day Treasury bill rate rather than the 10-year Treasury bill rate. As I mentioned before, we already know this 10-year Treasury bill rate is moving up.

We are making these changes from the perspective of interest rates at exactly the wrong time—at the bottom of the interest rate curve as it starts its climb up. That argues, to me—and, frankly, I think most people, if they were going to make a choice on a loan today, would try to pick a fixed rate, even if it was a little higher than the

introductory rate on a variable loan, because of the experience of the last several years and because of what they are seeing all around them—rising interest rates over time.

This year, borrowers who are repaying these loans—I am talking about the loans that were made in that period of time, 1998 through 2006—have an interest rate of 2.35 percent, and over the last 5 years their rate averaged 2.41 percent. They have benefited from the declining rate. They have benefited from the huge expansion of Federal Reserve quantitative easing. They have benefited from an economy that slowed down, ironically, so that interest rates were falling. Now we are on the other side of that curve, and students won't benefit from the market rates. They will actually see higher rates as we go forward.

We offered these rates in the context of the old program where we had to also subsidize banks. Today, I would think, with the banks out of the picture and with the government, through direct lending, doing the lending, we should be able to find a solution where we can actually lock in much lower rates for students. This is the kind of solution that will take time—the time, I believe, that we could have spent and should spend by extending the 3.4 percent rate another year and looking creatively and thoughtfully at a whole spectrum of issues but with the goal of trying to give students and families the assurances that they can afford college and also that college will be affordable in the sense that the cost of college will start coming under some type of control. That takes a lot of work, and we are not doing that work today. Instead, under this proposal, we are adopting a rate structure permanently that, because of where we are in the economy, will invariably mean that students will pay more and more each year.

I have mentioned before that because of the great effort of some of my colleagues—Senator MANCHIN, Senator KING, Senator ALEXANDER, Senator BURR, Senator DURBIN, and Chairman HARKIN, I could go on and on—there have been some improvements made in the initial version of this legislation, particularly caps on individual loan programs. Those caps are very high. Under the new proposal, the cap for the undergraduate loans is 8.25 percent, and then there are caps that go all the way up to 10.5 percent. Again, let's step back here. We are putting a cap at those levels because there is a reasonable expectation that we will reach those levels. As a result, we are going from the current law, which is 6.8 percent, to as high as—in some cases for parent loans—10.5 percent. This is a huge swing not in favor of the students but to their disadvantage.

This is why I am working on an amendment, which I hope to offer, that

would put the cap at 6.8 percent for all Stafford loans and at 7.9 percent for the parent PLUS loan.

Again, if we are looking at a fixed rate of 6.8 percent and we can't do better than that 2, 3, 4, 5 years from now, we have to ask ourselves whether we really need to make these changes or whether we should make these changes.

If we adopt the amendment I propose, at least we are telling parents they won't be worse off than current law and they will be better off—because of interest rates at the moment—in the next several years. I hope we can do that.

We are looking at Federal student loan debt that is over \$1 trillion. This can only mathematically increase that debt. We should be investing in our students, giving them the benefit of relatively low-cost loans so they can go to school, get on with their lives, and get our economy moving again.

This is also an issue that goes to one of the core issues we face as a country, and indeed it is a core issue across the globe—the growing inequality of income and, in a sense, opportunity in our country and countries across the globe.

In the United States, the great engine for opportunity has always been education. If we make it more expensive, then fewer people can take advantage of it. If fewer people take advantage of it, the inequality will grow because they won't have the chance for the good-paying jobs. By the way, in a competitive global economy, we could see our position slip because we don't have these talented people.

So this is an issue that strikes not only at the technical aspects of a program, this goes to the heart of what it is that gives opportunity to America, and I believe it is education. I believe that if we make it expensive, fewer opportunities will be available. If we make it expensive, we will be less productive and less competitive.

I believe that despite the efforts of extraordinarily talented and dedicated colleagues, we can do better and we should do better. As such, I reluctantly oppose the underlying legislation. I would at least hope we could cap it if the amendment I offered would be accepted.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I think we are going to have a cloture vote in the early afternoon, and I wish to share a few thoughts. The nominee, Gina McCarthy, is a fine person.

I have been on the Environment and Public Works Committee since I came to the Senate in 1994. In fact, when the Republicans were in the majority, I chaired that committee, and then, as a minority, I was the ranking minority member. So I was there when Lisa

Jackson was the Administrator of the EPA—someone I had a great deal of respect for. In fact, some of my Republican friends criticized me. I was the only one who really liked her because, in spite of the fact we disagreed with each other philosophically, she always answered honestly, even when it was uncomfortable for her to do so.

I remember one time I asked her a question during a hearing that was live on TV, as our hearings were at that time. We were talking about one of the cap-and-trade bills that had come up. I don't know how many we have had—10 or so in the last 12 years. I asked her: If you really believe—which I don't—that CO<sub>2</sub> is bad, it is a pollutant and all that—if we were to pass this cap-and-trade bill, which is going to cost in the range of between \$300 billion to \$400 billion—with a “b”—would that reduce worldwide emissions of CO<sub>2</sub>? She said: No, it wouldn't.

The reason is very obvious. People hide from this. They are not honest, as she is. Obviously, if we just do this in the United States, where we already have emission controls on a lot of pollutants, but they don't do it in China and India, they don't do it in Mexico, then it is not going to reduce CO<sub>2</sub>. In fact, the reverse would be true. It would have the effect—if we only had limitations on CO<sub>2</sub> in this country—of causing an increase in CO<sub>2</sub> worldwide because our manufacturing base and others would go where the energy is and that would be to countries such as China where they don't have any controls on anything.

A lot of people say: Oh, well, they are waiting for us. They are going to follow our example. That is garbage. What the Chinese want to do, they are waiting, anticipating, hoping, and praying we will start having restrictions on our emissions because they know our manufacturing base will end up going over there.

Here is another thing I can remember also. One of the problems I have with the United Nations is they are trying to become independent. It just kills them every time they have to say or do something because we threaten to withhold our contributions to the United Nations. So they have been attempting for a long period of time to get themselves in a position where they are self-supporting and they do not have to be answerable to anyone or accountable to anyone. Consequently, they are the ones who started this whole global warming matter.

If you follow through, going all the way from the Kyoto convention of 12 years ago and up through all these bills, all these pieces of legislation, they are the ones, if that becomes a reality, we will have to turn to. All of a sudden they will have a source of income, so they will not have to be dependent upon the United States, which pays 25 percent of their bills, or any of the other countries.



One of the things the United Nations does and has been doing for 10 years or so—I guess longer than that—is they have the biggest party of the year in the most exotic places in the world they can find to have these parties, and they invite all the countries—192 countries—to come to it. When they have these big conventions, the only price of entering is to agree with the concept of global warming and that you are going to start restricting your CO<sub>2</sub>. Obviously, these countries are not going to do it, but it is worth lying to be able to go to the party.

The biggest one of those parties was held in Copenhagen in 2009. At that time, Lisa Jackson was the Administrator at the EPA. Quite frankly, I don't wish to be disrespectful, but all those who attended from the United States—and I am talking about John Kerry, the President, BARBARA BOXER, NANCY PELOSI, and all of them—had said: Yes, the United States of America is going to pass cap and trade. We will be right there with you.

That wasn't true and they knew it wasn't true. So I decided to go there. In fact, I went all the way there, stayed 3 hours, and came all the way back, as the one-man truth squad.

I can recall right before I left to go to Copenhagen we had a hearing and Lisa Jackson was a witness at the hearing, and I said to her: It is my feeling, as I leave to go to Copenhagen as the one-man truth squad, to let them know we are not going to pass anything over here, and since you know we can't get this done legislatively, that you are going to have an endangerment finding in the United States and then use that as an excuse to pass with regulation what you couldn't do with legislation. She kind of smiled. I could tell that was going to happen. I said: When this happens—when I leave town and you come out with an endangerment finding—it has to be based on science. So what science will you use?

She said: The IPCC. The IPCC is the Intergovernmental Panel on Climate Change, and the Intergovernmental Panel on Climate Change is the United Nations. They were formed by the United Nations. They were formed and stacked with scientists who were all preprogrammed to believe all this garbage, and they did.

Then something happened, and it couldn't have happened at a better time because it wasn't but a few days after Lisa Jackson had said we were going to be depending upon the IPCC. Here we were, preparing to pass the largest tax increase in the history of America, and doing it through regulations, which was the same thing as cap and trade, only more expensive, and it was going to be based on science and that science was the IPCC. It wasn't but hours after that when climategate came in—and all of a sudden the things we had been saying for 10 years on the

floor in talking about the scientists who had been shut out of the process at the United Nations—and they were totally discredited. They had cooked their science, cooked the numbers, and climategate was the result. It was so bad the major newspapers in London characterized it as the greatest single scientific scandal in the history of the world. Now, that is a big deal.

Anyway, that went on, and then they started working on doing this through regulation since they couldn't get it done through legislation. The reason I bring that up is because during that timeframe, while Lisa Jackson was the Administrator of the EPA, Gina McCarthy, the one who is coming up for a cloture vote in maybe an hour or so, was the Assistant Administrator of the EPA in charge of air issues. What went on during that time were these huge punitive things.

We can forget about the greenhouse gases or the cap and trade they are going to be coming up with, even though that is the largest of all of them, they passed Utility MACT. MACT means maximum achievable control technology. What Utility MACT does is ask the question: What technology is out there to restrict and to reduce emissions? What technology? So what they have done in Utility MACT is put a restriction on emissions—and this was impossible technologically to achieve, but the whole idea was to run coal out of business. Quite frankly, they were able to get it through.

I remember at that time there was this little provision that isn't very often successfully used, but it is called the CRA—the Congressional Review Act. That provision says if an unelected bureaucracy that is not accountable to anyone comes out with regulations that are so onerous, so bad that it is going to be very costly and is something that doesn't make any sense, then we in the Senate and House can do a CRA—a Congressional Review Act. We have to get 30 cosponsors—30—and then we have to get a majority—51 in the case of the Senate—to pass it. I did a Congressional Review Act on the Utility MACT, which was to cost us \$100 billion and 1.65 million jobs. These numbers, by the way, are not denied by anyone, to my knowledge.

So there we were, in a position to get this through. I got my 30 cosponsors and we came within 2 votes of getting it done. So the CRA is something where it does inject something to reflect the will of the people, because we are elected by the people, and we came very close to doing it. Nonetheless, that is now a law, and there are millions of people out there—right now in excess of 1 million people—who have already lost their jobs because of that.

Boiler MACT is the same thing—maximum achievable control technology—for a boiler. Every manufac-

turer has a boiler. So this would do the same thing to manufacturers as Utility MACT did to coal. That involved \$63.3 billion and 800,000 jobs lost.

The next was cement MACT. That would have been—here they are on the chart. Cement MACT is one that would cost \$3.5 billion and 80,000 jobs. That is already implemented.

If ozone, the next one, should come up, that would perhaps be even more serious than the top 3—second only to greenhouse gases—and that would mean 2,800 counties in the United States would be out of attainment. In my State of Oklahoma, we have 77 counties. All 77 counties would be out of attainment.

I can remember when I was mayor of Tulsa, Tulsa County was out of attainment. That meant we couldn't recruit jobs, we couldn't start new industries, and we had to fire a lot of people who were working there because we were out of attainment in ozone emissions.

That had been delayed until after the election. Now that the election is over, they can go ahead with some of these they hadn't done before.

Hydraulic fracturing. I have talked from this podium I don't know how many times about the President's war on fossil fuels. It is critical. Here we are in a position in the United States where we can be totally independent of any country—the Middle East or anybody else—if we only will use our own resources, but we don't do that. We are in a position right now where we have, in the last 4 years, increased our production by 40 percent because of getting into the shale areas and the tight formations and using hydraulic fracturing to extract the oil and gas. But that is all on either State or on private land. On Federal land, because the Obama administration will not let us drill on Federal land, it has actually decreased by 7 percent. Is that possible, to increase all of our production by 40 percent except that part which is on Federal lands? Yes. In fact, that is exactly what has happened.

When they talk about hydraulic fracturing, this is something that has been regulated by the States, and there is a reason for that, by the way. The reason is my State of Oklahoma has different formations than Alaska, for example, or now with the Marcellus, going through Pennsylvania and New York. That is different—different depths. So the regulation has been very successful. The first hydraulic fracturing job was done in my State of Oklahoma in 1949, and there has never been a case of groundwater contamination in over 1 million applications of it.

Again, this gets back to Lisa Jackson. I asked her that question, when I asked: Has there ever been a confirmed case of groundwater contamination from hydraulic fracturing? She said: No, there hasn't been.

That is the kind of honesty I like in the answers we get. The only reason I

bring that up is the President is trying to use hydraulic fracturing. He will stand, as he did in the joint session, and say: We have an abundance of good, clean, cheap natural gas, and that is what we need to be turning to, but we have to do something about hydraulic fracturing. We can't get to the natural gases necessary without using this technique called hydraulic fracturing. So they are trying to kill it that way.

I could go on and on—this is on this chart behind me—but the only reason I bring this up is we do have a vote coming up on a very fine lady, Gina McCarthy. But we have to keep in mind when all these air regulations were conceived, they were done when she was the Assistant Administrator of the EPA for air. These are all air regulations. So she is certainly more than just partially responsible for that. She was the engineer of all these regulations.

If we add up all of these regulations, the total figure we had—do we have it on the chart? It was the NAM that did a study that no one has challenged, where they say we now, just because of these air regulations—what we have done already exclusive of cap and trade—have lost \$630 billion from our GDP and 9 million jobs have been lost.

That is how critical this is to our economy. That is how expensive it is. All these things translate into taxes. I do a calculation every year. In my State of Oklahoma, the \$300 billion to \$400 billion would cost the average taxpayer in Oklahoma \$3,000. Yet, by their own admission, the greenhouse gas cap-and-trading CO<sub>2</sub> would not reduce CO<sub>2</sub> emissions at all. I am sure a lot of people have been notified by their manufacturers and businesses back home: We can't allow the increase of cost of all these regulations, so we want you to oppose it.

Two votes are going to take place today. The first is the cloture vote. It takes 60 to pass a cloture vote. The next vote, if they should be successful to have cloture, will be the vote to put her into office. That would be only 51 votes.

I hate to say this about my fellow Senators, but I know there are going to be some Senators out there who say, I will fool the people back home; I will vote against her confirmation, but I will go ahead and vote for cloture, because they have to have my vote to reach 60. So they vote for cloture, and then, to make the people at home think they are against all these regulations, they will vote against her. I am predicting that is going to happen. We will know in a couple of hours.

The second vote is not important. The only important vote is the cloture vote. The cloture vote would be the first one that comes at 2:30 today. So you are going to see a lot of people voting for cloture and then end up voting

against her. That is what there is to look for.

This will be the last time I say this; that is if you really want to do something about the regulations and you feel she has demonstrated she will not be helpful in this respect, the one important vote is going to be the cloture vote that takes place at 2:30 this afternoon.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, we are about to vote on a new Administrator for the Environmental Protection Agency. I have a real problem with the individual who has been nominated to direct that Agency. I will cast my vote shortly, but I want to take the opportunity here to talk about the EPA, an Agency that I think has exceeded the authority given to it by this body, it has overstepped its role and its bounds, and has had an enormous negative impact on my State and on our country.

The overreach, the regulation after regulation and rule after rule that has come out of EPA may have achieved some benefit in some places, but these benefits have come nowhere close to exceeding their costs.

The Competitive Enterprise Institute totals EPA regulations at roughly \$350 billion a year, making it the single most expensive rulemaking agency in government. This is particularly relevant now, because a vote on the new Administrator is before us and I think it is important that we focus on what the EPA's impact has been over the last 4 or 5 years and what the EPA rules and regulations have imposed upon our economy.

Whether it is the war on fossil fuels, whether it is the war on the production of energy, or any of a number of other issues that have been brought forward through their rules and regulations, the EPA has had a serious negative impact on our ability to be an energy-secure, energy-efficient, and low-cost Nation.

Our country has taken great strides to improve air quality over the years. To date, the utility industry has spent over \$100 billion in capital investment for air pollution controls which have resulted in significant declines in emissions. By singling out these providers and effectively prohibiting coal-fired electricity generation, the administration is putting our economic well-being, grid reliability, and American jobs at risk.

Air quality and energy production don't have to be at war with each

other. They don't need to be incompatible. We can, and must, achieve both. But we also must have some flexibility and transparency from this administration and its rulemaking agencies if we are going to accomplish that goal.

I applaud my colleague from Louisiana, Senator VITTER, for his persistence in seeking responses from the EPA. So often this Agency researches benefits and secondary benefits but does not reveal a detailed economic analysis of the true costs associated with their rules. Senator VITTER's work in getting a commitment from the Agency to convene independent economic experts to examine the Agency's economic model is something that I believe needs to be done.

I think the administration should welcome this, because we are trying to find that balance between putting people back to work, getting our economy moving again, and imposing, yes, necessary health and safety regulations but not one at the cost of the other. These can be compatible.

Senator MANCHIN and I, on a bipartisan basis, have sought not to give the electricity coal-fired plants across our country—and many of which are in our respective States—an excuse not to comply with the clean air laws, but simply to extend the time in which they are mandated to bring new pollution control measures onboard. Some of these industries are halfway through the production process of doing this. They have made the commitment. All we asked for was a temporary waiver—nothing to do with achieving the goal, but a temporary waiver to give them a little more extra time to comply and finish what they were doing.

Some of these coal plants were in the middle of installing extremely expensive air pollution control measures. Yet the hard and fast rule imposed upon them by the EPA—with no ability to give them a waiver for demonstrated good-faith effort to comply—and because they couldn't get all the construction and implementation made by a certain date, they now have to switch to another source of fuel or shut down. Many had to shut down, at significant economic impact not just to my State but to many States, particularly those States that have heavy manufacturing that needs a lot of electricity.

So while I don't want to go into great detail in terms of which specific regulations and rules ought to be looked at and given some flexibility, I want to make the larger point that if we are sincere about dealing with issues and policies that will allow us to achieve economic growth and put more people back to work, we need to have responsible rules and regulations—not this onslaught of rules and regulations that continues to come out of EPA, some of which seem driven by ideology rather than by effective cost-benefit analysis—with the understanding that we

are in a precarious economic time. We have a lot of people out of work, and that delay or an advancement of time in which to achieve certain regulations and a sincere evaluation on the basis of what is the real cost-benefit of going forward with this ought to be imposed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PANCREATIC CANCER

Mr. TESTER. Mr. President, I rise today to speak about the need to invest in research to fight pancreatic cancer.

Just six percent of Americans diagnosed with pancreatic cancer live more than 5 years—6 percent.

Sixty-five percent of folks with colon cancer survive that long; 90 percent live 5 years with breast cancer and nearly every man diagnosed with prostate cancer is still living after half a decade.

Why is pancreatic cancer a different story? It is because we do not have a reliable way to detect this deadly disease in its earliest stages.

As a result, nearly 40,000 Americans will die from pancreatic cancer in 2013. But despite being a leading cause of cancer death, pancreatic cancer receives far less support—and far fewer research dollars—than other forms of cancer.

This must change because support for cancer research saves lives.

Supporting pancreatic cancer research will lead to breakthroughs in treatment. It will lead to needed advances in early detection. And it will show the American people that we are serious about saving the lives of their closest family and friends.

For Leigh Enselman, it will make it clear that we are standing with her and her mother.

Leigh lives in Bozeman, MT while her mother, who suffers with pancreatic cancer, lives in Seattle.

Leigh works hard to support her mom during chemotherapy and radiation treatments. She also volunteers her time to support pancreatic cancer patients and raise awareness about the disease.

But Leigh worries what is in store for her and her mom. She prays every day that her mom will be among the 6 percent of pancreatic cancer patients who survive.

Myra and Ed Pottratz from Great Falls, MT know what Leigh and her mom are going through. Together, they

are fighting Ed's cancer. Ed recently had surgery, but the tumor spread to his liver. He now faces painful chemotherapy treatments, something far too many cancer patients experience.

Supporting pancreatic cancer research will also honor the life of Lanny Duffy of Darby, MT.

Lanny and his wife Deborah were not born and raised in Montana. They came west from Chicago so in retirement Lanny could be closer to his beloved fly fishing. But Lanny was diagnosed with pancreatic cancer, and he only got to enjoy the State he loved for a year before the disease took his life.

Congress took a big step forward last year to support folks such as Leigh, Ed and Lanny. We passed the Recalcitrant Cancer Research Act. This bill—supported by a bipartisan majority—increased research into pancreatic cancer. It gave the National Cancer Institute the tools it needs to tackle this lethal disease.

But the sequester is taking back our promise. The sequester cut funding to the National Institutes of Health—which does most of our country's research into this form of cancer—by 5 percent.

That 5 percent cut eliminated 250 million dollars-worth of funding for cancer research.

Talk about sending mixed messages. One moment, we are telling Leigh and her mom that we're fighting cancer with them. The next moment, we are telling them they are on their own.

Just last week, the Senate Appropriations Committee restored the funding that was cut by sequestration so NIH could beat pancreatic cancer. This is my first year as a member of the subcommittee that funds the NIH. It has been an honor to work with Chairman HARKIN to ensure that the NIH and medical research all over the country is well funded by this bill.

But this measure—which I wholeheartedly support—has a long way to go before becoming law.

We need to rein in our spending. We need to get our budget in order. But we cannot hurt our neighbors in the process. We owe that to people like Leigh, and Ed and Deborah. For their sake, we need to find a responsible solution to our budget problems.

Folks around the country are skeptical right now in Congress' ability to make smart, responsible decisions.

And cutting funding to fight deadly diseases like pancreatic cancer only adds to their frustration. That is because they know it will slow down the progress we have made toward detecting pancreatic cancer early on and saving lives.

This disease touches me and my office personally. Two members of my office have lost relatives to pancreatic cancer. Chances are I am not alone in this regard. Chances are each of my Senate colleagues knows a Leigh, an Ed, or a Deborah.

In support of those we know, those we've met, and those we love, I urge my colleagues to support increased research into pancreatic cancer, to support the Appropriations Committee's recent NIH budget plan, and to stand for smart and responsible measures to balance our budget.

#### GOVERNMENT SURVEILLANCE

I also want to talk about the need to protect our civil liberties and our Constitutional rights. When I joined the Senate in 2007, I was a bit of an outlier. But I am not referring to my status as the only working farmer in the Senate or to my haircut.

I am referring to my opposition to the Patriot Act.

Montanans elected me to the U.S. Senate after I made it clear that I didn't just want to fix the Patriot Act, I wanted to repeal it. I still do. But recent events have focused many of us in the Senate on my concerns with the Patriot Act and some parts of the Foreign Intelligence Surveillance Act or FISA.

A recent national survey reveals Americans are shifting in favor of reining in government surveillance programs. In fact, since 2010, nearly twice as many Americans say government spying is going too far and restricting our civil liberties.

Folks like me are now mainstream. Support for repeal—or at least changes—to the Patriot Act is up among both Democrats and Republicans.

As a result, more Members of Congress are expressing their concerns about the extent of the government's spying programs, and the Nation is finally talking about how to fundamentally balance our civil liberties with our national security.

Of course, the recent NSA scandal is at the heart of Washington's newfound interest in standing up for our civil liberties. And lawmakers should be outraged, because the secret collection of our phone and internet records is a perfect example for what happens when government ignores our Constitutional rights. We didn't need Edward Snowden to tell us the Federal Government is circumventing our Constitutional rights.

Whatever one thinks of Edward Snowden—and I think what he did was wrong and hurt our country—the reality is that he was not blowing the whistle on illegal activities. He disclosed information about programs that were perfectly legal.

And that is the problem. The NSA is using bad laws to undertake massive data collection on American citizens.

Just over 2 years ago—here on the Senate floor—I said the Patriot Act is compromising the very liberties and rights that make our Nation great and respected around the world.

At that time I said the Patriot Act gives our government full authority to

dig through our private records and tap our phones—without even having to get a judge's warrant.

It did not take rocket science to figure it out, it is in the law.

And now it is time to have a full, open debate about the Patriot Act and the FISA amendments.

The Patriot Act is an invasion of privacy. The FISA Amendments Act is no better.

Both are an affront to our freedoms, and—to me—they raise constitutional questions. I am not a lawyer, so I do not know if they are unconstitutional. But I can tell you that they do not represent the values and the privacy rights of law-abiding Americans.

That is why I have voted to repeal it. And it is why I voted against extending the FISA Act in December.

But we cannot go back in time. We can only move forward and take action now to better balance our civil liberties with our national security.

To get our intelligence policy back on track in a way that is true to our values, here is what we need to do:

First, we have to fix our laws. We need to do more than just put the government's spying programs under the microscope and we need to rein them in.

That is why I am also supporting a bill that makes it harder for the government to obtain phone call records and forces Federal officials to prove that sought-after records can be linked to a foreign terrorist or group.

The Chairman of the Senate Judiciary Committee wrote this bill. I certainly would not call the senior Senator from Vermont an outlier.

We must have increased transparency and accountability about how these programs are being implemented and why they are being run the way they are.

That is why I joined with one-quarter of the Senate to call on the Director of National Intelligence to justify the collection of Americans' phone and personal information. It has been 3 weeks, and we have not gotten a response yet.

We need answers, and they need to be truthful.

That is also why a bipartisan group of Senators has once again introduced legislation to declassify important Foreign Intelligence Surveillance Court opinions.

Americans deserve to know what legal arguments the government is using to spy on them, and this bill will do just that.

We need a functioning Privacy and Civil Liberties Oversight Board. The Privacy and Civil Liberties Board is charged with making sure national security measures do not violate the rights of law-abiding Americans. For years, seats on the panel sat empty.

But soon after I called on the panel to investigate the NSA, board members found themselves at the White House meeting with the President.

That is a good thing. And they need to continue to have the access and the ear of the President to do their job effectively on behalf of the American people.

It is a new day. Times are changing. The American people are taking a hard look at what Federal officials are doing in the name of national security, and what it means for them and their families. The question is whether this body will live up to the American people's new expectations.

After the attacks of September 11, Congress approved the PATRIOT Act and our Nation went to war. We stamped out Al Qaeda cells and put terror on its heels around the world.

Then and now, our military and intelligence communities performed bravely. They are better trained, stronger, smarter, and more effective than any other force on the planet. I thank them for their service. From top to bottom, I thank each and every one of them for doing their difficult jobs each and every day.

Congress did not give our intelligence community a blank check to walk all over the constitutional rights of law-abiding Americans and Montanans. I am confident American citizens can be kept safe without snooping around in our private lives.

Americans and Montanans are concerned about the government right now. They have seen the recent news about the government missteps, overreach and scandals and wonder where Washington's priorities lie. They wonder whether anyone is looking down the road to see where this country is going.

Every measure I have outlined today will help restore the balance between national security and privacy, and every one of them has strong bipartisan support.

I will keep working with Democrats, Republicans, Independents, and anyone else to defend our civil liberties and for the ideals of our Founding Fathers. Freedom, privacy, and a government controlled by the people are the principles on which our forefathers founded our Nation, and they are the principles that led Montanans to send me to Washington and represent them.

Our constitutional rights are what make us the greatest country in the world, and we cannot let them be taken away one new law at a time.

#### PANCREATIC CANCER

Mr. BLUMENTHAL. Mr. President, today I wish to remember all those we have lost in Connecticut and throughout the Nation due to pancreatic cancer and other types of recalcitrant cancers, and to raise awareness of the importance of continued efforts to bring about more effective treatments and widespread education to fight this pernicious disease.

Lisa Hayes was a journalist from Connecticut. She worked for an inter-

national nonprofit organization that worked to get medications and health care to developing countries. She was the editor for Doctors without Borders, and a fearless advocate for the underdog. Lisa was 45 when she was diagnosed with stage IV pancreatic cancer. Her symptoms were dry skin and fatigue. Being a working mother of two and it being winter, Lisa thought nothing of it. When she was diagnosed, she was told "There is no hope. Go home and kiss your kids good-bye." Lisa tried an oral chemotherapy regime, but it was unsuccessful. She lived for 4 months afterwards, then died four days shy of her 46th birthday, leaving behind a husband and two children under the age of 12.

While overall cancer incidence and death rates are declining, that is far from the case for pancreatic cancer. Pancreatic cancer is the deadliest of all major forms of cancer, having the lowest 5-year survival rate of only 6 percent. It will strike more than 45,000 Americans this year—73 percent of whom will die within a year of their diagnosis.

Recalcitrant cancers, such as those that develop in the pancreas, are difficult to detect. By definition, these cancers have low survival rates; and, sadly, we have not seen substantial progress in diagnosing or treating these diseases. For these reasons, I was proud to cosponsor the Recalcitrant Cancer Research Act, which was passed and signed into law near the end of the 112th Congress. In addition to other provisions, this law authorized the National Cancer Institute, NCI, to implement a strategic plan to battle pancreatic cancer. This law takes further steps to establish a committee to advise the NCI on research goals for pancreatic cancer, and also requires the creation of an education program to train health care providers, patients, and their families on issues specifically related to this devastating disease.

As required by the Recalcitrant Cancer Research Act, the NCI recently released its report on these issues. The report includes four recommended research initiatives as identified by a working group of leading health experts. I applaud the NCI for taking this important step, and I look forward to continuing to support the agency's work in this area. Efforts such as these are vital to improving our health, and I invite my colleagues to join me in their support.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. BALDWIN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BLUNT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Madam President, I rise to discuss my hold on the nominee whom we will be voting on this afternoon, Gina McCarthy. Gina McCarthy is the President's nominee to lead the Environmental Protection Agency. There is no doubt that there are lots of things to be concerned about with the Environmental Protection Agency.

There are 12 States that just sued the EPA over the Agency's sue-and-settle tactics. There are rules and regulations, if they are allowed to go forward, that will raise energy prices. There are lots of issues to debate, and we will continue to debate those.

This is about a more targeted area. I have only been in the Senate for a couple of years. What is a hold? A hold is put on a nomination when there is a problem that needs to be solved or for a problem that just can't be solved. Some may object to the nominee or some may object to something that has happened that should permanently disqualify that particular individual from any job.

This is a hold on a problem that could be solved. This is one of the things that individual Senators still have the ability to do. This is not intended to stop a nominee but to at least make it more difficult for that nominee to be confirmed. It is one of the things we can do to say: Let's do what we can to solve this problem. It has to be defensible. In my view, it has to be something a Senator is willing to talk about. We did away with the so-called secret holds in the Senate in recent years so we know who has the hold. If anyone wants to know, I suppose they could almost always find out why they have it.

In my case, I would like the administration to do something they promised to do in February; that is, to reach an agreement on a set of facts that relate to a longstanding project in my State of Missouri. Let me be clear: I am not asking anybody to spend any money. I am not asking anybody to approve a project. This is about a draft statement that is out there that the government keeps arguing with itself about.

There is an old saying that you are entitled to your own opinion, but you are not entitled to your own facts. I don't care what opinion any of these agencies have. That is outside of this discussion.

What I care about is agreeing on the facts. There is a project in the "bootheel" of Missouri. Actually, for anyone who has a map of the United States, you can get pretty close to where the project is located. The bootheel in southeast Missouri is pretty easy to find on any map that identifies the States. Anybody can get very close to this project. The St. Johns Bayou-New Madrid Floodway Project has been mired in bureaucratic infighting and unresolved government disputes for at least 30 years.

In fact, 1954 was when the government said they would take care of this levee problem. They said it again in 1986. It is as if every 32 years we need to renew our commitment to do this job.

Congress authorized this project. It would add 1,500 feet of levee. It would close a gap in the levee system around the river; 1,500 feet is not a long space. It can be measured by football fields or however else you want to measure it. We are talking about 1,500 feet. We are talking about how that would work.

After years of going back and forth over the first environmental impact statement, the Army Corps of Engineers produced a second draft of this statement in July of 2011. What do I mean by agreeing to the facts? One of the facts in dispute in any levee flood is always wetlands. In this case, the U.S. Department of Agriculture said there were 500 acres of wetlands. The Environmental Protection Agency said: No, there are 118,000 acres of wetlands.

Obviously, this is a pretty big floodway if 117,500 acres of it could be in dispute as to whether it is wetlands, and that is a pretty big discrepancy. These are two government agencies. There is only one definition for wetland. Is it 500 acres or is it 118,000 acres? I think the U.S. Fish & Wildlife Service had some number somewhere in the middle, but that is no way to solve disputes.

The facts are the facts. What meets the definition? This draft of the environmental impact statement—people could comment on this draft if it became public. It is not a final statement. I have been asking for a draft statement. It has now been out there for 2 years. In March of 2012, I sent two letters to try to address this problem. One letter went to the Fish & Wildlife Service and one was sent to the EPA.

In June of 2012, the Army Corps withdrew the revised statement due to ongoing concerns with these other two agencies.

In September of 2012, Congresswoman Emerson—who is from that congressional district in Missouri—and I sent a letter expressing our disappointment about all of this foot dragging.

In October of that year, we visited the project to try to figure out what the problem could be for all the farm families and those who would be impacted as well as others who want to be sure they have the right kind of flood protection.

In December of 2012, Missouri colleague Senator McCASKILL wrote the heads of the EPA and Fish & Wildlife demanding that they reach a resolution in 30 days and that they present this new environmental impact statement in 60 days. So now there is a Republican Senator and Democratic Senator asking the government to quit arguing with itself and come up with an

agreement on the facts. This is about the facts, not about opinions.

In July of 2013, the Army Corps withdrew its revised draft statement once again and the EPA said: We are going to take this all the way to the White House for review.

In February of this year, 2013, Senator McCASKILL and I had a meeting in her office with representatives of these agencies. During that meeting in February, all the agencies agreed to reach an agreement surrounding the facts by March 15.

They came up with this deadline. Senator McCASKILL and I didn't ask them when or how quickly they could do this. They said: We will get this done by March 15.

Unfortunately, on March 15 they called and said: We couldn't quite get it done by March 15. So I said: OK. One way I can have some impact is with this nominee for EPA. So the next week, March 18, I placed a hold on her nomination.

Frankly, I thought this would be a couple of weeks. After all, 1 month earlier they thought they could do this in 2 weeks. Now I am saying: OK, let's get this done. They can't just promise Members of the Senate that they are going to do something and then decide to ignore it. As a result, nothing has happened yet. The March 15 deadline has come and gone.

In May of 2013, I went to the project site again. I met with Gina McCarthy that month to express my concerns over this bureaucratic infighting. I contacted the White House to attempt to get this situation resolved for southeastern Missourians and people in neighboring States who benefit from this floodway as well. Unfortunately, we are still waiting.

Ten days ago, the EPA, the Corps, and Fish & Wildlife sent a letter on the status. They said there was a common understanding. I wrote back and said: What does that mean? Does that mean you don't understand how you don't agree with each other? What does it mean? Can we get these facts determined?

So far I have heard nothing. I want to know whether the Natural Resource Conservation Service agrees with the new definition. The EPA came up with a new definition of farmable wetlands. No one I know has heard of this before. It is not defined anywhere in law. It is just at the EPA.

Finally, has there been an agreement with the Corps, EPA or Fish & Wildlife on whether proposed mitigation actions are both valid and adequate? Of the 471 comments that came out, 115 of them concerned mitigation, and most of them came from EPA. I am referring to internal comments. We have not gotten to a point where a citizen can say: I like this project or I don't like it, and here is what I think is wrong

with it. I sent a response to the administration on July 9 with more questions.

The most pressing question is: Why can't we manage the government? The administration on this issue said: The government is big and complicated and we can't expect the President to run everything in the administration. Actually, I do expect the President to do that. The Constitution expects the President to do that.

Again, as I conclude, let me just say I will vote to not go forward with her nomination, although I may not prevail. This is a reasonable question. I am not asking the Federal Government to spend a dime or to approve construction; I am just asking them to agree to the facts. One wouldn't think that would be hard to do, but in this case it has been pretty hard to do.

The government needs to stop arguing with the government. I am going to keep fighting for the people I work for to have a right to know what the facts are and what we should be considering as we decide whether we should move forward with this project. The Federal Government said, in 1954 and again in 1986, here is something we are going to do and here is the authorization to do it. Let's find out if it really works by just putting the facts on record.

Mr. LEVIN. Madam President, I support President Obama's nomination of Gina McCarthy to be the Administrator of the U.S. Environmental Protection Agency, EPA. The work of the EPA is critical to protecting Americans from toxic air emissions, polluted waters, harmful chemicals, and contaminated soils. EPA restores habitats enabling flora and fauna to flourish, improving drinking water supplies, enhancing our quality of life, and providing recreational opportunities. Since the EPA was created in 1970, the air we breathe is safer, our waterways are cleaner, and hundreds of thousands of contaminated acres have been cleaned up.

This progress needs to continue, and Gina McCarthy would be an excellent leader to protect our treasured environment and improve public health, while at the same time promoting economic growth. I had the pleasure of meeting with Gina McCarthy this April and we had a frank discussion about commonsense environmental regulations. For example, I support strong ballast water regulations to protect the Great Lakes from destructive invasive species, but a patchwork of various State regulations would be impossible for shippers to comply with and thus we need a single strong federal standard. While Ms. McCarthy was not able to comment on this specific matter, she assured me that she would move forward with environmental regulations that are practical and workable. Her work on other EPA regulations, including those addressing toxic

air pollutants from power plants and boilers, demonstrate that she has a history of doing this, of listening to all stakeholders and addressing valid concerns.

Gina McCarthy has worked at the local, State, and Federal levels on environmental issues, as well as with coordinating policies related to economic growth, energy, transportation and the environment. She has led EPA's air office, overseeing a number of important regulations to reduce toxic pollutants in the air we breathe. She is committed to serving the public. I support her nomination because we need the type of leadership she has already demonstrated: willingness to work on a bipartisan basis, commitment to responding to what science tells us, and understanding the economic consequences of regulations.

Madam President, I yield the floor.

THE PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, this is a very important day for the American people. We are beginning to give President Obama the team he wants to work with. I am not suggesting everyone here likes his choices, but he won the Presidency. Every President, whether I agree with him or disagree with him, or whether I agree with her or disagree with her, or whether it is a Republican or Democrat, every President deserves a team in place.

If I were to ask people how important clean air is to them or how important it is that when children breathe the air they don't wind up with asthma, I will tell my colleagues that 80 percent of them will say it is very important. If I were to ask them how important clean water is, the quality of our lakes and streams and oceans, I would say they would think it over and they would say it is pretty important. That is where we get our fish. That is where we go to recreate. That is a legacy we want preserved.

If I were to say: How about safe drinking water, do you think you ought to be nervous when you or your child drinks your water out of the tap—and, sadly, fewer and fewer people are drinking water out of the tap—I would suggest to my colleagues, knowing what the American people know and seeing how smart they are about what bacteria could be in the water, I would say they would think it very important—at least 80 percent.

If I asked them: How important is it that Superfund sites that had dangerous toxins on them be cleaned up? How important is it to clean up Superfund sites that are dangerous to the health of our children and dangerous to the health of our families? Brownfield sites that are dangerous to our families, how important is it that those responsible for making that mess clean up their mess so those sites can be restored and they can be, in fact, built

upon again? I would say vast majorities would say it is very important.

If the Presiding Officer ever goes to visit a school and talks to the kids and asks them to raise their hands if they have asthma or someone they know has asthma, I guarantee too many kids will raise their hands. We know asthma is the greatest cause of school absences.

So why am I starting off discussing the EPA by raising these issues of clean air, clean water, safe drinking water, Superfund sites, brownfield sites? Because the Administrator of the EPA will be carrying out the laws that make sure our air is safe, our water is safe, our drinking water is safe, and the Superfund sites are cleaned up. That is what the Administrator of the EPA does.

For the longest time, we have had a holdup of Gina McCarthy, who was nominated by our President, not because people don't respect her and not because people don't like her. The woman served five Republican Governors, one Democratic President. She got a unanimous vote in her current position as Deputy Administrator. They did it because, frankly, I don't think they like the Clean Air Act. I don't think they like the Safe Drinking Water Act. I don't think they like the Clean Water Act. I don't think they like the Superfund Act. So instead of going at it head on, because they know they don't have a chance to repeal those laws because the American people revere those laws, they go about it in a roundabout way: Oh, I didn't get the papers I wanted. I didn't get the questions answered. Well, how about 1,000 questions being submitted to Gina McCarthy and she answered every one.

So all of this holdup—stopping this woman from getting the promotion she deserves—isn't about her—it isn't about her. It is about the fact that they don't like the Environmental Protection Agency, even though it was created by a Republican President named Richard Nixon and supported by every President, Democratic and Republican.

Then, of course, there is the issue of climate change. There is the issue of too much carbon pollution in the air, which we are seeing the results of almost every day. The Administrator of the EPA will be carrying out the President's vision for how to get that carbon pollution out of the air, and she will be good at it.

When 98 percent of scientists tell us climate change is real, it is real. I guess 2 percent of scientists are still saying tobacco doesn't cause cancer. Well, bless their hearts, that is their right, but I am not following them, nor are the American people following the 2 percent of scientists who say tobacco isn't linked to lung cancer. And, thank God, we are seeing more and more Americans walk away from smoking.

But I have to tell my colleagues, for years we had doctors paid by the tobacco industry and scientists paid by the tobacco industry to say, under oath: We don't see the connection. The tobacco officials themselves actually said that. I will never forget the sight of one after the other: We swear to tell the truth. There is no connection.

Today we had a hearing in the environment committee. It was a terrific hearing about the science of climate change. The Republicans brought forward two witnesses. They were not scientists; they were economists. They said doing anything about climate is terrible for the economy.

I have to tell my colleagues, I looked at the organizations they represented: funded by the Koch Brothers, funded by ExxonMobil. That is a fact. So this isn't about Gina McCarthy, this whole holdup where we had an agency with an acting head—a very good guy, but we need someone in this position who is going to have the gravitas of this confirmation to head the agency.

If we look at the lives that have been saved because of the Clean Air Act, and if we look at the economic prosperity that came about because of the Clean Air Act, it would shake people up. Over a 200-percent increase in the GDP as the Clean Air Act was being carried out; jobs and jobs and jobs created after the special interests told us it would be calamitous.

Do my colleagues know what we found? And we will find it out, as President Clinton just said yesterday at a ceremony where I was proud to be present. When we clean up the environment and we do it in a good way, a wise way, a way that Gina McCarthy will lead us toward, we will create hundreds of thousands of good jobs. We will bring alternative clean energies to the table that will wind up saving money for the American people.

I drive an electric hybrid car, and I hardly ever go to the gas station. It cost a little bit more in the beginning, but after a few years I had it paid for, and after that our family is saving money. I was able to put a solar rooftop on my home. Granted, it is in California where the Sun shines a lot. The fact is, in a few years, I will be reaping the benefits of it because I do not pay for electricity.

So we can reap the benefits. Instead of telling people it is going to hurt them, the truth is it is going to help them.

I will never forget when the wall came down in Eastern Europe. I visited that wall in Germany. When that wall came down, the first thing Eastern European countries did was clean up the air. People could not see. The truth is, if a person can't breathe, they can't work, period. In China, they can barely see, and they are going to undertake a huge cleanup of their environment.

So this battle about Gina McCarthy is not about Gina McCarthy; it is about

the fact that a lot of our colleagues simply believe we would be better off without an EPA. If my colleagues look back at the lives saved because of the EPA, if they look at the jobs created because of the EPA, my colleagues would think, I believe—if they really looked at it without a prejudice—they would agree with the American people who support the Environmental Protection Agency in numbers that are 70 percent, 80 percent.

So to say that I am relieved we are having this vote is an understatement. I am so happy to see this moment come, when we will put in place an Administrator for the EPA who will do us all proud, who will be fair to all sides, and who will move our Nation forward in both cleaning up the environment and creating good jobs in the process.

I thank the Chair very much. I don't see anyone else here, so I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. HEITKAMP. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLOTURE MOTION

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency.

Harry Reid, Barbara Boxer, Benjamin L. Cardin, Christopher A. Coons, Patrick J. Leahy, Tom Carper, Ron Wyden, Patty Murray, Tom Udall, Martin Heinrich, Bernard Sanders, Sheldon Whitehouse, Max Baucus, Richard J. Durbin, Kirsten E. Gillibrand, Jeff Merkley, Brian Schatz.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 69, nays 31, as follows:

[Rollcall Vote No. 179 Ex.]

YEAS—69

Alexander  
Ayotte  
Baldwin

Baucus  
Begich  
Bennet

Blumenthal  
Boxer  
Brown

Burr  
Cantwell  
Cardin  
Carper  
Casey  
Chambliss  
Cochran  
Collins  
Coons  
Corker  
Donnelly  
Durbin  
Feinstein  
Flake  
Franken  
Gillibrand  
Graham  
Hagan  
Harkin  
Heinrich  
Heitkamp  
Hirono  
Isakson  
Johnson (SD)  
Kaine  
King  
Kirk  
Klobuchar  
Landrieu  
Leahy  
Levin  
Markey  
McCain  
McCaskill  
Menendez  
Merkley  
Mikulski  
Murkowski  
Murphy  
Murray

Nelson  
Portman  
Pryor  
Reed  
Reid  
Rockefeller  
Sanders  
Schatz  
Schumer  
Sessions  
Shaheen  
Stabenow  
Tester  
Udall (CO)  
Udall (NM)  
Vitter  
Warner  
Warren  
Whitehouse  
Wyden

#### NAYS—31

Barrasso  
Blunt  
Boozman  
Chiesa  
Coats  
Coburn  
Cornyn  
Crapo  
Cruz  
Enzi  
Fischer  
Grassley  
Hatch  
Heller  
Hoeven  
Inhofe  
Johanns  
Johnson (WI)  
Lee  
Manchin  
McConnell  
Moran  
Paul  
Risch  
Roberts  
Rubio  
Scott  
Shelby  
Thune  
Toomey  
Wicker

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Pursuant to S. Res. 16 of the 113th Congress, there will now be 8 hours of debate equally divided in the usual form prior to a vote on the McCarthy nomination.

Who yields time?

The Senator from Louisiana.

Mr. VITTER. Madam President, I rise to talk about the substance of the Gina McCarthy nomination. It is a very important nomination. It is a very important Agency that has been taking dramatic action in the last 4 years. Gina McCarthy is not some outsider coming to this anew. She has been at the center of that very dramatic, and in my opinion, draconian action, in a methodical march against affordable, reliable energy.

The EPA has crafted and will continue to put forward multiple rules to stop the use of coal as part of our energy mix, to increase prices at the pump, to create energy scarcity at a time when energy independence is within our reach. This is a crucial debate. Because while the President says he is for all of the above, while he says he wants to pursue that strategy, the particular policies of EPA have done the opposite. It has not been all of the above. It has been a war on coal. It has not been energy security, it has been increasing prices at the pump. It has not been energy independence, it has been trying to muffle the progress we can make to produce good, reliable, affordable energy right here in our country.

The EPA will play a pivotal role in the execution and implementation of the President's recently announced climate action plan. With this edict from the President, EPA is further



emboldened and will strengthen its grip on the Nation's economy.

EPA's significant rulemaking agenda is not only estimated to cost billions of dollars, but it suffers from inherently flawed foundations. In the recent past, this has necessitated the reconsideration or revision of multiple rules after they were promulgated—for instance, reconsideration and revisions to the mercury and air toxics rule, the boiler MACT rule, the cross-State air pollution rule, the oil and gas NSPS rule, and the Portland cement rule. So there alone you see the deep flaws in what they have been doing, because they have had to back up and clean up the mess.

EPA needs to show the public the truth and the ultimate consequences of its actions. The extent of the economic harm of the rules put forward during the last 4 years and those they are talking about for the next 4 years must be known to the public not only through FOIA requests, not only through congressional inquiries, not only through more accessibility to information which we have won, but by being honest with the American people about their policies.

Let me talk about a few areas where this is particularly important.

First, greenhouse gas regulation. The regulation of greenhouse gases alone is expected to cost more than 300 to \$400 billion a year, and it will raise energy costs across the board.

EPA will continue to issue regulations industry by industry until virtually all aspects of the American economy are constrained by regulatory requirements and high energy prices.

When the EPA IG investigated the basis upon which EPA moved forward with a greenhouse gas regulation endangerment finding, the IG found that EPA did not follow its own peer-review procedures to ensure that the science behind the decision was sound. This is a very important point, and we need more and different action from the EPA.

Directly related to that are the so-called social costs of carbon. In order to justify this regulatory regime that I am talking about, put forward by the administration, including unilateral action to be undertaken as part of the climate action plan, for the second time in just a few years an interagency working group crafted, behind closed doors, a monetized estimate of the damages caused by emitting an additional ton of CO<sub>2</sub> in 1 year. These estimates are referred to as the social cost of carbon.

The problem is that the EPA completely jiggered the methodology behind that to obtain a certain result. In fact, OMB has guidance on how to go about this. They have specific guidance on what discount rates to use. And the IWG failed to use their normal recommended discount rate for a very

simple reason: it wouldn't get them to the end goal, the objective they needed to get to. This is more evidence of the serious problems we have with EPA.

Another important category is the ozone national ambient air quality standards. Beyond the regulation of greenhouse gases, EPA will propose revisions to the ozone national ambient air quality standards which, if set between 60 and 70 ppb, would cost potentially hundreds of billions of dollars annually. EPA itself estimates now that this would cost between 19 and \$90 billion annually and would likely find 85 percent of U.S. counties designated "nonattainment." This is a big deal. EPA needs to talk honestly with the American people about where it is pushing us.

Overreach. In general, this Agency's overreach has been historic. For instance, in an attempt to smear the idea of hydraulic fracturing, EPA has carried out a campaign against that process in an attempt to justify unnecessary Federal regulations that would usurp the successful and traditional regulation of that process.

The EPA, in three separate instances—Pavillion, WY; Dimock, PA; and Parker County, TX—came out with outlandish and unsubstantiated claims of contamination and ridiculous claims of dangers, such as houses exploding due to hydraulic fracture. In all three of those cases, EPA has been forced to walk away from their baseless claims and withdraw from their investigatory witch hunts.

There is yet another example of improper action and complete overreach and mismanagement of existing programs—the renewable fuel standard. While that fuel standard, in my opinion, is inherently flawed and may be in need of outright repeal, EPA is in charge of its current implementation. It is not taking action while a crisis mounts under that current implementation.

As renewable fuel mandates increase each year while demand for transportation fuels decreases, refiners are forced to blend more biofuels into a gasoline and diesel pool that is shrinking. We are hitting a blend wall. It is a mounting crisis. It is right before us. EPA is managing—or I should say mismanaging—this existing program. EPA has existing powers to do something about it so we don't hit the blend wall, so we don't cause unnecessary spikes in prices at the pump, and it is not happening.

Those are the highlights—or I should say the low lights. Those are some of the obvious areas where this Obama EPA—with Gina McCarthy as a key player—has acted to the detriment of the American people, jobs, the economy, and our future.

It is for those reasons that I continue to have profound concern with this direction at EPA. As I have said, the

present nominee is not an outsider. She is not new. She does not have no element of involvement. She has been at the very heart of many of these matters as head of the clean air program. For those reasons, I not only express my strong reservations, I will vote against the nomination of Gina McCarthy.

I urge my colleagues to look long and hard at the record of this EPA. It has been a job killer. It has slowed economic recovery, and it threatens to do even more damage. I urge a "no" vote.

I yield back my time and invite others who would like to speak to come to the floor immediately.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. WARREN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I yield back all remaining time.

I understand the Republican side has yielded all time, and I would like to see us get to a vote.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency?

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 180 Ex.]

YEAS—59

Alexander	Franken	Murphy
Ayotte	Gillibrand	Murray
Baldwin	Hagan	Nelson
Baucus	Harkin	Pryor
Begich	Heinrich	Reed
Bennet	Heitkamp	Reid
Blumenthal	Hirono	Rockefeller
Boxer	Johnson (SD)	Sanders
Brown	Kaine	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Landrieu	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Coons	Markey	Udall (NM)
Corker	McCain	Warner
Donnelly	McCaskill	Warren
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Flake	Mikulski	

## NAYS—40

Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Burr	Heller	Risch
Chambliss	Hoeven	Roberts
Chiesa	Inhofe	Rubio
Coats	Isakson	Scott
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Lee	Toomey
Cruz	Manchin	Vitter
Enzi	McConnell	
Fischer	Moran	

## NOT VOTING—1

Wicker

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I am 95 percent certain there will be no more votes today. The question I am not as certain about is what happens on Monday. We will know before the day is out whether we will have to have a Monday vote or votes. We will keep that in mind. Everyone should keep it in mind.

I ask unanimous consent the motion to reconsider be considered made and laid on the table, there being no intervening action or debate; that no further motions be in order; and that President Obama be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate resumes legislative session.

# TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BENNET. Madam President, I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMEMORATING THE AURORA TRAGEDY

Mr. BENNET. Madam President, on Saturday, July 20, Colorado will commemorate a solemn anniversary because a year ago, almost exactly to the day, in Aurora, CO, a theater full of people, who at that moment wanted nothing more than to escape the heat and enjoy a movie with their family and with friends, found themselves in the middle of a senseless and violent tragedy. A gunman opened fire and took 12 lives a year ago, innocent people, loved by family and by friends. He physically wounded scores of others.

Days later, as this photo shows, thousands of Coloradans attended a vigil hosted by the city of Aurora. We shared tears and prayers. We also resolved to support each other, to heal,

and to always remember those who lost their lives—which is what brings me here today.

Since that time, we have continued to see an outpouring of support all across Colorado and, for that matter, all across the United States of America for those we lost, their loved ones, and for the city of Aurora. The grace and courage of the families and survivors affected by this terrible tragedy serve as a powerful reminder to all of us of the resilience of the human spirit.

Today we remember the victims, victims such as Jessica, an aspiring young journalist; Rebecca, a mother of two who joined the Air Force after high school; and Veronica Moser Sullivan, age 6, who had just learned to swim and loved to play dressup.

We also remember the acts of heroism and the resolution demonstrated by so many Coloradans in the aftermath of this tragedy, people such as Matt McQuinn, who threw himself in front of his girlfriend on the night of the shooting, saving her life; and the brave first responders and volunteers who helped save lives and comforted those in shock and heartbreak.

We remember the city of Aurora and the State of Colorado, which has once again come together to help one another through unspeakable loss and heartache.

At a recent service of over 3,000 people at the Potter's House, an Aurora-based church, Rev. Chris Hill told those in attendance that "We believe morning is coming to Aurora. Aurora means the dawn." I think that captures the spirit of resilience and toughness that characterized Aurora, my beautiful State of Colorado, and these United States of America.

Before I leave the floor, I want to read once again the names of the victims in Aurora: Jon Blunk, AJ Boik, Jesse Childress, Gordon Cowden, Jessica Ghawi, John Larimer, Matt McQuinn, Cayla Medek, Veronica Moser, Alex Sullivan, Alex Teves, and Rebecca Wingo.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANCHIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COAL IN AMERICA

Mr. MANCHIN. Mr. President, weeks and months ahead and maybe even for years to come, we will be debating

President Obama's latest global climate proposal. It is crucial that this debate be based on crystal clear facts and not clouded by political ideologies on either side.

So, starting today, I plan to deliver a series of speeches on energy, and I plan to start with coal, which I know is no surprise to the Presiding Officer. Coal is America's greatest energy resource. I think it is important to lay out the facts about coal for several reasons.

No. 1, coal is America's most abundant, most reliable, and most affordable source of energy, and it will be for decades to come.

No. 2, the coal industry and its supporters have been falsely portrayed by opponents as monsters who have done something wrong, that they value money over health and the environment.

No. 3, I think the American public has some basic misconceptions about coal and how important it is to keeping our economy growing and our Nation secure.

I think that because I was recently asked: If coal is so controversial, then why don't we as a nation just use more electricity? The question shows that, basically, people don't understand where their electricity comes from. When we turn the lights on, over 40 percent of the people depend on coal. Most of this industry and this country has been built on the back of coal and what coal has produced.

I didn't know how to respond to the person who asked that. It was one of those rare moments when I was at a loss for words. Just imagine standing there and being asked: Why would we continue to keep mining coal? Why wouldn't we just use more electricity?

I guess what I should have said was this: When we surf the Internet, watch TV or play video games, when we charge a cell phone or turn on an air conditioner or plug in our hybrid car to charge it, we are using electricity, and there is a good chance that electricity came from coal.

Coal has a distinguished past. In fact, one can't tell the history of America without telling the history of coal. It fueled the industrialization of America in the 19th and early 20th centuries, making us what we are today: the richest and most powerful Nation in history.

Coal also has a distinguished present. It is responsible for 37.4 percent of all electricity generated in the United States today—more than any other source of energy.

Just as important, coal has a distinguished future ahead of it. The U.S. Department of Energy says it will remain the dominant fuel for electricity generation in our country at least through 2040.

Despite so many attempts to kill it, coal is critical to meeting the future energy needs of America. In other words, we can't make it without coal.

Coal has the longest and perhaps the most varied history of all fuels. It has been used for heating since the cave-man. It was once prized as the best stone in Britain by Roman invaders who actually carved jewelry out of it. Native Americans used it long before the New World settlers to bake their pottery, and blacksmiths have used coal to forge tools and all kinds of metal objects at least since the Middle Ages. In fact, a deep, rich vein of coal runs through all of human history and not just American history. Given all the blame it gets for carbon pollution today, it is worth remembering that coal was universally regarded as a carbon treasure.

It is difficult to exaggerate the importance of coal to both the American and British economies in the 19th and 20th centuries. Coal was the fuel that fired the Industrial Revolution. In the popular imagination, the industrial revolution is cotton mills, railways, steamboats, engines, and factories. But at the core of the industrial revolution was our use of energy, and the energy that powered the mills, the railroads, the steam engines, and the factories was coal. In fact, when James Watt invented the steam engine, he used coal to make the steam to run his engine, making it possible for machinery to do work previously done by humans and animals.

But perhaps the most important role coal played in the industrial revolution was in the making of steel—the predominant building material of the time. In 1861, when the country was torn by Civil War, factories used coal to produce steel for the guns, the bullets, and the cannons that preserved this Union.

By 1875, coke, which is made from coal, replaced charcoal as the primary fuel for iron blast furnaces to make steel. With the rise of iron and steel, coal production increased by 300 percent during the 1870s and early 1880s. By the early 1900s, coal was supplying more than 100,000 coke ovens, mostly in western Pennsylvania and northwestern West Virginia.

In the 1880s, coal was first used to generate electricity for factories and homes. Long after homes were being lighted by electricity produced by coal, many of them continued to have furnaces for heating and stoves for cooking that were fueled by coal. I can remember as a young person at my grandparents' home, I would always stoke the fire at night and bank up the coal so it would be warm all night long.

Of course, political, economic, and intellectual conditions also contributed to the industrialization of America. Representative government, capitalism, and the free expression of new ideas all played their part. But at the heart of this sweeping industrial revolution, a profound transition from hand production to machines, was because of coal.

The first coal miners in the American Colonies were likely farmers who dug coal from beds exposed on the surface and sold it by the bushel—by the bushel. In 1748, the first commercial coal production began from mines around Richmond, VA. By the late 1700s, coal was being mined on what was known as Coal Hill. Now it is known as Mount Washington in Pittsburgh, PA. The early settlers there used coal to heat their homes, but they also carried it in canoes across the Monongahela River to provide fuel for the military garrison at Fort Pitt.

Coal was first discovered in what is now West Virginia by German explorer John Peter Salling in 1742 in what is now Boone County. I have to wonder how hard it was to discover coal in West Virginia because coal occurs in 53 of West Virginia's 55 counties.

As early as 1810, the residents of Wheeling—once a part of Virginia and now a treasured part of West Virginia—used coal from nearby mines to heat their homes. By 1817, coal began to replace charcoal as a fuel for the numerous salt furnaces on the Kanawha River. But it was not until the mid-1800s that there was extensive mining in West Virginia.

The coalfields in southern West Virginia opened in the 1870s, and many of them owed their success to the coming of the Chesapeake and Ohio Railway.

Of course, you cannot talk about coal without talking about coal miners—the bravest and most patriotic men and women I have ever met in my life. A lot of Americans only know the TV and movie stereotypes of coal miners, so they do not always give miners the respect they deserve. The fact is that they deserve the same respect as our military veterans because they go down into the mines for the same reasons our veterans took up arms—to protect this country. It is not just a job, it is a calling, it is a way of life, even an act of patriotism in the defense of this great country, and to tell you the truth most of the coal miners I meet in West Virginia are also military veterans.

Coal miners are vital to the security of this Nation. That was never so clear than in World War II when Franklin Roosevelt nationalized America's coal mines—it was that important to us.

In a fireside chat in 1943 explaining his actions, Franklin Delano Roosevelt said:

A stopping of the coal supply, even for a short time, would involve a gamble with the lives of American soldiers and sailors and the future security of our whole people.

That was the President of the United States in 1943.

A stopping of the coal supply is still a gamble with the future security of our country.

My own family first came to America to work in the mines back at the turn of the 20th century. Growing up in the

small coal-mining town of Farmington, I saw just how proud and courageous all these miners were. In 1968, after the horrific Farmington No. 9 mine disaster that claimed 78 victims, including my uncle, I experienced the healing strength of coal-mining families.

Working conditions and living conditions were difficult for miners in the early days, but they did their best to make a living and provide for their families. They fought and struggled for everything—first alone, then as union members led by the legendary John L. Lewis, the lion of labor. Lewis pleaded the case of the miners in what was once described as “the thundering voice of the captain of a mighty host, demanding the rights to which free men are entitled.”

If you ever have any doubt about the courage of coal miners, read the scribbled last words of one of the miners who died in the mining accident at Sago, WV, in 2006. I was Governor at that time. In the pitch black of the mine, the miner, Mr. Martin Toler, Jr., wrote:

Tell all I'll see them on the other side. I love you. It wasn't bad. Just went to sleep.

Can you imagine? They were all sitting in that area knowing what their fate would be.

From the very beginning coal mining was tough and demanding. It still is. But today it is also safe and efficient, and it is even high-tech. In the 1880s coal miners were learning how to use mules and donkeys to haul coal through the mines. Today they are training in robotics, automation, and positioning technologies. And the pay is good—starting out around \$60,000 a year, sometimes even starting at as much as \$80,000 a year.

Coal mining provides more than 20,000 direct jobs in West Virginia at an average wage above \$79,000 per person, generating more than \$1.6 billion in income, but it also accounts for another 25,500 indirect jobs in West Virginia. The most recent available data show that the economic impact of the coal industry in West Virginia equals nearly \$20 billion a year—\$20 billion a year in my little State.

To the miner, coal is the energy business, so they are mystified when they hear talk out of Washington about getting rid of coal, even as we continue to try to achieve energy independence. They cannot understand why their own government tries to kill the good well-paying jobs that support their families and provide the energy this country needs. And I cannot understand it either. I really cannot. It does not make any sense.

Coal is America's most significant source of electricity, and it will continue to be for decades to come. The United States holds the largest estimated recoverable reserves of coal in the world—enough to last nearly 300 years. Coal currently generates almost

40 percent of the electricity in America, and our own Energy Department reports that our country will get 37 percent of its energy from coal at least through 2040. So it is obvious that removing it from our energy mix will have disastrous consequences for our economy, which is still trying to get back on both feet. We need an "all of the above" energy policy that uses every energy source we have—hydroelectric, nuclear, biomass, renewables, and fossil fuels, including coal. You cannot tell the history of America without telling the history of coal, and you cannot plan an energy future for America without coal.

To put it in a nutshell, there are 8 billion tons of coal being burned in the world today. One billion tons of coal are being burned in America. For those who are saying we are destroying the global climate because of the coal we are burning, we burn it better and cleaner than most any nation on Earth.

I am not a climate scientist, but I do know that the ocean currents and the wind currents do not start and stop in North America. I do know that. And I know that if you stop burning every ton of coal in America, thinking you are going to save the climate of the world, when there are 7 billion other tons of coal being burned—and it is growing faster than any time in history—we have oceanfront property in West Virginia at a bargain for you. That is what we are dealing with today. It does not make any sense at all.

I know I have my good friend Senator HOEVEN here from the good State of North Dakota, which is the leading energy producer in the country.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I am pleased to join my distinguished colleague from West Virginia in this discussion of an energy source that is vital to our Nation, and that is coal. North Dakota, like the great State of West Virginia, is a major coal-producing State and a major energy-producing State.

I think my distinguished colleague from West Virginia hit the nail on the head when he said we need a comprehensive energy plan in this country that is truly "all of the above." We need to use all of our energy resources. And different States have different types of energy, and every type of energy has different strengths and weaknesses. The kind of energy we produce in one part of the country or the source of producing that energy is different than in another part of the country.

But the point is that if we take an "all of the above" approach, we can be truly energy independent in this country, but also think of the jobs and the economic growth that come with it. My colleague just went through how coal, for example, creates tremendous

jobs, and he is right—good-paying jobs. So when we talk about an "all of the above" energy approach, we are talking not just about national security in terms of energy independence—not depending on the Middle East or Venezuela or these other places for our energy; that is national security—but it is also about economic growth and jobs and opportunity, a great living for families, a great way to earn and generate income for families across this Nation. That is what a real "all of the above" energy approach is about.

So when the administration talks about an "all of the above" energy plan, they have to not just talk about it, they have to do it. It is not just talking about it; it is making it happen. The way you make it happen is you have a clear legal, regulatory, and tax climate that encourages investment, does not hold it up, encourages investment, does not tie it up in red-tape and regulation that prevents that investment. When you make that investment, what happens is you not only produce more energy, but you deploy these new technologies that do it with better environmental stewardship.

So let's go back to the issue of coal. My distinguished colleague is talking about coal in his State. Well, coal in North Dakota—we are a major producer of coal, and we are a powerhouse for energy in this country—not just coal but oil and gas. We do renewables, solar, biodiesel, ethanol. We do wind. We do all of them. But in the area of coal, we are one of the leaders in deploying these new technologies, and as a result we are one of 14 States in the Nation that meet all ambient air quality requirements nationally. Think about that. Here we are, we are a major coal-producing State, we are a major electricity-producing State, yet we are one of 14 States in the country that meet all ambient air quality requirements.

What am I saying? What I am saying is that when you empower that investment that gets that capital invested in these new technologies, you deploy that technology, you produce more energy, you create great jobs, you grow our economy, and you get better environmental stewardship.

Mr. MANCHIN. Will the Senator yield for a question.

Mr. HOEVEN. I will.

Mr. MANCHIN. If I may ask the Senator this, the Senator and I know the facts of what we do in our States and how we do it and how much energy we produce. Both of our States are energy-producing States. We are net exporters of energy, correct?

Mr. HOEVEN. Correct.

Mr. MANCHIN. Here in Washington, in the atmosphere that you are looked upon, let's say, in the atmosphere you enter into, do they believe we just throw caution to the wind and we do

not care about the environment because we come from an energy State? Is that what the Senator is finding when he talks to other colleagues who might not know what an energy-producing State is about, but they sure like what we do?

Mr. HOEVEN. I would respond to my colleague, that is exactly what I am saying. Here we are, a major coal-producing State. We are one of 14 States that meet all ambient air quality requirements. We are No. 1 in surface reclamation, land reclamation—No. 1 in the country. We are rated right at the top in terms of our water and saving our lakes and protecting our water programs.

That is the point the Senator is making. That is the point I try to make all the time. With a States-first approach, States are the ones that can not only encourage that investment but take tremendous pains to make sure they are protecting the environment, growing the economy, and taking care of people who live in those States as well. That is why what we need to do to truly have an "all of the above" energy plan for this country is to empower States and empower that investment that we are talking about for all types of energy. Do not say "all of the above" as a Federal Government and then come up with regulations that prevent, block, preclude the very investment we need to deploy these technologies and produce energy from coal and other sources.

Mr. MANCHIN. Let me ask another question. If the plan the President has put forward makes it almost impossible to build another coal plant—and maybe shut down many in this country—is there still going to be a demand for our coal overseas? Will we be exporting that coal? It will be burned somewhere in the world.

Mr. HOEVEN. Again, my colleague makes a great point and a factual point; that is, what we are seeing happening as a result of the redtape and the regulations the administration is continuing to put forward and is proposing again to add to in its most recent policy pronouncement on energy—the net effect of that is to preclude investment, is to preclude not only developing new plants with the latest, greatest technologies that will help us take steps forward, exciting steps forward in clean coal technology, but it is forcing existing plants to shut down because the requirements are not feasible, they cannot be met with the current technology. As you shut those plants down, you not only lose the energy, lose the jobs, lose the economic growth here at home, but the coal then is still mined and now exported to other countries, where it is consumed in those other countries that have lower standards than we do.

And think—and think—if, instead, you empower the kind of investment in

technology I am talking about in this country, other countries would follow us, so that then when they use their coal, they use these new technologies as well, and on a global basis you start to actually reduce emissions and produce better environmental stewardship.

Again, I would turn back to my colleague for his thoughts.

Mr. MANCHIN. Let me just say this to the Senator. I found out today—the information I received today was most disturbing from this standpoint: We all know that if we could develop and have a partnership with our government—with the EPA, with the Department of Energy—of finding the latest, greatest of technology that helped us still be able to use the most abundant resource—and the resource that is in the most demand for the whole world, correct—if we could do that, then we could truly make a difference in the global climate—we truly could—worldwide.

I found out today—I am going to make sure these figures are accurate—that there is \$8 billion. So the administration can tell me and you: Senators, guess what. We still have \$8 billion for clean coal technology in a line item for the Department of Energy.

Guess what. That \$8 billion has been line-itemed since 2008. Not one project has been approved for which to use the money. I do not know if you found that. We have not had the technology perfected on a commercial basis for carbon capture sequestration. You have a coal-to-liquid plant, I believe. It has worked well for how many years?

Mr. HOEVEN. I would say to my colleague, he is exactly right. He hit the nail on the head. We are talking about clean coal technology and encouraging development in clean coal technology. But to do it, we have to have regulations that are attainable and feasible that encourage the kind of investment we are talking about.

The project the Senator is referring to is the Dakota Gasification Company, which has been operating now in our State successfully for years. It actually takes coal and converts it to synthetic natural gas—natural gas. That natural gas then goes into a pipeline, goes for all different uses, and meets the CO<sub>2</sub> requirements the administration is talking about attaining right now because it is natural gas.

So it meets that natural gas standard. The coal, we burn. Then we capture the CO<sub>2</sub>, we compress it, put it in a pipeline, and it goes into the oilfields for a tertiary or secondary recovery. So we are also producing more oil for mature oilfields. That is an example of the technology and the capital investment and kind of regulatory environment that encourages technology development to not only produce more energy, more jobs, and growing the economy, but as my colleague is pointing out, better environmental stewardship.

That is how to get it done, not just in this country but globally. So the Senator is exactly right.

Mr. MANCHIN. I want to ask my friend this question: Does he believe he could have built that plant in North Dakota today under the regulations that the EPA and this administration were to put in front of him?

Mr. HOEVEN. This is exactly the point. We need these kinds of projects. Work with us as States to empower that kind of development, not shut it off. The Senator is exactly right.

Mr. MANCHIN. What we are saying is how many people would think in West Virginia we have one of the largest wind farms east of the Mississippi? How many do you think really understand that? They think we are all just a one-horse show. We have wind, we have gas, we have coal. We have hydro and biofuel. We are all in. We are trying to use every resource we have the best we can.

All we are asking for is a partnership. It is so hard to find. The people cannot understand. There is an old saying back home: You cannot live with me, and you cannot live without me. I guarantee you will live a lot better with me than you will without me.

This country cannot live with us today and cannot live without us, but they have lived pretty darn good and will live a lot better if they will work with us than against us. I think that is what we are seeing. Our little States are doing the heavy lifting. Our little States have done the heavy lifting. We are providing the energy this country needs. We are providing the economic opportunities to compete globally. If they continue to overregulate to the point they strangle us, they are strangling the economics of this country.

I am just praying to the Good Lord they will listen to us.

Mr. HOEVEN. I would say to my distinguished colleague, I have been to West Virginia. It is an absolutely beautiful State. It is breathtaking, with its hills and valleys and bridges over rivers. It is just a gorgeous, beautiful State.

As my distinguished colleague was saying, what we are talking about is an opportunity. We have a real opportunity to do this and do it right, but we have to get the Federal Government to work with us, whether it is the great State of West Virginia, the great State of North Dakota, or across this country. And it is not just in coal. It is in all of these different types of energy. But you have to work with the States. You have to take a States-first approach that empowers them, that unleashes the entrepreneurial spirit of this country. That is what we need, not a big regulatory maze that nobody can get through. We are talking about common sense that empowers us to do things that can make a big difference for this country.

Mr. MANCHIN. The only thing I would say to my good friend is, we are a Democrat and a Republican from two energy States. It is not bipartisan. Energy should have no partisanship. Energy basically is something we all need and we all use. When you open that refrigerator, you need that energy to keep it cool. When you go into a house out of 100-degree weather, you need to be cool and comfortable. You need energy as a basic quality of life. That has basically made us different from most every Nation.

Every developing nation today is trying everything they can to deliver what we take for granted. All we are asking for is for our President—he is my President, he is your President, he is all of our President. We want to work with him. We want him to be our partner. Do not be my adversary; be my ally. Work with me. We can do it. But we have to be serious about it.

If there is \$8 billion sitting on the sideline at the Department of Energy, and you are telling me you are going to use that for clean coal technology, let's start using it. Let's be a leader of the whole world and show the other 7 billion tons of coal that is being consumed in the world how you can do it and do it better. I think that is really what we are saying.

To my good friend from North Dakota, I appreciate so much the approach he has been taking, a most commonsense, a most reasonable, responsible approach. We have been friends for a long time. We were both Governors of our respective States. We worked together. We tried to solve problems. It is exactly what we are still doing here in the Senate. I thank the Senator.

Mr. HOEVEN. Mr. President, I would like to thank my distinguished colleague not only for his work on energy—he is already recognized as an energy leader in this body—but also most recently for student loans. He has taken a bipartisan lead on student loans that I believe has produced a great product, which I am pleased and proud to cosponsor, and on which I believe this body will come together next week and pass.

I think if we pass it, the House will take it up and pass it right away. It is so important for students, so important for our students and their families. It is just such a great example of what we can do working together. I think the good Senator from West Virginia does this so well. I thank him. Whether it is energy or student loans or just a lot of other issues, I want to express my deep appreciation and my fondness for working with him on these important issues.

Mr. President, I ask unanimous consent to speak for 5 minutes on another very important issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE FARM BILL

Mr. HOEVEN. I rise today to speak on an issue of great importance to our country, and one that we need to act on and we need to act on now. That is the farm bill. We in the Senate have passed a strong farm bill. It saves \$24 billion to help reduce our debt and our deficit. It streamlines our farm programs to make them more efficient and more usable for our farmers and our ranchers. It ensures that our farmers and ranchers continue to have good risk management tools that they need to manage their operations, particularly enhanced crop insurance which is so important for our farmers and ranchers.

Now the House has also passed a farm bill and sent it over to us in the Senate. So we have it. I rise today to urge my colleagues to join with me and form a conference committee with the House now to get this farm bill done for our farmers and ranchers—not just for our farmers and ranchers but for the American people. This really is about serving the American people, and it is about making sure that we continue to have the highest quality, lowest cost food supply in the world.

That means every single American benefits from good farm policy. We need to move on this bill. We need to act. The current farm bill expires September 30. We are already operating under a 1-year extension. It is time. We need to get going. We need to get this done. We need a long-term farm bill in place for our farmers and for our ranchers.

As I said right now, all Americans benefit from the highest quality, lowest cost food supply in the world. But the farm bill is more than just a food bill, it is a jobs bill as well. Right now in our country there is something on the order of 16 million jobs on a direct and indirect basis—more than 16 million jobs that depend on agriculture. So businesses large and small across this great Nation depend on agriculture.

In addition, agriculture has a favorable balance of trade for our country. Let me just give you a few of the statistics. This year it is estimated that we will export almost \$140 billion worth of ag products. Think of all the dollars, the revenue that comes back to our country, the job creation, the economic growth, the employment, at a time when we need to create more jobs in this country, \$140 billion that we export in food products all over the world supporting jobs and economic activity in this country.

A favorable balance of trade helps us in terms of our financial situation—a favorable balance of trade of almost \$30 billion. In 2012, exports, more than \$135 billion; in 2011, more than \$137 billion in ag products from this country supporting jobs and economic activity in this country, and a favorable balance of trade of more than \$40 billion.

Finally, agriculture is about more than just food. It is about fuel and fiber, and it is about national security. We do not have to depend on other countries for our food supply because our farmers and ranchers take care of it right here at home. So it is even a national security issue as well, making sure that we have the food supply that is dependable, nutritious, the highest quality, lowest cost in the world right here available to us at all times.

One other point I will make before I conclude; that is, our farmers and ranchers are stepping forward at a time when we have a deficit and a debt, and they are doing their part to help address this deficit and debt—\$24 billion in savings, when the actual portion of the farm bill that actually deals with farmers is actually less than 20 percent of the whole bill.

Our farmers are stepping forward and helping the deficit with \$24 billion in reduction. Just think for a minute. If we can do that across government, think of the impact it would have in terms of helping us to reduce this deficit and get our deficit and debt under control in this country.

It is time to move forward with the farm bill. The next step is to go to a conference committee with the House. We need to get that done. We need to get that done now and get a long-term farm bill in place for our farmers, for our ranchers, and for this great Nation.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. WARREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

## STUDENT LOAN PROGRAM

Ms. WARREN. Madam President, it has been 18 days since the interest rate on new direct student loans doubled from 3.4 percent to nearly 7 percent. Students will head off to college in a few weeks and Congress still has not found a way to keep their interest rates low. In Massachusetts, our kids, our parents, our schools are worried.

I want to go over the history so we are all clear about how we got here. For months Democrats have argued we need to keep interest rates low. We have made at least three attempts to do this. For example, I introduced a bill that would have dropped interest rates on direct loans for 1 year to the same level at which banks borrow from the Federal Government, which is currently less than 1 percent. I introduced that proposal because I believe the Federal Government should invest in our students, not just in our biggest banks.

We also proposed to extend the current interest rates at 3.4 percent for 2

years, paid for by closing tax loopholes, and Senator REED and Senator HAGAN offered a bill to keep rates low for 1 year. All three proposals had two features in common: They cut costs for students, and they gave us some short-term breathing room to take on bigger problems, including how to refinance \$1 trillion in outstanding student loan debt, and how to reduce the overall costs of college for all our students.

When we brought the last two proposals to a vote, they won by a majority, but they didn't pass because the Republicans filibustered both bills. We could have kept rates low, but the Republicans, every single one of them, voted to block that. Instead, Republicans put together their own long-term plan. It was an amazing plan. According to official government accounting, it would have generated \$184 billion in profit that the government is already projected to make by doubling interest rates on student loans over the next 10 years; and then the Republicans would have added another \$16 billion in new profits.

That is billions in pure profit—profit after we have accounted for the cost of money, after the cost of administering the loan, and after the cost for bad debt losses. All those profits would be made off the backs of our kids who are trying to get an education.

So here we are, 18 days past the July 1 deadline, and students are being hurt because Republicans filibustered these reasonable plans, even though the plans had support from a majority of Senators.

Chairman HARKIN, who has been a leader on this issue from the very start, has been doing his absolute best to find a solution that Republicans would not filibuster so when students start taking out loans in a few weeks they won't be the ones to pay for Republican obstruction. Others, such as Senator JACK REED, Senator STABENOW, and the majority leader, have also worked very hard to find a solution. But here is the problem: From the very beginning, Republicans have dug in their heels and insisted that any new student loan proposal maintain the same \$184 billion in profit the government will make on new student loans over the next 10 years. They insist that whatever we do, the government must make the same profits off the students they will make now by doubling the interest rate to 6.8 percent. They say: Whatever you do, make sure the government makes \$184 billion off our students.

Many Senators who care deeply about this issue, such as Chairman HARKIN, Senator DURBIN, Senator MANCHIN, and Senator KING, have been doing their best under these circumstances to help the students, and I applaud their commitment to our students. They have succeeded in getting at least some Republicans to support a

proposal that will result in lower interest rates for some students for a couple of years. But in the end, this is a simple math problem. If Republicans insist we continue to make the same amount of profit in the student loan program, that means students in future years will have to pay even higher rates to make up the difference. In other words, kids who are sophomores in high school right now will end up paying even more so students who are sophomores in college today can pay a little less. I don't believe in pitting our kids against each other. I don't think high school sophomores should pay more so college sophomores can get a little break. In fact, I think this whole system stinks.

We should not go along with any plan that demands our students continue to produce huge profits for the government. This is wrong. Making billions and billions in profits off the backs of our students is obscene. The Republican position is that they refuse to give up a single dime of these profits. In fact, the latest proposal adds another \$715 million in additional profits. The Republican position is we don't need to close tax loopholes or to ask wealthy Americans to pay their fair share because we have a ready-made profit center for funding the Federal Government—middle-class families who are struggling to pay for college.

I have the deepest respect for the Senators who have tried so hard to come up with a deal for our students under these Republican conditions, and I have no doubt their intentions are honorable. But I can't support this proposal. I have fought hard for working families and middle-class families for nearly all of my grownup life. I fought back against credit card companies that put out zero-interest cards planning to make all their profits in the fine print. I fought back against teaser-rate mortgages that promised low rates in the first 2 years but then shot up to rates that pushed millions of people into foreclosure. And now the Senate is offering its own teaser-rate loan program? A great deal for students this year and next, but every kid who borrows after that gets slammed. That is not the business the U.S. Government should be in.

I understand compromise isn't always pretty, but there is no compromise in this bill. With the student loan rates now at 6.8 percent, if Congress does nothing, the government will make \$184 billion in profits. Under the new proposal, the government will make the same \$184 billion in profits plus another \$715 million in additional profits. And that all comes directly off the backs of our students.

I want to see these profits go down. I know we may not be able to do it all at once, but we need to take a step now to lower the profits we make off the backs of our kids, not lock them in for the next 10 years. At a minimum, I urge

my colleagues to support the amendment of Senator JACK REED to cap the interest rate under this plan at current law. That amendment is the only way to ensure no student ever ends up paying more than they would if Congress did nothing.

Long term, we need to do three things: First, eliminate government profits from new student loan programs, period. Second, refinance existing student loan debt to reduce the profits that are crushing our people. And third, reduce college costs so that American families can pay for college without burying themselves in debt. That is what we need to do. And no matter what happens with this current proposal, that is exactly for what I am going to keep fighting.

I appreciate the hard work my colleagues have done to try to defeat the Republican filibuster on keeping student loan rates low, but our students are drowning under \$1 trillion in student loan debt, and I cannot support a compromise proposal that squeezes even more profits off our kids.

Madam President, I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Madam President, I wanted to come to the floor while the Senator from Massachusetts was giving her remarks and was still here to say a few things about the bipartisan student loan proposal.

There are a couple of things I want to point out for the RECORD. She has made a point about our student loan programs and how much they cost students, and she is right about the basic \$184 billion the government is going to generate over 10 years in this program. I would support a proposal to change that, but the fact is it doesn't have the votes to pass.

Here is the reality. We are talking about this issue with a divided Congress. We are talking about this issue where the House of Representatives is controlled by the other party and doesn't see this issue at all the same way the Senator from Massachusetts and I do. Secondly, we are up against the filibuster rule in the Senate requiring 60 votes. We have 54 Democrats. So this global change she has spoken of and referred to is one she and I could probably agree on in a hurry but it is not going to happen. The question is: What can we do now to help students?

On July 1, because we did nothing, the student loan interest rate on subsidized loans went from 3.4 percent to 6.8 percent. Students are now facing 6.8-percent interest rates on subsidized loans. I think that is just plain wrong. What can we do about it? One version says nothing, do nothing. Don't change anything. Let the students right now continue to pay 6.8 percent. What is wrong with that?

It is obvious. Basic interest rates in this country are dramatically lower

than that. You can get mortgage interest on a home for 3 or 4 percent, maybe even lower in some places. In addition to that, we have students who have to make some life decisions pretty quickly. They need some certainty about what is going to happen here. So I have set out to bring that interest rate down as quickly as possible, as low as possible. That is the bipartisan proposal before us. Those who vote against the bipartisan proposal are voting to keep interest rates now at 6.8 percent—the interest rates that have doubled from 3.4 percent to 6.8 percent. And the Senator from Massachusetts can tell you that will generate many billions of dollars to the Treasury at the expense of these students. So a vote against any change, a vote for the status quo, is a vote to charge students \$37 billion in interest over the next 5 years.

I don't think that is right. I think it is far better for us to bring these student interest rates down as quickly as we can and hold out the possibility we will revisit this again and bring them down even further in the future. Maybe things will change politically. But to step away from this whole conversation and say that because we can't change the global problem of student loans, because we can't bring them down to the level we want, we will leave them at 6.8 percent, I don't think is a good outcome. I don't think that is in the best interests of the students and their families. They are going to be facing more debt for the next 5 years with that approach than they would under the bipartisan bill. And that is the one thing I would like to correct for the RECORD. I believe the Senator mentioned that students would be paying more than 6.8 percent in 2 or 3 years. Under the proposal before us, based on projections on interest rates, the same projections everyone is using here, it isn't until after the fifth year that students would pay anything near 6.8 percent. It would be 6.29, 6.3 percent that fourth year, and then 7.0 percent the fifth year.

So doing nothing means students who would be protected with lower interest rates, for 4 out of the next 5 years by this projection, are going to pay more. How is that a victory for students? How do they come out ahead in that deal? They didn't. They are paying higher interest rates.

There are some who want to hold out for something different. I would like to join them, but I have watched the votes. The Senator from Massachusetts and I have both voted the same way. We voted with Senator JACK REED: Let's keep that rate at 3.4 percent—and we lost. Then he came back and said: Let's try it again—and we lost. Now he is going to propose a 6.8-percent cap—which I can vote for—and we will lose again.

Then you face the reality, are you going to say at that point: I don't want



to talk about this anymore. I just want to go home. That is the end of the story. Students pay 6.8 percent. Sorry, we couldn't solve it—or do you accept this bipartisan compromise, which brings the interest rates down for the next 4 years below 6.8 percent? I think that is a pretty easy choice. I think it is one that may not be what I want to see, but I am dealing with the reality of Congress as it currently exists and what we are currently faced with.

In terms of the cost of education, though, the Senator from Massachusetts and I do agree on this part of it: Kids pay too much for college today virtually every place they go, and the interest rates are too high. But it is a dual problem. Simply addressing student loan interest rates, even for 4 years, still leaves the overall arching issue of the cost of higher education.

I have had several conversations with the President over the last several days. I know he is going to come back quickly with a proposal from this administration to deal with the cost of higher education. I am going to support him too. I don't know the particulars. Maybe I will disagree with one thing or another, but I will sure support his effort to bring down the overall cost of higher education. That is an important part of this conversation.

I just was on the phone with him a few minutes ago talking about the student loan program and what we are faced with. He doesn't like the choices we are faced with, but he wants to keep interest rates below 6.8 percent, if we can. The bipartisan approach keeps them below 6.8 percent. Voting against it means that students for the next 4 years will pay higher interest rates on their student loans than they have to.

So I would encourage my colleagues, don't dismiss the bipartisan plan. Vote for the alternatives. JACK REED may offer one, BERNIE SANDERS of Vermont may offer one. Vote for those. We know what will happen. We will not get enough votes. But then make the hard choice: Do you want students to face 6.8 percent this year, next year, and the 2 following years or a lower interest rate, which is what this bipartisan plan will produce.

We went through a lot of negotiations on this. Many Republicans have a much different view than we do on this whole subject. I was lucky. I am old enough to have benefited from the first student loan program. It was a student loan program that came about because the Soviets launched a Sputnik satellite that scared the world out of the United States. We didn't have one. They sent a rocket to space and launched a Sputnik satellite and we thought: Oh, my goodness. They have the bomb and now a satellite and we are doomed. Congress, in a bit of a panic, created the National Defense Education Act. The Presiding Officer remembers that and maybe she bene-

fited from it. I did and so did the Senator from Massachusetts.

I borrowed money to go to college and law school and 3 percent was the interest rate. I think it was a fixed interest rate, if I am not mistaken. One year after I finally graduated from school, I started paying it back in 10 installments, paying 3 percent—a pretty good deal. I paid my money back, thinking now the next generation can benefit from it.

My personal point of view is that education is worth a subsidy. So when JACK REED comes to the floor and says a 6.8-percent cap and will pay for it by closing a tax loophole, he has my vote. But he will not have 60 votes on the floor.

So if that fails, what do we do next? Nothing? If we do nothing, the 6.8-percent interest rate stays in place, and students pay it, even though under the alternative they wouldn't have to face it for the next 4 years. I think in 4 years we can do better. I think, within that 4-year period, protecting them from 6.8 percent, we have a chance to do even better, and I would like to work to achieve that goal.

Congress may change. Maybe it will change with a more positive viewpoint toward student loans. But at the moment, we have to make a choice, and the choice involves buy-in on the Republican side.

What they are looking for—not unreasonable but different—is to have a long-term approach rather than a short-term approach. I would rather have a short-term approach. They prefer a long-term approach. They want it based on some basic interest rate we can calculate, a 10-year Treasury rate, as applied to virtually every option we have considered, save one. All the others have had a 10-year Treasury rate as a basis. They say you can add to that 10-year Treasury rate what it costs for defaults on loans and administration of loans, and we have tried to do that. We have said to them, at the end of the day, we don't want to add more money from the students and their families to pay off the deficit. It shouldn't be viewed as a tax on students.

Here is where I would disagree with the Senator from Massachusetts: \$715 million over 10 years is a lot of money. It is a huge amount of money. Let's put it in context, and here is the context: Each year, student loans amount to about \$140 billion; over 10 years, \$1.4 trillion. What percentage of \$140 billion is \$71 million? That is 715 divided by 10. I did the calculation, and it is something like .0005 percent. It is decimal dust: \$71 million a year out of \$140 billion in loans. I would like to get it down to nothing.

But here is the bottom line. This tiny fraction of decimal dust, \$71 million a year, is no reason not to protect these students from 6.8 percent interest.

By my calculation, if you accept the notion we are going to go to 6.8 percent

interest and stay there as our solution, for the time being, students are going to pay about \$100 more a month, as I understand it, on the basic loans they are faced with. That, to me, is an unacceptable alternative.

For \$71 million a year, for \$140 billion in loans, this tiny fraction of a percentage is no reason to walk away from a loan package that is much more generous to students and their families. If we can get it down to zero, let's get it down to zero. But please, walking away from that just doesn't make sense.

Here is what students will face. If this bipartisan proposal goes through, the interest rates students pay now on their student loans, subsidized and unsubsidized, will go down from 6.8 percent to 3.8 percent. That is the immediate savings this year for students who are enrolling in college, 6.8 to 3.8. For students who are borrowing money, it is a lot. To walk away from that and say: I am sorry. If I can't get a better deal, then students are just going to have to pay that extra 3 percent interest. I don't think that is a good outcome.

It is better for us to give this relief to the students and their families and work to improve it. I will work with the Senators from Massachusetts and Hawaii to do that. But simply saying 6.8 percent forever is a victory is not. It is a penalty. It is a penalty on a lot of hard-working families and the students who come from those families. Let's avoid that if we can.

Let me add one particular footnote and chapter to this. The worst offenders when it comes to student loans and student loan defaults are the for-profit colleges.

I always ask people to remember three basic numbers about the for-profit students: What are the for-profit schools? Let me give you the big names. The University of Phoenix is the biggest one, with more than the combined enrollment of all the big 10 schools. The University of Phoenix, Kaplan University, which is owned by the Washington Post Company, DeVry University out of Chicago, those are the three big ones.

As a category, for-profit colleges educate 12 to 13 percent of all the high school graduates in this country. So stick with the number, 12 percent of high school grads go to for-profit schools. For-profit schools receive 25 percent of all the Federal aid to education. They are soaking up the dollars for students by a margin of 2 to 1 over the students they are taking. Here is the kicker: 47 percent of all student loan defaults come from students in for-profit schools.

What does that tell you? They are being charged too much for their education, they can't get a job to pay it back, and they default on the loan. The bottom line on student loans is they are not dischargeable in bankruptcy. A

student who can't pay that loan still has that debt and burden for a lifetime. The parent who cosigned? They are on the hook as well—not dischargeable in bankruptcy. It is a lifetime debt.

So we have a lot to do to clean up higher education, and I hope we go after for-profit schools as part of it. They need to be held accountable.

I will close by saying this. I accept the premise of the statement made earlier by the Senator from Massachusetts: We can do better on student loans. I am for it.

We don't have the votes to achieve it. We don't have them in the Senate. We don't have them in the House. So the question is, will we do nothing? Doing nothing means that students and their families will pay 6.8 percent interest on their loans for the foreseeable future, 1 year, 2, 3 or 4 years. Taking the bipartisan compromise reduces the interest rate on student loans for both subsidized and unsubsidized loans from 6.8 percent to 3.8 percent immediately—a 3-percent savings right now for students and families—and it doesn't reach 6.8 percent until the fifth year from now. Between now and then we can do better.

Walking away from this bipartisan approach is going to mean more debt for today's students and higher interest payments, and I don't think that is fair.

So let's do the best we can to change the system, accept the political reality, and come out with the best outcome for students and families.

I hope that at the end of the day we can see some change in the composition of Congress and move closer to a model we all accept.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, I thank my friend from Illinois for all the work he has done on this issue and so many other issues. He knows I disagree with him on this and do not intend to vote for this bipartisan agreement.

He makes a good point in saying we don't have the votes. We don't. We don't have the votes because we have a political party here that could care less about the needs of working families and about college affordability.

I would say to my friend from Illinois that if we are going to win this fight and protect college students, we have to take the fight to the American people. When we work with Republicans to make college unaffordable, then the American people are going to say: What is the alternative?

So from a political strategy, I would say to my friend from Illinois we have the people on our side. We have parents on our side and we have young people on our side. Our job is to bring forth a proposal that they can demand be accepted. If we collapse on this issue,

then they are going to be looking out and saying: What is the alternative?

The Senator from Illinois makes a valid point; that in the next few years, in fact, it is not a bad deal. It is not as good as I would like, but it is not a bad deal. That is why, as I mentioned to the Senator a few moments ago, I will be bringing forth an amendment to say: Let us sunset this agreement in 2 years. We are bringing up the higher education authorization bill. It will give us an opportunity to deal with this issue of student loans and the higher cost of college in general. Why do we need a permanent bill right now when we are going to be working in the fairly near future on the higher education bill?

So my view is a 2-year sunset to this bill. It is not everything I want, but it will protect students. If we are going to talk about variable interest rates, let them at least take advantage of lower interest rates.

What CBO is projecting is that in years to come interest rates are going to go up. According to the CBO, under this legislation, the good news is that interest rates would only be, for Stafford subsidized, 3.86; in 2014, it will be 4.6, not so good; 2015, 5.4, really not good; 2016, 6.29, worse; 2017, 7 percent; 2018, 7.25; and, by the time we get to 2023, it would also be at 7.25.

We have a crisis right now in terms of student indebtedness. Why would we want to make that crisis even worse?

The second point I would make is that right now it is estimated that the Federal Government will earn about \$180 billion in profits over the next 10 years on student loans. I suggest that while I have no problem with the Federal Government making profits on this or that endeavor, this is not a particularly good area to be making profits because they are making profits off of low- and moderate-income people who want to send their kids to college.

I can think of a lot better ways to make money, to help us with the deficit, than by forcing low- and moderate-income parents and students to pay more than they should be paying. If we want to do deficit reduction, maybe we can ask the one out of four corporations in America that pays nothing in taxes to start paying their fair share of taxes. Maybe we can address growing wealth and income inequality in a way that brings us in more revenue. But it is almost a form of regressive taxation to say to low- and moderate-income students and families: You want to go to college, you want to make something of yourself, you want to make it into the middle class, you want to help make our Nation more competitive—and in a 10-year period we are going to make \$180 billion in profits off of your desire to go to college. I think that is wrong.

If we look around the world, in an increasingly competitive global economy

what we find is that we are at the very bottom in terms of the kind of support we give our young people and their families to go to college. Right now in Vermont, which is a little bit higher than the national average, our young people are graduating from a 4-year school \$28,000 in debt. That is on average, meaning lower income young people will graduate deeper in debt.

What does it mean in a difficult economy, a challenging economy, to start off your adult life \$40,000 or \$50,000 in debt? If you go to graduate school, that number goes way up. I talked to a couple of young dentists in Vermont last year. They had over \$200,000 in debt starting off their professional careers—dentists, doctors, people in graduate school.

A couple of months ago I had the Ambassador from Denmark come to the State of Vermont to do some town meetings with me. Do you know how much debt young people who graduate college, graduate school, medical school, in Denmark have? They have zero because that country and many other countries have made what I think is the rational conclusion that it is important to invest in our young people. We need their intellectual capital, we need the best educated workforce that we can get, and we want to encourage people to go to college, not discourage them by high college costs.

I think we can do a lot better than this bipartisan bill. The danger with the bipartisan bill is that the CBO and virtually all economists tell us interest rates are going up. If you peg your student loan to a variable interest rate, and those interest rates are going up, then the proof is in the pudding, according to the CBO, that in a number of years students are going to be paying very high interest rates.

Given the fact we are going to be dealing with higher education reauthorization within a year, which needs to tackle a whole lot of issues within the issue of higher education, including student loans, my suggestion will be, and my amendment will be to say: Let's sunset this legislation at the end of 2 years. Let's take advantage of the low-interest loans and give us the time to come up with a long-term plan.

I look forward to my colleagues supporting that amendment.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

# FEDERAL AGRICULTURE REFORM AND RISK MANAGEMENT ACT OF 2013

Ms. STABENOW. Madam President, it is my pleasure to ask unanimous consent that the Senate proceed to the consideration of Calendar No. 136, H.R. 2642; that all after the enacting clause be stricken and the text of S. 954, as passed by the Senate, be printed in lieu thereof; that H.R. 2642, as amended, be read a third time and passed; the motion to reconsider be considered made and laid upon the table; that the Senate insist upon its amendment, request a conference with the House on the disagreeing votes of the two Houses; and the Chair be authorized to appoint conferees with the ratio of 7 to 5 on the part of the Senate, all with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2642), as amended, was read the third time and passed.

Ms. STABENOW. Madam President, let me just take a moment to thank my ranking member Senator COCHRAN and to indicate we are in fact now officially sending back our Senate bill to the House and requesting a conference on the farm bill. This is a very important step this evening.

I thank the senior Senator from North Dakota Mr. HOEVEN, who has done yeoman work this evening and today, and the senior Senator from Georgia Mr. CHAMBLISS, who has been very involved, as well as other members of the committee, for working hard to bring us to this point.

As everyone knows, we have been working very hard on a bipartisan basis in the Senate. We have produced a product that is comprehensive, bipartisan, balanced; that addresses the agricultural needs and concerns of our country in a 5-year farm bill; that addresses food security and conservation of our soil and land and water; bio-energy, rural development—we could go on and on with all of the pieces of the farm bill that are so important.

We also do this on behalf of the 16 million men and women in America who work hard every day in some part of agriculture and the food industry, the riskiest business in the world. Nobody else has to worry for their products or services, about whether it is going to rain or not today or be too hot or too cold. There are folks who do that every single day. Because of them we have the safest, most affordable food supply in the world.

On behalf of all of them, I truly thank my committee, our committee that has worked incredibly well together. As I said, we have had tremendous leadership shown as we have moved to this process to go to con-

ference. I could thank every member of our committee, but I do believe I need to, one more time, indicate that Senator HOEVEN and Senator CHAMBLISS have been invaluable in this process. Senator HOEVEN was spending a lot of time tonight, as everyone else was getting on airplanes, to help be able to get to this point.

I certainly could go down the list. I hate to always not mention someone I may have missed because we certainly had a strong committee presence and a desire to continue to do great work in the Senate on the issue of supporting farmers and ranchers. This is a very important step as we move forward in what I am very confident, despite the twists and turns, will result in a bipartisan farm bill.

I commend, despite terrific odds and challenges, the chairman in the House and ranking member in the House for their efforts. I am confident that working together we will be able to get this done for the American people.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRANSPORTATION, HOUSING, AND URBAN DEVELOPMENT, AND RE- LATED AGENCIES APPROPRIA- TIONS ACT, 2014—MOTION TO PROCEED—Continued

Mr. REID. Madam President, what is the matter before the Senate?

The PRESIDING OFFICER. The motion to proceed to S. 1243.

### CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 99, S. 1243, a bill making appropriations for the Department of Transportation, and Housing and Urban Development and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

Mark Begich, Barbara A. Mikulski, Patty Murray, Mark R. Warner, Tom Udall, Martin Heinrich, Angus S. King Jr., Sheldon Whitehouse, Elizabeth Warren, Dianne Feinstein, Patrick J. Leahy, Tom Harkin, Jack Reed, Richard J. Durbin, Richard Blumenthal, Mary L. Landrieu, Jeff Merkley, Harry Reid.

Mr. REID. Madam President, I ask unanimous consent that the manda-

tory quorum required under rule XXII be waived; that the vote on the motion to invoke cloture on the motion to proceed occur at 12 noon on Tuesday, July 23; that if cloture is invoked, all postcloture time be yielded back and the Senate proceed to vote on the motion to proceed; that if the motion to proceed to Calendar No. 99, S. 1243, is adopted, the text of H.R. 2610, as reported by the House Appropriations Committee, be deemed House-passed text for the purposes of rule XVI.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONSULTATION REQUEST

Mr. COBURN. Madam President, I ask consent that the following letter be placed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, July 18, 2013.

Hon. MITCH MCCONNELL,  
Senate Minority Leader, U.S. Senate,  
Washington, DC.

DEAR SENATOR MCCONNELL: I request that I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding S. 162, the Justice and Mental Health Collaboration Act of 2013.

I support the goals of this legislation and believe incarcerated offenders suffering from mental illness should have access to treatment. However, I believe the responsibility to address this issue, as it relates to inmates in state and local prisons and jails, lies with the state and local governments that manage these correctional systems. Furthermore, while I do not believe this issue is the responsibility of the federal government; if Congress does act, we can and must do so in a fiscally responsible manner. My concerns are included in, but not limited to, those outlined in this letter.

While this bill is well-intentioned, it authorizes \$40 million per year for five years, costing the American people at least \$200 million dollars without corresponding offsets. Furthermore, the Congressional Budget Office (CBO) has not yet scored the legislation. This bill authorizes new permissible purposes for the existing grant program including, among others, funding for veterans' treatment courts, correctional facility programs, and state and local law enforcement academy training. Expansion of services through additional permissible purposes or new grant programs, however, requires the Department of Justice (DOJ) to carry out additional responsibilities. Thus, even if the legislation may be implemented by existing DOJ staff, it is not free of future administrative expenses or costs the CBO may identify

that would result in a score beyond the bill's stated funding authorization.

It is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. The U.S. national debt is now over \$16.7 trillion. That means almost \$53,000 in debt for each man, woman and child in the United States. A year ago, the national debt was \$15.9 trillion. Despite pledges to control spending, Washington adds billions to the national debt every single day. In just one year, our national debt has grown by \$800 billion or 5%.

In addition to these fiscal concerns, there are several problems specific to this legislation. First, while I recognize both our federal and state criminal justice systems must accommodate mentally ill offenders, which is a difficult and costly task, it is not the responsibility of the federal government to provide funding to treat this population of offenders within state and local prison systems.

In fact, states face a much larger challenge than the federal government, as they incarcerate the vast majority of inmates in this country. According to the Department of Justice Bureau of Justice Statistics (BJS), of the 1.59 million total inmate population in 2011, 1.38 million are incarcerated in state facilities compared to 216,362 in the federal system. As a result, states also care for the largest population of mentally ill offenders. The most recent BJS data notes 56 percent of state inmates and 64 percent of jail inmates displayed a mental health problem compared with 45 percent of federal inmates. Furthermore, BJS found only 8.9% of federal inmates displayed both a history and symptoms of mental health problems, while over 17% of state and local inmates experienced those problems. Thus, although states have an awesome responsibility in this area, they also have a great opportunity to lead by way of experience and example. Many have done so by developing and funding their own innovative ideas to enhance programs for and treatment of mentally ill inmates.

In September 2009, the Senate Judiciary Committee, Subcommittee on Human Rights held a hearing entitled, "Human Rights at Home: Mental Illness in U.S. Prisons and Jails," in which we heard testimony from representatives of two state prison systems and a state court judge who outlined the different challenges faced by their states. These states and others have taken action to address their mentally ill prison populations, but often each tackles the problem with a different approach. For example, from 2003–2007, New York legislators and governors engaged in a battle over reforming the state's policies on this issue, and in 2007, Oklahoma established a program to provide inmates with serious mental illness a comprehensive plan for release, including access to support services and medication. The program set up two intensive care coordination teams in Oklahoma City and Tulsa to help state inmates close to release obtain access to community mental health centers, among other services.

There is significant diversity within the inmate population both among states and between state and federal prison systems, Oklahoma and New York incarcerate different types of inmates with different mental health needs. Indeed, each addressed the problem with diverse solutions—New York focused on in-prison treatment alternatives, while Oklahoma chose to provide post-incarceration support services. Thus, the one-size-fits-all approach to treating mentally ill state and local inmates outlined in this leg-

islation also fails to address the variety of state needs.

Second, Congress should focus instead on its duty to federal inmates within the DOJ Bureau of Prisons (BOP). Over the last several years, BOP costs have significantly increased such that its budget is poised to surpass the Federal Bureau of Investigation (FBI) as the largest percentage of the entire DOJ budget. In its FY 2014 budget submission, the DOJ requested approximately \$6.9 billion for the federal BOP, an increase of \$295.1 million over FY 2012. As a result, the BOP represents 25 percent of the entire DOJ budget (\$27.6 billion), with the FBI barely ahead at \$8.44 billion, representing 30.5 percent of the DOJ budget. Congress must live up to its responsibility to conduct oversight and set an example to the states by ensuring the BOP's massive budget appropriately allocates taxpayer dollars for all of its programs, including services for mentally ill offenders who are truly in need of treatment.

However, S. 162 ignores the problems within the federal BOP. The bill funds the Adult and Juvenile Collaboration Program grant for state and local governments to use federal dollars to support treatment and services for state and local inmates who are mentally ill. It also expands this grant program to allow funds to be used for services for veterans treatment courts, training for employees of state and local correctional facilities to respond to incidents involving mentally ill inmates, and support for state and local law enforcement orientation programs, continuing education and academy curricula. By failing to address the challenges faced by mentally ill inmates within the federal BOP, Congress exacerbates its misplaced spending priorities.

Finally, I do not believe the federal government has the authority under the Constitution to provide federal funds to state and local governments to provide services to state and local inmates with mental health problems or provide training to state and local law enforcement officers. Article I, Section 8 of the Constitution enumerates the limited powers of Congress, and nowhere are we tasked with funding or becoming involved with state and local corrections issues.

There is no question those who suffer from mental illness should be treated appropriately while incarcerated. However, I believe this issue, as it pertains to state and local inmates, is the responsibility of the states and not the federal government. Despite these Constitutional limitations, if Congress does act in this area, like most American individuals and companies must do with their own resources, we should evaluate current programs, determine any needs that may exist, and prioritize those needs for funding by cutting from the federal budget programs fraught with waste, fraud, abuse, and duplication.

Sincerely,

TOM A. COBURN, M.D.,  
U.S. Senator.

#### TRIBUTE TO AMBASSADOR JOSEPH V. REED

Mr. MURPHY. Madam President, I rise today to recognize a distinguished and outstanding citizen of the State of Connecticut, Ambassador Joseph Verner Reed.

Ambassador Joseph Verner Reed has served as a senior diplomat at the United Nations for 30 years. A diplomat's diplomat, he was appointed by

President Ronald Reagan as Ambassador of the United States of America to the Kingdom of Morocco in 1981 and in 1985 as the Representative of the United States to the Economic and Social Council of the United Nations as Deputy Permanent Representative at the United States Mission. In 1987, he was appointed Under-Secretary-General of the United Nations for Political and General Assembly Affairs. In early 1989, President George H. W. Bush appointed Ambassador Reed the Chief of Protocol of the White House, where he served until late 1991.

In 1992, the then Secretary-General of the United Nations, Dr. Boutros Boutros-Ghali, appointed Ambassador Reed Under-Secretary-General of the United Nations and Special Representative for Public Affairs, concluding his assignment in February 1997. In June 1997, Secretary-General of the United Nations, Mr. Kofi A. Annan, re-appointed Ambassador Reed as President of the Staff-Management Coordination Committee, SMCC, the highest internal body of the World Organization. Ambassador Reed served SMCC for 12 years, concluding his assignment in December 2004.

In January 2005, Secretary-General Kofi A. Annan appointed Ambassador Reed as Under-Secretary-General and Special Adviser. In February 2009, Secretary-General Ban Ki-moon re-appointed Ambassador Reed as Under-Secretary-General and Special Adviser. Ambassador Reed continues to serve the organization.

Recently, Ambassador Reed was honored with the presentation of the distinguished achievement award by the American Society of the French Legion of Honor. I ask unanimous consent that the remarks made at that event by the President of the Society, Guy Wildenstein, as well as Ambassador Reed's response, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANNUAL MEETING OF THE AMERICAN SOCIETY  
OF THE FRENCH LEGION OF HONOR  
PRESENTATION OF THE DISTINGUISHED ACHIEVEMENT  
AWARD TO AMBASSADOR JOSEPH  
VERNER REED

INTRODUCTION BY MR. GUY WILDENSTEIN,  
PRESIDENT OF THE SOCIETY, WEDNESDAY, NOVEMBER  
14, 2012, THE LINKS CLUB, NEW YORK CITY

Fellow Legionnaires, Dear Friends, It is always a privilege and an Honor to be able to present our Society's most prestigious medal.

On December 6, 1966, at our Society's Annual Meeting, almost 46 years ago, a new resolution was adopted.

It was decided that a medal of the American Society of the French Legion of Honor be struck and that such medal would be awarded yearly for distinguished achievement to individuals whom the Society may wish to especially honor.

According to the minutes of the December 1966 meeting, the medal would be presented

to persons esteemed by the Society to honor their humanitarian acts for cultural, educational, artistic, scientific or business objectives.

Today, we are gathered to present this prestigious medal to such an outstanding individual, Ambassador Joseph Verner Reed.

In some cases, such as this one, there is an added emotion for me; the one I feel when presenting it not only to someone I profoundly admire, but also to a friend.

Mr. Ambassador, dear Joseph, I have learned that your ancestors arrived by means of a very small boat called the Mayflower.

Little did they know that the land they were setting foot on would become the most powerful country in the world, and that their descendant would be traveling the globe on board Air Force One.

To get back to you, you were born in New York City and after graduating from Deerfield Academy and Yale University, in 1961, you joined the World Bank as Private Secretary to the President.

From 1963 to 1981 you were Vice President and Assistant to the Chairman of the Chase Manhattan Bank, Mr. David Rockefeller.

Your brilliant diplomatic career started, when President Ronald Reagan appointed you Ambassador of the United States to the Kingdom of Morocco in 1981.

Upon leaving this post in 1985, you were conferred the prestigious Order of Commander of the Throne, the only time a foreigner had received this honor. President Reagan then appointed you as the Representative of the United States to the Economic and Social Council of the United Nations and as Deputy Permanent Representative at the United States Mission.

In 1987, you were appointed Under-Secretary-General of the United Nations for Political and General Assembly Affairs, and later President George H. W. Bush appointed you the Chief of Protocol of the White House, where you served until late 1991.

In 1992, the then Secretary-General of the United Nations, Dr. Boutros Boutros-Ghali, appointed you Under-Secretary-General of the United Nations and Special Representative for Public Affairs.

In 1997, his successor, Secretary-General Kofi Annan, re-appointed you as Under-Secretary-General and as President of the Staff-Management Coordination Committee, the highest internal body of the World Organization, on which you served for twelve years.

In 2005, you were appointed Under-Secretary-General and Special Adviser by Secretary-General Kofi Annan, and re-appointed in 2009 by the current Secretary-General, Mr. Ban Ki-moon.

This past April you became the Dean of UN Under-Secretaries General, having served at that level with various capacities for almost three decades.

Today, you continue to serve the organization with the same fervor and polished savoir-faire than when you started.

Along your prosperous career, you have also received numerous honors and decorations.

You have been described as courteous, elegant and knowledgeable: in my humble opinion an understatement, when describing the consummate diplomat that you are.

When decorated Officer of the French Legion of Honor in 1991, you were cited for your special talents for the profession of diplomacy.

"Who can say how much diplomacy—and I am thinking, of course, not only of United States diplomacy, but of diplomacy at

large—would have been lost if Joseph had not entered its ranks?" asked the Ambassador of France to the US Jacques Andreani.

Additionally, you have received many decorations from Italy, Spain, Egypt, Jordan, Central and South America and Africa.

You also received several honorary doctorates, and Yale University awarded you their highest honor: The Yale Medal.

You have served on this Society's Board as a Director and Vice President for many years, and in addition currently serve on our Executive Committee.

We could not imagine running this Board without your distinctive expertise and knowledgeable guidance, and the Society is extremely honored to count you among its Life Members.

And today, Mr. Ambassador, dear Joseph, I am very proud to present you with our Society's 2012 Medal for Distinguished Achievement.

RESPONSE BY AMBASSADOR JOSEPH VERNER REED UPON RECEIPT OF THE MEDAL FOR DISTINGUISHED ACHIEVEMENT AT THE ANNUAL MEETING OF THE AMERICAN SOCIETY OF THE FRENCH LEGION OF HONOR

WEDNESDAY, NOVEMBER 14, 2012 THE LINKS CLUB  
NEW YORK CITY

I am greatly honored to receive this "Award for Distinguished Achievement" from the Society.

I love France. I have great admiration and affection for the People of France.

My spouse of more than fifty years is the daughter of a lady of France.

We have lived in Grasse and enjoyed numerous visits to every part of this noble nation.

My Father was born in Nice at the Hotel Negresco. He lived with his parents in the Loire until a teenager. He later lived in Paris and Senlis.

I was honored to receive the Legion of Honor from President Mitterrand when I served as Chief of Protocol of the White House under President Bush Senior. As Chief of Protocol I organized more visits between President Bush and President Mitterrand than Mr. Bush had with any other Head of State.

In my youth I had the privilege of having a Governess from France.

Soon after the close of World War Two I had the pleasure of being with a French Family for a Summer near the City of Tours. That started my love affair with "La Belle France".

It was France that turned the American quest for Independence into a reality.

France's legendary culture has spread her elegant language (the language of Diplomacy) across the globe with 73 French speaking nations forming the Francophonie.

France shapes global tastes.

Everyone's second country is France.

I have worked at the United Nations for thirty years. France is a powerhouse at the Parliament of Man being a Permanent Member of the Security Council.

France is at the peak of success with her Couture, Painting, Music, Film, Drama, Cuisine, Wines from Bordeaux and Burgundy, Champagne (who wouldn't love a country with 640 types of cheese?).

My mind turns to -

The City of Lights, the Statue of Liberty, La Cote D'Azur, Versailles, the Tricolor, Normandy and the bluffs of the beaches of Utah and Omaha, Talleyrand, Le Musee D'Orsay, Napoleon, La Marseilles, Chartres, The Chateaux of the Valley of the Loire, President Wilson, General De Gaulle, General Eisenhower, Françoise Mitterrand.

President Wildenstein and friends, thank you, thank you, thank you for bestowing on me this great honor. I am touched, humbled and proud.

Encore, Bon Soir

Bon Thanksgiving and Dieu Vous Benisse.

## ADDITIONAL STATEMENTS

### CONGRATULATING RENO TUUFULI AND ASHLIE BLAKE

● Mr. HELLER. Mr. President, I rise today to recognize two exceptionally talented young people from my home State of Nevada, Ashlie Blake and Reno Tuufuli. These two young athletes were selected to represent the United States as members of the U.S.A. Track and Field World Youth Team, and competed in the International Association of Athletics Federations—IAAF, World Youth Championships in Donetsk, Ukraine. These dedicated and hardworking young Nevadans competed with great skill against the best young athletes in the world, and they represented their State and their Nation admirably at the competition.

Ashlie Blake and Reno Tuufuli helped lead Team USA to its best showing at the World Youth Championships. The team took home 17 medals over the course of the competition, more than any other country. Ashlie placed third out of 55 athletes from around the world, winning the U.S.A.'s first medal of the competition for her performance in the women's shot put event. Reno surpassed his personal best record in the men's discus throw and placed seventh out of 30 international athletes in the men's discus competition.

There is no doubt that both of these outstanding performances were the result of many hours of hard work and dedicated training, and Ashlie and Reno should be proud of their efforts and achievements. I congratulate Ashlie Blake and Reno Tuufuli on their success, and I wish them all the best as they continue their athletic endeavors.●

### REMEMBERING GORDON BELCOURT

● Mr. TESTER. Madam President, today I wish to honor the life and legacy of Gordon Belcourt, the executive director of the Montana-Wyoming Tribal Leaders Council. Gordon passed away on July 15 in Billings, MT.

Gordon was a tremendous leader and advocate for Indian Country. A trusted and experienced voice, Gordon could always be counted on to use common sense to get to the heart of the issue and find a solution. He leaves big shoes to fill, and he will be missed by all Montanans. Sharla's and my heart goes out to all of Gordon's friends and family who are mourning his loss.

Gordon grew up on the Blackfeet Indian Reservation and graduated from Browning High School. He attended the University of Santa Clara in California, where he participated in the ROTC Program, before becoming a second lieutenant in the U.S. Army. He earned a master's degree in public health from the University of California at Berkeley and returned to the Big Sky State to attend law school at the University of Montana. He also served as president of the Blackfeet Community College. Gordon, who was honored by the State of California and the University of California Berkeley as a Public Health Hero, received an honorary doctorate from the University of Montana for his work to improve Native American health.

Gordon built the Montana-Wyoming Tribal Leaders Council from the ground up, serving as executive director beginning in 1998. He gave the council a powerful voice—both throughout the region and across the Nation. He worked tirelessly to improve life in Indian Country through infrastructure projects, the permanent reauthorization of the Indian Healthcare Improvement Act, and the creation of the Tribal Law and Order Act. He also created the regional Tribal Institutional Review Board for the protection of the rights of Native Americans.

Gordon was a courageous leader on issues of alcoholism and suicide in Indian Country. Due to Gordon's leadership, the Tribal Leaders Council received \$5 million in 2009 to combat alcohol abuse among American Indians. His extensive knowledge of the issues facing the community and his commitment to doing what was right made him an outstanding advocate for Native Americans.

As we bid farewell to Gordon, we recognize that he was a true warrior for Indian Country. His given Blackfeet name, Mixed Iron Boy, was in remembrance of the combat his uncle endured in World War II, and it will serve as a reminder to all of us of Gordon's remarkable strength, unwavering courage, enduring compassion, boundless vitality, and lasting legacy.

Our thoughts and prayers are with Gordon's widow, Cheryl, and all of his family and many friends.●

#### ROSHOLT, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Rosholt, SD. Founded in 1913, Rosholt will celebrate its 100th anniversary this year.

Located in Roberts County, Rosholt possesses a strong sense of community that makes South Dakota an outstanding place to live and work. Julius Rosholt presented the plan of the town site next to the proposed railroad. The town of Rosholt was built and born on the economy of agriculture beginning with the first lots sold on August 11,

1913. Rosholt has continued to be a strong reflection of South Dakota's greatest values and traditions. The community of Rosholt has much to be proud of and I am confident that Rosholt's success will continue well into the future.

Rosholt will commemorate the centennial anniversary of its founding with celebrations held from August 13–18 featuring a centennial play, fireworks, 3K run, alumni reunion, and a kiddie parade. I would like to offer my congratulations to the citizens of Rosholt on this milestone anniversary and wish them continued prosperity in the years to come.●

#### NEW EFFINGTON, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize New Effington, SD. Founded in 1913, New Effington will celebrate its 100th anniversary this year.

Located in Roberts County, New Effington possesses a strong sense of community that makes South Dakota an outstanding place to live and work. New Effington was named after Effie Staffer Pratt, who was one of the women who secured the homestead. New Effington has continued to be a strong reflection of South Dakota's greatest values and traditions. The community of New Effington has much to be proud of and I am confident that New Effington's success will continue well into the future.

New Effington commemorated the centennial anniversary of its founding with celebrations held from July 5 through July 7 which featured events such as an Alumni Day, Centennial 5K run, parade, and fireworks display. I would like to offer my congratulations to the citizens of New Effington on this milestone anniversary and wish them continued prosperity in the years to come.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1315. A bill to prohibit the Secretary of the Treasury from enforcing the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010.

S. 1316. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

H.R. 1911. To amend the Higher Education Act of 1965 to establish interest rates for new loans made on or after July 1, 2013, to direct the Secretary of Education to convene the Advisory Committee on Improving Postsecondary Education Data to conduct a study on improvements to postsecondary education transparency at the Federal level, and for other purposes.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

S. 1334. A bill to establish student loan interest rates, and for other purposes.

S. 1335. A bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

S. 1336. A bill to amend the National Voter Registration Act of 1993 to permit States to require proof of citizenship for registration to vote in elections for Federal office.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2303. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the semi-annual reports of the Attorney General relative to enforcement actions taken by the Department of Justice under the Lobbying Disclosure Act for the periods beginning on January 1, 2011, and July 1, 2011; to the Committee on the Judiciary.

EC-2304. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Additions to the List of Validated End-Users in the People's Republic of China: Samsung China Semiconductor Co. Ltd. and Advance Micro-Fabrication Equipment, Inc., China" (RIN0694-AF93) received during adjournment of the Senate in the Office of the President of the Senate on July 12, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-2305. A communication from the Deputy Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Eliminating the Prohibition Against General Solicitation and General Advertising in Rule 506 and Rule 144A Offerings" (RIN3235-AL34) received in the Office of the President of the Senate on July 11, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-2306. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Retail Foreign Exchange Transactions" (RIN3235-AL19) received in the Office of the President of the Senate on July 17, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-2307. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the



report of a rule entitled "Rescission of Supervised Investment Bank Holding Company Rules" (RIN3235-AL35) received in the Office of the President of the Senate on July 17, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-2308. A communication from the Director of Legislative Affairs, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Definition of 'Predominantly Engaged in Activities That Are Financial in Nature or Incidental Thereto'" (RIN3064-AD73) received in the Office of the President of the Senate on July 15, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-2309. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting, pursuant to law, the Bank's 2012 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-2310. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to the obligation and expenditure of funds for the implementation of Cooperative Threat Reduction activities (DCN OSS-2013-1046); to the Committee on Armed Services.

EC-2311. A communication from the Acting Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Residential Clothes Dryers and Room Air Conditioners" (RIN1904-AC98) received in the Office of the President of the Senate on July 16, 2013; to the Committee on Energy and Natural Resources.

EC-2312. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Wyoming Regulatory Program" (Docket No. WY-043-FOR) received in the Office of the President of the Senate on July 16, 2013; to the Committee on Energy and Natural Resources.

EC-2313. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Proposed Section 274b Agreements with States" (Management Directive 5.8) received in the Office of the President of the Senate on July 17, 2013; to the Committee on Environment and Public Works.

EC-2314. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "State of Kansas; Authorization of State Hazardous Waste Management Program" (FRL No. 9833-7) received during adjournment of the Senate in the Office of the President of the Senate on July 12, 2013; to the Committee on Environment and Public Works.

EC-2315. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment for the Sacramento Nonattainment Area for the 2006 Fine Particle Standard; California; Determination Regarding Applicability of Clean Air Act Requirements" (FRL No. 9833-2) received during adjournment of the Senate in the Office of the President of the Senate on July 12, 2013; to the Committee on Environment and Public Works.

EC-2316. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York State Ozone Implementation Plan Revision" (FRL No. 9830-7) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC-2317. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Additional Qualifying Renewable Fuel Pathways under the Renewable Fuel Standard Program; Final Rule Approving Renewable Fuel Pathways for Giant Reed (Arundo Donax) and Napier Grass (Pennisetum Purpureum)" (FRL No. 9822-7) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC-2318. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Second Ten-Year PM10 Maintenance Plan for Canon City" (FRL No. 9832-1) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC-2319. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Approval of Infrastructure SIP with respect to Source Impact Analysis Provisions for the 2006 24-Hour PM2.5 NAAQS" (FRL No. 9832-4) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC-2320. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of the Indianapolis Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter" (FRL No. 9832-3) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC-2321. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans for North Carolina: Partial Withdrawal" (FRL No. 9831-6) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC-2322. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans for Georgia: Partial Withdrawal" (FRL No. 9831-5) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC-2323. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Interstate Transport of Fine Particulate

Matter" (FRL No. 9831-1) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Environment and Public Works.

EC-2324. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "National Coverage Determinations for Fiscal Year 2012"; to the Committee on Finance.

EC-2325. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid and Children's Health Insurance Programs: Essential Health Benefits in Alternative Benefit Plans, Eligibility Notices, Fair Hearing and Appeal Processes, and Premiums and Cost Sharing; Exchanges: Eligibility and Enrollments" (RIN0938-AR04) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Finance.

EC-2326. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a notification that a report relative to the Palestinian Authority with respect to the Foreign Assistance Act of 1961 is not required; to the Committee on Foreign Relations.

EC-2327. A communication from the Executive Director, U. S. Agency for International Development (USAID), transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Administrator, U.S. Agency for International Development (USAID), received in the Office of the President of the Senate on July 9, 2013; to the Committee on Foreign Relations.

EC-2328. Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the obligation and expenditure of funds for the implementation of the Department of Defense Cooperative Threat Reduction activities; to the Committee on Foreign Relations.

EC-2329. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-106); to the Committee on Foreign Relations.

EC-2330. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-094); to the Committee on Foreign Relations.

EC-2331. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2013-0119—2013-0126); to the Committee on Foreign Relations.

EC-2332. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's fiscal year 2012 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-2333. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Use of Meeting Rooms and Public Spaces" (RIN3095-AB77) received during adjournment of the Senate in the Office of the President of the Senate on July 12, 2012; to the Committee on Homeland Security and Governmental Affairs.



## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. LANDRIEU, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2217. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2014, and for other purposes (Rept. No. 113-77).

By Ms. MIKULSKI, from the Committee on Appropriations, without amendment:

S. 1329. An original bill making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2014, and for other purposes (Rept. No. 113-78).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. JOHNSON, of South Dakota, for the Committee on Banking, Housing, and Urban Affairs.

\*Melvin L. Watt, of North Carolina, to be Director of the Federal Housing Finance Agency for a term of five years.

\*Richard T. Metsger, of Oregon, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2017.

\*Jason Furman, of New York, to be a Member and Chairman of the Council of Economic Advisers.

\*Mary Jo White, of New York, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2019.

\*Kara Marlene Stein, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2017.

\*Michael Sean Piwowar, of Virginia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2018.

By Mr. LEAHY for the Committee on the Judiciary.

Todd M. Hughes, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit.

Colin Stirling Bruce, of Illinois, to be United States District Judge for the Central District of Illinois.

Sara Lee Ellis, of Illinois, to be United States District Judge for the Northern District of Illinois.

Andrea R. Wood, of Illinois, to be United States District Judge for the Northern District of Illinois.

Madeline Hughes Haikala, of Alabama, to be United States District Judge for the Northern District of Alabama.

James B. Comey, Jr., of Connecticut, to be Director of the Federal Bureau of Investigation for a term of ten years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself and Mr. GRASSLEY):

S. 1318. A bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, and for other purposes; to the Committee on Finance.

By Mr. BLUNT (for himself, Mr. HOEVEN, Mr. KIRK, Mr. COATS, Mr. PORTMAN, and Mr. MCCAIN):

S. 1319. A bill to require the Administrator of the Environmental Protection Agency and the Secretary of Energy to conduct a fuel system requirements harmonization study, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DONNELLY (for himself, Mr. LEAHY, and Mr. CRUZ):

S. 1320. A bill to establish a tiered hiring preference for members of the reserve components of the armed forces; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Ms. AYOTTE):

S. 1321. A bill to amend title 31, United States Code, to provide that the President's annual budget submission to Congress list the current fiscal year spending level for each proposed program and a separate amount for any proposed spending increases, and for other purposes; to the Committee on the Budget.

By Ms. KLOBUCHAR (for herself, Mr. GRAHAM, and Mrs. FEINSTEIN):

S. 1322. A bill to amend the Controlled Substances Act relating to controlled substance analogues; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Ms. KLOBUCHAR, Mr. MANCHIN, and Mr. SCHUMER):

S. 1323. A bill to address the continued threat posed by dangerous synthetic drugs by amending the Controlled Substances Act relating to controlled substance analogues; to the Committee on the Judiciary.

By Mr. BARRASSO (for himself, Mr. ENZI, Mr. RUBIO, Mr. ALEXANDER, Mr. PAUL, Mr. BLUNT, Mrs. FISCHER, and Mr. CRAPO):

S. 1324. A bill to prohibit any regulations promulgated pursuant to a presidential memorandum relating to power sector carbon pollution standards from taking effect; to the Committee on Environment and Public Works.

By Mr. BEGICH (for himself and Ms. LANDRIEU):

S. 1325. A bill to amend the Internal Revenue Code of 1986 to modify the small employer health insurance credit, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mrs. BOXER, Mr. CORKER, and Mr. ALEXANDER):

S. 1326. A bill to amend the Internal Revenue Code of 1986 to extend and make permanent the rule providing 5-year amortization of expenses incurred in creating or acquiring music or music copyrights; to the Committee on Finance.

By Mr. BEGICH (for himself and Ms. LANDRIEU):

S. 1327. A bill to make enrollment in health benefits plans under the Federal Employee Health Benefits Program available to employees of qualified employers when fewer

than 2 qualified health plans are offered through the Small Business Health Options Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KIRK (for himself and Mr. DURBIN):

S. 1328. A bill to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI:

S. 1329. An original bill making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2014, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BEGICH:

S. 1330. A bill to delay the implementation of the employer responsibility provisions of the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. HATCH):

S. 1331. A bill to extend the Generalized System of Preferences, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself and Mr. SCHUMER):

S. 1332. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; to the Committee on Finance.

By Mr. BEGICH (for himself, Ms. LANDRIEU, Ms. HIRONO, Mr. CASEY, and Mr. NELSON):

S. 1333. A bill to reinstate funding for the Consumer Operated and Oriented Plan Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MANCHIN (for himself, Mr. BURR, Mr. KING, Mr. COBURN, Mr. CARPER, Mr. ALEXANDER, Mr. HARKIN, and Mr. DURBIN):

S. 1334. A bill to establish student loan interest rates, and for other purposes; placed on the calendar.

By Ms. MURKOWSKI:

S. 1335. A bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; placed on the calendar.

By Mr. CRUZ (for himself, Mr. VITTER, Mr. LEE, Mr. CORNYN, Mr. COBURN, Mr. COCHRAN, Mr. CRAPO, Mr. SESSIONS, Mr. JOHNSON of Wisconsin, and Mr. RISCH):

S. 1336. A bill to amend the National Voter Registration Act of 1993 to permit States to require proof of citizenship for registration to vote in elections for Federal office; placed on the calendar.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself and Mr. SCHUMER):

S. Res. 198. A resolution expressing the sense of the Senate that the Government of the Russian Federation should turn over Edward Snowden to United States authorities, and for other purposes; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 40

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 40, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 232

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 232, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 313

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 395

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 395, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 398

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 398, a bill to establish the Commission to Study the Potential Creation of a National Women's History Museum, and for other purposes.

S. 399

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 399, a bill to protect American job creation by striking the Federal mandate on employers to offer health insurance.

S. 425

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 425, a bill to amend title XI of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing maternity care quality measures and supporting maternity care quality collaboratives.

S. 429

At the request of Mr. NELSON, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 429, a bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 462

At the request of Mrs. BOXER, the name of the Senator from North Da-

kota (Ms. HEITKAMP) was added as a cosponsor of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 577

At the request of Mr. NELSON, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 577, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes.

S. 603

At the request of Mr. BARRASSO, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 603, a bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

S. 709

At the request of Ms. STABENOW, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 709, a bill to amend title XVIII of the Social Security Act to increase diagnosis of Alzheimer's disease and related dementias, leading to better care and outcomes for Americans living with Alzheimer's disease and related dementias.

S. 731

At the request of Mr. MANCHIN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 731, a bill to require the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency to conduct an empirical impact study on proposed rules relating to the International Basel III agreement on general risk-based capital requirements, as they apply to community banks.

S. 734

At the request of Mr. NELSON, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 734, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 765

At the request of Mr. BENNET, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 765, a bill to help provide relief to State education budgets during a recovering economy, to help fulfill the Federal mandate to provide higher educational opportunities for Native American Indians, and for other purposes.

S. 878

At the request of Mr. FRANKEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 878, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 967

At the request of Mrs. GILLIBRAND, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 967, a bill to amend title 10, United States Code, to modify various authorities relating to procedures for courts-martial under the Uniform Code of Military Justice, and for other purposes.

S. 1028

At the request of Mr. SANDERS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1028, a bill to reauthorize and improve the Older Americans Act of 1965, and for other purposes.

S. 1046

At the request of Mr. SCHATZ, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1046, a bill to clarify certain provisions of the Native American Veterans' Memorial Establishment Act of 1994.

S. 1072

At the request of Ms. KLOBUCHAR, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1072, a bill to ensure that the Federal Aviation Administration advances the safety of small airplanes and the continued development of the general aviation industry, and for other purposes.

S. 1143

At the request of Mr. MORAN, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 1143, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 1152

At the request of Mr. REED, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1152, a bill to amend the Public Health Service Act to help build a stronger health care workforce.

S. 1158

At the request of Mr. WARNER, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Montana (Mr. TESTER) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1166

At the request of Mr. ISAKSON, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1166, a bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

S. 1271

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr.

ISAKSON) was added as a cosponsor of S. 1271, a bill to direct the President to establish guidelines for the United States foreign assistance programs, and for other purposes.

S. 1274

At the request of Mrs. GILLIBRAND, the name of the Senator from Missouri (Mrs. McCASKILL) was added as a cosponsor of S. 1274, a bill to extend assistance to certain private nonprofit facilities following a disaster, and for other purposes.

S. 1300

At the request of Mr. FLAKE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1300, a bill to amend the Healthy Forests Restoration Act of 2003 to provide for the conduct of stewardship end result contracting projects.

S. 1302

At the request of Mr. HARKIN, the name of the Senator from Missouri (Mrs. McCASKILL) was added as a cosponsor of S. 1302, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

S. 1310

At the request of Mr. PORTMAN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1310, a bill to require Senate confirmation of Inspector General of the Bureau of Consumer Financial Protection, and for other purposes.

S. 1313

At the request of Mr. RUBIO, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1313, a bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes.

S. RES. 75

At the request of Mr. KIRK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Res. 75, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 197

At the request of Mr. MURPHY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. Res. 197, a resolution recommending the posthumous award of the Navy Cross to Lieutenant Thomas M. Conway of Waterbury, Connecticut.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Ms. KLOBUCHAR, Mr. MANCHIN, and Mr. SCHUMER):

S. 1323. A bill to address the continued threat posed by dangerous synthetic drugs by amending the Controlled Substances Act relating to controlled substance analogues; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Protecting Our Youth From Dangerous Synthetic Drugs Act of 2013 along with my colleagues and friends, Senators KLOBUCHAR, MANCHIN and SCHUMER. This bill will provide law enforcement and prosecutors with an important new tool to address the growing threat posed by dangerous, synthetic drugs.

Synthetic drugs are unregulated substances designed by scientists to mimic the effects of controlled substances. They are packaged in a manner which is intended to appeal to our Nation's youth and are sold at gas stations, head shops and over the Internet.

Manufacturers of these products boldly seek to circumvent Federal law by marketing their merchandise as innocuous items like potpourri, incense, bath salts and plant food and stating that they are "not intended for human consumption." Make no mistake; the individuals who produce, distribute and sell these products are nothing more than drug traffickers who seek to profit from the human use of these drug products.

When Congress outlawed several of these synthetic drugs last year, traffickers did not stop producing them. Instead, they made slight alterations to the chemical structure of the illegal drugs to skirt the law. By doing this, the traffickers produced "controlled substance analogues."

The bill I am introducing today will give law enforcement the tools they need to prosecute individuals who produce and distribute controlled substance analogues.

Many of the controlled substance analogues on the market today are designed to mimic the effects of THC, the principal chemical in marijuana. The Monitoring the Future survey, which tracks the drug-using behaviors of adolescents, began studying the use of synthetic marijuana in 2011. Their 2012 report found that 11.3 percent of 12th graders had used synthetic marijuana in the prior 12 months. Aside from alcohol and tobacco, synthetic marijuana was the second most widely used drug among 12th graders after marijuana.

There are many other "families" of controlled substance analogues which have been encountered in the market place. They mimic the effects of drugs like ecstasy, PCP and LSD and therefore produce strong stimulant and/or hallucinogenic effects when ingested.

Altogether, there are an estimated 200 controlled substance analogues available today. The threat is global and is rapidly expanding.

Fortunately, the Obama Administration has made progress combatting this

threat. Two nationwide operations targeting designer synthetic drugs—one in 2012 dubbed Operation LogJam and the other which culminated approximately two weeks ago named Operation Synergy—demonstrate this progress. These operations resulted in at least 318 arrests; 681 executed search warrants, including at least 29 for drug manufacturing facilities; \$93 million in cash and assets seized; and the removal of 10 tons of synthetic drugs from the supply chain.

Today, I am introducing a bill that will put these drug traffickers on notice that if they seek to develop products containing controlled substance analogues that put our nation's youth in harm's way, then they will be brought to justice. This will be accomplished by creating a new tool by which the administration can designate, and publish, an administrative list of outlawed controlled substance analogues.

First, the Protecting Our Youth from Dangerous Synthetic Drugs Act of 2013 will establish an inter-agency committee of scientists, headed by the Drug Enforcement Administration, DEA, which will be responsible for establishing and maintaining an administrative list of controlled substance analogues. The Committee is structured so that it can respond quickly and robustly to the threat.

Second, DEA officials have informed my staff that virtually all of these controlled substance analogues arrive as bulk powders from outside our borders. My bill will make it illegal to import a controlled substance analogue on the list unless the importation is intended for non-human use.

Third, the bill directs the U.S. Sentencing Commission to review, and if appropriate, amend the federal sentencing guidelines for violations of the Controlled Substances Act pertaining to controlled substance analogues.

Finally, it is important to note that controlled substance analogues are not controlled substances, meaning that the registration, reporting and record-keeping requirements of the Controlled Substances Act do not apply to those who seek to perform bona fide scientific research or use a controlled substance analogue for non-human industrial applications.

This bill sends a strong message to drug traffickers who continue to circumvent our Nation's laws. Congress recognizes that no matter how you alter the chemical structure of synthetic drugs to get around the law, they remain dangerous and should not be available for human consumption.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1323

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Protecting Our Youth from Dangerous Synthetic Drugs Act of 2013”.

**SEC. 2. ENFORCEMENT.**

(a) IN GENERAL.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(1) in section 102(32), by striking subparagraph (A) and inserting the following:

“(A) Except as provided in subparagraph (C), the term ‘controlled substance analogue’ means—

“(i) a substance whose chemical structure is substantially similar to the chemical structure of a controlled substance in schedule I or II—

“(I) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or

“(II) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or

“(ii) a substance designated as a controlled substance analogue by the Controlled Substance Analogue Committee in accordance with section 201(i).”; and

(2) in section 201, by adding at the end the following:

“(i)(1) The Attorney General, in consultation with the Secretary of Health and Human Services, shall establish an interagency committee, to be known as the Controlled Substance Analogue Committee (referred to in this subsection as the ‘Committee’).

“(2) The Committee shall be—

“(A) headed by the Administrator of the Drug Enforcement Administration; and

“(B) comprised of scientific experts in the fields of chemistry and pharmacology from—

“(i) the Drug Enforcement Administration;

“(ii) the National Institute on Drug Abuse;

“(iii) the Centers for Disease Control and Prevention; and

“(iv) any other Federal agency determined by the Attorney General, in consultation with the Secretary of Health and Human Services, to be appropriate.

“(3)(A) The Committee shall convene, on an as needed basis, to establish and maintain a list of controlled substance analogues.

“(B) A substance may be designated as a controlled substance analogue by the Committee under this subsection if the substance is determined by the Committee to be similar to a Schedule I or II controlled substance in either its chemical structure or its predictive effect on the body, in such a manner as to make it likely that the substance will, or can be reasonably expected to have a potential for abuse.

“(C) Evidence of human consumption by an individual or the public at large is not necessary before a substance may be designated as a controlled substance analogue under this subsection.

“(D) The Attorney General shall, through rulemaking, establish procedures of operation for the Committee.

“(4)(A) Not later than 30 days before each meeting of the Committee, the Attorney General shall submit to the Secretary of Health and Human Services a notice of the meeting of the Committee, which shall include—

“(i) a list of the substances to be considered by the Committee during the meeting for designation as a controlled substance analogue; and

“(ii) a request for the Secretary of Health and Human Services to make a determination of whether an exemption or approval for each substance listed under clause (i) is in effect under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355).

“(B) Not later than 30 days after the date on which the Secretary of Health and Human Services receives notice under subparagraph (A), the Secretary shall submit to the Attorney General a written response to the request described under subparagraph (A)(ii). The Committee shall consider the response submitted by the Secretary of Health and Human Services in determining whether to designate a substance considered by the Committee at the meeting as a controlled substance analogue.

“(5)(A) The Attorney General shall publish in the Federal Register any designation made by the Committee under this subsection.

“(B) The Administrator of the Drug Enforcement Administration shall publish, on the website of the Drug Enforcement Administration, a description of each designation made by the Committee under this subsection, which shall include—

“(i) the chemical and common name of the controlled substance analogue;

“(ii) the effective date of the determination, as described in paragraph (6)(A); and

“(iii) any Schedule I or II controlled substance that the Committee has determined a substance is an analogue of.

“(6) A designation made by the Committee under this subsection shall take effect on the date that is 30 days after the date on which the designation is published in the Federal Register under paragraph (5)(A).

“(7) If a substance designated as a controlled substance analogue by the Committee under this section is subsequently scheduled through a rulemaking proceeding under subsection (a), (d), or (h), the substance shall be automatically removed from the controlled substance analogue list.

“(8) If a defendant challenges the designation of a controlled substance analogue made by the Committee under this subsection the issue shall be considered a question of law.”.

(b) FUNDING.—Section 111(b)(2)(B) of Public Law 102-395 (21 U.S.C. 886a(2)(B)) is amended by inserting “controlled substance analogues,” after “substances.”.

**SEC. 3. IMPORTATION OF CONTROLLED SUBSTANCE ANALOGUES.**

Section 1002 of the Controlled Substances Import and Export Act (21 U.S.C. 952) is amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (b) the following:

“(c) It shall be unlawful to import into the customs territory of the United States from any place outside thereof (but within the United States), or to import into the United States from any place outside thereof, any controlled substance analogue designated pursuant to section 201(i) of the Controlled Substances Act (21 U.S.C. 811(i)) unless the controlled substance analogue is imported pursuant to such notification or declaration as the Attorney General may by regulation prescribe.”.

**SEC. 4. DIRECTIVE TO SENTENCING COMMISSION.**

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States

Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements to ensure the guidelines and policy statements provide adequate penalties for any offense involving the unlawful manufacturing, importing, exporting, or trafficking of controlled substance analogues under part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) or part A of the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) and similar offenses, including unlawful possession, possession with intent to commit any of the foregoing offenses, and attempt and conspiracy to commit any of the foregoing offenses.

(b) COMMISSION DUTIES.—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentences, guidelines, and policy statements relating to offenders convicted of these offenses are appropriately severe and reasonably consistent with other relevant directives and other Federal sentencing guidelines and policy statements;

(2) make any necessary conforming changes to the Federal sentencing guidelines; and

(3) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

By Mr. KIRK (for himself and Mr.

DURBIN):

S. 1328. A bill to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KIRK. Mr. President, I am pleased to join with Senator DURBIN to introduce a bill in support of New Philadelphia, the first town founded by a freed African-American. This bipartisan legislation directs the Secretary of the Interior to conduct a special resource study of New Philadelphia to determine the feasibility of designating the area as a unit of the National Park System.

In 1836, Frank McWorter platted and officially registered the town of New Philadelphia, the first known town founded by a freed African-American before the Civil War. After saving money from neighboring labor jobs to purchase his own freedom and the freedom of fifteen additional family members, Mr. McWorter purchased a plot of land between the Illinois and Mississippi Rivers in Pike County to establish New Philadelphia. The town became a station along the Underground Railroad and was a community where European-American, freeborn African-Americans and formerly enslaved individuals were able to live together during a time of intense racial strife.

In 2005, the town of New Philadelphia was designated as a National Historic Place and in 2009 the town was designated a National Historic Landmark. Further designating New Philadelphia as a unit of the National Park System will ensure that its historical legacy is

preserved as an inspiring example of freedom and opportunity for future generations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1328

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “New Philadelphia, Illinois, Study Act”.

#### SEC. 2. FINDINGS.

Congress finds that—

(1) Frank McWorter, an enslaved man, bought his freedom and the freedom of 15 family members by mining for crude niter in Kentucky caves and processing the mined material into saltpeter;

(2) New Philadelphia, founded in 1836 by Frank McWorter, was the first town planned and legally registered by a free African-American before the Civil War;

(3) the first railroad constructed in the area of New Philadelphia bypassed New Philadelphia, which led to the decline of New Philadelphia; and

(4) the New Philadelphia site—

(A) is a registered National Historic Landmark;

(B) is covered by farmland; and

(C) does not contain any original buildings of the town or the McWorter farm and home that are visible above ground.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STUDY AREA.—The term “Study Area” means the New Philadelphia archeological site and the surrounding land in the State of Illinois.

#### SEC. 4. SPECIAL RESOURCE STUDY.

(a) STUDY.—The Secretary shall conduct a special resource study of the Study Area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Study Area;

(2) determine the suitability and feasibility of designating the Study Area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the Study Area by—

(A) Federal, State, or local governmental entities; or

(B) private and nonprofit organizations;

(4) consult with—

(A) interested Federal, State, or local governmental entities;

(B) private and nonprofit organizations; or

(C) any other interested individuals; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under paragraph (3).

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(d) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy

and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

(e) FUNDING.—The study authorized under this section shall be carried out using existing funds of the National Park Service

By Ms. COLLINS (for herself and Mr. SCHUMER):

S. 1332. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; to the Committee on Finance

Ms. COLLINS. Mr. President, I rise today on behalf of myself and Senator SCHUMER to introduce legislation to ensure that our seniors and disabled citizens have timely access to home health services under the Medicare program.

Nurse practitioners, physician assistants, certified nurse midwives and clinical nurse specialists are all playing increasingly important roles in the delivery of health care services, particularly in rural and medically underserved areas of our country where physicians may be in scarce supply. In recognition of their growing role, Congress, in 1997, authorized Medicare to begin paying for physician services provided by these health professionals as long as those services are within their scope of practice under state law.

Despite their expanded role, these advanced practice registered nurses and physician assistants are currently unable to order home health services for their Medicare patients. Under current law, only physicians are allowed to certify or initiate home health care for Medicare patients, even though they may not be as familiar with the patient's case as the non-physician provider. In fact, in many cases, the certifying physician may not even have a relationship with the patient and must rely upon the input of the nurse practitioner, physician assistant, clinical nurse specialist or certified nurse midwife to order the medically necessary home health care. At best, this requirement adds more paperwork and a number of unnecessary steps to the process before home health care can be provided. At worst, it can lead to needless delays in getting Medicare patients the home health care they need simply because a physician is not readily available to sign the form.

The inability of advanced practice registered nurses and physician assistants to order home health care is particularly burdensome for Medicare beneficiaries in medically underserved areas, where these providers may be the only health care professionals available. For example, needed home health care was delayed by more than a week for a Medicare patient in Nevada because the physician assistant was the only health care professional serving the patient's small town, and

the supervising physician was located 60 miles away.

A nurse practitioner told me about another case in which her collaborating physician had just lost her father and was not available. As a consequence, the patient experienced a two-day delay in getting needed care while they waited to get the paperwork signed by another physician. Another nurse practitioner pointed out that it is ridiculous that she can order physical and occupational therapy in a subacute facility but cannot order home health care. One of her patients had to wait eleven days after being discharged before his physical and occupational therapy could continue simply because the home health agency had difficulty finding a physician to certify the continuation of the same therapy that the nurse practitioner had been able to authorize when the patient was in the facility.

The Home Health Care planning Improvement Act will help to ensure that our Medicare beneficiaries get the home health care that they need when they need it by allowing physician assistants, nurse practitioners, clinical nurse specialists and certified nurse midwives to order home health services. Our legislation is supported by the National Association for Home Care and Hospice, the American Nurses Association, the American Academy of Physician Assistants, the American College of Nurse Practitioners, the American College of Nurse Midwives, the American Academy of Nurse Practitioners and the Visiting Nurse Associations of America. I urge all of my colleagues to join us as cosponsors of this important legislation.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 198—EXPRESSING THE SENSE OF THE SENATE THAT THE GOVERNMENT OF THE RUSSIAN FEDERATION SHOULD TURN OVER EDWARD SNOWDEN TO UNITED STATES AUTHORITIES, AND FOR OTHER PURPOSES

Mr. GRAHAM (for himself and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 198

Whereas Edward Snowden leaked classified information to various sources including the Guardian and the Washington Post;

Whereas Mr. Snowden fled the United States to Hong Kong on May 20, 2013, with multiple laptops containing highly classified information;

Whereas, on June 5, 2013, the press reported classified information relating to the national security of the United States;

Whereas Mr. Snowden's actions have compromised the national security of the United States;

Whereas, on June 9, 2013, Mr. Snowden publicly stated, “I have no intention of hiding

who I am because I know I have done nothing wrong.”;

Whereas, on June 23, 2013, Mr. Snowden departed Hong Kong en route to Moscow, Russia;

Whereas Mr. Snowden has been staying on Russian territory in the Sheremetyevo Airport since his arrival;

Whereas the Sheremetyevo Airport is part of the sovereign territory of the Russian Federation;

Whereas, on June 14, 2013, the United States Government filed a criminal complaint against Edward Snowden for charges under section 641 (relating to theft of Government property), section 793(d) (relating to unauthorized communication of national defense information), and section 798(a)(3) (relating to the willful communication of classified communications intelligence information to an unauthorized person) of title 18, United States Code.

Whereas Mr. Snowden has stated his intentions to continue to leak classified information and poses a continuing threat to the security of the United States;

Whereas Mr. Snowden has applied for asylum in at least 21 countries, including a number of countries with some of the worst human rights records, including the Russian Federation, Cuba, Venezuela, Nicaragua, Bolivia, and Ecuador;

Whereas, on July 16, 2013, Mr. Snowden applied for temporary asylum in the Russian Federation in order to facilitate his transit to Latin America;

Whereas the Department of State Human Rights Report for 2012 cites the Russian Federation's restrictions on civil liberties and the denial of due process, allegations of torture and excessive force by law enforcement officials; life-threatening prison conditions; interference in the judiciary and the right to a fair trial; abridgement of the right to privacy; restrictions on minority religions; widespread corruption; societal and official intimidation of civil society and labor activists; limitations on the rights of workers; trafficking in persons; and attacks on migrants and select religious and ethnic minorities;

Whereas, on July 6, 2013, President of Venezuela Nicolas Maduro offered asylum to Snowden, stating, “In the name of America's dignity. . . I have decided to offer humanitarian asylum to Edward Snowden.”;

Whereas the Department of State Human Rights Report for 2012 cites the Government of Venezuela for corruption, inefficiency, and politicization in the judicial system; government actions to impede freedom of expression; harsh and life-threatening prison conditions; government use of the judiciary to intimidate and selectively prosecute political, union, business, and civil society leaders who were critical of government policies or actions; government harassment and intimidation of privately-owned television stations, other media outlets, and journalists throughout the year, using threats, fines, property seizures, targeted regulations, and criminal investigations and prosecutions; and failure to provide for due process rights, physical safety, and humane conditions for inmates, which contributed to widespread violence, riots, injuries, and deaths in prisons;

Whereas, on June 25, 2013, President of Russia Vladimir Putin stated that the Russian Federation would never extradite Edward Snowden to the United States;

Whereas, on July 16, 2013, White House spokesman Jay Carney stated that Mr. Snowden should be expelled from the Russian Federation and returned to the United

States to face trial, stating, “He is not a human rights activist, he is not a dissident. He is accused of leaking classified information.”; and

Whereas, on July 16, 2013, President Putin stated that Mr. Snowden “came to our territory without invitation, we did not invite him” and that “[we] have certain relations with the United States and we don't want [Snowden] to damage our ties”: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the Government of the Russian Federation's continued willingness to provide shelter to Edward Snowden is negatively impacting bilateral relations with the United States;

(2) the Government of the Russian Federation should immediately turn Edward Snowden over to the appropriate United States authorities so he can stand trial in the United States;

(3) the President should consider options, including recommending a different location for the September 2013 G20 summit in St. Petersburg, Russia, should the Russian Federation continue to allow shelter for Mr. Snowden; and

(4) the United States Government should consider all economic and diplomatic options when pursuing Mr. Snowden.

## NOTICE OF HEARINGS

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, July 23, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled “Hearing on National Labor Relations Board Nominees.”

For further information regarding this meeting, please contact Sarah Cupp of the committee staff on (202) 224-5441.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, July 24, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to mark-up the nominations of Kent Yoshiho Hirozawa, to be a Member of the National Labor Relations Board and Nancy Jean Schiffer, to be a Member of the National Labor Relations Board, as well as any additional nominations cleared for action.

For further information regarding this meeting, please contact the Committee at (202) 224-5375.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Subcommittee on Public Lands, Forests, and Mining. The hearing will be held on Tuesday, July 30, 2013, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 37, to sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, and for other purposes;

S. 343, to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes;

S. 364, to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, and for other purposes;

S. 404, to preserve the Green Mountain Lookout in the Glacier Peak Wilderness of the Mount Baker-Snoqualmie National Forest;

S. 753, to provide for national security benefits for White Sands Missile Range and Fort Bliss;

S. 1169, to withdraw and reserve certain public land in the State of Montana for the Limestone Hills Training Area, and for other purposes;

S. 1294, to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee, and for other purposes;

S. 1300, to amend the Healthy Forests Restoration Act of 2003 to provide for the conduct of stewardship end result contracting projects;

S. 1301, to provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon;

S. 1309, to withdraw and reserve certain public land under the jurisdiction of the Secretary of the Interior for military uses, and for other purposes;

H.R. 507, to provide for the conveyance of certain land inholdings owned by the United States to the Pascua Yaqui Tribe of Arizona, and for other purposes;

H.R. 862, to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960;

H.R. 876, to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes, and;

H.R. 993 and S. 507, to provide for the conveyance of certain parcels of National Forest System land to the city of Fruit Heights, Utah.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to [John\\_Assini@energy.senate.gov](mailto:John_Assini@energy.senate.gov).

For further information, please contact David Brooks (202) 224-9863, or John Assini (202) 224-9313.



COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks. The hearing will be held on Wednesday, July 31, 2013, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 398, to establish the Commission to Study the Potential Creation of a National Women's History Museum, and for other purposes;

S. 524, to amend the National Trails System Act to provide for the study of the Pike National Historic Trail;

S. 618, to require the Secretary of the Interior to conduct certain special resource studies;

S. 702, to designate the Quinebaug and Shetucket Rivers Valley National Heritage Corridor as "The Last Green Valley National Heritage Corridor";

S. 781, to modify the boundary of Yosemite National Park, and for other purposes;

S. 782, to amend Public Law 101-377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes;

S. 869, to establish the Alabama Black Belt National Heritage Area, and for other purposes;

S. 925, to improve the Lower East Side Tenement National Historic Site, and for other purposes;

S. 995, to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia, and for other purposes;

S. 974, to provide for certain land conveyances in the State of Nevada, and for other purposes;

S. 1044, to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on D-Day, June 6, 1944;

S. 1071, to authorize the Secretary of the Interior to make improvements to support facilities for National Historic Sites operated by the National Park Service, and for other purposes;

S. 1138, to reauthorize the Hudson River Valley National Heritage Area;

S. 1151, to reauthorize the America's Agricultural Heritage Partnership in the State of Iowa;

S. 1157, to reauthorize the Rivers of Steel National Heritage Area, the Lackawanna Valley National Heritage Area, the Delaware and Lehigh National Heritage Corridor, and the Schuylkill River Valley National Heritage Area;

S. 1168, to reauthorize the Essex National Heritage Area;

S. 1252, to amend the Wild and Scenic Rivers Act to designate segments of the Missisquoi River and the Trout River in the State of Vermont, as components of the National Wild and Scenic Rivers System;

S. 1253, to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes;

H.R. 674, to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System;

H.R. 885, to expand the boundary of the San Antonio Missions National Historical Park, and for other purposes;

H.R. 1033 and S. 916, to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program, and

H.R. 1158, to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to John.Assini@energy.senate.gov.

For further information, please contact please contact David Brooks (202) 224-9863 or John Assini (202) 224-9313.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 30, 2013, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on S. 1240, the Nuclear Waste Administration Act of 2013.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Lauren\_Goldschmidt@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571, Dave Berick at (202) 224-2209, or Lauren Goldschmidt at (202) 224-5488.

AUTHORITY FOR COMMITTEES TO  
MEET

## COMMITTEE ON ARMED SERVICES

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 18, 2013, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN  
AFFAIRS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 18, 2013, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 18, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC  
WORKS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on July 18, 2013, at 10 a.m., in room SD-406 of the Dirksen Senate Office Building, to conduct a hearing entitled "Climate Change: It's Happening Now."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FINANCE

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 18, 2013, at 2:30 p.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 18, 2013, at 9:30 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SELECT COMMITTEE ON INTELLIGENCE

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 18, 2013, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES PLACED ON THE CAL-  
ENDAR—S. 1334, S. 1335, AND S.  
1336

Mr. REID. Madam President, I ask unanimous consent that the following bills be considered read twice and placed on the calendar: S. 1334, S. 1335, and S. 1336.

The PRESIDING OFFICER. Without objection, it is so ordered.



ORDERS FOR FRIDAY, JULY 19, 2013  
THROUGH TUESDAY, JULY 23, 2013

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12:15 on Friday, July 19, 2013, for a pro forma session only, with no business conducted; that following the pro forma session, the Senate adjourn until 10 a.m. on Tuesday, July 23, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; that following the remarks of the two leaders, the time until noon be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each; further, that the Senate recess from 12:30 until 2:15 to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### PROGRAM

Mr. REID. Madam President, the next rollcall vote will be Tuesday at noon.

ADJOURNMENT UNTIL 12:15 P.M.  
TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Friday, July 19, 2013, at 12:15 p.m.

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#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF STATE

ADAM M. SCHEINMAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE SPECIAL REPRESENTATIVE OF THE PRESIDENT FOR NUCLEAR NONPROLIFERATION, WITH THE RANK OF AMBASSADOR.

##### DEPARTMENT OF DEFENSE

JESSICA GARFOLA WRIGHT, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, VICE ERIN C. CONATON, RESIGNED.

##### DEPARTMENT OF ENERGY

ELIZABETH M. ROBINSON, OF WASHINGTON, TO BE UNDER SECRETARY OF ENERGY, VICE KRISTINA M. JOHNSON, RESIGNED.

##### DEPARTMENT OF STATE

FRANK A. ROSE, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF STATE (VERIFICATION AND COMPLIANCE), VICE ROSE EILENE GOTTEMUELLER.

##### PEACE CORPS

CAROLYN HESSLER RADELET, OF VIRGINIA, TO BE DIRECTOR OF THE PEACE CORPS, VICE AARON S. WILLIAMS, RESIGNED.

##### DEPARTMENT OF STATE

NISHA DESAI BISWAL, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS, VICE ROBERT ORRIS BLAKE, JR.  
TIMOTHY M. BROAS, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

##### DEPARTMENT OF LABOR

SCOTT S. DAHL, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF LABOR, VICE GORDON S. HEDDELL, RESIGNED.

##### DEPARTMENT OF STATE

JULIA FRIFIELD, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF STATE (LEGISLATIVE AFFAIRS), VICE DAVID S. ADAMS, RESIGNED.

##### LEGAL SERVICES CORPORATION

MARTHA L. MINOW, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2014. (REAPPOINTMENT)

JOSEPH PIUS PIETRZYK, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2014. (REAPPOINTMENT)

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#### CONFIRMATIONS

Executive nominations confirmed by the Senate July 18, 2013:

##### ENVIRONMENTAL PROTECTION AGENCY

REGINA MCCARTHY, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

##### DEPARTMENT OF LABOR

THOMAS EDWARD PEREZ, OF MARYLAND, TO BE SECRETARY OF LABOR.

## HOUSE OF REPRESENTATIVES—Thursday, July 18, 2013

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LAMALFA).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

July 18, 2013.

I hereby appoint the Honorable DOUG LAMALFA to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,

*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### AIR FORCE ONE

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. COBLE) for 5 minutes.

Mr. COBLE. Mr. Speaker, I have heard some criticize the President for having played golf with Tiger Woods because Woods is not a favorable role model. The President's golfing is not my business.

But permit me to tell you what is my business: the frequent use of Air Force One and the related costs thereto. President Obama was the second most traveled President of all time for a single term, spending 95 days on 25 trips. In 2009, President Obama traveled more in his first year than any other President. President Obama spent 41 days traveling to 21 different countries.

The most updated figure, Mr. Speaker, on the cost per hour of operating Air Force One is in excess of \$179,000 per hour. This is just a tiny fraction of the President's foreign travel plans, which includes backup aircraft, aerial tankers, motor transport, security and diplomatic personnel, accommodations, and advance teams.

The First Lady also has been actively traveling, making trips to Ireland, Af-

rica, Western Europe, and Copenhagen. When flying solo, Michelle Obama would likely use a C-40B or C with a cost per flight-hour of between \$19,000 and \$26,000, or a larger C-32 passenger jet, which has a cost per flight-hour of in excess of \$42,000.

Presidential entourages have grown quite large in the modern era as well, Mr. Speaker. President Obama was accompanied by more than 500 staff, including security, during his 2009 trip to London. At least 200 security agents alone will be involved in the President's current Africa trip.

I am not suggesting, Mr. Speaker, that we compromise safety or security, but the First Family, it seems to me, treats Air Force One and related aircraft as their personal toys—a very expensive toy, I might add. I will admit, Mr. Speaker, that Air Force One belongs to President Obama and his wife, but Air Force One also belongs to you and me and to every taxpayer in America.

I simply ask the President and his wife to exercise more prudence and discipline regarding their prized aircraft activities. When the wheels of Air Force One are up, the meter is on, and I'm talking about a heap of taxpayer dollars.

Finally, Mr. Speaker, the plague of the soaring debt continues to bother us. I respectfully request that President Obama and his wife direct more attention to our soaring debt and deficit and less time on Air Force One.

The SPEAKER pro tempore. The Chair would remind Members to refrain from improper references toward the President.

### BENGHAZI UNANSWERED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Mr. Speaker, I rise today to ask another question that has not yet been answered by the House. This question will be the third in a series of critical issues that have not yet been resolved. I will continue to raise additional questions for the next 9 legislative days until we depart for August recess, keeping in mind that the 1-year anniversary of the Benghazi attacks will be upon us when the Congress returns in September.

It is also noteworthy that there does not appear to be a single hearing on Benghazi scheduled in any committee between now and the 1-year anniversary. That is why, in the absence of

public hearings to address these questions, I am raising them on the House floor this month.

On Tuesday, I raised the question on why none of the Benghazi survivors—whether the State Department, CIA, or private security contractor employee—have testified publicly before Congress.

Yesterday, I asked about whether there had been any intelligence failures in the vetting of the Libyan militias who abandoned the Americans at the consulate as the assault began. I also asked who provided the terrorists with a detailed understanding of the consulate property.

Today, I return again to the Benghazi survivors and other career employees and contractors working for the CIA, Defense Department, and the State Department who were involved in the response, or the lack thereof, to the Benghazi attacks.

According to trusted sources that have contacted my office, many, if not all, of the survivors of the Benghazi attacks, along with others at the Department of Defense and CIA, have been asked or directed to sign additional nondisclosure agreements about their involvement in the Benghazi attacks. Some of these new NDAs, as they call them, I have been told, were signed as recently as this summer.

It is worth noting that the Marine Corps Times yesterday reported that the marine colonel whose task force was responsible for special operations in northern and western Africa at the time of the attack is still on Active Duty despite claims that he retired and, therefore, could not be forced to testify before Congress.

If these reports are accurate, this would be a stunning revelation to any Member of Congress—any Member of Congress that finds this out—and also, more importantly, to the American people. It also raises serious concerns about the propriety of the administration's efforts to silence those with knowledge of the Benghazi attack and response.

So today I ask: How many Federal employees, military personnel, or contractors have been asked to sign additional nondisclosure agreements by each agency? Do these nondisclosure agreements apply only to those under cover, or have noncovert State Department and Defense Department employees been directed to sign them, too?

Later today, I will be writing the CIA, Defense Department, and State Department to ask for a list of all of their personnel or contractors who

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

have been required to sign original or additional NDAs relating to Benghazi. Perhaps, through a list of all the employees that have signed the NDAs relating to Benghazi, we may finally develop a witness list to subpoena for eyewitness testimony to learn what happened that night where we lost four American lives.

I do not expect the Obama administration to be forthcoming with answers, but if this Congress—if this Congress—does not ask for the information and compel delivery, the American people will never learn the truth. Any Federal employee or contractor who has been coerced into silence through a nondisclosure agreement should expect Congress to speak out on their behalf and compel their voice to be heard.

That is why I, along with 159 of my colleagues, support a select committee to hold public hearings to learn the truth about what happened that night in Benghazi. I say to any colleague who is not on our resolution, if you are not on our resolution, please get on so we can find the truth for the American people.

#### CLIMATE CHANGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Mexico (Mr. BEN RAY LUJÁN) for 5 minutes.

Mr. BEN RAY LUJÁN of New Mexico. Mr. Speaker, as fires across the West grow more intense and superstorms in the United States do more damage, it is clear that the cost of inaction on climate change is growing. The economic toll that it is taking on communities across the country is impacting the American people.

Hurricane Sandy cost the United States \$70 billion in damages, many lives, and lost economic output. In my home State of New Mexico, where wildfires have burned all summer, many communities that rely on tourism and access to our majestic lands have seen their businesses negatively impacted. Farmers and ranchers in New Mexico have had to sell off their herds because of drought conditions that made it too expensive to feed their animals.

Opponents of efforts to address climate change and to transition to cleaner fuels and renewable energy often cite the cost of these efforts. What they fail to account for is the increasing cost that global warming is having in the form of more severe droughts, more dangerous wildfire seasons, and increased devastation from superstorms.

Mr. Speaker, if we continue down this path and fail to take steps necessary to address climate change, the costs will only continue to grow and the impact on our communities will only increase.

Last week, I joined my colleagues in the Safe Climate Caucus in sending a

letter to Speaker BOEHNER asking him to schedule a debate on the House floor to discuss climate change and our Nation's response to this growing threat.

The time for action is now. We must not sit idly by and ignore the facts and ignore the science while communities in New Mexico and across the country experience the negative impacts of climate change.

#### TRACK THEM DOWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, it was September 1972. People from all over the world were gathered in Munich, Germany, for the Olympic Games. After World War II, there was a feeling of optimism and unity. But overnight, those feelings turned to turmoil and turned to terror.

The world awoke to images of a deadly terrorist attack in the Olympic Village. A terrorist group called Black September took 11 Israeli hostages and massacred them. In response, the Israeli Government did not hesitate. The Israeli policy was: you will not murder Israelis anywhere in the world.

So for 20 years, Israel hunted down the killers all over the globe, from Paris to London to Beirut to Stockholm. With its response, one thing became clear to the terrorists: if they hurt Israelis, there would be consequences, and the consequences would not be pleasant. Israel would find them, and Israel did find them.

So flash-forward 40 years. On the 11th anniversary of 9/11, there were once again attacks on American sovereign soil. In Egypt, militants stormed the U.S. Embassy. In Libya, our Ambassador, Chris Stevens, and three other Americans were brutally murdered.

There has been no accountability or action from this administration regarding these crimes. All Americans have received are grainy surveillance photos and some empty promises.

Where is the justice for these families of these four victims? The identities of some of the attackers are known. Why have we failed to go get them?

When America has been tested by terrorists in the past, we have gone after them, just like Israel has done.

In 1996, 19 American soldiers were murdered in Saudi Arabia. The United States responded.

In 2001, when 3,000 people from all over the world were murdered here in the United States, we responded. President Bush said:

The search is under way for those who are behind these evil acts. I've directed the full resources of our intelligence and law enforcement communities to find those responsible and bring them to justice.

Is that our U.S. policy today? Well, we don't know. We don't know what

the current U.S. policy is about Americans killed overseas. All we get is a lot of words with no results from the administration.

Our enemies continue to test us because they no longer fear us, Mr. Speaker. The world no longer knows where America stands on terrorist attacks—not our allies, not our enemies, and not American citizens.

So what is our policy when a U.S. Embassy is attacked? More broadly speaking, what is our foreign policy in north Africa? North Africa is a breeding ground for terrorism, and al Qaeda affiliates are being trained and expanding across the entire African continent.

Earlier this year, on January 16, al Qaeda-linked terrorists affiliated with Mokhtar Belmokhtar took 800 people hostage at a gas facility in Algeria. One of those hostages killed was Victor Lovelady, a neighbor of mine in Atascocita, Texas. Victor's brother, Mike Lovelady, testified in front of our Terrorism Subcommittee last week. His family deserves answers from this administration about what happened in Algeria when Americans were killed.

□ 1015

Who are these terrorists in Benghazi? Who are these terrorists in Algeria? Have these ringleaders gotten away with these murders? Is the massive intelligence service of the United States of America not capable of finding these people throughout the world?

Maybe the intelligence service ought to spend a little less time snooping around in the private lives of Americans and go after terrorists overseas, but that's a different issue.

The Loveladys deserve justice. They lost a father, a brother, and a husband.

These attacks in North Africa prove that Osama bin Laden may be dead but that terrorism is still alive and well. If terrorists do not know the consequences of their actions, they will not fear any consequences. That is the world in which we live.

It's time, maybe, that we articulate a policy and mean it. If you attack Americans, America will come after you. Come hell or high water, we're going to track you down somewhere in the world. The Libyan and Algerian killers must meet the same fate as the members of the Black September group.

So, Mr. Speaker, when you talk to the President, tell the President to track these people down. Let them know they cannot run, they cannot hide, they cannot disappear into the darkness of their evil ways—because justice is what we must have. Justice is what we do in this country.

And that's just the way it is.

#### WATER FOR THE WORLD

The SPEAKER pro tempore. The Chair recognizes the gentleman from

Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, it looks like we dodged a bullet with the Prince George's water emergency, but wasn't it fascinating to watch all of the frantic activity that was necessary to deal with a planned 4- or 5-day period where people would be denied something that virtually all of us take for granted? Safe drinking water when they needed it, as much as they need to drink, to bathe, to flush the toilet, to clean their dishes, to wash their clothes. The prospect of almost a week without water service really turned people's lives upside down.

I'm glad that there is a temporary fix that may have solved the problem at least for the foreseeable future, but I hope that it will serve as a wake-up call because, in the United States, frankly, we are spoiled. We take for granted something that 2½ billion people around the world cannot: having adequate sanitation and safe drinking water.

That's why I'm introducing legislation, Water for the World, with my colleague Congressman POE from Texas, to enhance the efforts of the United States to be a partner to help poor people around the globe have access to what is a global problem, but we also need to do more at home. The challenges of climate change, combined with aging, inadequate water and sewer systems in the United States, place us at risk. We have 80 percent of our population served by over 50,000 community water systems that have facilities with a life span of 15 to, maybe, 95 years.

It was a wake-up call here in Washington, D.C., where the average water pipe is more than 77 years old. I remember a trip to Cincinnati—the scene of the first municipal water agency in the United States. They have something that is not unusual. Cities still have some pipes that are brick and wood, dating back to the 1800s. You can find this around the country. That's why it has been estimated that 1.7 trillion gallons of water—1 out of every 4 gallons—leaks before it reaches the faucet. That's 7 billion gallons a day. Think of 11,000 Olympic-sized swimming pools. If you were to place them end to end, they'd go basically from Washington, D.C., to Pittsburgh.

We need to have a national effort to provide the almost \$10 billion that the engineering community estimates will be necessary by 2020 to avoid regular service disruptions like was threatened in Prince George's County. We need to move forward with bipartisan legislation—with the Water Resources Development Act, the WRDA bill—that, if you'll pardon the phrase, has been bottled up. I hope House Majority Leader CANTOR allows that to come to the floor. It has bipartisan support. It authorizes investments that would help deal with water resources for the coun-

try now, would prevent emergencies in the future and, by the way, would put tens of thousands of Americans to work all across the country.

With aging systems, water stress, drought, flood, we are just going to see more of the same going forward only on a scale of challenge that, until recently, was unimaginable. Let's use this as a wake-up call for Congress to step up and do its job not only with water and sanitation abroad but with water and sanitation at home, flood control, navigation—the energy challenges that are profound because of disruption to water. Let's start by an undertaking now on the scale that we know we can do and that is so important for our future. If we do, we won't just prevent problems like Prince George's was facing, but all of our communities will be more livable, our families safer, healthier and more economically secure—and by the way, it's the fastest way to jump-start the economy.

#### JOHN PAUL POWERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. FLEISCHMANN) for 5 minutes.

Mr. FLEISCHMANN. Mr. Speaker, last week, an incredibly gifted young man from east Tennessee, John Paul Powers, displayed his talents here in Washington at the Kennedy Center as part of the National Youth Orchestra of the United States. The orchestra, created by Carnegie Hall's Weill Music Institute, brings together some of our Nation's most talented young musicians from across the country to work and study together and then to display their talents both here and abroad. In fact, they're scheduled to perform tonight in St. Petersburg. Their tour also includes performances in London, Moscow and New York.

John Paul plays the tuba in his role with the orchestra, but that's not his only musical talent. His repertoire includes the bass, guitar, mandolin, banjo, and even a little dobro at times. While his musical range is wide, the tuba is his passion.

I want to personally congratulate John Paul for achieving the distinct honor of being selected for the National Youth Orchestra. There is no doubt that the diligence, work ethic and passion he has shown will continue to benefit him in life. I would like to wish John Paul the best with his future studies and his dreams of one day professionally playing with an orchestra.

#### GREENS GONE WILD

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. I rise today to warn of the latest episode of a saga

that can best be described as “greens gone wild.”

It involves the U.S. Fish and Wildlife Service proposal to declare 2 million acres in the Sierra Nevada Mountains as “critical habitat” for the Sierra Nevada yellow-legged frog and the Yosemite toad under the Endangered Species Act. That is essentially the footprint of the Sierra Nevada Mountains from Lassen County, which is north of Tahoe, to Kern County, which is just outside of Los Angeles. This designation would add draconian new restrictions to those that have already severely reduced productive uses such as grazing, timber harvesting, mining, recreation and tourism, and fire suppression.

And for what?

Even the Fish and Wildlife Service admits that the two biggest factors in the decline of these amphibian populations is not human activity at all but, rather, non-native trout predators and the Bd fungus that has stricken amphibian populations across the Western United States, neither of which will be alleviated by this drastic expansion of Federal regulations. The species that will be most affected by this action is the human population, and that impact will be tragic, severe and entirely preventable.

For example, timber harvesting that once removed the overgrowth from our forests and put it to productive use, assuring us both healthier forests and a thriving economy, is down more than 80 percent since the 1980s in the Sierras—all because of government restrictions. The result is more frequent and intense forest fires, closed mills, unemployed families, and a devastated economy throughout the region.

Existing regulations already effectively put hundreds of thousands of acres of forests off-limits to human activity through such laws as the Wilderness Act, the Wild and Scenic Rivers Act, the Clean Water Act, the National Environmental Policy Act, not to mention a crushing array of California State regulations. This proposal by the Fish and Wildlife Service would vastly expand those restrictions.

This policy seems to be part of a much bigger picture. In Yosemite National Park, for example, the Department of the Interior is proposing to expel longstanding tourist amenities from the valley and lock in a plan that would result in 27 percent fewer campsites than it had in 1997 and 31 percent less lodging. Throughout the Sierra Nevada, the U.S. Forest Service is closing access to roads, imposing cost-prohibitive fees and conditions on cabin rentals, grazing rights, mining and, of course, timber harvesting while obstructing longstanding community events on which many of these towns rely for their tourism.

The one common denominator in these actions is an obvious desire to

discourage the public's use of the public's land. Gifford Pinchot, the legendary founder of the U.S. Forest Service, always said the purpose of the public lands was the "greatest good for the greatest number in the long run." John Muir, the legendary conservationist responsible for preserving Yosemite Valley, did so, in the words of the legislation he inspired, for the express purpose of "public use, resort and recreation."

These visions for the sound management of our public lands that were held by the pioneers of our national parks and forest systems are quickly being replaced by elitist and exclusionary policies that can best be described as "look, but don't touch; visit, but don't enjoy."

No one values the natural resources of the Sierra Nevada more than the people who live there and who have entrusted me to speak for them in Congress. These communities have jealously safeguarded the beauty of the region and the sustainable use of the lands for generations. Their prosperity—and their posterity—depends on the responsible use and stewardship of these lands.

Now Federal authorities are replacing these balanced and responsible policies with vastly different ones that amount to a policy of exclusion and benign neglect. We have a sacred obligation to future generations to preserve and protect our public lands, but protecting our public lands for future generations doesn't mean we must close them to the current generation.

#### OBAMACARE SHOULD BE DELAYED PERMANENTLY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri (Mr. SMITH) for 5 minutes.

Mr. SMITH of Missouri. Mr. Speaker, I rise today to call on President Obama to delay his health care mandate for all Americans. ObamaCare is simply too overreaching, too intrusive, too unworkable, and too destructive for families across our Nation and in my home State of Missouri.

In the years since ObamaCare was forced through Congress, the American people's opposition to the mandate has only grown, and rightly so. Americans are seeing skyrocketing premiums, they are losing the health insurance they have, and employers are cutting jobs, hours and wages.

Last week, President Obama admitted that his health care mandate was flawed when he announced he would delay the employer mandate portion of the law for 1 year. Mr. Speaker, we don't need to only delay one section of the law; we need to delay the entire law permanently.

Since the beginning, the only aspect of President Obama's health care law that has been bipartisan is the bipar-

tisan opposition to the mandate. Since 2009, the House of Representatives has voted over 30 times to repeal, defund or dismantle provisions of the law. As the newest Member of Congress, I will stand with my colleagues in pushing to defund and repeal the President's health care mandate.

□ 1030

#### THE CONSEQUENCES OF GOVERNMENT OVERSPENDING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma (Mr. LANKFORD) for 5 minutes.

Mr. LANKFORD. Mr. Speaker, last week in my hometown, thousands of families experienced their first week of a 3-month cut in pay.

These hardworking families aren't unaware of our Nation's fiscal problems. We all see that our Nation is rapidly approaching \$17 trillion in debt. But a few years ago, Washington denied that this path would lead us the way of Europe and we would not experience pay and benefit cuts to solve our problems like Europe has. Well, here we are. Families are living on much less today as a direct consequence of government overspending for so many years and the mandate to get our economy back in balance.

In the past 3 years, Federal spending has been reduced, taxes have gone up, and the economy has actually experienced some rebound; but we're still overspending almost \$700 billion a year, just this 1 year. That's down from \$1.5 trillion in overspending 4 years ago, but it's still \$700 billion in new debt that our Nation will take on this year.

We have to deal with the economic realities that we currently face because the spreadsheet where we see the negative numbers, those numbers represent families and people that face the negative consequences of our inactivity.

The GAO has identified multiple areas of government redundancy that waste money and where we fail to get the job done, but we seem to just nibble at the edges of fixing what is obviously in front of us.

Social Security disability is now 2 years away from insolvency, but no one seems to notice that if we don't fix disability insurance and get the people off disability that are using it just as unemployment, the most vulnerable in our society, the truly disabled, will face benefit cuts along with those folks that are just gaming the system.

The defense acquisition processes increase costs dramatically. Here's how it works. You get a prime contractor who pays a subprime, who pays a subprime, who pays a subprime. By the way, all of those are all the way through the path, and the last person has actually been someone who has done that job for years and years, and

everyone knows it. Everyone knows the game, and everyone knows that in every part of that system there's a markup. The taxpayer is the one who loses on it. Let's fix that, because this affects families and lives.

Multiple defense procurement programs in the past several years have failed to produce a final product at all and have again cost taxpayers billions. Usually, our Federal civilian workforce can tell management exactly where we're wasting money, but sometimes no one's listening to them.

Those opportunities to save go untouched, costing more money in the long run and increasing our debt. Debt has a price for all Americans, but especially for the people working for our Nation.

So what does government debt look like today? For thousands in my district facing furloughs, families are cutting back on food, home repair, gas in the car, and every other expense.

A family I spoke with this past weekend will not have a summer vacation because of the furlough. That may not seem like a big deal to some people, but that's a lost significant family moment that they will never get back. Another family with two kids in college is currently trying to determine which kid won't go back to school this fall.

In some families, both parents are furloughed, making the problem twice as large. A single mom that experiences the furlough has a huge decision. This fall and just a month away, they're going to have to buy school supplies and clothes.

It's a serious problem. They're not a person just sitting at home living off Federal welfare, bemoaning the meager size of their check. They're members of our Federal family who work and give their lives to serve the warfighter.

As you would expect in our community, the community is stepping up. Tinker Federal Credit Union is working with families on their loan repayments, churches are providing school supplies, the Regional Food Bank is giving additional food and is working to step up their provision. Many people, my family included, are giving financially to take care of people in need in this moment. Oklahomans are tough and we're caring, but I'm incredibly frustrated that it's come to this.

Regardless of your thoughts on the number of Federal workers on the payroll, surely we can agree that the families currently employed should be protected as much as possible. These families have carried the stress of this pay cut for a year now. For months they have wondered when and if it would come, and now it's here.

I've written numerous letters to the Department of Defense, asking them to exhaust every option in sequester before they reduce worker time and pay. To their credit, they've replied to all of

my correspondence in writing within days, something other agencies in this executive branch could certainly learn from.

I've personally spoken face-to-face with Secretary Panetta, with now-Secretary Hagel, General Dempsey, and Comptroller Hale to find out about other opportunities to save money, like the unobligated balances in the defense budget. I asked for their reconsideration of operations that function on working capital funds. If you're not familiar with that, some departments pay other departments to do their work. Those departments should not be directly affected. The cuts have already happened in the other department. We're cutting twice when we hit on the working capital fund locations.

I asked Secretary Hagel to give more authority to individual installations to make local decisions on spending reductions rather than mandating cuts from the Pentagon.

Congress has already worked with the DOD to reprogram funds and to give maximum flexibility to the Pentagon to protect workers, just like we did with FAA and Homeland Security.

I'm grateful, I am, that the Pentagon has found a way to reduce furloughs from 24 days to 14 days and now to a maximum of 11. But I want to find a way that we can end these furloughs all together for our civilian workers as soon as possible. Three months with a 20 percent cut is tough.

In my last conversation with Senator Hagel, I was pleased to hear that he's still working on these ways. I urge him to continue to cut waste, not worker pay. It's time that we get this issue resolved.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 35 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. AMODEI) at noon.

#### PRAYER

Chaplain Major Howard Bell, 932nd Airlift Wing, Scott Air Force Base, Illinois, offered the following prayer:

Almighty God, we ask for Your divine blessing upon this Congress. We ask that You bless them as they share the privilege that befuddled Moses, challenged Churchill, and has driven some to amazing achievement—leadership.

We thank You for choosing leaders with integrity, who ably lead this country, who motivate us in our work, and ultimately promote freedom in the world.

Give to this Congress the wisdom of Solomon in the decisions they must make; the courage of David when faced with "giants in the land;" the strength of Samson to endure the daily grind; the patience of Job to deal with the ever-changing demands placed upon them; and the compassion of a parent with a hurting child.

Almighty God, we have confidence in our President, our Congress, and in our Nation—and especially in You as we boldly make these requests, trusting in You that they will be accomplished. It is in Your holy Name we pray.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HOLDING. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOLDING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Missouri (Mrs. HARTZLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. HARTZLER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### WELCOMING CHAPLAIN MAJOR HOWARD BELL

The SPEAKER pro tempore. Without objection, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 1 minute.

There was no objection.

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Chaplain Howard Bell who led us in the opening prayer.

The tradition of the opening prayer began with the Continental Congress in 1774 when Reverend Jacob Duche of

Philadelphia offered a prayer at its start. Since that time, the House has enjoyed over 200 years of service from the Chaplaincy of the House and our guest chaplains.

Chaplain Bell has faithfully served in churches in Missouri and Illinois since 1988. While serving his church, Chaplain Bell was commissioned a chaplain captain in the United States Air Force Reserves in 2002 and was assigned as an Individual Mobilization Augmentation to the 375th Air Wing at Scott Air Force Base.

In 2008, he was deployed to Afghanistan and assigned to the 455th Air Expeditionary Force at Bagram Airfield as the hospital chaplain, where he received the Army Commendation Medal. Since then, he has received the Air Force Commendation Medal, the International Security Assistance Force Medal, and the Afghanistan Enduring Freedom Medal. Chaplain Bell was also appointed wing chaplain of the 932nd Airlift Wing, where he supervises the ministry for nearly 1,200 airmen in the wing.

He is married to Reverend Penelope Barber and has two children, David and Rachel. Currently, he is the pastor of the Farina United Methodist Church in Farina, Illinois, and of the Louisville United Methodist Church in Louisville, Illinois.

It is my honor to welcome a man who encompasses so many of the wonderful qualities of the people of Illinois, and I would like to personally thank Chaplain Bell for offering this morning's prayer.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 further requests for 1-minute speeches on either side of the aisle.

#### STOP THE FURLOUGHES

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, last week, more than 650,000 DOD civilians began the first of their 11 unpaid furlough days.

Our military—our men and women in uniform—and the civilians who support our national security infrastructure simply cannot and should not have to bear this burden. Now men and women across the country—the engineers, architects, welders, and manufacturers—who have devoted their lives to our national security find themselves losing pay and struggling to get by.

Although the Navy, Marine Corps, and Air Force have said they would be able to complete the fiscal year without furloughs, the Secretary of Defense would not allow the service Secretaries

to make their own decisions based on their individual budgetary constraints. The entire Department is now suffering as a result.

Mr. Speaker, this body has acted multiple times to end this process, and I urge the Senate and the President to offer their real solutions to this problem so that we can relieve this costly burden on our defense civilian workforce. These men and women who devote their lives to this country's service deserve better from their government.

#### IN RECOGNITION OF THE PASSING OF FORMER CONGRESSMAN BILL GRAY

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise with a great deal of sadness. I am saddened by the passing of my friend, William H. Gray, who represented the people of Pennsylvania's Second District in this House from 1979 to 1991.

Bill Gray was an historic figure. I had the honor of serving as vice chairman of the Democratic Caucus when he chaired the Democratic Caucus. He made history as the first African American Democratic whip from 1989 to 1991. As Budget chairman, Bill Gray played an instrumental role in setting the stage for the balanced budgets of the 1990s.

He was a leading voice against apartheid. Some of us just participated in a birthday celebration for Nelson Mandela in Emancipation Hall. Bill Gray was a leading advocate of changing the apartheid system in South Africa, and it was because of his efforts that we were able to enact sanctions against South Africa.

After retiring from Congress, Bill Gray led the United Negro College Fund, helping literally thousands access higher education and the opportunities that come with it. Throughout his tenure, Bill Gray continued to minister to the families of the Bright Hope Baptist Church as their pastor. His deep faith and enduring love for his fellow man was evident not only from the pulpit but from the committee rooms and on this floor.

I join my colleagues in expressing my condolences to Andrea and their sons, William, Justin, and Andrew, and in thanking them for sharing Bill Gray with all of us and with our country. We were privileged to serve with him, to know him, and to be his friend.

#### SMALL BUSINESS AND OBAMACARE

(Mr. HOLDING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLDING. Mr. Speaker, at a time when just under 60 percent of working-age Americans are employed, wherever there is potential for job growth we should seize the opportunity, and, clearly, small businesses provide opportunity. Although our economy has fluctuated and wavered over the last 15 years, in that time, small businesses have created 64 percent of net new jobs.

Mr. Speaker, just 8 percent of the President's Cabinet members worked in the private business sector prior to their appointments. This Cabinet has less business experience than the previous 19 Cabinets. It is no wonder this administration did not clearly recognize the harmful effects that ObamaCare would have on small business.

We should be helping small businesses by reforming our burdensome Tax Code and by curbing back excessive regulation. That is why, yesterday, the House passed the delay of the employer and individual mandates, but we must permanently repeal ObamaCare. The future of small businesses and families depends on it.

#### VOTING RIGHTS ACT

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to appeal for immediate action. Last month, the U.S. Supreme Court struck down the heart of the Voting Rights Act.

My dear colleagues, casting a ballot is our most sacred right. We have a moral duty to come together and rewrite this law in order to protect this precious right to vote. Though we have made great progress, racial discrimination and racial profiling continue to plague our society. The need for the Voting Rights Act is just as necessary today as it was in 1965.

On Nelson Mandela's 95th birthday, I am reminded that the human race has come a long way, but we must continue to make the impossible possible. I urge my colleagues to come together to update the Voting Rights Act.

#### DELAY OBAMACARE: IT'S ONLY FAIR

(Mrs. HARTZLER asked and was given permission to address the House for 1 minute.)

Mrs. HARTZLER. Mr. Speaker, this White House needs to learn a thing or two about fairness.

Why do they feel the need to delay the implementation of ObamaCare for businesses but not for individuals? If businesses get a break, why should hardworking Americans be left on the hook?

This law is unfair for everyone.

It's unfair to those who are going to have to pay more out of their pockets when their insurance premiums shoot up. It's unfair to workers who are going to see their hours cut because of the insurance costs. It's unfair to everyone who is going to have all of his or her personal medical information placed in the hands of a government bureaucrat.

It's unfair to every American across this country.

House Republicans believe that if you're going to give a break to Big Business you need to do the same for individuals and families. It's only fair.

#### MANDELA DAY

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, today, I want to wish a happy 95th birthday to President Nelson Mandela and ask my colleagues to join me in celebrating the fifth annual Mandela International Day.

It is a day on which we celebrate the incredible dedication of President Mandela and his gifts of leadership to South Africa and to the world. In fact, in the face of extreme adversity, he relentlessly fought for democracy and peace in South Africa, and has become a model of leadership for me and for millions around the globe.

Last night, I had the pleasure of meeting youngsters from all over South Africa at the South Africa-Washington International Program Forum. Because of President Mandela, these youngsters and many others have dedicated themselves to public service and to carrying on his vision of spreading peace, democracy and diversity.

Presidential Mandela has proven that one person can change the tide of oppression, that one person can change the course of an entire country and, in turn, of the entire world. People all around the globe who are suffering from oppression, hatred, and discrimination will forever be grateful for the incredible leadership of Nelson Mandela.

Happy birthday, Madiba.

#### CONGRESS MUST ENFORCE THE CONSTITUTION

(Mr. PITTENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTENGER. Mr. Speaker, I rise today to urge the Senate to join the House of Representatives in taking immediate action to delay the employer and individual health care mandates.

President Obama has conceded that Americans are not ready for ObamaCare with its unworkable mandates and negative effects on the economy, so now President Obama does not



have the authority to pick and choose which parts of the law to enforce or to ignore. His constitutional duty is to execute law as it is since the original ObamaCare legislation was passed by both Houses of a Democrat-controlled Congress. If the Senate fails to approve these delays, they will be allowing President Obama to sidestep the Constitution.

Mr. Speaker, we cannot allow President Obama to continue ignoring the Constitution. Congress is required to act. Law cannot be changed by a monarch via a blog post. We need to help the American people by delaying these unworkable mandates. In June, a report showed that we had lost 240,000 full-time jobs in this country. In North Carolina, they reported that health care premiums will go up 284 percent. The American people deserve better.

□ 1215

#### BENEFITS OF THE AFFORDABLE CARE ACT

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, western New York has long distinguished itself as a leader in innovation and cutting-edge medical research. Buffalo gave the world cancer research when the New York Cancer Laboratory was first established by Dr. Roswell Park in 1897. Today, the Buffalo Niagara Medical Campus continues to grow and thrive with the expansion of Roswell Park, plans for the University of Buffalo Medical School, and construction of a new women and children's hospital.

I'm pleased to say that today western New Yorkers continue to receive good news about the availability and accessibility of health care. Yesterday, The New York Times reported that New York State health insurance purchased through the State exchanges will reduce insurance rates by at least 50 percent. Additionally, thanks to the Affordable Care Act, 37,000 kids with pre-existing conditions will not be denied coverage because by law they can't be denied coverage.

Mr. Speaker, health care should be affordable and accessible to all Americans. The progress we have already seen is promising, and we must keep moving forward.

#### THE ALEXIS AGIN IDENTITY THEFT PROTECTION ACT OF 2013

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, for the last 30 years, Social Security has been required to make personal information of deceased Americans public through the so-called "Death Master File."

Unfortunately, identity thieves use this file to steal Americans' identities and obtain fraudulent tax returns. Worse, the criminals target deceased children like 4-year-old Alexis Agin who's right here, whose family joins us today in the balcony.

Worrying about the stolen identity of a loved one is the last thing a grieving family should do. I salute the Agins for their tireless advocacy, and I thank you.

Today, I humbly join their efforts by introducing the Alexis Agin Identity Theft Protection Act with my Democrat colleague and ranking member on Social Security, XAVIER BECERRA. This commonsense bipartisan bill will protect families, prevent further abuse of taxpayer dollars; and it's time to stop the public sale of the Death Master File.

Mr. Speaker, in honor of Alexis Agin, I urge my colleagues to join us and get this bill signed into law.

The SPEAKER pro tempore. The Chair would remind Members to refrain from referring to occupants of the gallery.

#### IN RECOGNITION OF THE PASSING OF FORMER CONGRESSMAN WILLIAM GRAY

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WILSON of Florida. Mr. Speaker, I stand this morning to recognize the passing of Congressman William Gray, a man for all seasons.

An ardent tennis advocate, he expired at Wimbledon, still racing towards his lifetime passion of tennis. He was funeralized in Philadelphia on Saturday where dozens of Members of Congress attended and President William Clinton spoke of his wonderful and brilliant legacy.

Today, his wife, Andrea, and sons, William, Justin, and Andrew, are visiting Capitol Hill. They attended the 95th birthday celebration of President Nelson Mandela.

Congressman Gray, who retired to my hometown of Miami-Dade County, was an accomplished gentleman, and his name will live forever in the hearts and minds of Congress and the millions of students he literally saved when he was president of the United Negro College Fund.

May he rest in peace.

#### THE STUDENT SUCCESS ACT

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Mr. Speaker, I rise to support H.R. 5, the Student Success Act.

I have heard often from educators about the urgent need to remove many

Federal mandates that create needless barriers to educate our children. The legislation the House will consider goes a long way to restoring State and local control in how best to educate our children.

I appreciate the support of teachers, administrators, charter schools, and school board members in my district that strongly advocate for the reforms in this bill that will allow States to control the accountability decisions rather than unaccountable bureaucrats in Washington that are far removed from the classroom. This bill gives State and local school districts maximum flexibility to improve their schools rather than be caught in a one-size-fits-all bureaucracy.

I thank Chairman KLINE and my fellow members of the Education and Workforce Committee for their hard work on this legislation, and I urge its passage.

#### SUPPORT AFTER-SCHOOL PROGRAM FUNDING

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, we know that before-school, after-school, and summer learning programs are successful activities that provide safe places that millions of students and parents can rely upon.

I'm very concerned about keeping the students in my district safe and out of trouble. In mid-Michigan and around the Nation, time spent out of school is often prime time for bad choices that can lead to juvenile crime; yet countless studies have shown that kids involved in after-school and summer programs are less likely to be perpetrators or victims of crime, less likely to drink or use drugs, less likely to join gangs.

Unfortunately, legislation that is set to be considered this week in the House could lead to over a million students losing access to these opportunities. Students in Michigan benefit from these after-school programs through mentors, tutoring, through cultural and fine arts activities.

We should be expanding support for these programs and for funding for these programs, not cutting them or putting them in block grants as a means of reducing support.

I urge my colleagues to join me in opposing this legislation that's set to come before the House this week.

#### IN RECOGNITION OF COLONEL THOMAS MOE

(Mr. STIVERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STIVERS. Mr. Speaker, I rise today to recognize a true American hero for his dedicated public service,

Tom Moe, who is a colonel in the Air Force and is from Lancaster, Ohio. He's retiring after 46 years of service to our Nation and our State.

While in the Vietnam war, serving in the United States Air Force, he endured 5 years of torture and isolation as a prisoner of war. In his civilian life, he dedicated his career to serving veterans. Most recently, joining Governor John Kasich's cabinet as director of the Department of Veterans Services, he also served as the Ohio director for Troops to Teachers in the Department of Education, and he served as director of the Fairfield County Office of Emergency Management and Homeland Security.

Through his career, Colonel Moe has rightfully earned a number of public service awards and decorations, including two Silver Stars, a Distinguished Flying Cross, a Bronze Star Medal for valor, and two Purple Hearts. He was also inducted into the Ohio Veterans Hall of Fame in 2009 by Governor Ted Strickland.

I'm truly honored to call Colonel Moe a friend, and I join hopefully with the other Members of Congress in wishing him a happy retirement.

#### STUDENT LOANS

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCIA. Mr. Speaker, today I rise to urge my colleagues to reverse the doubling of rates on student loans.

Education is and will always be the great equalizer in this country. It was central to my success. And with 7 million students relying on Federal Stafford loans, it is our responsibility to keep college education affordable.

It is also necessary to keep our Nation competitive globally. That is why I cosponsored the Student Loan Relief Act, which extends the 3.4 percent student loan interest rate until 2015.

I call upon my colleagues in both the House and the Senate to take action so that college remains within reach for all Americans who dream about earning a degree, starting a business, or shaping the future.

#### IN RECOGNITION OF TONY CAMPBELL

(Mr. GOSAR asked and was given permission to address the House for 1 minute.)

Mr. GOSAR. Mr. Speaker, I rise today to recognize and honor the community service of Mr. Tony Campbell.

Tony moved to Kingman, Arizona, in 2001 to become general manager of Route 66 Motorsports, also known as Mother Road Harley-Davidson.

He also joined the Kingman Area Chamber of Commerce and began leading his community, constantly finding

ways to lift others up as he strived to better the lives of those around him. He organized what would become one of the chamber's signature fundraisers, the Harley raffle dinner. He is an avid outdoorsman; and, of course, he loves his motorcycles.

In 2009 after 8 years of service with the Kingman Area Chamber of Commerce, he was asked to join the board of directors and serve on the business and government committee. With his larger-than-life personality, he had an amazing ability to bring others together, both business and government, using the strengths of each to complement each other. He showed again his leadership, one the chamber could depend on.

For the last year, Tony has served as chairman of the board for the Kingman Area Chamber of Commerce. As his time in this role comes to an end, it is with honor and appreciation that I stand here and recognize Mr. Campbell for his service. I am pleased to recognize him today before this great body as a true American and a leader of businessmen and businesswomen of Kingman, Arizona.

#### DIWALI STAMP

(Mrs. CAROLYN B. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I would like to invite my colleagues on both sides of the aisle to join me in asking the Citizen's Stamp Advisory Committee to issue a staff stamp in honor of Diwali. H. Res. 47 has over 41 bipartisan cosponsors.

Diwali marks the beginning of the Hindu new year, one of the oldest and most storied holidays in the world. It symbolizes the triumph of good over evil and of light over darkness. Diwali is celebrated by over a billion Hindus, Sikhs, Buddhists, Christians, and Jains alike. It has been celebrated and honored in the White House by both parties. But Diwali has yet to join the legion of holidays that we honor with a stamp.

Yesterday, Congressman BERA, along with the Indian American leaders, including Ranju and Ravi Batra, delivered over 1,300 personally signed letters in support of the stamp to the Deputy Postmaster General. They also delivered over 400,000 signatures on a petition in support of the stamp.

The time has come to issue a Diwali stamp. Please join me in asking the Citizen's Advisory Committee to do so.

#### HONORING AMERICA'S TEACHERS

(Mr. YOHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOHO. Mr. Speaker, this week the House will spend a lot of time talk-

ing about education and what's best for our students, but I want to make sure we spend a few moments to recognize America's teachers.

Just after the tornadoes in Oklahoma this spring, a constituent of mine pointed out to me that the teachers at the elementary school in Moore and in the terrible tragedy in Newtown were more than educators. They were first responders. They acted not simply out of human decency, but out of the deepest dedication to service to protect our children.

While most of America's schoolchildren are out enjoying summer vacations, their teachers are preparing for the school year ahead. They sacrifice time with their own families and spend their hard-earned money because putting the students first isn't part of any Federal or State mandate. It's a special calling on the teacher, deep within their heart. I ask my colleagues and constituents to join me in honoring that calling, encouraging it, protecting it, and thanking all of America's teachers for their unselfish dedication and service.

□ 1230

#### SEQUESTRATION THREATENING PUBLIC SAFETY

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Mr. Speaker, sequester furloughs have recently begun for hundreds of thousands of civilian Department of Defense employees. We know budget sequestration is a bad policy. It's an ax where we need a scalpel. It's hurting families and workers across the country, and it's threatening public safety. For example, at Vandenberg Air Force Base in my congressional district, firefighters are being furloughed and budget cuts may lead to the elimination of its elite Hot Shot crew.

Vandenberg Air Force Base is a high-risk fire area, and this year's fire season started early, is expected to be worse than previous years, and has already produced the deadliest single incident for firefighters since 9/11. We should not be furloughing firefighters in the middle of fire season. We should not be compromising public safety.

I urge my colleagues to put aside our differences and get to work to find an alternative to these furloughs and end sequestration at every level once and for all.

#### HEALTH CARE AND PPACA

(Mr. SALMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALMON. Mr. Speaker, I rise today to express my continued concerns with the Patient Protection and

Affordable Care Act. It seems that every day we learn a new way this law is negatively impacting the American middle class.

Last week, three prominent unions sent a letter to the Senate majority leader and the House minority leader. In the letter, union leaders highlighted how ObamaCare is driving up the cost of small group insurance plans, causing employers to drop employees from their coverage or convert the employees to part-time status.

In fact, that's exactly what happened in my district in Mesa, Arizona. The Maricopa Community College District announced that it will be cutting hours for adjunct faculty and student-service workers in order to convert them to part-time status and avoid onerous ObamaCare requirements and mandates. This is not only a financial hardship for these professors and their families, but the students suffer as well.

Higher costs under ObamaCare are forcing employers to choose between keeping their doors open or cutting hours and staffing levels. These are the unintended consequences of a very, very bad law.

It's time to repeal this law before it inflicts more harm on middle class America. We must take all necessary steps to repeal and replace this tragic legislation with true health care reform that relies on commonsense free-market policies and returns the power to patients and their doctors, not Washington bureaucrats.

#### CONGRATULATING DELTA SIGMA THETA

(Ms. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CLARKE. Mr. Speaker, as a proud member of the Brooklyn Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated, under the leadership of Ms. Sohndra Stone-Snead, president, it is my deepest honor to extend a hearty congratulations to our outgoing national president, Ms. Cynthia Butler-McIntyre, and our new and incoming national president, Dr. Paulette Walker, on the historic centennial and 51st national convention here in Washington, D.C., over the past 7 days, the largest gathering of college-educated Black women ever.

Blanketing our National Capital in a sea of red, close to 40,000 attended the convention, which is part of a year-long celebration to mark the sorority's 100th anniversary. This great sorority and glorious sisterhood started on January 13, 1913, when 22 young college women at Howard University in Washington, D.C., founded the organization.

Many prominent community leaders and members have been members of this sorority, including the Honorable MARCIA FUDGE, past national president;

and Congresswoman JOYCE BEATTY; as well as former Congresswoman Stephanie Tubbs Jones and former Congresswoman Barbara Jordan. My predecessor in Congress, the great Congresswoman Shirley Chisholm, was also a member, a pioneer for women and African Americans in elected office. So I not only followed her footsteps in my journey into Congress, but also my journey into Delta Sigma Theta Sorority, Incorporated.

Mr. Speaker, once again, please join me in congratulating Delta Sigma Theta Sorority, Incorporated, on its 100th anniversary and recognizing the members for the work they do to progress the mission of sisterhood, scholarship, and public service. For 100 years, its leaders and members have continued the legacy and goals of its founders. They are committed to public service, education, and social action locally, nationally, and worldwide.

#### BRINGING FAIRNESS TO THE PLAYING FIELD

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, it's getting hot in north Georgia, and when it gets hot in north Georgia, I think of cut grass and I think of football, and I think of the lessons that I learned as I was growing up on that football field at Riverbend Elementary School. And one of the things that I learned from football was not only teamwork, but one of the lessons was fair play. It was being fair. It was being and playing with everybody having the same opportunities.

Well, that's exactly why House Republicans this week brought to the floor two important bills: one to delay the implementation of the employer mandate, and the other to delay the implementation of the individual mandate.

Why do we do that? That's a question that I've asked on this floor before. And it's because it is fair. Because we don't want to pick one or the other.

Many times in this House, we come and pit one against the other. I say to this administration and to both sides of the aisle, let's play fair. That's why we brought it to the floor. That's what matters.

Washington needs to be honest with the American people. This is a broken health care law. We just simply brought fairness to the playing field yesterday.

#### DON'T PLAY POLITICS WITH FOOD SUPPORT

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUTTERFIELD. Mr. Speaker, I am still hurting from the farm bill debate last week. I was looking forward to a bipartisan compromise on farm programs as well as nutrition programs. But as we all know, the Republicans removed the food title from the farm bill and narrowly passed it on a vote of 216-208. I am proud that not a single Democrat voted for this ill-conceived bill denying food support for food banks and millions of Americans.

The House farm bill was passed. I now urge House conferees to meet with Senate conferees and reauthorize the farm bill with nutrition before the August recess.

I am beginning to hear rumors that the Republican leadership may be considering a stand-alone rewrite of the food stamp program to cut nutrition by \$135 billion. I hope that's a rumor and not fact. If it's a fact, many of us will speak as loudly as we have ever spoken before on this floor.

Please let the conference committee meet and resolve the difference between the House and Senate. Don't play politics with food support for low-income American citizens.

#### PRESIDENT'S HEALTH CARE LAW IS UNWORKABLE

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, the President's health care law is unworkable. Hardworking Americans know it, and, unfortunately, they're going to see their premiums skyrocket.

Small business owners know it. They're going to have to scale back hiring and maybe even let some people go.

People in the President's own party know it. Senator BAUCUS from Montana, a key author of the legislation, called it a "train wreck" not long ago.

And now, the administration has admitted it themselves. They decided to delay the employer mandate for a year. Why? Because, despite the President saying that it's working the way it's supposed to, we know it's not working at all.

That's why yesterday, on this floor, we voted to not just delay the employer mandate, but the individual mandate as well. Everyone, not just businesses, deserve protection from this unworkable law.

#### MOVING FORWARD ON AFFORDABLE HEALTH CARE

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, the Affordable Care Act began delivering important benefits and protections to millions of American families and small

businesses almost immediately after it was signed into law 3 years ago.

Just yesterday, we learned that the cost of health plans in New York are set to drop 50 percent. And starting in 2014, California's small businesses will be able to access competitive, affordable, quality health plans on the Covered California Small Business Exchange, finally putting them on more equal footing with the rates that have been enjoyed by the big guys.

And last week, I invited the Small Business Administration to come to my district and meet with my local small businesses. They walked them through key pieces of the law so they could understand the facts and be able to make good decisions about health insurance for their employees. Many were pleasantly surprised.

We need to move forward on affordable health care for Americans, not backwards.

#### REPAIRING BROKEN FEDERAL EDUCATION POLICIES

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I'm going out on a limb here and say that North Carolina teachers, parents, and administrators know more than the suits in Washington about North Carolina students' needs.

It's a shame that Federal law often stands in the way of local educators having the flexibility they need to innovate and serve students. It's a greater shame, though not a surprise, that Federal intervention has done little to improve student performance.

House Republicans aren't just going to comment on the problem or propagate a system where waivers, like Band-Aids, patch bad Federal laws. We're going to change the law. H.R. 5, the Student Success Act, takes steps to reduce the Federal Government's one-size-fits-all footprint in education. It empowers parents, supports effective teachers, and restores local control.

Children across this country are directly impacted by broken Federal education policies. There's no excuse to let the brokenness continue.

#### FIXING OUR BROKEN IMMIGRATION SYSTEM

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. It is rare, Mr. Speaker, that more than two-thirds of the United States Senate agrees on anything. It's rare, Mr. Speaker, when two-thirds of the American people agree on anything. And yet the Senate, with 68 votes, passed a comprehensive immigration reform bill that will finally replace our broken immigration

system with one that works: one that works for our economy; one that works for American families; one that helps grow jobs; and one that restores the rule of law to an underground system where people continue to live in an underground economy here in our country today.

There are 11 million people here in our country illegally. The American people are fed up with the violation of the rule of law and of our sovereignty. It's time to fix our broken immigration system in a way that's consistent with our values as Americans.

We are a Nation of immigrants; we also are a Nation of laws. It's time to reconcile those two truisms. Take up the Senate bill in the United States House of Representatives, send it to President Obama's desk, and finally fix our broken immigration system to make it work for our country.

#### PROVIDING FOR CONSIDERATION OF H.R. 5, STUDENT SUCCESS ACT

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 303 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 303

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-18. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before action thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the

House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 1 hour.

□ 1245

Ms. FOXX. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

##### GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. FOXX. House Resolution 303 provides for a structured rule providing for consideration of H.R. 5, the Student Success Act.

Mr. Speaker, my colleagues on the House Education and the Workforce Committee and I have been working to reauthorize the Elementary and Secondary Education Act. Our efforts in reauthorization have centered on four principles: reducing the Federal footprint in education, empowering parents, supporting effective teachers, and restoring local control.

H.R. 5, the Student Success Act, ensures that local communities have the flexibility needed to meet the needs of their students. This legislation reauthorizes the Elementary and Secondary Education Act, also known as ESEA, for 5 years, while making commonsense changes to update the law and address some of the concerns following the last reauthorization.

Despite good intentions, there's widespread agreement that the current law is no longer effectively serving students.

Instead of working with Congress to reauthorize ESEA, the Obama administration began offering States temporary waivers in 2011 to exempt them from onerous requirements in exchange for new Federal mandates from the Department of Education.

These waivers are a short-term fix to a long-term problem, and leave States and districts with uncertainty about whether they will again be subject to

the failing law, and if the administration will change the requirements necessary to receive a waiver.

It is time to give students, parents, teachers, and school districts certainty to make decisions and flexibility to make the best decisions for their communities. H.R. 5 is a step in the right direction and will provide this certainty and flexibility.

Since Republicans returned to the majority in the House in 2011, we've held 20 hearings on the reauthorization of the Elementary and Secondary Education Act. The committee considered five reauthorization bills in four markups in the 112th Congress, in addition to a markup and favorable reporting of H.R. 5 this year.

I'm pleased to work with my colleagues on the Rules Committee to report rules for floor debate and the consideration of legislation that promote transparency and participation.

I urge my colleagues to support this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank the gentlewoman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the rule and the underlying bill, H.R. 5, the so-called Student Success Act. The Student Success Act is an ideological attempt to reduce the crucial Federal role in K-12 education.

To be clear, there's no excuse for bad policy that interferes with student learning and prevents opportunity from reaching all corners of this land. There's no excuse for bad classroom practices at the local level. There's no excuse for bad policies at the State level, and there's no excuse for bad policies at the Federal level.

However, we should also make no excuses for good policies at the State level, make no excuses for good policies that help improve classroom practices at the Federal level.

Unfortunately, under this restrictive rule, many of the commonsense amendments that would have helped improve this bill were shut out, including an amendment that I authored that would combat bullying and harassment against lesbian, gay, bisexual, and transgender students, to ensure that schools are a safe learning environment for all children.

Under this rule, other amendments that were offered by both my Democratic and Republican colleagues were not included and not allowed to proceed to the House floor for a debate.

My colleague, Ms. FOXX, said that "local communities have the flexibility they need to meet the needs of their students." She stated that that was one of the goals of this bill.

I think the second goal that we should have with Federal education policy is, yes, to give local commu-

nities the flexibility to meet the learning needs of their students, but so, too, to not give local communities the flexibility to continue to not meet the needs of their students.

There are too many failing schools across our country—high schools that, year after year, have dropout rates in excess of 50 percent; elementary schools where kids are falling further behind every year.

We need to do everything we can as a society—that means at the State level, that means at the Federal level, that means at the district level—to make sure that, yes, the district has the flexibility and the school has the flexibility to do what works, but not the flexibility to continue to do nothing, which would only consign another generation of American kids, particularly and disproportionately our most at-risk families, to failure.

If the underlying bill becomes law, States wouldn't be required to set performance targets based on student growth, proficiency, or graduation rates. Effectively, it would allow States to define success down, simply to make themselves or their districts look good. The bill doesn't even define low-performing schools, nor does it establish parameters for intervention or timelines for improvement.

I have not heard any Member of this body, on either side, argue for Federal micromanagement. That's a straw man. We want to make sure that reform-minded superintendents are armed with the tools they need to make the tough decisions.

And there's no silver bullet in education. Sometimes it might be converting it into a charter school, sometimes it might be changing the staff, sometimes it might be closing a school, sometimes it might be an extended learning day.

One of the most critical aspects of successful school reform, in fact, is the local buy-in. And that's why I, as well as my colleague, Ms. FOXX, would agree that the Federal Government dictating what they should do is counterproductive towards effective school reform. However, continuing to do nothing is a guaranteed continued recipe for failure.

Mr. Speaker, we need to provide schools with more flexibility to design school improvement systems than the rigid measures under No Child Left Behind. I think we can agree on that. But we can't let them continue to do nothing and fail children.

No child in our country should be trapped in a failing school with little or no recourse or real choice. We need to mend accountability, not end it.

This bill constitutes the Federal Government throwing up its arms and simply letting the States define success downward, making themselves look good, patting themselves on the back saying, "Job well done," when more

and more children are falling through the cracks.

We need a Federal role as an honest referee, a disruptive force to break up school district monopolies. We need to use our limited funds to give reform-minded school leaders leverage and resources and cover that they need to ensure that failing schools are subject to dramatic interventions that improve school quality.

No child should ever be trapped in a failing school. And we, as adults, should not be finger-pointing, saying oh, that's the State, that's the district, that's the Federal Government, that's your principal's fault, that's your teacher's fault. That's not the answer. The answer is to make the school work for the kids and make sure that every family has access to a good school.

While No Child Left Behind certainly has its flaws, including the problematic and wrongful definition of adequate yearly progress as a benchmark for success, it, nevertheless, did move us forward when it comes to serving low-income and minority students, students with disabilities and English language learners, and provided a new layer of transparency that prevented school districts from sweeping these problems under the rug.

Unfortunately, here, with this bill, H.R. 5, it takes another step backward, effectively excluding students with disabilities from school accountability systems. Currently, there's a 1 percent cap, saying the students with severe disabilities up to 1 percent of students can take alternative assessments based on alternative achievements standards.

This bill removes that cap, meaning that school district or that State, at their discretion, under this bill can simply say, you know what? We don't think any of our IDEA students, any of our Special Ed students can learn, so we're not going to include them in the accountability metric. They don't have to take the test. Or if they do, we're not going to count it. Or they can do an alternative test, and we'll look at that and sign off.

And we will never know, Mr. Speaker, under this bill. It truly, in our publicly-funded public education system, is continuing to meet the learning needs of all kids, including those with disabilities or not, which is why, across the disability advocacy community, there is strong opposition for this bill.

It's rare that a bill can unite such disparate forces as the Chamber of Commerce, organizations representing teachers, the civil rights community, advocates for the disabled, all in staunch opposition to a bill. Why?

Because the bill represents a step backward for public education in this country. This bill doesn't invest in our Nation's teachers, the most important frontline workers that provide a quality education for kids across the country.

While, to its credit, it eventually replaces highly-qualified teachers with a new teacher accountability system that's tied into student success, which is a key component of my STELLAR Act that I introduced with Representative SUSAN DAVIS, it fails to provide teachers with the professional development and support they need to succeed in the classroom.

And during the 3-year transition period, it does away with all measures, indicators and requirements for teacher quality, including getting rid of the definition of highly-qualified teacher. So for 3 years, our Federal taxpayer money that we are custodians of will go, in part, to pay the salaries of people with absolutely no quality input or outbased controls.

While I applaud the eventual replacement of the definition of highly-qualified teacher, and most people agree that we can do better measurement of teacher quality, the answer is simply not to throw up our arms and say we're not going to look at teacher quality.

While H.R. 5 retreats on the significant and constructive Federal role, Ranking Member MILLER's Democratic substitute advances a comprehensive vision of school accountability and improvement. The Democratic substitute would ensure that schools take into account student growth, proficiency rates, including disaggregation for groups, including students with disabilities, English language learners, minorities; design targeted interventions for low-performing schools; partner with school districts to use evidence-based criteria to improve school and classroom performance.

It is an advanced vision of school improvement that has received broad unified support from the education reform community, the civil rights community, and the business community.

The Federal Government must ensure that all students receive a high quality, world-class education. We are a country. Education is under the local control of school boards subject to the laws of the State. As a Nation, we cannot abrogate on our responsibility to have a human capital development strategy that allows us to compete with other nation-states in the 21st century.

The Democratic substitute would ensure that schools set high expectations and use quality assessments for students with disabilities. We do not propose, in the Democratic substitute, nor does President Obama support any kind of national standard or national test.

Certainly, some States have chosen to work together to develop core common standards. Other States have developed other high quality standards and assessments. The Federal role should be to not allow States to define the success downward and capitulate the entire generation and consign an entire generation of children to failure.

I'm disappointed the Rules Committee didn't make in order my Student Non-Discrimination Act, which I introduced with Congresswoman ROS-LEHTINEN and 155 of our colleagues. When you have a bill that has so many cosponsors, I would hope that the Rules Committee would at least allow a debate and floor vote on this bill.

My Student Non-Discrimination Act would establish a comprehensive Federal prohibition on discrimination in public schools based on actual or perceived sexual orientation or gender identity.

Every day, across our country, tragically, kids who are perceived to be gay or lesbian are subjected to pervasive discrimination, harmful to both students and our education system. Surveys indicate that as many as 9 in 10 LGBT students have been bullied.

Just this last week we lost another life to bullying. On Sunday, a young man named Carlos in New Mexico took his own life after being bullied and called derogatory LGBT names since the age of 8. It's hard to imagine the torment that Carlos went through every single day. And unfortunately, too many LGBT students and their families often have limited recourses to fight this kind of discrimination that makes schools an unsafe and unwelcome learning environment for them.

My amendment would simply provide protections for LGBT students to ensure that all students have access to public education in a safe environment, free from discrimination, free from harassment, free from bullying, intimidation and violence.

I would have hoped that every Member of this body would agree that there's a bipartisan consensus that, regardless of what people think of divisive social issues like gay marriage or other LGBT issues, school should be a safe place for all students to learn.

□ 1300

I am pleased that the underlying bill includes constructive language with regard to the expansion and replication of successful charter schools. I'm also pleased that the committee made in order two amendments I offered to improve this flawed bill. The first amendment further improves the Charter Schools Program. I enjoyed working with Chairman KLINE and Ranking Member MILLER on improving and modernizing the Charter Schools Program. Both the underlying bill and the Democratic substitute contain strong language around helping quality charter schools grow and expand to meet the demands of the more than 1 million kids who remain on charter school waiting lists across our country unable to attend the school of their choice.

A recent Stanford CREDO study found that charter schools that are successful in producing strong aca-

demic progress from the beginning tend to remain strong and successful schools as they grow and expand.

My amendment, which I'm offering with Mr. PETRI, would allow charter schools to receive Federal funding through the Charter Schools Program to use their grant dollars for vital startup costs like professional development, teacher training, and instructional materials. As a charter school founder, I know that this additional flexibility provided under our proposed amendment would really help get quality charter schools off the ground.

The amendment also allows per-pupil revenue to be more portable across school districts to provide States with the ability to move towards more innovative multidistrict models, including online education or competency-based education, if they so desire.

Finally, my amendment would ensure that charter schools are doing substantial outreach to low-income and other underserved populations. We know that many high-performing charter schools are already leading in this regard in helping our most at-risk families achieve success. We want to ensure that they continue to lead the way in providing access and choice for more families.

I'm also pleased my amendment I offered with Representative BROOKS regarding computer science is made in order. My amendment with Representative BROOKS would clarify that Federal funds can be used for computer science education. It's particularly important because it relates to funding for teacher preparation and professional development based on the bipartisan Computer Science Education Act, which Representative BROOKS and I introduced earlier this year.

In today's knowledge-based economy, it's more important than ever to ensure our education system aligns with the demands of the 21st-century workforce. We need high-quality teachers to have access to training in all relevant fields, including computer science education.

I also worked with Mr. PETRI on another amendment regarding charter schools, which I withdrew. But I want to talk about some additional changes that are included in our All-STAR Act that I look forward to continue working with Chairman KLINE and Ranking Member MILLER to make crucial changes on the Charter School Programs that were included in my amendment with Mr. PETRI.

The amendment I offered with Mr. PETRI would offer improvements to help grow and replicate high-quality charter schools that are demonstrating outstanding results across the country. There's currently 6,000 charter schools serving more than 2.3 million students. Yet there are over a million students on charter school waiting lists. My amendment would have increased the

overall authorization for this high-impact, low-cost program to \$330 million so that with our limited Federal resources we have the maximum impact on increasing choice and learning opportunities for families.

My amendment would also have allowed for the continuation of the Charter Schools Program grants from the Replication and Expansion of High-Quality Schools Program, a very successful program that helps more families access the highest-performing charter schools.

In this time of austerity and constrained public resources, we need to maximize the impact of every dollar spent by making sure we only invest in what works, fostering innovative new approaches both for results as well as for cost savings to achieve even greater gains in student achievement. That means investing in those public charter schools that are getting great results as well as allowing charter school operators with a strong evidence base of student achievement, particularly with our most at-risk kids and families, along with robust management capacity, to replicate and expand so they can serve more students.

I look forward to continuing the work with Chairman KLINE and Ranking Member MILLER to include some of those priorities in the ESEA reauthorization and further legislation.

With that, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to my distinguished colleague from the Education Committee and the great State of Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague.

Mr. Speaker, I would like to express my support for the rule and the underlying bill, H.R. 5.

I am in frequent contact with educators in my district in Wisconsin. One of the concerns I hear the most is that Federal money comes to local schools and districts in a variety of funding streams, each with its own restrictions and reporting requirements. I am constantly asked if there's a way that we can consolidate some of these funding pots so that schools can better apply the funds to those areas where they will have the most effect. These feelings are strongest in smaller or more rural schools, where funding tends to be the most limited. H.R. 5 would give them that much-needed local flexibility.

Wisconsin schools are doing a lot of innovative things to prepare their students for success in the 21st-century economy. They know that the nature of work is changing: jobs in manufacturing, where Wisconsin is a leader, require critical thinking, the ability to be innovative and to work with people of varying skill levels, and the ability to communicate effectively. These skills were favorably noted in a 2012 National Research Council report and

in a recent Gallup Poll that found that those who have those skills are twice as likely to have higher work quality than those who don't.

Wisconsin is a member of the Partnership for 21st Century Skills, a coalition of States, education groups, and employers that's working to ensure that students have these critical skills. I hear from educators that these innovative programs help to bring to life the subjects that students are studying in school, oftentimes renewing their focus on core academics. Again, I also hear that schools and districts are hamstrung by their inability to put Federal funds to use in these innovative ways. So I'm pleased that the Student Success Act, through its Local Academic Flexible Grant and in other ways, gives educators the flexibility to pursue these innovative initiatives at the local level.

I would also like to mention the subject of geography, which is a core academic subject under No Child Left Behind, but has never received the same level of support as other core academic subjects. The National Geographic Society has invested millions of its own dollars to help invest in the future of geographic education—a critical investment, given the importance of geography to our national and international well-being. It's critical that geography be on a level playing field with other core academic subjects. This bill accomplishes that goal by letting geography compete equally for funds to enhance the professional development of teachers in this critical subject.

I, again, want to emphasize my support for the rule and the underlying bill.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR), a former member of the Rules Committee.

Ms. CASTOR of Florida. I thank the gentleman for yielding and for his unceasing efforts.

Mr. Speaker, I rise today in strong opposition to this rule and H.R. 5 because the Republican bill fails America's students.

Mr. Speaker, America's public schools are the envy of the world. We're fortunate to live in a country that believes that every child should be educated and given the opportunity to succeed in life. Our public schools are one of the best examples of American values. No matter where a child comes from, no matter what challenges a student faces in life—a disability, autism, poverty—that student can receive a good education.

Our local public schools are largely community-based and locally run; but the Federal Government provides important support, especially for working-class communities and for students with disabilities and learning challenges. We have important work to do

to continue to improve public schools and recruit good teachers; but under this bill, Republicans want to go in the other direction.

The Republican bill before the House today proposes a harsh prescription for students and families who seek better schools and talented teachers. H.R. 5 guts education funding for students and teachers by over \$1 billion below last year's levels at a time when we want high-quality curricula, and States and local school districts have been challenged financially.

Back home in my Tampa Bay area district in Florida, I have over 200 title 1 schools, like Foster Elementary in Hillsborough County and Woodlawn Elementary in Pinellas County. These are students from working-class families. Over 90 percent of these students qualify for free and reduced lunch. It is the longtime compact between the Federal Government and our local schools that ensures support to these students that do not come from wealthy families. The students who attend these schools range from ones with special needs that require title 1 help to work with exceptional education teachers; English Language Learners that need a little extra help from translators; and students with severe emotional behavior disorders.

The Republican bill retreats from these students and the responsibility to education.

No Child Left Behind has been riddled with problems from the start. Its one-size-fits-all policy hasn't worked, but this Republican bill is not the answer. It's a step backward. And I urge my colleagues to oppose the rule and the underlying bill.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to our distinguished colleague from Tennessee, Congresswoman BLACKBURN.

Mrs. BLACKBURN. Mr. Speaker, I want to thank the gentlelady from North Carolina for her excellent work on this measure and all of the work she has done in committee. Dr. FOXX is such a skilled educator. We're pleased to have her in our conference. I know that Chairman KLINE, who has really put a lot of effort into this bill, is so pleased to have her.

I do rise to support H.R. 5. This commonsense bill helps parents, teachers, and students. It will help prepare our children to compete in the global workforce. It helps to right the wrongs of our broken education system by bringing back flexibility to the system and encouraging more effective teaching and learning in our schools.

I have to tell you that as a mother and a grandmother, as a classroom volunteer and a homeroom mother for many years, I know how important it is for our children. And the reason that we are bringing this bill forward is because of concern and in preparing every child to compete.



I'm troubled by a recent report that says the U.S. ranked 18th out of 23 industrialized countries in the quality and quantity of high school diplomas. These are all items that need our attention. The feedback we have gotten through the years from No Child Left Behind's one-size-fits-all mandate does not work. People do not want these decisions being made in Washington. The Student Success Act would fix this by repealing the Federal accountability system and restoring much-needed local control. It would also stop the administration's act of coercing States through Race to the Top funds and into adopting specific national academic standards, otherwise known as Common Core. It would put an end to that.

H.R. 5 would reverse the Federal footprint in our education system by repealing the K-12 waiver schemes and the pet programs that have been put in place. This is the right step that we should take for our students for their success and educational opportunities.

Mr. POLIS. The gentlelady said the U.S. ranks 18th on the quality and quantity of high school diplomas. This bill is a recipe to do even worse—worse on the quality by allowing States to define success and their standards down and worse in the quantity by removing graduation requirements as one of the issues that the Federal Government looks at with regard to the success of State formulas.

I am honored to yield 2 minutes to the gentlewoman from California (Ms. CHU).

Ms. CHU. Mr. Speaker, I rise in strong opposition to the rule and to H.R. 5. This bill radically reduces the role of the Federal Government in education at a time when we need to revitalize our education system. It slashes over \$1 billion in funding to teach our kids. It eliminates accountability in our education system that ensures students graduate from high school and those with special needs don't get left behind.

I am particularly concerned about the impact this bill will have on community services that benefit the students struggling the most. Studies show that when we don't address students' social and economic disadvantages at schools, we undo the work that's achieved by having good skills and teachers with adequate resources. An astounding two-thirds of the achievement gap is due to factors outside of school. Children are more likely to succeed in schools when their comprehensive needs—nutrition, health, and a safe and stable home—are met.

□ 1315

These support systems—sometimes called “wraparound services”—are particularly important for low-performing and low-income schools that greatly benefit from these services.

But instead of supporting programs that are scientifically proven to help

close the achievement gap, H.R. 5 takes away the designated funding for them and lets States do with the money as they please. It completely cuts funding for after-school programs. It eliminates social and emotional programs that help keep our students safe, healthy, and ready to learn. And with the money that's left? There's no guarantee that it will be used to provide these services to students who need them the most.

We shouldn't leave to chance whether a school will care about students beyond their test scores. But this bill sets a dangerous precedent by exempting the Federal Government from responsibility to ensure schools adequately support students and families that face challenges outside of school.

Instead of improving No Child Left Behind, this bill takes us even further backwards. I urge my colleagues to vote “no” on this rule and the underlying bill.

Ms. FOXX. Mr. Speaker, I now would like to yield 4 minutes to my distinguished colleague from Georgia (Mr. COLLINS).

Mr. COLLINS of Georgia. Mr. Speaker, I rise in strong support of the rule as well as the underlying bill, H.R. 5, the Student Success Act.

I want to thank also, as others have, the gentlewoman from North Carolina for her continued leadership on an important issue. And I also would like to commend the gentleman from Colorado on his interest in this legislation as well. Although we differ in opinions on what this legislation would do, I believe it is a conversation that we need to have.

You see, I have had the privilege to be married to a public school teacher for 25 years. I also have three children who are the product of a public school education, one of whom is a special needs child who has spina bifida, who graduated just a few years ago. I was happily there to present her with her diploma when she rolled across that stage.

We can talk about a lot of things today; but when it gets down to it, it's about the kids in our country and how they're educated and what role this body is to play in that. I think that's an honest conversation.

As I speak today as a parent, education policy is near and dear to my heart because I believe our democracy was founded on the principle that every child should have the opportunity to learn. And I believe that the goal of our educational system should be to instill in our children a love for learning that they will carry with them throughout their entire life.

There is nothing I love better than to walk into a room and see my child reading a book—a 14-year-old, a 17-year-old reading a book—or learning. That is what we cry for, as parents.

Whenever I'm home in Georgia, I encounter numerous folks who tell me

their concerns about the endless expansion of our Federal Government—not just its size, but its scope and power. Like the parents and teachers I've heard from lately—and also live with—I'm very concerned about the top-down approach that this administration in Washington seems to be taking on education. Probably the best known example is the Common Core Standards, which has been mentioned already, which Washington wants to use as a national litmus test for States seeking funding. Again, it's a carrot-and-stick approach. When we look at this, is that what we want us to be in the business of doing?

As you will hear further from my colleagues, there is plenty of concern about the content of this so-called Common Core; and I could speak a lot about that, but I choose to focus on one thing and that is, I can't wrap myself around the fact that there are so many who wish to see Washington's role in education expanded and beyond the level it should be, when that role should not exist on the level that it does.

In fact, my friend from Colorado, he made this statement and he said that the Federal Government needs to be an honest referee. I appreciate that. However, I disagree in the fact that using an honest referee to use a carrot-and-stick approach with money and standards is not the way it should work.

I'm old school. As I've said before, I believe the referee on a football field should be not seen, and this goes very much against that. The referee should be there, but not be the center of attention, which Washington has become in education.

Make no mistake, I believe our education system should be a global leader; and in order for our students to be competitive on the world stage, our schools must have high standards.

We have seen firsthand in this country what occurs when our students fall behind in STEM education. That cannot continue to happen. We must raise the bar and demand excellence in our schools. However, education standards should be developed at the State and local level by those intimately familiar with the needs of the children and our educational policy, not from inside the beltway.

The beauty of public education is that every child, regardless of race, gender, religion and geography, has the opportunity to learn. Our Nation is great because our people are great. And if we as a Nation fail our most basic responsibility—providing education for our children—then our people and our Nation will no longer be a shining light in a dark world.

I am proud to be a member of a party that believes that the best educational opportunities exist when the Federal Government gets out of the classroom, when the teachers are allowed to teach

children how to learn, not how to bubble an exam.

I am tired of having to watch my wife for 20-something years worry more about filling out a form than actually having to be able to do her lesson plan the next day because she is inundated with the requirements. I'm proud that we can teach and that we can learn and that we can promote that, not on a Federal level, but on a State and local level.

Current Federal law clearly prohibits Federal approval or certification of academic standards to ensure State and local control over the classroom. Apparently, and unfortunately, this law just doesn't seem to matter up here. They decided that they know better than parents and teachers. As a parent, and as the husband of a school teacher, that thinking doesn't fly with me.

Our education system has its roots in the State and local government for a good reason. No one has a stronger interest in the child's success than his or her parents. No one knows what really works in the classroom like our teachers. The community surrounding a child naturally understands that student's needs and has a deep desire to do what it takes to ensure his or her success. I support the Student Success Act because it places education decision-making where it belongs—in the hands of parents and teachers.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional 30 seconds.

Mr. COLLINS of Georgia. I thank the gentlelady.

Mr. Speaker, there is a lot this country can do to improve education in our Nation and to empower our kids to take on the challenges of the 21st century. But those changes must be considered and debated and adopted by the parents whose children will live with the consequences of those choices.

Decisions of this magnitude rightfully belong not in Washington, but on Main Street, and the Student Success Act rightly restores the proper means of education policymaking in this country.

I strongly support H.R. 5 and support this rule.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, think of the excitement next month as so many young Americans return to school; and what this legislation does, it would greet them with a big cut in funds to our most disadvantaged schools.

I can tell you that in Texas, Governor Perry and his cohorts will redirect these funds from disadvantaged students faster than you can say "oops." And you will find other Governors across America with a similar tepid support for public education—the

same kind of people who have come to this floor and called them "government schools" instead of public schools—you'll find them seeing cuts to disadvantaged students as the easiest way to plug a State budget gap.

While No Child Left Behind is flawed, removing support for economically disadvantaged students is not the way to fix it. At Wheatley Middle School in San Antonio, in one of our poorest neighborhoods, title 1 funding has helped Principal Mary Olison and her team make real progress—a 30 percent improvement in math, reading and science scores; now the district's second best record in attendance; and disciplinary actions have been reduced 75 percent.

Those educators are out there struggling. Now is not the time to remove the support they need to do their very difficult jobs. Cutting this support would turn back the clock on the progress there and across America.

Title 1 funding has already been cut for the next school year. This really is a "leave more students behind act" that will lock in those cuts and allow State diversion of much-needed funds.

And really, this bill turns a blind eye to the achievement gap, to the racial disparities in our classrooms, and it particularly ignores the needs of students who want to learn English by cutting the English Language Learners program, which helps many of our Latino neighbors in Texas.

With the damage that has already been inflicted in my home State to public schools, now is not the time to reduce Federal aid to our schools that are the most disadvantaged.

Mr. Speaker, this bill needs to be sent to detention. It needs to be given an F. It needs to be rejected. It is not the way to strengthen education.

I believe in our public schools as a way to bind our communities together. We need to be investing more, not doing less.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Over the last four decades, the Federal Government's role in elementary and secondary education has increased dramatically. The Department of Education currently runs more than 80 K-12 education programs, many of which are duplicative or ineffective.

As a school board member, I saw how the vast reporting requirements for these Federal programs tie the hands of State and local leaders who want to make the best education available for their students.

Since 1965, Federal education funding has tripled; yet student achievement remains flat. More money is clearly not going to solve the challenges we face in education.

Our children deserve better. It's time to acknowledge more taxpayer dollars and more Federal intrusion cannot address the challenges facing schools.

H.R. 5, the Student Success Act, will streamline the Nation's education system by eliminating more than 70 duplicative and ineffective Federal education programs; cutting through the bureaucratic red tape that is stifling innovation in the classroom; and granting States and school districts the authority to use Federal education funds to meet the unique needs of their students.

The bill also requires the Secretary of Education to identify the bureaucrats in Washington who run the programs to be consolidated or eliminated in H.R. 5 and eliminate those positions to ensure that the bureaucracy shrinks with the programs.

Additionally, this legislation will take definitive steps to limit the Secretary's authority by prohibiting him or her from coercing States into adopting academic standards like the Common Core. It also halts the executive overreach in the waiver process by prohibiting the Secretary from imposing extraneous conditions on States and local districts in exchange for a waiver.

The Student Success Act protects State and local autonomy over decisions in the classroom by removing the Secretary's authority to add new requirements to Federal programs.

Mr. Speaker, Federal policy should not tie the hands of local educators to make the best decisions for their students and communities. H.R. 5 is a step in that direction.

I urge my colleagues to support the rule and the underlying bill, and I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS), the ranking member of the Education and Workforce Subcommittee on Health, Employment, Labor, and Pensions.

Mr. ANDREWS. Mr. Speaker, if a school said that African American children could not take advanced math, it would be wrong and illegal. I think most of us agree if a school said that Jewish children couldn't enroll in a certain program, that would be wrong—and it is illegal.

In most States in this country, though, if a school says that a child who is gay or lesbian or bisexual or transgender, or perceived to be, there is no legal protection for that child. Now, this is not simply a theoretical problem. LGBT children have been bullied and harassed and mistreated across this country. The stories are heartbreaking, and they often end in family tragedy, like suicide.

There is a serious proposal that would remedy this injustice that was sponsored by 156 Members of the House of Representatives and there was an attempt to make that in order for debate and a vote. It should have been, and it was not.

This is a serious issue. Frankly, unless the majority leadership agrees

there would be a separate and independent chance to move that bill, this was the chance to move that bill.

No child should be left behind. Certainly, a child should not be left behind because of their race, their religion, their ethnicity. That should extend to their sexual orientation as well, and we should have had a chance to vote on that.

For that reason and many others, I oppose this rule.

Ms. FOXX. Mr. Speaker, Republicans do agree that schools should be safe places for all students to learn. However, as my friends and colleagues know, the amendment to which they have been referring had several parliamentary problems when it was introduced.

To begin with, it was not germane to the underlying bill.

□ 1330

Additionally, it violated CutGo provisions in House rules. My understanding is that although the CutGo issues were ultimately resolved, the amendment was not redrafted to fix the germaneness problem.

For these reasons, the amendment was not made in order.

Mr. POLIS. Will the gentlelady yield?

Ms. FOXX. No, not until I finish.

However, I appreciate the gentleman's strong feelings on the issue and respect his desire to protect students.

Mr. Speaker, I am proud of this bill, and I'm proud of the open and transparent process by which it has been brought up for consideration.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, what I was going to discuss with the gentlelady is that the CutGo issue was resolved, as she mentioned, and waivers that are routinely granted on a broad variety of amendments simply could have been approved by the Rules Committee, as is customary, and advanced this amendment to the floor.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, let me thank the gentleman for yielding and for his tremendous support.

First of all, I agree that we must take a critical look at No Child Left Behind and address its numerous shortcomings, but the Republican proposal is not the answer.

This bill guts education. It violates the civil rights of students, and it does not support educators. It leaves students with disabilities, low-income students, students of color, English-language learners, migrant students, and LGBT students out in the cold.

The so-called Student Success Act, which really is the Letting Students Down Act—that's what it really is—guts education. It guts it by \$1 billion below the fiscal 2012 level, locking in,

really, these already detrimental sequester cuts. It would fail to support meaningful improvements and reforms at the Nation's lowest performing schools. This bill does not support students, it does not protect students, and in no way does it guarantee access to equal quality public education.

Finally, Mr. Speaker, let me just say, the rule fails to make in order the student nondiscrimination amendment, which would protect lesbian, gay, bisexual, and transgender students across the country from harassment and bullying. Every child deserves these protections.

So we should go back to the drawing board on this bill. We should call it for what it is, and that's "letting students down." That's what this bill does. And we should really look at how we invest in our future through education rather than making it more difficult to improve student achievement.

Once again, this bill begins to erode our system of public education; it violates our students' civil rights; it does not support our teachers and our educators; and finally, let me just say, it fails to prioritize STEM education that would eliminate the Mathematics and Science Partnership program, which really is the only program at the Department of Education focused solely on teacher professional development in STEM subjects.

I hope that we vote against this rule and also the underlying bill.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Our colleagues have said that H.R. 5 guts education funding. That is not accurate. H.R. 5 authorizes funding for all programs under the act as the final appropriated amount for ESEA programs in FY 2013. Those amounts are level-funded for the 6-year life of the bill.

While authorizing spending for the act at the final FY 2013 level, H.R. 5 prioritizes Federal spending by protecting core programs. Title I aid for the disadvantaged, as well as targeted population programs: migrant education, neglected and delinquent, English-language acquisition, Indian education, and rural education are authorized at FY 2012 levels.

Additionally, because the bill consolidates many existing programs, funds currently spent on those lower priority programs have been used to increase the authorization for these core programs. As a result, our bill would authorize more spending—I'll emphasize—more spending for these core programs in FY 2014 than the President's own FY 2014 budget proposal.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 1½ minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I thank the gentleman for yielding.

I rise in opposition to the rule and to the underlying bill. This education bill fails students in so many ways it is difficult to know where to begin.

In addition to putting forth a proposal that will cause so much harm, the majority denied many opportunities for amendments and improvements to the legislation that we are considering today.

Among those amendments that were denied consideration was one offered by the gentleman from Colorado (Mr. POLIS) to prohibit discrimination in public schools based on actual or perceived sexual orientation or gender identity.

The Student Nondiscrimination Act is an important piece of legislation that will protect lesbian, gay, bisexual, and transgender students across our country from harassment and bullying and would hold schools accountable for failing to protect our Nation's children.

The Federal Government has a responsibility, Mr. Speaker, to do all that we can do to ensure the safest and best possible environment in which students can learn. When students are bullied or harassed because of who they are, they are denied the opportunity to achieve their full potential.

Refusing to include provisions of the Student Nondiscrimination Act means we are failing our duty to protect all of our Nation's children and to guarantee them a safe and nurturing environment in which to learn.

Ms. FOXX. Mr. Speaker, H.R. 5 continues the charter school, magnet school, and tutoring programs to provide parents with more choices in educating their children.

Along with parental involvement, encouraging and supporting effective teachers in the classroom is critical to student success in quality education. Most Americans can regale you with stories of their favorite teachers who made a lasting impact on their lives. H.R. 5 also supports the development and implementation of teacher evaluation systems that are designed by States and school districts with input from parents, teachers, school leaders, and other stakeholders.

In addition to evaluation systems, the Student Success Act reduces confusion and duplication by consolidating teacher quality programs into a single, flexible grant program to be used by States in school districts to support creative approaches to recruit and retain effective educators.

The recurring theme throughout this legislation is empowering the people closest to students to make decisions for their communities and ensuring that the law is flexible to meet the needs of diverse States, regions, and student populations.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy.

H.R. 5 takes a U-turn for educational policy.

It is interesting, our friends on the Republican side of the aisle in a farm bill a couple of weeks ago managed to unite environmentalists, farm groups, and taxpayer advocates in unanimous opposition to their proposal, and now they have done it again. They brought together business, education, civil rights groups, and a broad cross-section of organizations that don't agree with each other very often to oppose this bill. In part, it is what happens when you simply refuse to work in a bipartisan and cooperative fashion, as the committee used to do.

I have a very vivid example of the impact of this shortsighted approach. I represent Grant High School in Portland, Oregon. They won the national competition for the U.S. Constitution contest. That project of "We the People" has been zeroed out by Congress, and programs like this are not going to come back if we approve the approach of this bill.

It not only continues to undercut programs for education, the overall spending for education is, in fact, dramatically reduced. It keeps the sequestration cuts. We are going to lose over \$10 million this year in Oregon, for instance. And worse, it locks in the post-sequestration funding level through 2019.

In addition, it takes away protections for key priority programs, dismantling provisions that would ensure equity. This legislation undermines the Federal partnership with the State and local communities to support education. That is why it is opposed by such a wide array of groups and why this House should reject it as well.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

It is really puzzling why our colleagues continue to misrepresent what H.R. 5 does when the public can read the bill and know the truth. For example, our colleagues have said that H.R. 5 eliminates protections for students with disabilities, low-income students, and students from major racial and ethnic groups. This charge is simply false.

The Student Success Act maintains annual testing requirements in reading, math, and science. It also maintains the law's requirement that schools in districts disaggregate and report subgroup data on student performance. This ensures student achievement results for special needs students and other traditionally disadvantaged populations are transparent and parents and communities have the information they need to evaluate their schools properly.

Critics of this approach believe in the now widely discredited premise captured in No Child Left Behind that the

Federal Government can and should devise an accountability system appropriate for all of the nearly 100,000 public schools in the country. Frankly, Mr. Speaker, that is one of the most widespread criticisms of what we have known as No Child Left Behind, which was really a reauthorization of this bill several years ago. It is puzzling to me that they continue to criticize what is bad about what exists and yet say they want to do it again. It doesn't make any sense.

H.R. 5 is based on a different premise that true education reform comes not from the top down, but from the bottom up.

Acknowledging that Washington can't fix schools does not mean we are backing away from our strongly held belief that schools should have standards to which they are accountable and that those standards should be equally applied across all school groups. It means we must empower and trust States and communities, those closest to the classroom, to develop an accountability and school improvement system that best meets the educational needs of their students.

All of the wisdom of the world is not in Washington, D.C., Mr. Speaker. It is out there in the country. It is out there with the local people, with the American people who are very bright and know how to do things for themselves.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to inquire of the gentlelady if she has any remaining speakers.

Ms. FOXX. We do not, Mr. Speaker.

Mr. POLIS. I would like to inquire of the Speaker how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Colorado has 3 minutes remaining.

Mr. POLIS. Mr. Speaker, I yield myself the remainder of the time.

First, in response to the gentlelady's, Ms. FOXX's, allegation that Members on our side of the aisle have misrepresented the bill, that is completely false.

The bill does, in fact, remove the 1 percent cap for students with disabilities. A school district or a State can say, We are not even looking whether students with disabilities are making progress at all. Perhaps we are excluding every child with an IEP; we are excluding every child that receives IDEA funding. Federal funding, for taxpayer money that we are custodians for.

In addition, it allows States to define success downward. Rather than having meaningful college and career-ready standards, a State can simply say, We write our standards such that we are going to make all of our students brilliant because they are all going to pass it, then we are going to pat ourselves on the back and say, "Job well done." Those kids might not be ready for college and they might not be ready for

careers. We, as a nation-state, cannot afford not to do better with regard to serving our public kids.

This bill slashes education funding. I don't know how you call moving \$3.6 billion worth of programs into a \$2 billion block grant anything less than slashing education funding.

What is being eliminated? School improvement grants, turning around some of our lowest performing schools and giving them the opportunity to succeed. Race to the Top, which has encouraged reforms at the State level, including my home State of Colorado, which replaced teacher tenure with an evaluation system, with bipartisan support.

□ 1345

Investments in innovation: replacing these important, tangible programs that are some of the highest-leveraged dollars that the Federal Government spends, which is amorously block-granting money to States, sending more money into the "system" without any reforms or any accountability required.

As elected officials who are concerned about our Nation's welfare and as providers of 10 percent of education funding, we in the Federal Government have an obligation to provide transparency and accountability and, yes, to be a referee in the K-12 education system. We have an obligation to ensure that schools cannot fail kids year after year. We cannot retreat from the goals of No Child Left Behind, and while it was flawed, it has shined light on achievement gaps for minority and low-income students, and has unleashed State- and local-based reforms that we are just beginning and continue to benefit from. We need to use what we have learned from our experiences under No Child Left Behind to build on what reform-minded States and districts are doing. We need to encourage flexibility, improve and streamline the Federal role, invest in what works, and change what doesn't work.

I look forward to working together across the aisle to provide more transparency, accountability and to ensure funding equity in our Nation's schools. H.R. 5 would bring us back to a time in which adults had every incentive to hide poor student performance and students were left to attend failing schools for generations—without choice and without recourse.

Mr. Speaker, I urge my colleagues to vote "no" and defeat this partisan bill. I urge a "no" vote on this restrictive rule and the bill. I encourage my colleagues to move forward in improving our public education system.

I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Many of my Republican colleagues and I feel that the Federal Government

should be out of education altogether, but that is not what we are recommending here. Rather, H.R. 5 is a reasonable first step in empowering the people closest to the students to make decisions for those students.

That being said, as long as taxpayer money is being used by the Federal Government to fund education, Congress must ensure that funding recipients are being held accountable for how they use that hardworking taxpayer money. Washington must live within its means just as families all across this country do, and limited resources require wise stewardship. Again, those closest to the students—parents, teachers, principals, local school boards, school district leaders, and States—know what works best for their diverse student populations.

The Student Success Act recognizes this by allowing States to develop their own accountability systems that incorporate three broad parameters: an annual measure of the academic achievement of all public school students against State academic standards; an annual evaluation and identification of the academic performance of each public school in the State based on student academic achievement; a school improvement plan to be implemented by school districts when schools don't meet the State standards. These broad accountability measures not only serve to steward taxpayer money carefully but ensure parents have the information needed to make the best decisions about their schools' education.

Let's give control back to the people who know the needs of their students and communities best, and let's pass this rule and underlying bill. We tried it the other way, and it hasn't worked. Control from Washington has not brought us improvement in our educational programs.

Mr. Speaker, my background as an educator, school board member, mother, and grandmother reinforces my belief that students are best served when people at the local level are in control of education decisions. I also believe that education is the most important tool Americans at any age can have. I was the first person in my family to graduate from high school and go to college, where I worked full time and attended school part time. It took me 7 years to earn my bachelor's degree, and I continued to work my way through my master's and doctoral degrees.

From my own experience, I am convinced this is the greatest country in the world for many reasons, not the least of which is that a person like me, who grew up extremely poor in a house with no electricity and no running water, and with parents with very little formal education and no prestige at all, could work hard and be elected to the United States House of Representatives.

No legislation is perfect, and that is why I look forward to working with my

colleagues to address their concerns and improve the Student Success Act through the amendment process. However, I have never been one to let the perfect be the enemy of the good, and while H.R. 5 isn't perfect, it's a step in the right direction of reducing the Federal role in education, empowering parents, teachers and local school districts, and increasing local control. That's why I am a proud cosponsor of this legislation, and I urge my colleagues to vote in favor of this rule and the underlying bill.

I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 303, if ordered, and on approval of the Journal.

The vote was taken by electronic device, and there were—yeas 232, nays 192, not voting 9, as follows:

[Roll No. 364]

YEAS—232

Aderholt  
Alexander  
Amash  
Amodei  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cotton  
Cramer  
Crawford  
Crenshaw

Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Foxx  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzer  
Hastings (WA)  
Heck (NV)

Hensarling  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
King (IA)  
King (NY)  
Kinston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino  
Massie  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan

Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Peters (CA)  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)

Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)

Southerland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

NAYS—192

Andrews  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (NY)  
Bishop (GA)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Ciilline  
Clarke  
Clay  
Clever  
Clyburn  
Cohen  
Connolly  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DeBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge

Gabbard  
Gallego  
Garamendi  
Garcia  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Honda  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loebach  
Lofgren  
Lowenthal  
Lowey  
Lujan Grisham (NM)  
Luján, Ben Ray (NM)  
Lynch  
Maffei  
Maloney  
Maloney, Sean  
Matheson  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks

Meng  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Nolan  
O'Rourke  
Owens  
Pascarell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters (MI)  
Petersen  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Richmond  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen

Vargas  
Veasey  
Vela  
Velázquez  
Visclosky

## NOT VOTING—9

Conyers  
Diaz-Balart  
Herrera Beutler

## □ 1416

Messrs. RANGEL, GARCIA, and Ms. GABBARD changed their vote from “yea” to “nay.”

Mr. TURNER and Ms. SINEMA changed their vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 230, nays 190, not voting 13, as follows:

[Roll No. 365]

## AYES—230

Aderholt  
Alexander  
Amash  
Amodei  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cotton  
Cramer  
Crawford  
Crenshaw  
Culbertson  
Daines  
Davis, Rodney  
Denham

Dent  
DeSantis  
DesJarlais  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gabbard  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffin (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzer  
Hastings (WA)  
Heck (NV)  
Hensarling  
Holding  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt

Waxman  
Welch  
Wilson (FL)  
Yarmuth

Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita

## NOES—190

Andrews  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Clever  
Clyburn  
Cohen  
Connolly  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutsch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gallego  
Garamendi  
Garcia  
Grayson  
Green, Al

Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Honda  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Schakowsky  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowe  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Matheson  
Matui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Nolan  
O'Rourke

Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stivers  
Stockman

Stutzman  
Terry  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

## NOT VOTING—13

Brale (IA)  
Conyers  
Diaz-Balart  
Herrera Beutler  
Holt

Horsford  
Hudson  
Lynch  
McCarthy (NY)  
Negrete McLeod

Pallone  
Stewart  
Young (FL)

## □ 1424

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HUDSON. Mr. Speaker, on rollcall No. 365, I was unavoidably detained. Had I been present, I would have voted “aye.”

Mr. BRALEY of Iowa. Mr. Speaker, on rollcall No. 365, had I been present, I would have voted “no.”

## THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 278, nays 143, answered “present” 1, not voting 11, as follows:

[Roll No. 366]

## YEAS—278

Aderholt  
Alexander  
Amodei  
Bachmann  
Bachus  
Barber  
Barletta  
Barrow (GA)  
Barton  
Beatty  
Becerra  
Bentivolio  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonamici  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Brown (FL)  
Brownley (CA)  
Buchanan  
Bustos  
Butterfield  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cotton  
Cramer  
Crawford  
Crenshaw  
Culbertson  
Daines  
Davis, Rodney  
Denham

Cole  
Collins (NY)  
Cook  
Cooper  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Culbertson  
Cummings  
Daines  
Davis (CA)  
Davis, Danny  
DeGette  
DeLauro  
DelBene  
Delskamp  
Dent  
DesJarlais  
Deutsch  
Dingell  
Doggett  
Doyle  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Engel  
Enyart  
Eshoo  
Esty  
Farenthold  
Farr  
Fattah  
Fincher  
Fleischmann  
Forbes  
Fortenberry  
Foster  
Frankel (FL)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gabbard  
Gallego  
Goodlatte  
Gosar  
Gowdy  
Granger  
Grayson

Griffith (VA)  
Grimm  
Guthrie  
Hahn  
Hall  
Hanabusa  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (WA)  
Hensarling  
Higgins  
Himes  
Hinojosa  
Huelskamp  
Huffman  
Hultgren  
Hunter  
Hurt  
Issa  
Johnson (GA)  
Johnson, Sam  
Jones  
Kaptur  
Keating  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Kildee  
King (IA)  
King (NY)  
Kingston  
Kline  
Kuster  
Labrador  
LaMalfa  
Lamborn  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latta  
Lipinski  
Loeb sack  
Lofgren  
Long  
Lowenthal

Lucas  
Luetkemeyer  
Lujan Grisham (NM)  
Lujan, Ben Ray (NM)  
Lummis  
Marino  
Massie  
Matsui  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meadows  
Meehan  
Meeks  
Meng  
Messer  
Mica  
Michaud  
Miller (MI)  
Miller, Gary  
Moran  
Mullin  
Murphy (PA)  
Nadler  
Napolitano  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Palazzo  
Pascarell  
Payne  
Pelosi

Perlmutter  
Perry  
Peters (CA)  
Petri  
Pingree (ME)  
Pittenger  
Pitts  
Pocan  
Polis  
Pompeo  
Posey  
Price (NC)  
Quigley  
Rangel  
Ribble  
Rice (SC)  
Richmond  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rokita  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Roybal-Allard  
Royce  
Ruiz  
Runyan  
Ruppersberger  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schiff  
Schneider  
Schock  
Schrader  
Schwartz  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner

## NAYS—143

Amash  
Andrews  
Barber  
Barr  
Bass  
Benishek  
Bera (CA)  
Bishop (NY)  
Brady (PA)  
Braley (IA)  
Broun (GA)  
Bucshon  
Burgess  
Capuano  
Cárdenas  
Cartwright  
Castor (FL)  
Chu  
Coffman  
Cohen  
Collins (GA)  
Conaway  
Connolly  
Costa  
Cotton  
Courtney  
Crowley  
Davis, Rodney  
DeFazio  
Delaney  
Denham  
DeSantis  
Duckworth  
Duffy  
Edwards  
Ellison  
Fitzpatrick  
Fleming  
Flores  
Foxy  
Garamendi  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson

Gingrey (GA)  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Gutiérrez  
Hanna  
Hastings (FL)  
Heck (NV)  
Holding  
Honda  
Hoyer  
Hudson  
Huizenga (MI)  
Israel  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (OH)  
Johnson, E. B.  
Jordan  
Joyce  
Kilmer  
Kind  
Kinzinger (IL)  
Kirkpatrick  
Lance  
Latham  
Lee (CA)  
Levin  
Lewis  
LoBiondo  
Lowey  
Lynch  
Maffei  
Maloney  
Carolyn  
Maloney, Sean  
Marchant  
Matheson  
McDermott  
McGovern  
Miller (FL)  
Miller, George  
Moore  
Mulvaney

Serrano  
Sessions  
Shea-Porter  
Sherman  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Speier  
Stewart  
Stutzman  
Swalwell (CA)  
Thornberry  
Titus  
Tonko  
Tsongas  
Upton  
Van Hollen  
Vargas  
Wagner  
Walorski  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weber (TX)  
Webster (FL)  
Welch  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Yarmuth  
Yoho  
Young (IN)

Murphy (FL)  
Neal  
Nolan  
Pastor (AZ)  
Paulsen  
Pearce  
Peters (MI)  
Peterson  
Poe (TX)  
Price (GA)  
Radel  
Rahall  
Reed  
Reichert  
Renacci  
Rigell  
Rogers (MI)  
Rohrabacher  
Rooney  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Sewell (AL)  
Sires  
Slaughter  
Smith (MO)  
Southernland  
Stivers  
Stockman  
Takano  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tiberi  
Tierney  
Tipton  
Turner  
Valadao  
Veasey  
Vela  
Velázquez

Visclosky  
Walberg

## ANSWERED "PRESENT"—1

Owens

## NOT VOTING—11

Conyers  
Diaz-Balart  
Gohmert  
Grijalva

Herrera Beutler

Holt

Horsford

McCarthy (NY)

Yoder  
Young (AK)

Negrete McLeod

Pallone

Young (FL)

□ 1432

So the Journal was approved.

The result of the vote was announced as above recorded.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 580

Mr. MEEKS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 580.

The SPEAKER pro tempore (Mr. WEBSTER of Florida). Is there objection to the request of the gentleman from New York?

There was no objection.

## STUDENT SUCCESS ACT

## GENERAL LEAVE

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 303 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5.

The Chair appoints the gentleman from Washington (Mr. HASTINGS) to preside over the Committee of the Whole.

□ 1434

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. KLINE) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. KLINE. Mr. Chairman, I rise today in strong support of H.R. 5, the Student Success Act, and yield myself as much time as I may consume.

The Student Success Act will take a critical step toward real reform of our education system. This legislation will restore local control, empower parents, eliminate unnecessary Washington red tape and intrusion in schools, and support innovation and excellence in the classroom.

As chairman of the House Education and the Workforce Committee, I've heard countless stories of the amazing progress being made in schools across the country. This success isn't due to heavy-handed dictates from Washington; rather, it reflects the work of dedicated parents, teachers, principals, superintendents, and State officials who decided the status quo is just not good enough for our kids.

In dozens of committee hearings over the last few years, my colleagues and I have had the honor of speaking with many of these reformers. We learned about the groundbreaking programs and initiatives they've implemented to serve students more effectively.

We listened to the ways they are working to hold schools more accountable, not just to the government but to their local communities and families. And we heard impassioned stories of how much more these dedicated reformers would do for our children if not for the slew of onerous Washington mandates and outdated regulations standing in the way.

Our children deserve better. But instead of working with Congress to fix the problems in current K-12 education law, the Obama administration chose to go rogue, granting temporary waivers in exchange for implementing the President's preferred reforms. Thirty-nine States and the District of Columbia are now beholden to new Federal standards crafted without congressional consent, representing an unprecedented expansion of Federal control over our Nation's classrooms.

It's time for a new way forward, Mr. Chairman, that starts with passage of the Student Success Act. This commonsense legislation reflects what we've learned from parents, teachers, and education leaders nationwide, and embodies four principles vital to a stronger education system in which all students have the opportunity to succeed.

First, the bill before us today will reduce the Federal footprint in our classrooms. For too long, Federal overreach has tied the hands of American educators. The Student Success Act will put an end to the administration's convoluted conditional waiver scheme and take concrete steps to rein in the Secretary of Education's authority.

The legislation also will eliminate more than 70 Federal programs, end the rigid Federal accountability metrics and overly prescriptive school improvement requirements, and grant States the freedom to develop their own plans to raise the bar, all of which



will help ensure a more focused, streamlined, and transparent Federal role in the Nation's education system.

Second, the legislation will restore local control by providing States and school districts the flexibility they need to spend Federal funds where they are needed. School leaders know best which programs and initiatives will have the greatest benefit for their students' achievement. We must support policies that encourage more local decisionmaking and allow these knowledgeable school leaders and administrators to do what they do best: educate America's children.

Third, the Student Success Act recognizes a better education system cannot come without better educators. The legislation will eliminate Federal requirements that value credentials over a teacher's ability to educate students. Instead, States or school districts should develop their own evaluation systems based, in part, on student achievement, ensuring teachers can be judged fairly on their effectiveness in the classroom.

Finally, the Student Success Act will empower parents. No one has a better understanding of a child's strengths and challenges than his or her parents, and no one—no one—is more invested in making sure their child achieves his or her full potential. H.R. 5 provides parents more freedom and choice by reauthorizing and strengthening the Charter School Program and improving tutoring and public school choice initiatives.

We have an opportunity before us today, for the first time in more than a decade, to approve new K-12 education legislation in the House of Representatives. We have an opportunity to lend our support to legislation that will tear down barriers to progress and grant States and districts more freedom to think bigger, innovate, and take whatever steps are necessary to put more children on the path to a brighter future.

I urge my colleagues to join me in taking this critical step toward real reform, and ask you to vote "yes" on the Student Success Act.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I yield myself 5 minutes.

Mr. Chair, I rise in opposition to H.R. 5, the Letting Students Down Act.

H.R. 5 is supposed to be the reauthorization of the Elementary and Secondary Education Act and a rewrite of No Child Left Behind. The Elementary and Secondary Education Act was born out of *Brown v. Board of Education*. It is our Nation's education law, but it is fundamentally a civil rights law.

H.R. 5 runs our country in the opposite direction from those civil rights promises. This bill guts funding for public education. It abdicates the Federal Government's responsibility to ensure that every child has the right to

an equal opportunity and a quality education. And it walks away from our duty to hold school systems accountable to students, parents and taxpayers.

For decades, providing all children with a quality education has been considered such a critical national priority that we have always found a way to come together in a bipartisan fashion to reauthorize and to update the Elementary and Secondary Education Act.

We all recognize that a good education is a great equalizer, no matter where you come from, and it is necessary for a strong economy and a vibrant democracy. Each reauthorization of the Elementary and Secondary Education Act, in its own way, has moved our national education system forward.

That's why now-Speaker JOHN BOEHNER and I worked with then-Senator Ted Kennedy and President George W. Bush in crafting the No Child Left Behind Act more than a decade ago. We agreed that there was a soft bigotry of low expectations in our education system. We agreed that schools were hiding low achievement by some students by using the averages of performance in the schools, and it was wrong. Parents wanted to know how their child was doing, not how the average child in the school was doing.

No Child Left Behind turned the lights on inside our Nation's schools. For the first time, parents could see whether or not their schools were actually teaching all students. Were they serving their student?

And in the decade since the law has been in effect, the evidence is irrefutable that all kids can learn, given the opportunity to succeed, regardless of their background, just given a chance.

However, as someone who has listened to experts in communities across the Nation and its pros and cons, I recognize that we now need to modernize the education law, No Child Left Behind, with fundamental changes. No Child Left Behind is very much the education reform of the past. It is inflexible, and encouraged some to lower their standards, to reduce their standards, to dumb down their standards, which this Nation cannot tolerate.

That's why it's time to rewrite this law, to embrace the principle that all students can learn if they're given an opportunity, and to encourage high standards that meet the needs of the 21st century global economy.

Unfortunately, H.R. 5 moves our education system in the wrong direction for students and schools already struggling under a broken system, and lets American kids down at a critical time.

H.R. 5 lets our students down by not guaranteeing all students have access to world-class, well-rounded educational opportunities needed to compete in a global economy.

It lets our students down by locking sequestration cuts into education fund-

ing. It allows funds to be moved away from schools with the most poverty, and removes the requirements of States and districts to adequately fund their schools.

It lets down students with disabilities by allowing schools to lower their standards for educating these children. And it lets our students down by not building on a broad consensus that we should continue to demand high standards of all students.

An extraordinary cross section of business, labor, civil rights, disabilities and education groups are opposing this bill because it lets our Nation's children down. It lets our economy down.

The National Center for Learning Disabilities says that this bill would dramatically alter the academic landscape for students with disabilities, jeopardizing their ability to graduate from high school or to go to college or to obtain employment.

□ 1445

The Leadership Conference on Civil Rights believes that the merit of an education bill is determined by its treatment of the most disadvantaged among us. Yet H.R. 5 permits Federal funds targeted for this vulnerable group of students, such as English language learners and Native American students, to be reallocated for other purposes.

The business community opposes this bill. The U.S. Chamber of Commerce is disappointed that the bill "does not demand targeted support and real improvement for students stuck in low-performing schools or for students whose schools are not teaching them the basics in reading and math."

I agree with these concerns. This bill is a huge step outside the mainstream consensus and an even bigger step backward for our Nation's students. We should be embracing the drive towards high standards across this country and ensuring that all of our children in all States benefit from this improved education system.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield myself an additional 30 seconds.

I hope that my colleagues on the other side of the aisle will agree that a bipartisan Elementary and Secondary Education Act authorization is the right process we should move forward. This is about every child in our country getting the education they deserve, regardless of poverty, disability, or other challenges. To walk away from that commitment means letting our students down, letting the parents down, and letting down taxpayers who demand accountability. It means letting down teachers who deserve support. It means letting down businesses who are counting on our school system to produce college- and career-ready graduates. It means letting down our future.

We can do better than this. We can do it way better than this. I urge a “no” vote on H.R. 5, and I reserve the balance of my time.

Mr. KLINE. Mr. Chair, I am very pleased to yield 4 minutes to the chairman of the Subcommittee on Early Childhood, Elementary, and Secondary Education, the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. Mr. Chairman, I stand today in support of parents, teachers, and our communities. I stand in support of local government versus Federal Government. And most importantly, I stand in support of our children and urge my colleagues to pass the Student Success Act.

I want to thank the distinguished gentleman from Minnesota for his leadership and the members of the Committee on Education and the Workforce for their efforts in writing this legislation.

The Student Success Act is a huge step forward that empowers parents and teachers to make decisions regarding the education of our children while maintaining high expectations and measuring teacher effectiveness. For far too long, Federal education bureaucrats have sucked up needed education dollars and hamstrung our teachers, but they’ve done little to improve education in our Nation. And now they want what really amounts to a national curriculum. But is there any doubt bureaucratic red tape and a one-size-fits-all approach have left far too many of our children behind?

We wrote this legislation because we believe that parents and teachers care for our children more than career bureaucrats at the Department of Education. We trust parents. We trust ourselves. We trust the States and our communities to determine what success is and how best to achieve it.

Recently, I had the opportunity to visit the SENSE Charter School in my home State of Indiana. What I saw in the students there was nothing short of young people who were reaching and even exceeding their potential. What that visit also showed—and I’ve seen it in other schools and read it in letters I’ve received and saw it again as recently as this week at the Two Rivers Charter School in Washington, D.C.—was that, when given a choice, Mr. Chairman, parents will put their children in the schools that best fit their education needs and not the bureaucrats. Choice works. And funding shouldn’t be tied to cookie-cutter Washington standards. It should be about what works and what doesn’t work.

SENSE Charter School was just one more example of the fact that the best ideas don’t come from the top down, don’t come from Congress, or even from the executive branch. They come from those who know and care the most about our children—and that’s

parents and communities. It’s time to step back and truly ask what’s best for our children and families.

I came to Washington as part of a new crew who came here to change how Washington does business. The Student Success Act is certainly different by Washington standards, as we’ve just heard. Those on the other side of the aisle always advocate education policy that tells us as parents and as teachers that Washington knows best and that problems can only be solved with a new program and a bigger bureaucracy. This is nothing short of arrogant, Mr. Chairman. Frankly, it’s pessimistic. It’s pessimistic because it says that, when given the opportunity to make decisions in the best interest of children, parents will fail and that Washington is smarter.

I’m an optimist, and I’m also a realist. We are optimistic that parents know what is best for their children. They need us to cut the Washington red tape blocking their way. And for our optimism we are likely to be the subject of demagoguery during this debate. Critics will say we want to harm children by cutting funding from a massive bureaucracy in Washington. We just heard some of that. Of course, they ignore the track record of a bureaucracy that treats our children as nothing more than nameless, faceless statistics; a bureaucracy that demands we continue throwing good money after bad because these false arguments have been around for far too long.

If we are to truly be a society that prioritizes education and the success of our children, we must no longer blindly throw money away. We must trust in parents and teachers to know what is best for students, not the President and not the Secretary of Education. This bill does that.

The CHAIR. The time of the gentleman has expired.

Mr. KLINE. I yield the gentleman an additional 30 seconds.

Mr. ROKITA. The Student Success Act empowers parents and teachers, maintains high standards and measures of teacher effectiveness, reduces the enormous footprint of the Federal education bureaucracy, and finally gives parents, teachers, and States the flexibility they need, Mr. Chairman, in setting curriculum and educating our children.

I urge, again, all of my colleagues to support this bill.

Mr. GEORGE MILLER of California. Mr. Chair, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

Mr. ANDREWS. Mr. Chairman, 11 years after *Brown v. Board of Education* presented an unfulfilled promise, in 1965 the Congress passed a law that said that we should have Federal resources for the children that were achieving the least in America’s most

difficult schools, many of whom were children of color. For 35 years after that, the essential strategy of the Elementary and Secondary Education Act was to send Federal money to these schools and hope that they tried their best. It didn’t work.

In 2001, in a truly bipartisan effort led by Chairman MILLER at the time; Speaker BOEHNER, who was chairman of the committee at the time; the late Senator Kennedy; President George W. Bush and others got together and said, We’re going to keep the resources flowing, but we’re going to expect results. We’re going to measure whether children can read and calculate, and we’re going to see what happens. In the first 5 years after that law passed, there were more gains than had been made in the previous 15 years for African American and Latino children.

We hit a wall in about 2005. Rather than think about why that wall was hit and how we could work together to fix it, this bill goes in a whole different direction backwards to 1965. This bill essentially says: no strings attached, here’s billions of dollars to local schools. We trust and hope that you will do your best. I think most of them will. But history shows that some of them won’t. And when they leave behind African American children, leave behind Latino children, leave behind children with disabilities, that’s not good enough for them, and that’s not good enough for our country.

We should oppose this bill.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to the gentlelady from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank the chairman for yielding.

Mr. Chairman, like many of my colleagues, I support H.R. 5, the Student Success Act. I believe that States and school districts should be empowered to set their own priorities when educating our Nation’s children. I also believe in supporting Florida’s parents, teachers, and administrators to make sure that they have the resources necessary to give our children a world-class education, including in civics.

Civics education, Mr. Chairman—the study of the rights and the duties of citizenship under our government—is an essential component to sustaining our constitutional democracy. There is no more important task than the development of an informed, effective, and responsible citizenry.

According to the 2010 National Assessment for Educational Progress—our Nation’s report card—only 24 percent of high school seniors scored proficient in civics. That means that they had problems with the U.S. Constitution, civil rights, our social system, and our court system. Only 22 percent of eighth graders scored proficient, meaning that they could not recognize the role performed by the Supreme Court or identify the purpose of the Bill of Rights.

Civics education programs like Close Up aim to improve the dismal results by allowing students and their teachers to participate in activities here in our Nation's Capital to increase civic responsibility and a true understanding of the Federal Government. Civic engagements activities are essential. They're important for underserved populations like in my congressional district. I support programs that allow elementary school and secondary school students to improve academic achievement through civics education.

So I'm glad that the Student Success Act empowers States and school districts to determine their own priorities, and I urge support for specific programs like civic education.

Mr. GEORGE MILLER of California. Mr. Chair, I yield 1½ minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chair, I rise in strong opposition to H.R. 5, a bill which denies America's children access to high-quality education and a chance to lead successful and prosperous lives.

Mr. Chairman, I chose not to offer any amendments today because I believe this Republican bill is beyond repair and would exacerbate existing inequities in public education, causing irreparable harm to disadvantaged students. H.R. 5 slashes education by over \$1 billion next year by locking in the sequester funding levels at a time when our Nation's schools are becoming increasingly diverse. Now more than ever our Nation's public schools need increased Federal funding to prepare all students for college careers and to equip them with a well-rounded education. To make matters worse, the Republican bill removes the Maintenance of Effort requirement in current law that ensures that States maintain education funding.

Simply put, this is no time to gut critical education funding for America's children. This Republican bill abandons the Federal Government's historic commitment to educating disadvantaged populations. H.R. 5 block grants vital programs targeted for English language learners; migrant children; neglected and delinquent youth; and Indian education; and allows States and districts to siphon away these Federal funds and use them for other purposes.

This Republican bill has no expectation that all students graduate from high school and are prepared for college and careers. More to the point, H.R. 5 does not require States to set college- and career-ready standards and eliminates performance targets for all students.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman an additional 30 seconds.

Mr. HINOJOSA. I am concerned that this Republican bill walks away from

English language learners by removing measurable performance targets for content mastery and second language acquisition. Furthermore, it is failing to require native language assessments for English language learners.

In a globally competitive world, all students must be equipped with the skills they need to succeed in school and life. I urge my colleagues on both sides of the aisle to join me in opposition to H.R. 5.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to a member of the committee, the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. I would like to thank the chairman for yielding. I am very grateful to Chairman JOHN KLINE and Subcommittee Chairman TODD ROKITA for their leadership on this very important issue for our children.

Mr. Chairman, big government often creates big problems. Our education system needs limited government reform. Having access to the highest quality education paves the path for tremendous opportunity, success, and fulfillment. Locally elected school boards, hardworking teachers, school administrators, and active parents know what's best for our children's education needs, not Washington bureaucrats.

The passage of today's bill, the Student Success Act, will promote our education system by limiting Washington's influence so that our leaders on the local level and classroom teachers have the power to make decisions to help America's children succeed.

South Carolina's Second District has a wide range of diverse school districts. We have children from all backgrounds of life—wealthy, poor, rural, and urban communities. As an appreciative husband to a retired schoolteacher, I've seen firsthand what we need to do to help our children succeed. The best way to adequately prepare our children for the future is to empower our locally elected school boards, who are responsive to input from parents and teachers.

□ 1500

What works in suburban Lexington communities may not work in rural Barnwell County.

The President's pushing of government education neglects our young people and maintains ineffective, status quo education practices. We must change course.

It is time for a different, common-sense approach. We must reform our education system in order to provide a brighter future for our children and grandchildren.

I urge my colleagues on both sides of the aisle to support this piece of legislation. By putting faith in our educators, school board members, parents and administrators, we can give every

child what he or she deserves—quality education to fulfill their dreams.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, this bill fails to enact real reform, put students first, or invest in a well-educated and highly trained workforce. In particular, it neglects to hold schools accountable for student success and does not invest in quality teacher education development programs.

Of additional concern is that H.R. 5 reverses decades of protections for students with disabilities. Now, I cannot support a bill that undoes so much of what we have fought for and accomplished over the past 30 years. Instead, I'll support the substitute offered by Ranking Member MILLER, which addresses many of the concerns that I have and with whom I was proud to work on a provision which includes comprehensive career counseling as an allowable use of local funds.

As cochair of the Career and Technical Education Caucus, I know that school counselors play a critical role in helping students move into careers that meet their individual needs, whether it's at a 4-year university, a 2-year degree, or professional certification.

I believe that the ranking member's provision is the best way to go, and I do thank the ranking member for offering his amendment.

Mr. KLINE. Mr. Chairman, I yield 2 minutes now to the chairman of the Subcommittee on Health, Employment, Labor, and Pensions, the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I thank the chairman for yielding.

Mr. Chairman, I rise in strong support today for the Student Success Act, H.R. 5.

The goal of increasing accountability within education under No Child Left Behind was a worthy one, but the reality of the law is that there is too much Federal control and too many mandates put upon our States, our local school administrators, and our teachers. Our bill today makes needed reforms that will move us closer to our shared goal of ensuring every American child receives a quality education.

Under the Student Success Act, we are giving States and school administrators the flexibility to meet the unique local needs they understand far better than Washington bureaucrats.

I have listened carefully to the concerns of teachers in Tennessee's First District; And if there's one thing I've learned, it's that the current accountability mechanisms undermine parents' confidence in their schools without providing any useful information—and by the way, my next-door neighbor is an elementary school principal

whom I speak to regularly about these things.

Today, we are eliminating Adequate Yearly Progress, a well-intentioned, but unworkable, accountability metric, and repealing the Highly Qualified Teacher requirement in favor of State and local teacher evaluation systems. The effectiveness of a teacher should be judged by how well students learn, not how many credentials are hanging on a wall.

Right now, there is a confusing web of overlapping programs, and we need to step back and ask a simple question: Are these programs actually meeting the needs of the students? That's why we create a Local Academic Flexibility Grant, which replaces 70 of these overlapping and often ineffective programs with one flexible grant to States. With this grant, States and school districts can help ensure local challenges are met.

Because we have too many kids trapped in failing schools, this bill strengthens charter schools, which have become a viable educational option for thousands of hardworking students without other options.

Finally, in recent years, the administration has been able to coerce States into adopting reforms using what is known as the Common Core Standards Initiative by offering waivers from current law. Many are concerned Common Core could become the foundation for a national curriculum. This bill will prevent States from being required to adopt Common Core and ensures that States will be able to choose which reforms they want to enact.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, we all agree that No Child Left Behind is outdated. A diverse coalition of education, of business, and of civil rights leaders also agree that H.R. 5 is not the right answer.

H.R. 5 fails on all measures to promote educational equity, provide a well-rounded education, and help struggling schools succeed.

It fails our hardworking teachers by creating evaluation systems without providing professional development.

It fails to make the right investments by block granting critical programs and locking in across-the-board cuts.

What kind of a message does this bill send to our future leaders, to our scientists, our teachers and innovators?

Investing in education, well, it's not just good for our economy and our competitiveness. It is key to our national security, as generals and admirals have expressed to me through my work as ranking member of the Armed Services Personnel Subcommittee.

So now, more than ever, we can't afford to let our kids down. I urge my colleagues to say "no" to H.R. 5.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to the chairman of the Workforce Protection Subcommittee, the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. I thank my chairman.

Mr. Chairman, our children are being held back by an outdated, cumbersome, and overbearing Federal system. It's clearly not working. Statistics show that only 34 percent of our eighth graders are proficient in reading and nearly one in four high school students fails to graduate on time.

For the last 40 years, we have not seen any significant improvement in students' math, English and science scores. These results are especially frightening at a time when we are spending three times more on education than we did in 1970.

Since then, the Federal Government's arm has extended even further into local school districts, leaving teachers and parents restricted by a growing number of rules and costly requirements. In one of the worst examples of this, the Department of Education has chosen to grant States waivers from a failing policy, but only if those States decided to adopt standards deemed necessary by Washington bureaucrats and not by Congress, let alone their educators.

Students and parents need real solutions with freedom and choice, not short-term fixes with more Federal intrusion. We need to get the Federal Government out of the way and instead work with the teachers, parents, superintendents, and State leaders who are already working hard to raise the standards of our schools in Michigan and throughout the Nation.

The Student Success Act's emphasis on increased State and local control by people closest to our kids will help put more students on a course for a successful future.

As a parent and grandparent, I encourage my colleagues to support the Student Success Act.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I rise in opposition to the underlying bill on behalf of an entire generation of south Florida's children.

The stakes could not be higher. Our K-12 public education system is essential for preparing the next generation of Americans to excel in life and to compete for the high-skilled, high-wage jobs in the global economy. It's why access to quality public education has been a central priority for me throughout my legislative career. Yet faced with this national priority, the bill before us is a step backward, not forward. It locks in \$1.3 billion of irresponsible sequester cuts, including tens of millions of dollars that will come

straight out of the classrooms of Broward and Miami-Dade Counties, which I represent.

For an outstanding teacher like Joan Rapps at Mirror Lake Elementary in Broward County, it means fewer resources for her second graders, less extra help, and fewer opportunities to develop as a professional as she strives to help our students rise above all hurdles. We cannot allow this to happen.

This Congress could be working to make it possible to have an excellent teacher in every classroom, engage parents, and empower educators with the resources they need to help every child achieve success. Sadly, with this bill, we are doing the opposite.

Mr. KLINE. Mr. Chairman, I yield 1 minute now to a member of the committee, the gentleman from Arizona (Mr. SALMON).

Mr. SALMON. Mr. Chairman, I rise in strong support of H.R. 5, the Student Success Act. This is the first real glimmer of sanity and common sense on Federal education policy probably in the last 20 or 30 years. I congratulate the chairman.

As one of the speakers said before me, in the last 30 years, our international standing on STEM classes and math and science has gone from first place—I believe we're somewhere between 10th and 15th place on the international test scores.

I used to listen to an adage from my father where he said if you keep doing what you're doing, you're going to keep getting what you're getting. We've had this encroachment of Federal Government time and time again in education policy. It doesn't work. This gives the flexibility to put the decisions back into the local governments—teachers, parents, classrooms, and school boards—and that's where it needs to be. One size does not fit all and Washington is not the font of all knowledge. We can do better and we will do better, and this will do much better.

I have two letters from people in my local community, education leaders that have come out in strong support of this bill, and they're hard to please. So I will enter them in the RECORD.

JULY 17, 2013.

Hon. MATT SALMON,  
Rayburn HOB, Washington, DC.

REPRESENTATIVE SALMON: Reading a bill with "common" sense reform (no pun intended) for a broken education system is finally giving a voice to the frustration of millions of Americans witnessing the results of an over-regulated, burdensome, inflexible, one size fits all government intrusion into the education of our most precious resource—our children. Although this bill may not address all concerns for all citizens, HR5 is a breath of fresh air and a good start in the right direction.

The long overdue ESEA Reauthorization asserts our 10th Amendment right by reducing the federal role in education and properly restoring that authority to the states and local communities. This bill limits the

authority of DOE, eliminates overlapping programs, requires more transparency, and removes the ability of the secretary of education to coerce states to adopt National Common Core Standards and Assessments—standards that only Washington D.C. based trade associations (not parents, teachers, schools, or states) have the authority to change. The DOE states they do not control curriculum but with the assessments aligning to the standards, of course the curriculum will also need to align to the same standards.

HR5 provides more school choice for parents. It strengthens schools and student's needs in targeted populations by giving more flexibility with streamlined funding. Teachers will be evaluated by a state run system based on their actual ability to teach rather than by their credentials. Valuable classroom time can be spent on the needs of individual students instead of worrying how test scores will affect teacher evaluations. Haven't we already played that song with the AIMS test? We should nurture and develop, rather than stifle our educators love and spirit of teaching our youth. HB5 will provide the mechanism to accomplish this.

This bill gives states the opportunity to regain autonomy, not only in the classroom, but internationally. Prior to the creation of the DOE, we had an envious ranking when benchmarked with other countries. Contrary to DOE claims, there is no proof Common Core is "internationally" benchmarked. How can it be—it is a pilot program with our children being used as the guinea pigs.

Our education system works best when government limits its role to aiding and supporting the states—not controlling them. HR5 doesn't cure all issues, but it takes a giant step forward. I urge the members of the House of Representatives to look into the eyes and minds of our children when debating this bill. Their education will play a vital role in their future and the future of this country. Please vote yes for them, and for us.

Sincerely,

CAROL CLESCERI,  
*Local Education Advocate, Prominent  
Member, Education Advisory Committee.*

JULY 17, 2013.

Hon. MATT SALMON,  
*Rayburn HOB,  
Washington, DC.*

DEAR REPRESENTATIVE SALMON: Most agree that the federally mandated "No Child Left Behind" hasn't improved academic performance. When you value teacher tenure and credentials over a teacher's success in stimulating students to compete and achieve to their highest potential, why wonder that NCLB has not produced better student outcomes? When the federal government imposes rules and regulations on schools, micro-manages teacher evaluations, grants little flexibility but requires lots of additional paperwork, the result is limited success.

Our federal government plays a valuable role in the success of America's students. It shines when it declares its great expectations, and then supports, funds, and encourages the states, local school districts, parents, and students to succeed. It falls flat when it controls, burdens, and restricts those who are capable of managing their own success.

I have reviewed the Student Success Act. It goes far beyond simply "taking the federal handcuffs off" local districts, teachers, and parents. Throughout the Act, you see it re-

specting the most effective role of federal government, which is a critical support system. The Act "returns authority" for setting standards and measuring student performance to states and local officials. It honors the authority of states and school districts to develop teacher evaluation systems. It eliminates duplicative programs, streamlining them to Local Academic Flexible Grants, which will allow superintendents, school leaders, and local officials to make funding decisions based on what they, and they alone, know will help improve student learning.

In every category the bill emphasizes support, not control. Don't good teachers need support and resources? Aren't they already motivated to inspire learning? Shouldn't the federal government provide grant programs that support evidence-based initiatives to recruit, hire, train, compensate, and retain the most effective teachers? Shouldn't the federal government provide information that is helpful to education reformers who want to improve troubled schools?

This bill maintains critical funding streams for vulnerable populations, but it also strengthens existing programs to improve student achievement. More importantly, it provides states and districts the flexibility to use funds across programs to better support their students' needs.

I have been concerned that the federal government is inappropriately usurping the authority of the states, local school districts, and even parents in the education of our nation's children. I am especially glad to see that this bill restores and protects state and local autonomy over public education. What this bill does is engage parents in their child's education. It provides parents more education choices for their children. The federal government should not mandate or control our children's education. Rather, it should support and encourage parents to help their children, so they can identify the best options for their children.

Thank you for the opportunity to express my views.

ANITA CHRISTY,  
*Editor and Publisher of Gilbert Watch.*

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentleman from Connecticut (Mr. COURTNEY), a member of the committee.

Mr. COURTNEY. Mr. Chairman, as the poison of sequestration is now seeping through America's economy, society, and national defense, there's a lot of folks in this city who are suddenly running around saying that they oppose sequestration. But I think if you look closely at this legislation, it bakes in sequestration funding levels for education—not just for next year, but for the next 6 years.

Mr. Chairman, I supported the defense authorization bill, along with the chairman of my committee, a few weeks ago, which actually used pre-sequestration levels for our national defense. Yet here today we are voting on a bill which tells America's children: sorry, you're stuck with sequestration. You have to allow, basically, this chain saw which is going through Federal programs to continue for the next 6 years at exactly the time when we should, as a national priority, be investing more in education.

We heard from the prior speaker about the need for STEM. Absolutely.

There is nothing in this bill that prioritizes or focuses on the need for this country to step up the STEM education curriculum in this country. This bill is the wrong direction for people who care about upgrading America's competitiveness.

Again, if you think about it, is China really going to sequester its education funding over the next 6 years? Are any of our other large economic competitors doing that? Of course not.

This bill is a retreat; it is a surrender to sequestration—not for ourselves, but for our children. It is shameful. I urge a "no" vote on H.R. 5.

Mr. KLINE. Mr. Chairman, I yield 1 minute to a member of the committee, the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Student Success Act.

As a father of three children, I know the importance of a good education that ensures students graduate high school prepared for post-secondary education and the workforce.

For years, States and school districts have been burdened by Federal overreach and red tape that has failed to improve the academic performance of our students. We can—and must—do better.

Our State and local leaders have the best understanding of their own school districts and student populations. So we must get Washington out of our students' classrooms and equip them with the tools necessary to put our students on a path toward academic excellence. H.R. 5 has got about four key principles to do just that: reducing the Federal footprint, empowering parents, supporting effective teachers, and restoring local control.

My colleagues and I share the belief that young people need to think big and dream bigger.

I urge my colleagues to support this bill.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentlewoman from Oregon (Ms. BONAMICI), a member of the committee.

Ms. BONAMICI. I thank the ranking member for yielding.

Mr. Chairman, I rise in opposition to H.R. 5.

It's clear that we need long-term thinking and real changes to improve the Elementary and Secondary Education Act and give our students the schools worthy of their potential.

H.R. 5 does some things right, but too many things wrong. It underfunds title 1, cutting funding to the schools most in need of our support. It allows students with disabilities to be taught at lower standards, letting those who need more attention fall through the cracks. It eliminates provisions that assist homeless students, puts too much emphasis on the failed strategy

of basing teacher evaluations on student test scores, and, Mr. Chairman, it perpetuates inequality.

This bill is a missed opportunity. We could—and should—be working on legislation that includes more support for STEM education, a bill that has provisions to ensure that every student receives a well-rounded education that includes civics and arts and music. We should be focusing on the whole child, ensuring that every student is healthy, safe, engaged, supported, and challenged.

□ 1515

This bill doesn't address these important issues. I cannot support it, and I encourage my colleagues to oppose it as well.

Mr. KLINE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana, Dr. BUCSHON, a member of the committee.

Mr. BUCSHON. Mr. Chair, I rise today in support of H.R. 5, the Student Success Act, because our Nation's students deserve better in the classroom.

The one-size-fits-all approach and expanding Federal role in our current system is not effectively serving our students. The Student Success Act corrects this problem by allowing States the freedom and flexibility to provide a better education to all their students, an education that is tailored to their students' needs.

This bill reduces the Federal footprint in our schools and restores control to State and local communities where education decisions should be made. We ensure that parents and schoolteachers are able to make decisions about what is best for their students.

Mr. Chair, as the father of four, it is very important to me that we provide the best educational opportunities for all children, regardless of where they live or their socioeconomic status. The Student Success Act accomplishes this goal.

Mr. GEORGE MILLER of California. Mr. Chair, I yield 1 minute to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Chair, I rise in strong opposition to this bill.

America's young people must be given every opportunity to obtain a world-class education in the best possible environment. The future of our country and our ability to compete in the global economy greatly depends on the education of our children.

Unfortunately, H.R. 5, the Letting Students Down Act, would cut education funding by over \$1 billion next year and fail to support greater achievement of low-income students, students of color, students with disabilities, and English language learners. The bill also eliminates funding for critical afterschool programs, which work to improve learning opportunities

for students outside the classroom by cultivating strong community partnerships.

It is a tremendous failure of the House Republican leadership that we are voting on a bill today that fails students in so many ways and would do so much harm to public education in this country.

Rather than putting forth this extreme proposal destined to fail in the Senate, we should be working together to ensure that a reauthorized Elementary and Secondary Education Act improves student achievement, supports teachers and principals, and provides a quality education for all students. This bill does not do that, and I urge my colleagues to vote "no."

Mr. KLINE. Mr. Chairman, I yield 1½ minutes to the gentleman from Nevada, Dr. HECK, a member of the committee.

Mr. HECK of Nevada. Mr. Chairman, I rise today in strong support of H.R. 5, the Student Success Act, because it will improve education in America and help our students succeed.

My district in southern Nevada is home to, and my three children are products of, the Clark County School District, the fifth largest district in the Nation. While there are many stories of remarkable achievements coming out of these schools, I hear all the time from administrators, teachers, and parents that Federal requirements are getting in the way of them doing what is best for their students.

While only a very small portion of a school district's budget comes from Washington, districts do not have the ability to shift the funds to where they are needed most, and they are forced to use scarce resources to check the Federal boxes to receive those funds. This one-size-fits-all approach to education is Washington bureaucracy at its worst and does not take into account the specific conditions in our local classrooms.

It strikes me as arrogant to imply, as my colleagues on the other side do, that only the Federal Government cares about student success. No one understands the conditions or has more of an interest in improving education of our children than the people who work in our schools and interact with students every day.

It is time we turn control over education policy to those who are invested in the success of our students. The Student Success Act will do just that.

I applaud Chairman KLINE and the members of the committee for their work on this bill and urge a "yes" vote.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Mr. Chair, I rise in strong opposition to H.R. 5.

My colleague from Nevada must be talking to different teachers and parents than I am. This bill would hurt

students and teachers and undermine the longstanding Federal mandate to guarantee educational opportunity for all students.

I am particularly concerned about the impact this bill would have on English language learners, especially at a time when Nevada schools have seen a significant increase in ELL students. These students enrich our schools with new cultural perspectives, but they need resources and quality instruction to help them succeed academically. H.R. 5 would reduce such resources just when schools and students need them most.

This bill would also be devastating for students in special ed. Most students with learning disabilities can meet high standards if they are given the appropriate tools. H.R. 5, however, denies them the chance to learn and thrive.

Education is the best investment we can make for the future of our Nation, yet H.R. 5 starves our schools, reduces standards, and diminishes our national commitment to equal access to learning.

Let's call it what it is, the Letting Our Students Down Act, and let's vote it down.

Mr. KLINE. Mr. Chairman, may I inquire as to how much time is remaining on each side?

The CHAIR. The gentleman from Minnesota has 9½ minutes remaining. The gentleman from California has 13 minutes remaining.

Mr. KLINE. Thank you, Mr. Chairman.

I would now like to yield 2 minutes to the gentleman from Indiana (Mr. MESSER), a member of the committee.

Mr. MESSER. Mr. Chairman, I rise in support of the Student Success Act and want to commend Chairman KLINE and my Hoosier colleague, Mr. ROKITA, for their good work on this important bill.

Few laws have been used as a political punching bag by Members of both sides of the aisle quite as much as the No Child Left Behind law. Much of that criticism is deserved.

The Student Success Act moves us past No Child Left Behind, improves on this law's important progress, and provides relief from the law's most onerous and harmful mandates. It restores local control of our public schools, empowers teachers, parents, and students, and gets Washington out of the way. This bill eliminates 70 duplicative programs and prohibits the DOE from implementing a national common core curriculum. Most importantly, it puts parents and students first.

As a longtime proponent of school choice, I am pleased this bill expands charter school opportunities. We hear a lot of excuses about why students shouldn't have more educational choices, but the truth is that no child should be forced to attend a school where they have no chance to succeed.



The Student Success Act recognizes the truth that, when parents have a choice, kids have an opportunity. More can and should be done, but this bill eliminates the worst of No Child Left Behind. It restores local control of our public schools, and it empowers teachers and parents. It deserves our support.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. HECK).

Mr. HECK of Washington. Mr. Chairman, H.R. 5 continues the sequestration cuts to Impact Aid. If you represent a military installation, you know what that is, because that's where Impact Aid goes.

I have the honor to represent Joint Base Lewis-McChord, the third largest military installation in all of America. This measure is not good for the children of the men and women who serve us there or any other military base around America. We owe them more.

But my bigger reason for opposing this springs from my perspective as a businessman. If I learned anything in the private sector, including serving on the board of a learning and training company, it is this: to compete in a 21st century economy, you simply have to build a 21st century education system. H.R. 5 does not do that. H.R. 5 does the opposite of that.

If you want, as I do, to grow this economy faster and create jobs, good-paying jobs, you are going to vote "no" on this measure.

Mr. KLINE. Mr. Chairman, in an effort to balance the time here, I will reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Thank you, Mr. Chairman, and thank you to the ranking member for his leadership on this issue.

Mr. Chair, this legislation is an attack on teachers and takes away the tools they need to succeed in the classroom. I am exhausted by the continual scapegoating of America's school teachers.

Teachers, like my three sisters, spend countless hours both in and out of the classroom, preparing curricula, and mentoring our youth in afterschool programs. We should help every educator grow and develop professionally and not standardize and reduce their performance to a one-size-fits-all approach.

I am weary of elected officials who give lip service to the importance of good teachers. Mr. Chairman, actions speak louder than words.

I urge my colleagues to vote "no" on this bill. The House majority continues to attack teachers' rights to bargain with their local community on conditions that are best for their local community, and I stand in strong opposition to this bad bill.

Mr. KLINE. Mr. Chairman, I would now like to yield 1 minute to the gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. I thank the chairman.

Mr. Chair, the 10th Amendment of the Constitution vests the responsibility of free public education with the States; but recently, the administration and the Federal Government have been running headlong into establishing Federal standards through a common core set of principles at State levels.

H.R. 5 is an important step in reaffirming the fact that it is the States' rights and States' responsibility to determine what those students should learn within their States and, more importantly, reasserts the fact that locally elected school boards should be the sole determinants of what students should be taught and learn at local school districts.

As a former school board member myself, I know the importance of local control. H.R. 5 reestablishes that and makes certain that the Secretary of Education does not have the power to force in a dictatorial way local States to adopt common core principles.

For so many reasons, this bill should be passed, and I urge a "yes" vote.

Mr. GEORGE MILLER of California. Mr. Chair, I yield myself 1½ minutes.

Many of my colleagues have expressed concern over the fact that H.R. 5 takes the level of funding to the sequestration level. I think we ought to understand what this means in terms of ongoing improvement in the education program and the educational opportunity for those young people who are poor minorities and who go to some of the poorest schools in some of the poorest districts in our country. This is going to really grind down their ability to be able to respond, those schools, those districts, those teachers, those administrators, to the needs of those young people.

What it means is they will not have access to the kinds of support services that are necessary so that they will truly have an opportunity, have a full educational opportunity. We know that in many instances, in many of these schools, these students and these teachers require additional resources, require additional support systems for these students.

We know that when they are given those support systems, when they are given those resources, these very same children are able to thrive. We see that demonstrated all across this country all of the time.

I represent some of the most difficult schools in the State of California in the most difficult areas in the State of California, where children navigate very dangerous streets to get to school and to come back, yet we see students who were given that opportunity to have a first-class education are now attending Brown University and the Uni-

versity of Nebraska and UCLA and other such institutions.

The fact is these children can learn. The question is whether we will supply them with the resources so they can have the opportunity to do so.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I now yield 2 minutes to the gentlelady from Alabama (Mrs. ROBY), a member of the committee.

Mrs. ROBY. Mr. Chair, I rise today in support of H.R. 5, the Student Success Act.

I thank my chairman for yielding. It is a privilege to serve on this committee and be a part of this debate on the floor today.

We need excellent teachers in every classroom and inspired administrators in every school, but even the most gifted educators can be hamstrung by overreaching mandates, regulations, and red tape.

□ 1530

Over the last several years, Federal mandates in education have grown at an alarming rate. Politicians and bureaucrats keep trying to fix our schools with a "Washington knows best" approach, but ask any teacher or principal or parent, and he'll let you know that one size does not fit all when it comes to education.

That's why I am pleased that the Student Success Act reduces the Federal footprint in education, returning the decisionmaking authority to States and local districts where it belongs, and this bill expressly prohibits the Department of Education from making funding grants and regulation waivers contingent on whether a State adopts certain curriculum or assessment standards.

I believe we should have the highest standards for our schools. As a mother of a child in public school, I am glad my State of Alabama has made recent efforts to increase its standards, but the problem is that the Obama administration has improperly inserted itself into the process. We need to empower all States to set their own education policies free from Federal intrusion. Collaboration between States in setting and revising standards can be a good thing. However, the unwelcome intrusion of the Federal Government into the process invariably comes with the political agenda of the White House. The executive branch has exceeded its appropriate reach where State education policy is concerned, and it is absolutely time that we rein it in.

I am proud to support H.R. 5, and I encourage my colleagues on both sides of the aisle to support this legislation that finally puts State and local leaders back in control of their classrooms.

Mr. GEORGE MILLER of California. I have no further requests for time, and I reserve the balance of my time.



Mr. KLINE. Mr. Chairman, I now yield 1½ minutes to the gentleman from Kansas (Mr. YODER).

Mr. YODER. Thank you, Mr. Chairman.

Like many of my colleagues here today, I think the future of our Nation lies in the quality of education that our young Americans receive. Americans expect and deserve the very best from our public schools and from our schools all across the Nation so that their children have the tools to handle the challenges of the 21st century.

For far too long in this country, we've tried a one-size-fits-all, top down, Federal approach to educating our bright learners. Yet intuition tells us and experience shows us that local communities are better suited to make the right decisions when it comes to local public schools.

That's why I am proud to support the Student Success Act—to return and restore local control back to our public schools. I know that teachers, parents, neighbors, and families are better suited to make decisions regarding their children's educations than bureaucrats and government officials in Washington, D.C.

Mr. Chairman, let's put our communities back in charge of our future. Let's eliminate the top-down mandates, the strings-attached approach that Washington uses to educate our kids, and let's put teachers back in charge of the classroom and put our families and neighborhoods back in charge of our schools.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

This is a fundamental debate that we will be having now as we enter the amendment process for this legislation. This is really a debate about whether we go backwards or forwards as a Nation. Every Member of this Congress—I believe I would be correct in saying—both in the House and the Senate—has told their constituents how important it is that we have a world-class education system and how we are falling behind other nations. Yet we see here the consideration of legislation by this Chamber that, in fact, moves us to the past.

It restricts the resources that are available. It reduces the accountability in the system. It fails to support teachers and principals—those people who almost every speaker today has said are the most important people in our education system. While it provides for teacher evaluation, which I support, it really only provides it for the purposes of hiring and firing a teacher, not to provide the kind of support and not to provide the kind of collaboration that teachers—young teachers and new teachers to the system—bring with them in wanting to have that experience so they can improve their profession, the kinds of opportunities that

teachers want, and the reason teachers are organizing independently among themselves, both on the Internet and in localities, so that they can share their skills and their talents to improve their abilities to deliver the education. That support is not here.

You can say, Well, it's block-granted, and they can do it if they want.

Not under sequestration.

They'll be lucky if they can provide survival for the students whom this legislation is directed at, which are the poorest children in this country—minority children, English learners, children on Indian reservations, children who need special attention to succeed. If they get it, they can succeed, but this legislation doesn't do that. This legislation doesn't address the priority that, again, every Member in this body has spoken about. As for the priority that needs to be put on STEM, you can do it if you want to do it.

I've listened for so many years—people say, within the Federal Government, it's only 5 percent of the money or it's only 6 percent of the money—and it's always so burdensome. Well then, don't take it. I know the manager's amendment says that, but that's the law today. You sign up for this. And if everything else is going so well, how does this 5 percent of the money have such bad results in the districts? Because the fact of the matter is, we know, for whatever reason, many, many school districts and many schools are failing the students that they're supposed to be teaching.

This is an effort to try to assist them. This is an effort to try to give them the flexibility so that they can make these decisions, but if you send it in the form of H.R. 5, they're not going to have the support to do it; they're not going to have the resources to do it; they're not going to have the trained teachers to do it; they're not going to have the trained principals to do it—and that's what we should not be doing. We should, in fact, be emboldening our schools with those resources, with those talents and with those skills. We should make sure that every teacher has the capability, has the subject matter competency.

In a poor school today, you're learning arithmetic in the fourth grade, you're learning mathematics in the eighth grade, you're learning algebra—your chances of having a teacher who understands those subjects and who has taken courses in those subjects is one in seven. Shouldn't it be, for those children, one in one? Shouldn't it be that every classroom has a teacher who has subject matter competency? But we all know in our districts that that's not what happens in many of these schools. We know that, in fact, an art teacher is asked to go into a mathematics class. We know that a part-time history teacher is asked, Can you help us out in the science class?

That's not how you maintain this country's being number one in the Nation. That's not the education system that will do it. We can poke along, and we can lament, and we can worry about China and India and about countries that are making a commitment to their education systems and to their research facilities, but unless we make that commitment, we won't be running that race in the next generation. We will have settled in to some other place than number one, and I don't think that's acceptable to the people of this country.

We have been told by all business leaders who come here—whether they come from Silicon Valley or they come from the manufacturing areas of the country in the Midwest—that they want a stronger K through 12 system. That's why the Chamber of Commerce and the Business Roundtable have serious problems and are in opposition to H.R. 5, because it doesn't meet their needs that they say that they need in terms of a future educated population in order to get those skilled workers, to get that talent base, to get that future innovation. That's their decision, not my decision. That's also the decision of the civil rights groups. That's also the decision of the parents with children with disabilities and of the disabilities community. That's also the decision of the educators in these systems.

This legislation is not up to the standards of America. It doesn't meet America's future needs. It doesn't meet the standards of excellence, and it doesn't meet the commitment of resources that this Nation should be making on behalf of the schoolchildren in this Nation and of future generations.

I yield back the balance of my time.

Mr. KLINE. I yield myself the remainder of my time.

Mr. Chairman, it has been 12 years since anybody in either body—House or Senate—has had a chance to come to the floor in either Chamber and vote on education policy. The Elementary and Secondary Education Act has been overdue for reauthorization since 2007. When our colleagues on the other side of the aisle were in the majority or since we've been in the majority, neither party has been able to bring legislation to the floor in either body. Our children deserve better.

We've been in a situation for years now in which the Congress of the United States—House and Senate—has abdicated completely to this administration its responsibility for establishing public policy. This administration has been issuing conditional, temporary waivers to suit its idea of what education policy ought to be, not what the legislative body and not what the people we represent say it ought to be.

Our children deserve real reform of the Nation's education system. We

can't allow these conditional waivers or temporary fixes or political infighting and an impasse here—whether the Democrats or the Republicans are in charge—to keep us from our fundamental responsibility to improve what is now, I believe, universally recognized to be a flawed law.

By passing the Student Success Act today, we can help ensure that teachers, principals, superintendents, and State and local officials have more opportunities to build a more responsive and effective education system that better meets the unique needs of every student and, in fact, yes, of businesses. A vote for this bill demonstrates our heartfelt commitment to reform, proving to families nationwide, Mr. Chairman, that the House of Representatives will not stand by and allow the administration to micromanage our classrooms or to defend the failed status quo.

I urge my colleagues to vote “yes” on H.R. 5, and I yield back the balance of my time.

Ms. FUDGE. Mr. Chair, I rise today in opposition to H.R. 5, the Letting Students Down Act. This legislation fails our students, teachers, and families. It is a step back for our country's education system at a time when we should be running forward.

I have many concerns with H.R. 5.

The bill turns Title 1 funding into a block grant program. This change will disproportionately harm many disadvantaged low-income students. Schools across the country, including some in my Congressional district, rely on these funds to help ensure that all children meet state academic standards.

In addition to block granting Title 1 funds, H.R. 5 weakens current accountability measures for students, teachers, and schools.

The Republican bill does not require states to set high standards to graduate students college and career-ready. It also does not require low-performing schools to work towards improvement; instead, it eliminates all current school improvement requirements.

Every student in America has a constitutional right to a high quality education. It is the job of this Congress to secure that right without delay.

The bill before us falls short in providing the quality education that our students deserve, and I refuse to take part in supporting legislation that fails our students and their families. I oppose H.R. 5 and encourage my colleagues to do the same.

Mr. Chair, at a time when one-third of our nation's children are overweight or obese, educating them in physical competence, health-related fitness and healthy behaviors is critical to their development and long-term success as productive citizens.

Unfortunately, my Republican Colleagues fail to address this need in H.R. 5.

Quality physical education and health education programs are essential components of a comprehensive K–12 curriculum. Recent studies, such as the Health in Mind report released by the Healthy Schools Campaign, show that health and fitness are linked to improved academic performance, cognitive ability, and behavior, as well as, reduced truancy.

Physical education increases physical competence, health-related fitness, social responsibility and enjoyment of physical activity. Quality health education is also essential to supporting the formation of health-literate and health-conscious adults, and the development of life-long healthy habits that can help reduce the enormous burden of health care costs to this nation.

The lack of physically fit and health-literate graduates has become a national security issue—being overweight or obese has become the leading medical reason why applicants fail to qualify for military service. The Institute of Medicine recognizes the important role physical education plays in combating childhood obesity, and that is why it recently recommended that physical education be included as a core subject in schools.

Unfortunately, many schools today do not provide adequate physical education or health education as recommended by health-related national organizations and the Centers for Disease Control and Prevention. Subjects that are not considered “core” under the current education law are frequently marginalized and too often eliminated due to a lack of funding or administrative priority.

Given the obesity epidemic in our country, it is unfortunate that my Republican colleagues did not include health education and physical education as core subjects in their bill. It is my sincere hope that as the bill moves forward in the Senate these subjects will be included and this issue will be rectified.

Mr. CONNOLLY. Mr. Chair, I represent Virginia's two largest school districts, which have a combined enrollment of more than 265,000 students. As a parent and former member of the Fairfax County Board of Supervisors, I know the success of our community and others across America is directly related to the quality of our local schools. Fortunately, we have strong local support for our schools, particularly within the business community, which recognizes the value of investing in our young people and future workforce. As a result, our community has the nation's premier high school for science and technology and strong academic achievement across all student groups. That has attracted families and employers to our region, which now is home to Virginia's largest public university and 10 Fortune 500 companies.

The long-overdue reauthorization of ESEA presents us with a tremendous opportunity to improve learning conditions for students and teachers. Sadly, the Republican bill before the House today retreats on that promise and, contrary to its title, will not provide the necessary tools for all students to succeed. H.R. 5 cuts federal education support by \$1 billion next year and locks in the reduced levels of funding under sequestration for the foreseeable future. It also changes how those dollars are allocated, diluting services for low-income students and English language learners. That represents a disinvestment in our classrooms, and it will put our children—and our nation—at a competitive disadvantage. The U.S. Chamber of Commerce specifically cites the lack of rigorous college- and career-ready standards in opposing the Republican majority's bill. Fairfax County Public Schools Superintendent Karen Garza also expressed con-

cern about the reduced level of funding in this bill, and I am including a copy of that letter.

I also am troubled by the changes being made in the standards for children with disabilities. For all of its flaws, one of the positive outcomes of No Child Left Behind was the fact that it held school districts accountable for the progress of every child, which provided students with disabilities the opportunity to learn—and in many cases master—grade level content and advance alongside their peers. The Republican bill will cast that success aside and allow states to teach and assess students with disabilities under an alternate, less-challenging set of standards. That is unacceptable, and it is one of the reasons why organizations such as the National Disability Rights Network oppose this bill.

Further, the Republican bill does not adequately address two other important programs that support students in our community. First, H.R. 5 eliminates the dedicated funding for before- and after-school programs that have a proven record for providing academic and social support, particularly for at-risk students, and for improving classroom achievement. For example, when I was Chairman of the Fairfax County Board of Supervisors, we received a federal 21st Century Community Learning Center grant. At the time, we were concerned with the growing rate of gang participation and gang-related crime being committed by young people. We used that federal grant to help expand our after-school programs from just 3 middle schools to all 26. Community and business partners also came forward to provide summer-school scholarships and mentoring support. As a result, gang participation dropped by half. Unlike H.R. 5, the Democratic substitute offered by Ranking Member Miller would create a separate dedicated funding stream to support before- and after-school programs so that we are offering positive enrichment opportunities for young people.

H.R. 5 also reduces funding for homeless students despite the fact that we've seen a 57% increase in the nation's homeless student population in the past four years as a result of the Great Recession. Even in my district, which is ranked as one of the wealthiest in the nation, we have nearly 2,500 homeless students in our classrooms. That is a 40% increase compared to five years ago. We must do more, not less, to support these young people who should not have to worry about where their next meal will come from or where they will sleep tonight while they try to navigate the social and academic challenges of a typical school day. The Democratic substitute will ensure more students suffering homelessness will receive the vital support they need to have some sense of stability in their lives.

Mr. Chair, the education of our children should not be driven by partisan ideology, yet that is what House Republicans have brought before us today. Their so-called reforms will, in fact, leave children behind. If we are to fulfill the promise of having a world-class education system, then we need to provide adequate support and funding for our schools, teachers, and students. I urge my colleagues to oppose H.R. 5 and to support the Democratic substitute so we can do just that.

LETTER FROM FCPS SUPERINTENDENT GARZA

HONORABLE GERRY E. CONNOLLY: We wish to share our comments and concerns regarding the Student Success Act (H.R. 5), a proposed reauthorization of the Elementary and Secondary Education Act (ESEA), which may be on the House floor later today.

The Fairfax County School Board strongly supports the ideals embodied by ESEA, namely that every child is capable of learning and that every school and school division must be held accountable for educating every student to his or her potential, but has been deeply concerned about the intrusive administrative and fiscal burdens placed on local school divisions by ESEA in its current form. In terms of the entirety of H.R. 5, Fairfax County Public Schools (FCPS) agrees with the position taken by the National School Boards Association (NSBA); which supports the long overdue reauthorization included in H.R. 5 in concept, but which urges some significant changes (such as the reinstatement of state Maintenance of Effort (MOE) provisions as well as removal of authorizing funding caps which would hold appropriations to current sequestration levels and then freeze them for five years) prior to its eventual passage. We would also concur with NSBA in opposing any amendments proposing to add private school vouchers or Title I "portability" to the legislation.

We specifically want to draw your attention to one possible amendment to H.R. 5 which could have a very significant impact on FCPS. It is our understanding that Congressman Glenn Thompson (R-PA) plans to introduce language similar to his All Children Are Equal Act (ACE Act, H.R. 2658), which if adopted would have a significant negative impact on FCPS Title I funding (a projected loss of \$5.4M in Title I funding over four years, see chart below) and on Fairfax students who are living in poverty. We would urge you to reject that amendment.

Title I is intended "to ensure that all children have a fair, equal, and significant opportunity to obtain a high quality education." Students living in poverty and schools with high poverty rates have educational needs that require additional resources from Title I funding to "level the playing field" regardless of their location. Some states are divided into many small school districts, some of which have only one secondary school and very few elementary schools. Other states have designated school districts in alignment with very large geographic counties, where districts may include hundreds of schools. Large school districts may include urban, suburban and rural-like components all within the boundaries of one large division. Children and schools located within "pockets" of poverty in a large district have the same educational resource needs as those in smaller school districts with fewer students. The diverse settings of schools with high poverty rates from state to state require diversity within Title I funding formulas so that schools from both small and large districts can receive resources to support needy students.

The particular amendment the House may consider seeks to phase in a shift in the funding distribution formula for Title I from calculations that are currently based on both absolute numbers of students in poverty as well as on percentages of students in poverty, to one reliant only on percentages. Given Fairfax's size (with over 180,000 students); FCPS has a relatively low overall poverty rate but a very significant number of students in poverty. As of 2011, there were an estimated 15,915 children between the

ages of 5 and 18 living at or below the poverty rate in Fairfax County. That number exceeds the total student population in all but 15 jurisdictions in Virginia (there are 133 total school divisions in Virginia). While Fairfax's overall percentage of free lunch eligible students was just over 20% in the 2011–2012 school year, 22 Fairfax schools had a free lunch population of greater than 50% (with the highest schools having over 74% eligible students). In total, over 46,000 Fairfax students are eligible for the free and reduced lunch program, which has an eligibility threshold of up to 185% of the poverty rate.

For small school districts, the percentage system can be advantageous, as they may not have large absolute numbers of students. For larger school districts with "pockets" of poverty, the absolute number system may level the playing field so that schools with high poverty rates may receive appropriate resources, even though the overall poverty rate of the entire division may not be as high as a smaller division with fewer schools.

If only the *percentage* system were used, as would be proposed by Rep. Thompson's amendment, students in high poverty schools in larger school districts would lose Title I funding support. Students in poverty are not able to choose whether they live in a small or large school district, nor can they determine the percentage of poverty in the school district in which they live. Nonetheless, regardless of where they live, their needs are similar and they deserve equivalent access to Title I resources.

The current system, which includes the options of both the *percentage* and *absolute number* calculations, provides a balanced approach for both small and large districts, and thus provides necessary Title I resources for students in high poverty schools, no matter where they live. For these reasons, the current two alternative weighting systems, *percentage* and *absolute number*, should be continued in calculating Title I funding allocations, so that students in high poverty schools can equitably receive Title I resources whether they live in a small or large district.

FCPS would strongly support additional overall funding for the Title I program should that be part of the discussion, but again urges you to reject Rep. Thompson's Title I formula amendment if it is introduced. If you have questions or concerns, please feel free to contact Michael Molloy, Director of Government Relations, Fairfax County Public Schools at [MAMolloy@fcps.edu](mailto:MAMolloy@fcps.edu) or 571-423-1240. Thank you for your consideration and your support of the Fairfax County Public Schools and public K–12 education.

KAREN K. GARZA, PH.D.,

*Division Superintendent, Fairfax County Public Schools.*

Mr. CONYERS. Mr. Chair, I rise today in opposition of H.R. 5, the so-called Student Success Act.

H.R. 5 reauthorizes the Elementary and Secondary Education Act (ESEA), and it is one that we have waited a long time to revisit. I hoped that we could work together on this bill because all of us care about our children's growth and development. Both Republicans and Democrats share concerns over the rate at which we are falling behind other nations. And whether you are liberal or conservative, we know that we need to hold our schools accountable for their performance.

That is why this bill is so distressing. H.R. 5 is as dysfunctional as anything else that has come to the floor this Congress. It may not be

as pointless as the 38th and 39th votes to repeal Obamacare that we had Wednesday. And it may not have been rammed down our throats quite as aggressively as the Farm Bill was last week. But this bill is still a piece of unilateral maneuvering—when we could be working together.

Instead of spending public funds for the public good, H.R. 5 creates a quota system that shifts funds to private schools that are meant to go to low-income children and schools. Along the way to privatizing our public schools, it decreases accountability for states and school districts by block-granting specialized grant programs—allowing funds meant to address specific hardships to be diverted elsewhere.

I will admit to my friends across the aisle, that while I know some in your base may buy into that pipedream—it is not the way to rebuild America. Formalizing the distinctions between our two Americas is not the key to healing our nation. Nor is depriving extra help to students with special learning barriers.

Give our children their future. Give them a bill that will guarantee a 21st century school system to lead the world. I urge my colleagues to use this opportunity for something greater than mere posturing, and oppose this bill.

Mr. GENE GREEN of Texas. Mr. Chair, I rise today to express my opposition to H.R. 5, the Student Success Act. This bill undermines the fundamental purpose of the Elementary and Secondary Education Act (ESEA), which was created to ensure that disadvantaged children are provided a high-quality education that allows them to compete on a level playing field with their more-advantaged peers.

Among its many problematic provisions, this bill locks in devastating sequestration-level education funding, fails to hold States and districts accountable for supporting and improving the achievement of all students, eliminates and weakens protections for disadvantaged students, and lacks critical support systems for our Nation's educators.

I believe No Child Left Behind (NCLB) is flawed and must be reformed, and reauthorization presents a tremendous opportunity to make much-needed improvements and bring our education system into the 21st century. However, instead of fixing the problems of NCLB, the Student Success Act does not reflect best practices and fails to strike the appropriate balance between flexibility and accountability.

Reauthorization should support college and career-ready standards, address the overuse of testing in teacher and school evaluations that currently forces educators to substitute test preparation for instruction, and feature an accountability system that includes meaningful targets for improving student attainment that gives schools and districts flexibility in how they achieve those goals.

I urge my colleagues to vote against H.R. 5 and instead support reauthorization that restores our Nation's commitment to providing equal opportunity for all students regardless of background.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to the legislation on the Floor today, a missed opportunity to reform our education system and ensure that every student has access to a high quality education.

We should be working in a bipartisan manner to correct the widely-acknowledged flaws of No Child Left Behind and make the law more fair, flexible, and responsive to the needs of students. Instead, the bill before us shortchanges our schools and eliminates supports for our most vulnerable populations.

We should be providing the resources our schools need to fix the achievement gap and put a good, supported teacher in every classroom. Instead, today's bill locks in post-sequestration funding levels for K-12 education and cuts back on professional development.

We should be setting high expectations for our schools and giving States flexibility to create accountability systems that improve achievement for every student. Instead, this legislation eliminates requirements for districts to fix struggling schools and ensure that all students make it to graduation.

We should be providing additional support for students with additional challenges—students with disabilities, English-language learners, and at-risk youth. Instead, we have a bill that allows funds to be directed away from these students and allows all students with disabilities to be taught at a lower standard.

We should be encouraging innovation in the classroom, empowering teachers and allowing charter schools to test new ideas. But while this bill would expand charter school availability, it does not require those schools to be accountable or transparent with taxpayer dollars.

Mr. Chair there are many missed opportunities in this bill. It continues the exclusive focus on math and reading, with no support for STEM, geography, history, the arts, or other subjects that provide a well-rounded education. It eliminates funding for afterschool programs and wraparound services that ensure students are prepared to learn.

Our students, teachers, and parents deserve better than this bill. We should come together in a bipartisan fashion, as we have always done with education in the past, to develop real reform that gives our students the skills they need to succeed in our 21st century global economy.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, funding for education and STEM education is an investment in our future, and perhaps one of the most important investments we make as a Nation. I am very concerned that H.R. 5 guts education funding by 1.3 billion dollars in order to lock in the sequester preventing Congress from being able to appropriate above sequester levels. According to an analysis carried out by the Information Technology and Innovation Foundation, the United States ranks second to last of the 44 countries and regions analyzed in terms of progress in innovation-based competitiveness over the last decade. It used to be that the world's best and brightest flocked to our shores. Now many of our own best and brightest are finding better opportunities in other countries, and we are losing our edge in the competition for top talent from around the world.

Mr. Chair, I have many concerns with this bill. H.R. 5 opts to convert Title 1 funding into a block grant program. This change will disproportionately harm many disadvantaged low-income students. Schools across the

country, including some in my Congressional district, rely on these funds to help ensure that all children meet State academic standards. Even the highest performing students in the urban schools are faced with an uphill battle in obtaining the same academic achievement present at the high performing schools. While college preparatory courses are standard for many students in our highest performing public schools, urban school districts often lack the resources to provide the same advantages to their students.

According to the National Education Association, H.R. 5 “as a whole it erodes the historical federal role in public education: targeting resources to marginalized student populations as a means of helping to ensure equity of opportunity for all students . . . [and] perpetuate[s] a system that intentionally delivers unequal opportunities and quality to children across this country.” Even according to the U.S. Chamber of Commerce, H.R. 5, “Would reduce school-level accountability, would not provide consequences for low-performing schools, and would not require states to adopt college- and career-ready standards and assessments.”

Mr. Chair, the cuts in this bill which will ultimately result in a poorer education for future generations of young Americans represent a gigantic step backwards for our Nation. I strongly believe an investment in education funding is the most sensible investment we can make. The Elementary and Secondary Education Act was first enacted at the height of the Civil Rights Movement in order to increase investments in primary and secondary education, strengthen equal access to education and establish high standards and accountability. Mr. Chair, in conclusion, I cannot support the bill we have before us today which erodes and dismantles the key principles of this law.

Mr. LOWENTHAL. Mr. Chair, education is our greatest investment in our future. As with any long term investment, the real rewards of the investment are often not seen until decades later. Investment takes patience and foresight and a thoughtful approach.

Studies show that U.S. businesses are in need of workers that are collaborative and creative critical thinkers. We must build an educational system that supports the development of this workforce. To achieve this, we in Congress must reflect these values by working collaboratively and tapping the full complement of creative minds in this House. Our work product can only be as good as we are.

I ask that my colleagues on the other side of the aisle work with us to develop the kind of educational system that will provide the opportunity for every child to meet their potential and become assets to our country.

Let's begin by finding our common ground. We all can agree that our current accountability system goes too far and too often acts as the enemy of creativity. Our challenge is to develop policy that supports inspired learning environments while also accounting for ALL students, students at risk, and special needs students. I believe we can find that balance.

We can agree that an educated workforce is good for the country. Perhaps we can agree that we need an educational system that supports the diverse talents of all students—those

that shine academically and those that shine in career tech classes. I believe we can achieve this too.

Our current educational system is losing on the international stage. Contrary to the recent years of economic struggle, the U.S. continues to be a land of plenty on the world scale. If we hope to remain a world leader, it is essential that we stop looking at our educational system with a scarcity mentality—a mentality that acts to take from one to give to another, where there is not enough for all. We must recognize that our educational system is our greatest investment and fight to put all we can into it. We can't afford to lose children, to lose their talents and their potential contributions to our country. We need every one of them.

H.R. 5 has some good components that move us in a better direction. Unfortunately, this legislation lacks the kind of investment needed to educate our future workforce. Education is the key to a strong democracy, economic competitiveness and continued global leadership for the U.S.

Ms. BONAMICI. Mr. Chair, I rise in opposition to H.R. 5, a bill that would take our education system backward instead of into the future.

K-12 education is my passion, and it has been for a long time. In fact, public education issues are what first led me to run for public office. Education is key to rebuilding our economy, to sustaining and improving the quality of life in our communities, and to the functioning of our government and democracy. We are in dire need of long-term thinking about how we can strengthen our public schools.

The policies in the Elementary and Secondary Education Act, especially those put into law by No Child Left Behind, need a serious overhaul. The intent of NCLB was laudable: make sure that all students in America's public schools are getting a good education and aren't falling through the cracks. Unfortunately, the law has resulted in an overemphasis on high stakes testing, drastic penalties for low-performing schools, and an imbalanced focus on subjects that are tested at the expense of a well-rounded curriculum. Additionally, the NCLB provisions that prescribe a “one size fits all” approach with mandates and restrictions have undermined the teaching profession.

I am extremely disappointed that this reauthorization is moving forward in a rushed manner after only one perfunctory hearing. One of the main reasons I came to Congress was to work with all my colleagues from both sides of the aisle on finding the best policies to ensure that public schools provide all students, regardless of socioeconomic status, with a well-rounded education that prepares them for whatever their future may hold. But this reauthorization has not been given full and fair consideration by the Education and Workforce Committee, and the result is a bill that has little, if any, chance of becoming law. That's not only disappointing; it's detrimental to students across this great country. They deserve better.

H.R. 5 is alarming for a number of reasons. Its massive block grant approach would impede educational equity and make it more likely that students will receive educational opportunities based on where they live and the income of their parents. This, combined with

the removal of Maintenance of Effort provisions and cuts to McKinney-Vento funding for homeless students, will result in thousands, if not millions, of fewer students having access to quality education.

I am also extremely concerned about H.R. 5's woefully inadequate funding. A strong system of education is critical to the success of our country and funding it should be a priority. Instead of taking money away from schools, especially those serving the lowest-income students, we should be investing in their improvement.

One important change that's needed to strengthen public education is to move away from high-stakes testing and allow states and school districts to use multiple measures in assessment, including adaptive testing and formative assessments. School performance should be measured in multiple ways, using multiple subjects and indicators. Additionally, teacher evaluations need to be improved and necessary support, including mentoring, given to teachers and school leaders. Though more work is always needed, Ranking Member MILLER's substitute amendment to H.R. 5 makes these improvements and more. I am proud to support it.

The substitute amendment also takes an important step forward with its comprehensive program for STEM education. One of the most exciting provisions in this program is the recognition of the value of arts and design to STEM learning, adding an "A" to make STEAM. Enhancing STEM through the arts and design will engage more students in school while helping them develop into innovative critical thinkers. Employers aren't looking for good test-takers; they want people who can create, communicate, and collaborate. The provisions recognizing the importance of the arts and design in STEM will give our students the skills they need to be competitive in the workforce.

It's also important to recognize the benefits of a well-rounded, whole child approach to education. Students must be healthy, safe, engaged, supported, and challenged at school to reach their full potential. Subjects like civics, physical education, and second languages lead to the development of well-rounded students who become productive and innovative adults. A well-rounded education gives students a greater diversity of skills, increases their engagement with subject material, and helps keeps them in school. The Democratic substitute makes significant strides toward achieving these goals.

I am also pleased that Ranking Member MILLER's substitute addresses many other shortcomings in our education system, including the flawed practice of seclusion and restraint, background checks for staff and contractors with access to children, standards for concussion safety, and meaningful funding levels for homeless students.

With that, I urge my colleagues to invest in our students, our teachers, and our schools, and to oppose H.R. 5 so we can return to a full and thorough consideration of our federal education policies.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Chair, I rise today in opposition to this bill and in support of New Mexico's children and the dedicated men and women who

educate them. This bill cuts federal funding for education at a time when other countries are strategically investing in the next generation, and seeing positive results come from those investments. We can't afford to cut funding for education, especially when the U.S. is lagging behind in several key indicators. American fourth graders now rank eleventh in math and sixth in reading. And in a few years, we'll ask them to compete in a global economy without giving them the tools to succeed.

But funding isn't the only problem with this bill, Mr. Chairman. This bill also fundamentally alters the federal role in education. Traditionally, the federal government has assumed the responsibility of maintaining equity in education. Of ensuring that students with disabilities, or students in low-income or unique communities, have equal access to a public education. This is particularly important in my home state of New Mexico, where students of color make up a significant portion of the school-age population. Provisions in the No Child Left Behind Act requiring that data be broken down into subgroups, and that schools be held accountable for the achievement of those subgroups, have allowed us to identify where there's more work to be done, and to begin shifting support to the areas where it's most needed. But we've got a long way to go. This bill represents a step back for equity, eliminating requirements that ensure that all students have access to the services they need, and that schools, school districts, and states are held accountable when they fall short of that all-important goal.

When I talk to New Mexicans about what's wrong in public education, it's never that there's too much money, or that we provide too much support for our students facing the greatest challenges. It's that we're not getting funds to where they're most needed or providing support services that care for the whole child. That's why we can't afford to pass this bill; I urge my colleagues to reject this approach and oppose this legislation.

Ms. MCCOLLUM. Mr. Chair, I rise today in strong opposition to the partisan House Republican plan to destroy and dismantle the Elementary and Secondary Education Act (ESEA). Simply, this bill, H.R. 5, abandons our national commitment to equity in education for all K–12 students.

For decades, Members of Congress—on both sides of the aisle—had supported the need for targeted resources designed to help our nation's disadvantaged students and close achievement gaps. But unfortunately, House Republicans have decided to turn their backs on our most vulnerable students in this bill. They are gutting education funding. They are removing protections for students with disabilities. They are making it easier to divert money away from poor and minority students. The Republican bill abandons the children who need us the most.

There is no doubt that the current law under No Child Left Behind is in need of serious reform. I voted against No Child Left Behind in 2001 and I know Minnesota schools, educators, and parents have had problems with it from the beginning.

Today I do stand in strong support of the Democratic alternative. It repeals the inflexible Adequate Yearly Progress requirements and

replaces them with a focus on student growth and preparation. It includes policies to ensure that all students have a well-rounded education including science, the arts, and languages. It supports innovations in education with investments in educational research and technology, high-quality charter schools, and comprehensive school plans to reduce bullying and keep all students safe.

Our families, our educators, and our communities deserve K–12 education legislation that ensures all students have access to a world class education. Congress should be passing legislation that invests in our neighborhood schools, supports the development of effective teachers and principals, and helps students prepare for their future careers. I urge my colleagues to embrace real education reform by voting for the Democratic alternative and against the underlying bill.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-18. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Student Success Act".*

#### **SEC. 2. TABLE OF CONTENTS.**

*The table of contents for this Act is as follows:*

- Sec. 1. Short title.*
- Sec. 2. Table of contents.*
- Sec. 3. References.*
- Sec. 4. Transition.*
- Sec. 5. Effective dates.*
- Sec. 6. Authorization of appropriations.*

#### **TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES**

##### *Subtitle A—In General*

- Sec. 101. Title heading.*
- Sec. 102. Statement of purpose.*
- Sec. 103. Flexibility to use Federal funds.*
- Sec. 104. School improvement.*
- Sec. 105. Direct student services.*
- Sec. 106. State administration.*

##### *Subtitle B—Improving the Academic Achievement of the Disadvantaged*

- Sec. 111. Part A headings.*
- Sec. 112. State plans.*
- Sec. 113. Local educational agency plans.*
- Sec. 114. Eligible school attendance areas.*
- Sec. 115. Schoolwide programs.*
- Sec. 116. Targeted assistance schools.*
- Sec. 117. Academic assessment and local educational agency and school improvement; school support and recognition.*
- Sec. 118. Parental involvement.*
- Sec. 119. Qualifications for teachers and paraprofessionals.*

Sec. 120. Participation of children enrolled in private schools.

Sec. 121. Fiscal requirements.

Sec. 122. Coordination requirements.

Sec. 123. Grants for the outlying areas and the Secretary of the Interior.

Sec. 124. Allocations to States.

Sec. 125. Basic grants to local educational agencies.

Sec. 126. Adequacy of funding of targeted grants to local educational agencies in fiscal years after fiscal year 2001.

Sec. 127. Education finance incentive grant program.

Sec. 128. Carryover and waiver.

Subtitle C—Additional Aid to States and School Districts

Sec. 131. Additional aid.

Subtitle D—National Assessment

Sec. 141. National assessment of title I.

Subtitle E—Title I General Provisions

Sec. 151. General provisions for title I.

## TITLE II—TEACHER PREPARATION AND EFFECTIVENESS

Sec. 201. Teacher preparation and effectiveness.

Sec. 202. Conforming repeals.

## TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

Sec. 301. Parental engagement and local flexibility.

## TITLE IV—IMPACT AID

Sec. 401. Purpose.

Sec. 402. Payments relating to Federal acquisition of real property.

Sec. 403. Payments for eligible federally connected children.

Sec. 404. Policies and procedures relating to children residing on Indian lands.

Sec. 405. Application for payments under sections 8002 and 8003.

Sec. 406. Construction.

Sec. 407. Facilities.

Sec. 408. State consideration of payments providing State aid.

Sec. 409. Federal administration.

Sec. 410. Administrative hearings and judicial review.

Sec. 411. Definitions.

Sec. 412. Authorization of appropriations.

Sec. 413. Conforming amendments.

## TITLE V—GENERAL PROVISIONS FOR THE ACT

Sec. 501. General provisions for the Act.

Sec. 502. Repeal.

Sec. 503. Other laws.

Sec. 504. Amendment to IDEA.

## TITLE VI—REPEAL

Sec. 601. Repeal of title VI.

## TITLE VII—HOMELESS EDUCATION

Sec. 701. Statement of policy.

Sec. 702. Grants for State and local activities for the education of homeless children and youths.

Sec. 703. Local educational agency subgrants for the education of homeless children and youths.

Sec. 704. Secretarial responsibilities.

Sec. 705. Definitions.

Sec. 706. Authorization of appropriations.

## SEC. 3. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

## SEC. 4. TRANSITION.

Unless otherwise provided in this Act, any person or agency that was awarded a grant

under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) prior to the date of the enactment of this Act shall continue to receive funds in accordance with the terms of such award, except that funds for such award may not continue more than one year after the date of the enactment of this Act.

## SEC. 5. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act, and the amendments made by this Act, shall be effective upon the date of enactment of this Act.

(b) NONCOMPETITIVE PROGRAMS.—With respect to noncompetitive programs under which any funds are allotted by the Secretary of Education to recipients on the basis of a formula, this Act, and the amendments made by this Act, shall take effect on October 1, 2013.

(c) COMPETITIVE PROGRAMS.—With respect to programs that are conducted by the Secretary on a competitive basis, this Act, and the amendments made by this Act, shall take effect with respect to appropriations for use under those programs for fiscal year 2014.

(d) IMPACT AID.—With respect to title IV of the Act (20 U.S.C. 7701 et seq.) (Impact Aid), this Act, and the amendments made by this Act, shall take effect with respect to appropriations for use under that title for fiscal year 2014.

## SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

The Act (20 U.S.C. 6301 et seq.) is amended by inserting after section 2 the following:

### “SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.

“(a) TITLE I.—

“(1) PART A.—There are authorized to be appropriated to carry out part A of title I \$16,651,767,000 for each of fiscal years 2014 through 2019.

“(2) PART B.—There are authorized to be appropriated to carry out part B of title I \$3,028,000 for each of fiscal years 2014 through 2019.

“(b) TITLE II.—There are authorized to be appropriated to carry out title II \$2,441,549,000 for each of fiscal years 2014 through 2019.

“(c) TITLE III.—

“(1) PART A.—

“(A) SUBPART 1.—There are authorized to be appropriated to carry out subpart 1 of part A of title III \$300,000,000 for each of fiscal years 2014 through 2019.

“(B) SUBPART 2.—There are authorized to be appropriated to carry out subpart 2 of part A of title III \$91,647,000 for each of fiscal years 2014 through 2019.

“(C) SUBPART 3.—There are authorized to be appropriated to carry out subpart 3 of part A of title III \$25,000,000 for each of fiscal years 2014 through 2019.

“(2) PART B.—There are authorized to be appropriated to carry out part B of title III \$2,055,709,000 for each of fiscal years 2014 through 2019.

“(d) TITLE IV.—

“(1) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of making payments under section 4002, there are authorized to be appropriated \$63,445,000 for each of fiscal years 2014 through 2019.

“(2) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the purpose of making payments under section 4003(b), there are authorized to be appropriated \$1,093,203,000 for each of fiscal years 2014 through 2019.

“(3) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 4003(d), there are authorized to be appropriated \$45,881,000 for each of fiscal years 2014 through 2019.

“(4) CONSTRUCTION.—For the purpose of carrying out section 4007, there are authorized to be appropriated \$16,529,000 for each of fiscal years 2014 through 2019.

“(5) FACILITIES MAINTENANCE.—For the purpose of carrying out section 4008, there are authorized to be appropriated \$4,591,000 for each of fiscal years 2014 through 2019.”.

## TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES

### Subtitle A—In General

#### SEC. 101. TITLE HEADING.

The title heading for title I (20 U.S.C. 6301 et seq.) is amended to read as follows:

### “TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES”.

#### SEC. 102. STATEMENT OF PURPOSE.

Section 1001 (20 U.S.C. 6301) is amended to read as follows:

#### “SEC. 1001. STATEMENT OF PURPOSE.

“The purpose of this title is to provide all children the opportunity to graduate high school prepared for postsecondary education or the workforce. This purpose can be accomplished by—

“(1) meeting the educational needs of low-achieving children in our Nation’s highest-poverty schools, English learners, migratory children, children with disabilities, Indian children, and neglected or delinquent children;

“(2) closing the achievement gap between high- and low-performing children, especially the achievement gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers;

“(3) affording parents substantial and meaningful opportunities to participate in the education of their children; and

“(4) challenging States and local educational agencies to embrace meaningful, evidence-based education reform, while encouraging state and local innovation.”.

#### SEC. 103. FLEXIBILITY TO USE FEDERAL FUNDS.

Section 1002 (20 U.S.C. 6302) is amended to read as follows:

#### “SEC. 1002. FLEXIBILITY TO USE FEDERAL FUNDS.

“(a) ALTERNATIVE USES OF FEDERAL FUNDS FOR STATE EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—Subject to subsections (c) and (d) and notwithstanding any other provision of law, a State educational agency may use the applicable funding that the agency receives for a fiscal year to carry out any State activity authorized or required under one or more of the following provisions:

“(A) Section 1003.

“(B) Section 1004.

“(C) Subpart 2 of part A of title I.

“(D) Subpart 3 of part A of title I.

“(E) Subpart 4 of part A of title I.

“(F) Chapter B of subpart 6 of part A of title I.

“(2) NOTIFICATION.—Not later than June 1 of each year, a State educational agency shall notify the Secretary of the State educational agency’s intention to use the applicable funding for any of the alternative uses under paragraph (1).

“(3) APPLICABLE FUNDING DEFINED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), in this subsection, the term ‘applicable funding’ means funds provided to carry out State activities under one or more of the following provisions.

“(i) Section 1003.

“(ii) Section 1004.

“(iii) Subpart 2 of part A of title I.

“(iv) Subpart 3 of part A of title I.

“(v) Subpart 4 of part A of title I.

“(B) LIMITATION.—In this subsection, the term ‘applicable funding’ does not include funds provided under any of the provisions listed in subparagraph (A) that State educational agencies are required by this Act—

“(i) to reserve, allocate, or spend for required activities;

“(ii) to allocate, allot, or award to local educational agencies or other entities eligible to receive such funds; or



“(iii) to use for technical assistance or monitoring.

“(4) **DISBURSEMENT.**—The Secretary shall disburse the applicable funding to State educational agencies for alternative uses under paragraph (1) for a fiscal year at the same time as the Secretary disburses the applicable funding to State educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

“(b) **ALTERNATIVE USES OF FEDERAL FUNDS FOR LOCAL EDUCATIONAL AGENCIES.**—

“(1) **IN GENERAL.**—Subject to subsections (c) and (d) and notwithstanding any other provision of law, a local educational agency may use the applicable funding that the agency receives for a fiscal year to carry out any local activity authorized or required under one or more of the following provisions:

“(A) Section 1003.

“(B) Subpart 1 of part A of title I.

“(C) Subpart 2 of part A of title I.

“(D) Subpart 3 of part A of title I.

“(E) Subpart 4 of part A of title I.

“(F) Subpart 6 of part A of title I.

“(2) **NOTIFICATION.**—A local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding for any of the alternative uses under paragraph (1) by a date that is established by the State educational agency for the notification.

“(3) **APPLICABLE FUNDING DEFINED.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), in this subsection, the term ‘applicable funding’ means funds provided to carry out local activities under one or more of the following provisions:

“(i) Subpart 2 of part A of title I.

“(ii) Subpart 3 of part A of title I.

“(iii) Subpart 4 of part A of title I.

“(iv) Chapter A of subpart 6 of part A of title I.

“(B) **LIMITATION.**—In this subsection, the term ‘applicable funding’ does not include funds provided under any of the provisions listed in subparagraph (A) that local educational agencies are required by this Act—

“(i) to reserve, allocate, or spend for required activities;

“(ii) to allocate, allot, or award to entities eligible to receive such funds; or

“(iii) to use for technical assistance or monitoring.

“(4) **DISBURSEMENT.**—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under paragraph (1) for the fiscal year at the same time as the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

“(c) **RULE FOR ADMINISTRATIVE COSTS.**—A State educational agency or a local educational agency shall only use applicable funding (as defined in subsection (a)(3) or (b)(3), respectively) for administrative costs incurred in carrying out a provision listed in subsection (a)(1) or (b)(1), respectively, to the extent that the agency, in the absence of this section, could have used funds for administrative costs with respect to a program listed in subsection (a)(3) or (b)(3), respectively.

“(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to relieve a State educational agency or local educational agency of any requirements relating to—

“(1) use of Federal funds to supplement, not supplant, non-Federal funds;

“(2) comparability of services;

“(3) equitable participation of private school students and teachers;

“(4) applicable civil rights requirements;

“(5) section 1113; or

“(6) section 1111.”

#### **SEC. 104. SCHOOL IMPROVEMENT.**

Section 1003 (20 U.S.C. 6303) is amended—

(1) in subsection (a)—

(A) by striking “2 percent” and inserting “7 percent”; and

(B) by striking “subpart 2 of part A” and all that follows through “sections 1116 and 1117,” and inserting “chapter B of subpart 1 of part A for each fiscal year to carry out subsection (b),”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “for schools identified for school improvement, corrective action, and restructuring, for activities under section 1116(b)” and inserting “to carry out the State's system of school improvement under section 1111(b)(3)(B)(iii)”; and

(B) in paragraph (2), by striking “or educational service agencies” and inserting “, educational service agencies, or non-profit or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement”;

(3) in subsection (c)—

(A) in paragraph (1), by inserting “and” at the end;

(B) in paragraph (2), by striking “need for such funds; and” and inserting “commitment to using such funds to improve such schools.”; and

(C) by striking paragraph (3);

(4) in subsection (d)(1), by striking “subpart 2 of part A;” and inserting “chapter B of subpart 1 of part A;”;

(5) in subsection (e)—

(A) by striking “in any fiscal year” and inserting “in fiscal year 2015 and each subsequent fiscal year”; and

(B) by striking “subpart 2” and inserting “chapter B of subpart 1 of part A”; and

(C) by striking “such subpart” and inserting “such chapter”;

(6) in subsection (f), by striking “and the percentage of students from each school from families with incomes below the poverty line”; and

(7) by striking subsection (g).

#### **SEC. 105. DIRECT STUDENT SERVICES.**

The Act (20 U.S.C. 6301 et seq.) is amended by inserting after section 1003 the following:

##### **“SEC. 1003A. DIRECT STUDENT SERVICES.**

“(a) **STATE RESERVATION.**—Each State shall reserve 3 percent of the amount the State receives under chapter B of subpart 1 of part A for each fiscal year to carry out this section. Of such reserved funds, the State educational agency may use up to 1 percent to administer direct student services.

“(b) **DIRECT STUDENT SERVICES.**—From the amount available after the application of subsection (a), each State shall award grants in accordance with this section to local educational agencies to support direct student services.

“(c) **AWARDS.**—The State educational agency shall award grants to geographically diverse local educational agencies including suburban, rural, and urban local educational agencies. If there are not enough funds to award all applicants in a sufficient size and scope to run an effective direct student services program, the State shall prioritize awards to local educational agencies with the greatest number of low-performing schools.

“(d) **LOCAL USE OF FUNDS.**—A local educational agency receiving an award under this section—

“(1) shall use up to 1 percent of each award for outreach and communication to parents about their options and to register students for direct student services;

“(2) may use not more than 2 percent of each award for administrative costs related to direct student services; and

“(3) shall use the remainder of the award to pay the transportation required to provide public school choice or the hourly rate for high-quality academic tutoring services, as determined by a provider on the State-approved list required under subsection (f)(2).

“(e) **APPLICATION.**—A local educational agency desiring to receive an award under subsection (b) shall submit an application describing how the local educational agency will—

“(1) provide adequate outreach to ensure parents can exercise a meaningful choice of direct student services for their child's education;

“(2) ensure parents have adequate time and information to make a meaningful choice prior to enrolling their child in a direct student service;

“(3) ensure sufficient availability of seats in the public schools the local educational agency will make available for public school choice options;

“(4) determine the requirements or criteria for student eligibility for direct student services;

“(5) select a variety of providers of high-quality academic tutoring from the State-approved list required under subsection (f)(2) and ensure fair negotiations in selecting such providers of high-quality academic tutoring, including online, on campus, and other models of tutoring which provide meaningful choices to parents to find the best service for their child; and

“(6) develop an estimated per pupil expenditure available for eligible students to use toward high-quality academic tutoring which shall allow for an adequate level of services to increase academic achievement from a variety of high-quality academic tutoring providers.

“(f) **PROVIDERS AND SCHOOLS.**—The State—

“(1) shall ensure that each local educational agency receiving an award to provide public school choice can provide a sufficient number of options to provide a meaningful choice for parents;

“(2) shall compile a list of State-approved high-quality academic tutoring providers that includes online, on campus, and other models of tutoring; and

“(3) shall ensure that each local educational agency receiving an award will provide an adequate number of high-quality academic tutoring options to ensure parents have a meaningful choice of services.”

#### **SEC. 106. STATE ADMINISTRATION.**

Section 1004 (20 U.S.C. 6304) is amended to read as follows:

##### **“SEC. 1004. STATE ADMINISTRATION.**

“(a) **IN GENERAL.**—Except as provided in subsection (b), to carry out administrative duties assigned under subparts 1, 2, and 3 of part A of this title, each State may reserve the greater of—

“(1) 1 percent of the amounts received under such subparts; or

“(2) \$400,000 (\$50,000 in the case of each outlying area).

“(b) **EXCEPTION.**—If the sum of the amounts reserved under subparts 1, 2, and 3 of part A of this title is equal to or greater than \$14,000,000,000, then the reservation described in subsection (a)(1) shall not exceed 1 percent of the amount the State would receive if \$14,000,000,000 were allocated among the States for subparts 1, 2, and 3 of part A of this title.”

##### **Subtitle B—Improving the Academic Achievement of the Disadvantaged**

#### **SEC. 111. PART A HEADINGS.**

(a) **PART HEADING.**—The part heading for part A of title I (20 U.S.C. 6311 et seq.) is amended to read as follows:

##### **“PART A—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED”.**

(b) **SUBPART 1 HEADING.**—The Act is amended by striking the subpart heading for subpart 1 of



part A of title I (20 U.S.C. 6311 et seq.) and inserting the following:

**“Subpart 1—Improving Basic Programs Operated by Local Educational Agencies**  
**“CHAPTER A—BASIC PROGRAM REQUIREMENTS”.**

(c) SUBPART 2 HEADING.—The Act is amended by striking the subpart heading for subpart 2 of part A of title I (20 U.S.C. 6331 et seq.) and inserting the following:

**“CHAPTER B—ALLOCATIONS”.**

**SEC. 112. STATE PLANS.**

Section 1111 (20 U.S.C. 6311) is amended to read as follows:

**“SEC. 1111. STATE PLANS.**

**“(a) PLANS REQUIRED.—**

“(1) IN GENERAL.—For any State desiring to receive a grant under this subpart, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, school leaders, public charter school representatives, specialized instructional support personnel, other appropriate school personnel, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless Assistance Act.

“(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 5302.

**“(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND STATE ACCOUNTABILITY.—**

**“(1) ACADEMIC STANDARDS.—**

“(A) IN GENERAL.—Each State plan shall demonstrate that the State has adopted academic content standards and academic achievement standards aligned with such content standards that comply with the requirements of this paragraph.

“(B) SUBJECTS.—The State shall have such academic standards for mathematics, reading or language arts, and science, and may have such standards for any other subject determined by the State.

“(C) REQUIREMENTS.—The standards described in subparagraph (A) shall—

“(i) apply to all public schools and public school students in the State; and

“(ii) with respect to academic achievement standards, include the same knowledge, skills, and levels of achievement expected of all public school students in the State.

“(D) ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS.—Notwithstanding any other provision of this paragraph, a State may, through a documented and validated standards-setting process, adopt alternate academic achievement standards for students with the most significant cognitive disabilities, if—

“(i) the determination about whether the achievement of an individual student should be measured against such standards is made separately for each student; and

“(ii) such standards—

“(I) are aligned with the State academic standards required under subparagraph (A);

“(II) promote access to the general curriculum; and

“(III) reflect professional judgment as to the highest possible standards achievable by such students.

“(E) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—Each State plan shall describe how the State educational agency will establish English language proficiency standards that are—

“(i) derived from the four recognized domains of speaking, listening, reading, and writing; and

“(ii) aligned with the State’s academic content standards in reading or language arts under subparagraph (A).

**“(2) ACADEMIC ASSESSMENTS.—**

“(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality student academic assessments in mathematics, reading or language arts, and science. At the State’s discretion, the State plan may also demonstrate that the State has implemented such assessments in any other subject chosen by the State.

“(B) REQUIREMENTS.—Such assessments shall—

“(i) in the case of mathematics and reading or language arts, be used in determining the performance of each local educational agency and public school in the State in accordance with the State’s accountability system under paragraph (3);

“(ii) be the same academic assessments used to measure the academic achievement of all public school students in the State;

“(iii) be aligned with the State’s academic standards and provide coherent and timely information about student attainment of such standards;

“(iv) be used for purposes for which such assessments are valid and reliable, be of adequate technical quality for each purpose required under this Act, and be consistent with relevant, nationally recognized professional and technical standards;

“(v)(I) in the case of mathematics and reading or language arts, be administered in each of grades 3 through 8 and at least once in grades 9 through 12;

“(II) in the case of science, be administered not less than one time during—

“(aa) grades 3 through 5;

“(bb) grades 6 through 9; and

“(cc) grades 10 through 12; and

“(III) in the case of any other subject chosen by the State, be administered at the discretion of the State;

“(vi) measure individual student academic proficiency and growth;

“(vii) at the State’s discretion—

“(I) be administered through a single annual summative assessment; or

“(II) be administered through multiple assessments during the course of the academic year that result in a single summative score that provides valid, reliable, and transparent information on student achievement;

“(viii) include measures that assess higher-order thinking skills and understanding;

“(ix) provide for—

“(I) the participation in such assessments of all students;

“(II) the reasonable adaptations and accommodations for students with disabilities necessary to measure the academic achievement of such students relative to the State’s academic standards; and

“(III) the inclusion of English learners, who shall be assessed in a valid and reliable manner and provided reasonable accommodations, including, to the extent practicable, assessments in the language and form most likely to yield accurate and reliable information on what such students know and can do in academic content areas, until such students have achieved English language proficiency, as assessed by the State under subparagraph (D);

“(x) notwithstanding clause (ix)(III), provide for the assessment of reading or language arts in English for English learners who have attended school in the United States (not including Puerto Rico) for 3 or more consecutive school years, except that a local educational agency may, on a case-by-case basis, provide for the assessment of reading or language arts for each such student in a language other than English for a period not to exceed 2 additional consecutive years if the assessment would be

more likely to yield accurate and reliable information on what such student knows and can do, provided that such student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what such student knows and can do on reading or language arts assessments written in English;

“(xi) produce individual student interpretive, descriptive, and diagnostic reports regarding achievement on such assessments that allow parents, teachers, and school leaders to understand and address the specific academic needs of students, and that are provided to parents, teachers, and school leaders, as soon as is practicable after the assessment is given, in an understandable and uniform format, and to the extent practicable, in a language that parents can understand;

“(xii) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English language proficiency status, by migrant status, by status as a student with a disability, and by economically disadvantaged status, except that, in the case of a local educational agency or a school, such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student; and

“(xiii) be administered to not less than 95 percent of all students, and not less than 95 percent of each subgroup of students described in paragraph (3)(B)(ii)(II).

“(C) ALTERNATE ASSESSMENTS.—A State may provide for alternate assessments aligned with the alternate academic standards adopted in accordance with paragraph (1)(D), for students with the most significant cognitive disabilities, if the State—

“(i) establishes and monitors implementation of clear and appropriate guidelines for individualized education program teams (as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act) to apply when determining when a child’s significant cognitive disability justifies assessment based on alternate achievement standards;

“(ii) ensures that the parents of such students are informed that—

“(I) their child’s academic achievement will be measured against such alternate standards; and

“(II) whether participation in such assessments precludes the student from completing the requirements for a regular high school diploma;

“(iii) demonstrates that such students are, to the extent practicable, included in the general curriculum and that such alternate assessments are aligned with such curriculum;

“(iv) develops, disseminates information about, and promotes the use of appropriate accommodations to increase the number of students with disabilities who are tested against academic achievement standards for the grade in which a student is enrolled; and

“(v) ensures that regular and special education teachers and other appropriate staff know how to administer the alternate assessments, including making appropriate use of accommodations for students with disabilities.

**“(D) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—**

“(i) IN GENERAL.—Each State plan shall demonstrate that local educational agencies in the State will provide for an annual assessment of English proficiency of all English learners in the schools served by the State educational agency.

“(ii) ALIGNMENT.—The assessments described in clause (i) shall be aligned with the State’s English language proficiency standards described in paragraph (1)(E).

“(E) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student academic assessments are not available and are needed. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible academic assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate academic assessment measures in the needed languages, but shall not mandate a specific academic assessment or mode of instruction.

“(F) ADAPTIVE ASSESSMENTS.—A State may develop and administer computer adaptive assessments as the assessments required under subparagraph (A). If a State develops and administers a computer adaptive assessment for such purposes, the assessment shall meet the requirements of this paragraph, except as follows:

“(i) Notwithstanding subparagraph (B)(iii), the assessment—

“(I) shall measure, at a minimum, each student’s academic proficiency against the State’s academic standards for the student’s grade level and growth toward such standards; and

“(II) if the State chooses, may be used to measure the student’s level of academic proficiency and growth using assessment items above or below the student’s grade level, including for use as part of a State’s accountability system under paragraph (3).

“(ii) Subparagraph (B)(ii) shall not be interpreted to require that all students taking the computer adaptive assessment be administered the same assessment items.

“(3) STATE ACCOUNTABILITY SYSTEMS.—

“(A) IN GENERAL.—Each State plan shall demonstrate that the State has developed and is implementing a single, statewide accountability system to ensure that all public school students graduate from high school prepared for postsecondary education or the workforce without the need for remediation.

“(B) ELEMENTS.—Each State accountability system described in subparagraph (A) shall at a minimum—

“(i) annually measure the academic achievement of all public school students in the State against the State’s mathematics and reading or language arts academic standards adopted under paragraph (1), which may include measures of student growth toward such standards, using the mathematics and reading or language arts assessments described in paragraph (2)(B) and other valid and reliable academic indicators related to student achievement as identified by the State;

“(ii) annually evaluate and identify the academic performance of each public school in the State based on—

“(I) student academic achievement as measured in accordance with clause (i); and

“(II) the overall performance, and achievement gaps as compared to all students in the school, for economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and English learners, except that disaggregation of data under this subclause shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student; and

“(iii) include a system for school improvement for low-performing public schools receiving funds under this subpart that—

“(I) implements interventions in such schools that are designed to address such schools’ weaknesses; and

“(II) is implemented by local educational agencies serving such schools.

“(C) PROHIBITION.—Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes any aspect of a State’s accountability system developed and implemented in accordance with this paragraph.

“(D) ACCOUNTABILITY FOR CHARTER SCHOOLS.—The accountability provisions under this Act shall be overseen for charter schools in accordance with State charter school law.

“(4) REQUIREMENTS.—Each State plan shall describe—

“(A) how the State educational agency will assist each local educational agency and each public school affected by the State plan to comply with the requirements of this subpart, including how the State educational agency will work with local educational agencies to provide technical assistance; and

“(B) how the State educational agency will ensure that the results of the State assessments described in paragraph (2), the other indicators selected by the State under paragraph (3)(B)(i), and the school evaluations described in paragraph (3)(B)(ii), will be promptly provided to local educational agencies, schools, teachers, and parents in a manner that is clear and easy to understand, but not later than before the beginning of the school year following the school year in which such assessments, other indicators, or evaluations are taken or completed.

“(5) TIMELINE FOR IMPLEMENTATION.—Each State plan shall describe the process by which the State will adopt and implement the State academic standards, assessments, and accountability system required under this section within 2 years of enactment of the Student Success Act.

“(6) EXISTING STANDARDS.—Nothing in this subpart shall prohibit a State from revising, consistent with this section, any standard adopted under this section before or after the date of enactment of the Student Success Act.

“(7) EXISTING STATE LAW.—Nothing in this section shall be construed to alter any State law or regulation granting parents authority over schools that repeatedly failed to make adequate yearly progress under this section, as in effect on the day before the date of the enactment of the Student Success Act.

“(C) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

“(1) the State will notify local educational agencies, schools, teachers, parents, and the public of the academic standards, academic assessments, and State accountability system developed and implemented under this section;

“(2) the State will participate in biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act if the Secretary pays the costs of administering such assessments;

“(3) the State educational agency will notify local educational agencies and the public of the authority to operate schoolwide programs;

“(4) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this subpart;

“(5) the State educational agency will encourage schools to consolidate funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

“(6) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114; and

“(7) the State educational agency will inform local educational agencies in the State of the

local educational agency’s authority to transfer funds under section 1002 and to obtain waivers under section 5401.

“(d) PARENTAL INVOLVEMENT.—Each State plan shall describe how the State educational agency will support the collection and dissemination to local educational agencies and schools of effective parental involvement practices. Such practices shall—

“(1) be based on the most current research that meets the highest professional and technical standards on effective parental involvement that fosters achievement to high standards for all children;

“(2) be geared toward lowering barriers to greater participation by parents in school planning, review, and improvement; and

“(3) be coordinated with programs funded under subpart 3 of part A of title III.

“(e) PEER REVIEW AND SECRETARIAL APPROVAL.—

“(1) ESTABLISHMENT.—Notwithstanding section 5543, the Secretary shall—

“(A) establish a peer-review process to assist in the review of State plans; and

“(B) appoint individuals to the peer-review process who are representative of parents, teachers, State educational agencies, and local educational agencies, and who are familiar with educational standards, assessments, accountability, the needs of low-performing schools, and other educational needs of students, and ensure that 75 percent of such appointees are practitioners.

“(2) APPROVAL.—The Secretary shall—

“(A) approve a State plan within 120 days of its submission;

“(B) disapprove of the State plan only if the Secretary demonstrates how the State plan fails to meet the requirements of this section and immediately notifies the State of such determination and the reasons for such determination;

“(C) not decline to approve a State’s plan before—

“(i) offering the State an opportunity to revise its plan;

“(ii) providing technical assistance in order to assist the State to meet the requirements of this section; and

“(iii) providing a hearing; and

“(D) have the authority to disapprove a State plan for not meeting the requirements of this subpart, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State’s academic standards or State accountability system, or to use specific academic assessments or other indicators.

“(3) STATE REVISIONS.—A State plan shall be revised by the State educational agency if it is necessary to satisfy the requirements of this section.

“(4) PUBLIC REVIEW.—All communications, feedback, and notifications under this subsection shall be conducted in a manner that is immediately made available to the public through the website of the Department, including—

“(A) peer review guidance;

“(B) the names of the peer reviewers;

“(C) State plans submitted or resubmitted by a State, including the current approved plans;

“(D) peer review notes;

“(E) State plan determinations by the Secretary, including approvals or disapprovals, and any deviations from the peer reviewers’ recommendations with an explanation of the deviation; and

“(F) hearings.

“(5) PROHIBITION.—The Secretary, and the Secretary’s staff, may not attempt to participate in, or influence, the peer review process. No Federal employee may participate in, or attempt

to influence the peer review process, except to respond to questions of a technical nature, which shall be publicly reported.

“(f) DURATION OF THE PLAN.—

“(1) IN GENERAL.—Each State plan shall—

“(A) remain in effect for the duration of the State’s participation under this subpart; and

“(B) be periodically reviewed and revised as necessary by the State educational agency to reflect changes in the State’s strategies and programs under this subpart.

“(2) ADDITIONAL INFORMATION.—If a State makes significant changes to its State plan, such as the adoption of new State academic standards or new academic assessments, or adopts a new State accountability system, such information shall be submitted to the Secretary under subsection (e)(2) for approval.

“(g) FAILURE TO MEET REQUIREMENTS.—If a State fails to meet any of the requirements of this section then the Secretary shall withhold funds for State administration under this subpart until the Secretary determines that the State has fulfilled those requirements.

“(h) REPORTS.—

“(1) ANNUAL STATE REPORT CARD.—

“(A) IN GENERAL.—A State that receives assistance under this subpart shall prepare and disseminate an annual State report card. Such dissemination shall include, at a minimum, publicly posting the report card on the home page of the State educational agency’s website.

“(B) IMPLEMENTATION.—The State report card shall be—

“(i) concise; and

“(ii) presented in an understandable and uniform format that is developed in consultation with parents and, to the extent practicable, provided in a language that parents can understand.

“(C) REQUIRED INFORMATION.—The State shall include in its annual State report card information on—

“(i) the performance of students, in the aggregate and disaggregated by the categories of students described in subsection (b)(2)(B)(xii) (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student), on the State academic assessments described in subsection (b)(2);

“(ii) the participation rate on such assessments, in the aggregate and disaggregated in accordance with clause (i);

“(iii) the performance of students, in the aggregate and disaggregated in accordance with clause (i), on other academic indicators described in subsection (b)(3)(B)(i);

“(iv) for each public high school in the State, in the aggregate and disaggregated in accordance with clause (i)—

“(I) the four-year adjusted cohort graduation rate, and

“(II) if applicable, the extended-year adjusted cohort graduation rate, reported separately for students graduating in 5 years or less, students graduating in 6 years or less, and students graduating in 7 or more years;

“(v) each public school’s evaluation results as determined in accordance with subsection (b)(3)(B)(ii);

“(vi) the acquisition of English proficiency by English learners;

“(vii) the number and percentage of teachers in each category established under clause (iii) of section 2123(1)(A), except that such information shall not reveal personally identifiable information about an individual teacher; and

“(viii) the results of the assessments described in subsection (c)(2).

“(D) OPTIONAL INFORMATION.—The State may include in its annual State report card such

other information as the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State’s public elementary schools and public secondary schools.

“(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.—

“(A) IN GENERAL.—A local educational agency that receives assistance under this subpart shall prepare and disseminate an annual local educational agency report card.

“(B) MINIMUM REQUIREMENTS.—The State educational agency shall ensure that each local educational agency collects appropriate data and includes in the local educational agency’s annual report the information described in paragraph (1)(C) as applied to the local educational agency and each school served by the local educational agency, and—

“(i) in the case of a local educational agency, information that shows how students served by the local educational agency achieved on the statewide academic assessment and other academic indicators adopted in accordance with subsection (b)(3)(B)(i) compared to students in the State as a whole; and

“(ii) in the case of a school, the school’s evaluation under subsection (b)(3)(B)(ii).

“(C) OTHER INFORMATION.—A local educational agency may include in its annual local educational agency report card any other appropriate information, whether or not such information is included in the annual State report card.

“(D) DATA.—A local educational agency or school shall only include in its annual local educational agency report card data that are sufficient to yield statistically reliable information, as determined by the State, and that do not reveal personally identifiable information about an individual student.

“(E) PUBLIC DISSEMINATION.—The local educational agency shall publicly disseminate the information described in this paragraph to all schools served by the local educational agency and to all parents of students attending those schools in an understandable and uniform format, and, to the extent practicable, in a language that parents can understand, and make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, except that if a local educational agency issues a report card for all students, the local educational agency may include the information under this section as part of such report.

“(3) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency may use public report cards on the performance of students, schools, local educational agencies, or the State, that were in effect prior to the enactment of the Student Success Act for the purpose of this subsection, so long as any such report card is modified, as may be needed, to contain the information required by this subsection.

“(4) PARENTS RIGHT-TO-KNOW.—

“(A) ACHIEVEMENT INFORMATION.—At the beginning of each school year, a school that receives funds under this subpart shall provide to each individual parent information on the level of achievement of the parent’s child in each of the State academic assessments and other academic indicators adopted in accordance with this subpart.

“(B) FORMAT.—The notice and information provided to parents under this paragraph shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

“(i) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals consistent with section 444 of the General Education Provisions Act.

“(j) VOLUNTARY PARTNERSHIPS.—A State may enter into a voluntary partnership with another State to develop and implement the academic standards and assessments required under this section, except that the Secretary shall not, either directly or indirectly, attempt to influence, incentivize, or coerce State—

“(1) adoption of the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or assessments tied to such standards; or

“(2) participation in any such partnerships.

“(k) CONSTRUCTION.—Nothing in this part shall be construed to prescribe the use of the academic assessments described in this part for student promotion or graduation purposes.

“(l) SPECIAL RULE WITH RESPECT TO BUREAU-FUNDED SCHOOLS.—In determining the assessments to be used by each school operated or funded by the Bureau of Indian Education receiving funds under this subpart, the following shall apply:

“(1) Each such school that is accredited by the State in which it is operating shall use the assessments and other academic indicators the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment and academic indicators as approved by the Secretary of the Interior.

“(2) Each such school that is accredited by a regional accrediting organization shall adopt an appropriate assessment and other academic indicators, in consultation with and with the approval of, the Secretary of the Interior and consistent with assessments and academic indicators adopted by other schools in the same State or region, that meet the requirements of this section.

“(3) Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use an assessment and other academic indicators developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment and academic indicators meet the requirements of this section.”

#### SEC. 113. LOCAL EDUCATIONAL AGENCY PLANS.

Section 1112 (20 U.S.C. 6312) is amended to read as follows:

#### “SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

“(a) PLANS REQUIRED.—

“(1) SUBGRANTS.—A local educational agency may receive a subgrant under this subpart for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the McKinney-Vento Homeless Assistance Act, and other Acts, as appropriate.

“(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 5305.

“(b) PLAN PROVISIONS.—Each local educational agency plan shall describe—

“(1) how the local educational agency will monitor, in addition to the State assessments described in section 1111(b)(2), students’ progress in meeting the State’s academic standards;

“(2) how the local educational agency will identify quickly and effectively those students who may be at risk of failing to meet the State’s academic standards;

“(3) how the local educational agency will provide additional educational assistance to individual students in need of additional help in meeting the State’s academic standards;

“(4) how the local educational agency will implement the school improvement system described in section 1111(b)(3)(B)(iii) for any of the agency’s schools identified under such section;

“(5) how the local educational agency will coordinate programs under this subpart with other programs under this Act and other Acts, as appropriate;

“(6) the poverty criteria that will be used to select school attendance areas under section 1113;

“(7) how teachers, in consultation with parents, administrators, and specialized instructional support personnel, in targeted assistance schools under section 1115, will identify the eligible children most in need of services under this subpart;

“(8) in general, the nature of the programs to be conducted by the local educational agency's schools under sections 1114 and 1115, and, where appropriate, educational services outside such schools for children living in local institutions for neglected and delinquent children, and for neglected and delinquent children in community day school programs;

“(9) how the local educational agency will ensure that migratory children who are eligible to receive services under this subpart are selected to receive such services on the same basis as other children who are selected to receive services under this subpart;

“(10) the services the local educational agency will provide homeless children, including services provided with funds reserved under section 1113(c)(3)(A);

“(11) the strategy the local educational agency will use to implement effective parental involvement under section 1118;

“(12) if appropriate, how the local educational agency will use funds under this subpart to support preschool programs for children, particularly children participating in a Head Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or another comparable early childhood development program;

“(13) how the local educational agency, through incentives for voluntary transfers, the provision of professional development, recruitment programs, incentive pay, performance pay, or other effective strategies, will address disparities in the rates of low-income and minority students and other students being taught by ineffective teachers;

“(14) if appropriate, how the local educational agency will use funds under this subpart to support programs that coordinate and integrate—

“(A) career and technical education aligned with State technical standards that promote skills attainment important to in-demand occupations or industries in the State and the State's academic standards under section 1111(b)(1); and

“(B) work-based learning opportunities that provide students in-depth interaction with industry professionals; and

“(15) if appropriate, how the local educational agency will use funds under this subpart to support dual enrollment programs and early college high schools.

“(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

“(1) participate, if selected, in biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act;

“(2) inform schools of schoolwide program authority and the ability to consolidate funds from Federal, State, and local sources;

“(3) provide technical assistance to schoolwide programs;

“(4) provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials or representatives regarding such services;

“(5) in the case of a local educational agency that chooses to use funds under this subpart to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act;

“(6) inform eligible schools of the local educational agency's authority to request waivers on the school's behalf under Title V; and

“(7) ensure that the results of the academic assessments required under section 1111(b)(2) will be provided to parents and teachers as soon as is practically possible after the test is taken, in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

“(d) SPECIAL RULE.—In carrying out subsection (c)(5), the Secretary shall—

“(1) consult with the Secretary of Health and Human Services and shall establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subparagraph; and

“(2) disseminate to local educational agencies the education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act, and such agencies affected by such subsection shall plan for the implementation of such subsection (taking into consideration existing State and local laws, and local teacher contracts).

“(e) PLAN DEVELOPMENT AND DURATION.—

“(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with teachers, school leaders, public charter school representatives, administrators, and other appropriate school personnel, and with parents of children in schools served under this subpart.

“(2) DURATION.—Each such plan shall be submitted for the first year for which this part is in effect following the date of enactment of this Act and shall remain in effect for the duration of the agency's participation under this subpart.

“(3) REVIEW.—Each local educational agency shall periodically review and, as necessary, revise its plan.

“(f) STATE APPROVAL.—

“(1) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

“(2) APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan—

“(A) enables schools served under this subpart to substantially help children served under this subpart to meet the State's academic standards described in section 1111(b)(1); and

“(B) meets the requirements of this section.

“(3) REVIEW.—The State educational agency shall review the local educational agency's plan to determine if such agency's activities are in accordance with section 1118.

“(g) PARENTAL NOTIFICATION.—

“(1) IN GENERAL.—Each local educational agency using funds under this subpart and subpart 4 to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform parents of an English learner identified for participation, or participating in, such a program of—

“(A) the reasons for the identification of their child as an English learner and in need of

placement in a language instruction educational program;

“(B) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

“(C) the methods of instruction used in the program in which their child is, or will be participating, and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;

“(D) how the program in which their child is, or will be participating, will meet the educational strengths and needs of their child;

“(E) how such program will specifically help their child learn English, and meet age-appropriate academic achievement standards for grade promotion and graduation;

“(F) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learners, and the expected rate of graduation from high school for such program if funds under this subpart are used for children in secondary schools;

“(G) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and

“(H) information pertaining to parental rights that includes written guidance—

“(i) detailing—

“(I) the right that parents have to have their child immediately removed from such program upon their request; and

“(II) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

“(ii) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

“(2) NOTICE.—The notice and information provided in paragraph (1) to parents of a child identified for participation in a language instruction educational program for English learners shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

“(3) SPECIAL RULE APPLICABLE DURING THE SCHOOL YEAR.—For those children who have not been identified as English learners prior to the beginning of the school year the local educational agency shall notify parents within the first 2 weeks of the child being placed in a language instruction educational program consistent with paragraphs (1) and (2).

“(4) PARENTAL PARTICIPATION.—Each local educational agency receiving funds under this subpart shall implement an effective means of outreach to parents of English learners to inform the parents regarding how the parents can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet the State's academic standards expected of all students, including holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this subpart.

“(5) BASIS FOR ADMISSION OR EXCLUSION.—A student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.”

#### SEC. 114. ELIGIBLE SCHOOL ATTENDANCE AREAS.

Section 1113 (20 U.S.C. 6313) is amended—

(1) by striking “part” each place it appears and inserting “subpart”; and

(2) in subsection (c)(4)—  
(A) by striking “subpart 2” and inserting “chapter B”; and

(B) by striking “school improvement, corrective action, and restructuring under section 1116(b)” and inserting “school improvement under section 1111(b)(3)(B)(iii)”.

#### SEC. 115. SCHOOLWIDE PROGRAMS.

Section 1114 (20 U.S.C. 6314) is amended—

(I) in subsection (a)—  
(A) in paragraph (1)—  
(i) by striking “part” and inserting “subpart”; and  
(ii) by striking “in which” through “such families”;

(B) in paragraph (2)—  
(i) in subparagraph (A)(i), by striking “part” and inserting “subpart”; and

(ii) in subparagraph (B)—  
(I) by striking “children with limited English proficiency” and inserting “English learners”; and

(II) by striking “part” and inserting “subpart”;

(C) in paragraph (3)(B), by striking “maintenance of effort,” after “private school children,”; and

(D) by striking paragraph (4); and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking “(including)” and all that follows through “1309(2)”; and

(II) by striking “content standards and the State student academic achievement standards” and inserting “standards”;

(ii) in subparagraph (B)—

(I) in clause (i), by striking “proficient” and all that follows through “section 1111(b)(1)(D)” and inserting “academic standards described in section 1111(b)(1)”; and

(II) in clause (ii), in the matter preceding subclause (I), by striking “based on scientifically based research” and inserting “evidence-based”;

(III) in clause (iii)—

(aa) in subclause (I)—

(AA) by striking “student academic achievement standards” and inserting “academic standards”; and

(BB) by striking “schoolwide program,” and all that follows through “technical education programs; and” and inserting “schoolwide programs; and”; and

(bb) in subclause (II), by striking “and”;

(IV) in clause (iv)—

(aa) by striking “the State and local improvement plans” and inserting “school improvement strategies”; and

(bb) by striking the period and inserting “; and”; and

(V) by adding at the end the following new clause:

“(v) may be delivered by nonprofit or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement.”;

(iii) in subparagraph (C), by striking “highly qualified” and inserting “effective”;

(iv) in subparagraph (D)—

(I) by striking “In accordance with section 1119 and subsection (a)(4), high-quality” and inserting “High-quality”;

(II) by striking “pupil services” and inserting “specialized instructional support services”; and

(III) by striking “student academic achievement” and inserting “academic”;

(v) in subparagraph (E), by striking “high-quality highly qualified” and inserting “effective”;

(vi) in subparagraph (G), by striking “, such as Head Start, Even Start, Early Reading First, or a State-run preschool program,”;

(vii) in subparagraph (H), by striking “section 1111(b)(3)” and inserting “section 1111(b)(2)”; and

(viii) in subparagraph (I), by striking “proficient or advanced levels of academic achievement standards” and inserting “State academic standards”; and

(ix) in subparagraph (J), by striking “vocational” and inserting “career”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking “first develop” and all that follows through “2001” and inserting “have in place”; and

(bb) by striking “and its school support team or other technical assistance provider under section 1117”;

(II) in clause (ii), by striking “part” and inserting “subpart”; and

(III) in clause (iv), by striking “section 1111(b)(3)” and inserting “section 1111(b)(2)”; and

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) in subclause (I), by striking “, after considering the recommendation of the technical assistance providers under section 1117,”; and

(bb) in subclause (II), by striking “No Child Left Behind Act of 2001” and inserting “Student Success Act”;

(II) in clause (ii)—

(aa) by striking “(including administrators of programs described in other parts of this title)”;

(bb) by striking “pupil services” and inserting “specialized instructional support services”;

(III) in clause (iii), by striking “part” and inserting “subpart”; and

(IV) in clause (v), by striking “Reading First, Early Reading First, Even Start,”; and

(3) in subsection (c)—

(A) by striking “part” and inserting “subpart”; and

(B) by striking “6,” and all that follows through the period at the end and inserting “6.”.

#### SEC. 116. TARGETED ASSISTANCE SCHOOLS.

Section 1115 (20 U.S.C. 6315) is amended—

(I) in subsection (a)—

(A) by striking “are ineligible for a schoolwide program under section 1114, or that”;

(B) by striking “operate such” and inserting “operate”; and

(C) by striking “part” and inserting “subpart”;

(2) in subsection (b)—

(A) in paragraph (1)(B), by striking “challenging student academic achievement” and inserting “academic”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “limited English proficient children” and inserting “English learners”; and

(II) by striking “part” each place it appears and inserting “subpart”;

(ii) in subparagraph (B)—

(I) in the heading, by striking “, EVEN START, OR EARLY READING FIRST”;

(II) by striking “, Even Start, or Early Reading First”; and

(III) by striking “part” and inserting “subpart”;

(iii) in subparagraph (C)—

(I) by amending the heading to read as follows: “SUBPART 3 CHILDREN.—”;

(II) by striking “part C” and inserting “subpart 3”; and

(III) by striking “part” and inserting “subpart”;

(iv) in subparagraphs (D) and (E), by striking “part” each place it appears and inserting “subpart”;

(C) in paragraph (3), by striking “part” and inserting “subpart”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “part” and inserting “subpart”; and

(II) by striking “challenging student academic achievement” and inserting “academic”;

(ii) in subparagraph (A)—

(I) by striking “part” and inserting “subpart”; and

(II) by striking “challenging student academic achievement” and inserting “academic”;

(iii) in subparagraph (B), by striking “part” and inserting “subpart”;

(iv) in subparagraph (C)—

(I) in the matter preceding clause (i), by striking “based on scientifically based research” and inserting “evidence-based”; and

(II) in clause (iii), by striking “part” and inserting “subpart”;

(v) in subparagraph (D), by striking “such as Head Start, Even Start, Early Reading First or State-run preschool programs”;

(vi) in subparagraph (E), by striking “highly qualified” and inserting “effective”;

(vii) in subparagraph (F)—

(I) by striking “in accordance with subsection (e)(3) and section 1119,”;

(II) by striking “part” and inserting “subpart”; and

(III) by striking “pupil services personnel” and inserting “specialized instructional support personnel”; and

(viii) in subparagraph (H), by striking “vocational” and inserting “career”; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “proficient and advanced levels of achievement” and inserting “academic standards”;

(ii) in subparagraph (A), by striking “part” and inserting “subpart”; and

(iii) in subparagraph (B), by striking “challenging student academic achievement” and inserting “academic”;

(4) in subsection (d), in the matter preceding paragraph (1), by striking “part” each place it appears and inserting “subpart”;

(5) in subsection (e)—

(A) in paragraph (2)(B)—

(i) in the matter preceding clause (i), by striking “part” and inserting “subpart”; and

(ii) in clause (iii), by striking “pupil services” and inserting “specialized instructional support services”; and

(B) by striking paragraph (3); and

(6) by adding at the end the following new subsection:

“(f) DELIVERY OF SERVICES.—The elements of a targeted assistance program under this section may be delivered by nonprofit or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement.”.

SEC. 117. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT; SCHOOL SUPPORT AND RECOGNITION.

The Act is amended by repealing sections 1116 and 1117 (20 U.S.C. 6316; 6317).

#### SEC. 118. PARENTAL INVOLVEMENT.

Section 1118 (20 U.S.C. 6318) is amended—

(1) by striking “part” each place such term appears and inserting “subpart”;

(2) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “, and” and all that follows through “1116”; and

(ii) in subparagraph (D), by striking “, such as” and all that follows through “preschool programs”; and

(B) in paragraph (3)(A), by striking “subpart 2 of this part” each place it appears and inserting “chapter B of this subpart”;

(3) by amending subsection (c)(4)(B) to read as follows:

“(B) a description and explanation of the curriculum in use at the school and the forms of academic assessment used to measure student progress; and”;

(4) in subsection (d)(1), by striking “student academic achievement” and inserting “academic”;

(5) in subsection (e)—

(A) in paragraph (1), by striking “State’s academic content standards and State student academic achievement standards” and inserting “State’s academic standards”;

(B) in paragraph (3)—

(i) by striking “pupil services personnel,” and inserting “specialized instructional support personnel,”; and

(ii) by striking “principals,” and inserting “school leaders,”; and

(C) in paragraph (4), by striking “Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other” and inserting “other Federal, State, and local”; and

(6) by amending subsection (g) to read as follows:

“(g) FAMILY ENGAGEMENT IN EDUCATION PROGRAMS.—In a State operating a program under subpart 3 of part A of title III, each local educational agency or school that receives assistance under this subpart shall inform such parents and organizations of the existence of such programs.”.

#### SEC. 119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

The Act is amended by repealing section 1119 (20 U.S.C. 6319).

#### SEC. 120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

Section 1120 (20 U.S.C. 6320) is amended to read as follows:

##### “SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

“(a) GENERAL REQUIREMENT.—

“(1) IN GENERAL.—To the extent consistent with the number of eligible children identified under section 1115(b) in the school district served by a local educational agency who are enrolled in private elementary schools and secondary schools, a local educational agency shall—

“(A) after timely and meaningful consultation with appropriate private school officials or representatives, provide such service, on an equitable basis and individually or in combination, as requested by the officials or representatives to best meet the needs of such children, special educational services, instructional services, counseling, mentoring, one-on-one tutoring, or other benefits under this subpart (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs; and

“(B) ensure that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to this subpart.

“(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Such educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological.

“(3) EQUITY.—

“(A) IN GENERAL.—Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this subpart, and shall be provided in a timely manner.

“(B) OMBUDSMAN.—To help ensure such equity for such private school children, teachers, and other educational personnel, the State edu-

cational agency involved shall designate an ombudsman to monitor and enforce the requirements of this subpart.

“(4) EXPENDITURES.—

“(A) IN GENERAL.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the expenditures for participating public school children, taking into account the number, and educational needs, of the children to be served. The share of funds shall be determined based on the total allocation received by the local educational agency prior to any allowable expenditures authorized under this title.

“(B) OBLIGATION OF FUNDS.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall—

“(i) be obligated in the fiscal year for which the funds are received by the agency; and

“(ii) with respect to any such funds that cannot be so obligated, be used to serve such children in the following fiscal year.

“(C) NOTICE OF ALLOCATION.—Each State educational agency shall—

“(i) determine, in a timely manner, the proportion of funds to be allocated to each local educational agency in the State for educational services and other benefits under this subpart to eligible private school children; and

“(ii) provide notice, simultaneously, to each such local educational agency and the appropriate private school officials or their representatives in the State of such allocation of funds.

“(5) PROVISION OF SERVICES.—The local educational agency or, in a case described in subsection (b)(6)(C), the State educational agency involved, may provide services under this section directly or through contracts with public or private agencies, organizations, and institutions.

“(b) CONSULTATION.—

“(1) IN GENERAL.—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials or representatives during the design and development of such agency’s programs under this subpart in order to reach an agreement between the agency and the officials or representatives about equitable and effective programs for eligible private school children, the results of which shall be transmitted to the designated ombudsmen under section 1120(a)(3)(B). Such process shall include consultation on issues such as—

“(A) how the children’s needs will be identified;

“(B) what services will be offered;

“(C) how, where, and by whom the services will be provided;

“(D) how the services will be academically assessed and how the results of that assessment will be used to improve those services;

“(E) the size and scope of the equitable services to be provided to the eligible private school children, and the proportion of funds that is allocated under subsection (a)(4)(A) for such services, how that proportion of funds is determined under such subsection, and an itemization of the costs of the services to be provided;

“(F) the method or sources of data that are used under subsection (c) and section 1113(c)(1) to determine the number of children from low-income families in participating school attendance areas who attend private schools;

“(G) how and when the agency will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials or representatives on the provision of services through a contract with potential third-party providers;

“(H) how, if the agency disagrees with the views of the private school officials or represent-

atives on the provision of services through a contract, the local educational agency will provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to use a contractor;

“(I) whether the agency will provide services under this section directly or through contracts with public and private agencies, organizations, and institutions;

“(J) whether to provide equitable services to eligible private school children—

“(i) by creating a pool or pools of funds with all of the funds allocated under paragraph (4) based on all the children from low-income families who attend private schools in a participating school attendance area of the agency from which the local educational agency will provide such services to all such children; or

“(ii) by providing such services to eligible children in each private school in the agency’s participating school attendance area with the proportion of funds allocated under paragraph (4) based on the number of children from low-income families who attend such school; and

“(K) whether to consolidate and use funds under this subpart to provide schoolwide programs for a private school.

“(2) DISAGREEMENT.—If a local educational agency disagrees with the views of private school officials or representatives with respect to an issue described in paragraph (1), the local educational agency shall provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to adopt the course of action requested by such officials.

“(3) TIMING.—Such consultation shall include meetings of agency and private school officials or representatives and shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this subpart. Such meetings shall continue throughout implementation and assessment of services provided under this section.

“(4) DISCUSSION.—Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.

“(5) DOCUMENTATION.—Each local educational agency shall maintain in the agency’s records and provide to the State educational agency involved a written affirmation signed by officials or representatives of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials or representatives to indicate that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials or representatives do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

“(6) COMPLIANCE.—

“(A) IN GENERAL.—A private school official shall have the right to file a complaint with the State educational agency that the local educational agency did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the private school official, or did not treat the private school or its students equitably as required by this section.

“(B) PROCEDURE.—If the private school official wishes to file a complaint, the official shall provide the basis of the noncompliance with this section by the local educational agency to the



State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency.

“(C) STATE EDUCATIONAL AGENCIES.—A State educational agency shall provide services under this section directly or through contracts with public or private agencies, organizations, and institutions, if—

“(i) the appropriate private school officials or their representatives have—

“(I) requested that the State educational agency provide such services directly; and

“(II) demonstrated that the local educational agency involved has not met the requirements of this section; or

“(ii) in a case in which—

“(I) a local educational agency has more than 10,000 children from low-income families who attend private elementary schools or secondary schools in a participating school attendance area of the agency that are not being served by the agency’s program under this section; or

“(II) 90 percent of the eligible private school students in a participating school attendance area of the agency are not being served by the agency’s program under this section.

“(c) ALLOCATION FOR EQUITABLE SERVICE TO PRIVATE SCHOOL STUDENTS.—

“(1) CALCULATION.—A local educational agency shall have the final authority, consistent with this section, to calculate the number of children, ages 5 through 17, who are from low-income families and attend private schools by—

“(A) using the same measure of low income used to count public school children;

“(B) using the results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable;

“(C) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that school attendance area; or

“(D) using an equated measure of low income correlated with the measure of low income used to count public school children.

“(2) COMPLAINT PROCESS.—Any dispute regarding low-income data for private school students shall be subject to the complaint process authorized in section 5503.

“(d) PUBLIC CONTROL OF FUNDS.—

“(1) IN GENERAL.—The control of funds provided under this subpart, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.

“(2) PROVISION OF SERVICES.—

“(A) PROVIDER.—The provision of services under this section shall be provided—

“(i) by employees of a public agency; or

“(ii) through a contract by such public agency with an individual, association, agency, or organization.

“(B) REQUIREMENT.—In the provision of such services, such employee, individual, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

“(e) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation in programs on an equitable basis of eligible children enrolled in private elementary schools and secondary schools, or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

“(1) waive the requirements of this section for such local educational agency;

“(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 5503 and 5504; and

“(3) in making the determination under this subsection, consider one or more factors, including the quality, size, scope, and location of the program and the opportunity of eligible children to participate.”.

#### SEC. 121. FISCAL REQUIREMENTS.

Section 1120A (20 U.S.C. 6321) is amended—

(1) by striking “part” each place it appears and inserting “subpart”; and

(2) by striking subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

#### SEC. 122. COORDINATION REQUIREMENTS.

Section 1120B (20 U.S.C. 6322) is amended—

(1) by striking “part” each place it appears and inserting “subpart”; and

(2) in subsection (a), by striking “such as the Early Reading First program”; and

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “, such as the Early Reading First program,”;

(B) in paragraphs (1) through (3), by striking “such as the Early Reading First program” each place it appears;

(C) in paragraph (4), by striking “Early Reading First program staff,”; and

(D) in paragraph (5), by striking “and entities carrying out Early Reading First programs”.

#### SEC. 123. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

Section 1121 (20 U.S.C. 6331) is amended—

(1) in subsection (a), by striking “appropriated for payments to States for any fiscal year under section 1002(a) and 1125A(f)” and inserting “reserved for this chapter under section 1122(a)”; and

(2) in subsection (b)—

(A) in paragraph (2), by striking “the No Child Left Behind Act of 2001” and inserting “the Student Success Act”; and

(B) in paragraph (3)—

(i) in subparagraph (B), by striking “basis,” and all that follows through the period at the end and inserting “basis.”;

(ii) in subparagraph (C)(ii), by striking “challenging State academic content standards” and inserting “State academic standards”; and

(iii) by striking subparagraph (D); and

(3) in subsection (d)(2), by striking “part” and inserting “subpart”.

#### SEC. 124. ALLOCATIONS TO STATES.

Section 1122 (20 U.S.C. 6332) is amended—

(1) by amending subsection (a) to read as follows:

“(a) RESERVATION.—

“(1) IN GENERAL.—From the amounts appropriated under section 3(a)(1), the Secretary shall reserve 91.055 percent of such amounts to carry out this chapter.

“(2) ALLOCATION FORMULA.—Of the amount reserved under paragraph (1) for each of fiscal years 2014 to 2019 (referred to in this subsection as the current fiscal year)—

“(A) an amount equal to the amount made available to carry out section 1124 for fiscal year 2001 shall be used to carry out section 1124;

“(B) an amount equal to the amount made available to carry out section 1124A for fiscal year 2001 shall be used to carry out section 1124A; and

“(C) an amount equal to 100 percent of the amount, if any, by which the total amount made available to carry out this chapter for the fiscal year for which the determination is made exceeds the total amount available to carry out sections 1124 and 1124A for fiscal year 2001 shall be used to carry out sections 1125 and 1125A and such amount shall be divided equally between sections 1125 and 1125A.”;

(2) in subsection (b)(1), by striking “subpart” and inserting “chapter”;

(3) in subsection (c)(3), by striking “part” and inserting “subpart”; and

(4) in subsection (d)(1), by striking “subpart” and inserting “chapter”.

#### SEC. 125. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

Section 1124 (20 U.S.C. 6333) is amended—

(1) in subsection (a)—

(A) in paragraph (3)—

(i) in subparagraph (B), by striking “subpart” and inserting “chapter”; and

(ii) in subparagraph (C)(i), by striking “subpart” and inserting “chapter”; and

(B) in paragraph (4)(C), by striking “subpart” each place it appears and inserting “chapter”; and

(2) in subsection (c)—

(A) in paragraph (1)(B), by striking “subpart 1 of part D” and inserting “chapter A of subpart 3”; and

(B) in paragraph (2), by striking “part” and inserting “subpart”.

#### SEC. 126. ADEQUACY OF FUNDING OF TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES IN FISCAL YEARS AFTER FISCAL YEAR 2001.

Section 1125AA (20 U.S.C. 6336) is amended to read as follows:

“SEC. 1125AA. ADEQUACY OF FUNDING OF TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES IN FISCAL YEARS AFTER FISCAL YEAR 2001.

“Pursuant to section 1122, the total amount allocated in any fiscal year after fiscal year 2001 for programs and activities under this subpart shall not exceed the amount allocated in fiscal year 2001 for such programs and activities unless the amount available for targeted grants to local educational agencies under section 1125 in the applicable fiscal year meets the requirements of section 1122(a).”.

#### SEC. 127. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.

Section 1125A (20 U.S.C. 6337) is amended—

(1) by striking “part” each place it appears and inserting “subpart”; and

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking “appropriated pursuant to subsection (f)” and inserting “made available for any fiscal year to carry out this section”; and

(B) in subparagraph (B)(i), by striking “total appropriations” and inserting “the total amount reserved under section 1122(a) to carry out this section”; and

(3) by striking subsections (a), (e), and (f) and redesignating subsections (b), (c), (d), and (g) as subsections (a), (b), (c), and (d), respectively; and

(4) in subsection (b), as redesignated, by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

#### SEC. 128. CARRYOVER AND WAIVER.

Section 1127 (20 U.S.C. 6339) is amended by striking “subpart” each place it appears and inserting “chapter”.

#### Subtitle C—Additional Aid to States and School Districts

#### SEC. 131. ADDITIONAL AID.

(a) IN GENERAL.—Title I (20 U.S.C. 6301 et seq.), as amended by the preceding provisions of this Act, is further amended—

(1) by striking parts B through D and F through H; and

(2) by inserting after subpart 1 of part A the following:

#### “Subpart 2—Education of Migratory Children

#### “SEC. 1131. PROGRAM PURPOSES.

“The purposes of this subpart are as follows:

“(1) To assist States in supporting high-quality and comprehensive educational programs



and services during the school year, and as applicable, during summer or intersession periods, that address the unique educational needs of migratory children.

“(2) To ensure that migratory children who move among the States, not be penalized in any manner by disparities among the States in curriculum, graduation requirements, and State academic standards.

“(3) To help such children succeed in school, meet the State academic standards that all children are expected to meet, and graduate from high school prepared for postsecondary education and the workforce without the need for remediation.

“(4) To help such children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed in school.

“(5) To help such children benefit from State and local systemic reforms.

#### “SEC. 1132. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—From the amounts appropriated under section 3(a)(1), the Secretary shall reserve 2.37 percent to carry out this subpart.

“(b) GRANTS AWARDED.—From the amounts reserved under subsection (a) and not reserved under section 1138(c), the Secretary shall make allotments for the fiscal year to State educational agencies, or consortia of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this subpart.

#### “SEC. 1133. STATE ALLOCATIONS.

“(a) STATE ALLOCATIONS.—Except as provided in subsection (c), each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this subpart an amount equal to the product of—

“(1) the sum of—

“(A) the average number of identified eligible full-time equivalent migratory children aged 3 through 21 residing in the State, based on data for the preceding 3 years; and

“(B) the number of identified eligible migratory children, aged 3 through 21, who received services under this subpart in summer or intersession programs provided by the State during the previous year; multiplied by

“(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

“(b) HOLD HARMLESS.—Notwithstanding subsection (a), for each of fiscal years 2014 through 2016, no State shall receive less than 90 percent of the State's allocation under this section for the previous year.

“(c) ALLOCATION TO PUERTO RICO.—For each fiscal year, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this subpart shall be the amount determined by multiplying the number of children who would be counted under subsection (a)(1) if such subsection applied to the Commonwealth of Puerto Rico by the product of—

“(1) the percentage that the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States, except that the percentage calculated under this subparagraph shall not be less than 85 percent; and

“(2) 32 percent of the average per-pupil expenditure in the United States.

“(d) RATABLE REDUCTIONS; REALLOCATIONS.—

“(1) IN GENERAL.—

“(A) RATABLE REDUCTIONS.—If, after the Secretary reserves funds under section 1138(c), the amount appropriated to carry out this subpart for any fiscal year is insufficient to pay in full

the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

“(B) REALLOCATION.—If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary determines will best carry out the purpose of this subpart.

“(2) SPECIAL RULE.—

“(A) FURTHER REDUCTIONS.—The Secretary shall further reduce the amount of any grant to a State under this subpart for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address such needs, that such amount exceeds the amount required under section 1134.

“(B) REALLOCATION.—The Secretary shall reallocate such excess funds to other States whose grants under this subpart would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

“(e) CONSORTIUM ARRANGEMENTS.—

“(1) IN GENERAL.—In the case of a State that receives a grant of \$1,000,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner.

“(2) PROPOSALS.—Any State, regardless of the amount of such State's allocation, may submit a consortium arrangement to the Secretary for approval.

“(3) APPROVAL.—The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

“(A) reduce administrative costs or program function costs for State programs; and

“(B) make more funds available for direct services to add substantially to the educational achievement of children to be served under this subpart.

“(f) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to determine the identified number of migratory children residing in each State for purposes of this section, the Secretary shall—

“(1) use the most recent information that most accurately reflects the actual number of migratory children;

“(2) develop and implement a procedure for monitoring the accuracy of such information;

“(3) develop and implement a procedure for more accurately reflecting cost factors for different types of summer and intersession program designs;

“(4) adjust the full-time equivalent number of migratory children who reside in each State to take into account—

“(A) the unique needs of those children participating in evidence-based or other effective special programs provided under this subpart that operate during the summer and intersession periods; and

“(B) the additional costs of operating such programs; and

“(5) conduct an analysis of the options for adjusting the formula so as to better direct services to migratory children, including the most at-risk migratory children.

“(g) NONPARTICIPATING STATES.—In the case of a State desiring to receive an allocation under this subpart for a fiscal year that did not receive an allocation for the previous fiscal year or that has been participating for less than 3 consecutive years, the Secretary shall calculate the State's number of identified migratory children aged 3 through 21 for purposes of sub-

section (a)(1)(A) by using the most recent data available that identifies the migratory children residing in the State until data is available to calculate the 3-year average number of such children in accordance with such subsection.

#### “SEC. 1134. STATE APPLICATIONS; SERVICES.

“(a) APPLICATION REQUIRED.—Any State desiring to receive a grant under this subpart for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

“(b) PROGRAM INFORMATION.—Each such application shall include—

“(1) a description of how, in planning, implementing, and evaluating programs and projects assisted under this subpart, the State and its local operating agencies will ensure that the unique educational needs of migratory children, including preschool migratory children, are identified and addressed through—

“(A) the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

“(B) joint planning among local, State, and Federal educational programs serving migratory children, including language instruction educational programs under chapter A of subpart 4; and

“(C) the integration of services available under this subpart with services provided by those other programs;

“(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same State academic standards that all children are expected to meet;

“(3) a description of how the State will use funds received under this subpart to promote interstate and intrastate coordination of services for migratory children, including how the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such a move occurs during the regular school year;

“(4) a description of the State's priorities for the use of funds received under this subpart, and how such priorities relate to the State's assessment of needs for services in the State;

“(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies, taking into account the numbers and needs of migratory children, the requirements of subsection (d), and the availability of funds from other Federal, State, and local programs; and

“(6) a description of how the State will encourage programs and projects assisted under this subpart to offer family literacy services if the programs and projects serve a substantial number of migratory children whose parents do not have a regular high school diploma or its recognized equivalent or who have low levels of literacy.

“(c) ASSURANCES.—Each such application shall also include assurances that—

“(1) funds received under this subpart will be used only—

“(A) for programs and projects, including the acquisition of equipment, in accordance with section 1136; and

“(B) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;

“(2) such programs and projects will be carried out in a manner consistent with the objectives of section 1114, subsections (b) and (d) of section 1115, subsections (b) and (c) of section 1120A, and part C;

“(3) in the planning and operation of programs and projects at both the State and local agency operating level, there is consultation

with parents of migratory children for programs of not less than one school year in duration, and that all such programs and projects are carried out—

“(A) in a manner that provides for the same parental involvement as is required for programs and projects under section 1118, unless extraordinary circumstances make such provision impractical; and

“(B) in a format and language understandable to the parents;

“(4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children;

“(5) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under subpart 1;

“(6) to the extent feasible, such programs and projects will provide for—

“(A) advocacy and outreach activities for migratory children and their families, including informing such children and families of, or helping such children and families gain access to, other education, health, nutrition, and social services;

“(B) professional development programs, including mentoring, for teachers and other program personnel;

“(C) high-quality, evidence-based family literacy programs;

“(D) the integration of information technology into educational and related programs; and

“(E) programs to facilitate the transition of secondary school students to postsecondary education or employment without the need for remediation; and

“(7) the State will assist the Secretary in determining the number of migratory children under paragraph (1) of section 1133(a).

“(d) **PRIORITY FOR SERVICES.**—In providing services with funds received under this subpart, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's academic standards under section 1111 (b)(1).

“(e) **CONTINUATION OF SERVICES.**—Notwithstanding any other provision of this subpart—

“(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term;

“(2) a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs; and

“(3) secondary school students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

**“SEC. 1135. SECRETARIAL APPROVAL; PEER REVIEW.**

“The Secretary shall approve each State application that meets the requirements of this subpart, and may review any such application using a peer review process.

**“SEC. 1136. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.**

“(a) **COMPREHENSIVE PLAN.**—

“(1) **IN GENERAL.**—Each State that receives assistance under this subpart shall ensure that the State and its local operating agencies identify and address the unique educational needs of migratory children in accordance with a comprehensive State plan that—

“(A) is integrated with other programs under this Act or other Acts, as appropriate;

“(B) may be submitted as a part of a consolidated application under section 5302, if—

“(i) the unique needs of migratory children are specifically addressed in the comprehensive State plan;

“(ii) the comprehensive State plan is developed in collaboration with parents of migratory children; and

“(iii) the comprehensive State plan is not used to supplant State efforts regarding, or administrative funding for, this subpart;

“(C) provides that migratory children will have an opportunity to meet the same State academic standards under section 1111(b)(1) that all children are expected to meet;

“(D) specifies measurable program goals and outcomes;

“(E) encompasses the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

“(F) is the product of joint planning among each local, State, and Federal programs, including programs under subpart 1, early childhood programs, and language instruction educational programs under chapter A of subpart 4; and

“(G) provides for the integration of services available under this subpart with services provided by such other programs.

“(2) **DURATION OF THE PLAN.**—Each such comprehensive State plan shall—

“(A) remain in effect for the duration of the State's participation under this subpart; and

“(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this subpart.

“(b) **AUTHORIZED ACTIVITIES.**—

“(1) **FLEXIBILITY.**—In implementing the comprehensive plan described in subsection (a), each State educational agency, where applicable through its local educational agencies, shall have the flexibility to determine the activities to be provided with funds made available under this subpart, except that such funds first shall be used to meet the identified needs of migratory children that result from their migratory lifestyle, and to permit these children to participate effectively in school.

“(2) **UNADDRESSED NEEDS.**—Funds provided under this subpart shall be used to address the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under subpart 1 may receive those services through funds provided under that subpart, or through funds under this subpart that remain after the agency addresses the needs described in paragraph (1).

“(3) **CONSTRUCTION.**—Nothing in this subpart shall be construed to prohibit a local educational agency from serving migratory children simultaneously with students with similar educational needs in the same educational settings, where appropriate.

**“SEC. 1137. BYPASS.**

“The Secretary may use all or part of any State's allocation under this subpart to make arrangements with any public or private agency to carry out the purpose of this subpart in such State if the Secretary determines that—

“(1) the State is unable or unwilling to conduct educational programs for migratory children;

“(2) such arrangements would result in more efficient and economic administration of such programs; or

“(3) such arrangements would add substantially to the educational achievement of such children.

**“SEC. 1138. COORDINATION OF MIGRATORY EDUCATION ACTIVITIES.**

“(a) **IMPROVEMENT OF COORDINATION.**—

“(1) **IN GENERAL.**—The Secretary, in consultation with the States, may make grants to, or

enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private entities to improve the interstate and intrastate coordination among such agencies' educational programs, including through the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

“(2) **DURATION.**—Grants or contracts under this subsection may be awarded for not more than 5 years.

“(b) **STUDENT RECORDS.**—

“(1) **ASSISTANCE.**—The Secretary shall assist States in developing and maintaining an effective system for the electronic transfer of student records and in determining the number of migratory children in each State.

“(2) **INFORMATION SYSTEM.**—

“(A) **IN GENERAL.**—The Secretary, in consultation with the States, shall ensure the linkage of migratory student record systems for the purpose of electronically exchanging, among the States, health and educational information regarding all migratory students. The Secretary shall ensure such linkage occurs in a cost-effective manner, utilizing systems used by the States prior to, or developed after, the date of enactment of this Act. The Secretary shall determine the minimum data elements that each State receiving funds under this subpart shall collect and maintain. Such minimum data elements may include—

“(i) immunization records and other health information;

“(ii) elementary and secondary academic history (including partial credit), credit accrual, and results from State assessments required under section 1111(b)(2);

“(iii) other academic information essential to ensuring that migratory children achieve to the State's academic standards; and

“(iv) eligibility for services under the Individuals with Disabilities Education Act.

“(B) The Secretary shall consult with States before updating the data elements that each State receiving funds under this subpart shall be required to collect for purposes of electronic transfer of migratory student information and the requirements that States shall meet for immediate electronic access to such information.

“(3) **NO COST FOR CERTAIN TRANSFERS.**—A State educational agency or local educational agency receiving assistance under this subpart shall make student records available to another State educational agency or local educational agency that requests the records at no cost to the requesting agency, if the request is made in order to meet the needs of a migratory child.

“(4) **REPORT TO CONGRESS.**—

“(A) **IN GENERAL.**—Not later than April 30, 2014, the Secretary shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives the Secretary's findings and recommendations regarding the maintenance and transfer of health and educational information for migratory students by the States.

“(B) **REQUIRED CONTENTS.**—The Secretary shall include in such report—

“(i) a review of the progress of States in developing and linking electronic records transfer systems;

“(ii) recommendations for maintaining such systems; and

“(iii) recommendations for improving the continuity of services provided for migratory students.

“(c) **AVAILABILITY OF FUNDS.**—The Secretary shall reserve not more than \$10,000,000 of the amount reserved under section 1132 to carry out this section for each fiscal year.

“(d) **DATA COLLECTION.**—The Secretary shall direct the National Center for Education Statistics to collect data on migratory children.

**"SEC. 1139. DEFINITIONS.**

"As used in this subpart:

"(1) **LOCAL OPERATING AGENCY.**—The term 'local operating agency' means—

"(A) a local educational agency to which a State educational agency makes a subgrant under this subpart;

"(B) a public or private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this subpart; or

"(C) a State educational agency, if the State educational agency operates the State's migratory education program or projects directly.

"(2) **MIGRATORY CHILD.**—The term 'migratory child' means a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work—

"(A) has moved from one school district to another;

"(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

"(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

**"Subpart 3—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk**

**"SEC. 1141. PURPOSE AND PROGRAM AUTHORIZATION.**

"(a) **PURPOSE.**—It is the purpose of this subpart—

"(1) to improve educational services for children and youth in local and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same State academic standards that all children in the State are expected to meet;

"(2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and

"(3) to prevent at-risk youth from dropping out of school, and to provide dropouts, and children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education.

"(b) **PROGRAM AUTHORIZED.**—From amounts appropriated under section 3(a)(1), the Secretary shall reserve 0.305 of one percent to carry out this subpart.

"(c) **GRANTS AWARDED.**—From the amounts reserved under subsection (b) and not reserved under section 1004 and section 1159, the Secretary shall make grants to State educational agencies that have plans submitted under section 1154 approved to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected, delinquent, or at-risk children and youth.

**"SEC. 1142. PAYMENTS FOR PROGRAMS UNDER THIS SUBPART.**

"(a) **AGENCY SUBGRANTS.**—Based on the allocation amount computed under section 1152, the Secretary shall allocate to each State educational agency an amount necessary to make subgrants to State agencies under chapter A.

"(b) **LOCAL SUBGRANTS.**—Each State shall retain, for the purpose of carrying out chapter B, funds generated throughout the State under subpart 1 of this part based on children and youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

**"CHAPTER A—STATE AGENCY PROGRAMS**

**"SEC. 1151. ELIGIBILITY.**

"A State agency is eligible for assistance under this chapter if such State agency is responsible for providing free public education for children and youth—

"(1) in institutions for neglected or delinquent children and youth;

"(2) attending community day programs for neglected or delinquent children and youth; or

"(3) in adult correctional institutions.

**"SEC. 1152. ALLOCATION OF FUNDS.**

"(a) **SUBGRANTS TO STATE AGENCIES.**—

"(1) **IN GENERAL.**—Each State agency described in section 1151 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this chapter, for each fiscal year, in an amount equal to the product of—

"(A) the number of neglected or delinquent children and youth described in section 1151 who—

"(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

"(ii) are enrolled for at least 20 hours per week—

"(I) in education programs in institutions for neglected or delinquent children and youth; or

"(II) in community day programs for neglected or delinquent children and youth; and

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

"(2) **SPECIAL RULE.**—The number of neglected or delinquent children and youth determined under paragraph (1) shall—

"(A) be determined by the State agency by a deadline set by the Secretary, except that no State agency shall be required to determine the number of such children and youth on a specific date set by the Secretary; and

"(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

"(b) **SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.**—

"(1) **IN GENERAL.**—For each fiscal year, the amount of the subgrant which a State agency in the Commonwealth of Puerto Rico shall be eligible to receive under this chapter shall be the amount determined by multiplying the number of children counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—

"(A) the percentage which the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(2) **MINIMUM PERCENTAGE.**—The percentage in paragraph (1)(A) shall not be less than 85 percent.

"(c) **RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.**—If the amount reserved for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all State agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

**"SEC. 1153. STATE REALLOCATION OF FUNDS.**

"If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this chapter for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other eligible State agencies that need additional funds to carry out the purpose of this chapter, in such amounts as the State educational agency shall determine.

**"SEC. 1154. STATE PLAN AND STATE AGENCY APPLICATIONS.**

"(a) **STATE PLAN.**—

"(1) **IN GENERAL.**—Each State educational agency that desires to receive a grant under this chapter shall submit, for approval by the Secretary, a plan—

"(A) for meeting the educational needs of neglected, delinquent, and at-risk children and youth;

"(B) for assisting in the transition of children and youth from correctional facilities to locally operated programs; and

"(C) that is integrated with other programs under this Act or other Acts, as appropriate.

"(2) **CONTENTS.**—Each such State plan shall—

"(A) describe how the State will assess the effectiveness of the program in improving the academic, career, and technical skills of children in the program;

"(B) provide that, to the extent feasible, such children will have the same opportunities to achieve as such children would have if such children were in the schools of local educational agencies in the State;

"(C) describe how the State will place a priority for such children to obtain a regular high school diploma, to the extent feasible; and

"(D) contain an assurance that the State educational agency will—

"(i) ensure that programs assisted under this chapter will be carried out in accordance with the State plan described in this subsection;

"(ii) carry out the evaluation requirements of section 1171; and

"(iii) ensure that the State agencies receiving subgrants under this chapter comply with all applicable statutory and regulatory requirements.

"(3) **DURATION OF THE PLAN.**—Each such State plan shall—

"(A) remain in effect for the duration of the State's participation under this chapter; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this chapter.

"(b) **SECRETARIAL APPROVAL AND PEER REVIEW.**—

"(1) **SECRETARIAL APPROVAL.**—The Secretary shall approve each State plan that meets the requirements of this chapter.

"(2) **PEER REVIEW.**—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

"(c) **STATE AGENCY APPLICATIONS.**—Any State agency that desires to receive funds to carry out a program under this chapter shall submit an application to the State educational agency that—

"(1) describes the procedures to be used, consistent with the State plan under section 1111, to assess the educational needs of the children to be served under this chapter;

"(2) provide an assurance that in making services available to children and youth in adult correctional institutions, priority will be given to such children and youth who are likely to complete incarceration within a 2-year period;

"(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

"(4) describes how the program will meet the goals and objectives of the State plan;

"(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1156 are of high quality;

"(6) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of Public Law 105-220, career and technical education programs, State and local dropout prevention programs, and special education programs;

“(7) describes how the State agency will encourage correctional facilities receiving funds under this chapter to coordinate with local educational agencies or alternative education programs attended by incarcerated children and youth prior to and after their incarceration to ensure that student assessments and appropriate academic records are shared jointly between the correctional facility and the local educational agency or alternative education program;

“(8) describes how appropriate professional development will be provided to teachers and other staff;

“(9) designates an individual in each affected correctional facility or institution for neglected or delinquent children and youth to be responsible for issues relating to the transition of such children and youth from such facility or institution to locally operated programs;

“(10) describes how the State agency will endeavor to coordinate with businesses for training and mentoring for participating children and youth;

“(11) provides an assurance that the State agency will assist in locating alternative programs through which students can continue their education if the students are not returning to school after leaving the correctional facility or institution for neglected or delinquent children and youth;

“(12) provides assurances that the State agency will work with parents to secure parents’ assistance in improving the educational achievement of their children and youth, and preventing their children’s and youth’s further involvement in delinquent activities;

“(13) provides an assurance that the State agency will work with children and youth with disabilities in order to meet an existing individualized education program and an assurance that the agency will notify the child’s or youth’s local school if the child or youth—

“(A) is identified as in need of special education services while the child or youth is in the correctional facility or institution for neglected or delinquent children and youth; and

“(B) intends to return to the local school;

“(14) provides an assurance that the State agency will work with children and youth who dropped out of school before entering the correctional facility or institution for neglected or delinquent children and youth to encourage the children and youth to reenter school and obtain a regular high school diploma once the term of the incarceration is completed, or provide the child or youth with the skills necessary to gain employment, continue the education of the child or youth, or obtain a regular high school diploma or its recognized equivalent if the child or youth does not intend to return to school;

“(15) provides an assurance that effective teachers and other qualified staff are trained to work with children and youth with disabilities and other students with special needs taking into consideration the unique needs of such students;

“(16) describes any additional services to be provided to children and youth, such as career counseling, distance education, and assistance in securing student loans and grants; and

“(17) provides an assurance that the program under this chapter will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) or other comparable programs, if applicable.

#### **“SEC. 1155. USE OF FUNDS.**

“(a) USES.—

“(1) IN GENERAL.—A State agency shall use funds received under this chapter only for programs and projects that—

“(A) are consistent with the State plan under section 1154(a); and

“(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, career and technical education, further education, or employment without the need for remediation.

“(2) PROGRAMS AND PROJECTS.—Such programs and projects—

“(A) may include the acquisition of equipment;

“(B) shall be designed to support educational services that—

“(i) except for institution-wide projects under section 1156, are provided to children and youth identified by the State agency as failing, or most at-risk of failing, to meet the State’s academic standards;

“(ii) supplement and improve the quality of the educational services provided to such children and youth by the State agency; and

“(iii) afford such children and youth an opportunity to meet State academic standards; and

“(C) shall be carried out in a manner consistent with section 1120A and part C (as applied to programs and projects under this chapter).

“(b) SUPPLEMENT, NOT SUPPLANT.—A program under this chapter that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of section 1120A (as applied to this chapter) without regard to the subject areas in which instruction is given during those hours.

#### **“SEC. 1156. INSTITUTION-WIDE PROJECTS.**

“A State agency that provides free public education for children and youth in an institution for neglected or delinquent children and youth (other than an adult correctional institution) or attending a community day program for such children and youth may use funds received under this chapter to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

“(1) provides for a comprehensive assessment of the educational needs of all children and youth in the institution or program serving juveniles;

“(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a 2-year period;

“(3) describes the steps the State agency has taken, or will take, to provide all children and youth under age 21 with the opportunity to meet State academic standards in order to improve the likelihood that the children and youth will complete secondary school, obtain a regular high school diploma or its recognized equivalent, or find employment after leaving the institution;

“(4) describes the instructional program, specialized instructional support services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for the children and youth described in paragraph (1);

“(5) specifically describes how such funds will be used;

“(6) describes the measures and procedures that will be used to assess and improve student achievement;

“(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community day programs for neglected or delinquent children and youth, and with personnel from the State educational agency; and

“(8) includes an assurance that the State agency has provided for appropriate training

for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

#### **“SEC. 1157. THREE-YEAR PROGRAMS OR PROJECTS.**

“If a State agency operates a program or project under this chapter in which individual children or youth are likely to participate for more than one year, the State educational agency may approve the State agency’s application for a subgrant under this chapter for a period of not more than 3 years.

#### **“SEC. 1158. TRANSITION SERVICES.**

“(a) TRANSITION SERVICES.—Each State agency shall reserve not less than 15 percent and not more than 30 percent of the amount such agency receives under this chapter for any fiscal year to support—

“(1) projects that facilitate the transition of children and youth from State-operated institutions to schools served by local educational agencies; or

“(2) the successful re-entry of youth offenders, who are age 20 or younger and have received a regular high school diploma or its recognized equivalent, into postsecondary education, or career and technical training programs, through strategies designed to expose the youth to, and prepare the youth for, postsecondary education, or career and technical training programs, such as—

“(A) preplacement programs that allow adjudicated or incarcerated youth to audit or attend courses on college, university, or community college campuses, or through programs provided in institutional settings;

“(B) worksite schools, in which institutions of higher education and private or public employers partner to create programs to help students make a successful transition to postsecondary education and employment; and

“(C) essential support services to ensure the success of the youth, such as—

“(i) personal, career and technical, and academic counseling;

“(ii) placement services designed to place the youth in a university, college, or junior college program;

“(iii) information concerning, and assistance in obtaining, available student financial aid;

“(iv) counseling services; and

“(v) job placement services.

“(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private organizations.

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

#### **“SEC. 1159. TECHNICAL ASSISTANCE.**

“The Secretary shall reserve not more than 1 percent of the amount reserved under section 1141 to provide technical assistance to and support State agency programs assisted under this chapter.

#### **“CHAPTER B—LOCAL AGENCY PROGRAMS**

##### **“SEC. 1161. PURPOSE.**

“The purpose of this chapter is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities—

“(1) to carry out high quality education programs to prepare children and youth for secondary school completion, training, employment, or further education;

“(2) to provide activities to facilitate the transition of such children and youth from the correctional program to further education or employment; and

“(3) to operate programs in local schools for children and youth returning from correctional facilities, and programs which may serve at-risk children and youth.

**“SEC. 1162. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.**

“(a) **LOCAL SUBGRANTS.**—With funds made available under section 1142(b), the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of children and youth residing in locally operated (including county operated) correctional facilities for children and youth (including facilities involved in community day programs).

“(b) **SPECIAL RULE.**—A local educational agency that serves a school operated by a correctional facility is not required to operate a program of support for children and youth returning from such school to a school that is not operated by a correctional agency but served by such local educational agency, if more than 30 percent of the children and youth attending the school operated by the correctional facility will reside outside the boundaries served by the local educational agency after leaving such facility.

“(c) **NOTIFICATION.**—A State educational agency shall notify local educational agencies within the State of the eligibility of such agencies to receive a subgrant under this chapter.

“(d) **TRANSITIONAL AND ACADEMIC SERVICES.**—Transitional and supportive programs operated in local educational agencies under this chapter shall be designed primarily to meet the transitional and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities. Services to students at-risk of dropping out of school shall not have a negative impact on meeting the transitional and academic needs of the students returning from correctional facilities.

**“SEC. 1163. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

“Each local educational agency desiring assistance under this chapter shall submit an application to the State educational agency that contains such information as the State educational agency may require. Each such application shall include—

“(1) a description of the program to be assisted;

“(2) a description of formal agreements, regarding the program to be assisted, between—

“(A) the local educational agency; and

“(B) correctional facilities and alternative school programs serving children and youth involved with the juvenile justice system;

“(3) as appropriate, a description of how participating schools will coordinate with facilities working with delinquent children and youth to ensure that such children and youth are participating in an education program comparable to one operating in the local school such youth would attend;

“(4) a description of the program operated by participating schools for children and youth returning from correctional facilities and, as appropriate, the types of services that such schools will provide such children and youth and other at-risk children and youth;

“(5) a description of the characteristics (including learning difficulties, substance abuse problems, and other needs) of the children and youth who will be returning from correctional facilities and, as appropriate, other at-risk children and youth expected to be served by the program, and a description of how the school will coordinate existing educational programs to meet the unique educational needs of such children and youth;

“(6) as appropriate, a description of how schools will coordinate with existing social, health, and other services to meet the needs of students returning from correctional facilities

and at-risk children or youth, including prenatal health care and nutrition services related to the health of the parent and the child or youth, parenting and child development classes, child care, targeted reentry and outreach programs, referrals to community resources, and scheduling flexibility;

“(7) as appropriate, a description of any partnerships with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring services for participating students;

“(8) as appropriate, a description of how the program will involve parents in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

“(9) a description of how the program under this chapter will be coordinated with other Federal, State, and local programs, such as programs under title I of Public Law 105-220 and career and technical education programs serving at-risk children and youth;

“(10) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;

“(11) as appropriate, a description of how schools will work with probation officers to assist in meeting the needs of children and youth returning from correctional facilities;

“(12) a description of the efforts participating schools will make to ensure correctional facilities working with children and youth are aware of a child's or youth's existing individualized education program; and

“(13) as appropriate, a description of the steps participating schools will take to find alternative placements for children and youth interested in continuing their education but unable to participate in a traditional public school program.

**“SEC. 1164. USES OF FUNDS.**

“Funds provided to local educational agencies under this chapter may be used, as appropriate, for—

“(1) programs that serve children and youth returning to local schools from correctional facilities, to assist in the transition of such children and youth to the school environment and help them remain in school in order to complete their education;

“(2) dropout prevention programs which serve at-risk children and youth;

“(3) the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care, drug and alcohol counseling, and mental health services, will improve the likelihood such individuals will complete their education;

“(4) special programs to meet the unique academic needs of participating children and youth, including career and technical education, special education, career counseling, curriculum-based youth entrepreneurship education, and assistance in securing student loans or grants for postsecondary education; and

“(5) programs providing mentoring and peer mediation.

**“SEC. 1165. PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.**

“Each correctional facility entering into an agreement with a local educational agency under section 1163(2) to provide services to children and youth under this chapter shall—

“(1) where feasible, ensure that educational programs in the correctional facility are coordinated with the student's home school, particularly with respect to a student with an individualized education program under part B of the Individuals with Disabilities Education Act;

“(2) if the child or youth is identified as in need of special education services while in the correctional facility, notify the local school of the child or youth of such need;

“(3) where feasible, provide transition assistance to help the child or youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

“(4) provide support programs that encourage children and youth who have dropped out of school to re-enter school and obtain a regular high school diploma once their term at the correctional facility has been completed, or provide such children and youth with the skills necessary to gain employment or seek a regular high school diploma or its recognized equivalent;

“(5) work to ensure that the correctional facility is staffed with effective teachers and other qualified staff who are trained to work with children and youth with disabilities taking into consideration the unique needs of such children and youth;

“(6) ensure that educational programs in the correctional facility are related to assisting students to meet the States's academic standards;

“(7) to the extent possible, use technology to assist in coordinating educational programs between the correctional facility and the community school;

“(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

“(9) coordinate funds received under this chapter with other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of Public Law 105-220, and career and technical education funds;

“(10) coordinate programs operated under this chapter with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;

“(11) if appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth; and

“(12) consult with the local educational agency for a period jointly determined necessary by the correctional facility and local educational agency upon discharge from that facility to coordinate educational services so as to minimize disruption to the child's or youth's achievement.

**“SEC. 1166. ACCOUNTABILITY.**

“The State educational agency—

“(1) may require correctional facilities or institutions for neglected or delinquent children and youth to demonstrate, after receiving assistance under this chapter for 3 years, that there has been an increase in the number of children and youth returning to school, obtaining a regular high school diploma or its recognized equivalent, or obtaining employment after such children and youth are released; and

“(2) may reduce or terminate funding for projects under this chapter if a local educational agency does not show progress in the number of children and youth obtaining a regular high school diploma or its recognized equivalent.

**“CHAPTER C—GENERAL PROVISIONS**

**“SEC. 1171. PROGRAM EVALUATIONS.**

“(a) **SCOPE OF EVALUATION.**—Each State agency or local educational agency that conducts a program under chapters A or B shall evaluate the program, disaggregating data on participation by gender, race, ethnicity, and age, not less than once every 3 years, to determine the program's impact on the ability of participants—

“(1) to maintain and improve educational achievement;

“(2) to accrue school credits that meet State requirements for grade promotion and high school graduation;

“(3) to make the transition to a regular program or other education program operated by a local educational agency;

“(4) to complete high school (or high school equivalency requirements) and obtain employment after leaving the correctional facility or institution for neglected or delinquent children and youth; and

“(5) as appropriate, to participate in postsecondary education and job training programs.

“(b) **EXCEPTION.**—The disaggregation required under subsection (a) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

“(c) **EVALUATION MEASURES.**—In conducting each evaluation under subsection (a), a State agency or local educational agency shall use multiple and appropriate measures of student progress.

“(d) **EVALUATION RESULTS.**—Each State agency and local educational agency shall—

“(1) submit evaluation results to the State educational agency and the Secretary; and

“(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

#### “SEC. 1172. DEFINITIONS.

“In this subpart:

“(1) **ADULT CORRECTIONAL INSTITUTION.**—The term ‘adult correctional institution’ means a facility in which persons (including persons under 21 years of age) are confined as a result of a conviction for a criminal offense.

“(2) **AT-RISK.**—The term ‘at-risk’, when used with respect to a child, youth, or student, means a school-aged individual who—

“(A) is at-risk of academic failure; and

“(B) has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system in the past, is at least 1 year behind the expected grade level for the age of the individual, is an English learner, is a gang member, has dropped out of school in the past, or has a high absenteeism rate at school.

“(3) **COMMUNITY DAY PROGRAM.**—The term ‘community day program’ means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children and youth.

“(4) **INSTITUTION FOR NEGLECTED OR DELINQUENT CHILDREN AND YOUTH.**—The term ‘institution for neglected or delinquent children and youth’ means—

“(A) a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians; or

“(B) a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

#### “Subpart 4—English Language Acquisition, Language Enhancement, and Academic Achievement

##### “SEC. 1181. PURPOSES.

“The purposes of this subpart are—

“(1) to help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English;

“(2) to assist all English learners, including immigrant children and youth, to achieve at high levels in the core academic subjects so that those children can meet the same State academic

standards that all children are expected to meet, consistent with section 1111(b)(1);

“(3) to assist State educational agencies, local educational agencies, and schools in establishing, implementing, and sustaining high-quality, flexible, evidence-based language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth;

“(4) to assist State educational agencies and local educational agencies to develop and enhance their capacity to provide high-quality, evidence-based instructional programs designed to prepare English learners, including immigrant children and youth, to enter all-English instruction settings; and

“(5) to promote parental and community participation in language instruction educational programs for the parents and communities of English learners.

#### “CHAPTER A—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION AND LANGUAGE ENHANCEMENT

##### “SEC. 1191. FORMULA GRANTS TO STATES.

“(a) **IN GENERAL.**—In the case of each State educational agency having a plan approved by the Secretary for a fiscal year under section 1192, the Secretary shall reserve 4.4 percent of funds appropriated under section 3(a)(1) to make a grant for the year to the agency for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State educational agency under subsection (c).

“(b) **USE OF FUNDS.**—

“(1) **SUBGRANTS TO ELIGIBLE ENTITIES.**—The Secretary may make a grant under subsection (a) only if the State educational agency involved agrees to expend at least 95 percent of the State educational agency’s allotment under subsection (c) for a fiscal year—

“(A) to award subgrants, from allocations under section 1193, to eligible entities to carry out the activities described in section 1194 (other than subsection (e)); and

“(B) to award subgrants under section 1193(d)(1) to eligible entities that are described in that section to carry out the activities described in section 1194(e).

“(2) **STATE ACTIVITIES.**—Subject to paragraph (3), each State educational agency receiving a grant under subsection (a) may reserve not more than 5 percent of the agency’s allotment under subsection (c) to carry out the following activities:

“(A) Professional development activities, and other activities, which may include assisting personnel in—

“(i) meeting State and local certification and licensing requirements for teaching English learners; and

“(ii) improving teacher skills in meeting the diverse needs of English learners, including in how to implement evidence-based programs and curricula on teaching English learners.

“(B) Planning, evaluation, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

“(C) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this chapter, including assistance in—

“(i) identifying and implementing evidence-based language instruction educational programs and curricula for teaching English learners;

“(ii) helping English learners meet the same State academic standards that all children are expected to meet;

“(iii) identifying or developing, and implementing, measures of English proficiency; and

“(iv) strengthening and increasing parent, family, and community engagement.

“(D) Providing recognition, which may include providing financial awards, to sub-

grantees that have significantly improved the achievement and progress of English learners in—

“(i) reaching English language proficiency, based on the State’s English language proficiency assessment under section 1111(b)(2)(D); and

“(ii) meeting the State academic standards under section 1111(b)(1).

“(3) **ADMINISTRATIVE EXPENSES.**—From the amount reserved under paragraph (2), a State educational agency may use not more than 40 percent of such amount or \$175,000, whichever is greater, for the planning and administrative costs of carrying out paragraphs (1) and (2).

“(c) **RESERVATIONS AND ALLOTMENTS.**—

“(1) **RESERVATIONS.**—From the amount reserved under section 1191(a) for each fiscal year, the Secretary shall reserve—

“(A) 0.5 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this chapter, as determined by the Secretary, for activities, approved by the Secretary, consistent with this chapter; and

“(B) 6.5 percent of such amount for national activities under sections 1211 and 1222, except that not more than \$2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section 1222.

“(2) **STATE ALLOTMENTS.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), from the amount reserved under section 1191(a) for each fiscal year that remains after making the reservations under paragraph (1), the Secretary shall allot to each State educational agency having a plan approved under section 1192(c)—

“(i) an amount that bears the same relationship to 80 percent of the remainder as the number of English learners in the State bears to the number of such children in all States, as determined by data available from the American Community Survey conducted by the Department of Commerce or State-reported data; and

“(ii) an amount that bears the same relationship to 20 percent of the remainder as the number of immigrant children and youth in the State bears to the number of such children and youth in all States, as determined based only on data available from the American Community Survey conducted by the Department of Commerce.

“(B) **MINIMUM ALLOTMENTS.**—No State educational agency shall receive an allotment under this paragraph that is less than \$500,000.

“(C) **REALLOTMENT.**—If any State educational agency described in subparagraph (A) does not submit a plan to the Secretary for a fiscal year, or submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of this chapter, the Secretary shall reallocate any portion of such allotment to the remaining State educational agencies in accordance with subparagraph (A).

“(D) **SPECIAL RULE FOR PUERTO RICO.**—The total amount allotted to Puerto Rico for any fiscal year under subparagraph (A) shall not exceed 0.5 percent of the total amount allotted to all States for that fiscal year.

“(3) **USE OF DATA FOR DETERMINATIONS.**—In making State allotments under paragraph (2) for each fiscal year, the Secretary shall determine the number of English learners in a State and in all States, using the most accurate, up-to-date data, which shall be—

“(A) data from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates;

“(B) the number of students being assessed for English language proficiency, based on the



State's English language proficiency assessment under section 1111(b)(2)(D), which may be multiyear estimates; or

“(C) a combination of data available under subparagraphs (A) and (B).

**“SEC. 1192. STATE EDUCATIONAL AGENCY PLANS.**

“(a) **PLAN REQUIRED.**—Each State educational agency desiring a grant under this chapter shall submit a plan to the Secretary at such time and in such manner as the Secretary may require.

“(b) **CONTENTS.**—Each plan submitted under subsection (a) shall—

“(1) describe the process that the agency will use in awarding subgrants to eligible entities under section 1193(d)(1);

“(2) provide an assurance that—

“(A) the agency will ensure that eligible entities receiving a subgrant under this chapter comply with the requirement in section 1111(b)(2)(B)(x) to annually assess in English learners who have been in the United States for 3 or more consecutive years;

“(B) the agency will ensure that eligible entities receiving a subgrant under this chapter annually assess the English proficiency of all English learners participating in a program funded under this chapter, consistent with section 1111(b)(2)(D);

“(C) in awarding subgrants under section 1193, the agency will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools;

“(D) subgrants to eligible entities under section 1193(d)(1) will be of sufficient size and scope to allow such entities to carry out high-quality, evidence-based language instruction educational programs for English learners;

“(E) the agency will require an eligible entity receiving a subgrant under this chapter to use the subgrant in ways that will build such recipient's capacity to continue to offer high-quality evidence-based language instruction educational programs that assist English learners in meeting State academic standards;

“(F) the agency will monitor the eligible entity receiving a subgrant under this chapter for compliance with applicable Federal fiscal requirements; and

“(G) the plan has been developed in consultation with local educational agencies, teachers, administrators of programs implemented under this chapter, parents, and other relevant stakeholders;

“(3) describe how the agency will coordinate its programs and activities under this chapter with other programs and activities under this Act and other Acts, as appropriate;

“(4) describe how eligible entities in the State will be given the flexibility to teach English learners—

“(A) using a high-quality, evidence-based language instruction curriculum for teaching English learners; and

“(B) in the manner the eligible entities determine to be the most effective; and

“(5) describe how the agency will assist eligible entities in increasing the number of English learners who acquire English proficiency.

“(c) **APPROVAL.**—The Secretary, after using a peer review process, shall approve a plan submitted under subsection (a) if the plan meets the requirements of this section.

“(d) **DURATION OF PLAN.**—

“(1) **IN GENERAL.**—Each plan submitted by a State educational agency and approved under subsection (c) shall—

“(A) remain in effect for the duration of the agency's participation under this chapter; and

“(B) be periodically reviewed and revised by the agency, as necessary, to reflect changes to the agency's strategies and programs carried out under this subpart.

“(2) **ADDITIONAL INFORMATION.**—

“(A) **AMENDMENTS.**—If the State educational agency amends the plan, the agency shall submit such amendment to the Secretary.

“(B) **APPROVAL.**—The Secretary shall approve such amendment to an approved plan, unless the Secretary determines that the amendment will result in the agency not meeting the requirements, or fulfilling the purposes, of this subpart.

“(e) **CONSOLIDATED PLAN.**—A plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 5302.

“(f) **SECRETARY ASSISTANCE.**—The Secretary shall provide technical assistance, if requested, in the development of English proficiency standards and assessments.

**“SEC. 1193. WITHIN-STATE ALLOCATIONS.**

“(a) **IN GENERAL.**—After making the reservation required under subsection (d)(1), each State educational agency receiving a grant under section 1191(c)(2) shall award subgrants for a fiscal year by allocating in a timely manner to each eligible entity in the State having a plan approved under section 1195 an amount that bears the same relationship to the amount received under the grant and remaining after making such reservation as the population of English learners in schools served by the eligible entity bears to the population of English learners in schools served by all eligible entities in the State.

“(b) **LIMITATION.**—A State educational agency shall not award a subgrant from an allocation made under subsection (a) if the amount of such subgrant would be less than \$10,000.

“(c) **REALLOCATION.**—Whenever a State educational agency determines that an amount from an allocation made to an eligible entity under subsection (a) for a fiscal year will not be used by the entity for the purpose for which the allocation was made, the agency shall, in accordance with such rules as it determines to be appropriate, reallocate such amount, consistent with such subsection, to other eligible entities in the State that the agency determines will use the amount to carry out that purpose.

“(d) **REQUIRED RESERVATION.**—A State educational agency receiving a grant under this chapter for a fiscal year—

“(1) shall reserve not more than 15 percent of the agency's allotment under section 1191(c)(2) to award subgrants to eligible entities in the State that have experienced a significant increase, as compared to the average of the 2 preceding fiscal years, in the percentage or number of immigrant children and youth, who have enrolled, during the fiscal year preceding the fiscal year for which the subgrant is made, in public and nonpublic elementary schools and secondary schools in the geographic areas under the jurisdiction of, or served by, such entities; and

“(2) in awarding subgrants under paragraph (1)—

“(A) shall equally consider eligible entities that satisfy the requirement of such paragraph but have limited or no experience in serving immigrant children and youth; and

“(B) shall consider the quality of each local plan under section 1195 and ensure that each subgrant is of sufficient size and scope to meet the purposes of this subpart.

**“SEC. 1194. SUBGRANTS TO ELIGIBLE ENTITIES.**

“(a) **PURPOSES OF SUBGRANTS.**—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this chapter only if the entity agrees to expend the funds to improve the education of English learners, by assisting the children to learn English and meet State academic standards. In carrying out activities with such funds, the eligible entity shall use evidence-based approaches and methodologies for teaching

English learners and immigrant children and youth for the following purposes:

“(1) Developing and implementing new language instruction educational programs and academic content instruction programs for English learners and immigrant children and youth, including programs of early childhood education, elementary school programs, and secondary school programs.

“(2) Carrying out highly focused, innovative, locally designed, evidence-based activities to expand or enhance existing language instruction educational programs and academic content instruction programs for English learners and immigrant children and youth.

“(3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

“(4) Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

“(b) **ADMINISTRATIVE EXPENSES.**—Each eligible entity receiving funds under section 1193(a) for a fiscal year shall use not more than 2 percent of such funds for the cost of administering this chapter.

“(c) **REQUIRED SUBGRANTEE ACTIVITIES.**—An eligible entity receiving funds under section 1193(a) shall use the funds—

“(1) to increase the English language proficiency of English learners by providing high-quality, evidence-based language instruction educational programs that meet the needs of English learners and have demonstrated success in increasing—

“(A) English language proficiency; and

“(B) student academic achievement in the core academic subjects;

“(2) to provide high-quality, evidence-based professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), school leaders, administrators, and other school or community-based organization personnel, that is—

“(A) designed to improve the instruction and assessment of English learners;

“(B) designed to enhance the ability of teachers and school leaders to understand and implement curricula, assessment practices and measures, and instruction strategies for English learners;

“(C) evidence-based in increasing children's English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of teachers; and

“(D) of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate; and

“(3) to provide and implement other evidence-based activities and strategies that enhance or supplement language instruction educational programs for English learners, including parental and community engagement activities and



strategies that serve to coordinate and align related programs.

“(d) **AUTHORIZED SUBGRANTEE ACTIVITIES.**—Subject to subsection (c), an eligible entity receiving funds under section 1193(a) may use the funds to achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities:

“(1) Upgrading program objectives and effective instruction strategies.

“(2) Improving the instruction program for English learners by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

“(3) Providing to English learners—

“(A) tutorials and academic or career education for English learners; and

“(B) intensified instruction.

“(4) Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

“(5) Improving the English language proficiency and academic achievement of English learners.

“(6) Providing community participation programs, family literacy services, and parent outreach and training activities to English learners and their families—

“(A) to improve the English language skills of English learners; and

“(B) to assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children.

“(7) Improving the instruction of English learners by providing for—

“(A) the acquisition or development of educational technology or instructional materials;

“(B) access to, and participation in, electronic networks for materials, training, and communication; and

“(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this chapter.

“(8) Carrying out other activities that are consistent with the purposes of this section.

“(e) **ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.**—

“(1) **IN GENERAL.**—An eligible entity receiving funds under section 1193(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

“(A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

“(B) support for personnel, including paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

“(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

“(D) identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded funds;

“(E) basic instruction services that are directly attributable to the presence in the local educational agency involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;

“(F) other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

“(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

“(2) **DURATION OF SUBGRANTS.**—The duration of a subgrant made by a State educational agency under section 1193(d)(1) shall be determined by the agency in its discretion.

“(f) **SELECTION OF METHOD OF INSTRUCTION.**—

“(1) **IN GENERAL.**—To receive a subgrant from a State educational agency under this chapter, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities undertaken by the entity to assist English learners to attain English language proficiency and meet State academic standards.

“(2) **CONSISTENCY.**—Such selection shall be consistent with sections 1204 through 1206.

“(g) **SUPPLEMENT, NOT SUPPLANT.**—Federal funds made available under this chapter shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

“(h) **SEC. 1195. LOCAL PLANS.**

“(a) **PLAN REQUIRED.**—Each eligible entity desiring a subgrant from the State educational agency under section 1193 shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

“(b) **CONTENTS.**—Each plan submitted under subsection (a) shall—

“(1) describe the evidence-based programs and activities proposed to be developed, implemented, and administered under the subgrant that will help English learners increase their English language proficiency and meet the State academic standards;

“(2) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this chapter accountable for annually assessing the English language proficiency of all children participating under this subpart, consistent with section 1111(b);

“(3) describe how the eligible entity will promote parent and community engagement in the education of English learners;

“(4) contain an assurance that the eligible entity consulted with teachers, researchers, school administrators, parents and community members, public or private organizations, and institutions of higher education, in developing and implementing such plan;

“(5) describe how language instruction educational programs carried out under the subgrant will ensure that English learners being served by the programs develop English language proficiency; and

“(6) contain assurances that—

“(A) each local educational agency that is included in the eligible entity is complying with section 1112(g) prior to, and throughout, each school year; and

“(B) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of English learners, consistent with sections 1205 and 1206.

“(c) **TEACHER ENGLISH FLUENCY.**—Each eligible entity receiving a subgrant under section 1193 shall include in its plan a certification that all teachers in any language instruction educational program for English learners that is, or will be, funded under this subpart are fluent in English and any other language used for instruction, including having written and oral communications skills.

## “CHAPTER B—ADMINISTRATION

### “SEC. 1201. REPORTING.

“(a) **IN GENERAL.**—Each eligible entity that receives a subgrant from a State educational agency under chapter A shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with a report, in a form prescribed by the agency, on the activities conducted and students served under this subpart that includes—

“(1) a description of the programs and activities conducted by the entity with funds received under chapter A during the two immediately preceding fiscal years, including how such programs and activities supplemented programs funded primarily with State or local funds;

“(2) a description of the progress made by English learners in learning the English language and in meeting State academic standards;

“(3) the number and percentage of English learners in the programs and activities attaining English language proficiency based on the State English language proficiency standards established under section 1111(b)(1)(E) by the end of each school year, as determined by the State's English language proficiency assessment under section 1111(b)(2)(D);

“(4) the number of English learners who exit the language instruction educational programs based on their attainment of English language proficiency and transitioned to classrooms not tailored for English learners;

“(5) a description of the progress made by English learners in meeting the State academic standards for each of the 2 years after such children are no longer receiving services under this subpart;

“(6) the number and percentage of English learners who have not attained English language proficiency within five years of initial classification as an English learner and first enrollment in the local educational agency; and

“(7) any such other information as the State educational agency may require.

“(b) **USE OF REPORT.**—A report provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency—

“(1) to determine the effectiveness of programs and activities in assisting children who are English learners—

“(A) to attain English language proficiency; and

“(B) to make progress in meeting State academic standards under section 1111(b)(1); and

“(2) upon determining the effectiveness of programs and activities based on the criteria in paragraph (1), to decide how to improve programs.

### “SEC. 1202. ANNUAL REPORT.

“(a) **STATES.**—Based upon the reports provided to a State educational agency under section 1201, each such agency that receives a grant under this subpart shall prepare and submit annually to the Secretary a report on programs and activities carried out by the State educational agency under this subpart and the effectiveness of such programs and activities in improving the education provided to English learners.

“(b) **SECRETARY.**—Annually, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

“(1) on programs and activities carried out to serve English learners under this subpart, and the effectiveness of such programs and activities in improving the academic achievement and English language proficiency of English learners;

“(2) on the types of language instruction educational programs used by local educational

agencies or eligible entities receiving funding under this subpart to teach English learners;

“(3) containing a critical synthesis of data reported by eligible entities to States under section 1201(a);

“(4) containing a description of technical assistance and other assistance provided by State educational agencies under section 1191(b)(2)(C);

“(5) containing an estimate of the number of effective teachers working in language instruction educational programs and educating English learners, and an estimate of the number of such teachers that will be needed for the succeeding 5 fiscal years;

“(6) containing the number of programs or activities, if any, that were terminated because the entities carrying out the programs or activities were not able to reach program goals;

“(7) containing the number of English learners served by eligible entities receiving funding under this subpart who were transitioned out of language instruction educational programs funded under this subpart into classrooms where instruction is not tailored for English learners; and

“(8) containing other information gathered from other reports submitted to the Secretary under this subpart when applicable.

#### **“SEC. 1203. COORDINATION WITH RELATED PROGRAMS.**

“In order to maximize Federal efforts aimed at serving the educational needs of English learners, the Secretary shall coordinate and ensure close cooperation with other entities carrying out programs serving language-minority and English learners that are administered by the Department and other agencies.

#### **“SEC. 1204. RULES OF CONSTRUCTION.**

“Nothing in this subpart shall be construed—

“(1) to prohibit a local educational agency from serving English learners simultaneously with children with similar educational needs, in the same educational settings where appropriate;

“(2) to require a State or a local educational agency to establish, continue, or eliminate any particular type of instructional program for English learners; or

“(3) to limit the preservation or use of Native American languages.

#### **“SEC. 1205. LEGAL AUTHORITY UNDER STATE LAW.**

“Nothing in this subpart shall be construed to negate or supersede State law, or the legal authority under State law of any State agency, State entity, or State public official, over programs that are under the jurisdiction of the State agency, entity, or official.

#### **“SEC. 1206. CIVIL RIGHTS.**

“Nothing in this subpart shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

#### **“SEC. 1207. PROHIBITION.**

“In carrying out this subpart, the Secretary shall neither mandate nor preclude the use of a particular curricular or pedagogical approach to educating English learners.

#### **“SEC. 1208. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.**

“Notwithstanding any other provision of this subpart, programs authorized under this subpart that serve Native American (including Native American Pacific Islander) children and children in the Commonwealth of Puerto Rico may include programs of instruction, teacher training, curriculum development, evaluation, and assessment designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that an outcome of programs serving such children shall be increased English proficiency among such children.

### **“CHAPTER C—NATIONAL ACTIVITIES**

#### **“SEC. 1211. NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.**

“The Secretary shall use funds made available under section 1191(c)(1)(B) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education or public or private organizations with relevant experience and capacity (in consortia with State educational agencies or local educational agencies) to provide for professional development activities that will improve classroom instruction for English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve English learners. Grants awarded under this subsection may be used—

“(1) for preservice, evidence-based professional development programs that will assist local schools and institutions of higher education to upgrade the qualifications and skills of educational personnel who are not certified or licensed, especially educational paraprofessionals;

“(2) for the development of curricula or other instructional strategies appropriate to the needs of the consortia participants involved;

“(3) to support strategies that strengthen and increase parent and community member engagement in the education of English learners; and

“(4) to share and disseminate evidence-based practices in the instruction of English learners and in increasing their student achievement.

### **“CHAPTER D—GENERAL PROVISIONS**

#### **“SEC. 1221. DEFINITIONS.**

“Except as otherwise provided, in this subpart:

“(1) **CHILD.**—The term ‘child’ means any individual aged 3 through 21.

“(2) **COMMUNITY-BASED ORGANIZATION.**—The term ‘community-based organization’ means a private nonprofit organization of demonstrated effectiveness, Indian tribe, or tribally sanctioned educational authority, that is representative of a community or significant segments of a community and that provides educational or related services to individuals in the community. Such term includes a Native Hawaiian or Native American Pacific Islander native language educational organization.

“(3) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means—

“(A) one or more local educational agencies; or

“(B) one or more local educational agencies, in consortia (or collaboration) with an institution of higher education, community-based organization, or State educational agency.

“(4) **IMMIGRANT CHILDREN AND YOUTH.**—The term ‘immigrant children and youth’ means individuals who—

“(A) are age 3 through 21;

“(B) were not born in any State; and

“(C) have not been attending one or more schools in any one or more States for more than 3 full academic years.

“(5) **INDIAN TRIBE.**—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(6) **LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM.**—The term ‘language instruction educational program’ means an instruction course—

“(A) in which an English learner is placed for the purpose of developing and attaining English language proficiency, while meeting State academic standards, as required by section 1111(b)(1); and

“(B) that may make instructional use of both English and a child’s native language to enable the child to develop and attain English language proficiency, and may include the participation of English language proficient children if such course is designed to enable all participating children to become proficient in English and a second language.

“(7) **NATIVE LANGUAGE.**—The term ‘native language’, when used with reference to English learner, means—

“(A) the language normally used by such individual; or

“(B) in the case of a child or youth, the language normally used by the parents of the child or youth.

“(8) **PARAPROFESSIONAL.**—The term ‘paraprofessional’ means an individual who is employed in a preschool, elementary school, or secondary school under the supervision of a certified or licensed teacher, including individuals employed in language instruction educational programs, special education, and migratory education.

“(9) **STATE.**—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

#### **“SEC. 1222. NATIONAL CLEARINGHOUSE.**

“The Secretary shall establish and support the operation of a National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall collect, analyze, synthesize, and disseminate information about language instruction educational programs for English learners, and related programs. The National Clearinghouse shall—

“(1) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system supported by the Institute of Education Sciences;

“(2) coordinate activities with Federal data and information clearinghouses and entities operating Federal dissemination networks and systems;

“(3) develop a system for improving the operation and effectiveness of federally funded language instruction educational programs; and

“(4) collect and disseminate information on—

“(A) educational research and processes related to the education of English learners; and

“(B) accountability systems that monitor the academic progress of English learners in language instruction educational programs, including information on academic content and English language proficiency assessments for language instruction educational programs; and

“(5) publish, on an annual basis, a list of grant recipients under this subpart.

#### **“SEC. 1223. REGULATIONS.**

“In developing regulations under this subpart, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing English learners, and organizations representing teachers and other personnel involved in the education of English learners.

#### **“Subpart 5—Rural Education Achievement Program**

#### **“SEC. 1230. PURPOSE.**

“It is the purpose of this subpart to address the unique needs of rural school districts that frequently—

“(1) lack the personnel and resources needed to compete effectively for Federal competitive grants; and

“(2) receive formula grant allocations in amounts too small to be effective in meeting their intended purposes.

**“CHAPTER A—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM**

**“SEC. 1231. GRANT PROGRAM AUTHORIZED.**

“(a) *IN GENERAL.*—From amounts appropriated under section 3(a)(1) for a fiscal year, the Secretary shall reserve 0.54 of one percent to award grants to eligible local educational agencies to enable the local educational agencies to carry out activities authorized under any of the following provisions:

“(1) Part A of title I.

“(2) Title II.

“(3) Title III.

“(b) *ALLOCATION.*—

“(1) *IN GENERAL.*—Except as provided in paragraph (3), the Secretary shall award a grant under subsection (a) to a local educational agency eligible under subsection (d) for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency in subpart 2 of part A of title II for the preceding fiscal year.

“(2) *DETERMINATION OF INITIAL AMOUNT.*—The initial amount referred to in paragraph (1) is equal to \$100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus \$20,000, except that the initial amount may not exceed \$60,000.

“(3) *RATABLE ADJUSTMENT.*—

“(A) *IN GENERAL.*—If the amount made available to carry out this section for any fiscal year is not sufficient to pay in full the amounts that local educational agencies are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

“(B) *ADDITIONAL AMOUNTS.*—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

“(c) *DISBURSEMENT.*—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that fiscal year.

“(d) *ELIGIBILITY.*—

“(1) *IN GENERAL.*—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

“(A)(i)(I) the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or

“(II) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile; and

“(ii) all of the schools served by the local educational agency are designated with a school locale code of 41, 42, or 43, as determined by the Secretary; or

“(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii).

“(2) *CERTIFICATION.*—The Secretary shall determine whether to waive the criteria described in paragraph (1)(A)(ii) based on a demonstration by the local educational agency, and concurrence by the State educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

“(3) *HOLD HARMLESS.*—For a local educational agency that is not eligible under this chapter but met the eligibility requirements under this subsection as it was in effect prior to the date of the enactment of the Student Success Act, the agency shall receive—

“(A) for fiscal year 2014, 75 percent of the amount such agency received for fiscal year 2013;

“(B) for fiscal year 2015, 50 percent of the amount such agency received for fiscal year 2013; and

“(C) for fiscal year 2016, 25 percent of the amount such agency received for fiscal year 2013.

“(e) *SPECIAL ELIGIBILITY RULE.*—A local educational agency that receives a grant under this chapter for a fiscal year is not eligible to receive funds for such fiscal year under chapter B.

**“CHAPTER B—RURAL AND LOW-INCOME SCHOOL PROGRAM**

**“SEC. 1235. PROGRAM AUTHORIZED.**

“(a) *GRANTS TO STATES.*—

“(1) *IN GENERAL.*—From amounts appropriated under section 3(a)(1) for a fiscal year, the Secretary shall reserve 0.54 of one percent for this chapter for a fiscal year that are not reserved under subsection (c) to award grants (from allotments made under paragraph (2)) for the fiscal year to State educational agencies that have applications submitted under section 1237 approved to enable the State educational agencies to award grants to eligible local educational agencies for local authorized activities described in section 1236(a).

“(2) *ALLOTMENT.*—From amounts described in paragraph (1) for a fiscal year, the Secretary shall allot to each State educational agency for that fiscal year an amount that bears the same ratio to those amounts as the number of students in average daily attendance served by eligible local educational agencies in the State for that fiscal year bears to the number of all such students served by eligible local educational agencies in all States for that fiscal year.

“(3) *SPECIALLY QUALIFIED AGENCIES.*—

“(A) *ELIGIBILITY AND APPLICATION.*—If a State educational agency elects not to participate in the program under this subpart or does not have an application submitted under section 1237 approved, a specially qualified agency in such State desiring a grant under this subpart may submit an application under such section directly to the Secretary to receive an award under this subpart.

“(B) *DIRECT AWARDS.*—The Secretary may award, on a competitive basis or by formula, the amount the State educational agency is eligible to receive under paragraph (2) directly to a specially qualified agency in the State that has submitted an application in accordance with subparagraph (A) and obtained approval of the application.

“(C) *SPECIALLY QUALIFIED AGENCY DEFINED.*—In this subpart, the term ‘specially qualified agency’ means an eligible local educational agency served by a State educational agency that does not participate in a program under this subpart in a fiscal year, that may apply directly to the Secretary for a grant in such year under this subsection.

“(b) *LOCAL AWARDS.*—

“(1) *ELIGIBILITY.*—A local educational agency shall be eligible to receive a grant under this subpart if—

“(A) 20 percent or more of the children ages 5 through 17 years served by the local educational agency are from families with incomes below the poverty line; and

“(B) all of the schools served by the agency are designated with a school locale code of 32, 33, 41, 42, 43, as determined by the Secretary.

“(2) *AWARD BASIS.*—A State educational agency shall award grants to eligible local educational agencies—

“(A) on a competitive basis;

“(B) according to a formula based on the number of students in average daily attendance served by the eligible local educational agencies or schools in the State; or

“(C) according to an alternative formula, if, prior to awarding the grants, the State educational agency demonstrates, to the satisfac-

tion of the Secretary, that the alternative formula enables the State educational agency to allot the grant funds in a manner that serves equal or greater concentrations of children from families with incomes below the poverty line, relative to the concentrations that would be served if the State educational agency used the formula described in subparagraph (B).

“(c) *RESERVATIONS.*—From amounts reserved under section 1235(a)(1) for this chapter for a fiscal year, the Secretary shall reserve—

“(1) one-half of 1 percent to make awards to elementary schools or secondary schools operated or supported by the Bureau of Indian Education, to carry out the activities authorized under this chapter; and

“(2) one-half of 1 percent to make awards to the outlying areas in accordance with their respective needs, to carry out the activities authorized under this chapter.

**“SEC. 1236. USES OF FUNDS.**

“(a) *LOCAL AWARDS.*—Grant funds awarded to local educational agencies under this chapter shall be used for activities authorized under any of the following:

“(1) Part A of title I.

“(2) Title II.

“(3) Title III.

“(b) *ADMINISTRATIVE COSTS.*—A State educational agency receiving a grant under this chapter may not use more than 5 percent of the amount of the grant for State administrative costs and to provide technical assistance to eligible local educational agencies.

**“SEC. 1237. APPLICATIONS.**

“(a) *IN GENERAL.*—Each State educational agency or specially qualified agency desiring to receive a grant under this chapter shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

“(b) *CONTENTS.*—Each application submitted under subsection (a) shall include—

“(1) a description of how the State educational agency or specially qualified agency will ensure eligible local educational agencies receiving a grant under this chapter will use such funds to help students meet the State academic standards under section 1111(b)(1);

“(2) if the State educational agency or specially qualified agency will competitively award grants to eligible local educational agencies, as described in section 1235(b)(2)(A), the application under the section shall include—

“(A) the methods and criteria the State educational agency or specially qualified agency will use for reviewing applications and awarding funds to local educational agencies on a competitive basis; and

“(B) how the State educational agency or specially qualified agency will notify eligible local educational agencies of the grant competition; and

“(3) a description of how the State educational agency or specially qualified agency will provide technical assistance to eligible local educational agencies to help such agencies implement the activities described in section 1236(a).

**“SEC. 1238. ACCOUNTABILITY.**

“Each State educational agency or specially qualified agency that receives a grant under this chapter shall prepare and submit an annual report to the Secretary. The report shall describe—

“(1) the methods and criteria the State educational agency or specially qualified agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this chapter;

“(2) how local educational agencies and schools used funds provided under this chapter; and

“(3) the degree to which progress has been made toward having all students meet the State academic standards under section 1111(b)(1).

**"SEC. 1239. CHOICE OF PARTICIPATION.**

"(a) **IN GENERAL.**—If a local educational agency is eligible for funding under chapters A and B of this subpart, such local educational agency may receive funds under either chapter A or chapter B for a fiscal year, but may not receive funds under both chapters.

"(b) **NOTIFICATION.**—A local educational agency eligible for both chapters A and B of this subpart shall notify the Secretary and the State educational agency under which of such chapters such local educational agency intends to receive funds for a fiscal year by a date that is established by the Secretary for the notification.

**"CHAPTER C—GENERAL PROVISIONS****"SEC. 1241. ANNUAL AVERAGE DAILY ATTENDANCE DETERMINATION.**

"(a) **CENSUS DETERMINATION.**—Each local educational agency desiring a grant under section 1231 and each local educational agency or specially qualified agency desiring a grant under chapter B shall—

"(1) not later than December 1 of each year, conduct a census to determine the number of students in average daily attendance in kindergarten through grade 12 at the schools served by the agency; and

"(2) not later than March 1 of each year, submit the number described in paragraph (1) to the Secretary (and to the State educational agency, in the case of a local educational agency seeking a grant under subpart 2).

"(b) **PENALTY.**—If the Secretary determines that a local educational agency or specially qualified agency has knowingly submitted false information under subsection (a) for the purpose of gaining additional funds under section 1231 or chapter B, then the agency shall be fined an amount equal to twice the difference between the amount the agency received under this section and the correct amount the agency would have received under section 1231 or chapter B if the agency had submitted accurate information under subsection (a).

**"SEC. 1242. SUPPLEMENT, NOT SUPPLANT.**

"Funds made available under chapter A or chapter B shall be used to supplement, and not supplant, any other Federal, State, or local education funds.

**"SEC. 1243. RULE OF CONSTRUCTION.**

"Nothing in this subpart shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services, pursuant to State law or a written agreement, from entering into similar arrangements for the use, or the coordination of the use, of the funds made available under this subpart.

**"Subpart 6—Indian Education****"SEC. 1251. STATEMENT OF POLICY.**

"It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children. The Federal Government will continue to work with local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children.

**"SEC. 1252. PURPOSE.**

"It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

"(1) to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such

students can meet the State academic standards that all students are expected to meet; and

"(2) to ensure that school leaders, teachers, and other staff who serve Indian and Alaska Native students have the ability and training to provide appropriate instruction to meet the unique academic needs of such students.

**"CHAPTER A—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES****"SEC. 1261. PURPOSE.**

"It is the purpose of this chapter to support local educational agencies in their efforts to reform elementary school and secondary school programs that serve Indian students in order to ensure that such programs are designed to—

"(1) meet the unique educational needs of such students; and

"(2) ensure that such students have the opportunity to meet the State academic standards.

**"SEC. 1262. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.**

"(a) **IN GENERAL.**—From amounts appropriated under section 3(a)(1), the Secretary shall reserve 0.59 of one percent to local educational agencies and Indian tribes in accordance with this section and section 1263.

"(b) **LOCAL EDUCATIONAL AGENCIES.**—

"(1) **ENROLLMENT REQUIREMENTS.**—A local educational agency shall be eligible for a grant under this chapter for any fiscal year if the number of Indian children eligible under section 1267 who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

"(A) was at least 10; or

"(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

"(2) **EXCLUSION.**—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, an Indian reservation.

"(c) **INDIAN TRIBES.**—

"(1) **IN GENERAL.**—If a local educational agency that is otherwise eligible for a grant under this chapter does not establish a committee under section 1264(c)(4) for such grant, an Indian tribe or a consortium of such entities that represents not less than 1/3 of the eligible Indian children who are served by such local educational agency may apply for such grant.

"(2) **SPECIAL RULE.**—The Secretary shall treat each Indian tribe or consortium of such entities applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this chapter, except that any such tribe is not subject to section 1264(c)(4) or section 1269.

"(3) **ELIGIBILITY.**—If more than 1 Indian tribe qualifies to apply for a grant under paragraph (1), the entity that represents the most eligible Indian children who are served by the local educational agency shall be eligible to receive the grant or the tribes may choose to apply in consortium.

**"SEC. 1263. AMOUNT OF GRANTS.**

"(a) **AMOUNT OF GRANT AWARDS.**—

"(1) **IN GENERAL.**—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency that has an approved application under this chapter an amount equal to the product of—

"(A) the number of Indian children who are eligible under section 1267 and served by such agency; and

"(B) the greater of—

"(i) the average per pupil expenditure of the State in which such agency is located; or

"(ii) 80 percent of the average per pupil expenditure of all the States.

"(2) **REDUCTION.**—The Secretary shall reduce the amount of each allocation otherwise deter-

mined under this section in accordance with subsection (e).

"(b) **MINIMUM GRANT.**—

"(1) **IN GENERAL.**—Notwithstanding subsection (e), an entity that is eligible for a grant under section 1262, and a school that is operated or supported by the Bureau of Indian Education that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this chapter in an amount that is not less than \$3,000.

"(2) **CONSORTIA.**—Local educational agencies may form a consortium with other local educational agencies or Indian tribes for the purpose of obtaining grants under this chapter.

"(3) **INCREASE.**—The Secretary may increase the minimum grant under paragraph (1) to not more than \$4,000 for all grantees if the Secretary determines such an increase is necessary to ensure the quality of the programs provided.

"(c) **DEFINITION.**—For the purpose of this section, the term 'average per pupil expenditure', used with respect to a State, means an amount equal to—

"(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

"(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

"(d) **SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN EDUCATION.**—

"(1) **IN GENERAL.**—Subject to subsection (e), in addition to the grants awarded under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Education; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

"(B) the greater of—

"(i) the average per pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per pupil expenditure of all the States.

"(2) **SPECIAL RULE.**—Any school described in paragraph (1)(A) that wishes to receive an allocation under this chapter shall submit an application in accordance with section 1264, and shall otherwise be treated as a local educational agency for the purpose of this chapter, except that such school shall not be subject to section 1264(c)(4) or section 1269.

"(e) **RATABLE REDUCTIONS.**—If the sums reserved for any fiscal year under section 1262(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

**"SEC. 1264. APPLICATIONS.**

"(a) **APPLICATION REQUIRED.**—Each local educational agency that desires to receive a grant under this chapter shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

"(b) **COMPREHENSIVE PROGRAM REQUIRED.**—Each application submitted under subsection (a) shall include a description of a comprehensive

program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

“(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

“(2)(A) is aligned with and supports the State and local plans submitted under other provisions of this Act; and

“(B) includes academic standards for such children that are based on the State academic standards adopted under subpart 1 for all children;

“(3) explains how the local educational agency will use the funds made available under this chapter to supplement other Federal, State, and local programs, especially programs carried out under subpart 1, to meet the needs of such students;

“(4) demonstrates how funds made available under this chapter will be used for activities described in section 1265;

“(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

“(A) teachers, school leaders, and other school professionals who are new to the Indian community are prepared to work with Indian children; and

“(B) all teachers who will be involved in programs assisted under this chapter have been properly trained to carry out such programs; and

“(6) describes how the local educational agency—

“(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this chapter, in meeting the standards described in paragraph (2);

“(B) will provide the results of each assessment referred to in subparagraph (A) to—

“(i) the committee described in subsection (c)(4); and

“(ii) the community, including Indian tribes, whose children are served by the local educational agency; and

“(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A); and

“(7) describes the processes the local educational agency used to collaborate with Indian tribes in the community in the development of the comprehensive programs.

“(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

“(1) the local educational agency will use funds received under this chapter only to supplement the funds that, in the absence of the Federal funds made available under this chapter, such agency would make available for the education of Indian children, and not to supplant such funds;

“(2) the local educational agency will prepare and submit to the Secretary such reports in such form as the Secretary may require to—

“(A) carry out the functions of the Secretary under this chapter; and

“(B) determine the extent to which activities carried out with funds provided to the local educational agency under this chapter are effective in improving the educational achievement of Indian students served by such agency;

“(3) the program for which assistance is sought—

“(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

“(B) will use the best available talents and resources, including individuals from the Indian community; and

“(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

“(4) the local educational agency developed the program with the participation and written approval of a committee—

“(A) that is composed of, and selected by—

“(i) parents of Indian children in the local educational agency's schools;

“(ii) teachers in the schools; and

“(iii) if appropriate, Indian students attending secondary schools of the agency;

“(B) a majority of whose members are parents of Indian children;

“(C) that has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

“(D) with respect to an application describing a schoolwide program in accordance with section 1265(c), that has—

“(i) reviewed in a timely fashion the program; and

“(ii) determined that the program will not diminish the availability of culturally related activities for American Indian and Alaska Native students; and

“(E) that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

#### **“SEC. 1265. AUTHORIZED SERVICES AND ACTIVITIES.**

“(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this chapter shall use the grant funds, in a manner consistent with the purpose specified in section 1261, for services and activities that—

“(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 1264(a);

“(2) are designed with special regard for the language and cultural needs of the Indian students; and

“(3) supplement and enrich the regular school program of such agency.

“(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

“(1) culturally related activities that support the program described in the application submitted by the local educational agency;

“(2) early childhood and family programs that emphasize school readiness;

“(3) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of State academic standards;

“(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

“(5) programs that help engage parents and tribes to meet the unique educational needs of Indian children;

“(6) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Act of 2006;

“(7) activities to educate individuals concerning the prevention of substance abuse, violence, and suicide;

“(8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 1261;

“(9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

“(10) activities that incorporate American Indian and Alaska Native specific curriculum content, consistent with State academic standards used by the curriculum used by the local educational agency;

“(11) family literacy services; and

“(12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors.

“(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this chapter to support a schoolwide program under section 1114 if—

“(1) the committee established pursuant to section 1264(c)(4) approves the use of the funds for the schoolwide program; and

“(2) the schoolwide program is consistent with the purpose described in section 1261.

“(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this chapter for any fiscal year may be used for administrative purposes.

“(e) LIMITATION ON USE OF FUNDS.—Funds provided to a grantee under this chapter may not be used for long-distance travel expenses for training activities available locally or regionally.

#### **“SEC. 1266. INTEGRATION OF SERVICES AUTHORIZED.**

“(a) PLAN.—An entity receiving funds under this chapter may submit a plan to the Secretary for the integration of education and related services provided to Indian students.

“(b) CONSOLIDATION OF PROGRAMS.—Upon the receipt of an acceptable plan under subsection (a), the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the entity, shall authorize the entity to consolidate, in accordance with such plan, the federally funded education and related services programs of the entity and the Federal programs, or portions of the programs, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

“(c) PROGRAMS AFFECTED.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (a) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved under any Federal program to exclusively serve Indian children, under which the entity is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services that would be used to serve Indian students.

“(d) PLAN REQUIREMENTS.—For a plan to be acceptable pursuant to subsection (b), the plan shall—

“(1) identify the programs or funding sources to be consolidated;

“(2) be consistent with the objectives of this section concerning authorizing the services to be integrated in a demonstration project;

“(3) describe a comprehensive strategy that identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives set forth in this chapter;

“(4) describe the way in which services are to be integrated and delivered and the results expected from the plan;

“(5) identify the projected expenditures under the plan in a single budget;

“(6) identify the State, tribal, or local agency or agencies to be involved in the delivery of the services integrated under the plan;

“(7) identify any statutory provisions, regulations, policies, or procedures that the entity believes need to be waived in order to implement the plan;

“(8) set forth measures for student academic achievement consistent with State academic standards under section 1111(b)(1); and

“(9) be approved by a committee formed in accordance with section 1264(c)(4), if such a committee exists.

“(e) **PLAN REVIEW.**—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the entity to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the entity or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the objectives of this chapter or those provisions of the statute from which the program involved derives authority that are specifically applicable to Indian students.

“(f) **PLAN APPROVAL.**—Within 90 days after the receipt of an entity's plan by the Secretary, the Secretary shall inform the entity, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the entity shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend the plan or to petition the Secretary to reconsider such disapproval.

“(g) **RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.**—The Secretary of Education, the Secretary of the Interior, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation and coordination of the demonstration projects authorized under this section. The lead agency head for a demonstration project under this section shall be—

“(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

“(2) the Secretary of Education, in the case of any other entity.

“(h) **RESPONSIBILITIES OF LEAD AGENCY.**—The responsibilities of the lead agency shall include—

“(1) the use of a single report format related to the plan for the individual project, which shall be used by an eligible entity to report on the activities undertaken under the project;

“(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by an eligible entity to report on all project expenditures;

“(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

“(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

“(i) **REPORT REQUIREMENTS.**—A single report format shall be developed by the Secretary, con-

sistent with the requirements of this section. Such report format shall require that reports described in subsection (h), together with records maintained on the consolidated program at the local level, shall contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in its approved plan, including making a demonstration of student academic achievement, and will provide assurances to each Secretary that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

“(j) **NO REDUCTION IN AMOUNTS.**—In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

“(k) **INTERAGENCY FUND TRANSFERS AUTHORIZED.**—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the objectives of this section.

“(l) **ADMINISTRATION OF FUNDS.**—

“(1) **IN GENERAL.**—Program funds for the consolidated programs shall be administered in such a manner as to allow for a determination that funds from a specific program are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds granted that shall be allocated to such program.

“(2) **SEPARATE RECORDS NOT REQUIRED.**—Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under the approved plan to the individual programs under which funds were authorized for the services or activities, nor shall the eligible entity be required to allocate expenditures among such individual programs.

“(m) **OVERAGE.**—The eligible entity may commingle all administrative funds from the consolidated programs and shall be entitled to the full amount of such funds (under each program's or agency's regulations). The overage (defined as the difference between the amount of the commingled funds and the actual administrative cost of the programs) shall be considered to be properly spent for Federal audit purposes, if the overage is used for the purposes provided for under this section.

“(n) **FISCAL ACCOUNTABILITY.**—Nothing in this subpart shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

“(o) **REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.**—

“(1) **IN GENERAL.**—The Secretary of Education shall annually submit a report to the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate, and the Committee on Education and the Workforce and the Committee on Natural Resources of the House of Representatives on the status of the implementation of the demonstration projects authorized under this section.

“(2) **CONTENTS.**—Such report shall identify—

“(A) statutory barriers to the ability of participants to more effectively integrate their education and related services to Indian students in a manner consistent with the objectives of this section; and

“(B) the effective practices for program integration that result in increased student achievement and other relevant outcomes for Indian students.

“(p) **DEFINITIONS.**—For the purposes of this section, the term ‘Secretary’ means—

“(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract

or grant school under title XI of the Education Amendments of 1978; or

“(2) the Secretary of Education, in the case of any other entity.

#### “SEC. 1267. STUDENT ELIGIBILITY FORMS.

“(a) **IN GENERAL.**—The Secretary shall require that, as part of an application for a grant under this chapter, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this chapter, and that otherwise meets the requirements of subsection (b).

“(b) **FORMS.**—The form described in subsection (a) shall include—

“(1) either—

“(A)(i) the name of the tribe or band of Indians (as defined in section 1291) with respect to which the child claims membership;

“(ii) the enrollment number establishing the membership of the child (if readily available); and

“(iii) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

“(B) the name, the enrollment number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership data, of any parent or grandparent of the child from whom the child claims eligibility under this chapter, if the child is not a member of the tribe or band of Indians (as so defined);

“(2) a statement of whether the tribe or band of Indians (as so defined), with respect to which the child, or parent or grandparent of the child, claims membership, is federally recognized;

“(3) the name and address of the parent or legal guardian of the child; and

“(4) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied.

“(c) **STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to affect a definition contained in section 1291.

“(d) **FORMS AND STANDARDS OF PROOF.**—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–1986 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

“(1) to establish eligibility under this chapter; and

“(2) to meet the requirements of subsection (a).

“(e) **DOCUMENTATION.**—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 1263, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

“(f) **MONITORING AND EVALUATION REVIEW.**—

“(1) **IN GENERAL.**—

“(A) **REVIEW.**—For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this chapter, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this chapter. The sampling conducted under this subparagraph shall take into account the size of and the geographic location of each local educational agency.



“(B) EXCEPTION.—A local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for an entitlement under the Indian Elementary and Secondary School Assistance Act.

“(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this chapter shall—

“(A) be ineligible to apply for any other grant under this chapter; and

“(B) be liable to the United States for any funds from the grant that have not been expended.

“(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant under section 1263.

“(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—Notwithstanding any other provision of this section, in calculating the amount of a grant under this chapter to a tribal school that receives a grant or contract from the Bureau of Indian Education, the Secretary shall use only one of the following, as selected by the school:

“(1) A count of the number of students in the schools certified by the Bureau.

“(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

“(h) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in calculating the amount of a local educational agency's grant under this chapter (other than in the case described in subsection (g)(1)), the local educational agency shall—

“(1) establish a date on, or a period not longer than 31 consecutive days during, which the agency counts those children, if that date or period occurs before the deadline established by the Secretary for submitting an application under section 1264; and

“(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

#### “SEC. 1268. PAYMENTS.

“(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this chapter the amount determined under section 1263. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

“(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this chapter to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this chapter in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

“(c) REALLOCATIONS.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this chapter, any amounts that—

“(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this chapter; or

“(2) otherwise become available for reallocation under this chapter.

#### “SEC. 1269. STATE EDUCATIONAL AGENCY REVIEW.

“Before submitting an application to the Secretary under section 1264, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, the agency shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

#### “CHAPTER B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

#### “SEC. 1271. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

“(a) PURPOSE.—

“(1) IN GENERAL.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

“(2) COORDINATION.—The Secretary shall take the necessary actions to achieve the coordination of activities assisted under this chapter with—

“(A) other programs funded under this Act; and

“(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

“(b) ELIGIBLE ENTITIES.—In this section, the term ‘eligible entity’ means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education), or a consortium of such entities.

“(c) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—From amounts appropriated under section 3(a)(1), the Secretary shall reserve 0.2 of one percent to award grants to eligible entities to enable such entities to carry out activities under this section and section 1272.

“(2) USES OF FUNDS.—An eligible entity that receives a grant under this section shall use the funds for one or more activities, including—

“(A) innovative programs related to the educational needs of educationally disadvantaged children;

“(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects;

“(C) bilingual and bicultural programs and projects;

“(D) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;

“(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of high school graduation for Indian children;

“(F) comprehensive guidance, counseling, and testing services;

“(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

“(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary to postsecondary education;

“(I) partnership projects between schools and local businesses for career preparation programs

designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;

“(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;

“(K) family literacy services;

“(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; or

“(M) other services that meet the purpose described in this section.

“(3) PROFESSIONAL DEVELOPMENT.—Evidence based professional development of teaching professionals and paraprofessionals may be a part of any program assisted under this section.

“(d) GRANT REQUIREMENTS AND APPLICATIONS.—

“(1) GRANT REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary may make multiyear grants under subsection (c) for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

“(B) PRIORITY.—In making multiyear grants described in this paragraph, the Secretary shall give priority to entities submitting applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

“(C) PROGRESS.—The Secretary shall make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (3) and any subsequent modifications to such application.

“(2) DISSEMINATION GRANTS.—

“(A) IN GENERAL.—In addition to awarding the multiyear grants described in paragraph (1), the Secretary may award grants under subsection (c) to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

“(B) DETERMINATION.—The Secretary may award a dissemination grant described in this paragraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated—

“(i) has been adequately reviewed;

“(ii) has demonstrated educational merit; and

“(iii) can be replicated.

“(3) APPLICATION.—

“(A) IN GENERAL.—Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

“(B) CONTENTS.—Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (2), shall contain—

“(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

“(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

“(iii) information demonstrating that the proposed program for the activities is an evidence-based program, which may include a program that has been modified to be culturally appropriate for students who will be served; and

“(iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over.



“(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this chapter for any fiscal year may be used for administrative purposes.

**“SEC. 1272. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.**

“(a) PURPOSES.—The purposes of this section are—

“(1) to increase the number of qualified Indian teachers, school leaders, or other education professionals serving Indian students, including through recruitment strategies;

“(2) to provide training to qualified Indian individuals to enable such individuals to become effective teachers, school leaders, administrators, teacher aides, social workers, and ancillary educational personnel; and

“(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

“(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term ‘eligible entity’ means—

“(1) an institution of higher education, including an Indian institution of higher education;

“(2) a State educational agency or local educational agency, in consortium with an institution of higher education;

“(3) an Indian tribe or organization, in consortium with an institution of higher education; and

“(4) a Bureau-funded school (as defined in section 1146 of the Education Amendments of 1978).

“(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants from funds reserved under section 1271(c)(1) to eligible entities having applications approved under this section to enable those entities to carry out the activities described in subsection (d).

“(d) AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—Grant funds under this section shall be used for activities to provide support and training for Indian individuals in a manner consistent with the purposes of this section.

“(2) SPECIAL RULES.—

“(A) TYPE OF TRAINING.—For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

“(B) PROGRAM.—For individuals who are being trained to enter any education-related field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

“(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. An application shall include how the eligible entity will—

“(1) recruit qualified Indian individuals, such as students who may not be of traditional college age, to become teachers or school leaders;

“(2) use funds made available under the grant to support the recruitment, preparation, and professional development of Indian teachers or school leaders in local educational agencies that serve a high proportion of Indian students; and

“(3) assist participants in meeting the requirements under subsection (h).

“(f) SPECIAL RULE.—In awarding grants under this section, the Secretary—

“(1) shall consider the prior performance of the eligible entity; and

“(2) may not limit eligibility to receive a grant under this section on the basis of—

“(A) the number of previous grants the Secretary has awarded such entity; or

“(B) the length of any period during which such entity received such grants.

“(g) GRANT PERIOD.—Each grant under this section shall be awarded for an initial period of

not more than three years, and may be renewed for not more than an additional two years if the Secretary finds that the grantee is meeting the grant objectives.

“(h) SERVICE OBLIGATION.—

“(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

“(A) perform work—

“(i) related to the training received under this section; and

“(ii) that benefits Indian people; or

“(B) repay all or a prorated part of the assistance received.

“(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning compliance with the work requirement under paragraph (1).

**“CHAPTER C—FEDERAL ADMINISTRATION**

**“SEC. 1281. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.**

“(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the ‘Council’), which shall—

“(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

“(2) represent different geographic areas of the United States.

“(b) DUTIES.—The Council shall—

“(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this subpart—

“(A) with respect to which the Secretary has jurisdiction; and

“(B)(i) that includes Indian children or adults as participants; or

“(ii) that may benefit Indian children or adults;

“(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

“(3) submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including—

“(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

“(B) recommendations concerning the funding of any program described in subparagraph (A).

**“SEC. 1282. PEER REVIEW.**

“The Secretary may use a peer review process to review applications submitted to the Secretary under chapter B.

**“SEC. 1283. PREFERENCE FOR INDIAN APPLICANTS.**

“In making grants and entering into contracts or cooperative agreements under chapter B, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

**“SEC. 1284. MINIMUM GRANT CRITERIA.**

“The Secretary may not approve an application for a grant, contract, or cooperative agreement under chapter B unless the application is for a grant, contract, or cooperative agreement that is—

“(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, contract, or cooperative agreement; and

“(2) based on relevant research findings.

**“CHAPTER D—DEFINITIONS**

**“SEC. 1291. DEFINITIONS.**

“For the purposes of this subpart:

“(1) ADULT.—The term ‘adult’ means an individual who—

“(A) has attained the age of 16 years; or

“(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

“(2) ALASKA NATIVE.—The term ‘Alaska Native’ has the same meaning as the term ‘Native’ has in section 3(b) of the Alaska Native Claims Settlement Act.

“(3) FREE PUBLIC EDUCATION.—The term ‘free public education’ means education that is—

“(A) provided at public expense, under public supervision and direction, and without tuition charge; and

“(B) provided as elementary or secondary education in the applicable State or to preschool children.

“(4) INDIAN.—The term ‘Indian’ means an individual who is—

“(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

“(i) any tribe or band terminated since 1940; and

“(ii) any tribe or band recognized by the State in which the tribe or band resides;

“(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

“(C) considered by the Secretary of the Interior to be an Indian for any purpose;

“(D) an Eskimo, Aleut, or other Alaska Native; or

“(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding the date of enactment of the Improving America’s Schools Act of 1994.”

(b) STRIKE.—The Act is amended by striking title VII (20 U.S.C. 7401 et seq.).

**Subtitle D—National Assessment**

**SEC. 141. NATIONAL ASSESSMENT OF TITLE I.**

(a) IN GENERAL.—Part E of title I (20 U.S.C. 6491 et seq.) is redesignated as part B of title I.

(b) REPEALS.—Sections 1502 and 1504 (20 U.S.C. 6492; 6494) are repealed.

(c) REDESIGNATIONS.—Sections 1501 and 1503 (20 U.S.C. 6491; 6493) are redesignated as sections 1301 and 1302, respectively.

(d) AMENDMENTS TO SECTION 1301.—Section 1301 (20 U.S.C. 6491), as so redesignated, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “, acting through the Director of the Institute of Education Sciences (in this section and section 1302 referred to as the ‘Director’),” after “The Secretary”;

(B) in paragraph (2)—

(i) by striking “Secretary” and inserting “Director”;

(ii) in subparagraph (A), by striking “reaching the proficient level” and all that follows and inserting “graduating high school prepared for postsecondary education or the workforce.”;

(iii) in subparagraph (B), by striking “reach the proficient” and all that follows and inserting “meet State academic standards.”;

(iv) by striking subparagraphs (D) and (G) and redesignating subparagraphs (E), (F), and (H) through (O) as subparagraphs (D) through (M), respectively;

(v) in subparagraph (D)(v) (as so redesignated), by striking “help schools in which” and all that follows and inserting “address disparities in the percentages of effective teachers teaching in low-income schools.”

(vi) in subparagraph (G) (as so redesignated)—

(I) by striking “section 1116” and inserting “section 1111(b)(3)(B)(iii)”;

(II) by striking “, including the following” and all that follows and inserting a period;

(vii) in subparagraph (I) (as so redesignated), by striking “qualifications” and inserting “effectiveness”;

(viii) in subparagraph (J) (as so redesignated), by striking “, including funds under section 1002,”;

(ix) in subparagraph (L) (as so redesignated), by striking “section 1111(b)(2)(C)(v)(II)” and inserting “section 1111(b)(3)(B)(ii)(II)”;

(x) in subparagraph (M) (as so redesignated), by striking “Secretary” and inserting “Director”;

(C) in paragraph (3), by striking “Secretary” and inserting “Director”;

(D) in paragraph (4), by striking “Secretary” and inserting “Director”;

(E) in paragraph (5), by striking “Secretary” and inserting “Director”;

(F) in paragraph (6)—

(i) by striking “No Child Left Behind Act of 2001” each place it appears and inserting “Student Success Act”;

(ii) by striking “Secretary” each place it appears and inserting “Director”;

(2) in subsection (b), by striking “Secretary” each place it appears and inserting “Director”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “Secretary” and inserting “Director”;

(ii) by striking “part A” and inserting “subpart 1 of part A”;

(B) in paragraph (2)—

(i) by striking “Secretary” and inserting “Director”;

(ii) in subparagraph (B), by striking “challenging academic achievement standards” and inserting “State academic standards”;

(iii) in subparagraph (E), by striking “effects of the availability” and all that follows and inserting “extent to which actions authorized under section 1111(b)(3)(B)(iii) improve the academic achievement of disadvantaged students and low-performing schools.”;

(iv) in subparagraph (F), by striking “Secretary” and inserting “Director”;

(C) in paragraph (3)—

(i) by striking “Secretary” and inserting “Director”;

(ii) by striking subparagraph (C) and inserting the following:

“(C) analyzes varying models or strategies for delivering school services, including schoolwide and targeted services.”;

(4) in subsection (d), by striking “Secretary” each place it appears and inserting “Director”.

(e) AMENDMENTS TO SECTION 1302.—Section 1302 (20 U.S.C. 6493), as so redesignated, is amended—

(1) in subsection (a)—

(A) by striking “Secretary” and inserting “Director”;

(B) by striking “and for making decisions about the promotion and graduation of students”;

(2) in subsection (b)—

(A) by striking “Secretary” the first place it appears and inserting “Director”;

(B) by striking “process,” and inserting “process consistent with section 1206,”;

(C) by striking “Assistant Secretary of Educational Research and Improvement” and inserting “Director”;

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “to the State-defined level of proficiency” and inserting “toward meeting the State academic standards”;

(ii) in subparagraph (C), by striking “pupil-services” and inserting “specialized instructional support services”;

(B) in paragraph (3), by striking “limited and nonlimited English proficient students” and inserting “English learners”;

(C) in paragraph (6), by striking “Secretary” and inserting “Director”;

(4) in subsection (f)—

(A) by striking “Secretary” and inserting “Director”;

(B) by striking “authorized to be appropriated for this part” and inserting “appropriated under section 3(a)(2)”.

#### Subtitle E—Title I General Provisions

#### SEC. 151. GENERAL PROVISIONS FOR TITLE I.

Part I of title I (20 U.S.C. 6571 et seq.)—

(1) is transferred to appear after part B (as redesignated); and

(2) is amended to read as follows:

#### “PART C—GENERAL PROVISIONS

#### “SEC. 1401. FEDERAL REGULATIONS.

“(a) IN GENERAL.—The Secretary may, in accordance with subsections (b) through (d), issue such regulations as are necessary to reasonably ensure there is compliance with this title.

“(b) NEGOTIATED RULEMAKING PROCESS.—

“(1) IN GENERAL.—Before publishing in the Federal Register proposed regulations to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, and members of local school boards and other organizations involved with the implementation and operation of programs under this title.

“(2) MEETINGS AND ELECTRONIC EXCHANGE.—Such advice and recommendations may be obtained through such mechanisms as regional meetings and electronic exchanges of information.

“(3) PROPOSED REGULATIONS.—After obtaining such advice and recommendations, and before publishing proposed regulations, the Secretary shall—

“(A) establish a negotiated rulemaking process;

“(B) select individuals to participate in such process from among individuals or groups that provided advice and recommendations, including representation from all geographic regions of the United States, in such numbers as will provide an equitable balance between representatives of parents and students and representatives of educators and education officials; and

“(C) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under subparagraph (B) not less than 15 days before the first meeting under such process.

“(c) PROPOSED RULEMAKING.—If the Secretary determines that a negotiated rulemaking process is unnecessary or the individuals selected to participate in the process under paragraph (3)(B) fail to reach unanimous agreement, the Secretary may propose regulations under the following procedure:

“(1) Not less than 30 days prior to beginning a rulemaking process, the Secretary shall provide to Congress, including the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, notice that shall include—

“(A) a copy of the proposed regulations;

“(B) the need to issue regulations;

“(C) the anticipated burden, including the time, cost, and paperwork burden, the regulations will have on State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulations; and

“(D) any regulations that will be repealed when the new regulations are issued.

“(2) 30 days after giving notice of the proposed rule to Congress, the Secretary may pro-

ceed with the rulemaking process after all comments received from the Congress have been addressed and publishing how such comments are addressed with the proposed rule.

“(3) The comment and review period for any proposed regulation shall be 90 days unless an emergency requires a shorter period, in which case such period shall be not less than 45 days and the Secretary shall—

“(A) designate the proposed regulation as an emergency with an explanation of the emergency in the notice and report to Congress under paragraph (1); and

“(B) publish the length of the comment and review period in such notice and in the Federal Register.

“(4) No regulation shall be made final after the comment and review period until the Secretary has published in the Federal Register an independent assessment of—

“(A) the burden, including the time, cost, and paperwork burden, the regulation will impose on State educational agencies, local educational agencies, schools and other entities that may be impacted by the regulation; and

“(B) an explanation of how the entities described in subparagraph (A) may cover the cost of the burden assessed under subparagraph (A).

“(d) LIMITATION.—Regulations to carry out this title may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

#### “SEC. 1402. AGREEMENTS AND RECORDS.

“(a) AGREEMENTS.—In the case in which a negotiated rule making process is established under subsection (b) of section 1401, all published proposed regulations shall conform to agreements that result from the rulemaking described in section 1401 unless the Secretary reopens the negotiated rulemaking process.

“(b) RECORDS.—The Secretary shall ensure that an accurate and reliable record of agreements reached during the negotiations process is maintained.

#### “SEC. 1403. STATE ADMINISTRATION.

“(a) RULEMAKING.—

“(1) IN GENERAL.—Each State that receives funds under this title shall—

“(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title and provide any such proposed rules, regulations, and policies to the committee of practitioners created under subsection (b) for review and comment;

“(B) minimize such rules, regulations, and policies to which the State’s local educational agencies and schools are subject;

“(C) eliminate or modify State and local fiscal accounting requirements in order to facilitate the ability of schools to consolidate funds under schoolwide programs;

“(D) identify any such rule, regulation, or policy as a State-imposed requirement; and

“(E)(i) identify any duplicative or contrasting requirements between the State and Federal rules or regulations;

“(ii) eliminate the rules and regulations that are duplicative of Federal requirements; and

“(iii) report any conflicting requirements to the Secretary and determine which Federal or State rule or regulation shall be followed.

“(2) SUPPORT AND FACILITATION.—State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the State academic standards.

“(b) COMMITTEE OF PRACTITIONERS.—

“(1) IN GENERAL.—Each State educational agency that receives funds under this title shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

“(2) **MEMBERSHIP.**—Each such committee shall include—

“(A) as a majority of its members, representatives from local educational agencies;

“(B) administrators, including the administrators of programs described in other parts of this title;

“(C) teachers from public charter schools, traditional public schools, and career and technical educators;

“(D) parents;

“(E) members of local school boards;

“(F) representatives of private school children; and

“(G) specialized instructional support personnel.

“(3) **DUTIES.**—The duties of such committee shall include a review, before publication, of any proposed or final State rule or regulation pursuant to this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program under this title, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation before issuance in final form.

**“SEC. 1404. RULE OF CONSTRUCTION ON EQUALIZED SPENDING.**

“Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.”

**TITLE II—TEACHER PREPARATION AND EFFECTIVENESS**

**SEC. 201. TEACHER PREPARATION AND EFFECTIVENESS.**

(a) **HEADING.**—The title heading for title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

**“TITLE II—TEACHER PREPARATION AND EFFECTIVENESS”.**

(b) **PART A.**—Part A of title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

**“PART A—SUPPORTING EFFECTIVE INSTRUCTION**

**“SEC. 2101. PURPOSE.**

“The purpose of this part is to provide grants to State educational agencies and subgrants to local educational agencies to—

“(1) increase student achievement consistent with State academic standards under section 1111(b)(1);

“(2) improve teacher and school leader effectiveness in classrooms and schools, respectively;

“(3) provide evidence-based, job-embedded, continuous professional development; and

“(4) develop and implement teacher evaluation systems that use, in part, student achievement data to determine teacher effectiveness.

**“Subpart 1—Grants to States**

**“SEC. 2111. ALLOTMENTS TO STATES.**

“(a) **IN GENERAL.**—Of the amounts appropriated under section 3(b), the Secretary shall reserve 75 percent to make grants to States with applications approved under section 2112 to pay for the Federal share of the cost of carrying out the activities specified in section 2113. Each grant shall consist of the allotment determined for a State under subsection (b).

“(b) **DETERMINATION OF ALLOTMENTS.**—

“(1) **RESERVATION OF FUNDS.**—Of the amount reserved under subsection (a) for a fiscal year, the Secretary shall reserve—

“(A) not more than 1 percent to carry out national activities under section 2132;

“(B) one-half of 1 percent for allotments to outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

“(C) one-half of 1 percent for the Secretary of the Interior for programs under this part in

schools operated or funded by the Bureau of Indian Education.

“(2) **STATE ALLOTMENTS.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), from the funds reserved under subsection (a) for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each State the sum of—

“(i) an amount that bears the same relationship to 50 percent of the funds as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

“(ii) an amount that bears the same relationship to 50 percent of the funds as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

“(B) **SMALL STATE MINIMUM.**—No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total amount of funds allotted under such subparagraph for a fiscal year.

“(c) **ALTERNATE DISTRIBUTION OF FUNDS.**—

“(1) **IN GENERAL.**—Subject to paragraphs (2) through (5), if a State does not apply to the Secretary for an allotment under this section, a local educational agency located in such State may apply to the Secretary for a portion of the funds that would have been allotted to the State had such State applied for an allotment under this section to carry out the activities under this part.

“(2) **APPLICATION.**—In order to receive an allotment under paragraph (1), a local educational agency shall submit to the Secretary an application at such time, in such manner, and containing the information described in section 2122.

“(3) **USE OF FUNDS.**—A local educational agency receiving an allotment under paragraph (1)—

“(A) shall use such funds to carry out the activities described in section 2123(1); and

“(B) may use such funds to carry out the activities described in section 2123(2).

“(4) **REPORTING REQUIREMENTS.**—A local educational agency receiving an allotment under paragraph (1) shall carry out the reporting requirements described in section 2131(a), except that annual reports shall be submitted to the Secretary and not a State educational agency.

“(5) **AMOUNT OF ALLOTMENT.**—An allotment made to a local educational agency under paragraph (1) for a fiscal year shall be equal to the amount of subgrant funds that the local educational agency would have received under subpart 2 had such agency applied for a subgrant under such subpart for such fiscal year.

“(d) **REALLOTMENT.**—If a State does not apply for an allotment under this section for any fiscal year or only a portion of the State's allotment is allotted under subsection (c), the Secretary shall reallocate the State's entire allotment or the remaining portion of its allotment, as the case may be, to the remaining States in accordance with subsection (b).

**“SEC. 2112. STATE APPLICATION.**

“(a) **IN GENERAL.**—For a State to be eligible to receive a grant under this subpart, the State educational agency shall submit an application to the Secretary at such time and in such a manner as the Secretary may reasonably require, which shall include the following:

“(1) A description of how the State educational agency will meet the requirements of this subpart.

“(2) A description of how the State educational agency will use a grant received under

section 2111, including the grant funds the State will reserve for State-level activities under section 2113(a)(2).

“(3) A description of how the State educational agency will facilitate the sharing of evidence-based and other effective strategies among local educational agencies.

“(4) A description of how, and under what timeline, the State educational agency will allocate subgrants under subpart 2 to local educational agencies.

“(5) In the case of a State educational agency that is not developing or implementing a statewide teacher evaluation system, a description of how the State educational agency will ensure that each local educational agency in the State receiving a subgrant under subpart 2 will implement a teacher evaluation system that meets the requirements of clauses (i) through (v) of section 2123(1)(A).

“(6) In the case of a State educational agency that is developing or implementing a statewide teacher evaluation system—

“(A) a description of how the State educational agency will work with local educational agencies in the State to implement the statewide teacher evaluation system within 3 years of the date of enactment of the Student Success Act; and

“(B) an assurance that the statewide teacher evaluation system complies with clauses (i) through (v) of section 2123(1)(A).

“(7) An assurance that the State educational agency will comply with section 5501 (regarding participation by private school children and teachers).

“(b) **DEEMED APPROVAL.**—An application submitted by a State educational agency under subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

“(c) **DISAPPROVAL.**—The Secretary shall not finally disapprove an application, except after giving the State educational agency notice and an opportunity for a hearing.

“(d) **NOTIFICATION.**—If the Secretary finds that an application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

“(1) give the State educational agency notice and an opportunity for a hearing; and

“(2) notify the State educational agency of the finding of noncompliance and, in such notification, shall—

“(A) cite the specific provisions in the application that are not in compliance; and

“(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

“(e) **RESPONSE.**—If a State educational agency responds to a notification from the Secretary under subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

“(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

“(2) the expiration of the 120-day period described in subsection (b).

“(f) **FAILURE TO RESPOND.**—If a State educational agency does not respond to a notification from the Secretary under subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

**“SEC. 2113. STATE USE OF FUNDS.**

“(a) *IN GENERAL.*—A State educational agency that receives a grant under section 2111 shall—

“(1) reserve 95 percent of the grant funds to make subgrants to local educational agencies under subpart 2; and

“(2) use the remainder of the funds, after reserving funds under paragraph (1), for the State activities described in subsection (b), except that the State may reserve not more than 1 percent of the grant funds for planning and administration related to carrying out activities described in subsection (b).

“(b) *STATE-LEVEL ACTIVITIES.*—A State educational agency that receives a grant under section 2111—

“(1) shall use the amount described in subsection (a)(2) to—

“(A) provide training and technical assistance to local educational agencies on—

“(i) in the case of a State educational agency not implementing a statewide teacher evaluation system—

“(I) the development and implementation of a teacher evaluation system that meets the requirements of clauses (i) through (v) of section 2123(1)(A); and

“(II) training school leaders in using such evaluation system; or

“(ii) in the case of a State educational agency implementing a statewide teacher evaluation system, implementing such evaluation system; and

“(B) fulfill the State educational agency’s responsibilities with respect to the proper and efficient administration of the subgrant program carried out under this part; and

“(2) may use the amount described in subsection (a)(2) to—

“(A) disseminate and share evidence-based and other effective practices, including practices consistent with the principles of effectiveness described in section 2222(b), related to teacher and school leader effectiveness and professional development;

“(B) provide professional development for teachers and school leaders in the State consistent with section 2123(2)(D); and

“(C) provide training and technical assistance to local educational agencies on—

“(i) in the case of a State educational agency not implementing a statewide school leader evaluation system, the development and implementation of a school leader evaluation system; and

“(ii) in the case of a State educational agency implementing a statewide school leader evaluation system, implementing such evaluation system.

**“Subpart 2—Subgrants to Local Educational Agencies****“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.**

“(a) *IN GENERAL.*—Each State receiving a grant under section 2111 shall use the funds reserved under section 2113(a)(1) to award subgrants to local educational agencies under this section.

“(b) *ALLOCATION OF FUNDS.*—From the funds reserved by a State under section 2113(a)(1), the State educational agency shall allocate to each local educational agency in the State the sum of—

“(1) an amount that bears the same relationship to 50 percent of the funds as the number of individuals age 5 through 17 in the geographic area served by the local educational agency, as determined by the State on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and

“(2) an amount that bears the same relationship to 50 percent of the funds as the number of

individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the local educational agency, as determined by the State on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

**“SEC. 2122. LOCAL APPLICATIONS.**

“To be eligible to receive a subgrant under this subpart, a local educational agency shall submit an application to the State educational agency involved at such time, in such a manner, and containing such information as the State educational agency may reasonably require that, at a minimum, shall include the following:

“(1) A description of—

“(A) how the local educational agency will meet the requirements of this subpart;

“(B) how the activities to be carried out by the local educational agency under this subpart will be evidence-based, improve student academic achievement, and improve teacher and school leader effectiveness;

“(C) in the case of a local educational agency not in a State with a statewide teacher evaluation system, the teacher evaluation system that will be developed and implemented under section 2123(1) and how such system will meet the requirements described in clauses (i) through (v) of section 2123(1)(A);

“(D) how, in developing and implementing such a teacher evaluation system, the local educational agency will work with parents, teachers, school leaders, and other staff of the schools served by the local educational agency; and

“(E) how the local educational agency will develop and implement such a teacher evaluation system within 3 years of the date of enactment of the Student Success Act.

“(2) In the case of a local educational agency in a State with a statewide teacher evaluation system, a description of how the local educational agency will work with the State educational agency to implement the statewide teacher evaluation system within 3 years of the date of enactment of the Student Success Act.

“(3) An assurance that the local educational agency will comply with section 5501 (regarding participation by private school children and teachers).

**“SEC. 2123. LOCAL USE OF FUNDS.**

“A local educational agency receiving a subgrant under this subpart—

“(1) shall use such funds—

“(A) to develop and implement a teacher evaluation system that—

“(i) uses student achievement data derived from a variety of sources as a significant factor in determining a teacher’s evaluation, with the weight given to such data defined by the local educational agency;

“(ii) uses multiple measures of evaluation for evaluating teachers;

“(iii) has more than 2 categories for rating the performance of teachers;

“(iv) shall be used to make personnel decisions, as determined by the local educational agency; and

“(v) is based on input from parents, school leaders, teachers, and other staff of schools served by the local educational agency; or

“(B) in the case of a local educational agency located in a State implementing a statewide teacher evaluation system, to implement such evaluation system; and

“(2) may use such funds for—

“(A) the training of school leaders or other individuals for the purpose of evaluating teachers under a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), as appropriate;

“(B) in the case of a local educational agency located in a State implementing a statewide

school leader evaluation system, to implement such evaluation system;

“(C) in the case of a local educational agency located in a State not implementing a statewide school leader evaluation system, the development and implementation of a school leader evaluation system;

“(D) professional development for teachers and school leaders that is evidence-based, job-embedded, and continuous, such as—

“(i) subject-based professional development for teachers;

“(ii) professional development aligned with the State’s academic standards;

“(iii) professional development to assist teachers in meeting the needs of students with different learning styles, particularly students with disabilities, English learners, and gifted and talented students;

“(iv) professional development for teachers identified as in need of additional support through data provided by a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), as appropriate;

“(v) professional development based on the current science of learning, which includes research on positive brain change and cognitive skill development;

“(vi) professional development for school leaders, including evidence-based mentorship programs for such leaders;

“(vii) professional development on integrated, interdisciplinary, and project-based teaching strategies, including for career and technical education teachers; or

“(viii) professional development on teaching dual credit and dual enrollment postsecondary-level courses to secondary school students;

“(E) partnering with a public or private organization or a consortium of such organizations to develop and implement a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), or to administer professional development, as appropriate;

“(F) any activities authorized under section 2222(a); or

“(G) class size reduction, except that the local educational agency may use not more than 10 percent of such funds for this purpose.

**“Subpart 3—General Provisions****“SEC. 2131. REPORTING REQUIREMENTS.**

“(a) *LOCAL EDUCATIONAL AGENCIES.*—Each local educational agency receiving a subgrant under subpart 2 shall submit to the State educational agency involved, on an annual basis until the last year in which the local educational agency receives such subgrant funds, a report on—

“(1) how the local educational agency is meeting the purposes of this part described in section 2101;

“(2) how the local educational agency is using such subgrant funds;

“(3) the number and percentage of teachers in each category established under clause (iii) of section 2123(1)(A), except that such report shall not reveal personally identifiable information about an individual teacher; and

“(4) any such other information as the State educational agency may require.

“(b) *STATE EDUCATIONAL AGENCIES.*—Each State educational agency receiving a grant under subpart 1 shall submit to the Secretary a report, on an annual basis until the last year in which the State educational agency receives such grant funds, on—

“(1) how the State educational agency is meeting the purposes of this part described in section 2101; and

“(2) how the State educational agency is using such grant funds.

**“SEC. 2132. NATIONAL ACTIVITIES.**

“From the funds reserved by the Secretary under section 2111(b)(1)(A), the Secretary shall, directly or through grants and contracts—

“(1) provide technical assistance to States and local educational agencies in carrying out activities under this part; and

“(2) acting through the Institute of Education Sciences, conduct national evaluations of activities carried out by State educational agencies and local educational agencies under this part.

**“SEC. 2133. STATE DEFINED.**

“In this part, the term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.”

(c) PART B.—Part B of title II (20 U.S.C. 6661 et seq.) is amended to read as follows:

**“PART B—TEACHER AND SCHOOL LEADER FLEXIBLE GRANT**

**“SEC. 2201. PURPOSE.**

“The purpose of this part is to improve student academic achievement by—

“(1) supporting all State educational agencies, local educational agencies, schools, teachers, and school leaders to pursue innovative and evidence-based practices to help all students meet the State’s academic standards; and

“(2) increasing the number of teachers and school leaders who are effective in increasing student academic achievement.

**“Subpart 1—Formula Grants to States**

**“SEC. 2211. STATE ALLOTMENTS.**

“(a) RESERVATIONS.—From the amount appropriated under section 3(b) for any fiscal year, the Secretary—

“(1) shall reserve 25 percent to award grants to States under this subpart; and

“(2) of the amount reserved under paragraph (1), shall reserve—

“(A) not more than 1 percent for national activities described in section 2233;

“(B) one-half of 1 percent for allotments to outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

“(C) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

“(b) STATE ALLOTMENTS.—

“(1) IN GENERAL.—From the total amount reserved under subsection (a)(1) for each fiscal year and not reserved under subparagraphs (A) through (C) of subsection (a)(2), the Secretary shall allot, and make available in accordance with this section, to each State an amount that bears the same ratio to such sums as the school-age population of the State bears to the school-age population of all States.

“(2) SMALL STATE MINIMUM.—No State receiving an allotment under paragraph (1) may receive less than one-half of 1 percent of the total amount allotted under such paragraph.

“(3) REALLOTMENT.—If a State does not receive an allotment under this subpart for a fiscal year, the Secretary shall reallocate the amount of the State’s allotment to the remaining States in accordance with this section.

“(c) STATE APPLICATION.—In order to receive an allotment under this section for any fiscal year, a State shall submit an application to the Secretary, at such time and in such manner as the Secretary may reasonably require. Such application shall—

“(1) designate the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

“(2) describe how the State educational agency will use funds received under this section for State level activities described in subsection (d)(3);

“(3) describe the procedures and criteria the State educational agency will use for reviewing applications and awarding subgrants in a timely manner to eligible entities under section 2221 on a competitive basis;

“(4) describe how the State educational agency will ensure that subgrants made under section 2221 are of sufficient size and scope to support effective programs that will help increase academic achievement in the classroom and are consistent with the purposes of this part;

“(5) describe the steps the State educational agency will take to ensure that eligible entities use subgrants received under section 2221 to carry out programs that implement effective strategies, including by providing ongoing technical assistance and training, and disseminating evidence-based and other effective strategies to such eligible entities;

“(6) describe how programs under this part will be coordinated with other programs under this Act; and

“(7) include an assurance that, other than providing technical and advisory assistance and monitoring compliance with this part, the State educational agency has not exercised, and will not exercise, any influence in the decision-making processes of eligible entities as to the expenditure of funds made pursuant to an application submitted under section 2221(b).

“(d) STATE USE OF FUNDS.—

“(1) IN GENERAL.—Each State that receives an allotment under this section shall reserve not less than 92 percent of the amount allotted to such State under subsection (b), for each fiscal year, for subgrants to eligible entities under subpart 2.

“(2) STATE ADMINISTRATION.—A State educational agency may reserve not more than 1 percent of the amount made available to the State under subsection (b) for the administrative costs of carrying out such State educational agency’s responsibilities under this subpart.

“(3) STATE-LEVEL ACTIVITIES.—

“(A) INNOVATIVE TEACHER AND SCHOOL LEADER ACTIVITIES.—A State educational agency shall reserve not more than 4 percent of the amount made available to the State under subsection (b) to carry out, solely, or in partnership with State agencies of higher education, 1 or more of the following activities:

“(i) Reforming teacher and school leader certification, recertification, licensing, and tenure systems to ensure that such systems are rigorous and that—

“(I) each teacher has the subject matter knowledge and teaching skills necessary to help students meet the State’s academic standards; and

“(II) school leaders have the instructional leadership skills to help teachers instruct and students learn.

“(ii) Improving the quality of teacher preparation programs within the State, including through the use of appropriate student achievement data and other factors to evaluate the quality of teacher preparation programs within the State.

“(iii) Carrying out programs that establish, expand, or improve alternative routes for State certification or licensure of teachers and school leaders, including such programs for—

“(I) mid-career professionals from other occupations, including science, technology, engineering, and math fields;

“(II) former military personnel; and

“(III) recent graduates of an institution of higher education, with a record of academic distinction, who demonstrate the potential to become effective teachers or school leaders.

“(iv) Developing, or assisting eligible entities in developing—

“(I) performance-based pay systems for teachers and school leaders;

“(II) strategies that provide differential, incentive, or bonus pay for teachers and school leaders; or

“(III) teacher and school leader advancement initiatives that promote professional growth and

emphasize multiple career paths and pay differentiation.

“(v) Developing, or assisting eligible entities in developing, new, evidence-based teacher and school leader induction and mentoring programs that are designed to—

“(I) improve instruction and student academic achievement; and

“(II) increase the retention of effective teachers and school leaders.

“(vi) Providing professional development for teachers and school leaders that is focused on improving teaching and student academic achievement, including for students with different learning styles, particularly students with disabilities, English learners, gifted and talented students, and other special populations.

“(vii) Providing training and technical assistance to eligible entities that receive a subgrant under section 2221.

“(viii) Other activities identified by the State educational agency that meet the purposes of this part, including those activities authorized under subparagraph (B).

“(B) TEACHER OR SCHOOL LEADER PREPARATION ACADEMIES.—

“(i) IN GENERAL.—In the case of a State in which teacher or school leader preparation academies are allowable under State law, a State educational agency may reserve not more than 3 percent of the amount made available to the State under subsection (b) to support the establishment or expansion of one or more teacher or school leader preparation academies and, subject to the limitation under clause (iii), to support State authorizers for such academies.

“(ii) MATCHING REQUIREMENT.—A State educational agency shall not provide funds under this subparagraph to support the establishment or expansion of a teacher or school leader preparation academy unless the academy agrees to provide, either directly or through private contributions, non-Federal matching funds equal to not less than 10 percent of the amount of the funds the academy will receive under this subparagraph.

“(iii) FUNDING FOR STATE AUTHORIZERS.—Not more than 5 percent of funds provided to a teacher or school leader preparation academy under this subparagraph may be used to support activities of State authorizers for such academy.

**“SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLICATIONS.**

“(a) DEEMED APPROVAL.—An application submitted by a State pursuant to section 2211(c) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with section 2211(c).

“(b) DISAPPROVAL PROCESS.—

“(1) IN GENERAL.—The Secretary shall not finally disapprove an application submitted under section 2211(c), except after giving the State educational agency notice and an opportunity for a hearing.

“(2) NOTIFICATION.—If the Secretary finds that an application is not in compliance, in whole or in part, with section 2211(c) the Secretary shall—

“(A) give the State educational agency notice and an opportunity for a hearing; and

“(B) notify the State educational agency of the finding of noncompliance and, in such notification, shall—

“(i) cite the specific provisions in the application that are not in compliance; and

“(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

“(3) RESPONSE.—If a State educational agency responds to a notification from the Secretary

under paragraph (2)(B) during the 45-day period beginning on the date on which the State educational agency received the notification, and resubmits the application with the requested information described in paragraph (2)(B)(ii), the Secretary shall approve or disapprove such application prior to the later of—

“(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

“(B) the expiration of the 120-day period described in subsection (a).

“(4) **FAILURE TO RESPOND.**—If the State educational agency does not respond to a notification from the Secretary under paragraph (2)(B) during the 45-day period beginning on the date on which the State educational agency received the notification, such application shall be deemed to be disapproved.

#### “Subpart 2—Local Competitive Grant Program

##### “SEC. 2221. LOCAL COMPETITIVE GRANT PROGRAM.

“(a) **IN GENERAL.**—A State that receives an allotment under section 2211(b) for a fiscal year shall use the amount reserved under section 2211(d)(1) to award subgrants, on a competitive basis, to eligible entities in accordance with this section to enable such entities to carry out the programs and activities described in section 2222.

“(b) **APPLICATION.**—

“(1) **IN GENERAL.**—To be eligible to receive a subgrant under this section, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

“(2) **CONTENTS.**—Each application submitted under paragraph (1) shall include—

“(A) a description of the programs and activities to be funded and how they are consistent with the purposes of this part; and

“(B) an assurance that the eligible entity will comply with section 5501 (regarding participation by private school children and teachers).

“(c) **PEER REVIEW.**—In reviewing applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications but the review shall only judge the likelihood of the activity to increase student academic achievement. The reviewers shall not make a determination based on the policy of the proposed activity.

“(d) **GEOGRAPHIC DIVERSITY.**—A State educational agency shall distribute funds under this section equitably among geographic areas within the State, including rural, suburban, and urban communities.

“(e) **DURATION OF AWARDS.**—A State educational agency may award subgrants under this section for a period of not more than 5 years.

“(f) **MATCHING.**—An eligible entity receiving a subgrant under this section shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 10 percent of the amount of the subgrant.

##### “SEC. 2222. LOCAL AUTHORIZED ACTIVITIES.

“(a) **IN GENERAL.**—Each eligible entity receiving a subgrant under section 2221 shall use such subgrant funds to develop, implement, and evaluate comprehensive programs and activities, that are in accordance with the purpose of this part and—

“(1) are consistent with the principles of effectiveness described in subsection (b); and

“(2) may include, among other programs and activities—

“(A) developing and implementing initiatives to assist in recruiting, hiring, and retaining highly effective teachers and school leaders, including initiatives that provide—

“(i) differential, incentive, or bonus pay for teachers and school leaders;

“(ii) performance-based pay systems for teachers and school leaders;

“(iii) teacher and school leader advancement initiatives that promote professional growth and emphasize multiple career paths and pay differentiation;

“(iv) new teacher and school leader induction and mentoring programs that are designed to improve instruction, student academic achievement, and to increase teacher and school leader retention; and

“(v) teacher residency programs, and school leader residency programs, designed to develop and support new teachers or new school leaders, respectively;

“(B) supporting the establishment or expansion of teacher or school leader preparation academies under section 2211(d)(3)(B);

“(C) recruiting qualified individuals from other fields, including individuals from science, technology, engineering, and math fields, mid-career professionals from other occupations, and former military personnel;

“(D) establishing, improving, or expanding model instructional programs to ensure that all children meet the State's academic standards;

“(E) providing evidence-based, job embedded, continuous professional development for teachers and school leaders focused on improving teaching and student academic achievement;

“(F) implementing programs based on the current science of learning, which includes research on positive brain change and cognitive skill development;

“(G) recruiting and training teachers to teach dual credit and dual enrollment postsecondary-level courses to secondary school students; and

“(H) other activities and programs identified as necessary by the local educational agency that meet the purpose of this part.

“(b) **PRINCIPLES OF EFFECTIVENESS.**—For a program or activity developed pursuant to this section to meet the principles of effectiveness, such program or activity shall—

“(1) be based upon an assessment of objective data regarding the need for programs and activities in the elementary schools and secondary schools served to increase the number of teachers and school leaders who are effective in improving student academic achievement;

“(2) reflect evidence-based research, or in the absence of a strong research base, reflect effective strategies in the field, that provide evidence that the program or activity will improve student academic achievement; and

“(3) include meaningful and ongoing consultation with, and input from, teachers, school leaders, and parents, in the development of the application and administration of the program or activity.

#### “Subpart 3—General Provisions

##### “SEC. 2231. PERIODIC EVALUATION.

“(a) **IN GENERAL.**—Each eligible entity and each teacher or school leader preparation academy that receives funds under this part shall undergo a periodic evaluation by the State educational agency involved to assess such entity's or such academy's progress toward achieving the purposes of this part.

“(b) **USE OF RESULTS.**—The results of an evaluation described in subsection (a) of an eligible entity or academy shall be—

“(1) used to refine, improve, and strengthen such eligible entity or such academy, respectively; and

“(2) made available to the public upon request, with public notice of such availability provided.

##### “SEC. 2232. REPORTING REQUIREMENTS.

“(a) **ELIGIBLE ENTITIES AND ACADEMIES.**—Each eligible entity and each teacher or school leader preparation academy that receives funds

from a State educational agency under this part shall prepare and submit annually to such State educational agency a report that includes—

“(1) a description of the progress of the eligible entity or teacher or school leader preparation academy, respectively, in meeting the purposes of this part;

“(2) a description of the programs and activities conducted by the eligible entity or teacher or school leader preparation academy, respectively, with funds received under this part;

“(3) how the eligible entity or teacher or school leader preparation academy, respectively, is using such funds; and

“(4) any such other information as the State educational agency may require.

“(b) **STATE EDUCATIONAL AGENCIES.**—Each State educational agency that receives a grant under this part shall prepare and submit, annually, to the Secretary a report that includes—

“(1) a description of the programs and activities conducted by the State educational agency with grant funds received under this part;

“(2) a description of the progress of the State educational agency in meeting the purposes of this part described in section 2201;

“(3) how the State educational agency is using grant funds received under this part;

“(4) the methods and criteria the State educational agency used to award subgrants in a timely manner to eligible entities under section 2221 and, if applicable, funds in a timely manner to teacher or school leader academies under section 2211(d)(3)(B); and

“(5) the results of the periodic evaluations conducted under section 2231.

##### “SEC. 2233. NATIONAL ACTIVITIES.

“From the funds reserved by the Secretary under section 2211(a)(2)(A), the Secretary shall, directly or through grants and contracts—

“(1) provide technical assistance to States and eligible entities in carrying out activities under this part; and

“(2) acting through the Institute of Education Sciences, conduct national evaluations of activities carried out by States and eligible entities under this part.

##### “SEC. 2234. DEFINITIONS.

“In this part:

“(1) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means—

“(A) a local educational agency or consortium of local educational agencies;

“(B) an institution of higher education or consortium of such institutions in partnership with a local educational agency or consortium of local educational agencies;

“(C) a for-profit organization, a nonprofit organization, or a consortium of for-profit or nonprofit organizations in partnership with a local educational agency or consortium of local educational agencies; or

“(D) a consortium of the entities described in subparagraphs (B) and (C).

“(2) **STATE.**—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(3) **STATE AUTHORIZER.**—The term ‘State authorizer’ means an entity designated by the Governor of a State to authorize teacher or school leader preparation academies within the State that—

“(A) enters into an agreement with a teacher or school leader preparation academy that—

“(i) specifies the goals expected of the academy, which, at a minimum, include the goals described in paragraph (4); and

“(ii) does not reauthorize the academy if such goals are not met; and

“(B) may be a nonprofit organization, a State educational agency, or other public entity, or consortium of such entities (including a consortium of State educational agencies).

“(4) **TEACHER OR SCHOOL LEADER PREPARATION ACADEMY.**—The term ‘teacher or school



leader preparation academy' means a public or private entity, or a nonprofit or for-profit organization, which may be an institution of higher education or an organization affiliated with an institution of higher education, that will prepare teachers or school leaders to serve in schools, and that—

“(A) enters into an agreement with a State authorizer that specifies the goals expected of the academy, including—

“(i) a requirement that prospective teachers or school leaders who are enrolled in a teacher or school leader preparation academy receive a significant part of their training through clinical preparation that partners the prospective candidate with an effective teacher or school leader, respectively, with a demonstrated record of increasing student achievement, while also receiving concurrent instruction from the academy in the content area (or areas) in which the prospective teacher or school leader will become certified or licensed;

“(ii) the number of effective teachers or school leaders, respectively, who will demonstrate success in increasing student achievement that the academy will produce; and

“(iii) a requirement that a teacher or school leader preparation academy will only award a certificate of completion after the graduate demonstrates that the graduate is an effective teacher or school leader, respectively, with a demonstrated record of increasing student achievement, except that an academy may award a provisional certificate for the period necessary to allow the graduate to demonstrate such effectiveness;

“(B) does not have restrictions on the methods the academy will use to train prospective teacher or school leader candidates, including—

“(i) obligating (or prohibiting) the academy's faculty to hold advanced degrees or conduct academic research;

“(ii) restrictions related to the academy's physical infrastructure;

“(iii) restrictions related to the number of course credits required as part of the program of study;

“(iv) restrictions related to the undergraduate coursework completed by teachers teaching or working on alternative certificates, licenses, or credentials, as long as such teachers have successfully passed all relevant State-approved content area examinations; or

“(v) restrictions related to obtaining accreditation from an accrediting body for purposes of becoming an academy;

“(C) limits admission to its program to prospective teacher or school leader candidates who demonstrate strong potential to improve student achievement, based on a rigorous selection process that reviews a candidate's prior academic achievement or record of professional accomplishment; and

“(D) results in a certificate of completion that the State may recognize as at least the equivalent of a master's degree in education for the purposes of hiring, retention, compensation, and promotion in the State.

“(5) **TEACHER RESIDENCY PROGRAM.**—The term ‘teacher residency program’ means a school-based teacher preparation program in which a prospective teacher—

“(A) for one academic year, teaches alongside an effective teacher, as determined by a teacher evaluation system implemented under part A, who is the teacher of record;

“(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution (as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021)), which courses may be taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed; and

“(C) acquires effective teaching skills.”.

(d) **PART C.**—Part C of title II (20 U.S.C. 6671 et seq.) is amended—

(1) by striking subparts 1 through 4;

(2) by striking the heading relating to subpart 5;

(3) by striking sections 2361 and 2368;

(4) in section 2362, by striking “principals” and inserting “school leaders”;

(5) in section 2363(6)(A), by striking “principal” and inserting “school leader”;

(6) in section 2366(b), by striking “ate law” and inserting “(3) A State law”;

(7) by redesignating section 2362 as section 2361;

(8) by redesignating sections 2364 through 2367 as sections 2362 through 2365, respectively; and

(9) by redesignating section 2363 as section 2366 and transferring such section to appear after section 2365 (as so redesignated).

(e) **PART D.**—Part D of title II (20 U.S.C. 6751 et seq.) is amended to read as follows:

#### “PART D—GENERAL PROVISIONS

##### “SEC. 2401. INCLUSION OF CHARTER SCHOOLS.

“In this title, the term ‘local educational agency’ includes a charter school (as defined in section 5101) that, in the absence of this section, would not have received funds under this title.

##### “SEC. 2402. PARENTS' RIGHT TO KNOW.

“At the beginning of each school year, a local educational agency that receives funds under this title shall notify the parents of each student attending any school receiving funds under this title that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers.

##### “SEC. 2403. SUPPLEMENT, NOT SUPPLANT.

“Funds received under this title shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this title.”.

##### SEC. 202. CONFORMING REPEALS.

(a) **CONFORMING REPEALS.**—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by repealing sections 201 through 204.

(b) **EFFECTIVE DATE.**—The repeals made by subsection (a) shall take effect October 1, 2013.

#### TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

##### SEC. 301. PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY.

Title III (20 U.S.C. 6801 et seq.) is amended to read as follows:

#### “TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

##### “PART A—PARENTAL ENGAGEMENT

###### “Subpart 1—Charter School Program

##### “SEC. 3101. PURPOSE.

“It is the purpose of this subpart to—

“(1) improve the United States education system and educational opportunities for all Americans by supporting innovation in public education in public school settings that prepare students to compete and contribute to the global economy;

“(2) provide financial assistance for the planning, program design, and initial implementation of charter schools;

“(3) expand the number of high-quality charter schools available to students across the Nation;

“(4) evaluate the impact of such schools on student achievement, families, and communities, and share best practices between charter schools and other public schools;

“(5) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the

amount the States have typically provided for traditional public schools;

“(6) improve student services to increase opportunities for students with disabilities, English learners, and other traditionally underserved students to attend charter schools and meet challenging State academic achievement standards; and

“(7) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, monitoring, and evaluation of such schools.

##### “SEC. 3102. PROGRAM AUTHORIZED.

“(a) **IN GENERAL.**—From the amounts appropriated under section 3(c)(1)(A), the Secretary shall carry out a charter school program under this subpart that supports charter schools that serve elementary school and secondary school students by—

“(1) supporting the startup, replication, and expansion of charter schools;

“(2) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and

“(3) carrying out national activities to support—

“(A) charter school development;

“(B) the dissemination of best practices of charter schools for all schools; and

“(C) the evaluation of the impact of the program on schools participating in the program.

“(b) **FUNDING ALLOTMENT.**—From the amount made available under section 3(c)(1)(A) for a fiscal year, the Secretary shall—

“(1) reserve 15 percent to support charter school facilities assistance under section 3104;

“(2) reserve not more than 5 percent to carry out national activities under section 3105; and

“(3) use the remaining amount after the Secretary reserves funds under paragraphs (1) and (2) to carry out section 3103.

“(c) **PRIOR GRANTS AND SUBGRANTS.**—The recipient of a grant or subgrant under this subpart or subpart 2, as such subpart was in effect on the day before the date of enactment of the Student Success Act, shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.

##### “SEC. 3103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.

“(a) **IN GENERAL.**—From the amount reserved under section 3102(b)(3), the Secretary shall award grants to State entities having applications approved pursuant to subsection (f) to enable such entities to—

“(1) award subgrants to eligible applicants for—

“(A) opening new charter schools;

“(B) opening replicable, high-quality charter school models; or

“(C) expanding high-quality charter schools; and

“(2) provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1) and work with authorized public chartering agencies in the State to improve authorizing quality.

“(b) **STATE USES OF FUNDS.**—

“(1) **IN GENERAL.**—A State entity receiving a grant under this section shall—

“(A) use 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the entity's application approved pursuant to subsection (f), for the purposes described in subparagraphs (A) through (C) of subsection (a)(1); and

“(B) reserve 10 percent of such funds to carry out the activities described in subsection (a)(2), of which not more than 30 percent may be used for administrative costs which may include technical assistance.

“(2) **CONTRACTS AND GRANTS.**—A State entity may use a grant received under this section to



carry out the activities described in subparagraphs (A) and (B) of paragraph (1) directly or through grants, contracts, or cooperative agreements.

“(c) PROGRAM PERIODS; PEER REVIEW; GRANT NUMBER AND AMOUNT; DIVERSITY OF PROJECTS; WAIVERS.—

“(1) PROGRAM PERIODS.—

“(A) GRANTS.—A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 5 years.

“(B) SUBGRANTS.—A subgrant awarded by a State entity under this section shall be for a period of not more than 3 years, of which an eligible applicant may use not more than 18 months for planning and program design.

“(2) PEER REVIEW.—The Secretary, and each State entity receiving a grant under this section, shall use a peer review process to review applications for assistance under this section.

“(3) GRANT NUMBER AND AMOUNT.—The Secretary shall ensure that the number of grants awarded under this section and the award amounts will allow for a sufficient number of new grants to be awarded under this section for each succeeding fiscal year.

“(4) DIVERSITY OF PROJECTS.—Each State entity receiving a grant under this section shall award subgrants under this section in a manner that, to the extent possible, ensures that such subgrants—

“(A) are distributed throughout different areas, including urban, suburban, and rural areas; and

“(B) will assist charter schools representing a variety of educational approaches.

“(5) WAIVERS.—The Secretary may waive any statutory or regulatory requirement without requiring the adoption of any unrelated requirements over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 5101(3), if—

“(A) the waiver is requested in an approved application under this section; and

“(B) the Secretary determines that granting such a waiver will promote the purpose of this subpart.

“(d) LIMITATIONS.—

“(1) GRANTS.—A State entity may not receive more than 1 grant under this section for a 5-year period.

“(2) SUBGRANTS.—An eligible applicant may not receive more than 1 subgrant under this section for an individual charter school for a 3-year period.

“(e) APPLICATIONS.—A State entity desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

“(1) DESCRIPTION OF PROGRAM.—A description of the State entity's objectives in running a quality charter school program under this section and how the objectives of the program will be carried out, including a description—

“(A) of how the entity—

“(i) will support both new charter school startup and the expansion and replication of high-quality charter school models;

“(ii) will inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

“(iii) will work with eligible applicants to ensure that the applicants access all Federal funds that they are eligible to receive, and help the charter schools supported by the applicants and the students attending the charter schools—

“(I) participate in the Federal programs in which the schools and students are eligible to participate; and

“(II) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs;

“(iv) in the case in which the entity is not a State educational agency—

“(I) will work with the State educational agency and the charter schools in the State to maximize charter school participation in Federal and State programs for charter schools; and

“(II) will work with the State educational agency to adequately operate the entity's program under this section, where applicable;

“(v) will ensure eligible applicants that receive a subgrant under the entity's program are prepared to continue to operate the charter schools receiving the subgrant funds once the funds have expired;

“(vi) will support charter schools in local educational agencies with large numbers of schools implementing requirements under the State's school improvement system under section 1111(b)(3)(B)(iii);

“(vii) will work with charter schools to promote inclusion of all students and support all students once they are enrolled to promote retention;

“(viii) will work with charter schools on recruitment practices, including efforts to engage groups that may otherwise have limited opportunities to participate in charter schools;

“(ix) will share best and promising practices between charter schools and other public schools, including, where appropriate, instruction and professional development in science, math, technology, and engineering education;

“(x) will ensure the charter schools receiving funds under the entity's program can meet the educational needs of their students, including students with disabilities and English learners; and

“(xi) will support efforts to increase quality initiatives, including meeting the quality authorizing elements described in paragraph (2)(E);

“(B) of the extent to which the entity—

“(i) is able to meet and carry out the priorities listed in subsection (f)(2); and

“(ii) is working to develop or strengthen a cohesive statewide system to support the opening of new charter schools and replicable, high-quality charter school models, and the expansion of high-quality charter schools;

“(C) of how the entity will carry out the subgrant competition, including—

“(i) a description of the application each eligible applicant desiring to receive a subgrant will submit, including—

“(I) a description of the roles and responsibilities of eligible applicants, partner organizations, and management organizations, including the administrative and contractual roles and responsibilities;

“(II) a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, and how a school's performance in the State's academic accountability system will be a primary factor for renewal or revocation of the school's charter; and

“(III) a description of how the eligible applicant will solicit and consider input from parents and other members of the community on the implementation and operation of each charter school receiving funds under the entity's program; and

“(ii) a description of how the entity will review applications;

“(D) in the case of an entity that partners with an outside organization to carry out the entity's quality charter school program, in whole or in part, of the roles and responsibilities of this partner;

“(E) of how the entity will help the charter schools receiving funds under the entity's program consider the transportation needs of the schools' students; and

“(F) of how the entity will support diverse charter school models, including models that serve rural communities.

“(2) ASSURANCES.—Assurances, including a description of how the assurances will be met, that—

“(A) each charter school receiving funds under the entity's program will have a high degree of autonomy over budget and operations, including personnel;

“(B) the entity will support charter schools in meeting the educational needs of their students as described in paragraph (1)(A)(c);

“(C) the entity will ensure that the authorized public chartering agency of any charter school that receives funds under the entity's program—

“(i) ensures that each charter school is meeting the obligations under this Act, part B of the Individuals with Disabilities Education Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title IX of the Education Amendments of 1972;

“(ii) adequately monitors and helps each charter school in recruiting, enrolling, and meeting the needs of all students, including students with disabilities and English learners; and

“(iii) ensures that each charter school solicits and considers input from parents and other members of the community on the implementation and operation of the school;

“(D) the entity will provide adequate technical assistance to eligible applicants to—

“(i) meet the objectives described in clauses (vii), (viii), and (x) of paragraph (1)(A); and

“(ii) enroll traditionally underserved students, including students with disabilities and English learners, to promote an inclusive education environment;

“(E) the entity will promote quality authorizing, such as through providing technical assistance, to support all authorized public chartering agencies in the State to improve the monitoring of their charter schools, including by—

“(i) assessing annual performance data of the schools, including, as appropriate, graduation rates and student growth; and

“(ii) reviewing the schools' independent, annual audits of financial statements conducted in accordance with generally accepted accounting principles, and ensuring any such audits are publicly reported;

“(F) the entity will work to ensure that charter schools are included with the traditional public schools in decision-making about the public school system in the State; and

“(G) the entity will ensure that each charter school in the State make publicly available, consistent with the dissemination requirements of the annual State report card, the information parents need to make informed decisions about the education options available to their children, including information on the educational program, student support services, and annual performance and enrollment data for the groups of students described in section 1111(b)(3)(B)(ii)(II).

“(3) REQUESTS FOR WAIVERS.—A request and justification for waivers of any Federal statutory or regulatory provisions that the entity believes are necessary for the successful operation of the charter schools that will receive funds under the entity's program under this section, and a description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply to such schools.

“(f) SELECTION CRITERIA; PRIORITY.—

“(1) SELECTION CRITERIA.—The Secretary shall award grants to State entities under this section on the basis of the quality of the applications submitted under subsection (e), after taking into consideration—

“(A) the degree of flexibility afforded by the State's public charter school law and how the

entity will work to maximize the flexibility provided to charter schools under the law;

“(B) the ambitiousness of the entity’s objectives for the quality charter school program carried out under this section;

“(C) the quality of the strategy for assessing achievement of those objectives;

“(D) the likelihood that the eligible applicants receiving subgrants under the program will meet those objectives and improve educational results for students;

“(E) the proposed number of new charter schools to be opened, and the proposed number of high-quality charter schools to be replicated or expanded under the program;

“(F) the entity’s plan to—

“(i) adequately monitor the eligible applicants receiving subgrants under the entity’s program; and

“(ii) work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies;

“(G) the entity’s plan to provide adequate technical assistance, as described in the entity’s application under subsection (e), for the eligible applicants receiving subgrants under the entity’s program under this section;

“(H) the entity’s plan to support quality authorizing efforts in the State, consistent with the objectives described in subparagraph (B); and

“(I) the entity’s plan to solicit and consider input from parents and other members of the community on the implementation and operation of the charter schools in the State.

“(2) **PRIORITY.**—In awarding grants under this section, the Secretary shall give priority to State entities to the extent that they meet the following criteria:

“(A) In the case of a State entity located in a State that allows an entity other than a local educational agency to be an authorized public chartering agency, the State has a quality authorized public chartering agency that is an entity other than a local educational agency.

“(B) The State entity is located in a State that does not impose any limitation on the number or percentage of charter schools that may exist or the number or percentage of students that may attend charter schools in the State.

“(C) The State entity is located in a State that ensures equitable financing, as compared to traditional public schools, for charter schools and students in a prompt manner.

“(D) The State entity is located in a State that uses best practices from charter schools to help improve struggling schools and local educational agencies.

“(E) The State entity partners with an organization that has a demonstrated record of success in developing management organizations to support the development of charter schools in the State.

“(F) The State entity demonstrates quality policies and practices to support and monitor charter schools through factors including—

“(i) the proportion of high-quality charter schools in the State; and

“(ii) the proportion of charter schools enrolling, at a rate similar to traditional public schools, traditionally underserved students, including students with disabilities and English learners.

“(G) The State entity supports charter schools that support at-risk students through activities such as dropout prevention or dropout recovery.

“(H) The State entity authorizes all charter schools in the State to serve as school food authorities.

“(g) **LOCAL USES OF FUNDS.**—An eligible applicant receiving a subgrant under this section shall use such funds to open new charter schools, open replicable, high-quality charter

school models, or expand existing high-quality charter schools.

“(h) **REPORTING REQUIREMENTS.**—Each State entity receiving a grant under this section shall submit to the Secretary, at the end of the third year of the 5-year grant period and at the end of such grant period, a report on—

“(1) the number of students served under each subgrant awarded under this section and, if applicable, how many new students were served during each year of the subgrant period;

“(2) the number of subgrants awarded under this section to carry out each of the following—

“(A) the opening of new charter schools;

“(B) the opening of replicable, high-quality charter school models; and

“(C) the expansion of high-quality charter schools;

“(3) the progress the entity made toward meeting the priorities described in subsection (f)(2), as applicable;

“(4) how the entity met the objectives of the quality charter school program described in the entity’s application under subsection (e);

“(5) how the entity complied with, and ensured that eligible applicants complied with, the assurances described in the entity’s application; and

“(6) how the entity worked with authorized public chartering agencies and how such agencies worked with the management company or leadership of the schools that received subgrants under this section.

“(i) **STATE ENTITY DEFINED.**—For purposes of this section, the term ‘State entity’ means—

“(1) a State educational agency;

“(2) a State charter school board;

“(3) a Governor of a State; or

“(4) a charter support organization.

#### “SEC. 3104. FACILITIES FINANCING ASSISTANCE.

“(a) **GRANTS TO ELIGIBLE ENTITIES.**—

“(1) **IN GENERAL.**—From the amount reserved under section 3102(b)(1), the Secretary shall award grants to eligible entities that have the highest-quality applications approved under subsection (d), after considering the diversity of such applications, to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

“(2) **ELIGIBLE ENTITY DEFINED.**—For purposes of this section, the term ‘eligible entity’ means—

“(A) a public entity, such as a State or local governmental entity;

“(B) a private nonprofit entity; or

“(C) a consortium of entities described in subparagraphs (A) and (B).

“(b) **GRANTEE SELECTION.**—The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.

“(c) **GRANT CHARACTERISTICS.**—Grants under subsection (a) shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

“(d) **APPLICATIONS.**—

“(1) **IN GENERAL.**—To receive a grant under subsection (a), an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

“(2) **CONTENTS.**—An application submitted under paragraph (1) shall contain—

“(A) a statement identifying the activities proposed to be undertaken with funds received under subsection (a), including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

“(B) a description of the involvement of charter schools in the application’s development and the design of the proposed activities;

“(C) a description of the eligible entity’s expertise in capital market financing;

“(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of Federal, State, or local government funding used and otherwise enhance credit available to charter schools, including how the entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the entity under this section;

“(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought; and

“(F) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the charter schools need to have adequate facilities.

“(e) **CHARTER SCHOOL OBJECTIVES.**—An eligible entity receiving a grant under this section shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to access private sector capital to accomplish one or both of the following objectives:

“(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

“(2) The construction of new facilities, including predevelopment costs, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

“(f) **RESERVE ACCOUNT.**—

“(1) **USE OF FUNDS.**—To assist charter schools to accomplish the objectives described in subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) (other than funds used for administrative costs in accordance with subsection (g)) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

“(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e).

“(B) Guaranteeing and insuring leases of personal and real property for an objective described in subsection (e).

“(C) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

“(D) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

“(2) **INVESTMENT.**—Funds received under this section and deposited in the reserve account established under paragraph (1) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

“(3) **REINVESTMENT OF EARNINGS.**—Any earnings on funds received under subsection (a) shall be deposited in the reserve account established under paragraph (1) and used in accordance with such paragraph.

“(g) **LIMITATION ON ADMINISTRATIVE COSTS.**—An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).

“(h) **AUDITS AND REPORTS.**—

“(1) **FINANCIAL RECORD MAINTENANCE AND AUDIT.**—The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

“(2) **REPORTS.**—

“(A) **GRANTEE ANNUAL REPORTS.**—Each eligible entity receiving a grant under subsection (a) annually shall submit to the Secretary a report of its operations and activities under this section.

“(B) **CONTENTS.**—Each annual report submitted under subparagraph (A) shall include—

“(i) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

“(ii) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under paragraph (1) during the reporting period;

“(iii) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under subsection (a) in leveraging private funds;

“(iv) a listing and description of the charter schools served during the reporting period, including the amount of funds used by each school, the type of project facilitated by the grant, and the type of assistance provided to the charter schools;

“(v) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in subsection (e); and

“(vi) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this section (excluding subsection (k)) during the reporting period.

“(C) **SECRETARIAL REPORT.**—The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

“(i) **NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATION.**—No financial obligation of an eligible entity entered into pursuant to this section (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this section.

“(j) **RECOVERY OF FUNDS.**—

“(1) **IN GENERAL.**—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

“(A) all of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this section (excluding subsection (k)), that the eligible entity has failed to make substantial progress in carrying out the purposes described in subsection (f)(1); or

“(B) all or a portion of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines that the eligible entity has permanently ceased to use

all or a portion of the funds in such account to accomplish any purpose described in subsection (f)(1).

“(2) **EXERCISE OF AUTHORITY.**—The Secretary shall not exercise the authority provided in paragraph (1) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in subsection (f)(1).

“(3) **PROCEDURES.**—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 1234, 1234a, 1234g) shall apply to the recovery of funds under paragraph (1).

“(4) **CONSTRUCTION.**—This subsection shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

“(k) **PER-PUPIL FACILITIES AID PROGRAM.**—

“(1) **DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.**—In this subsection, the term ‘per-pupil facilities aid program’ means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—

“(A) that is dedicated solely for funding charter school facilities; or

“(B) a portion of which is dedicated for funding charter school facilities.

“(2) **GRANTS.**—

“(A) **IN GENERAL.**—From the amount reserved under section 3102(b)(1) and remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering per-pupil facilities aid programs.

“(B) **PERIOD.**—The Secretary shall award grants under this subsection for periods of not more than 5 years.

“(C) **FEDERAL SHARE.**—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

“(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

“(ii) 80 percent in the second such year;

“(iii) 60 percent in the third such year;

“(iv) 40 percent in the fourth such year; and

“(v) 20 percent in the fifth such year.

“(D) **STATE SHARE.**—A State receiving a grant under this subsection may partner with 1 or more organizations to provide up to 50 percent of the State share of the cost of establishing or enhancing, and administering the per-pupil facilities aid program.

“(E) **MULTIPLE GRANTS.**—A State may receive more than 1 grant under this subsection, so long as the amount of such funds provided to charter schools increases with each successive grant.

“(3) **USE OF FUNDS.**—

“(A) **IN GENERAL.**—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State of the applicant.

“(B) **EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.**—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

“(C) **SUPPLEMENT, NOT SUPPLANT.**—Funds made available under this subsection shall be used to supplement, and not supplant, State, and local public funds expended to provide per pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

“(4) **REQUIREMENTS.**—

“(A) **VOLUNTARY PARTICIPATION.**—No State may be required to participate in a program carried out under this subsection.

“(B) **STATE LAW.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), to be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

“(I) is specified in State law; and

“(II) provides annual financing, on a per-pupil basis, for charter school facilities.

“(ii) **SPECIAL RULE.**—Notwithstanding clause (i), a State that is required under State law to provide its charter schools with access to adequate facility space, but which does not have a per-pupil facilities aid program for charter schools specified in State law, may be eligible to receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil facilities aid program consistent with the requirements of this subsection.

“(5) **APPLICATIONS.**—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“**SEC. 3105. NATIONAL ACTIVITIES.**

“(a) **IN GENERAL.**—From the amount reserved under section 3102(b)(2), the Secretary shall—

“(1) use not less than 50 percent of such funds to award grants in accordance with subsection (b); and

“(2) use the remainder of such funds to—

“(A) disseminate technical assistance to State entities in awarding subgrants under section 3103, and eligible entities and States receiving grants under section 3104;

“(B) disseminate best practices; and

“(C) evaluate the impact of the charter school program, including the impact on student achievement, carried out under this subpart.

“(b) **GRANTS.**—

“(1) **IN GENERAL.**—The Secretary shall make grants, on a competitive basis, to eligible applicants for the purpose of carrying out the activities described in section 3102(a)(1), subparagraphs (A) through (C) of section 3103(a)(1), and section 3103(g).

“(2) **TERMS AND CONDITIONS.**—Except as otherwise provided in this subsection, grants awarded under this subsection shall have the same terms and conditions as grants awarded to State entities under section 3103.

“(3) **ELIGIBLE APPLICANT DEFINED.**—For purposes of this subsection, the term ‘eligible applicant’ means an eligible applicant that desires to open a charter school in—

“(A) a State that did not apply for a grant under section 3103;

“(B) a State that did not receive a grant under section 3103; or

“(C) a State that received a grant under section 3103 and is in the 4th or 5th year of the grant period for such grant.

“(c) **CONTRACTS AND GRANTS.**—The Secretary may carry out any of the activities described in this section directly or through grants, contracts, or cooperative agreements.

“**SEC. 3106. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.**

“(a) **IN GENERAL.**—For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling

in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion.

“(b) ADJUSTMENT AND LATE OPENINGS.—

“(1) IN GENERAL.—The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data.

“(2) RULE.—For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for such academic year have a full and fair opportunity to receive those funds during the charter schools’ first year of operation.

**“SEC. 3107. SOLICITATION OF INPUT FROM CHARTER SCHOOL OPERATORS.**

“To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development of any rules, regulations, or nonregulatory guidance required to implement this subpart, as well as in the development of any rules, regulations, or nonregulatory guidance relevant to charter schools that are required to implement part A of title I, the Individuals with Disabilities Education Act, or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.

**“SEC. 3108. RECORDS TRANSFER.**

“State educational agencies and local educational agencies, as quickly as possible and to the extent practicable, shall ensure that a student’s records and, if applicable, a student’s individualized education program as defined in section 602(14) of the Individuals with Disabilities Education Act, are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

**“SEC. 3109. PAPERWORK REDUCTION.**

“To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this subpart results in a minimum of paperwork for any eligible applicant or charter school.

**“SEC. 3110. DEFINITIONS.**

“In this subpart:

“(1) AUTHORIZED PUBLIC CHARTERING AGENCY.—The term ‘authorized public chartering agency’ means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

“(2) CHARTER SUPPORT ORGANIZATION.—The term ‘charter support organization’ means a nonprofit, nongovernmental entity that provides, on a statewide or regional basis—

“(A) assistance to developers during the planning, program design, and initial implementation of a charter school; and

“(B) technical assistance to operate charter schools.

“(3) DEVELOPER.—The term ‘developer’ means an individual or group of individuals (including a public or private nonprofit organization),

which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

“(4) ELIGIBLE APPLICANT.—The term ‘eligible applicant’ means a developer that has—

“(A) applied to an authorized public chartering authority to operate a charter school; and

“(B) provided adequate and timely notice to that authority.

“(5) EXPANSION OF A HIGH-QUALITY CHARTER SCHOOL.—The term ‘expansion of a high-quality charter school’ means to significantly increase the enrollment of, or add one or more grades to, a high-quality charter school.

“(6) HIGH-QUALITY CHARTER SCHOOL.—The term ‘high-quality charter school’ means a charter school that—

“(A) shows evidence of strong academic results, which may include strong academic growth as determined by a State;

“(B) has no significant issues in the areas of student safety, financial management, or statutory or regulatory compliance;

“(C) has demonstrated success in significantly increasing student academic achievement and attainment for all students served by the charter school; and

“(D) has demonstrated success in increasing student academic achievement for the groups of students described in section 1111(b)(3)(B)(ii)(II), except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

“(7) REPLICABLE, HIGH-QUALITY CHARTER SCHOOL MODEL.—The term ‘replicable, high-quality charter school model’ means a high-quality charter school that has the capability of opening another such charter school under an existing charter.

**“Subpart 2—Magnet School Assistance**

**“SEC. 3121. PURPOSE.**

“The purpose of this subpart is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—

“(1) the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students, which shall include assisting in the efforts of the United States to achieve voluntary desegregation in public schools;

“(2) the development and implementation of magnet school programs that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet State academic standards;

“(3) the development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary schools and public secondary schools and public educational programs;

“(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable career, technical, and professional skills of students attending such schools;

“(5) improving the ability of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding for the magnet schools is terminated; and

“(6) ensuring that students enrolled in the magnet school programs have equitable access to a quality education that will enable the students to succeed academically and continue with postsecondary education or employment.

**“SEC. 3122. DEFINITION.**

“For the purpose of this subpart, the term ‘magnet school’ means a public elementary

school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

**“SEC. 3123. PROGRAM AUTHORIZED.**

“From the amount appropriated under section 3(c)(1)(B), the Secretary, in accordance with this subpart, is authorized to award grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this subpart for magnet schools that are—

“(1) part of an approved desegregation plan; and

“(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

**“SEC. 3124. ELIGIBILITY.**

“A local educational agency, or consortium of such agencies where appropriate, is eligible to receive a grant under this subpart to carry out the purpose of this subpart if such agency or consortium—

“(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or

“(2) without having been required to do so, has adopted and is implementing, or will, if a grant is awarded to such local educational agency, or consortium of such agencies, under this subpart, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

**“SEC. 3125. APPLICATIONS AND REQUIREMENTS.**

“(a) APPLICATIONS.—An eligible local educational agency, or consortium of such agencies, desiring to receive a grant under this subpart shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

“(b) INFORMATION AND ASSURANCES.—Each application submitted under subsection (a) shall include—

“(1) a description of—

“(A) how a grant awarded under this subpart will be used to promote desegregation, including how the proposed magnet school programs will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

“(B) the manner and extent to which the magnet school program will increase student academic achievement in the instructional area or areas offered by the school;

“(C) how the applicant will continue the magnet school program after assistance under this subpart is no longer available, and, if applicable, an explanation of why magnet schools established or supported by the applicant with grant funds under this subpart cannot be continued without the use of grant funds under this subpart;

“(D) how grant funds under this subpart will be used—

“(i) to improve student academic achievement for all students attending the magnet school programs; and

“(ii) to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate; and

“(E) the criteria to be used in selecting students to attend the proposed magnet school program; and

“(2) assurances that the applicant will—

“(A) use grant funds under this subpart for the purposes specified in section 3121;

“(B) employ effective teachers in the courses of instruction assisted under this subpart;

“(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

“(i) the hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;

“(ii) the assignment of students to schools, or to courses of instruction within the schools, of such applicant, except to carry out the approved plan; and

“(iii) designing or operating extracurricular activities for students;

“(D) carry out a quality education program that will encourage greater parental decision-making and involvement; and

“(E) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students.

“(c) **SPECIAL RULE.**—No grant shall be awarded under this subpart unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

#### **“SEC. 3126. PRIORITY.**

“In awarding grants under this subpart, the Secretary shall give priority to applicants that—

“(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out approved desegregation plans and the magnet school program for which the grant is sought;

“(2) propose to carry out new magnet school programs, or significantly revise existing magnet school programs;

“(3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination; and

“(4) propose to serve the entire student population of a school.

#### **“SEC. 3127. USE OF FUNDS.**

“(a) **IN GENERAL.**—Grant funds made available under this subpart may be used by an eligible local educational agency, or consortium of such agencies—

“(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

“(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation of materials, equipment, and computers, necessary to conduct programs in magnet schools;

“(3) for the compensation, or subsidization of the compensation, of elementary school and secondary school teachers, and instructional staff where applicable, who are necessary to conduct programs in magnet schools;

“(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

“(A) are designed to make available the special curriculum that is offered by the magnet school program to students who are enrolled in the school but who are not enrolled in the magnet school program; and

“(B) further the purpose of this subpart;

“(5) for activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended;

“(6) to enable the local educational agency, or consortium of such agencies, to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program; and

“(7) to enable the local educational agency, or consortium of such agencies, to have flexibility in designing magnet schools for students in all grades.

“(b) **SPECIAL RULE.**—Grant funds under this subpart may be used for activities described in paragraphs (2) and (3) of subsection (a) only if the activities are directly related to improving student academic achievement based on the State's academic standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving career, technical, and professional skills.

#### **“SEC. 3128. LIMITATIONS.**

“(a) **DURATION OF AWARDS.**—A grant under this subpart shall be awarded for a period that shall not exceed 3 fiscal years.

“(b) **LIMITATION ON PLANNING FUNDS.**—A local educational agency, or consortium of such agencies, may expend for planning (professional development shall not be considered to be planning for purposes of this subsection) not more than 50 percent of the grant funds received under this subpart for the first year of the program and not more than 15 percent of such funds for each of the second and third such years.

“(c) **AMOUNT.**—No local educational agency, or consortium of such agencies, awarded a grant under this subpart shall receive more than \$4,000,000 under this subpart for any 1 fiscal year.

“(d) **TIMING.**—To the extent practicable, the Secretary shall award grants for any fiscal year under this subpart not later than July 1 of the applicable fiscal year.

#### **“SEC. 3129. EVALUATIONS.**

“(a) **RESERVATION.**—The Secretary may reserve not more than 2 percent of the funds appropriated under section 3(c)(1)(B) for any fiscal year to carry out evaluations, provide technical assistance, and carry out dissemination projects with respect to magnet school programs assisted under this subpart.

“(b) **CONTENTS.**—Each evaluation described in subsection (a), at a minimum, shall address—

“(1) how and the extent to which magnet school programs lead to educational quality and academic improvement;

“(2) the extent to which magnet school programs enhance student access to a quality education;

“(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students; and

“(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

“(c) **DISSEMINATION.**—The Secretary shall collect and disseminate to the general public information on successful magnet school programs.

#### **“SEC. 3130. RESERVATION.**

“In any fiscal year for which the amount appropriated under section 3(c)(1)(B) exceeds \$75,000,000, the Secretary shall give priority in using such amounts in excess of \$75,000,000 to awarding grants to local educational agencies or consortia of such agencies that did not receive a grant under this subpart in the preceding fiscal year.

### **“Subpart 3—Family Engagement in Education Programs**

#### **“SEC. 3141. PURPOSES.**

“The purposes of this subpart are the following:

“(1) To provide financial support to organizations to provide technical assistance and train-

ing to State and local educational agencies in the implementation and enhancement of systemic and effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement.

“(2) To assist State educational agencies, local educational agencies, community-based organizations, schools, and educators in strengthening partnerships among parents, teachers, school leaders, administrators, and other school personnel in meeting the educational needs of children and fostering greater parental engagement.

“(3) To support State educational agencies, local educational agencies, schools, educators, and parents in developing and strengthening the relationship between parents and their children's school in order to further the developmental progress of children.

“(4) To coordinate activities funded under this subpart with parent involvement initiatives funded under section 1118 and other provisions of this Act.

“(5) To assist the Secretary, State educational agencies, and local educational agencies in the coordination and integration of Federal, State, and local services and programs to engage families in education.

#### **“SEC. 3142. GRANTS AUTHORIZED.**

“(a) **STATEWIDE FAMILY ENGAGEMENT CENTERS.**—From the amount appropriated under section 3(c)(1)(C), the Secretary is authorized to award grants for each fiscal year to statewide organizations (or consortia of such organizations), to establish Statewide Family Engagement Centers that provide comprehensive training and technical assistance to State educational agencies, local educational agencies, schools identified by State educational agencies and local educational agencies, organizations that support family-school partnerships, and other organizations that carry out, or carry out directly, parent education and family engagement in education programs.

“(b) **MINIMUM AWARD.**—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure that a grant is awarded for a Statewide Family Engagement Center in an amount not less than \$500,000.

#### **“SEC. 3143. APPLICATIONS.**

“(a) **SUBMISSIONS.**—Each statewide organization, or a consortium of such organizations, that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and including the information described in subsection (b).

“(b) **CONTENTS.**—Each application submitted under subsection (a) shall include, at a minimum, the following:

“(1) A description of the applicant's approach to family engagement in education.

“(2) A description of the support that the Statewide Family Engagement Center that will be operated by the applicant will have from the State educational agency and any partner organization outlining the commitment to work with the center.

“(3) A description of the applicant's plan for building a statewide infrastructure for family engagement in education, that includes—

“(A) management and governance;

“(B) statewide leadership; or

“(C) systemic services for family engagement in education.

“(4) A description of the applicant's demonstrated experience in providing training, information, and support to State educational agencies, local educational agencies, schools, educators, parents, and organizations on family engagement in education policies and practices that are effective for parents (including low-income parents) and families, English learners, minorities, parents of students with disabilities,

parents of homeless students, foster parents and students, and parents of migratory students, including evaluation results, reporting, or other data exhibiting such demonstrated experience.

“(5) An assurance that the applicant will—  
“(A) establish a special advisory committee, the membership of which includes—

“(i) parents, who shall constitute a majority of the members of the special advisory committee;

“(ii) representatives of education professionals with expertise in improving services for disadvantaged children;

“(iii) representatives of local elementary schools and secondary schools, including students;

“(iv) representatives of the business community; and

“(v) representatives of State educational agencies and local educational agencies;

“(B) use not less than 65 percent of the funds received under this subpart in each fiscal year to serve local educational agencies, schools, and community-based organizations that serve high concentrations of disadvantaged students, including English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students;

“(C) operate a Statewide Family Engagement Center of sufficient size, scope, and quality to ensure that the Center is adequate to serve the State educational agency, local educational agencies, and community-based organizations;

“(D) ensure that the Center will retain staff with the requisite training and experience to serve parents in the State;

“(E) serve urban, suburban, and rural local educational agencies and schools;

“(F) work with—

“(i) other Statewide Family Engagement Centers assisted under this subpart; and

“(ii) parent training and information centers and community parent resource centers assisted under sections 671 and 672 of the Individuals with Disabilities Education Act;

“(G) use not less than 30 percent of the funds received under this subpart for each fiscal year to establish or expand technical assistance for evidence-based parent education programs;

“(H) provide assistance to State educational agencies and local educational agencies and community-based organizations that support family members in supporting student academic achievement;

“(I) work with State educational agencies, local educational agencies, schools, educators, and parents to determine parental needs and the best means for delivery of services to address such needs; and

“(J) conduct sufficient outreach to assist parents, including parents who the applicant may have a difficult time engaging with a school or local educational agency.

#### “SEC. 3144. USES OF FUNDS.

“(a) IN GENERAL.—Grantees shall use grant funds received under this subpart, based on the needs determined under section 3143(b)(5)(I), to provide training and technical assistance to State educational agencies, local educational agencies, and organizations that support family-school partnerships, and activities, services, and training for local educational agencies, school leaders, educators, and parents—

“(1) to assist parents in participating effectively in their children's education and to help their children meet State standards, such as assisting parents—

“(A) to engage in activities that will improve student academic achievement, including understanding how they can support learning in the classroom with activities at home and in after-school and extracurricular programs;

“(B) to communicate effectively with their children, teachers, school leaders, counselors, administrators, and other school personnel;

“(C) to become active participants in the development, implementation, and review of school-parent compacts, family engagement in education policies, and school planning and improvement;

“(D) to participate in the design and provision of assistance to students who are not making academic progress;

“(E) to participate in State and local decision-making;

“(F) to train other parents; and

“(G) to help the parents learn and use technology applied in their children's education;

“(2) to develop and implement, in partnership with the State educational agency, statewide family engagement in education policy and systemic initiatives that will provide for a continuum of services to remove barriers for family engagement in education and support school reform efforts; and

“(3) to develop and implement parental involvement policies under this Act.

“(b) MATCHING FUNDS FOR GRANT RENEWAL.—For each fiscal year after the first fiscal year for which an organization or consortium receives assistance under this section, the organization or consortium shall demonstrate in the application that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which may be in cash or in-kind.

“(c) TECHNICAL ASSISTANCE.—The Secretary shall reserve not more than 2 percent of the funds appropriated under section 3(c)(1)(C) to carry out this subpart to provide technical assistance, by competitive grant or contract, for the establishment, development, and coordination of Statewide Family Engagement Centers.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a Statewide Family Engagement Center from—

“(1) having its employees or agents meet with a parent at a site that is not on school grounds; or

“(2) working with another agency that serves children.

“(e) PARENTAL RIGHTS.—Notwithstanding any other provision of this section—

“(1) no person (including a parent who educates a child at home, a public school parent, or a private school parent) shall be required to participate in any program of parent education or developmental screening under this section; and

“(2) no program or center assisted under this section shall take any action that infringes in any manner on the right of a parent to direct the education of their children.

#### “SEC. 3145. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.

“The Secretary of the Interior, in consultation with the Secretary of Education, shall establish, or enter into contracts and cooperative agreements with local Indian nonprofit parent organizations to establish and operate Family Engagement Centers.

#### “PART B—LOCAL ACADEMIC FLEXIBLE GRANT

##### “SEC. 3201. PURPOSE.

“The purpose of this part is to—

“(1) provide local educational agencies with the opportunity to access funds to support the initiatives important to their schools and students to improve academic achievement, including protecting student safety; and

“(2) provide nonprofit and for-profit entities the opportunity to work with students to improve academic achievement, including student safety.

##### “SEC. 3202. ALLOTMENTS TO STATES.

“(a) RESERVATIONS.—From the funds appropriated under section 3(c)(2) for any fiscal year, the Secretary shall reserve—

“(1) not more than one-half of 1 percent for national activities to provide technical assist-

ance to eligible entities in carrying out programs under this part; and

“(2) not more than one-half of 1 percent for payments to the outlying areas and the Bureau of Indian Education, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

“(b) STATE ALLOTMENTS.—

“(1) DETERMINATION.—From the funds appropriated under section 3(c)(2) for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under chapter B of subpart 1 of part A of title I for the preceding fiscal year bears to the amount all States received under that chapter for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

“(2) REALLOTMENT OF UNUSED FUNDS.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallocate the amount of the State's allotment to the remaining States in accordance with this section.

“(c) STATE USE OF FUNDS.—

“(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 75 percent of the amount allotted to the State under subsection (b) for each fiscal year for awards to eligible entities under section 3204.

“(2) AWARDS TO NONGOVERNMENTAL ENTITIES TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT.—Each State that receives an allotment under subsection (b) for each fiscal year shall reserve not less than 10 percent of the amount allotted to the State for awards to nongovernmental entities under section 3205.

“(3) STATE ACTIVITIES AND STATE ADMINISTRATION.—A State educational agency may reserve not more than 15 percent of the amount allotted to the State under subsection (b) for each fiscal year for the following:

“(A) Enabling the State educational agency—

“(i) to pay the costs of developing the State assessments and standards required under section 1111(b), which may include the costs of working, at the sole discretion of the State, in voluntary partnerships with other States to develop such assessments and standards; or

“(ii) if the State has developed the assessments and standards required under section 1111(b), to administer those assessments or carry out other activities related to ensuring that the State's schools and local educational agencies are helping students meet the State's academic standards under such section.

“(B) The administrative costs of carrying out its responsibilities under this part, except that not more than 5 percent of the reserved amount may be used for this purpose.

“(C) Monitoring and evaluation of programs and activities assisted under this part.

“(D) Providing training and technical assistance under this part.

“(E) Statewide academic focused programs.

“(F) Sharing evidence-based and other effective strategies with eligible entities.

##### “SEC. 3203. STATE APPLICATION.

“(a) IN GENERAL.—In order to receive an allotment under section 3202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

“(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

“(2) describes how the State educational agency will use funds reserved for State-level activities, including how, if any, of the funds will be used to support student safety;



“(3) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include reviewing how the proposed project will help increase student academic achievement;

“(4) describes how the State educational agency will ensure that awards made under this part are—

“(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

“(B) in amounts that are consistent with section 3204(f);

“(5) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, and dissemination of evidence-based and other effective strategies;

“(6) describes how the State educational agency will consider students across all grades when making these awards;

“(7) an assurance that, other than providing technical and advisory assistance and monitoring compliance with this part, the State educational agency has not exercised and will not exercise any influence in the decision-making process of eligible entities as to the expenditure of funds received by the eligible entities under this part;

“(8) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;

“(9) contains an assurance that the State educational agency—

“(A) will make awards for programs for a period of not more than 5 years; and

“(B) will require each eligible entity seeking such an award to submit a plan describing how the project to be funded through the award will continue after funding under this part ends, if applicable; and

“(10) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, State and local public funds expended to provide programs and activities authorized under this part and other similar programs.

“(b) **DEEMED APPROVAL.**—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

“(c) **DISAPPROVAL.**—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

“(d) **NOTIFICATION.**—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

“(1) give the State educational agency notice and an opportunity for a hearing; and

“(2) notify the State educational agency of the finding of noncompliance, and, in such notification, shall—

“(A) cite the specific provisions in the application that are not in compliance; and

“(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

“(e) **RESPONSE.**—If the State educational agency responds to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

“(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

“(2) the expiration of the 120-day period described in subsection (b).

“(f) **FAILURE TO RESPOND.**—If the State educational agency does not respond to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

“(g) **RULE OF CONSTRUCTION.**—An application submitted by a State educational agency pursuant to subsection (a) shall not be approved or disapproved based upon the activities for which the agency may make funds available to eligible entities under section 3204 if the agency's use of funds is consistent with section 3204(b).

#### “**SEC. 3204. LOCAL COMPETITIVE GRANT PROGRAM.**”

“(a) **IN GENERAL.**—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 3202(c)(1) to eligible entities in accordance with this section.

“(b) **USE OF FUNDS.**—

“(1) **IN GENERAL.**—An eligible entity that receives an award under this part shall use the funds for activities that—

“(A) are evidence-based;

“(B) will improve student academic achievement;

“(C) are allowable under State law; and

“(D) focus on one or more projects from the following two categories:

“(i) Supplemental student support activities such as before, after, or summer school activities, tutoring, and expanded learning time, but not including athletics or in-school learning activities.

“(ii) Activities designed to support students, such as academic subject specific programs, adjunct teacher programs, extended learning time programs, dual enrollment programs, and parent engagement, but not including activities to—

“(I) support smaller class sizes or construction; or

“(II) provide compensation or benefits to teachers, school leaders, other school officials, or local educational agency staff.

“(2) **PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.**—An eligible entity that receives an award under this part shall ensure compliance with section 5501 (relating to participation of children enrolled in private schools).

“(c) **APPLICATION.**—

“(1) **IN GENERAL.**—To be eligible to receive an award under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require, including the contents required by paragraph (2).

“(2) **CONTENTS.**—Each application submitted under paragraph (1) shall include—

“(A) a description of the activities to be funded and how they are consistent with subsection (b), including any activities that will increase student safety;

“(B) an assurance that funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant State, local, or non-Federal funds;

“(C) an assurance that the community will be given notice of an intent to submit an application with an opportunity for comment, and that the application will be available for public review after submission of the application; and

“(D) an assurance that students who benefit from any activity funded under this part shall

continue to maintain enrollment in a public elementary or secondary school.

“(d) **REVIEW.**—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications but the review shall be limited to the likelihood that the project will increase student academic achievement.

“(e) **GEOGRAPHIC DIVERSITY.**—A State educational agency shall distribute funds under this part equitably among geographic areas within the State, including rural, suburban, and urban communities.

“(f) **AWARD.**—A grant shall be awarded to all eligible entities that submit an application that meets the requirements of this section in an amount that is not less than \$10,000, but there shall be only one award granted to any one local educational agency, but such award may be for multiple projects or programs with the local educational agency.

“(g) **DURATION OF AWARDS.**—Grants under this part may be awarded for a period of not more than 5 years.

“(h) **ELIGIBLE ENTITY DEFINED.**—In this section, the term ‘eligible entity’ means—

“(1) a local educational agency in partnership with a community-based organization, business entity, or nongovernmental entity;

“(2) a consortium of local educational agencies working in partnership with a community-based organization, business entity, or nongovernmental entity;

“(3) a community-based organization in partnership with a local educational agency and, if applicable, a business entity or nongovernmental entity; or

“(4) a business entity in partnership with a local educational agency and, if applicable, a community-based organization or nongovernmental entity.

#### “**SEC. 3205. AWARDS TO NONGOVERNMENTAL ENTITIES TO IMPROVE ACADEMIC ACHIEVEMENT.**”

“(a) **IN GENERAL.**—From the amount reserved under section 3202(c)(2), a State educational agency shall award grants to nongovernmental entities, including public or private organizations, community-based or faith-based organizations, and business entities for a program or project to increase the academic achievement of public school students attending public elementary or secondary schools (or both) in compliance with the requirements in this section. Subject to the availability of funds, the State educational agency shall award a grant to each eligible applicant that meets the requirements in a sufficient size and scope to support the program.

“(b) **APPLICATION.**—The State educational agency shall require an application that includes the following information:

“(1) A description of the program or project the applicant will use the funds to support.

“(2) A description of how the applicant is using or will use other State, local, or private funding to support the program or project.

“(3) A description of how the program or project will help increase student academic achievement, including the evidence to support this claim.

“(4) A description of the student population the program or project is targeting to impact, and if the program will prioritize students in high-need local educational agencies.

“(5) A description of how the applicant will conduct sufficient outreach to ensure students can participate in the program or project.

“(6) A description of any partnerships the applicant has entered into with local educational agencies or other entities the applicant will work with, if applicable.

“(7) A description of how the applicant will work to share evidence-based and other effective



strategies from the program or project with local educational agencies and other entities working with students to increase academic achievement.

“(8) An assurance that students who benefit from any program or project funded under this section shall continue to maintain enrollment in a public elementary or secondary school.

“(c) **MATCHING CONTRIBUTION.**—An eligible applicant receiving a grant under this section shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

“(d) **REVIEW.**—The State educational agency shall review the application to ensure that—

“(1) the applicant is an eligible applicant;

“(2) the application clearly describes the required elements in subsection (b);

“(3) the entity meets the matching requirement described in subsection (c); and

“(4) the program is allowable and complies with Federal, State, and local laws.

“(e) **DISTRIBUTION OF FUNDS.**—If the application requests exceed the funds available, the State educational agency shall prioritize projects that support students in high-need local educational agencies and ensure geographic diversity, including serving rural, suburban, and urban areas.

“(f) **ADMINISTRATIVE COSTS.**—Not more than 1 percent of a grant awarded under this section may be used for administrative costs.

#### “SEC. 3206. REPORT.

“Each recipient of a grant under section 3204 or 3205 shall report to the State educational agency on—

“(1) the success of the program in reaching the goals of the program;

“(2) a description of the students served by the program and how the students’ academic achievement improved; and

“(3) the results of any evaluation conducted on the success of the program.”.

### **TITLE IV—IMPACT AID**

#### **SEC. 401. PURPOSE.**

Section 8001 (20 U.S.C. 7701) is amended by striking “challenging State standards” and inserting “State academic standards”.

#### **SEC. 402. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.**

Section 8002 (20 U.S.C. 7702) is amended—

(1) in subsection (b)(1)(B), by striking “section 8014(a)” and inserting “section 3(d)(1)”;

(2) by amending subsection (f) to read as follows:

“(f) **SPECIAL RULE.**—Beginning with fiscal year 2014, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if records to determine eligibility under such subsection were destroyed prior to fiscal year 2000 and the agency received funds under subsection (b) in the previous year.”;

(3) by amending subsection (g) to read as follows:

“(g) **FORMER DISTRICTS.**—

“(1) **CONSOLIDATIONS.**—For fiscal year 2006 and each succeeding fiscal year, if a local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of two or more former school districts, the local educational agency may elect to have the Secretary determine its eligibility and any amount for which the local educational agency is eligible under this section for such fiscal year on the basis of one or more of those former districts, as designated by the local educational agency.

“(2) **ELIGIBLE LOCAL EDUCATIONAL AGENCIES.**—A local educational agency described in this paragraph is—

“(A) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for, and was determined to be eligible

under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as that section was in effect for that fiscal year; or

“(B) a local educational agency formed by the consolidation of 2 or more school districts, at least one of which was eligible for assistance under this section for the fiscal year preceding the year of the consolidation, if—

“(i) for fiscal years 2006 through 2013, the local educational agency notifies the Secretary not later than 30 days after the date of enactment of the Student Success Act of the designation described in paragraph (1); and

“(ii) for fiscal year 2014, and each subsequent fiscal year, the local educational agency includes the designation in its application under section 8005 or any timely amendment to such application.

“(3) **AVAILABILITY OF FUNDS.**—Notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after fiscal year 2005, the Secretary may obligate funds remaining after final payments have been made for any of such fiscal years to carry out this subsection.”;

(4) in subsection (h)—

(A) in paragraph (2)—

(i) in subparagraph (C)(ii), by striking “section 8014(a)” and inserting “section 3(d)(1)”;

and

(ii) in subparagraph (D), by striking “section 8014(a)” and inserting “section 3(d)(1)”;

(B) in paragraph (4), by striking “Impact Aid Improvement Act of 2012” and inserting “Student Success Act”;

(5) by repealing subsections (k) and (m);

(6) by redesignating subsection (l) as subsection (j);

(7) by amending subsection (j) (as so redesignated) by striking “(h)(4)(B)” and inserting “(h)(2)”;

(8) by redesignating subsection (n) as subsection (k).

#### **SEC. 403. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.**

(a) **COMPUTATION OF PAYMENT.**—Section 8003(a) (20 U.S.C. 7703(a)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1), by inserting after “schools of such agency” the following: “(including those children enrolled in such agency as a result of the open enrollment policy of the State in which the agency is located, but not including children who are enrolled in a distance education program at such agency and who are not residing within the geographic boundaries of such agency)”;

(2) in paragraph (5)(A), by striking “1984” and all that follows through “situated” and inserting “1984, or under lease of off-base property under subchapter IV of chapter 169 of title 10, United States Code, to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility or attached to and under any type of force protection agreement with the military installation upon which such housing is situated”.

(b) **BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.**—Section 8003(b) (20 U.S.C. 7703(b)) is amended—

(1) by striking “section 8014(b)” each place it appears and inserting “section 3(d)(2)”;

(2) in paragraph (1), by repealing subparagraph (E);

(3) in paragraph (2)—

(A) in subparagraph (A), by inserting at the end the following:

“(iii) The Secretary shall—

“(I) deem each local educational agency that received a basic support payment under this paragraph for fiscal year 2009 as eligible to receive a basic support payment under this para-

graph for each of fiscal years 2012, 2013, and 2014; and

“(II) make a payment to each such local educational agency under this paragraph for each of fiscal years 2012, 2013, and 2014.”; and

(B) in subparagraph (B)—

(i) by striking “CONTINUING” in the heading;

(ii) by amending clause (i) to read as follows:

“(i) **IN GENERAL.**—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

“(I) is a local educational agency—

“(aa) whose boundaries are the same as a Federal military installation or an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

“(bb) that has no taxing authority;

“(II) is a local educational agency that—

“(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 45 percent;

“(bb) has a per-pupil expenditure that is less than—

“(AA) for an agency that has a total student enrollment of 500 or more students, 125 percent of the average per-pupil expenditure of the State in which the agency is located; or

“(BB) for any agency that has a total student enrollment less than 500, 150 percent of the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of 3 or more comparable local educational agencies in the State in which the agency is located; and

“(cc) is an agency that—

“(AA) has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

“(BB) was eligible to receive a payment under this subsection for fiscal year 2013 and is located in a State that by State law has eliminated ad valorem tax as a revenue for local educational agencies;

“(III) is a local educational agency that—

“(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 20 percent;

“(bb) for the 3 fiscal years preceding the fiscal year for which the determination is made, the average enrollment of children who are not described in subsection (a)(1) and who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act constitutes a percentage of the total student enrollment of the agency that is not less than 65 percent; and

“(cc) has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State;

“(IV) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which—

“(aa) not less than 50 percent are children described in subsection (a)(1); and

“(bb) not less than 5,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

“(V) is a local educational agency that—

“(aa) has an enrollment of children described in subsection (a)(1) including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that is not less than 35 percent of the total student enrollment of the agency; and

“(bb) was eligible to receive assistance under subparagraph (A) for fiscal year 2001.”; and

(iii) in clause (ii)—

(I) by striking “A heavily” and inserting the following:

“(I) IN GENERAL.—Subject to subclause (II), a heavily”; and

(II) by adding at the end the following:

“(II) LOSS OF ELIGIBILITY DUE TO FALLING BELOW 95 PERCENT OF THE AVERAGE TAX RATE FOR GENERAL FUND PURPOSES.—In a case of a heavily impacted local educational agency that is eligible to receive a basic support payment under subparagraph (A), but that has had, for 2 consecutive fiscal years, a tax rate for general fund purposes that falls below 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State, such agency shall be determined to be ineligible under clause (i) and ineligible to receive a basic support payment under subparagraph (A) for each fiscal year succeeding such 2 consecutive fiscal years for which the agency has such a tax rate for general fund purposes, and until the fiscal year for which the agency resumes such eligibility in accordance with clause (iii).”;

(C) by striking subparagraph (C);

(D) by redesignating subparagraphs (D) through (H) as subparagraphs (C) through (G), respectively;

(E) in subparagraph (C) (as so redesignated)—

(i) in the heading, by striking “REGULAR”;

(ii) by striking “Except as provided in subparagraph (E)” and inserting “Except as provided in subparagraph (D)”;

(iii) by amending subclause (I) of clause (ii) to read as follows: “(I)(aa) For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), and that has an enrollment of children described in subparagraphs (A), (B), or (C) of such subsection equal to at least 10 percent of the agency’s total enrollment, the Secretary shall calculate the weighted student units of those children described in subparagraph (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55.

“(bb) Notwithstanding subitem (aa), a local educational agency that received a payment under this paragraph for fiscal year 2013 shall not be required to have an enrollment of children described in subparagraphs (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency’s total enrollment.”; and

(iv) by amending subclause (III) of clause (ii) by striking “(B)(i)(II)(aa)” and inserting “subparagraph (B)(i)(I)”;

(F) in subparagraph (D)(i)(II) (as so redesignated), by striking “6,000” and inserting “5,500”;

(G) in subparagraph (E) (as so redesignated)—

(i) by striking “Secretary” and all that follows through “shall use” and inserting “Secretary shall use”;

(ii) by striking “; and” and inserting a period; and

(iii) by striking clause (ii);

(H) in subparagraph (F) (as so redesignated), by striking “subparagraph (C)(i)(II)(bb)” and inserting “subparagraph (B)(i)(II)(bb)(BB)”;

(I) in subparagraph (G) (as so redesignated)—

(i) in clause (i)—

(I) by striking “subparagraph (B), (C), (D), or (E)” and inserting “subparagraph (B), (C), or (D)”;

(II) by striking “by reason of” and inserting “due to”;

(III) by inserting after “clause (iii)” the following “, or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense and force structure change or force relocation”;

(IV) by inserting before the period, the following: “or during such time as activities associated with base closure and realignment, modularization, force structure change, or force relocation are ongoing”;

(ii) in clause (ii), by striking “(D) or (E)” each place it appears and inserting “(C) or (D)”;

(4) in paragraph (3)—

(A) in subparagraph (B)—

(i) by amending clause (iii) to read as follows:

“(iii) In the case of a local educational agency providing a free public education to students enrolled in kindergarten through grade 12, but which enrolls students described in subparagraphs (A), (B), and (D) of subsection (a)(1) only in grades 9 through 12, and which received a final payment in fiscal year 2009 calculated under this paragraph (as this paragraph was in effect on the day before the date of enactment of the Student Success Act) for students in grades 9 through 12, the Secretary shall, in calculating the agency’s payment, consider only that portion of such agency’s total enrollment of students in grades 9 through 12 when calculating the percentage under clause (i)(I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under clause (i)(II).”;

(ii) by adding at the end the following:

“(v) In the case of a local educational agency that is providing a program of distance education to children not residing within the geographic boundaries of the agency, the Secretary shall—

“(I) for purposes of the calculation under clause (i)(I), disregard such children from the total number of children in average daily attendance at the schools served by such agency; and

“(II) for purposes of the calculation under clause (i)(II), disregard any funds received for such children from the total current expenditures for such agency.”;

(B) in subparagraph (C), by striking “subparagraph (D) or (E) of paragraph (2), as the case may be” and inserting “paragraph (2)(D)”;

(C) by amending subparagraph (D) to read as follows:

“(D) RATABLE DISTRIBUTION.—For any fiscal year described in subparagraph (A) for which the sums available exceed the amount required to pay each local educational agency 100 percent of its threshold payment, the Secretary shall distribute the excess sums to each eligible local educational agency that has not received its full amount computed under paragraph (1) or (2) (as the case may be) by multiplying—

“(i) a percentage, the denominator of which is the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for all local educational agencies and the amount of the threshold payment (as calculated under subparagraphs (B) and (C)) of all local educational agencies, and the numerator of which is the aggregate of the excess sums, by

“(ii) the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for the agency and the amount of the threshold payment as calculated under subparagraphs (B) and (C) of the agency.”; and

(D) by inserting at the end the following new subparagraphs:

“(E) INSUFFICIENT PAYMENTS.—For each fiscal year described in subparagraph (A) for which the sums appropriated under section 3(d)(2) are insufficient to pay each local educational agency all of the local educational agency’s threshold payment described in subparagraph (D), the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

“(F) INCREASES.—If the sums appropriated under section 3(d)(2) are sufficient to increase the threshold payment above the 100 percent threshold payment described in subparagraph (D), then the Secretary shall increase payments on the same basis as such payments were reduced, except no local educational agency may receive a payment amount greater than 100 percent of the maximum payment calculated under this subsection.”; and

(5) in paragraph (4)—

(A) in subparagraph (A), by striking “through (D)” and inserting “and (C)”;

(B) in subparagraph (B), by striking “subparagraph (D) or (E)” and inserting “subparagraph (C) or (D)”.

(c) PRIOR YEAR DATA.—Paragraph (2) of section 8003(c) (20 U.S.C. 7703(c)) is amended to read as follows:

“(2) EXCEPTION.—Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment if such agency—

“(A) is newly established by a State, for the first year of operation of such agency only;

“(B) was eligible to receive a payment under this section for the previous fiscal year and has had an overall increase in enrollment (as determined by the Secretary in consultation with the Secretary of Defense, the Secretary of Interior, or the heads of other Federal agencies)—

“(i) of not less than 10 percent, or 100 students, of children described in—

“(I) subparagraph (A), (B), (C), or (D) of subsection (a)(1); or

“(II) subparagraph (F) and (G) of subsection (a)(1), but only to the extent such children are civilian dependents of employees of the Department of Defense or the Department of Interior; and

“(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of the force structure changes or movements of units or personnel between military installations or because of actions initiated by the Secretary of the Interior or the head of another Federal agency; or

“(C) was eligible to receive a payment under this section for the previous fiscal year and has had an increase in enrollment (as determined by the Secretary)—

“(i) of not less than 10 percent of children described in subsection (a)(1) or not less than 100 of such children; and

“(ii) that is the direct result of the closure of a local educational agency that received a payment under subsection (b)(1) or (b)(2) in the previous fiscal year.”.

(d) CHILDREN WITH DISABILITIES.—Section 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking “section 8014(c)” and inserting “section 3(d)(3)”.

(e) HOLD-HARMLESS.—Section 8003(e) (20 U.S.C. 7703(e)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—Subject to paragraph (2), the total amount the Secretary shall pay a local educational agency under subsection (b)—

“(A) for fiscal year 2014, shall not be less than 90 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2013;

“(B) for fiscal year 2015, shall not be less than 85 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2013; and

“(C) for fiscal year 2016, shall not be less than 80 percent of the total amount that the local educational agency received under subsection

(b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2013.”; and

(2) by amending paragraph (2) to read as follows:

“(2) **MAXIMUM AMOUNT.**—The total amount provided to a local educational agency under subparagraph (A), (B), or (C) of paragraph (1) for a fiscal year shall not exceed the maximum basic support payment amount for such agency determined under paragraph (1) or (2) of subsection (b), as the case may be, for such fiscal year.”.

(f) **MAINTENANCE OF EFFORT.**—Section 8003 (20 U.S.C. 7703) is amended by striking subsection (g).

**SEC. 404. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.**

Section 8004(e)(9) is amended by striking “Bureau of Indian Affairs” and inserting “Bureau of Indian Education”.

**SEC. 405. APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.**

Section 8005(b) (20 U.S.C. 7705(b)) is amended in the matter preceding paragraph (1) by striking “and shall contain such information.”.

**SEC. 406. CONSTRUCTION.**

Section 8007 (20 U.S.C. 7707) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “section 8014(e)” and inserting “section 3(d)(4)”;

(B) in paragraph (2), by adding at the end the following:

“(C) The agency is eligible under section 4003(b)(2) or is receiving basic support payments under circumstances described in section 4003(b)(2)(B)(ii).”; and

(C) in paragraph (3), by striking “section 8014(e)” each place it appears and inserting “section 3(d)(4)”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “section 8014(e)” and inserting “section 3(d)(4)”;

(B) in paragraph (3)—

(i) in subparagraph (C)(i)(I), by adding at the end the following:

“(cc) At least 10 percent of the property in the agency is exempt from State and local taxation under Federal law.”; and

(ii) by adding at the end the following:

“(F) **LIMITATIONS ON ELIGIBILITY REQUIREMENTS.**—The Secretary shall not limit eligibility—

“(i) under subparagraph (C)(i)(I)(aa), to those local educational agencies in which the number of children determined under section 8003(a)(1)(C) for each such agency for the preceding school year constituted more than 40 percent of the total student enrollment in the schools of each such agency during the preceding school year; and

“(ii) under subparagraph (C)(i)(I)(cc), to those local educational agencies in which more than 10 percent of the property in each such agency is exempt from State and local taxation under Federal law.”;

(C) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking “in such manner, and accompanied by such information” and inserting “and in such manner”; and

(ii) by striking subparagraph (F); and

(D) by striking paragraph (7).

**SEC. 407. FACILITIES.**

Section 8008 (20 U.S.C. 7708) is amended in subsection (a), by striking “section 8014(f)” and inserting “section 3(d)(5)”.

**SEC. 408. STATE CONSIDERATION OF PAYMENTS PROVIDING STATE AID.**

Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is amended by striking “and contain the information”.

**SEC. 409. FEDERAL ADMINISTRATION.**

Section 8010(d)(2) (20 U.S.C. 7710(d)(2)) is amended, by striking “section 8014” and inserting “section 3(d)”.

**SEC. 410. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.**

Section 8011(a) (20 U.S.C. 7711(a)) is amended by striking “or under the Act” and all the following through “1994”.

**SEC. 411. DEFINITIONS.**

Section 8013 (20 U.S.C. 7713) is amended—

(1) in paragraph (1), by striking “and Marine Corps” and inserting “Marine Corps, and Coast Guard”;

(2) in paragraph (4), by striking “and title VI”;

(3) in paragraph (5)(A)(iii)—

(A) in subclause (II), by striking “Stewart B. McKinney Homeless Assistance Act” and inserting “McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411)”;

(B) in subclause (III), by inserting before the semicolon, “(25 U.S.C. 4101 et seq.)”;

(4) in paragraph (8)(A), by striking “and verified by” and inserting “, and verified by,”;

(5) in paragraph (9)(B), by inserting a comma before “on a case-by-case basis”.

**SEC. 412. AUTHORIZATION OF APPROPRIATIONS.**

Section 8014 (20 U.S.C. 7801) is repealed.

**SEC. 413. CONFORMING AMENDMENTS.**

(a) **IMPACT AID IMPROVEMENT ACT OF 2012.**—Subsection (c) of the Impact Aid Improvement Act of 2012 (20 U.S.C. 6301 note; Public Law 112–239; 126 Stat 1748) is amended—

(1) by striking paragraphs (1) and (4); and

(2) by redesignating paragraphs (2) and (3), as paragraphs (1) and (2), respectively.

(b) **REPEAL.**—Title IV (20 U.S.C. 7101 et seq.), as amended by section 501(b)(2) of this Act, is repealed.

(c) **TRANSFER AND REDESIGNATION.**—Title VIII (20 U.S.C. 7701 et seq.), as amended by this title, is redesignated as title IV (20 U.S.C. 7101 et seq.), and transferred and inserted after title III (as amended by this Act).

(d) **TITLE VIII REFERENCES.**—The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating sections 8001 through 8005 as sections 4001 through 4005, respectively;

(2) by redesignating sections 8007 through 8013 as sections 4007 through 4013, respectively;

(3) by striking “section 8002” each place it appears and inserting “section 4002”;

(4) by striking “section 8002(b)” each place it appears and inserting “section 4002(b)”;

(5) by striking “section 8003” each place it appears and inserting “section 4003”;

(6) by striking “section 8003(a)” each place it appears and inserting “section 4003(a)”;

(7) by striking “section 8003(a)(1)” each place it appears and inserting “section 4003(a)(1)”;

(8) by striking “section 8003(a)(1)(C)” each place it appears and inserting “section 4003(a)(1)(C)”;

(9) by striking “section 8002(a)(2)” each place it appears and inserting “section 4002(a)(2)”;

(10) by striking “section 8003(b)” each place it appears and inserting “section 4003(b)”;

(11) by striking “section 8003(b)(1)” each place it appears and inserting “section 4003(b)(1)”;

(12) in section 4002(b)(1)(C) (as so redesignated), by striking “section 8003(b)(1)(C)” and inserting “section 4003(b)(1)(C)”;

(13) in section 4002(k)(1) (as so redesignated), by striking “section 8013(5)(C)(iii)” and inserting “section 4013(5)(C)(iii)”;

(14) in section 4005 (as so redesignated)—

(A) in the section heading, by striking “**8002 AND 8003**” and inserting “**4002 AND 4003**”;

(B) by striking “or 8003” each place it appears and inserting “or 4003”;

(C) in subsection (b)(2), by striking “section 8004” and inserting “section 4004”;

(D) in subsection (d)(2), by striking “section 8003(e)” and inserting “section 4003(e)”;

(15) in section 4007(a)(3)(A)(i)(II) (as so redesignated), by striking “section 8008(a)” and inserting “section 4008(a)”;

(16) in section 4007(a)(4) (as so redesignated), by striking “section 8013(3)” and inserting “section 4013(3)”;

(17) in section 4009 (as so redesignated)—

(A) in subsection (b)(1)—

(i) by striking “or 8003(b)” and inserting “or 4003(b)”;

(ii) by striking “section 8003(a)(2)(B)” and inserting “section 4003(a)(2)(B)”;

(iii) by striking “section 8003(b)(2)” each place it appears and inserting “section 4003(b)(2)”;

(B) by striking “section 8011(a)” each place it appears and inserting “section 4011(a)”;

(18) in section 4010(c)(2)(D) (as so redesignated) by striking “section 8009(b)” and inserting “section 4009(b)”.

**TITLE V—GENERAL PROVISIONS FOR THE ACT**

**SEC. 501. GENERAL PROVISIONS FOR THE ACT.**

(a) **AMENDING TITLE V.**—Title V (20 U.S.C. 7201 et seq.) is amended to read as follows:

**“TITLE V—GENERAL PROVISIONS**

**“PART A—DEFINITIONS**

**“SEC. 5101. DEFINITIONS.**

“Except as otherwise provided, in this Act:

“(1) **AVERAGE DAILY ATTENDANCE.**—

“(A) **IN GENERAL.**—Except as provided otherwise by State law or this paragraph, the term ‘average daily attendance’ means—

“(i) the aggregate number of days of attendance of all students during a school year; divided by

“(ii) the number of days school is in session during that year.

“(B) **CONVERSION.**—The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership (or other similar data).

“(C) **SPECIAL RULE.**—If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for the purpose of this Act—

“(i) consider the child to be in attendance at a school of the agency making the payment; and

“(ii) not consider the child to be in attendance at a school of the agency receiving the payment.

“(D) **CHILDREN WITH DISABILITIES.**—If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act, the Secretary shall, for the purpose of this Act, consider the child to be in attendance at a school of the agency making the payment.

“(2) **AVERAGE PER-PUPIL EXPENDITURE.**—The term ‘average per-pupil expenditure’ means, in the case of a State or of the United States—

“(A) without regard to the source of funds—

“(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States, for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

“(ii) any direct current expenditures by the State for the operation of those agencies; divided by

“(B) the aggregate number of children in average daily attendance to whom those agencies provided free public education during that preceding year.

“(3) **CHARTER SCHOOL.**—The term ‘charter school’ means a public school that—

“(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

“(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

“(C) operates in pursuit of a specific set of educational objectives determined by the school’s developer and agreed to by the authorized public chartering agency;

“(D) provides a program of elementary or secondary education, or both;

“(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

“(F) does not charge tuition;

“(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

“(H) is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

“(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;

“(J) meets all applicable Federal, State, and local health and safety requirements;

“(K) operates in accordance with State law;

“(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school; and

“(M) may serve prekindergarten or post secondary students.

“(4) **CHILD**.—The term ‘child’ means any person within the age limits for which the State provides free public education.

“(5) **CHILD WITH A DISABILITY**.—The term ‘child with a disability’ has the same meaning given that term in section 602 of the Individuals with Disabilities Education Act.

“(6) **COMMUNITY-BASED ORGANIZATION**.—The term ‘community-based organization’ means a public or private nonprofit organization of demonstrated effectiveness that—

“(A) is representative of a community or significant segments of a community; and

“(B) provides educational or related services to individuals in the community.

“(7) **CONSOLIDATED LOCAL APPLICATION**.—The term ‘consolidated local application’ means an application submitted by a local educational agency pursuant to section 5305.

“(8) **CONSOLIDATED LOCAL PLAN**.—The term ‘consolidated local plan’ means a plan submitted by a local educational agency pursuant to section 5305.

“(9) **CONSOLIDATED STATE APPLICATION**.—The term ‘consolidated State application’ means an application submitted by a State educational agency pursuant to section 5302.

“(10) **CONSOLIDATED STATE PLAN**.—The term ‘consolidated State plan’ means a plan submitted by a State educational agency pursuant to section 5302.

“(11) **CORE ACADEMIC SUBJECTS**.—The term ‘core academic subjects’ means English, reading

or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

“(12) **COUNTY**.—The term ‘county’ means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

“(13) **COVERED PROGRAM**.—The term ‘covered program’ means each of the programs authorized by—

“(A) part A of title I;

“(B) title II; and

“(C) title III.

“(14) **CURRENT EXPENDITURES**.—The term ‘current expenditures’ means expenditures for free public education—

“(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

“(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I.

“(15) **DEPARTMENT**.—The term ‘Department’ means the Department of Education.

“(16) **DIRECT STUDENT SERVICES**.—The term ‘direct student services’ means public school choice or high-quality academic tutoring that are designed to help increase academic achievement for students.

“(17) **DISTANCE EDUCATION**.—The term ‘distance education’ means the use of one or more technologies to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor synchronously or nonsynchronously.

“(18) **EDUCATIONAL SERVICE AGENCY**.—The term ‘educational service agency’ means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

“(19) **ELEMENTARY SCHOOL**.—The term ‘elementary school’ means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

“(20) **ENGLISH LEARNER**.—The term ‘English learner’, when used with respect to an individual, means an individual—

“(A) who is aged 3 through 21;

“(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

“(C)(i) who was not born in the United States or whose native language is a language other than English;

“(ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and

“(II) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or

“(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

“(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

“(i) the ability to meet the State’s academic standards described in section 1111;

“(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

“(iii) the opportunity to participate fully in society.

“(21) **EXTENDED-YEAR ADJUSTED COHORT GRADUATION RATE**.—

“(A) **IN GENERAL**.—The term ‘extended-year adjusted cohort graduation rate’ means the ratio where—

“(i) the denominator consists of the number of students who form the original cohort of entering first-time 9th grade students enrolled in the high school no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics under section 153 of the Education Sciences Reform Act, adjusted by—

“(I) adding the students who joined that cohort, after the time of the determination of the original cohort; and

“(II) subtracting only those students who left that cohort, after the time of the determination of the original cohort, as described in subparagraph (B); and

“(ii) the numerator consists of the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

“(I) one or more additional years beyond the fourth year of high school; or

“(II) a summer session immediately following the additional year of high school.

“(B) **COHORT REMOVAL**.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, transferred to a prison or juvenile facility, or is deceased.

“(C) **TRANSFERRED OUT**.—

“(i) **IN GENERAL**.—For purposes of this paragraph, the term ‘transferred out’ means a student who the high school or local educational agency has confirmed, according to clause (ii), has transferred—

“(I) to another school from which the student is expected to receive a regular high school diploma; or

“(II) to another educational program from which the student is expected to receive a regular high school diploma.

“(ii) **CONFIRMATION REQUIREMENTS**.—

“(I) **DOCUMENTATION REQUIRED**.—The confirmation of a student’s transfer to another school or educational program described in clause (i) requires documentation from the receiving school or program that the student enrolled in the receiving school or program.

“(II) **LACK OF CONFIRMATION**.—A student who was enrolled, but for whom there is no confirmation of the student having transferred out, shall remain in the denominator of the extended-year adjusted cohort.

“(iii) **PROGRAMS NOT PROVIDING CREDIT**.—A student who is retained in grade or who is enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular high school diploma shall not be considered transferred out and shall remain in the extended-year adjusted cohort.

“(D) **SPECIAL RULE**.—For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act.

“(22) **FAMILY LITERACY SERVICES**.—The term ‘family literacy services’ means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

“(A) Interactive literacy activities between parents and their children.

“(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

“(C) Parent literacy training that leads to economic self-sufficiency.

“(D) An age-appropriate education to prepare children for success in school and life experiences.

“(23) **FOUR-YEAR ADJUSTED COHORT GRADUATION RATE.**—

“(A) **IN GENERAL.**—The term ‘four-year adjusted cohort graduation rate’ means the ratio where—

“(i) the denominator consists of the number of students who form the original cohort of entering first-time 9th grade students enrolled in the high school no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act, adjusted by—

“(I) adding the students who joined that cohort, after the time of the determination of the original cohort; and

“(II) subtracting only those students who left that cohort, after the time of the determination of the original cohort, as described in subparagraph (B); and

“(ii) the numerator consists of the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

“(I) the fourth year of high school; or

“(II) a summer session immediately following the fourth year of high school.

“(B) **COHORT REMOVAL.**—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, transferred to a prison or juvenile facility, or is deceased.

“(C) **TRANSFERRED OUT.**—

“(i) **IN GENERAL.**—For purposes of this paragraph, the term ‘transferred out’ means a student who the high school or local educational agency has confirmed, according to clause (ii), has transferred—

“(I) to another school from which the student is expected to receive a regular high school diploma; or

“(II) to another educational program from which the student is expected to receive a regular high school diploma.

“(ii) **CONFIRMATION REQUIREMENTS.**—

“(I) **DOCUMENTATION REQUIRED.**—The confirmation of a student’s transfer to another school or educational program described in clause (i) requires documentation from the receiving school or program that the student enrolled in the receiving school or program.

“(II) **LACK OF CONFIRMATION.**—A student who was enrolled, but for whom there is no confirmation of the student having transferred out, shall remain in the adjusted cohort.

“(iii) **PROGRAMS NOT PROVIDING CREDIT.**—A student who is retained in grade or who is enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular high school diploma shall not be considered transferred out and shall remain in the adjusted cohort.

“(D) **SPECIAL RULE.**—For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act.

“(24) **FREE PUBLIC EDUCATION.**—The term ‘free public education’ means education that is provided—

“(A) at public expense, under public supervision and direction, and without tuition charge; and

“(B) as elementary school or secondary school education as determined under applicable State law, except that the term does not include any education provided beyond grade 12.

“(25) **GIFTED AND TALENTED.**—The term ‘gifted and talented’, when used with respect to students, children, or youth, means students, children, or youth who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities.

“(26) **HIGH-QUALITY ACADEMIC TUTORING.**—The term ‘high-quality academic tutoring’ means supplemental academic services that—

“(A) are in addition to instruction provided during the school day;

“(B) are provided by a non-governmental entity or local educational agency that—

“(i) is included on a State educational agency approved provider list after demonstrating to the State educational agency that its program consistently improves the academic achievement of students; and

“(ii) agrees to provide parents of children receiving high-quality academic tutoring, the appropriate local educational agency, and school with information on participating students increases in academic achievement, in a format, and to the extent practicable, a language that such parent can understand, and in a manner that protects the privacy of individuals consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g);

“(C) are selected by the parents of students who are identified by the local educational agency as being eligible for such services from among providers on the approved provider list described in subparagraph (B)(i);

“(D) meet all applicable Federal, State, and local health, safety, and civil rights laws; and

“(E) ensure that all instruction and content are secular, neutral, and non-ideological.

“(27) **HIGH SCHOOL.**—The term ‘high school’ means a secondary school that—

“(A) grants a diploma, as defined by the State; and

“(B) includes, at least, grade 12.

“(28) **INSTITUTION OF HIGHER EDUCATION.**—The term ‘institution of higher education’ has the meaning given that term in section 101(a) of the Higher Education Act of 1965.

“(29) **LOCAL EDUCATIONAL AGENCY.**—

“(A) **IN GENERAL.**—The term ‘local educational agency’ means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

“(B) **ADMINISTRATIVE CONTROL AND DIRECTION.**—The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

“(C) **BIE SCHOOLS.**—The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Education.

“(D) **EDUCATIONAL SERVICE AGENCIES.**—The term includes educational service agencies and consortia of those agencies.

“(E) **STATE EDUCATIONAL AGENCY.**—The term includes the State educational agency in a State in which the State educational agency is the sole educational agency for all public schools.

“(30) **NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.**—The terms ‘Native American’ and ‘Native American language’ have the same meaning given those terms in section 103 of the Native American Languages Act of 1990.

“(31) **OTHER STAFF.**—The term ‘other staff’ means specialized instructional support personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

“(32) **OUTLYING AREA.**—The term ‘outlying area’—

“(A) means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands;

“(B) means the Republic of Palau, to the extent permitted under section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (Public Law 99-658; 117 Stat. 2751) and until an agreement for the extension of United States education assistance under the Compact of Free Association becomes effective for the Republic of Palau; and

“(C) for the purpose of any discretionary grant program under this Act, includes the Republic of the Marshall Islands and the Federated States of Micronesia, to the extent permitted under section 105(f)(1)(B)(viii) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188; 117 Stat. 2751).

“(33) **PARENT.**—The term ‘parent’ includes a legal guardian or other person standing in loco parentis (such as a grandparent, stepparent, or foster parent with whom the child lives, or a person who is legally responsible for the child’s welfare).

“(34) **PARENTAL INVOLVEMENT.**—The term ‘parental involvement’ means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—

“(A) that parents play an integral role in assisting in their child’s learning;

“(B) that parents are encouraged to be actively involved in their child’s education at school;

“(C) that parents are full partners in their child’s education and are included, as appropriate, in decisionmaking and on advisory committees to assist in the education of their child; and

“(D) the carrying out of other activities, such as those described in section 1118.

“(35) **POVERTY LINE.**—The term ‘poverty line’ means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved.

“(36) **PROFESSIONAL DEVELOPMENT.**—The term ‘professional development’—

“(A) includes evidence-based, job-embedded, continuous activities that—

“(i) improve and increase teachers’ knowledge of the academic subjects the teachers teach, and enable teachers to become effective educators;

“(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

“(iii) give teachers, school leaders, other staff, and administrators the knowledge and skills to provide students with the opportunity to meet State academic standards;

“(iv) improve classroom management skills;

“(v) have a positive and lasting impact on classroom instruction and the teacher’s performance in the classroom; and

“(II) are not 1-day or short-term workshops or conferences;

“(vi) support the recruiting, hiring, and training of effective teachers, including teachers who became certified or licensed through State and local alternative routes to certification;

“(vii) advance teacher understanding of effective instructional strategies that are strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers, including through addressing the social and emotional development needs of students;

“(viii) are aligned with and directly related to—

“(I) State academic standards and assessments; and

“(II) the curricula and programs tied to the standards described in subclause (I);

“(ix) are developed with extensive participation of teachers, school leaders, parents, and administrators of schools to be served under this Act;

“(x) are designed to give teachers of English learners and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

“(xi) to the extent appropriate, provide training for teachers, other staff, and school leaders in the use of technology so that technology and technology applications are effectively used to improve teaching and learning in the curricula and core academic subjects in which the students receive instruction;

“(xii) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of the professional development;

“(xiii) provide instruction in methods of teaching children with special needs;

“(xiv) include instruction in the use of data and assessments to inform and instruct classroom practice; and

“(xv) include instruction in ways that teachers, school leaders, specialized instructional support personnel, other staff, and school administrators may work more effectively with parents; and

“(B) may include evidence-based, job-embedded, continuous activities that—

“(i) involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and new teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

“(ii) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under subpart 1 of part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and

“(iii) provide follow-up training to individuals who have participated in activities described in subparagraph (A) or another clause of this subparagraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom.

“(37) REGULAR HIGH SCHOOL DIPLOMA.—

“(A) IN GENERAL.—The term ‘regular high school diploma’ means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma. Such term shall not include a GED or other recognized equivalent of a diploma, a certificate of attendance, or any lesser diploma award.

“(B) EXCEPTION FOR STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES.—For a student who is assessed using an alternate assessment

aligned to alternate academic standards under section 1111(b)(1)(D), receipt of a regular high school diploma as defined under subparagraph (A) or a State-defined alternate diploma obtained within the time period for which the State ensures the availability of a free appropriate public education and in accordance with section 612(a)(1) of the Individuals with Disabilities Education Act shall be counted as graduating with a regular high school diploma for the purposes of this Act.

“(38) SCHOOL LEADER.—The term ‘school leader’ means a principal, assistant principal, or other individual who is—

“(A) an employee or officer of a school, local educational agency, or other entity operating the school; and

“(B) responsible for—

“(i) the daily instructional leadership and managerial operations of the school; and

“(ii) creating the optimum conditions for student learning.

“(39) SECONDARY SCHOOL.—The term ‘secondary school’ means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.

“(40) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.

“(41) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—

“(A) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term ‘specialized instructional support personnel’ means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

“(B) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term ‘specialized instructional support services’ means the services provided by specialized instructional support personnel.

“(42) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

“(43) STATE EDUCATIONAL AGENCY.—The term ‘State educational agency’ means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

“(44) TECHNOLOGY.—The term ‘technology’ means modern information, computer and communication technology products, services, or tools, including, but not limited to, the Internet and other communications networks, computer devices and other computer and communications hardware, software applications, data systems, and other electronic content and data storage.

“SEC. 5102. APPLICABILITY OF TITLE.

“Parts B, C, D, and E of this title do not apply to title IV of this Act.

“SEC. 5103. APPLICABILITY TO BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS.

“For the purpose of any competitive program under this Act—

“(1) a consortium of schools operated by the Bureau of Indian Education;

“(2) a school operated under a contract or grant with the Bureau of Indian Education in consortium with another contract or grant school or a tribal or community organization; or

“(3) a Bureau of Indian Education school in consortium with an institution of higher education, a contract or grant school, or a tribal or community organization,

shall be given the same consideration as a local educational agency.

## **“PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS**

### **“SEC. 5201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.**

“(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

“(1) IN GENERAL.—A State educational agency may consolidate the amounts specifically made available to it for State administration under one or more of the programs under paragraph (2).

“(2) APPLICABILITY.—This section applies to any program under this Act under which funds are authorized to be used for administration, and such other programs as the Secretary may designate.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

“(2) ADDITIONAL USES.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under programs included in the consolidation under subsection (a), such as—

“(A) the coordination of those programs with other Federal and non-Federal programs;

“(B) the establishment and operation of peer-review mechanisms under this Act;

“(C) the administration of this title;

“(D) the dissemination of information regarding model programs and practices;

“(E) technical assistance under any program under this Act;

“(F) State-level activities designed to carry out this title;

“(G) training personnel engaged in audit and other monitoring activities; and

“(H) implementation of the Cooperative Audit Resolution and Oversight Initiative of the Department.

“(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

“(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of that administration.

“(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to the agency under this section for administration, the agency may use those funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

“(f) CONSOLIDATION OF FUNDS FOR STANDARDS AND ASSESSMENT DEVELOPMENT.—In order to develop State academic standards and assessments, a State educational agency may consolidate the amounts described in subsection (a) for those purposes under title I.

### **“SEC. 5202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.**

“A State educational agency that also serves as a local educational agency shall, in its applications or plans under this Act, describe how the agency will eliminate duplication in conducting administrative functions.



**“SEC. 5203. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.**

“(a) GENERAL AUTHORITY.—

“(1) TRANSFER.—The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under subpart 6 of part A of title I, and the education for homeless children and youth program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

“(2) AGREEMENT.—

“(A) IN GENERAL.—The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those program funds under terms that the Secretary determines best meet the purposes of those programs.

“(B) CONTENTS.—The agreement shall—

“(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred and the achievement measures to assess program effectiveness; and

“(ii) be developed in consultation with Indian tribes.

“(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for its costs related to the administration of the funds transferred under this section.

**“PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS**

**“SEC. 5301. PURPOSES.**

“The purposes of this part are—

“(1) to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery;

“(2) to provide greater flexibility to State and local authorities through consolidated plans, applications, and reporting; and

“(3) to enhance the integration of programs under this Act with State and local programs.

**“SEC. 5302. OPTIONAL CONSOLIDATED STATE PLANS OR APPLICATIONS.**

“(a) GENERAL AUTHORITY.—

“(1) SIMPLIFICATION.—In order to simplify application requirements and reduce the burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which, after consultation with the Governor, a State educational agency may submit a consolidated State plan or a consolidated State application meeting the requirements of this section for—

“(A) each of the covered programs in which the State participates; and

“(B) such other programs as the Secretary may designate.

“(2) CONSOLIDATED APPLICATIONS AND PLANS.—After consultation with the Governor, a State educational agency that submits a consolidated State plan or a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which the consolidated State plan or consolidated State application under this section applies.

“(b) COLLABORATION.—

“(1) IN GENERAL.—In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private agencies, organizations, and institutions, private schools, and parents, students, and teachers.

“(2) CONTENTS.—Through the collaborative process described in paragraph (1), the Secretary shall establish, for each program under

this Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.

“(3) NECESSARY MATERIALS.—The Secretary shall require only descriptions, information, assurances (including assurances of compliance with applicable provisions regarding participation by private school children and teachers), and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

**“SEC. 5303. CONSOLIDATED REPORTING.**

“(a) IN GENERAL.—In order to simplify reporting requirements and reduce reporting burdens, the Secretary shall establish procedures and criteria under which a State educational agency, in consultation with the Governor of the State, may submit a consolidated State annual report.

“(b) CONTENTS.—The report shall contain information about the programs included in the report, including the performance of the State under those programs, and other matters as the Secretary determines are necessary, such as monitoring activities.

“(c) REPLACEMENT.—The report shall replace separate individual annual reports for the programs included in the consolidated State annual report.

**“SEC. 5304. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.**

“(a) ASSURANCES.—A State educational agency, in consultation with the Governor of the State, that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 5302, shall have on file with the Secretary a single set of assurances, applicable to each program for which the plan or application is submitted, that provides that—

“(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

“(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, an eligible private agency, institution, or organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities; and

“(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer those funds and property to the extent required by the authorizing law;

“(3) the State will adopt and use proper methods of administering each such program, including—

“(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;

“(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

“(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs;

“(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

“(5) the State will use such fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

“(6) the State will—

“(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

“(B) maintain such records, provide such information to the Secretary, and afford such ac-

cess to the records as the Secretary may find necessary to carry out the Secretary's duties; and

“(7) before the plan or application was submitted to the Secretary, the State afforded a reasonable opportunity for public comment on the plan or application and considered such comment.

“(b) GEPA PROVISION.—Section 441 of the General Education Provisions Act shall not apply to programs under this Act.

**“SEC. 5305. CONSOLIDATED LOCAL PLANS OR APPLICATIONS.**

“(a) GENERAL AUTHORITY.—

“(1) CONSOLIDATED PLAN.—A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under those programs on a consolidated basis.

“(2) AVAILABILITY TO GOVERNOR.—The State educational agency shall make any consolidated local plans and applications available to the Governor.

“(b) REQUIRED CONSOLIDATED PLANS OR APPLICATIONS.—A State educational agency that has an approved consolidated State plan or application under section 5302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or consolidated State application to submit consolidated local plans or applications under those programs, but may not require those agencies to submit separate plans.

“(c) COLLABORATION.—A State educational agency, in consultation with the Governor, shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated State plans or consolidated State applications under this section.

“(d) NECESSARY MATERIALS.—The State educational agency shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.

**“SEC. 5306. OTHER GENERAL ASSURANCES.**

“(a) ASSURANCES.—Any applicant, other than a State educational agency that submits a plan or application under this Act, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

“(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

“(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in an eligible private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and

“(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes;

“(3) the applicant will adopt and use proper methods of administering each such program, including—

“(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

“(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

“(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary, or other Federal officials;

“(5) the applicant will use such fiscal control and fund accounting procedures as will ensure



proper disbursement of, and accounting for, Federal funds paid to the applicant under each such program;

“(6) the applicant will—

“(A) submit such reports to the State educational agency (which shall make the reports available to the Governor) and the Secretary as the State educational agency and Secretary may require to enable the State educational agency and the Secretary to perform their duties under each such program; and

“(B) maintain such records, provide such information, and afford such access to the records as the State educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the State educational agency's or the Secretary's duties; and

“(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment.

“(b) GEPA PROVISION.—Section 442 of the General Education Provisions Act shall not apply to programs under this Act.

#### “PART D—WAIVERS

##### “SEC. 5401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

“(a) IN GENERAL.—

“(1) REQUEST FOR WAIVER.—A State educational agency, local educational agency, or Indian tribe that receives funds under a program authorized under this Act may submit a request to the Secretary to waive any statutory or regulatory requirement of this Act.

“(2) RECEIPT OF WAIVER.—Except as provided in subsection (c) and subject to the limits in subsection (b)(5)(A), the Secretary shall waive any statutory or regulatory requirement of this Act for a State educational agency, local educational agency, Indian tribe, or school (through a local educational agency), that submits a waiver request pursuant to this subsection.

“(b) PLAN.—

“(1) IN GENERAL.—A State educational agency, local educational agency, or Indian tribe that desires a waiver under this section shall submit a waiver request to the Secretary, which shall include a plan that—

“(A) identifies the Federal programs affected by the requested waiver;

“(B) describes which Federal statutory or regulatory requirements are to be waived;

“(C) reasonably demonstrates that the waiver will improve instruction for students and advance student academic achievement;

“(D) describes the methods the State educational agency, local educational agency, or Indian tribe will use to monitor the effectiveness of the implementation of the plan; and

“(E) describes how schools will continue to provide assistance to the same populations served by programs for which the waiver is requested.

“(2) ADDITIONAL INFORMATION.—A waiver request under this section—

“(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools; and

“(B) shall be developed and submitted—

“(i)(I) by local educational agencies (on behalf of those agencies and schools) to State educational agencies; and

“(II) by State educational agencies (on their own behalf, or on behalf of, and based on the requests of, local educational agencies in the State) to the Secretary; or

“(ii) by Indian tribes (on behalf of schools operated by the tribes) to the Secretary.

“(3) GENERAL REQUIREMENTS.—

“(A) STATE EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a State educational agency acting on its own behalf, or

on behalf of local educational agencies in the State, the State educational agency shall—

“(i) provide the public and local educational agencies in the State with notice and a reasonable opportunity to comment and provide input on the request;

“(ii) submit the comments and input to the Secretary, with a description of how the State addressed the comments and input; and

“(iii) provide notice and a reasonable time to comment to the public and local educational agencies in the manner in which the applying agency customarily provides similar notice and opportunity to comment to the public.

“(B) LOCAL EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a local educational agency that receives funds under this Act—

“(i) the request shall be reviewed by the State educational agency and be accompanied by the comments, if any, of the State educational agency and the public; and

“(ii) notice and a reasonable opportunity to comment regarding the waiver request shall be provided to the State educational agency and the public by the agency requesting the waiver in the manner in which that agency customarily provides similar notice and opportunity to comment to the public.

“(4) PEER REVIEW.—

“(A) ESTABLISHMENT.—The Secretary shall establish a multi-disciplinary peer review team, which shall meet the requirements of section 5543, to review waiver requests under this section.

“(B) APPLICABILITY.—The Secretary may approve a waiver request under this section without conducting a peer review of the request, but shall use the peer review process under this paragraph before disapproving such a request.

“(C) STANDARD AND NATURE OF REVIEW.—Peer reviewers shall conduct a good faith review of waiver requests submitted to them under this section. Peer reviewers shall review such waiver requests—

“(i) in their totality;

“(ii) in deference to State and local judgment; and

“(iii) with the goal of promoting State- and local-led innovation.

“(5) WAIVER DETERMINATION, DEMONSTRATION, AND REVISION.—

“(A) IN GENERAL.—The Secretary shall approve a waiver request not more than 60 days after the date on which such request is submitted, unless the Secretary determines and demonstrates that—

“(i) the waiver request does not meet the requirements of this section;

“(ii) the waiver is not permitted under subsection (c);

“(iii) the plan that is required under paragraph (1)(C), and reviewed with deference to State and local judgment, provides no reasonable evidence to determine that a waiver will enhance student academic achievement; or

“(iv) the waiver request does not provide for adequate evaluation to ensure review and continuous improvement of the plan.

“(B) WAIVER DETERMINATION AND REVISION.—If the Secretary determines and demonstrates that the waiver request does not meet the requirements of this section, the Secretary shall—

“(i) immediately—

“(I) notify the State educational agency, local educational agency, or Indian tribe of such determination; and

“(II) at the request of the State educational agency, local educational agency, or Indian tribe, provide detailed reasons for such determination in writing;

“(ii) offer the State educational agency, local educational agency, or Indian tribe an opportunity to revise and resubmit the waiver request

not more than 60 days after the date of such determination; and

“(iii) if the Secretary determines that the resubmission does not meet the requirements of this section, at the request of the State educational agency, local educational agency, or Indian tribe, conduct a public hearing not more than 30 days after the date of such resubmission.

“(C) WAIVER DISAPPROVAL.—The Secretary may disapprove a waiver request if—

“(i) the State educational agency, local educational agency, or Indian tribe has been notified and offered an opportunity to revise and resubmit the waiver request, as described under clauses (i) and (ii) of subparagraph (B); and

“(ii) the State educational agency, local educational agency, or Indian tribe—

“(I) does not revise and resubmit the waiver request; or

“(II) revises and resubmits the waiver request, and the Secretary determines that such waiver request does not meet the requirements of this section after a hearing conducted under subparagraph (B)(iii), if requested.

“(D) EXTERNAL CONDITIONS.—The Secretary shall not, directly or indirectly, require or impose new or additional requirements in exchange for receipt of a waiver if such requirements are not specified in this Act.

“(c) RESTRICTIONS.—The Secretary shall not waive under this section any statutory or regulatory requirements relating to—

“(1) the allocation or distribution of funds to States, local educational agencies, Indian tribes, or other recipients of funds under this Act;

“(2) comparability of services;

“(3) use of Federal funds to supplement, not supplant, non-Federal funds;

“(4) equitable participation of private school students and teachers;

“(5) parental participation and involvement;

“(6) applicable civil rights requirements;

“(7) the prohibitions—

“(A) in subpart 2 of part E;

“(B) regarding use of funds for religious worship or instruction in section 5505; and

“(C) regarding activities in section 5524; or

“(8) the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that the Secretary may grant a waiver to allow a school attendance area or school to participate in activities under subpart 1 of part A of title I if the percentage of children from low-income families in the school attendance area or who attend the school is not more than 10 percentage points below the lowest percentage of those children for any school attendance area or school of the local educational agency that meets the requirements of subsections (a) and (b) of section 1113.

“(d) DURATION AND EXTENSION OF WAIVER; LIMITATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a waiver approved by the Secretary under this section may be for a period not to exceed 3 years.

“(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the State demonstrates that—

“(A) the waiver has been effective in enabling the State or affected recipient to carry out the activities for which the waiver was requested and the waiver has contributed to improved student achievement; and

“(B) the extension is in the public interest.

“(3) SPECIFIC LIMITATIONS.—The Secretary shall not require a State educational agency, local educational agency, or Indian tribe, as a condition of approval of a waiver request, to—

“(A) include in, or delete from, such request, specific academic standards, such as the Common Core State Standards developed under the Common Core State Standards Initiative or any

other standards common to a significant number of States;

“(B) use specific academic assessment instruments or items, including assessments aligned to the standards described in subparagraph (A); or

“(C) include in, or delete from, such waiver request any criterion that specifies, defines, describes, or prescribes the standards or measures that a State or local educational agency or Indian tribe uses to establish, implement, or improve—

“(i) State academic standards;

“(ii) academic assessments;

“(iii) State accountability systems; or

“(iv) teacher and school leader evaluation systems.

“(e) REPORTS.—

“(1) WAIVER REPORTS.—A State educational agency, local educational agency, or Indian tribe that receives a waiver under this section shall, at the end of the second year for which a waiver is received under this section and each subsequent year, submit a report to the Secretary that—

“(A) describes the uses of the waiver by the agency or by schools;

“(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers were granted; and

“(C) evaluates the progress of the agency and schools, or Indian tribe, in improving the quality of instruction or the academic achievement of students.

“(2) REPORT TO CONGRESS.—The Secretary shall annually submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

“(A) summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and

“(B) describing the status of the waivers in improving academic achievement.

“(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines, after notice and an opportunity for a hearing, that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver and the recipient of the waiver has failed to make revisions needed to carry out the purpose of the waiver, or if the waiver is no longer necessary to achieve its original purpose.

“(g) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall provide for the dissemination of the notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

## **“PART E—UNIFORM PROVISIONS**

### **“Subpart 1—Private Schools**

#### **“SEC. 5501. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.**

“(a) PRIVATE SCHOOL PARTICIPATION.—

“(1) IN GENERAL.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary schools and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium, or entity shall, after timely and meaningful consultation with appropriate private school officials or their representatives, provide to those children and their teachers or other educational per-

sonnel, on an equitable basis, special educational services or other benefits that address their needs under the program.

“(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.

“(3) SPECIAL RULE.—Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.

“(4) EXPENDITURES.—

“(A) IN GENERAL.—Expenditures for educational services and other benefits to eligible private school children, teachers, and other service personnel shall be equal to the expenditures for participating public school children, taking into account the number and educational needs, of the children to be served.

“(B) OBLIGATION OF FUNDS.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall—

“(i) be obligated in the fiscal year for which the funds are received by the agency; and

“(ii) with respect to any such funds that cannot be so obligated, be used to serve such children in the following fiscal year.

“(C) NOTICE OF ALLOCATION.—Each State educational agency shall—

“(i) determine, in a timely manner, the proportion of funds to be allocated to each local educational agency in the State for educational services and other benefits under this subpart to eligible private school children; and

“(ii) provide notice, simultaneously, to each such local educational agency and the appropriate private school officials or their representatives in the State of such allocation of funds.

“(5) PROVISION OF SERVICES.—An agency, consortium, or entity described in subsection (a)(1) of this section may provide those services directly or through contracts with public and private agencies, organizations, and institutions.

“(b) APPLICABILITY.—

“(1) IN GENERAL.—This section applies to programs under—

“(A) subpart 2 of part A of title I;

“(B) subpart 4 of part A of title I;

“(C) part A of title II;

“(D) part B of title II; and

“(E) part B of title III.

“(2) DEFINITION.—For the purpose of this section, the term ‘eligible children’ means children eligible for services under a program described in paragraph (1).

“(c) CONSULTATION.—

“(1) IN GENERAL.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult, in order to reach an agreement, with appropriate private school officials or their representatives during the design and development of the programs under this Act, on issues such as—

“(A) how the children's needs will be identified;

“(B) what services will be offered;

“(C) how, where, and by whom the services will be provided;

“(D) how the services will be assessed and how the results of the assessment will be used to improve those services;

“(E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel and the amount of funds available for those services;

“(F) how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials or their representatives on the provision of services through potential third-party providers or contractors; and

“(G) how, if the agency disagrees with the views of the private school officials or their representatives on the provision of services through a contract, the local educational agency will provide in writing to such private school officials or their representatives an analysis of the reasons why the local educational agency has chosen not to use a contractor.

“(2) DISAGREEMENT.—If the agency, consortium, or entity disagrees with the views of the private school officials or their representatives with respect to an issue described in paragraph (1), the agency, consortium, or entity shall provide to the private school officials or their representatives a written explanation of the reasons why the local educational agency has chosen not to adopt the course of action requested by such officials or their representatives.

“(3) TIMING.—The consultation required by paragraph (1) shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.

“(4) DISCUSSION REQUIRED.—The consultation required by paragraph (1) shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

“(5) DOCUMENTATION.—Each local educational agency shall maintain in the agency's records and provide to the State educational agency involved a written affirmation signed by officials or their representatives of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials or their representatives to indicate that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials or their representatives do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

“(6) COMPLIANCE.—

“(A) IN GENERAL.—If the consultation required under this section is with a local educational agency or educational service agency, a private school official or representative shall have the right to file a complaint with the State educational agency that the consultation required under this section was not meaningful and timely, did not give due consideration to the views of the private school official or representative, or did not treat the private school or its students equitably as required by this section.

“(B) PROCEDURE.—If the private school official or representative wishes to file a complaint, the private school official or representative shall provide the basis of the noncompliance with this section and all parties shall provide the appropriate documentation to the appropriate officials or representatives.

“(C) SERVICES.—A State educational agency shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions, if—

“(i) the appropriate private school officials or their representatives have—

“(I) requested that the State educational agency provide such services directly; and

“(II) demonstrated that the local educational agency or Education Service Agency involved has not met the requirements of this section; or

“(ii) in a case in which—

“(I) a local educational agency has more than 10,000 children from low-income families who attend private elementary schools or secondary schools in such agency’s school attendance areas, as defined in section 1113(a)(2)(A), that are not being served by the agency’s program under this section; or

“(II) 90 percent of the eligible private school students in a school attendance area, as defined in section 1113(a)(2)(A), are not being served by the agency’s program under this section.

“(d) PUBLIC CONTROL OF FUNDS.—

“(1) IN GENERAL.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property.

“(2) PROVISION OF SERVICES.—

“(A) IN GENERAL.—The provision of services under this section shall be provided—

“(i) by employees of a public agency; or

“(ii) through contract by the public agency with an individual, association, agency, organization, or other entity.

“(B) INDEPENDENCE; PUBLIC AGENCY.—In the provision of those services, the employee, person, association, agency, organization, or other entity shall be independent of the private school and of any religious organization, and the employment or contract shall be under the control and supervision of the public agency.

“(C) COMMINGLING OF FUNDS PROHIBITED.—Funds used to provide services under this section shall not be commingled with non-Federal funds.

“SEC. 5502. STANDARDS FOR BY-PASS.

“(a) IN GENERAL.—If, by reason of any provision of law, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or other entity is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary schools and secondary schools, on an equitable basis, or if the Secretary determines that the agency, consortium, or entity has substantially failed or is unwilling to provide for that participation, as required by section 5501, the Secretary shall—

“(1) waive the requirements of that section for the agency, consortium, or entity; and

“(2) arrange for the provision of equitable services to those children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 5501, 5503, and 5504.

“(b) DETERMINATION.—In making the determination under subsection (a), the Secretary shall consider one or more factors, including the quality, size, scope, and location of the program, and the opportunity of private school children, teachers, and other educational personnel to participate in the program.

“SEC. 5503. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

“(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 5501 by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity. The individual or organization shall submit the complaint to the State educational agency

for a written resolution by the State educational agency within 45 days.

“(b) APPEALS TO SECRETARY.—The resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within the 45-day time limit. The appeal shall be accompanied by a copy of the State educational agency’s resolution, and, if there is one, a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal not later than 90 days after receipt of the appeal.

#### “Subpart 2—Prohibitions

“SEC. 5521. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

“(a) IN GENERAL.—No officer or employee of the Federal Government shall, directly or indirectly, through grants, contracts, or other cooperative agreements, mandate, direct, or control a State, local educational agency, or school’s specific instructional content, academic standards and assessments, curricula, or program of instruction, (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States), nor shall anything in this Act be construed to authorize such officer or employee to do so.

“(b) FINANCIAL SUPPORT.—No officer or employee of the Federal Government shall, directly or indirectly, through grants, contracts, or other cooperative agreements, make financial support available in a manner that is conditioned upon a State, local educational agency, or school’s adoption of specific instructional content, academic standards and assessments, curriculum, or program of instruction, (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards), even if such requirements are specified in an Act other than this Act, nor shall anything in this Act be construed to authorize such officer or employee to do so.

“SEC. 5522. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

“(a) GENERAL PROHIBITION.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government directly or indirectly, whether through a grant, contract, or cooperative agreement, to mandate, direct, or control a State, local educational agency, or school’s curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

“(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—Notwithstanding any other prohibition of Federal law, no funds provided to the Department under this Act may be used by the Department directly or indirectly—whether through a grant, contract, or cooperative agreement—to endorse, approve, develop, require, or sanction any curriculum, including any curriculum aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States, designed to be used in an elementary school or secondary school.

“(c) LOCAL CONTROL.—Nothing in this Act shall be construed to—

“(1) authorize an officer or employee of the Federal Government directly or indirectly—whether through a grant, contract, or coopera-

tive agreement—to mandate, direct, review, or control a State, local educational agency, or school’s instructional content, curriculum, and related activities;

“(2) limit the application of the General Education Provisions Act;

“(3) require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or

“(4) create any legally enforceable right.

“(d) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—Notwithstanding any other provision of Federal law, no State shall be required to have academic standards approved or certified by the Federal Government, in order to receive assistance under this Act.

“(e) RULE OF CONSTRUCTION ON BUILDING STANDARDS.—Nothing in this Act shall be construed to mandate national school building standards for a State, local educational agency, or school.

“SEC. 5523. PROHIBITION ON FEDERALLY SPONSORED TESTING.

“(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test or testing materials in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

“(b) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(5) of the Education Sciences Reform Act of 2002 and administered to only a representative sample of pupils in the United States and in foreign nations.

“SEC. 5524. LIMITATIONS ON NATIONAL TESTING OR CERTIFICATION FOR TEACHERS.

“(a) MANDATORY NATIONAL TESTING OR CERTIFICATION OF TEACHERS.—Notwithstanding any other provision of this Act or any other provision of law, no funds available to the Department or otherwise available under this Act may be used for any purpose relating to a mandatory nationwide test or certification of teachers or education paraprofessionals, including any planning, development, implementation, or administration of such test or certification.

“(b) PROHIBITION ON WITHHOLDING FUNDS.—The Secretary is prohibited from withholding funds from any State educational agency or local educational agency if the State educational agency or local educational agency fails to adopt a specific method of teacher or paraprofessional certification.

“SEC. 5525. PROHIBITED USES OF FUNDS.

“No funds under this Act may be used—

“(1) for construction, renovation, or repair of any school facility, except as authorized under title IV or otherwise authorized under this Act;

“(2) for medical services, drug treatment or rehabilitation, except for specialized instructional support services or referral to treatment for students who are victims of, or witnesses to, crime or who illegally use drugs;

“(3) for transportation unless otherwise authorized under this Act;

“(4) to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;

“(5) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;

“(6) to provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or

“(7) to operate a program of contraceptive distribution in schools.

**“SEC. 5529. PROHIBITION REGARDING STATE AID.**

“A State shall not take into consideration payments under this Act (other than under title IV) in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

**“Subpart 3—Other Provisions**

**“SEC. 5541. ARMED FORCES RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION.**

“(a) POLICY.—

“(1) ACCESS TO STUDENT RECRUITING INFORMATION.—Notwithstanding section 444(a)(5)(B) of the General Education Provisions Act, each local educational agency receiving assistance under this Act shall provide, upon a request made by a military recruiter or an institution of higher education, access to the name, address, and telephone listing of each secondary school student served by the local educational agency, unless the parent of such student has submitted the prior consent request under paragraph (2).

“(2) CONSENT.—

“(A) OPT-OUT PROCESS.—A parent of a secondary school student may submit a written request, to the local educational agency, that the student's name, address, and telephone listing not be released for purposes of paragraph (1) without prior written consent of the parent. Upon receiving such request, the local educational agency may not release the student's name, address, and telephone listing for such purposes without the prior written consent of the parent.

“(B) NOTIFICATION OF OPT-OUT PROCESS.—Each local educational agency shall notify the parents of the students served by the agency of the option to make a request described in subparagraph (A).

“(3) SAME ACCESS TO STUDENTS.—Each local educational agency receiving assistance under this Act shall provide military recruiters the same access to secondary school students as is provided generally to institutions of higher education or to prospective employers of those students.

“(4) RULE OF CONSTRUCTION PROHIBITING OPT-IN PROCESSES.—Nothing in this subsection shall be construed to allow a local educational agency to withhold access to a student's name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process under paragraph (2)(A).

“(5) PARENTAL CONSENT.—For purposes of this subsection, whenever a student has attained 18 years of age, the permission or consent required of and the rights accorded to the parents of the student shall only be required of and accorded to the student.

“(b) NOTIFICATION.—The Secretary, in consultation with the Secretary of Defense, shall, not later than 120 days after the date of enactment of the Student Success Act, notify school leaders, school administrators, and other educators about the requirements of this section.

“(c) EXCEPTION.—The requirements of this section do not apply to a private secondary school that maintains a religious objection to service in the Armed Forces if the objection is verifiable through the corporate or other organizational documents or materials of that school.

**“SEC. 5542. RULEMAKING.**

“The Secretary shall issue regulations under this Act as prescribed under section 1401 only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this Act.

**“SEC. 5543. PEER REVIEW.**

“(a) IN GENERAL.—If the Secretary uses a peer review panel to evaluate an application for any program required under this Act, the Secretary shall conduct the panel in accordance with this section.

“(b) MAKEUP.—The Secretary shall—

“(1) solicit nominations for peers to serve on the panel from States that are—

“(A) practitioners in the subject matter; or

“(B) experts in the subject matter; and

“(2) select the peers from such nominees, except that there shall be at least 75 percent practitioners on each panel and in each group formed from the panel.

“(c) GUIDANCE.—The Secretary shall issue the peer review guidance concurrently with the notice of the grant.

“(d) REPORTING.—The Secretary shall—

“(1) make the names of the peer reviewers available to the public before the final deadline for the application of the grant;

“(2) make the peer review notes publically available once the review has concluded; and

“(3) make any deviations from the peer reviewers' recommendations available to the public with an explanation of the deviation.

“(e) APPLICANT REVIEWS.—An applicant shall have an opportunity within 30 days to review the peer review notes and appeal the score to the Secretary prior to the Secretary making any final determination.

“(f) PROHIBITION.—The Secretary, and the Secretary's staff, may not attempt to participate in, or influence, the peer review process. No Federal employee may participate in, or attempt to influence the peer review process, except to respond to questions of a technical nature, which shall be publicly reported.

**“SEC. 5544. PARENTAL CONSENT.**

“Upon receipt of written notification from the parents or legal guardians of a student, the local educational agency shall withdraw such student from any program funded under part B of title III. The local educational agency shall make reasonable efforts to inform parents or legal guardians of the content of such programs or activities funded under this Act, other than classroom instruction.

**“SEC. 5548. SEVERABILITY.**

“If any provision of this Act is held invalid, the remainder of this Act shall be unaffected thereby.

**“SEC. 5551. DEPARTMENT STAFF.**

“The Secretary shall—

“(1) not later than 60 days after the date of the enactment of the Student Success Act, identify the number of Department employees who worked on or administered each education program and project authorized under this Act, as such program or project was in effect on the day before such enactment date, and publish such information on the Department's website;

“(2) not later than 60 days after such enactment date, identify the number of full-time equivalent employees who work on or administer programs or projects authorized under this Act, as in effect on the day before such enactment date, that have been eliminated or consolidated since such date;

“(3) not later than 1 year after such enactment date, reduce the workforce of the Department by the number of full-time equivalent employees the Department calculated under paragraph (2); and

“(4) not later than 1 year after such enactment date, report to the Congress on—

“(A) the number of employees associated with each program or project authorized under this Act administered by the Department;

“(B) the number of full-time equivalent employees who were determined to be associated with eliminated or consolidated programs or projects under paragraph (2); and

“(C) how the Secretary reduced the number of employees at the Department under paragraph (3).

**“PART F—EVALUATIONS**

**“SEC. 5601. EVALUATIONS.**

“(a) RESERVATION OF FUNDS.—Except as provided in subsections (c) and (d), the Secretary may reserve not more than 0.5 percent of the amount appropriated to carry out each categorical program authorized under this Act. The reserved amounts shall be used by the Secretary, acting through the Director of the Institute of Education Sciences—

“(1) to conduct—

“(A) comprehensive evaluations of the program or project; and

“(B) studies of the effectiveness of the program or project and its administrative impact on schools and local educational agencies;

“(2) to evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs assisted or authorized under this Act and related Federal preschool, elementary, and secondary programs under any other Federal law; and

“(3) to increase the usefulness of evaluations of grant recipients in order to ensure the continuous progress of the program or project by improving the quality, timeliness, efficiency, and use of information relating to performance under the program or project.

“(b) REQUIRED PLAN.—The Secretary, acting through the Director of the Institute of Education Sciences, may use the reserved amount under subsection (a) only after completion of a comprehensive, multi-year plan—

“(1) for the periodic evaluation of each of the major categorical programs authorized under this Act, and as resources permit, the smaller categorical programs authorized under this Act;

“(2) that shall be developed and implemented with the involvement of other officials at the Department, as appropriate; and

“(3) that shall not be finalized until—

“(A) the publication of a notice in the Federal Register seeking public comment on such plan and after review by the Secretary of such comments; and

“(B) the plan is submitted for comment to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate and after review by the Secretary of such comments.

“(c) TITLE I EXCLUDED.—The Secretary may not reserve under subsection (a) funds appropriated to carry out any program authorized under title I.

“(d) EVALUATION ACTIVITIES AUTHORIZED ELSEWHERE.—If, under any other provision of this Act (other than title I), funds are authorized to be reserved or used for evaluation activities with respect to a program or project, the Secretary may not reserve additional funds under this section for the evaluation of that program or project.”

(b) TECHNICAL AMENDMENTS.—

(1) TITLE IX.—

(A) SUBPART 1 OF PART E OF TITLE V.—

(i) TRANSFER AND REDESIGNATION.—Sections 9504 through 9506 (20 U.S.C. 7884; 7885; 7886) are—

(I) transferred to title V, as amended by subsection (a) of this section;

(II) inserted after section 5503 of such title; and

(III) redesignated as sections 5504 through 5506, respectively.

(ii) AMENDMENTS.—Section 5504 (as so redesignated) is amended—

(I) in subsection (a)(1)(A), by striking “section 9502” and inserting “section 5502”;

(II) in subsection (b), by striking “section 9501” and inserting “section 5501”; and

(III) in subsection (d), by striking “No Child Left Behind Act of 2001” and inserting “Student Success Act”.

(B) SUBPART 2 OF PART E OF TITLE V.—

(i) TRANSFER AND REDESIGNATION.—Sections 9531, 9533, and 9534 (20 U.S.C. 7911; 7913; 7914) are—

(I) transferred to title V, as amended by subparagraph (A) of this paragraph;

(II) inserted after section 5525 of such title; and

(III) redesignated as sections 5526 through 5528, respectively.

(ii) AMENDMENTS.—Section 5528 (as so redesignated) is amended—

(I) by striking “(a) IN GENERAL.—Nothing” and inserting “Nothing”; and

(II) by striking subsection (b).

(C) SUBPART 3 OF PART E OF TITLE V.—Sections 9523, 9524, and 9525 (20 U.S.C. 7903; 7904; 7905) are—

(i) transferred to title V, as amended by subparagraph (B) of this paragraph;

(ii) inserted after section 5544 of such title; and

(iii) redesignated as sections 5545 through 5547, respectively.

(2) TITLE IV.—Sections 4141 and 4155 (20 U.S.C. 7151; 7161) are—

(A) transferred to title V, as amended by paragraph (1) of this subsection;

(B) inserted after section 5548 (as so redesignated by paragraph (1)(C)(iii) of this subsection); and

(C) redesignated as sections 5549 and 5550, respectively.

#### SEC. 502. REPEAL.

Title IX (20 U.S.C. 7801 et seq.), as amended by section 501(b)(1) of this title, is repealed.

#### SEC. 503. OTHER LAWS.

Beginning on the date of the enactment of this Act, any reference in law to the term “highly qualified” as defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall be treated as a reference to such term under section 9101 of the Elementary and Secondary Education Act of 1965 as in effect on the day before the date of the enactment of this Act.

#### SEC. 504. AMENDMENT TO IDEA.

Section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401) is amended by striking paragraph (10).

### TITLE VI—REPEAL

#### SEC. 601. REPEAL OF TITLE VI.

The Act is amended by striking title VI (20 U.S.C. 7301 et seq.).

### TITLE VII—HOMELESS EDUCATION

#### SEC. 701. STATEMENT OF POLICY.

Section 721 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431) is amended—

(1) by amending paragraph (2) to read as follows:

“(2) In any State where compulsory residency requirements or other requirements, laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youths, the State and local educational agencies will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as is provided to other children and youths.”;

(2) in paragraph (3), by striking “alone”; and

(3) in paragraph (4), by striking “challenging State student academic achievement” and inserting “State academic”.

#### SEC. 702. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

Section 722 of such Act (42 U.S.C. 11432) is amended—

(1) in subsection (a), by striking “(g).” and inserting “(h).”;

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1)(A)—

(i) in clause (i), by adding “or” at the end;

(ii) in clause (ii), by striking “; or” at the end and inserting a period; and

(iii) by striking clause (iii); and

(B) by striking paragraph (3);

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking “Grants” and inserting “Grant funds from a grant made to a State”;

(B) by amending paragraph (2) to read as follows:

“(2) To provide services and activities to improve the identification of homeless children (including preschool-aged homeless children and youths) that enable such children and youths to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs.”;

(C) in paragraph (3), by inserting before the period at the end the following: “that can sufficiently carry out the duties described in this subtitle”;

(D) by amending paragraph (5) to read as follows:

“(5) To develop and implement professional development programs for liaisons designated under subsection (g)(1)(J)(ii) and other local educational agency personnel—

“(A) to improve their identification of homeless children and youths; and

“(B) to heighten their awareness of, and capacity to respond to, specific needs in the education of homeless children and youths.”.

(5) in subsection (e)—

(A) in paragraph (1)—

(i) by striking “sums” and inserting “grant funds”; and

(ii) by inserting “a State under subsection (a) to” after “each year to”;

(B) in paragraph (2), by striking “funds made available for State use under this subtitle” and inserting “the grant funds remaining after the State educational agency distributes subgrants under paragraph (1)”;

(C) in paragraph (3)—

(i) in subparagraph (C)(iv)(II), by striking “sections 1111 and 1116” and inserting “section 1111”;

(ii) in subparagraph (F)—

(I) in clause (i)—

(aa) in the matter preceding subclause (I), by striking “a report” and inserting “an annual report”;

(bb) by striking “and” at the end of subclause (II);

(cc) by striking the period at the end of subclause (III) and inserting “; and”; and

(dd) by adding at the end the following:

“(IV) the progress the separate schools are making in helping all students meet the State academic standards.”; and

(II) in clause (iii), by striking “Not later than 2 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the” and inserting “The”;

(6) by amending subsection (f) to read as follows:

“(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator for Education of Homeless Children and Youths established in each State shall—

“(1) gather and make publically available reliable, valid, and comprehensive information on—

“(A) the number of homeless children and youths identified in the State, posted annually on the State educational agency’s website;

“(B) the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools;

“(C) the difficulties in identifying the special needs and barriers to the participation and achievement of such children and youths;

“(D) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and

“(E) the success of the programs under this subtitle in identifying homeless children and youths and allowing such children and youths to enroll in, attend, and succeed in school;

“(2) develop and carry out the State plan described in subsection (g);

“(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may require, a report containing information necessary to assess the educational needs of homeless children and youths within the State, including data necessary for the Secretary to fulfill the responsibilities under section 724(h);

“(4) in order to improve the provision of comprehensive education and related support services to homeless children and youths and their families, coordinate and collaborate with—

“(A) educators, including teachers, special education personnel, administrators, and child development and preschool program personnel;

“(B) providers of services to homeless children and youths and their families, including services of public and private child welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

“(C) providers of emergency, transitional, and permanent housing to homeless children and youths, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youths;

“(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

“(E) community organizations and groups representing homeless children and youths and their families;

“(5) provide technical assistance to local educational agencies, in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of subsection (e)(3), paragraphs (3) through (7) of subsection (g), and subsection (h);

“(6) provide professional development opportunities for local educational agency personnel and the homeless liaison designated under subsection (g)(1)(J)(ii) to assist such personnel in meeting the needs of homeless children and youths; and

“(7) respond to inquiries from parents and guardians of homeless children and youths and unaccompanied youths to ensure that each child or youth who is the subject of such an inquiry receives the full protections and services provided by this subtitle.”;

(7) by amending subsection (g) to read as follows:

“(g) STATE PLAN.—

“(1) IN GENERAL.—In order to be eligible to receive a grant under this section, each State educational agency shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State that includes the following:

“(A) A description of how such children and youths are (or will be) given the opportunity to meet the same State academic standards that all students are expected to meet.

“(B) A description of the procedures the State educational agency will use to identify such

children and youths in the State and to assess their needs.

“(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

“(D) A description of programs for school personnel (including liaisons, school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such personnel of the specific needs of homeless adolescents, including runaway and homeless youths.

“(E) A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local nutrition programs.

“(F) A description of procedures that ensure that—

“(i) homeless children have equal access to public preschool programs, administered by the State educational agency or local educational agency, as provided to other children in the State;

“(ii) homeless youths and youths separated from public schools are identified and accorded equal access to appropriate secondary education and support services; and

“(iii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local education programs.

“(G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).

“(H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by—

“(i) immunization and other health records requirements;

“(ii) residency requirements;

“(iii) lack of birth certificates, school records, or other documentation;

“(iv) guardianship issues; or

“(v) uniform or dress code requirements.

“(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the identification, enrollment, and retention of homeless children and youths in schools in the State.

“(J) Assurances that the following will be carried out:

“(i) The State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless.

“(ii) Local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths, to carry out the duties described in paragraph (6)(A).

“(iii) The State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:

“(I) If the child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

“(II) If the child's or youth's living arrangements in the area served by the local edu-

cational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

“(2) COMPLIANCE.—

“(A) IN GENERAL.—Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

“(B) COORDINATION.—Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

“(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

“(A) IN GENERAL.—The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest—

“(i) continue the child's or youth's education in the school of origin for the duration of homelessness—

“(I) in any case in which a family becomes homeless between academic years or during an academic year; or

“(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

“(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

“(B) SCHOOL STABILITY.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

“(i) presume that keeping the child or youth in the school of origin is in the child or youth's best interest, except when doing so is contrary to the wishes of the child's or youth's parent or guardian, or the unaccompanied youth;

“(ii) consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the wishes of the homeless child's or youth's parent or guardian or the unaccompanied youth involved;

“(iii) if, after conducting the best interest determination based on consideration of the presumption in clause (i) and the student-centered factors in clause (ii), the local educational agency determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent, guardian, or unaccompanied youth, provide the child's or youth's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal under subparagraph (E); and

“(iv) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

“(C) ENROLLMENT.—

“(i) IN GENERAL.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

“(I) is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation; or

“(II) has missed application or enrollment deadlines during any period of homelessness.

“(ii) RELEVANT ACADEMIC RECORDS.—The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

“(iii) RELEVANT HEALTH RECORDS.—If the child or youth needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the parent or guardian of the child or youth, or the unaccompanied child or youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings, or immunization or other required health records, in accordance with subparagraph (D).

“(D) RECORDS.—Any record ordinarily kept by the school, including immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained—

“(i) so that the records involved are available, in a timely fashion, when a child or youth enters a new school or school district; and

“(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

“(E) ENROLLMENT DISPUTES.—If a dispute arises over school selection or enrollment in a school—

“(i) the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;

“(ii) the parent, guardian, or unaccompanied youth shall be provided with a written explanation of any decisions made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or youth to appeal such decisions;

“(iii) the parent, guardian, or unaccompanied youth shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

“(iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in school in which the youth seeks enrollment pending resolution of such dispute.

“(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

“(G) SCHOOL OF ORIGIN DEFINED.—

“(i) IN GENERAL.—In this paragraph, the term ‘school of origin’ means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

“(ii) RECEIVING SCHOOL.—When the child or youth completes the final grade level served by the school of origin, as described in clause (i), the term ‘school of origin’ shall include the designated receiving school at the next grade level for all feeder schools.



“(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

“(I) PRIVACY.—Information about a homeless child’s or youth’s living situation shall be treated as a student education record under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and shall not be released to housing providers, employers, law enforcement personnel, or other persons or agencies not authorized to have such information under section 99.31 of title 34, Code of Federal Regulations.

“(J) ACADEMIC ACHIEVEMENT.—The school selected in accordance with this paragraph shall ensure that homeless children and youth have opportunities to meet the same State academic standards to which other students are held.

“(4) COMPARABLE SERVICES.—Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

“(A) Transportation services.

“(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or similar State or local programs, educational programs for children with disabilities, and educational programs for English learners.

“(C) Programs in career and technical education.

“(D) Programs for gifted and talented students.

“(E) School nutrition programs.

“(5) COORDINATION.—

“(A) IN GENERAL.—Each local educational agency serving homeless children and youths that receives assistance under this subtitle shall coordinate—

“(i) the provision of services under this subtitle with local social services agencies and other agencies or entities providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

“(ii) transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.

“(B) HOUSING ASSISTANCE.—If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.

“(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

“(i) ensure that all homeless children and youths are promptly identified;

“(ii) ensure that homeless children and youths have access to, and are in reasonable proximity to, available education and related support services; and

“(iii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

“(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and youth who are to be assisted both under this subtitle, and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), each local educational agency shall coordinate the provision of services under this subtitle with

the provision of programs for children with disabilities served by that local educational agency and other involved local educational agencies.

“(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

“(A) DUTIES.—Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that—

“(i) homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies;

“(ii) homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

“(iii) homeless families, children, and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start, Early Head Start, early intervention, and preschool programs administered by the local educational agency;

“(iv) homeless families, children, and youths receive referrals to health care services, dental services, mental health and substances abuse services, housing services, and other appropriate services;

“(v) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

“(vi) public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths;

“(vii) enrollment disputes are mediated in accordance with paragraph (3)(E);

“(viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(ii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A);

“(ix) school personnel providing services under this subtitle receive professional development and other support; and

“(x) unaccompanied youths—

“(I) are enrolled in school;

“(II) have opportunities to meet the same State academic standards to which other students are held, including through implementation of the policies and practices required by paragraph (1)(F)(ii); and

“(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

“(B) NOTICE.—State coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths of the duties of the local educational agency liaisons, including publishing an annually updated list of the liaisons on the State educational agency’s website.

“(C) LOCAL AND STATE COORDINATION.—Local educational agency liaisons for homeless children and youths shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel re-

sponsible for the provision of education and related services to homeless children and youths. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).

“(7) REVIEW AND REVISIONS.—

“(A) IN GENERAL.—Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the enrollment of homeless children and youths in schools that are selected under paragraph (3).

“(B) CONSIDERATION.—In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

“(C) SPECIAL ATTENTION.—Special attention shall be given to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.”;

(8) in subsection (h)(1)(A), by striking “fiscal year 2009,” and inserting “fiscal years 2014 through 2019,”; and

(9) in subsection (h)(4), by striking “fiscal year 2009” and inserting “fiscal years 2014 through 2019”.

#### SEC. 703. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

Section 723 of such Act (42 U.S.C. 11433) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “facilitating the enrollment,” and inserting “facilitating the identification, enrollment,”;

(B) in paragraph (2)(A)—

(i) by adding “and” at the end of clause (i);

(ii) by striking “; and” and inserting a period at the end of clause (ii); and

(iii) by striking clause (iii); and

(C) by adding at the end the following:

“(4) DURATION OF GRANTS.—Subgrants awarded under this section shall be for terms of not to exceed 3 years.”;

(2) in subsection (b)—

(A) by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(B) by adding at the end the following:

“(5) An assurance that the local educational agency will collect and promptly provide data requested by the State Coordinator pursuant to paragraphs (1) and (3) of section 722(f).

“(6) An assurance that the local educational agency has removed barriers to complying with the requirements of section 722(g)(1)(I).”;

(3) in subsection (c)—

(A) in paragraph (1), by striking “726” and inserting “722(a)”;

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “identification,” before “enrollment”;

(ii) by amending subparagraph (B) to read as follows:

“(B) The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youths.”; and

(iii) in subparagraph (C), by inserting “(as of the date of submission of the application)” after “current practice”;

(C) in paragraph (3)—

(i) by amending subparagraph (C) to read as follows:

“(C) The extent to which the applicant will promote meaningful involvement of parents or guardians of homeless children or youths in the education of their children.”;

(ii) in subparagraph (D), by striking “within” and inserting “into”;



(iii) in subparagraph (G)—

(I) by striking “Such” and inserting “The extent to which the applicant’s program meets such”; and

(II) by striking “case management or related”;

(iv) by redesignating subparagraph (G) as subparagraph (I) and inserting after subparagraph (F) the following:

“(G) The extent to which the local educational agency will use the subgrant to leverage resources, including by maximizing nonsubgrant funding for the position of the liaison described in section 722(g)(1)(J)(ii) and the provision of transportation.

“(H) How the local educational agency uses funds to serve homeless children and youths under section 1113(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)).”; and

(v) by adding at the end the following:

“(J) An assurance that the applicant will meet the requirements of section 722(g)(3).”; and

(D) by striking paragraph (4).

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “challenging State academic content standards” and inserting “State academic standards”; and

(ii) by striking “and challenging State student academic achievement standards”;

(B) in paragraph (2)—

(i) by striking “students with limited English proficiency,” and inserting “English learners,”; and

(ii) by striking “vocational” and inserting “career”;

(C) in paragraph (3), by striking “pupil services” and inserting “specialized instructional support”;

(D) in paragraph (7), by striking “, and unaccompanied youths,” and inserting “, particularly homeless children and youths who are not enrolled in school.”;

(E) in paragraph (9) by striking “medical” and inserting “other required health”;

(F) in paragraph (10), by inserting before the period at the end “, and other activities designed to increase the meaningful involvement of parents or guardians of homeless children or youths in the education of their children”;

(G) in paragraph (12), by striking “pupil” and inserting “specialized instructional support”; and

(H) in paragraph (13), by inserting before the period at the end “and parental mental health or substance abuse problems”.

#### SEC. 704. SECRETARIAL RESPONSIBILITIES.

Section 724 of such Act (42 U.S.C. 11434) is amended—

(1) by amending subsection (c) to read as follows:

“(c) NOTICE.—

“(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the date of the enactment of the Student Success Act, update and disseminate nationwide the public notice described in this subsection (as in effect prior to such date) of the educational rights of homeless children and youths.

“(2) DISSEMINATION.—The Secretary shall disseminate the notice nationally to all Federal agencies, program grantees, and grant recipients serving homeless families, children, and youths.”;

(2) in subsection (d), by striking “and dissemination” and inserting “, dissemination, and technical assistance”;

(3) in subsection (e)—

(A) by striking “applications for grants under this subtitle” and inserting “plans for the use of grant funds under section 722”;

(B) by striking “60-day” and inserting “120-day”; and

(C) by striking “120-day” and inserting “180-day”;

(4) in subsection (f), by adding at the end the following: “The Secretary shall provide support and technical assistance to State educational agencies in areas in which barriers to a free appropriate public education persist.”;

(5) by amending subsection (g) to read as follows:

“(g) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of the enactment of the Student Success Act, strategies by which a State—

“(1) may assist local educational agencies to implement the provisions amended by the Act; and

“(2) can review and revise State policies and procedures that may present barriers to the identification, enrollment, attendance, and success of homeless children and youths in school.”;

(6) in subsection (h)(1)(A), by inserting “in all areas served by local educational agencies” before the semicolon at the end; and

(7) in subsection (i), by striking “McKinney-Vento Homeless Education Assistance Improvements Act of 2001” and inserting “Student Success Act”.

#### SEC. 705. DEFINITIONS.

Section 725 of such Act (42 U.S.C. 11434a) is amended—

(1) in paragraph (2)(B)(iv), by striking “1309” and inserting “1139” and

(2) in paragraph (3), by striking “9101” and inserting “5101”.

#### SEC. 706. AUTHORIZATION OF APPROPRIATIONS.

Section 726 of such Act (42 U.S.C. 11435) is amended to read as follows:

#### “SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this subtitle, there are authorized to be appropriated \$61,771,000 for each of fiscal years 2014 through 2019.”.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 113-158. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before action thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

#### AMENDMENT NO. 1 OFFERED BY MR. KLINE

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 113-158.

Mr. KLINE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 25, line 5, insert “, at the State’s discretion,” after “and”.

Page 28, line 13, strike “and”.

Page 28, line 18, strike the period and insert “, and”.

Page 28, after line 18, insert the following: “(xiv) where practicable, be developed using the principles of universal design for learning as defined in section 103(24) of the Higher Education Act of 1965 (20 U.S.C. 1003(24)).”.

Page 54, beginning on line 17, strike “and early college high schools” and insert “,

early college high schools, and Advanced Placement or International Baccalaureate programs”.

Page 195, line 16, strike “AND TRIBES” and insert “, TRIBES, AND ALASKA NATIVE ORGANIZATIONS”.

Page 195, line 19, strike “and Indian tribes” and insert “, Indian tribes, and Alaska Native organizations”.

Page 197, after line 8, insert the following:

“(d) ALASKA NATIVE ORGANIZATIONS.—With respect to an Alaska Native organization that desires to receive a grant under subsection (c), subsection (c) shall be applied—

“(1) by substituting ‘Alaska Native organization’ for ‘Indian tribe’; and

“(2) by substituting ‘Alaska Native children’ for ‘Indian children’.”.

Page 198, line 16, strike “or Indian tribes” and insert “, Indian tribes, or Alaska Native organizations”.

Page 224, line 25, insert “(including an Alaska Native organization)” after “organization”.

Page 236, line 8, insert “(including Alaska Native organizations)” after “organizations”.

Page 236, line 10, insert “(including Alaska Native organizations)” after “organizations”.

Page 237, after line 8, insert the following new paragraph:

“(3) ALASKA NATIVE ORGANIZATION.—The term “Alaska Native organization” means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, or another organization that—

“(A) has or commits to acquire expertise in the education of Alaska Natives; and

“(B) has Alaska Natives in substantive and policymaking positions within the organization.”.

Page 237, line 9, strike “(3)” and insert “(4)”.

Page 237, line 17, strike “(4)” and insert “(5)”.

Page 251, after line 8, insert the following new subparagraphs:

“(F) representatives of public charter school authorizers;

“(G) public charter school leaders.”.

Page 251, line 9, strike “(F)” and insert “(H)”.

Page 251, line 11, strike “(G)” and insert “(I)”.

Page 267, line 19, insert “, including for teachers of civic education” after “teachers”.

Page 268, line 21, strike “and dual enrollment” and insert “, dual enrollment, Advanced Placement, or International Baccalaureate”.

Page 285, line 15, strike “and dual enrollment” and insert “, dual enrollment, Advanced Placement, or International Baccalaureate”.

Page 317, beginning on line 11, strike “From the amount reserved under section 3102(b)(1), the Secretary shall” and insert “The Secretary shall not use less than 50 percent of the amount reserved under section 3102(b)(1) to”.

Page 320, line 7, strike “both” and insert “more”.

Page 320, after line 18, insert the following new paragraph:

“(3) The predevelopment costs required to assess sites for purposes of paragraph (1) or (2) and which are necessary to commence or continue the operation of a charter school.”.

Page 363, line 2, strike “and”.

Page 363, line 7, strike the period and insert “; and”.

Page 363, after line 7, insert the following:

“(11) an assurance that the State will support projects from each of the categories listed in section 3204(b)(1)(D) in awarding subgrants to local educational agencies.”.

Page 366, line 6, insert “including civic education,” after “programs.”.

Page 372, after line 23, insert the following new paragraph, and redesignate the succeeding paragraphs accordingly:

(1) in subsection (a)(1)(C), by amending the matter preceding clause (i) to read as follows:

“(C) had an assessed value according to original records (including facsimiles or other reproductions of those records) documenting the assessed value of such property (determined as of the time or times when so acquired) prepared by the local officials referred to in subsection (b)(3) or, when such original records are not available due to unintentional destruction (such as natural disaster, fire, flooding, pest infestation, or deterioration due to age), other records, including Federal agency records, local historical records, or other records that the Secretary determines to be appropriate and reliable, aggregating 10 percent or more of the assessed value of—”.

Page 377, line 13, strike “each of”.

Page 377, line 14, strike “2012, 2013, and 2014” and insert “2012 and 2013”.

Page 377, line 17, strike “each of”.

Page 377, beginning on line 17, strike “2012, 2013, and 2014” and insert “2012 and 2013”.

Page 470, line 7, insert “incentivize,” after “direct.”.

Page 470, line 10, insert “incentive,” after “direction.”.

Page 475, after line 19, insert the following new section:

**“SEC. 5530. PROHIBITION ON REQUIRING STATE PARTICIPATION.**

“Any State that opts out of receiving funds, or that has not been awarded funds, under one or more programs under this Act shall not be required to carry out any of the requirements of such program or programs, and nothing in this Act shall be construed to require a State to participate in any program under this Act.”.

The CHAIR. Pursuant to House Resolution 303, the gentleman from Minnesota (Mr. KLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. KLINE. Mr. Chairman, I rise in support of the manager's amendment for H.R. 5, the Student Success Act, and I yield myself such time as I may consume.

For the first time in more than a decade, we are debating comprehensive legislation to reauthorize the Elementary and Secondary Education Act in Congress. This law is woefully overdue for a rewrite. While some seem perfectly content to leave students and schools tied to an outdated law, my Republican colleagues and I know our children deserve better.

The legislation before us today will help schools across America raise the bar and better prepare our children for a successful future. It will support unique student populations, protect our Nation's most vulnerable children and help States continue to narrow achievement gaps. Most importantly, the Student Success Act restores the

balance between the Federal Government's limited role and the responsibilities of State and local governments to deliver an excellent education to all students. I would like to highlight a few technical changes included in the manager's amendment that will improve the underlying legislation and strengthen our efforts to ensure all students have access to a quality education.

□ 1545

To encourage more local control, the amendment specifies State assessments must measure individual student growth at the sole discretion of the State. This ensures States have maximum flexibility in developing their own accountability systems.

To support effective teachers, the amendment also clarifies school districts may use funds for professional development programs, for civic education teachers, or to operate a civic education program, if they so choose.

To promote parental choice and engagement, the amendment makes additional improvements to the charter school program ensuring equal funding for credit enhancement and allowing schools to use that funding for predevelopment.

Finally, to further reduce the Federal footprint in our schools, the amendment clarifies States may opt out of funding under the Elementary and Secondary Education Act entirely, freeing them from any requirements that would otherwise come tied to those Federal education resources.

Mr. Chairman, nothing is more important to the future of this Nation than the success of our children, and right now Federal education law isn't helping students gain the skills and knowledge they need. Our children deserve better. With passage of this legislation today, we can take a critical step forward in the fight for real education reform.

I strongly urge my colleagues to support the manager's amendment and the Student Success Act, and I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 1 minute.

For the most part, this manager's amendment is technical changes to the underlying bill. For the same reasons that I oppose the underlying bill, I oppose the manager's amendment.

I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. KLINE).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. YOUNG OF ALASKA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 113-158.

Mr. YOUNG of Alaska. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

(Page and line nos. refer to Rules Committee Print 113-18)

Page 4, line 21, after the dollar amount insert “(reduced by \$195,399,345)”.

Page 9, strike lines 2 and 3.

Page 11, strike line 3.

Page 11, strike lines 19 and 20.

Page 194, strike line 1 and all that follows through page 238, line 15.

Page 487, strike lines 13 through 16 and insert the following (and amend the table of contents accordingly):

**TITLE VI—THE FEDERAL GOVERNMENT'S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION**

**SEC. 601. THE FEDERAL GOVERNMENT'S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION.**

Title VI of the Act (20 U.S.C. 7301 et seq.) is amended to read as follows:

“TITLE VI—THE FEDERAL GOVERNMENT'S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION

“PART A—INDIAN EDUCATION

**“SEC. 6101. STATEMENT OF POLICY.**

“It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with, and responsibility to, the Indian people for the education of Indian children. The Federal Government will continue to work with local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children.

**“SEC. 6102. PURPOSE.**

“It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

“(1) to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet State student academic achievement standards.

“(2) to ensure that Indian and Alaskan Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

“(3) to ensure that school leaders, teachers, and other staff who serve Indian and Alaska Native students have the ability to provide culturally appropriate and effective instruction to such students.

“SUBPART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

**“SEC. 6111. PURPOSE.**

“It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, and other entities to improve the academic achievement of American Indian and Alaska

Native students by providing for their unique cultural, language, and educational needs and ensuring that they are prepared to meet State academic standards.

**"SEC. 6112. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.**

"(a) IN GENERAL.—In accordance with this section and section 6113, the Secretary may make grants from allocations made under section 6113, to—

"(1) local educational agencies;

"(2) Indian tribes;

"(3) Indian organizations; and

"(4) Alaska Native Organizations

"(b) LOCAL EDUCATIONAL AGENCIES.—

"(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 6117 who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

"(A) was at least 10; or

"(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

"(2) EXCLUSION.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, an Indian reservation.

"(c) INDIAN TRIBES, INDIAN ORGANIZATIONS, ALASKA NATIVE ORGANIZATIONS, AND CONSORTIA.—

"(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 6114(c)(4) for such grant, an Indian tribe, Indian organization, Alaska Native Organization, or consortium of such entities that represents not less than 1/3 of the eligible Indian or Alaska Native children who are served by such local educational agency may apply for such grant.

"(2) SPECIAL RULE.—

"(A) IN GENERAL.—The Secretary shall treat each Indian tribe, Indian organization, Alaska Native Organization, or consortium of such entities applying for a grant pursuant to paragraph (1) as if such applicant were a local educational agency for purposes of this subpart.

"(B) EXCEPTIONS.—Notwithstanding subparagraph (A), such Indian tribe, Indian organization, Alaska Native Organization, or consortium of such entities shall not be subject to the requirements of section 6114(c)(5), 6118(c), or 6119.

"(3) ELIGIBILITY.—If more than 1 applicant qualifies to apply for a grant under paragraph (1), the entity that represents the most eligible Indian and Alaska Native children who are served by the local educational agency shall be eligible to receive the grant or the applicants may apply in consortium and jointly operate a program.

"(d) INDIAN AND ALASKA NATIVE COMMUNITY-BASED ORGANIZATIONS.—

"(1) IN GENERAL.—If no local educational agency pursuant to subsection (b), and no Indian tribe, tribal organization, Alaska Native Organization, or consortium pursuant to subsection (c), applies for a grant under this subpart, Indian and Alaska Native community-based organizations serving the community of the local educational agency may apply for the grant.

"(2) APPLICABILITY OF SPECIAL RULE.—The Secretary shall apply the special rule in subsection (c)(2) to a community-based organization applying or receiving a grant under paragraph (1) in the same manner as such rule applies to an Indian tribe, Indian orga-

nization, Alaska Native Organization, or consortium.

"(3) DEFINITION OF INDIAN AND ALASKA NATIVE COMMUNITY-BASED ORGANIZATIONS.—In this subsection, the term 'Indian and Alaska Native community-based organizations' means any organizations that—

"(A) are composed primarily of the family members of Indian or Alaska Native students, Indian or Alaska Native community members, tribal government education officials, and tribal members from a specific community;

"(B) assist in the social, cultural, and educational development of Indians or Alaska Natives in such community;

"(C) meet the unique cultural, language, and academic needs of Indian or Alaska Native students; and

"(D) demonstrate organizational and administrative capacity to effectively manage the grant.

**"SEC. 6113. AMOUNT OF GRANTS.**

"(a) AMOUNT OF GRANT AWARDS.—

"(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency that has an approved application under this subpart an amount equal to the product of—

"(A) the number of Indian children who are eligible under section 6117 and served by such agency; and

"(B) the greater of—

"(i) the average per pupil expenditure of the State in which such agency is located; or

"(ii) 80 percent of the average per pupil expenditure of all the States.

"(2) REDUCTION.—The Secretary shall reduce the amount of each allocation otherwise determined under this section in accordance with subsection (e).

"(b) MINIMUM GRANT.—

"(1) IN GENERAL.—Notwithstanding subsection (e), an entity that is eligible for a grant under section 6112, and a school that is operated or supported by the Bureau of Indian Education that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than \$3,000.

"(2) CONSORTIA.—Local educational agencies may form a consortium for the purpose of obtaining grants under this subpart.

"(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than \$4,000 for all grantees if the Secretary determines such increase is necessary to ensure the quality of the programs provided.

"(c) DEFINITION.—For the purpose of this section, the term average per pupil expenditure", used with respect to a State, means an amount equal to—

"(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

"(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

"(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN EDUCATION.—

"(1) IN GENERAL.—Subject to subsection (e), in addition to the grants awarded under subsection (a), the Secretary shall allocate to

the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Education; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

"(B) the greater of—

"(i) the average per pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per pupil expenditure of all the States.

"(2) SPECIAL RULE.—Any school described in paragraph (1)(A) that wishes to receive an allocation under this subpart shall submit an application in accordance with section 6114, and shall otherwise be treated as a local educational agency for the purpose of this subpart, except that such school shall not be subject to section 6114(c)(5), section 6118(c), or section 6119.

"(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year to carry out this subpart are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

**"SEC. 6114. APPLICATIONS.**

"(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a description of a comprehensive program for meeting the needs of Indian and Alaska Native children served by the local educational agency, including the language and cultural needs of the children, that—

"(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

"(2)(A) is consistent with the State, tribal, and local plans submitted under other provisions of this Act; and

"(B) includes academic content and student academic achievement goals for such children, and benchmarks for attaining such goals, that are based on State academic content and student academic achievement standards adopted under title I for all children;

"(3) explains how the local educational agency will use the funds made available under this subpart to supplement other Federal, State, and local programs that serve such students;

"(4) demonstrates how funds made available under this subpart will be used for activities described in section 6115;

"(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

"(A) teachers and other school professionals who are new to the Indian or Alaska Native community are prepared to work with Indian and Alaska Native children;

"(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; and

“(C) those family members of Indian and Alaska Native children and representatives of tribes who are on the committee described in (c)(5) will participate in the planning of professional development materials

“(6) describes how the local educational agency—

“(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

“(B) will provide the results of each assessment referred to in subparagraph (A) to—

“(i) the committee described in subsection (c)(5); and

“(ii) the community served by the local educational agency; and

“(iii) the tribes whose children are served by the local educational agency

“(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A); and

“(7) explicitly delineates—

“(A) a formal, collaborative process that the local educational agency used to directly involve tribes, Indian organizations, or Alaska Native Organizations in the development of the comprehensive programs and the results of such process; and

“(B) how the local educational agency plans to ensure that tribes, Indian organizations, or Alaska Native Organizations will play an active, meaningful, and ongoing role in the functioning of the comprehensive programs.

“(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

“(1) the local educational agency will use funds received under this subpart only to supplement the funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for services described in this subsection, and not to supplant such funds;

“(2) the local educational agency will use funds received under this subpart only for activities described and authorized under this subpart;

“(3) the local educational agency will prepare and submit to the Secretary such reports, in such form and containing such information, as the Secretary may require to—

“(A) carry out the functions of the Secretary under this subpart; and

“(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian and Alaska Native students served by such agency; and

“(C) determine the extent to which such activities address the unique cultural, language, and educational needs of Indian students.

“(4) the program for which assistance is sought—

“(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

“(B) will use the best available talents and resources, including individuals from the Indian or Alaska Native community; and

“(C) was developed by such agency in open consultation with the families of Indian or Alaska Native children, Indian or Alaska Native teachers, Indian or Alaska Native students from secondary schools, and representatives of tribes, Indian organizations, or

Alaska Native Organizations in the community including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

“(5) the local educational agency developed the program with the participation and written approval of a committee—

“(A) that is composed of, and selected by—

“(i) family members of Indian and Alaska Native children that are attending the local educational agency's schools;

“(ii) teachers in the schools; and

“(iii) Indian and Alaska Native students attending secondary schools of the agency;

“(B) a majority of whose members are family members of Indian and Alaska Native children that are attending the local educational agency's schools;

“(C) that has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

“(D) with respect to an application describing a schoolwide program in accordance with section 6115(c), that has—

“(i) reviewed in a timely fashion the program; and

“(ii) determined that the program will not diminish the availability of culturally related activities for American Indian and Alaska Native students; and

“(iii) will directly enhance the educational experience of American Indian and Alaska Native students; and

“(E) that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

“(6) the local educational agency conducted adequate outreach to family members to meet the requirements under subsection (c)(5).

#### “SEC. 6115. AUTHORIZED SERVICES AND ACTIVITIES.

“(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 6111, for services and activities that—

“(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 6114(a) solely for the services and activities described in such application;

“(2) are designed with special regard for the language and cultural needs of the Indian students; and

“(3) supplement and enrich the regular school program of such agency.

“(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

“(1) activities that support Native American language immersion programs and Native American language restoration programs, which may be taught by traditional leaders;

“(2) culturally related activities that support the program described in the application submitted by the local educational agency;

“(3) early childhood and family programs that emphasize school readiness;

“(4) enrichment programs that focus on problem solving and cognitive skills develop-

ment and directly support the attainment of challenging State academic content and student academic achievement standards;

“(5) integrated educational services in combination with other programs including programs that enhance student achievement by promoting increased involvement of parents and families in school activities;

“(6) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Improvement Act of 2006, including programs for tech-prep education, mentoring, and apprenticeship;

“(7) activities to educate individuals so as to prevent violence, suicide, and substance abuse;

“(8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 6111;

“(9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

“(10) activities that incorporate culturally and linguistically relevant curriculum content into classroom instruction that is responsive to the unique learning styles of Indian and Alaska Native children and ensures that children are better able to meet State standards;

“(11) family literacy services;

“(12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors;

“(13) dropout prevention strategies for Indian and Alaska Native students; and

“(14) strategies to meet the educational needs of at-risk Indian students in correctional facilities, including such strategies that support Indian and Alaska Native students who are transitioning from such facilities to schools served by local educational agencies;

“(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

“(1) the committee established pursuant to section 6114(c)(5) approves the use of the funds for the schoolwide program;

“(2) the schoolwide program is consistent with the purpose described in section 6111; and

“(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will produce benefits to the American Indian and Alaska Native students that would not be achieved if the funds were not used in a schoolwide program.

“(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

“(e) LIMITATION ON THE USE OF FUNDS.—Funds provided to a grantee under this subpart may not be used for long-distance travel expenses for training activities available locally or regionally.

#### “SEC. 6116. INTEGRATION OF SERVICES AUTHORIZED.

“(a) PLAN.—An entity receiving funds under this subpart may submit a plan to the Secretary for the integration of education and related services provided to Indian students.

“(b) CONSOLIDATION OF PROGRAMS.—Upon the receipt of an acceptable plan under subsection (a), the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the entity, shall authorize the entity to consolidate, in accordance with such plan, the federally funded education and related services programs of the entity and the Federal programs, or portions of the programs, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

“(c) PROGRAMS AFFECTED.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (a) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved under any Federal program to exclusively serve Indian children, under which the entity is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services that would be used to serve Indian students.

“(d) PLAN REQUIREMENTS.—For a plan to be acceptable pursuant to subsection (b), the plan shall—

“(1) identify the programs or funding sources to be consolidated;

“(2) be consistent with the objectives of this section concerning authorizing the services to be integrated in a demonstration project;

“(3) describe a comprehensive strategy that identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives set forth in this subpart;

“(4) describe the way in which services are to be integrated and delivered and the results expected from the plan;

“(5) identify the projected expenditures under the plan in a single budget;

“(6) identify the State, tribal, or local agency or agencies to be involved in the delivery of the services integrated under the plan;

“(7) identify any statutory provisions, regulations, policies, or procedures that the entity believes need to be waived in order to implement the plan;

“(8) set forth measures for academic content and student academic achievement goals designed to be met within a specific period of time; and

“(9) be approved by a committee formed in accordance with section 6114(c)(5), if such a committee exists.

“(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the entity to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the entity or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the objectives of this subpart or those provisions of the statute from which the program involved derives authority that

are specifically applicable to Indian students.

“(f) PLAN APPROVAL.—Within 90 days after the receipt of an entity's plan by the Secretary, the Secretary shall inform the entity, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the entity shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend the plan or to petition the Secretary to reconsider such disapproval.

“(g) RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.—Not later than 180 days after the date of enactment of the Student Success Act of 2013, the Secretary of Education, the Secretary of the Interior, the Secretary of the Department of Health and Human Services, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation and coordination of the demonstration projects authorized under this section. The lead agency head for a demonstration project under this section shall be—

“(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

“(2) the Secretary of Education, in the case of any other entity.

“(h) RESPONSIBILITIES OF LEAD AGENCY.—The responsibilities of the lead agency shall include—

“(1) the use of a single report format related to the plan for the individual project, which shall be used by an eligible entity to report on the activities undertaken under the project;

“(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by an eligible entity to report on all project expenditures;

“(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

“(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

“(i) REPORT REQUIREMENTS.—A single report format shall be developed by the Secretary, consistent with the requirements of this section. Such report format shall require that reports described in subsection (h), together with records maintained on the consolidated program at the local level, shall contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in its approved plan, including making a demonstration of student academic achievement, and will provide assurances to each Secretary that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

“(j) NO REDUCTION IN AMOUNTS.—In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

“(k) INTERAGENCY FUND TRANSFERS AUTHORIZED.—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the objectives of this section.

“(1) ADMINISTRATION OF FUNDS.—

“(1) IN GENERAL.—Program funds for the consolidated programs shall be administered in such a manner as to allow for a determination that funds from a specific program are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds granted that shall be allocated to such program.

“(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under the approved plan to the individual programs under which funds were authorized for the services or activities, nor shall the eligible entity be required to allocate expenditures among such individual programs.

“(m) OVERAGE.—The eligible entity may commingle all administrative funds from the consolidated programs and shall be entitled to the full amount of such funds (under each program's or agency's regulations). The overage (defined as the difference between the amount of the commingled funds and the actual administrative cost of the programs) shall be considered to be properly spent for Federal audit purposes, if the overage is used for the purposes provided for under this section.

“(n) FISCAL ACCOUNTABILITY.—Nothing in this part shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

“(o) REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.—

“(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of the Student Success Act of 2013, the Secretary of Education shall submit a preliminary report to the Committee on Education and the Workforce and the Committee on Natural Resources of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the status of the implementation of the demonstration projects authorized under this section.

“(2) FINAL REPORT.—Not later than 5 years after the date of enactment of the Student Success Act of 2013, the Secretary of Education shall submit a report to the Committee on Education and the Workforce and the Committee on Natural Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the results of the implementation of the demonstration projects authorized under this section. Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section.

“(p) DEFINITIONS.—For the purposes of this section, the term “Secretary” means—

“(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

“(2) the Secretary of Education, in the case of any other entity.

**“SEC. 6117. STUDENT ELIGIBILITY FORMS.**

“(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that

contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart, and that otherwise meets the requirements of subsection (b).

“(b) FORMS.—The form described in subsection (a) shall include—

“(1) either—

“(A)(i) the name of the tribe or band of Indians (as defined in section 6151) with respect to which the child claims membership;

“(ii) the enrollment or membership number establishing the membership of the child (if readily available); and

“(iii) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

“(B) the name, the enrollment or membership number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership data, of any parent or grandparent of the child from whom the child claims eligibility under this subpart, if the child is not a member of the tribe or band of Indians (as so defined);

“(2) a statement of whether the tribe or band of Indians (as so defined), with respect to which the child, or parent or grandparent of the child, claims membership, is federally recognized;

“(3) the name and address of the parent or legal guardian of the child;

“(4) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

“(5) any other information that the Secretary considers necessary to provide an accurate program profile.

“(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 6151.

“(d) DOCUMENTATION AND TYPES OF PROOF.—

“(1) TYPES OF PROOF.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 6113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

“(2) NO NEW OR DUPLICATIVE DETERMINATIONS.—Once a child is determined to be an Indian eligible to be counted for such grant award, the local education agency shall maintain a record of such determination and shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.

“(3) PREVIOUSLY FILED FORMS.—An Indian student eligibility form that was on file as required by this section on the day before the date of enactment of the Student Success Act of 2013 and that met the requirements of this section, as this section was in effect on the day before the date of enactment of such Act, shall remain valid for such Indian student.

“(e) MONITORING AND EVALUATION REVIEW.—

“(1) IN GENERAL.—

“(A) REVIEW.—For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall con-

duct a monitoring and evaluation review of a sampling of the recipients of grants under this subpart. The sampling conducted under this subparagraph shall take into account the size of and the geographic location of each local educational agency.

“(B) EXCEPTION.—A local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for an entitlement under the Indian Elementary and Secondary School Assistance Act.

“(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

“(A) be ineligible to apply for any other grant under this subpart; and

“(B) be liable to the United States for any funds from the grant that have not been expended.

“(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant under section 6113.

“(f) TRIBAL GRANT AND CONTRACT SCHOOLS.—Notwithstanding any other provision of this section, in calculating the amount of a grant under this subpart to a tribal school that receives a grant or contract from the Bureau of Indian Education, the Secretary shall use only one of the following, as selected by the school:

“(1) A count of the number of students in the schools certified by the Bureau.

“(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

“(g) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in calculating the amount of a local educational agency's grant under this subpart (other than in the case described in subsection (f)(1)), the local educational agency shall—

“(1) establish a date on, or a period not longer than 31 consecutive days during, which the agency counts those children, if that date or period occurs before the deadline established by the Secretary for submitting an application under section 6114; and

“(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

“SEC. 6118. PAYMENTS.

“(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 6113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

“(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this chapter in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

“(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

“(1) IN GENERAL.—The Secretary may not pay a local educational agency the full amount of a grant award determined under section 6113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal year, the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis, was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

“(2) FAILURE TO MAINTAIN EFFORT.—If, for the preceding fiscal year, the Secretary determines that a local educational agency and State failed to maintain the combined fiscal effort for such agency at the level specified in paragraph (1), the Secretary shall—

“(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of the failure to maintain the fiscal effort at such level; and

“(B) not use the reduced amount of the agency and State expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

“(3) WAIVER.—

“(A) IN GENERAL.—The Secretary may waive the requirement of paragraph (1) for a local educational agency, for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

“(B) FUTURE DETERMINATIONS.—The Secretary shall not use the reduced amount of the agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

“(d) REALLOCATIONS.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

“(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

“(2) otherwise become available for reallocation under this subpart.

“SEC. 6119. STATE EDUCATIONAL AGENCY REVIEW.

“Before submitting an application to the Secretary under section 6114, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, the agency shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.



"SUBPART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH

**"SEC. 6121. SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH.**

"(a) PURPOSE.—

"(1) IN GENERAL.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children and youth.

"(2) COORDINATION.—The Secretary shall take the necessary actions to achieve the coordination of activities assisted under this subpart with—

"(A) other programs funded under this Act; and

"(B) other Federal programs operated for the benefit of American Indian and Alaska Native children and youth.

"(b) ELIGIBLE ENTITIES.—In this section, the term "eligible entity" means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education), Alaska Native Organization, or a consortium of such entities.

"(c) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose of this section, including—

"(A) innovative programs related to the educational needs of educationally disadvantaged children and youth;

"(B) educational services that are not available to such children and youth in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian and Alaska Native children in one or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

"(C) bilingual and bicultural programs and projects;

"(D) special health and nutrition services, and other related activities, that address the special health, social, emotional, and psychological problems of Indian children;

"(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of high school graduation for Indian children;

"(F) comprehensive guidance, counseling, and testing services;

"(G) high quality early childhood education programs that are effective in preparing young children to make sufficient academic growth by the end of grade 3, including kindergarten and pre-kindergarten programs, family-based preschool programs that emphasize school readiness, screening and referral, and the provision of services to Indian children and youth with disabilities;

"(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary to postsecondary education;

"(I) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;

"(J) programs designed to encourage and assist Indian students to work toward, and

gain entrance into, an institution of higher education;

"(K) family literacy services;

"(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; or

"(M) high quality professional development of teaching professionals and paraprofessionals; or

"(N) other services that meet the purpose described in this section.

"(d) GRANT REQUIREMENTS AND APPLICATIONS.—

"(1) GRANT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary may make multiyear grants under subsection (c) for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

"(B) PRIORITY.—In making multiyear grants described in this paragraph, the Secretary shall give priority to entities submitting applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

"(C) PROGRESS.—The Secretary shall make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (3) and any subsequent modifications to such application.

"(2) DISSEMINATION GRANTS.—

"(A) IN GENERAL.—In addition to awarding the multiyear grants described in paragraph (1), the Secretary may award grants under subsection (c) to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

"(B) DETERMINATION.—The Secretary may award a dissemination grant described in this paragraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated—

"(i) has been adequately reviewed;

"(ii) has demonstrated educational merit; and

"(iii) can be replicated.

"(3) APPLICATION.—

"(A) IN GENERAL.—Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

"(B) CONTENTS.—Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (2), shall contain—

"(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

"(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

"(iii) information demonstrating that the proposed program for the activities is a scientifically based research program, where applicable, which may include a program that has been modified to be culturally appropriate for students who will be served;

"(iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over; and

"(v) such other assurances and information as the Secretary may reasonably require.

"(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

**"SEC. 6122. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.**

"(a) PURPOSES.—The purposes of this section are—

"(1) to increase the number of qualified Indian and Alaska Native teachers and administrators serving Indian and Alaska Native students;

"(2) to provide training to qualified Indian and Alaska Native individuals to become educators and education support service professionals; and

"(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

"(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term "eligible entity" means—

"(1) an institution of higher education, including an Indian institution of higher education;

"(2) a State educational agency or local educational agency, in consortium with an institution of higher education;

"(3) an Indian tribe or organization, in consortium with an institution of higher education; and

"(4) a Bureau-funded school (as defined in section 1146 of the Education Amendments of 1978).

"(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable those entities to carry out the activities described in subsection (d).

"(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Grant funds under this section shall be used for activities to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include continuing programs, symposia, workshops, conferences, and direct financial support, and may include programs designed to train tribal elders and seniors.

"(2) SPECIAL RULES.—

"(A) TYPE OF TRAINING.—For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

"(B) PROGRAM.—For individuals who are being trained to enter any field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

"(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require. At a minimum

"(f) SPECIAL RULE.—In awarding grants under this section, the Secretary—

"(1) shall consider the prior performance of the eligible entity; and

"(2) may not limit eligibility to receive a grant under this section on the basis of—

"(A) the number of previous grants the Secretary has awarded such entity; or

"(B) the length of any period during which such entity received such grants.

"(g) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.

"(h) SERVICE OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who



receives training pursuant to a grant made under this section—

“(A) perform work—

“(i) related to the training received under this section; and

“(ii) that benefits Indian people; or

“(B) repay all or a prorated part of the assistance received.

“(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning compliance with the work requirement under paragraph (1).

**“SEC. 6123. TRIBAL EDUCATION AGENCIES COOPERATIVE AGREEMENTS.**

“(a) PURPOSE.—Tribes may enter into written cooperative agreements with the State educational agency and the local educational agencies operating a school or schools within Indian lands. For purposes of this section, the term ‘Indian land’ has the meaning given that term in section 8013.

“(b) COOPERATIVE AGREEMENT.—If requested by the Indian tribe, the State educational agency or the local educational agency may enter into a cooperative agreement with the Indian tribe. Such cooperative agreement—

“(1) may authorize the tribe or such tribe’s respective tribal education agency to plan, conduct, consolidate, and administer programs, services, functions, and activities, or portions thereof, administered by the State educational agency or the local educational agency;

“(2) may authorize the tribe or such tribe’s respective tribal education agency to reallocate funds for such programs, services, functions, and activities, or portions thereof as necessary; and

“(3) shall—

“(A) only confer the tribe or such tribe’s respective tribal education agency with responsibilities to conduct activities described in paragraph (1) such that the burden assumed by the tribe or the tribal education agency for conducting such is commensurate with the benefit that doing so conveys to all parties of the agreement; and

“(B) be based solely on terms of the written agreement decided upon by the Indian tribe and the State educational agency or local education agency.

“(c) DISAGREEMENT.—Agreements shall only be valid if the Indian tribe and State educational agency or local educational agency agree fully in writing to all of the terms of the written cooperative agreement.

“(d) COMPLIANCE WITH APPLICABLE LAW.—Nothing in this section shall be construed to relieve any party to a cooperative agreement from complying with all applicable Federal, State, local laws. State and local educational agencies are still the ultimate responsible, liable parties for complying with all laws and funding requirements for any functions that are conveyed to tribes and tribal education agencies through the cooperative agreements.

“(e) DEFINITION.—For the purposes of this subpart, the term ‘Indian Tribe’ means any tribe or band that is officially recognized by the Secretary of the Interior.

**“SUBPART 3—NATIONAL ACTIVITIES**

**“SEC. 6131. NATIONAL RESEARCH ACTIVITIES.**

“(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available to carry out this subpart for each fiscal year to—

“(1) conduct research related to effective approaches for improving the academic

achievement and development of Indian and Alaska Native children and adults;

“(2) collect and analyze data on the educational status and needs of Indian and Alaska Native students; and

“(4) carry out other activities that are consistent with the purpose of this part.

“(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

“(c) COORDINATION.—Research activities supported under this section—

“(1) shall be coordinated with appropriate offices within the Department; and

“(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education Programs, the Office of Educational Research and Improvement, the Bureau of Indian Education, and the Institute of Education Sciences.

**“SEC. 6132. IMPROVEMENT OF ACADEMIC SUCCESS FOR STUDENTS THROUGH NATIVE AMERICAN LANGUAGE.**

“(a) PURPOSE.—It is the purpose of this section to improve educational opportunities and academic achievement of Indian and Alaska Native students through Native American language programs and to foster the acquisition of Native American language.

“(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education), or a consortium of such entities.

“(c) GRANTS AUTHORIZED.—The Secretary shall award grants to eligible entities to enable such entities to carry out the following activities:

“(1) Native American language programs that—

“(A) provide instruction through the use of a Native American language for not less than 10 children for an average of not less than 500 hours per year per student;

“(B) provide for the involvement of parents, caregivers, and families of students enrolled in the program;

“(C) utilize, and may include the development of, instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages;

“(D) provide support for professional development activities; and

“(E) include a goal of all students achieving—

“(i) fluency in a Native American language; and

“(ii) academic proficiency in mathematics, English, reading or language arts, and science.

“(2) Native American language restoration programs that—

“(A) provide instruction in not less than 1 Native American language;

“(B) provide support for professional development activities for teachers of Native American languages;

“(C) develop instructional materials for the programs; and

“(D) include the goal of increasing proficiency and fluency in not less than 1 Native American language.

“(d) APPLICATION.—

“(1) IN GENERAL.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(2) CERTIFICATION.—An eligible entity that submits an application for a grant to carry out the activity specified in subsection (c)(1), shall include in such application a certification that assures that such entity has experience and a demonstrated record of effectiveness in operating and administering a Native American language program or any other educational program in which instruction is conducted in a Native American language.

“(e) GRANT DURATION.—The Secretary shall make grants under this section only on a multi-year basis. Each such grant shall be for a period not to exceed 5 years.

“(f) DEFINITION.—In this section, the term ‘average’ means the aggregate number of hours of instruction through the use of a Native American language to all students enrolled in a Native American language program during a school year divided by the total number of students enrolled in the program.

“(g) ADMINISTRATIVE COSTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

“(2) EXCEPTION.—An elementary school or secondary school for Indian students that receives funds from a recipient of a grant under subsection (c) for any fiscal year may use not more than 10 percent of the funds for administrative purposes.

**“SEC. 6133. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.**

“(a) IN GENERAL.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

“(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

“(2) develop education codes for schools within the territorial jurisdiction of the tribe;

“(3) provide support services and technical assistance to schools serving children of the tribe; and

“(4) perform child-find screening services for the preschool-aged children of the tribe to—

“(A) ensure placement in appropriate educational facilities; and

“(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

“(b) PERIOD OF GRANT.—Each grant awarded under this section may be awarded for a period of not more than 3 years. Such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

“(c) APPLICATION FOR GRANT.—

“(1) IN GENERAL.—Each Indian tribe and tribal organization desiring a grant under

this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

“(2) **CONTENTS.**—Each application described in paragraph (1) shall contain—

“(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

“(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved.

“(3) **APPROVAL.**—The Secretary may approve an application submitted by a tribe or tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

“(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

“(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

“(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

“(d) **RESTRICTION.**—A tribe may not receive funds under this section if such tribe receives funds under section 1144 of the Education Amendments of 1978.

#### “SUBPART 4—FEDERAL ADMINISTRATION

### “SEC. 6141. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

“(a) **MEMBERSHIP.**—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the Council”), which shall—

“(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

“(2) represent different geographic areas of the United States.

“(b) **DUTIES.**—The Council shall—

“(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

“(A) with respect to which the Secretary has jurisdiction; and

“(B)(i) that includes Indian children or adults as participants; or

“(ii) that may benefit Indian children or adults;

“(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

“(3) submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including—

“(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

“(B) recommendations concerning the funding of any program described in subparagraph (A).

### “SEC. 6142. PEER REVIEW.

“The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2 or subpart 3.

### “SEC. 6143. PREFERENCE FOR INDIAN APPLICANTS.

“In making grants and entering into contracts or cooperative agreements under subpart 2 or subpart 3, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

### “SEC. 6144. MINIMUM GRANT CRITERIA.

“The Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or subpart 3 unless the application is for a grant, contract, or cooperative agreement that is—

“(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, contract, or cooperative agreement; and

“(2) based on relevant research findings.

#### “SUBPART 5—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

### “SEC. 6151. DEFINITIONS.

“For the purposes of this part:

“(1) **ADULT.**—The term ‘adult’ means an individual who—

“(A) has attained the age of 16 years; or

“(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

“(2) **FREE PUBLIC EDUCATION.**—The term ‘free public education’ means education that is—

“(A) provided at public expense, under public supervision and direction, and without tuition charge; and

“(B) provided as elementary or secondary education in the applicable State or to pre-school children.

“(3) **INDIAN.**—The term ‘Indian’ means an individual who is—

“(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

“(i) any tribe or band terminated since 1940; and

“(ii) any tribe or band recognized by the State in which the tribe or band resides;

“(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

“(C) considered by the Secretary of the Interior to be an Indian for any purpose;

“(D) an Alaska Native, as defined in section 6206(1); or

“(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding the date of enactment of the Improving America’s Schools Act of 1994.

“(4) **ALASKA NATIVE ORGANIZATION.**—The term ‘Alaska Native Organization’ has the same meaning as defined in section 6206(2).

### “SEC. 6152. AUTHORIZATIONS OF APPROPRIATIONS.

“(a) **SUBPART 1.**—For the purpose of carrying out subpart 1, there are authorized to be appropriated \$98,245,425 for each of fiscal years 2014 through 2019.

“(b) **SUBPARTS 2 AND 3.**—For the purpose of carrying out subparts 2 and 3, there are authorized to be appropriated \$33,303,534 for each of fiscal years 2014 through 2019.

#### “PART B—ALASKA NATIVE EDUCATION

### “SEC. 6201. SHORT TITLE.

“This part may be cited as the ‘Alaska Native Educational Equity, Support, and Assistance Act’.

### “SEC. 6202. FINDINGS.

“Congress finds and declares the following:

“(1) The preservation of culture and language is critical to the attainment of educational success, to the betterment of the conditions, and to the long-term well-being, of Alaska Natives. Alaska Native students must be afforded a culturally relevant education.

“(2) It is the policy of the Federal Government to maximize the leadership of and participation by Alaska Natives in the planning and the management of Alaska Native education programs and to support efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

“(3) Many Alaska Native children enter and exit school with serious educational disadvantages.

“(4) Overcoming the magnitude of the geographic challenges, historical inequities, and other barriers to successfully improving educational outcomes for Alaska Native students in rural, village, and urban settings is challenging. Significant disparities between academic achievement of Alaska Native students and non-Native students continues, including lower graduation rates, increased school dropout rates, and lower achievement scores on standardized tests.

“(5) The preservation of Alaska Native cultures and languages and the integration of Alaska Native cultures and languages into education, positive identity development for Alaska Native students, and local, place-based, and culture-based programming are critical to the attainment of educational success and the long-term well-being of Alaska Native students.

“(6) Improving educational outcomes for Alaska Native students increases access to employment opportunities.

“(7) The programs and activities authorized under this part give priority to Alaska Native organizations as a means of increasing Alaska Native parents’ and community involvement in the promotion of academic success of Alaska Native students.

“(8) The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for Alaska Native students. In 1983, pursuant to Public Law 98–63, Alaska ceased to receive educational funding from the Bureau of Indian Affairs. The Bureau of Indian Education does not operate any schools in Alaska, nor operate or fund Alaska Native education programs. The program under this part supports the Federal trust responsibility of the United States to Alaska Natives.

### “SEC. 6203. PURPOSES.

“The purposes of this part are as follows:

“(1) To recognize and address the unique educational needs of Alaska Natives.

“(2) To recognize the role of Alaska Native languages and cultures in the educational success and long-term well-being of Alaska Native students.

“(3) To integrate Alaska Native cultures and languages into education, develop Alaska Native students’ positive identity, and support local place-based and culture-based curriculum and programming.

“(4) To authorize the development, management, and expansion of effective supplemental educational programs to benefit Alaska Natives.

“(5) To provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

“(6) To ensure the maximum participation by Alaska Native educators and leaders in the planning, development, management, and evaluation of programs designed to serve Alaska Natives students, and to ensure Alaska Native organizations play a meaningful role in supplemental educational services provided to Alaska Native students.

**“SEC. 6204. PROGRAM AUTHORIZED.**

“(a) GENERAL AUTHORITY.—

“(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, State educational agencies, local educational agencies, educational entities with experience in developing or operating Alaska Native educational programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organizations with experience in developing or operating programs to benefit the educational needs of Alaska Natives, and consortia of organizations and entities described in this paragraph, to carry out programs that meet the purposes of this part.

“(2) ADDITIONAL REQUIREMENT.—A State educational agency, local educational agency, educational entity with experience in developing or operating Alaska Native educational programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organization with experience in developing or operating programs to benefit the educational needs of Alaska Natives, or consortium of such organizations and entities is eligible for an award under this part only as part of a partnership involving an Alaska Native organization.

“(3) MANDATORY ACTIVITIES.—Activities provided through the programs carried out under this part shall include the following which shall only be provided specifically in the context of elementary and secondary education:

“(A) The development and implementation of plans, methods, and strategies to improve the education of Alaska Natives.

“(B) The collection of data to assist in the evaluation of the programs carried out under this part.

“(4) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include the following which shall only be provided specifically in the context of elementary and secondary education:

“(A) The development of curricula and programs that address the educational needs of Alaska Native students, including the following:

“(i) Curriculum materials that reflect the cultural diversity, languages, history, or the contributions of Alaska Natives.

“(ii) Instructional programs that make use of Alaska Native languages and cultures.

“(iii) Networks that develop, test, and disseminate best practices and introduce successful programs, materials, and techniques to meet the educational needs of Alaska Native students in urban and rural schools.

“(B) Training and professional development activities for educators, including the following:

“(i) Pre-service and in-service training and professional development programs to prepare teachers to develop appreciation for and understanding of Alaska Native cultures, values, ways of knowing and learning in order to effectively address the cultural diversity and unique needs of Alaska Native students.

“(ii) Recruitment and preparation of teachers who are Alaska Native.

“(iii) Programs that will lead to the certification and licensing of Alaska Native teachers, principals, and superintendents.

“(C) The development and operation of student enrichment programs, including those in science, technology, engineering, and mathematics that—

“(i) are designed to prepare Alaska Native students to excel in such subjects;

“(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs; and

“(iii) include activities that recognize and support the unique cultural and educational needs of Alaska Native children, and incorporate appropriately qualified Alaska Native elders and other tradition bearers.

“(D) Research and data collection activities to determine the educational status and needs of Alaska Native children.

“(E) Other research and evaluation activities related to programs carried out under this part.

“(F) Remedial and enrichment programs to assist Alaska Native students to be college or career ready upon graduation from high school.

“(G) Culturally based education programs designed and provided by an entity with demonstrated experience in—

“(i) providing programs of study, both on site and in local schools, to share the rich and diverse cultures of Alaska Native peoples among youth, elders, teachers, and the larger community;

“(ii) instructing Alaska Native youth in leadership, communication, Native culture, arts, and languages;

“(iii) increasing the high school graduation rate of Alaska Native students who are served;

“(iv) providing instruction in Alaska Native history and ways of living to students and teachers in the local school district;

“(v) providing intergenerational learning and internship opportunities to Alaska Native youth and young adults; and

“(vi) providing cultural immersion activities aimed at Alaska Native cultural preservation.

“(H) Statewide on-site exchange programs, for both students and teachers, that work to facilitate cultural relationships between urban and rural Alaskans to build mutual respect and understanding, and foster a statewide sense of common identity through host family, school, and community cross-cultural immersion.

“(I) Education programs for at-risk urban Alaska Native students in kindergarten through grade 12 that work to increase graduation rates among such students and that—

“(i) include culturally-informed curriculum intended to preserve and promote Alaska Native culture;

“(ii) partner effectively with the local school district by providing a school-within-a school program model;

“(iii) provide high-quality academic instruction, small classroom sizes, and social-emotional support for students from elementary school through high school, including residential support;

“(iv) work with parents to increase parental involvement in their students' education;

“(v) work to improve academic proficiency and increase graduation rates;

“(vi) provide college preparation and career planning; and

“(vii) incorporate a strong data collection and continuous evaluation component at all levels of the program.

“(J) Statewide programs that provide technical assistance and support to schools and

communities to engage adults in promoting the academic progress and overall well-being of Alaska Native people through child and youth development, positive youth-adult relationships, improved conditions for learning (school climate, student connection to school and community), and increased connections between schools and families.

“(K) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities.

“(L) Support for the development and operational activities of regional vocational schools in rural areas of Alaska to provide students with necessary resources to prepare for skilled employment opportunities.

“(M) Other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

“(N) Regional leadership academies that demonstrate effectiveness in building respect, understanding, and fostering a sense of Alaska Native identity to promote their pursuit of and success in completing higher education or career training.

“(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to an award recipient under this part for any fiscal year may be used for administrative purposes.

“(c) PRIORITIES.—In awarding grants or contracts to carry out activities described in this subpart, the Secretary shall give priority to applications from Alaska Native Organizations. Such priority shall be explicitly delineated in the Secretary's process for evaluating applications and applied consistently and transparently to all applications from Alaska Native Organizations.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part \$31,453,135 for each of fiscal years 2014 through 2019.

**“SEC. 6205. ADMINISTRATIVE PROVISIONS.**

“(a) APPLICATION REQUIRED.—

“(1) IN GENERAL.—No grant may be made under this part, and no contract may be entered into under this part, unless the Alaska Native organization or entity seeking the grant or contract submits an application to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

“(2) REQUIREMENT FOR CERTAIN APPLICANTS.—An applicant described in section 6204(a)(2) shall, in the application submitted under this paragraph—

“(A) demonstrate that an Alaska Native organization was directly involved in the development of the program for which the application seeks funds and explicitly delineate the meaningful role that the Alaska Native organization will play in the implementation and evaluation of the program for which funding is sought; and

“(B) provide a copy of the Alaska Native organization's governing document.

“(b) CONSULTATION REQUIRED.—Each applicant for an award under this part shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

“(c) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for an award under this part shall inform each local educational agency serving students who would participate in the program to be carried out under the grant or contract about the application.

“(d) CONTINUATION AWARDS.—An applicant described in section 6204(a)(2) that receives

funding under this part shall periodically demonstrate to the Secretary, during the term of the award, that the applicant is continuing to meet the requirements of subsection (a)(2)(A).

**“SEC. 6206. DEFINITIONS.**

“In this part:

“(1) **ALASKA NATIVE.**—The term ‘Alaska Native’ has the same meaning as the term ‘Native’ has in section 3(b) of the Alaska Native Claims Settlement Act and their descendants.

“(2) **ALASKA NATIVE ORGANIZATION.**—The term ‘Alaska Native organization’ means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, and an organization, that—

“(A) has or commits to acquire expertise in the education of Alaska Natives; and

“(B) has Alaska Natives in substantive and policymaking positions within the organization.

**“PART C—NATIVE HAWAIIAN EDUCATION**

**“SEC. 6301. FINDINGS.**

“Congress finds the following:

“(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, and many other countries.

“(2) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands.

“(3) The political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives.

“(4) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in many Federal statutes, including—

“(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

“(B) Public Law 95-341 (commonly known as the ‘American Indian Religious Freedom Act’ (42 U.S.C. 1996));

“(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

“(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

“(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

“(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

“(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

“(H) the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

“(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

“(5) Many Native Hawaiian students lag behind other students in terms of—

“(A) school readiness factors;

“(B) scoring below national norms on education achievement tests at all grade levels;

“(C) underrepresentation in the uppermost achievement levels and in gifted and talented programs;

“(D) overrepresentation among students qualifying for special education programs;

“(E) underrepresentation in institutions of higher education and among adults who have completed 4 or more years of college;

“(6) The percentage of Native Hawaiian students served by the State of Hawaii Department of Education rose 30 percent from 1980 to 2008, and there are and will continue to be geographically rural, isolated areas

with a high Native Hawaiian population density.

“(7) The Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

**“SEC. 6302. PURPOSES.**

“The purposes of this part are—

“(1) to authorize, develop, implement, assess, and evaluate innovative educational programs, Native Hawaiian language medium programs, Native Hawaiian culture-based education programs, and other education programs to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet challenging State student academic achievement standards;

“(2) to provide guidance to appropriate Federal, State, and local agencies to more effectively and efficiently focus resources, including resources made available under this part, on the development and implementation of—

“(A) innovative educational programs for Native Hawaiians;

“(B) rigorous and substantive Native Hawaiian language programs; and

“(C) Native Hawaiian culture-based educational programs; and

“(3) to create a system by which information from programs funded under this part will be collected, analyzed, evaluated, reported, and used in decisionmaking activities regarding the types of grants awarded under this part.

**“SEC. 6303. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.**

“(a) **GRANT AUTHORIZED.**—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs that receive funding under this part, the Secretary shall award a grant to an education council, as described under subsection (b).

“(b) **EDUCATION COUNCIL.**—

“(1) **ELIGIBILITY.**—To be eligible to receive the grant under subsection (a), the council shall be an education council (referred to in this section as the ‘Education Council’) that meets the requirements of this subsection.

“(2) **COMPOSITION.**—The Education Council shall consist of 15 members of whom—

“(A) 1 shall be the President of the University of Hawaii (or a designee);

“(B) 1 shall be the Governor of the State of Hawaii (or a designee);

“(C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

“(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

“(E) 1 shall be the executive director of Hawaii’s Charter School Network (or a designee);

“(F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);

“(G) 1 shall be the Chief Executive Officer of the Queen Liliuokalani Trust (or a designee);

“(H) 1 shall be a member, selected by the other members of the Education Council, who represents a private grant-making entity;

“(I) 1 shall be the Mayor of the County of Hawaii (or a designee);

“(J) 1 shall be the Mayor of Maui County (or a designee from the Island of Maui);

“(K) 1 shall be the Mayor of the County of Kauai (or a designee);

“(L) 1 shall be appointed by the Mayor of Maui County from the Island of either Molokai or Lanai;

“(M) 1 shall be the Mayor of the City and County of Honolulu (or a designee);

“(N) 1 shall be the chairperson of the Hawaiian Homes Commission (or a designee); and

“(O) 1 shall be the chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector).

“(3) **REQUIREMENTS.**—Any designee serving on the Education Council shall demonstrate, as determined by the individual who appointed such designee with input from the Native Hawaiian community, not less than 5 years of experience as a consumer or provider of Native Hawaiian education or cultural activities, with traditional cultural experience given due consideration.

“(4) **LIMITATION.**—A member (including a designee), while serving on the Education Council, shall not be a recipient of grant funds that are awarded under this part.

“(5) **TERM OF MEMBERS.**—A member who is a designee shall serve for a term of not more than 4 years.

“(6) **CHAIR, VICE CHAIR.**—

“(A) **SELECTION.**—The Education Council shall select a Chair and a Vice Chair from among the members of the Education Council.

“(B) **TERM LIMITS.**—The Chair and Vice Chair shall each serve for a 2-year term.

“(7) **ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL.**—The Education Council shall meet at the call of the Chair of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

“(8) **NO COMPENSATION.**—None of the funds made available through the grant may be used to provide compensation to any member of the Education Council or member of a working group established by the Education Council, for functions described in this section.

“(c) **USE OF FUNDS FOR COORDINATION ACTIVITIES.**—The Education Council shall use funds made available through the grant to carry out each of the following activities:

“(1) Providing advice about the coordination, and serving as a clearinghouse for, the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

“(2) Assessing the extent to which such services and programs meet the needs of Native Hawaiians, and collecting data on the status of Native Hawaiian education.

“(3) Providing direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serving, where appropriate, in an advisory capacity.

“(4) Awarding grants, if such grants enable the Education Council to carry out the activities described in paragraphs (1) through (3).

“(5) Hiring an executive director who shall assist in executing the duties and powers of the Education Council, as described in subsection (d).

“(d) **USE OF FUNDS FOR TECHNICAL ASSISTANCE.**—The Education Council shall use funds made available through the grant to—

“(1) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

“(2) obtain from such grantees information and data regarding grants awarded under

this part, including information and data about—

“(A) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in paragraph (6)(D), using metrics related to these priorities; and

“(B) the effectiveness of such grantees in carrying out any of the activities described in section 6304(c) that are related to the specific goals and purposes of each grantee’s grant project, using metrics related to these priorities;

“(3) assess and define the educational needs of Native Hawaiians;

“(4) assess the programs and services available to address the educational needs of Native Hawaiians;

“(5) assess and evaluate the individual and aggregate impact achieved by grantees under this part in improving Native Hawaiian educational performance and meeting the goals of this part, using metrics related to these goals;

“(6) prepare and submit to the Secretary, at the end of each calendar year, an annual report that contains—

“(A) a description of the activities of the Education Council during the calendar year;

“(B) a description of significant barriers to achieving the goals of this part;

“(C) a summary of each community consultation session described in subsection (e); and

“(D) recommendations to establish priorities for funding under this part, based on an assessment of—

“(i) the educational needs of Native Hawaiians;

“(ii) programs and services available to address such needs;

“(iii) the effectiveness of programs in improving the educational performance of Native Hawaiian students to help such students meet challenging State student academic achievement standards; and

“(iv) priorities for funding in specific geographic communities.

“(e) **USE OF FUNDS FOR COMMUNITY CONSULTATIONS.**—The Education Council shall use funds made available through the grant under subsection (a) to hold not less than 1 community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

“(1) not less than 3 members of the Education Council shall be in attendance;

“(2) the Education Council shall gather community input regarding—

“(A) current grantees under this part, as of the date of the consultation;

“(B) priorities and needs of Native Hawaiians; and

“(C) other Native Hawaiian education issues; and

“(3) the Education Council shall report to the community on the outcomes of the activities supported by grants awarded under this part.

“(f) **FUNDING.**—For each fiscal year, the Secretary shall use the amount described in section 6305(d)(2), to make a payment under the grant. Funds made available through the grant shall remain available until expended.

“(g) **REPORT.**—Beginning not later than 2 years after the date of enactment of the Student Success Act, and for each subsequent year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate, a report that—

“(1) summarizes the annual reports of the Education Council;

“(2) describes the allocation and use of funds under this part and the information gathered since the first annual report submitted by the Education Council to the Secretary under this section; and

“(3) contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

**“SEC. 6304. GRANT PROGRAM AUTHORIZED.**

“(a) **GRANTS AND CONTRACTS.**—In order to carry out programs that meet the purposes of this part, the Secretary is authorized to award grants to, or enter into contracts with—

“(1) Native Hawaiian educational organizations;

“(2) Native Hawaiian community-based organizations;

“(3) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian education and workforce development programs or programs of instruction in the Native Hawaiian language;

“(4) charter schools; and

“(5) consortia of the organizations, agencies, and institutions described in paragraphs (1) through (4).

“(b) **PRIORITY.**—In awarding grants and entering into contracts under this part, the Secretary shall give priority to—

“(1) programs that meet the educational priority recommendations of the Education Council, as described under section 6303(d)(6)(D);

“(2) the repair and renovation of public schools that serve high concentrations of Native Hawaiian students;

“(3) programs designed to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet challenging State student academic achievement standards, including activities relating to—

“(A) achieving competence in reading, literacy, mathematics, and science for students in preschool through grade 3;

“(B) the educational needs of at-risk children and youth;

“(C) professional development for teachers and administrators;

“(D) the use of Native Hawaiian language and preservation or reclamation of Native Hawaiian culture-based educational practices; and

“(E) other programs relating to the activities described in this part; and

“(4) programs in which a local educational agency, institution of higher education, or a State educational agency in partnership with a nonprofit entity serving underserved communities within the Native Hawaiian population apply for a grant or contract under this part as part of a partnership or consortium.

“(c) **AUTHORIZED ACTIVITIES.**—Activities provided through programs carried out under this part may include—

“(1) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of high-quality early learning services for Native Hawaiian children from the prenatal period through the age of kindergarten entry;

“(2) the operation of family-based education centers that provide such services as—

“(A) early care and education programs for Native Hawaiians; and

“(B) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

“(3) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through grade 3 and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in grades 5 and 6;

“(4) activities to meet the special needs of Native Hawaiian students with disabilities, including—

“(A) the identification of such students and their needs;

“(B) the provision of support services to the families of such students; and

“(C) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

“(5) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

“(A) educational, psychological, and developmental activities designed to assist in the educational progress of such students; and

“(B) activities that involve the parents of such students in a manner designed to assist in the educational progress of such students;

“(6) the development of academic and vocational curricula to address the needs of Native Hawaiian students, including curricula materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

“(7) professional development activities for educators, including—

“(A) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

“(B) in-service programs to improve the ability of teachers who teach in schools with high concentrations of Native Hawaiian students to meet the unique needs of such students; and

“(C) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

“(8) the operation of community-based learning centers that address the needs of Native Hawaiian students, parents, families, and communities through the coordination of public and private programs and services, including—

“(A) early education programs;

“(B) before, after, and Summer school programs, expanded learning time, or weekend academies;

“(C) career and technical education programs; and

“(D) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;

“(9) activities, including program co-location, that ensure Native Hawaiian students graduate college and career ready including—

“(A) family literacy services;

“(B) counseling, guidance, and support services for students; and

“(C) professional development activities designed to help educators improve the college and career readiness of Native Hawaiian students;

“(10) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

“(11) other research and evaluation activities related to programs carried out under this part; and

“(12) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

“(d) **ADDITIONAL ACTIVITIES.**—Notwithstanding any other provision of this part, funds made available to carry out this section as of the day before the date of enactment of the Student Success Act shall remain available until expended. The Secretary shall use such funds to support the following:

“(1) The repair and renovation of public schools that serve high concentrations of Native Hawaiian students.

“(2) The perpetuation of, and expansion of access to, Hawaiian culture and history through digital archives.

“(3) Informal education programs that connect traditional Hawaiian knowledge, science, astronomy, and the environment through State museums or learning centers.

“(4) Public charter schools serving high concentrations of Native Hawaiian students.

“(e) **ADMINISTRATIVE COSTS.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), not more than 5 percent of funds provided to a recipient of a grant or contract under this section for any fiscal year may be used for administrative purposes.

“(2) **EXCEPTION.**—The Secretary may waive the requirement of paragraph (1) for a nonprofit entity that receives funding under this section and allow not more than 10 percent of funds provided to such nonprofit entity under this section for any fiscal year to be used for administrative purposes.

**“SEC. 6305. ADMINISTRATIVE PROVISIONS.**

“(a) **APPLICATION REQUIRED.**—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

“(b) **DIRECT GRANT APPLICATIONS.**—The Secretary shall provide a copy of all direct grant applications to the Education Council.

“(c) **SUPPLEMENT NOT SUPPLANT.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), funds made available under this part shall be used to supplement, and not supplant, any State or local funds used to achieve the purposes of this part.

“(2) **EXCEPTION.**—Paragraph (1) shall not apply to any nonprofit entity or Native Hawaiian community-based organization that receives a grant or other funds under this part.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There are authorized to be appropriated to carry out this part \$32,397,259 for each of fiscal years 2014 through 2019.

“(2) **RESERVATION.**—Of the funds appropriated under this subsection, the Secretary shall reserve, for each fiscal year after the date of enactment of the Student Success Act not less than \$500,000 for the grant to the Education Council under section 6303.

“(3) **AVAILABILITY.**—Funds appropriated under this subsection shall remain available until expended.”

The CHAIR. Pursuant to House Resolution 303, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this bill that has been proposed to us actually took one successful program out, the very successful Hawaiian Natives and Alaskan Natives program. It is destroying a program that works.

This is a different program than the other Indian areas have, but it should have been left in this bill. And as I talked with the chairman, why take out some successful program and try to take and change it when there's other problems with No Child Left Behind?

I'm asking my colleagues to vote for my amendment, which puts it back in. It restores title VI moneys, and it does retain a working program that we should leave. I say this because Alaska Natives and Hawaiian Natives are not under the BIE funding programs, and it would be impossible for them to receive the moneys under the grant program.

All I want to do is keep my Natives on a right plain, which they've been doing very well in actually improving their lives, being better educated, achieving their goals.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, while I understand and appreciate the gentleman's concerns—and we've talked about this at some length over the year—the amendment reduces funding for title I programs. That's aid to the disadvantaged, migrant students, neglected and delinquent students, rural education, and English language acquisition to pay for the restoration and expansion of the Alaska Native and Native Hawaiian programs. This reduces funding to States and school districts—about \$64 million a year—that need title I funds to increase student academic achievement, especially with today's budgetary challenges.

The underlying bill upholds the Federal Government's trust responsibility to the Indian people. It reauthorizes and maintains a separate funding stream for the Indian education program as in current law and increases funding for Indian education over the FY13 level and over President Obama's FY14 budget. The manager's amendment adds Alaska Native organizations as eligible entities to the program as well.

Reluctantly, I urge my colleagues to oppose the amendment and support the Student Success Act, and I yield back the balance of my time.

Mr. YOUNG of Alaska. At this time, I yield 1 minute to Congresswoman HANABUSA.

Ms. HANABUSA. Mr. Chair, I thank the gentleman from Alaska.

Mr. Chair, this amendment, which I've introduced with my colleagues, ensures that all Native students are supported in their education efforts.

H.R. 5, as reported, eliminates and reduces title VII and combines them with the broad title I programs, which is inappropriate and unjust to the programs.

What this amendment does is it upholds the Federal trust responsibility to tribes and Native organizations by ensuring that Native Americans, Native Alaskans, and Native Hawaiians, who have been historically disadvantaged, are able to succeed.

This amendment also ensures flexibility among the States as to how these programs would be administered. And most importantly, the CBO has found that our amendment has no impact on direct spending and complies with the CutGo requirements.

The primary issue here is that Congress must ensure that we maintain this important precedent in law, a precedent in law that we do have trust responsibility to the Native children, and we must ensure that that continues.

That is why I encourage all my colleagues to vote in favor of this amendment.

Mr. YOUNG of Alaska. At this time, Mr. Chairman, I yield 1 minute to Congresswoman GABBARD.

Ms. GABBARD. Mr. Chairman, I'm rising to give my strong support for the amendment before us, and I would like to thank my colleague from Alaska (Mr. YOUNG) for his steadfast support and championing of the issues and concerns of Native communities throughout our country.

This amendment does a simple thing: it ensures that Native students across the country have access to support which meets the unique cultural and language needs of these communities. This support has been there now for decades, and it's important and crucial that we continue this. For my home State of Hawaii, the Native Hawaiian Education Program, which the amendment reauthorizes and which does not exist in the underlying measure, is a vital resource for our Native Hawaiian community.

Last district period when I was home over the Fourth of July, I had the opportunity to travel to a few different islands where I met with teachers, parents, students, and other stakeholders and learned firsthand about the many accomplishments of this program.

By passing this amendment, we're empowering and educating the next generation in communities that have largely been underserved and at the same time preserving rich and unique culture, language, and values of our Native people.

With that, I insert into the RECORD numerous letters of support that I've

received from my constituents explaining in a very personal way the important success stories of the Native Hawaiian Education Programs over the years.

MID-CONTINENT RESEARCH FOR EDUCATION AND LEARNING PACIFIC  
CENTER FOR CHANGING THE ODDS,

Honolulu, HI, July 17, 2013.

Rep. TULSI GABBARD,  
Ala Moana Blvd.,  
Honolulu, HI.

Attention: Anthony Ching.

DEAR REPRESENTATIVE GABBARD, Thank you for being a supporter of the Native Hawaiian Education Act. This legislation is critical for the future and progress of Hawai'i's education system. Every year tens of thousands of Hawaiian students benefit from the academic programs funded by this policy. The Act is also a significant milestone in the relationship between the U.S. federal government and Native Hawaiians because it affirms the trust in that relationship and recognizes the rights of Native Hawaiians.

The ESEA reauthorization bill H.R. 5 the Student Success Act, put forward by Representative John Kline, seeks to eliminate the Native Hawaiian Education Act, which would end critical academic programs for Native Hawaiians. If passed, the Student Success Act would cut funding and potentially terminate many of the innovative programs promoting native culture and education in Hawai'i that have been valued for over twenty-five years.

As the ESEA reauthorization process continues, we urge you to consider the preservation of Native Hawaiian culture, traditions and values within the Student Success Act.

Thank you for championing Native Hawaiian education and for supporting Hawai'i's students who benefit from the Native Hawaiian Education Act.

Sincerely,

JANE R. BEST, PH.D.,  
Chief Strategy Officer.

KAMEHAMEHA SCHOOLS,  
Honolulu, HI, July 16, 2013.

To: Members of the United States Congress.  
From: Kamehameha Schools, Office of the Chief Executive Officer.

Re Preserving the Native Hawaiian Education Act (NHEA) proposed amendments to H.R. 5.

My name is Dee Jay Mailer and I am the Chief Executive Officer of Kamehameha Schools. We are a private independent school whose mission is to improve the capability and wellbeing of Native Hawaiians through education. Thank you for this opportunity to express Kamehameha Schools' support of Congressman Young's and Congresswoman Gabbard's amendments to H.R. 5 that would preserve the Native Hawaiian Education Act.

There continues to exist significant educational disparities between Native Hawaiians and other ethnic groups within Hawai'i. Despite being the largest single ethnic group in Hawai'i's public school system, achievement outcomes for Native Hawaiian youth are among the lowest in the state, trailing as much as 30 percentile points behind the highest performing groups. For many years, the Native Hawaiian Education Act and organizations in Hawai'i have supported and implemented culturally responsive education. In 2010, Kamehameha Schools along with the Hawai'i Department of Education, and Na Lei Na'auao undertook collaborative research study, which reported positive effects of culture-based educational strategies on

student socio-emotional development and educational outcomes for Native Hawaiian and other learners. Culture-based education is the grounding of instruction and student learning in the values, norms, knowledge, beliefs, practices, and language that are the foundation of an indigenous culture. At the state, national, and international levels, culture-based educational strategies are increasingly being seen as a promising means of addressing educational disparities between indigenous students and their peers. Without continued support from the Native Hawaiian Education Act, educational disparities will continue to grow.

Kamehameha Schools supports promoting the achievement and success of Hawai'i's public school students and, as such, continues to support and promote culture based education. Thank you for the opportunity to express Kamehameha Schools' support for preserving the Native Hawaiian Education Act.

Sincerely,

DEE JAY MAILER,  
Chief Executive Officer.

KEIKI O KA AINA  
FAMILY LEARNING CENTERS,  
July 15, 2013.

Aloha, As a Native Hawaiian non-profit, Keiki O Ka Aina Family Learning Centers has been helping families statewide for eighteen years. With funding from NHEA, we help over 2000 families through home-visiting programs, (PAT and HIPPY), center-based preschools, family child interaction learning programs, programs for infants and toddlers with special needs, and supporting parents affected by incarceration.

The money given to Hawaiian non-profits through the rigorous competitive grants offered under NHEA help the entire community, Hawaiian and non-Hawaiian alike. The funding helps in the area in which our country is most needy, education.

Giving funds to the State in Race to the Top is nice, but putting funds in the hands of those who are providing the direct services is far more practical and achieves superior results. Research also shows that culture-based education is good education for indigenous populations and non-indigenous populations as well. Project-based, place-based, individualized instruction is just best practice, and it is Hawaiian education organizations, with support from NHEA, that is leading the charge in bringing about improvement in educational practice in the state. All NHEA recipients make details reports to NHEA on the efficacy of our programs, and they show positive impacts.

To eliminate this much needed funding stream will be extremely detrimental to the State who will have an additional burden and find itself unable to adequately serve its host population. United States Public Law 103-150 The "Apology Resolution" Passed by Congress and signed by President William J. Clinton November 23, 1993 was a step forward, but to cut this funding would be an unconscionable step backward.

Sincerely,

MOMI AKANA,  
Executive Director.

KANU O KA 'ĀINA  
NEW CENTURY PUBLIC CHARTER SCHOOL,  
Kamuela, HI, July 15, 2013.  
Re letter of support for H.R. 2287, Native Hawaiian Education Act Reauthorization, and its inclusion in H.R. 5, The Student Success Act.

DEAR REPRESENTATIVE GABBARD: I am Taffi Wise, Business Manager of Kanu o ka 'Āina

Public Charter School (KANU). We are a Hawaiian focused school in the rural community of Waimea on the Big Island of Hawai'i that serves 260 students, 65% of which are Title I recipients.

KANU strongly supports H.R. 2287 which calls for the reauthorization of the Native Hawaiian Education Act and its inclusion in H.R. 5, The Student Success Act (SSA) and advocates for the Native Hawaiian Education Act administered by the U.S. Department of Education. This grant program, first authorized in 1988, is known and recognized for its support of innovative education for and by Native Hawaiians.

With the change in the current law, the expanding of eligibility for grants to address the varying types of education programs offered to Native Hawaiian students will have the bill make changes to eligibility for NHEA, and, for example, allow grants to Native Hawaiian focused charter schools among other proposed and relevant changes.

We join with you in your floor statement, "Education is by far the best investment we can make in our economy and in our future. We are empowering and educating the next generation in communities that have largely been underserved, at the same time preserving rich and unique culture, language, and values of our native people."

KANU appreciates the opportunity to endorse and support H.R. 2287.

Mahalo nui loa,

TAFFI WISE.

KANU O KA 'ĀINA  
LEARNING 'OHANA  
July 15, 2013.

Re letter of support for H.R. 2287, Native Hawaiian Education Act Reauthorization, And its inclusion in H.R. 5, The Student Success Act.

DEAR REPRESENTATIVE GABBARD: I am Taffi Wise, Executive Director of Kanu o ka 'Āina Learning 'Ohana (KALO) a Hawaiian serving non-profit institution whose mission is serving and perpetuating sustainable Hawaiian communities through Education with Aloha.

KALO strongly supports H.R. 2287 which calls for the reauthorization of the Native Hawaiian Education Act and its inclusion in H.R. 5, The Student Success Act (SSA) and advocates for the Native Hawaiian Education Act administered by the U.S. Department of Education. This grant program, first authorized in 1988, is known and recognized for its support of innovative education for and by Native Hawaiians.

With the change in the current law, the expanding of eligibility for grants to address the varying types of education programs offered to Native Hawaiian students will have the bill make changes to eligibility for NHEA, and, for example, allow grants to Native Hawaiian focused charter schools among other proposed and relevant changes.

We join with you in your floor statement, "Education is by far the best investment we can make in our economy and in our future. We are empowering and educating the next generation in communities that have largely been underserved, at the same time preserving rich and unique culture, language, and values of our native people."

KALO appreciates the opportunity to endorse and support H.R. 2287.

Mahalo nui loa,

TAFFI WISE.



NĀ LEI NA'AUAO NATIVE HAWAIIAN  
CHARTER SCHOOL ALLIANCE,  
*Kamuela, HI, July 15, 2013.*

Re letter in support of H.R. 2287, Native Hawaiian Education Act Reauthorization, and its inclusion in H.R. 5, The Student Success Act.

DEAR REPRESENTATIVE GABBARD: My name is Ka'iulani Pahiō, and I am the Coordinator of the Nā Lei Na'auao—Native Hawaiian Charter School Alliance—which makes up twelve Hawaiian focused public charter schools throughout the State of Hawai'i.

Nā Lei Na'auao strongly supports H.R. 2287 which calls for the reauthorization of the Native Hawaiian Education Act and its inclusion in H.R. 5, The Student Success Act (SSA) and advocates for the Native Hawaiian Education Act administered by the U.S. Department of Education. This grant program, first authorized in 1988, is known and recognized for its support of innovative education for and by Native Hawaiians.

With the change in the current law, the expanding of eligibility for grants to address the varying types of education programs offered to Native Hawaiian students will have the bill address changes to eligibility for NHEA, and, for example, allow grants to Native Hawaiian focused public charter schools among other proposed and relevant changes.

Hawaiian focused public charter schools embrace culturally-driven educational strategies that link experiential learning with the teaching of Hawaiian language, culture and traditions, also in collaboration with teachers, parents, elders and its community. More than 4,000 students are now enrolled in culturally-based Hawaiian focused public charter schools, of which, over 90% are of Hawaiian ancestry.

As culturally-driven quality 21st century models of education, the mission of the Nā Lei Na'auao—Native Hawaiian Charter School Alliance, is to establish models of education throughout the Hawaiian Islands, which are community-designed and controlled—and reflect, respect and embrace Hawaiian cultural values, philosophies and ideologies.

We join with you in your floor statement, "Education is by far the best investment we can make in our economy and in our future. We are empowering and educating the next generation in communities that have largely been underserved, at the same time preserving rich and unique culture, language, and values of our native people."

Nā Lei Na'auao appreciates the opportunity to endorse and support H.R. 2287.

Mahalo,

KA 'IULANI PAHI'Ō.

NATIVE HAWAIIAN EDUCATION COUNCIL,  
*Honolulu, HI, July 12, 2013.*

Hon. TULSI GABBARD,  
*House of Representatives, Cannon House Office Building, Washington, DC.*

ALOHA CONGRESSWOMAN GABBARD, The Council was dismayed to hear that the House bill to reauthorize the Elementary and Secondary Education Act (ESEA), H.R. 5, is moving forward. A major flaw in the bill is the elimination of Title VII of ESEA. We believe that Title VII—the Indian, Native Hawaiian, and Alaska Native Education title—is unique and cannot be merged into Title I for two very important reasons:

1. It would breach the trust responsibility to native peoples. Title VII specifically funds programs for native children. Without this clear legislative distinction, states would have the discretion to use these funds for other purposes.

2. It would inhibit progress made by native communities and educators in developing and implementing programs that are linguistically and culturally aligned to the needs of our students. These culture- and place-based programs take into account clearly different values and approaches to learning.

Data shows that the programs funded by the Native Hawaiian Education Act (NHEA), Title VII, Part B, address unique characteristics of Native Hawaiian children. Native Hawaiian children have strong family values that they bring to their school settings, and a relationship to the land. For example, 70% of Native Hawaiian keiki report that many people at school were like family as opposed to only 52% for non-Native children, and 62% of Native Hawaiian keiki feel strong connections to the land versus 29% of non-Native children. The innovative and different approaches to education of these NHEA funded programs actually result in improvements. Graduation rates for Native Hawaiians have risen; however they still lag behind state totals.

Timely High School Graduation Rates

	2002 (%)	2006 (%)
Native Hawaiians .....	70	71
State Total .....	77	79

Source: Kamehameha Schools' Native Education Assessment Update 2009, Fig. 9.

Similarly math and reading scores have risen for Native Hawaiians, but still are not at parity with the rest of the state.

Percent Scoring Proficient or Above

	2007 (%)	2012 (%)
Native Hawaiian		
Math .....	27	49
Reading .....	41	62
State Totals		
Math .....	38	59
Reading .....	60	71

Source: Hawaii DOE Longitudinal Data System.

The Native Hawaiian Education Act (NHEA) allows for supplemental educational programs to address the unique culture, language, values, history, and traditions of Native Hawaiians, and therefore should be strongly supported as an important part of the reauthorization of ESEA.

We ask that you seek to amend H.R. 5 to include Title VII.

Me kealoha, purmehana,

WENDY ROYLO HEE,  
*Executive Director.*

KAHŌ'IWAI—CENTER FOR  
ADULT TEACHING AND LEARNING,  
*July 15, 2013.*

DEAR REPRESENTATIVE GABBARD: We are Kahō'iwai—Center for Adult Teaching and Learning and our mission is to improve indigenous educational experiences in Hawai'i so that youth, adults and communities engage in deep and purposeful lives characterized by growth and creativity.

Kahō'iwai strongly supports H.R. 2287 which calls for the reauthorization of the Native Hawaiian Education Act and its inclusion in H.R. 5, The Student Success Act (SSA) and advocates for the Native Hawaiian Education Act administered by the U.S. Department of Education. This grant program, first authorized in 1988, is known and recognized for its support of innovative education for and by Native Hawaiians.

With the change in the current law, the expanding of eligibility for grants to address

the varying types of education programs offered to Native Hawaiian students will have the bill make changes to eligibility for NHEA, and, for example, allow grants to Native Hawaiian focused charter schools among other proposed and relevant changes.

We join with you in your floor statement, "Education is by far the best investment we can make in our economy and in our future. We are empowering and educating the next generation in communities that have largely been underserved, at the same time preserving rich and unique culture, language, and values of our native people."

Kahō'iwai appreciates the opportunity to endorse and support H.S. 2287.

Sincerely,

JOE FRASER,  
*Director.*

TO CONGRESSWOMAN GABBARD: Thank you for allowing me an opportunity to submit comments on H.R. 5: The Student Success Act (SSA). Thank you for your hard work in drafting this bill. However, I strongly urge you to reinstate Title VII Part B, the Native Hawaiian Education Act (NHEA) which has been eliminated in the SSA.

I have the privilege of working on the Hawai'i Preschool Positive Engagement Project (HPPEP), which is funded by the NHEA, and I would like to share with you the work that we have done thus far and are currently aiming to complete within the next year with these essential funds:

HPPEP is the only program in Hawai'i bringing behavior management interventions to preschool-aged at-risk children and families, providing vital protective factors to the next generation of citizens who need them and can benefit from them most.

Students receiving HPPEP interventions have experienced statistically significant improvements in Academic Engaged Time scores, Behavior Ratings Scales, and Strengths and Difficulty Questionnaire scores. These gains provide at risk children with a considerably greater chance of succeeding in school and life.

This project has developed an innovative data management system that incorporates social work theory, complex measurement tools, and flexibility of replication that has the potential to benefit data management in educational and social service programs in Hawai'i and the nation.

We have provided Professional Development to over 230 teachers, staff, and community members with 17 presentations to bolster teacher education, competence, and effectiveness.

158 parents have received parenting and behavior management education, support, and literacy tools to further amplify the positive impacts of HPPEP's work in their homes and promote school and social success beyond preschool.

Over the next year, this project will be attempting to create sustainability within schools to allow our target populations to continue receiving beneficial interventions independently. Sustainability will allow the outcomes of our interventions to expand many times over, thus the funding from NHEA could be impacting educational success of Hawai'i's children for many years in the future.

With continued funding by the NHEA as planned, we will continue to work earnestly and efficiently toward our goals to benefit the educational outcomes of those with the greatest needs. Please consider that the federal government has an obligation to the American citizens in our state and that the

NHEA allows for the types of creative and culturally responsive programs that will truly address the unique needs of our most vulnerable students. I truly hope you will hear the voices from your colleagues across the Pacific and reinstate Title VII of the current ESEA.

Thank you for your consideration.

Sincerely,

CAMILLE ROCKETT,  
LSW Award S362A11012; 2010–2014.

DOLORES DORÉ ECCLES CENTER  
FOR EARLY CARE AND EDUCATION,  
Logan, UT.

TO CONGRESSWOMAN GABBARD: Thank you for allowing us an opportunity to submit comments on H.R. 5: The Student Success Act (SSA), the bill reauthorizing the Elementary and Secondary Education Act (ESEA). We congratulate your committee on its hard work in drafting this bill. However, we strongly encourage you to reinstate important education programs that have been eliminated in SSA.

Title VII, Part B of ESEA is the Native Hawaiian Education Act and as a steward of a current USDOE Native Hawaiian Education Program grant, we ask that you please reinstate all parts of Title VII of the current ESEA. We encourage you to support efforts that not only fulfill the trust responsibilities of the Federal government to the indigenous people of the United States of America, but also to preserve programs that make a difference in improving the educational attainment of the most disadvantaged in order to advance the economic health and vitality of the community.

The Native Hawaiian Education program grant targets specific funds for some of the most vulnerable children with few other resources. Typically, only half of low-income children in Hawaii receive financial aid or subsidized services needed to participate in preschool programs (Good Beginnings Alliance, 2004). Native Hawaiians have unique strengths and needs that can be neglected or overlooked when they are grouped with the entire mainland for funding allocations. Parents and teachers are committed to helping their children prepare and succeed in school, but many lack the knowledge and resources to make this happen without additional supports. I have seen these supports put in place with the Hawai'i Preschool Positive Engagement Project, fully funded by monies from the NHEA. As part of this project, I have observed groups of 15–20 children with their parents (most with fathers involved) explore, listen, talk-story, and teach their children in outdoor settings supported by practitioners with the sole purpose for supporting families and improving academic and social outcomes for these high risk children. Data from this project are convincing in improving child outcomes. Parents are actively involved and engaged because the intervention was developed specifically with their needs and strengths in mind through the NHEA.

Please reinstate all parts of Title VII of the current ESEA

Thank you for your time

LISA BOYCE, PH.D.,  
Executive Director.

Mr. YOUNG of Alaska. Mr. Chairman, at this time, I yield 1 minute to the gentleman from California (Mr. DENHAM).

Mr. DENHAM. Mr. Chairman, I appreciate Chairman KLINE and the committee's work on this important reauthorization.

Consolidating programs and replacing them with flexible grants is the right way to ensure that States and school districts are able to respond to the specific needs of their communities; however, the Federal Government has a unique and important trust obligation to the Native American population in this country.

This trust obligation means that support for Indian education programs should be handled separately from the traditional grant programs that support disadvantaged students. Only by maintaining a separate title can we ensure that there's a dedicated funding stream that meets the needs of Native children.

I thank Mr. YOUNG for offering this important and revenue-neutral amendment, and I urge my colleagues to support both the underlying legislation, as well as this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, how much time do I have remaining?

The CHAIR. The gentleman has 1 minute remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the balance of my time.

I urge the chairman to accept this amendment. This amendment takes no money away from anyone, other than the Natives themselves.

This program has worked. It has worked so well that I'm asking my colleagues to keep it in the existing bill that's coming before us. I'm not going to argue about Leave No Child Behind or the new bill, H.R. 5. But if a program is working and it's neutral, for God's sake let's leave it in there. Why take it out?

Everybody says, Well, they have a chance at it. Not when we don't have BIE funding in the State of Alaska. This is a neutral bill financially. It doesn't take away from any other programs.

I ask very respectfully for my colleagues to vote for this legislation to promote American Indian, Hawaiian Indian, and Alaska Native educational programs. It's the right thing to do, and let's do what's right today.

With that, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. KLINE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Alaska will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. CÁRDENAS

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 113–158.

Mr. CÁRDENAS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 22, strike "2019." and insert "2019, of which 775,000,000 for each of such fiscal years are authorized for subpart 4 of such part."

The CHAIR. Pursuant to House Resolution 303, the gentleman from California (Mr. CÁRDENAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CÁRDENAS. Mr. Chairman, my amendment increases authorized funding for English language learners from \$750 million to \$775 million until 2019.

Services to this growing, but completely underserved, population are important to me and families throughout my district and throughout this country; but it should be important for all of us.

Latinos as a percent of the labor force will grow to 34 percent in the next 10 years.

I want to share some numbers showing our neglect of these students.

Only 7 percent of the English language learners in the fourth grade and 3 percent of those in the eighth grade were at or above a proficient level of English in 2011; non-English language learners saw five times as many fourth graders and 11 times as many eighth graders at or above proficient levels in English.

All students should be able to reach those levels and greater.

Mr. Chairman, English language learners are the fastest growing segment of the public school population. The overwhelming majority are native-born U.S. citizens. Half are second- or third-generation Americans. Adequate educational services could prevent 25 percent of English language learners from dropping out, ensuring a fair shot at their participation in this economy of ours.

Instead, our system has failed these students. Second- and third-generation American citizens in our public schools are not proficient in English. This is absolutely unacceptable.

My amendment provides a funding stream specifically for services for English language learners, but the provisions in H.R. 5 do not ensure that these funds will be used to support these children.

H.R. 5 does not do what needs to be done to provide for these students. It strips the English language learner title and allows funds to be shared, allowing funds to be redirected from their intended population. Already, too many schools incorrectly use these funds. Opening the door to redirecting funds makes the problem even worse.

H.R. 5 strips achievement metrics for English language acquisition. If we can't measure whether something works or not, what is the point of funding it, ladies and gentlemen? Given our

poor record of educating Americans, why is the Federal Government re-treating from having these outcomes measured? These children can be doctors, lawyers, business owners, educators, and community leaders if we provide them with the proper education when they're youngsters. We must allow them to realize their potential by investing in them. That is why next week I'll be introducing my own bill on educating English language learners.

My colleagues on the other side of the aisle give much lip service to integrating Latino and immigrant families into American society; however, H.R. 5 would have been a great opportunity to show that they have meant what they said.

At this time, I yield as much time as she may consume to my friend from Illinois, Congresswoman DUCKWORTH.

□ 1600

Ms. DUCKWORTH. Mr. Chairman, I thank the gentleman from California for yielding, and also for your leadership on this important issue.

Earlier this year, at Harper College in Illinois, I held an education roundtable with school district administrators and parents on the importance of averting the sequester and reforming our education system.

Since then, I have heard continuously from educators and parents throughout my district on the importance of English language learner programs for our young men and women. As a child, English was not my first language, and I understand intimately the importance of programs that help children learn the language of our Nation. It makes them more competitive when they become adults and enter the workforce. It also makes our Nation more competitive to have truly bilingual members of the workforce.

That is why I support proper funding of the English Language Learner program, and I'm rising in opposition to this dangerous bill that, simply put, lets students down. H.R. 5 ignores the needs of this growing portion of our student population. It ignores them, along with poor children, migratory children, and neglected children.

This bill guts education funding, rolls back protections for disadvantaged students, and removes accountability provisions that we all know our students deserve. I want the children in my district to receive excellent education, and this partisan, extreme bill will fail to provide that.

Mr. CÁRDENAS. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR (Mr. POE of Texas). The gentleman from California has 1 minute remaining.

Mr. CÁRDENAS. Mr. Chairman, my amendment, while ruled in order, does not go as far as we should. In fact, Mr. MILLER's substitute provides even more

of an opportunity for us to serve this important need. His bill would replace H.R. 5. Therefore, I ask my colleagues to support Mr. MILLER's substitute language, vote against the current language.

Mr. Chairman, I withdraw my amendment.

AMENDMENT NO. 4 OFFERED BY MR. LUETKEMEYER

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 113-158.

Mr. LUETKEMEYER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, after line 21, insert the following new section:

**SEC. 7. SENSE OF THE CONGRESS.**

(a) FINDINGS.—The Congress finds as follows:

(1) The Elementary and Secondary Education Act prohibits the Federal Government from mandating, directing, or controlling a State, local educational agency, or school's curriculum, program of instruction, or allocation of State and local resources, and from mandating a State or any subdivision thereof to spend any funds or incur any costs not paid for under such Act.

(2) The Elementary and Secondary Education Act prohibits the Federal Government from funding the development, pilot testing, field testing, implementation, administration, or distribution of any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(3) The Secretary of Education, through 3 separate initiatives, has created a system of waivers and grants that influence, incentivize, and coerce State educational agencies into implementing common national elementary and secondary standards and assessments endorsed by the Secretary.

(4) The Race to the Top Fund encouraged and incentivized States to adopt Common Core State Standards developed by the National Governor's Association Center for Best Practices and the Council of Chief State School Officers.

(5) The Race to the Top Assessment grants awarded to the Partnership for the Assessment of Readiness for College and Careers (PARCC) and SMARTER Balanced Assessment Consortium (SMARTER Balance) initiated the development of Common Core State Standards aligned assessments that will, in turn, inform and ultimately influence kindergarten through 12th-grade curriculum and instructional materials.

(6) The conditional Elementary and Secondary Education Act flexibility waiver authority employed by the Department of Education coerced States into accepting Common Core State Standards and aligned assessments.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that States and local educational agencies should maintain the rights and responsibilities of determining educational curriculum, programs of instruction, and assessments for elementary and secondary education.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Missouri (Mr. LUETKEMEYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. LUETKEMEYER. Mr. Chairman, I rise today in support of my amendment that expresses the sense of Congress that States and local education agencies should maintain the rights and responsibilities of determining curricula and assessments for their students. Local control is the foundation of American education, providing the diversity of thought and practices that has propelled our education system forward.

As many parents and teachers will tell you, the people closest to the child are the ones best suited to deliver the highest quality education. No Washington bureaucrat, through top-down mandates or regulations, should determine what is best for each of our Nation's more than 100,000 schools and their nearly 50 million students.

Unfortunately, in recent years the Federal Government has vastly expanded its influence over local education decisions. Through efforts to push Common Core State Standards, the Department of Education has incentivized and pressured States into adopting common national standards and assessments favored by the Department.

Although initially billed as a simple framework, these standards and assessments will ultimately influence the curricula and instructional materials that are used in classrooms across the Nation. As Federal bureaucrats attach more strings to what the schools are able to do, they lessen the ability of parents, teachers, administrators, and school board members to determine the most appropriate ways to help students learn.

In addition to producing bad practices, this increased Federal influence over our classrooms threatens to run afoul of numerous Federal laws. The General Education Policy Act, the Department of Education Organization Act, and No Child Left Behind all include statutory language prohibiting the direction, control, and supervision of curricula and instructional materials by the Federal Government.

Every school is different; every classroom is different; every student is unique; and the quicker we recognize and understand this dynamic, the more able we will be to help our children succeed. Maintaining the right of States and local school boards to set curricula allows for competitive excellence and innovation in our education system. Respecting the historic role of local communities while adhering to high standards will produce the superior outcomes that we all desire.

It is imperative that we give States and local agencies the right to reclaim their education decisionmaking authority. When included in the underlying legislation, this amendment will help roll back the Department's role in

Common Core by clearly reaffirming that teachers, parents, and local school districts should maintain the authority to determine what their children are taught.

I thank Chairman KLINE for his efforts and for including another way to address Common Core in the underlying bill. I urge my colleagues to support this amendment and support H.R. 5.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. Mr. Chairman, I yield myself 2 minutes.

Mr. ANDREWS. Mr. Chairman, I oppose this amendment, we oppose this amendment because we believe it is redundant and ideological. It truly is a solution in search of a problem.

Not one word of existing Federal law, and as I read it, not one word of the underlying bill, authorizes the Federal Department of Education to create curriculum, any sort of curriculum for States and for local school districts. As a matter of fact, I would offer the author of the amendment just this one thought, and I know he is proceeding with a good-faith intent to make sure that the day never comes when there is a national curriculum. I think in some ways this amendment is contrary to that goal because it implies that the amendment is necessary.

The amendment is unnecessary if, as is the case, there is no present authority for a national curriculum in Federal law, and there is no existing authority under the proposed bill for a national curriculum. Adding this may actually raise the ambiguity that there is something in existing Federal law or in the bill that would authorize a national curriculum.

So I think that this is simply a statement to try to solve a problem that does not exist in present law or in this bill, and I would respectfully urge a "no" vote on the amendment.

With that, Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding.

I am speaking on the previous amendment, the Young amendment. I ran out of time earlier.

As currently written, this bill does not provide a clear funding source for Indian education programs, which violates an important trust responsibility between the Federal Government and our sovereign Indian nations. We have a moral obligation as a society to provide quality education for all children, including Native American youth.

I believe it is a huge mistake to eliminate title VII, and if this amend-

ment, the previous amendment, is not adopted in rollcall, I believe it will have a negative impact on Native American communities.

Mr. ANDREWS. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. POLIS), a real leader in education.

Mr. POLIS. Mr. Chairman, this Chamber, this body here at the Federal level, is simply the wrong venue, the wrong place, to be discussing this issue of Common Core Standards. If the gentleman and others are interested in making sure that their States or their districts don't adopt them, they need to run for State House, they need to run for Governor, they need to run for State board, State superintendent. This body here, the Federal Government, has absolutely nothing to do with Common Core Standards, nor should we have a role in trying to prevent States from working together, which symbolically this amendment does.

I think it's great that my State and a number of others have taken advantage of economy in scale to prepare good college and career-ready standards. I think it's terrific that States like Virginia and Minnesota, outside of the working group of Governors, have come up with their own core standards for college and career-ready that are different but also high standards.

There's different ways to get there. And again, if any folks in this Chamber feel passionately about that, they ought to run for a different office because it's not this body that decides on standards. I think it's the wrong reason to come here and try to force any particular standard down any State's throat.

Very clearly, I think it's great some States are working together. My State is among them. It is very important that we don't have a race to the bottom with regard to standards. One of the dangers of this underlying bill is that it encourages that. It encourages States to define mediocrity as success by lowering their standards and showing that all students are achieving when achievement means nothing and the very definition of the word is diluted.

So, yes, we, of course, have a Federal interest as a Nation in making sure that kids from Alaska, from Minnesota, from Texas, and from Colorado are ready for college or ready for career. And if some States want to work together to develop those standards that can save money, save time, be convenient for families to move between those States, if other States want to take it upon themselves to engage in that; but certainly what this amendment insinuates, that somehow States are being coerced to do a certain thing, is contrary to Secretary Duncan's testimony before our committee and contrary to fact. And anybody who

disagrees, frankly, needs to run for a different office to advocate for or against a particular set of standards.

Mr. ANDREWS. It is my understanding that the majority side has yielded back its time, and we have how much time left?

The Acting CHAIR. The gentleman is correct; the majority has yielded back its time. The gentleman from New Jersey has 1 minute remaining.

Mr. ANDREWS. Mr. Chairman, I yield myself the balance of my time in closing.

The problem with the underlying bill is not that it tries to impose a national curriculum. The problem is that we believe it ignores a national interest. The national interest is in articulating high standards for every student in our country, and then leaving to the creative energies of local educators and families the best way to reach those high standards.

The failure of the underlying bill to reach that objective is the reason that business groups such as the Chamber of Commerce, education groups, civil rights groups, and disabled advocates have united in an unusual coalition, frankly, to oppose the underlying legislation. We think that the underlying bill is flawed. We think that this amendment flaws that flaw and respectfully would ask for a "no" vote on the offered amendment and the underlying bill.

I yield back the balance of my time.

Mr. RADEL. Mr. Chair, I rise today in support of Mr. LUETKEMEYER's amendment that expresses the sense of Congress that States and local education agencies should maintain the ability and responsibility to set curriculum and measure achievement for their students.

This historically has been the case, but today, under current law, the Federal Government believes they should dictate policy at all levels of government.

The Department of Education heavily incentivized and pressured States into adopting the Common Core State Standards Initiatives. These national standards and assessments ultimately determine the curriculum and teaching materials used in the classroom across the nation. Common Core is a one-size-fits-all approach to instructing kids from Florida to Alaska. Washington cannot demand a similar teaching style or test result from a teacher in Cape Coral as they would from one in Milwaukee.

Common Core was adopted by many States through a heavy-handed waiver for the Administration's "Race to the Top" grant program and Title I funding. This "Race to the Top" program imposes a national K-12 core curriculum-testing program in return for funds. This top-down influence erodes state authority over education.

We have little to show for the trillions we have spent on national education mandates. Failed federal education mandates have done enough damage and it is time to once again allow our public schools the freedom to make decisions on what is best for their students.

Mr. Chair, you make the best decisions on how your child should be raised, where your

child should go to school, and what your child should learn—not Washington bureaucrats. Teachers, principals and members of your local school boards, should run your child's classroom, school, and school district, not some random bureaucrat in Washington who has no clue about the challenges they face.

You know what's best for your kids, not an empty suit thousands of miles away, and that is why I rise today to support Representative LUETKEMEYER's efforts to fight for competitive excellence and innovation in our nation's education system.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. LUETKEMEYER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 113-158.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 16, line 6, strike "low-performing schools" and insert "neglected, delinquent, migrant students, English learners, at-risk students, and Native Americans, to increase academic achievement of such students".

The Acting CHAIR. Pursuant to House Resolution 303, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, I thank the Chairman very much. I am reminded in my amendment of the high calling of Chairman MILLER and President Bush some many years ago with the name Leave No Child Behind.

My amendment could be called "Throw No Child Away" or "No Child is a Throwaway," for that is the necessity of where we are today with the underlying bill. We must restore and help those children who are considered throughout America as at-risk children.

Research shows that a disproportionate number of schools with predominantly low-income African American and Hispanic students have low housing stability and that such students are more likely than others to switch schools in the middle of the year. High student mobility has consequences for students, teachers, and schools, and could result in lower achievement levels, slower academic

pacing, and lower teaching satisfaction.

My amendment expands that concept; and it indicates that States with insufficient funding should find a way to target funds for schools serving neglected, delinquent, migrant students, English learners, at-risk students, and Native Americans to increase academic achievement of such students, all with the idea that there are no throwaway children.

Children and education are one and the same. That is the work of children. When children are at work and are fully educated—and when I say that, at their work, a combination of education and play—what you create is a greater America.

Poor families, for example, move 50-100 percent more often than nonpoor families. Migrant children typically move from community to community. Foster children often change schools each time they're removed from a home. Right now, as I speak, we in Houston are trying to establish one of those homes for aged-out children who are still in high school who've aged out of foster care.

□ 1615

Those children typically are at risk. We can't shortchange them, as the underlying legislation does.

Student mobility has consequences with students and teachers and, therefore, we need to help build higher achievement levels because there is a possibility of lower achievement levels, lower academic pacing, and lower teacher satisfaction.

Take the school district that I represent, HISD, 200,000 students, 80 percent of which are eligible for free and reduced-price lunch. Children cannot learn if they are hungry.

HISD has a diverse population. But, 100 of the largest districts represent less than 1 percent of all school districts in the Nation. Yet it enrolls 21 percent of all students, including 25 percent of census poverty students, 33 percent of Black students, 32 percent of Hispanic, and 31 percent of all minority students.

But the real point is that, in addition to these large school districts, this amendment respects the rural communities of America and deals with at-risk children in those areas, and deals with migrant students in those areas, and indicates that a State should not shortchange those individuals if their grant money is, in fact, shortchanged. Don't shortchange the children. Again, there are no throwaways.

So I think my amendment balances great needs in the underlying legislation by saying to my colleagues that the understanding of education is that it should be equal to all. And the quality should be equal to all, and therefore, whether you are a student that moves frequently, or a migrant stu-

dent, or an English-learner student, you should not be denied an excellent education.

I reserve the balance of my time.

Mr. ROKITA. Mr. Chairman, I rise to claim time in opposition, but I do not intend to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. Mr. Chair, as one of the authors of the underlying legislation, I'll be the first to admit that going through the progress that we have laid out in this House has the potential to only make the legislation better.

In that vein, this amendment, as I understand the gentlelady to propose it, supports the tutoring and public school choice options in the Direct Student Services program. Tutoring services and public school choice are key programs to ensure students have the opportunity to access critical educational help or to find a school that better fits their needs.

We know, through study after study, through letter after letter, through parent interview after parent interview, that students who have access to tutoring services do better in school, those who are in a school that fits their learning style better.

This is a minor amendment to the important program that I think already exists in the underlying law, and it says that if there is not enough funding in the State to support all of the applications for direct student services, that it should prioritize the vulnerable populations, rather than look at supporting the lowest-performing schools. So, either way, the important thing is to help students have access to high-quality tutoring and school choice.

For that reason, I reserve the balance of my time.

Ms. JACKSON LEE. I thank the gentleman for his expression on this particular amendment. Let me frame it, as I close, thanking my colleagues and expressing my commitment to the concept that no child should be thrown away.

With formulas changing, block grants being promoted, the idea of a State being shortchanged in its awards means that there needs to be focus and refocus, and that is, from my perspective, to look at those children, whether they're rural or urban communities that need to be educated who could be considered neglected, delinquent, migrant students, English-learners, at-risk students, Native American youth, and to determine again, to find a way to focus those dollars in a way that will lift, in essence, all educational boats.

Sometimes that will be an enormous challenge, as this formula has evidenced. And I would like to see that no matter what happens in the underlying bill, that we have these children protected, many of whom are in the school

districts that I represent, including formerly the North Forest Independent School District, that could have benefited from those resources, having given to them a number of rural school districts in Texas that could have benefited from targeted dollars, to be able to keep them as existing viable school districts, teaching their children, not closed school districts.

So I hope that as we proceed that the message that comes, ultimately, from Members of Congress is that we promote education first, and the children at risk will never be lost in the debate, but we'll always support them.

I ask my colleagues to support the Jackson Lee amendment.

I yield back the balance of my time.

Mr. ROKITA. I'd ask the Chair how much time I have remaining.

The Acting CHAIR. The gentleman from Indiana has 3½ minutes remaining.

Mr. ROKITA. In closing, I'd like to urge my colleagues, as well, to support this amendment and the Student Success Act in its entirety.

And in response to the debate we've seen here on the floor this afternoon, Mr. Chairman, so far, I'd like to say that there are many organizations in support of the Student Success Act, including the American Association of School Administrators, the National School Boards Association, the Council of Chief State School Officers, the Council for American Private Education, the Association of Christian Schools International, Concerned Women for America, National Association of Independent Schools, National Alliance for Public Charter Schools, and many more.

Mr. Chairman, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Chair, I thank Chairman KLINE and Ranking Member MILLER for their work to improve education for our Nation's children. I thank the Rules Committee for making in order Jackson Lee Amendment #5 for full consideration by the House of Representatives.

My amendment to H.R. 5, the "Student Success Act," is simple and is an important addition to this bill. I believe that my amendment to H.R. 5 can be supported by every member of the House.

#### JACKSON LEE AMENDMENT #5

Jackson Lee Amendment #5 would direct States with insufficient funding to target funds to schools serving neglected, delinquent, migrant students, English learners, at-risk students, and Native Americans, to increase academic achievement of such students. The purpose of the Amendment is to make the best use of the funds available to focus resources on students with the greatest need.

According to research conducted by Chester Hartman, titled, *High Classroom Turnover: How Children Get Left Behind*, found that a disproportionate number of schools with predominantly low-income African American and Hispanic students have low stability, and that such students are much more likely than oth-

ers, to switch schools in the middle of the year. High student mobility has consequences for students, teachers, and schools and can result in lower achievement levels, slower academic pacing, and lower teaching satisfaction.

Poor families move 50–100 percent more often than non-poor families. Welfare reform has resulted in residential mobility. Migrant children typically move from community to community. Foster children often change schools each time they are removed from a home. The education administrators' role in education should emphasize meeting the needs of disadvantaged students, and students who are mobile are among the most disadvantaged.

In the past, the government has taken limited steps to address this issue. Jackson Lee Amendment #5 is intended to support schools educating children who are neglected, delinquent, migrant students, English learners, at-risk students, and Native American youth.

The topic of delinquency also presents challenges to schools and educators. Children live in their own worlds, which can present threats to their health, safety and emotional well being.

Children become delinquent or can become at-risk for a number of reasons including school bullying and violence.

Consequences of bullying:

15 percent of all school absenteeism is directly related to fears of being bullied at school.

According to bullying statistics, 1 out of every 10 students who drops out of school does so because of repeated bullying.

Suicides linked to bullying are the saddest statistic.

#### STATISTICS ON HOUSTON INDEPENDENT SCHOOL DISTRICT AND LARGE SCHOOL DISTRICTS

1. HISD has over 200,000 students, 80 percent of which are eligible for free and reduced price lunch. This means that, 80 percent of students come from low socioeconomic households. HISD has approximately 25 percent African American students, 63 percent Hispanic students, and 30 percent students with limited English proficiency.

2. The 100 largest districts represent less than 1 percent of all school districts in the nation, yet enrolls 21 percent of all students, including 25 percent of the Census poverty students, 33 percent of the black students, 32 percent of the Hispanic students, and 31 percent of all minority students.

Houston Independent School District's challenge in providing a world class education faces many of the challenges that Jackson Lee Amendment #5 would address.

The Nation's first line of national defense is a well educated population. Much of the Nation's defense depends on what is developed and created by STEM jobs. It is also important that men and women serving in the Armed Forces have a basic working knowledge of STEM to succeed. For these reasons, it is vital that every child have the best education that this Nation can provide. There is no one size fits all, and there are changes with each generation of teachers and students, but the one constant are the needs of all children are not the same.

There is no deterministic model that decides which child will succeed and which will fail.

What we do know is that given the right learning environment with teachers with the right training and support we can graduate students who can create, innovate, lead and succeed in life.

I urge all members to vote in favor of these amendments.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. BENTIVOLIO

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 113–158.

Mr. BENTIVOLIO. Mr. Chairman, I rise to introduce my amendment to H.R. 5.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 20, line 21, strike "and parents" and insert "parents, private sector employers, and entrepreneurs".

Page 39, line 10, strike "and local educational agencies" and insert "local educational agencies, and private sector employers (including representatives of entrepreneurial ventures)".

Page 39, line 15, strike "75 percent" and insert "65 percent".

Page 39, line 16, insert "and 10 percent are representatives of private sector employers" before the period at the end.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Michigan (Mr. BENTIVOLIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. BENTIVOLIO. Mr. Chairman, I have taught in both private and public schools. My children graduated from both private and public schools. I am certified as both a vocational and general education teacher, and I also have a master's degree in education.

Our students deserve not just a quality education but an education that prepares them for the jobs of tomorrow, instilling them with passion, confidence and skills needed to be successful in the 21st century's global economy.

In my State, we have some of the best schools and universities. But what I hear from our employers is that our students don't have the skills necessary to fill many of the jobs they are offering. This is especially true for companies in the STEM and manufacturing sectors.

This amendment brings employers, entrepreneurs, teachers and parents together to ensure that academic standards adequately prepare students to obtain employment, enter college, or start their own business after graduating from high school, regardless of their circumstances in life.

As a former teacher, I know, first-hand, how poor circumstances can negatively impact a child's ability to



learn. Broken homes, poverty and mental health concerns are things that put children in a challenging position. Having a disadvantage, however, does not mean that they do not have the potential to live a successful and happy lives. Just ask any educator.

Teachers see talent and potential in all of their students. Children need someone to tell them they are capable and talented. They also need to know what opportunities exist and what skills they need to obtain those jobs. Too often we simply assume that they know.

By allowing employers to be part of the conversation in education, we can help broaden the economic horizons for all of our students. That should be the purpose of our education system.

There are many paths to success in the United States. That is what makes our country so special and so unique. We need to ensure our schools are not just producing workers, but also developing job creators and small business owners. We need the leaders of today to pass on their knowledge for tomorrow.

Regardless of what side of the aisle they sit on, I think most of my fellow Members of Congress believe that our students need to be prepared for jobs. If we want our education system to focus on college and career-readiness, including creating jobs, then we need to have the private sector at the discussion table. This amendment does just that. I ask for your support.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, and Members of the House, I oppose this amendment offered by the gentleman from Michigan because I think this amendment continues the ideological approach here that we have in taking away Federal dollars under H.R. 5 from the poorest schools in our systems, serving some of the poorest children in our country, at a time when this legislation locks in the post-sequestration funding for the schools now, as H.R. 5 does, and mandates that those scarce dollars go to the private sector. Now we're mandating that those schools now get involved with the private sector.

I don't know, maybe it's different in your States. But in my State, when local school districts put together their budgets, when local school districts consider engaging in developing new programs and new curriculums, they invite the community to come in and participate in those discussions across the board. Nobody has to mandate them to do that. They do that because those are community schools. Those are trying to serve the community.

Whether it's at the elementary level, or at the high school level or at the

community college level, this is what they do in developing those curriculums and developing those assessments that are taking place. And so I don't understand.

In a bill that rails against Federal mandates, we're now on to our second mandate under this legislation. Why are we creating these mandates for these local districts that know better, that know how to do it best, according to all of the statements here?

Why are we then mandating from the Federal Government to do it this particular way?

In my community I would say they already do it this way, but I don't think they need to be mandated to do that. And for these reasons, I oppose this amendment because I think it continues the ideological bent that somehow, while mandates are bad for schools when they come from the Federal Government, apparently, when they come from the Congress they're good.

So we'll try to sort this out in the meantime. But in the meantime I'll oppose this amendment.

I reserve the balance of my time.

Mr. BENTIVOLIO. Mr. Chairman, sadly, too much of our Federal education policy is based on where children are, instead of where we want them to be. We need our children, but especially those we label as disadvantaged, to know that they can be anything they set their mind to.

When we continue to tell children they are victims instead of empowering them to seize the talents God has blessed them with, we, as a Congress and as a society fail.

Many of my colleagues believe it takes a village to raise a child. Well, entrepreneurs, small business owners and employers are part of that community. It is the business owner who hires, the entrepreneur who creates opportunity. This is exactly why they should be involved in the education policy.

It is time we stop merely labeling children as disadvantaged and, instead, let's empower our States and teachers to implement the potential they see every day in the classroom by working with representatives from the private sector and the entrepreneurs.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. BENTIVOLIO).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MRS. MCMORRIS RODGERS

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 113-158.

Mrs. MCMORRIS RODGERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, line 14, insert "in each subject being assessed" after "student".

Page 22, line 15, insert, "alternate academic achievement" before "standards".

Page 22, line 17, strike "standards" and insert "content standards for the grade in which the student is enrolled".

Page 22, line 19, strike "promote" and insert "provide".

Page 22, line 20, strike "and".

Page 22, line 23, strike the period and insert a semicolon.

Page 22, after line 23, insert the following:

"(IV) are vertically aligned;

"(V) reflect concepts and skills that students should know and understand for each grade and the enduring understandings of the content being tested (such as concepts and skills that identify core concepts, principles, theories, and processes, serve to organize important facts, skills, or actions around central ideas, and are transferable to other contexts or other disciplines); and

"(VI) are supported by evidence-based learning progressions to age and grade-level performance."

Page 28, beginning on line 20, strike "aligned with" and insert "based on".

Page 28, line 21, strike "standards" and insert "achievement standards".

Page 29, line 11, strike "are informed" and insert "as part of the individualized education program team for such students, are involved in the decision".

Page 29, line 14, strike "standards" and insert "academic achievement standards".

Page 29, line 16, strike "precludes" and insert "may preclude".

Page 29, line 20, strike "demonstrates" and insert "provides evidence".

Page 29, line 21, strike "to the extent practicable".

Page 29, after line 24, insert the following:

"(iv) certifies that the State's requirements for academic assessments under this paragraph and subparagraphs (A) and (B) are universally designed to be accessible to students, including students with sensory, physical, and intellectual disabilities;"

Page 30, line 1, strike "(iv)" and insert "(v)".

Page 30, line 2, insert "make available," after "about".

Page 30, line 2, strike "appropriate" and insert "reasonable adaptations and appropriate".

Page 30, line 4, strike "disabilities" and insert "the most significant cognitive disabilities".

Page 30, line 4, strike "who" and insert "participating in grade-level academic instruction and takes steps to ensure the use of appropriate accommodations to increase the number of students with the most significant cognitive disabilities who".

Page 30, beginning on line 6, strike "for the grade in which a student is enrolled".

Page 30, line 7, strike "and".

Page 30, line 8, strike "(v)" and insert "(vi)".

Page 30, line 11, strike "assessments" and insert "assessments based on alternate academic achievement standards adopted in accordance with paragraph (1)(D)".

Page 30, line 13, strike the period and insert a semicolon.

Page 30, after line 13, insert the following:

"(vii) requires separate determinations about whether a student should be assessed using an alternate assessment for each subject assessed;



“(viii) ensures that, if a student’s individualized education program includes goals for a subject assessed based on alternate academic achievement standards, such goals are based on academic content standards for the grade in which the student is enrolled; and

“(ix) ensures that students assessed on alternate academic standards are not precluded from the opportunity to earn a secondary school diploma.”.

Page 34, after line 23, insert the following:

“(C) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—When measuring the academic achievement of students against the State’s academic content standards under subparagraph (B)(I) or, if applicable, measuring adequate student growth against such standards under such subparagraph, States and local educational agencies may include, for all schools in the State or local educational agency, the performance of the State’s or local educational agency’s students with the most significant cognitive disabilities on alternate assessments described in subsection (b)(2)(c) in the subjects included in the State’s accountability system, if the total number of the students taking such alternate assessments based on alternate academic achievement standards in all grades assessed and for each subject in the accountability system does not exceed 1 percent of all students at the State and local educational agency levels, separately, in the grades assessed in each subject.”.

Page 34, line 24, strike “(C)” and insert “(D)”.

Page 35, line 5, strike “(D)” and insert “(E)”.

Page 429, line 11, strike “SIGNIFICANT” and insert “THE MOST SIGNIFICANT”.

Page 429, line 13, strike “aligned to” and insert “based on”.

Page 429, lines 17 through 21, strike “diploma” and all that follows through “Education Act” and insert the following: “diploma aligned with the State’s academic content standards, which has been developed by a team of experts including organizations representing such students and their families”.

Page 429, line 23, insert after “Act” the following “, except that not more than 1 percent of students served by a State or a local educational agency, as appropriate, shall be counted as graduates with a regular high school diploma under this subparagraph”.

The Acting CHAIR. Pursuant to House Resolution 303, the gentlewoman from Washington (Mrs. McMORRIS RODGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Washington.

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Mrs. McMORRIS RODGERS. Mr. Chairman, no one in this Chamber would argue the fact that a strong education system is important to keeping our Nation competitive and a leader in the 21st century and beyond. And no one in this Chamber will argue that a strong, quality education for our children is foundational for their growth, their development, and their success for whatever path they choose.

Yet for a segment of the student population, access to a quality education can sometimes be a struggle. I appreciate Chairman KLINE’s leadership as chair of the Education Committee.

There are things about this legislation that are positive. The bill maintains requirements that States test all students in reading, math, and science, and report that data, disaggregated by subgroup, so we can begin the process of providing transparency on student performance. I also thank the chairman for working with me to include language in the manager’s amendment around universal design for learning to improve the accessibility of assessments.

But I remain concerned that the protections in this bill for students with disabilities are inadequate. I know firsthand the positive impact of including students with special needs into the general curriculum. Further, I know that having access to the right assessments and curriculum drives student progress and achievement. My son, Cole, is a thriving 6-year-old who’s learning at grade level. And, yes, he has an extra 21st chromosome, commonly known as Down syndrome.

I am concerned, though, that Cole and other children like him could see access to general curriculum diminished by this bill. The Student Success Act removes a cap that currently exists that limits the percentage of students to whom schools can administer an alternate assessment aligned to alternate standards. My amendment would restore it. Without this cap, I believe schools will abuse their authority and students will suffer. I believe we can return greater flexibility to the States and still maintain key protections for students like Cole. Flexibility for States is not mutually exclusive of accountability.

At this point I yield to the gentleman from Mississippi (Mr. HARPER).

Mr. HARPER. Mr. Chairman, I rise in support of the amendment by the gentlewoman from Washington. Like her, I am the parent of a child with special needs. My 24-year-old son Livingston has Fragile X syndrome, and we know personally the amazing progress we’ve made within our current educational system to help push our kids into mainstream America. I commend the gentlewoman from her leadership in making this point.

We cannot give kids with developmental disabilities the tools they need to become employed and less dependent on government services without the most appropriate education possible. And we cannot provide an appropriate education to developmentally disabled children based upon antiquated assumptions of what our kids cannot do. We have to push our special kids and the schools if they are to have a chance to meet their full potential.

There’s a lot of good in this bill, and I commend and thank Chairman KLINE for his efforts. I will vote for it. But I do so only because I’m confident that our concerns for special needs children will be addressed in conference.

Mrs. McMORRIS RODGERS. For these reasons, I’d like to ask the chairman of the committee to work with me, Mr. HARPER, and others who have expressed concerns as this process moves forward.

To that end, would the chairman engage in a colloquy with me concerning the importance of supporting students with disabilities?

Mr. KLINE. I would be happy to do so.

Mrs. McMORRIS RODGERS. Mr. Chairman, as I said before, there are things about this bill that are positive, and I thank you for your thoughtful approach to this reauthorization. However, I’m very concerned about what I believe to be a lack of sufficient protections for students with disabilities. These students are often our most vulnerable; and as we work to reform our education laws, we should maintain the strong supports these students need to thrive.

Chairman KLINE, would you be willing to work with me and other Members with similar concerns as the reauthorization process continues to ensure that all students, including students with disabilities, have access to a high-quality education?

I yield to the gentleman from Minnesota.

Mr. KLINE. I thank the gentlewoman for yielding. Let me thank my colleague from Washington for her leadership on this important issue and for her remarks today. I understand the passion and knowledge she brings to this topic.

Throughout this reauthorization process, we have sought to recalibrate the Federal role in education, undoing the excesses of the past while maintaining provisions of the law that ensure parents and communities have the information they need to evaluate their schools’ and students’ performance. As the gentlewoman acknowledged, we do maintain requirements for disaggregated achievement data so special needs students’ achievement won’t be masked by high averages among all students.

On the topic of the gentlewoman’s amendment, we do maintain current requirements that narrowly define the population of students eligible to take an alternate assessment. I believe these are important provisions that will limit the possibility of abuse by schools. That said, I share my colleague’s desire to see all students, including those with special needs, succeed in school and beyond. And I’m happy to work with her and other Members on this issue as the reauthorization process continues.

Mrs. McMORRIS RODGERS. I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I rise to claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. I thank the gentlewoman for introducing this amendment. I strongly support this amendment for all of the reasons that she laid out in her remarks in support of her amendment.

I believe that, in its current form, H.R. 5 would undo decades of progress and relegate students with disabilities to a second-class education. That's why the disabilities community stands united in firm opposition to this bill. It astounds me that this body is considering enactment of such draconian policies. I thought that by 2013 bipartisan consensus on natural ability and potential of all children would be commonplace, but I was wrong.

One of the biggest victories we had under No Child Left Behind was the attention to students with disabilities, with the assumption that this population of students can and will achieve. Students with disabilities have thrived under these high expectations. H.R. 5 returns us to the era of soft bigotry and of low expectations with respect to students with disabilities, and that is unacceptable.

This Republican bill completely removes students with disabilities from the accountability system, greenlighting States and districts to assess any student with disabilities to a lower standard by allowing States to develop and assess students based upon a lower set of standards regardless of the severity of the disability. This would return us to a time when students with disabilities are hidden and not given access to quality education. That was the situation when I came to this Congress.

I'm no prouder of any act that I've ever authored than the Children With Handicaps Act, now known as IDEA, the Individuals with Disabilities Education Act. We cannot undermine that legislation and the progress and achievements that those children and their families have made and to see their successes. And now to suggest they will not be in an accountability system so that we hold schools accountable for the achievement and the successes of those children is just unacceptable.

I strongly support the McMorris Rodgers amendment, and I yield such time as he may consume to the gentleman from Colorado.

Mr. POLIS. I thank the ranking member for his time and his staunch advocacy on this. I express my appreciation to Mrs. MCMORRIS RODGERS, as well, for bringing forth this important amendment.

Mr. Chairman, this underlying bill has an accountability hole so huge an entire school bus of children will fall through it.

In many school districts, 12 to 15 percent of kids have some kind of IEP or are receiving some special ed services. Essentially, absent this amendment, there's no accountability assured for those kids. In fact, a disproportionate share of the Federal investment is for kids with IDEA. We've never met the 40 percent promise that we've made. IDEA and, of course, free and reduced lunch are two of our larger funding streams. If anything, we as custodians for the taxpayers should be interested in more accountability, not less accountability, for students with learning disabilities, not to mention the moral dimension and the surety that families across our country want that the learning needs of all children will be met.

Absent this amendment, the underlying bill has a perverse incentive for school districts to do what they used to do for years before the current law was implemented and that is sweep problems under the rug, define success down, and effectively allow schools to have some students that they don't have to account for success for in any way.

This amendment is absolutely critical to restore meaning to an accountability system that otherwise allows for gamesmanship and exclusion of the families that need it the most.

Mr. GEORGE MILLER of California. Mr. Chair, I yield the remaining time to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS), and thank her again for this amendment.

Mrs. MCMORRIS RODGERS. I thank the gentleman for yielding.

I'd like to enter into the RECORD letters from the disability community regarding this amendment.

#### CONSORTIUM FOR CITIZENS WITH DISABILITIES,

Washington, DC, July 17, 2013.

DEAR REPRESENTATIVE: We write on behalf of the Education Task Force of the Consortium for Citizens with Disabilities (CCD) to urge you to oppose the Student Success Act (H.R. 5) in its current form. While we have many concerns with the bill, we are writing today with regard to five fundamental issues that seriously undermine the progress and academic achievement of students with disabilities. They are: The elimination of more than 70 programs. The lack of subgroup accountability. The creation of and lifting of the cap on the Alternate Assessment on Alternate Achievement Standards (AA-AAS). The rollback on teacher quality. School safety.

#### ELIMINATION OF EDUCATION PROGRAMS

CCD shares the goal of eliminating barriers that hinder schools from meeting their obligations to all students, including students with disabilities, but CCD believes the elimination of over 70 programs, and replacing the programs with the Local Academic Flexible Grant will not improve educational outcomes for all students. CCD has a long standing policy of opposing any policy change that takes away resources from one federal education program and redirects those resources to another program. We believe that students with disabilities are general edu-

cation students first and that any action that would redirect limited education funding away from its intended purpose will ultimately do a disservice to all students in general education.

#### SUBGROUP ACCOUNTABILITY

As you know, students with disabilities have made considerable gains because of the current focus of the ESEA on all schools and all subgroups. These improvements have come in participation rates, academic achievement on grade level reading and math assessments and more generally in having increased access to the general curriculum and higher expectations for student achievement. CCD believes these gains are due largely to the requirement that the participation and proficiency of all subgroups be measured, reported, and used for the planning of interventions needed for improvement.

Students with disabilities may be most at risk if revisions to the law do not ensure all schools are accountable for student achievement at the subgroup level and receive extra resources and attention when they fail to produce progress. While the reauthorization of ESEA should explore ways to grant appropriate flexibility to ensure schools can best meet local needs and design instructional needs and interventions at the local level, this flexibility should not eliminate the current focus of ESEA's accountability framework on all schools and all subgroups or eliminate targeted help to schools that need it. To do so ignores the real challenge facing our education systems—that too many schools are not providing an educational experience that enables all students with disabilities to make academic gains. Furthermore, we still believe that states and school districts must intervene in all schools in which subgroups of students, including students with disabilities, are not meeting state standards.

#### ELIMINATION OF THE CAP ON ALTERNATE ASSESSMENT ON ALTERNATE ACHIEVEMENT STANDARDS

The Student Success Act would radically reduce high expectations for all students with disabilities. The bill would allow states to develop alternate academic achievement standards and eliminate the current cap (often referred to as the 1% regulation) which restricts, for accountability purposes, the use of the scores on less challenging assessments being given to students with disabilities. Such assessments are intended for only a small number of students with the most significant cognitive disabilities. The incidence of students with the most significant cognitive disabilities is known to be far less than 1%. To ignore this data by raising or eliminating the cap would violate the rights of students who do not have the most significant cognitive disabilities and who should not be assessed on alternate academic achievement standards.

As data and student/family experience show, the decision to place a student in the alternate assessment on alternate achievement standards can limit or impede access to the general curriculum and take students off track for a regular diploma as early as elementary school. These limitations raise concerns for many students who are currently placed in these assessments. The problem would grow if the cap were eliminated. The alternate assessments were not designed or intended to be applied to a broader population of students. Rather than continuing to support students with disabilities in achieving a high school diploma and pursuing employment and postsecondary education, the

lack of a cap on the use of the assessment encourages schools to expect less from students with disabilities. This will jeopardize their true potential to learn and achieve.

#### TEACHER QUALITY

The Student Success Act also eliminates all baseline preparation standards for teachers, instead focusing solely on measuring teacher effectiveness once teachers are already in the classroom. We believe it is a grave mistake to eliminate requirements that all teachers should be fully certified by their state and have demonstrated competency in their subject matter. All students deserve teachers who are fully-prepared on their first day in the classroom and who prove themselves effective once there.

Additionally, the Student Success Act lacks any significant equity protections, particularly with respect to ensuring equal access to fully-prepared and effective teachers for our nation's most vulnerable students. The bill eliminates the current requirement that low-income and minority students not be disproportionately taught by teachers who are unqualified, inexperienced, or teaching out of field. More generally, by failing to address comparability requirements, the bill fails to ensure that resources—including fully-prepared and effective teachers—are equitably distributed within school districts.

Finally, the bill represents a significant step backwards in the area of transparency, particularly with respect to providing parents with information about their child's teachers. Where current law requires districts to inform parents when their child was taught for four or more weeks by a teacher who lacked full certification and/or subject matter competency, your proposal eliminates this required disclosure. In so doing, it eliminates parents' access to information that is critical to allowing them to hold their schools accountable for providing students with the resources they need to learn.

#### SCHOOL SAFETY

CCD believes that ESEA must require evidence-based, positive and preventative strategies to promote a positive school culture and climate and keep all students, including students with the most complex and intensive behavioral needs, and school personnel safe. The Student Success Act contains no provisions to ensure that students are free from physical or mental abuse or aversive behavioral interventions that compromise health and safety. The use of restraint and seclusion must only be used in emergencies threatening physical safety and never a substitute for appropriate educational or behavioral support.

We urge you to revise your bill to unequivocally support high achievement for all students, especially students with disabilities.

Sincerely,

LAURA KALOI,  
CINDY SMITH,  
KATY BEH NEAS.

#### COLLABORATION TO PROMOTE SELF-DETERMINATION

Hon. JOHN BOEHNER,  
*Speaker of the House, The Capitol, Washington, DC.*

Hon. JOHN KLINE,  
*Chairman, Education & the Workforce Committee, Washington, DC.*

Hon. TODD ROKITA,  
*Chairman, Subcommittee on Early Childhood, Elementary, and Secondary Education, Washington, DC.*

DEAR SPEAKER BOEHNER, CHAIRMAN KLINE AND CHAIRMAN ROKITA: As national partners

of the Collaboration to Promote Self-Determination (CPSD), we would like to take this opportunity to express our grave concerns with your proposed reauthorization of the Elementary and Secondary Education Act (ESEA), entitled Student Success Act (H.R. 5), scheduled for markup on June 19th. We cannot support this current proposal and respectfully request that Congress not move forward in considering it until more efforts are made to ensure equitable access to education for all students and stronger accountability measures for states and local education agencies (LEAs) that are inclusive of all students, including students with the most significant cognitive disabilities.

We share Chairman Rokita's view that a quality education is the backbone of our nation and that without a quality education neither democracy nor our economy can survive. Representative Polis's conviction that "all students should have access to high-quality schools where children can learn, grow, and develop skills that will help them succeed in college and the workforce" supports our belief that all students with disabilities, including individuals with intellectual and developmental disabilities, must access the grade-level general education curriculum, attain the college and career ready academic standards set forth by states, and participate in fully inclusive educational settings. We applaud Representative Petri's efforts to speed specialized textbooks and other learning materials to sight-impaired children; the current language of the Student Success Act, however, neither supports nor recognizes these efforts. We believe a quality education in the 21st century must be inclusive; diverse in student body, curriculum, and teaching; and accessible to all of our nation's children. The system that has evolved under No Child Left Behind (NCLB) is, indeed, in need of reform; however that reform must sustain the spirit of NCLB: to close the achievement gap so that no child is left behind. We are encouraged that Chairman Kline remains open to working with members on both sides of the aisle through the legislative process; in that spirit, we present the following serious concerns with the current legislation for your careful consideration.

#### LACK OF ACCOUNTABILITY

The Student Success Act eliminates nearly all federal requirements that were included in NCLB to ensure that states set high academic performance goals for all students, work to close achievement gaps, and help to improve struggling schools. We cannot meet these high expectations for our children and for our nation without holding those managing the funds accountable for producing results.

#### ELIMINATION OF MAINTENANCE OF EFFORT (MOE)

The Student Success Act eliminates the longstanding ESEA Maintenance of Effort (MOE) requirement that, federal dollars are to be used to supplement state and local activities, not to supplant state and district funding. The district must assume primary fiscal responsibility for its efforts to provide a free public education to all students with supplemental assistance from the federal government. The MOE requirement is in place to ensure that there is adequate funding to meet student needs. We have strong concerns that if MOE is eliminated from ESEA, (1) student needs will no longer be reliably met, and (2) there will be an effort to eliminate MOE from IDEA in its next reauthorization.

#### HIGHLY QUALIFIED TEACHERS PROVISIONS

The Student Success Act eliminates requirements that teachers meet highly quali-

fied teacher requirements that are currently in NCLB. These requirements determine whether teachers have the necessary credentials and core content knowledge to teach our nation's students. In addition, these requirements also determine whether regular and special education teachers and other appropriate staff enlisted to administer statewide assessments are trained in how to administer these assessments and in how to make appropriate use of reasonable adaptations and valid and reliable accommodations for such assessments, especially for students with the most significant cognitive disabilities. High expectations for excellence in student achievement must be supported by high expectations of excellence for those entrusted to teach our youth.

#### ENGLISH LANGUAGE PROFICIENCY STANDARDS

English language proficiency standards developed by states must not merely be derived from the four recognized domains of speaking, listening, reading, and writing; they must ensure proficiency in these four domains. (page 23, line 4)

#### STATEWIDE ASSESSMENT STANDARDS

The Student Success Act must include requirements for incorporation of principles of universal design for learning as defined in Section 103 of the Higher Education Act of 1965 in development of assessments to maximize equality of access to assessment items for all students.

Statewide assessments must assess students with disabilities using the same unmodified academic content standards used to measure children without disabilities in the same grade level. The Student Success Act omits such necessary language leaving students with disabilities at risk of being held to lower expectations than their peers without disabilities. (page 26, line 3)

#### ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS

The determination about whether the achievement of an individual student should be measured against alternate academic achievement standards must be made separately for each student and for each subject. (page 22, line 14)

Alternate academic achievement standards must not merely promote access to the general curriculum, they must provide access to the general education curriculum. (page 22, line 19)

Language that prohibits adoption of any other alternate or modified standards other than those alternate standards specifically defined within the legislation must be included in order to protect students with disabilities from further marginalization. The Student Success Act does not include such necessary language.

#### ALTERNATE ASSESSMENTS BASED ON ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS (AA-AAAS)

We strongly believe that students with disabilities, including those with intellectual disabilities, must have access to grade-level general education curriculum and must be expected to demonstrate achievement on the academic content standards set forth by their state. Additionally, we believe that children with disabilities must be educated in inclusive general education classrooms to ensure equality in access to the curriculum for all children. A number of provisions in the Student Success Act undermine these goals.

Elimination of the Cap. In order to ensure the validity of student achievement data and high academic expectations for all students,

there must be a cap on the number of students who take an alternate assessment based on alternate academic achievement standards. The Student Success Act eliminates this cap entirely, opening the door for many more students to be inappropriately removed from the regular state assessment. Currently the proficiency rate for students who take the AA-AAAS is far higher than it is for students with disabilities in other assessments, creating an incentive to place students in an AA-AAAS. Data shows that the incidence of students with the most significant cognitive disabilities, the students who are supposed to take the AA-AAAS, is no more than 0.5%. We believe the cap provision must remain and be lowered to 0.5%, to be aligned with incidence data.

Limits on Access to the General Education Curriculum. States must be required to demonstrate that students who take the AA-AAAS are fully included in the general education curriculum, not merely to the extent practicable as the Student Success Act currently directs. (page 29, line 21) Inclusion to the extent practicable is in conflict with the rights of all students with disabilities under the Individuals with Disabilities Education Act (IDEA). Failure to align this language with existing language in IDEA promotes dissension among families, school districts and state education administrators.

Preclusion from Opportunity to Earn a Diploma. The Student Success Act permits states to preclude students who take the AA-AAAS from the opportunity to earn a regular high school diploma. The only requirement is that schools inform the parents that participation in the AA-AAAS will preclude their child from completing the requirements for a diploma. States must be required to provide students who take the AA-AAAS with the opportunity to try to meet the requirements for a regular high school diploma in order to improve their opportunities to live independently and be gainfully employed in adulthood.

We acknowledge the political difficulties in moving legislation of this magnitude forward, and we applaud you for your efforts and leadership toward this ambitious goal. Our comments are submitted in a spirit of collaboration toward a shared goal: to ensure that all of America's students are afforded the opportunity to learn, grow, and develop the necessary skills to become productive adults contributing to the health of our nation.

CPSD presumes competence on the part of all citizens with significant disabilities to work, accrue savings, and live independently in integrated community settings. CPSD advocates that both education policy and public resources for students with significant disabilities should be focused entirely on helping individuals become self-sufficient, productive members of society. Federal and state policy leaders and implementers of policy, including school administrators, teachers academics who prepare teachers in general and special education should be held accountable for affirming this high expectations for young citizens with significant disabilities.

Sincerely,  
 Association of People Supporting Employment First (APSE)  
 Association of University Centers on Disabilities (AUCD)  
 Autistic Self-Advocacy Network (ASAN)  
 Autism Society of America (ASA)  
 Council of Parent Attorneys and Advocates (COPAA)  
 Institute for Educational Leadership (IEL)

National Down Syndrome Congress (NDSC)  
 National Down Syndrome Society (NDSS)  
 National Fragile X Foundation (NFXF)  
 Physician-Parent Caregivers  
 TASH  
 United Cerebral Palsy (UCP).

NATIONAL DISABILITY RIGHTS NETWORK,  
 Washington, DC, July 17, 2013.

DEAR REPRESENTATIVE: On behalf of the National Disability Rights Network (NDRN) and the 57 Protection and Advocacy agencies we represent, I write to express our concerns with and opposition to the Student Success Act that would reauthorize the Elementary and Secondary Education Act (ESEA). Students with disabilities have significantly benefited from ESEA over the last decade because it requires that schools measure and report the academic achievement of every child, and holds school districts accountable for each student's progress. As a result, more students with disabilities have had the opportunity to learn and master grade-level academic content.

NDRN is the national membership association for the Protection and Advocacy (P&A) system, the nationwide network of congressionally-mandated agencies that advocate on behalf of persons with disabilities in every state, the District of Columbia, Puerto Rico, the U.S. territories of American Samoa, Guam, U.S. Virgin Islands, and the Northern Mariana Islands, and affiliated with the Native American Consortium which includes the Hopi, Navajo and Piute Nations in the Four Corners region of the Southwest. For over thirty years, the P&A system has worked to protect the human and civil rights of individuals with disabilities of any age and in any setting. A central part of the work of the P&As has been to advocate for opportunities for students with disabilities to receive a quality education with their peers. Collectively, the P&A agencies are the largest provider of legally-based advocacy services for persons with disabilities in the United States.

NDRN's concerns are summarized as follows: The elimination of more than 70 programs, The lack of subgroup accountability, Lifting of the cap on the Alternate Assessment on Alternate Achievement Standards (AA-AAS), The elimination of requirements regarding teacher qualification, The lack of significant focus on school safety and climate.

#### ELIMINATION OF EDUCATION PROGRAMS

NDRN shares the goal of eliminating barriers that hinder schools from meeting their obligations to all students, including students with disabilities, but NDRN believes the elimination of over 70 programs, and replacing the programs with the Local Academic Flexible Grant will not improve educational outcomes for all students. We believe that students with disabilities are general education students first and that any action that would redirect limited education funding away from its intended purpose will ultimately do a disservice to all students in general education.

#### SUBGROUP ACCOUNTABILITY

As you know, students with disabilities have made considerable gains because of ESEA's current focus on all schools and all subgroups. These improvements have come in participation rates, academic achievement on grade level reading and math assessments and more generally in having increased access to the general curriculum and higher expectations for student achievement. NDRN believes these gains are due

largely to the requirement that the participation and proficiency of all subgroups be measured, reported, and used for the planning of interventions needed for improvement.

Students with disabilities may be most at risk if revisions to the law do not ensure all schools are accountable for student achievement at the subgroup level and receive extra resources and attention when they fail to produce progress. While the reauthorization of ESEA should explore ways to grant appropriate flexibility to ensure schools can best meet local needs and design instructional needs and interventions at the local level, this flexibility should not eliminate the current focus of ESEA's accountability framework on all schools and all subgroups or eliminate targeted help to schools that need it. NDRN believes that states and school districts must intervene in all schools in which subgroups of students, including students with disabilities, are not meeting state standards. To not focus on all schools and subgroups ignores the fact that too many schools are not providing an educational experience that enables all students with disabilities to leave school prepared for college and a career.

#### ELIMINATION OF THE CAP ON ALTERNATE ASSESSMENT ON ALTERNATE ACHIEVEMENT STANDARDS

The Student Success Act would radically reduce high expectations for all students with disabilities. The bill would allow states to develop alternate academic achievement standards and eliminate the current cap (often referred to as the 1% regulation) which restricts, for accountability purposes, the percentage of scores that states can count as proficient on less challenging assessments being given to students with disabilities. Assessments based on alternative achievement standards are intended for only a small number of students with the most significant cognitive disabilities. The incidence of students with the most significant cognitive disabilities is known to be far less than 1 percent. To ignore this data by raising or eliminating the cap negatively impacts students who do not have the most significant cognitive disabilities and who should not be assessed on alternate academic achievement standards.

As data and student/family experience show, the decision to place a student in the alternate assessment based on alternate achievement standards can limit or impede access to the general curriculum and take students off track for a regular diploma as early as elementary school. The Student Success Act merely promotes that students who will be assessed using Alternate Achievement Standards have access to the general education curriculum by qualifying the statement as to the "extent practicable" (p. 30 line 9). This leaves students at risk of being inappropriately excluded from the general education curriculum.

These limitations raise concerns for many students who are currently placed in these assessments. The problem would grow if the cap were eliminated. The alternate assessments were not designed or intended to be applied to a broader population of students. Rather than continuing to support students with disabilities in achieving a high school diploma and pursuing competitive integrated employment and postsecondary education, the lack of a cap on the use of the assessment encourages schools to expect less from students with disabilities. This will jeopardize their true potential to learn and achieve.

## TEACHER QUALITY

The Student Success Act also eliminates all baseline preparation standards for teachers, instead focusing solely on measuring teacher effectiveness once teachers are already in the classroom. We believe it is a grave mistake to eliminate requirements that all teachers should be fully certified by their state and have demonstrated competency in their subject matter. All students deserve teachers who are fully-prepared on their first day in the classroom and who prove themselves effective once there.

Additionally, the Student Success Act lacks any significant equity protections, particularly with respect to ensuring equal access to fully-prepared and effective teachers for our nation's most vulnerable students. The bill eliminates the current requirement that low-income and minority students not be disproportionately taught by teachers who are unqualified, inexperienced, or teaching out of field. More generally, by failing to address comparability requirements, the bill fails to ensure that resources—including fully-prepared and effective teachers—are equitably distributed within school districts.

## LACK OF SIGNIFICANT FOCUS ON SCHOOL SAFETY AND SCHOOL CLIMATE

NDRN also recognizes the significant importance of creating safe schools. Ensuring that students feel safe in school is the critical foundation to academic achievement. The creation of positive school climates, including the use of Positive Behavior Intervention and Supports (PBIS), access to school-based mental health professionals, prevention of bullying and harassment, and prevention of restraint and seclusion are critical to the success of students with disabilities. PBIS proactively addresses the academic and behavioral needs of students, and has resulted in reductions in disciplinary incidents and reduced inappropriate referrals and placements in special education. By reducing bullying and harassment, schools have been able to decrease dropout rates and absenteeism and increase academic performance of people with disabilities. As NDRN has documented, the abuse of children through the use of restraint and seclusion as discipline is unacceptable. The use of restraint and seclusion in schools should only occur when students pose an imminent danger to themselves or others, and after their use a parent must be notified. NDRN would request the inclusion of bills such as the Keeping All Students Safe Act, Mental Health in Schools Act, and Safe Schools Improvement Act.

We urge you to revise your bill to unequivocally support that all students, especially students with disabilities are safe in school and are all held to high expectations for academic achievement.

NDRN looks forward to working with you to reauthorize the Elementary and Secondary Education Act during this session of Congress. Thank you for considering our views. If you have any questions, please do not hesitate to contact Cindy Smith, Public Policy Counsel at [cindy.smith@ndrn.org](mailto:cindy.smith@ndrn.org) or 202-408-9514 ext 101.

Sincerely,

CURT DECKER, J.D.,  
Executive Director.

EASTER SEALS,  
Washington, DC, July 16, 2013.

DEAR REPRESENTATIVE: Easter Seals writes to you today regarding H.R. 5, the Student Success Act. Easter Seals opposes this legislation in its current form and urges you to vote against it when it comes before the full House this week.

With the implementation of No Child Left Behind, our nation has learned much about students with disabilities and their capacity to learn, thrive and achieve. These students are very successful when they are held to the same high expectations as their peers and provided the instruction, support and accommodations they need. As a result, more students with disabilities have mastered grade-level academic content, fewer are dropping out and more are graduating from high school with a regular diploma.

As currently written, H.R. 5, bill would allow schools to take millions of students with disabilities off track for a regular high school diploma as early as 3rd grade when assessment decisions are made in schools, relegating them to lower career and college expectations—simply because they receive special education services. Now is not the time to lower expectations and create new barriers to success for students with disabilities. We must prepare them for the world of work and independent living.

Thank you for considering our views.

Sincerely,

KATY BEH NEAS,  
Senior Vice President, Government Relations.

COUNCIL FOR EXCEPTIONAL CHILDREN,  
Arlington, VA, July 12, 2013.

DEAR REPRESENTATIVE: On behalf of the over 30,000 members of the Council for Exceptional Children (CEC), who work on behalf of children and youth with disabilities and/or gifts and talents as teachers, local administrators, higher education faculty, related service personnel and other professionals, we are writing to express our concerns with the Student Success Act (H.R. 5), which would reauthorize the Elementary and Secondary Education Act (ESEA).

CEC commends Congress for engaging in the process to reauthorize ESEA, which has been long overdue. States and local school districts need additional resources and flexibility to provide a quality education to all students, including students with disabilities and/or gifts and talents. We are pleased that H.R. 5 eliminates adequate yearly progress and with it the arbitrary deadline of 2014. Additionally, we support the legislation's focus on disaggregating student achievement data by subgroup and public reporting of such data. However, we are troubled by the overall lack of accountability and great weakening of the federal role this legislation represents for students with disabilities. Specifically, we oppose the following:

**Reduction of Accountability for Students with Disabilities:** NCLB brought students with disabilities and the educators who serve them to the table in new and important ways. Due to this increased focus and inclusion in the accountability system, students with disabilities increased participation rates, academic achievement on grade level reading and math assessments and more generally in having increased access to the general curriculum and higher expectations for student achievement. We believe these gains are due largely to the requirement that the participation and proficiency of all subgroups be measured, reported, and used for the planning of interventions needed for improvement. H.R. 5 lacks this focus and, if enacted, CEC fears many students with disabilities will be excluded from the accountability system.

**Elimination of the 1% Cap:** CEC opposes the elimination of the current 1% cap on the use of assessment scores for accountability purposes for students with significant cognitive disabilities. It is important to note

that students who take an alternate assessment are removed from the general accountability system and are unable to receive a regular high school diploma. Experts recognize that the 1% amount addresses the proportion of students who may need to take an alternate assessment. Removing this cap may create an incentive to exclude students from the general assessment and place them on an alternate simply to increase the statistical view of achievement in a district. It is not a needed change and as such, we cannot support it.

**Elimination of Highly Qualified Teacher Provisions:** This legislation eliminates minimum requirements for teachers entering into the education profession thereby lifting a protection for our most vulnerable students, including many students with disabilities, who are often placed in classrooms with new teachers. Under H.R. 5, these students fall into an unprotected loophole and simply are not guaranteed a well-prepared, qualified teacher.

**Lack of Focus on Professional Development:** Nothing in this legislation requires ongoing professional development, despite evidence that this is needed by the field and leads to gains in student achievement and student growth. Although Title II funds may be used to support professional development, this bill backs away from the federal government's long-standing commitment to support education professionals. This support is needed now, more than ever.

**Reduced, Capped and Eliminated Funding:** This legislation locks into place post-sequester funding levels which cut over \$1.3 billion to ESEA programs last year alone. Should this bill become law, locking in the sequester levels as the authorization levels through FY 2019 would prevent the Congress from increasing funding for ESEA programs even if the sequester were replaced or revised at any time in the next six years. Furthermore, CEC opposes setting caps on Title I funding and eliminating Maintenance of Effort provisions. Eliminating safeguards will not ensure accountability and achievement. States and districts need more resources in this environment and are working under ever decreasing budget measures. These waves of cuts have come at a time when enrollments have increased, more children are living in poverty, and schools and students have endured deep state and local budget cuts.

**Increased Privatization of Education:** CEC opposes using public funding to support private schools. CEC opposes vouchers for children and youth and those with disabilities because they contradict and undermine the central purposes of civil rights laws including these measures. Vouchers deprive students of rights and protections they have while in public schools. This is especially critical for students with disabilities who lose all protections under the Individuals with Disabilities Education Act when they leave public schools and attend a private school.

**Fails to include the Keeping All Students Safe Act:** CEC is deeply concerned that H.R. 5 does not include the Keeping All Student's Safe Act. CEC has worked for years to ensure that our nation has strong, consistent policies about the use of restraint and seclusion techniques and meaningful access to professional development around their use for all educators. The Keeping All Students Safe Act addresses both of these concerns and would ensure our nation has meaningful data across states about their use. Embedding this important legislation in ESEA is critical.

Ignores the Needs of High-Ability Students: H.R. 5 eliminates the only federal program dedicated to addressing the needs of high-ability students from disadvantaged backgrounds, the Jacob K. Javits Gifted and Talented Students Education Act. Additionally, H.R. 5 eliminates the definition of “gifted and talented” and fails to incorporate any of the comprehensive changes proposed by the TALENT Act (H.R. 2338), CEC endorsed legislation which seeks to close achievement gaps at the top performance levels between low-income and/or minority students and their more advantaged peers, known as the “excellence gap”.

CEC looks forward to continuing to work with you to ensure that our education system raises expectations for students with disabilities and/or gifts and talents and ensures that all educators are prepared to meet their needs. Please feel free to contact me or Kim Hymes to further discuss these issues.

Sincerely,

DEBORAH A. ZIEGLER, ED.D.,  
Associate Executive Director.

Mr. Chair, given the chairman of the committee's pledge to work with me as reauthorization moves forward, I withdraw the amendment and support the underlying bill.

Mr. HARPER. Mr. Chair, I submit the following letters for the RECORD:

NATIONAL CENTER FOR LEARNING  
DISABILITIES

July 15, 2013.

DEAR CHAIRMAN KLINE AND RANKING MEMBER MILLER: The National Center for Learning Disabilities (NCLD) is writing to express our strong opposition to the Student Success Act (H.R. 5). The bill would dramatically alter the academic landscape for students with disabilities, jeopardizing their ability to graduate from high school, go to college and obtain employment. The bill virtually creates a system that reinforces rather than helping students become independent, educated, tax-paying citizens, they will most likely become tax burdens. While movement toward reauthorizing the Elementary and Secondary Education Act (ESEA) is much needed, the cost these bills will have on the educational and employment futures of students with disabilities, especially those with learning disabilities, is too high. Our first and primary area of concern is the lack of a strong and meaningful requirement to close the destructive achievement gaps that impact students with disabilities and other disadvantaged students. While ESEA is in significant need of reform, its provisions have compelled certain schools and districts to focus on increasing the achievement of students with disabilities. Unfortunately, these bills eliminate the provisions of ESEA that have benefited students with disabilities. Most troubling is the lack of academic performance targets and graduation goals for students and the lack of a requirement for targeted instructional supports when students are academically struggling.

The Student Success Act would also dramatically lower expectations for students with learning disabilities in three critical ways:

(1) Allowing computer adaptive assessments that test students off grade level for summative and other purposes. Current practice in states utilizing adaptive testing show that while adaptive testing is a terrific tool to help teachers understand where learning gaps exist for formative purposes, when adaptive testing is allowed for end of year or summative testing, it can result in unaccept-

able consequences, including locking lower performing students into the simplest content. For example, a poorly engineered adaptive test risks testing lower performing students only on cognitively simpler skills such as recall, recognition and rote applications of mathematics. Furthermore, because the assessment may never test lower performing students on more difficult and/or cognitively complex items, it risks creating a situation that encourages teachers to limit the curriculum and instruction for lower performing students to the simplest tasks. Thus, teachers may avoid focusing on critical skills such as higher level problem solving and analysis. Similarly, a poorly designed adaptive test can deny students an opportunity to demonstrate their knowledge across the grade level content.

(2) Eliminating the current cap (often referred to as the 1 percent regulation) which restricts, for accountability purposes, the use of scores on less challenging assessments being given to students with disabilities. The bill allows schools to give the alternate assessment on alternate academic standards to an unlimited number of students. Under the bill, too many students with disabilities would be forced into an alternate curriculum very early in their educational career, thus jeopardizing their ability to graduate high school with a regular diploma, enter career training or attend college.

(3) Ignoring the literacy needs of millions of poor readers and writers at a time when these skills are integral to ensuring every young person can enter college or career training with the most basic reading and writing skills. Rather than ensure that there is dedicated funding for these critical skills, the bill consolidates numerous Federal education initiatives, endangering literacy and other key focuses designed to help struggling students. These shortcomings set back efforts to ensure disadvantaged students, including students with learning disabilities, receive instruction, intervention and support that will strengthen their opportunity to achieve academically.

In summary, the policies H.R. 5 advances would reverse the progress that has been made for students with learning disabilities over the past decade. For that reason, and on behalf of the 100,000 parents and children for which we advocate, we respectfully, but strongly, urge Members to oppose the bill.

Sincerely,

JAMES H. WENDORF,  
Executive Director.

THE ARC,  
July 17, 2013.

Hon. Cathy McMorris Rodgers,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE MCMORRIS RODGERS: The Arc of the United States is writing to endorse the position of the Consortium for Citizens with Disabilities (CCD) Education Task Force opposing the Student Success Act (H.R. 5) in its current form. The Arc is concerned that the bill, without significant revisions, will undermine the progress and academic achievement of students with intellectual and developmental disabilities.

While we have numerous concerns about the bill, we are specifically concerned about the proposal to allow states to eliminate the cap on alternative assessment on alternate achievement standards. The use of alternative achievement standards is intended to apply to only a small number of students with the most significant cognitive disabilities. Allowing more students to be assessed

in this matter may undermine the accountability of the schools to educate students with disabilities and lowers the expectations of academic achievement for these students.

The Arc of the United States appreciates your advocacy on behalf of children with intellectual and developmental disabilities. If you have questions or would like additional information please contact Maureen Fitzgerald (fitzgerald@thearc.org). Thank you for consideration of our position.

Sincerely,

MARTY FORD,  
Senior Executive Officer, Public Policy.

AUTISM NATIONAL COMMITTEE, INC.,

July 17, 2013.

H.R. 5 (Student Success Act) Does Not Protect Students With Disabilities

Hon. Cathy McMorris Rodgers,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSWOMAN MCMORRIS RODGERS: The Autism National Committee is deeply concerned that the Student Success Act (H.R. 5) will fail to ensure good education for all students, including those with disabilities. H.R. 5 will enable schools take students with disabilities off track to graduate high school and become college and career ready. It will do this by lifting the cap on alternate assessments and by imposing other features that would result in weak educations for students with disabilities. Students with disabilities need more support and higher expectations from schools; not less. Only 10 percent of jobs in 2018 are expected to be open to high-school dropouts. Yet, high school graduation rates for students with disabilities are 66% or lower in 30 states.

The Student Success Act, H.R. 5, would sharply reduce high expectations for students with disabilities. The bill would allow states to develop alternate academic achievement standards and eliminate the current cap (often referred to as the 1% regulation) which restricts, for accountability purposes, the use of the scores on less challenging assessments being given to students with disabilities. Such assessments are intended for only a small number of students with the most significant cognitive disabilities who can never take the general assessment. The incidence of students with the most significant cognitive disabilities is known to be far less than 1%. To ignore this data by raising or eliminating the cap would violate the legal rights of students who do not have the most significant cognitive disabilities and who should not be assessed on alternate academic achievement standards.

As data and student/family experience show, the decision to place a student in the alternate assessment on alternate achievement standards can limit or impede access to the general curriculum and take students off track for a regular diploma as early as elementary school. These limitations raise concerns for many students who are currently placed in these assessments. The problem would grow if the cap were eliminated. The alternate assessments were not designed or intended to be applied to a broader population of students. Rather than continuing to support students with disabilities in achieving a high school diploma and pursuing employment and postsecondary education, the lack of a cap on the use of the assessment virtually encourages schools to expect less from students with disabilities. Earnings for an adult with a high school diploma are \$9,000 greater on average than a dropout; earnings for a person with a bachelor's or associates' degree, even higher.



Participation and proficiency of all subgroups should be measured, reported, and used for the planning of interventions needed for improvement. But H.R. 5 does not do this. It will undo progress that students with disabilities have made as a result of ESEA's current focus on all schools and all subgroups. These improvements have come in participation rates, academic achievement on grade level reading and math assessments and more generally in having increased access to the general curriculum and higher expectations for student achievement.

Students with disabilities may be most at risk if revisions to the law do not ensure all schools are accountable for student achievement at the subgroup level and receive extra resources and attention when they fail to produce progress. While the reauthorization of ESEA should explore ways to grant appropriate flexibility to ensure schools can best meet local needs and design instructional needs and interventions at the local level, this flexibility should not eliminate the ESEA accountability framework of focusing on all schools and all subgroups or eliminate targeted help to schools that need it.

It is important to measure achievement and academic growth for all students to determine whether schools and districts are properly meeting their targets and preparing students to graduate college and career ready. This is particularly important subgroups like students with disabilities who have historically received inadequate educations.

ESEA should require evidence-based, positive and preventative strategies to promote a positive school culture and climate and keep all students, including students with the most complex and intensive behavioral needs, and school personnel safe. The Student Success Act does not ensure that students are free from physical or mental abuse or aversive behavioral interventions that compromise health and safety. The use of restraint and seclusion must only be used in emergencies threatening physical safety and never a substitute for appropriate educational or behavioral support. Parents must be notified promptly if their child is subjected to these practices.

It is important that Congress not pass the Student Success Act in its present form. Children with disabilities deserve an education that will enable them to succeed and to graduate from high school career and college ready. These students have much to offer our society and our economy. We must not fail this generation of students with disabilities, but rather, enable them to climb the ladder of success. We fear that H.R. 5 will do this.

Sincerely,

JESS BUTLER,  
Congressional Affairs Coordinator,  
Autism National Committee.

TASH,  
July 18, 2013.

Hon. JOHN KLINE,  
Chairman, House Committee on Education and the Workforce, Washington, DC.

CHAIRMAN KLINE: I am writing on behalf of TASH, an international membership organizations working to promote full participation of children and adults with disabilities in every aspect of life. On behalf of our members, I am writing to you today to ask you to vote 'no' on the Student Success Act (H.R. 5). We should presume competence on the part of all citizens with significant disabilities to work, accrue savings, and live independently in integrated community settings.

I am concerned with the following issues in the bill:

#### 1. LACK OF ACCOUNTABILITY

The Student Success Act eliminates nearly all federal requirements that were included in NCLB to ensure that states set high academic performance goals for all students, work to close achievement gaps, and help to improve struggling schools. We cannot meet these high expectations for our children and for our nation without holding those managing the funds accountable for producing results.

#### 2. ELIMINATION OF MAINTENANCE OF EFFORT (MOE)

The Student Success Act eliminates the longstanding ESEA Maintenance of Effort (MOE) requirement that, federal dollars are to be used to supplement state and local activities, not to supplant state and district funding. The district must assume primary fiscal responsibility for its efforts to provide a free public education to all students with supplemental assistance from the federal government. The MOE requirement is in place to ensure that there is adequate funding to meet student needs. We have strong concerns that if MOE is eliminated from ESEA, (1) student needs will no longer be reliably met, and (2) there will be an effort to eliminate MOE from IDEA in its next reauthorization.

#### 3. HIGHLY QUALIFIED TEACHERS PROVISIONS

The Student Success Act eliminates requirements that teachers meet highly qualified teacher requirements that are currently in NCLB. These requirements determine whether teachers have the necessary credentials and core content knowledge to teach our nation's students. In addition, these requirements also determine whether regular and special education teachers and other appropriate staff enlisted to administer statewide assessments are trained in how to administer these assessments and in how to make appropriate use of reasonable adaptations and valid and reliable accommodations for such assessments, especially for students with the most significant cognitive disabilities. High expectations for excellence in student achievement must be supported by high expectations of excellence for those entrusted to teach our youth.

#### 4. ENGLISH LANGUAGE PROFICIENCY STANDARDS

English language proficiency standards developed by states must not merely be derived from the four recognized domains of speaking, listening, reading, and writing; they must ensure proficiency in these four domains. (page 23, line 4)

#### 5. STATEWIDE ASSESSMENT STANDARDS

The Student Success Act must include requirements for incorporation of principles of universal design for learning as defined in Section 103 of the Higher Education Act of 1965 in development of assessments to maximize equality of access to assessment items for all students.

Statewide assessments must assess students with disabilities using the same unmodified academic content standards used to measure children without disabilities in the same grade level. The Student Success Act omits such necessary language leaving students with disabilities at risk of being held to lower expectations than their peers without disabilities. (page 26, line 3).

#### 6. ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS

The determination about whether the achievement of an individual student should

be measured against alternate academic achievement standards must be made separately for each student and for each subject. (page 22, line 14)

Alternate academic achievement standards must not merely promote access to the general curriculum, they must provide access to the general education curriculum. (page 22, line 19)

Language that prohibits adoption of any other alternate or modified standards other than those alternate standards specifically defined within the legislation must be included in order to protect students with disabilities from further marginalization. The Student Success Act does not include such necessary language.

#### 7. ALTERNATE ASSESSMENTS BASED ON ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS (AA-AAAS)

Students with disabilities, including those with intellectual disabilities, must have access to grade-level general education curriculum and must be expected to demonstrate achievement on the academic content standards set forth by their state. Additionally, we believe that children with disabilities must be educated in inclusive general education classrooms to ensure equality in access to the curriculum for all children. A number of provisions in the Student Success Act undermine these goals.

Elimination of the Cap. In order to ensure the validity of student achievement data and high academic expectations for all students, there must be a cap on the number of students who take an alternate assessment based on alternate academic achievement standards. The Student Success Act eliminates this cap entirely, opening the door for many more students to be inappropriately removed from the regular state assessment. Currently the proficiency rate for students who take the AA-AAAS is far higher than it is for students with disabilities in other assessments, creating an incentive to place students in an AA-AAAS. Data shows that the incidence of students with the most significant cognitive disabilities, the students who are supposed to take the AA-AAAS, is no more than 0.5%. We believe the cap provision must remain and be lowered to 0.5%, to be aligned with incidence data.

Limits on Access to the General Education Curriculum. States must be required to demonstrate that students who take the AA-AAAS are fully included in the general education curriculum, not merely to the extent practicable as the Student Success Act currently directs. (page 29, line 21) Inclusion to the extent practicable is in conflict with the rights of all students with disabilities under the Individuals with Disabilities Education Act (IDEA). Failure to align this language with existing language in IDEA promotes dissention among families, school districts and state education administrators.

Preclusion from Opportunity to Earn a Diploma. The Student Success Act permits states to preclude students who take the AA-AAAS from the opportunity to earn a regular high school diploma. The only requirement is that schools inform the parents that participation in the AA-AAAS will preclude their child from completing the requirements for a diploma. States must be required to provide students who take the AA-AAAS with the opportunity to try to meet the requirements for a regular high school diploma in order to improve their opportunities to live independently and be gainfully employed in adulthood.

Thank you for considering these concerns.  
Sincerely,

BARBARA TRADER,  
Executive Director, TASH.



AMENDMENT NO. 8 OFFERED BY MR. REED

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 113-158.

Mr. REED. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 33, line 23, strike "and".

Page 34, after line 13, insert the following: "(III) other measures of school success; and".

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from New York (Mr. REED) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. REED. Mr. Chairman, I rise today in support of this amendment. I would like to thank the chairman for his support, as well as my colleague from New York (Mr. OWENS) and the gentleman from West Virginia (Mr. MCKINLEY) for their work on this issue.

I am proud to support the underlying legislation, the Student Success Act, that removes the one-size-fits-all Federal Adequate Yearly Progress mandates that are strangling local school districts and forcing teachers to "teach to the test." While testing is an important part of a school's assessment, we can all agree that additional measures such as graduation rates, involvement in advanced classes, or extracurricular activities are also important indicators of where students or a school district stands in their efforts to educate our Nation's children.

A student should not be measured only by their ability to succeed on a test. This amendment would allow State and local education agencies to use multiple measures when it comes to these assessments. State and local educators should be encouraged to base academic achievement systems on these multiple measures. No Child Left Behind's mandate on success has consistently shown that schools are being mislabeled and subsequently punished based on testing scores alone. That's just not fair.

This amendment also gives States further flexibility to include parameters of their choosing in their accountability systems to better measure school success. Together, we can better care for our children and encourage their success in school.

I am pleased to be offering this amendment with bipartisan support and urge my colleagues to vote in favor of this amendment. I would also like to thank the chairman, the National Education Association, the American Federation of Teachers, and the School Superintendents Association for their support on this effort.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I rise to claim time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chair, I rise in strong opposition to the Reed amendment because it weakens accountability for ensuring that our Nation's students are achieving at high levels. This amendment seems like a good thing—allowing schools to measure in areas besides reading and math—but the amendment is so vague that it will allow almost any measure to be used, and that's not what we need in the system at this time.

Adding measures to this amendment does not fix any of the problems to help students. Too often, we've seen throughout the course of the last many years that adults try to make themselves look good by hiding and masking how well their students are doing academically by trying to seek other systems of measure that will make a school look better, even though the students inside that school are not performing at top level.

For those reasons, I oppose the amendment, and I yield to the gentleman from California (Mr. TAKANO).

Mr. TAKANO. Mr. Chairman, I rise to engage the ranking member of the House Education and Labor Committee, Mr. MILLER, in a colloquy.

As a teacher for more than 20 years, I've seen firsthand the unintended, yet harmful, consequences that the annual assessment requirements included in No Child Left Behind and the States' poor decisions in the implementation of them have had on America's students and teachers alike. I'm concerned that high stakes and low-quality testing have caused a negative shift in our education system from teaching to testing, and our education system is no better off than it was before.

Mr. MILLER, you have spent a considerable time on this issue and have been a leader in the Congress on education. Will you work with me to address the issues regarding our testing in our Nation's schools?

Mr. GEORGE MILLER of California. I thank the gentleman.

I agree with the gentleman that the testing provisions included in No Child Left Behind as well as the implementation of these provisions is imperfect and outdated. Unfortunately, ESEA authorization is 5 years overdue and the majority appears to have no interest in working with us to develop a bill that can pass both the House and the Senate.

However, I'll gladly work with you to address the issue of testing in America's schools to ensure that while we continue to measure whether or not students are achieving at grade level, we will also ensure such assessments be done in a way to improve both teaching and learning.

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Mr. TAKANO. Thank you, Mr. MILLER. I look forward to working with you.

Mr. Chairman, I have submitted an amendment with Representative GIBSON to H.R. 5, which would return annual testing to pre-No Child Left Behind levels. However, H.R. 5 is just so bad of a bill that even this amendment, if it were to pass, I could not support the bill. That is why I decided to withdraw my support for the amendment.

I thank Mr. MILLER for his leadership on this issue.

Mr. GEORGE MILLER of California. I thank the gentleman from California, and I yield back the balance of my time.

Mr. REED. Mr. Chairman, at this time I'd like to yield 1½ minutes to my good friend from West Virginia, (Mr. MCKINLEY).

Mr. MCKINLEY. Mr. Chairman, I rise in support of this amendment.

Whenever I speak with teachers, principals, and parents back in West Virginia, a common theme that emerges from those conversations is that they acknowledge one size doesn't fit all. They want control restored to the State and local levels. The underlying bill makes great strides in returning that control to the people who know best how to educate our children and our grandchildren, not bureaucrats in Washington.

My colleagues, Mr. REED and Mr. OWENS, and I have offered an amendment to go even further in giving States that flexibility they seek. The amendment will allow States and local governments to take multiple measures into consideration.

Currently, No Child Left Behind uses narrow Federal mandates on testing to measure results. Testing may be just part of the solution, but States should be allowed to look at the ability of other benchmarks like graduation rates and the percentage of students taking advance courses.

This amendment has bipartisan support and is a commonsense way to improve the underlying bill. Local government and flexibility should trump Washington mandates.

Mr. REED. Mr. Chairman, at this point in time I would just ask that my colleagues join me in this commonsense amendment that allows the local communities and local school districts the flexibility to consider multiple measures in determining whether or not a school or student is succeeding or failing in our Nation's school system.

With that, Mr. Chairman, I would ask my colleagues to support this amendment, and I yield back the balance of my time.

Mr. REICHERT. Mr. Chair, each and every one of us is unique, with different talents and strengths. We all know this—our teachers certainly understand this. And yet, when it comes to our children and their education we persist in treating them as if they're all cookie cutter versions of one another, with the same learning styles.

I understand this all too well. Because of my own learning style and challenges (I have dyslexia), having a more interactive, practical

exam, in addition to the standardized test, was a far more accurate assessment of my abilities than the standardized test alone. With both being taken into consideration, I became one of the highest scoring applicants, and before too long I was Sheriff of one of the largest counties in the Pacific Northwest.

This is why I urge my colleagues to support Congressman REED's amendment. Our children deserve better than a one-size-fits-all single standardized test to measure their academic achievement. Multiple learning assessments and score indicators more accurately reflect true student and school performance.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. REED).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. BENISHEK

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 113-158.

Mr. BENISHEK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 45, line 15, insert before the period, the following: “, such as the number of students enrolled in each public secondary school in the State attaining career and technical proficiencies, as defined in section 113(b)(2)(A) of the Carl D. Perkins Career and Technical Education Act of 2006, and reported by the State in a manner consistent with section 113(c) of such Act”.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Michigan (Mr. BENISHEK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. BENISHEK. Mr. Chairman, I rise today to urge support for amendment No. 9, which encourages States to include the number of students attaining career and technical education proficiencies that are enrolled in public secondary schools in its annual State report card. This information is already required to be collected by current law and would simply streamline access to information for the public.

To preserve the American Dream, we must ensure that our children and grandchildren have the skills needed to land a good-paying job that provides for a family and pays the bills. These jobs require knowledge in science, technology, engineering, and math fields, along with industry-recognized credentials through career and technical education, or CTE.

A 2012 Talent Shortage Survey indicated that one in three job providers finds it hard to fill vacancies because job applicants with the right skills are not easily attainable. Currently, U.S. employers are having difficulty filling positions such as skilled trade workers, IT staff, mechanics, machinists, and machine operators.

Whether a student wants to pursue a college degree or plans to enter the

workforce immediately after high school, we have to work to ensure that they have the necessary training, education, and skills to have a successful career in the path of their choosing.

Just this weekend, I spoke with a manufacturing company in my district that told me about their need for job applicants with voc-ed skills. They told me there are jobs waiting to be filled; they just need to have the individuals with the right training.

Moms and dads in northern Michigan have also told me that they weren't even aware of voc-ed programs being offered at local high schools. One of my goals is to be sure that parents and students are aware of these programs and the long-term benefit they can provide to young adults.

Through the outstanding work of our teachers, school administration officials, and partnerships with universities and industry, numerous vocational ed initiatives are already under way in my district. For example, the Delta Tradecraft ISD in Escanaba has an outstanding partnership with Vanaire, a manufacturing company. Throughout high school, students can take career and technical education courses that are aligned with job requirements at Vanaire. From participating in voc-ed courses, numerous students have been offered jobs at Vanaire immediately upon graduation.

My amendment would make career and technical education data more visible for parents and students who are choosing where to enroll and what programs to participate in, as well as for teachers and administrators to understand the impact career readiness has on student performance, graduation, and success in post-secondary ventures.

I urge my colleagues to support this amendment and the passage of the underlying bill.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise to claim time in opposition to the amendment although I will not be in opposition.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise to express appreciation for Mr. BENISHEK for this amendment. The gentleman from Michigan has an admirable goal, which is to improve career and technical education.

Members of the Congress are well aware of the needs in all of our local communities. As new systems of manufacturing are brought online and as new innovations take place, we want to know how well our students are doing and how well our schools are doing in helping to prepare those students for job opportunities that are presented in these many craft areas.

I would urge Members to support this amendment, and I yield back the balance of my time.

Mr. BENISHEK. I thank the gentleman for his support, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. BENISHEK).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. HECK OF NEVADA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 113-158.

Mr. HECK of Nevada. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 138, line 4, strike “Funds” and insert “(a) IN GENERAL.—Funds”.

Page 139, after line 2, insert the following:

“(b) CONTRACTS AND GRANTS.—A local educational agency may use a grant received under this chapter to carry out the activities described under paragraphs (1) through (5) of subsection (a) directly or through grants, contracts, or cooperative agreements.”.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Nevada (Mr. HECK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. HECK of Nevada. Mr. Chairman, the amendment I'm offering today focuses on helping children that far too often go unnoticed or get left behind by our education system—neglected, delinquent, and other at-risk youth.

As a cosponsor of the Student Success Act, I am pleased that the underlying bill continues to provide for important programs that offer educational opportunities for youth in, or returning from, correctional institutions, as well as other at-risk populations.

Additionally, under the bill, school districts also may coordinate health and social services, operate dropout prevention programs for at-risk children and youth, provide career and technical counseling, or offer other mentoring services.

To help ensure that neglected, delinquent, and at-risk youth are given the care and attention they need, my amendment provides local educational agencies with the option of partnering with organizations that have critical experience and existing resources that would enhance the services provided by school districts to our most vulnerable youth.

Mr. Chairman, there are a number of hardworking organizations that are dedicated to providing a wide range of services and care to vulnerable children that need it most, and partnering with them would help these children.

For example, in my home State of Nevada, Boys Town has worked for more than two decades to provide an

integrated continuum of care that assists more than 20,000 children and families in Nevada each year. These are children who have been abused, neglected, or abandoned; children with serious behavioral, academic, social, or emotional problems. Their stories are heartbreaking, but their personal development into independent, productive citizens with help from Boys Town is simply astounding.

Boys Town operates in a number of States throughout the country, and there are many other nonprofits and organizations that offer similar services. They have done the groundwork, they have proven their effectiveness, and they are a vital part of our communities and would be valuable partners.

Additionally, given our current fiscal climate, it is more important than ever to ensure that we are using all available resources effectively.

By allowing local educational agencies and these organizations more flexibility to work together and share expertise, vulnerable youth will benefit from the attention and care they need both at school and at home. Coordinating these efforts provides critical stability that these children deserve.

Children belong in the education system, not the juvenile justice system.

I urge my colleagues to support this important amendment, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment, though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. I urge support of the Heck amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Mr. HECK).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. MEEHAN

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 113-158.

Mr. MEEHAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 245, line 11, insert “, including those representatives and members nominated by local and national stakeholder representatives” after “title”.

Page 245, line 15, after “information.” insert the following: “Such regional meetings and electronic exchanges of information shall be public and notice of such meetings and exchanges shall be provided to interested stakeholders.”.

Page 248, beginning on line 6, after “assessment” insert the following: “(which shall include a representative sampling of local edu-

cational agencies based on local educational agency enrollment, urban, suburban, or rural character, and other factors impacted by the proposed regulation)”.

Page 248, line 12, strike “and”.

Page 248, line 15, strike the period and insert “; and”.

Page 248, after line 15, insert the following new subparagraph:

“(C) the proposed regulation, which thoroughly addresses, based on the comments received during the comment and review period under paragraph (3), whether the rule is financially, operationally, and educationally viable at the local level.”.

Page 475, after line 19, insert the following new section:

**“SEC. 5530. LOCAL CONTROL.**

“The Secretary shall not—

“(1) impose any requirements or exercise any governance or authority over school administration, including the development and expenditure over school budgets, unless explicitly authorized under this Act;

“(2) issue any regulations or non-regulatory guidance without first consulting with local stakeholders and fairly addressing their concerns; or

“(3) deny any local educational agency the right to object to any administrative requirement, including actions that place additional burdens or cost on the local educational agency.”.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Pennsylvania (Mr. MEEHAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MEEHAN. Mr. Chairman, I rise in strong support of the Schock-Meehan amendment.

In recent years, the Federal Government has taken more and more control over deciding what goals and curriculum best fit our kids’ needs. However, as all Americans know, education policy should be set by those that know the community best—parents, teachers, and local school board members. That’s exactly what this amendment does. Our amendment has three main objectives:

It restores flexibility in crafting curriculum and education for our children. The Department of Education would be restricted in promulgating any rules and regulations that contradict or create costly burdens on local school districts without an act of Congress.

Second, it strengthens the process for input by parents.

And, last, it requires that the Department of Education provide an annual report to Congress on how any policies affect local school districts.

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This enables local school boards to have the ability to craft policies in coordination with the communities they serve.

This amendment is vitally important to our communities. From Pennsylvania to Illinois and beyond, the parents, the students, and the school board members that they elect are

truly the experts in education, not Washington bureaucrats.

I urge my colleagues to support the Schock-Meehan amendment.

Mr. Chair, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chair, I yield myself 3 minutes.

I rise in opposition to the Schock-Meehan amendment because it really is a political exercise that fails to fix the problems of H.R. 5, the Letting Students Down Act. The amendment is an ideological attempt to give school districts more control, but actually doesn’t do that. It just creates more paperwork, more bureaucracy at the Federal level by consultations and chances to dispute regulations, many of which are already allowed in Federal law, but this would be a separate subset to require that.

I have been here a long time, and I can’t think of any administration that gave both States and local school districts more options, more flexibility, more ability to design the systems under which they want to work than the Obama administration, which now there are 37 States who have undertaken Race to the Top, which gave them great flexibility, and there are 40 States that have undertaken waivers, which give them even more flexibility. When you talk to the superintendents and you talk to the Governors in those States, they are delighted to have that flexibility to design the systems that they want to be able to design and to improve the systems and to get better achievement by their students.

Now we are coming along with some continuation of some outdated, very conservative argument that all these problems are at the Federal Government. The fact of the matter is no administration has unleashed the skills and the talents and the desires of local school districts and States than this administration.

This is an ideological bent. It is an ideological fix. It is not going to end. What it doesn’t do is it doesn’t correct any of the very real and very big problems that underlie this amendment in the underlying bill, because the underlying bill gets education funding and it locks in the sequestration levels that are going to grind down every school district that has poor students and poor schools in that district, and it lets States dramatically reduce the funding for those districts.

The priority of this Federal spending is to try to equalize the opportunity for those poor minority children, and it diverts funds for teachers away from poor schools and districts toward the wealthier ones. It eliminates the block grant funding for vital programs with

no accountability—no accountability—how those funds will be spent. We just saw an amendment offered here earlier today because people recognize all that does is just diminish the resources that are available for those populations with special needs.

I oppose this amendment, as I do the underlying legislation, and I would ask my colleagues to vote against it.

I yield back the balance of my time. Mr. MEEHAN. Mr. Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Pennsylvania has 3½ minutes remaining.

Mr. MEEHAN. Mr. Chair, I would like to yield 2 minutes to the gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. Mr. Chair, I thank my good friend and cosponsor of this amendment, Mr. MEEHAN.

I rise today in support of my amendment to strengthen the process by which local school districts can provide meaningful firsthand input in the development of rules and regulations issued by the Department of Education.

As a former school board member, I can tell you nothing is more frustrating to school board members, 96 percent of whom are directly elected by the voters in their community, than having to redirect limited resources that they have to unfunded mandates contained in rules and regulations issued by the Department of Education.

My amendment here today ensures that rules and regulations are educationally and operationally viable at the local level by ensuring that electronic exchanges of information and any regional meetings that are held by the Department of Education are public and notice of such meetings and exchanges are proactively provided to the interested stakeholders. This outreach is important for all sides and I believe will benefit the overall rulemaking process.

My amendment also prohibits the Department of Education from imposing additional requirements in rules, regulations, and nonregulatory guidance that have not been specifically authorized in the underlying legislation. This is an important step to ensure that education policy is implemented at the local level by leaders who are held accountable by the students, parents, and taxpayers they represent.

Nearly all States have delegated the power and authority to decide the direction of their school districts to the local school boards. My amendment reinforces the notion that local school board members can continue to exercise the power and authority they were given by the communities they represent.

Let's stop further unlegislated, unfunded mandates by the Federal Government and vote "yes" on amendment 44.

Mr. MEEHAN. How much time do I have remaining, Mr. Chair?

The Acting CHAIR. The gentleman from Pennsylvania has 1¾ minutes remaining.

Mr. MEEHAN. Mr. Chair, at this point, I would like to yield 1 minute of that time to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. Mr. Chair, this is all about the local election of a school board, a school board that is elected that is distinct for that district. The parents go to school with the same kids. They're all interconnected, they know each other, and they're making decisions because we don't have a national school board. We should have local school boards.

Why do we do that? Because we want local decisions made on whether they're going to have uniforms, what they're going to serve at lunch, how they're going to interact, what their class schedule is going to be, what their curriculum is going to be. Those are local decisions that should be made because those parents know their kids extremely well and love their kids more than anyone. In central Oklahoma, I can assure you, our parents love their kids and know their kids better than someone 1,300 miles away in Washington, D.C.

So the simple decision should be made that I have personally contacted the superintendents in my district who ask for one simple thing: allow us to make decisions locally. We want to know that the decisions we make are going to stick and we won't spend all of our time and all of our money hiring compliance people to connect with the Federal Government to know what monies go where and what silos go where. And I hear over and over again, Race to the Top didn't give us greater flexibility. It actually said, You have flexibility in the silo that we give you. They want just real flexibility.

I would encourage the passage of this amendment.

Mr. MEEHAN. Mr. Chair, let me just close my time by once again articulating the point that has been so well made by my colleagues as well, that we do not have a Secretary of Education that is a national school board president.

I have spoken to those who have dedicated their time and their professional commitment: school board leaders and local educators themselves who understand how to best create the kinds of curriculum that will most effectively serve the children in our communities.

I ask our colleagues to strongly support the Schock-Meehan amendment.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MEEHAN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. SCALISE

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 113-158.

Mr. SCALISE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 253, line 3, insert before "develop" the following: "if a State educational agency or local educational agency so chooses,"

Page 257, line 21 through page 258, line 2, strike paragraph (5).

Page 258, line 3 through line 14, strike paragraph (6) and insert the following:

"(5) If applicable, a description of how the State educational agency will work with local educational agencies in the State to develop or implement a teacher or school leader evaluation system."

Page 258, line 15, strike "(7)" and insert "(6)".

Page 261, line 2, strike "to" and all that follows through "fulfill" on line 19, and insert "to fulfill".

Page 261, after line 24, insert the following:

"(A) provide training and technical assistance to local educational agencies on—

"(i) in the case of a State educational agency not implementing a statewide teacher evaluation system—

"(I) the development and implementation of a teacher evaluation system; and

"(II) training school leaders in using such evaluation system; or

"(ii) in the case of a State educational agency implementing a statewide teacher evaluation system, implementing such evaluation system;"

Page 262, line 1, strike "(A)" and insert "(B)".

Page 262, line 7, strike "(B)" and insert "(C)".

Page 262, line 9, strike "2123(2)(D)" and insert "2123(6)".

Page 262, line 10, strike "(C)" and insert "(D)".

Page 264, line 21 through page 265, line 2, strike subparagraph (C).

Page 265, beginning on line 3, strike "how," and all that follows through "system" and insert "if applicable, how".

Page 265, line 7, insert before the semicolon the following: "in developing and implementing a teacher evaluation system".

Page 265, line 9 through line 12, strike subparagraph (E).

Page 265, beginning on line 13, amend paragraph (2) to read as follows:

"(2) If applicable, a description of how the local educational agency will develop and implement a teacher or school leader evaluation system."

Page 265, line 25, strike "subpart" and all that follows through "shall use such funds" on page 266, line 1, and insert "subpart may use such funds for".

Page 266, line 2, strike "(A) to develop and implement" and insert "(1) the development and implementation of".

Page 266, line 3, insert “may” after “that”.  
Page 266, line 4, strike “(i) uses” and insert “(A) use”.

Page 266, line 10, strike “(ii) uses” and insert “(B) use”.

Page 266, line 12, strike “(iii) has” and insert “(C) have”.

Page 266, line 14, strike “(iv) shall” and insert “(D)”.

Page 266, line 17, strike “(v) is” and insert “(E) be”.

Page 266, line 20, strike “or”.

Page 266, line 21, strike “(B)” and insert “(2)”.

Page 266, line 23, strike “to implement” and insert “implementing”.

Page 266, line 24, strike “and”.

Page 266, strike line 25.

Page 267, line 1, strike “(A)” and insert “(3)”.

Page 267, line 3, insert “or school leaders” before “under”.

Page 267, line 3, strike “evaluation system described” and insert “or school leader evaluation system.”

Page 267, strike line 4.

Page 267, line 6, strike “(B)” and insert “(4)”.

Page 267, line 10, strike “(C)” and insert “(5)”.

Page 267, line 15, strike “(D)” and insert “(6)”.

Page 267, line 18, strike “(i)” and insert “(A)”.

Page 267, line 20, strike “(ii)” and insert “(B)”.

Page 267, line 22, strike “(iii)” and insert “(C)”.

Page 268, line 3, strike “(iv)” and insert “(D)”.

Page 268, line 9, strike “(v)” and insert “(E)”.

Page 268, line 13, strike “(vi)” and insert “(F)”.

Page 268, line 16, strike “(vii)” and insert “(G)”.

Page 268, line 20, strike “(viii)” and insert “(H)”.

Page 268, line 4, insert “or school leaders” before “identified”.

Page 268, line 6, insert “or school leader” before “evaluation”.

Page 268, beginning on line 6, strike “described in subparagraph (A) or (B) of paragraph (1)”.

Page 268, line 24, strike “(E)” and insert “(7)”.

Page 269, line 5, strike “(F)” and insert “(8)”.

Page 269, line 7, strike “(G)” and insert “(9)”.

Page 269, beginning line 23, amend paragraph (3) to read as follows:

“(3) in the case of a local educational agency implementing a teacher or school leader evaluation system, the results of such evaluation system, except that such report shall not reveal personally identifiable information about an individual teacher or school leader; and”.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Louisiana (Mr. SCALISE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. SCALISE. Mr. Chairman, the amendment I bring forward today deals specifically with reforms that many States have made. I will talk specifically about reforms that have been made in my great State of Louisiana,

especially as it relates to teacher evaluation.

Specifically, what my amendment would do would be to remove the mandate that is in the legislation that requires States to adopt the Federal rule on teacher evaluation.

The reason I say that is not just because Louisiana has a highly successful teacher evaluation program that is working very well for the people of Louisiana, but in general, when you look at the successes that we’ve seen across the country as it relates to education reform, it has been State and local governments that have driven those great successes. That is because the States are the incubators, and our States and local governments are the most accountable to the parents who have most at stake in concern for the children’s education.

The amendment specifically makes sure that there can be no mandate by the Federal Government, especially one that would override what is being done at the State level. I have seen very closely in my State—in fact, when I was in the State legislature, we passed some dramatic education reforms.

When you look at the city of New Orleans after Hurricane Katrina, before the hurricane, it was probably one of the most failed, corrupt public education systems in the Nation. Because we made reforms—not only at the State, but at the local level—where we created charter schools, we had so much innovation that now other States across the country are looking to what we did as a model for how to transfer or merge urban education.

Parents are actually much more involved in their children’s education because they have a real stake, they have real choices to give their children, better educational opportunities, and I don’t want to see that interfered with by anything that might come out of the Federal Government.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Thank you, Mr. Chairman.

As I discussed with Mr. SCALISE in the Rules Committee yesterday, I think this amendment is just a terrible, terrible idea. It would remove any and all requirements and proof of teacher effectiveness.

Effectively now, we have a measure called, Highly Qualified Teacher. We agree, most of us, that there are flaws in that, and it is an input-based criteria rather than an output-based criteria.

I cosponsor a bill with SUSAN DAVIS, the STELLAR Act, which would ensure

that States have high-quality teacher evaluation systems in place after 3 years. We were worried, frankly, about what would happen during the 3 years. I offered and withdrew an amendment to at least have some basic reporting during this 3-year transition period.

What the Scalise amendment does is it gets rid of the end result of that 3-year period. It says we are going to go through an indefinite period with no reporting, no metrics, no assurance of quality.

Need I remind the gentleman from Louisiana that our U.S. taxpayers are, in part, paying the salaries of many teachers that are partially funded through IDEA special ed funds or through title I free and reduced lunch funds, not to mention the fact that these are the teachers, the most important person, and it is ruining the educational outcome for the child—the most important person in making sure the kids succeed. Here we are not only saying, look, I was worried about this 3-year transition period, but saying, forever, from now on, no reporting, no requirements on whether a teacher is high quality or not, no evaluations.

Look, it is hard to get evaluations right. I was in the private sector and we did employee evaluations every year and decided if some employees should be promoted if some didn’t have a place in the organization. Do you know what? It is always hard, and there is no 100 percent right.

But to somehow say you shouldn’t do it, you shouldn’t evaluate your employees, is completely the wrong answer. Any private company that engages in that strategy is going to go out of business, just as schools that engage in that strategy in districts—and if the Federal Government encourages it and allows it as it does under this amendment—will be to the detriment of kids and do nothing more than actually make it less likely that good quality teachers will be in the classrooms for kids.

So I call upon my colleagues on both sides of the aisle to oppose this amendment.

Mr. SCALISE. Mr. Chairman, at this time, I would like to yield 1 minute to the gentleman from Minnesota (Mr. KLINE), the chairman of the committee.

Mr. KLINE. Mr. Chairman, I thank the gentleman for yielding.

This amendment will eliminate the requirement, the mandate, if you will, for States and school districts to develop teacher evaluations, but does not prevent them from developing these systems if they so choose.

States and local school districts are currently developing impressive and innovative teacher evaluation systems, and I applaud it. The Federal Government can support them in this endeavor, giving them the resources and the flexibility to design systems to meet their particular local and unique needs.

Ultimately, Mr. Chairman, States and school districts need the flexibility to do the activities that will serve their students and teachers best. I, therefore, support the gentleman's amendment.

Mr. SCALISE. Mr. Chair, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I yield myself 2 minutes.

I rise in opposition to this amendment to remove the requirement that States and school districts implement teacher evaluation systems.

We put \$17 billion into this system every year, and we ought to at least see if we can make sure that those who are responsible for implementing it have the opportunity to improve their skills, to improve their talents, to collaborate with one another so that they can improve the teacher and learning environment. That is the goal of the evaluations: to take the skills that teachers bring to the classrooms and see, in consultation with others, with the principals, with their peers in that school district, whether or not we can improve their skills to deliver the education that we know that our children need.

□ 1715

We know that all teachers are not of the same talent, but by having evaluations, you, in fact, have the ability to then raise the skills of those individuals. If you would travel the country, and if you would talk to younger teachers all across the country, they would tell you how excited they are about evaluation systems, how excited they are about the collaboration—about their working with one another. I have visited teachers in the process of doing that, in developing that information—in developing the skills and in watching one another teach and in presenting the various lesson plans and curriculums, and then weighing back and forth what was more effective and what was less effective, what they would change, and how they would do it differently the next time.

Under this legislation, under our legislation, we encourage local districts to do that. We want them to take control of it. We want teachers to be in the design of those systems. Yet now the idea that you would not require some evaluation of the people who are delivering this education is just to go back to a time when it didn't matter, I guess, who dropped out of school or who didn't thrive or who didn't do well—but that's not this economy; that's not our social structure; and that's not the desire and the hopes and aspirations of the parents and of the students in those schools. So I would hope that we would oppose this amendment and that we would defeat this amendment.

I reserve the balance of my time.

Mr. SCALISE. At this point, I yield 1 minute to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, the speaker on the other side on one of the other amendments said that this is not the level at which we should be making these decisions. There are some efforts, no matter how noble the goal may be, where this is not the level at which these decisions ought to be made.

I taught for 28 years and had multiple evaluations. They were all positive, but if I'd had any input that I'd wished to give, I could have easily accessed my school district, and I could have accessed the State, but if it were on the Federal level, I could fly and stand in front of the Johnson Building for weeks on end, and nobody in the Department of Education would care. The best evaluations come from parents, but parents have the same limitations of which I spoke. Their access on the Federal level is almost nonexistent.

The Scalise amendment does not eliminate evaluations. It says you do them in the proper way. You do them, and you clarify that States sometimes can have a better idea than we do. If that happens, States should have every opportunity to implement their better ideas. This eliminates the mandate. It provides flexibility. It promotes a better outcome.

Mr. SCALISE. I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

Mr. SCALISE. Mr. Chairman, in closing, I want to address a few of the points that were made by my friend from Colorado.

He said, "It's hard to get evaluations right."

I actually agree with him on that statement.

If that's the case, then the question we are posed with is: Who is best suited to evaluate teachers? Is it some unelected bureaucrat in Washington or is it a State or a locally elected official who is directly accountable to the parents of those children?

So we're not presented with some false choice of whether or not to evaluate teachers. As I pointed out, in the legislature in my State of Louisiana, they fought it out, and they actually passed a teacher evaluation program a few years ago that's doing well. It's actually getting good results. That's the kind of innovation we should be encouraging. We shouldn't have this idea that there is this "one size fits all" in Washington and that Washington knows best and that, if a State can do it better, too bad, that's its fault because the Federal Government wants to tell it how to evaluate its teachers.

I think we ought to trust the people who know best and who are most directly accountable to the parents of the students, and that's our State and local school boards. That's why this amendment says, if they've got a bet-

ter way to evaluate teachers, they're the ones who are better suited to do it, not some unelected bureaucrat in Washington.

With that, I urge a "yes" vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT NO. 13 OFFERED BY MS. MOORE

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 113-158.

Ms. MOORE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 255, after line 7, insert the following:

“(C) APPLICABILITY.—

“(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to a fiscal year unless the Secretary certifies in writing to Congress for that fiscal year that the amount of funds allotted under subparagraph (A) to local educational agencies that serve a high percentage of students from families with incomes below the poverty line is not less than the amount allotted to such local educational agencies for fiscal year 2013.

“(ii) SPECIAL RULE.—For a fiscal year for which subparagraph (A) does not apply, the Secretary shall allocate to each State the funds described in subparagraph (A) according to the formula set forth in subsection (b)(2)(B)(i) of this section as in effect on the day before the date of enactment of the Student Success Act.

The Acting CHAIR. Pursuant to House Resolution 303, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chair, I rise today to offer an amendment, along with my colleagues FREDERICA WILSON from Florida and DANNY DAVIS of Illinois.

This amendment is straightforward. It is protective in nature, and it ensures that high poverty schools are not adversely affected by H.R. 5's proposed change in the funding allocation formula for teacher support and development under title II of the ESEA.

Now, if we don't adopt this amendment, we may inadvertently break a long bipartisan agreement that we've had regarding our fundamental need to ensure that our low-income students are not assigned less qualified teachers than their advantaged peers. The reality is that a school district serving



students in poverty faces many challenges in recruiting and in retaining teachers as well as other qualified staff. I believe that the Rules Committee made this in order because it wanted the body to have an opportunity to meet this long bipartisan agreement.

H.R. 5, as currently drafted, would totally eliminate the current formula, which focuses on funding students in poverty, and replaces it with a formula that equally weights poverty and population. As written, we have strong reason to fear that H.R. 5 would result in Federal dollars being siphoned from States and schools with the poorest students and awarded to the States and schools without similar levels of poverty.

Our amendment, again, simply requires that this change to the funding formula not be enacted if our fears are realized and if the Secretary of Education determines that such a change would reduce funding to districts serving students in poverty. This amendment would not add a penny to the cost of the bill. Our intention is only to safeguard the very teacher supports to help us close the achievement gaps for low-income students.

The bill we are considering today, H.R. 5, consistently backs away from our longstanding Federal commitment to direct funding to students with the greatest need, including those attending high poverty schools.

There are a lot of factors that affect a child's performance in school, and some of these we just can't control, but this is one thing that we can control—the level of quality of the people standing in front of our children.

I reserve the balance of my time.

Mr. ROKITA. Mr. Chairman, I rise to claim the time in opposition, but I do not intend to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. Mr. Chairman, as I read the gentlewoman's amendment, I see that it will protect title II funding to high poverty school districts.

Now, although the Student Success Act, which we are debating here on the House floor right now, funds school districts on an equal playing field—basing the formula on a 50 percent poverty and a 50 percent population ratio—it is important to protect funding to high poverty school districts. The amendment will not allow the new title II formula to go into effect until the Secretary certifies that funding to these school districts is protected at fiscal year 2013 levels and that new money allotted will be allocated on a 65 percent poverty and a 35 percent population formula.

The bottom line is that, in using these funds, the Student Success Act gives States and school districts the

flexibility to decide how they want to spend their money. This is not our money. This is the property of the States and the States' residents. Funds flow over to the State and local levels so they can set their own priorities for programs that they want to fund to meet the needs of their students. This ensures superintendents, principals and teachers are the ones making funding decisions—not Washington bureaucrats or even the Secretary of Education—that benefit students. Public and private entities can also apply to the State, in partnership with school districts, for funds to run innovative programs focused on teacher and school leader preparation and development.

Although I disagree with the gentlewoman that the Student Success Act is a retreat—in fact, I think there is a very progressive set of reforms found in the Student Success Act—I do support her amendment, which protects funding for high poverty districts, and the Student Success Act, which gives districts the flexibility to use teacher funds in the way they think is best.

With that, I reserve the balance of my time.

Ms. MOORE. Mr. Chairman, I do want to thank the gentleman for his support.

I now yield to my colleague from Florida, FREDERICA WILSON.

Ms. WILSON of Florida. Mr. Chairman, I thank my friend from Wisconsin (Ms. MOORE) for her leadership and her passion for defending children. I urge my colleagues to support this amendment.

As an educator, as an elementary school principal and as a school board member, I can attest to a simple fact: that there is simply no factor that matters more for children's achievement than teacher quality. Teachers matter. Research consistently upholds this fact. Yet, in urban and rural areas alike, students in low-income areas are constantly assigned less qualified teachers than are their wealthier peers. These young minds are, quite simply, treated as experiments in little educational petri dishes. Let's stop experimenting with our children. Poor schools often face impossible prospects of recruiting teachers, and once teachers are finally recruited, educators often need additional resources and support to do their jobs effectively. The result is that students in poverty fall farther and farther behind, losing hope of ever catching up.

Mr. Chairman, this is a commonsense amendment that would ensure that title II changes under this bill would not be enacted if these changes pull funds away from schools serving students in poverty. This is not a partisan issue. There has been bipartisan consensus on the importance of teacher development in low-income areas for ages. A criterion for teacher development is so important. If it were not, it

would hurt children in red States and children in rural areas as much as it would hurt children in blue States and children in urban areas.

I urge my Republican colleagues to take a stand for low-income children. Wherever they live, whoever represents them, please support this amendment.

Ms. MOORE. I yield back the balance of my time.

Mr. ROKITA. Mr. Chairman, in closing, again, I rise in support of this amendment.

I would say to the gentlelady from Florida, who just spoke, that this is not experimenting with our children. We are empowering parents, and we are empowering teachers so that the students can have better success. In my opinion, this is an evolution of our education policy.

In that same vein, the gentlewoman said that teachers matter. In that respect, I want to reiterate for this House those who have shown in writing their strong support for the Student Success Act, including: the American Association of School Administrators, the National School Boards Association, the Council of Chief State School Officers, the Council for American Private Education, the Association of Christian Schools International, Concerned Women for America, the National Association of Independent Schools, the National Alliance for Public Charter Schools, and the National Association of Charter School Authorizers.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

□ 1730

AMENDMENT NO. 14 OFFERED BY MR. BISHOP OF UTAH

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 113-158.

Mr. BISHOP of Utah. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 255, line 8 through page 256, line 17, strike subsection (c).

Page 256, line 18, strike “(d)” and insert “(c)”.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, in the Constitution, it established a specific relationship between the Federal Government and the States. It's called a dual sovereignty, and it asked people to be loyal not only to their State, but also to the Federal Government, as well. James Wilson, in talking



about what they had done as a balance-of-power experiment, said that this system would work well as long as the two entities maintained a relationship like the solar system, like the planets, always traveling in their sphere and path, complementing each other, but never interfering with one another. His concern was that one of those entities might actually act like a comet and go off on its own path, actually running into any material or object in its way, and chaos and destruction would result from that.

The amendment I am wishing to propose here would eliminate a section that would allow a local school district to circumvent their State, a school district which is a creation of the State. They would circumvent the State and make a deal with the Federal Government for any kind of grant or loan that they wish to accomplish and actually be required to report not to the State, but to the Federal Government and circumvent the State totally.

If a State, for example, were to want to have some limited involvement in a program, under the provision that is in this particular bill, it would be possible for a rogue district to violate that proposal or that policy of the State, make their own deal with the Federal Government, and enter into that agreement and report directly to them, causing not only to void the policy, but a great deal of confusion in the process, as well.

We have a deal that we can work easily with the States. The local districts, that is not in the purview of what it should be. It is definitely an extra-constitutional approach to it.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. I yield myself 2 minutes.

Mr. Chairman, I rise in opposition to this amendment offered by the gentleman from Utah. I just don't quite understand it.

If a State doesn't make application for various funds that are available under title II, I don't know why you would prohibit a district from doing so. I don't know the rationale for the State's decision not to make application, but that may have very little to do with the needs of a particular school district. In my State, it might be a large district like Los Angeles or it might be a small rural district in the northern corner of the State. If they feel that these funds would help them and they have a need for those, I don't know why and I don't know that we're interfering with any great relationship here between States and the Federal Government.

I don't pretend to be familiar with the exact governance in the State of

Utah, but in California the districts are pretty darn autonomous and our county offices of education are very autonomous, and very often a county office will apply for these kinds of funds in an area of smaller school districts to bring them together to utilize those funds in the most efficient way to continue.

Most of title II is about the development of teachers and professional development.

I oppose this amendment. I think it just makes it much more difficult and more bureaucratic for local school districts. We've heard time and again here that these are the people who know best, so apparently they know better than the State officials, but we're going to let the State officials block them from doing what they know is best when they decide what is best is to try to access title II.

So I oppose this amendment, and I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the comments of the gentleman from California, but I have to take issue with them.

There is no State in which a local district or a State or a city or a county is autonomous to the State itself. States create those entities. They can add to them. They can eliminate them. They are responsible for them.

This is not an esoteric philosophical debate. There is a real situation in which this has happened, and in large part the base bill eliminates this from actually happening again in the future.

If I can quote from Education Week, there was a policy in which this Department of Education tried to circumvent the States.

The Department of Education has responded with the announcement it will begin to offer separate policy terms to individual school districts—circumventing not just Congress, but also the authority of States to direct education.

In response to that, the superintendent from Virginia said that this move undermines the States.

The Commissioner from Colorado said that this would "bypass" State authority and result in "unintended consequences."

From the Secretary of Education in Pennsylvania:

To allow districts to go directly to the Feds to get waivers, it would be difficult to see who is exactly responsible for accountability and reforms in their States. Districts are creatures of State government.

From Jennifer Marshall, she said this would create a "client mentality."

In fact, one of the publications said that this is a massive overreach by Washington into local school policy and a blatant disregard for State's education decisionmaking authority.

Here is the bottom line: the Federal Government can't change States; States can change local entities. It is

an improper relationship for the local entities to be able to bypass a State. We should not have that.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I didn't say they were autonomous. I said that they operate nearly autonomous. I guess if the State wanted to rein them in in California and Utah, they would rein them in. But they make applications all the time for title II funds, and apparently California and Colorado may want to do something about that. That sounds like a State problem.

Mr. Chairman, I yield back the balance of my time.

Mr. BISHOP of Utah. The State reined them in, but it still should not be a part of the policy in this bill.

I ask for a favorable vote in removing this section that is extra-constitutional from the bill, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was agreed to.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent that my request for a recorded vote on amendment No. 12 be withdrawn to the end that the Chair put the question on the amendment de novo.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 113-158 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. YOUNG of Alaska.

Amendment No. 4 by Mr. LUETKEMEYER of Missouri.

Amendment No. 11 by Mr. MEEHAN of Pennsylvania.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. YOUNG OF ALASKA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Alaska (Mr. YOUNG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 263, noes 161, not voting 9, as follows:

## [Roll No. 367]

## AYES—263

Aderholt Gerlach Nadler  
 Amodei Gibson Napolitano  
 Andrews Gosar Neal  
 Bachus Grayson Noem  
 Barber Green, Al Nolan  
 Barletta Green, Gene Nunes  
 Barrow (GA) Grijalva Nunnelee  
 Bass Grimm O'Rourke  
 Beatty Gutiérrez Owens  
 Becerra Hahn Pascrell  
 Benishek Hanabusa Pastor (AZ)  
 Bera (CA) Hanna Paulsen  
 Bishop (GA) Harper Payne  
 Bishop (NY) Hastings (FL) Pearce  
 Bishop (UT) Heck (NV) Pelosi  
 Blumenauer Heck (WA) Perlmutter  
 Bonamici Higgins Peters (CA)  
 Bonner Himes Peters (MI)  
 Brady (PA) Hinojosa Peterson  
 Braley (IA) Honda Pingree (ME)  
 Brown (FL) Hoyer Pocan  
 Brownley (CA) Hudson Polis  
 Bustos Huffman Price (NC)  
 Butterfield Hunter Quigley  
 Calvert Israel Rahall  
 Camp Issa Rangel  
 Capps Jackson Lee Reed  
 Capuano Jeffries Reichert  
 Cárdenas Jenkins Rice (SC)  
 Carney Johnson (GA) Richmond  
 Carson (IN) Johnson, E. B. Rooney  
 Cartwright Joyce Ros-Lehtinen  
 Castor (FL) Kaptur Roybal-Allard  
 Castro (TX) Keating Ruiz  
 Chu Kelly (IL) Runyan  
 Cicilline Kennedy Ruppersberger  
 Clarke Kildee Rush  
 Clay Kilmer Sánchez, Linda  
 Cleaver Kind T.  
 Clyburn King (NY) Sanchez, Loretta  
 Cohen Kirkpatrick Kuster  
 Cole Sarbanes Schakowsky  
 Collins (NY) LaMalfa Schiff  
 Connolly Langevin Schneider  
 Conyers Larsen (WA) Schrader  
 Cook Larson (CT) Schwartz  
 Cooper Lee (CA) Schweikert  
 Costa Levin Scott (VA)  
 Courtney Lewis Scott, David  
 Cramer Lipinski Scott, David  
 Crowley LoBiondo Serrano  
 Cuellar Loebach Sewell (AL)  
 Culberson Lofgren Shea-Porter  
 Cummings Lowenthal Sherman  
 Daines Lowey Shimkus  
 Davis (CA) Lujan Grisham Shuster  
 Davis, Danny (NM) Simpson  
 DeFazio Luján, Ben Ray Sinema  
 DeGette (NM) Sires  
 Delaney Lummis Slaughter  
 DeLauro Lynch Smith (WA)  
 DelBene Maffei Southerland  
 Denham Maloney, Speier  
 Dent Carolyn Stockman  
 Deutch Maloney, Sean Swallow (CA)  
 Diaz-Balart Marino Takano  
 Dingell Matheson Thompson (CA)  
 Doggett Matsui Thompson (MS)  
 Doyle McCollum Tierney  
 Duckworth McDermott Tipton  
 Duffy McGovern Titus  
 Edwards McHenry Tonko  
 Engel McIntyre Tsongas  
 Enyart McMorris Turner  
 Eshoo Rodgers Valadao  
 Esty McNeerney Van Hollen  
 Farr Meadows Vargas  
 Fattah Meeks Veasey  
 Fitzpatrick Meng Vela  
 Fortenberry Mica Velázquez  
 Foster Michaud Visclosky  
 Frankel (FL) Miller (MI) Walden  
 Frelinghuysen Miller, Gary Walz  
 Fudge Miller, George Wasserman  
 Gabbard Moore Schultz  
 Gallego Moran Waters  
 Garamendi Mullin Watt  
 Garcia Murphy (FL) Waxman

Webster (FL)  
 Welch

Whitfield  
 Wilson (FL)

## NOES—161

Alexander Griffin (AR)  
 Amash Griffith (VA)  
 Bachmann Guthrie  
 Barr Hall  
 Barton Harris  
 Bentivolio Hartzler  
 Bilirakis Hastings (WA)  
 Black Hensarling  
 Blackburn Holding  
 Boustany Huelskamp  
 Brady (TX) Huizenga (MI)  
 Bridenstine Hultgren  
 Brooks (AL) Hurt  
 Brooks (IN) Johnson (OH)  
 Broun (GA) Johnson, Sam  
 Buchanan Jones  
 Buchson Jordan  
 Burgess Kelly (PA)  
 Campbell King (IA)  
 Cantor Kingston  
 Capito Kinzinger (IL)  
 Carter Kline  
 Cassidy Labrador  
 Chabot Lamborn  
 Chaffetz Lance  
 Coble Lankford  
 Coffman Latham  
 Collins (GA) Latta  
 Conaway Long  
 Cotton Lucas  
 Crawford Luetkemeyer  
 Crenshaw Marchant  
 Davis, Rodney Massie  
 DeSantis McCarthy (CA)  
 DesJarlais McCaul  
 Duncan (SC) McClintock  
 Duncan (TN) McKeon  
 Ellmers McKinley  
 Farenthold Meehan  
 Fincher Messer  
 Fleischmann Miller (FL)  
 Fleming Mulvaney  
 Flores Murphy (PA)  
 Forbes Neugebauer  
 Foxx Nugent  
 Franks (AZ) Olson  
 Gardner Palazzo  
 Garrett Perry  
 Gibbs Petri  
 Gingrey (GA) Pittenger  
 Goodlatte Pitts  
 Gowdy Poe (TX)  
 Granger Pompeo  
 Graves (MO) Posey

## NOT VOTING—9

Ellison Herrera Beutler  
 Gohmert Holt  
 Graves (GA) Horsford

## □ 1806

Messrs. GRIFFITH of Virginia, HOLDING, DUNCAN of Tennessee, CASSIDY, KELLY of Pennsylvania, and GUTHRIE changed their vote from “aye” to “no.”

Mr. STOCKMAN, Ms. SCHAKOWSKY, Ms. WASSERMAN SCHULTZ, Messrs. HUFFMAN, RUSH, RICE of South Carolina, SIREN, LIPINSKI, DANNY K. DAVIS of Illinois, DEFAZIO, AMODEI, HECK of Nevada, Mrs. LUMMIS, Messrs. BISHOP of Georgia, NUNNELEE, REED, TURNER, LOEBSACK, BRALEY of Iowa, HANNA, Ms. SPEIER, and Mr. BONNER changed their vote from “no” to “aye.”

So the amendment was agreed to.  
 The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR.

LUETKEMEYER

The Acting CHAIR (Mr. HULTGREN).  
 The unfinished business is the demand

Yarmuth  
 Young (AK)

Price (GA)  
 Radel  
 Renacci  
 Ribble  
 Rigell  
 Roby  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rokita  
 Roskam  
 Ross  
 Rothfus  
 Royce  
 Ryan (OH)  
 Ryan (WI)  
 Salmon  
 Sanford  
 Scalise  
 Schock  
 Scott, Austin  
 Sensenbrenner  
 Sessions  
 Smith (MO)  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Stewart  
 Stivers  
 Stutzman  
 Terry  
 Thompson (PA)  
 Thornberry  
 Tiberi  
 Upton  
 Wagner  
 Walberg  
 Walorski  
 Weber (TX)  
 Wenstrup  
 Westmoreland  
 Williams  
 Wilson (SC)  
 Wittman  
 Wolf  
 Womack  
 Woodall  
 Yoder  
 Yoho  
 Young (FL)  
 Young (IN)

for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 182, not voting 10, as follows:

## [Roll No. 368]

## AYES—241

Frelinghuysen  
 Gabbard  
 Gallego  
 Gardner  
 Garrett  
 Gerlach  
 Gibbs  
 Gibson  
 Gingrey (GA)  
 Gohmert  
 Goodlatte  
 Gosar  
 Gowdy  
 Granger  
 Graves (GA)  
 Graves (MO)  
 Green, Gene  
 Griffin (AR)  
 Griffith (VA)  
 Grimm  
 Guthrie  
 Hall  
 Hanna  
 Harper  
 Harris  
 Hartzler  
 Hastings (WA)  
 Heck (NV)  
 Hensarling  
 Holding  
 Hudson  
 Huelskamp  
 Huizenga (MI)  
 Hultgren  
 Hunter  
 Hurt  
 Issa  
 Jenkins  
 Johnson (OH)  
 Johnson, Sam  
 Jones  
 Jordan  
 Joyce  
 Kelly (PA)  
 King (IA)  
 King (NY)  
 Kingston  
 Kinzinger (IL)  
 Kline  
 Labrador  
 LaMalfa  
 Lamborn  
 Lance  
 Lankford  
 Latham  
 Latta  
 LoBiondo  
 Long  
 Lucas  
 Luetkemeyer  
 Lummis  
 Lynch  
 Maffei  
 Marchant  
 Marino  
 Matheson  
 McCarthy (CA)  
 McCaul  
 McClintock  
 McHenry  
 McIntyre  
 McKeon  
 McKinley  
 McMorris  
 Rodgers  
 Meadows  
 Meehan  
 Messer  
 Mica  
 Miller (FL)  
 Miller (MI)  
 Miller, Gary  
 Mullin  
 Mulvaney  
 Murphy (FL)  
 Murphy (PA)  
 Neugebauer  
 Noem  
 Nugent  
 Nunes  
 Nunnelee  
 Olson  
 Palazzo  
 Paulsen  
 Pearce  
 Perry  
 Peters (CA)  
 Petri  
 Pittenger  
 Pitts  
 Poe (TX)  
 Pompeo  
 Posey  
 Price (GA)  
 Radel  
 Reichert  
 Renacci  
 Ribble  
 Rice (SC)  
 Rigell  
 Roby  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rokita  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Ross  
 Rothfus  
 Royce  
 Runyan  
 Ryan (WI)  
 Salmon  
 Sanford  
 Scalise  
 Schock  
 Schweikert  
 Scott, Austin  
 Sensenbrenner  
 Sessions  
 Shimkus  
 Shuster

Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry

Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland

Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (FL)  
Young (IN)

AMENDMENT NO. 11 OFFERED BY MR. MEEHAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. MEEHAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

Schock  
Schrader  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stewart

Stivers  
Stockman  
Stutzman  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)

Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (FL)  
Young (IN)

## NOES—182

Andrews  
Barber  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Garamendi  
Garcia  
Grayson

## NOT VOTING—10

Diaz-Balart  
Ellison  
Gutiérrez  
Herrera Beutler

Holt  
Horsford  
McCarthy (NY)  
Negrete McLeod

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1811

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Payne  
Pelosi  
Perlmutter  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reed  
Richmond  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

Aderholt  
Alexander  
Amash  
Amodei  
Bachmann  
Bachus  
Barletta  
Barr  
Barton  
Benishek  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Holding  
Hudson  
Perry  
Huelskamp  
Huffman  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Marchant  
Marino

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 187, not voting 7, as follows:

[Roll No. 369]

## AYES—239

Fortenberry  
Massie  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Perry  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Ruiz  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise

Andrews  
Barber  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Galleo  
Garamendi  
Garcia

Ellison  
Herrera Beutler  
Holt

## NOES—187

Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Honda  
Hoyer  
Israel  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowey  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Matsui  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Nadler  
Napolitano  
Neal  
Nolan  
O'Rourke

## NOT VOTING—7

Horsford  
McCarthy (NY)  
Negrete McLeod

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1816

So the amendment was agreed to.  
The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. ELLISON. Mr. Chair, on rollcall Nos. 367, 368, 369, I would have voted "yes" on 367; "yes" on 368; and "no" on 369.

## AMENDMENT NO. 15 OFFERED BY MR. TONKO

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 113-158.

Mr. TONKO. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 260, line 15, strike "95" and insert "85".

Page 260, line 17, strike "and".

Page 260, after line 17, insert the following new paragraph:

"(2) reserve 10 percent of the grant funds to make subgrants in accordance with subsection (c); and".

Page 260, line 18, strike "(2)" and insert "(3)".

Page 262, after line 20, insert the following new subsection:

"(c) STEM PROFESSIONAL DEVELOPMENT AND INSTRUCTIONAL MATERIALS GRANTS.—A State receiving a grant under section 2111 shall use the funds described in subsection (a)(2) to award grants, on a competitive basis, to nonprofit organizations, and other entities, with expertise and a demonstrated record of success in science, technology, engineering, and mathematics fields to enable such organizations and entities to develop and provide professional development and instructional materials to support elementary and secondary education for science, technology, engineering, and mathematics in the State.".

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from New York (Mr. TONKO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. TONKO. Mr. Chairman, I thank the ranking member of the committee for the opportunity to have time to explain my amendment.

I was planning to offer an amendment today to strengthen the Federal commitment to STEM education, but I intend to withdraw my amendment and offer my robust support for the Democratic substitute which addresses many of my concerns and contains dedicated funding streams for STEM programs.

That being said, many schools already face shortages of science, technology, engineering, and math teachers; and these teachers often have inadequate opportunities for subject-specific professional development. Further, there is rarely an extensive curriculum available to support the teaching of these subjects, especially engineering education.

My amendment would have addressed these issues by committing existing funds under ESEA to support professional development of STEM education. I know firsthand the importance and value of a STEM education, having graduated from Clarkson Uni-

versity with a degree in mechanical and industrial engineering. I'm proud to represent New York's capital region, which serves as a shining example of what a robust investment in STEM education can produce.

In my district, companies like GE and GlobalFoundries, in addition to research centers like the Center for Nano Science and Engineering and RPI, lead the way in STEM jobs and education. These are well-paying, growth-oriented, cutting-edge occupations that ensure America remains competitive in the global marketplace.

As we work to speed up our economic recovery, we know that jobs in the future are going to rely heavily on professionals with a STEM education background. STEM education opportunities for students will spur American innovation through research and development. America has a proven track record of leading in new, innovative technologies, from the implementation of the car assembly line to the creation of the Internet. In order to remain a competitive global economic power of the 21st century, we must preserve a robust national commitment to STEM education.

The United States will have more than 1.75 million job openings in STEM-related occupations by 2018. Yet without a robust investment in the type of education and training these jobs require, there will be a significant shortage of qualified college graduates to fill these careers. The time to invest is now.

With that, Mr. Chair, I yield 2 minutes to my good friend and colleague from Massachusetts (Mr. KENNEDY), a very strong leader in promoting this issue.

Mr. KENNEDY. I thank my colleague from New York for yielding. I want to thank the ranking member for his work on the bill and for the continued leadership my colleague from New York has shown in STEM education, an issue that is particularly important for my district and the local workforce back home.

Mr. Chairman, I rise today in support of this bipartisan amendment and of the continued work that we need to do here in Congress to support and expand engineering education. This amendment would simply have taken advantage of existing title II funding to bring industry expertise from the STEM fields into the professional development we provide for our teachers. It reflects the goals of bipartisan legislation my colleague and I have introduced together, the Educating Tomorrow's Engineers Act, and reflects the underlying principle at the heart of the Elementary and Secondary Education Act, which we consider for reauthorization today—the fundamental equity and equality of opportunity in American education.

Engineering and technical skills across the STEM fields are going to be

anchors of the 21st-century economy. The most rapidly growing sectors of our economy and our country's growth right now are the innovation sectors: advanced manufacturing, life sciences, information technology, and clean energy. Economists continue to predict expansive growth in these areas over the next decade—a very bright spot for our economic future.

It is the job of our schools to make sure that every child from every ZIP code has access to an education that prepares them to fully engage in this economy and become a productive member of our workforce. The more kids we educate in these fields and the better the education, the wider and deeper our prosperity will be.

While we withdraw this amendment today, we will continue to work with our colleagues on both sides of the aisle to strengthen our commitment to engineering education and to revitalize the workforces in our local communities by preparing today's students and tomorrow's workers for good jobs in the innovation sectors.

Mr. TONKO. Mr. Chair, I withdraw my amendment.

## AMENDMENT NO. 16 OFFERED BY MRS. BROOKS OF INDIANA

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 113-158.

Mrs. BROOKS of Indiana. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 267, line 19, insert ", including for teachers of computer science and other science, technology, engineering, and mathematics subjects" after "teachers".

Page 268, line 19, insert "and teachers of computer science and other science, technology, engineering, and mathematics subjects" after "teachers".

Page 276, line 16, insert "computer science and other" after "including".

Page 284, line 23, insert "computer science and other" after "from".

Page 366, line 5, strike "academic subject specific programs" and insert "academic subject specific programs (including computer science and other science, technology, engineering, and mathematics programs)".

The Acting CHAIR. Pursuant to House Resolution 303, the gentlewoman from Indiana (Mrs. BROOKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Indiana.

Mrs. BROOKS of Indiana. Mr. Chairman, the Student Success Act is a good bill that creates necessary flexibility for States and local school boards to best serve their students. Mr. POLIS and I have an amendment that would simply make clarifying changes to H.R. 5. Our amendment adds computer science in title II, the teacher preparation title, and title III, the parental engagement title. This clarifies that Federal funds may be used to support the

training and teaching of teachers of computer science and STEM subjects in K–12 education. Simply put, it allows Federal funds to be used for much-needed teacher professional development in computer science.

It doesn't cost taxpayers one additional penny, and it wouldn't impose any new mandates on States or localities. Instead, it simply provides the additional flexibility to educators as they choose how to spend their Federal education dollars. Even with the 7.6 percent national unemployment rate, thousands of jobs remain unfilled because our K–12 classrooms haven't provided ample opportunities to learn computer science.

The situation will become even more serious over the next few years. By 2020, it's expected that half of the 9.2 million U.S. STEM jobs, as we've heard just previously, will be in computing or IT-related. If we don't increase access to computer science education now, these jobs will either remain unfilled or employers will find workers overseas by exporting those jobs or importing the labor to fill them.

This amendment is supported by Computing in the Core, whose members include companies like Google, Microsoft, and Oracle, as well as the Information Technology Industry Council. This amendment will also help more women and minorities choose computer science as a career. In 2011, only 19 percent of Advanced Placement computer science test-takers were women, even though women represented 56 percent of AP test-takers overall. Only 25 percent of the computer science workforce was female, with just 3 percent of those being African American and 1 percent Latino.

Today, only nine States maintain computer science requirements to graduate from high school. One of the reasons more do not is because we don't encourage our schools to use Federal funding to support teacher professional development specifically in computer science. This amendment remedies that fact.

Training a new generation of innovators requires a keen focus on the skills that will drive our 21st-century workforce. Computer science is one of those skills. Empowering our superintendents, principals, and educators to provide that robust, relevant, and effective computer science curriculum will ensure more students enter the workforce with the tools they need to succeed. It will help us close the gender and race gaps that have existed in this field for far too long.

Let's do everything we can to prepare our kids for success in tomorrow's technical-driven and information-driven economy. I ask my colleagues to stand with us and pass this amendment, and I reserve the balance of my time.

□ 1830

Mr. POLIS. Mr. Chairman, I claim time in opposition to the amendment, even though I'm not opposed.

The Acting CHAIR. Without objection, the gentleman from Colorado is recognized for 5 minutes.

There was no objection.

Mr. POLIS. Mr. Chairman, I rise today to support this amendment that I was pleased to work on with Representative BROOKS, which would clarify that Federal funds can be used for computer science education, particularly when it comes to teacher preparation and professional development to make sure that teachers have the skills and knowledge that they need to make sure that their students can receive the instruction they need to have jobs in the 21st century. This amendment is based on the Computer Science Education Act, which Representative BROOKS and I introduced earlier this year.

In today's knowledge-based economy, it's more important than ever to ensure our education system meets the demands of the 21st-century workforce. However, there's a fundamental mismatch between the jobs of the future and the skills that are available in many schools today. One of the places that we haven't kept up is computing and computer science.

There will be an estimated 1.4 million computing jobs by 2020, and it's one of the top 10 fastest growing major occupational groups. We will have even more jobs than we have computer science students to fill them. Without high-quality teachers to introduce students to computer science, our Nation's students won't even have the opportunity to have some of these jobs and explore this emerging and exciting field; and many of these jobs, frankly, will go overseas.

I'm pleased that Ranking Member MILLER has included computer science in the definition of STEM subjects in the Democratic substitute, which I strongly support. This amendment would make a corresponding change to the underlying bill to ensure that computer science will be treated similarly to other important academic areas. I think it highlights a commonsense adaptation of the way that we structure our professional development and expenditures to better align with the real need for making sure that kids have more exposure to computer science.

I urge my colleagues to support this amendment, which would provide flexibility and help prepare our Nation's students for the jobs of the future.

I yield back the balance of my time.

Mrs. BROOKS of Indiana. Mr. Chairman, may I inquire as to how much time I have remaining.

The Acting CHAIR. The gentlewoman has 2 minutes remaining.

Mrs. BROOKS of Indiana. I yield 1½ minutes to the gentlewoman from Washington (Mrs. McMORRIS RODGERS).

Mrs. McMORRIS RODGERS. Mr. Chairman, I rise to applaud my colleague's amendment, as well as the committee's work on this important issue.

The availability and mastery of STEM subjects really hold the key to a competitive future for America. Especially with our younger children, the opportunities that a STEM education hold are vast, no matter what the field.

So I was surprised to learn, as someone that's been working on increasing awareness for STEM education, that computer science is not recognized as a STEM subject. This is true, despite the fact that computer science is the highest paid college degree today, with the number of jobs available growing at twice the rate of the national average. In fact, by 2020, it is predicted that there will be more than 1.4 million jobs in the computing field. Yet only 2 percent of math and science students will graduate with a computer science degree—fewer students than a decade ago.

I am proud to say that Washington State has been at the forefront of this initiative, recently passing legislation to recognize coding as a core academic subject. We should be encouraging students and teachers in this area. It holds the key to our technological success as a Nation.

I urge my colleagues to adopt this amendment.

Mrs. BROOKS of Indiana. Mr. Chairman, I want to thank my friend, the gentleman from Colorado, for working with me on this amendment, as well as my colleague, Mrs. McMORRIS RODGERS, for her thoughtful comments, particularly with respect to her State, and for their support on this issue. I believe this will go a long way towards guaranteeing our students are ready and that our teachers are ready to teach our students so they can be ready for that 21st-century job market.

I encourage all Members to support this bipartisan amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Indiana (Mrs. BROOKS).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 113–158.

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 311, line 4, strike “and” at the end.

Page 311, line 15, strike the period at the end and insert a semicolon.

Page 315, after line 15, insert the following:

“(H) the entity will ensure that each charter school provides substantive outreach to students from low-income families and other underserved populations in its plans to open new charter schools, replicate high-quality

charter school models, or expand existing high-quality charter schools; and

“(I) the entity will allow per pupil revenues to be shared between local educational agencies to reflect split student enrollment in 2 or more part-time educational programs operated or authorized by different local educational agencies.”

Page 315, line 22, strike “schools.” and insert the following:

“schools, which may include (1) paying costs associated with preparing teachers to ensure strong school starts; (2) purchasing instructional materials and implementing teacher and principal professional development programs; and (3) providing the necessary renovations and minor facilities repairs, excluding construction, to ensure a strong school opening or to meet the needs of increased student enrollment.”

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, this amendment, as well as the underlying components of both the base bill as well as the Democratic substitute, is an opportunity to highlight the many successes that charter school and public school choice have brought to average students across the country.

Before I came to Congress, I founded two charter schools, and I served as superintendent of a charter school that serves English language learners and has four campuses across Colorado and New Mexico.

I am pleased to offer this amendment, which would ensure that charter schools are able to use Federal funds in a more flexible manner to ensure strong school foundations.

The Charter Schools Program is a critical lifeline in supporting public charter schools across the country. I want to thank Ranking Member MILLER and Chairman KLINE for working with me to support the replication and expansion of the very best charter schools and the emergence of new, transformational public charter school models that we can all learn from across public education.

As a recent Stanford CREDO study found, charter schools that are successful in producing strong academic progress from the start tend to remain strong and successful schools over time, proving that this is a durable phenomenon. Unfortunately, we have heard from countless school principals that they don't have the flexibility to spend these startup grants on the areas that would actually help them the most, the areas that are most impactful for their students and faculty.

My amendment, which I am offering with Congressman PETRI, would allow charter schools that receive Federal funding through the Charter Schools Program to use their grant dollars for more vital and important startup

costs, like professional development, teacher training, instructional materials, and minor facilities costs.

I remember when we were starting a charter school and we weren't able to use some of the charter startup funds on things like chairs and tables because they were considered capital equipment, and yet those were a real cost. And before the official enrollees start, you have to have chairs on that first day when kids arrive. This amendment will help make that happen.

This amendment also allows per-pupil revenue to be more portable in following the child by providing an assurance that when students are enrolled part time in one school and part time in another, the districts are able to share per-pupil revenue. This is important because, increasingly, kids are taking advantage of online programs offered by school districts as well as charter schools. This kind of hybrid education—sometimes entirely within a public school, sometimes within a charter school and a public school—and empowering the parents to be able to share and have a kid involved with both programs can, for many families, mean the best of both worlds, being able to have the social environment of the school along with the advantages of online learning at home.

This assurance will provide States with an incentive to provide more innovative funding models that expand learning opportunities and encourage hybrid education and the personalization of education for every child, including competency-based education.

Finally, this amendment would provide an assurance that charter schools are doing substantial outreach to low-income and underserved populations. We know that some high-performing charter schools are already leading on this issue, but we want to ensure that they continue to lead the way in providing access and choice for more families, and that all charter schools can do more to serve those who need the most help.

I want to thank Chairman KLINE and Ranking Member MILLER for working with me on this issue, and I urge my colleagues to support the amendment.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. POLIS. I yield to the gentleman.

Mr. GEORGE MILLER of California. Mr. Chairman, I want to commend the gentleman for his amendment and thank him for all of his work and leadership that he has brought to the committee on charter schools.

And I will vote for the amendment if the gentleman can say again five times “starter charter startup funds.” If you can say that really quickly five times, then I will vote for the amendment.

Mr. POLIS. I certainly enjoy talking about charter startup funds and charter school programs on the floor of the House at every opportunity to educate

my colleagues on both sides of the aisle with what Ranking Member MILLER and Chairman KLINE already know about the important contributions that public charter schools have made to serve at-risk kids across the country.

I reserve the balance of my time.

Mr. ROKITA. Mr. Chairman, I rise to claim time in opposition, but I certainly do not intend to oppose.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. Mr. Chairman, I thank the gentleman from Colorado for offering this amendment, along with Mr. PETRI for his work on this amendment. It's another example of the fact that as we work through this process in committee and here on the House floor, there's a lot of opportunity for the bill to get better and for the language to get better. And I say that as just one of the authors.

I rise in support of this amendment, which clarifies some of the uses for charter school startup grants and ensures charter schools are reaching out to underserved populations so they may have an opportunity to attend a charter school.

Recently, I had the opportunity to visit the SENSE Charter School in my home State of Indiana. What I saw in the students there was, again, nothing short of young people who are reaching and exceeding their potential.

What that visit also showed—and I have seen it in other schools as well, including one right here in Washington, D.C. this week—is that when given the choice, parents will put their children in the school that best fits their educational needs. Choice works, and funding shouldn't be tied to any kind of cookie-cutter standards or programs. It should be about what works and what doesn't.

Parents know their children. As we've heard on the House floor all afternoon and into the evening, I dare anyone here in Washington to say, Mr. Chairman, that they know our children better than we do. They are the best to make the evaluation, not bureaucrats.

Charter schools level the playing field for children of all different socioeconomic backgrounds. They allow parents, regardless of their means, to get their children out of a school not meeting their needs and find an educational environment that fits their unique learning style.

The charter school startup grants are a critical resource to help open more charter schools to provide greater choice for students. So instead of throwing good money after bad on failed education bureaucracy, let's devote these funds to good programs to help prepare charter school teachers and classrooms to make a lasting difference in the lives of our children.

So once again, I appreciate both gentlemen's support for charter schools. I

would urge the House to support the amendment and also to support the Student Success Act.

I yield back the balance of my time.  
Mr. POLIS. Mr. Chairman, I yield myself such time as I may consume.

I want to be clear: while this amendment helps empower social entrepreneurs and charter school founders and charter school management organizations to serve more kids, it in no way addresses the major underlying flaws of this piece of legislation.

The piece of legislation and the underlying bill as a whole are an enormous step backward for accountability and transparency and, as amended on the floor, have taken an even further step back. For instance, with the Scalise amendment, which takes away all reporting requirements with regard to teacher quality, not only removing a Highly Qualified Teacher concept, not only abolishing any intervening accountability measures, but actually gets rid of the ultimate accountability of performance-based measures which are included in the initial Kline bill after 3 years, but have now been stripped out entirely. I have a bill, along with SUSAN DAVIS, the STELLAR Act, that would implement a similar concept of providing accountability for teachers.

In addition, the watering down of standards—I believe a better name for this underlying bill, in fact, would be A Race to the Bottom, because that's exactly what it risks producing in terms of districts not accounting for kids with disabilities, in terms of districts adopting standards that are not college and career ready.

I deeply appreciate working with Representative PETRI from the majority on this amendment, and I urge a "yes" vote on the amendment.

I yield back the balance of my time.

Mr. PETRI. Mr. Chair, I rise today in support of this amendment and am pleased to be a cosponsor. Charter schools are a critical component of our Nation's public school system and are helping to foster an array of high-quality public school options for parents and their children. Today, more than 6,000 public charter schools serve a diverse student body of more than 2.3 million students in 40 States and the District of Columbia. Unfortunately, however, almost one million students find themselves on charter school waiting lists, unable to attend the school of their choice. We must do more to expand access to these high-quality public school options.

One recent study conducted by the Stanford Center for Research on Education Outcomes found that schools that have a strong start tend to remain highly successful schools in the future. The federal Charter Schools Program has been a crucial tool in helping many charter schools get this strong start. Unfortunately, however, many schools aren't able to use the funds provided through this program in ways that would be most effective for their students. This amendment would simply expand the ways in which charter schools can use the

startup funds provided through this program, including for professional development, teacher training, instructional materials, and minor facilities improvements.

The amendment would also give priority to States that allow funding provided to charter schools to be shared when a student is enrolled in multiple schools. This flexibility will help support the growth of a wide array of high-quality virtual schools and other expanded learning opportunities provided through partner organizations.

Lastly, the amendment simply ensures that charter schools receiving funds under the federal Charter Schools Program are doing outreach to low-income and underserved populations. While charter schools often serve a disproportionate number of low-income students, this amendment will simply ensure that they continue to lead the way in providing access to high-quality public school options.

I urge my colleagues to support this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MS. VELÁZQUEZ

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 113-158.

Ms. VELÁZQUEZ. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 351, after line 12, insert the following:  
“(5) A description of the steps the applicant will take to target services to low-income students and parents.”.

Page 351, line 12, redesignate paragraph (5) as paragraph (6).

Page 353, line 23, strike “and” after the semicolon.

Page 354, line 2, strike the period and insert “; and”.

Page 354, after line 2, insert the following:  
“(K) conduct outreach to low-income students and parents, including low-income students and parents who are not proficient in English.”.

The Acting CHAIR. Pursuant to House Resolution 303, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, millions of children in our country are falling through the cracks. Every day, children sit in classrooms more worried about the emptiness in their stomachs, the dangers of their walk home, or the broken radiator in their freezing apartment than the lessons on the board.

Every afternoon, these children return home to families who do not know how to support their education. And every year these kids drop out of school, don't pass on to the next grade,

or pass on without having been properly prepared.

The Family Engagement Centers established by this legislation will work to bring community-based organizations, school districts, educators, school administrators, and parents together to meet children's educational needs. This holistic approach focuses on preparing children for a bright future.

Family Engagement Centers face serious obstacles in reaching many parents, however. There is the single mother working two jobs, the parents who feel intimidated by algebra or literature because they were never taught those subjects, and millions of immigrant families who work hard every day but have trouble deciphering the notices schools send home.

□ 1845

My amendment ensures that Family Engagement Centers work on reaching these low-income students and parents and that they reach out to students and parents that lack the resources that other families have, especially those that might have difficulty communicating with educators and school administrators.

The blame for our failing schools cannot be placed on our students. They are too preoccupied with the violence that might meet them on the street corner or thoughts of meals that never come to focus on letters and numbers. The blame lies with the system, a system too overwhelmed to worry about our children. That is unacceptable.

When parents don't have the resources to engage, don't feel comfortable engaging, or cannot engage without the help of a translator, it is difficult to encourage them to participate in their child's education. You can walk into virtually any community and find families in this situation. These families want to see their children live the American Dream, but they feel they cannot help or they have trouble communicating in a system that doesn't speak their language.

My amendment helps bring these families into the mix so that education becomes a 24/7 goal. When parents and schools work together, education is no longer something a child does for a few hours during weekdays. It is a constant process reinforced by everyone around them.

We all know it takes a village to raise a child. Family Engagement Centers help to bring that together and focus on the needs of the child. My amendment ensures that villagers and children aren't left out because they do not have the same resources or speak the same language as the rest of the village.

I reserve the balance of my time.

Mr. ROKITA. Mr. Chairman, I rise to claim time in opposition, but I do not intend to oppose the amendment.



The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. Mr. Chair, I am supportive of this amendment, which merely adds a requirement for grantees under the Family Engagement Centers to conduct outreach to low-income families, as I understand the gentleman's presentation.

The intent of this program is to help parents better engage with their students to increase their academic achievement. I certainly support these centers reaching out to low-income families to help them.

I appreciate my colleague's effort on this provision, and I urge support of the amendment, as well as the entire Student Success Act.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield the remainder of my time to the ranking member.

Mr. GEORGE MILLER of California. I want to commend you so much for offering this amendment. In touring schools my entire time in Congress and talking to parents and talking to school officials where we have these kinds of resources available to engage parents, the outcomes of the students are very often dramatically improved. The participation by the parents is dramatically improved. The participation by the parents at home with the students is changed in a very dramatic fashion.

Just recently, in the North Bay in the San Francisco area up in Napa County, the participation of the parents with English learning students who are in kindergarten with the use of an iPad and getting the parents to come together and understand this technology, how it could help their children learn English, how it could help them learn English, and then imparting with the parents that they could also use it for job search, the engagement was just phenomenal, and these students continue to soar as they now are in the third grade.

So these kinds of possibilities where you bring parents and get that kind of involvement, it changes it so much. Helms Middle School in my district, we not only tore it down and rebuilt it, but we made it a community school with family engagement, and there are parents on that campus all of the time engaged with their kid's education, with their neighbor's kid's education, and their own education.

I really commend you. I think this is a very important amendment as we seek to have parents involved in schools, and thank you so much.

Mr. ROKITA. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. MULLIN

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 113-158.

Mr. MULLIN. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 373, lines 11 through 22, strike paragraph (1), and redesignate the succeeding paragraphs accordingly.

Page 391, beginning on line 12, strike "agencies" and all that follows through page 392, line 20, and insert "agencies)."

Page 394, beginning on line 17, amend section 406 to read as follows:

**SEC. 406. CONSTRUCTION.**

Section 8007 (20 U.S.C. 7707) is amended to read as follows:

**"SEC. 8007. CONSTRUCTION.**

**"(a) SCHOOL FACILITY EMERGENCY AND MODERNIZATION GRANTS AUTHORIZED.—**

**"(1) IN GENERAL.—**From 100 percent of the amount appropriated for each fiscal year under section 8014(e), the Secretary—

**"(A) shall award emergency grants in accordance with this subsection to eligible local educational agencies to enable the agencies to carry out emergency repairs of school facilities; and**

**"(B) shall award modernization grants in accordance with this subsection to eligible local educational agencies to enable the agencies to carry out the modernization of school facilities.**

**"(2) PRIORITY.—**In approving applications from local educational agencies for emergency grants and modernization grants under this subsection, the Secretary shall give priority to applications in accordance with the following:

**"(A) The Secretary shall first give priority to applications for emergency grants from local educational agencies that meet the requirements of paragraph (3)(A) and, among such applications for emergency grants, shall give priority to those applications from local educational agencies based on the severity of the emergency, as determined by the Secretary.**

**"(B) The Secretary shall next give priority to applications for modernization grants from local educational agencies that meet the requirements of paragraph (3)(B) and, among such applications for modernization grants, shall give priority to those applications from local educational agencies based on the severity of the need for modernization, as determined by the Secretary.**

**"(3) ELIGIBILITY REQUIREMENTS.—**

**"(A) EMERGENCY GRANTS.—**A local educational agency is eligible to receive an emergency grant under paragraph (2)(A) if—

**"(i) the agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, the agency's fiscal agent)—**

**"(I) has no practical capacity to issue bonds; or**

**"(II) has minimal capacity to issue bonds and is at not less than 75 percent of the agency's limit of bonded indebtedness; or**

**"(ii) the agency is eligible to receive assistance under subsection (a) for the fiscal year and has a school facility emergency, as determined by the Secretary, that poses a health or safety hazard to the students and school personnel assigned to the school facility.**

**"(B) MODERNIZATION GRANTS.—**A local educational agency is eligible to receive a modernization grant under paragraph (2)(B) if—

**"(i) the agency receives a basic support payment under section 8003(b) for the fiscal year; or**

**"(ii) the agency receives a Federal properties payment under section 8002 for the fiscal year.**

**"(C) RULE OF CONSTRUCTION.—**For purposes of subparagraph (A)(i), a local educational agency—

**"(i) has no practical capacity to issue bonds if the total assessed value of real property that may be taxed for school purposes is less than \$25,000,000; and**

**"(ii) has minimal capacity to issue bonds if the total assessed value of real property that may be taxed for school purposes is at least \$25,000,000 but not more than \$50,000,000.**

**"(4) AWARD CRITERIA.—**In awarding emergency grants and modernization grants under this subsection, the Secretary shall consider the following factors:

**"(A) The ability of the local educational agency to respond to the emergency, or to pay for the modernization project, as the case may be, as measured by—**

**"(i) the agency's level of bonded indebtedness;**

**"(ii) the assessed value of real property per student that may be taxed for school purposes compared to the average of the assessed value of real property per student that may be taxed for school purposes in the State in which the agency is located;**

**"(iii) the agency's total tax rate for school purposes (or for capital expenditures, if applicable) compared to the average total tax rate for school purposes (or the average capital expenditure tax rate, if applicable) in the State in which the agency is located; and**

**"(iv) funds that are available to the agency, from any other source, including subsection (a), that may be used for capital expenditures.**

**"(B) The percentage of property in the agency that is nontaxable due to the presence of the Federal Government.**

**"(C) The number and percentages of children described in subparagraphs (A), (B), (C), and (D) of section 8003(a)(1) served in the school facility with the emergency or served in the school facility proposed for modernization, as the case may be.**

**"(D) In the case of an emergency grant, the severity of the emergency, as measured by the threat that the condition of the school facility poses to the health, safety, and well-being of students.**

**"(E) In the case of a modernization grant—**

**"(i) the severity of the need for modernization, as measured by such factors as—**

**"(I) overcrowding, as evidenced by the use of portable classrooms, or the potential for future overcrowding because of increased enrollment; or**

**"(II) the agency's inability to utilize technology or offer a curriculum in accordance with contemporary State standards due to the physical limitations of the current school facility; and**

**"(ii) the age of the school facility proposed for modernization.**

**"(5) OTHER AWARD PROVISIONS.—**

**"(A) GENERAL PROVISIONS.—**

**"(i) LIMITATIONS ON AMOUNT OF FUNDS.—**

**"(I) IN GENERAL.—**The amount of funds provided under an emergency grant or a modernization grant awarded under this subsection to a local educational agency that meets the requirements of subclause (II) of paragraph (3)(A)(i) for purposes of eligibility under subparagraph (A) or (B) of paragraph (3)—

“(aa) shall not exceed 50 percent of the total cost of the project to be assisted under this subsection; and

“(bb) shall not exceed \$4,000,000 during any 4-year period.

“(II) IN-KIND CONTRIBUTIONS.—A local educational agency may use in-kind contributions to meet the matching requirement of subclause (I)(aa).

“(ii) PROHIBITIONS ON USE OF FUNDS.—A local educational agency may not use funds provided under an emergency grant or modernization grant awarded under this subsection for—

“(I) a project for a school facility for which the agency does not have full title or other interest;

“(II) stadiums or other school facilities that are primarily used for athletic contests, exhibitions, or other events for which admission is charged to the general public; or

“(III) the acquisition of real property.

“(iii) SUPPLEMENT, NOT SUPPLANT.—A local educational agency shall use funds provided under an emergency grant or modernization grant awarded under this subsection only to supplement the amount of funds that would, in the absence of the Federal funds provided under the grant, be made available from non-Federal sources to carry out emergency repairs of school facilities or to carry out the modernization of school facilities, as the case may be, and not to supplant such funds.

“(iv) MAINTENANCE COSTS.—Nothing in this subsection shall be construed to authorize the payment of maintenance costs in connection with any school facility modernized in whole or in part with Federal funds provided under this subsection.

“(v) ENVIRONMENTAL SAFEGUARDS.—All projects carried out with Federal funds provided under this subsection shall comply with all relevant Federal, State, and local environmental laws and regulations.

“(vi) CARRY-OVER OF CERTAIN APPLICATIONS.—A local educational agency that applies for an emergency grant or a modernization grant under this subsection for a fiscal year and does not receive the grant for the fiscal year shall have the application for the grant considered for the following fiscal year, subject to the priority requirements of paragraph (2) and the award criteria requirements of paragraph (4).

“(B) EMERGENCY GRANTS; PROHIBITION ON USE OF FUNDS.—A local educational agency that is awarded an emergency grant under this subsection may not use amounts under the grant for the complete or partial replacement of an existing school facility unless such replacement is less expensive or more cost-effective than correcting the identified emergency.

“(6) APPLICATION.—A local educational agency that desires to receive an emergency grant or a modernization grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall contain the following:

“(A) A description of how the local educational agency meets the award criteria under paragraph (4), including the information described in clauses (i) through (iv) of paragraph (4)(A) and subparagraphs (B) and (C) of paragraph (4).

“(B) In the case of an application for an emergency grant—

“(i) a description of the school facility deficiency that poses a health or safety hazard to the occupants of the facility and a description of how the deficiency will be repaired; and

“(ii) a signed statement from an appropriate local official certifying that a deficiency in the school facility threatens the health or safety of the occupants of the facility or that prevents the use of all or a portion of the building.

“(C) In the case of an application for a modernization grant—

“(i) an explanation of the need for the school facility modernization project;

“(ii) the date on which original construction of the facility to be modernized was completed;

“(iii) a listing of the school facilities to be modernized, including the number and percentage of children determined under section 8003(a)(1) in average daily attendance in each school facility; and

“(iv) a description of the ownership of the property on which the current school facility is located or on which the planned school facility will be located.

“(D) A description of the project for which a grant under this subsection will be used, including a cost estimate for the project.

“(E) A description of the interest in, or authority over, the school facility involved, such as an ownership interest or a lease arrangement.

“(F) Such other information and assurances as the Secretary may reasonably require.

“(7) REPORT.—

“(A) IN GENERAL.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate congressional committees a report that contains a justification for each grant awarded under this subsection for the prior fiscal year.

“(B) DEFINITION.—In this paragraph, the term ‘‘appropriate congressional committees’’ means—

“(i) the Committee on Appropriations and the Committee on Education and the Workforce of the House of Representatives; and

“(ii) the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate.”

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Oklahoma (Mr. MULLIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. MULLIN. Mr. Chair, first of all, I would like to thank Chairman KLINE for his work on this bill and for working with my office on several provisions that affected the Impact Aid Program. I believe this bill goes a long way to improving the Impact Aid Program. I would like to thank the chairman for including the provisions related to the destruction of records in a manager's amendment and working with my office on a provision related to heavily impacted school districts.

My amendment would strike the language in the bill that would make payment to a school district if two districts consolidated and one or both were eligible for payments as an individual local education agency but not when consolidated. Basically, this provision would make the ineligible consolidated schools and the districts be eligible to receive funding. This requires already limited funds to stretch even farther.

Additionally, this amendment would remove the text allowing school districts to adjust their student accounts midyear. By allowing midyear adjustments, it puts a strain on those administering the funds which could lead to delay in the payments to our school districts. Currently, schools are allowed to adjust their student accounts only annually.

Finally, this amendment would take the current construction program and make it solely a competitive grant program. Currently, the program fluctuates between an apportionment fund to school districts and a competitive grant program. While making the program completely a competitive grant program, we would be allowing school districts to be awarded based on needs versus just giving them funds on an annual basis.

However, I am willing to withdraw my amendment and would just simply ask the chairman to continue to work with me in the future on this issue.

Mr. Chair, I withdraw my amendment.

AMENDMENT NO. 20 OFFERED BY MR. GARRETT

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 113-158.

Mr. GARRETT. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 475, after line 19, insert the following new section:

“SEC. 5530. PROHIBITION ON REQUIRING STATE PARTICIPATION.

“Any State that opts out of receiving funds, or that has not been awarded funds, under one or more programs under this Act shall not be required to carry out any of the requirements of such program or programs, and nothing in this Act shall be construed to require a State to participate in any program under this Act.”

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT. Mr. Chair, I wish to thank Chairman KLINE for his leadership on the legislation today and on the entire issue that he brings before Congress now.

Chairman KLINE has three notable goals when drafting the Student Success Act: restoring local control, reducing the Federal footprint, and empowering parents as well. He has succeeded in crafting a bill that works towards all these goals.

For too long now, all across this Nation, parents, teachers, and administrators, the people that are closest and most directly responsible for our students, have spent their time fighting Federal education mandates rather than doing what we want them to do,

which is focusing exclusively on teaching our students. Growing Federal intrusion into the American education system has been an unmitigated failure which has not improved students' achievement.

To that end, I have now worked with the chairman to include language in the manager's amendment that clarifies that States are not required to accept Federal funds and the Federal mandates that are tied to them, so they are free to engage in the activity they need to.

Additionally, the language clarifies that States are not required to participate in any of the Federal education programs. This language and the Student Success Act, as a whole, recognizes the American commitment to the principles of federalism, which allows for competition and innovation.

I thank Chairman KLINE for his leadership and for helping stem the Federal intrusion into our American education system.

At this time, I would like to yield 30 seconds to Mr. ROKITA.

Mr. ROKITA. Mr. Chairman, I thank the gentleman from New Jersey for his language. I think this is a good amendment and was pleased to incorporate it into the manager's amendment.

Too often we hear concerns that States have to participate in these programs or have to comply with unfair rules. This amendment will clearly establish the rights of States to opt out of the programs and further clarify that States cannot be forced to participate in any program.

Mr. GARRETT. Mr. Chair, at this time, I would like to withdraw my amendment and urge my colleagues to support the underlying Student Success Act.

AMENDMENT NO. 21 OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 113-158.

Mr. BROUN of Georgia. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 481, line 19, strike "and".

Page 481, line 22, strike the period and insert "; and".

Page 481, after line 22, insert the following: "(D) the average salary of the employees described in subparagraph (B) whose positions were eliminated; and

"(E) the average salary of the full-time equivalent employees who work on or administer a program or project authorized under this Act by the Department, disaggregated by employee function with each such program or project."

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, as my colleagues know, I believe in the Constitution as our Founding Fathers meant it to be: limited government, with enumerated powers of all branches of government, the Congress and every branch.

As a result, I don't believe there is a Federal role in education at all. These powers ought to belong to the States and to the people. Parents and teachers should direct the education of the children, not the Federal Government.

Since 1965, the Federal Government has spent a total of \$2 trillion. Unfortunately, this big Federal role in education has resulted in mandate after mandate and regulation after regulation being forced upon school superintendents, principals, teachers, parents, and students with little measurable gain in quality of education.

The underlying bill reduces the burden which came out of No Child Left Behind. I call it No Teacher Left Unshackled. I don't believe that it goes far enough, but I can appreciate the movement away from total Federal control, slight though it may be.

That being said, the final say on many education issues will remain in the hands of what I like to call "fat cat bureaucrats" here in Washington, D.C., men and women within the Department of Education who pull in an average salary of over \$101,000 a year despite the fact that many of them have never taught a child how to read. That is twice the average salary of teachers in my home State of Georgia.

Why is this a problem? I am sure that many of these bureaucrats are considered to be experts, so-called experts in the field of education, but they don't know the individual needs of each community, school, or student. The parents, teachers, and students who are subject to their requirements don't know much about them either.

My amendment would change all that. It would require the Secretary of Education to include in the reporting that is requested by the underlying bill the average salaries of employees whose positions are eliminated due to program consolidation, as well as the average salaries of the remaining employees in the Department according to their job function.

My amendment would simply bring needed transparency to the Department. Hopefully, it will begin the discussion about how scarce education dollars ought to be spent.

I urge my colleagues to support this simple amendment, an amendment of transparency, and I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I claim time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chair, I rise in opposition to this amendment.

This is some kind of political exercise. I don't know what the value of this is to the public. It is to take Federal officials in the Department of Education, including the Secretary, and somehow going to create a lot of make-work for them. I think it is unnecessary. I don't quite understand the theory behind it.

There is program consolidation going on, so we are going to learn the average wage of the people whose jobs were unfortunately, I guess because of sequestration at the moment, eliminated, and I don't know how that will help the education of the young children. Then we are going to figure out the average salary.

All this information is available to the Appropriations Committee. It is a matter of public record. It is available to the public. But we will go through some kind of computation then, those who are left making more than \$100,000. I really don't know, again, what this has to do with the education of young children across this Nation.

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Again, I know we had to pass an amendment to say this, but it's already the law. There is nothing that requires any State, any school district to accept these programs. You have to sign up. You have to make applications for programs. If you don't make applications, you don't get them. This isn't forced down your throat. It's very hard to make sense out of this amendment.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. GEORGE MILLER of California. I would be happy to yield to the gentleman.

Mr. BROUN of Georgia. I appreciate it.

The purpose of this is just transparency so that American citizens can know exactly what's going on.

Mr. GEORGE MILLER of California. In reclaiming my time, I understand transparency when it's of value. I understand transparency when it's directed to a specific purpose. This is transparency in the sense that the general knowledge of these wages is a matter of public record, as your salary and my salary are a matter of public record.

When you get it all compiled, then what are you going to do—send out notices to everybody in the United States as to where this resides and how they can get ahold of it? Put it online? That's what you're going to spend your money doing? It's already available. They can look up somebody in the Department of Education at any time.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. GEORGE MILLER of California. I would be happy to yield to the gentleman.

Mr. BROUN of Georgia. Thank you. I appreciate it.

The purpose is, as we consolidate programs, we have all of these employees in the Department of Education who are going to lose a lot of their function. As we do so, particularly with sequestration and with the scarce dollars in the Federal Government across the board, we need to know who is doing what and what they're being paid and what they're being paid for.

Mr. GEORGE MILLER of California. In reclaiming my time, why doesn't the Appropriations just tell the Congress the results of sequestration? They're involved in sequestration every day. Why don't they just file a report and tell the Congress and tell the public and put out a press release and tell the people, "This is what happened"? Why do you have to mandate all of this sort of "make work"? I thought the purpose was to try to eliminate unnecessary work for people.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. GEORGE MILLER of California. The gentleman has time remaining, and I don't have much time.

I would just say that, again, this really doesn't address the major concerns underlying this bill, and that is that this bill continues to let students down and that this amendment does nothing to ensure that students graduate from high school.

If you want to talk about serious transparency in this bill, students with disabilities become invisible in terms of the accountability by school districts as to how they're doing with their education and if education has been offered to them and if they've had a chance at assessment so they can demonstrate what they've learned. This legislation doesn't do that, and this amendment doesn't help that in terms of transparency.

It's some mindless transparency about the wages of government officials that's already transparent and all a matter of public record. It doesn't do anything about what the impact is of sequestration on the poorest schools in some of the poorest districts in the country—in trying to educate some of the poorest kids in this country, kids who need those additional resources. This bill grinds away on those, and this amendment doesn't change it.

This amendment doesn't change the block grants that now allow money to leave the public sector, to leave public schools that are in desperate need of these resources—taking care of the title I students and schools—and then send that off to the private sector.

So the transparency here is all wrong. The real transparency is what this legislation does, and the American people ought to understand how damaging this is to our local schools all across this country and how exception-

ally damaging this legislation is to the poorest schools in our country and in our States and to the students who are going to those schools and who are trying to achieve a first-class education. That opportunity is being denied to them under this legislation.

I yield back the balance of my time. Mr. BROUN of Georgia. Mr. Chairman, I inquire as to how much time I have left.

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. BROUN of Georgia. I yield 1 minute to my friend from Indiana (Mr. ROKITA).

Mr. ROKITA. I thank the gentleman for his amendment, and I rise in strong support of this amendment.

Mr. Chairman, this is an authorizing bill. This is the appropriate place to have this language and this discussion. In fact, it builds on language that is already in the bill. Of course, during the appropriations process, it is also a good time to have this discussion.

It strikes me that, if those entrusted to manage our Federal Government had effectively managed their resources, maybe something like sequestration, itself, wouldn't have alarmed so many of them. This amendment certainly wouldn't be necessary if there were responsible management of the bureaucracy. Manage your resources responsibly or Congress will have to. That's simply what this amendment does.

Mr. BROUN of Georgia. Mr. Chairman, I was interested in my good friend from California's comments.

He just very openly displayed the difference in philosophies between my friends on the other side and of many of us on this side, and that's a difference of opinion. My friends on the other side seem to think that the Federal Government needs to direct and be involved in everything with regard to human endeavor, though, constitutionally, we don't have the authority to do that.

This is an amendment that just asks for transparency so that, hopefully, we, the people across this country, can see who is doing what within the Department of Education. It just opens up the opportunity so that, as we do consolidate the various programs within the Department, we can see what the bureaucrats within the Department are being paid and what they're doing for that amount of money that they're receiving out of the Federal Treasury. We all need to be held accountable, we all need to be held responsible, and this is just a means of just—not adding work.

The gentleman said it's a "do nothing" amendment. He should support it then if it's a "do nothing" amendment. I don't understand why he so objects to

it, and I hope that he will change his mind and support it. I have tremendous respect for my friend. I consider him a good friend. He has been a great Member of Congress, and he has fought very hard for his philosophy. Our philosophies just seem to be a little bit different.

I encourage all Members to support this transparency amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The amendment was agreed to.

Mr. ROKITA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. AMODEI) having assumed the chair, Mr. HULTGREN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes, had come to no resolution thereon.

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#### APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 276h, and the order of the House of January 3, 2013, of the following Members on the part of the House to the Mexico-United States Interparliamentary Group:

Mr. MCCAUL, Texas, Chairman  
Mr. DUFFY, Wisconsin

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#### APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 276d and the order of the House of January 3, 2013, of the following Members on the part of the House to the Canada-United States Interparliamentary Group:

Mr. HUIZENGA, Michigan, Chairman  
Mrs. MILLER, Michigan

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#### ADJOURNMENT

Mr. ROKITA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Friday, July 19, 2013, at 9 a.m.

## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the second quarter of 2013 pursuant to Public Law 95–384 are as follows:

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 30 AND JUNE 2, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Mario Diaz-Balart .....	5/30	6/2	Ireland .....		1,299.00		7,801.00				9,100.00
Hon. Henry Cuellar .....	5/30	6/2	Ireland .....		1,299.00		4,545.00				5,744.00
Hon. William Keating .....	5/30	6/1	Ireland .....		866.00		2,918.00				3,784.00
Janice Robinson .....	5/30	6/2	Ireland .....		1,299.00		1,354.00				2,653.00
Sarah Blocher .....	5/30	6/2	Ireland .....		1,299.00		1,354.00				2,653.00
Ed Rice .....	5/30	6/2	Ireland .....		1,299.00		1,354.00				2,653.00
Committee total .....					7,361.00		19,326.00				26,687.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. MARIO DIAZ-BALART, June 28, 2013.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ETHICS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. K. MICHAEL CONAWAY, Chairman, July 9, 2013.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate, and return. ☒

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. MICHAEL T. MCCAUL, Chairman, June 25, 2013.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate, and return. ☒

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. CANDICE S. MILLER, Chairman, July 3, 2013.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate, and return. ☒

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DOC HASTINGS, Chairman, July 2, 2013.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. PETE SESSIONS, Chairman, July 8, 2013.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BILL SHUSTER, Chairman, July 10, 2013.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2013

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVE CAMP, Chairman, July 9, 2013.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2271. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Production of FHFA Records, Information, and Employee Testimony in Third-Party Legal Proceedings (RIN: 2590-AA51) received July 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2272. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Availability of Non-Public Information (RIN: 2590-AA06) received July 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2273. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Technical Amendments (RIN: 3133-AE20) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2274. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Reactive Blue 246 and Reactive Blue 247 Copolymers; Confirmation of Effective Date [Docket Nos.: FDA-2011-C-0344 and FDA-2011-C-0463] received July 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2275. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Dove Creek, Colorado) [MB Docket No.: 12-352] [RM-11686] received July 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2276. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Canadian Firearms Components Exemption (RIN: 1400-AD07) received July 10, 2013, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HUDSON (for himself, Mr. MCCAUL, Mr. THOMPSON of Mississippi, and Mr. RICHMOND):

H.R. 2719. A bill to require the Transportation Security Administration to implement best practices and improve transparency with regard to technology acquisition programs, and for other purposes; to the Committee on Homeland Security.

By Mr. SAM JOHNSON of Texas (for himself and Mr. BECERRA):

H.R. 2720. A bill to amend title II of the Social Security Act to provide for the treatment of death information furnished to or maintained by the Social Security Administration, and for other purposes; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Mr. HUFFMAN, and Mr. HINOJOSA):

H.R. 2721. A bill to provide subsidized employment for unemployed, low-income adults, provide summer employment and year-round employment opportunities for low-income youth, and carry out work-related and educational strategies and activities of demonstrated effectiveness, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ELLISON (for himself and Mr. RENACCI):

H.R. 2722. A bill to prohibit the Secretary of Labor from enforcing any requirement that consumer reporting agencies that serve only as a secure conduit to data from State unemployment compensation agencies obtain and maintain an individual's informed consent agreement when verifying income and employment with such agencies, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGEL (for himself, Mr. FALEOMAVAEGA, Mr. SHERMAN, Mr. MEEKS, Mr. SIRE, Mr. CONNOLLY, Mr. DEUTCH, Mr. HIGGINS, Ms. BASS, Mr.

KEATING, Mr. CICILLINE, Mr. GRAYSON, Mr. VARGAS, Mr. SCHNEIDER, Mr. KENNEDY, Mr. BERA of California, Mr. LOWENTHAL, Ms. MENG, Ms. FRANKEL of Florida, Ms. GABBARD, and Mr. CASTRO of Texas):

H.R. 2723. A bill to enhance security for facilities and personnel at United States diplomatic and consular posts abroad, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIFFIN of Arkansas (for himself, Mr. WOMACK, Mr. CRAWFORD, and Mr. COTTON):

H.R. 2724. A bill to exclude from gross income compensation provided for victims of the March 29, 2013, pipeline oil spill in Mayflower, Arkansas; to the Committee on Ways and Means.

By Mr. LANCE (for himself, Ms. ESHOO, Ms. MATSUI, Mr. ROGERS of Michigan, Mr. CÁRDENAS, Mr. WAXMAN, Mr. VALADAO, Mr. BARTON, Mr. FARR, Mr. BILIRAKIS, Mr. PETERS of California, and Mr. BURGESS):

H.R. 2725. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to exempt from sequestration certain user fees of the Food and Drug Administration; to the Committee on the Budget.

By Mr. MILLER of Florida:

H.R. 2726. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into contracts and agreements for the transfer of veterans to non-Department medical foster homes for certain veterans who are unable to live independently; to the Committee on Veterans' Affairs.

By Mr. MCKINLEY (for himself, Mrs. LUMMIS, Mr. GENE GREEN of Texas, and Mr. LOWENTHAL):

H.R. 2727. A bill to amend the Land and Water Conservation Fund Act of 1965 to provide that not less than 40 percent of amounts available from the fund under that Act shall be available for the Land and Water Conservation Fund State Assistance Program; to the Committee on Natural Resources.

By Mr. FLORES (for himself, Mr. CUELLAR, Mr. HASTINGS of Washington, Mr. LAMBORN, and Mrs. LUMMIS):

H.R. 2728. A bill to recognize States' authority to regulate oil and gas operations and promote American energy security, development, and job creation; to the Committee on Natural Resources.

By Mr. ADERHOLT (for himself, Mr. FARR, Mr. REICHERT, and Mr. DOGGETT):

H.R. 2729. A bill to amend title IV of the Social Security Act to provide for information comparisons for USDA Housing Assistance programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTWRIGHT (for himself, Mrs. NAPOLITANO, Mr. BRALEY of Iowa, Mr. SIRE, Mr. LEWIS, Mr. FATTAH, and Mr. SCOTT of Virginia):

H.R. 2730. A bill to amend title 49, United States Code, with respect to minimum levels of financial responsibility for the transportation of property, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BLACKBURN (for herself, Mr. COOPER, Mr. COHEN, Mr. ROE of Tennessee, Mr. FLEISCHMANN, Mr. COBLE, Mr. GUTHRIE, Mr. GOHMERT, Mr. DEUTCH, and Mr. FINCHER):

H.R. 2731. A bill to amend the Internal Revenue Code of 1986 to make permanent the rule providing 5-year amortization of expenses incurred in creating or acquiring music or music copyrights; to the Committee on Ways and Means.

By Mr. BURGESS:

H.R. 2732. A bill to amend the Internal Revenue Code of 1986 to provide for a waiver of minimum required distribution rules applicable to pension plans for 2013 and 2014; to the Committee on Ways and Means.

By Mr. CAMPBELL:

H.R. 2733. A bill to prohibit Fannie Mae and Freddie Mac from purchasing, the FHA from insuring, and the Department of Agriculture from guaranteeing, making, or insuring, a mortgage that is secured by a residence or residential structure located in a county in which the State has used the power of eminent domain to take a residential mortgage; to the Committee on Financial Services.

By Mr. CASSIDY (for himself and Mr. DANNY K. DAVIS of Illinois):

H.R. 2734. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Energy and Commerce.

By Mr. HUFFMAN (for himself, Mr. LAMALFA, Mr. THOMPSON of California, and Mr. LAMBORN):

H.R. 2735. A bill to direct the United States Sentencing Commission with respect to penalties for the unlawful production of a controlled substance on Federal property or intentional trespass on the property of another that causes environmental damage; to the Committee on the Judiciary.

By Mr. LARSEN of Washington (for himself and Mr. AMASH):

H.R. 2736. A bill to allow entities required to comply with orders or directives under the Foreign Intelligence Surveillance Act of 1978 to publicly report every 90 days certain aggregate information related to the compli-

ance with such orders or directives; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS (for himself, Ms. NORTON, Mr. DOGGETT, Mr. RANGEL, Mr. ELLISON, Mr. PRICE of North Carolina, Mr. GRIJALVA, Ms. SHEA-PORTER, and Ms. DELAURO):

H.R. 2737. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for AmeriCorps educational awards; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Ms. BASS, Mr. BERA of California, Mr. BLUMENAUER, Ms. BONAMICI, Mr. BRALEY of Iowa, Ms. BROWN of Florida, Ms. BROWNLEY of California, Mrs. CAPPS, Mr. CAPUANO, Mr. CÁRDENAS, Ms. CHU, Mr. CICILLINE, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY, Mr. CONYERS, Mr. CROWLEY, Mr. DANNY K. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFazio, Ms. DEGETTE, Ms. DELAURO, Ms. DELBENE, Mr. DEUTCH, Mr. DOGGETT, Ms. DUCKWORTH, Ms. EDWARDS, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Ms. ESTY, Mr. FARR, Mr. FOSTER, Ms. FRANKEL of Florida, Mr. GARAMENDI, Mr. GARCIA, Mr. GRAYSON, Mr. GRIJALVA, Mr. GUTIÉRREZ, Ms. HANABUSA, Mr. HASTINGS of Florida, Mr. HECK of Washington, Mr. HIGGINS, Mr. HOLT, Mr. HONDA, Mr. HUFFMAN, Mr. ISRAEL, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, Mr. KENNEDY, Mr. KILMER, Mrs. KIRKPATRICK, Ms. KUSTER, Mr. LARSEN of Washington, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS, Mr. LOEBSACK, Ms. LOFGREN, Mr. LOWENTHAL, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. MAFFEI, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MENG, Mr. GEORGE MILLER of California, Ms. MOORE, Mr. MORAN, Mr. MURPHY of Florida, Mr. NADLER, Ms. NORTON, Mr. O'ROURKE, Mr. PALLONE, Mr. PAYNE, Mr. PETERS of Michigan, Mr. PETERS of California, Ms. PINGREE of Maine, Mr. POCAN, Mr. POLIS, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. RANGEL, Mr. RUSH, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHNEIDER, Mr. SCOTT of Virginia, Mr. SHERMAN, Ms. SINEMA, Mr. SIRE, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SPEIER, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of California, Mr. TIERNEY, Ms. TITUS, Ms. TSONGAS, Mr. VAN HOLLEN, Mr. VEASEY, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WAXMAN, Mr. WELCH, Ms. WILSON of Florida, and Mr. YARMUTH):

H.R. 2738. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

By Ms. MATSUI (for herself, Mr. GUTHRIE, Mr. SMITH of Washington, and Mr. HUNTER):

H.R. 2739. A bill to require the reallocation and auction for commercial use of the electromagnetic spectrum between the frequencies from 1755 megahertz to 1780 megahertz; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCNERNEY (for himself, Mr. BISHOP of New York, Mr. PETERS of Michigan, and Mr. CARTWRIGHT):

H.R. 2740. A bill to amend the Internal Revenue Code of 1986 to provide for the identification of corporate tax haven countries and increased penalties for tax evasion practices in haven countries that ship United States jobs overseas, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. NOEM (for herself and Mr. CRAMER):

H.R. 2741. A bill to clarify that, with respect to each Missouri River mainstem reservoir of the Corps of Engineers located in a State, the State maintains authority to allocate and appropriate the quantity of water in the reservoir that is attributable to the natural flows of the Missouri River within the boundaries of the State, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. NOEM (for herself and Mr. CRAMER):

H.R. 2742. A bill to require the Army Corps of Engineers to notify the public of certain flood predictions regarding the Missouri River System, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. NUGENT:

H.R. 2743. A bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAULSEN (for himself and Ms. SLAUGHTER):

H.R. 2744. A bill to amend part E of title IV of the Social Security Act to better enable State child welfare agencies to prevent sex trafficking of children and serve the needs of children who are victims of sex trafficking, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER (for himself, Mr. WITTMAN, Mr. LAMBORN, Mr. KINGSTON, Mr. LATTI, Mr. GOSAR, Mrs. BLACK, Mr. MARCHANT, Mr. RAHALL, Mr. CULBERSON, Mrs. BACHMANN, Mr. WILSON of South Carolina, Mr. BILIRAKIS, Mr. DUNCAN of South Carolina, Mr. CONAWAY, Mr. JONES, Mr. ROGERS of Alabama, Mr. ALEXANDER, and Mr. DUNCAN of Tennessee):

H.R. 2745. A bill to amend title II of the Social Security Act to exclude from creditable



wages and self-employment income wages earned for services by aliens illegally performed in the United States and self-employment income derived from a trade or business illegally conducted in the United States; to the Committee on Ways and Means.

By Mr. MCKINLEY (for himself, Mr. SESSIONS, Mr. BISHOP of Georgia, Mr. RAHALL, Mrs. CAPITO, Mr. THOMPSON of Pennsylvania, Mr. ROE of Tennessee, Mr. WALDEN, Mr. COLLINS of New York, Mr. BARLETTA, Mr. STIVERS, Mr. JOHNSON of Ohio, Mr. HENSARLING, Mr. FITZPATRICK, Mr. GRAVES of Missouri, Mr. SMITH of New Jersey, and Mr. ROHRBACHER):

H. Res. 305. A resolution expressing support for the 2013 Boy Scouts of America National Scout Jamboree in West Virginia; to the Committee on the Judiciary.

By Mr. STOCKMAN:

H. Res. 306. A resolution providing for the consideration of the resolution (H. Res. 36) establishing a select committee to investigate and report on the attack on the United States consulate in Benghazi, Libya; to the Committee on Rules.

### MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

106. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 71 memorializing the Congress to pass H.R. 1014; to the Committee on the Budget.

107. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 85 urging the support for continuation of the STARBASE program; to the Committee on Education and the Workforce.

108. Also, a memorial of the Senate of the State of Nevada, relative to Senate Joint Resolution No. 5 urging the Congress to pass the Marketplace Fairness Act; to the Committee on Ways and Means.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HUDSON:

H.R. 2719.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1; and Article I, section 8, clause 18 of the Constitution of the United States

By Mr. SAM JOHNSON of Texas:

H.R. 2720.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. GEORGE MILLER of California:

H.R. 2721.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, 3, 18, of the Constitution of the United States; Article I, Section 9, Clause 7 of the Constitution of the United States.

By Mr. ELLISON:

H.R. 2722.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. ENGEL:

H.R. 2723.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution

By Mr. GRIFFIN of Arkansas:

H.R. 2724.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. LANCE:

H.R. 2725.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. MILLER of Florida:

H.R. 2726.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. MCKINLEY:

H.R. 2727.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Mr. FLORES:

H.R. 2728.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2

By Mr. ADERHOLT:

H.R. 2729.

Congress has the power to enact this legislation pursuant to the following:

Its ability to provide for the general welfare pursuant to Article 1, Section 8, Clause 1 and to make laws which are necessary and proper for carrying into execution the powers granted by Article 1, Section 8 as pursuant to Article 1, Section 8, Clause 18. This includes the power to enact laws that strengthen the management of federal housing assistance programs.

By Mr. CARTWRIGHT:

H.R. 2730.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 (relating to the power of Congress to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.)

By Mrs. BLACKBURN:

H.R. 2731.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. BURGESS:

H.R. 2732.

Congress has the power to enact this legislation pursuant to the following:

The attached bill is constitutional under Article I, Section VIII: "The Congress shall have Power To lay and collect Taxes".

By Mr. CAMPBELL:

H.R. 2733.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution of the United States.

By Mr. CASSIDY:

H.R. 2734.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. HUFFMAN:

H.R. 2735.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. LARSEN of Washington:

H.R. 2736.

Congress has the power to enact this legislation pursuant to the following:

As described in Article 1, Section 1 "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

By Mr. LEWIS:

H.R. 2737.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mrs. LOWEY:

H.R. 2738.

Congress has the power to enact this legislation pursuant to the following:

Article 1 of the Constitution.

By Mrs. MATSUI:

H.R. 2739.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. MCNERNEY:

H.R. 2740.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution.

By Mrs. NOEM:

H.R. 2741.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14: To make Rules for the Government and Regulation of the land and naval Forces.

By Mrs. NOEM:

H.R. 2742.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14: To make Rules for the Government and Regulation of the land and naval Forces.

By Mr. NUGENT:

H.R. 2743.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution (clauses 1, 12, 13, 14, and 16), which grants Congress the power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; raise and support Armies; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. PAULSEN:

H.R. 2744.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

By Mr. ROHRBACHER:

H.R. 2745.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. SANFORD.  
H.R. 32: Mr. PETERS of Michigan, Ms. KAPTUR, Mr. WOLF, Mr. ELLISON, Mr. RYAN of Ohio, Mr. CRENSHAW, Mr. LUTKEMEYER, Mr. TONKO, Mr. PETERSON, Ms. WILSON of Florida, Ms. MATSUI, and Mr. MEEKS.  
H.R. 39: Mr. BUCHANAN.  
H.R. 124: Mr. RUSH and Mr. COOPER.  
H.R. 137: Mr. CONNOLLY.  
H.R. 148: Mr. POCAN and Mr. LEVIN.  
H.R. 198: Mr. WAXMAN.  
H.R. 269: Ms. KUSTER.  
H.R. 310: Ms. HAHN, Mr. VALADAO, and Mr. MURPHY of Florida.  
H.R. 351: Mrs. KIRKPATRICK and Mr. SMITH of New Jersey.  
H.R. 411: Mr. HUFFMAN.  
H.R. 455: Mr. TAKANO and Mr. CROWLEY.  
H.R. 495: Mr. RENACCI, Mr. ROONEY, Mr. ROGERS of Alabama, Mr. ROSS, Mr. LATTA, Mr. WOMACK, Mr. TURNER, and Mr. GRAVES of Georgia.  
H.R. 515: Ms. SCHWARTZ.  
H.R. 523: Mr. COOK.  
H.R. 543: Mr. RUIZ.  
H.R. 635: Ms. MICHELLE LUJAN GRISHAM of New Mexico.  
H.R. 644: Mr. FRELINGHUYSEN.  
H.R. 645: Ms. TSONGAS.  
H.R. 647: Mr. MCINTYRE.  
H.R. 649: Mr. HONDA.  
H.R. 685: Ms. HANABUSA, Mr. GIBBS, Mr. PERLMUTTER, and Mr. CLAY.  
H.R. 698: Mr. HIMES and Ms. CHU.  
H.R. 719: Mr. POE of Texas and Mr. COBLE.  
H.R. 778: Mr. WESTMORELAND.  
H.R. 800: Mr. BILIRAKIS.  
H.R. 813: Mr. STIVERS.  
H.R. 846: Mr. HALL, Mr. AUSTIN SCOTT of Georgia, Mr. HUDSON, and Ms. CHU.  
H.R. 850: Mr. WALZ and Ms. MICHELLE LUJAN GRISHAM of New Mexico.  
H.R. 905: Ms. ESTY.  
H.R. 1000: Mr. NOLAN.  
H.R. 1002: Ms. PINGREE of Maine and Ms. TSONGAS.  
H.R. 1020: Mr. STIVERS and Mrs. ROBY.  
H.R. 1024: Mr. DELANEY, Mr. DANNY K. DAVIS of Illinois, Mr. TIBERI, and Mr. COURTNEY.  
H.R. 1040: Mr. BISHOP of Utah.  
H.R. 1074: Ms. TITUS.  
H.R. 1077: Mr. UPTON.  
H.R. 1095: Mr. WESTMORELAND, Mr. ANDREWS, and Ms. BORDALLO.  
H.R. 1104: Mr. COOPER.  
H.R. 1146: Mr. MCINTYRE, Ms. SPEIER, Mr. COURTNEY, Mr. PETERSON, Mr. THORNBERRY, and Mr. ROGERS of Kentucky.  
H.R. 1176: Mr. GIBBS.  
H.R. 1226: Mr. YOUNG of Alaska.  
H.R. 1250: Mr. CRAMER, Mr. MORAN, Mr. BARR, and Mr. NEAL.  
H.R. 1254: Mr. OLSON.  
H.R. 1263: Ms. SCHWARTZ.  
H.R. 1276: Mr. DELANEY, Mrs. NAPOLITANO, and Ms. BROWN of Florida.  
H.R. 1288: Mr. HANNA and Ms. HERRERA BEUTLER.  
H.R. 1318: Ms. CASTOR of Florida.  
H.R. 1339: Mr. ANDREWS.  
H.R. 1343: Ms. KAPTUR.  
H.R. 1354: Mr. LARSEN of Washington.  
H.R. 1373: Mr. TIERNEY.  
H.R. 1384: Mr. MCGOVERN and Mr. LOWENTHAL.

H.R. 1428: Mr. GIBSON and Mr. WEBSTER of Florida.  
H.R. 1437: Ms. KAPTUR.  
H.R. 1441: Mr. BARLETTA.  
H.R. 1461: Mr. BENTIVOLIO, Mr. WILSON of South Carolina, Mr. NEUGEBAUER, Mr. CHABOT, Mr. LAMBORN, Mr. POSEY, Mr. FORBES, Mr. PITTINGER, Mr. STOCKMAN, Mr. FRANKS of Arizona, and Mr. ROE of Tennessee.  
H.R. 1466: Mr. ELLISON.  
H.R. 1518: Mr. LOWENTHAL.  
H.R. 1553: Mr. BARLETTA and Mr. ROONEY.  
H.R. 1563: Mrs. ELLMERS.  
H.R. 1566: Mr. GRAYSON.  
H.R. 1620: Mr. STIVERS.  
H.R. 1696: Ms. TITUS.  
H.R. 1698: Mr. PAYNE, Ms. LEE of California, Mr. DOGGETT, and Mr. LANGEVIN.  
H.R. 1726: Mr. COLLINS of New York and Ms. ESTY.  
H.R. 1727: Mr. BRALEY of Iowa.  
H.R. 1732: Mr. ENYART.  
H.R. 1748: Mr. ENYART.  
H.R. 1771: Mr. AUSTIN SCOTT of Georgia.  
H.R. 1772: Mr. FRELINGHUYSEN.  
H.R. 1775: Mr. ENYART.  
H.R. 1802: Mr. COURTNEY.  
H.R. 1825: Mr. RADEL and Mr. NEUGEBAUER.  
H.R. 1867: Mr. JOYCE and Mr. KEATING.  
H.R. 1887: Mr. HUFFMAN.  
H.R. 1910: Mr. HIGGINS.  
H.R. 1920: Ms. PINGREE of Maine, Mr. NEAL, Ms. MOORE, and Ms. LORETTA SANCHEZ of California.  
H.R. 1921: Mr. CONNOLLY.  
H.R. 1985: Mr. ROGERS of Michigan.  
H.R. 1988: Ms. SINEMA.  
H.R. 1998: Mr. LOBIONDO.  
H.R. 2000: Mr. CLYBURN, Mr. HIGGINS, Mr. DOGGETT, Ms. HAHN, and Mr. GALLEGO.  
H.R. 2009: Mr. PEARCE.  
H.R. 2016: Mrs. BACHMANN, Mr. HUIZENGA of Michigan, and Mr. AMASH.  
H.R. 2019: Mr. SIMPSON and Mr. WHITFIELD.  
H.R. 2041: Mr. YOUNG of Indiana, Mr. PETERSON, and Mrs. NOEM.  
H.R. 2053: Mr. PAULSEN.  
H.R. 2055: Mr. BENTIVOLIO and Ms. SINEMA.  
H.R. 2064: Mr. STIVERS.  
H.R. 2065: Ms. SINEMA.  
H.R. 2066: Mr. ROYCE.  
H.R. 2084: Mr. CRAMER.  
H.R. 2116: Mr. TAKANO and Ms. PINGREE of Maine.  
H.R. 2134: Mr. BRALEY of Iowa.  
H.R. 2141: Ms. LEE of California.  
H.R. 2160: Ms. KAPTUR.  
H.R. 2169: Ms. SINEMA.  
H.R. 2187: Mr. BARBER.  
H.R. 2199: Ms. SHEA-PORTER.  
H.R. 2207: Mr. JOYCE and Mr. KEATING.  
H.R. 2210: Ms. SINEMA.  
H.R. 2250: Mr. GIBSON and Mr. BUCSHON.  
H.R. 2273: Mr. CAMP and Ms. MOORE.  
H.R. 2305: Mr. HUNTER.  
H.R. 2307: Mr. MCCAUL.  
H.R. 2308: Ms. PINGREE of Maine.  
H.R. 2310: Ms. SINEMA.  
H.R. 2324: Mr. WAXMAN.  
H.R. 2358: Ms. BORDALLO.  
H.R. 2389: Mr. WESTMORELAND.  
H.R. 2395: Mr. HORSFORD.  
H.R. 2408: Mr. WESTMORELAND.  
H.R. 2412: Ms. SINEMA.  
H.R. 2415: Ms. MATSUI.  
H.R. 2426: Mr. POLIS.  
H.R. 2429: Mr. KELLY of Pennsylvania.  
H.R. 2449: Mr. CASTRO of Texas, Mr. KING of New York, Mr. MESSER, Mr. SALMON, Ms. BASS, Mr. VARGAS, Mr. HIGGINS, and Mr. CICILLINE.  
H.R. 2458: Mr. WESTMORELAND.  
H.R. 2463: Mr. PETERSON.

H.R. 2476: Mr. BISHOP of New York.  
H.R. 2480: Mr. PAYNE.  
H.R. 2485: Ms. SINEMA.  
H.R. 2511: Mr. FARENTHOLD.  
H.R. 2547: Mr. WOMACK and Mr. PALAZZO.  
H.R. 2549: Mr. ENYART.  
H.R. 2575: Mr. DENT.  
H.R. 2579: Mr. NUGENT and Mr. CRAMER.  
H.R. 2585: Ms. KELLY of Illinois and Mr. RANGEL.  
H.R. 2590: Ms. HAHN and Mr. WOLF.  
H.R. 2592: Mr. PETERS of California.  
H.R. 2615: Mr. GOSAR and Mr. AMODEI.  
H.R. 2618: Mr. AL GREEN of Texas.  
H.R. 2619: Mr. BARBER.  
H.R. 2632: Ms. CHU.  
H.R. 2633: Mr. ENYART, Ms. HAHN, Mr. LIPINSKI, Ms. MCCOLLUM, Mr. THOMPSON of Mississippi, Mr. CARSON of Indiana, Mr. BUTTERFIELD, and Mr. COHEN.  
H.R. 2641: Mr. COLLINS of Georgia, Mr. CAPUANO, and Mr. PALLONE.  
H.R. 2645: Mr. CAMP.  
H.R. 2646: Mr. KILMER.  
H.R. 2664: Mr. BRALEY of Iowa, Mr. CICILLINE, Mr. ELLISON, and Mr. DELANEY.  
H.R. 2665: Ms. KELLY of Illinois.  
H.R. 2679: Mrs. BLACK.  
H.R. 2682: Mr. MARINO.  
H.R. 2685: Mr. PETERS of California.  
H.R. 2689: Mr. MURPHY of Florida and Mr. RIBBLE.  
H.R. 2694: Mr. GARDNER, Mr. MURPHY of Florida, Mr. WELCH, and Mr. RIBBLE.  
H.R. 2697: Mr. LOEBSACK, Mr. HUFFMAN, and Mr. TIERNEY.  
H.R. 2717: Mr. GRIMM, Mr. WEBER of Texas, Mr. PRICE of Georgia, Mr. HOLDING, Mr. LAMBORN, Mr. STIVERS, Mr. SCHOCK, Mr. KING of New York, and Mr. RODNEY DAVIS of Illinois.  
H.J. Res. 34: Mr. PASTOR of Arizona.  
H. Con. Res. 17: Ms. KAPTUR.  
H. Con. Res. 37: Ms. SINEMA.  
H. Con. Res. 41: Mr. JONES, Mr. MORAN, Mr. BARBER, Mr. COOK, and Mr. BLUMENAUER.  
H. Res. 10: Ms. KAPTUR.  
H. Res. 36: Mr. ROHRBACHER.  
H. Res. 89: Mr. LATHAM.  
H. Res. 109: Ms. DELBENE and Mr. MCGOVERN.  
H. Res. 118: Mr. ELLISON.  
H. Res. 169: Mrs. WAGNER.  
H. Res. 187: Mr. BRALEY of Iowa.  
H. Res. 188: Mr. BRALEY of Iowa.  
H. Res. 190: Mr. HIGGINS.  
H. Res. 208: Mr. CUMMINGS and Ms. MCCOLLUM.  
H. Res. 227: Mr. COLLINS of New York.  
H. Res. 250: Mr. PEARCE.  
H. Res. 282: Mr. BERA of California and Mr. HUFFMAN.  
H. Res. 285: Mr. TONKO, Mr. ROSS, Ms. PINGREE of Maine, Mr. HOLT, Mr. THOMPSON of California, and Ms. LORETTA SANCHEZ of California.  
H. Res. 293: Mrs. ELLMERS and Mr. HUFFMAN.  
H. Res. 301: Mr. HIMES.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 580: Mr. MEEKS.

#### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2610

OFFERED BY MR. BENTIVOLIO

AMENDMENT NO. 1: Page 24, after line 24, insert the following (and redesignate any subsequent subsections accordingly):

(b) WITHHOLDING OF FUNDS.—

(1) STATE CERTIFICATION.—The Secretary shall withhold 10 percent of the amount required to be apportioned to any State under paragraph (a) unless the State certifies not

later than September 30, 2013, that neither the State nor any municipal government therein employs an automated traffic enforcement system on a Federal-aid highway. No funds withheld under this section from apportionment to any State shall be available for apportionment to that State.

(2) DEFINITIONS.—For purposes of this section—

(A) the term ‘automated traffic enforcement system’ means equipment that takes a

film or digital camera-based photograph which is linked with a system that can detect a moving infraction and synchronize the taking of a photograph with the occurrence of such an infraction; and

(B) the term ‘moving infraction’ means any violation of State or local traffic law or ordinance committed by the driver of a vehicle while it is in motion.

## EXTENSIONS OF REMARKS

HONORING THE LATE MAYOR  
JAMES D. GRIFFIN ON THE OC-  
CASION OF THE RUN JIMMY RUN  
5K RACE

## HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. HIGGINS. Mr. Speaker, today I rise to remember the life and legacy of one of Buffalo's great leaders, our late Mayor James D. Griffin who served as the city's top civic leader from 1978 to 1993, on the occasion of the first race held in his honor, the Run Jimmy Run 5k.

Inspired by Mayor Griffin's tenacious spirit, dedication to the City of Buffalo, and commitment to good works and good causes, the Run Jimmy Run 5k kicks off at 10 am on July 21, 2013. The proceeds from the day's events will benefit the Alzheimer's Association of Western New York. Additionally, items will be donated to the City Mission and baseball tickets will be donated to the Special Olympics, organizations that were near and dear to Mayor Griffin's heart.

Beginning at One James D. Griffin Plaza, in front of the baseball stadium for which Mayor Griffin was the driving force behind building, the race course passes through the heart of downtown and along the waterfront. After the race's completion at home plate, there will be a post-race party and Bison's baseball game.

The Run Jimmy Run charity event was initiated by Mayor Griffin's children to honor the memory of their father and raise funds for an organization that they came to rely on in a very personal way. Mayor Griffin succumbed to a rare neurodegenerative disorder and many of the nurses who cared for him were trained by the Alzheimer's Association.

Alzheimer's is a tough disease that touches many of our lives. It's critically important that we continue to fight for increased funding for Alzheimer's research and I pledge to continue that fight in Washington. I wish to sincerely thank all those involved with the Run Jimmy Run 5k, especially Mayor Griffin's three children Maureen, Megan and Thomas, for their efforts in the fight against Alzheimer's.

Mr. Speaker, thank you for allowing me a few moments to remember the incredible legacy of our late Mayor James D. Griffin and the work he has inspired for the future of Buffalo. I can think of no better tribute to the man who brought professional baseball back to Buffalo then a run through downtown Buffalo, followed by a ballgame at "The Field that Jimmy Built." I wish to extend all participants and organizers a successful run and fun-filled day with special thanks to Mayor Griffin's children, extended family and friends for honoring the life and legacy of the late, great Mayor James D. Griffin.

RECOGNIZING STAFF SERGEANT  
CLIFFORD M. WOOLDRIDGE AS  
THE 2013 MARINE CORPS TIMES  
MARINE OF THE YEAR

## HON. DEREK KILMER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. KILMER. Mr. Speaker, I rise today to recognize Staff Sergeant Clifford M. Wooldridge, an "Everyday Hero" as the 2013 Marine of the Year. SSgt. Wooldridge was previously awarded the Navy Cross for heroism in Afghanistan. In 2012 he was awarded the USO Marine of the Year. SSgt. Wooldridge has continued to serve his country both professionally as a Marine and through volunteering. He was selected as the Marine Corps Times Marine of the Year for his volunteerism and bravery in combat.

The Marine Corps Times honors servicemembers, like SSgt. Wooldridge, who demonstrate pride, dedication, and courage beyond expectations. He is an instructor with the Marine Corps Security Force Regiment and teaches and mentors junior Marines. He teaches them technical skills they will need in close quarter combat and shares personal stories so they can learn from previous mistakes.

Professional duties aside, it is SSgt. Wooldridge's service to his community that has earned him this latest honor. He has spent countless hours assisting disabled and recovering veterans with the Wounded Warrior Project and served as an athlete sponsor and was the host Marine for the Special Olympics in Virginia Beach. He helped a terminally ill young man receive recognition as an honorary Marine. While all his volunteer activities are important to him, SSgt. Wooldridge has a special passion for the Honored American Veterans Afield, which helps combat veterans transition through hunting, fishing, and other outdoor activities.

SSgt. Wooldridge's outdoor skills were honed in his hometown of Port Angeles, in Washington State, the place where I, too, was born and raised. There he experienced the beautiful and plentiful natural resources found only on the Olympic Peninsula. Graduating from Port Angeles High School in 2006, SSgt. Wooldridge completed training as a diesel mechanic and left his home in the Pacific Northwest for a life as a Marine in service to others.

Mr. Speaker, I can say with confidence that our community is a better place thanks to the ongoing, selfless commitment of people like SSgt. Wooldridge. The Port Angeles community applauds SSgt. Wooldridge for his service to country and we honor him today as the 2013 Marine of the Year. On behalf of our thankful nation, thank you.

RECOGNIZING THE 40TH ANNIVER-  
SARY OF THE SLOVAK DAY  
CELEBRATION

## HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to recognize the 40th anniversary of the Slovak Day Celebration. In honor of this momentous occasion, a commemorative event will take place on Sunday, July 21, 2013 at the Salvatorian Shrine in Merrillville, Indiana.

The first Slovak Day Celebration took place at the Seven Dolores Shrine in Valparaiso, Indiana in 1973, when Father Joseph Viater, along with Betty and Carl Yurechko, decided that Slovak heritage and culture should be honored in Northwest Indiana with a day of celebration.

Slovak Day has been a great success over the years, and the day is celebrated each year with a Slovak Catholic Mass, followed by traditional Slovak food and performances by Slovak dancers. Throughout the years, many bishops have come to celebrate this significant event, including Bishop Sokol from Slovakia, Bishop Adamec of Pennsylvania, and Bishops Andrew G. Grutka and Dale J. Melczek of the Diocese of Gary, Indiana. Additionally, over the past 40 years, many dedicated volunteers from Slovak churches throughout the region have given their time and efforts to this day.

I would like to take this time to recognize the numerous hardworking committee members for their outstanding dedication to this event. They are Betty Yurechko, Lillian and John Zaborske, Agnes Chervenak, Melissa and Jason Yurechko, Ann Fedorchak, Leona Cupka, Elaine Ruzbasan, Betty Ortiz, Andy Sacek, Irene Horn Riggio, and Reverend John Kalicky.

Mr. Speaker, at this time, I ask you and my other distinguished colleagues to join me in recognizing the 40th anniversary of the Slovak Day Celebration. The Slovak community has played an important role in enriching the quality of life and culture of Northwest Indiana. For their commitment to preserving Slovak heritage, the committee members, church leaders, and volunteers are worthy of the highest praise.

HONORING OFFICER DANIEL "JJ"  
LOMAX

## HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. MARINO. Mr. Speaker, today I rise to honor Daniel Lomax, a firefighter and police officer who laid down his life in the service

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and protection of his community. Officer Lomax's End of Watch was Saturday, June 22, 2013.

Daniel Lomax, known as "JJ" to his friends, always put the safety of others first. He demonstrated that when he stopped to help the victim of a car accident while he was off duty, sacrificing his own safety for the good of others.

He devoted his life to serving others as a member of the Mayfield, Forest City, and Great Bend Police Departments. He also served as the Deputy Fire Chief in the Factoryville Fire Department and volunteered for the Meredith Hose Company in Childs, Pennsylvania.

Those who knew him remember how he looked out for his neighbors and friends, always putting others first. His fellow officers knew him as a dependable and likable colleague—If the world had more people like Daniel, it would be a safer place for everyone.

Although his time with us was tragically cut short, our memories of Daniel "JJ" Lomax will live on in the hearts of everyone who knew him. His dedication to his family, friends, fellow policemen and firemen, and to the people he served, is what made Daniel a true hero.

CELEBRATING GLENDA STOCK  
UPON THE OCCASION OF HER RETIREMENT

**HON. RODNEY ALEXANDER**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. ALEXANDER. Mr. Speaker, I rise today to congratulate Glenda Stock on her retirement after years of hard work and dedication to Central Louisiana.

Glenda began her career with Delta Airlines where her final position was Regional Manager in Reservation Sales. In this capacity, she was responsible for over 6,000 employees located in six different cities. Though she had put in a lot of hours to promote herself during her 18 year career with Delta, Glenda wanted a simpler life. For her, this meant owning and operating the five Alexandria, La. McDonald's restaurants.

Her amazing work ethic did not disappoint. Glenda's leadership skills carried over into her business, where she worked side by side with her employees doing whatever job needed her attention, even if it included washing dishes. While she is kind and fair, Glenda's standards are high, and she expected no less than excellence from her employees.

Glenda is not just a business-minded woman, however. She has used her success and devotion to give back to her community. She has held numerous leadership roles, including Cabrini Foundation Board, Central Louisiana Community Foundation President, Chairperson of the CENLA American Red Cross, Vice President of the Economic Development Committee for the Chamber of Commerce, and board member of First Federal Bank. Her commitment to improving educational opportunities is also noteworthy. Glenda served on the LSUA Foundation Board while adopting multiple schools as their Part-

ner in Education. She has received several awards for her selfless efforts, including a Louisiana Heroine Award, Service Above Self Award, Decades of Women Award, and Small Business Award.

For Glenda, her most rewarding accomplishment is what she was able to achieve with the help of her late husband David. Together, they successfully restored a historical building in Alexandria to house the Red Cross Operations.

As I mentioned previously, Glenda opted for an early retirement from Delta Airlines so that she could live a simpler life. It is my guess that, though Glenda is retiring from her position as owner and operator of her restaurants, she is not slowing down. Glenda Stock is a woman to be admired and respected by her peers for her motivated and philanthropic heart. With her retirement she leaves behind a remarkable legacy. Glenda has a message for all of her employees in new hire orientation, "Handle every customer the same as you would if I were standing there watching you!" Again, congratulations to Glenda Stock for a well deserved retirement.

CITIZENS FIRE AND RESCUE NO. 2

**HON. LOU BARLETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. BARLETTA. Mr. Speaker, I rise to honor Citizens Fire and Rescue No. 2 of the Borough of Mechanicsburg, Pennsylvania which will celebrate 110 years of service to the community this year.

Organized on June 12, 1903, the company was formed in response to two major fires that took place in Mechanicsburg earlier that year. Residents of the western part of the borough who were frustrated by waiting for assistance from fire companies from the neighboring city of Harrisburg decided to form the organization so fires could be dealt with quickly, protecting residents and property.

Land for the site of the firehouse was purchased from Dr. W. H. Moyer in 1903, and the building was completed in 1904. To this day, it is still being used to house the fire company. In 1975, the organization merged with Rescue Hook and Ladder Company, also of Mechanicsburg, to form Citizens Fire and Rescue No. 2, the name it carries to this day. The members of this company continue to risk their own lives to ensure the safety and well-being of the residents of Cumberland County.

Mr. Speaker, for 110 years Citizens Fire and Rescue Company No. 2 has proudly protected the residents of the borough of Mechanicsburg and the surrounding areas from fire and other disasters. Therefore, I commend all those personnel who have faithfully served at this fire house.

RECOGNIZING SUSAN E. MITTEREDER ON THE OCCASION OF HER RETIREMENT FROM FAIRFAX COUNTY

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. CONNOLLY. Mr. Speaker, I rise to recognize and commend Susan E. Mittereder on the occasion of her retirement after a distinguished career in public service to the residents of Fairfax County, the largest local jurisdiction in the Commonwealth of Virginia and the National Capital Region. For the past 25 years, Sue has been the primary legislative liaison for Fairfax County, serving as the eyes, ears, voice, and chief advocate for local government in the halls of the Virginia General Assembly and Congress.

Her success in educating state and federal legislators about the interests of local government stems from her background as a classroom teacher. Having once attended classes in a one-room schoolhouse, Sue initially pursued a career in education. She received her Bachelor of Science in Education and Master of Education degrees from Indiana University of Pennsylvania. She taught first grade and gifted elementary classes for the Newark and New Castle school districts in Delaware before pursuing advanced and doctorate degrees in education administration at Virginia Tech. It was during that experience that she developed an affinity for public policy, and after graduation she took a position in the government relations office for Fairfax County Public Schools.

Four years later, she became the chief legislative liaison for Fairfax County. During the General Assembly's annual winter sessions, Sue became a familiar face in the halls of the state capitol, setting up a temporary outpost from which she and her colleagues could keep close tabs on legislative proposals affecting Fairfax County. Her attention to detail, dedicated work ethic, and mastery of the legislative process made her a resource for colleagues representing other local governments and also for the legislators themselves. The legislative battles produced more than a few chocolate-fueled late nights for Sue and her team as they analyzed the impacts of changes to state funding for local services or to local government authority over matters such as land use planning, zoning enforcement, taxes, transportation, human services, education, and public safety.

Whether it was a state delegate, senator, cabinet secretary, or governor, Sue was never afraid to assert the County's position. In fact, many a legislator has been known to wilt in the face of Sue's tenacity. It is that doggedness that helped her maintain the trust and confidence of six county executives and five chairs of the Board of Supervisors during her tenure. She also managed to maintain her roots in education, helping to mentor numerous young staff members throughout the County government and the legislature, including those who will now succeed her.

I worked closely with Sue during my 5 years as Chairman of the Fairfax County Board of

Supervisors and my 14 years as Chairman of the Board's Legislative Committee. During the General Assembly session, Sue and her colleagues would rush back to the County for our regular late Friday afternoon meetings so that we could pore over the hundreds, if not thousands, of legislative proposals introduced each year with the rest of the Board, looking for those efforts that aligned with our priorities and those that were an affront to them, which, unfortunately, was more often the case. Because of that dynamic, Sue's institutional presence was invaluable. She was not only defending Fairfax County, but also safeguarding the interests of local governments throughout the Commonwealth. And passionately. It truly is one of the most unsung but critical functions of local government on behalf of our citizens.

In addition to her legislative accomplishments, Sue has a wonderful sense of humor, which as we know is invaluable for enduring what can be a long legislative process, and she often served as the ringleader for the merry band of County staff that joined her for the annual sessions in Richmond. The revolving door included staff from the legislative office, the Office of the County Attorney, and the departments of transportation, tax administration, zoning enforcement, housing, public safety, public works, stormwater management, environmental quality, and many more.

Sue's other professional accomplishments include being a graduate of Leadership Fairfax, serving as a board member of the Liberal Arts and Human Resources Development Committee at Virginia Tech, and serving as a member of the National Association of County Intergovernmental Relations Officials. In 1996, she was recognized by Virginia Tech as an Outstanding Woman Graduate for her contributions to her community and her profession. She also serves on the education committee of her local homeowners association in Northern Virginia.

Mr. Speaker, Sue Mittereder's commitment to our community and the mission of local government are unparalleled, and she leaves behind a legacy that will benefit our community for generations to come. Her career in public service, beginning with her service in the classroom, is truly commendable and deserving of our sincere appreciation. When I was Chairman of the County Board, we often joked when retirement announcements like this came before the Board that we should not allow such talented and dedicated staff to leave public service, and I certainly wish that was the case here. I wish Sue the best of luck in her retirement, and I ask my colleagues in the House to join me in expressing our appreciation for her commitment to serving the residents of Fairfax County.

RECOGNIZING THE CAMPBELL FAMILY AS THE 2013 SANTA ROSA COUNTY, FLORIDA, OUTSTANDING FARM FAMILY OF THE YEAR

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the Keith Campbell family

as the 2013 Santa Rosa County, Florida, Outstanding Farm Family.

The Campbell family's extensive history in farming began in Scotland before they immigrated to South Carolina and then eventually to Chumuckla, located in Northwest Florida, in the early 1800s. A sixth generation farmer on his father's side and a fourth on his mother's side, Keith began farming with his grandfather, W.T. Stewart, in 1983 and has since taken over the complete operation. The once 500 acre farm has grown to more than 1,300 acres and produces a variety of crops, including cotton, peanuts, and wheat. The Campbell family also raises livestock—approximately sixty beef cattle—and maintains an apiary for honey production and crop pollination.

Always seeking better ways to improve the efficiency of his farming operation, Keith has reaped the benefits of technological advances that reduce costs while increasing total crop yield. For instance, the adoption of herbicide-resistant crops in the 1990s allowed him to reduce soil erosion, business costs, and the amount of herbicides used. In the more recent years, precision tools such as field mapping and GPS equipment guidance have allowed for a further stimulation of the farm's operating effectiveness.

In addition to Keith's wife, Robynn, several other members of the family contribute to the overall success of the farm, including their daughters, Ashleigh, a teacher at Bennett C. Russell Elementary School and Brittney, a student at the University of West Florida; their nephew, Dale Campbell, who helps out after school; and Ashleigh's husband, Adam Bondurant, a senior at the University of West Florida. Their neighbors are also crucial to the farm's growth and development. Keith has spread his ideas on efficiency throughout the Santa Rosa County farming community, by initiating equipment sharing and custom planting programs with his fellow farmers.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize the Keith Campbell family as the 2013 Santa Rosa County, Florida, Outstanding Farm Family. There is no question that the Campbell family and its farm will continue to be an important component to the success of farming in the First Congressional District of Florida for many generations to come. My wife Vicki and I wish the Campbell family all the best as they continue to serve the citizens of Northwest Florida.

IN HONOR OF SCOT MCKAY

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. FARR. Mr. Speaker, I rise today to honor the life and remarkable public service of my friend, Scot McKay. Scot passed away on July 10th at the young age of 59. Scot was a visionary businessman, a respected citizen, a dear friend, husband, father, and somebody who made the world a better place to live in.

Mr. McKay was born and raised in Evanston, Illinois. He achieved remarkable success as a young businessman. He founded McKay

Spoke 'n Sport and McKay Front Runner, acquired McKay Nissan which he expanded into Mazda and Suzuki, acquired Acura of Libertyville and, among others, was a partner of the Clean Plate Restaurant Group. In 2003, he moved his family to Carmel, California, where he quickly embraced the local community, buying, renovating and dramatically improving the Carmel Valley Athletic Club, developing and building his relaxation spa, revamping an iconic local radio station and most recently acquiring the Gardener Tennis Ranch, where I once lifeguarded. He turned it into a premier wedding and business retreat facility. Scot also served on the boards of directors of the American International Automotive Dealer Association and The Big Sur Land Trust.

Yet, for all of his accomplishments, he was proudest of his family. Being home each evening was a top priority and when asked about his life, he frequently spoke fondly of his children's recent accomplishments and family trips. Scot was well-known throughout his community for his friendly greetings and interest in knowing how he could help any cause. He grabbed onto life fully and made the most of his time here. His curious nature led him to explore a variety of experiences. His humor and charm will be remembered and the love he has shared with his family and friends will long endure.

Mr. Speaker, I know I speak for the whole House in remembering Scot McKay and extending condolences to his father and loved ones, especially his wife Heidi and his children Ashley, Jacob, Justin, Kyle, Paige, Matthew and Ian. I would like to express my gratitude for his selfless service to the people of Monterey County, and indeed to our whole Nation. He will be remembered for all the lives he touched. We will miss you, Scot.

BRING ARMANDO TORRES HOME

**HON. DUNCAN HUNTER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. HUNTER. Mr. Speaker, I rise in support of Armando Torres, an American and former Marine who was kidnapped in Mexico. Armando served in the Marine Corps from 2005 to 2011, completing tours in Iraq and Africa. He is a native of Texas and the father of two small children.

In the Marines, we were taught to leave no person behind, and we must uphold that commitment to Armando. The United States and Mexican Governments have been working to find Armando, but it is clear that much more can be done. That is why the State Department and Justice Department must raise the visibility of this issue, and send a clear message to his captors that the United States will not tolerate the kidnapping of one of its citizens. Marines and their families from across our Nation have been rallying around Armando's cause, and it is time for all of us to join them, so we can ensure that Armando will be safely returned home to his family.

LETTER TO LEADER REID AND  
LEADER PELOSI**HON. MATT SALMON**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. SALMON. Mr. Speaker, I would like to submit the following:

DEAR LEADER REID AND LEADER PELOSI: When you and the President sought our support for the Affordable Care Act (ACA), you pledged that if we liked the health plans we have now, we could keep them. Sadly, that promise is under threat. Right now, unless you and the Obama Administration enact an equitable fix, the ACA will shatter not only our hard-earned health benefits, but destroy the foundation of the 40 hour work week that is the backbone of the American middle class.

Like millions of other Americans, our members are front-line workers in the American economy. We have been strong supporters of the notion that all Americans should have access to quality, affordable health care. We have also been strong supporters of you. In campaign after campaign we have put boots on the ground, gone door-to-door to get out the vote, run phone banks and raised money to secure this vision.

Now this vision has come back to haunt us.

Since the ACA was enacted, we have been bringing our deep concerns to the Administration, seeking reasonable regulatory interpretations to the statute that would help prevent the destruction of nonprofit health plans. As you both know first-hand, our persuasive arguments have been disregarded and met with a stone wall by the White House and the pertinent agencies. This is especially stinging because other stakeholders have repeatedly received successful interpretations for their respective grievances. Most disconcerting of course is last week's huge accommodation for the employer community—extending the statutorily mandated "December 31, 2013" deadline for the employer mandate and penalties.

Time is running out: Congress wrote this law; we voted for you. We have a problem; you need to fix it. The unintended consequences of the ACA are severe. Perverse incentives are already creating nightmare scenarios:

First, the law creates an incentive for employers to keep employees' work hours below 30 hours a week. Numerous employers have begun to cut workers' hours to avoid this obligation, and many of them are doing so openly. The impact is two-fold: fewer hours means less pay while also losing our current health benefits.

Second, millions of Americans are covered by non-profit health insurance plans like the ones in which most of our members participate. These non-profit plans are governed jointly by unions and companies under the Taft-Hartley Act. Our health plans have been built over decades by working men and women. Under the ACA as interpreted by the Administration, our employees will be treated differently and not be eligible for subsidies afforded other citizens. As such, many employees will be relegated to second-class status and shut out of the help the law offers to for-profit insurance plans.

And finally, even though non-profit plans like ours won't receive the same subsidies as for-profit plans, they'll be taxed to pay for those subsidies. Taken together, these restrictions will make non-profit plans like

ours unsustainable, and will undermine the health-care market of viable alternatives to the big health insurance companies.

On behalf of the millions of working men and women we represent and the families they support, we can no longer stand silent in the face of elements of the Affordable Care Act that will destroy the very health and wellbeing of our members along with millions of other hardworking Americans.

We believe that there are common-sense corrections that can be made within the existing statute that will allow our members to continue to keep their current health plans and benefits just as you and the President pledged. Unless changes are made, however, that promise is hollow.

We continue to stand behind real health care reform, but the law as it stands will hurt millions of Americans including the members of our respective unions.

We are looking to you to make sure these changes are made.

JAMES P. HOFFA,  
General President,  
International Brotherhood of Teamsters.

JOSEPH HANSEN,  
International President,  
UFCW.

D. TAYLOR,  
President, UNITE-  
HERE.

## TRIBUTE TO RAJ NARAYANAN

**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Murrieta are exceptional. The City of Murrieta has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Raj Narayanan is one of these individuals. On July 20, 2013, Raj will be honored as the "Citizen of the Year" at the Murrieta Chamber of Commerce Annual Awards Celebration.

Raj is the epitome of the values that the Murrieta Chamber of Commerce holds true, with a focus on strengthening the local economy, providing networking opportunities, promoting the community, representing business and government, and political advocacy. Currently, Raj serves as a Board Member of the Chamber, where he will soon serve on the Ambassador and Membership Committees. He is a highly motivated community builder and hardworking professional with proven organizational abilities. During his time at the Chamber, Raj has proven to be an effective leader.

Raj's involvement and vision have grown during his time serving on the Murrieta Chamber Board. Raj has always been quick to accept a challenge, especially if it means betterment for the community. He is co-chair for both the Chamber Golf Tournament and Chamber Installation Dinner. While serving as co-chair for the Chamber Golf Tournament, Raj effectively rebranded the tournament as the "Brew Masters Tournament" and successfully raised more money than in previous

years. His success does not stop there. As co-chair of the Installation Dinner, Raj has tirelessly worked to rebrand the event as the "Awards Celebration" hosted at the Pechanga Resort and Casino with the hope of growing it annually. Raj has always been eager to help new Chamber members and is an active volunteer in Chamber events, including the Murrieta Chamber Reverse Drawings and the Special Olympic Games Bocce Ball Tournament.

In addition to the Murrieta Chamber of Commerce, Raj is a member of many other community organizations whose programs help fundraise for businesses and organizations in the area. These organizations include the Temecula Valley Chamber of Commerce and the Valley Young Professionals. He was recently appointed to the Advisory Council of the Assistance League of Temecula Valley. He has helped events come to life through multiple planning stages, including the Boys and Girls Club Annual "Field of Dreams" Dinner, the Juvenile Diabetes Research Foundation Walk which raised over \$90,000, and the Reality Rally. Raj has also been a participant in the Murrieta Veteran's Day Parade, Field of Honor, Boys and Girls Club "Our Kids Rock" fundraiser, and the Susan G. Komen for the Cure Walk/Run. He is also an active participant in the Temecula Noon Rotary Club where he serves as a member of the International Committee and is the Membership Co-Chair. For the Past three years, Raj has been committed to his title as "Food Chair" for the annual Rotary Taste of the World Fundraiser, which helped generate over \$40,000 in 2013.

In light of all Raj has done for Murrieta, the Murrieta Chamber of Commerce named Raj their Citizen of the Year. His tireless passion for community service has contributed immensely to the betterment of Murrieta and the surrounding area. He has been the heart and soul of many organizations and events and I am proud to call him a fellow community member and American. I know that many are grateful for his service and salute him as he receives this prestigious award.

## PERSONAL EXPLANATION

**HON. MICHAEL G. GRIMM**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. GRIMM. Mr. Speaker, on rollcall No. 363 I was unable to vote due to a recent medical procedure. Had I been present, I would have voted "yes."

INTRODUCTORY STATEMENT FOR  
H.R. \_\_\_\_\_, THE LONG TERM  
CARE VETERANS CHOICE ACT**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. MILLER of Florida. Mr. Speaker, today, I am introducing H.R. \_\_\_\_\_, the Long Term Care Veterans Choice Act, to amend title 38,



United States Code, to authorize the Secretary of Veterans Affairs to enter into contracts and agreements for the transfer of veterans to non-Department medical foster homes for certain veterans who are unable to live independently.

Medical foster homes are private homes in which a trained caregiver provides twenty-four-hour, around-the-clock, care to a few individuals.

They are designed to provide a non-institutional long-term care alternative to those who prefer a smaller, more home-like and familial care setting than many traditional nursing homes are able to provide.

The Department of Veterans Affairs, VA, has been helping to place veterans in medical foster homes for over a decade.

VA, as part of the placement process, inspects and approves all medical foster homes, limits care to no more than three veterans at a time, and provides veterans living in such homes with home-based primary care services.

VA also provides safeguards to ensure veterans receive safe, high-quality care by requiring medical foster home caregivers to pass a federal background check and VA screening, agree to undergo annual training, and allow VA medical foster home coordinators and members of a VA home care team to make both announced and unannounced home visits.

Today, according to VA, over four hundred approved caregivers provide medical foster home care in their homes to over five hundred veterans daily in over thirty five states.

The problem, however, is that VA does not have the authority to pay for the cost of the medical foster home.

So, the veteran who chooses to live in a medical foster home must pay out of pocket with personal funds—regardless of whether or not such veteran is eligible for VA-paid nursing home care.

This creates a situation where many service-connected veterans with limited financial resources, who would prefer to live in a medical foster home, go to a nursing home institution instead because VA will cover the cost of the nursing home, but not the medical foster home.

And, while traditional nursing homes will always be a vital component of long-term care, medical foster homes provide a worthy alternative for many veterans.

According to the Department, many more veterans would elect to receive care in a medical foster home should VA be granted the authority to pay for such care.

As the veteran population continues to age, the need for long-term care services will continue to grow.

I am sure we all agree that one thing we owe our veterans, particularly those who are service-connected and in need of long-term care, is the luxury of choice—the choice to decide where and how to receive the care they need.

The Long-Term Care Veterans Choice Act which would authorize VA to enter into a contract or agreement with a certified medical foster home to pay for the residential long-term care of service-connected veterans who are eligible for VA-paid nursing home care and

would expand the long-term care choices offered to veterans beyond traditional services.

In addition to being beneficial for the health and well-being of veterans, the average cost of a medical foster home is approximately half the monthly cost of a nursing home, making this legislation a very cost effective health care option.

This is a commonsense, veteran-centric bill that will free many veterans from financial turmoil, and allow them to make their own decisions about what kind of long-term care they want to receive.

I strongly encourage my colleagues to join me in co-sponsoring the Long Term Care Veterans Choice Act.

#### H.R. 2667 AND H.R. 2668, TO AMEND THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

**HON. DEREK KILMER**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. KILMER. Mr. Speaker, as Congress considers two pieces of legislation related to the Affordable Care Act, I rise today to point out the silly exercise we're going through. On days like today, the American public gets to see exactly why Congress' approval rating is at historic lows.

Today, we're voting on two bills that would amend provisions of the Affordable Care Act. The first bill before us, H.R. 2667, would delay the so-called employer mandate provision until January 1, 2015. Given that the Administration has already said that they are delaying the employer mandate provision until that time, this bill won't actually do anything.

Mr. Speaker, the other bill we're voting on, H.R. 2668, would delay the implementation of the so-called individual mandate for one year. This bill would severely undermine the integrity of the Affordable Care Act. While I wasn't in Congress when the Affordable Care Act was passed into law, it is clear that this provision is needed to help make insurance affordable for all Americans and finally end the ability for insurance companies to deny coverage to those who have pre-existing conditions. By delaying the individual mandate, this bill would raise premiums on working class families and cause significant harm to our efforts to make health insurance accessible to all Americans.

I am proud of the work the State of Washington has done, through its state-based exchange and Medicaid expansion efforts, to make health insurance accessible for more than half a million uninsured Washingtonians. This will not only lead to a healthier population, but save Washington State an estimated \$280 million by the end of 2015, and add 10,000 new jobs as a result of the coming health care changes.

Before today's vote, I reached out to Washington State's Office of the Insurance Commissioner to discuss the individual insurance marketplace and the proposal to delay the individual mandate. I was assured that the marketplace is moving forward, full steam ahead. Insurance Commissioner Mike Kreidler said in a statement, "Delaying the mandate would be

unwise. It's an issue of personal responsibility. It's unfair for people who can afford coverage to not have it, and to expect the rest of us to cover the cost of their care if they become seriously sick or injured."

The decision to bring both of these bills to the floor in this manner is not guided by some public policy concern. It is not to put forward credible solutions to legitimate problems. It is nothing more than a cynical attempt to play politics and mock the notion that we should implement the Affordable Care Act in a thoughtful, pragmatic way.

Mr. Speaker, I reject this false dichotomy. I support H.R. 2667, the Authority for Mandate Delay Act, not because I believe it solves an urgent problem, but for the same reason that I supported the Administration when they made this decision in the first place: the provisions have been determined to be too complex to implement prior to the existing deadline. I've met with several dozen employers in recent months who have asked for more time and greater certainty. That's what this bill does.

On the other hand, I oppose H.R. 2668, the Fairness for American Families Act, because the individual marketplace is moving forward and is in a fundamentally different place. In fact, this bill would severely undermine our ability to provide affordable, comprehensive health insurance to Americans.

[From the Washington State Office of the Insurance Commissioner Updates, July 17, 2013]

"Delaying the mandate would be unwise. This is an issue of personal responsibility. It's unfair for people who can afford coverage to not have it, and to expect the rest of us to cover the cost of their care if they become seriously sick or injured."

"A critical part of the Affordable Care Act was the provision requiring that insurers take all applicants. No more screening out people because they have pre-existing medical conditions. But to make that work, you have to have as many people as possible in the insurance pool."

"Without an individual mandate to have coverage, people would likely just buy insurance when they knew they needed it. That's like letting people get homeowners insurance only when their house catches fire."

#### SAFE RETURN OF ARMANDO TORRES

**HON. FILEMON VELA**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. VELA. Mr. Speaker, today I rise to join my colleagues in urging the State Department and the government of Mexico to do everything that they possibly can to ensure the safe return of Armando Torres.

It has been over two months since Armando was taken captive by armed gunmen while visiting his father in Mexico. A native of South Texas, Armando served 7 years in the Marine Corps including combat tours in Iraq. Though he survived a war zone, a greater threat to his safety came closer to home when he drove across the Los Indios Bridge into Mexico.

What should have been an uneventful trip became a nightmare for the Torres family

when Armando was kidnapped. This is a sadly all too common occurrence in Mexico with as many as 70 kidnappings occurring every day.

The cartel violence in Mexico has had a profound impact on the entire nation with over 60,000 killed.

The unprecedented level of violence has greatly affected the United States as well. Relations with our neighbor to the south have been strained as the free flow of lawful commerce and visitors has been threatened by crime and illegal trafficking. Over 600 U.S. citizens have been murdered in Mexico. We talk about the Global War on Terror, but the cartel violence in Mexico has proven to be a far more deadly threat. We cannot and we will not sit idly by and watch our ally Mexico fight this war alone. We are committed to working together to address the problems which face our two nations.

The number of victims of this deadly war is staggering, but Armando Torres is not just a statistic. He is not just one of the victims of the cartel violence which has ravaged Mexico. He is a Marine, a son, a nephew, a cousin, a husband, and a father. And our nation must do everything in our power to bring him home.

I stand with my colleagues in the United States Congress today in support of Armando. We will not rest until he is returned safely to his family and friends.

#### INTRODUCTION OF THE "ALEXIS AGIN IDENTITY THEFT PROTECTION ACT OF 2013"

#### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. BECERRA. Mr. Speaker, I am pleased to join with my friend and colleague, SAM JOHNSON, to introduce this bipartisan legislation to protect Americans from identity theft.

I have long been concerned about the problem of identity theft, where all too often the Social Security number, SSN, which is assigned to make sure Americans get their earned Social Security benefits, is the key to committing fraud. For a number of years, Chairman JOHNSON and I have worked together on a bipartisan basis with other members of our Social Security Subcommittee to find ways to better protect Americans from identity theft.

One of the most troubling forms of identity theft is fraud involving a deceased individual, which victimizes grieving families. Our subcommittee learned about a family that not only lost their young daughter to a terrible cancer—but then was dealt another blow when they found that their child's identity had been stolen and used to collect a fraudulent tax refund.

Our bill aims to stop this fraud in its tracks. It is named in honor of the child whose family asked our Subcommittee to make sure what happened to them did not happen to another family: the "Alexis Agin Identity Theft Protection Act of 2013." No one should have to endure both the loss of a loved one and then the financial stress of dealing with identity theft because a fraudster has appropriated the person's identity.

The Death Master File, DMF, a prime source of SSNs used in identity theft, is a database of death information reported to the Social Security Administration, SSA. However, a lawsuit forced SSA to make this database available to anyone who wants it. SSA needs this information—it is used to make sure earned benefits from the Social Security Trust Fund are only paid to the living. But SSA does not want to make it available to fraudsters, and they should not be required to do so.

Our bill would restrict access to the DMF to legitimate users and release to the general public only death data that is older than three years, at which point it is relatively useless to ID thieves bent on using it for fraud. Over time, our bill also enables the States to take back the responsibility of handling their death data and ends SSA's public release of the DMF for good. The President's budget proposes a similar approach that the Joint Committee on Taxation projects would save \$793 million over ten years by reducing the potential for fraudulent tax refunds. The National Taxpayer Advocate and the SSA Inspector General have also called for the public release of the DMF data to end.

I applaud the bipartisan approach we took to resolving this problem for the American people. I hope we can learn from the Agin family's tragic experience and move swiftly to enact this bipartisan, commonsense measure to reduce the harm of identity theft.

#### CHAMPION OF HISPANIC YOUTH JOHN LOPEZ

#### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Mr. John Lopez, a resident of my district who passed away on July 2, 2013.

John was born and raised in Santa Ana, California. He went on to earn a Bachelor's Degree from University of California, Irvine and a Masters from the University of La Verne.

One of his proudest affiliations was through the work he did with the American GI Forum, where John rose to serve as the California State Treasurer for the organization.

John was also a member of the Latino Advocates for Education, where he worked on documenting the military service of Latino veterans. He also helped Anaheim Latino youth gain scholarships through his membership and participation in the LULAC Anaheim Council.

A 26-year veteran of Northrop Grumman, John was a true patriot who carried out his duties with passion and integrity.

John and his wife, Linda, founded the Hispanic Advisory Council to CASA (Court Appointed Special Advocates of Orange County). Their efforts continue to impact the Hispanic youth that CASA serves.

John Lopez was a true public servant to his community. While he will be greatly missed, his contributions will benefit future generations.

#### HONORING THE NAPA COUNTY FARM BUREAU

#### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor the Napa County Farm Bureau on the occasion of its centennial anniversary.

The Napa County Farm Bureau was initiated in 1913 when at a meeting of the Napa Grange, H. J. Baade stated that the University of California at Berkeley would hire a scientifically trained man with at least four years of practical farming experience and place him in any county that would agree to organize a Farm Bureau. The Napa Grangers instructed the District Attorney to assist the Secretary of the Napa Chamber of Commerce to organize a Bureau of at least one-fifth of all the farmers in the county.

Today, the mission of the Napa County Farm Bureau is to ensure the proper political, social, and economic climate for the continuation of a strong, vibrant and sustainable agricultural economy. The Farm Bureau is one of the county's major voices for land stewardship, agricultural sustainability, and open space preservation and conservation. Over the last four decades, the Napa County Farm Bureau has led the resistance to the trend toward paving over farmland across the state and nation, and worked with County government leaders to designate agriculture as its most precious resource—the highest and best use of the land.

Countless members of the community have given much of their time and talent to help improve the agricultural conditions of Napa County. The organization is guided by a Board of Directors and supported by a multitude of dedicated volunteers. The Napa County Farm Bureau will honor 52 Centennial Napa County farm families who have been farming in the county for 100 or more years on August 3rd.

Mr. Speaker, throughout its 100 year history, the Napa County Farm Bureau has worked to protect family farms and ranches, maintain and enhance Napa's rich agricultural heritage, and promote good stewardship of Napa's soils, watersheds, wildlife habitat and open space. It is therefore appropriate that we acknowledge the Napa County Farm Bureau today and wish it great success in future years.

#### A COMPARATIVE ANALYSIS OF THE DEVELOPMENT AND APPLI- CATION OF MARINE NAVIGATION SAFETY AND MARINE ENVIRON- MENTAL PROTECTION CRITERIA FOR OFFSHORE RENEWABLE EN- ERGY INSTALLATIONS

#### HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. BROWN of Georgia. Mr. Speaker, on April 16, 2013, the House Science, Space,

and Technology Subcommittees on Oversight and Energy held a joint hearing titled, "Assessing the Efficiency and Effectiveness of Wind Energy Incentives." The attached document contains excerpts from an analysis that is part of the record for that hearing.

"A COMPARATIVE ANALYSIS OF THE DEVELOPMENT AND APPLICATION OF MARINE NAVIGATION SAFETY AND MARINE ENVIRONMENTAL PROTECTION CRITERIA FOR OFFSHORE RENEWABLE ENERGY INSTALLATIONS, MARCH 11, 2013", BY: JOHN F. MCGOWAN, RADM USCG (RET), FOR: THE MCGOWAN GROUP, LLC.

#### INTRODUCTION

The following has been excerpted from an analysis performed in March 2013 by The McGowan Group, LLC.

In recent years, the Department of the Interior's Bureau of Ocean Energy Management (BOEM) and the U.S. Coast Guard (USCG) has taken steps to establish a process and standards for the leasing of areas for development of Offshore Renewable Energy Installations (OREIs) on the U.S. Outer Continental Shelf (OCS). In 2006, the USCG embarked on setting standards to safeguard marine safety and marine environmental protection for the siting and operation of OREIs on the nation's waterways and oceans. In response to special legislation enacted in 2006, the USCG was also required to establish navigational safety terms and conditions (T&C) specifically for Nantucket Sound due to the proposal for the 130 turbine Cape Wind Associates (CWA) OREI.

This report provides a comparative analysis of the T&C for Nantucket Sound under Section 414 of the Coast Guard Maritime Transportation Act of 2006 (CGMTA) and the navigational safety actions taken elsewhere or now under development by USCG and BOEM. As this report concludes, the Nantucket Sound standards provide significantly less protection for navigation safety than the comparative measures established or proposed for every other OREI location.

#### THE SITE AND THE DESIGN (NANTUCKET SOUND AND CAPE WIND)

Nantucket Sound is not only a heavily used body of water, but one of the most dangerous places to navigate in the U.S. In fact, the seaman's handbook, *The Coast Pilot*, singles out Nantucket Sound for special caution due to the frequent occurrence of wind, fog, and high velocity currents.

Horseshoe Shoal, found near the center of Nantucket Sound, is a well-known and marked hazard whose rocks are seldom visible above the Sound's surface. Water depths in and around the Shoal vary from 2 ft. to nearly 60 ft. The shoal is bounded by the North Channel, which runs below Great Neck and Hyannis, and the Main Channel, which runs from Vineyard Sound from the west to the Atlantic Ocean to the east. The Main Channel that the CWA facility would abut has a controlling depth of thirty feet. The proposed project site is virtually surrounded by general anchorages for vessels awaiting entry into port, conducting repairs, or escaping or riding-out bad weather or visibility that is common in Nantucket Sound.

Other than marked channels and charts, there are no Traffic Separation Schemes (TSS), vessel traffic reporting or control systems in place in the Sound. The port of Boston, Buzzards Bay, the Cape Cod Canal, and Rhode Island Sound all have TSS ship routes, or in the case of the Cape Cod Canal and Buzzard's Bay, vessel reporting systems in place. These USCG systems significantly

mitigate navigational risk and play a prominent role in the navigational risk assessment for other areas being considered as potential sites for offshore wind facilities on the Atlantic coast. The absence of TSS or other vessel control measures makes navigational risk in the Sound subject to comparatively greater risks.

While the Main Channel in Nantucket Sound can support vessels with drafts up to 24 ft., including cruise liners, it also serves as the main artery for ferries connecting the Sound's islands and for an estimated 250 large oceangoing fishing vessels. The proposed site for the CWA facility borders these channels and routes extensively used year-round by the ferry systems, some of which offer high-speed service at 30 knots on all its sides.

The CWA proposal would place the WTGs directly adjacent to these busy vessel routes, in some cases to be constructed within 975 ft. to 1,200 ft. from the edge of the North and Main channels, respectively. Without an additional buffer from these routes, an allision with the nearest WTGs would occur in a mere 60 seconds, at normal speeds, for a vessel or boat that leaves the channel. A high speed ferry would have 20 seconds to detect, take action, and respond to avoid such allisions. Collision risk with vessels traveling within or adjacent to the project site also would be a problem due to WTG interference with navigation and collision avoidance radar.

#### SECTION 414 AND THE 2008 MMS FEIS

In 2005, Congress enacted Section 414 of the Coast Guard Maritime Transportation Act of 2006 (CGMTA). Section 414 requires the USCG to "specify the reasonable terms and conditions the Commandant determines necessary to provide for navigational safety with respect to the proposed lease, easement, or right-of-way and each alternative to the proposed lease, easement or right-of-way considered by" the Secretary of the Interior for an offshore wind energy facility in Nantucket Sound.

Section 414 makes it clear that the T&C are to protect the navigational status quo, not to protect CWA or its design. The USCG can fulfill this duty only by developing T&C that ensure the project does not present navigational risks, including the possible need to alter the project design through the establishment of a buffer zone from existing shipping and ferry routes, or to deny the lease application at the proposed location. The burden to provide for navigational safety belongs to CWA, not to mariners, fishermen, or the public.

In late 2008, USCG altered its approach that would have addressed navigation safety concerns by including changes to the project, to instead adopt the position that the project had to be accepted as it was proposed. As a result, all burden for safety was placed on mariners and USCG did not recommend a safety separation or buffer zone from the Sound's established channels and shipping routes. Several lawsuits are pending against the CWA project, including challenge of the USCG T&C.

#### BOEM'S EAS

BOEM began implementing DOI's "Smart from the Start" initiative in 2011 with USCG and other agencies to produce environmental assessments (EAs) for offshore wind development. The initiative called for the identification of areas on the Atlantic OCS that were most suitable for commercial wind energy and the availability of those areas for leasing and site assessment. During 2011, BOEM

published Notices identifying those ocean areas and requested public comment.

Significant public comment was received from maritime interests in response to the BOEM Notices. Major changes were made to the various Wind Energy Areas (WEAs) including excluded areas. The EAs provide mitigation of marine navigation risk by outright exclusion of areas that could produce navigation or fishing conflict and by providing safe separation/buffer zones between WEAs and vessel routes. The following safety criteria are evident from the final selection of lease blocks in these EAs:

The presence of Traffic Separation Schemes (TSS) or other vessel routing/control measures facilitate the safe designation of WEAs in ocean areas bearing volumes of marine traffic and/or fishing activity.

Safety separation/buffer zones of 1 nm from TSSs and from shipping routes should be applied in WEA identification as well as in subsequent site selection.

Marine traffic routes and fishing areas should be identified and their densities estimated and projected for future growth and expansion in defining the limits of WEAs.

Blocks should be excluded which would conflict with the safe operation and transit of shipping on recognized routes and from vessels working in traditional fishing areas.

None of these criteria were applied to the siting, size and shape of the CWA proposal for Nantucket Sound.

#### USCG ACPARS

Concurrent with the BOEM "Smart from the Start" process, in 2011, USCG embarked on a separate study whose scope would influence OREI facility siting and design. The USCG issued its first and interim report in July 2012. The final report is not expected to be issued until the end of 2013.

The core of the USCG ACPARS analysis and the basis for its recommended exclusions from the WEAs proposed in the BOEM Notices is the "R-Y-G" methodology developed from standards and criteria for OREIs applied in the UK and which provide three break points between WEAs and vessel traffic routes:

1 nm—The minimum separation distance to the parallel boundary of a TSS. At this distance there would still be S band radar interference and automatic radar plotting aid (ARPA) is adversely affected. This is also the boundary between High/Medium navigational safety risk.

2 nm—The separation distance where compliance with COLREGS becomes less challenging, mitigation measures would still be required to reduce risk As Low as Reasonably Practicable (ALARP). This is also the boundary between Medium/Low navigational safety risk.

5 nm—The separation distance where there are minimal impacts to navigational safety and risk should be acceptable without additional mitigation. This is also the boundary between Low/Very Low navigational safety risk.

ACPARS examined the shipping routes and patterns for each area as well as individual blocks in the WEAs proposed by BOEM. Blocks that were determined to be hazardous to marine navigation and to the marine environment were "colored" RED, which the group defined as: "those blocks, or portions of blocks, that cannot/should not be developed now or in the future because of vessel traffic usage. Development of these blocks would have an unacceptable impact to navigational safety and precludes development." YELLOW BLOCKS were defined as "those blocks, or portions of blocks, that require

further study/analysis of existing traffic usage/patterns as well as projected future traffic increases based on development of adjoining/adjacent blocks. Development of these blocks would potentially have an unacceptable impact on navigational safety which requires additional study to determine the risk and possible mitigation if developed." GREEN BLOCKS were defined as "those blocks, or portions of blocks, whose development would, based on available information, pose minimal to no detrimental impact to navigational safety. Traffic using these blocks can be 're-routed' around developed alternative energy sites. These blocks would require minimal, if any, mitigation."

ACPARS stated: "Although consensus was not reached, the majority of the ACPARS Workgroup recommended the use of a 1NM separation distance from shipping routes for determining the boundary between Yellow and Red Blocks. As stated above there was consensus for using 5NM as the minimum distance from shipping routes for Green Blocks."

#### COMPARISON—NANTUCKET SOUND VERSUS THE OREI NAVIGATIONAL SAFETY MEASURES

The attached Figure 4-12 has been excerpted from the BOEM EA for Massachusetts and displays the TSS schemes for Rhode Island Sound, the Port of Boston, and the approaches to NY. It shows "High" density vessel tracks in a yellow to salmon color scheme. Figure 1 shows commercial vessels in Nantucket Sound, specifically its Main Channel, in heavy volumes very similar to those studied for the proposed WEAs in the Massachusetts and in the Rhode Island & Massachusetts EAs produced by BOEM.

What is not shown in these Figures is the disparity of navigation risk and of displacement of fishing activities that would be created by OREIs in the various WEAs as compared to CWA. Using the WEA area described in the RI & MA BOEM EA (RIMAWEA) as a comparison to the proposed CWA site, several factors emerge that drive starkly different navigational and operational risk environments that transiting vessels must overcome.

The RIMAWEA would be located adjacent to the high density TSS in Rhode Island Sound. The vessel one-way lanes of the TSS are each 1 nm wide with depths ranging from 60-120 ft. The Main Channel directly adjacent to the CWA site on Horseshoe Shoal can be visualized as a higher risk single-lane carrying vessel traffic in multiple directions which narrows to 3/4 nm between two dangerous shoals with 30-60 ft. of water at the junction of heavy vessel traffic crossing from east to west and north to south. There are few shoals and ledges in the direct vicinity of the RIMAWEA and the RI TSS; vessels leaving the TSS by design or in emergency have "sea room" to maneuver and recover in water depths ranging from 60-160 ft. Utilizing both BOEM EA and ACPARS criteria, a troubled vessel seeking to avoid a casualty with a WTG placed near the TSS or with another vessel hidden in radar interference from the facility would have a 1 nm buffer space between the RIMAWEA TSS and other vessel routes to safely react. ACPARS examined the vessel routes and traffic density for the RIMAWEA proposed for RI Sound, the region most akin to the navigation conditions found in Nantucket Sound. USCG requested that BOEM exclude 16 blocks from the RIMAWEA to safeguard navigation safety for vessels on routes or within the TSS which would pass within a safety buffer of 1 nm from the WEA.

USCG also requested BOEM include the following statement in the EA: "UK Mari-

time Guidance Note MGN-71 and the expertise of waterways SME's to evaluate and/or identify individual BOEMRE RFIs/CFIs. Based on MGN-371, any areas <1 NM from existing shipping routes pose a high risk to navigational safety and are not considered acceptable for the placement OREIs. Areas >5NM from existing shipping routes are considered to pose minimal risk to navigational safety. Everything between 1NM and 5NM would require analysis to determine if mitigation factors could be applied to bring navigational safety risk to within acceptable levels. Please note that impacts to radar and ARPA still occur outside of 1 NM which will have to be evaluated along with other potential impacts. The above are only planning guidelines and a full navigational risk assessment will be required as part of the EIS prior to approving construction of any OREIs."

In contrast, USCG accepted the design and siting of the CWA facility without challenge and without imposing any minimum separation distance between the surrounding vessel routes and channels and the facility's WTGs. The CWA facility design and placement of its WTGs would provide the crew of a passenger ferry or boat that leaves the channel a mere 60 seconds, at normal speeds, and a high speed ferry a mere 20 seconds to detect, take action and respond to avoid a collision with an adjacent WTG.

Another significant disparity lies in the treatment of the safety and operational needs of commercial fishing vessels. The 2012 BOEM EAs examined and then excluded entire blocks and sections of the proposed WEAs to prevent the displacement of those vessels and their traditional fishing activity. BOEM appears to have adopted the position that commercial fishing vessels and their operating techniques make for an unacceptable safety risk when operating within or in the vicinity of a WEA. BOEM, MMS, and USCG took the opposite tack in their review and acceptance of the CWA proposal. The repeated complaints of the fishing industry in the Sound that the CWA facility would make it unsafe for them to fish on or adjacent to the rich fishing grounds at Horseshoe Shoal were simply ignored or obfuscated.

#### CONCLUSION

1. The application of safe separation/buffer zones in the design of offshore WEAs and the exclusion of ocean blocks to eliminate potential conflicts with the marine navigation safety needs have been uniformly applied to all WEAs with the exception of Nantucket Sound.

2. USCG has failed to effectively apply the same marine navigation safety and environmental protection standards, guidance, and criteria it developed for OREIs in the U.S. to the CWA facility.

3. Neither a sufficient and meaningful site assessment nor an accurate and detailed vessel traffic assessment has been conducted for the CWA proposed facility.

4. A navigational risk assessment to a recognized standard has not been conducted nor have adequate and effective marine safety mitigation actions been identified for CWA.

5. The CWA facility is fatally flawed as currently designed and sited. It is incompatible with the needs of marine transportation in Nantucket Sound and is an unnecessary and unacceptable threat to the current-day and future users of Nantucket Sound's waterways.

#### HONORING THE DELTA SIGMA THETA CENTENNIAL

##### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. CONYERS. Mr. Speaker, I rise today to honor the Delta Sigma Theta Sorority for their Centennial Celebration. Founded at Howard University in 1913, this international sorority has long focused on providing young women with the strength and experience to lead.

Whether in law, science, business, or education, Delta alumnae all have one thing in common: they are dedicated to serving their communities. The five points of the Delta experience are Economic Development, Educational Development, International Awareness and Involvement, Physical and Mental Health, and Political Awareness and Involvement.

The strength they gain through focused development on these points doesn't just benefit the young women who join Delta Sigma Theta. Through projects like the Delta Towers here in Washington D.C., their work with Habitat for Humanity across our nation, or their youth outreach programs—we are all better for the generosity of the Deltas we know and love.

To all the Delta sisters out there—best wishes for the next hundred years.

#### PERSONAL EXPLANATION

##### HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. GRIMM. Mr. Speaker, on rollcall No. 361, I was unable to vote due to a recent medical procedure. Had I been present, I would have voted "yes."

#### PERSONAL EXPLANATION

##### HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent during the week of June 24, 2013. If I were present, I would have voted on the following.

TUESDAY, JUNE 25, 2013:

Rollcall No. 287: Motion to Suspend the Rules and Pass H.R. 2383, "yea."

Rollcall No. 288: Motion to Suspend the Rules and Pass H.R. 1092, "yea."

WEDNESDAY, JUNE 26, 2013:

Rollcall No. 289: Motion on Ordering the Previous Question on the Rule for H.R. 1613, H.R. 2231, and H.R. 2410, "nay."

Rollcall No. 290: Motion on Agreeing to the Resolution on the Rule H.R. 1613, H.R. 2231, and H.R. 2410, "nay."

THURSDAY, JUNE 27, 2013:

Rollcall No. 291: Grayson of Florida Part A Amendment No. 1, as Modified, "yea."

Rollcall No. 292: Motion to Recommit with Instructions for H.R. 1613, "yea."

Rollcall No. 293: Final Passage of H.R. 1613—Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act, "no."

Rollcall No. 294: Motion to Suspend the Rules and Pass H.R. 1864, "yea."

Rollcall No. 295: Hastings of Florida Part B Amendment No. 2, "aye."

Rollcall No. 296: Flores of Texas Part B Amendment No. 4, "no."

Rollcall No. 297: Cassidy of Louisiana Part B Amendment No. 5, as Modified, "no."

Rollcall No. 298: Rigell of Virginia Part B Amendment No. 7, "no."

FRIDAY, JUNE 28, 2013:

Rollcall No. 299: DeFazio of Oregon Part B Amendment No. 8, "aye."

Rollcall No. 300: Broun of Georgia Part B Amendment No. 9, "no."

Rollcall No. 301: Grayson of Florida Part B Amendment No. 10, as Modified, "aye."

Rollcall No. 302: Capps of California Part B Amendment No. 11, "aye."

Rollcall No. 303: Motion to Recommit with Instructions for H.R. 2231, "aye."

Rollcall No. 304: Final Passage of H.R. 2231—Offshore Energy and Jobs Act, "no."

#### RECOGNIZING THE 25TH ANNIVERSARY OF THE TOWN OF CHAMPLAIN, NEW YORK

#### HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. OWENS. Mr. Speaker, I rise today to recognize the 225th Anniversary of the town of Champlain, NY.

The French explorer, Samuel De Champlain, was the first European to discover and name the lake. Established in 1788, the town was formed after Pliny Moore, one of its founders, received a land grant for enlisting in the New York militia in 1781 during the American Revolution, including extensive shoreline along Lake Champlain. It was Moore who remained an essential figure in the town's early development, building the first saw mill, becoming the first county judge and merchant, and later as a prominent politician, representing Champlain in the New York Assembly.

The town of Champlain also played a vital role during the War of 1812. In 1814, Champlain was crucial in securing the nation's northern border and contributed to the American victory at the Battle of Plattsburgh, also known as the Battle of Lake Champlain.

Situated just outside of the Adirondack Park, today the town is a gateway for visitors to many popular attractions including hiking, fishing, camping and other outdoor activities. It also contains one of the most important commercial gateways on the northern border and is central in connecting Quebec, Montreal and New York City, which facilitates substantial trade between the U.S. and Canada.

Over time, its residents have grown in population and in pride, recognizing their town's unique history to the area and their country.

I ask my colleagues to join me in congratulating the residents of Champlain reaching this milestone.

#### CITIZENS RAISE AWARENESS OF GENOCIDE THROUGH THE ONE MILLION BONES DEMONSTRATION

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. CONNOLLY. Mr. Speaker, earlier this month, residents from across the country participated in the One Million Bones demonstration on the National Mall to raise awareness about the acts of genocide and mass atrocities in Africa and the Middle East.

Many of the participants visited with their respective Congressional offices, and I am pleased to enter into the CONGRESSIONAL RECORD a statement on behalf of my constituents, Alison Luckett and Taylor Lane, who met with staff from my office.

We the House of Representatives resolve that:

In support of the One Million Bones efforts to raise awareness of on-going genocides and mass atrocities in the world today;

Consistent with the UN's having defined genocide as "Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about physical destruction in whole or in part; imposing measures intended to prevent births within a group; [and] forcibly transferring children of the group to another group;"

In remembrance of the lives lost in past acts of genocide including the genocides in Nazi Germany, Rwanda, and Sudan in which:

The Holocaust was an act of genocide by Nazi Germany to eradicate Non-Aryan population during World War II in which 11 million people were killed;

The civil war in Rwanda from April 6, 1994, to July 16, 1994, in which acts of genocide were committed by extremist Hutus through the militia, the Interhamawe, and the government army against Tutsis, moderate Hutus, and the Twa in which over 1 million people were killed;

The events in Sudan from 2003 to present have involved acts of genocide by the Muslim Arab Sudanese against the Muslim black Sudanese through the Janjaweed militia and the Sudanese army in which 6 million people were killed before 2003 and since then an additional 400,000 have died.

Resolved that we—

1. view all human beings as equals no matter their nationality, ethnicity, race, or religion;

2. recognize these events as genocide and condemn them as such

3. urge all Members of Congress to condemn those responsible for the acts of genocide from occurring;

4. will continue to work with the One Million Bones project to educate all people on the

horrors of genocide and to prevent any future acts of genocide from occurring

5. will take action through available means to prevent future acts of genocide from occurring.

#### HONORING THE AMERICAN-ITALIAN HERITAGE SOCIETY

#### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. TERRY. Mr. Speaker, I rise today to honor the American-Italian Heritage Society on the occasion of breaking ground on their new headquarters.

The American-Italian Heritage Society was founded in Omaha in 1980 by seven individuals in order to preserve their Italian heritage in the community. Since its founding, the organization has been dedicated to encouraging awareness of Italian traditions, including history, culture, and language, among many other aspects.

This new building serving as their headquarters will provide a permanent meeting center for members of the American-Italian Heritage Society to gather. Here they will be able to host their traditional Italian courses and many other activities for both children and adults. The society also hosts many events for members and guests, such as, the annual La Festa Italiana, which has been held for nearly thirty years. Additionally, many fundraisers have been held such as the American-Italian Heritage Society pasta dinners, which allow members of the Omaha area to embrace Italian culture.

The American-Italian Heritage Society has grown significantly since its founding with now over 1,000 members. It hopes to continue to grow by adding a cultural museum and library to preserve Italian culture in Omaha.

Mr. Speaker, please join me in congratulating The American-Italian Heritage Society on their new building. The Omaha community and I recognize all of the advances the American-Italian Heritage Society has made to not only celebrate Italian culture and tradition but to educate the future generations as well.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,738,167,165,761.57. We've added \$6,111,190,116,848.49 to our debt in 4 and a half years. This is \$6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

IN HONOR OF DISTRICT COURT  
JUDGE JOSEPH BLICK

**HON. WALTER B. JONES**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. JONES. Mr. Speaker, I would like to take a moment to honor District Court Judge Joseph A. Blick, Jr., a dedicated public servant and worthy recipient of the Order of the Long Leaf Pine, an honor awarded by the governor of North Carolina.

In the journey of life, it is a privilege to meet an individual like Joe Blick—a man of strong faith who always makes time for his family, church, and the local community. Joe rarely utters the word “no,” but instead eagerly seeks opportunities to help others. He has been a role model for the Greenville youth by volunteering to coach sports or help with the youth group at St. Peter Catholic Church. He is a man who teaches fairness and compassion in and out of the courtroom and has always led by example.

A prime example of Mr. Blick's generous nature comes in his decision to retire a year early, giving up his full retirement status in order to accept a teaching position at St. Peter's Catholic School. As always, he has chosen to follow the will of God and understands that teaching the young men and women who represent America's future is his calling.

This new position will represent a return to the classroom for Judge Blick, who taught and coached students in Moore County, North Carolina, before attending law school at Wake Forest University. After graduating, he went on to work for 16 years as an assistant district attorney before assuming the title of district court judge and presiding over the 3A judicial district for 14 years.

Joe's commitment to Pitt County has been admired by many, including myself. In recognition of his extensive record of public service, he has been honored with the Order of the Long Leaf Pine—a prestigious award presented to individuals who display a strong dedication to the state of North Carolina.

I join with Joe's wife, Mary; his two sons and daughters-in-law, Jeff and Caroline and Brian and Kristen; and his three grandchildren in congratulating him on his many achievements. During my many years of friendship with the Blick family, I had the distinct honor of nominating Brian to the naval academy, from which he graduated in May of 2012.

John Wesley once said that “[o]ne of the principal rules of religion is to lose no occasion of serving God. And, since he is invisible to our eyes, we are to serve him in our neighbor; which he receives as if done to himself in person, standing visibly before us.”

Judge Blick has certainly exemplified this spirit of service, and I am confident that his dedication to God, his family, and his community will continue as he takes this next step in life's journey. I am grateful for Judge Blick's tireless commitment to the Greenville community and pleased to have him recognized by the United States Congress, an honor which he truly deserves.

TRIBUTE TO MR. MARK  
SHEPPARD, VICE PRESIDENT OF  
THE ALABAMA STATE PORT AU-  
THORITY

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. BONNER. Mr. Speaker, I rise to pay tribute to the life of an influential and beloved Mobilian who played an instrumental role in the growth of the Port of Mobile and the regional economy. Mr. Mark Sheppard, Vice President for Trade and Development at the Alabama State Port Authority, recently passed away at the age of 61.

A native of Mobile and a graduate of the University of South Alabama, Mr. Sheppard enjoyed a maritime career which spanned more than 30 years, beginning with a management trainee position for United States Lines. He later worked for a number of companies along the Gulf of Mexico, including Hapag-Lloyd, Mitsui O.S.K. Lines and Nedlloyd Lines, where he managed direct sales, marketing and integrated logistics.

Mr. Sheppard joined the Alabama State Port Authority in 2005, where he led trade and carrier development for the Authority's intermodal investments. Most notably, he is credited—despite a global economic recession—with expanding both business and ocean carrier service at the authority's new container terminal between 2008 and 2010. That trend continued in 2011, when year-over-year container traffic increased by another 31 percent.

His leadership was further evident in 2012, when the Port Authority's containerized, steel and export coal volumes all posted significant growth. And growth is projected to continue with planned investments in intermodal rail, warehousing and terminal upgrades to expand capacity and market reach.

In addition to his responsibilities with the Port Authority, Mr. Sheppard also remained active in the broader maritime and international communities, serving on the Board of Directors for the Tennessee-Tombigbee Waterway Development Council and as vice chairman and chairman-elect for the Alabama Germany Partnership.

Alabama State Port Authority Director James K. Lyons reflected on the loss of Mr. Sheppard and his valuable contributions to Alabama and the Gulf Coast: “Mark Sheppard's sudden passing comes as a deep shock to our maritime and international trade community. He was a key member of our team and a good friend.”

On behalf of the people of Alabama, I wish to extend my personal condolences to his family, including his daughter, Jessica, who is a member of my Washington, DC office staff, as well as his brother Tim Sheppard; and two sisters, Brenda Sheppard and Sonya Bell. You are all in our thoughts and prayers.

NELSON MANDELA  
INTERNATIONAL DAY

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Ms. JACKSON LEE. Mr. Speaker, I rise to pay tribute to President Nelson Mandela and to commemorate the 5th anniversary of “Nelson Mandela International Day.” On this special day, the thoughts, prayers, and wishes of all Americans, and peace loving people the world over, are with Nelson Mandela and his family.

In 2009, the United Nations dedicated this day in recognition of Nelson Mandela's commitment to humanity as a human rights lawyer, a prisoner of conscience, an international peacemaker, and as the first elected president of a free, democratic, and multiracial Republic of South Africa. Nelson Mandela dedicated his life to serving humanity in the fields of conflict resolution, race relations, the promotion and protection of human rights, reconciliation, gender equality, the rights of children and other vulnerable groups, the uplift of poor and underdeveloped communities, and the struggle for democracy internationally and the promotion of a world culture of peace.

In honoring these dreams, hopes, goals, and acts, the United Nations calls upon people everywhere to devote 67 minutes today to helping others, one minute honoring each year that Nelson Mandela devoted to us, humanity. Through our service to others, we honor the achievements and sacrifices of Nelson Mandela.

Today we honor the life and work of a man who by his courage, commitment to justice, grace in the face of unearned suffering, and capacity to forgive continues to inspire the world.

In the words of Nelson Mandela: “For to be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others.”

Happy birthday to one of the greatest men of our time.

EGYPT

**HON. JOSEPH R. PITTS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 18, 2013*

Mr. PITTS. Mr. Speaker, I watched with great interest the recent events in Egypt where millions took to the street in support of real democracy, real freedom, and the actual upholding and protection of fundamental human rights. Sadly, those who promote and preach violence continue to assert the dominance of their ideology and rights to the exclusion and detriment of anyone who does not agree with them.

In light of these recent events, I would like to submit for the RECORD a short letter from the Board of Governors of the American Chamber of Commerce in Egypt regarding Egypt and the desires of the Egyptian people.

The business community, the human rights and democracy activists, and even Egyptian

government officials are asking for our support for democracy and freedom.

In light of these recent events, it is vital to note that due to the complete absence of an impeachment process and a working parliament, there was no established mechanism for a transition of power—the only course of action available and possible to the people was “popular impeachment.”

It is critical that the Egyptian people know that we stand with them in this time of transition as they seek, once again, to draft a Constitution that protects and upholds the rights of all Egyptians and maintains international norms and standards, and as they seek to build and strengthen institutions and processes of democracy, transparency, and freedom.

I urge the Congress to respond to recent events in Egypt by supporting and working with those in the country who desire to protect and uphold fundamental human rights and to build and strengthen democracy and freedom for all Egyptians.

AMERICAN CHAMBER  
OF COMMERCE IN EGYPT,

July 7, 2013.

As Americans celebrated their Independence Day and reminded the world of the values of democracy based on the principles of inclusiveness, respect for the rights of minorities and equality for all, millions of Egyptians went to the streets, throughout the country, to demand their own democracy and the right to a better life and a better Egypt.

The historic developments that began June 30 included widespread demonstrations across Egypt's governorates involving more than 25 million Egyptians. The protests vastly exceeded the numbers that ignited the January 25th Revolution in 2011, and is believed to have been the largest peaceful demonstration in world history. This citizen-led “coup for democracy” was a genuine reflection of the fact that the peoples' desire for real democratic change remained unfulfilled.

The popular demonstrations, according to many Egyptians, stemmed from flagrant violations of democratic principles, starting with then President Mohamed Morsi's constitutional declaration in November 2012, in which he effectively declared himself above the law. Egypt's first democratically-elected president, whom we genuinely hoped would be a president for all Egyptians, wantonly expanded his powers and focused on implementing an ideological agenda rather than addressing the serious economic crisis facing the country. He deliberately blocked the creation of a constitution that guaranteed checks and balances and provided equality for all. The president's refusal to compromise and his gross mismanagement of government affairs jeopardized the stability of the region's most populous nation and directly affected its crucial strategic role.

It is important to note that it was not economic failures that precipitated the demonstrations of June 30, but rather, the vast majority of demonstrators saw a blatant attempt by the government to reshape Egypt's complex, multi-variant, pluralistic culture by dismantling the judiciary, suppressing the independent media, repressing freedom of speech and dissent and refusing to recognize the rights of minorities and women. The Egyptian people demanded these rights and values following the January 25 revolution, but they were dismissed and ignored by the government that came to power.

The American Chamber of Commerce in Egypt is the leading business association in Egypt and the Middle East with over 1,800 members. For over 35 years, we have promoted business relations between the United States and Egypt, during which time we have built a strong network of business leaders, Members of Congress and their staffs, executive branch officials, and other decision and policy makers in Egypt and the United States. Today, AmCham is communicating a message to its network of friends and business partners.

All of AmCham's members share a commitment to a strong U.S.-Egypt relationship at all levels and an Egyptian economy based on a free market, opportunities for youth, job creation, better education, entrepreneurship and active participation in the global economy. At this critical juncture, we believe that Egypt's relationship with the United States is critical to the long-term success of Egypt's revolutionary process and beyond. We therefore believe it is imperative that the United States:

- acknowledge that June 30 was a “people's revolution” and nothing else;
- support the transitional plan for new, free, transparent multi-party elections;
- provide leadership in the international community to mobilize the economic assistance that Egypt requires in the short-term to stabilize its economy;
- initiate a sustained high-level economic dialogue with Egypt designed to create the conditions for long term, private-sector led growth;
- encourage U.S. businesses to invest in Egypt.

A strong, stable, moderate and truly democratic Egypt is in the best interest of both countries, and those interests would be adversely affected if current U.S. policymakers elect to disengage from Egypt and its people in their quest for true democracy or reduce current levels of support for the Egyptian military. Over the past two years, many of the largest U.S. multinationals who are active members of AmCham (including many Fortune 500 companies) have remained engaged in and committed to Egypt. They are bullish on Egypt's future and its future prospects. They are confident that the Egyptian people will settle for nothing less than a real democracy and an economy that offers opportunity for all.

In that spirit, and during this difficult period in Egypt's history, AmCham appreciates the support you have offered Egypt over many years and looks forward to stronger business ties between Egypt and the United States that are based on mutual respect and understanding. Most importantly, we appreciate your continuous and invaluable support to Egypt and the Egyptian people.

Sincerely,

BOARD OF GOVERNORS,  
*The American Chamber  
of Commerce in Egypt.*

HONORING MAX DORIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Max Doria of Vallejo, California.

Mr. Doria has been a dedicated community volunteer for two decades. For the last 16 years, he has served as the Vice President of the Filipino Community of Solano County, Inc. (FCSC). The FCSC is one of the oldest Filipino organizations in Vallejo, and provides numerous services to its members and the community-at-large. He was also the past president of Sekder Day Pangasinan, another important local Filipino organization serving former residents of that Philippine Province.

Mr. Doria is a veteran who faithfully served our country in the United States Navy. After his retirement, he continued to work with other Navy and military retirees as a board member of the Filipino American Retired U.S. Armed Forces Association (FARASUFU).

Together with his son Mel, Mr. Doria operated Doria Protective Services. He often donated his time and resources to provide security for community events. Doria Protective Services is the official security company for the very popular Pista sa Nasyon Filipino Festival on the Vallejo Waterfront each June. He and his staff were responsible for the safety of over 30,000 festival attendees.

Mr. Doria is the building manager for the new Filipino Community Center in Vallejo, which just celebrated its grand opening last May. He is married to Dolly Doria. They have one son Mel, and three grandchildren, Andy, Alexis and Alex.

Mr. Speaker, it is an honor to rise and celebrate the accomplishments of Max Doria and to offer him and his family our appreciation for his many years of community service.



**SENATE—Friday, July 19, 2013**

The Senate met at 12:15 and 28 seconds p.m. and was called to order by the Honorable MAZIE K. HIRONO, a Senator from the State of Hawaii.

—————

**APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 19, 2013.

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MAZIE K. HIRONO, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,  
*President pro tempore.*

Ms. HIRONO thereupon assumed the Chair as Acting President pro tempore.

—————

**ADJOURNMENT UNTIL TUESDAY,  
JULY 23, 2013 AT 10 A.M.**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 10 a.m., Tuesday, July 23, 2013.

Thereupon, the Senate, at 12:15 and 59 seconds p.m., adjourned until Tuesday, July 23, 2013, at 10 a.m.

## HOUSE OF REPRESENTATIVES—Friday, July 19, 2013

The House met at 9 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Compassionate and merciful God, we give You thanks for giving us another day.

As this House comes together at the end of the week, bless the work of its Members.

Give them strength, fortitude, and patience. Fill their hearts with charity, their minds with understanding, their wills with courage to do the right thing for all of America.

The work that they have is difficult work. May they rise together to accomplish what is best for our great Nation and, indeed, for all the world, for You have blessed us with many graces and given us the responsibility of being a light shining on a hill.

May all that is done this day be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WILSON of South Carolina. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WILSON of South Carolina. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Vermont (Mr. WELCH) come forward and lead the House in the Pledge of Allegiance.

Mr. WELCH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### DEPARTMENT OF DEFENSE FURLONGHS

(Mr. WITTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WITTMAN. Mr. Speaker, this week, our civilian defense employees are at their desks, working fervently, after staying home for their first furlough day last week. Now they're having to take a furlough day each week for the next 11 weeks.

I have talked with folks in my district who are, to say the least, frustrated as our Nation and they are deeply, deeply affected by these furloughs. As one constituent said, they are "being held hostage."

The United States is the greatest Nation in the world and has the greatest military the world has ever known because we have citizens dedicated to serve—dedicated in spite of a lack of true leadership in Washington.

While the administration had other choices rather than to furlough these essential employees, they chose instead to make a political statement on the backs of our fellow citizens to spread the pain far and wide. Our Nation's defense will undoubtedly suffer.

I continue to urge the administration to utilize the flexibility it has, and I urge Congress to get to work on our Nation's defense legislation.

### BRANDON WEBB

(Mr. BARROW of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW of Georgia. Mr. Speaker, I rise today to thank a longtime staff member in my office, Brandon Webb.

After more than 6 years of service to the people of Georgia's 12th District, Brandon left my office to serve as legislative director for Congresswoman ROBIN KELLY of Illinois.

Brandon joined my staff in 2007 as a staff assistant, and climbed through the ranks to serve as senior legislative assistant. Brandon played an impor-

tant role in crafting legislation, including a bill to cut the Federal vehicle fleet, saving the Federal Government over \$500 million; and he helped our communities by organizing free health fairs for families in the 12th District so they could get the care they need.

I would like to congratulate Brandon on his promotion with Congresswoman KELLY. I also congratulate him and his new bride, Sabrina, on their recent marriage.

I am honored to have had the privilege to work with Brandon, and on behalf of the people in Georgia he served for over 6 years, I would like to thank him for his hard work and dedication.

### CHILDREN DESERVE QUALITY EDUCATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, our education system needs reform for America's children.

For far too long, we have watched as government red tape and regulations have robbed our youth from learning the skills necessary to succeed. Children deserve better than ineffective, status quo education practices. We must empower those who know what's best for our children rather than continue the tradition of Big Government mandates.

House Republicans, led by Education Chairman JOHN KLINE, have a plan to reform our education system with commonsense solutions. By removing the power of government bureaucracy and by empowering locally elected school boards, our teachers, parents, and local leaders, we will have the opportunity to develop a working educational plan to help our children succeed.

As the House votes on the Student Success Act today, it is my hope that Members from both sides of the aisle will join together and support this legislation for the sake of our children's future.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

### THE REALITY OF CLIMATE CHANGE

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. WELCH. Mr. Speaker, climate change is real. The future damage that will be done if we fail to address it is foreseeable and predictable.

We are living through an extended period of radical weather. The weather systems of 2012 produced the secondmost damaging infliction to the economy in the history of our country—\$115 billion—much of it from Hurricane Sandy, much of it from an extended drought. Sea levels are rising. This is measurable. This is not debatable. It is fact.

What we are doing in this Congress is arguing about energy policy, but we are having that argument in the context of denying that the failure to address climate change won't have serious economic and social implications. Sea levels are rising. The damage to our Treasury is rising. The suffering of our people is real. So it is absolutely essential that the House of Representatives acknowledge the reality of climate change and include that in its debate on energy policy.

#### LANCASTER HEROES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, today, I come to the floor to recognize two young heroes from Lancaster, Pennsylvania.

Last week, a young 5-year-old girl, Jocelyn Rojas, was abducted from her front yard by a stranger, an older man, who turned out to be a previously convicted sex offender.

The police and folks across the neighborhood quickly organized a search. Temar Boggs and Chris Garcia set out on their bikes with other friends, and when the boys spotted a suspicious car wandering through their development, they checked it out and saw the young girl inside. They relentlessly chased the driver on their bikes for 15 furious minutes. In recognizing that the boys wouldn't give up, the man let Jocelyn out of the car and drove away. She immediately ran to the boys, asking for her mother, and they safely took her back home.

While they may not think of themselves as heroes, they certainly are. Thanks to Temar and Chris, Jocelyn is home, and the suspect is now in custody.

#### PROPHETSTOWN FIRE

(Mrs. BUSTOS asked and was given permission to address the House for 1 minute.)

Mrs. BUSTOS. Mr. Speaker, I rise today to speak about the terrible fire earlier this week that destroyed much of Prophetstown, Illinois—a small town in Whiteside County, Illinois, that I have the honor of representing.

The blaze destroyed nearly all of downtown and disrupted the lives of so many people living and working in this northwestern Illinois town full of caring people. Several families of this town of more than 2,000 people lost all of their possessions, not to mention their livelihoods.

Angie Stegmiller lost everything she owned in the fire, including precious knickknacks that were handed down from her grandparents. Her cats are still missing. As Angie said, "It's not the stuff. It's the memories behind the stuff." She is still holding out hope that her cats will return.

The community's response to the fire should serve as an inspiration to all. Residents are coming together to help one another through this. The Methodist church has received so many food donations that its freezers are overfilled. Neighbors are helping neighbors clean up the rubble and are turning over spare bedrooms and bathrooms to those who are temporarily homeless. Residents have begun the slogan "Prophetstown Strong" to refer to the resiliency of this community.

I have no doubt that, due to the spirit and resolve of the citizens of Prophetstown, this town will recover and be stronger.

#### FOR HARDWORKING AMERICANS

(Mr. BENTIVOLIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENTIVOLIO. Mr. Speaker, we've had a few acrimonious weeks over the last month, but, today, I want to talk about something that crosses the partisan divide, something that makes this country go. Whether you're a Republican or a Democrat, it's undeniable that the ethic of hard work is the glue that binds our Nation together, and when we go back and forth, yelling at each other, we in Congress tend to forget that.

Our task is to promote legislation that leads our country into the 21st century.

As Congress prepares to take up some major issues, we must keep in mind that the people of this Nation want solutions, solutions that empower them to achieve their American Dream. We must remember what keeps this country together. We must strive valiantly and dare greatly, and we must develop solutions that promote hard work and an honest wage.

#### LET'S GET AMERICA BACK TO WORK

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, since taking control of the House of Representatives, House Republicans have

held 39 separate votes that would undermine all or part of the Affordable Care Act. What is most unfortunate is that, in those 2½ years, the House Republican leadership has refused to work across the aisle with Democrats to put people back to work and pass a comprehensive jobs bill, a bill that would help middle class families.

It's time for the House Republican leadership to put away political slogans and partisan gamesmanship and to get serious about governing.

Let's focus on rebuilding the crumbling infrastructure of our country so we can move goods, services, and information to compete in a 21st century economy. Let's harness American innovation and support the resurgence of American manufacturing by taking up the Make It In America agenda of the Democratic Caucus. Let's also protect young people and families from rising interest rates on student loans.

Mr. Speaker, let's stop wasting time, and let's get America back to work.

#### IN HONOR OF THE SERVICE OF TOM PRICE

(Mr. GOSAR asked and was given permission to address the House for 1 minute.)

Mr. GOSAR. Mr. Speaker, I rise today to recognize a distinguished leader who has earned the respect of everyone who knows him, Mr. Tom Price. Tom has lived in the Kingman area for almost 30 years and is married to Ada Calderon Mora. Together, they have six children and four grandsons.

Tom is a successful attorney who is happy to advise anyone on one's legal situation. He is a critical thinker—the kind of man who is able to take a complex situation, simplify it and put it into a context that is usable, workable, and solvable. Tom has that gift. He serves on several boards in the community, but, today, I honor him for his service to the Kingman Chamber of Commerce.

He has served in each of the executive officer positions within the Kingman Chamber of Commerce, and is serving in his last year as immediate past chairman. He is the chairman of the Business and Government Committee, which concentrates on educating the community on political issues and candidates.

Tom, thank you for your work and for your dedication to our community. I truly believe that the entire Kingman area is a better place to live in because of you.

For a life that has included more than 30 years of service, I am pleased to recognize Tom Price, in this great body, as a true American and a leader for the businessmen and -women of Kingman, Arizona.

# SUPPORTING FEDERAL FUNDING FOR SCIENTIFIC RESEARCH

(Mr. McNERNEY asked and was given permission to address the House for 1 minute.)

Mr. McNERNEY. Mr. Speaker, I rise today to bring your attention to the development of an exciting new fabric that was recently created by biomedical engineers at the University of California at Davis—a fabric that drives moisture away.

Two graduate students, Siyuan Xing and Jia Jiang, at the Micro-Nano Innovations Laboratory, led by Professor Tingrui Pan, with the financial support of the National Science Foundation, developed a textile that stays dry by forming moisture into droplets that drain away by attaching a network of water-attracting threads to water-repellent fabric.

Now, discoveries like these have led to significant advances in a variety of applications. This project could be used to develop and improve active gear; but, more significantly, it is likely to be developed in the materials that will help our firefighters and our troops stay cool while in the field or that will help astronauts conserve precious liquids while in space.

I am proud to support Federal funding for scientific research, and I urge my colleagues to do the same.

□ 0915

## STUDENT SUCCESS ACT

The SPEAKER pro tempore (Mr. RODNEY DAVIS of Illinois). Pursuant to House Resolution 303 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5.

Will the gentleman from Georgia (Mr. COLLINS) kindly take the chair.

□ 0915

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes, with Mr. COLLINS of Georgia (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, July 18, 2013, amendment No. 21 printed in House Report 113-158 offered by the gentleman from Georgia (Mr. BROWN), had been disposed of.

AMENDMENT NO. 22 OFFERED BY MR. CULBERSON

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in House Report 113-158.

Mr. CULBERSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 481, after line 22, insert the following new subpart:

### “Subpart 4—Restoration of State Sovereignty Over Public Education and Parental Rights Over the Education of Their Children

#### “SEC. 5561. STATES TO RETAIN RIGHTS AND AUTHORITIES THEY DO NOT EXPRESSLY WAIVE.

“(a) RETENTION OF RIGHTS AND AUTHORITIES.—No officer, employee, or other authority of the Secretary shall enforce against an authority of a State, nor shall any authority of a State have any obligation to obey, any requirement imposed as a condition of receiving assistance under a grant program established under this Act, nor shall such program operate within a State, unless the legislature of that State shall have by law expressly approved that program and, in doing so, have waived the State's rights and authorities to act inconsistently with any requirement that might be imposed by the Secretary as a condition of receiving that assistance.

“(b) AMENDMENT OF TERMS OF RECEIPT OF FEDERAL FINANCIAL ASSISTANCE.—An officer, employee, or other authority of the Secretary may release assistance under a grant program established under this Act to a State only after the legislature of the State has by law expressly approved the program (as described in subsection (a)). This approval may be accomplished by a vote to affirm a State budget that includes the use of such Federal funds and any such State budget must expressly include any requirement imposed as a condition of receiving assistance under a grant program established under this Act so that by approving the budget, the State legislature is expressly approving the grant program and, in doing so, waiving the State's rights and authorities to act inconsistently with any requirement that might be imposed by the Secretary as a condition of receiving that assistance.

“(c) SPECIAL RULE FOR STATES WITH BIENNIAL LEGISLATURES.—In the case of a State with a biennial legislature—

“(1) during a year in which the State legislature does not meet, subsections (a) and (b) shall not apply; and

“(2) during a year in which the State legislature meets, subsections (a) and (b) shall apply, and, with respect to any grant program established under this Act during the most recent year in which the State legislature did not meet, the State may by law expressly disapprove the grant program, and, if such disapproval occurs, an officer, employee, or other authority of the Secretary may not release any additional assistance to the State under that grant program.

“(d) DEFINITION OF STATE AUTHORITY.—As used in this section, the term ‘authority of a State’ includes any administering agency of the State, any officer or employee of the State, and any local government authority of the State.

“(e) EFFECTIVE DATE.—This section applies in each State beginning on the 90th day after the end of the first regular session of the legislature of that State that begins 5 years after the date of the enactment of the Student Success Act and shall continue to apply in subsequent years until otherwise provided by law.

#### “SEC. 5562. DEDICATION OF SAVINGS TO DEFICIT REDUCTION.

“Notwithstanding any formula reallocations stipulated under the Student Success

Act, any funds under such Act not allocated to a State because a State did not affirmatively agree to the receipt of such funds shall not be reallocated among the States.

#### “SEC. 5563. DEFINITION OF STATE WITH BIENNIAL LEGISLATURE.

“In this Act, the term ‘State with a biennial legislature’ means a State the legislature of which meets every other year.

#### “SEC. 5564. INTENT OF CONGRESS.

“It is the intent of Congress that other than the terms and conditions expressly approved by State law under the terms of this subpart, control over public education and parental rights to control the education of their children are vested exclusively within the autonomous zone of independent authority reserved to the States and individual Americans by the United States Constitution, other than the Federal Government's undiminishable obligation to enforce minimum Federal standards of equal protection and due process.”

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Texas (Mr. CULBERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CULBERSON. Mr. Chairman, I yield myself such time as I may consume.

My amendment will restore state sovereignty over public education and restore parental rights over the education of their children by restoring the State legislature's power to accept or reject Federal education grant dollars.

I've worked closely with the committee to ensure that this amendment supports the goals of local control and flexibility as promoted by H.R. 5, and I sincerely appreciate Chairman KLINE's support of this important amendment, as well as his continued leadership to improve our Nation's education system.

State legislatures, Mr. Chairman, should have the ability to make an informed decision regarding Federal grant dollars just as a patient consents to a medical procedure after a doctor explains the risks and benefits.

I'm grateful for RSC Tenth Amendment Task Force Chairman ROB BISHOP's support and co-authorship of legislation we filed in this regard and the support of the National Taxpayers Union and the Council for Citizens Against Government Waste because my amendment will actually ensure that if State legislatures reject the grant dollars, they will be dedicated to reducing the deficit and paying off our outstanding national debt.

Finally, it should be noted that the Congressional Budget Office indicates that my amendment will have no impact on directed spending.

I want to thank Chairman KLINE again for his support and urge my colleagues to support both my amendment and the underlying bill, and I reserve the balance of my time.

Mr. TIERNEY. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. TIERNEY. Mr. Chair, I yield myself such time as I may consume.

I oppose this amendment because it endangers education funding for sort of a political exercise here.

This amendment would actually require State legislatures to approve every single grant program from the Department of Education before States receive the money. So taking the authority from the local communities, local education agencies, putting it back into the State malaise of legislative process is overly burdensome on States, creates a mountain of unnecessary paperwork, and delays students and schools from receiving the much-needed funding. And when the short-sighted State legislatures may refuse that funding, this amendment would take the money and send it back, returning it to the deficit, as opposed to its intended use, which is the education of disadvantaged students.

I sometimes wonder if my colleagues remember why the Federal Government is involved in education K-12 at all, and that is the mandated addressing of a shortage of attention to disadvantaged students.

This is just another attempt by the majority to slash education funding. Mr. Chair, it's not the time to play politics now. Now is the time to increase our investment in education and in our children so that we can be competitive and so that they can have an opportunity moving forward.

This amendment is simply a distraction to the very real and very big problems that this entire bill, H.R. 5, has, and it lets students down. H.R. 5 guts education funding because it locks in that automatic cut of sequestration. It does nothing to ensure students improve learning, and it does nothing to ensure that they graduate from school. It lets students with disabilities be taught to a different, lower standard, and H.R. 5 block grants funds and forces States to give the money to private schools and for-profit companies instead of students.

For these reasons, Mr. Chairman, I urge that my colleagues vote "no" on this amendment, and I reserve the balance of my time.

Mr. CULBERSON. I yield myself such time as I may consume.

Mr. Chairman, I'd point out that the amendment, in fact, upholds our system of dual sovereignty and ensures local control over local dollars, and the legislatures will actually be able to conduct this vote as a part of their regular legislative proceedings during their annual budget vote.

As it says in the language itself, the vote will be taken by the State legislatures as a part of their budget vote. This is a vote they take as a part of their regular legislative session. It's no

additional burden on the States. We are simply ensuring transparency and ensuring that the legislatures fully understand the implications of accepting the Federal dollars. Those dollars, for example, that Texas rejects, we want to make sure go toward deficit reduction and paying down the national debt.

It will be no additional burden on the states. In fact, this amendment will reaffirm and restore our Constitution system of dual sovereignty where the States retain a residuary and viable sovereignty over those issues that deal exclusively with the citizens of their own State.

I want to thank Chairman KLINE again for his support and urge Members to adopt this amendment and the underlying bill.

With that, I reserve the balance of my time.

Mr. TIERNEY. Mr. Chair, I yield myself such time as I may consume.

Look, I just want to give a little historical perspective to this again. The whole reason that the Federal Government is involved in K-12 education is because States weren't doing the job when it came to addressing disadvantaged students. There was a judicial mandate that said that States had to step up and do that. They, the States, then had a problem with the fact of how much that was going to cost, so the Federal Government stepped forward and said you can have some Federal moneys if you do the job. So we've had that tension between how they'll do the job and how we'll hold them accountable for years.

But this notion of saying that the State government will now decide whether or not local communities will accept the grant—and if they don't, we're not going to apply that money to actually educating those children that are disadvantaged, we're going to toss it back into the Treasury—is no other than a way of cutting education funding. We don't need education cuts at this point in time. We need an investment in education.

With that, I reserve the balance of my time.

Mr. CULBERSON. Mr. Chairman, I yield myself such time as I may consume.

Actually, the money will continue to flow to the States as it does today. The State law already sets up a mechanism for the money to flow through the States to local school districts. So that money will continue to flow. Also, under the language of my amendment, the Federal Government has an unshakeable obligation to ensure equal protection and due process.

So that 14th Amendment obligation on the Federal Government is undiminished and is expressly reaffirmed in my amendment so that there will be no discrimination nor imposition on every American's right to equal protection and due process.

I reserve the balance of my time.

Mr. TIERNEY. I yield myself such time as I may consume.

Mr. Chair, I don't want to beat a dead horse here, but simply the notion is that States that were already at fault for not doing the job, now get to not do the job again as long as their State legislatures are the ones that make the decision. The language doesn't make it quite as simple as to how they'll vote in the State legislature. There will be a delay, if it's done at all. And if a State should make the unwise decision, as they have done historically, which gave the reason for us being involved at all in the first place at the Federal level, then you're cutting education money; you're not applying it to the use of educating disadvantaged students.

I yield back the balance of my time.

Mr. CULBERSON. Mr. Chairman, I urge the House to adopt the amendment and support Chairman KLINE's underlying bill and move for passage.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CULBERSON).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. TIERNEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

#### AMENDMENT NO. 23 OFFERED BY MR. FITZPATRICK

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in House Report 113-158.

Mr. FITZPATRICK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subpart 3 of part E of title V of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, add the following new section:

#### "SEC. 5552. CRIMINAL BACKGROUND CHECKS.

"(a) CONDITION OF RECEIPT OF FUNDS.—A local educational agency or State educational agency shall be ineligible for funds under this Act if such agency—

"(1) employs an individual who—

"(A) refuses to consent to a criminal background check that includes—

"(i) a search of the State criminal registry or repository in the State where the individual resides and each State where such individual previously resided;

"(ii) a search of State-based child abuse and neglect registries and databases in the State where the individual resides and each State where such individual previously resided;

"(iii) a search of the National Crime Information Center;

"(iv) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

“(v) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

“(B) makes a false statement in connection with such criminal background check;

“(C) is registered or is required to be registered on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

“(D) has been convicted of a felony consisting of—

“(i) homicide;

“(ii) child abuse or neglect;

“(iii) a crime against children, including child pornography;

“(iv) domestic violence;

“(v) a crime involving rape or sexual assault;

“(vi) kidnapping;

“(vii) arson; or

“(viii) physical assault, battery, or a drug-related offense, committed on or after the date that is 5 years before the date of the individual’s criminal background check under this section; or

“(2) knowingly facilitates the transfer of an employee if the agency knows, or has probable cause to believe, that the employee engaged in sexual misconduct with a student.

“(b) FEES FOR BACKGROUND CHECKS.—The Attorney General or a State may charge any applicable fees for conducting a criminal background check under this section.”

At the end of the bill add the following:

#### **TITLE VIII—MISCELLANEOUS PROVISIONS**

##### **SEC. 801. FINDINGS; SENSE OF THE CONGRESS.**

(a) FINDINGS.—The Congress finds as follows:

(1) To avoid negative attention and litigation, some local educational agencies have entered into agreements with employees who are suspected of abusing or are known to have abused students.

(2) Instead of reporting sexual misconduct with minors to the proper authorities such as the police or child welfare services, under such agreements the local educational agencies, schools, and employees keep the information private and facilitate the employee’s transfer to another local educational agency.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) confidentiality agreements between local educational agencies or schools and suspected child sex abusers should be prohibited;

(2) the practice of employee transfers after suspected or proven sexual misconduct should be stopped, and States should require local educational agencies and schools to provide law enforcement with all information regarding sexual conduct between an employee and a minor; and

(3) Congress should help protect children and help stop this unacceptable practice in our schools.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Pennsylvania (Mr. FITZPATRICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. FITZPATRICK. I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the chairman of our committee, Mr. KLINE, for his important work on the Student Success Act.

This amendment, Mr. Chairman, is designed to stop the abhorrent practice in America’s schools known as “passing the trash.”

“Passing the trash” is a term used to describe those cases where school administrators deceitfully move to other school districts teachers who are known or suspected of being sexual predators.

The predator is allowed to resign their employment—often keep their teaching certificate—and move on to a new, unsuspecting school to continue their deplorable crimes. Sometimes they are moved with a recommendation of their previous employer.

The matter of passing the trash was first brought to my attention in 2006 when I learned of the story of 12-year-old Jeremy Bell, who was drugged, abused, and then murdered by his elementary school principal. Jeremy Bell’s principal had been passed between schools and school districts despite multiple allegations of sexual misconduct brought to the attention of school administrators and school boards.

Sadly, Jeremy’s story is not the only one of its kind. Reports show that nearly 10 percent of students are targets of educator sexual misconduct sometime during their school career.

These predators must be stopped.

This amendment would block State or local education agencies from receiving funds if they facilitate the transfer of an employee and they know or have probable cause to believe that the employee has engaged in sexual misconduct with a minor. Furthermore, the amendment would require the hiring of employees to be compliant with the Adam Walsh Child Protection and Safety Act background check requirements.

Teachers play an important part in the development of our children, and in doing so they shape the future of our Nation. Many of us are here today thanks to the devotion of a teacher or teachers who saw the potential in us and took it upon themselves to go above and beyond in our education.

We know that the overwhelming majority of educators are committed, caring individuals who are deeply invested in the development of their students. Because of this, we owe it to them to rid our schools of the bad actors. This amendment ensures that the days of sweeping child predators under the rug are over. By holding all educators to the very high standards set by their peers, we can ensure that quality education for all children will be a reality, while also doing everything we can to protect their innocence.

I urge my colleagues to vote “yes” on this amendment and on the underlying bill, and I reserve the balance of my time.

Mr. TIERNEY. Mr. Chairman, I rise in support of amendment No. 8 offered by the gentleman from Pennsylvania.

The Acting CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. TIERNEY. I yield myself such time as I may consume.

Mr. Chairman, the essence of this provision is included in the Democratic substitute amendment that Mr. MILLER is offering with the intent of protecting children’s safety in all the schools throughout the country. Mr. MILLER wants to thank the gentleman for joining the Democrats in this effort.

Congressman FITZPATRICK’s amendment would require all schools to conduct comprehensive background checks for all of their employees, including FBI fingerprint checks, State criminal records, child abuse registries, and the National Sex Offender Registry.

The amendment also includes a critical provision that denies Federal funds to schools from employing any individual who is found by these checks to be a potential danger to children. Schools would also lose Federal funds if they transfer such employee to another school, which unfortunately happens too many times.

Tragically, the abuse of students by trusted adults has become a regular occurrence. We read about students being abused in the headlines. Every child deserves a safe and abuse-free learning environment. That’s why we include a similar provision in the Democratic substitute and why earlier this session Mr. MILLER introduced a similar bill, the Protecting Students From Sexual and Violent Predators Act, H.R. 2083. That bill overwhelmingly passed the House in a bipartisan fashion just 2½ years ago.

Mr. MILLER’s bill and his amendment are stronger versions of Mr. FITZPATRICK’s amendment because his provisions also cover school contractors, and the checks also include any crime against a child, even if it’s a misdemeanor. But this amendment is a step in the right direction.

This amendment and these provisions are needed in Federal law, Mr. Chairman, because according to a recent General Accountability Office study conducted by Mr. MILLER’s office, State laws are inconsistent in their coverage of the types of checks, types of crimes covered, and the individuals who must be checked. Some States only check licensed employees, and some States don’t check contractors, leading to some school districts unknowingly hiring offenders.

Children in school need to be safe from any adult who has access to them, regardless of their position.

The GAO investigations also highlighted a wide range of cases in numerous States where convicted sex offenders working in schools had previously targeted children. In other cases, the GAO found that districts knowingly passed a potential predator to another

school district, allowing the offender to resign instead of reporting him. The inconsistencies and glaring holes in the way schools screen prospective employees lead to gaps in student protection and all too often to abuse.

A child's safety in school is too important to leave to chance. We must ensure all children, regardless of where they live, are free from the abuse of violent sexual predators. There is no place for this in our Nation's schools.

The vast majority of school staff is trustworthy and work hard every day to support students' learning needs. We honor and respect their work, which is so central to the success of the Nation. These criminal background checks are essential, however, to ensure that schools and school districts are doing everything they possibly can to protect children's safety. That is the most fundamental of our priorities.

Mr. Chairman, again we want to thank Mr. FITZPATRICK and Mr. MEEHAN for offering this amendment and urge a "yes" vote.

I yield back the balance of my time.

□ 0930

Mr. FITZPATRICK. Mr. Chairman, I thank the gentleman for his support of the amendment and for his comments here this morning. I urge my colleagues to support this amendment and to support the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FITZPATRICK).

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 113-158.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill add the following:

**TITLE VIII—MISCELLANEOUS PROVISIONS**  
**SEC. 801. STUDY AND REPORT.**

(a) STUDY.—The Secretary shall conduct a study on—

(1) the use of State educational agencies to monitor, supervise, or control underperforming local educational agencies; and

(2) whether equal educational opportunities are being provided to students in the local educational agencies described in paragraph (1), and the impact the use of State educational agencies as described in such paragraph would have on such opportunities.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall report to Congress the results of the study conducted under subsection (a). Such report shall include recommendations regarding—

(1) the advisability of authorizing a State educational agency to close a local educational agency over the opposition of a locally elected school board; and

(2) best practices governing the exercise of authority by a State educational agency in monitoring, supervising, and controlling underperforming local educational agencies, with particular emphasis on rural local educational agencies and urban local educational agencies that are disproportionately minority.

The Acting CHAIR. Pursuant to House Resolution 303, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, I am pleased to be on the floor with Mr. TIERNEY and the gentleman from California, and their commitment and their comments on the question of the equality of education for at-risk children. I think if there is anything that comes out of this important discussion, and from the chairman's presence on the floor, it should be that we should be focused with tunnel vision on the concern about at-risk children.

My amendment is a straightforward amendment. It is an amendment that gives information. Specifically, it calls for a study and a report containing recommendations regarding the advisability of authorizing a State education authority to close a school district over the opposition of the locally elected school board, families, students, teachers, and calls for best practices governing the exercise of authority by a State education agency in monitoring, supervising, and controlling underperforming school districts, with particular emphasis on rural and underserved districts and underserved communities.

Our children are our precious resource, and I have been in schools and school districts where children loved the atmosphere in which they are in. They clamor for the teachers. There is a mutual respect and coming together, and all they need is a focus of resources and improvement. But rather than getting that, authority is used to either undermine the funding of those school districts or in essence say to those school teachers and all of those who have been working—and taxpayers—that, in fact, this school will not be given dollars to improve.

The Center on Reinventing Public Education assessed a number of States, and the interesting determination was that States spent less on improving school districts and schools, less on improving, but more on shutting them down or not allowing them to go forward in at-risk areas. This chart gives you the balance of distribution of performance and improvement; and many States, such as Texas, spend less than 5 percent on performance.

So what does my amendment do? It provides balance between local control over schools and our State educational agencies by providing a report. It makes sure that taxpayers and locally

elected officials are not ignored by the State. It also has a way of preventing communities from being blamed as the problem and engaging the community. It prevents poorly prepared State-elected officials who've been placed in positions to run schools from taking money from those schools as opposed to investing in those schools.

It makes sure that minor problems are fixed before you go to drastic concerns. It allows a determination of a structure of appeal so that the appeal is allowed broadly by those who are impacted, taxpayers, for example, who are very important. And it allows a determination whether the State authorities are given the effective oversight of a rural district, an at-risk district; and then it provides the opportunity to ensure that there is fair play and that we are interested in the quality of education.

I ask my colleagues to support the amendment.

I reserve the balance of my time.

Mr. Chair, I thank Chairman KLINE and Ranking Member MILLER for their work to improve education for our Nation's children. I thank the Rules Committee for making in order Jackson Lee Amendment #24 for full consideration by the House of Representatives.

My amendment to H.R. 5, the "Student Success Act," is simple and is an important addition to this bill. I believe that my amendment to H.R. 5 can be supported by every member of the House.

JACKSON LEE AMENDMENT #24

This amendment directs the Secretary of Education to conduct a study and produce a report to Congress with recommendations regarding the advisability of authorizing a state education authority to close a school district over the opposition of a locally elected school board, and regarding best practices governing the exercise of authority by a state education agency in monitoring, supervising and controlling underperforming school districts with particular emphasis on rural and underrepresented school districts.

The purpose of the amendment is to create an opportunity for states to receive information guidance on what is happening around the Nation regarding forced school district mergers or closures.

Forced school district mergers and closures by a state without careful consideration of the sensitivity of the communities impacted can result in unintended consequences.

A report can provide recommendations regarding the advisability of an authorized state education authority to close a school district over the opposition of a locally elected school board.

Having access to the knowledge and experience of other state education agencies to factor into the decision to close or merge a school board can be of benefit to the 24 states with laws that allow these types of actions.

A report is not intended to suggest that there are no circumstances when a state may need to exercise its authority to intervene and act in the best interest of children or communities if the school district is unable to do so.



The report can provide easy access to lessons learned and a list of voluntary best practices that may be of great benefit to states that have the authority to close a locally elected school board.

The 24 states with the authority to close or merge a school district include: Alabama, Mississippi, Kentucky, Tennessee, Texas, South Carolina, North Carolina, Missouri, Arkansas, California, and New Mexico.

There are important reasons why states need to have the report proposed by this amendment as resources they can reference when making a difficult decision regarding a school district's future.

Much of the reason for such a report flow from the same arguments many of my colleagues make regarding the power of the federal government.

When states close or merge local school districts their actions: reduce local control over schools and increases state authority over school districts; imply that the community has the problem and the states have the answers, and assumes that states have the ability to effectively run school districts; routinely place poorly prepared state-selected officials in positions to run school districts, which means there is little possibility of any meaningful change occurring in the classroom; usually focus on cleaning up minor problems and incompetent administration but do not go to the root of the social problems facing disadvantaged students in urban and rural school districts; foster negative connotations and impressions that hinder self-esteem of school board members, administrators, teachers, students and parents; and produce unnecessary showdowns between state and local officials which slow the overhaul of management practices, drain resources from educational reforms and reinforce division between impacted citizens and state government.

Another damaging impact of forced school district closures are the foreseeable hardened negative feelings toward state government that result.

The parents, students or elected school boards have no voice in the decision by the state to close or merge a school district.

This amendment does not assume that there is no role or circumstance under which the 24 state governments with laws that allow intervention and closure of school districts should not be able to act. The amendment seeks to provide information to these states on the experience of other states with the power to close a school district. The benefit of the report can be accessed by all states who may want to weigh the pros and cons of pursuing action against school districts as well as provide guidance on best practices.

Due process that is transparent and supports the principle that all school districts within a state will be treated the same would be a strong step forward in raising public confidence in the decisions of state government. It would be very prudent to be sure that when a state decides to act to help a failing school they can recruit the best experts in the field. Finally, local engagement in the decision making process removes tension and raises the possibility of a successful outcome.

My Congressional district once included the North Forest Independent School District,

which was closed by the Texas Education Agency on July 1, 2013.

The decision to close North Forest Independent School District by the Texas Education Association displayed a reckless disregard for the children, parents, teachers, and administrators of the North Forest Independent School District.

There was no reason to close the school district and many reasons to work with the elected school board and engaged community to address the issues raised by the Texas Education Association.

The decision to deprive the community served by the school district did not give parents any say or control over the decision to dissolve the locally elected 7-member North Forest Independent School District board and was not in the interest of the education of the students served by the schools in that district. All of the members of the former North Forest Independent School board were African American. The North Forest School District was 70% African American and 29% Hispanic.

In making the decision to close the district, the Texas Education Agency took a "guillotine" approach to resolving the problems associated with the North Forest Independent School District—an approach that was wholly unnecessary given the progress the district has made as well as the availability of viable and less disruptive alternatives, including a proposed partnership between North Forest Independent School District and local public charter schools that was announced on March 8, 2013.

There must be a remedy to prevent this from happening to any other school districts. Jackson Lee Amendment #24 is designed to prevent this from happening by providing Congress with much needed information on the impact to school districts that face closure or merging.

The practice of closing and merging school districts is disproportionately happening to school districts serving rural and underserved students. This amendment is intended to provide Congress with more information about what happens to these school districts and discover better remedies when there are goals that are established by States that can mean the closing or merging of a school district.

A study conducted by S.L. Bowen in 2007, titled "Is bigger that much better? School district size, high school completion, and post-secondary enrollment rates in Maine," published in the *Maine View* suggests the best interest of students are not being served. This study supported by the Maine Heritage Policy Center compared high school completion rates of the 15 largest and 15 smallest school districts in Maine and found that the graduation rate for smaller districts was six percent higher than for larger districts.

Another study, by A. Howle & C. Howley conducted in 2006 on the subject of small schools and the pressure to consolidate is available in the *Educational Policy Analysis Archives*, 14(10), 1–23.

This report on school size reviewed the research on the effects of small schools. The report states that children from economically disadvantaged families have higher achievement in small schools and small districts; the relationship between aggregate student achieve-

ment and socioeconomic status is consistently weaker in smaller schools and districts (equity effects of size); dropout rates are lower in smaller schools; students' school activity participation is higher in smaller schools; and smaller high schools can offer adequate curriculum.

There is research to indicate that this would be a worthwhile amendment that the full House can support.

I urge all members to vote in favor of Jackson Lee Amendment #24.

#### SEVEN REASONS WHY THE JACKSON LEE AMENDMENT IS NEEDED

The Jackson Lee Amendment would: Balance local control over schools with state authority over school districts; make sure that taxpayers and locally elected officials are not ignored by the State; prevent communities from being blamed as the problem and the states as having all of the answers; prevent poorly prepared state-selected officials from being placed in positions to run school districts; make sure that minor problems and incompetent administration issues can be dealt with without merging or closing school districts; make sure that state appointed heads of school districts have effective oversight to be sure that a fair and impartial process for decision making is established and maintained; and prevent unnecessary showdowns between state and local officials which slow the overhaul of management practices, drain resources from educational reforms and reinforce division between impacted citizens and state government.

#### IN SUPPORT OF JACKSON LEE AMENDMENT #24—NORTH FOREST INDEPENDENT SCHOOL DISTRICT

##### The facts about NFISD:

The closure of North Forest Independent School District was unnecessary given the progress the district had made as well as the availability of viable and less disruptive alternatives, including a proposed partnership between North Forest Independent School District and local public charter schools that was announced on March 8, 2013.

The North Forest Independent School District electoral district had 50,000 registered voters whose voting power was diluted because they will be absorbed into the Houston Independent School District but no additional seats will be added to the Houston Independent School District board.

There was no reason to close the North Forest Independent School District since it was solvent; had received awards for excellence and had received significant outside funding to continue.

The North Forest Independent School District proposed a sound alternative plan to the Texas Education Agency that was applauded by the U.S. Department of Education and supported by experts like Dr. Rod Paige, former Secretary of the Department of Education.

The North Forest Independent School District was the victim of an unfair process since there was no provision for an appeal of an adverse decision by the Governor, who appears to have unfettered discretion.

The State appointed official that made the decision to close North Forest was the only person to hear opposition to their plan. There was no appeals process to check the discretion of the state appointed official.

#### WHEN STATES CLOSE OR MERGE LOCAL SCHOOL DISTRICTS, THEIR ACTIONS:

Reduce local control over schools and increase state authority over school districts;

imply that the community has the problem and the states have the answers, and assumes that states have the ability to effectively run school districts; routinely place poorly prepared state-selected officials in positions to run school districts, which means there is little possibility of any meaningful change occurring in the classroom; usually focus on cleaning up minor problems and incompetent administration but do not go to the root of the social problems facing disadvantaged students in urban and rural school districts; foster negative connotations and impressions that hinder self-esteem of school board members, administrators, teachers, students and parents; and produce unnecessary showdowns between state and local officials which slow the overhaul of management practices, drain resources from educational reforms and reinforce division between impacted citizens and state government.

Mr. KLINE. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, this amendment requires the Secretary of Education to conduct a study to examine underperforming school districts, whether equal educational opportunities are being afforded to students in those school districts, and the impact of closing these school districts.

Mr. Chairman, as the amendment clearly states, this is a State activity in which the Federal Government has no role and should not be involved. We do not need recommendations from the U.S. Department of Education on how States are to protect the constitutional rights of students. This is the law of the land today.

I urge my colleagues to oppose this amendment and support the Student Success Act.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, well, as we started, the reason why the Federal Government got engaged in education is because I remember times in the South and across America when there was unequal education and we needed the U.S. Department of Education. More importantly, we needed the courts. Today I stand here and ask for a simple inquiry made by the U.S. Department of Education: Are State agencies effectively closing school districts and not seeking to improve them?

A very fine example is the closure of the North Forest Independent School District in Houston, Texas. It's solvent, 50,000 registered voters, 7,000 students, had received awards, and what did the State agency do, the State agency came in, to the opposition of the community, teachers, supporters of a combined effort between a public school and charter school, proposed coming together to put forward the best proposal to keep this school teaching our children, support by Republicans and Democrats, and an autocratic State agency closed the school district.

So this is a simple inquiry. It is an inquiry as to whether or not you want to boost up the taxpayers and boost up the parents who have no standing. It is a question of whether or not you want to make sure that there is a basis of a fair appeal as opposed to an autocratic process, a dictatorial process. I ask my colleagues, all of them have faced this. No one wants to interfere with the running of a school district or interfere with the administrators or educators; but what you do want to interfere with is business decisions closing rural school districts and closing urban school districts and not allowing the people, the teachers to be able to understand and to give input into the best process, Mr. Chairman.

I would like to refer to the Center on Reinventing Public Education, and I would argue in closing, Mr. Chairman, that this amendment gives opportunity. I ask you to support the Jackson Lee amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 25 OFFERED BY MR. CANTOR

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in House Report 113-158.

Mr. CANTOR. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Insert after section 128, the following new section:

**SEC. 129. TITLE I PORTABILITY.**

Chapter B of subpart 1 of part A of title I (20 U.S.C. 6331 et seq.) is amended by adding at the end the following new section:

**"SEC. 1128. TITLE I FUNDS FOLLOW THE LOW-INCOME CHILD STATE OPTION.**

"(a) IN GENERAL.—Notwithstanding any other provision of law and to the extent permitted under State law, a State educational agency may allocate grant funds under this chapter among the local educational agencies in the State based on the number of eligible children enrolled in the public schools served by each local educational agency.

"(b) ELIGIBLE CHILD.—

"(1) DEFINITION.—In this section, the term 'eligible child' means a child aged 5 to 17, inclusive, from a family with an income below the poverty level on the basis of the most recent satisfactory data published by the Department of Commerce.

"(2) CRITERIA OF POVERTY.—In determining the families with incomes below the poverty level for the purposes of this section, a State educational agency shall use the criteria of

poverty used by the Census Bureau in compiling the most recent decennial census, as the criteria have been updated by increases in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics.

**"(c) STUDENT ENROLLMENT IN PUBLIC SCHOOLS.—**

"(1) IDENTIFICATION OF ELIGIBLE CHILDREN.—On an annual basis, on a date to be determined by the State educational agency, each local educational agency that receives grant funding in accordance with subsection (a) shall inform the State educational agency of the number of eligible children enrolled in public schools served by the local educational agency.

"(2) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—Based on the identification of eligible children in paragraph (1), the State educational agency shall provide to a local educational agency an amount equal to the sum of the amount available for each eligible child in the State multiplied by the number of eligible children identified by the local educational agency under paragraph (1).

"(3) DISTRIBUTION TO SCHOOLS.—Each local educational agency that receives funds under paragraph (2) shall distribute such funds to the public schools served by the local educational agency—

"(A) based on the number of eligible children enrolled in such schools; and

"(B) in a manner that would, in the absence of such Federal funds, supplement the funds made available from non-Federal resources for the education of pupils participating in programs under this subpart, and not to supplant such funds."

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Virginia (Mr. CANTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CANTOR. Mr. Chairman, a good education is the first step in the long walk to living the American Dream. That is what this amendment is about, Mr. Chairman.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, this amendment is not about a good education. This is an amendment suggesting an approach that in fact the amendment doesn't enable to happen, and that is the idea that a student can choose the school under the guise of portability, when in fact it doesn't set up any mechanisms for the students to do that.

The suggestion here somehow is that, in fact, the students will make this choice or the parents will make this choice. We've had the right under No Child Left Behind for students to make the choice to elect to go to any schools in the district in which they sought to do that. Of course, what we found out, in many instances, it's less than 2 to 3 percent of the parents who make that decision. There are many reasons why

they don't do that. In fact, it's a decision that it doesn't work for them because of lack of transportation in poor neighborhoods, lack of issues of personal safety of the students.

The difference in my district, in some parts of my district of going to the school that's next to your home or walking the six or eight or 10 blocks to where the next school is, it's a matter of personal safety for those children. We have children, unfortunately, who are harmed every day on our streets, in some cases killed on those streets. So for parents, this isn't just a choice; that it's a better school.

Also under the Cantor amendment, you would be requiring school districts to engage in an entirely complex accounting system, and I don't know why we'd burden them with that. We currently have in many, many districts open enrollment. And as I say, parents can choose that if they want, but in many cases they can't because of barriers to that enrollment. So this is a suggestion somehow that you can just pick up and move your child.

What we see in survey after survey after survey is what parents want, and they want their neighborhood school, the school next to them, they want that school to be functioning at a high level so that their child, their children, can get an education at that school.

I know that maybe the author of this amendment isn't familiar with these parents, that these parents are struggling between their jobs, their work, holding their families together. Very often it's individual working women supporting these families. This is a difficult task. And the idea that the burden won't be on the district to improve that local school, but we'll just leave it be under the guise that parents can opt to send their children somewhere else when, in fact, that's not a real option for them.

This amendment doesn't address the concern about open enrollment, it doesn't address the systems that the States have set up, and it clearly doesn't address the needs of the parents. And it fails to recognize that in many school districts, there's only one school, there's only one middle school, there's only two elementary schools. That's not the issue here. This isn't like a panoply of wide choices that are made available. That's why many of us have encouraged charter schools inside these districts so parents will have that choice that is within reach of them.

With that, I reserve the balance of my time.

Mr. CANTOR. Mr. Chairman, I yield 2 minutes to the gentlewoman from Alabama (Mrs. ROBY).

Mrs. ROBY. Mr. Chairman, I rise today in support of Leader CANTOR's amendment to H.R. 5. It's an amendment that would allow title I dollars to actually follow the student to the

school of their choice. I thank the leader for recognizing me.

We all agree that every child deserves equal access to quality education—one that challenges them, builds critical-thinking skills, and enhances their opportunity for success. But all too often, the system fails those who need it most. For too long, we have perpetuated failure by not demanding accountability for results.

This amendment would allow title I dollars to follow the child to the school that their parent deems best.

As a mother of a child in public school, I understand firsthand how important it is for parents to be able to choose the school that best fits their child's needs. School choice can help drive innovation, healthy competition and, most importantly, accountability.

If a low-income parent makes the brave and noble decision to seek a better opportunity for their child, the last thing we should do here is make it more difficult by withholding funding meant to help educate that child.

Mr. Chairman, we can't afford to do the same old thing expecting different results. I urge my colleagues to adopt this amendment and pass the Student Success Act. Let's get Washington out of the way to ensure a brighter future for our children.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in support of the Miller substitute amendment and in strong opposition to the underlying bill which, as it is, drastically underfunds our education system and sets up our children and our Nation to fail.

Right now, the majority's bill freezes education funding through the end of the decade at just above the sequestration level in 2013. Compared to last year's level, this means a \$570 million cut to education funding—one of our fundamental priorities as a Nation—for each of the next 5 years.

Nor does the majority's bill allow for annual increases due to inflation or enrollment growth. In effect, the majority is trying to lock in Federal education spending at a level far below what is needed and then simply walking away from our schools and our kids. And keep in mind, all of these cuts come on top of several earlier rounds of deep cuts by the majority to education spending.

□ 0945

Mr. Chairman, without access to quality education, there is no middle class. The compact is broken that allows hard work to pay off and allows future generations to do better. We cannot allow this to happen.

I urge my colleagues to support the Miller substitute to this flawed bill.

Mr. CANTOR. Mr. Chairman, I yield 1 minute to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, my home State has been one of the leaders in the area of equitable funding for kids, so that whether you come from a wealthy mountain resort or the inner city of Salt Lake City or a west desert rural ranching family, the same amount of money follows the kid to their schools in any situation. And we did that simply because we care about kids, and we established a fair system of disbursing the money.

When we did a GI bill, the money followed the GI.

Only in Washington, here, with these particular funds, where the Department of Education does not have an equitable disposal mechanism, do we find this situation in which we treat kids differently.

It appears to me that some of the outside groups that may be opposed to this are simply saying they like this antiquated disposal system, which means that some title I schools get a whole lot of money, and other title I schools don't get very much money, if any at all, because we don't have an equitable system for disbursing our funds.

We need to do what many States are doing right now and make sure that we have an equitable distribution system. This amendment moves us in that direction.

Mr. GEORGE MILLER of California. Mr. Chairman, how much time do I have?

The Acting CHAIR. The gentleman has 30 seconds remaining.

Mr. GEORGE MILLER of California. I yield myself the balance of my time.

Mr. Chairman, this amendment just doesn't address the realities of the current law. First of all, the underlying bill takes away the choice that parents have today. This amendment wants to pretend like it's a choice.

When the gentleman from Utah says the money follows the child, no, in Utah they have State equalization. It's the same amount of money wherever you go. No money follows you.

The suggestion in the Cantor amendment is that somehow this money will follow you, except that it requires States and districts to set up an entirely new bookkeeping system. These are people who say they don't want to burden those districts.

The fact of the matter is, under current law, parents can choose to send their children to another school. Whether all of the money will follow them or not, under the Cantor amendment, there's no mechanism and there's no money. There is no full entitlement to the money.

I know the gentleman wanted to have vouchers, and this is an imitation voucher, but it doesn't work. It simply doesn't work for the child, for the parents, or for the school districts.

I yield back the balance of my time.

Mr. CANTOR. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, what I'd say to the gentleman from California, first of all, this is an amendment which provides States the option, if they want, to allow this type of funding or flow of Federal dollars. No one's forcing any State to do anything or any local school district.

I'd also point out, Mr. Chairman, that I believe there are several cities—I think one in the gentleman's State, in San Francisco—which actually have allowed for State dollars to follow the kids. So I think to the point that it's a bookkeeping difficulty, certainly there are localities, school districts who've figured out that this can be easily done.

And I want to follow up on the point that the gentleman from Utah has made. This is about how Federal dollars currently are allocated under title I. And in the school districts, once the school districts have the money, the way the Federal requirement is now, there are some schools that receive a lot of title I money, and there are others that could receive none, if very little title I money. But, in fact, what the amendment is about is trying to provide all title I kids with the resources that I think all of us want them to have.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. CANTOR. I yield to the gentleman.

Mr. GEORGE MILLER of California. The reason some schools don't have a lot of title I money, or some title I money, is they don't have title I students. It follows the students to those schools.

Mr. CANTOR. Reclaiming my time, Mr. Chairman, the state of the law is such that there is a requirement now that title I moneys at the local level go to schools with 75 percent or higher of population. It is the overpopulated, poorest schools that are, in the law, said to get the moneys first.

The problem is: What if your school doesn't quite make that cutoff? What if that population isn't quite at that benchmark? What about the title I kids in those schools?

That's what this is trying to address, Mr. Chairman.

And so, again, too many of our underprivileged children today are finding themselves in schools that cannot address the problem, and this amendment is aimed at trying to restore those children and those parents' ability to have the quality of education that all of us want. Again, this amendment does so by granting the States the power, if they so choose, to allow title I funds to follow the students.

I believe the current system clearly is leaving some kids behind that exist in these schools that aren't getting any money. And the lack of access to quality schools and quality teachers will and can hold children back, and, most

especially, those children living in poverty and those often with special needs who do require help.

Many States are reforming their system to address these inequities and these shortcomings and, in fact, as I indicated earlier, there were some major school systems, and I know of one in the gentleman's State, that have actually tried to redirect State and local moneys according to this spirit, which is: allow every child to have equal access to funds and resources. But, unfortunately, those States don't have the flexibility to match up Federal funds with these type of reform efforts that are ongoing at the local and State level.

Federal title I funding was created to help the most vulnerable of our students—foster children, the homeless, those living below the poverty line—and this amendment will give States the option to allow title I funds to follow each student to the public school—including charter school—of their choice.

Again, right now, Federal dollars do not follow all of the students that they are supposed to help. This amendment will make certain that, no matter what school a low-income student attends, he or she will benefit from these dollars.

Mr. Chairman, improving our education system is a bipartisan issue, and this amendment builds on the bipartisan work being done at the State level.

Mr. Chairman, I'd like to, at this time, just thank the leadership of the gentleman from Minnesota, the Chairman of the Education and the Workforce Committee, for his commitment to responding to the desires of all of our constituents who believe that education is the fundamental building block for all to achieve the American Dream. I salute him and his work and his tenacity to try and get things right in the reforms that are necessary to allow for that promise to be realized by all of our kids.

I urge my colleagues to support this amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CANTOR).

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in House Report 113-158.

Mr. GEORGE MILLER of California. Mr. Chairman, I have an amendment in the nature of a substitute at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike the text and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Success Act".

#### SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

#### SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. References.
- Sec. 3. Table of contents.

#### TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

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**TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED**  
**SEC. 101. STATEMENT OF PURPOSE.**

Section 1001 (20 U.S.C. 6301) is amended to read as follows:

**“SEC. 1001. STATEMENT OF PURPOSE.**

“The purpose of this title is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and to graduate ready to succeed in college and the workforce by—

“(1) meeting the educational needs of low-achieving children in our Nation’s highest-

poverty schools, English learners, migrant children, children with disabilities, Indian children, and neglected or delinquent children;

“(2) ensuring high-quality college and career ready standards, academic assessments, accountability systems, teacher preparation and training, curriculum, and instructional materials are developed and implemented to prepare students to compete in the global economy;

“(3) closing the achievement gap between high- and low-performing children, especially between minority and nonminority students and between disadvantaged children and their more advantaged peers;

“(4) holding schools, local educational agencies, and States accountable for improving the academic achievement for all students including the mastery of content knowledge and the ability to think critically, solve problems, and communicate effectively, ensuring all students graduate ready to succeed in college and the workforce;

“(5) distributing and targeting resources to support local educational agencies and schools with the greatest need;

“(6) improving and maintaining accountability for student achievement and graduation rates, and increasing local flexibility and authority to improve schools; and

“(7) ensuring parents have substantial and meaningful opportunities to participate in the education of their children.”.

**SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

Section 1002 (20 U.S.C. 6302) is amended—  
 (1) by amending subsection (a) to read as follows:

“(a) **LOCAL EDUCATIONAL AGENCY GRANTS.**—For the purpose of carrying out part A, there are authorized to be appropriated \$30,000,000,000 for fiscal year 2014 and such sums as may be necessary for each of the 5 succeeding fiscal years.”;

(2) in subsection (c)—  
 (A) by striking “\$410,000,000” and inserting “\$500,000,000”; and

(B) by striking “2002” and inserting “2014”; and

(3) in subsection (d)—  
 (A) by striking “\$50,000,000” and inserting “\$55,000,000”; and

(B) by striking “2002” and inserting “2014”.

**SEC. 103. STATE PLANS.**

Section 1111 (20 U.S.C. 6311) is amended to read as follows:

**“SEC. 1111. STATE PLAN.**

“(a) **PLANS REQUIRED.**—

“(1) **IN GENERAL.**—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency, in consultation with representatives of local educational agencies, teachers, school leaders, specialized instructional support personnel, early childhood education providers, parents, community organizations, communities representing underserved populations, and Indian tribes, that satisfies the requirements of this section, and that is coordinated with other programs of this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless Assistance Act.

“(2) **CONSOLIDATED PLAN.**—A State plan submitted under paragraph (1) may be submitted as a part of a consolidated plan under section 9302.

“(b) **COLLEGE AND CAREER READY CONTENT STANDARDS, ASSESSMENTS, AND ACHIEVEMENT STANDARDS.**—

“(1) **GENERAL REQUIREMENTS.**—Each State plan shall include evidence that the State’s college and career ready content standards, assessments, and achievement standards under this subsection are—

“(A) vertically aligned from kindergarten through grade 12; and

“(B) developed and implemented to ensure that proficiency in the content standards will signify that a student is on-track to graduate prepared for—

“(i) according to written affirmation from the State’s public institutions of higher education, placement in credit-bearing, non-remedial courses at the 2-and 4-year public institutions of higher education in the State; and

“(ii) success on relevant State career and technical education standards.

“(2) **COLLEGE AND CAREER READY CONTENT STANDARDS.**—

“(A) **IN GENERAL.**—Each State plan shall demonstrate that, not later than the 2013–2014 school year the State educational agency will adopt and implement high-quality, college and career ready content standards that comply with this paragraph.

“(B) **SUBJECTS.**—The State educational agency shall have such high-quality, academic content standards for students in kindergarten through grade 12 for, at a minimum, English language arts, math, and science.

“(C) **ELEMENTS.**—College and career ready content standards under this paragraph shall—

“(i) be developed through participation in a State-led process that engages—

“(I) kindergarten through-grade-12 education experts (including teachers and educational leaders); and

“(II) representatives of institutions of higher education, the business community, and the early learning community;

“(ii) be rigorous, internationally benchmarked, and evidence-based, requiring students to demonstrate the ability to think critically, solve problems, and communicate effectively;

“(iii) be either—

“(I) validated, including through written affirmation from the State’s public institutions of higher education, to ensure that proficiency in the content standards will signify that a student is on-track to graduate prepared for—

“(aa) placement in credit-bearing, non-remedial courses at the 2-and 4-year public institutions of higher education in the State; and

“(bb) success on relevant State career and technical education standards; or

“(II) State-developed and voluntarily adopted by a significant number of States;

“(iv) for standards from kindergarten through grade 3, reflect progression in how children develop and learn the requisite skills and content from earlier grades (including preschool) to later grades; and

“(v) apply to all schools and students in the State.

“(D) **ENGLISH LANGUAGE PROFICIENCY STANDARDS.**—Each State educational agency shall develop and implement statewide, high-quality English language proficiency standards that—

“(i) are aligned with the State’s academic content standards;

“(ii) reflect the academic language that is required for success on the State educational agency’s academic content assessments;

“(iii) predict success on the applicable grade level English language arts content assessment;

“(iv) ensure proficiency in each of the domains of speaking, listening, reading, and writing in the appropriate amount of time; and

“(v) address the different proficiency levels of English learners.

“(E) EARLY LEARNING STANDARDS.—The State educational agency shall, in collaboration with the State agencies responsible for overseeing early care and education programs and the State early care and education advisory council, develop and implement early learning standards across all major domains of development for preschoolers that—

“(i) demonstrate alignment with the State academic content standards;

“(ii) are implemented through dissemination, training, and other means to applicable early care and education programs;

“(iii) reflect research and evidence-based developmental and learning expectations;

“(iv) inform teaching practices and professional development and services; and

“(v) for preschool age children, appropriately assist in the transition to kindergarten.

“(F) ASSURANCE.—Each State plan shall include an assurance that the State has implemented the same content standards for all students in the same grade and does not have a policy of using different content standards for any student subgroup.

“(3) HIGH-QUALITY ASSESSMENTS.—

“(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency will adopt and implement high-quality assessments in English language arts, math, and science not later than the 2014–2015 school year that comply with this paragraph.

“(B) ELEMENTS.—Such assessments shall—

“(i) be valid, reliable, appropriate, and of adequate technical quality for each purpose required under this Act, and be consistent with relevant, nationally recognized professional and technical standards;

“(ii) measure the knowledge and skills necessary to demonstrate proficiency in the academic content standards under paragraph (2) for the grade in which the student is enrolled;

“(iii) be developed as part of a system of assessments providing data (including individual student achievement data and individual student growth data), that shall be used to—

“(I) improve teaching, learning, and program outcomes; and

“(II) make determinations of individual principal and teacher effectiveness for the purposes of evaluation and professional development under title II;

“(iv) be used in determining the performance of each local educational agency and school in the State in accordance with the State’s accountability system under subsection (c);

“(v) provide an accurate measure of—

“(I) student achievement at all levels of student performance; and

“(II) student academic growth;

“(vi) allow for complex demonstrations or applications of knowledge and skills including the ability to think critically, solve problems, and communicate effectively;

“(vii) be accessible for all students, including students with disabilities and English learners, by—

“(I) incorporating principles of universal design as defined by section 3(a) of the Assistive Technology Act of 1998 (29 U.S.C. 3002(a)); and

“(II) being interoperable when using any digital assessment, such as computer-based and online assessments.

“(viii) provide for accommodations, including for computer-based and online assessments, for students with disabilities and English learners to provide a valid and reliable measure of such students’ achievement;

“(ix) produce individual student interpretive, descriptive, and diagnostic reports that allow parents, teachers, and school leaders to understand and address the specific academic needs of students, and include information regarding achievement on academic assessments, and that are provided to parents, teachers, and school leaders, as soon as is practicable after the assessment is given, in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and

“(x) may be partially delivered in the form of portfolios, projects, or extended performance tasks as long as such assessments meet the requirements of this subsection.

“(C) ADMINISTRATION.—Such assessments shall—

“(i) be administered to all students, including all subgroups described in subsection (c)(3)(A), in the same grade level for each content area assessed, except as provided under subparagraph (E), through—

“(I) a single summative assessment each school year; or

“(II) multiple statewide assessments over the course of the school year that result in a single summative score that provides valid, reliable, and transparent information on student achievement for each tested content area in each grade level;

“(ii) for English language arts and math—

“(I) be administered annually, at a minimum, for students in grade 3 through grade 8; and

“(II) be administered at least once, but not earlier than 11th grade for students in grades 9 through grade 12; and

“(iii) for science, be administered at least once during grades 3 through 5, grades 6 through 8, and grades 9 through 12.

“(D) NATIVE LANGUAGE ASSESSMENTS.—Each State educational agency with at least 10,000 English learners, at least 25 percent of which speak the same language that is not English, shall adopt and implement native language assessments for that language consistent with State law. Such assessments shall be for students—

“(i) for whom the academic assessment in the student’s native language would likely yield more accurate and reliable information about such student’s content knowledge;

“(ii) who are literate in the native language and have received formal education in such language; or

“(iii) who are enrolled in a bilingual or dual language program and the native language assessment is consistent with such program’s language of instruction.

“(E) ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—In the case of a State educational agency that adopts alternate achievement standards for students with the most significant cognitive disabilities described in paragraph (4)(D), the State shall adopt and implement high-quality statewide alternate assessments aligned to such alternate achievement standards that meet the requirements of subparagraphs (B) and (C), so long as the State ensures that in the State the total number of students in each grade level assessed in each subject does not exceed the cap established under subsection (c)(3)(E)(iii)(II).

“(F) ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS.—Each State educational agency shall adopt and implement statewide English language proficiency assessments that—

“(i) are administered annually and aligned with the State’s English language proficiency standards and academic content standards;

“(ii) are accessible, valid, and reliable;

“(iii) measure proficiency in reading, listening, speaking, and writing in English both individually and collectively;

“(iv) assess progress and growth on language and content acquisition; and

“(v) allow for the local educational agency to retest a student in the individual domain areas that the student did not pass, unless the student is newly entering a school in the State, or is in the third, fifth, or eighth grades.

“(G) SPECIAL RULE WITH RESPECT TO BUREAU FUNDED SCHOOLS.—In determining the assessments to be used by each school operated or funded by the Department of the Interior’s Bureau of Indian Education receiving funds under this part, the following shall apply:

“(i) Each such school that is accredited by the State in which it is operating shall use the assessments the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment as approved by the Secretary of the Interior.

“(ii) Each such school that is accredited by a regional accrediting organization shall adopt an appropriate assessment, in consultation with and with the approval of, the Secretary of the Interior and consistent with assessments adopted by other schools in the same State or region, that meets the requirements of this section.

“(iii) Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use an assessment developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment meets the requirements of this section.

“(H) ASSURANCE.—Each State plan shall include an assurance that the State educational agency will conduct an inventory of statewide and local educational agency-wide student assessments, including an analysis of assessment purposes, practices, and use, and a description of the actions the State will take to reduce duplicative assessments.

“(I) ACCOMMODATIONS.—Each State plan shall describe the accommodations for English learners and students with disabilities on the assessments used by the State and include evidence of their effectiveness in maintaining valid results for the appropriate population.

“(J) ADAPTIVE ASSESSMENTS.—In the case of a State educational agency that develops and administers computer adaptive assessments, such assessments shall meet the requirements of this paragraph, and must measure, at a minimum, each student’s academic proficiency against the State’s content standards as described in paragraph (2) for the grade in which the student is enrolled.

“(4) COLLEGE AND CAREER READY ACHIEVEMENT AND GROWTH STANDARDS.—

“(A) IN GENERAL.—Each State plan shall demonstrate that the State will adopt and implement college and career ready achievement standards in English language arts, math, and science by the 2013–2014 school year that comply with this paragraph.

“(B) ELEMENTS.—Such academic achievement standards shall establish at a minimum, 3 levels of student achievement that

describe how well a student is demonstrating proficiency in the State's academic content standards that differentiate levels of performance to—

“(i) describe 2 levels of high achievement (on-target and advanced) that indicate, at a minimum, that a student is proficient in the academic content standards under paragraph (2) as measured by the performance on assessments under paragraph (3); and

“(ii) describe a third level of achievement (catch-up) that provides information about the progress of a student toward becoming proficient in the academic content standards under paragraph (2) as measured by the performance on assessments under paragraph (3).

“(C) VERTICAL ALIGNMENT.—Such achievement standards are vertically aligned to ensure a student who achieves at the on-target or advanced levels under subparagraph (B)(i) signifies that student is on-track to graduate prepared for—

“(i) placement in credit-bearing, non-remedial courses at the 2- and 4-year public institutions of higher education in the State; and

“(ii) success on relevant State career and technical education standards.

“(D) ALTERNATE ACHIEVEMENT STANDARDS.—If a State educational agency adopts alternate achievement standards for students with the most significant cognitive disabilities, such academic achievement standards shall establish, at a minimum, 3 levels of student achievement that describe how well a student is demonstrating proficiency in the State's academic content standards that—

“(i) are aligned to the State's college and career ready content standards under paragraph (2);

“(ii) are vertically aligned to ensure that a student who achieves at the on-target or advanced level under clause (v)(I) signifies that the student is on-track to access a postsecondary education or career;

“(ii) reflect concepts and skills that students should know and understand for each grade;

“(iv) are supported by evidence-based learning progressions to age and grade-level performance; and

“(v) establish, at a minimum—

“(I) 2 levels of high achievement (on-target and advanced) that indicate, at a minimum, that a student with the most significant cognitive disabilities is proficient in the academic content standards under paragraph (2) as measured by the performance on assessments under paragraph (3)(E); and

“(II) a third level of achievement (catch-up) that provides information about the progress of a student with the most significant cognitive disabilities toward becoming proficient in the academic content standards under paragraph (2) as measured by the performance on assessments under paragraph (3)(E).

“(E) STUDENT GROWTH STANDARDS.—Each State plan shall demonstrate that the State will adopt and implement student growth standards for students in the assessed grades that comply with this subparagraph, as follows:

“(i) ON-TARGET AND ADVANCED LEVELS.—For a student who is achieving at the on-target or advanced level of achievement, the student growth standard is not less than the rate of academic growth necessary for the student to remain at that level of student achievement for not less than 3 years.

“(ii) CATCH-UP LEVEL.—For a student who is achieving at the catch-up level of achieve-

ment, the student growth standard is not less than the rate of academic growth necessary for the student to achieve an on-target level of achievement by the end of the student's current grade span or within 3 years, whichever occurs first.

“(F) MODIFIED ACHIEVEMENT STANDARDS.—If a State educational agency has modified achievement standards in accordance with section 200.1(e) of title 34, Code of Federal Regulations, prior to the date of the enactment the Student Success Act, the State educational agency may continue to use such modified achievement standards for the purposes established as of the day before the date of enactment of such Act through not later than the implementation of the assessments under paragraph (3).

“(5) RULE OF CONSTRUCTION.—Nothing in paragraph (3) shall be construed to prescribe the use of the academic assessments established pursuant to such paragraph for student promotion or graduation purposes.

“(c) ACCOUNTABILITY AND SCHOOL IMPROVEMENT SYSTEM.—The State plan shall demonstrate that not later than the 2013-2014 school year, the State educational agency, in consultation with representatives of local educational agencies, teachers, school leaders, parents, community organizations, communities representing underserved populations, and Indian tribes, has developed a single statewide accountability and school improvement system (in this subsection known as the ‘accountability system’) that ensures all students have the knowledge and skills to successfully enter the workforce or postsecondary education without the need for remediation by complying with this subsection as follows:

“(1) ELEMENTS.—Each State accountability system shall, at a minimum—

“(A) annually measure academic achievement for all students, including each subgroup described in paragraph (3)(A), in each public school, including each charter school, in the State, including—

“(i) student academic achievement in accordance with the academic achievement standards described in subsection (b)(4);

“(ii) student growth in accordance with the student growth standards described in subsection (b)(4)(E); and

“(iii) graduation rates in diploma granting schools;

“(B) set clear performance and growth targets in accordance with paragraph (2) to improve the academic achievement of all students as measured under subparagraph (A) of this paragraph and to close achievement gaps so that all students graduate ready for postsecondary education and the workforce;

“(C) annually differentiate performance of schools based on the achievement measured under subparagraph (A) and whether the schools meet the performance and growth targets set under paragraph (2), and identify for the purposes under section 1116, at a minimum—

“(i) persistently low-achieving schools that—

“(I) have the lowest performance in the local educational agency and the State using current and prior year academic achievement, growth, and graduation rate data;

“(II) have a 4-year adjusted cohort graduation rate at or below 60 percent; or

“(III) as of the date of enactment of the Student Success Act, have been identified under section 1003(g);

“(ii) schools in need of improvement that have not met one or more of the performance targets set under paragraph (2) for any subgroup described in paragraph (3)(A) in the

same grade level and subject, for two consecutive years; and

“(iii) reward schools that have—

“(I) the highest performance in the State for all students and student subgroups described in paragraph (3)(A); or

“(II) made the most progress over at least the most recent 2-year period in the State in increasing student academic achievement and graduation rates for all students and student subgroups described in paragraph (3)(A);

“(D) establish improvement indicators to diagnose school challenges and measure school progress within the improvement system described in section 1116, including factors to measure—

“(i) student engagement, including student attendance rates, student discipline data including suspension and expulsion rates, incidents of bullying and harassment, and surveys of student engagement;

“(ii) student advancement, such as student on-time promotion rates, on-time credit accumulation rates, course failure rates, postsecondary entry rates, and workforce entry rates;

“(iii) educator quality, such as teacher attendance, vacancies, turnover, and rates of qualified or effective teachers; and

“(iv) academic learning, such as the percentage of students taking a college-preparatory curriculum, and student success on State or local educational agency end-of-course examinations; and

“(E) may establish multiple measures for all students described in paragraph (3)(A), including as an index, to further differentiate among the categories of schools described in subparagraph (C) and as part of the improvement system described in section 1116, which may include indicators that measure—

“(i) college and career readiness, such as—

“(I) credit accumulation in and completion of a college and career ready course of study aligned with admissions requirements set by institutions of higher education in the State;

“(II) participation and success on Advanced Placement (AP), International Baccalaureate (IB), SAT, WorkKeys, ASVAB, or State-developed college readiness or career readiness assessments; or

“(III) college enrollment and persistence rates;

“(ii) evidence of academic learning, such as—

“(I) valid and reliable academic assessments that meet the requirements of subsection (3) in subjects other than reading and math, such as science, social studies, or writing;

“(II) percentage of students successfully completing rigorous coursework that aligns with State college and career ready standards described under subsection (b)(2) such as dual enrollment, Advanced Placement (AP), or International Baccalaureate (IB) courses;

“(III) assessments developed by local educational agencies that meet the requirements of subsection (3)(b), are aligned with State college and career ready standards, and are comparable across all schools within the local educational agency; or

“(IV) student performance-based assessments that are valid, reliable, and comparable across a local educational agency and meet the requirements of subsection (3)(b);

“(iii) Evidence of successful learning conditions, such as the improvement indicators described in subparagraph (D); or

“(iv) Evidence of parent and family engagement.

“(2) GOALS AND TARGETS.—



“(A) IN GENERAL.—Each State educational agency shall establish goals and targets for the State accountability and school improvement system that comply with this paragraph. Such targets shall be established separately for all elementary school and secondary school students, economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and English learners.

“(B) ACHIEVEMENT GOALS.—Each State educational agency shall set goals that are consistent with the academic and growth achievement standards under subsection (b)(4) to ensure that all students graduate prepared to enter the workforce or postsecondary education without the need for remediation.

“(C) PERFORMANCE TARGETS.—Each State educational agency shall set ambitious, but achievable annual performance targets separately for each subgroup of students described in paragraph (3)(A), for each grade level and in English language arts and math, to assist the State educational agency in achieving its academic achievement goals established under subparagraph (B) that either—

“(i) within 6 years of setting such performance targets, reduce by half the percentage of all students and each subgroup described in paragraph (3)(A), who are not, according to student performance as of the year such targets are set, at the on-target or advanced level of achievement; or

“(ii) result in ambitious, but achievable annual targets for local educational agencies and schools for all students and each subgroup of students described in paragraph (3)(A) within a specified period of time, approved by the Secretary, such that—

“(I) the targets are equally rigorous as those in subsection (i); and

“(II) the targets reflect the progress required for all students and each subgroup of students described in paragraph (3)(A) to reach the on-target or advanced level of achievement within the specified period of time.

“(D) GROWTH TARGETS.—Each State educational agency shall set ambitious but achievable growth targets that—

“(i) assist the State in achieving the academic achievement goals described in subparagraph (B); and

“(ii) include targets that ensure all students, including the subgroups of students described in paragraph (3)(A), meet the growth standards described in subsection (b)(4)(E).

“(E) GRADUATION RATE GOALS AND TARGETS.—

“(i) GRADUATION GOALS.—Each State educational agency shall set a graduation goal of not less than 90 percent.

“(ii) GRADUATION RATE TARGETS.—Each State educational agency shall establish graduation rate targets which shall not be less rigorous than the targets approved under section 200.19 of title 34, Code of Federal Regulations (or a successor regulation).

“(iii) EXTENDED-YEAR GRADUATION RATE TARGETS.—In the case of a State that chooses to use an extended-year graduation rate in the accountability and school improvement system described under this subsection, the State shall set extended-year graduation rate targets that are more rigorous than the targets set under clause (ii) and, if applicable, are not less rigorous than the targets approved under section 200.19 of title 34, Code of Federal Regulations (or a successor regulation).

“(3) FAIR ACCOUNTABILITY.—Each State educational agency shall establish fair and

appropriate policies and practices, as a component of the accountability system established under this subsection, to measure school, local educational agency, and State performance under the accountability system that, at a minimum, comply with this paragraph as follows:

“(A) DISAGGREGATE.—Each State educational agency shall disaggregate student achievement data in a manner that complies with the State's group size requirements under subparagraph (B) for the school's, local educational agency's, and the State's performance on its goals and performance targets established under paragraph (2), by each content area and each grade level for which such goals and targets are established, and, if applicable, by improvement indicators described in paragraph (1)(D) for each of the following groups:

“(i) All public elementary and secondary school students.

“(ii) Economically disadvantaged students.

“(iii) Students from major racial and ethnic groups.

“(iv) Students with disabilities.

“(v) English learners.

“(B) SUBGROUP SIZE.—Each State educational agency shall establish group size requirements for performance measurement and reporting under the accountability system that—

“(i) is the same for all subgroups described in subparagraph (A);

“(ii) does not exceed 15 students;

“(iii) yields statistically reliable information; and

“(iv) does not reveal personally identifiable information about an individual student.

“(C) PARTICIPATION.—Each State educational agency shall ensure that—

“(i) not less than 95 percent of the students in each subgroup described subparagraph (A) take the State's assessments under subsection (b)(2); and

“(ii) any school or local educational agency that does not comply with the requirement described in clause (i) of this subparagraph may not be considered to have met its goals or performance targets under paragraph (2).

“(D) AVERAGING.—Each State educational agency may average achievement data with the year immediately preceding that school year for the purpose of determining whether schools, local educational agencies, and the State have met their performance targets under paragraph (2).

“(E) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—

“(i) IN GENERAL.—In calculating the percentage of students scoring at the on-target levels of achievement and the graduation rate for the purpose of determining whether schools, local educational agencies, and the State have met their performance targets under paragraph (2), a State shall include all students with disabilities, even those students with the most significant cognitive disabilities, and—

“(I) may include the on-target and advanced scores of students with the most significant cognitive disabilities taking alternate assessments under subsection (b)(3)(E) provided that the number and percentage of such students who score at the on-target or advanced level on such alternate assessments at the local educational agency and the State levels, respectively, does not exceed the cap established by the Secretary under clause (iii) in the grades assessed and subjects used under the accountability system established under this subsection; and

“(II) may include students with the most significant cognitive disabilities, who are assessed using alternate assessments described in subsection (b)(3)(E) and who receive a State-defined standards-based alternate diploma aligned with alternate achievement standards described in subparagraph (4)(D) and with completion of the student's right to a free and appropriate public education under the Individuals with Disabilities Education Act, as graduating with a regular secondary school diploma, provided that the number and percentage of those students who receive a State-defined standards-based alternate diploma at the local educational agency and the State levels, respectively, does not exceed the cap established by the Secretary under clause (iii).

“(ii) STATE REQUIREMENTS.—If the number and percentage of students taking alternate assessments or receiving a State-defined standards-based alternate diploma exceeds the cap under clause (iii) at the local educational agency or State level, the State educational agency, in determining whether the local educational agency or State, respectively, has met its performance targets under paragraph (2), shall—

“(I) include all students with the most significant cognitive disabilities;

“(II) count at the catch-up level of achievement or as not graduating such students who exceed the cap;

“(III) include such students at the catch-up level of achievement or as not graduating in each applicable subgroup at the school, local educational agency, and State level; and

“(IV) ensure that parents are informed of the actual academic achievement levels and graduation status of their children with the most significant cognitive disabilities.

“(iii) SECRETARIAL DUTIES.—The Secretary shall establish a cap for the purposes of this subparagraph which—

“(I) shall be based on the most recently available data on—

“(aa) the incidence of students with the most significant cognitive disabilities;

“(bb) the participation rates, including by disability category, on alternate assessments using alternate achievement standards pursuant to subsection (b)(3)(E);

“(cc) the percentage of students, including by disability category, scoring at each achievement level on such alternate assessments; and

“(dd) other factors the Secretary deems necessary; and

“(II) may not exceed 1 percent of all students in the combined grades assessed.

“(4) TRANSITION PROVISIONS.—

“(A) IN GENERAL.—The Secretary shall take such steps as necessary to provide for the orderly transition to the new accountability and school improvement systems required under this subsection from prior accountability and school improvement systems in existence on the day before the date of enactment of the Student Success Act.

“(B) TRANSITION.—To enable the successful transition described in this paragraph, each State educational agency receiving funds under this part shall—

“(i) administer assessments that were in existence on the day before the date of enactment of the Student Success Act and beginning not later than the 2014-2015 school year, administer high-quality assessments described in subsection (b)(3);

“(ii) report student performance on the assessments described in subparagraph (i), consistent with the requirements under this title;

“(iii) set a new baseline for performance targets, as described in paragraph (2)(C) and

(2)(D), once new high-quality assessments described in subsection (b)(3) are implemented;

“(iv) implement the accountability and school improvement requirements of sections 1111 and 1116, except—

“(I) the State shall not be required to identify new persistently low achieving schools or schools in need of improvement under section 1116 for 1 year after high-quality assessments described in subsection (b)(3) have been implemented; and

“(II) shall continue to implement school improvement requirements of section 1116 in persistently low achieving schools and schools in need of improvement that were identified as such in the year prior to implementation of new high-quality assessments; and

“(v) assist local educational agencies in providing training and professional development on the implementation of new college and career ready standards and high-quality assessments.

“(C) **END OF TRANSITION.**—The transition described in this paragraph shall be completed by no later than 2 years from the date of enactment of the Student Success Act.

“(d) **OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.**—Each State plan shall contain the following:

“(1) **DESCRIPTIONS.**—A description of—

“(A) how the State educational agency will carry out the responsibilities of the State under section 1116;

“(B) a plan to identify and reduce inequities in the allocation of State and local resources, including personnel and nonpersonnel resources, between schools that are receiving funds under this title and schools that are not receiving such funds under this title, consistent with the requirements in section 1120A, including—

“(i) a description of how the State will support local educational agencies in meeting the requirements of section 1120A; and

“(ii) a description of how the State will support local educational agencies to align plans under subparagraph (A), efforts to improve educator supports and working conditions described in section 2112(b)(3), and efforts to improve the equitable distribution of teachers and principals described in section 2112(b)(5), with efforts to improve the equitable allocation of resources as described in this subsection;

“(C) how the State educational agency will ensure that the results of the State assessments described in subsection (b)(3) and the school evaluations described in subsection (c)(1), respectively, will be provided to local educational agencies, schools, teachers, and parents promptly, but not later than before the beginning of the school year following the school year in which such assessments, other indicators, or evaluations are taken or completed, and in a manner that is clear and easy to understand;

“(D) how the State educational agency will meet the diverse learning needs of students by—

“(i) identifying and addressing State-level barriers to implementation of universal design for learning, as described in section 5429(b)(21), and multi-tier system of supports; and

“(ii) developing and making available to local educational agencies technical assistance for implementing universal design for learning, as described in section 5429(b)(21), and multi-tier system of supports;

“(E) for a State educational agency that adopts alternate achievement standards for students with the most significant cognitive disabilities under subsection (b)(4)(D)—

“(i) the clear and appropriate guidelines for individualized education program teams to apply in determining when a student's significant cognitive disability justifies alternate assessment based on alternate achievement standards, which shall include guidelines to ensure—

“(I) students with the most significant cognitive disabilities have access to the general education curriculum for the grade in which the student is enrolled;

“(II) participation in an alternate assessment does not influence a student's placement in the least restrictive environment;

“(III) determinations are made separately for each subject and are re-determined each year during the annual individualized education program team meeting;

“(IV) the student's mode of communication has been identified and accommodated to the extent possible; and

“(V) parents of such students are informed of and understand that their child's achievement will be based on alternate achievement standards and whether participation in such assessments precludes the student from completing the requirements for a regular high school diploma; and

“(i) the procedures the State educational agency will use to ensure and monitor that individualized education program teams implement the requirements of clause (i); and

“(iii) the plan to disseminate information on and promote use of appropriate accommodations to increase the number of students with the most significant cognitive disabilities who are assessed using achievement standards described in subparagraphs (B) and (C) of subsection (b)(4);

“(F) how the State educational agency will meet the needs of English learners, including—

“(i) the method for identifying an English learner that shall be used by all local educational agencies in the State;

“(ii) the entrance and exit requirements for students enrolled in limited English proficient classes, which shall—

“(I) be based on rigorous English language standards; and

“(II) prepare such students to successfully complete the State's assessments; and

“(iii) timelines and targets for moving students from the lowest levels of English language proficiency to the State-defined English proficient level, including an assurance that—

“(I) such targets will be based on student's initial language proficiency level when first identified as limited English proficient and grade; and

“(II) such timelines will ensure students achieve English proficiency by 18 years of age, unless the State has obtained prior approval by the Secretary;

“(G) how the State educational agency will assist local educational agencies in improving instruction in all core academic subjects;

“(H) how the State educational agency will develop and improve the capacity of local educational agencies to use technology to improve instruction; and

“(I) how any State educational agency with a charter school law will support high-quality public charter schools that receive funds under this title by—

“(i) ensuring the quality of the authorized public chartering agencies in the State by establishing—

“(I) a system of periodic evaluation and certification of public chartering agencies using nationally-recognized professional standards; or

“(II) a statewide, independent chartering agency that meets nationally-recognized professional standards;

“(ii) including in the procedure established pursuant to clause (i) requirements for—

“(I) the annual filing and public reporting of independently audited financial statements including disclosure of amount and duration of any nonpublic financial and in-kind contributions of support, by each public chartering agency, for each school authorized by such agency, and by each local educational agency and the State; and

“(II) a legally binding charter or performance contract between each charter school and the school's authorized public chartering agency that—

“(aa) describes the rights, duties, and remedies of the school and the public chartering agency; and

“(bb) bases charter renewal and revocation decisions on an agreed-to school accountability plan which includes financial and organizational indicators, with significant weight given to the student achievement on the achievement goals, performance targets, and growth targets established pursuant to subparagraphs (B), (C), and (D) of subsection (c)(2), respectively, for each student subgroup described in subsection (c)(3)(A), as well as

“(iii) developing and implementing, in consultation and coordination with local educational agencies, a system of intervention, revocation, or closure for charter schools and public chartering agencies failing to meet the requirements and standards described in clauses (i) and (ii), which, at a minimum provides for—

“(I) initial and regular review, not less than once every 3 years, of each public chartering agency; and

“(II) intervention, revocation, or closure of any charter school identified for school improvement under section 1116.

“(2) **ASSURANCES.**—Assurances that—

“(A) the State educational agency will participate in biennial State academic assessments of 4th, 8th, and 12th grade reading, mathematics, and science under the National Assessment of Educational Progress carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act, if the Secretary pays the costs of administering such assessments;

“(B) the State educational agency will—

“(i) notify local educational agencies and the public of the content and student academic achievement standards and academic assessments developed under this section, and of the authority to operate schoolwide programs; and

“(ii) fulfill the State educational agency's responsibilities regarding local educational agency and school improvement under section 1116;

“(C) the State educational agency will encourage local educational agencies to consolidate funds from other Federal, State, and local sources for school improvement activities under 1116 and for schoolwide programs under section 1114;

“(D) the State educational agency has modified or eliminated State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114;

“(E) that State educational agency will coordinate data collection efforts to fulfill the requirements of this Act and reduce the duplication of data collection to the extent practicable;

“(F) the State educational agency will provide the least restrictive and burdensome

regulations for local educational agencies and individual schools participating in a program assisted under this part;

“(G) the State educational agency will inform local educational agencies in the State of the local educational agency’s authority—

“(i) to transfer funds under title VI;

“(ii) to obtain waivers under part D of title IX; and

“(iii) if the State is an Ed-Flex Partnership State, to obtain waivers under the Education Flexibility Partnership Act of 1999;

“(H) the State educational agency will work with other agencies, including educational service agencies or other local consortia and comprehensive centers established under the Educational Technical Assistance Act of 2002, and institutions to provide professional development and technical assistance to local educational agencies and schools;

“(I) the State educational agency will ensure that local educational agencies in the State comply with the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11117); and

“(J) the State educational agency has engaged in timely and meaningful consultation with representatives of Indian tribes located in the State in the development of the State plan to serve local educational agencies under its jurisdiction in order to—

“(i) improve the coordination of activities under this Act;

“(ii) meet the purpose of this title; and

“(iii) meet the unique cultural, language, and educational needs of Indian students.

“(e) FAMILY ENGAGEMENT.—Each State plan shall include a plan for strengthening family engagement in education. Each such plan shall, at a minimum, include—

“(1) a description of the State’s criteria and schedule for review and approval of local educational agency engagement policies and practices pursuant to section 1112(e)(3);

“(2) a description of the State’s system and process for assessing local educational agency implementation of section 1118 responsibilities;

“(3) a description of the State’s criteria for identifying local educational agencies that would benefit from training and support related to family engagement in education;

“(4) a description of the State’s statewide system of capacity-building and technical assistance for local educational agencies and schools on effectively implementing family engagement in education practices and policies to increase student achievement;

“(5) an assurance that the State will refer to Statewide Family Engagement Centers, as described in section 5702, those local educational agencies that would benefit from training and support related to family engagement in education; and

“(6) a description of the relationship between the State educational agency and Statewide Family Engagement Centers, parent training and information centers, and community parent resource centers in the State established under sections 671 and 672 of the Individuals with Disabilities Education Act.

“(f) PEER REVIEW AND SECRETARIAL APPROVAL.—

“(1) SECRETARIAL DUTIES.—The Secretary shall—

“(A) establish a peer-review process to assist in the review of State plans;

“(B) appoint individuals to the peer-review process who are representative of parents, teachers, State educational agencies, local educational agencies, and experts and who are familiar with educational standards, as-

sessments, accountability, the needs of low-performing schools, and other educational needs of students;

“(C) approve a State plan within 120 days of its submission unless the Secretary determines that the plan does not meet the requirements of this section;

“(D) if the Secretary determines that the State plan does not meet the requirements of this section immediately notify the State of such determination and the reasons for such determination;

“(E) not decline to approve a State’s plan before—

“(i) offering the State an opportunity to revise its plan;

“(ii) providing technical assistance in order to assist the State to meet the requirements of this section; and

“(iii) providing a hearing; and

“(F) have the authority to disapprove a State plan for not meeting the requirements of this part, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State’s academic content standards or to use specific academic assessment instruments or items.

“(2) STATE REVISIONS.—A State plan shall be revised by the State educational agency if the revision is necessary to satisfy the requirements of this section.

“(3) PUBLIC REVIEW.—Notifications under this subsection shall be made available to the public through the website of the Department, including—

“(A) State plans submitted or resubmitted by a State;

“(B) peer review comments;

“(C) State plan determinations by the Secretary, including approvals or disapprovals;

“(D) amendments or changes to State plans; and

“(E) hearings.

“(g) DURATION OF THE PLAN.—

“(1) IN GENERAL.—Each State plan shall—

“(A) remain in effect for the duration of the State’s participation under this part or 4 years, whichever is shorter; and

“(B) be periodically reviewed and revised as necessary by the State educational agency to reflect changes in the State’s strategies and programs under this part, including information on progress the State has made in—

“(2) RENEWAL.—A State educational agency that desires to continue participation under this part shall submit a renewed plan every 4 years, including information on progress the State has made in—

“(A) implementing college- and career-ready content and achievement standards and high-quality assessments described in paragraph (b);

“(B) meeting its goals and performance targets described in subsection (c)(2); and

“(C) improving the capacity and skills of teachers and principals as described in section 2112.

“(2) ADDITIONAL INFORMATION.—If significant changes are made to a State’s plan, such as the adoption of new State academic content standards and State student achievement standards, new academic assessments, or new performance goals or target, growth goals or targets, or graduation goals or targets, such information shall be submitted to the Secretary for approval.

“(h) FAILURE TO MEET REQUIREMENTS.—If a State fails to meet any of the requirements of this section, the Secretary may withhold funds for State administration under this part until the Secretary determines that the State has fulfilled those requirements.

“(i) REPORTS.—

“(1) ANNUAL STATE REPORT CARD.—

“(A) IN GENERAL.—A State that receives assistance under this part shall prepare and disseminate an annual State report card. Such dissemination shall include, at a minimum, publicly posting the report card on the home page of the State educational agency’s website.

“(B) IMPLEMENTATION.—The State report card shall be—

“(i) concise; and

“(ii) presented in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

“(C) REQUIRED INFORMATION.—The State shall include in its annual State report card—

“(i) information, in the aggregate, and disaggregated and cross-tabulated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation and cross-tabulation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student on—

“(I) student achievement at each achievement level on the State academic assessments described in subsection (b)(3), including the most recent 2-year trend;

“(II) student growth on the State academic assessments described in subsection (b)(3), including the most-recent 2-year trend;

“(III) the four-year adjusted cohort rate, the extended-year graduation rate (where applicable), and the graduation rate by type of diploma, including the most recent 2-year trend;

“(IV) the State established improvement indicators under subsection (c)(1)(D);

“(V) the percentage of students who did not take the State assessments; and

“(VI) the most recent 2-year trend in student achievement and student growth in each subject area and for each grade level, for which assessments under this section are required;

“(ii) information that provides a comparison between the actual achievement levels and growth of each group of students described in subsection (c)(3)(A) and the performance targets and growth targets in subsection (c)(2) for each such group of students on each of the academic assessments and for graduation rates required under this part;

“(iii) if a State adopts alternate achievement standards for students with the most significant cognitive disabilities, the number and percentage of students taking the alternate assessments and information on student achievement at each achievement level and student growth, by grade and subject;

“(iv) the number of students who are English learners, and the performance of such students, on the State’s English language proficiency assessments, including the students’ attainment of, and progress toward, higher levels of English language proficiency;

“(v) information on the performance of local educational agencies in the State regarding school improvement, including the number and names of each school identified for school improvement under section 1116 and information on the outcomes of the improvement indicators outlined in section 1111(c)(1)(D);

“(vi) the professional qualifications of teachers in the State, the percentage of such

teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which, for the purpose of this clause, means schools in the top quartile of poverty and the bottom quartile of poverty in the State;

“(vii) information on teacher effectiveness, as described in section 2112(b)(1)(C), in the aggregate and disaggregated by high-poverty compared to low-poverty schools which, for the purpose of this clause, means schools in the top quartile of poverty and the bottom quartile of poverty in the State;

“(viii) a clear and concise description of the State’s accountability system, including a description of the criteria by which the State educational agency evaluates school performance, and the criteria that the State educational agency has established, consistent with subsection (c), to determine the status of schools with respect to school improvement; and

“(ix) outcomes related to quality charter authorizing standards as described in subsection (d)(1)(I), including, at a minimum, annual filing as described in subsection (d)(1)(I)(ii)(I).

“(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.—

“(A) REPORT CARDS.—A local educational agency that receives assistance under this part shall prepare and disseminate an annual local educational agency report card.

“(B) MINIMUM REQUIREMENTS.—The State educational agency shall ensure that each local educational agency collects appropriate data and includes in the local educational agency’s annual report the information described in paragraph (1)(C) as applied to the local educational agency and each school served by the local educational agency, and—

“(i) in the case of a local educational agency—

“(I) the number and percentage of schools identified for school improvement under section 1116 and how long the schools have been so identified; and

“(II) information that shows how students served by the local educational agency achieved on the statewide academic assessment compared to students in the State as a whole;

“(III) per-pupil expenditures from Federal, State, and local sources, including personnel and nonpersonnel resources, for each school in the local educational agency, consistent with the requirements under section 1120A;

“(IV) the number and percentage of secondary school students who have been removed from the 4-year adjusted cohort by leaver code, and the number and percentage of students from each adjusted cohort that have been enrolled in high school for more than 4 years but have not graduated with a regular diploma; and

“(V) information on the number of military-connected students (students who are a dependent of a member of the Armed Forces, including reserve components thereof) served by the local educational agency and how such military-dependent students achieved on the statewide academic assessment compared to all students served by the local educational agency; and

“(ii) in the case of a school—

“(I) whether the school has been identified for school improvement; and

“(II) information that shows how the school’s students achievement on the statewide academic assessments and other im-

provement indicators compared to students in the local educational agency and the State as a whole.

“(C) OTHER INFORMATION.—A local educational agency may include in its annual local educational agency report card any other appropriate information, whether or not such information is included in the annual State report card.

“(D) DATA.—A local educational agency or school shall only include in its annual local educational agency report card data that are sufficient to yield statistically reliable information, as determined by the State, and that do not reveal personally identifiable information about an individual student.

“(E) PUBLIC DISSEMINATION.—The local educational agency shall publicly disseminate the report cards described in this paragraph to all schools in the school district served by the local educational agency and to all parents of students attending those schools in an accessible, understandable, and uniform format and, to the extent practicable, provided in a language that the parents can understand, and make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies.

“(3) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency that was providing public report cards on the performance of students, schools, local educational agencies, or the State prior to the date of enactment of the Student Success Act may use those report cards for the purpose of this subsection, so long as any such report card is modified, as may be needed, to contain the information required by this subsection.

“(4) COST REDUCTION.—Each State educational agency and local educational agency receiving assistance under this part shall, wherever possible, take steps to reduce data collection costs and duplication of effort by obtaining the information required under this subsection through existing data collection efforts.

“(5) ANNUAL STATE REPORT TO THE SECRETARY.—Each State educational agency receiving assistance under this part shall report annually to the Secretary, and make widely available within the State—

“(A) information on the State’s progress in developing and implementing

“(i) the college and career ready standards described in subsection (b)(2);

“(ii) the academic assessments described in subsection (b)(3);

“(iii) the accountability and school improvement system described in subsection (c); and

“(iv) teacher and principal evaluation systems described in section 2112(b)(1); and

“(B) the annual State report card under paragraph (1).

“(6) REPORT TO CONGRESS.—The Secretary shall transmit annually to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that provides national and State-level data on the information collected under paragraph (4).

“(7) PARENTS RIGHT-TO-KNOW.—

“(A) ACHIEVEMENT INFORMATION.—At the beginning of each school year, a school that receives funds under this subpart shall provide to each individual parent—

“(i) information on the level of achievement and growth of the parent’s child on each of the State academic assessments and, as appropriate, other improvement indica-

tors adopted in accordance with this subpart; and

“(ii) timely notice that the parent’s child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not qualified or has been found to be ineffective consistent with the local educational agency evaluation, as described in section 2112(b)(1).

“(B) QUALIFICATIONS.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part, information regarding the professional qualifications of the student’s classroom teachers, including, at a minimum, the following:

“(i) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

“(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.

“(iii) Whether the teacher is currently enrolled in an alternative certification program.

“(iv) Whether the child is provided services by paraprofessionals or specialized instructional support personnel and, if so, their qualifications.

“(C) FORMAT.—The notice and information provided to parents under this paragraph shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

“(j) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

“(k) TECHNICAL ASSISTANCE.—The Secretary shall provide a State educational agency, at the State educational agency’s request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of college and career ready standards, high-quality academic assessments, and goals and targets that are valid and reliable, and other relevant areas.

“(l) VOLUNTARY PARTNERSHIPS.—A State may enter into a voluntary partnership with another State to develop and implement the academic assessments and standards required under this section.

“(m) DEFINITIONS.—In this section:

“(1) ADJUSTED COHORT; EXTENDED-YEAR; ENTERING COHORT; TRANSFERRED INTO; TRANSFERRED OUT.—

“(A) ADJUSTED COHORT.—Subject to subparagraph (D)(ii) through (G), the term ‘adjusted cohort’ means the difference of—

“(i) the sum of—

“(I) the entering cohort; plus

“(II) any students that transferred into the cohort in any of grades 9 through 12; minus

“(ii) any students that are removed from the cohort as described in subparagraph (E).

“(B) EXTENDED YEAR.—The term ‘extended year’ when used with respect to a graduation rate, means the fifth or sixth year after the school year in which the entering cohort, as described in subparagraph (C), is established for the purpose of calculating the adjusted cohort.

“(C) ENTERING COHORT.—The term ‘entering cohort’ means the number of first-time 9th graders enrolled in a secondary school 1 month after the start of the secondary school’s academic year.

“(D) TRANSFERRED INTO.—The term ‘transferred into’ when used with respect to a secondary school student, means a student who—

“(i) was a first-time 9th grader during the same school year as the entering cohort; and

“(ii) enrolls after the entering cohort is calculated as described in subparagraph (B).

“(E) TRANSFERRED OUT.—

“(i) IN GENERAL.—The term ‘transferred out’ when used with respect to a secondary school student, means a student who the secondary school or local educational agency has confirmed has transferred to another—

“(I) school from which the student is expected to receive a regular secondary school diploma; or

“(II) educational program from which the student is expected to receive a regular secondary school diploma.

“(ii) CONFIRMATION REQUIREMENTS.—

“(I) DOCUMENTATION REQUIRED.—The confirmation of a student’s transfer to another school or educational program described in clause (i) requires documentation from the receiving school or program that the student enrolled in the receiving school or program.

“(II) LACK OF CONFIRMATION.—A student who was enrolled, but for whom there is no confirmation of the student having transferred out, shall remain in the cohort as a non-graduate for reporting and accountability purposes under this section.

“(iii) PROGRAMS NOT PROVIDING CREDIT.—A student enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular secondary school diploma shall not be considered transferred out.

“(F) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, or is deceased.

“(G) TREATMENT OF OTHER LEAVERS AND WITHDRAWALS.—A student who was retained in a grade, enrolled in a GED program, aged out of a secondary school or secondary school program, or left secondary school for any other reason, including expulsion, shall not be considered transferred out, and shall remain in the adjusted cohort.

“(H) SPECIAL RULE.—For those secondary schools that start after grade 9, the entering cohort shall be calculated 1 month after the start of the secondary school’s academic year in the earliest secondary school grade at the secondary school.

“(2) 4-YEAR ADJUSTED COHORT GRADUATION RATE.—The term ‘4-year adjusted cohort graduation rate’ means the percent obtained by calculating the product of—

“(A) the result of—

“(i) the number of students who—

“(I) formed the adjusted cohort 4 years earlier; and

“(II) graduate in 4 years or less with a regular secondary school diploma; divided by

“(ii) the number of students who formed the adjusted cohort for that year’s graduating class 4 years earlier; multiplied by

“(B) 100.

“(3) EXTENDED-YEAR GRADUATION RATE.—The term ‘extended-year graduation rate’ for a school year is defined as the percent obtained by calculating the product of the result of—

“(A) the sum of—

“(i) the number of students who—

“(I) form the adjusted cohort for that year’s graduating class; and

“(II) graduate in an extended year with a regular secondary school diploma; or

“(III) graduate before exceeding the age for eligibility for a free appropriate public education (as defined in section 602 of the Individuals with Disabilities Education Act) under State law; divided by

“(ii) the result of—

“(I) the number of students who form the adjusted cohort for that year’s graduating class; plus

“(II) the number of students who transferred in during the extended year defined in paragraph (1)(B), minus

“(III) students who transferred out, emigrated, or died during the extended year defined in paragraph (1)(B); multiplied by

“(B) 100.

“(4) LEAVER CODE.—The term ‘leaver code’ means a number or series of numbers and letters assigned to a categorical reason for why a student left the high school from which she or he is enrolled without having earned a regular high school diploma, except that—

“(A) an individual student with either a duplicative code or whom has not been assigned a leaver code shall not be removed from the cohort assigned for the purpose of calculating the adjusted cohort graduation rate; and

“(B) the number of students with either a duplicative leaver code or who have not been assigned a leaver code shall be included in reporting requirements for the leaver code.

“(5) MULTI-TIER SYSTEM OF SUPPORTS.—The term ‘multi-tier system of supports’ means a comprehensive system of differentiated supports that includes evidence-based instruction, universal screening, progress monitoring, formative assessment, and research-based interventions matched to student needs, and educational decision-making using student outcome data.

“(6) GRADUATION RATE.—The term ‘graduation rate’ means a 4-year adjusted cohort graduation rate and the extended-year graduation rate.

“(7) REGULAR SECONDARY SCHOOL DIPLOMA.—The term ‘regular secondary school diploma’ means the standard secondary school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma. Such term shall not include GED’s, certificates of attendance, or any lesser diploma award.”

#### SEC. 104. ELIGIBLE SCHOOL ATTENDANCE AREAS.

Section 1113(c)(3) (20 U.S.C. 6313(c)(3)) is amended to read as follows:

“(3) RESERVATION.—

“(A) IN GENERAL.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

“(i) homeless children who are attending any public school served by the local educational agency, including providing educationally related support services to children in shelters and other locations where children may live;

“(ii) children in local institutions for neglected children; and

“(iii) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day school programs.

“(B) RESERVATION OF FUNDS.—Notwithstanding the requirements of subsections (b) and (c) of section 1120A, funds reserved under subparagraph (A) may be used to provide homeless children and youths with services not ordinarily provided to other students under this part, including providing trans-

portation pursuant to section 722(g)(1)(J)(iii) of such Act.

“(C) AMOUNT RESERVED.—The amount of funds reserved under subparagraph (A)(i) shall be determined by an assessment of the numbers and the needs of homeless children and youths in the local educational agency.”

#### SEC. 105. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT; SCHOOL SUPPORT AND RECOGNITION.

Section 1116 (20 U.S.C. 6316) is amended to read as follows:

#### “SEC. 1116. SCHOOL IMPROVEMENT.

“(a) LOCAL REVIEW.—

“(1) IN GENERAL.—Each local educational agency receiving funds under this part shall—

“(A) use the State academic assessments, including measures of student growth, and graduation rates to review, annually, the progress of each school served under this part to determine whether the school is meeting the performance targets, growth targets, and graduation targets established under section 1111(c)(2);

“(B) based on the review conducted under subparagraph (A), determine whether a school served under this part is—

“(i) in need of improvement as described under section 1111(c)(1)(C)(ii); or

“(ii) a persistently low-achieving school that meets the State parameters established under paragraph (2);

“(C) publicize and disseminate the results of the local annual review described in subparagraph (A) to parents, teachers, principals, schools, and the community so that the teachers, principals, other staff, and schools can continually refine, in an instructionally useful manner, the program of instruction to help all children served under this part meet the college and career ready achievement standards established under section 1111(b); and

“(D) use the school improvement indicators established under section 1111(c)(1)(D), and may include the multiple measures described under section 1111(c)(1)(E), to diagnose school challenges and measure school progress in carrying out the school improvement activities under this section.

“(2) PERSISTENTLY LOW-ACHIEVING SCHOOLS.—The State educational agency shall establish parameters, consistent with section 1111(c)(1)(C)(i), to assist local educational agencies in identifying persistently low-achieving schools within the local educational agency that—

“(A) shall use student achievement on the assessments under section 1111(b)(3), including prior year data;

“(B) shall use student growth data on the assessments under section 1111(b)(3), including prior year data;

“(C) shall use graduation rate data, including prior year data;

“(D) shall include schools with 4-year adjusted cohort graduation rates below 60 percent as persistently low-achieving schools; and

“(E) may use data on the improvement indicators established under section 1111(c)(1)(D) and the multiple measures described under section 1111(c)(1)(E), except that the local educational agency may not use such indicators to change the schools identified based on the parameters established under subparagraphs (A) through (D).

“(3) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE; TIME LIMIT.—

“(A) IDENTIFICATION.—Before identifying an elementary school or a secondary school

as a school in need of improvement or a persistently low-achieving school under paragraph (1), a local educational agency shall provide the school with an opportunity to review the school-level data, including academic assessment data, on which the proposed identification is based.

“(B) EVIDENCE.—If the principal of a school proposed as a school in need of improvement or a persistently low-achieving school believes, or a majority of the parents of the students enrolled in such school believe, that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local educational agency, which shall consider that evidence before making a final determination.

“(C) FINAL DETERMINATION.—Not later than 30 days after a local educational agency provides the school with the opportunity to review such school-level data, the local educational agency shall make public a final determination on the status of the school with respect to identification as a school in need of improvement or a persistently low-achieving school.

“(b) SCHOOL IMPROVEMENT.—

“(1) IN GENERAL.—Each school served under this part determined to be a school in need of improvement pursuant to section 1111(c)(1)(C)(ii) or a persistently low-achieving school pursuant to 1111(c)(1)(C)(i), shall form a school improvement team described in paragraph (2) to develop and implement a school improvement plan described in paragraph (3) to improve educational outcomes for all students.

“(2) SCHOOL IMPROVEMENT TEAM.—

“(A) IN GENERAL.—Each school described in paragraph (1) shall form a school improvement team, which shall include school leaders, teachers, parents, community members, and specialized instructional support personnel.

“(B) SCHOOLS IN NEED OF IMPROVEMENT.—Each school improvement team for a school in need of improvement may include an external partner and representatives of the local educational agency and the State educational agency.

“(C) PERSISTENTLY LOW-ACHIEVING SCHOOLS.—Each school improvement team for a persistently low-achieving school shall include an external partner and representatives of the local educational agency and the State educational agency.

“(3) SCHOOL IMPROVEMENT PLAN.—

“(A) IN GENERAL.—A school improvement team shall develop, implement, and make publicly available a school improvement plan that uses information available under the accountability and school improvement system established under section 1111(c), data available under the early warning indicator system established under subsection (c)(5), and other relevant data to identify—

“(i) each area in which the school needs support for improvement;

“(ii) the type of support required;

“(iii) how the school plans to use comprehensive, evidence-based strategies to address such needs;

“(iv) how the school will measure progress in addressing such needs using the goals and targets and improvement indicators established under paragraphs (2) and (1)(D) of section 1111(c), respectively, and identify which of the goals and targets are not currently being met by the school; and

“(v) how the school will review its progress and make adjustments and corrections to ensure continuous improvement.

“(B) PLANNING PERIOD.—The school improvement team may use a planning period,

which shall not be longer than one school year to develop and prepare to implement the school improvement plan.

“(C) PLAN REQUIREMENTS.—Each school improvement plan shall describe the following:

“(i) PLANNING AND PREPARATION.—The activities during the planning period, including—

“(I) the preparation activities conducted to effectively implement the budgeting, staffing, curriculum, and instruction changes described in the plan; and

“(II) how the school improvement team engaged parents and community organizations.

“(ii) TARGETS.—The performance, growth, and graduation targets that contributed to the school's status as a school in need of improvement or persistently low-achieving school, and the school challenges identified by the school improvement indicators under section 1111(c)(1)(D).

“(iii) EVIDENCE-BASED, SCHOOL IMPROVEMENT STRATEGIES.—Evidence-based, school improvement strategies to address the factors and challenges described in clause (ii), to improve instruction, including in all core academic subjects, to improve the achievement of all students and address the needs of students identified at the catch-up level of achievement.

“(iv) NEEDS AND CAPACITY ANALYSIS.—A description and analysis of the school's ability and the resources necessary to implement the evidence-based, school improvement strategies identified under clause (iii), including an analysis of—

“(I) staffing resources, such as the number, experience, training level, effectiveness, responsibilities, and stability of existing administrative, instructional, and non-instructional staff;

“(II) budget resources, including how Federal, State, and local funds are being spent for instruction and operations to determine how existing resources can be aligned and used to support improvement;

“(III) the school curriculum;

“(IV) the use of time, such as the school's schedule and use of additional learning time; and

“(V) any additional resources and staff necessary to effectively implement the school improvement activities identified in the school improvement plan.

“(v) IDENTIFYING ROLES.—The roles and responsibilities of the State educational agency, the local educational agency, the school and, if applicable, the external partner in the school improvement activities, including providing interventions, support, and resources necessary to implement improvements.

“(vi) PLAN FOR EVALUATION.—The plan for continuous evaluation of the evidence-based, school improvement strategies, including implementation of and fidelity to the school improvement plan, that includes at least quarterly reviews of the effectiveness of such activities.

“(D) ADDITIONAL REQUIREMENTS FOR PERSISTENTLY LOW-ACHIEVING SCHOOLS.—For a persistently low-achieving school, the school improvement plan shall, in addition to the requirements described in subparagraph (B), describe how the school will—

“(i) address school-wide factors to improve student achievement, including—

“(I) establishing high expectations for all students, which at a minimum, align with the achievement standards and growth standards under section 1111(b)(4);

“(II) improving school climate, including student attendance and school discipline, through the use of school-wide positive be-

havioral supports and interventions and other evidence based approaches to improving school climate;

“(III) ensuring that the staff charged with implementing the school improvement plan are engaged in the plan and the school turnaround effort;

“(IV) establishing clear—

“(aa) benchmarks for implementation of the plan; and

“(bb) targets for improvement on the indicators under section 1111(c)(1)(D);

“(ii) organize the school to improve teaching and learning, including through—

“(I) strategic use of time, such as—

“(aa) establishing common planning time for teachers and interdisciplinary teams who share common groups of students;

“(bb) redesigning the school calendar year or day, such as through block scheduling, summer learning programs, or increasing the number of hours or days, in order to create additional learning time; or

“(cc) creating a flexible school period to address specific student academic needs and interests such as credit recovery, electives, enrichment activities, or service learning; and

“(II) alignment of resources to improvement goals, such as through ensuring that students in transition grades are taught by teachers prepared to meet their specific learning needs;

“(iii) increase teacher and school leader effectiveness, as described in section 2112(b)(1), including through—

“(I) replacing the principal, or demonstrating the principal has the skills, capacity, and record of success to significantly improve student achievement and lead a school turnaround;

“(II) screening all existing staff at the school, with the leadership team, through a process that ensures a rigorous and fair review of their applications that shall include—

“(aa) the results of teacher and principal evaluations and determinations of effectiveness, as described in section 2112(b)(1); and

“(bb) a review of individual staff member's engagement in the school improvement for the school;

“(III) improving the recruitment and retention of effective teachers and principals to work in the school;

“(IV) professional development activities that respond to student and school-wide needs aligned with the school improvement plan, such as—

“(aa) training teachers, leaders, and administrators together with staff from schools making achievement goals and performance targets under the accountability system under section 1111(c) that serve similar populations and in such schools;

“(bb) establishing peer learning and coaching among teachers; or

“(cc) facilitating collaboration, including through professional communities across subject area and interdisciplinary groups and similar schools;

“(V) appropriately identifying teachers for each grade and course; and

“(VI) the development of effective leadership structures, supports, and clear decision making processes, such as through developing distributive leadership and leadership teams;

“(iv) improve curriculum and instruction, including through—

“(I) demonstrating the relevance of the curriculum and learning for all students, including instruction in all core academic subjects, and may include the use of online

course-work as long as such course-work meets standards of quality and best practices for online education;

“(II) increasing access to rigorous and advanced course-work, including adoption and implementation of a college- and career-ready curriculum, and evidence-based, engaging instructional materials aligned with such a curriculum, for all students;

“(III) increasing access to contextualized learning opportunities aligned with readiness for postsecondary education and the workforce, such as providing—

“(aa) work-based, project-based, and service-learning opportunities; or

“(bb) a high-quality, college preparatory curriculum in the context of a rigorous career and technical education core;

“(IV) regularly collecting and using data to inform instruction, such as—

“(aa) through use of formative assessments;

“(bb) creating and using common grading rubrics; or

“(cc) identifying effective instructional approaches to meet student needs; and

“(V) emphasizing core skills instruction, such as literacy, across content areas;

“(v) provide students with academic and social support to address individual student learning needs, including through—

“(I) ensuring access to services and expertise of specialized instructional support personnel;

“(II) supporting students at the catch-up level of achievement who need intensive intervention;

“(III) increasing personalization of the school experience through learning structures that facilitate the development of student and staff relationships such as—

“(aa) implementing grade 9 academies or thematic smaller learning communities;

“(bb) establishing teams of teachers who work exclusively with small groups of students; or

“(cc) creating advisor positions to provide students with study, organizational, and social supports;

“(IV) offering extended-learning, credit recovery, mentoring, or tutoring options of sufficient scale to meet student needs;

“(V) providing evidence-based, accelerated learning for students with academic skill levels below grade level;

“(VI) coordinating and increasing access to integrated services, such as providing special instructional support personnel;

“(VII) providing transitional support between grade-spans, including postsecondary planning; and

“(VIII) meeting the diverse learning needs of all students through strategies such as multi-tier system of supports and universal design for learning, as described in section 5429(b)(21);

“(IX) engage families and community partners, including community-based organizations, organizations representing underserved populations, Indian tribes (as appropriate), organizations assisting parent involvement, institutions of higher education, and businesses, in school improvement activities through evidence-based strategies; and

“(X) be provided control over governance policies, including flexibility regarding staffing and compensation, budgeting, student credit attainment, or use of school time, that support the implementation of effective school improvement activities and educational options.

“(E) SUBMISSION AND APPROVAL.—The school improvement team shall submit the

school improvement plan to the local educational agency or the State educational agency, as determined by the State educational agency based on the local educational agency's ability to effectively monitor the school improvement activities. Upon receiving the plan, the local educational agency or the State educational agency, as appropriate, shall—

“(i) establish a peer review process to assist with review of the school improvement plan; and

“(ii) promptly review the plan, work with the school improvement team as necessary, and approve the plan if the plan meets the requirements of this paragraph.

“(F) REVISION OF PLAN.—A school improvement team may revise the school improvement plan as additional information and data is available.

“(G) IMPLEMENTATION.—A school with the support and assistance of the local educational agency shall implement the school improvement plan expeditiously, but not later than the beginning of the next full school year after identification for improvement.

“(4) EVALUATION OF SCHOOL IMPROVEMENT.—

“(A) IN GENERAL.—

“(I) REVIEW.—The State educational agency or local educational agency, as determined by the State in accordance with paragraph (3)(D) shall, annually, review data with respect to each school in need of improvement and each persistently low-achieving school to set clear benchmarks for progress, to guide adjustments and corrections, to evaluate whether the school supports and interventions for the school are effective and the school is meeting the targets for improvement established under its school improvement plan, and to specify what actions ensue for schools not making progress.

“(ii) DATA.—In carrying out the annual review under clause (i), the school, the local educational agency, or State educational agency shall measure progress on—

“(I) student achievement, student growth, and graduation rates against the goals and targets established under section 1111(c)(2); and

“(II) improvement indicators as established under section 1111(c)(1)(D).

“(B) SCHOOLS IN NEED OF IMPROVEMENT.—If, after 3 years of implementing its school improvement plan, a school in need of improvement does not meet the goals and targets under section 1111(c)(2) that were identified under the school improvement plan as not being met by the school and the improvement indicators established under section 1111(c)(1)(D), then—

“(i) the local educational agency shall evaluate school performance and other data, and provide intensive assistance to that school in order to improve the effectiveness of the interventions; and

“(ii) the State educational agency or the local educational agency, as determined by the State, shall determine whether school shall partner with an external partner—

“(I) to revise the school improvement plan; and

“(II) to improve, and as appropriate, revise, school improvement strategies that meet the requirements of paragraph (3)(B)(iii).

“(C) PERSISTENTLY LOW-ACHIEVING SCHOOLS.—If, after 3 years of implementing its school improvement plan, a persistently low-achieving school does not demonstrate progress on the goals and targets under section 1111(c)(2) that were identified under the school improvement plan as not being met

by the school or the improvement indicators established under section 1111(c)(1)(D), then—

“(i) the local educational agency, in collaboration with the State educational agency, shall determine whether to implement school closure, replacement, or State take-over of such school;

“(ii) the local educational agency, and as appropriate the State educational agency, shall develop and implement a plan to assist with the transition of the school under clause (i) that—

“(I) is developed in consultation with parents and the community;

“(II) addresses the needs of the students at the school by considering strategies such as—

“(aa) opening a new school;

“(bb) graduating out current students and closing the school in stages; and

“(cc) enrolling the students who attended the school in other schools in the local educational agency that are higher achieving, provided the other schools are within reasonable proximity to the closed school and ensures receiving schools have the capacity to enroll incoming students; and

“(III) provides information about high-quality educational options and transition and support services to students who attended that school and their parents.

“(D) PERSISTENTLY LOW ACHIEVING SCHOOL.—If, after 5 years of implementing its school improvement plan, a persistently low achieving school does not demonstrate progress on the goals and targets under section 1111(c)(2) that were identified under the school improvement plan, then the local educational agency, in collaboration with the State educational agency, shall determine whether to implement school closure, replacement, or State take-over of such school as required under subparagraph “(C).

“(c) LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—A local educational agency served by this part, in supporting the schools identified as a school in need of improvement or a persistently low-achieving school served by the agency, shall—

“(1) address local educational agency-wide factors to improve student achievement by—

“(A) supporting the use of data to improve teaching and learning through—

“(i) improving longitudinal data systems;

“(ii) regularly analyzing and disseminating usable data to educators, parents, and students;

“(iii) building the data and assessment literacy of teachers and principals; and

“(iv) evaluating at kindergarten entry the kindergarten readiness of children and addressing the educational and development needs determined by such evaluation;

“(B) addressing school transition needs of the local educational agency by—

“(i) using kindergarten readiness data to consider improving access to high-quality early education opportunities; and

“(ii) providing targeted research-based interventions to middle schools that feed into high schools identified for school improvement under this section;

“(C) developing human capital systems that ensure there is a sufficient pool of effective teachers and school leaders to work in schools served by the local educational agency;

“(D) developing support for school improvement plans among key stakeholders such as parents and families, community groups representing underserved populations, Indian tribes, educators, and teachers;



“(E) carrying out administrative duties under this section, including evaluation for school improvement and technical assistance for schools; and

“(F) coordinating activities under this section with other relevant State and local agencies, as appropriate;

“(2) address time and resources factors to improve student achievement by—

“(A) ensuring the local educational agency budget calendar is aligned with school staff and budgeting needs; and

“(B) targeting resources and support to those schools identified as persistently low-performing or as in need of improvement;

“(3) address teacher and school leader effectiveness by supporting professional development activities aligned to school improvement activities;

“(4) address curriculum and instruction factors to improve student achievement by—

“(A) ensuring curriculum alignment with the State’s early learning standards and postsecondary education programs;

“(B) providing academically rigorous education options such as—

“(i) effective dropout prevention, credit and dropout recovery and recuperative education programs for disconnected youth and students who are not making sufficient progress to graduate high school in the standard number of years or who have dropped out of high school;

“(ii) providing students with postsecondary learning opportunities, such as through access to a relevant curriculum or course of study that enables a student to earn a secondary school diploma and—

“(I) an associate’s degree; or

“(II) not more than 2 years of transferable credit toward a postsecondary degree or credential;

“(iii) integrating rigorous academic education with career training, including training that leads to postsecondary credentials for students;

“(iv) increasing access to Advanced Placement or International Baccalaureate courses and examinations; or

“(v) developing and utilizing innovative, high quality distance learning strategies to improve student academic achievement; and

“(C) considering how technology can be used to support school improvement activities;

“(5) address student support factors to improve student achievement by—

“(A) establishing an early warning indicator system to identify students who are at risk of dropping out of high school and to guide preventive and recuperative school improvement strategies, including—

“(i) identifying and analyzing the academic risk factors that most reliably predict dropouts by using longitudinal data of past cohorts of students;

“(ii) identifying specific indicators of student progress and performance, such as attendance, academic performance in core courses, and credit accumulation, to guide decision making;

“(iii) identifying or developing a mechanism for regularly collecting and analyzing data about the impact of interventions on the indicators of student progress and performance; and

“(iv) analyzing academic indicators to determine whether students are on track to graduate secondary school in the standard numbers of years; and

“(B) identifying and implementing strategies for pairing academic support with integrated student services and case-managed interventions for students requiring inten-

sive supports which may include partnerships with other external partners;

“(6) promote family outreach and engagement in school improvement activities to improve student achievement;

“(7) for each school identified for school improvement, ensure the provision of technical assistance as the school develops and implements the school improvement plan throughout the plan’s duration; and

“(8) identify school improvement strategies that are consistently improving student outcomes and disseminate those strategies so that all schools can implement them.

“(d) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—A State educational agency served by this part, in supporting schools identified as a school in need of improvement or a persistently low-achieving school and the local educational agencies serving such schools, shall—

“(1) assess and address local capacity constraints to ensure that its local educational agencies can meet the requirements of this section;

“(2) provide support and technical assistance, including assistance to school leaders, teachers, and other staff, to assist local educational agencies and schools in using data to support school improvement and in addressing the improvement indicators described in section 1111(c)(1)(D) and multiple measures described in section 1111(c)(1)(E), where applicable;

“(3) identify school improvement strategies that are consistently improving student outcomes and disseminate those strategies so that all schools can implement them;

“(4) target resources and support to those schools in the State that are identified as a school in need of improvement or a persistently low-achieving school and to local educational agencies serving such schools;

“(5) leverage resources from other funding sources, such as school improvement funds, technology funds, and professional development funds to support school improvement activities;

“(6) provide a statewide system of support, including regional support services, to improve teaching, learning, and student outcomes;

“(7) assist local educational agencies in developing early warning indicator systems;

“(8) with respect to schools that will work with external partners to improve student achievement—

“(A) develop and apply objective criteria to potential external partners that are based on a demonstrated record of effectiveness in school improvement;

“(B) maintain an updated list of approved external partners across the State;

“(C) develop, implement, and publicly report on standards and techniques for monitoring the quality and effectiveness of the services offered by approved external partners, and for withdrawing approval from external partners that fail to improve persistently low-achieving schools; and

“(D) may identify external partners as approved, consistent with the requirements under paragraph (7), who agree to provide services on the basis of receiving payments only when student achievement has increased at an appropriate level as determined by the State educational agency and school improvement team under subsection (b)(2); and

“(9) carry out administrative duties under this section, including providing monitoring and technical assistance to local educational agencies and schools.

“(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to alter or otherwise affect the rights, remedies, and procedures afforded school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers;

“(2) to require a child to participate in an early learning program; or

“(3) to deny entry to kindergarten for any individual if the individual is legally eligible, as defined by State or local law.

“(f) DEFINITION.—In this section, the term ‘external partner’ means an entity—

“(1) that is an organization such as a non-profit organization, community-based organization, local education fund, service organization, educational service agency, or institution of higher education; and

“(2) that has demonstrated expertise, effectiveness, and a record of success in providing evidence-based strategies and targeted support such as data analysis, professional development, or provision of nonacademic support and integrated student services to local educational agencies, schools, or students that leads to improved teaching, learning, and outcomes for students.”

#### SEC. 106. PARENTAL INVOLVEMENT.

(a) PARENTAL INVOLVEMENT.—Section 1118 (20 U.S.C. 6318) is amended—

(1) by redesignating subsections (a) through (h) as subsections (b) through (i), respectively; and

(2) by inserting before subsection (b), as redesignated by paragraph (1), the following:

“(a) IN GENERAL.—Each local educational agency and each school receiving funds under this part shall develop policies and practices for family engagement in education that meet the following principles and standards for family-school partnerships:

“(1) Welcome all families to be active participants in the life of the school, so that they feel valued and connected to each other, school staff, and student learning.

“(2) Communicate effectively by ensuring regular two-way, meaningful communication between family members and local educational agency and school staff in a manner, language, and with technology that family members can understand and access.

“(3) Support student success by fostering continuous collaboration between family members and local educational agency and school staff to support student learning and healthy student development at school and at home.

“(4) Speak up for every child and empower family members to be advocates for all students within the school.

“(5) Ensure that family members, local educational agencies, and school staff are equal partners in family engagement in education decisionmaking.

“(6) Collaborate with community organizations and groups to turn the school into a hub of community life.

“(7) Create a continuum of family engagement in education in student learning and development from birth to young adulthood.

“(8) Train and support superintendents, principals, teachers, and specialized instructional support personnel to fully engage families in the education of their children.”

(b) WRITTEN POLICY.—Section 1118(b)(2), as redesignated by subsection (a), is amended—

(1) in subparagraph (C), by striking “subsection (e)” and inserting “subsection (f)”;

(2) in subparagraph (E), by striking “and” after the semicolon;

(3) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(G) participate in evaluations of the effectiveness of family engagement in education strategies and policies; and

“(H) participate in developing recommendations for creating a positive school climate and safe and healthy schools.”.

(c) **RESERVATION.**—Section 1118(b)(3)(A), as redesignated by subsection (a), is amended to read as follows:

“(A) **IN GENERAL.**—Each local educational agency shall reserve not less than 2 percent of its allocation under subpart 2 to carry out this section, except that this subparagraph shall not apply if 2 percent is such agency’s allocation under subpart 2 for the fiscal year for which the determination is made is \$10,000 or less.”.

(d) **DISTRIBUTION.**—Section 1118(b)(3)(C), as redesignated by subsection (a), is amended to read as follows:

“(C) **DISTRIBUTION.**—Not more than 20 percent of the funds reserved under subparagraph (A) shall be available for local educational agency programming and technical assistance to schools served under this part.”.

(e) **RESERVED FUNDS.**—Section 1118(b)(3), as redesignated by subsection (a), is amended—

(1) by redesignating subparagraphs (B) and (c) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

“(B) **USE OF FUNDS.**—Funds reserved under subparagraph (A) may be used for the following:

“(i) Increasing capacity through establishment of a dedicated office or dedicated office or dedicated personnel within the local educational agency or at the school level for family engagement in education.

“(ii) Supporting schools and nonprofit organizations in providing professional development on family engagement in education for school staff, parent leadership training, family literacy and numeracy programs, home visitation programs, family volunteerism programs, and other innovative programs that meaningfully engage families.

“(iii) Providing technical assistance and training to schools on the implementation and assessment of family engagement in education policies and practices.

“(iv) Providing additional support to schools that have been identified for improvement under section 1116(b) to assist in the implementation of family engagement in education coordinators.

“(v) Partnering with the Statewide Family Engagement Center and local community-based organizations to identify community resources, services, and supports to remove economic obstacles to family engagement in education by meeting families’ needs.

“(vi) Supporting schools and eligible entities in the development and implementation of research-based practices and programs that emphasize the importance of family engagement in academic success and positive development by addressing factors such as—

“(I) successful transitions from early learning to kindergarten through grade 12 settings;

“(II) improved understanding of and shared responsibility for student success;

“(III) improved understanding and use of student and school data;

“(IV) open, effective communication between schools and families;

“(V) early warning indicators that a student is at risk of not graduating on time;

“(VI) improved understanding of State and local accountability systems, academic standards and student assessments;

“(VII) parent and community advocacy to increase parent participation;

“(VIII) improved understanding of the parents’ role in academic, social, and financial preparation for postsecondary education, including career and technical education.

“(vii) Assisting schools in the development, implementation, and assessment of family engagement in education plans.

“(viii) Monitoring and evaluating the family engagement in education in education policies and practices funded under this section.

“(ix) Supporting other activities approved in the local educational agency’s plan for improving family engagement in education.”.

(f) **SCHOOL PARENTAL INVOLVEMENT POLICY.**—Section 1118(c)(1), as redesignated by subsection (a), is amended in the first sentence by striking “subsections (c) through (f)” and inserting “subsections (d) through (g)”.

(g) **SHARED RESPONSIBILITY FOR HIGH STUDENT ACHIEVEMENT.**—Section 1118(e), as redesignated by subsection (a), is amended—

(1) in the matter preceding paragraph (1), by striking “subsection (b)” and inserting “subsection (c)”;

(2) by striking paragraph (1) and inserting the following:

“(1) describe the school’s responsibility to—

“(A) provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under this part to meet the State’s student academic achievement standards, and the ways in which parents and families will support their children’s learning, such as—

“(i) monitoring attendance and homework completion;

“(ii) volunteering in their child’s classroom or school; and

“(iii) participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and

“(B) engage families in the development of recommendations for student attendance, expectations, behavior, and school safety, including the development of reasonable disciplinary policies and interventions, such as the implementation of school-wide positive behavior interventions and supports and the phase-out of out-of-school suspension and expulsion and to address bullying and harassment; and”.

#### **SEC. 107. COMPARABLE ALLOCATION OF EXPENDITURES.**

(a) **AMENDMENT.**—Section 1120A(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6321(c)) is amended to read as follows:

“(c) **COMPARABLE ALLOCATION OF EXPENDITURES.**—

“(1) **IN GENERAL.**—

“(A) **COMPARABLE FUNDING.**—Not later than 5 full school years after the date of enactment the Student Success Act, except as provided in paragraphs (5), (6), and (7), a local educational agency may receive funds under this part for a fiscal year only if, for the preceding fiscal year, the combined expenditure per pupil of State and local funds, including personnel and nonpersonnel costs, in each school served under this part was at least comparable to the average combined expenditure per pupil of State and local funds, including personnel and nonpersonnel costs,

across all schools served by the local educational agency that are not receiving funds under this part.

“(B) **COMPARABLE FUNDING AMONG TITLE I SCHOOLS.**—In any case where all of the schools served by a local educational agency receive support under this part, such agency may receive funds under this part only if, for the preceding fiscal year, the combined expenditure per pupil of State and local funds in each higher poverty school is at least comparable to the average combined expenditure per pupil of State and local funds across all lower poverty schools.

“(2) **EQUIVALENCE.**—A local educational agency shall be considered to have met the requirements of paragraph (1), and to be eligible to receive funds under this part, if—

“(A) such agency has filed annually with the State educational agency a school-by-school listing of per-pupil expenditures of State and local funds, as described in paragraph (1), for each school served by the agency for the preceding fiscal year; and

“(B) the listing described in subparagraph (A) demonstrates comparable allocation of per-pupil expenditures across schools as required by subparagraph (A) or (B) of paragraph (1).

“(3) **BASIS.**—A local educational agency may meet the requirements of paragraphs (1) or (2) across all schools or among schools serving a particular grade span, if the local educational agency compares schools within not more than three grade spans.

“(4) **REQUIREMENTS.**—

“(A) **REQUIREMENTS OF THE SECRETARY.**—The Secretary shall issue regulations concerning the responsibilities of State educational agencies and local educational agencies for meeting the requirements of this subsection.

“(B) **REQUIREMENTS OF STATES.**—Each State educational agency receiving funds under this part shall—

“(i) create and distribute to local educational agencies, and make available to the public, regulations on the responsibilities of local educational agencies for meeting the requirements of this subsection; and

“(ii) submit a plan to the Secretary, required under section 1111(d)(1)(B).

“(C) **REQUIREMENTS OF LOCAL EDUCATIONAL AGENCIES.**—Not later than 18 months after the date of enactment of the Student Success Act, each local educational agency receiving funds under this part shall develop and submit to the State educational agency a plan, which shall be made available to the public, that will ensure comparable allocation of resources as described in paragraph (1) not later than 5 full school years after the date of enactment of the Student Success Act, including information on—

“(i) a timeline and annual benchmarks for making progress toward achieving comparable allocation of resources; and

“(ii) how the local educational agency is aligning school improvement efforts described under section 1116(b) and (c), efforts to improve educator supports and working conditions described in section 2112(b)(3), and efforts to improve the equitable distribution of teachers and principals described in section 2112(b)(5), with efforts to improve the comparable allocation of resources as described in this subsection;

“(5) **INAPPLICABILITY.**—This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

“(6) **COMPLIANCE.**—For the purpose of determining compliance with paragraph (1), a local educational agency—

“(A) shall exclude State and local funds expended for the excess costs of providing English language instruction for Limited English Proficient students as determined by the local educational agency;

“(B) shall exclude State and local funds expended for the excess costs of providing services to children with disabilities as determined by the local educational agency;

“(C) may exclude capital expenditures; and

“(D) may exclude supplemental State or local funds expended in any school attendance area or school for programs that meet the intent and purpose of this part.

“(7) **EXCLUSIONS.**—A local educational agency need not include unpredictable or significant changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining the comparable allocation of expenditures under this subsection.

“(8) **TRANSITIONAL COMPLIANCE.**—Beginning on the date of enactment of Student Success Act, for no more than 5 full school years a local educational agency shall be deemed to be in compliance with paragraph (1) and paragraph (4)(C)(i) for any school year, if the teachers hired to fill vacancies for individual schools served under this part, and for the schools not served under this part, improve the comparable allocation of combined State and local per pupil expenditures compared to the preceding school year.

“(9) **WAIVER.**—A local educational agency may apply to the Secretary to waive the requirement of paragraph (1), for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

“(10) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

“(11) **NO FORCED TRANSFERS.**—Nothing in this subsection shall be construed to require a local educational agency to transfer school personnel in order to comply with the requirements of this subsection.”

#### **SEC. 108. COORDINATION REQUIREMENTS.**

Section 1120B of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6321(c)) is amended to read as follows:

##### **“SEC. 1120B. COORDINATION REQUIREMENTS.**

“(a) **IN GENERAL.**—Each local educational agency receiving assistance under this part shall—

“(1) coordinate, as feasible, with early childhood programs to carry out the activities described in subsection (b); and

“(2) develop agreements with Head Start agencies to carry out the activities described in subsection (b).

“(b) **ACTIVITIES.**—The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and a Head Start agency and, if feasible, other entities carrying out early childhood development programs serving children who will attend the schools of the local educational agency, including—

“(1) developing and implementing a systematic procedure for receiving records regarding such children, transferred with parental consent from a Head Start program

or, where applicable, another early childhood development program;

“(2) establishing channels of communication between school staff and in such Head Start agencies or other entities carrying out early their counterparts (including teachers, social workers, and health staff) childhood development programs, as appropriate, to facilitate coordination of programs;

“(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood development programs, to discuss the developmental and other needs of individual children;

“(4) organizing and participating in joint transition-related training of school staff, Head Start program staff, and, where appropriate, other early childhood development program staff; and

“(5) linking the educational services provided by such local educational agency with the services provided by local Head Start agencies.

“(c) **COORDINATION OF REGULATIONS.**—The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this part with regulations promulgated under the Head Start Act.”

#### **SEC. 109. RESERVATION OF FUNDS FOR THE OUTLYING AREAS AND BUREAU OF INDIAN EDUCATION SCHOOLS.**

Section 1121(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331(a)) is amended to read as follows:

##### **“(a) RESERVATION OF FUNDS.—**

“(1) **IN GENERAL.**—From the amount appropriated for payments to States for any fiscal year under section 1002(a) and 1125A(f), the Secretary shall reserve—

“(A) for each fiscal year until the fiscal year described in paragraph (2), a total of 1 percent to provide assistance to—

“(i) the outlying areas in the amount determined in accordance with subsection (b); and

“(ii) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (d); and

“(B) for the fiscal year described in paragraph (2) and each succeeding fiscal year—

“(i) 0.50 percent to provide assistance to the outlying areas in the amount determined in accordance with subsection (b); and

“(ii) 0.75 percent to provide assistance to the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (d).

“(2) **DESCRIPTION OF FISCAL YEAR.**—A fiscal year described in this paragraph is a fiscal year for which the total amount allocated under this part for each State, after reserving funds in accordance with paragraph (1)(B), would be an amount that is not less than the total amount allocated under this part for such State for fiscal year 2014.”

#### **SEC. 110. SUPPORT FOR HIGH-QUALITY ASSESSMENTS.**

(a) **AMENDMENT.**—Part A of title I (20 U.S.C. 6311 et seq.) is amended by adding at the end the following new subpart:

##### **“Subpart 3—Support for High-Quality Assessments**

##### **“SEC. 1131. SUPPORTING COLLEGE AND CAREER READY ASSESSMENTS.**

“From funds made available to carry out this subpart, the Secretary shall make grants to States to enable a State—

“(1) to pay the costs of the development of college and career ready assessments and standards required by section 1111(b), including—

“(A) the costs of working in voluntary partnerships with other States, where applicable;

“(B) developing high-quality science assessments in accordance with section 1111(b)(3);

“(C) if a State uses alternate assessments aligned with alternate achievement standards for students with the most significant cognitive disabilities, improving the quality and rigor of such assessments to meet the requirements of section 1111(b)(3)(E);

“(D) in accordance with section 1111(b)(3)(D), developing native language assessments; and

“(E) improving assessments of English language proficiency necessary to comply with section 1111(b)(3)(F); and

“(2) if a State has developed the assessments and standards required by section 1111(b), to administer those assessments or to carry out other activities described in this subpart and other activities related to ensuring that the State's schools and local educational agencies are held accountable for results, such as—

“(A) developing college and career ready academic content and student achievement standards and aligned assessments that meet the requirements of section 1111(b)(3) in academic subjects for which standards and assessments are not required by section 1111(b);

“(B) ensuring the continued validity and reliability of State assessments, including through evaluating and addressing the predictability of assessment components;

“(C) refining State assessments to ensure their continued alignment with the State's college and career ready content standards and to improve the alignment of curricula and instructional materials;

“(D) developing and implementing formative assessments aligned to the college and career ready standards to support teaching and learning;

“(E) strengthening the capacity of local educational agencies and schools to provide all students the opportunity to increase educational achievement, including carrying out professional development activities to support assessment literacy and help teachers and school leaders effectively use data to improve instruction;

“(F) supporting the accessibility of State assessment systems for all students, including students with disabilities and English learners, by incorporating principles of universal design for learning, as described in section 5429(b)(21);

“(G) expanding the range of accommodations available to English learners and students with disabilities, including professional development activities to increase effective use of accommodations; and

“(H) improving the dissemination of information on student achievement and school performance to parents and the community.

#### **“SEC. 1132. GRANTS FOR HIGH-QUALITY ASSESSMENTS.**

“(a) **GRANT PROGRAM AUTHORIZED.**—From funds made available to carry out this subpart, the Secretary shall award, on a competitive basis, grants to State educational agencies that have submitted an application at such time, in such manner, and containing such information as the Secretary may require, which demonstrate to the satisfaction of the Secretary, that the requirements of this section will be met, for the following:

“(1) To enable States or consortia of States to collaborate with institutions of higher education, other research institutions, or other organizations to improve the quality,

accessibility, validity, and reliability of college and career ready assessments described in section 1111(b)(3).

“(2) To measure student academic achievement including the ability to think critically, solve problems, and communicate effectively, for, at a minimum, the grade in which the student is enrolled using multiple measures of student academic achievement from multiple sources.

“(3) To measure student growth over time.

“(4) To evaluate student academic achievement through the development of comprehensive academic assessment instruments, such as performance and technology-based academic assessments.

“(b) APPLICATION.—Each State educational agency wishing to apply for funds under this section shall include in its State plan under this part such information as the Secretary may require.

“(c) ANNUAL REPORT.—Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing its activities, and the result of those activities, under the grant.

**“SEC. 1133. COMPETENCY-BASED ASSESSMENT AND ACCOUNTABILITY DEMONSTRATION AUTHORITY.**

“(a) DEFINITIONS.—In this part:

“(1) COLLEGE AND CAREER READY STANDARDS.—The term ‘college and career ready standards’ means the academic content and student academic achievement standards adopted by a State under section 1111(b).

“(2) COMPETENCY.—The term ‘competency’ means a target for student learning representing key content-specific concepts and higher order skills, such as critical thinking, problem solving, and self directed learning that is—

“(A) applied within or across content domains; and

“(B) aligned with college and career ready content standards as described in section 1111(b).

“(3) CORE INDICATORS.—The term ‘core indicators’ means—

“(A) State academic assessments that meet the requirements of section 1111(b)(3) and that provide data that can be compared with data regarding the State academic assessments required under section 1111(b)(3); and

“(B) graduation rates.

“(4) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State educational agency or consortium of State educational agencies.

“(5) MASTERY.—The term ‘mastery’ means a level of knowledge or skill development demonstrated by a student signifying that the student has met a standard and is prepared to progress to a subsequent standard.

“(6) PERFORMANCE ASSESSMENT.—The term ‘performance assessment’ means a multi-step assessment that—

“(A) includes complex activities with clear criteria, expectations, and processes that enable students to interact with meaningful content; and

“(B) measures the depth at which students learn content and apply complex skills to create or refine an original product or solution.

“(b) DEMONSTRATION AUTHORITY.—

“(1) IN GENERAL.—The Secretary may provide eligible entities, in accordance with paragraph (3), with the authority to incorporate competency-based accountability into the State accountability system required under section 1111(c) in accordance with an application approved under subsection (c).

“(2) DEMONSTRATION PERIOD.—Each award of demonstration authority under this part shall be for a period of 3 years.

“(3) INITIAL DEMONSTRATION AUTHORITY; EXPANSION; RENEWAL.—

“(A) INITIAL LIMIT.—During the initial 3-year period of demonstration authority under this section, the Secretary may not provide more than 3 eligible entities with the authority described in paragraph (1).

“(B) EXPANSION OF DEMONSTRATION AUTHORITY.—After the end of the initial demonstration period described in subparagraph (A), the Secretary may provide additional eligible entities with demonstration authority described in paragraph (1), subject to each of the requirements of this part as applicable, if the Secretary determines that the demonstration authority provided under this part during the initial demonstration period has effectively supported student progress on core indicators among students served by the eligible entities, including subgroups of students described in section 1111(c)(3)(A).

“(C) RENEWAL REQUIREMENTS.—The Secretary may renew an award of demonstration authority under this part for additional 2-year periods if the eligible entity demonstrates progress on core indicators.

“(c) APPLICATIONS.—To be eligible to participate in the demonstration under this part, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, that describes the competency-based accountability system that will be used by the eligible entity, including—

“(1) an assurance that the competency-based accountability system will only utilize summative assessments for accountability purposes that—

“(A) are determined by the Secretary to provide comparable data across the eligible entity, demonstrate inter-rater reliability, and meet the requirements for assessments described in section 1111(b)(3);

“(B) have been field-tested;

“(C) are aligned to college and career ready standards and State-approved competencies;

“(D) have been developed in collaboration with stakeholders representing the interests of students with disabilities, English learners, and civil rights organizations in the State, as demonstrated through modifications made to the assessments resulting from such collaboration; and

“(E) incorporate the principles of universal design as defined in section 3(a) of the Assistive Technology Act of 1998 (29 U.S.C. 3002(a));

“(2) how the competency-based accountability system will—

“(A) incorporate a system of formative, interim, and summative assessments, including the use of performance assessments and other sources of evidence of student learning that determine mastery of State-approved competencies aligned to college and career ready standards and competencies;

“(B) allow students to demonstrate progress toward mastery of such standards and State-approved competencies;

“(C) assess mastery of State-approved competencies when students are ready to demonstrate mastery of such standards and competencies;

“(D) provide students with multiple opportunities to demonstrate mastery of such standards and competencies;

“(E) ensure that summative assessments comply with the requirements for academic assessments, as described in section 1111(b)(3), while engaging and supporting teachers in scoring assessments, including the use of high quality professional develop-

ment, standardized and calibrated scoring rubrics, and other strategies to ensure inter-rater reliability and comparability of determinations of mastery across the State;

“(F) provide educators, students, and parents with real-time data to inform instructional practice and continuously improve student performance;

“(G) be used in conjunction with the accountability requirements described in section 1111(c) and section 1116 to improve the academic outcomes of persistently low-achieving schools and schools in need of improvement identified under section 1116, and all other schools that fail to meet the school performance targets, established in accordance with section 1111(c)(2), for any subgroup described in section 1111(c)(3)(A);

“(H) require not less than 1 year of academic growth within a school year for each student and assure instructional support and targeted intervention are in place for those students performing below their peers; and

“(I) only utilize a student’s individualized education program, as defined in section 602 of the Individuals with Disabilities Education Act, for purposes specifically allowed under such Act;

“(3) the eligible entity’s plan to—

“(A) ensure that all students, including each student subgroup described in section 1111(c)(3)(A)—

“(i) are held to the same high standard;

“(ii) demonstrate annually, at a minimum, at least 1 year of academic growth consistent with the requirement in section 1111(b)(4)(E); and

“(iii) receive the instructional support needed to attain mastery of college and career ready standards and State-approved competencies;

“(B) train local educational agency and school staff to implement the assessments described in paragraph (2)(A);

“(C) acclimate students to the new assessment and accountability systems; and

“(D) ensure that each local educational agency has the technological infrastructure to operate the competency-based accountability system described in this section; and

“(4) a description of how instruction and professional development will be enhanced within the competency-based system to personalize the educational experience for each student to ensure all students graduate college and career ready, as determined in accordance with State academic achievement standards under section 1111(b).

“(d) PEER REVIEW.—The Secretary shall—

“(1) implement a peer review process, which shall include a review team comprised of practitioners and experts who are knowledgeable about competency-based learning systems, to inform the awarding of the demonstration authority under this part; and

“(2) make publicly available the applications submitted under subsection (c) and the peer comments and recommendations on such applications.

“(e) DEMONSTRATION AUTHORITY WITHDRAWN.—The Secretary may withdraw the demonstration authority provided to an eligible entity under this part if—

“(1) at any point after the first 2 years of the 3-year demonstration period described in subsection (b)(2), the Secretary determines that student performance for all students served by the eligible entity or any student subgroup described under section 1111(c)(3)(A) has declined on core indicators; or

“(2) after providing a State with a renewal of demonstration authority under subsection (b)(3), the Secretary makes a determination

that student performance has declined on core indicators for all students or any student subgroup described under section 1111(c)(3)(A) for 2 consecutive years during the State's participation in the demonstration under this part.

“(f) DISSEMINATION OF BEST PRACTICES.—The Secretary shall disseminate best practices on the implementation of competency-based accountability systems, including on—

“(1) the effective use of formative, interim, and summative assessments to inform instruction;

“(2) the development of summative assessments that meet the requirements of section 1111(b)(3), can be compared with the State assessments required under section 1111(b)(3), and include assessment tasks that determine mastery of State-approved competencies aligned to college and career ready standards; and

“(3) the development of standardized and calibrated scoring rubrics, and other strategies to ensure inter-rater reliability and comparability of determinations of mastery across the State.

#### “SEC. 1134. FUNDING.

“(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated \$500,000,000 for fiscal year 2014, and such sums as may be necessary for each of the 5 succeeding fiscal years.

“(b) ALLOTMENT OF APPROPRIATED FUNDS.—

“(1) IN GENERAL.—From amounts made available for each fiscal year under subsection (a), the Secretary shall—

“(A) reserve one-half of 1 percent for the Bureau of Indian Affairs;

“(B) reserve one-half of 1 percent for the outlying areas; and

“(C) from the remainder, allocate to each State an amount equal to—

“(i) \$3,000,000; and

“(ii) with respect to any amounts remaining after the allocation is made under clause (i), an amount that bears the same relationship to such total remaining amounts as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

“(2) REMAINDER.—Any amounts remaining for a fiscal year after the Secretary carries out paragraph (1) shall be made available as follows:

“(A)(i) To award funds under sections 1132 and 1133 to States according to the quality, needs, and scope of the State application under that section.

“(ii) In determining the grant amount under clause (i), the Secretary shall ensure that a State's grant shall include an amount that bears the same relationship to the total funds available under this paragraph for the fiscal year as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

“(B) Any amounts remaining after the Secretary awards funds under subparagraph (A) shall be allocated to each State that did not receive a grant under such subparagraph, in an amount that bears the same relationship to the total funds available under this subparagraph as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

#### “SEC. 1135. STATE DEFINED.

“In this section, the term ‘State’ means each of the 50 States, the District of Colum-

bia, and the Commonwealth of Puerto Rico.”.

(b) CONFORMING AMENDMENT.—Subpart 1 of part A of title VI (20 U.S.C. 7301 et seq.) is repealed.

### TITLE II—TEACHERS AND LEADERS

#### SEC. 201. GREAT TEACHERS AND LEADERS.

Title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

#### “TITLE II—GREAT TEACHERS AND LEADERS

##### “SEC. 2001. PURPOSE.

“The purpose of this title is to help States and local educational agencies support teachers and school leaders to improve student achievement for all students, including English learners and students with disabilities, by—

“(1) promoting and enhancing the teaching profession;

“(2) supporting the development of effective of teachers and school leaders;

“(3) recruiting, rewarding, and retaining effective teachers and other school leaders and fostering excellent instructional teams, especially in high-need local educational agencies, schools, fields, and subjects;

“(4) providing teachers with the knowledge, skills, data, support, and collaborative opportunities needed to be effective in the classroom and to the meet the diverse learning needs of their students;

“(5) providing all students with access to effective teachers and school leaders; and

“(6) improving the management of the education workforce in States and local educational agencies.

##### “SEC. 2002. DEFINITIONS.

“In this title:

“(1) CAREER LADDERS.—The term ‘career ladders’ means promotion and professional growth opportunities, beyond moving into administration, for teachers who have been rated as at least effective by a teacher evaluation system that meets the requirements of section 2112(b)(1), including teacher leaders, instructional or curriculum specialists, and teacher mentors, who help improve teaching and learning in a school or local educational agency.

“(2) HIGH-NEED FIELD.—The term ‘high-need field’ refers to the fields of special education, bilingual education, and English language acquisition.

“(3) HIGH-NEED SUBJECT.—The term ‘high-need subject’ means mathematics, science, and any other content area—

“(A) that is designated by a State educational agency or the Secretary as a teacher shortage area; or

“(B) with respect to which a local educational agency determines, based on the needs assessment required under section 2122(a)(2), that, in the schools or a subset of schools of the agency, there is a shortage of teachers who have been rated by a State-approved teacher and principal evaluation that meets the requirements of section 2112(b)(1) as at least effective.

“(4) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ‘high-need local educational agency’ means a local educational agency—

“(A)(i) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

“(ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

“(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

“(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

“(5) QUALIFIED TEACHER.—The term ‘qualified teacher’ means a teacher who meets the minimum qualifications to teach in a State and—

“(A) when used with respect to a middle school or high school teacher who is entering the profession in a State for the first time, means that the teacher—

“(i) holds at least a bachelor's degree;

“(ii) has demonstrated to the State, content knowledge in the content area that the teacher will teach as determined—

“(I) by passing a rigorous State assessment; or

“(II) by successful completion of an academic major, a graduate degree, or coursework equivalent to an undergraduate academic major in the content area that the teacher will teach;

“(iii) if required by the State to demonstrate teaching skills by passing a State teacher performance assessment, has passed such assessment;

“(iv) has successfully completed a traditional or alternative teacher preparation program; and

“(v) at the State's discretion, may be enrolled in an alternative teacher preparation program, and—

“(I) be on track to successful completion of such program; and

“(II) be supervised by a mentor teacher who has been consistently rated in the highest rating categories by a teacher evaluation system that meets the requirements of section 2112(b)(1);

“(B) when used with respect to an elementary school teacher who is entering the profession in a State for the first time, means that the teacher—

“(i) holds at least a bachelor's degree;

“(ii) has demonstrated to the State, content knowledge and teaching skills in reading, writing, mathematics, science, and other areas of the elementary school curriculum—

“(I) by passing a rigorous passing a rigorous State assessment or State-required test in reading, writing, mathematics, science, and other areas of the basic elementary school curriculum; or

“(II) by successful completion of an academic major, a graduate degree, or coursework equivalent to an undergraduate academic major in the content areas that the teacher will teach;

“(iii) if required by the State to demonstrate teaching skills by passing a State teacher performance assessment, has passed such assessment;

“(iv) has successfully completed a traditional or alternative teacher preparation program;

“(v) at the State's discretion, may be enrolled in an alternative teacher preparation program; and

“(I) be on track to successful completion of such program; and

“(II) be supervised by a mentor teacher who has been consistently rated in the highest rating categories by a teacher evaluation system that meets the requirements of section 2112(b)(1); and

“(C) means any teacher who is highly qualified as defined in section 9101(23) or section 602(10) of the Individuals with Disabilities Education Act, as such section was in effect on the day before the date of enactment of the Student Success Act.

“(6) INDUCTION.—The term ‘induction’ means a program for new teachers and new

principals, as appropriate, during at least their first 2 years of practice, that is designed to increase effectiveness and retention of new teachers and new principals, and that includes—

“(A) high-quality mentoring;

“(B) development of skills and knowledge in areas needed for new teachers, including, content knowledge and pedagogy, instructional strategies for teaching students with diverse learning needs, classroom management (including strategies that improve the school-wide climate for learning, which may include positive behavioral interventions and supports), formative assessment of student learning, and the analysis and use of student assessment data to improve instruction;

“(C) frequent, structured time for collaboration and professional development with teachers and principals in the same field, grade, or subject area, and opportunities to draw directly on the expertise of other school and local educational agency staff, staff of high-performing pathways, and other organizations that provide high-quality induction supports;

“(D) regular and structured observation and feedback by mentors, school leaders, or teachers who have been consistently rated in the highest rating categories by a teacher evaluation system that meets the requirements of section 2112(b)(1); and

“(E) where feasible, team teaching, reduced teaching load and activities designed to ensure that teachers have appropriate teaching tools and instructional materials for their classroom.

“(7) MENTORING.—The term ‘mentoring’ means the mentoring of new teachers and principals, as appropriate, so as to increase the effectiveness and retention of those teachers and principals through a program that—

“(A) includes clear criteria for the selection of teacher and principal mentors that take into account a candidate’s effectiveness as a teacher or principals and that individuals ability to facilitate adult learning;

“(B) provides high-quality training for the mentors on how to support new teachers and principals effectively;

“(C) provides regularly scheduled time for collaboration and for examination of student work and achievement data, and on-going opportunities for mentors and mentees to observe each other’s practice; and

“(D) matches, when possible, each mentee with a mentor who is in the same field, grade, or subject area as the mentee.

“(8) PROFESSIONAL DEVELOPMENT.—The term ‘professional development’ means coordinated and aligned activities with evidence of increasing effectiveness of educators, which may include teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and other school staff that—

“(A) fosters collective responsibility for improved student performance;

“(B) is comprised of professional learning that—

“(i) aligns with State academic content and achievement standards and early learning standards, as appropriate, with local educational agency and school improvement goals and plans, including those identified under section 1116, and with school instructional materials;

“(ii) is aligned to a State-approved teacher and principal evaluation system that meets the requirements of section 2112(b)(1);

“(iii) is conducted among educators at the school and facilitated by trained school prin-

cipals and school-based professional development coaches, mentors, master teachers, or other teacher leaders;

“(iv) supports family engagement in their children’s education;

“(v) primarily occurs frequently and during significant blocks of time among established teams of teachers, principals, and other instructional staff members where the teams of educators engage in a continuous cycle of improvement that—

“(I) defines a clear set of educator learning goals based on the rigorous analysis of data and individual evaluations under section 2112(b)(1) and improves content knowledge, pedagogical skills, and the ability to analyze and use data;

“(II) achieves the educator learning goals based identified under subclause (I) by implementing coherent, sustained, and evidence-based learning strategies, such as lesson study and the development of formative assessments, that improve instructional effectiveness and student achievement;

“(III) provides job-embedded coaching or other forms of assistance to support the transfer of new knowledge and skills to the classroom;

“(IV) regularly assesses the effectiveness of the professional development in achieving identified learning goals, improving teaching, and assisting all students in meeting challenging State academic achievement standards;

“(V) informs ongoing improvements in teaching and student learning;

“(VI) may support joint professional development activities for school staff and early childhood educators that address the transition to elementary school, including issues related to school readiness across all major domains of early learning; and

“(VII) may be supported by external assistance with relevant expertise, including content expertise; and

“(C) may be supplemented by activities such as courses, workshops, institutes, networks, and conferences that—

“(i) address the learning goals and objectives established for professional development by educators at the school level;

“(ii) advance the ongoing school-based professional development; and

“(iii) are provided for by for-profit and non-profit entities outside the school such as universities, education service agencies, technical assistance providers, networks of content-area specialists, and other education organizations and associations.

“(9) SCHOOL LEADER.—The term ‘school leader’ means a principal, an assistant principal, or an individual who is—

“(A) is and employee or officer of a school; and

“(B) is responsible for the managerial operations and instructional leadership of that school.

“(10) SCHOOL LEADERSHIP TEAM.—The term ‘school leadership team’ means a group that includes the principal, other school leaders, and teachers at a school who work together to develop school plans or goals for the school.

“(11) STATE TEACHER PERFORMANCE ASSESSMENT.—The term ‘State-teacher performance assessment’ means a rigorous assessment used to measure teacher performance that is developed and approved in collaboration with teachers, and administered by the State and—

“(A) is based on professional teaching standards;

“(B) are aligned to State academic content and achievement and early learning standards;

“(C) is used to document the effectiveness of a teacher’s—

“(i) curriculum planning;

“(ii) instruction of students, including appropriate supports for students who are English learners and students who are children with disabilities; and

“(iii) assessment of students, including analysis of evidence of student learning;

“(D) is validated based on professional assessment standards;

“(E) is regularly monitored to ensure the quality, reliability, validity, fairness, consistency, and objectivity of the evaluators’ determinations;

“(F) is reliably scored by trained evaluators with appropriate oversight of the process to ensure consistency; and

“(G) the results of which are used to support continuous improvement of educator practice.

“(12) TEACHING RESIDENCY PROGRAM.—The term ‘teaching residency program’ means a school-based teacher preparation program in which a prospective teacher—

“(A) teaches alongside a mentor teacher, who is the teacher of record, for at least one year;

“(B) receives concurrent instruction in the teaching of the content area in which the teacher will become certified or licensed;

“(C) receives concurrent instruction in effective teaching skills; and

“(D) attains full State teacher certification or licensure, and becomes qualified prior to, or upon, completion of the program.

“(13) EVIDENCE OF CLASSROOM PRACTICE.—The term ‘evidence of classroom practice’ means evidence gathered through multiple formats and from multiple sources that demonstrate effective teaching skills and—

“(A) shall include—

“(i) multiple classroom observations based on rigorous teacher performance standards or rubrics and conducted by trained personnel consistent with section 2112(b)(1);

“(ii) information on the teacher’s successful use of data to improve instruction and raise student achievement;

“(iii) student work, lesson plans, feedback provided to students and teacher developed classroom assessments;

“(iv) demonstration of professional responsibility; and

“(B) may include, but which shall have a weight that is less than the weight assigned to the requirements described in subparagraph (A)—

“(i) videos of teacher practice;

“(ii) teacher portfolios; and

“(iii) parent, student, and peer feedback.

“(14) EVIDENCE OF SCHOOL LEADERSHIP.—The term ‘evidence of school leadership’ means evidence gathered through multiple formats and from multiple sources that shall include an evaluation of—

“(A) data on student learning gains, including evidence of student learning;

“(B) gains in student achievement, including passage of required exams for course progression, credit accumulation, completion of promotion standards, and graduation rates;

“(C) increases in student attendance rates;

“(D) percentage of effective teachers on staff;

“(E) retention rates of effective teachers rated by a teacher evaluation that meets the requirements of section 2112(b)(1) to those teachers rated below effective by such an evaluation;

“(F) evidence of successful use of teacher evaluation and alignment to effective professional development, including support for teachers to improve effectiveness status;

“(G) demonstration of instructional leadership, including use of data and assessment to inform decision-making;

“(H) improvement of teacher effectiveness of teachers in the school;

“(I) demonstration of effective fiscal management, where applicable;

“(J) evidence of effective community and parent engagement;

“(K) improved teacher attendance rates;

“(L) establishment of learning communities where principals and teachers—

“(i) share a school mission and goals with an explicit vision of quality teaching and learning that guides all instructional decisions;

“(ii) commit to improving student outcomes and performances;

“(iii) set a continuous cycle of collective inquiry and improvement;

“(iv) foster a culture of collaboration where teachers and principals work together on a regular basis to analyze and improve teaching and learning; and

“(v) support and share leadership; and

“(M) develop and maintain a positive school culture where students, teachers and other staff are motivated to collaborate and work together to achieve goals.

“(15) EVIDENCE OF STUDENT LEARNING.—The term ‘evidence of student learning’ means data that shall be based on multiple, valid and reliable indicators of student academic growth towards State content and achievement standards, which shall be based significantly on—

“(A) student learning gains on the State student academic assessments under section 1111(c) and, for grades and subjects not covered by the State’s student academic assessments, another valid and reliable assessment of student academic achievement, as long as the assessment is used consistently by the local educational agency for the grade or class for which the assessment is administered; and

“(B) other evidence of student learning that is comparable across schools within an local educational agency such as—

“(i) formative and summative assessments;

“(ii) objective performance-based assessments; and

“(iii) representative samples of student work, including progress towards performance standards and evidence of student growth.

“(16) MENTOR PRINCIPAL.—The term ‘mentor principal’ means an individual with—

“(A) Strong instructional leadership skills in an elementary school or secondary school setting;

“(B) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate assessments; and

“(C) Knowledge and skills to—

“(i) establish and maintain a professional learning community that effectively utilizes data to improve the school culture and personalize instruction to increase student achievement;

“(ii) create and maintain a learning culture within the school that provides a climate conducive to the development of all members of the school community, including one of continuous learning for adults tied to student learning and other school goals;

“(iii) engage in continuous professional development, utilizing a combination of academic study, developmental simulation exercises, self-reflection, mentorship and internship;

“(iv) understand youth development appropriate to the age level served by the school

and from this knowledge sets high expectations and standards for the academic, social, emotional and physical development of all students; and

“(v) actively engage the community to create shared responsibility for student academic performance and successful development.

#### “PART A—EFFECTIVE TEACHER AND LEADER STATE GRANTS

##### “SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated \$3,500,000,000 for fiscal year 2014, and such sums as may be necessary for each of the 5 succeeding fiscal years, to carry out this part.

##### “Subpart 1—Grants to States

##### “SEC. 2111. ALLOCATIONS TO STATES.

“(a) RESERVATIONS.—From the amounts made available under section 2101 for this subpart for each fiscal year, the Secretary shall reserve—

“(1) one-half of one percent for the outlying areas, to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary, for activities consistent with the purposes of this title;

“(2) one-half of one percent for the Secretary of the Interior, for activities, consistent with the purposes of this title described in section 2001, in schools operated by or funded by the Bureau of Indian Education; and

“(3) one-half of one percent for a competitive grant program to encourage consortia of States to develop instructional supports aligned to new college- and career-ready standards that are made widely available to all States and local educational agencies.

“(b) ALLOTMENTS TO STATES, REDUCTIONS.—

“(1) IN GENERAL.—From the amounts made available under section 2101 for this subpart for each fiscal year that remain after the Secretary reserves funds under subsection (a) of this section, the Secretary shall allot to each State with an approved application under section 2112 the sum of—

“(A) an amount that bears the same relationship to 35 percent of the remaining amount as the number of individuals age five through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

“(B) an amount that bears the same relationship to 65 percent of the remaining amount as the number of individuals age five through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

“(2) FISCAL YEAR 2014.—Notwithstanding paragraph (1), for fiscal year 2014, no State shall receive less than 90 percent of the State’s allocation under this part for fiscal year 2013, as such part was in effect on the day before the date of enactment of the Student Success Act.

“(3) SUCCEEDING FISCAL YEARS.—Notwithstanding paragraph (1), for fiscal year 2014 and each succeeding fiscal year, no State shall receive an allotment under paragraph (1) that is less than 90 percent of the State’s allotment under such paragraph for the preceding fiscal year.

“(c) RATABLE REDUCTIONS.—If the funds made available to carry out paragraph (1) of

subsection (b) are insufficient to pay the full amounts that all States are eligible to receive under subparagraph (2) or (3) of such subsection for any fiscal year, the Secretary shall ratably reduce each such amount for such fiscal year.

“(d) REALLOTMENTS.—If any State does not apply for an allotment under this section, or has its application disapproved by the Secretary, the Secretary shall reallocate the amount of that State’s allotment to the remaining States that have approved applications in accordance with this subpart.

##### “SEC. 2112. STATE APPLICATIONS.

“(a) IN GENERAL.—For a State to be eligible to receive a grant under this part, the State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The Secretary shall provide the State educational agency with the opportunity to apply for funds under this part and part B through a consolidated application.

“(b) CONTENTS.—Each application submitted under this section shall include the following—

“(1) a description of how, within 3 years of the date of enactment of the Student Success Act, each local educational agency in the State that receives a subgrant under subpart 2 shall implement either a State model teacher and principal evaluation system or a State-approved teacher and principal evaluation system that, at a minimum—

“(A) is designed primarily to—

“(i) increase student learning and improve instruction for students;

“(ii) inform professional development for teachers and principals and support interventions for students; and

“(iii) using the results of a teacher’s or principal’s evaluation, provide on-going and timely, individual and meaningful feedback, and substantive support to the teacher or principal;

“(B) is developed, implemented, and adopted in collaboration with teachers, principals, and other education stakeholders and through the State or local process for determining terms and conditions of employment in the State or local educational agency;

“(C) includes—

“(i) meaningful weight on multiple measures of teacher and principal performance, including—

“(I) in the case of teachers, evidence of classroom practice; and

“(II) in the case of principals, evidence of school leadership;

“(ii) meaningful weight on evidence of student learning;

“(iii) meaningful weight on contributions to student growth including higher order thinking skills, citizenship, and social and emotional development; and

“(iv) differentiated levels of teacher and principal performance that are clearly articulated using not less than 3 rating categories, which are aligned with the State’s standards and criteria for defining each of the rating categories required;

“(D) provides results that are comparable and consistent across all teachers and principals within a local educational agency consistent with section 2301, including using standards and rubrics for conducting evaluations (including for the information in described in subparagraph (C)) that reflect the ages and grades being taught and consistent within individual grade levels and subject areas in each local educational agency;

“(E) evaluates, annually, each teacher and principal in the local educational agency and



takes into consideration the experience and performance level of the teacher or principal;

“(F) uses evaluation results to inform—

“(i) professional improvement plans for teachers and principals, which shall be developed in collaboration with teachers and principals, that are appropriate to the level of the individual being evaluated, including support and timelines to carry out each plan;

“(ii) comprehensive support, mentoring, interventions and timelines to carry out each plan; and

“(iii) personnel decisions; and

“(G) establishes appropriate training for evaluators and staff being evaluated including—

“(i) a clear articulation of the evaluation system and the process, systems, ratings, and the implications of the results provided to teachers and principals;

“(ii) how the system provides teachers and principals the opportunity and assistance to improve consistent with subparagraph (F)(i); and

“(iii) how to identify working conditions that affect teaching and learning, such as facilities and resources, and school climate and safety, and isolating educator impact on student outcomes from these factors;

“(2) a description of how the State educational agency will ensure that within 4 years of the date of enactment of the Student Success Act, each local educational agency in the State that receives a subgrant under subpart 2 makes public the results of the evaluation system described in paragraph (1), in accordance with the accountability requirements of subpart 4;

“(3) a description of how, within 2 years of the date of enactment of the Student Success Act, each local educational agency in the State that receives a subgrant under subpart 2 shall conduct an annual assessment of educator support and working conditions that—

“(A) evaluates supports for teachers, leaders, and other school personnel, such as—

“(i) teacher and principal perceptions of availability of high-quality professional development and instructional materials and opportunities for collaboration;

“(ii) timely availability of data on student academic achievement and growth;

“(iii) the presence of high-quality instructional leadership; and

“(iv) opportunities for professional growth such as career ladders and mentoring and induction programs;

“(B) evaluates working conditions for teachers, leaders and other school personnel, such as—

“(i) school climate;

“(ii) school safety;

“(iii) class size;

“(iv) availability and use of common planning time and opportunities to collaborate; and

“(v) community engagement;

“(C) is developed with for teachers, leaders and other school personnel, parents, students, and the community;

“(D) develops and implements an plan with the groups described in subparagraph (C) and with, at a minimum, annual benchmarks to address the results of the assessment carried described in this paragraph; and

“(E) publicly reports on the results of the evaluations described in subparagraph (A) and (B) and the plan described in subparagraph (C);

“(4) a description of the educator supports the State has developed to assist in the implementation of new college- and career-

ready standards, including the State's plan for making those supports available to its local educational agencies and for prioritizing the introduction of those supports, in conjunction with the appropriate local educational agency, into the State's lowest performing schools;

“(5) a description of how a State will develop and implement a plan for the equitable distribution of teachers and principals that—

“(A) ensures teachers and principals who have been rated in the lowest rating categories, as such categories are defined by the State under the State-approved teacher and principal evaluation system under paragraph (1)(C)(iii), within each local educational agency and among the local educational agencies within the State, so that low-income and minority students are not taught at higher rates than are other students by teachers not deemed qualified and who are rated in the lowest evaluation rating categories or assigned to schools administered by principals who have been rated in the lowest evaluation rating categories at higher rates than other students;

“(B) includes—

“(i) percentage of teachers by evaluation rating category for schools in the top quartile of poverty against the schools in the bottom quartile of poverty;

“(ii) percentage of teachers by evaluation rating category for schools in the top quartile in percentage of minority students against the bottom quartile of percentage of minority students;

“(iii) specific and measurable goals and strategies to close gaps identified in the plan; and

“(C) before the teacher and principal evaluation system is established under this part, uses a combined measure of indicators such as a composite to carry out the plan described in this paragraph—

“(i) shall include—

“(I) the percentage of first year teachers; and

“(II) the percentage of qualified teachers; and

“(ii) may include—

“(I) with respect middle schools and high schools, the percentage of core academic courses taught by teachers who have met State licensure requirements for such courses;

“(II) the percentage of teachers whose licensure exam scores fall one standard deviation above passing score of teachers within the State;

“(III) the percent of teachers with more than 10 absences over the course of the school year; and

“(IV) the percentage of teachers hired after the first day of school;

“(6) the State definition of teacher-of-record, how local educational agencies report to the State on the teacher-of-record, and how the definition is used, including for evaluation, compensation, teacher preparation evaluation, and to ensure equitable distribution of effective and highly effective teachers;

“(7) a description of how the State will establish and maintain a data system that within 3 years after the date of enactment of the Student Success Act—

“(A) supports data sharing among local educational agencies and a teacher and leader preparation program described in section 200(6)(A)(IV) of the Higher Education Act of 1965, as amended by section 202 of the Student Success Act, on the program's graduates' students' achievement and growth, including on the information provided in the evidence of student learning definition; and

“(B) publically reports the percentage of teachers and leaders in each rating category, as defined by the State in paragraph (1)(C)(iii), by preparation program;

“(8) a description of the State's plan to—

“(A) implement the plan within the required timelines, including annual benchmarks for implementation; and

“(B) report annually to the Secretary on its progress implementing the plan and meeting annual benchmarks outlined under subparagraph (A);

“(9) the State's definition of, or standards and criteria for—

“(A) a qualified teacher;

“(B) each rating category under paragraph (1)(C)(iii); and

“(C) additional definitions related to the requirements under the teacher and principal evaluation system under paragraph (1);

“(10) a description of how the State will, on a regular basis, evaluate how well the results of local educational agency's teacher and principal evaluation systems align with the results produced by the state's statewide measure of evidence of student learning;

“(11) a description of any performance measures in addition to those described in subpart 4 that the State will use to measure the performance of the State and of each local educational agency that receives a subgrant under subpart 2; and

“(12) a description of how the State will carry out the activities outlined in section 2113.

“(c) COMPLIANCE AND DISAPPROVAL.—If the Secretary finds that a State's application does not comply in whole or in part with the requirements of this subpart, the Secretary shall—

“(1) notify the State regarding the specific provisions in the application that do not comply with the requirements of this subpart;

“(2) request any additional information needed to determine whether the application will comply with the requirements of this subpart; and

“(3) before disapproving the application, give the State notice and an opportunity for a hearing.

#### “SEC. 2113. STATE USES OF FUNDS.

“(a) IN GENERAL.—A State that receives a grant under this subpart shall use—

“(1) 90 percent of the grant funds to award subgrants under subpart 2 to local educational agencies with approved applications under section 2122;

“(2) not more than 5 percent of the grant funds, to plan and administer the activities of the State under this subpart, including the awarding of the subgrants under subpart 2 and the monitoring and enforcement of the requirements for the subgrants, including—

“(A) developing model teacher and principal evaluation systems that local educational agencies could adopt at their discretion;

“(B) implementing the plan for equitable distribution described in section 2112(b)(5);

“(C) reviewing the teacher and principal evaluation system that meets the requirements of section 2112(b)(1) used by each local educational agency in the State, including—

“(i) providing technical assistance to local educational agencies on the development and implementation of such system;

“(ii) the role of teachers, school leaders, and other school personnel in the development and implementation of such system;

“(iii) opportunities for teachers and principals to provide feedback on the quality and usefulness of such system; and

“(iv) evaluating the reliability of such systems; and

“(D) reviewing the assessment of educator support and working conditions described in section 2112(b)(3), including—

“(i) how the assessment was conducted; “(ii) how the plan was developed; and “(iii) implementation of the associated improvement plan described in subparagraph (D) of section 2112(b)(3);

“(3) developing, based on the assessment described in section 2112(b)(3), educator supports to assist with the implementation of new college- and career-ready standards, particularly in the State’s lowest performing schools;

“(4) at least 2 percent of the grant funds to—

“(A) develop, with appropriate stakeholders, a State plan, based on an analysis of relevant data (including data on projected workforce needs), to—

“(i) improve the effectiveness principals and, at the State’s discretion, other school leaders; and

“(ii) ensure the equitable distribution of principals consistent with section 2112(b)(5);

“(B) implement activities to carry out the State plan, which may include such activities as—

“(i) developing, periodically reviewing, and revising State policies and standards related to principals and, at the State’s discretion, other school leaders so that those policies and standards—

“(I) reflect the best practices identified in schools with effective principals;

“(II) focus on raising student achievement in subjects that contribute to a well-rounded education, especially in high-need and low-performing schools and among the lowest-performing subgroups in the State, and on improving teacher effectiveness; and

“(III) are designed to improve preparation, certification or licensure, and evaluation for all principals, including those in high-need and low-performing schools; and

“(C) activities designed to recruit, support, and retain effective and highly effective principals for high-need and low-performing schools, such as—

“(i) strengthening principal preparation programs to ensure that they are highly selective include in-depth residency for at least one-year or field-based experience in a high-need or low-performing school, and provide induction or other support for at least the first year of a principal’s service, including coaching from a mentor principal in instructional leadership and organizational management;

“(ii) provide training in school and personnel management, including management of the organization, staff and resources, developing a school climate and instructional program, developing effective relationships with community and parents, and using student-level and school level-data to inform decision-making;

“(iii) training on child development, improving instruction and closing achievement gaps;

“(iv) providing compensation incentives to attract, retain, and reward effective principals and other school leaders for high-need and low-performing schools;

“(v) developing teacher career ladders with a performance-based selection process that distribute school leadership responsibilities and develop a pipeline of individuals who gain the experience necessary to become an effective principal; and

“(vi) activities to improve the effectiveness of school superintendents, principal supervisors, human resources directors, and other local educational agency managers; and

“(5) use any remaining funds reserved at the State level to—

“(A) carry out any other activities designed to help the State make progress toward carrying out the purposes of this title and showing improvement on the performance measures described in subpart 4 and any additional measures described in the State’s application, including activities designed to—

“(i) align the State’s professional teaching standards, teacher and principal certification or licensure requirements, teacher-preparation programs, and professional-development requirements with kindergarten-through-grade-12 academic content and achievement standards that build toward college-and-career-readiness;

“(ii) reform teacher and school leader compensation, including by modifying policies and practices and providing technical assistance to local educational agencies, in order to enable those agencies to recruit, reward, and retain effective teachers and school leaders in high-need schools, fields, subjects, and areas;

“(iii) support the training of teachers, principals, and other school leaders in meeting the diverse learning needs of their students, including through universal design for learning, as described in section 5429(b)(21), and multi-tiered system of supports and language acquisition instruction;

“(iv) support the training of teachers, principals, and other school leaders in effectively integrating technology (including technology for students with disabilities) into curricula and instruction and in how to use technology for on-line communication and for collaboration and data analysis;

“(v) strengthen human resource systems in local educational agencies to recruit, train, hire, and place individuals who are or are most likely to be highly effective teachers and principals, provide highly effective teachers and principals with support and development opportunities focused on increasing student achievement, and retain highly effective teachers and principals over time by creating school environments that enable excellent teaching including through strategies such as distributed leadership, time for collaboration and use of student data for job-embedded professional development;

“(vi) develop and provide professional development, including through joint professional development opportunities, for early-childhood educators, teachers, principals, specialized instructional support personnel, and other school leaders;

“(vii) develop and implement policies and practices that position the State to be a competitive applicant for grants under part B of this title;

“(viii) support the training of teachers, principals, and other school leaders on how to accelerate the learning of students who are performing below grade level; and

“(ix) provide professional development for teachers, principals and other school administrators in early elementary grades that includes specialized knowledge about child development and learning, developmentally-appropriate curricula and teaching practices, meaningful family engagement and collaboration with early care and education programs;

“(B) provide technical assistance, as necessary, to each local educational agency that receives a subgrant under subpart 2, in order to help the local educational agency improve performance on the measures described in subpart 4;

“(C) establish policies and practices to ensure the quality of the data reported under

this part and the effectiveness of the methods used to analyze those data; and

“(D) develop and disseminate the State report card required under subpart 4, and use the information in the report card to guide efforts under this title.

“(b) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

#### “Subpart 2—Subgrants to Local Educational Agencies

#### “SEC. 2121. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) IN GENERAL.—Each State educational agency that receives an allocation under subpart 1 shall allocate to each local educational agency in the State that has an application approved by the State under section 2122 the sum of—

“(1) the amount that bears the same relationship to 20 percent of the amount allocated to the State educational agency as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all such local educational agencies in the State, as so determined; and

“(2) the amount that bears the same relationship to 80 percent of the amount allocated to the State educational agency as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all such local educational agencies in the State, as so determined.

“(b) MINIMUM ALLOTMENTS.—

“(1) FISCAL YEAR 2014.—For fiscal year 2014, no local educational agency shall receive an allocation under subsection (a) that is less than 90 percent of the allocation the local educational agency received under this part for fiscal year 2013, as this part was in effect on the day before the date of enactment of the Student Success Act.

“(2) SUBSEQUENT FISCAL YEARS.—For fiscal year 2015 and each succeeding fiscal year, no local educational agency receiving an allotment under subsection (a) shall receive less than 90 percent of the allotment the local educational agency received under this subpart for the preceding fiscal year.

“(c) RATABLY REDUCTION.—If the funds described in subsection (a) are insufficient to pay the full amounts that all local educational agencies are eligible to receive under subsection (b) for any fiscal year, the State shall ratably reduce such amounts for such fiscal year.

#### “SEC. 2122. LOCAL EDUCATIONAL AGENCY NEEDS ASSESSMENT AND APPLICATIONS.

“(a) IN GENERAL.—To receive a subgrant under this subpart a local educational agency shall—

“(1) submit an application to the State educational agency involved at such time, in such manner, and containing such information and assurances as the State educational agency may reasonably require; and

“(2) conduct, in developing its application, and with the involvement of teachers, principals, and other stakeholders, as applicable, an assessment of educator support and working conditions consistent with section 2112(b)(3), in the areas set forth under the performance measures described in subpart 4,

identified under the school improvement plans under section 1116, as applicable, and the needs of schools receiving funds under title I.

“(b) CONTENTS.—Each application submitted under this section shall include—

“(1) a description of—

“(A) the results of the needs assessment conducted under subsection (a)(2);

“(B) the performance measures and activities the local education agency will use to address the needs identified under the assessment;

“(C) the local educational agency’s current system for evaluating teachers and principals, and whether that system is consistent with the definitions the State has developed in the State’s application under section 2112(b)(1);

“(D) the local educational agency’s plan for using the subgrant under this subpart, and other local, State, and Federal funds, to ensure the equitable distribution of teachers and principals, within the local educational agency so that low-income and minority students are not taught at higher rates than are other students by teachers not deemed qualified and who are rated in the lowest teacher evaluation rating categories or assigned to schools administered by principals who have been rated in the lowest principal evaluation rating categories at higher rates than other students within the local educational agency;

“(E) the local educational agency’s plan for using the subgrant under this subpart to support teachers in meeting the diverse learning needs of all their students, including through universal design for learning, as described in section 5429(b)(21), and multi-tiered system of supports and language acquisition; and

“(F) a description of the educator supports the local educational agency will provide to assist with the implementation of new college- and career-ready standards and early learning standards, including the local educational agency’s plan for prioritizing the introduction of those supports in its lowest performing schools;

“(G) a description of how the local education agency will, as appropriate, involve in the delivery of activities and services under this part, external providers that have demonstrated expertise and experience in using evidence-based strategies and programs to deliver evidence-based professional development and to raise the quality of teaching and school leadership; and

“(2) an assurance that, within 5 years of receiving a subgrant under this subpart, the local educational agency will—

“(A) conduct a second needs assessment, with the involvement of teachers, principals, and other stakeholders, as applicable, in the areas set forth in subpart 4 and identified in plans under section 1116, as applicable, particularly the needs of schools receiving funds under title I; and

“(B) submit a revised application to the State, consistent with the requirements of this section.

#### **“SEC. 2123. LOCAL EDUCATIONAL AGENCY USES OF FUNDS.**

“(a) USE OF FUNDS.—Subject to the requirements of the State consistent with section 2112(a), a local educational agency that receives a subgrant under this subpart shall, directly, or with other local educational agencies or the State educational agency, use the subgrant funds for activities designed to increase academic achievement for all students, including English learners and students with disabilities, by increasing the

number and percentage of its teachers and principals who have been rated by the local educational agency’s teacher and principal evaluation system as at least effective, and to ensure the equitable distribution of those teachers and principals who have been rated at least effective, through activities that—

“(1) develop and implement, or improve, a teacher and principal evaluation system that, at a minimum, meets the requirements described in section 2112(b)(1);

“(2) provide meaningful feedback to teachers and principals on evaluation results, and use those results in making decisions about professional development and retention;

“(3) recruit teachers who are qualified and teachers and principals who have been rated, or are likely to be rated, by the evaluation system as at least effective, especially teachers and principals who are needed for high-need and low-performing schools and high-need fields and subjects, including teachers and principals who come from underrepresented backgrounds;

“(4) implement the assessment of educator support and working conditions in accordance with section 2112(b)(3);

“(5) implement the local educational agency’s plan for ensuring the equitable distribution of teachers and principals who have been rated by the teacher and principal evaluation system as at least effective;

“(6) develop and implement an induction program that is designed to increase the effectiveness of new teachers and retain effective teachers, especially in high-need and low-performing schools, such as a program that provides reduced teaching assignments for new teachers, training for instructional coaches or mentors who will participate in induction activities, access to on-line support systems, and frequent feedback to promote continuous learning and instructional improvement;

“(7) reduce class size for kindergarten through third grade by an amount and to a level consistent with what research has found to improve student academic achievement at a minimum in the schools in the lowest quartile of poverty in the local educational agency;

“(8) improve within-school equity in the distribution of teachers who have been rated at least effective so that low-income and minority students are not taught at higher rates than are other students by teachers rated in one of the two lowest evaluation rating categories;

“(9) plan and administer activities carried out under this subpart, including other activities to improve effectiveness and the equity of distribution as required in accordance with the local educational agency’s needs assessments under subsection (a)(2);

“(10) develop a plan of action for providing additional academic supports, opportunities, or resources that ensure an appropriate opportunity to learn to any student assigned in any subject, for two consecutive years, to teachers rated in the lowest category under the local educational agency’s teacher evaluation system; and

“(11) develop a plan of action to ensure that no student in a school in either the bottom quartile of poverty in the local educational agency or a low-performing school is assigned in any subject, for two consecutive years, to a teacher rated in the lowest category under the local educational agency’s teacher evaluation system.

“(b) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

“(c) RULE OF CONSTRUCTION.—Nothing in this subpart shall be construed to require a local educational agency to transfer school personnel in order to comply with the requirements of this part.

#### **“Subpart 3—National Leadership Activities**

##### **“SEC. 2131. NATIONAL LEADERSHIP ACTIVITIES.**

“From the funds made available under section 2101 for this subpart for any fiscal year, the Secretary may to reserve up to 3 percent for research, development, technical assistance, outreach, and dissemination activities, carried out either directly or through grants, contracts, or cooperative agreements. Such activities may include—

“(1) activities to strengthen teacher and principal evaluation, including establishing a national center to gather, provide benchmarks on, and disseminate best practices and provide technical assistance on teacher and principal evaluation so as to support States and local educational agencies in developing robust and reliable evaluation systems that take student growth into account;

“(2) development and dissemination of model surveys on the quality of educator support and working conditions consistent with section 2112(b)(3);

“(3) direct assistance to nonprofit organizations to enhance their support for local educational agencies and schools, including to community-based organizations that can support multiple local educational agencies in strengthening their teacher and principal pipelines and human-resource practices and provide high-quality, sustained professional development targeted to low-performing schools;

“(4) activities to support development of a leadership academy to train school leaders in effective school management and instructional leadership, with a primary focus on turning around low-performing schools, including—

“(A) effective management of the organization, staff, and resources;

“(B) developing a school climate and instructional program and related evidence-based professional development aligned to the needs of the students and school;

“(C) effective relationships with community and parents; and

“(D) using student-level and school level-data to inform decision-making; and

“(5) activities to strengthen evaluation of superintendents including developing model evaluations.

#### **“Subpart 4—Accountability**

##### **“SEC. 2141. EQUITY ACCOUNTABILITY.**

“(a) STATE REQUIREMENTS.—

“(1) IN GENERAL.—Each State that receives a grant under subpart 1 shall—

“(A) in a case in which the comparisons conducted under section 2112(b)(5) of the State plan indicate the inequalities described in paragraph (2) with respect to high-poverty and high-minority local educational agencies—

“(i) in consultation with the local educational agencies in the State, established 2, 4 and 5 year improvement goals that will substantially reduce or eliminate the inequities in the schools of such high-poverty and high-minority local educational agencies; and

“(ii) establish a support plan to assist such high-poverty and high-minority local educational agencies meet such improvement goals; and

“(B) in a case in which a high-poverty and high-minority local educational agency has not achieved the 2-year improvement goals established under subparagraph (A)(i), use 2.5

percent of the grant funds received under subpart 2 to carry out the activities described in subparagraph (A).

“(2) **INEQUALITIES.**—The inequalities described in this paragraph are as follows:

“(A) Before the teacher and principal evaluation systems that meets the requirements of section 2112(b)(1) is established under this part by the local educational agencies in the State, students in high poverty and high minority local educational agencies in the State were being taught at higher rates by teachers rated in the lowest two quartiles based on the combined measure established under section 2112(b)(5)(C) compared to students in low poverty and low minority local educational agencies in the State.

“(B) Once the evaluation systems are established, students in high poverty and high minority local educational agencies are being taught at higher rates by teachers rated in one of the two lowest rating categories under such evaluation systems, as compared to students in low poverty and low minority local educational agencies.

“(b) **LOCAL EDUCATIONAL AGENCY REQUIREMENTS.**—

“(1) **IN GENERAL.**—Subject to paragraph (3), a high-poverty or high-minority local educational agency described in paragraph (2) and with respect to which a State established improvement goals under subsection (a)(1)(A)(i), shall—

“(A) in a case in which the local educational agency fails to meet its 2 year improvement goals established under such subsection, use all funds made available through the subgrant to carry out the activities described in section 2112(b)(5);

“(B) in a case in which the local educational agency fails to meet its 4 year improvement goals established under such subsection—

“(i) receive a subgrant from the State under subpart 2 equal to not more than 50 percent of the subgrant received by the local educational agency in the preceding year under such subpart; and

“(ii) make non-Federal contributions in an amount equal to not less than the Federal funds provided under the subgrant; and

“(C) in a case in which the local educational agency fails to meet its 5 year improvement goals established under such subsection, the local educational agency shall be prohibited from receiving a subgrant subpart 2.

“(2) **DESCRIPTION OF LOCAL EDUCATIONAL AGENCIES.**—A local educational agency described in this paragraph is a local educational agency that—

“(A) before the evaluation system is established under this part, students in high poverty and high minority schools are being taught at higher rates by teachers rated in the lowest two quartiles based on the combined measure established under section 2112(b)(5)(C) compared to students in low poverty and low minority schools; and

“(B) once the evaluation system is established, that students in high poverty and high minority schools are being taught at higher rates by teachers rated in one of the two lowest rating categories under the local educational agency's evaluation system comparable to students in low poverty and low minority schools.

“(3) **EXCEPTION.**—Paragraph (1) shall not apply to high poverty and high minority schools where students are being taught at higher rates by teachers rated in one of the two lowest rating categories under the local educational agency's evaluations system compared to students in low poverty and low

minority schools in the local educational agency if the performance of the high poverty or high minority school's students, including each group of students described in section 1111(b)(2)(C)(v)(II), on the State's annual student academic assessments has exceeded the statewide average performance for students overall in that subject for at least the previous 2 years.

“(4) **INAPPLICABILITY.**—This section shall not apply to a local education agency that does not have more than one building for each grade span.

“(5) **TRANSITIONAL COMPLIANCE.**—Beginning on the date of enactment of the Student Success Act, for no more than 4 full school years a local educational agency shall be deemed to be in compliance with this section for any school year, if the teachers hired to fill vacancies in local education agencies served under this part, improve the equity in distribution of teachers rated in the highest rating categories between students served by high poverty or high minority schools and students served by low poverty or low minority schools as described in paragraph (2).

“(6) **WAIVER.**—A local education agency may apply to the Secretary for a temporary waiver of the requirements of this section in the case of a natural disaster or unpredictable or significant personnel assignments that occur after the beginning of a school year that would affect determination of compliance with this section.

“(7) **RULES OF CONSTRUCTION.**—Nothing in this section shall be construed to require a local education agency to transfer school personnel in order to comply with this section.

#### “Subpart 5—Public Reporting

##### “SEC. 2151. PUBLIC REPORTING.

“(a) **IN GENERAL.**—

“(1) **STATE REPORT CARD.**—Each State that receives a grant under subpart 1 shall annually submit to the Secretary, and make public, a State report card on program performance and results under the grant, in a manner prescribed by the Secretary and containing, analyzing, and updating the information required under subsection (b).

“(2) **LOCAL EDUCATIONAL AGENCY REPORT.**—Each local educational agency that receives a subgrant under subpart 2 shall annually submit to the State, and make public—

“(A) a report on the local educational agency's program performance and results under the subgrant, in a manner prescribed by the State or the Secretary, containing, analyzing, and updating the information required under subsection (c); and

“(B) the notifications to parents described in subsection (d).

“(3) **PRIVACY.**—Information required under this subpart shall be collected, reported, and disseminated in a manner that protects the privacy of individuals.

“(b) **STATE REPORT CARD REQUIREMENTS.**—Each State described in subsection (a)(1) shall report the following information in accordance with such subsection:

“(1) With respect to the State overall and for each local educational agency State, disaggregated by poverty quartile and minority quartile—

“(A) the number and percentage of teachers and principals, for each grant year, who—

“(i) are classified as qualified;

“(ii) are rated at each level under a local educational agency's evaluation system consistent with the requirements of section 2112(b)(1);

“(iii) have taught for less than one full school year; and

“(iv) have demonstrated content knowledge in the subject or subjects the teachers are assigned to teach;

“(B) with respect to middle and high schools, the percentage of core academic courses taught by teachers who have met State licensure requirements for that course;

“(C) information required under equitable distribution plans for the State and each local educational agency under sections 2112(b)(5) and 2123(a), respectively;

“(D) staff retention rates differentiated by performance levels as rated under the local educational agency's evaluation system; and

“(E) any other performance measures the State is using to measure the performance of local educational agencies that receive a subgrant under subpart 2.

“(2) Results of the data collection reporting under section 2112(b)(7).

“(3) Progress towards meeting the equitable distribution requirements under section 2112(b)(5).

“(4) Results of the assessment of educator support and working conditions described in section 2112(b)(3).

“(5) Results of the needs assessment required under subpart 2 by each school in the State and compared to the rubric which was used to conduct the needs assessment.

“(c) **LOCAL EDUCATIONAL AGENCY REPORT CARD REQUIREMENTS.**—Each local educational agency described in subsection (a)(2) shall report the following information, for each grant year, in accordance with such subsection:

“(1) With respect to the local educational agency overall and for schools in the agency by poverty quartile and minority quartile—

“(A) the number and percentage of teachers and principals, for each grant year, who—

“(i) are classified as qualified;

“(ii) are rated at each level under a local educational agency's evaluation system consistent with the requirements of section 2112(b)(1);

“(iii) have taught for less than one full school year; and

“(iv) have demonstrated content knowledge in the subject or subjects the teachers are assigned to teach; and

“(B) with respect to middle school and high school, the percentage of core academic courses taught by teachers who have met State licensure requirements for that course.

“(d) **PARENTS' RIGHT TO KNOW.**—Each local educational agency that receives a subgrant under subpart 2 shall ensure that each school served by the local educational agency provides, on an annual basis and at the beginning of the school year—

“(1) written notification to the parent of each student who has, for 2 consecutive years, been assigned a teacher rated in the lowest rating category on the local educational agency's evaluation system, that such student has been so assigned; and

“(2) a description of—

“(A) the supports the school and local educational agency will offer the student to compensate for the teacher assignment;

“(B) the local educational agency's plan for ensuring this assignment pattern does not continue; and

“(C) the teacher's qualified status based on the definition under section 2002(5), including whether the teacher meets the status based on the requirement in subparagraph (A)(v) of such section.

# **"PART B—TEACHER AND LEADER INNOVATION FUND"**

## **"SEC. 2201. TEACHER AND LEADER INNOVATION FUND."**

"The purpose of this part is to support States and local educational agencies in improving the effectiveness of their teachers and school leaders, especially those teachers and school leaders working in high-need schools, by creating the conditions needed to identify, recruit, prepare, retain, reward, and advance effective teachers, principals, and school leadership teams in such schools.

## **"SEC. 2202. AUTHORIZATION OF APPROPRIATIONS."**

"(a) IN GENERAL.—There are authorized to be appropriated \$950,000,000 for fiscal year 2014 and such sums as may be necessary for each of the 5 succeeding fiscal years to carry out this part.

"(b) CONTINUATION.—From the funds made available under subsection (a), the Secretary may reserve funds to continue funding the Teacher Incentive Fund authorized under the fourth, fifth, and sixth provisos of the 'Innovation and Improvement Account' under title III of Public Law 109-149, in accordance with the terms and conditions of such Fund that were in effect on the day before the enactment of the Student Success Act.

## **"SEC. 2203. GRANTS."**

"(a) IN GENERAL.—From the funds made available under section 2202 and not reserved under subsection (b) of such section, for each fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to carry out the purpose of this part.

"(b) ELIGIBLE ENTITY.—In this part, the term 'eligible entity' means—

"(1) a State educational agency or a consortium of such agencies;

"(2) a high-need local educational agency or a consortium of such agencies;

"(3) one or more of the entities described in paragraphs (1) and (2) in partnership with one or more institutions of higher education, nonprofit organization, or educational service agencies; or

"(4) an entity described in paragraph (1) in partnership with 1 or more local educational agencies at least one of which is a high-need local educational agency.

"(c) DURATION.—The Secretary shall award a grant under this part to an eligible entity for an initial period of not more than 3 years, and may renew the grant for up to an additional 2 years if the Secretary finds that the eligible entity is achieving the objectives of the grant and has shown improvement against baseline measures on performance indicators.

## **"SEC. 2204. APPLICATIONS."**

"(a) IN GENERAL.—Each eligible entity that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

"(b) CONTENTS.—Each application submitted under this section shall contain—

"(1) a description of—

"(A) how the eligible entity will differentiate levels of teacher and principal performance by effectiveness, and the criteria it will use to determine that differentiation, which shall include the use of evidence of student learning as a significant factor, as well as other measures; and

"(B) how that differentiation will be—

"(i) consistent with the teacher and principal evaluation system that meets the requirements of section 2112(b)(1); and

"(ii) used by the local educational agency served by the eligible entity to make deci-

sions about professional development and retention;

"(2) a description of the rigorous performance standards that the eligible entity has established, or will establish, within 2 years of the date of enactment of Student Success Act, that will be used to evaluate performance;

"(3) a plan, developed with appropriate stakeholders, setting forth the activities to be implemented under the grant and how those activities will be aligned with the results of—

"(A) an analysis of workforce data (including teacher and principal surveys) that identifies strengths and weaknesses in the working conditions provided to teachers, school leaders, and other school personnel and the current and future staffing needs within the State or local educational agency;

"(B) a public review of any State or local educational agency statutes, policies, and practices, including employment policies and practices that pose a barrier to staffing schools, particularly high-need schools, with teachers and principals who have been rated in the highest rating categories;

"(C) an analysis of the effectiveness and the cost-effectiveness of applicable State or local educational agency policies and practices related to increasing teacher and principal effectiveness;

"(D) an analysis of the alignment of the policies and practices reviewed and analyzed under subparagraphs (B) and (C) with the goal of ensuring that educators are prepared to help all students achieve to college-and-career-ready standards; and

"(E) as applicable, an analysis of the extent to which the local educational agency's human capital strategies, including career advancement opportunities, salary schedules (including incentives for graduate credit and advanced degrees), and incentives, reward actions, and strategies that improve instruction and student learning; and

"(4) evidence of involvement and support for the proposed grant activities from—

"(A) in the case of an application from an eligible entity that includes a local educational agency or a consortium of such agencies, a local school board, teachers union (where there is a designated exclusive representative for the purpose of collective bargaining), teachers, principals, and other stakeholders; and

"(B) in the case of an application from a State educational agency or consortium of such agencies, the State board of education, State agency for higher education, any participating local educational agency, and other stakeholders.

"(c) SELECTION CRITERION.—In making grants under this part, the Secretary shall consider the extent to which the eligible entity's activities that are carried out through a grant under part A or through State and local funds are aligned with the entity's plan under subsection (b)(3) and the purpose of this part.

"(d) PRIORITY.—The Secretary shall give priority to applications that address particular needs in improving the effectiveness of the education workforce in high-need schools or the needs of local educational agencies to fill positions in high-need fields and subjects.

## **"SEC. 2205. USE OF FUNDS."**

"(a) IN GENERAL.—A eligible entity under this part—

"(1) shall use its grant funds for activities to—

"(A) improve the use of teacher and principal effectiveness information, which shall

include, once a local educational agency has adopted an evaluation system as described in section 2112(b)(1), using such evaluation results in consequential decisionmaking, including in—

"(i) paying bonuses and increased salaries, if the eligible entity uses an increasing share of non-Federal funds to pay the bonuses and increased salaries each year of the grant, to highly effective teachers or principals who work in high-need schools;

"(ii) activities under sections 2112 and 2122;

"(iii) reforming the local educational agency's system of compensating teachers and principals; and

"(iv) developing and implementing a human capital system; and

"(B) improve teacher and school-leader compensation and career-development systems, which may include instituting performance pay, career advancement systems (such as career ladders or incentives for assuming additional roles and responsibilities intended to improve student academic achievement), or market-based compensation for a high-need school; and

"(2) may use its grant funds for activities to—

"(A) help ensure that high-need and low-performing schools are staffed more effectively and efficiently, such as through—

"(i) the implementation or use of earlier hiring timelines;

"(ii) more effective recruitment strategies (including strategies for recruiting candidates from underrepresented groups);

"(iii) more selective screening; and

"(iv) data systems for tracking attendance, teacher and principal evaluation results, tenure decisions, participation in professional development, and the results of that participation;

"(B) recruit, prepare, support, and evaluate principals who serve in high-need or low-performing schools; and

"(C) recruit and retain teachers and leaders in rural and remote areas.

"(b) STATE GRANTEES.—A State educational agency that is a grantee under this part shall use its grant funds for activities to—

"(1) modify State policies and practices, as needed, to enable local educational agencies to carry out their activities under subsection (a);

"(2) develop and implement improvements to the State's certification or licensure requirements, which shall include using teacher and principal evaluation results in certification or licensure decisions (such as by making them a significant factor in the granting of a full certification or license); and

"(3) implement a human capital system, including pre-service programs providing teachers and principals to schools within the State, that increases the numbers of highly effective teachers and principals, particularly in high-need schools by—

"(A) identifying, recruiting, training, hiring, and placing individuals who are or are most likely to be highly effective teachers and principals;

"(B) distributing highly effective teachers and principals strategically to high need schools;

"(C) providing highly effective teachers and principals with support and development opportunities focused on increasing student achievement; and

"(D) retaining highly effective teachers and principals over time by creating school environments that enable excellent teaching including through strategies such as distributed leadership, time for collaboration and

use of student data for internal professional development.

### **"PART C—GENERAL PROVISIONS"**

#### **"SEC. 2301. PROHIBITION AGAINST INTERFERENCE WITH STATE AND LOCAL LAWS AND AGREEMENTS."**

"Nothing in this title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders as well as requirements that local educational agencies negotiate and or meet and confer in good faith) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employers and their employees.

#### **"SEC. 2302. PROTECTING THE INTEGRITY OF EVALUATION SYSTEMS."**

"No State or local educational agency receiving funding under this title shall publicly report personally identifiable information included in an individual teacher or principal evaluation, including information that can be used to distinguish an individual's identity when combined with other personal or identifying information."

#### **SEC. 202. HEA CONFORMING AMENDMENTS.**

(a) **QUALIFIED TEACHER.**—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 200 (20 U.S.C. 1021)—

(A) by amending paragraph (13) to read as follows:

"(13) **QUALIFIED.**—The term 'qualified' has the meaning given the term 'qualified teacher' in section 2002(5), as amended by section 201 of the Student Success Act.

"(B) in paragraph (17)(B)(ii), by striking 'highly qualified' and inserting 'qualified'; and

"(C) in paragraph (22)(D)(i), by striking 'highly qualified' and inserting 'qualified'."

(2) in section 201(3) (20 U.S.C. 1022(3)), by striking "highly qualified teachers" and inserting "qualified teachers";

(3) in section 202 (20 U.S.C. 1022)—

(A) in subsection (b)(6)(H), by striking "highly qualified teachers" and inserting "qualified teachers";

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A)(i)(I), by striking "highly qualified" and inserting "qualified"; and

(II) in subparagraph (B)(iii), by striking "highly qualified" and inserting "qualified"; and

(ii) in paragraph (5), by striking "highly qualified teachers" and inserting "qualified teachers"; and

(C) in subsection (e)(2)(C)(iii)(IV), by striking "highly qualified teacher, as defined in section 9101," and inserting "qualified teacher, as defined in section 2002(5), as amended by section 201 of the Student Success Act";

(4) in section 204(a)(4) (20 U.S.C. 1022c) by striking "highly qualified teachers" each place it appears and inserting "qualified teachers";

(5) in section 205(b)(1)(I) (20 U.S.C. 1022d(b)(1)(I)), by striking "highly qualified teachers" and inserting "qualified teachers";

(6) in section 207(a)(1) (20 U.S.C. 1022f(a)(1)), by striking "highly qualified teachers" and inserting "qualified teachers";

(7) in section 208(b) (20 U.S.C. 1022g(b)), by striking "highly qualified" each place it appears and inserting "qualified";

(8) in section 242(b) (20 U.S.C. 1033a), by striking "highly qualified" each place it appears and inserting "qualified";

(9) in section 251(b) (20 U.S.C. 1034(b)), by striking "highly qualified" each place it appears and inserting "qualified"; and

(10) in section 258(d)(1) (20 U.S.C. 1036(d)(1)), by striking "highly qualified" and inserting "qualified".such partner institution.

(c) **DEFINITIONS.**—Section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021) is amended—

(1) by amending paragraph (6) to read as follows:

"(6) **ELIGIBLE PARTNERSHIP.**—Except as otherwise provided in section 251, the term 'eligible partnership' means an entity that—

"(A) shall include—

"(i) a high-need local educational agency;

"(ii)(I) a high-need school or a consortium of high-need schools served by the high-need local educational agency; or

"(II) as applicable, a high-need early childhood education program; or

"(iii)(I) the following entities—

"(aa) a partner institution.

"(bb) a school, department, or program of education within such partner institution, which may include an existing teacher professional development program with proven outcomes within a 4-year institution of higher education that provides intensive and sustained collaboration between faculty and local educational agencies consistent with the requirements of this title; and

"(cc) a school or department of arts and sciences within such partner institution; or

"(II) an entity operating a program that provides alternative routes to State certification of teachers that has a teacher preparation program—

"(aa) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area in which the teacher intends to teach; and

"(bb) that requires each student in the program to meet high academic standards or demonstrate a record of success, as determined by the institution (including prior to entering and being accepted into a program), and participate in intensive clinical experience, and each student in the program is preparing to become a qualified teacher; and

"(B) may include any of the following:

"(i) The Governor of the State.

"(ii) The State educational agency.

"(iii) The State board of education.

"(iv) The State agency for higher education.

"(v) A business.

"(vi) A public or private nonprofit educational organization.

"(vii) An educational service agency.

"(viii) A teacher organization.

"(ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.

"(x) A charter school (as defined in section 5210).

"(xi) A school or department within a partner institution that focuses on psychology and human development.

"(xii) A school or department within a partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

"(xiii) An entity operating a program that provides alternative routes to State certification of teachers.

"(xiv) A school, department, or program of education within a partner institution.

"(xv) A school or department of arts and sciences within a partner institution."

(2) by amending paragraph (10) to read as follows:

"(10) **HIGH-NEED LOCAL EDUCATIONAL AGENCY.**—The term "high-need local educational agency has the meaning given such term in section 2002(4), as amended by section 201 of the Student Success Act."

(3) by amending paragraph (14) to read as follows:

"(14) **INDUCTION PROGRAM.**—The term 'induction program' has the meaning given the term 'induction' in section 2002(6), as amended by section 201 of the Student Success Act."; and

(4) by amending paragraph (21) to read as follows:

"(21) **TEACHER MENTORING.**—The term 'teacher mentoring' has the meaning given the term 'mentoring' in section 2002(7), as amended by section 201 of the Student Success Act."

(d) **PURPOSE.**—Section 201 of the Higher Education Act of 1965 (20 U.S.C. 1022) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period and inserting "and" at the end of paragraph (4); and

(3) by inserting at the end the following:

"(5) improve teacher effectiveness."

(e) **PARTNERSHIP GRANTS.**—Section 202 of the Higher Education Act of 1965 (20 U.S.C. 1022a) is amended—

(1) in subsection (b)(6)—

(A) in subparagraph (E)(ii), by striking "student academic" and inserting "college-and-career ready student academic";

(B) in subparagraph (H)—

(i) in the matter preceding clause (i), by inserting "or alternative route entity" after "partner institution";

(ii) in clause (i), by striking "that incorporate" and all that follows through "instruction" and inserting "consistent with part A of title IV of the Elementary and Secondary Education Act of 1965";

(iii) in clause (i), insert "and other educators, including multi-tiered systems of support and universal design for learning, as described in section 5429(b)(21)" after "secondary school teachers";

(iv) in clause (ii), insert "and writing instruction" after "reading"; and

(v) after clause (ii) insert the following:

"(iii) provide high-quality professional development activities to strengthen the instructional and leadership skills of elementary school and secondary school principals and district superintendents, if the partner institution has a principal preparation program;"

(C) by redesignating subparagraphs (I) through (K) as subparagraphs (J) through (L), respectively; and

(D) by inserting after subparagraph (H), the following:

"(I) how the partnership will prepare teachers to use data to analyze student performance and adjust teaching practices to improve student achievement;" and

(2) in subsection (d)(6)(A), by striking "that incorporate the essential components of literacy instruction" and inserting "aligned with part A of title IV of the Elementary and Secondary Education Act of 1965".

(f) **ADMINISTRATIVE PROVISIONS.**—Section 203(b)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1022b(b)(2)(A)) is amended by inserting "or alternative route entity" after "institution of higher education

(g) ACCOUNTABILITY AND EVALUATION.—Section 204(a) of the Higher Education Act of 1965 (20 U.S.C. 1022c) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2), the following:

“(3) teachers rated as at least effective by a teacher evaluation system that meets the requirements of section 2112(b)(1), as amended by section 201 of the Student Success Act;”.

(h) INFORMATION ON PREPARATION PROGRAMS.—Section 205(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1022d(b)) is amended—

(1) in the matter preceding subparagraph (A), by striking “teacher preparation program” and inserting “teacher and school leader preparation program”; and

(2) by adding at the end the following:

“(M) Within 3 years of the date of enactment of the Student Success Act, information on the impact of each program’s graduates on the student achievement of the students that such graduates teach, if that information is available.

“(N) The percentage of each program’s graduates who teach in a high-need school.

“(O) The percentage of each program’s graduates who are prepared to teach a high-need subject.

“(P) The percentage of each program’s graduates who become effective and highly effective teachers or principals according to such graduates’ ratings by the local educational agency’s teacher evaluation system that meets the requirements of section 2112(b)(1) of the Elementary and Secondary Education Act of 1965, as amended by section 201 of the Student Success Act.

“(Q) The 3-year retention rate of each program’s graduates who become effective and highly effective teachers or principals according to such graduates’ ratings by such system.”.

### TITLE III—LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENT AND IMMIGRANT STUDENTS

#### SEC. 301. LANGUAGE INSTRUCTION.

Title III (20 U.S.C. 6801 et seq.) is amended—

(1) in section 3001, by striking “fiscal year 2002” and inserting “fiscal year 2014” each place it appears;

(2) by striking “No Child Left Behind Act of 2001” and inserting “Student Success Act” each place it appears;

(3) in section 3244, by striking “2002 through 2008” and inserting “2014 through 2020”;

(4) by striking “adequate yearly progress” and inserting “progress” each place it appears;

(5) in sections 3102(8)(B), 3113(b)(5)(B), and 3116(b)(3)(B), by striking “, as described in section 1111(b)(2)(B)”;

(6) in section 3122(a)(3)(A)(iii), by striking “as described in section 1111(b)(2)(B)”;

(7) by repealing section 3122;

(8) in section 3111(b)(2)(D), by striking “annual measurable achievement objectives pursuant to section 3122” and inserting “performance targets described in section 1111(c)”;

(9) in sections 3113(b), 3116(b), 3121(d)(3), and 3302(b), by striking “annual measurable achievement objectives described in section 3122” and inserting “performance targets described in section 1111(c)” each place it appears;

(10) in section 3122, by striking “annual measurable achievement objectives” and in-

serting “performance targets” each place it appears;

(11) by striking “section 1111(b)(7)” and inserting “section 1111(b)(3)(F)” each place it appears; and

(12) by striking “section 1111(b)(1)” and inserting “section 1111(b)(4)” each place it appears.

### TITLE IV—21ST CENTURY SCHOOLS

#### SEC. 401. 21ST CENTURY SCHOOLS.

Title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

#### “TITLE IV—21ST CENTURY SCHOOLS

##### “PART A—21ST CENTURY LEARNING PARTNERSHIPS

#### “SEC. 4001. PURPOSE.

“The purpose of this part is to provide opportunities for communities to establish or expand activities through learning partnerships that—

“(1) provide opportunities for academic enrichment, increased academic achievement, and student success in schools by providing students with additional learning time for more expansive, relevant and rigorous learning opportunities, including opportunities to catch students up in their coursework, and help students accelerate their learning;

“(2) provide a broad array of additional services, programs and activities for a well-rounded education, including youth development activities, art, music, outdoor and recreation programs, technology education programs, and character education programs that are designed to reinforce and complement the regular academic program for participating students;

“(3) provide teachers and staff in learning partnerships with increased opportunities to work collaboratively, and to participate in professional planning and professional development, within and across grades and subjects to improve teaching and learning;

“(4) provide students with safe learning environments and additional resources to increase student engagement in school; and

“(5) offer families of students served by partnerships opportunities for literacy development and related educational development.

#### “SEC. 4002. ALLOTMENT TO STATES.

“(a) RESERVATION.—From the funds appropriated under section 4009 for any fiscal year, the Secretary shall reserve not more than 1 percent for payments to the outlying areas and the Bureau of Indian Affairs, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

##### “(b) STATE ALLOTMENTS.—

“(1) DETERMINATION.—From the funds appropriated under section 4009 for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

“(2) REALLOTMENT OF UNUSED FUNDS.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallocate the amount of the State’s allotment to the remaining States in accordance with this subsection.

#### “SEC. 4003. STATE ACTIVITIES.

“(a) IN GENERAL.—A State educational agency may use not more than 5 percent of the amount made available to the State under section 4002(b) for—

“(1) the administrative costs of carrying out its responsibilities under this part; and

“(2) providing technical assistance as described in subsection (b) to learning partnerships;

##### “(b) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—The technical assistance described in this paragraph includes the following:

“(A) Assisting learning partnerships who are prioritized in section 4005(g) including rural and urban schools by—

“(i) informing those learning partnerships that are prioritized in section 4005(g) that they have a priority for competing for grants under section 4005;

“(ii) providing technical assistance to the learning partnership for the development of the applications described in section 4005(b), including assisting the learning partnership in identifying which elementary schools and secondary schools to serve;

“(iii) providing technical assistance to the learning partnership if they do not receive a grant under section 4005 so that they may re-compete in following competitions;

“(B) Assisting each learning partnership that receives an award under section 4005 to plan and implement additional learning time with such funds, including assisting the learning partnership in—

“(i) determining how to implement additional learning time in the schools the learning partnership intends to serve based on the results of the needs assessment described in section 4005(b)(2)(C)(i);

“(ii) identifying additional community partners, which may include multicounty public entities, and resources that may be utilized to implement the additional learning time;

“(iii) strengthening the existing partnerships of the learning partnership, identifying appropriate roles for each of the partners in the implementation of additional learning time in schools served by the learning partnership, and ensuring that the partnership is effective in maintaining strong communication, information sharing, and joint planning and implementation;

“(C) Identifying best practices for professional development for teachers and staff in learning partnerships receiving funding under this part to implement the authorized activities described in section 4006.

“(D) Identifying best practices for using additional learning time to improve academic enrichment, and student academic achievement in schools, and providing technical assistance to the learning partnership in using such best practices to implement and improve additional learning time initiatives.

“(E) Providing guidance on how to provide programs that are age appropriate and address the varying needs of students in elementary (including preschool), middle, and diploma granting schools.

“(2) SUBGRANTS FOR TECHNICAL ASSISTANCE.—A State educational agency may use a portion of the funds described in paragraph (1) to award subgrants to entities including intermediaries, educational service agencies or other public entities with demonstrated expertise in additional learning time capacity building, or evaluation to carry out the technical assistance described in subparagraph (A).



**“SEC. 4004. STATE APPLICATION.**

“(a) IN GENERAL.—In order to receive an allotment under section 4002(b) for any fiscal year, a State educational agency shall submit to the Secretary, at such time and in such manner as the Secretary may require, an application that—

“(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

“(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

“(3) contains an assurance that the State educational agency, in making awards under section 4005, will give priority to learning partnerships that propose to serve—

“(A) students attending schools in need of improvement and persistently low-achieving schools;

“(B) schools with a high number or percentage of students that are eligible for free or reduced price lunch under the Richard B. Russell School Lunch Act (42 U.S.C. 1751 et seq.);

“(4) describes the peer review process as described in section 4005(e) and the selection criteria the State educational agency will use to evaluate applications from, and select, learning partnerships to receive awards under section 4005;

“(5) describes the steps the State educational agency will take to ensure that activities and programs carried out by learning partnerships using such awards—

“(A) implement evidence-based strategies; and

“(B) ensure learning partnerships have the capacity to implement high-quality additional learning time activities that are different from methods which have been proven ineffective during the regular school day;

“(6) describes how the State educational agency will use the indicators under section 4007(a)(3) to measure the performance, on an annual basis, of learning partnerships, and

“(A) use outcomes from multiple indicators and not rely on one indicator in isolation; and

“(B) provide ongoing technical assistance and training and dissemination of promising practices;

“(7) provides an assurance that the State educational agency will set up a process to allow learning partnerships who receive an award under section 4005 and who operate a proven and effective program based on the measures of performance described in paragraph (6) to recompete in their last year of funding for an additional 5-year cycle;

“(8) describes how the State educational agency will, to the extent practicable, distribute funds under this part equitably among geographic areas within the State, including urban and rural areas;

“(9) includes information identifying the per-pupil funding amount range the State educational agency will use to ensure that awards made under section 4005 are of sufficient size and scope to carry out the purposes of the award,

“(10) includes an assurance that in determining award amounts in accordance with paragraph (9), the State educational agency shall take into consideration—

“(A) diverse geographical areas; and

“(B) the quality of activities and programs proposed by learning partnerships applying for such awards;

“(11) provides an assurance that the application will be developed in consultation and coordination with appropriate State offi-

cials, including the chief State school officer, and other State agencies administering additional learning time, the heads of the State health and mental health agencies or their designees, teachers, parents, students, the business community, and community-based organizations;

“(12) describes how activities and programs carried out by the learning partnerships under this part will be coordinated with programs under this Act, and other programs as appropriate;

“(13) describes how the State educational agency will provide a fair and transparent competition for learning partnerships that apply for grant funds under section 4005(b);

“(14) provides an assurance that the State educational agency in determining grant awards to learning partnerships will award grants based solely on the quality of the application in relationship to the needs identified by the learning partnership through the needs assessment described in section 4005(b)(2)(C)(i); and

“(15) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.

“(b) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

“(c) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and opportunity for a hearing.

“(d) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

“(1) give the State educational agency notice and an opportunity for a hearing; and

“(2) notify the State educational agency of the finding of noncompliance, and, in such notification, shall—

“(A) cite the specific provisions in the application that are not in compliance; and

“(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

“(e) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and re-submits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

“(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

“(2) the expiration of the 120-day period described in subsection (b).

“(f) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

**“SEC. 4005. LOCAL COMPETITIVE GRANT PROGRAM.**

“(a) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 95 percent of the amount allotted to such State under section 4002(b), for each fiscal year for awards to learning partnerships under this section.

**“(b) APPLICATION.—**

“(1) IN GENERAL.—To be eligible to receive an award under this part, a learning partnership shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall include the following:

“(A) IMPLEMENTATION PLAN.—A description of the planning activities that will be conducted during the planning phase, if applicable, that shall include a budget for the planning activities;

“(B) ROLES AND RESPONSIBILITIES.—A description of the learning partnership and the roles and responsibilities of each of the partners of the learning partnership.

“(C) ADDITIONAL LEARNING TIME ACTIVITIES.—A description of—

“(i) the activities that will be carried out by the learning partnership during the additional learning time based solely on the learning partnership's determination of the results of a needs assessment that considers—

“(I) school-wide needs, including planning time and instructional time for teachers and staff in the learning partnership;

“(II) individual student learning needs;

“(III) school and student safety; and

“(IV) the number of additional hours (during the regular school day or outside of the regular school day, as applicable) needed for supervised student enrichment, determined through school, family, and community input;

“(ii) a description of how the learning partnership will align the activities described in this subparagraph with—

“(I) school improvement plans developed and implemented pursuant to section 1116, if applicable;

“(II) academic instruction that occurs during the regular school day at the school proposed to be served by the learning partnership; and

“(III) in the case of a learning partnership implementing additional learning time as described in section 4008(2)(B), school improvement efforts supported by other programs under this Act and other relevant State and local programs;

“(iii) the anticipated number of hours of additional learning time the average student will receive and how the number of hours are appropriate based on the needs assessment described in clause (i) and the requirements of (ii);

“(iv) the grade or grade spans (including preschool) to be served by the learning partnerships using award funds;

“(v) how students participating in the activities will travel safely to and from the additional learning time center and home, as applicable; and

“(vi) a description of how the learning partnership will ensure that staff employed by the learning partnership will coordinate to develop and implement activities described in this subparagraph using, in part, the data described in subparagraph (F).

“(D) SELECTION OF SCHOOLS.—A description of the process, considerations, and criteria the learning partnership will use to select schools to implement additional learning time programs and activities that shall take into account the priorities described in section 4005(g);

“(E) FACILITY ASSURANCE.—An assurance that the activities described in subparagraph (C) will take place in a safe and easily accessible facility and a description of how the

learning partnership will disseminate information about the facility to the parents and community in a manner that is understandable and accessible;

“(F) DATA SHARING.—An assurance that relevant student level data will be shared within the learning partnership consistent with the requirements of section 444 of the General Education Provisions Act so that the activities described in subparagraph (C)(i) are aligned according to subparagraph (C)(ii).

“(G) PROFESSIONAL DEVELOPMENT ACTIVITIES.—A description of how the learning partnership will provide professional development to the staff employed by the learning partnership.

“(H) PUBLIC RESOURCES.—An identification of Federal, State, and local programs that will be combined or coordinated with the additional learning time program to make the most effective use of public resources.

“(I) SUPPLEMENT, NOT SUPPLANT.—An assurance that funds under this section will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds;

“(J) EXPERIENCE.—A description of past performance and record of effectiveness of the community based organization within the partnership in providing the activities described in subparagraph (C).

“(K) CONTINUATION AFTER FEDERAL FUNDING.—A description of a preliminary plan for how the additional learning time will continue when funding under this part ends.

“(L) CAPACITY.—An assurance that the learning partnership has the capacity to collect the data relevant to the indicators described under section 4007(a)(3).

“(M) NOTICE OF INTENT.—An assurance that the community of the learning partnership will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application.

“(N) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the State educational agency may reasonably require.

“(C) APPROVAL OF CERTAIN APPLICATIONS.—The State educational agency may approve an application under this section for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school.

“(d) NON-FEDERAL MATCH.—

“(1) IN GENERAL.—A State educational agency shall require a learning partnership to match funds awarded under this part, except that such match may not exceed the amount of the grant award and may not be derived from other Federal funds.

“(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding fee scale that takes into account—

“(A) the relative poverty of the population to be targeted by the learning partnership; and

“(B) the ability of the learning partnership to obtain such matching funds.

“(3) IN-KIND CONTRIBUTIONS.—Each State educational agency shall permit the community-learning partnership to provide all or any portion of such match in the form of in-kind contributions.

“(e) PEER REVIEW.—In reviewing local applications under this section, a State edu-

cational agency shall use a peer review process or other methods of assuring the quality of such applications.

“(f) DURATION OF AWARDS.—Grants under this section may be awarded for a period of 5 years. Learning partnerships that receive funding under this section and who operate a proven and effective program based on the measures of performance established in section 4004(a)(6) shall be allowed to re compete in their last year of funding for an additional 5 year grant.

“(g) PRIORITY.—In awarding grants under this part, a State educational agency shall give priority to applications proposing to target services to—

“(1) students (including preschool students) who attend schools in need of improvement and persistently low-achieving schools; and

“(2) learning partnerships that propose to serve schools with a high percentage or number of students that are eligible for free and reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

#### “SEC. 4006. LOCAL ACTIVITIES.

“(a) AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—Each learning partnership that receives an award under section 4005 shall use the award funds to implement additional learning time activities that are consistent with section 4005(b)(2).

“(2) PLANNING PERIOD.—Each learning partnership may use funds under this section for a planning period of not longer than 6 months to develop an implementation plan described in section 4005(b)(2)(A) to carry out the additional learning time activities.

#### “SEC. 4007. REPORTING.

“(a) REPORT BY LEARNING PARTNERSHIPS.—Each learning partnership shall, not later than 1 year after the first day of the first school year in which the additional learning time is implemented, prepare and submit to the State educational agency a report—

“(1) containing a detailed description of the additional learning time activities that were carried out under this part;

“(2) with respect to each school served by the partnership—

“(A) on the actual expenses associated with, carrying out the additional learning time programs and activities in the first school year; and

“(B) a description of how the additional learning time programs and activities were implemented and whether such programs and activities were carried out during non-school hours or periods when school is not in session or added to expand the school day, school week, or school year schedule; and

“(3) containing measures of performance, aggregated and disaggregated, on the following indicators—

“(A) student academic achievement as measured by—

“(i) high-quality State academic assessments; and

“(ii) student growth in accordance with student growth standards;

“(B) for diploma granting schools served by the learning partnerships, graduation rates;

“(C) student attendance;

“(D) performance on a set of comprehensive school performance indicators that may include—

“(i) as appropriate, rate of earned on-time promotion from grade-to-grade;

“(ii) for high schools served by the learning partnerships, the percentage of students taking a college preparatory curriculum, or student rates of enrollment, persistence, and

attainment of an associate or baccalaureate degree;

“(iii) the percentage of student suspensions and expulsions;

“(iv) indicators of school readiness for entering kindergartners;

“(v) evidence of increased parent and family engagement and support for children's learning;

“(vi) evidence of increased student engagement in school, which may include completing of assignments and coming to class prepared;

“(vii) evidence of mastery of non-academic skills which may include problem solving, learning to work in teams, and social and civic responsibility;

“(viii) improved personal attitude, which may include initiative, self-confidence, self-esteem and sense of self-efficacy; and

“(ix) development of social skills, which may include behavior, communication, relationships with peers and adults.

“(b) REPORT BY STATE EDUCATIONAL AGENCY.—A State Educational Agency that receives funds under this part shall annually prepare and submit to the Secretary a report that contains all reports submitted by learning partnerships under the jurisdiction of the agency, aggregated and disaggregated, provided under subsection (a).

“(c) PUBLICATION AND AVAILABILITY OF THE REPORT.—The Secretary shall publish and make widely available to the public, including through a website or other means, a summary of the reports received under subsection (b).

#### “SEC. 4008. DEFINITIONS.

“In this part:

“(1) LEARNING PARTNERSHIP.—The term ‘learning partnership’ means—

“(A) a local educational agency, a consortium of local educational agencies, or an educational service agency and one or more local educational agencies, in a partnership with 1 or more community-based organizations or other public or private entities; or

“(B) a community-based organization, or other public or private entity, in a partnership with a local educational agency, a consortium of local educational agencies, or an educational service agency and one or more local educational agencies.

“(2) ADDITIONAL LEARNING TIME.—The term ‘additional learning time’ means—

“(A) time added during non-school hours or periods when school is not in session, such as before or after school or during summer recess for activities that—

“(i) provide opportunities for student academic enrichment, including hands-on, experiential and project-based learning opportunities for subjects including English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, geography, health education, physical education, environmental literacy, and activities such as tutoring and service learning that—

“(I) assist students in meeting State and local academic achievement standards in core academic subjects,

“(II) use evidence-based skill training approaches and active forms of learning to promote healthy development, and engage students in learning;

“(III) align and coordinate with the regular school day and school year curriculum;

“(IV) align to school improvement plans developed pursuant to section 1116, as applicable; and

“(V) align to the learning needs of individual students at the school served by the learning partnership;

“(ii) provide students with opportunities for personal and social development;

“(iii) serve the learning needs and interests of all students, including those who already meet or exceed student academic achievement standards as measured by high-quality State academic assessments, and especially those who may not be achieving at grade level in the traditional classroom setting;

“(iv) are developmentally and age appropriate; and

“(v) involve a broad group of stakeholders (including educators, parents, students, and community partners) in carrying out additional learning time programs and activities described in this subparagraph; or

“(B) time added to expand the school day, school week, or school year schedule, that—

“(i) increases the total number of school hours for the school year at a school based on evidence supporting the amount of additional learning time needed to achieve the objectives described in clause (ii);

“(ii) is used to redesign the school’s program and schedule—

“(I) to support innovation in teaching, in order to improve the academic achievement of students aligned to the school improvement plan, if applicable, especially those students who may not be achieving at grade level, in reading or language arts, mathematics, science, history and civics, and other core academic subjects;

“(II) to improve the performance of all students, including those students who are struggling to meet college and career ready standards or State early learning standards, as appropriate, and those students who already meet or exceed college and career ready standards as measured by high-quality State academic assessments;

“(III) for additional subjects and enrichment activities that reflect student interest, connect to effective community partners, and contribute to a well-rounded education, which may include music and the arts, health education, physical education, service learning, and experiential and work-based learning opportunities (such as community service, learning apprenticeships, internships, and job shadowing);

“(IV) to advance student learning by providing a learning environment and supporting learning activities that engage students, develop social skills, and cultivate positive personal attitude; and

“(V) for teachers and staff in learning partnerships to collaborate, and plan, within and across grades and subjects;

“(iii) provides school-wide services that are—

“(I) aligned to school improvement plans developed pursuant to section 1116, as applicable; and

“(II) aligned to individual student achievement needs as identified by the school-site staff at the school served by the community-learning partnership; and

“(iv) involve a broad group of stakeholders (including educators, parents, students and community partners) in planning and carrying out additional learning time programs and activities described in this subparagraph.

#### **“SEC. 4009. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this part \$1,200,000,000 for fiscal year 2014 and such sums as may be necessary for each succeeding fiscal year.

#### **“PART B—GRANTS TO SUPPORT STUDENT SAFETY, HEALTH, AND SUCCESS**

#### **“SEC. 4201. PURPOSE.**

“The purposes of this part are—

“(1) to support local educational agencies and schools in providing comprehensive systems of learning supports to students and their families so that students receive their education in safe environments and graduate from school college and career ready;

“(2) to enhance the ability of local educational agencies and schools to leverage resources within schools and within communities to improve instruction, strengthen programs, and identify gaps in existing programs for students;

“(3) to ensure the academic, behavioral, emotional, health, mental health, and social needs of all students, including students from low income families, students with disabilities, English learners, and youth who are involved in or who are identified by evidence-based risk assessment methods as being at high risk of becoming involved in juvenile delinquency or criminal street gangs;

“(4) to support programs and activities that prevent violence in and around schools (including bullying and harassment), that prevent the illegal use of alcohol, tobacco, and drugs by students, and provide resources to foster a safe and drug-free learning environment to support student academic achievement; and

“(5) to enhance partnerships between schools, parents, and communities, and better support family and community engagement in education.

#### **“SEC. 4202. RESERVATIONS AND ALLOTMENTS.**

“(a) IN GENERAL.—From the amount made available under section 4210 to carry out this part for each fiscal year, the Secretary—

“(1) shall reserve 1 percent of such amount for grants to Guam, American Samoa, the United States Virgin Islands, to be allotted in accordance with the Secretary’s determination of their respective needs and to carry out programs described in this part; and

“(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs described in this part for Indian youth.

“(b) STATE ALLOTMENTS.—Except as provided in subsection (a), the Secretary shall, for each fiscal year, allot among the States—

“(1) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

“(2) one-half of such remainder according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

“(c) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

“(d) REALLOTMENT OF UNUSED FUNDS.—

“(1) REALLOTMENT FOR FAILURE TO APPLY.—If any State does not apply for an allotment under this part for a fiscal year, the Secretary shall reallocate the amount of the State’s allotment to the remaining States in accordance with this section.

“(2) REALLOTMENT OF UNUSED FUNDS.—The Secretary may reallocate any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallocations shall be made on the same basis as allotments are made under subsection (b).

#### **“SEC. 4203. STATE APPLICATIONS.**

“(a) APPLICATION.—To receive a grant under this part, a State educational agency

shall submit to the Secretary an application at such time and in such manner as the Secretary may require, and containing the information described in subsection (b).

“(b) CONTENTS.—Each application submitted under subsection (a) shall include the following:

“(1) An assurance that the State educational agency will review existing resources and programs across the State and coordinate any new plans and resources under this part with such existing programs and resources.

“(2) A description of how the State educational agency will identify and eliminate State barriers to the coordination and integration of programs, initiatives, and funding streams so that local educational agencies can provide comprehensive continuums of learning supports.

“(3) A description of the State educational agency’s comprehensive school safety plan, which shall address bullying and harassment, provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention, address school-sponsored, off-premises, overnight field trips, disaster preparedness, and crisis and emergency management; and any other issues determined necessary by the State educational agency (existing plans may be used to satisfy the requirements of this section if such existing plans include the information required by this section, or can be modified to do so, and are submitted to the Secretary with such modifications) which—

“(A) shall be submitted to the Secretary not later than 1 year after the enactment of the Student Success Act;

“(B) shall be developed in consultation with public safety and community partners, including police, fire, emergency medical services, emergency management agencies, parents, and other such organizations;

“(C) shall be made available to the public in a manner that is understandable and accessible; and

“(D) the State educational agency shall require all local educational agencies to adopt the plan within 1 year of approval (existing plans may be used to satisfy the requirements of this section if such existing plans are approved by the State educational agency and include the information required by this section, or can be modified to do so).

“(4) A description of how grant funds will be used to identify best practices for professional development for sustainable comprehensive program development.

“(5) A description of how the State educational agency will monitor the implementation of activities under this part, and provide technical assistance to local eligible entities.

“(6) A description of how the State educational agency will ensure subgrants to eligible entities will facilitate school-community planning and effective service coordination, integration, and provision at the local level to achieve high performance standards based on the system developed in paragraph (7).

“(7) A description of how the State educational agency will develop a system for reporting and measuring eligible entity performance, and assist eligible entities in developing and implementing systems for measuring performance based on the indicators in section 4208(a)(3).

“(8) An assurance that the State educational agency will set up a process to allow local eligible entities who receive an award under section 4206 and who operate a proven

and effective program based on the measures of performance described in paragraph (7) to recompute in their last year of funding for an additional 5-year cycle.

“(9) A description of the steps the State educational agency will take to ensure that activities and programs carried out by local eligible entities will implement evidence based strategies.

“(10) A description of how the number of youth involved in juvenile delinquency and criminal justice systems will not increase as a results of activities funded under this grant.

“(c) APPROVAL PROCESS.—

“(1) DEEMED APPROVAL.—An application submitted by a State pursuant to this section shall undergo peer review by the Secretary and shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

“(2) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing.

“(3) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

“(A) give the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing; and

“(B) notify the State educational agency and the chief executive officer of the State of the finding of noncompliance, and in such notification, shall—

“(i) cite the specific provisions in the application that are not in compliance; and

“(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

“(4) RESPONSE.—If the State educational agency and the chief executive officer of the State respond to the Secretary's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, and resubmit the application with the requested information described in paragraph (3)(B)(ii), the Secretary shall approve or disapprove such application prior to the later of—

“(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

“(B) the expiration of the 120-day period described in paragraph (1).

“(5) FAILURE TO RESPOND.—If the State educational agency and the chief executive officer of the State do not respond to the Secretary's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit local educational agencies or individual schools from incorporating additional elements to the State-developed comprehensive school safety plan to improve student and school safety reflective of the individual agency or school community.

#### “SEC. 4204. STATE USE OF FUNDS.

“(a) 95 PERCENT OF FUNDS.—Each State educational agency that receives a grant under this part shall reserve not less than 95 percent of the grant amount, for each fiscal year to award subgrants to local eligible entities in accordance with section 4206.

“(b) 5 PERCENT OF FUNDS.—A State educational agency shall use not more than 5 percent, of which not more than 1 percent may be used for administration of a grant received under this subpart or may subgrant a portion of such funds to educational service agencies, or other public entities with demonstrated expertise to carry out the following activities:

“(1) Identify and eliminate State barriers to the coordination and integration of programs, initiatives, and funding streams so that local educational agencies can provide comprehensive continuums of learning supports.

“(2) Assist local eligible entities who are prioritized in section 4205(b) including those eligible entities that plan to serve rural and urban schools by—

“(A) informing those local eligible entities that they have a priority for competing for grants;

“(B) providing technical assistance to the local eligible entities for the development of the applications described in section 4206;

“(C) providing technical assistance to the local eligible entities if they do not receive a grant under section 4206 so that they may recompute in following competitions;

“(3) Identify best practices for professional development and capacity building for local educational agencies for the delivery of a comprehensive system of learning supports for teachers, administrators, and specialized instructional support personnel in schools that are served by the eligible entity receiving funding under this part to implement the authorized activities described in section 4207.

“(4) Reporting and evaluation activities.

#### “SEC. 4205. GENERAL SUBGRANT REQUIREMENTS.

“(a) IN GENERAL.—A State educational agency shall use grant funds received under this part to award subgrants to eligible entities.

“(b) ABSOLUTE PRIORITY.—In awarding subgrants to local eligible entities, the State educational agency shall give priority to—

“(1) local eligible entities that propose to serve a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

“(2) local eligible entities proposing to serve students who attend schools in need of improvement and persistently low-achieving schools;

“(c) COMPETITIVE PRIORITY.—In awarding subgrants to local eligible entities, the State educational agency shall give competitive priority to—

“(1) in the case of local eligible entities that intend to implement programs described in section 4207(2)(A), local eligible entities that serve schools that implement, or have plans to implement disciplinary policies that are research based and focus on multi-tiered systems of support; and

“(2) in the case of eligible entities that intend to implement programs described in section 4207(2)(C), eligible entities proposing to serve geographic areas most in need of these services and that commit to working with local Promise Coordinating Councils.

“(d) DURATION OF SUBGRANT.—A State educational agency shall award under this part subgrants to eligible local entities for 5 years.

“(e) RENEWAL.—

“(1) IN GENERAL.—A State educational agency may renew a subgrant awarded under this part for a period of 5 years.

“(2) RENEWAL APPLICATION.—To renew a subgrant, an eligible entity shall submit an application to the Secretary every 5 years as long as the eligible entity can demonstrate that they operate a proven and effective program based on performance on the indicators in section 4208(a)(3).

#### “SEC. 4206. LOCAL ELIGIBLE ENTITY APPLICATION.

“(a) IN GENERAL.—A local eligible entity that seeks a grant under this part shall submit an application to the State at such time, in such manner, and containing such information as the State may require, including the information described in subsection (b).

“(b) CONTENTS.—An application submitted under subsection (a) shall include the following:

“(1) The results of a comprehensive needs assessment (which shall include incident data, and teacher, parent, or community surveys) and assets assessment which shall include a comprehensive analysis of the following—

“(A) the safety of the schools served by the local eligible entity (which shall include a comprehensive analysis of incidents and prevalence of bullying and harassment at schools served by the local eligible entity);

“(B) the incidence and prevalence of drug, alcohol and substance abuse at schools served by the local eligible entity;

“(C) the needs of youth in the community with respect to evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention, including an assessment of the number of youth who are involved or at-risk of involvement in juvenile delinquency and criminal street gang activity and the number of chronically truant youth;

“(D) the number of specialized instructional support personnel employed by schools served by the local eligible entity and the services provided by those personnel;

“(E) the prevalence of student health (including mental health, physical fitness, and nutrition) needs at schools served by the local eligible entity;

“(F) existing programs and services intended to provide a comprehensive system of support within schools served by local eligible entities, including the support of school governance and leadership for the programs and services;

“(G) resources available in the community, including public agencies and nonprofit organizations, that could be leveraged by schools served by the local eligible entity to create comprehensive systems of support within the schools;

“(H) school discipline data including in-school suspensions, out-of-school suspensions, expulsion, school-based arrests, referrals to law enforcement, and referrals to alternative schools; and

“(I) additional needs identified by the local eligible entity.

“(2) A description of the methodology used in conducting the needs assessment described in (1);

“(3) A description of the plan to implement grant funds (taking into account the cultural and linguistic needs of the community) which shall include the following components:

“(A) A description of the services (taking into account the cultural and linguistic needs of the community) that will be provided by the local eligible entity which shall include prevention, intervention, and systematic efforts to address student learning needs as identified and prioritized by the needs assessment in paragraph (1).

“(B) A description of how existing resources, services, and programs will be coordinated and integrated with new resources, services, and programs to create a comprehensive system of learning supports that is aligned with school improvement plans required under section 1116, as applicable.

“(C) A description of the partners within the eligible entity and their roles as they relate to the implementation of the comprehensive system of learning supports that will be implemented to address the needs outlined in the needs and assets assessment described in subsection (b)(1).

“(D) A description of how the grant will be used to enhance administrator’s, teacher’s, and specialized instructional support personnel’s identification and response to student learning needs for providing learning supports through professional development, and how school capacity will be enhanced to handle problems facing students such as those identified in the needs assessment.

“(E) A description of how the eligible entity will identify the financial savings from deferred or eliminated costs, or other benefits as a result of the programs or activities implemented by the eligible entities (in the case of an eligible entity who implements programs described in section 4207(2)(C), a comparative analysis of potential savings from criminal justice costs, public assistance costs, and other costs avoided by such programs).

“(F) A description of how the local eligible entity will measure performance based on the indicators described in section 4208(a)(3).

“(G) A description of the process for periodically reviewing the needs of students and assets within the school and community, and involving more community partners as applicable, and how data on performance on the indicators described in section 4208(a)(3) will be used to provide feedback on progress, and institutionalize support mechanisms to maintain and continually improve activities including when grant funds end.

“(c) SPECIAL RULE.—A local eligible entity may use—

“(1) an existing needs assessment to satisfy the requirements of subsection (b)(1), if the assessment includes the information required by such subsection, or can be modified to do so; and

“(2) an existing plan to satisfy the requirements of subsection (b)(3), if the plan meets the requirements of such subsection and is approved by the State educational agency.

**“SEC. 4207. LOCAL ELIGIBLE ENTITY USE OF FUNDS.**

“A local eligible entity that receives a subgrant under this part shall use such funds to carry out the following activities:

“(1) Implement a comprehensive plan as described in section 4206(b)(3).

“(2) Programs and activities that address the needs of the schools served by the eligible entity as identified by the needs and assets assessment in section 4206(b)(1), which may include—

“(A) violence prevention programs, including—

“(i) programs to provide safe passage to and from school;

“(ii) programs to prevent and appropriately respond to incidents of bullying and harassment (including professional development for teachers and other school personnel);

“(iii) programs that promote positive school environments for learning and reduce the need for suspensions, expulsions, referral to law enforcement, and other practices that remove students from instruction;

“(iv) conflict resolution and restorative practice and mediation programs;

“(v) activities that involve families, community sectors (which may include appropriately trained seniors) and a variety of providers in setting clear expectations against violence and appropriate consequences of violence;

“(vi) professional development and training for, and involvement of, school personnel, specialized instructional personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to violence prevention;

“(vii) reporting criminal offenses committed on school property;

“(viii) emergency intervention services following traumatic crisis events, such as shooting, or a major accident that has disrupted the learning environment;

“(ix) establishing and maintaining a school safety hotline;

“(x) programs to train school personnel to identify warning signs of youth suicide and to create an action plan to help youth at risk of suicide; or

“(xi) programs that respond to the needs of students who are faced with domestic violence or child abuse;

“(B) drug and alcohol abuse prevention programs, including—

“(i) age appropriate and developmentally based activities that—

“(I) address the consequences of violence and illegal use of drugs, as appropriate;

“(II) promote a sense of individual responsibility and teach students that most people do not illegally use drugs;

“(III) teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use; and

“(IV) teach students about the dangers of emerging drugs;

“(ii) activities that involve families, community sectors (which may include appropriately trained seniors) and a variety of providers in setting clear expectations against illegal use of drugs and appropriate consequences for illegal use of drugs;

“(iii) dissemination of drug prevention information to schools and communities;

“(iv) professional development and training for, and involvement of, school personnel, specialized instructional support personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug prevention; or

“(v) community wide planning and organizing to reduce illegal drug use;

“(C) evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention for youth who are involved in, or at risk of involvement in, juvenile delinquency or street gang activity (that shall involve multiple community partners within the local eligible entity through coordination with a local Promise Coordinating Council);

“(D) recruiting, hiring, and maintaining specialized instructional support personnel or providing additional specialized instructional support services, including comprehensive career counseling, with priority given to the highest need schools to be served by the eligible entity;

“(E) implementing multi-tiered systems of support including positive behavior supports;

“(F) support services to address the behavioral, emotional, physical health, mental

health and social needs of students, including—

“(i) social and emotional learning programs;

“(ii) mentoring programs;

“(iii) physical fitness, health education, and nutrition education programs; and

“(iv) programs to purchase automated external defibrillators and providing training in the use of these defibrillators;

“(G) services and programs to support education of pregnant and parenting teens;

“(H) programs that enable schools to prepare for, respond to, and recover from disasters, crises and emergencies that threaten safety or disrupt teaching and learning; or

“(I) other services consistent with this section.

**“SEC. 4208. ACCOUNTABILITY AND TRANSPARENCY.**

“(a) LOCAL ACCOUNTABILITY AND TRANSPARENCY.—On an annual basis, each local eligible entity shall report to the public and the State such information as the State may reasonably require, including—

“(1) the number of students, aggregated and disaggregated by subgroup as described in section 1111(c)(3)(A) who were served by the programs and activities in this part;

“(2) the programs and services provided under this Act;

“(3) outcomes resulting from activities and services funded under this part, aggregated and disaggregated by subgroup as described in section 1111(c)(3)(A) on the following indicators—

“(A) student academic achievement as measured by State academic assessments and student growth over time;

“(B) for diploma granting schools, graduation rates;

“(C) student attendance;

“(D) suspensions and expulsions;

“(E) performance on a set of other indicators that shall be based on the activities and services implemented based on the results of the needs assessment described in section 4206(b)(1) and may include—

“(i) the frequency, seriousness, and incidence of violence, including bullying and harassment, and drug related offenses resulting in suspensions and expulsions;

“(ii) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities;

“(iii) the safety of passage to and from school;

“(iv) as appropriate, rate of earned on-time promotion from grade to grade;

“(v) for diploma granting schools, the percentage of students taking a college preparatory curriculum, or student rates of enrollment, persistence, and attainment of an associate or baccalaureate degree;

“(vi) academic and developmental transitions, including from elementary to middle school and middle school to high school;

“(vii) referrals to school resource personnel;

“(viii) evidence of increased parent and family engagement and support for children’s learning;

“(ix) evidence of increased student engagement in school, which may include completing of assignments and coming to class prepared and on-time;

“(x) student health, including mental health and the amelioration of risk factors; and

“(F) other outcome areas as determined by the State educational agency.

“(b) STATE ACCOUNTABILITY AND TRANSPARENCY.—On an annual basis, each State

educational agency that receives funds under this part shall annually prepare and submit to the Secretary a report that contains all reports submitted by local eligible entities under the jurisdiction of the agency provided under (a).

“(c) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this part shall be used to supplement, and not supplant, other Federal, State, or local funds that would, in the absence of such grant funds, be made available for comprehensive systems of learning supports and students participating in programs under this part.

“(d) PUBLICATION AND AVAILABILITY OF REPORT.—The Secretary shall publish and make widely available to the public, including through a website or other means, a summary of the reports received under (b).

**“SEC. 4209. DEFINITIONS.**

“(a) For purposes of this part—

“(1) INCIDENT DATA.—The term ‘incident data’ means data from incident reports by school officials including, but not limited to, truancy rates; the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions; the incidence of bullying and harassment, and the incidence and prevalence of drug use and violence by students in schools.

“(2) COMPREHENSIVE SYSTEM OF LEARNING SUPPORTS.—The term ‘comprehensive system of learning supports’ means the multifaceted, and cohesive resources, strategies, and practices that provide class-room based or school-wide interventions to address the academic, behavioral, emotional, physical health, mental health, and social needs of students and families to improve student learning, teacher instruction and school management.

“(3) LOCAL ELIGIBLE ENTITY.—The term ‘local eligible entity’ means a consortium consisting of community representatives that—

“(A) shall include—

“(i) a local educational agency;

“(ii) not less than 1 other community partner organization; and

“(B) may include a broad array of community partners, including a community based organization, a child and youth serving organization, an institution of higher education, a foundation, a business, a local government, including a local governmental agency serving children and youth such as a child welfare and juvenile justice agency; students, and parents; and may include representatives from multiple jurisdictions.

“(4) MULTI-TIERED SYSTEM OF SUPPORT.—For purposes of this Act, the term ‘multi-tiered system of support’ means a comprehensive system of differentiated supports that includes evidence-based instruction, universal screening, progress monitoring, formative assessments, research-based interventions matched to student needs and educational decisionmaking using student outcome data.

“(5) BULLYING.—The term ‘bullying’—

“(A) means conduct, including electronic communication, that adversely affects the ability of 1 or more students to participate in and benefit from the school’s educational programs or activities by placing the student (or students) in reasonable fear of physical harm; and

“(B) includes conduct that is based on—

“(i) a student’s actual or perceived—

“(I) race;

“(II) color;

“(III) national origin;

“(IV) sex;

“(V) disability

“(VI) sexual orientation;

“(VII) gender identity; or

“(VIII) religion;

“(ii) any other distinguishing characteristics that may be defined by a State or local educational agency; or

“(iii) association with a person or group with 1 or more of the actual or perceived characteristics listed in clause (i) or (ii).

“(6) HARASSMENT.—The term ‘harassment’—

“(A) means conduct, including electronic communication, that adversely affects the ability of 1 or more students to participate in and benefit from the school’s educational programs or activities because the conduct, as reasonably perceived, is so severe, persistent, or persuasive; and

“(B) includes conduct that is based on—

“(i) a student’s actual or perceived—

“(I) race;

“(II) color;

“(III) national origin;

“(IV) sex;

“(V) disability

“(VI) sexual orientation;

“(VII) gender identity; or

“(VIII) religion;

“(ii) any other distinguishing characteristics that may be defined by a State or local educational agency; or

“(iii) association with a person or group with 1 or more of the actual or perceived characteristics listed in clause (i) or (ii).

“(7) JUVENILE DELINQUENCY AND CRIMINAL STREET GANG ACTIVITY PREVENTION AND INTERVENTION.—The term ‘juvenile delinquency and criminal street gang activity prevention and intervention’ means the provision of programs and resources to children and families who have not yet had substantial contact with criminal justice or juvenile justice systems or to youth who are involved in, or who are identified by evidence-based risk assessment methods as being at high risk of continued involvement in, juvenile delinquency or criminal street gangs, that—

“(A) are designed to reduce potential juvenile delinquency and criminal street gang activity risks; and

“(B) are evidence-based or promising educational, health, mental health, school-based, community-based, faith-based, parenting, job training, social opportunities and experiences, or other programs, for youth and their families, that have been demonstrated to be effective in reducing juvenile delinquency and criminal street gang activity risks.

“(8) PROMISE COORDINATING COUNCILS.—The members of a PROMISE Coordinating Council shall be representatives of public and private sector entities and individuals that—

“(A) shall include, to the extent possible, at least one representative from each of the following:

“(i) the local chief executive’s office;

“(ii) a local educational agency;

“(iii) a local health agency or provider;

“(iv) a local mental health agency or provider, unless the representative under clause (iii) also meets the requirements of this subparagraph;

“(v) a local public housing agency;

“(vi) a local law enforcement agency;

“(vii) a local child welfare agency;

“(viii) a local juvenile court;

“(ix) a local juvenile prosecutor’s office;

“(x) a private juvenile residential care entity;

“(xi) a local juvenile public defender’s office;

“(xii) a State juvenile correctional entity;

“(xiii) a local business community representative; and

“(xiv) a local faith-based community representative;

“(B) shall include two representatives from each of the following:

“(i) parents who have minor children, and who have an interest in the local juvenile or criminal justice systems;

“(ii) youth between the ages of 15 and 24 who reside in the jurisdiction of the unit or Tribe; and

“(iii) members from nonprofit community-based organizations that provide effective delinquency prevention and intervention to youth in the jurisdiction of the eligible entity; and

“(C) may include other members, as appropriate.

“(9) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term ‘specialized instructional support personnel’ means school counselors, school social workers, school psychologists, school nurses, and other qualified professionals involved in providing assessment, diagnosis, counseling, educational, therapeutic, medical, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities in Education Act) as part of a comprehensive program to meet student needs.

**“SEC. 4210. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this part \$350,000,000 for fiscal year 2014 and such sums as may be necessary for each succeeding fiscal year.”

**TITLE V—WELL-ROUNDED STUDENTS AND ENGAGED FAMILIES**

**Subtitle A—Public Charter Schools**

**SEC. 501. PURPOSE.**

Section 5201 (20 U.S.C. 7221) is amended to read as follows:

**“SEC. 5201. PURPOSE.**

“It is the purpose of this subpart to—

“(1) provide financial assistance for the planning, program design, and initial implementation of charter schools;

“(2) expand the number of high-quality charter schools available to students across the Nation;

“(3) evaluate the impact of such schools on student achievement, families, and communities, and share best practices between charter schools and other public schools;

“(4) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools;

“(5) improve student services to increase opportunities for students with disabilities, English language learners, and other traditionally underserved students to attend charter schools and meet challenging State academic achievement standards;

“(6) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, monitoring, and evaluation of such schools; and

“(7) ensure quality, accountability and transparency in the operations and performance of all authorized public chartering agencies, including State and local educational agencies, and charter schools.”

**SEC. 502. PROGRAM AUTHORIZED.**

Section 5202 (20 U.S.C. 7221a) is amended to read as follows:

**“SEC. 5202. PROGRAM AUTHORIZED.**

“(a) IN GENERAL.—This subpart authorizes the Secretary to carry out a charter school

program that supports charter schools that serve elementary school and secondary school students by—

“(1) supporting the startup, replication, and expansion of charter schools;

“(2) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and

“(3) carrying out national activities to support—

“(A) charter school development;

“(B) the dissemination of best practices of charter schools for all schools; and

“(C) the evaluation of the impact of the program on schools participating in the program.

“(b) FUNDING ALLOTMENT.—From the amount made available under section 5211 for a fiscal year, the Secretary shall—

“(1) reserve 12.5 percent to support charter school facilities assistance under section 5204;

“(2) reserve not more than 2.5 percent to carry out technical assistance, best practices, and evaluation under section 5205(a);

“(3) reserve not more than 5 percent to carry out grants to eligible applicants under section 5205(b); and

“(4) use the remaining amount after the Secretary reserves funds under paragraphs (1) and (2) to carry out section 5203.

“(c) PRIOR GRANTS AND SUBGRANTS.—The recipient of a grant or subgrant under this subpart, as such subpart was in effect on the day before the date of enactment of the Student Success Act, shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.”.

#### SEC. 503. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.

Section 5203 (20 U.S.C. 7221b) is amended to read as follows:

#### “SEC. 5203. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.

“(a) IN GENERAL.—From the amount reserved under section 5202(b)(3), the Secretary shall award grants to State entities having applications approved pursuant to subsection (f) to enable such entities to—

“(1) award subgrants to eligible applicants for—

“(A) opening new charter schools;

“(B) replicating high-quality charter school models; or

“(C) expanding high-quality charter schools; and

“(2) provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1) and work with authorized public chartering agencies in the State to improve authorizing quality.

“(b) STATE USES OF FUNDS.—

“(1) IN GENERAL.—A State entity receiving a grant under this section shall—

“(A) use 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the entity's application approved pursuant to subsection (f), for the purposes described in subparagraphs (A) through (C) of subsection (a)(1); and

“(B) reserve 10 percent of such funds to carry out the activities described in subsection (a)(2), of which not more than 30 percent may be used for administrative costs which may include technical assistance.

“(2) CONTRACTS AND GRANTS.—A State entity may use a grant received under this section to carry out the activities described in subparagraphs (A) and (B) of paragraph (1) directly or through grants, contracts, or cooperative agreements.

“(c) PROGRAM PERIODS; PEER REVIEW; DIVERSITY OF PROJECTS.—

“(1) PROGRAM PERIODS.—

“(A) GRANTS.—A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 5 years.

“(B) SUBGRANTS.—A subgrant awarded by a State entity under this section shall be for a period of not more than 5 years, of which an eligible applicant may use not more than 18 months for planning and program design.

“(2) PEER REVIEW.—The Secretary, and each State entity receiving a grant under this section, shall use a peer review process to review applications for assistance under this section.

“(3) DIVERSITY OF PROJECTS.—Each State entity receiving a grant under this section shall award subgrants under this section in a manner that, to the extent possible, ensures that such subgrants—

“(A) are distributed throughout different areas, including urban, suburban, and rural areas; and

“(B) will assist charter schools representing a variety of educational approaches.

“(d) LIMITATIONS.—

“(1) GRANTS.—A State entity may not receive more than 1 grant under this section for a 5-year period.

“(2) SUBGRANTS.—An eligible applicant may not receive more than 1 subgrant under this section per charter school for a 5-year period.

“(e) APPLICATIONS.—A State entity desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

“(1) DESCRIPTION OF PROGRAM.—A description of the entity's objectives in opening and initially operating a quality charter school program under this section and how the objectives of the program will be carried out, including a description—

“(A) of how the entity will—

“(i) support both new charter school startup and the expansion and replication of high-quality charter school models;

“(ii) inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

“(iii) work with eligible applicants to ensure that the applicants access all Federal funds that they are eligible to receive, and help the charter schools supported by the applicants and the students attending the charter schools—

“(I) participate in the Federal programs in which the schools and students are eligible to participate; and

“(II) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs;

“(iv) in the case in which the entity is not a State educational agency—

“(I) work with the State educational agency and the charter schools in the State to maximize charter school participation in Federal and State programs for charter schools; and

“(II) work with the State educational agency to adequately operate the entity's program under this section, where applicable;

“(v) ensure eligible applicants that receive a subgrant under the entity's program are prepared to continue to operate the charter schools receiving the subgrant funds once the funds have expired;

“(vi) support charter schools participating in the entity's program and that are in local

educational agencies with large numbers of schools that must comply with the requirements of section 1116(b);

“(vii) work with charter schools to promote inclusion of all students and support all students once they are enrolled to promote retention;

“(viii) work with charter schools on recruitment practices, including efforts to engage groups that may otherwise have limited opportunities to participate in charter schools;

“(ix) share best and promising practices between charter schools and other public schools;

“(x) ensure the charter schools they support can meet the educational needs of their students, including students with disabilities and English language learners; and

“(xi) support efforts to increase quality initiatives, including meeting the quality authorizing elements described in paragraph (2)(E);

“(B) of the extent to which the entity—

“(i) is able to meet and carry out the priorities listed in subsection (f)(2); and

“(ii) is working to develop or strengthen a cohesive statewide system to support the opening of new charter schools a replica of high-quality charter school models, and expanding high-quality charter schools;

“(C) how the entity will carry out the subgrant competition, including—

“(i) a description of the application each eligible applicant desiring to receive a subgrant will submit, including—

“(I) a description of the roles and responsibilities of eligible applicants, partner organizations, and management organizations, including the administrative and contractual roles and responsibilities;

“(II) a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, and how a school's performance on the State's academic accountability system will be a primary factor for renewal;

“(III) a description of how the eligible applicant will solicit and consider input from parents and other members of the community on the planning, implementation, and operation of each charter school receiving funds under the entity's program; and

“(IV) for each year of the grant, planned activities and expenditures for use of funds received under this section for the purposes of opening and initially operating a new charter school, replicating a high-quality charter school model and initially operating such school, or expansion of a high-quality charter school and initially operating such school while ensuring financial sustainability of the school following the grant period; and

“(ii) a description of how the entity will review applications; and

“(D) in the case of an entity that partners with an outside organization to carry out the entity's quality charter school program, in whole or in part, of the roles and responsibilities of this partner.

“(2) ASSURANCES.—Assurances, including a description of how the assurances will be met, that—

“(A) each charter school receiving funds under the entity's program will have a high degree of autonomy over budget and operations;

“(B) the entity will support charter schools in meeting the educational needs of their students as described in paragraph (1)(A)(x);

“(C) the entity will ensure that the authorized public chartering agency of any charter



school that receives funds under the entity's program—

“(i) ensures that the charter school is meeting the obligations under this Act, part B of the Individuals with Disabilities Education Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, section 444 of the General Education Provisions Act (commonly known as the ‘Family Educational Rights and Privacy Act of 1974’), and title IX of the Education Amendments of 1972; and

“(ii) adequately monitors and helps ensure each charter school, with respect to recruitment and enrollment is meeting the needs of all students, including students with disabilities and English language learners;

“(D) the entity will provide adequate technical assistance to eligible applicants to—

“(i) meet the objectives described in clauses (vii) and (viii) of paragraph (1)(A) and paragraph (2)(B); and

“(ii) recruit and enroll traditionally underserved students, including students with disabilities and English language learners, to promote an inclusive education environment;

“(E) the entity will promote quality authorizing, such as through providing technical assistance, to support all authorized public chartering agencies in the State to improve the monitoring of their charter schools in compliance with quality charter authorizing standards described in section 1111(d)(1)(I);

“(F) the entity will work to ensure that charter schools are included with the traditional public school system in decision-making about the public school system in the State; and

“(G) the entity will ensure that each charter school in the State make publicly available, consistent with the dissemination requirements of the annual State report card, the information parents need to make informed decisions about the educational options available to their children, including information on the educational program, student support services, and annual performance and enrollment.

“(3) REQUESTS FOR WAIVERS.—A request and justification for waivers of any Federal statutory or regulatory provisions that the entity believes are necessary for the successful operation of the charter schools that will receive funds under the entity's program under this section, and a description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply to such schools.

“(f) SELECTION CRITERIA; PRIORITY.—

“(1) SELECTION CRITERIA.—The Secretary shall award grants to State entities under this section on the basis of the quality of the applications submitted under subsection (e), after taking into consideration—

“(A) the degree of flexibility afforded by the State's public charter school law and how the entity will work to maximize the flexibility provided to charter schools under the law;

“(B) the ambitiousness of the entity's objectives for the quality charter school program carried out under this section;

“(C) the quality of the strategy for assessing achievement of those objectives;

“(D) the likelihood that the eligible applicants receiving subgrants under the program will meet those objectives and improve educational results for students;

“(E) the proposed number of new charter schools to be opened, and the number of

high-quality charter schools to be replicated or expanded under the program;

“(F) the entity's plan to—

“(i) adequately monitor the eligible applicants receiving subgrants under the entity's program;

“(ii) work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies;

“(iii) provide adequate technical assistance, as described in the entity's application under subsection (e), for the eligible applicants receiving subgrants under the entity's program under this section; and

“(iv) support quality authorizing efforts in the State, consistent with quality charter school authorizing standards described in section 1111(d)(1)(H).

“(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to State entities to the extent that they meet the following criteria:

“(A) The State entity is located in a State that allows appeals of authorized public chartering agency, including State and local educational agency, decisions pertaining to granting, renewal, or revocation of charter agreements.

“(B) The State entity is located in a State that does not impose any limitation on the number or percentage of charter schools that may exist or the number or percentage of students that may attend charter schools in the State.

“(C) The State entity is located in a State that ensures equitable financing, as compared to traditional public schools, for charter schools and students in a prompt manner.

“(D) The State entity is located in a State that uses charter schools and best practices from charter schools to help improve struggling schools and local educational agencies.

“(E) The State entity partners with an organization that has a demonstrated record of success in developing management organizations to support the development of charter schools in the State.

“(F) The State entity demonstrates quality policies and practices to support and monitor charter schools through factors, including—

“(i) the proportion of high-quality charter schools in the State; and

“(ii) the proportion of charter schools enrolling, at a rate similar to traditional public schools, traditionally underserved students, including students with disabilities and English language learners.

“(G) The entity has taken steps to ensure that all authorized public chartering agencies implement best practices for quality charter school authorizing as described in section 1111(d)(1)(I).

“(g) LOCAL USES OF FUNDS.—An eligible applicant receiving a subgrant under this section shall use such funds to carry out activities to open and initially operate new charter schools, replicate high-quality charter school models and initially operate such schools, or expand existing high-quality charter schools and initially operate such schools to ensure strong school starts, as submitted annually by the eligible applicant according to subparagraph (e)(1)(C)(IV).

“(h) REPORTING REQUIREMENTS.—Each State entity receiving a grant under this section shall submit to the Secretary, at the end of the third year of the 5-year grant period and at the end of such grant period, a report on—

“(1) the number of students served and, if applicable, how many new students were served during each year of the grant period;

“(2) the number of subgrants awarded under this section to carry out each of the following—

“(A) the opening of new charter schools;

“(B) the replication of high-quality charter school models; and

“(C) the expansion of high-quality charter schools;

“(3) the progress the entity made toward meeting the priorities described in subsection (f)(2), as applicable;

“(4) how the entity met the objectives of the quality charter school program described in the entity's application under subsection (e);

“(5) how the entity complied with, and ensured that eligible applicants complied with, the assurances described in the entity's application; and

“(6) how the entity worked with authorized public chartering agencies, including how the agencies worked with the management company or leadership of the schools in which the subgrants were awarded.

“(i) STATE ENTITY DEFINED.—For purposes of this section, the term ‘State entity’ means—

“(1) a State educational agency; or

“(2) a State charter school board.”.

#### SEC. 504. FACILITIES FINANCING ASSISTANCE.

Section 5204 (20 U.S.C. 7221c) is amended to read as follows:

#### “SEC. 5204. FACILITIES FINANCING ASSISTANCE.

“(a) GRANTS TO ELIGIBLE ENTITIES.—

“(1) IN GENERAL.—From the amount reserved under section 5202(b)(1), the Secretary shall award not less than 3 grants to eligible entities that have applications approved under subsection (d) to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

“(2) ELIGIBLE ENTITY DEFINED.—For purposes of this section, the term ‘eligible entity’ means—

“(A) a public entity, such as a State or local governmental entity;

“(B) a private nonprofit entity; or

“(C) a consortium of entities described in subparagraphs (A) and (B).

“(b) GRANTEE SELECTION.—

“(1) EVALUATION OF APPLICATION.—The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.

“(2) DISTRIBUTION OF GRANTS.—The Secretary shall award at least one grant to an eligible entity described in subsection (a)(2)(A), at least one grant to an eligible entity described in subsection (a)(2)(B), and at least one grant to an eligible entity described in subsection (a)(2)(C), if applications are submitted that permit the Secretary to do so without approving an application that is not of sufficient quality to merit approval.

“(c) GRANT CHARACTERISTICS.—Grants under subsection (a) shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

“(d) APPLICATIONS.—

“(1) IN GENERAL.—To receive a grant under subsection (a), an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

“(2) CONTENTS.—An application submitted under paragraph (1) shall contain—

“(A) a statement identifying the activities proposed to be undertaken with funds received under subsection (a), including how

the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

“(B) a description of the involvement of charter schools in the application’s development and the design of the proposed activities;

“(C) a description of the eligible entity’s expertise in capital market financing;

“(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools, including how the entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the entity under this section;

“(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought;

“(F) a description of how the eligible entity will encourage energy-efficient school building practices;

“(G) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the charter schools need to have adequate facilities; and

“(H) such other information as the Secretary may reasonably require.

“(e) CHARTER SCHOOL OBJECTIVES.—An eligible entity receiving a grant under this section shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to access private sector capital to accomplish one or both of the following objectives:

“(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

“(2) The construction of new facilities, including predevelopment costs, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

“(f) RESERVE ACCOUNT.—

“(1) USE OF FUNDS.—To assist charter schools to accomplish the objectives described in subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) (other than funds used for administrative costs in accordance with subsection (g)) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

“(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e).

“(B) Guaranteeing and insuring leases of personal and real property for an objective described in subsection (e).

“(C) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

“(D) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

“(2) INVESTMENT.—Funds received under this section and deposited in the reserve account established under paragraph (1) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

“(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under subsection (a) shall be deposited in the reserve account established under paragraph (1) and used in accordance with such subsection.

“(g) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).

“(h) AUDITS AND REPORTS.—

“(1) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

“(2) REPORTS.—

“(A) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) annually shall submit to the Secretary a report of its operations and activities under this section.

“(B) CONTENTS.—Each annual report submitted under subparagraph (A) shall include—

“(i) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

“(ii) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under paragraph (1) during the reporting period;

“(iii) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under subsection (a) in leveraging private funds;

“(iv) a listing and description of the charter schools served during the reporting period, including the amount of funds used by each school, the type of project facilitated by the grant, and the type of assistance provided to the charter schools;

“(v) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in subsection (e); and

“(vi) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this section (excluding subsection (k)) during the reporting period.

“(C) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

“(i) NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATION.—No financial obligation of an eligible entity entered into pursuant to this section (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed

in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this section.

“(j) RECOVERY OF FUNDS.—

“(1) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

“(A) all of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this section (excluding subsection (k)), that the eligible entity has failed to make substantial progress in carrying out the purposes described in subsection (f)(1); or

“(B) all or a portion of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in subsection (f)(1).

“(2) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in paragraph (1) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in subsection (f)(1).

“(3) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under paragraph (1).

“(4) CONSTRUCTION.—This subsection shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.

“(k) PER-PUPIL FACILITIES AID PROGRAM.—

“(1) DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.—In this subsection, the term ‘per-pupil facilities aid program’ means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—

“(A) that is dedicated solely for funding charter school facilities; or

“(B) a portion of which is dedicated for funding charter school facilities.

“(2) GRANTS.—

“(A) IN GENERAL.—From the amount reserved under section 5202(b)(1) remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering per-pupil facilities aid programs.

“(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

“(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

“(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

“(ii) 80 percent in the second such year;

“(iii) 60 percent in the third such year;

“(iv) 40 percent in the fourth such year; and

“(v) 20 percent in the fifth such year.

“(D) STATE SHARE.—A State receiving a grant under this subsection may partner with 1 or more organizations to provide up to 50 percent of the State share of the cost of establishing or enhancing, and administering the per-pupil facilities aid program.

“(E) MULTIPLE GRANTS.—A State may receive more than 1 grant under this subsection, so long as the amount of such funds

provided to charter schools increases with each successive grant.

**“(3) USE OF FUNDS.—**

“(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State of the applicant.

“(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

“(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subsection shall be used to supplement, and not supplant, State, and local public funds expended to provide per pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

**“(4) REQUIREMENTS.—**

“(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.

**“(B) STATE LAW.—**

“(i) IN GENERAL.—To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

“(I) is specified in State law; and

“(II) provides annual financing, on a per-pupil basis, for charter school facilities.

“(ii) SPECIAL RULE.—A State that is required under State law to provide its charter schools with access to adequate facility space may be eligible to receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil facilities aid program consistent with the requirements of this subsection.

“(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.”.

**SEC. 505. NATIONAL ACTIVITIES.**

Section 5205 (20 U.S.C. 7221d) is amended to read as follows:

**“SEC. 5205. NATIONAL ACTIVITIES.**

“(a) TECHNICAL ASSISTANCE, BEST PRACTICES, AND EVALUATION.—From the amount reserved under section 5202(b)(2), the Secretary shall—

“(1) disseminate technical assistance to State entities in awarding subgrants under section 5203, and eligible entities and States receiving grants under section 5204;

“(2) disseminate best practices; and

“(3) in partnership with the Institute for Education Sciences, as appropriate—

“(A) develop relevant program performance metrics, including student outcome data, for State entities, eligible entities, and schools that receive funds under section 5203 and eligible applicants and charter schools that receive funds under section 5205(b);

“(B) assist such State entities, eligible applicants, and charter schools in collecting and submitting data on such performance metrics to the Secretary;

“(C) evaluate the program performance of and conduct related research to—

“(i) determine which policies and practices implemented using funds received under section 5203 and 5205(b) have the greatest impact on student achievement

“(ii) determine which charter school models funded under this title lead to measur-

ably improved student outcomes on statewide assessments;

“(iii) examine the transfer of best and promising practices between charter schools funded under this title and other public schools;

“(iv) ensure the inclusion of all student subgroups as described in section 1111(c)(3) in charter schools funded under this title; and

“(v) drive continuous improvement; and

“(D) disseminate the findings of the research, evaluation and data collection described in this section.

**“(b) GRANTS TO ELIGIBLE APPLICANTS.—**

“(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to eligible applicants for the purpose of carrying out the activities described in section 5202(a)(1), subparagraphs (A) through (C) of section 5203(a)(1), and section 5203(g).

“(2) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, grants awarded under this subsection shall have the same terms and conditions as grants awarded to State entities under section 5203.

“(3) ELIGIBLE APPLICANT DEFINED.—For purposes of this subsection, the term ‘eligible applicant’ means an eligible applicant that desires to open a charter school in—

“(A) a State that did not apply for a grant under section 5203;

“(B) a State that did not receive a grant under section 5203; or

“(C) a State that received a grant under section 5203 and is in the 4th or 5th year of the grant period for such grant.

“(c) CONTRACTS AND GRANTS.—The Secretary may carry out any of the activities described in this section directly or through grants, contracts, or cooperative agreements.”.

**SEC. 506. RECORDS TRANSFER.**

Section 5208 (20 U.S.C. 7221g) is amended—

(1) by inserting “as quickly as possible and” before “to the extent practicable”; and

(2) by striking “section 602” and inserting “section 602(14)”.

**SEC. 507. DEFINITIONS.**

Section 5210 (20 U.S.C. 7221i) is amended—

(1) in paragraph (1)—

(A) by striking “and” at the end of subparagraph (K);

(B) by striking the period at the end of subparagraph (L) and inserting “; and”; and

(C) by adding at the end, the following:

“(M) may serve prekindergarten or post secondary students.”;

(2) in paragraph (3)(B), by striking “under section 5203(d)(3)”;

(3) by inserting at the end the following:

“(5) EXPANSION OF A HIGH-QUALITY CHARTER SCHOOL.—The term ‘expansion of a high-quality charter school’ means significantly increasing the enrollment of or adding more grades to a high-quality charter school.

“(6) HIGH-QUALITY CHARTER SCHOOL.—The term ‘high-quality charter school’ means a charter school that—

“(A) shows evidence of increasing academic achievement for all students and student subgroups as described in section 1111(c)(3), including—

“(i) the percentage of students in on-target and advanced levels of achievement on the State academic assessments required under section 1111(b)(3) compared to demographically similar schools in the State;

“(ii) an average student academic, longitudinal growth from one school year to the next school year, if available and as determined by the State, on the State academic assessments required under section 1111(b)(3) that exceeds such growth in demographically similar schools in the State;

“(iii) in the case of a charter school that is a secondary school—

“(I) a graduation rate that is above the graduation rate for demographically similar schools in the State; and

“(II) attendance, retention, and postsecondary enrollment rates that are above such rates for demographically similar schools in the State; and

“(iv) closing achievement gaps among student subgroups as described in section 1111(c)(3) and all students served by the charter school; and

“(B) has no significant issues in the areas of student safety, school discipline, including high rates of suspensions and expulsions, financial management, or statutory or regulatory compliance, including quality charter school authorizing standards described in section 1111(d)(1)(I).

“(7) HIGH-QUALITY CHARTER SCHOOL MODEL.—The term ‘high-quality charter school model’ means a high-quality charter school that possesses the capability, including sustainable financing, to open another school campus under an existing charter agreement.”.

**SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

Section 5211 (20 U.S.C. 7221j) is amended to read as follows:

**“SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this subpart \$300,000,000 for fiscal year 2014 and each of the 5 succeeding fiscal years.”.

**SEC. 509. CONFORMING AMENDMENTS.**

(a) REPEAL.—Subpart 2 of part B of title V (20 U.S.C. 7223 et seq.) is repealed.

(b) TABLE OF CONTENTS.—The table of contents in section 2 is amended—

(1) by striking the item relating to section 5203 and inserting the following:

“Sec. 5203. Grants to support high-quality charter schools.”;

(2) by striking the item relating to section 5204 and inserting the following:

“Sec. 5204. Facilities Financing Assistance.”; and

(3) by striking subpart 2 of part B of title V.

**Subtitle B—Fund for the Improvement of Education**

**SEC. 511. FUND FOR THE IMPROVEMENT OF EDUCATION.**

(a) IN GENERAL.—Part D of title V (20 U.S.C. 7241 et seq.) is amended to read as follows:

**“PART D—A WELL-ROUNDED EDUCATION**

**“SUBPART 1—GRANTS TO SUPPORT STEM EDUCATION**

**“SEC. 5401. PURPOSE.**

“The purpose of this subpart is to improve student academic achievement in STEM subjects by—

“(1) improving instruction in such subjects from preschool through grade 12;

“(2) improving student engagement in, and increasing student access to, courses in such subjects;

“(3) improving the quality and effectiveness of classroom instruction by recruiting, training, and supporting effective teachers and providing robust tools and supports for students and teachers in such subjects;

“(4) implementing and integrating college and career ready standards, described in section 1111(b)(2), in STEM subjects and assessments aligned with those standards;

“(5) closing student achievement gaps, and preparing more students for postsecondary education and careers, in such subjects; and

“(6) Recognizing that STEM subjects are diverse and that STEM education programs must expose students to content and skills in a host of constantly changing and evolving content areas.

**“SEC. 5402. GRANTS; ALLOTMENTS.**

**“(a) RESERVATIONS.—**

“(1) IN GENERAL.—From the amounts appropriated under section 5410 for a fiscal year, the Secretary shall reserve—

“(A) \$35,000,000 for a STEM Master Teachers Corps program under section 5405;

“(B) 3 percent to carry out activities described in section 5405 and technical assistance to States, including technical assistance with implementation of programs consistent with the purpose of this part; and

“(C) if funds are not awarded by formula, as described in subsection (c)(1), 5 percent for State capacity-building grants in accordance with paragraph (2).

**“(2) CAPACITY-BUILDING GRANTS.—**

“(A) IN GENERAL.—In any year for which funding is distributed competitively, as described in subsection (b)(1), the Secretary may award 1 capacity-building grant to each eligible entity that does not receive a grant under subsection (b), on a competitive basis, to enable such States to become more competitive in future years.

“(B) DURATION.—Grants awarded under subparagraph (A) shall be for a period of 1 year.

**“(b) COMPETITIVE GRANTS.—**

“(1) IN GENERAL.—For each fiscal year for which the amount appropriated to carry out this Act is less than \$250,000,000, the Secretary shall award grants, on a competitive basis, to eligible entities to enable such eligible entities to carry out the activities described in this Act.

“(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 3 years.

**“(3) RENEWAL.—**

“(A) IN GENERAL.—If an eligible entity demonstrates progress, as measured by the metrics reported in section 5406(a)(5), the Secretary may renew a grant for an additional 2-year period.

“(B) REDUCED FUNDING.—Grant funds awarded under subparagraph (A) shall be awarded at a reduced amount.

**“(c) FORMULA GRANTS.—**

“(1) IN GENERAL.—For each fiscal year for which the amount appropriated to carry out this Act is equal to or more than \$250,000,000, the Secretary shall award grants to States, based on the formula described in paragraph (2).

“(2) DISTRIBUTION OF FUNDS.—The Secretary shall allot to each State—

“(A) an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals ages 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

“(B) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals ages 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

“(3) FUNDING MINIMUM.—No State receiving an allotment under this subsection may receive less than one-half of 1 percent of the total amount allotted under paragraph (1) for a fiscal year.

“(4) REALLOTMENT OF UNUSED FUNDS.—If a State does not successfully apply for or receive an allotment under this subsection for a fiscal year, the Secretary shall reallocate the amount of the State's allotment to the remaining States in accordance with this subsection.

**“SEC. 5403. APPLICATIONS.**

“(a) IN GENERAL.—Each eligible entity desiring a grant under this Act, whether through a competitive grant under section 5402(b) or through an allotment under section 5402(c), shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(b) CONTENTS.—At a minimum, an application submitted under subsection (a) shall include the following:

“(1) A description of how grant funds will be used by the eligible entity.

“(2) A description of how the eligible entity has involved a variety of stakeholders in the development of the application and a description of how the State or eligible entity will continue to involve stakeholders in any education reform efforts related to STEM subject instruction.

“(3) A description of the steps the eligible entity will take to ensure that programs implemented by the subgrantees use evidence-based strategies, ensure high-quality curricula, and provide high-quality professional development.

“(4) An assurance that the eligible entity, in making awards under section 5404(c), will give priority to subgrantees that—

“(A) propose to serve students in schools in need of improvement and persistently low achieving schools; or

“(B) propose to serve schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(5) A description of how the eligible entity's activities and subgrants will be coordinated with other Federal, State, and local programs and activities, including career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

“(6) A review of the industry and business workforce needs in the State in jobs that require knowledge or training in STEM subject areas and a description of how that review will inform efforts to improve education in STEM subjects.

“(7) A description of how the eligible entity will allocate funds in a manner that will provide services to both elementary schools and secondary schools.

“(8) A description of the technical assistance that the eligible entity will provide to subgrantees to support the activities undertaken by the subgrantees, including—

“(A) activities to employ multi-tiered systems of support to provide early intervening services and to increase student achievement in STEM subjects;

“(B) activities to ensure increased access for students who are traditionally underrepresented in STEM subject fields (including female students, minority students, students who are limited English proficient, students who are children with disabilities, and students from low-income families) to high-quality courses and other learning experiences;

“(C) implementing evidence-based programs of instruction based on college and career ready standards and high-quality assessments in the identified subjects; and

“(D) developing curricula consistent with the principles of universal design for learning as defined in section 103 of the Higher Education Act of 1965.

“(9) A description of the key data metrics that will be used and reported annually under section 5406(a)(5), that shall include—

“(A) student academic achievement on mathematics and science State academic assessments and student growth; and

“(B) for diploma granting schools, graduation rates.

“(10) Assurances that the eligible entity will monitor implementation of approved subgrantee plans.

**“SEC. 5404. AUTHORIZED ACTIVITIES.**

“(a) REQUIRED ACTIVITIES.—Each eligible entity that receives a grant under this Act shall use not more than 5 percent of the grant funds to carry out each of the following activities:

“(1) Providing technical assistance to subgrantees as described in section 5403(b)(7) and technical assistance to subgrantees that are prioritized in section 5404(d), including subgrantees that serve low-capacity rural and urban areas by—

“(A) informing those subgrantees that they have a priority for competing for grants under section 5404(b); and

“(B) providing subgrantees who do not receive a grant under section 5404(c) technical assistance so that they may re-compete in following competitions.

“(2) Identifying and supporting high-quality professional development and other comprehensive systems of support for teachers and school leaders to promote high-quality instruction and instructional leadership in the identified subjects, aligned to college and career ready standards where applicable.

“(3) Disseminating information, including making publicly available on the websites of the State educational agency, on promising practices to improve student achievement in STEM subject areas.

“(b) PERMISSIBLE ACTIVITIES.—Each eligible entity that receives a grant under this Act may use the grant funds to carry out 1 or more of the following activities:

“(1) Recruiting qualified teachers and instructional leaders who are trained in identified subjects, including teachers who have transitioned into the teaching profession from a career in a STEM field.

“(2) Providing induction and mentoring services to new teachers in identified subjects.

“(3) Developing instructional supports, such as curricula and assessments, which shall be evidence-based and aligned with State academic standards and may include online education.

“(4) Training personnel of subgrantees to use data systems to continuously improve student achievement in STEM subjects and use the data to better target curriculum and instruction to meet the needs of each student.

**“(c) SUBGRANTS.—**

“(1) IN GENERAL.—Each eligible entity that receives a grant under this Act shall award subgrants, on a competitive basis, to eligible subgrantees.

“(2) MINIMUM SUBGRANT.—An eligible entity shall award subgrants under this subsection that are of sufficient size and scope to support high-quality, evidence-based, effective programs that are consistent with the purpose of this Act.

“(3) SUBGRANTEE APPLICATION.—Each subgrantee desiring a subgrant under this subsection shall submit an application to the eligible entity at such time, in such manner,

and accompanied by such information as the eligible entity may require, including, at a minimum:

“(A) A description of the needs identified by the subgrantee, based on a needs assessment which shall include—

“(i) data for elementary school and secondary school grades, as applicable and to the extent that such data are available, on—

“(I) student achievement in science and mathematics, including such data collected in accordance with the State academic assessments;

“(II) science and mathematics teacher evaluation results or ratings;

“(III) student access to mathematics and science courses needed to enroll in credit-bearing coursework at institutions of higher education in the State;

“(IV) access to science and mathematics courses for student prekindergarten through grade 12 attending schools prioritized under section 5404(d);

“(V) the percentage of students successfully—

“(aa) completing Advanced Placement (AP) or International Baccalaureate (IB) courses in science and mathematics subjects; or

“(bb) completing rigorous postsecondary education courses in science and mathematics subjects;

“(VI) rates of college remediation in mathematics; and

“(VII) teacher shortages and teacher distribution among the local educational agencies and schools served by the subgrantee in science and mathematics subjects; and

“(ii) an analysis of the implementation of any multi-tiered systems of support that have been employed by the local educational agency served by the subgrantee to address the learning needs of students in any STEM subjects.

“(B) A description of the activities that the subgrantee will carry out based on the findings of the needs assessment described in subparagraph (A), and how such activities will improve teaching and student academic achievement in the identified subjects, in a manner consistent with evidence-based research.

“(C) A description of how the subgrantee will use funds provided under this subsection to serve students and teachers in schools prioritized under section 5404(d).

“(D) A description of how funds provided under this subsection will be coordinated with other Federal, State, and local programs and activities, including career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

“(E) If the subgrantee is working with outside partners, a description of how such outside partners will be involved in improving instruction and increasing access to high-quality learning experiences in the identified subjects.

“(4) SUBGRANTEE USE OF FUNDS.—

“(A) REQUIRED USE OF FUNDS.—Each subgrantee that receives a subgrant under this subsection shall use the subgrant funds to carry out activities for students from preschool through grade 12, consistent with the analysis and the activities described in the subgrantee's application, which shall include—

“(i) high-quality teacher and instructional leader recruitment, support, evaluation, and professional development in the identified subjects;

“(ii) professional development, which may include development and support for instruc-

tional coaches, to enable teachers and instructional leaders to increase student achievement in identified subjects, through—

“(I) implementation of classroom assessments; and

“(II) differentiation of instruction in identified subjects for all students, including for students with disabilities and students who are English learners;

“(iii) activities to—

“(I) improve the content knowledge of teachers; and

“(II) facilitate professional collaboration, which may include providing time for such collaborations;

“(iv) training to principals and teachers in implementing STEM subject initiatives, particularly in the areas of—

“(I) utilizing data;

“(II) assessing the quality of STEM subject instruction; and

“(III) providing time and support for teachers to plan STEM subject instruction;

“(v) the development, adoption, and improvement of high-quality curricula, assessments, materials, and instructional supports that—

“(I) are aligned with State academic standards; and

“(II) the subgrantee will use to improve student academic achievement in identified subjects; and

“(vi) the development or improvement, and implementation, of multi-tiered systems of support to provide early intervening services and to increase student achievement in 1 or more of the identified subjects.

“(B) PERMISSIBLE USE OF FUNDS.—In addition to the required activities described in subparagraph (A), each subgrantee that receives a subgrant under this subsection, may also use the subgrant funds to—

“(i) support the participation of low-income students in nonprofit competitions and out-of-school activities related to STEM (such as robotics, science research, invention, mathematics, and technology competitions), including—

“(I) the purchase of parts and supplies needed to participate in such competitions;

“(II) incentives and stipends for teachers and instructional leaders who are involved in assisting students and preparing students for such competitions, if such activities fall outside the regular duties and responsibilities of such teachers and instructional leaders; and

“(III) paying expenses associated with the participation of low-income students in such local, regional, or national competitions;

“(ii) improve the laboratories of schools served by the subgrantee and provide instrumentation as part of a comprehensive program to enhance the quality of STEM instruction, including—

“(I) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

“(II) maintenance, renovation, and improvement of laboratory facilities;

“(III) professional development and training for teachers;

“(IV) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with college and career ready content standards in STEM subjects;

“(V) training in laboratory safety for school personnel;

“(VI) design and implementation of hands-on laboratory experiences to encourage the interest of students, especially students who are traditionally underrepresented in STEM subject fields (including female students, mi-

nority students, students who are limited English proficient, students who are children with disabilities, and students from low-income families) in STEM subjects and help prepare such students to pursue postsecondary studies in these fields; and

“(VII) assessment of the activities funded under this subparagraph;

“(iii) broaden secondary school students' access to, and interest in, careers that require academic preparation in 1 or more identified subjects;

“(iv) integrate instruction in the identified subjects with instruction in reading, English language arts, or other core and noncore academic subjects;

“(v) develop and implement a STEAM curriculum, which means the integration of instruction in the identified subjects with instruction in the arts and design; or

“(vi) establish or access online or distance learning programs for STEM subject teachers using evidence-based curricula.

“(C) LIMITATION.—Each subgrantee that receives a subgrant under this subsection shall not expend more than 15 percent of the subgrant funds on the activities described in subparagraph (B).

“(D) MATCHING FUNDS.—

“(i) IN GENERAL.—A State or eligible entity may require an eligible subgrantee receiving a subgrant under this subsection to demonstrate that such subgrantee has obtained a commitment from 1 or more outside partners to match, using non-Federal funds, a portion of the amount of subgrant funds, in an amount determined by the State or eligible entity.

“(ii) REQUIRED MINIMUM.—Notwithstanding clause (i), if an eligible subgrantee partners with an outside partner that is a for-profit entity, such subgrantee shall obtain matching funds from the outside partner in an amount equal to not less than 15 percent of the amount of the subgrant.

“(d) PRIORITY.—In awarding grants under this part, an eligible entity shall give priority to subgrantees proposing to target services to—

“(1) students in schools in need of improvement and persistently low-achieving schools; or

“(2) schools with a high percentage of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

#### “SEC. 5405. NATIONAL COORDINATION.

“From the amount reserved under section 5402(a)(1)(B), the Secretary shall consult with the Director of the National Science Foundation and other Federal agencies conducting STEM education programs to enhance such programs and to improve coordination across agencies, such as—

“(1) clarifying the appropriate roles for the Department of Education and the National Science Foundation in the execution of summer workshops, institutes, or partnerships to improve STEM education in elementary and secondary schools; or

“(2) integrating afterschool, out-of-school, and informal education efforts conducted across Federal agencies into strategies for enhancing and improving STEM education.

#### “SEC. 5406. STEM MASTER TEACHER CORPS PROGRAM.

“(a) GRANTS AUTHORIZED.—From the funds reserved under section 5402(a)(1)(A), the Secretary shall award 1 or more grants, on a competitive basis, to entities described in subsection (b)(1) to enable such entities to establish and operate a one-time STEM master teacher corps program.

“(b) STEM MASTER TEACHER CORPS.—The term ‘STEM master teacher corps’ (referred to in this section as the ‘corps’) means a one-time program—

“(1) that establishes the viability of creating a long-term national-level master teacher corps as a means to recognize and reward accomplished STEM educators;

“(2) operated by 1 or more State educational agencies, or a consortium of local educational agencies, acting in partnership with 1 or more outside partners that have a demonstrated record of success in improving the effectiveness of STEM teachers or increasing the retention of such teachers;

“(3) that selects a group of highly rated teachers (through a process, and for a duration, determined by the entity described in paragraph (1)), as members of the corps, that constitutes not less than 5 percent and not more than 10 percent of elementary school, middle school, and high school teachers who teach STEM subjects and who—

“(A) teach in a participating high-need school in the region served by the entity described in paragraph (1); or

“(B) agree to teach in a participating high-need school in the region served by the entity described in paragraph (1) if accepted as a member of the corps; and

“(4) that aims to attract, improve, and retain teachers who teach STEM subjects and to increase student achievement in such subjects, including by—

“(A) providing instructional leadership responsibilities for corps members in their schools, local educational agencies, or States, such as mentoring beginning STEM teachers and leading professional development activities for teachers not participating in the corps;

“(B) providing corps members with research-based professional development on instructional leadership and effective teaching methods for STEM subjects, including coordinating with out-of-school-time and after-school programs to provide engaging STEM programs;

“(C) providing each teacher who is a corps member with a salary supplement of not less than \$10,000 per year, in recognition of such teacher’s teaching accomplishments, leadership, and increased responsibilities, for each year such teacher serves as a member of the corps; and

“(D) building a community of practice among corps members to enable such members to network, collaborate, and to share best practices and resources with each other.

“(c) DURATION.—Grants awarded under this section shall be for a period of not more than 3 years, after which the program under this subsection shall end.

“(d) APPLICATION.—Each entity described in subsection (b)(1) desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(e) MATCHING FUNDS.—The Secretary may require a grantee under this section to provide non-Federal matching funds in an amount equal to the amount of grant funds awarded under this section.

#### “SEC. 5407. REPORTING REQUIREMENTS.

“(a) ELIGIBLE ENTITY REPORTS.—Each State educational agency receiving an award under section 5403 shall report annually to the Secretary regarding the State educational agency’s progress in addressing the purposes of this Act. Such report shall include, at a minimum, a description of—

“(1) the professional development activities provided under the award, including

types of activities and entities involved in providing professional development to classroom teachers and other program staff;

“(2) the types of programs and, for children from preschool to kindergarten entry, program settings, funded under the award;

“(3) the ages and demographic information that is not individually identifiable of children served by the programs funded under the award;

“(4) student performance on data metrics identified under section 5403(b)(8) used for STEM initiatives; and

“(5) the outcomes of programs and activities provided under the award.

“(b) ELIGIBLE SUBGRANTEE REPORTS.—Each eligible entity receiving a subgrant under section 5404(c) shall report annually to the State educational agency regarding the eligible entity’s progress in addressing the purposes of this Act. Such report shall include, at a minimum, a description of—

“(1) how the subgrant funds were used; and

“(2) student performance on relevant program metrics, as identified in the State education agency’s implementation plan under section 5403(b)(8).

#### “SEC. 5408. SUPPLEMENT NOT SUPPLANT.

“Funds received under this Act shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this Act.

#### “SEC. 5409. MAINTENANCE OF EFFORT.

“A State that receives funds under this Act for a fiscal year shall maintain the fiscal effort provided by the State for the subjects supported by the funds under this Act at a level equal to or greater than the level of such fiscal effort for the preceding fiscal year.

#### “SEC. 5410. DEFINITIONS.

“In this Act:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State educational agency in partnership with—

“(A) another State educational agency;

“(B) a consortium of State educational agencies; or

“(C) the State agencies that oversee childcare programs, state-funded prekindergarten, and part C of Individuals with Disabilities Education Act.

“(2) ELIGIBLE SUBGRANTEE.—The term ‘eligible subgrantee’ means—

“(A) a local educational agency;

“(B) 1 or more local educational agencies providing early learning programs, or 1 or more public or private early learning programs, serving children from preschool through kindergarten entry, such as a Head Start agency, a child care program, or a State-funded pre-kindergarten program, as appropriate;

“(C) an educational service agency serving more than 1 local educational agency;

“(D) a consortium of local educational agencies; or

“(E) any of the entities described in subparagraphs (A) through (D) working in partnership with an outside partner.

“(3) MULTI-TIERED SYSTEM OF SUPPORT.—For purposes of this Act, the term ‘multi-tiered system of support’ means a comprehensive system of differentiated supports that includes evidence-based instruction, universal screening, progress monitoring, formative assessments, research-based interventions matched to student needs and educational decisionmaking using student outcome data.

“(4) OUTSIDE PARTNER.—The term ‘outside partner’ means an entity that has expertise and a demonstrated record of success in improving student learning and engagement in

the STEM subjects, including any of the following:

“(A) A nonprofit or community-based organization, such as an Indian tribe.

“(B) A business.

“(C) A nonprofit cultural organization, such as a museum or learning center.

“(D) An institution of higher education.

“(E) An educational service agency.

“(F) Another appropriate entity.

“(5) STEM SUBJECTS.—The term ‘STEM Subjects’ means the subjects of science, technology, engineering, and mathematics, including other academic subjects that build on or are integrated with these subjects, such as statistics, computer science, and environmental literacy, the arts and design, or other subjects a State identifies as important to the workforce of the State.

#### “SEC. 5411. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subpart \$500,000,000 for fiscal year 2014 and such sums as may be necessary for subsequent fiscal years.

#### “SUBPART 2—GRANTS TO SUPPORT COMPREHENSIVE LITERACY EDUCATION

#### “SEC. 5421. PURPOSES.

“The purposes of this part are—

“(1) to improve student literacy and academic achievement, including the ability to problem solve, communicate effectively, and acquire new knowledge and skills;

“(2) to assist State educational agencies and local educational agencies in the development, coordination, and implementation of comprehensive literacy plans that promote high-quality evidence based instruction in alignment with State early learning and college- and career-ready standards from preschool through grade 12;

“(3) to identify and support students reading and writing significantly below grade level by providing evidence-based, intensive interventions to help the students acquire the language and literacy skills the students need to stay on track for graduation;

“(4) to support State educational agencies and local educational agencies in improving reading, writing, and literacy-based academic achievement for children and students, especially children and students who are low-income, are English learners, are migratory, are children with disabilities, are Indian or Alaskan Native, are neglected or delinquent, are homeless, are in the custody of the child welfare system, or have dropped out of school;

“(5) to provide assistance to local educational agencies in order to provide educators with ongoing, job-embedded professional development and other support focusing on imparting and employing—

“(A) the characteristics of effective language and literacy instruction;

“(B) the special knowledge and skills necessary to teach and support literacy development effectively across the developmental span and age span;

“(C) the essential components of reading instruction; and

“(D) the essential components of writing instruction;

“(6) to evaluate whether the professional development activities and approaches are effective in building knowledge and skills of educators and their use of appropriate and effective practices.

“(7) to support State educational agencies and local educational agencies in using age appropriate and developmentally appropriate instructional materials and strategies that assist teachers as the teachers work with

students to develop reading and writing competencies appropriate to the students' grade and skill levels;

"(8) to support efforts to link and align college and career-ready standards and evidence-based teaching practices and instruction in early childhood education programs serving children from preschool through kindergarten entry;

"(9) strengthening coordination among schools, early literacy programs, family literacy programs, juvenile justice programs, public libraries, and outside-of-school programs that provide children and youth with strategies, curricula, interventions, and assessments designed to advance early and continuing language and literacy development in ways appropriate for each context; and

"(10) to engage the participation of parents in supporting their child's communication and literacy development.

**"SEC. 5422. PROGRAM AUTHORIZED.**

"(a) IN GENERAL.—The Secretary is authorized—

"(1) to award State planning grants in accordance with section 5423; and

"(2) to award State implementation grants in accordance with section 5424 to enable the State educational agency to—

"(A) carry out the State activities described in section 5425;

"(B) award subgrants to eligible entities in accordance with section 5426; and

"(C) award subgrants to eligible entities in accordance with section 5427.

"(b) AWARDS TO STATE EDUCATIONAL AGENCIES.—

"(1) AMOUNTS LESS THAN \$250,000,000.—If the amount appropriated under section 5430 for a fiscal year is less than \$250,000,000, then the Secretary shall—

"(A) reserve not more than 5 percent to award planning grants, on a competitive basis, to State educational agencies, in accordance with section 5423; and

"(B) use the amount not reserved under subparagraphs (A) to make awards, on a competitive basis, to State educational agencies serving States that have applications approved under section 5424(b) to enable the State educational agencies to carry out sections 5424 and 5425.

"(2) AMOUNTS EQUAL TO OR EXCEEDING \$250,000,000.—

"(A) IN GENERAL.—If the amount appropriated under section 5430 for a fiscal year equals or exceeds \$250,000,000, then the Secretary shall—

"(i) reserve a total of 1 percent of such amount for—

"(I) allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among such outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this Act; and

"(II) the Secretary of the Interior for programs under sections 5423, 5424, 5425, 5426, and 5427 in schools operated or funded by the Bureau of Indian Education;

"(ii) reserve not more than 5 percent to award planning grants, to State educational agencies serving States, in accordance with section 5423;

"(iii) reserve not more than 3 percent for national activities, such as evaluations, training, and technical assistance, to the Department of Education to support comprehensive literacy reform at the State level; and

"(iv) use the amount not reserved under clauses (i), and (ii) to make awards, from al-

lotments under subparagraph (C), to State educational agencies serving States that have applications approved under section 5424 and that are not receiving an allotment under clause (i)(I), to enable the State educational agencies to carry out sections 5424 and 5425.

"(B) SPECIAL RULES.—

"(i) PROPORTIONAL DIVISION.—In each fiscal year, the amount reserved under subparagraph (A)(i) shall be divided between the uses described in subclauses (I) and (II) of subparagraph (A)(i) in the same proportion as the amount reserved under section 1121(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331(a)) is divided between the uses described in paragraphs (1) and (2) of such section 1121(a) for such fiscal year.

"(ii) CONSULTATION.—A State educational agency that receives an allotment under this paragraph shall engage in timely and meaningful consultation with representatives of Indian tribes located in the State in order to improve the coordination and quality of activities designed to develop effective approaches to achieve the purposes of this Act consistent with the cultural, language, and educational needs of Indian students.

"(C) STATE ALLOTMENT FORMULA.—The Secretary shall allot the amount made available under subparagraph (A)(iv) for a fiscal year among the States not receiving an allotment from the reservation under subparagraph (A)(i)(I) in proportion to the number of children, from preschool through age 17, who reside within the State and are from families with incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such children who reside in all such States for that fiscal year.

"(3) MINIMUM AWARD AMOUNT.—Notwithstanding paragraphs (1) and (2), no State educational agency receiving an award under this section for a fiscal year may receive less than one-fourth of 1 percent of the total amount appropriated under section 5430 for the fiscal year, except as provided under paragraph (2)(A)(i).

"(c) PEER REVIEW.—The Secretary shall convene a peer review panel to evaluate the application for each grant awarded to a State educational agency under sections 5423 and 5424 and shall make a copy of the peer review comments available to the public.

"(d) SUPPLEMENT NOT SUPPLANT.—Award funds provided under this Act shall supplement, and not supplant, other Federal, State, or local funds that would, in the absence of such award funds, be made available for literacy instruction and support of children and students participating in programs assisted under this Act.

"(e) MAINTENANCE OF EFFORT.—Each State educational agency that receives an award under sections 5423 and 5424, and each eligible entity that receives a subgrant under section 5426 or 5427, shall maintain for the fiscal year for which the grant or subgrant is received and for each subsequent fiscal year the expenditures of the State educational agency or eligible entity, respectively, for literacy instruction at a level not less than the level of such expenditures maintained by the State educational agency or eligible entity, respectively, for the fiscal year preceding such fiscal year for which the grant or subgrant is received.

**"SEC. 5423. STATE PLANNING GRANTS.**

"(a) PLANNING GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From any amounts made available under paragraph (1)(A) or (2)(A)(ii) of section 5422(b), the Secretary may award

planning grants to State educational agencies to enable the State educational agencies to develop or improve a comprehensive planning to carry out activities that improve literacy for children and students from preschool through grade 12.

"(2) GRANT PERIOD.—A planning grant awarded under this section shall be for a period of not more than 1 year.

"(3) NONRENEWABILITY.—The Secretary shall not award a State educational agency more than 1 planning grant under this section.

"(4) LIMITATION.—A State educational agency may not receive a planning grant under this section at the same time it is receiving an implementation grant under section 5424.

"(b) APPLICATION.—

"(1) IN GENERAL.—Each State educational agency desiring a planning grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) EXISTING PLAN.—An existing federally funded State literacy plan can be used to meet the requirements of this subsection.

"(c) REQUIRED ACTIVITIES.—A State educational agency receiving planning grant funds under this section shall carry out each of the following activities:

"(1) Reviewing reading, writing, or other literacy resources and programs, such as school library programs, high-quality distance learning programs, and data across the State to identify any literacy needs and gaps in the State.

"(2) Forming or designating a State literacy leadership team which shall execute the following functions:

"(A) Creating a comprehensive State literacy plan that—

"(i) is designed to improve language, reading, writing, and academic achievement for children and students, especially those reading below grade level;

"(ii) includes a needs assessment and an implementation plan, including an analysis of child and student literacy data to identify baseline and benchmark levels of literacy and early literacy skills in order to monitor progress and improvement, and a plan to improve literacy levels among all children and students;

"(iii) ensures high quality strategies and instruction in early literacy development (which includes communication, reading, and writing) in early childhood education programs serving children from preschool through kindergarten entry and in kindergarten through grade 12 programs;

"(iv) provides for activities designed to improve literacy achievement for students who—

"(I) read or write below grade level;

"(II) attend schools in need of improvement and persistently low-achieving schools; and

"(III) attend schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

"(v) is submitted to the Secretary.

"(B) Providing recommendations to guide the State educational agency in the State educational agency's process of strengthening State literacy standards and embedding State literacy standards with the State's college and career ready standards, academic achievement standards, and early learning standards.

"(C) Providing recommendations to guide the State educational agency in the State



educational agency's process of measuring, assessing, and monitoring progress in literacy at the school, local educational agency, and State levels.

“(D) Identifying criteria for high quality professional development providers, which providers may include qualified teachers within the State, for the State educational agency and local educational agencies.

“(E) Advising the State educational agency on how to help ensure that local educational agencies and schools provide timely and appropriate data to teachers to inform and improve instruction.

“(F) Providing recommendations to guide the State educational agency in the State educational agency's planning process of building educators' capacity to provide high-quality literacy instruction.

“(3) REPORTING REQUIREMENT.—Not later than 1 year after a State educational agency receives a planning grant under this section, the State educational agency shall submit a report to the Secretary on the State educational agency's performance of the activities described in this subsection.

#### “SEC. 5424. STATE IMPLEMENTATION GRANTS.

“(a) IMPLEMENTATION GRANTS AUTHORIZED.—

“(1) IN GENERAL.—From awards made available under paragraph (1)(B) or (2)(A)(iv) of section 5422(b), the Secretary shall, on a competitive basis or through allotments, respectively, award implementation grants to State educational agencies to enable the State educational agencies—

“(A) to implement a comprehensive literacy plan that meets the criteria in section 5423(c)(2)(A) for programs serving children from preschool through kindergarten entry through grade 12 programs;

“(B) to carry out State activities under section 5425; and

“(C) to award subgrants under sections 5426 and 5427.

“(2) LIMITATION.—The Secretary shall not award a implementation grant under this section to a State for any year for which the State has received a planning grant under section 5423.

“(3) DURATION OF GRANTS.—An implementation grant under this section shall be awarded for a period of not more than 5 years.

“(4) RENEWALS.—

“(A) IN GENERAL.—Implementation grants under this section may be renewed.

“(B) CONDITIONS.—In order to be eligible to have an implementation grant renewed under this paragraph, the State educational agency shall demonstrate to the satisfaction of the Secretary that—

“(i) the State educational agency has complied with the terms of the grant, including using the funds to—

“(I) increase access to high-quality professional development;

“(II) use developmentally appropriate curricula and teaching materials; and

“(III) use developmentally appropriate classroom-based instructional assessments and developmentally appropriate screening and diagnostic assessments; and

“(ii) with respect to students in kindergarten through grade 12, during the period of the grant there has been significant progress in student achievement, as measured by the metrics described in section 5424(b)(2)(C).

“(b) STATE APPLICATIONS.—

“(1) IN GENERAL.—A State educational agency that desires to receive an implementation grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such infor-

mation as the Secretary may require. The State educational agency shall collaborate with all State agencies responsible for administering early childhood education programs, and the State agency responsible for administering child care programs, in the State in writing and implementing the early learning portion of the grant application under this subsection.

“(2) CONTENTS.—An application described in paragraph (1) shall include the following:

“(A) A description of the members of the State literacy leadership team and a description of how the State educational agency has developed a comprehensive State literacy plan, as described in section 5423(c)(2)(A).

“(B) An implementation plan that includes a description of how the State educational agency will—

“(i) carry out the State activities described in section 5425;

“(ii) assist eligible entities with—

“(I) providing strategic and intensive literacy instruction based on scientifically valid research for students who are reading and writing below grade level, including through the use of multi-tiered systems of support, including addressing the literacy needs of children and youth with disabilities or developmental delays and English learners in early childhood education programs serving children from preschool through kindergarten entry and programs serving students from preschool through grade 12;

“(II) providing training to parents, as appropriate, so that the parents can participate in the literacy related activities described in sections 5426 and 5427 to assist in the language and literacy development of their children;

“(III) selecting and using reading and writing assessments;

“(IV) providing classroom-based instruction that is supported by one-to-one and small group work;

“(V) using curricular materials and instructional tools, which may include technology, to improve instruction and literacy achievement;

“(VI) providing for high-quality professional development; and

“(VII) using the principles of universal design for learning, as described in section 5429(b)(21);

“(iii) ensure that local educational agencies in the State have leveraged and are effectively leveraging the resources needed to implement effective literacy instruction, and have the capacity to implement literacy initiatives effectively;

“(iv) continually coordinate and align the activities assisted under this section and sections 5426 and 5427 with reading, writing, and other literacy resources and programs across the State and locally that serve children and students and their families and promote literacy instruction and learning, including strengthening partnerships among schools, libraries, local youth-serving agencies, and programs, in order to improve literacy for all children and youth; and

“(v) ensure that funds provided under this section are awarded in a manner that will provide services to all grade levels, including proportionally to middle schools and high schools.

“(C) A description of the key data metrics that will be used and reported annually under section 5428(b)(1)(E), that shall include—

“(i) student academic achievement on the English language arts State academic assessments and student growth over time;

“(ii) for diploma granting schools, graduation rates;

“(D) An assurance that the State educational agency will use implementation grant funds under this section for literacy programs as follows:

“(i) Not less than 10 percent of such grant funds shall be used for State and local programs and activities pertaining to learners from preschool through kindergarten entry.

“(ii) Not less than 40 percent of such implementation grant funds shall be used for State and local programs and activities allocated equitably among the grades of kindergarten through grade 5.

“(iii) Not less than 40 percent of such implementation grant funds shall be used for State and local programs and activities, allocated equitably among grades 6 through 12.

“(iv) Not more than 10 percent of such implementation grant funds shall be used for the State activities described in section 5425.

“(E) An assurance that the State educational agency shall give priority to awarding a subgrant to an eligible entity—

“(i) under section 5426 based on the number or percentage of children younger than the age of kindergarten entry and the number of students from kindergarten through 17 who are—

“(I) served by the eligible entity; and

“(II) from families with income below the poverty line, based on the most recent satisfactory data provided to the Secretary by the Bureau of the Census for determining eligibility under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)); and

“(ii) under section 5427, that proposes to serve—

“(I) a high number or percentage of students served by the eligible entity that are reading and writing below grade level according to State assessments;

“(II) students that attend schools in need of improvement and persistently low-achieving schools; and

“(III) students that attend schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(c) APPROVAL OF APPLICATIONS.—

“(1) IN GENERAL.—The Secretary, in consultation with the peer review panel established under paragraph (2), shall evaluate State educational agency applications under subsection (b) based on the responsiveness of the applications to the application requirements under such subsection.

“(2) PEER REVIEW.—The Secretary shall convene a peer review panel in accordance with section 5422(c) to evaluate applications for each implementation grant awarded to a State educational agency under this section.

“(3) EARLY LEARNING.—In order for a State educational agency's application under this section to be approved by the Secretary, the application shall contain an assurance that the State agencies responsible for administering early childhood education programs and services, including the State agency responsible for administering child care programs and the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)), approves of, and will be extensively consulted in the implementation of related activities and services consistent with section 5426 with respect to, the early learning portion of the application.

#### “SEC. 5425. STATE ACTIVITIES.

“(a) REQUIRED ACTIVITIES.—A State educational agency shall use funds made available under section 5422(a)(2)(A) and described

in section 5424(b)(2)(D)(iv) to carry out the activities proposed in a State's plan consistent with section 5424(b)(2), including the following activities:

“(1) Carrying out the assurances and activities provided in the State application under section 5424(b)(2).

“(2) In consultation with the State literacy leadership team, providing technical assistance or engaging qualified providers to provide technical assistance to eligible entities to enable the eligible entities to design and implement a literacy program under sections 5426 and 5427.

“(3) Providing technical assistance to eligible entities that are prioritized in section 5424(b)(2)(E), including eligible entities that serve low-capacity rural and urban areas by—

“(A) informing those eligible entities that they have a priority for competing for grants under section 5426 and 5427; and

“(B) providing eligible entities who do not receive a grant under section 5426 and 5427 technical assistance so that they may re-compete in following competitions.

“(4) Continuing to consult with the State literacy leadership team and continuing to coordinate with institutions of higher education in the State—

“(A) in order to provide recommendations to strengthen and enhance preservice courses for students preparing, at institutions of higher education in the State, to teach children from preschool through grade 12 in explicit, systematic, and intensive instruction in evidence-based literacy methods; and

“(B) by following up reviews completed by the State literacy leadership team with recommendations to ensure that such institutions offer courses that meet the highest standards.

“(5) Reviewing and updating, in collaboration with teachers, statewide educational and professional organizations representing teachers, and statewide educational and professional organizations representing institutions of higher education, State licensure and certification standards in the area of literacy instruction in early childhood education through grade 12.

“(6) Making publicly available, including on the State educational agency's website, information on promising instructional practices to improve student literacy achievement.

“(b) PERMISSIVE ACTIVITIES.—After carrying out activities described in subsection (a), a State educational agency may use remaining funds made available under section 5422(a)(2)(A) and described in section 5424(b)(2)(D)(iv) to carry out 1 or more of the following activities:

“(1) Training the personnel of eligible entities to use data systems that track student literacy achievement.

“(2) Developing literacy coach training programs and training literacy coaches.

“(3) Building public support among local educational agency personnel, early childhood education programs, and the community for comprehensive literacy instruction for children and students from preschool through grade 12.

**“SEC. 5426. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF PRESCHOOL THROUGH KINDERGARTEN ENTRY LITERACY.**

“(a) SUBGRANTS.—

“(1) IN GENERAL.—A State educational agency, in consultation with the State agencies responsible for administering early childhood education programs and services, including the State agency responsible for administering child care programs and the

State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)), shall use implementation grant funds provided under section 5422(a)(2)(B) to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to support high-quality early literacy initiatives for children from preschool through kindergarten entry.

“(2) DURATION.—The term of subgrant under this section shall be for 5 years.

“(b) SUFFICIENT SIZE AND SCOPE.—Each subgrant awarded under this section shall be of sufficient size and scope to allow the eligible entity to carry out high-quality early literacy initiatives for children from preschool through kindergarten entry.

“(c) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency, at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include a description of—

“(1) how the subgrant funds will be used to enhance the language and literacy aspects of school readiness of children, from preschool through kindergarten entry, in early childhood education programs, including an analysis of the data used to identify how funds will be used to improve language and literacy;

“(2) the programs assisted under the subgrant, including demographic and socioeconomic information on the children enrolled in the programs;

“(3) a budget for the eligible entity that projects the cost of developing and implementing literacy initiatives to carry out the activities described in subsection (e);

“(4) how, if the eligible entity is requesting a planning period, the eligible entity will use that planning period to prepare for successful implementation of a plan to support the development of learning and literacy consistent with the purposes of this Act;

“(5) the literacy initiatives, if any, in place and how these initiatives will be coordinated and integrated with activities supported under this section;

“(6) how the subgrant funds will be used to prepare and provide ongoing assistance to staff in the programs, through high-quality professional development;

“(7) how the subgrant funds will be used to provide services, incorporate activities, and select and use literacy instructional materials that meet the diverse developmental and linguistic needs of children, including English learners and children with disabilities and developmental delays, and that are based on scientifically valid research on child development and learning for children from preschool through kindergarten entry;

“(8) how the subgrant funds will be used to provide screening assessments, diagnostic assessments, classroom-based instructional assessments, and assessments of developmental progress;

“(9) how families and caregivers will be involved, as appropriate, in supporting their children's literacy development, instruction, and assessment;

“(10) how the subgrant funds will be used to help children, particularly children experiencing difficulty with oral and written language, to make the transition from early childhood education to formal classroom instruction;

“(11) how the activities assisted under the subgrant will be coordinated with literacy instruction at the kindergarten through grade 5 level;

“(12) how the subgrant funds will be used—

“(A) to evaluate the success of the activities assisted under the subgrant in enhancing the early language and literacy development of children from preschool through kindergarten entry; and

“(B) to evaluate data for program improvement; and

“(13) such other information as the State educational agency may require.

“(d) APPROVAL OF LOCAL APPLICATIONS.—The State educational agency, in consultation with the State agencies responsible for administering early childhood education programs, including the State agency responsible for administering child care programs and the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)), shall—

“(1) select applications for funding under this section based on the quality of the applications submitted, including the relationship between literacy activities proposed and the research base or data supporting such activities, as appropriate, and the recommendations of—

“(A) the State literacy leadership team; and

“(B) other experts in the area of early literacy; and

“(2) place priority for funding programs based on the criteria in section 5424(b)(2)(E)(i).

“(e) LOCAL USES OF FUNDS.—

“(1) IN GENERAL.—An eligible entity that receives a subgrant under this section shall use the subgrant funds consistent with the application proposed in subsection (c) to carry out the following activities:

“(A) Enhancing and improving early childhood education programs to ensure that children in such programs are provided with high-quality oral language and literature- and print-rich environments in which to develop early literacy skills.

“(B) Providing high-quality professional development.

“(C) Acquiring, providing training for, and implementing screening assessments, diagnostic assessments, and classroom-based instructional assessments.

“(D) Selecting, developing, and implementing a multi-tiered system of support.

“(E) Integrating evidence-based instructional materials, activities, tools, and measures into the programs offered by the eligible entity to improve development of early learning language and literacy skills.

“(F) Training providers and personnel to support, develop, and administer high-quality early learning literacy initiatives that—

“(i) utilize data—

“(I) to inform instructional design; and

“(II) to assess literacy needs; and

“(ii) provide time and support for personnel to meet to plan literacy instruction.

“(G) Providing for family literacy services, as appropriate, and partnering with families to support their child's learning.

“(H) Annually collecting, summarizing, and reporting to the State educational agency data—

“(i) to document and monitor, for the purpose of improving or increasing early literacy and language skills development pursuant to activities carried out under this section;

“(ii) to stimulate and accelerate improvement by identifying the programs served by the eligible entity that produce significant gains in skills development; and

“(iii) for all subgroups of students and categories of students that—

“(I) utilizes a variety of data; and

“(II) is consistent across the State.

“(2) LIMITATION.—An eligible entity that receives a subgrant under this section shall not use more than 10 percent of the subgrant funds to purchase curricula and assessment materials.

“(f) PROHIBITION.—The use of assessment items and data on any assessment authorized under this section to provide rewards or sanctions for individual children, early childhood educators, teachers, program directors, or principals is prohibited.

**“SEC. 5427. CONSEQUENCES OF INSUFFICIENT PROGRESS, REPORTING REQUIREMENTS, AND CONFLICTS OF INTEREST.**

“(a) CONSEQUENCES OF INSUFFICIENT PROGRESS.—

“(1) CONSEQUENCES FOR GRANT RECIPIENTS.—If the Secretary determines that a State educational agency receiving an award under section 5422(b) or an eligible entity receiving a subgrant under section 5426 or 5427 is not making significant progress in meeting the purposes of this Act and the key metrics identified by the State educational agency under section 5424(b)(2)(C) after the submission of a report described in subsection (b), then the Secretary may withhold, in whole or in part, further payments under this Act in accordance with section 455 of the General Education Provisions Act (20 U.S.C. 1234d) or take such other action authorized by law as the Secretary determines necessary, including providing technical assistance upon request of the State educational agency or eligible entity, respectively.

“(2) CONSEQUENCES FOR SUBGRANT RECIPIENTS.—

“(A) IN GENERAL.—A State educational agency receiving an award under section 5422(b) may refuse to award subgrant funds to an eligible entity under section 5426 or 5427 if the State educational agency finds that the eligible entity is not making significant progress in meeting the purposes of this Act, after—

“(i) affording the eligible entity notice, a period for correction, and an opportunity for a hearing; and

“(ii) providing technical assistance to the eligible entity.

“(B) FUNDS AVAILABLE.—Subgrant funds not awarded under subparagraph (A) shall be redirected to an eligible entity serving similar children and students in the same area or region as the eligible entity not awarded the subgrant funds, to the greatest extent practicable.

“(b) REPORTING REQUIREMENTS.—

“(1) STATE EDUCATIONAL AGENCY REPORTS.—Each State educational agency receiving an award under section 5422(b) shall report annually to the Secretary regarding the State educational agency's progress in addressing the purposes of this Act. Such report shall include, at a minimum, a description of—

“(A) the professional development activities provided under the award, including types of activities and entities involved in providing professional development to classroom teachers and other program staff, such as school librarians;

“(B) the instruction, strategies, activities, curricula, materials, and assessments used in the programs funded under the award;

“(C)(i) the types of programs and, for children from preschool to kindergarten entry, program settings, funded under the award; and

“(ii) the ages and demographic information that is not individually identifiable of chil-

dren served by the programs funded under the award;

“(D) the experience and qualifications of the program staff who provide literacy instruction under the programs funded under the award, including the experience and qualifications of those staff working with children with disabilities or developmental delays and with English learners and children from preschool to kindergarten entry;

“(E) key data metrics identified under section 5424(b)(2)(C) used for literacy initiatives;

“(F) student performance on relevant program metrics, as identified in the State education agency's implementation plan under section 5424(b)(2)(C); and

“(G) the outcomes of programs and activities provided under the award.

“(2) ELIGIBLE ENTITY REPORTS.—Each eligible entity receiving a subgrant under section 5426 or 5427 shall report annually to the State educational agency regarding the eligible entity's progress in addressing the purposes of this Act. Such report shall include, at a minimum, a description of—

“(A) how the subgrant funds were used; and

“(B) student performance on relevant program metrics, as identified in the State education agency's implementation plan under section 5424(b)(2)(C).

“(c) CONFLICTS OF INTEREST.—The Secretary shall ensure that each member of the peer review panel described in section 5422(c) and each member of a State literacy leadership team participating in a program or activity assisted under this Act does not stand to benefit financially from a grant or subgrant awarded under this Act.

**“SEC. 5428. DEFINITIONS.**

“(a) IN GENERAL.—Unless otherwise specified, the terms used in this Act have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(b) OTHER TERMS.—In this Act:

“(1) CHARACTERISTICS OF EFFECTIVE LITERACY STRATEGIES AND INSTRUCTION.—The term ‘characteristics of effective literacy strategies and instruction’ means—

“(A) for children from preschool through kindergarten entry—

“(i) providing high quality professional development opportunities for early childhood educators, teachers, and school leaders in—

“(I) literacy development;

“(II) language development;

“(III) English language acquisition (as appropriate); and

“(IV) effective language and literacy instruction and teaching strategies aligned to State standards;

“(ii) reading aloud to children, engaging children in shared reading experiences, discussing reading with children, and modeling age and developmentally appropriate reading strategies;

“(iii) encouraging children's early attempts at communication, reading, writing, and drawing, and talking about the meaning of the reading, writing, and drawing with others;

“(iv) creating conversation rich classrooms and using oral modeling techniques to build oral language skills;

“(v) multiplying opportunities for children to use language with peers and adults;

“(vi) providing strategic and explicit instruction in the identification of speech sounds, letters, and letter-sound correspondence;

“(vii) integrating oral and written language;

“(viii) stimulating vocabulary development;

“(ix) using differentiated instructional approaches or teaching strategies, including—

“(I) individual and small group instruction or interactions; and

“(II) professional development, curriculum development, and classroom instruction;

“(x) applying the principles of universal design for learning, as described in section 5429(b)(21);

“(xi) using age-appropriate screening assessments, diagnostic assessments, formative assessments, and summative assessments to identify individual learning needs, to inform instruction, and to monitor—

“(I) student progress and the effects of instruction over time; and

“(II) for children between the ages of preschool and kindergarten entry, progress and development within established norms;

“(xii) coordinating the involvement of families, early childhood education program staff, principals, other school leaders, and teachers in the reading and writing achievement of children served under this Act;

“(xiii) using a variety of age and developmentally appropriate, high quality materials for language development, reading, and writing;

“(xiv) encouraging family literacy experiences and practices, and educating teachers, public librarians, and parents and other caregivers about literacy development and child literacy development; and

“(xv) using strategies to enhance children's—

“(I) motivation to communicate, read, and write; and

“(II) engagement in self-directed learning;

“(B) for students in kindergarten through grade 3—

“(i) providing high quality professional development opportunities, for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), school librarians, and principals, on literacy development, language development, English language acquisition, and effective literacy instruction that—

“(I) aligns to State standards as well as local curricula and instructional assessments; and

“(II) addresses literacy development opportunities across the curricula;

“(ii) providing age appropriate direct and explicit instruction;

“(iii) providing strategic, systematic, and explicit instruction in phonological awareness, phonic decoding, vocabulary, reading fluency, and reading comprehension;

“(iv) making available and using diverse texts at the reading, development, and interest level of students;

“(v) providing multiple opportunities for students to write individually and collaboratively with instruction and feedback;

“(vi) using differentiated instructional approaches, including individual, small group, and classroom-based instruction and discussion;

“(vii) using oral modeling techniques and opportunities for students to use language with the students' peers and adults to build student language skills;

“(viii) providing time and opportunities for systematic and intensive instruction, intervention, and practice to supplement regular instruction, which can be provided inside and outside the classroom as well as during and outside regular school hours;

“(ix) providing instruction in uses of print materials and technological resources for research and for generating and presenting content and ideas;

“(x) using screening assessments, diagnostic assessments, formative assessments,

and summative assessments to identify student learning needs, to inform instruction, and to monitor student progress and the effects of instruction over time;

“(xi) coordinating the involvement of families, caregivers, teachers, principals, other school leaders, and teacher literacy teams in the reading and writing achievement of children served under this Act;

“(xii) encouraging family literacy experiences and practices; and

“(xiii) using strategies to enhance students’—

“(I) motivation to read and write; and

“(II) engagement in self-directed learning; and

“(C) for students in grades 4 through 12—

“(i) providing high quality professional development opportunities for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), school librarians, and principals, including professional development on literacy development, language development, and effective literacy instruction embedded in schools and aligned to State standards;

“(ii) providing direct and explicit comprehension instruction;

“(iii) providing direct and explicit instruction that builds academic vocabulary and strategies and knowledge of text structure for reading different kinds of texts within and across core academic subjects;

“(iv) making available and using diverse texts at the reading, development, and interest level of the students;

“(v) providing multiple opportunities for students to write with clear purposes and critical reasoning appropriate to the topic and purpose and with specific instruction and feedback from teachers and peers;

“(vi) using differentiated instructional approaches;

“(vii) using strategies to enhance students’—

“(I) motivation to read and write; and

“(II) engagement in self-directed learning;

“(viii) providing for text-based learning across content areas;

“(ix) providing systematic, strategic, and individual and small group instruction, including intensive supplemental intervention for students reading significantly below grade level, which may be provided inside and outside the classroom as well as during and outside regular school hours;

“(x) providing instruction in the uses of technology and multimedia resources for classroom research and for generating and presenting content and ideas;

“(xi) using screening assessments, diagnostic assessments, formative assessments, and summative assessments to identify learning needs, inform instruction, and monitor student progress and the effects of instruction;

“(xii) coordinating the involvement of families and caregivers, to the extent feasible and appropriate as determined by the Secretary, to improve reading, writing, and academic achievement; and

“(xiii) coordinating the involvement of school librarians, teachers, principals, other school leaders, teacher literacy teams, and English as a second language specialists (as appropriate), that analyze student work and plan or deliver instruction over time.

“(2) CLASSROOM-BASED INSTRUCTIONAL ASSESSMENT.—The term ‘classroom-based instructional assessment’ means an assessment, for children between preschool through grade 3, that—

“(A) is valid and reliable for the age and population of children being assessed;

“(B) is used to evaluate children’s developmental progress and learning, including systematic observations by teachers of children performing tasks, including academic and literacy tasks, that are part of their daily classroom experience; and

“(C) is used to improve classroom instruction.

“(3) COMPREHENSIVE LITERACY INSTRUCTION.—The term ‘comprehensive literacy instruction’ means instruction that—

“(A) involves the characteristics of effective literacy instruction; and

“(B) is designed to support the essential components of reading instruction and the essential components of writing instruction.

“(4) DEVELOPMENTAL DELAY.—The term ‘developmental delay’ has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

“(5) DIAGNOSTIC ASSESSMENT.—The term ‘diagnostic assessment’ means an assessment that—

“(A) is valid, reliable, and based on scientifically valid research on language, literacy, and English language acquisition;

“(B) is used for the purposes of—

“(i) identifying a student’s specific areas of strengths and weaknesses in oral language and literacy;

“(ii) determining any difficulties that the student may have in oral language and literacy and the potential cause of such difficulties; and

“(iii) helping to determine possible literacy intervention strategies and related special needs of the student; and

“(C) in the case of young children, is conducted after a screening assessment that identifies potential risks or a lack of school preparedness, including oral language and literacy development, or delayed development.

“(6) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) when used with respect to children from preschool through kindergarten entry—

“(i) 1 or more local educational agencies providing early childhood education programs, or 1 or more public or private early childhood education programs, serving children from preschool through kindergarten entry (such as a Head Start program, a child care program, a State-funded prekindergarten program, a public library program, or a family literacy program), that has a demonstrated record of providing effective literacy instruction for the age group such agency or program proposes to serve under section 5426; or

“(ii) 1 or more entities described in clause (i) acting in partnership with 1 or more public agencies or private nonprofit organizations that have a demonstrated record of effectiveness—

“(I) in improving the early literacy development of children from preschool through kindergarten entry; and

“(II) in providing professional development aligned with the activities described in section 5426(e)(1); or

“(B) when used with respect to students in kindergarten through grade 12—

“(i) that is—

“(I) a local educational agency;

“(II) a consortium of local educational agencies; or

“(III) or a local educational agency or consortium of local educational agencies that may act in partnership with 1 or more public agencies or private nonprofit organizations, which agencies or organizations shall have a demonstrated record of effectiveness, con-

sistent with the purposes of their participation, in improving literacy achievement of students from kindergarten through grade 12 and in providing professional development described in section 5427(a)(3)(B);

“(ii) that—

“(I) is among, or consists of, the local educational agencies in the State with the highest numbers or percentages of students reading or writing below grade level, based on the most currently available State academic assessment data;

“(II) has jurisdiction over a significant number or percentage of schools that are identified for school improvement under section 1116; or

“(iii) has the highest numbers or percentages of children who are counted under section 1124(c) of the Elementary and Secondary Education Act (20 U.S.C. 6333(c)), in comparison to other local educational agencies in the State.

“(7) ENGLISH LANGUAGE ACQUISITION.—

“(A) IN GENERAL.—The term ‘English language acquisition’ means the process by which a non-native English speaker acquires proficiency in speaking, listening, reading, and writing the English language.

“(B) INCLUSIONS FOR ENGLISH LEARNERS IN SCHOOL.—For an English language learner in school, such term includes not only the social language proficiency needed to participate in the school environment, but also the academic language proficiency needed to acquire literacy and academic content and demonstrate the student’s learning.

“(8) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term ‘essential components of reading instruction’ means developmentally appropriate, contextually explicit, systematic instruction, and frequent practice, in reading across content areas.

“(9) ESSENTIAL COMPONENTS OF WRITING INSTRUCTION.—The term ‘essential components of writing instruction’ means developmentally appropriate and contextually explicit instruction, and frequent practice, in writing across content areas.

“(10) FAMILY LITERACY SERVICES.—The term ‘family literacy services’ means literacy services provided on a voluntary basis that are of sufficient intensity in terms of hours and duration and that integrate all of the following activities:

“(A) Interactive literacy activities between or among parents and their children, including parent literacy training.

“(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

“(C) Parent literacy training that leads to economic self-sufficiency.

“(D) An age-appropriate education to prepare children for success in school and life experiences.

“(11) FORMATIVE ASSESSMENT.—The term ‘formative assessment’ means a process that—

“(A) is teacher-generated or selected by teachers and students during instructional learning;

“(B) is embedded within the learning activity and linked directly to the current unit of instruction; and

“(C) provides feedback to adjust ongoing teaching and learning to improve students’ achievement of intended instructional outcomes.

“(12) HIGH-QUALITY PROFESSIONAL DEVELOPMENT.—The term ‘high-quality professional development’ means professional development that—

“(A) is job-embedded, ongoing, and based on scientifically valid research;

“(B) is sustained, intensive, and classroom-focused;

“(C) is designed to increase the knowledge and expertise of teachers, early childhood educators and administrators, principals, other school leaders, and other program staff in applying—

“(i) the characteristics of effective literacy instruction;

“(ii) the essential components of reading instruction;

“(iii) the essential components of writing instruction; and

“(iv) instructional strategies and practices that are appropriate to the age, development, and needs of children and improve student learning, including strategies and practices consistent with the principles of universal design for learning, as described in section 5429(b)(21);

“(D) includes and supports teachers in effectively administering age appropriate and developmentally appropriate assessments, and analyzing the results of such assessments for the purposes of planning, monitoring, adapting, and improving effective classroom instruction or teaching strategies to improve student literacy;

“(E) for educators working with students in kindergarten through grade 12—

“(i) supports the characteristics of effective literacy instruction through core academic subjects, and through career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects; and

“(ii) includes explicit instruction in discipline-specific thinking and how to read and interpret discipline-specific text structures and features;

“(F) includes instructional strategies utilizing one-to-one, small group, and classroom-based instructional materials and approaches based on scientifically valid research on literacy;

“(G) provides ongoing instructional literacy coaching—

“(i) to ensure high-quality implementation of effective practices of literacy instruction that are content-centered, integrated across the curricula, collaborative, and embedded in the school, classroom, or other setting; and

“(ii) that uses student data to improve instruction;

“(H) includes and supports teachers in setting high reading and writing achievement goals for all students and provides the teachers with the instructional tools and skills to help students reach such goals; and

“(I) is differentiated for educators working with children from preschool through kindergarten entry, students in kindergarten through grade 5, and students in grades 6 through 12, and, as appropriate, by student grade or student need.

“(13) LITERACY COACH.—The term ‘literacy coach’ means a professional—

“(A) who—

“(i) has previous teaching experience and—

“(I) a master’s degree with a concentration in reading and writing education;

“(II) demonstrated proficiency in teaching reading or writing in a core academic subject consistent with the characteristics of effective literacy instruction; or

“(III) in the case of a literacy coach for children from preschool through kindergarten entry, a concentration, credential, or significant experience in child development and early literacy development; and

“(ii) is able to demonstrate the ability to help teachers—

“(I) apply research on how students become successful readers, writers, and communicators;

“(II) apply multiple forms of assessment to guide instructional decisionmaking and use data to improve literacy instruction;

“(III) improve student writing and reading in and across content areas such as mathematics, science, social studies, and language arts;

“(IV) develop and implement differentiated instruction and teaching approaches to serve the needs of the full range of learners, including English learners and children with disabilities;

“(V) apply principles of universal design for learning, as described in section 5429(b)(21);

“(VI) employ best practices in engaging principals, early childhood educators and administrators, teachers, and other professionals supporting literacy instruction to change school cultures to better encourage and support literacy development and achievement; and

“(VII)(aa) for children from preschool through kindergarten entry, set developmentally appropriate expectations for language; and

“(bb) for all children, set literacy development and high reading and writing achievement goals and select, acquire, and use instructional tools and skills to help the children reach such goals; and

“(B) whose role with teachers and professionals supporting literacy instruction is—

“(i) to provide high-quality professional development;

“(ii) to work cooperatively and collaboratively with principals, teachers, and other professionals in employing strategies to help teachers identify and support student language and literacy needs and teach literacy across content areas and developmental domains; and

“(iii) to work cooperatively and collaboratively with other professionals in employing strategies to help teachers teach literacy across content areas so that the teachers can meet the needs of all students, including children with disabilities, English learners, and students who are reading at or above grade level.

“(14) MULTI-TIERED SYSTEM OF SUPPORT.—The term ‘multi-tiered system of support’ means a comprehensive system of differentiated supports that includes evidence-based instruction, universal screening, progress monitoring, formative assessments, evidence-based interventions matched to student needs and educational decisionmaking using student outcome data.

“(15) READING.—The term ‘reading’ means a complex system of deriving meaning from print that requires, in ways that are developmentally, content, and contextually appropriate, all of the following:

“(A) PHONEMES.—The skills and knowledge to understand how phonemes, or speech sounds, are connected to print.

“(B) ACCURACY, FLUENCY, AND UNDERSTANDING.—The ability to read accurately, fluently, and with understanding.

“(C) READING COMPREHENSION.—The use of background knowledge and vocabulary to make meaning from a text.

“(D) ACTIVE STRATEGIES.—The development and use of appropriate active strategies to interpret and construct meaning from print.

“(16) SCIENTIFICALLY VALID RESEARCH.—The term ‘scientifically valid research’ has the meaning given the term in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).

“(17) SCREENING ASSESSMENT.—The term ‘screening assessment’ means an assessment that—

“(A) is valid, reliable, and based on scientifically valid research on literacy and English language acquisition; and

“(B) is a procedure designed as a first step in identifying children who may be at high risk for delayed development or academic failure and in need of further diagnosis of the children’s need for special services or additional literacy instruction.

“(18) STATE.—The term ‘State’ has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

“(19) STATE LITERACY LEADERSHIP TEAM.—

“(A) IN GENERAL.—The term ‘State literacy leadership team’ means a team that—

“(i) is appointed and coordinated by the State educational agency;

“(ii) assumes the responsibility to guide the development and implementation of a statewide, comprehensive literacy plan;

“(iii) is composed of not less than 11 individuals; and

“(iv) shall include—

“(I) not less than 3 individuals who have literacy expertise in one of each of the areas of—

“(aa) preschool through school entry, such as the State Head Start collaboration director;

“(bb) kindergarten entry through grade 5; and

“(cc) grades 6 through 12;

“(II) a school principal;

“(III) teachers and administrators with expertise in literacy and special education;

“(IV) teachers and administrators with expertise in teaching the English language to English learners;

“(V) a representative from the State educational agency who oversees literacy initiatives; and

“(VI) a representative from higher education who is actively involved in research, development, or teacher preparation in literacy instruction and intervention based on scientifically valid research.

“(B) INCLUSION OF A PREEXISTING PARTNERSHIP.—If, before the date of enactment of the Student Success Act, a State educational agency established a consortium, partnership, or any other similar body that was considered a literacy partnership for purposes of subpart 1 or 2 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq., 6371 et seq.) and that includes the individuals required under subparagraph (A)(iv), such consortium, partnership, or body may be considered a State literacy leadership team for purposes of subparagraph (A).

“(20) SUMMATIVE ASSESSMENT.—The term ‘summative assessment’ means an assessment that—

“(A) is valid, reliable, and based on scientifically valid research on literacy and English language acquisition; and

“(B) measures—

“(i) for children from preschool through kindergarten entry, how the children have progressed over time relative to developmental norms; and

“(ii) for students in kindergarten through grade 12, what the students have learned over time, relative to academic content standards.

“(21) UNIVERSAL DESIGN FOR LEARNING.—The term ‘universal design for learning’ has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

“(22) WRITING.—The term ‘writing’ means—

“(A) composing meaning in print or through other media, including technologies, to communicate and to create new knowledge in ways appropriate to the context of the writing and the literacy development stage of the writer;

“(B) composing ideas individually and collaboratively in ways that are appropriate for a variety of purposes, audiences, and occasions;

“(C) choosing vocabulary, tone, genre, and conventions, such as spelling and punctuation, suitable to the purpose, audience, and occasion; and

“(D) revising compositions for clarity of ideas, coherence, logical development, and precision of language use.

**“SEC. 5429. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this subpart \$500,000,000 for fiscal year 2014 and such sums as may be necessary for subsequent fiscal years.

**“SUBPART 3—A WELL-ROUNDED EDUCATION**

**“SEC. 5431. PROGRAM AUTHORIZED.**

“From the amount appropriated each fiscal year to carry out this subpart, the Secretary—

“(1) shall—

“(A) reserve not less than 5 percent for national activities under section 5438; and

“(B) of the funds remaining after the Secretary reserves funds under subparagraph (A)—

“(i) use at least 30 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in American history, civic education, and geography;

“(ii) use at least 10 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in economic and financial literacy education and entrepreneurship education;

“(iii) use at least 20 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in foreign language education;

“(iv) use at least 20 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in arts education; and

“(v) use at least 10 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in Javits gifted and talented education; and

“(2) may use the funds remaining after the Secretary reserves and uses funds under paragraph (1) to award grants to eligible entities under this subpart to carry out any of the proven practices, strategies, or programs described in clauses (i) through (v) of paragraph (1)(B).

**“SEC. 5432. ELIGIBLE ENTITY DEFINED.**

“In this subpart, an eligible entity means a State educational agency, local educational agency, or an educational service agency with a local educational agency that is in partnership with one or more of the following:

“(1) An institution of higher education.

“(2) A nonprofit organization with demonstrated expertise in the content areas described in section 5431(1)(B).

“(3) A library or museum.

**“SEC. 5433. GRANT PRIORITY, DURATION, AND SIZE AND SCOPE REQUIREMENTS.**

“(a) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to—

“(1) eligible entities proposing to serve schools in need of improvement or persistently low achieving schools; and

“(2) eligible entities proposing to serve a high percentage and number of children from families with incomes below the poverty line according to the most recent census data approved by the Secretary.

“(b) DURATION.—The Secretary shall award grants under this subpart for a period of 5 years.

“(c) SUFFICIENT SIZE AND SCOPE.—In awarding grants under this subpart, the Secretary shall ensure that grants are of sufficient size and scope.

**“SEC. 5434. SUPPLEMENT, NOT SUPPLANT.**

“Funds received under this subpart shall be used to supplement, not supplant, Federal and non-Federal funds available to support child and youth services.

**“SEC. 5435. APPLICATION REQUIREMENTS.**

“(a) IN GENERAL.—To receive a grant under one or more of the grant programs described in clauses (i) through (v) of section 5431(1)(B), an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing the information that the Secretary may require, including the information described in subsection (c).

“(b) MULTIPLE APPLICATIONS.—An eligible entity may apply for one or more grant programs under this subpart, and may use a consolidated application to apply for more than one grant program under this subpart.

“(c) APPLICATION REQUIREMENTS.—An application submitted under subsection (a) shall contain the following:

“(1) A description of the promising or proven practice, strategy, or program that the applicant proposes to implement in a content area listed in clauses (i) through (v) of section 5431(1)(B).

“(2) A description of how the proposed practice, strategy, or program is evidence-based and will improve teaching practices as well as student achievement or student academic growth especially with high-need student populations.

“(3) A description of how the proposed practice, strategy, or program fits into the State or local educational agency's overall strategy that students have access to a well-rounded education.

“(4) A description of how the proposed practice, strategy, or program will be aligned with school improvement plans.

“(5) A description of how the activities will adequately address the needs of students with disabilities and English learners.

“(6) A description of the applicant's plan for data collection, analysis, and dissemination of results and outcomes, including an assurance that the applicant will make this information publicly available and accessible to educators, researchers, and other experts.

“(7) A description of how the applicant will provide for the completion of an independent evaluation of the project (including through the use of formative and summative evaluation methodologies) during the grant period to assess its impact on student achievement, student academic growth, student engagement, and other program goals, including its potential for replication and expansion.

“(8) If the applicant proposes to expand an existing practice, strategy, or program with at least moderate evidence, a description of how the applicant proposes to reach additional participants in such practice, strategy, or program.

“(d) PEER REVIEW.—The Secretary shall establish a peer-review process to assist in review of applications submitted under this section.

**“SEC. 5436. USES OF FUNDS.**

“(a) IN GENERAL.—Each eligible entity that receives a grant under this subpart shall carry out one or more of the following:

“(1) Plan, develop, expand, or improve practices, strategies, and programs in the applicable content area.

“(2) Develop and implement instructional materials, assessments (including performance-based assessments), and curriculum, aligned with State standards in a content area listed in clauses (i) through (v) of section 5431(1)(B), which embed principles of universal design for learning, as described in section 5429(b)(21), to support students with diverse learning needs including English learners and students with disabilities.

“(3) Develop and implement professional development for teachers in the applicable content area in order to improve classroom practices.

“(4) Align practices, strategies, and programs with postsecondary programs for the continuation of instruction in the academic subject for which the program strategy or practice proposes to increase student achievement or student growth.

“(5) Supporting the use of open educational resources or other innovative uses of technology that are designed to serve students at all levels of achievement.

“(6) Support efforts to expand access to advanced coursework, especially for high-need students.

“(7) In the case of an eligible entity that is a State educational agency, the eligible entity may also provide technical assistance to local programs within the State.

“(b) PROGRAM SPECIFIC REQUIREMENTS FOR GEOGRAPHY GRANTS.—In addition to meeting the requirements of subsection (a), an eligible entity receiving a grant described in section 5431(1)(B)(i) may use the grant to—

“(1) carry out local, field-based activities for teachers and students to improve their knowledge of the concepts and tools of geography while enhancing understanding of their home region; and

“(2) apply geographic information systems and technology to the teaching of geography; and

“(3) using internet or distance-learning technology.

“(c) PROGRAM SPECIFIC REQUIREMENTS FOR ECONOMIC, FINANCIAL LITERACY, AND ENTREPRENEURSHIP EDUCATION GRANTS.—In addition to meeting the requirements of subsection (a), an eligible entity receiving a grant described in section 5431(1)(B)(ii)—

“(1) may use the grant to—

“(A) carry out programs to teach personal financial management skills;

“(B) carry out programs to teach the basic principles involved with earning, spending, saving, investing, credit, and insurance; and

“(C) implement financial and economic literacy activities and sequences of study within, or coordinated with, core academic subjects; and

“(2) is strongly encouraged to—

“(A) include interactions with the local business community to the fullest extent possible to reinforce the connection between economic and financial literacy; and

“(B) work with private businesses to obtain matching contributions for Federal funds and assist recipients in working toward self-sufficiency.

“(d) PROGRAM SPECIFIC REQUIREMENTS FOR FOREIGN LANGUAGE GRANTS.—In addition to meeting the requirements of subsection (a), an eligible entity receiving a grant described in section 5431(1)(B)(iii) may use the grant to carry out the following activities:

“(1) Developing and implementing intensive summer foreign language programs for professional development.

“(2) Linking nonnative English speakers in the community with the schools in order to promote two-way language learning.

“(3) Promoting the sequential study of a foreign language for students, beginning in elementary schools.

“(4) Making effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study.

“(5) Developing and implementing, high quality dual language programs.

“(6) Promoting innovative activities, such as foreign language immersion, partial foreign language immersion, or content-based instruction.

“(7) Providing opportunities for maximum foreign language exposure for students domestically, such as the creation of immersion environments in the classroom and school, on weekend or summer experiences, and special tutoring and academic support.

“(8) providing for the possibility for multiple entry points for studying the foreign language.

“(9) Creating partnerships with elementary and secondary schools in other countries to facilitate language and cultural learning and exchange.

“(10) Providing support for a language supervisor to oversee and coordinate the progress of the articulated foreign language program across grade levels in the local education agency funded under this subpart.

“(e) PROGRAM SPECIFIC REQUIREMENTS FOR JAVITS GIFTED AND TALENTED GRANTS.—In addition to meeting the requirements of subsection (a), an eligible entity receiving a grant described in section 5431(1)(B)(v) may use the grant to carry out the following activities:

“(1) Providing funds for challenging, high-level course work, disseminated through technologies (including distance learning), for individual students or groups of students in schools and local educational agencies that would not otherwise have the resources to provide such course work.

“(2) Ensuring that assessments provide diagnostic information that informs instruction for high-achieving students.

“(3) Carrying out training and professional development for school personnel involved in the teaching of high-achieving, educationally disadvantaged students, such as instructional staff, principals, counselors, and psychologists.

“(4) Conducting education and training for parents of high-achieving, educationally disadvantaged students to support educational excellence for such students.

#### “SEC. 5437. EVALUATION.

“Each eligible entity receiving a grant under this subpart shall conduct an independent program-level evaluation and submit preliminary results to the Secretary at such a time and in such manner as the Secretary may require in order to determine the eligible entity's eligibility to continue to receive funding under this subpart.

#### “SEC. 5438. NATIONAL ACTIVITIES.

“(a) IN GENERAL.—From the amounts reserved under section 5431(1)(A), the Secretary shall carry out the national activities described in subsection (b) directly or by entering into contracts with an eligible educational entity.

“(b) NATIONAL ACTIVITIES.—The national activities that shall be carried out under this section are as follows:

“(1) Technical assistance.

“(2) Development of curricula.

“(3) Production, development, and dissemination of high-quality educational content

(including digital content) in academic content areas under this subpart.

“(4) Research and collecting information on, and identifying, effective programs and best practices and disseminating that information to States, local educational agencies, institutions of higher education, and other stakeholders.

#### “SEC. 5439. PROFESSIONAL DEVELOPMENT ACTIVITIES.

“(a) ELIGIBLE EDUCATIONAL ENTITY DEFINED.—In this section, the term ‘eligible educational entity’ means a national non-profit educational entity with a proven track record and demonstrated expertise in one or more of the following areas as related to the activities described in subsection (b):

“(1) High-quality professional development programs, including writing programs for teachers across disciplines and at all grade levels.

“(2) History education programs.

“(3) Civics and government education programs.

“(4) Economic and financial literacy education programs.

“(5) Geography education programs.

“(6) Foreign Language education programs.

“(7) Arts education programs.

“(8) Gifted and talented programs.

“(9) Reading and book distribution programs (including pediatric early literacy programs).

“(10) Educational and instructional video programming (including early literacy programming) for a public telecommunications entity.

“(b) PRIORITY.—In awarding a contract to an eligible educational entity under this section, the Secretary shall give priority to an entity that provides support to the eligible entities receiving a grant under this subpart or eligible entities receiving a grant under the subpart 1 or 2 to develop instructional systems that provide—

“(1) a systematic and coherent combination of instructional materials;

“(2) embedded formative and interim assessments;

“(3) professional development;

“(4) information on student learning; and

“(5) academic interventions based on cognitive science and content-area knowledge and are aligned with college- and career-ready standards.

#### “SEC. 5440. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subpart \$150,000,000 for fiscal year 2014 and such sums as may be necessary for each succeeding fiscal year.

#### “SUBPART 4—TRANSFORMING EDUCATION THROUGH TECHNOLOGY GRANTS

#### “SEC. 5441. PURPOSES.

“The purposes of this subpart are to—

“(1) improve the achievement, academic growth, and college-and-career readiness of students who have developed the ability to think critically, apply knowledge to solve complex problems, work collaboratively, communicate effectively, be self-directed, and be responsible digital citizens;

“(2) ensure all students have access to individualized, rigorous, and engaging digital learning experiences;

“(3) ensure that educators have the knowledge and skills to develop and implement digital learning curriculum, use technology effectively in order to personalize and strengthen instruction, and effectively create, deliver, and utilize assessments to measure student outcomes and support student success;

“(4) ensure that administrators have the leadership, management, knowledge, and skills to design, develop, and implement a school or local educational agency-wide digital age learning environment; and

“(5) improve the efficiency and productivity of education through technology.

#### “SEC. 5442. E-RATE RESTRICTION.

“Funds awarded under this subpart may be used to address the networking needs of a recipient of such funds for which the recipient is eligible to receive support under the E-rate program, except that such funds may not be duplicative of support received by the recipient under the E-rate program.

#### “SEC. 5443. RULE OF CONSTRUCTION REGARDING PURCHASING.

“Nothing in this subpart shall be construed to permit a recipient of funds under this subpart to purchase goods or services using such funds without ensuring that the purchase is free of any conflict of interest between such recipient, or any partner of such recipient, and the person or entity receiving such funds.

#### “SEC. 5444. DEFINITIONS.

“In this subpart:

“(1) DIGITAL LEARNING.—The term ‘digital learning’ means any instructional practice that effectively uses technology to strengthen a student's learning experience and encompasses a wide spectrum of tools and practices, including—

“(A) interactive learning resources that engage students in academic content;

“(B) access to online databases and other primary source documents;

“(C) the use of data to personalize learning and provide targeted supplementary instruction;

“(D) student collaboration with content experts and peers;

“(E) online and computer-based assessments;

“(F) digital content, adaptive, and simulation software or courseware,

“(G) online courses, online instruction, or digital learning platforms;

“(H) mobile and wireless technologies for learning in school and at home;

“(I) learning environments that allow for rich collaboration and communication;

“(J) authentic audiences for learning in a relevant, real world experience;

“(K) teacher participation in virtual professional communities of practice; and

“(L) hybrid or blended learning, which occurs under direct instructor supervision at a school or other location away from home and, at least in part, through online delivery of instruction with some element of student control over time, place, path, or pace.

“(2) ELIGIBLE TECHNOLOGY.—The term ‘eligible technology’ means modern information, computer, and communication technology hardware, software, services, or tools, including computer or mobile hardware devices and other computer and communications hardware, software applications, systems and platforms, and digital and online content, courseware, and online instruction and other online services and supports, including technology that is interoperable and is in accordance with principles of universal design for learning, as described in section 5429(b)(21).

“(3) STUDENTS WITH DISABILITIES.—The term ‘students with disabilities’ means students with disabilities as defined under the Individuals with Disabilities Education Act and section 504 of the Rehabilitation Act of 1973.

“(4) STUDENT TECHNOLOGY LITERACY.—The term ‘student technology literacy’ means



student knowledge and skills in using contemporary information, communication, and learning technologies in a manner necessary for successful employment, lifelong learning, and citizenship in the knowledge-based, digital, and global 21st century, including, at a minimum, the ability to—

“(A) effectively communicate and collaborate;

“(B) analyze and solve problems;

“(C) access, evaluate, manage, and create information and otherwise gain information literacy;

“(D) demonstrate creative thinking, construct knowledge, and develop innovative products and processes; and

“(E) carry out the activities described in subparagraphs (A) through (D) in a safe and ethical manner.

“(5) **TECHNOLOGY READINESS SURVEY.**—The term ‘technology readiness survey’ means a survey completed by a local educational agency that provides standardized information comparable to the information collected through the technology readiness survey administered under the Race to the Top Assessment program under section 14006 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) on the quantity and types of technology infrastructure and access available to the students served by the local educational agency, including computer devices, Internet connectivity, operating systems, related network infrastructure, data systems, and—

“(A) requiring—

“(i) an internal review of the degree to which instruction, additional student support, and professional development is delivered in digital formats, media, and platforms and is available to students and educators at any time;

“(ii) an internal review of the ability of educators to use assessments and other student data to personalize and strengthen instruction and identify professional development needs and priorities; and

“(iii) any other information required by the State educational agency serving the local educational agency; and

“(B) may include an assessment of local community needs to ensure students have adequate on-line access and access to devices for school-related work during out-of-school time.

**“SEC. 5445. TECHNOLOGY GRANTS PROGRAM AUTHORIZED.**

“(a) **IN GENERAL.**—From the amounts appropriated under section 5451, the Secretary shall award State Grants for Technology Readiness and Access (in this title referred to as ‘grants’) to State educational agencies to strengthen State and local technological infrastructure and professional development that supports digital learning through State activities under section 5447(c) and local activities under section 5448(c).

“(b) **GRANTS TO STATE EDUCATIONAL AGENCIES.**—

“(1) **RESERVATIONS.**—From the amounts appropriated under section 5451 for any fiscal year, the Secretary shall reserve—

“(A) three-fourths of 1 percent for the Secretary of Interior to provide assistance under this title for schools operated or funded by the Bureau of Indian Education; and

“(B) 1 percent to provide assistance under this title to the outlying areas.

“(2) **GRANTS.**—From the amounts appropriated under section 106 for any fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall make a grant for the fiscal year to each State educational agency with an ap-

proved application under section 5446 in an amount that bears the same relationship to such remainder as the amount the State educational agency received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for such year bears to the amount all State educational agencies with an approved application under section 102 received under such part (20 U.S.C. 6311 et seq.) for such year.

“(c) **MINIMUM.**—The amount of a grant to a State educational agency under subsection (b)(2) for a fiscal year may not be less than one-half of 1 percent of the total amount made available for grants to all State educational agencies under such subsection for such year.

“(d) **REALLOTMENT OF UNUSED FUNDS.**—If any State educational agency does not apply for a grant under subsection (b)(2) for a fiscal year, or does not use its entire grant under subsection (b)(2) for such year, the Secretary shall reallocate the amount of the State educational agency’s grant, or the unused portion of the grant, to the remaining State educational agencies that use their entire grant amounts under subsection (b)(2) for such year.

“(e) **MATCHING FUNDS.**—

“(1) **IN GENERAL.**—A State educational agency that receives a grant under subsection (b)(2) shall provide matching funds, from non-Federal sources, in an amount equal to 20 percent of the amount of grant funds provided to the State educational agency to carry out the activities supported by the grant. Such matching funds may be provided in cash or in-kind, except that any such in-kind contributions shall be provided for the purpose of supporting the State educational agency’s activities under section 104(c).

“(2) **WAIVER.**—The Secretary may waive the matching requirement under paragraph (1) for a State educational agency that demonstrates that such requirement imposes an undue financial hardship on the State educational agency.

**“SEC. 5446. STATE APPLICATIONS.**

“(a) **APPLICATION.**—To receive a grant under section 5445(b)(2), a State educational agency shall submit to the Secretary an application at such time and in such manner as the Secretary may require and containing the information described in subsection (b).

“(b) **CONTENTS.**—Each application submitted under subsection (a) shall include the following:

“(1) A description of how the State educational agency will meet the following goals:

“(A) Use technology to ensure all students achieve college-and-career readiness and technology literacy, including by providing high-quality education opportunities to economically or geographically isolated student populations.

“(B) Provide educators with the tools, devices, content, and resources to—

“(i) significantly improve teaching and learning, including support to increase personalization for and engagement of students in pursuit of college-and-career readiness and technology literacy; and

“(ii) develop and use assessments to improve instruction, including instruction consistent with the principles of universal design for learning, as described in section 5429(b)(21), and instruction for students with disabilities and English-language learners.

“(C) Ensure administrators and school leaders have the flexibility and capacity to develop and manage systems to carry out activities described in subparagraphs (A) and

(B), and support administrators and school leaders in utilizing technology to promote equity and increase efficiency and productivity.

“(D) Enable local educational agencies to build the technological capacity and infrastructure (including through local purchasing of eligible technology), necessary for the full implementation of on-line assessments for all students, (including students with disabilities and English-language learners) and to—

“(i) ensure the interoperability of data systems and eligible technology; and

“(ii) carry out subparagraphs (A) through (C).

“(2) A description of the results of the technology readiness in the State as determined by local educational agency responses to the technology readiness survey, including—

“(A) the status of the ability of each local educational agency served by the State educational agency to meet the goals described in section 104(b)(1);

“(B) an assurance that not less 90 percent of the local educational agencies served by the State educational agency have completed and submitted the technology readiness survey to the State educational agency; and

“(C) an assurance that the results of the technology readiness survey for each such local educational agency are made available to the Secretary and the public through the Website of the local educational agency.

“(3) A description of the plan for the State educational agency to support each local educational agency served by the State educational agency in meeting the goals described in section 104(b)(1) not later than 3 years after the local educational agency completes the technology readiness survey by addressing the readiness gaps identified in such survey.

“(4) A description of the State’s process for the adoption, acquisition, distribution, and use of content, how the State will ensure integrity of such processes, and how such processes support the goals under paragraph (1) or how a State will change such processes to support such goals, and how the State will ensure content quality.

“(5) A description of how the State educational agency will ensure its data systems and eligible technology are interoperable.

“(6) An assurance that the State educational agency will consider making content widely available through open educational resources when making purchasing decisions with funds received under this title.

“(7) A description of the State’s student technology literacy standards and the technology standards for teachers and administrators, and an assurance that the State’s student technology literacy standards meet the requirements of section 7(8).

“(8) An assurance that subgrant awards under section 104 will be carried out by the local educational agency staff with responsibility for leadership, coordination, and implementation of instructional and other classroom technologies.

“(9) A description of how the State educational agency will award subgrants to local educational agencies under section 104.

“(10) A description of the process, activities, and performance measures, that the State educational agency will use to evaluate the impact and effectiveness of the grant and subgrants funds awarded under this part across the State and in each local educational agency.

“(11) A description of how the State educational agency will, in providing technical and other assistance to local educational agencies, give priority to the local educational agencies proposing to target services to—

“(A) students in schools in need of improvement and persistently low-achieving schools; and

“(B) schools with a high percentage of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(12) A description of how the State educational agency consulted with local educational agencies in the development of the State educational agency’s application under this subsection.

“(13) An assurance that the State educational agency will provide matching funds as required under section 101(e).

“(14) A description of how the State educational agency will ensure that funds received under this title is not duplicative of support received under the E-rate program.

“(15) An assurance that the State educational agency, in making awards under section 5448, will give priority to local educational agencies that—

“(A) propose to serve students in schools in need of improvement and persistently low-achieving schools; or

“(B) propose to serve schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(16) An assurance that the State educational agency will protect the privacy and safety of students and teachers, consistent with requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the ‘Family Educational Rights and Privacy Act of 1974’) and section 2441(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6777(a)).

#### “SEC. 5447. STATE USE OF GRANT FUNDS.

“(a) RESERVATION FOR SUBGRANTS TO SUPPORT TECHNOLOGY INFRASTRUCTURE.—Each State educational agency that receives a grant under section 101(b)(2) shall expend not less 90 percent of the grant amount for each fiscal year to award subgrants to local educational agencies in accordance with section 5448.

“(b) RESERVATION FOR STATE ACTIVITIES.—

“(1) IN GENERAL.—A State educational agency shall reserve not more than 10 percent of the grant received under section 101(b)(2) for the State activities described in subsection (c).

“(2) GRANT ADMINISTRATION.—Of the amount reserved by a State educational agency under paragraph (1), the State educational agency may reserve not more than 1 percent or 3 percent, in the case of a State educational agency awarding subgrants under section 104(a)(2), for the administration of the grant under this title, except that a State educational agency that forms a State purchasing consortium under subsection (d)—

“(A) may reserve an additional 1 percent to carry out the activities described in subsection (d)(1); and

“(B) shall receive direct approval from the local educational agencies receiving subgrants under section 104(a) from the State educational agency prior to reserving more than the additional percentage authorized under subparagraph (A) to carry out the activities described in subsection (d)(1).

“(c) PRIORITY.—In awarding subgrants under this part, the State educational agency shall give priority to local educational agencies proposing to target services to—

“(1) students in schools in need of improvement or persistently low-achieving schools; and

“(2) schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(c) STATE ACTIVITIES.—A State educational agency shall use funds described in subsection (b) to carry out each of the following:

“(1) Except for the awarding of subgrants in accordance with section 104, activities described in the State educational agency’s application under section 102(b).

“(2) Providing technical assistance to local educational agencies to—

“(A) identify and address technology readiness needs;

“(B) redesign curriculum and instruction, improve educational productivity, and deliver computer-based and online assessment;

“(C) use technology, consistent with the principles of universal design for learning, as described in section 5429(b)(21), to support the learning needs of all students including students with disabilities and English-language learners;

“(D) support principals to have the expertise to evaluate teachers’ proficiency in implementing digital tools for teaching and learning; and

“(E) build capacity of individual school and local educational agency leaders.

“(3) Developing or utilizing research-based or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology.

“(4) Integrating and coordinating activities under this title with other educational resources and programs across the State.

“(5) Disseminating information, including making publicly available on the Websites of the State educational agency promising practices to improve technology instruction, and acquiring and implementing technology tools and applications.

“(6) Ensuring that teachers, paraprofessionals, library and media personnel, specialized instructional support personnel, and administrators possess the knowledge and skills to use technology—

“(A) for curriculum redesign to change teaching and learning and improve student achievement;

“(B) for formative and summative assessment administration, data analysis, and to personalize learning;

“(C) to improve student technology literacy;

“(D) to expand the range of supports and accommodations available to English-language learners and students with disabilities; and

“(E) for their own ongoing professional development and for access to teaching resources and tools.

“(7) Coordinating with teacher and school leader preparation programs to—

“(A) align digital learning teaching standards; and

“(B) provide ongoing professional development for teachers and school leaders that is aligned to State student technology standards and activities promoting college-and-career readiness.

“(d) PURCHASING CONSORTIA.—

“(1) IN GENERAL.—A State educational agency receiving a grant under section 101(b)(2) may—

“(A) form a State purchasing consortium with 1 or more State educational agencies receiving such a grant to carry out the State activities described in clause, including purchasing eligible technology;

“(B) encourage local educational agencies to form local purchasing consortia under section 104(c)(4); and

“(C) promote pricing opportunities to local educational agencies for the purchase of eligible technology that are—

“(i) negotiated by the State educational agency or the State purchasing consortium of the State educational agency; and

“(ii) available to such local educational agencies.

“(2) RESTRICTIONS.—A State educational agency receiving a grant under section 101(b)(2) may not—

“(A) except for promoting the pricing opportunities described in paragraph (1)(C), make recommendations to local educational agencies for or require use of any specific commercial products and services by local educational agencies;

“(B) require local educational agencies to participate in a State purchasing consortia or local purchasing consortia; or

“(C) use more than the reservation amount authorized for the administration of the grant under subsection (b) to carry out the activities described in paragraph (1), unless the State educational agency receives approval in accordance with subsection (b)(2)(B).

#### “SEC. 5448. LOCAL SUBGRANTS.

“(a) SUBGRANTS.—

“(1) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—From the grant funds provided under section 101(b)(2) to a State educational agency that are remaining after the State educational agency makes reservations under section 104(b) for any fiscal year and subject to paragraph (2), the State educational agency shall award subgrants for the fiscal year to local educational agencies served by the State educational agency and with an approved application under subsection (b) by allotting to each such local educational agency an amount that bears the same relationship to the remainder as the amount received by the local educational agency under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for such year bears to the amount received by all such local educational agencies under such part for such year, except that no local educational agency may receive less than \$5,000.

“(2) COMPETITIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES.—If the amount of funds appropriated under section 106 is less than \$500,000,000 for any fiscal year, a State educational agency—

“(A) shall not award subgrants under paragraph (1); and

“(B) shall—

“(i) award subgrants, on a competitive basis, to local educational agencies based on the quality of applications submitted under (b), including—

“(I) the level of technology readiness as determined by the technology readiness surveys completed by local educational agencies submitting such applications; and

“(II) the technology plans described in subsection (b)(3) and how the local educational agencies with such plans will carry out the alignment and coordination described in such subsection; and

“(ii) ensure that such subgrants are of sufficient size and scope to carry out the local activities described in subsection (c).

“(3) DEFINITION OF LOCAL EDUCATIONAL AGENCY FOR CERTAIN FISCAL YEARS.—For purposes of awarding subgrants under paragraph (2), the term ‘local educational agency’ means—

“(A) a local educational agency;

“(B) an educational service agency; or

“(C) a local educational agency and an educational service agency.

“(b) APPLICATION.—A local educational agency that desires to receive a subgrant under subsection (a) shall submit an application to the State at such time, in such manner, and accompanied by such information as the State educational agency may require, including—

“(1) a description of how the local educational agency will—

“(A) carry out the goals described in subparagraphs (A) through (C) of section 101(b)(1); and

“(B) enable schools served by the agency to build the technological capacity and infrastructure (including through local purchasing of eligible technology), necessary for the full implementation of on-line assessments for all students (including students with disabilities and English-language learners) and to—

“(i) ensure the interoperability of data systems and eligible technology; and

“(ii) carry out the goals described in subparagraphs (A) through (C) of section 101(b)(1); and

“(C) align activities funded under this part with school improvement plans, when applicable, described under section 1116(b)(3);

“(2) a description of the results of the technology readiness survey completed by the local educational agency and a description of the plan for the local educational agency to meet the goals described in paragraph (1) within 3 years of completing the survey;

“(3) a description of the local educational agency’s technology plan to carry out paragraphs (1) and (3) and how the agency will align and coordinate the activities under this section with other activities across the local educational agency;

“(4) a description of the team of educators that will coordinate and carry out the activities under this section, including individuals with responsibility and expertise in instructional technology, teachers that specialize in supporting students with disabilities and English-language learners, school leaders, technology officers, and staff responsible for assessments and data analysis;

“(5) a description of how the local educational agency will evaluate teachers’ proficiency and progress in implementing technology for teaching and learning;

“(6) a description of how the local educational agency will ensure that principals have the expertise to evaluate teachers’ proficiency and progress in implementing technology for teaching and learning and the interoperability of data systems and eligible technology;

“(7) a description of the local educational agency’s procurement process and process for the creation, acquisition, distribution, and use of content, how the local educational agency will ensure integrity of such processes, and how such processes support the goals described in paragraph (1) or how a local educational agency will change such processes to support such goals, and how the local educational agency will ensure content quality;

“(8) a description of how the local educational agency will carry out activities under subsection (c);

“(9) a description of how the subgrant funds received under subsection (a) will be coordinated with and supported by other Federal, State, and local funds to support activities under this title;

“(10) a description of how the local educational agency will ensure that the subgrant received under subsection (a) is not duplicative of support received under the E-rate program; and

“(11) an assurance that the local educational agency will protect the privacy and safety of students and teachers, consistent with requirements section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the ‘Family Educational Rights and Privacy Act of 1974’) and section 2441(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6777(a)).

“(c) USE OF FUNDS.—

“(1) TECHNOLOGY INFRASTRUCTURE.—Subject to paragraph (3), a local educational agency receiving a subgrant under subsection (a) shall use not less than 40 percent of such funds to support activities for the acquisition of eligible technology needed to—

“(A) except for the activities described in paragraph (2), carry out activities described in the application submitted under subsection (b), including purchasing devices, equipment, and software applications, and improving connectivity to and within schools; and

“(B) address readiness shortfalls identified under the technology readiness survey completed by the local educational agency.

“(2) PROFESSIONAL DEVELOPMENT FOR DIGITAL LEARNING.—Subject to paragraph (3), a local educational agency receiving a subgrant under subsection (a)—

“(A) shall use not less than 35 percent of such funds to carry out—

“(i) digital age professional development opportunities for teachers, paraprofessionals, library and media personnel, specialized instructional support personnel, technology coordinators, and administrators in the effective use of modern information and communication technology tools and digital resources to deliver instruction, curriculum and school classroom management, including for classroom teachers to assess, support, and provide engaging student learning opportunities, including professional development that—

“(I) is ongoing, sustainable, and scalable;

“(II) is participatory;

“(III) includes communication and regular interactions with instructors, facilitators, and peers and is directly related to up-to-date teaching methods in content areas;

“(IV) includes strategies and tools for improving communication with parents and family engagement;

“(V) may be built around active professional learning communities or online communities of practice or other tools that increase collaboration among teachers across schools, local educational agencies, or States; and

“(VI) may contain on-demand components, such as instructional videos, training documents, or learning modules;

“(ii) ongoing professional development in strategies, pedagogy, and assessment in the core academic subjects that involve the use of technology and curriculum redesign as key components of supporting effective, innovative teaching and learning, and improving student achievement;

“(iii) ongoing professional development in the use of educational technologies to ensure every educator achieves and maintains technology literacy, including possessing and maintaining the knowledge and skills to use technology—

“(I) across the curriculum for student learning;

“(II) for real-time data analysis and online or digital assessment to enable individualized instruction; and

“(III) to develop and maintain student technology literacy;

“(iv) ongoing professional development for school leaders to provide and promote leadership in the use of—

“(I) educational technology to ensure a digital-age learning environment, including the capacity to lead the reform or redesign of curriculum, instruction, assessment; and

“(II) data through the use of technology in order to increase student learning opportunity, student technology literacy, student access to technology, and student engagement in learning; and

“(v) a review of the effectiveness of the professional development and regular intervals of learner feedback and data; and

“(B) may use such funds for—

“(i) the use of technology coaches to work directly with teachers, including through the preparation of teachers as technology leaders or master teachers—

“(I) who are provided with the means to serve as experts and to create professional development opportunities for other teachers in the effective use of technology; and

“(II) who may leverage technologies, such as distance learning and online virtual educator-to-educator peer communities, as a means to support ongoing, participatory professional growth around the integration of effective educational technologies;

“(ii) innovative approaches to ongoing professional development such as non-standard achievement recognition strategies, including digital badging, gamification elements, use of learner-created learning objects, integration of social and professional networking tools, rating and commenting on learning artifacts, and personalization of professional development; and

“(iii) any other activities required to carry out the local educational agency’s technology plan described in subsection (b)(4).

“(3) MODIFICATION OF FUNDING ALLOCATIONS.—A State educational agency may authorize a local educational agency to modify the percentage of the local educational agency’s subgrant funds required to carry out the activities described in paragraphs (1) or (2) if the local educational agency demonstrates that such modification will assist the local educational agency in more effectively carrying out such activities.

“(4) PURCHASING CONSORTIA.—Local educational agencies receiving subgrants under subsection (a) may—

“(A) form a local purchasing consortia with other such local educational agencies to carry out the activities described in this subsection, including purchasing eligible technology; and

“(B) use such funds for purchasing eligible technology through a State purchasing consortia under section 103(d).

#### “SEC. 5449. REPORTING.

“(a) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency receiving a subgrant under section 104 shall submit to the State educational agency that awarded such subgrant an annual report that meets the requirements of subsection (c).

“(b) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant

under section 101(b)(2) shall submit to the Secretary an annual report that meets the requirements of subsection (c).

“(c) REPORT REQUIREMENTS.—A report submitted under subsection (a) or (b) shall include, at a minimum, a description of—

“(1) the status of the State education agency’s plan described in section 102(b)(3) or local education agency’s technology plan under section 104(b)(4), as applicable;

“(2) the categories of eligible technology acquired and types of programs funded under this title and how such technology is being used;

“(3) the professional development activities funded under this title, including types of activities and entities involved in providing such professional development; and

“(4) information on the impact of the grant on students and student outcomes, such as—

“(A) the number of and demographic information about students who are served under this part;

“(B) student achievement, student growth, and graduation rates of such students;

“(C) college-and-career readiness data about such students, such as rates of credit accumulation, course taking and completion, and college enrollment and persistence;

“(D) student attendance and participation rates;

“(E) student engagement and discipline;

“(F) school climate and teacher working conditions;

“(G) increases in inclusion of students with disabilities and English-language learners; and

“(H) such other information the Secretary may require or other information State educational agencies or local educational agencies served under this part propose to include, as approved by the Secretary.

#### **“SEC. 5450 ESTABLISHMENT OF THE ADVANCED RESEARCH PROJECT AGENCY-EDUCATION.**

“(a) PROGRAM ESTABLISHED.—From the amounts appropriated under section 5451, the Secretary of Education may reserve up to 5 percent to—

“(1) establish and carry out the Advanced Research Projects Agency-Education (in this Act referred to as ‘ARPA-ED’) to—

“(A) identify and promote advances in learning, fundamental and applied sciences, and engineering that may be translated into new learning technologies;

“(B) develop, test, and evaluate new learning technologies and related processes; and

“(C) accelerate transformational technological advances in education;

“(2) convene an advisory panel under subsection (d); and

“(3) carry out the evaluation and dissemination requirements under subsection (e).

“(b) APPOINTMENTS.—

“(1) DIRECTOR.—ARPA-ED shall be under the direction of the Director of ARPA-ED, who shall be appointed by the Secretary.

“(2) QUALIFIED INDIVIDUALS.—The Secretary shall appoint, for a term of not more than 4 years, qualified individuals who represent scientific, engineering, professional, and other personnel with expertise in carrying out the activities described in this section to positions in ARPA-ED, at rates of compensation determined by the Secretary, without regard to the provisions of title 5, United States Code, except that such rates of compensation shall not to exceed the rate for level I of the Executive Schedule under section 5312 of such title.

“(c) FUNCTIONS OF ARPA-ED.—Upon consultation with the advisory panel convened under subsection (d), the Secretary shall se-

lect public and private entities to carry out the activities described in subsection (a)(1) by—

“(1) awarding such entities grants, contracts, cooperative agreements, or cash prizes; or

“(2) entering into such other transactions with such entities as the Secretary may prescribe in regulations.

“(d) ADVISORY PANEL.—

“(1) IN GENERAL.—The Secretary shall convene an advisory panel to advise and consult with the Secretary, Director, and the qualified individuals appointed under subsection (b)(2) on—

“(A) ensuring that the awards made and transaction entered into under subsection (c) are consistent with the purposes described in subsection (a)(1); and

“(B) ensuring the relevance, accessibility, and utility of such awards and transactions to education practitioners.

“(2) APPOINTMENT OF MEMBERS.—The Secretary shall appoint the following qualified individuals to serve on the advisory panel:

“(A) Education practitioners.

“(B) Experts in technology.

“(C) Specialists in rapid gains in student achievement and school turnaround.

“(D) Specialists in personalized learning.

“(E) Researchers, including at least one representative from a comprehensive center established under 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602) or the regional laboratories system established under section 174 of the Education Sciences Reform Act (20 U.S.C. 9564).

“(F) Other individuals with expertise who will contribute to the overall rigor and quality of ARPA-ED.

“(3) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel convened under this subsection and any appointee to such panel shall not be considered an ‘employee’ under section 2105 of title 5, United States Code.

“(e) EVALUATION AND DISSEMINATION.—

“(1) EVALUATION.—The Secretary shall obtain independent, periodic, and rigorous evaluation of—

“(A) the effectiveness of the processes ARPA-ED is using to achieve the purposes described in subsection (a)(1);

“(B) the relevance, accessibility, and utility of the awards made and transactions entered into under subsection (c) to education practitioners; and

“(C) the effectiveness of the projects carried out through such awards and transactions, using evidence standards developed in consultation with the Institute of Education Sciences, and the suitability of such projects for further investment or increased scale.

“(2) DISSEMINATION AND USE.—The Secretary shall disseminate information to education practitioners, including teachers, principals, and local and State superintendents, on effective practices and technologies developed under ARPA-ED, as appropriate, through—

“(A) the comprehensive centers established under 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602);

“(B) the regional laboratories system established under section 174 of the Education Sciences Reform Act (20 U.S.C. 9564); and

“(C) such other means as the Secretary determines to be appropriate.

“(f) ADMINISTRATIVE REQUIREMENTS.—Notwithstanding section 437(d) of the General Education Provisions Act (20 U.S.C. 1232(d)), the Secretary shall establish such processes

as may be necessary for the Secretary to manage and administer ARPA-ED, which are not constrained by other Department of Education-wide administrative requirements that may prevent ARPA-ED from carrying out the purposes described in subsection (a)(1).

#### **“SEC. 5451. AUTHORIZATION.**

“There are authorized to be appropriated to carry out this subpart \$500,000,000 for fiscal year 2014 and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

(b) REPEAL.—Part B of title I (20 U.S.C. 6361 et seq.) is repealed.

#### **Subtitle C—Family Engagement in Education Programs**

#### **SEC. 521. FAMILY ENGAGEMENT IN EDUCATION PROGRAMS.**

Title V of the Act (20 U.S.C. 5101 et seq.) is amended by adding at the end the following new part:

#### **“PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS**

#### **“SEC. 5701. PURPOSES.**

“The purposes of this part are the following:

“(1) To provide financial support to organizations to provide technical assistance and training to State and local educational agencies in the implementation and enhancement of systemic and effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement.

“(2) To assist State educational agencies, local educational agencies, community-based organizations, schools, and educators in strengthening partnerships among parents, teachers, school leaders, administrators, and other school personnel in meeting the educational needs of children and fostering greater parental engagement.

“(3) To support State educational agencies, local educational agencies, schools, educators, and parents in developing and strengthening the relationship between parents and their children’s school in order to further the developmental progress of children.

“(4) To coordinate activities funded under this part with parent involvement initiatives funded under section 1118 and other provisions of this Act.

“(5) To assist the Secretary, State educational agencies, and local educational agencies in the coordination and integration of Federal, State, and local services and programs to engage families in education.

#### **“SEC. 5702. GRANTS AUTHORIZED.**

“(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—From the amount appropriated under section 4306, the Secretary is authorized to award grants for each fiscal year to statewide organizations (and consortia of such organizations and State educational agencies), to establish Statewide Family Engagement Centers that provide comprehensive training and technical assistance to State educational agencies, local educational agencies, schools identified by State educational agencies and local educational agencies, organizations that support family-school partnerships, and other organizations that carry out parent education and family engagement in education programs.

“(b) MINIMUM AWARD.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure that a grant is awarded for a Statewide Family Engagement Center in an amount not less than \$500,000.

**“SEC. 5703. APPLICATIONS.**

“(a) SUBMISSIONS.—Each statewide organization, or a consortium of such an organization and a State educational agency, that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and including the information described in subsection (b).

“(b) CONTENTS.—Each application submitted under subsection (a) shall include, at a minimum, the following:

“(1) A description of the applicant’s approach to family engagement in education.

“(2) A description of the support that the Statewide Family Engagement Center that will be operated by the applicant will have from the applicant, including a letter from the applicant outlining the commitment to work with the center.

“(3) A description of the applicant’s plan for building a statewide infrastructure for family engagement in education, that includes—

“(A) management and governance;

“(B) statewide leadership; and

“(C) systemic services for family engagement in education.

“(4) A description of the applicant’s demonstrated experience in providing training, information, and support to State educational agencies, local educational agencies, schools, educators, parents, and organizations on family engagement in education policies and practices that are effective for parents (including low-income parents) and families, English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students, including evaluation results, reporting, or other data exhibiting such demonstrated experience.

“(5) An assurance that the applicant will—

“(A) establish a special advisory committee, the membership of which includes—

“(i) parents, who shall constitute a majority of the members of the special advisory committee;

“(ii) representatives of education professionals with expertise in improving services for disadvantaged children;

“(iii) representatives of local elementary schools and secondary schools, including students;

“(iv) representatives of the business community; and

“(v) representatives of State educational agencies and local educational agencies;

“(B) use not less than 65 percent of the funds received under this part in each fiscal year to serve local educational agencies, schools, and community-based organizations that serve high concentrations of disadvantaged students, including English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students;

“(C) operate a Statewide Family Engagement Center of sufficient size, scope, and quality to ensure that the Center is adequate to serve the State educational agency, local educational agencies, and community-based organizations;

“(D) ensure that the Center will retain staff with the requisite training and experience to serve parents in the State;

“(E) serve urban, suburban, and rural local educational agencies and schools;

“(F) work with—

“(i) other Statewide Family Engagement Centers assisted under this part; and

“(ii) parent training and information centers and community parent resource centers

assisted under sections 671 and 672 of the Individuals with Disabilities Education Act;

“(G) use not less than 30 percent of the funds received under this part for each fiscal year to establish or expand technical assistance for evidence-based parent education programs;

“(H) provide assistance to State educational agencies and local educational agencies and community-based organizations that support family members in supporting student academic achievement;

“(I) work with State educational agencies, local educational agencies, schools, educators, and parents to determine parental needs and the best means for delivery of services to address such needs; and

“(J) conduct sufficient outreach to assist parents, including parents who the applicant may have a difficult time engaging with a school or local educational agency.

**“SEC. 5704. USES OF FUNDS.**

“(a) IN GENERAL.—Grantees shall use grant funds received under this part, based on the needs determined under section 4303(b)(5)(I), to provide training and technical assistance to State educational agencies, local educational agencies, and organizations that support family-school partnerships, and activities, services, and training for local educational agencies, school leaders, educators, and parents—

“(1) to assist parents in participating effectively in their children’s education and to help their children meet college and career ready standards, such as assisting parents—

“(A) to engage in activities that will improve student academic achievement, including understanding how they can support learning in the classroom with activities at home and in afterschool and extracurricular programs;

“(B) to communicate effectively with their children, teachers, school leaders, counselors, administrators, and other school personnel;

“(C) to become active participants in the development, implementation, and review of school-parent compacts, family engagement in education policies, and school planning and improvement;

“(D) to participate in the design and provision of assistance to students who are not making academic progress;

“(E) to participate in State and local decisionmaking;

“(F) to train other parents; and

“(G) to help the parents learn and use technology applied in their children’s education;

“(2) to develop and implement, in partnership with the State educational agency, statewide family engagement in education policy and systemic initiatives that will provide for a continuum of services to remove barriers for family engagement in education and support school reform efforts; and

“(3) to develop, implement, and assess parental involvement policies under sections 1112 and 1118.

“(b) MATCHING FUNDS FOR GRANT RE-NEWAL.—For each fiscal year after the first fiscal year for which an organization or consortium receives assistance under this section, the organization or consortium shall demonstrate in the application that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which may be in cash or in-kind.

“(c) TECHNICAL ASSISTANCE.—The Secretary shall reserve not more than 2 percent of the funds appropriated under section 4306 to carry out this part to provide technical

assistance, by grant or contract, for the establishment, development, and coordination of Statewide Family Engagement Centers.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a Statewide Family Engagement Center from—

“(1) having its employees or agents meet with a parent at a site that is not on school grounds; or

“(2) working with another agency that serves children.

“(e) PARENTAL RIGHTS.—Notwithstanding any other provision of this section—

“(1) no person (including a parent who educates a child at home, a public school parent, or a private school parent) shall be required to participate in any program of parent education or developmental screening under this section; and

“(2) no program or center assisted under this section shall take any action that infringes in any manner on the right of a parent to direct the education of their children.

**“SEC. 5705. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

“The Secretary of the Interior, in consultation with the Secretary of Education, shall establish, or enter into contracts and cooperative agreements with local Indian or Indian-serving nonprofit parent organizations to establish and operate Family Engagement Centers.

**“SEC. 5706. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this part \$30,000,000 for fiscal year 2014 and such sums as may be necessary for subsequent fiscal years.”

**TITLE VI—FLEXIBILITY AND ACCOUNTABILITY****SEC. 601. FLEXIBILITY AND ACCOUNTABILITY.**

Title VI (20 U.S.C. 7301 et seq.) is amended in sections 6113(a) and 6234 by striking “fiscal year 2002” and inserting “fiscal year 2014” each place it appears.

**TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION****SEC. 701. IN GENERAL.**

Title VII (20 U.S.C. 7401 et seq.) is amended—

(1) by striking “Bureau of Indian Affairs” each place it appears and inserting “Bureau of Indian Education”;

(2) by striking “No Child Left Behind Act of 2001” each place it appears and insert “Student Success Act”; and

(3) in sections 7152, 7205(c), and 7304(d)(1), by striking “fiscal year 2002” each place it appears and inserting “fiscal year 2014”.

**Subtitle A—Indian Education****SEC. 711. PURPOSE.**

Section 7102 (20 U.S.C. 7402) is amended to read as follows:

**“SEC. 7102. PURPOSE.**

“It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

“(1) to ensure the academic achievement of American Indian and Alaska Native students by meeting their unique cultural, language, and educational needs, consistent with section 1111(c);

“(2) to ensure that Indian and Alaska Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

“(3) to ensure that principals, teachers, and other staff who serve Indian and Alaska Native students have the ability to provide culturally appropriate and effective instruction to such students.”

# **PART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES**

## **SEC. 721. FORMULA GRANT PURPOSE.**

Section 7111 (20 U.S.C. 7421) is amended to read as follows:

### **“SEC. 7111. PURPOSE.**

“(a) **PURPOSE.**—It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to improve the academic achievement of American Indian and Alaska Native students by meeting their unique cultural, language, and educational needs.

“(b) **PROGRAMS.**—This subpart carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

“(1) meeting the unique educational and culturally related academic needs of Indians and Alaska Natives;

“(2) strengthening American Indian, Native Hawaiian, and Alaska Native students’ knowledge of their languages, history, traditions, and cultures;

“(3) the education of Indian children and adults;

“(4) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

“(5) research, evaluation, data collection, and technical assistance.”

## **SEC. 722. GRANTS TO LOCAL EDUCATIONAL AGENCIES, TRIBES, AND INDIAN ORGANIZATIONS.**

Section 7112 (20 U.S.C. 7422) is amended—

(1) in subsection (a), by striking “and Indian tribes” and inserting “, Indian tribes, and Indian organizations”;

(2) in subsection (b)(2), by striking “a reservation” and inserting “an Indian reservation”;

(3) by striking subsection (c) and inserting the following:

“(c) **INDIAN TRIBES AND INDIAN ORGANIZATIONS.**—

“(1) **IN GENERAL.**—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 7114(c)(5) for such grant, an Indian tribe, an Indian organization, or a consortium of such entities, that represents more than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

“(2) **UNAFFILIATED INDIAN TRIBES.**—An Indian tribe that operates a school and is not affiliated with either the local educational agency or the Bureau of Indian Education shall be eligible to apply for a grant under this subpart.

“(3) **SPECIAL RULE.**—

“(A) **IN GENERAL.**—The Secretary shall treat each Indian tribe, Indian organization, or consortium of such entities applying for a grant pursuant to paragraph (1) or (2) as if such tribe, Indian organization, or consortium were a local educational agency for purposes of this subpart.

“(B) **EXCEPTIONS.**—Notwithstanding subparagraph (A), such Indian tribe, Indian organization, or consortium shall not be subject to the requirements of subsections (b)(7) or (c)(5) of section 7114 or section 7118(c) or 7119.

“(4) **ASSURANCE TO SERVE ALL INDIAN CHILDREN.**—An Indian tribe, Indian organization, or consortium of such entities that is eligible to apply for a grant under paragraph (1) shall include, in the application required under section 7114, an assurance that the entity will use the grant funds to provide services to all Indian students served by the local educational agency.

“(d) **INDIAN COMMUNITY-BASED ORGANIZATION.**—

“(1) **IN GENERAL.**—If no local educational agency pursuant to subsection (b), and no Indian tribe, Indian organization, or consortium pursuant to subsection (c), applies for a grant under this subpart, an Indian community-based organization serving the community of the local educational agency may apply for such grant.

“(2) **APPLICABILITY OF SPECIAL RULE.**—The Secretary shall apply the special rule in subsection (c)(3) to a community-based organization applying or receiving a grant under paragraph (1) in the same manner as such rule applies to an Indian tribe, Indian organization, or consortium.

“(3) **DEFINITION OF INDIAN COMMUNITY-BASED ORGANIZATION.**—In this subsection, the term ‘Indian community-based organization’ means any organization that—

“(A) is composed primarily of Indian parents and community members, tribal government education officials, and tribal members from a specific community;

“(B) assists in the social, cultural, and educational development of Indians in such community;

“(C) meets the unique cultural, language, and academic needs of Indian students; and

“(D) demonstrates organizational capacity to manage the grant.

“(e) **CONSORTIA.**—

“(1) **IN GENERAL.**—A local educational agency, Indian tribe, or Indian organization that meets the eligibility requirements under this section may form a consortium with other eligible local educational agencies, Indian tribes, or Indian organizations for the purpose of obtaining grants and operating programs under this subpart.

“(2) **REQUIREMENTS FOR LOCAL EDUCATIONAL AGENCIES IN CONSORTIA.**—In any case where 2 or more local educational agencies that are eligible under subsection (b) form or participate in a consortium to obtain a grant, or operate a program, under this subpart, each local educational agency participating in such a consortium shall—

“(A) provide, in the application submitted under section 7114, an assurance that the eligible Indian children served by such local educational agency will receive the services of the programs funded under this subpart; and

“(B) agree to be subject to all requirements, assurances, and obligations applicable to a local educational agency receiving a grant under this subpart.”

## **SEC. 723. AMOUNT OF GRANTS.**

Section 7113(b) (20 U.S.C. 7423(b)) is amended—

(1) in paragraph (1), by striking “\$3,000” and inserting “\$10,000”;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2), as so redesignated, by striking “\$4,000” and inserting “\$15,000”.

## **SEC. 724. APPLICATIONS.**

(a) **IN GENERAL.**—Section 7114 (20 U.S.C. 7424) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “is consistent with” and inserting “supports”;

(II) by inserting “, tribal,” after “State”;

(ii) in subparagraph (B), by striking “such goals” and all that follows through the semicolon at the end and inserting “such goals, to ensure such students meet the same college and career ready State academic achievement standards under section 1111(b) for all children”;

(B) in paragraph (5)—

(i) in subparagraph (A), by striking “and” after the semicolon; and

(ii) by adding at the end the following:

“(C) the parents of Indian children, and representatives of Indian tribes, on the committee described in subsection (c)(5) will participate in the planning of the professional development materials”;

(C) in paragraph (6)—

(i) in subparagraph (B)—

(I) by adding at the end the following:

“(iii) the Indian tribes whose children are served by the local educational agency; and”;

(ii) in subparagraph (C), by striking the period at the end and inserting “; and”;

(D) by adding at the end the following:

“(7) describes—

“(A) the formal process the local educational agency used to collaborate with Indian tribes located in the community in the development of the comprehensive programs; and

“(B) the actions taken as a result of the collaboration.”;

(2) in subsection (c)—

(A) in paragraph (2), by adding at the end the following:

“(A) determine the extent to which such activities address the unique cultural, language, and educational needs of Indian students”;

(B) in paragraph (3)(C), by inserting “representatives of Indian tribes with reservations located within 50 miles of any of the schools that have Indian children in any such school,” after “Indian children and teachers”;

(C) in paragraph (4)(A)—

(i) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(ii) by inserting the following after clause (i):

“(ii) representatives of Indian tribes with reservations located within 50 miles of any of the schools that have children in any such school”;

(D) in subparagraph (4)(B), by adding “or representatives of Indian tribes described in subparagraph (A)(ii)” after “children”;

(E) in subparagraph (4)(D)—

(i) by striking “; and” at the end of clause (i); and

(ii) by adding at the end the following:

“(iii) determined that the program will directly enhance the educational experience of Indian and Alaska Native students; and”;

(3) by adding at the end the following:

“(d) **OUTREACH.**—The Secretary shall monitor the applications for grants under this subpart to identify eligible local educational agencies and schools operated by the Bureau of Indian Education that have not applied for such grants, and shall undertake appropriate outreach activities to encourage and assist eligible entities to submit applications for such grants.”

## **SEC. 725. AUTHORIZED SERVICES AND ACTIVITIES.**

Section 7115 (20 U.S.C. 7425) is amended—

(1) in subsection (b)—

(A) by inserting before paragraph (2) the following:

“(1) activities that support Native American language immersion programs and Native American language restoration programs”;

(B) in paragraph (3), by striking “challenging State academic content and student academic achievement standards” and inserting “college and career ready State academic content and student academic

achievement standards under section 1111(b)";

(C) by striking paragraph (4) and inserting the following:

"(4) integrated educational services in combination with other programs to meet the unique needs of Indian children and their families, including programs that promote parental involvement—

"(A) in school activities; and

"(B) to increase student achievement;";

(D) in paragraph (11) by striking everything after "children"; and

(2) in subsection (c) by adding at the end the following:

"(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will produce benefits to the Indian students that would not be achieved if the funds were not used in a schoolwide program.".

#### SEC. 726. STUDENT ELIGIBILITY FORMS.

Section 7117(e) (20 U.S.C. 7427(e)) is amended to read as follows:

"(e) DOCUMENTATION AND TYPES OF PROOF.—

"(1) TYPES OF PROOF.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 7113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

"(2) NO NEW OR DUPLICATE DETERMINATIONS.—Once a child is determined to be an Indian eligible to be counted for such grant award, the local educational agency shall maintain a record of such determination and shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.

"(3) PREVIOUSLY FILED FORMS.—An Indian student eligibility form that was on file as required by this section on the day before the date of enactment of the Student Success Act and that met the requirements of this section, as this section was in effect on the day before the date of enactment of such Act, shall remain valid for such Indian student.".

#### SEC. 727. TECHNICAL ASSISTANCE.

Subpart 1 of part A of title VII is amended by adding at the end the following new section:

##### "SEC. 7120. TECHNICAL ASSISTANCE.

"The Secretary shall, directly or through contract, provide technical assistance to a local educational agency upon request, in addition to any technical assistance available under section 1116 or available through the Institute of Education Sciences, to support the services and activities described under this section, including for the—

"(1) development of applications under this section;

"(2) improvement in the quality of implementation, content of activities, and evaluation of activities supported under this subpart;

"(3) integration of activities under this title with other educational activities established by the local educational agency; and

"(4) coordination of activities under this title with programs administered by each Federal agency providing grants for the provision of educational and related services.".

## PART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

### SEC. 731. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.

Section 7122 (20 U.S.C. 7442) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

"(1) to increase the number of qualified and effective Indian teachers and administrators serving Indian students;

"(2) to provide training to qualified Indian individuals to become teachers, administrators, social workers, and other educators; and";

(2) by striking subsection (e) and inserting the following:

"(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require. At a minimum, an application under this section shall describe how the eligible entity will—

"(1) recruit qualified Indian individuals, such as students who may not be of traditional college age, to become teachers or principals;

"(2) use funds made available under the grant to support the recruitment, preparation, and professional development of Indian teachers or principals in local educational agencies that serve a high proportion of Indian students; and

"(3) assist participants in meeting the requirements under subsection (h)."; and

(4) by striking subsection (g) and inserting the following:

"(g) GRANT PERIOD.—The Secretary shall award grants under this section for an initial period of not more than 3 years, and may renew such grants for not more than an additional 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.".

## PART 3—NATIONAL ACTIVITIES

### SEC. 741. NATIONAL ACTIVITIES.

Section 7131(c)(2) (20 U.S.C. 7451(c)(2)) is amended by striking "Office of Indian Education Programs" and inserting "Bureau of Indian Education".

### SEC. 742. IMPROVEMENT OF ACADEMIC SUCCESS FOR STUDENTS THROUGH NATIVE AMERICAN LANGUAGE.

Subpart 3 of part A of title VII (20 U.S.C. 7451 et seq.) is amended by striking sections 7132 through 7136 and inserting the following:

#### "SEC. 7132. IMPROVEMENT OF ACADEMIC SUCCESS FOR STUDENTS THROUGH NATIVE AMERICAN LANGUAGE.

"(a) PURPOSE.—It is the purpose of this section to improve educational opportunities and academic achievement of Indian and Alaska Native students through Native American language programs and to foster the acquisition of Native American language.

"(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education), or a consortium of such entities.

"(c) GRANTS AUTHORIZED.—The Secretary shall award grants to eligible entities to enable such entities to carry out the following activities:

"(1) Native American language programs that—

"(A) provide instruction through the use of a Native American language for not less than 10 children for an average of not less than 500 hours per year per student;

"(B) provide for the involvement of parents, caregivers, and families of students enrolled in the program;

"(C) utilize, and may include the development of, instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages;

"(D) provide support for professional development activities; and

"(E) include a goal of all students achieving—

"(i) fluency in a Native American language; and

"(ii) academic proficiency in mathematics, English, reading or language arts, and science.

"(2) Native American language restoration programs that—

"(A) provide instruction in not less than 1 Native American language;

"(B) provide support for professional development activities for teachers of Native American languages;

"(C) develop instructional materials for the programs; and

"(D) include the goal of increasing proficiency and fluency in not less than 1 Native American language.

"(d) APPLICATION.—

"(1) IN GENERAL.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) CERTIFICATION.—An eligible entity that submits an application for a grant to carry out the activity specified in subsection (c)(1), shall include in such application a certification that assures that such entity has experience and a demonstrated record of effectiveness in operating and administering a Native American language program or any other educational program in which instruction is conducted in a Native American language.

"(e) GRANT DURATION.—The Secretary shall award grants under this section for an initial period of not more than 3 years, and may renew such grants for not more than an additional 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.

"(f) DEFINITION.—In this section, the term 'average' means the aggregate number of hours of instruction through the use of a Native American language to all students enrolled in a Native American language program during a school year divided by the total number of students enrolled in the program.

"(g) ADMINISTRATIVE COSTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

"(2) EXCEPTION.—An elementary school or secondary school for Indian students that receives funds from a recipient of a grant under subsection (c) for any fiscal year may use not more than 10 percent of the funds for administrative purposes.

#### "SEC. 7133. IMPROVING STATE AND TRIBAL EDUCATION AGENCY COLLABORATION.

"The Secretary, in consultation with the Director of the Bureau of Indian Education, shall conduct a study of the relationship among State educational agencies, local educational agencies, and other relevant State



and local agencies, and tribes or tribal representatives to—

“(1) identify examples of best practices in collaboration among those entities that result in the provision of better services to Indian students; and

“(2) provide recommendations on—

“(A) State educational agency functions that tribal educational agencies could perform;

“(B) areas and agency functions in which greater State educational agency and tribal education agency collaboration is needed; and

“(C) other steps to reducing barriers to serving Indian students, especially such students who are at risk of academic failure.”.

#### **Subtitle B—Native Hawaiian Education; Alaska Native Education**

#### **SEC. 751. NATIVE HAWAIIAN EDUCATION AND ALASKA NATIVE EDUCATION.**

Title VII (20 U.S.C. 7401 et seq.) is amended—

(1) in the heading of part B, by inserting “**ALASKA NATIVE EDUCATION**” after “**NATIVE HAWAIIAN EDUCATION**”; and

(2) by inserting before section 7201 the following:

#### **“Subpart 1—Native Hawaiian Education”.**

#### **SEC. 752. FINDINGS.**

Section 7202 (20 U.S.C. 7512) is amended to read as follows:

#### **“SEC. 7202. FINDINGS.**

“Congress finds the following:

“(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, and many other countries.

“(2) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands.

“(3) The political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives.

“(4) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in many Federal statutes, including—

“(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

“(B) Public Law 95-341 (commonly known as the ‘American Indian Religious Freedom Act’ (42 U.S.C. 1996));

“(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

“(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

“(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

“(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

“(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

“(H) the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

“(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

“(5) Many Native Hawaiian students lag behind other students in terms of—

“(A) school readiness factors;

“(B) scoring below national norms on education achievement tests at all grade levels;

“(C) underrepresentation in the uppermost achievement levels and in gifted and talented programs;

“(D) overrepresentation among students qualifying for special education programs;

“(E) underrepresentation in institutions of higher education and among adults who have completed 4 or more years of college.

“(6) The percentage of Native Hawaiian students served by the State of Hawaii Department of Education rose 30 percent from 1980 to 2008, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

“(7) The Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.”.

#### **SEC. 753. PURPOSES.**

Section 7203 (20 U.S.C. 7513) is amended to read as follows:

#### **“SEC. 7203. PURPOSES.**

“The purposes of this part are—

“(1) to develop, implement, assess, and evaluate innovative educational programs to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet State academic content and achievement standards as described in section 1111(b);

“(2) to provide guidance to appropriate Federal, State, and local agencies to more effectively and efficiently focus resources, including resources made available under this part, on the development and implementation of—

“(A) innovative educational programs for Native Hawaiians;

“(B) rigorous and substantive Native Hawaiian language programs; and

“(C) Native Hawaiian culture-based educational programs; and

“(3) to create a system by which information from programs funded under this part will be collected, analyzed, evaluated, reported, and used in decisionmaking activities regarding the types of grants awarded under this part.”.

#### **SEC. 754. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.**

Section 7204 (20 U.S.C. 7514) is amended to read as follows:

#### **“SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.**

“(a) GRANT AUTHORIZED.—In order to carry out the purposes of this part the Secretary shall award a grant to an education council, as described under subsection (b).

“(b) EDUCATION COUNCIL.—

“(1) ELIGIBILITY.—To be eligible to receive the grant under subsection (a), the council shall be an education council (referred to in this section as the ‘Education Council’) that meets the requirements of this subsection.

“(2) COMPOSITION.—The Education Council shall consist of 15 members of whom—

“(A) 1 shall be the President of the University of Hawaii (or a designee);

“(B) 1 shall be the Governor of the State of Hawaii (or a designee);

“(C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

“(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

“(E) 1 shall be the executive director of Hawaii’s Charter School Network (or a designee);

“(F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);

“(G) 1 shall be the chairperson of the Queen Liliuokalani Trust (or a designee);

“(H) 1 shall be a member, selected by the other members of the Education Council, who represents a private grant-making entity;

“(I) 1 shall be the Mayor of the County of Hawaii (or a designee);

“(J) 1 shall be the Mayor of Maui County (or a designee from the Island of Maui);

“(K) 1 shall be the Mayor of the County of Kauai (or a designee);

“(L) 1 shall be appointed by the Mayor of Maui County from the Island of either Molokai or Lanai;

“(M) 1 shall be the Mayor of the City and County of Honolulu (or a designee);

“(N) 1 shall be the chairperson of the Hawaiian Homes Commission (or a designee); and

“(O) 1 shall be the chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector).

“(3) REQUIREMENTS.—Any designee serving on the Education Council shall demonstrate, as determined by the individual who appointed such designee with input from the Native Hawaiian community, not less than 5 years of experience as a consumer or provider of Native Hawaiian education or cultural activities, with traditional cultural experience given due consideration.

“(4) LIMITATION.—A member (including a designee), while serving on the Education Council, shall not be a recipient of grant funds that are awarded under this part.

“(5) TERM OF MEMBERS.—A member who is a designee shall serve for a term of not more than 4 years.

“(6) CHAIR, VICE CHAIR.—

“(A) SELECTION.—The Education Council shall select a Chair and a Vice Chair from among the members of the Education Council.

“(B) TERM LIMITS.—The Chair and Vice Chair shall each serve for a 2-year term.

“(7) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL.—The Education Council shall meet at the call of the Chair of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

“(8) NO COMPENSATION.—None of the funds made available through the grant may be used to provide compensation to any member of the Education Council or member of a working group established by the Education Council, for functions described in this section.

“(c) USE OF FUNDS.—The Education Council shall use funds made available through the grant to carry out each of the following activities:

“(1) Providing advice about the coordination of, and serving as a clearinghouse for, the educational services and programs for Native Hawaiians.

“(2) Providing direction and guidance, such as through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources relating to Native Hawaiian education.

“(3) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

“(4) assessing and evaluating the individual and aggregate impact of grants and activities funded under this part and how well they meet the needs of Native Hawaiians, including information and data about—

“(A) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in paragraph (6)(D), using metrics related to these priorities; and

“(B) the effectiveness of such grantees in carrying out any of the activities described in section 7205(c) that are related to the specific goals and purposes of each grantee’s grant project, using metrics related to these priorities;

“(5) assess and define the educational needs of Native Hawaiians; and

“(6) may use funds to hire an executive director to enable the Council to carry out the activities described in this subsection.

“(e) **USE OF FUNDS FOR COMMUNITY CONSULTATIONS.**—The Education Council shall use funds made available through the grant under subsection (a) to hold not less than 1 community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

“(1) not less than 3 members of the Education Council shall be in attendance;

“(2) the Education Council shall gather community input regarding—

“(A) current grantees under this part, as of the date of the consultation;

“(B) priorities and needs of Native Hawaiians; and

“(C) other Native Hawaiian education issues; and

“(3) the Education Council shall report to the community on the outcomes of the activities supported by grants awarded under this part.

“(f) **REPORTS.**—

“(1) **ANNUAL EDUCATION COUNCIL REPORT.**—The Education Council shall use funds made available through the grant under this section to prepare and submit to the Secretary, before the end of each calendar year, annual reports that contain—

“(A) a description of the activities of the Education Council during the preceding calendar year;

“(B) recommendations of the Education Council, if any, regarding priorities to be established under section 7205(b);

“(C) significant barriers to achieving the goals under this subpart;

“(D) a summary of each community consultation session, as described in subsection (d); and

“(E) recommendations to establish funding priorities based on an assessment of—

“(i) the educational needs of Native Hawaiians;

“(ii) programs and services currently available to address such needs, including the effectiveness of such programs in improving educational performance of Native Hawaiians; and

“(iii) priorities for funding in specific geographic communities.

“(2) **REPORT BY THE SECRETARY.**—Not later than 2 years after the date of enactment of the Student Success Act, the Secretary shall prepare and submit to the Committee on Indian Affairs of the Senate and the authorizing committees a report that—

“(A) summarizes the annual reports of the Education Council;

“(B) describes the allocation and use of funds under this subpart and the information gathered since the first annual report submitted by the Education Council to the Secretary under this section; and

“(C) contains recommendations for changes in Federal, State, and local policy to advance the purposes of this subpart.

“(g) **FUNDING.**—For each fiscal year, the Secretary shall use the amount described in section 7206(d)(2), to make a payment under the grant. Funds made available through the grant shall remain available until expended.”.

#### **SEC. 755. GRANT PROGRAM AUTHORIZED.**

Section 7205 (20 U.S.C. 7515 et seq.) is amended to read as follows:

#### **“SEC. 7205. GRANT PROGRAM AUTHORIZED.**

“(a) **GRANTS AND CONTRACTS.**—In order to carry out programs that meet the purposes of this part, the Secretary is authorized to award grants to, or enter into contracts with—

“(1) Native Hawaiian educational organizations;

“(2) Native Hawaiian community-based organizations;

“(3) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian education and workforce development programs or programs of instruction in the Native Hawaiian language;

“(4) charter schools; or

“(5) consortia of the organizations, agencies, and institutions described in paragraphs (1) through (4).

“(b) **PRIORITY.**—In awarding grants and entering into contracts under this part, the Secretary shall give priority to—

“(1) programs that meet the educational priority recommendations of the Education Council, as described under section 7204(d)(6)(E);

“(2) programs designed to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet State academic content and achievement standards as described in Section 1111(b) including the use of Native Hawaiian language and preservation or reclamation of Native Hawaiian culture-based educational practices; and

“(3) programs in which a local educational agency, institution of higher education, or a State educational agency apply for a grant or contract as part of a partnership or consortium with a nonprofit entity serving underserved communities within the Native Hawaiian population.

“(c) **AUTHORIZED ACTIVITIES.**—Activities provided through programs carried out under this part may include—

“(1) the development and maintenance of a statewide Native Hawaiian early education system to provide a continuum of high-quality early learning services for Native Hawaiian children;

“(2) the operation of family-based education centers that provide such services as—

“(A) programs for Native Hawaiian parents and students;

“(B) early education programs for Native Hawaiians; and

“(C) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

“(3) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students;

“(4) activities to meet the special needs of Native Hawaiian students with disabilities, including—

“(A) the identification of such students and their needs;

“(B) the provision of support services to the families of such students; and

“(C) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

“(5) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

“(A) educational, psychological, and developmental activities designed to assist in the educational progress of such students; and

“(B) activities that involve the parents of such students in a manner designed to assist in the educational progress of such students;

“(6) the development of academic and vocational curricula to address the needs of Native Hawaiian students, including curricular materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

“(7) professional development activities for educators, including—

“(A) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

“(B) in-service programs to improve the ability of teachers who teach in schools with high concentrations of Native Hawaiian students to meet the unique needs of such students; and

“(C) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

“(8) the operation of community-based learning centers that address the needs of Native Hawaiian students, parents, families, and communities through the coordination of public and private programs and services, including—

“(A) early education programs;

“(B) before, after, and Summer school programs, expanded learning time, or weekend academies;

“(C) career and technical education programs; and

“(D) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;

“(9) activities, including program co-location, that ensure Native Hawaiian students graduate college and career ready including—

“(A) family literacy services;

“(B) counseling, guidance, and support services for students; and

“(C) professional development activities designed to help educators improve the college and career readiness of Native Hawaiian students;

“(10) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

“(11) other research and evaluation activities related to programs carried out under this part; and

“(12) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

“(d) **ADDITIONAL ACTIVITIES.**—Notwithstanding any other provision of this part, funds made available to carry out this section as of the day before the date of enactment of the Student Success Act shall remain available until expended. The Secretary may use such funds to support the following:

“(1) The repair and renovation of public schools that serve high concentrations of Native Hawaiian students.

“(2) The perpetuation of, and expansion of access to, Hawaiian culture and history, such as through digital archives.

“(3) Informal education programs that promote traditional Hawaiian knowledge,

science, astronomy, and the environment through State museums or learning centers.

“(4) Public charter schools serving high concentrations of Native Hawaiian students.

“(e) ADMINISTRATIVE COSTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of funds provided to a recipient of a grant or contract under this section for any fiscal year may be used for administrative purposes.

“(2) EXCEPTION.—The Secretary may waive the requirement of paragraph (1) for a nonprofit entity that receives funding under this section and allow not more than 10 percent of funds provided to such nonprofit entity under this section for any fiscal year to be used for administrative purposes.”.

#### SEC. 756. ADMINISTRATIVE PROVISIONS; AUTHORIZATION OF APPROPRIATIONS.

Section 7206 (20 U.S.C. 7516) is amended to read as follows:

##### “SEC. 7206. ADMINISTRATIVE PROVISIONS.

“(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

“(b) DIRECT GRANT APPLICATIONS.—The Secretary shall provide a copy of all direct grant applications to the Education Council.

“(c) SUPPLEMENT NOT SUPPLANT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), funds made available under this part shall be used to supplement, and not supplant, any State or local funds used to achieve the purposes of this part.

“(2) EXCEPTION.—Paragraph (1) shall not apply to any nonprofit entity or Native Hawaiian community-based organization that receives a grant or other funds under this part.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, and sections 7204 and 7205, such sums as may be necessary for fiscal year 2014 and each of the 5 succeeding fiscal years.

“(2) RESERVATION.—Of the funds appropriated under this subsection, the Secretary shall reserve, for each fiscal year after the date of enactment of the Student Success Act not less than \$500,000 for the grant to the Education Council under section 7204.

“(3) AVAILABILITY.—Funds appropriated under this subsection shall remain available until expended.”.

#### SEC. 757. DEFINITIONS.

Section 7207 (20 U.S.C. 7517) is amended—

(1) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

“(1) COMMUNITY CONSULTATION.—The term ‘community consultation’ means a public gathering—

“(A) to discuss Native Hawaiian education concerns; and

“(B) about which the public has been given not less than 30 days notice.”.

#### TITLE VIII—IMPACT AID

##### SEC. 801. PURPOSE.

Section 8001 (20 U.S.C. 7701) is amended by striking “challenging State standards” and inserting “State academic standards”.

##### SEC. 802. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 (20 U.S.C. 7702) is amended—

(1) in subsection (b)(1)(B), by striking “section 8014(a)” and inserting “section 3(d)(1)”;

(2) by amending subsection (f) to read as follows:

“(f) SPECIAL RULE.—Beginning with fiscal year 2014, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if records to determine eligibility under such subsection were destroyed prior to fiscal year 2000 and the agency received funds under subsection (b) in the previous year.”;

(3) by amending subsection (g) to read as follows:

“(g) FORMER DISTRICTS.—

“(1) CONSOLIDATIONS.—For fiscal year 2006 and each succeeding fiscal year, if a local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of two or more former school districts, the local educational agency may elect to have the Secretary determine its eligibility and any amount for which the local educational agency is eligible under this section for such fiscal year on the basis of one or more of those former districts, as designated by the local educational agency.

“(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency described in this paragraph is—

“(A) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for, and was determined to be eligible under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as that section was in effect for that fiscal year; or

“(B) a local educational agency formed by the consolidation of 2 or more school districts, at least one of which was eligible for assistance under this section for the fiscal year preceding the year of the consolidation, if—

“(i) for fiscal years 2006 through 2013, the local educational agency notifies the Secretary not later than 30 days after the date of enactment of the Student Success Act of the designation described in paragraph (1); and

“(ii) for fiscal year 2014, and each subsequent fiscal year, the local educational agency includes the designation in its application under section 8005 or any timely amendment to such application.

“(3) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after fiscal year 2005, the Secretary may obligate funds remaining after final payments have been made for any of such fiscal years to carry out this subsection.”;

(4) in subsection (h)—

(A) in paragraph (2)—

(i) in subparagraph (C)(ii), by striking “section 8014(a)” and inserting “section 3(d)(1)”;

(ii) in subparagraph (D), by striking “section 8014(a)” and inserting “section 3(d)(1)”;

(B) in paragraph (4), by striking “Impact Aid Improvement Act of 2012” and inserting “Student Success Act”;

(5) by repealing subsection (k);

(6) by redesignating subsection (l) as subsection (k);

(7) by amending subsection (k) (as so redesignated) by striking “(h)(4)(B)” and inserting “(h)(2)”;

(8) by repealing subsection (m); and

(9) by redesignating subsection (n) as subsection (j).

##### SEC. 803. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

(a) COMPUTATION OF PAYMENT.—Section 8003(a) (20 U.S.C. 7703(a)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1), by inserting after “schools of such agency” the following: “(including those children enrolled in such agency as a result of the open enrollment policy of the State in which the agency is located, but not including children who are enrolled in a distance education program at such agency and who are not residing within the geographic boundaries of such agency)”;

(2) in paragraph (5)(A), by striking “1984” and all that follows through “situated” and inserting “1984, or under lease of off-base property under subchapter IV of chapter 169 of title 10, United States Code, to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility or attached to and under any type of force protection agreement with the military installation upon which such housing is situated.”

(b) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—Section 8003(b) (20 U.S.C. 7703(b)) is amended—

(1) by striking “section 8014(b)” each place it appears and inserting “section 3(d)(2)”;

(2) in paragraph (1), by repealing subparagraph (E);

(3) in paragraph (2)—

(A) in subparagraph (A), by inserting at the end the following:

“(iii) The Secretary shall—

“(I) deem each local educational agency that received a basic support payment under this paragraph for fiscal year 2009 as eligible to receive a basic support payment under this paragraph for each of fiscal years 2012, 2013, and 2014; and

“(II) make a payment to each such local educational agency under this paragraph for each of fiscal years 2012, 2013, and 2014.”;

(B) in subparagraph (B)—

(i) by striking “CONTINUING” in the heading;

(ii) by amending clause (i) to read as follows:

“(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

“(I) is a local educational agency—

“(aa) whose boundaries are the same as a Federal military installation or an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

“(bb) that has no taxing authority;

“(II) is a local educational agency that—

“(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 45 percent;

“(bb) has a per-pupil expenditure that is less than—

“(AA) for an agency that has a total student enrollment of 500 or more students, 125 percent of the average per-pupil expenditure of the State in which the agency is located; or

“(BB) for any agency that has a total student enrollment less than 500, 150 percent of the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of 3 or more comparable local educational agencies in the State in which the agency is located; and

“(cc) is an agency that—

“(AA) has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

“(BB) was eligible to receive a payment under this subsection for fiscal year 2013 and is located in a State that by State law has eliminated ad valorem tax as a revenue for local educational agencies;

“(III) is a local educational agency that—

“(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 20 percent;

“(bb) for the 3 fiscal years preceding the fiscal year for which the determination is made, the average enrollment of children who are not described in subsection (a)(1) and who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act constitutes a percentage of the total student enrollment of the agency that is not less than 65 percent; and

“(cc) has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State;

“(IV) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which—

“(aa) not less than 50 percent are children described in subsection (a)(1); and

“(bb) not less than 5,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

“(V) is a local educational agency that—

“(aa) has an enrollment of children described in subsection (a)(1) including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that is not less than 35 percent of the total student enrollment of the agency; and

“(bb) was eligible to receive assistance under subparagraph (A) for fiscal year 2001.”; and

(iii) in clause (ii)—

(I) by striking “A heavily” and inserting the following:

“(I) IN GENERAL.—Subject to subclause (II), a heavily”; and

(II) by adding at the end the following:

“(II) LOSS OF ELIGIBILITY DUE TO FALLING BELOW 95 PERCENT OF THE AVERAGE TAX RATE FOR GENERAL FUND PURPOSES.—In a case of a heavily impacted local educational agency that fails to meet the requirements of clause (i) for a fiscal year by reason of having a tax rate for general fund purposes that falls below 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State, subclause (I) shall be applied as if ‘and the subsequent fiscal year’ were inserted before the period at the end.”;

(C) by striking subparagraph (C);

(D) by redesignating subparagraphs (D) through (H) as subparagraphs (C) through (G), respectively;

(E) in subparagraph (C) (as so redesignated)—

(i) in the heading, by striking “REGULAR”;

(ii) by striking “Except as provided in subparagraph (E)” and inserting “Except as provided in subparagraph (D)”;

(iii) by amending subclause (I) of clause (ii) to read as follows:

“(ii)(I)(aa) For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in sub-

paragraph (D) or (E) (or a combination thereof) of subsection (a)(1), and that has an enrollment of children described in subparagraphs (A), (B), or (C) of such subsection equal to at least 10 percent of the agency’s total enrollment, the Secretary shall calculate the weighted student units of those children described in subparagraph (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55.

“(bb) Notwithstanding subitem (aa), a local educational agency that received a payment under this paragraph for fiscal year 2012 shall not be required to have an enrollment of children described in subparagraphs (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency’s total enrollment.”; and

(iv) by amending subclause (III) of clause (ii) by striking “(B)(i)(II)(aa)” and inserting “subparagraph (B)(i)(I)”;

(F) in subparagraph (D)(i)(II) (as so redesignated), by striking “6,000” and inserting “5,500”;

(G) in subparagraph (E) (as so redesignated)—

(i) by striking “Secretary” and all that follows through “shall use” and inserting “Secretary shall use”;

(ii) by striking “; and” and inserting a period; and

(iii) by striking clause (ii);

(H) in subparagraph (F) (as so redesignated), by striking “subparagraph (C)(i)(II)(bb)” and inserting “subparagraph (B)(i)(II)(bb)(BB)”;

(I) in subparagraph (G) (as so redesignated)—

(i) in clause (i)—

(I) by striking “subparagraph (B), (C), (D), or (E)” and inserting “subparagraph (B), (C), or (D)”;

(II) by striking “by reason of” and inserting “due to”;

(III) by inserting after “clause (iii)” the following “, or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense and force structure change or force relocation”;

(IV) by inserting before the period, the following: “or during such time as activities associated with base closure and realignment, modularization, force structure change, or force relocation are ongoing”;

(ii) in clause (ii), by striking “(D) or (E)” each place it appears and inserting “(C) or (D)”;

(4) in paragraph (3)—

(A) in subparagraph (B)—

(i) by amending clause (iii) to read as follows:

“(iii) In the case of a local educational agency providing a free public education to students enrolled in kindergarten through grade 12, but which enrolls students described in subparagraphs (A), (B), and (D) of subsection (a)(1) only in grades 9 through 12, and which received a final payment in fiscal year 2009 calculated under this paragraph (as this paragraph was in effect on the day before the date of enactment of the Student Success Act) for students in grades 9 through 12, the Secretary shall, in calculating the agency’s payment, consider only that portion of such agency’s total enrollment of students in grades 9 through 12 when calculating the percentage under clause (i)(I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under clause (i)(II).”;

(ii) by adding at the end the following:

“(v) In the case of a local educational agency that is providing a program of distance education to children not residing within the geographic boundaries of the agency, the Secretary shall—

“(I) for purposes of the calculation under clause (i)(I), disregard such children from the total number of children in average daily attendance at the schools served by such agency; and

“(II) for purposes of the calculation under clause (i)(II), disregard any funds received for such children from the total current expenditures for such agency.”;

(B) in subparagraph (C), by striking “subparagraph (D) or (E) of paragraph (2), as the case may be” and inserting “paragraph (2)(D)”;

(C) by amending subparagraph (D) to read as follows:

“(D) RATABLY DISTRIBUTION.—For any fiscal year described in subparagraph (A) for which the sums available exceed the amount required to pay each local educational agency 100 percent of its threshold payment, the Secretary shall distribute the excess sums to each eligible local educational agency that has not received its full amount computed under paragraph (1) or (2) (as the case may be) by multiplying—

“(i) a percentage, the denominator of which is the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for all local educational agencies and the amount of the threshold payment (as calculated under subparagraphs (B) and (C)) of all local educational agencies, and the numerator of which is the aggregate of the excess sums, by;

“(ii) the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for the agency and the amount of the threshold payment as calculated under subparagraphs (B) and (C) of the agency.”; and

(D) by inserting at the end the following new subparagraphs:

“(E) INSUFFICIENT PAYMENTS.—For each fiscal year described in subparagraph (A) for which the sums appropriated under section 3(d)(2) are insufficient to pay each local educational agency all of the local educational agency’s threshold payment described in subparagraph (D), the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

“(F) INCREASES.—If the sums appropriated under section 3(d)(2) are sufficient to increase the threshold payment above the 100 percent threshold payment described in subparagraph (D), then the Secretary shall increase payments on the same basis as such payments were reduced, except no local educational agency may receive a payment amount greater than 100 percent of the maximum payment calculated under this subsection.”; and

(5) in paragraph (4)—

(A) in subparagraph (A), by striking “through (D)” and inserting “and (C)”;

(B) in subparagraph (B), by striking “subparagraph (D) or (E)” and inserting “subparagraph (C) or (D)”.

(c) PRIOR YEAR DATA.—Paragraph (2) of section 8003(c) (20 U.S.C. 7703(c)) is amended to read as follows:

“(2) EXCEPTION.—Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment if such agency—

“(A) is newly established by a State, for the first year of operation of such agency only;

“(B) was eligible to receive a payment under this section for the previous fiscal year and has had an overall increase in enrollment (as determined by the Secretary in consultation with the Secretary of Defense, the Secretary of the Interior, or the heads of other Federal agencies)—

“(i) of not less than 10 percent, or 100 students, of children described in—

“(I) subparagraph (A), (B), (C), or (D) of subsection (a)(1); or

“(II) subparagraph (F) and (G) of subsection (a)(1), but only to the extent such children are civilian dependents of employees of the Department of Defense or the Department of the Interior; and

“(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of the force structure changes or movements of units or personnel between military installations or because of actions initiated by the Secretary of the Interior or the head of another Federal agency; or

“(C) was eligible to receive a payment under this section for the previous fiscal year and has had an increase in enrollment (as determined by the Secretary)—

“(i) of not less than 10 percent of children described in subsection (a)(1) or not less than 100 of such children; and

“(ii) that is the direct result of the closure of a local educational agency that received a payment under subsection (b)(1) or (b)(2) in the previous fiscal year.”.

(d) **CHILDREN WITH DISABILITIES.**—Section 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking “section 8014(c)” and inserting “section 3(d)(3)”.

(e) **HOLD-HARMLESS.**—Section 8003(e) (20 U.S.C. 7703(e)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) **IN GENERAL.**—Subject to paragraph (2), the total amount the Secretary shall pay a local educational agency under subsection (b)—

“(A) for fiscal year 2014, shall not be less than 90 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2013;

“(B) for fiscal year 2015, shall not be less than 85 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2013; and

“(C) for fiscal year 2016, shall not be less than 80 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2013.”; and

(2) by amending paragraph (2) to read as follows:

“(2) **MAXIMUM AMOUNT.**—The total amount provided to a local educational agency under subparagraph (A), (B), or C of paragraph (1) for a fiscal year shall not exceed the maximum basic support payment amount for such agency determined under paragraph (1) or (2) of subsection (b), as the case may be, for such fiscal year.”.

(f) **MAINTENANCE OF EFFORT.**—Section 8003 (20 U.S.C. 7703) is amended by striking subsection (g).

#### **SEC. 804. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.**

Section 8004(e)(9) is amended by striking “Bureau of Indian Affairs” and inserting “Bureau of Indian Education”.

#### **SEC. 805. APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.**

Section 8005(b) (20 U.S.C. 7705(b)) is amended in the matter preceding paragraph (1) by striking “and shall contain such information.”.

#### **SEC. 806. CONSTRUCTION.**

Section 8007 (20 U.S.C. 7707) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “section 8014(e)” and inserting “section 3(d)(4)”;

(B) in paragraph (2), by adding at the end the following:

“(C) The agency is eligible under section 4003(b)(2) or is receiving basic support payments under circumstances described in section 4003(b)(2)(B)(ii).”; and

(C) in paragraph (3), by striking “section 8014(e)” each place it appears and inserting “section 3(d)(4)”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “section 8014(e)” and inserting “section 3(d)(4)”;

(B) in paragraph (3)—

(i) in subparagraph (C)(i)(I), by adding at the end the following:

“(cc) At least 10 percent of the property in the agency is exempt from State and local taxation under Federal law.”; and

(ii) by adding at the end the following:

“(F) **LIMITATIONS ON ELIGIBILITY REQUIREMENTS.**—The Secretary shall not limit eligibility—

“(i) under subparagraph (C)(i)(I)(aa), to those local educational agencies in which the number of children determined under section 8003(a)(1)(C) for each such agency for the preceding school year constituted more than 40 percent of the total student enrollment in the schools of each such agency during the preceding school year; and

“(ii) under subparagraph (C)(i)(I)(cc), to those local educational agencies in which more than 10 percent of the property in each such agency is exempt from State and local taxation under Federal law.”;

(C) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking “in such manner, and accompanied by such information” and inserting “and in such manner”; and

(ii) by striking subparagraph (F); and

(D) by striking paragraph (7).

#### **SEC. 807. FACILITIES.**

Section 8008 (20 U.S.C. 7708) is amended in subsection (a), by striking “section 8014(f)” and inserting “section 3(d)(5)”.

#### **SEC. 808. STATE CONSIDERATION OF PAYMENTS PROVIDING STATE AID.**

Section 8009 (20 U.S.C. 7709) is amended—

(1) in subsection (c)(1)(B), by striking “and contain the information”; and

(2) in subsection (d)(2)—

(A) by striking “A State” and inserting the following:

“(A) **IN GENERAL.**—A State”; and

(B) by adding at the end of the following:

“(B) **STATES THAT ARE NOT EQUALIZED STATES.**—A State that has not been approved as an equalized State under subsection (b) shall not consider funds received under section 8002 or section 8003 of this title in any State formula or place a limit or direct the use of such funds.”.

#### **SEC. 809. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.**

Section 8011(a) (20 U.S.C. 7711(a)) is amended by striking “or under the Act” and all the follows through “1994”.

#### **SEC. 810. DEFINITIONS.**

Section 8013 (20 U.S.C. 7713) is amended—

(1) in paragraph (1), by striking “and Marine Corps” and inserting “Marine Corps, and Coast Guard”;

(2) in paragraph (4), by striking “and title VI”;

(3) in paragraph (5)(A)(iii)—

(A) in subclause (II), by striking “Stewart B. McKinney Homeless Assistance Act” and inserting “McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411)”; and

(B) in subclause (III), by inserting before the semicolon, “(25 U.S.C. 4101 et seq.)”;

(4) in paragraph (8)(A), by striking “and verified by” and inserting “, and verified by,”; and

(5) in paragraph (9)(B), by inserting a comma before “on a case-by-case basis”.

#### **SEC. 811. AUTHORIZATION OF APPROPRIATIONS.**

Section 8014 (20 U.S.C. 7801) is amended—

(1) by striking “2000” each place it appears and inserting “2014”;

(2) by striking “2001” and inserting “2015”; and

(3) by striking “2002” and inserting “2016”.

#### **SEC. 812. CONFORMING AMENDMENTS.**

Subsection (c) of the Impact Aid Improvement Act of 2012 (20 U.S.C. 6301 note; Public Law 112-239; 126 Stat. 1748) is amended—

(1) (1) by striking paragraphs (1) and (4); and

(2) (2) by redesignating paragraphs (2) and (3), as paragraphs (1) and (2), respectively.

### **TITLE IX—GENERAL PROVISIONS**

#### **SEC. 900. GENERAL AMENDMENTS.**

(a) **GENERAL PROHIBITION.**—Section 9527(a) (20 U.S.C. 7907(a)) is amended by inserting “specific instructional content, academic standards or assessments,” after “school’s curriculum.”.

(b) **RULE OF CONSTRUCTION.**—Section 9534 (20 U.S.C. 7914) is amended by adding at the end the following:

“(c) **RULE OF CONSTRUCTION.**—Any public or private entity that receives funds allocated under this Act including from a State educational agency or local educational agency shall be considered a program under subsection (a) and be subject to the requirements of subsection (a) in carrying out programs or activities funded under this Act.”.

#### **Subtitle A—Protecting Students From Sexual and Violent Predators**

#### **SEC. 901. BACKGROUND CHECKS.**

Subpart 2 of part E of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is amended by adding at the end the following:

#### **“SEC. 9537. BACKGROUND CHECKS.**

“(a) **BACKGROUND CHECKS.**—To ensure a safe learning environment, each State educational agency that receives funds under this Act shall have in effect policies and procedures that—

“(1) require that criminal background checks be conducted for each school employee that include—

“(A) a search of the State criminal registry or repository in the State in which the school employee resides and each State in which the school employee previously resided;

“(B) a search of State-based child abuse and neglect registries and databases in the State in which the school employee resides and each State in which the school employee previously resided;

“(C) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

“(D) a search of the National Sex Offender Registry established under section 19 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919);

“(2) prohibit the employment of an individual as a school employee if such individual—

“(A) refuses to consent to a criminal background check under paragraph (1);

“(B) makes a false statement in connection with such criminal background check;

“(C) has been convicted of a felony consisting of—

- “(i) homicide;
- “(ii) child abuse or neglect;
- “(iii) a crime against children, including child pornography;
- “(iv) spousal abuse;
- “(v) a crime involving rape or sexual assault;
- “(vi) kidnapping;
- “(vii) arson; or
- “(viii) physical assault, battery, or a drug-related offense, committed within 5 years of the completion of such individual’s criminal background check under paragraph (1); or

“(D) has been convicted of any other crime that is a violent or sexual crime against a minor;

“(3) require that a local educational agency or State educational agency that receives information from a criminal background check conducted under paragraph (1) that an individual who has applied for employment as a school employee with such agency is a sexual predator, report to local law enforcement that such individual has so applied;

“(4) require that criminal background checks conducted under paragraph (1) be periodically repeated or updated in accordance with State law or local educational policy, but not less than once every 5 years;

“(5) require that each school employee who has had a criminal background check under paragraph (1) be provided with a copy of the background check; and

“(6) provide for a timely process by which a school employee may appeal, but which does not permit the school employee to be employed as a school employee during such appeal, the results of a criminal background check conducted under paragraph (1) to—

“(A) challenge the accuracy or completeness of the information produced by such background check; and

“(B) seek appropriate relief for any final employment decision based on materially inaccurate or incomplete information produced by such background check.

“(b) INVENTORY AUTHORIZED.—A State educational agency may maintain an inventory of all the information from criminal background checks conducted under subsection (a)(1) on school employees in the State.

“(c) DEFINITIONS.—In this section:

“(1) SCHOOL EMPLOYEE.—The term ‘school employee’ means—

“(A) an employee of, or a person seeking employment with, a local educational agency or State educational agency, and who has a job duty that results in access to students; or

“(B) an employee of, or a person seeking employment with, a for-profit or nonprofit entity, or local public agency, that has a contract or agreement to provide services with a school, local educational agency, or State educational agency, and whose job duty—

- “(i) is to provide such services; and
- “(ii) results in access to students.

“(2) SEXUAL PREDATOR.—The term ‘sexual predator’ means a person 18 years of age or older who has been convicted of, or pled guilty to, a sexual offense against a minor.”.

#### SEC. 902. CONFORMING AMENDMENT.

Section 2 of the Elementary and Secondary Education Act of 1965 is amended by adding after the item relating to section 9536 the following:

“Sec. 9537. Background checks.”.

#### Subtitle B—Evaluation Authority

##### SEC. 911. EVALUATION AUTHORITY.

Title IX (20 U.S.C. 7801 et seq.) is further amended by amending part F to read as follows:

#### “PART F—EVALUATION AUTHORITY

##### “SEC. 9911. EVALUATION AUTHORITY.

“(a) RESERVATION OF FUNDS.—The Secretary shall reserve not less than 1 percent but not more than 3 percent of the amount appropriated to carry out each categorical program and demonstration project authorized under this Act. The reserved amounts shall be used by the Secretary, acting through the Director of the Institute of Education Sciences, to—

- “(1) conduct—
  - “(A) comprehensive, high-quality evaluations of the program or project that—
    - “(i) provide information to inform policymaking and to support continuous program improvement; and
    - “(ii) use methods appropriate for the questions being asked; and
  - “(B) impact evaluations that, where practical and appropriate, use rigorous methodologies, such as experimental or quasi-experimental designs or randomized control trials, that permit the strongest possible causal inferences;
- “(2) provide technical assistance to grant recipients on—
  - “(A) the conduct of the evaluation activities that the grantees carry out under this Act; and
  - “(B) the collection and reporting of performance data relating to the program or project and using that data to determine program effectiveness and make any required improvements;

“(3) evaluate the aggregate short-term and long-term effects and cost efficiencies across Federal programs assisted or authorized under this Act and related Federal preschool, elementary, and secondary programs under any other Federal law;

“(4) increase the usefulness of evaluations of grant recipients in order to ensure the continuous progress of the program or project by improving the quality, timeliness, efficiency, dissemination, and use of information relating to performance under the program or project and building the evidence base for what projects effectively meet the goals of the program in question; and

“(5) identify and disseminate research and best practices related to the programs and projects authorized under this Act to build the evidence base for the programs and projects that most effectively meet the goals of this Act.

“(b) EVALUATION PLAN.—The Secretary shall annually develop and submit to Congress a plan that—

- “(1) describes the specific evaluation activities and their timelines that the Secretary intends to carry out under this part for that year; and
- “(2) results from evaluation activities carried out under this part.

“(c) OTHER EVALUATION ACTIVITIES.—If, under any other provision of this Act, funds are authorized to be reserved or used for evaluation activities with respect to a program or demonstration project, the Secretary may reserve additional funds under this part, if the amount reserved is less than 1 percent of program funding. In that case, the Secretary may reserve not less than 1 percent but not more than 3 percent of funding for program evaluation.

“(d) SPECIAL RULE REGARDING ALLOCATION FOR IMPACT EVALUATIONS.—The Secretary

shall use not less than 30 percent of the funds reserved under this section for each of the fiscal years 2014 through 2019, in the aggregate for each year, for impact evaluations that meet the requirements of subsection (a)(1).”.

#### Subtitle C—Keeping All Students Safe

##### SEC. 911. KEEPING ALL STUDENTS SAFE.

Title IX (20 U.S.C. 7801 et seq.) is further amended by adding at the end the following:

#### “PART G—KEEPING ALL STUDENTS SAFE

##### “SEC. 9701. DEFINITIONS.

“‘In this part:

“(1) CHEMICAL RESTRAINT.—The term ‘chemical restraint’ means a drug or medication used on a student to control behavior or restrict freedom of movement that is not—

“(A) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional’s authority under State law, for the standard treatment of a student’s medical or psychiatric condition; and

“(B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional’s authority under State law.

“(2) MECHANICAL RESTRAINT.—The term ‘mechanical restraint’ has the meaning given the term in section 595(d)(1) of the Public Health Service Act (42 U.S.C. 290jj(d)(1)), except that the meaning shall be applied by substituting ‘student’s’ for ‘resident’s’.

“(3) PHYSICAL ESCORT.—The term ‘physical escort’ has the meaning given the term in section 595(d)(2) of the Public Health Service Act (42 U.S.C. 290jj(d)(2)), except that the meaning shall be applied by substituting ‘student’ for ‘resident’.

“(4) PHYSICAL RESTRAINT.—The term ‘physical restraint’ has the meaning given the term in section 595(d)(3) of the Public Health Service Act (42 U.S.C. 290jj(d)(3)).

“(5) POSITIVE BEHAVIOR SUPPORTS.—The term ‘positive behavior supports’ means a systematic approach to embed evidence-based practices and data-driven decision-making to improve school climate and culture, including a range of systemic and individualized strategies to reinforce desired behaviors and diminish reoccurrence of problem behaviors, in order to achieve improved academic and social outcomes and increase learning for all students, including students with the most complex and intensive behavioral needs.

“(6) PROTECTION AND ADVOCACY SYSTEM.—The term ‘protection and advocacy system’ means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

“(7) SCHOOL.—The term ‘school’ means an entity—

“(A) that—

“(i) is a public or private—

“(I) day or residential elementary school or secondary school; or

“(II) early childhood, elementary school, or secondary school program that is under the jurisdiction of a school, local educational agency, educational service agency, or other educational institution or program; and

“(ii) receives, or serves students who receive, support in any form from any program supported, in whole or in part, with funds appropriated under the Student Success Act; or

“(B) that is a school funded or operated by the Department of the Interior.

“(8) SCHOOL PERSONNEL.—The term ‘school personnel’ has the meaning—

“(A) given the term in section 4151(10); and

“(B) given the term ‘school resource officer’ in section 4151(11).

“(9) SECLUSION.—The term ‘seclusion’ has the meaning given the term in section 595(d)(4) of the Public Health Service Act (42 U.S.C. 290jj(d)(4)).

“(10) STATE-APPROVED CRISIS INTERVENTION TRAINING PROGRAM.—The term ‘State-approved crisis intervention training program’ means a training program approved by a State and the Secretary that, at a minimum, provides—

“(A) training in evidence-based techniques shown to be effective in the prevention of physical restraint and seclusion;

“(B) training in evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or seclusion;

“(C) evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, understanding antecedents, de-escalation, and conflict management;

“(D) training in first aid and cardiopulmonary resuscitation;

“(E) information describing State policies and procedures that meet the minimum standards established by regulations promulgated pursuant to section 9702(a); and

“(F) certification for school personnel in the techniques and skills described in subparagraphs (A) through (D), which shall be required to be renewed on a periodic basis.

“(11) STUDENT.—The term ‘student’ means a student enrolled in a school defined in paragraph (7), except that in the case of a student enrolled in a private school or private program, such term means a student who receives support in any form from any program supported, in whole or in part, with funds appropriated under the Student Success Act.

“(12) TIME OUT.—The term ‘time out’ has the meaning given the term in section 595(d)(5) of the Public Health Service Act (42 U.S.C. 290jj(d)(5)), except that the meaning shall be applied by substituting ‘student’ for ‘resident’.

**“SEC. 9702. MINIMUM STANDARDS; RULE OF CONSTRUCTION.**

“(a) MINIMUM STANDARDS.—Not later than 180 days after the date of the enactment of the Student Success Act, to ensure a safe learning environment and protect each student from physical or mental abuse, aversive behavioral interventions that compromise student health and safety, or any physical restraint or seclusion imposed solely for purposes of discipline or convenience or in a manner otherwise inconsistent with this part, the Secretary shall promulgate regulations establishing the following minimum standards:

“(1) School personnel shall be prohibited from imposing on any student the following:

“(A) Mechanical restraints.

“(B) Chemical restraints.

“(C) Physical restraint or physical escort that restricts breathing.

“(D) Aversive behavioral interventions that compromise health and safety.

“(2) School personnel shall be prohibited from imposing physical restraint or seclusion on a student unless—

“(A) the student’s behavior poses an imminent danger of physical injury to the student, school personnel, or others;

“(B) less restrictive interventions would be ineffective in stopping such imminent danger of physical injury;

“(C) such physical restraint or seclusion is imposed by school personnel who—

“(i) continuously monitor the student face-to-face; or

“(ii) if school personnel safety is significantly compromised by such face-to-face monitoring, are in continuous direct visual contact with the student;

“(D) such physical restraint or seclusion is imposed by—

“(i) school personnel trained and certified by a State-approved crisis intervention training program (as defined in section 9701(16)); or

“(ii) other school personnel in the case of a rare and clearly unavoidable emergency circumstance when school personnel trained and certified as described in clause (i) are not immediately available due to the unforeseeable nature of the emergency circumstance; and

“(E) such physical restraint or seclusion ends immediately upon the cessation of the conditions described in subparagraphs (A) and (B).

“(3) States, in consultation with local educational agencies and private school officials, shall ensure that a sufficient number of personnel are trained and certified by a State-approved crisis intervention training program (as defined in section 9701(16)) to meet the needs of the specific student population in each school.

“(4) The use of physical restraint or seclusion as a planned intervention shall not be written into a student’s education plan, individualized education program (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)). Local educational agencies or schools may establish policies and procedures for use of physical restraint or seclusion in school safety or crisis plans, provided that such school plans are not specific to any individual student.

“(5) Schools shall establish procedures to be followed after each incident involving the imposition of physical restraint or seclusion upon a student, including—

“(A) procedures to provide to the parent of the student, with respect to each such incident—

“(i) an immediate verbal or electronic communication on the same day as the incident; and

“(ii) written notification within 24 hours of the incident; and

“(B) any other procedures the Secretary determines appropriate.

“(b) SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall ensure that schools operated or funded by the Department of the Interior comply with the regulations promulgated by the Secretary under subsection (a).

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Secretary to promulgate regulations prohibiting the use of—

“(1) time out (as defined in section 9701(20));

“(2) devices implemented by trained school personnel, or utilized by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including—

“(A) restraints for medical immobilization;

“(B) adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

“(C) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; or

“(3) handcuffs by school resource officers (as such term is defined in section 4151(11) of

the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161(11)))—

“(A) in the—

“(i) case when a student’s behavior poses an imminent danger of physical injury to the student, school personnel, or others; or

“(ii) lawful exercise of law enforcement duties; and

“(B) less restrictive interventions would be ineffective.

**“SEC. 9703. STATE PLAN AND REPORT REQUIREMENTS AND ENFORCEMENT.**

“(a) STATE PLAN.—Not later than 2 years after the Secretary promulgates regulations pursuant to section 9702(a), and each year thereafter, each State educational agency shall submit to the Secretary a State plan that provides—

“(1) assurances to the Secretary that the State has in effect—

“(A) State policies and procedures that meet the minimum standards, including the standards with respect to State-approved crisis intervention training programs, established by regulations promulgated pursuant to section 9702(a); and

“(B) a State mechanism to effectively monitor and enforce the minimum standards;

“(2) a description of the State policies and procedures, including a description of the State-approved crisis intervention training programs in such State; and

“(3) a description of the State plans to ensure school personnel and parents, including private school personnel and parents, are aware of the State policies and procedures.

“(b) REPORTING.—

“(1) REPORTING REQUIREMENTS.—Not later than 2 years after the date the Secretary promulgates regulations pursuant to section 9702(a), and each year thereafter, each State educational agency shall (in compliance with the requirements of section 444 of the General Education Provisions Act (commonly known as the ‘Family Educational Rights and Privacy Act of 1974’) (20 U.S.C. 1232g)) prepare and submit to the Secretary, and make available to the public, a report that includes the information described in paragraph (2), with respect to each local educational agency, and each school not under the jurisdiction of a local educational agency, located in the same State as such State educational agency.

“(2) INFORMATION REQUIREMENTS.—

“(A) GENERAL INFORMATION REQUIREMENTS.—The report described in paragraph (1) shall include information on—

“(i) the total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

“(ii) the total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student.

“(B) DISAGGREGATION.—

“(i) GENERAL DISAGGREGATION REQUIREMENTS.—The information described in subparagraph (A) shall be disaggregated by—

“(I) the total number of incidents in which physical restraint or seclusion was imposed upon a student—

“(aa) that resulted in injury;

“(bb) that resulted in death; and

“(cc) in which the school personnel imposing physical restraint or seclusion were not trained and certified as described in section 9702(a)(2)(D)(i); and

“(II) the demographic characteristics of all students upon whom physical restraint or seclusion was imposed, including—



“(aa) the categories identified in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i));

“(bb) age; and

“(cc) disability status (which has the meaning given the term ‘individual with a disability’ in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20))).

“(ii) UNDUPLICATED COUNT; EXCEPTION.—The disaggregation required under clause (i) shall—

“(I) be carried out in a manner to ensure an unduplicated count of the—

“(aa) total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

“(bb) total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student; and

“(II) not be required in a case in which the number of students in a category would reveal personally identifiable information about an individual student.

“(c) ENFORCEMENT.—

“(1) IN GENERAL.—

“(A) USE OF REMEDIES.—If a State educational agency fails to comply with subsection (a) or (b), the Secretary shall—

“(i) withhold, in whole or in part, further payments under an applicable program (as such term is defined in section 400(c) of the General Education Provisions Act (20 U.S.C. 1221)) in accordance with section 455 of such Act (20 U.S.C. 1234d);

“(ii) require a State educational agency to submit, and implement, within 1 year of such failure to comply, a corrective plan of action, which may include redirection of funds received under an applicable program; or

“(iii) issue a complaint to compel compliance of the State educational agency through a cease and desist order, in the same manner the Secretary is authorized to take such action under section 456 of the General Education Provisions Act (20 U.S.C. 1234e).

“(B) CESSATION OF WITHHOLDING OF FUNDS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a State educational agency who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments with respect to the State educational agency under such subparagraph.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary’s authority under the General Education Provisions Act (20 U.S.C. 1221 et seq.).

#### “SEC. 9704. GRANT AUTHORITY.

“(a) IN GENERAL.—From the amount appropriated under section 922, the Secretary may award grants to State educational agencies to assist the agencies in—

“(1) establishing, implementing, and enforcing the policies and procedures to meet the minimum standards established by regulations promulgated by the Secretary pursuant to section 9702(a);

“(2) improving State and local capacity to collect and analyze data related to physical restraint and seclusion; and

“(3) improving school climate and culture by implementing school-wide positive behavior support approaches.

“(b) DURATION OF GRANT.—A grant under this section shall be awarded to a State educational agency for a 3-year period.

“(c) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary

at such time, in such manner, and accompanied by such information as the Secretary may require, including information on how the State educational agency will target resources to schools and local educational agencies in need of assistance related to preventing and reducing physical restraint and seclusion.

“(d) AUTHORITY TO MAKE SUBGRANTS.—

“(1) IN GENERAL.—A State educational agency receiving a grant under this section may use such grant funds to award subgrants, on a competitive basis, to local educational agencies.

“(2) APPLICATION.—A local educational agency desiring to receive a subgrant under this section shall submit an application to the applicable State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

“(e) PRIVATE SCHOOL PARTICIPATION.—

“(1) IN GENERAL.—A local educational agency receiving subgrant funds under this section shall, after timely and meaningful consultation with appropriate private school officials, ensure that private school personnel can participate, on an equitable basis, in activities supported by grant or subgrant funds.

“(2) PUBLIC CONTROL OF FUNDS.—The control of funds provided under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.

“(f) REQUIRED ACTIVITIES.—A State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section shall use such grant or subgrant funds to carry out the following:

“(1) Researching, developing, implementing, and evaluating strategies, policies, and procedures to prevent and reduce physical restraint and seclusion in schools, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 9702(a).

“(2) Providing professional development, training, and certification for school personnel to meet such standards.

“(3) Carrying out the reporting requirements under section 9703(b) and analyzing the information included in a report prepared under such section to identify student, school personnel, and school needs related to use of physical restraint and seclusion.

“(g) ADDITIONAL AUTHORIZED ACTIVITIES.—In addition to the required activities described in subsection (f), a State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section may use such grant or subgrant funds for one or more of the following:

“(1) Developing and implementing high-quality professional development and training programs to implement evidence-based systematic approaches to school-wide positive behavior supports, including improving coaching, facilitation, and training capacity for administrators, teachers, specialized instructional support personnel, and other staff.

“(2) Providing technical assistance to develop and implement evidence-based systematic approaches to school-wide positive behavior supports, including technical assistance for data-driven decisionmaking related to behavioral supports and interventions in the classroom.

“(3) Researching, evaluating, and disseminating high-quality evidence-based programs and activities that implement school-wide positive behavior supports with fidelity.

“(4) Supporting other local positive behavior support implementation activities consistent with this subsection.

“(h) EVALUATION AND REPORT.—Each State educational agency receiving a grant under this section shall, at the end of the 3-year grant period for such grant—

“(1) evaluate the State’s progress toward the prevention and reduction of physical restraint and seclusion in the schools located in the State, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 9702(a); and

“(2) submit to the Secretary a report on such progress.

“(i) DEPARTMENT OF THE INTERIOR.—From the amount appropriated under section 9708, the Secretary may allocate funds to the Secretary of the Interior for activities under this section with respect to schools operated or funded by the Department of the Interior, under such terms as the Secretary of Education may prescribe.

#### “SEC. 9705. NATIONAL ASSESSMENT.

“(a) NATIONAL ASSESSMENT.—The Secretary shall carry out a national assessment to determine the effectiveness of this part, which shall include—

“(1) analyzing data related to physical restraint and seclusion incidents;

“(2) analyzing the effectiveness of Federal, State, and local efforts to prevent and reduce the number of physical restraint and seclusion incidents in schools;

“(3) identifying the types of programs and services that have demonstrated the greatest effectiveness in preventing and reducing the number of physical restraint and seclusion incidents in schools; and

“(4) identifying evidence-based personnel training models with demonstrated success in preventing and reducing the number of physical restraint and seclusion incidents in schools, including models that emphasize positive behavior supports and de-escalation techniques over physical intervention.

“(b) REPORT.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate—

“(1) not later than 3 years after the date of enactment of the Student Success Act, an interim report that summarizes the preliminary findings of the assessment described in subsection (a); and

“(2) not later than 5 years after the date of the enactment of the Student Success Act, a final report of the findings of the assessment.

#### “SEC. 9706. PROTECTION AND ADVOCACY SYSTEMS.

“Protection and Advocacy Systems shall have the authority provided under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043) to investigate, monitor, and enforce protections provided for students under this part.

#### “SEC. 9707. LIMITATION OF AUTHORITY.

“(a) IN GENERAL.—Nothing in this part shall be construed to restrict or limit, or allow the Secretary to restrict or limit, any other rights or remedies otherwise available to students or parents under Federal or State law or regulation.

“(b) APPLICABILITY.—

“(1) PRIVATE SCHOOLS.—Nothing in this part shall be construed to affect any private school that does not receive, or does not serve students who receive, support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education.

“(2) HOME SCHOOLS.—Nothing in this part shall be construed to—

“(A) affect a home school, whether or not a home school is treated as a private school or home school under State law; or

“(B) consider parents who are schooling a child at home as school personnel.

**“SEC. 9708. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated such sums as may be necessary to carry out this part for fiscal year 2014 and each of the 4 succeeding fiscal years.

**“SEC. 9709. PRESUMPTION OF CONGRESS RELATING TO COMPETITIVE PROCEDURES.**

“(a) PRESUMPTION.—It is the presumption of Congress that grants awarded under this part will be awarded using competitive procedures based on merit.

“(b) REPORT TO CONGRESS.—If grants are awarded under this part using procedures other than competitive procedures, the Secretary shall submit to Congress a report explaining why competitive procedures were not used.”.

**Subtitle D—Protecting Student Athletes From Concussions**

**SEC. 931. PROTECTING STUDENT ATHLETES FROM CONCUSSIONS.**

Title IX (20 U.S.C. 7801 et seq.) is further amended by adding at the end the following:

**“PART H—PROTECTING STUDENT ATHLETES FROM CONCUSSIONS**

**“SEC. 9801. MINIMUM STATE REQUIREMENTS.**

“Beginning with fiscal year 2014, in order to be eligible to receive funds for such year or a subsequent fiscal year under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) each State educational agency shall issue regulations establishing the following minimum requirements in order to protect student academic achievement from the impact of concussions:

“(1) LOCAL EDUCATIONAL AGENCY CONCUSSION SAFETY AND MANAGEMENT PLAN.—Each local educational agency in the State, in consultation with members of the community in which such agency is located, shall develop and implement a standard plan for concussion safety and management that includes—

“(A) the education of students, parents, and school personnel about concussions, such as—

“(i) the training and certification of school personnel, including coaches, athletic trainers, and school nurses, on concussion safety and management; and

“(ii) using and maintaining standardized release forms, treatment plans, observation, monitoring and reporting forms, record-keeping forms, and post-injury fact sheets;

“(B) supports for students recovering from a concussion, such as—

“(i) guiding such student in resuming participation in athletic activity and academic activities with the help of a multi-disciplinary team, which may include—

“(I) a health care professional, the parents of such student, a school nurse, or other relevant school personnel; and

“(II) an individual who is assigned by a public school to oversee and manage the recovery of such student;

“(ii) providing appropriate academic accommodations; and

“(iii) referring students whose symptoms of concussion reemerge or persist upon the reintroduction of cognitive and physical demands for evaluation of the eligibility of such students for services under the Individual with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 note et seq.); and

“(C) best practices designed to ensure, with respect to concussions, the uniformity of safety standards, treatment, and management, such as—

“(i) disseminating information on concussion management safety and management to the public; and

“(ii) applying uniform standards for concussion safety and management to all students enrolled in public schools.

“(2) POSTING OF INFORMATION ON CONCUSSIONS.—Each public elementary school and each secondary school shall post on school grounds, in a manner that is visible to students and school personnel, and make publicly available on the school website, information on concussions that—

“(A) is based on peer-reviewed scientific evidence (such as information made available by the Centers for Disease Control and Prevention);

“(B) shall include—

“(i) the risks posed by sustaining a concussion;

“(ii) the actions a student should take in response to sustaining a concussion, including the notification of school personnel; and

“(iii) the signs and symptoms of a concussion; and

“(C) may include—

“(i) the definition of a concussion;

“(ii) the means available to the student to reduce the incidence or recurrence of a concussion; and

“(iii) the effects of a concussion on academic learning and performance.

“(3) RESPONSE TO CONCUSSION.—If any school personnel, including coaches and athletic trainers, of a public school suspects that a student has sustained a concussion during a school-sponsored athletic activity—

“(A) the student shall be—

“(i) immediately removed from participation in such activity; and

“(ii) prohibited from returning to participate in school-sponsored athletic activities—

“(I) on the day such student sustained a concussion; and

“(II) until such student submits a written release from a health care professional stating that the student is capable of resuming participation in school-sponsored athletic activities; and

“(B) such personnel shall report to the parent or guardian of such student—

“(i) the date, time, and extent of the injury suffered by such student; and

“(ii) any actions taken to treat such student.

“(4) RETURN TO ATHLETICS AND ACADEMICS.—Before a student who has sustained a concussion in a school-sponsored athletic activity resumes participation in school-sponsored athletic activities or academic activities, the school shall receive a written release from a health care professional, that—

“(A) states that the student is capable of resuming participation in such activities; and

“(B) may require the student to follow a plan designed to aid the student in recovering and resuming participation in such activities in a manner that—

“(i) is coordinated, as appropriate, with periods of cognitive and physical rest while symptoms of a concussion persist; and

“(ii) reintroduces cognitive and physical demands on such student on a progressive basis only as such increases in exertion do not cause the reemergence or worsening of symptoms of a concussion.

**“SEC. 9802. REPORT TO SECRETARY OF EDUCATION.**

“Not later than 6 months after promulgating regulations pursuant to section 9801

in order to be eligible to receive funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), each State educational agency shall submit to the Secretary of Education a report that contains—

“(1) a description of the State regulations promulgated pursuant to section 9801; and

“(2) an assurance that the State has implemented such regulations.

**“SEC. 9803. RULE OF CONSTRUCTION.**

“Nothing in this subtitle shall be construed to alter or supersede State law with respect to education standards or procedures or civil liability.

**“SEC. 9804. DEFINITIONS.**

“In this subtitle:

“(1) CONCUSSION.—The term ‘concussion’ means a type of traumatic brain injury that—

“(A) is caused by a blow, jolt, or motion to the head or body that causes the brain to move rapidly in the skull;

“(B) disrupts normal brain functioning and alters the mental state of the individual, causing the individual to experience—

“(i) any period of observed or self-reported—

“(I) transient confusion, disorientation, or impaired consciousness;

“(II) dysfunction of memory around the time of injury; and

“(III) loss of consciousness lasting less than 30 minutes;

“(ii) any one of four types of symptoms of a headache, including—

“(I) physical symptoms, such as headache, fatigue, or dizziness;

“(II) cognitive symptoms, such as memory disturbance or slowed thinking;

“(III) emotional symptoms, such as irritability or sadness; and

“(IV) difficulty sleeping; and

“(C) can occur—

“(i) with or without the loss of consciousness; and

“(ii) during participation in any organized sport or recreational activity.

“(2) HEALTH CARE PROFESSIONAL.—The term ‘health care professional’ means a physician, nurse, certified athletic trainer, physical therapist, neuropsychologist or other qualified individual who—

“(A) is a registered, licensed, certified, or otherwise statutorily recognized by the State to provide medical treatment;

“(B) is experienced in the diagnosis and management of traumatic brain injury among a pediatric population; and

“(C) may be a volunteer.

“(3) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms ‘local educational agency’ and ‘State educational agency’ have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(4) SCHOOL PERSONNEL.—The term ‘school personnel’ has the meaning given such term in section 4151 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161).

“(5) SCHOOL-SPONSORED ATHLETIC ACTIVITY.—The term ‘school-sponsored athletic activity’ means—

“(A) any physical education class or program of a school;

“(B) any athletic activity authorized during the school day on school grounds that is not an instructional activity; and

“(C) any extracurricular sports team, club, or league organized by a school on or off school grounds.”.

# **TITLE X—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS**

## **SEC. 1001. EDUCATION FOR HOMELESS CHILDREN AND YOUTHS.**

Subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11421 et seq.) is amended to read as follows:

### **“Subtitle B—Education for Homeless Children and Youths**

#### **“SEC. 721. STATEMENT OF POLICY.**

“The following is the policy of Congress:

“(1) Each State educational agency shall ensure that each homeless child and youth has access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth.

“(2) In any State where compulsory residency requirements or other requirements of laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youth, the State shall review and revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free appropriate public education as is provided to other children and youth.

“(3) Homelessness is not a sufficient reason to separate students from the mainstream school environment.

“(4) Homeless children and youth shall have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same college and career ready State student academic achievement standards to which all students are held.

#### **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.**

“(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States from allotments made under subsection (c) and in accordance with this section to enable such States to carry out the activities described in subsections (d) through (g).

“(b) APPLICATION.—In order for a State to be eligible to receive a grant under this section, the State educational agency, in consultation with other relevant State agencies, shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

“(c) ALLOCATION AND RESERVATIONS.—

“(1) ALLOCATION.—

“(A) IN GENERAL.—Subject to subparagraph (C), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 727 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724(d) and (h), as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except as provided in subparagraph (B)—

“(B) MINIMUM ALLOTMENTS.—No State shall receive for a fiscal year less under this paragraph than the greater of—

“(i) \$300,000; or

“(ii) an amount that bears the same ratio to the amount appropriated for such year under section 727 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724(d) and (h), as the amount the State received under this paragraph for the preceding fiscal year bears to the total amount received by

all States under this paragraph for the preceding fiscal year.

“(C) REDUCTION FOR INSUFFICIENT FUNDS.—If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (B), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

“(2) RESERVATIONS.—

“(A) STUDENTS IN TERRITORIES.—The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 727 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this title, as determined by the Secretary. Funds allocated under this subparagraph shall be used for programs that are consistent with the purposes of the programs described in this subtitle.

“(B) INDIAN STUDENTS.—

“(i) TRANSFER.—The Secretary shall transfer 1 percent of the amount appropriated for each fiscal year under section 727 to the Department of the Interior for programs that are for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and that are consistent with the purposes of the programs described in this title.

“(ii) AGREEMENT.—The Secretary of Education and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this title, for the distribution and use of the funds described in clause (i) under terms that the Secretary of Education determines best meet the purposes of the programs described in this title. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the funds transferred, including appropriate goals, objectives, and milestones for that use.

“(d) STATE ACTIVITIES.—Grant funds from a grant made to a State under this section shall be used for the following:

“(1) To provide activities for and services to improve the identification of homeless children and youth and enable such children and youth to enroll in, attend, and succeed in school, including in early childhood education programs.

“(2) To establish or designate an Office of the Coordinator for Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f) that has sufficient knowledge, authority, and time to carry out the duties described in this title.

“(3) To prepare and carry out the State plan described in subsection (g).

“(4) To develop and implement professional development activities for liaisons designated under subsection (g)(1)(J)(ii), other local educational agency school personnel, and community agencies to improve their—

“(A) identification of homeless children and youth; and

“(B) awareness of, and capacity to respond to, specific needs in the education of homeless children and youth.

“(e) STATE AND LOCAL SUBGRANTS.—

“(1) MINIMUM DISBURSEMENTS BY STATES.—From the grant funds made available each year to a State under subsection (a) to carry out this title, the State educational agency shall distribute not less than 75 percent by making subgrants under section 723 to local

educational agencies for the purposes of carrying out section 723.

“(2) USE BY STATE EDUCATIONAL AGENCY.—A State educational agency may use any grant funds remaining after making subgrants under section 723 to conduct activities under subsection (f) directly or through making grants or entering into contracts.

“(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—In providing a free public education to a homeless child or youth, no State receiving funds under this title shall segregate such child or youth in a separate school, or in a separate program within a school, based on such child's or youth's status as homeless.

“(A) EXCEPTION.—Notwithstanding paragraph (3), paragraphs (1)(J)(i) and (3) of subsection (g), section 723(a)(2), and any other provision of this title relating to the placement of homeless children or youths in schools, a State that has a separate school for homeless children or youths that was operated and in receipt of funds under this title in fiscal year 2013 in a covered county shall be eligible to receive funds under this title for programs carried out in such school.

“(B) DEFINITION.—For purposes of this paragraph, the term ‘covered county’ means San Diego County, California.

“(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator for Education of Homeless Children and Youth established in each State shall—

“(1) gather and make publicly available reliable, valid, and comprehensive information on

“(A) the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs, and to public elementary schools and secondary schools;

“(B) the difficulties in identifying the special needs and barriers to participation and achievement of such children and youth;

“(C) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and

“(D) the success of the programs under this title in identifying homeless children and youth and allowing homeless children and youth to enroll in, attend, and succeed in school; and

“(2) develop and carry out the State plan described in subsection (g);

“(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may require, reports containing such information as the Secretary determines is necessary to assess the educational needs of homeless children and youth within the State including data requested pursuant to section 724(h);

“(4) improve the provision of comprehensive education and related support services to homeless children and youth and their families, and to minimize educational disruption, through coordination of activities and collaboration with—

“(A) educators, including teachers, administrators, specialized instructional support personnel, and child development and preschool program personnel;

“(B) providers of services to homeless children and youth and homeless families, public and private child welfare and social service agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

“(C) providers of emergency, transitional, and permanent housing to homeless children and youth, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youth;

“(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

“(E) community organizations and groups representing homeless children and youth and their families; and

“(5) provide professional development and technical assistance to and conduct monitoring of local educational agencies, in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of paragraphs (3) through (8) of subsection (g), and subsection (e)(3); and

“(g) STATE PLAN.—

“(1) IN GENERAL.—Each State shall submit to the Secretary and implement a plan to provide for the education of homeless children and youth within the State. Such plan shall include the following:

“(A) A description of how such children and youth are (or will be) given the opportunity

“(i) to meet the same challenging State academic achievement standards all students are expected to meet; and

“(ii) to become college and career ready.

“(B) A description of the procedures the State educational agency will use, in coordination with local educational agencies, to identify such children and youths in the State and to assess their needs.

“(C) A description of procedures for the prompt resolution of disputes arising under this title, which shall—

“(i) be developed in coordination and collaboration with the liaisons designated under subparagraph (J)(ii);

“(ii) be readily available and provided in a written format and, to the extent practicable, in a manner and form understandable to the parents and guardians of homeless children and youth;

“(iii) take into account the educational best interest of the homeless child or youth, or unaccompanied youth, involved; and

“(iv) ensure that parents and guardians of homeless children and youth, and unaccompanied youth, who have exhausted the procedures available under this paragraph are able to appeal to the State educational agency, and are enrolled in school pursuant to paragraph (4)(C) and receive transportation pursuant to subparagraph (J)(iii) pending final resolution of the dispute.

“(D) A description of programs for school personnel (including the liaisons, principals, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to increase the awareness of such personnel of the specific needs of homeless adolescents, including runaway and homeless youth.

“(E) A description of procedures that ensure that homeless children and youth are able to participate in Federal, State, or local nutrition programs.

“(F) A description of procedures that ensure that—

“(i) homeless children have access to public preschool programs, administered by the State educational agency or local educational agency, including through the policies and practices required under paragraph (3);

“(ii) homeless youths and youth separated from the public schools, are identified and

accorded equal access to appropriate and available secondary education and support services, including receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, and for work completed after their enrollment in a new school, consistent with State graduation requirements and accreditation standards; and

“(iii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local educational programs, such as

“(I) innovative school models, including charter schools, magnet schools, and blended learning schools;

“(II) expanded learning time and out-of-school time programs, including before- and after-school programs and summer schools;

“(III) middle and secondary school enrichment programs, including career and technical education, advanced placement, international baccalaureate, and dual enrollment courses;

“(IV) online learning opportunities, including virtual schools; and

“(V) relevant workforce investment programs.

“(G) Strategies to address problems identified in the reports provided to the Secretary under subsection (f)(3).

“(H) Strategies to address other problems with respect to the education of homeless children and youth, including enrollment problems related to—

“(i) immunization and other required health records and screenings;

“(ii) residency requirements;

“(iii) lack of birth certificates, school records, or other documentation;

“(iv) guardianship issues; or

“(v) uniform or dress code requirements.

“(I) A demonstration that the State educational agency and local educational agencies and schools in the State have developed, and shall review and revise, their policies and practices to remove barriers to the identification, enrollment, attendance, retention, and success of homeless children and youth in schools, including early childhood education programs, in the State.

“(J) Assurances that the following will be carried out—

“(i) the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not stigmatized or segregated on the basis of their status as homeless;

“(ii) local educational agencies will designate an appropriate staff person as the local educational agency liaison for homeless children and youth, who shall have sufficient training and time to carry out the duties described in paragraph (7)(A), and who may also be a coordinator for other Federal programs.

“(iii) the State and local educational agencies in the State will adopt policies and practices to ensure that transportation is provided at the request of the parent or guardian involved (or in the case of an unaccompanied youth, the liaison), to and from the school of origin for as long as the student has the right to attend the school of origin as determined in paragraph (4)(A), in accordance with the following, where applicable:

“(I) If the child or youth continues to live in the area served by the local educational agency for the school of origin, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency for the school of origin.

“(II) If the child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing the child's or youth's education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency for the area in which the child or youth is living shall agree upon a method to apportion the responsibility and cost for providing transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally between the agencies.

“(iv) The State educational agency and local educational agencies will adopt policies and practices to promote school success for homeless children and youth, including access to full participation in academic and extracurricular activities that are made available to non-homeless students.

“(2) COMPLIANCE.—

“(A) IN GENERAL.—Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (8).

“(B) COORDINATION.—Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

“(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

“(A) IN GENERAL.—The local educational agency serving each child or youth to be assisted under this title shall, according to the child's or youth's best interest—

“(i) continue the child's or youth's education in the school of origin for the duration of homelessness—

“(I) in any case in which the child or youth becomes a homeless child or youth between academic years or during an academic year; or

“(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

“(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

“(B) BEST INTEREST.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

“(i) presume that keeping a homeless child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;

“(ii) consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the wishes of the homeless child's or youth's parent or guardian or the unaccompanied youth involved;

“(iii) if, after conducting the best interest determination described in clause (ii), the local educational agency determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent, guardian, or unaccompanied youth, provide, in coordination with the local education agency liaison, the homeless child's or youth's parent or guardian or the unaccompanied youth, with a

written explanation in a manner or form understandable to such parent, guardian, or youth, to the extent practicable, including a statement regarding the right to appeal under subparagraph (E);

“(iv) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E); and

“(v) provide transportation pursuant to paragraphs (1)(J)(iii) and (5).

“(C) ENROLLMENT.—

“(i) ENROLLMENT.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

“(I) is unable to produce records traditionally required for enrollment, including previous academic records, health records, proof of residency or guardianship, or other documentation;

“(II) has unpaid fines or fees from prior schools or is unable to pay fees in the school selected; or

“(III) has missed application or enrollment deadlines during any period of homelessness.

“(ii) CONTACTING SCHOOL LAST ATTENDED.—The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

“(iii) RELEVANT HEALTH RECORDS.—If the child or youth needs to obtain immunizations or other required health records, the enrolling school shall immediately enroll the child or youth and immediately refer the parent or guardian of the child or youth, or the unaccompanied youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings or other required health records, in accordance with subparagraph (D).

“(iv) NO LIABILITY.—Whenever the school selected enrolls an unaccompanied youth in accordance with this paragraph, no liability shall be imposed upon the school by reason of enrolling the youth without parent or guardian consent.

“(D) RECORDS.—Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained—

“(i) so that the records involved are available when a child or youth enters a new school or school district, even if the child or youth owes fees or fines or did not withdraw from the previous school in conformance with local withdrawal procedures; and

“(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

“(E) DISPUTES.—If a dispute arises over eligibility, enrollment, school selection or service in a public school or public preschool, or any other issue relating to services under this title—

“(i) in the case of a dispute relating to eligibility for enrollment or school selection, the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute including all available appeals;

“(ii) the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding eligibility for enrollment, school selection, or

services, made by the school or the local educational agency, which shall include information about the right to appeal the decision;

“(iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of such dispute; and

“(iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment, pending resolution of such dispute.

“(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth involved lives with the homeless parents or has been temporarily placed elsewhere.

“(G) SCHOOL OF ORIGIN DEFINED.—

“(i) IN GENERAL.—In this paragraph, the term ‘school of origin’ means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

“(ii) RECEIVING SCHOOL.—When a child or youth completes the final grade level served by the school of origin, as described in clause (i), the term ‘school of origin’ shall include the designated receiving school at the next grade level for the feeder school that the child or youth attended.

“(H) CONTACT INFORMATION.—Nothing in this title shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

“(I) PRIVACY.—Information about a homeless child's or youth's living situation shall be treated as a student education record under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and shall not be released to housing providers, employers, law enforcement personnel, or other persons or agencies not authorized to have such information under section 99.31 of title 34, Code of Federal Regulations, paying particular attention to preventing disruption of the living situation of the child or youth and to supporting the safety of such children and youth who are survivors of domestic violence and unaccompanied youth.

“(J) ACADEMIC ACHIEVEMENT.—The school selected in accordance with this paragraph shall ensure that homeless children and youth have opportunities to meet the same college and career ready State student academic achievement standards to which other students are held, including implementing the policies and practices required by paragraph (1)(J)(iv).

“(4) COMPARABLE SERVICES.—In addition to receiving services provided for homeless children and youth under this title or other Federal, State, or local laws, regulations, policies, or practices, each homeless child or youth to be assisted under this title shall be provided services comparable to services offered to other students in the school selected under paragraph (4), including the following:

“(A) Transportation services.

“(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), similar State or local programs, charter schools, magnet schools, educational programs for children with disabilities, and educational programs for students with limited English proficiency.

“(C) Programs in vocational and technical education.

“(D) Programs for gifted and talented students.

“(E) School nutrition programs.

“(F) Health and counseling services, as appropriate.

“(5) COORDINATION.—

“(A) IN GENERAL.—Each local educational agency shall coordinate—

“(i) the provision of services under this title with the services of local social services agencies and other agencies or entities providing services to homeless children and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

“(ii) transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.

“(B) HOUSING ASSISTANCE.—Each State educational agency and local educational agency that receives assistance under this title shall coordinate, if applicable, with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youth who become homeless.

“(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

“(i) ensure that all homeless children and youth are identified within a reasonable time frame;

“(ii) ensure that all homeless children and youth have access to and are in reasonable proximity to available education and related support services; and

“(iii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

“(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and youth who are to be assisted both under this title, and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), each local educational agency shall coordinate the provision of services under this title with the provision of programs for children with disabilities served by such local educational agency and other involved local educational agencies.

“(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

“(A) DUTIES.—Each local educational agency liaison for homeless children and youth, designated under paragraph (1)(J)(ii), shall ensure that—

“(i) all homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;

“(ii) homeless children and youth are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

“(iii) homeless families, children, and youth have access to educational services for which such families, children, and youth are eligible, including services through Head Start, Early Head Start, early intervention, and Even Start programs, and preschool programs;

“(iv) homeless families, and homeless children and youth, receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;

“(v) homeless children and youth are certified as eligible for free meals offered under the Richard B. Russell National School

Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application;

“(vi) the parents or guardians of homeless children and youth are informed of the educational and related opportunities available to their children, including early learning opportunities, and are provided with meaningful opportunities to participate in the education of their children;

“(vii) public notice of the educational rights of homeless children and youth is incorporated into documents related to residency requirements or enrollment, provided upon school enrollment and withdrawal, posted on the local educational agency’s website, and disseminated in locations frequented by parents and guardians of homeless children and youth and unaccompanied youth, including schools, shelters, public libraries, and soup kitchens in a manner and form understandable to parents and guardians of homeless children and youth and unaccompanied youth;

“(viii) disputes are resolved in accordance with paragraph (3)(E);

“(ix) the parent or guardian of a homeless child or youth, or any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (4)(A).

“(x) school personnel are adequately prepared to implement this title and receive professional development, resource materials, technical assistance, and other support; and

“(xi) unaccompanied youth—

“(I) are enrolled in school;

“(II) have opportunities to meet the same college and career ready State student academic achievement standards to which other students are held, including through implementation of the policies and practices required by subparagraphs (F)(ii) and (J)(iv) of paragraph (1); and

“(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv), including through school counselors that have received professional development about unaccompanied youth, and receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

“(B) NOTICE.—State coordinators appointed under subsection (d)(2) and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families and homeless children and youth of the contact information and duties of the local educational agency liaisons, including publishing an annually updated list of the liaisons working in the State on the State educational agency’s website.

“(C) LOCAL AND STATE COORDINATION.—the local educational agency liaisons shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related support services to homeless children and youth. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).

“(D) PROFESSIONAL DEVELOPMENT.—The local educational agency liaisons shall participate in the professional development and

other technical assistance activities provided by the State Coordinator pursuant to subsection (f)(5).

“(h) EMERGENCY DISASTER GRANTS.—

“(1) IN GENERAL.—The Secretary shall make emergency disaster grants to eligible local educational agencies and eligible States described in paragraph (2), in order to increase the capacity for such local educational agencies and States to respond to major disasters.

“(2) ELIGIBILITY; APPLICATION.—

“(A) ELIGIBILITY.—

“(i) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—A local educational agency shall be eligible to receive an emergency disaster grant under this subsection, based on demonstrated need, if such local educational agency’s enrollment of homeless children and youth has increased as a result of a hurricane, flood, or other natural disaster for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.).

“(ii) STATE ELIGIBILITY.—A State, through the Office of the Coordinator for Education of Homeless Children and Youths in the State educational agency, shall be eligible to receive an emergency disaster grant under this subsection if there are 1 or more eligible local educational agencies, as described in clause (i), located within the State.

“(B) APPLICATION.—In order for an eligible State or an eligible local educational agency to receive a grant under this subsection, the State educational agency, in consultation with other relevant State agencies, or local educational agency shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

“(3) DISTRIBUTION OF GRANTS.—The Secretary shall distribute emergency disaster grant funds—

“(A) based on demonstrated need, to State educational agencies or local educational agencies for local educational agencies whose enrollment of homeless children and youths has increased as a result of a hurricane, flood, or other natural disaster for which the President has declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.);

“(B) expeditiously, and in no case later than 75 days after such funds are appropriated to the Secretary; and

“(C) in a manner that enables local educational agencies to use such funds for the immediate needs of disaster response and ongoing disaster recovery.

“(4) AMOUNT OF GRANTS.—The Secretary shall distribute grants under this subsection in amounts determined by the Secretary and related to the increase in enrollment of homeless children and youths as a result of such major disaster.

“(5) USES OF FUNDS.—A local educational agency or State educational agency that receives an emergency disaster grant under this subsection shall use the grant funds to carry out the activities described in section 723(d).

#### “SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

“(a) GENERAL AUTHORITY.—

“(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(e), and from amounts made available to such agency under section 727, make subgrants to local educational agencies for the

purpose of facilitating the identification, enrollment, attendance, and success in school of homeless children and youth.

“(2) SERVICES.—

“(A) IN GENERAL.—Services under paragraph (1)—

“(i) may be provided through programs on school grounds or at other facilities; and

“(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and youth with nonhomeless children and youth.

“(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided to homeless children and youth on school grounds, the schools involved may use funds under this subtitle to provide the same services to other children and youth who are determined by the local educational agency serving the school to be at risk of failing in, or dropping out of, school.

“(3) REQUIREMENT.—Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school’s regular academic program.

“(4) DURATION OF GRANTS.—Subgrants under this section shall be for terms not to exceed 3 years.

“(b) APPLICATION.—A local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require. Such application shall include the following:

“(1) An assessment of the educational and related needs of homeless children and youth in the area served by such agency (which may be undertaken as part of a needs assessment for other disadvantaged group).

“(2) A description of the services and programs for which assistance is sought to address the needs identified in paragraph (1).

“(3) An assurance that the local educational agency’s combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the subgrant determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

“(4) An assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g).

“(5) A description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

“(6) An assurance that the local educational agency will collect and promptly provide data requested by the State Coordinator pursuant to paragraphs (1) and (3) of section 722(f).

“(7) An assurance that the local educational agency has removed the policies and practices that have created barriers to the identification, enrollment, attendance, retention, and success in school of all homeless children and youth.

“(c) AWARDS.—

“(1) IN GENERAL.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 722(a),

make subgrants on a competitive basis to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies under this subtitle and the quality of the applications submitted.

“(2) NEED.—

“(A) IN GENERAL.—In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary schools, and secondary schools within the area served by the local educational agency, and shall consider the needs of such children and youth and the ability of the local educational agency to meet such needs.

“(B) OTHER CONSIDERATIONS.—The State educational agency may also consider the following:

“(i) The extent to which the proposed use of funds will facilitate the identification, enrollment, retention, and educational success of homeless children and youth.

“(ii) The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth.

“(iii) The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth.

“(iv) The extent to which the applicant exhibits in the application and in current practice (as of the date of submission of the application) a commitment to education for all homeless children and youth.

“(v) Such other criteria as the State agency determines to be appropriate.

“(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider the following:

“(A) The applicant's needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet such needs.

“(B) The types, intensity, and coordination of the services to be provided under the program.

“(C) The extent to which the applicant will promote meaningful involvement of parents or guardians of homeless children or youth in the education of their children.

“(D) The extent to which homeless children and youths will be integrated into the regular education program involved.

“(E) The quality of the applicant's evaluation plan for the program.

“(F) The extent to which services provided under this subtitle will be coordinated with other services available to homeless children and youth and their families, including housing and social services and services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and similar State and local programs.

“(G) The extent to which the local educational agency will use the subgrant to leverage resources, including by maximizing funding for the position of the liaison described in section 722(g)(1)(J)(ii) and the provision of transportation.

“(H) The local educational agency's use of funds to serve homeless children and youth under section 1113(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)).

“(I) The extent to which the applicant's program meets such other measures as the State educational agency considers to be indicative of a high-quality program, including

the extent to which the local educational agency will provide services to unaccompanied youth and preschool-aged children.

“(J) The extent to which the application describes how the applicant will meet the requirements of section 722(g)(4).

“(d) AUTHORIZED ACTIVITIES.—A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following:

“(1) The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same college and career ready State academic content standards and college and career ready State student academic achievement standards the State establishes for other children and youths.

“(2) The provision of expedited evaluations of the strengths, needs, and eligibility of homeless children and youth, including needs and eligibility for programs and services (including educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, charter school programs, magnet school programs, programs in career and technical education, and school nutrition programs).

“(3) Professional development and other activities for educators and specialized instructional support personnel that are designed to heighten the understanding and sensitivity of such educators and personnel to the needs of homeless children and youth, the rights of such children and youth under this subtitle, and the specific educational needs of runaway and homeless youth.

“(4) The provision of referral services to homeless children and youths for medical, dental, mental, and other health services.

“(5) The provision of assistance to defray the excess cost of transportation under paragraphs (1)(J)(iii) and (5)(A) of section 722(g) not otherwise provided through Federal, State, or local funding.

“(6) The provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding.

“(7) The provision of services and assistance to attract, engage, and retain homeless children and youth, particularly homeless children and youth who are not enrolled in school, in public school programs and services provided to nonhomeless children and youths.

“(8) The provision for homeless children and youths of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities.

“(9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to facilitate the appropriate placement of homeless children and youths in school, including birth certificates, immunization or medical records, academic records, guardianship records, and evaluations for special programs or services.

“(10) The provision of education and training to the parents of homeless children and youths about the rights of, and resources available to, such children and youth, and other activities designed to increase the meaningful involvement of families of homeless children or youth in the education of their children.

“(11) The development of coordination of activities between schools and agencies providing services to homeless children and youths, as described in section 722(g)(6).

“(12) The provision of pupil services (including counseling) and referrals for such services.

“(13) Activities to address the particular needs of homeless children and youth that may arise from domestic violence and parental mental health or substance abuse problems.

“(14) The adaptation of space and purchase of supplies for any nonschool facilities made available under subsection (a)(2) to provide services under this subsection.

“(15) The provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations.

“(16) The provision of assistance to defray the cost of the position of liaison designated pursuant to section 722(g)(1)(J)(ii), not otherwise provided through Federal, State, or local funding.

“(17) The provision of other extraordinary or emergency assistance needed to enable homeless children and youth to enroll, attend, and succeed in school, including in early childhood education programs.

**“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

“(a) REVIEW OF STATE PLANS.—In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plan adequately address the problems of all homeless children and youth relating to access to education and placement as described in such plan.

“(b) TECHNICAL ASSISTANCE.—The Secretary shall—

“(1) provide support and technical assistance to a State educational agency to assist such agencies in carrying out their responsibilities under this subtitle; and

“(2) establish or designate a Federal Office of the Coordinator for Education of Homeless Children and Youths that has sufficient capacity, resources, and support to carry out the responsibilities described in this subtitle.

“(c) NOTICE.—

“(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the date of enactment of the Student Success Act, develop and disseminate a public notice of the educational rights of homeless children and youth. The notice shall include information regarding the definition of homeless children and youth in section 726.

“(2) DISSEMINATION.—The Secretary shall disseminate the notice nationally. The Secretary also shall disseminate such notice to heads of other Department of Education offices, including those responsible for special education programs, higher education, and programs under parts A, B, C, D, G, and H of title I, title III, title IV, and part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391 et seq., 6421 et seq., 6531 et seq., 6551 et seq., 6801 et seq., 7102 et seq., and 7221 et seq.). The Secretary shall also disseminate such notice to heads of other Federal agencies, and grant recipients and other entities carrying out federally funded programs, including Head Start programs, grant recipients under the Health Care for the Homeless program of the Health Resources and Services Administration of the Department of Health and Human Services, grant recipients under the Emergency Food and Shelter National Board Program of the Federal Emergency Management Agency, grant recipients under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), grant recipients under the John H. Chafee Foster



Care Independence program, grant recipients under homeless assistance programs administered by the Department of Housing and Urban Development, and recipients of Federal funding for programs carried out by the Administration on Children, Youth and Families of the Department of Health and Human Services.

“(d) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation, dissemination, and technical assistance activities of programs designed to meet the educational needs of homeless preschool, elementary school, and secondary school students, and may use funds appropriated under section 727 to conduct such activities.

“(e) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under section 722 to be submitted to the Secretary not later than the expiration of the 120-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 180-day period beginning on such date.

“(f) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education, as described in section 721(1). The Secretary shall provide support and technical assistance to State educational agencies in areas in which barriers to a free appropriate public education persist.

“(g) PUBLICATION.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 90 days after the date of enactment of the Student Success Act, a summary of the changes enacted by that Act and related strategies, which summary shall include—

“(1) strategies by which a State can assist local educational agencies to implement the provisions amended by the Act;

“(2) strategies by which a State can review and revise State policies and procedures that may present barriers to the identification, enrollment, attendance, and success of homeless children and youth in school; and

“(3) strategies by which entities carrying out preschool programs can implement requirements of section 722(g)(3).

“(h) INFORMATION.—

“(1) IN GENERAL.—From funds appropriated under section 727, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically, but not less frequently than every two years, collect and disseminate publicly data and information regarding—

“(A) the number and location of homeless children and youth;

“(B) the education and related support services such children and youth receive;

“(C) the extent to which the needs of homeless children and youth are being met;

“(D) the academic progress being made by homeless children and youth, including the percent or number of homeless children and youth participating in State assessments; and

“(E) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.

“(2) COORDINATION.—The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

“(i) REPORT.—Not later than 4 years after the date of enactment of the Student Suc-

cess Act, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of education of homeless children and youths, which shall include information on—

“(1) the education of homeless children and youth; and

“(2) the actions of the Secretary and the effectiveness of the programs supported under this subtitle.

#### “SEC. 725. RULE OF CONSTRUCTION.

“Nothing in this subtitle shall be construed to diminish the rights of parents or guardians of homeless children or youth, or unaccompanied youth, otherwise provided under State law, policy, or practice, including laws or policies that authorize the best interest determination in section 722(g)(3) to be made solely by the parent, guardian, or youth involved.

#### “SEC. 726. DEFINITIONS.

“In this subtitle:

“(1) ENROLL; ENROLLMENT.—The terms ‘enroll’ and ‘enrollment’ include attending classes and participating fully in school activities.

“(2) HOMELESS CHILDREN AND YOUTH.—The term ‘homeless children and youth’—

“(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

“(B) includes—

“(i) children and youth who—

“(I) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

“(II) are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

“(III) are living in emergency or transitional shelters;

“(IV) are awaiting foster care placement; and

“(V) are abandoned in hospitals;

“(ii) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

“(iii) children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

“(iv) migratory children (as such term is defined in section 1312 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

“(3) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms ‘local educational agency’ and ‘State educational agency’ have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.

“(5) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(6) UNACCOMPANIED YOUTH.—The term ‘unaccompanied youth’ means a homeless child or youth not in the physical custody of a parent or legal guardian.

#### “SEC. 727. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—For the purpose of carrying out this subtitle, other than section 725, there are authorized to be appropriated to the Secretary \$100,000,000 for fiscal year

2014 and such sums as may be necessary for each of fiscal years 2015 through 2020.

“(b) EMERGENCY DISASTER GRANTS.—In addition to sums authorized under subsection (a), there are authorized to be appropriated to the Secretary to carry out subsection (h) such additional sums as may be necessary.”.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this debate highlights some of the stark choices about the direction of our education system. The Republican bill sends us backwards, letting students down at a critical time. This substitute amendment I'm offering will move the Nation forward.

Every day, schools are making great strides to take our education system into the 21st century. They are raising standards, trying new ways to boost learning, improving the skills of teachers and principals.

Mr. Chairman, we, in Congress, should be a partner in these efforts, providing resources and the support to help them move forward—not gutting funding and walking away from our responsibility to help, as the Republican bill does.

Despite some good things in current law, No Child Left Behind's one-size-fits-all approach has hampered progress. It's time to revise the law, building on what we have learned over the past decade, spreading best practices to all schools, not just to some.

The Democratic approach does this. It maintains our bedrock civil rights responsibility. My amendment would help ensure that all students have access to a world-class education, regardless of their background or ZIP code, and that teachers, principals, and schools have supports and resources to provide that education.

Unlike the Republican bill, the Democratic amendment improves current law in several ways:

We call upon States to set high expectations for students, ensuring every child graduates prepared for college or for a career;

We eliminate the one-size-fits-all approach of accountability called AYP, but we still call on schools to improve the student learning and graduation rates each year;

We give districts and schools the flexibility to determine how to improve learning and graduation rates;

We ensure teachers and principals get timely and useful feedback so that they can improve their skills;

We also ensure educators have good working conditions and positive supports to help them do their jobs even better than they do now;

We provide robust funding for literacy, for STEM, for technology and

other subjects like art and music to ensure that all students have a well-rounded education; and

We provide resources and supports to ensure that students are safe, healthy, and free from bullying in schools so that they can focus on learning.

The Republican bill does not come close to meeting any of these goals. In their effort to eliminate Federal involvement in education:

They let students down;

They fail to ensure students improve their learning or graduate from high school;

They fail to ensure that students with disabilities are taught to the same high standards as other students;

They fail to provide adequate funding and resources for students and schools;

They fail to move beyond the narrow focus of reading and math and to ensure that all students get a well-rounded education.

If we can't pass a better bipartisan bill, No Child Left Behind will remain the law of the land, and this is unacceptable. It's unacceptable to the scores of organizations who oppose H.R. 5, from business to labor to civil rights to disability advocates to education organizations, and that's why so many groups support this substitute amendment.

This fight is about equity. It's about every child in our country getting an education they deserve, regardless of poverty, disability, or other challenges.

I urge my Democratic and Republican colleagues to support this Democratic substitute so that the students and their families have the education system they need to prepare for the future.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 10 minutes.

Mr. KLINE. Mr. Chairman, I yield myself such time as I may consume.

When No Child Left Behind was signed into law more than a decade ago, it was heralded as groundbreaking, and certainly in many ways it was. The expanded use of data helped superintendents, principals, and teachers pay more attention to the students with the greatest need. Parents now have more access to important information about the quality of teachers and schools, and some student achievement gaps have narrowed.

However, hindsight is 20/20, and we can now clearly identify the law's weaknesses:

The Adequate Yearly Progress accountability metric is a one-size-fits-all mandate that fails to provide schools any meaningful information about their performance;

The law's Highly Qualified Teacher requirements value credentials over an

educator's ability to motivate students in the classroom;

Strict mandates and funding restrictions stunt the development of innovative local education programs.

The Student Success Act will correct the mistakes of the past and provide States and school districts the flexibility they need to put more children on the path to a brighter future.

Flexibility, Mr. Chairman, I might say, has been begged for, demanded, year after year since this law passed. Superintendent after superintendent and principal after principal has said to me: I don't need money here, but I've got it. I need the money over here, and I can't spend it. If I just had more flexibility, we could take care of making sure that all these kids get the education that they deserve.

The substitute offered by my colleagues on the other side of the aisle simply continues the same failed policies we're seeking to correct and encourages greater Federal intrusion in classrooms. No matter what you call it, AYP, or any other rigid Federal accountability system is still the wrong approach. Replacing the existing law's 100 percent proficiency target with a menu of equally unrealistic goals is not the answer.

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Enshrining the unprecedented control over schools assumed by the Obama administration, rather than supporting the innovation occurring at the State and local level, is not the answer.

This substitute also fails to meaningfully consolidate programs or give States and school districts greater freedom to use Federal funds. It includes outrageous and unrealistic authorization levels that Congress and the administration will never come close to meeting. I welcome meaningful contributions from my colleagues across the aisle. But a substitute that doubles down on the status quo is not what students, parents, or educators deserve.

I urge my colleagues to oppose the amendment and support the underlying bill that will empower the Nation's parents, teachers, principals, and school administrators to deliver the educational system our students need, and I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I rise in support of Mr. MILLER's substitute and in opposition to the underlying bill.

We must never forget that the Elementary and Secondary Education Act is rooted in the civil rights movement. Since 1965, the role of Federal involvement in the schools has been to eliminate inequality in education, not just provide additional funds for schools to use as they please.

This bill is not a thoughtful response to the concerns of parents, students, teachers, and school officials. It takes several steps backwards. It reduces our investment in education. It would lock in the sequester spending cuts. It treats professional development as an afterthought. It would eliminate Federal investment in science and math education. Yes, the Republican bill does mention science, but the proposal does nothing to tie high accountability measures to science assessments.

A real proposal would not foster an expectation that a lack of improvement is acceptable; a real proposal would have wraparound services; a real proposal would not abandon students with disabilities; a real proposal would not consider professional development as a mere afterthought. We should be considering a proposal that recognizes that Federal investment and high standards in science and other areas, as well as literacy and foreign language development, are critical components to the high-quality education that every student deserves.

I rise in opposition to H.R. 5.

We must never forget that ESEA is rooted in the Civil Rights movement. Since 1965, the role of federal involvement in schools has been to close the skills gap and eliminate inequality in education, not just provide additional funds for schools to use as they please.

I agree with the basic principles of ESEA, but I believe that the law needs reforming. While No Child Left Behind was presented as the means to close the achievement gap between students in good schools and those in underperforming schools, it has not done that.

Unfortunately, the bill presented by the majority is deeply inadequate. It falls short of setting standards and support for the high quality education our students deserve. This bill was not a thoughtful response to the concerns of parents, students, teachers and school officials.

In fact, this bill takes several steps backwards. First, it reduces our investment in education. The underlying bill proposes to eliminate all Maintenance of Effort requirements, which would allow states and school districts to set their own funding levels and begin a race to the bottom. Furthermore, it would lock in the sequester spending cuts. I have yet to meet with any educator or parent who approves of the current sequester cuts to education.

Additionally, this bill treats Professional Development as an afterthought. Helping our teachers hone their schools and develop deep knowledge in their subject areas is critical to our students making progress in the classroom. Yet, the underlying bill does nothing to provide for a real investment in the professional development of teachers. Instead, it requires states and school districts to develop personnel policy through teacher evaluations that are inherently incomplete.

Furthermore, this bill would dismantle federal investment in STEM Education. While this Republican bill does not mention Science, the proposal does nothing to tie high accountability measures to science assessments. Furthermore, the underlying bill would eliminate

the largest and most successful STEM education program, the Math and Science Partnership. This proposal does not include any support for the recruitment and training of STEM teachers.

Passing this bill would mean abdicating our civil rights responsibilities to ensure that all children have access to a quality education.

Rather than voting on this deeply partisan bill, we should be considering a reauthorization proposal that fixes the problems that we know exist. A real proposal would not foster an expectation that lack of improvement is acceptable; a real proposal would not abandon students with disabilities; or a real proposal would not consider professional development a mere afterthought.

Instead, we should be considering a proposal that recognizes that federal investment and high standards in science and STEM fields, as well as literacy, and foreign language development are critical components to the high quality education that every student deserves.

Mr. KLINE. I reserve the balance of my time.

Mr. GEORGE MILLER of California. Can I inquire how much time I have remaining?

The Acting CHAIR. The gentleman from California (Mr. GEORGE MILLER) has 5 minutes remaining. The gentleman from Minnesota (Mr. KLINE) has 7¼ minutes remaining.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, I want to respond briefly to some of Chairman KLINE's introduction. I think both sides can agree that there are flaws in No Child Left Behind. AYP is a flawed formula. Personally, I think the answer reflected in the Democratic substitute is to get accountability right, not take a step back from accountability.

The chairman mentioned that "now we have more information about the quality of teachers and schools" thanks to No Child Left Behind. And to his credit, in the initial draft bill, we replaced after 3 years the teacher evaluation system. However, unfortunately, that was amended on the floor with the Scalise-Bishop amendment.

So I think one thing we can be assured of in the underlying bill is it will lead to less information about the quality of teachers and any assurances that our Federal funds are going to fund teachers that have any kind of qualification or in fact are effective.

The Democratic substitute takes into account student growth, proficiency rates, graduation rates, and designs targeted interventions to help turn around our lowest-performing schools. Whereas H.R. 5 guts education funding, the Democratic substitute provides funding for critical programs like STEM, school turnaround grants, safe and healthy students.

This amendment would help invest in our Nation's teachers' quality. I strongly support the Democratic sub-

stitute and call on my colleagues to make sure we move forward in education reform to help serve all kids in our great country.

Mr. KLINE. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 30 seconds to the gentleman from Illinois (Mr. SCHNEIDER).

Mr. SCHNEIDER. Mr. Chairman, the Republican bill, unfortunately, represents a missed opportunity. Everyone agrees that NCLB has flaws and needs to be updated and improved. It is disheartening that instead of working together on an actual reauthorization, we are once again debating a divisive, partisan bill that only incorporates one ideology.

There is nothing more important to our Nation than educating our children. The most crucial element for ensuring our children's success is supporting our children's teachers. Teachers do an incredibly important and remarkably challenging job. The vast majority are excellent and their good work is overlooked far too frequently. Education at the elementary and secondary level is critical to the development of 21st century American jobs and global competitiveness. We need to get to work on a true bipartisan ESEA reauthorization.

Mr. KLINE. Mr. Chairman, I yield 5 minutes to the chairman of the Subcommittee on Early Childhood, Elementary, and Secondary Education, the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. I thank the chairman of Education and Workforce for yielding me time.

Well, here we are again, with perhaps the culmination of this debate that started yesterday afternoon here on the floor and what's been going on in committee now for several weeks and in this Nation for 12 years.

Mr. Chairman, it's been 12 years since we've been on the floor debating these issues. I'm encouraged by that fact alone—that some of us had the leadership, responsibility, and the courage to bring some of these issues to the floor for the betterment of our teachers, our parents, and most of all, our students.

I rise now in strong opposition to the substitute amendment offered by my colleague from California. I oppose this amendment for a number of reasons. It's more of the same "Washington knows best" that's brought us here today. It turns out, as we hear from parents in our districts, Washington doesn't know best. A bureaucrat sitting in an office in Washington, by definition, Mr. Chairman, doesn't know our children and can't possibly know what is best for a student in Indiana or anywhere else in this Nation.

Who do you believe, Mr. Chairman, knows a child best? Is it the bureaucrats in this 10- or 11-story rectangle-

like building known as the Lyndon B. Johnson Department of Education? Or is it this mother or this father who knows their child? Who do you trust, Mr. Chairman, with your children? Do you trust the bureaucrats in this building a thousand miles away from where you live or do you trust you and your wife? Who do the parents of America trust more to educate their children? Their local teacher or these bureaucrats?

Throughout the amendment and debate process for the Student Success Act and the remarks offered now in support of this amendment, we've heard time and time again how the Student Success Act is an attack on children, teachers, and all other sorts of demagoguery and doom and gloom. Don't believe it. Because if you listen closely and certainly if you read the plain meaning of the text of this amendment and everything else that's been written and said about these reforms that we're going to make here on the House floor today, you would find that at the very essence of all of them we find that the other side and those that talk against the Student Success Act inherently trust these bureaucrats more than parents or teachers. They continuously say, We know best. We are smarter than those of us who raise our own children.

The truth of the matter is that this amendment offered by my colleague is the real attack on children, parents, and teachers. It attacks teachers by holding them to Washington-based standards, not local ones, when we know in fact that every school is different. It attacks parents by robbing them of the hopes and dreams that they have for their children and takes away so many decisions that these parents can make to guide their children's future. They know best. Worst of all, this is an attack on children. Washington-based education policy attacks children by endangering their chance at success and a brighter future by hamstringing them with teaching to test results as opposed to teaching to success in life.

The Student Success Act ensures parents can be in direct contact with those who are setting education policy for their children and their teachers and holds them accountable.

There's a reason why this bill has received so much support from groups like the American Association of School Administrators, the Council of Chief State School Officers, the National School Boards Association, and the School Superintendents Association. They all support this bill. The Student Success Act will give States and schools the flexibility and incentive to administer their policies effectively. The Student Success Act encourages teachers to be innovative while also responsibly measuring success.

It's been said here just recently and time and time again that tenure and credentialism should be what we measure teachers against. I say no. It doesn't matter how long, Mr. Chairman, a teacher has taught or how many classes they've taken. What matters is how well their kids are learning, what their success is. And that's what the Student Success Act does. It will give parents the authority and choice that they deserve as they make decisions about their child's future, and it will give the students themselves the best opportunity to succeed. That's the best thing we can do here on the floor of the House today.

Mr. GEORGE MILLER of California. I yield 30 seconds to the gentleman from Illinois (Mr. FOSTER).

Mr. FOSTER. Mr. Chairman, I rise today to speak against H.R. 5 and its impacts on STEM education.

As a physicist and someone who started a business in my parents' basement that manufactures over half the theater lighting equipment in the United States and provides hundreds of jobs in the Midwest, I know firsthand the importance of STEM education and driving our Nation's innovation and competitiveness by generating new ideas, new companies, and new industries.

The impact of this underlying bill would be devastating to STEM education. Under H.R. 5, funding for STEM programs would be combined into a single block grant with 70 other education programs, with no requirements for a school district to actually spend any funding on STEM education.

I encourage a "yes" vote on the Miller substitute.

Over the past 10 years, the number of STEM jobs has grown three times faster than non-STEM jobs.

What's more, out of 34 industrialized countries, the U.S. ranks 17th in science education and 25th in math education.

It is clear we should do more to improve STEM education and encourage students to pursue careers in the STEM fields.

Unfortunately, this Republican bill does just the opposite.

H.R. 5 would place all dedicated funding streams for STEM education into a block grant with no requirement that those funds actually be used for STEM education.

In addition, the Republican bill provides no support for the recruitment and training of teachers in the STEM fields, despite the fact that research has shown that the single largest factor in student success is a well-trained and high quality teacher.

The Miller amendment recognizes the enormous need for STEM education in this country and creates a comprehensive program for STEM education.

Under the Miller substitute, schools would have the requisite funding to develop STEM programs, curriculum, assessments, or professional development for teachers.

This amendment also addresses the skills gap in our current education system by requir-

ing grant applicants to incorporate their state's STEM workforce needs into their programs.

This provision mirrors a component of the 21st Century STEM Competitive Jobs Act, which I've introduced with my friend JOE COURTNEY, a member of the Education and Workforce Committee.

This legislation was inspired by the Illinois Pathways to Prosperity Initiative, a program underway in my home state of Illinois that has greatly benefitted one of the cities in my district, Aurora, Illinois.

In Aurora, elementary educators, local employers, and institutions of higher education have come together to determine how to develop STEM courses that combine rigorous academics with strong technical education to equip students with the skills and credentials to succeed in STEM careers.

Like the Miller substitute, my legislation would create a competitive grant program for school districts that work with employers and an institution of higher education to further STEM education and encourage students to pursue careers in the STEM fields.

It provides students with workplace experience and college credit that will improve their ability to compete in the workplace while encouraging them to continue their education.

This type of program is already being successfully implemented at school districts in Illinois and across the nation.

If America hopes to maintain its position as the global leader in scientific and technological innovation, we must heed the call of our nation's business leaders and employers and provide our schools with the resources needed to improve our STEM education system.

Mr. KLINE. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, if I might inquire as to the time remaining.

The Acting CHAIR. The gentleman from California (Mr. GEORGE MILLER) has 3 minutes remaining. The gentleman from Minnesota (Mr. KLINE) has 2¼ minutes remaining.

Mr. GEORGE MILLER of California. I yield myself the balance of my time.

Mr. Chairman, Members of the House, this substitute that I have introduced on behalf of the Democrats creates a fundamental choice for this body in our vote later today. It creates a fundamental choice of whether or not this Nation is going to go forward and provide a high-quality education to every student or whether this Nation is going to go back to a time when students are left out of this system, when resources weren't provided, when schools weren't keeping up.

It's also a question of whether or not we're going to break a promise and go back on our constitutional responsibility to make sure that all students have access to that education—poor students, minority students, English-learning students, students with disabilities.

Are we going to hold school districts and schools accountable for providing that educational opportunity for those students, and will those students have

the same access to a high-quality education that in many instances is available across town, in the next neighborhood, but not in their neighborhood or isn't accessible because it's not friendly or welcoming to students with disabilities or students who are learning the English language? Will they have the same rights to that education?

We know from this economy and this economic downturn that we need every one of those students to be able to be productive, successful, and achieving. But that's not what the Republican bill promises. It grinds down the funding available to these school districts for poor and minority children and for students with disabilities. It grinds it down because it marks it down to the sequestration label. So quietly and silently, school districts all over the Nation are going to be losing the resources for these poor children.

We're stealing money from the poorest people in this country to achieve deficit reduction, but tax reform maybe next year, the year after, or the year after. Economic justice sometime later down the road.

Today, this is about education justice and whether or not every student and every family is going to have access to a high-quality education that no longer depends on their Zip Code or the neighborhood or the town in which they live.

□ 1015

You know, it's been said very often from the other side that somehow all we want is a Washington-knows-best solution and what they offer is something opposite of that. No, what we've put together in this substitute is different than Washington knows best. This is about parents who know best, parents who demand the accountability that is in the substitute and not in the Republican bill. Because they want to know if their child is learning in that school—their child who may be poor, their child who may have disabilities, their child who may have learning problems. They want to know if their child is learning.

This is parents who want to know best, teachers who want to know best, who want the resources so they can teach those children; the business community that wants a well-trained workforce—

The Acting CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. An educated workforce. That's why the Business Roundtable, that's why the Chamber of Commerce opposes their bill.

The Acting CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. Educators who want a strong system, that's why they oppose their bill.

The Acting CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. Parents who want it, that's why they oppose their bill.

The Acting CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. No. Who's running out of time?

The Acting CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. Children are running out of time in this Nation.

The Acting CHAIR. The gentleman will suspend.

Mr. GEORGE MILLER of California. Children are running out of time in this Nation because they're grinding down and streaming their money.

The Acting CHAIR. The gentleman will suspend. The gentleman is not recognized.

Mr. GEORGE MILLER of California. \* \* \*

The Acting CHAIR. The gentleman will suspend and is not recognized.

Mr. GEORGE MILLER of California. \* \* \*

The Acting CHAIR. The gentleman will suspend.

Mr. GEORGE MILLER of California. \* \* \*

The Acting CHAIR. The gentleman will suspend.

Mr. GEORGE MILLER of California. \* \* \*

The Acting CHAIR. The gentleman will suspend and is not recognized.

Mr. KLINE. Mr. Chairman, we apparently agree on both sides of the aisle that parents should be making decisions; parents should be in charge; parents need information.

We believe in the underlying bill that we are giving parents the information they need, the control they need, the choices they need, giving their children the best chance to succeed.

I think we agree on both sides of the aisle that the status quo is not working. In fact, the administration is engaged in instituting its own education policy through its conditional waiver scheme. It's moved so far down the line, Mr. Chairman, that they've even offered waivers to the waivers. And yet it's been 12 years since this body, or the Senate, or the United States Congress has passed an education law—12 years.

It is time for the Congress, the House, and the Senate to step up and do its job and write new law and get the administration out of the business of writing education policy.

I would hope that Republicans and Democrats would recognize that it is not the role of the administration, of the Department of Education, of the Secretary, or the President to write education policy—Republican or Democrat in the White House. It's our job to do it. It's time to do it.

I don't believe the substitute amendment is the right thing, and I oppose it. I'm asking my colleagues to oppose it.

I believe the underlying bill moves us in the right direction and gives children a better opportunity. So I'm going to encourage my colleagues to oppose the substitute amendment, despite the passion that surrounds it, and support the underlying bill.

Mr. Chairman, I yield back the balance of my time.

Mr. BENTIVOLIO. Mr. Chair, unfortunately, our country still has huge disparities in the quality of education, my own state included. We need to empower students and parents with the ability to leave failing schools.

While it is important to ensure all our public schools are high quality, it is immoral for us to tell parents and their children that they must attend a specific school simply because of where they live. This amendment empowers parents, the states, and students to offer solutions to improving our schools. Allow Title 1 to do what it was intended to do: improve the conditions of at risk children. I strongly support this amendment.

Mr. SABLAN. Mr. Chair, education is the most important tool we have to encourage economic development. This is true for our country and it is especially true for my district, the Northern Mariana Islands.

If we give our young people a fine education, they will use that education to improve their communities—both economically and by being responsible citizens.

That's why I want to make sure that students in the Northern Mariana Islands get the same support from our federal government that students in every other part of America receive.

Unfortunately, the current Elementary and Secondary Education Act does not provide parity in federal support for my students.

Title I—A, specifically, by setting aside just one percent of total funding to be shared by the Bureau of Indian Education and the “outlying areas” of American Samoa, Guam, the Virgin Islands, and the Northern Mariana Islands effectively short-changes the students I represent.

Just as Title I students everywhere in America, my students come from families that do not have a lot of money for books and basic supplies and educational experiences. That's why Title I exists: to help make up the difference for students unlucky enough to be born to parents who don't have much money.

But the one percent set-aside in current law—of which only about one-quarter goes to the outlying areas—is not making up that difference.

For that reason, I support the Democratic alternative to H.R. 5.

The Democratic alternative, Mr. MILLER's substitute amendment, acknowledges that a disparity exists. And it offers a solution.

The amendment would reserve one-half of one percent for the outlying areas, exclusively, effectively doubling the current set-aside. Northern Marianas students will still not be getting the same level of federal assistance they would if they lived in a State. Nevertheless, this would be a significant improvement.

To ensure that this increase for the outlying areas will not mean a decrease for States, the enhanced set-aside funding is only triggered when, and if, there is an overall increase in Title I funding.

So, this is only a partial solution and is contingent upon a set of circumstances that at the moment seems unlikely to happen.

But the Democratic alternative does recognize that we have to do something to get us closer to the ideal of equal opportunity for all of our students. For that reason I support the proposal and I thank Mr. MILLER for making it part of his Democratic alternative.

I urge my colleagues to support the substitute amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 113-158 on which further proceedings were postponed, in the following order:

Amendment No. 22 by Mr. CULBERSON of Texas.

Amendment No. 24 by Ms. JACKSON LEE of Texas.

Amendment No. 26 by Mr. GEORGE MILLER of California.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 22 OFFERED BY MR. CULBERSON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CULBERSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 196, not voting 10, as follows:

[Roll No. 370]

AYES—227

Aderholt	Black	Camp
Alexander	Blackburn	Campbell
Amash	Bonner	Cantor
Amodel	Boustany	Capito
Bachmann	Brady (TX)	Carter
Bachus	Bridenstine	Cassidy
Barletta	Brooks (AL)	Chabot
Barr	Brooks (IN)	Chaffetz
Barton	Broun (GA)	Coble
Benishek	Buchanan	Coffman
Bentivolio	Bucshon	Cole
Billirakis	Burgess	Collins (GA)
Bishop (UT)	Calvert	Collins (NY)

Conaway Jones  
Cook Jordan  
Cotton Joyce  
Cramer Kelly (PA)  
Crawford King (IA)  
Crenshaw King (NY)  
Culberson Kingston  
Daines Kinzinger (IL)  
Davis, Rodney Kline  
Denham Labrador  
Dent LaMalfa  
DeSantis Lamborn  
DesJarlais Lance  
Diaz-Balart Lankford  
Duffy Latham  
Duncan (SC) Latta  
Duncan (TN) LoBiondo  
Ellmers Long  
Farenthold Lucas  
Fincher Luetkemeyer  
Fitzpatrick Lummis  
Fleischmann Marchant  
Fleming Marino  
Flores Massie  
Forbes McCarthy (CA)  
Fortenberry McCaul  
Foxy McClintock  
Franks (AZ) McHenry  
Frelinghuysen McKeon  
Gardner McKinley  
Garrett McMorris  
Gerlach Rodgers  
Gibbs Meadows  
Gingrey (GA) Meehan  
Gohmert Messer  
Goodlatte Mica  
Gosar Miller (FL)  
Gowdy Miller (MI)  
Granger Miller, Gary  
Graves (GA) Mullin  
Graves (MO) Mulvaney  
Griffin (AR) Murphy (PA)  
Griffith (VA) Neugebauer  
Guthrie Noem  
Hall Nugent  
Hanna Nunes  
Harper Nunnelee  
Harris Olson  
Hartzler Palazzo  
Hastings (WA) Paulsen  
Heck (NV) Pearce  
Hensarling Perry  
Holding Petri  
Hudson Pittenger  
Huelskamp Pitts  
Huizenga (MI) Poe (TX)  
Hultgren Pompeo  
Hunter Posey  
Hurt Price (GA)  
Issa Radel  
Jenkins Renacci  
Johnson (OH) Ribble  
Johnson, Sam Rice (SC)

## NOES—196

Andrews Cohen  
Barber Connolly  
Barrow (GA) Conyers  
Bass Cooper  
Beatty Costa  
Becerra Courtney  
Bera (CA) Crowley  
Bishop (GA) Cuellar  
Bishop (NY) Cummings  
Blumenauer Davis (CA)  
Bonamici Davis, Danny  
Brady (PA) DeFazio  
Braley (IA) DeGette  
Brown (FL) Delaney  
Brownley (CA) DeLauro  
Bustos DelBene  
Capps Deutch  
Capuano Dingell  
Cárdenas Doggett  
Carney Doyle  
Carson (IN) Duckworth  
Cartwright Edwards  
Castor (FL) Ellison  
Castro (TX) Engel  
Chu Enyart  
Cicilline Eshoo  
Clarke Esty  
Clay Farr  
Cleaver Fattah  
Clyburn Foster

Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stewart  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Petri  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Lipinski  
Loeb sack  
Lofgren  
Runyan  
Lowenthal  
Lowe  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Matheson  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George

Butterfield  
Gabbard  
Herrera Beutler  
Horsford

Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Nolan  
O'Rourke  
Owens  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Reed  
Reichert  
Richmond  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

## NOT VOTING—10

Kaptur  
McCarthy (NY)  
Negrete McLeod  
Pallone

□ 1045

Ms. LINDA T. SÁNCHEZ of California, Ms. KUSTER, and Mr. JOHN-SON of Georgia changed their vote from “aye” to “no.”

Messrs. SIMPSON, GARY G. MILLER of California, and CONAWAY changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 24 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 237, not voting 10, as follows:

[Roll No. 371]

## AYES—186

Andrews  
Barber  
Barrow (GA)  
Bass  
Beatty

Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blumenauer

Bustos  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Grayson  
Green, Al  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hanna  
Hastings (FL)  
Heck (WA)  
Higgins  
Hinojosa

## NOES—237

Aderholt  
Alexander  
Amash  
Amodei  
Bachmann  
Bachus  
Barletta  
Barr  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz

Holt  
Honda  
Hoyer  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowe  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Matheson  
Matsui  
McCollum  
McDermott  
McIntyre  
McNerney  
Meeks  
Meng  
Michaud  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Nolan  
O'Rourke  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter

Peters (CA)  
Peters (MI)  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Richmond  
Roybal-Allard  
Royce  
Ruiz  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

Hunter	Mulvaney	Schweikert	Bustos	Hinojosa	Perlmutter	Huelskamp	Miller (MI)	Sanford
Hurt	Murphy (PA)	Scott, Austin	Capps	Holt	Peters (CA)	Huizenga (MI)	Miller, Gary	Scalise
Issa	Neugebauer	Sensenbrenner	Capuano	Honda	Peters (MI)	Hultgren	Mullin	Schock
Jenkins	Noem	Sessions	Cárdenas	Hoyer	Peterson	Hunter	Mulvaney	Schweikert
Johnson (OH)	Nugent	Shimkus	Carney	Huffman	Pingree (ME)	Hurt	Murphy (FL)	Scott, Austin
Johnson, Sam	Nunes	Shuster	Carson (IN)	Israel	Pocan	Issa	Murphy (PA)	Sensenbrenner
Jones	Nunnelee	Simpson	Cartwright	Jackson Lee	Polis	Jenkins	Neugebauer	Sessions
Jordan	Olson	Smith (MO)	Castor (FL)	Jeffries	Price (NC)	Johnson (OH)	Noem	Shimkus
Joyce	Owens	Smith (NE)	Castro (TX)	Johnson (GA)	Quigley	Johnson, Sam	Nugent	Shuster
Kelly (PA)	Palazzo	Smith (NJ)	Chu	Johnson, E. B.	Rahall	Jones	Nunes	Simpson
King (IA)	Paulsen	Smith (TX)	Cicilline	Kaptur	Rangel	Jordan	Nunnelee	Smith (MO)
King (NY)	Pearce	Smith (WA)	Clarke	Keating	Richmond	Joyce	Olson	Smith (NE)
Kingston	Perry	Southerland	Clay	Kelly (IL)	Roybal-Allard	Kelly (PA)	Palazzo	Smith (NJ)
Kinzinger (IL)	Peterson	Stewart	Cleaver	Kennedy	Ruiz	King (IA)	Paulsen	Smith (TX)
Kline	Petri	Stivers	Clyburn	Kildee	Ruppersberger	King (NY)	Pearce	Southerland
Labrador	Pittenger	Stockman	Cohen	Kilmer	Rush	Kingston	Perry	Stewart
LaMalfa	Pitts	Stutzman	Connolly	Kind	Ryan (OH)	Kinzinger (IL)	Petri	Stivers
Lamborn	Poe (TX)	Terry	Conyers	Kirkpatrick	Sánchez, Linda	Kline	Pittenger	Stockman
Lance	Pompeo	Thompson (PA)	Cooper	Kuster	T.	Labrador	Pitts	Stutzman
Lankford	Posey	Thornberry	Costa	Langevin	Sanchez, Loretta	LaMalfa	Poe (TX)	Terry
Latham	Price (GA)	Tiberi	Courtney	Larsen (WA)	Sarbanes	Lamborn	Pompeo	Thompson (PA)
Latta	Radel	Turner	Crowley	Larson (CT)	Schakowsky	Lance	Posey	Thornberry
LoBiondo	Reed	Upton	Cuellar	Lee (CA)	Schiff	Lankford	Price (GA)	Tiberi
Long	Reichert	Valadao	Cummings	Levin	Schneider	Latham	Radel	Tipton
Lucas	Renacci	Wagner	Davis (CA)	Lewis	Schrader	Latta	Reed	Upton
Luetkemeyer	Ribble	Walberg	Davis, Danny	Lipinski	Schwartz	LoBiondo	Reichert	Valadao
Lummis	Rice (SC)	Walden	DeFazio	Loeback	Scott (VA)	Long	Renacci	Wagner
Marchant	Rigell	Walorski	DeGette	Lofgren	Scott, David	Lucas	Ribble	Walberg
Marino	Roby	Weber (TX)	DeLauro	Lowenthal	Serrano	Luetkemeyer	Rice (SC)	Walden
Massie	Roe (TN)	Webster (FL)	DelBene	Lowey	Sewell (AL)	Lummis	Rigell	Walorski
McCarthy (CA)	Rogers (AL)	Wenstrup	Dingell	Lujan Grisham	Shea-Porter	Marchant	Roby	Weber (TX)
McCaul	Rogers (KY)	Westmoreland	Doggett	(NM)	Sherman	Marino	Roe (TN)	Webster (FL)
McClintock	Rogers (MI)	Whitfield	Doyle	Luján, Ben Ray	Sinema	Massie	Rogers (AL)	Wenstrup
McHenry	Rohrabacher	Williams	Duckworth	(NM)	Sires	McCarthy (CA)	Rogers (KY)	Westmoreland
McKeon	Rokita	Wilson (SC)	Edwards	Lynch	Slaughter	McCaul	Rogers (MI)	Whitfield
McKinley	Rooney	Wittman	Ellison	Maffei	Smith (WA)	McClintock	Rohrabacher	Williams
McMorris	Ros-Lehtinen	Wolf	Engel	Speier	Speier	McHenry	Rokita	Wilson (SC)
Rodgers	Roskam	Womack	Enyart	Maloney, Sean	Swalwell (CA)	McKeon	Rooney	Wittman
Meadows	Ross	Woodall	Eshoo	Matheson	Takano	McKinley	Ros-Lehtinen	Wolf
Meehan	Rothfus	Yoder	Esty	Matsui	Thompson (CA)	McMorris	Roskam	Womack
Messer	Runyan	Yoho	Farr	McCollum	Thompson (MS)	Rodgers	Ross	Woodall
Mica	Ryan (WI)	Young (AK)	Fattah	McDermott	Tierney	Meadows	Rothfus	Yoder
Miller (FL)	Salmon	Young (FL)	Foster	McIntyre	Titus	Meehan	Royce	Yoho
Miller (MI)	Sanford	Young (IN)	Frankel (FL)	McNerney	Tonko	Messer	Runyan	Young (AK)
Miller, Gary	Scalise		Fudge	Meeks	Tsongas	Mica	Ryan (WI)	Young (FL)
Mullin	Schock		Gabbard	Meng	Turner	Miller (FL)	Salmon	Young (IN)

## NOT VOTING—10

Butterfield	Kaptur	Pallone
DeLauro	McCarthy (NY)	Tipton
Herrera Beutler	McGovern	
Horsford	Negrete McLeod	

## □ 1049

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 26 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 233, not voting 7, as follows:

[Roll No. 372]

## AYES—193

Andrews	Becerra	Bonamici
Barber	Bera (CA)	Brady (PA)
Barrow (GA)	Bishop (GA)	Braley (IA)
Bass	Bishop (NY)	Brown (FL)
Beatty	Blumenauer	Brownley (CA)

Aderholt	Chabot	Forbes
Alexander	Chaffetz	Fortenberry
Amash	Coble	Fox
Amodei	Coffman	Franks (AZ)
Bachmann	Cole	Frelinghuysen
Bachus	Collins (GA)	Gardner
Barletta	Collins (NY)	Garrett
Barr	Conaway	Gerlach
Barton	Cook	Gibbs
Benishek	Cotton	Gibson
Bentivolio	Cramer	Gingrey (GA)
Bilirakis	Crawford	Gohmert
Bishop (UT)	Crenshaw	Goodlatte
Black	Culberson	Gosar
Blackburn	Daines	Gowdy
Bonner	Davis, Rodney	Granger
Boustany	Denham	Graves (GA)
Brady (TX)	Dent	Graves (MO)
Bridenstine	DeSantis	Griffin (AR)
Brooks (AL)	DesJarlais	Griffith (VA)
Brooks (IN)	Deutch	Grimm
Broun (GA)	Diaz-Balart	Guthrie
Buchanan	Duffy	Hall
Buchon	Duncan (SC)	Hanna
Burgess	Duncan (TN)	Harper
Calvert	Ellmers	Harris
Camp	Farenthold	Hartzler
Campbell	Fincher	Hastings (WA)
Cantor	Fitzpatrick	Heck (NV)
Capito	Fleischmann	Hensarling
Carter	Fleming	Holding
Cassidy	Flores	Hudson

## NOES—233

Vargas	Van Hollen
Veasey	Velasquez
Vela	Visclosky
Walz	Wasserman
Waters	Schultz
Watt	Waters
Waxman	Watt
Welch	Waxman
Wilson (FL)	Welch
Yarmuth	Wilson (FL)

## NOT VOTING—7

Butterfield	McCarthy (NY)	Pallone
Herrera Beutler	McGovern	
Horsford	Negrete McLeod	

## □ 1054

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. TURNER. Mr. Chair, on rollcall No. 372, on this vote I inadvertently voted “yes” intending to vote “no.”

## PERSONAL EXPLANATION

Mr. McGOVERN. Mr. Chair, on rollcall No. 371 and 372, had I been present, I would have voted “yes.”

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HULTGREN) having assumed the chair, Mr. COLLINS of Georgia, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes, and, pursuant to House Resolution 303, reported the bill back to the House with an amendment adopted in the Committee of the Whole.



The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Ms. KUSTER. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Ms. KUSTER. Yes, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Kuster moves to recommit the bill H.R. 5 to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith, with the following amendment:

Page 23, after line 9, insert the following new subparagraph:

“(F) GUARANTEEING EDUCATIONAL OPPORTUNITIES FOR CHILDREN WITH AUTISM OR OTHER DISABILITIES.—Each State plan shall demonstrate that the academic content standards and academic achievement standards adopted under this paragraph do not deny educational opportunities, adopt lower standards than the standards adopted for students without disabilities, or otherwise lower expectations for students with disabilities, including children with autism.”.

Page 481, after line 22, insert the following:

#### “SEC. 5552. PROTECTING SCHOOL CHILDREN FROM SEXUAL PREDATORS.

“(a) BACKGROUND CHECKS.—To ensure a safe learning environment, each State educational agency that receives funds under this Act shall have in effect policies and procedures that—

“(1) require that criminal background checks be conducted for each school employee that include—

“(A) a search of the State criminal registry or repository in the State in which the school employee resides and each State in which the school employee previously resided;

“(B) a search of State-based child abuse and neglect registries and databases in the State in which the school employee resides and each State in which the school employee previously resided;

“(C) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

“(D) a search of the National Sex Offender Registry established under section 19 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919);

“(2) prohibit the employment of an individual as a school employee if such individual—

“(A) refuses to consent to a criminal background check under paragraph (1);

“(B) makes a false statement in connection with such criminal background check;

“(C) has been convicted of a felony consisting of—

“(i) homicide;

“(ii) child abuse or neglect;

“(iii) a crime against children, including child pornography;

“(iv) spousal abuse;

“(v) a crime involving rape or sexual assault;

“(vi) kidnapping;

“(vii) arson; or

“(viii) physical assault, battery, or a drug-related offense, committed within 5 years of the completion of such individual's criminal background check under paragraph (1); or

“(D) has been convicted of any other crime that is a violent or sexual crime against a minor;

“(3) require that a local educational agency or State educational agency that receives information from a criminal background check conducted paragraph (1) that an individual who has applied for employment as a school employee with such agency is a sexual predator, report to local law enforcement that such individual has so applied;

“(4) require that criminal background checks conducted under paragraph (1) be periodically repeated or updated in accordance with State law or local educational policy, but not less than once every 5 years;

“(5) require that each school employee who has had a criminal background check under paragraph (1) be provided with a copy of the background check; and

“(6) provide for a timely process by which a school employee may appeal, but which does not permit the school employee to be employed as a school employee during such appeal, the results of a criminal background check conducted under paragraph (1) to—

“(A) challenge the accuracy or completeness of the information produced by such background check; and

“(B) seek appropriate relief for any final employment decision based on materially inaccurate or incomplete information produced by such background check.

“(b) INVENTORY AUTHORIZED.—A State educational agency may maintain an inventory of all the information from criminal background checks conducted under subsection (a)(1) on school employees in the State.

“(c) DEFINITIONS.—In this section:

“(1) SCHOOL EMPLOYEE.—The term ‘school employee’ means—

“(A) an employee of, or a person seeking employment with, a local educational agency or State educational agency, and who has a job duty that results in access to students; or

“(B) an employee of, or a person seeking employment with, a for-profit or nonprofit entity, or local public agency, that has a contract or agreement to provide services with a school, local educational agency, or State educational agency, and whose job duty—

“(i) is to provide such services; and

“(ii) results in access to students.

“(2) SEXUAL PREDATOR.—The term ‘sexual predator’ means a person 18 years of age or older who has been convicted of, or pled guilty to, a sexual offense against a minor.

#### “PART F—PROTECTING CHILDREN FROM ABUSIVE SECLUSION AND RESTRAINT PRACTICES

##### “SEC. 5601. DEFINITIONS.

“In this part:

“(1) CHEMICAL RESTRAINT.—The term ‘chemical restraint’ means a drug or medication used on a student to control behavior or restrict freedom of movement that is not—

“(A) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and

“(B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under State law.

“(2) MECHANICAL RESTRAINT.—The term ‘mechanical restraint’ has the meaning given the term in section 595(d)(1) of the Public Health Service Act (42 U.S.C. 290jj(d)(1)), except that the meaning shall be applied by substituting ‘student's’ for ‘resident's’.

“(3) PHYSICAL ESCORT.—The term ‘physical escort’ has the meaning given the term in section 595(d)(2) of the Public Health Service Act (42 U.S.C. 290jj(d)(2)), except that the meaning shall be applied by substituting ‘student’ for ‘resident’.

“(4) PHYSICAL RESTRAINT.—The term ‘physical restraint’ has the meaning given the term in section 595(d)(3) of the Public Health Service Act (42 U.S.C. 290jj(d)(3)).

“(5) POSITIVE BEHAVIOR SUPPORTS.—The term ‘positive behavior supports’ means a systematic approach to embed evidence-based practices and data-driven decision-making to improve school climate and culture, including a range of systemic and individualized strategies to reinforce desired behaviors and diminish reoccurrence of problem behaviors, in order to achieve improved academic and social outcomes and increase learning for all students, including students with the most complex and intensive behavioral needs.

“(6) PROTECTION AND ADVOCACY SYSTEM.—The term ‘protection and advocacy system’ means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

“(7) SCHOOL.—The term ‘school’ means an entity—

“(A) that—

“(i) is a public or private—

“(I) day or residential elementary school or secondary school; or

“(II) early childhood, elementary school, or secondary school program that is under the jurisdiction of a school, local educational agency, educational service agency, or other educational institution or program; and

“(ii) receives, or serves students who receive, support in any form from any program supported, in whole or in part, with funds appropriated under the Student Success Act; or

“(B) that is a school funded or operated by the Department of the Interior.

“(8) SCHOOL PERSONNEL.—The term ‘school personnel’ has the meaning—

“(A) given the term in section 4151(10); and

“(B) given the term ‘school resource officer’ in section 4151(11).

“(9) SECLUSION.—The term ‘seclusion’ has the meaning given the term in section 595(d)(4) of the Public Health Service Act (42 U.S.C. 290jj(d)(4)).

“(10) STATE-APPROVED CRISIS INTERVENTION TRAINING PROGRAM.—The term ‘State-approved crisis intervention training program’ means a training program approved by a State and the Secretary that, at a minimum, provides—

“(A) training in evidence-based techniques shown to be effective in the prevention of physical restraint and seclusion;

“(B) training in evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or seclusion;

“(C) evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, understanding antecedents, de-escalation, and conflict management;

“(D) training in first aid and cardiopulmonary resuscitation;

“(E) information describing State policies and procedures that meet the minimum standards established by regulations promulgated pursuant to section 5602(a); and

“(F) certification for school personnel in the techniques and skills described in subparagraphs (A) through (D), which shall be required to be renewed on a periodic basis.

“(11) STUDENT.—The term ‘student’ means a student enrolled in a school defined in paragraph (7), except that in the case of a student enrolled in a private school or private program, such term means a student who receives support in any form from any program supported, in whole or in part, with funds appropriated under the Student Success Act.

“(12) TIME OUT.—The term ‘time out’ has the meaning given the term in section 595(d)(5) of the Public Health Service Act (42 U.S.C. 290jj(d)(5)), except that the meaning shall be applied by substituting ‘student’ for ‘resident’.

**“SEC. 5602. MINIMUM STANDARDS; RULE OF CONSTRUCTION.**

“(a) MINIMUM STANDARDS.—Not later than 180 days after the date of the enactment of the Student Success Act, to ensure a safe learning environment and protect each student from physical or mental abuse, aversive behavioral interventions that compromise student health and safety, or any physical restraint or seclusion imposed solely for purposes of discipline or convenience or in a manner otherwise inconsistent with this part, the Secretary shall promulgate regulations establishing the following minimum standards:

“(1) School personnel shall be prohibited from imposing on any student the following:

“(A) Mechanical restraints.

“(B) Chemical restraints.

“(C) Physical restraint or physical escort that restricts breathing.

“(D) Aversive behavioral interventions that compromise health and safety.

“(2) School personnel shall be prohibited from imposing physical restraint or seclusion on a student unless—

“(A) the student’s behavior poses an imminent danger of physical injury to the student, school personnel, or others;

“(B) less restrictive interventions would be ineffective in stopping such imminent danger of physical injury;

“(C) such physical restraint or seclusion is imposed by school personnel who—

“(i) continuously monitor the student face-to-face; or

“(ii) if school personnel safety is significantly compromised by such face-to-face monitoring, are in continuous direct visual contact with the student;

“(D) such physical restraint or seclusion is imposed by—

“(i) school personnel trained and certified by a State-approved crisis intervention training program (as defined in section 5601(16)); or

“(ii) other school personnel in the case of a rare and clearly unavoidable emergency circumstance when school personnel trained and certified as described in clause (i) are not immediately available due to the unforeseeable nature of the emergency circumstance; and

“(E) such physical restraint or seclusion ends immediately upon the cessation of the

conditions described in subparagraphs (A) and (B).

“(3) States, in consultation with local educational agencies and private school officials, shall ensure that a sufficient number of personnel are trained and certified by a State-approved crisis intervention training program (as defined in section 5601(16)) to meet the needs of the specific student population in each school.

“(4) The use of physical restraint or seclusion as a planned intervention shall not be written into a student’s education plan, individual safety plan, behavioral plan, or individualized education program (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)). Local educational agencies or schools may establish policies and procedures for use of physical restraint or seclusion in school safety or crisis plans, provided that such school plans are not specific to any individual student.

“(5) Schools shall establish procedures to be followed after each incident involving the imposition of physical restraint or seclusion upon a student, including—

“(A) procedures to provide to the parent of the student, with respect to each such incident—

“(i) an immediate verbal or electronic communication on the same day as the incident; and

“(ii) written notification within 24 hours of the incident; and

“(B) any other procedures the Secretary determines appropriate.

“(b) SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall ensure that schools operated or funded by the Department of the Interior comply with the regulations promulgated by the Secretary under subsection (a).

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Secretary to promulgate regulations prohibiting the use of—

“(1) time out (as defined in section 5601(20));

“(2) devices implemented by trained school personnel, or utilized by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including—

“(A) restraints for medical immobilization;

“(B) adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

“(C) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; or

“(3) handcuffs by school resource officers (as such term is defined in section 4151(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161(11)))—

“(A) in the—

“(i) case when a student’s behavior poses an imminent danger of physical injury to the student, school personnel, or others; or

“(ii) lawful exercise of law enforcement duties; and

“(B) less restrictive interventions would be ineffective.

**“SEC. 5603. STATE PLAN AND REPORT REQUIREMENTS AND ENFORCEMENT.**

“(a) STATE PLAN.—Not later than 2 years after the Secretary promulgates regulations pursuant to section 5602(a), and each year thereafter, each State educational agency shall submit to the Secretary a State plan that provides—

“(1) assurances to the Secretary that the State has in effect—

“(A) State policies and procedures that meet the minimum standards, including the standards with respect to State-approved crisis intervention training programs, established by regulations promulgated pursuant to section 5602(a); and

“(B) a State mechanism to effectively monitor and enforce the minimum standards;

“(2) a description of the State policies and procedures, including a description of the State-approved crisis intervention training programs in such State; and

“(3) a description of the State plans to ensure school personnel and parents, including private school personnel and parents, are aware of the State policies and procedures.

“(b) REPORTING.—

“(1) REPORTING REQUIREMENTS.—Not later than 2 years after the date the Secretary promulgates regulations pursuant to section 5602(a), and each year thereafter, each State educational agency shall (in compliance with the requirements of section 444 of the General Education Provisions Act (commonly known as the ‘Family Educational Rights and Privacy Act of 1974’) (20 U.S.C. 1232g)) prepare and submit to the Secretary, and make available to the public, a report that includes the information described in paragraph (2), with respect to each local educational agency, and each school not under the jurisdiction of a local educational agency, located in the same State as such State educational agency.

“(2) INFORMATION REQUIREMENTS.—

“(A) GENERAL INFORMATION REQUIREMENTS.—The report described in paragraph (1) shall include information on—

“(i) the total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

“(ii) the total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student.

“(B) DISAGGREGATION.—

“(i) GENERAL DISAGGREGATION REQUIREMENTS.—The information described in subparagraph (A) shall be disaggregated by—

“(I) the total number of incidents in which physical restraint or seclusion was imposed upon a student—

“(aa) that resulted in injury;

“(bb) that resulted in death; and

“(cc) in which the school personnel imposing physical restraint or seclusion were not trained and certified as described in section 5602(a)(2)(D)(i); and

“(II) the demographic characteristics of all students upon whom physical restraint or seclusion was imposed, including—

“(aa) the categories identified in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i));

“(bb) age; and

“(cc) disability status (which has the meaning given the term ‘individual with a disability’ in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20))).

“(ii) UNDUPLICATED COUNT; EXCEPTION.—The disaggregation required under clause (i) shall—

“(I) be carried out in a manner to ensure an unduplicated count of the—

“(aa) total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

“(bb) total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student; and

“(II) not be required in a case in which the number of students in a category would reveal personally identifiable information about an individual student.

“(c) ENFORCEMENT.—

“(1) IN GENERAL.—

“(A) USE OF REMEDIES.—If a State educational agency fails to comply with subsection (a) or (b), the Secretary shall—

“(i) withhold, in whole or in part, further payments under an applicable program (as such term is defined in section 400(c) of the General Education Provisions Act (20 U.S.C. 1221)) in accordance with section 455 of such Act (20 U.S.C. 1234d);

“(ii) require a State educational agency to submit, and implement, within 1 year of such failure to comply, a corrective plan of action, which may include redirection of funds received under an applicable program; or

“(iii) issue a complaint to compel compliance of the State educational agency through a cease and desist order, in the same manner the Secretary is authorized to take such action under section 456 of the General Education Provisions Act (20 U.S.C. 1234e).

“(B) CESSATION OF WITHHOLDING OF FUNDS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a State educational agency who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments with respect to the State educational agency under such subparagraph.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary’s authority under the General Education Provisions Act (20 U.S.C. 1221 et seq.).

#### “SEC. 5604. GRANT AUTHORITY.

“(a) IN GENERAL.—From the amount appropriated under section 922, the Secretary may award grants to State educational agencies to assist the agencies in—

“(1) establishing, implementing, and enforcing the policies and procedures to meet the minimum standards established by regulations promulgated by the Secretary pursuant to section 5602(a);

“(2) improving State and local capacity to collect and analyze data related to physical restraint and seclusion; and

“(3) improving school climate and culture by implementing school-wide positive behavior support approaches.

“(b) DURATION OF GRANT.—A grant under this section shall be awarded to a State educational agency for a 3-year period.

“(c) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including information on how the State educational agency will target resources to schools and local educational agencies in need of assistance related to preventing and reducing physical restraint and seclusion.

“(d) AUTHORITY TO MAKE SUBGRANTS.—

“(1) IN GENERAL.—A State educational agency receiving a grant under this section may use such grant funds to award subgrants, on a competitive basis, to local educational agencies.

“(2) APPLICATION.—A local educational agency desiring to receive a subgrant under this section shall submit an application to the applicable State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

“(e) PRIVATE SCHOOL PARTICIPATION.—

“(1) IN GENERAL.—A local educational agency receiving subgrant funds under this section shall, after timely and meaningful consultation with appropriate private school officials, ensure that private school personnel can participate, on an equitable basis, in activities supported by grant or subgrant funds.

“(2) PUBLIC CONTROL OF FUNDS.—The control of funds provided under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.

“(f) REQUIRED ACTIVITIES.—A State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section shall use such grant or subgrant funds to carry out the following:

“(1) Researching, developing, implementing, and evaluating strategies, policies, and procedures to prevent and reduce physical restraint and seclusion in schools, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 5602(a).

“(2) Providing professional development, training, and certification for school personnel to meet such standards.

“(3) Carrying out the reporting requirements under section 5603(b) and analyzing the information included in a report prepared under such section to identify student, school personnel, and school needs related to use of physical restraint and seclusion.

“(g) ADDITIONAL AUTHORIZED ACTIVITIES.—In addition to the required activities described in subsection (f), a State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section may use such grant or subgrant funds for one or more of the following:

“(1) Developing and implementing high-quality professional development and training programs to implement evidence-based systematic approaches to school-wide positive behavior supports, including improving coaching, facilitation, and training capacity for administrators, teachers, specialized instructional support personnel, and other staff.

“(2) Providing technical assistance to develop and implement evidence-based systematic approaches to school-wide positive behavior supports, including technical assistance for data-driven decisionmaking related to behavioral supports and interventions in the classroom.

“(3) Researching, evaluating, and disseminating high-quality evidence-based programs and activities that implement school-wide positive behavior supports with fidelity.

“(4) Supporting other local positive behavior support implementation activities consistent with this subsection.

“(h) EVALUATION AND REPORT.—Each State educational agency receiving a grant under this section shall, at the end of the 3-year grant period for such grant—

“(1) evaluate the State’s progress toward the prevention and reduction of physical restraint and seclusion in the schools located in the State, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 5602(a); and

“(2) submit to the Secretary a report on such progress.

“(i) DEPARTMENT OF THE INTERIOR.—From the amount appropriated under section 5608, the Secretary may allocate funds to the Secretary of the Interior for activities under

this section with respect to schools operated or funded by the Department of the Interior, under such terms as the Secretary of Education may prescribe.

#### “SEC. 5605. NATIONAL ASSESSMENT.

“(a) NATIONAL ASSESSMENT.—The Secretary shall carry out a national assessment to determine the effectiveness of this part, which shall include—

“(1) analyzing data related to physical restraint and seclusion incidents;

“(2) analyzing the effectiveness of Federal, State, and local efforts to prevent and reduce the number of physical restraint and seclusion incidents in schools;

“(3) identifying the types of programs and services that have demonstrated the greatest effectiveness in preventing and reducing the number of physical restraint and seclusion incidents in schools; and

“(4) identifying evidence-based personnel training models with demonstrated success in preventing and reducing the number of physical restraint and seclusion incidents in schools, including models that emphasize positive behavior supports and de-escalation techniques over physical intervention.

“(b) REPORT.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate—

“(1) not later than 3 years after the date of enactment of the Student Success Act, an interim report that summarizes the preliminary findings of the assessment described in subsection (a); and

“(2) not later than 5 years after the date of the enactment of the Student Success Act, a final report of the findings of the assessment.

#### “SEC. 5606. PROTECTION AND ADVOCACY SYSTEMS.

“Protection and Advocacy Systems shall have the authority provided under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043) to investigate, monitor, and enforce protections provided for students under this part.

#### “SEC. 5607. LIMITATION OF AUTHORITY.

“(a) IN GENERAL.—Nothing in this part shall be construed to restrict or limit, or allow the Secretary to restrict or limit, any other rights or remedies otherwise available to students or parents under Federal or State law or regulation.

“(b) APPLICABILITY.—

“(1) PRIVATE SCHOOLS.—Nothing in this part shall be construed to affect any private school that does not receive, or does not serve students who receive, support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education.

“(2) HOME SCHOOLS.—Nothing in this part shall be construed to—

“(A) affect a home school, whether or not a home school is treated as a private school or home school under State law; or

“(B) consider parents who are schooling a child at home as school personnel.

#### “SEC. 5608. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary to carry out this part for fiscal year 2014 and each of the 4 succeeding fiscal years.

#### “SEC. 5609. PRESUMPTION OF CONGRESS RELATING TO COMPETITIVE PROCEDURES.

“(a) PRESUMPTION.—It is the presumption of Congress that grants awarded under this part will be awarded using competitive procedures based on merit.

“(b) REPORT TO CONGRESS.—If grants are awarded under this part using procedures other than competitive procedures, the Secretary shall submit to Congress a report explaining why competitive procedures were not used.

# **“PART G—PROTECTING STUDENT ATHLETES FROM CONCUSSIONS**

## **“SEC. 5701. MINIMUM STATE REQUIREMENTS.**

“Beginning with fiscal year 2014, in order to be eligible to receive funds for such year or a subsequent fiscal year under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) each State educational agency shall issue regulations establishing the following minimum requirements in order to protect student academic achievement from the impact of concussions:

“(1) LOCAL EDUCATIONAL AGENCY CONCUSSION SAFETY AND MANAGEMENT PLAN.—Each local educational agency in the State, in consultation with members of the community in which such agency is located, shall develop and implement a standard plan for concussion safety and management that includes—

“(A) the education of students, parents, and school personnel about concussions, such as—

“(i) the training and certification of school personnel, including coaches, athletic trainers, and school nurses, on concussion safety and management; and

“(ii) using and maintaining standardized release forms, treatment plans, observation, monitoring and reporting forms, record-keeping forms, and post-injury fact sheets;

“(B) supports for students recovering from a concussion, such as—

“(i) guiding such student in resuming participation in athletic activity and academic activities with the help of a multi-disciplinary team, which may include—

“(I) a health care professional, the parents of such student, a school nurse, or other relevant school personnel; and

“(II) an individual who is assigned by a public school to oversee and manage the recovery of such student;

“(ii) providing appropriate academic accommodations; and

“(iii) referring students whose symptoms of concussion reemerge or persist upon the reintroduction of cognitive and physical demands for evaluation of the eligibility of such students for services under the Individual with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 note et seq.); and

“(C) best practices designed to ensure, with respect to concussions, the uniformity of safety standards, treatment, and management, such as—

“(i) disseminating information on concussion management safety and management to the public; and

“(ii) applying uniform standards for concussion safety and management to all students enrolled in public schools.

“(2) POSTING OF INFORMATION ON CONCUSSIONS.—Each public elementary school and each secondary school shall post on school grounds, in a manner that is visible to students and school personnel, and make publicly available on the school website, information on concussions that—

“(A) is based on peer-reviewed scientific evidence (such as information made available by the Centers for Disease Control and Prevention);

“(B) shall include—

“(i) the risks posed by sustaining a concussion;

“(ii) the actions a student should take in response to sustaining a concussion, including the notification of school personnel; and

“(iii) the signs and symptoms of a concussion; and

“(C) may include—

“(i) the definition of a concussion;

“(ii) the means available to the student to reduce the incidence or recurrence of a concussion; and

“(iii) the effects of a concussion on academic learning and performance.

“(3) RESPONSE TO CONCUSSION.—If any school personnel, including coaches and athletic trainers, of a public school suspects that a student has sustained a concussion during a school-sponsored athletic activity—

“(A) the student shall be—

“(i) immediately removed from participation in such activity; and

“(ii) prohibited from returning to participate in school-sponsored athletic activities—

“(I) on the day such student sustained a concussion; and

“(II) until such student submits a written release from a health care professional stating that the student is capable of resuming participation in school-sponsored athletic activities; and

“(B) such personnel shall report to the parent or guardian of such student—

“(i) the date, time, and extent of the injury suffered by such student; and

“(ii) any actions taken to treat such student.

“(4) RETURN TO ATHLETICS AND ACADEMICS.—Before a student who has sustained a concussion in a school-sponsored athletic activity resumes participation in school-sponsored athletic activities or academic activities, the school shall receive a written release from a health care professional, that—

“(A) states that the student is capable of resuming participation in such activities; and

“(B) may require the student to follow a plan designed to aid the student in recovering and resuming participation in such activities in a manner that—

“(i) is coordinated, as appropriate, with periods of cognitive and physical rest while symptoms of a concussion persist; and

“(ii) reintroduces cognitive and physical demands on such student on a progressive basis only as such increases in exertion do not cause the reemergence or worsening of symptoms of a concussion.

## **“SEC. 5702. REPORT TO SECRETARY OF EDUCATION.**

“Not later than 6 months after promulgating regulations pursuant to section 5701 in order to be eligible to receive funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), each State educational agency shall submit to the Secretary of Education a report that contains—

“(1) a description of the State regulations promulgated pursuant to section 5701; and

“(2) an assurance that the State has implemented such regulations.

## **“SEC. 5703. RULE OF CONSTRUCTION.**

“Nothing in this subtitle shall be construed to alter or supersede State law with respect to education standards or procedures or civil liability.

## **“SEC. 5704. DEFINITIONS.**

“In this subtitle:

“(1) CONCUSSION.—The term ‘concussion’ means a type of traumatic brain injury that—

“(A) is caused by a blow, jolt, or motion to the head or body that causes the brain to move rapidly in the skull;

“(B) disrupts normal brain functioning and alters the mental state of the individual, causing the individual to experience—

“(i) any period of observed or self-reported—

“(I) transient confusion, disorientation, or impaired consciousness;

“(II) dysfunction of memory around the time of injury; and

“(III) loss of consciousness lasting less than 30 minutes;

“(ii) any one of four types of symptoms of a headache, including—

“(I) physical symptoms, such as headache, fatigue, or dizziness;

“(II) cognitive symptoms, such as memory disturbance or slowed thinking;

“(III) emotional symptoms, such as irritability or sadness; and

“(IV) difficulty sleeping; and

“(C) can occur—

“(i) with or without the loss of consciousness; and

“(ii) during participation in any organized sport or recreational activity.

“(2) HEALTH CARE PROFESSIONAL.—The term ‘health care professional’ means a physician, nurse, certified athletic trainer, physical therapist, neuropsychologist or other qualified individual who—

“(A) is a registered, licensed, certified, or otherwise statutorily recognized by the State to provide medical treatment;

“(B) is experienced in the diagnosis and management of traumatic brain injury among a pediatric population; and

“(C) may be a volunteer.

“(3) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms ‘local educational agency’ and ‘State educational agency’ have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(4) SCHOOL PERSONNEL.—The term ‘school personnel’ has the meaning given such term in section 4151 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161).

“(5) SCHOOL-SPONSORED ATHLETIC ACTIVITY.—The term ‘school-sponsored athletic activity’ means—

“(A) any physical education class or program of a school;

“(B) any athletic activity authorized during the school day on school grounds that is not an instructional activity; and

“(C) any extracurricular sports team, club, or league organized by a school on or off school grounds.

Page 482, line 1, strike “PART F” and insert “PART H”.

Page 482, line 2, strike “5601” and insert “5801”.

Ms. KUSTER (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Hampshire?

There was no objection.

Mr. KLINE. Mr. Speaker, I reserve a point of order against the motion.

The SPEAKER pro tempore. A point of order is reserved.

The gentlewoman from New Hampshire is recognized for 5 minutes.

Ms. KUSTER. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will proceed immediately to final passage, as amended.

□ 1100

This week, we have debated how best to educate our children and prepare them for the lives and jobs of the 21st century economy. Mr. Speaker, this bill is not the answer.

In New Hampshire, we recognize that investments in education are investments in economic growth, job creation, and expanded opportunity for middle class families. Unfortunately, this bill fails to adequately make these investments in our economic future. It fails to reflect the bipartisan support in this House for STEM education, for fairness, and for accountability. Along with the Chamber of Commerce and a broad coalition of stakeholders, I believe that this legislation fails to deliver the education system that our students, our children deserve.

While some would rather abolish the Department of Education, I know that we have a responsibility to ensure that every child in this country has a chance to learn and succeed. We may have our disagreements, but we owe it to the people we represent to focus on those areas where we can find common ground.

I know that we can all agree on the need to preserve opportunity and safety for our students, and I'm hopeful that you will all support my amendment, which makes four very common-sense reforms.

First, this amendment protects children with autism and other disabilities. According to the Centers for Disease Control, an astounding 1 in 88 children and 1 in 54 boys across the United States are on the autism spectrum. My amendment would simply ensure that education plans do not deny opportunity to these students with autism or other disabilities.

Second, this would amend to protect children from abusive seclusion and restraint policies. A shocking 41 States have verified reports of inappropriate seclusion and restraint in their schools. The Government Accountability Office has documented hundreds of allegations of such abuse against students, including students with disabilities. Troubling reports have emerged of students pinned to the ground face down, students who have been confined in cardboard boxes, and students who have been literally duct-taped to chairs. As a result, some students have even died. My amendment would put in place minimum safety standards to prevent abusive seclusion and restraint in schools.

Third, this amendment would require thorough background checks for any school employees or contractors with access to children to keep sexual predators out of our schools. We can all agree on this part of the amendment. It would prohibit public schools from hiring or retaining anyone convicted of crimes against children, such as sexual assault and pornography. And impor-

tantly, it would ensure that schools report to local law enforcement when predators apply for positions with access to children.

Finally, this amendment would establish standards for protecting student athletes from concussions. I know that many of you are parents, and I have had sons with this condition. Research shows that 300,000 sports-related concussions occur every single year in our schools. Younger athletes are at greater risk of concussion, and this amendment would provide schools, athletes, and parents with the information on how best to prevent and manage these injuries. It would also require parental notification.

Together, these reforms will keep our children safe from injury and abuse in our schools.

I urge my colleagues on both sides of the aisle to vote to protect children with disabilities, vote to improve safety for all students, and vote for this final amendment.

I yield back the balance of my time.

Mr. KLINE. Mr. Speaker, I withdraw my point of order, and I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The point of order is withdrawn.

The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Speaker, what States and school districts are asking for and have been asking for and clamoring for is more flexibility and less Federal mandates so they can address the individual needs of their students. We should not tie the hands of school officials and predetermine how they can best help their students and staff. Instead, this motion will force them to jump through hoops and meet burdensome requirements.

This motion is full of requirements. Some might be good, most will be burdensome, but at the heart, this is a motion that says my Democratic colleagues do not believe our school leaders and teachers have the best intentions for their kids, they do not trust them to know how to take care of their students, and we disagree.

I urge my colleagues to reject this motion to recommit and support the Student Success Act, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I urge my colleagues to vote "no" on H.R. 5 and to support the substitute to this bill, offered by my colleague, the Gentleman from California, Congressman GEORGE MILLER.

We can all agree, Mr. Speaker, that the Elementary and Secondary Education Act is in dire need of reauthorization. But this bill is not the best effort we can offer our children. This bill offers less support and less accountability for students, educators, and parents throughout the nation. It cuts critical funding and fails to give our students a well-rounded education.

But what makes H.R. 5 even worse is that it works against the initial purpose of the Act—it offers our students less equity and it leaves

behind those children who are the most in need. It fails to give our lowest performing and lowest income schools the support systems they need to succeed in the classroom.

Mr. Chair, several amendments were introduced yesterday to correct some of the severe flaws in this bill. For example, I commend the passage of the amendment offered by my colleagues Congressman YOUNG and Congresswoman GABBARD to protect Native education programs. But it is a grave disappointment to me that this amendment was even necessary—that critical programs for our Indian, Alaska Native, and Native Hawaiian students were threatened under H.R. 5.

I stand in opposition to the underlying bipartisan bill which still fails as a whole to provide a quality education for all America's students. We must give our students better. H.R. 5 is *not* our best effort. This bill is a huge setback for our children and for our nation. I urge my colleagues to vote "no" on H.R. 5 and to vote "yes" to the Miller substitute.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

## RECORDED VOTE

Ms. KUSTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by a 5-minute vote on passage of the bill, if ordered, and approval of the Journal, if ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 231, not voting 6, as follows:

[Roll No. 373]

AYES—196

Andrews	Cooper	Garcia
Barber	Costa	Grayson
Barrow (GA)	Courtney	Green, Al
Bass	Crowley	Green, Gene
Beatty	Cuellar	Grijalva
Becerra	Cummings	Gutiérrez
Bera (CA)	Davis (CA)	Hahn
Bishop (GA)	Davis, Danny	Hanabusa
Bishop (NY)	DeFazio	Hastings (FL)
Blumenauer	DeGette	Heck (WA)
Bonamici	Delaney	Higgins
Brady (PA)	DeLauro	Himes
Braley (IA)	DelBene	Hinojosa
Brown (FL)	Deutch	Holt
Brownley (CA)	Dingell	Honda
Bustos	Doggett	Hoyer
Capps	Doyle	Huffman
Capuano	Duckworth	Israel
Cárdenas	Duncan (TN)	Jackson Lee
Carney	Edwards	Jeffries
Carson (IN)	Ellison	Johnson (GA)
Cartwright	Engel	Johnson, E. B.
Castor (FL)	Enyart	Kaptur
Castro (TX)	Eshoo	Keating
Chu	Esty	Kelly (IL)
Cicilline	Farr	Kennedy
Clarke	Fattah	Kildee
Clay	Foster	Kilmer
Cleaver	Frankel (FL)	Kind
Clyburn	Fudge	Kirkpatrick
Cohen	Gabbard	Kuster
Connolly	Gallego	Langevin
Conyers	Garamendi	Larsen (WA)

Larson (CT)	Neal	Scott (VA)	Ros-Lehtinen	Smith (NE)	Walorski	Meehan	Roby	Stivers
Lee (CA)	Nolan	Scott, David	Roskam	Smith (NJ)	Weber (TX)	Messer	Roe (TN)	Stockman
Levin	O'Rourke	Serrano	Ross	Smith (TX)	Webster (FL)	Mica	Rogers (AL)	Stutzman
Lewis	Owens	Sewell (AL)	Rothfus	Southerland	Wenstrup	Miller (FL)	Rogers (KY)	Terry
Lipinski	Pascarell	Shea-Porter	Royce	Stewart	Westmoreland	Miller (MI)	Rogers (MI)	Thompson (PA)
Loebsock	Pastor (AZ)	Sherman	Runyan	Stivers	Whitfield	Miller, Gary	Rohrabacher	Thornberry
Lofgren	Payne	Sinema	Ryan (WI)	Stutzman	Williams	Mullin	Rokita	Tiberi
Lowenthal	Pelosi	Sires	Salmon	Terry	Wilson (SC)	Mulvaney	Rooney	Tipton
Lowey	Perlmutter	Slaughter	Sanford	Thompson (PA)	Wittman	Murphy (PA)	Ros-Lehtinen	Turner
Lujan Grisham	Peters (CA)	Smith (WA)	Scalise	Thornberry	Wolf	Neugebauer	Roskam	Upton
(NM)	Peters (MI)	Speier	Schock	Tiberi	Womack	Noem	Ross	Valadao
Luján, Ben Ray	Peterson	Swalwell (CA)	Schweikert	Tipton	Woodall	Nugent	Rothfus	Wagner
(NM)	Pingree (ME)	Takano	Scott, Austin	Turner	Yoder	Nunes	Royce	Walberg
Lynch	Pocan	Thompson (CA)	Sensenbrenner	Upton	Yoho	Nunnelee	Ryan (WI)	Walden
Maffei	Polis	Thompson (MS)	Sessions	Valadao	Young (AK)	Olson	Salmon	Walorski
Maloney,	Price (NC)	Tierney	Shimkus	Wagner	Young (FL)	Palazzo	Sanford	Weber (TX)
Carolyn	Quigley	Titus	Shuster	Walberg	Young (IN)	Paulsen	Scalise	Webster (FL)
Maloney, Sean	Rahall	Tonko	Simpson	Walden		Pearce	Schock	Wenstrup
Matheson	Rangel	Tsongas	Smith (MO)			Perry	Schweikert	Westmoreland
Matsui	Richmond	Van Hollen				Petri	Scott, Austin	Whitfield
McCollum	Roybal-Allard	Vargas				Pittenger	Sensenbrenner	Williams
McDermott	Ruiz	Veasey	Butterfield	Horsford	Negrete McLeod	Pitts	Sessions	Wilson (SC)
McGovern	Ruppersberger	Vela	Herrera Beutler	McCarthy (NY)	Pallone	Poe (TX)	Shimkus	Wittman
McIntyre	Rush	Velázquez				Pompeo	Shuster	Wolf
McNerney	Ryan (OH)	Visclosky				Posey	Simpson	Womack
Meeks	Sánchez, Linda	Walz				Price (GA)	Smith (MO)	Woodall
Meng	T.	Wasserman				Radel	Smith (NE)	Yoder
Michaud	Sanchez, Loretta	Schultz				Renacci	Smith (NJ)	Yoho
Miller, George	Sarbanes	Waters				Ribble	Smith (TX)	Young (AK)
Moore	Schakowsky	Watt				Rice (SC)	Southerland	Young (FL)
Moran	Schiff	Waxman				Rigell	Stewart	Young (IN)
Murphy (FL)	Schneider	Welch						
Nadler	Schrader	Wilson (FL)						
Napolitano	Schwartz	Yarmuth						

## NOT VOTING—6

□ 1113

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 207, not voting 6, as follows:

[Roll No. 374]

## AYES—221

Aderholt	Fleischmann	Latta	Crawford	Hastings (WA)
Alexander	Fleming	LoBiondo	Crenshaw	Heck (NV)
Amash	Flores	Long	Culberson	Hensarling
Amodei	Forbes	Lucas	Daines	Holding
Bachmann	Fortenberry	Luetkemeyer	Davis, Rodney	Hudson
Bachus	Fox	Lummis	Denham	Huelskamp
Barletta	Franks (AZ)	Marchant	Dent	Huizenga (MI)
Barr	Frelinghuysen	Marino	DeSantis	Hultgren
Barton	Gardner	Massie	DesJarlais	Hunter
Benishek	Garrett	McCarthy (CA)	Diaz-Balart	Hurt
Bentivolio	Gerlach	McCaul	Duffy	Issa
Bilirakis	Gibbs	McClintock	Duncan (SC)	Jenkins
Bishop (UT)	Gibson	McHenry	Duncan (TN)	Johnson (OH)
Black	Gingrey (GA)	McKeon	Ellmers	Johnson, Sam
Blackburn	Gohmert	McKinley	Farenthold	Jordan
Bonner	Goodlatte	McMorris	Fincher	Kelly (PA)
Boustany	Gosar	Rodgers	Fitzpatrick	King (IA)
Brady (TX)	Goody	Meadows	Fleischmann	King (NY)
Bridenstine	Granger	Meehan	Flores	Kingston
Brooks (AL)	Graves (GA)	Messer	Forbes	Kline
Brooks (IN)	Graves (MO)	Mica	Fortenberry	Klabrador
Broun (GA)	Griffin (AR)	Miller (FL)	Fox	LaMalfa
Buchanan	Griffith (VA)	Miller (MI)	Frank	Lamborn
Bucshon	Grimm	Miller, Gary	Frelinghuysen	Lance
Burgess	Guthrie	Mullin	Gardner	Lankford
Calvert	Hall	Mulvaney	Garrett	Latham
Camp	Hanna	Murphy (PA)	Gerlach	Latta
Campbell	Harper	Neugebauer	Gibbs	Long
Cantor	Harris	Noem	Gingrey (GA)	Lucas
Capito	Hartzler	Nugent	Goodlatte	Luetkemeyer
Carter	Hastings (WA)	Nunes	Gosar	Lummis
Cassidy	Heck (NV)	Nunnelee	Goody	Marchant
Chabot	Hensarling	Olson	Granger	Marino
Chaffetz	Holding	Palazzo	Cantor	McCarthy (CA)
Coble	Hudson	Paulsen	Capito	McCaul
Coffman	Huelskamp	Pearce	Chaffetz	McClintock
Cole	Huizenga (MI)	Perry	Coble	McHenry
Collins (GA)	Hultgren	Petri	Coffman	McKeon
Collins (NY)	Hunter	Pittenger	Roe (TN)	McKinley
Conaway	Hurt	Pitts	Rogers (AL)	Rodgers
Cook	Issa	Poe (TX)	Rogers (KY)	Meadows
Cotton	Jenkins	Pompeo	Rogers (MI)	
Cramer	Johnson (OH)	Posey	Rohrabacher	
Crawford	Johnson, Sam	Price (GA)	Rokita	
Crenshaw	Jones	Radel	Rooney	
Culberson	Jordan	Reed		
Daines	Joyce	Reichert		
Davis, Rodney	Kelly (PA)	Renacci		
Denham	King (IA)	Ribble		
Dent	King (NY)	Rice (SC)		
DeSantis	Kingston	Rigell		
DesJarlais	Kinzinger (IL)	Robby		
Diaz-Balart	Kline	Roe (TN)		
Duffy	Labrador	Rogers (AL)		
Duncan (SC)	LaMalfa	Rogers (KY)		
Ellmers	Lamborn	Rogers (MI)		
Farenthold	Lance	Rohrabacher		
Fincher	Lankford	Rokita		
Fitzpatrick	Latham	Rooney		

## NOES—207

Amash	Fudge	Massie
Andrews	Gabbard	Matheson
Barber	Gallego	Matsui
Barrow (GA)	Garamendi	McCollum
Bass	Garcia	McDermott
Beatty	Gibson	McGovern
Becerra	Gohmert	McIntyre
Bera (CA)	Graves (MO)	McNerney
Bishop (GA)	Grayson	Meeks
Bishop (NY)	Green, Al	Meng
Blumenauer	Green, Gene	Michaud
Bonamici	Grijalva	Miller, George
Brady (PA)	Grimm	Moore
Braley (IA)	Gutiérrez	Moran
Brown (FL)	Hahn	Murphy (FL)
Brownley (CA)	Hanabusa	Nadler
Bustos	Hastings (FL)	Napolitano
Capps	Heck (WA)	Neal
Capuano	Higgins	Nolan
Cárdenas	Himes	O'Rourke
Carney	Hinojosa	Owens
Carson (IN)	Holt	Pascarell
Cartwright	Honda	Pastor (AZ)
Castor (FL)	Hoyer	Payne
Castro (TX)	Huffman	Pelosi
Chu	Israel	Perlmutter
Ciilline	Jackson Lee	Peters (CA)
Clarke	Jeffries	Peters (MI)
Clay	Johnson (GA)	Peterson
Cleaver	Johnson, E. B.	Pingree (ME)
Clyburn	Jones	Pocan
Cohen	Joyce	Polis
Connolly	Kaptur	Price (NC)
Conyers	Keating	Quigley
Cooper	Kelly (IL)	Rahall
Costa	Kennedy	Rangel
Courtney	Kildee	Reed
Crowley	Kilmer	Reichert
Cuellar	Kind	Richmond
Cummings	Kirkpatrick	Roybal-Allard
Davis (CA)	Kuster	Ruiz
Davis, Danny	Langevin	Runyan
DeFazio	Larsen (WA)	Ruppersberger
DeGette	Larson (CT)	Rush
Delaney	Lee (CA)	Ryan (OH)
DeLauro	Levin	Sánchez, Linda
DelBene	Lewis	T.
Deutch	Lipinski	Sanchez, Loretta
Dingell	LoBiondo	Sarbanes
Doggett	Loebsock	Schakowsky
Doyle	Lofgren	Schiff
Duckworth	Lowenthal	Schneider
Edwards	Lowey	Schrader
Ellison	Lujan Grisham	Schwartz
Engel	(NM)	Scott (VA)
Enyart	Luján, Ben Ray	Scott, David
Eshoo	(NM)	Serrano
Esty	Lynch	Sewell (AL)
Farr	Maffei	Shea-Porter
Fattah	Maloney,	Sherman
Foster	Carolyn	Sinema
Frankel (FL)	Maloney, Sean	Sires

Slaughter	Tonko	Wasserman
Smith (WA)	Tsongas	Schultz
Speier	Van Hollen	Waters
Swalwell (CA)	Vargas	Watt
Takano	Veasey	Waxman
Thompson (CA)	Vela	Welch
Thompson (MS)	Velázquez	Wilson (FL)
Tierney	Visclosky	Yarmuth
Titus	Walz	

## NOT VOTING—6

Butterfield	Horsford	Negrete McLeod
Herrera Beutler	McCarthy (NY)	Pallone

□ 1119

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

#### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5, STUDENT SUCCESS ACT

Mr. KLINE. Mr. Speaker, I ask unanimous consent that, in the engrossment of H.R. 5, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, including the changes now at the desk.

The SPEAKER pro tempore (Mr. COTTON). The Clerk will report the changes.

The Clerk read as follows:

In amendment numbered 1, insert "the first place it appears" after "programs," in the instruction regarding page 366, line 6.

In amendment numbered 17, strike "Page 315, after line 15" and insert "Page 311, after line 15".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

□ 1130

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purposes of inquiring of the majority leader the schedule for the week to come, and I yield to my friend, the majority leader, Mr. CANTOR.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday, the House will meet at noon for morning-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m.

On Tuesday and Wednesday, the House will meet at 10 a.m. for morning-hour and noon for legislative business.

On Thursday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m.

On Friday, no votes are expected.

Mr. Speaker, the House will consider a few suspensions next week, a complete list of which will be announced by close of business today.

In addition, the House will consider H.R. 2397, the Department of Defense appropriations bill, authored by Representative BILL YOUNG. This bill provides the resources necessary for our men and women in the armed services to carry out their vital mission.

There are also a number of bills the Appropriations Committee has reported which may come to the floor in the near future.

Furthermore, the House may consider two energy bills out of the Energy and Commerce Committee. The first bill, H.R. 2218, the Coal Residuals Reuse and Management Act, authored by Representative DAVID MCKINLEY, would create an enforceable minimum standard for the regulation of coal ash by the States, allowing their use in a safe manner that protects jobs.

The second bill, H.R. 1582, the Energy Consumers Relief Act, sponsored by Representative BILL CASSIDY, will require the EPA, before finalizing any energy-related rule costing more than \$1 billion, to report to Congress on specific energy price and job impacts.

Both of these bills, Mr. Speaker, foster an environment of economic growth and lower energy costs for American families and businesses.

Finally, Mr. Speaker, as you know, the House acted last month to prevent the doubling of the student loan interest rate. Should the Senate send us legislation, the House may act as soon as next week.

Mr. HOYER. I thank the gentleman for his information with respect to the legislation for next week.

I note that there was not on the notice for next week—the Senate has now voted to go to conference on the farm bill. Clearly, that is a matter that I think both sides, or certainly our side, I think your side as well, feels is a priority item. Does the gentleman have any plans to move to go to conference now that the Senate has asked for a conference next week on the farm bill?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for yielding.

I'd respond to the gentleman by saying that we are committed to acting with urgency to bring to the floor a bill under the nutrition title of what was formerly the farm bill, which that title

married up with the agricultural provisions.

It is our hope that we can get a nutrition bill to the floor, because we believe strongly that the programs under those titles, providing a safety net to the country's most vulnerable, are something important that we maintain and we implement the kind of reforms to those programs that have long been called for by the GAO and others so that we can make sure of the efficient flow of dollars to those beneficiaries who most need it.

Mr. HOYER. I thank the gentleman for that comment; however, I'm somewhat perplexed, Mr. Leader.

You and I had a relatively animated colloquy some, I think, 2 or 3 weeks ago, at which point in time you said that we passed the farm bill that, of course, we didn't like and none of us voted for, that we passed the farm bill so that, in fact, we could follow regular order and go to conference. We passed that farm bill.

The Senate has now voted to go to conference, but what I hear the gentleman saying is, like the budget bill, we're not going to go to conference unless something else happens; in the case of the budget, until Mr. RYAN apparently gets Ms. MURRAY to agree on—I don't want to characterize it too heavily, but to agreeing with him as opposed to compromise.

But I'm a little, as I said, perplexed, because a few weeks ago you told me that the reason we passed that farm bill without the provision for nutrition, which had been in there for half a century, was so that we could go to conference. Well, now we're there, but there's no motion to go to conference. I'm perplexed, and I would appreciate if the gentleman—because we now have the opportunity to follow regular order. We now have the Senate who has voted to go to conference, acted on our bill that we sent there, substituted their bill for ours, and now have asked for a conference on the same. That is regular order.

Can the gentleman tell me: Are we now making a condition, as we lawyers say, precedent—that is, something's got to happen—before we go to conference? Because, very frankly, Mr. Leader, you and I both know that the nutrition bill is what made the farm bill apparently fall on the rocks, which is why you dropped it in order to pass the farm bill. It was a totally partisan bill, but now we need to get to agreement.

I tell you, we're running out of time, Mr. Leader, and I think we need to get this farm bill done; and I would hope that we could go to conference, as the gentleman said we were going to do, with the Senate on the House-passed bill.

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for yielding.



And I know that the gentleman, in his call for regular order, also knows that the House has its prerogatives, as does the other body. We believe strongly that marriage of the two constituencies of the old farm bill was a marriage that began some 40 years ago. And, frankly, it is the sense of the majority in the House that that marriage makes little sense and that, instead, if we could, as a House, opt to be transparent and look at the policies on the agricultural side the way that we did and then look at the policies under the nutrition title in the same deliberative fashion, that we can actually make for a better product.

Now, the gentleman says that the farm bill that was passed was a partisan bill. Certainly, no member of the minority voted for the bill, but I would, and not to rehash colloquy from several weeks ago, say that the same attitude was taken with the old farm bill by the minority saying it was too partisan.

We intend to proceed deliberately, looking at policies that make sense in reforming these programs in the vein of trying to get to those most vulnerable the relief they need, at the same time paying cognizance to the fact that we have fiscal challenges we must deal with.

We're trying to be about truth in legislating, Mr. Speaker, and that is making sure that the purpose of agricultural policy is adequately addressed, as well as the purpose of the nutrition title and providing relief to our country's most vulnerable.

Mr. HOYER. I thank the gentleman for his observation.

The truth in legislating is that we are not legislating. We are putting forth the positions of your party in this House, not shared by the Senate, not shared by the President of the United States, also elected by the people of the United States; and absent agreement by those two entities, coequal branches of the Congress and a coequal branch of the government, the executive, absent their agreeing with your party's perspective, we're not legislating. That's the problem, Mr. Leader.

And again, I express to you, you said—and I don't have the words in front of me exactly, but we can pull them out. But I am perplexed because you said, when we passed the farm bill without the nutrition program in it—which had been done for a half a century. They had been paired by Republican Congresses and Democratic Congresses, signed by Republican Presidents and Democratic Presidents. It's only this last 2 years that we have been unable to come to grips with bipartisan agreement on the farm bill. It's only in the past 2 years that we've been unable to get a bill that was bipartisan in fashion to the floor and, ultimately, voted on final passage.

The bipartisan bills that came out of committee both in the last Congress

and this Congress were turned into—the first one, of course, in the last Congress didn't come to the floor, as the gentleman knows. He didn't bring it to the floor at all, notwithstanding the fact it had bipartisan support in the committee. And notwithstanding the fact that the bill that was brought to the floor had bipartisan support and the support of the ranking member, Mr. PETERSON, notwithstanding he didn't agree with some portions that were adopted, for instance, on milk, he was, nevertheless, prepared to adopt it until three very partisan, we thought very harmful, amendments to people without means were adopted.

You knew that was the case. You then had told me—and I repeat, I know, and reiterate. But the simple representation you made was that we did that—and Mr. SESSIONS made that and said, by the way, that the nutrition part of the program, getting support for people who needed food, was extraneous to the bill. That's not our perspective over here, but that was the perspective that the chairman of the Rules Committee laid out when we considered the rule.

But you then said, in that colloquy, that the reason we did that was because you wanted to get a bill through. And, frankly, that's the only way you could pick up the overwhelming majority of the 62 of your Republicans who voted against it. I can only conclude that because you got the majority to do it, failing the first time because 62 Republicans decided they didn't like, apparently, the nutrition part of the bill and they voted against it. When you dropped the nutrition part of the bill, which had been in there for 50 years, then you got the majority on your side. That's when you got zero of us. You had 24 the first time.

So I'm perplexed that now that we have done what you said we were going to do, not about budgets, not about—you and I agree we need to get a handle on it. That's not what this issue is about. This issue is about whether or not we're going to have a farm bill and whether we're going to have such in a timely way. I'm going to talk a little bit about the CR.

But we have 17 days left to go between now and September 30, and we think it's timely to move. I don't know. Your nutrition bill is not on the program here. We'll have 1 week after next week.

□ 1145

We're not sure because we haven't seen a nutrition bill that you have. We don't know what's going to be in that. But we have passed a farm bill. The Senate wants to go to conference. The Senate wants to go to conference—at least the Democrats do—on the budget. And we're not doing it, Mr. Leader. And we need to do it.

Mr. CANTOR. Again, not to belabor the point but just to correct the facts

and make sure that the record reflects what I did say before and what I represented, I said it was our intention to act with dispatch to bring to the floor a bill dealing with the SNAP program, that portion of which was traditionally the farm bill, and that we intend to be bringing that vehicle to the floor at some time in the near future. I did not say, Mr. Speaker, what it was the gentleman indicated.

We would like to say to all of our colleagues that we want to work together on a nutrition title. The gentleman heard what I said before. The marriage of those two bills and policies was done in an arbitrary fashion 50 years ago, as he indicated. There is no policy reason for that to be done. And we're trying to get down to what policy works and the reform of making sure that we pay attention to the efficacy of the programs, getting the dollars to the people who need it, and doing so in an efficient manner takes some deliberative approach. That is why Members on the majority side of the aisle felt very strongly that we should act in the way we did. And we intend to bring a nutrition title to the floor. We're working with the chairman of the Agriculture Committee to get that policy right.

So I hope that the gentleman, in his spirit of bipartisanship, will work with us to do that.

Mr. HOYER. It takes two to be bipartisan, Mr. Leader. You know that and I know that. I've got a pretty long record of working in a bipartisan fashion. But I will tell you, I disagree with the majority leader, respectfully, that there aren't the votes on this floor to pass the SNAP program and the agriculture program.

We agree on this side that there's a relationship between those who produce food and those who eat food. We think there's a direct relationship, which is why for half a century these have been related, so that the folks in the city would understand that those on the farm are very important people and we need to make sure that we have a partnership with them. Very frankly, it's worked for half a century. Unfortunately, it didn't work this year.

I will say to my friend, you are accurate in saying there are a majority of people on this floor—not in our party—but a majority on this floor, including Mr. LUCAS, who twice has reported out a bill with bipartisan support and argued for it on the floor. He argued for it and pleaded with your party to support the farm bill, even though from both parties' standpoint it wasn't a perfect bill. But 62 of your Members rejected his plea. And my view is Mr. LUCAS is still in that position of where he sees the rationale of having those together. He's the Republican chairman of the committee. I respect Mr. LUCAS for his comments both times the bill was considered on the floor.

I will move on. But allowing the farm bill to languish is dangerous for this

country, for the farm community, and for others. It undermines our economy. Moving with dispatch is in the best interest of our country.

Now, let me ask you something. As I said, we have 17 days left to go until September 30. This Congress has not passed an appropriation bill. We've passed three appropriation bills. The Senate is going to consider one, apparently, next week. We won't be here on September 30. We're only here 2 weeks in September. There are holidays and Labor Day. So we're only going to be here 2 weeks.

I want to ask my friend if he or the majority or the Budget Committee or the Appropriations Committee and the leadership in concert has a plan for what we might do to assure stability in government and in our country's confidence that the government will be operating on October 1.

Mr. CANTOR. I would say to the gentleman, Mr. Speaker, that, yes, we are looking forward to the legislative activity for the remainder of this month, as I said earlier, to include appropriations bills. We also look towards the prospect of the other body perhaps beginning to act, as the gentleman indicated, at all on appropriations bills.

It does take two to be bicameral. We need that body to act as well. I look forward to seeing how we resolve differences on spending levels and policy differences as we approach the end of the fiscal year, very well aware that we have challenges ahead, and look to find resolution to those, yes, in a bipartisan way and necessarily in a bicameral way.

Mr. HOYER. There's a way to do that, of course. It is called regular order, as we've discussed. The conference committee is where you do that. But not withstanding that fact, we have for over 100 days now seen languishing the Senate-passed budget and our budget, and an attempt by the leader in the Senate, Mr. REID, to go to conference, but no effort to go to conference to, as you say, in a bicameral, bipartisan way to resolve differences. They're very substantial. But everybody is sitting in their corner.

PATTY MURRAY wants to come to the midpoint to have a conference. I've talked to her. She's the chairman of the Budget Committee. But we have not moved, unlike the Senate—and they haven't succeeded because of Republican opposition—but they have tried to go to conference. We have not made any effort to go to conference, Mr. Leader, and you can't have a bicameral resolution and compromise and bipartisanship if you don't sit down and talk to one another in conference.

Mr. RYAN asking Senator MURRAY, Do it my way, is not going to get us there. A conference may. I don't think it's guaranteed, but it may. And I would hope we could go to conference

and follow regular order on the budget. We should have adopted a budget 4 months ago. We need to adopt a funding resolution by September 30 in some form or fashion. The failure to go to conference is undermining our ability to do that.

Mr. CANTOR. The gentleman knows that he speaks of two different things when it comes to spending and when it comes to the budget blueprint.

The gentleman and I, Mr. Speaker, have had this discussion several times in these colloquies about why it is that Chairman RYAN has taken the position he has, as has our Speaker and our leadership, in that we don't want to go into a discussion if the prerequisite is you have to raise taxes. That's the bottom line. It's not process. It's substance. It is one of those issues that continues to make the divide between the parties.

Frankly, if one thinks that Washington spends tax dollars well, that we should go ahead and ask the hard-working taxpayers to pay more. Our side doesn't believe in that approach. Until we get beyond that, I'm not so sure there's going to be resolution as to a budget conference.

It does not mean that we cannot continue the work that we are doing on the appropriations bills and on the other policy measures that are coming to this floor in hopes of finding areas we can agree on. But there is a strong one we disagree on—and that is the issue of additional revenues in an environment where Washington doesn't spend what it does spend well.

We're trying to get to the bottom of that, effect good policy, act in a deliberative manner, and are willing to work with the Senate. The problem is the Senate hasn't even begun their appropriations process on the floor there. And that was my point about bicameral and, hopefully, in a bipartisan way.

Mr. HOYER. I'm surprised to hear the majority leader say budget has no relationship to the appropriations process or the continuing resolution.

Mr. CANTOR. I didn't say no relationship. I said the gentleman knows that we're talking about two different things when we're talking about a budget blueprint and the spending bills. Two different things.

Mr. HOYER. I've been on the Appropriations Committee, as the gentleman knows, for 23 years. I'm not on it now. And you've adopted a budget, not because the budget passed but because you deemed the budget passed, you've pretended it passed. We did that ourselves to get a number. Why is that important? Because that's the spending number. Ours is \$967 billion. The Senate's is \$1.058 trillion. It's some \$91 billion more.

So there's a very substantial difference between the two Houses. It has to be resolved. Maybe the gentleman

can tell me, since we don't have a resolution of what the number is going to be, which is what a budget conference does, and what I hear the gentleman saying is, unless the Senate agrees with your perception of revenues—and I know that you repeat that all the time. I get it. I know your position. I know the position of your party. My position, of course, is we need to pay for what we buy. You're right. If we don't buy it, we don't have to pay for it. And we have to make that judgment on behalf of the American people. That's what they sent us here to do.

But the fact of the matter is, if your position is that unless they agree with your perception—they have a different point of view. They were elected by the American people. By the way, this side was elected by the American people, 1.4 million more of whom voted for us than voted for your side of the aisle. You have the majority. Redistricting provided for that, God bless you. I wish I were in your position, not in mine, from that standpoint. But the fact of the matter is more of the American people voted for us than they voted on your side. But you have the majority.

You ought not to be in the position, I suggest, respectfully, Mr. Leader, of saying unless the Senate will accede to our position, we're not going to go to conference. I don't understand saying you want a bicameral, bipartisan agreement without going to conference.

Let me ask you about immigration. There's nothing on here about immigration. The Senate has passed a bipartisan bill. Does the gentleman have any reason to believe that we're going to move ahead on immigration? President Bush said just the other day the system is not working. The system is broken. Your chairman of the Budget Committee, talking about the budget, said we have a broken immigration system that needs to be fixed.

Can the gentleman tell me whether there's any action contemplated on immigration?

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. CANTOR. Mr. Speaker, I say to the gentleman that, as he correctly indicated, our chairman of the Judiciary Committee, the gentleman from Virginia (Mr. GOODLATTE), has said that our system of immigration is broken and that he and the members of that committee are fast about trying to look at the complex issues of our immigration system and trying to deal with them in a fashion that is discrete on each issue, with a solution thereto. And in that committee we are in the process, as the gentleman knows, of looking at all of that and intend on making sure we get it right. The chairman has said rather than just doing it, we want to do it right. And we intend to do so.

Mr. HOYER. Mr. Leader, the last question. You said the defense authorization bill is coming to the floor. Can the gentleman tell me whether that will be coming to the floor under an open rule or a rule other than open?

Mr. CANTOR. Mr. Speaker, I would say to the gentleman that the DOD approps bill will be coming to the floor, and the Rules Committee will decide on the structure and how that debate will occur. We will announce that, obviously, upon the Rules Committee meeting.

Mr. HOYER. I thank the gentleman, and I yield back the balance of my time.

#### ADJOURNMENT TO MONDAY, JULY 22, 2013

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

□ 1200

#### OBSERVANCE OF FIRST ANNIVERSARY OF AURORA THEATER MASS SHOOTINGS

(Mr. COFFMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN. Mr. Speaker, tomorrow we will mark the first anniversary of the mass shooting that took place in my hometown of Aurora, Colorado, in the early morning hours of July 20 of last year.

We must never forget the names of those who lost their lives in this senseless tragedy:

Matt McQuinn,  
Micayla Medek,  
Jessica Ghawi,  
Gordon Cowden,  
Jesse Childress,  
John Larimer,  
Jonathan Blunk,  
Veronica Moser-Sullivan,  
Alex Sullivan,  
Alexander Teves,  
Rebecca Wingo,  
and AJ Boik.

Aurora was devastated in the aftermath of the shooting, but we have come together as a community in a demonstration of both strength and resilience, and tomorrow we will come together again to remember those who were lost last year.

#### AURORA REMEMBRANCE

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, I rise today with Mr. COFFMAN, Ms. DEGETTE, Mr. POLIS, and Mr. GARDNER in remembrance of the 1-year anniversary of the Aurora theater shooting.

Over the past year, victims and their families and those who lost loved ones have shown incredible courage in the face of such a terrible tragedy. That fateful night claimed the lives of those we will never forget and whose lives we will honor every day. This tragedy has not and will not define the city of Aurora, or the Denver area, or Colorado.

We want to thank and recognize the outstanding work of the police officers, medical staffs, and first responders who acted bravely and selflessly on July 20 and continue to serve the people of Aurora and Denver every day.

Mr. Speaker, I ask for a moment of silence for those who were killed and for those who were maimed physically and emotionally last year in the Aurora, Colorado, theater shooting.

#### OBAMACARE

(Mr. RICE of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICE of South Carolina. Mr. Speaker, Democratic Senator MAX BAUCUS was dead-on when he called the President's health care law a "train wreck." Its effects are becoming clear and undeniable. It is stifling economic growth and job creation, premiums are skyrocketing, and record numbers of employers are delaying hiring or hiring part time to avoid the employer mandate.

I recently heard from a hardworking small business owner, Sue Lee, who owns a hardware store in Latta, South Carolina. Since the passage of ObamaCare, she has seen her insurance premium balloon to more than \$2,100 per month, or \$26,000 per year, for three employees. That's outrageous. How can we expect our small businesses to grow and expand when they are forced to comply with more and more burdensome Federal regulation?

I am so glad we have the Federal Government to dictate to we helpless citizens which coverages we need. We can't be trusted to make that choice ourselves. How can we expect our small businesses to hire when they can't afford to buy maternity coverage on every employee, regardless of their age, mental health coverage on every employee? And substance abuse coverage on every employee is mandated by this ill-conceived and poorly drafted law.

The American economy would have already recovered if we could get the Federal Big Brother out of the way. I'm glad we delayed the employer and individual mandates, but the only way to relieve this law's enormous drag on our economy and get hardworking Americans back to work is full repeal.

#### SUCCESSFUL LAUNCH OF SECOND MOBILE USER OBJECTIVE SYSTEM SATELLITE

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, I rise today in support of the uniform and civilian employees at the Navy's Space and Naval Warfare Systems Command, or SPAWAR, and their successful launch of the second Mobile User Objective System satellite MUOS-2.

With the MUOS-2 launch just hours ago, our services will have a next-generation narrowband tactical satellite communications system designed to significantly improve ground communications for U.S. forces. This achievement comes at a time when most DOD civilians, including those who worked on this project, are being forced to take a pay cut because Congress cannot fix sequestration.

It would be natural for our Federal workers to listen to the debate in Washington about the budget and feel that their work is not valued. Mr. Speaker, I value our Federal workers. And MUOS-2 is only the latest example of the important role they play even in these troubling times.

#### EMAIL SPYING BY GOVERNMENT AGAINST CITIZENS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, a few minutes ago, I sent out an email. I tweeted about an hour ago and posted on Facebook this morning. We have a world of instant, unlimited email storage, high-speed broadband, social media, and cloud computing. However, after 180 days, government agencies can snoop through everything I just mentioned. How in the cloud is this possible?

Because current law allows spying government to seize without warrant or probable cause emails over 180 days old. Big Government can demand a private company turn over a citizen's information without their consent, without their knowledge, or telling citizens later their emails have even been seized. This is a violation of the Fourth Amendment.

That's why Representative ZOE LOFGREN and I have introduced bipartisan legislation to protect a citizen's right of privacy against government. Our legislation will update the Electronic Communications Privacy Act. Government can't seize and snoop through your mail. It shouldn't be able to seize and snoop through your emails without warrant or probable cause.

And that's just the way it is.

# WE HAVE A PRESIDENT, NOT A KING

(Mr. STEWART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEWART. Mr. Speaker, I wish that our President had the same respect for our Constitution that our Founding Fathers had, but he doesn't. He simply doesn't; for far too many of his political decisions are made with little regard for the sacred document that has guided our Nation for more than 200 years.

Several weeks ago, the President announced that he is not going to enforce certain provisions of ObamaCare. Now, whether it is a good policy or bad policy is not the point. The point is the President does not have the authority to make such a decision. The President is constitutionally bound to enforce the laws of the land.

How would my Democratic friends feel if Mitt Romney had been elected and in his first day in office he had decided that he was going to pick and choose which parts of ObamaCare he was going to enforce? Or what if he decided that the capital gains tax was a drag on the economy and he was no longer going to enforce that law?

The President's willingness to pick and choose which laws he will enforce is dangerous and demeaning to our democracy. It's demeaning to the very idea of an elected form of government. We have a President, not a King.

I hope the President will remember his constitutional oath.

# THE HUMAN TOLL OF PRESIDENT OBAMA'S WAR ON LOW-COST AMERICAN ENERGY

(Mr. ROTHFUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHFUS. Mr. Speaker, this afternoon, I'm heading home, heading home to western Pennsylvania. People back home are being negatively impacted by President Obama's war on low-cost American energy and all the regulations that are emanating from the unelected Federal elites here in Washington, D.C. We've got power plants closing back in western Pennsylvania, resulting in hundreds of lost jobs. We've got miners with middle class incomes also being laid off. We've got truckers and shippers jobs also being threatened.

President Obama's anti-energy agenda hurts all of those folks in western Pennsylvania and around the Nation. These hardworking moms and dads are losing their jobs, their livelihoods, and their ability to support their families and communities. This is the human toll of President Obama's war on low-cost American energy. It's a tragedy, and it must end.

# WORLD EVENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, so much is happening in the world today, so much that is really earthshaking in its potential effect.

In the Middle East, I've spoken before about the potential rise of a new Ottoman Empire that, unfortunately, our own country, this Obama administration, has helped jump-start.

In Egypt, we supposedly had a friend. There were comments to direct attention to. Back on June 2, the BBC reported an interview in 2009 where during the interview the President was asked:

Do you regard President Mubarak as an authoritarian ruler?

President Obama said, in part:

He has been a stalwart ally in many respects, to the United States. He has sustained peace with Israel, which is a very difficult thing to do in that region. But he has never resorted to, you know, unnecessary demagoguing of the issue, and has tried to maintain that relationship. So I think he has been a force for stability and good in the region.

He points out, obviously there have been criticisms, but he saw him as a force for good in the region.

That's rather amazing when you look at what happened—we recall it was an Arab Spring, that we've later since realized was more of a nightmare winter. Certainly, the people of Egypt did not see it as a "spring" after President Morsi got around 13 million votes from the potential, as I understand, 50 million or more that could have voted. And he took over; and he began creating problems; and he became dictatorial; and he started violating his own constitution and taking actions that only a monarch or a tyrant should be taking.

But going back to the disposition and deposal of Mubarak in Egypt, it creates problems for a country when their leader on one occasion says, as the President did:

He has been a stalwart ally in many respects, to the United States. He has sustained peace with Israel, which is a very difficult thing to do in the region. But he has never resorted to, you know, unnecessary demagoguing of the issue, and has tried to maintain the relationship. So I think he has been a force for stability and good in the region.

What kind of message does it send to the world from what has been referred to as the remaining superpower in the world when its leader says to the world, this man has been a force for stability and for good, and then, not so long later, the same U.S. leader says he's got to go? He's got to go. He just needs to be done.

Well, if he was a force for stability and good, if you were accurate in those

comments, then one would think to get rid of him would bring about instability and bad—to use the antonyms. But push, cajole, make efforts to force Mubarak to leave, we did. And as the President said, you know, he had been an ally.

□ 1215

That doesn't look very good when other nations start trying to determine how should we deal with the United States.

In one of my trips overseas meeting with foreign diplomats, I was told that diplomats from China regularly stop by and ask, Have you learned that you cannot trust the United States yet? Because one of these days you are going to figure that out; you can't trust the United States. They'll say they're your friend one day and then turn around and be your enemy soon after. One of these days you're going to figure out the United States can't be trusted, they're not your friend, and we're ready to be your friend whenever that happens. Just let us know. We're always ready to be your friend. You can trust us.

Well, I'm not so sure about that, but I am concerned about the U.S. lack of credibility. So Mubarak was ousted and the Muslim Brotherhood took over Egypt. The people of Egypt, on the whole, very good, decent people. The moderate Muslims that reside there didn't want Muslim Brotherhood, didn't want tyrants, but enough people didn't come out early on.

The Muslim Brotherhood had the best organization, and anybody with any intelligence in the region or anybody that watched news other than CNN could figure that out, that the Muslim Brotherhood was going to take over, but they were not what the rank-and-file people really wanted. That became clear when the rank-and-file people saw Morsi, a Muslim Brotherhood member who actually technically said he was withdrawing since he was leader of Egypt. But his comments, so disparaging and slanderous of Israelis and Jews, and certainly uncomplimentary of Americans, did not make him someone that the United States should endorse so wholeheartedly.

In Libya, though Secretary Gates, Secretary of Defense, said we have no national interest in Libya at all, we had a President that decided unilaterally—at least, unilaterally in this country. He did have the support of the 57 States that comprise the organization Islamic Council and he had support of some of the NATO countries that got a lot of oil from Libya. He went in unilaterally, when it certainly did not appear there was any will of a majority of Congress to use American assets, military assets, to take out Qadhafi.

Make no mistake about it, Qadhafi was a man who had blood on his hands,

there's no question. Qadhafi was a man who had been engaged and supported terrorism. But interestingly, after 2003, when the United States, under President Bush, went into Iraq because both Democrats and Republicans, most of them, believed he was a threat, and according to the CIA notes, some guy named Joseph Wilson also believed that they were trying to get uranium, and even though there had been reports of yellowcake uranium having been taken out of Iraq, President Bush went into Iraq and in record time Saddam Hussein, his defense became the mother of all weak defenses and he was ousted.

All of a sudden Qadhafi, in Libya, went from a man who had been supporting terrorism to a man who was afraid of the United States and all of a sudden wanted to be our dear friend. There was a document that was made public that says the United States rescinded Libya's designation as a state sponsor of terrorism in June of 2006. Libya renounced terrorism and weapons of mass destruction in 2003 and has continued to cooperate with the United States and the international community to combat terrorism and terrorist financing.

On July 20, Malian President Amadou Toumani Toure confirmed to the Malian press that Libya, Algeria, and Mali planned to coordinate military and intelligence efforts to fight security threats linked to al Qaeda in the lands of the Islamic Maghreb in the Sahel-Saharan region.

Interestingly, Qadhafi had a true conversion experience when he became afraid that the United States might invade him next because of his support for terrorism, and he actually and legitimately did become an ally in the war against terror. In fact, when we look at things that the U.S. did—this is from *The Washington Post*, certainly not one of my biggest fans. But July 9, 2009, they reported that:

Libyan leader Muammar Qadhafi, who former President Ronald Reagan once denounced as a "mad dog," supped on pasta just two seats away from President Obama at the Group of Eight summit today and even secured a handshake with the U.S. President.

It talked about Qadhafi attending the summit, and it said, as Obama was shaking hands with Qadhafi, there were families of Pan Am 103 victims gathered at the British Embassy in Washington, it goes on, because they still were concerned about the blood he had on his hands.

So that was rather interesting that all of a sudden this was a man we could shake hands with, be friends with, and work deals with. Of course, Senator McCain was one of those who had gone over and felt like there was an opportunity to be friends. In fact, with regard to Mubarak, Senator McCain, supportive of the Obama administration

and Secretary Clinton, had said this: the case of Mubarak is a great example that Mubarak was a great friend of the United States. Mubarak's predecessor concluded Camp David agreements and he stuck to it. Basically, there was a stable relationship between Egypt and Israel.

With regard to Qadhafi, this article from Reuters from August 14, 2009:

Senator McCain and the delegation with him expressed their deep happiness to meet the leader—

Talking about Qadhafi.

and praised him for his wisdom and strategic vision to tackle issues of concern to the world in his efforts to sustain peace and stability in Africa.

So there were bipartisan feelings when the Obama administration started that, gee, Mubarak was an ally, Qadhafi had become an ally as somebody who could be trusted, and all these things. They're easy to find on the Internet, just a Bing search away from finding these things.

So the world watches this and they look for consistency. Because one of the things, for those who are fans of baseball, some umpires call balls and strikes with a different strike zone. But having been an umpire and having played baseball, you can live with somebody that calls a ball just off the outside corner as a strike as long as he's always consistent. So, you know, you can trust this umpire. He skewed a little bit, but he's consistent, so you can always trust him.

Consistency is critically important in the area of foreign affairs, yet we don't seem to have been very consistent when we used our military resources to help oust Muammar Qadhafi after he had a conversion experience and was doing what he could to help us fight terrorism outside of Israel. Some referred to him as the best friend we had in getting inside information on terrorism to help us combat it.

There was the sense here in Congress we had no business getting involved in Libya, especially as the reports emerged that al Qaeda was backing rebels and we didn't know how extensive that al Qaeda involvement was. But we knew it was there. We knew there were radical Islamists that were trying to drive Qadhafi out, and this administration did not pause long enough to get an answer to the question: If we drive Qadhafi out, will we be more safe in America or less safe?

Because, despite this desire to please the organization of Islamist Council and others in NATO, the number one obligation of this Congress and this President is to provide for the common defense of the people in this country. We took an oath to support this country under this Constitution against all enemies foreign and domestic.

The reasoned analysis of Libya during this so-called Arab Spring that was really a freezing winter was that we

are going to be in more trouble if Qadhafi is thrown out than if he is kept there—at least, those of us who looked at it besides the OIC and some that were getting oil from Libya who felt otherwise. But most people could see you're helping create instability into the region. If you look at the map of the former Ottoman Empire, you can see it around north Africa coming around up through the Middle East and Turkey, and you can see this starting to take shape.

We helped get rid of Mubarak and all of a sudden we get a radical Islamist in charge of Egypt. We helped not just merely with words and coercion but with bombs to get rid of Qadhafi. Many believe it is doubtful Qadhafi would have fallen, and certainly wouldn't have fallen when he did, if it weren't for all our bombing and air support to help the al Qaeda-backed rebels to throw him out and ultimately have him tortured and killed.

So where was the reasoning about how much this would help America, to allow radical Islamists to take Egypt and Libya? And then coming on around, as things fomented in Syria, it looked like initially these were not al Qaeda-backed rebels in Syria, and perhaps, as some believe, if we had acted quickly enough, if we had someone that wouldn't vote "present," if we had acted quickly enough, maybe we could have supported rebels who were not al Qaeda rebels, not radical Islamist rebels. But as it has degenerated in Syria now, and even as recent as this week, people are admitting that it looks like Assad really is more in control now.

It is degenerated to the point where our national security interest is not to get into the middle of that fight. You have a tyrant of a leader on one hand, and you have radical Islamists, most of whom would like to destroy the United States as well, who are challenging him. Where in the world is the interest in spilling American blood or treasure in getting into Syria?

With regard to Syria, we can look at comments that this administration had about Assad. CNSNews.com reported, March 28, 2011:

Secretary of State Hillary Clinton, on Sunday, drew a contrast between Syrian President Bashar Assad and his late father and predecessor, and said U.S. lawmakers who recently have visited Damascus regarded him as a "reformer."

She made the startling comment while explaining why the United States will not intervene on behalf of Syrian civilians revolting against the regime as it has done in the case of Libya.

President Assad has been very generous with me in terms of the discussions we have had.

This is Secretary of State Kerry, continued.

□ 1230

"And when I last went to—the last several trips to Syria—I asked President Assad to do

certain things to build a relationship with the United States and sort of show the good faith that would help us to move the process forward."

He mentioned some of the requests, including the purchase of land for the U.S. Embassy in Damascus, the opening of an American cultural center, noninterference in Lebanon's election, and the improvement of ties with Iraq and Bahrain, and said Assad had met each one.

"So my judgment is that Syria will move; Syria will change as it embraces a legitimate relationship with the United States and the West and economic opportunity that comes with it and the participation that comes with it."

Also in March of 2009 from the Jerusalem Center for Public Affairs, it says:

In early February, in a reversal of a longstanding U.S. policy, the U.S. Department of Commerce approved a license to sell Boeing 747 parts to Syria . . . A few weeks later, the U.S. Treasury Department authorized the transfer of \$500,000 to the Children with Cancer Support Association, a Syrian charity associated with President Bashar Assad's wife, Asma. Both decisions were seen as a softening of U.S. sanctions and an important U.S. diplomatic overture.

So it goes on, our cozying up with Assad. Perhaps that's why, when others around the world were saying that you have some moderates who were rebelling against Assad and that perhaps we can help them, this administration had already started having good feelings with the Assad administration, and perhaps that contributed to the slowness to want to move and act.

One thing is very clear at this point—it should be to anybody who looks objectively—Syria is not a place the United States should be involved in right now because, when the winner between two forces fighting is not going to be helpful—no matter who it is—to our country and when our oath and obligation is to this country, we should not get involved in that.

There are stories about gunrunning, running guns from Libya to Syria. Hopefully, at some point, we'll know exactly what the story was on that and is on that. Was it ongoing? Was it going on when Chris Stevens was involved? Hopefully, our leadership will allow us to pursue that properly and get the information so that we know exactly what happened, because we still have not gotten to the bottom of what happened in Benghazi, and there are families of dead patriots who died in Benghazi who deserve to know the answers.

So we supported and were thrilled—I say "we," meaning this administration, not the Congress, necessarily—and seemed to be pretty impressed with Morsi's taking over. Though reports came out of the slanderous things he said about Jews and Israelis and Americans, this administration seemed to be thrilled with his taking the position that he did, and seemed to be comforted by his saying—this is a Texas paraphrase—You know, I may have been part of the Muslim Brotherhood,

but I'll kind of back off of that for a while.

If you look at what he did, here are developments as reported by FOX News in Cairo in 2012:

In June: Morsi was elected President with 51.7 percent of the vote. He was sworn in. He became Egypt's first civilian Islamist ruler;

In August: A gunman kills 16 guards near the border with Israel; Morsi scraps a constitutional document which handed sweeping powers to the military, and he ousted Field Marshal Mohamed Hussein Tantawi, who was Head of State after Hosni Mubarak's fall in February of 2011;

In November: Morsi decreed that he would have sweeping new powers for himself. Later that month, the Islamic-dominated constituent assembly adopted a draft constitution after a process boycotted by liberals and Christians;

In December: Morsi annulled the decree of giving himself increased powers after all of the rancor and the people began to rise up in Egypt. Later in the month of December, 64 percent of the voters in a two-round referendum backed the new constitution in a vote that was marred by low turnout. The people of Egypt could see what was going on. Egypt plunged into political crisis with demonstrations by Morsi supporters and opponents, and they sometimes turned deadly;

Coming through April 2013: Sectarian violence north of Cairo kills four Christians and a Muslim;

In May: Morsi carried out a cabinet reshuffle, which fell short of opposition demands. Later in May, gunmen kidnapped three policemen and four soldiers in the Sinai peninsula. They were freed on May 22;

In June: Egypt's highest court invalidated the Islamist-dominated Senate, which assumed a legislative role when Parliament was dissolved and a panel that drafted the constitution. The Presidency says the Senate will maintain its powers until a new lower house is elected;

Later in June: Egyptian and foreign non-government official employees were given jail sentences, ranging from 1 to 5 years, from working illegally, causing international outrage. We know there were some good people who were jailed for nothing except trying to help people;

On June 15: Morsi announced the "definitive" severing of relations with war-torn Syria;

On June 21: Tens of thousands of Islamists gather ahead of a planned opposition protest;

On June 23: Defense Minister Abdel Fattah al-Sisi warns the army will intervene if violence erupts;

On June 28: The U.S. says nonessential Embassy staff can leave after an American is killed during protests;

On June 29: U.S. President Barack Obama urges Morsi to be more "constructive" as the death toll rises. The Tamarod "rebellion" campaign, which called rallies for June 30, says more than 22 million have signed a petition demanding Morsi's resignation and a snap election. The reports are that the largest demonstration may reach 33 million.

There had never been a demonstration in the entire world of as many as 20 million people, but the people of Egypt rose up. They recognized that radical Islamists in charge of their country were not a good thing even though the leaders of our country and the executive branch could not see the obvious.

In having talked to Egyptians who were furious with CNN—because most of them don't get FOX News, and so they're relegated to CNN. They were furious at how CNN seemed to take the side of the Muslim Brotherhood over and over, and they related that CNN was basically a part of the Muslim Brotherhood, at least as conveyed to me. There were people very upset.

Why are they not more objective?

And I tried to explain to them, Look, you have to understand that CNN has gotten such low ratings at times in the last couple of years that sometimes we've got more people watching C-SPAN—they're that bored—than watching CNN. Even though we're not part of the Nielsen ratings with the coverage here in the House, there are estimates. How sad is that for the once great Cable News Network?

What's even sadder is that this administration, with all of its assets and intelligence ability at its fingertips and disposal and with supposedly all of the people it could ever want—the people they thought were the best in the world at analyzing foreign situations—they thought Morsi was a good thing. Then, as you look at the map and as you see this jump-start of an Ottoman Empire having developed, wow, a problem occurred.

As I've said on this floor, Egyptians have caught me and have said, Hey, you're in Congress. Quit helping the Muslim Brotherhood. They're not good for Egypt. We don't like their tyrannical nature. We want to have a government where we have some say. We don't want tyrannical people who are Muslim. We don't want that.

Just as in Afghanistan, moderate Muslims say, We don't want radical Islamists, like the Taliban, controlling our country.

I can't blame the administration for the constitution that was forced on Afghanistan—that forced shari'a law, that forced a centralized nation. Many of them I've met with over in Afghanistan. Together with the Northern Alliance leaders we've met with, they've said, Look, if you could just give us a more federalist government like you're supposed to have in America where States have more power; if you could let our regions elect our governors instead of the President appointing them and elect our mayors instead of the President appointing them; if you could let us have more control, we can keep the Taliban from taking over. We're Muslim, but we don't want the radical Islamists. Don't leave us in a situation where that's what we have.

That's what we left them with and appeared to encourage in Egypt. It's certainly what we left Libya with, and four Americans were dead in Benghazi as a result. Bad decisions, unfortunately, at the level of the highest positions in the United States of America have terrible consequences all around the world.



As I've mentioned, an elderly African from west Africa told me before I left a couple of years ago, We were so excited when you elected a Black President in America, but we've seen America. It appears to be growing weaker and weaker, and you're not taking the strong stance you used to. We're concerned because, if America does not stay strong, we will suffer around the world, those of us who count on you to stand for freedom and what's right. Please don't get any weaker.

There are people around the world pleading that, and they don't even ask us to be the world's policeman. They just ask us to stand strong so that, if we were needed to stop an outright injustice that could threaten the world, including us, we could step in. But unfortunately, in the Middle East, nobody fears the United States and nobody is threatened by the United States. They see us as a paper tiger.

It has been amazing, though. If you just watch certain cable news networks—and even FOX I don't think has done quite an adequate job of really capturing what has been going on in Egypt. This is for the whole history of mankind. We are talking about a major, incredible, earthshaking revolution that has gone on in Egypt. These are people—moderate Muslims, combined with Coptic Christians, coupling themselves with liberal secularists—who don't want radical Islam running Egypt. So this grand scheme of building a great caliphate, a new Ottoman Empire—whatever you want to call it—ran into a huge problem when these incredible, freedom desiring Egyptians rose up in greater numbers than has ever arisen anywhere in the world in the whole history of mankind.

This is incredible—incredible—and people need to recognize and need to be encouraged, not by the Arab winter that was originally called an Arab Spring, but by the true spring that is now happening in Egypt as moderate Muslims and Coptic Christians and caring secularists have arisen together and said “no” to radical Islam. We want freedom. We want a say in our government.

In having visited with a friend who has been over there and has taken pictures and talked to people, she said it was amazing to see the Egyptian pope have people—Muslims—come up and say, We are so sorry for the way Christians are being treated in Egypt by the Morsi administration. We are so sorry. We hope we can change this to where we can live together in peace.

That's what they want. Twenty, thirty million people coming out in protest? That would scare the little, puny Occupy Wall Street people to death. It's incredible.

□ 1245

The people of the United States, Mr. Speaker, need to understand we are liv-

ing in a time that we are witnessing extraordinary international events, even when people at the highest levels of this country do not recognize how extraordinary it is. Perhaps they do, but perhaps they're embarrassed because radical Islam, through the Muslim Brotherhood, is now taking over Egypt and Libya and trying to take over Syria and putting our allied King Abdullah in Jordan in the hot seat, trying to force agreements out of him over the threat of deposing him.

People over in the Middle East get it. The people in Russia and China, leaders there, they get it. This is a big deal. But perhaps our administration has been embarrassed by not recognizing the real truth of what was going on.

I thought it would be helpful to just look at some of the photographs just recently taken during these demonstrations to get more of a feeling of where the Egyptian people are as this most extraordinary of revolutions is taking place. And it's important to note that you can talk to people in Egypt that say, Look, we want to be friends with the United States. We like the United States, but we cannot stand the fact that your government, we believe, really helped force us into having a Muslim Brotherhood, a radical Islamist in charge of our country. We didn't want it. You forced the elections on us before we were ready. Some would say, Well, they chose their own elections. We were helping. We could've delayed them until more people had time to participate. But all the information that I was hearing here on the Hill, that was nonclassified, indicated that if elections occurred when they did, the Muslim Brotherhood would win. They were the most organized. And if they could be delayed to a time where the people themselves had a chance to organize and be heard, that there really would be a good turn in Egypt.

But this administration did not help, did not delay the elections long enough to allow the true Egyptian people to be heard, and as a result, no matter how unfair it may be or how fair it may be, the Egyptian people, millions and millions of them, have a terrible perception of the leadership of the United States. They make clear they like America, they like the United States, but the leadership currently did them great harm.

We know that when the President was elected, as he went around and spoke in the Middle East, some said that this was going to really increase the love and affection between the United States and majority-Muslim countries. The polling data seems to say just the opposite: that our country, because of the leadership of this administration, is respected and admired far less than it ever was even under the Bush administration, because at least under the Bush administration they

knew that Bush would be consistent, whether they liked him or not.

So I think it would be helpful to look at some of these pictures, one of the big posters that was being used during the revolution. Make no mistake. When the Egyptians put messages in their big banners and signs in English, they want the message coming to America. The message these Egyptians had:

Egyptians spoke. Al-Sisi listened. We the people have spoken.

So they're appreciating the military leader that—after 20 million, 30-plus million Egyptians arose that dwarfed the small number of votes that Morsi got in the early election, the people of Egypt spoke. This was a revolution, an uprising by the people. And the military heard and witnessed the people rising up, and it answered and said, Okay, Morsi goes, because they recognized, as did the vast people across Egypt, that he had violated the Constitution. He had become a tyrant. He had become a dictator, and he had to go. Our administration here was slow to recognize. It's very sad because we do have a very intelligent President in the United States. Yet, the image they have in Egypt is that he sided with the wrong people, that the masses in Egypt did not want.

So on this same poster where they're praising the leader of the military in Egypt for listening to the majority of adults in Egypt and doing the right thing for democracy, they have a red “X” through our great President's face. It's terribly unfortunate. It does not actually do what this President and most of us in this country hoped—well, at least majority-Muslim nations will look on us more favorably, and this is what we're seeing.

I have another poster here during the massive protests. From what I was told by people that were there, they got really upset as CNN kept saying this is a coup, this is a coup, trying to diminish the importance of what was happening with 20 million, 30 million Egyptians rising up. So obviously they mean this for United States consumption. But these are things that massive numbers of people in Egypt were supportive of. It's a revolution, not a military coup, 33 million Egyptians protesting peacefully against Morsi, the tyrant and terrorist, who was supported by the USA. They want to make sure that we understand this is the real people of Egypt rising up. We need to be supportive of that.

Another sign:

New supreme guide of the Muslim Brotherhood. Anne Patterson, hands off Egypt.

There were multiple of those signs around as people were gathering.

They've seen what this administration did, and they didn't like it. These were the masses. The symbol of the Muslim Brotherhood was in the same circle with CNN because they began to feel in Egypt that CNN was not reporting accurately, that the people did



want to live in peace with Christians and did want to live in peace with secularists, and not at the hands of a Muslim Brotherhood tyrant.

This sign, in both English and their language, says, "Obama supports terrorism." Well, of course President Obama doesn't support terrorism. Of course he does not. But the way it looked to Egyptians when we were supporting a terrorist, they presume we must and our President must support terrorism. We know he doesn't, but they don't know that because this Nation, this administration has supported terrorists in Libya and Egypt, and is now trying to get support for terrorists in Syria.

Another sign during the demonstrations obviously for U.S. consumption:

My dear American friend, when you get killed by terrorists, do not blame anyone but your President Obama and his administration.

Well, that's ridiculous. When we're killed by terrorists in America, we should not blame the President. There may be negligence in America by many people when it occurs, as I believe happened with the Boston bombing. We were given information that was not properly utilized because of the handcuffing that has gone on within our FBI, within our intelligence community, within our State Department, and the purging of training material to keep us, as one intelligence officer said, from being able to see who our enemy is. We have hurt ourselves in a terrible fashion in our ability to understand who wants to kill us.

I don't support any of these signs. I don't think they're proper. But I think it's important to understand what the people in Egypt are seeing and thinking so that we can give them the proper perspective on American people.

You can't really read the whole thing on this one, but it is basically making it clear this is not a coup, it's the people:

Thanks to our great Army that supports our great revolution.

In the October Revolution in the Soviet Union, Lenin appeared there in St. Petersburg and persuaded some people to support his revolution, but that revolution, that little gathering would not have done any good, as historians know. It was not until Trotsky went across to the military, across the river—I've been there—and he got up on something and he starts speaking eloquently to the military. Once he convinced the military to side with Lenin, then there was a true revolution that occurred. Nobody called that a coup. It was a small handful of people around Lenin rising up, but they convinced the military to support the October Revolution. As a result, there was a revolution and not just a tiny little uprising, which it would have otherwise been without Trotsky's eloquence.

That's why it's important to understand that when 33 million in Egypt rise up, this is not an in-house coup. This is the masses of a great country rising up to say, We yearn to be free, and we don't want a radical Islamist controlling our country. And it's important for people of the United States to understand this is where we are. And 33 million people, the vast majority of the adult voters in that country, want to make clear they want to live in peace with Christians, secularists. Those are the people we can hold accountable and trust more that they will do the right thing because the support for the persecution of Christians around the world, the persecution and the killing of Christians, the torturing of Christians around the world, is growing like never before, and this great nation that arose based on Judeo-Christian ethics stands idly by as the last public Christian church in Afghanistan closed, as the last Jew, publicly admitting Jew, leaves.

That's when Afghanistan still had vast American presence. Even today, we could still turn the tide if we choose to, but we are not. And there may be an accountability issue some day with the judge of all judges. Because as John Quincy Adams argued, right down here below us in the old Supreme Court chamber downstairs, in the Amistad case, as he stood there representing Africans who were free Africans, but then they were wearing chains, and they were said to be slaves because they had been captured by other Africans and sold and brought to the Caribbean and then put on the Spanish ship the Amistad, and then they landed in America by mistake, and the Africans wanted to be free and the Spanish said, No, they're our property. Ultimately, the Supreme Court downstairs—you can find online, Mr. Speaker, the last part of John Quincy Adams' oral argument as he was literally frightened because he knew if he had not done an adequate job to argue his case, that those Africans would wear chains for the rest of their lives, and their children would and possibly their children, if he did not do an adequate job in representing them.

He didn't feel good about the first 2 days of his argument. So he finishes by asking, Where is Chief Justice Marshall? And he ran through the names of every justice that had been on the court and was dead.

□ 1300

One of the Justices of that nine-Justice Court had died during oral arguments one night. It was not during the arguments themselves, but during the course of the arguments. So they were down. He asked where he was. He asked where the solicitor general was that had last argued a case against him in the early 1820s. And he ends up pointing out, in essence, they've all gone to

meet their Judge, and the biggest question about their lives is did they hear, Well done, good and faithful servant?

John Quincy Adams won the case, and those Africans left as free as they should have been.

But some of us have a fear that if we do not do more to support truth and justice and the American ideals that this country was founded on, there will come a day of judgment; and but for grace, it would be a horrible thing. But we still have an obligation to do the best we can, to meet our sworn obligations, and to let people like this in Egypt know that we want to stand with free nations and be friends of free nations.

Here's another big banner that was there during the Egyptian protest:

Egypt will remain a civil state. Live, freedom, social justice.

And then with an American in the picture, the caption says:

We know what you did last summer.

They've gotten the wrong impression of the people of America, and it's up to the Americans to demand our leadership give the people of Egypt the proper impression that we do care about freedom-loving people.

Here's another one. It's hard to read, but:

Obama and Patterson support terrorism in Egypt.

Well, we know that's not true, but there are masses over there that believe that. We've got to correct that, and the way you do that is by supporting people who really do want to be free.

And another picture that just came from Egypt, I was told the Egyptians love America, but they don't trust our leadership.

We have an obligation. Our obligation is to the United States of America. And in this Congress, our obligation is to our oath, to fulfill our oath. And those of us who are Christians, to whom oaths mean so much more, we owe everything we have, owe everything we can do to support our Constitution and to protect people in this country from all enemies, foreign and domestic, and to protect our Constitution from all enemies, foreign and domestic.

And there are some who would say, you know, the Muslim Brotherhood, they got pretty violent over to Egypt and Libya and other places, and there are Muslim Brotherhood members in the United States. As one Egyptian article pointed out with pride, gee, they can be proud, they have six Muslim Brotherhood members who are high level confidants in this administration, in important positions of really advice in this administration.

The Muslim Brotherhood members here in America, as I understand it, did not support the Boston bombing because their position is we are doing

such a great job of infiltrating and getting key positions of advice where we can monitor and watch and talk people into doing what we believe should be done, we don't want to stir up violence in the United States now; but maybe at some point it'll be necessary, but right now we're doing so well helping infiltrate the government and take over that we don't want violence right now. It may wake up the American people.

But the truth is anyone in this country or around the world that wants to subvert our Constitution to sharia law is an enemy of the United States. Whether they live here domestically or they live abroad, if their allegiance is to subvert the U.S. Constitution to sharia law, they are our enemy. And they are people from whom we took an oath to protect our Constitution and this country. The people of Egypt, God bless them, they have arisen and made clear, we don't want radical Islamists running our country. We don't want to see Christians persecuted and killed and tortured, as has been going on. Those are the kind of people this Nation should befriend and not try to rush in and shore up those who would persecute, torture, and kill Christians and Jews and secularists that just want to be free.

Mr. Speaker, we have an awesome obligation. We have an obligation to the people of the United States of America to get things right around the world so we do not put Americans at risk. And for those who would try to put a racial label on anything, there's nothing racial about wanting right and truth and justice. And I wonder where they were when I was supporting Alan Keyes. It's not about race; it's about truth, justice. It's about the life, liberty, and pursuit of happiness with which we were endowed by our Creator. But just like any inheritance, any endowment, if we're not willing to protect it, if we're not willing to fight for it, we will lose it.

With that, Mr. Speaker, I yield back the balance of my time.

#### HAPPY BIRTHDAY, PRESIDENT NELSON MANDELA

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, let me thank the gentleman from Virginia for his courtesy, and I thank the Speaker.

Yesterday was the 95th birthday of former President Nelson Mandela. What a joy to be able to hear that during the time of celebration that we had here in the United States Congress, President Mandela, who had been ill for a period of time, had earphones on and was looking at television. The words that came from the minority and majority leader, Republicans and Democrats, the Speaker and leader, Repub-

licans and Democrats and various leaders of the House, commended and recognized that a man who had come from the tyranny of separation and apartheid, who had to be against his government in order to free his people, could be recognized and applauded, because when he walked out of Robben Island, he walked without bitterness.

And one of the greatest opportunities that he gave to the world was the idea that there could be a democratic election in South Africa. And from that time, he has been a man who promoted peace and promoted love and led his nation out of the devastation of separation and bitterness with kindness and love.

I'm delighted to stand on the floor today and say: happy birthday, Madiba; happy birthday, President Nelson Mandela. And if it's God's will, may you live forever onward in better health.

#### UNANSWERED BENGHAZI QUESTION NO. 4

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Virginia (Mr. WOLF) for 30 minutes.

Mr. WOLF. Mr. Speaker, today I ask my fourth question in a series of unresolved issues surrounding the Benghazi terrorist attacks. With only eight more legislative days before the Congress departs for August recess, I'm increasingly concerned that these questions will remain unanswered by the time we mark the 1-year anniversary of the Benghazi attacks the week we return from recess in September.

That is why I continue to raise these questions to provide the American people with a better understanding of how little we really know about this incident, despite nearly a year of investigations in multiple committees. Unless these questions are answered by the committees, or rather by a select committee focused on Benghazi as I have advocated for more than 8 months, the American people will never learn the complete truth.

Today I am pleased to share one piece of good news before I raise the fourth critical unanswered question. At my request today, the House State and Foreign Operations Appropriations Subcommittee reported out a bill that prohibits funding from the Millennium Challenge Corporation (MCC) from going to the country of Tunisia.

Last year, Tunisia detained the first suspect in the Benghazi terror attacks, Ali Harzi, after he was deported from Turkey in the weeks following the attack.

Tunisia, despite being a beneficiary of more than \$300 million in U.S. foreign aid by the American people, refused to allow the FBI access to this suspect for nearly 5 weeks. It was only

after congressional threats to cut off the aid that the Government of Tunisia reconsidered its position.

Ultimately, the FBI interrogation team returned to Tunisia and was allowed just 3 hours to interview Harzi, with his lawyer and a Tunisian judge present. Not long after the FBI interview, Harzi was inexplicably released by the Tunisian authorities, and his release was celebrated by the terrorist group Ansar al Sharia.

Consider that for a moment the Tunisian Government kept the FBI interrogation team waiting on the ground for 5 weeks before they ultimately left the country. Only under the threat from certain Members of the U.S. Congress did Tunisia relent and allow the FBI team to return to interview this suspect for a mere 3 hours. Then, when the terrorist is released, there is a celebration. That's shameful. We lost four Americans in the attack on Benghazi and a number were wounded and two were wounded very seriously.

Because of Tunisia's obstruction of the FBI's investigation, the House has taken the first step today to send a signal to Tunisia and other countries harboring the terrorists responsible for the death of four Americans in Benghazi. This is an important and overdue step—overdue because the Obama administration could have long ago suspended or terminated its payments to Tunisia or other countries that failed to cooperate with the FBI in this investigation.

This brings me to today's question, the fourth in a series of critical unanswered question: Why has the Obama administration not taken any steps to apply pressure to countries that have refused to allow the FBI access to terrorists responsible for the Benghazi attack?

After nearly a year of investigation, has the FBI had access to any other suspects in any other country other than their brief interview with Harzi?

Even more importantly, nearly a year after the Benghazi attacks, why has no Benghazi terrorist faced any form of justice for the killing of four Americans, including a sitting U.S. Ambassador?

Reports indicate that upwards of 100 terrorists may have attacked the consulate and annex. We can't even bring one of those 100 to justice after a year? How is it that after nearly a year of investigation, and despite the full resources of the U.S. intelligence, defense, and law enforcement agencies, we are still unable to locate, apprehend, and bring to justice any of the suspected terrorists?

□ 1315

One can't help but ask whether the administration really wants a full and transparent accounting of what transpired on that fateful night. The administration's record certainly does not reflect it.

The American people may wonder if the government really wants progress made in this investigation for fear that it will no longer be able to hide behind the FBI investigation as its excuse not to comment on what happened in Benghazi.

Consider that in May, the Associated Press reported, and I quote from the Associated Press:

The U.S. has identified five men who might be responsible for the attack on the diplomatic mission in Benghazi, Libya, last year, and has enough evidence to justify seizing them by military force as suspected terrorists, officials say. But there isn't enough proof to try them in a U.S. civilian court as the Obama administration prefers. The men remain at large while the FBI gathers evidence.

If this report is accurate, it recommends a stunning abdication of responsibility on the part of this administration to allow known Benghazi terrorists to continue to walk free because the President refuses to use military force to capture or eliminate them.

When will the FBI be able to gather enough evidence to use in a civilian trial against them if they're denied access by countries because the administration refuses to use the tools of American diplomacy to bring pressure to bear on those countries?

Additionally, there's a larger question of whether it is even appropriate, if enough evidence is gathered, to bring the terrorists to the U.S. for a civilian trial. Benghazi was a battlefield, not a crime scene. Those responsible should face justice as enemy combatants, not as common criminals.

As we mark the 1-year anniversary of the Benghazi attacks, how can any of us really say to the families of the victims, or the wounded survivors—and we should know who the survivors are, because they are heroes—that the U.S. has done everything they can to locate, capture, and hold accountable those responsible?

I want to credit Representative KAY GRANGER, the chair of the Appropriations Subcommittee that blocked additional funding for Tunisia. I hope this Congress will similarly hold accountable the other countries that obstruct the FBI's efforts to arrest or interview other suspects. It is increasingly clear the Obama administration will not.

How many years will it take until any, if not all, of the Benghazi terrorists face justice for killing four Americans and seriously wounding several others?

Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HORSFORD (at the request of Ms. PELOSI) for today on account of medical-mandated recovery.

#### ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until Monday, July 22, 2013, at noon for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2277. A communication from the President of the United States, transmitting notification that the Executive Order issued declaring a national emergency with respect to the unusual and extraordinary threat that significant transnational criminal organizations pose to the national security, foreign policy, and economy of the United States is to continue in effect beyond July 24, 2013, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 113-48); to the Committee on Foreign Affairs and ordered to be printed.

2278. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rochester Yacht Club Fireworks, Genesee River, Rochester, NY [Docket No.: USCG-2013-0312] (RIN: 1625-AA00) received July 12, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2279. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; ODBA Draggin' on the Waccamaw, Atlantic Intracoastal Waterway; Bucksport, SC [Docket No.: USCG-2013-0102] (RIN: 1625-AA08) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2280. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Marine Events, Wrightsville Channel; Wrightsville Beach, NC [Docket No.: USCG-2013-0118] (RIN: 1625-AA08) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2281. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations and Safety Zones; Marine Events in Northern New England [Docket No.: USCG-2012-1057] (RIN: 1625-AA08; AA00) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2282. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations For Marine Events, Atlantic City Offshore Race, Atlantic Ocean; Atlantic City, NJ [Docket No.: USCG-2013-0305] (RIN: 1625-AA08) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2283. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area, Gulf of Mexico: Mississippi Canyon Block 20, South of New Orleans, LA; Correction [Docket No.: USCG-2013-0064] (RIN: 1625-AA11) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2284. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 219 to Mile Marker 229, in the vicinity of Port Allen Lock [Docket No.: USCG-2013-0376] (RIN: 1625-AA00) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2285. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Inbound Transit of M/V TEAL, Savannah River; Savannah, GA [Docket No.: USCG-2013-0245] (RIN: 1625-AA00) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2286. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Queen's Cup; Lake Michigan; Milwaukee, WI [Docket No.: USCG-2013-0463] (RIN: 1625-AA00) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2287. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule — Special Local Regulation; Heritage Coast Offshore Grand Prix, Tawas Bay; East Tawas, MI [Docket No.: USCG-2013-0434] (RIN: 1625-AA08) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of Florida. Committee on Veterans' Affairs. H.R. 602. A bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes (Rept. 113-159). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOODLATTE. Committee on the Judiciary. H.R. 367. A bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law; with an amendment (Rept. 113-160 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. RYAN of Wisconsin. Committee on the Budget. H.R. 1874. A bill to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation; with amendments (Rept. 113-161 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Rules and the Budget discharged from further consideration. H.R. 367 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Rules discharged from further consideration. H.R. 1874 referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FARENTHOLD:

H.R. 2746. A bill to prevent undue disruption of interstate commerce by limiting civil actions brought against persons whose only role with regard to a product in the stream of commerce is as a lawful seller of the product; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALBERG (for himself and Mr. COURTNEY):

H.R. 2747. A bill to amend title 40, United States Code, to transfer certain functions from the Government Accountability Office to the Department of Labor relating to the processing of claims for the payment of workers who were not paid appropriate wages under certain provisions of such title; to the Committee on Education and the Workforce.

By Mr. ISSA (for himself, Mr. FARENTHOLD, and Mr. ROSS):

H.R. 2748. A bill to restore the financial solvency of the United States Postal Service and to ensure the efficient and affordable nationwide delivery of mail; to the Committee on Oversight and Government Reform.

By Mr. LARSEN of Washington (for himself and Mr. YOUNG of Alaska):

H.R. 2749. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to make certain records available to educational institutions where veterans or persons receiving educational assistance under the laws administered by the Secretary are enrolled, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GRAVES of Missouri (for himself, Ms. HERRERA BEUTLER, Mr. HANNA, Mr. MULVANEY, Mr. CONNOLLY, Mr. MEADOWS, and Ms. MENG):

H.R. 2750. A bill to amend title 41, United States Code, to require the use of two-phase selection procedures when design-build contracts are suitable for award to small business concerns, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. HANNA (for himself, Mr. GRAVES of Missouri, and Ms. MENG):

H.R. 2751. A bill to amend the Small Business Act to prohibit the use of reverse auctions for design and construction services procurements; to the Committee on Small Business.

By Mr. ALEXANDER:

H.R. 2752. A bill to amend the Internal Revenue Code of 1986 to exclude seasonal workers from the applicable large employer determination for purposes of employer shared responsibility regarding health coverage; to the Committee on Ways and Means.

By Mrs. BLACK:

H.R. 2753. A bill to amend title XVIII of the Social Security Act to improve Medicare Advantage, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD (for himself, Mr. SMITH of Texas, Mr. WAXMAN, Mr.

TERRY, Mr. SCALISE, and Mr. CASSIDY):

H.R. 2754. A bill to amend the Hobby Protection Act to make unlawful the provision of assistance or support in violation of that Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GALLEG0 (for himself, Mr. VEASEY, and Mr. VELA):

H.R. 2755. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the administratively uncontrollable overtime of Border Patrol agents; to the Committee on Ways and Means.

By Mr. AL GREEN of Texas (for himself, Mr. COHEN, Mr. BUTTERFIELD, Mr. HINOJOSA, Mr. HONDA, and Ms. MOORE):

H.R. 2756. A bill to require any State which, after enacting a Congressional redistricting plan after a decennial census and apportionment of Representatives, enacts a subsequent Congressional redistricting plan prior to the next decennial census and apportionment of Representatives, to obtain a declaratory judgment or preclearance in the manner provided under section 5 of the Voting Rights Act of 1965 in order for the subsequent plan to take effect; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. RANGEL, Mr. ELLISON, Ms. NORTON, Mr. HOLT, Mrs. NEGRETE MCLEOD, Mr. FARR, and Ms. LEE of California):

H.R. 2757. A bill to amend title XIX of the Social Security Act to remove the exclusion from medical assistance under the Medicaid Program of items and services for patients in an institution for mental diseases; to the Committee on Energy and Commerce.

By Ms. LOFGREN:

H.R. 2758. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mrs. MCCARTHY of New York:

H.R. 2759. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a Volunteer Teacher Advisory Committee; to the Committee on Education and the Workforce.

By Ms. PELOSI (for herself, Ms. ESHOO, Mr. HUFFMAN, Ms. LEE of California, Ms. LOFGREN, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Ms. SPEIER, Mr. SWALWELL of California, and Mr. THOMPSON of California):

H.R. 2760. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Panama-Pacific International Exposition and the Panama Canal, and for other purposes; to the Committee on Financial Services.

By Mr. SCHIFF (for himself, Mr. POE of Texas, Mr. HOLT, Mr. HUFFMAN, and Mr. VAN HOLLEN):

H.R. 2761. A bill to require Presidential appointment and Senate confirmation of Foreign Intelligence Surveillance Court judges; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 2762. A bill to amend the Federal Power Act to establish a regional trans-

mission planning process, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER (for herself, Mr. REED, Mr. MAFFEI, and Mr. HANNA):

H.R. 2763. A bill to reauthorize appropriations for the National Women's Rights History Project Act; to the Committee on Natural Resources.

By Mr. STOCKMAN (for himself, Mr. NEUGEBAUER, Mr. PEARCE, Mr. FRANKS of Arizona, Mr. BONNER, and Mr. DUNCAN of South Carolina):

H.R. 2764. A bill to provide that human life shall be deemed to exist from conception; to the Committee on the Judiciary.

By Mr. WITTMAN (for himself and Mr. ALEXANDER):

H.R. 2765. A bill to amend the Immigration and Nationality Act to promote the economic survival of seasonal small businesses by ensuring that the wages paid to H-2B non-immigrants are fair and reasonable; to the Committee on the Judiciary.

By Mr. PRICE of Georgia (for himself, Mr. COURTNEY, Mr. BUCHSON, Mr. BOUSTANY, and Mr. BENISHEK):

H. Res. 307. A resolution expressing support for designation of October 6, 2013, through October 10, 2013, as "American College of Surgeons Days" and recognizing the 100th anniversary of the founding of the organization; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. DEUTCH, Mr. BILIRAKIS, and Mr. SARBANES):

H. Res. 308. A resolution expressing support to end the 39-year-old division of the Republic of Cyprus; to the Committee on Foreign Affairs.

By Ms. WATERS (for herself, Ms. LEE of California, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. ELLISON, Ms. NORTON, Mr. RANGEL, Mr. CONYERS, Mr. ENYART, Ms. JACKSON LEE, Mr. RUSH, Ms. WILSON of Florida, Ms. CLARKE, Mr. MEEKS, Mrs. BEATTY, Mr. CLAY, Mr. HASTINGS of Florida, Mr. POLIS, Mr. DANNY K. DAVIS of Illinois, Mr. LEWIS, Ms. HAHN, Mr. LEVIN, Ms. BROWN of Florida, Mr. WATT, Mr. SMITH of Washington, and Ms. SEWELL of Alabama):

H. Res. 309. A resolution supporting the goals and ideals of National Clinicians HIV/AIDS Testing and Awareness Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CHABOT (for himself, Mr. ROHRBACHER, Mr. MESSER, Mr. HOLDING, and Mr. PERRY):

H. Res. 310. A resolution calling for more accountable foreign assistance for Cambodia; to the Committee on Foreign Affairs.

By Mr. HOYER (for himself, Mr. LEWIS, Mr. CLYBURN, Mr. LARSON of Connecticut, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. LANGEVIN, Ms. FUDGE, Mr. HINOJOSA, and Ms. CHU):

H. Res. 311. A resolution urging the President and Congress to take actions to fill vacancies on the Election Assistance Commission; to the Committee on House Administration.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers

granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. FARENTHOLD:

H.R. 2746.

Congress has the power to enact this legislation pursuant to the following:

Article 1 § 8

By Mr. WALBERG:

H.R. 2747.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3 of the Constitution of the United States

By Mr. ISSA:

H.R. 2748.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8

To establish Post Offices and post Roads.

By Mr. LARSEN of Washington:

H.R. 2749.

Congress has the power to enact this legislation pursuant to the following:

As described in Article 1, Section 1 "all legislative powers herein granted shall be vested in a Congress."

By Mr. GRAVES of Missouri:

H.R. 2750.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution, which provides Congress with the ability to enact legislation necessary and proper to effectuate its purposes in taxing and spending.

By Mr. HANNA:

H.R. 2751.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution, which provides Congress with the ability to enact legislation necessary and proper to effectuate its purposes in taxing and spending.

By Mr. ALEXANDER:

H.R. 2752.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8, which states that Congress had authority "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Depart or Officer thereof."

By Mrs. BLACK:

H.R. 2753.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution; whereby the Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. BUTTERFIELD:

H.R. 2754.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3—The United States Congress shall have power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. GALLEG0:

H.R. 2755.

Congress has the power to enact this legislation pursuant to the following:

# THE U.S. CONSTITUTION ARTICLE I, SECTION 8:

## POWERS OF CONGRESS CLAUSE 18

The Congress shall have power . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. AL GREEN of Texas:

H.R. 2756.

Congress has the power to enact this legislation pursuant to the following:

Necessary and Proper Clause (Art. 1 sec. 8 cl. 18)

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 2757.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution.

By Ms. LOFGREN:

H.R. 2758.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4

Section 5 of Fourteenth Amendment

By Mrs. MCCARTHY of New York:

H.R. 2759.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. PELOSI:

H.R. 2760.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8. "The Congress shall have Power . . . to coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;"

By Mr. SCHIFF:

H.R. 2761.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clauses 1, 3, and 18 of the Constitution of the United States.

By Mr. SENSENBRENNER:

H.R. 2762.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

By Ms. SLAUGHTER:

H.R. 2763.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution.

By Mr. STOCKMAN:

H.R. 2764.

Congress has the power to enact this legislation pursuant to the following:

This legislation affirms that human life begins at conception and that the unborn are entitled to the same rights and protections afforded to all American citizens under the U.S. Constitution and Section 1 of the 14th Amendment which states, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

By Mr. WITTMAN:

H.R. 2765.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4, which states that Congress has the power to establish a uniform Rule of Naturalization.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Ms. DEGETTE, Ms. HANABUSA, Mrs. CAPITO, Mr. HINOJOSA, Mr. BRADY of Pennsylvania, Mr. DOYLE, and Mr. ROONEY.

H.R. 183: Mr. BARLETTA.

H.R. 207: Mr. KELLY of Pennsylvania and Mr. FLEMING.

H.R. 366: Ms. SHEA-PORTER.

H.R. 367: Mr. SMITH of Missouri.

H.R. 419: Mr. MESSER.

H.R. 508: Mr. OWENS.

H.R. 533: Mr. LOWENTHAL.

H.R. 647: Mr. FORBES.

H.R. 676: Ms. LORETTA SANCHEZ of California.

H.R. 683: Mr. BERA of California.

H.R. 721: Mr. KILDEE.

H.R. 792: Mr. ROSKAM.

H.R. 868: Ms. KELLY of Illinois.

H.R. 901: Mr. BEN RAY LUJAN of New Mexico, Mr. HECK of Nevada, and Mr. AMASH.

H.R. 935: Mr. SALMON, Mr. SCHWEIKERT, Mr. COTTON, Mr. DESJARLAIS, Mr. KLINE, Mr. BARLETTA, Mr. STIVERS, Mr. GINGREY of Georgia, Mrs. ROBY, Mr. FLEISCHMANN, and Mr. POMPEO.

H.R. 938: Ms. SLAUGHTER, Mr. WALZ, Mr. DELANEY, and Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 942: Mr. PAYNE and Mr. CICILLINE.

H.R. 956: Mr. KINGSTON, Mr. SHUSTER, and Mr. AUSTIN SCOTT of Georgia.

H.R. 1000: Mr. HUFFMAN.

H.R. 1009: Mr. COLLINS of New York.

H.R. 1014: Mr. MCCAUL, Mr. RODNEY DAVIS of Illinois, and Mr. THORNBERRY.

H.R. 1015: Ms. WATERS and Mr. VEASEY.

H.R. 1024: Mr. LARSON of Connecticut and Mr. DESJARLAIS.

H.R. 1077: Mr. BURGESS and Mr. PITTENGER.

H.R. 1091: Mr. DESJARLAIS and Mr. ALEXANDER.

H.R. 1095: Mr. JOHNSON of Ohio, Mrs. MILLER of Michigan, and Mr. COLE.

H.R. 1179: Mr. KILMER.

H.R. 1180: Mr. KILDEE, Mr. KEATING, Mr. KENNEDY, and Ms. CHU.

H.R. 1201: Mr. LOEBSACK.

H.R. 1209: Mr. PETERS of Michigan and Mr. MICA.

H.R. 1250: Mr. NUNNELEE.

H.R. 1288: Mr. TIERNEY.

H.R. 1310: Mr. BUCHANAN.

H.R. 1431: Mrs. BUSTOS, Mr. MAFFEI, Mr. PERLMUTTER, Mr. POCAN, and Mr. CARTWRIGHT.

H.R. 1541: Mr. MULVANEY.

H.R. 1563: Mr. BARLETTA.

H.R. 1677: Mrs. NAPOLITANO.

H.R. 1686: Mr. CARTWRIGHT.

H.R. 1692: Mr. PITTS and Mrs. BEATTY.

H.R. 1708: Ms. SLAUGHTER.

H.R. 1717: Mr. MCINTYRE, Mr. BACHUS, Mr. ALEXANDER, Mr. YOUNG of Indiana, and Mr. LYNCH.

H.R. 1731: Mr. GEORGE MILLER of California and Mr. SIRE.

H.R. 1750: Mr. YOUNG of Alaska, Mr. GOSAR, Mr. HARPER, Mr. BARLETTA, Mr. PALAZZO and Mr. PETERSON.

H.R. 1761: Mr. RUPPERSBERGER and Mr. SARBANES.

H.R. 1771: Mr. WOODALL, Mr. PITTS and Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 1775: Mr. HUFFMAN, Mr. HIGGINS, and Mr. SWALWELL of California.

H.R. 1812: Mr. JOHNSON of Georgia.

H.R. 1814: Mr. HALL, Mr. DUFFY, Ms. TSONGAS, Mr. CASSIDY, Mr. DUNCAN of Tennessee, and Mr. FRANKS of Arizona.

- H.R. 1825: Mr. CAMP.  
H.R. 1830: Ms. WATERS.  
H.R. 1861: Mr. COLLINS of New York.  
H.R. 1918: Mrs. MILLER of Michigan.  
H.R. 1950: Mr. GIBBS.  
H.R. 1953: Ms. SCHAKOWSKY.  
H.R. 1998: Mr. BRALEY of Iowa and Mr. LOWENTHAL.  
H.R. 2000: Mrs. NAPOLITANO.  
H.R. 2011: Mr. LOWENTHAL and Mr. JONES.  
H.R. 2016: Mr. CAMP.  
H.R. 2019: Mr. CAMP and Mr. PEARCE.  
H.R. 2039: Mr. BARBER and Ms. SINEMA.  
H.R. 2068: Mr. SCHRADER, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. POLIS, and Mr. BEN RAY LUJÁN of New Mexico.  
H.R. 2072: Ms. SINEMA.  
H.R. 2086: Ms. SINEMA.  
H.R. 2098: Mr. CAMP.  
H.R. 2139: Mr. POLIS.  
H.R. 2189: Ms. SINEMA.  
H.R. 2195: Mr. CICILLINE and Mr. SIRES.  
H.R. 2203: Mr. STIVERS and Mr. JOYCE.  
H.R. 2229: Mr. KIND.  
H.R. 2273: Mrs. BEATTY.  
H.R. 2309: Mr. FRELINGHUYSEN, Mr. CAMP, Mrs. ELLMERS, and Mr. LOBIONDO.  
H.R. 2332: Mr. KLINE.  
H.R. 2341: Ms. SINEMA.  
H.R. 2399: Mr. SWALWELL of California and Mr. JORDAN.  
H.R. 2413: Mr. COLLINS of New York.  
H.R. 2424: Ms. KUSTER, Ms. ESHOO, Mr. ELLISON, and Mr. TIERNEY.  
H.R. 2429: Mr. PRICE of Georgia, Mr. AMASH, Mr. SMITH of Missouri, and Mr. GIBBS.  
H.R. 2445: Mr. WEBER of Texas and Mr. OLSON.  
H.R. 2449: Mr. COTTON.  
H.R. 2457: Mr. SCHIFF.  
H.R. 2464: Ms. BROWN of Florida.  
H.R. 2465: Ms. SCHAKOWSKY, Mr. BLUMENAUER, and Ms. BROWN of Florida.  
H.R. 2475: Mr. QUIGLEY, Ms. PINGREE of Maine, Mr. HUFFMAN, and Mr. LARSEN of Washington.  
H.R. 2504: Mr. GARDNER, Mrs. CAPITO, Mr. MICHAUD, and Mr. COURTNEY.  
H.R. 2527: Mr. BARBER.  
H.R. 2541: Mr. HUDSON, Mr. WESTMORELAND, and Mr. WALBERG.  
H.R. 2549: Mr. GARCIA, Mr. NOLAN, Ms. LINDA T. SÁNCHEZ of California, and Mr. CÁRDENAS.  
H.R. 2575: Mr. SMITH of Missouri.  
H.R. 2579: Mr. BROUN of Georgia, Mrs. MILLER of Michigan, Mr. PEARCE, Mr. CRAWFORD, and Mr. MCCAUL.  
H.R. 2581: Mr. GRIFFITH of Virginia and Mr. GOSAR.  
H.R. 2633: Ms. FUDGE, Mr. McDERMOTT, and Ms. MICHELLE LUJAN GRISHAM of New Mexico.  
H.R. 2643: Mr. RUNYAN.  
H.R. 2648: Ms. JACKSON LEE and Ms. WILSON of Florida.  
H.R. 2665: Mr. RANGEL.  
H.R. 2675: Mr. OWENS and Mrs. KIRKPATRICK.  
H.R. 2677: Mr. KIND and Mr. COBLE.  
H.R. 2682: Mr. WALBERG, Mr. CRAWFORD, Mr. GOSAR, and Mr. SMITH of Missouri.  
H.R. 2694: Mr. RUNYAN.  
H.R. 2730: Mr. VELA.  
H.J. Res. 34: Mr. POCAN, Ms. MICHELLE LUJAN GRISHAM of New Mexico, and Ms. DELBENE.  
H.J. Res. 43: Mrs. BEATTY, Mr. HIMES, Mr. YARMUTH, and Mr. COHEN.  
H.J. Res. 51: Mr. KELLY of Pennsylvania.  
H. Con. Res. 27: Mr. PASCARELL.  
H. Con. Res. 39: Mr. HUDSON, Mr. CRAMER, Mr. POE of Texas, and Mr. MURPHY of Florida.  
H. Res. 72: Mr. RUNYAN.  
H. Res. 204: Ms. SINEMA.  
H. Res. 230: Ms. SINEMA.  
H. Res. 281: Mr. BILIRAKIS, Mr. CONAWAY, Ms. BROWNLEY of California, Mr. CONNOLLY, Mr. MCGOVERN, Mr. JONES, Mr. PERRY, Ms. JENKINS, Mr. MEEHAN, Mr. MILLER of Florida, Mr. PITTS, and Mr. RANGEL.  
H. Res. 284: Mr. MESSER and Mr. HALL.  
H. Res. 285: Mr. BISHOP of New York and Ms. ESHOO.  
H. Res. 305: Mr. COOPER.

## EXTENSIONS OF REMARKS

PAMELA JONES-MORTON, FROM  
ESTERO, FLORIDA, AWARDED  
THE CARNEGIE MEDAL

### HON. TREY RADEL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 19, 2013*

Mr. RADEL. Mr. Speaker, I would like to congratulate Pamela Jones-Morton for being awarded the Carnegie Medal for her bravery in saving Audrey L. Hart and Colleen M. Page from a burning car in Bonita Springs, Florida. I am submitting a copy of the Carnegie Hero Fund Commission's news release which includes Mrs. Jones-Morton's story.

[From the Carnegie Hero Fund Commission, June 25, 2013]

Pamela Jones-Morton saved Audrey L. Hart and Colleen M. Page from burning, Bonita Springs, Florida, December 10, 2011. Audrey 3, was the back-seat passenger in the sport utility vehicle driven by her grandmother, Page, 49, that collided with another vehicle and overturned onto its passenger side. Page was suspended, restrained by her safety belt, and Audrey was secured in a child safety seat as flames erupted on the undercarriage of their vehicle. Driving nearby, Jones-Morton, 64, retired educator, witnessed the accident. She approached the sport utility vehicle and attempted to open its only accessible door, at the rear, but it was locked. At Jones-Morton's urging, Page unlocked the doors. Jones-Morton opened the rear door, cleared items from the cargo area, and entered. The only passageway inside the vehicle was between the tops of the seats and the ceiling, and Jones-Morton maneuvered through it, discovering Audrey as she did so. After struggling to release Audrey from her seat, Jones-Morton carried her to the back of the vehicle and stepped outside. She then reentered it for Page. She made her way to the front of the vehicle and released Page's safety belt, Page then falling to the passenger door. The two women made their way to the back of the vehicle and exited. Flames spread quickly, engulfing the vehicle before firefighters arrived.

### PERSONAL EXPLANATION

### HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 19, 2013*

Mr. RYAN of Ohio. Mr. Speaker, on Thursday, July 18, 2013, I inadvertently voted "no" on roll No. 367—Young of Alaska Amendment No. 2 to H.R. 5. I had meant for my vote to be recorded as "aye".

TO RECOGNIZE THE RECIPIENTS  
OF THE 2013 BEST OF BRADDOCK  
AWARDS

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 19, 2013*

Mr. CONNOLLY. Mr. Speaker, it is my great honor to recognize the recipients of the 2013 Best of Braddock Awards, presented by the Braddock District Council of Community Associations. These awards are given annually to deserving individuals, organizations and companies in the Braddock Magisterial District of Fairfax County, Va., who have demonstrated an outstanding commitment to the community.

The goal of the Braddock District Council is to promote the civic, community, and general welfare of the citizens of the Braddock Magisterial District of Fairfax County. The Council represents the interests of community associations that lie within the Braddock District, facilitates cooperation and coordination between community associations, and provides a path of communications between associations and officials/elected representatives of the Braddock Magisterial District. I am pleased to join the Braddock District Council of Community Associations in recognizing the Recipients of the 2013 Best of Braddock Awards:

Citizen of the Year—Diane DiPietro, former president of Kings West Swim Club, for her tireless efforts to turn the blighted pool property into Rabbit Run Park.

Outstanding Business—The Peterson Companies for the development and management of the Fairfax Corner Center.

Most "Can-Do" Public Employee—Ed Richardson, Manager, Park Operations Division, Fairfax County Park Authority for working with Braddock District residents to effectively carry out the FCPA mission areas of promoting and protecting our cultural and natural resources, and providing safe recreation facilities for activities and programs.

Neighborhood Enhancement or Beautification—Dave Bowden, Fairfax County Parks Authority and Craig Carinci, Fairfax County Storm Water Management, who led their teams through the successful conversion of the blighted Kings West Swim Club property to Rabbit Branch Park.

FCPA Team: Dave Bowden, Isabel Villaroel, John Lehman, Tim Scott, Julie Cline, Brian Williams, and Charles Smith.

Storm Management Team: Craig Carinci, Rose Barrie, Ron Tuttle, Elfatih Salim, Dave Anglin, Brad Melton, Yuhdie Brownson, Paul Thaler, Mannan Qureshi, Joseph Adzovie, and Bruce Goudzari.

Organizations Making a Difference in the Community (2 honorees)—Food for Others (Annandale Site); and Friends of the Burke Centre Library.

Special Achievement or Recognition—The Audrey Moore Recreation Center Rescue

Team—Sophie Polnow, Tim Polnow, Connie Polnow, Corey Stoney, Faith Garrish. While swimming laps on May 18, Doug Padrutt started to feel dizzy. The next thing he knew he was on the deck surrounded by lifeguards and EMTs. Due to an arrhythmia, his heart had stopped and he sank. The team pulled Mr. Padrutt out of the water, started CPR, administered the AED, called paramedics and got him conscious and calmed down all in a few short minutes. Because of their quick actions, Mr. Padrutt survived and has no permanent heart damage.

Mr. Speaker, I ask my colleagues to join me in congratulating these outstanding residents and companies and also in thanking them for their service to our community. Their efforts and leadership have been a great benefit to Northern Virginia and truly merit our highest praise.

IN HONOR OF AVDHOOOT BABA  
SHIVANAD, JR.

### HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 19, 2013*

Mr. FITZPATRICK. Mr. Speaker, it is rare in life to have the chance to recognize and honor a truly selfless person. A person who has dedicated his life to healing humanity by engaging in selfless activities for the betterment of mankind, asking only that they surrender their faith and devotion in return. This is why I am extremely proud and humbled to be here in order to honor his holiness, Avdhoot Baba Shivanad Jr., the father of sacred Ancient Indian Healing, and master of spirituality, for his work in helping United States citizens. I am deeply inspired by Babaji's deep belief that we all come into this world with vast potential, and through Shiv Yog, the process of uniting with the infinite consciousness, we can access this potential and create our own destinies. We all will honor Babaji's noble accomplishments and teachings, and it is my deepest hope that as we move on with our lives we will continue living less for our own selfish desires, and more for those around us as Babaji does.

JEREMY LYNN JOPLIN HIGH  
SCHOOL TENNIS STATE CHAMPION

### HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 19, 2013*

Mr. LONG. Mr. Speaker, I rise to congratulate Joplin High School's Jeremy Lynn for winning the Missouri Class 2 Boys State Tennis Championship.

Jeremy's victory demonstrated hard work, dedication, and courage. Despite battling increasing pain during the match, he won the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



State championship and finished with a 36–1 record for the season.

Jeremy's victory served as the capstone of a brilliant high school career. In addition to being a State champion, Jeremy is a three time district champion and a three time conference champion. His senior year established him amongst the Nation's best, ranking second in the United States Tennis Association (USTA) Missouri Valley region, as high as 47th in the entire Nation, and as the champion of the 2012 Boys 18's USTA National Open Championship in Denver.

Jeremy's accomplishments are not just tied to the court; they extend to the classroom. In his first semester of his senior year, Jeremy earned a 4.3 GPA, achieving academic all-conference status.

I urge my colleagues to join me in congratulating Jeremy Lynn on his Missouri Class 2 Boys State Tennis Championship and a stellar athletic and academic career.

IN MEMORY OF CHRISTOPHER  
DOUGLAS

**HON. RAUL RUIZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 19, 2013*

Mr. RUIZ. Mr. Speaker, today I wish to make a statement in memory of a brave firefighter in California's 36th Congressional District, Christopher Douglas, who tragically lost his life in the line of duty.

Christopher Douglas, a native of Colorado Springs, lived in Temecula, California. Chris was an avid surfer who was well-known and respected by the local community. Chris served his country in the United States Air Force and, after leaving, became an Engineer and Paramedic for CAL FIRE. On Friday, July 5, 2013, he was struck by a vehicle along Interstate 10 in Riverside County, California, while preparing to leave the site of a traffic collision to respond to another incident. He was rushed to the hospital, but tragically passed away. Chris Douglas, an eight-year veteran with the fire department, was only 41 years old. He leaves behind his expectant wife Amy, their two-year-old son Samuel, and family members and friends. Chris died with the same courage as he lived, helping those in need.

This brave man died before his time. He was an honorable, passionate man who devoted himself to his country, his duty, and his family. His service and life are to be commended. His memory will live on in the people whose lives he inspired with his final act of sacrifice.

IN HONOR OF JOHN P. CATALDO,  
SR.

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 19, 2013*

Mr. FITZPATRICK. Mr. Speaker, John P. Cataldo, Sr. was a husband, father, grand-

father, civic leader and patriot. He served his country in World War II and as a 17-year-old sailor in the United States Navy he was part of the amphibious forces that landed in France on D-Day, June 6, 1944. In civilian life, he devoted much time to his family, business, and civic and charitable organizations. Mr. Cataldo founded the public accounting firm that bears his name and continues today. As a resident of Warminster, he was a volunteer on several local boards and committees, and also an elected Warminster Township supervisor. He proudly served on the military veterans' advisory board in Pennsylvania's 8th Congressional District. For many years, he was active in the Southampton Radiant Star Lodge No. 806 and the Free and Accepted Masons. We mourn the passing of a true gentleman and acknowledge his faithful service to country and community.

HONORING THE MEMORY OF  
ROBERT D. GETZOFF

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 19, 2013*

Mr. QUIGLEY. Mr. Speaker, I rise today along with my colleague from New York, Representative TIM BISHOP, to honor the memory of Robert D. Getzoff. Rob was a dedicated brother, a beloved son, a caring uncle, and a fiercely loyal friend.

To his many friends, he was one of the warmest, brightest, and funniest people on Capitol Hill. Though he was a self-described "Jewish rocker from Philadelphia," Rob was a friend of the Illinois Fifth District, having worked for my predecessor, then Congressman Rahm Emanuel, for four years.

Rob served as Congressman Emanuel's Legislative Counsel for the Budget, Financial Services and Ways and Means Committees—a full plate of challenging policy responsibilities and assignments that Rob fulfilled with great skill and success. No one loved it more and worked harder than Rob Getzoff. In an office that prided itself on long hours, Rob made a point of being the first person in the office in the morning, and on many nights he was the last to leave. He served his country and tackled complex challenges and tight deadlines with intelligence and humor.

Rob began his Hill career in the office of his idol, Senator Ted Kennedy, and tackled every aspect of his Hill career with the passion and dedication to public service exemplified by the late Senator. Rob's impressive record of accomplishment was built on his distinguished academic credentials. He held a bachelor's degree from George Washington University, a law degree from Temple University, and an MBA from Georgetown University. In addition to his service on the Hill, he added to his impressive credentials by becoming an expert in financial services regulatory policy while working for industry leaders including Citigroup and Bank of New York Mellon.

Rob was a true policy wonk and a brilliant political strategist. He defended his views with passion whether he was trying to expand the Earned Income Tax Credit to help low-income

Americans, explaining the greatness of eighties hard rock, or the eating habits of Great Cats. He was unrelenting in pushing his colleagues to do the right thing, whether the question at hand was a pivotal vote or a quality timepiece. He left a legacy of legislative accomplishments including meaningful lobbying reform, janitors insurance, closing the corporate jet loophole, and reducing the size of the "tax gap." He also played a pivotal role in drafting comprehensive tax reform legislation that made the tax code simpler and fairer for all Americans.

Rob was beloved by many who had the privilege to work with him and share his passion and dedication to work and friends. A legislative staff in a Congressional office is a small unit, and Rob was part of a family. That small group of people crammed into a not-so-large shared space working long hours on difficult issues got to know each other about as well as you can with people assembled by someone else. In stressful moments full of "pushback" and "red flags", he could be counted on to pitch in to help, or simply remind his fellow staffers "you love this song".

Even after Rob left the Hill, everyone wanted to stay in touch with Rob, either through a "pop-in" to the Longworth office or to meet for a cup of coffee for some advice and a few laughs. He maintained his relationship with the Fifth District even after his former boss moved on to the White House, serving as a friend and mentor to my staff.

Rob brought that same joie de vivre to all of his work, on and off the Hill. It is no surprise that so many people in Washington and beyond have a story about Rob helping them out with a thorny issue, providing career advice or simply helping them during a challenging time. Rob will also be remembered by so many of us for how easy it was to become and stay good friends with him, and how we were frequently uplifted by his sense of humor, including his spot-on impressions, and his very infectious laugh.

Mr. Speaker, it's not often I find myself in the position of singing the praises of a Flyers fan, and while I'm still happy his team finished second in 2010, there's no question he's first in the hearts of his friends and family. A few years ago the derisive term "little punk staffer" became a badge of honor among the many who've toiled in tiny cramped spaces like 1319 Longworth. Rob was among the best little punk staffers this institution has ever seen.

He was taken from us prematurely, and so many people are devastated by this loss. But Rob wouldn't want us to be sad. He would say "go out and enjoy your young life." He would want us to put on some Green Day, walk past the Capitol Dome and remember why we came to Washington in the first place. The best way to honor Rob is to do a great job while giving everything you have to some great friends. Rob, we miss you already.

PERSONAL EXPLANATION

**HON. RUSH HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 19, 2013*

Mr. HOLT. Mr. Speaker, I missed the following votes during this week:

On rollcall vote 354, on the passage of H.R. 2576, I would have voted "aye."

On rollcall vote 355, on the passage of H.R. 1848, I would have voted "aye."

On rollcall vote 356, on the passage of H.R. 2611, I would have voted "aye."

On rollcall vote 357, ordering the Previous Question for H. Res. 300, I would have voted "no."

On rollcall vote 358, on the passage of H. Res. 300, I would have voted "no."

On rollcall vote 359, on the Motion to Adjourn, I voted "no."

On rollcall vote 360, on the Motion to Re-commit H.R. 2667, I would have voted "aye."

On rollcall vote 361, on passage of H.R. 2667, I would have voted "no."

On rollcall vote 362, on the Motion to Re-commit H.R. 2668, I would have voted "aye."

On rollcall vote 363, on passage of H.R. 2668, I would have voted "no."

On rollcall vote 364, on ordering the Previous Question on H. Res. 303, I would have voted "aye."

On rollcall vote 365, on passage of H. Res. 303, I would have voted "no."

On rollcall vote 366, I would have voted "aye."

On rollcall vote 367, I would have voted "aye."

On rollcall vote 368, I would have voted "no."

On rollcall vote 369, I would have voted "no."

#### PERSONAL EXPLANATION

##### HON. JASON T. SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. SMITH of Missouri. Mr. Speaker, on rollcall Nos. 354 and 355, I missed these votes because my first flight was canceled, and my second flight was delayed.

Had I been present, I would have voted "yes" on both.

#### 17TH NATIONAL BOY SCOUT JAMBOREE

##### HON. DAVID B. MCKINLEY

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. MCKINLEY. Mr. Speaker, this week close to 50,000 Boy Scouts and members of the Scouting community are gathering in Glen Jean, West Virginia for the 17th national Boy Scout Jamboree. This 10-day event features some of the most physically challenging events in its history, including rock climbing, rappelling, white water rafting and biking. The Jamboree is a monumental event for Scouting and is a highlight for the thousands of Scouts who attend.

The first Jamboree was held in 1937 in Washington, D.C. and featured more than 27,000 Scouts who camped on the National Mall under the Washington Monument. Since that time, the Boy Scouts of America has held

National Jamborees at several locations across the country, with the most recent in 2010 in Fort A.P. Hill, Virginia.

As an Eagle Scout, I could not be more proud that the Mountain State is hosting the Jamboree for the very first time and will serve as the permanent home for the event in the coming years.

This week, thousands of Scouts from around the United States, their leaders and others have travelled to the new facility near the New River Gorge in beautiful Fayette County, West Virginia. The site, known as the Summit Bechtel Family National Scout Reserve, will house Scouts, staff and adult leaders, who will enjoy the outdoors and test their abilities in a number of ways. During the Jamboree, the Summit will be the third largest city in West Virginia.

Also, because of its location in the beautiful mountains of West Virginia, physical activities will be more intense and will provide a more diverse terrain for Scouts of all ages. The Summit will challenge Scouts with programs like BMX biking, climbing, whitewater rafting, and gliding along one of the fastest zip line courses in North America.

Construction of this permanent home for the national Boy Scout Jamboree has pumped nearly \$170 million into the West Virginia economy over the past four years.

The new home for the jamboree, sitting on 10,600 acres in a world-renowned adventure sports region, will undoubtedly provide a huge economic boost for the state and hopefully the participants will keep coming back to enjoy all our stunning state has to offer.

But the greatest impact the Summit will have will be on the thousands of Scouts and adults who participate. This type of impact may be not measured immediately, but will be felt for generations to come. I know that, first hand.

As an Eagle Scout from Troop 6 in Wheeling, W.Va., I can say that the lessons I learned as a young man in the Boy Scouts have stuck with me throughout my life and guided my decisions in my personal and professional career.

My experience in Scouting has helped shape who I am today.

Sadly, many of the values held true by the Scouts are sorely missing in society today. Too often, duty to God and country are not valued in our culture. That is why it is so vital that we help the Boy Scouts continue their mission.

For over 100 years the Boy Scouts have made this country a better place. More than 2.6 million Scouts are continuing to build character, promote physical, spiritual and mental growth, and acquire leadership skills for generations of young men. You can look no further than the 300,000 hours of community service that will be performed during the Jamboree to understand the positive impact Scouting has on its members and the community as a whole.

Now, the Boy Scouts of America have a brand new home to carry on their jamboree tradition in the beautiful state of West Virginia. We are also excited that for the first time in 52 years, the World Scout Jamboree will be held in the United States at this same site in 2019.

While thousands of Scouts are here to "Go Big, Get Wild," we welcome them to our beautiful country roads!

#### IN HONOR OF DAVE PLATT

##### HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. FITZPATRICK. Mr. Speaker, Dave Platt, the owner of the Newtown Swim Club, in Newtown Township, Bucks County, has provided thousands of families with healthful recreational activities since 1983. Dave is closing the business and in this next chapter of his life, he plans to concentrate on his family and his health. We congratulate Dave as a man who has contributed so much to area youth and the community, overall. A veteran of the U.S. Navy, he is a past member of the board of directors of Frankford Hospital, Northeast Federal Savings, The George School and the Bucks County Planning Commission. For many years he was the owner of the Somerton Springs Golf Centers where he held the annual Richie Ashburn Golf Classic, raising over \$1 million for the Boy Scouts of America. Now, we wish Dave Platt and his family, a happy and successful future as we acknowledge his many contributions and, especially, the example he has set for others to follow.

RECOGNIZING AUGUST 26TH AS  
"NATIONAL ELECTRICAL  
LINeworker APPRECIATION  
DAY"

##### HON. DENNIS A. ROSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. ROSS. Mr. Speaker, I solemnly rise in memory of Marc Moore, a resident of my hometown of Lakeland, and a Florida electrical lineworker who was tragically killed while serving Floridians on August 26, 2002.

Lineworkers have one of the most dangerous occupations across our country. Utility companies throughout the United States employ over 100,000 electrical lineworkers. These individuals are some of the first people on the job after natural disasters, and are a critical component of maintaining our nation's infrastructure after hurricanes, blizzards, tornadoes, and earthquakes.

They are unsung heroes who literally put their lives on the line 24 hours a day, seven days a week, 365 days a year, to keep electricity flowing to our nation's homes, hospitals, military bases, schools, and churches.

Florida linemen not only respond to local and state emergencies; they travel to other states that experience weather related disasters to help restore service, such as the Alabama tornadoes and Hurricane Sandy on the East Coast.

Hardworking men and women, like Marc Moore, who is survived by his wife, Tracy, and two boys, risk their lives daily in dangerous circumstances to ensure reliable delivery of electricity to citizens across the state and across the country.

With that in mind, I would like to encourage my colleagues to join me in annually recognizing August 26th as "National Electrical Lineworker Appreciation Day."

WINTech, INC., "MAKE IT IN AMERICA" MANUFACTURER OF THE WEEKMEMBER'S OFFICIAL

### HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. LONG. Mr. Speaker, I rise today to recognize and honor WinTech, Inc., as the U.S. Commerce Department's "Make it in America" Manufacturer of the Week for July 1–5, 2013, as part of their National Institute of Standards and Technology Manufacturing Extension Partnership (NIST MEP).

Founded in 1991, WinTech, Inc. custom manufactures high quality, cost-effective windows for metal and modular buildings. WinTech also manufactures access doors, view ports, and panels for the HVAC industry. The company recently added a new division which produces an innovative series of commercial windows and PTAC Louvers for the construction industry.

Located in Monett, Missouri, for over twenty years, WinTech is an outstanding example of what the Manufacturing Extension Partnership aims to highlight. WinTech continues to develop innovative products, reach new markets, and create jobs through their company values of integrity, honesty, self discipline, and continuous improvement. It is these values that enable WinTech to live up to its mission of building quality, cost-effective products while striving each day to reach its full potential.

The ingenuity, creativity, and hard work of American manufacturers helped build our nation, and it is our manufacturers that are vital to keeping our nation strong. I am honored to recognize WinTech, Inc. for their contributions and outstanding work in being named the NIST MEP "Make it in America" Manufacturer of the Week. I am proud of the work they do and jobs they provide for Missourians in the 7th District.

REINTRODUCING THE NATIONAL WOMEN'S RIGHTS HISTORY PROJECT ACT

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Ms. SLAUGHTER. Mr. Speaker, I rise today to introduce legislation to reauthorize the National Women's Rights History Project Act, co-sponsored by my upstate New York colleagues Representatives TOM REED, DAN MAFEI, and RICHARD HANNA. I originally worked with then-Senator Hillary Clinton to pass this bill into law in 2009. With the current authorization for the project set to expire this year, it is vital that Congress pass this reauthorization and ensure that the women who shaped our nation's history and fought for every woman's rights are remembered and honored for generations to come.

The National Women's Rights History Project will establish an auto route linking sites significant to the struggle for women's suffrage, known as the Votes for Women Trail. It

will also add to the National Register of "Places Where Women Made History," a variety of historic sites that were home to pivotal moments in our nation's struggle for gender equality. Finally, this Project will establish a public-private partnership network to offer financial and technical assistance for educational programs about the history of the fight for women's rights.

On this day in 1848, Elizabeth Cady Stanton, Lucretia Mott, and Mary Ann M'Clintock convened the first women's rights convention at Wesleyan Chapel in Seneca Falls, New York. This event marked the beginning of a 72-year struggle for women's suffrage. During the convention, 68 women and 32 men signed the Declaration of Sentiments, which set out radical notions such as women's freedom to own property, receive an education and earn fair wages.

I am especially proud that it was in Rochester, New York where Susan B. Anthony fought so hard for the rights that women throughout this country rely on today. Among her many efforts, Susan B. Anthony established the Equal Rights Association to refute ideas that women were inferior to men and to fight for women's right to vote. She also fought to tear down the walls holding women back from higher education.

In 1880, a woman launched a brave petition to be the first female student at the University of Rochester. For almost twenty years, the petition was flatly denied—until 1898, when the University said that women would be allowed if they raised \$100,000 for the school. In today's terms, that is equal to \$2 million. By June of 1900 a group of women had managed to secure \$40,000, and the University decided that women would be allowed to enroll if they could raise another \$10,000 by September. Scrambling to reach the new goal, the women were \$8,000 short a day before the deadline. With hours remaining, Susan B. Anthony stepped forward and raised \$6,000 from friends and family before pledging her own life insurance policy to raise the final \$2,000 and throw open the doors of higher education in Rochester. Now, more than 100 years later, the University of Rochester is home to the Susan B. Anthony Institute for Gender and Women's Studies—one of the pre-eminent educational institutions in the world.

These are the stories of incredible courage, dedication, and unyielding belief in equality that the National Women's Rights History Project is designed to honor.

The fight for women's rights and equality still continues today. It was just 93 years ago that women were finally granted the right to vote. The struggle for women's suffrage was never easy and it is vital that we honor the sacrifices and commitment of those who blazed the trail that led us here today, where a record number of women serve in the 113th Congress.

Reauthorizing the National Women's Rights History Project Act will ensure that this important civil rights story is celebrated for generations to come. I urge my colleagues to support this bill and reauthorize the National Women's Rights History Project.

### LUNCH PROGRAM

### HON. RODNEY DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today to highlight the problems created by the Healthy Hungry-Free Kids Act.

We are trying to balance the needs of hungry children against fighting childhood obesity in America. Kids including my three children, Toryn, Griffin, and Clark are not getting enough to eat because of athletic programs and physical education classes.

I am concerned that the food only requirements of this program are creating excessive waste and have put a financial burden on already cash strapped schools across the country. Many kids are rejecting these new menus and throwing their food away and going home hungry. While we need to look at the nutritional content of school lunches, we must also not forget the importance of physical education classes.

Illinois is currently the only state that requires students in kindergarten through high school to have PE every day. A combination of good nutrition and exercise is essential to the health of our children.

That is why I would like to take this time to recognize and wish my children's junior high teacher Joe Champley a Happy Birthday. Joe has been a long time PE teacher in my hometown at Taylorville Jr. High School. Happy Birthday Mr. Joe!

### CELEBRATING THE RED CAPS OF THE SAINT PAUL UNION DEPOT

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Ms. McCOLLUM. Mr. Speaker, I rise today in honor of the Red Caps who served generations of the traveling public at the Union Depot in Saint Paul, Minnesota. For many years, the Red Caps were the first faces that many travelers saw upon arriving in Minnesota's capital city. These welcoming and dedicated men performed an important role in Minnesota's transportation history and served a vital community role as well—as the backbone of Rondo neighborhood, historically home to many of Saint Paul's African-American families.

The hard work of the individuals who served as Red Caps can be traced to the end of the Civil War, when many former slaves found work on the railroad. The growth of our nation's railroads was made possible by the tireless work of these individuals. By the 1860s Pullman porters could be seen in the station greeting passengers, carrying luggage, serving food and beverages, tending to the sleeper bunks, cleaning, and even shining shoes. The duties of these porters eventually extended to the Red Caps by the time the original Saint Paul Union Depot opened in 1881. The Red Caps filled critical jobs not only on the trains, but in the stations as well, receiving small salaries and earned tips. Many of these men settled and raised families in Saint Paul's old

Rondo neighborhood. The Red Caps created a solid African-American middle class in Saint Paul that has lasted well over 85 years until traveling preferences and diminished employment led to many of the Red Caps becoming sky caps at the airport and eventually to the closure of the Saint Paul Union Depot in 1971.

This weekend marks the 30th Anniversary of Rondo Days, a vibrant community festival. As part of this anniversary, the Red Caps will be honored and celebrated for their generations of contributions to the community.

Today Red Caps can still be seen working in several stations throughout the country, continuing their strong legacy. The re-opening of the Union Depot just this past year marks another wave of change in transportation for the region, the City of Saint Paul, and along with it a dedication to the Red Caps. As a child, I remember the Red Caps fondly, and was delighted to be present during the recent commemoration of the Red Cap Room at the Saint Paul Union Depot. It is an appropriate gift for those who gave so much to our community.

Mr. Speaker, in honor of the Red Caps, I am pleased to submit this statement to recognize their hard work and contributions to the Rondo neighborhood and the city of Saint Paul.

#### ONE YEAR ANNIVERSARY OF THE MOVIE THEATER SHOOTING IN AURORA, COLORADO

#### HON. CORY GARDNER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 19, 2013*

Mr. GARDNER. Mr. Speaker, tomorrow will mark the one-year anniversary of the movie theater shootings in Aurora, Colorado. The 12 killed and 82 injured never thought the mid-night screening of a movie would end in violence.

We stand here today as members of the Colorado delegation to remember and honor the victims of this tragedy.

And we stand here today to honor the strength and resilient spirit Coloradans have shown in the wake of an event that sent shockwaves around the world.

The victims included children, members of the military, and people from across Colorado and the country. As accounts of the shooting began to come out, we heard more and more stories of heroics from those inside the theater.

People jumped up to shield their loved ones from harm, putting their lives on the line to save the lives of others. Complete strangers helped bring the wounded outside to safety. And first responders reacted quickly and worked urgently to save lives.

These are the people we honor today, who, in the face of evil, showed true courage.

Mr. Speaker, we will never forget the events of July 20th, 2012. And we will never forget the lives and legacies of those who lost their lives that day.

#### HONORING RESIDENTS OF THE NEW JERSEY 1ST CONGRES- SIONAL DISTRICT KILLED IN AC- TION OVERSEAS

#### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 19, 2013*

Mr. ANDREWS. Mr. Speaker, I rise today to honor the bravery and sacrifice of sixteen of my constituents who have been killed in action overseas and were recently honored at the Harleigh Cemetery this past Memorial Day: Corporal Terry P. Allen, Lance Corporal Curtis Christensen, Captain Gregory Dalessio, Specialist Anthony J. Dixon, Sergeant Michael Egan, Private First Class Adam Froehlick, Lance Corporal Jon T. Hicks, Jr., Sergeant Jeremy Kane, Lieutenant Jason Mann, Captain Maria Ortiz, Captain Charles D. Robinson, Corporal Marc T. Ryan, Lieutenant Colonel John C. Spahr, Petty Officer First Class David M. Tapper, Staff Sergeant Joseph Weiglein, and Private Robert White. They join the ranks of countless Americans before them who fought on behalf of this country. These sixteen service members gave their lives in service not only to New Jersey, but the nation as a whole. They will not be forgotten.

Since before this country was even founded, young Americans have stepped forward to defend its ideals. They have fought with distinction in every corner of the globe. From the beaches of Normandy to the deserts of the Middle East, they have stood shoulder to shoulder in defense of freedom. Unfortunately, not all have returned.

These young service members laid down their lives in the preservation of liberty. They chose to devote themselves to the defense of this country and its people. The patriotism and resolve displayed by these sixteen men and women stand as a model for the rest of us. Their service should be mirrored; their sacrifice honored.

Mr. Speaker, the decision of these young men and women to serve their country will not go unrecognized, nor will their sacrifice fade from memory. I want to personally extend my condolences to their loved ones, who have also sacrificed greatly. We as a nation owe these sixteen brave men and women, and their families, a deep debt of gratitude.

#### 75TH ANNIVERSARY OF BEST WESTERN ROUTE 66 RAIL HAVEN MOTEL

#### HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 19, 2013*

Mr. LONG. Mr. Speaker, I rise today to commemorate the 75th anniversary of the Best Western Route 66 Rail Haven Motel, located in Springfield, Missouri.

Founded in 1938, the Best Western Route 66 Rail Haven Motel has a long and storied history of serving Southwest Missouri and travelers from all over the United States. Brothers Elwyn and Lawrence Lippman built

the original motel on their grandfather's apple orchard located on the eastern city limits of Springfield and Route 66. From 1938 and on, the Lippman brothers continued to expand their motel to accompany more customers. In 1948, the Best Western motel chain was founded and Lawrence began to serve on their board of directors in 1951, making Rail Haven part of the Best Western family. The motel is the oldest continually operating national branded Best Western hotel on Route 66 and is listed on the National Registry of Historic Places.

Throughout the next half century, Rail Haven and the City of Springfield saw vast growth and change. In 1994, local Certified Public Accountant Gordon A. Elliott acquired the property and through his vision and leadership, the Best Western Route 66 Rail Haven Motel extensively remodeled and upgraded its facilities. Today vintage gas pumps and classic cars can be found on the Rail Haven grounds, which shed light on the motel's humble beginnings.

Through Gordon's hard work, innovation, and leadership, Rail Haven has seen tremendous success in recent decades. In fact, Gordon was recognized as the 2013 Springfieldian by the Springfield Area Chamber of Commerce.

The Best Western Route 66 Rail Haven Motel has a very distinct honor to be one of the original Route 66 motels. A very few number of these motels were part of the national chain, and it is very rare to find one that retains that affiliation to this day. I am honored to recognize the Best Western Route 66 Rail Haven Motel for its steadfast hard work and dedication over the past 75 years and look forward to watching its success for years to come.

#### HONORING THE RE-LAUNCH OF THE "CHARLES W. MORGAN"

#### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 19, 2013*

Mr. COURTNEY. Mr. Speaker, I rise today to honor the re-launching of the *Charles W. Morgan* this weekend at the Mystic Seaport: The Museum of America and the Sea.

The *Morgan*, a 172-year-old whaling vessel, was built and launched from New Bedford, Massachusetts, in 1841. For more than 200 years, vessels like her were the economic backbone of New England. Since its retirement from the whaling industry in 1921, the *Morgan* has served as a living artifact and a testament to the ingenuity, risk, and entrepreneurship of the United States. Today, the *Morgan* is a National Historic Landmark vessel, the only remaining wooden whaleship in the world, and the oldest commercial vessel in the United States.

The *Morgan* has completed a 5-year, multi-million dollar restoration at the Preservation Shipyard of Mystic Seaport and the Sea and will be relaunched this weekend. Individuals and organizations from 22 States have contributed materials and expertise to make this launch possible. From educational curriculum

to whaleboats, research to anchors, the contributions to the restoration of the *Morgan* represent a truly national effort and will help make the *Morgan's* mission that much more meaningful. The reach of these efforts touch literally every region and corner of our nation, with contributions from the following states: Alaska, Arizona, California, Connecticut, Florida, Georgia, Maine, Massachusetts, Michigan, Minnesota, Mississippi, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington and Wisconsin.

Next summer, the *Morgan* will embark on a ceremonial 38th voyage, embarking on a new mission devoted to history, education, science, and ocean awareness. Most notably, the *Morgan* will sail with the wood from trees blown down from recent hurricanes in her frame and decks—giving new life to these trees as the *Morgan* embarks on her own new life. For instance, live Oak wood from trees in Texas damaged in Hurricane Ike is used in the ship's frame, live oak trees from Florida blown down in Hurricane Ivan, White Oak and White Pine wood blown down by Hurricane Sandy in New York, and live Oak wood from trees in Mississippi damaged during Hurricane Katrina. That we can turn the devastation of these storms in to a positive outcome that will have lasting impact is a unique and special part of this weekend's ceremony.

Mr. Speaker, there is an understandably high level of excitement for this weekend's festivities and the *Morgan's* upcoming mission of education, exploration and discovery next summer. I ask all my colleagues to join me in offering our congratulations to the Mystic Seaport and all those who made the restoration of the *Morgan* possible.

#### IN RECOGNITION OF RON COOPER

##### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Ms. MATSUI. Mr. Speaker, I rise today to recognize Mr. Ron Cooper as he retires from Access Sacramento. As his family, friends and colleagues all gather to celebrate his outstanding career, I ask my colleagues to join me in tribute to Mr. Cooper's decades of service.

Mr. Cooper selflessly served the Sacramento media, television and radio community for 26 years at the non-profit organization, Access Sacramento. For more than 22 of those years, he was its executive director. Under his leadership, Access Sacramento became nationally recognized as a pioneer in media technology and advocate for voicing unheard, marginalized voices and opinions.

Access Sacramento has succeeded in providing important and timely ideas, thoughts, sights, and sounds, especially for minority programs that commercial and public television and radio did not find economically viable. Mr. Cooper founded and cultivated the annual "A Place Called Sacramento" film festival, which supports local filmmaking and offers training, coaching and production assistance to community filmmakers.

Mr. Cooper also gave a voice to the youth of Sacramento by creating Neighborhood News Bureaus, which initiated ingenious methods of newsgathering and collaborations with neighborhood community centers through the implementation of current media technology and training. He also worked with college students from Cosumnes River College, high school students, seniors, and individuals with disabilities, creating and fostering cooperative training arrangements to provide practical media production experience and opportunities in media careers. Mr. Cooper's tireless service enriched our democratic values by offering voter education programming during election cycles.

Mr. Speaker, I am honored to pay tribute to Mr. Ron Cooper, who has served the Sacramento community and its people for more than two decades. His service has greatly contributed to the community and ensured the exercise of free speech. I ask all of my colleagues to join me in recognizing this man whose leadership has strengthened and broadened Sacramento's very best attributes.

#### PERSONAL EXPLANATION

##### HON. STEVEN A. HORSFORD

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. HORSFORD. Mr. Speaker, on consideration of H.R. 5, I am not recorded because I was absent due to medically mandated recovery. Had I been present, I would have voted "nay" on final passage of the bill.

#### RECOGNIZING JOSEPH M. POTENZA ON HIS RETIREMENT

##### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Ms. NORTON. Mr. Speaker, I rise today to recognize the distinguished tenure of Mr. Joseph M. Potenza of the District of Columbia, on the occasion of his retirement as Chair of the American Bar Association (ABA) Section of Intellectual Property Law. At the helm of this esteemed organization, Mr. Potenza has brought a wealth of knowledge, experience and leadership—leaving a profound impression on our country's intellectual property laws.

Mr. Potenza, partner with the firm of Banner & Witcoff, LLP, will end his one-year term as Chair of the ABA Section of Intellectual Property Law in early August. With thirty-eight years' of experience as an intellectual property law practitioner, Mr. Potenza's current practice focuses on litigation, counseling on patent and copyright matters, and preparation and prosecution of patent and copyright applications.

Mr. Potenza graduated with honors from the Rochester Institute of Technology with a Bachelor of Science in Electrical Engineering degree followed by a Juris Doctorate degree from Georgetown University's law school in 1975. Among his many accomplishments, Mr.

Potenza has served as a member of the ABA Standing Committee on the Federal Judiciary, the ABA Standing Committee on Publication Oversight, the ABA House of Delegates, and as Chair of the ABA Section of Science & Technology Law, and the ABA Young Lawyers Division. He was also a past President of the Patent Lawyers Club of Washington, and Master of the Giles S. Rich American Inn of Court.

Additionally, Mr. Potenza's remarkable achievements have led to his being listed in Euromoney's recent "Guide to the World's Leading Patent Law Practitioners." He is also listed in The Best Lawyers in America for his work in intellectual property law, as well as recent editions of The International Who's Who of Patent Lawyers and Chambers USA: America's Leading Lawyers for Business. In 2009, Mr. Potenza was selected by Washingtonian Magazine as a "Top Lawyer," a designation that represents the top one percent of attorneys in the Washington D.C. area.

During his year as Chair of the ABA Section of Intellectual Property Law, Mr. Potenza guided the Section's work on complex IP policy issues to be considered for adoption by the ABA House of Delegates as ABA policy and subsequently presented in the form of amicus briefs to both the U.S. Supreme Court and the U.S. Court of Appeals for the Federal Circuit. Mr. Potenza has led efforts within the ABA to develop IP policy submissions to several international government agencies in Europe and China. He has also championed the Section's participation on international delegations, global roundtables, and national and regional liaison efforts all aimed at fostering these relationships and expanding the Section's global reach. At the same time, he spearheaded efforts to provide commentary on IP policy on numerous occasions to U.S. government agencies, including the U.S. Patent and Trademark Office, U.S. Copyright Office, the U.S. International Trade Commission, U.S. Customs and Border Protection and the Intellectual Property Enforcement Coordinator. Mr. Potenza's tenure as Section Chair comes to an end in early August, and I wish him continued success in all his future endeavors.

Mr. Speaker, I ask that my colleagues please join me in recognizing the successful tenure of Mr. Joseph M. Potenza as Chair of the ABA Section of Intellectual Property Law and applaud his determined efforts to improve the legal process and promote intellectual property law across the nation and around the world.

#### LANCASTER HEROES

##### HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. PITTS. Mr. Speaker, today, I come to the floor to recognize two young heroes from Lancaster County, Pennsylvania.

Last week, a young five-year-old girl was abducted from her front yard by a stranger, an older man who turned out to be a previously convicted sex offender.

The police and folks across the neighborhood quickly organized a search.

Temar Boggs and Chris Garcia set out on their bikes with other friends.

When the boys spotted a suspicious car wandering through their development, they checked it out and saw the young girl inside.

They relentlessly chased the driver on their bikes for 15 furious minutes.

Recognizing that the boys wouldn't give up, the man let her out of the car and drove away.

She immediately ran to the boys asking for her mother.

They safely brought her back home, and while they might not think of themselves as heroes, they certainly are.

Thanks to Temar and Chris, the girl is home and the suspect is now in custody.

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CONGRATULATING CARL  
JUNCTION HIGH SCHOOL

**HON. BILLY LONG**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 19, 2013*

Mr. LONG. Mr. Speaker, I rise today to recognize and congratulate seven young men and women of Carl Junction High School for winning the Destination Imagination Global Finals.

The Destination Imagination Challenge is a global competition where students from all over the world imagine, create, and develop solutions to world problems in the areas of science, technology, engineering, mathematics, fine arts, and service learning. The problem solving competition is held over a four day period at the University of Tennessee-Knoxville where 1,200 local, state, and regional winners from 45 states and 13 countries gather to compete in the global competition.

The Carl Junction team put their device against 66 other teams competing in the area of wind energy and bested them all, including teams from Mexico, Singapore, China, Turkey, and South Korea.

These outstanding world champion students include seniors JW Keckley, Parker Fitzgerald,

Carter Richardson, Nate Demery, Morgan Ross, Julie Jones, and junior Abigail Danley. Through the team's hard work, dedication, and guidance from their gifted education teacher, Lori Good, the team was able to extensively research wind energy and incorporate the research into a technical device and presentation. Team member Parker Fitzgerald stated, "The technical device was essentially a reduced-friction neodymium-magnet motor powered by compressed air. The device utilized the properties of magnets to precipitate motion without any physical contact between gears."

In addition to the global championship, the team also placed first in Destination Imagination's Instant Challenge. In this challenge, teams apply their quick-thinking problem solving skills to create solutions to challenges they have never seen before in as little as five minutes.

I am proud of the job these brilliant young men and women performed. This is the first time a Missouri team at the elementary, middle level, or high school level has placed first at Destination Imagination Global Finals.

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IN MEMORY OF TWO FALLEN  
FIREFIGHTERS

**HON. RAUL RUIZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 19, 2013*

Mr. RUIZ. Mr. Speaker, today I wish to make a statement in memory of two brave firefighters from California's 36th Congressional District, William Warneke and Chris MacKenzie, who lost their lives tragically in the line of duty.

William "Billy" Warneke grew up in Hemet, California, where he attended Hemet High School. As a student, he enrolled in the Junior Air Force ROTC, and served four years in the United States Marine Corps, including a tour in Iraq. When Billy returned from serving his country, he went to school in Tucson, Arizona, utilizing his hard earned veteran education

benefits. While at school, he attended fire training and became a firefighter with the Prescott Fire Department. As a firefighter in Prescott, Arizona, Billy was a member of the highly trained, elite Granite Mountain Hotshots, who placed their lives on the line every day. On Sunday, June 30, 2013, Billy Warneke was fighting the 13-square-mile Yarnell Hill Fire when he was overrun and perished with 18 other members of the Granite Mountain Hotshots. Billy was only 25 years old, leaving behind his wife Roxanne and their baby due to be born in December. Billy's death cut short a brave and selfless life of service, but he died just as he lived—serving with honor and protecting the lives of others.

Chris MacKenzie grew up in the San Jacinto Valley in Riverside County, California, and graduated from Hemet High School in 2001. Chris loved snowboarding and dreamed of becoming a firefighter like his father, and worked hard to achieve that dream. Chris joined the United States Forest Service in 2004, and in 2011 transferred to the Prescott Fire Department. As a firefighter there, he served in the elite Granite Mountain Hotshots, who placed their lives on the line every day. On Sunday, June 30, 2013, Chris MacKenzie was fighting the 13-square-mile Yarnell Hill Fire when he was overrun and perished with 18 other members of the Granite Hotshots. He was 30 years old, leaving behind his mother, Lauri Goralski, and his father, Michael MacKenzie, as well as family members and friends. Chris died just as he lived—protecting the public from a dangerous fire.

These two brave young men died before their time. They were heroic public servants and upstanding members of the communities they gave their lives to serve. They were honorable, passionate men who devoted themselves to their country, their duty, and their family. Their service and lives are to be commended. Their memories will live on in the people whose lives they inspired and their final act of sacrifice.

## HOUSE OF REPRESENTATIVES—Monday, July 22, 2013

The House met at noon and was called to order by the Speaker pro tempore (Mr. WOMACK).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 22, 2013.

I hereby appoint the Honorable STEVE WOMACK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

### END-OF-LIFE CARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I arrived at my office this morning to a Politico with the front page headline “Blumenauer’s Death Panel Bill Lives On.”

It’s actually a terrific article by Joanne Kenen, but the terrible headline about nonexistent death panels symbolizes why, three Congresses later, we still have not helped families deal with the most difficult circumstances any of us will ever encounter.

This issue hit me with full force 10 years ago in the midst of the Terri Schiavo case, where we watched one family’s tragedy turn into a national media circus and a political spectacle all because one 27-year-old woman didn’t have a conversation with her loved ones to make her wishes known about what would she want if the unthinkable happened. And she was caught in the terrible circumstance of being in a vegetative state—brain dead—for 8 years with no likelihood of recovery.

It’s not really unthinkable. It’s just that many of us would rather not think about it. Too rarely do we have this conversation, yet virtually every one of us will be in these circumstances with ourselves or with a loved one unable to make their wishes known about health care because of permanent or temporary incapacity.

This is not just about end of life. It could be any decision: about whether or not to amputate a leg or to have an operation that carries with it significant risks. Who speaks for each of us when we’re unable to speak for ourselves?

The public overwhelmingly thinks that people should have the information and that their insurance or Medicare should pay for that conversation with a medical professional. Unfortunately, today, Medicare will pay tens of thousands of dollars for a 93-year-old man with terminal cancer to have a hip replacement who will never walk again but will not pay for a conversation with that same person and their family to understand the circumstances they face and what their options are, to understand their choices and have those choices, whatever they might be, respected, known, and enforced.

This actually won’t cost us anything. The evidence is that people who know more use their information to choose wisely—very often less intense medical interventions. Overall, it could actually save money.

Doctors are perhaps the best example. They certainly can afford medical care. They certainly know about it. Yet, because they know what works and what doesn’t, they make their wishes known and strategically choose their health care. As a group, they actually end up using less medical care in their last year of life, but arguably have a higher quality of life. Everybody should have the same choice as a doctor.

I’m in the process of visiting with each and every Member of the House to see if we can do something that will give people the care they want that is overwhelmingly supported by the public and that won’t cost the Federal Government any net cost.

I urge my colleagues to examine the bipartisan legislation H.R. 1173, the Personalize Your Care Act of 2013, that Dr. PHIL ROE and I have introduced to help families in their time of greatest need. I think it’s worth a look. I think it’s worth your support.

### HONORING TEACHERS AND CONSTITUENTS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM) for 5 minutes.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, it is important that we always remember why we’re here and who we serve. And the best way to do that is by spending time with the people that we were elected to represent.

For the past few days, I’ve had the honor of showing some wonderful residents of New Mexico’s First District around our Nation’s capital, and this group includes my daughter Taylor Grisham and her new family: Ian, Kamen, Kwane and Kaden, the Stewarts.

These people are leaders in the community, they’re model citizens, they’re family members, and they’re longtime friends. And today I would like to recognize two of these individuals for their service to New Mexico and to our Nation.

Lori Drury and Maureen Salmon, both of whom are here today, are exceptionally talented teachers and dedicated public servants. Teachers play an invaluable role in our society. Creating jobs, defending and expanding the middle class, growing the economy, and making sure everyone has a fair shot at the American Dream, teachers directly contribute to all of these noble missions. And they don’t do it for the money and they don’t do it for the glory. They do it because they care deeply about the students they teach.

So I rise today to thank Lori and Maureen, to thank my family, and to thank all the teachers and public servants in New Mexico and in America for the work they do each and every day to make this a finer and stronger America.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o’clock and 7 minutes p.m.), the House stood in recess.

□ 1400

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 2 p.m.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



## PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:  
We give You thanks, O God, for giving us another day.

We ask Your blessing upon this assembly and upon all to whom the authority of government is given.

Encourage the Members of this House, O God, to use their abilities and talents in ways that bring righteousness to this Nation and to all people. Ever remind them of the needs of the poor, the homeless or forgotten, and those who live without freedom or liberty. May they be instruments of justice for all Americans.

May Your spirit live with them, and with each of us, and may Your grace surround us and those we love that in all things we may be the people You would have us be in service to this great Nation.

May all that is done within the people's House this day be for Your greater honor and glory.

Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## JOBS AND THE ECONOMY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, the White House announced this week that President Obama will be returning his focus to jobs and the economy; but he's not planning to do this by removing red tape from job creators, withdrawing his opposition to the Keystone XL pipeline, or by repealing ObamaCare.

He's planning to do this by giving speeches. Speeches don't turn the economic tide. Speeches devoid of policy proposals won't help the 4.3 million Americans who've been without a job for more than 6 months. Speeches also won't undo the damage ObamaCare is already doling out to small businesses and working families.

The particularly lethargic recovery our Nation is trudging through is the

economic signature of the Obama Presidency. Rather than blocking American energy or defending ObamaCare, the President should try something new—working with House Republicans to advance our plan for economic growth and jobs.

The American people deserve a thriving economy and economic growth. House Republicans have a plan to get us there. The President should take note.

## PRESERVING MEDICARE PATIENT ACCESS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, this week the Energy and Commerce Committee's Subcommittee on Health will begin a markup on legislation to fix a problem that Congress has been struggling with for over a decade, and that's fixing what's known as the "doc fix," or the sustainable growth rate formula.

The proposed legislation is bipartisan. Both sides of the dais agree that this must be done, and it incorporates the feedback we've received from over 80 stakeholder groups. The legislation replaces the problematic formula with an improved system to increase the quality of care for Medicare patients while streamlining the costly and complicated process in a fiscally responsible way.

Most importantly, the legislation ensures that Medicare patients will continue to have access to medical service. By providing incentives for doctors to continue to treat Medicare patients, we're putting the health of our seniors first.

I'm proud to be part of this common-sense solution, and I look forward to speaking to this House more about this in the weeks to come as it works its way through committee.

## FIFTH UNANSWERED BENGHAZI QUESTION

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, today I ask my fifth question about the terrorist attack in Benghazi that remains unanswered: Why was the CIA security team repeatedly ordered to stand down for more than 30 minutes after the attack began? Where did the order to stop the team from responding originate? Was it directed by the CIA or someone else in Washington? If the team had been allowed to respond immediately, could the lives of Ambassador Stevens and Sean Smith been saved?

Last year, news reports indicated that the CIA security team in Benghazi was repeatedly ordered to stand down

or not respond to the attack at the consulate by agency chain of command. Trusted sources have confirmed this report, saying that the security team was ready to respond within minutes after receiving the initial call for help, but the CIA repeatedly blocked their departure for more than 30 minutes. The team ultimately disobeyed, but by then it was too late to save Stevens and Smith.

Will we ever, ever find the truth? We need a select committee.

## HONORING JACK HOFFMAN

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to honor my constituent, Jack Hoffman of Atkinson, Nebraska, and the Team Jack Foundation.

At only seven years old, Jack has inspired millions of people from around the world, while raising awareness and funding to fight pediatric brain cancer through the Team Jack Foundation.

Many of us remember when Jack, after surviving brain cancer, made his now-legendary touchdown run during the University of Nebraska's spring football game. The video of that play was voted the top play on ESPN.

Last week, Jack's touchdown was honored during ESPN's ESPY awards as Sports Moment of the Year for 2013. This award was well deserved. But more importantly, Jack has used his newfound fame to further the Team Jack Foundation, which is committed to helping find a cure for pediatric brain cancer.

I hope all of my colleagues will join me in honoring Jack not only for his award, but also for his continued efforts to fight cancer.

## JOBS AND THE FREE ENTERPRISE SYSTEM

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, today is a very important day in the life of America as we recognize that Republicans are back in Washington to try and grow our economy and bring jobs back to the free enterprise system.

Mr. Speaker, for 12 years Republicans worked hard on doubling the size of GDP, and we did that from a GDP of \$6.5 trillion to over \$14 trillion. Over the last 5½ years, we have seen our President embark on an agenda that will reduce not just GDP, but jobs and job growth in America. We now stand at a GDP of just over 1 percent.

Mr. Speaker, this means that jobs, as we saw this last month when we saw the jobs report that came out, of some 700,000 jobs that have been created in America this year, of that number,

about 600,000 are part-time jobs. America cannot make ends meet as workers, as families, as communities if we have a President who stands in the way of the free enterprise system and job growth.

Mr. Speaker, I urge House Republicans to continue their work on behalf of the American people for American jobs and to grow our economy.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4:30 p.m. today.

Accordingly (at 2 o'clock and 8 minutes p.m.), the House stood in recess.

□ 1632

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 4 o'clock and 32 minutes p.m.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

### THREE KIDS MINE REMEDIATION AND RECLAMATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 697) to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 697

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Three Kids Mine Remediation and Reclamation Act".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **FEDERAL LAND.**—The term "Federal land" means the approximately 948 acres of Bureau of Reclamation and Bureau of Land Management land within the Three Kids Mine Project Site, as depicted on the map.

(2) **HAZARDOUS SUBSTANCE; POLLUTANT OR CONTAMINANT; REMEDY.**—The terms "hazardous substance", "pollutant or contaminant", and "remedy" have the meanings given those terms in section 101 of the Comprehensive Environ-

mental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(3) **HENDERSON REDEVELOPMENT AGENCY.**—The term "Henderson Redevelopment Agency" means the redevelopment agency of the City of Henderson, Nevada, established and authorized to transact business and exercise the powers of the agency in accordance with the Nevada Community Redevelopment Law (Nev. Rev. Stat. 279.382 to 279.685).

(4) **MAP.**—The term "map" means the map entitled "Three Kids Mine Project Area" and dated February 6, 2012.

(5) **RESPONSIBLE PARTY.**—The term "Responsible Party" means the private sector entity designated by the Henderson Redevelopment Agency, and approved by the State of Nevada, to complete the assessment, remediation, reclamation and redevelopment of the Three Kids Mine Project Site.

(6) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(7) **STATE.**—The term "State" means the State of Nevada.

(8) **THREE KIDS MINE PROJECT SITE.**—The term "Three Kids Mine Project Site" means the approximately 1,262 acres of land that is—

(A) comprised of—

(i) the Federal land; and

(ii) the approximately 314 acres of adjacent non-Federal land; and

(B) depicted as the "Three Kids Mine Project Site" on the map.

#### SEC. 3. LAND CONVEYANCE.

(a) **IN GENERAL.**—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), not later than 90 days after the date on which the Secretary determines that the conditions described in subsection (b) have been met, and subject to valid existing rights and applicable law, the Secretary shall convey to the Henderson Redevelopment Agency all right, title, and interest of the United States in and to the Federal land.

(b) **CONDITIONS.**—

(1) **APPRAISAL; FAIR MARKET VALUE.**—

(A) **IN GENERAL.**—As consideration for the conveyance under subsection (a), the Henderson Redevelopment Agency shall pay the fair market value of the Federal land, if any, as determined under subparagraph (B) and as adjusted under subparagraph (F).

(B) **APPRAISAL.**—The Secretary shall determine the fair market value of the Federal land based on an appraisal—

(i) that is conducted in accordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice; and

(ii) that does not take into account any existing contamination associated with historical mining on the Federal land.

(C) **REMEDICATION AND RECLAMATION COSTS.**—

(i) **IN GENERAL.**—The Secretary shall prepare a reasonable estimate of the costs to assess, remediate, and reclaim the Three Kids Mine Project Site.

(ii) **CONSIDERATIONS.**—The estimate prepared under clause (i) shall be—

(I) based on the results of a comprehensive Phase II environmental site assessment of the Three Kids Mine Project Site prepared by the Henderson Redevelopment Agency or a Responsible Party that has been approved by the State; and

(II) prepared in accordance with the current version of the ASTM International Standard E-2137-06 (2011) entitled "Standard Guide for Estimating Monetary Costs and Liabilities for Environmental Matters".

(iii) **ASSESSMENT REQUIREMENTS.**—The Phase II environmental site assessment prepared under clause (ii)(I) shall, without limiting any additional requirements that may be required by the State, be conducted in accordance with the procedures of—

(I) the most recent version of ASTM International Standard E-1527-05 entitled "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process"; and

(II) the most recent version of ASTM International Standard E-1903-11 entitled "Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process".

(iv) **REVIEW OF CERTAIN INFORMATION.**—

(I) **IN GENERAL.**—The Secretary shall review and consider cost information proffered by the Henderson Redevelopment Agency, the Responsible Party, and the State in the preparation of the estimate under this subparagraph.

(II) **FINAL DETERMINATION.**—If there is a disagreement among the Secretary, Henderson Redevelopment Agency, and the State over the reasonable estimate of costs under this subparagraph, the parties shall jointly select 1 or more experts to assist the Secretary in making the final estimate of the costs.

(D) **DEADLINE.**—Not later than 30 days after the date of enactment of this Act, the Secretary shall begin the appraisal and cost estimates under subparagraphs (B) and (C), respectively.

(E) **APPRAISAL COSTS.**—The Henderson Redevelopment Agency or the Responsible Party shall reimburse the Secretary for the costs incurred in performing the appraisal under subparagraph (B).

(F) **ADJUSTMENT.**—The Secretary shall administratively adjust the fair market value of the Federal land, as determined under subparagraph (B), based on the estimate of remediation, and reclamation costs, as determined under subparagraph (C).

(2) **MINE REMEDIATION AND RECLAMATION AGREEMENT EXECUTED.**—

(A) **IN GENERAL.**—The conveyance under subsection (a) shall be contingent on—

(i) the Secretary receiving from the State written notification that a mine remediation and reclamation agreement has been executed in accordance with subparagraph (B); and

(ii) the Secretary concurring, not later than 30 days after the date of receipt of the written notification under clause (i), that the requirements under subparagraph (B) have been met.

(B) **REQUIREMENTS.**—The mine remediation and reclamation agreement required under subparagraph (A) shall be an enforceable consent order or agreement between the State and the Responsible Party who will be obligated to perform under the consent order or agreement administered by the State that—

(i) obligates the Responsible Party to perform, after the conveyance of the Federal land under this Act, the remediation and reclamation work at the Three Kids Mine Project Site necessary to ensure all remedial actions necessary to protect human health and the environment with respect to any hazardous substances, pollutant, or contaminant will be taken, in accordance with all Federal, State, and local requirements; and

(ii) contains provisions determined to be necessary by the State and the Henderson Redevelopment Agency, including financial assurance provisions to ensure the completion of the remedy.

(3) **NOTIFICATION FROM AGENCY.**—As a condition of the conveyance under subsection (a), not later than 90 days after the date of execution of the mine remediation and reclamation agreement required under paragraph (2), the Secretary shall accept written notification from the

Henderson Redevelopment Agency that the Henderson Redevelopment Agency is prepared to accept conveyance of the Federal land under subsection (a).

#### SEC. 4. WITHDRAWAL.

(a) *IN GENERAL.*—Subject to valid existing rights, for the 10-year period beginning on the earlier of the date of enactment of this Act or the date of the conveyance required by this Act, the Federal land is withdrawn from all forms of—

(1) entry, appropriation, operation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing, mineral materials, and the geothermal leasing laws.

(b) *EXISTING RECLAMATION WITHDRAWALS.*—Subject to valid existing rights, any withdrawal under the public land laws that includes all or any portion of the Federal land for which the Bureau of Reclamation has determined that the Bureau of Reclamation has no further need under applicable law is relinquished and revoked solely to the extent necessary—

(1) to exclude from the withdrawal the property that is no longer needed; and

(2) to allow for the immediate conveyance of the Federal land as required under this Act.

(c) *EXISTING RECLAMATION PROJECT AND PERMITTED FACILITIES.*—Except as provided in subsection (a), nothing in this Act diminishes, hinders, or interferes with the exclusive and perpetual use by the existing rights holders for the operation, maintenance, and improvement of water conveyance infrastructure and facilities, including all necessary ingress and egress, situated on the Federal land that were constructed or permitted by the Bureau of Reclamation before the effective date of this Act.

#### SEC. 5. ACEC BOUNDARY ADJUSTMENT.

Notwithstanding section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713), the boundary of the River Mountains Area of Critical Environmental Concern (NVN 76884) is adjusted to exclude any portion of the Three Kids Mine Project Site consistent with the map.

#### SEC. 6. RESPONSIBILITIES OF THE PARTIES.

(a) *RESPONSIBILITY OF PARTIES TO MINE REMEDIATION AND RECLAMATION AGREEMENT.*—On completion of the conveyance under section 3, the responsibility for complying with the mine remediation and reclamation agreement executed under section 3(b)(2) shall apply to the Responsible Party and the State of Nevada.

(b) *SAVINGS PROVISION.*—If the conveyance under this Act has occurred, but the terms of the agreement executed under section 3(b)(2) have not been met, nothing in this Act—

(1) affects the responsibility of the Secretary to take any additional response action necessary to protect public health and the environment from a release or the threat of a release of a hazardous substance, pollutant, or contaminant; or

(2) unless otherwise expressly provided, modifies, limits, or otherwise affects—

(A) the application of, or obligation to comply with, any law, including any environmental or public health law; or

(B) the authority of the United States to enforce compliance with the requirements of any law or the agreement executed under section 3(b)(2).

#### SEC. 7. SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT.

Southern Nevada Public Land Management Act of 1998 (31 U.S.C. 6901 note; Public Law 105-263) shall not apply to land conveyed under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Washington (Mr. HASTINGS) and the gentleman from California (Mr. HUFFMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, H.R. 697, the Three Kids Mine Remediation and Reclamation Act, was introduced by our colleague from Nevada (Mr. HECK) on Valentine's Day and was marked up on June 12 of this year.

The Three Kids Mine is located in Clark County, Nevada, adjacent to the city of Henderson. The mine was operated from 1916 to 1961. The United States, through the Defense Plant Corporation, owned 446 acres of the Three Kids Mine Project from 1942 to 1955. The mine site was used to produce federally owned manganese ore for national defense purposes and was leased by the U.S. until 2003 to stockpile manganese nodules.

The Three Kids Mine Project area is approximately 1,262 acres and includes 948 acres of Federal lands managed by the Bureau of Land Management and the Bureau of Reclamation, and 314 acres of private lands where the mill site and processing plant are located.

The site is contaminated with arsenic, lead, and other heavy metals and petroleum hydrocarbons. Cost estimates for cleanup and reclamation of the site range from \$300 million to \$1.2 billion.

The city of Henderson, the Henderson Redevelopment Agency, the Nevada Department of Environmental Protection, Lakemoor Development, and the Bureau of Land Management have negotiated a plan to clean up and redevelop the Three Kids Mine Project site that includes the purchase of 948 acres of Federal land. The purchase price would be adjusted to reflect the actual cleanup cost of the Federal and non-Federal lands where the Federal Government has environmental liability resulting from the mill, from the processing facilities, and the storage of Federal-owned manganese nodules.

All in all, Mr. Speaker, this is a win-win for everyone involved. The environmental problems are addressed, the abandoned mine site is reclaimed, and the land redeveloped for beneficial use—all at no cost to the American taxpayer.

If successful, this could provide a framework for other abandoned mine

sites that are near or adjacent to small towns and larger urban areas.

So I urge my colleagues to support this legislation, which passed by voice vote in the last Congress, and I would hope it would do so again in this Congress.

I reserve the balance of my time.

Mr. HUFFMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we agree, the Three Kids Mine is an abandoned manganese mine and mill site located in Henderson, Nevada. This bill designates the combined 314 acres of private land and 948 acres of public land as the 1,262-acre Three Kids Mine Project Site and provides for the conveyance of the public lands to the Henderson Redevelopment Agency.

The bill requires that standard appraisal practices be used to determine the fair market value for the Federal lands to be conveyed. Once that determination has been made, the bill would require the Secretary of the Interior to determine the "reasonable approximate estimation of the costs to assess, remediate, and reclaim the Three Kids Mine Project Site." That cost would then be deducted from the fair market value of the public land that has conveyed. The Henderson Redevelopment Agency would pay the adjusted fair market value of the conveyed land, if any, and the Federal Government would be released from any and all liabilities or claims.

The BLM supports innovative proposals to address the cleanup of the Three Kids Mine, and we do not oppose this bill.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 4 minutes to the author of this legislation, who introduced it in the last Congress and in this Congress, the gentleman from Nevada (Mr. HECK).

Mr. HECK of Nevada. Mr. Speaker, I rise in support of H.R. 697, the Three Kids Mine Remediation and Reclamation Act, which is an innovative solution for restoring our environment, improving safety, and creating jobs.

H.R. 697 addresses the safety and environmental concerns of the Three Kids Mine, as was stated, an abandoned manganese mine and mill site consisting of approximately 1,262 acres of both Federal and private lands which lie within the Henderson city limits and is located across from a busy parkway and an increasing number of homes and businesses.

The site was owned and operated by various parties, including the United States Government, from approximately 1917 through 1961, and used as a storage area for Federal manganese ore reserves from the late 1950s through 2003.

Currently, the project site contains numerous large, unstable, sheer-cliff open pits as deep as 400 feet, huge volumes of mine overburden and tailings,

mill facility remnants, and waste disposal areas. To give a sense of scale, the site contains mine overburden mounds that are approximately 10 stories high in some areas and abandoned waste ponds that are up to 60 feet deep and filled with more than 1 million cubic yards of gelatinous tailings containing high concentrations of arsenic, lead, and petroleum compounds.

H.R. 697 provides an innovative public-private partnership solution to finally clean up the abandoned Three Kids Mine site. In its simplest form, H.R. 697 directs the Secretary of the Interior to convey the Federal lands at the project site—approximately 948 acres—at fair market value, taking into account the costs of investigating and remediating the entire site, which also includes an additional 314 acres of now-private lands that were used historically in mine operations.

In return for conveying the land at fair market value, the Federal Government will also receive a release of liability for cleanup of both the Federal and private lands.

Under this legislation, before the Federal lands are conveyed, the State must enter into a binding consent agreement under which the cleanup of the entire project site will occur. This agreement must include financial assurances to ensure the completion of the remediation and reclamation of the site. The cleanup will be financed with private capital and Nevada tax increment financing at no cost to the Federal Government. Again, this project will be carried out at no cost to the Federal Government.

H.R. 697 is the result of more than 5 years of work among the city of Henderson Redevelopment Agency, the Department of the Interior, the State of Nevada, and private entities. This public-private partnership solution will finally lead to the cleanup and reclamation of the Three Kids Mine site, while at the same time providing for economic development and the creation of as many as 33,000 jobs. Furthermore, I believe this innovative solution could serve as a viable model for the cleanup and reclamation of other similar sites across the country.

This bill, which has the support of the entire Nevada delegation, is nearly identical to H.R. 2512, which passed the House of Representatives by voice vote during the 112th Congress, but unfortunately did not receive consideration in the Senate prior to the adjournment of the last Congress.

I want to thank the chairman and the ranking member of the House Natural Resources Committee for recognizing the importance of this legislation to Nevada and the West, and for their efforts in advancing it, in a bipartisan fashion, through the committee.

H.R. 697 is a win for the economy, a win for the environment, and a win for the Federal taxpayer. I encourage my

colleagues to join me in supporting this legislation.

Mr. HUFFMAN. I yield such time as she may consume to the gentlelady from Nevada, Representative TITUS.

Ms. TITUS. I thank my friend from California for the time.

Mr. Speaker, I rise in support of H.R. 697, the Three Kids Mine Remediation and Reclamation Act, and urge my colleagues to support the bill.

This bipartisan legislation, which has the support of the entire Nevada delegation, including Senators REID and HELLER, is critical to the cleanup and revitalization of long-dormant land near Henderson, Nevada.

H.R. 697 sets up a public-private partnership to address the remediation of the more than 1,200 acres of former manganese mining and industrial lands for redevelopment. These activities, as you have heard, date back nearly a century and were critical to our national defense during World War II. But over the last 50 years, the already nasty, polluted site has become increasingly dangerous. Accordingly, the cleanup of this land is a top priority for the Nevada State Department of Environmental Protection, the city of Henderson, and for the thousands of southern Nevada residents who live nearby.

I support this legislation to clean up the Three Kids Mine for both safety and environmental reasons and to create opportunities for redevelopment of the site for beneficial use and economic potential. So I would urge my colleagues to join me and the Nevada delegation in support of this bill.

Mr. HASTINGS of Washington. I would ask my friend from California, I have no more requests for time and I'm prepared to yield back if the gentleman is prepared to yield back.

Mr. HUFFMAN. I would tell the chairman I have no further speakers and am prepared to yield back if the chairman is prepared to close.

Mr. HASTINGS of Washington. I am prepared to close.

Mr. HUFFMAN. I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, as was mentioned, this is a win-win proposition—at no cost to the taxpayer—cleaning up this mine, and I urge its support. It passed, again, by voice vote in the last Congress, and I hope it does so again in this Congress.

I urge my colleagues to vote “yes,” and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HARRIS). The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 697, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1645

# CALIFORNIA COASTAL NATIONAL MONUMENT EXPANSION ACT OF 2013

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1411) to include the Point Arena-Stornetta Public Lands in the California Coastal National Monument as a part of the National Landscape Conservation System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1411

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the “California Coastal National Monument Expansion Act of 2013”.

(b) DEFINITIONS.—In this Act:

(1) MAP.—The term “map” means the map created by the Bureau of Land Management, entitled “California Coastal National Monument Addition” and dated September 15, 2012.

(2) MONUMENT.—The term “Monument” means the California Coastal National Monument established by Presidential Proclamation 7264.

(3) POINT ARENA-STORNETTA PUBLIC LANDS.—The term “Point Arena-Stornetta Public Lands” means the Federal land comprising approximately 1,255 acres in Mendocino County, California, as generally depicted on the map.

(4) PRESIDENTIAL PROCLAMATION 7264.—The term “Presidential Proclamation 7264” means Presidential Proclamation Number 7264, dated January 11, 2000 (65 Fed. Reg. 2821).

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

## SEC. 2. PURPOSE.

The purpose of this Act is to protect, conserve, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, natural, cultural, scientific, educational, scenic, economic and recreational values of the Point Arena-Stornetta Public Lands, while allowing certain recreational, research and traditional economic activities or uses, such as grazing, to continue.

## SEC. 3. EXPANSION OF CALIFORNIA COASTAL NATIONAL MONUMENT.

(a) IN GENERAL.—The boundary of the Monument established by Presidential Proclamation 7264 is expanded to include the Federal land shown on the map.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and boundary description of land added to the Monument by this Act.

(2) FORCE AND EFFECT.—The map and boundary description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any minor errors in the map and boundary descriptions.

(3) AVAILABILITY OF MAP AND BOUNDARY DESCRIPTION.—The map and boundary description filed under paragraph (1) shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

#### SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall manage the land added to the Monument by this Act—

(1) as a part of the Monument; and  
(2) in accordance with Presidential Proclamation 7264, except that—

(A) traditional economic activities and existing uses, such as grazing and the maintenance of existing structures that are used for grazing, shall not be restricted; and

(B) lands and interests in land within the proposed land addition not owned by the United States shall not be part of the monument and the future acquisition of those lands and interests in lands by the United States may occur only through donation or exchange with the written consent of the landowner.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall finalize an amendment to the Monument management plan for the long-term protection and management of the land added to the Monument by this Act.

(2) REQUIREMENTS.—The plan amendment shall—

(A) be developed with an opportunity for full public participation; and

(B) describe the appropriate uses and management of the land consistent with this Act.

(c) MOTORIZED AND MECHANIZED TRANSPORT.—Except as needed for emergency or authorized administrative purposes, the use of motorized and mechanized vehicles in the Monument shall be permitted only on roads and trails designated for that use.

(d) INCORPORATION OF LAND AND INTERESTS.—

(1) AUTHORITY.—The Secretary may acquire non-Federal land or interests in land within or adjacent to the land added to the Monument by this Act only through exchange, or donation with the written consent of the landowner, and such non-Federal land shall not be included within the boundaries of the Monument absent written consent of the landowner.

(2) MANAGEMENT.—Any land or interests in land within or adjacent to the land added to the Monument by this Act acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the Monument.

(3) ACCESS TO PRIVATE PROPERTY.—The addition of lands under this Act to the Monument may not result in a lack of or restricted access by motorized vehicle to any non-Federal lands within the Monument.

(e) OVERFLIGHTS.—Nothing in this Act—

(1) restricts or precludes overflights, including low-level overflights or military, commercial, and general aviation overflights that can be seen or heard within the land added to the Monument by this Act;

(2) restricts or precludes the designation or creation of new units of special use airspace or the establishment of military flight training routes over the land added to the Monument by this Act; or

(3) modifies regulations governing low-level overflights above the adjacent Gulf of the Farallones National Marine Sanctuary.

(f) LAW ENFORCEMENT.—Nothing in this Act effects the law enforcement authorities of the Department of Homeland Security.

(g) NATIVE AMERICAN USES.—Nothing in this Act enlarges, diminishes, or modifies the rights of any Indian tribe or Indian religious community.

(h) BUFFER ZONES.—

(1) IN GENERAL.—The expansion of the Monument is not intended to lead to the establishment of protective perimeters or buffer zones around the land included in the Monument by this Act.

(2) ACTIVITIES OUTSIDE THE MONUMENT.—The fact that activities outside the Monument can be seen or heard within the land added to the Monument by this Act shall not, of itself, preclude those activities or uses up to the boundary of the Monument.

(i) GRAZING.—Nothing in this Act affects the grazing of livestock and the maintenance of existing structures that are used for grazing within the Point Arena-Stornetta Public Lands or the Monument.

(j) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Secretary shall manage the Monument as part of the National Landscape Conservation System.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from California (Mr. HUFFMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1411 would add 1,255 acres of the Point Arena-Stornetta Public Lands to the California Coastal National Monument, which was created by Presidential Proclamation 7264 in January of 2000.

The Stornetta family, the namesake of this area being annexed into the monument, grazes cattle in this area, so it is imperative that grazing continues and is compatible with the long-term protection and management of the monument. Public land grazers in Arizona, Montana, and Utah have already been targeted by a few antigrazing zealots who want to litigate to extinction the legitimate and long-standing practice of grazing in national monuments.

During committee consideration of H.R. 1411, an amendment was adopted to ensure that traditional economic activities and uses, such as grazing, will be allowed to continue once the Point Arena-Stornetta Public Lands are added to the California Coastal National Monument. It also limited future land acquisitions to only those done by donations or exchange, thereby preventing any unnecessary taxpayer expense. Private property rights were

also protected by ensuring motorized vehicle access to any non-Federal lands within the monument and requiring written consent from the landowners before their property can be included in the monument.

The bill includes provisions preventing restrictions on military or commercial low-level overflights and training activities, and also on Department of Homeland Security law enforcement activities, other routine provisions protecting activities outside of the designation, and prohibiting the creation of buffer zones.

I think these conditions are the right conditions when you take land for other uses, and I support this legislation.

I reserve the balance of my time.

Mr. HUFFMAN. Mr. Speaker, I yield myself such time as I may consume.

I am honored to rise in support of my first piece of legislation as a Member of Congress: H.R. 1411. This bill will add Mendocino's Point Arena-Stornetta Public Lands to the California Coastal National Monument.

Those of my colleagues who have visited the Mendocino coast appreciate the true unspoiled beauty of this region, and understand why it's so important to protect it for future generations.

This bill will preserve a complex and fragile ecosystem on the Mendocino coast, approximately 130 miles north of San Francisco. It will serve as the first land-based addition to the California Coastal National Monument. It will also add 10 miles of connectivity to the California Coastal Trail.

The Point Arena-Stornetta Public Lands encompass 1,255 acres of pristine coastal wetlands, including habitat for several endangered species. The bill will also protect the Garcia River estuary and 2 miles of the Garcia River itself. This river is critical habitat for coho salmon and steelhead. In addition, we will maintain the existing ranching, recreation, and research uses of this land, preserving much of it as a sustainable working landscape.

But safeguarding this national treasure isn't just good for the environment; it is also good for the economy. Environmental tourism is critical to the economy of the north coast of California, and expanding the Coastal National Monument will bring new visitors and new economic activity.

Tourism is already the number one source of jobs on the Mendocino coast. We get close to 2 million annual visitors in the region, and that supports more than 5,000 jobs and generates more than \$110 million in economic activity annually. The Point Arena-Stornetta Public Lands are a perfect gateway for visitors to experience the California Coastal National Monument. That is one of the reasons why the effort to protect this amazing stretch of the Mendocino coast has such broad

public support from State and local elected officials to the Manchester-Point Arena Band of Pomo Indians, conservation groups across the country, and business and civic leaders in the community. In addition, hundreds of individuals in this rural area have expressed their support by way of petition.

My friend and predecessor in representing the north coast in Congress, Congressman MIKE THOMPSON, initiated the effort to protect this area in the last Congress, and I am very pleased that he is joining me as a cosponsor of this bill.

I am also very appreciative of the support of the chairman of the Natural Resources Committee, Chairman DOC HASTINGS, and also of the newest Member of our Senate and our former ranking Democrat, ED MARKEY.

In addition, I want to thank Chairman BISHOP and Ranking Member GRIJALVA of the Public Lands Subcommittee for not only hearing the bill, but for inviting my constituent, Scott Schneider, who is president and CEO of Visit Mendocino, to come and testify in support of this legislation.

This bill was reported by the Natural Resources Committee by unanimous consent, and I am grateful that we have come so far to preserve this iconic landscape.

I look forward to continuing to work with the committee, with Senators BOXER and FEINSTEIN, and with my colleagues to ensure that we fully and permanently protect this magnificent coastline.

I urge my colleagues to vote "yes" on H.R. 1411, and I reserve the balance of my time.

Mr. HASTINGS of Washington. I have no more requests for time.

I continue to reserve the balance of my time.

Mr. HUFFMAN. Mr. Speaker, I yield as much time as he may consume to the gentleman from the Northern Mariana Islands (Mr. SABLÁN).

Mr. SABLÁN. Mr. Speaker, I thank the gentleman for yielding me time.

From his days in the California State House and now here in Congress, Congressman JARED HUFFMAN has been a leader in protecting our valuable natural resources. H.R. 1411 is a fine example of this commitment and office leadership. Congressman HUFFMAN's bill incorporates the area known as the Point Arena-Stornetta Public Lands into the California Coastal National Monument.

The bill gives permanent protection to 1,255 acres of wetlands along the Mendocino County coast. The area provides habitat for endangered species, including the Point Arena mountain beaver and the Behren's silverspot butterfly. The Garcia River running through it shelters steelhead and silver and king salmon.

While I have the floor, I also want to commend Congressman HUFFMAN for

his efforts to protect sharks. In the California Legislature, Congressman HUFFMAN wrote the law banning wasteful trade in shark fins. Here in Congress, he led the effort to protest when the Commerce Department proposed regulations preempting State laws against shark finning.

The Northern Mariana Islands, which I represent, has enacted a similar law. So along with other Members who respect State authority, I cosigned Congressman HUFFMAN's letter asking NOAA to withdraw its proposed regulation.

Again, I commend Mr. HUFFMAN for his dedication to protecting our natural resources, and I ask all my colleagues to support H.R. 1411.

Mr. HASTINGS of Washington. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HUFFMAN. I thank the gentleman from the Northern Mariana Islands.

Mr. Speaker, I would yield as much time as he may consume to my colleague, the gentleman from Monterey, California (Mr. FARR).

Mr. FARR. I thank Mr. HUFFMAN for yielding.

Mr. Speaker, I want to congratulate the committee and Chairman DOC HASTINGS on bringing this bill to the floor.

I was instrumental in creating the Coastal National Monument along the California coastline. It had to be done by executive order because we couldn't get the bills out of committee. I just really appreciate the fact that the committee is concentrating on this, because a lot of these things that people kind of argue against they don't realize what the positive unintended consequences are.

What this bill does is it really talks about management of land. As the chairman pointed out, the substance of the bill allows the private enterprise, the agriculture to continue, and to have it in a way that is going to be cost-effective management. This is a win-win for the private sector and for the public sector.

In many cases, the Bureau of Land Management is a very effective land manager. It essentially, in the West, has a lot of the land that actually was never picked up by Forest Service. When you think of Forest Service, you think of timbering or mining and those kinds of things, or land that qualified for the National Park System as kind of the leftover lands of the westward expansion. They have a lot of land management responsibility and know-how.

The California coastline is the number one attraction and the number one engine. It is the whole engine of California. Most of the cities and stuff are all along the coast. So any time you add to ability to expand access—we sometimes forget in Congress that the number one activity of interest in this

country is watchable wildlife. More people watch wildlife, whether it is in the movies or channels or buy gear to go out, than watch all the national sports. It is huge business and it is jobs. In the rural area, this is key to job development.

Since we've created the Coastal National Monument, we have had little towns and counties in the rural area that have been identifying the rocks, all of which have historical names from families or shipwrecks. Now it gives some attraction to it, some historical attraction, which people love to learn about. It has been a great educational tool to teach us about this 1,100-mile coastline in California sort of inch by inch.

This addition is going to be able to build more opportunity for job creation, as people want to hire people to give them access, want to buy pictures, want to buy books, want to buy art that's made from it.

So I really commend the committee on realizing that these things are responsible job development jobs, not just government ownership of land. When you say, well, it is taking it off the private tax rolls, remember, this is a private interest that wanted to sell it to a public system. Those lands will pay taxes in lieu of property taxes, PIL taxes. It will continue the economy of the area. But for the local area—this is pretty rural California, really rural—this will just be a huge economic boon tool.

I compliment Mr. HUFFMAN. This is the first bill he has brought to the floor. I hope he brings more. He is a very able Member of Congress. He proved a great member of the California State Legislature.

Mr. HASTINGS, thank you for providing the leadership to get these bills to the floor so that we can have an opportunity to vote on them.

I urge an "aye" vote.

Mr. HUFFMAN. I thank the gentleman and yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, this is a good piece of legislation. I urge my colleagues to adopt it, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 1411, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### OPERATION OF VEHICLES ON CERTAIN WISCONSIN HIGHWAYS

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill



(H.R. 2353) to amend title 23, United States Code, with respect to the operation of vehicles on certain Wisconsin highways, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2353

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. OPERATION OF VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.**

Section 127 of title 23, United States Code, is amended by adding at the end the following:

“(j) OPERATION OF VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—If any segment of the United States Route 41 corridor, as described in section 1105(c)(57) of the Intermodal Surface Transportation Efficiency Act of 1991, is designated as a route on the Interstate System, a vehicle that could operate legally on that segment before the date of such designation may continue to operate on that segment, without regard to any requirement under subsection (a).”.

The SPEAKER pro tempore. Does the gentleman intend that the motion apply to the bill, as amended?

Mr. PETRI. Yes.

The SPEAKER pro tempore. The bill, as amended, is pending.

Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

**GENERAL LEAVE**

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

U.S. Highway 41 between Milwaukee and Green Bay is slated to become part of the U.S. interstate system early next year. H.R. 2353 would simply allow trucks that exceed Federal weight limits but are currently authorized to operate on this road to continue to operate after the interstate designation.

□ 1700

This primarily involves agricultural crops during harvest season, milk, timber, scrap metal, and garbage. No new trucks in excess of Federal weight limits would be allowed on the new I-41. This would just maintain the status quo and not disrupt the current flow of commerce.

This is not unprecedented, as other roads which have become part of the interstate system have received this grandfather, including I-39 in Wisconsin, with no ill effect. In fact, the Wisconsin State Patrol, which is responsible for truck safety enforcement,

has issued a statement in support of this bill, and is noting the safety benefits of not forcing these trucks off the safer interstate and onto State and local roads which are not designated to carry such traffic.

The bill before us is also supported by Republican and Democratic members of the Wisconsin House delegation, our two U.S. Senators, the Wisconsin Department of Transportation, and many State and local officials and organizations. I ask my House colleagues to approve this bill, which is so important to my State.

I reserve the balance of my time.

The SPEAKER pro tempore. The Chair wishes to again clarify with the gentleman whether the bill is with or without an amendment.

Mr. PETRI. It is without an amendment.

The SPEAKER pro tempore. The Chair would announce that the pending motion is that the House suspend the rules and pass the Union Calendar version of the bill, which is without amendment.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Congress has previously grandfathered truck weights on roads that obtained interstate designation, including Interstate 99 in Pennsylvania, Interstate 39 in Wisconsin and Interstate 68 in Maryland. I point that out to note that what is being proposed in the pending legislation is not without precedent or justification.

While I support this legislation, consideration by the House of this bill should not be construed as an indicator of movement on the broader debate of whether to increase truck weights generally. This is a limited extension of current standards on one road in one State, and I am evaluating it as such. I support this bill, and I urge its adoption.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to my colleague from Wisconsin (Mr. RIBBLE).

Mr. RIBBLE. Thank you, Chairman PETRI.

I also want to thank the ranking member, Mr. RAHALL, for working with us. We advanced this bill through committee, and it passed our committee by voice vote.

Mr. Speaker, the bill is very simple. Chairman PETRI mentioned it maintains the status quo on a single highway in Wisconsin that is being changed from a U.S. highway to a U.S. interstate. Highway 41, from Green Bay, Wisconsin, to Milwaukee, is slated to become an interstate next year. To do that without any disruption to safety, it's important that we grandfather the current weight limits that are currently on the road, and this bill does exactly that.

It ensures that any trucks that drive on the road today will be able to drive

on the road after the conversion. Without this bill, shippers would simply have two options, and neither would be good for safety. One option would be to move these trucks onto side roads, which, in Wisconsin, are often rural or through small towns that are not suited for truck traffic. The other option would be to put more trucks on the highway in order to comply with the lower weight limits. Neither option is good for safety, and neither option is good for Wisconsin.

As Chairman PETRI mentioned, it is supported by the Wisconsin State Patrol; it is supported by the Governor of Wisconsin; it is supported by the Wisconsin State Assembly, including the majority and ranking members; it is supported by the Wisconsin State Senate; and it is supported by the Wisconsin DOT.

As the ranking member mentioned, this is not a precedent-setting piece of legislation. In fact, it has happened in other parts of the country. I am in support of this legislation, and I urge my colleagues to support it.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I urge my colleagues to support the legislation before us, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 2353.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

**AUTHORIZING USE OF CAPITOL GROUNDS FOR DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN**

Mr. RIBBLE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 44) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 44

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. AUTHORIZATION OF USE OF THE CAPITOL GROUNDS FOR DC SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.**

On September 27, 2013, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 28th Annual District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as



the “event”) may be run through the Capitol Grounds to carry the Special Olympics torch to honor local Special Olympics athletes.

## SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

## SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

## SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. RIBBLE) and the gentleman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

### GENERAL LEAVE

Mr. RIBBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 44.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. RIBBLE. Mr. Speaker, I yield myself such time as I may consume.

H. Con. Res. 44 would authorize the use of the Capitol Grounds for the District of Columbia's Special Olympics Law Enforcement Torch Run that will be held on September 27, 2013.

I would first like to thank Ranking Member NORTON, of the Subcommittee on Economic Development, Public Buildings and Emergency Management, for introducing this resolution, as well as to thank Chairman BARLETTA of the subcommittee for cosponsoring it.

As in years past, the torch run will be launched from the West Terrace of the U.S. Capitol and will continue through the Capitol Grounds as part of the journey to the annual D.C. Special Olympics Summer Games.

The Special Olympics is an international organization dedicated to enriching the lives of children and adults with disabilities through athletics and competition. The Law Enforcement Torch Run began in 1981 when the police chief of Wichita, Kansas, saw an urgent need to raise funds for and to increase awareness of the Special Olympics. The Torch Run was then quickly adopted by the International Association of Chiefs of Police. Today, the Torch Run is the largest grassroots effort that raises funds and awareness for the Special Olympics program. The

event in D.C. is one of many law enforcement torch runs throughout the country and across 40 nations.

I support the passage of this resolution, and I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Concurrent Resolution 44, which authorizes the use of the Capitol Grounds for the 28th Annual Law Enforcement Torch Run, which benefits the District of Columbia Special Olympics.

The torch relay event has traditionally been associated with the summer D.C. Special Olympics, which took place this past May. Each year, approximately 2,500 Special Olympians compete in over a dozen events here in the Nation's Capital, and more than 1 million children and adults with special needs participate in Special Olympic programs worldwide. The Law Enforcement Torch Run has become a truly popular event on Capitol Hill and is an integral part of the fundraising efforts for the D.C. Special Olympics. Nearly 1,500 Law Enforcement Torch Run participants are expected to assemble at the West Terrace of the U.S. Capitol Building on September 27, 2013, for a 2.3-mile run to Fort McNair, which culminates in a picnic and a celebration for all participants.

The Special Olympics of D.C. provides year-round sports and fitness training, health screenings and athletic competition to all children and adults with intellectual disabilities, and it touches thousands of families in D.C. and the region. Participants are involved in basketball, bowling, golf, soccer, tennis, track and field, volleyball, and many other sports programs that address various levels of ability. Best of all, the different programs offered to Special Olympics athletes are always free of charge and are partially supported by the event that we would authorize today.

I am truly pleased to support such a meritorious organization and to support the passage of this resolution, and I ask my colleagues to do the same.

I thank the gentleman for his cooperation in bringing this bill.

As I have no further requests for time, Mr. Speaker, I yield back the balance of my time.

Mr. RIBBLE. This is a terrific event. It's one that every Member of Congress should support, and I encourage the adoption of it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. RIBBLE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 44.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RIBBLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

## WMD INTELLIGENCE AND INFORMATION SHARING ACT OF 2013

Mr. MEEHAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1542) to amend the Homeland Security Act of 2002 to establish weapons of mass destruction intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1542

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “WMD Intelligence and Information Sharing Act of 2013”.

### SEC. 2. WEAPONS OF MASS DESTRUCTION INTELLIGENCE AND INFORMATION SHARING.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

#### “SEC. 210G. WEAPONS OF MASS DESTRUCTION INTELLIGENCE AND INFORMATION SHARING.

“(a) IN GENERAL.—The Office of Intelligence and Analysis of the Department of Homeland Security shall—

“(1) support homeland security-focused intelligence analysis of terrorist actors, their claims, and their plans to conduct attacks involving chemical, biological, radiological, and nuclear materials against the Nation;

“(2) support homeland security-focused intelligence analysis of global infectious disease, public health, food, agricultural, and veterinary issues;

“(3) support homeland security-focused risk analysis and risk assessments of the homeland security hazards described in paragraphs (1) and (2) by providing relevant quantitative and nonquantitative threat information;

“(4) leverage existing and emerging homeland security intelligence capabilities and structures to enhance prevention, protection, response, and recovery efforts with respect to a chemical, biological, radiological, or nuclear attack;

“(5) share information and provide tailored analytical support on these threats to State, local, and tribal authorities as well as other national biosecurity and biodefense stakeholders; and

“(6) perform other responsibilities, as assigned by the Secretary.

“(b) COORDINATION.—Where appropriate, the Office of Intelligence and Analysis shall coordinate with other relevant Department components, others in the Intelligence Community, including the National Counter Proliferation Center, and other Federal, State,

local, and tribal authorities, including officials from high-threat areas, and enable such entities to provide recommendations on optimal information sharing mechanisms, including expeditious sharing of classified information, and on how they can provide information to the Department.

“(c) REPORT.—

“(1) IN GENERAL.—Not later than one year after the date of the enactment of this section and annually thereafter, the Secretary shall report to the appropriate congressional committees on—

“(A) the intelligence and information sharing activities under subsection (a) and of all relevant entities within the Department to counter the threat from weapons of mass destruction; and

“(B) the Department’s activities in accordance with relevant intelligence strategies.

“(2) ASSESSMENT OF IMPLEMENTATION.—The report shall include—

“(A) a description of methods established to assess progress of the Office of Intelligence and Analysis in implementing this section; and

“(B) such assessment.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘appropriate congressional committees’ means the Committee on Homeland Security of the House of Representatives and any committee of the House of Representatives or the Senate having legislative jurisdiction under the rules of the House of Representatives or Senate, respectively, over the matter concerned.

“(2) The term ‘Intelligence Community’ has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“(3) The term ‘national biosecurity and biodefense stakeholders’ means officials from the Federal, State, local, and tribal authorities and individuals from the private sector who are involved in efforts to prevent, protect against, respond to, and recover from a biological attack or other phenomena that may have serious health consequences for the United States, including wide-scale fatalities or infectious disease outbreaks.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

“Sec. 210G. Weapons of mass destruction intelligence and information sharing.”.

**SEC. 3. DISSEMINATION OF INFORMATION ANALYZED BY THE DEPARTMENT TO STATE, LOCAL, TRIBAL, AND PRIVATE ENTITIES WITH RESPONSIBILITIES RELATING TO HOMELAND SECURITY.**

Section 201(d)(8) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)(8)) is amended by striking “and to agencies of State” and all that follows and inserting “to State, local, tribal, and private entities with such responsibilities, and, as appropriate, to the public, in order to assist in preventing, deterring, or responding to acts of terrorism against the United States.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. MEEHAN) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. MEEHAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to

revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MEEHAN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank Homeland Security Committee Chairman MICHAEL McCaul and former Chairman PETER KING, as well as Ranking Member HIGGINS and Congresswoman JACKIE SPEIER, for joining me in introducing this bipartisan legislation.

I urge the support for H.R. 1542, the Weapons of Mass Destruction Intelligence and Information Sharing Act of 2013.

The legislation provides important guidance for disseminating WMD—that’s weapons of mass destruction—intelligence information at the Department of Homeland Security. Weapons of mass destruction are considered for the purposes of this act to be chemical, biological, radiological, and nuclear weapons.

Mr. Speaker, in 2010, the Congress established the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism. The Commission was chaired by former Senators Bob Graham and Jim Talent. A principal but, as of yet, unfilled recommendation from the Graham-Talent Commission was to assure that critical collaboration take place—collaboration among Homeland Security intelligence assets and other Federal, State and local partners—in protecting the homeland. It’s time for Congress to do its part right now to ensure that the Nation is meeting its WMD detection and prevention responsibilities in a meaningful way.

Mr. Speaker, when I stood before this body on this bill last year, I had recently returned from the Middle East, and one of the takeaways from the trip was the number of chemical weapons stockpiled in Syria.

□ 1715

I raised the concern that during this extraordinary time of insecurity in the region, these weapons could wind up in the hands of al Qaeda or other terrorists. Since that time, we’ve tragically learned that Bashar al-Assad has indeed used chemical weapons on his own people, and we have the fear and concern of the threat of those who have expressed a desire in Iran to use weapons of mass destruction to assure that Israel does not exist.

Chemical weapons have completely changed the way our military prepares for operations. Just last week, the Chairman of the Joint Chiefs of Staff Martin Dempsey told the Senate Armed Services Committee that the military is preparing for the possibility of encountering chemical weapons in

Syria. The risk of these weapons getting into the hands of terrorists continues to grow, and our military continues to become more vigilant. These risks and the current nature of the threat makes this legislation all the more relevant.

We must be doing more to assure that local and State law enforcement are privy to intelligence that could stop an attack. In fact, the potential for homegrown radicalization has increased, and therefore the need for law enforcement and Federal authorities to work together has increased all the more. I think we’re all aware of the tragic circumstances of the attack in Boston that occurred all too recently. Although the FBI closed its case on Tamerlan Tsarnaev, a Treasury Enforcement Communications System, or TECS, alert was placed on him. It should have immediately pinged Homeland Security and Customs and Border Patrol. Therefore, when Tamerlan traveled to Russia in 2012 and subsequently returned to the U.S. only to set up a jihadist YouTube account, a red flag should have been raised, and Federal, State, and local officials should have been notified.

One of the purposes of this bill is to enhance the communication and collaboration between our Federal intelligence assets, particularly those of Homeland Security, and our Federal, State, and local partners.

Chemical, biological, radiological, and nuclear materials can be quite difficult to detect and to prevent. However, the danger they pose is unimaginable. My legislation is with recommendation from the Commission, and it will ensure sustained Department of Homeland Security commitment to facilitate the partnership across the intelligence community and the first responder community.

I urge support for this bill, and reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1542, the WMD Intelligence and Information Sharing Act of 2013.

This bill would strengthen information-sharing at all levels of government regarding chemical, biological, radiological, and nuclear terrorist threats.

Since the attacks of September 11, 2001, concerns about an attack on U.S. soil with a weapon of mass destruction or dirty bomb has come into sharp focus. The Director of National Intelligence has stated that the intelligence community remains concerned about the prospect that a terrorist organization or non-state actor could exploit a weapon of mass destruction and, with little or no warning, inflict significant damage to our Nation’s citizens and economy.

The potentially devastating nature of WMD attacks has come into greater

focus in recent months. In particular, there's evidence that chemical weapons were used in the Syrian civil war. Worries persist that in the chaos of this war, dangerous chemical agents could fall into the hands of terrorists or other rogue operators. The prospect that biological and nuclear weapons could fall into the wrong hands is also very concerning.

Recognizing that effective information-sharing is essential to preventing a WMD attack, H.R. 1542 requires the Department of Homeland Security to support homeland security-focused analysis of terrorist actors and their plans to conduct attacks involving chemical, biological, and nuclear materials against the Nation.

This bill requires DHS to coordinate with other components and the intelligence community and other Federal, State, local, and tribal authorities to provide recommendations on information-sharing mechanisms.

Robust partnership between DHS and local law enforcement is critical to enhancing situational awareness with respect to terrorism prevention, including prevention of a WMD attack.

I'm pleased to support this bipartisan bill and would like to acknowledge that the language under consideration today originated in comprehensive WMD legislation authored by my former committee colleague, Representative BILL PASCRELL of New Jersey.

While I support this measure, I would hope that this Congress could move forward on more comprehensive WMD prevention legislation in the very near future.

Mr. Speaker, I reserve the balance of my time.

Mr. MEEHAN. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Mississippi for his comments, and I also want to recognize, as he does, the great work that was done by Congressman PASCRELL on this issue, as well, here in this House. And when I had the good fortune to begin to do work on the House Homeland Security Committee, it was Congressman PASCRELL who was among those who brought this issue to our attention and the failure or the lack of the ability to see the issues that the Commission put forward be put into place. So I want to thank him for his good work on this issue, as well.

Mr. Speaker, I have no further speakers at this point. So if the gentleman from Mississippi has no further speakers, I'm certainly prepared to close, and I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, as I have no further speakers and I am prepared to close, I yield myself the balance of my time.

Mr. Speaker, I urge passage of H.R. 1542 today. Enactment of this measure will strengthen the partnership between the Department of Homeland Security

and our Nation's first preventers against one of the most vexing homeland security threats, weapons of mass destruction.

Mr. Speaker, I yield back the balance of my time.

Mr. MEEHAN. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Mississippi, and I want to thank my colleagues for their support of H.R. 1542. This is a vitally important piece of legislation, as has been identified in the earlier comments of the gentleman from Mississippi, and I echo them myself, particularly this concern, as we engage in a world in which the proliferation of weapons of mass destruction, particularly those which are chemical weapons, which we do not know whether they may have fallen into the hands of not only Syria, but Libya, as well, creates a heightened sense of need and awareness on the part of those in our intelligence committees to do all to assure there is collaboration on intelligence that they derive in these areas with the partners on the Federal, State, and local levels.

So I urge Members to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MEEHAN) that the House suspend the rules and pass the bill, H.R. 1542.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MEEHAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 24 minutes p.m.), the House stood in recess.

□ 1831

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDING) at 6 o'clock and 31 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1542, by the yeas and nays;

H. Con. Res. 44, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

## WMD INTELLIGENCE AND INFORMATION SHARING ACT OF 2013

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1542) to amend the Homeland Security Act of 2002 to establish weapons of mass destruction intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MEEHAN) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 388, nays 3, not voting 42, as follows:

[Roll No. 375]

YEAS—388

Aderholt	Castro (TX)	Edwards
Amash	Chabot	Ellison
Amodel	Chaffetz	Enyart
Andrews	Chu	Eshoo
Bachmann	Cicilline	Esty
Bachus	Clarke	Farenthold
Barletta	Clay	Farr
Barr	Cleaver	Fattah
Barrow (GA)	Clyburn	Fincher
Barton	Coble	Fitzpatrick
Bass	Coffman	Fleischmann
Beatty	Cohen	Fleming
Becerra	Cole	Flores
Benishek	Collins (GA)	Forbes
Bentivolio	Collins (NY)	Fortenberry
Bera (CA)	Conaway	Foster
Bilirakis	Connolly	Fox
Bishop (GA)	Conyers	Frankel (FL)
Bishop (NY)	Cook	Franks (AZ)
Bishop (UT)	Cooper	Frelinghuysen
Black	Costa	Fudge
Blackburn	Cotton	Gabbard
Blumenauer	Courtney	Gallego
Bonamici	Cramer	Garcia
Bonner	Crawford	Gardner
Boustany	Crenshaw	Garrett
Brady (PA)	Crowley	Gerlach
Brady (TX)	Cuellar	Gibbs
Bridenstine	Cummings	Gibson
Brooks (AL)	Daines	Gingrey (GA)
Brooks (IN)	Davis, Danny	Gohmert
Brown (GA)	Davis, Rodney	Goodlatte
Brown (FL)	Delaney	Gosar
Brownley (CA)	DeLauro	Gowdy
Buchanan	DelBene	Granger
Burgess	Denham	Graves (GA)
Bustos	Dent	Graves (MO)
Butterfield	DeSantis	Grayson
Calvert	DesJarlais	Green, Al
Camp	Deutch	Green, Gene
Cantor	Diaz-Balart	Griffin (AR)
Capito	Dingell	Griffith (VA)
Capuano	Doggett	Guthrie
Carney	Doyle	Hahn
Carson (IN)	Duckworth	Hall
Cartwright	Duffy	Hanabusa
Cassidy	Duncan (SC)	Harper
Castor (FL)	Duncan (TN)	Harris

Hartzler  
Hastings (FL)  
Hastings (WA)  
Heck (NV)  
Heck (WA)  
Hensarling  
Himes  
Hinojosa  
Holding  
Honda  
Hoyer  
Hudson  
Huelskamp  
Huffman  
Huizenga (MI)  
Hultgren  
Hurt  
Israel  
Issa  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jordan  
Joyce  
Kaptur  
Keating  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Kildee  
Kilmer  
Kind  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
Latta  
Levin  
Lewis  
LoBiondo  
Loeb sack  
Long  
Lowenthal  
Lowey  
Lucas  
Luetkemeyer  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lummis  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Marino  
Matheson  
Matsui  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley

McMorris  
Rodgers  
McNerney  
Meadows  
Meehan  
Meeks  
Messer  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, George  
Moore  
Moran  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Napolitano  
Neal  
Negrete McLeod  
Neugebauer  
Noem  
Nolan  
Nugent  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Pascrell  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Perry  
Peters (CA)  
Peters (MI)  
Peterson  
Petri  
Pingree (ME)  
Pittenger  
Pitts  
Pocan  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Radel  
Rahall  
Rangel  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Williams  
Rothfus  
Roybal-Allard  
Ruiz  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salmon  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanford

## NAYS—3

## NOT VOTING—42

Alexander  
Barber  
Braley (IA)  
Bucshon  
Campbell  
Capps

Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schneider  
Schock  
Schrader  
Schwartz  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell (AL)  
Shea-Porter  
Sherman  
Shimkus  
Shuster  
Simpson  
Sinema  
Sires  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Swalwell (CA)  
Takano  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Titus  
Tonko  
Turner  
Upton  
Valadao  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wagner  
Walberg  
Walden  
Walorski  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weber (TX)  
Webster (FL)  
Welch  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yarmuth  
Yoder  
Yoho  
Young (AK)  
Young (FL)  
Young (IN)

Hanna  
Herrera Beutler  
Higgins  
Holt  
Horsford  
Hunter  
Kingston  
Kuster

Lee (CA)  
Lipinski  
Marchant  
McCarthy (NY)  
Meng  
Miller, Gary  
Nadler  
Pallone

Pastor (AZ)  
Reed  
Rohrabacher  
Royce  
Rush  
Speier  
Tierney  
Tsongas

Eshoo  
Esty  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Fleischmann  
Flores  
Forbes  
Fortenberry  
Foster  
Foxy  
Frankel (FL)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Guthrie  
Hahn  
Hall  
Hanabusa  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Heck (NV)  
Heck (WA)  
Hensarling  
Himes  
Hinojosa  
Holding  
Honda  
Hoyer  
Hudson  
Huelskamp  
Huffman  
Huizenga (MI)  
Hultgren  
Hurt  
Israel  
Issa  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kaptur  
Keating  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Kildee  
Kilmer  
Kind  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham

Latta  
Levin  
Lewis  
LoBiondo  
Loeb sack  
Lofgren  
Long  
Lowenthal  
Lowey  
Lucas  
Luetkemeyer  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lummis  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Marino  
Massie  
Matheson  
Matsui  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meadows  
Meehan  
Meeks  
Messer  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, George  
Moore  
Moran  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Napolitano  
Neal  
Negrete McLeod  
Neugebauer  
Noem  
Nolan  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Pascrell  
Paulsen  
Payne  
Pearce  
Perlmutter  
Perry  
Peters (CA)  
Peters (MI)  
Peterson  
Petri  
Pingree (ME)  
Pittenger  
Pitts  
Pocan  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell  
Roby

Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Roybal-Allard  
Ruiz  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salmon  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanford  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schneider  
Schock  
Schrader  
Schwartz  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell (AL)  
Shea-Porter  
Sherman  
Shimkus  
Shuster  
Simpson  
Sinema  
Sires  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Stewart  
Stivers  
Stockman  
Stutzman  
Swalwell (CA)  
Takano  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Titus  
Tonko  
Turner  
Upton  
Valadao  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wagner  
Walberg  
Walden  
Walorski  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weber (TX)  
Webster (FL)  
Welch  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf

□ 1856

Mr. MASSIE changed his vote from “yea” to “nay.”

Mr. SMITH of Texas changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### AUTHORIZING USE OF CAPITOL GROUNDS FOR DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 44) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. RIBBLE) that the House suspend the rules and agree to the concurrent resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, nays 0, not voting 45, as follows:

[Roll No. 376]

YEAS—388

Aderholt  
Amash  
Amodei  
Andrews  
Bachmann  
Bachus  
Barletta  
Barr  
Barrow (GA)  
Barton  
Bass  
Beatty  
Becerra  
Benishek  
Bentivolio  
Bera (CA)  
Billirakis  
Bishop (GA)  
Bishop (NY)  
Black  
Blackburn  
Blumenauer  
Bonamici  
Bonner  
Boustany  
Brady (PA)  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Brown (FL)  
Brownley (CA)

Buchanan  
Burgess  
Bustos  
Butterfield  
Calvert  
Camp  
Cantor  
Capito  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Cassidy  
Castor (FL)  
Castro (TX)  
Chabot  
Chaffetz  
Chu  
Cicilline  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman  
Cohen  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Connolly  
Conyers

Cook  
Cooper  
Costa  
Cotton  
Courtney  
Cramer  
Crawford  
Crenshaw  
Crowley  
Cuellar  
Cummings  
Daines  
Davis, Danny  
Davis, Rodney  
Delaney  
DeLauro  
DelBene  
Denham  
Dent  
DeSantis  
DesJarlais  
Deutch  
Diaz-Balart  
Dingell  
Doggett  
Doyle  
Duckworth  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Enyart

Issa  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kaptur  
Keating  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Kildee  
Kilmer  
Kind  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham

Womack  
Woodall  
Yarmuth

Yoder  
Yoho  
Young (FL)

Young (IN)

#### NOT VOTING—45

Alexander	Grijalva	Meng
Barber	Grimm	Miller, Gary
Bishop (UT)	Gutiérrez	Nadler
Braley (IA)	Hanna	Nugent
Bucshon	Herrera Beutler	Pallone
Campbell	Higgins	Pastor (AZ)
Capps	Holt	Pelosi
Carter	Horsford	Reed
Culberson	Hunter	Rohrabacher
Davis (CA)	Kingston	Royce
DeFazio	Kuster	Rush
DeGette	Lee (CA)	Speier
Ellmers	Lipinski	Tierney
Engel	Marchant	Tsongas
Fleming	McCarthy (NY)	Young (AK)

□ 1903

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. ROYCE. Mr. Speaker, due to a runway accident at LaGuardia Airport in New York, I was unavoidably detained.

On rollcall No. 375 had I been present, I would have voted "aye."

On rollcall No. 376 had I been present, I would have voted "aye."

#### PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Mr. Speaker, I regret missing floor votes on Monday, July 22, 2013. Had I registered my vote, I would have voted: "yea" on rollcall 375, on Motion to Suspend the Rules and Pass, as amended, H.R. 1542—WMD Intelligence and Information Sharing Act of 2013; "yea" on rollcall 376, on Motion to Suspend the Rules and Pass, as amended, H. Con. Res. 44—Authorizing the use of the Capitol Ground for the District of Columbia Special Olympics Law Enforcement Torch Run.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1213

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1213.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### NO LABELS AND PROBLEM SOLVERS

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, last week a group of more than 80 Members of the House and Senate unveiled a package of legislative reforms to make government more efficient, effective, and less wasteful.

The bipartisan group is called "No Labels"—encompassing Members of Congress who have committed to meet on a regular basis to find common

ground among political parties on a range of policy issues.

I reach across the aisle on every single piece of legislation I introduce. It's the only way to actually get something done in this town. But this group is looking to create a larger dialogue among Members of Congress from different parties with different philosophies. It's a constructive group that is looking to advance solutions on a non-partisan basis.

The package of nine bills they introduced last week might not solve all the Nation's problems, but they do demonstrate how common ground can be achieved, how Democrats and Republicans can work together as problem-solvers.

The more Members that we can bring together to work across the aisle on a consistent basis helps us to build trust and ultimately a legislative branch that functions a whole lot better.

#### SOCIAL SECURITY AND CHAINED CPI

(Mr. SWALWELL of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWALWELL of California. Mr. Speaker, I have spoken to my constituents who are concerned about the viability of Social Security. They want big ideas and long-term solutions. Instead, there are solutions right now and proposals to switch to a chained CPI formula to calculate cost-of-living adjustments for Social Security beneficiaries to save money. This would reduce benefits and only extend Social Security solvency for 2 years.

I do not support the use of chained CPI. It reduces the amount of Social Security checks, but not the rising cost of health care, water bills, or other fixed costs that seniors continue to face.

The importance of Social Security is evident in the lives of millions of beneficiaries, including my own father and grandmother. It's an earned benefit that these hardworking Americans have paid into their entire lives. That's why I have signed on to House Concurrent Resolution 34 to express my clear opposition to this misguided reduction in benefits.

But I don't stand here just to knock down ideas. Instead of reducing benefits through chained CPI, I believe we should raise the cap on payroll contributions. Currently, Social Security taxes are only collected on the first \$113,000 of earnings. By raising the cap, we can extend Social Security solvency without cutting benefits.

I urge my colleagues to join me in opposing chained CPI.

#### KEEP COAL AS AN ENERGY RESOURCE

(Mrs. CAPITO asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, this week the House will consider two pieces of legislation that are vitally important to protect the jobs of thousands of West Virginians.

I rise as a proud cosponsor of the Coal Residuals Reuse and Management Act and the Energy Consumers Relief Act.

The Coal Residuals Reuse and Management Act will stop the EPA from implementing new coal ash regulations by empowering the States to create a permit program that meets their individual needs, while still providing environmental safeguards.

EPA's proposed regulation on coal ash would cost thousands of jobs and would increase electric bills for families and small businesses. It would also hinder the reuse of coal residuals, guaranteeing that more coal ash would end up in landfills instead of reused as concrete or cement.

The House will also consider the Energy Consumers Relief Act. This legislation requires that anytime EPA proposes a regulation that would cost more than \$1 billion, that it is to be reviewed by other agencies, including the Department of Energy.

If the Secretary of Energy determines that a rule would have adverse effects on the economy, such as unemployment, wages, consumer prices, business and manufacturing activity, then the results must be made available to the public.

Thousands of workers have been laid off. We've got to get back to creating jobs in this country, and these two bills will do that.

#### SAFE CLIMATE CAUCUS

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, although the House continues to ignore climate change, others are busy assessing the problems and options to address the new situations that this Nation and our world will face in a warmer world. The United States Global Change Research Program's draft assessment suggests that we have work to do if we are to maintain a reliable, modern transportation system.

The committee's draft states that sea level rise, storm surge, extreme weather events, heat waves, and other manifestations of climate change are reducing the reliability and the capacity of our transportation system in many ways. The good news is the negative impacts can be reduced to rerouting, mode change, and other adaptive actions if we invest in our transportation network.

The States should not have to do this exercise alone. The Federal Government should lead the effort to deal and

resolve climate change. We can improve our infrastructure, reduce the cost of natural disasters, and ensure that our transportation network serves our Nation's needs well into the future, all while creating jobs.

Let's stop denying reality. Let's address climate change. Let's move our Nation and the world forward.

#### RECOGNIZING MAPLE GROVE BEYOND THE YELLOW RIBBON

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I stand today to commend and to congratulate the city of Maple Grove for becoming Minnesota's newest Beyond the Yellow Ribbon community. The combined efforts of Maple Grove, the people and businesses of its community, and the Minnesota National Guard have helped ensure that our military members and their families have a strong support structure at home in their community.

Beyond the Yellow Ribbon is a unique program formed by the Minnesota National Guard to support the thousands of servicemembers who have served Minnesota since 9/11. It provides resources and training to servicemembers and their families before, during, and after their deployment, helping them find jobs and integrate back into their community.

As a Yellow Ribbon city, Maple Grove has gone above and beyond in supporting our troops and delivering a compassionate attitude to the many men and women who serve this great country, ensuring that our military members, when they come home, they come all the way home.

□ 1915

#### RELEASE BAHRAIN PRISONERS OF CONSCIENCE

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, I rise to bring attention to the plight of Mahdi Abu Dheeb. Mahdi Abu Dheeb is the founder of the Bahrain Teachers Association and was arrested after taking part in pro-democracy protests in 2011. For this so-called crime, he was tortured and sentenced to 5 years in prison by a military court.

As a member of the Tom Lantos Human Rights Commission, I call for the immediate release of Abu Dheeb and all of the prisoners of conscience. Mahdi Abu Dheeb is a nonviolent activist imprisoned for his beliefs. His release would send a message that the Bahraini government cares about freedom, prosperity, and justice for all of its citizens.

#### THE ALL-SEEING EYE OF GOVERNMENT TRACKS CITIZEN MOVEMENT THROUGH LICENSE PLATE SURVEILLANCE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, government agencies have been keeping track of Americans' whereabouts by amassing databases of millions of our license plates by using license plate scanners. The information captures data on movements of innocent American citizens going about their daily lives.

Unbeknown to Americans, government technology records our movement from the time we get in our car in the morning to every place we stop during the day, to the time we drive home. Plus, this data can be stored indefinitely.

This reminds me of the days when I was in the Soviet Union and saw how government spied on its citizens constantly. Do we really want a government to have the authority to record us anywhere we go during the day or during the night?

When you go to work, to lunch, to the barber shop, to the airport, to the movies, to the post office, to the banker, to the shopping center, to the car repair shop, to business meetings, to vacations, the parks, to the pool, to grandma's house, to church, to the grocery, to a friend's house, to the hospital, et cetera?

We know by recent experience, abusive government cannot be trusted with dragnet information data files it collects on Americans.

To me, freedom includes government not keeping personal daily logs on individuals and their activities. None of these activities are the government's business.

The Right of Privacy and the Right to be Left Alone include the right to keep snooping government surveillance out of our lives.

And that's just the way it is.

#### TROOPS IN AFGHANISTAN

(Mr. KINZINGER of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINZINGER of Illinois. Mr. Speaker, as a veteran of Iraq and Afghanistan, I am very concerned about the so-called "zero option" that was floated by the President.

Hundreds of thousands have fought for a victory for the Afghan people; and on the eve of victory for the Afghan people, the President is floating the option of no troops post-2014. I ask, Is the Taliban cheering that discussion, or are they scared of it? I would say that they are cheering the idea of no U.S. troops.

Sixty percent of the Afghan people are under the age of 20. It is a new society. Mr. Speaker, I am concerned that we are on the verge of snatching defeat from the jaws of victory. I would call on the President to announce a smaller post-2014 force and send a message to the Taliban that we will not back down and you will never rule Afghanistan again.

#### SOLUTIONS FOR OUR COUNTRY

The SPEAKER pro tempore (Mr. PERRY). Under the Speaker's announced policy of January 3, 2013, the gentlewoman from Alabama (Mrs. ROBY) is recognized for 60 minutes as the designee of the majority leader.

Mrs. ROBY. Mr. Speaker, I am so pleased to have the opportunity tonight to be here in this Chamber with so many of our colleagues, either to discuss solutions—solutions for our country, solutions for our economy—and I am just going to invite my colleagues to participation in the conversation as they see fit.

Mr. Speaker, I want to just point out to you that we have reached out to our constituents about this leadership hour tonight on Twitter using #4jobs; and, Mr. Speaker, we are hopeful that tonight during this hour, we will continue that conversation with our constituents at #4jobs.

I have a lot of comments from my constituents back home that I'm eager to share as we go through this hour. I want to point out what many of you may have already read, and that is that the President has stated that he plans to pivot, once again, back to jobs and the economy. I thought, well, that's great news. That's what we have been pushing here. Many of you have seen us carrying around our laminated cards that talk about all of the jobs bills that we've passed in this Congress and, last, trying to promote economic growth in this country, to help get hardworking, taxpaying Americans back to work.

But I lost my enthusiasm when buried in that article was the President's statement: White House officials said three speeches will not offer new proposals or approaches.

So we're going to pivot back to jobs and the economy, but we have no new approaches and we have no new ideas. That to me is a pivoting of message and not a pivoting of policy. We are watching, and all of us have stories of going back home to our constituents and meeting with American families that continue to struggle. The rhetoric that we all feel is not helping the reality of the situation of the people that we were sent here to represent.

We are not losing faith; the American people are not losing faith because the President's message isn't working. They are losing faith because his policies aren't working. I'm the first to say

that we've got to quit doing a lot of this pointing fingers, so I'm hopeful that tonight we can have this conversation, and I have some solutions that I'd like to put out there. You can't criticize without coming behind it and offering a solution. We've continuously done that in this House and will continue to do so, Mr. Speaker.

I yield to the gentleman from Illinois.

Mr. KINZINGER of Illinois. I thank the gentlelady from Alabama for organizing this. It is great to be joined with you on this very important subject, the idea that over 7.5 percent of our fellow neighbors—and by the way, the President's own State of Illinois, it's higher than 7.5 percent. If you want to see what Big Government is going to eventually do, just look in my home State. You're going to see people that are desperately searching for work, that wake up every day just wondering if they are going to get a paycheck. If they have a job, they're wondering, Is this the last day? Am I going to go into work today and get that pink slip? Am I going to go into work today and have to tell my wife or husband or kids that we're going to have to tighten the belt because dad or mom just lost their job?

Illinois has been hit very hard. The reason Illinois has been hit very hard is not because it is cold. It is cold in Illinois sometimes in the winter, and my friend from Colorado can talk about that, too. It's not because it's flat, although parts of Illinois are very flat. Illinois, in fact, used to be and still maintains some edge, but used to be the powerhouse for manufacturing in the country, but we've seen the disappearing of manufacturing. And in the bipartisan spirit of not trying to point too many fingers, I'll say that's happened under all administrations, where we've seen manufacturing leave. But the one difference between Illinois and what we've seen, and the States that surround us, is a big, stifling, bloated, bureaucratic government, a government that is so big it takes away the opportunity for the free market to breathe.

Mr. Speaker, I understand, and I'll be the first to admit that my party, the Republican Party, has not done a great job of messaging. I think that's the understatement of the century. Sometimes we get absorbed in the idea of numbers, and we talk about what it means to balance the budget, but we don't explain why we want to balance the budget. Our colleagues on the other side of the aisle talk about the middle class and those in lower incomes.

My father ran a homeless shelter, and he did this for a couple of decades. I was raised in an environment to understand conservatism and how that works with those who are homeless and down and out. My mom is a public schoolteacher. I understand the importance of public education in our soci-

ety. And I understand that I became a Republican because I believe that a kid born in inner-city Chicago just 40 or 50 minutes from my house should have the same opportunity as a kid born in Channahon, Illinois, where I live, or Inverness, Illinois, a wealthy suburb. They should have every opportunity to find personal achievement to get an education and be successful.

I look forward to having this conversation and talking about the fact that there is a compassion for those who need help and the fact that too many people are out of work today.

I know my colleague from Colorado (Mr. GARDNER) would like to say some things.

Mr. GARDNER. I thank my colleague from Illinois and the gentlelady from Alabama for her leadership and the things we truly need to get under control in order to build better lives for our families and families across this Nation. Thank you, Mr. Speaker, for the time tonight. I know the gentleman from Illinois said that his district is flat. I think I'll surprise a lot of people when I say that I represent the second largest geographic area in the State of Colorado in Congress and most of my district is flat as well, so I understand what the gentleman is talking about when he talks about vast areas of great flat land in the high plains of Colorado.

When we got elected in 2010, the three of us here tonight, who all got elected in 2010 because we wanted to find a way to make America work again, to empower people around this country, whether it was the inner cities of our biggest areas, to people in rural areas across Colorado and this Nation, empower them to build the life that they always wanted to, to pursue their dreams, to ensure that the American spirit is alive and well. I think most of us recognize that we do that when we give people the power to do that for themselves, to get government out of the way and let America work, to tear down regulations that prevent job creation, to help make sure that access to capital is easier, not more difficult, that energy is more affordable and not more costly. And over the past couple of years, we have pursued policies to do just that.

In fact, this upcoming week, we will be voting on legislation to ensure that energy policies don't drive up the cost that it takes to power our economy, but to ensure we have a safeguard over regulations that cost too much, to make sure that the Department of Energy is paying attention to what is happening at the EPA in terms of regulations.

We've passed legislation to make it easier for people in small dollar amounts to loan money to their neighbors, to their friends, to invest in businesses that they're excited about, to try to tear down hurdles to invest at

the individual level. You don't need a stockbroker down on Wall Street to figure out how to get involved in the American economy. We've passed legislation that allows individuals to get involved at the very start-up level of companies, innovators and entrepreneurs around this country. We did it because we know there are people who have incredible ideas of how to create opportunity, incredible ideas of how to create new wealth where none existed before.

In my district, whether it's agriculture, whether it's energy, or whether it's high tech, entrepreneurs are leading this Nation. And I know the gentlelady from Alabama and the gentleman from Illinois have similar experiences. We talk tonight about what we can do for this country and legislation that we will be introducing. But we will also be talking about the impediments we have to a full, healthy, economic recovery, and that's the President's plan.

While the President talks a lot about the economy, and I hear that he's going to be talking once again about the economy, but, unfortunately, his actions haven't matched up and the people in this country are still suffering.

Mrs. ROBY. Like I mentioned at the beginning, buried in that article is when the President gives these speeches over the course of the next few days, there will be no new approaches or ideas. I also said that we can't stand here and criticize without offering our own recommendations about how we can do this better and how we feel like we have done it better and offered real solutions for hardworking Americans.

I wanted to compare some of the things that we've done with what I am hearing directly from my constituents. Tonight, Mr. Speaker, specifically we wanted to communicate with our constituents using #4jobs. These are some of the comments that we've gotten.

Chris Ray from Prattville, Alabama says:

No business is going to risk hiring full-time employees like they did in the past because they will have to provide health care due to ObamaCare. Change that and address the widening skill gap, and I think businesses will begin to hire en masse. So it's a regulation problem and an education problem, in my opinion.

That's from Chris Ray from Prattville.

Well, let's look at our approach and how that matches up with the concerns of our constituents. Instead of pivoting back to no new ideas, because we remain focused on jobs and the economy, let's pivot away from ObamaCare to patient-centered health care that actually improves health care, brings down the cost, takes a market approach to help struggling families, and makes it harder for small businesses to hire; a health care system that ensures when you are sick, you and your doctor are



in the driver's seat and making the decisions.

And then to address the concerns of Mr. Ray from Prattville, Alabama, about overburdensome regulations, we want to pivot again back to all these bills that we have offered that ease burdensome regulations so that businesses are free to expand and invest and hire so more people have good jobs.

Okay, so what regulations? I can look at any one of you and you could say, Keystone pipeline, the hindrance of allowing that to move forward; replacement to the health care law. I had a bill, the Working Families Flexibility Act, that amended part of the Fair Labor Standards Act, a 70-year-old restriction that doesn't allow compensatory time in lieu of cash payments for overtime in the private sector which would help these very Americans that we're talking about, about providing flexibility in the workforce and all of the uncertainty that we see. We have stood on this floor many times talking about testimonials that we have heard directly from business owners.

□ 1930

And it just never ceases to amaze me that we're having these discussions here. But we're all about to go home in August, and I would love to hear from even our colleagues on the other side of the aisle about what they're hearing from their businesses. Do they feel certainty? Do they feel like they can ramp things up and hire more people in this uncertain environment with all of this overburdensome regulation that we're trying so hard to ease so more Americans can have jobs?

Mr. KINZINGER of Illinois. I just would like to add to that.

So, you know, we talked about regulations, and I know, look, the vast majority of Americans, myself included, are not small business owners. And so the vast majority of Americans can listen to this and say, I understand in theory what's being said, but it's not something I necessarily feel.

So let's try to put this in a way that I think a lot of people can relate to. If you're looking at buying a house, now, you have a big decision to make. You're ready to buy a new house. You've got a family you're providing for. You know what your budget is, what you can afford on a mortgage. You know what you can afford for your property taxes.

But let's say there's a lot of government uncertainty out there. Let's say, first off, you may not have a job in 6 months because of this economy. You may be saying, Boy, I just don't know what my cash flow is going to be like, and I don't know if it's going to be there.

Well, let's relate that to the bigger economy. These companies don't necessarily know what's going to be

brought and put before them by Washington, D.C., what it's going to cost them.

Let's say your local government was threatening to raise property taxes in a major way. Well, now that comes into play.

Let's say there was a threat of losing your home mortgage interest deduction, and so, as you put that into play and you're trying to decide "Do I buy this house?" now that's a threat.

And you watch the television, and all over the television the idea is homes are collapsing in value. We remember that from a few years ago. That's uncertainty. That's the kind of uncertainty that every day Americans feel, the kind of uncertainty that you wake up sometimes in a cold sweat because you don't necessarily know what the next month is going to look like.

Well, Mr. Speaker, that's our point is take that uncertainty that an individual feels, but now put that on a bigger level of a business owner, a business owner who sometimes is the last person to get paid because they sign everybody else's paycheck first.

And sometimes these small business owners are literally in tears at night. They're in bed; they don't know whether they can make payroll. They know they have 5 or 10 people that are relying on them to provide that paycheck because they have families, too. That's a lot of pressure.

So we're not talking about making businesses not pay taxes. We're not talking about getting rid of all regulations and letting this be the Wild West of business, but we're talking about creating a level of certainty that these businesses can plan, and they can begin to know what they can do and take a deep breath and create jobs.

Mrs. ROBY. I want to share something that I posted on Facebook last week, and it was an article. Many of you may have seen it, but it was in *The Washington Post* last Wednesday, and this is what I wrote:

If you've ever wondered just how ridiculous Federal regulations can be, just ask Marty the Magician. This front-page *Washington Post* article tells the story about how USDA regulators required a children's magician to license his trick rabbit and even compile an animal disaster plan to comply with the Federal mandates. It's a lighthearted tale, but the rabbit trail of regulations Marty was forced to navigate illustrates a lesson in one of Washington's bad old habits: the tendency to pile new rules on top of old ones, with officials using good intentions and vague laws to expand the outrage of the total bureaucracy.

If you haven't seen that, I strongly encourage you to get online and find a copy of it. It is a funny story, but it's really sad at the same time because it shows and highlights exactly what you're talking about for a guy that just

wants to pull a rabbit out of a hat for some kids at a birthday party.

Mr. GARDNER. I've talked to countless individuals, business owners, people who wanted to start a business, that talked about what it took for them to get started. Some of them maxed out every credit card that they had. They applied for more credit cards just so they could max out to try to get the business off the ground.

Others are looking at it, saying, you know, I've got some great ideas where we could grow, we could expand, or I could even start my own business, but I can't do that because we don't have the ability or the means to do that.

But to your point about the USDA requiring a license of somebody's rabbit, *The Wall Street Journal* recently talked about a Competitive Enterprise Institute study estimating that Federal regulations cost over \$1.8 trillion. Now, that's nearly \$15,000 for every American household, \$15,000 that, before you can start your business, before you do anything else, is already built into the cost of doing business. That's already part of the factor you have to overcome the regulations. \$1.8 trillion, that's about the same size as Canada's GDP, the gross domestic product of Canada.

We are regulating this country to the size of Canada's gross domestic product; and yet we're hoping to solve our unemployment problem by getting people to put it all on the line and risk their houses, their lives to go out and start something, to go out and take a risk, and yet we have regulations, \$15,000 every household.

How can we expect this economy to recover when we have the uncertainty, whether it's the President's health care bill, whether it's uncertainty over energy regulations, coal ash bills that we'll be dealing with this week, or, indeed, licensing a rabbit at USDA?

Mr. KINZINGER of Illinois. I understand that. And look, as we go forward, you hear the rhetoric a lot; right? I mean, the House of Representatives is filled with rhetoric; right? It's probably been like that since the day it was built and the day it was created.

Some of the rhetoric I've heard is that our party only cares about big business, that we only care about the 1 percent. Recently, we talked about taking food from the mouths of children; right? We heard about that.

Any sane, reasonable person knows that's not the case. Any sane, reasonable person knows, look, both sides of the aisle are very passionate about the future of the country; they want success. I think it's okay to have a conversation about how we get there.

I believe that my colleagues on the other side of the aisle want their country to be successful. I think if we can hear that they also agree that we want our country to be successful and we can have this conversation, this is so helpful.

Now, let me ask, in that vein, in having a fair and honest debate about this, let's see what the President's plans are. I mean, we hear constantly more and more stimulus spending.

Do you realize that the last stimulus bill that was really passed at midnight, basically, with a lot of Christmas tree ornaments for everybody to get "yes" votes, and only about 6 percent of that actually went to infrastructure, which is the job of the Federal Government in the first place; it's denoted in the Constitution. But, you know, interestingly to me, we spent, in one night, almost as much money, maybe even more money, but almost as much money as we had spent in Iraq to that point.

And what did we get for it? What did we get for it? We had a promise of unemployment staying low. It didn't.

Look, I get it. I believe that the President, I believe my colleagues on the other side of the aisle really thought this was going to be the thing that worked. I really believe they believed that. But it didn't. History shows it didn't. History shows this didn't work.

So are we going to really, honestly, revisit the idea of more and more stimulus spending again?

Mr. GARDNER. The gentleman brings up a good point. Just one instance of stimulus spending in my district where it actually threatens jobs, and that was a program that came out of the BTOP grant program to try to provide broadband to unserved and underserved areas across this country, a noble purpose, to try to make sure that we're connected to Internet technologies that we need with high speed, to make sure we're able to educate children and a competitive workforce.

But, unfortunately, the money that came out of the stimulus actually was used to duplicate services by the private sector. In some areas, they actually overbuilt, 100 percent with government money, services, a fiber-optic cable that was already in place by the private sector.

Many of these companies are very small, small co-ops, telecoms that can't afford to have somebody come in and undermine them with the free government money, trying to offer undercost services, and yet that's exactly what happened in the stimulus bill. They were already providing the service, and yet the government came in and laid a line right next to the line that already existed in there. So that's what happened in the stimulus bill. Instead of creating jobs, it actually undermined our ability to build the private sector up.

And I know the gentlelady from Alabama has been an incredible leader on this.

Mrs. ROBY. Well, I just was thinking, while we were talking about this, part of the President's criticism in this article that came out is about Repub-

licans' approach to just slashing spending.

If any of us cannot recognize that we are spending well beyond our means—we have \$17 trillion in debt and our 4th year with over \$1 trillion deficit. My kids, Margaret and George, are the reason that I'm here. Why I'm fighting is for that generation that's going to carry this burden after we're all gone.

And for us to not first admit that we have a problem as we move toward finding solutions and admitting that we are spending well beyond our means, that we do have to rein in spending, that we have to change the approach, that's when we see our economy improve. That's when we see hard-working American taxpaying families begin to be able to pick up and make that investment that you mentioned into the business so that they can be the job creators.

So this is great if the President wants to talk about this again because I see, for my kids' future, that this is how we're going to get this country back on track.

Mr. ROTHFUS. It's a pleasure to join this conversation. I thank the gentlelady from Alabama for starting it.

And we've heard this phrase for years now, "pivot to jobs." And, frankly, I'm new here. I've been here a little over 6 months, maybe 7 months, and I've been looking at it from the outside, and I haven't seen that pivot to jobs.

And sometimes folks hear that phrase in Washington, D.C., and they think "pivot to jobs." Well, what they really mean is pivot to government, and that's certainly what we've seen. Every time they think they're going to do something to help the job market, they pivot to more and more government.

Remember when they passed the health care bill, it was suggested that this is going to be a job creator. Well, it really hasn't been, and we're talking to businesses time and again who are not hiring people.

I had a great conversation with somebody in my district, a very tough conversation, and she was upset because her hours are being cut back because of the health care bill. And of course we see this across the country, not just in my district.

And then we see more government as a proposal for more jobs, but we see the regulations coming out of this town that are hurting the jobs in my district.

Just last week, we learned that some power plants are going to be closing in western Pennsylvania. These power plants are not in my district, but you know what? There are people who support those power plants by providing things to those power plants. You have jobs of truckers, of shippers, miners.

More regulations coming out of this town by these Federal elites doesn't help jobs. I'm glad that we're going to pivot to jobs.

I've talked about how you get jobs going in this country for quite a long time now, and I've stumbled on to three Rs. You remember the three Rs from going to school.

Well, the three Rs, I think the number one R, or the first R is "repeal." Repeal ObamaCare.

The administration acknowledged, I think, the problems with this bill by coming out with a unilateral action just a couple of weeks ago, saying, Don't worry, big business; you don't have to comply for another year with the mandates here; but the everyday folks, you still have to comply.

So this House, last week, took an action to provide some relief there. We'll give the President the authority that he assumed unilaterally, but it needs to come from this House, and it's called the rule of law, that the President—it's our authority to give that waiver.

And so we passed a bill last week to say, You know what? Take another year. And to the individuals who are going to be struggling, give them the same break, too.

Mr. GARDNER. The gentleman from Pennsylvania, I think you make some great points, and I just am reminded of the businesses that I've talked to in my district, from employers who are concerned they may have to reduce hours of their workforce, or employees who've already had their hours reduced.

And I don't want to interrupt your comments, but I think you are pointing out how this is actually hurting the economy. So, as the President pivots to jobs, perhaps he should pivot away from the bad policies that are driving this economy downward.

Mr. ROTHFUS. When you look at the regulatory framework that we have, this House is soon to consider a bill known as the REINS Act. It's a very simple bill. It basically says to the agencies that are staffed by bureaucrats, not by individuals who are elected, who are accountable—the people in this House are accountable. We stand for election every 2 years. We get a performance review every 2 years. I tell the people in my district I'm their employee. I'm the employee of about 705,000 people, and I get a performance review every couple of years.

Well, you know, the regulators, we need a check and a balance on them.

□ 1945

So there's a thing called the REINS Act, a very simple bill that talks about if an agency puts out a regulation that's going to have an impact on this economy of \$100 million or more. And as the gentleman from Colorado said earlier, the SBA, the Small Business Administration, has said that the cost of complying with all the regulations in our Federal Register is \$1.8 trillion across the economy. The REINS Act

says if you have \$100 million or more in a regulation that's going to go on the economy, it comes back to the Congress for a vote. We get to take accountability there.

And so we get to assess whether the cost benefit is going to be good for this economy and good for the American people. Otherwise, the out-of-control government is going to continue to choke our communities and our businesses. And what happens? Middle class jobs are lost. Power plant workers. You can't replace jobs like that.

Mr. GARDNER. To the gentleman from Pennsylvania, I would just point out that this is not a radical Republican idea. The idea behind the REINS Act is actually something that's embraced across many States in the country right now. In Colorado, we have what's called the rule review bill. When an agency, whether it's the Department of Health, whether it's the Department of Agriculture, issues a new regulation, it actually comes to the State legislature for a vote by the State legislature. The State senate and the State house get to vote up on or down on whether or not that regulation is in the best interest of the people of Colorado, if it complies with the will of the legislature and the executive branch is carrying it out in the right way.

So the REINS Act that you point out is not some crazy idea. It's actually something that's in use right now to protect our economy from overreach.

Mr. KINZINGER of Illinois. Let me add to that. I want to briefly remind people about the State of Illinois. I'm so proud of the people of the State of Illinois. I love my State. I've lived there most of my life, except my time in the military. But let's look at that approach.

That approach has been a regulatory approach. That's been a big government approach. In fact, you look at, again, the south part of Chicago, and you see I think it was like nine people killed just in this last weekend. It's unreal. That's more than you will find killed in a day in Afghanistan. And this is an American city.

How is the best way to fix that? It's to pull people out of poverty. Illinois has a big government. Illinois has very generous stuff they give. But Illinois is not good lately at generating jobs. So does big government help those people in a tough situation in south Chicago? You know what would help the people in south Chicago is an opportunity to go out, work hard, earn a living, and an opportunity to get ahead. That's what this is about.

This is about how do we give everybody the opportunity that all of us speaking on the floor of the House of Representatives have, who have all the different backgrounds that we've got, whether it was from our parents or our education or from whatever it was.

How do we ensure that we replicate that?

Mr. ROTHFUS. The good news is that we can do that. If we empower our communities, empower individuals, and empower families, we can do that. The solutions are not inside this Beltway. They're out there. And Washington needs to get out of the way so that people can take their own initiative and build those real economies out there.

The third R I talked about—we've got repeal ObamaCare and replace it with commonsense, patient-centered reform that gets care to people. The second R is the REINS Act. Stop the overregulating. And thirdly, reform. Reform our Tax Code. We have the highest corporate tax rate in the world, the highest business taxes in the world. This is a world economy. Ninety-five percent of the consumers in the world are outside our borders. We need to be competing for the world's capital to come here to invest in our communities.

I was talking with a business in my district that is a subsidiary. They have a foreign owner. But they were trying to convince the foreign owner to invest in our country, which would be a good thing because that's going to mean more jobs. The parent company said, You're just not competitive right now. And that's a lost opportunity.

Our corporate tax rate is 35 percent. And do the corporations really pay that? Our Tax Code is so riddled with loopholes and picking the winners and the losers, rather than having a competitive, fair playing field. We have to move to have the most competitive tax system in the world.

Mr. GARDNER. I was speaking to a business in my district several months ago, and they had a conversation with somebody who isn't interested in reducing the burden on American families by making common sense out of our Tax Code, creating a flatter, fairer tax system. This is a manufacturing business in Colorado. They were talking about what their tax rate is and that they have looked at every way, every provision, every code possible to try to figure out how to lower that rate, and they can't go any further. They're still in the lower thirties.

The response they got from a legislator was, Well, you just need to hire a new accountant. Instead of actually trying to get to real reform of our Tax Code to lower the rate, flatten the code, they actually were told to just get a new accountant because they're not doing the right jobs. That's not how we're going to create jobs in this country.

Mr. KINZINGER of Illinois. I think the great point on that is why do we want to lower the tax rate, right? Is it because we want to protect the 1 percent? I've heard that a thousand times. And I'll be honest, I probably haven't

been the best at coming back at that and explaining why we want to lower the Tax Code and why we want a fair Tax Code for everybody—a tax that people pay what they need to pay to the government, they aren't overcharged, but then people aren't also allowed to get away with being undercharged.

It's because on an individual level you literally have mothers filling their vans up with gasoline, buying groceries, and not able to afford to feed their children because the government, in some cases, takes a third of what these single mothers make. They just take it. And then we see people that can get away with all the loopholes in the system. They hire enough accountants and they don't pay that percent.

So let's make it fair for everybody.

Mrs. ROBY. But we got ourselves in that trouble, as far as the government goes. We can't point fingers at somebody that is smart and figures out how to do it. What we do is fix the problem, which is the underlying code, by making it fairer and flatter.

I'll just say, we were saying earlier, Mr. Speaker, that we've been communicating tonight with our constituents at #4Jobs. Just some of the things that I'm hearing go directly to this point.

Josh from Troy says:

Throw out the Tax Code.

I just want to highlight that the people that we're hearing from, Mr. Speaker, are saying exactly what our frustrations are on this floor, as the President tells us to pivot back to jobs and the economy.

James from Dothan, Alabama, says:

Taking out ObamaCare will help free employers to hire full-time employees, which our economy really needs.

Sara from Dothan:

Health care is the biggest problem. Employers are afraid to hire until they know the whole deal.

We've talked about that in your three R's, the repeal and the replace being the first, about this uncertainty not just in the regulatory environment that businesses have to deal with, or, with the Tax Code, which is the point you were all just making, but also in how these laws are going to be implemented. We've passed these gargantuan bills. We don't know what's in them. And they get passed. And now the uncertainty associated with it.

How many people have you talked to have had to hire a new person just to come into compliance with what they think the health care law might be, instead of hiring another individual that can then produce what that company produces to provide a product for this country? Instead, they're having to compete with all of the Federal employees that are put in place to implement these laws. Employers are going to go out to hire somebody just to come into compliance with the laws.

Now I hear from our bankers back in our State—and you've probably heard

this one—that not only is the regulator showing up, but the regulator is now showing up with a lawyer as well. So the bank has to go get their lawyer there because they're not going to find themselves in a position to not be duly represented at a time when there's a Federal regulator in their office. This is just costing businesses more and more dollars.

Mr. ROTHFUS. It's not just costing businesses. Again, for the mom who's sitting at that kitchen table.

Mrs. ROBY. It's passed off to me, the consumer.

Mr. ROTHFUS. You think of the mom who no longer has the free checking. They're paying the monthly bills. They're looking at that utility bill. The electric bill is coming in. And remember when the President in 2008 said that electricity rates are necessarily going to skyrocket with his plan? Well, there's the mom who's going through the monthly bills, wondering how she's going to make ends meet. And all of a sudden there's another \$5 or \$10 or whatever the charge is going to be for losing the free checking. That's real money. And then she goes to the gas tank and all of a sudden prices are going up at the gas tank again. Another \$10 there, \$10 for the checking. That's \$20 right there. And it grows and it grows and it grows.

Mrs. ROBY. Then she goes to the grocery store and she sees that the cost of milk is higher because the cost of gasoline is higher. I'm that mom that puts gas in her car and goes to the grocery store. And you can see the net effect that this has on the individual. So you're absolutely right. It's not just the businesses. The businesses then have to turn around and pass that cost on to the consumer.

We have solutions for these problems—real commonsensical solutions that we have put forth and put forth and put forth, reducing the regulatory environment, a health care solution that works, that allows for individuals to make those decisions between themselves and their doctor, an all-of-the-above energy plan that is actually put into practice here in the House of Representatives instead of being that campaign rhetoric. We really have demonstrated our belief in our approach to an all-of-the-above energy plan.

Speaking of energy, thanks for joining us.

Mr. GRIFFITH of Virginia. Glad to be with you this evening.

I thought it was interesting. You just raised the issue where the President said that costs would necessarily skyrocket. I actually carry that quote around in my back pocket. So I pulled it out, my little folded-up version that I have, and what he said was:

When I was asked earlier about the issue of coal, you know, under my plan of cap-and-trade system, electricity rates would necessarily skyrocket. Even regardless of what I

say about whether coal is good or bad because I'm capping greenhouse gases, coal power plants, you know, natural gas, you name it, whatever the plants were, whatever the industry was, they would have to retrofit their operations. That will cost money.

And you know what he said next? Exactly what you've been talking about. That they, talking about those plants that would have to retrofit, will pass that money on to consumers.

But it's not just the higher cost to the consumers, the moms and dads that are going out there shopping, trying to make ends meet, trying to look at their grocery bill getting bigger, their gas bill getting bigger, et cetera, et cetera, but it's also the impact on the families. Because no matter what they say about we can do this with jobs and we can create jobs, that's not been the case, particularly in my district, which is a natural gas and coal-producing district.

I was at a Remote Area Medical program this weekend in my district. Senator Kaine was there. I was doing intake and helping folks get those documents filled out. One of the people that came through was there because she needed some help, her husband needed some help, and her daughter needed some help. Her husband lost his job in the mine. This is happening all across my district, all through central Appalachia. They're laying off people. Every month, we're losing more and more jobs. A lot of folks don't know that those jobs are bringing in money to the community and that these are big-paying jobs. The estimate is somewhere between \$75,000 and \$95,000 dollars a year. That's what these jobs bring into the community.

So here's a lady that needs help because they've lost their job because of the policies of the administration that have killed those jobs. But as the gentleman previously stated, it's not just the jobs in the coal mines, it's not just the coal operators. It's the people that sell the cars to the people who used to work in the mine. It's the people who sell the mine safety equipment to the people who run the mines and work in the mines. It's the people who haul the coal. It's the people who work for the train companies that haul the coal. And it's the cost of making goods in the United States of America, where those costs are going up and up and up compared to other parts of the world.

In fact, there's an article just recently that says that Southeast Asia, even though natural gas is available to that Asian market, is choosing coal over and over again because per Btu, it's better for them to use coal. And a lot of times people talk about the low cost of natural gas in this country. I have to tell you, it's a great boon to us in many, many fields and lots of areas. But you have to remember, at \$4 per million Btus created, coal and natural gas are equal. Anything above \$4, coal is more efficient. It's cheaper to use.

But guess what? This year we've been over \$4. Right now, today, it's at \$3.83. This year we've been over \$4.

□ 2000

So what we're doing is we're passing these costs on. We're taking our jobs and we're shipping them overseas. And I know you all have heard this before, but Mr. Speaker, I want everybody in the country to know that we send these jobs overseas. They're making the goods that we used to make in this country; they're getting the money that we used to have in this country for our jobs, our employees. And according to a NASA study, it takes 10 days for the air from the middle of the Gobi Desert—that's in central China—to get to the Eastern Shore of my beloved Virginia. The air is coming back over here.

So what we need to be doing is we need to be looking for things that resolve this issue of the pollutions and so forth on a global basis, and we don't need to be killing jobs in the United States of America while we look for those solutions. We need to make sure we're encouraging those jobs in the United States of America.

Mr. KINZINGER of Illinois. That was very well said. Wouldn't it be nice if we could just all have conversations like that all the time? I mean, look, there are people that really believe that coal is bad. I disagree, I disagree vehemently. They believe it. And I'm sure my friend from Virginia would love to debate them, and debate them respectfully. I remember hearing rhetoric about our party supporting black lungs and that rhetoric that's meant to fuel instability and anger and division. That's what's disappointing to me.

Mr. Speaker, as I look to the President to lead this country, I want to look at a man who—of his past and who he is—is a very dynamic person. He came from some very tough circumstances to become President of the United States. I wish he would say that, you know what, my job is to lead this conversation about jobs and the economy. My job is to lead this conversation. Look, we tried stimulus spending. I really thought it would work, but it didn't. Some Republicans, why don't you come to the White House. Why don't you have a conversation with me. I haven't been invited to the White House in years. Why don't you come to the White House, and let's have a conversation. Maybe we're not going to find any agreement, but at least we can respect each other's opinions and say what do we need to do to get this economy back on track. Why is it that over 7 percent of our neighbors don't have jobs? Many more than that are underemployed in jobs they don't want. Why is that? What can we do to come together?

Mr. GARDNER. One of the things that I think the gentleman brings up in

tonight's conversation is he continues to talk about opportunity and what we stand for and what we've been able to do for jobs. I know that the gentlelady from Alabama is leading, if you're interested in engaging in this conversation around the country, wherever you are over the next days, weeks, months, as we talk about the economy, and beyond then, sending a tweet with the #4jobs in terms of engaging in this conversation. But you talked about what we can do. What we can do right now—and the gentleman from Virginia knows very well—it is energy.

We've talked to people about a manufacturing renaissance in this country. There are articles in the paper about businesses that were located in Germany that are looking to relocate into the United States. A company we talked to said the cost of energy in India is four times what they were paying here.

Traveling to my district, the Niobrara Formation, Eastern Plains, Western Slope, the energy that we can create there that's allowing this to happen. Whether it's coal, whether it's natural gas, whether it's renewable energy in my district, we have incredible opportunities to create these kinds of jobs that we know will put food on people's plates around the table, that will actually allow people to go on vacation, to afford to put gas in the car, to find a better way for their families.

So these are the kinds of jobs with this revolution that we can continue to foster, but we have to have a President that doesn't just pivot to jobs once in a while, but is committed to a long-term, healthy economy that gets the regulatory mess out of the way, that provides certainty.

I talked to a restaurant owner in my district. He owns three different bagel shops. He's actually going to have to sell one of them. He's worried because he doesn't know how he's going to be able to comply with the new health care plan. That's not the kind of certainty that we're looking for.

So don't stop what's going good in this country—the manufacturing renaissance, energy development, opportunity—and let's fix what's not going great; let's fix what's going wrong in this country.

Mrs. ROBY. I wanted to share a few numbers with you.

Since the President took office in January 2009, the U-6 unemployment rate has remained stuck at 14 percent. That's workers that are stuck in part-time jobs, or they just have dropped out of the workforce altogether. During that same time we've watched, as I mentioned earlier, the national debt go from \$9.8 trillion to \$16.9 trillion; and according to Gallup, 17.3 percent of Americans consider themselves underemployed, which goes to your point.

The President also promised 1 million new manufacturing jobs by the end

of 2016, but factory employment has continued to fall in 2013, where 4.3 million Americans have been out of work for 6 weeks or more. The point is that we started this hour talking about The Washington Post article where the President came out and said that he is going to pivot back to jobs and the economy; and to the gentleman from Colorado's point, he should have never left the issue of jobs and the economy.

Here in the House, our majority has been working tirelessly, as the gentleman from Illinois said, to bring the other side and say look, we have these commonsense solutions. This is about my kids and yours. This is about the future of this country. And we have an opportunity as leaders here in Washington representing all of the people that we do back home—and a responsibility at that—to do all that we can to get the Federal Government out of the way so that people like your constituent back home in Colorado with the bagel stores can open another bagel store instead of having to worry about closing.

Mr. KINZINGER of Illinois. Let me just add really briefly to that.

You talk about our ideas and the fact that, you know, look, the President can—the REINS Act, for instance, that makes sense, some of those things.

I make a promise here today: if the President comes to the Republicans and says, give me some ideas, and we give him ideas and he takes them, I will not go out and say that is a victory for Republicans.

So let's get the partisanship out of this and say it's time to not be Republicans or Democrats about this; it's time to be Americans. Look, Mr. Speaker, I would say that the President has made, in his mind, a valiant attempt to save the economy. Unfortunately, I hate to say it, it hasn't worked. So come to us. Let us give you some ideas. And if you adopt our ideas, I—I personally—promise that I will not go out and say that the Republican Party just rolled the President, or we just rolled the Democrats, or anything like that. I will say America just won because we've worked together to get some big things done.

Mr. GARDNER. That's exactly, at this time, what this country needs. I'm working, in a bipartisan fashion, with a Democrat from Vermont, PETER WELCH, on an energy-efficiency measure. The President has also talked about this kind of approach, using performance contracts to create jobs, lower the amount of energy consumed by the United States Government—the largest economy consumer in the country. But we do it without government mandates; we do it without government subsidies. But we're doing something that's going to create private sector jobs, save the taxpayer dollars, and use less energy at the Federal level. The President's doing this. We're doing this here.

These are the kinds of opportunities we have to work together that are creating jobs. And they're not to bow down or to kowtow to a certain element of an agenda. It's actually to move the country forward by doing the right thing.

Mr. GRIFFITH of Virginia. I believe if we use our energy sources—which I believe can be a bipartisan issue and it is in my part of the world in central Appalachia—but if we use our energy resources, I am convinced that the United States of America can remain the number one economic Nation in the world well into the next century—recognizing we've just started this one—well into the next century. But we have to make sure that Washington doesn't get in the way and completely stop that economic engine.

Mrs. ROBY. Well, I just want to thank all of my colleagues, Mr. Speaker, for joining us to talk about these important issues.

As we will hear from the President in his next three speeches about pivoting back to jobs and the economy, we here in the House remain focused on jobs and the economy for all Americans families. But we are also remaining focused on an all-of-the-above energy approach; repealing ObamaCare so that I can make those decisions with my doctor about what's best for me; a fairer, simpler Tax Code that we know will help all Americans. We've got to ease burdens and regulations so that businesses can create more jobs instead of having to worry about the ones that they're going to lose.

This is about making life work for Americans. This is about easing the pain that so many Americans are feeling because of this bloated government that refuses to, first and foremost, admit that we have a spending problem.

This is about refocusing our efforts here in the House and making sure that we are remembering the people that sent us here, the families that we've talked about tonight that we want to ensure that government is not hurting, but government is getting out of the way so that they can thrive in these United States of America.

With that, Mr. Speaker, I yield back the balance of my time.

#### CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from New York (Mr. JEFFRIES) is recognized for 60 minutes as the designee of the minority leader.

#### GENERAL LEAVE

Mr. JEFFRIES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials into the RECORD on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. JEFFRIES. Mr. Speaker, it is my honor and my privilege once again to anchor this CBC Special Order where, for the next 60 minutes, the members of the Congressional Black Caucus will have an opportunity to speak directly to the American people on the important issue of race in America. Where do we go from here?

The events of the last several weeks have startled many throughout this country; most recently, the verdict down in Florida where Mr. Zimmerman was acquitted and the result that shocked many all across this country, a verdict that was viewed by many as unjust.

A few weeks prior to that, the Supreme Court struck down an important provision of the Voting Rights Act, an act that had been the most effective piece of civil rights legislation in this country which has helped to bring our democracy to life and is designed to make sure that all Americans, regardless of race, have an opportunity to participate in our democracy in a meaningful way.

The debate over the farm bill that has left many people troubled by the fact that the SNAP program, in an unprecedented fashion, was left out; and if we don't come to an agreement here, our failure to step up and help those who are hungry will disproportionately have an effect on many in the African American community.

These are just some of the recent events that have come together to put us in a position where, as the President has recently indicated, it's time for us to have a meaningful conversation on race—a direct conversation, a forthright conversation, an honest conversation. That's why the members of the Congressional Black Caucus are here today.

We have made tremendous progress in America. We've come a long way in this great country, but we certainly still have a ways to go. The road to equality is still under construction, and we're here today to try and lay out a roadmap for how we can get closer to a more perfect union here in America.

I'm pleased today that we've been joined by the chairwoman of the Congressional Black Caucus, the distinguished gentlelady from Ohio (Ms. FUDGE), who has been such a tremendous, eloquent, forceful leader in her position as chair of the CBC.

I yield to the gentlewoman from Ohio.

Ms. FUDGE. I thank the gentleman for yielding.

I want to thank you, Congressman JEFFRIES, for leading the Congressional Black Caucus Special Order hour on this very important topic tonight, a topic that has once again captured na-

tional attention and sparked a dialogue in communities across this Nation.

On Friday, President Obama helped provide context to the emotion Americans—and particularly African American men—have had around the tragedy of Trayvon Martin. Over the weekend, people of all ages and races gathered at Federal Government buildings in their cities to stand together, to rise up for justice and in honor of Trayvon.

To many, the verdict we all heard on Saturday, July 13, was a miscarriage of justice, a consistent failure of our system that we've seen in this country one too many times. But tonight, I want to broaden this conversation on race and justice in America. I want to talk about how the emotion and discontent we are seeing from the average community and people of other races in this country is about much more than the Zimmerman verdict.

Much of the emotion we are seeing is in response to the continual attack on the rights and the closing of doors to opportunity for millions of individuals in this country. I'm not just talking about African Americans tonight. I'm talking about people who come from poor families, who are trying to find their way out of a cycle of poverty. I'm talking about students who are doing all they can to pay for school, but who have to choose between being in the classroom or paying back loans that are becoming a source of profit for the government to help decrease the deficit.

□ 2015

I'm talking about thousands of students from Historically Black Colleges and Universities who had to leave school because of changes to loans their parents took out to help them get an education. These changes were made without any consideration of how they would hurt these young people. I'm talking about tonight, Mr. Speaker, immigrants of Hispanic, African, Asian, and European descent who are working in this Nation but have no rights. I'm talking about people in communities across this Nation who must now fight harder to have their voices heard in our democracy because others will use subversive, and now permissible, tactics to make it harder to vote.

And, yes, to the Supreme Court of the United States, this is still a problem. You see, what we are experiencing and talking about right now is not just about Zimmerman. It is not just about race in America. It is about a system that should be just in creating and protecting the conditions for everyone to succeed, but instead it continues to favor some over others.

Since its inception in 1971, the Congressional Black Caucus has stood against injustice in our society so that inequity in treatment and opportunity under the law comes to an end so that

all people are treated equally. Today, we continue that fight and ask America to join with us, not so that one group of any particular race can win, but so that, in the end, we all win.

Mr. JEFFRIES. I thank the distinguished chair of the CBC.

Our objective here today, as part of our mission in the Congress, is really just to make sure that all Americans, regardless of skin color, have access to the American Dream, have an opportunity to pursue life and liberty and happiness here in America, unencumbered by any barriers connected to the color of their skin. That's our hope in America. That will make America all that it can be, this great country even better, in the quest toward a more perfect Union.

I am pleased that we've been joined by the distinguished gentleman from New York, the lion of Lenox Avenue, a legendary Member of this great institution, Congressman CHARLES RANGEL.

Mr. RANGEL. Let me thank my friend and colleague from the great Borough of Brooklyn, city of New York, and my colleagues, for coming down to the floor.

Mr. Speaker, when we started the Congressional Black Caucus in 1971, I guess most people said: Why do you need a Black Caucus? Thirteen of you of color have been able to break the walls of racism and discrimination to reach the Halls of the United States Congress. Obviously, you don't have to say that you're Black.

What we tried to do then, and I guess we are still involved in that struggle, is to try to make certain that there's absolutely no need for any group of people to have to identify themselves for protection and for aggressiveness on programs because of their color.

I tell the gentleman from New York—I guess you were about born when we started the Caucus—I wish by the time you got here and you were looking for the Congressional Black Caucus, I would be able to say: Hakeem, that's all over. That's when we were not treated as full Americans. That's ancient times, the same way I had thought that poll taxes and things of that nature that the late—my predecessor—Adam Clayton Powell had been able to overcome.

So now comes the question where people feel so awkward to say race was a factor in the killing of young Mr. Martin. Why would they feel so awkward? It is so easy to understand if two people have a problem, one was minding his business, the other was stalking him, one had a gun and the other ended up dead, and he had already described to the police who he was following and it was a person of color. I don't think I've heard anyone challenge if the colors were reversed it wouldn't take all of the weeks, days and weeks that it took just to arrest somebody.

The reason that we are asking for the Justice Department to examine this is

because the Justice Department has been successful in examining a whole lot of criminal activity where the local community somehow didn't see it. And George, as the family in Sanford calls him, obviously was a part of that family. I would think anybody would like somebody that's not a part of that family to go in and see what happened to Trayvon.

But having said that, if you want to know where do we go from here, we don't have to explain why Blacks are killing Blacks. If we say that's an epidemic, if we say that's a sickness, if we say that's a disaster, I ask my fellow Americans: What the heck do you do when you find a disaster? I think one of the things that you do is try to stop it from spreading and find out what do these areas have in common.

First of all, why is it that members of the Congressional Black Caucus have more of these than other Members in the Congress? We don't want to talk about color. Color is not an issue, right? Right.

But are we talking about the poorest communities that we have in the United States of America? Well, what's that got to do with it? Are we talking about communities that have the lousiest education system in the United States of America?

RANGEL, I don't see why you are bringing that up. Are we talking about sick people physically, where they have mental problems they call them crazy instead of disoriented?

RANGEL, you're going way off now. Are we talking about legislation that actually, in an investment of the United States, less money goes into these communities than communities of wealth?

Listen, you put all this together, RANGEL, that doesn't explain why people shoot each other.

Well, I don't know why people shoot each other, but I know one thing: Who doesn't shoot each other? Our young kids that are inspired. They've got education. They've got families. They've got a country that's the wind behind their wings that want to make a contribution to this great country. They can walk anywhere, talk anywhere, and nobody is going to be following them talking about, "You look like someone that may hurt somebody."

Now, we can't solve the problem unless we talk about it. If you are talking about Hurricane Sandy, if you are talking about fires, if you are talking about disasters, why can't we talk about this? This is costing America human beings. It is costing lives. It is costing money. It is costing us embarrassment.

We are losing in terms of having stronger productivity. We are losing in terms of competition. It is not just the communities and their families that are losing. America is losing, the same way we would not hesitate to reach out

to any village or any town or any State that has any type of an epidemic.

So don't just look at the color. Look at the economic circumstances that are in the community that has it. If you want, you might want to look up and see what Member of Congress represents this.

They say that sometimes we look to cut our districts. Well, take a look. We didn't look to cut our districts. Our districts looked for us to represent them. The day we become color blind is the day the Constitution should say we walked out of this body.

Our job here is to give this Congress sight. "Color" isn't a dirty word. It could be one of the most beautiful words that we have in the United States of America. Different colors, different cultures, different languages, different ways that we can enjoy being with each other, learning from each other.

So if we have a problem in Chicago, in Dallas, in Harlem, let's share that problem. Whenever there is a problem anywhere in these great United States, that all of us can come together and try to bring people up so that this country doesn't have to take a back seat to anybody when it comes to saying: This is the land of the free; this is the home of the brave. And when you shoot someone down, you don't have to look at the color of the victim or the perpetrator, justice shall rein and discrimination and color shall not be a cause for lack of justice.

Let me thank my gentleman from Brooklyn for giving us this opportunity. We've taken a death. I was with the family this weekend. The mother said she lost her son but will dedicate her life to make certain she does all that she can so that no mother and father would lose their son. She didn't say "Black"; she didn't say "White." The President said that you have to walk in his shoes. Anybody that's a father that loses a teenage son, the more that son looks like you, the more pain that you suffered.

I am about to take my seat, but I was just reminded when I went to Korea and we were going up the lines, we saw all kinds of dead people: South Koreans, communist Koreans, North Koreans, and our colleagues that were White soldiers that had died before we got there. But my colleague from Brooklyn, before we got up to the lines, two trucks, the catafalcos flew off them because of the speed that they were driving, and in those cars were Black dead soldiers in our uniform cross-length, like they were logs on the way to grave registration. I don't have to tell you we felt a lot different in looking at those people who looked exactly like us.

Thank you so much for this opportunity.

Mr. JEFFRIES. I thank the distinguished gentleman from New York for

his very insightful, passionate, and wonderful remarks as they relate to the situation that we in America find ourselves in today, the way forward, as well as an understanding of why we have arrived in this position.

Before I turn the floor over to the distinguished gentlelady from Texas, I just want to thank the Congressman from Harlem for mentioning the fact that we here in America do have a capacity, I think, to address multiple problems at the same time. We can multitask.

It's wrong when a child is killed in the inner city. It's wrong when a child is killed, 17 years old, walking home down in Sanford, Florida. We have an ability to address all of these problems, but there are some in this country that criticize those of us who raise problems of injustice in America by immediately pointing out that in inner cities all across this country—in Brooklyn, in Harlem, in Houston, in Chicago—there's Black-on-Black violence. We understand that it is our children who are dying. That is why the CBC, this Friday, will be in Chicago convening a summit to discuss the problem of violence in the inner city communities in places like Chicago, Illinois. But that doesn't mean we turn a blind eye to injustices that exist in other parts of the system.

We are pleased that we've been joined by the distinguished gentlelady from Houston, Texas, who has been working hard on this issue, on many issues of concern and injustice here in America. So let me now yield to Representative SHEILA JACKSON LEE.

Ms. JACKSON LEE. Let me thank the distinguished gentleman from New York and let me thank our chairperson, the Honorable MARCIA FUDGE, and all my colleagues that are on the floor tonight to accept the challenge that has been given over the airways by many people.

I want to thank Mr. JEFFRIES for pointing out—as I stand here as a mother, I would make the argument of a son, of a Black son. I can affirm that any child's life is of great value. In fact, we spent the weekend in Houston reaffirming the value of a child's life.

I want to cite and compliment Bishop James Dixon and Pastor Kirbyjon Caldwell, Pastors Henderson and Nash and Lawson and many other pastors that were there, who obviously joined with so many, including my colleague who is here on the floor of the House, Congressman AL GREEN. I heard nothing but an affirmation of the value of life.

I'm delighted as a lawyer and as a legislator that you reaffirm that African Americans do not coddle crime of any kind, a crime that happens to be between two African Americans or, in essence, two Caucasians. It is noted, if my facts are correct, that 84 percent of the crimes perpetrated on White Americans are done by White Americans.



□ 2030

Eighty six percent of the crimes done on Black persons, on Black Americans, are done by Black people.

It might be that it speaks again to the isolated, segregated neighborhoods that we travel in, but the one thing, Mr. Speaker, that is unique is that you can count on the fact that those African Americans who perpetrated crimes are incarcerated over and over again at a higher number than any other population in this Nation.

Their lives, the premise of much of what we are discussing tonight—and I would hope that as I finish that it will also be a pleading that we have a discussion on race. Let me just cite these numbers since I started out with the idea of incarceration. Incarceration is not an equal opportunity punishment.

For example, incarceration rates in the United States by race were as follows: 2,468 per 100,000 are Black; 1,038 per 100,000 are Latinos; 409 per 100,000 are White. The United States locks up its Black males at a rate 5.8 times higher than what previously has been known as one of the more racist countries in the world, which is South Africa. Under apartheid in 1993, Black males were only 851 per 100,000. In 2006, Black males were 4,789.

I would say to my colleagues and to the Speaker and to my colleagues here: What are we to think when the scales of justice are unequally balanced?

As my friends have said, it is the pain that we felt at the loss of Trayvon Martin and the simplicity of an arrest and then ultimately, with a Sanford jury in a State trial, that we could not even find with much evidence to prove that there was not enough commonality of cultural connection and that they could not see that something should have valued the loss of an innocent child who simply was walking to get home.

Maybe it is the words of Frederick Douglass that he said on April 16, 1883:

It is a real calamity in this country for any man, guilty or not guilty, to be accused of a crime. We are all upset when that happens—guilty or not guilty, perpetrator or not—but it is an incomparably greater calamity for any colored man to be so accused. Justice is often painted with bandaged eyes. She is described in forensic eloquence as utterly blind to wealth or poverty, high or low, White or Black; but a mass of iron, however thick, could never blind American justice when a Black man happens to be on trial.

I would say to my colleagues that that is something we have to move beyond in America.

In an E.J. Dionne article, he said:

The dignity and grace of Trayvon Martin's family should inspire all of us to keep our eyes on the future. We should not blind ourselves either to the persistence of racism or to our triumphs in pushing it back.

It does not help when those who are not like those of us who are on the floor—members of the Congressional Black Caucus—want to push back and

call those of us who raise questions of justice—which, by the way, if you impact and correct the criminal justice system, you're going to impact Whites and Latinos, and you're going to impact African Americans. If you address the question of mandatory minimums, if you address the question of rehabilitation funding, if you address the question of providing housing and opportunity for work for those who have come out of prison—no matter from where they come out, the Federal system or, in fact, the State system—you make it better for all. But every time we raise the question of improving issues of justice, we get called or get labeled as being racist.

So I want to say to America and to our friends: Can we not be called "Americans"? Because that is what the Congressional Black Caucus stands for.

In 1997, John Hope Franklin finished a report that called itself "One America in the 21st Century: Forging a New Future." I will read one sentence:

America's greatest promise in the 21st century—which we're in right now—lies in our ability to harness the strength of our racial diversity.

We have not done that, and that is why the Congressional Black Caucus is here on the floor of the House to be able to accept the challenge that the President made as he indicated to America, unabashedly and without fear: that it's not only that Trayvon may have been my son, but that he may have been me.

The President said something very powerful. He said that we must, all of us—Members of Congress and Governors and pastors and plain civilians and young people—do some soul searching, and that we must as families and churches and workplaces find the possibility of being a little bit more honest and at least ask yourself your own questions: Am I wringing as much bias out of myself as I can? Am I judging people as much as I can based not on the color of their skin but on the content of their character? That, I would think, would be an appropriate exercise in the wake of this tragedy.

So tonight, Mr. Speaker, in joining with my colleagues, I'm going to stand unabashedly and ask for that kind of discussion. I want it for those who were standing on the street corners yesterday in Houston, Texas, shouting out that people were racist because they were concerned about a court decision that they didn't think was fair. I am concerned that all of those people who were marching would be labeled across America, in all the cities in which they were—peacefully without arrest or incident—as "un-American." That's when we have to wring, if you will, our souls and find that we take from it the bias that we might perceive to be blocking us from understanding the richness of our diversity.

So I would argue that we are blessed because we have Asians, blessed be-

cause we have White people, blessed because we have Latinos, blessed because we have African Americans, blessed because of the diversity in sexual orientation, blessed because we have people who are short and tall, blessed because we have people who are wealthy and middle class, and blessed because as a Congress we can work on those who are impoverished, and we can stop the devastation of the SNAP and provide the opportunity for those individuals who are impoverished to do better.

Finally, let me say this. This past week, we honored an icon who moved me because of the diversity of those who were honoring—from Senator CORNYN from my State and Senator MCCONNELL, organized by MAXINE WATERS and ERIC CANTOR, the Speaker of the House of Representatives, Senator DURBIN, and on and on and on, Leader PELOSI and CLYBURN and HOYER—and I'm sure I've missed many others—our chairwoman and ELEANOR HOLMES NORTON. What a vast diversity of individuals who rose to honor Madiba, Nelson Mandela.

Nelson Mandela said something that should be potent as we look to fix the inequity of self-defense laws, as many of us look at racial profiling, which exists extensively in this country, as evidenced by the heinous crime that generated the hate crimes legislation in our State of Texas—the killing of James Byrd, an individual who was dismembered, who was an African American male who was minding his business while walking along a lonely rural road. Another man was killed in Mississippi, who just came to a hotel and went out to his car, and was killed tragically just because of who he was. The numbers of cases that we've had are that impact that we have not yet understood—the greatness of America.

So we've got to change stand-your-ground laws, and I intend to introduce that legislation this week. I look for bipartisan support because, as Senator MCCAIN said, maybe we need to look and to review federally what stand-your-ground laws are doing, not the Castle laws, but the extension of those that then carry this power out into the public where you do not have to retreat.

But I read these words of Mandela's. They say:

Our struggle has reached a decisive moment. We call on people to be able to intensify the struggle on all fronts.

He had another quote that I'd like to read:

Honor comes when you pursue and are determined in your struggle.

He mentioned the fact that, even with humiliation, even with insults and even with defeat, if you continue in your struggle, then there is honor due.

Let me thank Mr. JEFFRIES for laying out the opportunity for the Congressional Black Caucus to answer the

question: the road to equality is under construction. Also, let me thank him for allowing us to rise to the floor.

I go to my seat by saying that equality will come when school districts like North Forest Independent School District will not be destroyed and closed in Houston, Texas, when we raise up education; equality will come when we focus on ridding this Nation of poverty by making sure that we have the kind of economic programs; and equality will come when we recognize that justice should roll down on all of us, and that we address the question of the criminalization of African American males and others so that justice is equally applied but, as the individuals return and have done their time, that they will come to a place that is welcoming so that they can serve their Nation.

For that reason, I yield back my time with a great hope of the same message that came in the treatise by John Hope Franklin. He chaired the committee on race and said that America's greatest promise is in her diversity.

I call upon my colleagues, my friends in Texas, my friends in my district: let's sit down at the table of harmony. Let's talk about race as we embrace each other and love each other, because that's what America is all about. Thank you to the Congressional Black Caucus for its vision and its leadership.

Mr. JEFFRIES. I thank the distinguished gentlelady from Texas for her very thoughtful and eloquent remarks.

We in the CBC simply want a justice system that is color blind. That should be our goal, our objective, our mission here in America. We can't have a set of laws unequally applied—over-enforced with one group that looks a certain way and under-enforced with another group that looks a different way. That's not the type of America we want.

One of the reasons so many folks were troubled with the verdict down in Florida was that it appeared that the stand-your-ground defense seemed available for a self-appointed vigilante who shot down a 17-year-old in cold blood but, apparently, was not available for a battered woman who simply fired a warning shot against someone who had had a history of abusing her. We just want a set of laws equally applied to everybody.

We are pleased that the distinguished gentlelady from New York—my neighbor back at home—who has been a fighter for justice here in the Congress over the last 6-plus years, has joined us. Let me now yield to Representative YVETTE CLARKE.

Ms. CLARKE. Mr. Speaker, let me thank the gentleman from Brooklyn, my closest colleague in the New York State delegation—both of our districts being in the borough of Brooklyn—for leading us in this Special Order hour

today: Race in America—where do we go from here?

For more than a year, many people have tried to give voice to Trayvon Martin and to present his perspective into the debate concerning the injustice of the criminal justice system in Black males. With his remarks on Friday, President Obama provided Trayvon Martin a voice. By sharing his experiences, he offered America a perspective on the experiences of other African American men, women, boys, and girls, and he gave voice to millions of Americans who felt the pain of the Martin-Fulton Family as their own.

When President Obama introduced racial profiling into the conversation, he held up a mirror to the faces of all of us as Americans—to a truth that some commentators have tried to ignore and that many more are in deep denial of—for, despite the promises of equality in the Declaration of Independence and the Constitution, our practices have been inadequate to our ideals. Our beliefs, the best traditions of our Nation, have not become a reality for millions of Americans of African descent. The tragic death of our young man Trayvon Martin, followed by the acquittal of the man who pursued him and killed him, has reminded us that, although it may seem as if African Americans and other minorities have achieved full equality in our civil society, we are still victims of racial profiling—in violation of our laws and our morals.

The lives of Black men and women are not accorded the same value as the lives of White Americans. This is the reality for far too many Black Americans. Compounding the 21st century's divisive racial tone is the reality of knowing that our lives have been devalued, our exercise of the liberties to which Americans have been entitled have been devalued and diminished, such as the right to vote. With millions of Americans, I was deeply disappointed with the Supreme Court's decision to prevent the enforcement of the Voting Rights Act. We cannot forget that prior to the enactment of voting rights that democracy did not exist in many parts of the Nation, with the deliberate denial of the right to vote to Black people.

□ 2045

Mr. Speaker, while the Supreme Court's recent decision and the Trayvon Martin case are crucial to this conversation, they cannot fully address the problem of racial inequality without a discussion of racial profiling, the structural discrimination of our judicial system, the disintegration of the educational system, and the lack of jobs and economic opportunity, especially for the African American community.

Tonight I want to just quickly hit on the issue of racial profiling and our jus-

tice system. In a June 2013 report from the ACLU, "The War on Marijuana in Black and White" demonstrated that even as rates of marijuana usage between Blacks and Whites are comparable, Blacks are nearly four times more likely to be arrested for marijuana possession.

In my district in Brooklyn, and all over New York City, African American young men are harassed simply because of the color of their skin. The excessive use of Stop-and-Frisk, known in New York City as the Stop-and-Frisk program, it has been proven that this program disproportionately targets African Americans and Latinos, these two groups comprising 87 percent of all stops while only about 50 percent of the City's population.

According to the New York City Civil Liberties Union, the number of stops of young Black men neared the entire population of young Black men, 133,119, as compared to 158,406 in the population in the year 2012. That means that there were some young men that were getting stopped more than once.

Commissioner Kelly increased the number of stops 600 percent since 2002 when he became Commissioner, reaching a peak of almost 700,000 stops in the year 2011.

They have almost a 90 percent fail rate. Only 12 percent of the number of massive stops result in an arrest or a summons and have been less effective in getting guns off the street than random searches of all New Yorkers would. It is a clear violation of civil rights and civil liberties of African American and Latino men.

So where do we go from here?

Well, members of the Congressional Black Caucus have introduced and sponsored legislation on racial profiling, and that will represent a comprehensive Federal commitment to healing the rift caused by racial profiling and restoring public confidence in the criminal justice system at large.

I want to encourage my colleagues to take a look at this legislation, because this is where the conversation can begin, and this is where the healing should start. This can be done through the changing of policies and procedures underlying the practice of racial profiling and through, like the President said, working with the State and local governments on training that helps enforcement officials become more aware of potential racial and ethnic bias.

I urge my colleagues to go back to their districts and to hold town hall meetings and discussions on race. Speak to your constituents. Speak to your families and friends. Have conversations at home and in your neighborhoods.

We must not sit back and watch the progress gained by those who came before us who worked diligently and

often made the ultimate sacrifice for freedom and the rights that we all enjoy today, we cannot permit their sacrifices to be forgotten or erased from history. Today we must take a stand against further racial injustice of all kinds. Enough is enough.

You know, it's ironic, because when I think about my age and having come of age in the 1970s in the United States of America, there was just a lot more optimism about us becoming a more perfect Union. And to arrive in the House of Representatives in the 21st century and see the type of digression that is taking place in our Nation, to know that my nephews that are millennials are going through some of the same issues that young men in the 1950s and 1960s were facing in a desegregated Nation is extraordinarily painful.

We are an enlightened civil society, and we have an obligation to do what we can to make sure that all Americans are worthy of all that this Nation has to offer. And that means that we have to have an honest conversation about the inequities, the racial injustices that continue to persist. While not as blatant as they were in the 1950s and sixties, they still fester and continue to be a blight on a Nation that is poised for greatness.

Mr. JEFFRIES. I thank the distinguished gentlelady from New York.

The conversation on race is not an easy one, but certainly is a necessary one here in America and one that should be embraced because the diversity of our society, as the gentleman from New York, Congressman RANGEL, pointed out, is one of our greatest strengths here in America.

We've been joined by a classmate of mine, the distinguished gentleman from New Jersey, Representative DONALD PAYNE, not only one of the sharpest dressed Members of Congress, but he's got one of the sharpest minds. And so I'm pleased to yield to him such time as he may consume.

Mr. PAYNE. Mr. Speaker, let me thank the gentleman from New York. It is really an honor and a privilege to stand here with him as one of the freshmen Members in the 113th Congress to discuss an issue that has plagued this Nation for centuries.

I am here tonight to talk to you about an issue that has interested me for most of my life, and it is the issue around people having respect for one another, irrespective of their racial makeup.

I grew up in Newark, New Jersey, which is a town, the largest city in the State of New Jersey, with many suburbs surrounding that metropolis, and our travels in and out of those communities were fraught at some times with peril for young men. So that was 40 years ago.

But fast-forward to the past 18 months, and what do we have? We have the same situation still before us. A

young boy armed with a bag of candy and a drink is profiled and followed. The car follows him, and then the individual gets out of the car and follows the young man on foot.

Now, at 17, I wonder how I would have felt if a car had followed me, a grown man gets out of the car and continues to follow me. It is a situation that I have thought about over the past 18 months because of my triplet children. Two are boys who just turned 15, so they're right around Trayvon Martin's age. And I wonder: Have I taught them enough to be safe? Will they find themselves in this position?

And on hearing the outcome of the verdict that Saturday evening, one of my young sons texted his mother to say what had happened and why had that happened, because we taught them in this Nation that justice prevails. And how the victim becomes the guilty party in a situation like this I still cannot understand, because it became about who and what this young man was and what he had done and what he had been doing rather than the perpetrator following him.

I was fortunate to be in New York during the time of the 100 rallies across the Nation in finding justice for Trayvon Martin. I proudly stood with Trayvon Martin's mother on Saturday, a dignified woman.

In all of this crisis and sorrow there must be in her heart, she's remained a dignified individual and only asked for justice for her son; not that people should act out in a manner in which the masses thought that they would, but to have a peaceful demonstration about the injustices that came out of that case.

Stand your ground. Did Trayvon Martin have the right to stand his ground? He was the one that was being followed. He was the one being profiled. When did he lose the right to defend himself?

We are in a difficult time here in this country, but it seems like we always get to this point at some time and we start the conversation, but we never finish it. We need to have an open discussion about the conditions that we find ourselves in as Americans, all of us. We need to understand both sides of the issue, all sides of the issue so we can move forward with this great experiment called the United States of America.

It is the greatest Nation in the world, it is true, and many come here to live the American Dream. Many nations emulate the United States. But we have a long way to go in this Nation as well. The injustices that we're facing are widespread and threaten some of the most fundamental rights of this country.

So I ask my colleagues, let's have that discussion. I ask the citizens of the United States, let's have that discussion so we can form that more perfect Union.

I have had situations in my life where I've found myself not in the exact situation of Trayvon Martin, but issues of racism that were perpetrated on me. But I'm not bitter towards an entire population. Those were individuals. We have to come to grips with prejudging people in this country.

And I'd just like to end with something Dr. King said:

In the end, we will not remember the words of our enemies, but the silence of our friends.

And my father, the late Congressman Donald Payne, who was a great teacher, humanitarian, and felt all people deserved the right to freedom, justice, and equality, taught me a poem very early on in my life, and I will end with that. It said:

Whether you have blonde fleecy locks or  
black complexion,  
It cannot forfeit nature's claim;  
Skin may differ in black and white,  
But it is all just the same.  
Were I so tall as to reach the poles,  
Or span the oceans with my hands;  
I must be measured by my soul,  
The mind is the standard of a man.

Mr. JEFFRIES. I thank Congressman PAYNE for those very eloquent remarks and for noting the conversation that he had with his young son, conversations that have been taking place in the aftermath of this verdict in households all across this country, with parents and their young sons and daughters trying to make sense of an inexplicable verdict in the eyes of many.

Mr. Speaker, how much time do we have remaining in this Special Order?

The SPEAKER pro tempore. The gentleman has 10 minutes remaining.

Mr. JEFFRIES. I'm going to now turn to the distinguished gentlelady from the Virgin Islands, Dr. DONNA CHRISTENSEN.

Mrs. CHRISTENSEN. Thank you for yielding.

And it's my pleasure to join the CBC for another Special Order, and thank you for bringing this issue of race in America before the American public tonight, because racism in America is so pervasive in so many aspects of our lives. Its impact, of course, was most recently and painfully felt in the killing of young Trayvon Martin, as we've spoken about this evening, and of course the insensitivity, the slow, the poor, and the racially influenced response of the justice system to his death.

□ 2100

Our prayers, our thoughts, and our support are with his parents and loved ones, and all of our families who face the same fears for their children.

But I want to speak just briefly about how race in America affects health care of African Americans, Latinos, and other people of color. According to the U.S. Commission on Civil Rights, despite the existence of civil rights legislation, equal treatment and equal access are not a reality

for racial-ethnic minorities and women in the current climate of the health care industry. Many barriers limit both the quality of care and utilization for these groups, including discrimination.

Just in the last National Health Care Disparities Report of 2012, it reported that Blacks received worse care than Whites, and Hispanics received worse care than non-Hispanic Whites for about 40 percent of quality measures. American Indians and Alaskan Natives, worse care than Whites for one-third of quality measures. Asians received worse care than Whites for about one-quarter of quality measures. And it goes on and on and on.

But just to be very brief, I want to just show you one example of how racism affects health care of African Americans and Latinos. Because I think this is a stark example of how it happened.

This is an emergency mortality rate. It's a study done by a doctor not too far from here. You can see that whether they're insured or uninsured, African Americans and Latinos arriving at an emergency room with the exact same injuries are more likely to die. In fact, when compared with an uninsured White patient, Black patients with equivalent injuries but without insurance had a 78 percent higher risk of dying; uninsured Hispanics, a 130 percent higher risk of dying. So even if Trayvon Martin had lived, you wonder what would have happened if he had arrived at the emergency room.

And so I just wanted to add the impact of racism in American, which continues to this day, and how it affects the health care and the lives of African Americans and Latinos. The Affordable Care Act, as we talk about where do we go from here, has begun to change this by providing coverage and access to care.

We really have to find ways to change the heart of America. And we can't do that by legislation. We thank the CBC for all of its efforts, like the efforts that will take place in Chicago and across the country.

Mr. JEFFRIES. I thank the distinguished gentlelady for those very powerful remarks and observations.

I now yield to the distinguished gentleman from Houston, Texas, a fighter for civil rights and equality prior to arriving in the Congress and during his tenure here in this great institution, Representative AL GREEN.

Mr. AL GREEN of Texas. I thank you very much for the opportunity to speak. I do want your constituents to know that you have been an awesome Congressperson from the awesome Eighth District. And if they are as proud of you as I am, you shall have an opportunity to continue to serve them. I wish you much success in Congress.

I would like to thank the President of the United States of America for his comments on this issue of Blacks—es-

pecially Black males—in America. I believe that the President understands that although the arc of the moral universe is long, it bends toward justice. But it doesn't bend toward justice without some assistance. It doesn't have the kinetic energy to do so without some help from mortals. I think the President went a long way toward bending the arc of the moral universe toward justice with his comments as they relate to the plight of African American males. I'm grateful and I'm thankful.

With reference to the Trayvon Martin trial, we live in a world where it's not enough for things to be right. They must also look right. And it doesn't look right when a 17-year-old boy leaves home to go to the store, and on his way back home, unarmed, encounters a person with a firearm, is killed—and it is done so with impunity. It may be right, but it does not look right. And because it doesn't look right, we have to understand that although you can have a fair trial, you may not have justice as the outcome.

I believe that this trial was fair to Mr. Zimmerman. I don't believe it was fair to Trayvon Martin. And I don't believe that we can say that this was a just decision.

Now there are people who would differ with me and say that you shouldn't say this. Many of these same people would say that O.J. Simpson had a fair trial but that he didn't get a just verdict from that court. And the same people who don't want me—us—to protest, you have to understand that if it was right for the farmers to come here in their tractors and protest the conditions related to farming, then it's right for me to protest. If it was right for the veterans after World War I to come up here and set up a tent city in protest, it's right for me to protest. If it was right for the Tea Party to come to Congress and stand along the way across from one building to another and protest, then it's right for me to protest. And by the way, I think it was right for them to come to Congress to protest. I support their right to protest.

If you think it's wrong for me to protest, then you've got to change the First Amendment to the Constitution of the United States of America. We have the right. We must exercise the right because an injustice has taken place.

Because time is short, and there is at least one other speaker, I want to mention this as my closing remark. There's something bigger than Trayvon Martin and Mr. Zimmerman that's taking place in this country, indeed, in the world. There is something bigger than us as individuals and individual cases.

J. Patrick Kinney has appropriately put this together. He has a poem styled "The Cold Within" that addresses something that we have to confront—this coldness that's so pervasive. This is his poem:

Six humans trapped by happenstance in bleak and bitter cold.

Each one possessed a stick of wood, or so the story's told.

Their dying fire in need of logs, the first man held his back for of the faces round the fire he noticed one was Black.

The next man looking 'cross the way saw one not of his church and couldn't bring himself to give the fire his stick of birch.

The third one sat in tattered clothes. He gave his coat a hitch.

Why should his log be put to use to warm the idle rich?

The rich man just sat back and thought of the wealth he had in store and how to keep what he had earned from the lazy shiftless poor.

The Black man's face bespoke revenge as the fire passed from his sight.

For all he saw in his stick of wood was a chance to spite the White.

The last man of this forlorn group did nought except for gain.

Giving only to those who gave was how he played the game.

Their logs held tight in death's still hands was proof of human sin.

They didn't die from the cold without, they died from the cold within.

Mr. JEFFRIES. I thank the distinguished gentleman from Texas.

We, unfortunately, are approaching the close of this Special Order. To close us out in the remaining time we have Representative MARC VEASEY from Dallas, who's done a tremendous job as a Member of this freshman class.

Mr. VEASEY. Thank you, Congressman JEFFRIES. I appreciate you letting me talk about this very important topic because we need to talk more about equality and have a conversation on race and injustice in this country.

I really liked a lot what Representative CLARKE, your colleague from New York, said when she talked about the over-enforcement of African American males, particularly when it comes to stop and frisk, and other Members that talked a lot about the verdict in the Trayvon Martin trial that really did discourage a lot of people that were really starting to gain hope in our criminal justice system and thought that things were getting better.

I'm concerned about what is going on right now with voting. Because in my own State of Texas, there's been so many laws that have been enacted, laws that have attempted to be enacted that would scale back many of the gains that African Americans have made when it comes to exercising our suffrage—discriminatory practices that I didn't grow up with when I was a young man but that many people that were before me had to deal with and thought that we had made the progress.

And so at some other point in time I do want to continue to talk about this. Because whether it's Trayvon Martin, whether it's over-enforcement of African Americans and the disproportionate number of African Americans

that end up as part of the criminal justice system, or protecting our Voting Rights Act, we need to talk about it more because I, too, believe that we can do better as a country and a Nation.

I want to thank you for holding this hour and also everybody in the Black caucus that talked about this very important topic this evening.

Mr. JEFFRIES. I thank the distinguished gentleman from Texas. We've come a long way in America. But we, of course, still have a ways to go.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as we celebrate the 150th anniversary of the Emancipation Proclamation and the 50th anniversary of the historic March on Washington, a new fight for the preservation of equal protection and justice under the law has emerged.

Just last month, the United States Supreme Court overturned a critical component of the decades-old Voting Rights Act, effectively exposing millions of Americans to discriminatory voting practices. Our inability to protect American citizens from discrimination while exercising the right to vote brings into question our ability to implement other aspects of the law without regard to race.

In fact, there is significant evidence that we have much more work to do to create a non-discriminatory justice system. The recent court decision involving Trayvon Martin's death is the latest injustice suggestive of discrimination throughout this system, which is further exemplified by the harrowing statistics as they pertain to minorities. For example, African Americans account for only thirteen percent of the U.S. population, yet they represent more than 28 percent of all arrests. Further, while more than half of all the individuals on death row are people of color, 42% are African American.

Mr. Speaker, we must reflect on our values and determine what kind of future we would like to see for our children. Do we want to leave behind a divided nation where the rule of law applies only to select groups of individuals? Or do we want to live in a nation united under equal opportunity and justice for each and every American? I choose to support an equal and just America, one that is built upon uncompromising pillars of democracy, and I would urge my colleagues to do the same by speaking out against this blatant discrimination.

Mr. CONYERS. Mr. Speaker, the shooting death of Trayvon Martin and subsequent acquittal of his killer by an all white jury is an echo of this nation's past that the African-American community is shocked to experience in the 21st century. It harkens back to the words of interposition and nullification, waking the ghosts of Emmet Till and Schwerner, Chaney and Goodman.

It is simply the nightmare of every parent of an African-American male. Anyone who lacks empathy for Trayvon's parents or who has never experienced the indignity of being held suspect due to his race should take careful note of what this trial will mean for the nation. That issue brings the CBC to the House floor this evening: Where do we go from here. . . .

This weekend, tens-of-thousands across the country rallied for the cause of justice for Trayvon Martin. These crowds included people from across all ages and racial lines. Following King's path of nonviolence protest, they asked for simple justice. Here in Congress, we have been advised that the Department of Justice has an open and active investigation to determine whether Federal charges will be filed in the case. Notably, two African-American men, Attorney General Eric Holder and President Barack Obama, have sought to assure all Americans that justice will be served in the case.

Some have tried to criticize the President and Attorney General for their comments, saying that they are politicizing the case or grandstanding for the black community. I would disagree. Their comments were measured and to the point, seeking to reassure a nation transfixed by the powerful images attached to the incident and trial.

The more interesting point is how a nation, led by two such powerful men, can still hold young black men as a suspect class. When you look at the stop & frisk number in New York, there really is no serious question about whether racial profiling is a reality in America. When I introduced data collection legislation during the 105th Congress, the phenomenon of driving while black was well known in the African-American and Latino communities.

However, some commentators still tried to deny the credibility of people who came forward to tell stories about their treatment by the police. But as the litigation mounted and data was collected, it became obvious that the nation had a serious problem with the use of race by law enforcement. These attitudes, however, were not a product of policing, but rather a product of society. No matter who is in the White House, it seems that race never takes a holiday.

So, where do we go? At the official policy level, we can address the suspect use of race by law enforcement through legislation. This week, I will re-introduce the End Racial Profiling Act. Based upon the work around that legislation, by September 11, 2001, there was significant empirical evidence and wide agreement among Americans, including President Bush and Attorney General John Ashcroft, that racial profiling was a tragic fact of life in the minority community and that the Federal government should take action to end the practice.

Moreover, many in the law enforcement community have acknowledged that singling out people for heightened scrutiny based on their race, ethnicity, religion, or national origin had eroded the trust in law enforcement necessary to appropriately serve and protect our communities.

The End Racial Profiling Act is designed to eliminate the well documented problem of racial, ethnic, religious, and national origin profiling. First, the bill provides a prohibition on racial profiling, enforceable by declaratory or injunctive relief. Second, the bill mandates that training on racial profiling issues as part of Federal law enforcement training, the collection of data on all routine or spontaneous investigatory activities that is to be submitted through a standardized form to the Department of Justice.

Third, the Justice Department is authorized to provide grants for the development and implementation of best policing practices, such as early warning systems, technology integration, and other management protocols that discourage profiling. Finally, the Attorney General is required to provide periodic reports to assess the nature of any ongoing discriminatory profiling practices.

We should be clear, however, that legislation, like ERPA, can only go so far. After all, Trayvon's killer was not a sworn law enforcement officer. Consider legislation the starting point for societal change. His death demonstrates that racial profiling remains a divisive issue that strikes at the very foundation of our democracy. Though not the result of a law enforcement encounter, the issues of race and reasonable suspicion of criminal conduct in this case were so closely linked in the minds of the public that his death cannot be separated from the law enforcement profiling debate.

Ultimately, Trayvon Martin is one of too many individuals across the country who have been victimized by a perception of criminality, simply because of their race, ethnicity, religion or national origin. These individuals are denied the basic respect and equal treatment that is the right of every American. Until we address those broadly held views through important dialogues like this one, too many parents will anxiously await the safe return home of their sons.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 12 minutes p.m.), the House stood in recess.

□ 2158

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOODALL) at 9 o'clock and 58 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2397, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2014; AND PROVIDING FOR CONSIDERATION OF H.R. 2610, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 113-170) on the resolution (H. Res. 312) providing for consideration of the bill (H.R. 2397) making appropriations for the Department of Defense for the fiscal year ending September 30, 2014, and for other purposes; and providing for consideration of the bill (H.R. 2610) making appropriations for the Departments of Transportation,

and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of illness.

#### ADJOURNMENT

Mr. NUGENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 23, 2013, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2288. A letter from the Acting Under Secretary, Department of Defense, transmitting authorization of 10 officers to wear the authorized insignia of the grade rear admiral (lower half); to the Committee on Armed Services.

2289. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report to Congress on Head Start Monitoring for Fiscal Year 2010"; to the Committee on Education and the Workforce.

2290. A letter from the Acting Director, Office of Workers' Compensation Programs, Department of Labor, transmitting annual report on Operations of the Office of Workers' Compensation Programs for Fiscal Year 2011; to the Committee on Education and the Workforce.

2291. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 13-30, Notice of Proposed Issuance of Letter of Offer and Acceptance, pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2292. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 20-111, "YMCA Community Investment Initiative Real Property Tax Exemption Temporary Act of 2013"; to the Committee on Oversight and Government Reform.

2293. A letter from the Director, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 20-110, "Better Prices, Better Quality, Better Choices for Health Coverage Temporary Amendment Act of 2013"; to the Committee on Oversight and Government Reform.

2294. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 20-109, "Heat Wave Safety Temporary Amendment Act of 2013"; to the Committee on Oversight and Government Reform.

2295. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 20-107, "Extension

of Time to Dispose of Justice Park Property Temporary Approval Act of 2013"; to the Committee on Oversight and Government Reform.

2296. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 20-108, "Foster Youth Transit Subsidy Temporary Amendment Act of 2013"; to the Committee on Oversight and Government Reform.

2297. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Annual Report to Congress on the implementation, enforcement, and prosecution of registration requirements under Section 635 of the Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109-248)(AWA); to the Committee on the Judiciary.

2298. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for summer events; Captain of the Port Lake Michigan Zone [Docket No.: USCG-2013-0327] (RIN: 1625-AA08) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2299. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Private Party fireworks; Lake Michigan, Chicago, IL [Docket No.: USCG-2013-0462] (RIN: 1625-AA00) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2300. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fifth Coast Guard District Fireworks Display, Currituck Sound; Corolla, NC [Docket Number: USCG-2013-0421] (RIN: 1625-AA00) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2301. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Croatian Per Se Corporation [Notice 2013-44] received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2302. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Eligibility for Minimum Essential Coverage for Purposes of the Premium Tax Credit [Notice 2013-41] received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2353. A bill to amend title 23, United States Code, with respect to the operation of vehicles on certain Wisconsin highways, and for other purposes (Rept. 113-162). Referred to the Committee of the Whole House on the state of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 44. Resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run (Rept. 113-163). Referred to the House Calendar.

Mr. UPTON: Committee on Energy and Commerce. H.R. 1582. A bill to protect consumers by prohibiting the Administrator of the Environmental Protection Agency from promulgating as final certain energy-related rules that are estimated to cost more than \$1 billion and will cause significant adverse effects to the economy; with an amendment (Rept. 113-164). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on Science, Space, and Technology. H.R. 1422. A bill to amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to provide for Scientific Advisory Board member qualifications, public participation, and for other purposes; with an amendment (Rept. 113-165). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 412. A bill to amend the Wild and Scenic Rivers Act to designate segments of the mainstem of the Nashua River and its tributaries in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; with an amendment (Rept. 113-166). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 687. A bill to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes; with an amendment (Rept. 113-167). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 841. A bill to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes (Rept. 113-168). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 957. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes (Rept. 113-169). Referred to the Committee of the Whole House on the state of the Union.

Mr. NUGENT: Committee on Rules. House Resolution 312. Resolution providing for consideration of the bill (H.R. 2397) making appropriations for the Department of Defense for the fiscal year ending September 30, 2014, and for other purposes; and providing for consideration of the bill (H.R. 2610) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes (Rept. 113-170). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ISSA (for himself and Ms. CHU): H.R. 2766. A bill to make improvements to the transitional program for covered business method patents, and for other purposes; to the Committee on the Judiciary.

By Mr. GARRETT (for himself, Mr. HENSARLING, Mr. NEUGEBAUER, Mrs. CAPITO, and Mr. MCHEENRY):

H.R. 2767. A bill to protect American taxpayers and homeowners by creating a sustainable housing finance system for the 21st



century; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSKAM:

H.R. 2768. A bill to amend the Internal Revenue Code of 1986 to clarify that a duty of the Commissioner of Internal Revenue is to ensure that Internal Revenue Service employees are familiar with and act in accord with certain taxpayer rights; to the Committee on Ways and Means.

By Mr. ROSKAM:

H.R. 2769. A bill to impose a moratorium on conferences held by the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Mr. TIERNEY, Mr. RANGEL, Mr. NADLER, Mr. BISHOP of New York, Mrs. NAPOLITANO, Mr. GRIJALVA, Ms. SCHAKOWSKY, Ms. LEE of California, Ms. NORTON, Mr. SCOTT of Virginia, Mr. CARTWRIGHT, Mr. HUFFMAN, Mr. HINOJOSA, and Mr. LOEBSACK):

H.R. 2770. A bill to provide subsidized employment for unemployed, low-income adults, provide summer employment and year-round employment opportunities for low-income youth, and carry out work-related and educational strategies and activities of demonstrated effectiveness, and for other purposes; to the Committee on Education and the Workforce.

By Mr. POE of Texas (for himself, Mr. CARTER, and Mr. OLSON):

H.R. 2771. A bill to repeal the requirements under the Natural Gas Act for obtaining authorization for the exportation or importation of natural gas, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WASSERMAN SCHULTZ (for herself and Mr. MARINO):

H.R. 2772. A bill to direct the Attorney General to make grants to States that have in place laws that terminate the parental rights of men who father children through rape; to the Committee on the Judiciary.

By Mr. JOYCE (for himself, Mr. PETRI, Mrs. MILLER of Michigan, Mr. LEVIN, Mr. DINGELL, and Ms. SLAUGHTER):

H.R. 2773. A bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes; to the Committee on Transportation and Infrastructure.

By Mr. BILIRAKIS:

H.R. 2774. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for hurricane and tornado mitigation expenditures; to the Committee on Ways and Means.

By Mrs. BLACK:

H.R. 2775. A bill to condition the provision of premium and cost-sharing subsidies under the Patient Protection and Affordable Care Act upon a certification that a program to verify household income and other qualifications for such subsidies is operational, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODNEY DAVIS of Illinois (for himself, Mr. GOODLATTE, Mr. PETERSON, Mr. HUDSON, Mr. LAMALFA, Mr. CRAWFORD, Mr. RIBBLE, Mr. AUSTIN SCOTT of Georgia, Mrs. ROBY, Mr. NEUGEBAUER, Mr. VALADAO, Mr. COLLINS of New York, Mr. GIBBS, Mr. ROGERS of Alabama, Mr. YOHIO, Mr. SCHRADER, Mr. KING of Iowa, Mr. BISHOP of Georgia, Mr. ENYART, Mrs. HARTZLER, Mr. MCINTYRE, Mr. DESJARLAIS, Mr. FINCHER, Mr. CONAWAY, and Mr. THOMPSON of Mississippi):

H.R. 2776. A bill to establish a regulatory review process for rules that the Administrator of the Environmental Protection Agency plans to propose, and for other purposes; to the Committee on Agriculture.

By Mr. GRIFFIN of Arkansas (for himself and Mr. WOLF):

H.R. 2777. A bill to amend title 10, United States Code, to authorize the Secretaries of the military departments to suspend the pay and allowances of a member of the Armed Forces who is held in confinement pending trial by court-martial or by civil authority for any sex-related offense or capital offense; to the Committee on Armed Services.

By Mr. KINGSTON (for himself, Mr. WESTMORELAND, Mr. POSEY, Mr. PITTS, Mr. BRADY of Texas, Mrs. BACHMANN, Mr. SALMON, Mr. FLORES, Mr. GOHMERT, Mr. BARTON, Mr. WALBERG, Mr. BROOKS of Alabama, and Mr. BROWN of Georgia):

H.R. 2778. A bill to amend the Internal Revenue Code of 1986 to clarify eligibility for the child tax credit; to the Committee on Ways and Means.

By Mr. KINGSTON:

H.R. 2779. A bill to establish a separate Inspector General for the Bureau of Consumer Financial Protection; to the Committee on Oversight and Government Reform, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself and Mr. REICHERT):

H.R. 2780. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of quality universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PETERS of California (for himself and Ms. KUSTER):

H.R. 2781. A bill to require the closure of expired grants accounts, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUPPERSBERGER (for himself, Mr. HARRIS, Mr. SARBANES, Ms. EDWARDS, Mr. HOYER, Mr. VAN HOLLEN, Mr. CUMMINGS, and Mr. DELANEY):

H.R. 2782. A bill to award posthumously a Congressional Gold Medal to Dr. R. Adams Cowley, in recognition of his lifelong commitment to the advancement of trauma care; to the Committee on Financial Services.

By Mr. RYAN of Ohio (for himself, Mr. TURNER, Mr. JOHNSON of Ohio, Mr.

O'ROURKE, and Mrs. DAVIS of California):

H.R. 2783. A bill to amend the Internal Revenue Code of 1986 to provide for continued eligibility for the health care tax credit for PBGC pension recipients eligible for the credit at the end of 2013; to the Committee on Ways and Means.

By Mr. STIVERS (for himself and Mr. RICHMOND):

H.R. 2784. A bill to amend the Outer Continental Shelf Lands Act to require the Secretary of the Interior to conduct offshore oil and gas leasing, to use revenues from such leasing to capitalize bonds that provide a dedicated source of revenue to fund highway, other transportation, and water infrastructure projects, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Ways and Means, Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALZ (for himself, Mr. DENHAM, Mr. BENTIVOLIO, and Ms. SPEIER):

H.R. 2785. A bill to amend title 5, United States Code, to improve the hiring of veterans by the Federal Government and State governments, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CASSIDY (for himself and Mr. DANNY K. DAVIS of Illinois):

H. Res. 313. A resolution supporting the goals and ideals of the MAGIC Foundation; to the Committee on Energy and Commerce.

By Mr. LANGEVIN (for himself, Mr. YODER, Mr. CICILLINE, Mr. FARR, Mr. LEWIS, Mr. CONYERS, Mr. NUNES, Mr. KING of New York, Mr. CÁRDENAS, Mr. NADLER, Mr. MORAN, and Mr. LOEBSACK):

H. Res. 314. A resolution commending and supporting the United States delegation and the United States Deaf Sports Federation in their representation of the United States at the 2013 Summer Deaflympics in Sofia, Bulgaria; to the Committee on Oversight and Government Reform.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. ISSA:

H.R. 2766.  
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 8

By Mr. GARRETT:

H.R. 2767.  
Congress has the power to enact this legislation pursuant to the following:

The primary Constitutional authority for this legislation is the Commerce Clause.

By Mr. ROSKAM:

H.R. 2768.  
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18, which states "The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United



States, or in any Department or Officer thereof."

By Mr. ROSKAM:

H.R. 2769.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18, which states "The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. GEORGE MILLER of California:

H.R. 2770.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, 3, 18 of the U.S. Constitution; Article I, Section 9, Clause 7 of the U.S. Constitution.

By Mr. POE of Texas:

H.R. 2771.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Ms. WASSERMAN SCHULTZ:

H.R. 2772.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority on which this bill rests is the power of Congress to provide for the general welfare of the United States as enumerated in Article 1, Section 8.

By Mr. JOYCE:

H.R. 2773.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. BILIRAKIS:

H.R. 2774.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority to lay and collect Taxes, Duties, Imposts and Excises as enumerated in Article I, Section 8, Clause 1 of the United States Constitution.

By Mrs. BLACK:

H.R. 2775.

Congress has the power to enact this legislation pursuant to the following:

United States Constitution Article I Section 8

By Mr. RODNEY DAVIS of Illinois:

H.R. 2776.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 of the United States Constitution, in that the legislation concerns the exercise of legislative powers generally granted to Congress by that section, including the exercise of those powers when delegated by Congress to the Executive;

AND

Article I, Section 8, clause 18 of the United States Constitution, in that the legislation exercises legislative power granted to Congress by that clause "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof;"

By Mr. GRIFFIN of Arkansas:

H.R. 2777.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14. To make Rules for the Government and Regulation of the land and naval Forces.

By Mr. KINGSTON:

H.R. 2778.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. KINGSTON:

H.R. 2779.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

The Congress shall have the Power \* \* \* To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mrs. LOWEY:

H.R. 2780.

Congress has the power to enact this legislation pursuant to the following:

Article 1 of the Constitution.

By Mr. PETERS of California:

H.R. 2781.

Congress has the power to enact this legislation pursuant to the following:

Section 8

By Mr. RUPPERSBERGER:

H.R. 2782.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 6 of the Constitution.

By Mr. RYAN of Ohio:

H.R. 2783.

Congress has the power to enact this legislation pursuant to the following Section 8 statements:

To make Rules for the Government and Regulation of the land and naval Forces.

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. STIVERS:

H.R. 2784.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3, clause 2

By Mr. WALZ:

H.R. 2785.

Congress has the power to enact this legislation pursuant to the following:

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 129: Mr. SABLAN.

H.R. 282: Mr. NUNNELEE.

H.R. 498: Mr. HASTINGS of Florida.

H.R. 515: Ms. SINEMA.

H.R. 519: Mr. ENGEL.

H.R. 556: Mr. BRADY of Texas and Ms. FOXX.

H.R. 565: Ms. BROWN of Florida.

H.R. 647: Mr. OWENS, Mr. AMODEI, and Mr. BARR.

H.R. 685: Mr. KILDEE, Mr. BISHOP of Georgia, Mr. MCKINLEY, Mr. TIBERI, Mr. HOLDING,

Mr. MCHENRY, Mr. VARGAS, Mr. SHIMKUS, and Mr. CRAWFORD.

H.R. 698: Mr. HARPER.

H.R. 755: Mr. DESANTIS.

H.R. 792: Mr. JORDAN.

H.R. 850: Ms. TSONGAS.

H.R. 906: Mr. LUTKEMEYER.

H.R. 980: Mr. TIERNEY.

H.R. 991: Mr. CRAWFORD.

H.R. 1027: Ms. KAPTUR.

H.R. 1077: Mr. TIBERI.

H.R. 1094: Mr. YARMUTH, Mrs. LOWEY, and Mr. MULVANEY.

H.R. 1095: Mr. ENYART, Mr. LAMALFA, Mr. LOEBACK, Mr. DAINES, and Mr. LATTA.

H.R. 1099: Mr. AMODEI.

H.R. 1132: Mr. KLINE.

H.R. 1146: Mr. MCKINLEY and Mr. DEFazio.

H.R. 1149: Mr. RUSH.

H.R. 1199: Mr. BISHOP of Georgia.

H.R. 1204: Mr. MCCAUL and Mr. HUDSON.

H.R. 1250: Mr. FORBES, Mr. CLAY, and Mr. DAINES.

H.R. 1286: Mr. GRAYSON and Ms. GABBARD.

H.R. 1303: Mrs. LUMMIS.

H.R. 1317: Mr. ELLISON.

H.R. 1331: Mr. NUNNELEE.

H.R. 1404: Mr. LAMBORN.

H.R. 1410: Mr. HUFFMAN and Mr. CONYERS.

H.R. 1440: Mr. DUFFY.

H.R. 1515: Mr. SMITH of Washington, Ms. MOORE, Mr. CARSON of Indiana, and Mr. MORAN.

H.R. 1518: Mr. DENHAM and Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 1563: Mr. SHUSTER.

H.R. 1582: Mr. MCKINLEY and Mr. HARPER.

H.R. 1634: Mr. HIMES.

H.R. 1658: Mr. PETERSON and Mr. GRAYSON.

H.R. 1666: Ms. WATERS and Mr. ANDREWS.

H.R. 1692: Mr. SCHNEIDER, Mr. ROHR-ABACHER, Mr. MEADOWS, and Mr. WITTMAN.

H.R. 1701: Mr. NUNNELEE.

H.R. 1717: Mr. ADERHOLT.

H.R. 1726: Mr. CASTRO of Texas and Mr. HIMES.

H.R. 1775: Ms. GABBARD, Mr. PERLMUTTER, and Mr. GRIJALVA.

H.R. 1779: Mr. BARBER and Mr. PITTS.

H.R. 1795: Mr. LOWENTHAL.

H.R. 1816: Mr. GRIMM and Mr. CASTRO of Texas.

H.R. 1825: Mr. DESANTIS and Mr. BOUSTANY.

H.R. 1837: Ms. WASSERMAN SCHULTZ, Mrs. CAROLYN B. MALONEY of New York, Ms. WATERS, and Mr. CARNEY.

H.R. 1838: Mr. RUNYAN, Mr. WELCH, Mr. TONKO, Mr. YOUNG of Alaska, Ms. PINGREE of Maine, and Mr. HECK of Nevada.

H.R. 1869: Mr. MURPHY of Florida.

H.R. 1878: Mr. ROSS and Ms. CLARKE.

H.R. 1908: Mr. LAMBORN.

H.R. 1916: Mr. SCHRADER.

H.R. 1931: Mr. BENTIVOLIO and Mr. NUNNELEE.

H.R. 1950: Mr. BENISHEK and Mr. JONES.

H.R. 1975: Mr. THOMPSON of California.

H.R. 1981: Mr. SCHIFF.

H.R. 1985: Mr. TONKO.

H.R. 2000: Mr. BLUMENAUER and Ms. GABBARD.

H.R. 2018: Ms. SINEMA.

H.R. 2019: Mr. COOK.

H.R. 2084: Mr. SEAN PATRICK MALONEY of New York and Mr. RIBBLE.

H.R. 2086: Mr. BUTTERFIELD.

H.R. 2101: Mr. RYAN of Ohio.

H.R. 2134: Ms. WASSERMAN SCHULTZ.

H.R. 2157: Ms. SINEMA.

H.R. 2232: Mr. KILMER.

H.R. 2283: Mr. BISHOP of New York and Mr. HIMES.

H.R. 2305: Mr. STIVERS, Mr. BENISHEK, Mrs. ROBY, Mr. ROSS, Mr. ROONEY, and Mrs. CAPITO.

H.R. 2319: Mr. DAINES.  
H.R. 2342: Mr. GRIJALVA.  
H.R. 2346: Mr. CRAWFORD.  
H.R. 2347: Mr. CRAWFORD.  
H.R. 2375: Mr. ADERHOLT, Mr. ROSS, Mr. GARDNER, Mr. YOUNG of Florida, and Mr. ROE of Tennessee.  
H.R. 2385: Mr. SCHOCK.  
H.R. 2417: Mr. CALVERT and Mr. BISHOP of Utah.  
H.R. 2449: Mr. BARTON, Mr. HOLDING, Mr. STOCKMAN, and Mr. LARSEN of Washington.  
H.R. 2485: Mr. GARCIA, Mr. VARGAS, Mr. NOLAN, Ms. LINDA T. SÁNCHEZ of California, Mr. CÁRDENAS, and Mrs. KIRKPATRICK.  
H.R. 2495: Mr. PETERS of California.  
H.R. 2500: Mr. LOEBSACK.  
H.R. 2506: Mr. RUNYAN, Mr. MICHAUD, and Mr. PERRY.  
H.R. 2510: Ms. NORTON and Mr. ENYART.  
H.R. 2520: Mr. HASTINGS of Florida.  
H.R. 2523: Ms. DUCKWORTH.  
H.R. 2527: Mr. TAKANO.  
H.R. 2536: Mr. YODER.  
H.R. 2549: Mr. LOWENTHAL and Mr. RANGEL.  
H.R. 2557: Mr. MARCHANT and Mr. PAULSEN.  
H.R. 2565: Mr. FARENTHOLD, Mr. MURPHY of Florida, Mr. POSEY, and Mr. DESANTIS.

H.R. 2571: Mr. LATHAM.  
H.R. 2579: Mr. MULLIN.  
H.R. 2627: Mr. RODNEY DAVIS of Illinois.  
H.R. 2641: Mr. SMITH of Missouri.  
H.R. 2671: Mr. BOUSTANY.  
H.R. 2677: Mr. WITTMAN.  
H.R. 2682: Mr. HASTINGS of Washington, Mr. MULLIN, Mr. PERRY, Mr. AMODEI, Mr. MCCLINTOCK, Mr. NUNNELEE, and Mr. BURGESS.  
H.R. 2686: Mr. COSTA.  
H.R. 2689: Mr. RUNYAN.  
H.R. 2691: Mr. KING of New York.  
H.R. 2711: Mr. WOMACK and Mr. ROSKAM.  
H.R. 2717: Mr. LANCE, Mrs. BACHMANN, Mr. JOHNSON of Ohio, Mr. WESTMORELAND, Mr. SCHNEIDER, Mr. KLINE, Mrs. DAVIS of California, and Mr. TIBERI.  
H.R. 2720: Mr. McCAUL, Mrs. BLACK, and Mr. BUCHANAN.  
H.R. 2721: Mr. LOEBSACK.  
H.R. 2736: Ms. NORTON and Ms. SPEIER.  
H.R. 2737: Mr. HIGGINS.  
H.R. 2745: Mr. STOCKMAN.  
H.R. 2750: Mr. FARENTHOLD.  
H.R. 2760: Mr. LOWENTHAL.  
H. Con. Res. 24: Mr. THOMPSON of Pennsylvania.

H. Con. Res. 41: Mr. ENYART, Mr. LARSON of Connecticut, and Mr. LANGEVIN.  
H. Res. 30: Ms. MICHELLE LUJAN GRISHAM of New Mexico.  
H. Res. 203: Mr. TAKANO.  
H. Res. 222: Mr. CRENSHAW.  
H. Res. 227: Ms. TITUS.  
H. Res. 281: Mr. CHABOT, Mr. BISHOP of Georgia, Ms. FOXX, Mrs. WAGNER, Mr. JOHNSON of Ohio, Mr. POCAN, Mr. WEBER of Texas, and Mr. PETERSON.  
H. Res. 287: Mr. LOWENTHAL.  
H. Res. 291: Mr. McCAUL.  
H. Res. 293: Mr. BARBER, Mr. BISHOP of Georgia, and Ms. SHEA-PORTER.  
H. Res. 296: Mr. SIMPSON.  
H. Res. 302: Mr. SCHIFF.  
H. Res. 309: Mr. LOWENTHAL.

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#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1213: Ms. SCHAKOWSKY.

## EXTENSIONS OF REMARKS

HONORING ALLAN WERBOW

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2013*

Mr. HIGGINS. Mr. Speaker, today I rise to honor the extraordinary legacy of Allan Werbow, who is retiring from his position as Executive Director of Temple Beth Tzedek of Amherst, New York, and one of its predecessors, Temple Shaarey Zedek, known as the "congregation." after dedicating over 27 years of service to the synagogue.

A constant presence through the educational programs and activities taking place at the synagogue, Allan has built a reputation as the face of Temple Beth Tzedek.

In addition to his work with the synagogue's programming, Allan ensured its physical structure was kept in peak condition, presenting a positive face for all who used its resources. As Executive Director, Allan kept the congregation operating efficiently for 27 years.

Allan has been a member of Temple Beth Tzedek and its predecessors for more than 45 years. Prior to his duties as Executive Director, he was an active volunteer, committee member and chair, and officer. In recognition of his extraordinary service, Allan has been named Executive Director Emeritus of Temple Beth Tzedek.

Allan's love for his congregation is equaled only by his love of his family. Allan and his wife Myra have raised three sons, Ellis, Michael, and John and have four grandchildren as well as two step grandchildren and have fostered many children over the past 40 years. They are both exemplary members of their community and their service is worthy of recognition.

Mr. Speaker, I thank you for allowing me a few moments to recognize the incredible legacy of Allan Werbow. I am inspired by his boundless capacity for love and devotion to his family and Temple Beth Tzedek. I wish him, his family, and his congregation the best in all their future endeavors.

AURORA SHOOTING ONE-YEAR  
ANNIVERSARY**HON. DIANA DeGETTE**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2013*

Ms. DeGETTE. Mr. Speaker, it has now been a year since our Colorado community was shaken by an inexplicable and horrific act of violence that left 12 innocent men, women and children dead, and 70 injured. 365 days where the families, friends and loved ones of those lost have been robbed of their laughter, their triumphs, their struggles, and the million

little things that made those 12 people unique. I know I join with all my colleagues in the delegation in saying, on behalf of the citizens of Colorado, we continue to express our deepest thanks for the outpouring of support our community has received from across the nation, since the horrible events at that Aurora theater. All of us in the Denver area still remember where we were when we heard the news, and the immediate fearful and heartbreaking connections we made.

Who did we know in the theater? Whose child or wife or husband or brother wasn't coming home because of the senseless acts of one disturbed and heavily armed young man? My 18-year-old daughter had a friend in the theater just next door; and a friend of our family lost her nephew in the tragedy. Three of the deceased gunned down—including little six-year-old Veronica Moser—lived in my district and were part of the community I have the privilege of representing.

Today we remember the victims of the Aurora theater massacre—the lives they would have and could have led, had they not been gunned down while innocently watching a movie on a Thursday night. We pay tribute to their lives and remind their families and loved ones that they are still in our hearts, our thoughts and prayers; and they will not be forgotten.

But we also owe it to them to stand up and make sure they did not die in vain. Since I've been in Congress, we've had 26 moments of silence on the Floor of the House for victims of gun violence. Let me say that again—26 moments of silence, including one on July 24, 2012 for the Aurora victims, and of course, the moment last December for all the little children killed in Newtown.

Surely we can come together in the name of the victims of Aurora; and Newtown; and Columbine; and Virginia Tech; and Fort Hood . . . and all the others . . . and say once and for all, enough is enough.

HONORING THE LIFE AND LEGACY  
OF CHARLOTTE CONABLE**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2013*

Mr. HIGGINS. Mr. Speaker, today I rise to honor the extraordinary life and legacy of Mrs. Charlotte Williams Conable, who passed away on July 19, 2013, at the age of 83.

A Buffalo native, Charlotte Conable helped to bring women's issues to importance all over the world. She was strongly supported in her efforts by her late husband, Honorable Barber B. Conable, Jr., who became World Bank president after serving his community and our country with distinction as a Member of Congress for twenty years.

With his wife's help, Barber Conable made population control and safe motherhood, especially in Africa, a focus in World Bank plans and by 1991, 40% of the billions of dollars that was approved went to issues dealing with women's health and advancement. Also, a World Bank policy statement was influenced by her work, which states, "Countries that create better opportunities and conditions for women and girls can raise productivity, improve outcomes for children and advance development prospects for all."

Mrs. Conable was not only the author of "Women at Cornell: The Myth of Equal Education" but was a board member of the Women's Hall of Fame, Seneca Falls; a White House Conference on Aging; a trustee of Cornell University; was named a Woman of Distinction by the State Senate; and participated in United Nations International Women's Conferences in Denmark, Kenya and Houston.

The devotion that Mrs. Conable showed with her work on women's health and advancement was equaled by her love and devotion to her family as well. She is survived by her three daughters, Jane Schmieder, Anne, and Emily; and her son, Sam.

Mr. Speaker, I ask that you join me and Members of the House to express our deepest condolences to the family of the late Charlotte Conable, and join with me in recognizing the many good works of service she performed and the lives that she changed during her long and full life.

SENIORS' RESOURCE CENTER

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2013*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud the Seniors' Resource Center (SRC) in Jefferson County, Colorado.

For three and a half decades, the Seniors' Resource Center spirit committed itself to the vibrancy of metro Denver by helping thousands of families realize many more years of quality life together at home in their communities. The agency's mission is simple. It provides a constellation of services to our older population, allowing them to remain in their own homes independently and with dignity.

SRC is consistently recognized for its leadership in providing unparalleled service to the elderly in our communities. Leading Age, an association of not-for-profit organizations dedicated to making America a better place to grow old, awarded SRC its National Outstanding Advocacy Award in 2011. Known for its innovative model of coordinated care, SRC offers adult day and respite services, transportation, volunteer services, in-home care and care management services. SRC is committed

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to refer any and all callers to the best possible place for care whether it is SRC or not.

The agency is fortunate to be led by President/CEO John Zabawa, who has navigated the agency for 32 years. I salute John, his staff, the Board of Directors and the many volunteers who make the center what it is today.

#### HEALTHY, HUNGER-FREE KIDS ACT

#### HON. RODNEY DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2013*

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today to highlight the problems created by the Healthy, Hunger-Free Kids Act.

We are trying to balance the needs of hungry children against fighting childhood obesity in America. Kids are not getting enough to eat when they also participate in athletic programs and physical education classes.

I am concerned that the food only requirements of this program are creating excessive waste and have put a financial burden on already cash strapped schools across the country. Many kids are rejecting these new menus and throwing their food away and going home hungry.

While we need to look at the nutritional content of school lunches, we must also not forget the importance of physical education classes.

Illinois is currently the only State that requires students in kindergarten through high school to have PE every day. A combination of good nutrition and exercise is essential to the health of our children.

That is why I would like to take this time to recognize and wish my children's junior high teacher Joe Champlay a Happy Birthday. Joe is my friend and has been a long time PE teacher in my home town at Taylorville Jr. High School. Happy Birthday Mr. Joe!

#### HONORING HAL D. PAYNE AT THE INAUGURAL PRESENTATION OF THE HAL D. PAYNE EDUCATION OPPORTUNITY LIFETIME SERV- ICE AWARD

#### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2013*

Mr. HIGGINS. Mr. Speaker, I rise today to recognize Hal D. Payne at the inaugural presentation of the award named in his honor, the Hal D. Payne Educational Opportunity Lifetime Service Award by the Upward Bound Program of Buffalo State College.

Mr. Payne is a true leader in the field of education. His professional expertise ranges from a thorough understanding of policy formation to its practical implementation. As Chief of Staff to U.S. Representative Louis Stokes of Ohio, and as senior associate for the Council for Opportunity in Education, Mr. Payne has directly affected the shape of our country's education policy.

At Oberlin College, a prestigious liberal arts institution, Mr. Payne spent many years navi-

gating the effects of our country's education policy as dean of developmental services, and as acting dean, associate dean, and assistant dean of students. Mr. Payne also spent time at Case Western Reserve University as director of academic support services.

Mr. Payne has completed the Millennium Leadership Institute of the American Association of State Colleges and Universities and the Institute for Educational Management at Harvard University. Mr. Payne was appointed to the New York State Council on the Arts, and serves on the Buffalo Municipal Housing Authority Board.

Mr. Payne is a dutiful son to mother Frankie R. Payne, a loving father of Angela Payne and Bryan Khari Wood Payne Sr., as well as a caring grandfather to Lauren, Bryan Khari Wood Jr., and Dean Payne.

Mr. Speaker, thank you for allowing me to honor Hal D. Payne, a pioneer in the field of education. I truly cannot think of any person more deserving of this honor. I am grateful for his dedication and tireless work to advance such a noble cause.

#### HOPE FOR THE CITY

#### HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2013*

Mr. PAULSEN. Mr. Speaker, I rise today to praise the hard work of a great foundation from Minnesota, Hope for the City. Hope for the City has contributed over \$550 million worth of excess corporate resources to benefit organizations locally in Minnesota and internationally. Their contributions include over 5 million pounds of food a year, as well as medical equipment, toiletries, clothing, sporting goods and toys.

I was able to tour and volunteer at the Hope for the City recently. This facility provides assets to battle childhood hunger and poor living conditions while instilling an insightful perspective of who their organization aims to help and how they intend to accomplish it.

The ambition shown by this group is an uplifting approach to fighting poverty around the world. The impact of Hope for the City's success is certainly appreciated in Minnesota, but also all over the globe.

Thanks to Hope for the City and its great staff and volunteers for your steadfast service to those in need.

#### RECOGNIZING A GROUP OF PATRI- OTIC REPUBLICAN WOMEN, THE TRACY REPUBLICAN WOMEN, FEDERATED

#### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2013*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge a group of patriotic Republican women who, 60 years ago, established the Tracy Republican Women, Federated, for the benefit of like-minded women, to educate and

inform themselves and others. It is an honor to congratulate them on their 60th Anniversary.

Over the years, club members have contributed countless hours volunteering for candidates who support the principles and core values of the Republican Party. The group has registered hundreds of new voters and reached out to educate the community on the Republican Party's beliefs.

In addition to being club members, many of the women have also served in the community as members of the board of California Federation of Republican Women (CFRW), as well as the San Joaquin Board of Supervisors, San Joaquin Board of Education, City Council, Tracy School District, and Republican Central Committee. They have also participated in activities such as Relay for Life, sponsoring needy families at Christmas time, and supporting our troops both financially and by sending care packages have been personally created by the Tracy Republican Women, Federated.

Tracy Republican Women, Federated has looked to the future by providing scholarships for young Republican women to help them continue to fight for the freedom that is so dear to us all and pursue their educational endeavors.

Mr. Speaker, please join me in celebrating with the Tracy Republican Women, Federated and the tremendous opportunities that lie ahead in their efforts to fulfill their vision for the future. Congratulations on their work the past 60 years. I wish them every success in their continued endeavors in support of our nation, its freedom, and its history.

#### 60TH ANNIVERSARY OF THE KO- REAN WAR ARMISTICE/25TH AN- NIVERSARY OF THE BUFFALO KOREAN WAR MEMORIAL

#### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2013*

Mr. HIGGINS. Mr. Speaker, I rise today to recognize our nation's Korean war veterans with the celebration of the 25th anniversary of Buffalo's Korean War Memorial and the 60th anniversary of the Korean war armistice. Dedicated to the service of those soldiers who were killed in action, the memorial honors the courageous sacrifices and immense contributions by Korean war troops while defending our nation.

July 27, 2013, marks the 60th anniversary of the date on which the Armistice was signed, signaling the close of tensions on the Korean peninsula though technically the war is still ongoing. No peace treaty was signed, and still today there are troops stationed along the demilitarized zone, where shots are occasionally fired, demonstrating soldiers are still risking their lives for freedom in Korea.

The Buffalo & Erie County Naval & Military Park contains several war memorials, including one honoring the Korean war. This memorial contains two parts: the focal point is a granite relief structure with two soldiers adorned in combat gear on patrol in a field

with the word "Korea" underneath. The memorial has an inscription on the back which includes the members of the Korean war Memorial Committee, and the names of the landscape architect, artist, and contractor. The sides of the satellite pedestal list those soldiers killed in action. The top of the pedestal is engraved with military emblems. The inscription on the embedded time capsule states: "Korean war Memorial Time Capsule—Open April 28, 2090."

This war has often been nicknamed the "Forgotten War," because no GI Bill existed for these troops, there were no homecoming celebrations, there was no notable surrender or end-date: the war concluded with long drawn out negotiations and the American public lost interest.

This memorial honors these soldiers who toiled abroad, just like soldiers in every other war. President Obama will even speak in Washington this Saturday, on the anniversary itself, at the Korean War Veterans Memorial in Washington, the first time an American president is attending an official ceremony for the Armistice.

On July 27, 1953, the Armistice Agreement was signed to halt the three-year conflict between South Korea, assisted by U.S.-led U.N. troops, and the invading North, supported by the Chinese military. According to the U.S. government, 36,573 American troops were killed, with 103,284 others wounded. The three years of war did halt the sweep of communism, guaranteed South Korean independence and freedom to an entire generation, and due to U.S. assistance, help South Korea grow to become the 10th greatest economy in the world.

It is with great pride that today I recognize the service of hundreds of thousands of American soldiers in the Korean war with the celebration of this memorial. Their service to our area and the nation as a whole is moving, and I am proud that Western New Yorkers have had and will continue to have a place to reflect on their legacy.

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#### OUR UNCONSCIONABLE NATIONAL DEBT

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#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,738,158,460,368.61. We've added \$6,111,281,411,455.53 to our debt in 4 and a half years. This is \$6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### INTRODUCTION OF LEGISLATION TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO PROVIDE A CREDIT AGAINST TAX FOR HURRICANE AND TORNADO MITIGATION EXPENDITURES

#### HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2013*

Mr. BILIRAKIS. Mr. Speaker, today I introduced the Hurricane and Tornado Mitigation Investment Act of 2013. This legislation seeks to encourage individuals and businesses to take proactive preparedness measures to protect their property from potential storm damage. Recent tornado outbreaks across the country this spring, and the impending start of the Atlantic hurricane season, remind us that weather-related emergencies and disasters are ever-present. The bill would amend the Internal Revenue Code to allow individual and business taxpayers a tax credit for a portion of their qualified hurricane and tornado mitigation property expenditures for any taxable year. They would be eligible when they take steps to improve the strength of a roof deck attachment; create a secondary water barrier; improve the durability of a roof covering; brace gable-end walls; reinforce the connections between a roof and supporting wall; protect against windborne debris; or protect exterior doors and garages. In short, this legislation will help communities mitigate against future weather related hazards. Taking mitigation steps now can make a huge difference. In many cases, it may help to reduce loss of life and property damage, while saving money and reducing insurance rates in the long run. I look forward to working with my colleagues to move this legislation through Congress.

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#### TEAM KRAMER

#### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2013*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud the Colorado State Junior Curling Champion team of Preston Kramer, Nathan Parry, Spencer Culbertson and Alec Celecki, who were coached by Matt Culbertson and Pam Finch.

These four young men competed as Team Kramer in the 2013 USA Junior National Curling Championships January 26–February 2, 2013, at Broomstones Curling Club in Wayland, Massachusetts. These young men won the Colorado State Championships and Regional Championships held in Oregon.

At the National Championships, Team Kramer competed against 9 other teams. Although the team did not win the tournament and a berth in the World Championships in Sochi, Russia, they were awarded the Curtis Cup, given to the team who exhibited sportsmanship, and the true spirit of the game of curling.

I commend these young men for their success on the curling sheet, and for their exam-

ple of true sportsmanship. I have no doubt they will exhibit the same dedication and character in all their future endeavors.

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HONORING DR. ARNOLD L. MITCHEM AS HE RECEIVES THE INAUGURAL HAL D. PAYNE EDUCATIONAL OPPORTUNITY LIFETIME SERVICE AWARD

#### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2013*

Mr. HIGGINS. Mr. Speaker, I rise today to honor to Dr. Arnold L. Mitchem, the inaugural recipient of the Hal D. Payne Educational Opportunity Lifetime Service Award by the Upward Bound Program of Buffalo State College.

Dr. Mitchem is recognized for his service as president of the Council for Opportunity in Education since 1986. This noble organization's mission is to advance and defend the ideal of equal educational opportunity in post-secondary education. The COE is a remarkably far-reaching program, serving close to 800,000 students annually by providing professional development and advocacy for nearly 2,800 federally funded college opportunity programs at more than 1,000 colleges nationwide.

Dr. Mitchem has dedicated his career to striving for equality and diversity in education. As a trustee for the College Board, a member of INROADS, Inc's first National Board, and as a past president of the Committee for Education Funding, he has greatly impacted the national discourse about inequality and education. He is the founding president of the Mid-America Association of Educational Opportunity Program Personnel, a consortium dedicated to leveling the playing field for those least likely to enroll in college, including low-income, disabled, and first generation students.

A recipient of honorary doctorates from ten universities, Dr. Mitchem has been recognized across the country for his tireless efforts and passion. Additional awards and recognitions include the Arturo Schomburg Distinguished Service Award from the Association for Equality and Excellence in Education, Inc., and the Lifetime Achievement Award from the Hispanic Association of Colleges and Universities.

In addition to his professional accolades, Dr. Mitchem and his lovely wife Freda have raised four children together: Michael, Thea, Nichelle, and Adrienne.

Mr. Speaker, thank you for allowing me a few moments to honor Dr. Arnold Mitchem as a true champion for equality in education and congratulate him as he receives the inaugural Hal D. Payne Educational Opportunity Lifetime Service Award. I am sincerely grateful for his service and wish him the best in all his future endeavors.

IN RECOGNITION OF THE EU'S  
DESIGNATION OF HEZBOLLAH AS  
A TERRORIST ORGANIZATION

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2013*

Mr. KEATING. Mr. Speaker, today, the European Union (EU) demonstrated its commitment to global security as the 28 EU member states spoke as one voice to condemn Hezbollah's deadly attack in Burgas, Bulgaria last year, and for plotting a similar attack in Cyprus.

As the Ranking Member of the Subcommittee on Europe, Eurasia, and Emerging Threats, I feel that it is difficult to determine where Hezbollah's civilian wing ends and militant one begins, but the EU's decision to designate the military wing of Hezbollah as a terrorist organization is a welcomed step. This designation will send a clear message to the international community that freedom-espousing democracies will not stand idly by in the face of coercive tactics and aggression by Hezbollah's leaders, militants, and their foreign financiers.

I am confident that following today's decision, more governments will follow suit and see Hezbollah for what it truly is—a terrorist organization devoted to violence against innocent people both within and beyond Lebanon's borders.

IN RECOGNITION OF THE 65TH  
WEDDING ANNIVERSARY OF  
BILLY AND LAVERNE CANTRELL

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2013*

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to a very special occasion today—the 65th wedding anniversary of Billy and Laverne Cantrell. This event will take place on July 29th.

Billy Cantrell was born to Festus and Mary Lou Cantrell on December 31, 1926, and Laverne Cantrell was born to Oscar and Avis Jeffreys on March 22, 1932.

The couple met in Hamilton, Alabama, while attending high school and only dated six weeks before getting married.

Steve served in the Merchant Marines and worked for 27 years at 3-M in Qwin, Alabama. Laverne worked in garment factories until her retirement.

Together, Billy and Laverne had four children, nine grandchildren, 15 great grandchildren and three great-great grandchildren. Their favorite songs include "Tennessee Waltz" and "Sentimental Journey".

Please join me in congratulating this lovely couple on 65 years together.

PANCREATIC CANCER

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2013*

Mr. MORAN. Mr. Speaker, I rise today to bring attention to pancreatic cancer. As you know, it is one of the most deadly forms of cancer; the fourth leading cause of cancer deaths in the United States and eighth worldwide. It is the only major cancer with a five year survival rate in the single digits.

This year, 45,220 Americans will be diagnosed with pancreatic cancer and 38,460 will die from this deadly form of cancer. Seventy-three percent will die in the first year of diagnosis. African Americans have the highest risk among racial and ethnic groups; a risk 32 to 66 percent higher than other groups. Further, while most cancers' death rates and incidences are declining, the incidence death rate of pancreatic cancer is increasing. The number of new cases is expected to increase by 55 percent by 2030.

These numbers are staggering. Clearly we need to increase our efforts to reduce the incidence of and treatments for this painful disease. Enacting the Recalcitrant Cancer Act earlier this year was a significant step forward. This new law will direct and guide the National Cancer Institute (NCI) at the National Institutes of Health (NIH) in developing a strategic plan—a scientific framework—to address pancreatic cancer and other recalcitrant cancers: brain, esophageal, liver, lung, ovarian and stomach. NIH is the world's leading biomedical research institution and, with adequate resources, I am hopeful that we can make significant advances in finding new, effective treatments for pancreatic and all cancers while also finding their causes.

We cannot expect to reap the proposed benefits that will emerge from this strategic plan unless we come together and make a serious financial commitment to NIH. When adjusting for inflation, the NIH budget has decreased 23 percent since 2001. We are eroding the work and future promises of the world's greatest research entity. We are losing a generation of research scientists. And, we are losing lives. We must put NIH on a slow, but steady path of increased funding in order to establish the stability needed for long term research.

HONORING AND SUPPORTING THE  
AMERICAN TEAM IN THE 2013  
DEAFLYMPICS

**HON. JAMES R. LANGEVIN**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2013*

Mr. LANGEVIN. Mr. Speaker, I rise today to commend and cheer America's deaf athletes and the United States Deaf Sports Federation, USADSF, in their representation of the United States of America at the upcoming 2013 Summer Deaflympics in Sofia, Bulgaria.

The Summer Deaflympics have been held every four years since 1924 and the Winter

Deaflympics since 1949—making the Deaflympics the second-oldest international sports games after the Olympics.

From July 26, 2013, through August 4, 2013, Sofia, Bulgaria, will host the 2013 Summer Deaflympics. Over 180 deaf and hard of hearing athletes and coaches will train and travel to Sofia to represent the United States in 11 sports. They have trained their entire lives for the honor and privilege of representing their country in international competition. Their achievements are extraordinary, and I know my colleagues join me in feeling great pride in all they have accomplished.

USADSF was established in 1945 and represents over 100,000 deaf and hard of hearing athletes in the United States and nearly 1,500 individual member organizations. USADSF fosters and regulates rules of competition and provides social outlets for deaf athletes and their friends. It serves as a parent organization of national deaf sports organizations, conducts annual deaf sports athletic competitions, and assists in the participation of American teams in international competition.

USADSF is run by volunteers, who give of their time, talent, and resources for the love of the games and the athletes.

Mr. Speaker, I congratulate all the athletes, coaches, and support staff from the United States for earning a place to represent our country at the 2013 Summer Deaflympics and I commend USADSF for their efforts in supporting them.

I urge my colleagues to join me in cheering our American athletes on to success at the games, and to co-sponsor my bipartisan resolution honoring their achievements. This resolution, which I introduced today, calls on all members to honor and support our delegation and wishes them well as they represent our country against the world.

RECOGNIZING MARY KAY, INC.'S  
50TH ANNIVERSARY

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 22, 2013*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize the achievements of Mary Kay, Inc. This year marks the Dallas-based company's 50th anniversary, and it has a great deal to celebrate. Founded by Mary Kay Ash and her son, Richard Rogers, the company now operates in 37 foreign markets and will bring in an estimated \$3.5 billion in wholesale sales this year.

Beginning today, 50,000 members of Mary Kay's workforce will come to Dallas in waves to celebrate this landmark anniversary and attend the annual Mary Kay seminar being held at the Dallas Convention Center. Those coming to Dallas represent only a fraction of Mary Kay's workforce that includes over 2.5 million independent beauty consultants.

Mary Kay, Inc. supports The Mary Kay Foundation, which has a mission of eliminating cancers that affect women and ending domestic violence. The Foundation supports research on breast, uterine, cervical, and ovarian cancers, and provides grants to women's

shelters and community domestic violence programs.

Mr. Speaker, I am pleased to celebrate the success of this extraordinary company. As a company founded by a driven and entrepreneurial woman, and employing a workforce composed primarily of women, I am proud that Mary Kay, Inc. has chosen the great city of Dallas as its home base.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 23, 2013 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### JULY 24

9 a.m.

##### Committee on Foreign Relations

To hold hearings to examine the nominations of Linda Thomas-Greenfield, of Louisiana, to be Assistant Secretary for African Affairs, James F. Entwistle, of Virginia, to be Ambassador to the Federal Republic of Nigeria, Patricia Marie Haslach, of Oregon, to be Ambassador to the Federal Democratic Republic of Ethiopia, Stephanie Sanders Sullivan, of New York, to be Ambassador to the Republic of the Congo, Patrick Hubert Gaspard, of New York, to be Ambassador to the Republic of South Africa, and Reuben Earl Brigety, II, of Florida, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador, all of the Department of State.

SD-419

9:30 a.m.

##### Joint Economic Committee

To hold hearings to examine America's crumbling infrastructure, and how to fix it.

SD-628

9:50 a.m.

##### Committee on Rules and Administration

Business meeting to consider S. 375, to require Senate candidates to file designations, statements, and reports in electronic form, and the nomination of Davita Vance-Cooks, of Virginia, to be Public Printer, Government Printing Office.

SR-301

10 a.m.

##### Committee on Banking, Housing, and Urban Affairs

To hold hearings to examine the "Federal Housing Administration (FHA) Solvency Act of 2013".

SD-538

##### Committee on Commerce, Science, and Transportation

To hold hearings to examine the nomination of Mark E. Schaefer, of California, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

SR-253

##### Committee on Environment and Public Works

To hold an oversight hearing to examine implementation of Moving Ahead for Progress in the 21st Century's (MAP-21) "Transportation Infrastructure Finance and Innovation Act" (TIFIA) program enhancements.

SD-406

##### Committee on Health, Education, Labor, and Pensions

Business meeting to consider the nominations of Kent Yoshiho Hirozawa, of New York, and Nancy Jean Schiffer, of Maryland, both to be a Member of the National Labor Relations Board, and any pending nominations.

SD-430

##### Committee on the Judiciary

To hold hearings to examine the nominations of Cornelia T. L. Pillard, to be United States Circuit Judge for the District of Columbia Circuit, Landya B. McCafferty, to be United States District Judge for the District of New Hampshire, Brian Morris, and Susan P. Watters, both to be a United States District Judge for the District of Montana, and Jeffrey Alker Meyer, to be United States District Judge for the District of Connecticut.

SD-226

##### Committee on Rules and Administration

To hold hearings to examine the nominations of Ann Miller Ravel, of California, and Lee E. Goodman, of Virginia, both to be a Member of the Federal Election Commission.

SR-301

10:30 a.m.

##### Committee on Finance

To hold hearings to examine health information technology, focusing on using it to improve care.

SD-215

10:45 a.m.

##### Committee on Veterans' Affairs

Business meeting to markup pending legislation.

SR-418

2 p.m.

##### Committee on Environment and Public Works

##### Subcommittee on Superfund, Toxics and Environmental Health

To hold hearings to examine cleaning up and restoring communities for economic revitalization.

SD-406

##### Committee on Foreign Relations

##### Subcommittee on East Asian and Pacific Affairs

To hold hearings to examine rebalance to Asia III, focusing on protecting the environment and ensuring food and water security in East Asia and the Pacific.

SD-419

##### Committee on the Judiciary

##### Subcommittee on the Constitution, Civil Rights and Human Rights

To hold hearings to examine closing Guantanamo, focusing on the national security, fiscal, and human rights implications.

SD-226

##### Special Committee on Aging

To hold hearings to examine payday loans.

SD-562

2:30 p.m.

##### Committee on Commerce, Science, and Transportation

To hold hearings to examine cruise industry oversight, focusing on the need for a stronger focus on consumer protection.

SR-253

##### Committee on Small Business and Entrepreneurship

To hold hearings to examine implementation of the "Affordable Care Act", focusing on understanding small business concerns.

SR-428

#### JULY 25

9:30 a.m.

##### Committee on Armed Services

To hold hearings to examine the nominations of Stephen Woolman Preston, of the District of Columbia, to be General Counsel, Jon T. Rymer, of Tennessee, to be Inspector General, Susan J. Rabern, of Kansas, to be Assistant Secretary of the Navy for Financial Management and Comptroller, and Dennis V. McGinn, of Maryland, to be Assistant Secretary of the Navy for Energy, Installations, and Environment, all of the Department of Defense.

SH-216

##### Committee on Energy and Natural Resources

To hold hearings to examine supplemental funding options to support the National Park Service's efforts to address deferred maintenance and operational needs.

SD-366

##### Committee on the Judiciary

Business meeting to consider S. 987, to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

SD-226

10 a.m.

##### Committee on Appropriations

Business meeting to markup proposed legislation making appropriations for fiscal year 2014 for State, Foreign Operations, and Related Programs and Financial Services and General Government.

SD-106

##### Committee on Commerce, Science, and Transportation

##### Subcommittee on Communications, Technology, and the Internet

To hold hearings to examine the state of wireline communications.

SR-253

10:30 a.m.

##### Committee on Foreign Relations

To hold hearings to examine the crisis in Egypt.

SD-419



11 a.m.

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Alejandro Nicholas Mayorkas, of the District of Columbia, to be Deputy Secretary of Homeland Security.

SD-342

2:30 p.m.

Committee on Energy and Natural Resources

Subcommittee on Water and Power

To hold hearings to examine the issues associated with aging water resource infrastructure in the United States.

SD-366

Committee on Foreign Relations

To hold hearings to examine the nominations of David D. Pearce, of Virginia, to be Ambassador to Greece, John B. Emerson, of California, to be Ambassador to the Federal Republic of Germany, John Rufus Gifford, of Massachusetts, to be Ambassador to Denmark, Denise Campbell Bauer, of California, to be Ambassador to Belgium, and James Costos, of California, to be Ambassador to Spain, all of the Department of State.

SD-419

Select Committee on Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

Commission on Security and Cooperation in Europe

To hold hearings to examine improving cyber security, focusing on the partnership between National Institute of Standards and Technology (NIST) and the private sector.

SR-253

## JULY 30

10 a.m.

Committee on Energy and Natural Resources

Subcommittee on Public Lands, Forests, and Mining

To hold hearings to examine S. 37, to sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, S. 343, to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, S. 364, to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, S. 404, to preserve the Green Mountain Lookout in the Glacier Peak Wilderness of the Mount Baker-Snoqualmie National Forest, S. 753, to provide for national security benefits for White Sands Missile Range and Fort Bliss, S. 1169, to withdraw and reserve certain public land in the State of Montana for the Limestone Hills Training Area, S. 1294, to designate as wilderness certain public land in the

Cherokee National Forest in the State of Tennessee, S. 1300, to amend the Healthy Forests Restoration Act of 2003 to provide for the conduct of stewardship end result contracting projects, S. 1301, to provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon, S. 1309, to withdraw and reserve certain public land under the jurisdiction of the Secretary of the Interior for military uses, H.R. 507, to provide for the conveyance of certain land inholdings owned by the United States to the Pascua Yaqui Tribe of Arizona, H.R. 862, to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960, and H.R. 876, to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho.

SD-366

2:30 p.m.

Committee on Energy and Natural Resources

To hold hearings to examine S. 1240, to establish a new organization to manage nuclear waste, provide a consensual process for siting nuclear waste facilities, ensure adequate funding for managing nuclear waste.

SD-366

## JULY 31

2:30 p.m.

Committee on Energy and Natural Resources

Subcommittee on National Parks

To hold hearings to examine S. 398, to establish the Commission to Study the Potential Creation of a National Women's History Museum, S. 524, to amend the National Trails System Act to provide for the study of the Pike National Historic Trail, S. 618, to require the Secretary of the Interior to conduct certain special resource studies, S. 702, to designate the Quinebaug and Shetucket Rivers Valley National Heritage Corridor as "The Last Green Valley National Heritage Corridor", S. 781, to modify the boundary of Yosemite National Park, S. 782, to amend Public Law 101-377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, S. 869, to establish the Alabama Black Belt National Heritage Area, S. 925, to improve the Lower East Side Tenement National Historic Site, S. 995, to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia, S. 974, to provide for certain land conveyances in the State of Nevada, S. 1044, to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District

of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on D-Day, June 6, 1944, S. 1071, to authorize the Secretary of the Interior to make improvements to support facilities for National Historic Sites operated by the National Park Service, S. 1138, to reauthorize the Hudson River Valley National Heritage Area, S. 1151, to reauthorize the America's Agricultural Heritage Partnership in the State of Iowa, S. 1157, to reauthorize the Rivers of Steel National Heritage Area, the Lackawanna Valley National Heritage Area, the Delaware and Lehigh National Heritage Corridor, and the Schuylkill River Valley National Heritage Area, S. 1168, to amend the Foreign Intelligence Surveillance Act of 1978 to limit overbroad surveillance requests and expand reporting requirements, S. 1252, to amend the Wild and Scenic Rivers Act to designate segments of the Missisquoi River and the Trout River in the State of Vermont, as components of the National Wild and Scenic Rivers System, S. 1253, to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, H.R. 674, to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System, H.R. 885, to expand the boundary of the San Antonio Missions National Historical Park, H.R. 1033 and S. 916, bills to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program, and H.R. 1158, to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

SD-366

## AUGUST 1

9:30 a.m.

Committee on Energy and Natural Resources

To hold hearings to examine the November 6, 2012 referendum on the political status of Puerto Rico and the Administration's response.

SD-366

## SEPTEMBER 11

10:30 a.m.

Committee on Appropriations

Subcommittee on Financial Services and General Government

To hold hearings to examine proposed budget estimates and justification for fiscal year 2014 for the Federal Communications Commission.

SD-138

**SENATE—Tuesday, July 23, 2013**

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God our Creator and Redeemer, we are accompanied by Your blessings. May these blessings motivate our Senators to rededicate themselves to Your service, striving to keep America strong. Make their hearts reservoirs of love, purity, and honesty. Lord, keep them calm in temper, clear in mind, and sound in heart, as You inspire them to do justly, love mercy, and walk humbly with You. May the tyranny of partisanship and expediency never bend their conscience to low aims which betray high principles.

We pray in Your holy Name. Amen.

**PLEDGE OF ALLEGIANCE**

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**RECOGNITION OF THE MAJORITY LEADER**

The PRESIDENT pro tempore. The majority leader is recognized.

**TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014—MOTION TO PROCEED**

Mr. REID. Mr. President, I now move to proceed to Calendar No. 99, which is the Transportation appropriations bill.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 99, S. 1243, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

**SCHEDULE**

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the time until noon will be equally divided and controlled. At noon there will be a cloture vote on the motion to proceed to S. 1243. If cloture is invoked, all postcloture time will be yielded back and we will vote on adoption of the motion to proceed. I hope that will be a voice vote and we can

begin consideration of the bill immediately following the vote at noon.

The Senate will recess from 12:30 until 2:15 p.m. today for our weekly caucus meetings.

**ORDER OF PROCEDURE**

I ask unanimous consent that Senator CHIESA be recognized at 2:15 p.m. today for up to 15 minutes to deliver his maiden speech.

The PRESIDING OFFICER (Mr. MARKEY). Without objection, it is so ordered.

Mr. REID. I am so happy to see the Presiding Officer. The Senator might have presided before but I haven't been able to witness that. So I am very happy to have the Senator here. We are so fortunate to have him here with his wide-ranging experience as a Member of Congress. My time in the House was some of the most pleasant times of my career. I so admire and respect the House of Representatives. And for the Presiding Officer to have spent almost four decades there indicates the people of Massachusetts will have someone here who will immediately hit the ground running, and we are very happy to have the Senator with us. We have the committee the Senator wanted, and with the wide experience he has had in the areas of his choice, he will be a great benefit to Massachusetts and our country.

Today the Senate will begin work on the Transportation, Housing and Urban Development bill. It is a bipartisan measure that received six Republican votes coming out of the full committee. This legislation will strengthen our economy by investing in roadways, railways, airports, bridges, and more. I applaud the full committee chair BARBARA MIKULSKI for her good work and being so excited about bringing forth the appropriations bills, and long-time member of the Appropriations Committee chairwoman PATTY MURRAY. She is chair of the subcommittee that will be working on that for the next few days. I appreciate their diligence and their bipartisan work on this measure.

The Transportation, Housing appropriations bill has always been a bipartisan bill. As we speak, we have 70,000 bridges in this country in need of major repair. We have bridges in America today where schoolbuses unload their children before going over the bridge. We have bridges that are in need of extensive repair and some that need to be replaced completely. One of every five miles of American roads is not up to safety standards, so it is easy to see why this bipartisan effort to upgrade America's crumbling infrastruc-

ture is so important. Our deficient roads, bridges, railways, and runways are a drag on our economy.

But this crisis is also an opportunity—an opportunity—to create jobs by rebuilding America, which needs replenishing, restoring, and rebuilding. This bill will make traveling safer and more efficient for American families and businesses.

We get so upset when we are on roads and freeways that are jammed and we think how inconvenient it is for us. Think how inconvenient it is for one of those trucks that is carrying products to be delivered and sold, how much it is costing each of us in our individual vehicles, and how it is costing us more every minute that truck is stopped in a road because of heavy traffic. It is more expensive than virtually everything we do in America. We have to do a better job on our crumbling infrastructure. This bill will make traveling safer, as I indicated, and more efficient.

The Senate bill also makes crucial investments in affordable housing programs that assist low-income families in need. This legislation is an important step toward eliminating homelessness, especially among America's veterans.

By contrast, the very partisan companion bill from the House that they passed puts affordable housing out of reach for most everyone. Many who are out of reach of getting help are the elderly or disabled.

The House bill also slashes investments on new roads and bridges, and makes deep cuts to the Federal aviation efforts to modernize our air traffic control system. The Senate bill is a bipartisan blueprint, investing in modern infrastructure and creating new jobs while maintaining a vital social safety net. House Republicans obviously have a totally different version. They are jamming things through there on a totally partisan basis.

On Sunday, JOHN BOEHNER, Speaker of the House, said Congress should not be judged by how many bills it passes but by how many laws it repeals. If that is true, House Republicans are failing even by their own measure. They have replaced virtually nothing. So by the Speaker's own admission they are not getting anything passed, and by his own analysis they are getting nothing repealed. So they are doing nothing. We have known that, but it is unusual for the Speaker to acknowledge that on the Sunday shows.

If my Republican colleagues are looking for a law to repeal, I would suggest they take a look at the shortsighted and mean-spirited sequester

law. Democrats are happy to help them roll back these arbitrary cuts—these meat axe cuts—which threaten national security as well as the economy.

In the news today, there was a briefing by the Secretary of Defense talking about how senseless the cuts are to the Defense Department. They are done with a meat axe, as I said. So we need to roll back these arbitrary cuts—not only to the military but to all of government.

Unless Democrats and Republicans work out a bipartisan solution that replaces the sequester, crucial investments in everything from early childhood to medical research to military readiness will be in jeopardy. They are already in jeopardy.

It has been 122 days since the Senate passed its budget, but Senate Republicans still refuse to let Democrats, led by Budget Committee chair PATTY MURRAY, negotiate a budget compromise with our House Republican colleagues. Senator MURRAY and others have been to the floor numerous times. We have had Republicans come here to the floor and say how foolish it is not to be able to go to conference. We have not given up on reversing the sequester and setting sound fiscal policy through regular order in the budget process. We know Democrats and Republicans will never find common ground if we never start negotiating. That is what Senator MURRAY has said many times.

Sequester will cost us investments in education which helps keep America competitive and will cost millions of seniors, children, and needy families the safety net that keeps them from descending into poverty. Because of drastic cuts to the National Institutes of Health, sequester could also cost the country in humankind, in a cure for AIDS, Parkinson's disease, or Alzheimer's.

Congress can stop these devastating cuts to crucial medical research and programs that protect low-income children. All they need to do is work with us. We can't do it alone. We need the Republicans' help. The cost of reducing the deficit with a meat axe today is missing out on the next polio vaccine tomorrow, and the price is simply way too high.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

#### WELCOMING SENATOR MARKEY

Mr. MCCONNELL. Mr. President, I too want to welcome the new Senator from Massachusetts to the Senate. He will find presiding over the Senate an enlightening experience. And if tradition is followed, he will get to do it a lot.

#### THE PIVOT

There are many overused expressions here in Washington. Game changer comes to mind. But I think the worst may be the so-called pivot. I say this

not just because it is used too much to mean anything, but also because it is a troubling frame of mind.

I mean, the idea that the White House can pivot to jobs for a day or two and then abandon it for a few weeks or months and then pivot back again for a couple of days epitomizes the attitude that turns people off from politics. It is the notion that job creation is somehow more about scoring points at convenient moments than doing what is necessary to get Americans back to work. This is the kind of thing that angers folks in Kentucky and across the country, but it seems to be the only thing this administration and its allies in Congress are ever interested in because here is the thing. Not only should we be focused on jobs day in and day out around here, as Senate Republicans have been all along, but it is also not as though we don't know what is needed to get our economy back on track. It is not as though we don't know how to get the private sector moving again and creating jobs.

We don't need to pivot. We need to do the things that have been staring us in the face for the past 4½ years. If Washington Democrats are serious about turning the economy around, they would be working collaboratively with Republicans to do that instead of sitting on the sidelines and waiting to take cues from the endless political road shows the President puts up whenever he feels like changing a topic.

I mean, there are some pretty obvious things we should be spending our time on around here—things such as implementing a revenue-neutral reform of our Tax Code to make it fairer, flatter, and more conducive to the kind of economic growth that can generate the type of stable middle-class jobs we desperately need, things such as reimagining a regulatory state that was designed in the 20th century so that American companies and workers can remain competitive in the 21st. The regulatory state we have now is entirely geared toward the past, not the present and the future—things such as developing and refining more energy right here at home, instead of importing it from overseas.

But Washington Democrats haven't worked with us to do almost any of that. Instead, they have mostly given us higher taxes, an endless stream of regulations, and an unwillingness to pursue commonsense energy projects that could put more Americans to work right now.

They have given us a stimulus that ballooned the debt, maddeningly complex regulations that failed to solve too big to fail, and made bailouts the official law of the land. And they gave us a 2,700-page health care law that almost no one read, with a tower of at least 20,000 pages of accompanying regulations and redtape that almost no one can understand.

It is no wonder so many Americans remain out of work, with 54 months of unemployment at or above 7.5 percent. In Kentucky, the rate is, regrettably, even higher.

Meanwhile, Washington Democrats have been pivoting back and forth, back and forth. In fact, they pivot so much these days that they often don't seem to know what to do with themselves when there is an actual policy issue to be solved—an issue where you would assume many Republicans and Democrats would normally agree. Take the student loan issue. Right now the unemployment rate for 20- to 24-year-olds is about 13.5 percent.

For teens it is even worse—about 24 percent. The youth of our country are struggling. Yet, with that backdrop, Senate Democrats still continue to fight with each other over the student loan bill 23 days after the deadline they themselves warned us about.

Congressional Republicans and President Obama have actually been more or less on the same page on this issue from the very start. We have agreed on the need to pursue permanent reform for all students, not just a short-term political fix for some of them. Still, Senate Democrats persisted with show votes on a bill that always seemed more about politics than policy—wasting precious time. Then, with the July 1 deadline blowing past, they started bickering among themselves about the way forward and continue to do so, apparently, even now. They need to stop. Democrats need to finally allow the bipartisan student loan reform proposal to come to a vote this week so we can pass it and ensure there is one less Washington-created problem for young people to worry about in this economy because it is tough enough out there for them already.

The Obama economy has not been kind to the youth of our Nation. I hope the White House and Senate Democrats will help us change that because this persistently high unemployment is simply not acceptable, and neither is pretending it can be changed by simply executing another pivot or delivering another campaign-style speech or just spending more taxpayer money because Washington Democrats have tried all that before, over and over, and, in fact, it is just not working.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

Under the previous order, the time until 12 noon will be equally divided between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

Mr. MCCONNELL. I suggest the absence a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### STUDENT LOANS

Mr. SANDERS. Mr. President, I rise this morning in strong opposition to the legislation which I assume is coming to the floor today which, if passed, would be a disaster for the young people of our country who are looking forward to going to college and for their parents who are helping them pay their bills. Our job is to improve the dismal situation in terms of college affordability and the indebtedness of young people in this country, to improve that situation, to make it better, not to make it worse, and that is exactly what this proposed legislation would do.

I ask for support from my colleagues for an amendment I have filed that would provide a 2-year sunset to this bill, an approach that would prevent student interest rates from soaring and allow us the time, through the reauthorization of the Higher Education Act, to deal with this problem through a constructive long-term solution. This issue is too important to be rushed through this body without hearings, without listening to the people who will be affected by this bill—the millions of young people who wish to go to college, who do not want to leave school in deep debt, and their parents as well. We should be listening to them, not rushing this bill through today.

I thank Senators LEAHY, WHITEHOUSE, GILLIBRAND, and SCHATZ for their cosponsorship of this amendment. I look forward to widespread support from my colleagues.

Let's be honest about something we do not talk about enough; that is, in many ways our government is selling out the young people of our country. When we do that, when we ignore the needs of the young people of our country, in many ways we are selling out the future of the United States of America because the young people are the future.

If we do not turn this around, I fear very much that we will continue on the downward spiral we have seen for the last several decades, a spiral in which the rich get richer, Wall Street and the multinational corporations continue to enjoy recordbreaking profits, while the middle class continues to disappear and poverty remains catastrophically high. If we pass the legislation on the floor today without improving it, we will simply be taking one more step in the wrong direction.

Before I get into the gist of what this legislation is about and what my amendment will do, let me say a few words about where we are today with regard to the young people in our country.

At this moment the United States has, by far, the highest rate of childhood poverty of any major country on Earth—almost 22 percent. In many parts of this country we are seeing a lack of social mobility, where people who are poor, who grow up poor, stay poor. That is not what this country is supposed to be about.

At this moment the childcare situation in this country is beyond disgraceful. Millions of working families are unable to find affordable quality childcare, and many of our young people enter kindergarten and first grade years behind where they should be, both intellectually and emotionally.

At this moment the unemployment rate for high school graduates is close to 20 percent. That is the official rate. The real rate, including those who are working part time and those who have given up looking for work, is actually much higher. If you can believe this—and this is a statistic that should frighten us all; it should make us all ashamed—the official unemployment rate for Black youth age 16 to 19 is 43.6 percent.

I share the concerns many people have recently expressed about the tragic death in Florida of Trayvon Martin. But let's not forget that there are tens of thousands of other young African-American kids all over this country who are worried about where they are going to go with their lives. As the Bureau of Justice Statistics informs us, one out of three African-American men can expect to go to prison during his lifetime. What a horrible waste of human potential.

Our goal must be to see that these young people are ending up in college or in decent jobs—not in jail, not dying from drug overdoses, not involved in petty crime or self-destructive activities. This legislation will simply make it harder for those kids and for all kids to get the higher education they need in order to succeed in life.

Right now, today, hundreds of thousands of young people in this country who have the ability to go to college are looking at the cost of college, the indebtedness they will incur, and they are saying: No, I am not going to go to college.

What does that say about the future of this country?

This legislation, which over a period of years will drive interest rates even higher than they are today, will make it harder for the average kid, the working-class kid to get to college. All of us know we live in a very competitive global economy. If we are going to succeed as a nation in this competitive economy, we need the best educated workforce in the world. Unfortunately, compared to the rest of the world, we are doing virtually nothing to make that happen.

In June the OECD—the Organization for Economic Cooperation and Develop-

ment—released its annual snapshot on the state of education in developed nations. The report showed that the United States is losing ground to other countries that have made sustained commitments in funding higher education opportunities. We are losing ground, and the legislation on the floor today—again, over a period of years raising interest rates extremely high—will make that bad situation even worse.

The United States once led the world in college graduates. As a result, interestingly enough, older Americans—those between age 55 and 64—still lead their peers in other nations around the world in the percentage with college degrees, which is 41 percent. But, according to a very thoughtful report from CNN, this number over the years has flatlined. In 2008—and this is a very sad story indeed—the same percentage of Americans age 25 to 34 and age 55 to 64 were college graduates. In other words, in that 30-year period we made no progress at all. During that period, as we all know, with the explosion of technology, what we have said to our young people is, you desperately need a college education. Yet, in terms of percentage of our people with college degrees, we are exactly where we were 30 years ago. Meanwhile, other countries all over the world have significantly surpassed us in terms of the number of people in those countries who are college graduates. In fact, right now, where once we were first in the world in terms of the percentage of our people who are college graduates, today we are 15th in the world.

Many people do not understand that today the U.S. Government is making huge profits off of higher education and the loans we are providing to our young people and to their parents. In fact, the estimate is that we will make about \$184 billion in profits over the next 10 years. To my mind, making huge profits off of young people and their families who want nothing more than to fulfill the American dream of being able to go to college or graduate school and get out and earn a decent wage and make it into the middle class is obscene. We should not be profiteering off working families who are trying to send their kids to college. Yet, with the current legislation that will be on the floor, over a 10-year period we will be making \$184 billion in profit.

Some people say: We have a deficit. We need to go forward with deficit reduction. This will help us to the tune of \$184 billion in a 10-year period.

I say: If you want to do deficit reduction, don't take it out on working families, low-income families who are struggling to send their kids to college when one out of four major corporations in this country—many of which make billions of dollars a year in profit—is paying zero in taxes. If you want

to do deficit reduction, ask those multinational corporations to start paying their fair share of taxes, not working families who are struggling.

Let's be clear about what this legislation that I expect will be on the floor shortly will do. It provides a variable interest rate. Let's look at what the CBO is telling us about where we may be going with interest rates in the coming years. What the CBO tells us is that in 2013 a 10-year Treasury note, on which this formula is based, is 1.81 percent; in 2014 it will be 2.57 percent; 2015, 3.35 percent; 2016, 4.24 percent; 2017, 4.95 percent. Those are CBO projections.

Based on the formula in this bill, here is what Americans will be paying for student loans. The good news is that because interest rates are low now, in 2013 it will be 3.86 percent for subsidized Stafford undergraduate loans; in 2014, 4.62 percent; 2015, 5.40 percent; 2016, 6.29 percent; 2017, 7 percent, according to CBO.

Under the graduate Stafford Loan Program, we are going to go from 5.4 percent to 6.1 percent, to 6.9 percent. In 2016, we will be at 7.8 percent and in 2017 we will be at 8.55 percent. By the way, all of those figures are below the cap in the bill.

What about the parents who are helping their students through the PLUS Loan Program? In 2013 it starts at 6.3 percent; 2014, 7 percent; 2015, 7.8 percent; 2016, 8.7 percent; 2017, 9.4 percent. In other words, people will get up here and say that initially interest rates will be low—because interest rates are low—but they are not telling us that in years to come interest rates are going to go up to unsustainable levels.

My amendment says: OK. Interest rates are low today. Let's take advantage of that fact, and let's sunset this bill in 2 years, where we can then have interest rates that are reasonably low—not as low as I would like them—and will not be prohibitive. Then, through the reauthorization of the Higher Education Act, we can sit down and deal with two issues: No. 1, how are we, on a long-term basis, going to provide affordable loans, scholarships, and grants to the people of this country who need to advance their education? No. 2, how are we going to deal with the entire issue of college affordability? College in the United States costs much more than it does in virtually every other country on Earth.

We have over \$1 trillion in debt in terms of college loans. College loans have tripled since 2004. Young people are graduating from college with \$27,000 in debt. That is average. Some students have more debt. I have talked to dentists who went to dental school and are now over \$200,000 in debt from their dental school bills.

We have a crisis right now, and it is a crisis which not only impacts the lives of millions of people and families in our country, it impacts our whole

Nation economically in terms of whether we are going to have a well-educated workforce to compete in the global economy.

The legislation that is on the floor only makes a bad situation worse. The result of it will be more student debt than we currently have. The result of that legislation will be more young people who say: I don't want to get out of college and have a \$50,000 debt, so I am not going to go to college. I guess I will never make it to the middle class and never be able to contribute to the country I love in a way that I thought was possible. We have to do better than this legislation.

The last point I wish to make is a political point: elections matter. The Presiding Officer recently ran for office. I ran for office in November. President Obama ran for office. When we run for office, we tell the American people what we believe and what we are going to fight for. The end result of those elections is that Barack Obama won a decisive victory. He is the President of the United States. What he campaigned on is: I am going to stand up for the middle-class. The other guys aren't going to do it, so I am going to do it. What I ran on—as well as many of my colleagues—was: We are going to stand up for the middle class.

The results came in, and you know what. Barack Obama won. We have a Democratic President. As of today, the Senate has 54 Democrats. My question is: Why, with a Democratic President and a strong Democratic majority in the Senate, are we looking at legislation which is virtually the same as the legislation passed by an extremely conservative Republican House of Representatives? How does that happen?

What are we telling our constituents who voted for us? We said we were going to stand for the middle class. If we are going to stand for the middle class, we are standing for the affordability of college. We need to stand up for working-class kids so they can have the opportunity to be the first in their family—as I was in my family—to be able to go to college. We are talking to African-American kids and saying: You know what. There are alternatives to crime and jail. You too can go to college. Those are the people we are supposed to be talking to. I fear very much that the legislation that is coming to the floor will not do that. In fact, it will make people say: What is the difference? What is the difference between the House and the Senate?

I ask that my colleagues support my amendment. It will give us the time to come up with a long-term solution to a very serious problem.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I rise as the chair of the full Appropriations Committee in support of the fiscal year 2014 Transportation, Housing and Urban Development appropriations bill. At noon we will be voting on the motion to proceed. I am here in the strongest, most affirmative way to urge my colleagues to please vote yes so we can get on with this very important bill that was fashioned with bipartisan participation to literally get America moving again.

The Transportation-HUD appropriations bill for 2014, under the leadership of Senator MURRAY and the ranking member Senator COLLINS, is an outstanding effort. It shows what bipartisan consensus is and focuses on two things: America's infrastructure and transportation and meeting compelling human needs in housing and urban development, both of which contribute to creating jobs in the United States of America.

This is not a bill where jobs will be on a slow boat to China or a fast track to Mexico. It puts America on the right track to meet these needs in transportation.

There is a very good reason we need this bill. The American Society of Civil Engineers says the need for physical infrastructure in our country is piling up. Steel rusts, asphalt wears out, and buildings need to be repaired, to be maintained.

It is not politics; it is physics. We have to make investments today so our Nation can grow. We still have an unemployment rate of over 7 percent.

So how do we get America moving? Public investment that creates private sector jobs.

That is what we like about transportation. This bill, under the leadership of Senators MURRAY and COLLINS, includes Federal aviation—that is a word for airports—the Federal Highway Administration, in which we need to build and repair, Amtrak, and also the National Transportation Safety Board. When there is an accident, they are on the job find out what the problems are.

This bill keeps America moving on land, sea, and in the air. But, most of all, it is about bread-and-butter issues. It meets real needs in real time in our communities, building roads and building community.

This is also why I am a strong supporter of the housing and urban development aspects in this bill. The Presiding Officer knows of my social work background; I know of his as a county executive—working hand in hand on the needs of the people in the Delmarva Peninsula. We know there is prosperity and pockets of poverty. This bill, through the community development block grants, helps meet these compelling needs—again, local needs decided by local leaders in real time. It also meets needs for the elderly and for the disabled.

The Senate bill provides an allocation, under my leadership, of \$54 billion in discretionary spending. This is in sharp contrast to the House bill, which provides \$10 billion less than the Senate. The House allocation fails to provide those resources in transportation. Senators MURRAY and COLLINS will go into that in more detail.

But what I want to be able to say is, under my leadership as the full committee chair, my subcommittees have marked up—with the budget bill passed under Senator MURRAY's leadership chairing the Budget Committee—a top line of \$1.058 trillion. Oh, my God, \$1 trillion. Well, remember, \$600 billion goes to defense, and \$400 billion comes to domestic needs. If ever there were domestic needs, it is in our physical infrastructure in meeting the tattered, worn aspects of our communities.

There is a much greater debate going on in our country now because of the Trayvon Martin-George Zimmerman situation. A debate has begun, really under our President's encouragement, on race, ethnicity, and other aspects.

Well, what we need to do is be able to take stock of ourselves—take stock of ourselves: how we treat one another, how we view one another. Do we view one another as enemies consistently, do we view them on street corners or in communities, or do we begin to look at how we build community in our neighborhoods, starting with housing for the elderly, making sure the disabled are taken care of, having respect for one another, passing an education bill dealing with the student loans.

This bill will put Americans to work and also meet our compelling needs, and we can do it in a way that shows we can do smart spending to accomplish national goals.

I too want to reduce the public debt of the United States, but I am going to lower our unemployment rate. I am going to lower the rate of danger in our physical infrastructure. I also really want the motion to proceed to pass.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the very able committee chairwoman of the Senate Appropriations Committee for her direction to our full committee to move forward on our appropriations bills. I am very proud that the transportation and housing bill will be the first of, hopefully, many bills to move through here, but I really thank her for her tremendous leadership, encouraging myself and my ranking member Senator COLLINS to move forward with our bill to the floor today. We will both be giving our opening statements. I know the ranking member on the full Appropriations Committee will be here as well.

The chairman of the Finance Committee has asked for some time to speak before Senator COLLINS and I move forward on our discussion of this bill today. So I will yield to him, and we will speak after he does.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the Senator very much. I also thank my friend from Maine for her indulgence. Believe me, I will be as short as I possibly can. I deeply appreciate their indulgence.

#### TAX CODE REFORM

I am here to basically say I believe we must very aggressively reform our Tax Code. It has not been updated since 1986. Since that date, it has built up barnacles, loopholes, deductions, credits. There have been 15,000 changes to the Tax Code since 1986, and there have been additions. There have not been subtractions.

Our code is out of date. Other countries have kept their tax codes up to date. They have ensured that their companies are more competitive with changes in their tax codes. We have not done so. Our American companies are losing out. They are losing out to other companies worldwide because our code has not kept up to date.

In fact, there is a recent survey by Harvard Business School. Harvard Business School surveyed over 10,000 of its graduates over a short period of time.

The conclusion of that survey, from those who responded, is America is starting to lose its competitiveness. We are losing out. Why? Many reasons. But the one that bubbles up the most, the one that was most telling, is our Tax Code. Two reasons: One, they said, is the high rates. Our Tax Code's top rate, 35 percent for corporations, is much higher than is the rate for other countries worldwide. Other countries have lowered their top corporate rate. We have not lowered ours. As a consequence, when there is a merger, the consequence is that the headquarters ends up in another country, very simply because the tax rate in that country is lower than it is in the United States. The Anheuser InBev merger is one of many examples.

The second reason they give to the Code, why the U.S. Tax Code is causing the United States to be less competitive, is not only because our rates are higher but because our Code is so more complex. It is very difficult for people doing business in the United States or Americans doing business in the United States or people in other countries who work with the U.S. Tax Code to deal with our Tax Code because it is so complex.

In addition, our Code needs to be updated because it is so complex, not only from an international perspective but from a domestic perspective. Americans as individuals do not trust the Code. It is too complex. They cannot figure out their own returns. I might say, myself, it was not too many years ago I was sitting down at the kitchen table trying to figure out my own tax returns. I am not a wealthy man. Frankly, I had to give up. I could not figure it out. I felt un-American that I could not figure out my own taxes, especially as somebody who went to college, went to law school, is in the Senate. I still cannot do my own taxes. Something is not quite right there. Many Americans believe, as a consequence, that somebody else is getting some deductions and credits when they hire a fancy lawyer. They are getting credits and deductions that they are not getting.

Then small businesses. Small business has a devil of a time keeping up with rules and regulations, let alone tax provisions. They spend much more of their dollars on regulations, including tax returns, hiring CPAs to figure out the returns than big business does. It is usually the big business that can deal with the complexity of the Code. It is much more difficult for small businesses. The complexity of the Code is hurting our country because it is also hurting small business in America.

I might say too, as a couple of examples of the complexity, there are 42 definitions of a small business—42 different definitions in the Code of small business. There are either three or four definitions of a child. My Lord, you would think we all know what a child is. But there are three or four different definitions of what constitutes a child. There are many—I forgot the exact number—many different provisions in the Code with respect to the education deduction—education credit.

In my hand is a 90-page document explaining the education deductions alone—90-page document. You think the American family, American students have the patience to go through a 90-page document that explains which deductions are available and which are not? No way. That has got to be simplified. So we must simplify the Code, get rid of a lot of the junk, frankly.

I believe the approach we are taking in the Finance Committee is the correct approach. We have had over 50

hearings in the Finance Committee. We have had many sessions in the committee about what is next, as the occupant of the chair knows. The approach we are taking is very simple: We are starting with a clean slate. We are getting rid of all of the deductions, all of the credits. They total about \$1.2 trillion annually. We are getting rid of them all—\$12 trillion over 10 years. Get rid of them all, then start to build up which ones seem to make the most sense.

Senator HATCH and I are working together. This is a bipartisan bill. The ranking member of the Finance Committee and I are together in this approach. We have asked our colleagues on the committee, off the committee, all Senators both sides of the aisle: Give us your submissions. What do you want added back to the clean slate? Do you want anything added back? If you want something added back, how do you want to change it, how to tailor it? We are not going to stand here and mention lots of different ways it can be changed. Senators know what they are.

I think by working through Senators, it is more likely to be a better, a more solid, productive product. I urge all of my colleagues, send us your submissions. Send your submissions. There are a couple of Senators on the floor. I hope they have submitted their suggestions. They indicated they have. Good. I urge my colleagues to do so, because we are hearing directly from constituents.

We have a Web site. It is [taxreform.org](http://taxreform.org). There were 10,000 submissions from around the country of people telling us what they want. I submit, if our constituents are telling us how they want the Tax Code changed, at the very least we as Senators should also indicate how we would like to see the Tax Code changed and be in on the ground floor starting out, rather than having to come out on the floor and offer amendments, adding something back in that has to be paid for. If it is added back in, I do not think that is something Senators want to do.

We will mark up the tax bill this fall. There is going to be a markup. There is going to be a markup this fall. I am guessing—I do not like to predict dates because sometimes they change, but sometime this fall, September, October, November, in there, we are going to mark up a tax bill.

I urge Senators to be ready. This is bipartisan. I have worked overboard. I have had meetings personally with every single Senator about the Tax Code. At lunch today, for example, Chairman CAMP and I—we meet weekly. At lunch today, we are meeting with 10 House Members, 10 Senators—a total of 10. We call it “burgers and beer” every 2 weeks over at the Irish Times. That is symbolic, because that is where the last Tax Code in 1986 was in many respects put together. The

more we get to know each other, get to know House Members—I must confess there are a couple of House Members whom I did not know and they did not know who I was.

We talk about kids, we talk about tax reform. It is a bonding process to get to know each other better. DAVE CAMP and I are going around the country. We went to the Twin Cities a couple of weeks ago, met with 3M, with management, with their employees, and met with a small bakery. It is called Bald Eagle Bakery. We are going to Philadelphia a week from next Monday. I think we are going over to Delaware; I am not sure. We will be up in New Jersey. I apologize to the Presiding Officer. It is New Jersey. We are going to Philadelphia and New Jersey for another session. There will be others. We are traveling around the country. We want to talk to people to see what they have to say.

I think this is the way to crack some of this partisan gridlock around here, this partisan deadlock around here. How? We are working together, low key, building from the bottom to the top with these sessions, these meetings, discussions, keep talking. Because we all know the Tax Code needs to be reformed. It is way dated. It is out of date.

A small example is all of the exempt provisions, the 501(c)(4)s and (3)s, and so forth. This has not been addressed for over 50 years. All of the money since Citizens United is tax exempt, trying to find a safe home; that is, where there is no disclosure of either donors or amount. That has got to be maybe addressed as well. That is just one example.

My main point is to first indicate there is going to be a markup. It is an opportunity for Senators to send in their submissions. The deadline is the end of this week. I urge all of my colleagues to do so.

Finally, I am very grateful for my friends from Maine and Washington for allowing me to take time. I thank them very much.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, we spend far too much time here in the Senate scrambling to address short-term crises and far too little time working to tackle the serious long-term challenges facing our Nation. That is why I am very pleased the Senate will soon be considering the fiscal year 2014 Transportation, Housing and Urban Development appropriations bill. This transportation and housing bill received strong bipartisan support as it moved through the Appropriations Committee. It was reported out of subcommittee unanimously.

On June 27, the members of the full committee voted 22 to 8 to report this bill here to the Senate. This bill received this strong bipartisan support because it helps families and communities, it gets workers back on the job, it is fiscally responsible, and it lays down a strong foundation for long-term and broad-based economic growth.

Our transportation and housing bill is very different from the one that is moving through the House of Representatives right now, which passed out of their committee on a strict party-line vote. The Senate bill funds the highly successful TIGER Program to ensure support for transportation projects of national or regional significance. The House bill zeros out that funding and even takes away TIGER funding provided for this current year.

The Senate bill provides \$500 million to make necessary repairs to our Nation's bridges, when one in four bridges today across the country is classified as deficient. The House bill does not provide that critical funding. Our bipartisan Senate bill fully funds the Essential Air Service Program. The House bill kicks communities out of the program and then shortchanges the program.

On this side, our bill protects investments in our aviation infrastructure, while the House bill cuts spending we need to maintain and modernize the air traffic system by more than \$½ billion, to the lowest level since fiscal year 2000, more than a decade ago now.

The Senate bill maintains funding for the CDBG and HOME Programs, while the House bill proposes to cut both to their lowest levels ever. It preserves the Federal commitment to the mostly elderly and disabled tenants of public housing and section 8 project-based housing, while the intentional short funding of both programs in the House bill would ultimately lead to their demise.

The House bill falls short in these and many other areas because its investment level is simply unsustainable. It is even lower than sequester levels. Without adequate resources to fund core and housing programs, it cuts deeply and broadly and very few programs escape the axe.

The approach taken by the House should concern all of us, because this is not about politics, it is about our country. Investing in our infrastructure is something that brings together the U.S. Chamber of Commerce, major labor groups such as the AFL-CIO, economists, and policy experts across the entire political spectrum because, as any business owner will tell you, no matter how challenging the current environment, you never want to cut the investments that allow you to compete and prosper once that crisis ends.

There are plenty of independent assessments showing that right now as a country we are not investing enough in



our aging infrastructure, and no one—no one—is suggesting we invest too much. The fact is, if we slash our investments in infrastructure, we are not saving any money at all; we are making things worse. We are weakening our basis for private investment and economic growth. We are putting public safety at risk. We are allowing congestion to continue taxing families with painfully long commutes, long waits at airports, and health-threatening pollution.

Roads are going to need to be fixed eventually. Bridges are going to need to be strengthened at some point before they collapse. The air traffic control system will have to be modernized before air travel becomes too unreliable. Waiting will only make the work more expensive when we eventually do it. It is shortsighted and does not make any sense. That is why the bipartisan Senate bill supports critical investments in our Nation's infrastructure that are necessary to support and grow our economy. The investments included in our bill make it possible for people to get to work and products to get to market. Because other countries are investing in their infrastructure as quickly as they can, investments here in America are a key factor in making sure our country can compete and win in the 21st century global economy.

Our bipartisan bill also supports our local communities' efforts to promote economic development, supports small businesses, and creates affordable housing. These investments help create jobs and are necessary to ensure our Nation's economic competitiveness into the future. Our bill funds a critical piece of the safety net, housing assistance and homeless shelters for millions of families who are one step from the street. It moves us closer to finally eliminating homelessness among our Nation's veterans.

The need for these investments far exceeds the resources in this bill. But here in the Senate we have been able to keep our commitment to our States and our communities and ensure the agencies in the bill can meet their statutory responsibility. The House bill's untenable investment level and commitment to sequestration makes those commitments impossible to keep.

The Senate bill also works to improve the programs funded, including reforms that address concerns Members raised the last time the transportation and housing bill came to the Senate floor. Our bipartisan bill includes important section 8 reforms to reduce costs and create efficiencies. It contains reforms to improve the oversight of public housing agencies and boards, ensures accountability for property owners who don't maintain the quality of their HUD-assisted housing, and increases accountability in the CDBG Program. The House bill doesn't include any of those reforms. Our bill

also continues to require oversight by the offices of the inspectors general and GAO and incorporates their findings into the bill's guidance to agencies.

In short, our bill is a good bill, and, along with Senator COLLINS, I encourage Members to bring their amendments to the floor and to work with us to make this bill even better. This bill has broad bipartisan support because it takes a practical approach to addressing the real needs we find in the transportation and housing sectors. The investments it makes would create jobs and help the middle class right now, it would help lay down a strong foundation for long-term and broad-based economic growth, and it helps position our country and our economy to compete and win in the 21st-century global economy.

The approach taken by our House colleagues on their transportation and housing bill would cut investments in a way that may make our short-term budget deficit look better on paper but that would hurt our families, cost us far more in the long run, and hollow out our long-term investments and potential for economic growth. So I urge all our colleagues to help support our bipartisan bill and move us rapidly to final passage.

Again, before I yield, I wish to thank Chairwoman MIKULSKI, who was here a few moments ago, for her tremendous support and leadership. She was, as she stated, the former chair of the VA HUD subcommittee, and she really appreciates the importance of the investments this bill makes.

This bill does include the priorities of Members on both sides of the aisle, reflecting the bipartisan tradition in the Appropriations Committee. So I especially thank my entire subcommittee for their work, and I would like to take a moment to especially express my appreciation and thanks to my ranking member Senator COLLINS for all her hard work and cooperation throughout this process. I am very proud that together we have written a bill that works for families and communities.

Investing in our families and communities and long-term economic growth shouldn't be a partisan issue, and I think the bipartisan work that went into this bill and the strong support it received in committee proves it doesn't have to be.

I look forward to moving to this vote at noon today to allow us to get on the bill, and I encourage all our Members to bring their amendments to us. My ranking member Senator COLLINS and I will work our way through those as efficiently as we can so we can bring this bill to a conclusion.

Again, I thank Senator COLLINS for her tremendous work and her in-depth understanding of the tremendous issues within this bill, I thank her for work-

ing with us, and I yield to her at this time.

**THE PRESIDING OFFICER.** The Senator from Maine.

**MS. COLLINS.** Madam President, I am pleased to join Chairman MURRAY as we begin floor consideration of the fiscal year 2014 appropriations bill for the Department of Transportation, Housing and Urban Development, and related agencies. This return to regular order in which appropriations bills are considered individually, with the opportunity for full debate and for Members to come to the floor and offer their amendments, is welcome indeed.

Like Senator MURRAY, I wish to commend the two leaders of our Appropriations Committee—Senator MIKULSKI, the chair, and Senator SHELBY, the ranking member—for their commitment to returning to regular order. We simply must stop the irresponsible practice of waiting until the eleventh hour and then producing a bundled bill totaling thousands of pages with little or no opportunity for truly careful deliberation and debate.

I wish to thank our subcommittee chairman for working very closely with me to craft this bipartisan bill. She has been a tremendous leader of our subcommittee and has operated in a way that has been completely bipartisan.

This bill makes responsible investments in transportation and economic development and includes input and priorities from Members from both sides of the aisle. We listened to the concerns of our Members, and the bill was approved by a bipartisan vote of 22 to 8 in committee.

The fact is that the transportation and housing appropriations bill has a long tradition of bipartisan support. Every Senator has unmet transportation and housing needs in his or her home State, from crumbling roads and bridges, to economic development needs, to a growing population of low-income families, elderly, and disabled individuals who need our help.

According to the American Society of Civil Engineers, the condition of our Nation's infrastructure remains poor. Our roads, airports, and transit systems received a grade of D, while our bridges, ports, and rail systems received only a C. In fact, in my State of Maine the roads and bridges are among the worst in the Nation's rural transportation network. This matters because we need efficient and safe transportation networks to move our people around the country and to move our products to market.

The bill before us does not begin to solve all of our Nation's transportation and housing woes. We simply do not have the money to do that. After all, we cannot ignore the size of our unsustainable \$17 trillion national debt. We also cannot ignore the need for investments that will help the private sector create jobs and allow our

people and products to travel safely and efficiently and our most vulnerable citizens to receive decent housing.

I understand that some Members are very concerned about supporting any funding bill that has an allocation that is higher than the House counterpart. I certainly agree it is important that we adhere to current law, which limits spending to \$967 billion. But it is our responsibility to consider the merits of each of the Senate funding bills and produce bills based on our best judgments. Then we negotiate with our House counterparts in conference. That is the way the process is supposed to work. That is how we produce compromises. That is how we produce appropriations bills. The Senate should not be a rubberstamp for the House, nor should the House be a rubberstamp for the Senate. Each body should come forth with its individual appropriations bills, and then we should meet in conference, negotiate, and produce bills that can have the support of both bodies.

The fact is that the fiscal year 2014 House transportation and HUD allocation of \$44.1 billion is, in my judgment, insufficient to meet the true needs of both transportation and housing. In fact, the House allocation was \$51.6 billion just last fiscal year, so this year's House allocation reflects a dramatic cut. Could there be further cuts in our bill? Absolutely. I am sure there will be some worthwhile amendments offered on the Senate floor, and, more importantly, I believe that when we negotiate with our House counterparts we will produce a bill that is most likely somewhere in between the two allocations.

Our bill is by no means a perfect bill, but the House bill includes policy choices I believe most Senators will find problematic if they take a close look at the House provisions. Let me cite one example.

Our bill provides nearly \$3.2 billion for the Community Development Block Grant Program. The CDBG Program supports economic development leading to job creation across the country. I want to point out that the President's budget cut that program. It proposed \$2.8 billion, which is the lowest funding level since 1976, when President Gerald Ford was in office. The CDBG Program is one of the most popular Federal programs because of the flexibility it gives communities and States to tailor their economic development projects. Yet the House bill would cut the program even beyond the President's budget by reducing this important program by more than \$1.1 billion below the 1976 levels. That is when the program was first created in a Republican administration that recognized that States and communities are best able to use the flexibility of the Community Development Block Grant Program to meet the needs of their citizens, to spur

downtown development, to create incentives for businesses to locate, and to produce good jobs.

Our bill also continues funding for the TIGER grant program, which supports transportation infrastructure projects that have a significant impact on the Nation, a region or metropolitan area. The House bill not only eliminates this program but also rescinds funding for the current fiscal year by 50 percent. That means a round of grants that are just about to be funded could not go through.

For aviation programs our bill provides sufficient funding to ensure that the NextGen modernization efforts will continue to improve the efficiency, safety, and capacity of our aviation system.

With the lower funding levels as proposed by the House, here is the irony: We would simply end up paying more in the long term than we would now by providing the funding when it is needed.

So this program isn't a matter of whether we need it; it is when are we going to fund it. Funding it now, as we have been doing year after year in an incremental way, allows the NextGen Program for aviation to stay on track, and it will end up costing less than if we cut the funding and stretch it out over many more years.

Our bill also includes \$1.4 billion for Amtrak while the House bill provides only \$950 million. But in no way is the Senate funding extravagant. In fact, it is nearly \$1.2 billion less than the administration's request for Amtrak, and it avoids gimmicks that the Obama administration used in this account.

While the needs for Amtrak infrastructure far exceed what we were able to provide, our bill is a step in the right direction. Under the House proposal, Amtrak would be forced to consider cutting service, which could affect millions of passengers, diverting them to our already congested highways and busy airports.

In reality, the overall resources provided in this bill are well below the level of investment that our Nation's infrastructure requires, as the subcommittee chairman so correctly pointed out. Nevertheless, it would spur creation by the private sector of good jobs now, when they are needed most, and it would establish the foundations for future economic growth.

Just as important to our economic future, however, is reining in Federal spending. Getting our national debt under control must be a priority governmentwide. In setting priorities for the coming year, this bill strikes the right balance between thoughtful investment and fiscal restraint.

I appreciate the opportunity to present this important bill to our Chamber, to our colleagues. As we debate this bill, I urge our colleagues to support the motion to proceed to the

compromises our committee worked so hard to achieve and, most of all, to come forward with suggestions for improvements through amendments.

Let me end by emphasizing that point. I have the assurance of the subcommittee chairman that Republicans will be allowed to offer amendments. So I would say to my colleagues: Even if you don't like this bill, there is no reason to oppose the motion to proceed on the bill. You will be given an opportunity to offer amendments, to change the numbers in this bill, to cut programs if you wish. But let's get on this bill so we can return to the normal process of full and fair debate on individual appropriations bills, rather than waiting to the eleventh hour, bundling them together with little review, with insufficient care, deliberation, and debate or relying on continuing resolutions, stop-gap measures, which wreak havoc on the ability of programs to be carried out in a cost-effective manner.

I see our ranking member of the full committee is on the floor and I yield to him.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Alabama.

Mr. SHELBY. Mr. President, I thank the chairwoman of the Appropriations Committee Senator MIKULSKI for moving ahead to complete action on this, the Transportation, Housing and Urban Development appropriations bill. This is the first bill reported by the Appropriations Committee to be considered by the Senate on the floor.

I believe it is important that Congress exercises constitutional authority over the funding of government. If we do not pass appropriations bills, the undesirable outcome is a government shutdown, which none of us wants. I believe, however, that the Senate is still on a precarious path.

The majority is pursuing a top-line discretionary spending level of \$1.058 trillion for the fiscal year 2014. This exceeds the Budget Control Act level by over \$90 billion. The Budget Control Act is the law that establishes and enforces, through sequestration, limits on discretionary spending.

In fiscal year 2013, most discretionary programs were forced to take arbitrary across-the-board cuts. We did not have to go in that direction for 2014. Over 1 month ago, all Republican members of the Appropriations Committee signed a letter to Chairwoman MIKULSKI calling for a top-line number of \$967 billion that complies with the law.

There could have been an alternative to sequestration. The Appropriations Committee could have written spending bills that adhered to the budget constraints of the law. This would have allowed Congress, not an indiscriminate formula, to make spending cuts of its choosing and to establish priorities, which we ultimately will have to do.

This level would have also given Senate and House appropriators a better

chance to conference individual bills. Instead, several of the appropriations bills between the two Chambers are so far apart that aligning them would be difficult, if not impossible.

Regrettably, because of this disagreement, the endgame will probably be a continuing resolution. Every year that we have a continuing resolution or a series of them is another year that we drift further away from the regular order. In addition, even a continuing resolution for 2014 based on this year's discretionary spending would require another sequester under the Budget Control Act.

Given the direction we are headed, I wish to vote against all appropriations bills that adhere to a total of \$1.058 trillion. It is not because the bills are entirely unworthy of support. That is not true. It is because they will ultimately lead us to a statutory dead end and erode the ability of Congress to control how the government is funded, as we have done before.

Therefore, I intend to oppose the motion to proceed, not because I don't think the bill has merit, as I said, but because in many ways it does. I will oppose the motion to proceed because it will inevitably lead us, once again, to an impasse that will result in further continuing resolutions and take us further away from any semblance of regular order.

I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Washington.

Mrs. MURRAY. Madam President, shortly the Senate will move to a vote on the motion to proceed to the transportation-housing bill.

This is the first appropriations bill to come before the Senate. We have worked very hard, in a bipartisan way, to have a bill that invests in the projects that are important to this country, to move us forward, and help secure a strong future for this country.

It is a bill that was tough to write. Our allocation is much lower than those of us who are working on these issues would like to see it, but we have tried to be pragmatic and practical and move forward.

I know there are those Members of the Senate who make the argument that our allocation is higher than the House and would vote against these bills. I would remind all of our colleagues, I have been out on this floor innumerable times urging our colleagues to let us go to conference on the budget so we can work out this disagreement and be able to have allocations be the same from the House and the Senate. But we have been unable to do that because a small group of Senators on the other side have objected to us going to that conference. So we are at the place now where we have to move these appropriations bills forward. It does mean eventually we will

have to get to a conference and, as my ranking member pointed out, we will have to work out an agreement. But until we can go to conference and work out the overall number, we have to move forward on these bills; otherwise, we are going to face a crisis come the end of September in terms of funding our government and giving certainty to people across this country about whether we will be allocating funds for them to be able to move forward on their budgets at the local and State levels.

I urge our colleagues to vote yes, allow us to move to this bill. As my ranking member has said, bring your amendments to the floor. If you have an objection to something in the bill or you want to change something or you want a discussion about something, we will be here, ready to take amendments, look at them, and have the will of the Senate move forward.

In a few short minutes, we will move to that vote and I urge our colleagues to vote yes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 99, S. 1243, a bill making appropriations for the Department of Transportation, and Housing and Urban Development and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

Mark Begich, Barbara A. Mikulski, Patty Murray, Mark R. Warner, Tom Udall, Martin Heinrich, Angus S. King, Jr., Sheldon Whitehouse, Elizabeth Warren, Dianne Feinstein, Patrick J. Leahy, Tom Harkin, Jack Reed, Richard J. Durbin, Richard Blumenthal, Mary L. Landrieu, Jeff Merkley, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1243, an original bill making appropriations for the Department of Transportation, Housing and Urban Development, and Related Agencies for the fiscal year ending September 30, 2014, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 73, nays 26, as follows:

[Rollcall Vote No. 181 Leg.]

#### YEAS—73

Baldwin	Harkin	Murphy
Baucus	Hatch	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Portman
Blumenthal	Heller	Pryor
Blunt	Hirono	Reed
Boozman	Inhofe	Reid
Boxer	Isakson	Rockefeller
Brown	Johnson (SD)	Sanders
Cantwell	Johnson (WI)	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Kirk	Stabenow
Chambliss	Klobuchar	Tester
Chiesa	Landrieu	Thune
Cochran	Leahy	Toomey
Collins	Levin	Udall (CO)
Coons	Manchin	Udall (NM)
Donnelly	Markey	Warner
Durbin	McCain	Warren
Feinstein	McCaskill	Whitehouse
Flake	Menendez	Wicker
Franken	Merkley	Wyden
Gillibrand	Mikulski	
Hagan	Murkowski	

#### NAYS—26

Alexander	Cruz	Paul
Ayotte	Enzi	Risch
Barrasso	Fischer	Roberts
Burr	Graham	Rubio
Coats	Grassley	Scott
Coburn	Hoeven	Sessions
Corker	Johanns	Shelby
Cornyn	Lee	Vitter
Crapo	McConnell	

#### NOT VOTING—1

Moran

The PRESIDING OFFICER. On this vote, the yeas are 73 and the nays are 26. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, cloture having been invoked, all postcloture time is yielded back.

The question is on agreeing to the motion to proceed.

The motion was agreed to.

The Senator from Washington.

Mrs. MURRAY. Madam President, the Senate has now agreed on a bipartisan basis to move forward on the transportation and housing bill. I wish to thank all of our colleagues.

As we move forward on this appropriations bill, we will be open for amendments. I know there are Members who have a number of issues they would like for us to consider. I urge them to bring their amendments to Senator COLLINS and me, the managers of this bill, as soon as possible so we can begin to work our way through them.

So as we go to recess for caucus lunches, I ask Members to please work with both of us so we can manage this

bill in a responsible way and then move to final passage.

I appreciate all of the work of my ranking member Senator COLLINS as well as the members of the committee and all of the Senators who are working with us to move this bill forward.

Thank you, Madam President. I yield the floor.

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TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

The PRESIDING OFFICER. The clerk will report the bill.

The bill clerk read as follows:

A bill (S. 1243) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

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RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the President pro tempore (Ms. BALDWIN).

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TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2014—Continued

The PRESIDING OFFICER. The Senator from New Jersey.

HUMAN TRAFFICKING IN THE UNITED STATES

Mr. CHIESA. Madam President, it is an honor for me to speak here today for the first time on the floor of this distinguished body.

I am mindful of the fact that had it not been for the passing of my predecessor, Senator Frank Lautenberg, I would not be here today. So I want to associate myself with the tributes that have already been paid to his memory.

It has occurred to me that if I waited any longer before speaking on the Senate floor for the first time, my maiden speech and my farewell address would be one and the same.

My service representing the people of New Jersey in this great institution will be brief. Yet, for me, I know it will be one of the highlights of my life.

I wish to express my heartfelt appreciation to my family—my wife Jenny and my children, Al and Hannah—for enthusiastically supporting the decision we made as a family to allow me to be here. As everyone in public life knows, the support of our families is indispensable to our service. My daughter Hannah is here with me in Washington this week supporting her dad.

I am also incredibly grateful to Governor Christie for the confidence he has again shown in me by naming me to this position. I am deeply humbled by

the opportunity to serve the people of my State—the State where I was born and raised and am raising my own family—here in the Senate.

Some refer to Senators who have been appointed to unexpired vacancies as “caretakers.” I reject that label for myself, as I imagine others have who have found themselves in similar positions. No one who has the high honor and privilege of serving in this body should ever be content to serve as a caretaker—to merely “keep the seat warm.” Representing the people even for a brief period of time demands that one work to make a difference. My Senate colleagues show me that every day with their commitment.

Today I wish to use this great honor to help give voice to a shockingly large and largely unseen group of people who have no voice of their own. The United Nations estimates there are upwards of 27 million of them around the globe. There are believed to be at least 100,000 of them here in the United States. They are among the most exploited, abused, and neglected people on the face of the Earth. They are the victims of human trafficking. They are, to be more direct, modern-day slaves.

Over the course of my career, both as an assistant U.S. attorney and more recently as the attorney general of New Jersey, I have come face to face with the terrible misery of human trafficking. The faces of its victims are haunting. They are often young, and more often than not they are female. They come from every corner of the world but especially from those places where poverty and want define day-to-day existence. They are exploited and abused by human predators that have no respect for the law and no respect for basic decency. Often lured by their captors with empty promises of a better life, the victims are instead utterly betrayed. These victims are robbed of their youth, their freedom, their dignity, their health, and sometimes even their lives. They must not be forgotten. They must not be robbed of justice.

Human traffickers—the purveyors of the modern-day slave trade—do enormous harm to their victims. When these victims are used in the promotion of such crimes as prostitution and child pornography, they are also debasing our neighborhoods and our families. As they exploit their victims by forcing them to labor for little or no money in a wide variety of workplaces and appalling circumstances, they are also exploiting employers who offer good jobs, at fair wages, in safe working conditions. And as they abuse their victims in ways too horrible to contemplate, they are also abusing our commitment as a society to honor the dignity of every human being.

My first exposure to the fight against human trafficking goes back to my tenure as an assistant U.S. attorney in

New Jersey. And as New Jersey’s attorney general, I made this fight a priority, issuing a directive on human trafficking to sharpen New Jersey’s focus in the fight against this terrible crime by channeling more resources and greater attention to the problem.

This effort is already producing results. Just over a week ago the New Jersey Attorney General’s Office arrested six people in Lakewood, New Jersey, and charged them with various human trafficking and other offenses. Accused of running a sophisticated network that brought dozens of women into the United States from Mexico to work in illegal brothels, those arrested in Lakewood will also face new, tougher penalties if convicted. And their victims have been saved from the degradation to which their captors were subjecting them. As satisfying as it is to see justice done to the traffickers, there is an even greater sense of accomplishment in restoring freedom to those who were brutally held in bondage.

There are, of course, efforts under way to find and prosecute traffickers both at home and abroad, as well as to identify and aid the innocent victims of human trafficking. The Department of State’s Office to Monitor and Combat Trafficking in Persons leads our Nation’s efforts to combat human trafficking around the world. The Department of Homeland Security’s Blue Campaign works with law enforcement, State and local governments, various nongovernmental organizations, and other private groups to provide information, training, and outreach. Countless law enforcement officers and prosecutors at every level of government are united in the fight to end human trafficking. And untold numbers of organizations and caring people have committed themselves to aiding the survivors of this terrible assault on human dignity.

In this body, the Senate Caucus to End Human Trafficking, led by my distinguished colleagues, the senior Senator from Connecticut, Mr. BLUMENTHAL, and the junior Senator from Ohio, Mr. PORTMAN, helps to “combat human trafficking by promoting awareness, removing demand, supporting prosecution efforts, and providing appropriate service systems for survivors.” I fully support their outstanding efforts and look forward to working with them on this important issue.

And there is more we can do. Having served recently as attorney general, I know the States—and specifically the State attorneys general—feel hampered in their efforts to put an end to the insidious practice of using the Internet to sell illegal sexual services, especially when exploiting the victims of human trafficking.

I urge my colleagues to carefully consider any proposals that may come

forward to close loopholes in the Federal law that are furthering the victimization of young women being held in bondage.

There are, unfortunately, no easy answers. Human trafficking can be hard to detect and even harder to prove. It is not unusual for victims to be unaware that they are victims of a crime. Their captors are often successful at persuading their victims that what is happening to them is their own fault. And because of the incessant and violent intimidation to which victims are subjected, they may be afraid to even attempt to escape the situation in which they find themselves. Fearing retaliation from their captors or perhaps afraid they may be deported or returned to the situation they sought to escape from in the first place, they are reluctant to seek help, or even to offer help in punishing their captors once they are freed.

The challenge faced in fighting human trafficking is compounded because not enough people—even people in law enforcement and the justice system—recognize it when they confront it. That is why efforts to promote greater awareness of the signs of human trafficking are indispensable to the success of this fight. And everyone can take up this cause in their own way.

One of the more inspiring efforts has been initiated by a group of middle and high school students from my State. In 2010, under the guidance of Dan Papa, an extraordinary social studies teacher, students at the Jefferson Middle School in Jefferson Township, New Jersey, formed an organization called Project Stay Gold. The students participating in Project Stay Gold have created a Web site, pieces of art, and launched an innovative mobile project to raise and spread awareness of human trafficking. The students and their teacher have set some ambitious goals for their work. One of those goals is to enlist the help of the NFL to raise awareness of human trafficking in advance of Super Bowl 48. As a New Jerseyan, that is a goal I share.

The people of New Jersey are excited to be hosting this coming year's Super Bowl at the world-class MetLife Stadium. We look forward to the playing of the first outdoor cold-weather Super Bowl in history. But New Jersey is also determined to prevent the usual influx of victims of human trafficking who, it is widely acknowledged, have in the past been brought against their will to the host cities of large international events such as the Super Bowl as part of the illegal sex trade. I will be working with everyone involved in presenting the Super Bowl—including the National Football League and the host committee—to raise awareness and to eliminate this insidious practice. I know Mr. Papa and the students involved at Project Stay Gold at Jeffer-

son Middle School will enthusiastically join me in this effort.

Each of us has the opportunity to help give voice to the voiceless victims of human trafficking. That is why I intend to focus much of the time I do have in this body to advancing the goal of ending human trafficking and aiding the victims of this terrible crime. I look forward to working with all of my colleagues and with all of those who share my commitment to this fight.

Finally, as someone who is new here and will not be staying long, permit me to express my appreciation to so many of my colleagues, from both sides of the aisle, who have been extraordinarily generous with their time, their knowledge, and wisdom in helping me meet the awesome responsibility I have been entrusted with. Senator MCCONNELL has been especially helpful to me. He is a leader not just by title but by the way he conducts himself every day in this body. I also wish to thank my fellow New Jerseyan, Senator MENENDEZ, whose collegiality and guidance have been of great assistance to me in my transition.

The Senate has long been guided by ancient traditions that have served the institution and the Nation well. I trust that in the months and years ahead, it will continue to honor the practices that have caused it to be known as the world's greatest deliberative body. I will certainly try to do my part during my time here to honor those traditions and uphold the special and unique place this body holds in our system of governance.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. Madam President, I wish to say briefly to our friend Senator CHIESA how much we appreciate his remarks here today. I am reminded of what the author of Ecclesiastes points out: "Time and chances happen to us all." While he may not be with us a long time here in the Senate, I have every confidence, given his tremendous track record of public service and the confidence Governor Christie has had in him to make this appointment, that we will be hearing more great things about Senator CHIESA in the future.

#### THE ECONOMY

Madam President, President Obama is scheduled to give a major speech on the economy tomorrow. Unfortunately, according to press reports, his new ideas for bolstering job creation bear a remarkable resemblance to his old ideas—ideas that have given us the weakest economic recovery and the longest period of high unemployment since the Great Depression. The President will probably quite effectively talk about "winning the future" and helping America's youth compete in the global economy. But speeches are more than just words; they have to be

about policies. Unfortunately, on that count, notwithstanding the fact that President Obama is a marvelous speech maker, his policies have resulted, as I said, in a weak economic recovery, a less prosperous America, and more debt and burden for our young people looking for a way out.

The problem is that President Obama, not his speeches but his actual policies have done tremendous damage to the economic prospects of the same people he purports to be championing. Indeed, this Obama economy has threatened to create a lost generation of younger Americans who are drowning in debt and are unable to find good full-time jobs.

First, on the issue of debt, since President Obama took office, the Federal Government has accumulated more than \$6.1 trillion in new debt. Let me repeat that. Since President Obama took office, the Federal Government has accumulated more than \$6.1 trillion in new debt. I doubt anyone within the sound of my voice can actually conceptualize how much money that really is, but under the President's latest budget proposal, that debt would grow even higher—by another \$8.2 trillion—over the next decade. The gross debt is now larger than our entire economy, which is why every American child enters the world owing \$53,000. We might as well call them "generation debt."

Unemployment, as I mentioned earlier, remains intractable. The unemployment rate among young adults age 18 to 29 is 12.7 percent. For the general population it is 7.6 percent, but for those 18 to 29 it is 12.7 percent. That figure rises to 16.1 percent when we include 1.7 million young adults who have simply given up finding a job. Of course, these are real live human beings, not just statistics, but the statistics are bad enough.

Then there is the lack of good full-time jobs. Last year the Associated Press reported that half of all recent college graduates are either jobless or employed in positions that don't fully use their skills and knowledge. A separate study in 2012 found that only 4 out of every 10 recent college graduates are doing a job that actually requires a 4-year degree. It has been estimated that 41 percent of all underemployed Americans are below the age of 31. And as we have learned, because of the ObamaCare employer mandate, many full-time jobs are being reduced to part-time jobs, especially in the hotel, restaurant, and retail industries.

In a new survey, 74 percent of small businesses said they are going to reduce hiring, reduce worker hours, or replace full-time employees with part-time employees. In other words, it is not just the slowly growing economy, it is actually the policies of this administration which are making it significantly harder for younger Americans to find decent employment.

Then, of course, there is the unkept promise of ObamaCare. The President extravagantly promised: If you like what you have, you can keep it. For a family of four, your premiums are going to be reduced by \$2,500 on average.

Well, we found out that for millions of Americans, if they like the coverage they have, they cannot keep it and will lose it, and that instead of a \$2,500 reduction in premiums, an average family of four will see an increase of \$2,400.

Once it is fully implemented, younger people will be especially burdened. They will pay much higher health insurance premiums than they are today. Indeed, a recent survey of large health care insurers found that premium costs for young and healthy Americans in the individual and small group market will "increase by an average of 169 percent." According to the *Wall Street Journal*, "Healthy consumers could see insurance rates double or even triple when they look for individual coverage" under ObamaCare.

It is not hard to understand why. Under ObamaCare's provisions you can wait until you actually get sick before you buy insurance under a concept known as "guaranteed issue," which then hardly resembles insurance as any of us think about it. And then because of the so-called age banding phenomenon, where premiums for older people cannot be any more than three times what they are for younger people, what is going to happen is younger people are going to have to pay higher premiums to subsidize the higher cost of caring for people when they get older.

Then there is the triple whammy, perhaps, of higher education costs, some of which we are trying to address here with bipartisan student loan reform. But under President Obama, the average cost of tuition and fees at a 4-year public college or university has increased 27 percent. Again, we have been talking about: How do we deal with the interest rates on that debt? But the fact is the principal has gone up 27 percent in the last 5 years.

For that matter, it is estimated that 4 out of every 10 Americans who graduated from college in 2009, 2010, or 2011 have not been able to pay off any of their student debt. As a longtime Silicon Valley businessman recently noted: The millennials are the "most educated" generation in American history, but they are also the "most indebted."

Is there any wonder that only one out of every five recent college graduates says their generation will be more successful than the one that came before them?

My parents were part of the so-called "greatest generation"—Tom Brokaw coined that title—the World War II generation, people who risked everything they had and sacrificed all they

had in order to ensure my brother and my sister and I would have a better life and have more opportunities. Unfortunately, as a result of the failed policies we have seen over the last 5 years, recent college graduates actually believe they are going to have less opportunity and less prosperity than generations that came before them.

There is no reason why that has to be the case. There is no good reason why the Obama economy has to become the new normal—not in a country as hard working, entrepreneurial, and innovative as the United States of America.

Here in Washington, many policymakers seem to have forgotten the recipe, the "secret sauce," if you will, for long sustainable economic growth. I would invite them to visit my State of Texas, which has been luring job creators from all across the Nation. And, lo and behold, you find that when people have opportunity and jobs, they tend to vote with their feet, which is one reason why, after the last census, we had four new congressional seats created in Texas, because people had literally shifted from parts of the country where they could not find jobs to places such as Texas where they could.

Here is an interesting comparison, as shown on this chart.

In 2010, the Texas economy grew 71 percent faster than the national economy—71 percent. In 2011, it grew 125 percent faster, and last year it grew 92 percent faster. These numbers reflect more than just happenstance. They reflect the difference between the policies that are embraced here in Washington, DC, and the policies embraced in my State.

For example, here in Washington, over the last 4 years, President Obama's policies have actually made it harder for businesses to create jobs because of taxes, because of regulation, because of things such as the cost of ObamaCare.

In Texas, by comparison, we have worked very hard to make it easier. Indeed, if you want more of something, it seems to me you would make it easier to create, not harder, which is why *Chief Executive* magazine has named Texas the Best State for Business 8 years in a row.

Here in Washington, President Obama's policies have seen an increase in taxes by \$1.7 trillion and increased our national debt by \$6.1 trillion, as I mentioned earlier.

In Texas, we have no State income tax, and we recently turned a \$5 billion deficit into a projected \$8.8 billion surplus, thanks to the leadership of our Governor and the members of the State legislature.

Here in Washington, President Obama has presided over the weakest economic recovery and the longest period of high unemployment since the Great Depression.

In Texas, the total number of jobs has grown by nearly 32 percent since

1995, while the total number of jobs nationwide has grown by 12 percent—32 percent versus 12 percent.

Here in Washington, President Obama's policies have actually hampered one of our greatest natural resources—energy production on Federal lands, to be specific.

In my State public policies have consistently encouraged energy development, and total statewide oil production has increased by 94 percent between September 2008 and September 2012. I say that at the same time we are the No. 1 producer of electricity from wind energy. We believe in truly an "all of the above" approach.

But Texans are unapologetic about our desire to create high-paying jobs in the oil and gas sector and produce the energy needed to power our State and the Nation. All you have to do is look at the phenomenon occurring in the Eagle Ford shale in Central to South Texas and the Permian Basin in West Texas.

Indeed, the Eagle Ford shale produced 358 barrels of oil per day in 2008. Last year, it produced more than 352,000 barrels of oil a day. Over that same period, the number of Eagle Ford drilling permits increased from 26 to more than 4,100.

At a time when we see the Middle East continuing its trend of being a dangerous place, why in the world wouldn't we want to develop more of our natural resources here at home and create jobs at the same time to relieve our dependency on imported oil and gas from dangerous parts of the world?

In the Midland area, which is part of the Permian Basin, high school graduates can earn \$75,000 a year as a starting job driving a truck. Many students aspire to all sorts of other jobs, and they are trained for it. But the point is energy production, taking advantage of the innovation and the technological changes in oil and gas production, can create jobs and opportunities and help wean us from imported energy.

Here in Washington, unfortunately, the administration is still clinging to the misguided policies that are preventing the United States from reaching its full domestic energy potential.

Consider these numbers: Between 2007 and 2012, total U.S. natural gas production increased by 20 percent, total U.S. oil production went up by 22 percent. However, oil production on Federal lands—that is subject to the control of the Federal Government—actually went down 4 percent, while natural gas production on Federal lands dropped by 33 percent.

How do you reconcile the disparity? Well, the oil and gas and natural gas production occurred on private lands, owned by private parties, not the Federal Government. So the Federal Government's record is actually quite dismal in comparison.

So the message to President Obama—as he pivots once again to the economy—the message could not be more

obvious: If the President really does care about “winning the future” and helping the millennial generation compete in a globalized world, he should abandon the policies that have saddled younger Americans with so much debt and made it so difficult for them to find good jobs. In short, it is time to replace the Obama model with the Texas model.

This chart makes the comparison I mentioned earlier. Economic growth in 2010—after the 2008 fiscal meltdown, we saw the national economy growing only at 2.4 percent, the Texas economy at 4.1 percent. We need to get the national economy growing closer to 4 percent in order to create the jobs that are necessary to give young people an opportunity to work and provide for their families and to build for their future.

In 2011, we saw, actually, the national economy slow down at 1.6 percent growth. Indeed, the Texas economy slowed down a little more, albeit at 3.6 percent growth.

Then, in 2012—just last year—while we still saw the national economy bouncing along at the bottom with only 2.5-percent economic growth, the Texas economy was growing at 4.8 percent.

I know my friends from other parts of the country might discount my remarks here today and say: Well, this is just a Senator from a State who is proud of the accomplishments of his State and the people who have made it possible. They would be right. I am. But this is also about what Louis Brandeis once called the laboratories of democracy.

That is one reason why it is so important not to just have a national government but a Federal government with national responsibilities in those areas that the States and individuals cannot otherwise take care of themselves, and reserving, as the 10th Amendment to the U.S. Constitution points out, all other power not delegated to the Federal Government to the States and to individuals. That is what protects our freedom, and that is what creates these laboratories of democracy so Texas, so Illinois, so Washington State—any other State; Wisconsin—can try these policies and see what works and what does not, what creates the prosperity and opportunity for their people. And, hopefully, just hopefully, we in Washington, DC—those of us who happen to work here as part of our job—will embrace those policies and those success stories and make them possible for the rest of the country as well.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

#### HEALTH CARE AND EDUCATION

Mr. DURBIN. Madam President, first, let me join the Texas Chamber of Commerce and everyone else and thank

Senator CORNYN for his promotional speech on behalf of the State of Texas. He is very proud of his State. I am sure I would be too if I represented it. I represent a State called Illinois, and we are pretty happy with what we have in our State. If the Senator's Governor comes in looking for jobs and he looks longingly at Lake Michigan and they wish they had some water in Texas, we have a lot of it and a lot of other things too.

Each of us is proud of our State, and I am not going to sit here and go through a tick list, even if I could, of what is wrong with Texas. I would like to speak to some of the national issues, though, that the Senator from Texas raised.

What about this ObamaCare? If you listen to the description by the Senator from Texas, it is the big hand of government coming down and raising the cost of health insurance for Americans.

Well, why would they do that? Why would Congress pass something like that? It turns out that is not even part of the story. Here is the story: Too many Americans today do not have health insurance. They still get sick. And when they get sick, what do they do? They go to the hospital—usually the emergency room—and they get treated.

If they do not have the money through health insurance to pay for it, how does it get paid for? Raise your hand America. If you own an insurance policy, you are paying for the care of those without health insurance, transferring the cost of their care to the rest of America. Is that fair to your family or to your business or to you? No.

The idea behind ObamaCare was to extend the reach of health insurance to more Americans. We tried this. The Senator from Texas talks about the States as laboratories of experiment. We tried this experiment under someone named Gov. Mitt Romney of Massachusetts. He came up with the original ObamaCare, RomneyCare in Massachusetts, and said: Everybody in the State is going to have health insurance. It is working.

We are trying to do this on a national basis so everyone is engaged in paying for their health care and so everyone has the peace of mind of being protected with a health insurance policy. What about these policies? There is another thing not raised by the Senator from Texas. What good is a health insurance policy if it is not there when you need it? What good is a health insurance policy if it has a limit on how much it will pay and someone you love in your family just got diagnosed with a serious cancer illness and now faces surgeries, chemo, radiation that could run into the tens of thousands of dollars well beyond the coverage of your policy?

That is when people face reality. That is what ObamaCare was all about.

Take the lifetime limits off health insurance so that if some unpredictable accident, disease or illness comes your way, it will not bankrupt your family and you can still get good care. Those who want to abolish ObamaCare ought to answer the basic question: Do you want to go back to lifetime limits when it comes to health insurance?

There is another element too. We have some younger people in the Senate. But some of us have been around. Many of us are in a position where pre-existing conditions apply to all of us. If you had to fill out that questionnaire, there is probably something in your background, if you are in your fifties, sixties or beyond, that would be characterized as a preexisting condition. It might mean, in the old days, health insurance companies would say: No thanks. We do not want to run the risk of somebody who has high blood pressure, someone who has a prediabetes condition, someone with a person in their family with mental illness.

So they would not sell you the health insurance—preexisting conditions. In America, almost every family has one, whether it is a child or someone who is up in years. ObamaCare says stop discriminating against Americans under health insurance policies for pre-existing conditions.

When we hear the Republicans talk about eliminating ObamaCare, do they want to go back to the day when you could not even buy a health insurance policy with a preexisting condition?

What about this issue of insurance through your business where you work? It turns out 96 percent of the businesses in America today would not be mandated to provide health insurance coverage. They already do or they would not be required under the law. We are talking about a small percentage but an important percentage. The President said he will give us an additional year to make sure we get this right and work with business for the right solution. I think that is reasonable. I have said it before, and I will say it again, when it comes to writing laws, the only perfect law ever written was written on clay tablets and carried down a mountain by Senator Moses.

Ever since then, we have done our best and we can always do better. But here is the problem: The National Restaurant Association came to Chicago about 6 weeks ago, genuinely concerned about ObamaCare and what it meant to their industry. I listened to them. I said: I am willing to sit down with you. Let's find a way to help you and businesses just like you provide health insurance that is affordable for your employees, that is the right thing for them. I said: I will tell you what. I guarantee you, if you are willing to sit down and work out changes in ObamaCare in a good-faith way, I will bring Democratic Senators to the table. All I ask you is bring Republican House Members to the table.



They cannot do it. You know why? The Presiding Officer knows why because she served in the House of Representatives. Because on 67 separate occasions since we passed ObamaCare, the Republicans in the House and Senate have called for votes to abolish ObamaCare—67 times. Someone—Dana Milbank, I believe, in the Washington Post—made that calculation just last week—67 times.

They have been unwilling to sit down and talk about any changes. No, we want to abolish it. Then we will talk. It does not work that way. In the real world, we try to solve these problems as we go. I know this ObamaCare is important to this country. I think it may be the most important bill I ever voted on—because I have been there. I was a young father, a law student, married with a baby with a serious medical problem. I had no health insurance. If you ever felt helpless as an individual, as a father, as a husband, get yourself in that position. There are millions of Americans who face that every single day: no health insurance and a heart-breaking illness in their family. Let's put an end to that. This country is far better than that. Let's aspire to something that truly provides peace of mind to those across America.

There are several other provisions in this bill I will mention before I talk about higher education. Under ObamaCare, we make certain that families with children under the age of 26 can keep their kids under their health insurance policy, the family's health insurance policy. Why is that important? Because young people coming fresh out of college may not have a job or they may have a job without health insurance. These young people can now stay under their parents' policy, over 100,000 in my State of Illinois.

When I hear the Republicans call for abolishing ObamaCare, I do not hear them calling for abolishing that. That is something families need and want. In our closing the doughnut hole—that is the amount of out-of-pocket expense seniors have to pay for Medicare prescriptions. ObamaCare closes that so the out-of-pocket expenses diminish and eventually disappear. That is a good thing for many seniors faced with fixed incomes. I do not hear the Republicans calling for abolishing that either and they should not.

The Senator from Texas raised the question about the cost of higher education. He is right. I believe he characterized it by saying, under the Obama administration, the cost of higher education has gone up dramatically. It is true it did happen after the President was elected, but I did not hear the suggestion from the Senator from Texas that President Obama mandated it or caused it.

What is happening across America is that States, because of their own budget problems, are cutting back on aid to

higher education. Colleges, mainly public institutions, are raising the cost of tuition, and that raises the debt the students end up with when they go to school. It has nothing to do with President Obama.

It is a fact, a serious fact, which brings us to the issue that will be on the floor this week, student loans. Currently, the student loan interest rate for subsidized loans, and that is for families having \$30,000 in income or less, is 6.8 percent. Just a few weeks ago it was 3.4 percent. Now it is 6.8 percent. So the question is, Are we going to change it? Are we going to try to bring down that interest rate?

Yes, we should. Students are deeply in debt, too deeply in debt. If we can reduce the cost of what they borrow, we should. Let me add a caveat. Students need to think twice about borrowing. Of course they should go to college, but many of them are being lured into schools that are dramatically overpriced. Some of them are not worth it. That is a fact.

The for-profit college industry is a good illustration. Ask a high school student if they know what a for-profit school is, they will say: I am not sure. What is it? It is the one that hits you right between the eyes on the Internet every time you log on. Those are the for-profit schools that are literally companies that make money off of offering education.

The largest, the University of Phoenix. The combined enrollment at the University of Phoenix is larger than the combined enrollment of the Big Ten schools; No. 2, Kaplan, which owns the Washington Post; and No. 3, DeVry out of Chicago. Those are the three big ones. What about those schools? There are three numbers to remember about for-profit schools if you want to know. About 12 percent of all of the kids coming out of high school go to for-profit schools. The for-profit schools receive 25 percent of all the Federal aid to education. The for-profit schools account for 47 percent of all the student loan defaults.

Why? They charge too much. Their diplomas are worth too little. The good advice to young people is: Start with your community college, if you do not have a clear path for higher education—affordable, many choices. In most States those hours are transferable. But students are making high-cost choices and getting high-cost debt.

So now we are discussing what to do about it. This morning my friend, the Senator from Vermont, the Independent Democrat, BERNIE SANDERS came to the floor and talked about the plight of young people. He is right. They are too deeply in debt. There are too few jobs available. I worry about them, as everyone should.

He concluded, though, at the end, we should not vote for the bipartisan student loan reform bill we are working

on in the Senate. I have to disagree with my colleague. Here is the reality. The interest rate today for undergraduate students is at least 6.8 percent on their student loans. Our bipartisan plan reduces that to 3.8 percent, a 3-percent savings for each student borrowing—undergrad student borrowing for the loans they need to go to school.

Three percent makes a difference: 6.8, 3.8 makes a big difference. Also, we make it clear that these students are going to be protected in the long run from high interest rates. We put a cap on the interest rates that students will ever have to pay under our plan of 8.25 percent for undergrad students. That to me is a sensible approach to take.

We are trying to find a way to lower this even further. I believe in the premise that the Federal Government should be more actively involved to reduce the interest rate even more. But this is a good outcome. For the next 4 or 5 years, students at all levels are going to see lower interest payments than if we do nothing. Some of my colleagues are upset. They do not like this outcome. They would like to see a much different relationship between the Federal Government and the students and their families. I would too. But I know where the votes are.

With the Republican House of Representatives, with the need for 60 votes in this Chamber, that type of reform is not likely to occur. So I urge my colleagues, when the time comes to vote on student loans and the student loan interest rate, do not leave us in a position where we keep the 6.8 percent interest rate. Let us bring it down to 3.8 percent, a more affordable rate. That is good for these students and their families. Then let's join with Senator HARKIN and Senator ALEXANDER for higher education reform, to look at the overall cost of higher education, to work with the President and find ways to reduce the cost of education and to make sure we provide the education and training our students need to compete in the 21st century.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1744

MR. VITTER. Madam President, I now call up Vitter amendment No. 1744 to the appropriations bill currently before the Senate.

THE PRESIDING OFFICER. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Louisiana [MR. VITTER] proposes an amendment numbered 1744.

MR. VITTER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funds to be used to provide housing assistance benefits to individuals convicted of certain felonies)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act shall be used to provide housing assistance benefits for an individual who is convicted of aggravated sexual abuse under section 2241 of title 18, United States Code, murder under section 1111 of title 18, United States Code, an offense under chapter 110 of title 18, United States Code, an offense under chapter 110 of title 18, United States Code, or any other Federal or State offense involving sexual assault, as defined in 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

Mr. VITTER. Madam President, I hope this is viewed universally as a commonsense, bipartisan amendment. I urge all of my colleagues to support this amendment through the rollcall vote which we will have. It is very simple, very basic, and I think very appropriate. It says that for the most serious crimes that exist—violent crimes, crimes against women and children, very serious crimes by anyone's definition—these will be disqualifiers for Federal housing assistance.

I bring this amendment for two simple reasons. First, I think this should go hand in hand with committing those extremely serious crimes. Again, we are not talking about threshold crimes. We are not talking about first-time drug offenses. We are talking about aggravated sexual abuse, murder, sexual exploitation of children, violence against women.

Those are the four big categories, very serious, very violent crimes. Usually, these are crimes focused on some of the most vulnerable in our society, such as children and abused women. I think it is very reasonable and common sense to say these crimes have very serious consequences. One of those—the most obvious is a stiff jail sentence, in some cases life. But one of those consequences is also going to be the Federal taxpayer is not going to give you housing or give you help for housing.

There is a second equally, maybe more, important reason to support this commonsense disqualifier. It is to protect those other folks who need and use Federal housing assistance and help clean up what historically have been areas that actually congregate violent crime in some of our worst social problems, in Federal housing projects.

I grew up in New Orleans. This has been a perennial problem in New Orleans. But I am happy and proud to say it is a problem that has been getting better, being solved bit by bit, particularly post-Katrina. Similar to most major American cities, in the 1950s and 1960s, huge housing projects began to be built and began to grow in New Orleans. They were, unfortunately, centers of some of the worst of some of our social ills, particularly violent crime and drug abuse. And that is because we had

a policy which actually congregated—and I hope that wasn't the intent—the worst of those problems in these housing projects. Of course, that fed on itself and made many of these problems even worse and certainly subjected innocent folks trapped in those housing projects to some of the worst problems of our big cities.

In New Orleans, since Katrina, we have taken significant steps to get away from that. We have instituted new policy. They are less dense—these housing projects—and there are more mixed income; not 100 percent of the folks in these projects are subsidized. It is usually a mixed approach so that there are some market based, some partially subsidized, some heavily subsidized, but less dense environments. So we have taken specific steps to try to learn from the horrible mistakes we made in Federal housing projects particularly in the 1960s and early 1970s.

This commonsense test fits in exactly with that approach, and it says we are not going to subject people in these centers of subsidized housing to the worst violence and the worst social problems we have. We are not going to congregate violent criminals, drug abusers, and others in these housing projects.

So that is the second compelling reason to support the Vitter amendment. Keep in mind the innocent folks in those housing projects who get some subsidized housing help. They deserve better. They do not deserve to be subjected to the worst of the worst, these horrible social problems that in the past we have actually congregated in public housing projects.

So, again, I hope this is viewed as it should be, as a commonsense amendment and one that deserves wide bipartisan support. I would also note it is extremely similar to an amendment that passed on the recent farm bill without controversy—the same basic rule with regard to the Food Stamp Program. So I urge all my colleagues, Democrats and Republicans, to support this straightforward, reasonable amendment on the rollcall vote we will, hopefully, have soon.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Maine.

Ms. COLLINS. Mr. President, first, let me commend the Senator from Louisiana for his amendment. It would restrict criminals who have been convicted of certain violent or sex crimes from receiving housing assistance through HUD's public housing choice neighborhood and tenant- and project-based section 8 programs.

Public housing authorities and private property owners who provide assistance under these programs are already required under Federal law to deny admission or assistance to individuals who are subject to lifetime registration on a sex offender registry

under a State program. However, when you move to the next stage, strangely enough, it is discretionary.

Under current law, prior violent criminal activity may be grounds for the denial of assistance for public housing and the section 8 programs, but it is not required to be grounds to deny that kind of assistance. That is exactly the point that Senator VITTER is trying to make. So his amendment would tighten the current law to make it very clear that under certain categories—aggravated sexual abuse, murder, and murder in the second degree, sexual exploitation, and other abuse of children and violence against women—individuals convicted of those crimes would not qualify for public housing assistance under the programs that I have mentioned.

As Senator VITTER said, this is a commonsense amendment. It will help to make housing safer for the law-abiding citizens residing there. He has targeted serious crimes, and I think his amendment should be adopted. I am going to support the amendment, and I will be urging its adoption.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, one of the issues and questions that have been raised by many of my colleagues about this bill is that at first glance it appears to be higher than the President's budget request for these two departments—Transportation and HUD and the related agencies—and I want to explain why that is. It is a very legitimate question, but it has a very good answer.

The answer is the President's budget for the agencies and departments under our jurisdiction is artificially low because it relies on gimmicks, and it relies on scoring differences between CBO and OMB. Let me explain just a couple of areas where it will become evident to my colleagues why the difference exists and why the President's budget submission actually is not less than the bill that is on the floor now, if true budgeting principles and accounting were used.

First of all, the President's budget proposes to shift \$2 billion in existing discretionary programs to mandatory in order to appear to achieve savings, including \$1.5 billion from Amtrak's operating capital and debt service grants and \$450 million by removing large hub airports from the Airport Improvements Program.

In addition, the President's budget request assumes an increase in the passenger facility charge at airports from

\$4.50 to \$8.00. Well, we have seen this movie before. When the FAA authorization was being considered just last year, Congress rejected this fee increase. There is no reason to believe it is going to be accepted now. Yet that is built into the President's budget assumptions. We have seen him do this on a host of tax issues too, so this is not unknown for this administration.

There is another area I think is highly significant. The President's request for section 8 project-based rental assistance is insufficient to fully fund existing 12-month renewal contracts with the private property owners who participate in this program. In fact, it is about 10 percent short of the amount the administration knows is going to be needed to renew these contracts for the full 12 months of the fiscal year. That is about \$1.2 billion short. That is about half of the difference we are talking about between the President's budget request and our bill.

Surely, it is not responsible to assume that somehow we are not going to pay these private property owners who are participating in the project-based section 8 program for the full year of rental assistance. It is not going to stop after 10 months. They are not going to be evicting their tenants who are receiving the subsidy.

So true and accurate budgeting would have required the President to put \$1.2 billion into his budget request for this program.

Finally, CBO scored FHA receipts—the fees, the mortgage insurance premiums—at \$1.8 billion below OMB's score, which increased the cost of maintaining the existing level of services in our bill.

We know there are disputes between CBO and OMB all the time. In this case, I am not suggesting that it is a gimmick, as in the other two examples I have given. I am suggesting there is an honest difference of opinion. But the fact is, whether we like it or not at times, we are bound by CBO's score, and CBO's estimate of those FHA receipts—those fees, those mortgage insurance premiums—is \$1.8 billion below OMB's score. That is quite a difference.

So if you add up those gimmicks, with the Amtrak program moving from discretionary to mandatory, the assumption that Congress is all of a sudden just months later going to change its mind on the passenger facility charges and nearly double them after rejecting that idea just months ago, the failure to fully fund the project-based section 8 rental assistance, and the difference between CBO and OMB—the genuine dispute on FHA receipts—if you add all that up, it is not accurate to say our bill is \$2.4 billion above the President's request. What we employed was CBO's estimate. We got rid of the gimmicks, and we used honest budgeting, and that accounts for the difference.

I hope my colleagues will not be misled into thinking that somehow this bill is above the President's budget request. When you apply honest accounting principles and take into account the \$1.8 billion difference between the scoring of CBO and OMB, it is obviously not different. In fact, I would argue that we are under the President's budget request.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I ask unanimous consent that I be recognized to speak as if in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

OBAMACARE

Mr. RUBIO. Mr. President, this morning there was news that the President of the United States is going to engage in a series of speeches around the country to discuss the American middle class and the economy. I think that is actually a positive thing, to start to focus on that a little bit.

The America middle class is the essence of America's greatness. I have said this often before because I am a product of that working middle class—how critically different that makes us from the rest of the world. Every country has rich people, and unfortunately every country has poor people. But one of the things that distinguishes America from the rest of the world is that we have this vibrant middle class.

I have lived that in my life. My parents were working-class people and came to this country with not a lot of education or many connections, but they were able to provide for us a lifestyle where they owned a home and were able to do vacations and provided us everything we needed—not always everything we wanted, of course. But that really distinguishes this country from the rest of the world. That vibrant middle class is the essence of our economic exceptionalism.

I am glad the President is focused on the middle class, and I hope we will begin to focus on the middle class here in our conversations as well. That is why I come to the floor to speak about the middle class for a moment, because I am very concerned about the impact that the health care law—ObamaCare—is having on the middle class.

I know Republicans have been opposed to ObamaCare from the very beginning, and I understand that a lot of people out there see ObamaCare as a bill that is going to give them access to health insurance they may not have right now. But what I want people to understand from a nonpartisan basis—Republicans, Democrats, Independents, no matter whom you voted for in the last election—is that ObamaCare is not working out the way it was advertised.

What I wish to point to today is how ObamaCare is actually hurting that vibrant American middle class which the

President is trying to focus on in his speeches and which I hope we will be focused on in our policies.

Last week on Friday I traveled to central Florida. I went to a place called Gatorland, which is kind of an old Florida tourist attraction where kids have gone for a long time with their parents to see the live alligators and the shows they put on. I used that as a forum to meet with several small businesses in the region, not all tourism related. I had a chance to sit down and talk with them about their concerns about ObamaCare and, importantly, not just what it means for their businesses—and these are middle-class businesses, by the way; we are not talking about billionaires here—but also, more importantly for me, the impact that was going to have on their employees, the people who work for them, working-class, middle-class Americans who happen to live in Florida and work at these places.

First I heard from the owner of Gatorland, who pointed out that he has a little over 100 full-time employees who work for him. You can imagine who I am talking about—the people who take your tickets when you walk in, the ones who run the exhibits. These are everyday working-class people. Some of them are young people who just got married and are trying to start a family. He gives them insurance. They have insurance right now. He pays a portion of their premiums and they pay the rest, and they seem to be pretty happy with that insurance coverage. It is not perfect. They have to pay for part of it out of pocket. But it is coverage they are happy with, and through that coverage they have a relationship with their doctors.

A young couple—for example, the wife is a few months pregnant. They have been going to the same OB/GYN. They get comfortable with this doctor, and they are happy going to this doctor. Maybe it is the same doctor who helped them with their previous pregnancies or their kids' pediatrician who knows their family's history, so every time they sit with him, they don't have to reeducate him. But the point is that they are happy with their insurance and also their doctor.

But there is a problem: Health care costs and premiums are going up for this business. As they are sitting there looking into next year and beyond, their insurance companies are already telling them: Your premiums are going to go up. We can't tell you by how much, but it is going to be by at least this much.

This means the amount of money they put aside every year in Gatorland's budget to pay for health insurance for their middle-class employees is going to go up big time, so this business has to find the money from somewhere. They could just raise the price of admission. But they really

can't do that. No. 1, people can't afford it. No. 2, they have some pretty significant competition nearby from Disney World and Universal Studios. So that is not really an option for them.

Their options are as follows:

They can take the insurance they are providing now for their employees and get rid of it and replace it with another insurance that is cheaper and covers less. By the way, now it is new insurance, so if those middle-class employees are happy with their doctors, their doctors may or may not be on the new plan. So you destroy that relationship as well. It will be cheaper insurance for the employer and the employee, but it will cover less. But it meets the mandate, and obviously Gatorland can continue to operate.

The second option they have is to reduce a bunch of people to under 30 hours because if they are working less than 30 hours, they don't have to offer them anything. That is a big cost savings. They don't want to do that, as proven by the fact that they are offering the coverage now, but they may have to do that.

The third option is to just pay a fine and let these people go out and find their own insurance in the exchanges. The problem with that is, No. 1, the exchanges haven't even been created yet. Even though you are supposed to be enrolled beginning October 1, they don't exist yet. So you can't even figure out what they are if you live in Florida. No. 2—the same problem—it is a new insurance company, which means you may or may not have the same doctor.

A fundamental promise of this law when it was passed was that if you are happy with your doctor, you won't have to lose that doctor. If you are happy with your insurance, you can keep it. Obviously, for about 100-some-odd people who work in central Florida, that is not true.

I also met with a young woman named Gigi Barrios. She is the owner of FCS Building Services. Basically, it is a company that provides janitors at night to come and clean your office. This is the epitome of the working class. You know who I am talking about—the people who come in after 6:00 and vacuum the carpets and clean your offices. These are her employees. She also offers them health insurance, but her health insurance premiums are going up next year big time. She is going to have to go through the exact same choices as Gatorland. So right now in central Florida there are janitors and janitorial crews who are working more than 40 hours a week, have health insurance they are happy with, have doctors they have relationships with, and they are on the verge of losing all of that because of this law and its impact.

I met with an owner of a place called Fun Spot. Fun Spot is an old Florida attraction place. After 5 years of work-

ing at Fun Spot, you get 100 percent coverage. If you work there for 5 years, they pay all of your insurance; you don't pay a penny out of pocket. But their costs are going up astronomically—higher than anybody else's who was meeting there. The same calculation is going to happen: They are going to have to find new and cheaper insurance, which means people who have 100 percent full coverage and are happy are going to lose it—these are ticket takers and ride operators and people who clean up. These are middle class, working-class Americans. They will lose their coverage.

I can tell you, they are not going to pay 100 percent of anyone's coverage moving forward because even if they wanted to at this point—and they do want to—they can't afford it. The premiums are going up because of ObamaCare. Or they could come up with one of these newer plans that costs less money, but there is the same fundamental problem.

Now, you may say maybe this is a Florida problem. It is not. The U.S. Chamber of Commerce recently did a survey. They found that 75 percent of small businesses in America are going to have to do something like this. In their survey they found that 27 percent of small businesses are going to cut hours just to get under the 30 hours a week to avoid the health insurance mandate because they can't afford it; 24 percent of small businesses are going to hire fewer people—which is one of the problems at Fun Spot. They actually own land, and they want to expand and grow Fun Spot. They want to add more rides, more attractions, more middle-class, working-class jobs. That is not going to happen now. So 24 percent of companies are going to hire fewer people because of ObamaCare, and 23 percent of companies plan to replace full-time employees with part-time employees.

The Congressional Budget Office has found that at least 7 million people in America are going to lose the employer coverage they have right now. At least 7 million Americans will have the promise that was made to them broken. So if you have insurance, if you are happy with your insurance, you are going to lose your insurance because of ObamaCare.

Five million people will have to pay for more expensive plans because of ObamaCare. Because they make too much according to the law, they won't qualify for a subsidy to help pay for it.

It is not just businesses, by the way. This is from Florida Today:

Some part-time Brevard County workers are getting their hours cut so the county would not be forced by federal law to pay for their health insurance. . . . Brevard County Library Service Director Jeff Thompson said 37 of his department's employees have had their hours cut as a result of the health care issue.

So the library services department—this is the middle class, and they are going to lose hours.

I don't care if you are a Republican, a Democrat, an Independent, whom you voted for in the last election, this is a disaster for all of us. And rather than digging in and saying, I am going to fight to the death on this law because it has my name on it, because it was my signature achievement in my first term, I wish the President and White House were more open-minded about saying this is not working out the way we thought. This is going to hurt way too many people at a time when people are already hurting. Let's put the brakes on this or let's redo this. Let's get rid of this and start over.

But they don't seem to be focused on that. They claim to be focused on the middle class. Yet we know millions of middle-class Americans—and a few hundred whom I know now personally in Florida—are going to be dramatically hurt by this law. Yet it is full speed ahead. That is outrageous.

I think we have one last chance to stop this if the White House won't cooperate, and that is through our budgeting process. In September we are probably going to have to pass a short-term budget to move forward into the next year. A lot of my colleagues love to say they are against ObamaCare, but if you vote for a budget that pays for ObamaCare, that pays for these things I have just described, you have voted for ObamaCare.

Some will say: That is crazy. You are going to shut down the government over ObamaCare.

No. What is crazy is moving forward with this after all the problems. This is just the tip of the iceberg. I could be here 6 hours describing all the problems with ObamaCare. Moving forward on that is what is crazy. What is crazy is arguing that the only way we can move forward with a budget is if it includes ObamaCare. What is crazy is shutting down the government because the budget doesn't pay to implement this outrageous and broken system.

We need to wake up and realize what is happening. This is hurting the American middle class, and if we lose the American middle class, we lose what makes our economy different and special and unique.

So, Mr. President, as you travel around the country this week, as you come to Jacksonville, FL, on Thursday, I hope you will also explain to the American people how it is that you can justify cutting hours, cutting benefits, taking away existing health insurance and existing doctor-patient relationships from millions of working-class and middle-class Americans who are going to be hurt by this law because of your refusal and the refusal of many of your allies to consider suspending this or permanently repealing it and replacing it with something better.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### STUDENT LOANS

Mr. REED. Mr. President, as you well know, since you worked awfully hard and very effectively with respect to the issue of student loans, we are about to rush into a complete restructuring of the way we price student loans. I believe this is not the appropriate approach. I think there are some fundamental issues with the student lending program that require a comprehensive approach. I have tried, along with many of my colleagues, to at least extend the 3.4 percent for a year so we can do this systematically and thoughtfully, do it in terms of not just interest rate structures but in terms of incentives to keep college costs down and also to deal with the increasingly difficult issue of the existing loan burdens that students have so they can refinance—not just in the future but families of students struggling today with a huge amount of student debt.

Student debt has exceeded \$1 trillion. It has surpassed credit card debt as the second largest household debt that we hold in the United States. In this context, I think we have to go forward and look at this comprehensively.

The bipartisan Student Loan Certainty Act is a product of great effort and very sincere effort to try to deal with this problem. But I do not think it will lead to a long-term stable solution that will benefit students. What I think it will do is shift the costs of these programs increasingly to students. This is not the way it used to be.

The idea that government would generate revenue from student loan programs is a fairly recent one. From the first loan programs we established in the 1950s, the programs were designed as investments, something we paid for and we benefited from through increased productivity, through increased education of our citizens, and increased ability to compete worldwide. It was not designed to generate profits. It was not designed to break even. It was designed to invest in the future of the country through its young men and women.

We invested in education because we understood educational opportunity was directly connected to our prosperity and our security. Indeed, it was the engine that was going to pull individuals up the ranks into the middle class and beyond, and it was going to pull the country forward with increasing prosperity and increasing national benefit.

In response to Sputnik back in the 1950s we created the national defense student loan, what we now know as the Perkins loan, to expand the number of college graduates, especially in the fields of math, science, education, and engineering. Those are the very fields today where we see we need more people—math, science, engineering, and education. Today we call it STEM, a fancy term. Back then it was just math, science, engineering, and education. These were low-cost loans with very generous benefits.

For instance, no interest accrued on the loans while students were in school, and teachers could get these loans forgiven.

In the Higher Education Act of 1965, one of the principal architects was Senator Claiborne Pell, my predecessor. In that act, grants, work-study, and low-cost loans were the three pillars of student financial aid. We gave money to the students without requiring repayments with grants. We had very low cost loans relative to prevailing rates in the country, and then we had a work-study program. Providing more educational opportunity then was seen as a necessity, not a luxury, not something that would be nice to do. And we have all benefited from it.

The productivity of this country today is a direct result of those investments that were made in the 1950s and 1960s. In fact, I suggest, with very rare exceptions, every person in this body benefited. I know I did.

After West Point, which was funded by the government but required at least 5 years of service afterwards, I went to law school. I had to get a loan to help me get through, and I did. In fact, I would also daresay there is nobody in this Chamber today, with very few exceptions, who was without the access to and benefits of very generous student lending that persisted, that was part, that was a fixture of the 1950s, 1960s, 1970s, 1980s.

This notion that we need to educate our young people is even more compelling today than it was in the 1960s and the 1970s.

This is a chart, “Jobs Requiring at Least Some College Education by 2018.”

In 1973, less than 30 percent of jobs required a college education. You could leave high school—if you had good work habits and good skills—and you could manage to make a living, buy a home, rise up through the ranks of managing production on the floor, and get into management if you were talented, ambitious, et cetera.

Now, you see, by 2018 you are looking at over 60 percent of the jobs, nearly two-thirds, that will require some college. Here we were heavily subsidizing college education. Now we are proposing to say: No, students have to absorb the costs. Families have to absorb the cost. This cannot be a cost to the

government in terms of our budget. That logic just doesn't seem compelling to me at all.

We also know not only is college becoming more important in the sense of the jobs that need to be filled, but here is the other reality.

This is the lifetime earnings. You can see there is a huge increase in lifetime earnings with education. As we make it more difficult to go to higher education, we are basically telling people they are not going to earn as much as they could. When we are wondering today about why there is so much inequality in this country, why wages are not going up, it comes back in large part to the fact that we need higher skilled workers, better educated citizens.

As we impose more costs on students and families to go and get this master's degree or professional degree or doctorate degree or bachelor's degree, the market will tell us the higher the cost, the fewer people will do it. We are essentially telling those people they are locked in wherever they are. They are not going to be the ones who move from that humble abode to the middle-class home and beyond.

That, I think, frankly, is one of the most disturbing aspects that people are facing all across this country, the realization and the fear that their children will not do better than they did. Our parents, all of them, I think, could say with great confidence: I am working hard, I am struggling, but I know my children will do better.

One of the reasons our constituents across this country are saying we are not getting it right is this growing perception and feeling that, no, their children will not do better. By the way, this vote speaks volumes about our commitment to making sure the next generation of Americans does better.

Just look at the numbers. This is how you get well compensated in the United States. Our country is based upon the notion that education is the engine that will pull you forward. That is the way we are going to deal with this notion of inequality of income. That is the American solution. Again, I think as we depart from this tradition we are going to find ourselves in an increasingly difficult situation.

We are essentially asking in the proposal that is before us for low- and middle-income students to assume more of the cost of higher education—and their parents. Some can, but they will have less to invest in other things. Some cannot, and they will miss this train, literally.

Even though in constant dollars the maximum Pell grant—we are still providing grants—is nearly where it was in terms of the 1970s, it is paying for a much lower percentage of the cost of higher education. I think that is an important point to note.

This is not just about the level of Federal support. That is why I have

urged us to stop and look at a comprehensive approach. What is happening—these are the Pell grants indicating how they went up dramatically in the 1970s and then tapered off and then finally, based upon President Obama's initiative, I believe, in 2009, they went up again based upon our changing from bank-based lending to a direct lending program. We shifted resources to the Pell grants. The Pell grants have been going up.

What has also been going up is tuition. So when we are talking about the road to opportunity, when we are talking about dealing with this program comprehensively, just simply restructuring rates is not going to get it because this is what we are looking at: average tuition and fees at public and private universities. The green line is the 4-year private. That is shooting up out of sight. But we also know, and this might be anecdotal, those are the schools, the elite schools, if you will, that in many cases provide even an express road to opportunity for so many people. That is why they are so competitive to get into. Those costs are rocketing out of sight.

But just the 4-year public colleges, which used to be the backbone of our whole country where with a modest fee you could get a great education, they are going up. We know from testimony that has been recorded here, a lot of it is because, as we are pulling back from supporting students and their families, guess what, States are doing the same thing.

We had years and years of reduced budgets to our university system which have been reversed in only the last few years by the present Governor. We are pulling back. What happens as a result of that? Tuition goes up.

When we look back to the mid-1970s, if a student got a Pell grant, that student could cover most of the cost of a 4-year education at a State school. Students cannot do that now. What does that mean? They have to borrow. Students have to borrow if they are in a situation where they are relatively low income, very low income, or of modest means.

The consequence of this has resulted in an explosion of borrowing. This is the total FFEL—that is the old name for the lending program—and DL, the direct lending program that is used today for Stafford loans. These are the loan amounts from 1966. At the bottom here, it is very small. It is off the chart. Through the 1970s, it was rather constant. It started to spike up here.

Here is the curve. There is a little bit of a downward spike here, but that might be because people are dropping out. They cannot afford to borrow. I am hearing stories—and my colleagues are hearing stories—of people leaving school. They are saying: What is in it for me? I can't afford to graduate from college with a \$25,000 or \$50,000 debt and

then get a job—or maybe not get a job—that is paying \$35,000 a year. I will never get out of that hole.

There has been an extraordinary explosion of lending. As lending has grown, there is more of a need to take steps to curtail the lending or to help students deal with this lending. There is over \$1 trillion in outstanding Federal student loan debt that young people are going to have to somehow amortize and pay off through their lifetime.

We have already had studies from the Federal Reserve and leading authorities who say this will delay home acquisition and all the things we thought would happen almost automatically or routinely in this country. A student goes to college, graduates, and then by their late twenties they have done enough in their job to buy a home, start a family, and become a pillar of the middle class. That hope and dream is receding.

There is another aspect of this that gets into the whole accounting issue we have to deal with. CBO looked at these issues and scored them. They indicated that between 2013 and 2023—and that is over the next 10 years—we will generate about \$184 billion worth of profit for the Federal Government. It is the difference between what the students are paying us back and what we are using to borrow. It is essentially the difference between our costs and their repayment to us. This is a remarkable shift from investing in students throughout all of these decades—post-World War II—to now essentially being able to generate income from students.

Since 2007, we have been seeing a positive return to the Federal Government on student loans—even from loans made under the old bank-based system—because of the way the interest rates have run, because of our borrowing costs, and because of the costs students have to pay.

Given the fact we are able to generate \$184 billion over 10 years, I think we should be able to find our way through to a 3.4-percent rate for at least another year, but that has proven elusive in terms of the votes on the floor.

I think all of this strongly suggests we have a major challenge to reconfigure our student lending system, our grant system, and our work-study system. We have a major challenge in lowering the cost of a college education. Rather than taking off like a rocket, the costs should be coming down. We cannot do that in a matter of 2 or 3 days. It is going to take some comprehensive and coherent work over many weeks and months.

The problem we face in terms of looking forward and making changes is we have locked the interest rate at 6.8 percent under our budget rules. As a result, everything we do has to rotate around 6.8 percent.

The proposals by my colleagues would lower interest rates in the first few years. However, in order to make up for the 6.8-percent assumption in the budget, it would have to raise interest rates in the out-years. For the first several years we are going to provide an increasingly expensive but starting relatively inexpensive—approach to student borrowing. But that has to be made up arithmetically by a higher cost for those succeeding generations.

For example, if you are a senior in high school today, you will do reasonably well—not as well as 3.4 percent, but reasonably well. If you have a younger sibling who is in eighth or ninth grade, he or she will pay for you because those rates—just to make up the gap—will be much higher. We know it will be higher.

I must commend the authors of the legislation who have at least put in a cap for the various lending programs. Originally, as this proposal made its way through the Senate, there were no caps, so rates could have soared to astronomical heights. Still, even with the caps, over the long term the succeeding generations of students—and this is a long-term proposal and not a proposal that has a finite period of time—will have rates that will go up and up and up.

The key aspect that is driving all of this is the assumption that we should not be investing in higher education, as we have for decades, and that we have to have a budget-neutral solution. Rather than saying we can go ahead and do things, such as close tax loopholes, let's move that money into higher education, which I would argue would be beneficial for everyone in the short and long run.

We have been locked into this budget-neutral approach, and there is a \$715 million surplus, but it is as close to zero, as far as budget neutrality, as they could get.

I go back to the point of revenue neutral, which means that given the present law of a fixed rate of 6.8 percent for undergraduate loans, 7.9 percent for other loans, we are going to enjoy it now and pay later. That is the essence of the proposal before us. Students could pay much more later.

I also think the idea that we are going to fix this 2 years or 3 years hence is not reasonable because the cost of fixing it goes up with each year. If our principle and our presumption is that it always has to be revenue neutral, there might be some good ideas about fixing it, but where is the money? That is what is going to have to be included to fix it.

I think we can do better. I will be offering an amendment with Senator WARREN which will cap this proposal at 6.8 percent for student loans and 7.9 percent for the PLUS family loan—the parent loan—that will be comparable

to what the fixed loan rates are today. This way we can at least tell all of our constituents: No student will be worse off—not just over 3 or 4 years—over the next 10 to 20 years, or however long this legislation endures. I think that is something that would be a useful improvement.

We are paying for it by a surcharge for people who are making over \$1 million. It is a very small surcharge. We should be able to say: We can find the resources to invest in the future of the country and to support and subsidize students so they can improve their skills, move into the middle class, and move the country forward. We have always done it. We can do it today.

I urge my colleagues to favorably consider the amendment when it is proposed.

Again, there have been extraordinary efforts on the part of many—principled and thoughtful—to try to deal with this issue. I go back to my initial point: If we want to deal with it, we have to have time, and, frankly, we have to have resources. The way this is evolving, we don't have time and we are unwilling, it appears at this juncture, to commit significant resources to solve this problem in a comprehensive and coherent way that will benefit students and families and in the long run will benefit this country.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the time until 4:45 p.m. be equally divided between Senators VITTER and MURRAY or their designees for debate on Vitter amendment No. 1744; that at 4:45 p.m., the Senate proceed to vote in relation to the Vitter amendment; further, that no second-degree amendment be in order to the Vitter amendment prior to the vote.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is on agreeing to amendment No.

1744, offered by the Senator from Louisiana, Mr. VITTER.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—99

Alexander	Flake	Mikulski
Ayotte	Franken	Moran
Baldwin	Gillibrand	Murkowski
Barrasso	Graham	Murphy
Baucus	Grassley	Murray
Begich	Hagan	Nelson
Bennet	Harkin	Paul
Blumenthal	Hatch	Portman
Blunt	Heinrich	Pryor
Boozman	Heitkamp	Reed
Boxer	Heller	Reid
Brown	Hirono	Risch
Burr	Hoeven	Roberts
Cantwell	Inhofe	Rubio
Cardin	Isakson	Sanders
Carper	Johanns	Schatz
Casey	Johnson (SD)	Schumer
Chambliss	Johnson (WI)	Scott
Chiesa	Kaine	Sessions
Coats	King	Shaheen
Coburn	Kirk	Shelby
Cochran	Klobuchar	Stabenow
Collins	Landrieu	Tester
Cooms	Leahy	Thune
Corker	Lee	Toomey
Cornyn	Levin	Udall (CO)
Crapo	Manchin	Udall (NM)
Cruz	Markey	Vitter
Donnelly	McCain	Warner
Durbin	McCaskill	Warren
Enzi	McConnell	Whitehouse
Feinstein	Menendez	Wicker
Fischer	Merkley	Wyden

NAYS—1

Rockefeller

The amendment (No. 1744) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

ORDER OF PROCEDURE

Mrs. MURRAY. I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each; further, that when the Senate resumes consideration of S. 1243 on Wednesday, July 24, Senator PORTMAN be recognized to call up his amendment, No. 1749.

The PRESIDING OFFICER (Ms. WARREN). Without objection, it is so ordered.

Mrs. MURRAY. Madam President, there will be no further rollcall votes tonight. I know there are several Senators who wish to speak tonight. We will begin again tomorrow with Senator PORTMAN's amendment. I ask all Senators who do have amendments on the bill to get them ready. Senator COLLINS and I are ready, open for busi-

ness. We want to move this along, and we are ready to go. Please don't wait until the last minute Thursday night. Get your amendments in tomorrow. You will have a much better chance of having them considered. I speak for myself, and I am sure I speak for Senator COLLINS too. We are much happier to work with you earlier in the process than later.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I want to second what the chair of our subcommittee, the Senator from Washington, said. Frankly, we could have done 10 amendments today in the time that we were on the floor, ready to work through amendments. I know there are many amendments out there. I encourage our colleagues on both sides of the aisle not to wait until the eleventh hour. It is going to be much harder for us to work to accommodate amendments at that point.

Tomorrow is the opportunity for people to come to the floor early. We will be here ready to work.

The PRESIDING OFFICER. The Senator is so warned.

Mrs. MURRAY. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANCHIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

### ORDER OF PROCEDURE

Mr. MANCHIN. Madam President, upon the completion of my remarks, I ask unanimous consent my colleagues, Senator BLUMENTHAL from Connecticut and Senator BROWN from Ohio, be recognized to speak after me.

The PRESIDING OFFICER. Without objection, it is so ordered.

## STUDENT LOANS

Mr. MANCHIN. Madam President, we are talking about student loans. The thing I have found out working this in the amount of time we have been working it is we are all in the same position. We all want to help our students attain higher education, to be productive citizens, to live a better quality of life. We all know that is the most important thing we can do, and we are trying the best we possibly can to come up with a solution.

We have what we call a bipartisan bill that we have all worked on. We have everyone's input. I respect everyone's position, and we are going to come to a comprehensive bill. I think under Senator HARKIN from Iowa we will have a comprehensive bill that



looks at why the costs are so high and why college is so unattainable for so many families today. We have to tackle that problem.

The problem before us now is this problem: How do we help the most? What we have before us is 6.8 percent if we do nothing, 6.8 percent across. I know some people have said it is better if the 6.8 stays as it is. I disagree.

We have been working on this. Here is the difference. The 6.8 percent that is basically the cap right now—the old cap we had was 3.4 percent just for the subsidized. If we look at the portion of people who are subsidized, it is less than 1 million. If we look at the unsubsidized, it is less than 1 million. If we look at basically the subsidized and unsubsidized, that is more than 6.5 million. Our bill basically reduces that 6.8 rate down to 3.86 for this coming year. Rather than leaving it at 6.85, we have helped this many people who are basically needing this money in order to go to school. If we left it as it is, they would be paying the 6.8. If we only kept the 3.4, the subsidized loan, this is the amount of people we would be helping.

So we come as a bipartisan group saying: How can we help the most? I think most of us agree with that. As we look further down these charts, we have also asked: Under current law, how much would the average dependent undergraduate repay? Under the bipartisan bill, we can see 2013, 2014, 2015, 2016, which we have scored out, it would be about at 3.86, 4.62, 5.4, and 6.2. At 6.8 across the board, if it would stay, there is a difference of savings of over \$2,000. That we know.

The other argument that has been used and the point that has been made is rates might go up. Yes, rates might go up. If they do go up, how much would you pay? This is worst case scenario. The bipartisan bill, over the 10-year period, and current law if it stayed fixed over 10 years, it is a very small possibility it would go up, and that would be a \$505 difference. The bottom line is we know this is a fact. This has been scored and that is where these rates are going to stay. They think that might be the worst-case scenario.

Let me show the difference of what has happened. CBO has not had the greatest track record with scoring. In 2003, we were a little over 4 percent. They projected interest rates for 10 years out. If we look at what they are projecting out for 10 years, it has about the same path as far as what actually happened under the rates. There is a big spread of money that would have been spent based on fixing the rate, let's say back in 2003, versus what was actually occurring. We are hoping we are able to continue that savings.

We understand that what we are dealing with is an awful lot of help and safeguards that are built in for young students. The best safeguard we have

built in is the IBR, income-based repayment. The IBR Program allows the student who has graduated with an exorbitant amount of debt—and finds a job that basically doesn't give them the type of money they would like—a cap on how much of their disposable income can be paid toward the loan. The cap is at 15 percent now, I believe, and is going to go to 10 percent. It is also based on the amount of years. After 20 years, they are done paying. If their income did not increase appreciably, they are only going to pay the loan back based on their income of 10 percent—10 percent of their disposable income. We think that is a tremendous savings.

Most students who qualify for the subsidized loan get the Pell grant. They don't have to pay that back. As far as the subsidized loans, basically the taxpayers have invested in the students who qualify for those for the first 4 years of college, and that interest is not accrued. The interest does not accrue until they leave. Those are the things that have been built in that we think give the protections we want.

If we do nothing, we save the students about \$8 billion over 2013 compared to \$31 billion if we do something. If we are able to help this many students, that is equivalent to a \$23 billion difference in savings, and that has been scored.

I know we have talked about the accounting procedure. I know the Presiding Officer has worked very hard on this and understands it very well. I agree with you—if we could take every penny of profit out and make sure the students were getting the absolute lowest rate. I also know that basically market-driven rates—if we are going to go to market, which we are in this piece of legislation—and we look at the risk factors, defaults, and all that goes into that and score that normally under a market-risk value or market value, it would be different. They have shown that market value would be \$95 billion we will be losing and that the taxpayers would be subsidizing. The way we are doing it now shows a profit of \$184 billion.

I am willing to work with the Presiding Officer to clear this up and get something more accurate of how we score and how we charge students. That is not what we have in front of us, and I think that is the difference. We are trying to move forward to get some certainty.

We have a lot of students in West Virginia who are deciding whether they can go to college and, if they can, where do they go and what can they afford. This gives them the certainty I think they have been looking for and hopefully the certainty they definitely need. There are more than 8½ million undergraduate students who take advantage of the Stafford Loan Program every year and over 6.5 million of these

students take both the subsidized and unsubsidized loans and that is a big change.

Our colleagues on the other side, as we have been negotiating this, we talked to them about how we didn't want any profits whatsoever, and they agreed. The first bill that came from the House had \$16 billion on top of what the base was at \$184 billion. That has been taken out the best we possibly could to \$700 million.

When you think about how we are going to run a deficit this year of \$740 billion just in our annual budgeting here in Washington—and we are talking about \$714 billion over a 10-year period with over \$1 trillion. They said that is as close as they were able to come. Even if there is any of that, we are looking at—with this amendment Senator HARKIN was able to put in—how we are able to see if that can be funneled back in and reduce the loans even further.

I think we are doing everything we possibly can. There is going to be about \$1.4 trillion in loans offered over the next decade. We pretty much know that. There is \$140 billion of loans every year. As a matter of fact, student loans are now the second largest indebtedness we are carrying. It is the largest burden we are carrying next to a mortgage. It just surpassed credit cards. It is unbelievable. We have to get a handle on the cost of college.

Current students and graduates are holding at \$1.1 trillion in loans. The loans represent investments and will pay dividends in the form of higher earnings. The best investment a youth is going to make is an education, but if it becomes unobtainable, inaccessible, and unaffordable, it does them no good. We know that, and that is the balance we are trying to find.

The average student loan debt—every one of these young students, when they get done with college—for those who graduated in 2011 is about \$26,000 that everyone is leaving college with, on average, for a debt. There is only a small percentage of borrowers who have small loan balances, but 11 percent, or roughly 4 million people, owe \$50,000 or more. It is truly unbelievable.

I have heard everyone here give their reasoning for this, such as not having had good consultation, good advice or good fiscal planning, and that may be true. We can do much better to make sure the students are not taking loans that they can do without or maybe not take too much out.

I appreciate the hard work and good faith that all of our colleagues on both sides of the aisle have been showing to reach this compromise. I know it is not easy for many, and I know everybody is going to have, hopefully, their say and their vote on an amendment or two if they wish to.

At the end of the day, I believe we can walk away knowing we did better

today than doing nothing at all. I believe that. I believe I, the Presiding Officer, and all of our other colleagues are going to come back and work hard whether it is the remainder of this year or next year. Basically, we are going to get a program so that these young people can find college attainable again and affordable. That is what we have all been working on.

The plan helps everyone and not just some. It lowers rates 100 percent for all students. So everything we have in our compromised bill brings down those rates. It provides a long-term fix. We don't have to kick the can down the road. We know it is there. If we can find something better between now and 4 years, 3 years, 2 years or even before this year is up, then we are willing to go back and entertain that. We don't want to see loans that were supposed to help students move forward end up moving them back.

I know what debt does; it will smother. My grandfather used to say: Indebtedness will make a coward out of you in the decisions you make when you are carrying so much debt. You will be robbing Peter to pay Paul just to survive.

We have found ourselves with the sequester, and with everything else going on, we ask how we are going to make it. When you find yourself against a proverbial rock, if you will, you will do things you would never do normally.

We are trying to find a way to move forward. It shows our students that the country believes in them and that we support their efforts to advance their education and reach for the American dream.

When we, as Democrats, Republicans, and Independents, work together and have a real debate on a real problem—and this has been debated—we can come up with commonsense solutions that truly benefit all Americans. I believe we have done that. It is refreshing for such an important issue we have. We have put politics aside in the first and foremost thing we want to do—help the students. It doesn't matter whether we are talking about a Republican, Democrat or Independent, everybody had the same purpose. I thought it was refreshing to see that. We want to lower the rates for everybody. We want to help everybody, give them some certainty and make it affordable. I look forward to working in this more bipartisan atmosphere we have right now on many more subjects. I know we can when we put our country first. The right thing to do is to put our country first.

We might be a “D” as a Democrat or we might be an “R” as a Republican, but we are always an “A” first, which is an American.

With that, I think the students have been served. I think we will be able to give them consistency. This piece of legislation has been worked on hard.

There has been a lot of input, and Senator HARKIN did a yeoman's job on bringing some of the most important factors we had to the forefront and into the bill.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, while my colleague from West Virginia is here, I wish to thank him for his leadership on this issue and for the very hard work he and other colleagues have devoted to this profoundly difficult, challenging but important issue.

I rise with regret to oppose the compromise agreement that has been reached with the help of our colleagues from Illinois and Maine and across the aisle. It is a compromise, and compromises are to be sought in this day and it is bipartisan and that, too, is an objective. It is a bipartisan compromise, but the fact is, it is a bad deal.

We can do better. We must do better. This Nation can do better. We have a moral and historic obligation to do better for the students of today and their brothers and sisters who will be following them over the next 10 years.

This deal offers the illusion of lower rates in the short term while delivering higher rates, in some cases, in as little as 2 years from now. It forces students back into a system of market-based loans that have failed in the past and will fail in the future. It subjects students to economic uncertainties which are wholly unrelated to the actual cost of higher education.

We know we need to reduce the cost of tuition and higher education. We know we need to address the overhanging \$1 trillion-plus of debt that exists from past loans. This deal exacerbates the problem instead of easing the problem.

Yes, it has caps on the interest rates students may pay, but they creep to more than double where student loan rates were at the beginning of this month. It has a low rate, but it is, in effect, a teaser rate. As the Presiding Officer said so well, it is a teaser rate that has nowhere to go but up. It lowers the deficit, yes, but it does so by having the Federal Government reach into the pockets of students and take billions more on top of the \$51 billion already extracted in this fiscal year from them and from their hard-working parents.

At the heart of this bill is a mistaken premise. It is the premise that it is OK to profit off the backs of students and that it is all right to regard students as a revenue source or a profit center. That premise reverses a historic promise, which is: We will invest in students, not profit from them. We will support their efforts to gain higher education so they can better themselves and better the country with the

skills and education they acquired. We are not supposed to hamper or handicap them and exact from them a crushing burden of debt in the future. That premise reverses a historic promise, and we cannot allow it to go forward without a fight.

Every dollar we extract from those students is a dollar they can't spend on a down payment for a house, a car, a business or an investment. These young people are the economic drivers of our future. Let's be purely selfish about it. How can they build a family, buy a home, start a business if they are hit with an 8-percent interest rate or higher at a time when we can make it more affordable? It makes no sense.

I have spoken to students across the State of Connecticut over these past weeks, and they have done the math. They know the results. As many as 86,000 students who attend our colleges and universities—and I have spoken to many of them, their families, the staff and teachers who are also doing this math—and they know the best way to reduce our deficit is not to profit from students but to make possible their higher education so they can bring their innovation and experience and expertise to the marketplace, and not make the marketplace dictate the variable rates they are charged, but enable them to contribute to the marketplace and the American dream by going to college.

I understand the temptation of this deal, but we must reject a compromise that saves the American dream for one sibling in a family by taking away from another. My colleague from Rhode Island made this point very eloquently earlier today. If a person is a student in high school right now, they will do pretty well under this bill when they begin college next year, but not their younger brother and sister. The sister will be paying for the current student. The brother will be paying more and, in fact, may be denied the opportunity the present student has next year because the parents cannot afford to send him to college.

The issue of loan rates is complicated, but the math is pretty simple. There is already more than \$1 trillion of crushing loan debt that this bill is not refinancing. The bill provides no debt forgiveness, just market rates that will lead to higher payments and more student debt as we zoom past that \$1 trillion mark and raise it even further. The irony here is that the majority of this body has already voted to return to 3.4 percent. This compromise betrays the majority will of the Senate. Instead, it allows rates to rise as high as 8.25 percent, graduate Stafford rates as high as 9.5 percent, and PLUS rates as high as 10.5 percent. So we are saying to parents of two children: You can send one to college now with a loan that you take out at current rates, but to pay for that second child, you are

going to be seeing rates more than twice as high.

Do my colleagues think the income of the average middle-class American family is going up 10.5 percent? Ask the American people. Do as I have done. Go around to the States and ask the students and the parents.

Let's not kid ourselves. The fact is they are not going to be able to pay. This compromise relies on a presumption that somehow, over the next 2 years, we are going to come back and revisit, revise, reshape, and avert disaster. I have only been here 2½ years, but what I have seen is it is better to know what the result is going to be than engage in potential false hope and raise the potential false expectation that somehow everything will be solved next year or the year after, before disaster strikes. We should learn something from our experience with sequestration.

This bill is not based on analysis of what the rate needs to be to cover the program's cost. In fact, it requests the GAO to examine and report on what that should be. So I implore my colleagues, instead of voting first and getting the facts later, that we reserve such a life-changing decision until the GAO has advised us on the cost of student loans and we use that necessary information to set the rates going forward.

There are amendments that I believe will improve this bill, and I have cosponsored them, including an amendment Senator REED and the Presiding Officer, Senator WARREN, have offered that would lower the interest rate caps in this bill to the current statutory rate. If this amendment is adopted, we can go back to the people of our States and say: At worst, you will be no worse off than under current law. We cannot say as much under this compromise bill.

I have also cosponsored the Sanders amendment which would sunset this legislation after 2 years. If interest rates rise the way they are projected to do, we could be looking at dramatically higher rates within 3 years. So this sunset clause will force us to come back and revisit them.

I have also filed my own amendment that would expand and make more generous loan repayment assistance programs for borrowers who are struggling right now to make payments under existing law. At a time when outstanding student debt is \$1.2 trillion, we need to make sure we help and support distressed borrowers at every stage of repayment, and that is the unaddressed need this body needs to confront.

I am hopeful these amendments will be adopted. In the meantime, I must respectfully and regretfully oppose this compromise. We are the greatest Nation in the history of the world, as we are fond of saying repeatedly on the floor of this body. But only one thing is

certain about the Bipartisan Student Loan Certainty Act, and that is rates will inexorably, inevitably, inexcusably go up. They will exceed current rates. We must stand and fight to prevent that kind of betrayal of the fundamental American promise of higher education and the American dream.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

#### BANK HOLDING COMPANIES

Mr. BROWN. Madam President, most of my colleagues might look at these pictures and think they depict facilities owned by ExxonMobil or BP, but this is, amazingly enough, a picture of Morgan Stanley. Morgan Stanley, to most Americans and most people in this Chamber, if they know of it, is a bank. Morgan Stanley used to be an investment bank and now it is just considered a bank. Let me explain.

Morgan Stanley owns a company called TransMontaigne, a petroleum and chemical transportation and storage company, and Heidmar Inc., which reportedly manages more than 100 oil tankers—tankers that look like this.

Today I held a banking subcommittee hearing, which the Presiding Officer attended, as did Senator MERKLEY and Senator TOOMEY, to examine how the line between banks and commercial enterprises is blurring. Increasingly, these large institutions combine banks and trading firms and energy suppliers and oil refiners and warehouses, as well as shipping firms and oil tankers and mining companies.

Federally insured bank holding companies, once in the business of providing checking and savings accounts to workers or loans to small businesses, are now also in the business of owning physical commodities, including aluminum, oil, and electricity. Witnesses testified at the subcommittee hearing that these risky Wall Street practices are artificially inflating prices for manufacturers and consumers. Morgan Stanley and JPMorgan Chase and Goldman Sachs take their cut when we fill up our tanks, take their cut when we buy a Coke or buy a beer in an aluminum can. They take their cut increasingly in the copper market, a metal that is in all kinds of industrial products.

A recent article in the New York Times said:

The maneuvering in markets for oil, wheat, cotton, coffee and more have brought billions in profits to investment banks like Goldman, JPMorgan Chase Morgan Stanley, while forcing customers to pay more every time they fill up a gas tank, flick on a light switch, open a beer or buy a cell phone.

For years, our Nation separated banking from traditional commerce. But about 13, 14 years ago, after years of eroding that protection, Congress fi-

nally tore down what was left of that wall. Beyond just combining commercial banking with insurance and investment banking, banks are now allowed to trade in commodities and to engage in a variety of nonfinancial activities. Four years later, after that 1999 repeal, the Federal Reserve enabled the first financial holding company to trade in physical commodities.

The justification for this is a familiar one: Other companies were doing it, they told us, and banks were at a competitive disadvantage. Over the next 6 years, the rules unraveled, becoming looser and looser, until the loopholes were big enough for these six megabanks—now \$600 billion in assets, up to \$2.3 trillion in assets—the loopholes are big enough for these six megabanks to jump through.

The expansion of our financial system in traditional areas of commerce—from crude oil to natural gas to mining and shipping—hasn't happened in a vacuum. It has been accompanied by a host of anticompetitive activities. These activities threaten consumers. They threaten American businesses that rely upon efficient markets and arm's-length transactions. They especially threaten American manufacturing when they buy and sell and manage and transport and store metals.

From speculation in the oil and gas markets to inflated prices for aluminum to energy manipulation—we know the role of banks has expanded. Banks have expanded far beyond their traditional roles.

There has been little public awareness of or debate about the massive expansion of our largest financial institutions into new areas of the economy. That is, in part, because regulators have been less than transparent about basic facts. We can't get the information from the Federal Reserve. Whether a person is a citizen or a reporter or a Senator sitting on the Banking Committee, we can't get from the Federal Reserve the information we need to know about the governance and these rules about commodity trading by the banks. It is also because these institutions are so complex and so dense and so opaque and so impossible for people to understand that we simply can't figure out what we need to figure out.

The six largest U.S. bank holding companies have 14,000 subsidiaries. The six largest U.S. bank holding companies have 14,000 subsidiaries. Fewer than 20 of those 14,000 are the end of our traditional banks.

There are three important issues here that concern me—that Morgan Stanley can own refineries and can own the ships. Three important issues concern me, whether it is Morgan Stanley, whether it is Goldman Sachs, or whether it is JPMorgan Chase, for aluminum, copper, electricity, or oil.

The lessons of this hearing were three. No. 1, these institutions can control physical goods and financial contracts based upon those goods, meaning they know more about the trading of these goods because they store the aluminum in two dozen warehouses in Detroit or because they are moving the oil in these tankers. They know more about transactions, they know more about price, they know more about movement of goods, so that means they can trade on inside information and it gives them an advantage in proprietary trading. It means they can manipulate markets.

No. 2, these institutions—these banks that own the oil tankers and own the refineries—have access to cheap funding—cheaper funding from the Federal Reserve—that means us, as taxpayers—that they can use to finance their commodities activities. I will say that again. Because they can go to the window, they can get cheaper financing. These banks can get cheaper financing.

They say there is a wall between their traditional bank activities and what they are doing while owning these commodities and buying and selling and transporting and storing and gaming the markets, but they can get money cheaper from taxpayers. They can borrow money at a less expensive rate than anybody else, they and their competitors who also might own oil tankers or refineries.

No. 3, they are exposing themselves and us—the economy—to risks that can threaten our financial system. Just imagine the economic, the environmental, and the reputational impact to a megabank of an Exxon Valdez or a BP oilspill. Think of the economic impact that could have on the stability of the bank and the success of the bank and, therefore, the stability of the whole financial system.

Today was the first of what I expect to be several hearings on this issue. Taxpayers have a right to know what is happening. American citizens have a say in our financial system because taxpayers are the ones who will be asked to rescue these megabanks yet again if the unthinkable—which almost inevitably happens in this world over time—if the unthinkable happens.

#### NATIONAL LABOR RELATIONS BOARD

Mr. BROWN. Madam President, in 1935 Senator Robert Wagner of New York introduced the National Labor Relations Act. Also known as the Wagner Act, this bill would prove to be one of the most important pieces of legislation in our Nation's history. This desk at which I sit was used by Senator Hugo Black of Alabama, who was Franklin Roosevelt's favorite southern Senator, they said, who later became a member of the Supreme Court. Senator Black sat at this desk and helped draft

legislation with the National Labor Relations Act. In fact, he did some of the early work on what would be the Fair Labor Standards Act. What he proposed as a 30-hour workweek later helped Senator Wagner pave the way for the Fair Labor Standards Act.

Before President Roosevelt signed the National Labor Relations Act into law, American workers were routinely harassed and fired for organizing unions. American workers were often intimidated and prevented from bargaining collectively. The Wagner Act changed that. One year after its passage in 1936, this law gave rubber workers in Akron, OH, the legal tools needed to protect against poor working conditions and to protest the conditions under which they were working. The bill authorized an independent Federal agency consisting of Presidential appointees confirmed by the Senate.

The National Labor Relations Board protects American workers. It protects union members and private sector employees without a union card—both—to work together to improve their wages or working conditions. Today, the NLRB is needed perhaps more than ever.

Let me tell you a story real quickly, Madam President. A few years ago I was in Cincinnati at a dinner, and sitting at the table in front of me were six or seven middle-aged women—half White, half minority, perhaps.

They had just signed their first union contract with the Service Employees International Union. These five or six women were the negotiators on behalf of 1,200 janitors negotiating with the downtown Cincinnati business owners. There was an empty seat at the table, so I went and sat down.

I said: What does having this union mean to you?

They had just signed the contract that day.

One woman said: I am 51 years old. This is the first time in my life I have ever had a paid 1-week vacation.

Think about the number of Americans who do not have a paid 1-week vacation. For people in jobs that dress like me, for the pages sitting here, most of their parents, I imagine, are used to working in a place where they get a 1- or 2- or 3-week paid vacation. Much of America does not. That is just one of the things a union has brought to this country—giving people those opportunities.

The reason I say the NLRB is needed perhaps now more than ever is that in 2013 State legislatures are curbing collective bargaining rights. Two years ago in Ohio, the State legislature and Governor Kasich took away collective bargaining rights for all intents and purposes for public-employee workers. The voters of Ohio said no to that, and 61 percent of them struck that law down in a referendum. But nonetheless the antiunion efforts from the most

pro-corporate, conservative, far-right State legislators in State legislatures across the country continue unabated.

Workers are still being punished for discussing pay and bonuses with one another.

For 78 years the NLRB has been instrumental in addressing the challenges American workers faced. Senator Wagner explained on the floor:

It is necessary to insure a wise distribution of wealth between management and labor, to maintain a full flow of purchasing power, and to prevent recurrent depressions.

We know that when workers make decent wages, workers buy the cars made in this country, they buy the appliances, they go to the hardware store, they pay their property taxes, they buy homes, they renovate their homes, they do things that put money into the economy. If you only have a sliver of people who are very wealthy and a declining middle class, the purchasing power and the growth in the economy tends to diminish. That is not the kind of country we want, and it is not the kind of country we have had since World War II. But just a few years after the great recession, there is a widening gap between the average wage of workers and heads of corporations.

For families struggling to make ends meet after a breadwinner was unfairly forced off the assembly line, the NLRB matters.

If we do not confirm the President's nominees, then workers, such as Kevin from Akron, will have no recourse against retaliation for his union activity. Kevin and his coworkers wanted to form a union to stop a 12-hour shift policy from being put in place at their place of employment. The company fired six workers, including Kevin, for this union activity.

While the NLRB ordered the company to reinstate the workers—the NLRB said the company was wrong; under Federal law, the workers should be reinstated—the DC Circuit Court—in large part, with judges who almost always do the bidding of the wealthiest corporations in this country—the DC Circuit Court delayed enforcement of the case until the pending challenge to the President's 2012 nominees is resolved in court or the board has a Senate-confirmed quorum.

Kevin is a human face of why America needs a fully staffed National Labor Relations Board with the legal quorum needed to do its job. We should confirm these board members. We should make sure workers such as Kevin receive the workplace protections—whether they are union members, whether they are not union members—they deserve.

I thank the Presiding Officer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THUD APPROPRIATIONS

Mr. CASEY. Madam President, I rise today to talk about legislation we are currently considering, and it is a welcome development that we are actually working on appropriations bills on the Senate floor. I want to commend the work of Chairwoman MIKULSKI of the Appropriations Committee, her ranking member Senator SHELBY, as well as both Chairman MURRAY and Ranking Member COLLINS on the so-called THUD bill. Everything in Washington has an acronym. So it is with this, the Transportation, Housing and Urban Development appropriations bill.

As many people know, when you consider those appropriations and you consider the subject matter, it is pretty broad and diverse. I will just give maybe a five-part summation here of what we are talking about. It means investing, of course, in transportation infrastructure; providing housing and services to very vulnerable Americans; supporting our communities and addressing the foreclosure crisis, which is still with us in so many ways, as the Presiding Officer knows so well and has worked so hard on over many years; ensuring the safety of our transportation system; and then, No. 5, promoting sustainability in our communities.

I want to talk first about Amtrak. Amtrak is part of our transportation infrastructure that not only is critically important for a State such as Pennsylvania but really the entire eastern seaboard and really across the whole country. It is one of the reasons we can move not just people but goods and services with the transactions that occur when people are able to get from one place to another.

The Senate bill we are considering includes almost \$1.5 billion for Amtrak, preserving the Federal commitments to provide safe, reliable, and energy-efficient passenger rail transportation for more than 31 million travelers—and that is an annual number—plus an additional 235 million commuter trips that depend upon Amtrak and its infrastructure along the Northeast corridor.

Unfortunately, the House bill guts funding for Amtrak, cutting the appropriation by a third—\$465 million below the fiscal year 2013 enacted level. This is the lowest level of funding in over a decade. It makes no sense in a lot of ways to try to find savings in a bill like this at such an extreme level. It makes no sense at all in terms of our economy.

Due to contract and debt service payment commitments, this would mean Amtrak only has \$100 million for cap-

ital investments. The Northeast corridor alone needs \$782 million per year to address longstanding state of good repair projects, so not even one-seventh of the dollars we need for state of good repair projects. This is not just a nice thing to do every year. You have to fix the infrastructure if you are running a transportation system and especially if you are running Amtrak.

So that is not only a safety issue, but it is a jobs issue. You could put at risk some 10,000 jobs and possibly eliminate some existing Amtrak routes.

In 2012 over 6.1 million Amtrak passengers traveled at Pennsylvania stations, and this number is expected to increase in 2013. Ridership has continued to grow over the past several years. It reached an alltime high last year and is on track to break that record in 2013.

I was just talking to folks at Amtrak today, and they talked about the tremendous growth in ridership. That is good for a lot of reasons. It is not just nice for Amtrak. Most importantly, it is good for our environment, with fewer people driving cars that have an impact on air emissions. It is also probably a great stress-reliever for people. Driving and working is a challenge, getting from one place to another. Riding on a train can allow you to do work and maybe allow you to be more rested, and it probably cuts down on traffic fatalities, although I do not have a study that backs that up.

But there is no question that we want to make sure we make these investments in Amtrak, and I hope we can ultimately get a bipartisan agreement and have some of the features of bipartisanship we have seen here in the Senate.

We also know that Amtrak, just from a Pennsylvania perspective, is a job creator. It employs over 2,600 Pennsylvanians, and these jobs could be in jeopardy if these cuts are maintained.

The other aspect—and I will end with this on Amtrak—are the suppliers who are affected. And, of course, that is a big jobs issue as well.

Let me move to the second part of my remarks today about this very important appropriations bill, and that has another acronym: CDBG, community development block grants. A lot of people might know this acronym better than THUD—the Transportation, Housing and Urban Development bill.

The Community Development Block Grant Program is so important for a variety of reasons. One of the most important reasons we should focus on it is that it is one of the few remaining Federal programs where the Federal Government says to local governments: Here are some resources. These are taxpayer resources, so you have to safeguard them and spend them wisely, but we are giving you these Federal funds so you can make a decision about what is best for your community.

That is what community development block grants are all about. There is not a one-size-fits-all Federal-Washington-way to spend these dollars. That is why I cannot understand why some people here want to make the kinds of dangerous cuts to these block grants that some want to make.

We know the Senate bill includes a little more than \$3.15 billion for these block grants—less than the 2013 bill, but it is \$352 million more than the President asked for this year—“this year” meaning 2014. According to calculations by HUD, the funding level provided in the Senate bill will support an estimated 80,900 jobs—twice the level in the House bill—80,900 jobs. That is a good reason to support the Senate bill. That is not the only reason standing alone, but that is a big jobs number. The House bill contains the lowest amount ever provided to the program.

I wish we could stand and say: You know what, communities across the country do not need block grants. They do not need to even decide what is best for the community because all of the problems are taken care of. Everything is wonderful. All of those communities are in perfect shape, so let's just have a big cut to the program.

That would be an interesting scenario if it were true. The reality is that in a lot of communities they have had to deal with the ravages of a foreclosure crisis where the greatest number of Americans ever probably lost their homes—maybe the highest number since the 1930s, No. 1. No. 2, they had to deal with the jobs crisis in addition to the foreclosure crisis. Of course the two are closely related. We just went below half a million people out of work in Pennsylvania, but we are still at about 490,000 people out of work.

So these communities that have had to deal with several avalanches of problems—foreclosure crisis, jobs crisis, and then all of the results of both of these, all of the trauma that has been heaped on these communities, now we are told by some in Washington: Your problems are solved. You do not need any grant funding from the Federal Government to help you decide what is best for your community, whether you are going to use it for foreclosure mitigation or whether you are going to use it for job creation, whether you are going to use that limited resource from the Federal Government to bring a company into your town.

You are being told that, in essence, by implication, you do not need that. That is really an insult to local communities across the country.

We know that the block grant program began in 1975. In its first year it was funded at a \$2.47 billion number. Why do I give that specific number from the 1970s? Well, up until now that is the lowest amount it has ever received but still \$837 million more than

the level provided by the House bill. So what the House is doing here is setting records they should not want to set to be in a race to see who can in a more devastating fashion almost decapitate the block grant program.

Since the program started, the number of grantees has doubled, making the impact of the cuts even greater on communities. These community development block grants allow 47 Pennsylvania communities to address local needs. They get to decide, not the Federal Government. They get the resources, and they decide at the local level. We know that countless communities have received these funds.

These funds have also been made available to State governments. Municipalities depend on this funding for economic development projects, which I mentioned before. To give you some examples of individual cities, the city of Philadelphia, which has had an unemployment rate at 10 percent or above for as long as anyone can remember—we are into several years now where the unemployment rate has been 10 or higher, meaning that between 60,000 and 70,000 or more people have been out of work in that city. CDBG funding in Philadelphia was used to stem the foreclosure crisis, helping nearly 4,000 homeowners avoid foreclosure through housing counseling, funded by the Community Development Block Grant Program. Prior to the funding cuts, these grants provided annually enough resources that 2,818 jobs were created. Now, in a city that has had 60,000 to 70,000 people out of work consistently for several years, 2,818 jobs is a lot of jobs. Philadelphia is a big city, but that is still a lot of jobs that are directly a result of community development block grant funding.

That is why you hear from mayors that are Democrats and Republicans and Independents. Whatever their party, they all seem to come together on these block grant funds because they know they are better judges of what is best for their communities.

The City of Philadelphia developed its own foreclosure mitigation program. They developed the program. They came up with the idea, implemented it, and then used Federal money to support it. Yet you have some people in Washington saying: Do not worry about it. You do not need those funds. We are going to decide what the priorities in your town are.

That is really what they are saying. They may not want to hear this, but that is what you are saying when you tell someone: We are going to drastically cut funding for a successful grant program that has funded projects that you have decided are important or that you may have even created, in the case of this foreclosure mitigation program.

In essence, what they are saying is not just that we are going—that the

House or the Senate or any part of our government is going to cut this program dramatically. They are making the decision for those local communities. So all of those folks in Washington who talk about local decision-making and then gut the program have their credibility dramatically undermined.

I will give a few more examples before I wrap up. The City of Pittsburgh directed some of its grant dollars to promote home ownership and affordable housing. That is our second largest city using these grant funds in a way that was most important to them. The Lehigh Valley, which is the eastern seaboard of our State, just north of Philadelphia—cities such as Allentown, Bethlehem, Easton, those communities—used the funds to encourage private sector investment. So they made a decision in their communities that we are not going to use these funds for foreclosure mitigation or housing, we are going to focus on job creation. We are going to focus on getting private sector businesses to locate in the Lehigh Valley in Pennsylvania. They made that decision, not us. They made that decision. Some people in the House think they should substitute their judgment for the people of the Lehigh Valley in Pennsylvania. I think that is a mistake.

In Lancaster and York Counties down in the southern border of our State, a portion of these grant funds was used to reduce blight and revitalize historic downtowns. Again, they made that decision. They have used these dollars for that.

None of those communities are saying these dollars should not be safeguarded, should not be spent and treated as precious taxpayer dollar resources. No one is saying they should not be scrutinized. No one is saying they should not be audited. No one is saying they should not be carefully examined as to how they spend those dollars. All they are saying to us is let's keep the community development block grant at a reasonable level. We are not asking for the Moon, not asking for a doubling of the funding or some great amount of money that the Federal Government cannot afford. But they are saying: Let us decide that. Washington decides a lot of things. That is the way our system works. But on this one they are saying to us: Let us decide, not Washington.

So we know the value of the program. We know that over the past few years these grant funds have been reduced by nearly 25 percent. So just level funding, unfortunately, becomes a significant victory. Further loss of funds will directly harm these communities that rely upon these grant funds to address their most pressing needs. As I mentioned, mayors across the country rely upon these grants for vital services. I have heard directly

from mayors in both parties about this. So further cuts to the block grant program will have a detrimental effect on cities and municipalities, some of which are the ones that have suffered the most from the foreclosure crisis, from the economic recession and the job-killing impact of that recession. If they are not digging out, they have just gotten out of the hole. They are not feeling all that secure yet. These grant funds allow them to make these decisions, allow them to make the investments they want to make.

I yield the floor.

## HONORING OUR ARMED FORCES

FIRST SERGEANT TRACY L. STAPLEY

Mr. LEE. Mr. President, I rise today to honor a recently fallen soldier, 1SG Tracy L. Stapley, one of Utah's finest. He left this earth on July 3, 2013, while serving our country at Camp As Sayliyah, Qatar.

First Sergeant Stapley was an Army man, and his family is an Army family. His love for our country showed through his actions. He served in the U.S. Army Reserve for 26 years, and was assigned to the 308th Medical Logistics Company. He also worked full-time for the Army Reserve as a civilian, and his presence among co-workers will be sorely missed. The 308th recently posted a tribute to First Sergeant Stapley online, part of which I would like to read:

First Sergeant was an amazing leader, mentor, and friend. He always placed his soldiers first and had their backs from day one. To many, he was more than just a first sergeant, he was a friend and a confidant. First Sergeant Stapley was the glue that held the unit together. He excelled in all aspects of his life; from the unit's first sergeant, to his civilian employment, to being a husband and father.

Tracy and his dear wife Antionette are the parents of two beautiful children, Trase and Kennedy. Known as the "dance dad," Tracy was an ardent supporter of Kennedy's dancing. He also loved to attend Trase's sporting events. The unmatched pride of a father was frequently seen at many recitals, and on many sidelines. I trust that all Utahns share the pride that I feel, knowing that this fellow Utahn served not only his country, but also his family with honor and love.

It is comforting to me to know that First Sergeant Stapley's love for our country and dedication to excellence lives on through his family. His son Trase is currently a cadet at the U.S. Military Academy at West Point, and I am confident that he is representing Utah and the Stapley family well.

First Sergeant Stapley was always helping others, even when help was unsolicited. His son Trase wrote that Tracy was "a man worth praising and a friend worth having; . . . a fun-loving jokester." Trase added:



He loved the family and loved being around us making sure we had everything we ever needed and more. He was the best. We love you Dude, Rest in Peace. Come see us sometime.

It warms my soul to witness the sustaining power of faith, and the love that a son has for his father.

I imagine that First Sergeant Stapley, like many of our service men and women, would deny the claim that he is a hero. To Tracy, and all of our soldiers, I would say that you are among the few heroes left in our modern world. As Americans, we all feel a profound sense of pride and honor when we see a uniformed soldier, and we would be wise to remember our heroes in all that we do, especially in this body. It is true that we honor those who have gone before by living our lives with excellence today.

I thank ISG Tracy L. Stapley for his honorable service in defense of the Constitution and our freedom, and I thank all of our men and women who have also given the ultimate sacrifice. I would like to convey my condolences and profound gratitude to his wife Antionette, his daughter Kennedy, his son Trase, and his father John. Our thoughts and prayers are with you, and with your entire family. It is my solemn hope that we, as Senators, will always remember the tremendous sacrifice, laid upon the altar of freedom by our brave soldiers and their families.

#### HONORING PRIVATE FIRST CLASS WALTER HERBERT ANDERSON

Mr. LEE. Mr. President, today I rise to honor PFC Walter Herbert Anderson, who has been awarded a posthumous Purple Heart for his service in World War I. He was born in Toquerville, Utah Territory, on February 3, 1895, 1 year before Utah officially became a State. Little did he know that his service would take him around the world and change the rest of his life. PFC Anderson was involved in some of the largest American offensives of the war and served his country with honor. He was part of the famous 91st Division, affectionately referred to as the "Wild West Division."

The division consisted of a group of inexperienced young men from several Western States. Although they were shipped to Europe in the eleventh hour of the war, as all Americans were, they fought in some of the most ferocious operations. Private First Class Anderson, a member of the 346th artillery regiment, was part of three major offensives: the Saint Mihiel Offensive, France; the Meuse-Argonne Offensive, France, and the Ypres-Lys Offensive, Belgium.

During the Meuse-Argonne Offensive in October 1918, Private First Class Anderson was debilitated by a German gas attack. In World War I, due to the limited knowledge regarding the effects of

chemical warfare, gassed soldiers were not counted among the wounded in medical records or morning reports. According to the U.S. Army Medical Department's Office of Medical History, 229 soldiers were gassed from the 91st Division during the Meuse-Argonne Offensive. These soldiers were not put in the hospitals because of gas residuals, which were active for days.

The American casualties from mustard gas were carried to portable "gas hospitals." These consisted of temporary shelters or local homes. In all, during the Meuse-Argonne campaign, there were 20,000 chemical warfare casualties, comprising 22 percent of all injuries during the campaign. Within 24 hours of exposure, victims experienced skin irritations, which often turned into large blisters. If eyes were exposed, as Private First Class Anderson's were, resulting symptoms usually included swelling, pus, and temporary blindness.

U.S. doctors treated Private First Class Anderson in a private home at La-Ferté-Bernard, France, for about 6 weeks. He was not counted among the wounded. His injuries consisted of temporary blindness, sticky eyes, burning and pain, bronchial problems, and nervousness. Such was the sacrifice that Private First Class Anderson, along with many of his brothers-in-arms, made to defeat the despotic regimes of Central Europe.

Private First Class Anderson was released from the Army in April 1919. Upon release, he was told that his eye problems and nervousness would go away. On April 6, 1921, Private First Class Anderson signed an affidavit of disability and honorable discharge, stating that he "was gassed about October 2, 1918, at the Meuse-Argonne, and was treated by U.S. doctors in a private home at La-Ferté-Bernard, France." His eyes had a film over them, and his eyelids were granulated. He was officially diagnosed with trachoma, which was caused by exposure to mustard gas. He lived honorably with this disability for the rest of his life.

Private First Class Anderson left a legacy of service and sacrifice to his posterity. He served as the post commander of the Utah Veterans of Foreign Wars, and two of his sons also served in the U.S. Armed Forces. He was Salt Lake County commissioner from 1937 to 1938 and also served as a clerk for the Utah House of Representatives. At age 57, he lost an eye as a result of a tumor development and subsequent operation. He pushed on with one eye, until in 1955, stricken with cancer, he left this frail existence for a more exalted sphere.

To Walter and his dear wife Lola and to their posterity, on behalf of the U.S. Senate and the people of Utah, I sincerely thank you for your sacrifices, your love of country, and your honor-

able service. May the life of PFC Walter Herbert Anderson, deserving the honor of being included in The Military Order of the Purple Heart, shine as an example for us and for future generations. It is my prayer that we will always remember the sacrifices of our brave military men and women who have fought and who continue to fight in defense of our Constitution and our liberty.

#### TRIBUTE TO ALTON "RED" FRANKLIN

Ms. LANDRIEU. Mr. President, today I wish to ask my colleagues to join me in recognizing September 6, 2013, as Coach Alton "Red" Franklin Day in the State of Louisiana. On this date, Coach Franklin's 35 years of leadership and service to the football program at Haynesville High School as head coach will be honored in a ceremony to rename Haynesville High School Memorial Stadium to Red Franklin-Memorial Stadium.

Coach Franklin's talent and leadership in athletics grew in high school where he lettered each year of his career in football, baseball, and basketball. After receiving a scholarship to play football at the University of Alabama, Coach Franklin transferred to Louisiana College where he met his beloved wife, Beth Langford. Mr. and Mrs. Franklin, who have been together 50 years, are the proud parents of three sons who played football under Coach Franklin's leadership and grandparents of seven grandchildren, all of whom continue to inspire him as a coach, father, and grandfather.

Coach Franklin began his coaching career in Marksville, LA, in 1961. He later became an assistant coach at Haynesville High School. He was then promoted to head coach in 1967, and served in that position for 35 years. During his career as head coach, Coach Franklin accumulated 366 wins, 8 ties, and only 76 losses in a total of 450 games, earning the rank of second place for Louisiana's best all time, all-class, head coaching record. Throughout his tireless professional efforts, Coach Franklin also devoted much of his time to the youth in his community and the State as an educator, leader, and role model.

Coach Franklin's distinguished career includes many awards, honors, and decorations. Among them are State Coach of the Year for 6 years, District Coach of the Year for 23 years, Region Five Coach of the Year for 2 years, and inductions into the Louisiana Sports, Louisiana College, National Federation of State High School Associations, and North Louisiana Chapter of the National Football Foundation Halls of Fame. Coach Franklin's career leaves a legacy of accomplishment, service, and dedication to all those who are a part of Louisiana's strong communities and football tradition.



Coach Franklin has been and continues to be an inspiration to those who have been impacted by his legendary coaching tenure. It is with my greatest sincerity that I ask my colleagues to join me along with Coach Franklin's family in recognizing the hard work, devotion, and many achievements of this incredible leader.

#### TRIBUTE TO FORREST GERARD

Ms. CANTWELL. Mr. President, on the 40th anniversary of the introduction of the Indian Self-Determination and Education Assistance Act in 1973, I wish to honor a distinguished advocate for Indian Country and one of the key architects of the Act, Forrest J. Gerard, and recognize him for a lifetime committed to public service.

Forrest, a member of the Blackfeet Tribe, was the first American Indian to draft and facilitate the passage of Indian legislation through Congress. During the 1970s, Forrest partnered with Senator Henry "Scoop" Jackson to dramatically change the United States' policy on Indian affairs. Together, they ended the policy of termination and assimilation, and launched the era of self-governance and self-determination, which continues to guide Federal Indian policy today.

Forrest's service began with the U.S. Army Air Corps as a member of a bomber crew in World War II. After flying 35 combat missions over Nazi-occupied Europe, he became the first member of his family to attend college, receiving a bachelor's degree from the University of Montana in 1949.

Over the next two decades, Forrest worked for the State of Montana, the newly formed Indian Health Service, the Bureau of Indian Affairs as a legislative liaison officer, and as the Director of the Office for Indian Progress in the Department of Health, Education and Welfare. His goal was to enable future generations of Indian leaders to build healthy and educated communities.

Forrest arrived at the U.S. Senate in 1971 to work with Senator Jackson, then chair of the Committee on Interior and Insular Affairs. Senator Jackson had become a strong supporter of self-determination, and believed Forrest Gerard, with his significant background with Federal agencies and his understanding of the American Indian experience, would bring an important perspective to the debate. Forrest was able to combine significant issue expertise with his solid relationships with tribes to enact meaningful legislation that would alter the course of Indian affairs.

Forrest's unique skills and relationships played a critical role in producing the landmark Indian Self-Determination and Education Assistance Act. With the leadership of Senator Jackson and Forrest Gerard, this crit-

ical bill was signed by President Ford in 1975 and remains the basis for Federal dealings with tribal governments.

Following the success of the Indian Self-Determination and Education Assistance Act, Forrest worked to strengthen tribal governance by helping to pass the Indian Health Care Improvement Act and the Submarginal Lands Act.

As Native American journalist Mark Trahan put it:

Gerard did great work—subtly, without fanfare, and too often without recognition or even thanks. His approach was honesty and directness in dealing with Indian Country, and he never wavered in his loyalty to the Tribes.

Today we recognize Forrest Gerard for his dedication, intelligence, and persistence, which paved the way for the political achievements that transformed the landscape of Indian affairs. Tribes now have greater autonomy in managing their resources, preserving their cultures, and utilizing their land base. And the government-to-government relationship between the United States and tribes is now a mature relationship.

Forrest Gerard was honored for his work by the National Congress of American Indians. In 1977 President Jimmy Carter appointed him to be the first Assistant Secretary for Indian Affairs. Forrest spent the last 30 years advising Indian people on how to effectively participate in developing policy with government leaders and be part of the political process. Forrest truly has devoted his life to empowering tribal communities.

I think we are long overdue in commending Forrest for his pioneering, industrious career as a voice for Indian Country. Today we celebrate his leadership in charting a new path for American Indians—a path that won the support of Congress, tribal governments, and the Nation.

Forrest Gerard is a hero among a new generation of great Indian leaders. And his contributions will be remembered forever.

#### TRAIL END CENTENNIAL

Mr. BARRASSO. Mr. President, today I wish to celebrate the centennial of the Trail End State Historic Site in Sheridan, WY.

John Benjamin Kendrick is one of Wyoming's most remarkable politicians. As an orphan in Texas, Kendrick faced many challenges growing up. He spent much of his childhood in poverty and eventually took a job trailing cattle as far north as Montana. Finally, near the Bighorn Mountains of northeastern Wyoming, Kendrick found his home.

It was there that John Kendrick and his wife Eula began their family. The couple had two children, Rosa-Maye and Manville. After years on the fam-

ily's OW Ranch outside of Sheridan, Kendrick decided to build an estate in town. It took 5 tedious years to complete the dream house. With superb workmanship, inspired decoration, and fine materials, the Kendrick family finally completed the building in 1913 and named their home the Trail End.

Kendrick and his family were only able to spend a short period of time in the house. In 1914, Kendrick was elected Governor of Wyoming. During his term, Governor Kendrick was known for working with the State legislature to establish a State workmen's compensation system and a Statewide public utilities commission. He also championed many important causes, including women's suffrage and support for struggling farmers.

Within 2 years, he was elected to the United States Senate. He was Wyoming's first Senator to be elected by popular vote under the 17th Amendment to the U.S. Constitution. During his 17 years in the U.S. Senate, he focused on issues that are still important to Wyoming: Irrigation, land use, and the protection of natural resources. Kendrick served as chairman of the Senate Committee on Public Lands and Surveys. He was also a member of the Senate Committee on Agriculture and Forestry as well as the Senate Committee on Irrigation and Reclamation.

Near the end of his third term, Kendrick announced his retirement and his intention to move home to Sheridan and his beloved Trail End. Sadly, at the age of 76 before his retirement commenced, he passed away in Sheridan surrounded by his family.

Today, the Wyoming Department of State Parks and Cultural Resources is preserving Kendrick's heritage through the care of the Trail End State Historic Site, also known as the Kendrick Mansion. Visitors can tour the architectural gem which is completely furnished with the family's original furniture and personal items.

Senator Kendrick was a staunch supporter of protecting Wyoming's history and landmarks, including the beauty of Yellowstone National Park and the Teton Mountain Range. I rise today to ask that we remember another piece of history—the magnificent house that the Kendrick family called home—the Trail End. Built by a self-made leader, visitors will forever be astonished by the beauty that John B. Kendrick brought to Sheridan, WY, and the entire Nation.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING THE GREAT PASSION PLAY

• Mr. BOOZMAN. Mr. President, today I wish to recognize the Great Passion Play which is currently underway for its 46th consecutive year in Eureka Springs, AR.

Since 1968, over 7.6 million people have attended the Great Passion Play. The inspirational play depicting the last week in the life of Jesus Christ is 1 hour and 45 minutes long featuring almost 200 actors, live animals, and special effects on a three-story tall set built into the hillside.

Performances of the play take place the first Friday of May through the last Saturday in October.

This year, two big names in contemporary Christian music are joining together to host an event in the Eureka Springs Auditorium to celebrate "Passion Play Day" on August 8.

Local resident John Michael Talbot, who is recognized as one of Catholic music's most popular artists and the author of 20 books, will be welcoming Michael Card, who himself has recorded over 31 albums and authored or co-authored over 24 books, for a performance to benefit the Great Passion Play.

Mr. Talbot has deep ties to the area having founded his community "The Brothers and Sisters of Charity" and the "Little Portion Hermitage/Monastery" in neighboring Berryville, AR over 30 years ago.

The Great Passion Play is important for the Eureka Springs community, as well as the State of Arkansas. It directly employs over 200 people in the town and is important for promoting tourism to the local community. I expect many will come out to benefit this worthy cause on August 8 and am grateful for John Michael Talbot's efforts to support the Great Passion Play.●

#### TRIBUTE TO ROBERT W. CHAMBERS, JR.

● Mr. HELLER. Mr. President, today I wish to recognize and thank a Nevadan who is here in our Nation's Capital this week, Mr. Robert W. Chambers, Jr. Mr. Chambers is an artillery veteran of the United States Army who served in the 196th Infantry Brigade during the Vietnam war. He, along with his brother and father, is visiting from Nevada this week to participate in a reunion of the 196th Infantry Brigade, and I would like to thank and commend him for his service to our country.

The 196th Infantry Brigade was the last combat brigade to depart from Vietnam in June of 1972. More than 1,000 soldiers who served in the 196th were killed in action in Vietnam, and more than 5,000 others were wounded in action. These immeasurable sacrifices made by intrepid American patriots are truly heroic and deserve our highest respect and deepest appreciation.

This week will mark the 60th anniversary of the armistice that ended hostilities in Korea. That conflict is often tragically referred to as America's "Forgotten War." But the lives lost during that conflict, and during

every conflict America has waged to defend freedom both at home and abroad, are far from forgotten. May it never be said that any war in which brave Americans like Robert W. Chambers, Jr. served, is "forgotten." Rather, may we remain ever mindful of the immeasurable sacrifices that have been made throughout our history in defense of liberty.

America's veterans represent the very best of our country, and accordingly, they deserve the very best from their country. As a member of the Senate Veterans' Affairs Committee, I recognize the duty we owe to our heroes in uniform who gave their all for this great country. I urge my colleagues to join me in thanking Mr. Chambers for his service, as well as the members of the 196th Infantry Brigade, and wish them well on their reunion.●

#### TRIBUTE TO KURK BROKSAS

● Mr. MENENDEZ. Mr. President, today I wish to acknowledge the valuable contributions that Special Agent Kurk Broksas of the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, has made to the U.S. Senate as a legislative fellow to my colleague, the late Senator Frank R. Lautenberg. Special Agent Broksas came to the Senate on detail from the ATF in January 2012 and served through the conclusion of the 112th Congress. Kurk became such a valued member of Senator Lautenberg's staff that he was asked to extend his tenure into the current Congress, and he provided exemplary service until Senator Lautenberg's passing on June 3, 2013.

Special Agent Broksas has had a long career in Federal law enforcement, and his experience, knowledge, and expertise served Senator Lautenberg, the people of New Jersey, and the Nation.

Kurk Broksas began his career as a U.S. Border Patrol Agent, enforcing Federal law against human traffickers and drug smugglers on the United States/Mexico border. Agent Broksas quickly established himself as a leader, becoming a field training agent and ensuring the next generation of agents were highly trained and performed their dangerous duties with honor and vigilance. Agent Broksas ultimately left the border for New York City to conduct criminal investigations as a special agent with the Immigration and Naturalization Service.

A desire to protect our Nation from criminals armed with firearms and explosives brought Kurk to Washington, DC in 2000 to serve as an ATF special agent. His work over the past 13 years with the ATF involved complex criminal investigations into the illegal manufacture, trafficking, and use of firearms by violent criminals. As ATF's representative to the Capital Area Regional Fugitive Task Force, Special Agent Broksas worked diligently with

Federal, State and local police to track down and apprehend the worst of the worst. His tireless efforts ensured that murderers, rapists, and gang members did not evade capture, and victims saw justice.

Special Agent Broksas' expertise was of great use during his time as a legislative fellow in the U.S. Senate. During the past year and a half, our Nation has suffered terrible losses at the hands of criminals and the mentally ill in possession of firearms and explosives: 12 killed and 58 injured at a mass shooting at a movie theater in Aurora, CO; 20 children and 6 adults shot and killed at Sandy Hook Elementary School in Newtown, CT; 3 people killed and hundreds wounded at the bombings during the Boston Marathon. While our country grieved, Special Agent Broksas set to work here in the Senate, working late nights providing valuable technical expertise and helping craft legislation to prevent future tragedies. His tenacity and drive exemplified what our Nation desires in the men and women that put on the badge and dedicate their lives to serving our Nation and keeping us safe.

Mr. President, Special Agent Broksas has represented the law enforcement agents of the ATF with distinction and honor. I thank Kurk for his tremendous service to Senator Lautenberg, the United States Senate, and to our Nation.●

#### TUALATIN, OREGON

● Mr. MERKLEY. Mr. President, today I wish to celebrate the centennial anniversary of the city of Tualatin, OR.

Since its founding, the city of Tualatin has exhibited continued growth and increasing prosperity. The city began as the small town of Galbreath in 1853, comprising just 23 families. With the construction of the first bridge across the Tualatin River in 1856 and the arrival of the Portland and Willamette Railway Company in 1866, which attracted business from Portland and throughout the Willamette Valley, the town's population and economic importance increased.

Over the 100 years since its incorporation on August 18, 1913, the city of Tualatin grew from a rural suburb to a vibrant urban city that supports 27,000 residents and 20,000 jobs. Located only 12 miles south of Portland and bisected by two major railways, Tualatin hosts new high-tech industries and upscale shopping centers such as Bridgeport Village.

The city's economic success is complemented by city officials' impressive leadership on environmentally aware urban development initiatives, enhancing residents' quality of life and providing an example to other Oregon cities of responsible urban planning. The Tualatin Commons, a public/private partnership featuring a three-acre

manmade lake, a wide public promenade and plaza, and an interactive fountain provides recreational and entertainment opportunities. With over 200 acres of parks, trails, and natural areas, Tualatin also preserves green spaces for the public to enjoy.

The citizens of Tualatin are engaged and motivated, fostering a close-knit and thriving community. Each year area organizations organize the Crawfish Festival, which attracts an estimated 12,000 people and features local food, crafts, and music. The locally developed Citizen Involvement Organization program encourages residents to further improve life within Tualatin by funding community projects.

Throughout the last 100 years, the leaders and citizens of Tualatin have made invaluable contributions to the Portland metropolitan region and to the State of Oregon as a whole. I offer my sincerest congratulations during this celebration and look forward to many more years of prosperity for Tualatin.●

#### ST. FRANCIS MEDICAL CENTER

● Mr. VITTER. Mr. President, I recognize St. Francis Medical Center on a special occasion.

This week, St. Francis Medical Center celebrates its 100th anniversary. Founded in Monroe, LA, in 1913 by six Franciscan Sisters fulfilling a call to serve others through Jesus Christ's healing ministry, St. Francis Medical Center has grown from a humble 75-patient-bed facility to a 352-bed community hospital and the largest in Northeast Louisiana.

In fulfilling the vision of St. Francis of Assisi that all life is a gift from God, the Sisters of Saint Francis have continued to serve others with compassion and care, without hesitation, to improve health and save lives to those most in need.

The continued dedication of the Sisters, doctors, and staff has led to a superior level of health care in our State and has earned the facility 25 accreditations and awards. In 2012 and 2011, St. Francis Medical Center was honored as a Best Employer for Healthy Lifestyles by the National Business Group on Health's Institute on Innovation. Also, U.S. News and World Report rated St. Francis as one of the best hospitals in Louisiana.

St. Francis Medical Center has been a cornerstone of the medical community of Northeast Louisiana, and it is my honor to recognize their 100th anniversary as they prepare to enter their second century of service.●

#### MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the

following bill, in which it requests the concurrence of the Senate:

H. R. 2668. An act to delay the application of the individual health insurance mandate, to delay the application of the employer health insurance mandate, and for other purposes.

The message also announced that pursuant to section 4(b) of the World War I Centennial Commission Act (Public Law 112-272), and the order of the House of January 3, 2013, the Minority Leader appoints the following individual on the part of the House of Representatives to the World War I Centennial Commission: Mr. Robert Dalessandro of Alexandria, Virginia.

The message further announced that pursuant to 22 U.S.C. 276d, and the order of the House of January 3, 2013, the Speaker appoints the following Members on the part of the House of Representatives to the Canada-United States Interparliamentary Group: Mr. HUIZENGA of Michigan, Chairman and Mrs. MILLER of Michigan.

The message also announced that pursuant to 22 U.S.C. 276h, and the order of the House of January 3, 2013, the Speaker appoints the following Members on the part of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. MCCAUL of Texas, Chairman and Mr. DUFFY of Wisconsin.

At 2:23 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 697. An act to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes.

H.R. 1542. An act to amend the Homeland Security Act of 2002 to establish weapons of mass destruction intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, and for other purposes.

H.R. 2353. An act to amend title 23, United States Code, with respect to the operation of vehicles on certain Wisconsin highways, and for other purposes.

The message further announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 44. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

At 3:56 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1411. An act to include the Point Arena-Stornetta Public Lands in the Cali-

fornia Coastal National Monument as a part of the National Landscape Conservation System, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 697. An act to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1411. An act to include the Point Arena-Stornetta Public Lands in the California Coastal National Monument as a part of the National Landscape Conservation System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1542. An act to amend the Homeland Security Act of 2002 to establish weapons of mass destruction intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2353. An act to amend title 23, United States Code, with respect to the operation of vehicles on certain Wisconsin highways, and for other purposes; to the Committee on Environment and Public Works.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2668. An act to delay the application of the individual health insurance mandate, to delay the application of the employer health insurance mandate, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2334. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Financial Report for fiscal year 2012 for the Prescription Drug User Fee Act (PDUFA); to the Committee on Health, Education, Labor, and Pensions.

EC-2335. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Financial Report for fiscal year 2012 for the Medical Device User Fee Act (MDUFA); to the Committee on Health, Education, Labor, and Pensions.

EC-2336. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on Head Start Monitoring for Fiscal Year 2010"; to the Committee on Health, Education, Labor, and Pensions.

EC-2337. A communication from the Acting Chief Policy Officer, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to

law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-2338. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Coverage of Certain Preventive Services Under the Affordable Care Act" (RIN1210-AB44) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-2339. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adhesives and Components of Coatings" (Docket No. FDA-2012-F-0728) received in the Office of the President of the Senate on July 15, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-2340. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Coverage of Certain Preventative Services Under the Affordable Care Act" (RIN0938-AR42) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-2341. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coverage of Certain Preventive Services Under the Affordable Care Act" (RIN1545-BJ60) (TD 9624) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-2342. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Strategic Integrated Management Plan for the Center for Drug Evaluation and Research (CDER), the Center for Biologics Evaluation and Research (CBER), and the Center for Devices and Radiological Health (CDRH); to the Committee on Health, Education, Labor, and Pensions.

EC-2343. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs for fiscal year 2012; to the Committee on Commerce, Science, and Transportation.

EC-2344. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Annual Report of the Maritime Administration (MARAD) for fiscal years 2010-2011; to the Committee on Commerce, Science, and Transportation.

EC-2345. A communication from the Acting Under Secretary of Commerce for Oceans and Atmosphere, transmitting, pursuant to law, a report relative to the activities of the Northwest Atlantic Fisheries Organization for 2011; to the Committee on Commerce, Science, and Transportation.

EC-2346. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Heavy-Duty Engine and Vehicle, and Nonroad Technical Amendments" (RIN2127-AL31) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2347. A communication from the Paralegal Specialist, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Alcohol and Controlled Substances Testing" (RIN2132-AB09) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2348. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Roaring Springs, Texas)" (MB Docket No. 12-236, RM-11671) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2349. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dove Creek, Colorado)" (MB Docket No. 12-352, RM-11686) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2350. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Matagorda, Texas)" (MB Docket No. 13-52, RM-11693) received in the Office of the President of the Senate on July 15, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2351. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010" (MB Docket No. 11-154, FCC 13-84) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2352. A communication from the Deputy Chief of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities" (FCC 13-82) received in the Office of the President of the Senate on July 15, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2353. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Marine Vapor Control Systems" ((RIN1625-AB37) (Docket No. USCG-1999-5150)) received in the Office of the President of the Senate

on July 15, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2354. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Summit, Mississippi)" (MB Docket No. 12-84, RM-11627) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2355. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations and Safety Zones; Marine Events in Captain of the Port Long Island Zone" ((RIN1625-AA00; AA08) (Docket No. USCG-2013-0447)) received in the Office of the President of the Senate on July 15, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2356. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules; Amdt. No. 507" (RIN2120-AA63) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2357. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (144); Amdt. No. 3538" (RIN2120-AA65) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2358. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (94); Amdt. No. 3537" (RIN2120-AA65) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2359. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. Turboprop Engines" ((RIN2120-AA64) (Docket No. FAA-2013-0024)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2360. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-1162)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2361. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-1001)) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2362. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" (RIN2120-AA64) (Docket No. FAA-2013-0426) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2363. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Bass Harbor, ME" (RIN2120-AA66) (Docket No. FAA-2012-0793) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2364. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Gillette, WY" (RIN2120-AA66) (Docket No. FAA-2013-0185) received in the Office of the President of the Senate on July 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC-2365. A communication from the Inspector General of the Federal Trade Commission, transmitting, pursuant to law, notification that the audit of the financial statements of the Federal Trade Commission for fiscal year 2013 has commenced; to the Committee on Commerce, Science, and Transportation.

EC-2366. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Test Procedures for Residential Furnaces and Boilers" (RIN1904-AC96) received in the Office of the President of the Senate on July 11, 2013; to the Committee on Energy and Natural Resources.

EC-2367. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 13-092, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-2368. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: Canadian Firearms Components Exemptions" (RIN1400-AD07) received in the Office of the President of the Senate on July 11, 2013; to the Committee on Foreign Relations.

EC-2369. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a report entitled "Fiscal Year 2012 Report to Congress Pursuant to 25 U.S.C. 450j-1(c) on the Funding Requirements for Contract Support Costs"; to the Committee on Indian Affairs.

EC-2370. A joint communication from the Deputy Secretary, Department of Veterans Affairs, and the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the activities and accomplishments of the Department of Veterans Affairs and Department of Defense Joint Executive Council for

fiscal year 2012; to the Committee on Veterans' Affairs.

EC-2371. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Medications Prescribed by Non-VA Providers" (RIN2900-AO77) received in the Office of the President of the Senate on July 18, 2013; to the Committee on Veterans' Affairs.

EC-2372. A communication from the Secretary of Defense, transmitting, pursuant to law, a report for fiscal year 2014 on the Nuclear Weapons Stockpile, Nuclear Weapons Complex, Nuclear Weapons Delivery Systems and Nuclear Weapons Command and Control System; to the Committee on Armed Services.

EC-2373. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled "Fiscal Year 2012 Inventory of Contracts for Services"; to the Committee on Armed Services.

### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. MENENDEZ for the Committee on Foreign Relations.

\*Daniel Brooks Baer, of Colorado, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador.

Nominee: Daniel Brooks Baer.

Post Nominated: Permanent Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$1000, 5/2012, Obama for America; \$100, 9/2012, Obama for America.

2. Spouse: (N/A).

3. Children and Spouses: (N/A).

4. Parents: Rebecca Van Buren (widowed): \$25, 7/2012, Obama for America; \$25, 10/2012, Obama for America.

5. Grandparents: Nancy Van Buren: None.

6. Brothers and Spouses: Peter Baer (single), \$10, 9/2012, Obama for America; \$10, 9/2012, Gillibrand for Senate. Lyle Baer (single): None.

7. Sisters and Spouses: Merritt Baer (single), \$25, 8/2012, Hirono for Senate; \$25, 8/2012, Gabbard for Congress; \$25, 8/2012, Mikolsi for Congress; \$25, 8/2012, Pace for Congress; \$100, 9/2012, Obama for America.

\*Douglas Edward Lute, of Indiana, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: Douglas Edward Lute.

Post: Chief of Mission—NATO. Nominated: 5/23/2013.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: None.

2. Spouse: Jane Holl Lute: \$250, 6/28/12, Obama Victory Fund; \$250, 12/31/11, Obama For America; \$250, 11/10/08, DNC Services Fund; \$250, 11/3/08, Obama For America; \$250, 11/3/08, Obama For America; \$250, 11/2/08, Obama Victory Fund; \$250, 11/2/08, Obama Victory Fund; \$250, 10/20/08, Obama For America; \$250, 7/7/08, Obama For America; \$500, 2/1/08, Obama For America; \$250, 10/20/12, Soderberg.

3. Children and Spouses: Amy Lute, None; Kamryn Lute, None; Adellyn Polomski, None.

4. Parents: Phyllis Lute, and John Edward Lute (Deceased).

5. Grandparents: N/A.

6. Brothers and Spouses: John Carl Lute (Deceased).

7. Sisters and Spouses: Patricia Lute and Charles Smith, None; Rebecca Lute, None; Beth and Jack Lyness, None.

\*Victoria Nuland, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (European and Eurasian Affairs).

\*Samantha Power, of Massachusetts, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

\*Samantha Power, of Massachusetts, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative of the United States of America to the United Nations.

\*Catherine M. Russell, of the District of Columbia, to be Ambassador at Large for Global Women's Issues.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. LEVIN, Mrs. BOXER, Mr. REED, and Mr. MURPHY):

S. 1337. A bill to promote the tracing of firearms used in crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. COBURN:

S. 1338. A bill to amend title 5, United States Code, to require that the Office of Personnel Management submit an annual report to Congress relating to the use of official time by Federal employees; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN:

S. 1339. A bill to reauthorize the Ohio & Erie Canal National Heritage Canalway; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself and Mr. BLUMENTHAL):

S. 1340. A bill to improve passenger vessel security and safety, and for other purposes;

to the Committee on Commerce, Science, and Transportation.

By Mr. TESTER (for himself, Mr. BAUCUS, Mr. BARRASSO, Mrs. FEINSTEIN, Mr. CRAPO, Mr. ENZI, and Mr. GRASSLEY):

S. 1341. A bill to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FLAKE (for himself, Mr. UDALL of New Mexico, and Mr. INHOFE):

S. 1342. A bill to amend the Internal Revenue Code of 1986 to permit expensing of certain depreciable business assets for small businesses; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. DONNELLY):

S. 1343. A bill to protect the information of livestock producers, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BEGICH:

S. 1344. A bill to promote research, monitoring, and observation of the Arctic and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. 1345. A bill to award posthumously a Congressional Gold Medal to Dr. R. Adams Cowley, in recognition of his lifelong commitment to the advancement of trauma care; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. ROCKEFELLER, and Mr. BLUNT):

S. 1346. A bill to amend the Internal Revenue Code of 1986 to increase the alternative tax liability limitation for small property and casualty insurance companies; to the Committee on Finance.

By Mr. COBURN (for himself, Mr. MCCAIN, Mr. CHIESA, Mr. ENZI, and Ms. AYOTTE):

S. 1347. A bill to provide transparency, accountability, and limitations of Government sponsored conferences; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARPER (for himself and Mr. COONS):

S. 1348. A bill to reauthorize the Congressional Award Act; to the Committee on Homeland Security and Governmental Affairs.

#### ADDITIONAL COSPONSORS

S. 101

At the request of Mr. VITTER, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 101, a bill to prohibit the provision of Federal funds to State and local governments for payment of obligations, to prohibit the Board of Governors of the Federal Reserve System from financially assisting State and local governments, and for other purposes.

S. 119

At the request of Mrs. BOXER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 119, a bill to prohibit the

application of certain restrictive eligibility requirements to foreign non-governmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 231

At the request of Mr. PORTMAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 231, a bill to reauthorize the Multinational Species Conservation Funds Semipostal Stamp.

S. 234

At the request of Mr. REID, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 234, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 308

At the request of Mr. BEGICH, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 308, a bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to make improvements in the old-age, survivors, and disability insurance program, to provide for cash relief for years for which annual COLAs do not take effect under certain cash benefit programs, and to provide for Social Security benefit protection.

S. 316

At the request of Mr. SANDERS, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 316, a bill to recalculate and restore retirement annuity obligations of the United States Postal Service, to eliminate the requirement that the United States Postal Service prefund the Postal Service Retiree Health Benefits Fund, to place restrictions on the closure of postal facilities, to create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes.

S. 338

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 338, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 403

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cospon-

sor of S. 403, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 411

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 420

At the request of Mr. ENZI, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 420, a bill to amend the Internal Revenue Code of 1986 to provide for the logical flow of return information between partnerships, corporations, trusts, estates, and individuals to better enable each party to submit timely, accurate returns and reduce the need for extended and amended returns, to provide for modified due dates by regulation, and to conform the automatic corporate extension period to long-standing regulatory rule.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 489

At the request of Mr. THUNE, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 489, a bill to amend the Tariff Act of 1930 to increase and adjust for inflation the maximum value of articles that may be imported duty-free by one person on one day, and for other purposes.

S. 541

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 541, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 553

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 553, a bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs.

S. 557

At the request of Mrs. HAGAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 557, a bill to amend title XVIII of the Social Security Act to improve access to medication therapy management under part D of the Medicare program.



S. 559

At the request of Mr. BLUMENTHAL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 559, a bill to establish a fund to make payments to the Americans held hostage in Iran, and to members of their families, who are identified as members of the proposed class in case number 1:08-CV-00487 (EGS) of the United States District Court for the District of Columbia, and for other purposes.

S. 567

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 567, a bill to improve the retirement of American families by strengthening Social Security.

S. 569

At the request of Mr. BROWN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 569, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 582

At the request of Mr. HOEVEN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 582, a bill to approve the Keystone XL Pipeline.

S. 629

At the request of Mr. PRYOR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 629, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 686

At the request of Mr. PRYOR, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 686, a bill to extend the right of appeal to the Merit Systems Protection Board to certain employees of the United States Postal Service.

S. 723

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 723, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 734

At the request of Mr. NELSON, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator

from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 734, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 826

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of S. 826, a bill to amend the Internal Revenue Code of 1986 to reform and enforce taxation of tobacco products.

S. 836

At the request of Mr. BROWN, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Delaware (Mr. COONS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 836, a bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit and make permanent certain tax provisions under the American Recovery and Reinvestment Act of 2009.

S. 912

At the request of Mr. MCCAIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 912, a bill to allow multi-channel video programming distributors to provide video programming to subscribers on an a la carte basis, and for other purposes.

S. 929

At the request of Mr. CORNYN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 929, a bill to impose sanctions on individuals who are complicit in human rights abuses committed against nationals of Vietnam or their family members, and for other purposes.

S. 945

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 945, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 971

At the request of Mr. WYDEN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 971, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1012

At the request of Mr. BLUNT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1012, a bill to amend title XVIII of the Social Security Act to improve operations of recovery auditors under the Medicare integrity program, to in-

crease transparency and accuracy in audits conducted by contractors, and for other purposes.

S. 1044

At the request of Mr. PORTMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1044, a bill to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on D-Day, June 6, 1944.

S. 1068

At the request of Mr. BEGICH, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1068, a bill to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes.

S. 1072

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1072, a bill to ensure that the Federal Aviation Administration advances the safety of small airplanes and the continued development of the general aviation industry, and for other purposes.

S. 1091

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1091, a bill to provide for the issuance of an Alzheimer's Disease Research Semipostal Stamp.

S. 1128

At the request of Mr. TOOMEY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1128, a bill to clarify the orphan drug exception to the annual fee on branded prescription pharmaceutical manufacturers and importers.

S. 1188

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1188, a bill to amend the Internal Revenue Code of 1986 to modify the definition of full-time employee for purposes of the individual mandate in the Patient Protection and Affordable Care Act.

S. 1204

At the request of Mr. COBURN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1204, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services, to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities, and for other purposes.

S. 1235

At the request of Mr. TOOMEY, the name of the Senator from Arizona (Mr.



MCCAIN) was added as a cosponsor of S. 1235, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 1251

At the request of Mr. REED, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1251, a bill to establish programs with respect to childhood, adolescent, and young adult cancer.

S. 1271

At the request of Mr. RUBIO, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1271, a bill to direct the President to establish guidelines for the United States foreign assistance programs, and for other purposes.

S. 1279

At the request of Ms. LANDRIEU, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1279, a bill to prohibit the revocation or withholding of Federal funds to programs whose participants carry out voluntary religious activities.

S. 1282

At the request of Ms. WARREN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1282, a bill to reduce risks to the financial system by limiting banks' ability to engage in certain risky activities and limiting conflicts of interest, to reinstate certain Glass-Steagall Act protections that were repealed by the Gramm-Leach-Bliley Act, and for other purposes.

S. 1292

At the request of Mr. CRUZ, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from Nebraska (Mr. JOHANNIS) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 1292, a bill to prohibit the funding of the Patient Protection and Affordable Care Act.

S. 1296

At the request of Mr. NELSON, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1296, a bill to amend the Wounded Warrior Act to establish a specific timeline for the Secretary of Defense and the Secretary of Veterans Affairs to achieve interoperable electronic health records, and for other purposes.

S. 1302

At the request of Mr. HARKIN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1302, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

S. 1320

At the request of Mr. DONNELLY, the name of the Senator from Missouri

(Mr. BLUNT) was added as a cosponsor of S. 1320, a bill to establish a tiered hiring preference for members of the reserve components of the armed forces.

S. 1334

At the request of Mr. MANCHIN, the names of the Senator from Missouri (Mrs. McCASKILL) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 1334, a bill to establish student loan interest rates, and for other purposes.

S. 1335

At the request of Ms. MURKOWSKI, the names of the Senator from Ohio (Mr. PORTMAN), the Senator from Wyoming (Mr. BARRASSO) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 1335, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

S.J. RES. 19

At the request of Mr. UDALL of New Mexico, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. CON. RES. 13

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Con. Res. 13, a concurrent resolution commending the Boys & Girls Clubs of America for its role in improving outcomes for millions of young people and thousands of communities.

S. RES. 75

At the request of Mr. KIRK, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. Res. 75, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 198

At the request of Mr. GRAHAM, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 198, a resolution expressing the sense of the Senate that the Government of the Russian Federation should turn over Edward Snowden to United States authorities, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. LEVIN, Mrs. BOXER, Mr. REED, and Mr. MURPHY):

S. 1337. A bill to promote the tracing of firearms used in crimes, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1337

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Crime Gun Tracing Act of 2013".

#### SEC. 2. DEFINITION.

Section 1709 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended by—

(1) redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(2) inserting before paragraph (2), as redesignated, the following:

"(1) 'Bureau' means the Bureau of Alcohol, Tobacco, Firearms, and Explosives."

#### SEC. 3. INCENTIVES FOR TRACING FIREARMS USED IN CRIMES.

Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by striking subsection (c) and inserting the following:

"(c) PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.—In awarding grants under this part, the Attorney General, where feasible—

"(1) may give preferential consideration to an application for hiring and rehiring additional career law enforcement officers that involves a non-Federal contribution exceeding the 25 percent minimum under subsection (g); and

"(2) shall give preferential consideration to an application submitted by an applicant that has reported all firearms recovered during the previous 12 months by the applicant at a crime scene or during the course of a criminal investigation to the Bureau for the purpose of tracing, or to a State agency that reports such firearms to the Bureau for the purpose of tracing."

#### SEC. 4. REPORTING OF FIREARM TRACING BY APPLICANTS FOR COMMUNITY ORIENTED POLICING SERVICES GRANTS.

Section 1702(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-1(c)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting "and"; and

(3) by adding at the end the following:

"(12) specify—

"(A) whether the applicant recovered any firearms at a crime scene or during the course of a criminal investigation during the 12 months before the submission of the application;

"(B) the number of firearms described in subparagraph (A);

"(C) the number of firearms described in subparagraph (A) that were reported to the Bureau for tracing, or to a State agency that reports such firearms to the Bureau for tracing; and

"(D) the reason why any firearms described under subparagraph (A) were not reported to the Bureau for tracing, or to a State agency that reports such firearms to the Bureau for tracing."

By Mr. GRASSLEY (for himself and Mr. DONNELLY):

S. 1343. A bill to protect the information of livestock producers, and for

other purposes; to the Committee on Environment and Public Works.

Mr. GRASSLEY. Mr. President, I am pleased to join Senator DONNELLY in introducing legislation that will prevent the EPA from distributing the personal information of farmers. This legislation comes in direct response to the EPA releasing personal information on over 80,000 farmers nationwide and over 9,000 farmers in Iowa. After the initial data release, I wrote a letter that was signed by 23 of my colleagues to the EPA asking them to explain their rationale for releasing the addresses, emails and phone numbers of so many producers. Their response was unsatisfactory to me so I am introducing this bill to stop the EPA from doing this again.

The EPA's interpretation of the information which can be provided under a Freedom of Information Act, FOIA, request is simply too broad. Our Nation's farmers operate unique businesses in that their homes are often at the same location as their farming operation. When the EPA released this data, activist groups attained contact information and addresses for farm families whose way of life they oppose. This is unacceptable.

I would also like to point out that this bill does not prevent the EPA from collecting the information about where farmers' operations are located. It also does not prevent EPA from disclosing information in the aggregate. The legislation simply prevents them from releasing personal information to the public. Furthermore, I am pleased to have support for this bill from 16 agriculture groups who agree that we should not enable activist groups with personal information. If we want people to trust our government, agencies like the EPA must quit taking actions that shake the confidence of our citizens. I urge my colleagues to join us in supporting this commonsense bill.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1739. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table.

SA 1740. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1741. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1742. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1743. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1744. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1243, supra.

SA 1745. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 1911, of 1965 to establish interest rates for new loans made on or after July 1, 2013, to direct the Secretary of Education to convene the Advisory Committee on Improving Postsecondary Education Data to conduct a study on improvements to postsecondary education transparency at the Federal level, and for other purposes; which was ordered to lie on the table.

SA 1746. Mr. VITTER (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table.

SA 1747. Mr. VITTER (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1748. Mr. VITTER (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1749. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1750. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1751. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1752. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1753. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1754. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1755. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1756. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1757. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1758. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

SA 1759. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1243, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 1739. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of

Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, insert the following: SEC. \_\_\_\_\_. (a) Congress makes the following findings:

(1) On June 30, 2012, Mohamed Morsi was elected President of Egypt in elections that were certified as free and fair by the Egyptian Presidential Election Commission and the United Nations.

(2) On July 3, 2013, the military of Egypt removed the democratically elected President of Egypt, arrested his supporters, and suspended the Constitution of Egypt. These actions fit the definition of a military coup d'état.

(3) Pursuant to section 7008 of the Department of State, Foreign Operations, and Related Programs Act, 2012 (division I of Public Law 112-74; 125 Stat. 1195), the United States is legally prohibited from providing foreign assistance to any country whose duly elected head of government is deposed by a military coup d'état, or removed in such a way that the military plays a decisive role.

(4) The United States has suspended aid to countries that have undergone military coups d'état in the past, including the Ivory Coast, the Central African Republic, Thailand, Mali, Fiji, and Honduras.

(b)(1) In accordance with section 7008 of the Department of State, Foreign Operations, and Related Programs Act, 2012 (division I of Public Law 112-74; 125 Stat. 1195), the United States Government, including the Department of State, shall refrain from providing to the Government of Egypt the assistance restricted under such section.

(2) In addition to the restrictions referred to in paragraph (1), the following restrictions shall be in effect with respect to United States assistance to the Government of Egypt:

(A) Deliveries of defense articles currently slated for transfer to Egyptian Ministry of Defense (MOD) and Ministry of Interior (MOI) shall be suspended until the President certifies to Congress that democratic national elections have taken place in Egypt followed by a peaceful transfer of power.

(B) Provision of defense services to Egyptian MOD and MOI shall be halted immediately until the President certifies to Congress that democratic national elections have taken place in Egypt followed by a peaceful transfer of power.

(C) Processing of draft Letters of Offer and Acceptance (LOAs) for future arms sales to Egyptian MOD and MOI entities shall be halted until the President certifies to Congress that democratic national elections have taken place in Egypt followed by a peaceful transfer of power.

(D) All costs associated with the delays in deliveries and provision of services required under subparagraphs (A) through (C) shall be borne by the Government of Egypt.

(c) Any amounts retained by the United States as a result of implementing subsection (b) shall be made available to the Secretary of Transportation to carry out activities under the heading "BRIDGES IN CRITICAL CORRIDORS".

SA 1740. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and

Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act (or an amendment made by this Act) may be used to administer or enforce the wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the "Davis-Bacon Act") with respect to any project or program funded under this Act (or amendment).

**SA 1741.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, between lines 8 and 9, insert the following:

**SEC. 192. EMERGENCY TRANSPORTATION SAFETY FUND.**

(a) **SHORT TITLE.**—This section may be cited as the "Emergency Transportation Safety Fund Act".

(b) **ESTABLISHMENT AND FUNDING.**—

(1) **MODIFICATION AND PERMANENT EXTENSION OF THE INCENTIVES TO REINVEST FOREIGN EARNINGS IN THE UNITED STATES.**—

(A) **REPATRIATION SUBJECT TO 5 PERCENT TAX RATE.**—Subsection (a)(1) of section 965 of the Internal Revenue Code of 1986 is amended by striking "85 percent" and inserting "85.7 percent".

(B) **PERMANENT EXTENSION TO ELECT REPATRIATION.**—Subsection (f) of section 965 of the Internal Revenue Code of 1986 is amended to read as follows:

"(f) **ELECTION.**—The taxpayer may elect to apply this section to any taxable year only if made on or before the due date (including extensions) for filing the return of tax for such taxable year."

(2) **REPATRIATION INCLUDES CURRENT AND ACCUMULATED FOREIGN EARNINGS.**—

(A) **IN GENERAL.**—Paragraph (1) of section 965(b) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) **IN GENERAL.**—The amount of dividends taken into account under subsection (a) shall not exceed the sum of the current and accumulated earnings and profits described in section 959(c)(3) for the year a deduction is claimed under subsection (a), without diminution by reason of any distributions made during the election year, for all controlled foreign corporations of the United States shareholder."

(B) **CONFORMING AMENDMENTS.**—

(i) Section 965(b) of such Code is amended by striking paragraphs (2) and (4) and by redesignating paragraph (3) as paragraph (2).

(ii) Section 965(c) of such Code is amended by striking paragraphs (1) and (2) and by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively.

(iii) Paragraph (3) of section 965(c) of such Code, as redesignated by subparagraph (B), is amended to read as follows:

"(3) **CONTROLLED GROUPS.**—All United States shareholders which are members of an affiliated group filing a consolidated return under section 1501 shall be treated as one United States shareholder."

(3) **CLERICAL AMENDMENTS.**—

(A) The heading for section 965 of the Internal Revenue Code of 1986 is amended by striking "**TEMPORARY**".

(B) The table of sections for subpart F of part III of subchapter N of chapter 1 of such Code is amended by striking "Temporary dividends" and inserting "Dividends".

(4) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

(c) **ESTABLISHMENT OF EMERGENCY TRANSPORTATION SAFETY FUND.**—

(1) **IN GENERAL.**—There is established in the Treasury of the United States a trust fund, which shall be known as the "Emergency Transportation Safety Fund".

(2) **TRANSFERS TO EMERGENCY TRANSPORTATION SAFETY FUND.**—

(A) **IN GENERAL.**—There are hereby appropriated to the Emergency Transportation Safety Fund amounts equivalent to 50 percent of the excess of—

(i) the taxes received in the United States Treasury which are attributable to eligible 965 dividends received by corporations which are United States shareholders, over

(ii) the amount of the foreign tax credit allowed under section 901 of the Internal Revenue Code of 1986 which is attributable to the non-deductible portion of such eligible 965 dividends.

(B) **DEFINITIONS.**—For purposes of this paragraph—

(i) **ELIGIBLE 965 DIVIDEND.**—The term "eligible 965 dividend" means any amount received from a controlled foreign corporation for which a deduction is allowed under section 965 of the Internal Revenue Code of 1986, as determined based on estimates made by the Secretary of the Treasury, or the Secretary's delegate.

(ii) **NON-DEDUCTIBLE PORTION.**—The term "non-deductible portion" means the excess of the amount of any eligible 965 dividend over the deductible portion (as defined in section 965(d)(3) of the Internal Revenue Code of 1986) of such amount.

(3) **EMERGENCY RELIEF EXPENDITURES.**—Section 125(c) of title 23, United States Code, is amended by adding at the end the following:

"(3) **EMERGENCY TRANSPORTATION SAFETY FUND.**—Amounts deposited into the Emergency Transportation Safety Fund established under section 192(c)(1) of the Emergency Transportation Safety Fund Act are authorized to be obligated to carry out, in priority order, the projects on the current list compiled by the Secretary under section 192(d)(1) of such Act that meet the eligibility requirements set forth in subsection (a)."

(d) **EMERGENCY TRANSPORTATION PRIORITIES.**—

(1) **LIST.**—The Secretary of Transportation, in consultation with a representative sample of State and local government transportation officials, shall compile a prioritized list of emergency transportation projects, which will guide the allocation of funding to the States from the Emergency Transportation Safety Fund.

(2) **CRITERIA.**—In compiling the list under paragraph (1), the Secretary of Transportation, in addition to other criteria established by the Secretary, shall rank priorities in descending order, beginning with—

(A) whether the project is part of the interstate highway system;

(B) whether the project is a road or bridge that is closed for safety reasons;

(C) the impact of the project on interstate commerce;

(D) the volume of traffic affected by the project; and

(E) the overall value of the project or entity.

(3) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to Congress that includes—

(A) a prioritized list of emergency transportation projects to be funded through the Emergency Transportation Safety Fund; and

(B) a description of the criteria used to establish the list referred to in subparagraph (A).

(4) **QUARTERLY UPDATES.**—Not less frequently than 4 times per year, the Secretary of Transportation shall—

(A) update the report submitted pursuant to paragraph (3);

(B) send a copy of the report to Congress; and

(C) make a copy of the report available to the public through the Department of Transportation's website.

**SA 1742.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 17 and 18, insert the following:

SEC. 1 \_\_\_\_\_. (a) None of the funds made available under this Act shall be used to carry out the transportation alternatives program under section 213 of title 23, United States Code.

(b) Amounts that would have been made available to carry out the transportation alternatives program described in subsection (a) shall be made available to the Secretary to carry out activities under the heading "BRIDGES IN CRITICAL CORRIDORS".

**SA 1743.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. REINS ACT.**

(a) **SHORT TITLE.**—This section may be cited as the "Regulations From the Executive in Need of Scrutiny Act of 2013" or the "REINS Act".

(b) **FINDINGS AND PURPOSE.**—

(1) **FINDINGS.**—Congress finds the following:

(A) Section 1 of article I of the United States Constitution grants all legislative powers to Congress.

(B) Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes.

(C) By requiring a vote in Congress, the REINS Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the people of the United States for the laws imposed upon them.

(2) PURPOSE.—The purpose of this section is to increase accountability for and transparency in the Federal regulatory process.

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—Chapter 8 of title 5, United States Code, is amended to read as follows:

**“CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING**

“Sec.

“801. Congressional review.

“802. Congressional approval procedure for major rules.

“803. Congressional disapproval procedure for nonmajor rules.

“804. Definitions.

“805. Judicial review.

“806. Exemption for monetary policy.

“807. Effective date of certain rules.

**“§ 801. Congressional review**

“(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of Congress and to the Comptroller General a report containing—

“(i) a copy of the rule;

“(ii) a concise general statement relating to the rule;

“(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within sections 804(2)(A), 804(2)(B), and 804(2)(C);

“(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

“(v) the proposed effective date of the rule.

“(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

“(i) a complete copy of the cost-benefit analysis of the rule, if any;

“(ii) the actions of the agency pursuant to sections 603, 604, 605, 607, and 609 of title 5, United States Code;

“(iii) the actions of the agency pursuant to sections 1532, 1533, 1534, and 1535 of title 2, United States Code; and

“(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

“(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

“(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of compliance by the agency with procedural steps required by paragraph (1)(B).

“(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

“(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

“(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

“(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

“(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

“(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

“(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

“(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

“(A) necessary because of an imminent threat to health or safety or other emergency;

“(B) necessary for the enforcement of criminal laws;

“(C) necessary for national security; or

“(D) issued pursuant to any statute implementing an international trade agreement.

“(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

“(d)(1) In addition to the opportunity for review otherwise provided under this chapter, sections 802 and 803 shall apply, in the succeeding session of Congress, to any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

“(A) in the case of the Senate, 60 session days before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session; or

“(B) in the case of the House of Representatives, 60 legislative days before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session.

“(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

“(i) such rule were published in the Federal Register on—

“(I) in the case of the Senate, the 15th session day after the succeeding session of Congress first convenes; or

“(II) in the case of the House of Representatives, the 15th legislative day after the succeeding session of Congress first convenes; and

“(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

“(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be sub-

mitted to Congress before a rule can take effect.

“(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

**“§ 802. Congressional approval procedure for major rules**

“(a)(1) For purposes of this section, the term ‘joint resolution’ means only a joint resolution addressing a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii) that—

“(A) bears no preamble;

“(B) bears the following title: ‘Approving the rule submitted by \_\_\_\_\_ relating to \_\_\_\_\_.’ (The blank spaces being appropriately filled in);

“(C) includes after its resolving clause only the following: ‘That Congress approves the rule submitted by \_\_\_\_\_ relating to \_\_\_\_\_.’ (The blank spaces being appropriately filled in); and

“(D) is introduced pursuant to paragraph (2).

“(2) After a House of Congress receives a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii), the majority leader of that House (or the designee of the majority leader) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

“(A) in the case of the House of Representatives, within 3 legislative days; and

“(B) in the case of the Senate, within 3 session days.

“(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

“(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

“(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

“(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be

divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e) In the House of Representatives, if the committee or committees to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee or committees shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for not fewer than 5 legislative days to call up the joint resolution for immediate consideration in the House without intervention of any point of order. When so called up, a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

“(f)(1) For purposes of this subsection, the term ‘identical joint resolution’ means a joint resolution of the first House that proposes to approve the same major rule as a joint resolution of the second House.

“(2) If the second House receives from the first House a joint resolution, the Chair shall determine whether the joint resolution is an identical joint resolution.

“(3) If the second House receives an identical joint resolution—

“(A) the identical joint resolution shall not be referred to a committee; and

“(B) the procedure in the second House shall be the same as if no joint resolution had been received from the first house, except that the vote on final passage shall be on the identical joint resolution.

“(4) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

“(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 801(b)(2), then such vote shall be taken on that day.

“(h) This section and section 803 are enacted by Congress—

“(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such is deemed to be part of the rules of each House, respectively, but applicable only with respect to the pro-

cedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

“(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

### “§ 803. Congressional disapproval procedure for nonmajor rules

“(a) For purposes of this section, the term ‘joint resolution’ means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ‘That Congress disapproves the nonmajor rule submitted by the \_\_\_\_\_ relating to \_\_\_\_\_, and such rule shall have no force or effect.’ (The blank spaces being appropriately filled in).

“(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

“(2) For purposes of this section, the term ‘submission or publication date’ means the later of the date on which—

“(A) the Congress receives the report submitted under section 801(a)(1); or

“(B) the nonmajor rule is published in the Federal Register, if so published.

“(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

“(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint reso-

lution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

“(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

“(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

“(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

“(1) The joint resolution of the other House shall not be referred to a committee.

“(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

“(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

“(B) the vote on final passage shall be on the joint resolution of the other House.

### “§ 804. Definitions

“For purposes of this chapter—

“(1) the term ‘Federal agency’ means any agency as that term is defined in section 551(1);

“(2) the term ‘major rule’ means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

“(A) an annual effect on the economy of \$100,000,000 or more;

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

“(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets;

“(3) the term ‘nonmajor rule’ means any rule that is not a major rule; and

“(4) the term ‘rule’ has the meaning given such term in section 551, except that such term does not include—

“(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

“(B) any rule relating to agency management or personnel; or

“(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

**§ 805. Judicial review**

“(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

“(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

“(c) The enactment of a joint resolution of approval under section 802 shall not—

“(1) be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule;

“(2) extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule; and

“(3) form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

**§ 806. Exemption for monetary policy**

“Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

**§ 807. Effective date of certain rules**

“Notwithstanding section 801—

“(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

“(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency promulgating the rule determines.”.

(d) BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.—Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907(b)(2)) is amended by adding at the end the following:

“(E) Any rule subject to the congressional approval procedure set forth in section 802 of chapter 8 of title 5, United States Code, affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with such section.”.

**SA 1744.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act shall be used to provide housing assistance benefits for an individual who is convicted of aggravated sexual abuse under section 2241 of title 18, United States Code, murder under section 1111 of title 18, United States Code, an offense under chapter 110 of title 18, United States Code, or any other Federal or State offense involving sexual assault, as defined in 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

**SA 1745.** Mr. BLUMENTHAL submitted an amendment intended to be

proposed by him to the bill H.R. 1911, of 1965 to establish interest rates for new loans made on or after July 1, 2013, to direct the Secretary of Education to convene the Advisory Committee on Improving Postsecondary Education Data to conduct a study on improvements to postsecondary education transparency at the Federal level, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_\_. INCOME-BASED REPAYMENT AMENDMENTS.**

(a) LIMITATION ON REPAYMENT AMOUNTS AND REPAYMENT PERIOD.—Section 493C of the Higher Education Act of 1965 (20 U.S.C. 1098e) is amended—

(1) in subsection (a)(3), by striking subparagraph (B) and inserting the following:

“(B) 10 percent of the result obtained by calculating, on at least an annual basis, the amount by which—

“(i) the borrower’s, and the borrower’s spouse’s (if applicable), adjusted gross income; exceeds

“(ii) 150 percent of the poverty line applicable to the borrower’s family size as determined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).”; and

(2) in subsection (b)(7), by striking subparagraph (B) and inserting the following:

“(B) for a period of time prescribed by the Secretary, not to exceed 20 years, meets 1 or more of the following requirements—

“(i) has made reduced monthly payments under paragraph (1) or paragraph (6);

“(ii) has made monthly payments of not less than the monthly amount calculated under section 428(b)(9)(A)(i) or 455(d)(1)(A), based on a 10-year repayment period, when the borrower first made the election described in this subsection;

“(iii) has made payments of not less than the payments required under a standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A) with a repayment period of 10 years;

“(iv) has made payments under an income-contingent repayment plan under section 455(d)(1)(D); or

“(v) has been in deferment due to an economic hardship described in section 435(o).”.

(b) TAXABILITY OF DISCHARGE OF DEBT.—

(1) IN GENERAL.—Paragraph (1) of section 108(f) of the Internal Revenue Code of 1986 is amended by striking “any student loan if” and all that follows and inserting “any student loan if—

“(A) such discharge was pursuant to a provision of such loan under which all or part of the indebtedness of the individual would be discharged if the individual worked for a certain period of time in certain professions for any of a broad class of employers, or

“(B) such discharge was pursuant to section 493C(b)(7) of the Higher Education Act of 1965 (relating to income-based repayment).”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to discharges of loans after December 31, 2013.

**SA 1746.** Mr. VITTER (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending Sep-

tember 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. NO COST OF LIVING ADJUSTMENT IN PAY OF MEMBERS OF CONGRESS.**

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2014.

**SA 1747.** Mr. VITTER (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.**

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking “(a)(1)” and inserting “(a)”;

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking “as adjusted by paragraph (2) of this subsection” and inserting “adjusted as provided by law”.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on February 1, 2015.

**SA 1748.** Mr. VITTER (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**HEALTH COVERAGE**

SEC. \_\_\_\_\_. Section 1312(d)(3)(D) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(d)(3)(D)) is amended—

(1) by striking the subparagraph heading and inserting the following:

“(D) MEMBERS OF CONGRESS, CONGRESSIONAL STAFF, AND POLITICAL APPOINTEES IN THE EXCHANGE.—”;

(2) in clause (i) in the matter preceding subclause (I)—

(A) by striking “congressional staff with” and inserting “congressional staff, the President, the Vice President, and political appointees with”; and

(B) by striking “congressional staff shall” and inserting “congressional staff, the President, the Vice President, or political appointee, shall”; and

(3) in clause (ii)—

(A) in subclause (II), by inserting after “Congress,” the following: “of a committee



of Congress, and of a leadership office of Congress," and

(B) by adding at the end the following:

"(III) **POLITICAL APPOINTEE.**—In this subparagraph, the term 'political appointee' means any individual who—

"(aa) is employed in a position described under sections 5312 through 5316 of title 5, United States Code, (relating to the Executive Schedule);

"(bb) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5, United States Code; or

"(cc) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations."

**SA 1749.** Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, line 12, after "benefits" insert "and the project will be carried out on a bridge that the Federal Highway Administration has classified as functionally obsolete".

**SA 1750.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 185, lines 9 and 10, strike "or provide a loan or loan guarantee to, any corporation" and insert "provide a loan or loan guarantee to, provide an annual salary to, or provide any other federal funding to, any Federal employee, any individual, or any corporation".

**SA 1751.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.**

None of the funds made available under this Act may be used to pay an employee (as that term is defined in section 7103 of title 5, United States Code) for any period of official time (as that term is used in section 7131 of title 5, United States Code).

**SA 1752.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of

Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, beginning on line 17, strike "and \$6,000,000," and all that follows through "Program" on line 21.

**SA 1753.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 177, line 15, strike "by striking" and all that follows through "and" on line 16.

**SA 1754.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 104, line 12, strike "Provided further" and all that follows through "use of any such funds" on line 18, and insert "Provided further, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may not use as a source of match funds other funds administered by the Secretary and other Federal agencies".

**SA 1755.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 129, strike line 22 and all that follows through page 130, line 17, and renumber sections accordingly.

**SA 1756.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency to the Committee on Appropriations of the Senate or the Committee on Appropriations of the House of Representatives under this Act

shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

**SA 1757.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** Not later than 180 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to Congress a report on legislative options to modernize and improve targeting of the allocation formulas used for the community development block grant program established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301et seq.).

**SA 1758.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, line 7, strike "\$3,150,000,000" and insert "\$2,798,000,000".

**SA 1759.** Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, between lines 10 and 11, insert the following:

**SEC. 168.** Section 5307(a)(2) of title 49, United States Code, is amended by inserting "or general public demand response" after "fixed route" each place that term appears.

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Subcommittee on National Parks. The hearing will be held on Wednesday, July 31, 2013, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 398, to establish the Commission to Study the Potential Creation of a National



Women's History Museum, and for other purposes;

S. 524, to amend the National Trails System Act to provide for the study of the Pike National Historic Trail;

S. 618, to require the Secretary of the Interior to conduct certain special resource studies;

S. 702, to designate the Quinebaug and Shetucket Rivers Valley National Heritage Corridor as "The Last Green Valley National Heritage Corridor";

S. 781, to modify the boundary of Yosemite National Park, and for other purposes;

S. 782, to amend Public Law 101-377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes;

S. 869, to establish the Alabama Black Belt National Heritage Area, and for other purposes;

S. 925, to improve the Lower East Side Tenement National Historic Site, and for other purposes;

S. 995, to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia, and for other purposes;

S. 974, to provide for certain land conveyances in the State of Nevada, and for other purposes;

S. 1044, to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on D-Day, June 6, 1944;

S. 1071, to authorize the Secretary of the Interior to make improvements to support facilities for National Historic Sites operated by the National Park Service, and for other purposes;

S. 1138, to reauthorize the Hudson River Valley National Heritage Area;

S. 1151, to reauthorize the America's Agricultural Heritage Partnership in the State of Iowa;

S. 1157, to reauthorize the Rivers of Steel National Heritage Area, the Lackawanna Valley National Heritage Area, the Delaware and Lehigh National Heritage Corridor, and the Schuylkill River Valley National Heritage Area;

S. 1186, to reauthorize the Essex National Heritage Area;

S. 1252, to amend the Wild and Scenic Rivers Act to designate segments of the Missisquoi River and the Trout River in the State of Vermont, as components of the National Wild and Scenic Rivers System;

S. 1253, to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes;

H.R. 674, to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System;

H.R. 885, to expand the boundary of the San Antonio Missions National Historical Park, and for other purposes;

H.R. 1033 and S. 916, to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program, and

H.R. 1158, to direct the Secretary of the Interior to continue stocking fish in certain

lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to John Assini@energy.senate.gov.

For further information, please contact please contact David Brooks (202) 224-9863 or John Assini (202) 224-9313.

#### COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, July 24, 2013, at 9:50 a.m., to conduct a business meeting to consider the nomination of Davita Vance-Cooks, of Virginia, to be the public printer, and to consider S. 375, a bill to require Senate candidates to file designations, statements, and reports in electronic format.

For further information regarding this hearing, please contact Lynden Armstrong at the Rules and Administration Committee, (202) 224-6352.

#### COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, July 24, 2013, at 10 a.m. to hear testimony on the nomination of Ann Miller Ravel and Lee E. Goodman to be members of the Federal Election Commission.

For further information regarding this hearing, please contact Jean Bordewich at the Rules and Administration Committee, (202) 224-6352.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on July 23, 2013, at 10:30 a.m. in room 328A of the Russell Senate Office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on July 23, 2013, at 2:30 p.m., in room SD-266 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Com-

mittee on Environment and Public Works be authorized to meet during the session of the Senate on July 23, 2013, at 10 a.m. in room SD-406 of the Dirksen Senate office building, to conduct a hearing entitled "Hearing on the Nomination of Kenneth Kopocis to be Assistant Administrator for the Office of Water of the U.S. Environmental Protection Agency (EPA), James Jones to be Assistant Administrator for the Office of Chemical Safety and Pollution Prevention of the EPA, and Avi Garbow to be General Counsel for the EPA."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 23, 2013, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 23, 2013, at 10:15 a.m., to hold a briefing entitled, "Briefing on Nuclear Employment."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 23, 2013, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled "Hearing on National Labor Relations Board Nominees" on July 23, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on, July 23, 2013, at 10:30 a.m. to conduct a hearing entitled "The 90/10 Rule: Improving Educational Outcomes for our Military and Veterans."

#### SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 23, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION  
POLICY AND CONSUMER RIGHTS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights, be authorized to meet during the session of the Senate, on July 23, 2013, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Pay-for-Delay Deals: Limiting Competition and Costing Consumers."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON BANKRUPTCY AND THE  
COURTS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Bankruptcy and the Courts, be authorized to meet during the session of the Senate, on July 23, 2013, at 3 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Sequestering Justice: How the Budget Crisis is Undermining Our Courts."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS  
AND CONSUMER PROTECTION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on July 23, 2013, at 10 a.m. to conduct a hearing entitled "Examining Financial Holding Companies: Should Banks Control Power Plants, Warehouses and Oil Refineries?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND  
INVESTMENT

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Securities, Insurance and Investment be authorized to meet during the session of the Senate on July 23, 2013, at 3 p.m. to conduct a hearing entitled "Creating a Housing Finance System Built to Last: Ensuring Access for Community Institutions."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE,  
FISHERIES, AND THE COAST GUARD

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session the Senate on July 23, 2013, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "New England and Mid-atlan-

tic Perspectives on Magnuson-Stevens Act Reauthorization."

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST  
TIME—H.R. 2668

Mr. REID. Mr. President, I am told there is a bill at the desk due for its first reading.

The PRESIDING OFFICER (Mr. KING). The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 2668) to delay the application of the individual health insurance mandate, to delay the application of the employer health insurance mandate, and for other purposes.

Mr. REID. I now ask for a second reading in order to place the bill on the calendar under the provisions of rule XIV but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

PROGRAM

Mr. REID. Mr. President, we hope to have a little more business of the day, but we will wait and see.

When we complete our business today, I ask unanimous consent that we adjourn until 9:30 a.m. tomorrow, Wednesday, July 24; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; following any leader remarks, the Senate be in a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each with the Republicans controlling the first half and the majority the final half; that following morning business, the Senate resume consideration of S. 1243, the Transportation appropriations bill; further, that at 3:40 p.m. tomorrow, the Senate observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson, who were U.S. Capitol Policemen killed 15 years ago in the line of duty defending this building, the people who work here, and all the visitors against an armed intruder who killed both of them.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT  
AGREEMENT—H.R. 1911

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by me after consultation with Senator McCONNELL, the Senate proceed to the consideration of Calendar No. 139, H.R. 1911; that the only first-degree amendment in order to the bill be a Manchin-Burr amendment, the text of which is at the desk; that the only second-degree amendments in order to the Manchin-Burr amendment be the following, the text of which is at the desk: Reed of Rhode Island-Warren, and the second amendment would be Sanders; there be up to 1 hour of debate equally divided between the proponents and opponents on each amendment; that there be 3 hours of debate on the bill equally divided between the chairman and ranking member or their designees, with Senator BOXER controlling 30 minutes of the Democratic time and Senator REED controlling 15 minutes of the Democratic time; that no points of order or motions be in order other than budget points of order and the applicable motions to waive; that upon the use or yielding back of that time, the Senate proceed to vote in relation to the second-degree amendments in the order listed; that upon disposition of the Sanders amendment, the Senate proceed to vote in relation to the Manchin-Burr amendment, as amended, if amended; that upon disposition of the Manchin-Burr amendment, the bill, as amended, if amended, be read a third time and the Senate proceed to vote on passage of the bill, as amended, if amended; that all of the amendments and passage of the bill be subject to a 60-affirmative-vote threshold; that there be two minutes equally divided between the votes; finally, all after the first vote be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, first of all, I would like the RECORD to reflect how instrumental the Presiding Officer was in our ability to get this done. I appreciate it very much, as does everyone in the Senate. In the near future, the American people will acknowledge his good work on this issue.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7:10 p.m., adjourned until Wednesday, July 24, 2013, at 9:30 a.m.

## HOUSE OF REPRESENTATIVES—Tuesday, July 23, 2013

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MASSIE).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 23, 2013.

I hereby appoint the Honorable THOMAS MASSIE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### TAX REFORM AND INFRASTRUCTURE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the groundwork that is being carefully laid by Senate Finance Chair BAUCUS and Ways and Means Committee Chair CAMP. It's absolutely essential that we reform a tax code that is hopelessly complex, unfair, and often counterproductive. The system is reaching the point of breakdown. The complex patchwork is difficult to administer, invites tax engineering, if not outright evasion, and is hugely expensive for those who are just trying to meet their obligations.

Through mistake and evasion, we lose approximately \$365 billion of revenue each year that should be paid to the Treasury—\$1 billion a day—and the estimated cost of compliance is \$168 billion. With simplification and careful enforcement, we could easily gain tens of billions of dollars of revenue and allow individual taxpayers and businesses to shift resources away from compliance and tax engineering to

growing the economy and providing for our families.

While we all may disagree with some fundamentals, it would be a mistake to begin with our areas of disagreement. I commend the chairmen for working to build common understanding on a path forward.

There is one area that has not been part of the tax reform discussion but is every bit as critical as solving our budget deficit, and that's to deal with our infrastructure deficit. Every day brings more stories of a Nation slowly falling apart and falling behind other nations that are modernizing their infrastructure, like Japan, China, India, and the European Union, all of whom spend more of their economy on infrastructure than does the United States.

Last week's potential water emergency in Prince George's County underscores a point made by my friend, Representative DON YOUNG from Alaska: we leak more water than we drink; 1.9 trillion gallons of water is lost due to inadequate infrastructure underground. It is water, sewer, the electrical grid, transit, roads and bridges—the American Society of Civil Engineers has estimated we need to spend \$2.3 trillion in the next 5 years just to maintain basic standards.

Transportation reauthorization finance is under the committee's jurisdiction, and it's fast approaching, with a highway trust fund unable to meet even current inadequate requirements. This resource gap prevented us from being able to enact a full 6-year reauthorization last Congress, hence, we're facing it again next year.

In the 20 years since the gas tax was last increased, the purchasing power of the fund has eroded dramatically due to inflation and increased fuel economy, so that the average motorist is only paying about half as much per mile as they did in 1993.

The failure to meet the revenue needs has required increased borrowing from the general fund, adding \$55 billion to the deficit just to meet the current inadequate levels. At the same time, we've seen a collapse in the construction industry, costing hundreds of thousands of family wage jobs and slowing our economic recovery.

Resources have become increasingly inadequate to meet basic transportation needs, but at the same time the consensus among key road users in support of an increase has grown ever stronger.

A vast coalition has emerged in support of raising the fuel tax, which in-

cludes business, the professions, organized labor, nongovernmental organizations, the truckers, transit, and cyclists. The list of supporters is as long as it is varied.

Allowing an inflationary increase for the highway trust fund was part of the Clinton deficit reduction plan back when we had balanced budgets. More recently, it was included in the recommendation of the chairs of the President's deficit reduction committee, Alan Simpson and Erskine Bowles. Making infrastructure a part of the larger tax reform proposal will meet a critical and growing need for our economy. It will help satisfy the concerns of those who were insisting on more revenue, but do so in a manner that's supported by a broad, diverse, and powerful coalition of interests.

We all have a stake in funding to rebuild and renew America. It's not just the quickest way to put people back to work but also to make our communities more livable, our families safer, healthier, and more economically secure. And it just might be the smoothest path to tax reform as well.

### SIXTH UNANSWERED BENGHAZI QUESTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Mr. Speaker, with only six legislative days left before the Congress departs for August recess, I am increasingly concerned that we will not learn the answers to any of the questions I have raised over the past week before the one year anniversary of the attack on Benghazi, if ever. This is due, in large part, to the secretive nature of the investigation to date. Most of the key hearings into what happened that night in Benghazi have happened behind closed doors and in classified settings, including a June hearing with General Carter Ham, who was the head of the U.S. Forces in Africa the night of the attack.

That is why I was surprised to hear comments made by General Ham at the Aspen Security Forum last week where he spoke freely about the U.S. response to the attack.

Does it bother any of my colleagues that General Ham can publicly speak about the military's response at a forum in Aspen, Colorado, where the tickets were \$1,200? The American people should not have to pay \$1,200, and yet, his testimony before Congress was behind closed doors.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

According to a CNN report, General Ham told the Aspen audience that by the time an American drone arrived above the U.S. consulate “the attack on the mission was winding down.” By that time Ham knew Ambassador Stevens was missing and believed he could have been possibly kidnapped.

General Ham was then quoted as saying:

In my mind, at that point we were no longer in a response to an attack. We were in a recovery. And, frankly, I thought we were in a potential hostage rescue situation.

The article continued:

Ham said although he had authority to scramble a jet to the scene, he decided there was “not necessity and there was not a clear purpose in doing so.”

“To do what?” Ham asked. “It was a very, very uncertain situation.”

It was a very uncertain situation, indeed.

Uncertain as to whether the terrorists held our ambassador as hostage? Uncertain as to whether the terrorists would target the annex, as they did? Uncertain as to whether this situation would last hours, days, weeks, or months? Or years?

Which raises the question: If his command required no additional authority to respond to what he then believed to be a hostage rescue situation, why did it take another 7 hours before AFRICOM ordered a C-17 aircraft in Germany to deploy to Libya to evacuate Americans? And why did that plane not leave Germany for another 8 hours after that?

If the situation appeared to be deteriorating throughout the night at the annex, why wasn’t there any additional effort to accelerate air support or even planes to evacuate American personnel directly from Benghazi?

And given the betrayal of our supposed allied Libyan militia forces when calls to defend the consulate went unheeded, why would the Pentagon not move even faster to ensure there was a reliable evacuation and hostage response force to assist the Americans in Benghazi?

And given that no American plane arrived in Benghazi to support the evacuation, just what planes were used to evacuate the Americans on the morning of September 12?

The State Department’s Accountability Review Board said two planes were used to transport Americans from Benghazi to Tripoli. We know that one was a Libyan Air Force C-130 that brought back the bodies of Ambassador Stevens, Sean Smith, Ty Woods, and Glen Doherty. But the first to depart was a private chartered jet that took off at 7:40 a.m. with evacuees, including all wounded personnel, according to an unclassified version of the report. But just who owned that jet? Was it the same jet that brought in the seven-person response team from Tripoli earlier that night? Was it really chartered or

was it commandeered? How many wounded were evacuated on that jet? Of the wounded, how many were State Department employees, CIA employees, or security contractors?

The ARB said when the first plane arrived in Tripoli, wounded personnel were transferred to a local hospital, in exemplary coordination that helped save the lives of two severely injured Americans.

Despite my letter I sent to Secretary Kerry, I have never received a full accounting of how many Americans were injured in the attack. Are any of the wounded still receiving care in military hospitals or other medical facilities? Will we ever officially learn their names and the heroic actions that night that resulted in their serious injuries?

I think we can all agree that it would be constructive for those that were in the chain of command that night to publicly testify and answer these questions.

The American people are losing confidence in their government. How will history judge the actions or inaction of the Obama administration and the response of the Congress to the Benghazi attack?

#### BURDENING FUTURE GENERATIONS WITH DEFERRED MAINTENANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY. Mr. Speaker, CBO’s May report shows the deficit has dropped another \$220 billion. The Federal deficit continues to fall faster now than it has since post-World War II demobilization in the late forties and early fifties.

Earlier this month, OMB released its mid-session review that estimates deficits will be reduced to below 3 percent of GDP by 2017, and will continue to fall, reaching 2 percent by 2023. This recent good news hasn’t eliminated the need to address our long-term fiscal crisis, but it has created some breathing space for us to renew our investments in America.

We’re now 5 years removed from the financial crisis, and have yet to demonstrate an ability to balance competing needs between the long-term deficit reduction need and investments in the future that made America great. House Republicans have been obsessed by the debt, but struggle to recognize any need for investment in education, R&D, and infrastructure.

A few weeks ago, Larry Summers best summarized our predicament when he said:

Just as you burden future generations when you accumulate debt, you also burden future generations when you defer maintenance.

Given the current market, we’re refusing to maintain our infrastructure

at a time when investors are literally throwing money at us. To be clear, yields on the 5-, 7-, and 10-year Treasuries have been negative for the past 2 years. This past month, we’ve witnessed a rate jump as markets fret about QE3, yet real Treasury yields still remain below 1 percent. When accounting for inflation, rates have not been this low for many, many decades.

Republicans look the other way when it comes to this question, and I’m shocked that my colleagues who persistently say we ought to run the government like a business have so little interest in taking advantage of one of our generation’s great opportunities in financing investment for the future. This is a far cry from the party of Lincoln that invested in the Homestead Act, invested in the Transcontinental Railroad, or Eisenhower’s interstate highway system.

Unfortunately, Congress continues to fiddle while Rome burns. Two months ago, the I-5 bridge collapsed in the State of Washington. It was a miracle nobody died considering that 71,000 vehicles a day use that critical connection, the main route connecting Seattle to British Columbia.

□ 1015

According to the U.S. Federal Highway Administration, my own State of Virginia has 3,500, nearly one in four bridges, that are either structurally deficient or functionally obsolete; and we’re not unique in America.

In addition, many of the country’s water mains and pipes are more than 100 years old. The American Society of Civil Engineers estimates it will take \$298 billion over the next 20 years to fix this situation. Otherwise, many Americans are going to get wastewater when they turn on their faucets.

More than 100,000 residents of the National Capital region learned this the hard way just a week ago when, because of lack of infrastructure, lack of infrastructure maintenance, they almost went without water.

Our choices not to invest in maintaining the critical infrastructure and the backbone of our economy is putting America at a competitive disadvantage in the next century. The Panama Canal, for example, its expansion will be completed in 2015, radically altering global trade capacity throughout the world. Yet the east coast will have only four ports capable of receiving the new post-Panamax ships.

The U.S. Army Corps of Engineers reports these new ships will make up 62 percent of total container ship capacity in the world by 2030. Right now, China and Korea not only surpass the United States in this capacity; they lead in terms of container traffic as well. This didn’t happen by accident. They invested.

Mr. Speaker, there’s no doubt that leaving our grandchildren with

unsustainable debt is irresponsible. But what are they to think when they look back and realize we left them with a Nation of potholes, contaminated water, and crumbling bridges?

Our global competitors aren't waiting around for things to pick up here in America. They're actively investing in infrastructure to gain ground in the hopes of overtaking us in global competition. The Chinese spend billions on ports, rail, and highways; and they're not alone.

It's time to turn our attention back to the seemingly unglamorous, but critical, business of fixing America's infrastructure—our roads, our ports, our airports, our bridges and our water systems—to ensure for future generations America stays strong.

#### THE SITUATION IN AFGHANISTAN TODAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. KINZINGER) for 5 minutes.

Mr. KINZINGER of Illinois. Mr. Speaker, this is a very important issue that, unfortunately, hasn't gotten as much attention lately as it should.

I'm a veteran of Iraq and Afghanistan, spent most of my time in Iraq; but I remember I was in a nation outside of Afghanistan getting ready to fly an airplane one day, this was back in the mid-2000s, and, Mr. Speaker, the majority leader from the other Chamber basically got on television and said, the war in Iraq is lost. He said, it's lost, it's done, it's over. I remember that because I was on a treadmill getting ready to go fly a mission into Afghanistan when I heard that.

The interesting thing about that is, I guarantee you, our enemy in Iraq probably cheered loudly at the moment they saw the majority leader from the Senate say those words.

We know that something very courageous happened. The President of the United States at the time said, not only is the war not lost, we're sending more troops and we're going to win this thing, and we did. We saw the enemy realize that America could never be defeated on the battlefield, it could only be defeated by its will, and President Bush sent a very strong and loud message that America's will will not be defeated.

This is a situation we face in Afghanistan today. Look, as a Member of Congress, as a politician, the easiest thing for me to do is to stand up here and say the war in Afghanistan is lost and we need to just go home.

And I tell you, you look at the polling, and with the lack of a President leading this country on the public opinion side of what we're doing in Afghanistan, I'd probably get a lot of people sending Facebook messages and emails saying, go get 'em; it's time to leave Afghanistan.

But you know what? If I did that, I wouldn't be able to look at myself in the mirror and say that I did the right thing, because the right thing is generations of people that have lived under oppression and have lived for years under the Taliban regime. They stood up. They kicked the Taliban out of their nation, and they've looked at the United States and said, it took you decades at your inception to get your democracy right. Help us get our democracy right.

What's at stake here?

I look over here at this picture, and I see a couple of things. I see, number one, a girl by the name of Bibi; and if you could look closely at that picture, you would see that she does not have a nose or ears. They were actually cut off by the Taliban. They were cut off by swift justice because somebody in her family committed a crime, sold her into marriage at the age of 14 years old.

And at 15 years old she left her abusive husband, went to her uncle's house, who turned his back on her, and eventually she was captured and apprehended by the Taliban, as they forced her family to cut her nose and ears off as justice for running away from a terrible situation.

She eventually escaped and went to an American forward operating base and was saved. And then you see in this other picture, as she lives in the United States, she has a prosthetic nose today and is living as close to a normal life as possible, despite the trauma that she suffered.

On the bottom down here, you'll see a number of girls in school right now, learning and being educated. You know, before we went into Afghanistan, there was something like 800,000 people in school. Today it's over 6 million.

In fact, did you know that 60 percent of the Afghan population is under the age of 20?

And there's this movement in Afghanistan called the Civil Society in which they stand up and say it's time for freedom and it's time to take our country back.

Are you also aware, Mr. Speaker, that every province is now under control of Afghanistan, and the United States has reverted to a training mission and a counterterrorism mission. These are all huge victories for the Afghan people that we ought to be celebrating.

But, instead, I wake up the other day and I look in the paper, and the President of the United States, the leader of the free world, is saying we are exploring an option after 2014 to take all troops out of Afghanistan.

Now, let me ask you a question: Do you think that made the Taliban frightened, or do you think they cheered when they saw the President of the United States say, I'm considering all troops gone after 2014?

The whole year of 2014 was pulled out of the hat for political reasons. When you say that we're surging in Afghanistan, but as the last troop goes in, the first troop's coming out from the surge, it's not very effective.

You know, the Taliban have a saying, actually, that says, America may have the watches, but we have the time.

Ladies and gentlemen, Mr. Speaker, we are on the verge of a clear victory in Afghanistan for the Afghan people. The biggest mistake we can make today is to let politics come into play and to withdraw and leave zero troops after 2014. In 50 years, history will judge us for that.

#### SUPPORT GLASS-STEAGALL AND A RETURN TO A SOUND BANKING SYSTEM

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Mr. Speaker, in 1999, Congress, sadly, repealed the Glass-Steagall Act. That law had protected our Nation for over seven decades against wild speculation by Wall Street investment houses and financial giants.

When the floodgates were removed between prudent banking and speculative abandon, again, Wall Street gambled with the money of the American consumers. Look where it took us, into the worst recession since the Great Depression, into a world where we've had the largest transfer in American history of wealth from Main Street to Wall Street; and the flood continues.

Now, your savings deposits and certificates of deposits earn almost no interest. Guess who's making money off your money?

In commemoration of the 80th anniversary of enactment of the Glass-Steagall Act, Congress must adopt the Return to Prudent Banking Act of 2013, H.R. 129. I invite all Members to cosponsor our bipartisan bill to reinstall the floodgates that protected the public from Wall Street greed.

The Glass-Steagall Act, or Banking Act of 1933, was signed into law during the Great Depression in an effort to restore order and stability to the banking system. Representative Henry Steagall and Senator Carter Glass wrote the law and, through its passage, the Federal Deposit Insurance Corporation was created. The law prevented commercial banks from trading securities with deposits from their clients.

After its repeal in 1999, the Wall Street banks, true to form, again created false money with abandon. They used that false money to purchase more mortgage-backed securities, which were packaged into collateralized debt obligations.

Most Americans couldn't even define what these instruments were, but Wall Street giants ended up fleecing them

by gobbling up an average of 20 percent of the value of their home equity.

Lack of regulation allowed Wall Street to gorge themselves past sustainable ratios. They manipulated consumer mutual funds and pension accounts of American workers, thus ensuring that Americans were on the hook for when the housing bubble burst.

Sandy Weill, who helped invent these mad practices, as the former chairman and CEO of Citigroup, in a major reversal, stated on CNBC, in support of restoring Glass-Steagall, "What we should probably do," he said, "is go and split up the investment banking from regular banking, have banks be deposit takers, have banks do something that's not going to risk taxpayer dollars."

Boy, I wish he'd thought about that before he did it.

Wall Street turned our strong banking system into a haven for speculators. They threw caution to the wind, displacing prudence with greed. These money men gained massive profits for the bank. By and large, the American public was unaware of their backroom dealing. But Wall Street took hard-earned Americans' dollars to gamble on complex and risky instruments like derivatives, and then filled the gap with the lost equity of the American people's homes.

We now see enormous accumulation of banking assets and vast financial power in a handful of powerful institutions like JPMorgan Chase, Goldman Sachs, BlackRock. They are making enormous profits, larger than ever, as a result of the American people having bailed them out. Indeed, they are yielding the highest profits in our Nation, in addition to the oil companies.

Fifteen years ago, the assets of these six largest banks were approximately 17 percent of gross domestic product. Today, estimates for their assets are over half of GDP. So six institutions control an enormous and growing percentage of our banking system and economy. And in turn, our Nation's future is placed at their doorstep.

This is too much power in too few hands. The American people are feeling it in the restriction of credit, the sluggishness of the housing market and its depreciated values, the lack of interest paid on savings deposits and certificates of deposits, in the economy's sluggish growth, and the lack of competitive capital opportunities. In effect, the American people are subsidizing them.

In 2012, JPMorgan Chase reported record net revenue of \$21.3 billion, compared to the \$19 billion they made in the previous year. For the third consecutive year, the banking giant recorded a record net income.

Total revenue for JPMorgan Chase in 2012 was nearly \$100 billion. That would fully fund the Department of Transpor-

tation, NASA, the National Science Foundation, and even bail out Detroit.

Yes, let's look at Detroit. This weekend we saw the city of Detroit file for bankruptcy. The news stories report Detroit is \$18 billion short, about a third of it in its pension funds.

Well, look at what the financial crisis took from the citizens of Michigan, over \$180 billion, 10 times more than the debt that the city of Detroit is juggling, \$180 billion in lost property value in Michigan alone.

Who should pay Detroiters in Michigan back for what was taken from them? And what was taken is the value of the value of their property. Now there's a math problem for you.

I would say to my colleagues, please join us in sponsorship of H.R. 129. Let's put prudence back into banking, and keep the speculators out.

#### NATURAL GAS REGULATED AT THE STATE LEVEL IS WORKING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, on Sunday, the Washington Times reported, and I quote:

The leading Federal research effort into the controversial drilling method known as fracking has turned up no evidence so far linking the process to water contamination, a connection continually drawn by many environmentalist critics, along with some Democrats in Congress.

The report continues, stating:

The Department of Energy research being conducted at a Marcellus shale natural gas well in western Pennsylvania thus far has shown that chemicals used in the hydraulic fracturing practice have stayed thousands of feet below drinking water supplies.

Additionally, in April, a determination made by the Pennsylvania Department of Environmental Protection found that fracking is not to blame for high methane levels in drinking water in communities in northern Pennsylvania.

Mr. Speaker, the United States oil and gas producers would pay an additional \$345 million a year, or an average of \$96,913 per well, under the United States Bureau of Land Management's amended proposed Federal onshore hydraulic fracturing regulations.

According to the report, the amended proposal's estimated cost still exceeds the \$100 million threshold requiring an economic assessment by the Bureau of Land Management.

Now, while changes the Department of the Interior made following comments from producers, environmental organizations and other stakeholders included elimination of the requirement to regulate well maintenance, much more consideration must be given to these burdensome regulations.

□ 1030

Local scientists and regulators know the geology where natural gas extrac-

tion occurs. They know the industry. They know how to balance good science and manage the industry's expansion—without thwarting innovation, growth, and affordable, reliable energy. Local economies, including many in my district, are booming due to the natural gas industry. The model that is making this possible is based on stringent regulations at the State level, not the heavy hand of the Federal Government.

Mr. Speaker, later this week, the bipartisan Congressional Natural Gas Caucus will convene a field hearing, entitled, "The Economic Impacts of Shale Production." This will be done at Penn College in Williamsport, Pennsylvania. The caucus will receive testimony from local officials and community leaders concerning the economic impacts of natural gas production.

We must promote best practices, sound science, and do our very best as communities to manage this rapid growth and promote this industry that is offering prosperity to so many Americans.

#### DEFENDING FREEDOM WITH PURSE STRINGS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, this has been a summer of alarming revelations that suggest that our government is drifting far from the principles of individual liberty and constitutionally limited government that defined the American founding and that produced the most free and prosperous Republic in the history of mankind.

These developments include:

The use of the IRS and other government agencies to single out ordinary Americans because of their political beliefs, with the apparent intent to discourage and intimidate them out of participating in the public policy debate;

The use of the Department of Justice to target reporters who were asking embarrassing questions of the administration, in one case, with the threat of prosecution under the Espionage Act;

The warrantless seizure of the private records of millions of Americans by the National Security Agency;

The increasingly menacing militarization of domestic police agencies;

The shakedown of health care providers to fund advocacy and promotion of ObamaCare;

Frequent assertions by the President of authority to nullify laws that he deems objectionable or inconvenient, despite his clear constitutional mandate to see that the laws are faithfully executed;

The executive's usurpation of the legislative powers of Congress by using the regulatory bureaucracies to impose

laws that the elected Congress has specifically refused to enact;

Continued suggestions that the executive may order military operations against other governments without provocation and without congressional authorization.

This week, we are beginning to learn details of the so-called Federal Data Hub, including an excellent article by John Fund of the National Review. According to Fund:

The Department of Health and Human Services is about to hire an army of "patient navigators" to inform Americans about the subsidized insurance promised by ObamaCare and assist them in enrolling. These organizers will be guided by the new Federal Data Hub, which will give them access to reams of personal information compiled by Federal agencies, ranging from the IRS to the Department of Defense and the Veterans Administration.

Mr. Speaker, the American people are slowly beginning to realize the threat to individual freedom, personal privacy, and fundamental constitutional principles that these developments pose. Some very bright constitutional lines have been crossed. And my constituents keep asking: What is Congress going to do?

The House has taken the first steps to restore our constitutional checks and balances by focusing its investigatory attention on the unfolding IRS scandal. It is of critical importance that the facts of the case be fully laid out, those responsible identified and removed from positions of trust or authority, and safeguards enacted to ensure that this sort of abuse never happens again.

The House Rules Committee took an important step yesterday by allowing amendments to the Defense Appropriations Act to stop the warrantless seizure of Americans' phone and Internet records by the NSA and to reassert the essential principle with respect to Syria that Congress alone has the prerogative to declare war.

The House is in a position to resist many of these abuses and usurpations through its power to appropriate, but it has often been reluctant to fully assert that authority. The conventional wisdom is that the appropriations process will shortly stall and a continuing resolution will be agreed to. That would be a tragic mistake if it leads to the continued funding of these increasingly unconstitutional and authoritarian measures.

All appropriations must start in the House, which means that a simple majority of this body by itself could arrest many of these disturbing developments simply by marshalling the courage and determination to just say "no" by pulling the purse strings shut. If we fail to do so, I believe that we are allowing our Nation to drift dangerously toward a constitutional crisis with grave implications to the rule of law and to the survival of American liberty.

#### HONORING HABERSHAM ELECTRIC MEMBERSHIP CORPORATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. COLLINS) for 5 minutes.

Mr. COLLINS of Georgia. Mr. Speaker, I come from the Ninth District of Georgia, where it's a pleasure to go back there to see the mountains and the rural nature of our district and also the many businesses that make up its economic engine, from agriculture to industries. They are the backbone of the Ninth District.

This morning, I rise to honor one of those backbones of our economic development, Habersham EMC, as it approaches an important milestone. This week, they mark the 75th anniversary of providing clean, reliable, affordable energy to homes and businesses in northeast Georgia.

The Habersham EMC serves Hall, Lumpkin, White, Stephens, and Rabun Counties, as well as its namesake, Habersham County. Habersham EMC is a member-owned cooperative that provides power to more than 33,000 members and maintains approximately 3,700 miles of line.

I had the pleasure of stopping by the Habersham EMC a few months ago to speak with the leadership of this great organization. Todd Pealock, his staff, and the board of directors are wonderful examples of servant leadership that provides an invaluable service to their community.

While I'm sorry to miss the 75th anniversary celebration, I want to extend my congratulations and best wishes to all the Habersham employees and members. I hope the next 75 years will bring even more innovation and continued success in providing the affordable energy needed to fuel our economy.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 37 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

Dr. Shane Alexander, Northcrest Church of Christ, Mexia, Texas, offered the following prayer:

Lord, our Lord, how majestic is Your name in all the Earth. When we consider Your heavens, the work of Your fingers, who are we that You are mindful of us? What is this country that it might know Your blessings?

Yet You have blessed this land and this government for the people and by the people.

For these Representatives who exercise the people's will, may they be also representatives of Your will. May they speak their consciences and convictions and stand up for what they and their constituents believe.

But give them courage also to speak truth to power and to seek justice for the victims of violence, oppression, and poverty.

Please bless the proceedings of this legislative body today, that through them Your will might be exercised here on Earth as it is in Heaven.

May Your unfailing love be with us, Lord, now and forevermore.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nevada (Ms. TITUS) come forward and lead the House in the Pledge of Allegiance.

Ms. TITUS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### WELCOMING DR. SHANE ALEXANDER

The SPEAKER. Without objection, the gentleman from Texas (Mr. POE) is recognized for 1 minute.

There was no objection.

(Mr. POE of Texas asked and was given permission to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, the United States House of Representatives is honored today to have Dr. Shane Alexander of Mexia, Texas, as the Guest Chaplain. Dr. Alexander is the minister of the North Crest Church of Christ in Mexia, Texas, and has previously preached in other Texas cities. He has been a resident chaplain in Louisville, Kentucky, as well.

He and his wife, Kara, met at Abilene Christian University where both received numerous degrees. Shane has a B.A., a master's, and a Doctor of Ministry from Abilene Christian University.

They have three children: Elizabeth, Peyton, and Levi. They're all here today, along with Shane's parents, Karen and Barry, and my wife, Carol.

Dr. Alexander is active in Mexia and its community, from coaching the girls



softball team and boys T-ball, to furthering the spiritual growth of central Texas.

Dr. Alexander enhanced his life by marrying Kara, also Dr. Alexander, who is a professor at Baylor University. I say "enhanced his life" because his wife, Kara, is one of my four children, and Shane is my son-in-law.

We welcome them all to the United States House of Representatives today. And that's just the way it is.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. YODER). The Chair will now entertain 15 further requests for 1-minute speeches on each side of the aisle.

#### JOBS AND THE ECONOMY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, the White House, this week, is dusting off the old talking points on jobs and the economy. Hopefully, they will undergo a few revisions.

The President should strike all references to stimulus because that certainly hasn't worked to create jobs. Tax increases, EPA regulations, and any claims that ObamaCare will spur job growth should also be removed. Practical experience tells us those strategies are as empty as the promises used to sell them.

Today's Washington Post includes a sobering indictment of the President's economic handling thus far:

The only part of the Obama economy that has flourished because of Obama policy is Wall Street.

What about Main Street?

What about small businesses?

What about working families?

Working families want affordable health care. Working families don't want the government regulating their jobs out of existence just because Washington looks down on their industry.

House Republicans have a plan for the economy that defends working families. The White House should consider our ideas.

#### MARKING THE 39TH ANNIVERSARY OF THE ILLEGAL TURKISH INVASION OF CYPRUS

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, I rise in sadness today to mark the 39th anniversary of the illegal Turkish invasion of Cyprus. On July 20, 1974, Turkish troops invaded and began an unjust occupation of areas in northern Cyprus.

Thousands of Cypriots were forced to leave homes where their families had lived for hundreds of years; and within just a few weeks, the Turks had uprooted centuries of culture, religion, and community. Over the years since then, the Turkish forces have committed unspeakable atrocities and destroyed priceless relics, acts which have been condemned by the European Commission for Human Rights.

So I'm proud to stand today with my fellow Hellenic Caucus members as we join together almost four decades after the illegal and immoral occupation of Cyprus to call, once again, on Turkey to act now and end the occupation.

#### LIVE WITHIN YOUR MEANS

(Mr. MESSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MESSER. Mr. Speaker, last week's \$19 billion bankruptcy by the city of Detroit should serve as a wakeup call for every American. Chicago, with a reported \$19 billion unfunded pension liability, and Los Angeles, with an estimated \$30 billion in debt, may not be far behind.

Each of these communities practiced the failed tax-and-spend policies of President Obama and the Left. While many progressive policies sound great in theory, both history and current events show these policies don't work in practice.

As Margaret Thatcher said decades ago:

The problem with socialism is that you eventually run out of other people's money.

We do it better in Indiana. It's not always easy, but Hoosier leaders balance budgets and live within their means. To build a better future, our country needs to follow that example and not Detroit's.

#### KEEP STUDENT LOAN INTEREST RATES LOW

(Mr. CARTWRIGHT asked and was given permission to address the House for 1 minute.)

Mr. CARTWRIGHT. Mr. Speaker, I note that the gallery is filled with students and their families. Due to this House's failure to produce realistic bipartisan legislation, the interest rate of college loans has doubled from 3.4 to 6.8 percent for more than 7.4 million students.

We know investing in education is an investment in our Nation's future and in our Nation's economic strength. Not acting takes \$1,000 per year out of graduates' pockets—\$1,000 not going to savings, not going to buying new cars, not going to buying new homes.

And at this time of historically low interest rates, it just doesn't make any sense for us to further burden our youth.

I call on Congress to keep our rates low so today's youth can prosper like their parents and their grandparents did as well.

The SPEAKER pro tempore. Members are reminded to not make reference to occupants of the gallery.

#### CREATING JOBS IS OUR PRIORITY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, tomorrow the President will venture back on the campaign trail to explain his failed economic policies. For months, we have heard the President talk about infringing upon our Second Amendment rights, defending his administration from scandals, and promoting his unworkable, unaffordable care act.

A crucial issue has not been addressed: creating jobs. As more dismal reports expose the sad reality of our weak economy, it is clear he is attempting damage control.

House Republicans have been focused on growing our economy for years. Last Congress we passed over 40 job-creating pieces of legislation. This year we voted to repeal ObamaCare and approve the Keystone pipeline, which would create jobs and give small businesses the certainty to begin hiring.

I appreciate TeaParty.net promoting the truth. Actions speak louder than words. It's time for the President to work with House Republicans to put American families back to work.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### HONORING THE LIFE AND LEGACY OF LILLIAN KAWASAKI

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, I rise today to recognize and pay tribute to the life and legacy of Lillian Kawasaki, a veteran public servant and tireless environmental advocate who passed away, sadly, at the age of 62 last week.

I had the honor of working with Lillian during my time on the Los Angeles City Council on our Nation's port, ensuring that it grew green and helped to prove that we can have clean air and good jobs at the same time.

An environmental scientist by training, she was the first Asian American to head the Los Angeles Department of Environmental Affairs and successfully led the Water Replenishment District of Southern California in its efforts to protect our air and water quality from pollution and contamination.

Her devoted leadership and unyielding commitment to public service and the people who live and work in

Los Angeles were simply remarkable and will be sorely missed.

We have lost a dear friend. She was my colleague. She was a gracious, tireless woman who was a role model to all of us who truly strive to make a difference in this Earth as long as we live. We'll miss you, Lillian.

#### FIGHTING TO PROTECT MONTANANS FROM EPA OVERREACH

(Mr. DAINES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAINES. Mr. Speaker, Montanans tell me every day how the EPA's ever-changing rules are preventing them from hiring new workers or forcing them to foot the bill for unreasonable compliance costs. In fact, one Montanan said, you know, the EPA must stand for the Employment Prevention Agency.

The EPA's out-of-control regulatory overreach costs hardworking American taxpayers billions of dollars and thousands of jobs every year and all-too-often is put into place with a lack of oversight or public input.

The Energy Consumers Relief Act is an important step in making the EPA accountable to the American people. This bill blocks the implementation of rules that harm the economy and ensures that before the EPA finalizes any rule costing more than \$1 billion, it informs Congress of the rule's impact on the economy and on energy prices.

Another important bill, the Coal Residuals Reuse and Management Act, brings much-needed regulatory certainty to job creators and helps keep energy costs low by taking the power out of the EPA's hands and returning it to the States where it belongs.

These commonsense proposals will help keep energy costs low for American families, protect thousands of good-paying jobs, and ultimately ensure that the EPA's accountable to the American people.

#### WE'RE IN THIS TOGETHER

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, good afternoon. We're in this together. We're not on our own. We're in this together. That's how Americans think: we're in this together.

Except that the Tea Party ideology that's running the Republican majority would have us revert to some time before the Civil War, when we're on our own, we're not in this together. They'd love to turn the clock back as far as it can go.

Example: let's have interest rates rise on our students. Forget about making sure that the best investment we could do in our students is to keep those interest rates low.

Let's talk about the farm bill. Couldn't get it passed, except let's jettison a whole bunch of people whose nutrition is serious to all of us. Forget about food stamps. People have gotten rich overnight. Let's get rid of those things.

Energy and the environment. Let's forget about the environment and let's forget about the sun, the wind and biofuels. Just focus only on gas and coal. Those have got to be part of it, but let's forget about things that have happened newly.

We're in this together. Abraham Lincoln said, of the people, by the people, for the people. We're working for the people. We need to remember we're all in this together.

□ 1215

#### HONORING MR. ROBERT DAVIES

(Mr. GOSAR asked and was given permission to address the House for 1 minute.)

Mr. GOSAR. Mr. Speaker, I rise today to recognize a brave Arizonan. Robert Davies, from Golden Valley, Arizona, truly met the definition of "hero" by coming to the aid of his elderly neighbor. Mr. Davies and his fellow neighbor, Paul Bissonette, responded to a neighbor whose home was on fire, saving the 92-year-old woman stuck inside. Mr. Davies risked his own safety by jumping through a broken window into the smoke and pulling the woman into position near the window where she could breathe. Receiving help from an off-duty fireman who arrived on the scene, Mr. Davies was able to lift the woman through the window to safety seconds before the building was taken by the flames.

Mr. Davies says this was something that anybody else would have done. But he actually did it. While I appreciate his humility, I thank him for his display of bravery and courage in the face of danger. I am pleased to recognize Mr. Robert Davies today, before this great body, for his act of heroism.

#### CLIMATE CHANGE IS REAL

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, as a member of the Safe Climate Caucus, I want to urge my colleagues not to bury their heads in the sand. Wake up. Climate change is real, and it's already affecting the Earth in profound ways.

The scientific consensus is clear: human activity is causing our planet to warm to dangerous levels.

Scientists agree that higher temperatures are raising sea levels and driving severe weather patterns that threaten our economy and our way of life. Un-

predictable and destructive weather patterns are making it harder for farmers to grow crops, while rising sea levels threaten our coastal cities and beaches from sea to shining sea.

Here in Congress, the majority refuses to even acknowledge that we have a problem, while the rest of the world seems to understand that it's the moral imperative of our time.

I urge my colleagues to put politics aside, listen to the science, and come together and begin to help prevent the worst effects of climate change.

#### PROTECT SMALL BUSINESS JOBS ACT

(Mr. BENTIVOLIO asked and was given permission to address the House for 1 minute.)

Mr. BENTIVOLIO. Mr. Speaker, for the 89 percent of employers in America with fewer than 20 employees, there's an ever-present fear that they may be sanctioned or even put out of business for a violation of any one of the seemingly endless array of Federal regulations.

The Protect Small Business Jobs Act offers a simple correction: if found to be in violation of a Federal regulation, a business is given a 6-month grace period to correct the problem. If the problem is corrected at the end of the grace period, the sanction is waived. This way, no business is permitted to ignore regulations on an ongoing basis, but small companies are given a chance to become compliant without being hit by devastating fines.

I urge my colleagues to support this commonsense approach to regulatory relief and pass the Protect Small Business Jobs Act.

#### RELEASE ALL PRISONERS OF CONSCIENCE

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Mr. Speaker, across the world, people of certain faiths live in fear of government persecution every day.

Saied Rezaei, a leader of the Baha'i religion, used to advocate for gender equality and universal education in Iran. In 2008, he was arrested on false charges for propaganda against the Iranian regime and illegally establishing a Baha'i school. When Saied completes his 20-year sentence, his 16-year-old son will be a 31-year-old man.

That same year, Alimujiang Yimiti, also a husband and father, had his business shut down after Chinese officials accused him of preaching Christianity. He now faces 15 years in a Chinese prison and can only speak to his wife every couple months.

State-sponsored religious persecution will not be tolerated by the international community. Today, I join the

Defending Freedoms Project to call for the release of all prisoners of conscience.

#### HAPPY BIRTHDAY TO SENATOR BOB DOLE

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, I rise today to celebrate an American hero, a true public servant in every sense of the word, and a man with whom Kansans are proud to share the Sunflower State as home.

Senator Bob Dole, a Russell, Kansas, native and proud Jayhawk, celebrated his 90th birthday yesterday, and has spent his entire life giving to make his country a better place for future generations. After courageously serving his country in World War II, Senator Dole continued to fight for the future of his country by serving in Congress, the Senate, and as a Republican Presidential nominee.

Like many Americans, I've been inspired by his exceptional leadership, his encouraging and positive personality, his quick wit, and his endless and selfless giving for his fellow man.

Mr. Speaker, as we wish Senator Bob Dole happy birthday, we look ahead toward many happy and healthy years with our great friend, and to a bright future in America because of the work of Senator Dole and the values and ideals he has personified and the qualities he has instilled in so many of us.

#### CELEBRATING SENATOR DOLE'S 90TH BIRTHDAY

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McGOVERN. Mr. Speaker, I, too, want to join my colleague, Mr. YODER, in honoring Senator Bob Dole on his 90th birthday.

I call my colleagues' attention to the fact that Senator Dole is really quite an extraordinary man and quite a legislator. He understood the importance of bipartisanship. He reached across the aisle and worked with Senator George McGovern on strengthening our antihunger social safety net. They made Food Stamps a better program. They championed WIC and school meals.

At a time when some of my colleagues are talking about destroying that bipartisan consensus on making sure that we combat hunger in this country, it is important to remember Senator Dole led, in a bipartisan way, to help the least among us.

I want to wish him a happy birthday and many, many more.

#### U.S. ENERGY EQUALS JOBS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the need for more homegrown American energy has never been greater. At home, our economy is still in a state of stagnation. Nearly 12 million of our fellow Americans are out of work. It's even higher among returning veterans from Afghanistan and Iraq. Abroad, volatile situations continue to erupt around the world.

We need an all-of-the-above, all-American energy strategy, not more red tape out of Washington, D.C. More American energy means lower energy costs for Americans and for all people in the United States, and that means more money left in your pocket. More American energy means a stronger economy as our energy sector is allowed to grow and expand. Simply put, more American energy means more American jobs, period.

Mr. Speaker, if we take care of ourselves, we can make Middle Eastern politics turmoil, and energy irrelevant. And that's just the way it is.

#### COLLEGE COSTS

(Mr. MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Pennsylvania. The National Journal today noted that borrowing accounts for 18 percent of how the average family pays for college. They also noted that majors vary considerably in terms of their cost, such as social science being about \$28,000 and engineering around \$25,000.

What's notable is the starting salaries for a number of majors is so low that students cannot pay back their loans.

What is also noteworthy is the cost of the actual tuition itself. Since the 1970s, when data first began to be gathered, college tuition costs have gone up 1,120 percent, while inflation itself has gone up a little over 200 percent.

As we're talking about the cost of college, it is very important, Mr. Speaker, that we also call upon colleges themselves to be responsible for trimming costs and for guidance counselors and colleges to also look at how they are advising students to move forward in their careers. An important part of this argument is how students are saddled with a great deal of debt that they can't repay because they simply are not in a major in which they can earn money, and how colleges spend so much on a number of amenities that have little to do with education.

So I hope that universities, themselves, look at how they can trim their costs instead of continuing to raise tuition on the students, who then are faced with a lifelong burden.

PROVIDING FOR CONSIDERATION OF H.R. 2397, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2014; AND PROVIDING FOR CONSIDERATION OF H.R. 2610, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 312 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 312

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2397) making appropriations for the Department of Defense for the fiscal year ending September 30, 2014, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 157, line 2. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived.

(b) No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution, the amendment described in section 2 of this resolution, and amendments en bloc described in section 3 of this resolution. All points of order against amendments printed in the report of the Committee on Rules and against amendments en bloc described in section 3 of this resolution are waived.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before action thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

SEC. 2. After disposition of amendments printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution, it shall be in order for the chair of the Committee on Appropriations or his designee to offer an amendment reducing funding levels in the bill.

SEC. 3. It shall be in order at any time for the chair of the Committee on Appropriations or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations or their respective designees, shall

not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. After the conclusion of consideration of the bill for amendment, there shall be in order a final period of general debate, which shall not exceed 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

SEC. 5. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2610) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

□ 1230

Mr. NUGENT. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. NUGENT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. NUGENT. Mr. Speaker, House Resolution 312 provides for House consideration of two separate pieces of legislation. The first of these bills is H.R. 2610, which is the appropriations bill to fund the Department of Transportation, Housing and Urban Development, and other Federal agencies. The second bill is H.R. 2397, which is the bill that funds our military and our national security programs for the next year. In perfect honesty, I don't think this is a perfect rule, but I know that it's the right rule for what we're doing today.

When I came to the Rules Committee as a freshman a little over 2½ years ago, one of our promises not only to the House but also to the American people was that we were going to return to regular order. We were going to make sure the House worked in an open and transparent process.

We promised the American people they would see what was happening in the House and read bills before they came to the floor for a vote. We promised that all Members would have the opportunity to amend and improve legislation. We also said we were going to have an open amendment process on appropriations bills.

The rule provides for a true open rule on the Transportation, Housing and Urban Development appropriations bill. However, we're also taking up the Defense funding bill under a structured rule. While that may not be ideal, when I look at the alternatives, I know that this structured rule is the best way forward.

As Members of the House of Representatives, we have a duty to fulfill our core mission of the Federal Government. I can't think of a single function of government more inherently Federal in nature than providing for the common defense of this great Nation.

At a time when our troops are stretched too thin, the Department of Defense has been cut repeatedly in the last few years, and the Pentagon is now facing sequestration head on. We cannot let the new fiscal year begin without passing a Defense appropriations bill.

There isn't anybody in this House who is more concerned about our Nation's involvement in Egypt and Syria or more upset about the allegations of the NSA spying on American citizens than I am. However, we cannot let these issues prevent us from beginning to debate on a bill that ensures our military has the funds it needs to get their job done. So if the choice is between a structured rule and never getting the Defense appropriations bill passed, or a structured rule versus passing a Defense appropriations bill that actually makes our Nation less safe than we are today, then I will vote for a structured rule every time. That

doesn't mean I think it's a perfect process, but the alternative is unconscionable.

The Department of Defense already is bearing the burden of half of the sequestration cuts, which, in conjunction with cuts they've already sustained, will completely hollow out our military. We need this Defense appropriations bill if we're going to restore flexibility to our military. And that's an issue that must come to the floor, even if it's under a structured process. So I come here today with a compromise.

Far and away, the vast majority of the amendments offered to the Rules Committee on H.R. 2397 will be allowed on the House floor. Our philosophy when considering amendments really is as simple as this: if it would have been allowed under an open rule, it will be allowed under this rule.

There are only three exceptions to that general rule of thumb. Those exceptions were amendments dealing with Egypt, Syria, and the NSA. And even then, these issues are in no way being swept under the rug. I wouldn't stand for that. I wouldn't allow it.

The rule provides for extended debate time on amendments dealing with both Egypt and Syria. Additionally, the rule provides debate on two amendments getting at the issue of NSA—including one amendment that I personally offered. My amendment would strike a balance between making sure our government has all the necessary tools to keep our citizens safe and protecting American civil liberties. Both of the NSA amendments will get extended debate time.

In total, this structured rule allows for debate on 100 amendments. In comparison, the Defense Appropriations Act of fiscal year 2010 also came up under a structured rule. Back then, however, only 16 amendments made it to the House floor.

As I said, it's not a perfect world. I wish we didn't need to deal with choosing between an unlimited debate on these issues and making sure that our troops have the tools they need to protect themselves and our Nation. But that's the nature of the world we live in today. And when it comes down to it, the Defense appropriations bill isn't the right place to be having some of these debates.

I am downright furious over what NSA has been doing. And the more I learn about the programs, the more outraged I get as it relates to trampling on our rights as citizens of this great Nation. But to try to change these programs on the DOD appropriations bill, where we can't legislate, isn't the right way to go about fixing something that's broken.

I'll be the first one to say that we need to have a long and serious discussion and debate about the current law as it stands. Frankly, it seems to me that we need to fix that law—clearly.

That's why I'm a cosponsor of stand-alone legislation to do just that. The fact is that it's impossible to make the real, substantive changes by amending this bill.

Appropriation amendments are blunt tools. If there ever was an issue that needed thoughtfulness and finesse, it's when we're looking at programs that are used to keep our Nation and its citizens safe. So today, I offer you an open rule—the rule for the Transportation appropriations bill—and one that is as close to open as we could get while still ensuring that the House votes on and hopefully passes a bill this week that keeps our troops funded, our Pentagon open, and our citizens safe from harm. It's not perfect, but it's as good as we can get in an imperfect world, and I'm proud to bring it today to the floor of this House.

I encourage my colleagues to vote “yes” on the rule, and I reserve the balance of my time.

MR. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Florida (Mr. NUGENT), my friend, for yielding me the customary 30 minutes.

I yield myself such time as I may consume.

Mr. Speaker, we're here today to consider one rule for two appropriations bills, the Department of Defense appropriations bill and the Transportation, Housing and Urban Development appropriations bill.

While the T-HUD bill will be considered under an open rule—that is, if it's ever considered in this House at all—the Defense appropriations bill is another story. That's because the FY 2014 Defense appropriations bill is not an open rule. This bill is structured. Many good amendments were denied. The Rules Committee cherry-picked amendments that could be considered and prevented many germane amendments from being considered today. In fact, Mr. Speaker, last month, Speaker BOEHNER touted Republican use of open rules for appropriations bills. But now, just 1 month later, this Tea Party-run House is limiting debate on the Defense bill just to avoid taking some tough votes.

My colleague said that they made exceptions and limited amendments with regard to Egypt, Syria, and the NSA. Those were the only three areas, he said, that they purposefully made exceptions. Well, those are the three most important areas before us. Those are the things that our constituents want to make sure that we are debating and deliberating on.

Let me note another area where this structured rule inhibits having a robust debate on a critical issue, namely, the debate on the need for greater transparency and oversight of NSA collection of telephone and email records from people who are not under any suspicion or investigation whatsoever.

I'm grateful that a couple of amendments were made in order on this sub-

ject, but they were only given 15 minutes of debate apiece. That's it. This is a pretty big issue. We all want to provide our law enforcement officials with the tools they need to safeguard our country from potential terrorist attacks. But we also want to protect the basic rights and liberties guaranteed to all Americans from unwanted and unwarranted searches and invasion of privacy by government agencies.

Issues of transparency, accountability and oversight are critical duties and responsibilities not just of the executive branch but of Congress. Who is providing the necessary oversight of all of this massive data collection? Who is watching the watchers? Isn't it time for Congress to take a serious review of how the law is being implemented, how it is touching and affecting all Americans, and whether any of those laws and their implementation now require changes? I, for one, welcome such a debate, which I hope will occur at least in a limited fashion on the amendments that were made in order under this structured rule.

I believe a far better debate would have occurred under an open rule, where all Members could have voiced their concerns and outlined proposals for change. Regrettably, this will not happen under the time restrictions of this structured rule.

Turning to the T-HUD appropriations bill, I am disappointed and concerned with the committee's proposed funding level for the Community Development Block Grant program, known as CDBG. The bill cuts CDBG from \$3.071 billion in FY13 to \$1.637 billion in FY14, almost halving the program and bringing it to a historic low in terms of funding. CDBG funds are working in neighborhoods throughout our country, and this proposed reduction will negatively impact local economies and economic development projects all over the country.

Mr. Speaker, I will insert into the RECORD a bipartisan letter signed by 101 Members of the House of Representatives expressing support for effective CDBG funding levels. If this bill is actually considered by this body before the end of the fiscal year, I hope there will be an attempt to restore funding for this critically important program.

CONGRESS OF THE UNITED STATES,  
Washington, DC, June 25, 2013.

Hon. TOM LATHAM,  
*Chairman, Subcommittee on Transportation,  
Housing and Urban Development, and Related  
Agencies, Washington, DC.*

Hon. ED PASTOR,  
*Ranking Member, Subcommittee on Transportation  
Housing and Urban Development,  
and Related Agencies, Washington, DC.*

DEAR CHAIRMAN LATHAM AND RANKING MEMBER PASTOR: We write to share our concern about the impact the proposed funding levels for the Community Development Block Grant (CDBG) program in House Transportation, Housing and Urban Development Subcommittee-passed bill would have on redevelopment authorities and local mu-

nicipalities. While we understand the difficult fiscal decisions we must make in Washington, the proposed bill reduces CDBG formula grants by nearly 50 percent, from \$3.071 billion in FY2013 to \$1.637 billion in FY2014. This proposed funding level also marks an historic low since the program's beginnings in the 1970s.

As you know, 144 Members signed a bipartisan letter in April for your review in developing FY2014 legislation. The letter supported maintaining the funding levels that the subcommittee recommended last year. The now proposed, substantial reduction—essentially halving the program—would impact local economies, threaten the program's national scope, curtail on-the-ground lead-abatement projects helping to revitalize our older cities, and reduce ongoing capabilities to aid veterans and other workforce training services.

We are concerned about the implications of this reduction, especially as the program's funds have already fallen substantially—by nearly \$1 billion since FY2010. As you know, CDBG is largely managed by local municipalities, providing flexibility and tailored needs in our local economies and remains a lifeline for families and communities. For example, HUD reports that between FY2007 and FY2011, CDBG helped over 174,000 businesses expand economic opportunities and over the last decade, CDBG programs have rehabilitated more than 1.4 million homes for low- and moderate-income homeowners and renters. As a proven program with an effective track record, it serves an ongoing, continual need that not only impacts lives, but provides a documented return on its investment to leverage local dollars: Every \$1.00 of CDBG leverages an additional \$3.55 in non-CDBG funding, according to the U.S. Department of Housing and Urban Development (HUD).

The pressing need in the current economy for these funds remains critical. We look forward to working with you to maintain effective funding levels for this work. If we can provide any further information, please contact Kate Ostrander, Legislative Director of the Northeast-Midwest Congressional Coalition, at 6-6106 or [kate.ostrander@mail.house.gov](mailto:kate.ostrander@mail.house.gov). Thank you for your consideration and support.

Sincerely,

Mike Kelly; Michael R. Turner; Robert A. Brady; Lou Barletta; Peter T. King; David B. McKinley; James P. McGovern; Chaka Fattah; Christopher P. Gibson; Emanuel Cleaver; Nikki Tsongas; Jim Gerlach; Stevan Pearce; Marcia L. Fudge; Peter Welch; Elijah E. Cummings; John K. Delaney; Tony Cardenas; Matt A. Cartwright; Gregorio Kilili Camacho Sablan.

Colleen W. Hanabusa; Nick J. Rahall, II; Wm. Lacy Clay; John D. Dingell; Henry C. “Hank” Johnson, Jr.; Chris Van Hollen; Juan Vargas; Mark Takano; Robert C. “Bobby” Scott; Mike Doyle; Ann M. Kuster; William R. Keating; Danny K. Davis; Jim Matheson; Bobby L. Rush; Carolyn McCarthy; Alcee L. Hastings; Janice D. Schakowsky; Linda T. Sánchez; Doris O. Matsui.

Brian Higgins; Louise McIntosh Slaughter; Eliot L. Engel; Ruben Hinojosa; Albio Sires; Yvette D. Clarke; Charles B. Rangel; Diana DeGette; John Conyers, Jr.; Richard M. Nolan; Paul Tonko; Gene Green; James A. Himes; Anna G. Eshoo; Suzan K. DelBene; Sander M. Levin; Ron Kind; David Loebsack; Grace F. Napolitano; Michael H. Michaud.

Corrine Brown; John F. Tierney; Lloyd Doggett; Bradley S. Schneider; Joyce Beatty; Steven A. Horsford; Judy Chu; Carol

Shea-Porter; Gloria Negrete McLeod; Jerrold Nadler; Louis Capps; Gwen Moore; Tammy Duckworth; David N. Cicilline; John A. Yarmuth; Cedric L. Richmond; Pete P. Gallego; Suzanne Bonamici; Theodore E. Deutch; Loretta Sanchez.

Michael E. Capuano; Donna M. Christensen; Debbie Wasserman Schultz; Ann Kirkpatrick; Janice Hahn; Gerald E. Connolly; Filemon Vela; Julia Brownley; Timothy J. Walz; Jim Costa; Joe Garcia; Raúl M. Grijalva; Stephen F. Lynch; Earl Blumenauer; Jared Huffman; Xavier Becerra; Maxine Waters; Bill Pascrell, Jr.; Eleanor Holmes Norton; Jared Polis; Patrick Murphy.

Now, as for the Department of Defense appropriations bill, everyone in this House on both sides of the aisle supports our men and women in uniform. We want to make sure that they have the equipment, the training, and the logistical support they need to carry out their duties and missions, and that they have peace of mind that their families are being taken care of when they're deployed to perilous places abroad.

We want the most effective and efficient modern military in the world. There is no argument and no debate over these priorities in this House. However, that doesn't mean we should just throw money at the Pentagon, which is infamous for wasting tens of billions of taxpayer dollars each and every year for as long as I can remember.

In these tough budget times, we need to be smart with our money, and that includes with our defense dollars. I strongly believe that we could make better choices if the Republican majority would recognize that we need to negotiate a balanced approach to our national budget in order to get rid of the harsh and indiscriminate cuts caused by sequestration and I appeal to them to appoint conferees so that we can begin negotiations with the Senate on the budget. Now, I thought that was a priority for the House Republican leadership, but clearly I was wrong, as they have let budget negotiations languish for months.

Now, in the absence of a balanced approach to the budget, which would have provided greater clarity to our defense priorities, I have several concerns about the fiscal year 2014 Defense appropriations bill.

First, the bill neither reflects the current levels of defense spending that are the result of the current sequestration, nor does it reflect the next round of potential sequestration cuts that will go into effect for FY 2014. This would be easier to understand if the Republican majority showed any inclination to go to conference with the Senate on the budget resolution or return to serious negotiations with the White House on an overarching budget agreement. But the Republican leadership has stated clearly, time and again, that it will not negotiate a balanced and comprehensive solution to resolve our overall budget spending, revenue and deficit issues.

While critical domestic priorities are facing deep cuts in other appropriations bills, and the Appropriations Committee is demanding sequestration cuts be included in these bills, the Defense bill sails on through relatively untouched. In reality, it's those painful and draconian cuts in the other appropriations bills that allow this Defense bill to emerge relatively unscathed.

So let me share with my House colleagues a few words from the Statement of Administration Policy on the Defense appropriations bill:

Enacting H.R. 2397—while adhering to the overall spending limits in the House budget's top-line discretionary level for fiscal year 2014—would hurt our economy and require draconian cuts to middle class priorities. These cuts could result in hundreds of thousands of low-income children losing access to Head Start programs, tens of thousands of children with disabilities losing Federal funding for their special education teachers and aides, thousands of Federal agents who cannot enforce drug laws, combat violent crime, or apprehend fugitives, and thousands of scientists without medical grants, which would slow research that could lead to new treatments and cures for diseases like cancer and Alzheimer's, and hurt America's economic competitiveness.

□ 1245

The statement goes on to say:

Unless this bill passes the Congress in the context of an overall budget framework that supports our recovery and enables sufficient investments in education, infrastructure, innovation, and national security for our economy to compete in the future, the President's senior advisers would recommend that he veto H.R. 2397 and any other legislation that implements the House Republican Budget framework.

Mr. Speaker, I would like to insert into the RECORD the Statement of Administration Policy on H.R. 2397.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,  
Washington, DC, July 22, 2013.  
STATEMENT OF ADMINISTRATION POLICY  
H.R. 2397—DEPARTMENT OF DEFENSE  
APPROPRIATIONS ACT 2014  
(Rep. Rogers, R-KY)

The President is committed to our national defense and funding other important priorities within a budget framework that strengthens our economy and advances middle-class priorities. The Administration believes H.R. 2397, making appropriations for the Department of Defense for the fiscal year ending September 30, 2014, and for other purposes, funds critical priorities, and looks forward to working on its provisions as part of an acceptable budget framework.

However, enacting H.R. 2397, while adhering to the overall spending limits in the House Budget's topline discretionary level for fiscal year (FY) 2014, would hurt our economy and require draconian cuts to middle-class priorities. These cuts could result in hundreds of thousands of low-income children losing access to Head Start programs, tens of thousands of children with disabilities losing Federal funding for their special education teachers and aides, thousands of Federal agents who cannot enforce drug laws, combat violent crime or apprehend fu-

gitives, and thousands of scientists without medical grants, which would slow research that could lead to new treatments and cures for diseases like cancer and Alzheimer's, and hurt America's economic competitiveness.

More than three months have passed since the deadline for action and the Congress has yet to appoint conferees and agree on a budget resolution. Prior to consideration of appropriations bills the Congress should complete an appropriate framework for all the appropriations bills.

Unless this bill passes the Congress in the context of an overall budget framework that supports our recovery and enables sufficient investments in education, infrastructure, innovation and national security for our economy to compete in the future, the President's senior advisers would recommend that he veto H.R. 2397 and any other legislation that implements the House Republican Budget framework.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

Sexual Assault Prevention and Response. The Administration appreciates the support of the Committee in working to eliminate the threat that sexual assault in the military presents to our Service members and our national security.

Detainee Matters. The Administration strongly objects to the provisions of sections 8107 and 8108 that limit the use of funds to transfer detainees and otherwise restrict detainee transfers, which, in certain circumstances, would violate constitutional separation of powers principles. Section 8107 undermines national security and this unnecessarily constrains the Nation's counterterrorism efforts, particularly where Federal courts are the best—or even the only—option for incapacitating dangerous terrorists. For decades, presidents of both political parties have leveraged the flexibility and strength of this country's Federal courts to incapacitate dangerous terrorists and gather critical intelligence. The continued prosecution of terrorists in Federal court is an essential element of counterterrorism efforts—a powerful tool that must remain an available option. Additionally, the restrictions in section 8108 on the transfer of detainees to the United States and to the custody or effective control of foreign countries or entities in the context of an ongoing armed conflict may interfere with the Executive Branch's ability to determine the appropriate disposition of detainees and to make important foreign policy and national security determinations regarding whether and under what circumstances such transfers should occur.

In addition, the Administration strongly opposes section 8109, which would prohibit the use of funds to construct, acquire, or modify a detention facility in the United States to house individuals held in the detention facility at Guantanamo Bay. This would constrain the flexibility that the Nation's Armed Forces and counterterrorism professionals need to deal with evolving threats, intruding upon the Executive Branch's ability to carry out its mission.

Topline Funding Levels. The Administration strongly objects to unrequested Overseas Contingency Operations (OCO) funding in the bill and the reduction of base budget funding relative to the President's request. The FY 2014 Budget carefully aligns program priorities and resources based on the President's strategic guidance, and it fully funds OCO requirements.

Base Realignment and Closure (BRAC). The Administration strongly urges the Congress to provide BRAC authorization and



funding as requested so that the Department of Defense (DOD) can right-size its infrastructure while providing appropriate transition assistance to affected communities. Without a new round of BRAC, DOD cannot properly align the military's infrastructure with the needs of its evolving force structure, a critical tool for ensuring that limited resources are available to the highest priorities of the warfighter and national security.

**TRICARE Fees and Co-Payments.** The Administration strongly urges the Congress to support its proposed TRICARE fee increases, because military retirees deserve an excellent, sustainable health care benefit. The Administration is disappointed that the Committee has consistently failed to support requested TRICARE fee initiatives that seek to control DOD's spiraling health care costs while keeping retired beneficiaries' share of these costs well below the levels experienced when the TRICARE program was implemented in the mid-1990s. While the bill restores the projected FY 2014 TRICARE savings associated with the initiatives, the Department will be forced to make deeper reductions to troop levels, readiness and modernization accounts in order to offset higher health care costs of over \$8 billion through FY 2018.

**Military Pay.** The Administration strongly urges the Congress to include the proposal to set the military pay raise growth at 1.0 percent in FY 2014. Consistent with the views of the uniformed military leadership, the President's Budget requests a 1.0 percent increase to basic pay, a 4.2 percent increase in the Basic Allowance for Housing, and a 3.4 percent increase in Basic Allowance for Subsistence. This total compensation level recognizes the sacrifices made by the men and women in our Armed Forces, while adhering to the current budget constraints faced by DOD. The bill provides \$580 million in additional appropriations to fund the pay raise in FY 2014, but it would increase costs by a total of \$3.5 billion from FY 2014 through FY 2018. After FY 2014, these future costs would need to be offset by deeper reductions to troop levels, readiness and modernization accounts at a time when statutory spending caps require defense reductions.

**Building Partner Capacity.** The Administration strongly objects to reductions in funds for programs to build partner capacity, which would limit the Department's ability to address current and emerging threats to our national security. The bill provides \$83 million less than the \$358 million requested for the Global Train and Equip program and does not fund the request for \$75 million for the Global Security Contingency Fund.

**National Intelligence Program Consolidation.** The Administration strongly objects to section 8105 because the provision's prohibitions would impinge on the President's prerogatives to seek efficient budget structures and unduly constrain the President in future budget decisions.

**Unrequested Funding.** The Administration is concerned about the billions of dollars provided for items DOD did not request and does not need, such as Light Utility Helicopters, National Guard High Mobility Multipurpose Wheeled Vehicles (HMMWV), additional medical research, and the modernization of seven cruisers and two amphibious ships. The Administration is also concerned that the bill makes spending on these and other unnecessary items statutorily required, diverting scarce resources from more important defense programs and limiting the Secretary's flexibility to manage the Department efficiently.

**C-130 Avionics Modernization Program (C-130 AMP).** The Administration objects to the \$47 million in unrequested funding provided for the C-130 AMP, which would start initial production of C-130 AMP kits for the modernization of earlier generation C-130 airlift aircraft. The President's FY 2013 Budget canceled the C-130 AMP because of its high total program cost of \$2.7 billion, and because the aircraft would still be able to perform their missions with less expensive upgrades. In addition, as required by the FY 2013 National Defense Authorization Act, DOD is conducting an independent cost-benefit analysis of the C-130 AMP, and it would be premature to reinstate the program before that study is complete.

**Advanced Innovative Technologies.** The Administration objects to the \$115 million cut for Advanced Innovative Technologies, an 88 percent reduction from the President's request, which funds on-going research and development efforts that support the new Defense Strategy and the rebalance to the Asia Pacific. Specifically, this program supports initiatives that would provide cost-effective and cost-imposing capabilities that are critical for meeting the Combatant Commander's objectives in the region. This capability is needed to address real world threats and full funding is required to research, develop and test performance of the Electromagnetic Railgun system.

**Joint Urgent Operational Needs Fund (JUONF).** The Administration objects to the elimination of funding requested for the JUONF. This funding is critical to DOD's ability to quickly respond to urgent operational needs of Combatant Commanders. Elimination of funding may delay fielding of important capabilities that help accomplish critical missions.

**Science, Technology, Engineering and Mathematics (STEM) Programs.** The Administration objects to the restoration of funding for the STARBASE program, which would perpetuate the Federal Government's fragmented approach to STEM education, whereby more than 220 programs are scattered across 13 agencies. The Administration's proposed reorganization of STEM programs would improve STEM education quality and outcomes across the Federal Government.

**Defense Acquisition Workforce Development Fund (DAWDF).** The Administration opposes the reduction of \$205 million from the FY 2014 Budget request for the DAWDF. Failure to provide the full request would require DOD to collect the shortfall between the appropriation and the statutory minimum for DAWDF from other budget accounts. In addition, the Administration opposes appropriations language that would not allow use of prior year expired funds for the FY 2014 DAWDF collection. Components should be allowed to use these funds per the authority provided in current law.

**Civilian Pay Raise.** The Administration urges the Congress to support the proposed 1.0 percent pay increase for Federal civilian employees. As the President stated in his FY 2014 Budget, a permanent pay freeze is neither sustainable nor desirable.

**Missile Defense.** The Administration appreciates the support for DOD's air and missile defense programs, as well as support for the government of Israel's Iron Dome rocket system.

**Afghanistan Security Forces Fund.** The Administration appreciates the Committee's continued strong support for U.S. efforts to build and develop the security forces of Afghanistan. However, the Administration

strongly urges the Congress to make \$2.6 billion of the \$7.7 billion request contingent upon pending policy decisions and the progress made by the Afghan National Security Forces during FY 2014, as requested in the President's Budget.

**Limitation on Funds Available to Procure Equipment.** The Administration appreciates the support of the Committee for a responsive and flexible program to train and equip the security forces of Afghanistan. However, the Administration is concerned that some of the limitations proposed in section 8119 will prevent the Department from meeting critical equipment requirements and delivery timelines for the Afghan National Security Forces and will unnecessarily increase costs for the U.S. taxpayer. The Administration urges the Congress to work with the Department to develop an alternative approach.

The Administration looks forward to working with the Congress as the FY 2014 appropriations process moves forward.

Finally, and most importantly, Mr. Speaker, this bill not only continues funding for the war in Afghanistan; it also increases the Overseas Contingency Operations account, adding \$5 billion more above the Pentagon's request, for a total of \$85.8 billion.

Now, let me see if I understand this correctly, Mr. Speaker. During the time period when the United States is significantly reducing the size of our forces in Afghanistan, and when we are withdrawing from the war, this bill actually adds \$5.1 billion to the OCO account above and beyond what the Pentagon asked for.

That is simply crazy, Mr. Speaker. Maybe those extra billions will pay the \$70-plus million exit tax that Afghanistan is demanding of the United States to pull out our military equipment. That's not fuzzy math, Mr. Speaker. The word for that is "extortion."

My colleague from Vermont (Mr. WELCH) had an amendment that simply said that the American taxpayers aren't going to pay this extortion tax that Mr. Karzai is demanding. His amendment wasn't even made in order. It was germane, but it wasn't even made in order.

While I appreciate the language in the bill that none of these funds can be used for President Karzai's personal benefit, since we found out earlier this year that he was lining his pockets from a U.S. taxpayer-dollar slush fund, it certainly won't stop Karzai's government from squeezing every last dollar it can from the United States to carry out the military drawdown over the next 15 months.

Mr. Speaker, I am sick and I am tired of asking our brave servicemen and -women to fight and die for this corrupt government. While I hope to be surprised, I really have little faith that next year's parliamentary and presidential elections in Afghanistan will be free and fair, let alone usher in a new order committed to eliminating corruption and cronyism.

I am sick and tired of U.S. tax dollars being wasted in Afghanistan on military headquarters that will never be



used, only to see them built and torn down.

I am sick and tired of building roads to nowhere or having our convoys pay a tax to transport troops and much-needed supplies to provinces outside of Kabul.

In brief, just like the overwhelming majority of the American people, I want to see this war brought to an end and our troops safely home, reunited with their families and loved ones, and contributing to home communities right here in the United States.

Let us be clear, Mr. Speaker: the \$85.8 billion total for the OCO account is still designated "emergency funding." That means it is all put on the national credit card. Not a penny of the hundreds of billions of dollars for this war has ever been paid for or offset or balanced with revenues from someplace else in the national budget.

We certainly do not need to add even more billions to the OCO account. What we need to do is to end this war as quickly as possible and bring our troops home.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for the time and rise in support of his rule and the underlying Department of Defense appropriations bill for fiscal year 2014.

First of all, I congratulate my chairman, Mr. ROGERS, and also Defense chairman, Mr. YOUNG, as well as Mr. VISCLOSKEY and Mrs. LOWEY, for their hard work and leadership getting this legislation forward.

Mr. Speaker, as we are all keenly aware, the budget of the Department of Defense is under severe stress. We are already seeing the effects of the President's budget cuts and the sequester on military readiness.

To fight effectively, our Armed Forces must be staffed, equipped, and trained to operate under dangerous, complex, and uncertain conditions, often with little or no warning. They require the right personnel using the right equipment and the right training.

But if history teaches us anything, it teaches us that the future is highly unpredictable. Unanticipated events often catch us by surprise. We constantly ask our military to be prepared for any contingency. Yet today we have burdened them with new levels of budgetary uncertainty hampering modernization, planning, and training.

Mr. Speaker, our men and women in uniform need this Defense appropriations process to move forward. We should not force them to contemplate another inefficient continuing resolution on top of additional crippling sequester cuts. That is what will happen if this House cannot find a way to pass this important legislation: more delay, more uncertainty, diminished readi-

ness, more risk for the men and women we ask to go into harm's way.

Is this a perfect rule, this structured rule? Absolutely not. The committee always prefers open rules and regular order.

At the same time, I urge my colleagues to support this rule and the underlying bill so that we can work with the Senate to fulfill our most basic mission under the constitutional duty—to provide for the common defense.

Mr. MCGOVERN. Mr. Speaker, let me just remind my colleagues again why these are tough budgetary times. This Defense bill is being treated differently than appropriations bills that actually fund needs right here in the United States.

I would remind my colleagues that national defense also includes what happens here in the United States—whether people have housing, whether people have food, whether or not people have good health care, whether or not we have good roads and good bridges, whether or not we have jobs. All these domestic needs are being ignored. In fact, they are being obliterated by the Republican numbers in the appropriations process.

Mr. Speaker, at this point I would like to yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman. I also thank my colleague from Florida. I appreciate the courtesy that the Rules Committee extended to Mr. GIBSON and me last evening when we offered our amendment on Syria.

Mr. Speaker, my moment here is to discuss this fundamental question about whether America is going to be taking military action in Syria without any congressional debate. We have a responsibility under the Constitution.

Article I, section 8, clause 11 gives Congress the power to declare war and raise and support the Armed Forces. My colleague from Florida rightly said that we have an obligation to support the military men and women. They will do anything that we ask them to do.

But this is the moment when we face our responsibility or shirk it—to give them a policy worthy of their willingness to sacrifice. The idea that we would take military action, and arming the Syrian rebels is military action, it is intended very specifically to take down the Government of Syria—and I want Assad to go, and we all do—but I don't want this Congress to back into a policy, stumble ahead, where we find ourselves engaged in military conflict where we haven't even met our basic responsibility to have a debate about it.

We have to decide: Are we going to be men and women of Congress, are we going to do our jobs, are we going to be Congressmen and -women, or are we

going to be cowards? It is the coward's path to avoid taking responsibility for a momentous decision that we know at this moment is upon us.

Vote "yes" or vote "no." But to have no debate, to actually once again stumble into a military action, have we learned nothing from Iraq and Afghanistan? Iraq right now is supporting Assad; it is supporting Iran.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. WELCH. Afghanistan is now, after 11 years, ripping us off as we try to bring our material home. Does anybody on the either side of the aisle support this? Why don't we have a debate?

I admire Speaker BOEHNER for saying he wants to have this House work its will. But I say to Speaker BOEHNER: give us a vote, let us debate, let us meet our responsibility. There will be men and women that will go into harm's way, stumble ahead, because we did not stand up and take responsibility. We are accountable to the people who elect us.

Mr. NUGENT. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I thank the gentleman from Florida.

Mr. Speaker, I have the privilege of serving on both the Armed Services Committee, as well as the House Depot Caucus. Our U.S. military has its own defense, repair, and sustainment capabilities, precisely because the government needs to guarantee that soldiers in the field will be sustained and supported in times of war. They will guarantee that needed equipment will be there in working order when and where it is needed because their lives and our freedom depend on it.

That is why I object to the current furlough policy of some of our DOD civilian workers. I have great sympathy for the Department of Defense. Unlike every other budget of the Federal Government, they did not receive an increase of appropriations before sequestration. In fact, the military is the only area where in this administration they received two cuts in their funding before sequestration hit, which was the third cut. Our defense has been hit disproportionately because of sequestration.

The Department of Defense's approach is to have everyone sharing in the burden or the pain of it. That is actually a political decision, and I don't use that in a pejorative sense. But Congresses have understood the work of our sustainment sector for decades, passing title I, sections 129 and 2472, which deal with working capital funds, and we have five such working capital funds.

These are revolving funds that are self-sustaining, which means by law if you have a workload and you have the

funds, then these employees should not be thrown under the bus with a furlough. It is silly to think that the workload would be there. The funds are actually there, but the workload will be sitting in depots and the technicians and mechanics working on those will be forced to take off days without pay. It will increase our delay; it will increase our cost. The furlough working fund that funds employees does not save the government any kind of money, but it hurts delay.

The gentleman from Oklahoma will have an amendment, which I hope the House will take seriously, which will look at these working capital funds, and realize the unique situation they have within our system and will hopefully solve this problem going forward in the future.

It has been said that we have a foreign policy which we will fund. Actually, the book I read said, "The foreign policy for which we will pay for." I just didn't want to end in a preposition.

Our foreign policy is funded here in the Defense Department appropriations. This is what gives us the flexibility diplomatically to do things not now, but 5 years from now and 10 years from now and 15 years from now.

We are truly looking at our future with this particular fund, and it must be taken seriously. We are living since the Cold War ended in a much less secure world than we were while we were in the Cold War, not just because of what is being done by our traditional adversaries in Russia and China, but in the Rim countries, Third World countries, which have used new technology to create what is called "technological claustrophobia," as their efforts are now compressed together and we are having to respond to that.

There are many issues in this particular bill which help us move forward, not only in defense of our military, but in our foreign policy opportunities. There are a few amendments out there that actually do harm to that. I hope we look at it very carefully. It is a well-crafted rule with a whole lot of amendments—perhaps far too many amendments made in order—and it will provide for a logical debate. I hope when we come out of it, we realize the significance of this, not just funding our military, but also funding our diplomatic future.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I want to build on something that Mr. WELCH of Vermont said here on the House floor about the lack of debate on Syria. As somebody who was here when the Afghanistan war began and when the Iraq war began, I believe that both of those wars were unnecessary. We ended up getting Osama bin Laden not in Afghanistan with 100,000 troops, but with a small well-trained group of Navy SEALs in Pakistan.

This notion that somehow our strength can only be measured by the

number of troops we have overseas or the number of weapons that we send overseas I think is just crazy. I think the amount that we have spent on these wars that have been added to our debt have weakened our security. I think the fact that we have lost so many incredibly brave men and women to these conflicts is a tragedy.

What the gentleman from Vermont raised was the issue that I think is on a lot of our constituents' minds, and that is what is going to happen in Syria. The real problem with this rule, Mr. Speaker, can be seen in the debate surrounding Syria. There is a real split when it comes to Syria. There are some who don't believe we should get involved at all; and there are others, like Senator MCCAIN, leading the Republicans over in the Senate, saying we ought to do more, we ought to get more involved in Syria.

□ 1300

Yet this rule denies any real substantive debate on one of the most important issues facing our military. The Republicans, despite making 100 amendments in order, ducked this issue entirely. The rule makes in order one amendment on Syria, and that amendment simply reiterates current law. Despite the sheer number of amendments made in order, the Republican leadership has ducked a real important debate when it comes to Syria, and I hope that a few years down the road we don't look back on the fact that we avoided a debate on Syria and express regret that somehow we got sucked into this war without a real debate. I mean, that's what we're here for.

So, when people say, "Oh, these are tough issues," I'm sorry. We can't duck every tough issue. Maybe that has been the problem with a lot of our overseas policies—that we haven't talked about what needs to be done, that we haven't debated these issues. Sometimes we've gotten involved in wars that we've found are more complicated than originally thought. There is nothing wrong with debate, and it is incredibly important. In the people's House of Representatives, we ought to have a debate on this issue.

I reserve the balance of my time.

Mr. NUGENT. I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I want to thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding to me.

I want to also thank our ranking member of the Defense Subcommittee, the gentleman from Indiana (Mr. VISCLOSKEY), as well as to thank our mutual friend and colleague from Florida, Chairman BILL YOUNG, for their hard work on this bill, which will benefit

our Nation, our men and women in uniform, our Armed Forces, and all of those who are touched by what is contained in this legislation.

Within the limits provided and despite severe cuts, this bill has been written in a bipartisan way by our subcommittee. I thank the members for working so collaboratively together. It is a model for this House and our committee on how to do the work necessary to meet the needs of the American people.

The bill includes \$125 million above the President's request for funding health research for traumatic brain injuries and posttraumatic stress conditions—the signature wounds of the wars in Iraq and Afghanistan. The bill also includes \$544 million for cancer research, including breast cancer, prostate cancer, ovarian cancer, and lung cancer research, which are endured at a much higher percentage among our troops than among the population at large.

The bill also contains continuing support for our NATO responsibilities, including continuing joint operations related to the Newly Independent States. The bill includes the requested amount in the budget for the Iron Dome missile defense partnership with Israel.

The bill also includes \$1.5 billion above the request for the National Guard and Reserve Equipment account to fund equipment requirements of the National Guard and Reserve components. During the last decade of war, our National Guard and Reserve units have proven themselves as the strategic partners for our Nation. Our subcommittee continues to provide the funding necessary for our Guard and Reserve units to continue their missions, which they do extremely well and much more cost-effectively than in the active forces.

This legislation also continues the military's commitment to lead our Nation toward energy independence. The Pentagon, which is the largest petroleum user in the world, must lead our Nation forward toward energy independence. No challenge could be more vital to our national security and economic security than energy independence.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentle lady an additional 30 seconds.

Ms. KAPTUR. Thank you, Congressman MCGOVERN.

High fuel costs are an enormous burden on America's families and our military. It is also a burden on every branch of the service in which it costs us \$400 a gallon to deliver 1 gallon of gasoline—fully costed—to the troops at the front line.

Thank you again to Chairman BILL YOUNG and to Ranking Member VISCLOSKEY for their leadership and to our

ranking member on the full committee, the gentlelady from New York (Mrs. LOWEY), and to the gentleman from Kentucky, Chairman ROGERS, for working with all of our members in order to meet the needs of our Nation and of our Army, Navy, Marine Corps, and Air Force—those who serve the American people every day so nobly.

Mr. NUGENT. As to the thoughts of the gentlelady from Ohio, I appreciate her comments and her support for the military.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I am going to urge people to vote “no” on the previous question. If we defeat the previous question, I will offer an amendment to the rule that will allow the House to consider the Van Hollen resolution, which calls on Speaker BOEHNER to proceed to a conference on the budget. It is time for the majority to follow regular order by immediately appointing conferees to negotiate the 2014 budget conference agreement with the Senate.

To discuss that proposal, I yield 5 minutes to the distinguished ranking member of the Budget Committee, the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my friend from Massachusetts.

Mr. Speaker, at the outset, I want to associate myself with the remarks of Mr. MCGOVERN and Mr. WELCH regarding the importance of this body's having a debate and a vote on whether or not we should be sending U.S. taxpayer dollars to engage and support the rebels in the civil war in Syria. After all, this budget supports the Defense Department, and it also supports the intelligence agency. So this is the time and place to have the debate about taxpayer dollars going to a civil war in Syria.

It is also the time and high time that we get on with passing a Federal budget. We've heard a lot of talk on the floor today about the importance of supporting our military—absolutely true—but this legislation does nothing to turn off the sequester. So, unless the Congress comes together on a bipartisan and a bicameral basis to resolve the budget, this Defense appropriations bill is going to be cut by about \$48 billion, just as the non-defense parts of the budget will be cut as a result of sequestration.

I don't think the American people recognize that as of today—even though we're working on these spending bills—that the United States Congress has not passed a budget. There is no Federal budget in place today.

Now, we've heard a lot from our Republican colleagues over the last couple of years about how the Senate was derelict in its duty for not having a budget. Guess what? The Senate passed a budget. It passed a budget 122 days

ago. Ever since that time, we've said to our Republican colleagues, Let's take the next step in the process—let's have a conference. Senate, House, let's get together to work out those differences.

In fact, Senator MURRAY, who is the chairman of the Senate Budget Committee, has asked now 17 times for unanimous consent in the Senate to begin negotiations. We have called upon the Speaker of the House to appoint conferees to negotiate on the budget. He has refused. This motion is very simple. I'm just going to read the Resolved clause:

It is the sense of the House of Representatives that the Speaker should follow regular House procedure and immediately request a conference and appoint conferees to negotiate the fiscal year 2014 budget resolution.

Very simple. It's calling for exactly what our Republican colleagues have called for for the last 3 years. We've heard from you many times “no budget, no pay.” We don't have a budget, but Members of Congress are getting paid.

Now, Senator MCCAIN and a lot of Republican Senators have made the point that it's insane not to go to conference on the budget. Here is what he said, Senator MCCAIN:

I think it's insane for Republicans who complain for 4 years about Harry Reid not having a budget, and now we're not going to agree to conferees? That is beyond comprehension for me.

That sentiment was seconded by lots of other Republican Senators. In fact, I think my colleagues know that I've heard, quietly, from a lot of our House Republican colleagues, saying, frankly, that they're embarrassed at the fact that the House Republicans have refused to appoint conferees and take the next step in the budget process.

Why is it important? We've got to get our economy moving in full gear. The Congressional Budget Office has told us that, as a result of the sequester, we're going to have 700,000 fewer jobs in this country by the end of this calendar year and that it's going to reduce our economic growth by one-third. The budget conference is where we work out our differences and try and remove the uncertainty in the economy.

By not going to budget conference, let's be clear what our Republican colleagues are doing. They want to take us right up to the cliff of a government shutdown in the beginning of October, the next fiscal year. They are talking about, once again, rolling the dice and playing a game of chicken as to whether or not the United States pays its bills on time. That is no way for the Federal Government to conduct itself.

I would ask my colleagues to put aside all of the gamesmanship and to simply, today, appoint conferees so that we can begin to work out these issues on the budget. Right now, as we head into the next school year, the kids of our soldiers who are at Fort

Bragg are going to miss 5 days of school this fall because their teachers are going to be sequestered. Because of the sequester, they are going to be furloughed for 5 days this fall. These are the kids of men and women who are fighting to defend this country. That is wrong.

Let's get on with replacing the sequester in a smart way, but we can't do that unless we get on with the budget conference. So I ask my colleagues to defeat the previous question so we can go to conference.

Mr. NUGENT. I yield myself such time as I may consume.

Mr. Speaker, it's always great to hear from Mr. VAN HOLLEN. He has been in front of the Rules Committee, I think, a half a dozen times on this particular issue, but that's not the issue we're talking about today. Today, we are talking about a rule to bring forward two bills. One is the appropriations bill for the defense of this country.

I appreciate his comments, but he also forgets to mention that, in the last Congress, this House passed two pieces of legislation to actually do what he was talking about doing. And guess what? It went over to that place where they have rocking chairs—where they do nothing. They didn't discuss it; they didn't debate it; they didn't even send it back to us, because they just didn't have the time to do it in their busy schedule, and I understand that.

Mr. VAN HOLLEN. Will the gentleman yield?

Mr. NUGENT. I would be glad to yield 30 seconds to the gentleman from Maryland.

Mr. VAN HOLLEN. Look, Mr. Speaker, as the gentleman notes, we're in a new Congress right now. In the new Congress, the law requires that we pass a Federal budget by April 15. We are obviously way overdue. It is indisputable that the Senate has passed a budget. Why not go to conference?

Mr. NUGENT. In reclaiming my time, regarding shutting the government down, those are the gentleman's words, not ours. I don't think you've heard that at all from this side. It's not about shutting the government down; it's about passing 12 appropriations bills. That's really what we are supposed to be doing, and we are committed to doing that. We don't want to see a government shutdown, and I think our bringing appropriations bills to this House floor shows, in fact, that that's not the intent and that that's not the desire.

With that, I reserve the balance of my time.

Mr. MCGOVERN. I yield myself such time as I may consume.

Mr. Speaker, just to build on what my colleague Mr. VAN HOLLEN was talking about, the reason we are so frustrated over here is that it seems

that the Republican leadership is hell-bent on doing nothing—on stopping everything. We have 16 legislative days left until the end of the fiscal year.

You've only passed three appropriations bills. Notwithstanding the fact that the House passed a budget and the Senate passed a budget, there has been no conference on the budget. We have a debt limit looming, and I hear rumors that you're trying to figure out what pound of flesh you can obtain in order to avoid our defaulting on our financial obligations. This is not the way to run a government.

I would just plead with my colleagues on the other side that you need to get serious about sitting down and negotiating our differences. One of the things about a conference is you don't get everything you want, and they don't get everything they want.

As to these appropriations bills that you are bringing to the floor, their allocations are so low that they are unamendable on the House floor, and they would do great damage to our economy. This THUD bill I don't think will ever see the light of day any more than I think the Ag approps bill, which we gave a rule to, will ever see the light of day. Within that THUD bill are cuts in the Community Development Block Grants, which you cut in half. The devastation on cities all across this country and communities all across this country would be so bad. People are going to lose jobs. The gentleman from Maryland talked about the furloughs and about people losing their jobs because of the sequester, and you sit back and say, Oh, it's not our fault.

This is the body that voted for it. I mean, the people of this House voted for it. I didn't, but the majority of my friends on the other side voted for sequester. It is now the law of the land. That's part of what Congress did. Congress has to change the law so we get our economy back on the right track, and one way to begin is to do what you're supposed to do and go to conference with the Senate on the budget.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all the Members of an essential rule of decorum in the House. Under clause I of rule XVII, Members are to direct their remarks to the Chair and not to other Members in the second person.

Mr. NUGENT. I reserve the balance of my time.

Mr. McGOVERN. May I ask the gentleman how many more speakers he has?

Mr. NUGENT. I have none.

Mr. McGOVERN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 3½ minutes remaining. The gentleman from Florida has 16 minutes remaining.

□ 1315

Mr. McGOVERN. Mr. Speaker, I yield myself the balance of my time.

I don't have a problem with what's in this rule; I have a problem with what's being left out of the rule.

We have some serious issues to discuss: the NSA surveillance program, limited debate in this rule. We need to talk about Syria and whether we're going to get sucked into another war. Multiple amendments were offered. All of them were denied, except one that basically reinstates current law.

There are issues about Egypt that ought to be discussed on the floor. And when I hear my colleagues say these are sensitive issues, we shouldn't talk about them on the floor, then where should we talk about them? This is the appropriate bill to talk about those things; yet many of these amendments were not made in order. That's why an open rule would have been more appropriate.

In terms of debate, I don't know why we have to limit debate on the NSA down to 15 minutes a piece. Everybody is concerned about this.

I will just close, Mr. Speaker, by again urging my colleagues to vote "no" and defeat the previous question so that we can offer an amendment to allow Mr. VAN HOLLEN's language to be made in order that the Republican leadership agree to go to conference with the Senate over the budget.

This sequester and these budget numbers that you are bringing to the floor on these various appropriation bills are destructive. My colleagues on the other side of the aisle are hurting this economy. This gamesmanship that my friends on the other side are playing is doing great damage to this country.

We have to stop this. We have to be grownups here and do what we're supposed to do. The most important thing that can happen right now, given the fact there's only 16 legislative days left to the end of this fiscal year, is for my friends on the other side of the aisle to go to conference on the budget and work out a deal so that we don't have these devastating cuts that will impact every city and town in this country, that will throw tens of thousands, if not hundreds of thousands, of people out of work, that will do further damage to our infrastructure.

National security means the quality of life that people have here in the United States. It means whether they can have good health care or good education, whether they have good and safe roads to drive on. It means whether they have a job. National security begins right here at home; and the numbers that my Republican friends have been bringing to the floor, in terms of allocations for these appropriation bills on domestic spending, would be devastating to this economy.

I urge my colleagues to vote "no" and defeat the previous question, and I

urge a "no" vote on this rule. We should have an open rule where we can talk about all these major issues that are confronting our Nation and the world.

Mr. Speaker, I yield back the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield myself such time as I may consume.

I do appreciate the comments my friend from Massachusetts has made in a lot of areas, particularly as it relates to the open rule.

I do want to remind him—and I wasn't here in 2010—but the Rules Committee that my good friend sat on made a determination in regards to a structured rule, and that structured rule only allowed for 16 amendments to come to the House floor. That structured rule locked out a lot of folks' ideas in regards to how to better the appropriation bill for the Department of Defense 2011 fiscal year.

I agree with my good friend that this rule is not perfect, but I do want to point out that it does make over 100 amendments in order that are going to be debated here on this floor: an amendment on Syria; an amendment on Egypt; two amendments on the NSA, which are appropriate to have a debate here. And as we talk about authorization, particularly as we look at the NSA, that debate is going to come up in a very robust way because I truly believe that we need to have that.

As it relates to Syria, I have three sons that currently serve in the United States military. The last thing I want to do is see us arm rebels where my sons may have to face those arms at some point in time. I've had sons deployed to Iraq and Afghanistan; and as a Member of this House, there are very few of us that have served in the military in the same way as it relates to having our family members serve in harm's way. So I take it right to heart that we want to make sure that we don't put our sons or daughters in any jeopardy, particularly as it relates to arming those that we have no idea who they are.

I think I've said enough, but my position on arming the Syrian rebels, those that we don't even know who they are or what we're doing in Egypt or what's going on within the NSA as it relates to our civil liberties here in the United States as American citizens, we certainly are going to address those issues as we move forward.

Mr. Speaker, I support this rule, and I encourage my colleagues to do so, as well. As a father of three sons in the military, I'm disappointed that we've gotten to this point where ideological factions have divided this House so deeply that we're forced to put a structured rule in place in order to simply consider a bill that funds our Department of Defense.

Just to note, 2 years ago when we were having this discussion, I got a call

from one of my sons who was deployed to Iraq, worried that his troopers were not going to get paid because that's what they were being told, because of actions of this House.

The last thing is that when our sons and daughters go off to fight, the last thing they should have to worry about is how they're going to take care of the car payment or feed their children back here at home. They should have one focus, and that's the fight ahead of them and returning back to their families and loved ones in the best possible condition they can be.

To me it's about as pathetic as it gets when these men and women are putting their lives on the line each day and we're playing politics with our national defense and we can't put differences aside long enough not to even agree to a funding bill, but just to agree that we should debate the funding bill at all.

I wish we could have an open rule on both of these appropriation measures. You know I do. But when it comes to funding the Pentagon and when it comes to funding our military, the issue at hand is too important to leave this subject to the political whims of select Members who could tie up the debate for days and end with irresponsible amendments that might ultimately put this Nation and its citizens at risk. That's why we're here. That's why we've taken the three most hot-button politicized issues and selected specific amendments to address each of these concerns while still making in order every other amendment that would not otherwise be subject to a point of order.

I welcome debate on how we need to change the laws of this land. I'm an active proponent in having it. Millions of Americans, including me, are questioning many of the laws right now, especially when it comes to the use of military force and the powers given to the NSA under the PATRIOT Act. It's clear that those are conversations that must happen in this forum here, but we can't let it derail the basic funding of our troops. That's what it comes down to.

This bill cannot possibly give the issues at hand the justice they deserve. It's an imperfect tool, and with only 10 minutes per debate per amendment, it would cut short the conversations that we have. That is why, although it is a departure from the normal appropriation process, this resolution brings up H.R. 2397 under a structured rule.

That said, the second half of House Resolution 312 is proof that this House is still dedicated to the open process. We fulfill our promise to both our constituents and ourselves by providing an open rule on Transportation and Housing appropriations. It's a reminder to us that the Defense bill is an example of extraordinary times calling for extraordinary measures. At the end of

the day, what's most important is that we fulfill our core mission. As anybody in the military will tell you, sometimes we have to adapt.

It's not perfect, but we can't let the perfect be the enemy of the good, especially when we're talking about keeping our troops and our citizens safe. For that reason, I'm proud to support the rule, and I encourage all my colleagues to do the same.

When the Committee on Rules filed its report (H. Rept. 113–170) to accompany House Resolution 312 the summary of amendment numbered 43 was inadvertently omitted. The summary of amendments should have included the following:

43. COLE (OK), KILMER (WA), MCCARTHY, KEVIN (CA), BISHOP, ROB (UT), JONES (NC), LOESACK (IA), MCCOLLUM (MN), SCOTT, AUSTIN (GA): Provides that none of the funds appropriated by this Act shall be available to implement a furlough of Department of Defense federal employees who are paid from the Working Capital Fund (WCF) Account, which is a revolving fund and does not receive direct funding from Congressional appropriations to finance its operations. (10 minutes)

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 312 OFFERED BY  
MR. MCGOVERN OF MASSACHUSETTS

At the end of the resolution, add the following new sections:

SEC. 7. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the resolution (H. Res. 174) expressing the sense of the House of Representatives that the Speaker should immediately request a conference and appoint conferees to complete work on a fiscal year 2014 budget resolution with the Senate. The first reading of the resolution shall be dispensed with. General debate shall be confined to the resolution and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Budget. After general debate the resolution shall be considered for amendment under the five-minute rule. At the conclusion of consideration of the resolution for amendment the Committee shall rise and report the resolution to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the resolution and preamble to adoption without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the resolution, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the resolution.

SEC. 8. Clause 1(c) of rule XIX shall not apply to the consideration of the resolution specified in section 7 of this resolution.

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and

a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308–311), describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

The Republican majority may say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. NUGENT. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 1 o'clock and 24 minutes p.m.), the House stood in recess.

□ 1340

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. YODER) at 1 o'clock and 40 minutes p.m.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Ordering the previous question on House Resolution 312; and adoption of House Resolution 312, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

### PROVIDING FOR CONSIDERATION OF H.R. 2397, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2014; AND PROVIDING FOR CONSIDERATION OF H.R. 2610, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 312) providing for consideration of the bill (H.R. 2397) making appropriations for the Department of Defense for the fiscal year ending September 30, 2014, and for other purposes; and providing for consideration of the bill (H.R. 2610) making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 229, nays 190, not voting 14, as follows:

[Roll No. 377]

### YEAS—229

Aderholt	Granger	Pittenger
Alexander	Graves (GA)	Pitts
Amash	Graves (MO)	Poe (TX)
Amodei	Griffin (AR)	Pompeo
Bachmann	Griffith (VA)	Posey
Bachus	Guthrie	Price (GA)
Barber	Hall	Radel
Barletta	Hanna	Reed
Barr	Harper	Reichert
Barton	Harris	Renacci
Benishke	Hartzler	Ribble
Bentivolio	Hastings (WA)	Rice (SC)
Bilirakis	Heck (NV)	Rigell
Bishop (UT)	Hensarling	Roby
Black	Holding	Roe (TN)
Blackburn	Hudson	Rogers (AL)
Bonner	Huelskamp	Rogers (KY)
Boustany	Huizenga (MI)	Rogers (MI)
Brady (TX)	Hultgren	Rohrabacher
Bridenstine	Hunter	Rokita
Brooks (AL)	Hurt	Rooney
Brooks (IN)	Issa	Ros-Lehtinen
Broun (GA)	Jenkins	Roskam
Buchanan	Johnson (OH)	Ross
Bucshon	Johnson, Sam	Rothfus
Burgess	Jones	Royce
Calvert	Jordan	Runyan
Camp	Joyce	Ryan (WI)
Cantor	Kelly (PA)	Salmon
Capito	King (IA)	Sanford
Carter	King (NY)	Scalise
Cassidy	Kingston	Schock
Chabot	Kinzinger (IL)	Scott, Austin
Chaffetz	Kline	Sensenbrenner
Coffman	Labrador	Sessions
Cole	LaMalfa	Shimkus
Collins (GA)	Lamborn	Shuster
Collins (NY)	Lance	Simpson
Conaway	Lankford	Sinema
Cook	Latham	Smith (MO)
Cotton	Latta	Smith (NE)
Cramer	LoBiondo	Smith (NJ)
Crawford	Long	Smith (TX)
Crenshaw	Lucas	Southerland
Culberson	Luetkemeyer	Stewart
Daines	Lummis	Stivers
Davis, Rodney	Marchant	Stockman
Denham	Marino	Stutzman
Dent	Massie	Terry
DeSantis	McCarthy (CA)	Thompson (PA)
DesJarlais	McCaul	Thornberry
Diaz-Balart	McClintock	Tiberi
Duffy	McHenry	Tipton
Duncan (SC)	McKeon	Turner
Duncan (TN)	McKinley	Upton
Ellmers	McMorris	Valadao
Farenthold	Rodgers	Wagner
Fincher	Meadows	Walberg
Fitzpatrick	Meehan	Walden
Fleischmann	Messer	Walorski
Fleming	Mica	Weber (TX)
Flores	Miller (FL)	Webster (FL)
Forbes	Miller (MI)	Wenstrup
Fortenberry	Mullin	Westmoreland
Fox	Mulvaney	Whitfield
Franks (AZ)	Murphy (PA)	Williams
Frelinghuysen	Neugebauer	Wilson (SC)
Gardner	Noem	Wittman
Garrett	Nugent	Wolf
Gerlach	Nunes	Womack
Gibbs	Nunnelee	Woodall
Gibson	Olson	Yoder
Gingrey (GA)	Palazzo	Yoho
Gohmert	Paulsen	Young (AK)
Goodlatte	Pearce	Young (FL)
Gosar	Perry	Young (IN)
Gowdy	Petri	

### NAYS—190

Andrews	Brownley (CA)	Clarke
Barrow (GA)	Bustos	Clay
Bass	Butterfield	Cleaver
Beatty	Capps	Clyburn
Becerra	Capuano	Cohen
Bera (CA)	Cardenas	Connolly
Bishop (GA)	Carney	Conyers
Bishop (NY)	Carson (IN)	Cooper
Blumenauer	Cartwright	Costa
Bonamici	Castor (FL)	Courtney
Brady (PA)	Castro (TX)	Crowley
Braley (IA)	Chu	Cuellar
Brown (FL)	Cicilline	Cummings

Davis (CA)	Kirkpatrick	Pocan
Davis, Danny	Langevin	Polis
DeFazio	Larsen (WA)	Price (NC)
Delaney	Larson (CT)	Quigley
DeLauro	Lee (CA)	Rahall
DelBene	Levin	Rangel
Deutch	Lewis	Richmond
Dingell	Lipinski	Roybal-Allard
Doggett	Loebach	Ruiz
Doyle	Lofgren	Ruppersberger
Duckworth	Lowenthal	Rush
Edwards	Lowe	Ryan (OH)
Ellison	Lujan Grisham	Sánchez, Linda
Engel	(NM)	T.
Enyart	Luján, Ben Ray	Sanchez, Loretta
Eshoo	(NM)	Sarbanes
Esty	Lynch	Schakowsky
Farr	Maffei	Schiff
Fattah	Maloney,	Schneider
Foster	Carolyn	Schrader
Frankel (FL)	Maloney, Sean	Schwartz
Fudge	Matheson	Scott (VA)
Gabbard	Matsui	Scott, David
Galego	McCollum	Serrano
Garamendi	McDermott	Sewell (AL)
Garcia	McGovern	Shea-Porter
Grayson	McIntyre	Sherman
Green, Al	McNerney	Sires
Green, Gene	Meeks	Slaughter
Grijalva	Meng	Smith (WA)
Gutiérrez	Michaud	Speier
Hahn	Miller, George	Swalwell (CA)
Hanabusa	Moore	Takano
Hastings (FL)	Moran	Thompson (CA)
Heck (WA)	Murphy (FL)	Thompson (MS)
Higgins	Nadler	Tierney
Himes	Napolitano	Titus
Hinojosa	Neal	Tonko
Honda	Negrete McLeod	Van Hollen
Hoyer	Nolan	Vargas
Huffman	O'Rourke	Veasey
Israel	Owens	Vela
Jackson Lee	Pallone	Velázquez
Jeffries	Pascarella	Visclosky
Johnson (GA)	Pastor (AZ)	Walz
Johnson, E. B.	Payne	Wasserman
Kaptur	Pelosi	Schultz
Kelly (IL)	Perlmutter	Waters
Kennedy	Peters (CA)	Watt
Kildee	Peters (MI)	Waxman
Kilmer	Peterson	Welch
Kind	Pingree (ME)	Wilson (FL)

### NOT VOTING—14

Campbell	Holt	Miller, Gary
Coble	Horsford	Schweikert
DeGette	Keating	Tsongas
Grimm	Kuster	Yarmuth
Herrera Beutler	McCarthy (NY)	

□ 1406

Mr. PITTS changed his vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. KUSTER. Mr. Speaker, on rollcall No. 377, had I been present, I would have voted “no.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 194, not voting 13, as follows:

[Roll No. 378]

## AYES—226

Aderholt Graves (GA) Poe (TX)  
 Alexander Graves (MO) Pompeo  
 Amash Griffin (AR) Posey  
 Amodei Griffith (VA) Price (GA)  
 Bachmann Guthrie Radel  
 Bachus Hall Reed  
 Barber Hanna Reichert  
 Barletta Harper Renacci  
 Barr Harris Ribble  
 Barton Hartzler Rice (SC)  
 Benishek Hastings (WA) Rigell  
 Bentivolio Heck (NV) Roby  
 Bilirakis Hensarling Roe (TN)  
 Bishop (UT) Holding Rogers (AL)  
 Black Hudson Rogers (KY)  
 Blackburn Huelskamp Rogers (MI)  
 Bonner Huizenga (MI) Rohrabacher  
 Boustany Hultgren Rokita  
 Brady (TX) Hunter Rooney  
 Bridenstine Hurt Ros-Lehtinen  
 Brooks (AL) Issa Roskam  
 Brooks (IN) Jenkins Ross  
 Broun (GA) Johnson (OH) Rothfus  
 Buchanan Johnson, Sam Royce  
 Bucshon Jones Runyan  
 Burgess Jordan Ryan (WI)  
 Calvert Kelly (PA) Salmon  
 Camp King (IA) Sanford  
 Cantor King (NY) Scalise  
 Capito Kingston Schock  
 Carter Kinzinger (IL) Schweikert  
 Cassidy Kline Scott, Austin  
 Chabot Labrador Sensenbrenner  
 Chaffetz LaMalfa Sessions  
 Coffman Lamborn Shimkus  
 Cole Lance Shuster  
 Collins (GA) Lankford Simpson  
 Collins (NY) Latham Sinema  
 Conaway Latta Smith (MO)  
 Cook LoBiondo Smith (NE)  
 Cotton Long Smith (NJ)  
 Cramer Lucas Smith (TX)  
 Crawford Luetkemeyer Southerland  
 Crenshaw Lummis Stewart  
 Culberson Marchant Stivers  
 Daines Marino Stockman  
 Davis, Rodney Massie Stutzman  
 Denham McCarthy (CA) Terry  
 Dent McCaul Thompson (PA)  
 DeSantis McClintock Thornberry  
 DesJarlais McHenry Tiberi  
 Diaz-Balart McKeon Tipton  
 Duffy McKinley Turner  
 Duncan (SC) McMorris Upton  
 Duncan (TN) Rodgers Valadao  
 Ellmers Meadows Wagner  
 Farenthold Meehan Walberg  
 Fincher Messer Walden  
 Fitzpatrick Mica Walorski  
 Fleischmann Miller (FL) Weber (TX)  
 Fleming Miller (MI) Webster (FL)  
 Flores Mullin Wenstrup  
 Forbes Mulvaney Westmoreland  
 Fortenberry Murphy (PA) Whitfield  
 Foxx Noem Williams  
 Franks (AZ) Nugent Wilson (SC)  
 Frelinghuysen Nunes Wittman  
 Gardner Nunnelee Wolf  
 Garrett Olson Womack  
 Gerlach Palazzo Woodall  
 Gibbs Paulsen Yoder  
 Gingrey (GA) Pearce Yoho  
 Goodlatte Perry Young (AK)  
 Gosar Petri Young (FL)  
 Gowdy Pittenger Young (IN)  
 Granger Pitts

## NOES—194

Andrews Bustos Cleaver  
 Barrow (GA) Butterfield Clyburn  
 Bass Capps Cohen  
 Beatty Capuano Connolly  
 Becerra Cárdenas Conyers  
 Bera (CA) Carney Cooper  
 Bishop (GA) Carson (IN) Costa  
 Bishop (NY) Cartwright Courtney  
 Blumenauer Castor (FL) Crowley  
 Bonamici Castro (TX) Cuellar  
 Brady (PA) Chu Cummings  
 Braley (IA) Cicilline Davis (CA)  
 Brown (FL) Clarke Davis, Danny  
 Brownley (CA) Clay DeFazio

Delaney Kuster  
 DeLauro Langevin  
 DelBene Larsen (WA)  
 Deutch Larson (CT)  
 Dingell Lee (CA)  
 Doggett Levin  
 Doyle Lewis  
 Duckworth Lipinski  
 Edwards Loebbeck  
 Ellison Lofgren  
 Engel Lowenthal  
 Enyart Lowey  
 Eshoo Lujan Grisham  
 Esty (NM)  
 Farr Luján, Ben Ray  
 Fattah (NM)  
 Foster Lynch  
 Frankel (FL) Maffei  
 Fudge Maloney,  
 Gabbard Carolyn  
 Gallego Maloney, Sean  
 Garamendi Matheson  
 García Matsui  
 Gibson McCollum  
 Gohmert McDermott  
 Grayson McGovern  
 Green, Al McIntyre  
 Green, Gene McNerney  
 Grijalva Meeks  
 Gutiérrez Meng  
 Hahn Michaud  
 Hanabusa Miller, George  
 Hastings (FL) Moore  
 Heck (WA) Moran  
 Higgins Murphy (FL)  
 Himes Nadler  
 Hinojosa Napolitano  
 Honda Neal  
 Hoyer Negrete McLeod  
 Huffman Nolan  
 Israel O'Rourke  
 Jackson Lee Owens  
 Jeffries Pallone  
 Johnson (GA) Pascrell  
 Johnson, E. B. Pastor (AZ)  
 Kaptur Payne  
 Keating Pelosi  
 Kelly (IL) Perlmutter  
 Kennedy Peters (CA)  
 Kildee Peters (MI)  
 Kilmer Peterson  
 Kind Pingree (ME)  
 Kirkpatrick Pocan

## NOT VOTING—13

Campbell Holt  
 Coble Horsford  
 DeGette Joyce  
 Grimm McCarthy (NY)  
 Herrera Beutler Miller, Gary

Mr. PAYNE changed his vote from "aye" to "no."

□ 1414

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REPORT ON H.R. 2787, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

Mr. WOLF, from the Committee on Appropriations, submitted a privileged report (Rept. No. 113-171) on the bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2014, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

## REPORT ON H.R. 2786, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2014

Mr. CRENSHAW, from the Committee on Appropriations, submitted a privileged report (Rept. No. 113-172) on the bill making appropriations for financial services and general government for the fiscal year ending September 30, 2014, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

## PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 1012

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 1012, a bill originally introduced by Representative MARKEY of Massachusetts, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2014

## GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the consideration of H.R. 2397, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 312 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2397.

The Chair appoints the gentlewoman from Michigan (Mrs. MILLER) to preside over the Committee of the Whole.

□ 1418

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2397) making appropriations for the Department of Defense for the fiscal year ending September 30, 2014, and for other purposes, with Mrs. MILLER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.



The gentleman from Florida (Mr. YOUNG) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. YOUNG of Florida. Madam Chairman, I yield myself 5 minutes.

Madam Chairman, the subcommittee has produced this bill after months of bipartisan cooperation, months of hearings, and months of classified briefings. We present a bill today that includes a base funding of \$512.5 billion—\$3.4 billion below the CBO estimate of the President's request and ap-

proximately \$28.1 billion above the estimated fiscal year 2013 sequestration level. For Overseas Contingencies Operations, OCO, the bill includes \$85.8 billion, which is \$1.5 billion below last year's level.

We have worked closely with all parties. Mr. VISCLOSKY has been involved in every step of the way on producing this legislation. Our committee staff is unrivaled anywhere in this Congress, and they have done a tremendous job for the subcommittee.

These are some highlights of the bill:

There is \$580 million to fully fund the authorized military pay raise; \$536 mil-

lion to fully fund the anticipated fuel costs; \$950 million to fully fund the 2nd *Virginia* class submarine; \$922 million to restore Facility Sustainment, Modernization and Restoration funding; and \$692 million for military medical research, including \$246 million for cancer research and \$125 million for traumatic brain injury research.

During the next couple of days we are going to consider 100 amendments. So everybody be prepared: it's going to be a long day and a long night. And Madam Chair, to get us started off on the right track, I'm going to reserve the balance of my time.

## Department of Defense Appropriations Act - FY 2014 (H.R. 2397)

(Amounts in thousands)

\*Enacted level does not include the 251A sequester or Sec. 3004 OMB ATB

	FY 2013 Enacted	FY 2014 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----					
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army.....	40,199,263	41,037,790	40,908,919	+709,656	-128,871
Military Personnel, Navy.....	26,902,346	27,824,444	27,671,555	+769,209	-152,889
Military Personnel, Marine Corps.....	12,531,549	12,905,216	12,826,857	+295,308	-78,359
Military Personnel, Air Force.....	28,052,826	28,519,877	28,382,963	+330,137	-136,914
Reserve Personnel, Army.....	4,456,823	4,565,261	4,483,343	+26,520	-81,918
Reserve Personnel, Navy.....	1,874,023	1,891,936	1,875,536	+1,513	-16,400
Reserve Personnel, Marine Corps.....	658,251	677,499	665,499	+7,248	-12,000
Reserve Personnel, Air Force.....	1,722,425	1,758,629	1,745,579	+23,154	-13,050
National Guard Personnel, Army.....	7,981,577	8,041,268	7,958,568	-23,009	-82,700
National Guard Personnel, Air Force.....	3,153,990	3,177,961	3,130,361	-23,629	-47,600
-----					
Total, Title I, Military Personnel.....	127,533,073	130,399,881	129,649,180	+2,116,107	-750,701
=====					
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army.....	35,409,260	35,073,077	35,183,796	-225,464	+110,719
Operation and Maintenance, Navy.....	41,614,453	39,945,237	40,127,402	-1,487,051	+182,165
Operation and Maintenance, Marine Corps.....	6,034,963	6,254,650	6,298,757	+263,794	+44,107
Operation and Maintenance, Air Force.....	34,780,406	37,270,842	37,438,701	+2,658,295	+167,859
Operation and Maintenance, Defense-Wide .....	31,862,980	32,997,693	32,301,685	+438,705	-696,008
Operation and Maintenance, Army Reserve.....	3,182,923	3,095,036	3,199,151	+16,228	+104,115
Operation and Maintenance, Navy Reserve.....	1,256,347	1,197,752	1,200,283	-56,064	+2,531
Operation and Maintenance, Marine Corps Reserve.....	277,377	263,317	266,561	-10,816	+3,244
Operation and Maintenance, Air Force Reserve.....	3,261,324	3,164,607	3,149,046	-112,278	-15,561
Operation and Maintenance, Army National Guard.....	7,154,161	7,054,196	7,102,113	-52,048	+47,917
Operation and Maintenance, Air National Guard.....	6,494,326	6,566,004	6,675,999	+181,673	+109,995
Overseas Contingency Operations Transfer Account.....	---	5,000	---	---	-5,000
United States Court of Appeals for the Armed Forces...	13,516	13,606	13,606	+90	---
Environmental Restoration, Army.....	335,921	298,815	298,815	-37,106	---
Environmental Restoration, Navy.....	310,594	316,103	316,103	+5,509	---
Environmental Restoration, Air Force.....	529,263	439,820	439,820	-89,443	---
Environmental Restoration, Defense-Wide.....	11,133	10,757	10,757	-376	---
Environmental Restoration, Formerly Used Defense Sites	287,543	237,443	262,443	-25,100	+25,000
Overseas Humanitarian, Disaster, and Civic Aid.....	108,759	109,500	109,500	+741	---
Cooperative Threat Reduction Account.....	519,111	528,455	528,455	+9,344	---
Department of Defense Acquisition Workforce					
Development Fund.....	50,198	256,031	51,031	+833	-205,000
-----					
Total, Title II, Operation and maintenance.....	173,494,558	175,097,941	174,974,024	+1,479,466	-123,917
=====					

## Department of Defense Appropriations Act - FY 2014 (H.R. 2397)

(Amounts in thousands)

\*Enacted level does not include the 251A sequester or Sec. 3004 OMB ATB

	FY 2013 Enacted	FY 2014 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----					
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army.....	6,028,754	5,024,387	5,236,653	-792,101	+212,266
Missile Procurement, Army.....	1,535,433	1,334,083	1,628,083	+92,650	+294,000
Procurement of Weapons and Tracked Combat Vehicles, Army.....	1,857,823	1,597,267	1,545,560	-312,263	-51,707
Procurement of Ammunition, Army.....	1,641,306	1,540,437	1,465,937	-175,369	-74,500
Other Procurement, Army.....	5,741,864	6,465,218	6,467,751	+726,087	+2,533
Aircraft Procurement, Navy.....	17,382,152	17,927,651	17,092,784	-289,368	-834,867
Weapons Procurement, Navy.....	3,036,871	3,122,193	3,017,646	-19,225	-104,547
Procurement of Ammunition, Navy and Marine Corps.....	659,897	589,267	544,116	-115,781	-45,151
Shipbuilding and Conversion, Navy.....	15,584,212	14,077,804	15,000,704	-583,508	+922,900
Advanced appropriation FY 2015.....	---	952,739	---	---	-952,739
Other Procurement, Navy.....	5,955,078	6,310,257	6,824,824	+869,746	+514,567
Procurement, Marine Corps.....	1,411,411	1,343,511	1,271,311	-140,100	-72,200
Aircraft Procurement, Air Force.....	11,774,019	11,398,901	10,860,606	-913,413	-538,295
Coast Guard (by transfer).....	---	---	---	---	---
Missile Procurement, Air Force.....	4,962,376	5,343,286	5,267,119	+304,743	-76,167
Procurement of Ammunition, Air Force.....	594,694	759,442	743,442	+148,748	-16,000
Other Procurement, Air Force.....	17,082,508	16,760,581	16,791,497	-291,011	+30,916
Procurement, Defense-Wide .....	4,878,985	4,534,083	4,522,990	-355,995	-11,093
Defense Production Act Purchases .....	223,531	25,135	75,135	-148,396	+50,000
-----					
Total, Title III, Procurement.....	100,350,714	99,106,242	98,356,158	-1,994,556	-750,084
FY 2014.....	(100,350,714)	(98,153,503)	(98,356,158)	(-1,994,556)	(+202,655)
=====					
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army.....	8,676,627	7,989,102	7,961,486	-715,141	-27,616
Research, Development, Test and Evaluation, Navy.....	16,963,398	15,974,780	15,368,352	-1,595,046	-606,428
Research, Development, Test and Evaluation, Air Force.....	25,432,738	25,702,946	24,947,354	-485,384	-755,592
Research, Development, Test and Evaluation, Defense-Wide .....	18,631,946	17,667,108	17,885,538	-746,408	+218,430
Operational Test and Evaluation, Defense.....	223,768	186,300	246,800	+23,032	+60,500
-----					
Total, Title IV, Research, Development, Test and Evaluation.....	69,928,477	67,520,236	66,409,530	-3,518,947	-1,110,706
=====					

## Department of Defense Appropriations Act - FY 2014 (H.R. 2397)

(Amounts in thousands)

\*Enacted level does not include the 251A sequester or Sec. 3004 OMB ATB

	FY 2013 Enacted	FY 2014 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----					
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds.....	1,516,184	1,545,827	1,545,827	+29,643	---
National Defense Sealift Fund.....	697,840	730,700	595,700	-102,140	-135,000
Total, Title V, Revolving and Management Funds..	2,214,024	2,276,527	2,141,527	-72,497	-135,000
=====					
Blended CBO Outlay Rates for House Latest:					
CSBA Line 6300 Shipbuilding: \$626M is set aside					
for prior year programs at 65.5%; all other 10% rate					
CSBA Line 8700 DE WCFs: \$1,413M set aside for					
commissary salaries at 85%; all other 75% rate					
CSBA Line 8850 Natl Sealift Fund: \$299M set aside for					
Ready Reserve Force at 90%; all other at 66% rate.					
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program:					
Operation and maintenance.....	30,885,165	31,653,734	31,566,688	+681,523	-87,046
Procurement.....	521,762	671,181	671,181	+149,419	---
Research, development, test and evaluation.....	1,308,377	729,613	1,335,713	+27,336	+606,100
Total, Defense Health Program 1/.....	32,715,304	33,054,528	33,573,582	+858,278	+519,054
Chemical Agents and Munitions Destruction, Defense:					
Operation and maintenance.....	635,843	451,572	451,572	-184,271	---
Procurement.....	18,592	1,368	1,368	-17,224	---
Research, development, test and evaluation.....	647,351	604,183	604,183	-43,168	---
Total, Chemical Agents 2/.....	1,301,786	1,057,123	1,057,123	-244,663	---
Drug Interdiction and Counter-Drug Activities, Defense	1,159,263	938,545	1,007,762	-151,501	+69,217
Joint Urgent Operational Needs Fund.....	---	98,800	---	---	-98,800
Office of the Inspector General 1/.....	350,321	312,131	347,000	-3,321	+34,869
Total, Title VI, Other Department of Defense	35,526,674	35,461,127	35,985,467	+458,793	+524,340
=====					
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability					
System Fund.....	514,000	514,000	514,000	---	---
Intelligence Community Management Account (ICMA).....	534,421	568,271	552,535	+18,114	-15,736
Total, Title VII, Related agencies.....	1,048,421	1,082,271	1,066,535	+18,114	-15,736
=====					

## Department of Defense Appropriations Act - FY 2014 (H.R. 2397)

(Amounts in thousands)

\*Enacted level does not include the 251A sequester or Sec. 3004 OMB ATB

	FY 2013 Enacted	FY 2014 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----					
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec.8005).....	(4,000,000)	(4,000,000)	(4,000,000)	---	---
Indian Financing Act incentives (Sec.8019).....	15,000	---	15,000	---	+15,000
FFRDC (Sec.8023).....	---	---	-40,000	-40,000	-40,000
Rescissions (Sec.8040).....	-2,142,447	---	-3,043,571	-901,124	-3,043,571
O&M, Defense-wide transfer authority (Sec.8051).....	(30,000)	(30,000)	(30,000)	---	---
O&M, Army transfer authority.....	(133,381)	---	---	(-133,381)	---
Global Security Contingency Fund (O&M, Defense-wide transfer) (Sec.8068).....	(200,000)	(200,000)	(200,000)	---	---
Fisher House Foundation (Sec.8069).....	4,000	---	4,000	---	+4,000
National grants (Sec.8077).....	44,000	---	44,000	---	+44,000
Shipbuilding & conversion funds, Navy (Sec.8082).....	8,000	8,000	8,000	---	---
ICMA transfer authority (Sec.8088).....	(20,000)	(20,000)	(20,000)	---	---
Fisher House transfer authority (Sec.8093).....	(11,000)	(11,000)	(11,000)	---	---
Defense Health O&M transfer authority (Sec.8098).....	(139,204)	(143,087)	(143,087)	(+3,883)	---
Ship Modernization, Operations and Sustainment Fund.....	2,382,100	---	---	-2,382,100	---
Operation and Maintenance, Defense-Wide (Sec.8102)....	270,000	---	---	-270,000	---
(transfer authority).....	---	(273,300)	(146,568)	(+146,568)	(-126,732)
Civilian pay reduction (Sec.8116).....	-72,718	---	-437,000	-364,282	-437,000
Special Victims Program implementation (Sec.8122).....	---	---	25,000	+25,000	+25,000
A-12 Aircraft litigation in-kind settlement.....	---	150,000	---	---	-150,000
Military pay raise (Sec. 8126).....	---	---	580,000	+580,000	+580,000
Total, Title VIII, General Provisions.....	507,935	158,000	-2,844,571	-3,352,506	-3,002,571
=====					
TITLE IX					
OVERSEAS CONTINGENCY OPERATIONS (OCO) 3/					
Military Personnel					
Military Personnel, Army (OCO).....	9,790,082	6,747,515	6,703,006	-3,087,076	-44,509
Military Personnel, Navy (OCO).....	774,225	558,344	558,344	-215,881	---
Military Personnel, Marine Corps (OCO).....	1,425,156	1,019,322	1,019,322	-405,834	---
Military Personnel, Air Force (OCO).....	1,286,783	867,087	867,087	-419,696	---
Reserve Personnel, Army (OCO).....	156,893	40,952	40,952	-115,941	---
Reserve Personnel, Navy (OCO).....	39,335	20,238	20,238	-19,097	---
Reserve Personnel, Marine Corps (OCO).....	24,722	15,134	15,134	-9,588	---
Reserve Personnel, Air Force (OCO).....	25,348	20,432	20,432	-4,916	---
National Guard Personnel, Army (OCO).....	583,804	393,364	393,364	-190,440	---
National Guard Personnel, Air Force (OCO).....	10,473	6,919	6,919	-3,554	---
Total, Military Personnel.....	14,116,821	9,689,307	9,644,798	-4,472,023	-44,509

## Department of Defense Appropriations Act - FY 2014 (H.R. 2397)

(Amounts in thousands)

\*Enacted level does not include the 251A sequester or Sec. 3004 OMB ATB

	FY 2013 Enacted	FY 2014 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>Operation and Maintenance</b>					
Operation & Maintenance, Army (OCO).....	28,452,018	29,279,633	30,929,633	+2,477,615	+1,650,000
Operation & Maintenance, Navy (OCO).....	5,839,934	6,067,993	6,255,993	+416,059	+188,000
Coast Guard (by transfer) (OCO).....	---	(227,033)	(227,033)	(+227,033)	---
Operation & Maintenance, Marine Corps (OCO).....	4,116,340	2,669,815	2,669,815	-1,446,525	---
Operation & Maintenance, Air Force (OCO).....	9,249,736	10,005,224	10,605,224	+1,355,488	+600,000
Operation & Maintenance, Defense-Wide (OCO).....	7,714,079	6,435,078	6,240,437	-1,473,642	-194,641
Coalition support funds (OCO).....	(1,650,000)	(1,500,000)	(1,500,000)	(-150,000)	---
Operation & Maintenance, Army Reserve (OCO).....	157,887	42,935	42,935	-114,952	---
Operation & Maintenance, Navy Reserve (OCO).....	55,924	55,700	55,700	-224	---
Operation & Maintenance, Marine Corps Reserve (OCO).....	25,477	12,534	12,534	-12,943	---
Operation & Maintenance, Air Force Reserve (OCO).....	60,618	32,849	32,849	-27,769	---
Operation & Maintenance, Army National Guard (OCO).....	392,448	199,371	199,371	-193,077	---
Operation & Maintenance, Air National Guard (OCO).....	34,500	22,200	22,200	-12,300	---
Overseas Contingency Operations Transfer Fund (OCO)...	582,884	---	1,073,800	+490,916	+1,073,800
Subtotal, Operation and Maintenance.....	56,681,845	54,823,332	58,140,491	+1,458,646	+3,317,159
Afghanistan Infrastructure Fund (OCO).....	325,000	279,000	279,000	-46,000	---
Afghanistan Security Forces Fund (OCO).....	5,124,167	7,726,720	7,726,720	+2,602,553	---
Total, Operation and Maintenance.....	62,131,012	62,829,052	66,146,211	+4,015,199	+3,317,159
<b>Procurement</b>					
Aircraft Procurement, Army (OCO).....	550,700	771,788	771,788	+221,088	---
Missile Procurement, Army (OCO).....	67,951	128,645	154,532	+86,581	+25,887
Procurement of Weapons and Tracked Combat Vehicles, Army (OCO).....	15,422	---	15,422	---	+15,422
Procurement of Ammunition, Army (OCO).....	338,493	180,900	190,382	-148,111	+9,482
Other Procurement, Army (OCO).....	1,740,157	603,123	909,825	-830,332	+306,702
Aircraft Procurement, Navy (OCO).....	215,698	240,696	240,696	+24,998	---
Weapons Procurement, Navy (OCO).....	22,500	86,500	86,500	+64,000	---
Procurement of Ammunition, Navy and Marine Corps..... (OCO).....	283,059	206,821	169,362	-113,697	-37,459
Other Procurement, Navy (OCO).....	98,882	17,968	17,968	-80,914	---
Procurement, Marine Corps (OCO).....	822,054	129,584	125,984	-696,070	-3,600
Aircraft Procurement, Air Force (OCO).....	305,600	115,668	188,868	-116,732	+73,200
Missile Procurement, Air Force (OCO).....	34,350	24,200	24,200	-10,150	---
Procurement of Ammunition, Air Force (OCO).....	116,203	159,965	137,826	+21,623	-22,139
Other Procurement, Air Force (OCO).....	2,680,270	2,574,846	2,524,846	-155,424	-50,000
Procurement, Defense-Wide (OCO).....	188,099	111,275	128,947	-59,152	+17,672
National Guard and Reserve Equipment (OCO).....	1,500,000	---	1,500,000	---	+1,500,000
Total, Procurement.....	8,979,438	5,351,979	7,187,146	-1,792,292	+1,835,167

## Department of Defense Appropriations Act - FY 2014 (H.R. 2397)

(Amounts in thousands)

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	FY 2013 Enacted	FY 2014 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----					
Research, Development, Test and Evaluation					
Research, Development, Test & Evaluation, Army (OCO).....	29,660	7,000	7,000	-22,660	---
Research, Development, Test & Evaluation, Navy (OCO).....	52,519	34,426	34,426	-18,093	---
Research, Development, Test & Evaluation, Air Force (OCO).....	53,150	9,000	9,000	-44,150	---
Research, Development, Test and Evaluation, Defense-Wide (OCO).....	112,387	66,208	66,208	-46,179	---
-----					
Total, Research, Development, Test and Evaluation.....	247,716	116,634	116,634	-131,082	---
Revolving and Management Funds					
Defense Working Capital Funds (OCO).....	243,600	264,910	264,910	+21,310	---
Other Department of Defense Programs					
Defense Health Program:					
Operation and maintenance (OCO).....	993,898	904,201	904,201	-89,697	---
Drug Interdiction and Counter-Drug Activities, Defense (OCO).....	469,025	376,305	376,305	-92,720	---
Joint IED Defeat Fund (OCO) 2/.....	1,622,614	1,000,000	1,000,000	-622,614	---
Joint Urgent Operational Needs Fund (OCO).....	---	15,000	---	---	-15,000
Office of the Inspector General (OCO).....	10,766	10,766	10,766	---	---
-----					
Total, Other Department of Defense Programs.....	3,096,303	2,306,272	2,291,272	-805,031	-15,000
-----					
TITLE IX General Provisions					
Additional transfer authority (OCO) (Sec.9002).....	(3,500,000)	(4,000,000)	(4,000,000)	(+500,000)	---
Rescissions (OCO) (Sec.9013).....	-1,860,052	-1,279,252	-46,022	+1,814,030	+1,233,230
-----					
Total, General Provisions.....	-1,860,052	-1,279,252	-46,022	+1,814,030	+1,233,230
-----					
Total, Title IX .....	86,954,838	79,278,902	85,604,949	-1,349,889	+6,326,047
=====					
Total for the bill (net).....	597,558,714	590,381,127	591,342,799	-6,215,915	+961,672
Less appropriations for subsequent years....	---	-952,739	---	---	+952,739
=====					
Total for the bill (net).....	597,558,714	589,428,388	591,342,799	-6,215,915	+1,914,411



## Department of Defense Appropriations Act - FY 2014 (H.R. 2397)

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	FY 2013 Enacted	FY 2014 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----					
OTHER APPROPRIATIONS					
DISASTER RELIEF APPROPRIATIONS ACT, 2013					
Operation and Maintenance (emergency).....	62,825	---	---	-62,825	---
Procurement (emergency).....	1,310	---	---	-1,310	---
Defense working capital funds (emergency).....	24,200	---	---	-24,200	---
-----					
Total, FY 2013 Disaster Relief (PL 113-2).....	88,335	---	---	-88,335	---
-----					
Total, Other Appropriations.....	88,335	---	---	-88,335	---
=====					
Net grand total.....	597,647,049	589,428,388	591,342,799	-6,304,250	+1,914,411
=====					
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Lease of defense real property (permanent).....	22,000	30,000	30,000	+8,000	---
Disposal of defense real property (permanent).....	9,000	10,000	10,000	+1,000	---
DHP, O&M to DOD-VA Joint Incentive Fund:					
Defense function.....	-15,000	-15,000	-15,000	---	---
Non-defense function.....	15,000	15,000	15,000	---	---
DHP, O&M to Joint DOD-VA Medical Facility					
Demonstration Fund:					
Defense function.....	-139,204	-143,087	-143,087	-3,883	---
Non-defense function.....	139,204	143,087	143,087	+3,883	---
O&M, Defense-wide transfer to Department of State:					
Defense function.....	-100,000	-50,000	-50,000	+50,000	---
Non-defense function.....	100,000	50,000	50,000	-50,000	---
Tricare accrual (permanent, indefinite auth.) 4/..	8,026,000	7,258,000	7,258,000	-768,000	---
(OCO) 3/.....	271,000	164,000	164,000	-107,000	---
Title IX rescissions (CBO adjustment).....	---	257,681	---	---	-257,681
OCO appropriations.....	---	1,021,571	---	---	-1,021,571
Base appropriations.....	---	-1,021,571	---	---	+1,021,571
Less emergency appropriations .....	-88,335	---	---	+88,335	---
ATB security (DivD Sec3001) (CBO adjustment).....	-515,000	---	---	+515,000	---
-----					
Total, scorekeeping adjustments.....	7,724,665	7,719,681	7,462,000	-262,665	-257,681
=====					
Adjusted total (includ. scorekeeping adjustments)	605,371,714	597,148,069	598,804,799	-6,566,915	+1,656,730
Appropriations.....	(607,514,161)	(598,169,640)	(601,848,370)	(-5,665,791)	(+3,678,730)
Rescissions.....	(-2,142,447)	(-1,021,571)	(-3,043,571)	(-901,124)	(-2,022,000)
=====					
Total mandatory and discretionary.....	605,371,714	597,148,069	598,804,799	-6,566,915	+1,656,730

## Department of Defense Appropriations Act - FY 2014 (H.R. 2397)

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	FY 2013 Enacted	FY 2014 Request	Bill	Bill vs. Enacted	Bill vs. Request
-----					
RECAPITULATION					
Title I - Military Personnel.....	127,533,073	130,399,881	129,649,180	+2,116,107	-750,701
Title II - Operation and Maintenance.....	173,494,558	175,097,941	174,974,024	+1,479,466	-123,917
Title III - Procurement.....	100,350,714	99,106,242	98,356,158	-1,994,556	-750,084
Title IV - Research, Development, Test and Evaluation.....	69,928,477	67,520,236	66,409,530	-3,518,947	-1,110,706
Title V - Revolving and Management Funds.....	2,214,024	2,276,527	2,141,527	-72,497	-135,000
Title VI - Other Department of Defense Programs.....	35,526,674	35,461,127	35,985,467	+458,793	+524,340
Title VII - Related Agencies.....	1,048,421	1,082,271	1,066,535	+18,114	-15,736
Title VIII - General Provisions (net).....	507,935	158,000	-2,844,571	-3,352,506	-3,002,571
Title IX - Overseas Contingency Operations (OCO).....	86,954,838	79,278,902	85,604,949	-1,349,889	+6,326,047
-----					
Total, Department of Defense.....	597,558,714	590,381,127	591,342,799	-6,215,915	+961,672
Scorekeeping adjustments.....	7,724,665	7,719,681	7,462,000	-262,665	-257,681
Less appropriations for subsequent years....	---	-952,739	---	---	+952,739
-----					
Total mandatory and discretionary.....	605,371,714	597,148,069	598,804,799	-6,566,915	+1,656,730

## FOOTNOTES:

1/ Included in Budget under Operation and Maintenance

2/ Included in Budget under Procurement

3/ Global War on Terrorism (GWOT)

4/ Contributions to Department of Defense Retiree

Health Care Fund (Sec. 725, P.L. 108-375)(CBO est)

permanent appropriations.

Mr. VISCLOSKEY. Madam Chair, I yield myself such time as I may consume.

I would like to begin by expressing my appreciation to Chairman YOUNG, and to congratulate him on the bipartisan and transparent manner in which he has crafted the fiscal year 2014 Defense bill.

I also want to express my gratitude to Chairman ROGERS, Ranking Member LOWEY, and all of the members of the Defense Subcommittee for their efforts. We would not be here today but for their outstanding effort.

I would also note that this will be the last Defense appropriations bill we bring to the floor with the membership of Mr. BONNER from Alabama. With his leaving this institution, we are losing a very serious and thoughtful Member who has worked assiduously every day to leave the world better, and I certainly want to recognize his individual contribution.

The bill also could not have been written without the dedication, hard work, and sound judgment of the staff that Mr. YOUNG has already referenced. I do want to thank Tom McLemore, Sherry Young, Tim Prince, Jennifer Miller, Walter Hearne, Paul Terry, BG Wright, Brooke Boyer, Ann Reese, Adrienne Ramsey, Megan Rosenbusch, Maureen Holohan, Paul Juola, Rebecca Leggieri, Kent Clark, Michael Rigney, and Joe DeVoght.

The bill at hand is fundamentally aimed at restoring readiness and training for the services to areas that have suffered greatly in the budgetary upset of the current year.

While Chairman YOUNG has noted that the bill's \$212 billion in funding is approximately \$28 billion more than the fiscal year 2013 post-sequestration level, it does contain a number of significant reductions. The bill cuts \$617.8 million from the Joint Strike Fighter program to address unjustified cost growth and unjustified concurrency estimates for the program. It cuts another \$112 million due to an overstatement of Army travel requirements. The bill rescinds \$443 million for C-27-J aircraft.

The bill and report contain a significant amount of language and robust funding for initiatives to respond to sexual assault in the armed services. Sexual assault in any circumstance is unacceptable and maddening. The fact that it is prevalent within the military is even more so because of the standard to which our men and women in uniform hold themselves. These are individuals who are committed to give their "last full measure of devotion" to our Nation, who, in order to be effective, need to unconditionally trust each other. Sexual assault undermines all of this.

Though I strongly support the efforts contained in this bill, they are aimed mainly at offender accountability and

cares for victims. Even though the comprehensive solution to this issue lies outside the services, it is imperative that the proper attitudes and training start during the recruitment process for the officers and enlisted and continue throughout each servicemembers' career.

I would also note that the bill includes \$20 million above the request for suicide prevention and outreach, consistent with the funding level of the past 2 years. Suicides are another disheartening problem within the services, especially given the emphasis that the Department and Congress have placed on the issue over the past few years. But money is not the only solution. We need to spend the appropriated dollars as wisely and as effectively as possible.

I was taken aback in a hearing earlier this year to learn that the Navy has a collection of 123 programs aimed at addressing suicide and resiliency. While I am sure that each one of these programs is well-intentioned, the sheer number spreads resources too thin and creates confusion. To their credit, the Navy is in the process of implementing task force recommendations to dedicate more resources to the programs that truly work.

Additionally, I would like to express my support for a solution that benefits all future users of the Integrated Electronic Health Record program. I am proud of the efforts of our subcommittee and of the Military Construction-Veterans Affairs Subcommittee to effectuate this long-awaited improvement to medical care for our still-serving military members and our veterans. Additionally, the cooperation between our subcommittees and with our corresponding authorization committees demonstrates the importance Congress places on the issue.

I am pleased that the bill report contains provisions that enhance oversight at the Department. The Office of the Inspector General is funded at \$347 million, which is nearly \$35 million above the administration's request. This office plays a vital role in moving the Department towards auditable financial statements, which are long overdue and which I attach great importance to.

Also, while the committee increased funding relative to the budget request for environmental cleanup at Formerly Used Defense Sites, this increase is accompanied by additional reporting requirements. In the same vein as my prior comments, the money in this program must be spent more effectively going forward to ensure that we complete cleanup projects, not just continue them.

Regarding missile defense, the bill increases advance procurement funding for additional Ground-Based Interceptors. This funding is accompanied by a requirement to document the adequacy

of the testing plan for the Ground-Based Interceptors.

In light of the program's recent test failure, I continue to be very concerned about the concurrency of this program. I believe it is essential to maintain rigorous standards to ensure that the weapons we pursue are fully developed before we begin fielding them, and once fielded, that these weapons effectively perform their missions.

Further, should the review to determine the cause of the latest test failure reveal significant problems, and if we understand that this program needs to be changed, we should reevaluate our position in conference.

While I support the bill, there are a few provisions that I have concerns with, in particular, the three general provisions regarding detainees at Guantanamo Bay.

I believe that the continued operation of Guantanamo Bay reduces our Nation's credibility and weakens our national security by providing terrorist organizations with recruitment material. I do regret that this bill and other relevant appropriations bills continue to thwart any attempts to close Guantanamo by prohibiting viable alternatives.

Further, I am concerned that the bill essentially prohibits a pay raise for civilian employees at the Department of Defense. We rely on the Department of Defense civilians working side by side with our military personnel to provide medical care for our troops, to perform vital logistics, maintenance and acquisition services, and to provide many other essential services within the Department. Even a modest raise that maintains pay equity between civilian and military personnel sends a critical message of support to these employees.

Looking ahead, I am concerned that if the shadows of the future remain unaltered, we will experience serious problems ensuring the continued defense of our Nation.

□ 1430

As Todd Harrison of the Center for Strategic and Budgetary Assessments has noted:

Rather than getting larger and more expensive over the past decade, the military just grew more expensive.

This reality makes our future choices even more difficult, and it is imperative that Congress join with the Department in working through these decisions at arm's length and also as a partner.

The Department of Defense did recommend some very difficult reductions in the budget submitted to us earlier this year, as they have done in previous years. We, as legislators, can no longer afford to reflexively reject those recommendations because they affect a specific company, a specific region of the country, or are simply not the most politic of choices to be made.

Our military is at a familiar crossroad, one they have been at before as the end of combat operations nears. The additions and subtractions to Defense funding made today must be carried out with an eye to the future, with a sense of the strategic impact on America's future ability to muster a force of successfully defending and protecting our country.

In closing, I again want to reiterate my appreciation to Chairman YOUNG for his cooperation and assistance in addressing the interests we have expressed. He and his staff have ensured that the subcommittee continues its long tradition of operating collaboratively and effectively and transparently. I am pleased that we are finally considering this bill on the floor and look forward to the debate.

I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chairman, first, I would like to thank Mr. VISCLOSKY for his much more detailed description of this legislation.

I would now yield 5 minutes to the chairman of the full Committee on Appropriations, who has strongly committed to making sure that we pass all of our appropriations bills, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Thank you, Mr. Chairman, for yielding this time.

Madam Chairman, I rise in support of this, the DOD appropriations bill.

This bill provides more than \$512 billion in base funding for our national security and military efforts, and \$85.8 billion in Overseas Contingency Operations war funding. This is a base funding decrease of \$5.1 billion below fiscal 2013, but is about \$28.1 billion above the current level caused by automatic sequestration spending cuts.

This total reflects an appropriate, thorough analysis of what is needed to keep this country safe. Freedom isn't free. Our liberties, our rights, our property are preserved by our national defense, but at a cost.

Sufficient funding for the Pentagon and our military is of the utmost importance to the continued prosperity of the United States of America. It is, and should be, our top priority.

We have already seen the distressing toll that the heavy-handed, indiscriminate cuts of sequestration have taken on our military—from grounded planes, to reduced training time, to postponed maintenance—all of which contribute to the loss of readiness of our troops.

As we saw all this month as Department of Defense civilian furloughs began, our economy is also taking a significant hit.

The funding level in this bill strikes a balance between fiscal responsibility and sufficient support for our military. Within this total, we prioritize funding to advance our missions abroad, to prepare and equip our troops, and to ensure the readiness and effectiveness of

our military. This includes adequate funding to purchase the equipment, weapons, and vehicles needed to keep our military protected, at the ready, and able to conduct successful operations.

The bill also provides funding for ongoing operations and maintenance of military facilities, equipment, and bases—fundamental to the successful missions of our Armed Forces. Essential funding is proposed to develop new defense technologies, to advance the success of current military operations, and to plan for whatever new threats may arise in the future.

A well-equipped military is not as effective without strong and well-prepared troops. This funding supports readiness programs that prepare our troops for both combat and peacetime missions, giving them flight time and battle training.

In addition, the bill funds the authorized 1.8 percent pay raise for the military—above the 1 percent the President requested. To keep our troops healthy before and after battle, the Defense Health Program receives an increase above last year's level, funding medical facility upgrades, traumatic brain injury and psychological health research, and suicide prevention outreach.

The bill also addresses what has been a black mark on our military, Madam Chairman—the problem with sexual assault. The legislation fully funds Sexual Assault Prevention and Response programs and adds \$25 million in funding for sexual assault victim assistance to preserve trust in our military and ensure that members of our Armed Forces are not sacrificing more than they already have to serve this Nation.

But a balanced budget—one that does not put us into massive debt to other governments or threaten our economic stability—is also paramount to our national security. Even these critical national security programs cannot spend precious tax dollars unchecked.

The bill has implemented commonsense reductions wherever possible, including rescinding unused, prior-year funding, nixing a proposed civilian pay raise, and saving \$1 billion in anticipated excess funding. We have also prohibited funding to modify facilities in the U.S. to house Guantanamo detainees or to allow their transfer into the U.S. or its territories.

When all is said and done, this bill cuts more than \$5 billion below last year's enacted level; but I must emphasize that these reductions will in no way harm or negatively affect our national defense or the troops that fight to protect this great country.

Madam Chairman, some will complain that the bill breaks the cap placed on Defense spending under the sequester level for fiscal year 2014 put into place by the Budget Control Act. To this I say, of course it does.

The CHAIR. The time of the gentleman has expired.

Mr. YOUNG of Florida. I yield the gentleman an additional 2 minutes.

Mr. ROGERS of Kentucky. The massive, irresponsible, dangerous reductions to Defense spending under the sequestration cap is completely beyond the pale.

For example, if nothing is done to cancel the next round of sequestration cuts that are scheduled to take effect when this Congress adjourns, this bill would be cut to a total of \$468 billion.

Before I close, Madam Chairman, I would like to take this time to thank the venerable chairman of the subcommittee, BILL YOUNG. He is a national asset. He has shown again the skill that he has in putting together a great bill.

To Mr. VISCLOSKY, thank you for being a great partner to our chairman throughout this process.

To the staff and the entire subcommittee members, without your hard work we would not have this bill on the floor. I salute you and endorse this bill wholeheartedly.

Mr. VISCLOSKY. Madam Chair, I would yield such time as she may consume to the ranking member of the Appropriations Committee, the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Chair, I thank Chairman YOUNG, Ranking Member VISCLOSKY, and Chairman ROGERS for working across the aisle on the bill before us today in keeping with the Defense Subcommittee's long bipartisan tradition. I also want to recognize and thank the Defense Subcommittee staff for working tirelessly on the nuts and bolts of this bill.

Sadly, however, the appropriations process has become a quandary that could easily have been avoided with good old-fashioned compromise. Instead, we have disparate House and Senate allocations. House bills follow the Ryan budget, which endorses sequestration and is unrealistic, unworkable, and economically misguided, while the Senate and White House budgets are based on the higher level agreed upon in the Budget Control Act. With only 18 days of session left in the House before the end of the fiscal year, we are racing toward a government shutdown that is irresponsible.

Assuming the sequester is turned off, this is a good bill. It includes additional funding and tougher penalties to address the epidemic of sexual assault plaguing our military, an increase for Active Duty pay by 1.8 percent, enhancements to embassy security by increasing the presence of Marine Corps security guards, substantial investments in health services and suicide prevention, maintenance of all the National Guard weapons of mass destruction/civil support teams, and continued support for the Israeli Cooperative Program.

However, the bill also contains serious shortcomings. On July 8, I was at

Camp Smith in my district in New York where 48 of the more than 600,000 Defense civilian employees nationwide are being furloughed. Each will lose \$2,706, a 20 percent reduction to their fourth-quarter earnings, on top of 3 years without a pay increase. Yet this bill does nothing to fix the pay freeze or furloughs resulting from the sequester.

In fact, the majority simply ignores sequestration when it suits their purpose, including in the spending allocations for MilCon-VA, Homeland Security, and Defense bills. While the Republicans are steadfast in sticking to the post-sequester overall discretionary allocation they included in the Ryan budget, they are comfortable breaking the Budget Control Act's cap on Defense spending by \$47.7 billion.

Of course, they may not tell you that, unless we end the sequester, on January 15 those funds will be lost, creating a gaping hole in the Defense budget. They don't have the courage of their convictions to admit that breaking the Defense cap further shortchanges vital domestic priorities like medical research, Head Start, teachers for military families, energy efficiency, disaster preparedness, and other vital investments, all of which create jobs.

We have already achieved \$2.5 trillion in deficit reduction since 2011, including \$1.5 trillion in discretionary cuts. It is time for Congress to buckle down to reach a bipartisan agreement to replace sequestration with a balanced approach that protects critical services and investments.

As I did for MilCon-VA and Homeland Security, I support the overall funding level in Defense because it was written as though Congress will turn off sequestration, as we should.

But on the remaining bills, as with the Energy and Water bill, I will not support slashing investments in our families and workforce. If we are to remain a global leader, we need a strong national defense and a strong economy.

I thank you again to the chairman and the ranking member, who have worked so hard in a bipartisan way, maintaining the tradition of this committee. As we move forward, I do hope that we can go to conference and work together with the Senate to come up with a bill that can really pass and sequestration be eliminated.

Mr. YOUNG of Florida. Madam Chairman, I am very pleased to yield 4 minutes to an important member of our subcommittee, the very distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, thank you for yielding me the time.

Madam Chair, I rise in strong support of our Defense appropriations bill. Under Chairman YOUNG's leadership and collaboration and strong support from Mr. VISCLOSKY, our committee

held a lengthy series of hearings examining varied topics: our operations in Afghanistan, the so-called pivot to the Asia-Pacific, the Army and Air Force's need for modernization, Navy shipbuilding, marine end strength, military health care, acquisition reform, sexual assaults, among other important issues, and, of course, the impact of the sequester, the negative impact.

□ 1445

Most of our hearings related to reducing risk in the defense budget and the new strategic guidance from the Department of Defense—protecting our gains as well as preparing for current and future threats—China's growing military capability; continued uncertainty in North Korea and that peninsula; the destabilizing civil war in Syria; Iran's race to develop a nuclear weapons capability and their threat to close the Straits of Hormuz, among others.

Our goal throughout this bill is to provide the resources to support our warfighters now and in the future, whenever the next crisis arises.

Madam Chairman, our subcommittee, like other Appropriations subcommittees, clearly recognizes the Nation's debt and deficit and found areas and programs where reductions are possible without adversely impacting our Armed Forces and our modernization efforts. Frankly, it is important that we find savings without harming readiness or increasing the risks incurred by our warfighters.

Under Chairman YOUNG's leadership, our committee has had a close examination of military needs and very necessary oversight, so our legislation before us includes funding for critical national security and intelligence needs based on a very strong hearing process. In addition, the bill provides essential funding for health and quality of life programs for all of our men and women in uniform—all volunteers—and their families. They deserve nothing less.

I want to thank the chairman and the ranking member for their leadership, and I strongly support the bill.

Mr. VISCLOSKY. Madam Chair, I yield myself such time as I may consume, and I yield to the gentleman from California (Mr. FARR) for the purpose of entering into a colloquy.

Mr. FARR. Madam Chairman, I wish to engage in a colloquy with the chairman and the gentleman from Indiana on an issue regarding timeliness, accuracy, and the review of security clearance processing.

As the chairman is aware, security clearances are necessary to protect our national security and are required for thousands of jobs. However, the length of time it takes to conduct the investigations, the quality of the investigations, and the continuous review of approved security clearances are three areas that could be improved. I believe

that there is a solution to all three of these concerns, and it involves the leveraging of automated investigation tools already in existence.

The Defense Department has within its subordinate activities the Defense Personnel Security Research Center, known as PERSEREC. It has researched and developed a number of automated toolsets that can reduce the time it takes to adjudicate investigations, to grade the quality of the investigations, to measure human error, and to provide a way to monitor and reaffirm granted clearances based on an analysis of human behavior.

These computer programs could dramatically increase the quality of the investigations while at the same time saving money and shortening the time it takes to both approve and reinvestigate security clearances. These tools are already available today, but they have not been leveraged. Instead, the majority of security clearances is being investigated by an antiquated analog adjudication process that just doesn't reflect the best research and development readily available to the Department of Defense by PERSEREC.

I greatly appreciate that the chairman and ranking member of the Defense Subcommittee have included report language encouraging the Department of Defense and the Office of Personnel Management to use these automated tools and systems readily available for the security clearance process.

Would my colleagues agree that the security clearance process should incorporate proven tools that ensure increased efficiency and quality?

Mr. VISCLOSKY. I would note to the gentleman from California that, with the recent concerns regarding security clearance processes for the Department of Defense and intelligence communities, I appreciate his bringing to our attention that the Department can increase the timeliness and quality of investigations and reinvestigations by using the Defense Personnel Security Research Center tools.

Mr. FARR. I thank the gentleman for his response.

Mr. YOUNG of Florida. Will the gentleman from Indiana yield?

Mr. VISCLOSKY. I yield to the gentleman.

Mr. YOUNG of Florida. Madam Chair, I am aware of the gentleman from California's deep interest, and I appreciate his proposed solution in finding ways to address this issue.

Like my good friend from Indiana, I agree that we should work with our friend Mr. FARR to ensure that the Department of Defense and the Director of National Intelligence leverage the security clearance research at PERSEREC in order to improve the precision and speed of investigations, and that is exactly why we included it in our report.

Mr. FARR. Will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from California.

Mr. FARR. I thank both of you for your friendship, your leadership, and your cooperation.

Mr. VISCLOSKY. I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. TURNER) for the purpose of engaging in a colloquy.

Mr. TURNER. I appreciate the gentleman's commitment to enter into a colloquy.

Madam Chair, I rise to speak about the Abrams tank. The Appropriations Committee has wisely included funding in the last 2 years for continuing to upgrade the Abrams tank. That action kept the Abrams production line warm and preserved a critical industrial capability. However, there is no funding, as I understand it, in the FY 2014 Defense appropriations bill for additional tank upgrades.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. TURNER. I yield to the gentleman.

Mr. YOUNG of Florida. Madam Chairman, the gentleman is correct. The administration's budget request for fiscal year 2014 includes no funds for the production of Abrams tanks, and the committee bill provides none. The Army is only now addressing the funds added for fiscal year '13, and production of the M1A2s will actually continue until December of 2014.

Mr. TURNER. Madam Chair, in reclaiming my time, I understand that, earlier in the year, both the administration and others believed that foreign military sales alone may be sufficient to keep this production line running. Those sales have not yet materialized, and I remain concerned that we are risking a critical national asset based solely on the anticipation of foreign sales.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. TURNER. I yield to the gentleman.

Mr. YOUNG of Florida. Foreign military sales have helped sustain a warm tank production line. Despite the delays and uncertainties in the FMS process, it is very likely that FMS sales will continue to play an important part in sustaining the tank line.

Mr. TURNER. In reclaiming my time, I understand that the committee intends to wait until the Army announces its force structure changes and then will assess the need for additional upgraded tanks. While I respect that position, I think that, with whatever changes the Army makes, we will still need to keep that smaller force as effective as possible. The way to ensure that is to provide all remaining Armored Brigade Combat Teams with M1A2 SEP tanks.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. TURNER. I yield to the gentleman.

Mr. YOUNG of Florida. Madam Chairman, I appreciate the points raised by my colleague.

We will continue to monitor the overall requirement for tanks in both the active Army and the Army National Guard. We intend to relook at the issue of additional Abrams upgrades as we move forward in the appropriations process. We will have the benefit of more complete information on foreign military sales and of the Army's force structure analysis. Protecting the industrial base will remain a critical issue.

Mr. TURNER. In reclaiming my time, Mr. Chairman, I thank the chairman for his continued interest and for his support in this matter.

Mr. VISCLOSKY. I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chairman, I yield 3 minutes to the gentleman from Utah (Mr. BISHOP) for the purpose of a colloquy.

Mr. BISHOP of Utah. Mr. Chairman, I know my friend from Florida shares my concerns regarding our Nation's nuclear deterrents and specifically in preserving the sea-based leg of the Nuclear Triad in the Trident II D5 submarine launched ballistic missiles, which are carried on the Ohio-class submarine.

The current fleet of ballistic missile submarines is planned for service through the year 2042, and the D5 missile they carry is expected to remain viable much longer and will see service on the replacement platform. I hope the chairman agrees.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. BISHOP of Utah. I yield to the gentleman.

Mr. YOUNG of Florida. I do agree and the gentleman is correct.

Mr. BISHOP of Utah. In reclaiming my time, the original design life of the D5 missile rocket motors was 25 years. Some of the currently deployed motors are reaching that age, and the missiles require a life extension to maintain viability.

Does the chairman agree that the life extension program for the D5 missile is critical to ensure the missile will remain the highest level of reliability for as long as our Nation requires it?

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. BISHOP of Utah. I yield to the gentleman.

Mr. YOUNG of Florida. I will tell the gentleman that I do agree. I would add that the ending of the Space Shuttle Program has also exacerbated the hardships of the industrial base, and I agree that the Navy's D5 program is now the cornerstone of the Nation's solid rocket motor production.

I feel that it is essential that the Navy sustain a steady production rate

of 12 rocket motors per year as the minimum level to ensure that replacement motors are available to replace aged-out motors as well as to keep this unique and highly skilled engineering and workforce viable into the future. The industrial base has done a Herculean effort in downsizing and in becoming more efficient in the face of the declining workload as enhanced by the attractive pricing they provided the Navy on a recent motor contract.

I will work to ensure that the Navy has sufficient funding to maintain at least the minimum production required to sustain this critical industrial base.

Mr. BISHOP of Utah. In reclaiming my time, I thank the chairman and compliment him on his great work on this issue.

Mr. VISCLOSKY. As we have no further speakers, Madam Chair, I yield back the balance of my time.

Mr. YOUNG of Florida. Madam Chairman, I am happy to yield back the balance of my time.

Madam Chair, I'd like to use my time to say thank you to the House and all of the Members who participated in some vigorous debate, for having conducted the affairs of the House in a most professional way, proving to our constituents that we can work things out and that we can work together.

I just want to say thank you to my colleague from Indiana Mr. VISCLOSKY, who is handling the minority leadership on this bill for the first time. I think he deserves a lot of credit and a lot of applause for the good job that he did in keeping this schedule on track.

PETER, thank you very much.

While it seems a long time ago, it was only Monday night that we finally received the 100 amendments that would be filed and considered during the debate. We had to analyze those amendments by Tuesday—yesterday—so that we could begin the debate on this bill. Our staff did an outstanding job in working late into the night Monday night analyzing these amendments so that we could consider where we would be on those amendments.

Our staff is led by Tom McLemore as staff director and Paul Juola in a similar position for Mr. VISCLOSKY. The other members of the staff are Becky Leggieri, Brooke Boyer, Ann Reese, Megan Rosenbusch, Tim Prince, Walter Hearne, B.G. Wright, Paul Terry, Maureen Holohan, Jennifer Miller, Adrienne Ramsay, and Sherry Young. They are a most professional staff and it is hard to find any better team of staff members than those that I just mentioned.

Finally, I want to thank my good friend and strong supporter, the gentleman from New Jersey, Mr. FRELINGHUYSEN, for all his help during the process of managing our bill this week. His dedication to the subcommittee is invaluable, and I sincerely appreciate his friendship and his assistance in managing the bill. Similarly, I would like to thank the gentleman from California, Mr. CALVERT, and the gentleman from Arkansas, Mr. WOMACK, for their assistance in this process. I have said on more than one occasion that we have a great group of members on our subcommittee who are dedicated to providing for the needs of our

national security and for the men and women who wear the uniform in defense of our freedom. The special efforts this week of the members of our subcommittee, and in particular the members I mentioned are clear proof of that.

Mr. CRENSHAW. Madam Chair, I rise today in support of H.R. 2397, the Department of Defense Appropriations Bill, for Fiscal Year 2014 and to recognize the important role played by management companies in the successful operation of the Department of Defense's Defense Personal Property Program, or DP3.

I would like to thank Chairman YOUNG and Ranking Member VISCLOSKY for including report language I submitted to the Subcommittee on Defense regarding the DP3 program. I am proud to note that one of the management companies that helps make this program successful is located in my congressional district.

Both the Chairman and the Ranking Member have long standing commitments to improving the quality of life of military members and their families. Our members of the military are required to make countless moves during their military service. Providing high-quality moves that provide satisfaction to the service member and his/her family is important to morale, well-being and retention.

The Department of Defense also understands the tremendous challenges associated with completing the countless number of defense personal property moves. Because of dissatisfaction and nightmares associated with previous military personal property movement programs, the Department of Defense adopted the Defense Personal Property Program with the goal of achieving efficient, satisfactory, and seamless military moves.

My purpose in speaking today is to note the significant contributions that management companies are making to DP3 by assisting transportation service providers to reduce costs and improve the quality of each military move. While improving these critical moves, DP3 has improved the quality of life enabling higher levels of personnel readiness.

Madam Chair, again, I offer my thanks to the Chairman and Ranking Member of the Subcommittee on Defense for their inclusion of this important language on the DP3 and for allowing me the opportunity to comment on the important role that management companies play in the success of this program.

Mr. NUNES. Madam Chair, I rise today to address the crucial need for retaining the U.S. military's force structure at Lajes Field.

Due to Air Force planners' short-sighted decision to draw down at Lajes, the United States is poised to surrender a military asset of unparalleled strategic value. Located on the Azores island chain between Europe and the United States, Lajes is like the Hawaii of the Atlantic Ocean—only closer to the American mainland. The islands belong to Portugal, a strong U.S. ally since World War II that has never prevented us from conducting operational missions.

The base at this crucial location has bolstered the United States' control of the Atlantic since World War II, proving critical to our tracking of Soviet submarines during the Cold War. It allows for U.S. access to Europe, the

Middle East, and western and sub-Saharan Africa, and enables the expeditionary movement of warfighters, aircraft, ships, and global communications to AFRICOM and CENTCOM's joint, coalition, and NATO operations.

It is also a vital site for countering a major regional threat, al-Qaeda in the Islamic Maghreb, which has known ties to al-Qaeda in the Arabian Peninsula and other violent groups. In fact, from Lajes, ten of the eighteen African countries that hold State Department Travel Warnings can be reached within six hours. Further, Lajes is well-positioned to act as a logistical hub not only for the Defense Department, but also for USAID, the State Department, and other agencies.

Having engaged with Portuguese officials for years on this issue, I know that the consequences of drawing down the base will be dire. Our strategic planners may believe we can leave a mere skeletal operation at Lajes and retain access there, but in reality, the Air Force's decision to draw down at the base means a total end to the U.S. presence at Lajes. This will severely impact the Azorean economy, forcing Portugal to find a new tenant for the site. In light of the weak Portuguese economy, we do not want to make Azoreans choose between their alliance with the United States and their ability to feed their families.

While our strategic planners may not want to be in the Azores anymore, leaders of other nations feel differently. Several high ranking Chinese officials have visited the islands in recent years, including a sojourn by China's Ambassador to Portugal just a few weeks ago, as well as a June 2012 visit to Terceira by then-Premier Wen Jiabao. The Chinese did not divulge what all these delegates were doing there, but I assure you they weren't sipping port and enjoying the pleasant climate.

In the wake of the decision to wind down Lajes, we cannot assume the Portuguese will exclude China or other bad actors from the site simply out of allegiance to the U.S.; the recent decision to send a rapid reaction force of 500 U.S. Marines to Moron, Spain—a contingent that would have much more flexibility at the logistics hub of Lajes—could easily be interpreted as a calculated insult to our Portuguese friends.

These Marines could easily be located in Lajes, which is a safe environment that allows for forward basing at Rota, Spain, or Sigonella, Italy, or if necessary, for the deployment of troops in Western and sub-Saharan Africa. This amendment would give Defense Department planners the opportunity to think outside the box. If they did, they would realize this solution would allow the Air Force to scale-down at Lajes, provide maximum strategic flexibility for the Marines, and fully utilize the Lajes facility.

The retention of Lajes was not an issue for seventy years because prior planners never contemplated giving up something so crucial to U.S. interests. Because this Congress does not assume that Chinese and Russian subs will voluntarily stop sailing beneath the Atlantic Ocean or that jihadists will stop training in sub-Saharan Africa, we need the flexibility that Lajes' unique location provides.

As we reduce our European footprint—comprising 110,000 personnel and dozens of mili-

tary installations—we need to base our decisions on each site's global strategic value and tactical and strategic flexibility. It would cost billions to build a base like Lajes today, and we must understand that the decision by Air Force planners to draw down at Lajes means closing the site and losing our access there.

Therefore, Madam Chair, I encourage my colleagues to vote for this amendment to retain the current force structure at Lajes Field, and to keep this crucial military asset fully staffed and fully operational.

Mr. PASCRELL. Madam Chair, it has been over 10 years since the start of the wars in Iraq and Afghanistan and it is extremely important that we continue to focus on addressing traumatic brain injury, TBI, and psychological health, PH, issues. Congress must properly allocate funds to care for wounded warriors and to improve research in these critical areas.

As you know, TBI continues to be the signature wound of the wars in Iraq and Afghanistan with some 100,000 troops diagnosed since 2003 with mild TBI. This number will only increase as detection becomes more accurate. The Department of Defense has made significant strides in improving assessment and diagnosis, but more needs to be done to evaluate troops' ability to return to duty and to follow them after exposure to blasts. Intensive and innovative rehabilitative care is also needed for those sustaining severe TBIs and left with varying levels of disorders of consciousness.

This year's Defense Health Program receives an increase above last year's level. Specifically, the bill contains \$33.6 billion—\$858 million above the fiscal year 2013 enacted level—for the Defense Health Program to provide for the health of our troops and retirees. Increases above the request importantly include \$125 million for traumatic brain injury and psychological health research, and \$20 million for suicide prevention outreach programs.

Our men and women serving in uniform must be given every possible opportunity for the best medical care, rehabilitation and community reentry assistance that we as a nation can provide. It is important these funds be used wisely to ensure that our men and women in uniform are getting timely and proper care. Pre and post deployment testing, as well as long term care and family services are integral parts of preventing and treating TBI and PH. As a Congress, we must live up to our commitment to our troops when they leave the battlefield and in my capacity as co-Chair of the Congressional Brain Injury Task Force. I look forward to working with the DoD to make sure these funds are used effectively to address these invisible wounds.

Mr. VAN HOLLEN. Madam Chair, I rise today to express my support for H.R. 2397, the Department of Defense Appropriations Act for FY2014. I commend Chairmen ROGERS and YOUNG and Ranking Members LOWEY and VISCLOSKY for crafting a bipartisan bill that both strengthens the security of our nation and provides for vital programs that benefit our men and women in uniform and their civilian colleagues.

I am particularly encouraged that the bipartisan amendment I offered with Rep.



MULVANEY, Rep. COFFMAN, and Rep. MURPHY was adopted and included in final passage. Our amendment ensures that the account to fund our operations in Afghanistan and overseas contingency operations will not become a slush fund for unrequested defense spending. The FY2014 funding for the war in Afghanistan and other overseas contingencies is at the level the DoD and military leaders say is necessary for the mission, and the underlying bill had originally provided \$5 billion more than our military leaders say is needed for overseas contingency operations (OCO). Our amendment eliminates \$3.5 billion of the excess funds. It provides sufficient funds to fully meet the President's FY 2014 request for the war in Afghanistan and other overseas contingencies, as well as an additional \$1.5 billion to address any shortfalls in Guard and Reserve Equipment Modernization.

I am also pleased that this legislation fully funds the Sexual Assault and Prevention Office (SAPRO) at \$156.5 million and includes a new provision establishing dismissal or dishonorable discharge as a minimum mandatory sentence for individuals subject to a Uniformed Code of Military Justice court-martial. In addition, I strongly support an amendment that Rep. SPEIER introduced—and which was adopted—that provides increased funding to train investigators to properly investigate sexual assault related offenses.

I also support Rep. BONAMICI's amendment in support of preserving the 34 C-23 Sherpa aircraft operated by the Army National Guard. These aircraft are vital to the Maryland National Guard and I am pleased that this amendment was adopted. I also strongly support the provision that fully funds the request of \$220.3 million for Iron Dome and includes \$173 million above the request of \$95.8 million for the Israeli Cooperative Missile Defense Programs.

Lastly, I support the amendment which would require the Executive Branch to receive Congressional approval before taking any military action in Syria. This reinforces the role of Congress in making decisions that would put our men and women in the Armed Forces at risk.

With regards to Congressman AMASH's amendment, I have submitted a separate statement for the RECORD to address that vote.

While I voted for this defense bill, I do so with reservations. This bill deprives deserving employees of the Department of Defense of a modest cost-of-living adjustment by denying them of a 1 percent COLA proposed by the Administration. It is unreasonable to ask federal employees, who have already disproportionately sacrificed for deficit reduction, to bear the burden again.

This legislation also includes a misguided provision which would continue funding restrictions that prohibit the construction or modification of a detention facility in the United States to house Guantanamo detainees, and would constrain DoD's ability to transfer Guantanamo detainees, including those who have already been designated for transfer to other countries. Unfortunately, Representative MORAN's amendment to lift the prohibition on using funds to transfer or release any individual detained at Guantanamo Bay was rejected. This

legislation also contains provisions which ignore DoD recommendations and blocks the Administration's ability to retire aging and unnecessary military aircraft, including the C-130 AMP, when less expensive options are readily available.

While I support the funding level contained in the Defense Appropriations bill, I strongly oppose the overall House Republican Budget. That budget would dramatically cut our investments in education, scientific research, infrastructure, Head Start, Meals on Wheels, and programs to provide and supply for the most vulnerable. I strongly support President Obama's position that we will not boost defense spending at the expense of the other investments needed to support economic growth. After all, our national security is directly tied to the strength of our economy and putting Americans back to work.

For these reasons, I support President Obama's threat to veto final passage of this legislation unless it "passes the Congress in the context of an overall budget framework that supports our recovery and enables sufficient investments in education, infrastructure, innovation and national security for our economy to compete in the future." However, it is my hope that these issues will be resolved in conference with the Senate and that I will be able to support its final passage.

STATEMENT OF REPRESENTATIVE CHRIS VAN HOLLEN REGARDING CONGRESSMAN AMASH'S AMENDMENT H. AMDT. 413 TO THE FY14 DEPARTMENT OF DEFENSE APPROPRIATIONS ACT (H.R. 2397)

We must protect the privacy and civil liberties of all Americans. While we must ensure that our nation has the necessary and appropriate tools to protect itself, we must also ensure that those tools do not undermine the very liberties we seek to protect. I have always been a staunch defender of the 4th Amendment, and have long opposed the broad language in Section 215 of the so-called PATRIOT Act (along with the similarly broad language in Section 702 of the Foreign Intelligence Surveillance Act). In fact, I voted against the reauthorization of Section 215 in 2011 and Section 702 in 2012. I am pleased that others are now joining the conversation in seeking to amend and improve these sections.

I voted against the Amash amendment because I did not believe that it was the most comprehensive and effective way to address this important issue. I have opposed Section 215 because the "tangible items" authority and the "relevance" standard are overly broad and subject to potential abuse. These definitions need to be narrowed. Also problematic is the fact that recipients of Section 215 orders are required to wait a year before challenging a nondisclosure order. Additionally, I oppose the provision that allows the government to use secret evidence to oppose judicial challenges to a Section 215 order. Finally, when Congress reauthorized this section in 2005, it made permanent the authorization for the use of National Security Letters (NSLs), which are surveillance tools used to obtain certain types of communications and financial records. I opposed this measure, and have advocated for amendments that would reintroduce sunsets (i.e. established dates upon which these authorities expire so we can hold agencies accountable) for NSLs and require Inspector General audits on the use of NSLs and other "tangible item" orders. The use of these orders

should also be publically reported to increase transparency and oversight.

I am interested in reforming Section 215 and its legislative language in a manner that addresses all of these issues, creating a workable solution that can serve as a foundation for our national security efforts while upholding the 4th Amendment protections in the Constitution for this and future administrations. Unfortunately, the Amash amendment did not address any of these important issues. Rather, it focused on a narrow issue that has been the subject of much misinformation. I worry that this piecemeal approach to amending this law could both hamper our national security efforts in the near-term while creating inconsistent policies in the long-term because of laws enacted at different periods of time on different legislative vehicles (such as an appropriations bill). I am also concerned about unintended consequences; for example, under the Amash amendment, the FBI would have been unable to obtain an individual order for records from an associate of someone under investigation for terrorism activities. This is an example of the policy implications that can arise when complex issues are addressed in a hasty, non-deliberative process.

My biggest concern since the disclosure of particular aspects of these programs by Edward Snowden has been with respect to the standards in place that control how and when the government can request access to the content of Americans' communications. I asked pointed questions on this issue at recent intelligence briefings on these programs and I am confident that any access to the content of communications within a program authorized under Section 215 does require an individualized warrant from a judge. These warrants are not issued unless the government has shown probable cause that the identified individual is an agent of a foreign power or a potential terrorist.

I will continue my efforts to improve Section 215 (along with the other problematic sections of the PATRIOT Act and FISA). We must introduce more accountability, transparency, and checks and balances into these laws. That is why I am a co-sponsor of the Ending Secret Law Act (H.R. 2475) and the Presidential Appointment of FISA Court Judges Act (H.R. 2671). These bills would make important reforms to the FISA Court by shining a light on the secretive rulings it issues that significantly construct or interpret the law, along with ensuring that the judges who sit on that court are appointed by the President and subject to a public confirmation process in the Senate (currently, they are only chosen by the Chief Justice of the Supreme Court). There should be no institution in our country with the power to create secret laws.

Finally, I am pleased that the Privacy and Civil Liberties Oversight Board finally has a confirmed Chairman (David Medine) and has announced plans to release a report on the legality of the NSA FISA programs and their impact on civil liberties. We pushed for the creation of this Board to serve as a crucial check to the government's authority with respect to these activities. I had been discouraged by the lack of operational progress of this Board since its establishment by Congress in 2004, and it is my hope that this Board will now begin to more forcefully exercise its oversight role (through its access to classified documents and FISA Court opinions).

As a Member of Congress who opposed the reauthorization of Section 215 of the so-called PATRIOT Act, I will continue to press

for comprehensive changes to this and other provisions. However, we must do so in a way that addresses the real problems with these programs, and in a manner that doesn't have unintended consequences that could unnecessarily compromise our abilities to prevent terrorist attacks on Americans.

Ms. JACKSON LEE. Madam Chair, I rise to speak in favor of adoption of the Defense Appropriations Act of 2014.

I thank Chairman C.W. BILL YOUNG and Ranking Member PETE VISCLOSKEY, Ranking Member of the House Committee on Appropriations' Subcommittee on Defense for their work to provide for our nation's national defense.

I also want to extend thanks and appreciation to the men and women in and out of uniform to defend our nation. You serve your nation with honor and distinction. In each generation our nation must remember that the freedoms that we enjoy come at a price, which you have paid without hesitation or complaint.

Each year the Congress takes on the tasks of providing appropriations for the nation's defense. The Appropriations subcommittee that focuses exclusively on the work of the Department of Defense is the subject matter experts who manage the long process that resulted in the bill before us for consideration. As members of the House of Representatives we are each subject matter experts on the committees that we serve, but we are also experts on the constituencies we seek to represent.

My work in the 18th Congressional District has allowed me the privilege of working with men and women in the military, the workers in aeronautics and space industries that contribute to our nation's defense as well as those in the Department of Defense who work in and around our nation's capitol.

Through my work as a member of Congress I know those who have served and returned home to a tough economy, struggles with physical disabilities and life changing injuries associated with their service to our nation. I do not know the military as a mass of statistics, but individuals with names and faces—real people who depend on each of us to pursue their best interest.

I know you know that none of our offices received calls from lobbyist on behalf of the men and women who serve in defense of our nation in and out of uniform. That is why we must rely upon our own experience and that of the Appropriations' Subcommittee on Defense to reach the best result in a very long and arduous legislative process.

Military families make sacrifices with long separations of parents from spouses and children that last for over a year. Many miss some of the important moments in their children's lives when they are deployed when they have young children. The Defense Appropriations bill includes \$580 million for a military pay raise consistent with the raise included in the House Armed Services bill for a 1.8 percent increase.

I am pleased to say that this Defense Appropriations bill does a great deal more for the men and women serving in the military and places more focus on the needs of their families. This bill maintains the objective of previous Congresses to assure that our nation's military is the best trained, best prepared, best equipped, and best cared for fighting force in

the history of the world. That is the least we can do for those who willingly risk their lives to keep us safe.

The bill also recognizes that the military is changing due to the expanded roles for women who pursue careers in the armed services. I strongly believe that this choice should not mean a diminution of rights or opportunities from what they would enjoy had these women pursued a different career path.

For this reason, I sought and the Appropriations Subcommittee on Defense provided \$150 million for a Peer-Reviewed Breast Cancer Research Program. The program fills a unique niche among private and public funding sources for cancer research and presents an opportunity to forging new ideas and scientific breakthroughs in the nation's fight against breast cancer.

My work to expand the Department of Defense ability to provide assistance and support for medical research related to breast cancer included Jackson Lee Amendment #1 which provided \$500,000 in increased funding for breast cancer research, which was adopted by the Full House. This additional funding raised the amount in the bill to \$130 million and will be made available for Triple Negative Breast Cancer research. Triple Negative Breast Cancer is one of the most deadly forms of the disease that is extremely difficult to detect, and has an extremely high mortality rate.

The threat of sexual assault of both women and men serving in the armed services is a real threat to unit cohesion and professional conduct among the ranks. The troubling aspects of the stories we have heard is the lack of comprehension of the traumatic nature of this crime among superior officers in a position to help. The Defense Department Appropriations bill offers an additional \$25 million for a new Sexual Assault Special Victims Program in addition to fully funding request of \$156.5 million for a Defense-Wide and the Military Service Program which I strongly support.

I sought and the Appropriations Committee provided \$80 million in funding for a Prostate cancer program to be included in the final bill at 100 percent of the requested amount. The most prevalent type cancer in men, and second most diagnosed cancer in the nation, kills over thirty thousand people per year.

Veterans, especially those exposed to defoliants have been identified as being more prone to this disease. Research on prostate cancer will lead to better early diagnostic tools as well as better treatments and improvements to quality of life for prostate cancer survivors.

The unique nature of combat can produce illnesses that threaten health and life expectancy. This is why I requested \$25 million and the Committee provided \$20 million or 80 percent of my request to fund a Gulf War Illness Research Program, GWIRP. The bill provides \$20 million in funding to support the identification of treatments and diagnostic markers for Gulf War Illness, a chronic multi-symptom illness with no effective treatment affecting 250,000 Gulf War veterans. Treatments will benefit military personnel at risk of similar neurotoxic exposures. The FY14 program funded by this bill will fund studies of promising treatments and larger clinical trials of treatments previously shown to be effective.

Jackson Lee Amendment #2 that was adopted by the full House under debate of the bill offered additional funds from \$10 million provided by a transfer to an account that could be used to support work to assist military persons suffering from Post Traumatic Stress Disorders, PTSD. As we look to PTSD, some of a soldier's wounds are invisible to the naked eye, for these are wounds that should be properly treated. One of the best ways to increase access to treatment is to increase the number of medical facilities and mental health professionals who are available to serve the needs of men and women currently serving and those who have become veterans.

Post traumatic stress disorder, one of the most prevalent and devastating psychological wounds suffered by the brave men and women fighting in far off lands to defend the values and freedom we hold dear. A suicide bomber, an IED, or an insurgent can obliterate their close friend instantaneously and right in front of their face.

Yet, as American soldiers, they are trained to suppress the agonizing grief associated with those horrible experiences and are expected to continue on with the mission. And carry on they do, with courage and with patriotism.

The bill also provides \$125 million in funding for Traumatic Brain Injury (TBI), and Psychological Health research, and \$4 million for alcohol and substance abuse research. In addition, \$20 million is provided for suicide prevention and outreach.

My focus is also the military of the future and the overwhelming need for people who have strong science, technology, engineering and mathematics, STEM, educations to fill the positions required for the successful defense of our nation's cyber networks.

I sought \$30 million for Historically Black Colleges and Universities and Minority-Serving Institutions, HBCU/MI. The Funding requested was approved by the Appropriations committee at the level at over \$35 million or a 116 percent over the amount I requested. The funds appropriated will reinvigorate the relationship between the Department of Defense and the HBCU/MIs and to ensure that minorities are represented in the long-term development of the STEM workforce pipeline. The funding will support undergraduate and graduate STEM programs to increase the participation and success of minority students through engaged mentoring, enriching research experiences, and opportunities to publish, present, and network. Consistent with the report of the National Academy of Sciences "Expanding Underrepresented Minority Participation: America's Science and Technology Talent at the Crossroads," the funding is intended to enhance the Department's efforts to emphasize STEM education improvement within the Historically Black Colleges and Universities and Minority Institutions program. The Committee should encourage the Secretary of Defense to consider these factors when awarding competitive funding under this program, as well as ensuring that selected programs have a sufficiently large cohort of students to allow for effective peer-to-peer mentoring.

I offered language to create a report that the Secretary of Defense must present to Congress on the topic of hazing in the military,

harassment and mistreatment of service members across the Armed Forces. The Committee directs the Secretary of Defense to provide a report to the congressional defense committees not later than 180 days after enactment of this act on the prevalence and consequences of hazing, harassment and mistreatment of service members and the policies in place to address cultural sensitivity and hazing and harassment prevention and intervention. Further, the report shall include recommendations for the services to accurately record and prevent incidences of hazing, harassment and mistreatment of service members and to adopt a more intentional diversity and inclusion effort. Finally, the report shall propose a plan to implement and monitor these recommendations.

On balance this Department of Defense Appropriations bill overall is a good thing for the men and women of the armed services especially with the addition of an amendment to prohibit the use of funds to deny Department of Defense civilian employees security clearance because of financial difficulties caused by "furloughs" due to sequestration.

I urge my colleagues to support the bill.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule, and the bill shall be considered read through page 157, line 2.

The text of that portion of the bill is as follows:

H.R. 2397

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2014, for military functions administered by the Department of Defense and for other purposes, namely:

#### TITLE I

##### MILITARY PERSONNEL

###### MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$40,908,919,000.

###### MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$27,671,555,000.

###### MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$12,826,857,000.

###### MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$28,382,963,000.

###### RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,483,343,000.

###### RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,875,536,000.

###### RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$665,499,000.

###### RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active

duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,745,579,000.

###### NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$7,958,568,000.

###### NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,130,361,000.

#### TITLE II

##### OPERATION AND MAINTENANCE

###### OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$35,183,796,000.

###### OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$15,055,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$40,127,402,000.

###### OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$6,298,757,000.

###### OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the

Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$37,438,701,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE  
(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$32,301,685,000: *Provided*, That not more than \$25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed \$36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than \$36,262,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than \$3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That \$8,721,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY  
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$3,199,151,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,200,283,000.

OPERATION AND MAINTENANCE, MARINE CORPS  
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve;

repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$266,561,000.

OPERATION AND MAINTENANCE, AIR FORCE  
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$3,149,046,000.

OPERATION AND MAINTENANCE, ARMY  
NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$7,102,113,000.

OPERATION AND MAINTENANCE, AIR NATIONAL  
GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$6,675,999,000.

UNITED STATES COURT OF APPEALS FOR THE  
ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$13,606,000, of which not to exceed \$5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY  
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$298,815,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with

and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY  
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$316,103,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE  
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$439,820,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE  
(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$10,757,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such

amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY  
USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$262,443,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND  
CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), \$109,500,000, to remain available until September 30, 2015.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, \$528,455,000, to remain available until September 30, 2016.

DEPARTMENT OF DEFENSE ACQUISITION  
WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, \$51,031,000.

TITLE III  
PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and

contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$5,236,653,000, to remain available for obligation until September 30, 2016.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,628,083,000, to remain available for obligation until September 30, 2016.

PROCUREMENT OF WEAPONS AND TRACKED  
COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,545,560,000, to remain available for obligation until September 30, 2016.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,465,937,000, to remain available for obligation until September 30, 2016.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing

purposes, \$6,467,751,000, to remain available for obligation until September 30, 2016.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$17,092,784,000, to remain available for obligation until September 30, 2016.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$3,017,646,000, to remain available for obligation until September 30, 2016.

PROCUREMENT OF AMMUNITION, NAVY AND  
MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$544,116,000, to remain available for obligation until September 30, 2016.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), \$944,866,000;  
Virginia Class Submarine, \$3,880,704,000;  
Virginia Class Submarine (AP), \$2,354,612,000;  
CVN Refuelings, \$1,609,324,000;  
CVN Refuelings (AP), \$245,793,000;  
DDG-1000 Program, \$231,694,000;  
DDG-51 Destroyer, \$1,615,564,000;  
DDG-51 Destroyer (AP), \$388,551,000;  
Littoral Combat Ship, \$1,793,014,000;  
Afloat Forward Staging Base (AP), \$562,000,000;

Joint High Speed Vessel, \$10,332,000;  
Moored Training Ship, \$207,300,000;  
LCAC Service Life Extension Program,  
\$80,987,000;

For Outfitting, post delivery, conversions,  
and first destination transportation,  
\$450,163,000; and

For Completion of Prior Year Shipbuilding  
Programs, \$625,800,000.

In all: \$15,000,704,000, to remain available  
for obligation until September 30, 2018: *Pro-  
vided*, That additional obligations may be in-  
curred after September 30, 2018, for engineer-  
ing services, tests, evaluations, and other  
such budgeted work that must be performed  
in the final stage of ship construction: *Pro-  
vided further*, That none of the funds provided  
under this heading for the construction or  
conversion of any naval vessel to be con-  
structed in shipyards in the United States  
shall be expended in foreign facilities for the  
construction of major components of such  
vessel: *Provided further*, That none of the  
funds provided under this heading shall be  
used for the construction of any naval vessel  
in foreign shipyards.

#### OTHER PROCUREMENT, NAVY

For procurement, production, and mod-  
ernization of support equipment and mate-  
rials not otherwise provided for, Navy or-  
dnance (except ordnance for new aircraft, new  
ships, and ships authorized for conversion);  
the purchase of passenger motor vehicles for  
replacement only; expansion of public and  
private plants, including the land necessary  
therefor, and such lands and interests there-  
in, may be acquired, and construction prose-  
cuted thereon prior to approval of title; and  
procurement and installation of equipment,  
appliances, and machine tools in public and  
private plants; reserve plant and Govern-  
ment and contractor-owned equipment lay-  
away, \$6,824,824,000, to remain available for  
obligation until September 30, 2016.

#### PROCUREMENT, MARINE CORPS

For expenses necessary for the procure-  
ment, manufacture, and modification of mis-  
siles, armament, military equipment, spare  
parts, and accessories therefor; plant equip-  
ment, appliances, and machine tools, and in-  
stallation thereof in public and private  
plants; reserve plant and Government and  
contractor-owned equipment layaway; vehi-  
cles for the Marine Corps, including the pur-  
chase of passenger motor vehicles for re-  
placement only; and expansion of public and  
private plants, including land necessary  
therefor, and such lands and interests there-  
in, may be acquired, and construction prose-  
cuted thereon prior to approval of title,  
\$1,271,311,000, to remain available for obli-  
gation until September 30, 2016.

#### AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and mod-  
ification of aircraft and equipment, including  
armor and armament, specialized ground  
handling equipment, and training devices,  
spare parts, and accessories therefor; special-  
ized equipment; expansion of public and pri-  
vate plants, Government-owned equipment  
and installation thereof in such plants, erec-  
tion of structures, and acquisition of land,  
for the foregoing purposes, and such lands  
and interests therein, may be acquired, and  
construction prosecuted thereon prior to ap-  
proval of title; reserve plant and Govern-  
ment and contractor-owned equipment lay-  
away; and other expenses necessary for the  
foregoing purposes including rents and trans-  
portation of things, \$10,860,606,000, to remain  
available for obligation until September 30,  
2016.

#### MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and mod-  
ification of missiles, spacecraft, rockets, and  
related equipment, including spare parts and  
accessories therefor, ground handling equip-  
ment, and training devices; expansion of pub-  
lic and private plants, Government-owned  
equipment and installation thereof in such  
plants, erection of structures, and acquisi-  
tion of land, for the foregoing purposes, and  
such lands and interests therein, may be ac-  
quired, and construction prosecuted thereon  
prior to approval of title; reserve plant and  
Government and contractor-owned equip-  
ment layaway; and other expenses necessary  
for the foregoing purposes including rents  
and transportation of things, \$5,267,119,000,  
to remain available for obligation until Sep-  
tember 30, 2016.

#### PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, produc-  
tion, and modification of ammunition, and  
accessories therefor; specialized equipment  
and training devices; expansion of public and  
private plants, including ammunition facili-  
ties, authorized by section 2854 of title 10,  
United States Code, and the land necessary  
therefor, for the foregoing purposes, and  
such lands and interests therein, may be ac-  
quired, and construction prosecuted thereon  
prior to approval of title; and procurement  
and installation of equipment, appliances,  
and machine tools in public and private  
plants; reserve plant and Government and  
contractor-owned equipment layaway; and  
other expenses necessary for the foregoing  
purposes, \$743,442,000, to remain available for  
obligation until September 30, 2016.

#### OTHER PROCUREMENT, AIR FORCE

For procurement and modification of  
equipment (including ground guidance and  
electronic control equipment, and ground  
electronic and communication equipment),  
and supplies, materials, and spare parts  
therefor, not otherwise provided for; the pur-  
chase of passenger motor vehicles for re-  
placement only; lease of passenger motor ve-  
hicles; and expansion of public and private  
plants, Government-owned equipment and  
installation thereof in such plants, erection  
of structures, and acquisition of land, for the  
foregoing purposes, and such lands and in-  
terests therein, may be acquired, and construc-  
tion prosecuted thereon, prior to approval of  
title; reserve plant and Government and con-  
tractor-owned equipment layaway,  
\$16,791,497,000, to remain available for obli-  
gation until September 30, 2016.

#### PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of  
the Department of Defense (other than the  
military departments) necessary for procure-  
ment, production, and modification of equip-  
ment, supplies, materials, and spare parts  
therefor, not otherwise provided for; the pur-  
chase of passenger motor vehicles for re-  
placement only; expansion of public and pri-  
vate plants, equipment, and installation  
thereof in such plants, erection of struc-  
tures, and acquisition of land for the fore-  
going purposes, and such lands and interests  
therein, may be acquired, and construction  
prosecuted thereon prior to approval of title;  
reserve plant and Government and con-  
tractor-owned equipment layaway,  
\$4,522,990,000, to remain available for obli-  
gation until September 30, 2016.

#### DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of De-  
fense pursuant to sections 108, 301, 302, and  
303 of the Defense Production Act of 1950 (50  
U.S.C. App. 2078, 2091, 2092, and 2093),

\$75,135,000, to remain available until ex-  
pended.

#### TITLE IV

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and ap-  
plied scientific research, development, test  
and evaluation, including maintenance, re-  
habilitation, lease, and operation of facili-  
ties and equipment, \$7,961,486,000, to remain  
available for obligation until September 30,  
2015.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and ap-  
plied scientific research, development, test  
and evaluation, including maintenance, re-  
habilitation, lease, and operation of facili-  
ties and equipment, \$15,368,352,000, to remain  
available for obligation until September 30,  
2015: *Provided*, That funds appropriated in  
this paragraph which are available for the V-  
22 may be used to meet unique operational  
requirements of the Special Operations  
Forces: *Provided further*, That funds appro-  
priated in this paragraph shall be available for  
the Cobra Judy program.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and ap-  
plied scientific research, development, test  
and evaluation, including maintenance, re-  
habilitation, lease, and operation of facili-  
ties and equipment, \$24,947,354,000, to remain  
available for obligation until September 30,  
2015.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

##### (INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of  
the Department of Defense (other than the  
military departments), necessary for basic  
and applied scientific research, development,  
test and evaluation; advanced research  
projects as may be designated and deter-  
mined by the Secretary of Defense, pursuant  
to law; maintenance, rehabilitation, lease,  
and operation of facilities and equipment,  
\$17,885,538,000, to remain available for obli-  
gation until September 30, 2015: *Provided*, That  
of the funds made available in this para-  
graph, \$250,000,000 for the Defense Rapid In-  
novation Program shall only be available for  
expenses, not otherwise provided for, to in-  
clude program management and oversight,  
to conduct research, development, test and  
evaluation to include proof of concept dem-  
onstration; engineering, testing, and valida-  
tion; and transition to full-scale production:  
*Provided further*, That the Secretary of De-  
fense may transfer funds provided herein for  
the Defense Rapid Innovation Program to  
appropriations for research, development,  
test and evaluation to accomplish the pur-  
pose provided herein: *Provided further*, That  
this transfer authority is in addition to any  
other transfer authority available to the De-  
partment of Defense: *Provided further*, That  
the Secretary of Defense shall, not fewer  
than 30 days prior to making transfers from  
this appropriation, notify the congressional  
defense committees in writing of the details  
of any such transfer.

##### OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for,  
necessary for the independent activities of  
the Director, Operational Test and Evalua-  
tion, in the direction and supervision of



operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$246,800,000, to remain available for obligation until September 30, 2015.

#### TITLE V

##### REVOLVING AND MANAGEMENT FUNDS DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,545,827,000.

##### NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$595,700,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

#### TITLE VI

##### OTHER DEPARTMENT OF DEFENSE PROGRAMS

##### DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, \$33,573,582,000; of which \$31,566,688,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2015 and of which up to \$15,969,816,000 may be available for contracts entered into under the TRICARE program; of which \$671,181,000, to remain available for obligation until September 30, 2016, shall be for procurement; and of which \$1,335,713,000, to remain available for obligation until September 30, 2015, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than \$8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations: *Provided further*, That of the funds made available under this Act for research, development, test and evaluation, procurement, or operation and maintenance

for the Defense Health Agency, not more than 25 percent may be used until the date on which the program plan for the oversight and execution of the integrated electronic health record program required by subtitle C of title VII of the National Defense Authorization Act for Fiscal Year 2014 is submitted to Congress.

##### CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,057,123,000, of which \$451,572,000 shall be for operation and maintenance, of which no less than \$51,217,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of \$21,489,000 for activities on military installations and \$29,728,000, to remain available until September 30, 2015, to assist State and local governments; \$1,368,000 shall be for procurement, to remain available until September 30, 2016, of which \$1,368,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and \$604,183,000, to remain available until September 30, 2015, shall be for research, development, test and evaluation, of which \$584,238,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

##### DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

##### (INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, \$1,007,762,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

##### OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$347,000,000, of which \$346,000,000 shall be for operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$1,000,000, to remain available until September 30, 2016, shall be for procurement.

#### TITLE VII

##### RELATED AGENCIES

##### CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System

Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$514,000,000.

##### INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, \$552,535,000.

#### TITLE VIII

##### GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

##### (TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the



Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2014: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled "Explanation of Project Level Adjustments" in the explanatory statement regarding this Act the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2014: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the

approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

E-2D Advanced Hawkeye, SSN 774 Virginia class submarine, KC-130J, C-130J, HC-130J, MC-130J, AC-130J aircraft, Ground-Based

Midcourse Defense System Ground-Based Interceptors, and government furnished equipment.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2014, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2015 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2015 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (c) of this provision were effective with regard to fiscal year 2015.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831

of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term “manufactured” shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the Service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense in the current fiscal year and any fiscal year thereafter may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8018. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8019. In addition to the funds provided elsewhere in this Act, \$15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*,

That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8020. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8021. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8022. (a) Of the funds made available in this Act, not less than \$39,532,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$28,400,000 shall be available from “Operation and Maintenance, Air Force” to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) \$10,200,000 shall be available from “Aircraft Procurement, Air Force”; and

(3) \$932,000 shall be available from “Other Procurement, Air Force” for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8023. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2014 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2014, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department’s fiscal year 2015 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by \$40,000,000.

SEC. 8024. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy, or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy, or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8025. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8026. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8027. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating

against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2014. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means chapter 83 of title 41, United States Code.

SEC. 8028. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8029. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8030. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000.

SEC. 8031. (a) During the current fiscal year, none of the appropriations or funds

available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2015 budget request for the Department of Defense, as well as all justification material and other documentation supporting the fiscal year 2015 Department of Defense budget, shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2015 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8032. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2015: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947 (50 U.S.C. 3093) shall remain available until September 30, 2015.

SEC. 8033. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8034. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8035. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not

made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8036. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8037. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and the Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats; or

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense.

SEC. 8038. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement

other Federal funds in accordance with the guidance provided in the explanatory statement accompanying this Act.

SEC. 8039. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) \$10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United

States Code, for the competition or outsourcing of commercial activities.

#### (RESCISSIONS)

SEC. 8040. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

“National Defense Sealift Fund, 2011/XXXX”, \$28,000,000;

“National Defense Sealift Fund, 2012/XXXX”, \$14,000,000;

“Aircraft Procurement, Navy, 2012/2014”, \$30,000,000;

“Aircraft Procurement, Air Force, 2012/2014”, \$443,000,000;

“Missile Procurement, Air Force, 2012/2014”, \$10,000,000;

“Aircraft Procurement, Navy, 2013/2015”, \$85,000,000;

“Weapons Procurement, Navy, 2013/2015”, \$5,000,000;

“Shipbuilding and Conversion, Navy, 2013/2017”: CVN-71, \$68,000,000;

“Other Procurement, Navy, 2013/2015”, \$3,553,000;

“Procurement, Marine Corps, 2013/2015”, \$12,650,000;

“Missile Procurement, Air Force, 2013/2015”, \$60,000,000;

“Other Procurement, Air Force, 2013/2015”, \$38,900,000;

“Procurement, Defense-Wide, 2013/2015”, \$72,776,000;

“Research, Development, Test and Evaluation, Army, 2013/2014”, \$380,861,000;

“Research, Development, Test and Evaluation, Navy, 2013/2014”, \$49,331,000;

“Research, Development, Test and Evaluation, Air Force, 2013/2014”, \$115,000,000;

“Research, Development, Test and Evaluation, Defense-Wide, 2013/2014”, \$213,000,000;

“Ship Modernization Operations and Sustainment Fund, 2013/2014”, \$1,414,500,000.

SEC. 8041. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

SEC. 8042. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8043. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8044. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the Sep-

tember 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of “commercial items”, as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8049. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the

United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8050. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8051. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading “Operation and Maintenance, Defense-Wide” may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8052. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section

may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8053. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8054. Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8055. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8056. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public ves-

sels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8057. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8058. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8059. Notwithstanding any other provision of law, funds appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8060. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8061. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable

basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8062. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8063. None of the funds provided in this Act may be used to transfer to any non-governmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of “armor penetrator”, “armor piercing (AP)”, “armor piercing incendiary (API)”, or “armor-piercing incendiary tracer (API-T)”, except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8064. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8065. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8066. Of the amounts appropriated in this Act under the heading “Operation and

Maintenance, Army”, \$108,725,800 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8067. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2014.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8068. During the current fiscal year, not to exceed \$200,000,000 from funds available under “Operation and Maintenance, Defense-Wide” may be transferred to the Department of State “Global Security Contingency Fund”: *Provided*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers to the Department of State “Global Security Contingency Fund”, notify the congressional defense committees in writing with the source of funds and a detailed justification, execution plan, and timeline for each proposed project.

SEC. 8069. In addition to amounts provided elsewhere in this Act, \$4,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. Of the amounts appropriated in this Act under the headings “Procurement, Defense-Wide” and “Research, Development, Test and Evaluation, Defense-Wide”, \$489,091,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, \$220,309,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats; \$149,712,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which \$15,000,000 shall be for production activities of SRBMD missiles in the United States and in Israel to meet Israel’s defense requirements consistent with each nation’s laws, regulations, and procedures; \$74,707,000 shall be available for an upper-tier component to the Israeli

Missile Defense Architecture, and \$44,363,000 shall be available for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority provided in this Act.

SEC. 8071. (a) None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of U.S. Navy forces assigned to the Pacific fleet.

(b) None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give United States Transportation Command operational and administrative control of C-130 and KC-135 forces assigned to the Pacific and European Air Force Commands.

(c) The command and control relationships in subsections (a) and (b) which existed on March 13, 2011, shall remain in force unless changes are specifically authorized in a subsequent Act.

(d) This subsection does not apply to administrative control of Navy Air and Missile Defense Command.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8072. Of the amounts appropriated in this Act under the heading “Shipbuilding and Conversion, Navy”, \$625,800,000 shall be available until September 30, 2014, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

(1) Under the heading “Shipbuilding and Conversion, Navy, 2007/2014”: LHA Replacement Program \$37,700,000; and

(2) Under the heading “Shipbuilding and Conversion, Navy, 2008/2014”: Carrier Replacement Program \$588,100,000.

SEC. 8073. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2014 until the enactment of the Intelligence Authorization Act for Fiscal Year 2014.

SEC. 8074. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8075. The budget of the President for fiscal year 2015 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces’ participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall



include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8076. None of the funds in this Act may be used for research, development, test, evaluation, procurement, or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8077. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$44,000,000 is hereby appropriated to the Department of Defense: *Provided*, That upon the determination of the Secretary of Defense that it shall serve the national interest, he shall make grants in the amounts specified as follows: \$20,000,000 to the United Service Organizations and \$24,000,000 to the Red Cross.

SEC. 8078. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8079. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8080. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 8081. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed \$100,000,000 under the au-

thority provided by this section: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further*, That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority provided elsewhere in this Act.

SEC. 8082. For purposes of section 7108 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

SEC. 8083. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ-1C Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8084. Up to \$15,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8085. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2015.

SEC. 8086. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8087. (a) Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2014: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's

budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 8088. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, \$20,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8089. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that—

(1) creates a new start effort;

(2) terminates a program with appropriated funding of \$10,000,000 or more;

(3) transfers funding into or out of the National Intelligence Program; or

(4) transfers funding between appropriations,

unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex accompanying this Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

SEC. 8090. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.



SEC. 8091. For the purposes of this Act, the term "congressional intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8092. The Department of Defense shall continue to report incremental contingency operations costs for Operation Enduring Freedom, or any other named operations in the U.S. Central Command area of operation on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 "Contingency Operations", Annex 1, dated September 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8093. During the current fiscal year, not to exceed \$11,000,000 from each of the appropriations made in title II of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8094. Funds appropriated by this Act may be available for the purpose of making remittances and transfers to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

SEC. 8095. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8096. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of \$1,000,000, unless the contractor agrees not to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including

assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a "covered subcontractor" is an entity that has a subcontract in excess of \$1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

SEC. 8097. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8098. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to \$143,087,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110-417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8099. The Office of the Director of National Intelligence shall not employ more Senior Executive employees than are specified in the classified annex.

SEC. 8100. None of the funds appropriated or otherwise made available by this Act may

be obligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

SEC. 8101. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of \$250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 8102. Of the amounts appropriated for "Operation and Maintenance, Defense-Wide" the following amounts shall be available to the Secretary of Defense, for the following authorized purposes, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, to make grants, concluded cooperative agreements, and supplement other Federal funds, to remain available until expended, to support critical existing and enduring military installation and missions on Guam, as well as any potential Department of Defense growth: (1) \$133,700,000 for addressing the need for civilian water and wastewater improvements, and (2) \$12,868,000 for construction of a regional public health laboratory: *Provided*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating funds for either of the foregoing purposes, notify the congressional defense committees in writing of the details of any such obligation.

SEC. 8103. None of the funds made available by this Act may be used by the Secretary of Defense to take beneficial occupancy of more than 2,500 parking spaces (other than handicapped-reserved spaces) to be provided by the BRAC 133 project: *Provided*, That this limitation may be waived in part if: (1) the Secretary of Defense certifies to Congress that levels of service at existing intersections in the vicinity of the project have not experienced failing levels of service as defined by the Transportation Research Board Highway Capacity Manual over a consecutive 90-day period; (2) the Department of Defense and the Virginia Department of Transportation agree on the number of additional parking spaces that may be made available to employees of the facility subject to continued 90-day traffic monitoring; and (3) the Secretary of Defense notifies the congressional defense committees in writing at least 14 days prior to exercising this waiver of the number of additional parking spaces to be made available.

SEC. 8104. The Secretary of Defense shall report quarterly the numbers of civilian personnel end strength by appropriation account for each and every appropriation account used to finance Federal civilian personnel salaries to the congressional defense committees within 15 days after the end of each fiscal quarter.

SEC. 8105. (a) None of the funds made available in this or any other Act may be used to study alternatives, plan, prepare, or otherwise take any action to—

(1) separate the budget, accounts, or disbursement system for the National Intelligence Program from the budget, accounts, or disbursement system for the Department of Defense; or

(2) consolidate the budget, accounts, or disbursement system for the National Intelligence Program within the budget, accounts, or disbursement system for the Department of Defense.

(b) The activities prohibited under subsection (a) include—

(1) the study, planning, preparation, or submission of a budget request that modifies the appropriations account structures as in effect on the date of the enactment of this Act for any Department of Defense account containing funds for the National Intelligence Program;

(2) the establishment of a new appropriations account for part or all of the National Intelligence Program;

(3) the study or implementation of a funds disbursement system for the Office of the Director of National Intelligence; and

(4) any other action to study, prepare, or submit a budget request to Congress that includes any modifications prohibited by this section.

(c) In this section:

(1) The term “account” includes an appropriations account.

(2) The term “disbursement system” includes any system with accounting, cost accrual, fund distribution, or disbursement functions.

(3) The term “National Intelligence Program” has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8106. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed \$2,000,000,000 of the funds made available in this Act for the National Intelligence Program: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2014.

SEC. 8107. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantánamo Bay, Cuba, by the Department of Defense.

SEC. 8108. (a)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantánamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary of Defense submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantánamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(b) A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantánamo is to be transferred—

(A) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(B) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(D) has taken or agreed to take effective actions to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; and

(F) has agreed to share with the United States any information that—

(i) is related to the individual or any associates of the individual; and

(ii) could affect the security of the United States, its citizens, or its allies; and

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary's certifications.

(c)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantánamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantánamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantánamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(d)(1) The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1) or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substan-

tially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States; and

(ii) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the paragraph or subsection to be waived.

(D) The assessment required by subsection (b)(2).

(e) In assessing the risk that an individual detained at Guantánamo will engage in terrorist activity or other actions that could affect the security of the United States if released for the purpose of making a certification under subsection (b) or a waiver under subsection (d), the Secretary of Defense may give favorable consideration to any such individual—

(1) who has substantially cooperated with United States intelligence and law enforcement authorities, pursuant to a pre-trial agreement, while in the custody of or under the effective control of the Department of Defense; and

(2) for whom agreements and effective mechanisms are in place, to the extent relevant and necessary, to provide for continued cooperation with United States intelligence and law enforcement authorities.

(f) In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “individual detained at Guantánamo” means any individual located at United States Naval Station, Guantánamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

(3) The term “foreign terrorist organization” means any organization so designated by the Secretary of State under section 219

of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 8109. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

SEC. 8110. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 8111. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 8112. None of the funds made available by this Act may be used in contravention of section 1590 or 1591 of title 18, United States Code, or in contravention of the requirements of section 106(g) or (h) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g) or (h)).

SEC. 8113. None of the funds made available by this Act for International Military education and training, foreign military financing, excess defense article, assistance under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456), issuance for direct commercial sales of military equipment, or peacekeeping operations for the countries of Chad, Yemen, Somalia, Sudan, the Democratic Republic of the Congo, and Burma may be used to support any military training or operation that include child soldiers, as defined by the Child Soldiers Prevention Act of 2008 (Public Law 110-457; 22 U.S.C. 2370c-1), and except if such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008.

SEC. 8114. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 8115. The Secretary of the Air Force shall obligate and expend funds previously appropriated for the procurement of RQ-4B Global Hawk aircraft for the purposes for which such funds were originally appropriated.

SEC. 8116. The total amount available in the Act for pay for civilian personnel of the Department of Defense for fiscal year 2014 shall be the amount otherwise appropriated or made available by this Act for such pay reduced by \$437,000,000.

SEC. 8117. None of the funds made available by this Act may be used by the Department of Defense or any other Federal agency to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

SEC. 8118. None of the funds made available by this Act may be used to enter into a contract with any person or other entity listed in the Excluded Parties List System (EPLS)/System for Award Management (SAM) as having been convicted of fraud against the Federal Government.

SEC. 8119. (a) LIMITATION.—None of the funds made available by this Act for the Department of Defense may be used for the purchase of any equipment from Rosoboronexport until the Secretary of Defense certifies in writing to the congressional defense committees that, to the best of the Secretary's knowledge—

(1) Rosoboronexport is cooperating fully with the Defense Contract Audit Agency;

(2) Rosoboronexport has not delivered S-300 advanced anti-aircraft missiles to Syria; and

(3) no new contracts have been signed between the Bashar al Assad regime in Syria and Rosoboronexport since January 1, 2013.

(b) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary certifies that the waiver in order to purchase equipment from Rosoboronexport is in national security interest of the United States.

(2) REPORT.—If the Secretary waives the limitation in subsection (a) pursuant to paragraph (1), the Secretary shall submit to the congressional defense committees, not later than 30 days before purchasing equipment from Rosoboronexport pursuant to the waiver, a report on the waiver. The report shall be submitted in classified or unclassified form, at the election of the Secretary. The report shall include the following:

(A) An explanation why it is in the national security interest of the United States to purchase equipment from Rosoboronexport.

(B) An explanation why comparable equipment cannot be purchased from another corporation.

(C) An assessment of the cooperation of Rosoboronexport with the Defense Contract Audit Agency.

(D) An assessment of whether and how many S-300 advanced anti-aircraft missiles have been delivered to the Assad regime by Rosoboronexport.

(E) A list of the contracts that Rosoboronexport has signed with the Assad regime since January 1, 2013.

(c) REQUIREMENT FOR COMPETITIVELY BID CONTRACTS.—The Secretary of Defense shall award any contract that will use United

States funds for the procurement of helicopters for the Afghan Security Forces using competitive procedures based on requirements developed by the Secretary of Defense.

SEC. 8120. Section 8159(c) of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107-117, 10 U.S.C. 2401a note) is amended by striking paragraph (7).

SEC. 8121. None of the funds made available in this Act may be used for the purchase or manufacture of a flag of the United States unless such flags are treated as covered items under section 2533a(b) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8122. In addition to amounts appropriated or otherwise made available elsewhere in this Act, \$25,000,000 is hereby appropriated to the Department of Defense and made available for transfer to the Army, Air Force, Navy, and Marine Corps, for purposes of implementation of a Sexual Assault Special Victims Program: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

SEC. 8123. None of the funds made available by this Act may be used in contravention of the amendments made to the Uniform Code of Military Justice in subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2014 regarding the discharge or dismissal of a member of the Armed Forces convicted of certain sex-related offenses, the required trial of such offenses by general courts-martial, and the limitations imposed on convening authority discretion regarding court-martial findings and sentence.

SEC. 8124. None of the funds appropriated in this, or any other Act, may be obligated or expended by the United States Government for the direct personal benefit of the President of Afghanistan.

SEC. 8125. None of the funds made available by this Act may be used to eliminate or reduce funding for a program, project or activity as proposed in the President's budget request for fiscal year 2015 until such proposed change is subsequently enacted in an appropriation Act, or unless such change is made pursuant to the reprogramming or transfer provisions of this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8126. In addition to amounts provided elsewhere in this Act for pay for military personnel, including Reserve and National Guard personnel, \$580,000,000 is hereby appropriated to the Department of Defense and made available for transfer only to military personnel accounts.

#### TITLE IX

#### OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES

##### MILITARY PERSONNEL

##### MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$6,703,006,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$558,344,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global

War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$1,019,322,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$867,087,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$40,952,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$20,238,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$15,134,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$20,432,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$393,364,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$6,919,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### OPERATION AND MAINTENANCE

##### OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$30,929,633,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### (INCLUDING TRANSFER OF FUNDS)

##### OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$6,255,993,000, of which up to \$227,033,000 may be transferred to the Coast Guard "Operating Expenses" account notwithstanding section 2215 of title 10, United States Code: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$2,669,815,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$10,605,224,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$6,240,437,000: *Provided*, That of the funds provided under this heading, not to exceed \$1,500,000,000, to remain available until September 30, 2015, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military operations in support of Operation Enduring Freedom, and post-operation Iraq border security related to the activities of the Office of Security Cooperation in Iraq, notwithstanding any other provision of law: *Provided further*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the requirement under this heading to provide notification to the appropriate congressional committees shall not apply with respect to a reimbursement for access based on an international agreement: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Afghanistan, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That of the funds provided under this heading, \$35,000,000 shall be made available for support for foreign forces participating in operations to counter the Lord's Resistance

Army efforts: *Provided further*, That such amount in this section is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$42,935,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$55,700,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$12,534,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$32,849,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$199,371,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$22,200,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

#### (INCLUDING TRANSFER OF FUNDS)

In addition to amounts provided elsewhere in this Act, there is appropriated \$1,073,800,000 for the "Overseas Contingency Operations Transfer Fund" for expenses directly relating to overseas contingency operations by United States military forces, to be available until expended: *Provided*, That of the funds made available in this section, the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, procurement accounts, and working capital fund

accounts: *Provided further*, That the funds made available in this paragraph may only be used for programs, projects, or activities categorized as Overseas Contingency Operations in the fiscal year 2014 budget request for the Department of Defense and the justification material and other documentation supporting such request: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the Secretary shall notify the congressional defense committees 15 days prior to such transfer: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation and shall be available for the same purposes and for the same time period as originally appropriated: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**AFGHANISTAN INFRASTRUCTURE FUND  
(INCLUDING TRANSFER OF FUNDS)**

For the “Afghanistan Infrastructure Fund”, \$279,000,000, to remain available until September 30, 2015: *Provided*, That such funds shall be available to the Secretary of Defense for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: *Provided further*, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, which may require funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: *Provided further*, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That any projects funded under this heading shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: *Provided further*, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: *Provided further*, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: *Provided further*, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: *Provided further*,

That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: *Provided further*, That the “appropriate committees of Congress” are the Committees on Armed Services, Foreign Relations, and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs, and Appropriations of the House of Representatives: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**AFGHANISTAN SECURITY FORCES FUND  
(INCLUDING TRANSFER OF FUNDS)**

For the “Afghanistan Security Forces Fund”, \$7,726,720,000, to remain available until September 30, 2015: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligations: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of \$20,000,000: *Provided further*, That the United States may accept equipment procured using funds provided under this heading in this or prior Acts that was transferred to the security forces of Afghanistan and returned by such forces to the United States: *Provided further*, That the equipment described in the previous proviso, as well as equipment not yet transferred to the security forces of Afghanistan when determined by the Commander, Combined Security Transition Command—Afghanistan, or the Secretary’s designee, to no longer be required for transfer to such forces, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That of the funds provided under this

heading, not less than \$47,300,000 shall be for recruitment and retention of women in the Afghanistan National Security Forces: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**PROCUREMENT**

**AIRCRAFT PROCUREMENT, ARMY**

For an additional amount for “Aircraft Procurement, Army”, \$771,788,000, to remain available until September 30, 2016: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**MISSILE PROCUREMENT, ARMY**

For an additional amount for “Missile Procurement, Army”, \$154,532,000, to remain available until September 30, 2016: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**PROCUREMENT OF WEAPONS AND TRACKED  
COMBAT VEHICLES, ARMY**

For an additional amount for “Procurement of Weapons and Tracked Combat Vehicles, Army”, \$15,422,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**PROCUREMENT OF AMMUNITION, ARMY**

For an additional amount for “Procurement of Ammunition, Army”, \$190,382,000, to remain available until September 30, 2016: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**OTHER PROCUREMENT, ARMY**

For an additional amount for “Other Procurement, Army”, \$909,825,000, to remain available until September 30, 2016: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**AIRCRAFT PROCUREMENT, NAVY**

For an additional amount for “Aircraft Procurement, Navy”, \$240,696,000, to remain available until September 30, 2016: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**WEAPONS PROCUREMENT, NAVY**

For an additional amount for “Weapons Procurement, Navy”, \$86,500,000, to remain available until September 30, 2016: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**PROCUREMENT OF AMMUNITION, NAVY AND  
MARINE CORPS**

For an additional amount for “Procurement of Ammunition, Navy and Marine

Corps", \$169,362,000, to remain available until September 30, 2016: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$17,968,000, to remain available until September 30, 2016: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$125,984,000, to remain available until September 30, 2016: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$188,868,000, to remain available until September 30, 2016: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", \$24,200,000, to remain available until September 30, 2016: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", \$137,826,000, to remain available until September 30, 2016: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$2,524,846,000, to remain available until September 30, 2016: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$128,947,000, to remain available until September 30, 2016: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, \$1,500,000,000, to remain available for obligation until September 30, 2016: *Provided*, That

the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$7,000,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$34,426,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$9,000,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$66,208,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### REVOLVING AND MANAGEMENT FUNDS

##### DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$264,910,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### OTHER DEPARTMENT OF DEFENSE PROGRAMS

##### DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$904,201,000, which shall be for operation and maintenance: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$376,305,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

##### (INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", \$1,000,000,000, to remain available until September 30, 2016: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the "Office of the Inspector General", \$10,766,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2014.

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to \$4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2014.

SEC. 9003. Supervision and administration costs and costs for design during construction associated with a construction project



funded with appropriations available for operation and maintenance, “Afghanistan Infrastructure Fund”, or the “Afghanistan Security Forces Fund” provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs and costs for design during construction include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in the U.S. Central Command area of responsibility: (a) passenger motor vehicles up to a limit of \$75,000 per vehicle; and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of \$250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed \$60,000,000 of the amount appropriated by this Act under the heading “Operation and Maintenance, Army” may be used, notwithstanding any other provision of law, to fund the Commander’s Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed \$20,000,000: *Provided further*, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obligation, and expenditure data for the Commander’s Emergency Response Program in Afghanistan: *Provided further*, That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of \$5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustenance of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third-party contributor to finance the sustenance of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148).

SEC. 9009. None of the funds provided for the “Afghanistan Security Forces Fund” (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: *Provided*, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of \$50,000,000 annually and any non-standard equipment requirements in excess of \$100,000,000 using ASFF: *Provided further*, That the AROC must approve all projects and the execution plan under the “Afghanistan Infrastructure Fund” (AIF) and any project in excess of \$5,000,000 from the Commander’s Emergency Response Program (CERP): *Provided further*, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding provisos and accompanying report language for the ASFF, AIF, and CERP.

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than \$250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than \$500,000.

SEC. 9011. Notwithstanding any other provision of law, up to \$63,800,000 of funds made available in this title under the heading “Operation and Maintenance, Army” may be obligated and expended for purposes of the Task Force for Business and Stability Operations, subject to the direction and control of the Secretary of Defense, with concurrence of the Secretary of State, to carry out strategic business and economic assistance activities in Afghanistan in support of Operation Enduring Freedom: *Provided*, That not less than 15 days before making funds available pursuant to the authority provided in this section for any project with a total anticipated cost of \$5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed project.

SEC. 9012. From funds made available to the Department of Defense by this Act under the heading “Operation and Maintenance, Air Force” up to \$209,000,000 may be used by the Secretary of Defense, notwithstanding any other provision of law, to support United States Government transition activities in Iraq by funding the operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction, and site closeout activities prior to returning sites to the Government of Iraq: *Provided*, That to the extent authorized under the National Defense Authorization Act for Fiscal Year 2014, the operations and activities that may be carried out by the Office of Security Cooperation in Iraq may, with the concurrence of the Secretary of State, include non-operational training activities in support of Iraqi Ministry of Defense and Counter Terrorism Service personnel in an institutional environment to address capability gaps, integrate processes relating to intelligence, air sovereignty, combined arms, logistics and maintenance, and to manage and integrate defense-related institutions: *Provided further*, That not later than 30 days following the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees a plan for transitioning any such training activities that they determine are needed after the end of fiscal year 2013, to existing or new contracts for the sale of defense articles or defense services consistent with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.): *Provided further*, That not less than 15 days before making funds available pursuant to the authority provided in this section, the Secretary of Defense shall submit to the congressional defense committees a written notification containing a detailed justification and timeline for the operations and activities of the Office of Security Cooperation in Iraq at each site where such operations and activities will be conducted during fiscal year 2013.

(RESCISSIONS)

SEC. 9013.

Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following account in the specified amount: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

“General Provisions, 2009/XXXX”, \$46,022,000.

SEC. 9014. (a) None of the funds appropriated or otherwise made available by this



Act under the heading "Operation and Maintenance, Defense-Wide" for payments under section 1233 of Public Law 110-181 for reimbursement to the Government of Pakistan may be made available unless the Secretary of Defense, in coordination with the Secretary of State, certifies to the Committees on Appropriations that the Government of Pakistan is—

(1) cooperating with the United States in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, Al Qaeda, and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

(2) not supporting terrorist activities against United States or coalition forces in Afghanistan, and Pakistan's military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

(3) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

(4) preventing the proliferation of nuclear-related material and expertise;

(5) implementing policies to protect judicial independence and due process of law;

(6) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

(7) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

(b) The Secretary of Defense, in coordination with the Secretary of State, may waive the restriction in paragraph (a) on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so: *Provided*, That if the Secretary of Defense, in coordination with the Secretary of State, exercises the authority of the previous proviso, the Secretaries shall report to the Committees on Appropriations on both the justification for the waiver and on the requirements of this section that the Government of Pakistan was not able to meet: *Provided further*, That such report may be submitted in classified form if necessary.

#### TITLE X—ADDITIONAL GENERAL PROVISIONS

##### SPENDING REDUCTION ACCOUNT

SEC. 10001. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is \$0.

The CHAIR. No amendment to the bill shall be in order except those printed in House Report 113-170, the amendment described in section 2 of House Resolution 312, and amendments en bloc described in section 3 of that resolution.

Each amendment printed in House Report 113-170 may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an op-

ponent, may be withdrawn by the proponent at any time before action thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

After disposition of amendments printed in House Report 113-170 and amendments en bloc described in section 3 of House Resolution 312, it shall be in order for the chair of the Committee on Appropriations or his designee to offer an amendment reducing funding levels in the bill.

It shall be in order at any time for the chair of the Committee on Appropriations or his designee to offer amendments en bloc consisting of amendments printed in House Report 113-170 not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

After the conclusion of consideration of the bill for amendment, there shall be in order a final period of general debate, which shall not exceed 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

#### AMENDMENT NO. 1 OFFERED BY MR. WALBERG

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 113-170.

Mr. WALBERG. I have an amendment at the desk, Madam Chairman.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 15, after the dollar amount, insert "(increased by \$10,000,000)".

Page 9, line 6, after the dollar amount, insert "(reduced by \$11,000,000)".

The CHAIR. Pursuant to House Resolution 312, the gentleman from Michigan (Mr. WALBERG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

□ 1500

Mr. WALBERG. Madam Chairman, in light of recent events in Benghazi and North Africa, the Pentagon approved the development of the Special Purpose Marine Air-Ground Task Force for Crisis Response to function under United States African Command. This task force is specifically tailored for crisis response in Africa, and in April deployed to Spain and Italy.

The unit is capable of responding to a wide range of military operations and will provide limited defense crisis re-

sponse in support of embassies, support non-combatant evacuation operations, provide humanitarian assistance, and assist with disaster relief operations, search and rescue, and other missions as directed.

As this force is ramping up, I believe we need to ensure that this valid and important mission is completely and adequately funded.

With the rise of Islamic militant groups in Mali, Nigeria and Somalia, and continued unrest in Egypt, Libya and Algeria, the threat is real and growing.

The committee has added funds for sustainment and follow-up deployments in fiscal year 2014, but there are substantial concerns that the need may be higher. Funding for this force was not requested in the President's budget, but was included in the House-passed NDAA. I'm hopeful that in establishing a funding source and signaling congressional willingness to support this mission, the Marine Corps will be better able to assess their needs and provide us with a more exact funding request.

To work towards a sure state of readiness, I'm offering this budget-neutral amendment to increase this funding by \$10 million while reducing funding to the Operation and Maintenance, Defense-Wide account by \$11 million. During consideration of the NDAA last month, an amendment was adopted by voice vote that would increase authorization for the crisis response force by a similar amount.

To provide an additional military response in case of another Benghazi-type situation, we must ensure that the special purpose Marine Air-Ground Task Force, Crisis Response can properly respond to threats to our diplomatic posts in an expeditious manner.

I yield back the balance of my time.

Mr. YOUNG of Florida. Madam Chairwoman, I claim the time.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Madam Chairwoman, for the reasons that the gentleman has already outlined, the committee had already added \$30 million for the special purpose MAGTF, Crisis Response teams, as well as an additional \$35 million for the new Marine Corps Embassy Security program.

The gentleman is exactly right that we're not doing enough on this issue, and we are certainly in support of his amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. WALBERG).

The amendment was agreed to.

#### AMENDMENT NO. 2 OFFERED BY MR. DELANEY

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 113-170.

Mr. DELANEY. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 6, after the dollar amount, insert “(reduced by \$25,000,000)”.

Page 86, line 6, after the dollar amount, insert “(increased by \$16,000,000)”.

The CHAIR. Pursuant to House Resolution 312, the gentleman from Maryland (Mr. DELANEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. DELANEY. Madam Chairman, my amendment responds to a common dilemma facing our military families, a dilemma that is deeply unfortunate, but easily solvable.

When our warfighters and veterans head to the hospital, their families often face a choice between being there or paying their bills. This means that too often our military heroes are in the hospital alone without the support of their family. They deserve better.

This amendment will increase funding for Fisher Houses, which provides free housing for the families of patients receiving care at military and VA hospitals. This additional funding is offset by a corresponding reduction to the defense-wide operation and maintenance account.

Thanks to Fisher Houses, when our heroes are in the hospital, their families have a place to stay. Thanks to Fisher Houses, when our military families need our support, we lend them a helping hand, a home away from home.

This program is not only compassionate, but it's cost effective. Since 1990, over 180,000 families have been served by Fisher Houses, saving military families over \$200 million. However, you can't put a price tag on the emotional, psychological, and spiritual value these homes provide.

After 2 years, we have seen resources strained and backlogs develop. We can't expect better results without improving our support structure. This amendment would lead to the construction of at least four new Fisher Houses next year. Four new homes means lodging for 2,000 military family members. That's 2,000 sons, daughters, wives, husbands, brothers, and sisters that can be by the side of our military heroes during their most significant time of need.

No veteran, no servicemember should head to the hospital alone. I encourage my colleagues to support this amendment, and I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chair, I claim the time.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Madam Chairman, the Fisher Houses program is a real success story. It was initially started by Mr. Zach Fisher. After his death, the family continued.

The need was so great at the military hospitals; but also at the VA hospitals, there were no Fisher Houses. So the program was expanded, and we increased our involvement. The Congress had not been involved up to this point. The Congress appropriated money, and we've been appropriating \$4 million a year to add to the Fisher House Foundation for the purpose of the Fisher Houses. We also allow for \$11 million for transfers to the Fisher House operations.

I say, again, it's a real success story; and while it's additional money, we're happy to support the gentleman's amendment and make sure that the Fisher Houses continue.

Mr. VISCLOSKY. Will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I appreciate the gentleman yielding.

I do not rise to oppose the gentleman's amendment, but to cast a caution over the expenditure of the proposed funds. The bill contains \$4 million, and this is a phenomenal program. I am not in any way suggesting otherwise.

But the gentleman's amendment is quadrupling funding in 1 year for this project from \$4 million to \$20 million. So I would hope that the people that are running this program understand that in a time of great fiscal constraint, they better very carefully, effectively, and wisely spend this additional money that I'm not objecting to, but I am very concerned about quadrupling \$4 million that is already in a bill for a very good program.

I appreciate the gentleman for yielding.

Mr. YOUNG of Florida. Reclaiming my time, I yield back the balance of my time.

Mr. DELANEY. I yield 1 minute to the gentlelady from Nevada (Ms. TITUS).

Ms. TITUS. Madam Chairman, I rise in support of the Delaney amendment.

As a member of the House Veterans' Affairs Committee, I understand the important role that Fisher Houses play in supporting members of our armed services, our Nation's veterans, and their families.

In southern Nevada, a brand new VA hospital opened recently to serve the 154,000 veterans who live in our area. Just north of the hospital, there is land that has already been dedicated to a brand new Fisher House. I support this amendment because it will allow Fisher House Foundation to build an extra four houses this year, including the one in Las Vegas, helping an extra 2,000 families.

The Fisher House Foundation received an A-plus rating from the American Institute of Philanthropy, so we know that our money is being used efficiently and effectively to make a

meaningful difference in the lives of our heroes and their families.

I look forward to a day when members of the armed services and our veterans will all have their families close to them as they receive medical care at these facilities, including the new hospital in Las Vegas.

Mr. DELANEY. I appreciate the comments of my colleagues and the support of my colleagues.

As I have no other comments, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. DELANEY).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. GABBARD

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 113-170.

Ms. GABBARD. Madam Chairwoman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 6, after the dollar amount, insert “(reduced by \$104,000,000)”.

Page 30, line 21, after the dollar amount, insert “(increased by \$104,000,000)”.

The CHAIR. Pursuant to House Resolution 312, the gentlewoman from Hawaii (Ms. GABBARD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii.

Ms. GABBARD. Madam Speaker, I yield myself such time as I may consume.

The U.S. Navy has acknowledged a growing problem that threatens its dominance at sea. It's strike reach is shrinking and aging, while potential enemies' attack reach is growing and modernizing. We recognize this most specifically within the Asia-Pacific region. It's because of this growing recognition that the Navy is exploring new weapons in order to successfully execute our strategic rebalance of military assets to the Asia-Pacific region.

A longstanding Navy urgent operational needs statement and related intelligence estimates detail a troubling capability and readiness gap that have compelled the Secretary of Defense to direct accelerated development of an over-the-horizon surface warfare missile that can be launched from aircraft or surface vessels and strike well-defended moving maritime targets.

Currently, surface-launched anti-ship missiles face the growing challenge of penetrating sophisticated enemy air defense systems from long range and present the potential for large no-go zones, which deny the Navy access in key conflict areas.

The military expects our adversaries will continue their development of increasingly sophisticated anti-access area denial capabilities that are able to jam or destroy GPS systems which guide our missiles. This clearly highlights the need for the offensive anti-

surface warfare weapon, as well as the long-range anti-ship missile, which has a requirement of independently detecting and validating the target that it was shot at.

In authorizing the full request in the President's budget, the House Armed Services Committee noted the need for a new generation of anti-ship weapons capable of penetrating sophisticated enemy air defense systems from long range and said such a capability is even more relevant today and is critical to meeting national security objectives and rebalance to the Asia-Pacific region. By providing these new capabilities, we allow our Navy to safely engage and destroy high-value targets well beyond the potential counterfire range of the adversaries that they may face.

I recently received a letter from Admiral Locklear, commander of the U.S. Pacific Command, who's at the forefront of this rebalance to the Asia-Pacific region, noting the importance of these two weapons. He expressed deep concern about the reductions proposed by the Defense Appropriation Subcommittee and said that such reductions will derail the efforts of Pacific Command to outpace an expanding threat, increasingly degrade our regional response options, and potentially erode regional confidence in our commitment to the rebalance. We can and must do all that we can to correct the significant strategic and operational risks that these budget cuts present at this critical juncture.

I urge you to support the President's budget request, as well as the authorization that the House Armed Services Committee approved, in order to keep this essential element of our Asia-Pacific rebalance on track for fielding.

I look forward to working with my colleagues and ask for their support as I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chairwoman, I would like a clarification on the time issues.

Since the time is structured, is it possible for the person offering the amendment to reserve that time when they have completed their statement?

The CHAIR. The gentlewoman may reserve.

□ 1515

Mr. YOUNG of Florida. Madam Chair, I claim the time.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Madam Chairman, very simply, most of this money would be taken from the Special Operations Command funding. It's not a good idea. We're using the Special Operators more and more, all the time. We are finding them involved in places where you might be surprised, and I just don't think it is wise for us to be taking this funding from Special Operations. Special Operations are the

Navy SEALs and the Special teams that go into difficult places. We prefer not to put limitations that this amendment would cause.

Mr. VISCLOSKY. Will the gentleman yield?

Mr. YOUNG of Florida. I yield to Mr. VISCLOSKY.

Mr. VISCLOSKY. My understanding as well during subcommittee consideration is that the new START proposed—and this is a new START proposed for 2014—provide very little explanation or rationale, and that's from the Department of Defense. The committee recommendation was for a reduction because of the poor justification by the Department itself. I think I am correct in my understanding.

Mr. YOUNG of Florida. I thank the gentleman for his comment.

I yield back the balance of my time.

Ms. GABBARD. Madam Chair, a couple of points I would like to clarify. This amendment proposes that the offset come from the O&M Defense-wide account, but makes up less than one-half of 1 percent of the entire amount requested in funding for that.

With regards to the justification for the timing of this issue, the letter from Admiral Locklear—the contents of that letter recognize the effectiveness and the necessity of these programs, and are looking really to bypass normal acquisition processes due to the urgent need that they have identified there within the region, which is why I am strongly asking my colleagues to consider supporting this amendment.

Madam Chair, I yield back the balance of my time.

COMMANDER,

U.S. PACIFIC COMMAND,

*Camp H.M. Smith, HI, July 18, 2013.*

Hon. RICHARD DURBIN,

Chairman, Appropriations Defense Subcommittee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, U.S. Pacific Command (USPACOM) is at the forefront of executing key aspects of our strategic rebalance to the Asia-Pacific. The complexity of the operational environment and the pace of emerging potential threats in this theater demand a responsive and credible joint force to reassure our friends, dissuade adversaries, and defend our national interests. To that end, I want to ensure you are aware that proposed reductions in the Fiscal Year (FY) 2014 budget for Offensive Anti-Surface Warfare (OASuW) capability (PE 0604786N) introduces significant strategic and operational risk at a time-critical juncture in our rebalance.

Specifically, my FY 2015-2019 Integrated Priority List (IPL), a long-standing Navy OASuW Urgent Operational Needs Statement, and related intelligence estimates detail a particularly troubling capability and readiness gap that compelled the Deputy Secretary of Defense to direct accelerated (2018) fielding of the Long Range Anti-Ship Missile (LRASM). If enacted, the reductions proposed in the FY 2014 budget for OASuW/LRASM will derail our efforts to outpace an expanding threat, increasingly constrain our regional response options, and potentially erode regional confidence in our commitment to the rebalance.

I urge you to support the President's Budget request and reconsider the proposed OASuW/LRASM reductions in order to keep this vital program on track for FY 2018 fielding. Thank you for your continued support of USPACOM and this essential element of our Asia-Pacific rebalance.

Sincerely,

S.J. LOCKLEAR, III.

The CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. GABBARD).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. GABBARD. Madam Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Hawaii will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. GRAYSON

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 113-170.

Mr. GRAYSON. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 6, after the dollar amount insert the following: “(reduced by \$10,000,000)”.

Page 34, line 15, after the dollar amount insert the following: “(increased by \$10,000,000)”.

The CHAIR. Pursuant to House Resolution 312, the gentleman from Florida (Mr. GRAYSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. GRAYSON. Madam Chair, this amendment would increase the Defense health program account by \$10 million in order to fund a cure for Gulf War illness. Currently, there is no cure for Gulf War illness, and it affects over a third of the veterans who served in the first Gulf War.

This amendment is identical to an amendment offered last year that passed this body by a voice vote, and according to the Congressional Budget Office, this amendment actually will reduce total outlays by \$1 million.

Veterans of the first Gulf War suffer from persistent symptoms, including chronic headaches, widespread pain, cognitive difficulties, debilitating fatigue, gastrointestinal problems, respiratory symptoms, and other abnormalities that are not explained by traditional medicine or psychiatric diagnoses.

Research shows that as veterans from the first Gulf War age, they are twice as likely to develop Lou Gehrig's disease as their nondeployed peers. There also may be connections to multiple sclerosis and Parkinson's disease. Sadly, there are no known treatments for the lifelong pain and affliction that these veterans must endure through this disease.

For decades, the Veterans Administration has downplayed any neurological basis for this disease, but recent

research just this year has shown unequivocally that this disease is biological in nature. The time has come to right the wrong that our servicemen and -women have had to live with for over 20 years.

In this Department of Defense appropriations bill, we allocate more money for breast cancer, orthopedic, and prostate cancer research than we do for finding a cure for Gulf War illness. Equivalent funds are appropriated for ovarian cancer research.

Personally, I think if we are going to spend money on medical research within the Department of Defense, the Department must adequately fund research on those diseases that originate in war and wholly affect our servicemen and -women. Over a quarter of a million veterans display symptoms of this disease, and the time has come to find and fund a cure for it.

The offset for my amendment today comes from the \$32 million Operation and Maintenance Defense-wide account, and that account is funded \$500 million above the amount in last year's DOD appropriations bill.

Congress has responsibility to ensure that the Gulf War veterans, who put it all on the line and are paying for that with a lifetime of pain, are not left behind.

I urge my colleagues, including my esteemed colleague from Florida, to support this amendment and help to find a cure for Gulf War illness.

I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chair, I claim the time.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Madam Chairman, although we're going to support this amendment from my colleague from Florida, I take this time to point out that we've already included an additional \$20 million for the program, the same amount that was included in fiscal year 2013. Prior to 2013, the subcommittee typically included \$8 million to \$10 million annually for this program. But this bill, this year for 2014, has an additional \$20 million, but it is a serious issue, and it is one that we can't take lightly, and so we do support the gentleman's amendment.

I yield back the balance of my time.

Mr. GRAYSON. I want to thank the gentleman from Florida for accelerating the efforts to find a cure for this disease. I am very grateful to him, and so are thousands of veterans.

Madam Chair, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. GRAYSON).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. ISRAEL

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 113-170.

Mr. ISRAEL. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 6, after the dollar amount, insert "(reduced by \$10,000,000) (increased by \$10,000,000)".

The CHAIR. Pursuant to House Resolution 312, the gentleman from New York (Mr. ISRAEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ISRAEL. Madam Chair, I will be very brief. This is a bipartisan amendment offered by my colleague from New York, the gentleman from the Second Congressional District, Congressman PETER KING, and myself, to transfer \$10 million to mental health programs within the Department of Defense. It is fully offset.

Madam Chair, 22 veterans every day are committing suicide; 273,000 veterans have been diagnosed with traumatic brain injury since 2000; and the pace of post-traumatic stress disorder is going to require new thinking, new innovations, new technologies, new partnerships, and collaborations. That's exactly what this bipartisan amendment crafted by Congressman KING and myself does.

This amendment creates new public-private partnerships between the Department of Defense and teaching hospitals and research institutions for the research, the treatment, and outreach on military mental health matters. This is not a matter of partisanship, this is a matter of doing the right thing for our veterans. It was my honor to work together on a bipartisan basis with the gentleman from New York (Mr. KING), and I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chair, I claim the time.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Madam Chair, actually, this amendment moves money around within the Defense health program for something the committee has worked a long and hard time over the years dealing with: the subject of traumatic brain injury and psychological health research. In fact, we included an additional \$125 million in the bill above the President's request because of the importance of the issue that we're facing. We are seeing more and more cases of TBI, traumatic brain injuries, than we had expected, I believe. So we added the additional money that the gentleman's amendment would move around in the DHP, so we have absolutely no problem with this amendment.

Mr. VISCLOSKEY. Will the gentleman yield?

Mr. YOUNG of Florida. I am happy to yield to the gentleman from Indiana.

Mr. VISCLOSKEY. I appreciate the gentleman's remarks, and I also appreciate

having the time to associate myself with the remarks you have made on behalf of the gentleman's amendment.

Secondly, I note, as you point out, the subcommittee itself has done significant work and recognizes the problems that we face in the commitment we need to make to the individuals that the gentleman is trying to help with his amendment. So again, I very much appreciate the gentleman's remarks, as well as support for the issue in this particular amendment.

Mr. YOUNG of Florida. Madam Chair, I yield back the balance of my time.

Mr. ISRAEL. Madam Chair, I would just close by thanking the gentleman from Florida, the chair, and the ranking member for their cooperation. This amendment is so vitally important to those who are fighting for our freedom.

In this amendment, we defend the defenders and we protect the protectors, and I want to thank the chairman and the ranking member for their support for this amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ISRAEL).

The amendment was agreed to.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Madam Chairman, pursuant to House Resolution 312, I offer amendments en bloc.

The CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 1 consisting of amendment Nos. 6, 32, 76, 77, 78, 79, 80, 81, and 82 printed in House Report 113-170, offered by Mr. YOUNG of Florida:

AMENDMENT NO. 6 OFFERED BY MR. YOUNG OF FLORIDA

Page 9, line 6, after the dollar amount, insert "(reduced by \$1,000,000) (increased by \$1,000,000)".

AMENDMENT NO. 32 OFFERED BY MS. ESTY OF CONNECTICUT

Page 134, line 6, after the dollar amount, insert "(reduced by \$38,000,000)".

Page 143, line 17, after the dollar amount, insert "(increased by \$10,000,000)".

AMENDMENT NO. 76 OFFERED BY MR. SESSIONS OF TEXAS

Page 9, line 6, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 34, line 15, after the dollar amount, insert "(increased by \$10,000,000)".

Page 34, line 23, after the dollar amount, insert "(increased by \$10,000,000)".

AMENDMENT NO. 77 OFFERED BY MR. BRIDENSTINE OF OKLAHOMA

Page 9, line 6, after the dollar amount, insert "(reduced by \$11,000,000)".

Page 12, line 17, after the dollar amount, insert "(increased by \$5,000,000)".

Page 13, line 9, after the dollar amount, insert "(increased by \$5,000,000)".

AMENDMENT NO. 78 OFFERED BY MR. MCKINLEY OF WEST VIRGINIA

Page 9, line 6, after the dollar amount, insert "(reduced by \$10,000,000) (increased by \$10,000,000)".

AMENDMENT NO. 79 OFFERED BY MS. BASS OF CALIFORNIA

Page 9, line 6, after the dollar amount, insert “(reduced by \$3,000,000) (increased by \$3,000,000)”.

AMENDMENT NO. 80 OFFERED BY MS. VELÁZQUEZ OF NEW YORK

Page 134, line 6, after the dollar amount, insert “(reduced by \$19,000,000)”.

Page 143, line 17, after the dollar amount, insert “(increased by \$5,000,000)”.

AMENDMENT NO. 81 OFFERED BY MR. GRAYSON OF FLORIDA

Page 31, line 20, after the dollar amount, insert “(reduced by \$10,000,000)”.

Page 34, line 15, after the dollar amount, insert “(increased by \$10,000,000)”.

AMENDMENT NO. 82 OFFERED BY MS. ESTY OF CONNECTICUT

Page 126, line 21, after the dollar amount, insert “(increased by \$5,000,000)”.

Page 134, line 6, after the dollar amount, insert “(reduced by \$27,500,000)”.

The CHAIR. Pursuant to House Resolution 312, the gentleman from Florida (Mr. YOUNG) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 10 minutes.

The Chair recognizes the gentleman from Florida.

Mr. YOUNG of Florida. Madam Chairman, the en bloc amendment has been agreed to by the minority and the majority. They are noncontroversial amendments that cover topics such as suicide prevention, traumatic brain injury, and National Guard issues. The sponsors of the amendments have agreed to the amendments being considered en bloc, and I would ask for the adoption of this amendment.

I reserve the balance of my time.

□ 1530

Mr. VISCLOSKY. Madam Chair, I yield 1 minute to the gentleman from Washington (Mr. KILMER).

Mr. KILMER. Madam Chair, I thank the ranking member for yielding.

Within this en bloc includes an amendment that highlights a very troubling breakdown within the Department of Defense, how they collect and process their personnel data.

Our brave men and women who are deployed overseas rely on the Servicemembers Civil Relief Act to give them assurance that they won't need to worry about a foreclosure on their house, a lease being terminated, or outstanding credit card debt. We ask significant sacrifices from our troops, and this is a needed helping hand at a time when they are rightfully focused on serving their Nation.

In order to provide these protections, financial institutions are required by law to consult the Department of Defense's data system to validate servicemembers' deployment. This system is called the Defense Manpower Data Center, or DMDC.

I've heard from a number of stakeholders that the DMDC is riddled with inaccuracies because each service feeds their own data into the database, with

no standardization between services, and much of it was originally entered by hand, with little-to-no quality assurance.

Obviously this creates a significant problem. We need our financial institutions to have accurate data so that troops can get the benefits provided by law.

I'm extremely concerned about the reliability of this data for the purposes of SCRA compliance and, for that matter, any other personnel process affected by the DOD. Going forward, I hope we can work together to address this serious data problem within the DOD.

My amendment would cut \$1 million to the Defense Human Resources Activity Operation and Maintenance, Defense-Wide account, and reinsert that funding into the exact same place, with the intent of encouraging a study on how the Defense Human Resources Activity components and the CIO identify, catalog, process, communicate and rectify mistakes or inconsistencies found when data is uploaded to the DMDC.

I want to thank Chairman YOUNG and Ranking Member VISCLOSKY for working with me on this issue, and I urge my colleagues to support this amendment.

Mr. VISCLOSKY. I yield 1 minute to the gentlewoman from California (Ms. BASS).

Ms. BASS. Madam Chair, this amendment considered en bloc would provide the Department of Defense the flexibility to train and equip wildlife reserve rangers to help combat illicit poaching across the African continent. Poaching and wildlife trafficking are not only a matter of conservation but a matter of international security.

As the ranking member of the Africa Subcommittee, I'm deeply troubled by the damaging impact poaching has on the economic stability of African nations. During my travels, African heads of state and ambassadors have expressed that poaching erodes the tourism industry, public safety, and regional security.

Various newspapers have reported that poaching and wildlife traffickers are more dangerous and militarized than ever before, with armed militias like Kony's Lord's Resistance Army and al Qaeda affiliates fueling conflicts with the profits from poached ivory and other animal products.

The Department of Defense can play a leading role in helping to provide the training required to protect wildlife and put an end to regional conflicts and instability fueled by poaching. Training in reconnaissance, apprehension, and effective field communication will better prepare park rangers.

I look forward to working with the chairman and ranking member.

Mr. YOUNG of Florida. Madam Chair, I continue to reserve the balance of my time.

Mr. VISCLOSKY. Madam Chair, it does not appear that we have any other speakers on our side, so I yield back the balance of my time.

Mr. YOUNG of Florida. I yield back the balance of my time.

Ms. BORDALLO. Madam Chair, today I rise in support for amendment #127 offered by Congressman JIM BRIDENSTINE of Oklahoma; Congressman JOE WILSON of South Carolina and myself to H.R. 2397, the Department of Defense Appropriations Act for Fiscal Year 2014. Our amendment would provide an additional \$10 million to the National Guard State Partnership Program. It would be offset by a reduction of \$11 million to the Defense Media Activity in the Defense-wide operations and maintenance account.

The amendment builds on the progress made in the National Defense Authorization Act for Fiscal Year 2014 that strengthened and expanded the National Guard State Partnership Program. The National Guard provides unique capacity building capabilities to Combatant Commanders and U.S. Ambassadors via 65 comprehensive partnerships between National Guard units across the United States and partner nations. The State Partnership Program directly supports the broad national interests and security cooperation goals of the United States by engaging partner nations via military, socio-political, and economic conduits at the local, state, and national levels and these additional funds will further strengthen existing relationships as well as foster new partnerships. In particular, as we rebalance to the Asia-Pacific region the State Partnership Program offers a very visible and tangible component of that rebalance that meets both our military and diplomatic objectives in the region.

Several Combatant Commanders have testified before Congress about the importance of the State Partnership Program to meeting their strategic objectives. The program has developed from assistance and partnership with primarily Eastern European nations to a program that supports all the non-CONUS combatant commanders. Again, I believe the SPP brings unique capabilities to U.S. Pacific Command in expanding and strengthening bilateral relations with many Asian and Pacific nations. The program can help to demonstrate the U.S. commitment to the region and our allies.

The amendment provides critical resources to this cost effective and beneficial program. I urge my colleagues to support this amendment.

Ms. ESTY. Madam Chair, my amendment would add five million dollars for support services for members of the National Guard and Reserve to the Defense-Wide Operations and Maintenance account in Title IX of the bill.

To prevent an increase in spending, the funding for suicide prevention is offset by reducing the Afghanistan Security Forces Fund by thirty-eight million dollars. This amendment is not only fiscally responsible, but urgent and timely.

The cover of Time Magazine from exactly one year ago today described the tragedy of military suicide with the simple headline: “One a Day.” It drew attention to the grim reality that military suicide rates were at record levels. By year's end, a record three-hundred-

and-fifty active duty troops committed suicide in 2012, amounting to almost one suicide per day. We lost more troops to suicide than we did in combat.

One year later, these rates have barely budged. The Department of Defense reported one-hundred-and-sixty-one potential suicides among active-duty service members, reservists and National Guard members through April. This is a pace of one suicide every eighteen hours.

We owe far better to those who wear the uniform and serve this nation.

I thank the Chairman and Ranking Member for their leadership on this issue. Your tireless, bipartisan commitment to suicide prevention is reflected in the additional twenty-million dollars for the Suicide Prevention Office provided in this bill.

My amendment seeks only to bolster your efforts by strengthening outreach and awareness programs to combat stigma and improve access to resources. As the chairman has often reminded us, we should focus our efforts on prevention. This amendment gives our outreach and prevention programs greater support to assist service members in need. It is our job to serve our troops as well as they serve us. We cannot—we must not—wait; it's up to us to act.

I urge Members to support this amendment.

The CHAIR. The question is on the amendments en bloc offered by the gentleman from Florida (Mr. YOUNG).

The en bloc amendments were agreed to.

The CHAIR. The Chair understands that amendment No. 7 will not be offered.

AMENDMENT NO. 8 OFFERED BY MR. LANGEVIN

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 113-170.

Mr. LANGEVIN. Madam Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 6, after the dollar amount insert the following: “(reduced by \$22,000,000)”.

Page 30, line 21, after the dollar amount insert the following: “(increased by \$22,000,000)”.

The CHAIR. Pursuant to House Resolution 312, the gentleman from Rhode Island (Mr. LANGEVIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. LANGEVIN. Madam Chair, before I begin, I want to first congratulate the chairman, the gentleman from Florida, and the ranking member for their important work on this legislation before us today.

Madam Chair, it's no surprise to any of us that the United States Navy, with its critical role in our national defense, faces ever-increasing global threats and a significant resource-constrained environment. To maintain undersea dominance in maritime regions of economic and military importance to the United States, the Navy requires dis-

ruptive technologies that can be rapidly developed, demonstrated, evaluated, and fielded to counter other nations' expanding undersea capabilities, and to extend the Navy's reach and persistence.

The Advanced Submarine Systems Development program supports innovative and promising undersea technologies, including Unmanned Undersea Vehicles, or UUVs, as we know them, for the delivery of new and needed capability to the undersea domain.

However, under the current acquisition plan, the Navy may not have the new technologies it needs to meet requirements in this domain until after 2020. So my amendment reduces the appropriation for Operation and Maintenance, Defense-Wide, Office of Secretary of Defense by \$22 million and transfers this amendment to RDT&E, Navy, for the purpose of supporting Advanced Submarine Systems Development.

This represents a funding increase to the level authorized by the Armed Services Committee and this House in the Fiscal Year 2014 National Defense Authorization Act. It has been scored as reducing outlays by \$3 million by CBO.

Unmanned systems, such as the Predator in the Air Force, provide increased performance for many missions and have truly revolutionized modern warfare. Autonomous undersea vehicles can add significant capabilities to the Navy's systems and platforms and act as a force multiplier for long-endurance, hazardous, or high-threat missions where humans are limited in mission success.

In response to a question I asked at a hearing earlier this year before the Armed Services Committee, Navy Secretary Lehman stated that, and I quote:

These underwater systems, UUVs and USVs, can be relatively more useful in undersea warfare than their airborne counterparts are to surface and air forces.

While the Navy recognizes the promise of these technologies, at a time of shrinking budgets, new technologies, without existing bureaucratic and industry supporters, tend to suffer disproportionate cuts and cancellations, compared to programs with political and bureaucratic constituencies and must be actively protected by Congress.

So with this, Madam Chair, support of this program will help accelerate the integration of UUVs and other autonomous undersea technologies and payloads into the Navy for the full spectrum of military needs and potentially speed the eventual availability of these capabilities to civilian purposes such as energy exploration and environmental monitoring, just as happened with aerial vehicles.

My amendment accomplishes this in a fully competitive way accelerating, rather than disrupting, the existing development process and enabling earlier support of COCOM-defined operational needs.

With that, I urge support of this amendment, and I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chairman, as much as I want to support my friend's amendment, I can't, so I claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Madam Chairman, the money that he would use for a large part comes from the Special Operations Command, and I just don't think that we can restrict them, like some of the amendments that we're seeing, in their ability to move about the world as they have to move about the world and do the exciting things that they do.

But the gentleman's amendment adds \$22 million to the \$32 million that we already included for this program. Now, that is a 63 percent spike in funding for fiscal year 2014. That makes it very difficult for the program managers or anybody involved with the program.

To assume a 63 percent increase means there may be a lot of new jobs this year, but then the next year they'd all be fired and laid off because the money is not there. This is not a consistent program, except for the \$32 million that we have included in this bill.

And so as much as I would like to support his bill, his amendment, I really can't. I just don't think the program managers can handle a 63 percent increase in this or, frankly, any program.

Madam Chair, I reserve the balance of my time.

Mr. LANGEVIN. Madam Chair, I appreciate the comments that the chairman has just made. I'd just point out that in the Defense authorization bill this was authorized at the higher level. And the information I have from program managers is that they could, in fact, absorb and make important use of these funds in speeding these technologies to the warfighter and enhancing our undersea capabilities.

With that, I would urge my colleagues to support the amendment, and I yield back the balance of my time.

Mr. YOUNG of Florida. Madam Chair, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN).

The amendment was rejected.

AMENDMENT NO. 9 OFFERED BY MS. JACKSON LEE

The CHAIR. It is now in order to consider amendment No. 9 printed in House Report 113-170.

Ms. JACKSON LEE. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 13, line 18, after the dollar amount, insert “(reduced by \$500,000)”.

Page 34, line 15, after the dollar amount, insert “(increased by \$500,000)”.



Page 34, line 23, after the dollar amount, insert “(increased by \$500,000)”.

The CHAIR. Pursuant to House Resolution 312, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Madam Chair, I'm hoping to convince my colleagues that, albeit what numbers you may have in this increasing and emerging epidemic of post-traumatic stress disorder, let me give a personal story that comes by way of my interaction often with veterans and, particularly, a post-traumatic stress disorder center that we were able to fund in a hospital that previously had not had the ability to serve Active Duty soldiers and veterans.

It's a small hospital off the campus of our main Veterans Hospital in Houston, Texas, but we established a post-traumatic stress disorder center there that allowed veterans who may not have traditionally been at the Veterans Hospital, not because they did not have benefits, but for a variety of reasons, to find a comfort place to be treated for their post-traumatic stress disorder.

And they were not just veterans of the Afghan and Iraq wars, but these were ones from the Persian Gulf, from Vietnam. And they could not thank the staff and could not thank the work that we had done to secure just a small amount of dollars, which this amendment does.

This takes a small amount of dollars from a very large funding for, certainly, a commendable challenge, but it is one that I believe would benefit, as we seek to create a better quality of life for our soldiers, wherever they might be, and our veterans.

This is a \$500,000 deposit, if you will, on the high numbers of post-traumatic stress disorder. I have seen it in our returning soldiers, I have seen it in our veterans, and it is clearly something that is not going away.

I think the poignant story that I want to share is how grateful this particular veteran was, who said he had never been to treatment and his whole life had been turned around. His wife was there with him. She said their lives have been turned around.

So I ask my colleagues to consider the responsible approach that we have taken for just this amount of money to reinvest in our needy, but deserving, men and women who are both Active Duty. In the instance of the story that I gave, because this facility was able to utilize TRICARE, they could serve Active Duty, and they could serve those who were veterans as well.

□ 1545

So I thank the chairman and ranking member and urge support of the amendment.

I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chairman, I claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. I'm not exactly sure how this is targeted or how it would support the \$125 million increase already in this bill. PTSD is a serious issue. It's becoming more serious as time goes on and as our men and women return from the battlefield. And so we understand the importance of the program. We did increase it by \$125 million.

This amendment, I think, is positive, and I'm not going to oppose it.

I yield to the gentleman from Indiana (Mr. VISCLOSKEY).

Mr. VISCLOSKEY. I appreciate the gentleman yielding.

Again, I would not be opposed to the gentlewoman's amendment but would want to make the observation, given the observation I made in my opening comments, that I do wish she had chosen a different account for the offset.

Mr. YOUNG of Florida. Madam Chairman, PTSD is going to be with us for a long time because there are men and women returning from the battlefield who believe they don't have PTSD or don't want to admit to the fact that they have it. I can certainly understand why they do not want that on their record. But, nevertheless, it is going to show up; and when it shows up, we need to be prepared to care for those who have fought this battle.

And so I support the gentlelady's amendment, and I yield back the balance of my time.

Ms. JACKSON LEE. Madam Chair, I'm overwhelmed and very grateful to Chairman YOUNG, my dear friend who has done so much, as well as the ranking member, likewise, for his great service. He's done so much.

Let me just conclude by saying that PTSD, as both the chairman and the ranking member have agreed, is an invisible wound that you don't often see. One of the best ways to increase access to treatment is to increase the medical facilities and also the medical professionals. These additional dollars, as I understand the intent of both the ranking member and chairman, will be used effectively.

Post-traumatic stress disorder is one of the most prevalent, devastating psychological wounds suffered by the brave men and women. I ask my colleagues to support this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. BLUMENAUER

The CHAIR. It is now in order to consider amendment No. 10 printed in House Report 113-170.

Mr. BLUMENAUER. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 16, line 24, after the dollar amount, insert “(increased by \$25,100,000)”.

Page 30, line 14, after the dollar amount, insert “(reduced by \$25,100,000)”.

The CHAIR. Pursuant to House Resolution 312, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. I yield myself such time as I may consume.

I urge my colleagues to support this amendment that I'm introducing with my colleague, Ms. GABBARD from Hawaii, that would simply restore funding to the fiscal year '13 levels for cleanup and safety in public areas.

We take great pride in the United States in our military being the best trained and most powerful fighting force in the world, but decades of military operations and training have left a toxic legacy of dangerous explosives and harmful chemicals on millions of acres in this country. The Department of Defense has an obligation to remediate these dangerous areas, often in public or residential areas, in a timely fashion. This contaminated real estate contains housing, schools, parks, and playgrounds in every State and almost every congressional district in our country.

To help the Department of Defense become a better partner for our communities and our constituents, I urge you to join me in supporting funding for a program that will employ skilled, high-tech companies to clean up these dangerous liabilities and create opportunities for economic development on land that is currently a danger.

Just last month, at the height of the tourist season, Maryland officials were forced to shut down Assateague Island after a visitor noticed unexploded ordnance, or UXO, had washed ashore. Upon further investigation, they found hundreds of pieces of UXO that were discovered and had to be detonated on-site.

Our constituents demand that the United States lead by example. Keeping our families safe requires us to return the land to productive uses by paying for and cleaning up the mess we make. The Department of Defense agrees. Before the House Budget Committee last year, Secretary of Defense Leon Panetta, when asked if there were a way to create a partnership between local communities and the Department of Defense, said:

I'd be more than happy to engage you in that process. The only way to ultimately achieve savings is to be able to have the cleanup and do it expeditiously. There are lots of things I think we can do to improve the process.



I appreciated Chairman YOUNG's reply on the House floor last July. When asked if the Defense Appropriations Subcommittee could commit to helping increase funding for environmental remediation on Formerly Used Defense Sites, Chairman YOUNG said:

I say absolutely yes. I would very much like to do this, because I believe we need to do it. We hope to have an opportunity this year to do it right.

The funding levels would restore the DERP-FUDS account to fiscal year '13 levels by redirecting \$25.1 million from the Ground Combat Vehicle, a program whose utility has been called into question by the CBO and CRS. It would take a modest reduction in funding by less than one-half of 1 percent. But restoring funding to this program would still mean that funding for this vital cleanup would be less than one-twentieth of 1 percent of defense spending.

At the current rate, the estimate is that it will take 250 years to clean up these sites. I find this embarrassing, frankly. I would hope that this would be the least we could do to keep faith with people who are at risk because the military has not cleaned up after itself. It's Congress that needs to step up and provide the funding so that the Department of Defense can do what it wants to do.

I yield the balance of my time to the coauthor of this amendment, the gentlewoman from Hawaii (Ms. GABBARD).

The CHAIR. The gentlewoman from Hawaii is recognized for 2 minutes.

Ms. GABBARD. Madam Chair, due to its strategic location in the Pacific, my home of Hawaii has long been at the forefront of our Nation's conflicts. We have more than 100 Formerly Used Defense Sites just as a result of a defensive buildup pre-World War I and, later, in the massive rush to mobilize in World War II. These sites, often also referred to as FUDS, can be littered with dangerous unexploded bombs and shells, in addition to harmful chemicals.

As in Hawaii, Formerly Used Sites across the country—in every State and congressional district—can serve as housing developments, schools, parks, and playgrounds, areas that can be used productively. The Army Corps of Engineers has been working diligently to clean up unexploded ordnance from many sites in Hawaii, many of which I visited myself, including 135,000-acre Waikoloa Maneuver Area on the Big Island of Hawaii. During World War II, this area was home to some 50,000 U.S. servicemembers who trained and prepared for many of the historic battles that were fought in the Pacific.

One of the places that I visited and met with many elementary and middle school students was Waimea Middle School, where unexploded ordnance has been found within the last few years by these students themselves. You are talking about 9-, 10-, 11-, 12-year-old

students who have to be trained in this day and age to identify what an unexploded ordnance looks like and how to report it. This is not something that we should be facing in our society today.

The effort to clean up these Formerly Used Defense Sites not only makes our communities safer, but has a significant and positive economic impact. There have been substantial investments in the training of local people in Hawaii to do this highly skilled and often dangerous work. By training these local people, we're actually saving taxpayer dollars because we're not having to import talent, pay per diem and all these other exorbitant costs, and we're providing jobs to the local community.

I sponsor this amendment because Congress has a responsibility to ensure that the Department of Defense has the resources it needs to clean up these dangerous unexploded munitions.

Mr. YOUNG of Florida. Madam Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. This amendment would add \$25 million for the purpose of restoring these Formerly Used Defense Sites by cutting the same amount from the Army RDTE account for research and development.

As important as this amendment might be, Army research and development is extremely important to the soldiers on the battlefield. In today's battlefield in Afghanistan, we're facing an enemy that is constantly moving. As we move one direction, they move another direction. As we present a new device, a new weapon, a new system, they develop a way to get around it. It's important that we continue to fund Army research and development.

The President requested \$237.4 million for this purpose. We added an additional \$25 million for the cleanup of these sites over the President's budget request. The funding provided in the RDTE Army account supports critical research in Army laboratories and in colleges and universities across our country to ensure that our soldiers have the best that we can provide them as they face an enemy that is constantly moving on the battlefield. Unnecessary reductions to Army research and development is just not right, especially when we have already added the additional money over and above the President's budget request.

We understand the importance of restoring these sites, but we also understand the importance of maintaining our research and development for the soldier on the battlefield to have the most advanced technology and the most advanced weapons that he or she can possibly have to carry out their mission and to protect themselves while they're doing it.

So I must oppose this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Chair announced that the yeas appeared to have it.

Mr. BLUMENAUER. Madam Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

It is now in order to consider amendment No. 11 printed in House Report 113-170.

Ms. JACKSON LEE. Madam Chair, I withdraw amendment No. 11.

The CHAIR. The Chair understands amendment No. 11 will not be offered.

AMENDMENT NO. 12 OFFERED BY MS. JACKSON LEE

The CHAIR. It is now in order to consider amendment No. 12 printed in House Report 113-170.

Ms. JACKSON LEE. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 29, line 22, after the dollar amount, insert "(reduced by \$2,000,000)".

Page 157, line 2, after the dollar amount, insert "(increased by \$2,000,000)".

The CHAIR. Pursuant to House Resolution 312, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

□ 1600

Ms. JACKSON LEE. I thank the chairman of the subcommittee and I thank the ranking member of the subcommittee.

Madam Chair, let me, first of all, acknowledge the hard work that it takes to provide for the men and women of the United States military and to secure America. As a member of the Homeland Security Committee, I am well aware of the combined efforts, obviously, in the military and the line of demarcation between civilian, but we all are committed to the national security of this Nation.

This amendment deals with the reduction in funding of the procurement Defense-wide by \$1 million. I want to give the good news. The good news is that this money would be put in deficit reduction. But I do want to acknowledge that one of the issues that we must address as we go forward in the collective intelligence agencies, as we have listened to some of the challenges that we are facing in light of the present status of the leaks that have occurred by an American citizen who was working in the capacity as a contractor—this impacts all of us. So as

this \$1 million would be submitted into the deficit reduction pool, I believe it is extremely important that we look very closely at the extended use of civilian contractors, the extended use of a budget that is responsible for 70 percent of the intelligence of this country.

Now, I know that some of the contractors deal with issues that are not individual personnel, but are dealing with research and dealing with equipment. But I believe that it is important that we look at the question that resulted in the disclosure of leaked and highly sensitive classified information, and the continuing raising of concern of whether or not the national security of this Nation has been impacted because of the outsourcing of intelligence responsibility.

In particular, I think we need to look at the outsourcing of determining top secret clearance. Obviously, the circumstances that resulted in the leaking is an individual that had an interesting resume, from the educational level of a high school GED—of which we respect and encourage people to complete their education—of the military service, and then on to top secret by a contractor who gave out top secret clearances. We hope that there was some kind of review. So my amendment is intended to highlight this issue.

I would hope that as we proceed, that this question will, if you will, have the ability to slow—not halt—the use of civilian contractors out of all of our agencies dealing with the issue of intelligence. We want to assure the American people that we are concerned about the protection of this Nation's national security—civil liberties as well, but also to prevent the leaks that have occurred.

Let me conclude my remarks and let me just say that I hope this brings about a discussion that will cross jurisdictional lines of the Judiciary Committee, the Intelligence Committee, our appropriators. Let's fix this enormous use and reliance on these contractors' outsourcing. Let's develop a highly trained group of Federal Governmental professionals committed, if you will, to the ongoing service to their Nation. Respecting contractors have the same loyalty, but I think it would be better, Mr. Chairman, if we can frame the utilization of contractors in such a way that we can be assured that everything that deals with the national security of this Nation will be protected.

With that, I will withdraw the amendment.

AMENDMENT NO. 13 OFFERED BY MS. JACKSON LEE

The Acting CHAIR (Mr. POE of Texas). It is now in order to consider amendment No. 13 printed in House Report 113-170.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 29, line 22, after the dollar amount, insert “(reduced by \$10,000,000)”.

Page 34, line 15, after the dollar amount, insert “(increased by \$10,000,000)”.

Page 34, line 23, after the dollar amount, insert “(increased by \$10,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 312, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Again, Mr. Chairman, I want to thank Mr. YOUNG and Mr. VISCLOSKY for their leadership for an important responsibility in this Nation.

My amendment increases funding for the Defense Health Program's research and development by \$10 million. These funds will address the question of breast cancer in the United States military.

The American Cancer Society calls several strains of breast cancer as a particularly aggressive subtype associated with lower survival rates; in this instance, it's a triple negative. But I raise an article that says: “Fighting a Different Battle; Breast Cancer and the Military.”

We all know, by the way, that breast cancer can affect both men and women. The bad news is breast cancer has been just about as brutal on women in the military as combat. Let me say that sentence again. Breast cancer has been just about as brutal on women in the military as combat. More than 800 women have been wounded in Iraq and Afghanistan, according to the Army Times; 874 military women were diagnosed with breast cancer just between 2000 and 2011. And according to that same study, more are suspected. It grows.

The good news is that we have been working on it, and I want to add my appreciation to the military. This, however, will allow for the additional research. As new young women come into the United States military, as women stay longer in the United States military, as women get older in the United States military, as women ascend to leadership roles in the United States military, these dollars provide research.

Not only is breast cancer striking relatively young military women at an alarming rate, but male servicemembers, veterans and their dependents are at risk as well. With a younger and generally healthier population, those in the military tend to have a lower risk for most cancers than civilians—including significantly lower colorectal, lung and cervical—but breast cancer is a different story.

Military people in general, and in some cases very specifically, are at a

significantly greater risk for contracting breast cancer, says Dr. Richard Clapp, a top cancer expert at Boston University who works at the Centers for Disease Control and Prevention on military breast cancer issues. He says life in the military can mean exposure to a witch's brew of risk factors directly linked to greater chances of getting breast cancer.

So, my friends, I am asking that we do the right thing. We're on the right track, we're on the right rail, we're on the right road. But with the expansion of women in the military, I can assure you, for long life, a vital service that these men and women give, it is extremely important to move forward with this amendment.

Researchers point to a high use of oral contraception that's linked to breast cancer among women that would ensure that this particular amendment would be a positive step forward.

So I ask my colleagues to support the Jackson Lee amendment. With that, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise to claim the time in opposition to the amendment, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. VISCLOSKY. I appreciate the recognition. And I think I speak for the subcommittee when I will suggest that we would be delighted to accept the gentlewoman's amendment.

I yield back the balance of my time.

Ms. JACKSON LEE. Let me thank the gentlemen, and thank them for their commitment to the men and women of the United States military. And let me thank my colleagues for accepting this amendment.

With that, I know that we will be safer, secure and healthier with this fight against breast cancer that continues to grow in the United States military.

I ask my colleagues to support it, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, pursuant to House Resolution 312, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 2 consisting of amendment Nos. 83, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95 and 96, printed in House Report No. 113-170, offered by Mr. YOUNG of Florida:

AMENDMENT NO. 83 OFFERED BY MR.  
LOWENTHAL OF CALIFORNIA

Page 126, line 21, after the dollar amount, insert “(reduced by \$5,000,000) (increased by \$5,000,000)”.

AMENDMENT NO. 86 OFFERED BY MR. GRIFFIN OF  
ARKANSAS

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to cancel or modify the avionics modernization program of record for C-130 aircraft.

AMENDMENT NO. 87 OFFERED BY MR. HUNTER OF  
CALIFORNIA

At the end of the bill (before the short title), add the following new section:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to—

(1) plan for, consider, or carry out any action to remove any portion of the Mount Soledad Veterans Memorial in San Diego, California;

(2) convey, or authorize the conveyance of, such memorial; or

(3) plan for or accept any reimbursement for any action described in paragraph (1) or (2).

AMENDMENT NO. 88 OFFERED BY MR. KLINE OF  
MINNESOTA

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used by the Department of Defense to grant an enlistment waiver for an offense within offense code 433 (rape, sexual abuse, sexual assault, criminal sexual abuse, incest, or other sex crimes), as specified in Table 1 of the memorandum from the Under Secretary of Defense with the subject line “Directive-Type Memorandum (DTM) 08-018—‘Enlistment Waivers’”, dated June 27, 2008 (incorporating Change 3, March 20, 2013).

AMENDMENT NO. 89 OFFERED BY MR. NUNES OF  
CALIFORNIA

At the end of the bill (before the short title), insert the following:

SEC. 10002. None of the funds made available by this Act may be used by the Secretary of the Air Force to reduce the force structure at Lajes Field, Azores, Portugal, below the total number of military and civilian personnel assigned to Lajes Field on October 1, 2012.

AMENDMENT NO. 90 OFFERED BY MR. RUNYAN OF  
NEW JERSEY

At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_\_. None of the Operation and Maintenance funds made available in this Act may be used in contravention of section 41106 of title 49, United States Code.

AMENDMENT NO. 91 OFFERED BY MRS. BUSTOS OF  
ILLINOIS

At the end of the bill (before the short title), insert the following:

SEC. 10002. None of the funds made available by this Act may be used to enter into a contract for the purchase of an American flag if the flag is certified (pursuant to the Federal Acquisition Regulation) as a foreign end product.

AMENDMENT NO. 92 OFFERED BY MR. ENGEL OF  
NEW YORK

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used by the Department of Defense to lease or purchase new light duty vehicles for any executive fleet, or for

an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

AMENDMENT NO. 93 OFFERED BY MR. GRAYSON  
OF FLORIDA

At the end of the bill (before the short title), insert the following:

SEC. 10002. None of the funds made available by this Act may be used to enter into a contract with any offeror or any of its principals if the offeror certifies, pursuant to the Federal Acquisition Regulation, that the offeror or any of its principals—

(1) within a three-year period preceding this offer has been convicted of or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property; or

(2) are presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph (1); or

(3) within a three-year period preceding this offer, has been notified of any delinquent Federal taxes in an amount that exceeds \$3,000 for which the liability remains unsatisfied.

AMENDMENT NO. 94 OFFERED BY MR. GRAYSON  
OF FLORIDA

At the end of the bill (before the short title), insert the following new section:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to engage in an act covered by or described in section 2340A of title 18, United States Code.

AMENDMENT NO. 95 OFFERED BY MR. GRAYSON  
OF FLORIDA

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for flag or general officers for each military department that are in excess to the number of such officers serving in such military department as of the date of the enactment of this Act.

AMENDMENT NO. 96 OFFERED BY MR. LOBIONDO  
OF NEW JERSEY

At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to fund the performance of any Department of Defense flight demonstration team at a location outside the United States.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Florida (Mr. YOUNG) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 10 minutes.

The Chair recognizes the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LOWENTHAL).

Mr. LOWENTHAL. I'd like to thank Chairman YOUNG and also Ranking Member VISCLOSKY for providing me the time to speak today.

Mr. Chairman, providing STEM education to America's youth is critical to the global competitiveness of our Nation. This will rely, however, on a solid pipeline of STEM-degree graduates.

I stand here today to offer my revenue-neutral STARBASE amendment No. 99 to H.R. 2397, the Department of Defense Appropriations, to increase funding to the STARBASE youth program by \$5 million.

STARBASE is currently active in 79 congressional districts throughout the country and engages local fifth-grade elementary students by exposing them to STEM subjects through an inquiry-based curriculum. The program is carried out by the military services because the Department of Defense has identified a shortage of young adults graduating from these difficult and hard sciences.

The STARBASE academies work with school districts to engage students through “hands-on, mind-on,” experiential activities. They study engineering, nanotechnology, navigation and mapping. These are all critical fields that will keep our country competitive.

My no-cost, revenue-neutral amendment makes a significant step towards providing and engaging America's youth with the tools they need to pursue careers in STEM, a field where jobs are available and there is a significant lack of trained workers.

A recent Brookings Institution study said that as of 2011, there are now 26 million U.S. jobs—or approximately 20 percent of all jobs in the country—that require a high level of knowledge in any one of the STEM fields. I urge my colleagues to support this revenue-neutral amendment to H.R. 2396. Our students and our workforce need this.

Mr. VISCLOSKY. I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Florida (Mr. YOUNG).

The en bloc amendments were agreed to.

AMENDMENT NO. 14 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 113-170.

Mr. POLIS. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 29, line 22, after the dollar amount, insert “(reduced by \$107,000,000)”.

Page 157, line 2, after the dollar amount, insert “(increased by \$107,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, as Members of Congress, one of our greatest responsibilities is to keep our country safe and invest our resources wisely, especially when it comes to securing the safety of our country.

The Ground-Based Midcourse Defense (GMD) program is a missile system that is supposed to be designed to deflect missiles from rogue states like Iran and North Korea. That would be great if it worked. It is a system with a long history of failure, and military leaders have expressed doubts for years about the viability of this program.

I encourage my colleagues to support my amendment, which would return the funding level for the GMD program back to the Pentagon's own request level in the fiscal year 2014 Defense appropriations bill. Specifically, my amendment cuts funding for the GMD missiles by \$107 million and applies those savings to deficit reduction.

Lacking a single successful test intercept since December 2008, the GMD program is simply a failure so far. These repeated failures unfortunately have not stopped us from continuing to authorize over \$1 billion for the GMD program to purchase 14 additional missiles on top of the 30 we already have in the NDAA Act of 2013.

The Government Accountability Office has noted that the testing of the system to date has been insufficient to verify that it will function as intended, and there was a most recent test failure on July 5 which supports that assessment from the GAO.

Americans want a missile defense system we can count on. We need to ensure that our missile defenses are tested and are actually capable of keeping our families safe and don't merely provide the illusion of safety. Before we continue to build an arsenal, we should make sure that it works, as custodians of taxpayer funds.

□ 1615

Now, of course, those on the other side will argue that we need to make sure that in an ever more dangerous world we need to have and invest in the missile defenses to protect against the threats from Iran and North Korea. Of course, I agree. The issue is whether this works or not and whether we should reward failure as a Congress and as a country, or whether we should invest in success.

I believe, Mr. Chairman, we should invest in success and not reward failure. We need to be candid about the challenges we face. Deterring threats and encouraging diplomacy is crucial to keeping America safe. Our national security, the safety of Americans is too important to rely on programs that have failed test after test when we need to have confidence that when we need them, they will work.

If we are serious about cutting wasteful spending here in Congress, we need to be willing to take a close look at programs like the GMD and find ways to trim spending and increase our national security. We can do this by building a leaner, more agile, more affordable military that is suited to the 21st century, while being diligent in ensuring that our existing systems can keep us safe and operate as they are intended to.

I reserve the balance of my time.

Mr. FRANKS of Arizona. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Chairman, I am reminded that when two airplanes hit two buildings, it cost our economy \$2 trillion and many thousands of lives. It occurs to me that sometimes we are fairly shortsighted. Sometimes even as conservative fiscally as I am, sometimes in this Chamber we don't look to our primary duty and we become penny-wise and very pound-foolish.

One nuclear armed missile coming into the United States could ruin our whole day. I am astonished sometimes at the lack of insight to this very real problem.

The system that we are speaking of today, the GMD, is the only system that we have tested that is successfully capable of defending this country against intercontinental ballistic missiles carrying nuclear warheads or other ordnance.

Mr. Chairman, I just find it astonishing that President Obama and his supporters have cut funding for our missile defenses every year they have been in office. They criticize these programs when there are test failures or delays that have been made worse by their slashing and burning of the program.

Mr. Chairman, I am convinced that the cost of failing in this area is simply too high. While the Ground-based Midcourse Defense System did miss its target on a July 5 test, it was one test. It has been successfully tested repeatedly since the 1999 testing began. This administration has not offered funding for testing this system since 2008.

Mr. Chairman, it should not shock us that when we don't test our systems, sometimes they don't always perform perfectly. If we cut funding for systems that don't have a perfect test record, we are doomed to have no protection at all.

Every sophisticated program in the Defense Department has had technical challenges at some time. But GMD's technical challenges are not insurmountable. We must commit to support these systems to see these challenges through.

The amendment that Mr. POLIS has offered would strike \$107 million authorized in the National Defense Au-

thorization Act. It would actually, because the authority for multi-year procurement would then be done away with, this Polis amendment actually costs the taxpayers money.

I would just ask the gentleman: If not this system, what other system would he suggest that would protect our country against a potential situation where an intercontinental ballistic missile were coming into the homeland? I would ask him to consider that.

I would now yield 2 minutes to my friend, the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Chairman, I rise in opposition to the amendment by the gentleman from Colorado.

Mr. Chairman, the House has rejected these amendments—this and a following amendment by the gentleman from Colorado—on the National Defense Authorization Act already this year.

This amendment would strike the funding provided in this bill to provide for multi-year procurement authority of booster motors for the ground-based interceptors, GBIs, that Secretary Hagel announced the United States would deploy this past March.

This amendment, if it were adopted, and perhaps this is unintentional, but it would actually cost the United States as much as \$200 million.

Perhaps the gentleman is opposed to the Obama administration's missile defense policy as articulated by Secretary of Defense Hagel. If so, that is a separate issue.

But when you look at North Korea, you look at Iran, I think it would be unwise to oppose the decision to add ground-based interceptors.

All that this amendment is doing is raising the price that taxpayers have to pay for the GBIs that the President and the Secretary of Defense have said we should buy. This isn't just my position. It is what the Missile Defense Agency and the CBO have already said: multi-year procurement will save the taxpayer money.

Now, the reliability issues that the gentleman brought up have nothing to do with this funding, because this funding talks about booster motors. Of the 26 tests that involve the GMD system, Ground-based Missile Defense, 18 of those were 100 percent successful. Of the remaining eight that had problems, none of them involved the booster motor. That is the subject of this amendment. So this amendment is misdirected if it is concerned about the stated concern of reliability.

I can't understand why we would oppose multi-year procurement and advance procurement of the 14 GBIs that the Defense Department says we will buy.

Mr. Chairman, I would urge opposition to this amendment.

Mr. FRANKS of Arizona. Mr. Chairman, I would just remind people in this

Chamber that nuclear missiles coming into this country are the most dangerous weapons that we face, and GMD is the only system that we have to protect ourselves from it. I hope this amendment will be defeated, and I yield back the balance of my time.

Mr. POLIS. To be clear, Mr. Chairman, this amendment saves taxpayer money and actually reduces the deficit by over \$100 million.

I will be happy to yield 1½ minutes to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I appreciate the gentleman yielding.

Mr. Chairman, I rise in strong support of the amendment and would want to make a couple of things clear to all of my colleagues.

The fact is the administration did ask for money. For the ballistic missile defense midcourse section in the bill they asked for \$1.033 billion this year, fiscal year 2014. This is not absent an administration request.

Secondly, the gentleman from Arizona said that the bad test and the problems that they indicate are not unresolvable. I would absolutely agree with the gentleman, but this is a procurement account. Let us resolve these problems before we procure something that last month has not worked so we don't have to pull them out of silos, we don't have to invest additional taxpayers' money, and we don't have to waste that hard-earned money.

There are threats, and we ought to make sure the systems we deploy to protect our Nation work before we procure and deploy them.

I applaud the gentleman for his amendment and strongly support it.

Mr. POLIS. I thank the gentleman.

It is just simple business sense. It doesn't save money to preorder something that you don't know works. You don't do that in business. We as a country shouldn't do it.

This is not a theoretical discussion about advance purchasing or economies of scale. When things work there's a legitimate discussion about that. It is absolutely foolish—foolish—to throw good taxpayer money after bad before our system has proven to work to keep America safe.

I urge my colleagues to adopt this amendment and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. BLUMENAUER

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 113-170.

Mr. BLUMENAUER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 30, line 21, after the dollar amount insert the following: "(reduced by \$85,000,000)".

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 2 minutes.

This amendment simply reduces Research Development Test & Evaluation funds for the new Ohio-class nuclear-armed submarine by 10 percent. Bear in mind, we are facing 10 percent sequestration cuts over the next decade. This will help the Navy plan for the likely effects of sequestration by cutting Cold War weapons rather than what the military really needs.

These replacement submarines are unaffordable and will weaken the surface Navy. They are expected to cost \$6 billion per boat on average with a plan to procure 12 of them.

According to a report from the Arms Control Association, the operating cost of this replacement will be \$347 billion lifetime. Even the Navy's own shipbuilding plan for fiscal year 2014 said:

Replacing the Ohio-class submarines will have a disproportionate impact on Navy shipbuilding plans.

It comes at the expense of other shipbuilding abilities and naval readiness. There are far more effective job creation plans than to undertake this initiative.

Our amendment offers a more balanced approach. We can easily afford to phase down or slow the replacement submarine program. The Navy can deploy 1,000 nuclear warheads on its submarines—as planned under the New START Treaty—with eight Ohio-class submarines, which means this modest cut can be easily handled.

The Pentagon and the Joint Chiefs of Staff have determined that the United States can provide for its security with fewer nuclear weapons. Yet nuclear acquisition programs are racing to preserve the current size of today's nuclear force.

Instead of wasting billions of dollars on weapons the Pentagon says it will not need, we should realign our budgets with the reality that the United States plans to reduce its nuclear arsenal.

I reserve the balance of my time.

Mr. CRENSHAW. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. CRENSHAW. Mr. Chairman, I remind my colleagues that we have already cut the defense budget pretty drastically, and nuclear weapons exist in today's world. I might not like it, you might not like it, we might wish they didn't exist, but they do exist.

Because nuclear weapons exist in this world, we need to have the ability to defend against them and also deter their use. That is important to our national security.

We do that through what we call the nuclear triad. We have the capability to launch nuclear missiles from silos that are based on land, we have the ability to launch nuclear-capable missiles from airplanes, we also have the ability to launch nuclear-capable missiles from submarines that are somewhere in these vast oceans.

Of those three of the triad, the nuclear submarine, or the submarine with nuclear capability, is the most survivable because you can blow up a silo, you can shoot down an airplane, but it is almost impossible to find a submarine somewhere in the ocean that has this nuclear capability. Because it is the most survivable, then it is the best deterrent, because we know what it can do and our enemies know what it can do.

Right now, we are planning to replace what is called the Ohio-class submarines to continue this capability. This is a capability that has kept us safe for the last 60 years. It is still important to our long-term national security. If we adopt this amendment, we will begin to cripple this capability, and that is bad for our national security.

I would urge my colleagues to vote against this amendment.

I would like to yield 1½ minutes to the gentleman from Connecticut (Mr. COURTNEY).

□ 1630

Mr. COURTNEY. Mr. Chairman, I rise in opposition to this amendment.

I'd like to just sort of add a few points to the gentleman's prior comments.

First of all, the fleet is not being replaced one to one—the current fleet size is 14, and the new fleet will be 12. The program has already been delayed by 2 years because of earlier reductions in the defense budget. That 2-year delay is going to push us right up to 2021, which is when the aging fleet which is in play right now is going to start being decommissioned over time in terms of the reduction. Because of investment in design and development, which is what this amendment is focused on, we have saved \$2 billion per vessel from where the Navy started when this project first commenced a number of years ago. It was \$7 billion,

and we are down to \$5 billion per boat in terms of the projected costs that the Navy has actually come forward with.

I would just lastly note that the strategic review, which has been done under Secretary Gates and under Secretary Hagel, has repeatedly put SSBN replacement at the absolute apex in terms of national defense priorities, again, for a lot of the reasons the prior speaker indicated. Sea-based nuclear deterrence fits in perfectly well with the START Treaty, but as for the math of eight subs for 1,000 warheads, if you're going to have sailors being back home after deployment and if you're going to have repairs and maintenance, you'll need 12 as a bare minimum—a far cry from the Cold War days when 41 for Freedom was actually the size of this fleet.

We are now down to the bare bones, and we should not cut it any further. I would oppose the amendment.

Mr. CRENSHAW. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. KILMER).

Mr. KILMER. I thank the gentleman for yielding.

Mr. Chairman, I rise not only as the Representative of the area that includes Naval Base Kitsap, which is the home port of eight SSBNs and 60 percent of the Navy's SSBN force, but I rise with a nonparochial interest as well.

I am in opposition to this amendment because we know the SSBNs, or the Ohio-class subs, have been a pillar of our national defense for over three decades. These subs and their crews act as peacekeepers around the world every single day. They are amongst our most significant assets for a continued forward-presence and are a strategic deterrent around the world. Our country, our Navy, and our sailors cannot afford to delay the recapitalization of this platform.

While I thank the gentleman from Oregon for bringing this forward, I urge my colleagues to oppose the amendment.

Mr. CRENSHAW. I yield back the balance of my time.

The Acting CHAIR. The gentleman from Oregon has 3 minutes remaining.

Mr. BLUMENAUER. I listened to my good friend from Florida, and I agree in terms of the necessity of having a strong nuclear deterrent, but he just ticked off that we would still have the air-based bombers and we would have land-based missiles. Even with eight nuclear submarines, we would have more than enough capacity.

Now, the historic arguments, I think, are a little bit distorted. Each of these new submarines carries 16 to 20 missiles. Each missile today carries four to five nuclear warheads, each 20 times more powerful than the bombs that decimated Hiroshima. One of these submarines—two, three, four—is adequate to serve as a deterrent for anybody

going forward, especially when we have our air- and land-based in addition to this.

We have a deterrent that will make a difference to anybody as we are moving now to scale down the overall number of warheads, because who is it that we are deterring? North Korea? It doesn't yet have a missile that can even get to us, one, and a fraction of the firepower would destroy it. We could wreck China. We could decimate the Soviet Union. Deterrence is alive and well with a fraction of this, but embarking on a program to spend hundreds of billions of dollars—freezing us in time with, as I mentioned, \$347 billion going forward—is foolish. Every independent analysis suggests that we will be better off in going forward with being able to right-size the nuclear deterrent. Even the 1,000 is probably more than we need today.

If we can't come to grips with the fact that we are spending hundreds of billions of dollars on things that don't make us any safer, that we can't afford, and that come at the expense of operational activities for our military that do matter, we are going to be trapped in this downward budget spiral, wasting tax dollars, not making America safer, not making it stronger, and not being able to have resources for things that would be of a higher priority for our military.

Now, notwithstanding all of the hyperbole here, this is a modest 10 percent reduction in the development resources. It's not going to stop our going forward, but it will be a signal to maybe take a deep breath and look at how we do this most effectively. I would strongly urge the approval of this amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. BLUMENAUER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. POCAN

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 113-170.

Mr. POCAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 30, line 21, after the dollar amount, insert “(increased by \$10,000,000)”.

Page 31, line 20, after the dollar amount, insert “(reduced by \$12,010,000)”.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman

from Wisconsin (Mr. POCAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. POCAN. Mr. Chairman, I rise today to introduce an amendment to the Defense appropriations bill, and I want to thank Chairman YOUNG and Ranking Member VISCLOSKEY for their efforts on this important legislation.

My amendment would help improve the safety of advanced batteries, which are critical to both our new energy economy as well as to our current and future Department of Defense missions.

Advanced energy technologies not only produce good-paying, high-quality American jobs, but they also reduce our dependence on foreign oil, protect the environment, and lead to the advancements of new energy-efficient sources that are more effective. Thus, it is no surprise that our military requires this type of innovative technology to meet its expanding needs. Longer lasting energy sources mean our military's transportation and weapons systems are more effective in the field and limit safety risks that arise from refueling or recharging. More efficient energy capabilities mean a more efficient, more effective, and safer military.

On that front, lithium-ion batteries represent some of the most significant clean energy advancements of our recent history: they contain no toxic chemicals; they have up to three times the performance capabilities of other battery products; and they are required for many of the military's next generation weapons systems. Their need will only increase, but as often is the case with new technologies, improvements need to be made in order to ensure their safe and effective use.

Current lithium-ion batteries can cause violent fires with extreme smoke and high temperatures that are potentially catastrophic, especially on ships. As a result of these safety concerns, the acceptance and adoption of many lithium-ion-powered Navy systems under development are greatly delayed, thus greatly limiting our ability to respond to emerging threats.

None of us here want to have any members of our military in danger, but we don't have to choose between improving our operational capabilities and keeping our courageous servicemembers safe. We are not far away from these types of advancements. New research has produced high-temperature material compounds that can significantly extend the maximum temperatures at which the batteries can safely operate.

We need to continue to develop and test these innovative compounds that require further research and development support. That is why I introduced this budget-neutral amendment, which I am proud to have introduced with

Congressman CÁRDENAS—to provide for the necessary funding for research, development, and testing to improve the safety of advanced batteries.

I now yield 2 minutes to my friend from California, Congressman CÁRDENAS.

Mr. CÁRDENAS. Mr. Chairman, I rise today in support of Congressman POCAN's amendment, which increases the Navy Research, Testing, Development, and Evaluation account by \$10 million. This would support research, improving the safety of advanced batteries, specifically lithium-ion batteries. This amendment does not add new funding to the bill.

Lithium-ion is the present and future of our energy storage technology. This technology is critical to U.S. military personnel for communications, navigation, and vehicles on land and in the sea, air, and space. It is also important to many other sectors of the economy, including to the utility companies, transportation, aviation, aerospace, and medical devices.

As we have seen with recent airliner incidents, we can do more to address the safety of these batteries. Without improving that safety, we cannot fully realize the potential of lithium-ion technology. Without realizing that potential, we cannot improve our production capability here in the United States of America.

The global market for lithium batteries was worth more than \$11 billion in 2012, and it is expected to double to \$22 billion by 2016. Right now, the U.S. has a very small market share of the lithium-ion industry. The bulk of the industry is in Japan, China, and Korea. Investments like this are critical to growing the U.S. industrial base and in creating middle class manufacturing jobs. Funding research and development for this cutting-edge technology can ensure that the lithium-ion industry grows right here in America. With that growth comes more government and commercial applications.

I urge my colleagues to support this amendment. As an electrical engineer myself, I am very, very proud of the innovation of the United States of America, but little by little, we see that slipping away to other countries. Yet, at the same time, if we just invest a little, this \$10 million will yield billions of dollars in the future.

Mr. POCAN. I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I certainly appreciate what my colleague from Wisconsin is trying to do with his amendment. As a former chairman and ranking member on the Energy and Water Appropriations Subcommittee, I certainly attach great importance to bat-

tery research. Mr. FRELINGHUYSEN is on the floor as well, who chairs Energy and Water.

The concern I do have is to make sure that we are organized as the Federal Government on this research and that we are looking at the appropriate expenditure in the appropriate places for the funds.

One example I simply would give is that, in this 2014 fiscal year's Energy and Water appropriations bill, \$24 million was provided to the Joint Center for Energy Research, a DOE energy innovative hub. This hub, which team includes five of the national laboratories and several major research universities, is seeking new technologies to move in the direction that my colleague supports.

So I do appreciate his long-term goal. Obviously, we have to reduce our dependency on carbon fossil fuel from a national security perspective, but, again, I want to make sure that we are cautious as far as where and how much of this money we can effectively spend in the coming fiscal year.

I yield such time as he may consume to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman.

Is there some movement to withdraw this?

Mr. POCAN. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Wisconsin.

Mr. POCAN. If I understand correctly, the chairman and the ranking member have said we can continue to have this conversation. In recognition of that, I would be glad at this time to withdraw my amendment.

Mr. FRELINGHUYSEN. I look forward to working with the gentleman.

AMENDMENT NO. 17 OFFERED BY MR. NUGENT

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 113-170.

Mr. NUGENT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 31, line 8, after the dollar amount, insert "(increased by \$10,500,000)".

Page 31, line 20, after the dollar amount, insert "(reduced by \$12,500,000)".

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Florida (Mr. NUGENT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

□ 1645

Mr. NUGENT. Mr. Chairman, it's not every day I get to stand up here in front of the House and talk about a government program that is actually doing well and running ahead of schedule, but that's what brings me here today.

The Counter-electronics High Power Microwave Missile Project, or CHAMP for short, is an Air Force program to develop a capability to disrupt or eliminate an adversary's electronics without causing physical destruction to people or facilities. The only real question with CHAMP is what vehicle to use to deliver that microwave to the intended target.

As it turns out, we have an available stockpile of cruise missiles which are expensive to build and for which we have no other use. Fitting CHAMP into our existing cruise missiles is far cheaper than trying to construct a new vehicle just for that purpose. My amendment, which is fully offset, would provide \$10.5 million toward that end.

By making this investment now, we can ensure that CHAMP will be able to put this weapon in the field years ahead of schedule and at a lower cost, while also continuing to develop a longer-term solution. It's a shame that fixing every government program isn't as simple as this.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I rise in opposition because of where the funds for the gentleman's amendment are coming from.

The amendment would use funds from a committee priority, the Defense Rapid Innovation program. This program emphasizes technology development issues done primarily through small businesses.

Certainly, in my short time as ranking member on this subcommittee, I have been impressed by the lack of a true small business program at the Department of Defense, despite their protestations. DOD's track record of support for small businesses must be improved for many reasons, not the least of which is what small businesses provide to solve major issues for the Department. In the 2 years of program execution so far, fiscal years 2011 and 2012, the Department of Defense has received over 3,000 proposals for funding. This includes 2,200 proposals from small businesses across America for fiscal year 2012 funding for completion and execution this year.

Again, my concern is where the money is coming from in this amendment, and I strongly oppose the gentleman's amendment.

I yield back the balance of my time.

Mr. NUGENT. Mr. Chairman, all I can tell you is this: the offset from the Rapid Innovation Fund—currently the outlay rate, I think, for the first year was 43 percent from that fund.

This is a ready project. This is actually one that the Air Force has tested in a positive manner with positive results in regards to actually eliminating



a threat without destroying a building or without destroying lives. If we had something like this when we went into Iraq or that area, we possibly could have done something without having to rebuild an entire infrastructure while still doing what we needed to do to be able to do our military mission.

Mr. Chairman, all I can tell you is that it is, in fact, a program that is working. It just needs a delivery vehicle. This is offset in regards to no additional spending that would be required, other than what comes from that fund that is sitting there. That's what that rapid development fund was actually designed for.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. NUGENT).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. NUGENT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. HECK OF NEVADA

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 113-170.

Mr. HECK of Nevada. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 31, line 20, after the dollar amount, insert "(reduced by \$15,000,000) (increased by \$15,000,000)".

Page 86, line 21, after the dollar amount, insert "(increased by \$15,000,000)".

Page 86, line 22, after the dollar amount insert "(increased by \$15,000,000)".

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Nevada (Mr. HECK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. HECK of Nevada. Mr. Chairman, since its inception, the Iron Dome system has achieved tremendous success defeating rockets fired at the State of Israel from the Gaza Strip, and I am pleased that the underlying bill supports the President's request and fully funds this critical program. However, despite significant investments in this vital program, the United States has no rights to any of the proprietary information associated with that system.

My amendment would provide \$15 million for the Israeli Iron Dome short-range defense system to initiate co-production of missile interceptors in the United States. This is \$15 million, in addition to the funds appropriated to support Israel's Iron Dome program, to help ensure that the U.S. has a role

in future production and can leverage the technology that we have invested in. Specifically, these funds will support the infrastructure, tooling, transferring data, special test equipment, and related components for U.S. production.

This amendment will help stabilize U.S. manufacturers who are facing an uncertain future with U.S. military procurement shrinking in the face of sequestration. By increasing opportunities for U.S. manufacturers, we will help support our Nation's struggling economy, while supporting and creating critical jobs here at home.

This funding will also provide a second source of production for Israel, who can leverage the rate-production capabilities of American firms to ensure that necessary quantities of Iron Dome interceptors are fielded as rapidly as possible. Providing this funding will ensure that our most critical ally in the Middle East, Israel, has the necessary capacity to defend itself against rocket attacks launched by Hamas.

In March of 2013, during President Obama's trip to Israel, the commander of the Israeli Air Defense Command, Brigadier General Shohat, spoke of the need for U.S. co-production of Iron Dome missile interceptors.

In response to concerns about future missile interceptor shortfalls and the desire to increase Israel's Iron Dome deployment from 5 to 13 batteries, the general stated:

What would be impacted is the pace at which we equip ourselves. Bottom line, I need as many air defense units as possible and as quickly as possible.

By accepting this amendment, the House will ensure that Israel has the capability, as well as the capacity, to defend itself.

Further, in written testimony provided to the House Armed Services Strategic Forces Subcommittee, Director of the Missile Defense Agency Vice Admiral James Syring indicated that the Missile Defense Agency was actively seeking Iron Dome co-production opportunities and was negotiating to obtain available technical data packages and data rights. This amendment will ensure that funding is available to move forward on this important effort.

During consideration of H.R. 160, the National Defense Authorization Act of 2014, by the House Armed Services Committee, I offered an amendment to authorize funding for co-production of Iron Dome, which was unanimously agreed to. Additionally, the House of Representatives authorized this funding when it voted to pass the fiscal year 2014 NDAA last month.

Finally, Mr. Chairman, in order to offset the cost of this co-production, my amendment reduces two applied research programs within the Defense-wide RDT&E. Specifically, it reduces applied research in joint munitions

technology by \$5 million and reduces funding for applied research in chemical and biological defense programs by \$10 million. These modest reductions conform to the funding levels authorized in the National Defense Authorization Act and ensure that these programs still receive adequate and appropriate funding.

Mr. Chairman, my amendment ensures that Israel has the capacity to defend itself while providing the U.S. the ability to leverage our significant investments in Israel's Iron Dome short-range rocket defense program.

I urge my colleagues to support this commonsense amendment and reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time to speak on the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, this Israeli cooperative program is an important program, and the Israelis are very good and loyal allies of ours. So we support the gentleman's amendment.

I yield back the balance of my time.

Mr. HECK of Nevada. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Mr. HECK).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MS. MICHELLE LUJAN GRISHAM OF NEW MEXICO

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 113-170.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 31, line 20, after the dollar amount, insert "(reduced by \$10,000,000) (increased by \$10,000,000)".

The Acting CHAIR. Pursuant to House Resolution 312, the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Mexico.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Chairman, In 1990, the existing U.S. satellite-communications capacity would not support the warfighters during the first gulf war. The United States made an urgent attempt to launch an additional Defense Satellite Communication System III spacecraft to support the war effort; but it was not until February 11, 1992, more than a year after the war ended, that the mission was finally launched.

In nearly every national space policy guidance document, resiliency and responsiveness are key objectives in global communications, navigation,

and guided munitions, all of which rely on satellites that provide game-changing advantages on the battlefield. Before Operationally Responsive Space, ORS, was established, the capacity to rapidly develop and deploy satellites was inadequate. ORS's mission is to respond to emerging, persistent, or unanticipated needs and quickly deploy cost-effective satellites to provide transformational advantages on the battlefield. ORS has the ability to launch field-ready satellites within just a few days or weeks. It also rapidly develops, delivers, and employs new capabilities in a few months to less than a year.

Increased speed for the delivery of space assets not only helps to close gaps in the United States' space systems capacity; it can also improve resiliency and reconstitute satellites lost to countermeasures. In 2007, China used a ground-based missile to destroy one of its own satellites, demonstrating their capacity to target our satellites and space-defense systems. Russia is currently developing a sea-based missile and space-defense system. As other countries modernize their military, the threat level to our communications, navigation, and guided munitions satellites intensifies.

ORS has also demonstrated the ability to cost effectively deploy space assets. General Schwartz said:

ORS is exactly what we need, innovation and greater efficiency as we contend with ongoing fiscal constraints and changing space posture.

Secretary of the Air Force Michael Donley called ORS "critical to our Nation's national security posture, and we need to proceed at the speed of need."

Eliminating ORS would cut the very programs that give our Nation's warfighters their military asymmetric advantage in space. The growing need for information dominance is driving a remarkable transition in space systems. ORS is integral to maintaining our advantage in space. Our amendment reserves \$10 million from RDT&E for this program.

Mr. Chairman, I thank the chair and the ranking member, and I look forward to continuing to work on this important issue.

Mr. VISCLOSKY. Will the gentlewoman yield?

Ms. MICHELLE LUJAN GRISHAM of New Mexico. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentlewoman yielding and would point out to my colleagues that on this particular issue she has been dogged.

I do believe that this is one of a number of items within the bill where reasonable people can have a disagreement. Certainly the position that my colleague has from New Mexico is that she believes she has the most cost-effective

approach that the United States Air Force should take. The problem that we face on the subcommittee, given the financial and fiscal constraints we have, is that the Air Force did not ask for funding for this program for fiscal year 2013 or fiscal year 2014. So we deferred.

I appreciate her concern, and I appreciate her raising it to the body without making any representations as to what the future holds, but again would commend her for her work on this program and again her doggedness on behalf of it.

I appreciate the gentlewoman for yielding.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Chairman, I withdraw my amendment.

AMENDMENT NO. 20 OFFERED BY MR. NADLER

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 113-170.

Mr. NADLER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 31, line 20, after the dollar amount, insert "(reduced by \$70,200,000)".

Page 157, line 2, after the dollar amount, insert "(increased by \$70,200,000)".

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

□ 1700

Mr. NADLER. Mr. Chairman, I yield myself 2 minutes.

I urge my colleagues to support the Nadler-Garamendi-Polis amendment to eliminate additional funding for a new, costly, unproven, and unnecessary missile defense site. Our amendment would cut \$70 million that was added by the Appropriations Committee for an east coast missile defense system that the Pentagon says it does not want or need.

In a June 10 letter to Senate Armed Services Committee Chairman CARL LEVIN, Vice Admiral James Syring, director of the Missile Defense Agency and Lieutenant General Richard Formica, Commander, Joint Functional Command for Integrated Missile Defense, unequivocally stated:

There is no validated military requirement to deploy an east coast missile defense site.

Admiral Syring told the House Armed Services Committee earlier this year that he would not be able to use additional funds for an east coast site this year because the Pentagon has only begun to study the concept. And the Pentagon already has the funding it needs for this study in FY 2014.

Furthermore, the technology is still unproven at this time. There have been

no successful intercept tests for the past 5 years of the system that might be deployed on the east coast. The recent test failure of the ground-based mid-course system that would be deployed on the east coast is another reason not to rush forward with deployment.

In a time of budget deficits and looming sequester of funds, we cannot afford to spend money on a program that the military says it does not yet need and does not yet work. The Pentagon says the current system, based in Alaska and California, is sufficient to defend the entire continental United States against a limited attack from North Korea and Iran.

The CBO says an east coast base would cost approximately \$3.5 billion over the next 5 years. Admiral Syring and General Formica said there are currently more cost-effective and less expensive alternatives to improving the defense of the U.S. homeland than an east coast missile site. It is a pure waste of money to deploy a missile defense site on the east coast before a need for such a site is identified and before the interceptors can be proved effective and suitable in operationally realistic tests. So we should not have this funding now.

I reserve the balance of my time.

U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, June 6, 2013.  
Vice Admiral JAMES D. SYRING, USN,  
Director, Missile Defense Agency, Department of  
Defense, Ft. Belvoir, VA.  
Lieutenant General RICHARD P. FORMICA,  
USA,  
Commander, U.S. Army Space and Missile Defense Command, Huntsville, AL.

DEAR VICE ADMIRAL SYRING AND LIEUTENANT GENERAL FORMICA: Following the briefing you provided earlier this week, I am writing to request your responses to the following questions regarding possible future options for homeland ballistic missile defense:

1. Is there currently a validated military requirement to deploy an East Coast missile defense site?

2. Do you favor Congress mandating the deployment of an East Coast site before the completion of the pending Environmental Impact Statement required by section 227 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239)?

3. At this time do you believe there is a more effective and less expensive alternative to an East Coast missile defense site that is also available sooner than deployment of an East Coast missile defense site?

I would appreciate your responses to these questions no later than June 10, 2013, so that we may consider them for our upcoming markup of the National Defense Authorization Act for Fiscal Year 2014. I have written the questions in a way that will hopefully facilitate a prompt and unclassified response.

Sincerely,

CARL LEVIN,  
Chairman.

DEPARTMENT OF DEFENSE,  
Washington, DC, June 10, 2013.

Hon. CARL LEVIN,  
Chairman, Senate Armed Services Committee,  
Washington, DC.

DEAR CHAIRMAN LEVIN: Thank you for your June 6, 2013, letter requesting additional information regarding a potential East Coast Missile Field. The Missile Defense Agency and the Joint Functional Component Command for Integrated Missile Defense jointly offer the following response:

1. Is there currently a validated military requirement to deploy an East Coast missile defense site?

Response: There is no validated military requirement to deploy an East Coast missile defense site.

2. Do you favor Congress mandating the deployment of an East Coast site before the completion of the pending Environmental Impact Statement required by Section 227 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239)?

Response: No. We support completing the requirements mandated by Section 227 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239).

3. At this time do you believe there is a more cost effective and less expensive alternative to an East Coast missile defense site that is also available sooner than deployment of an East Coast missile defense site?

Response: Yes. Investment in Ballistic Missile Defense System (BMDS) discrimination and sensor capabilities would result in more cost-effective near-term improvements to homeland missile defense. The Department of Defense is evaluating potential sensors enhancements that could be pursued to improve the BMDS kill chain and increase threat discrimination in addition to the evaluation of an additional interceptor site. While a potential East Coast site would add operational capability it would also come at significant materiel development and service sustainment cost. This evaluation, and others, will serve to inform decisions on our future BMDS architecture and budget requests.

Thank you for the opportunity to inform the Committee in advance of its Fiscal Year 2014 National Defense Authorization Act deliberations. If you have additional questions, please have your staff contact \* \* \*

Very Respectfully,

J.D. SYRING,  
Vice Admiral, USN,  
Director, Missile Defense Agency.

RICHARD P. FORMICA,  
Lieutenant General,  
U.S. Army, Commander, Joint Functional Command for Integrated Missile Defense.

Mr. FRANKS of Arizona. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Chairman, I yield myself 2½ minutes.

I rise in opposition to the amendment from the gentleman from New York. Two Presidents and three Secretaries of Defense recognize the advantage of an additional missile defense site for a more effective defense against long-range missile threats from the Middle East.

President Bush wanted to deploy 10 ground-based interceptors in Poland.

President Obama wanted to deploy 24 SM-3 block IIB missiles in Poland. I would remind my colleague from New York that the additional idea of a homeland defense site is bipartisan and was supported by President Obama as recently as this March. But President Obama changed his mind with the cancellation of the SM-3 block IIB missiles intended for Poland in 2020, and now we no longer have a third homeland defense site which the Obama administration supported prior to March 15.

The termination of the SM-3 block IIB missile intended for Poland now means defense of the homeland against ICBM threats from the Middle East will not be as strong as originally sought by this President—that's this President, Mr. Chairman—President Obama, who has cut missile defense every time he has had the opportunity since he started in the face of a growing threat, while the centrifuges in Iran continue to spin.

The warfighters agree an east coast site adds to the defense of the United States. General Jacoby, NORTHCOM Commander, said:

What a third site gives me, whether it's on the east coast or an alternate location, would be increased battle space; that means an increased opportunity for me to engage threats from either Iran or North Korea.

Mr. Chairman, it's a very simple matter of telemetry and geography. The east coast site would allow us much greater battle space and not have to make our West Coast sites travel the entire length of the continent in order to engage a potential incoming Iranian missile.

Mr. Chairman, I continue to sometimes be amazed. This is the most dangerous kind of threat that we face in America. The first purpose of this body is to make sure that the country's defenses are taken care of and that we provide for the national security of this country. And yet in a growing threat environment, by colleagues on the other side continue to want to cut missile defense. Mr. Chairman, I would urge defeat of this amendment.

I reserve the balance of my time.

Mr. NADLER. I yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Chairman and my good friends who serve on these committees with me, this is not about the President and this is not about missile defense. This is about the unnecessary expenditure of a very important national asset—our money.

Testimony given in committee indicates that we may or may not need an east coast missile defense site. And we also know that the current missiles that are being used for these anti-ballistic missiles don't work. At least there's a failure, and there's been repeated failures just in the boost system, let alone if we can hit Iraq with a

rock. So the problem here is this money should not be spent now for this site.

It is absolutely clear: the Department of Defense from last year's budget and appropriation has sufficient money to determine where to locate a site. With regard to the cancellation of the missile that was discussed a few minutes ago, it doesn't fit in the existing sites, and so they canceled it because it doesn't fit in the hole in the ground. So what are we doing here? This is \$70 million, not a vast amount of money when considering the appropriation for the Department of Defense, but that's \$70 million that could be used to—well, how about protecting a levee of some city in the United States? It could be used to much better effect.

There was another amendment that I understand that failed that took another \$100 million or so out of this particular thing. We ought to be taking what money's available and putting it into something that actually might work, which would be directed energy. But an amendment for directed energy was refused an opportunity to be heard on the floor. So we really ought to be thinking seriously about how we move forward with this. I have great respect for my colleagues, but we ought not just throw money after other money.

Mr. FRANKS of Arizona. I yield 2½ minutes to the distinguished gentleman from Alabama (Mr. ROGERS), the chairman of the Strategic Forces Subcommittee.

Mr. ROGERS of Alabama. I thank the gentleman, and I, too, rise in opposition to this amendment.

Mr. Chairman, according to the Missile Defense Agency estimates provided in 2012, the cost of 20 silo GBI sites, that's including missiles, is approximately \$3 billion and could be built over a 5-6 year period of time. This cost is almost half the funding the administration has stripped from MDA in the past 2 years.

These funds are critical today. Iran will not slow down its ballistic missile program just because the gentleman wants to cut the funds for our defense. They are testing rocket engines and missiles now.

The Department of Defense tells us also that Iran continues to advance its space launch and longer-range ballistic missile capabilities. Iran has used a space-launch vehicle, the Safir-2, to place a satellite in orbit, demonstrating some of the key technologies required for an ICBM to be successfully developed.

This was reaffirmed recently by the latest biennial report from NASIC, the leading experts on ballistic missile intelligence. General Jacoby, Commander of the U.S. Northern Command stated:

We should consider that Iran has capability in the next few years of flight testing ICBM-capable technologies.

And:

The Iranians are intent on developing an ICBM.

The Missile Defense Agency's own illustrative briefings to the House Armed Services Committee have shown that MDA planned to spend funds—like those appropriated in Chairman YOUNG's mark—while site selection and EIS processes were underway. These funds absolutely can be spent today.

That the administration didn't request them is dispositive of nothing. Chairman YOUNG showed leadership in adding these funds to match those provided by the FY14 NDAA, and I thank him for that support. I urge defeat of the Nadler-Garamendi-Polis amendment.

Mr. NADLER. I yield 30 seconds to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I have great respect for my colleagues on the subcommittee. However, the argument that has been made is incomplete. We're talking about whether we're going to spend an additional sum of money this next year on a program that, A, has large questions about whether it works; and, B, the military doesn't need the money right now. If the gentlemen remember the committee hearing, Mr. Chairman, the general said he didn't need more money now. He had sufficient money from this year's appropriations for next year carrying on the studies that are necessary as to where to locate the site. It may not be on the east coast; it may be elsewhere.

Mr. FRANKS of Arizona. Mr. Chairman, the gentleman said that the testimony was that they did not need the money today for additional testing, but they do need the money today for deployment, Mr. Chairman. This administration, throughout its tenure, has weakened our missile defense capabilities, which protect us against the most dangerous weapons in the history of humanity. We should not continue to go down that road. I urge my colleagues to defeat this amendment.

With that, I yield back the balance of my time.

Mr. NADLER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the question is, will we waste the money? We are told by the director of the Missile Defense Agency and the general commanding the Joint Functional Command that they cannot use the money. There is no validated military requirement to deploy an east coast missile defense site, and he would not be able to use additional funds for an east coast site this year because they have only begun to study the concept.

It may be that in the future we may want an east coast site. But to appropriate this money now is a pure waste of money because now they are simply studying the concept. They can't spend

it; they probably won't spend it. Why waste the money? I urge people to vote for this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 21 OFFERED BY MS. SHEA-PORTER

The CHAIR. It is now in order to consider amendment No. 21 printed in House Report 113-170.

Ms. SHEA-PORTER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 34, line 15, after the dollar amount, insert "(reduced by \$4,500,000) (increased by \$4,500,000)".

Page 34, line 23, after the dollar amount, insert "(reduced by \$4,500,000) (increased by \$4,500,000)".

The Acting CHAIR. Pursuant to House Resolution 312, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

Ms. SHEA-PORTER. Mr. Chairman, today I'm offering an amendment with my colleague, Congressman LOBIONDO, to support veterans with PTSD and traumatic brain injury, or TBI.

This amendment designates \$4.5 million within the peer-reviewed Psychological Health/Traumatic Brain Injury Research account for a 3-year study to evaluate the therapeutic service dog training program currently operating at the National Intrepid Center of Excellence and Walter Reed National Military Medical Center.

This innovative servicemember dog-training program is designed to a safe, effective, nondrug intervention to treat the symptoms of PTSD and TBI. Servicemembers report improvement in their PTSD or TBI symptoms when participating in a therapeutic service dog training program.

The servicemen and -women involved in this program report a number of positive results, including lower levels of depression, improved self-control, improved sleep patterns, a greater sense of purpose, better integration into their communities, pain reduction, and improved parenting skills. This year's NDAA House report directed the Secretary of Defense to conduct whatever studies are necessary to evaluate this promising program. This

amendment provides the resources for such a study.

There is now considerable anecdotal evidence that training service dogs reduces the PTSD symptoms of their warrior trainers, and that the presence of the dogs increases the sense of wellness in servicemembers and their families.

□ 1715

The most eloquent testimonials are from servicemember trainees themselves. One said:

It's been great working with the dogs. They're helping me with my depression, anxiety and sleep. With a dog at my side, my stress measurements returned to normal for the first time.

Another:

It's great knowing that I'm helping to train a service dog for a servicemember who has physical disabilities.

Another:

It's hard for me to put into words how very important working with these dogs has been to me. Working with the dogs gave me a purpose again and a way to continue to give back to soldiers. Training these dogs helps me rebuild my confidence level and to feel that I'm functioning as an effective member of the Army and of society.

And one more:

The dog I'm training bonded quickly with my daughter and me. The dog allowed us to connect in a very positive way. Working with the dog has taught me patience, which also carries over to being a parent.

And finally:

Going out into crowded public places has been very hard for me. However, to train a service dog, you have to lead them confidently through places like grocery stores and on underground trains. I find that while I'm teaching the young dogs how to navigate these places, I am much more comfortable as well. I'm even learning how to enjoy interaction with strangers who approach me to talk about the dog.

The soldier also noted:

Being allowed to sleep with a dog that I'm training has been very helpful. I had been only managing to sleep a couple of hours a night before being cleared to have a dog spend the night with me. That night I slept almost 6 hours and I had no nightmares. I awake so much more refreshed. My wife has noted the improvement as well.

The dogs that these servicemembers with PTSD train become highly skilled service dogs for veterans with disabilities, while the Warrior-trainers reap the therapeutic benefits of training them. This amendment is a win-win-win. It's good for returning vets, it helps combat PTSD, and it doesn't add a dime to the deficit.

I and Congressman LOBIONDO urge you to support these promising research efforts.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time to speak on the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. We're pleased to accept the amendment.

I yield back the balance of my time.  
The Acting CHAIR. The question is on the amendment offered by the gentleman from New Hampshire (Ms. SHEA-PORTER).

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MR. O'ROURKE

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in House Report 113-170.

Mr. O'ROURKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 8058.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Texas (Mr. O'ROURKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. O'ROURKE. Mr. Chair, my amendment aims to provide the Department of Defense with additional budgetary flexibility, should they need it, to guarantee that the resources are available to properly maintain family housing at our military installations.

Section 8058 of this legislation prohibits funds from being used to repair or maintain military family housing. My amendment would strike that provision and, I believe, provide needed flexibility at a time of austere budgets and sequester.

I represent Fort Bliss, one of the largest installations in the Army. There are over 3,700 homes on Fort Bliss, and my community, El Paso, Texas, takes immense pride in creating a high quality of life for all those who serve at Fort Bliss.

We have an obligation to our servicemembers and their families to ensure they have first-rate housing. It is good for morale, and it is the right thing to do.

I understand that funds for repair and maintenance are included in the Military Construction-VA appropriations bill. My goal is simply to do everything we can to protect our servicemembers and fulfill our responsibility to them.

I know that the chair and the ranking member share my goal. I am prepared to withdraw my amendment, and I would hope the chair and ranking member would be willing to work with me going forward to continue providing our servicemembers and their families first-rate housing.

I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I claim the time.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. I yield back the balance of my time.

Mr. O'ROURKE. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. O'ROURKE).

The amendment was rejected.

AMENDMENT NO. 23 OFFERED BY MR. MORAN

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in House Report 113-170.

Mr. MORAN. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike sections 8107, 8108, and 8109.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Virginia (Mr. MORAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, I yield myself 3 minutes to begin with.

Mr. Chairman, the political and legal expediency of the detention center at Guantanamo, Cuba, has not been worth the cost to America's reputation around the world, nor to the erosion of our legal and ethical standards here at home.

My amendment would enable the U.S. military to transfer or release the detainees who have been cleared by the intelligence community and the Joint Chiefs of Staff to their home countries and bring those not cleared for release to the United States to be charged, tried, and sentenced.

Those who advocate the continuance of Guantanamo don't seem to realize that so many of the prisoners still held at Guantanamo were, in fact, wrongly captured. The majority never engaged in hostile actions against the United States or its allies.

The fact is that we know today Guantanamo continues to serve as a rallying cry for extremists around the world; and until we transfer and try the detainees, there is no denying that Guantanamo is hurting our national security.

We need to re-evaluate our approach to the long-term threat of terrorism and realize that policies that mock the concept of equal justice under the law, and that undermine our respect for human rights, make it more likely, rather than less likely, that we will be attacked again.

How can we expect Americans held captive abroad to be accorded the right to be sentenced and brought to trial when we hold 166 prisoners in Guantanamo, without charge and without trial?

Eighty-six percent of the Guantanamo detainees were captured in exchange for a bounty, in many cases a very large bounty that represented a whole year's pay for people turning them in. The majority of them, as I say, have never committed hostile acts against the U.S. or its coalition allies;

and yet they have been held for more than 12 years without charge.

My colleagues like to argue that detaining or trying suspected terrorists in the U.S. would endanger national security, but that's simply not true. More than 400 defendants charged with terrorism crimes have been successfully convicted in the United States since 9/11, including a former Gitmo detainee who was tried in New York City, the Times Square Bomber; the Shoe Bomber, Zacarias Moussaoui, who conspired to kill innocent Americans on 9/11. They've all been charged; they've all been tried; they've all been convicted—all of them here in the United States, and no security incidents.

More than 300 individuals convicted of crimes of international terrorism are today incarcerated in 98 Federal prisons within the United States, with no escapes or attacks and attempts to free them.

There are six Department of Defense facilities where Guantanamo detainees could be held in the United States that are currently only at 48 percent capacity.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MORAN. Mr. Chairman, I'll yield myself another minute.

Now, it should be said in the context of an appropriations bill how expensive it is to keep Guantanamo open. We're currently spending \$1.6 million per detainee, compared to \$34,000 per inmate at a high-security Federal prison here in the United States.

And in the defense authorization we just provided another \$260 million in operations costs and another \$186 million for construction to continue this temporary facility, almost half a billion dollars. This does not make sense.

And now we've got the hunger strikes because people see no future ahead of them. They're afraid that they'll be jailed indefinitely for charges that they can't even defend because they haven't been given the opportunity.

That's not who we are as a Nation. We're a Nation of law. We're a Nation of respect for human life.

But to hold these detainees and, in some cases, 46 of them are being tubed, strapped down for hours while a tube is inserted down their nose, that's not what we do.

So let's stop it. Let's close down Guantanamo and do the right thing.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. I would like to start by saying that Mr. MORAN is a very important member of the Defense Subcommittee, and he and I have very few differences, except on this one issue where we have a strong disagreement.

The language that is in the bill that he would strike is the same language that we've been carrying now since FY 2010, and it is the same language that was included in the National Defense Authorization Act that the House passed earlier this year.

The provisions that we include ensure that the remaining Gitmo detainees who are judged as the most dangerous will never be released or otherwise brought into our homeland where U.S. citizens could be threatened.

Second, they ensure that, prior to releasing a Guantanamo detainee to a foreign country, a careful and deliberate assessment must be made that the detainee is not likely to reengage in terrorist activities and the foreign government can maintain control over that individual.

Unfortunately, we have already seen an alarmingly high rate for Gitmo detainees to return to the battlefield. These detainees have posed direct threats to U.S. personnel and U.S. interests, a threat that could only grow as we draw down from Afghanistan if they are able to establish safe havens to plot against the United States.

The single greatest threat to the U.S. homeland and interests abroad currently is al Qaeda in the Arabian Peninsula, a group established and run by two foreign Gitmo detainees that were released under a previous administration.

The current law provisions in the bill reflect the right balance on this important issue, and I think a "no" vote is appropriate. A "no" vote is keeping in context with the House position as has been stated many times over.

And so rather than give these bad guys an opportunity to go back home, or to go back to some other country adjacent to their home, and allow them to get involved in recreating a danger, a threat to our troops and our interests, wherever they might be, I just think it's not smart to remove the language from the bill that we already have.

So I oppose this amendment, and I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, I yield 45 seconds to the gentleman from New York (Mr. NADLER), a distinguished member of the Judiciary Committee.

Mr. NADLER. I thank the gentleman.

Mr. Chairman, I rise in support of this amendment which would remove the existing limitations on transferring detainees out of Guantanamo.

Our Federal courts have a proven record of prosecuting terrorists, and our Federal prison system is already imprisoning hundreds of convicted terrorists in facilities here in the United States.

□ 1730

It makes no sense to have an external facility, especially one in Cuba, of all places. Guantanamo is a continuing

stain on our national honor. It should be closed now. Of the 166 detainees at Guantanamo, 86 have been cleared for release; that is to say, they have been found guilty of nothing and judged to pose no danger. There is no reason and no right for us to hold them further.

The detainees will gain no additional rights by being held in the United States. The Supreme Court has ruled that detainees have the same constitutional rights at Guantanamo as they do here. We cannot hold people indefinitely. People may not be terrorists and may be guilty of nothing. We must restore who we are and vote for this amendment.

Mr. MORAN. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Virginia has 15 seconds remaining.

Mr. MORAN. Mr. Chairman, I yield the balance of my time to the ranking member, the gentleman from Indiana (Mr. VISCLOSKEY).

Mr. VISCLOSKEY. I appreciate the gentleman yielding, and I simply would reiterate that in my opening statements, I indicated that I do believe the language in the bill and the limitations are a mistake. Guantanamo Bay ought to be closed. It is not constructive. I do not believe at this point in time it is constitutional, and so I do support the gentleman's amendment.

Mr. YOUNG of Florida. Mr. Chairman, these detainees are detained for a reason. The reason is they either hurt, killed, or threatened our American troops or our American interests. That's why they're at Guantanamo in the first place. It just doesn't seem right to me to send them back to the battlefield to threaten more troops, to threaten the lives of more soldiers. It's just not right, and it's not a good amendment.

I suggest that we should defeat this amendment right where we stand, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. MORAN. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 24 OFFERED BY MR. TERRY

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 113-170.

Mr. TERRY. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 126, line 21, after the dollar amount, insert "(increased by \$1,000,000,000)".

Page 134, after the dollar amount, insert "(reduced by \$2,600,000,000)".

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Nebraska (Mr. TERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. TERRY. Mr. Chairman, I am proud to represent Omaha and its surrounding areas. It has a magnificent base with extremely important missions. What that means is that I represent not only uniformed members who serve there, but civilian workers who work on that base also.

Mr. Chairman, I can't go out in public without somebody coming up to me and saying, I'm one of the furloughed workers. I can't afford to lose those days. What are you going to do?

Well, I think that's a legitimate ask of that person. Frankly, I can't go to a sporting event. Even in my own neighborhood there are people asking me what we're going to do to help them.

Now, the answer here in this body has been, mostly, if the DOD really wanted to make their pay whole and not give them furlough dates, they could do that. This is a political move by the President. Well, Mr. Chairman, I'm not willing to play that level of politics with my constituents' pay.

So what this amendment does is moves \$2.6 billion out of the Afghan Security Forces account. It reduces that account from \$7.7 billion to \$5.1 billion, moving it to an account that can be used to supplement those wages and eliminate the furloughs of 55,000 civilian workers working on our bases across the country.

Does this cure every furlough? No. But it does the vast majority, and it gives flexibility to the DOD to perhaps reduce the furloughs to the point where it is a negligible impact on 100 percent.

Let's talk about this fund, because there seems to be some confusion about the fund.

The Afghan Security Forces account is the fund of which the Special Inspector General for Afghan Reconstruction, or SIGAR, has uncovered \$2 billion, Mr. Chairman, of waste, fraud, and abuse. This is that fund that has been in the paper a lot lately for building bases that nobody wanted and nobody is using. This is the fund that bought Russian helicopters for the Afghan military that no one knows how to fly and they're sitting there rusting. This is basically a type of slush fund to be used for special projects that accusations have been made are simply lining the pockets of some Afghan officials.

So all we're doing is reducing the amount of proven fraud within this fund. The reality here is we reduce the fund and we save our own civilian employees that go to work every day but now have been told to stay home for a certain amount of days. We can protect



those workers. Let's focus on U.S. workers, those working on our bases. Let's make them the priority.

I reserve the balance of my time.

Mr. VISCLOSKY. I rise to claim time in opposition to the gentleman's amendment.

The Acting CHAIR (Mr. WALBERG). The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, given the time limitation, I would address the issue of furloughs that the gentleman makes.

Furloughs are a result of the Budget Control Act that was passed in 2011. It's the result of sequestration that occurred because of the adoption of that law. The gentleman who has offered the amendment voted for that act that has caused sequestration to occur and now is causing furloughs to take place.

I would point out that I think it is patently wrong to carve out any class of Federal civilian employees to the detriment of others. I mentioned in my opening statement that I thought it was wrong that for the 4th year in a row we are not providing a pay raise for any Federal civilian employee at the Department of Defense, which essentially represents a revenue loss to those employees working for the people of this country of \$437 million.

So it is not a lack of sympathy for those who are losing a portion of that paycheck over and above that pay increase for the last 4 years that is the cause of my concern, but I would point out to all of my colleagues that other government agencies have also decided to use furloughs. And as the gentleman rightly pointed out, he doesn't solve all of those problems. They include the Department of Labor, the Internal Revenue Service, the Environmental Protection Agency, Housing and Urban Development, the Department of Justice, the Office of Management and Budget.

While this bill under consideration doesn't fund these agencies, where is the outcry, where is the concern for those Federal employees, and who is speaking for them now?

Three fiscal year 2014 appropriation bills have passed the House. While the Department of Veterans Affairs was exempted entirely from sequestration under the Budget Control Act that the gentleman voted for, no furlough exemptions were granted within the other two bills. There was no hedging of funds to avert furloughs for them for bills that have already been considered by this body and passed by this House without this type of exemption.

Allowing exemptions for one agency is unfair to others—allowing exemptions that pit one agency against another agency and wrongfully determines the value of work performed by one Federal employee vis-a-vis another depending on what department they work in. If we value the work of our government employees, we should seek

to block all scheduled furloughs, not a select few. We should end sequestration. And I did not vote for the Budget Control Act.

Until we fix this problem, the work of the government will not be done as efficiently and as effectively as possible. Maybe parts will not be bought; maybe maintenance will be deferred; maybe somebody is going to lose their job because a contract is not let; maybe someone is furloughed; but we should not temporarily fix one dislocation caused by sequestration that only defers decisions of significance that need to be made today, going forward.

Again, I would strongly oppose the gentleman's amendment.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. VISCLOSKY. I will be happy to yield to the chairman.

Mr. YOUNG of Florida. Can I ask how much time the gentleman has remaining.

The Acting CHAIR. The gentleman from Indiana has 1½ minutes remaining.

Mr. YOUNG of Florida. I don't have a lot of confidence that when the American troops are out of Afghanistan it's going to be any different than it was when the American troops went to Afghanistan. And we have paid a dear price for our involvement there, but I have the hope that maybe the Afghanistan Security Force will shape up and do what we think they should—and that is to keep al Qaeda and Hezbollah and all the other terrorist groups away from creating more trouble for the United States and becoming a breeding ground and training grounds. Therefore, I have to oppose the amendment. But I do not have a lot of confidence in that government and the Afghan Security Force.

Mr. VISCLOSKY. I reserve the balance of my time.

Mr. TERRY. Mr. Chair, I yield 30 seconds to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Chairman, if you don't trust the Afghan Government, you should never give them \$2.6 billion. This is on top of the \$5 billion that they were to receive. This money was specifically added to the budget for the Afghan military to buy something—parts, airplanes. We have absolutely no idea what they're going to do with this money.

We would never, under any circumstance, give our own military a \$2.6 billion blank check, but that's exactly what we're doing here. You're asking for fraud and abuse. We should bring this money back and make sure our own people are doing the work that the Defense Department needs.

Mr. VISCLOSKY. I yield myself the balance of my time.

As the U.S. draws down forces—and I appreciate the chairman's remarks—for the post-2014 security environment,

we should prepare to leave Afghanistan on positive terms. We should help repair a nation torn by years of war with the means to develop itself and to move beyond the past conflict. And so I am opposed to the means to finance the gentleman's amendment, and I yield back the balance of my time.

Mr. TERRY. Mr. Chairman, the issue before us is will you vote "yes" for our civilian employees working on the base or will you vote "no," which says I support the waste, fraud, and abuse in this fund.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. TERRY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nebraska will be postponed.

□ 1745

AMENDMENT NO. 25 OFFERED BY MR. POE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in House Report 113-170.

Mr. POE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 126, line 21, after the dollar amount, insert "(reduced by \$600,000,000)".

Page 126, line 23, after the dollar amount, insert "(reduced by \$600,000,000)".

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE of Texas. Mr. Chairman, I yield myself such time as I may consume.

My amendment cuts aid to Pakistan in this bill in half. This is the same amendment that passed this House last year by voice vote.

Pakistan seems to be the Benedict Arnold nation in the list of countries that we call allies. They have proven to be deceptive, deceitful, and a danger to the United States.

The day Osama bin Laden met his maker will go down in history as an important moment. Our manhunt did not end in a remote cave in the mountains, but in a palace in a bustling military town 35 miles from Islamabad. To think that the most senior levels of the Pakistani Government did not know he was there requires, as Secretary Clinton has said, the "willing suspension of disbelief."

Soon after, our suspicions were confirmed. Instead of celebrating with us



the capture of the number one terrorist in the world, Pakistan arrested the one person that helped the United States capture Osama bin Laden. And last year, Pakistan sentenced Dr. Afridi to 33 years in prison.

In February of 2012, a NATO report said ISI—which is Pakistan's CIA—is aiding the Taliban and other extremist groups in Afghanistan and Pakistan by providing resources, sanctuary, and training. In June of 2011, Pakistan tipped off terrorists making IEDs not once, but twice, after we told them where the bomb-making factories were and asked Pakistan to go after them. But they did not. They told the terrorists that we were coming.

Throughout 2011, Pakistan tried to cheat the United States by filing bogus reimbursement claims for allegedly going after militants when they weren't even doing that. On September 22, 2011, Admiral Mike Mullen, the Chairman of the Joint Chiefs of Staff, testified before the Senate Armed Services Committee that:

With ISI support, Haqqani operatives planned and conducted that truck bomb attack, as well as the assault on our Embassy.

The truck bombing he mentions here wounded more than 70 Americans and NATO troops, who were injured because of that bombing. Admiral Mullen went on to say that this terrorist network acts as the arm of Pakistan's Inter-Services Intelligence Agency.

It doesn't seem to me that Pakistan deserves any more of our money. We've been doing the same thing for the last 10 years. Since 2002, Pakistan has collected a total of \$26 billion of American money. And what have we gotten in return? Treachery. It's time for a new strategy with Pakistan.

There are some who say we need to pay Pakistan to help with our withdrawal. All their shutting down of the southern route showed was that we don't need Pakistan. We were able to pursue our mission even though they shut down that route. What really endangers our troops is not whether or not we have a southern supply route but whether or not we have access to Pakistan's tribal areas. Of course that has been off limits, according to the Pakistan Government.

This bill gives Pakistan over \$1 billion. Cutting funding in half hopefully will send a message—long overdue—to the Pakistanis that they can't play us anymore, that we mean business.

To add a few more comments, Mr. Chairman, a poll conducted in Pakistan showed that 64 percent of the Pakistanis consider the United States the enemy, and yet we are paying them \$1 billion a year? Doesn't make any sense to me. Plus, Americans who have an unfavorable view of Pakistan is 81 percent.

So why do we pay Pakistan to be our enemy? Why do we pay them to hate us? Mr. Chairman, I submit they will do both of those things for free.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, the gentleman suggests that we need a new relationship with Pakistan. The gentleman claims—and I'm sorry that the easel just disappeared, but I believe it was about 64 percent of the Pakistan people consider us the enemy. I don't know the origin of that report, but I would take it at face value given the representation of my colleague.

My colleague also suggests there's another poll that says 81 percent of the U.S. people do not have a favorable opinion about Pakistan.

He did say that we need a new relationship, and I would agree with him. I think relationships are built on communication, and not polls. I think if we governed all of our actions in this Congress based on polls, we would get nothing done. Sometimes we have to suck it up and do things that maybe at first are not politic to do. Sometimes people fight in their families, unfortunately. And hopefully they sit down and communicate and resolve their differences. Sometimes different groups of people have problems and maybe even don't like each other sometimes. But if they talk to each other and they get to know each other, maybe they can resolve their differences.

The relationship with Pakistan, I would not deny, has been difficult, but maintaining that relationship is essential. This relationship has helped the U.S. make progress against terrorism. And Pakistan has allocated a significant part of their forces within their own borders to the counterterrorism mission.

The world, I would remind my colleagues, is a very great place. In June of 2012, Pakistan demonstrated its commitment to a stable and secure Afghanistan by reopening the ground lines of communication. I regret, with the gentleman, that they were closed for a period of time. This has eased tensions with the U.S. and improved logistical support for our troops.

Withdrawal of U.S. assistance would likely polarize Pakistan and exacerbate significant pro- and anti-American rifts within their military and their government generally—rifts and difficulties we should be looking to heal, not exacerbate today. Aggravating this divide is very, very counterproductive to the objectives in this region.

I would add one further comment. In addition to counterterrorism activity, the fact is Pakistan's nuclear weapons capability provides ample reason for the U.S. to continue positive engagement.

I certainly would appreciate yielding to my colleague from New Jersey (Mr. FRELINGHUYSEN) if he wishes it.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Let me associate myself with your remarks. Respectfully, we need to assure we have a relationship with the Pakistani Government to make sure that their nuclear weapons capacity is well secured.

And while polls may reflect, as the gentleman says, a very poor view by Americans of Pakistan, we need their support and cooperation not only for the 68,000 troops we have there but the international forces that are working with our troops to help the people of Afghanistan have a better life.

So yes, there may be corruption and there may be ill will among the Pakistani people, in our view, of our involvement over there, but we need to, as we exit Pakistan, to make sure that we get our forces out of there using the road network. Otherwise, we'll have to take a lot of our supplies and men by air, and that would be enormously expensive. We need to keep a good relationship with the Pakistani Government.

I appreciate the gentleman yielding to me.

Mr. VISCLOSKY. I appreciate the gentleman for his remarks, and I reserve the balance of my time.

Mr. POE of Texas. Mr. Chairman, may I inquire as to the time I have remaining?

The Acting CHAIR. The gentleman from Texas has 1 minute remaining.

Mr. POE of Texas. I appreciate the ranking member's comments regarding Pakistan.

One thing, the bill cuts half of the funding to Pakistan. It does not cut the nuclear protection that the United States further emphasizes for Pakistan. So that is not cut in my amendment.

The gentleman mentioned actions. I think the Government of Pakistan over the last decade has shown that they cannot be trusted, that they use the money for improper purposes in Pakistan. And I am of the opinion that some of that money goes to hurt American troops that have been in the field for a good number of years.

So I think that we should cut 50 percent of the money that we send Pakistan. It's in the best interest, in my opinion, of the United States. Their actions prove they cannot be trusted.

I yield back the balance of my time.

Mr. VISCLOSKY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Texas will be postponed.

AMENDMENT NO. 26 OFFERED BY MS. BONAMICI

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in House Report 113-170.

Ms. BONAMICI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 130, line 11, after the dollar amount, insert “(reduced by \$30,000,000)”.

Page 141, line 7, after the dollar amount, insert “(increased by \$30,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 312, the gentlewoman from Oregon (Ms. BONAMICI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon.

Ms. BONAMICI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the men and women of our National Guard serve their dual Federal and State missions bravely. It is essential that we appropriately equip them to succeed in both of those missions.

The Guard plays a critical role in supporting emergency disaster relief. And I applaud their purchase of 500 Humvee ambulances for use in every State, but these ambulances are severely lacking. They contain only the minimal and most basic medical equipment sets. Alarming, they lack modern life-saving equipment like cardiac defibrillators and vital signs monitors.

The Guard's ambulances must be properly equipped to deal with emergencies. This is especially important in a State like Oregon, which faces the threat of wildfires and the prospect of a massive earthquake and resulting tidal wave.

As the ambulances are outfitted now, personnel will be extremely limited in the available treatment they can provide to the injured people they seek to protect. State Guard associations and the National Guard Association agree. They have ranked their procurement of medical equipment sets as a priority for the last 2 years. Clearly, there is a need, and we need to meet it.

Chairman YOUNG and Ranking Member VISCLOSKY, it's my understanding that you are opposed to the amendment, as drafted, but support the underlying policy. And Chairman YOUNG, I appreciate your support of an assessment on this issue on the floor last year. I ask if both of you will be willing to work with me to address this issue as the appropriations process moves forward. And if so, I would withdraw my amendment.

Mr. VISCLOSKY. Will the gentlewoman yield?

Ms. BONAMICI. I yield to the ranking member, the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I would, first of all, not make any representations as to what will happen ultimately in conference; that is unpredictable. But I do compliment the woman for pointing out the valuable role that the Guard serves both as far as our military as well as disaster relief.

The fact is that additional resources are needed as far as saving lives and ensuring people's safety. In particular, again, a dual use, if you would, a twofer. The fact is, despite the large amount of money set aside in this bill, there are fiscal constraints. Some of that pressure is evidenced by the lack of funding for the program that you so ardently are addressing. So again, I would think, speaking for myself, I certainly hear your voice.

Ms. BONAMICI. I thank the ranking member.

Mr. YOUNG of Florida. Will the gentlelady yield?

Ms. BONAMICI. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I want to thank her for being willing to work with the subcommittee on this issue for quite some time.

We understand her interest and we agree with that interest. And we look forward to continuing to work with her as we proceed with this bill through the conference and back to the House floor—hopefully one day. We just want to guarantee her that we will continue to work, and we thank her for her cooperation.

Ms. BONAMICI. Reclaiming my time, thank you very much, Mr. Chairman and ranking member, for your leadership on this bill, and also for your efforts to support the Guard.

□ 1800

I withdraw my amendment in light of the comments made on the floor this afternoon.

AMENDMENT NO. 27 OFFERED BY MR. WALBERG

The Acting CHAIR (Mr. POE of Texas). It is now in order to consider amendment No. 27 printed in House Report 113-170.

Mr. WALBERG. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 131, line 21, after the dollar amount, insert “(reduced by \$79,000,000)”.

Page 157, line 2, after the dollar amount, insert “(increased by \$79,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Michigan (Mr. WALBERG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. WALBERG. Mr. Chairman, I rise to offer a bipartisan amendment with Mr. COHEN of Tennessee, Ms. ESTY of Connecticut, and Mr. RIGELL of Vir-

ginia that will go a long ways to ensure American tax dollars in Afghanistan are spent in a wise and realistic fashion.

My amendment would specifically reduce funding of the Afghanistan Infrastructure Fund by \$79 million to a total of \$200 million, the level adopted by this House during last year's Defense appropriations bill. The savings would then be sent to the spending reduction account.

We have already spent billions of dollars toward rebuilding the infrastructure of Afghanistan, and Congress has appropriated over \$1 billion alone to the Afghanistan Infrastructure Fund since it was created in 2011.

As of March 31 of this year, SIGAR, the Special Inspector General for Afghanistan Reconstruction, reported that only \$102.9 million of the \$1 billion that Congress has appropriated has actually been dispersed for projects.

Perhaps even more significant, SIGAR has found that the projects which are under way are behind schedule and years away from completion and raise serious concerns about whether some of the projects may run counter to our goals and the COIN strategy, either because they have created expectation gaps among the Afghan people or that they lack local citizen support.

This year, \$279 million has been requested for two new infrastructure projects. Now, I know we all look to our commanders in the field for guidance on what they need to finish the job in Afghanistan; but with \$400 million in unobligated funds, I ask, Mr. Chairman, why commit to two brand-new projects that we will likely never complete?

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise to claim the time in opposition to the gentleman's amendment.

The Acting CHAIR (Mr. HASTINGS of Washington). The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I have used the infrastructure fund in Afghanistan on any number of occasions in my district and in the committee and on this floor as an example of the failure of our country to invest in the infrastructure of the United States of America, and have indicated that we are spending money to invest in the infrastructure of Afghanistan and failing in the United States.

The American Society of Civil Engineers estimates that in the coming years we have about \$3.6 trillion of economic infrastructure investment we need to make, and a shortfall as far as funding is about \$1.6 trillion.

But I would note that the gentleman's amendment does not rectify that domestic problem we face because the cut he proposes that I do oppose redirects those funds to the Spending Reduction Account.

The fact is as far as a legacy in giving the people of Afghan a chance in the future, I do believe we have to continue with this program. It was requested by the Secretaries of Defense and State in November of 2010 for the fiscal year 2011 appropriations act. At that time, Secretary of Defense Gates and Secretary of State Clinton said it is needed to support critical infrastructure projects, such as an initiative under way to bring electricity, simple electricity, to Kandahar City, which directly supports counterinsurgency strategy.

I would point out to the House that in 1989, the international community—and I think we would have to include our country in that—abandoned Afghanistan to years of civil war. As a result, this region of the world gave us the Taliban and al Qaeda in the wake of the withdrawal after Soviet incursion of the 1980s. I do not think we should make that mistake again, and we should make an investment.

As I mentioned in an earlier debate, as the U.S. draws down forces for the post-2014 security environment, we should prepare to leave Afghanistan on positive terms. As we depart, the U.S. should help to repair a nation torn by years of war with the means to develop itself to move beyond the past conflict.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. VISCLOSKEY. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the ranking member for yielding to me.

I rise to oppose the gentleman's amendment.

Mr. Chairman, according to the President's own budget request:

The Afghan Infrastructure Fund has been an invaluable resource in support of Operation Enduring Freedom. Initiated in fiscal year 2011, the AIF funds infrastructure projects in Afghanistan that are a key feature of the counterinsurgency strategy and the civil-military strategic framework endorsed by the commander, U.S. Forces-Afghanistan to lock in security gains and maintain stability by providing basic, essential infrastructure of the people of Afghanistan.

Mr. Chairman, in other words, these projects that would be eliminated or reduced are vital to protecting our currently deployed troops and civilian employees besides the Afghanis themselves, and that is a worthy investment. We still have 68,000 troops over there, a lot of civilians supporting the effort, contractors even, and a lot of international forces. They deserve this protection. This is a good long-term investment.

Mr. VISCLOSKEY. Mr. Chairman, I reserve the balance of my time.

Mr. WALBERG. I request of the Chairman how much time I have remaining.

The Acting CHAIR. The gentleman from Michigan has 2½ minutes remaining. The gentleman from Indiana has 1

minute remaining and the right to close.

Mr. WALBERG. Thank you, Mr. Chairman.

I would like to yield at this time 1 minute to my good friend, the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Thank you, sir. I appreciate the time.

Mr. Chairman, this is truly bipartisan in that we are bipartisan in favor and they are bipartisan against. We all, Mr. Chairman, have the best intentions.

But I would submit to the people that speak in favor of the spending of this fund, in theory it is wonderful and it is great; but the same people that endorsed this built a \$43 million base that will never be used and will be torn down.

The fact is much of this money cannot be maintained. We are giving moneys to the Afghanis for programs that they cannot maintain—they can't maintain the roads, they can't maintain the equipment that we give them; and so it is wasted. It has gone on and on and on. Much of it has been stolen over the years. There is a lot of theft and a lot of corruption.

The gentleman's amendment, which I joined with him on in a bipartisan fashion, cut \$79 million. Mr. CICILLINE has an amendment that cuts everything. I've got to compromise the cuts—about half of it. Some of it needs to be cut, if not all of it, but at least half.

We are throwing away moneys that we know from the past are wasted and not doing the job that they are intended to do. Hell is paved with good intentions.

Mr. WALBERG. I thank the gentleman.

Mr. Chairman, as a review, my amendment would reduce funding of the Afghanistan Infrastructure Fund by \$79 million to a total of \$200 million—the level adopted by this House during last year's Defense appropriations bill.

SIGAR has found that the projects which are under way right now are behind schedule and years away from completion and raise serious concerns about whether some of the projects may run counter to our goals and the COIN strategy.

Finally, Mr. Chairman, additionally, as the end of operations in Afghanistan draws near, the Afghan people will need to bear the responsibility of building and maintaining their own infrastructure, to say the least.

The Afghan Government has often not been a reliable partner in these projects. They have often had little role in designating these projects—designing them, carrying them out, power lines, roads, and building projects that ultimately will not be used.

The Department's own budget justification states that because not all

fiscal year 2012 and 2013 projects have been awarded, the fiscal year 2014 budget estimate is based on "limited actual cost data."

At a time when often difficult choices need to be made, we have a concern that as Congress is being asked to support funding and projects, that they really have limited cost data involved.

I ask for support for this amendment. I believe that the dollars can be used, indeed, to grow an economy for ourselves and ultimately deal with infrastructure projects here in our own country.

I yield back the balance of my time.

Ms. ESTY. Mr. Chair, I thank my colleagues Mr. WALBERG (R-MI); Mr. COHEN (D-TN); Mr. RIGELL (R-VA) for crafting this smart, commonsense amendment which would simply reduce the Afghanistan Infrastructure Fund by \$79 million and redirect those funds to the Spending Reduction Account, saving taxpayer dollars.

This is a targeted and smart cut, at a time when we are asking all to do more with less.

And in fact, with this amendment, we would simply be funding this account at the level which this body passed last year.

Now more than ever, we need to make smart investments in our own infrastructure to create jobs and improve efficiency for our businesses.

A business owner in my district recently told me how his drivers lose two hours a day sitting in traffic . . .

. . . And many citizens in Connecticut are pleading to widen I-84 around Waterbury and to modernize our interchanges.

Additionally, Newtown has recommended rebuilding Sandy Hook Elementary School, and there is an appropriate role for the Federal Government.

We must prioritize our investments and find ways to reduce our deficit.

I urge Members to support this amendment.

Mr. VISCLOSKEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. WALBERG).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WALBERG. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 113-170 on which further proceedings were postponed, in the following order:

Amendment No. 3 by Ms. GABBARD of Hawaii.

Amendment No. 10 by Mr. BLUMENAUER of Oregon.

Amendment No. 14 by Mr. POLIS of Colorado.

Amendment No. 15 by Mr. BLUMENAUER of Oregon.

Amendment No. 17 by Mr. NUGENT of Florida.

Amendment No. 20 by Mr. NADLER of New York.

Amendment No. 23 by Mr. MORAN of Virginia.

Amendment No. 25 by Mr. POE of Texas.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 3 OFFERED BY MS. GABBARD

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Hawaii (Ms. GABBARD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 50, noes 372, not voting 11, as follows:

[Roll No. 379]

#### AYES—50

Bass	Hastings (FL)	Richmond
Beatty	Honda	Ruiz
Braley (IA)	Jackson Lee	Ryan (OH)
Capps	Jeffries	Schakowsky
Castro (TX)	Kelly (IL)	Scott (VA)
Clarke	Lipinski	Sires
Crowley	Lowe	Swalwell (CA)
Davis, Rodney	Lujan Grisham	Takano
DeFazio	(NM)	Thompson (MS)
Engel	Luján, Ben Ray	Van Hollen
Fattah	(NM)	Vargas
Foster	Maffei	Veasey
Frankel (FL)	Maloney, Sean	Vela
Fudge	McKinley	Walz
Gabbard	Meeks	Waxman
Gallego	Moran	Webster (FL)
Garcia	Payne	
Grimm	Peters (CA)	

#### NOES—372

Aderholt	Brooks (IN)	Collins (GA)
Alexander	Broun (GA)	Collins (NY)
Amash	Brown (FL)	Conaway
Amodel	Brownley (CA)	Connolly
Andrews	Buchanan	Conyers
Bachmann	Bucshon	Cook
Bachus	Burgess	Cooper
Barber	Bustos	Costa
Barletta	Butterfield	Cotton
Barr	Calvert	Courtney
Barrow (GA)	Camp	Cramer
Barton	Cantor	Crawford
Becerra	Capito	Crenshaw
Benishkek	Capuano	Cuellar
Bentivolio	Carney	Culberson
Bera (CA)	Carson (IN)	Cummings
Bilirakis	Carter	Daines
Bishop (GA)	Cartwright	Davis (CA)
Bishop (NY)	Cassidy	Davis, Danny
Bishop (UT)	Castor (FL)	DeGette
Black	Chabot	Delaney
Blackburn	Chaffetz	DeLauro
Blumenauer	Chu	DelBene
Bonamici	Cicilline	Denham
Bonner	Clay	Dent
Boustany	Cleaver	DeSantis
Brady (PA)	Clyburn	DesJarlais
Brady (TX)	Coffman	Deutsch
Bridenstine	Cohen	Diaz-Balart
Brooks (AL)	Cole	Dingell

Doggett	Lankford	Roe (TN)
Doyle	Larsen (WA)	Rogers (AL)
Duckworth	Larson (CT)	Rogers (KY)
Duffy	Latham	Rogers (MI)
Duncan (SC)	Latta	Rohrabacher
Duncan (TN)	Lee (CA)	Rokita
Edwards	Levin	Rooney
Ellison	Lewis	Ros-Lehtinen
Ellmers	LoBiondo	Roskam
Enyart	Loeb	Ross
Eshoo	Loeb	Rothfus
Esty	Lofgren	Roybal-Allard
Farenthold	Long	Royce
Farr	Lowenthal	Runyan
Fincher	Lucas	Ruppersberger
Fitzpatrick	Luetkemeyer	Rush
Fleischmann	Lummis	Ryan (WI)
Fleming	Lynch	Salmon
Flores	Maloney,	Sánchez, Linda
Forbes	Carolyn	T.
Fortenberry	Marchant	Sanchez, Loretta
Fox	Marino	Sanford
Franks (AZ)	Massie	Sarbanes
Frelinghuysen	Matheson	Scalise
Garamendi	Matsui	Schiff
Gardner	McCarthy (CA)	Schneider
Garrett	McCaul	Schock
Gerlach	McClintock	Schrader
Gibbs	McCollum	Schwartz
Gibson	McDermott	Schweikert
Gingrey (GA)	McGovern	Scott, Austin
Gohmert	McHenry	Scott, David
Goodlatte	McIntyre	Sensenbrenner
Gosar	McKeon	Serrano
Gowdy	McMorris	Sessions
Granger	Rodgers	Sewell (AL)
Graves (GA)	McNerney	Shea-Porter
Graves (MO)	Meadows	Sherman
Grayson	Meehan	Shimkus
Green, Al	Meng	Shuster
Green, Gene	Messer	Simpson
Griffin (AR)	Mica	Sinema
Griffith (VA)	Michaud	Slaughter
Grijalva	Miller (FL)	Smith (MO)
Guthrie	Miller (MI)	Smith (NE)
Gutiérrez	Miller, George	Smith (NJ)
Hahn	Moore	Smith (TX)
Hall	Mullin	Smith (WA)
Hanabusa	Mulvaney	Southerland
Hanna	Murphy (FL)	Speier
Harper	Murphy (PA)	Stewart
Harris	Nadler	Stivers
Hartzler	Napolitano	Stockman
Hastings (WA)	Neal	Stutzman
Heck (NV)	Negrete McLeod	Terry
Heck (WA)	Neugebauer	Thompson (CA)
Hensarling	Noem	Thompson (PA)
Higgins	Nolan	Thornberry
Himes	Nugent	Tiberi
Hinojosa	Nunes	Tierney
Holding	Nunnelee	Tipton
Hudson	O'Rourke	Titus
Huelskamp	Olson	Tonko
Huffman	Owens	Turner
Huizenga (MI)	Pallazzo	Upton
Hultgren	Pallone	Valadao
Hunter	Pascrell	Velázquez
Hurt	Pastor (AZ)	Visclosky
Israel	Paulsen	Wagner
Issa	Pearce	Walberg
Jenkins	Pelosi	Walden
Johnson (GA)	Perlmutter	Walorski
Johnson (OH)	Perry	Wasserman
Johnson, E. B.	Peters (MI)	Schultz
Johnson, Sam	Peterson	Waters
Jones	Petri	Watt
Jordan	Pingree (ME)	Weber (TX)
Joyce	Pittenger	Welch
Kaptur	Pitts	Wenstrup
Keating	Pocan	Westmoreland
Kelly (PA)	Poe (TX)	Whitfield
Kennedy	Polis	Williams
Kildee	Pompeo	Wilson (FL)
Kilmer	Posey	Wilson (SC)
Kind	Price (GA)	Wittman
King (IA)	Price (NC)	Wolf
Kingston	Quigley	Womack
Kinzie	Radel	Woodall
Kirkpatrick	Rahall	Yarmuth
Kline	Rangel	Yoder
Kuster	Reed	Yoho
Labrador	Reichert	Young (AK)
LaMalfa	Renacci	Young (FL)
Lamborn	Ribble	Young (IN)
Lance	Rice (SC)	
Langevin	Rigell	
	Roby	

#### NOT VOTING—11

Campbell	Holt	McCarthy (NY)
Cárdenas	Horsford	Miller, Gary
Coble	Hoyer	Tsongas
Herrera Beutler	King (NY)	

#### □ 1840

Messrs. CLYBURN, ROSKAM, AMASH, NOLAN, MURPHY of Florida, FORBES, HIGGINS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BROWN of Florida, Ms. SCHWARTZ, Ms. SEWELL of Alabama, Ms. WASSERMAN SCHULTZ, and Ms. DEGETTE changed their vote from “aye” to “no.”

Messrs. HONDA, LIPINSKI, GARCIA, and Ms. CLARKE changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

#### AMENDMENT NO. 10 OFFERED BY MR.

#### BLUMENAUER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 242, not voting 15, as follows:

[Roll No. 380]

#### AYES—176

Bass	DelBene	Jeffries
Beatty	Deutch	Johnson (GA)
Becerra	Doggett	Johnson, E. B.
Bera (CA)	Doyle	Kaptur
Bishop (GA)	Duckworth	Keating
Bishop (NY)	Edwards	Kelly (IL)
Blumenauer	Ellison	Kennedy
Bonamici	Engel	Kilmer
Brady (PA)	Enyart	Kind
Braley (IA)	Eshoo	Kirkpatrick
Brown (FL)	Esty	Kuster
Brownley (CA)	Farr	Langevin
Capps	Fattah	Larsen (WA)
Capuano	Fitzpatrick	Larson (CT)
Cárdenas	Frankel (FL)	Lee (CA)
Carson (IN)	Fudge	Lewis
Cartwright	Gabbard	Lipinski
Castor (FL)	Gallego	Loeb
Castro (TX)	Garamendi	Lofgren
Chu	Garcia	Lowenthal
Cicilline	Grayson	Lowe
Clarke	Green, Al	Lujan Grisham
Cleaver	Green, Gene	(NM)
Clyburn	Grijalva	Luján, Ben Ray
Cohen	Grimm	(NM)
Connolly	Gutiérrez	Lynch
Conyers	Hahn	Maloney,
Cooper	Hanabusa	Carolyn
Costa	Hanna	Matheson
Courtney	Hastings (FL)	Matsui
Cuellar	Heck (WA)	McCarthy (CA)
Cummings	Higgins	McDermott
Davis (CA)	Himes	McGovern
Davis, Danny	Hinojosa	McIntyre
DeFazio	Hoyer	McNerney
DeGette	Huffman	Meeks
Delaney	Israel	Meng
DeLauro	Jackson Lee	Michaud

Miller, George  
Moore  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Owens  
Pallone  
Pascarell  
Payne  
Pelosi  
Peters (CA)  
Peterson  
Pingree (ME)  
Pocan  
Polis  
Price (NC)  
Quigley  
Rahall  
Richmond

## NOES—242

Aderholt  
Alexander  
Amash  
Amodei  
Andrews  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Bustos  
Butterfield  
Calvert  
Camp  
Cantor  
Capito  
Carney  
Carter  
Cassidy  
Chabot  
Chaffetz  
Clay  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cotton  
Cramer  
Crawford  
Crenshaw  
Crowley  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Dingell  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Fleischmann  
Fleming  
Flores  
Forbes

Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Scott (VA)  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sires  
Slaughter  
Speier  
Swalwell (CA)

Takano  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Moran  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunnelee  
Olson  
Palazzo  
Pastor (AZ)  
Paulsen  
Pearce  
Perlmutter  
Perry  
Peters (MI)  
Petri  
Pittenger  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Radel  
Rangel  
Reed  
Reichert  
Renacci  
Ribble  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Runyan  
Ryan (WI)  
Salmon  
Sanford  
Scalise  
Schock  
Schweikert  
Scott, Austin  
Scott, David  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)

Smith (WA)  
Southernland  
Stewart  
Stivers  
Stockman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
  
Campbell  
Coble  
Herrera Beutler  
Holt  
Honda

Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walorski  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westmoreland  
Whitfield  
  
Horsford  
King (NY)  
Lucas  
McCarthy (NY)  
Miller, Gary

Williams  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (FL)  
Young (IN)  
  
Nunes  
Rice (SC)  
Rokita  
Stutzman  
Tsongas

Pocan  
Polis  
Posey  
Price (NC)  
Quigley  
Roybal-Allard  
Rush  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanford  
Sarbanes  
Schakowsky

Schiff  
Schneider  
Schrader  
Schwartz  
Serrano  
Sherman  
Sires  
Slaughter  
Speier  
Takano  
Thompson (CA)  
Tierney  
Titus

## NOES—272

Aderholt  
Alexander  
Amodei  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bentivolio  
Bera (CA)  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Brown (FL)  
Brownley (CA)  
Buchanan  
Bucshon  
Bustos  
Butterfield  
Calvert  
Camp  
Cantor  
Capito  
Cárdenas  
Carter  
Cassidy  
Castro (TX)  
Chabot  
Chaffetz  
Clyburn  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cooper  
Costa  
Cotton  
Cramer  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Daines  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Duckworth  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Enyart  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gabbard  
Gallego

Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Grimm  
Guthrie  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jackson Lee  
Jenkins  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)  
Kildee  
Kilmer  
King (IA)  
Kingston  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Langevin  
Lankford  
Latham  
Latta  
Lipinski  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lynch  
Maffei  
Maloney, Sean  
Marchant  
Marino  
Massie  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney

Meadows  
Meehan  
Meng  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Mullin  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Pastor (AZ)  
Paulsen  
Pearce  
Perry  
Peters (CA)  
Petri  
Pitts  
Poe (TX)  
Pompeo  
Price (GA)  
Radel  
Rahall  
Rangel  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Royce  
Ruiz  
Runyan  
Ryan (OH)  
Ryan (WI)  
Salmon  
Scalise  
Schock  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Sessions  
Sewell (AL)  
Shea-Porter  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Stewart  
Stivers  
Stockman  
Swalwell (CA)

## NOT VOTING—15

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

## □ 1844

So the amendment was rejected.  
The result of the vote was announced  
as above recorded.

AMENDMENT NO. 14 OFFERED BY MR. POLIS  
The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Colorado (Mr. POLIS)  
on which further proceedings were  
postponed and on which the ayes pre-  
vailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.  
The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 141, noes 272,  
not voting 20, as follows:

[Roll No. 381]

## AYES—141

Amash  
Andrews  
Beatty  
Becerra  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Burgess  
Capps  
Capuano  
Carney  
Cartwright  
Castor (FL)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Cohen  
Connolly  
Conyers  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DeBene  
Deutch  
Dingell

Doggett  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Garamendi  
Garcia  
Grayson  
Griffith (VA)  
Gutiérrez  
Hahn  
Hastings (FL)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Hondt  
Hoyer  
Huffman  
Israel  
Jeffries  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kind  
Kuster  
Larsen (WA)  
Larson (CT)

Lee (CA)  
Levin  
Lewis  
Loebach  
Lofgren  
Lowenthal  
Lowe  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Maloney,  
Carolyn  
Matheson  
Matsui  
McCollum  
McDermott  
McGovern  
Michaud  
Miller, George  
Moore  
Moran  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Pallone  
Pascarell  
Payne  
Pelosi  
Perlmutter  
Peters (MI)  
Peterson  
Pingree (ME)

Terry	Vela	Williams	Boustany	Gibson	McCarthy (CA)	Scott, Austin	Stutzman	Walorski
Thompson (MS)	Wagner	Wilson (SC)	Brady (PA)	Gingrey (GA)	McCaul	Scott, David	Swalwell (CA)	Walz
Thompson (PA)	Walberg	Wittman	Brady (TX)	Gohmert	McClintock	Sensenbrenner	Terry	Wasserman
Thornberry	Walden	Wolf	Braley (IA)	Goodlatte	McCollum	Sessions	Thompson (CA)	Schultz
Tiberi	Walorski	Womack	Bridenstine	Gosar	McGovern	Sewell (AL)	Thompson (MS)	Watt
Tipton	Waxman	Woodall	Brooks (AL)	Gowdy	McHenry	Shea-Porter	Thompson (PA)	Waxman
Turner	Weber (TX)	Yoder	Brooks (IN)	Granger	McIntyre	Sherman	Thornberry	Weber (TX)
Upton	Webster (FL)	Yoho	Broun (GA)	Graves (GA)	McKeon	Shimkus	Tiberi	Webster (FL)
Valadao	Wenstrup	Young (AK)	Brown (FL)	Graves (MO)	McKinley	Shuster	Tierney	Wenstrup
Vargas	Westmoreland	Young (FL)	Brownley (CA)	Green, Al	McMorris	Simpson	Tipton	Westmoreland
Veasey	Whitfield	Young (IN)	Buchanan	Green, Gene	Rodgers	Sinema	Tonko	Whitfield

## NOT VOTING—20

Bass	Herrera Beutler	Miller, Gary
Campbell	Holt	Pittenger
Carson (IN)	Horsford	Rokita
Coble	Johnson (GA)	Ruppersberger
Coffman	King (NY)	Stutzman
Grijalva	McCarthy (NY)	Tsongas
Hall	Meeks	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1848

So the amendment was rejected.  
The result of the vote was announced  
as above recorded.

Stated against:

Mr. PITTENGER. Mr. Chair, on rollcall No. 381, I inadvertently missed the vote. Had I been present, I would have voted “no.”

## AMENDMENT NO. 15 OFFERED BY MR. BLUMENAUER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 49, noes 372, not voting 12, as follows:

[Roll No. 382]

## AYES—49

Amash	Hastings (FL)	Price (NC)
Blumenauer	Honda	Quigley
Bonamici	Huffman	Rangel
Cárdenas	Johnson (GA)	Rohrabacher
Carson (IN)	Kelly (IL)	Rush
Chu	Lee (CA)	Schakowsky
Clarke	Lewis	Serrano
Cohen	Lofgren	Slaughter
Conyers	McDermott	Takano
Davis, Danny	Meng	Titus
DeFazio	Miller, George	Velázquez
Doggett	Nadler	Waters
Duncan (TN)	Napolitano	Welch
Edwards	Nolan	Wilson (FL)
Ellison	O'Rourke	Yarmuth
Farr	Payne	
Grayson	Polis	

## NOES—372

Aderholt	Barr	Bera (CA)
Alexander	Barrow (GA)	Bilirakis
Amodei	Barton	Bishop (GA)
Andrews	Bass	Bishop (NY)
Bachmann	Beatty	Bishop (UT)
Bachus	Becerra	Black
Barber	Benishek	Blackburn
Barletta	Bentivolio	Bonner

Burgess	Bustos	Grijalva	Hastings (WA)	Heck (NV)	Heck (WA)	Hensarling	Higgins	Himes	Hinojosa	Clay	Cleaver	Clyburn	Coffman	Cole	Collins (GA)	Collins (NY)	Conaway	Connolly	Cook	Cooper	Costa	Cotton	Courtney	Cramer	Crawford	Crenshaw	Crowley	Cuellar	Culberson	Cummings	Daines	Davis (CA)	Davis, Rodney	DeGette	Delaney	DeLauro	DelBene	Denham	Dent	DeSantis	DesJarlais	Deutch	Diaz-Balart	Dingell	Doyle	Duckworth	Duffy	Duncan (SC)	Ellmers	Engel	Enyart	Esty	Farenthold	Fattah	Fincher	Fitzpatrick	Fleischmann	Fleming	Flores	Forbes	Fortenberry	Foster	Fox	Frankel (FL)	Franks (AZ)	Frelinghuysen	Fudge	Gabbard	Gallego	Garamendi	Garcia	Gardner	Garrett	Gerlach	Gibbs
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McCarthy (CA)	McCaul	McClintock	McCollum	McGovern	McHenry	McIntyre	McKeon	McKinley	McMorris	Rodgers	McNerney	Meadows	Meehan	Meeks	Messer	Mica	Michaud	Miller (FL)	Miller (MI)	Moore	Moran	Mullin	Mulvaney	Murphy (FL)	Murphy (PA)	Neal	Negrete McLeod	Neugebauer	Noem	Nugent	Nunes	Nunnelee	Olson	Owens	Palazzo	Pallone	Pascrell	Pastor (AZ)	Paulsen	Pearce	Pelosi	Perlmutter	Perry	Peters (CA)	Peters (MI)	Peterson	Petri	Pingree (ME)	Pittenger	Pitts	Pocan	Poe (TX)	Pompeo	Posey	Price (GA)	Radel	Rahall	Reed	Reichert	Renacci	Ribble	Rice (SC)	Richmond	Rigell	Roby	Roe (TN)	Rogers (AL)	Rogers (KY)	Rogers (MI)	Rooney	Ros-Lehtinen	Roskam	Ross	Rothfus	Roybal-Allard	Royce	Ruiz	Runyan	Ruppersberger	Ryan (OH)	Ryan (WI)	Salmon	Sánchez, Linda	T.	Sanchez, Loretta	Sanford	Sarbanes	Scalise	Schiff	Schneider	Schock	Schrader	Schwartz	Schweikert	Scott (VA)
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## NOT VOTING—12

Campbell	Herrera Beutler	McCarthy (NY)
Coble	Holt	Miller, Gary
Eshoo	Horsford	Rokita
Gutiérrez	King (NY)	Tsongas

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1851

So the amendment was rejected.  
The result of the vote was announced  
as above recorded.

## AMENDMENT NO. 17 OFFERED BY MR. NUGENT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. NUGENT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 93, noes 327, not voting 13, as follows:

[Roll No. 383]

## AYES—93

Bachus	Forbes	Noem
Barber	Franks (AZ)	Nugent
Barr	Gabbard	Nunnelee
Barton	Gingrey (GA)	Olson
Benishek	Goodlatte	Petri
Bilirakis	Gosar	Pitts
Bishop (UT)	Gowdy	Poe (TX)
Black	Griffith (VA)	Posey
Brady (TX)	Heck (NV)	Price (GA)
Bridenstine	Hensarling	Reichert
Brooks (AL)	Holding	Ribble
Burgess	Hudson	Rigell
Cantor	Huizenga (MI)	Roby
Cole	Hurt	Roe (TN)
Conaway	King (IA)	Rogers (AL)
Cook	Lamborn	Rohrabacher
Davis, Rodney	Lankford	Rooney
DesJarlais	Luetkemeyer	Ros-Lehtinen
Duffy	Lujan Grisham	Ross
Duncan (SC)	(NM)	Salmon
Duncan (TN)	McCaul	Scalise
Farenthold	McKeon	Schweikert
Fincher	Messer	Scott, Austin
Fleischmann	Miller (FL)	Sensenbrenner
Fleming	Murphy (PA)	Sessions
Flores	Neugebauer	Smith (NE)

Southerland  
Stewart  
Stockman  
Thornberry  
Tipton  
Turner

Walberg  
Walden  
Walorski  
Walz  
Weber (TX)  
Webster (FL)

Wilson (SC)  
Wittman  
Woddall  
Yoho

Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda  
T.

Sanchez, Loretta  
Sanford  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schock  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Shinkus  
Shuster  
Simpson

Sinema  
Sires  
Slaughter  
Smith (MO)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Speier  
Stivers  
Stutzman  
Swalwell (CA)  
Takano  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tiberi  
Tierney  
Titus  
Tonko  
Upton  
Valadao  
Van Hollen  
Vargas

Veasey  
Vela  
Velázquez  
Visclosky  
Wagner  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wenstrup  
Westmoreland  
Whitfield  
Williams  
Wilson (FL)  
Wolf  
Womack  
Yarmuth  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Higgins  
Himes  
Hinojosa  
Honda  
Hoyer  
Huffman  
Huizenga (MI)  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis  
Loeb sack  
Lofgren  
Lowenthal  
Lowe  
Lujan Grisham  
(NM)  
Lujan, Ben Ray  
(NM)  
Lynch  
Maloney,  
Carolyn

Matheson  
Matsui  
McDermott  
McGovern  
McNerney  
Meeks  
Meng  
Miller, George  
Moore  
Moran  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
O'Rourke  
Pallone  
Pascrell  
Payne  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Peterson  
Petri  
Pocan  
Polis  
Price (NC)  
Quigley  
Rangel  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Sánchez, Linda  
T.

Sanchez, Loretta  
Sanford  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Tierney  
Titus  
Tonko  
Van Hollen  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Welch  
Wilson (FL)  
Yarmuth

## NOES—327

Aderholt  
Alexander  
Amash  
Amodei  
Andrews  
Bachmann  
Barletta  
Barrow (GA)  
Bass  
Beatty  
Becerra  
Bentivolio  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Blackburn  
Blumenauer  
Bonamici  
Bonner  
Boustany  
Brady (PA)  
Braley (IA)  
Brooks (IN)  
Broun (GA)  
Brown (FL)  
Brownley (CA)  
Buchanan  
Buchon  
Bustos  
Butterfield  
Calvert  
Camp  
Capito  
Capps  
Capuano  
Cárdenas  
Carney  
Carter  
Cartwright  
Cassidy  
Castor (FL)  
Castro (TX)  
Chabot  
Chaffetz  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Collins (GA)  
Collins (NY)  
Connolly  
Conyers  
Cooper  
Costa  
Cotton  
Courtney  
Cramer  
Crawford  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Daines  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Denham  
Dent  
DeSantis  
Deutch  
Diaz-Balart  
Dingell  
Doggett  
Doyle  
Duckworth  
Edwards  
Ellison  
Ellmers  
Engel

Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Fitzpatrick  
Fortenberry  
Foster  
Foxy  
Frankel (FL)  
Frelinghuysen  
Fudge  
Gallego  
Garamendi  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gohmert  
Granger  
Graves (GA)  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Griffin (AR)  
Grijalva  
Grimm  
Guthrie  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Honda  
Hoyer  
Huelskamp  
Huffman  
Hultgren  
Hunter  
Israel  
Issa  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kaptur  
Keating  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kingston  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Kuster  
Labrador  
LaMalfa  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
Latta  
Lee (CA)  
Levin  
Lewis  
Lipinski

LoBiondo  
Loeb sack  
Lofgren  
Long  
Lowenthal  
Lowe  
Lucas  
Luján, Ben Ray  
(NM)  
Lummis  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Marchant  
Marino  
Massie  
Matheson  
Matsui  
McCarthy (CA)  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKinley  
McMorris  
Rodgers  
McNerney  
Meadows  
Meehan  
Meeks  
Meng  
Mica  
Michaud  
Miller (MI)  
Miller, George  
Moore  
Moran  
Mullin  
Mulvaney  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Nolan  
Nunes  
O'Rourke  
Owens  
Palazzo  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Perry  
Peters (CA)  
Peters (MI)  
Peterson  
Pingree (ME)  
Pittenger  
Pocan  
Polis  
Pompeo  
Price (NC)  
Quigley  
Radel  
Rahall  
Rangel  
Reed  
Renacci  
Rice (SC)  
Richmond  
Rogers (KY)  
Rogers (MI)  
Roskam  
Rothfus  
Roybal-Allard  
Royce  
Ruiz  
Runyan

Campbell  
Carson (IN)  
Coble  
Coffman  
Gutiérrez

## NOT VOTING—13

Herrera Beutler  
Holt  
Horsford  
King (NY)  
McCarthy (NY)  
Miller, Gary  
Rokita  
Tsongas

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1855

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

## AMENDMENT NO. 20 OFFERED BY MR. NADLER

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from New York (Mr. NAD-  
LER) on which further proceedings were  
postponed and on which the noes pre-  
vailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 173, noes 249,  
not voting 11, as follows:

[Roll No. 384]

## AYES—173

Amash  
Andrews  
Bass  
Beatty  
Becerra  
Benish  
Bera (CA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Cárdenas  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)

Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cohen  
Connolly  
Conyers  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DelBene  
Deutch  
Dingell  
Doggett  
Doyle  
Duckworth

Duncan (TN)  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gallego  
Garamendi  
Garcia  
Green, Al  
Green, Gene  
Griffith (VA)  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heck (WA)

Aderholt  
Alexander  
Amodei  
Bachmann  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Bentivolio  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Broun (GA)  
Buchanan  
Buchon  
Burgess  
Calvert  
Camp  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Cleaver  
Clyburn  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Conaway  
Cook  
Cooper  
Costa  
Cotton  
Cramer  
Crawford  
Crenshaw  
Culberson  
Daines  
Davis, Rodney  
DeLauro  
Denham  
Dent  
DesJarlais

## NOES—249

Diaz-Balart  
Duffy  
Duncan (SC)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gabbard  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Grayson  
Griffin (AR)  
Grijalva  
Grimm  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Holding  
Hudson  
Huelskamp  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce  
Kelly (PA)

King (IA)  
Kingston  
Kinzinger (IL)  
Kirkpatrick  
Kline  
Labrador  
LaMalfa  
Lamborn  
Lance  
Lankford  
Latham  
Latta  
Lipinski  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Maffei  
Maloney, Sean  
Marchant  
Marino  
Massie  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan  
Messer  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Mullin  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Pastor (AZ)  
Paulsen  
Pearce  
Perry  
Pingree (ME)  
Pittenger



Pitts	Ryan (WI)	Tipton	Frankel (FL)	Lowey	Ryan (OH)	Nunnelee	Ros-Lehtinen	Stutzman
Poe (TX)	Salmon	Turner	Fudge	Lujan Grisham	Sánchez, Linda T.	Olson	Roskam	Terry
Pompeo	Scalise	Upton	Gabbard	(NM)	Sánchez, Linda T.	Owens	Ross	Thompson (PA)
Posey	Schock	Valadao	Garamendi	Luján, Ben Ray	Sanford	Palazzo	Rothfus	Thornberry
Price (GA)	Schweikert	Vargas	Grayson	(NM)	Sarbanes	Paulsen	Royce	Tiberi
Radel	Scott (VA)	Wagner	Green, Al	Lynch	Schakowsky	Pearce	Ruiz	Tipton
Rahall	Scott, Austin	Walberg	Grijalva	Matsui	Schiff	Perry	Runyan	Turner
Reed	Scott, David	Walden	Gutiérrez	McCollum	Schneider	Peters (MI)	Ryan (WI)	Upton
Reichert	Sensenbrenner	Walorski	Hahn	McDermott	Schrader	Petri	Salmon	Valadao
Renacci	Sessions	Waxman	Hanabusa	McGovern	Schwartz	Pittenger	Sanchez, Loretta	Vela
Ribble	Shimkus	Weber (TX)	Hastings (FL)	Meeks	Scott (VA)	Pitts	Scalise	Wagner
Rice (SC)	Shuster	Webster (FL)	Heck (WA)	Meng	Serrano	Poe (TX)	Schock	Walberg
Richmond	Simpson	Wenstrup	Higgins	Michaud	Sewell (AL)	Pompeo	Schweikert	Walden
Rigell	Sinema	Westmoreland	Himes	Miller, George	Sherman	Posey	Scott, Austin	Walorski
Roby	Smith (MO)	Whitfield	Hinojosa	Moore	Sires	Price (GA)	Scott, David	Weber (TX)
Roe (TN)	Smith (NE)	Williams	Honda	Moran	Slaughter	Radel	Sensenbrenner	Webster (FL)
Rogers (AL)	Smith (NJ)	Wilson (SC)	Hoyer	Nadler	Smith (WA)	Rahall	Sessions	Wenstrup
Rogers (KY)	Smith (TX)	Wittman	Huffman	Napolitano	Speier	Reed	Shea-Porter	Westmoreland
Rogers (MI)	Southerland	Wolf	Israel	Neal	Swalwell (CA)	Reichert	Shimkus	Whitfield
Rohrabacher	Stewart	Womack	Jackson Lee	Negrete McLeod	Takano	Renacci	Shuster	Williams
Rooney	Stivers	Woodall	Jeffries	Nolan	Thompson (CA)	Ribble	Simpson	Wilson (SC)
Ros-Lehtinen	Stockman	Yoder	Johnson (GA)	O'Rourke	Thompson (MS)	Rice (SC)	Sinema	Wittman
Roskam	Stutzman	Yoho	Johnson, E. B.	Pallone	Titney	Rigell	Smith (MO)	Wolf
Ross	Terry	Young (AK)	Kaptur	Pascrell	Titus	Roby	Smith (NE)	Womack
Rothfus	Thompson (MS)	Young (FL)	Keating	Pastor (AZ)	Tonko	Roe (TN)	Smith (NJ)	Woodall
Royce	Thompson (PA)	Young (IN)	Kelly (IL)	Payne	Van Hollen	Rogers (AL)	Smith (TX)	Yoder
Runyan	Thornberry		Kennedy	Pelosi	Vargas	Rogers (KY)	Southerland	Yoho
Ryan (OH)	Tiberi		Kildee	Perlmutter	Veasey	Rogers (MI)	Stewart	Young (AK)
			Kilmer	Peters (CA)	Velázquez	Rohrabacher	Stivers	Young (FL)
			Kind	Peterson	Visclosky	Rooney	Stockman	Young (IN)
			Kuster	Pingree (ME)	Walz			
			Langevin	Pocan	Wasserman			
			Larsen (WA)	Polis	Schultz			
			Larson (CT)	Price (NC)	Waters			
			Lee (CA)	Quigley	Watt			
			Levin	Rangel	Waxman			
			Lewis	Richmond	Welch			
			Loeb sack	Roybal-Allard	Wilson (FL)			
			Lofgren	Ruppersberger	Yarmuth			
			Lowenthal	Rush				

## NOT VOTING—11

Campbell	Horsford	Miller, Gary
Coble	King (NY)	Rokita
Herrera Beutler	Lummis	Tsongas
Holt	McCarthy (NY)	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1958

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 23 OFFERED BY MR. MORAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. MORAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 247, not voting 11, as follows:

[Roll No. 385]

## AYES—175

Amash	Cartwright	DeFazio
Andrews	Castor (FL)	DeGette
Bass	Castro (TX)	Delaney
Beatty	Chu	DeLauro
Becerra	Cicilline	DeiBene
Bera (CA)	Clarke	Deutch
Bishop (GA)	Clay	Dingell
Bishop (NY)	Cleaver	Doggett
Blumenauer	Clyburn	Doyle
Bonamici	Coffman	Duckworth
Brady (PA)	Cohen	Duncan (TN)
Braley (IA)	Connolly	Edwards
Brown (FL)	Conyers	Ellison
Bustos	Cooper	Engel
Butterfield	Costa	Enyart
Capps	Courtney	Eshoo
Capuano	Crowley	Esty
Cárdenas	Cummings	Farr
Carney	Davis (CA)	Fattah
Carson (IN)	Davis, Danny	Foster

## NOES—247

Aderholt	Duffy	Jones
Alexander	Duncan (SC)	Jordan
Amodi	Ellmers	Joyce
Bachmann	Farenthold	Kelly (PA)
Bachus	Fincher	King (IA)
Barber	Fitzpatrick	Kingston
Barletta	Fleischmann	Kinzing (IL)
Barr	Fleming	Kirkpatrick
Barrow (GA)	Flores	Kline
Barton	Forbes	Labrador
Benishek	Fortenberry	LaMalfa
Bentivolio	Fox	Lamborn
Bilirakis	Franks (AZ)	Lance
Bishop (UT)	Frelinghuysen	Lankford
Black	Galleo	Latham
Blackburn	Garcia	Latta
Bonner	Gardner	Lipinski
Boustany	Garrett	LoBiondo
Brady (TX)	Gerlach	Long
Bridenstine	Gibbs	Lucas
Brooks (AL)	Gibson	Luetkemeyer
Brooks (IN)	Gingrey (GA)	Lummis
Broun (GA)	Gohmert	Maffei
Brownley (CA)	Goodlatte	Maloney,
Buchanan	Gosar	Carolyn
Bucshon	Gowdy	Maloney, Sean
Burgess	Granger	Marino
Calvert	Graves (GA)	Massie
Camp	Graves (MO)	Matheson
Cantor	Green, Gene	McCarthy (CA)
Capito	Griffin (AR)	McCaul
Carter	Griffith (VA)	McClintock
Cassidy	Grimm	McHenry
Chabot	Guthrie	McIntyre
Chaffetz	Hall	McKeon
Cole	Hanna	McKinley
Collins (GA)	Harper	McMorris
Collins (NY)	Harris	Rodgers
Conaway	Hartzer	McNerney
Cook	Hastings (WA)	Meadows
Cotton	Heck (NV)	Meehan
Cramer	Hensarling	Messer
Crawford	Holding	Mica
Crenshaw	Hudson	Miller (FL)
Cuellar	Huelskamp	Miller (MI)
Culberson	Huizenga (MI)	Mullin
Daines	Hultgren	Mulvaney
Davis, Rodney	Hunter	Murphy (FL)
Denham	Hurt	Murphy (PA)
Dent	Issa	Neugebauer
DeSantis	Jenkins	Noem
DesJarlais	Johnson (OH)	Nugent
Diaz-Balart	Johnson, Sam	Nunes

## NOT VOTING—11

Campbell	Horsford	Miller, Gary
Coble	King (NY)	Rokita
Herrera Beutler	Marchant	Tsongas
Holt	McCarthy (NY)	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1902

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 25 OFFERED BY MR. POE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. POE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 237, not voting 10, as follows:

[Roll No. 386]

## AYES—186

Amash	Bustos	Davis, Rodney
Amodi	Camp	DeFazio
Barletta	Capito	Denham
Bass	Carson (IN)	DeSantis
Benishek	Cassidy	DesJarlais
Bentivolio	Chabot	Doggett
Bilirakis	Chaffetz	Duffy
Bishop (UT)	Coffman	Duncan (SC)
Black	Cohen	Duncan (TN)
Blackburn	Collins (GA)	Edwards
Blumenauer	Collins (NY)	Ellison
Braley (IA)	Conyers	Eshoo
Brooks (IN)	Cooper	Esty
Broun (GA)	Crawford	Farenthold
Buchanan	Culberson	Fincher
Bucshon	Cummings	Fleischmann
Burgess	Daines	Fleming

Flores  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Graves (GA)  
Graves (MO)  
Grayson  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Hahn  
Hall  
Hanna  
Harris  
Heck (NV)  
Hensarling  
Holding  
Honda  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hurt  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Keating  
Kind  
King (IA)  
Kingston  
Labrador  
LaMalfa  
Latta  
Lee (CA)  
Lewis  
Lipinski  
LoBiondo  
Loebback

Lofgren  
Luetkemeyer  
Lummis  
Lynch  
Maffei  
Marchant  
Marino  
Massie  
Matheson  
Matsui  
McCaul  
McClintock  
McGovern  
McHenry  
McKinley  
McMorris  
Rodgers  
Meadows  
Messer  
Mica  
Michaud  
Miller (MI)  
Miller, George  
Moran  
Mullin  
Mulvaney  
Murphy (FL)  
Napolitano  
Neugebauer  
Nolan  
Nugent  
Nunes  
Pallone  
Perry  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Poe (TX)  
Posey  
Price (GA)  
Radel  
Reed  
Renacci  
Ribble  
Rice (SC)

## NOES—237

Aderholt  
Alexander  
Andrews  
Bachmann  
Bachus  
Barber  
Barr  
Barrow (GA)  
Barton  
Beatty  
Becerra  
Bera (CA)  
Bishop (GA)  
Bishop (NY)  
Bonamici  
Bonner  
Boustany  
Brady (PA)  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brown (FL)  
Brownley (CA)  
Butterfield  
Calvert  
Cantor  
Capps  
Capuano  
Cárdenas  
Carney  
Carter  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Cole  
Conaway  
Connolly  
Cook  
Costa  
Cotton  
Courtney

Cramer  
Crenshaw  
Crowley  
Cuellar  
Davis (CA)  
Davis, Danny  
DeGette  
Delaney  
DeLauro  
DeBene  
Dent  
Deutch  
Diaz-Balart  
Dingell  
Doyle  
Duckworth  
Ellmers  
Engel  
Enyart  
Farr  
Fattah  
Fitzpatrick  
Forbes  
Fortenberry  
Foster  
Fox  
Frankel (FL)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gabbard  
Gallego  
Garcia  
Gingrey (GA)  
Granger  
Green, Al  
Grijalva  
Grimm  
Guthrie  
Gutiérrez  
Hanabusa  
Harper  
Hartzler  
Hastings (FL)  
Hastings (AZ)  
Heck (WA)  
Higgins

Rigell  
Roe (TN)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Ross  
Rothfus  
Ruiz  
Salmon  
Sanford  
Schrader  
Schweikert  
Scott (VA)  
Sensenbrenner  
Sherman  
Shuster  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Southerland  
Stewart  
Stivers  
Stutzman  
Terry  
Thompson (CA)  
Tiberi  
Tierney  
Tonko  
Upton  
Walberg  
Walden  
Walorski  
Waters  
Weber (TX)  
Webster (FL)  
Welch  
Williams  
Wolf  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IN)

McNerney  
Meehan  
Meeks  
Meng  
Miller (FL)  
Moore  
Murphy (PA)  
Nadler  
Neal  
Negrete McLeod  
Noem  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Pascarell  
Pastor (AZ)  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Peters (CA)  
Peters (MI)  
Pittenger  
Pocan  
Polis  
Pompeo  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reichert

Campbell  
Coble  
Herrera Beutler  
Holt

Richmond  
Roby  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Roskam  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schneider  
Schock  
Schwartz  
Scott, Austin  
Scott, David  
Serrano  
Sessions  
Sewell (AL)  
Shea-Porter  
Shimkus  
Simpson  
Sinema  
Sires  
Slaughter

## NOT VOTING—10

Horsford  
King (NY)  
McCarthy (NY)  
Miller, Gary

Smith (TX)  
Smith (WA)  
Speier  
Stockman  
Swalwell (CA)  
Takano  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tipton  
Titus  
Turner  
Valadao  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wagner  
Wasserman  
Schultz  
Watt  
Waxman  
Wenstrup  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Yarmuth  
Young (FL)

Rokita  
Tsongas

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

## □ 1905

So the amendment was rejected.  
The result of the vote was announced  
as above recorded.  
Stated for:  
Mr. WESTMORELAND. Mr. Chair, on rollcall  
No. 386, I mistakenly voted “no”/meant to  
vote “yes.”

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR. Pursuant to  
clause 6 of rule XVIII, proceedings will  
now resume on the following amend-  
ment printed in House Report 113-170  
on which further proceedings were  
postponed:  
Amendment No. 27 by Mr. WALBERG  
of Michigan.

AMENDMENT NO. 27 OFFERED BY MR. WALBERG  
The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Michigan (Mr.  
WALBERG) on which further pro-  
ceedings were postponed and on which  
the noes prevailed by voice vote.

The Clerk will redesignate the  
amendment.  
The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.  
A recorded vote was ordered.  
The vote was taken by electronic de-  
vice, and there were—ayes 283, noes 139,  
not voting 11, as follows:

[Roll No. 387]  
AYES—283

Amash  
Amodei  
Andrews  
Bachmann  
Barton  
Bass  
Becerra  
Benishkek  
Bentivolio  
Bera (CA)  
Bishop (NY)  
Bishop (UT)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Bridenstine  
Brooks (AL)  
Broun (GA)  
Brownley (CA)  
Buchanan  
Bucshon  
Burgess  
Bustos  
Camp  
Capito  
Capps  
Capuano  
Carney  
Carson (IN)  
Cartwright  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chu  
Cicilline  
Clay  
Cleaver  
Coffman  
Cohen  
Collins (GA)  
Collins (NY)  
Connolly  
Conyers  
Cooper  
Costa  
Courtney  
Crawford  
Crowley  
Cuellar  
Culberson  
Cummings  
Daines  
Davis (CA)  
Davis, Rodney  
DeFazio  
DeGette  
DeLauro  
DeBene  
Denham  
DeSantis  
DesJarlais  
Deutch  
Diaz-Balart  
Dingell  
Doggett  
Doyle  
Duckworth  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farenthold  
Fattah  
Fincher  
Fitzpatrick  
Fleming  
Flores  
Foster  
Foxy  
Frankel (FL)  
Gabbard  
Garamendi  
Garcia  
Garrett  
Gibbs  
Gibson  
Gingrey (GA)

Gohmert  
Goodlatte  
Gosar  
Gowdy  
Graves (GA)  
Grayson  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Guthrie  
Gutiérrez  
Hahn  
Hall  
Hanabusa  
Hanna  
Harris  
Hartzler  
Hastings (FL)  
Heck (NV)  
Heck (WA)  
Higgins  
Himes  
Hinojosa  
Holding  
Honda  
Hoyer  
Hudson  
Huelskamp  
Huffman  
Huizenga (MI)  
Hultgren  
Hurt  
Israel  
Issa  
Johnson (OH)  
Jordan  
Kaptur  
Keating  
Kildee  
Kilmer  
Kind  
Kingston  
Kirkpatrick  
Kline  
Kuster  
Labrador  
LaMalfa  
Lance  
Larson (CT)  
Latta  
Lee (CA)  
Levin  
Lewis  
Lipinski  
LoBiondo  
Loebback  
Lofgren  
Lowenthal  
Luetkemeyer  
Lummis  
Shuster  
Sinema  
Sires  
Slaughter  
Smith (MO)  
Smith (NJ)  
Smith (TX)  
Southerland  
Speier  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (CA)  
Thompson (MS)  
Tiberi  
Tierney  
Tipton  
Titus  
Meadows  
Meng  
Messer  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Nadler

Napolitano  
Neal  
Negrete McLeod  
Neugebauer  
Nolan  
Nugent  
Nunes  
O'Rourke  
Pallone  
Pascarell  
Paulsen  
Payne  
Pearce  
Peters (CA)  
Peters (MI)  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Pocan  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Radel  
Rahall  
Reed  
Ribble  
Rice (SC)  
Rigell  
Roe (TN)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Ross  
Royce  
Salmon  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanford  
Scalise  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Schweikert  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Shea-Porter  
Sherman  
Shimkus  
Shuster  
Sinema  
Sires  
Slaughter  
Smith (MO)  
Smith (NJ)  
Smith (TX)  
Southerland  
Speier  
Stivers  
Stockman  
Stutzman  
Terry  
Thompson (CA)  
Thompson (MS)  
Tiberi  
Tierney  
Tipton  
Titus  
Meadows  
Meng  
Messer  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Nadler

Westmoreland  
Williams  
Wolf

Woodall  
Yarmuth  
Yoder

Yoho  
Young (AK)

## NOES—139

Aderholt  
Alexander  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Beatty  
Billirakis  
Bishop (GA)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Brooks (IN)  
Brown (FL)  
Butterfield  
Calvert  
Cantor  
Cárdenas  
Carter  
Castro (TX)  
Clarke  
Clyburn  
Cole  
Conaway  
Cook  
Cotton  
Cramer  
Crenshaw  
Davis, Danny  
Delaney  
Dent  
Edwards  
Ellmers  
Farr  
Fleischmann  
Forbes  
Fortenberry  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallego  
Gardner  
Gerlach  
Granger

Graves (MO)  
Green, Al  
Grimm  
Harper  
Hastings (WA)  
Hensarling  
Hunter  
Jackson Lee  
Jeffries  
Jenkins  
Johnson (GA)  
Johnson, E. B.  
Johnson, Sam

Joyce  
Kelly (IL)  
Kelly (PA)  
Kennedy  
King (IA)  
Kinzinger (IL)  
Lamborn  
Langevin  
Lankford  
Larsen (WA)  
Latham  
Long  
Lowey  
Lucas  
Lujan Grisham  
(NM)  
Lujan, Ben Ray  
(NM)  
McCarthy (CA)  
McDermott  
McHenry  
McKeon  
McNerney  
Meehan  
Meeks  
Mullin  
Noem  
Nunnelee  
Olson  
Owens  
Palazzo  
Pastor (AZ)  
Pelosi  
Perlmutter

Perry  
Pittenger  
Rangel  
Reichert  
Renacci  
Richmond  
Roby  
Rogers (AL)  
Rogers (KY)  
Roskam  
Rothfus  
Roybal-Allard  
Ruiz  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sarbanes  
Schock  
Sessions  
Sewell (AL)  
Simpson  
Smith (NE)  
Smith (WA)  
Stewart  
Swailwell (CA)  
Takano  
Thompson (PA)  
Thornberry  
Turner  
Valadao  
Van Hollen  
Vargas  
Veasey  
Vela  
Visclosky  
Walorski  
Waters  
Watt  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Womack  
Young (FL)  
Young (IN)

## NOT VOTING—11

Campbell  
Coble  
Herrera Beutler  
Holt

Horsford  
Jones  
King (NY)  
McCarthy (NY)

Miller, Gary  
Rokita  
Tsongas

## □ 1922

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WENSTRUP) having assumed the chair, Mr. HASTINGS of Washington, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2397) making appropriations for the Department of Defense for the fiscal year ending September 30, 2014, and for other purposes, had come to no resolution thereon.

# REPORT ON H.R. 2792, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2013

Mr. ALEXANDER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 113-173) on

the bill (H.R. 2792) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2014, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2218, COAL RESIDUALS REUSE AND MANAGEMENT ACT OF 2013, AND PROVIDING FOR CONSIDERATION OF H.R. 1582, ENERGY CONSUMERS RELIEF ACT OF 2013

Mr. BURGESS, from the Committee on Rules, submitted a privileged report (Rept. No. 113-174) on the resolution (H. Res. 315) providing for consideration of the bill (H.R. 2218) to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment, and providing for consideration of the bill (H.R. 1582) to protect consumers by prohibiting the Administrator of the Environmental Protection Agency from promulgating as final certain energy-related rules that are estimated to cost more than \$1 billion and will cause significant adverse effects to the economy, which was referred to the House Calendar and ordered to be printed.

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2014

The SPEAKER pro tempore. Pursuant to House Resolution 312 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2397.

Will the gentleman from Washington (Mr. HASTINGS) kindly resume the chair.

## □ 1927

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2397) making appropriations for the Department of Defense for the fiscal year ending September 30, 2014, and for other purposes, with Mr. HASTINGS of Washington (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 27 printed in House Report 113-170 offered by the gentleman from Michigan (Mr. WALBERG) had been disposed of.

## AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, pursuant to House Resolution 312, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 3 consisting of amendment Nos. 31, 68, and 85, printed in House Report No. 113-170, offered by Mr. YOUNG of Florida:

## AMENDMENT NO. 31 OFFERED BY MR. CICILLINE OF RHODE ISLAND

Page 134, line 6, after the dollar amount, insert “(reduced by \$60,000,000)”.

Page 143, line 17, after the dollar amount, insert “(increased by \$14,000,000)”.

## AMENDMENT NO. 68 OFFERED BY MR. MURPHY OF FLORIDA

At the end of the bill (before the short title), add the following new section:

SEC. \_\_\_\_ None of the funds made available by this Act may be used to maintain or improve Department of Defense real property with a zero percent utilization rate according to the Department's real property inventory database, except in the case of maintenance of an historic property as required by the National Historic Preservation Act (16 U.S.C. 470 et seq.) or maintenance to prevent a negative environmental impact as required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

## AMENDMENT NO. 85 OFFERED BY MR. BROUN OF GEORGIA

At the end of the bill (before the short title), add the following:

SEC. \_\_\_\_ None of the funds made available in this Act may be used to operate an unmanned aerial system in contravention of the fourth amendment to the Constitution.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Florida (Mr. YOUNG) and the gentleman from Indiana (Mr. VISCLOSKEY) each will control 10 minutes.

The Chair recognizes the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I have no requests for time, and I reserve the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MURPHY).

Mr. MURPHY of Florida. I want to thank the chair from the great State of Florida and the ranking member for their work putting together this bipartisan legislation.

I rise today in support of the en bloc amendments that include my bipartisan amendment to the Defense appropriations bill with the gentleman from Colorado (Mr. COFFMAN). Our amendment would eliminate wasteful spending on unused facilities, which can save tens of millions of dollars in fiscal year 2014 alone.

The Department of Defense has hundreds, possibly thousands, of buildings and structures that it has rated at zero percent utilization. This is an incredible number of useless facilities the Department of Defense is paying to maintain.

Federal agencies as a whole must do a better job at managing their facilities. Taxpayers cannot continue paying

for unused and underused buildings while the Nation is at record levels of debt. That is not good government and not smart spending.

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That is why earlier this year I introduced the SAVE Act to root out up to \$200 billion in wasteful and duplicative government spending over the next 10 years.

This amendment is an extension of one of the 11 commonsense solutions included in the bipartisan SAVE Act, preventing the Department of Defense from spending money on facilities that the Department itself has rated at zero percent utilization.

Mr. Chairman, we all agree that we must rein in government spending, and the best place to start is by rooting out waste. My amendment is a commonsense solution to do just that, and I urge my colleagues to support this bipartisan amendment.

Mr. VISCLOSKEY. I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Chairman, I thank the chairman and the ranking member for this bipartisan en bloc amendment and rise in support of my amendment that would better ensure that we meet the urgent mental health needs and addiction treatment needs of military personnel returning from Afghanistan.

After more than a decade of war, many of our heroes are returning home from several tours of duty in Afghanistan and Iraq. To honor their service, we have the responsibility of ensuring that we develop treatments to address the specific health needs of our returning veterans. This year, as our troops return home to their families and loved ones, Congress should be increasing investments in the research that will help us better understand how to provide these veterans with the care they need and deserve.

Early indications and analysis suggest the need to focus our efforts on psychological health and substance abuse. Importantly, in many cases, our returning veterans suffer from both mental health and substance abuse disorders simultaneously. Delivering health care to these patients is exceedingly difficult, but it is our responsibility to address this critical health need among our Nation's heroes.

I want to compliment the chairman and the ranking member because this legislation contains important investments in peer-reviewed traumatic brain injury and psychological health research programs, but I believe that we have the means and the ability to do more. As this health need grows more acute and as more veterans return home, we should be increasing these investments. That's why this amendment would increase funding for psychological health research by \$13

million and substance abuse research by \$1 million.

To pay for these increases, my amendment would slightly reduce the increase in funding for the Afghanistan Security Forces Fund by \$60 million, a modest decrease of a total allocation of \$7.7 billion. My amendment would shift a small fraction of this increased funding, reducing the total allocation by less than 1 percent, in order to provide a small increase in funding for critical health research for our veterans and returning military personnel here at home.

I thank the ranking member and the chairman for including this in the en bloc amendment.

Mr. VISCLOSKEY. Mr. Chairman, I yield back the balance of my time.

Mr. WOMACK. Mr. Chairman, we have no speakers, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Florida (Mr. YOUNG).

The en bloc amendments were agreed to.

AMENDMENT NO. 28 OFFERED BY MR. CICILLINE

The Acting CHAIR. It is now in order to consider amendment No. 28 printed in House Report 113-170.

Mr. CICILLINE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 131, line 21, after the dollar amount, insert "(reduced by \$279,000,000)".

Page 157, line 2, after the dollar amount, insert "(increased by \$279,000,000)".

Mr. CICILLINE. Mr. Chairman, I first ask unanimous consent to modify the amendment to reflect the figure of \$200 million as the reduction in the Afghanistan Infrastructure Fund because of the passage of the previous amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Rhode Island?

Mr. WOMACK. I object.

The Acting CHAIR. Objection is heard.

The gentleman from Rhode Island is recognized for 5 minutes on his amendment.

Mr. CICILLINE. Mr. Chairman, I rise today to offer an amendment that would shift funding away from the Afghanistan Infrastructure Fund in order to reduce our deficit and focus on investing here at home.

This bill appropriates \$270 million to the Afghanistan Infrastructure Fund over the next year. This fund is notorious for its inefficiency. Several government watchdogs, including the Special Inspector General for Afghanistan Reconstruction, have repeatedly found that projects funded through the Afghanistan Infrastructure Fund are hopelessly behind schedule, lack proper oversight, and are poorly administered.

One example, the Kandahar Bridging Solution Project, which was developed to help provide electricity to a troubled region in Afghanistan, went 20 percent over budget in its first year of development, costing \$8 million more than planned. Even with these cost overruns, the anticipated gains from this project are in serious jeopardy because of the slow pace of construction of related infrastructure that are central to the region's long-term electricity needs.

The failure to complete this project has led to higher fuel costs borne by the American taxpayer and raises serious questions about Afghanistan's ability to sustain electricity production in the future because of these high costs.

The original intent of the Afghanistan Infrastructure Fund was to identify a small group of infrastructure projects in 2011 that were shovel ready and capable of being completed by the middle of 2013. The Afghanistan Infrastructure Fund was never meant to last beyond the completion of these seven projects or into fiscal year 2014. And yet here we are, once again, appropriating hundreds of millions of dollars for projects that remain stalled and ineffective. Meanwhile, we're making major cuts in critical domestic funding here at home and doing almost nothing to rebuild the crumbling infrastructure in our own country.

Congress has appropriated more than \$1.1 billion over the last 3 fiscal years to the Afghanistan Infrastructure Fund. This bill would commit another \$279 million in fiscal year 2014, despite the release of a Special Inspector General report indicating five of seven projects remain six to 15 months behind schedule. The same report also concluded that "Congress and the U.S. taxpayers do not have reasonable assurance" that projects completed using AIF funds would be sustained or made viable by the Afghan Government after we leave.

This is increasingly disconcerting when we consider that only about 10 percent of the \$400 million appropriated in fiscal year 2012 has been dispersed as of April 2013, with another \$325 million of taxpayer money from the current year appropriations remaining unspent.

So we know the money is not being sent out quickly enough to accomplish the original intent of the program—to complete infrastructure projects by the middle of 2013. And we know that even if we were to complete these expensive projects, that they will likely not be maintained by the people of Afghanistan after our withdrawal. Knowing these facts, why should we provide an additional \$279 million to this fund for next year? That is the definition of throwing good money after bad.

Of course, it is also useful to remember the context in which we're spending the additional money on Afghanistan's infrastructure. These are incredibly difficult fiscal times here in our own country.

Earlier today, we passed a rule for consideration of legislation that makes deep cuts to investments in domestic transportation and infrastructure. It eliminates the TIGER program to fund local transportation programs; it zeroes out our investments in high-speed rail; and it decreases funding to upgrade our airports and other FAA facilities by more than \$500 million. Does this Congress really believe it's more important to invest hundreds of millions of dollars in Afghanistan's infrastructure when we're cutting those same investments in our own roads, bridges, airports and transportation systems? Let's put America's needs first.

My amendment reduces the deficit, eliminates the inefficient Afghanistan Infrastructure Fund, and allows us to refocus on building our own infrastructure here at home.

I urge my colleagues to support my amendment, and I reserve the balance of my time.

Mr. WOMACK. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIR. The gentleman from Arkansas is recognized for 5 minutes.

Mr. WOMACK. Mr. Chairman, this amendment will prevent the completion of the two most strategic initiatives funded by the Afghanistan Infrastructure Fund—the Northeast and Southeast Power Systems—and limit the lasting counterinsurgency effects intended by the AIF program. Available, reliable power promotes jobs and economic development, which increases stability and reduces insurgency and insurgent influence.

Mr. Chairman, Kandahar Province has been a primary focus for AIF investment. Of all the areas in Afghanistan, none is more important to the future of the Afghan Government or to the Taliban insurgency than this province—the Taliban's birthplace, location of its former capital, and spiritual heart.

AIF projects support the "Build" phase of the Shape, Clear, Hold, Build counterinsurgency strategy and are a critical component of the integrated civil/military campaign that sets the conditions for Afghanistan's decade of transformation beyond 2014.

Power distribution is currently provided through 12 provinces, serving 10 million Afghans. And Mr. Chairman, let me just remind you that we just passed an amendment that already cuts this account by \$79 million. This amendment cuts more funds than are left in the account.

According to DOD, the lack of reliable electricity is the single greatest

impediment to Afghanistan's economic growth, and thereby the stability necessary to support drawdown and transition.

Significant work on five of the seven power projects is in its beginning stages and is unlikely to be completed until well after the NATO mission ends in 2014. If project goals are set and not achieved, both the U.S. and Afghan Governments can lose the populace's support. It's for these reasons that we remain in opposition to the gentleman's amendment.

Mr. Chairman, I yield 1 minute to the ranking member.

Mr. VISCLOSKEY. I appreciate the gentleman for yielding and would associate myself with his comments.

I do appreciate the gentleman's concern. The money spent in Afghanistan ought to be spent carefully and efficiently and we ought to have an investment made for those expenditures. But I harken back to the last debate we had when we did abandon this country in 1989, and as a result, that region of the world gave us the Taliban and al Qaeda. I don't want to take that type of chance. And simply because we have failed ourselves in this country by a failure to invest in our infrastructure, I do not believe this is the time to fail the Afghan people. I do associate myself with the gentleman's remarks and am opposed to the amendment.

I appreciate the gentleman for yielding.

Mr. WOMACK. Mr. Chairman, I reserve the balance of my time.

Mr. CICILLINE. Mr. Chairman, I would just say that the argument that we owe it to the Afghan people to ensure that we rebuild their economy, we owe that responsibility first to the American people.

We have a crumbling infrastructure in this country—our roads, our bridges, our ports, our transit systems. Every economist I know says that investing in infrastructure so that we can get goods, services and information in this competitive 21st century economy is critical.

I hardly believe, with all due respect, that giving \$1.1 billion, where only a little over \$100 million has actually been spent, that that is abandoning Afghanistan. This is \$1.1 billion of taxpayer money; only \$111 million has been spent. And we're now appropriating another \$279 million. I don't believe we're abandoning anybody.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. WOMACK. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. CICILLINE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Rhode Island will be postponed.

AMENDMENT NO. 29 OFFERED BY MR. COHEN

The Acting CHAIR. It is now in order to consider amendment No. 29 printed in House Report 113-170.

Mr. COHEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 131, line 21, after the dollar amount, insert "(reduced by \$139,000,000)".

Page 157, line 2, after the dollar amount, insert "(increased by \$139,000,000)".

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Tennessee (Mr. COHEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. COHEN. Mr. Chairman, this amendment, which as originally drawn was like the amendment I offered last year that passed with a pretty strong majority, halves the Afghanistan Infrastructure Fund. Mr. WALBERG and I were cosponsors on a bipartisan amendment that passed that cut \$79 million. To get this amendment to the same point, we would have to amend it down \$60 million, I believe, to get it from the 279 to the cut. I don't know if we want to do an amendment or not. The more money it takes, for me it's fine, but if we wanted to halve it.

I ask unanimous consent to modify the amendment to reflect the cut not to be—an amount of 139, but to take into consideration the 79, and so to make this amendment only \$60 million. So I would like to offer an amendment to the amendment to make this amendment reflect a \$60 million cut to make the total cut 139, which would be half.

The Acting CHAIR. Is there objection to the request of the gentleman from Tennessee?

Mr. WOMACK. Objection.

The Acting CHAIR. Objection is heard.

The gentleman from Tennessee is recognized.

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Mr. COHEN. Mr. Chairman, that is just better, because this amendment is kind of a compromise between the amendment Mr. WALBERG and I had and Mr. CICILLINE's. Mr. CICILLINE's cut the fund entirely. This cuts it in half. A little more than half is really better.

The fact is, yes, we need the infrastructure in America; but we spent a lot of money on the infrastructure fund in Iraq, and we know from experience that a lot of that money, if not most of it, was stolen and wasted.

The same things happened in Afghanistan. The Inspector General has reported it; and, in fact, Afghani officials have reported it. They do not have the expertise, nor do they have the abilities, to maintain products after they are built. When the roads are constructed, they can't maintain them. So it is throwing money away.

The same thing happened with air-conditioners and other products that we gave the Iraqis and we have given the Afghans. They cannot maintain them. They can't maintain them when they do construct them, but before that half of it is ripped off and graft. There are rankings of the most corrupt countries on the face of the Earth. Afghanistan is always number one or number two, and continues to be.

No matter how long we stay there and how long we have been there, the level of corruption has remained right at the top. That is not going to change.

Giving this money away is basically encouraging and endorsing and seconding corruption and graft that we have seen in Afghanistan over the years, and waste. This Congress should not be passing funds that we know are going to be corruptly going to officials who are putting it in their pockets, not helping the Afghani people.

In a perfect world, I wouldn't offer the amendment. In a perfect world, I would say, oh, "Charlie Wilson," what a great movie, what a great story, we pulled out too soon. Well, Charlie Wilson was right in theory. He was wrong in application, because they steal and it is corrupt and they cannot maintain it. We couldn't have put enough money and enough people. You have to change the ethics.

I've heard a lot of people here on this floor talk about situations in America. They say, we can't do it, it has got to be the family do it. Well, talk about the family—the whole country is corrupt. They have stolen and stolen and stolen American dollars. We are throwing them away, and we need to stop it.

It should be a place, just as the Walberg-Cohen-Esty-Rigell amendment passed, that this amendment passes, so that we limit the amount of money that is at risk and we save this money for the American taxpayer. We put the money into deficit reduction, the next generation doesn't have to pay for the corruption of the Afghani officials and the waste of Afghanistan with the inability to maintain the projects that they finally might get squeezed out after they steal as much as they can. We should not be funding this.

I would ask that we approve our amendment in the name of fiscal austerity, deficit reduction, anticorruption, and just plain old, good old common sense. We might as well just have a bonfire and burn this money up before it goes over there because it is not going to work. In theory it is great, but in reality it doesn't work. The defi-

nition of "insanity" is expecting something different when you do the same thing over and over and over and you get the same result and you keep doing it.

So this Congress, which has less than 10 percent popularity right now, doesn't pass an insane amendment to give money to corruption and to waste, I ask you to approve this amendment.

I reserve the balance of my time.

Mr. WOMACK. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Arkansas is recognized for 5 minutes.

Mr. WOMACK. Mr. Chairman, let's remind ourselves the Afghan Infrastructure Fund is aimed at providing water, power, and transportation projects, and more recently to increase the electricity supply throughout but, specifically in southern Afghanistan, to light shops and power factories and to construct provincial justice centers around the country.

It is clear that remaining projects could take 12 to 24 months to complete. A lot of work has already taken place, in particular on the seven power projects in its beginning stages; and as I said in the previous amendment, unlikely to be completed until well after the NATO mission ends in 2014. If these goals are not met, then a lot of great investment and a lot of good work will have gone for naught.

We remain in opposition to the gentleman's amendment.

If the ranking member would like to speak on behalf, then I would be happy to yield 1 minute to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman for yielding and simply would take a bit of a different tack.

I do appreciate the gentleman's outrage over any act of corruption, whether it is in the country of Afghanistan or whether it is in the United States of America. We do have a responsibility to make sure these moneys are spent for the intended purposes.

But there is an insinuation that all expenditures in Afghanistan today are subject to corruption. I doubt there is a congressional district in this country that has not had, at some point in time, a public official sent to Federal prison for public corruption.

We then find people in our individual districts who are honest, law-abiding and who make the necessary investments. I am certain that the overwhelming number of people in Afghanistan and their government, as with the United States, are of that ilk. Those are the people we ought to assiduously make sure get this money, and for that reason would be opposed to the amendment.

Mr. WOMACK. Mr. Chairman, I reserve the balance of my time.

Mr. COHEN. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Tennessee has 30 seconds remaining.

Mr. COHEN. Thank you, Mr. Chairman.

All you have to do is look at the top, Mr. Karzai and his brother, who was killed, who was one of the main drug runners down there who was killed. The whole country from the top to the bottom is corrupt.

I thank the gentleman for his thoughts. You can't find honest people there to see that this money gets to their people. They don't care about their people. They care about their own power, their own money, their own riches. They are corrupt, and we are throwing this money away.

Let's face reality and pass the amendment.

I yield back the balance of my time.

Mr. WOMACK. Mr. Chairman, I am strongly opposed to the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. COHEN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. COHEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

AMENDMENT NO. 30 OFFERED BY MR. COFFMAN

The Acting CHAIR. It is now in order to consider amendment No. 30 printed in House Report 113-170.

Mr. COFFMAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 134, line 6, after the dollar amount, insert "(reduced by \$553,800,000)".

Page 157, line 2, after the dollar amount, insert "(increased by \$553,800,000)".

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Colorado (Mr. COFFMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. COFFMAN. Mr. Chairman, I yield myself such time as I may consume.

Last year, this body, in the FY13 Defense authorization bill, specifically prohibited the Department of Defense from using any taxpayer funds to purchase Russian-built Mi-17 helicopters for the Afghan Special Mission Wing.

Our reasoning was simple: the Russian export company involved in the deal, Rosoboronexport, had an established track record for aiding our adversaries, having supplied both Iran

and Syria with advanced weaponry in the years prior.

However, despite our entirely reasonable objections to using taxpayer dollars to fund our enemies, the Department of Defense was intent on circumventing the will of Congress.

The language of the bill prohibited the use of FY13 funding. DOD responded by using any unobligated FY12 funds, circumventing the will of Congress as expressed in a law we passed and the President signed.

On June 16 of this year, DOD awarded a \$553.8 million contract to Rosoboronexport for the purchase of 30 brand-new Mi-17 helicopters.

Last month, the Special Inspector General for Afghanistan Reconstruction, or SIGAR, released an audit of the Afghan Special Mission Wing, and their findings were shocking. The very first sentence of the audit reads:

The Afghans lack the capacity—in both personnel numbers and expertise—to operate and maintain the existing and planned SMW fleets.

Finding recruits who are both literate and have no known association with criminal and terrorist elements is incredibly challenging.

The Afghan Special Mission Wing, or SMW, was stood up in July of 2012 in order to provide air support for Afghan Special Forces executing counter-narcotics and counterterrorism missions, many of which are flown at night.

Further complicating the issue is the fact that the pilots assigned to the SMW, less than 15 percent are qualified to fly with night-vision goggles. The vast majority of counterterrorism missions take place under the cover of darkness.

My bipartisan amendment reduces the Afghanistan Security Forces Fund by \$553.8 million, an amount equal to the contract DOD entered into with Rosoboronexport for 30 Mi-17 helicopters, and increases the Spending Reduction Account by the same amount.

Frankly, my preference would have been to rescind the FY 2012 dollars that DOD used to circumvent the will of Congress and enter into this deal, but an amendment of that nature would be subject to a point of order. This amendment forces DOD to reallocate resources if they want to continue down this path.

Mr. Chairman, I am not debating whether this helicopter is ideal for the rugged terrain of Afghanistan, or whether it is an easier platform for the Afghans to train on and execute missions. There seems to be an overall consensus that, in fact, it is.

My concern, and the reason I introduced this amendment, is that the United States taxpayer should not be paying for 30 brand-new helicopters when, A, they don't have the pilots to fly them; B, they don't have the trained personnel to repair them. In

fact, SIGAR reports that only 50 percent of the current wing is airworthy due to a lack of maintenance; and, C, Congress explicitly prohibited DOD from entering into this agreement in the first place.

Furthermore, the DOD is asking the American taxpayer to spend over \$700 million a year to maintain these helicopters, and that spending is not scheduled to end in 2014 when we pull out our forces from Afghanistan.

Additionally, the Pentagon just announced last week that the purchase of Russian-built Mi-17 helicopters will not end with the 30 they just purchased for the SMW. Their plan is to equip the Afghan Air Force with an additional 86 brand-new Mi-17s. If you consider that the cost of 30 helicopters was over \$500 million, this new purchase will be well over \$1 billion, and probably over \$1.5 billion. This for a helicopter that the Afghans have proven they lack the personnel to fly and the capability to maintain.

I urge my colleagues to support the Coffman-Garamendi-Murphy-Cohen amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. WOMACK. I claim the time in opposition, Mr. Chairman.

The Acting CHAIR. The gentleman from Arkansas is recognized for 5 minutes.

Mr. WOMACK. Mr. Chairman, the intent of the amendment's sponsor is to reduce the Afghanistan National Security Force's Fund by over \$550 million in order to limit the purchase of Mi-17 helicopters.

I am pleased that my friend from Colorado at least acknowledged that he was not going to argue with the purpose of the helicopters and the need for the helicopters, because as we all know, a properly trained and equipped Afghanistan National Security Force is the safest and quickest path for our forces to leave Afghanistan. Reducing funding from this account will only inhibit our ability to achieve the goal.

The amount that the amendment seeks to cut, over \$550 million, is for the purchase of 30 Mi-17 helicopters that were purchased with fiscal year 2012 funds, and Congress was later notified of the Secretary of Defense's intent to exercise the purchase on April 1 of 2013.

Mr. Chairman, the reduction of funds is being taken from a prior year allocation, or a prior year appropriation, which makes this amendment just simply a punitive amendment to this year's funding.

I oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. COFFMAN).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. COFFMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

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AMENDMENT NO. 33 OFFERED BY MR. GARAMENDI

The Acting CHAIR. It is now in order to consider amendment No. 33 printed in House Report 113-170.

Mr. GARAMENDI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 134, line 6, after the dollar amount, insert "(reduced by \$2,615,000,000)".

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from California (Mr. GARAMENDI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Mr. Chairman, we've had a lot of discussion here in the last several minutes about Afghanistan. This amendment follows along the same line, but it's actually far greater in dollars.

Last year, we appropriated \$5.1 billion to the Afghanistan National Army for their support. In this year's budget, an additional \$2.6 billion was added for—who knows what? It was \$2.6 billion of American taxpayer money for something—airplanes? supplies? support equipment? trucks? It was unspecified, unknown, to be used by one of the most corrupt governments—no, excuse me—the most corrupt government in the world. \$2.6 billion of American taxpayer money for something, unspecified, to be used somewhere, somehow—I suspect, more likely, in some bank account in Bahrain.

What are we doing? What justification is there for \$2.6 billion of additional expenditure for the Afghan National Army? Have we lost our minds? No. We're just going to lose our money. What is going on here? What are we doing? What is this all about?

This money should never be spent for some unspecified purpose. We take our Department of Defense, and we hold them to a very tight account. We don't let them spend money without a contract, without reviews by the inspector general, without reviews by our committee, but here is \$2.6 billion, unspecified.

Oh, Mr. Karzai, use it wisely.

Come on. Come on. Let's not do this. This amendment would simply say, You can't have that money.

I reserve the balance of my time.

Mr. WOMACK. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Arkansas is recognized for 5 minutes.



Mr. WOMACK. Mr. Chairman, the Afghan National Security Forces include both the Afghan National Army and the Afghan National Police. It has been one of the United States' top priorities since operations began in Afghanistan in 2001.

The purpose of the Afghan National Security Force development program is to grow the capacity and the capability of the Afghan National Security Forces in line with international agreements. This year's request totals \$7.7 billion. The request is further delineated into the categories of Defense Forces, Interior Forces, and Detainee Operations. Included within the categories is the base request for operations and sustainment to conduct day-to-day operations, totaling just over \$5 billion, and an additional \$2.6 billion for the enablers, which my friend refers to in his comments from the well.

The gentleman says, if I heard him correctly, that we don't know what these enablers are. We do know what these enablers are, and people who have backgrounds in security or in the military would understand the importance of howitzers or of night vision devices or of regional military hospitals, training, logistics, and maintenance expenses, and a host of other associated items that we refer to in this legislation as "enablers."

The Department of Defense has taken steps to right-size the funding needed to support the needs of the Afghan National Security Forces. The core request is, indeed, the right amount. Calendar year 2014, Mr. Chairman, will be the last year that a large U.S. troop concentration will be in Afghanistan. In the years to follow, the Afghan National Security Forces will be there as the frontline force, thus helping to protect the U.S. and NATO troops against our foes.

With that, I remain opposed to the amendment, and I reserve the balance of my time.

Mr. GARAMENDI. Mr. Chairman, I request to know how much time I have remaining.

The Acting CHAIR (Mr. PAULSEN). The gentleman from California has 2½ minutes remaining.

Mr. GARAMENDI. I find it difficult that our esteemed Appropriations Committee, which watches the taxpayers' money with such ardor and intensity, would increase by 51 percent the amount of support that the American taxpayers are giving to the Afghan National Security Forces—the police, which are among—no, excuse me—they are the most corrupt—and the army, which is questionable, and certainly the government, which we know to be the most corrupt in the world—that it would simply write \$2.6 billion more money than we were giving them last year, for a total of \$7.6 billion, for something—something—unspecified.

We would never do this for our own military. Never would we do that. We would have them lay out how they were going to spend the money before we would even consider giving them the money, and then we would hold them to tight account.

I cannot understand why we would do this. There is no justification other than, oh, we're leaving, and we've got to help them, so throw some more money at them. They already have been appropriated \$52 billion, and only \$40 billion of that has been spent. There is \$12 billion left in the account, and you're going to add \$7.6 billion to that.

What are you doing? What justification is there for this other than, oh, they may need it because we're leaving? They're going to use it for—let's see—other things—well, maybe for some field hospitals, maybe for some airplanes, maybe for some supplies—maybe, maybe, maybe—but there is nothing written. There is nothing written. Oh, yes. We know the American Army or the American military will somehow spend it wisely. There is a 10-year record of its being spent unwisely. \$2.6 billion.

What could we do with it? Could we reduce the deficit? Could we build some levees? Could we educate some kids? Could we do some research in the United States?

Come on. Of all of the things we're doing here today, this is the most disgusting.

I yield back the balance of my time.

Mr. WOMACK. Mr. Chairman, may I inquire as to how much time I have remaining.

The Acting CHAIR. The gentleman from Arkansas has 3 minutes remaining.

Mr. WOMACK. First of all, we have the list.

I recognize that the gentleman has argued that, while there may be something printed on the list, on paper, of "how would we know that it's actually going to go for those purposes?" I get that, but let me also remind the gentleman that this was all in the President's request as well.

Mr. GARAMENDI. Will the gentleman yield?

Mr. WOMACK. I would be happy to yield to my friend from California.

Mr. GARAMENDI. How many times have I heard from this side that the President is wrong? The President is wrong in this case.

Mr. WOMACK. So I'm assuming that the gentleman would admit that the President is wrong in this case as well.

Mr. GARAMENDI. He most certainly is wrong in this case. There is no doubt about it.

Mr. WOMACK. In reclaiming my time, Mr. Chairman, I would just simply say that we have the list. On the list are, certainly, items that would go to the very core of the capability of the

Afghan National Security Forces in order for them to be able to protect themselves and to be able to protect us as we continue to prepare for leaving that theater of operation. So I am strongly opposed to the gentleman's amendment.

At this time, in my having no further comments, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GARAMENDI).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GARAMENDI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

The Chair understands that amendment No. 34 will not be offered.

AMENDMENT NO. 35 OFFERED BY MR. FLEMING

The Acting CHAIR. It is now in order to consider amendment No. 35 printed in House Report 113-170.

Mr. FLEMING. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 157, after line 2, add the following new section:

SEC. 10002. None of the funds made available by this Act may be used to appoint chaplains for the military departments in contravention of Department of Defense Instruction 1304.28, dated June 11, 2004, incorporating change 2, dated January 19, 2012, as in effect on July 1, 2013, regarding the appointment of chaplains for the military departments.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Louisiana (Mr. FLEMING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. FLEMING. Mr. Chairman, I yield myself 1 minute.

My amendment is fairly simple. The DOD is permitted to appoint military chaplains—individuals who minister to the spiritual needs of any and all members of the armed services—in accordance with the current DOD policy. Chaplains must possess appropriate educational credentials, 2 years of religious leadership experience, and, more importantly, must receive an endorsement from a qualified religious organization attesting to the tenets of the endorser's faith.

In June, the Members of this body—Democrats and Republicans alike—twice affirmed that the military is not permitted to appoint atheist chaplains. Despite these recent votes and by completely bypassing Congress—the voice of the people—and current DOD standards, it has been confirmed that the

military is considering the possibility of appointing an atheist chaplain. Since the formation of the chaplaincy in 1775, chaplains have been affiliated with faith and spirituality. By definition, chaplains minister to the spiritual needs of our men and women in the armed services—a vital function that an individual without any inclination towards spirituality would not be able to perform.

I would like to thank my colleagues—Representatives FORBES, BRIDENSTINE, JORDAN, PITTS, and LANKFORD—for their support of this amendment.

I would urge all of my colleagues to support the chaplaincy of the U.S. military, and I reserve the balance of my time.

Mr. POLIS. I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. Mr. Chairman, I rise in opposition to the Fleming amendment.

I think there is a basic misunderstanding here about the needs of people who lack a particular faith tradition. I would also point out that we already ordain nontheistic chaplains in our military, including Buddhists, which is a nontheistic faith. Some Unitarians may also have a nontheistic faith tradition. However, over 20 percent of the members of our military identify as nonbelievers. While, of course, their needs should be catered to by members of the chaplaincy from diverse faiths, it's only fair to have their humanism, or outlooks, represented.

Now, why is this different than a reason a member of the military might seek support from a medical professional or from a psychologist as the gentleman has argued one should? Those are different needs.

A psychiatrist or a medical professional is not equipped to answer those kinds of existential questions that a member of the military might seek out to discuss with a chaplain: Why am I here? What's the meaning of life? How do I justify the use of force? People who are nontheistic in their outlooks and who are humanists wrestle with those same existential questions as those of us of faith. So I strongly encourage my colleagues to not adopt an amendment that would be restrictive on the military.

Now, to be clear, the military has not announced plans to move forward with ordaining humanist chaplains; but what this amendment does is to lock in place a 2004 rule, placing it in statute and preventing the military, even if they feel the need should arise for the good of the chaplaincy, from having the flexibility they need to appoint humanist chaplains.

I reserve the balance of my time.

Mr. FLEMING. Mr. Chairman, I yield 1 minute to my good friend from Oklahoma, JIM BRIDENSTINE.

Mr. BRIDENSTINE. Thank you, Dr. FLEMING, for your leadership on this.

Mr. Chairman, this is a very important amendment. I support this amendment to prohibit the appointment of atheist chaplains.

My constituents back in Oklahoma are shaking their heads. The secular left is so invested in ripping God from everything that I must stand here with my friend Dr. FLEMING in order to prohibit Obama's Department of Defense from establishing an oxymoron—atheist chaplains.

Military chaplains have a duty to faithfully serve all servicemembers and to facilitate the free exercise of religion under the First Amendment. As a Navy pilot with combat tours in Iraq and Afghanistan, I recognize that war affects all servicemembers—believers and atheists. However, those without faith have plenty of options, from counselors to psychologists, from whom to seek emotional support.

Why does the secular left insist on ruining the integrity of the chaplaincy in order to serve their agenda of institutionalized godlessness?

I urge my colleagues to support this amendment.

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Mr. POLIS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the Armed Services Committee.

Mr. ANDREWS. Mr. Chairman, our intent is not to promote institutionalized godlessness. Our intent is to promote constitutional fealty.

When a young man or young woman raises their right hand and swears allegiance to this country and agrees to serve in the Armed Forces, they do not consign themselves to serve as a second-class citizen, irrespective of their faith or their life philosophy.

It is wrong to say to a soldier who comes from such a tradition, that he or she, if they have an issue on which they're troubled, must go to a mental health professional in order to receive counseling, rather than someone who comes from their philosophical faith or tradition.

The other problem with this amendment is it frankly second guesses the military leadership of this country, the Pentagon of this country, the Defense Department, and says that even if they would decide that such a decision would be appropriate, they're prohibited from doing so.

Our law recognizes that our Constitution establishes no religion. We should have equality of treatment for our Armed Forces. I'd urge a "no" vote on this amendment.

Mr. FLEMING. Mr. Chairman, I yield 1 minute to my good friend from Georgia, DOUG COLLINS, who is, by the way, a chaplain himself.

Mr. COLLINS of Georgia. I appreciate the gentleman yielding time.

Mr. Chairman, this is an interesting amendment, especially for me, because I am currently a chaplain in the United States military.

I appreciate the arguments that have been made here, but let's just bring back something that needs to be made. When we deal with this in the contradiction of terms, a chaplain is there to provide services and spiritual guidance and a guiding hand, if you would, to all—those of faith and those with no faith. That is done in a confidential setting, and it is done in a way in which the person who brings to the chaplain their feelings, their needs, and their conversations are kept in that inviolate conversation.

What I'm here to do is to support this amendment because I believe it attacks the basis of the chaplaincy, it attacks the chaplaincy as a whole, this introduction into the DOD to bring an atheist chaplain to, really, the heart of the chaplaincy itself.

I think it is beyond mere just do those who have no faith have a place to go. It's not about that. I believe it's about the faith of the chaplaincy as a whole and the standards that have been set up.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FLEMING. I yield the gentleman an additional 30 seconds.

Mr. COLLINS of Georgia. Mr. Chairman, if a chaplain is doing their job right, then all feel welcome.

When I was in Iraq, I would go across and see everyone at night. I had many times those who profess no faith at all who would come to me and say, Chaplain, I don't believe there is a God, but I have a wife at home that I'm having trouble with. Can you talk to me? That's what a chaplain does.

This amendment reaffirms the establishment of our chaplaincy, and I believe that is what it protects; and it protects those with faith and those without faith and those who are somewhere in between. This amendment needs to be approved.

Mr. POLIS. Mr. Chairman, I appreciate the gentleman for his efforts on behalf of the chaplaincy. I agree with his interpretation of the rules and responsibilities of the chaplaincy. And we try to represent the diverse faith tradition of the men and women who serve.

In that faith tradition are those who look at objective fact, free thinkers, humanists, atheists. They too have the same mentoring, spiritual existential needs as others. And, of course, just as Catholics have to handle the needs of Jews and Muslims in the service and Buddhist chaplains handle the needs of others, they're all trained to handle the needs of soldiers. We also want to make sure we have a chaplaincy that reflects the broad diversity of belief systems.

Over 20 percent of today's members of the military don't have a theistic

outlook, are nonbelievers. That's an important thing to represent in the chaplaincy. Many major universities have humanist chaplains. Hospitals have humanist chaplains. Many of our allied European militaries have humanist chaplains.

As one of the other gentlemen argued, there is no political goal or secular agenda here. We simply want to make sure the military is not prevented from providing chaplaincy services for the men and women who put their lives at risk defending our country every day. Every man and woman who serves should be able, when the need arises, to have a private consultation with a chaplain; and we should include in the chaplaincy people who represent the full diversity of the beliefs of the quality of men and women who serve.

Increasingly, there are seminaries who prepare humanist chaplains for ordination and work in the field, in hospitals, in universities, and again in the militaries that have them. I personally hope that this is a direction that our military considers in the future. We ran a similar amendment that would move it in this direction to an authorization bill; 150 Members voted for it. I'm confident even more Members will want to vote against restricting the military from moving in this direction.

Again, to be clear, the Obama administration and the military have given no indication that they want to go this way; but as we reassess our ongoing personnel needs and how best to support the men and women who serve, I believe that many members of the military will come to the conclusion that this is an excellent way to do this.

I urge a "no" vote on the amendment, and I yield back the balance of my time.

Mr. FLEMING. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Louisiana has 1½ minutes remaining.

Mr. FLEMING. Mr. Chairman, first of all, with all due respect to my good friend from Colorado, there is no way that an atheist chaplain or atheist whatever can minister to the spiritual needs of a Christian or a Muslim, or a Jew, for that matter.

As a result, that is the whole problem here. When you're talking about a chaplain, what are you talking about? How do we define chaplain? A chaplain is a person who ministers to spiritual needs, but who is assigned to a secular organization. The military is 99.9 percent secular. The only thing that we add to it that is nonsecular is the chaplaincy.

Also, I would say to you is that there is a limited number of chaplains. And if we begin to displace chaplains who are actually from religious organizations with those who are atheists, who do not believe in spirituality or a deity,

then that's going to limit even the number that's going to be available to the others.

It's nonsensical. It's an oxymoron. But as I've said before, and I'll say this again, remember that an atheist is a person who does not believe in a deity, does not believe in a spiritual world. It's impossible for that person through his or her beliefs or training to minister to the spiritual needs of somebody who does.

In the final analysis, I believe that an atheist chaplain would be the last person in the world that we would want for a dying soldier who needs that last moment of counseling in their life.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. FLEMING).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. POLIS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

#### AMENDMENT NO. 36 OFFERED BY MR. RIGELL

The Acting CHAIR. It is now in order to consider amendment No. 36 printed in House Report 113-170.

Mr. RIGELL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 157, after line 2, add the following new section:

SEC. 10002. None of the funds made available by this Act for the "Afghanistan Infrastructure Fund" may be used to plan, develop, or construct any project for which construction has not commenced before the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Virginia (Mr. RIGELL) and a Member opposed each will control 5 minutes.

Mr. RIGELL. Mr. Chairman, I yield myself such time as I may consume.

I rise to speak in support of my amendment, which would prohibit any of the Afghanistan Infrastructure Fund to be used to begin new infrastructure projects.

There are a host of amendments that will address current projects. That's not the focus of my amendment. My amendment is focused on new projects.

Mr. Chairman, I have in my hand the summary of an audit provided to Congress on July 12, by the Special Inspector General for Afghanistan Reconstruction. It contains key findings that really make the case that my amendment is needed. The opening paragraph states this:

More than 10 years after international intervention in Afghanistan, the U.S. Gov-

ernment, the international community, and the Afghan Government continue to face challenges in implementing programs to build basic infrastructure.

That's certainly consistent with what I observed firsthand during my trip to Afghanistan.

It goes on to say that five of the seven infrastructure projects for fiscal year 2011 are up to 15 months behind schedule. USAID, the lead agency of this effort, certainly doesn't need to be taking on new projects when it can't get control of its current projects.

Really of far more importance and what is so deeply troubling, Mr. Chairman, is what is stated at the close of that same paragraph:

In some instances, these projects may result in adverse counterinsurgency efforts.

Let that sink in, Mr. Chairman. The Inspector General is making clear to us that the American taxpayers' dollars may be funding infrastructure projects that actually work against our counterinsurgency efforts.

It goes on to state the two reasons why that might occur.

First, these projects create an expectations gap among the affected population; second, they lack citizen support.

Look, even the Afghans don't want some of these projects.

The harsh reality is this, Mr. Chairman: while we're furloughing hard-working Americans who work alongside and support our men and women in uniform, we have poured not millions, but literally billions, \$89.4 billion, in reconstruction efforts really into a cauldron of graft and corruption. It's not the way to spend America's tax dollars.

Mr. Chairman, it is time to stop building infrastructure in Afghanistan.

Finally, the Inspector General's report makes clear that we are building infrastructure that the Afghans cannot possibly maintain and sustain. They don't have the money, and they won't have the money. Buildings will deteriorate. Generators will run out of fuel. Lights will go out. Yet we keep building. We keep adding to the national debt.

Look, we're hiring Afghans and laying off American workers. This doesn't make any sense, Mr. Chairman. It's time to stop building infrastructure in Afghanistan.

That is why I urge my colleagues, both sides of the aisle, to look carefully at this issue. I believe that will lead to a vote for my amendment, which will prohibit any of the Afghanistan infrastructure funds be used to begin new infrastructure projects.

I reserve the balance of my time.

Mr. VISCLOSKEY. I claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, this is another in a line of amendments that we have debated here this evening; and I hate to be repetitive, but I am going to be. We and the international community have failed the country of Afghanistan in the last century. Today, in terms of the loss of life, in terms of injury, and in terms of our national treasure, we are paying the price. For over a decade, we have now had a commitment to this country, and we ought to meet that commitment at the end just as we did at the beginning.

The gentleman wants to prohibit essentially any new projects from commencing. I think it is important for our colleagues to understand that there are a number of very important projects that do need to be undertaken and completed. All of them involve, basically, power systems.

I don't think there's anybody in this Chamber who has not at one time or another lost power to their home or their business. It's something we all take for granted as American citizens. If any of you have read the Caro biography on Lyndon Johnson, in the first volume I was most struck by his chapter describing the day in the life of a woman in Texas with no energy and how hot that house was and how hard it was to bring that water to that house and how difficult it was to make sure clothes were cleaned and food was prepared and how exhausted and bent and broken these women were in the State of Texas before rural electrification took place.

□ 2030

I think there are a lot of people in the country of Afghanistan today, because they lack power, that they are bent and broken, and potentially are subject to being persuaded that there are other avenues to take in life for a better one, as opposed to the principles that our country espouses. I think particularly for those women who are bent and broken because they have no power in the country of Afghanistan, we ought to give them a fighting chance at the end.

We've been fighting in that country for 12 years, let's give them a fighting chance at the end. Let us undertake some new construction to give them that chance. Simply because we have failed in some instances in this country is not, again as I have said before, is a reason that we should fail others.

I see the gentleman from California rise, and I am happy to yield to him.

Mr. CALVERT. Mr. Chairman, I join the gentleman in opposition to this amendment.

I understand the gentleman's concerns about what's happened in Afghanistan, what is happening in Afghanistan. Many of us have been to Afghanistan many times. That country was totally destroyed by the Russians during the prior war. They were left

with nothing. It is probably, if not the poorest, one of the poorest countries on the face of the Earth, rubble on rubble.

And when we leave, and we are going to leave Afghanistan in 2014, what we're saying is we're going to give them the basic parts of energy production, which is what the primary source of this money is going to develop.

So I reluctantly oppose the gentleman's amendment, and join the gentleman in his opposition.

Mr. VISCLOSKY. I appreciate the gentleman's comments, and I reserve the balance of my time.

Mr. RIGELL. I appreciate the comments of both of my colleagues. I certainly don't agree with them. However, if I understood the gentleman correctly who led in opposition, and I do want to get this right, and I will yield if I don't get it correct, but I made the notes here that the gentleman said we have failed the nation, the people of Afghanistan.

Mr. VISCLOSKY. Will the gentleman yield?

Mr. RIGELL. I yield to the gentleman.

Mr. VISCLOSKY. I did not. I don't want to fail them.

Mr. RIGELL. Don't want to. Thank you for the clarification.

Mr. Chairman, by any measure, we won't and have not and will not fail those people because we have sacrificed so great a measure of treasure and loss of life. We have met every obligation to the people of Afghanistan. And look, our principle and primary and exclusive obligation, of course, is to the American people. The best indicator of future performance is past performance. We have not demonstrated competence, as much as we've tried and good people have given their all. In fact, some of our civilians at USAID, as we all know, have given their life in this effort. But we have not demonstrated a competency to advance these projects, and here are the facts on the economy.

The entire revenue stream for the Afghan government is about a billion dollars a year. We've raised up a military operation there, the Afghan army and police, the largest employer by far in the country, that has an annual expenditure of about 7 or \$8 billion. Look, the math doesn't work. We've created a structure here that's going to require, absent some difficult decisions, a sharp reduction of expenditures there.

I yield back the balance of my time.

Mr. VISCLOSKY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. RIGELL).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. RIGELL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further pro-

ceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 37 OFFERED BY MR. SCALISE

The Acting CHAIR. It is now in order to consider amendment No. 37 printed in House Report 113-170.

Mr. SCALISE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 157, after line 2, add the following new section:

SEC. 10002. None of the funds made available by this Act may be used to enter into any contract after the date of the enactment of this Act for the procurement or production of any non-petroleum based fuel for use as the same purpose or as a drop-in substitute for petroleum.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Louisiana (Mr. SCALISE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. SCALISE. Mr. Chairman, the amendment I bring forward is a very basic, straightforward, commonsense amendment that deals with the funding priorities within the Department of Defense. We know we are living in a post-sequester world. We have many hearings here on Capitol Hill where we have generals and, in fact, even the Secretary of Defense talking about the threats to military operations through the sequester cuts. We all know that those are real, and especially in these tight economic times, and even if we weren't in tight economic times, but especially right now, we ought to be watching every single dollar that is spent within the Department of Defense and work to find ways to make smarter use of those dollars.

One of the things that we've found as we've combed through is that the Department of Defense has been entering into contracts to buy renewable fuels, biodiesel and other forms of renewable fuels to supplant what are the traditional, conventional fuels. The problem is that the contracts they are entering into are tremendously more expensive to the taxpayer than if they just bought conventional fuel.

So what this amendment would do is to say that the Department of Defense cannot enter into those contracts to buy nontraditional fuels at these higher costs.

I want to give a couple of examples. I think it is important to note a few of them because this is something that has been happening recently that we found. There is a memorandum of understanding between the Navy, the Department of Agriculture, and the Department of Energy for each of those entities to spend \$170 million each to "assist development and support of a

sustainable commercial biofuels industry.”

Now, Mr. Chairman, whatever you think of expanding and developing a biofuels industry, that's not a mission of the Department of Defense, and especially when their budgets are being cut and the generals and the Secretary of Defense are saying they don't have enough money to perform and execute their basic military operations. Yet they're spending \$170 million to prop up a failing biofuels industry when they could instead be buying traditional fuels.

I just want to give one example of what we call this renewable energy sticker shock. Here you've got furloughs at the Pentagon, the military has grounded the Blue Angels, and yet they have a contract right now to buy renewable jet fuel at \$59 per gallon—\$59 per gallon—when the traditional cost of conventional jet fuel is \$3.73 per gallon. And yet the military, to carry out some kind of social agenda, is spending an extra \$56, almost \$56 more per gallon, so they can buy renewable fuel. So this is one example of many where the military is not making the smartest use of their military dollars, at a time when Secretary Hagel himself has testified before committee that the services have begun to significantly reduce training and maintenance of operating forces.

So if they're reducing the training and maintenance of operating forces, why are they spending hundreds of millions of dollars to prop up a renewable energy industry that is clearly not viable yet. One day it will be, but today it's not, and yet they're spending in some cases 5, 10, 12 times more to buy this renewable energy than they would pay for conventional, wasting hundreds of millions of taxpayer dollars. This amendment just says that has to stop.

With that, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise to claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I would begin by pointing out that the Department of Defense is the single largest consumer of energy in the United States of America, and I certainly do believe that we need to move from a carbon-based economy, particularly given some of the countries in the world where we procure carbon products such as petroleum. Many people talk about it as an economic problem, and it is. Many people characterize it as an environmental problem, and it is. We're talking about the national defense today, and I certainly agree with former Senator Richard Lugar from the State of Indiana who has always characterized our dependency on foreign petroleum as a national security issue.

This is the perfect bill to have the largest consumer of energy begin to reduce our dependence on these very countries that have cost us so much of our treasure and so many of our lives.

This amendment would defund section 526 of the Energy Independence and Security Act. The fact is the argument is made that this hurts our readiness and that's not the case. In July the Department of Defense stated very clearly:

The provision has not hindered the Department from purchasing the fuel we need today worldwide to support military missions, but it also sets an important baseline in developing the fuels we need for the future.

The gentleman would indicate that there is nearly a 20-fold difference in the price of renewables and the price of petroleum at the pump today. The price of \$3-some cents a gallon, unfortunately some jurisdictions \$4 a gallon, can be purchased very close to this building. Many of these fuels have to be transported to places like Afghanistan. There's an additional cost that is worked into that 20-fold increase.

Additionally, I do not think we need to complicate the Department's efforts to provide better energy options. We want to give our warfighters as many options as possible when they are in the field to take advantage of.

This section also does not prevent the sale of petroleum products, nor does it prevent Federal agencies from buying these fuels if they need them. Instead, it simply prevents the Federal Government from propping up the makers of these types of fuels with long-term contracts when we're trying to wean ourselves from them.

So I do think that the amendment should be opposed, and I do so.

I reserve the balance of my time.

Mr. SCALISE. Mr. Chairman, I will reserve the balance of my time to close.

Mr. VISCLOSKY. I reserve the balance of my time, and it is my understanding that I have the right to close.

The Acting CHAIR. The gentleman from Indiana has the right to close.

Mr. SCALISE. I will close, Mr. Chairman. The gentleman makes an important point when he says that the Department of Defense is America's largest user of energy. Then I think it is even more important that they watch every penny. You know, I've got hard-working taxpayers, soccer moms in my district, that will drive an extra three blocks just to save a penny a gallon on gasoline because they can see that price at the pump, and it matters to them. If they can save a penny a gallon, they'll drive a couple of extra blocks. And yet you've got the Department of Defense, the largest user of energy in the Nation, according to my friend, saying that they're willing to not drive an extra block to save money; they'll drive a couple of extra blocks to spend \$59 a gallon when they

can buy that same jet fuel for \$3.73 a gallon.

Again, another contract, there was a big, high-profile production on the Great Green Fleet where they flew some planes on renewable energy. It cost an extra \$10 million just for that one example.

Again, they're flying the Blue Angels—they're grounded right now, and we're out there flying jets that run on algae and cooking oil, spending hundreds of millions of dollars more than if you used traditional jet fuel.

So while I applaud the gentleman's effort to support renewable energy, that's not something that the Department of Defense should be wasting hundreds of millions of dollars on when the Secretary of Defense has said that we actually are right now significantly reducing training and maintenance of operational forces. We should take those hundreds of millions of dollars we'll save with this amendment and provide it for our troops for the support they need because right now it actually risks our troops' lives. It's a 50 percent higher risk for them to be transporting renewable fuels than it is to transport traditional fuels because of the density of that renewable fuel. So it puts them more at risk. I urge support of this amendment. Let's save those hundreds of millions of dollars and dedicate it towards our Nation's security.

I yield back the balance of my time.

Mr. VISCLOSKY. I maintain my opposition to the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The amendment was agreed to.

AMENDMENT NO. 38 OFFERED BY MR. TERRY

The Acting CHAIR. It is now in order to consider amendment No. 38 printed in House Report 113-170.

Mr. TERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 157, after line 2, add the following new section:

SEC. 10002. None of the funds made available by this Act shall be available to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142).

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Nebraska (Mr. TERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

□ 2045

Mr. TERRY. Mr. Chairman, I rise because of 650,000 people in my district; 4,400 employees who serve at Offutt Air Force Base in Nebraska are being used as political footballs.

Programs like the section 526 that we just heard the gentleman from Louisiana discuss mandate that the armed services spend entirely too much money on fuels. Section 526 also bans our military from using other traditional energy sources like oil sands from Alberta, or even coal-to-liquids.

So, Mr. Chairman, I rise today to offer my support, though, for the amendment offered by the gentleman from Texas (Mr. FLORES), who has done this amendment in the past. To me, it's not about who gets the credit or who reaps the rewards, just that it gets done.

I'm tired of the Pentagon using civilian workers on base as a political football and then spends the money that they do on fuels. So by working together to cut waste from this bill, like section 526, we can find ways to protect our constituents who have devoted their lives to serving the men and women who wear the uniform.

With that, Mr. Chairman, I withdraw my amendment.

AMENDMENT NO. 39 OFFERED BY MR. WITTMAN

The Acting CHAIR. It is now in order to consider amendment No. 39 printed in House Report 113-170.

Mr. WITTMAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 157, after line 2, add the following new section:

SEC. 10002. None of the funds made available by this Act may be used to propose, plan for, or execute an additional Base Realignment and Closure round.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Virginia (Mr. WITTMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WITTMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I have before you today provides that none of the funds in this year's Defense appropriations act may be made available to propose, plan for, or execute an additional Base Realignment and Closure round, better known as BRAC.

Remember, we have a current BRAC in place that continues to cost our Nation dollars in the defense budget; and I want to remind folks, too, that this same language passed in this year's National Defense Authorization Act by a vote of 315-108 on June 14, and it says that we want to make sure that we're making the right decisions in the context of what's going on around us.

We have an existing BRAC that will not save a penny until 2018. The original cost-savings estimates on that BRAC were \$21 billion. Today, the cost of that BRAC is estimated at \$35 billion, and the Nation won't break even

until 2018. In fact, in this year's President's budget, the estimated cost of that BRAC is \$450 million.

Now, we wouldn't want to proceed with another BRAC with potential cost savings somewhere in the future while we're still paying for the additional BRAC, especially in light of the budgetary needs that are before us with our Nation's defense budget.

With the sequester going on, with those reductions, and with the uncertainty surrounding the current state of affairs with our national defense, why would we want to continue in the realm of uncertainty spending more dollars with an uncertain future about when savings would occur, when we haven't even accrued savings from the 2005 BRAC?

Again, just not the time to go about this, not the time to put in place another Base Realignment and Closure commission.

Mr. Chairman, at this point, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chair, I seek to claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I appreciate that, Mr. Chair.

I note that the gentleman's amendment says that none of the funds made available by this act may be used to propose, plan, or execute an additional Base Realignment and Closure round.

If the gentleman had simply said today we should not execute that national additional Base Realignment and Closure round, I would not have stood on my feet. But the fact is, he said we shouldn't propose or plan either.

He also indicated that because we are today paying, I believe, some hundreds of millions of dollars for the current base closure, we should not consider paying for another one.

But the question I would ask, rhetorically, not necessarily of my colleagues, is, don't we have to sometimes make an investment for the future?

That is, there are cleanup costs, there are close-up costs, there are demolition costs, and those are short-term costs. But potentially, those are investments year in and year out for decades where this Nation's taxpayers can save money.

And where the gentleman says we shouldn't consider another closure and, at this point I'm not aware that there's a proposal pending, what if we could save money by doing that?

Should we simply say no?

Should we just say no to everything?

Is it wrong to consider how we might look at every last base and military facility in this country to save taxpayers money?

Essentially, the gentleman's amendment says it's wrong to look at them.

It would be wrong to propose to the Congress, that has the authority under article I of the Constitution, to decide whether, then, we execute that proposal.

Is it wrong for an administration to look nationwide where we're spending almost \$600 billion for a more expensive Department of Defense, but not a larger one, that says we have a plan, and they send it to the Congress?

But we can't even do that, so we can't have a discussion. We can't have an open and free debate. We can't even, would not be allowed, under the gentleman's amendment, to say, you know what, you've got a plan, but we can make it better. We could make it more efficient. We could amend it, but we're prohibited from doing that.

I think the time for simply saying no, no, no, no, no is gone, and I think the gentleman's amendment is wrong.

I reserve the balance of my time.

Mr. WITTMAN. Mr. Chairman, I would say to the gentleman that, in light of what we have today, with the uncertainty, with the sequester, with the reduction in funds where we are saving money by furloughing Federal employees, now is not the time to spend more money in this realm of uncertainty, especially when the Secretary of Defense is undertaking a strategic choice in management review to determine what our strategy should be going forward. We certainly want to determine the strategy first before we're going to make additional expenditures on closing bases.

Also, there's a current evaluation going on with our facilities in Europe and our facilities in the Pacific. Shouldn't we finish that first before we start even considering closing bases here in the United States where, by the way, we still haven't gotten to the point of saving money from the last BRAC round, which will take at least 13 years to save money?

So if we start another one that would take another 13 years, are we in the position to spend more money to do that while we have these areas of uncertainty surrounding us, a sequester resulting in furloughs, an evaluation of the current strategy for the United States, an evaluation of base structures in other areas of the world?

I say that this is absolutely the wrong time to pursue a BRAC in any way, shape or form, to propose, plan or execute a BRAC in all those areas.

Let's create some certainty with what's happening right now with this Nation's defense, with what we're doing with planning, to make sure it's a logical, a thoughtful process where there's some certainty, not throwing more uncertainty in the process, which is what a BRAC round would do now.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. I understand I have the right to close, so I will reserve the balance of my time.

Mr. WITTMAN. Mr. Chairman, again, I want to emphasize, at this time in our Nation's defense budgeting, we ought to be looking at where we can save dollars, where we can apply dollars to those areas of greatest need. And I argue those areas of greatest need are for this Nation's readiness, the training of our troops, the operation and maintenance of our equipment, making sure that we get those dollars there; and that before we pursue a BRAC, we ought to know what the areas are, where we are going to go with this Nation's strategy, what our base structure should be in other areas of the world.

After being at war for nearly 12 years, now we have a well-trained, battle-hardened, combat-tested force, and they are an all-volunteer force that's more joint than ever. We want to understand where we need to be going forward to make sure that we provide for them.

Closing these bases now, or even pursuing a Base Realignment and Closure commission, this is not the time to do that.

Mr. Chairman, again, this is the wrong time. We ought to be looking at the place in time where we have actually accrued the savings on the last BRAC, which started in 2005. Before we pursue another, we ought to make sure we know what this Nation's strategy is, militarily, before we pursue a Base Realignment and Closure commission. We ought to know what should our base structures be elsewhere in the world.

Before we pursue a Base Realignment and Closure commission here in the United States, we ought to make sure we understand where we're going with the sequester, where we're going with furloughs, where we're going with end-strength with our military before we close bases.

If we're going to be reducing end-strength by 100,000 and say, by the way, let's pursue a Base Realignment and Closure commission now, how do we know where we need to be?

That uncertainty is not where we need to be, and I urge my colleagues to vote in favor of this amendment.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I appreciate that the gentleman, on any number of occasions during his discussion, talked about the uncertainty that we face in this country because of sequestration, and I couldn't agree with him more and would point out that the gentleman voted for the Budget Control Act that created sequestration that has now created the uncertainty that we face, which I find very regrettable.

The gentleman, also, in his concluding remarks, indicated that we need to look to save money. I couldn't agree with him more.

He also indicated, and I would accept it for the sake of our discussion here on the House floor, that some of these processes take 13 years. I think the gentleman makes my argument. If it takes 13 years, we ought to start today, so that that child who is born later this week has the benefit of these savings we both want before they get to high school.

Why wait to save the American taxpayers money by potentially not considering a plan?

I think we ought to be thoughtful here, and I oppose the gentleman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. WITTMAN).

The amendment was rejected.

The Acting CHAIR. It is now in order to consider amendment No. 40 printed in House Report 113-170.

AMENDMENT NO. 41 OFFERED BY MR. FLORES

The Acting CHAIR. It is now in order to consider amendment No. 41 printed in House Report 113-170.

Mr. FLORES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 157, after line 2, insert the following new section:

SEC. 10002. None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142).

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Texas (Mr. FLORES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. FLORES. Mr. Chairman, I rise to offer an amendment which addresses another misguided and restrictive Federal regulation.

Section 526 of the Energy Independence and Security Act prohibits Federal agencies from entering into contracts for the procurement of fuels unless their lifecycle greenhouse gas emissions are less than or equal to emissions from an equivalent conventional fuel produced from conventional petroleum sources.

My amendment is simple. It would stop the government from enforcing this ban on agencies funded by the Department of Defense appropriations bill.

As my good friend, the gentleman from Nebraska (Mr. TERRY), said a few minutes ago, the initial purpose of section 526 was to stifle the Defense Department's plans to buy and develop coal-based or coal-to-liquids jet fuel.

We must ensure that our military has adequate fuel resources and that it can rely on domestic and more stable sources of fuel. One of the unintended

consequences of section 526 is that it essentially forces the American military to acquire fuel refined from unstable, Middle East crude resources.

I offered this amendment to the Fiscal Year 2014 Homeland Security Appropriations Act and the Fiscal Year 2014 Energy and Water Appropriations Act, and they both passed on the floor of the House with strong bipartisan support.

My friend, the gentleman from Texas (Mr. CONAWAY), also added similar language to the latest defense authorization bill to exempt the Defense Department from this burdensome regulation.

□ 2100

Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank my good friend from Texas.

I also want to encourage my colleagues to vote in favor of this amendment.

Section 526 was added to the 2007 energy bill as a last-minute add-on, with no hearings, without any information about it whatsoever, and it is beyond misguided. It may sound good on paper, but it is totally unenforceable.

No one in their right mind has a clue what the life-cycle greenhouse gases are for any of the fuels that anybody buys. And, quite frankly, as we blend crude oil sources at a refinery to run through the refinery on a most efficient basis, there is absolutely no way to separate out the gasoline jet fuel diesel that comes from that refining that would be required if—let's assume for sake of this conversation we actually get the Keystone pipeline done, some of that oil from Canada starts flowing south into our refineries. There is absolutely no way anyone can certify which gasoline coming out is related to those sources versus some others.

So this is misguided. It's unworkable and extreme. I would prefer that we exempt the entire all of government from section 526, but that's obviously beyond the scope of tonight's legislation. I want to thank my friends—Mr. FLORES, Mr. HENSARLING, and Mr. GINGREY—for, again, posing the striking or exempting of the Department of Defense from the misguided requirements in section 526, and I encourage all of my colleagues to vote for it.

Mr. FLORES. Mr. Chairman, as we said earlier, this amendment is a simple fix, and that fix is to not restrict our fuel choices based on bad policies or misguided regulations like those in section 526. Stopping the impact of section 526 will help us to promote American energy, grow the American economy, create American jobs, and become more energy secure.

I urge my colleagues to support my amendment, and I reserve the balance of my time.



Mr. VISCLOSKY. Mr. Chairman, I rise to claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I won't prolong the debate because this is either the third or fourth installment, if you would, of this debate, but my response to the current iteration is the same as I have expressed throughout the night. We do have an energy problem in the United States of America, and I agree with former Senator Richard Lugar that it is, first and foremost, a national security interest, given where we get petroleum products.

We've been at war in the Middle East. We've been at war in Afghanistan. We have other problems internationally, much of it precipitated because of our dependence on that fuel. This is not the time, I believe, that we ought to in any way, shape, or form retard the largest consumer of energy in this country from examining and helping to create a vibrant market for alternatives to reduce that.

So, for those reasons and the reasons discussed earlier in this evening's debate, I would be opposed to the gentleman's amendment, and I reserve the balance of my time.

Mr. FLORES. Mr. Chairman, I have enjoyed the debate tonight and I appreciate the comments of the gentleman.

I would say this. This amendment does not do any of those things that he said it would. It does not prevent and does not restrict the ability of the Federal Government or the Department of Defense to purchase any alternative fuels—it does not restrict those—including biodiesel, ethanol, or other fuels from renewable resources. So it does not do any of those things that would prevent the flexibility of the Department of Defense in acquiring fuels. As a matter of fact, it helps the Department of Defense have more flexibility.

With that, I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. VISCLOSKY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. FLORES).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLORES. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 42 OFFERED BY MR. COLE

The Acting CHAIR. It is now in order to consider amendment No. 42 printed in House Report 113-170.

Mr. COLE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to carry out a furlough (as defined in section 7511(a)(5) of title 5, United States Code) that—

(1) includes in the notice of the furlough made pursuant to section 752.404(b) of title 5, Code of Federal Regulations, "sequestration" as the reason for the furlough; and

(2) is of a civilian employee of the Department of Defense who is paid from amounts in a Working Capital Fund Account pursuant to section 2208 of title 10, United States Code.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Oklahoma (Mr. COLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. COLE. Mr. Chairman, I yield myself 1 minute.

I'm offering a bipartisan amendment this evening, Mr. Chairman, to prevent funds from the so-called Working Capital Fund from being used to implement furloughs of DOD employees. This amendment would affect approximately 180,000 workers scattered around the country in different working Capital Fund units. Tinker, Hill, Robbins, the great Air Logistics Centers, account for 26,000 of those.

Working Capital Fund employees are indirectly funded by the government and not by direct appropriations. The commands where these employees are paid have more than sufficient funds to continue to operate without a furlough. Indeed, furloughing these workers would be counterproductive and ultimately cost money.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. I rise to claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman's concern and the fact that he is focused on working capital that is essentially funded through customer reimbursement, but as I mentioned in an earlier debate, I am opposed to the gentleman's amendment.

I voted against the Budget Control Act. I think sequestration is an abhorrent way to run the government. I was disappointed last year when we made every Federal agency in this Nation, including the Department of Defense, wait 7 months until we told them how much money we were going to give them. And then, we told most of the agencies that we're going to give you what we gave you last year.

Now we're suffering because of furloughs. And the concern I have here, again, is making distinctions between one Federal employee and another. They're all very important. I don't know what going to work every day as a guard in a maximum security Federal prison must be like, but I don't know that we carve out an exception for them. I don't know what it is like to be a Federal law enforcement official working undercover, putting your life at risk, getting reimbursed, but not being carved out for furlough.

We have people at NIH, the National Institutes of Health, doing groundbreaking research as far as people's health and safety; and perhaps they not themselves are risking their lives, but tomorrow, if they were at work, could make a discovery that could improve or prolong someone's life. And I think it's a very difficult proposition to begin to make those distinctions between various Federal employees.

I absolutely share the gentleman's concern as to what is happening with the Federal workforce. I have mentioned in committee and on this floor more than once today that I'm appalled that for 4 years we hold Federal employees in so little regard. We have not given any of them a raise in 4 years. But we scurried to the floor because people were going to be inconvenienced at airports because of potential slowdowns at the FAA. Well, Federal employees actually do things for our safety like make sure, when we leave the ground in an airplane, we're safe.

So, again, I'm very concerned here. The fact is I do think allowing exceptions for one agency is unfair to others. Allowing exceptions that pit one agency against another wrongly determines the value of the work performed by some government employees vis-a-vis others. We ought to value all of their work collectively, together, and should not be looking for temporary fixes of one dislocation, as great as it is, caused by sequestration. What we ought to be about—and I know the gentleman is about—is to end this madness, if you would, and get back to the business of governing this country.

I reserve the balance of my time.

Mr. COLE. Mr. Chairman, I yield 1 minute to my good friend from the State of Washington (Mr. KILMER), a new Member from the Sixth District.

Mr. KILMER. Mr. Chairman, I rise in support of this amendment.

Let me take a second here to say I oppose sequestration, I oppose the furloughs, and I believe Congress should be moving forward on a plan to eliminate sequestration and the process of furloughing workers. But Congress hasn't done that, and now we're forced to deal with an ugly process where we're cutting accounts and cutting workers, not because it makes any sense for the public interest or for our

security, but because Congress can't get its act together.

This amendment responds to what I believe was an incorrect decision by the Department of Defense to furlough civilian workers who work at entities that were funded through Defense Working Capital accounts. The Working Capital Funds are revolving funds that provide goods and services across the DOD that were established to promote stable pricing and reliable access. They were designed to be self-sustaining.

I certainly empathize with the other workers and groups that are facing furloughs, but these workers are not funded through direct appropriation. I believe that these indirectly funded employees are specifically exempted by law from sequestration. Furthermore, I believe that furloughing these employees and, thereby, delaying their work will not save any money, will only increase costs for DOD and hurt taxpayers and jeopardize our military readiness.

Mr. VISCLOSKY. I reserve the balance of my time.

Mr. COLE. Mr. Chairman, I yield 1 minute to the distinguished majority whip from the great State of California (Mr. MCCARTHY).

Mr. MCCARTHY of California. Mr. Chairman, I rise in support of this amendment. This issue is straightforward. It deals with Defense Working Capital Funds.

This is just like owning a business. When you provide a service or a product, you get paid for it. That is how Defense Working Capital Funds operates. They're paid through reimbursements for the services they provide to the Department of Defense, which is already funded for the fiscal year. Thus, Working Capital Funds do not receive direct appropriations and, therefore, furloughing these individuals have no savings. They actually have the direct opposite effect. It will cost you more, there will be delays, and, most importantly, individuals will be harmed in the process.

The specialized work the Defense Working Capital Fund employees perform is vital to our Nation's security and our warfighters around the globe. A blanket 11-day furlough policy, such as China Lake in my district, will only end up slowing down getting our warfighters the best and latest technology to complete their mission when called upon to protect and defend America and safely return home to their families.

This is very simple. They are a business that performs work and they get paid for it, and the money is already there. That's why I ask and urge all of us to join in supporting this amendment.

Mr. VISCLOSKY. I continue to reserve the balance of my time.

Mr. COLE. Mr. Chairman, I yield 1 minute to the distinguished gentleman

from Utah (Mr. BISHOP), my classmate and colleague on the Rules Committee.

Mr. BISHOP of Utah. Mr. Chairman, as stated, this workload is a self-sustaining process, which means, if the workload is there, and it is, then the money is there, and it is. To furlough the employees in this area saves no money, it completes no work, but it does raise the cost of overhead for all of the depots.

I have empathy for the Pentagon. They made a decision that everyone should share the pain in an effort to be fair. Unfortunately, title 10, section 2472, tells us how this fund should be managed. Sharing the pain isn't one of the options.

I appreciate what is going on here, but the Defense Department cannot simply pick and choose. This amendment does not start a new program. It simply requires that the existing law be followed.

Mr. VISCLOSKY. I continue to reserve the balance of my time.

Mr. COLE. I yield 1 minute to my good friend from the great State of Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I want to thank my friend from Oklahoma for yielding.

Mr. Chairman, I am a proud cosponsor of this truly bipartisan amendment, as demonstrated by those who are speaking in favor of it tonight. I, too, voted against sequestration, and I oppose furloughing any DOD citizens who work on behalf of our national security and our troops. Those working at the Rock Island Arsenal, which I represent, proudly serve our country. They don't deserve a pay cut because of Washington's dysfunction. It's as simple as that. That's why Congress and the administration must find a balanced, commonsense way to replace sequestration.

This amendment addresses the unique situation of Working Capital Fund civilians like those at the Joint Manufacturing and Technology Center, who are already funded from prior years. I think that's important to keep in mind. Furloughing these men and women doesn't create direct savings, as has already been mentioned; rather, it delays work for our troops, hurts our readiness, and increases costs for taxpayers without direct savings.

□ 2115

Again, I oppose all furloughs, and I do oppose sequestration. This amendment, I believe, is a commonsense policy for DOD and for Working Capital Fund employees, and I urge my colleagues to support it. Again, it's a fully bipartisan amendment.

Mr. VISCLOSKY. I reserve the balance of my time.

Mr. COLE. Mr. Chairman, I yield the balance of my time to my good friend from the great State of Georgia (Mr. AUSTIN SCOTT).

The Acting CHAIR. The gentleman is recognized for 15 seconds.

Mr. AUSTIN SCOTT of Georgia. Mr. Chairman, this is a sensible, bipartisan solution. It helps the country by helping those who work at our depots and other areas. I would just ask that my colleagues join this bipartisan coalition that's working in support of this amendment.

Mr. COLE. I yield back the balance of my time.

Mr. VISCLOSKY. I yield back the balance of my time.

Mr. GINGREY of Georgia. Mr. Chair, I rise in strong support of the Flores/Gingrey/Conaway/Hensarling Amendment to H.R. 2397 that will prevent funds in this legislation from being used to carry out Section 526 of the Energy Independence and Security Act of 2007.

Section 526 prohibits all federal agencies from contracting for alternative fuels that emit higher levels of greenhouse gas emissions than "conventional petroleum sources." This means that if a federal agency—particularly the Department of Defense—has the ability to utilize an alternative fuel that even has one scintilla more of carbon emissions than conventional fuels, it cannot be used. As a result, Section 526 severely stifles innovation from DoD to improve clean carbon capture technologies for alternative fuels, thereby increasing our dependence on foreign oil, and will only further increase fuel costs.

Mr. Chair, I support a full repeal of Section 526 because the cost of refined product for DoD has increased by over 500 percent in the last ten years when volume only increased by 30 percent. This amendment takes a very important step towards achieving this goal by prohibiting funding to carry out Section 526 for the upcoming fiscal year in the DoD.

I urge my colleagues to support this amendment.

Mr. TERRY. Mr. Chair, I rise today to tell my colleagues this amendment is very simple. It prohibits the Department of Defense (DOD) from spending any appropriated funds in fiscal year 2014 to enforce section 526 of the Energy Independence and Security Act of 2007.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140) states in its entirety:

No Federal agency shall enter into a contract for procurement of an alternative or synthetic fuel, including a fuel produced from nonconventional petroleum sources, for any mobility-related use, other than for research or testing, unless the contract specifies that the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract must, on an ongoing basis, be less than or equal to such emissions from the equivalent conventional fuel produced from conventional petroleum sources.

This provision, which prevents the federal government from purchasing alternative and potentially cheaper fuels such as liquid coal, could preclude the U.S. military from using crude oil derived from Canadian oil sands.

This section doesn't make sense when over 650,000 civilians are facing furloughs—including the 4,400 employees, who serve Offutt Air Force Base, in just outside of my district. They shouldn't be used as political footballs when we're spending our limited resources on programs in Section 526.

Section 526 restricts fuel choices. It is vague, ambiguous, and doesn't improve reliability of energy supplies, nor does it help our national security goals. Not to mention, expensive.

At a time when our nation is worried about its fiscal health, we should be advancing more initiatives giving our military real flexibility in fuel choice, rather than having the Department of Defense to commit millions of taxpayers' dollars on more costly, less efficient options.

Section 526 goes against the intent of the Energy Policy Act of 2005, which declared that oil sands and other unconventional fuels are strategically important resources and directed the Department of Defense (DOD) to develop a strategy to use these fuels to reduce the reliance of oil from unstable regions of the world.

The Department of Defense is the government's largest consumer of fuel.

If we do not limit the use of Section 526, it could increase fuel costs for our military and severely restrict the Pentagon's ability to get energy that originates from our strongest ally and number one trading partner, Canada.

Programs like Section 526 mandate that the Armed Services spend entirely too much money on fuels. If we didn't spend so much money on these fuels, we would be able to reduce the effects of the politically motivated furloughs and give DOD the resources it needs to responsibly implement sequestration.

It is imperative to ensure that our nation, in particular the military, is not inhibited from using cheaper and more abundant fuels produced with oil from our friendly neighbor to the north, Canada, which will reduce our reliance on imports from hostile areas of the world.

True national security rests when we can make sure our DOD civilian employees are on the job by using a secure, diverse fuel supply for our armed forces.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COLE).

The amendment was agreed to.

The Acting CHAIR. The Chair understands that amendment No. 43 will not be offered.

AMENDMENT NO. 44 OFFERED BY MS. DELAURO

The Acting CHAIR. It is now in order to consider amendment No. 44 printed in House Report 113-170.

Ms. DELAURO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following:

SEC. \_\_. None of the funds made available by this Act may be obligated or expended to train the Afghan National Security Forces Special Mission Wing to operate or maintain Mi-17 helicopters.

The Acting CHAIR. Pursuant to House Resolution 312, the gentlewoman from Connecticut (Ms. DELAURO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, my amendment would prohibit funds in

this bill from being used by the Defense Department to train the Afghan Special Mission Wing to operate or maintain Russian-made Mi-17 helicopters.

Over 93,000 people have died in a tragic war in Syria that is being fueled by Russian arms being supplied to the Assad regime. Over 1.6 million Syrian refugees are now hosted across five countries. By the end of the year, half the population of Syria will be in need of aid.

We know for a fact that the Russian arms manufacturer, Rosoboronexport, is arming Syria. The Syrian Army requested 20,000 Kalashnikov assault rifles, 20 million rounds of ammunition, machine guns, grenade launchers, grenades, and sniper rifles with night-vision sights. And Russia also recently announced it would provide Assad with advanced S-300 missile defense batteries. Yet, our Defense Department continues to channel business to this Russian arms manufacturer.

DOD recently skirted around a prohibition on purchasing Mi-17 helicopters from Russia's state arms dealer in last year's Defense appropriations bill, signing a contract with Rosoboronexport to procure 30 Mi-17s for the Afghan Specialty Mission Wing using 2012 Afghanistan Security Forces Fund moneys.

This contract signing, flying in the face of congressional intent, incredibly came just days after this House voted 423-0 to strengthen the prohibition on Pentagon business with the Russian arms dealer—a prohibition also included in this Defense appropriations bill.

Even more egregious, it also came on the heels of a report by the Special Inspector General for Afghanistan Reconstruction that recommended suspension of the plans to purchase these helicopters for the Afghan Special Mission Wing as the Afghans do not even have the capacity to use them.

The Defense Department touts the 30 years of experience the Afghans have with the Mi-17 helicopters as a key reason to purchase them, yet we are still trying to train them to fly these helicopters instead of American-made helicopters—training that the Inspector General report says has been slow and uneven.

The report also argues that moving forward with the acquisition of these Mi-17 helicopters is highly imprudent until, among other things, an agreement is reached on NATO's Afghanistan Training Mission concept for reorganization within the Afghan Government to support this Special Mission Wing.

Mr. Chairman, U.S. taxpayers should not be subsidizing the Russian state arms dealer that is fueling the war in Syria. The language already included in this bill states this. We should also not be spending money to train an Afghan unit to fly these Russian heli-

copters, particularly when the Inspector General has raised serious questions about the content of that unit's capabilities.

I urge support for my amendment, and I reserve the balance of my time.

Mr. CALVERT. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. CALVERT. Mr. Chairman, the Afghan National Army Special Forces are the most capable component of the Afghan National Security Forces and have made significant strides toward becoming an independent and effective force in Afghanistan.

The only path forward to getting out of Afghanistan is to make sure that we have an effective army, special force, that can do the necessary work to make sure that the fragile Afghan governance that is there survives.

The purpose of this amendment is not to limit the Afghan Special Forces but to further restrict the use of the helicopter it employs to support its mission. The development of the Afghan Army Special Operators remains a critical component of the overall operation structure and strategy to sustain the transition to Afghan security lead.

In other words, if we want to get out of there by 2014, 2015, the Afghan Air Force must succeed. And it has a history, whether we like it or not, with the Mi-17. It's more efficient to expand its fleet and build on their existing knowledge of maintaining that fleet than to completely shift to an entirely different aircraft.

Additionally, U.S. helicopters are more technologically advanced. They're a better helicopter, I'll agree. But it would further prolong the timelines of getting the AAF where they need to be to completely take over the program.

The Mi-17 has been certified by the Department of Defense and is to be the right aircraft for the missions in Afghanistan. The Mi-17 has a long history in Afghanistan and was designed for the high altitude terrain there.

So I reluctantly oppose the gentlelady's amendment, and I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from Connecticut has 1½ minutes remaining.

Ms. DELAURO. I just want to say to my good friend that I think that we ought to be amenable to working with Afghanistan in these final days, but I don't make up this information.

Our Defense Department continues to channel business to this Russian arms manufacturer. DOD skirted around the prohibition on purchasing Mi-17 helicopters in the last appropriations bill.

We voted overwhelmingly—I don't know that there has been a vote in this House on a bipartisan basis that was 423-0—to prohibit this.

So what did the DOD do? The DOD went around that and went to a different pot of money. And one could acknowledge that, but in addition to acknowledging that, I'm going to quote to you from the Special Inspector General for Afghanistan Reconstruction:

Afghan Special Mission Wing: DOD plans to spend \$908 million to build air wing that the Afghans cannot operate and maintain.

Now, I don't know why we keep in business an Inspector General that would give us this report, and then we fly in the face of it and not acknowledge its veracity. In addition to which, we are dealing with an arms dealer that is supplying arms, grenades, Kalashnikovs, missiles to Syria, where over 93,000 people have already been killed.

The point is that we shouldn't enter a contract when there is no capability to fly these helicopters.

I yield back the balance of my time.

Mr. CALVERT. Mr. Chairman, again, we're not talking about a helicopter manufacturer that would suffer. It's the combat unit in Afghanistan that would be devastated and unable to fulfill its mission, and if it's not able to fulfill its mission, then we will not have a capable military to take over when the United States leaves in 2014.

I'm not going to defend Russia or their foreign policy and what they're doing in Syria, but we do want Afghanistan to succeed. So I reluctantly must oppose the gentlelady's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DeLauro).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CALVERT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Connecticut will be postponed.

AMENDMENT NO. 45 OFFERED BY MS. LEE OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 45 printed in House Report 113-170.

Ms. LEE of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. (a) The total amount of appropriations made available by this Act is hereby reduced by one percent.

(b) The reduction in subsection (a) shall not apply to amounts made available—

- (1) under title I for "Military Personnel";
- (2) under title VI for "Defense Health Program"; or
- (3) under title IX.

The Acting CHAIR. Pursuant to House Resolution 312, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE of California. First, let me thank Congressmen POLIS, BLUMENAUER, CONYERS, and SCHRADER, who have joined me in offering this amendment.

Our amendment is very straightforward. It would trim Pentagon spending by a very modest 1 percent.

The Congressional Budget Office estimates our amendment would result in a reduction of discretionary spending of \$5.9 billion, and it does so while maintaining our national security and protecting our Active Duty military personnel.

This Defense appropriations bill is \$28.1 billion more than the Pentagon's current funding level, which includes \$5 billion more than the President's request for war spending in the Overseas Contingency Account. In total, this bill includes over \$85 billion in war spending at a time when the majority of the American people and a growing bipartisan group in Congress are calling for an expedited end of military activities in Afghanistan.

Our amendment simply takes the total amount in the bill, reduces that amount by 1 percent, and then allows the Department of Defense to choose what accounts to take the reduction from. As I mentioned before, military personnel accounts and medical and health care programs are exempt from this amendment.

Mr. Chairman, month after month we have been talking about ways to address the budget and the impacts of the harmful sequester. The question before the body today is: How do we ensure that we have a budget that reflects our national security priorities, our moral values, and our underlying economic strength? I'm talking about a budget that protects the most vulnerable in our country and a budget that ensures that we have priorities to create jobs and turn this economy around—in other words, nation-building in our own country.

What this amendment does is say that we need to put everything on the table—and I mean everything—and that includes the Pentagon. Believe me, if I could, I would support much greater cuts to the Pentagon. But surely \$5 billion can be found among the tens of billions of dollars lost each year at the Pentagon due to waste, fraud, and abuse. You know that that \$5 billion is a mere drop in the bucket when you look at what has been actually taken away without knowledge of

where that money has gone, when you look at the suitcases filled with cash in Afghanistan, and previously in Iraq.

Even with this modest cut of 1 percent, the Pentagon base budget would still far outpace any other nation in defense spending. The United States spends as much on its military as 13 countries combined. But all three of these are close allies. I'm talking about China, Russia, the United Kingdom, France, Japan, India, Saudi Arabia, Germany, of course Brazil, Italy, South Korea, Australia and Canada. Combined, we spend more than those countries.

Finally, Americans believe that no Federal agency should really be immune from cuts, including the Pentagon. In fact, the average American would pursue a much larger cut of over \$93 billion, according to a poll released in 2012 by the Stimson Center.

So it's long overdue that we be honest with the American people and begin to have some real debate about deficit reduction, job creation, and the reduction of spending. And that includes the Pentagon.

So I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. CALVERT. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. CALVERT. I'm the first to admit that the Department of Defense should not be immune to reasonably based reductions. We should be doing that. That's exactly what we've been doing the past few years and will continue to do this year.

□ 2130

This bill that we are deciding today and tomorrow is \$3.4 billion below the President's request. In fact, over the past 3 fiscal years, this committee has produced defense budgets which totaled \$71 billion below the request, only \$32 billion of which has been due to sequestration.

The Department is already facing another \$44 billion arbitrary reduction in spending if we don't stop sequestration from going into effect in FY 2014. Any further immediate and arbitrary reductions would likely bring the Department to a grinding halt, perhaps past the point of recovery.

Specifically, reductions could require reducing/canceling training for returning troops; canceling Navy training exercises; reducing Air Force flight training; delaying or canceling maintenance of aircraft, ships, and vehicles; and delaying important safety and quality-of-life repairs to facilities and military barracks.

Finally, the allocation of this bill is essentially in line with both the Ryan budget, as well as the Defense authorization bill. National security should

not be subject to partisan politics. Instead, we should show our support for these brave men and women who have sacrificed so much and continue to do so.

I strongly oppose this amendment, and I yield to my friend, the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I appreciate the gentleman for yielding, and I appreciate the gentlewoman's approach. I have on more than one occasion in talking about the Department of Defense, my constituency indicated, as the gentleman noted, no one should be immune to cuts; and if you can't find 1 cent out of every dollar at the Department of Defense to save, there is something wrong with the leadership at the Department of Defense.

But I rise in reluctant opposition for two reasons:

One is I have an inherent objection to across-the-board cuts because I think we ought to make sure we are very targeted as far as our financial decisions.

Secondly, given the across-the-board cut that has been referenced of more than \$30 billion in the current fiscal year because of sequestration under a bill I voted against, we are talking in this instance about filling a significant arbitrary hole.

So again, I would reluctantly be opposed to the gentlewoman's amendment.

Mr. CALVERT. I reserve the balance of my time.

Ms. LEE of California. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from California has 1½ minutes remaining.

Ms. LEE of California. Thank you very much, Mr. Chairman.

Let me first thank our ranking member for his comments and just reiterate the fact that while this is a 1 percent cut across-the-board, it allows the Pentagon to make those decisions about where the Pentagon and our military officials believe the cuts should come from and how to reallocate our funds.

Certainly as the daughter of a veteran of 25 years—I'm an Army brat—I recognize and support our young men and women who have been placed in harm's way and who have sacrificed so much for our country. There is no way that I would offer an amendment that would harm our troops.

A 1 percent cut really forces us to pause, quite frankly, and forces us to look where we can find savings when we scrutinize the Pentagon budget, the same way that we scrutinize our domestic discretionary spending. At a time when American families, businesses, and government agencies are facing budget cuts, why shouldn't the Pentagon be asked to become more efficient and eliminate waste, fraud, and abuse?

Let me reiterate that this bill includes \$5 billion more than the Presi-

dent's request for the overseas contingency account. So it makes no sense. We need to begin to focus our resources on nation-building at home, ensure our national security, and really make sure that all of our agencies begin to look at waste, fraud, and abuse. Certainly, the Pentagon should be the first to do that, especially given the fact that we have not had audit requirements of the Pentagon and still don't know what type of resources there have been wasted and misallocated.

I ask for support for this very modest amendment, and I yield back the balance of my time.

Mr. CALVERT. Mr. Chairman, again, I rise in opposition to this amendment. We have made significant cuts in our national defense and continue to do so. We are at lowest levels as a percentage of GDP expenditures for our national security in a long time.

I would rise in opposition to this amendment, would urge a "no" vote, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. LEE of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 46 OFFERED BY MR. QUIGLEY

The Acting CHAIR. It is now in order to consider amendment No. 46 printed in House Report 113-170.

Mr. QUIGLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used to operate or maintain more than 300 land-based intercontinental ballistic missiles.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Illinois (Mr. QUIGLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. QUIGLEY. Mr. Chairman, my amendment is very straightforward. It simply reduces the number of deployed intercontinental ballistic missiles, nuclear missiles, by a third, from 450 to 300.

We are in the midst of an extraordinary budget crisis. We are facing unsustainable debt. Yet we continue to spend approximately \$50 billion to \$55 billion annually to maintain and even grow a nuclear arsenal and associated

programs designed for a Cold War that no longer exists.

Russia is no longer the existential threat it once was, and we are working closely with Russian leaders to reduce our nuclear arsenals together. While other nations, such as China, have some nuclear weapons, their stockpiles pale in comparison. China has no more than 50 to 75 single warhead intercontinental ballistic missiles.

We can significantly reduce our nuclear arsenal of 1,700 and still maintain a robust military edge over any rival. As we look to reduce our nuclear stockpile, we should be strategic and make targeted cuts.

According to a recent report issued by General James Cartwright, retired vice chairman of the Joint Chiefs of Staff and former commander of U.S. nuclear forces; Secretary Chuck Hagel; and a number of other military and foreign experts, all land-based ICBMs could be eliminated. Let me take a moment to repeat that. The former commander of all U.S. nuclear forces thinks we don't need any ICBMs—none. According to the report:

The U.S. ICBM force has lost its central utility.

The report outlines four key reasons ICBMs should be eliminated:

First, "Direct wartime nuclear operations against Russia alone, were Cold War scenarios that are no longer plausible."

Second, flight paths over all land-based ICBMs to any potential adversaries—Iran, North Korea, China—would have to travel through Russian air space. This could trigger "confusing Russia, and triggering nuclear retaliation."

Third, "U.S. Trident submarines and B-2 strategic bombers can deliver nuclear weapons to virtually any point on the Earth."

Fourth, "ICBMs in fixed silos are inherently targetable."

Once again, these are not my assessments, nor the assessments of some anti-nuclear groups. These are the assessments of General Cartwright, the retired vice chairman of the Joint Chiefs of Staff and former commander of U.S. nuclear forces; Richard Burt, a former chief nuclear arms negotiator; Secretary of Defense Chuck Hagel, former Ambassador to Russia, Thomas Pickering; and General John Sheehan, a former senior NATO official.

The former commander of U.S. nuclear forces has issued his support for the elimination of ICBMs.

This amendment merely calls for a reduction by one-third. We have limited resources, and that means we have to make choices. As we look to cut spending, let's cut military investments that do nothing to keep us safe in today's threat environment, such as ICBMs.

Mr. Chairman, I reserve the balance of my time.

Mr. DAINES. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Montana is recognized for 5 minutes.

Mr. DAINES. Mr. Chairman, I stand in strong opposition to this amendment, which amounts to the unilateral reduction of our nuclear forces. Unilateral reductions of our nuclear forces are wrong for national security—period.

These reductions have been directly and explicitly recommended against by the Joint Chiefs and senior DOD civilian officials, all who have said that reductions must be made bilaterally in concert with Russia.

I am deeply concerned that not only is this proposal to unilaterally disarm unwise; it is also shortsighted. It could seriously diminish the long-term security of our Nation.

We face a world today in which nuclear threats to the United States are increasing and our conventional military capabilities face dramatic reductions. Given this, our nuclear deterrent is becoming more important, not less.

Malmstrom Air Force Base, in my home State of Montana, is home to 150 of our Nation's intercontinental ballistic missiles. Earlier this year, I visited Malmstrom and I met with the leaders of the 341st Missile Wing to discuss the importance of our ICBM mission to our national security.

Colonel Robert W. Stanley, the commander at Malmstrom, gave me this commander's coin, which bears a motto that truly sums up why our defense strategy is effective. It says this: "Scaring the hell out of America's enemies since 1962."

This motto clearly demonstrates the importance of our peace-through-strength strategy. We cannot underestimate the role that our strong nuclear defenses have played in keeping America secure and maintaining peace not only with Russia, but throughout the world. In fact, some say we have never had to use our ICBMs. I would argue we use them every day to ensure that the world is a safer place.

That is why I urge my colleagues to also support the amendment that I've introduced, alongside Congressman LAMBORN, Congresswoman LUMMIS, and Congressman CRAMER. Our amendment will help keep America safe by maintaining a strong nuclear deterrent and preventing the Obama administration from pursuing efforts to unilaterally reduce our nuclear arsenal.

The Obama administration requested funds in their 2014 budget proposal to do environmental impact studies of our ICBMs, which is widely seen as a back door to attempting to reduce our ICBM fleet.

Our amendment simply prohibits this study. Now is not the time to reduce our ICBM fleet, which is why I would urge all of my colleagues to oppose Mr.

QUIGLEY's amendment and to support the Daines-Lamborn-Lummis-Cramer amendment.

I yield such time as she may consume to the distinguished gentlewoman from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. Mr. Chairman, I rise in opposition to the Quigley amendment as well. It will defund the operation and maintenance of 150 of our land-based intercontinental ballistic missiles.

Regardless of your stance on the nuclear triad—and we will have the opportunity to discuss it later—it is irresponsible to stop funding maintenance of our nuclear weapons with no formal reduction plan.

Are we supposed to leave warheads rotting in the silos? This amendment does not fund the decommissioning of warheads. If it did, a full-scale reduction of our force would be a costly endeavor, one that takes time and is a decision that should not be taken lightly.

But it will effectively reduce our ICBM capabilities by one-third without any strategic considerations or multilateral negotiations with other nuclear powers. The Joint Chiefs have directly and explicitly recommended against a unilateral reduction.

As the administration continues to weigh final force structure decisions scheduled to occur in FY 15, I ask my colleagues to consider the consequences of removing this funding the year before.

The mission of the Air Force Global Strike Command is to provide a safe, secure, effective nuclear deterrent force for the President of the United States. The Quigley amendment would impede the Air Force's ability to fulfill that mission, preempts the President's force structure decision, and lacks feasibility without preparation.

I urge you to oppose the Quigley amendment.

Mr. DAINES. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I rise in opposition to this amendment.

This cut is not required by any treaty. There is no strategic analysis, as the gentlelady said. There is no estimate of how this would affect the balance between the United States and other nuclear powers.

Events over the last several years, as well as through analysis, such as that done under the Nuclear Posture Review, have confirmed that we need to maintain and revitalize our nuclear deterrent.

I rise in strong opposition to this reckless amendment.

□ 2145

Mr. DAINES. Mr. Chairman, I am always concerned when the Joint Chiefs have a strong opinion about our national defense. Given that, these reduc-

tions have been directly and explicitly recommended against by the Joint Chiefs and by senior DOD civilian officials. These gentlemen have all said the reductions must only be made bilaterally, in concert with Russia.

This is shortsighted; it is unwise; and it is a threat to our national security. Therefore, I oppose this unilateral reduction in our nuclear forces.

With that, I yield back the balance of my time.

Mr. QUIGLEY. Mr. Chairman, may I ask how much time is remaining.

The Acting CHAIR. The gentleman from Illinois has 2 minutes remaining.

Mr. QUIGLEY. Let me just say that I've been here 4 years now, and I recognize what the Department of Defense is—it is our jobs program.

I respect my colleagues for defending jobs in their districts, but this isn't about national security—it's about job maintenance, which is not what this is supposed to be about. If we're going to spend money in creating jobs, I want to build bridges and schools and transit systems.

I now yield the balance of my time to the gentleman from Indiana (Mr. VISCLOSKEY).

Mr. VISCLOSKEY. I thank the gentleman for yielding, and I rise in strong support of his amendment.

Mr. Chairman, as I quoted in my opening remarks, rather than getting larger and more expensive over the past decade, the military has simply grown to be more expensive. Our world has fundamentally changed since the days of the Cold War, and certain aspects of our military's national security strategies have evolved. However, I do not believe that our nuclear weapons have had a corresponding change relative to our consideration as to their deployment in numbers.

I do think that Congress has a very important role to play in helping the administration make rational decisions as to the size and composition of the stockpile and of the complex that supports it. In talking about that complex as a member of the Energy and Water Subcommittee, I will point out that there are significant costs over and above those in this particular bill given the civilian control over the warheads at that particular Department.

I also do not have a concern that, in any way, shape, or form, the gentleman is proposing that we unilaterally disarm this Nation. I believe that we certainly have adequate protection, and I support his amendment.

Mr. QUIGLEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. QUIGLEY. Mr. Chairman, I demand a recorded vote.



The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 47 OFFERED BY MR. DENHAM

The Acting CHAIR. It is now in order to consider amendment No. 47 printed in House Report 113-170.

Mr. DENHAM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated or otherwise made available in this Act may be used to implement the Trans Regional Web Initiative.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from California (Mr. DENHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. DENHAM. Mr. Chairman, it is crucial in this time of limited budgets that we transfer funds from those programs which are either duplicative or ineffective to the highest priority uses for the Department, such as maintaining readiness and taking care of our personnel. With that in mind, I have introduced a limiting amendment to prohibit the Department of Defense from using funds to implement the Trans-Regional Web Initiative.

This program consists of a series of general news Web sites that cater to foreign audiences. The Department requested \$19.7 million to continue this effort during fiscal year 2014. An April 2013 GAO report found that the TRWI program lacks meaningful performance metrics and is poorly coordinated with other U.S. Government public diplomacy programs. I want to put this \$19.7 million in perspective.

With this money, the Army National Guard could have retained 2,000 soldiers of the 4,000 it has been forced to reduce from its end strength due to budget cuts. That is 2,000 guardsmen who could be supporting our active component, responding to natural disasters, or securing our border. Instead, that money is going to Web sites providing entertainment news and lifestyle advice to the Balkans and Middle East.

It is important to remember that the United States already spends hundreds of millions of dollars each year in providing quality, independent journalism overseas through the Broadcasting Board of Governors. In fact, every week, more than 203 million listeners, viewers, and Internet users around the world engage with U.S. international broadcasting programs which are completely separate from the duplicative and expensive TRWI program.

How can we possibly justify unnecessary and ineffective, duplicative measures by the Department of Defense? How can I tell someone in my district that he was furloughed but that we found the cash to pay for an article about the plight of child actors in Turkey?

Our colleagues in the Senate have already acted. The Senate Armed Services Committee found that the costs to operate the Web sites are excessive, that the effectiveness of the Web sites is questionable, and that the performance metrics do not justify the expense.

I want to thank Citizens Against Government Waste, Taxpayers for Common Sense, and the Project on Government Oversight for their support on this amendment.

Mr. Chairman, in this time of limited Federal resources, we cannot afford to continue wasteful programs like this.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. I rise to claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, over the past several years, this committee has taken a very hard look at all of our military information operations programs—a very hard look. While the committee reduced or eliminated funding for those we judged not to be appropriate Defense Department activities, this was not one of them.

This is a fully acknowledged program, with each Web site sponsored by a geographic combatant commander. These Web sites provide important news and information about events in their regions and about U.S. activities being conducted in those regions. These Web sites are an important opportunity for the United States Government to inform foreign audiences about U.S. military activities in their regions, including joint military training exercises or, very importantly, about humanitarian assistance.

Too often, we find ourselves frustrated that foreign populations fail to appreciate the support they receive from the United States, particularly from the United States military, or to understand the U.S. position on issues impacting their parts of the world. This is often because people are unaware of our efforts. These Web sites offer the combatant commanders the ability to get the word out, and I believe and we, the committee, believe that that's important. Therefore, I urge the rejection of the amendment.

With that, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I appreciate the gentleman for yielding. I would simply associate myself with his remarks and, particularly, with his introduction.

The subcommittee has had concerns and questions about the program in the past and has worked very closely with the Department of Defense. I do think it shows the oversight that this subcommittee continues to exercise. Again, I join with the gentleman in opposition.

Mr. FRELINGHUYSEN. I reserve the balance of my time.

Mr. DENHAM. Mr. Chairman, I will just end by saying that this is another attempt to cut waste.

Give the Department of Defense the flexibility to retain our personnel. 2,160 National Guardsmen, to be exact, could be saved and retained by cutting this amount of waste. As well as having Citizens Against Government Waste, the Senate has shown great wisdom in this particular instance in coming together with us and cutting this type of waste.

I think this is a great opportunity to really show that we support those brave men and women by retaining those positions.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, this program also supports our very brave men and women.

I oppose the gentleman's amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. DENHAM).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 113-170 on which further proceedings were postponed, in the following order:

Amendment No. 28 by Mr. CICILLINE of Rhode Island.

Amendment No. 29 by Mr. COHEN of Tennessee.

Amendment No. 30 by Mr. COFFMAN of Colorado.

Amendment No. 33 by Mr. GARAMENDI of California.

Amendment No. 35 by Mr. FLEMING of Louisiana.

Amendment No. 36 by Mr. RIGELL of Virginia.

Amendment No. 41 by Mr. FLORES of Texas.

Amendment No. 44 by Ms. DELAURIO of Connecticut.

Amendment No. 45 by Ms. LEE of California.

Amendment No. 46 by Mr. QUIGLEY of Illinois.

Amendment No. 47 by Mr. DENHAM of California.



The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 28 OFFERED BY MR. CICILLINE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 237, not voting 12, as follows:

[Roll No. 388]

AYES—184

Amash	Hanabusa	Peterson
Andrews	Hanna	Petri
Bass	Hastings (FL)	Pingree (ME)
Beatty	Higgins	Pitts
Becerra	Himes	Pocan
Blumenauer	Hinojosa	Poe (TX)
Bonamici	Honda	Polis
Brady (PA)	Huelskamp	Posey
Braley (IA)	Huffman	Price (GA)
Broun (GA)	Jackson Lee	Quigley
Brown (FL)	Jeffries	Radel
Buchanan	Johnson, E. B.	Rahall
Burgess	Jones	Rangel
Butterfield	Keating	Reed
Capps	Kelly (IL)	Renacci
Capuano	Kilmer	Ribble
Carney	Kingston	Richmond
Cartwright	Kirkpatrick	Rigell
Cassidy	Kuster	Rohrabacher
Chaffetz	Labrador	Ros-Lehtinen
Chu	Langevin	Royce
Cicilline	Larson (CT)	Rush
Clarke	Lee (CA)	Sanchez, Loretta
Clay	Lewis	Sanford
Cleaver	Loebach	Scalise
Clyburn	Lofgren	Schakowsky
Coffman	Lowenthal	Schiff
Cohen	Lummis	Schneider
Conyers	Maffei	Schrader
Courtney	Maloney	Schwartz
Crowley	Carolyn	Schweikert
Cummings	Maloney, Sean	Scott (VA)
Daines	Massie	Scott, David
Davis, Rodney	McClintock	Sensenbrenner
DeFazio	McCollum	Serrano
DeGette	McDermott	Shea-Porter
DeLauro	McGovern	Sinema
Doggett	McIntyre	Sires
Doyle	McKinley	Slaughter
Duffy	Meadows	Speier
Duncan (TN)	Meeks	Stockman
Edwards	Mica	Stutzman
Ellison	Michaud	Thompson (CA)
Engel	Miller (MI)	Thompson (MS)
Enyart	Miller, George	Tierney
Eshoo	Moore	Upton
Farr	Moran	Vela
Fattah	Mulvaney	Velázquez
Fincher	Murphy (FL)	Walberg
Fox	Nadler	Walden
Frankel (FL)	Napolitano	Walz
Fudge	Neal	Waters
Gabbard	Negrete McLeod	Watt
Garamendi	Neugebauer	Waxman
Garrett	Nolan	Webster (FL)
Gingrey (GA)	O'Rourke	Welch
Grayson	Pallone	Westmoreland
Green, Al	Pascrell	Wilson (FL)
Green, Gene	Paulsen	Woodall
Grijalva	Payne	Yarmuth
Gutiérrez	Peters (CA)	Yoho
Hahn	Peters (MI)	

NOES—237

Gibson	Nunes
Goodlatte	Nunnelee
Gosar	Olson
Gowdy	Owens
Granger	Palazzo
Graves (GA)	Pastor (AZ)
Graves (MO)	Pearce
Griffin (AR)	Pelosi
Griffith (VA)	Perlmutter
Grimm	Perry
Guthrie	Pittenger
Hall	Pompeo
Harper	Price (NC)
Harris	Reichert
Hartzler	Rice (SC)
Hastings (WA)	Roby
Heck (NV)	Roe (TN)
Heck (WA)	Rogers (AL)
Hensarling	Rogers (KY)
Holding	Rogers (MI)
Hoyer	Rooney
Huizenga (MI)	Roskam
Hultgren	Ross
Hunter	Rothfus
Hurt	Roybal-Allard
Israel	Ruiz
Issa	Runyan
Jenkins	Ruppersberger
Johnson (GA)	Ryan (OH)
Johnson (OH)	Ryan (WI)
Johnson, Sam	Salmon
Jordan	Sánchez, Linda
Joyce	T.
Kaptur	Sarbanes
Kelly (PA)	Scott, Austin
Kennedy	Sessions
Kildee	Sewell (AL)
Kind	Sherman
King (IA)	Shimkus
King (NY)	Shuster
Kinzinger (IL)	Smith (MO)
Kline	Smith (NE)
LaMalfa	Smith (NJ)
Lamborn	Smith (TX)
Lance	Smith (WA)
Lankford	Southerland
Larsen (WA)	Stewart
Latham	Stivers
Latta	Swalwell (CA)
Levin	Takano
Lipinski	Terry
LoBlundo	Thompson (PA)
Long	Thornberry
Lowey	Tiberi
Lucas	Tipton
Luetkemeyer	Titus
Lujan Grisham	Tonko
(NM)	Tsongas
Luján, Ben Ray	Turner
(NM)	Valadao
Lynch	Van Hollen
Marchant	Vargas
Marino	Veasey
Matheson	Visclosky
Matsui	Wagner
McCarthy (CA)	Walorski
McCauley	Wasserman
McHenry	Schultz
McKeon	Weber (TX)
McMorris	Wenstrup
Rodgers	Whitfield
McNerney	Williams
Meehan	Wilson (SC)
Meng	Wittman
Messer	Wolf
Miller (FL)	Womack
Miller, Gary	Yoder
Mullin	Young (AK)
Murphy (PA)	Young (FL)
Noem	Young (IN)
Nugent	

NOT VOTING—12

Campbell	Herrera Beutler	McCarthy (NY)
Cantor	Holt	Rokita
Coble	Horsford	Schock
Gohmert	Hudson	Simpson

□ 2222

Messrs. TONKO, ISRAEL, Ms. LINDA T. SÁNCHEZ of California, Ms. SEWELL of Alabama, Messrs. PASTOR of

Arizona and SMITH of Missouri changed their vote from “aye” to “no.”

Ms. KUSTER, Messrs. NEUGEBAUER, RIBBLE, WATT, GINGREY of Georgia, LANGEVIN, FINCHER, MEEKS, HANNA, and YOHO changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 29 OFFERED BY MR. COHEN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. COHEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 173, not voting 11, as follows:

[Roll No. 389]

AYES—249

Amash	DelBene	Hunter
Andrews	DeSantis	Hurt
Bachmann	DesJarlais	Issa
Bass	Doggett	Jackson Lee
Beatty	Doyle	Jeffries
Becerra	Duffy	Johnson, E. B.
Bentivolio	Duncan (SC)	Jones
Bera (CA)	Duncan (TN)	Joyce
Bishop (NY)	Ellison	Keating
Blumenauer	Engel	Kelly (IL)
Bonamici	Enyart	Kilmer
Brady (PA)	Eshoo	Kind
Braley (IA)	Esty	Kingston
Bridenstine	Farr	Kirkpatrick
Brooks (AL)	Fattah	Kuster
Brooks (IN)	Fincher	Labrador
Broun (GA)	Fitzpatrick	LaMalfa
Buchanan	Foster	Lance
Buchanan	Fox	Langevin
Bucshon	Fox	Larson (CT)
Burgess	Frankel (FL)	Lee (CA)
Bustos	Fudge	Lewis
Camp	Gabbard	LoBlundo
Capito	Garamendi	Loebach
Capps	Garrett	Lofgren
Capuano	Gibbs	Lowenthal
Carney	Gibson	Lummis
Cartwright	Gingrey (GA)	Lynch
Cassidy	Gohmert	Maffei
Castor (FL)	Goodlatte	Maloney
Chaffetz	Gosar	Maloney, Sean
Chu	Gowdy	Massie
Cicilline	Grayson	Matheson
Clarke	Green, Al	Matsui
Clay	Green, Gene	McClintock
Cleaver	Griffin (AR)	McCollum
Clyburn	Griffith (VA)	McDermott
Coffman	Grijalva	McGovern
Cohen	Gutiérrez	McIntyre
Collins (GA)	Hahn	McKinley
Cooper	Hanabusa	Meadows
Costa	Hanna	Meeks
Courtney	Harris	Meng
Cramer	Hastings (FL)	Mica
Crowley	Heck (WA)	Michaud
Cummings	Higgins	Miller (MI)
Daines	Himes	Miller, George
Davis (CA)	Hinojosa	Moore
Davis, Danny	Honda	Moran
DeFazio	Huelskamp	Mulvaney
DeGette	Huffman	Murphy (FL)
DeLauro	Huizenga (MI)	
	Hultgren	

Nadler  
Napolitano  
Neal  
Negrete McLeod  
Neugebauer  
Nolan  
Nugent  
O'Rourke  
Pallone  
Pascrell  
Paulsen  
Payne  
Perlmutter  
Peters (CA)  
Peters (MI)  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Pocan  
Poe (TX)  
Polis  
Posey  
Price (GA)  
Quigley  
Radel  
Rahall  
Rangel  
Reed  
Renacci  
Ribble  
Rice (SC)

Rigell  
Roe (TN)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roybal-Allard  
Royce  
Rush  
Salmon  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanford  
Scalise  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schwartz  
Schweikert  
Scott (VA)  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Shea-Porter  
Sherman  
Simpson  
Sinema  
Sires  
Smith (MO)

Smith (NJ)  
Speier  
Stivers  
Stockman  
Stutzman  
Thompson (CA)  
Thompson (MS)  
Tiberi  
Tierney  
Titus  
Tonko  
Upton  
Vela  
Velázquez  
Walberg  
Walden  
Walz  
Waters  
Watt  
Waxman  
Webster (FL)  
Welch  
Westmoreland  
Westfield  
Williams  
Wilson (FL)  
Wolf  
Woodall  
Yarmuth  
Yoder  
Young (AK)

## NOES—173

Aderholt  
Alexander  
Amodei  
Bachus  
Barber  
Barletta  
Barr  
Barrow (GA)  
Barton  
Benishek  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boustany  
Brady (TX)  
Brown (FL)  
Brownley (CA)  
Butterfield  
Calvert  
Cantor  
Cárdenas  
Carson (IN)  
Carter  
Castro (TX)  
Chabot  
Collins (NY)  
Conaway  
Connolly  
Cook  
Cotton  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Delaney  
Dent  
Deutch  
Diaz-Balart  
Dingell  
Duckworth  
Edwards  
Ellmers  
Farenthold  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Franks (AZ)  
Frelinghuysen  
Gallego  
Garcia  
Gardner  
Gerlach  
Granger  
Graves (GA)

Graves (MO)  
Grimm  
Guthrie  
Hall  
Harper  
Hartzler  
Hastings (WA)  
Heck (NV)  
Hensarling  
Holding  
Hoyer  
Hudson  
Israel  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kaptur  
Kelly (PA)  
Kennedy  
Kildee  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kline  
Klingner (IL)  
Kline  
Lamborn  
Lankford  
Larsen (WA)  
Latham  
Lucas  
Luetkemeyer  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Marchant  
Marino  
McCarthy (CA)  
McCaul  
McHenry  
McKeon  
McMorris  
Rodgers  
McNerney  
Meehan  
Messer  
Miller (FL)  
Miller, Gary  
Mullin  
Murphy (PA)  
Noem  
Nunes  
Nunnelee

Olson  
Owens  
Palazzo  
Pastor (AZ)  
Pearce  
Pelosi  
Perry  
Pittenger  
Pompeo  
Price (NC)  
Reichert  
Richmond  
Roby  
Rogers (AL)  
Rogers (KY)  
Roskam  
Ross  
Rothfus  
Ruiz  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Sarbanes  
Scott, Austin  
Sewell (AL)  
Shimkus  
Shuster  
Slaughter  
Blumenauer  
Bonamici  
Smith (NE)  
Smith (TX)  
Smith (WA)  
Southernland  
Stewart  
Swaikwell (CA)  
Takano  
Terry  
Thompson (PA)  
Thornberry  
Tipton  
Tsongas  
Turner  
Valadao  
Van Hollen  
Vargas  
Veasey  
Visclosky  
Wagner  
Walorski  
Wasserman  
Schultz  
Weber (TX)  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Young (FL)  
Young (IN)

## NOT VOTING—11

Campbell  
Coble  
Cole  
Conyers

Denham  
Herrera Beutler  
Holt  
Horsford

McCarthy (NY)  
Rokita  
Schock

□ 2228

Ms. EDWARDS changed her vote from “aye” to “no.”

Messrs. GOSAR and AL GREEN of Texas changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 30 OFFERED BY MR. COFFMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. COFFMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 346, noes 79, not voting 8, as follows:

[Roll No. 390]

AYES—346

Amash  
Andrews  
Bachmann  
Barber  
Barletta  
Barr  
Barrow (GA)  
Bass  
Costa  
Cotton  
Courtney  
Cramer  
Crawford  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
Davis, Danny  
Davis, Rodney  
DeFazio  
DeGette  
Delaney  
DeLauro  
DeBene  
Denham  
Burgess  
Bustos  
Camp  
Capito  
Capps  
Capuano  
Carney  
Carson (IN)  
Cartwright  
Cassidy  
Castor (FL)  
Castro (TX)  
Chabot  
Chaffetz  
Chu  
Cicilline  
Clarke  
Clay  
Cleaver  
Clyburn  
Coffman

Cohen  
Cole  
Collins (GA)  
Collins (NY)  
Connolly  
Conyers  
Cooper  
Costa  
Cotton  
Courtney  
Cramer  
Crawford  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
Davis, Danny  
Davis, Rodney  
DeFazio  
DeGette  
Delaney  
DeLauro  
DeBene  
Denham  
Dent  
DeSantis  
DesJarlais  
Deutch  
Doggett  
Doyle  
Duckworth  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Engel  
Enyart  
Eshoo  
Esty  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick

Fleming  
Flores  
Fortenberry  
Foxy  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Garcia  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gosar  
Gowdy  
Graves (GA)  
Graves (MO)  
Grayson  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Guthrie  
Gutiérrez  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hastings (FL)  
Hastings (WA)  
Heck (NV)  
Heck (WA)  
Hensarling  
Higgins  
Himes  
Hinojosa  
Holding  
Honda  
Hoyer

Hudson  
Huelskamp  
Huffman  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jackson Lee  
Jeffries  
Johnson (OH)  
Johnson, E. B.  
Jones  
Jordan  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
King (IA)  
Kingston  
Kirkpatrick  
Kuster  
Labrador  
LaMalfa  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
Latta  
Lee (CA)  
Levin  
Lewis  
Lipinski  
LoBiondo  
Loeback  
Lofgren  
Lowenthal  
Lowey  
Lucas  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lummis  
Lynch  
Maffei  
Maloney,  
Carolyn  
Maloney, Sean  
Marchant  
Massie  
Matheson  
Matsui  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKinley  
McMorris  
Rodgers  
Meadows  
Meehan

Meeks  
Meng  
Messer  
Mica  
Michaud  
Miller (MI)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (FL)  
Murphy (PA)  
Nadler  
Napolitano  
Neal  
Negrete McLeod  
Neugebauer  
Noem  
Nolan  
Nugent  
Nunes  
Nunnelee  
O'Rourke  
Olson  
Owens  
Palazzo  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Pelosi  
Perlmutter  
Perry  
Peters (CA)  
Peters (MI)  
Peterson  
Petri  
Pingree (ME)  
Pittenger  
Pitts  
Pocan  
Poe (TX)  
Polis  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Radel  
Rahall  
Rangel  
Reed  
Renacci  
Ribble  
Rice (SC)  
Richmond  
Rigell  
Roe (TN)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Ross  
Rothfus  
Roybal-Allard  
Royce  
Rush  
Ryan (OH)  
Ryan (WI)  
Salmon  
Sánchez, Linda  
T.

## NOES—79

Crenshaw  
Daines  
Diaz-Balart  
Dingell  
Ellmers  
Fleischmann  
Forbes  
Foster  
Franks (AZ)  
Frelinghuysen  
Goodlatte  
Granger  
Grimm  
Hartzler  
Jenkins  
Johnson (GA)  
Johnson, Sam  
Joyce  
Kelly (PA)  
King (NY)  
Kinzinger (IL)

Kline  
Lamborn  
Long  
Luetkemeyer  
Marino  
McKeon  
McNerney  
Miller (FL)  
Mullin  
Pearce  
Pompeo  
Reichert  
Roby  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Roskam  
Ruiz  
Runyan  
Ruppersberger  
Sewell (AL)

Smith (NE)	Tiberi	Wilson (SC)
Smith (TX)	Turner	Wittman
Smith (WA)	Visclosky	Womack
Stewart	Walorski	Young (FL)
Stivers	Wenstrup	
Thornberry	Whitfield	

## NOT VOTING—8

Campbell	Holt	Rokita
Coble	Horsford	Schock
Herrera Beutler	McCarthy (NY)	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 2232

Messrs. COLE and GRAVES of Missouri changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 33 OFFERED BY MR. GARAMENDI  
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GARAMENDI) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 150, noes 276, not voting 7, as follows:

[Roll No. 391]

## AYES—150

Amash	Doyle	Labrador
Andrews	Duncan (TN)	Larson (CT)
Bachmann	Edwards	Lee (CA)
Bass	Ellison	Loebsack
Beatty	Enyart	Lofgren
Becerra	Eshoo	Lowenthal
Bentivolio	Esty	Lummis
Bera (CA)	Farr	Lynch
Bishop (NY)	Fattah	Maffei
Blumenauer	Fudge	Maloney,
Bonamici	Garamendi	Carolyn
Brady (PA)	Garrett	Massie
Braley (IA)	Gibson	Matsui
Broun (GA)	Gingrey (GA)	McClintock
Buchanan	Gohmert	McDermott
Burgess	Gowdy	McGovern
Camp	Grayson	McKinley
Capps	Green, Gene	Meeks
Capuano	Griffith (VA)	Mica
Carson (IN)	Grijalva	Michaud
Carter	Gutiérrez	Miller (MI)
Courtwright	Hahn	Miller, George
Castor (FL)	Hanabusa	Moran
Chaffetz	Harris	Mulvaney
Chu	Hastings (FL)	Murphy (FL)
Cicilline	Higgins	Nadler
Clarke	Himes	Napolitano
Clay	Hinojosa	Neal
Cleaver	Honda	Negrete McLeod
Coffman	Huelskamp	Nolan
Cohen	Huffman	O'Rourke
Conyers	Huizenga (MI)	Pallone
Courtney	Hurt	Pascarell
Cummings	Jeffries	Payne
Davis, Rodney	Johnson, E. B.	Peters (CA)
DeFazio	Jones	Peters (MI)
DeGette	Kelly (IL)	Petri
DeLauro	Kind	Pingree (ME)
Doggett	Kirkpatrick	Pocan

Poe (TX)
Polis
Posey
Price (GA)
Quigley
Rahall
Rangel
Ribble
Rohrabacher
Ros-Lehtinen
Sánchez, Linda T.

Sanchez, Loretta
Sanford
Schakowsky
Schweikert
Scott (VA)
Sensenbrenner
Serrano
Sires
Slaughter
Speier
Stutzman
Terry

## NOES—276

Gallego
Garcia
Gardner
Gerlach
Gibbs
Goodlatte
Gosar
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Grimm
Guthrie
Hall
Hanna
Harper
Hartzler
Hastings (WA)
Heck (NV)
Heck (WA)
Hensarling
Holding
Bucshon
Hudson
Hultgren
Hunter
Israel
Issa
Jackson Lee
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce
Kaptur
Keating
Kelly (PA)
Kennedy
Kildee
Kilmer
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Kuster
LaMalfa
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Latham
Latta
Levin
Lewis
Lipinski
LoBiondo
Long
Lowe
Lucas
Luetkemeyer
Lujan Grisham
(NM)
Luján, Ben Ray
(NM)
Maloney, Sean
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McCollum
McHenry
McIntyre
McKeon
McMorris
Rodgers
McNerney

Thompson (CA)
Tierney
Titus
Tonko
Upton
Velázquez
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tsongas
Turner
Valadao
Van Hollen
Vargas
Veasey
Vela
Visclosky

## NOT VOTING—7

Campbell	Holt	Rokita
Coble	Horsford	
Herrera Beutler	McCarthy (NY)	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 2236

Mr. LYNCH changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 35 OFFERED BY MR. FLEMING

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. FLEMING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 173, not voting 7, as follows:

[Roll No. 392]

## AYES—253

Aderholt	Chabot	Flores
Alexander	Chaffetz	Forbes
Amodei	Coffman	Fortenberry
Bachmann	Cole	Fox
Bachus	Collins (GA)	Franks (AZ)
Barber	Collins (NY)	Frelinghuysen
Barletta	Conaway	Gallego
Barr	Cook	Garcia
Barrow (GA)	Cooper	Gardner
Barton	Costa	Garrett
Benishek	Cramer	Gerlach
Bentivolio	Crawford	Gibbs
Bilirakis	Crenshaw	Gibson
Bishop (UT)	Cuellar	Gingrey (GA)
Black	Culberson	Gohmert
Blackburn	Daines	Goodlatte
Bonner	Davis, Danny	Gosar
Boustany	Davis, Rodney	Gowdy
Brady (TX)	Denham	Granger
Bridenstine	Dent	Graves (GA)
Brooks (AL)	DeSantis	Graves (MO)
Brooks (IN)	DesJarlais	Green, Gene
Broun (GA)	Diaz-Balart	Griffin (AR)
Buchanan	Duffy	Griffith (VA)
Bucshon	Duncan (SC)	Grimm
Burgess	Duncan (TN)	Guthrie
Bustos	Ellmers	Hall
Calvert	Enyart	Hanna
Camp	Farenthold	Harper
Cantor	Fincher	Harris
Capito	Fitzpatrick	Hartzler
Carter	Fleischmann	Hastings (WA)
Cassidy	Fleming	Heck (NV)



Hensarling	Nunnelee	Schakowsky	Gerlach	Marino	Ross	Maloney, Sean	Peterson	Sinema
Hudson	Owens	Schock	Gibbs	Massie	Rothfus	Matsui	Pingree (ME)	Sires
Israel	Pastor (AZ)	Sewell (AL)	Gingrey (GA)	Matheson	Royce	McCollum	Pocan	Slaughter
Johnson (GA)	Payne	Sherman	Gohmert	McCarthy (CA)	Runyan	McDermott	Polis	Smith (WA)
Johnson, E. B.	Pelosi	Sinema	Goodlatte	McCauley	Ryan (WI)	McGovern	Price (NC)	Speier
Kaptur	Price (NC)	Smith (NE)	Gosar	McClintock	Salmon	McNerney	Quigley	Swalwell (CA)
Kennedy	Reichert	Smith (WA)	Gowdy	McHenry	Sanford	Meeks	Rangel	Takano
Kildee	Roby	Speier	Granger	McIntyre	Scalise	Meng	Richmond	Thompson (CA)
King (IA)	Rogers (KY)	Stewart	Graves (GA)	McKeon	Schock	Michaud	Roybal-Allard	Thompson (MS)
King (NY)	Roskam	Swalwell (CA)	Graves (MO)	McKinley	Schweikert	Miller, George	Ruiz	Tierney
Kinzing (IL)	Rothfus	Takano	Green, Gene	McMorris	Scott, Austin	Moore	Ruppersberger	Titus
Kirkpatrick	Roybal-Allard	Thornberry	Griffin (AR)	Rodgers	Sensenbrenner	Moran	Rush	Tonko
Langevin	Royce	Tsongas	Griffith (VA)	Meadows	Sessions	Murphy (FL)	Ryan (OH)	Tsongas
Larsen (WA)	Ruiz	Valadao	Grimm	Meehan	Shimkus	Nadler	Sánchez, Linda	Van Hollen
Levin	Ruppersberger	Van Hollen	Guthrie	Messer	Shuster	Napolitano	T.	Vargas
Lowe	Rush	Vargas	Hall	Mica	Simpson	Neal	Sanchez, Loretta	Veasey
Lujan Grisham	Ryan (OH)	Veasey	Hanna	Miller (FL)	Smith (MO)	Negrete McLeod	Sarbanes	Velázquez
(NM)	Ryan (WI)	Visclosky	Harper	Miller (MI)	Smith (NE)	Nolan	Schakowsky	Visclosky
McCauley	Sánchez, Linda	Wilson (FL)	Harris	Miller, Gary	Smith (NJ)	O'Rourke	Schiff	Walz
Meeks	T.	Young (FL)	Hartzler	Mullin	Smith (TX)	Owens	Schneider	Wasserman
Meng	Sarbanes	Young (IN)	Hastings (WA)	Mulvaney	Smith (TX)	Pallone	Schrader	Schultz
			Heck (NV)	Murphy (PA)	Southerland	Pascarella	Schwartz	Watt
			Hensarling	Neugebauer	Stewart	Pastor (AZ)	Scott (VA)	Waters
			Holding	Noem	Stivers	Payne	Scott, David	Welch
			Hudson	Nugent	Stockman	Pelosi	Serrano	Waxman
			Huelskamp	Nunes	Stutzman	Perlmutter	Sewell (AL)	Wilson (FL)
			Huizenga (MI)	Nunnelee	Terry	Peters (CA)	Shea-Porter	Yarmuth
			Hultgren	Olson	Thompson (PA)	Peters (MI)	Sherman	
			Hunter	Palazzo	Thornberry			
			Hurt	Paulsen	Tiberi			
			Issa	Pearce	Tipton			
			Jenkins	Perry	Turner			
			Johnson (OH)	Petri	Upton			
			Johnson, Sam	Pittenger	Valadao			
			Jordan	Pitts	Vela			
			Joyce	Poe (TX)	Wagner			
			Kelly (PA)	Pompeo	Walberg			
			King (IA)	Posey	Walden			
			King (NY)	Price (GA)	Walorski			
			Kingston	Radel	Weber (TX)			
			Kinzing (IL)	Rahall	Webster (FL)			
			Kline	Reed	Wenstrup			
			Labrador	Reichert	Westmoreland			
			LaMalfa	Renacci	Whitfield			
			Lamborn	Ribble	Williams			
			Lance	Rice (SC)	Wilson (SC)			
			Lankford	Rigell	Wittman			
			Latham	Roby	Wolf			
			Latta	Roe (TN)	Womack			
			Lipinski	Rogers (AL)	Woodall			
			LoBiondo	Rogers (KY)	Yoder			
			Long	Rogers (MI)	Yoho			
			Lucas	Rohrabacher	Young (AK)			
			Luetkemeyer	Rooney	Young (FL)			
			Lummis	Ros-Lehtinen	Young (IN)			
			Marchant	Roskam				

## NOT VOTING—7

Campbell	Holt	Rokita
Coble	Horsford	
Herrera Beutler	McCarthy (NY)	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 2244

Ms. ROYBAL-ALLARD changed her vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 41 OFFERED BY MR. FLORES

The Acting CHAIR (Mr. COLLINS of Georgia). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. FLORES) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 189, not voting 7, as follows:

[Roll No. 394]

AYES—237

Aderholt	Bucshon	Davis, Rodney
Alexander	Burgess	Denham
Amash	Calvert	Dent
Amodei	Camp	DeSantis
Bachmann	Cantor	DesJarlais
Bachus	Capito	Diaz-Balart
Barletta	Carter	Duffy
Barr	Cassidy	Duncan (SC)
Barrow (GA)	Chabot	Duncan (TN)
Barton	Chaffetz	Ellmers
Benishke	Coffman	Farenthold
Bentivolio	Cole	Fincher
Bilirakis	Collins (GA)	Fitzpatrick
Bishop (UT)	Collins (NY)	Fleischmann
Black	Conaway	Fleming
Blackburn	Cook	Flores
Bonner	Costa	Forbes
Boustany	Cotton	Fortenberry
Brady (TX)	Cramer	Fox
Bridenstine	Crawford	Franks (AZ)
Brooks (AL)	Crenshaw	Frelinghuysen
Brooks (IN)	Cuellar	Galleo
Broun (GA)	Culberson	Gardner
Buchanan	Daines	Garrett

Andrews	Davis (CA)	Hinojosa
Barber	Davis, Danny	Honda
Bass	DeFazio	Hoyer
Beatty	DeGette	Huffman
Becerra	Delaney	Israel
Bera (CA)	DeLauro	Jackson Lee
Bishop (GA)	DelBene	Jeffries
Bishop (NY)	Deutch	Johnson (GA)
Blumenauer	Dingell	Johnson, E. B.
Bonamici	Doggett	Jones
Brady (PA)	Doyle	Kaptur
Braley (IA)	Duckworth	Keating
Brown (FL)	Edwards	Kelly (IL)
Brownley (CA)	Ellison	Kennedy
Bustos	Engel	Kildee
Butterfield	Enyart	Kilmer
Capps	Eshoo	Kind
Capuano	Esty	Kirkpatrick
Cárdenas	Farr	Kuster
Carney	Fattah	Langevin
Carson (IN)	Foster	Larsen (WA)
Cartwright	Frankel (FL)	Larson (CT)
Castor (FL)	Fudge	Lee (CA)
Castro (TX)	Gabbard	Levin
Chu	Garamendi	Lewis
Cicilline	Garcia	Loebach
Clarke	Gibson	Lofgren
Clay	Grayson	Lowenthal
Cleaver	Green, Al	Lowe
Clyburn	Grijalva	Lujan Grisham
Cohen	Gutiérrez	(NM)
Connolly	Hahn	Luján, Ben Ray
Conyers	Hanabusa	(NM)
Cooper	Hastings (FL)	Lynch
Courtney	Heck (WA)	Maffei
Crowley	Higgins	Maloney
Cummings	Himes	Carolyn

## NOES—189

## NOT VOTING—7

Campbell	Holt	Rokita
Coble	Horsford	
Herrera Beutler	McCarthy (NY)	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 2247

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 44 OFFERED BY MS. DELAURO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 333, noes 93, not voting 7, as follows:

[Roll No. 395]

AYES—333

Amash	Brown (FL)	Cleaver
Andrews	Brownley (CA)	Clyburn
Bachmann	Buchanan	Coffman
Barber	Bucshon	Cohen
Barr	Bustos	Cole
Barrow (GA)	Camp	Collins (GA)
Bass	Capito	Collins (NY)
Beatty	Capps	Connolly
Becerra	Capuano	Conyers
Benishke	Carney	Cooper
Bentivolio	Carson (IN)	Costa
Bera (CA)	Cartwright	Cotton
Bishop (GA)	Cassidy	Courtney
Bishop (NY)	Castor (FL)	Crawford
Black	Castro (TX)	Crowley
Blumenauer	Chabot	Cuellar
Bonamici	Chaffetz	Culberson
Brady (PA)	Chu	Cummings
Braley (IA)	Cicilline	Davis (CA)
Bridenstine	Clarke	Davis, Danny
Broun (GA)	Clay	Davis, Rodney

DeFazio	Kingston	Radel	NOES—93		Hinojosa	Moore	Sarbanes
DeGette	Kinzinger (IL)	Rahall	Aderholt	Franks (AZ)	Pearce	Nadler	Schakowsky
Delaney	Kirkpatrick	Rangel	Alexander	Frelinghuysen	Perry	Napolitano	Schiff
DeLauro	Kuster	Reed	Amodei	Gabbard	Pompeo	Neal	Schrader
DelBene	LaMalfa	Renacci	Bachus	Gardner	Reichert	Negrete McLeod	Scott, David
Dent	Lance	Ribble	Barletta	Gingrey (GA)	Roby	Nolan	Serrano
DeSantis	Langevin	Rice (SC)	Barton	Granger	Rogers (AL)	Kelly (IL)	Sires
DesJarlais	Lankford	Richmond	Bilirakis	Graves (MO)	Rogers (KY)	Kennedy	Payne
Deutch	Larsen (WA)	Rigell	Bishop (UT)	Hartzler	Rogers (MI)	Kildee	Pelosi
Dingell	Larson (CT)	Roe (TN)	Blackburn	Holding	Roskam	Lee (CA)	Perlmutter
Doggett	Latham	Rohrabacher	Bonner	Hudson	Ruiz	Lewis	Peters (MI)
Doyle	Latta	Rooney	Boustany	Jenkins	Runyan	Lofgren	Pingree (ME)
Duckworth	Lee (CA)	Ros-Lehtinen	Brady (TX)	Johnson (GA)	Scott, Austin	Lowenthal	Pocan
Duffy	Levin	Ross	Brooks (AL)	Johnson, Sam	Shuster	Lynch	Polis
Duncan (TN)	Lewis	Rothfus	Brooks (IN)	Joyce	Smith (TX)	Maloney,	Quigley
Edwards	Lipinski	Roybal-Allard	Burgess	Kelly (PA)	Smith (WA)	Carolyn	Rangel
Ellison	LoBiondo	Royce	Butterfield	King (NY)	Stewart	McDermott	Richmond
Engel	Loeb sack	Ruppersberger	Calvert	Kline	Stivers	McGovern	Roybal-Allard
Enyart	Lofgren	Rush	Cantor	Labrador	Thompson (PA)	Rush	Rush
Eshoo	Lowenthal	Cardenas	Cardenas	Lamborn	Thornberry	Meng	Sanchez, Linda
Esty	Lowe y	Ryan (OH)	Carter	Long	Tiberi	Michaud	T.
Farenthold	Lucas	Ryan (WI)	Conaway	Luetkemeyer	Turner	Miller, George	Sanchez, Loretta
Farr	Lujan Grisham	Salmon	Cook	Lummis	Valadao		
Fattah	(NM)	Sanchez, Linda	Cramer	Marchant	Walorski		
Fincher	Lujan, Ben Ray	T.	Crenshaw	Marino	Weber (TX)		
Fitzpatrick	(NM)	Sanchez, Loretta	Daines	McCaul	Wenstrup		
Fleischmann	Lynch	Sanford	Denham	McKeon	Whitfield		
Fleming	Maffei	Sarbanes	Diaz-Balart	Meadows	Wilson (SC)		
Fortenberry	Maloney,	Scalise	Duncan (SC)	Miller (FL)	Wittman		
Foster	Carolyn	Schakowsky	Ellmers	Mullin	Yoder		
Fox	Maloney, Sean	Schiff	Flores	Noem	Yoho		
Frankel (FL)	Massie	Schneider	Forbes	Olson	Young (FL)		
Fudge	Matheson	Schock					
Gallego	Matsui	Schrader	Campbell	Holt	Rokita		
Garamendi	McCarthy (CA)	Schwartz	Coble	Horsford			
Garcia	McClintock	Schweikert	Herrera Beutler	Scott (VA)	McCarthy (NY)		
Garrett	McCollum	Scott, David					
Gerlach	McDermott	Scott, David					
Gibbs	McGovern	Sensenbrenner					
Gibson	McHenry	Serrano					
Gohmert	McIntyre	Sessions					
Goodlatte	McKinley	Sewell (AL)					
Gosar	McMorris	Shea-Porter					
Gowdy	McMorris	Sherman					
Graves (GA)	Rodgers	Shimkus					
Grayson	McNerney	Simpson					
Green, Al	Meehan	Sinema					
Green, Gene	Meeks	Sires					
Griffin (AR)	Meng	Slaughter					
Griffith (VA)	Messer	Smith (MO)					
Grijalva	Mica	Smith (NE)					
Grimm	Michaud	Smith (NJ)					
Guthrie	Miller (MI)	Southerland					
Gutiérrez	Miller, Gary	Speier					
Hahn	Miller, George	Stockman					
Hall	Moore	Stutzman					
Hanabusa	Moran	Swalwell (CA)					
Hanna	Mulvaney	Takano					
Harper	Murphy (FL)	Terry					
Harris	Murphy (PA)	Tompson (CA)					
Hastings (FL)	Nadler	Tompson (MS)					
Hastings (WA)	Napolitano	Tierney					
Heck (NV)	Neal	Tipton					
Heck (WA)	Negrete McLeod	Titus					
Hensarling	Neugebauer	Tonko					
Higgins	Nolan	Tsongas					
Himes	Nugent	Upton					
Hinojosa	Nunes	Van Hollen					
Honda	Nunnelee	Vargas					
Hoyer	O'Rourke	Veasey					
Huelskamp	Owens	Vela					
Huffman	Palazzo	Velázquez					
Huizenga (MI)	Pallone	Visclosky					
Hultgren	Pascrell	Wagner					
Hunter	Pastor (AZ)	Walberg					
Hurt	Paulsen	Walden					
Israel	Payne	Walz					
Issa	Pelosi	Wasserman					
Jackson Lee	Perlmutter	Schultz					
Jeffries	Peters (CA)	Waters					
Johnson (OH)	Peters (MI)	Watt					
Johnson, E. B.	Peterson	Waxman					
Jones	Petri	Webster (FL)					
Jordan	Pingree (ME)	Welch					
Kaptur	Pittenger	Westmoreland					
Keating	Pitts	Williams					
Kelly (IL)	Pocan	Wilson (FL)					
Kennedy	Poe (TX)	Wolf					
Kildee	Polis	Womack					
Kilmer	Posey	Woodall					
Kind	Price (GA)	Yarmuth					
King (IA)	Price (NC)	Young (AK)					
	Quigley	Young (IN)					

## NOT VOTING—7

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 2250

So the amendment was agreed to.  
The result of the vote was announced  
as above recorded.

AMENDMENT NO. 45 OFFERED BY MS. LEE OF  
CALIFORNIA

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentlewoman from California (Ms. LEE)  
on which further proceedings were  
postponed and on which the noes pre-  
vailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 109, noes 317,  
not voting 7, as follows:

[Roll No. 396]

## AYES—109

Amash	Clarke	Duckworth
Bass	Clay	Duncan (TN)
Beatty	Cleaver	Edwards
Becerra	Clyburn	Ellison
Blumenauer	Cohen	Farr
Bonamici	Conyers	Fattah
Brady (PA)	Costa	Fudge
Braley (IA)	Crowley	Grayson
Butterfield	Cummings	Green, Gene
Caputo	Davis, Danny	Griffith (VA)
Carney	DeFazio	Grijalva
Carson (IN)	DeGette	Gutiérrez
Castor (FL)	Delaney	Hahn
Chu	Deutch	Hastings (FL)
Cicilline	Doyle	Himes

## NOES—317

Doggett	Kaptur
Duffy	Kelly (PA)
Duncan (SC)	Kilmer
Ellmers	Kind
Engel	King (IA)
Enyart	King (NY)
Eshoo	Kingston
Esty	Kinzinger (IL)
Farenthold	Kirkpatrick
Fincher	Kline
Fitzpatrick	Kuster
Fleischmann	Labrador
Fleming	LaMalfa
Flores	Lamborn
Forbes	Lance
Fortenberry	Langevin
Foster	Lankford
Fox	Larsen (WA)
Frankel (FL)	Larson (CT)
Franks (AZ)	Latham
Frelinghuysen	Latta
Gabbard	Levin
Gallego	Lipinski
Garamendi	LoBiondo
Garcia	Loeb sack
Gardner	Long
Garrett	Lowey
Gerlach	Lucas
Gibbs	Luetkemeyer
Gibson	Lujan Grisham
Gingrey (GA)	(NM)
Gohmert	Luján, Ben Ray
Goodlatte	(NM)
Gosar	Lummis
Gowdy	Maffei
Granger	Maloney, Sean
Graves (GA)	Marchant
Graves (MO)	Marino
Green, Al	Massie
Griffin (AR)	Matheson
Grimm	McCarthy (CA)
Guthrie	McCaul
Hall	McClintock
Hanabusa	McCollum
Hanna	McHenry
Harper	McIntyre
Harris	McKeon
Hartzler	McKinley
Hastings (WA)	McMorris
Heck (NV)	Rodgers
Heck (WA)	McNerney
Hensarling	Meadows
Higgins	Meehan
Holding	Meeks
Hoyer	Messer
Hudson	Mica
Huelskamp	Miller (FL)
Huizenga (MI)	Miller (MI)
Hultgren	Miller, Gary
Hunter	Moran
Hurt	Mullin
Israel	Mulvaney
Issa	Murphy (FL)
Jenkins	Murphy (PA)
Johnson (GA)	Neugebauer
Johnson (OH)	Noem
Johnson, E. B.	Nugent
Johnson, Sam	Nunes
Jones	Nunnelee
Jordan	O'Rourke
Joyce	Olson

Owens	Royce	Thompson (PA)	Higgins	McNerney	Sarbanes	Neugebauer	Ros-Lehtinen	Stutzman
Palazzo	Ruiz	Thornberry	Himes	Meeks	Schakowsky	Noem	Roskam	Terry
Pascarell	Runyan	Tiberi	Hinojosa	Meng	Schiff	Nugent	Ross	Thompson (MS)
Pastor (AZ)	Ruppersberger	Tipton	Honda	Michaud	Schneider	Nunes	Rothfus	Thompson (PA)
Paulsen	Ryan (OH)	Titus	Hoyer	Miller, George	Scott (VA)	Nunnelee	Royce	Thornberry
Pearce	Ryan (WI)	Turner	Huffman	Moore	Serrano	Olson	Ruiz	Tiberi
Perry	Salmon	Upton	Israel	Moran	Shea-Porter	Owens	Runyan	Tipton
Peters (CA)	Sanford	Valadao	Jeffries	Nadler	Sires	Palazzo	Ruppersberger	Turner
Peterson	Scalise	Van Hollen	Kaptur	Napolitano	Slaughter	Paulsen	Ryan (OH)	Upton
Petri	Schneider	Vargas	Keating	Neal	Smith (WA)	Pearce	Ryan (WI)	Valadao
Pittenger	Schock	Veasey	Kelly (IL)	Negrete McLeod	Speier	Perlmutter	Salmon	Vargas
Pitts	Schwartz	Vela	Kennedy	Nolan	Swalwell (CA)	Perry	Sanford	Veasey
Poe (TX)	Schweikert	Visclosky	Kildee	O'Rourke	Takano	Peterson	Scalise	Vela
Pompeo	Scott (VA)	Wagner	Kind	Pallone	Thompson (CA)	Petri	Schock	Wagner
Posey	Scott, Austin	Walberg	Kuster	Pascarell	Tierney	Pittenger	Schrader	Walberg
Price (GA)	Sensenbrenner	Walden	Langevin	Pastor (AZ)	Titus	Pitts	Schwartz	Walden
Price (NC)	Sessions	Walorski	Larsen (WA)	Payne	Tonko	Poe (TX)	Schweikert	Walorski
Radel	Sewell (AL)	Wasserman	Larson (CT)	Pelosi	Tsongas	Pompeo	Scott, Austin	Weber (TX)
Rahall	Shea-Porter	Schultz	Lee (CA)	Peters (CA)	Van Hollen	Posey	Scott, David	Webster (FL)
Reed	Sherman	Waxman	Levin	Peters (MI)	Velázquez	Price (GA)	Sensenbrenner	Weststrum
Reichert	Shinkus	Weber (TX)	Lewis	Pingree (ME)	Visclosky	Radel	Sessions	Westmoreland
Renacci	Shuster	Webster (FL)	Loeb	Pocan	Walz	Rangel	Sewell (AL)	Whitfield
Ribble	Simpson	Wenstrup	Lofgren	Polis	Wasserman	Reed	Sherman	Williams
Rice (SC)	Sinema	Westmoreland	Lowenthal	Price (NC)	Schultz	Reichert	Shinkus	Wilson (SC)
Rigell	Smith (MO)	Whitfield	Lowe	Quigley	Rahall	Renacci	Shuster	Wittman
Roby	Smith (NE)	Williams	Lynch	Watt	Richmond	Rice (SC)	Simpson	Wolf
Roe (TN)	Smith (NJ)	Wilson (SC)	Maffei	Waxman	Rigell	Richmond	Smith (MO)	Womack
Rogers (AL)	Smith (TX)	Wittman	Maloney,	Welch	Robby	Rogers (AL)	Smith (NE)	Woodall
Rogers (KY)	Southerland	Wolf	Carolyn	Rush	Roe (TN)	Rogers (KY)	Smith (NJ)	Yoder
Rogers (MI)	Speier	Womack	Matsui	Sánchez, Linda	Rogers (MI)	Rogers (MI)	Smith (TX)	Yoho
Rohrabacher	Stewart	Woodall	McDermott	T.	Rooney	Rooney	Southerland	Young (AK)
Rooney	Stivers	Yoder	McGovern	Sanchez, Loretta			Stewart	Young (FL)
Ros-Lehtinen	Stockman	Yoho					Stivers	Young (IN)
Roskam	Stutzman	Young (AK)					Stockman	
Ross	Takano	Young (FL)						
Rothfus	Terry	Young (IN)						

## NOT VOTING—7

Campbell	Holt	Rokita
Coble	Horsford	
Herrera Beutler	McCarthy (NY)	

□ 2254

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 46 OFFERED BY MR. QUIGLEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 142, noes 283, not voting 8, as follows:

[Roll No. 397]

AYES—142

Andrews	Clay	Doyle
Beatty	Cleaver	Edwards
Becerra	Cohen	Ellison
Bera (CA)	Connolly	Enyart
Bishop (NY)	Conyers	Eshoo
Blumenauer	Courtney	Esty
Bonamici	Crowley	Farr
Brady (PA)	Cummings	Foster
Braley (IA)	Davis (CA)	Frankel (FL)
Capps	Davis, Danny	Fudge
Capuano	DeFazio	Grayson
Carrion (IN)	DeGette	Green, Gene
Cartwright	DeLauro	Grijalva
Castor (FL)	DeBene	Gutiérrez
Chu	Deutch	Hahn
Cicilline	Dingell	Hastings (FL)
Clarke	Doggett	Heck (WA)

## NOES—283

Denham	Issa
Dent	Jackson Lee
DeSantis	Jenkins
DesJarlais	Johnson (GA)
Diaz-Balart	Johnson (OH)
Duckworth	Johnson, E. B.
Duffy	Johnson, Sam
Duncan (SC)	Jones
Duncan (TN)	Jordan
Ellmers	Joyce
Barton	Kelly (PA)
Farenthold	Kilmer
Fattah	King (IA)
Fincher	King (NY)
Fitzpatrick	Kinston
Fleischmann	Kinzing (IL)
Fleming	Kirkpatrick
Flores	Kline
Forbes	Labrador
Fortenberry	LaMalfa
Fox	Lamborn
Franks (AZ)	Lance
Frelinghuysen	Lankford
Gabbard	Latham
Gallego	Latta
Garamendi	Lipinski
Garcia	LoBiondo
Gardner	Long
Garrett	Lucas
Gerlach	Luetkemeyer
Gibbs	Lujan Grisham
Gibson	(NM)
Gingrey (GA)	Luján, Ben Ray
Gohmert	(NM)
Goodlatte	Lummi
Gosar	Maloney, Sean
Gowdy	Marchant
Granger	Marino
Graves (GA)	Massie
Graves (MO)	Matheson
Green, Al	McCarthy (CA)
Griffin (AR)	McCauley
Griffith (VA)	McClintock
Grimm	McCollum
Guthrie	McHenry
Hall	McIntyre
Hanabusa	McKeon
Hanna	McKinley
Harper	McMorris
Harris	Rodgers
Hartzler	Meadows
Hastings (WA)	Meehan
Heck (NV)	Messer
Hensarling	Mica
Holding	Miller (FL)
Hudson	Miller (MI)
Huelskamp	Miller, Gary
Huizenga (MI)	Mullin
Hultgren	Mulvaney
Hunter	Murphy (FL)
Hurt	Murphy (PA)

## NOT VOTING—8

Bass	Herrera Beutler	McCarthy (NY)
Campbell	Holt	Rokita
Coble	Horsford	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2257

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 47 OFFERED BY MR. DENHAM

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. DENHAM) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 238, not voting 10, as follows:

[Roll No. 398]

AYES—185

Amash	Buchanan	Conyers
Bachmann	Bucshon	Cook
Barletta	Burgess	Costa
Barr	Camp	Daines
Benish	Cantor	Davis, Rodney
Bentivolio	Capito	DeFazio
Bilirakis	Capps	DeBene
Bishop (NY)	Cassidy	Denham
Bishop (UT)	Chabot	Dent
Black	Chaffetz	DeSantis
Blackburn	Chu	Doggett
Blumenauer	Collins (GA)	Duckworth
Brooks (IN)	Collins (NY)	Duffy
Broun (GA)	Connolly	Duncan (SC)



Duncan (TN) Long  
 Ellison Lucas  
 Engel Luetkemeyer  
 Eshoo Lummis  
 Farenthold Maffei  
 Farr Marchant  
 Fincher Massie  
 Fleischmann Matheson  
 Fleming McCarthy (CA)  
 Flores McCaul  
 Foster McClintock  
 Foxx McCollum  
 Frankel (FL) McDermott  
 Garrett McKinley  
 Gerlach McMorris  
 Gibbs Rodgers  
 Gohmert Meadows  
 Goodlatte Meng  
 Gosar Messer  
 Gowdy Mica  
 Graves (GA) Michaud  
 Graves (MO) Miller (FL)  
 Griffith (AR) Miller (MI)  
 Griffith (VA) Miller, Gary  
 Guthrie Miller, George  
 Hanna Moore  
 Harris Mullin  
 Hensarling Mulvaney  
 Honda Murphy (PA)  
 Huelskamp Napolitano  
 Hunter Neugebauer  
 Hurt Noem  
 Issa Nolan  
 Jenkins Pascrell  
 Johnson (OH) Paulsen  
 Jones Pearce  
 Jordan Perry  
 Kilmer Peters (MI)  
 King (IA) Petri  
 Kingston Pingree (ME)  
 Labrador Pitts  
 LaMalfa Pocan  
 Lance Poe (TX)  
 Lankford Pompeo  
 Lee (CA) Posey  
 Levin Price (GA)  
 Lipinski Radel  
 Lofgren Rahall

## NOES—238

Aderholt Courtney  
 Alexander Cramer  
 Amodei Crawford  
 Andrews Crenshaw  
 Bachus Crowley  
 Barber Cuellar  
 Barrow (GA) Culberson  
 Barton Cummings  
 Bass Davis (CA)  
 Beatty Davis, Danny  
 Becerra DeGette  
 Bera (CA) Delaney  
 Bishop (GA) DeLauro  
 Bonamici DesJarlais  
 Bonner Deutch  
 Boustany Diaz-Balart  
 Brady (PA) Dingell  
 Brady (TX) Doyle  
 Braley (IA) Edwards  
 Bridenstine Ellmers  
 Brooks (AL) Enyart  
 Brown (FL) Esty  
 Brownley (CA) Fattah  
 Bustos Fitzpatrick  
 Butterfield Forbes  
 Calvert Fortenberry  
 Capuano Franks (AZ)  
 Cárdenas Fudge  
 Carney Gabbard  
 Carson (IN) Gallego  
 Carter Garamendi  
 Cartwright Garcia  
 Castor (FL) Gardner  
 Castro (TX) Gibson  
 Cicilline Gingrey (GA)  
 Clarke Granger  
 Clay Grayson  
 Cleaver Green, Al  
 Clyburn Green, Gene  
 Coffman Grijalva  
 Cohen Grimm  
 Cole Gutiérrez  
 Conaway Hahn  
 Cooper Hall  
 Cotton Hanabusa

Reed Lujan Grisham  
 Renacci (NM)  
 Ribble Luján, Ben Ray  
 Roe (TN) (NM)  
 Rohrabacher Lynch  
 Rooney Maloney,  
 Ros-Lehtinen Carolyn  
 Ross Maloney, Sean  
 Royce Marino  
 Ruiz Matsui  
 Ryan (WI) McGovern  
 Salmon McHenry  
 Sanford McIntyre  
 Scalise McKeon  
 Schakowsky McNeerney  
 Schweikert Meehan  
 Scott, Austin Meeks  
 Sensenbrenner Moran  
 Slaughter Murphy (FL)  
 Smith (MO) Nadler  
 Smith (NE) Neal  
 Smith (NJ) Negrete McLeod  
 Southerland Nugent  
 Stewart Nunes  
 Stockman Nunnelee  
 Stutzman O'Rourke  
 Terry Olson  
 Thompson (PA) Owens  
 Tiberi Palazzo  
 Tipton Pallone  
 Tonko Pastor (AZ)  
 Upton Payne  
 Van Hollen Pelosi  
 Wagner Perlmutter  
 Walden Peters (CA)  
 Walz Peterson  
 Waters Pittenger  
 Waxman  
 Welch  
 Wenstrup  
 Westmoreland  
 Williams  
 Wittman  
 Wolf  
 Yoder  
 Yoho  
 Young (AK)  
 Young (IN)

Polis  
 Price (NC)  
 Quigley  
 Rangel  
 Reichert  
 Rice (SC)  
 Richmond  
 Rigell  
 Roby  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Roskam  
 Rothfus  
 Roybal-Allard  
 Runyan  
 Rush  
 Ryan (OH)  
 Sanchez, Linda  
 T.  
 Sanchez, Loretta  
 Sarbanes  
 Schiff  
 Schneider  
 Schock  
 Schrader  
 Schwartz  
 Scott (VA)  
 Scott, David  
 Serrano  
 Sessions  
 Sewell (AL)  
 Shea-Porter  
 Sherman  
 Shimkus  
 Shuster  
 Simpson

Sinema  
 Sires  
 Smith (TX)  
 Smith (WA)  
 Speier  
 Stivers  
 Swalwell (CA)  
 Takano  
 Thompson (CA)  
 Thompson (MS)  
 Thornberry  
 Tierney  
 Titus  
 Tsongas  
 Turner  
 Valadao  
 Vargas  
 Veasey  
 Vela  
 Velázquez  
 Visclosky  
 Walberg  
 Walorski  
 Wasserman  
 Schultz  
 Watt  
 Weber (TX)  
 Webster (FL)  
 Whitfield  
 Wilson (FL)  
 Wilson (SC)  
 Womack  
 Woodall  
 Yarmuth  
 Young (FL)

## NOT VOTING—10

Campbell Holt  
 Coble Horsford  
 Frelinghuysen Lowenthal  
 Herrera Beutler McCarthy (NY)

□ 2301

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 48 OFFERED BY MR. JONES

The Acting CHAIR. It is now in order to consider amendment No. 48 printed in House Report 113-170.

Mr. JONES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following:

SEC. \_\_. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to carry out any activities under the United States-Afghanistan Strategic Partnership Agreement, signed on May 2, 2012, except for such activities authorized by Congress.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from North Carolina (Mr. JONES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. JONES. Mr. Chairman, I've been here all day, like most of my colleagues. I've watched it on TV, I've been here on the floor. And I've heard so many times other Members say we're going to be out of Afghanistan in 2014. I hate to tell them, but that's not true. The administration is about to finish a negotiation with Mr. Karzai, who is a crook, to say that we will be there for 10 more years.

This amendment, what it does is basically just say that we in Congress have a responsibility to the American people to meet our constitutional responsibility of making sure that any agreement that the President should negotiate with any country, we're responsible for funding that agreement, that we will vote on it. That's basically what this amendment does; it just says that, as we move forward with this strategic agreement, that the Congress will vote on the funds, and not just have any administration, Democrat or Republican, just to assume for 10 years that the taxpayers are going to buy into this agreement.

With that, I reserve the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. I appreciate the gentleman's concern, and would point out that I do think it is long past time that we should be reconsidering the underlying authority—the Authorized Use of Military Force that was approved by the Congress and signed by the President of the United States in 2001. But I do believe, absent the reconsideration of that legislation—which I do think this body should be about—I believe it does provide the underlying authority for the Strategic Partnership Agreement that the President has initiated. It has been in force for over a year, serving as a guide for the relationship between the United States and Afghanistan. And in May of last year, the President and the Afghan President signed the agreement.

The agreement does, I believe, infer the role of Congress to fund training of the Afghan Security Forces. The agreement indicates that the administration associate such funding annually, and obviously there is a congressional role.

This agreement provides the necessary long-term framework for the relationship between the two countries after the drawdown that will have taken effect by the end of 2014.

I do believe that the amendment offered makes no allowance for what agreement might serve to guide our relationship with Afghanistan in the future. And given it's important in managing our drawdown and in transitioning the Afghan security forces themselves, I believe it is essential for the U.S. to continue to honor this agreement.

I reserve the balance of my time.

Mr. JONES. Mr. Chairman, at this time I'd like to yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise in strong support of this amendment offered by my good friend and colleague from North Carolina (Mr.

JONES). I want to thank him for his long and tireless leadership on ending the war in Afghanistan. He always asks the hard questions—or the questions that no one else wants to take on—because he believes so strongly in standing by our uniformed men and women and their families.

In May of 2012, the United States and most of our NATO allies entered into an agreement with Afghanistan called the Strategic Partnership Agreement. That agreement outlined in fairly broad terms how we and our allies will continue to support the security and economic development of Afghanistan over the near and long term.

Now, on the positive side, it was this agreement that provided the outline for how the United States would turn over responsibility for combat operations and national security to Afghanistan forces this year and next year in order to draw down our forces and end the war in Afghanistan by the end of next year. Congressman JONES and I would like to see that drawdown happen faster and sooner, but at a minimum, to happen on the time frame outlined by the President.

The unknown question is: What happens post-2014? Will the President determine that U.S. troops need to remain in Afghanistan? If so, how many troops, for how long, and for what purpose? Will we continue to train the Afghanistan military and police forces? And if so, how many U.S. troops will be involved? How long will it take to complete that mission? How much will it cost?

I believe it is right to demand that Congress specifically authorize the terms and costs of America's continuing involvement in Afghanistan. Congress has put this war on autopilot for too long. It is shameful. We need to take responsibility.

I urge my colleagues to support this amendment. This is a reasonable, rational amendment. And quite frankly, every one of us, Democrat and Republican, should vote for this.

Mr. JONES. May I inquire of the Chairman how much time I have remaining?

The Acting CHAIR. The gentleman from North Carolina has 1¾ minutes remaining. The gentleman from Indiana has 3¾ minutes remaining.

Mr. JONES. I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Mr. Chairman, if this Strategic Partnership Agreement involves the protection of our American troops and our allies, then there's good reason to oppose this amendment.

This is an agreement between two sovereign nations. Understandably, the two proponents of this amendment are

against our involvement and would like us to leave tomorrow—and indeed we may. But in the process, I would hope that we wouldn't be putting ourselves and our soldiers at risk by an amendment of this type and nature. For those reasons, I oppose it.

Mr. VISCLOSKY. I appreciate the chairman's remarks.

As I mentioned before, I would not argue that we should not be reconsidering the underlying authorization. But to the extent it exists today, I do believe it does authorize this agreement. I continue to be opposed to the gentleman's amendment, and reserve the balance of my time.

Mr. JONES. Mr. Chairman, you know, it is so ridiculous that America is financially broke, can't pay our own bills, and we're going to borrow money to pay for this agreement in Afghanistan.

The former Commandant of the United States Marine Corps, when I asked him, what do you think about this agreement? I'll read his one sentence:

Simply put, I am not in favor of this agreement signed. It basically keeps the United States in Afghanistan to prop up a corrupt regime. It continues to place our troops at risk.

We are not being realistic. The American people are fed up and tired. We had 79 Americans killed the first of March to the end of June, and not one person on this floor knows that tonight but me.

Why and how can the American people continue to work their butts off, pay their bills, and we're going to prop up a crook in Afghanistan named Karzai and give him 10 more years of the American taxpayers paying his bills? It is a sad day for the taxpayers of America.

Thank you, Mr. MCGOVERN. This is a reasonable approach. All it says is that we in Congress, every year, will vote whether we keep funding the wasted time, life, and money in Afghanistan.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. JONES).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JONES. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

The Acting CHAIR. It is now in order to consider amendment No. 49 printed in House Report 113-170.

Mr. JONES. Mr. Chairman, I withdraw the amendment.

The Acting CHAIR. Amendment No. 49 has been withdrawn.

AMENDMENT NO. 50 OFFERED BY MR. KLINE

The Acting CHAIR. It is now in order to consider amendment No. 50 printed in House Report 113-170.

Mr. KLINE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to give covered graduates (as described in section 532(a)(2) of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 503 note)) a lower enlistment priority than traditional high school diploma graduates as described in the second paragraph of the memo with the subject line "Education Credential—Definition and Tier Placement", dated June 6, 2012.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Minnesota (Mr. KLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

□ 2315

Mr. KLINE. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this amendment. As chairman of the House Committee on Education and the Workforce, as a member of the House Armed Services Committee, as a retired Marine colonel, I have a unique and fortunate position to ensure the young men and women enlisting in our Armed Forces have the best education in preparation for the defense of our Nation.

Currently, students who earn a high school diploma from charter schools, home schools, hybrid schools, and other means of modern education are required to score significantly higher on the Armed Forces qualification test than others just to qualify to enter the military.

This policy, Mr. Chairman, is in direct contravention of congressional intent established in the National Defense Authorization Act for fiscal year 2012.

Last month, my colleagues unanimously supported my amendment to the FY 14 National Defense Authorization Act to reverse the DOD's discriminatory policy and ensure equal treatment for all students who desire to enter military service. The bipartisan Kline-Polis-Paulsen amendment prohibits funds from being used by the Department of Defense to enforce any policy that continues to not equally treat education credentials for enlistment.

This amendment stops DOD from giving a lower enlistment priority to students who attend home schools and charter schools and makes congressional intent clear that all students should be given the same opportunities to enlist in the Armed Forces.

Mr. Chairman, I urge my colleagues to support the dream of military service for all patriotic Americans who simply want the chance to be able to raise their hand and pledge to defend our Nation without unnecessary burdens.

I reserve the balance of my time.

Mr. POLIS. Mr. Chairman, I would like to claim the time in opposition.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. Mr. Chairman, I strongly support this amendment.

I salute the leadership of Chairman KLINE who fully understands the public education side and the military side. We are bringing forth this amendment as another opportunity to make sure that what is already clearly the will of this House, as articulated through the NDAA, actually comes to pass.

Very simply, this is a provision that ensures that any student who receives a diploma from a legally operating accredited secondary school in compliance with the education laws of the State and district in which the person resides is given the same opportunity to enlist in the U.S. Armed Forces as a traditional bricks and mortar high school graduate. This includes graduates of online schools and hybrid schools who completed their secondary education and earned a degree.

Currently, these classified students who attend online schools are called tier 2 for purposes of military enlistment. What this effectively means is they can enroll in the military; however, on the Armed Forces qualification test, they have to score 50 or higher instead of 31 to 36, depending on the service branch, for a bricks and mortar high school.

What we should care about in public education and in the military is preparedness for the job, not what particular type or model or size or shape of school that they went to. From the military perspective, we need young men and women who are capable and able to execute their responsibilities to serve our country.

From the education perspective, we want to encourage innovation, and we shouldn't be sending a message—and this body has spoken clearly and has the opportunity to speak clearly again—that we discourage innovation within public education. We should not say that just because a particular school is distributed or doesn't have a bricks and mortar campus, as long as it is fully accredited by a school district and held to the same standards as any other public school, that should not be dealt with in a separate way in this matter.

Congressional intent is clear. The NDAA bill includes language to not let the DOD make a distinction between graduates of traditional high schools and those who attend online schools.

This amendment would ensure that all students are held to the same standard when it comes to being eligible for military service.

That is why I am proud to join Chairman KLINE and Representative PAULSEN, leaders for charter schools and education choice and online education, to propose this amendment to the defense authorization act which would ensure that no funds are used to give a lower enlistment priority to students from online schools as compared to traditional bricks and mortar high school diploma graduates.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, I yield as much time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman from Minnesota for yielding.

We accept his amendment.

I would note that I know marines never retire.

Mr. KLINE. I thank the gentleman.

I thank my colleague and friend from Colorado (Mr. POLIS).

I think that congressional intent has been absolutely clear and is, in fact, in law. It is astonishing to me that we have to be down here on the floor this evening with this amendment to bar funds from the Department because they are just failing to comply with congressional intent in the law.

I appreciate the support of my colleagues. I urge all my colleagues to vote for this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. KLINE).

The amendment was agreed to.

AMENDMENT NO. 51 OFFERED BY MR. LAMALFA

The Acting CHAIR. It is now in order to consider amendment No. 51 printed in House Report 113-170.

Mr. LAMALFA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_ . None of the funds made available in this Act may be used to pay any fine assessed against a military installation by the California Air Resources Board.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from California (Mr. LAMALFA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LAMALFA. Mr. Chairman, I rise today to ask for support for my amendment to H.R. 2397.

This amendment ensures that funds appropriated to support our men and

women in uniform are used for the purposes the House intends, not diverted by overzealous regulatory agencies attempting to pad their own budgets.

This amendment provides a simple funding limitation prohibiting use of any funds appropriated in H.R. 2397 to pay fines levied against the various branches of the military by the California Air Resources Board.

As you may be aware, the California Air Resources Board is known for the excessive regulatory burdens it attempts to impose on virtually every sector of California's economy from personal automobiles to farming. In recent years CARB, and its subsidy regional boards, have targeted military installations for alleged emissions violations, in many cases as minor as simply failing to notify CARB of activities in the manner that CARB finds most convenient.

For example, a northern California Air Force base faced fines of \$10,000 per day after using emergency generators to power radar installations serving a vital anti-ballistic missile warning role.

In another instance, a southern California Navy installation was initially fined \$917,000 for simply demolishing an old and outdated building without approved documentation.

Lastly, Camp Pendleton was fined in July of last year for unapproved solvents in a bottle of spray cleaner.

These California installations are critical to our national defense as we pivot towards the Pacific. How can we tie the hands of these vital installations when they are at the forefront of our national security initiatives?

These amounts may seem minor in the context of the appropriations measure we are taking up. However, at \$10,000 a day, just two days of these fines could actually fund at least a year of college for a veteran under the GI Bill.

Voting for this amendment keeps funding for our military in the hands of our servicemembers instead of the California Air Resources Board.

Please support our servicemembers and vote "yes" on my amendment.

I reserve the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I rise to claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. Mr. Chairman, I would point out that the amendment, as the gentleman suggests, seeks to exempt the Department of Defense from paying any fines related to infractions which seem to be environmental in nature from the California Air Resources Board.

I would point out to my colleagues that, as they know, there are a large number of military bases in California, and I believe it is imperative to maintain good working relationships with

the communities who host the bases, as well as the various State agencies who ensure good living conditions for all Californians.

Accepting this amendment could create the perception that the Federal military installations in California are above the law when dealing with environmental issues.

I would certainly urge a “no” vote on this particular amendment, and I reserve the balance of my time.

Mr. LAMALFA. Mr. Chairman, in responding to that, this is a very narrow amendment that simply gives a green light to our military installations that, yes, we welcome you in California, we like the idea that you are here providing a safety security net over not only our State, but to all of the United States, and that overzealous regulators have had actually a very hostile relationship with these installations, as well as many businesses in California. So we need to send a signal that they can no longer go unchecked with the ability to come write up a fine at any time they choose to.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I reserve the balance of my time.

Mr. LAMALFA. Mr. Chairman, I think that being such a narrow measure is what we have here, that we do need to send the proper message to our military, to our people, that when they serve in the military and would want to get out and be part of the GI Bill and, importantly, to the American taxpayers, that your dollars are actually being expended for this appropriation towards the type of thing that you care about, and that is defending the Nation and not having to defend themselves from overzealous regulations like anybody could enlist in California.

I hear CARB is one of the biggest complaints of my constituents all around my district, as well as from our friends in the military that are just there to try and defend us.

In taking up this measure here tonight, I think it is a very proper thing that we do to have the right signal that we do support our military, we do support our fighting men and women, and that it is best to put forward the defense of our country rather than defending some frivolous environmental regulation.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I would notice that the gentleman suggests that his amendment is very narrow in scope, and I appreciate that fact. I appreciate the fact that, for example, the Indiana Department of Environmental Management was not cited, the Department of Environmental Management in the State of Illinois was not cited, nor for the other 47 States in this country relative to the enforcement of environmental statutes.

I would further propose to my colleagues that the gentleman is seeking a solution for a problem that does not exist. I do not know the specifics of the fines that were purportedly imposed at Camp Pendleton. However, the gentleman did allude to a northern California Air Force base and did suggest that fines were imposed by the California Air Resources Board.

I would suggest that that is not necessarily the case. In fact, it was the Feather River Air Quality Management District, it was not the California Air Resources Board, that found that this Air Force base had 526 days of multiple violations of local air district rules. The district came to a settlement agreement with the Air Force base to properly permit its equipment and bring it back into compliance on a certain timeline. The settlement states that if the Air Force base did not hold up its end of the bargain, it could face a fine.

The gentleman provided a second example for a southern California naval installation. In fact, it was not the California Air Resources Board that was involved. It was the San Diego Air Quality District that took enforcement action when this naval base demolished a building without doing proper asbestos removal and remediation that is a danger for those who are engaged in that activity. The San Diego Air Quality District, not the California Air Resources Board, was enforcing a Federal asbestos law in this case, and in the end the Air Quality District fined the Navy—that is true—\$40,000, not \$917,000. So I would suggest the amendment is a solution that is looking for a problem.

I strongly oppose the gentleman's amendment, and I yield back the balance of my time.

□ 2330

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. LAMALFA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. LAMALFA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 52 OFFERED BY MR. LAMBORN

The Acting CHAIR. It is now in order to consider amendment No. 52 printed in House Report 113-170.

Mr. LAMBORN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to conduct an envi-

ronmental impact study in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. et seq.) of intercontinental ballistic missiles or the facilities in which, as of the date of the enactment of this Act, such missiles are located.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Colorado (Mr. LAMBORN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. LAMBORN. Mr. Chairman, this amendment is very simple. It prohibits funds in this bill from being used to do an environmental impact study on our intercontinental ballistic missiles. You might think that an environmental impact statement, or an EIS, sounds innocuous, but let me lay out the facts that we have.

First, the Obama administration has made it clear that it believes in nuclear zero—the idea that we can achieve a world without nuclear weapons. This sounds like a wonderful idea, but our competitors and adversaries will almost certainly never give up their nuclear weapons. So, until there is a change of heart on the part of our adversaries, this could be a dangerous idea.

We've had reductions in our nuclear forces to date, and it hasn't stopped our potential adversaries—or hostile countries for that matter—from reducing their nuclear programs. As a matter of fact, they've been increasing. I'm talking about countries like Iran and North Korea. In President Obama's second Berlin speech just a few weeks ago, he announced a desire to reduce America's nuclear arsenal by one-third regardless of what the Russians, the Chinese, the North Koreans, the Iranians, the Pakistanis or anyone else, for that matter, does.

It is in this context that we see in this budget the President's requesting an environmental impact statement for our current ICBM forces. We decisively rejected an amendment not just a few minutes ago here on this House floor that would have defunded one-third of our ICBM forces.

I am proud to be joined in this effort to protect our ICBMs by the three Members who represent States in which bases are located at which we find our ICBMs.

At this point, I yield 1 minute to my colleague from Wyoming, Representative LUMMIS.

Mrs. LUMMIS. I thank the gentleman from Colorado for sponsoring this amendment.

Mr. Chairman, the New START Treaty does not require the closing of an ICBM facility, but the purpose of this study is to close an ICBM wing or squadron.

While President Obama has announced plans to further reduce America's nuclear capabilities, there is no negotiated proposal with Russia or a

Senate-confirmed treaty for reductions of this size. The Air Force has a plan for the ratified reductions, placing 30 silos in warm status before February 2018. These baseline numbers will meet the New START deadline if the administration just allows them to move forward.

I urge my colleagues to support the Lamborn-Lummis-Daines-Cramer amendment and ensure that Congress provides proper approval of the goal before spending money on the process.

Mr. LAMBORN. I thank my colleague for pointing that out. I appreciate her coming to the floor.

I know we are joined in this effort by Representative STEVE DAINES of Montana and by Representative KEVIN CRAMER of North Dakota, and they wholeheartedly support this amendment as well. A strong nuclear deterrent is what we need in the face of uncertainty, not any kind of unilateral disarmament.

Mr. Chairman, at this point, I reserve the balance of my time.

Mr. VISCLOSKEY. I rise to claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. Mr. Chairman, the amendment is directed at the administration's plan to consider further reductions below the levels established in the New START Treaty. As the gentleman indicated, it would prohibit funds from being used to conduct a study of the environmental impact on intercontinental ballistic missiles and their facilities.

The President in his June 2013 guidance on nuclear employment affirms that the United States will maintain a credible deterrent, capable of convincing any potential adversary that our abilities and the adverse consequences of attacking the United States or an ally far outweigh any potential benefit they may seek through such an attack.

I believe that the United States' national security resources ought to also be considering other possibilities as to our national security beyond the remote possibility of a direct nuclear exchange. Events of the past several years demonstrate that the U.S. faces a very complex set of national security threats:

The possibility of attacks such as those preceding 9/11, including the USS *Cole* bombing and the U.S. Embassy bombings in Tanzania and Kenya;

Regional instability and strategic challenges arising from the Arab Spring in Egypt, Syria, Libya, and elsewhere;

The continuing challenge of Iran, including its support of terrorist organizations with regional and global aims;

Refocusing U.S. national security priorities to the Asia-Pacific region

with a focus on China and North Korea; and,

The nearly constant threat of cyberattack.

As I said in an earlier argument, I also do not think we ought to arbitrarily, throughout this evening and tomorrow, continue to say "no" about proposals and studies and plans. We ought to be having a full and complete conversation and debate about those possibilities.

For those reasons, I do oppose the gentleman's amendment, and I reserve the balance of my time.

Mr. LAMBORN. I inquire of the balance of my time remaining.

The Acting CHAIR. The gentleman from Colorado has 1½ minutes remaining, and the gentleman from Indiana has 2¾ minutes remaining.

Mr. LAMBORN. Mr. Chairman, I have to take issue with what was just stated as far as maintaining a credible deterrent even with massive unilateral further reductions. We've already reduced our nuclear forces under New START to 1,550 weapons, and when you reduce beyond that, it becomes less credible to our allies that we will have a credible deterrent.

We have a nuclear umbrella right now with about 30 countries relying on us. If we start unilaterally reducing the number of our nuclear warheads, they will become less certain about our deterrent. They will be incentivized to go out and start their own nuclear programs. I'm talking about countries like Japan and South Korea, which have a neighbor, North Korea, that is threatening to them. If we want to see more nuclear weapons in the world, we should reduce ours. Other countries are simply not going to follow our example, and it will lead to more nuclear weapons worldwide.

So I would urge the adoption of this amendment. I disagree with my colleague from Indiana, and I would ask for a "yes" vote on this amendment.

I yield the balance of my time to my colleague from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. I thank the gentleman for yielding.

The ICBM land-based missiles are the most cost-economical deterrent of the nuclear triad. This is the most efficient way to deter our enemies.

Mr. LAMBORN. I yield back the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I would simply reiterate my objection to the gentleman's amendment, and would ask for a "no" vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. LAMBORN).

The amendment was agreed to.

AMENDMENT NO. 53 OFFERED BY MR. LAMBORN

The Acting CHAIR. It is now in order to consider amendment No. 53 printed in House Report 113-170.

Mr. LAMBORN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. 10002. None of the funds made available by this Act may be used for a furlough (as defined in section 7511(a)(5) of title 5, United States Code) of any civilian employee of the Department of Defense.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Colorado (Mr. LAMBORN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. LAMBORN. Mr. Chairman, across this country tonight, 600,000 Defense Department civilian employees are struggling with a 20 percent pay cut due to civilian furloughs, and these are scheduled to go through the end of September.

These are hardworking American patriots who work hard to keep our Nation secure. They are supporting our warfighters. They are doing essential work. They are working side by side, shoulder to shoulder, with Active Duty personnel who, because of the language of the Budget Control Act, are exempt from any kind of furloughs. I approve of that, but it's sad that the civilians are singled out for this treatment.

Mr. Chairman, I talked today to someone from the administration who came to a hearing for Armed Services. He said that the savings are estimated to be about \$2 billion for the rest of the year. That may sound like a lot of money except when you look at the entire DOD budget of \$500 billion. \$2 billion is four-tenths of 1 percent—less than half a percent—of the total defense budget for this year.

This is a savings that is a false economy. It is demoralizing, and it is hard on the families that are suffering this. We should adopt this amendment, which says that the Defense Department can find other savings but not take it out of the hides of the civilians who are supporting our warfighters.

Mr. Chairman, at this time, I yield 1 minute to my colleague from Texas (Mr. O'ROURKE).

Mr. O'ROURKE. I want to thank Representatives LAMBORN, BARROW, and JENKINS for their bipartisan work on this amendment.

Mr. Chairman, we obviously need a comprehensive solution to the sequester. Ideally, that's what we would be doing. I don't want to proceed in a piecemeal manner, but absent a comprehensive solution, I think we have an obligation to act to ease the pain of the sequester when and where we can.

At Fort Bliss in El Paso, Texas, 11,000 Department of Defense civilian employees are furloughed for 11 days,

which is a 20 percent pay cut for the remainder of this year. These workers are essential. Many of them work at Beaumont Army Medical Center, where they care for our wounded warriors returning from war. Those wounded soldiers are now facing longer wait times and reduced care because of these furloughs, and it is already becoming harder to retain the best employees.

We have to do better both by our servicemembers and those civilian employees, who are so critical to our military. I urge all of my colleagues to help prevent more furloughs and to support this amendment.

Mr. LAMBORN. I thank the gentleman.

I now yield 1 minute to my colleague from Georgia (Mr. BARROW).

Mr. BARROW of Georgia. Mr. Chairman, I rise today as a cosponsor and strong supporter of this amendment.

Because Congress can't get its act together, more than 3,200 Department of Defense employees in my district are being furloughed. This amendment offers a simple fix to that serious problem. It's also a positive indicator of what we can accomplish if Congress is willing to come together on the issues that matter most to the folks back home.

We have a fiscal crisis, but the solution to that problem shouldn't be built on the backs of the people who didn't get us in this mess in the first place, especially since our national security depends so much on civilian DOD employees. This amendment allows for the necessary cuts in Federal spending, but it also protects the folks whose livelihoods are on the line.

Issues like this demand that we put aside our differences and find common ground. I urge my colleagues to get behind this bipartisan effort and to support this amendment to end these furloughs.

Mr. LAMBORN. I thank the gentleman.

Mr. Chairman, I now yield 1 minute to my colleague from Kansas, Representative JENKINS.

Ms. JENKINS. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this amendment.

My district is home to Fort Leavenworth and Forbes Field, which are two Kansas military installations at which families are struggling with the DOD civilian furloughs. While they may not serve in uniform, many of these civilians provide critical support for our warfighters.

While I support this level of funding cuts, I oppose the administration's decision to take certain programs off the table and put an unfair burden on our military. The House acted six times to prevent these furloughs, to resolve sequestration, and to find savings elsewhere in our bloated budget; and even though the administration and the

Senate majority had nearly 2 years to develop an alternative, they did nothing.

Civilian employees are not the problem, and they should not be singled out to pay for Washington's out-of-control spending habits. I ask my colleagues to join me to protect these Americans from another round of painful furloughs next year and support this amendment.

The Acting CHAIR. The Chair will remind the gentleman from Colorado that he has 30 seconds remaining.

Mr. LAMBORN. I yield the balance of my time to my colleague from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. Mr. Chairman, I rise in support of this amendment, which does away with painful furloughs and which, in very many cases, may have been political in nature.

I represent the Corpus Christi Army Depot at which civilian employees are actually Working Capital Fund employees. They are not funded by appropriations but are funded by the work that they do and are equally subjected to this when, in fact, they could be saving the government money by rebuilding helicopters for less cost than that of the original equipment manufacturers.

We need to relieve all Federal employees from this burden, which, in my opinion, is politically motivated, and this is a good way to do it—through this amendment.

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Mr. VISCLOSKEY. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. I agree with the proponent of this amendment on one very important detail. I have noted throughout the evening that a number of my colleagues voted for the Budget Control Act that led to sequestration, that led to some of these problems. And I would like to note that the gentleman voted against that bill, and I think very knowingly anticipated that there could have been very serious unintended consequences.

So I do respect the persistence and consistency of his views. But having said that, again, as I have on a number of these amendments this evening, I have a great concern about differentiating between certain civilian employees in one department and those in another.

There's no question that the civilian employees throughout the Department of Defense do critical work. It could be doing security analysis. It could be serving the troops in any number of capacities. No question about it. But I don't think we should make a distinction between that type of work and those who work

for OSHA, who make sure that workplaces are also safe for American citizens every day when they go to work. We shouldn't make that distinction between those civilian employees and FBI agents who risk their lives every day. We shouldn't make that distinction between those employees and U.S. marshals who risk their lives every day.

Correctional officers in the Federal Bureau of Prisons, U.S. Capitol Police Officers, U.S. Custom and Border Protection officers, those who serve within the Coast Guard as civilian employees, those who are forestry aides and fight fires out west—all are obviously risking their lives—Federal protective service law enforcement specialists.

Again, the point I would make is we do have a very bad law. We ought not to be making temporary fixes for dislocations that have been caused by it. That only defers decisions that need to be made on a more permanent basis.

Again, I appreciate the fact that the gentleman, I believe, was correct in the first instance, as far as not wanting to see us reach this point. I understand his impulse in trying to begin to correct some of these problems. I personally think we need a more holistic approach, and for that reason would respectfully oppose his opinion and ask for a "no" vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. LAMBORN).

The amendment was agreed to.

AMENDMENT NO. 54 OFFERED BY MR. MEADOWS

The Acting CHAIR. It is now in order to consider amendment No. 54 printed in House Report 113-170.

Mr. MEADOWS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to pay the salary of individuals appointed to their current position through, or to otherwise carry out, paragraphs (1), (2), and (3) of section 5503(a) of title 5, United States Code.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from North Carolina (Mr. MEADOWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MEADOWS. Mr. Chairman, my amendment is simple and straightforward. It prohibits the use of funds for the payment of salaries to Presidential recess appointees until they're formally confirmed by the Senate.

In 1863, a law was passed that barred unconfirmed recess appointees from being paid. This law stayed on the books until 1940. However, over time, a

number of broad exceptions were made that gradually eliminated the original intent of the law and rendered the prohibition useless.

This amendment reapplies the original intent of the law to further reassert the Senate's authority in the confirmation process and prevent taxpayers from having to pay the salaries of unconfirmed Presidential appointees.

Our Founders envisioned a Nation of checks and balances to ensure no branch of government has too much power. The United States Senate is in charge of confirming executive appointees for a reason—to ensure Presidential appointees are in the best interest of the American people.

For too long, both Republicans and Democrats have ceded Congress' authority to the executive branch. This amendment is a positive step, which will ensure the administration is accountable to Congress.

Mr. Chairman, due to the lateness of the hour, I urge support and I yield back the balance of my time.

Mr. VISCLOSKEY. I rise to claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. Mr. Chairman, this amendment is trying to undo longstanding rules about when salaries can be paid to people who receive recess appointments under the President's constitutional powers. The amendment is injecting unnecessary and unrelated controversy into this bill. Its enactment could further worsen the paralysis and gridlock that is already affecting our ability to govern.

The Constitution clearly gives the President of the United States the power to make temporary appointments during the recess of the Senate to positions normally requiring Senate confirmation. This is a power that has been routinely exercised by Presidents since the beginnings of our government.

It is true that an issue has recently arisen about the scope of that power. Two Federal courts have recently ruled that the language is being interpreted too broadly and that recess appointments can only be made during a recess between sessions after sine die adjournment. Those rulings are contrary to previous rulings by other courts and to longstanding practice by Presidents of both parties. The new interpretations, of course, would invalidate of course not only certain appointments by President Obama, but also many dozens of appointments made by his predecessors, including Ronald Reagan, George Bush, and George W. Bush.

The issue is now before the Supreme Court, which has accepted these cases for decision during its next term. If the Court does rule that Presidents Obama,

Bush, Clinton, Reagan, and their predecessors were misreading the appointments clause of the Constitution, then the whole landscape for these appointments will have changed and the proposed language of this amendment will be largely irrelevant. But if, as many believe likely, the Court upholds the more traditional interpretation, the tight restrictions proposed by this amendment may themselves be contrary to the Constitution.

The proposed amendment would alter rules that have been in place for more than 70 years and which say that recess appointees cannot receive salaries under certain, fairly narrow circumstances. The amendment would greatly expand that prohibition. The current rule strikes a reasonable balance, which the amendment would completely upset.

We already have enough gridlock. I do not want to make it worse, and I certainly do not believe this bill is the place for this particular amendment or this debate and would strongly oppose the gentleman's amendment.

Understanding he has rescinded his time, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. MEADOWS).

The amendment was agreed to.

AMENDMENT NO. 55 OFFERED BY MR. MULVANEY

The Acting CHAIR. It is now in order to consider amendment No. 55 printed in House Report 113-170.

Mr. MULVANEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. The total amount of appropriations made available by title IX (not including amounts made available under the heading "Overseas Deployments and Other Activities—Procurement—National Guard and Reserve Equipment") is hereby reduced by \$3,546,000,000.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from South Carolina (Mr. MULVANEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. MULVANEY. Mr. Chairman, I yield myself 2 minutes.

This amendment is very similar, almost identical, to a similar amendment that Mr. VAN HOLLEN and I offered during the National Defense Authorization Act several weeks ago. We've added a couple of cosponsors. We've added Mr. COFFMAN, a Republican, and also Mr. MURPHY, a Democrat. In addition to that, we've made some important changes to the amendment.

What does the amendment do first of all? The amendment simply seeks to take the OCO budget back down to what the Pentagon asked for. The Pentagon asked for roughly \$81 billion. The committee saw fit to give them \$86 billion, and we think maybe letting the Pentagon decide how much the Pentagon needs for OCO is probably a good basis for discussion, and it is the basis for this discussion.

There is one exception to that, Mr. Chairman, and this is where the important difference from the last amendment several months ago comes in, which is there is some concern. Mr. VAN HOLLEN and I believed it was ill founded, but there was some concern as to whether or not the previous amendment prejudiced in some fashion the National Guard. While we disagreed with the National Guard's position, we respect it. So for that specific reason, there is explicit language in this amendment that excludes the National Guard from this reduction. Instead of going all the way back down to where the Pentagon asked for, we're giving the Pentagon what they asked for, plus the \$1.5 billion for the National Guard.

For folks who had some difficulty with our amendment a couple of months ago because they were concerned about the impact on the National Guard, even though we thought that was, again, ill founded, we have sought to protect that in this particular amendment.

To sum up, Mr. Chairman, what we're asking for is simply what the Pentagon asked for in the first place, with extra protections for the National Guard.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to oppose the gentleman's amendment.

Budgeting for contingency operations, especially 1½ years in advance, is very difficult. Goodness knows, the war on terror in Afghanistan and what we did in Iraq, we never knew how long we would be there and how expensive it was.

For example, despite having a higher overseas contingency allocation for fiscal year 2013 of \$87 billion, budget execution during fiscal year 2013 has proven that that request was understated by as much as \$10 billion. As a result of the extent possible, funds for OCO are being cash-flowed from baseline funds which have already been squeezed due to the sequester, resulting in profound readiness implications. Ships are not sailing, planes are not flying, and civilians are being furloughed. We've heard a lot about that on the floor today.

Additionally, I think all of us know that we are exiting out of Afghanistan. The timetable may be a year or two, or



maybe the Commander in Chief will decide to expedite our departure. Transportation costs are spiked as men and equipment are moved and deployed, and God only knows things can happen on the travel route. We've heard a lot about that on the floor, too. Things can happen in Pakistan that might require additional expenses, billions of dollars more if we have to move men and materiel by aircraft. Contractor costs spike for many functions such as dismantling forward operating bases. Some of that's occurring now in disposing of excess materiel or turned over to the private sector to complete. Of course, the reset of equipment carries a very high price tag. There are a lot of reasons that this money is needed.

I strongly oppose this amendment and reserve the balance of my time.

MR. MULVANEY. I yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague, Mr. MULVANEY from South Carolina, and our colleagues for offering this bipartisan amendment.

Mr. Chairman, just last month, Secretary of Defense Hagel and the Chairman of the Joint Chiefs of Staff testified before this House as to the amount of money that would be necessary to support the war in Afghanistan and our overseas operation, the so-called OCO account. What they told this Congress was that the President's request of \$80 billion was the amount necessary to accomplish our objectives and to support our troops. Yet this defense spending bill that is before us adds another \$5 billion that was unasked for and unnecessary.

So if there are extra moneys stuffed into this account, why are they put in this account as opposed to somewhere else? The answer is that it's a very clever accounting scheme because the other account, the base budget for defense spending, is subject to a cap, but moneys for the war account are not. So every dollar you somehow put into the war account is a dollar that escapes the cap. You can put lots of dollars into that war funding account, even though they have nothing to do with supporting overseas operations. I give the committee an A for creative accounting and an F for truth in budgeting.

What this amendment does is it says to the military we're going to provide you the funds you asked for, but, as the gentleman from South Carolina said, we're actually going to add \$1.5 billion additional for the Guard and the Reserve.

There's no reason we should be throwing money into the war accounts that don't belong there simply as an accounting scheme to avoid the cap.

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Mr. FRELINGHUYSEN. Before I close, let me just say for the RECORD,

the \$5 billion extra was in the National Defense Reauthorization Act which the House passed I believe in June, and just for the record, funding for the overseas contingency fund in our bill matches the amount recommended by the House Budget Committee, which membership is well known and is present on the floor this evening. So it has a pretty good endorsement, and for this reason I strongly oppose the amendment.

I yield back the balance of my time.

Mr. MULVANEY. Mr. Chairman, in closing, I thank my friend for the opportunity here today. I would simply agree with him that it is difficult to plan out 18 months in advance as to what is going to be happening in Afghanistan. However, I would think that the folks best suited to be able to do that planning would be the folks who are actually running the overseas operations. It would be the Pentagon and the Armed Forces, who are the folks who asked for the \$81 billion that we are giving them.

To Mr. VAN HOLLEN's point, the Secretary was here saying this is exactly what he needs. I recognize the fact that there could be contingencies, but you have to think that number is already built into the request. More importantly, the additional money, the slush fund, the money over and above the \$80.7 billion that the Defense Department has asked for, is not saved for some rainy day, it's not saved for some contingency that we haven't anticipated that might come up in the next 18 months—it's spent. It's spent.

So we simply ask for support for this amendment and try to get us back in line with spending the amount of money that the Pentagon asked us to spend, respecting the integrity of the base budget, the 302(b)s, but also not using up money in a wasteful fashion in the OCO account.

I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Chair, the Mulvaney, Van Hollen, Coffman, Murphy amendment matches the President's budget for Overseas Contingency Operations, OCO, and also provides an additional \$1.5 billion for National Guard and Reserve Equipment Modernization. The amendment expressly protects all the funding increases made in the OCO account by the Appropriations Committee for the National Guard and provides sufficient funding to fully accommodate the President's OCO request for National Guard military personnel, operation and maintenance (including depot maintenance), and counter drug activities.

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. MULVANEY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from South Carolina will be postponed.

AMENDMENT NO. 56 OFFERED BY MR. PALAZZO

The Acting CHAIR. It is now in order to consider amendment No. 56 printed in House Report 113-170.

Mr. PALAZZO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used to rebase Air Force, Air Guard, and Air Force Reserve aircraft until 60 days after the National Commission on the Structure of the Air Force has submitted its report under section 363(b) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239).

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Mississippi (Mr. PALAZZO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. PALAZZO. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very simple. It prohibits the Air Force from making changes in fiscal year 2014 until 60 days after Congress hears from the Commission we established to report on the global structure of the Air Force.

Over the last two years, Congress and the Air Force have engaged in numerous discussions about the future of our forces. I've had an opportunity to engage in many of those conversations about what the Air Force can afford, what provides us the greatest capability, and what ensures that our men and women get home safely.

These discussions have included decisions the Air Force has made regarding the realignment of forces. Some of these decisions made a lot of sense. Some of them did not. But as we've had these conversations as these decisions are being made, I can't help but feel like I'm listening to the Air Force play the same broken record over and over again.

What I see happening, Mr. Chairman, is the Air Force continues to talk about cutting costs. They talk about mission capabilities and readiness. And then they turn around and spend millions upon millions of dollars re-basing planes and uprooting personnel all over the Nation, only to reevaluate and move them again just a few years later.

And in the end, it seems like the Air Force isn't making smart financial decisions, and some of these moves don't even make sense from a mission perspective.

Last year, my colleagues and I addressed some of these issues during the National Defense Authorization Act process. We included language in the House version of the bill that would have stopped movement of some of

these planes until the Air Force could provide better answers for their decisions. I was disappointed that the final version of the bill omitted this amendment.

Instead the final bill established a National Commission on the Structure of the Air Force for the very purpose of reevaluating these basing decisions and reporting back to Congress. Specifically, we are looking for that Commission to tell us if or how the current Air Force structure should be modified to best fulfill mission requirements in a manner that is consistent with our available and limited resources.

The Commission was also given several considerations to keep in mind while completing this study. They wanted to ensure structure meets current and anticipated requirements of the combatant commands, achieve the appropriate balance between Active Duty Air Force and reserve components, provide sufficient numbers of active Air Force to ensure we can recruit from the pool for reserve components, and make sure that we maintain an adequate peacetime rotation force.

I am encouraged by the formation and the progress of this Air Force Commission in last year's NDAA. In fact, I went and testified before this Commission earlier this afternoon. I think they have some valuable contributions to make in these discussions.

But I am still disappointed that the Air Force is still determined to enact those questionable decisions before hearing from the Commission. If this body doesn't act, those decisions will go into effect in October of this year—moving hundreds of planes, uprooting families, transferring units, modifying missions, spending millions of dollars possibly to rethink it all and re-base again in a few short years. Yet the commission's report is only a few short months away.

Am I the only one who thinks this doesn't make much sense?

We're making bold decisions on the structure of the Air Force without waiting for the recommendations of the study that we mandated. This is a plain-as-day example of putting the cart before the horse.

My amendment would simply call for a temporary freeze on Air Force movements until we can review the findings of the report. I feel like this is a pretty reasonable amendment given that we asked for the study in the first place. At a time when our military is already under incredible strain, when budgets are already tight, it is imperative that we get this right. My amendment may even save us money in the long run. I ask that my colleagues support this amendment.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise to claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I appreciate the gentleman raising the issue about the Air Force's total force plan that was contained in the fiscal year 2013 budget. The subcommittee would agree that, looking back, it was poorly conceived and was made even worse by the lack of communication between the services, the reserve, and Congress. And I supported and the subcommittee supported and the Armed Services Committee supported a requirement that the Air Force go back and re-evaluate its force restructuring.

But I ran for Congress and I'm a Member of the House of Representatives, and we're elected to make decisions. I'm not a member of a commission. I don't support commissions, and I'm disappointed that at the insistence of the other body, the Armed Services authorized another commission. I find it interesting that often we say we need a commission, we need a select committee, each time there is a difficult decision to be made. We ought to make them. That's what we get paid money for. We ought to make those decisions and not give it to a commission.

And what happens when we give it to a commission? Well, that's a bad idea. We don't support the commission's decision, and then that report sits on a desk.

The gentleman mentions that the time is short. We have but a few short months before the Commission's report is due back to the United States Congress. The report is due on February 1, 2014. That means that we have the short month of August, the short month of September, the short month of October, the short month of November, the short month of December, and the short month of January before the Commission reports back to the Congress, before the Congress can begin to act now two years after a botched report by, I would admit, the United States Air Force in the first instance.

The gentleman mentions that budgets are tight. I absolutely agree with him. All the more reason why if the Air Force now has a plan to wait more than another half year to look at a report to decide what we're going to do, we ought to see what the Air Force has to say. If it makes sense, to do it. If not, to make them have it changed. But not wait for the Commission. I'm a Member of the House of Representatives, not a Commission.

I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman, Mr. VISCLOSKY, for yielding to me. I reluctantly rise to oppose the amendment. It seems as though this amendment attempts to reopen issues that were resolved in the 2013 bill, and would prohibit the Air Force from conducting authorized re-basing actions until April 2014.

This amendment appears to be not so great for the National Guard. The Na-

tional Guard is depending on re-basing actions or remission or backfilling units that otherwise would lose aircraft. I think that needs to happen, and I don't think it necessarily needs to happen after the receipt of this report, which is due some time in the future.

I appreciate the gentleman yielding.

Mr. VISCLOSKY. I appreciate the gentleman's remarks, and I reserve the balance of my time.

Mr. PALAZZO. Mr. Chairman, I appreciate my colleague's remarks, but the Air Force has a very bad track record of doing this every few years. And what they're doing is they're spending millions upon millions of dollars. They're talking about cutting costs, but all they're doing is moving planes around, re-basing them, spending more money on capital investment, and basically upsetting communities that have given their heart and shared everything they've had in support of our armed services over and over again. And I hope eventually that the Air Force can get their act straight and that they will be able to figure out a strategic and structural plan that will save taxpayer dollars. And that's what this is about. We are living in a time of limited resources. I know there are a lot of people out there who want to do Americans harm, and we have to have our national security forefront and center as our top priority. I just wish the Air Force would discontinue disrupting communities all around the country. I ask Members to support this amendment.

I yield back the balance of my time.

Mr. VISCLOSKY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Mississippi (Mr. PALAZZO).

The amendment was rejected.

AMENDMENT NO. 57 OFFERED BY MR. PALAZZO

The Acting CHAIR. It is now in order to consider amendment No. 57 printed in House Report 113-170.

Mr. PALAZZO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. 10002. None of the funds made available by this Act may be used to plan for or carry out a furlough of a dual status military technician (as defined in section 10216 of title 10, United States Code).

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Mississippi (Mr. PALAZZO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. PALAZZO. Mr. Chairman, I yield myself such time as I may consume.

This is a very simple amendment that corrects what I believe was a simple oversight when exemptions were

laid out for sequestration. In July of 2012, OMB offered an exemption for all military personnel accounts. I believe that decision was driven by a desire to relieve all uniformed deployable military personnel from the furloughs that were caused by sequestration's damaging defense cuts.

Unfortunately, a very specific group was left out of this exemption because of a technicality. Our Nation's National Guard and Reserve military technicians—or MILTECHs—are some of the most important assets we have to keeping our servicemen and -women safe. Just like any other servicemember, they proudly wear the military uniform to work, and are expected to abide by the very same standards. Perhaps most importantly, every one of them is deployable. MILTECHs are National Guardsmen and Reserve personnel. Many of them have deployed to Iraq, Afghanistan, and have been in harm's way all around the world.

These dual status technicians work every day in direct support of our warfighters. They supply our troops with the equipment they need to fight and win and return home safely. But because of a technicality, because they are paid out of a different account, these Guardsmen and Reservists have been on furlough for almost a month now.

All my amendment would do is ensure that these men and women receive the same treatment as our other uniformed personnel and are included in the furlough exemption. The Congressional Budget Office has verified that my amendment is budget neutral.

Let me say, I was one of the first on the House Armed Services Committee to sound the alarm about the damaging effects of these cuts to our national defense. I have supported several alternatives that would resolve the sequestration mess around our defense budgets and across the Federal Government. I have lain awake at night, worried about the damaging effects these cuts will have if we do not prioritize cuts and fix this problem. I hope we will see some consensus on a real fix to sequestration soon.

But the exception has already been made for the men and women who put their lives on the line every day to defend this Nation. And rightly so. My amendment simply ensures we include all of our deployable men and women in uniform in that exemption.

This legislation is supported by our enlisted and commissioned National Guard members and many other organizations. I ask that my colleagues support the legislation.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. NUGENT).

□ 0015

Mr. NUGENT. Mr. Chairman, I want to thank the gentleman from Mississippi (Mr. PALAZZO).

This is a simple fix to a problem that is an oversight. And I will tell you, from the State of Florida's perception—I live in Florida—we are obviously prone to hurricanes.

Our National Guard are our first responders when it comes to a natural disaster like a hurricane. These dual status technicians are in a position to keep the men and women of the Florida Army National Guard up and flying those helicopters that are utilized across the gulf coast to rescue people.

Without these dual service technicians, without these women and men who actually repair and keep the equipment running, we are at risk, particularly in the State of Florida, but all along the gulf coast when we can't field the force to go out and protect us here at home, much less out in the world.

And our National Guard, and particularly the aviation unit in my hometown, that's affected, they're currently deployed in Europe. But the fact that they have the inability to keep their equipment maintained, and we're furloughing these dual service technicians, it puts us at risk. It hurts our readiness.

And so from a Florida perspective, I will tell you that it is imperative that we pass this. I really appreciate Representative PALAZZO from the great State of Mississippi bringing this forward.

Mr. PALAZZO. Reclaiming my time, I want to thank the Representative from Florida. He brought up a good point: it's not just our dual-purpose technicians, our MILTECHs making sure our equipment that our warfighters need is operating. And many times they deploy with them to Iraq and to Afghanistan on multiple deployments and hot spots all around the world.

But there's another purpose of our National Guard, and that's helping us here in the homeland. We're in the middle of hurricane season, and I know that Congressman NUGENT's Governor, my Governor, Phil Bryant, the Governor of Louisiana, have all sent a letter to the President of the United States asking for this exemption as well, because those are the first responders.

They're there before the storm, during the storm, and after the storm. So I thank him for bringing that important point up.

And I'd like to close by saying, again, in times of bitter partisanship and gridlock, the one unifying trait of this Congress is that we keep our promises to the young men and women who tirelessly defend this Nation at home and abroad at great personal sacrifice.

A vote against this amendment is a vote to break faith with our military and their families. A vote for this amendment is a vote to uphold our promise to our military and their loved

ones. I urge my colleagues to support this amendment.

I yield back the balance of my time. Mr. VISCLOSKEY. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes in opposition.

Mr. VISCLOSKEY. I would, first of all, want to suggest that I appreciate the gentleman from Mississippi raising the issue relative to the Guard, as well as my colleague from the State of Florida, the Guard that protects us internationally as far as our military and international threats, as well as takes care of us at home.

The gentleman mentioned, given their portion of the country, that it is hurricane season. It is tornado season in the Midwest. It is flood season in the Midwest. It is earthquake season every day in the State of California, and we have wildfires out west. The Guard does terrific work.

I am very proud of the fact that, although Indiana has continued to decline relative to other States, and is now only the 16th largest State by population in this great Republic, the Indiana National Guard is the fourth largest Guard unit in the United States of America. And it's not just numerical; it is the quality of the men and women who serve, just as in the States of Mississippi, Florida, and throughout our country.

But I would, again, reference back to the observations I've made on all of the furlough amendments that have been made tonight. Everyone who does civilian work, whether it be at the Department of Defense or any other agency of this government, does important work; and we ought not to make that distinction.

The gentlemen who have spoken in favor of this did vote for the Budget Control Act that did create sequestration, that did create this problem.

I would suggest that what we ought to do is comprehensively begin to solve this problem and not move chairs around on this particular deck.

I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Chair, I would like to thank my colleagues, Mr. PALAZZO and Mr. NUGENT, for their work on this important amendment.

Going forward, it is critical that we ensure our defense spending in no way disproportionately and unfairly impacts our Guard and Reserve, which this amendment would prevent.

America faces an unusual national defense crisis.

It's not that we are at risk of anyone surpassing our military might; America remains by far the most powerful nation on the planet.

The problem is that the way we invest in our military is not sustainable. The U.S. accounts for almost half of worldwide military spending, more than the next 14 countries combined.

We must find a way to maintain our strength, but spend less and smarter. This

should be done by placing a greater emphasis on the role of our National Guard and Reserve to strengthen national readiness going forward.

The many Guard and Reserve deployments over the last decade have resulted in highly seasoned guardsmen with more skill and experience than we've ever seen.

We cannot allow Big Army, Air Force or Navy to push their sequestration-woes onto our citizen soldiers. Under sequestration, technicians are the only uniformed military personnel who are being furloughed. While we must continue working to replace the devastating sequester cuts for all affected, furloughing military technicians undermines our last decade of investment, which is imprudent and will cost us in the long run.

When it comes to keeping America safe in the midst of shrinking budgets, the National Guard is an investment with a very high return and should play a critical role in meeting the demands of our 21st century commitments.

I urge my colleagues to support this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Mississippi (Mr. PALAZZO).

The amendment was agreed to.

AMENDMENT NO. 58 OFFERED BY MR. ROGERS OF ALABAMA

The Acting CHAIR. It is now in order to consider amendment No. 58 printed in House Report 113-170.

Mr. ROGERS of Alabama. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to carry out reductions to the nuclear forces of the United States to implement the New START Treaty (as defined in section 495(e) of title 10, United States Code).

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Alabama (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. ROGERS of Alabama. Mr. Chairman, in light of the late hour, I'm going to synopsise my more full statement, if that's okay with everybody.

Recently, the House passed the FY14 NDAA, and in that document we included a provision that, before the \$75 million that the White House had requested for implementation of the New START Treaty, they have to provide to the Congress the 1042 report, which was due 18 months ago, by law, that outlines how they're going to spend the money.

The White House has refused to submit that report to date. We put in the authorization language saying, give us the report and we'll give you the money. I went to Chairman YOUNG and asked him to include this in his appro-

priations bill. He said he would welcome the amendment. I hope that's still the case tonight, and I urge my colleagues to support my amendment.

Mr. Chairman, my amendment is simple and it's similar to one that the House has already approved on a different bill, specifically, the FY14 National Defense Authorization Act.

I wish this amendment wasn't necessary, but, the President's actions compel it.

Too often, this President acts as if he is above the law.

He ignores the law when it comes to his healthcare law, he ignores the enforcement of immigration laws, and he violates the Constitution to bypass the Senate to appoint unqualified or ideological individuals to important government positions.

Now he is applying this approach to defense policy.

The President's priority appears to be tearing down our nuclear deterrent, which is America's ultimate security guarantee.

And he is ignoring Congress and the law in doing so.

A clear example is his implementation of the New START treaty with Russia.

The President, in his budget request for fiscal year 2014, is asking for a blank check from Congress to implement the treaty with no questions asked.

This is not the way our Constitutional government was set up to work.

This amendment will force the President to follow the law and hold him accountable if he expects one dime of the American people's money to be appropriated.

The House, through the appropriation power, must have a chance to evaluate whether the implementation of a treaty, and the manner in which an Administration intends to implement a treaty, is in the US national security interest.

That is the reason the 1042 report was required in the FY12 NDAA in the first place.

I remind the House, this report is mandated by law.

Are we really comfortable in this House with letting the President ignore the law of the land as he sees fit?

Recently, the President announced a major new nuclear weapons policy before a modest crowd of Europeans.

He stated he will seek to reduce our deployed nuclear forces by a third—beyond the New START reductions we haven't yet put in place.

We need to put the brakes on this rush to zero.

This President is proposing dangerous and irreversible changes to our nuclear forces.

Congress must ensure we use caution when tinkering with the nation's ultimate insurance policy—our nuclear deterrent.

We know the President has been itching to announce further nuclear force cuts.

Based on the most recent arms control compliance report, it appears, yet another year is passing while the President will ignore significant Russian cheating—let me say that again, Russia is cheating on a major treaty with the United States—so that he can propose further reductions with Vladimir Putin.

And the President appears to have so little confidence in his proposal, he refuses to af-

firm that his reductions will follow the established precedent—what some call the Biden-Helms standard—of proceeding through a treaty or affirmative Act of Congress.

We must be wary; the Appropriations Power was never intended to be a blank check.

I thank the gentleman from Florida for his support and I urge the House to pass the Rogers amendment and send a signal to the President that we won't cut him blank checks while he tries to circumvent the Congress.

I reserve the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I rise to claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. I rise to claim time in opposition to the amendment and would state my opposition to it.

We have a handful of amendments that have been made in order on the bill regarding our Nation's nuclear weapons stockpile. This is one that urges maintaining the status quo, and others have pushed for a reduction in the number of nuclear weapons.

I firmly believe that a further reduction in the number of nuclear weapons in our inventory will not negatively impact our deterrence goal. Even under the recently ratified New START Treaty, both the United States and Russia will have more than 1,500 deployed warheads each.

Additionally, the treaty contains no limits on nonstrategic nuclear weapons or nondeployed nuclear warheads.

With regard to the amendment, I don't think it's responsible to prohibit the United States from carrying out the reductions prescribed by the New START Treaty. That bilateral strategic arms reduction treaty was passed by a wide margin in the United States Senate, according to the Constitution, and it remains in force.

I think it is very bad policy to go back on an international treaty obligation that would, in fact, reduce the number of nuclear weapons in this world and would, again, reference back a quote that I read in my opening statement because, again, the gentleman is essentially saying let us maintain the status quo.

Over the last 12 years, it has gotten us a more expensive military that has grown more expensive, but has not gotten any larger. The reality that we face today gives us very difficult choices that we are going to have to make looking forward.

Our military is at a familiar crossroads, one they have been at before at the end of combat operations. The additions and subtractions to funding that we make today must be carried out with an eye to the future. The status quo will no longer get the job done, one, as far as our national security, the security of this world, or a responsible

budget that does truly, looking forward, provide us with an affordable defense. And for those reasons, I do object to the gentleman's amendment and oppose it.

I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Chairman, I appreciate the gentleman's observations. And while I may not agree with the New START Treaty, I am in no way trying to prohibit it being implemented. It is the law of the land.

However, we do have a constitutional obligation in this House to be responsible with taxpayers' dollars. And under the new treaty law that was signed by the President, he had 90 days to provide the Congress a report on how he was going to spend the money to implement it.

That's all we're saying in this amendment, is when he gives us the report by law that was due 18 months ago, we'll give him the money, but not until then.

I yield back the balance of my time.

Mr. VISCLOSKY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. ROGERS).

The amendment was agreed to.

AMENDMENT NO. 59 OFFERED BY MR. ROHRABACHER

The Acting CHAIR. It is now in order to consider amendment No. 59 printed in House Report 113-170.

Mr. ROHRABACHER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following:

SEC. \_\_. None of the funds made available by this Act may be used to provide assistance to Pakistan.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I will consume.

I ask my colleagues to join me in supporting my amendment, which would eliminate all American military aid to Pakistan.

Since 9/11, the United States has given Pakistan over \$25 billion, with over \$17 billion going to their security forces. These funds have been, and continue to be, used to fight an internal war of suppression against the Sindi, the Baluch, and others who reject their corrupt and brutal domination by Pakistan.

Sadly, Pakistan also uses billions of American military aid to support terrorist attacks on its neighbors, including Afghanistan. And in this last decade, our generous gifts to Pakistan

have been used to finance the killing of Americans, both military and diplomatic personnel.

We've been acting like suckers. No shame on Pakistan for being two-faced and murderous. Shame on us for being so stupid in financing a regime that obviously despises us and considers us its enemy.

It is a charade to believe that our aid is buying Pakistan's cooperation and hunting down terrorists when the Pakistani establishment not only gave safe haven to Osama bin Laden for 10 years, but jailed Dr. Afridi, the courageous man who pinpointed bin Laden and was instrumental in bringing justice to him for the mass murder of our fellow Americans on 9/11.

Dr. Afridi is an American hero; yet we have left Dr. Afridi to rot in a Pakistani dungeon. Shame on us for letting Dr. Afridi languish in misery and pain for helping us bring justice to Osama bin Laden and those he murdered on 9/11.

Pakistan is not a government to which we should be giving billions of dollars of aid. My amendment would cut off all aid because Pakistan has betrayed our friendship time and again. Any money we send them only strengthens their ability to act against us, to murder Baluch and Sindi and Sikhs, and to undermine moderate Muslims in Afghanistan, even as we withdraw in 2014.

At a time of tight budgets, we should reserve our aid for our friends and our allies and end assistance to a government that targets and kills Americans.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Section 9114 of the bill specifies the certification required of the Secretary of Defense in order to execute the coalition support funds reimbursement to Pakistan. The Secretary of Defense must certify that Pakistan is cooperating with U.S. counterterrorism operations, not supporting terrorist activities against the U.S. or Afghanistan, taking measures to curb the export of IED materials, and preventing the proliferation of nuclear materials.

□ 0030

As mentioned earlier this evening, the relationship with Pakistan has always been difficult. It is a gray world. But maintaining that relationship is essential. It has helped the United States make progress against terrorism. And Pakistan has allocated a significant part of their forces within their own borders to the counterterrorism mission.

In June of 2012, Pakistan demonstrated its commitment to a stable

and secure Afghanistan by reopening the ground lines of communications. I certainly regret that previously they had been closed. But this has eased tensions with the U.S. and improved logistical support for our troops.

I do think withdrawal of assistance at this time is likely to polarize Pakistan and exacerbate significant pro- and anti-American rifts within their military and their government, generally, and I don't think we need to aggravate a very sensitive relationship that can, in the future, be more productive to the United States.

I yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

I rise to oppose the gentleman's amendment but understand, because we're good friends, his passion and his very, very strong feelings which he expresses on any number of occasions and has done so eloquently tonight.

Some would argue this isn't true, but I believe Pakistan does remain a key U.S. counterterrorism partner. Their cooperation is essential. As we did during the war in Afghanistan, we're going to have to use air routes over Pakistan. We're going to have to use their maritime capabilities. We're going to have to use the land routes to get our troops and material out; otherwise, we're going to depend on Kyrgyzstan and Russia. It's going to be expensive. It will probably be \$20 billion worth of expense to withdraw from Afghanistan if we don't have the cooperation of the Pakistanis.

The other issue is Pakistan is a nuclear power. I think we need to have a close working relationship with them to make sure that those weapons in the future never fall into the wrong hands.

So I appreciate the gentleman's remarks. I associate myself with them. I strongly oppose this amendment but obviously respect the sponsor for his strong views as well.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman's remarks. As he mentioned, I do appreciate the passion that the author of this amendment has brought to this. Obviously, there have been problems, and it is incumbent upon this country to make sure that this is an arm's-length and adult relationship that is, in the end, beneficial to our Nation.

So I certainly appreciate his objective but am opposed to his amendment, and I yield back the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, the gentleman noted that this is a gray world. It is not a gray world in so many cases. This is not a gray world when people are killing Americans. This is not a gray world when someone organizes the slaughter of 3,000 Americans on 9/11 and then is given safe haven by someone who's claiming to be our friend. No, that's not gray at all.

The Pakistanis decided a long time ago that they consider us their enemy. When they took Osama bin Laden and gave him safe haven from us and took our money while they were doing it and used it to finance terrorist groups that have murdered American soldiers in Afghanistan, no, that's not a gray world. That's black and white. And we should stand up for the principle that people who are killing Americans will not receive American military aid, and we can proclaim this tonight in this resolution.

I ask my colleagues to join me in standing up to make sure that the world knows that when they kill Americans, they're not going to be treated like they're our friends. We're not that stupid.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The amendment was rejected.

AMENDMENT NO. 60 OFFERED BY MR. STOCKMAN

The Acting CHAIR. It is now in order to consider amendment No. 60 printed in House Report 113-170.

Mr. STOCKMAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following:

SEC. \_\_. None of the funds appropriated or made available in this Act may be used for United States military exercises which include any participation by the People's Republic of China.

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Texas (Mr. STOCKMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. STOCKMAN. Mr. Chairman, I yield myself such time as I may consume.

This is an important amendment in that the Chinese have demonstrated time and time again that they're willing to take our tactics and our technology. Coming up in 2014, President Obama has invited the Chinese to participate in a RIMPAC exercise, the world's largest international maritime exercise. Right now, the Chinese plan to use these exercises to increase their knowledge about our tactics.

The participation in these military exercises is particularly concerning at this time when China is hacking our computers, stealing our weapons plans, and escalating the pressure in the South Sea of China. China's behavior does not appear to be even on the radar of the administration. I'm really concerned now that they're becoming belligerent in the Pacific area of the rim. They're declaring rights to land. And

we're going to, by participating with the Chinese, make it look like we're siding with the Chinese in helping the Chinese allies and against the United States.

At this time, I yield to my friend, the cosponsor, the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in support of this amendment offered by my good friend from Texas.

The Chinese Communist Party is a gangster regime that rules over a billion subjects. It is the world's worst human rights abuser and does not deserve the recognition nor the legitimacy that comes with participating in military exercises with the Armed Forces of the United States.

As the greatest threat to world peace and stability, the last thing we should be doing is helping them fine-tune their military and their familiarization with the strengths and weaknesses of America's Armed Forces.

The Chinese military is the armed wing of the Communist Party in that country. For decades, China has occupied Tibet, East Turkistan, and threatened the democratic nation of Taiwan with total annihilation. The Communist Party uses force to control its population. Thousands of Falun Gong practitioners who do nothing more than promote yoga and meditation have had their organs ghoulishly ripped from their bodies before they were executed so that those organs could be sold. The moral depravity of the Chinese Communist Party cannot be overstated.

China is aggressively using military expansion to back up territorial claims against India, Japan, Taiwan, Vietnam, the Philippines, and other countries. The Chinese military is guilty of even more aggression in cyberspace, as we have just heard from my colleague from Texas. They have stolen dozens of our defense systems. They have vast amounts of intellectual property they've stolen, as well as the business records for many of our companies. The damage has been estimated in the trillions of dollars.

Any cooperation with the Chinese military only weakens our own moral credibility and discourages our allies in the face of threats from Communist China. We should be drawing a clear distinction between us and the Chinese military, not helping them train to become even more efficient.

I call on my colleagues to vote for Congressman STOCKMAN's terrific amendment, again, making sure that we stand up and are counted when there is a threat to the freedom and stability of the world.

Mr. STOCKMAN. I reserve the balance of my time.

Mr. VISCLOSKY. I rise to claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, the gentleman's amendment seeks to block funds for our military to participate in any exercise in which China participates as well. The Chinese President confirmed last month in meetings with President Obama his navy's attendance to participate in the rim of the Pacific, known as RIMPAC, in 2014. An invitation to participate had been extended to China during then-Secretary of Defense Panetta's visit to that country in September of 2012.

RIMPAC is the world's largest international maritime exercise, where 28 countries and more than 40 ships and submarines work together. In 2012, not all participants were our traditional allies. Russia and India, for example, were participants.

I believe the amendment is shortsighted and attempts to place an unneeded stumbling block in the path of a relationship that is tenuous. I would suggest that the Secretary would not have extended the invitation if the Department and the United States Navy did not feel that there would be a benefit to be gained by these exercises with Chinese participation. I refuse to believe, as a Member of the United States Congress, that the Department would take such a position.

The United States gains maritime knowledge and renewed relationships with other navies of the world and considers participation in this exercise as crucial to their mission. RIMPAC participation has gained an ever-greater meaning with the Defense Department's rebalance to the Asia Pacific, and I do think that this amendment should not be adopted by the House.

I reserve the balance of my time.

Mr. STOCKMAN. Mr. Chairman, I would like to point out that the military works for Congress, not the other way around. So if we direct the military to do something, they do it. If they object, they're not going to object and say, We're not going to do it. We're the body that controls the military, and we're responsible for this Nation's future.

It's so obvious what we're doing is giving away our secrets. I can tell you right now that they've stolen the plans to the F-22. They're building more F-22s than we are.

They're not part of the negotiation for nuclear weapons right now. We only negotiate with Russia. We have no idea how many weapons they have. We have no idea how many nuclear weapons they have. We are blindsided by what they're doing. They're shooting down satellites, and they could blind us.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman's remarks and would agree with his assertion that we do have civilian command of the Department of Defense and the United States Navy; and, God bless the United

States Navy, they follow orders. But also having dealt with the Navy for some number of years as a member of this subcommittee, I would suggest to my colleagues, if the Navy had reservations or had some concerns, we would have had a whiff of that objection and concern wafting from the Potomac to this particular building, and I have not sensed that myself.

I would yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Let me associate myself with Mr. VISCLOSKY's remarks. I think there's some benefit for us to have a joint military exercise. They may learn something about us; we may learn something about them.

I can assure you the committee isn't in a state of denial. We know the Chinese are very aggressive, setting out a strategy for a blue navy. I think these joint exercises may be extremely beneficial to us in terms of their naval strategy, and to be part of an overall Pacific rim program gives us a pretty good opportunity to take a look at their capabilities.

I thank the gentleman for yielding.

Mr. VISCLOSKY. I appreciate the gentleman's remarks, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. STOCKMAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. STOCKMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 61 OFFERED BY MR. TURNER

The Acting CHAIR. It is now in order to consider amendment No. 61 printed in House Report 113-170.

Mr. TURNER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to reduce the strategic delivery systems (as defined in section 495(e)(2) of title 10, United States Code) of the United States in contravention of section 303(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b)).

The Acting CHAIR. Pursuant to House Resolution 312, the gentleman from Ohio (Mr. TURNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. TURNER. Mr. Chairman, this amendment would restrict President Obama from unlawfully divesting our Nation's strategic delivery systems.

Since the enactment of the New START Treaty in 2010, the President has continued to jeopardize the security of the United States by unilaterally pursuing policies and international agreements that call for the drastic reduction of our Nation's nuclear deterrent. Not only are these proposed policies and agreements harmful to the United States, but also they are in violation of standing laws such as the Arms Control and Disarmament Act, which states that international agreements cannot limit or reduce the military forces of the United States unless enacted pursuant to a treaty or congressional-executive agreement.

□ 0045

It is unfortunate that amendments such as this one have become necessary, as the President chooses to ignore the role of Congress when negotiating arms reductions.

As recently as last month, President Obama delivered a speech in Berlin in which he outlined his plan to further reduce nuclear warheads by as much as one-third. Since that time, the administration has given no indication that he would seek to negotiate or seek Senate ratification of a formal treaty as required by law. Instead, the administration continues to engage directly with the Russian Federation while averting a formal treaty process in coordination with the Senate.

These drastic reductions by the President are ill conceived and have only encouraged the further proliferation of nuclear weapons by countries like Russia, China, and North Korea, which continue to expand their nuclear weapons programs.

This amendment seeks to rein in the President's misguided policies by ensuring that none of the appropriated funds be used to reduce the strategic delivery systems of the United States in contravention of section 303(b) of the Arms Control and Disarmament Act.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. We have had a number of amendments in this vein this evening. Again, I would allude back to some of my earlier comments that we have proposals and discussions and consideration taking place, and I don't think it's our duty to stop all of that from happening.

The fact is, none of these weapons have ever been used in the United States or elsewhere on the planet Earth. I would hope, as an institution, we would take this much time to consider the asymmetrical threats that have occurred against this country and its citizens and our allies across the

country, such as the attack on the USS *Cole*, the U.S. embassy bombings in Tanzania and Kenya, and the events of 2001.

I think about the instability and the strategic challenges we face now in Egypt, in Syria, in Libya, in North Africa; the continuing challenge of Iran, which supports terrorist organizations with regional and global aims; the effort that we are going to have to put into the prioritization of an Asia-Pacific region focus, with a particular emphasis on China and North Korea; and the instantaneous and continual attack by cyber against our Nation and our assets.

Again, as far as deliberation and consideration, I don't think we should simply be here all evening saying no, no, no. The President obviously, if there is any further reduction according to a treaty, would have to have that ratified through the United States Senate.

So I do oppose the gentleman's amendment and would reserve the balance of my time.

Mr. TURNER. With all due respect to the gentleman from Indiana, I won't question his historical description of the issues of the use of nuclear weapons, although I find it confusing.

I will say that this amendment and its terms are not about the issue of the use of or even the number of weapons the United States or Russia might have. This is about the Constitution and the laws of the United States. All this says is that the President has to follow the Constitution, make certain that he seeks Senate ratification of any formal treaty, or that he conform with the Arms Control and Disarmament Act, which would prohibit him unilaterally taking action.

The concern and the reason why this amendment is necessary is because the President felt the need to actually leave this country and go to another country and announce his attention, perhaps, to undertake unilaterally—both as President, and unilaterally, without even getting a bilateral agreement with another nation—his intention of further reducing our nuclear weapons.

This amendment is not about numbers, it's about the law. It's about our Constitution, it's about upholding it, and requiring that the President of the United States conform to it in something certainly as important as our national security.

With that, I yield back the balance of my time.

Mr. VISCLOSKY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. TURNER).

The amendment was agreed to.

AMENDMENT NO. 62 OFFERED BY MRS. WALORSKI

The Acting CHAIR. It is now in order to consider amendment No. 62 printed in House Report 113-170.



Mrs. WALORSKI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to transfer or release to the Republic of Yemen (or any entity within Yemen) a detainee who is or was held, detained, or otherwise in the custody of the Department of Defense on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba.

The Acting CHAIR. Pursuant to House Resolution 312, the gentlewoman from Indiana (Mrs. WALORSKI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Indiana.

Mrs. WALORSKI. Mr. Chairman, in May, the President declared a renewed intention to transfer detainees from Guantanamo. He also announced he was lifting his self-imposed suspension on the transfers of detainees to Yemen. I believe it's a dangerous policy, both for our troops fighting terror overseas and for our citizens living in the homeland.

The amendment I am offering prohibits any funds in the defense bill from being used to transfer Gitmo detainees to Yemen. This amendment is similar to an amendment I offered in this House past during consideration of the FY14 NDAA.

I believe this amendment is needed because detainees at Guantanamo Bay represent some of the most dangerous terrorists in the world. After Yemen was the starting point for the foiled airline bombing over Detroit, the Obama administration correctly decided not to transfer these terrorists back to this troubled nation.

Detainees at Gitmo pose a real threat to our national security. In addition, transfers to Yemen should be prohibited because the country has become a hotbed for terrorist activities. The Director of National Intelligence testified in 2011 that AQAP remains the affiliate most likely to conduct a transnational attack. AQAP remains resolute on killing as many Americans as they can if we don't stop them first.

It makes no sense to send terrorists to a country where there is an active al Qaeda network that we know has been engaged in targeting the U.S. The Christmas day Detroit bombing attempt, the ink cartridge bomb plot, the radicalization of the Fort Hood shooter all can be traced back to Yemen.

Lastly, we should not transfer detainees to Yemen because of their poor track record of securing its prisons. Let's look at the facts. A Yemeni citizen, the convicted mastermind of the USS *Cole* bombing who took the lives of 17 American sailors, was being held by Yemeni authorities when he escaped

from prison in 2003. Luckily, he was recaptured, but he was able to escape again from Yemeni custody in 2006 with 22 other terrorists. Why would we risk another jailbreak by people who intend to do us harm?

Just this morning I woke up to headlines describing how 500 prisoners escaped from an Iraqi prison after their comrades launched a military-style assault to free them. Many of these prisoners were senior members of al Qaeda who were convicted and received death sentences. Unfortunately, it's an example of what happens when the U.S. delegates its national security interests to other countries. This is a commonsense amendment with the purpose of protecting Americans.

I believe it's prudent that this Congress receive the Department of Defense's report on factors that contribute to re-engagement so that informed choices about future transfers can be made. That report is mandated by law and is still currently overdue.

In 2012, the DIA reported that the combined suspected and confirmed re-engagement rate of former Gitmo detainees has risen to almost 30 percent. I ask my colleagues to consider the national security implications of transferring detainees to Yemen and join me in support of this amendment.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I reserve the balance of my time.

Mrs. WALORSKI. May I inquire of the balance of my time, Mr. Chair?

The Acting CHAIR. The gentlewoman has 2½ minutes remaining. The gentleman from Indiana has 5 minutes remaining.

Mrs. WALORSKI. I yield 1½ minutes to my good friend from the State of Oklahoma (Mr. BRIDENSTINE).

Mr. BRIDENSTINE. Mr. Chairman, I rise in support of the Walorski amendment to prohibit transfer or release of Guantanamo Bay detainees to Yemen.

Mr. Chairman, over the weekend, hundreds of convicts, including senior members of al Qaeda, broke out of Iraq's Abu Ghraib jail. The Abu Ghraib prison break perfectly demonstrates that most countries cannot credibly secure highly dangerous terrorists, including Yemen. Indeed, Yemen has a particularly bad record of prison breaks involving al Qaeda terrorists.

In December 2011, several al Qaeda militants escaped from an Aden prison. In 2006, 23 al Qaeda militants broke out of a Sanaa jail and established the core leadership of al Qaeda in Yemen, a group which has since metastasized into al Qaeda in the Arabian Peninsula.

Given Yemen's terrible track record, it seems obvious that we should not

consider transferring a single detainee to Yemen. Yet President Obama is so ideologically committed to fulfilling his misguided promise of closing Guantanamo Bay that I fear he may try.

Mr. Chairman, recidivism among the transferred Gitmo detainees is a huge problem. According to the Director of National Intelligence, the latest report, 97 of the 603 transferred Gitmo detainees have re-engaged in terrorism. A further 72 are suspected of re-engaging. Nearly one-third of all transferred Gitmo detainees are either confirmed or suspected of getting back in the fight. Clearly, Congress needs to get involved and set acceptable boundaries on the President.

As a Navy pilot with combat tours in Iraq and Afghanistan, I can tell you that our troops' job is already difficult enough. We don't have to fight the same people twice.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the fact that this is the first instance that my friend and colleague from Indiana and I are participating in a debate on an amendment on the House floor, which is why I respectfully and regretfully have to oppose her amendment, as well-intentioned as it is.

I do not believe that we should impose on ourselves the legal and moral problems arising from the prospect of indefinite detentions at Guantanamo. Working through civil courts since 9/11, hundreds of individuals have been convicted of terrorism or terrorism-related offenses and are now serving long sentences in Federal prison. Not one has ever escaped custody.

But we're told we cannot bring these detainees to the United States for trial or custody. And we are told in three other instances in the bill that we cannot close Guantanamo. But I think the rationale for establishing Guantanamo in the first instance was a misplaced idea that the facility could be beyond the law—a proposition rejected by the Supreme Court. As a result, continued operation of this facility creates the impression in the eyes of our allies and enemies alike that the United States selectively observes the rule of law. With this amendment, now we would have a fourth restriction within this bill, and I think that is not the best policy for this country to pursue.

For that reason, respectfully, I do oppose the gentlewoman's amendment, and would reserve the balance of my time.

Mrs. WALORSKI. Mr. Chairman, could I inquire on the balance of my time?

The Acting CHAIR. The gentlewoman from Indiana has 45 seconds remaining, and the gentleman from Indiana has 3¼ minutes remaining.

Mrs. WALORSKI. With all due respect to my esteemed colleague from Indiana as well, this amendment isn't about whether Gitmo stays open or

Gitmo closes. This amendment is specifically about not allowing transfers of highly dangerous terrorists to the country of Yemen because Yemen has proved it is not capable of holding these terrorists.

The job of this Congress and what we're talking about with this amendment is protecting the American people, which is what we're charged with.

I would respectfully ask our body to approve and support this amendment, and I yield back the balance of my time.

Mr. VISCLOSKEY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Indiana (Mrs. WALORSKI).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mrs. WALORSKI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Indiana will be postponed.

It is now in order to consider amendment No. 63 printed in House Report 113-170.

It is now in order to consider amendment No. 64 printed in House Report 113-170.

AMENDMENT NO. 65 OFFERED BY MS. BONAMICI

The Acting CHAIR. It is now in order to consider amendment No. 65 printed in House Report 113-170.

Ms. BONAMICI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. (a) None of the funds made available by this Act may be used to retire, divest, transfer, or prepare to divest, retire, or transfer, C-23 aircraft assigned to the Army.

(b) The amounts otherwise provided by this Act are revised by reducing and increasing the amount made available for "Operation and Maintenance—Operation and Maintenance, Army" by \$34,000,000.

The Acting CHAIR. Pursuant to House Resolution 312, the gentlewoman from Oregon (Ms. BONAMICI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon.

Ms. BONAMICI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of this amendment to provide our National Guard with the aircraft it needs to perform its missions effectively and efficiently.

The National Guard relies on C-23 Sherpa aircraft for a variety of uses, and they're especially important for missions stateside. These small cargo

aircraft transported relief supplies and personnel after Hurricanes Sandy and Katrina. They support special operations missions and training, and they aid the Guard in fighting wildfires.

These planes are flexible, they can be put into use quickly and—this is important, Mr. Chairman—they're less expensive to operate than other options.

□ 0100

Despite opposition from the National Guard Association of the United States and from Governors around this country, the Army now wants to eliminate use of the Sherpa. The C-130 planes they propose using instead are almost two times as expensive to operate. Plus, eliminating the Sherpa would require that the Guard rely on the Air Force for the use of planes. This would add up to a week to access planes, cutting off the Guard's ability to be responsive and flexible. Additionally, the Sherpa is extremely popular with the Special Operations community.

Last year, the House voted to prohibit the Sherpa's retirement. My amendment would uphold current law and prevent the retirement, divestment, or transfer of C-23 aircraft. It would also ensure their continued viable operation, preventing the Army from getting around the law by mothballing the Sherpa into "flyable storage."

Mr. Chairman, I urge my colleagues to join me in supporting this amendment. Let's listen to the men and women of the National Guard and support their success to the fullest extent possible.

Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise reluctantly to oppose the amendment.

The Army has made it clear to our committee that it does not want to retain C-23s, the Sherpas, the workhorses, that have been doing some remarkable work for over 30 years, or acquire any replacement platform. In fact, the Army is already taking steps to put the aircraft out of operation while stopping short of full retirement.

At the beginning of fiscal year 2013, the Army National Guard was operating 34 of these Sherpas. As of July, 14 of those had been turned into Fort Sill, Oklahoma, where they are being maintained in semi-flyable storage. That tells you something. The remaining aircraft are scheduled to be turned into Fort Sill by the end of October of this year.

Because this amendment only applies to fiscal year 2014, the aircraft likely

will be out of operation before this amendment would take effect. Unfortunately, because the C-23s will already be in storage by the time this amendment takes effect, it is unlikely it will accomplish its intent.

We do not believe that taking funds from other critical readiness programs to apply to the C-23 operations is the best use of the Army's increasingly limited resources. Thus, reluctantly, I oppose this amendment, and reserve the balance of my time.

Ms. BONAMICI. Mr. Chairman, I do appreciate the comments of the chair. However, if we are talking about limited resources, it makes so much more sense to use planes that are less expensive. Give the men and the women of the National Guard the flexibility and the aircraft that they need.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Oregon (Ms. BONAMICI).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Ms. BONAMICI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Oregon will be postponed.

AMENDMENT NO. 66 OFFERED BY MS. HANABUSA

The Acting CHAIR. It is now in order to consider amendment No. 66 printed in House Report 113-170.

Ms. HANABUSA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to implement an enrollment fee for the TRICARE for Life program under chapter 55 of title 10, United States Code.

The Acting CHAIR. Pursuant to House Resolution 312, the gentlewoman from Hawaii (Ms. HANABUSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii.

Ms. HANABUSA. Mr. Chairman, I yield myself such time as I may consume.

In the President's budget the past 2 years, there has been a push to phase in substantial TRICARE fee increases. Even the TRICARE For Life program, the promise of life-long health care many were given when they first joined the military, has been the subject of proposed enrollment fees.

The House Armed Services Committee, of which I am a member, and other Congressional defense committees, have declined to grant the authority for these fee increases.

My amendment would do nothing more than ensure that the funds in this act are not made available to implement any new enrollment fees in the TRICARE For Life program.

Year after year, we hear from the Department of Defense that health care costs of our soldiers and veterans are spiraling out of control and that TRICARE is crippling the DOD with its rise in costs. Yet, Mr. Chairman, for the past 2 fiscal years, the Pentagon has found a way to reprogram hundreds of millions of dollars from defense health accounts to higher priorities. These reprogramming actions totaled \$708 million last year in 2012 and \$500 million in the prior year in 2011.

DOD has explained that the surplus was due to "uncertainty about medical inflation and health care use, and the impact of continual benefit changes and efficiency initiatives." If there is uncertainty about costs, the assertion cannot be made that added fees are necessary for even our most senior veterans.

DOD's own documents prove military health care costs are not exploding. The combined personnel and health care costs are less than one-third of DOD's budget and the same as they've been for 30 years. The overestimation of cost growth that has resulted in hundreds of millions of dollars being reprogrammed by DOD the past 2 years is proof that costs are not growing as much as anticipated. In fact, they are not growing at all.

The relatively low cost of health care and strong benefits are the foundational elements and they are necessary not just to recruit, but also to sustain an all-volunteer force. Significant cuts to the critical incentive packages that sustain a top-quality career force will undermine long-term retention and readiness.

I ask my colleagues to vote for this amendment and uphold our commitment to the brave men and women of our armed services, as well as the millions of veterans in need of health care today. Again, I reemphasize this amendment is to prohibit funds to be used to add any enrollment fees to the TRICARE For Life program.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise to claim the time in opposition to the gentlewoman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I would begin my remarks by suggesting that I deeply appreciate the gentlewoman's concern and her commitment to make sure everyone who has taken that oath of office and put on the uni-

form of the United States of America receives the health care benefits they deserve and that they have earned.

But I would point out, as I have on a number of occasions this evening, that we have got to start looking ahead and begin to make some very difficult decisions.

I would quote again from the Center for Strategic and Budgetary Assessments that has noted that over the last decade, rather than getting larger and more expensive, the military has just grown more expensive. This reality makes our future choices even more difficult, and it is imperative that Congress joins with the Department in working through these decisions in an arm's length relationship, but also as a partner.

The Department has made recommendations, one of which we are debating at this moment, that are very difficult decisions to have to make. On the other hand, we have to begin to not reflectively reject these recommendations out of hand.

I understand what the gentlewoman is trying to do with her amendment, but she does rightfully describe it as saying that no funds shall be used to implement an enrollment fee. Is that enrollment fee 25 cents? Is that enrollment fee 1¢? Is that enrollment fee 2¢? Is that enrollment fee \$250 for an individual and \$500 for a family? We are going to have to consider the pressure that the budget is under.

The gentlewoman has indicated that the Department has reprogrammed money, and that means that, in fact, costs have not gone up. The fact is I do believe that the Department has, if you would, underexecuted and over-requested moneys in past years.

The subcommittee mark in the bill we are debating tonight cut \$400 million from the request of \$15.8 billion based on the execution history. We would not have done that if we thought we had endangered anyone's health. And in fact, these costs are going up.

The cost of military medical care has risen almost by triple in the past 12 years, rising from \$19 billion to \$56 billion. If the increase continues at this rate for another decade, coupled with sequestration, military health care could consume close to 20 percent of all defense spending.

According to a report published by the Congressional Budget Office entitled "Long-Term Implications of the 2013 Future Years Defense Program," the annual cost to the Department's health care program could grow from \$51 billion in fiscal year '13 to \$65 billion in 2017 and \$90 billion by 2030.

If we continue to block enrollment fees for TRICARE For Life, defense funding for this program will place other programs at risk. The Center for Strategic and Budgetary Assessments estimates that pay and benefits for each Active Duty servicemember grew

by 57 percent in real terms between 2001 and 2012, or 4.2 percent annually.

I am not suggesting our servicemembers do not deserve adequate compensation for the risks they take in the defense of this country, but we have to understand what the growth of those costs means for the overall budget and the future implications. Operation and maintenance costs per Active Duty employee grew by 34 percent.

I oppose the amendment respectfully because I am worried that if we don't address the rising cost of health care now there will be even a smaller pool of resources to make our military ready in the future.

I reserve the balance of my time.

Ms. HANABUSA. Mr. Chairman, I appreciate the comments of the ranking member, however, the facts are as stated: DOD has reprogrammed \$708 million last year alone and \$500 million in the prior year. These have been from the health accounts.

In addition to that, we must look at the fact that the DOD budget as to personnel and health costs are less than one-third of the DOD budget, and that has been a consistent percentage for the past 30 years.

The health care fund has been the one that has been taking the hit every time. It has been the bogeyman to say that is where we are going to have to cut and that is what is rising the costs out of control, it is spiraling out of control. But that is, in fact, not true.

I think that to threaten health care or to not give our men and women in uniform, and the veterans, in particular, the security with which they joined the military for—these are one of the benefits they looked for—by not being able to ensure them that, especially health care, is the worst that we can do. When we don't have the evidence that this is where we should cut, we should not cut and add any additional enrollment fees.

As I stated, this amendment is to prevent any funds to be used to increase any enrollment fees for the TRICARE For Life.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HANABUSA).

The amendment was agreed to.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mr. COLLINS of Georgia, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2397) making appropriations for the Department of

Defense for the fiscal year ending September 30, 2014, and for other purposes, had come to no resolution thereon.

#### HOUSE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the following titles:

May 1, 2013:

H.R. 1246. An Act to amend the District of Columbia Home Rule Act to provide that the District of Columbia Treasurer or one of the Deputy Chief Financial Officers of the Office of the Chief Financial Officer of the District of Columbia may perform the functions and duties of the Office in an acting capacity if there is a vacancy in the Office.

H.R. 1765. An Act to provide the Secretary of Transportation with the flexibility to transfer certain funds to prevent reduced operations and staffing of the Federal Aviation Administration, and for other purposes.

May 17, 2013:

H.R. 1071. An Act to specify the size of the precious-metal blanks that will be used in the production of the National Baseball Hall of Fame commemorative coins.

May 24, 2013:

H.R. 360. An Act to award posthumously a Congressional Gold Medal to Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley to commemorate the lives they lost 50 years ago in the bombing of the Sixteenth Street Baptist Church, where these 4 little Black girls' ultimate sacrifice served as a catalyst for the Civil Rights Movement.

June 3, 2013:

H.R. 258. An Act to amend title 18, United States Code, with respect to fraudulent representations about having received military decorations or medals.

June 25, 2013:

H.R. 475. An Act to amend the Internal Revenue Code of 1986 to include vaccines against seasonal influenza within the definition of taxable vaccines.

July 12, 2013:

H.R. 324. An Act to grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

H.R. 1151. An Act to direct the Secretary of State to develop a strategy to obtain observer status for Taiwan at the triennial International Civil Aviation Organization Assembly, and for other purposes.

H.R. 2383. An Act to designate the new Interstate Route 70 bridge over the Mississippi River connecting St. Louis, Missouri, and southwestern Illinois as the "Stan Musial Veterans Memorial Bridge".

July 18, 2013:

H.R. 251. An Act to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes.

H.R. 254. An Act to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project.

H.R. 588. An Act to provide for donor contribution acknowledgments to be displayed at the Vietnam Veterans Memorial Visitor Center, and for other purposes.

#### SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

June 3, 2013:

S. 982. An Act to prohibit the Corps of Engineers from taking certain actions to establish a restricted area prohibiting public access to waters downstream of a dam, and for other purposes.

June 13, 2013:

S. 622. An Act to amend the Federal Food, Drug, and Cosmetic Act to reauthorize user fee programs relating to new animal drugs and generic new animal drugs.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COBLE (at the request of Mr. CANTOR) for today and July 24 on account of personal matters.

Mr. HORSFORD (at the request of Ms. PELOSI) for July 22 and today on account of medical mandated recovery.

#### ADJOURNMENT

Mr. FRELINGHUYSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 15 minutes a.m.), under its previous order, the House adjourned until today, Wednesday, July 24, 2013, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2303. A letter from the Under Secretary, Department of Defense, transmitting The Fiscal Year 2012 Inventory of Contracts for Services for the Military Departments, Defense Agencies, and Department of Defense Field Activities; to the Committee on Armed Services.

2304. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Financial Stability Oversight Council 2013 Annual Report; to the Committee on Financial Services.

2305. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Singapore pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2306. A letter from the Chairman and President, Export-Import Bank, transmitting a report on a transaction involving U.S. exports to Israel pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2307. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Avolon Aerospace Leasing Limited (Avolon) of Dublin, Ireland, pursuant to Section 2(b)(3) of the Export-Import Bank Act of

1945, as amended; to the Committee on Financial Services.

2308. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2309. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2012 Financial Report to Congress for the Food and Drug Administration required by the Medical Device User Fee Amendments of 2007; to the Committee on Energy and Commerce.

2310. A letter from the Deputy Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting the Commission's final rule — Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment [PS Docket No.: 11-153] [PS Docket No.: 10-255] received July 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2311. A letter from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Review of Wireline Competition Bureau Data Practices, Computer III Further Remand Proceedings; Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review — Review of Computer III and ONA Safeguards and Requirements [WC Docket No.: 10-132] [CC Docket Nos.: 95-20, 98-10] received July 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2312. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Critical Habitat Map for the Fountain Darter [Docket No.: FWS-R2-ES-2013-0064] (RIN: 1018-AZ68) received July 16, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2313. A letter from the Chief, Branch of Endangered Species Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Endangered Species Status for Six West Texas Aquatic Invertebrates [Docket No.: FWS-R2-ES-2012-0029] (RIN: 1018-AX70) received July 16, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2314. A letter from the Chief, Branch of Endangered Species Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Six West Texas Aquatic Invertebrates [Docket No.: FWS-R2-ES-2013-0004] (RIN: 1018-AZ26) received July 19, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2315. A letter from the Chief, Branch of Foreign Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing One Distinct Population Segment of Broad-Snouted Caiman as Endangered and a Second as Threatened With a Special Rule [Docket No.: FWS-R9-ES-2010-0089; 4500030115; 1113F116] (RIN: 1018-AT56) received July 16, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2316. A letter from the Branch Chief, Endangered Species Listing, Department of the Interior, transmitting the Department's

final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Buena Vista Lake Shrew [Docket No.: FWS-R8-ES-2009-0062; 4500030114] (RIN: 1018-AW85) received July 16, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2317. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the semi-annual report of the Attorney General concerning enforcement actions taken by the Department under the Lobbying Disclosure Act, Public Law 104-65, as amended by Public Law 110-81, codified at 2 U.S.C. Sec. 1605(b)(1) for the semi-annual period beginning on January 1, 2011 and July 1, 2011; to the Committee on the Judiciary.

2318. A letter from the Acting Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Inadmissibility of Consumer Products and Industrial Equipment Noncompliant With Applicable Energy Conservation or Labeling Standards [Docket No.: USCBP-2012-0004] (RIN: 1515-AD82) received July 1, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2319. A letter from the Acting Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Prohibitions and Conditions on the Importation and Exportation of Rough Diamonds [USCBP-2012-0022] (RIN: 1515-AD85) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2320. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a semi-annual report to Congress on the continued compliance of Azerbaijan, Kazakhstan, Tajikistan, and Uzbekistan with the Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Ways and Means.

2321. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — July 2013 (Rev. Rul. 2013-15) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2322. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "National Coverage Determinations for Fiscal Year 2012"; jointly to the Committees on Education and the Workforce and Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOLF: Committee on Appropriations. H.R. 2787. A bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2014, and for other purposes (Rept. 113-173). Referred to the Committee of the Whole House on the state of the Union.

Mr. CRENSHAW: Committee on Appropriations. H.R. 2786. A bill making appropriations for financial services and general government for the fiscal year ending September 30, 2014, and for other purposes (Rept. 113-172). Referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER: Committee on Appropriations. H.R. 2792. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2014, and for other purposes (Rept. 113-173). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURGESS: Committee on Rules. House Resolution 315. Resolution providing for consideration of the bill (H.R. 2218) to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment, and providing for consideration of the bill (H.R. 1582) to protect consumers by prohibiting the Administrator of the Environmental Protection Agency from promulgating as final certain energy-related rules that are estimated to cost more than \$1 billion and will cause significant adverse effects to the economy (Rept. 113-174). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HECK of Nevada:

H.R. 2788. A bill to prevent homeowners from being forced to pay taxes on forgiven mortgage loan debt; to the Committee on Ways and Means.

By Mrs. ELLMERS:

H.R. 2789. A bill to delay enrollment in qualified health plans in State or Federally facilitated Exchanges until 1 year after final rules are published establishing the verification and other procedures to be used to implement section 1411 of the Patient Protection and Affordable Care Act and carrying out sections 6055 and 6056 of the Internal Revenue Code of 1986; to the Committee on Energy and Commerce.

By Mr. PETERS of California (for himself and Mr. MCNERNEY):

H.R. 2790. A bill to authorize private non-profit organizations to administer permanent housing rental assistance provided through the Continuum of Care Program under the McKinney-Vento Homeless Assistance Act, and for other purposes; to the Committee on Financial Services.

By Mr. GENE GREEN of Texas (for himself, Mr. THOMPSON of California, Mr. MCCAUL, Mr. STIVERS, Ms. SLAUGHTER, and Mr. COFFMAN):

H.R. 2791. A bill to prohibit the export from the United States of certain electronic waste, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA:

H.R. 2793. A bill to amend the District of Columbia Home Rule Act to permit the Government of the District of Columbia to determine the fiscal year for the Government of the District of Columbia, to amend such Act to make local funds of the District of Columbia available for use by the District at the beginning of the District's fiscal year at the rate of operations provided under the local budget act for the fiscal year if neither the regular District of Columbia appropriation

bill nor a District of Columbia continuing resolution for the year does not become law prior to the beginning of such fiscal year, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. BILIRAKIS (for himself and Mr. YOUNG of Florida):

H.R. 2794. A bill to provide for the issuance of a forever stamp to honor the sacrifices of the brave men and women of the Armed Forces who are still prisoner, missing, or unaccounted for, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. COLLINS of Georgia:

H.R. 2795. A bill to prohibit the Secretary of the Army from imposing excessive fees for the use of Army-controlled real property at water resources development projects with respect to concessionaires operating facilities making restaurant, gasoline, or marine engine sales at marinas, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Florida (for himself, Mr. GRIMM, Ms. BORDALLO, Mr. MORAN, Mr. GRIJALVA, Mr. SCHRADER, Ms. WILSON of Florida, and Mr. FARR):

H.R. 2796. A bill to expand the workforce of veterinarians specialized in the care and conservation of wild animals and their ecosystems, and to develop educational programs focused on wildlife and zoological veterinary medicine; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself, Mr. MURPHY of Pennsylvania, Ms. SHEA-PORTER, Mr. LOEBBACH, Mr. BISHOP of New York, Ms. CLARKE, Mrs. MCCARTHY of New York, and Mr. KING of New York):

H.R. 2797. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate overpayments of tax as contributions and to make additional contributions to the Homeless Veterans Assistance Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATTA (for himself, Mr. THOMPSON of Mississippi, and Mr. WITTMAN):

H.R. 2798. A bill to amend Public Law 106-206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATTA (for himself, Mr. THOMPSON of Mississippi, Mr. WITTMAN, and Mr. WALZ):

H.R. 2799. A bill to establish the Wildlife and Hunting Heritage Conservation Council Advisory Committee to advise the Secretaries of the Interior and Agriculture on wildlife and habitat conservation, hunting, recreational shooting, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on

Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MATSUI (for herself and Mr. POE of Texas):

H.R. 2800. A bill to improve passenger vessel security and safety, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. NOEM (for herself, Mr. PETERSON, Mr. CRAMER, and Mr. DAINES):

H.R. 2801. A bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROKITA (for himself, Mr. CARSON of Indiana, Mr. STUTZMAN, Mr. YOUNG of Indiana, Mr. MESSER, Mr. BUCSHON, Mrs. WALORSKI, and Mrs. BROOKS of Indiana):

H.R. 2802. A bill to designate the facility of the United States Postal Service located at 418 Liberty Street in Covington, Indiana, as the "Fountain County Veterans Memorial Post Office"; to the Committee on Oversight and Government Reform.

By Mr. TONKO:

H.R. 2803. A bill to establish a research, development, and technology demonstration program to improve the efficiency of gas turbines used in combined cycle and simple cycle power generation systems; to the Committee on Science, Space, and Technology.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CRENSHAW:

H.R. 2786.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. WOLF:

H.R. 2787.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which

states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. HECK of Nevada

H.R. 2788.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1: Congress has the power to lay and collect taxes

By Mrs. ELLMERS:

H.R. 2789.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. PETERS of California:

H.R. 2790.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the U.S. Constitution.

By Mr. GENE GREEN of Texas:

H.R. 2791.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 3 of the United States Constitution

By Mr. ALEXANDER:

H.R. 2792.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. ISSA:

H.R. 2793.

Congress has the power to enact this legislation pursuant to the following:

Clause 17 of section 8 of Article I of the Constitution

To exercise exclusive Legislation in all Cases whatsoever, over such District

By Mr. BILIRAKIS:

H.R. 2794.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 1 of the Constitution of the United States and Article I, Section 8, Clause 7 of the Constitution of the United States.

By Mr. COLLINS of Georgia:

H.R. 2795.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14

Congress shall have the power to make rules for the Government and Regulation of the land and naval Forces

By Mr. HASTINGS of Florida:

H.R. 2796.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. ISRAEL:

H.R. 2797.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Mr. LATTA:

H.R. 2798.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States

Article 1, Section 8, Clause 3

The Congress shall have Power to regulate Commerce with foreign Nations and among the several States

By Mr. LATTA:

H.R. 2799.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States

By Ms. MATSUI:

H.R. 2800.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mrs. NOEM:

H.R. 2801.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the Constitution of the United States grants Congress the power to enact this law.

By Mr. ROKITA:

H.R. 2802.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices.

By Mr. TONKO:

H.R. 2803.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1,

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. ROSS.

H.R. 176: Mr. PERRY.

H.R. 259: Mr. CHAFFETZ and Mr. GOSAR.

H.R. 281: Mr. POCAN.

H.R. 286: Mr. RANGEL.

H.R. 321: Ms. KELLY of Illinois.

H.R. 337: Mr. CARTWRIGHT.

H.R. 436: Mr. POMPEO, Mr. CULBERSON, Mr. HALL, Ms. JENKINS, and Mr. BOUSTANY.

- H.R. 445: Mr. SEAN PATRICK MALONEY of New York.  
H.R. 460: Mr. JOHNSON of Georgia and Ms. MICHELLE LUJAN GRISHAM of New Mexico.  
H.R. 495: Mr. BARROW of Georgia, Mr. CAMPBELL, Ms. JENKINS, Ms. WILSON of Florida, Mr. LATHAM, Mr. ENYART, Ms. BROWN of Florida, Mr. SAM JOHNSON of Texas, Mr. PIERLUISI, and Mr. BUCSHON.  
H.R. 508: Mr. KINZINGER of Illinois.  
H.R. 523: Mrs. KIRKPATRICK and Mr. McKEON.  
H.R. 525: Mr. YOUNG of Alaska.  
H.R. 555: Mr. GOSAR.  
H.R. 574: Mr. GALLEGO.  
H.R. 647: Ms. TITUS, Mr. PALAZZO, and Mr. GRIFFITH of Virginia.  
H.R. 685: Mr. WEBER of Texas, Mr. BARTON, Mr. GOODLATTE, Mr. COBLE, and Mr. BISHOP of New York.  
H.R. 690: Mr. RUNYAN.  
H.R. 718: Mr. YOUNG of Indiana, Mr. MEADOWS, Mr. PEARCE, and Mr. POMPEO.  
H.R. 721: Mr. KIND.  
H.R. 792: Mr. BILIRAKIS.  
H.R. 818: Mr. GOODLATTE.  
H.R. 842: Mr. POSEY.  
H.R. 888: Mr. HARPER.  
H.R. 892: Mr. WALBERG.  
H.R. 1014: Mr. CALVERT and Mr. BISHOP of New York.  
H.R. 1020: Mr. ROSS.  
H.R. 1024: Mr. LAMALFA, Ms. DUCKWORTH, Mr. COLLINS of Georgia, Mr. TIPTON, Mr. PAULSEN, and Mrs. BEATTY.  
H.R. 1070: Mr. AUSTIN SCOTT of Georgia.  
H.R. 1091: Mr. McHENRY, Mr. SHIMKUS, Mr. ROSS, and Mr. GARDNER.  
H.R. 1094: Mr. WITTMAN.  
H.R. 1099: Mr. NUNNELEE.  
H.R. 1153: Mr. DELANEY.  
H.R. 1173: Mr. ANDREWS and Mr. RIBBLE.  
H.R. 1176: Mr. YOUNG of Indiana.  
H.R. 1250: Mr. WHITFIELD, Mr. CONAWAY, and Mr. FLORES.  
H.R. 1252: Mr. LATTI, Mr. LOBIONDO, Mr. LANGEVIN, and Mr. POLLS.  
H.R. 1255: Mr. BARLETTA.  
H.R. 1309: Mr. WESTMORELAND.  
H.R. 1310: Mr. NUNNELEE, Mr. PAULSEN, and Mr. MULVANEY.  
H.R. 1351: Mr. COSTA.  
H.R. 1354: Mr. GOSAR.  
H.R. 1358: Mr. KENNEDY.  
H.R. 1373: Mr. CARTWRIGHT.  
H.R. 1409: Mr. KEATING.  
H.R. 1429: Mr. CARTWRIGHT.  
H.R. 1431: Mr. TIERNEY.  
H.R. 1449: Mr. HOLT, Mr. McNERNEY, Mr. DENHAM, and Mr. BARLETTA.  
H.R. 1453: Mrs. DAVIS of California.  
H.R. 1527: Ms. JACKSON LEE.  
H.R. 1531: Mr. FRELINGHUYSEN.  
H.R. 1566: Mr. MURPHY of Florida.  
H.R. 1572: Mr. RADEL.  
H.R. 1588: Ms. BORDALLO and Mr. MICHAUD.  
H.R. 1620: Mr. RUNYAN and Mr. KENNEDY.  
H.R. 1698: Mr. RUPPERSBERGER.  
H.R. 1717: Ms. PINGREE of Maine.  
H.R. 1726: Mr. MEEHAN and Mr. YOHIO.  
H.R. 1748: Mr. CARTWRIGHT.  
H.R. 1775: Mr. DEUTCH.  
H.R. 1781: Mrs. BROOKS of Indiana.  
H.R. 1814: Mr. HONDA.  
H.R. 1816: Ms. EDDIE BERNICE JOHNSON of Texas.  
H.R. 1825: Mr. ROKITA, Mrs. BROOKS of Indiana, Mr. LANKFORD, and Mrs. CAPITO.  
H.R. 1852: Mr. SCALISE, Mr. SCHRADER, Mr. HUDSON, and Mr. AUSTIN SCOTT of Georgia.  
H.R. 1867: Mr. TAKANO.  
H.R. 1875: Ms. BORDALLO.  
H.R. 1908: Mr. MCCLINTOCK.  
H.R. 1918: Mr. WOMACK.  
H.R. 1923: Mr. COBLE and Mr. LOWENTHAL.  
H.R. 1926: Mr. KEATING and Ms. ROS-LEHTINEN.  
H.R. 1950: Mr. PERRY.  
H.R. 1985: Mr. WITTMAN.  
H.R. 2000: Mr. OWENS.  
H.R. 2009: Mr. NUNES.  
H.R. 2022: Mr. NUNNELEE.  
H.R. 2026: Mr. GOODLATTE.  
H.R. 2027: Mr. SCHWEIKERT.  
H.R. 2030: Mr. THOMPSON of California and Mr. TAKANO.  
H.R. 2044: Mr. MCDERMOTT.  
H.R. 2046: Mr. KELLY of Pennsylvania.  
H.R. 2094: Mr. BARLETTA.  
H.R. 2122: Mr. CRAWFORD, Mr. ISSA, Mr. MARCHANT, and Mr. RODNEY DAVIS of Illinois.  
H.R. 2134: Mr. DUNCAN of South Carolina.  
H.R. 2141: Ms. BASS.  
H.R. 2144: Mr. RANGEL.  
H.R. 2208: Mr. BOUSTANY.  
H.R. 2238: Mr. SENSENBRENNER.  
H.R. 2247: Mr. BARLETTA.  
H.R. 2285: Mr. MORAN.  
H.R. 2300: Mr. NUNNELEE.  
H.R. 2305: Ms. ROS-LEHTINEN and Mr. ROYCE.  
H.R. 2328: Mr. BENISHEK, Mr. BARR, Mr. MULVANEY, and Mr. BISHOP of New York.  
H.R. 2361: Mr. COBLE.  
H.R. 2413: Mr. ROHRBACHER.  
H.R. 2415: Mrs. NAPOLITANO.  
H.R. 2429: Mr. RODNEY DAVIS of Illinois, Mr. KINZINGER of Illinois, Mr. BARR, and Mr. STEWART.  
H.R. 2446: Mr. YODER.  
H.R. 2449: Mr. BENTIVOLIO, Mr. DESANTIS, and Ms. ROS-LEHTINEN.  
H.R. 2500: Mr. PRICE of Georgia and Mr. PALAZZO.  
H.R. 2502: Mr. VAN HOLLEN and Ms. KAPTUR.  
H.R. 2504: Mr. SHUSTER.  
H.R. 2519: Ms. SINEMA and Mr. HIGGINS.  
H.R. 2520: Mr. BLUMENAUER and Mr. YARMUTH.  
H.R. 2559: Mr. SERRANO.  
H.R. 2561: Mr. RANGEL, Mr. CAPUANO, Mr. DELANEY, Mr. MEEKS, and Mr. CARNEY.  
H.R. 2619: Ms. SCHAKOWSKY.  
H.R. 2632: Mr. TIERNEY.  
H.R. 2633: Mr. SCHOCK, Mr. LOWENTHAL, Mrs. CHRISTENSEN, Mr. PRICE of North Carolina, and Ms. CLARKE.  
H.R. 2644: Mr. HONDA and Mr. WALBERG.  
H.R. 2646: Mrs. CAPPS and Ms. BONAMICI.  
H.R. 2656: Mr. CÁRDENAS and Mr. JOHNSON of Georgia.  
H.R. 2663: Mr. RIBBLE, Ms. SCHAKOWSKY, and Ms. ESHOO.  
H.R. 2677: Mr. SCHRADER and Mr. DESANTIS.  
H.R. 2682: Mr. SAM JOHNSON of Texas, Mr. LANKFORD, Mr. GARDNER, Mr. TIBERI, and Mr. CHAFFETZ.  
H.R. 2683: Mr. BOUSTANY.  
H.R. 2703: Ms. LINDA T. SÁNCHEZ of California.  
H.R. 2725: Mr. YODER, Ms. SPEIER, Mr. LATTI, and Mr. HONDA.  
H.R. 2752: Mr. WITTMAN.  
H.R. 2756: Mr. MEEKS.  
H.R. 2760: Mrs. DAVIS of California.  
H.R. 2773: Ms. KAPTUR, Ms. FUDGE, and Mr. HIGGINS.  
H.R. 2777: Mr. ROONEY.  
H.J. Res. 51: Mrs. HARTZLER and Mrs. NOEM.  
H. Con. Res. 16: Mr. LANKFORD and Mr. BEN RAY LUJÁN of New Mexico.  
H. Con. Res. 36: Mr. TAKANO.  
H. Con. Res. 41: Ms. BASS, Mr. PETERS of California, and Mr. MEEKS.  
H. Res. 36: Mr. PERRY.  
H. Res. 47: Mr. GRIMM and Mr. GRIJALVA.  
H. Res. 71: Mr. NOLAN.  
H. Res. 109: Mr. GOHMERT.  
H. Res. 136: Mr. BRALEY of Iowa.  
H. Res. 166: Mr. POSEY.  
H. Res. 227: Mr. VAN HOLLEN.  
H. Res. 231: Mr. YOUNG of Florida and Mr. ELLISON.  
H. Res. 247: Ms. MOORE.  
H. Res. 254: Mr. BEN RAY LUJÁN of New Mexico, Mr. MCGOVERN, Mr. SABLON, and Ms. CLARKE.  
H. Res. 284: Mr. CHABOT.  
H. Res. 293: Mr. PASTOR of Arizona and Mr. DAVID SCOTT of Georgia.  
H. Res. 304: Mr. JOHNSON of Georgia, Mr. LOEBSACK, Mr. RANGEL, Mr. LEWIS, and Ms. MCCOLLUM.  
H. Res. 314: Mr. BARR.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative WAXMAN, or a designee, to H.R. 1582 the Energy Consumers Relief Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.



## EXTENSIONS OF REMARKS

## PERSONAL EXPLANATION

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Ms. LEE of California. Mr. Speaker, I was not present for rollcall votes 375 and 376. Had I been present, I would have voted yes on both.

## UNIVERSAL TECHNICAL INSTITUTE'S 25-YEAR ANNIVERSARY COMMENDATION

**HON. TAMMY DUCKWORTH**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Ms. DUCKWORTH. Mr. Speaker, I submit the following.

Whereas, for 48 years, Universal Technical Institute (UTI) has been the leading provider of post-secondary education for students seeking careers as professional automotive, diesel, collision repair, motorcycle and marine technicians, with 11 campuses across the country; and

Whereas, on July 18, 1988, the first class at the Glendale Heights, Illinois campus convened, and since then the campus has grown and expanded; and

Whereas, since the first class convened, more than 19,000 students have graduated from the Illinois campus, ready to enter the workforce and obtain jobs in industry; and

Whereas, since opening, UTI's Illinois campus has expanded its advanced manufacturing training programs; and

Whereas, UTI's Illinois campus attracts students and families from across the Midwest, drawing half of its students from 100 miles or more away; and

Whereas, UTI provides its students with the career training necessary to succeed, including placing an emphasis on technical expertise, professionalism and personal responsibility; and

Whereas, four out of five UTI graduates find jobs in their field of studies within a year of graduation; and

Whereas, UTI produces nearly \$50 million in direct and indirect economic benefits for the region and state annually, according to a recent economic impact study. Now, therefore, be it

*Resolved*, that we do hereby celebrate the 25-year anniversary of UTI's Illinois campus and commend them for their commitment to the community and to career-focused education.

## CONGRATULATING VICKY JOHNSON

**HON. RODNEY ALEXANDER**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Mr. ALEXANDER. Mr. Speaker, I rise today to congratulate Vicky Johnson for being named the Louisiana National Association of Postmasters of the United States (NAPUS) Postmaster of the Year award on July 9, 2013 at the Louisiana NAPUS Convention in Lafayette.

Vicky began her career with the Postal Service in 1991 as a postmaster relief employee in Harrisonburg. After remaining there for 10 years, she applied for a position as a part-time flexible employee (PTF) in Winnsboro. Following a two year stint in this position, she attended a career conference in New Orleans and realized her dream of becoming a postmaster. On December 11, 2004, she achieved her goal and was sworn in as postmaster of Waterproof. Since then, she has served as postmaster as well as the officer in charge of multiple post offices throughout the Fifth Congressional District.

Vicky is currently the postmaster in Vidalia and considers her position a privilege. She always goes above and beyond to educate customers on all that the Postal Service has to offer and ensure they have positive experience in the Vidalia office. Additionally, for the past six years, she has served on the executive board of NAPUS.

Vicky has been married to Mike Johnson for 31 years. They are the proud parents of three daughters, Kirby, Kara, and Katie.

Regarding her time with NAPUS, Vicky loves the wonderful friends she has made from all over the state and says, "Being a part of NAPUS has been like being a part of a big family that is always there to help."

Mr. Speaker, I ask my colleagues to join me in offering our warm congratulations to Vicky Johnson for earning such an esteemed award.

## HONORING ALBERT R. ANNESS

**HON. TODD C. YOUNG**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Mr. YOUNG of Indiana. Mr. Speaker, Mr. Albert Anness of Franklin, Indiana, has shared with me a particularly memorable experience during his service as a Congressional Page in the House of Representatives.

Mr. Anness's story takes place during the first session of the 81st Congress in the winter of 1949, in which he gives his account of the inauguration of President Harry S. Truman. His story holds both sentimental and historical

value, and I believe future generations will find equal worth in his narrative. I am sure all of my colleagues join me in thanking Mr. Anness for his service to the House of Representatives during the 81st Congress and for sharing his account of a special moment in history.

With utmost gratitude, I present the text of the letter written to me by Mr. Anness:

## A MOMENT IN HISTORICAL REMEMBRANCE

(By Albert Anness)

Franklin D. Roosevelt unexpectedly died April 12, 1945, and his Vice-President Harry S. Truman succeeded him to the Presidency. Three years later on Thursday the 20th of January 1949 Harry S. Truman again took the 'Oath of Office', becoming the 33rd President of the United States. The historical significance of his inauguration is greatly enhanced when you consider that of the members of the 81st Congress attending his inauguration, four of them would someday themselves become President, i.e. John F. Kennedy, Lyndon B. Johnson, Richard M. Nixon and Gerald R. Ford. Three of whom—Johnson, Nixon, and Ford—would like Truman, first serve as Vice-President. And of even greater historical significance, Congressman Gerald Ford would become both Vice-President and President without ever having been elected to either office!

Fellow House Page, Jim Richardson and I briefly occupied what would arguably have been considered among the best seats at Truman's inauguration. The operative word in this scenario is BRIEFLY as our 'up close and personal' presence at this historic milestone in our country's glorious history was soon, very soon, cut short by our boss 'Fishbait' Miller, Doorkeeper of the United States House of Representatives.

Thursday January 20, 1949 was a cloudy cold winter's day. The Boarding house where my roommate Senate Page Bob Hansel and I lived was located on New Jersey Avenue, a 'stone's throw' from the entrance of the Old House Office Building. Leaving our lodgings early that Thursday morning, we encountered an almost surreal scene. It appeared as if Capitol Hill was in a 'state of siege' with soldiers and military vehicles everywhere! We quickly realized today was going to be a very special day.

Entering the Old House Office Building we soon were in the underground Capitol Hill complex on our way to school. After school we usually had breakfast in the House cafeteria before reporting for work.

The House after a brief session adjourned, and as a body proceeded to President Truman's Inauguration. Our services no longer being required, my fellow House Pages and I scattered like the four winds!

I cannot remember how it came to be that I found myself in the Rotunda of the Capitol Building standing beside the Secret Service man guarding the entrance to President Truman's Inauguration Platform. An even bigger mystery is how fellow House Page Jim Richardson came to be standing next to me. But there we were, and as luck would have it the last Congressman about to pass through the door and onto President Truman's Inauguration Platform was my Congressman Edward

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

G. Breen of the then 3rd Congressional District of Ohio.

After greeting me Congressman Breen proceeded to invite Jim and me to come along and watch President Truman's Inauguration. I explained that our passes did not extend to the Inaugural Platform. Congressman Breen while patiently waiting to pass thru the huge double ornate doors, causally turned to the Secret Service man and informed him that we were official House Pages. Unhesitatingly, and without uttering a single syllable, the Secret Service man with a mere wave of his hand gave permission for us to join the House Members on the inaugural platform.

Albeit, our stay was brief but the undeniable fact remains that Jim and I were the only Pages (House, Senate or Supreme Court) who that day gained admission onto President Truman's Inaugural platform.

Jim and I were ensconced in the 'nose bleed' seats. Behind us was the stone outside wall of the U.S. Capitol Building! As a matter of fact we rested our backs against it.

In front of us sat the House of Representatives! Across the wide center aisle was the Senate. The Supreme Court was in attendance, including Chief Justice Fred M. Vinson (who swore into office that day, both Vice President Alben W. Barkley and President Harry S. Truman), the members of President's Cabinet and invited V.I.P. guests. Seated immediately in front of the Inaugural platform was the United States Marine Band, and in front of the band were the members of the Washington Diplomatic Corps and beyond them, thousands of invited guests. It was an exciting scene that Jim and I were certain we would always remember!

With the arrival of Vice President-Elect Alben W. Barkley and his daughter, the Marine Band played 'ruffles and flourishes', and we all stood as they took their places on the platform.

We arose from our seats again when the Marine Band struck up 'Hail to the Chief', announcing the arrival of President Truman, his wife Bess and daughter Margaret.

Standing there thrilled to be participating in the Inaugural ceremonies, Jim and I were thunderstruck when out into the middle aisle stepped 'Fishbait' Miller, looking straight at us and inexplicably, but with great emphasis gestured for Jim and me to leave the Inaugural Platform. And to leave immediately!

We looked at each other in utter disbelief! How could Fishbait, in this huge throng of people have known Jim and I were on that platform? Considering the distance from where we were seated to where he was standing it just did not seem possible! Congressman Breen who had been observing the scene, turned to me and said, "Al, I guess you two will have to go." With the sounds of "Hail to the Chief" ringing in our ears we quickly departed.

Disappointed, but not ready to call it 'quits', Jim and I scurried up to the roof of the Capitol Building, sharing that lofty vantage point with the Marine who were there on guard. But it was not the same. And, after a while we came back down, and with several other House Pages observed the remainder of President Truman's Inauguration from one of the House windows. To mark the occasion, we opened the window panel and inscribed our names.

Several days passed before the opportunity presented itself to inquire of Head Democratic Page why 'Fishbait' Miller had ordered Jim and me off President Truman's Inaugural platform. He told me that Jim was

'inappropriately dressed' as he was wearing a surplus WWII Navy Pea Coat.

More than sixty years have passed since that day and I still cannot figure how 'Fishbait' spotted the two of us in that crowd!

Not too long after the Inaugural, I was honored to be invited by Fishbait to be his guest at his church's Father & Son Banquet. He couldn't take all of the House Pages so I was selected to represent them. I still have the Banquet Program.

Later that spring Fishbait assigned me to the House Ways and Means Committee to operate the sound system during the committee hearings on Amending the Social Security Act 1935. For that assignment I am forever grateful to him.

On the first day of the hearings, the Doorkeeper sent fellow Page Dave Cunningham. Dave did not like the job and asked to be re-assigned. Early the next morning Fishbait collared me, and away I went to the New House Office Building and the Ways & Means Committee! Had I been on the job the first day of the hearings I would have met former President Herbert Hoover, the man who was President of the United States the year I was born. In 1949 he was then President of the Hoover Commission and the first person to testify before the committee. I deeply regret having missed that opportunity.

I couldn't have been happier with my assignment on the Ways & Means Committee, and I remained for the entire hearings; I was later recalled for several hearings on other legislative matters. I have a letter from Ways & Means Committee Chairman, the late Robert L. Doughton (North Carolina) in which he said, "I remember you and your efficient services to the Committee very well. If and when you are in Washington while I am here, I would be pleased to have you come by and see me." He enclosed a line drawing of himself inscribed "to my Dear Friend Albert R. Anness" and signed it, "Robert L. Doughton."

My last contact with Fishbait occurred sometime in the 1970's. My wife Sharon and I were in the D.C. area visiting college friends, and one day with time to spare found ourselves near Capitol Hill. As I wanted to show Sharon around the House of Representatives, I hailed a cab, and in short order we were walking up the steps into the Rotunda through the same huge double ornate doors that I had exited President Truman's Inaugural Platform many years earlier.

Desiring to renew my acquaintance with Fishbait, introduce Sharon to him and ask him permission to take her onto the floor of the House, we headed for his office. Since the House was in recess I didn't hold out much a chance of finding him there, but I felt lucky that spring day!

I was pleased to find Fishbait in his office bent over a mimeograph machine busily trying to get it to work! He looked up, and greeted us in his typical down home fashion. I introduced myself and Sharon. After we shook hands he immediately hugged and kissed Sharon and then hugged and kissed her again! Grinning like Cheshire cat, Fishbait turned his attention to me. He, of course, did not remember me, and small wondering considering the hundreds of House Pages he encountered during his long career as Doorkeeper. We talked briefly and he mentioned several former Pages who had returned as Congressmen. Realizing he was busy, I soon came to the point of my visit and asked for a pass to the House floor. He apologized for not having the time to personally conduct our tour himself, and quickly

scribbled out a note to the Capitol Policeman in the Visitor's Gallery.

After handing me his handwritten pass, he again hugged and kissed Sharon. We shook hands, and wished each other the best. I turned, and left Fishbait's presence for the last time. On September 12, 1989, two days before my fifty-eighth birthday, Fishbait passed away.

## IN RECOGNITION OF DOROTHY SAVARESE

### HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Mr. KEATING. Mr. Speaker, I rise today to congratulate Ms. Dorothy Savarese on receiving the prestigious Mercy Otis Warren Woman of the Year Award.

Ms. Savarese joined the Cape Cod Five Cents Savings Bank in 1993 as a commercial lending officer. Her exemplary leadership and dedication saw her elevated to senior vice president and director of product planning. She was named the bank's chief operating officer in 2004 before becoming their first woman president and CEO the following year. Ms. Savarese's success at the head of Cape Cod Five was recognized by American Banker Magazine in 2012 when they named her one of the 25 most powerful women in banking.

She has been an active member of the local business community, serving as Chairman of the Massachusetts Bankers Association and the Cape Cod Chamber of Commerce. Ms. Savarese has also engaged in national financial issues, serving on the American Bankers Association's Community Bankers Council and the FDIC Advisory Committee on Community Banking. Her endeavors have established a focus on the Cape's vibrant financial sector, while ensuring the Commonwealth remains an active player in the national banking industry.

A resident of Barnstable, Ms. Savarese has graciously dedicated her time to numerous community institutions, including the Cape Cod Community College Board of Trustees, the Regional Employment Board, the Special Commission on County Governance, the Cape Cod Symphony Orchestra, and the Arts Foundation of Cape Cod. Under her chairmanship, Cape Cod Five's foundation trust has leveraged its \$11 million in assets to underwrite many charities and worthy causes throughout southeastern Massachusetts. I applaud Ms. Savarese's advocacy on behalf of these venerable institutions and her commitment to the arts.

Mr. Speaker, I am pleased to honor Ms. Dorothy Savarese for many years of extraordinary service to her fellow citizens and for her sterling record in community banking. I ask that my colleagues join me in recognizing Ms. Savarese on her reception of the Mercy Otis Warren Woman of the Year Award.

HONORING THE LIFE AND LEGACY  
OF MR. JOHN B. BOY

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the life and legacy of Mr. John B. Boy, the former President and C.E.O. of the U.S. Sugar Corporation, who died on July 16, 2013 at the age of 96. He spent 41 years at U.S. Sugar, serving as its President for 17 years until his retirement.

John held a degree in mechanical engineering from the Georgia Institute of Technology. Under his leadership, the Bryant Sugar House was built in Canal Point, Florida. Additionally, John acquired the South Bay Growers vegetable and sugar cane operations, where he began growing oranges and producing orange juice. Among his lasting contributions, while serving as an engineer in his company's agricultural equipment shop, are the many important mechanical advancements in Glades agriculture that are still used today.

During World War II, John served in the U.S. Navy, becoming captain of three ships. After the war, he moved from Ohio to Clewiston, Florida, where he began his employment in the sugar industry. John contributed immeasurably to his community, and encouraged employees at U.S. Sugar, as well as those around him, to do the same.

As a measure of their appreciation for all that he did for the sugar industry, Clewiston's civic auditorium, located within sight of the U.S. Sugar plant, is named after him.

John is survived by his daughter, Betsy Terrill (Jim); sons, John Boy, Jr. (Connie) and H. Lane Boy; grandchildren, Jamie Terrill, Christopher Smith, Jennifer Price, Suzanne Boy, Stephanie Crawford, and Rachael Boy; and 10 great grandchildren.

Mr. Speaker, words cannot express how deeply sorry I am for John's passing. My thoughts and prayers go out to his family, friends, and all of those in the sugar community. I was privileged to know him and call him my friend. He will be dearly missed.

RECOGNIZING THE TARGA SOUND  
TERMINAL FOR RECEIVING THE  
TAHOMA ENVIRONMENTAL BUSI-  
NESS AWARD

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Tacoma's Targa Sound Terminal being honored with the Tacoma-Pierce County Chamber's Tahoma Environmental Business Award.

The Tacoma-Pierce County Chamber annually recognizes entrepreneurial efforts that meet a high standard of excellence for environmental, preservation, and protection accomplishments.

Targa Sound Terminal provides bulk liquid storage and supplies fuels and lubricants for

boats, trucks, and rail cars. It handles petroleum and fuels for transportation companies and industrial markets and has expanded its business into renewable fuels with biodiesel blending and ethanol. It is committed to using the best environmental control technology available to make its operation the best in Washington State.

Targa Sound Terminal won this award for its business practices and for its commitment to the City of Tacoma and the community. It helps to keep the Port of Tacoma competitive and creates family-wage jobs. Its employees have donated their time to fundraise for Treehouse, a non-profit serving youth in foster care, and Rebuilding Together South Sound, a non-profit improving the homes and lives of low-income homeowners.

Mr. Speaker, it is with great pleasure that I recognize Targa Sound Terminal and the Tacoma-Pierce County Chamber for recognizing the company's high-standards of excellence in environmental preservation and protection and community service.

RECOGNIZING THE BANNER BANK,  
RECIPIENT OF THE SBA COMMU-  
NITY LENDER OF THE YEAR  
AWARD

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Banner Bank for being recognized with the Community Lender of the Year Award by the Small Business Administration's, SBA, Seattle District Office. Banner Bank was founded in 1890 in Washington State and today serves the entire Pacific Northwest region.

The SBA Community Lender of the Year Award credits Banner Bank for its efforts and commitment to high volume lending. The award is based on the number of SBA 7(a) and 504 loans made and the total dollar amount of both loan types. In 2012, Banner Bank made 103 loans worth over \$37 million within the region.

Banner Bank is a commercial bank that serves 85 locations in Washington, Oregon, and Idaho. They provide banking services and financial products to individuals, as well as small and medium-sized businesses in the region. Banner customizes their services to meet the needs of customers through responsive and knowledgeable banking solutions. They emphasize the vital role small businesses play in economic growth and use their expertise to help entrepreneurs build successful businesses. Banner's commitment to building relationships with each of their clients also contributes to the prosperity of the community.

Mr. Speaker, it is with great honor that I recognize Banner Bank for receiving this award for their dedication to regional economic development and personalized banking solutions.

HONORING THE DEDICATED SERV-  
ICE OF VICE ADMIRAL SCOTT  
VAN BUSKIRK

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to honor Vice Admiral Scott Van Buskirk of the Department of the Navy, who is retiring after more than 34 years of faithful service to our Nation. Vice Admiral Van Buskirk is a career Submariner, Mariner, and Warfighter, leading to his position as the Chief of Naval Personnel and Deputy Chief of Naval Operations for Manpower, Personnel, Training and Education.

A native of Petaluma, California, Vice Admiral Van Buskirk graduated from the United States Naval Academy in 1979 and received his master's degree at the Naval Postgraduate School. Throughout his tenure in the United States Navy, he has served ashore in the Navy Office of Legislation Affairs, the Submarine Force U.S. Pacific Fleet, the Bureau of Naval Personnel, and the Submarine Force U.S. Atlantic Fleet. Posts at sea have included service aboard the USS *Seawolf* (SSN 575), USS *Salt Lake City* (SSN 716), USS *Tunny* (SSN 682), and USS *Georgia* (SSBN 729) GOLD, and commander of the USS *Pasadena* (SSN 752) and Submarine Development Squadron 12. As a flag officer he has served throughout the world, including in Iraq and Japan.

I am grateful to know Vice Admiral Van Buskirk personally while he served as the Navy's 56th Chief of Naval Personnel where he has been responsible for the planning and programming of all manpower, personnel, training, and education resources for the U.S. Navy. He astutely managed an annual operating budget of \$29 billion and has passionately led over 20,000 employees engaged in the recruiting, personnel management, training, and development of Navy personnel.

It is through the commitment and sacrifice of Americans like Vice Admiral Scott Van Buskirk that our nation is able to continue upon the path of democracy and strive for the betterment of mankind. I am proud, Mr. Speaker, as an appreciative fellow Naval Academy family, to thank him and his family for his honorable service to our Nation with the United States Navy. In the tradition of the sea services, of which my own family proudly plays a part, I wish him fair winds and following seas as he concludes a distinguished career of service to our Nation and Navy.

HONORING CARL BENNETT, A  
FOUNDING FATHER OF MODERN  
PROFESSIONAL BASKETBALL  
AND THE NATIONAL BASKET-  
BALL ASSOCIATION

**HON. SUSAN W. BROOKS**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Ms. BROOKS of Indiana. Mr. Speaker, I rise today to pay tribute to Carl Bennett. I was

honored to know Carl for over two decades and mourn his passing. He passed away on May 15, 2013, at the age of 97½, but his legacy will continue to inspire basketball coaches, players, and fans for generations to come.

Carl Bennett was born in Rockford, Indiana, in 1915. He began his illustrious career first by playing for Fred Zollner's Pistons softball team and later served as the head coach and general manager of the Fort Wayne Pistons professional basketball team, also owned by Zollner. Under his leadership, the Pistons were invited to leave the National Basketball League and become part of the Basketball Association of America. This meeting in Carl's Fort Wayne home led to the merger of the two leagues and, ultimately, to the modern National Basketball Association. As a result of his involvement, Carl served on the NBA's executive committee and is considered one of the founding fathers of professional basketball.

Carl's influence led to many changes in the way basketball, Indiana's favorite game, is played. He encouraged Zollner to buy a team plane, a first for a sports franchise, and his coaching of the Pistons in a 1950 win over the Minneapolis Lakers led to the introduction of the 24-second shot clock. This major change resulted in a dramatic increase in average game scores. One of Carl's foremost contributions to the game was widening the lane from six feet to twelve feet, a change that is still in effect today. He also successfully campaigned for Fred Zollner's enshrinement in the Basketball Hall of Fame.

Carl Bennett was a man of vision and determination. My condolences and well wishes go out to his wife, Mrs. Carol Popp Bennett, his children Kirk and Gary Bennett, Sandra Dodane, Catherine Popp Hoffman, their spouses, his sister Bertha Bennett Christie, his eleven grandchildren, thirty great-grandchildren, and five great-great grandchildren. His loving touch will be missed by everyone who knew him, and he will be always remembered for transforming so many lives through the wonderful sport of basketball.

#### HONORING LILLIAN BERKOWITZ

#### HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Mr. DEUTCH. Mr. Speaker, I rise today in honor of Lillian Berkowitz, who is celebrating her 104th birthday on July 23rd, 2013. I would like to take this opportunity to extend to her an extraordinary happy birthday and congratulations on this very special milestone.

Lillian is a passionate dancer who began her career as a beautiful stage actress and performer on Vaudeville and Broadway. She debuted at the age of 10 as an acrobatic dancer and later attended a special school for actors that allowed her to further develop her skills. After graduating high school, Lillian went straight to the Broadway stage where she starred in many famous productions featuring big names such as Milton Berle, Jack Benny and Bob Hope, to name a few. She met her late husband Maurice Berkowitz through one of her shows in the Catskills and was married

some years later. She and Maurice shared many happy years together, and were blessed with two sons, four grandchildren and seven great grandchildren.

A staunch advocate of exercise throughout her life, Lillian possesses the aerobic finesse of someone half her age. A strict exercise routine consisting of 45 minutes of walking, several resistance exercises and a healthy diet of fruits and vegetables are the secret to her longevity. In the meantime, Lillian remains passionately involved with her first love, dancing.

I join with Lillian's family and friends in wishing her continued love, happiness, and well-being for many years to come. Again, congratulations!

#### PERSONAL EXPLANATION

#### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall vote on July 22, 2013 and would like the record to reflect that I would have voted as follows:

Rollcall No. 375: "yes"; rollcall No. 376: "yes."

#### RECOGNIZING THE ACHIEVEMENTS OF MR. FRANK PUMILIA

#### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize and honor Mr. Frank Pumilia for his lifetime of community involvement and dedication to South Florida.

Frank grew up in Brooklyn, New York, where he was an active member of many community organizations. In 1989, he relocated to Broward County, Florida, and for more than 20 years has been politically and civically involved in his local community. He has served as Chairman and Chief Examiner of the Margate Civil Service Board, as a member of the Foundation of Broward, and also as a member of the Florida Business and Professional Board.

Currently, Frank serves as the President of the Margate Democratic Club and as a board member of the Broward County Democratic Executive Committee. During his time as President, he has counseled and encouraged many of South Florida's political candidates and leaders. At the age of 92, Frank continues his role as Senior Political Advisor within the Broward County Democratic Party.

Frank has also been an important leader in addressing condominium issues in his local community. He has served as President of the Margate Association of Condominiums for many years. In this capacity, he works to help those facing foreclosure and to advance the rights of condominium owners.

It is my true honor and privilege to recognize Mr. Frank Pumilia for his continued community leadership and activism. I offer him my

best wishes for continued good health and success in the years to come.

#### HONORING LARRY J. WILSON

#### HON. SUSAN W. BROOKS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to pay tribute to Larry Wilson of Fairmount, Indiana. He passed away on June 13, 2013, at the age of 66. Larry was an outstanding civil servant who served both Grant County and his country with integrity.

Larry Wilson began his service to our great nation in the United States Air Force, where he served as a Senior Master Sergeant for 26 years and bravely defended his country in Vietnam. After retiring from the Air Force, Larry began a second career as a detective for the Grant County Sheriff's Department, a post he held for 20 years before retiring in 1999. During his time with the Sheriff's Department, he was recognized with the Law Enforcement Officer of the Year award in 1981.

However, his retirement did not mark the end of his service to our community, and he continued on to serve as a Grant County Commissioner, a Grant County Council Member and the Grant County Veteran's Affairs Service Officer. Larry worked tirelessly for the veterans of Grant County, helping them to receive the benefits and recognition they deserved. It was his work helping our nation's men and women in uniform that Larry considered to be one of his greatest achievements.

Larry Wilson was a community leader and a patriot. I am proud that exceptional citizens and public servants, such as Larry, call my District home and am honored to recognize his life's work today. My condolences and well wishes go out to his wife of 38 years, Linda, and to his children Laura, Jeremy, Michael and Christopher as well his grandchildren.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,738,126,867,888.58. We've added \$6,111,249,818,975.50 to our debt in 4 and a half years. This is \$6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

IN RECOGNITION OF THE KOREAN  
WAR VETERANS OF AMERICA  
HONOR GUARD

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Mr. KEATING. Mr. Speaker, I rise today to recognize the outstanding service of the Korean War Veterans Association Honor Guard and the dedication of the leaders of Chapter 299 of the Association: Mr. Arthur Griffith, Mr. Otis Mangrum, and Mr. Mark Tiilikkala.

The Korean War Veterans Association (KWVA) was founded in 1985 with the goal of organizing, promoting, and maintaining an association of individuals who served the United States during the Korean War. Mr. Mangrum, Mr. Tiilikkala, and Mr. Griffith, of KWVA Chapter #299, have served as the KWVA's Honor Guard at Memorial Day and Veteran's Day commemorations in Washington, D.C. every year since 2007. Based in the Massachusetts State House, the KWVA Honor Guard of Chapter #299 has proudly performed their duties at Arlington National Cemetery and the Korean War Memorial for appreciative citizens and veterans. As we commemorate the 60th anniversary of the armistice between North and South Korea, it is essential that we recognize the selfless actions of the soldiers, sailors, marines, airmen, coast guardsmen, and others who fought to secure peace for the Korean people and safeguard America's allies. Mr. Mangrum, Mr. Tiilikkala, and Mr. Griffith deserve our gratitude for dedicating themselves to their fellow veterans and ensuring the nation's colors stand tall whenever we honor our service men and women.

As the years continue to pass, we must make sure that the commitment made by the veterans of the Korean War is preserved in our memories now and in the future. The commitment made by the KWVA Chapter in honoring this memory sets an example for us all to follow.

Mr. Speaker, I am honored to thank Mr. Arthur Griffith, Mr. Otis Mangrum and Mr. Mark Tiilikkala of KWVA Chapter #299 for their steadfast commitment to honoring veterans. I ask that my colleagues join me in commending these gentlemen for their skill, military excellence, and deportment.

PERSONAL EXPLANATION

**HON. GLORIA NEGRETE MCLEOD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Mrs. NEGRETE MCLEOD. Mr. Speaker, from July 8, 2013 to July 19, 2013, I was unavoidably absent from the House and missed rollcall votes. Had I been present, I would have voted as follows:

Rollcall vote Nos. 305, "nay"; 306, "nay"; 307, "aye"; 308, "nay"; 309, "nay"; 311, "aye"; 312, "aye"; 313, "aye"; 314, "aye"; 315, "nay"; 316, "aye"; 317, "nay"; 318, "aye"; 319, "nay"; 320, "aye"; 321, "aye"; 322, "aye"; 323, "aye"; 324, "aye"; 325,

"aye"; 326, "aye"; 327, "aye"; 328, "aye"; 329, "aye"; 330, "nay"; 331, "aye"; 332, "aye"; 333, "nay"; 334, "aye"; 335, "aye"; 336, "aye"; 337, "aye"; 338, "aye"; 339, "nay."

Rollcall vote Nos. 340, "nay"; 341, "aye"; 342, "aye"; 343, "nay"; 344, "aye"; 345, "nay"; 347, "nay"; 349, "nay"; 350, "nay"; 351, "nay"; 352, "aye"; 353, "nay"; 354, "aye"; 355, "aye"; 356, "aye"; 357, "nay"; 358, "nay"; 359, "nay"; 360, "aye"; 361, "nay"; 362, "aye"; 363, "nay"; 364, "nay"; 365, "nay"; 366, "aye"; 367, "aye"; 368, "nay"; 369, "nay"; 370, "nay"; 371, "aye"; 372, "aye"; 373, "aye"; 374, "nay."

INTRODUCING THE WILDLIFE VET-  
ERINARIANS EMPLOYMENT AND  
TRAINING ACT OF 2013

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Wildlife Veterinarians Employment and Training Act of 2013. This legislation will serve as a source of job growth, promote robust public health policy, and develop affordable opportunities for individuals who are interested in becoming wildlife and zoological veterinarians.

Wildlife and zoo veterinarians are the primary source of essential health care and management for wild animals in their natural habitat and in captivity. Not only do these physicians preserve natural resources and the lives of animals, but they subsequently help protect human health by preventing, detecting and responding to exotic and dangerous diseases.

With the intensification of global interaction between humans, livestock and wildlife, the threat posed by emerging infectious diseases to humans and wildlife continues to increase. Controlling these pandemic and large-scale outbreaks of disease has become more problematic and much more pertinent of an issue. However, the United States faces a shortage of positions for wildlife and zoo veterinarians to ensure our safety from this threat.

Following graduation, professionals practicing wildlife and zoological veterinary medicine go on to earn relatively low salaries, compared to their companions in animal medicine. Studies also show that on average, veterinarian graduates owe roughly \$130,000 in student loans. The reality of a low salary, combined with high educational debt, amidst scarce employment opportunities, discourages students from pursuing these important careers. Furthermore, due to the severe lack of practical training and formal educational programs specializing in wildlife and zoological veterinary medicine, graduates are unable to make significant contributions to the field.

My bill will directly address these issues which prevent and dissuade veterinarians from practicing wildlife and zoological medicine. It will contribute to the national job creation effort by funding new positions for wildlife and zoo veterinarians to enter upon graduation. The bill will also limit the amount of educational debt for students while providing incentives to prac-

tice wildlife and zoo veterinary medicine through the establishment of scholarships and loan repayment programs. Lastly, my legislation will advance education by helping schools develop pilot curricula around wildlife and zoo veterinary medicine and by expanding the number of practical training programs available to students.

Mr. Speaker, we have reached a point in our history when we can no longer ignore the importance of protecting wildlife, domestically and internationally. Wild animals play a very critical role in our natural resources and contribute to maintaining a balanced ecosystem. With an increasing number of endangered species, invasive non-native species, and infectious disease threats, wildlife and zoological veterinarians must be prioritized and given the resources and recognition necessary to protect both animal and human lives.

I urge my colleagues to extend a helping hand to America's veterinarians by supporting this important piece of legislation.

DOUGLAS A. MUNRO COAST  
GUARD HEADQUARTERS BUILDING

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Ms. JACKSON LEE. Mr. Speaker, as Ranking Member of the Committee on Homeland Security's Subcommittee on Border and Maritime Security, I rise to support H.R. 2611, a bill to designate the new Coast Guard headquarters building as the "Douglas A. Munro Coast Guard Headquarters Building."

Douglas A. Munro, a signalman first class of the United States Coast Guard, died heroically on Guadalcanal Island on September 27, 1942, after succeeding in his volunteer assignment to evacuate a military unit of Marines under fire from opposition forces.

Born on October 11, 1919, Munro was raised in Washington State and attended the Central Washington College of Education for a year before enlisting in the United States Coast Guard in 1939. He had an outstanding record of service in the Coast Guard and was quickly promoted to signalman, first class.

In the Battle of Guadalcanal, Munro was in charge of the boats that had landed the Marines at the scene. When it became necessary to evacuate the Marines, Munro volunteered to lead evacuation. He did so under heavy enemy fire, ultimately using himself and his boats as cover allowing the last of the Marines to leave. Tragically, Munro was fatally wounded in the process.

Munro was posthumously awarded the Medal of Honor, the Purple Heart Medal, and was eligible for the American Defense Service Medal, the Asiatic-Pacific Area Campaign Medal, and the World War II Victory Medal.

Mr. Speaker, Douglas A. Munro gave his life to protect his fellow service members and defend this great Nation; it is most fitting that the U.S. Coast Guard's new headquarters is named in his honor.

With its long, rich history and significant contributions to homeland security, I can see why the Coast Guard was selected to be the

first occupant of the Department of Homeland Security's new permanent home—on the campus of St. Elizabeths. I wish the Coast Guard the best as it begins a new chapter in its new headquarters.

Finally, I would like to express my appreciation to the men and women of the Coast Guard who continue to serve our country today, ensuring the service lives up to its motto of *Semper Paratus*, or "always ready."

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 2611.

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#### PERSONAL EXPLANATION

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#### HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Mr. PASTOR of Arizona. Mr. Speaker, on rollcall Nos. 375—H.R. 1542 and 376—H. Con. Res. 44, due to jet engine problems, I was delayed 4 hours in DFW.

Had I been present, I would have voted "yea."

IN COMMEMORATION OF THE 60TH ANNIVERSARY OF THE KOREAN WAR ARMISTICE DAY, PAYING TRIBUTE TO THE EXCEPTIONAL UNITED STATES AIR FORCE 17TH BOMBARDMENT WING, LIGHT OF THE FAR EAST AIR FORCES, FIFTH AIR FORCE

#### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 23, 2013*

Mr. RANGEL. Mr. Speaker, today I rise to honor the 17th Bombardment Wing, Light of the Far East Air Forces Fifth Air Force. The mission of the 17th Bomb Wing was to conduct night interdiction, reconnaissance of enemy supply and communications lines, seek enemy troops, and close air support of troops during the Korean War. The 17th Wing was composed of the 34th Bomb Squadron, the 37th Bomb Squadron, and the 95th Bomb Squadron.

With great conviction, courage, and perseverance, the 17th Bombardment Wing flew 960 sorties in June 1952. Additionally, the 17th Wing set a new record of flying 93 sorties in just one night. 17th Wing set another new record for B-26 type aircraft, flying an average of 102 hours per aircraft per month. By October 1952, astoundingly, the Wing set yet another record performing 1000 sorties in that month.

The 17th Wing acquired the nickname of the black knights because of their night missions.

The 17th Wing was the first wing to conduct work in two theaters of operation, Asia and Europe. The motto of the 17th Wing is *Toujours Au Danger*, meaning Ever into Danger. Even in the face of danger, the 17th Wing successfully completed many operations including the notable Spring Thaw, Bottle Neck, and Little Switch operations. Working to the last hour, the 17th Wing executed its last mission just minutes before the 2200 effective time of the cease-fire.

The 17th Wing is a successor of one of the 15 original combat air groups formed before World War II. It was also the Wing that provided the crew and equipment for the famous Doolittle Raid, which grandiosely elevated and fermented American morale during World War II. The 17th Wing is now succeeded by the 17th Training Group.

I am pleased to announce that there are approximately 780 members still alive today. Just to mention a brave few, Ted Baker, gunner of aircraft, Antonio Fucci, gunner of aircraft, Robert Pruett, gunner of aircraft, Charles Tucker, pilot, Donald H. Eaton, flight engineer, and Arthur Haarmeyer, navigator bombardier.

Mr. Speaker, I ask that you and my distinguished colleagues join me in commemorating the 60th Anniversary of the Korean War Armistice Day which occurred on July 27, 1953 by honoring the vast achievements of the 17th Bombardment Wing, Light of the Far East Air Forces Fifth Air Force. We thank them for their extraordinary valor and strength during the Korean War.